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HOUSE OF REPRESENTATIVES—*Thursday, February 8, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

If any of you lack wisdom, let him ask of God, who giveth to all men liberally and upbraideth not, and it shall be given him.—James 1: 5.

Our Father God, unfailing source of light and love, may the light of Thy love and the life of Thy spirit move within our hearts as we wait upon Thee at the altar of prayer. Amid the persistence of pressing problems we would feel the tender touch of Thy healing hand, receive the wisdom to make worthy decisions and become one with Thee in the endeavor to make the world a better place in which men can learn to live together.

Cleanse the thoughts of our hearts that pride and prejudice may have no dominion over us and that through good will and good deeds we may become builders of bridges across which mankind can walk in the glorious adventure of ushering in a day when righteousness will reign, peace will prevail, and the welfare of all will become the desire of every heart.

In the spirit of Jesus Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on February 1, 1973, the President approved and signed a joint resolution of the House of the following title:

H.J. Res. 246. Joint resolution providing for a moment of prayer and thanksgiving and a National Day of Prayer and Thanksgiving.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 299. Joint resolution relating to the date for the submission of the report of the Joint Economic Committee on the President's Economic Report.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 105. Concurrent resolution providing for adjournment of the House from Thursday, February 8, 1973, to Monday, February 19, 1973.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 583. An act to promote the separation of constitutional powers by securing to the Congress additional time in which to consider the Rules of Evidence for U.S. Courts and Magistrates, the Amendments to the Federal Rules of Civil Procedure and the Amendments to the Federal Rules of Criminal Procedure which the Supreme Court on November 20, 1972, ordered the Chief Justice to transmit to the Congress.

DESIGNATING FEBRUARY AS "AMERICAN HISTORY MONTH"

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the joint resolution (H.J. Res. 211) designating February of each year as "American History Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 211

Whereas the study of history not only enlivens appreciation of past but also illuminates the present and gives perspective to our hopes;

Whereas a knowledge of the growth and development of our free institutions and their human values strengthens our ability to utilize these institutions and apply these values to present needs and new problems;

Whereas Americans honor their debt to the creativity, wisdom, work, faith, and sacrifice of those who first secured our freedoms, and recognize their obligation to build upon this heritage so as to meet the challenge of the future;

Whereas February 1967 has been designated by the President as "American History Month"; and

Whereas it is appropriate to encourage a deeper awareness of the great events which shaped America, and a renewed dedication to the ideals and principles we hold in trust: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February of each year is hereby designated as "American History Month", and the President of the United States is requested and authorized to issue annually a proclamation inviting the people of the United States to observe such month in schools and other suitable places with appropriate ceremonies and activities.

AMENDMENTS OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer amendments:

The Clerk read as follows:

Amendments offered by Mr. EDWARDS of California: On pages 1 and 2, strike out the entire preamble.

On page 2, line 3, strike out the phrase "each year" and insert in lieu thereof "1973."

On page 2, line 5, strike out the word "annually."

The amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "Designating February of 1973 as 'American History Month'."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

THE PRESIDENT'S BUDGET— A MOVE BACKWARD

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, last week the President of the United States sent to Congress a Federal budget that he called a charter for progress.

After examining that budget, I must say that the only motion I can discern is movement backward. This kind of movement is certainly not synonymous with progress.

I understand that some administration officials have characterized this budget as "austere." I would call it lackluster. It is without either the imagination or the initiative to challenge and call forth the vast energies and talents and aspirations of a resourceful people. It stimulates neither the mind nor the heart; it sets no examples, outlines no great national objectives.

Now, from the standpoint of the individual, what would Mr. Nixon's budget do to the American people? Well, take a look at medicare. The administration wants to shift the burden of hospital costs to the consumer and save the government $690 million. Well, the consumer is a 70-year-old widow who is ill with cancer. The consumers are an elderly couple trying to live out their lives in frugal dignity who suddenly discover that a major operation will take more than all the savings they have left.

Medicare was enacted to protect these kinds of persons from those kinds of worries. This so-called budget savings is nothing less than a piece of callous showmanship by President Nixon. He knows very well that the Congress is not going to let him do that to the Nation's elderly citizens.

How about agriculture? The President says he can save $700 million by reducing price supports to farmers. Now what does that mean for the 70 percent or more of our population who live in urban areas? Very little in terms of savings on food, because the major cost of food is in the processing and fancifying and advertising and distributing.

What that cut in price supports does mean is that many thousands more of our efficiently run family farms will go out of business this year and the next and the next. The fact is that our food-growing capabilities are being concentrated into the hands of fewer and larger producers—the agribusinessmen so favored by Agriculture Secretary Butz. Today fewer than 1 million farms can provide the food supply for this entire Nation of 210 million persons.

The cut in price supports will reduce the number of suppliers at an even faster rate. It would move us even more rapidly toward a monopoly on our food production resources. As the number of food suppliers declines, you may be sure that the price of food will go up—even more steeply than it is now.

Mr. Nixon, in his radio message to the Nation last week chose to talk about taxes and to make much of his announcement that he will not ask for a tax increase—provided the Congress does exactly what he says and passes his fiscal 1974 budget proposals untouched. I think it is important to point out what he did not say about taxes. He made no mention of this critical problem of tax reform and he said nothing about relief from property taxes.

In fact, Mr. Nixon's budget proposals imply a tax structure exactly as it is—which means that the little guy, the individual, will continue to pay the biggest share of the bill. Taxes on individuals today produce 42 percent of our national tax revenues. The huge corporations of this Nation, which do billions and billions of dollars worth of business annually, pay only 14 percent of the Nation's tax bill.

This is the system that Mr. Nixon would perpetuate by his simplistic solution of—as he said—keeping a lid on spending. Actually, intelligent and prudent budget outlays, combined with firm leadership and direction by the administration, could be used to simulate the steady, healthy economic growth that this Nation needs. We must strive toward an economic climate which will create more jobs so that we can get more people off our swollen unemployment rolls and give them back their self-respect and help them once again to become useful, productive members of our society. These reemployed wage earners, in turn, will help us share the tax burden of this Nation.

The trouble has been that full employment has never had the wholehearted support of this administration. Way back at the beginning, the President's spokesmen made it clear that joblessness was to be used as a tool to keep down inflation.

And yet the President this year projects a reduced budget deficit for fiscal year 1974 and a slight surplus for 1975 based on a full-employment economy. If Mr. Nixon is going to put his budget on a full-employment basis, he had better do something about unemployment.

The unemployment rate was only 3.4 percent when Mr. Nixon first took office. Under his anti-inflation policies, that figure rapidly climbed to 6 percent and it has hovered between 5 and 6 percent ever since. Last year unemployment averaged 5.6 percent and the President's own economists can see nothing better than a 4.5 percent rate by the end of this year—with good luck.

So how does Mr. Nixon's budget propose to deal with unemployment?

By cutting out $1 billion in emergency job funds voted by the Congress to meet this emergency;

By reducing funds for manpower and training programs for those who are now of employable age; and

As a long range project, by eliminating the elementary and secondary education assistance authorized in 1965 to help the Nation's schools give the Nation's children the skills they will need to compete in the job markets of the future.

Besides the immediate human consequences of Mr. Nixon's unemployment policies, this course of action also contains far-reaching implications for another important part of Mr. Nixon's budget proposals. I am speaking of revenue sharing. Mr. Nixon has made much of his plan to turn over Federal money with little or no Federal guidelines on how this money is to be spent, to States and localities, to let them spend as they deem best.

It does not take much vision to see that if unemployment continues, the economy is going to produce less in tax revenues than the President has projected. And that is going to mean less revenue for sharing with the States and localities.

What this means is that the hard decisions concerning such vital areas as education, manpower, training, urban renewal, health, and others are going to be forced upon State and local governments. Many of these programs were begun by local governments at the urging of the Federal Government and with the promise of Federal support. Now that the Federal Government proposed to abandon these programs, State, and local officials are left to decide whether to reduce these programs in scope or to discontinue them altogether or—perhaps most difficult of all—to decide to maintain them. And the last choice, of course, would mean a raise in local taxes to help pay for these programs that the communities need and want.

So Mr. Nixon's lid on spending is not much of a lid at all: he is not really guaranteeing us security from a tax hike. He is just assuring that the responsibility for such a hike must be borne by Governors, and mayors and county executives—not by his administration.

It is important to remember the nature of these programs that the President would eliminate. They include the war on poverty, which is one war that is worth fighting.

The President's spokesmen give short shrift to the Office of Economic Opportunity; they say the agency and the programs it represents have not worked. These Republicans give up very easily.

Of course, we recognize that the program encountered problems. It also offered some of the brightest promises for the Nation's future.

I could give you several other examples of how the operations of this proposed budget would have similarly deleterious effects on the American people—in such fields as land and water conservation, housing, and environmental. And all this in the name of fiscal responsibilty. Last week, Mr. Nixon chose to use the forum of a national radio network to deliver to the Congress a little lecture on its responsibilities in connection with this budget. I want to say that this Congress does not need to be told its responsibilities—it is fully aware of them.

The chairman of the Appropriations Committee—Congressman MAHON, of Texas—has informed me that the Congress has actually trimmed administration requests for budget authority by $9.2 billion during Mr. Nixon's first 4 years. In terms of actual outlays, the Congress has added only a net $4.6 billion to Presidential requests through all those years.

That is a far cry from the fiscal irresponsibility that Mr. Nixon so decries. A far more important contribution to inflation and to an unstable economy has been the President's own budget deficits which have averaged $26.8 billion, including the projected $12.7 billion deficit for fiscal 1974.

No, Mr. President, the Congress does not need to be reminded of its responsibilities. Perhaps the administration might want to reconsider its own responsibility to lead—to point us toward a brighter tomorrow.

This budget certainly does not provide a charter for progress for America.

INVASION OF THE FARMERS' PRIVACY

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, my distinguished colleague from the State of Missouri (Mr. LITTON), has performed an invaluable service in bringing to the attention of the Congress and the public Executive Order No. 11697, which directs the Internal Revenue Service to open the tax returns of American farmers to the Department of Agriculture for inspection.

Even though this order states that data obtained from the returns is to be used only for "statistical purposes," I believe that the President's action can only be construed as a complete and unquestioned invasion on the right of privacy of this large segment of the American society.

Under section 6103 of the Internal Revenue Act, the President does have the authority to open returns to authorized persons. However, I do not believe the law intends to allow wholesale invasion of the private personal income tax of a group of individuals to an entire department of bureaucrats without a more specific motive than "statistical purposes." This is equivalent to a John Doe search warrant.

As has been noted by my colleague, a comprehensive farm survey was completed only 2 years ago which should have supplied any data available on the IRS returns. Thus, it would appear on the surface that this order demonstrates a blatant insensitivity of the rights of farmers.

As a member of the Subcommittee on Government Information I am calling on the chairman to begin an immediate investigation of this apparent invasion of the right of privacy.

How does the executive rationalize this encroachment when it refuses to share with Members of Congress much needed information which is far less sensitive than the personal affairs of our Nation's farmers?

AIR FORCE SECURITY

(Mr. PODELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. PODELL. Mr. Speaker, the President recently issued an order requiring armed local law enforcement officers to be stationed at airline boarding gates before all commercial flights, in an effort to make air travel more secure from hijacking. As a member of the House Committee on Interstate and Foreign Commerce Subcommittee on Transportation and Aviation, I consider it crucial that the issue of whether armed local police are to be used is resolved as soon as possible, for the benefit of both the airlines and the traveling public.

On February 5, a temporary restraining order was handed down by a Federal district judge that would block for 10 days the implementation of the President's order. Should this temporary order become permanent, it could conceivably have the effect of seriously handicapping any attempt to secure this Nation's airports from hijackers. The legislation I am introducing today would resolve the conflicts between the President, the regulatory agencies, and the airline industry on the matter of stationing armed local police at commercial facilities. My proposal would ease the financing of that security force, keeping at a minimum the cost to the Government and the taxpayers.

Last year President Nixon vetoed legislation to provide for an airport security force and for training funds for it because it would be too expensive. The estimated cost for that proposal was $35 million in the first year of operation. Under my proposal, a total of $28.5 million of that cost would be saved.

What I propose is, simply, to utilize members of the Armed Forces—specially trained—at boarding gates, and have them empowered to search and detain or arrest anyone trying to board aircraft who may reasonably be believed to be carrying a concealed weapon or explosive device. The advantages of using military personnel rather than local police forces are readily apparent.

As we move toward disengagement and peace, it would be an ideal training for a specialist corps within the services. We have a standing army or over one million men and women. Even if this number is reduced as our military manpower is cut back, there would still be more soldiers available for such airport duty than civilian police. This would mean greater security to the traveling public and the airlines, because of the larger security force possible.

Rather than setting up an entirely new bureaucratic structure to train, deploy and administer civilian police, the training facilities of the military could be utilized. The armed servces have a uniformly administered, nationwide operation readily adaptable to such a program. To duplicate those facilities for a special security force is to ask the taxpayers and the flying public to pay twice for a service that for practical purposes is already in existence. The military services already have a rich heritage of know-how in policing difficult situations and in dealing with the public.

Since airports in major cities are for all intents international facilities, it would make more sense to use Federal troops rather than State or local police forces. These men and women guarding our airports would be just as much representatives of our country as any other airport personnel.

Finally, there is an overriding Federal interest in protecting interstate and international air transportation. It was for this reason that the Federal Aviation Administration was created by the Congress. And it is for this reason that any policing of airports for the purpose of antihijacking security should be done by Federal troops at Federal expense. It is unfair to ask local governments and the traveling public to take on this added expense when the cost of air travel is already so high.

PROPER TREATMENT OF SENIOR CITIZENS

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, we have made great progress in granting proper treatment to our senior citizens. Services, funds, and attention to the problem have steadily expanded. The process, unfortunately, is still far from complete. Too many of the elderly still lack adequate funds to lead the full lives they deserve. We must continue to plug any loopholes we find in the system and provide wide and diverse opportunities for assuring comfortable retirement.

Today I am introducing three bills designed to attack the retirement problems of Federal employees. They widen the benefits of the present system and allow greater freedom for the employees to expand their own coverage. Social security has come to cover such a large percentage of the population that those people working under other systems are too often neglected.

One bill will bring immediate relief to those already retired. It provides that the first $5,000 of income received as a civil service retirement annuity from the United States or any agency will be excluded from gross income for tax purposes. This exemption will end our policy of giving with one hand while we take away with the other. It is one more step toward a satisfactory pension system.

The other two bills look to the future; creating new alternatives for Federal employees interested in financing more extensive retirement programs. The first provides tax relief to any civil service employee making payments toward a personal retirement annuity. These contributions would be allowed as income tax deductions. This will not interfere with the present pension system but will create an incentive and an opportunity for additional coverage.

In line with this policy of greater freedom and wider options, my third bill will allow Federal employees to elect coverage under the social security system. This is also a question of equity. Presently, Government employees in all 50 States are allowed to come under the social security system in addition to their local pension plans. Similarly, military personnel are provided with this advantage. The time has come to end this discrimination against Federal employees.

Providing this optional coverage will alleviate the problem of many Federal employees who have achieved partial coverage and need to complete a number of additional quarters to be eligible for minimum coverage under social security. For all employees social security can provide protection against the weaknesses in the present pension system; notably in the provision of medical care.

Why am I so concerned with optional coverage? We know that all too often even the better pension systems leave the retired worker in difficult financial situations. Optional coverage, aided by the Government, is only a partial solution to this problem but one that cannot be neglected.

Senior citizens should not have to live at the whim of Congress, hoping from year to year for new largesse. Only by setting up adequate and on-going pension systems can this be avoided.

VETERANS' ADMINISTRATION PROPOSAL TO REDUCE DISABILITY COMPENSATION SCHEDULES FOR VETERANS

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, yesterday the Veterans' Administration proposed sweeping changes in Veterans' Administration disability compensation schedules which if allowed to stand will have a tremendous impact on hundrdes of thousands of America's disabled war veterans, with a particularly bad impact on returning Vietnam veterans. It has been indicated that these changes will save $160 million. We are already beginning to receive calls from Members' offices and the public. In view of this, I think it desirable to explain my personal views and the plans of the Committee on Veterans Affairs with regard to these proposed changes. I do not believe that the American public or the Congress will tolerate this kind of treatment of its war disabled. Service-connected veterans have always enjoyed the highest priority among veterans programs, and I believe that the Committee on Veterans' Affairs will act to insure a continuation of this high priority.

Mr. Speaker, I commend to the attention of my colleagues my full comments on this working proposal. The Veterans' Administration delivered to us yesterday a proposed revision in the schedule for rating disabilities for service-connected disabled veterans. Under the law, the Veterans' Administration has authority to promulgate such a schedule and the schedule presently in force covers the 2 million service-connected veterans now receiving disability compensation.

I am shocked at the proposals which the Veterans' Administration is making. The changes which they plan in the disability rating schedule will substantially downgrade many serious combat disabilities and injuries, and will result in large reductions in disability compensation to hundreds of thousands of seriously disabled war veterans.

We understand that the President's budget contemplates a saving of $160 million a year as a result of downgrading disabled veterans compensation.

These changes will have an especially serious impact on younger Vietnam veterans suffering combat disabilities. About 10 years ago we froze the rates for any veteran who had held his disability rating for 20 years. This means that most World War II veterans and many veterans of the Korean conflict are protected and will not be affected by these reductions. On the other hand, a young veteran returning from Vietnam with a combat disability would not be protected for an identical disability and would, under this proposed schedule, receive substantially less.

Here are some examples of the changes the Veterans' Administration proposes:

Disability	Current rating (percent)	Proposed VA reduction (percent)	Loss in compensation (per month)
Amputation at forearm	80	40	$139
Amputation 5 fingers	70	40	106
Leg amputation at hip	90	40	169
Amputation midthigh	60	30	102
Amputation of foot	40	30	29

It should be emphasized that the examples above do not reflect all the veteran would lose. Veterans rated 50 percent or above now receive dependency allowances. A veteran married with two children receives an extra dependency allowance. This allowance for a married veteran with two children varies from $67 to $34, depending on the degree of disability above 50 percent. In those cases where the disability rating for an injury is being lowered below the 50 percent level, and that seems to be the case in many of the proposed changes, the veteran will not only suffer a loss in his service-connected compensation rating, but he will lose his dependency allowance.

The impact on the 100 percent service-connected disabled veteran can be even greater. A reduction in his disability of as much as 10 perent would remove him from the 100 percent category and in addition to lowering his monthly compensation, he would lose PX and commissary privileges, special medical benefits, and his children would no longer be eligible to obtain an education under the war orphans' scholarship program. This scholarship is worth about $6,000 for each child.

We have been furnished no information justifying these proposed changes. It is incredible that at a time when we are trying to bring a war to a conclusion and bring our POW's home that the VA would propose to reduce disability compensation for war veterans. Personally, I know of no way I could justify to a veteran or POW of Vietnam that his leg or arm is worth less than the rates we have been paying and will continue to pay to older veterans who enjoy a protected rate.

The Veterans' Affairs Committee is proceeding to assemble information about these proposed changes and if we conclude that these reductions are unfair and unwise, as they certainly appear to be, it will be necessary that we resort to some sort of legislative device such as freezing the rating schedule, as we did once before.

We are well aware that there is great concern about the level of spending in the Federal Government, but at a time when it is indicated that a billion or more dollars may be furnished to the North Vietnamese and the Vietcong, I seriously doubt that the Congress or the American public would tolerate this kind of treatment to its war disabled in an effort to save $160 million a year.

A TRIBUTE TO PRESIDENT LYNDON BAINES JOHNSON

(Mr. HOLIFIELD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HOLIFIELD. Mr. Speaker, the strength and power of America lies in the hands of the common man. It is from his ranks that its greatest leaders emerge. It is the workingman who holds the latent power in America—a power that is most effectively translated by those leaders who are drawn from the masses.

Such a leader was President Lyndon Baines Johnson. Lyndon Johnson was not only a great man, he was an honest man, with an intense love of all human beings; the poor, the sick, the handicapped, the underprivileged, and those against whom discrimination was directed.

He once recalled:

> I have followed the personal philosophy that I am a free man, an American and a public servant, and a member of my party in that order, always and only.
>
> Until justice is blind to color, until education is unaware of race, and until opportunity is unconcerned with the color of men's skins . . . emancipation will be a proclamation . . . which falls short of assuring freedom to the free.

When he saw suffering, President Johnson looked to the government for the cure and in most cases he provided, if not a cure, an improvement and a bridge to hope for those previously without hope.

Lyndon Johnson will be remembered for many things during his long political career. For those of us who knew him personally, his physical presence was overwhelming, his dynamic energy brought forth the Great Society, the national war on poverty, and the greatest efforts toward equal rights and equal opportunities in history.

These Halls have seen few men as powerful and effective as Lyndon Johnson. He was first and foremost, a parliamentary expert. No arm of government was a stranger to him. He held every high elective office at the Federal level; Congressman, Senator, Vice President, and President. Where weaker men may have hesitated President Johnson acted, letting praise and criticism come his way. He knew that, above all things, the President must endure the loneliness of having the very last word.

Lyndon Baines Johnson will be remembered by historians as a man who declared total war on poverty, deprivation, disease, and ignorance with every fiber of his being, while suffering criticism because he stuck to the course he believed right. As President Johnson himself once remarked:

> Our democracy cannot remain static, a prisoner to the past . . . Government itself has the continuing obligation—second to no other—to keep the machinery of public participation functioning smoothly and to improve it where necessary so that democracy remains a vital and vibrant institution.

Lyndon Johnson will be sorely missed by his friends and colleagues, but long remembered by every American for whom his goal was to make democracy a reality.

WATER POLLUTION CONTROL TRUST FUND AND REVENUE ACT

(Mr. SMITH of New York asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of New York. Mr. Speaker, last October 18, the House of Representatives voted to override the President's veto of the Water Pollution Control Act Amendments of 1972, and the Senate of the United States, likewise, voted to override this veto. Accordingly, more than two-thirds of the Congress of the United States has made what we consider to be a major national commitment to clean up our waters and to achieve clean waters within the foreseeable future. This bill provided for the expenditure of some $18 billion over the next 3 years for sewage disposal plant construction grants and another $6 billion for research and development and for training programs and for other matters collateral and necessary to cleaning up of our waters.

The President, in his veto message, said that a vote to override his veto would be a vote for higher taxes, and a vote to sustain his veto would be a vote for no increased taxes.

Mr. Speaker, I believe that the action of the Congress of the United States, in overriding the President's veto, did constitute a strong national commitment, reflected by the Congress, to clean up our waters so that man can survive.

The President had proposed a budget for sewage disposal plant construction and related activities, of about $6 billion over the next 3 years—a program barely one-third or one-fourth of what the Congress thought necessary.

The Congress and the people of this Nation, I believe, do not view the President's proposal as sufficient to do the job. I feel the people of this country have decided that it is time to roll up our sleeves and do the job that has to be done. I further believe that the people know a price tag must be attached to any job of this magnitude, and that they are willing to pay that price, knowing it is an investment for themselves, an investment in the future, particularly if they can know exactly where their money will go.

Since the Congress has authorized a water pollution control program three to four times larger than the President's proposals, but has not provided any money to do the job, I believe it is time that we in the Congress accept the responsibility of getting the job done which we have said needs to be done. Therefore, today, recognizing the impasse which exists, I introduce a bill which establishes a water pollution control trust fund and proposes to finance the trust fund and thereby the Water Pollution Control Act program which we adopted last October, by levying a 3-percent surcharge on all income taxes. This surcharge is not a tax which will place the burden on the individual, nor does it single out industry to bear the burden of returning clean waters to this Nation. Rather, this bill is designed to tax both individual and corporate income taxes, so that all segments of the community will share in the responsibility, and both segments of the community will reap the benefits that they have striven for.

The revenues so provided, which will go directly into the water pollution control trust fund, will be spent solely for purposes of the Water Pollution Control Act, and the American public will know exactly where this extra tax money is going.

The President will not be in the position of raising taxes, because this is purely a responsible action of the Congress. I urge my colleagues to support this Water Pollution Control Trust Fund and Revenue Act so we can get on with the job we all know must be done.

POSTAL WORKERS APOLOGIZE TO ARIZONA RESIDENTS

(Mr. HILLIS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HILLIS. Mr. Speaker, an advertisement which appeared in the Arizona Republic, which serves the Phoenix area, was recently sent to me. This advertisement appeared on Sunday, December 17, 1972, and was paid for by the postal workers who serve the Phoenix area.

As you will note, Mr. Speaker, the ad apologizes to Arizona residents for the poor mail service and explains why the mail service is late.

I want to particularly call attention to item No. 1, which explains that a package from Modena, Utah, to Panaca, Nev., a distance of some 20 miles, travels 2,300 miles on a five-State truck ride before it is delivered.

I, for one, would like to hear the Postmaster General's explanation of this one, and I also did not see this interesting statistic in any of his recent reports.

I want to insert the complete text of the advertisement at this time:

[Advertisement from the Arizona Republic, Dec. 17, 1972]

The Reason Why Your Mail Service Isn't Better

We, the Postal Workers employed by the United States Postal Service throughout the entire Valley of the Sun are dedicated to serving the public efficiently and courteously. We have a proud tradition of service to all segments of the public and want to continue it. Recently in a national news magazine the employees have been subjected to unjustified criticism by top Postal Service Management who are trying to blame us for their mistakes in managing the mail service. Postal Service Management is not concerned with service. They care only about effectuating a series of policies which they claim will cut costs, but which we believe will seriously erode the service we now provide and which will add substantially to the cost of operating the Postal Service. This added cost will be paid by the public through increased fees, decreased services and increased taxes.

Item: Rather than delivering packages directly from one city to another, management now routes them through a wide/area delivery system. Thus, a package mailed from Marquette, Michigan, to Sault Ste. Marie, Michigan, a distance of 167 miles east, will go by truck south to Iron Mountain, Milwaukee and Chicago, then east to Detroit and then north to Mackinaw City before arriving at its destination, 961 tired miles later. Similarly, a package mailed from Modena, Utah to Panaca, Nevada, a distance of 20 miles, will wind its way through a tortuous 2300 mile, 5 state truck-ride before being delivered. A letter mailed in Casa Grande to an address in Casa Grande will go to Phoenix and back prior to delivery. These are not accidents. These unbelievable delivery schemes are actually planned by Management. All of these schemes, along with the service cutback of collection from neighborhood mail boxes, delay delivery of your mail by 2 to 5 days. The same driver that is now hauling mail in a cross-country circle could be used to collect local mail from neighborhood boxes so that it could be delivered directly to you as in the past.

Item: While proclaiming a freeze on hiring full time trained career employees, the Postal Service is hiring thousands of untrained temporary employees. Thus, while 33,000 vacant career jobs remain unfilled, employees are hired for 90 day periods. This results in a significant deterioration of service and a large planned turnover of personnel on a regular basis. For example, in Springfield, Illinois, 9 people were recently hired for 90 day periods to fill career vacancies. One quit on the first day because the "work was too hard"; one failed the drivers test and was terminated; one was fired for possession of dangerous narcotics while on the job; one was fired for hiding ⅔ of his day's mail volume; one was fired for taking a 3 hour rest in mid-day; one was fired for mail theft; and 3 were fired for repeatedly failing to report for work when scheduled. This extreme situation is just one example of what happens when career professionals are replaced by untrained undisciplined temporary help. By hiring temporary employees, management saves money on fringe benefits such as health and life insurance and vacation pay, but management must then spend significantly greater amounts on recruiting 4 employees each year to fill one vacant career job and on repetitive training of these temporary employees. Additional money is lost due to the employee's inability to properly learn the job before his term is over. The "saving" realized by freezing out career employees is lost many times over by the resultant personnel practices engaged in by management.

Item: Carriers have traditionally sorted all mail on their route at the start of their day prior to delivery. In a truly mystifying move, the Postal Service recently ordered them to treat some mail as "preferential mail" and sort only that mail prior to delivery. After completion of the day's delivery, they are to sort the rest. This scheme is designed, so we are told, to save carriers up to one hour per day and they were therefore told to come to work one hour later. However, all it does is cause the "non-preferential mail" (which includes magazines and small packages) to be left over until later. The work still has to be done but it is done after the deliveries have been made and therefore much mail is delayed still one day more. Thus, despite no saving in labor or cost, Management has delayed delivery of some of your mail by one more day.

Item: In order to overcome further effects of the hiring freeze, management has assigned more force overtime. The 12 hour day is becoming more common and the 10 hour day 6 day week, is becoming standard. With overtime rates figured in, the cost to keep 2 employees on a 10 hour shift, 6 days per week, greatly exceeds the cost of utilizing 3 employees on an 8 hour shift, 5 days per week. Yet, both formulas give Management the same total number of man-hours per week (120)), yet the overtime formula costs more and with its heavy emphasis on overtime, results in higher fatigue rates and lower production than the former system of a 40 hour week. It also results in a virtual absence of leisure time for employees to spend with their families. Management knows this, yet to make it look as if they are saving money they persist in their policy of less employees plus more overtime. Fewer employees means more unemployment, more welfare, more crime and more taxes. More overtime means less production per man-hour, less efficiency, less morale, less pride in work and less stability in the work force. In short, less employees plus more overtime equals more taxes and less service.

These are just some of the truths about the Postal Service Management. We, the employees, want to continue providing you, the public, with efficient, courteous service. We believe that an immediate, sweeping change in policy is necessary to resume providing such service. However, if the above Management policies continue, we predict further deterioration of service and further increases in charges and taxes to pay for these mistakes.

(Paid for by voluntary contributions by Postal Employees for an efficient postal service—Bernard C. Claahsen, Paul S. Delgado, Jerry Wilson.)

We wish you a Happy Holiday Season and Joyous New Year and, if Management allows us to, we will deliver your gifts and cards on time.

FREEDOM OF MOVEMENT AS A BASIC RIGHT

(Mr. HUBER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HUBER. Mr. Speaker, one of the great blessings of living in a free country is the right to move about without undue restraint. If a person in our country does not like a particular area he is free to move elsewhere. And if he should desire to leave the country altogether he may do so without any great difficulty. Unfortunately it is difficult for some people to emigrate from certain other countries in the world.

We are all aware of the problems people of Jewish origin are having in trying to move from the Soviet Union to Israel. And while I am completely sympathetic to their cause I do not believe we should overlook, or ignore, the plight of others. People of many different origins and of many different faiths have encountered considerable and unnecessary difficulties in trying to leave Communist-dominated countries.

Who can forget the thousands who have died trying to escape to West Berlin? Who can forget the many who have drowned, or been shot, while trying to flee the island of Cuba? Who can forget the thunder of the tanks as they clattered into Czechoslovakia to crush a glimmering hope for freedom? Have we forgotten these? I hope not.

This bizarre persecution of those who wish to emigrate should be stopped. I am, therefore, proposing a resolution that urges the President to take action in this matter.

PRAYER AMENDMENT

(Mr. WYLIE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYLIE. Mr. Speaker, I rise to mention a joint resolution I have introduced today with respect to the offering of voluntary prayer in tax-supported public buildings. Does this proposal sound familiar? I am sure that it does. The school-prayer issue has been before the Congress each session since 1962 when the U.S. Supreme Court began to proscribe the historic tradition of students recognizing our Creator in the Nation's public classrooms. Indeed, the initial public outcry against the Engel decision and subsequent school-prayer decisions has never really subsided even though a decade has elapsed.

The reason for this phenomenon is not difficult to understand. The American people want the right of voluntary prayer in public schools restored where it has been discontinued. Moreover, they will persist in their efforts until they again have it. This fact has been illustrated by every public opinion poll ever conducted on this issue. The legislatures, or the people by referendum in a number of States have indicated their overwhelming support of this proposal. It has been endorsed by clergymen from many faiths and denominations. It has been a plank in the platform of the Republican Party in 1964 and 1972. Of even greater import is the multitude of ad hoc citizen groups that have worked and will continue to expand their efforts mobilizing public action in this regard. I am sure my colleagues, that all of you will be hearing from them, and citizens in your district, in this regard.

The 92d Congress in 1971, had an excellent chance to resolve the issue when the prayer amendment came up for a vote via a discharge petition. The floor tally was 240 yeas to 162 nays on final passage, a substantial majority in favor but short of the two-thirds majority required for a constitutional amendment.

Already a significant number of my colleagues in the House and the other body have sponsored prayer amendments to the Constitution. I would hope that the continuing support for the restoration of this right the intense legislative activity on behalf of this proposal and the argument of opponents to the constitutional amendment procedure that prayer in schools has never been outlawed might get the message to the courts. If reluctant lower court judges and school administrators take a page from the CONGRESSIONAL RECORD and permit some tolerance of this 171-year-old privilege, a constitutional amendment might not be necessary. This would be most helpful and might even put the issue to rest.

If, however, it appears that the legal stalemates will continue, the public will again demand a constitutional amendment to permit voluntary prayer in public schools and facilities. It is in the interest of expressing this continuing concern that I introduce this resolution today.

BONUS BENEFITS TO PRISONERS OF WAR

(Mr. GUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNTER. Mr. Speaker, I am today introducing a bill to grant certain bonus benefits to our men who are being returned to us after being kept in captivity as prisoners of war in Vietnam.

These men have suffered unimaginable hardships over periods of months and years. At least one returning POW has been behind bars in North Vietnam for more than 8 years.

They deserve much from us, and this bill will make it possible for us to repay some of our debt to them.

Living in the Fifth Congressional District in Florida, the district which I am privileged to represent, is one of the three prisoners of war who was returned this past September from Hanoi. His name is Mark Gartley, a Navy pilot, and a leader in the truest sense of the word.

While he was still a prisoner he had many discussions with his fellow POW's about the problems they would one day face, and the kind of assistance they would need to solve those problems.

As a result of those discussions, and of what he has experienced both as a POW and as a repatriated serviceman, Mr. Gartley has outlined the legislation he feels would help meet these basic needs.

The legislation I am introducing today embodies the five provisions that Mr. Gartley, in behalf of his fellow POW's, has requested.

In a very real sense, then, this legislation is actually legislation which these brave and honorable men have, in effect, themselves drafted.

The bill would provide for assistance in five areas:

First, it would provide that POW's receive 2 days' credit toward retirement from military service for every day served as a prisoner of war. This will enable them to retire earlier than usual and begin a second career or try to make up the years of family life and enjoyment they were denied while in prison. Those who were in prison the longest, of course, will gain the most time toward retirement.

Second, it would stipulate that Vietnam POW's would receive per diem at a rate equal to what their counterparts in Saigon received when military quarters and food were not available. They will receive $5 per day from the foreign claims settlement commission, but this should be supplemented by military per diem pay equal to what other men of the same rank on duty were receiving when quarters and food were unavailable for various reasons.

Third, it would call for a waiver of import duties on household goods purchased overseas for a year after repatriation. This is a benefit for which most POW's legally qualify but will be unable to obtain due to the existing plan for their repatriation.

Fourth, it would enable POW's to leave their deposit in the uniformed services savings deposit program for a period of 6 months after repatriation. Ordinarily, 3 months grace period in the savings program is provided, but Mr. Gartley has found that this is not sufficient time for a man to be expected to make wise investment decisions. He feels that the POW's time will be too occupied with adjusting to freedom, family, and the U.S.

life style to have to be burdened so soon with that kind of decision.

Fifth, it would provide that POW's who choose not to remain in military service will be entitled to psychological and physical health care on a long range continuing basis. This is especially important because history has indicated that physical and psychological problems arising from military captivity may go undetected and unsuspected for many years after release. It is our responsibility to see that medical treatment is available to them for any such condition as long as it is needed.

It seems to me that this is the very least we ought to do for these men whose service to their country has led them into months and years of suffering and deprivation.

The bill is especially appropriate at this time, since it now appears that the first American prisoners will be airlifted from Hanoi this coming weekend.

I cannot think of a more fitting tribute to them and to the sacrifices they have made for us, than the introduction and swift passage of this bill.

We may find that this bill does not provide everything that proves to be needed, but it is a responsible first step toward meeting our obligation to this band of brave and lonely men, and I urge the support of my colleagues in making it the law of the land.

REPUDIATION OF INDIAN TERMINATION POLICY

(Mr. MEEDS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MEEDS. Mr. Speaker, I am today introducing with 15 cosponsors, legislation to officially repudiate the Indian policy.

As everyone knows, over the years the U.S. Government signed treaties with Indian nations across the continent. Like treaties with other nations around the world, the United States owes native Americans a legal and moral obligation to fulfill the provisions of those treaties with Indian tribes.

However, in 1953 the 83d Congress in House Concurrent Resolution 108 declared a congressional policy disavowing its trustee obligations to the first Americans. The idea embodied in House Concurrent Resolution 108 became known as "the termination policy." In concrete terms the policy meant that an Indian tribe would be cut adrift from Federal services and protection if it were deemed that a tribe were economically able to stand on its own feet. With hindsight we can see that no tribe has enjoyed such a state of economic self-sufficiency.

The resolution merely expressed the sense of the 83d Congress; it officially bound only that Congress and none thereafter. Although it is no longer effective congressional policy, Indians have seen no repudiation of termination and thus assume it to remain operative.

The two prosperous tribes which were terminated found the severance of their relationship with the Federal Government to be devastating. The Menominees of Wisconsin and the Klamaths in Oregon were thriving Indian communities until termination. Since then many of their tribal lands have been sold off to pay taxes. Once productive businesses have gone downhill.

With such a history as this, it is no wonder that termination is viewed with fear and anxiety within the Indian community. This fear and anxiety have manifested themselves in a very tangible way. Indians say, "if we're going to lose the gains we make, why should we work hard in the first place." Thus merely the threat of termination has contributed in a large way to the poverty of our native Americans.

President Nixon in his July 8, 1970, message to Congress on the American Indian said:

> Because termination is morally and legally unacceptable, because it produces bad practical results, and because the mere threat of termination tends to discourage greater self-sufficiency among Indian groups, I am asking the Congress to pass a new Concurrent Resolution which would expressly renounce, repudiate and repeal the termination policy as expressed in House Concurrent Resolution 108 of the 83rd Congress.

Considering the damage which termination has done in the past and the damage which the threat of termination is doing presently, it is incumbent upon the Congress to repudiate the policy expressed in House Concurrent Resolution 108 of the 83d Congress. Such a repudiation will free native Americans to improve their standards of living and develop a self-sufficiency.

H.R. 2840—WAR POWERS BILL

(Mr. ICHORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, recently I joined with my friend and distinguished colleague from the State of Oregon, Congresswoman EDITH GREEN, in introducing H.R. 2840, a war powers bill designed to insure that this country will never again become engaged in a protracted and devisive armed conflict similar to the Vietnam war.

Unlike many of my colleagues who are supporting some type of war powers legislation, Mr. Speaker, I consistently supported the President in the Vietnam struggle until it was resolved. I could not see the justification of tying the hands of the Commander in Chief in the midst of a conflict in which American troops were fighting and dying. I do, however, want to make sure that we are never again faced with a protracted undeclared war.

This bill will, in fact, limit the President's authority to commit American combat troops in an emergency situation to a reasonable period of time without congressional authority. On the other hand, it will also force Congress to take a stand one way or another. This second point is more important in my opinion than the first. We owe to this country and especially to the young men who are called upon to do the fighting that the Congress exercise its constitutional war powers prerogative to adopt a formal declaration of war or to prevent the continuation of any Executive or undeclared war.

Mr. Speaker, as you know Executive wars, such as Korea and more recently Vietnam, create situations in which the laws of treason are not applicable and the will of the country is divided. If we are ever again to ask our sons and brothers to shed their blood on foreign soil we must make sure that we have the resolve and the dedication of this Nation behind such efforts.

How can we as a responsible and democratic Nation commit young men to suffer and die in the swamps and rice paddies of Southeast Asia or for that matter the highlands or the mountains of any place on the globe while fellow Americans are sending blood to aid the enemy, stopping troop trains, or walking the streets of the enemy capital damning our country's policies? How can we ever again envision our own sons suffering in POW camps or bleeding in forsaken jungles while Members of this body rise to call our involvement immoral or irresponsible?

The terms of H.R. 2840 do not impinge upon the Executive resources and responsibilities to meet the demands of any emergency, nor does this bill grant the Executive any further authority than it already possesses. It does, however, assure this country that the legislature, the possessor of the warmaking powers, must affirmatively ratify the President's actions or refuse the means to continue to wage war. Congress is mandated by the act to exercise its responsibilities. It is easy to sit on your hands and criticize, but it is not as easy to face up to your responsibilities. The burden falls squarely where it was clearly intended by the framers of the Constitution. With this bill as law this government must decide, within time limits specified, that we shall either wage war or make peace.

I urge all my colleagues to join with us in approving this vital piece of legislation.

AUTHORITY FOR SPEAKER TO DECLARE RECESS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to declare a recess, subject to the call of the Chair, with the understanding that such a recess shall not extend beyond 2 p.m. this afternoon.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I am glad to yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, this matter, as the gentleman from Massachusetts knows, has been discussed with this side of the aisle. In view of the circumstances with which we are confronted at the moment, we recognize the need for this request.

I know of no objection on this side of the aisle.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SECOND ANNUAL REPORT, FOR FISCAL YEAR 1972, UNDER THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Public Works:

To the Congress of the United States:

I am transmitting today the second annual report of each executive department and agency on their activities during fiscal year 1972 under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

The reports describe the efforts within the Federal Government to provide for the uniform and equitable treatment of persons displaced from their homes, businesses, or farm operations by Federal and federally assisted programs and to establish fair and uniform policies for real property acquisition under these programs.

The reports give positive evidence that the objectives of the Uniform Relocation Assistance and Real Property Acquisition Policies Act are being achieved. While the limited experience under the Act has not permitted a comprehensive survey of its effect on the general public, the principal reporting agencies agree that most of the people displaced by federally related activities were pleased with both their new relocation sites and their benefits. The agencies attributed this favorable reaction to the increase in relocation benefits provided under the Act. Relocation payments during FY 1972 totaled more than $109 million for both Federal and federally assisted programs and were paid to over 50,000 claimants.

Early in 1972 I was concerned that legislation implementing the Act had not yet been passed by the States, and that the Act was not being carried out as effectively as it should be. A number of actions were taken to improve this situation:

—On February 2, 1972, the Vice President wrote to each Governor and to the majority and minority leadership in each State's legislature to encourage the enactment of comprehensive implementing legislation.

—The Office of Management and Budget, in cooperation with the Council of State Governments and the National Governors' Conference, solicited the assistance of Federal agencies and State officials. Partly as a result, most States had apparent statutory authority to comply with the Act's provisions by July 1, 1972.

—The Office of Management and Budget also issued a new and more comprehensive set of guidelines for agencies' regulations on May 1, 1972.

—In addition, the Relocation Assistance Implementation Committee, formed pursuant to my memorandum of January 4, 1971, has undertaken a number of projects to increase uniformity and effectiveness in carrying out the law. For example, a pilot test is being conducted to develop standard application forms so that all displacees, regardless of the program that displaces them, may be able to follow uniform instructions when seeking benefits under the Act.

—As a further step toward uniform and equitable treatment of individuals affected by Federal and federally assisted acquisition programs, the Office of Management and Budget has encouraged all concerned Federal agencies to conduct early audit programs to check progress. I understand that the General Accounting Office has also been engaged in a review of the implementation of the law. I appreciate this effort and I am confident that Federal agencies will continue to cooperate in making improvements in these programs.

RICHARD NIXON.

THE WHITE HOUSE, *February 8, 1973.*

RESIGNATION AND APPOINTMENT AS MEMBER OF AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The SPEAKER laid before the House the following resignation as a member of the American Revolution Bicentennial Commission:

WASHINGTON, D.C.,
February 8, 1973.

Hon. CARL ALBERT,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I am hereby submitting my resignation as a Member of the American Revolution Bicentennial Commission, effective immediately. Your consideration of this request is greatly appreciated.

With every good wish and kindest regards, I remain

Sincerely,

JAMES A. BURKE,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

The SPEAKER. Pursuant to the provisions of section 2(b), Public Law 89-491, as amended, the Chair appoints as a member of the American Revolution Bicentennial Commission the gentleman from Massachusetts, Mr. STUDDS, to fill the existing vacancy thereon.

ADJOURNMENT OF THE CONGRESS COMMENCING FEBRUARY 8, 1973

The SPEAKER laid before the House the concurrent resolution (H. Con. Res. 105), providing for an adjournment of the House from Thursday, February 8, 1973, to Monday, February 19, 1973, together with the Senate amendment thereto.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Page 1, line 4, strike out "1973." and insert: "1973, and that when the Senate adjourns on Thursday, February 8, 1973, it stand adjourned until 11 o'clock antemeridian, Thursday, February 15, 1973."

The Senate amendment was concurred in.

The title was amended so as to read: "Concurrent resolution providing for an adjournment of the Congress commencing February 8, 1973."

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute.)

Mr. ANDERSON of Illinois. Mr. Speaker, I ask for this time in order to inquire of the distinguished majority leader as to his announcement of the program for the week of February 19, 1973.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I am pleased to yield to the distinguished majority leader.

Mr. O'NEILL. Mr. Speaker, with the concurrence of the House on the resolution just passed, we shall be through here this evening, and the program for the House of Representatives for the week of February 19, 1973, is as follows:

On Monday, February 19, there will be the reading of Washington's Farewell Address. That will be the only business on Monday.

On Tuesday, February 20, there would normally be the Private Calendar, but there are no bills.

On suspensions, there is one bill, the American Revolution Bicentennial Commission amendment. That is H.R. 3694. That is for Tuesday.

On Wednesday and for the balance of the week, there is H.R. 3577, the interest equalization tax extension, with an open rule, 2 hours of debate.

Any further program will be announced later.

Mr. ANDERSON of Illinois. I thank the gentleman.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON FEBRUARY 21, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, February 21, 1973.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

BRIGHT STREETS PROGRAM

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, today I am introducing legislation to encourage the use of modern street lighting as an important way to curb the problem of nighttime crime on the streets of this Nation's cities.

Today, in all too many American cities, the setting of the sun has become the signal for the onset of a reign of terror. Law-abiding citizens flee the streets while criminal elements take over.

The bill which I am introducing would earmark $50 million annually in Federal funds for the installation of high pressure sodium lighting in an effort to cut crime. This legislation draws upon a bill introduced in the House by Mr. Koch, but expands on that proposal.

Under my bill, the Law Enforcement Assistance Administration would be authorized to make direct grants to cities to cover up to 80 percent of the cost of lighting their streets with the most advanced development in outdoor illumination, high pressure sodium lighting. Those grants would be made to units of general local government in urban areas with populations in excess of 100,000 persons.

In addition, the LEAA would make grants to reimburse those cities which have already installed high pressure sodium lighting. Under this provision, those municipalities which have been farsighted enought to make the capital expenditures necessary to return their streets to the people would not be penalized for their initiative. LEAA grants would also be available to reimburse private organizations and individual citizens who have advanced their funds to improve the quality of street lighting in their neighborhoods.

New York City has embarked upon a $35 million program to install high pressure sodium lights along 1,600 miles of streets. As of this month, it had already expended over $1 million on this project in Manhattan, the Bronx, Queens, and Brooklyn. Completion of the entire program is scheduled for mid-1974. Prior to this, a program entitled "Operation Main Street" had solicited contributions from civic and business organizations to install bright sodium lighting in New York City; $90,000 was contributed citywide and, in the Bronx, merchant associations responded with donations in excess of $9,000. My bill would permit both the city of New York and these private contributors to be reimbursed for up to 80 percent of the expenditures which they made prior to the date of the enactment of this legislation.

The value of modern sodium lighting in the war against nighttime crime in the streets has been demonstrated around the country. In Washington, D.C., sodium lighting cut the rate of crime in high crime areas by 31 percent. In Gary, Ind., criminal assaults dropped by 70 percent and robberies by 60 percent after this lighting was installed. Crime in a chronic problem area of Chattanooga, Tenn., plunged by 70 percent following the initiation of a sodium street light program.

The major cities of this country are in a state of spiraling decline. Shopping areas are deserted after nightfall, theater and restaurant attendance has dwindled, law-abiding residents lock themselves inside their homes, and a sordid collection of muggers, thieves, and rapists prowl the streets. One step in attempting to reverse this decline is the improvement of street lighting. Police patrolling will be facilitated and the citizens who do an honest day's work for an honest day's dollar will be able to venture onto city streets in greater safety.

SECTION-BY-SECTION ANALYSIS OF THE BILL

The bill adds a new part, designated part F, to the Omnibus Crime Control and Safe Street Act of 1968:

Part F

Section 461 states that the purpose of the bill is to encourage improved street lighting in urban areas.

Section 462 directs the Law Enforcement Assistance Administration (LEAA) to make grants to local urban governments whose populations exceed 100,000 for the installation of high pressure sodium lighting. Section 463 authorizes the LEAA to reimburse local urban governments, civic organizations, and private persons for expenditures made to install high pressure sodium lighting on public streets prior to the passage of the bill. Section 464 establishes that the LEAA grants may be made in amounts up to 80% of the cost of installation of the sodium street lighting. Section 465 authorizes annual appropriations of $50,000,000 for fiscal years 1974, 1975, and 1976 for the purposes of funding this program.

DIVORCING MARITAL STATUS AND VOTER REGISTRATION

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, as one of the first public officials to propose wider use of "Ms." to permit women to keep their marital status private if they so desire, I have been interested to see this idea catch on.

For the most part the use of prefixes to refer to women is and ought to be a matter of choice and not of law. With regard to voter registration, however, there is need for legislative action. Several States require women to designate themselves "Miss" or "Mrs.," while no designation of marital status is required of men.

With that in mind, I introduced in 1971, and am today reintroducing, legislation designed to take the sexual bias out of voter registration. This legislation will enable women, on an equal footing with men, to register to vote without disclosing their personal marital status unless such disclosure in order to register is also required of men.

It is unjust, it seems to me, to deny privacy to women while permitting it for men. My bill would not disallow women from registering as "Miss" or "Mrs." if they so desire. It would, however, give women who wish to use the "Ms." form the legal right to the privacy that affords in every State where men are permitted to keep their marital status private by using "Mr." or no prefix at all before their names.

An article reporting recent developments in the use of "Ms.," and the text of my bill, follow:

An "Optional Title" to GPO: "Ms." Takes Another Step Forward

(By Joanne Omang)

It will be officially correct later this month to use the term "Ms." in all government publications, even—should some bureaucrats so desire and the women not object—to refer to Ms. Nixon and Ms. America.

The revised edition of the Government Printing Office's style book will for the first time, include "Ms." in its list of acceptable prefixes, identifying it as "an optional feminine title without marital designation." It was a long time reaching this level of respectability.

"Grammarians are still wrestling with it," said Robert Kling, special assistant to the GPO public printer. "It's not a true abbreviation, it has no spelled-out form, no accepted pronunciation, no plural and no foreign-language counterpart. In fact, there's been quite a ring-ding about it."

Generally pronounced "Miz," the term has been used for at least three decades by direct-mail advertisers and people sending bills to avoid mislabeling women either "Mrs." or "Miss." "It's been more of a convenience for us than anything anybody's requested," said Joseph Nichols, BankAmericard credit manager in Washington. "We've used it for ages," agreed Bob Christian, D.C. public relations director for Eastern Airlines.

That is just the point, say the women's liberationists who began working in mid-1970 to popularize the term. "A man is just 'Mr.' and it's nobody's business whether he's married or not," said Joanne Edgar, an editor of Ms. magazine. "Why should women be forced to proclaim their marital status? It's a downright invasion of privacy."

Her view is not universally shared. The Rockville (Conn.) Journal-Inquirer began using "Ms." last February in place of all "Miss" and "Mrs." designations, but dropped the practice three months later when a poll showed that 82 per cent of those responding disliked the term.

Henry Pearlman of the Washington branch of Dependable Mailing Lists, Inc., said those who compile his 9,000 lists of names tend to use a woman's given name without any prefix rather than using Ms. if her marital status is unknown. "It's not popularly accepted," he said. "Why be offensive if you don't have to be?"

Nonetheless, the term's use is expanding, if slowly. "At least nobody says anymore, 'What's that?' " said Ms. editor Ms. Edgar. "When we first started the magazine we had to do an awful lot of explaining as to what it was, but not anymore."

Businesses don't keep records on how many women scratch out all the available choices on application forms and write in "Ms." and neither does the government.

Zeller & Letica, Inc., a New York mailing list compilation firm the vice president of which is a woman, reports noticing increased use of "Ms." within the past six months.

The marketing director of a large East Coast mailing list broker, who declined to be identified, said things had reached the point where his firm was considering putting together a separate list of women who had requested "Ms." be used on their personalized checks, bills, credit cards, airplane tickets or on anything else.

That list would be full of militants, he indicated, because most of the foregoing checks, bills, etc., are normally issued to neither "Miss," "Mrs.," "Mr." or "Ms." but to titleless John or Jane Doe for convenience's sake. Officials queried all reported a scattering of "Ms." labels on those documents.

The same situation prevails in the stationery and card field where the women who prefer "Ms." are apparently not making many personalized purchases.

"Not once. No one. Never, Nobody," reported Lawrence Straus, manager of Falls Church Stationers at 1049 W. Broad St., Falls Church. "But if they asked, sure."

Emily Sheridan, owner of Sheridan Engravers in Bethesda, got to thinking about it as she talked. "I do 'Mrs.' cards for older people and 'Miss' for the high school graduates," she said. "It gets complicated when you're widowed, like I am, or divorced, when you have to say 'Mrs.' with your own name and then the husband's and so on.

"In fact, you can put 'Ms.' in front of my name and I think I'll use it from now on."

Like Ms. Sheridan, Rep. Bella S. Abzug (D-N.Y.) has decided to use the feminist designation and after many demands managed to get the Congressional Record to list her as Ms. Abzug. Legislation she has introduced would prohibit any government agency from using a prefix that indicates marital status, and it is cosponsored this year by six other members of Congress, all men.

Rep. Jonathan Bingham, also a New York Democrat, plans to reintroduce a bill this year providing that no one be required to indicate marital status when registering to vote. In California, a bill allowing women to register as "Ms." passed the state senate last year, and in Princeton the Gallup organization is preparing a poll on what American women think of the term.

And perhaps the final sign that "Miss" and "Mrs." face serious challenges comes from France, where Justice Minister Rene Pleven, in the Journal Official, ruled last September that a woman could be called "Madame" even if she were a "mademoiselle'" on grounds neither term has any legal significance.

H.R. 3925

To make requirements with respect to the disclosure of marital status the same for men and women in matters relating to voting qualifications in Federal elections

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2) of subsection (a) of section 2004 of the Revised Statutes (42 U.S.C. 1971) is amended by striking out "or" at the end of subparagraph (B), by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; or", and by inserting at the end of such paragraph the following new subparagraph:

"(D) in determining whether any individual is qualified under State law or laws to vote in any Federal election, require individuals of one sex to disclose their marital status if the same disclosure is not required of individuals of the opposite sex."

CITIZENS ANTICRIME PATROL ASSISTANCE ACT

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I have reintroduced for consideration in the 93d Congress the Citizens Anticrime Patrol Assistance Act, which I originated and first introduced in the 92d Congress on December 13, 1971.

The Citizens Anticrime Patrol Assistance Act, Mr. Speaker, would amend the Safe Streets Act of 1968 to make available funds specifically to encourage and assist responsible citizens groups who wish to perform or are performing anticrime patrol services in their respective communities. The bill would authorize $50 million for fiscal year 1974, $75 million for fiscal year 1975, and $100 million for fiscal year 1976 for that purpose.

Since I first introduced this legislation in 1971, I have heard from many citizens anticrime groups from around the country who have reported on their activities and indicated their enthusiastic support for this kind of legislation. They have indicated that, while their costs generally are small, they support their programs from their own pockets, and many citizens who would like to participate find it difficult to do so because of the personal costs involved. They report that small amounts of Federal assistance, of the type proposed by my bill, would do a great deal to stimulate involvement by citizens in organized anticrime programs.

Mr. Speaker, the President has been talking a lot lately about turning initiative and decisionmaking back to the people, and there is considerable merit to that position. The growth of citizens anticrime groups around the country is a good example of increased public initiative and involvement. But, as a practical matter, such public initiatives cannot continue without at least minimal assistance from government. The Citizens Anticrime Patrol Assistance Act would provide help directly from the Federal Government by way of the Law Enforcement Assistance Administration to citizens anticrime groups, bypassing the massive State and local bureaucracy that has been set up to administer the safe streets funds and that is partly responsible for the fact that few if any citizens groups receive financial help under the safe streets program as it now operates.

The bill sets broad limits on the programs to be funded. It requires that the citizens coordinate their activities with local law enforcement officials and authorities that they have demonstrable community support, and that they adopt a specific plan to assure respect for the civil rights of the community. Federal grants under the program could be "used to pay the costs of stipends to, and necessary training and equipment of, residents' organization members" performing anticrime services, but no funds may be used "for the purchase, lease, rental, maintenance, or use of any firearm, chemical agent, or other weapon, or the purchase, lease, rental, or maintenance of any motor vehicle."

Mr. Speaker, it seems to me that this bill and the entire matter of citizen anticrime patrols, their effectiveness, organization, and proper role in crime control, would be a most appropriate one for investigation and full consideration by the House Select Committee on Crime should this Congress, in its wisdom, reestablish that committee. There are a great many questions to be answered and cases of existing citizen anticrime efforts to be examined which the standing committees simply cannot be expected to have time to delve into given the long lists of existing programs and legislation they are expected to monitor and act upon.

In my judgment, Mr. Speaker, the Select Committee on Crime, under the guidance of its very able and distinguished Chairman, the gentleman from Florida (Mr. PEPPER), has performed a most useful function in probing in detail such matters as the relationship between drugs and crime, the facts of the juvenile delinquency problem, and so forth. These are problems in which the public has a special interest. They are problems which cut across the jurisdictions and programs of the standing committees. They are highly complex social problems which require careful and extensive examination on a continuing basis. I believe the Select Committee on Crime has been most helpful to the Members and to the various standing committees in this respect, and that it should be applauded and reactivated by the House for the 93d Congress.

A great many Members of this House, I am sure, are aware of the need for greater citizen participation in crime-prevention and detection, and of the existence of citizen anticrime organizations and operations in their own congressional districts. I think it is time, Mr. Speaker, that we in the Congress give these groups more attention; that we look into what they are doing and should be doing to assist, influence, and support the Federal Government. The Citizens Anticrime Patrol Assistance Act which I have reintroduced provides a focus for such action. It proposes a workable program to encourage and assist citizen anticrime efforts. It would provide a means of Federal guidance to assure that citizens perform anticrime services to their communities in a responsible manner. I hope and urge that the Select Committee on Crime will take up this most important and constructive response to the crime situation, and that it will be enacted by the Congress in conjunction with the renewal of the safe streets program.

People in the streets, Mr. Speaker, are the best deterrent to crime in the streets. The Citizens Anticrime Patrol Assistance Act is a needed step to begin bringing people back to the streets.

PRISONER OF WAR TAX RELIEF ACT OF 1973

(Mr. BINGHAM asked and was given permission to extend his remraks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, today I am introducing legislation to provide extensive tax relief for the American military and civilian prisoners of war who are returning from the Indochina conflict.

The Department of Defense lists 589 men as prisoners of war and 1,222 as missing in action. To date, North Vietnam has confirmed 562 military and 29 civilian prisoners of war. These men have endured awesome hardships, and they have truly been sacrificial victims of America's tragic involvement in the struggle in Vietnam, Laos, and Cambodia. Some have suffered from serious wounds and diseases, and all have undergone the trauma of separation from their families and homes. Among these returning men are individuals who have spent more time in captivity as prisoners of war than any other military personnel in American history.

Many of us Members of Congress have long criticized the U.S. involvement in Indochina and have argued for speedy withdrawal. However, our dissatisfaction with national policy was never a criticism of the American personnel who were ordered to military service in Indochina. Trained to obey their commanders, these men discharged their duties and paid a terrible price.

Unfortunately, there is nothing which

this Congress can do to give back to the returning POW's the lost years of their lives. It is obvious that financial compensation can never repay these men for the uncertainty, deprivation, loneliness, and desperation to which they were subjected, but it is the responsibility of Congress to make their reentry into American society as painless as possible.

Therefore, I am introducing legislation which would provide maximum tax relief for the returning prisoners and their families in order to alleviate their financial burdens and to release them from the obligation of filing Federal income tax returns in 1973 and 1974.

My proposal consists of three provisions.

First, all income received by a prisoner of war during a year in which he was in captivity would be exempt from Federal taxation. Thus, a prisoner returning in February 1973 would not pay tax on income received during this year or during any other year part of which he was in captivity. Present law provides that military or civilian wages earned for any month of captivity shall not be taxed. My proposal goes well beyond that and exempts all income, including capital gains and investment income, earned during a year any part of which was spent in Communist captivity. Full Federal refunds would be paid to returning POWs who had previously been taxed on income earned while in captivity.

Second, in the year in which a prisoner returns from Indochina the first $20,000 of his wife's income would be exempt from Federal tax. The wives of POWs have also suffered terribly from the separations imposed by the war, and this provision would relieve them of the burden of paying income tax during the year of their husbands' return.

Third, military salaries and bonuses paid to servicemen for their period of captivity would be exempt from State and local taxation, and State and local governments would be encouraged to relieve their nonmilitary income from tax liability.

Mr. Speaker, the scars of our Indochina involvement will be printed on the conscience of this Nation for many years to come. Hundreds of thousands of Vietnamese, Cambodians, and Laotians have lost their lives or have been injured and maimed. Countless villages, towns, and cities have been destroyed. Over 45,000 Americans were killed in combat, and more than a quarter of a million were wounded. Thousands of our troops returned from Vietnam as heroin addicts and large amounts of dangerous narcotics have found their way from Asia onto the streets of our own cities. Many young American men followed their consciences and have accepted prison here or exile in Canada and Sweden rather than enter military service. Pressing domestic needs went begging while vast portions of our national budget were squandered on this useless and arrogant military adventure.

Now that a cease-fire agreement has been signed and all our troops are at last returning, Congress has two major legislative priorities facing it. First, we must insure that our military involvement in Indochina is terminated for good and that no decision is made by the President to recommit our forces in Vietnam, Laos, or Cambodia. To achieve that end, I have already introduced legislation cosponsored by 44 Members of the House of Representatives. (H.R. 3349, see pages 2869–2870 of the CONGRESSIONAL RECORD, Jan. 31, 1973.) Second, we must exert all possible efforts to compensate those who have suffered the consequences of our involvement in Indochina. Among that group are the returning prisoners of war.

The February 7, 1973, edition of the New York Times carried a column by James Reston focusing on our national obligation to the returning prisoners of war, I am appending that column, entitled "A Debt of Honor," to my statement.

Back in 1775, Thomas Paine wrote that "the summer soldier and the sunshine patriot will shrink from the service of their country." The men who will be returning over the next 2 months from incarceration in Indochina were men who served their country and sacrificed years of their lives. In the hope that we shall not forget the debt this Nation owes to them, I am offering this legislation.

SECTION-BY-SECTION ANALYSIS

Section 1 states that the title of the act is the "Prisoner of War Relief Act of 1973."

Section 2, part (a), amends chapter 1, subchapter B, part III of the Internal Revenue Code of 1954 by redesignating section 124 as section 125 and by adding a new section 124.

New section 124, subsection (a) excludes from gross income all income earned by an individual during a taxable year any part of which was spent as a prisoner of war in Indochina. This subsection also excludes from gross income the first $20,000 of income of the spouse of a prisoner of war in the year of the prisoner's release.

Subsection (b) defines missing status, employee, and missing serviceman.

Subsection (c) defines spouse of a missing serviceman for the purposes of subsection (b).

Subsection (d) defines the period of the Indochina conflict as running from February 28, 1961 until the date designated by Executive order of the President as the date of termination of combatant activities in Vietnam.

Section 2, parts (b), (c), (d), conforms other parts of the Internal Revenue Code to this legislation.

Section 2, part (e) provides for refunds on Federal tax previously paid by prisoners of war on income described in the new section 124.

Section 3 amends chapter 10, title 37, of the United States Code by adding a new section 559.

New section 559. Subsection (a) provides that no compensation paid to a member of the U.S. armed services for a month during any part of which he was a prisoner of war shall be subject to State or local taxation.

Subsection (b) conforms the table of sections for chapter 10 of the U.S. Code to this legislation.

Subsection (c) provides that State statutes of limitations shall not prevent State refunds of taxes already collected on income described in subsection (a) of new section 559.

Subsection (d) urges State and local governments to relieve returning prisoners of tax liability on income other than the military compensation described in subsection (a).

The article referred to follows:

A DEBT OF HONOR

(By James Reston)

After the return of the prisoners from Vietnam, after all the counsoling ceremonies at the White House, and the family reunions and tears on television, the reality for the prisoners coming home at last will begin in private. When they come home from Vietnam, what will they find?

The rest of us will never really understand. Most of us in this big continental country never had a son or relation killed or maimed in Vietnam. America lost over 46,000 dead, but, for most of us, this was a statistic in the papers and not a tragedy in the family or down the street.

For the liberated prisoners and their families, however, it is an intensely personal crisis. On the television it looks like a reunion of lovers and families, but in reality, it is a reunion of strangers.

The prisoners come back different men, usually helpless or rebellious. They have had to surrender to endure. Many of them have literally been "killing time," which means killing their fears, blotting out the present, romanticizing the past and dreaming of a family and an America that are changed beyond their imagining.

In the history of the Republic, the Vietnam war will probably look like a capricious incident, but the United States was already involved in it casually but carefully under President Eisenhower in 1953, twenty years ago, and much more deeply involved under President Kennedy in 1963. In family terms, this is a very long time.

The Census Bureau in Washington tells us that over half the people in the United States are now under 28 years of age. This means that most of our people cannot even remember much before we were involved in Vietnam. And in the lives of the prisoners now coming home, most of whom are under 25, Vietnam dominates everything.

They not only come home different men, but come home to the same but different and older wives, different children, a different country, with different memories and different values. After the reunion and the celebration, trying to sort all this out at home and in the community is bound to be an agony.

The least that can be done for these returning prisoners is to see that they are given good jobs and relieved of the economic anxiety and taking care of the security of their wives and the education of their children. But even this is not enough.

No doubt the communities they return to will see that they are employed, but after a few years it is easy to forget. So while the President and the Congress are now celebrating the courage and endurance of the prisoners, maybe they should agree on a prisoners bill that would ensure the economic security of these families during the coming years, when they will still be struggling with the consequences of Vietnam, long after most people have forgotten.

After all, the prisoners amount to only a few hundreds, and their sacrifice is not as great as the tens of thousands who were killed in the struggle, but they are a symbol of the tragedy of the Vietnam war and the conscience of America, and if the Government is as sympathetic and grateful as it now says, maybe it should not only welcome them home but give them a chance for a secure economic future after the celebrations are over.

If the returning American prisoners are to be dealt with practically, and not merely politically and romantically, legislation must be introduced now, with the support of the President and the leaders of the Congress, to relieve these families of their economic anxieties.

The Government cannot wipe out their memories. The war has gone on too long and many of them have been in prison for too many years to regain a normal family life or readjust to the value and styles of America that changed so much while they were in prison.

Some of the prisoners will have been strengthened by sacrifice and adversity, and will come back to families ennobled by sorrow and fidelity; but others will be overwhelmed by remorse, and even the austere and faithful families may have trouble with their wayward children.

For a returning prisoner to deal with all this, even in the best of circumstances, to make decisions when for years he had no power of decision, to get to know himself at another time of life, and his wife, and his growing and transformed children—this is a challenge beyond the reach of most men.

Right now, however, when the President and the Congress are conscious of the returning prisoners' problems, there is at least a chance to ease his economic burdens in a time of inflation and unemployment, and give him time to think and sort things out.

Speeches of gratitude from the President, which are undoubtedly sincere, and homecoming celebrations and parades on Main Street, are not really enough. These prisoners and their families need to be relieved for a time of economic worries to deal with their personal and family anxieties, and a Government that speaks of "peace with honor" owes them a debt of honor, which so far has not been paid.

THE CRISIS AT PANAMA: A THREE-PRONGED ASSAULT ON CANAL ZONE

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 60 minutes.

Mr. FLOOD. Mr. Speaker, in numerous addresses in the Congress and statements before congressional committees about interoceanic canal problems over many years, I have presented in considerable detail the evolution of U.S. Isthmian Canal policies and thus am reluctant to belabor you with another recital of all of this historical background. For those seeking information on it attention is invited to the volume of my addresses on "Isthmian Canal Policy Questions"—House Document No. 474, 89th Congress—and to my testimony on September 22, 1971, before the House Subcommittee on Inter-American Affairs and on December 6, 1971, before the House Subcommittee on the Panama Canal.

PANAMA CANAL FORMS PART OF U.S. COASTLINE

A reading of the above-mentioned sources will conclusively establish that the Canal Zone and Panama Canal are constitutionally acquired territory and property of the United States. Exclusive sovereign rights, power and authority in perpetuity, were obtained by treaty grant from Panama, the successor state to Colombia, after the Panama Revolution of 1903. In addition, title to all privately owned land and property in the Zone was obtained by the United States through purchase from individual property owners. The cost of the Canal Zone acquisition as estimated in 1964 was $144,568,571, which is more than the costs of all other U.S. territorial acquisitions combined.

Constructed by the United States, the Panama Canal has been subsequently efficiently maintained, operated and protected by the United States. The Canal Zone, as the indispensable protective frame of the canal, has been sanitated and governed by the United States, making it a model for emulation by other tropical areas.

Including defense, the Panama Canal enterprise from 1904 to June 30, 1971, represented an investment of $5,695,745,000 of our taxpayers' money.

During the fiscal year 1971 there were a total of 14,617 transits of vessels with a total cargo of 121,010,654 long tons. Some 70 percent of this traffic either originated in or terminated in other U.S. ports.

Such data, in a realistic sense, confirms what some of our leading statesmen have so often said: the Panama Canal is a part of the coastline of the United States. Its protection is just as important in the defense of the Western Hemisphere as is that of the Chesapeake or San Francisco Bays.

SUSPENDED TREATY TALKS RESUMED, NOVEMBER 29, 1971

In 1967 when the terms of three proposed new Panama Canal treaties, negotiated after the 1964 Panamanian mob assault on the Canal Zone, were published, the reactions against them in Panama, in the United States, and in the Congress, were so strong that they were never signed. Thoughtful editors in our country expressed the hope that they would be allowed to die. But this was not to be.

On October 11, 1968, the constitutional government of President Arnulfo Arias of Panama, in office only 11 days, was overthrown in a military coup d'etat led by a small radical group, among them Omar Torrijos. It is significant that in the preceding Panama election campaign, candidate Arias did not make the Panama Canal an issue but did appeal for Panamanians to develop the natural resources of the interior of their own country.

The revolutionary Government of Panama promptly abolished its National Assembly, established closer relations with Cuba, accepted U.S.S.R. agents in Government departments, inaugurated a worldwide campaign of hate against the United States, and adopted a new constitution enabling Torrijos to remain in power indefinitely as chief of government and commandant of the national guard. Such facts, together with increasing truculence on the part of Panamanian officials, can only be explained by a growing reliance on Communist advisers.

The Secretary of State of the United States, William P. Rogers, on June 26, 1970, in a talk with Foreign Minister Juan Antonio Tack of Panama in the Pan American Union Building in Washington, requested that the negotiations for new canal treaties be resumed—Dr. Jorge Illueca address, University of Panama, December 12, 1972. Despite the formal rejection on August 5, 1970, by the revolutionary government of the proposed 1967 treaties, the Presidents of Panama and the United States met on October 25 of that year in the White House and agreed to resume the negotiations, which started on November 29, 1971.

THOUGHTFUL PANAMANIANS OPPOSE U.S. SURRENDER

In much of the propaganda in these connections, I have noted the tendency not only among Panamanian demagogs but also among many writers in the United States and certain officials in our own Government to picture the debate over continued U.S. control of the Panama Canal as being one between the people of Panama and U.S. citizens in canal service who are contemptuously referred to as the "Zonians." There could be no greater distortion. U.S. citizens in the zone, who are correctly known as Zonites, are loyal U.S. officials and employees who have the heavy burden of keeping the canal operating and in protecting it in one of the most oppressive climates of the world and in an area notorious as a land of endemic revolution and political instability.

They know from personal observation and history that were the directing hand of the United States ever withdrawn the canal could not last long and would probably revert to the jungle as occurred in 1889 after the tragic French canal failure and in 1945 to our defense bases after the closing of many defense installations. No one understands the weaknesses of the Panamanians better than some of their own leaders who are strongly opposed to any surrender of U.S. sovereignty to Panama, the economy of which in 1971 received from U.S. Canal Zone sources more than $168,092,000.

In addition, from 1946 through 1972 it received a total of $496,400,000 in direct and indirect U.S. economic and military aid programs. The effect of these programs has been to give Panama one of the highest per capita incomes in all of Latin America and to make it a major beneficiary of the canal enterprise.

Thoughtful Panamanian leaders also ponder what they would do to escape assassination should the Canal Zone be surrendered to Panama. As to such surrender, to which I am strongly opposed under any conditions, it would be far better to cede it to Colombia, the sovereign of the Isthmus before November 3, 1903, rather than to Panama.

In reply to those who wish to increase the dignity of Panama by ceding the Canal Zone, that country is not a strong nation like Great Britain, France, Germany, or Japan, but a weak one with a population of 1,428,082 about one-third of which lives near the Canal Zone. This emphasizes Panama's dependency on U.S. agencies in the zone. No wonder many Panamanians look upon the canal as their lunch counter. The more thoughtful ones realize that Panama could never stand up against the pressures that would inevitably arise should the United States surrender our indispensable sovereign rights, power, and authority.

PANAMA CANAL—PRIME TARGET FOR CARIBBEAN CONQUEST

As the revived canal diplomatic negotiations proceeded, Panamanian radical leaders took an increasingly severe position against the United States, which was accompanied by much hate propaganda. This hostility was emphasized in 1972 in the expropriation by force of arms of the American-owned Panama Power & Light Co., the hijacking at pistol point of 17 Canal Zone buses and the involvement of high Panamanian officials in the narcotics traffic to the United States—House Report No. 92-1629. The effects of these truculent actions was aggravated by the failure of our appeasement-minded officials in the State Department to meet the challenge, which, in line with Communist technique, was really a probing of the strength of our determination to stand up for the just rights of the United States.

As I have repeatedly stated in the Congress, the Caribbean is our fourth front in which the Panama Canal is the prime target for the control of the Western Hemisphere. The importance of this area was instinctively recognized by such leaders as Admiral Mahan, William Howard Taft, Theodore Roosevelt, and Charles Evans Hughes and cannot be ignored, for the isthmus has become a focal point in the struggle for world power. The real issue there is not U.S. sovereignty over the Canal Zone versus Panamanian but undiluted U.S. control of the zone versus U.S.S.R. domination of the Panama Canal and the Caribbean region, with the Canal Zone serving as a Soviet base.

Certainly, Mr. Speaker, the Panama Canal is not a toy for diplomatic playboys but the strategic center of the Americas on which the eyes of the world are now focused. The time for diplomatic dalliance and weakness in regard to its juridical structure is over.

JURISDICTION OF THE HOUSE OF REPRESENTATIVES IN DISPOSAL OF U.S. TERRITORY OR PROPERTY

One of the main points in the current inquiry by the House Subcommittee on the Panama Canal under the able leadership of the gentleman from New York (Mr. MURPHY) has been the clarification of the authority of the House of Representatives as regards the proposal to cede U.S. sovereignty over the Canal Zone. Initially in its hearings, both the State and Justice Departments took the view that this could be done without House authorization in spite of the provision in the U.S. Constitution that vests the power to dispose of territory and other property of the United States in the Congress, which branch of our Government includes the House as well as the Senate. The subcommittee's report concluded that, before such disposal can be made, "the authority of the U.S. House of Representatives is required"—House Report No. 92-1629, page 21. Thus its inquiry has emphasized a vital constitutional safeguard against executive dismemberment of the U.S. territory which, in the negotiations for the proposed 1967 treaties, was wholly ignored by our responsible officials. Furthermore, the Constitution places a heavy responsibility on this body that cannot be evaded.

STATUS OF THE UNITED NATIONS AS REGARDS THE PANAMA CANAL

Panamanian officials have frequently stated that in the event of being unable to negotiate a treaty satisfactory to them, they would take other measures, including an appeal to the United Nations. What is the authority of that body as regards such vital U.S. territories as the Canal Zone?

Article 2, section 7 of the U.N. Charter states that nothing in it shall authorize the United Nations to intervene in "matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present Charter."

Article 80, section I of the Charter states that as regards the trustee system "nothing in this Charter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments."

In addition to the 1903 canal treaty with Panama, the United States has treaties with both Colombia and Great Britain, which would inevitably be in conflict with any major change in the existing 1903 Panama Canal Treaty.

It is indeed interesting to note that 1903 was the year in which the construction of the trans-Siberian railroad was completed. This together with the opening of the Panama Canal advanced the time when the world's two largest nations would directly confront each other in the Pacific. It is also significant that after World War II, Alger Hiss, a Soviet agent in the State Department, when transmitting a 1946 report of the Governor of the Panama Canal to the United Nations, incorrectly described the Canal Zone as "occupied territory".

PANAMANIAN THREATS TO CANAL ZONE

On January 16, 1973, the U.N. Security Council, on invitation of Aquilino Boyd, the radical Panamanian representative in that body, and against the token low key opposition by the U.S. representative, decided to hold a series of meetings of the Council starting on March 15 in Panama. Nor should it be overlooked that Boyd is the same radical who in 1958 led an anti-U.S. demonstration into the Canal Zone, and will be President of the Council during the scheduled meetings.

My information is that at the same time our Ambassador to the United Nations was verbally opposing the decision, some of his subordinates were actually encouraging the Panamanian representative to extend the invitation.

It is, Mr. Speaker, reprehensible that our Ambassador did not vote against the action, for its purpose is obvious—to encourage wresting control of the Canal Zone from the United States. It is significant that the Panamanian proposal received strong support from the U.S.S.R., Red China, India, Yugoslavia, and Indonesia, nations that have been major recipients of U.S. generosity. The time has certainly come to end such duplicity in the conduct of vital foreign policy matters that affect the security of the Panama Canal.

Nor should the fact be over looked that Panamanian officials have often stated that if they cannot secure possession of the Canal Zone peacefully, they will do so by force even if it requires the lives of a generation of Panamanian youth.

Briefly stated, the United States now faces a potential three pronged and outrageous assault on the Canal Zone: First, one via treaty negotiations through the State Department; second, another by means of the United Nations; and third, a third by an invasion of the Canal Zone by the Panamanian National Guard and mobs, which could include sabotage of vital canal structures if not properly guarded.

Certainly there is no choice except to be ready for all three fronts. The first step in preparing to meet these challenges is for this House of the Congress to show its determined opposition to any surrender at Panama. As to that, Mr. Speaker, I know from an extensive correspondence that the people of our country are far ahead of their government in correctly evaluating the Isthmian situation. They will be watching to see who supports and who does not support the pending Canal Zone sovereignty resolutions.

In these connections, it should be remembered that until World War II the U.S. Navy had stationed in the Caribbean-Central American region what was called the special service squadron for diplomatic missions under the direct control of the Chief of Navy Operations. This unit, by making courtesy calls, served the people of those countries well and at times helped to avoid needless bloodshed for which I shall cite only one example: Cuba in 1933. Certainly, the present situation at Panama is an appropriate occasion for our government to reactivate the special service squadron with Balboa as its home port.

PURPOSES OF THE U.N. SECURITY COUNCIL MEETING IN PANAMA

As a result of steady and close observation of Caribbean problems over many years, I have been able to foresee crises well in advance. Among them were: the Panamanian flag-planting forays in 1958 into the Canal Zone, mob attack against it in 1959, the formal raising in the zone in 1960 of the Panama flag, and the Dominican crisis in 1964; and to give timely warning to proper authorities in addresses in the Congress. I am not a prophet or any other kind of seer but a student of history and, as such, have no difficulty in foreseeing what may happen when the projected U.N. Security Council meets in Panama, March 15-21. It obviously will be used in:

First, wringing greater concessions from the United States by political blackmail;

Second, inviting intervention by the U.N. in the internal affairs of the United States;

Third, inciting a "peaceful" invasion of the Canal Zone, with resulting loss of life, sabotage, and property damage in an attempted take over of the Canal Zone by force.

Mr. Speaker, it is naive to think that

such program as that contemplated by Panamanian revolutionary leaders is solely their own. It conforms with the Communist program for getting control of strategic waterways and with the ideas of some of our own theorists who seek their internationalization. In view of the power of the United States, Panamanian officials would not dare to act as they have if they did not have their collaborators, including some in our own government.

As all who have followed my public career know, I have always looked upon the United Nations as a great hope of mankind. As long as that body stays within the limits of its authority, it is safe and will be supported. But when it undertakes to intervene in matters within the domestic jurisdiction of the United States such as the Panama Canal, it will be in serious trouble. I know from my many correspondents from various parts of the Nation and abroad, the feeling of our people as regards the great isthmian waterway. Should they be forced to choose between the United Nations and U.S. control of the Panama Canal they will reject the U.N. and retain the canal.

PLAN FOR ACTION

Mr. Speaker, the current negotiations relative to the Panama Canal have been intermittently in progress since 1964. Started on the unconstitutional basis of an Executive-agreed-upon surrender to Panama of the Canal Zone, there was really nothing to negotiate and our officials have been rendered impotent and thus unable to resist brainwashing.

There does not appear to be in the entire Department of State anyone of the capacity of Secretary Charles Evans Hughes who, when faced with a similar situation in 1923, called in the Panamanian Minister and bluntly told him that it was "an absolute futility for the Panamanian Government to expect any American administration, no matter what it was, any President or any Secretary of State, ever to surrender any part" of U.S. sovereign rights, power, and authority acquired under the 1903 treaty—Foreign Relations, 1923, volume III, page 684.

Mr. Speaker, the decision of the U.N. Security Council to hold its March 15–21, 1973, meetings in Panama has been made and it is too much to expect from routine officials that it will be rescinded. There is no course for our Government except to prepare to meet the forthcoming challenge and I propose the following program:

First. Cognizant committees of the Congress investigate the failure on January 16, by the responsible officials of our Government to prevent the planned March 15–21 U.N. Security Council meetings in Panama.

Second. House of Representatives adopt the pending "Canal Zone Sovereignty and Jurisdiction" resolutions.

Third. U.S. Senate adopt resolutions denouncing the proposed U.N. intervention in the matters wholly within the domestic jurisdiction of the United States in the Canal Zone and calling for retention of our undiluted sovereignty over the zone and canal.

Fourth. Canal Zone civil and military authorities plan for eventualities that could endanger the lives of our citizens, injure the canal or interfere with its normal operation.

Fifth. Reactivate the special service squadron with its home port at Balboa, Canal Zone.

As partial documentation, I quote six papers as part of my remarks and invite special attention to the newsstories by Jeremiah O'Leary and the latest resolution of the American Legion:

[From the New York Times, Jan. 17, 1973]

U.N. Council To Go to Panama in March

(By Robert Alden)

United Nations, N.Y.—The Security Council decided today to hold a series of meetings in Panama City beginning March 15 on matters concerning Latin America.

The action was taken without a formal vote and despite serious reservations expressed by the United States and Britain. Neither, however, was prepared to exercise its veto to block what was clearly the will of the 15-member body.

Sir Colin Crowe of Britain said he did not feel it was wise of the Council, in the event of a sudden world emergency, to be separated from its base, its records, its communications and other facilities unless there were other overriding reasons.

These reasons do not exist in the case of the proposed meetings in Panama City, Sir Colin said.

Strong support for the Panamanian proposal came from the Soviet Union, France, China, Guinea, Peru, India, Kenya, the Sudan, Yugoslavia and Indonesia.

The United States was particularly vehement in its expression of disapproval of the holding of the meetings in Panama City, since it will bring about what is expected to be abrasive airing in a hostile atmosphere of the dispute between Panama and the United States over the matter of the Panama Canal Zone.

Aquilino E. Boyd of Panama, who extended the invitation for the meetings in Panama, said today that a "semi-colonial" situation existed in all of Latin America and that it existed in particular in "the so-called Panama Canal zone" where "a colonial situation divides Panama into two parts preventing the political, economic and social integration" of his country.

Mr. Boyd called the zone "a hotbed of international tensions, where a dangerous situation, potentially explosive, exists."

"Panama claims effective sovereignty and exclusive jurisdiction over the area involved," he said. "A power foreign to the territory of Panama occupies the area and the Council is needed to eliminate conflict" regarding the canal.

Speaking for the United States, George H. Bush replied that it was essential for the proper functioning of the Council that a meeting not be conceived as a means for bringing pressure on bilateral issues not currently before the Council.

"Ambassador Boyd," Mr. Rush said, "has raised such an issue in mentioning the Panama Canal, the status of which is under active bilateral negotiations. With due reference to the history of the area and the issues, we, of course, do not accept the contention that the Canal Zone is an 'inner colonialist enclave.' "

Mr. Bush recalled that members of the Council had earlier expressed concern about holding meetings where public opinion could affect the work of the Council.

"In this case, it is already evident that the prospect of this meeting is stimulating a heated propaganda campaign in Panama, which will not be conducive to the kind of atmosphere needed for Security Council meetings or be helpful for the future course of bilateral negotiations," he said.

Meetings of the Security Council away from the United Nations headquarters in New York have been rare. In 1948 and again in 1951 meetings were held in Paris, concurrently with the General Assembly, which was also in session there.

Early last year, the Council met in Addis Ababa to discuss matters of concern to Africa as the result of an invitation from the Organization of African Unity.

[From the Washington Post, Jan. 17, 1973]

Panama Asks U.N. Aid On Canal

United Nations.—Panama charged today that a dangerous situation, potentially explosive, exists in the U.S.-controlled Canal Zone.

Panamanian Ambassador Aquilino Boyd, in appealing for a Security Council meeting in his capital from March 15 to 21, asked for U.N. help to achieve his government's claim of "effective sovereignty and exclusive jurisdiction over the area" through "a new treaty, genuinely just and equitable."

Boyd told the council, which convened at his request, that a "colonialist situation" exists because the 500-square-mile U.S. enclave divides the territory of Panama and "prevents the political, economic and social integration of the republic, contrary to the U.N. Charter."

George Bush, the U.S. ambassador, responded in a low key, saying that the United States "does not accept the contention that the Canal Zone is a colonialist enclave."

But Bush, who leaves the United Nations Wednesday to become chairman of the Republican National Committee, urged the council not to stage a meeting designed to "bring pressure on bilateral issues not before it." The canal dispute, he said, should be dealt with first through bilateral negotiations, which are currently under way, and then through the "existing regional system," the Organization of American States.

"It's kind of a meeting seeking an agenda," Bush said, terming the Panamanian request "capricious, thoughtless and contrived," and suggesting that the precedent might contribute to the "further weakening of the U.N. itself."

Britain and Australia, also expressed technical reservations, but the council agreed without objection to the principle of holding a meeting in Panama on a broad range of Latin American questions, and asked a committee of the whole to report back next week on the details of cost, agenda and travel arrangements.

Privately, U.S. officials expressed the fear that the March meeting in Panama City, which they accept as inevitable, would turn into a forum for the expression of various Latin American grievances against the United States.

Boyd, in his presentation, hinted at this prospect by suggesting that the March meetings deal with "problems of colonialism . . . permanent sovereignty over natural resources . . . disarmament and denuclearized zones." In Latin America, Boyd said, the wealth has been "handed over for centuries to semicolonial exploitation by more industrialized states," and now "the old imperialism seeks new forms to manage and imprison the world."

Continued U.S. jurisdiction over the canal and the zone, he suggested, is foreign control of a natural resource which is contrary to the U.N. Charter.

The canal question was first put on the council agenda in 1964 after riots led to negotiations on a replacement for the 1903 treaty that gives the United States control over the canal and the zone "in perpetuity." Since the topic is still officially on the agenda it is still open to discussion by the council.

The talks deadlocked in 1967, resumed in June, 1971, and remain stymied over the timing and nature of increased Panamanian control and sovereignty over the zone, and the U.S. military pressure inside it.

Latin American diplomats suggest that the pressure generated by a council meeting and the demonstrations that are likely to accompany it might prove embarrassing to Washington, but are not going to change the negotiating picture significantly.

The precedent for council excursions was set one year ago, when 10 days of meetings were held in Addis Ababa to discuss the many African problems on the council agenda. Now some Asian states, the Philippines in particular, are talking of a council meeting in Asia next year.

The cost of the African junket came to $105,000, despite dire predictions of a $500,000 bill. Panama has offered to pay $100,000 of the expenses of this trip.

[From the San Diego Union, Jan. 20, 1973]

LATIN AMERICAN STINGS CONTINUE

Many of the nations of Latin America appear to have gained a lot of satisfaction at the recent decision of the United Nations Security Council to hold a meeting in Panama beginning on March 15.

With Aquilino Boyd of Panama presiding over the session and an agenda loaded with subjects of colonialism, sovereignty and hemispheric politics, there will be ample opportunity for those obsessed with the size and strength of the United States of America to condemn and harass us. Panama in particular will use the meeting as a lever to try to dislodge the United States from control of the Panama Canal. The affair will have a sharp focus throughout the world because it will be only the third time since its existence that the United Nations Security Council has met outside of New York.

Like Panama, Peru is bearding the United States, with little apparent fear of reprisal. She has herded another of a long procession of U.S. tunaboat fleets into the port of Talara where they will be held until we pay what has come to be a customary ransom.

Unfortunately, these are not isolated examples of the attitude of many Latin American nations toward their northern neighbor. From Chile to Mexico the harassment of the United States and the tests of our patience, benevolence and charity appear to be increasing.

One of the worst manifestations of the whole affair is that it provides basis for convictions of the so-called Third World nations that the United States is, by choice, a helpless giant, and that the other cheek always will be turned.

The United States, for example, has been making concessions to Panama almost since the day that we acquired control of the canal in 1903. We shrugged—and yielded—even when four U.S. soldiers were killed in the 1964 canal zone rioting. By the same token, we have endured in pained patience the South American extortions from U.S. tuna fishermen for many years, kept a low profile in Chile and meekly accepted considerable unwarranted criticism as well as diplomatic bad manners when President Echeverria of Mexico read off the U.S. Congress and U.S. people during his recent visit to this nation. Indeed, we still are furnishing the gunboats that will harass future tuna fishermen and are assisting every nation in the hemisphere, including Chile, through aid or trade.

Our patience is warranted to a degree, considering our size, strength and leadership role. We do not want to be the neighborhood bully. We could very well be, because the United States is by no means helpless or without economic, political and social power in any nation in Latin America.

The determination that we now have to make as a nation is at just what point we must stop proving to ourselves that we are not a bully, and start behaving with resoluteness.

It would be our feeling that the day has already arrived.

[From the Washington Evening Star and Daily News, Jan. 26, 1973]

PANAMA SESSION BY U.N. TROUBLING

(By Jeremiah O'Leary)

There is concern in United States government circles about the possibility of something more than the expected verbal fireworks when the United Nations Security Council meets in Panama March 15 through March 21.

This concern is rooted in the belief that the Panamanian regime of Brig. Gen. Omar Torrijos will turn the meeting into, at the least, an anti-U.S., anti-colonialist public relations circus at a time when the two nations are in theory trying to rewrite the Panama Canal Treaty.

Torrijos' Foreign Minister Juan Tack has freely admitted in interviews that Panama anticipates the bilateral problem of U.S.-Panamanian relations to come up during the sessions of the Security Council. How far Torrijos will let the oratory, the public demonstrations and other outbursts go is not known, but the chief of the Guardia Nacional can regulate the temperature of the fervor as he wishes.

TREATY ARRANGEMENT HOPES

If Panama decides to keep the denunciations and the public's patriotic ardor at low pitch, it is possible that the meeting will not generate any fatal blow to hopes for new treaty arrangements regarding the Canal Zone. But if Torrijos decides to pull out all the stops while the U.N. is in Panama, no one can be sure that things will not get out of hand.

Rep. John M. Murphy, D-N.Y., chairman of the House Panama Canal subcommittee and currently the leading critic in Congress of Panama's demands, evidently fears the worst. He plans to hold hearings in early February and call in "those officials responsible for allowing this travesty to occur." Presumably this means Murphy will try to hail State Department officials and some of the U.S. delegation to the U.N. before the House panel.

PROPAGANDA CAMPAIGN

"The decision of the Security Council to hold these meetings on the Isthmus of Panama," Murphy said, "raises serious legal questions concerning the authority of that body to intervene in the internal affairs of the U.S., of which the Canal Zone is a constitutionally acquired domain."

Murphy figures Panama asked for the Security Council meeting to mount a propaganda campaign and try to wring concessions from the United States in the new treaty negotiations by "focusing world attention on the extravagant demands" of Panama.

Murphy said it is inexcusable that the United States made token objection but did not vote against the Panama meeting of the Security Council.

"I cannot comprehend how the Panamanians, who are facing a financial crisis, can pay the $100,000 cost of holding the meeting in that country unless, of course, they intend to borrow the money from the United States," Murphy said. "The avowed purpose of the current military government of Panama is to seize the Canal Zone by whatever means are expedient. If they fail politically, they have announced they will march on the zone and take it by force even if it takes the lives of a generation of Panamanian youths."

The negotiations on the new treaty suffered another blow recently when Panamanian negotiator Jorge Illueca made public details of the closely held U.S. proposals and Panama's counter-proposals.

NEGOTIATIONS DISCLOSED

The U.S. negotiators face a double handicap, since any treaty they approve, as representatives of President Nixon, must be approved by both the Senate and House. Torrijos has no such problem, since his legislature is obedient.

The United States wants a new treaty that will meet many but not all of Panama's aspirations and apparently is prepared to make major concessions on almost everything but control and security of the waterway. What the U.S. does not want is another repetition of the 1964 collision between Panamanian mobs and U.S. troops.

[From the Washington Sunday Star and Daily News, Feb. 4, 1973]

PANAMA THREATENS VIOLENCE OVER TREATY NEGOTIATIONS

(By Jeremiah O'Leary)

Panama's leaders have informed a former senior American diplomat that the isthmian republic has exhausted its patience over the canal treaty negotiations and is at the point of resorting to violence, The Star-News learned today.

This dire message was given to the ex-diplomat by Foreign Minister Juan Tack last month in Panama City after a discussion that included the Panamanian dictator, Brig. Gen. Omar Torrijos. The message was relayed immediately to the State Department which is already in a state of deep apprehension over the upcoming meeting of the United Nations Security Council in Panama March 15 through 21.

The fears of the State Department range from the possibility of an outbreak of nationalistic violence by Panama's citizenry, similar to that which led to fighting with the U.S. Army in 1964, to the near-certainty that the United States will be the target of severe attack on charges of colonialism by several Latin nations at the UN sessions.

CRITICISM EXPECTED

There also is apprehension in Foggy Bottom that the anti-U.S. atmosphere at the Security Council meeting will be increased by the possible presence there of Prime Minister Fidel Castro of Cuba.

Castro, some diplomats feel, will not overlook this chance to castigate the United States on a wide range of subjects from the American-held naval base at Guantanamo Bay to the occasional anti-Castro exile activity against the Havana regime.

Observers believe the United States may be assailed by: Chile, because of its problems in selling copper as a result of U.S. pressure in behalf of an American firm and the failure of any multinational loans to be approved for Santiago since Marxist President Salvador Allende took office; Ecuador and Peru, over the tuna-fishing problem off their coasts and Venezuela, because of the touchy oil quota situation. Panama is regarded as certain to use the UN Security Council as a sounding board for fierce denunciations of the long-drawnout negotiations over the Canal Zone.

DENUNCIATORY SPEECHES

Torrijos and Tack reportedly told the former diplomat that they knew the State Department was powerless in the negotiations over the canal and the U.S.-occupied zone on either side of it. They indicated that President Nixon, if he chose, could take action to make major concessions in Panama just as he did in the case of returning Okinawa to Japan.

But they said that they also knew that they had no other way of attracting Nixon's interest in Panama and the canal controversy than by resorting to violence. And they urged the ex-diplomat to relay this word to Washington.

The general assessment in the United States is that Torrijos, who commands Panama's 5,000-man Guardia National, has the power to turn on the heat or to suppress it as he wishes. Recent speeches and broadcasts by Panamanian officials subservient to Torijos have been couched in denunciatory and implacable terms.

Some Washington sources believe the Panamanian strategy will be to try to make a strong propaganda and legal case for their aspirations for major concessions from the United States on the canal. Torrijos, they believe, would not permit violence to break out while the U.N. is in his capital but after the meeting ends no one knows.

The United States in turn, is attempting to influence other Latin diplomats to help keep the U.N. session in a low-key on the grounds that nothing will be gained by airing a long string of frustrations and disagreements in Panama.

The meeting will be the first severe test for the new U.S. ambassador to the U.N., John Scali. Scali is already busily preparing for the meeting by adding Latin specialists to his staff in event the session turns into a palpable anti-U.S. meeting. These preparations are being made in the assumption that the United States will be the whipping boy.

Resolution No. 280 of the 54th Annual National Convention of the American Legion

Whereas, under the 1903 Treaty with Panama, the United States obtained the grant in perpetuity of the use, occupation, and control of the Canal Zone territory with all sovereign rights, power, and authority to the entire exclusion of the exercise by Panama of any such sovereign rights, power or authority as well as the ownership of all privately held land and property in the Zone by purchase from individual owners; and

Whereas, the United States has an overriding national security interest in maintaining undiluted control over the Canal Zone and Canal and its treaties with Great Britain and Colombia for the efficient operation of the Canal; and

Whereas, the United States Government is currently engaged in negotiations with the Government of Panama to grant greater rights to Panama both in the Canal Zone and with respect to the Canal itself without authorization of the Congress, which will diminish, if not absolutely abrogate, the present U.S. treaty-based sovereignty and ownership of the Zone; and

Whereas, these negotiations are being utilized by the U.S. Government in an effort to persuade Panama to agree to the construction of a "sea-level" canal eventually to replace the present canal, and by the Panamanian government in an attempt to gain sovereign control and jurisdiction over the Canal Zone and effective control over the operation of the Canal itself; and

Whereas, similar concessional negotiations by the U.S. in 1967 resulted in three draft treaties that were frustrated by the will of the Congress of the United States because they would have gravely weakened U.S. control over the Canal and Canal Zone; and

Whereas, the American people have consistently opposed further concessions to any Panamanian government that would further weaken U.S. control; and

Whereas, many leading scientists have demonstrated the probability that the removal of natural ecological barriers between the Pacific and Atlantic oceans entailed in the opening of a sea-level canal would lead to the spread of poisonous sea snakes and Crown of Thorns starfish into the Atlantic where they are now unknown; and

Whereas, these dangers, plus the probability of others that would be caused by such an upset of the natural balance now existing, which advocates of the sea-level canal ignore in their plans have not been satisfactorily investigated by scientists; and

Whereas, The American Legion believes that a treaty is a solemn obligation binding on the parties and has consistently opposed the abrogation, modification, or weakening of the treaty of 1903; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Chicago, Illinois, August 22, 23, 24, 1972, that the Legion reiterate its uncompromising opposition to any new treaties or executive agreements with Panama that would in any way reduce our indispensable sovereign control over the Panama Canal or the Panama Canal Zone; and be it further

Resolved, the The American Legion oppose the construction of a new "sea-level" canal, as advocated by the Atlantic-Pacific Canal Study Commission as needlessly expensive, diplomatically hazardous, ecologically dangerous, and subject to the irresponsible control of a weak Panamanian government; and be it finally

Resolved, that The American Legion reiterate its strong support for resuming the modernization of the present Panama Canal as provided in the current Third Locks-Terminal Lake plan legislation introduced and supported by so many Members of Congress.

ENVIRONMENTAL OVERKILL IN THE AUTO INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. WYMAN) is recognized for 15 minutes.

Mr. WYMAN. Mr. Speaker, concern for environmental quality has been of paramount interest to the Congress for the past decade. Through a whole new body of legislation, coupled with the resurrection of older laws already on the books, Congress has established stringent pollution controls. In some cases, however, the new standards are based more on desire for environmental overkill than on practicality. The utopian plateau of an absolutely pollution-free environment is a worthy goal, but to legislate such a goal as a standard, without adequate consideration of the costs involved, both economic and social, is to shirk responsibility as legislators.

The automobile emission standards of the Clean Air Act of 1970 are an example of Congress legislating beyond genuine need in terms of the realities of life, in terms of jobs and daily living. Under this law, carbon monoxide and hydrocarbon emissions are required by 1975 to be reduced by 90 percent of the 1970 standards for exhaust emissions.

Such a standard requires that by 1975 automobile emissions must be approximately 96 percent pollution-free. Estimates of the added cost to the price tag of a new car for compliance with such a standard range up to $1,000 additional per vehicle. The net vehicular operation cost to the consuming public for the last 6 percent over a 90 percent pollution-free requirement can run as high as $250 annually per car, based on a yearly road mileage of 15,000 miles.

This does not take into consideration the additional cost for extra gasoline required to operate the pollution control devices which will reduce mechanical efficiency and hence mileage-per-gallon on the order of one-third nor does it take into consideration the mounting concern over shortages in our petroleum supply.

These costs and this increased demand for fuel are both unrealistic and unnecessary.

Accordingly, I am today introducing legislation to provide that automobile carbon monoxide and hydrocarbon emissions be reduced by 90 percent over the actual emission of these pollutants. Such a reduction is within existing competence of technology and does not involve excessive additional cost to car owners. The remaining 10 percent, despite the dire predictions of the enthusiasts of overkill, will not poison the air humans breathe sufficiently to endanger public health, even in city streets.

Frankly, it is time for Congress to modify the present standards to a realistic level in relation to public health rather than setting a uptopian goal as a required standard that in terms of the present level of technology is unrealistic as to cost, result and public need.

My bill provides as follows:

H.R. 4313

A bill to amend the Clean Air Act to modify the emission standards required for light duty motor vehicles and engines manufactured during or after model year 1975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202(b)(1)(A) of the Clean Air Act is amended by striking out "reduction of at least 90 per centum from emissions of carbon monoxide and hydrocarbons allowable under the standards under this section applicable to light duty vehicles and engines manufactured in model year 1970." and inserting in lieu thereof "reduction of at least 90 per centum from the estimate of the average emissions of carbon monoxide and hydrocarbons which would have been emitted from light duty motor vehicles and engines manufactured during model year 1970 had such vehicles and engines not been subject to any Federal or State emission standard for carbon monoxide or hydrocarbons. Such estimate of the average of emissions shall be determined by the Administrator under regulations.".

Excerpts from a recent Chrysler study of costs to the consumer resulting from environmental overkill applicable to automobile emissions standards are helpful in understanding the urgent need for legislative responsibility in the current situation. There is absolutely no justification whatsoever for requiring 96 percent when 90 percent will protect our people without requiring cars that cost up to a thousand dollars more and burn up to 33 percent more gas:

History of Emission Controls

The automobile industry is in total support of the drive for clean air. Over the years it has worked hard to protect the environment and improve air quality.

The industry became directly involved back in the 1950s, when the California Institute of Technology and Los Angeles County first began to identify the elements of photochemical smog, and the degree of responsibility that automobile emissions had for creating that smog. The automobile industry, working with government and university scientists, helped develop the instruments and test procedures needed to learn about the atmosphere, and as more accurate information became available, the industry's engineers set to work to eliminate the automobile as a major factor in the air pollution problem.

There was very little public recognition of the industry's achievements over the years, but there was a great sense of urgency about cleaning up the atmosphere. The result was the passage of the Clean Air Act of 1970.

THE 1970 CLEAN AIR ACT

Among other things, that Act requires that by the 1975 model year, automotive emissions of carbon monoxide and hydrocarbons must be reduced 90 percent from 1970 levels. By 1976, emissions of oxides of nitrogen must be 90 percent below average levels of uncontrolled 1971 vehicles.

What is often overlooked is the fact that emissions of hydrocarbons are already 80 percent below those of uncontrolled vehicles. Carbon monoxide emissions have already been cut 70 percent, and oxides of nitrogen have been cut by 50 percent.

The fact is that the 1975-76 standards actually require a 97 percent reduction of hydrocarbons compared with uncontrolled vehicles, 96 percent on carbon monoxide, and 93 percent on oxides of nitrogen.

WHY CONGRESS SET THE 1975-76 STANDARDS

The 1970 Clean Air Act was passed at a time when many people feared that the country was already at the point of national asphyxiation, and the automobile was presumed to be the major source. This assumption was based largely on a report prepared within HEW, before the formation of EPA, suggesting the reforms needed to protect the public health and welfare.

This report presumed the worst possible combination of all conditions. It used the lowest levels at which emissions had any effect in laboratory studies, the highest recorded atmospheric concentrations, and the largest projected increase in vehicle population.

When Congress drafted the 1970 Act, it relied on this HEW paper, and also made a number of other assumptions of its own. Reflecting attitudes then generally held, the Congress assumed that the nation's air was getting steadily worse, and that the automobile was the primary cause. It assumed that automobile emissions were the major source of pollutants that are harmful to health. It also assumed that the automobile industry, with its history of technological progress, could easily reach almost total emission reductions if it really wanted to, or had to. Alternative power sources, such as turbines, electricity, and steam were often suggested as logical approaches to meeting the new standards.

Given all these assumptions, it is a little easier to understand how men who were sincerely trying to solve what they believed to be a very real problem could devise the 1970 Act. The motivation was strong, and in the absence of fact, a stringent approach seemed to be the most appropriate.

MEETING THE STANDARDS

The initial industry response, after the shock wore off, was to determine how to meet those standards. Our engineers explored the suggested alternatives—turbines, electricity, and steam. But extensive testing and experimentation led to the conclusion that within the time limits imposed on the industry, there seems to be no power source other than the internal combustion engine that will meet the requirements for driveability, durability, fuel consumption, and cost on schedule.

Basically the same drawbacks apply to the second option, emission control devices added on outside the engine. These catalytic and reactor applications leave a lot to be desired in terms of cost, efficiency, and durability.

The third option is to continue improving the internal combustion engine. The industry has already made a great deal of progress with this approach, and at a reasonable cost to the consumer. That progress was adequately summed up by Dr. A. J. Haagen-Smit, head of California's Air Resources Board and the man who first discovered the automobile's role in photochemical smog, when he observed: "The problem is so far over the hump that I'm beginning to lose interest."

ASKING THE WRONG QUESTION

That conclusion points up what is wrong with the way many people in the automobile industry have been dealing with the issue. Certainly the automobile companies have an obligation to try to meet government standards. But they also have an obligation to express their opinion on bad law. Perhaps everyone has concentrated too much on the question of *how* these standards are to be met, instead of raising the far more relevant question: *why should they be met?*

CITY AIR IS GETTING CLEANER

The fact is, according to a recent study for the Council on Environmental Quality, there has been a marked improvement in air quality in communities of all sizes.

These improvements, of course, are a result of the work that has been done by other industries in controlling emissions from stationary sources, and also the replacement of older cars by those equipped with effective control devices—controls which were being developed long before ecology became a household word.

As these improvements continue, there will be continued improvement in air quality.

NATURE OUT-POLLUTES MAN

The fact is that nature itself, and not man, is the major source of the three basic atmospheric gases emitted by the automobile. Perhaps the most surprising discovery in the past year is the fact that natural sources constantly produce about 15 times as many oxides of nitrogen as man, about 10 times as much carbon monoxide, and six times as many hydrocarbons.

NATURE CLEANS THE AIR

Moreover, it has been determined that nature is not only a source for these substances, but it also has effective ways of disposing of them. As just one example of these natural disposal systems, fungus in the soil in the United States alone has the capacity to consume more than double the total carbon monoxide produced by all the motor vehicles and factories in the world. This is not to say there should be no motor vehicle emission controls, but it does help show that automotive emissions are not the problem many once believed.

AUTOMOTIVE THREAT EXAGGERATED

The fact is that while the automobile may be the source of 40 percent of this country's man-made emissions by weight, weight is not a valid measurement of harmfulness. Actually, concentration and toxicity are the important factors. In fact, looking across the entire spectrum of air pollutants, it is now estimated that motor vehicles account for only about 10 percent of the total problem of potentially harmful emissions produced by man.

EMISSIONS AT SAFE LEVELS

It is common knowledge that prolonged exposure to extremely high levels of any pollutants—including the automotive emissions—can have an adverse effect on health or behavior. However, the fact is that in heavily populated urban areas, there is no evidence that even prolonged exposure to average street level concentrations of automotive emissions is a threat to health.

For example, present studies show the carbon monoxide blood levels of non-smokers in the crowded cities across the country are already well below the two percent level that the EPA set as a goal for good health. That is also, incidentally, well below the CO blood level of smokers who are in the five to 12 percent range.

Certainly where controls are needed, controls should be imposed. And certainly automobile emissions should be controlled to a degree that the scientific evidence shows is necessary to protect public health and welfare. But to go beyond the point of effective control of automotive emissions is to divert resources that should be used to attack our many other environmental and social problems. The nation has no shortage of problems to be solved, but its resources are limited. We ought to use those resources wisely, applying them only to scientifically established needs.

1975-76 STANDARDS HAVE LIMITED BENEFIT

The facts indicate they are not. There were a number of inaccuracies in the assumptions used to establish the automotive emission levels. Accordingly, EPA is currently reviewing the calculations for the automotive standards. In addition, EPA has also said that the original ambient air quality standard for oxides of nitrogen may be too restrictive because of errors in the method used to measure atmospheric concentrations. As a result, the original standard for ambient oxides of nitrogen is also under review by EPA.

A MORE REALISTIC APPROACH

California, which is highly susceptible to air pollution problems, believes that the 1975-76 federal automotive emission standards are more restrictive than necessary. California has recommended 1975-76 standards which are very stringent, but more realistic than the federal standards, and which are tough enough to meet the requirements of the state with the worst automotive emission problem in the country. California is asking for a 94 percent reduction in hydrocarbons from uncontrolled levels, and 81 percent reduction in carbon monoxide, and a 75 percent reduction in oxides of nitrogen.

ENVIRONMENTAL OVERKILL

The fact is that each vehicle with present controls contributes extremely small amounts. If we apply the even more stringent 1976 automotive standards to other activities of the average car owner, we find that the vegetation in his back yard, just in the process of growing and decaying, would give off as many hydrocarbons as his automobile.

If he burns one log in his fireplace, he'll have used up his daily allotment of carbon monoxide. If he's using oil heat, he's limited to three gallons of oil each day, which will last about eight hours, or he'll be over the limit in oxides of nitrogen. This is the degree of overkill represented by the 1976 standards.

COSTS 8 TIMES GREATER THAN BENEFITS

A 1972 EPA report to Congress estimates that in 1977, when all controls on motor vehicles are in effect, the annual cost of those controls will be more than $8 billion. The projected national annual benefit to "material and vegetation" will be less than $1 billion. The EPA report points out that health benefits were excluded from the estimate "because of an almost complete lack of data" establishing the health effects of carbon monoxide, hydrocarbons, and oxides of nitrogen at ambient levels.

Occasionally a small-scale isolated study does appear to show an adverse health effect from abnormally high concentrations, usually in combination with some other health or environmental factor. However, these same studies, when repeated under carefully controlled conditions representative of the normal city environment generally have not been validated. *The fact is that years of research, involving millions of people in hundreds of community studies, and in laboratory studies, have not developed any evidence showing any threat to health from average ambient levels of automotive emissions.*

WHY COSTS ARE SO HIGH

The cost estimate of these controls comes from a study by the Office of Science and Technology. According to this report, the 1975–76 federal standards could raise the price of a new car as much as $500. We estimate the cost of the California standards at about one-third of that.

The study committee concluded "that the nation is embarked on an air pollution program of enormous scope, complexity, and cost, with little measure of the relative harmfulness of the several pollutants being considered."

ENGINEERS CAN'T MEET THE STANDARDS

And seventh—the assumption was that the industry could meet the standards and with relatively inexpensive technology.

The fact is that we have no technology—expensive or inexpensive—that will meet all the requirements of the act. And as far as we know, no one—no manufacturer, no supplier, and no backyard inventor—has yet devised a control system that will meet the required emission levels for five years or 50,000 miles in customer service.

WASTE RESOURCES

The fuel cost penalty of as much as 30 percent associated with currently proposed emission control systems has to be included in any cost-benefit analysis. The additional cost to the nation's car owners could be as much as $10 billion a year.

The only emission control systems that we see with any hope of meeting the 1975–76 standards use catalysts which would require lead-free fuel. In 1975 about ten percent of the car population would require this new fuel, and a recent White House study estimates that it could cost the petroleum industry almost $5 billion for the new refinery equipment and the distribution system needed to get it from the well to the car.

A good share of that cost will go toward the development of an entirely new transportation system, separate from the leaded fuel system. Separate bulk storage tanks, tank cars and trucks, station pumps and storage tanks, and some sort of protection system to prevent accidental use of the wrong fuel in the wrong car. That's a big and expensive job, and we don't believe it's necessary.

Beyond this the current trend in the development of proposed catalysts involves the use of exotic and very expensive metals—platinum and palladium—which will add significantly to the cost of an automobile. These metals are sourced outside the United States, and the cost of importing about half the world's annual supply would have a negative effect on our country's balance of payments. The increase in fuel consumption would also add substantially to the nation's annual $4 billion outlay for oil imports with a further negative impact on our country's trade position.

These are the major facts that we believe have to be made known. There are others.

NEEDLESS CONFRONTATION

In light of the facts presented here, we believe the country is headed for an economic and technological confrontation which nobody needs or wants, and which will do nothing for the cause of clean air.

There is no reason why this confrontation has to take place. We would like to suggest an alternative.

RECOMMENDATIONS

First, the Administrator of the EPA should defer the 1975 standard as the law allows him to do.

This decision needs to be made soon. Time is running out. We must commit huge capital investments in new tools and facilities, make long-term agreements with suppliers, and make binding decisions now if we are to meet our production schedules for 1975. The oil industry must also make commitments for the new refineries, separate fuel transport systems, and storage tanks it will need for the lead-free fuel that will be required by the fall of 1974.

Second, Congress should suspend the 1975–76 standards, and transfer to the EPA the authority for establishing new automotive emission standards based on need, cost, and feasibility.

EPA already has this authority for emissions from stationary sources, and should have it for mobile sources as well.

If the present standards are maintained, we could then devote our full attention to an economical emission control system which Chrysler Corporation believes in all likelihood could meet the proposed California standards, on cars sold in California, by the 1976 model year. And we believe we could meet them without catalysts.

CALIFORNIA STANDARDS

If necessary, we believe we can meet those same California standards nationwide by the 1977 model year.

Not only are these California standards tough enough to protect the state with the most severe automotive air quality problem in the nation, but they could save the car buyer several hundreds of dollars in original purchase cost and in operating costs. The buyer would not have to pay for catalytic systems on his new car. He would not have to buy expensive replacement catalysts. He would not have to pay extra for lead-free fuel, or suffer a severe mileage loss. And he would still be helping the cause of clean air, because his car would have controls which are even beyond the needs of the nation's environment.

Our nation, in turn, would conserve its limited resources, protect its balance of payments from further erosion, and serve the cause of clean air with responsibility.

IN SUMMARY . . .

Even if automotive engineers could meet the 1975–76 federal motor vehicle emission standards, Chrysler Corporation would oppose them because they are wasteful, unnecessary, and unrealistic. In place of these overly stringent standards, the company recommends the following actions to conserve the nation's limited resources while proing the environment and the public health and welfare.

EPA should defer the 1975 standard as provided by law. This would avoid investing millions in the next few months for control systems the country does not need.

Congress should then carefully review its original legislation, revoke the 1975–76 standards, and transfer to EPA authority for setting any new mobile emission standards on the basis of current scientific information.

Chrysler believes it may be possible to meet the 1975 California standards nationwide by the 1977 model year without expensive catalysts. The stringent California standards which are adequate to protect the state with the most serious automotive air quality problem should be more than adequate for the rest of the nation.

REPORT OF THE COMMISSION ON GOVERNMENT PROCUREMENT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California (Mr. Holifield) is recognized for 40 minutes.

Mr. HOLIFIELD. Mr. Speaker, the Commission on Government Procurement, created by Public Law 91–129 as amended by Public Law 92–47, has submitted its report to the Congress. To meet the statutory deadline, a typescript copy was sent to the Speaker of the House and the President of the Senate at the end of calendar year 1972. Printed copies of the report will be available shortly—possibly by February 1—and each Member of the House will receive a copy. In the meantime, a staff summary of the recommendations in the report was prepared and printed, and a copy sent to each Member of the Congress.

As a matter of background information, I might say that the Commission on Government Procurement was established as a result of extensive hearings, under my direction, by the Subcommittee on [Legislation and] Military Operations of the House Committee on Government Operations. These hearings were held in March–June 1969. The enabling legislation for the Commission was approved by the President on November 26, 1969. The law provided for a 12-member Commission with appointments to be made by the President, the Speaker of the House and the President of the Senate. The Comptroller General was made a member of the Commission by the terms of the statute.

The Honorable E. Perkins McGuire, an appointee of the President, was elected by the Commission members to serve as Chairman. As one of the Members appointed by the Speaker, I was elected as Vice Chairman. The other House Member appointed to serve on the Commission was Representative Frank Horton, of New York.

The two Senate Members, appointed by the President of the Senate, were Senator Henry M. Jackson and Senator Edward J. Gurney. Senator Jackson resigned and was replaced by Senator Lawton M. Chiles, Jr., in April 1972.

The two members of the executive branch, appointed by the President, were Frank Sanders, then Assistant Secretary of the Navy and later Under Secretary; and Robert L. Kunzig, then General Services Administrator. Mr. Kunzig resigned to become a judge on the U.S. Court of Claims and was replaced on the Commission in June 1972 by his successor, Arthur F. Sampson.

Five members of the Commission, according to the terms of the enabling legislation, were to be drawn from non-Government sources. The Speaker initially appointed Joseph W. Barr, who resigned in March 1972 and was replaced by James E. Webb, former head of the National Aeronautics and Space Administration. The President of the Senate appointed Richard E. Horner, head of a small manufacturing company in Waseca, Minn., who formerly served in the Department of the Air Force. President Nixon appointed E. Perkins McGuire, now in private business, who formerly served as Assistant Secretary of Defense—Supply and Logistics; Paul W. Beamer, a business executive from West Boylston, Mass.; and Peter D. Joers, assistant to the president, Weyerhaeuser Co., Dierks Division, Hot Springs, Ark. As already noted, Mr. McGuire was made Chairman of the Commission.

The principal staff members are Donald E. Sowle, Director of Commission Studies; Orris S. Hiestand, Jr., General Counsel; and Hugo N. Eskildson, Executive Secretary.

The Commission's report will be printed in four volumes containing 149 recommendations for changes in procurement laws, regulations, and procedures. Many of the recommendations can be effected by Executive orders or administrative instructions; others will require legislative action.

A Commission release and an accompanying statement by Chairman McGuire at the news conference on January 22, 1973 describe briefly the subject matter of the reports and the Commission's study approach. I include the press release and the chairman's statement with my remarks:

Commission on Government Procurement Releases Summary of Its Final Report

Commission on Government Procurement,
Washington, D.C., January 22, 1973.

The Commission on Government Procurement released today a 119 page Summary of the Report which it recently submitted to the Congress as required by the legislation which established the Commission. The four-volume Report on the procurement process in the executive branch of the Federal Government culminates over two and one-half years of intensive study of Government procurement. Copies of the Report itself will be available through the Government Printing Office.

At a news conference held to brief reporters on the contents of the Report, Commission Chairman Perkins McGuire explained that the Commission has recommended changes to improve procurement laws and regulations, promote competition in Government contracting, and reduce administrative burdens for both the Government and its contractors.

In all, the Commission makes 149 recommendations supported by materials developed during its study.

Volume 1 of the Report covers matters that affect all types of procurement—the development of procurement policies, the statutory and regulatory framework, the execution of procurement activities, the procurement work force, funding, cost and profit issues, subcontracting, small business, procurement of professional services, social and economic programs attached to the procurement process, criteria to determine when the Government should supply its own needs or rely on private industry, and other matters.

Volume 1 contains recommendations, which, taken together, provide an integrated approach to Federal Government procurement; modernize the statutory and regulatory framework governing procurement; and provide a mechanism for shaping Government-wide procurement policies and for readily adapting the procurement process to changing conditions.

Volume 2 of the Report deals with the Government's acquisition of research and development and of major systems—i.e., large, costly, and generally technologically advanced products such as missiles, transportation networks, or space vehicles. With respect to research and development procurement, the Commission's recommendations are designed to support (1) the Nation's technological base, and (2) its capability of producing new products and rendering new sevices.

The need to improve the acquisition of major systems has been apparent from the criticism and charges regarding cost overruns, claims, contested awards, buy-ins, bailouts, and defective systems. The Commission recognizes that there have been successful programs, but focuses on the underlying problems that have plagued the major systems acquisition process, and describes the Commission's recommended approach to this subject. Essentially, the recommendations call for an integrated "systems approach" that would:

Establish a framework for conducting and controlling acquisition programs to highlight the key decisions for all involved organizations—Congress, agency heads, agency components, and the private sector.

Define the role each organization is to play in order to exercise its proper level of responsibility and control over acquisition programs.

Give visibility to Congress and agency heads to exercise their responsibilities by providing them with the information needed to make key program decisions and commitments.

Volume 3 treats with the acquisition of commercial products, construction and architect-engineer services, and Federal grant-type assistance programs. The recommendations pertaining to the acquisition of commercial products cover not only general off-the-shelf type commodities, but a number of products and services involving special considerations by Government buyers—products such as automatic data processing equipment, food, and the products and services of regulated industries. The recommendations relating to architect-engineer services and construction primarily deal with selection of contractors and the conditions governing the performance of construction for the Government.

Volume 4 of the Report covers the resolution of contract disputes, bid protests, revision of the law governing extraordinary contractual actions (P.L. 85-804); and debarment and suspension procedures for contractors found in noncompliance with various requirements. It also makes recommendations relating to liability for damage to Government property caused by defective products, and liability resulting from a catastrophic accident occurring in connection with a Government program.

Finally, Volume 4 contains recommendations concerning patents, technical data, and copyrights; for the establishment of a procurement code in the Federal statutes, including consolidation of a number of specific categories of statutes; and for revisions in the truth-in-negotiations, and renegotiation statutes.

The Commission believes that its recommendations, taken together, would lead to an integrated and more orderly approach to Government procurement; and that individually, each recommendation could stand on its own and contribute to an improvement of the procurement process.

The Commission was not unanimous in all of its recommendations, and where there are dissents or alternative recommendations they are spelled out in the Report. Also, in some areas, individual Commissioners had supplemental views which are presented.

Statement by Perkins McGuire, Chairman, Commission on Government Procurement

Commission on Government Procurement,
Washington, D.C., January 22, 1973.

The purpose of this meeting is to make available to you the Summary of the Report of the Commission on Government Procurement. Typed copies of the Report were delivered to the Speaker of the House and the President of the Senate, as required by law. Those copies consisted of over 2,000 pages packaged in four volumes.

We would like to have had copies of the full report for you by this time, but the printing schedule calls for completion about the middle of February. In the meantime, our staff has prepared a 119-page summary that has been furnished to you along with other materials relating to the report, the Commission, and the study effort. Obviously, in the time we have it would be impractical to cover the entire Summary in detail. The document contains all of our recommendations.

I would like to give you a little background about how we developed the Report and touch on a few of the recommendations.

In the early phases of our study, we formed 13 study groups to explore some 400 problem areas and issues, many of which had been identified in the Congressional hearings on the bill creating the Commission.

The groups, in total, involved some 500 persons who were loaned, at our request, for varying lengths of time by industry, Government, and the academic community. In making up these groups we attempted to keep a balance of government and non-government backgrounds wherever possible.

Our objective was to utilize the reservoir of procurement knowledge wherever it existed and be sure that all sides of the problem were covered.

The study effort was deliberately designed with some overlap and duplication in study assignments. As a result of this "check and balance" approach, we had findings, and conclusions, as well as recommendations from different study groups which approached a subject from different aspects of the process. The Commissioners were responsible for sifting all this material, revising, accepting, and rejecting and, finally, for bringing to bear their own collective experience and judgment in arriving at recommendations. The resulting report is, therefore, the product of the Commission.

There was, I think, a surprising degree of unanimity among the 12 Commissioners. Of 149 recommendations, dissents were registered on only 12, which are noted in the report. I do not think it is plausible to expect that 12 Commissioners with such varying backgrounds, experience, and independence of thought would or could be unanimous on every aspect of the complex field of Government procurement.

The procurement process is very involved and complicated. Much has been said about its weaknesses, but when one realizes that it involves, on a yearly basis, some 16,000,000 separate transactions amounting to $57.5 billion and utilizing the efforts of some 60,000 government workers, it is bound to receive some criticism. The process, as we cover in detail in our report, has been subject to much patchwork correction which, in some cases, was successful and in other cases simply added to the problem in terms of paper work and people involved.

The Commission, in its deliberations, attempted to look at the overall process and to find common sense solutions rather than to be an investigative body examining specific procurement actions.

Among our recommendations are some to improve the legal and regulatory structure and the personnel and organizational arrangements operating within that structure. Specifically, we would combine the two basic procurement statutes and we also recommend means for assuring that regulations issued by agencies are consistent with stated government-wide policies. The need for improvements in such areas may be seen from the fact that we found over 4,000 procurement-related laws scattered throughout the U.S. Code. We also found a maze of regulations—often inconsistent and sometimes conflicting.

We recommend the improvement of personnel capability through better recruitment, training and career-development practices and by establishing a procurement institute where procurement officials could study the latest techniques and the latest procurement knowledge.

Permeating our whole study effort was the fact that there is no central point of leadership in the overall Government procurement process. Almost every study group recommended some kind of central direction and leadership for the particular area of its interest, and the Commission was unanimous in adopting a recommendation to establish that central point of leadership.

For reasons which you will find in the report, it was our belief that this point of leadership, which we call the Office of Federal Procurement Policy, should be located in the executive branch of the Government, preferably in the Office of Management and Budget. You will also find in the Summary, a description of some of the duties for such an office.

Another issue which came up in numerous procurement areas pertains to the whole concept of competition. Our findings clearly and emphatically show that both formally advertised bidding and negotiation, when made competitive, or even sole-source procurement in certain specialized situations, are appropriate procurement techniques. But they must be used under the circumstances where they will achieve the best results for the government. The fact is that formal advertising is sometimes the most competitive technique; and at other times, negotiation produces not only more competition but also more meaningful competition. To use the one when the other is more appropriate decreases economy and efficiency without any corresponding benefit.

Another area that has been quite controversial is the so-called "make-or-buy" decision: under what conditions should the Government strive to fill its own needs with its own personnel and facilities rather than to rely on private industry? This matter has been a subject of controversy for a long time. While the stated policy of our Government, presently expressed in OMB Circular A–76, is essentially, that private industry should be relied on to the maximum feasible extent. There has been much contention that the policy had too many loopholes and was not being rigorously followed. We were unanimous in our belief that this policy should be expressed in law rather than leaving it in an agency circular. We also recommend some revisions in the criteria on which decisions are to be based, although we had some difference of opinion on the make-up of the new criteria.

Our report concludes that one of the main reasons Major Systems acquisitions have become increasingly complex and costly is that the current decision process locks-in an end product too near the outset which then precludes consideration of other potential solutions or verification of the selected system. Multiple design influences—from in-house laboratories, weapon centers, operational commands, and contractors become frozen as requirements. There are often incompatible and lead to unnecessary expensive design. The recognition of performance deficiencies also comes at too late a date. Although we found that improvements were being made, we concluded that further steps should be taken and these are spelled out in some detail in our report.

Our proposals are not a panacea for major systems acquisition problems. We have proposed a model which we believe would be helpful for any agency that acquires major systems. We think more attention should be given to the "front end" of major systems acquisition—that is, both Congress and the agency should understand and address themselves to the key decisions early in the process and in relation to our national resources and priorities.

There are numerous other topics in this report that I could touch on at length. For example, there are topics relating to the acquisition of commercial products, an area in which the government spends a very large sum of money ($25 billion last year) but the total government business represents only two percent of the total commercial output. Other areas include the resolution of contract disputes, the acquisition of research and development, construction and architect-engineering services, social and economic programs attached to the procurement process, funding issues, subcontracting, small business, profit criteria, patents, technical data, Federal grants, and other topics. Though time will not permit me to get into all those areas, you will find them all covered in the Summary.

In all, this Commission has produced 149 recommendations. A few of these recommendations call for further study by others. In a study of this magnitude, we had to concentrate on basic procurement issues, and in some areas, merely outline the thrust or direction for change of a given policy or procedure. The implementation must come from the people who have the responsibility for setting policy and for getting the procurement job done.

In other situations, we identified the problems and noted their impact on procurement; but did not attempt to make the ultimate policy judgment involved since they affect established national policies going far beyond procurement.

Another area that we have addressed and brought to the attention of the executive and the Congress is the impact of late funding on procurement. Efficient and economical procurement of goods and services requires thorough planning. Timing is the key factor in the planning process. The disruptions, inefficiencies, and waste caused by nonavailability of funds at the time they should be available are major impediments to efficiency and economy.

As I said at the start, the Summary covers over 100 pages and 149 recommendations. Since you have not yet become familiar with its contents, the staff is here today and will be available later to answer any detailed questions you might have.

Mr. HORTON. Mr. Speaker, I want to join my colleague, the gentleman from California (Mr. Holifield), in calling attention to the report of the Commission on Government Procurement. I was privileged to be a member of the Commission, on which Mr. Holifield served as vice chairman. This was a hard-working Commission. The Commission was in existence for about 2½ years. As members we monitored the work of the study groups and then we met in many full-day sessions, often lasting 10 or 12 hours each, to consider the findings of the study groups and to make our own judgments, as Commissioners, of what should be changed in the Government procurement process.

The Commission's recommendations are directed to fundamental reforms in procurement. The report offers no magic formulas for instant success, nor does it indulge in name-calling, which probably explains why the report is receiving little attention in the daily press.

As the gentleman from California (Mr. Holifield) explained, the Commission's report carries recommendations for both legislative and administrative action. In this respect, I am pleased to report that the administration takes the Commission's findings and recommendations very seriously. The Honorable Caspar Weinberger, when he was Director of the Office of Management and Budget, sent a memorandum to the heads of the executive departments and agencies, dated December 7, 1972, and entitled "Plans for executive branch review and implementation of report of the Commission on Government Procurement." I include that memorandum with my remarks:

Executive Office of the President, Office of Management and Budget,
Washington, D.C. December 7, 1972.

Memorandum for Heads of Executive Departments and Agencies.

Subject: Plans for executive branch review and implementation of report of the Commission on Government Procurement

Public Law 92–47 extended to December 31, 1972, the time for the Commission on Government Procurement to report to the Congress the results of its review of Government procurement. We understand that the Commission expects to submit its findings and recommendations within the prescribed period.

The recommendations of the Commission are expected to be of great significance to the procurement function of the Federal agencies. While the recommendations will focus primarily on the procurement process, we expect that they will also involve general management matters both within and without the actual procurement operation as performed in many agencies. Organizational concepts, legal remedies, and broad considerations of the acquisition process are some areas of expected recommendations which may deal as much with general management concept as they do with procurement techniques and procedures.

Because of the expected breadth and significance of the Commission's report, we believe it is imperative that the full resources of the executive branch be effectively employed in an expeditious review and appropriate implementation of the Commission's report and recommendations. To achieve that objective, it is essential that there be a focal point for problem resolution and for development of an administration position on major policy issues. Equally important is the need for an overall coordinator of these efforts. The Office of Management and Budget will provide this focal point and coordinating role with the cooperation of executive departments and agencies. Assistant Director Dwight Ink will have overall responsibility for this assignment.

To assist the OMB in this undertaking, you are requested to name an official representative of your agency to serve as the principal liaison officer with respect to all matters concerning your agency that would relate to the report and recommendations of the Commission on Government Procurement. Please furnish to Mr. Ink the name, address, and telephone number of your designee as soon as possible.

In the review and implementation of the Commission's report and recommendations, it is the intent of OMB to make maximum use of lead agency responsibility assignments. Other agencies that share interest in specific recommendations of the Commission will be encouraged to participate with the lead agency in the review and in proposing appropriate implementing action. The OMB will assure that all agency views are duly considered in the development of executive branch decisions.

As soon as the Commission's report becomes available, OMB will publish a listing of the recommendations together with a proposed lead agency responsibility assignment for your review. Agency comment will be invited as to lead agency and participating interests.

Agencies will also be asked to provide the name of the person in their agencies who would have day-to-day responsibility for the participating role with respect to each recommendation of interest to them. When these have been submitted and agency suggestions considered, the list of recommendations will again be published by the OMB, together with the name of the individual charged with the lead agency responsibility for each recommendation and also the names of representatives of those agencies which desire to participate with the lead agency in proposing an executive branch decision regarding the specific recommendations.

The above briefly outlines the plan for organizing executive branch resources for a concentrated effort to take earliest advantage of the results of the efforts of the Commission on Government Procurement. More explicit instructions will be given to you when the Commission's recommendations become known.

Questions regarding this matter may be directed to Mr. H. E. Tetirick, telephone 395-6929.

CASPAR WEINBERGER,
Director.

CONGRESSMAN HANSEN OF IDAHO INTRODUCES THE CHILD DEVELOPMENT PERSONNEL TRAINING ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 10 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, the last 5 years has seen a tremendous upward trend in the number of children receiving child care and child development services, in their own homes, in neighbor's homes, or in organized day care centers and nursery schools, in both licensed and unlicensed settings. This trend has resulted from the constantly increasing percentages of mothers of young children who are entering the job market as full-time employees outside the home. It has also happened because of the growing realization of parents and educators that the first years of a child's life are the most significant for the development and attainment of his potential.

Child care programs vary in quality from program to program, day care center to day care center. Quality can be measured in various ways. Certainly the Federal, State, and local standard regulating day care centers represent one way of determining the quality of programs—by looking at such things as the student-teacher ratio, the amount of classroom space per pupil, the attention given to nutrition and health and similar measures.

But one of the most important measures of the quality of any child development program, whether conducted in fancy or plain surroundings, is the kind of people interacting with the children. Anyone who has visited child care programs has sensed the difference that certain teachers or aides can make in the environment—they are warm, sensitive, obviously enjoy being with small children, and seem to know instinctively how to respond to their needs. These qualities are very difficult to define in quantitative terms, but we certainly know them when we see them.

While the quality of personnel coming in contact with the children is certainly of paramount importance, it is also crucial to provide enough personnel to staff child development programs. Judging from available statistics, we are heading for disaster, as far as quantity is concerned.

The estimated additional numbers of children who need child care services nationally are:

Kindergarten	1,300,000
Nursery schools	3,000,000
Daycare	1,310,000
Mini programs	1,890,000

To care for these additional numbers of children, an estimated 456,000 additional professionals and 529,000 additional paraprofessionals will be required. If national program capacity grew by 250,000 child slots a year, it would take some 24 years to complete growth to the projected maximum capacity. But even at this rate, some 19,000 professionals and 22,000 paraprofessionals would have to be added every year. This contrasts rather sadly with our estimated present rates of 5,000 professionals and 10,000 paraprofessionals. — Sugarman, Jule, "Joint Hearings before the Subcommittee on Employment, Manpower and Poverty, and the Subcommittee on Children and Youth of the Committee on Labor and Public Welfare, U.S. Senate, on S. 1512, part 1, May 13 and 20, 1971, paragraphs 236–348."

A HEW official, Ray Collins of the Office of Child Development commented in December 1972, that the "teacher surplus" in elementary and high schools has not existed in the preschool programs. Quite to the contrary, he stated that there has been "a severe shortage of preschool personnel." In addition, he said:

> In addition, over one third of the staff of day care centers changes every year. Basic demographic and social trends, including increased participation rates of women in the labor force, have stimulated the dramatic growth in child care over the last decade and are still at work. The number of children, ages one through six, is expected to increase another three million by 1980, to about 28 million. Approximately 45 percent of mothers with children now prefer to work, and the figures are higher among minority and low income families. Parents are placing higher priority on providing their very young children with the advantages of a good preschool program.

To make matters even worse, the only Federal program making a systematic attempt to stimulate the development of professional personnel for early childhood programs will cease functioning in June, at the end of the fiscal year. I am speaking of part D of the Educational Personnel Development Act which for the past 3 fiscal years has provided $5 million, $5.9 million and $4.3 million respectively to train some 11,500 professional early childhood personnel. Another important contribution of this program was the training of many trainers of teacher trainers. Three steps removed from the actual classroom, these are nevertheless the personnel who form the backbone of any long term personnel development capacity. No funds have been budgeted for this program for FY 1973, and existing projects will terminate in June.

The Headstart program has made a significant contribution to training early childhood personnel and exposing large numbers of volunteers and parents to the principles of child development. In fiscal year 1970, for example, some 7,000 people were reached—2,000 in 6- to 8-week leadership development skill training courses, and 7,000 in college-level courses in child development. In addition, some 60,000 people received short summer orientation and inservice training.

The Department of Labor's manpower programs trained some 1,500 nursemaids and child care attendants in fiscal year 1970.

These two programs will be augmented by title IV–C of the Social Security Act—the Talmadge amendment—which will increase the work incentive program's training component. It is still too early to determine how many early childhood paraprofessionals personnel will be trained through this effort.

The new Federal income tax deduction for child care expenses incurred by working mothers, in effect, for the first time in 1972, is expected to encourage use of child care services.

The State governments, too, are responding energetically to the need for child development and child care services. Many States have developed statewide plans for early childhood services, established State-level offices of child development to stimulate and coordinate the development and improvement of services for young children. California has moved to extend the school starting age downward and other States are organizing and funding day care services.

In light of these Federal and State initiatives, it becomes even more clear that our existing training efforts are just not reaching enough people to keep pace with the rapidly expanding need for early childhood services.

This holds true from the standpoints both of sheer numbers and of the quality and caliber of personnel staffing the program. Programs are now expanding and will continue to do so throughout the decade. We will be hard-pressed simply to find enough people to work in these programs; to recruit and train the kind of people we want to staff these programs will be even more difficult.

THE EARLY CHILDHOOD PERSONNEL DEVELOPMENT BILL

The legislation I am proposing today—the early childhood personnel development bill—approaches these problems through a variety of strategies.

First is the realization that although child development and child care programs are highly labor-intensive, it is not necessary, or even desirable, to require every person who cares for or comes in contact with the child to be a college graduate with training in child development. To do so would be wasteful of human resources and would raise the costs of early childhood programs to astronomical levels. A far more appropriate arrangement is to have a professional early childhood specialist who supervises the child workers who actually work with the children. This is equally true whether the child caretakers are grouped in a day care center or nursery school or work singly in their own homes caring for children from the surrounding neighborhood. For this reason, the bill specifies that at least half the funds appropriated will be devoted to preparing paraprofessional child care workers.

One of the most significant developments in some time is the concept of an entirely new middle level profession of child care workers being developed by the Office of Child Development. These new professionals will be called child development associates—CDA's. Working with a consortium of national early childhood organizations, community colleges, training programs, child development centers, the Office of Child Development will facilitate the establishing of several kinds of programs and work with the states to see that CDA's are certified. Certification is perhaps the most important part of this new profession. All too often a person working in a child development program succeeds in climbing a few rungs on the career ladder only to find that this newly-attained status cannot be transferred to programs operated by a different agency or to a different city. The CDA status, once earned, will be valued anywhere in the Nation and will enable its holder to find employment in any situation needing certified, trained mid-level personnel. Roughly equivalent to the associate in arts college degree, the CDA's will be certified on the basis of the demonstrated abilities and skills, not on the basis of the number of courses they have taken. As the CDA career becomes established, it is possible that specialized CDA's will be trained to work with infants, handicapped children, disadvantaged children, or in children's homes. The early childhood personnel development bill specifically authorizes the expenditure of funds for the development of training programs for CDA's.

The development and acceptance of appropriate credentials is the key to a successful buildup of our supply of trained personnel at every level and is not limited to just the CDA program. A person certified by one State as a qualified nursery school teacher may not be able to find employment in another State without first taking certain college courses required by the second State. In a different vein, a person who has passed all the required courses and fulfilled all the specified requirements may nevertheless not be well suited to working with young children, and may not perform well in the position for which he has been certified. A promising means of coping with both of these situations would be the development of performance-based credentials for the early childhood professions which would be accepted by all the States. The bill provides funds to assist in the development and refining of certification criteria and techniques for both professional and paraprofessional early childhood personnel.

Although it is true that most child services are and probably will continue to be provided in home settings, the number of larger scale child care centers and schools is continuing to grow at a rapid pace. The provision of services in these large settings requires a great deal of organization and management expertise to see that resources are organized in a manner to provide the best care at the least possible cost. But frequently a person whose speciality is curriculum development is pressed into service as the senior staff member in charge of a day care center caring for several hundred children, and finds that the complexities of budgeting, personnel supervision, scheduling, food planning, supply ordering and so forth are an overwhelming task. What is sorely needed is a supply of people who have been trained to organize and manage child development and child care programs so as to squeeze the greatest possible benefit from every dollar and thereby stretch our limited resources, while still maintaining high quality programs. The bill provides for the establishment of programs to train child care administrators.

Recruitment of the kinds of people best suited to working with young children is almost as much a problem as training them. One clear-cut example is the need for men in early childhood programs which have traditionally been almost exclusively the domain of women. A few years ago growing numbers of young men were being employed in early childhood programs, at a time when these positions meant draft exemption. Changing the draft system to remove much of the uncertainty of the old system, has now resulted in fewer men in positions where they work with young children. This is unfortunate because the children—both boys and girls—need environments where they can be exposed to both male and female adults. This is especially important for the almost 2 million children under age 6 who do not have a father living with them. It is widely said that the "most important job in America" is raising the future generation; I would challenge those men who give lip service to this idea to take some of these most important jobs. The early childhood personnel development bill provides for attracting and recruiting men as well as women into training and subsequent employment in early childhood programs.

We have heard a great deal about the over supply of teachers in the United States. In many areas this is true, but early childhood is definitely not one of them. My bill addresses this imbalance by providing for the retraining of personnel who were originally trained and/or experienced in another level of education. A person who once taught elementary school, for example, might need very little additional training to be able to work effectively on the preschool level. To the extent that we can make use of these people, we will be doing both them and the early childhood programs a service.

As with many Federal programs, one asks the question: "When the Federal funds stop flowing, will this effort continue?" It is the intention of this legislation to stimulate the development of a permanent capacity for training early childhood personnel, not to merely train the personnel. Priority is placed on the development of personnel development programs which promise to become self-sustaining after Federal assistance has ceased. To do otherwise would create an artificial supply of personnel entirely dependent on continued Federal support. This may mean augmenting existing schools of education as well as establishing new training programs and facilities. It will definitely mean that efforts must continue to prepare the trainers of teacher trainers whose work is so essential to the long-term success of our objective.

The training programs will utilize a wide variety of institutions. Trainers of teacher trainers will study at a handfull of graduate schools specializing in this program. Colleges and universities will prepare professionals and management personnel needed to guide and supervise the early childhood programs. Community colleges, teachers colleges, private training corporations, and child development centers in every community will provide the inservice and preservice training needed by paraprofessionals.

Although taking advantage of many diverse training institutions is a valuable approach, it nevertheless carries with it the possibility that within a given community or State there may be a serious lack of coordination among all these efforts. At a conference I sponsored last year in Boise, Idaho, I heard about an example of this in my own State. A group of day care workers had been trained through a vocational education program but could find no subsequent employment; at the same time, child development services in the area were growing apace, operated by people who had had neither preservice nor inservice training of any type in many cases. For this reason, the bill provides that the Secretary of HEW will take steps to achieve the coordination of all federally sponsored early childhood personnel training programs already in operation with the program to be established under this act. It also authorizes him to work to coordinate training programs with employment opportunities.

No matter how many children receive child development and day care services, it will always be the parents who are the most influential educators of children in this country. Intervention programs can compensate to some extent for the effects of ineffective parenting, but the benefits that can come from good parenting can scarcely be provided through early childhood programs. Thus, the most important group of personnel to reach is the parents themselves.

There are a variety of ways to help parents provide their children with what is needed. One is to work with high school students who will in only a few years become parents themselves. Another is to include parents in the activities of child development programs so that they can observe effective techniques in operation. Several successful programs have been built around visits by trained child care workers to parents either in their own homes or in small neighborhood groups. The child care workers, themselves generally residents of the local neighborhood, demonstrate to the mothers different ways in which they can meet their children's needs and help develop in the mothers an awareness of the importance of what they do—

or do not do for their children. Television is a valuable tool in reaching large numbers of parents with advice on such important child development principles as good nutrition, health care, reading and talking with children, providing toys for children to play with, and so forth. Finally, many of the people trained as early childhood workers will be or become parents themselves, thereby providing an extra dividend to the personnel training effort.

This legislation provides for funds for working with parents, and high school students, and the development of television programing and accompanying materials aimed at development of early childhood personnel.

This bill which follows is directed at a purpose too important to be overlooked. As a nation, we are moving, step by step, into situations that require the care of children in large or small groups during all or a portion of the day. But as President Nixon pointed out when he vetoed the comprehensive child development legislation, we do not know the answer to "the crucial question of who the qualified people are, and where they would come from, to staff the child development centers." This bill is intended to provide an answer to that question.

Mr. Speaker, I am pleased to add as cosponsors to my bill: Mr. QUIE, Mr. DELLENBACK, Mr. ALEXANDER, Mr. BELL, Mr. BROWN of California, Mrs. BURKE of California, Mrs. CHISHOLM, Mr. EILBERG, Mr. FRENZEL, Mr. HAWKINS, Mrs. HECKLER of Massachusetts, Mr. HORTON, Mr. LEHMAN, Mr. MURPHY of New York, Mr. PODELL, Mr. SARBANES, Mrs. SCHROEDER, Mr. TIERNAN, Mr. WON PAT, and Mr. YATRON.

NATIONAL ENDOWMENT FOR THE ARTS AND HUMANITIES EXTENSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. QUIE) is recognized for 10 minutes.

Mr. QUIE. Mr. Speaker, it gives me great pleasure to join with my colleagues on the House Education and Labor Committee to introduce the administration's bill to extend for 3 years the National Endowments for the Arts and Humanities.

I am pleased that the chairman of the committee, Representative CARL D. PERKINS; Representative JOHN BRADEMAS, chairman of the Select Subcommittee on Education which will handle the legislation; Representative EDWIN D. ESHLEMAN, who is ranking Republican on the select subcommittee; Representative FRANK THOMPSON, who was the original sponsor of the first measure to create the two endowments; and Representative ORVAL HANSEN, are joining me in cosponsorship of the new bill. It speaks well for the bipartisan spirit which I expect to prevail as we begin our committee work on the enactment of this new legislation.

Members of the Select Subcommittee on Education who are also joining in cosponsorship are: Representatives PETER A. PEYSER, ROMANO L. MAZZOLI, and HERMAN BADILLO.

President Richard M. Nixon is to be commended for asking Congress to budget $168 million this year to support the two endowments, a doubling of last year's funding, and I am happy to lend him my support by sponsoring this legislation, for he is responsible for greatly expending Federal assistance to the arts and humanities in our country.

The program was begun in 1965 with initial funding of $6 million for each endowment. President Nixon has increased the budget request each year, and we are presently expending $38 million for each endowment.

I believe the stimulus of Federal money has been extremely valuable in my State of Minnesota. Citizens in remote areas, for the first time in many instances, are now participating in programs in the arts which have heretofore been seen only in the major metropolitan centers.

Miss Nancy Hanks, Director of the National Endowment for the Arts, is to be heartily congratulated for promoting the expansion of the arts in this fashion. Under her direction, grassroots participation in programs has been flourishing, and I am extremely grateful to her for her marvelous energy and vision in promoting the arts and providing for greater citizen participation in all the art forms throughout the 50 States.

Work by the National Endowment for the Humanities is less well known, but to my mind at least, such Federal support is necessary in this time of overwhelming scientific technology, when man is coming to feel more like a slot in a computerized card. I feel strongly that we should nourish these programs in the humanities which give better insight into the nature of man and his need for spiritual and moral growth.

Under the definitions in the act, "humanities" includes the encouragement of the study of both classical and modern language; literature; linguistics; history; philosophy; archeology; the study of the humanities to the human environment; and the study of comparative religions and ethics—which I helped add to the bill.

Encouraging State projects or productions in the arts would include: Music, dance, drama, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, motion pictures, TV, and radio.

It has been of great personal interest to me to watch the development of the National Endowment for the Arts nationally, and to see how it has stimulated fresh approaches to education, brightened lives, and given impetus to new attitudes about improving the quality of life.

In my own State of Minnesota, I have seen how the encouragement of modest funds has enabled cultural institutions to expand their influence and services into many communities and to many citizens who might never otherwise have had this enriching experience. With the impetus of Federal moneys, major new private sources of funding for the arts have been developed.

A particularly good example of this is the poetry-in-the-schools project which has taken writers into schools since 1967 with heartening results in terms of student improvement in other classroom activities. The project began with poets reading and conducting teacher seminars in one city—Minneapolis. This year we have 16 poets all doing residencies of at least a week in 90 schools throughout the State, and we have an Indian writers' program working in the Twin Cities.

Indeed, this poetry-in-the-schools project has been so successful throughout the State that two of our great private foundations—the Hill Family Foundation and the Bush Foundation—have added major funding to the Federal moneys in order to insure its continuation.

The world-famous Guthrie Theater in Minneapolis is one of the two resident theaters in the Nation to be chosen for a pilot project in regional touring by such a regionally-based company. The project will take the Guthrie players into locations in Minnesota, Wisconsin, Iowa, North Dakota, and South Dakota, and represent an absolutely new theater experience for many audiences whose members may not have seen a live performance on stage before. The project underscores the work the Endowment for the Arts is doing in expanding opportunities for our citizens, supporting the artists and their institutions, encouraging new, innovative work on stage, and at the same time, maintaining the ancient, great traditions of the live theater.

Our excellent Minnesota Arts Council handled the coordinated residency touring program in dance and administered a circuit of dance performances that encompassed Minnesota, Missouri, and Wisconsin. The Minnesota Orchestra Association has also toured nearby States in the upper Midwest with aid from the Endowment which again has made the neighborly sharing of our cultural resources possible.

One of the most interesting and truly exciting exhibitions ever to be held at the Walker Art Center in Minneapolis was "American Indian Art," a joint effort that brought together for the first time the Indian Art Association with the Minneapolis Society of Fine Arts.

The evidence we have seen in Minnesota of the ability of the National Endowment for the Arts to help organizations and to bring together new combinations of ideas and people in creative activity is repeated all over our country. It results from this Federal program which provides financial assistance, but requires matching monies from other sources—usually local—as well. This matching requirement in the legislation for the National Endowment for the Arts is an unqualified guarantee of local interest.

SCHOOLBUS SAFETY ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, the gentleman from California (Mr. Moss) and I are introducing in the House today a comprehensive schoolbus safety bill.

For too long the Congress has permitted the Department of Transportation to drag its feet on the promulgation of safety standards for schoolbuses. Simply put, schoolbuses today are the unsafest vehicles on the road. While very few schoolbuses are involved in accidents, when they are, the results are often catastrophic.

According to School Bus Fleet magazine, 39 percent of the entire student population below the college level, or some 20 million youngsters, travel to and from school daily on schoolbuses. They travel a total of 2 billion miles annually. During 1971, there were a total of 47,000 schoolbus accidents; 150 people lost their lives and 5,600 were injured.

When asked about schoolbus safety legislation, the first thing that the Department of Transportation will point out is that schoolbuses are one of the safest forms of transportation. This is undoubtedly true. There are only 0.05 fatalities per 100 million passenger miles of schoolbus travel compared to 2.1 deaths per 100 million passenger miles of auto travel. The reasons for this are fairly simple: Schoolbuses ordinarily move at slower speeds, there are rules and regulations governing other vehicles when they are around schoolbuses, schoolbus drivers are extremely cautious and are generally good drivers, and most motorists are extremely careful around schoolbuses.

Given the comparatively low accident rates on schoolbuses, the Department of Transportation—DOT—argues that schoolbus safety regulation is an extremely low priority item. DOT maintains that in terms of a cost-benefit analysis, it is worth neither the time nor the effort of DOT to protect our schoolchildren from shoddily constructed schoolbuses. DOT is misusing the concept of cost-benefit analysis. No American schoolchild should be forced to ride in an unsafe schoolbus because DOT arbitrarily determines that schoolbus safety is a "low payoff" item.

What is wrong with our schoolbuses today, and why is it when they have an accident that the results are often catastrophic?

First, generally speaking, seat anchorages on schoolbuses are inadequate. When a schoolbus collides with another vehicle, seat anchorages often are torn loose, throwing the occupant and the seat itself forward. What originally was a neat row of seats is instantaneously transformed into a twisted shambles that can inflict serious injuries on the occupants of a schoolbus.

In addition to the weak anchorage of the seats, the typical seat on today's schoolbus includes a metal bar above the seat which is occasionally covered with an ineffective cosmetic padding. Even in the most minor of accidents, children are often hurled forward, smashing into the bar. The results are numerous facial injuries, chest injuries and often damage to the child's teeth.

The most unfortunate child in a schoolbus that is involved in an accident is the youngster who sits on the front seat of the schoolbus. He faces, if he is hurled forward, a whole array of steel bars, door-opening mechanisms, and stanchions. The vertical poles, commonly called stanchions, which are found on almost all schoolbuses, are considered by experts unnecessary and hazardous.

Another crucial problem in current schoolbus construction is the so-called structural integrity of the bus. Simply put, the lack of strong joints and the lack of a sufficient number of rivets often cause sheets of metal to twist and separate on impact in a serious accident. The result is that these sheets of metal become nothing less than "cookie-cutters," causing severe lacerations to any occupant of a schoolbus. The metal sheets rip apart upon collision producing razor-sharp edges which cause serious wounds.

Minor schoolbus accidents often result in fatal tragedy. For example, on December 26, 1972, there was a major schoolbus accident near Fort Sumner, N. Mex. Nineteen children were killed when the schoolbus collided with a tractor-trailer, which jackknifed on a bridge. Because of the poor construction of the bridge, a collision was unavoidable. A safely built schoolbus probably could have avoided some of the injuries and possibly even deaths of these innocent schoolchildren. The argument that schoolbuses are probably the unsafest vehicles on the road is indisputable.

What has DOT done? In a word, the Department of Transportation has done nothing to protect the 20 million schoolchildren who ride schoolbuses. In fact, DOT has made a series of empty, hypocritical and unfilled promises regarding the adoption and promulgation of schoolbus safety standards.

According to the National Traffic and Motor Vehicle Safety Act of 1966, the Department of Transportation undoubtedly has the authority to promulgate specific standards regarding the construction of schoolbuses.

Since February 1970, the Department of Transportation has been promising to adopt a standard specifically on the anchorage of seats in schoolbuses. DOT's first promise came in a February 1970 letter to the distinguished Senator from Massachusetts, Mr. KENNEDY. Senator KENNEDY had urged the Department of Transportation to take more concrete action to protect the occupants of schoolbuses. Secretary Volpe told Senator KENNEDY:

> The Department, in Docket 2-11, has already initiated the first rule-making action to upgrade substantially the safety performance of schoolbus seats.

For a year the Department did nothing.

But, in July 1971, it was clear the DOT had not forgotten its earlier promise to Senator KENNEDY. In congressional testimony, Mr. Douglas W. Toms, the administrator for the National Highway Traffic Safety Administration, told a congressional panel:

> We deem one of the best pay-offs in schoolbus standards would be to provide for friendlier seats. One thing we do not like are the seats with the hard metal rails and metal backs so as the youngster moves forward in any kind of crash, he strikes a solid, unyielding surface. . . . We are moving forward to see that seat backs in most of the interior parts of the bus are friendly.

Between July 1971 and April 11, 1972, the National Highway Traffic Safety Administration—NHTSA—did nothing. In April, NHTSA did issue a press release which stated:

> One proposed standard, to be issued shortly, deals with bus passenger seating and crash protection. It will require stronger seats and seat anchorages, elimination of lethal surfaces, substantial padding in the immediate area, and increased seat-back height.

In May 1972 Secretary Volpe told the distinguished gentleman from California (Mr. Moss) in a letter that "a notice of proposed rule-making was slated to be published within the next few weeks" on schoolbus safety seats. Later in 1972, officials of NHSTA promised the Washington Star that "in a few more weeks, the agency said it will have notice of proposed standards for stronger, safer seats." Miriam Ottenburg, the Star's reporter, noted that "it has taken 6 years to get this far on a seat standard. No one will venture to guess how long it will take to get a standard on safer bus construction."

Mr. Speaker, today is February 8, 1973. The Department of Transportation still has done absolutely nothing.

The seriousness of this situation is compounded by the fact that the National Highway Traffic Safety Administration refused to adopt any additional schoolbus standard until the seat standard is proposed.

An official of NHTSA told Siegel, Nahum and Runge, writing for the Society of Automotive Engineers in 1971, that a seat standard must come first. "Once we get that out of the way, we can go after other things," he reportedly said.

The track record of the Department of Transportation is clear—inaction, empty promises, and more inaction.

Since the Department of Transportation will do nothing, it is time for the Congress to act. Therefore, the distinguished gentleman from California (Mr. Moss) and I today are introducing the Schoolbus Safety Act of 1973.

Practically identical legislation is being introduced in the Senate today by the distinguished chairman of the Senate Commerce Committee, Mr. MAGNUSON, my distinguished colleagues from Wisconsin, Mr. NELSON and Mr. PROXMIRE, the distinguished Senator from Connecticut, Mr. WEICKER, and the distinguished Senator from Pennsylvania, Mr. SCHWEICKER.

Specifically, this legislation would require that the Secretary of Transportation by a specific order to establish Federal motor vehicle safety standards for schoolbuses within 6 months after the enactment of this legislation. Standards must be developed for emergency exits, interior protection for occupants, floor strength, seating systems, crashworthiness of body and frame—including protection against rollover hazards—vehicle operating systems, windows and windshields, and fuel systems. In short, this legislation provides for comprehensive safety standards to protect the 20 million schoolchildren who ride schoolbuses every day.

These standards will eliminate the flimsy schoolbuses that today are rolling deathtraps for our schoolchildren.

In addition, this legislation requires that the Secretary of Transportation procure an experimental prototype of schoolbus for research and testing purposes. This schoolbus should be purchased within an 18-month period within the enactment of the legislation. The legislation will also require that the major manufacturers and distributors of schoolbuses at the time of delivery provide certification that the schoolbus has been individually inspected and test-driven to determine if due care was used in the production of the bus.

The National Transportation Board will also be required to make rules and regulations governing the notification and reporting of each schoolbus accident which has caused a death and investigate each and every such accident. On the basis of such investigation, the Secretary of Transportation, after consultation with the Board, will make the necessary changes in rules and regulations to prevent similar accidents from occurring in the future.

In short, this legislation will provide standards, reporting systems, investigations, and necessary revisions so that every schoolchild in this country can ride on safe schoolbuses.

There is ample precedent for adoption of schoolbus safety rules. The Vehicle Equipment Safety Commission—VESC—a compact of 44 States established in 1958, has promulgated its rule No. 6, which provides comprehensive safety standards for the construction of schoolbuses. The States of Maryland and Illinois have adopted slight modifications of this rule. Presently, I am happy to report, the State of Wisconsin is seriously considering the adoption of the VESC rule No. 6.

While the specific provisions of VESC–6 may not be precisely the standards needed for schoolbus safety, they are a dramatic step forward in providing safe schoolbuses for the 20 million children who travel to and from school every day.

While the two schoolbus companies—Ward and Wayne—have already developed prototype safe schoolbuses, several companies in hearings concerning VESC–6 have protested that they are unable to conform to the Federal standards. However, a slightly modified version of VESC–6 was used as a basis for bids for the purchase of 52 schoolbuses by Montgomery County, Md., and all the major schoolbus companies did submit bids. It is encouraging to note that the average cost increase on buses conforming to the modified VESC–6 standards is between $200 and $350. Apparently the modified VESC–6 standard is a success in Maryland.

On August 25, 1971, the State of Illinois formally adopted rules similar to VESC–6. Formal requirements for the modified VESC–6 will not be enforced for approximately 6 months after a manual outlining specifications is issued. The manual will be issued within the next few months.

The State of Wisconsin has tentatively adopted VESC–6 rule. In fact, the Division of Motor Vehicles of the State of Wisconsin held a formal public hearing on Wednesday, January 31, 1973, to discuss the schoolbus safety measures.

The results of the experiments with VESC–6 indicates that schoolbus safety rules can work at a minimal increase in cost to local school districts. The need for schoolbus legislation is clear. Schoolbuses are extremely unsafe vehicles, and the Department of Transportation refuses to do anything. The solution is obvious—Congress must adopt legislation which will force DOT to promulgate decent schoolbus standards to protect the students who ride schoolbuses every day.

THE NEED TO ELIMINATE MEDICAID ABUSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Koch) is recognized for 10 minutes.

Mr. KOCH. Mr. Speaker, the people of this country are angry because of the high cost of medical care. Middle income people in particular who are not covered by medicare or medicaid bear the greatest burden of all. They are hit by the high cost of medical care and the high taxes necessary to support medicaid costs that are sometimes multiplied by inflated charges of a few unscrupulous doctors and medical service organizations.

I am presently working on legislation which I plan to introduce after the recess to amend title 19 of the Social Security Act to help put an end to unscrupulous medicaid profits. The amendment would give municipalities such as the city of New York the option of using its municipal hospitals and community based medical divisions to treat all medicaid patients.

If enacted, my bill will not require all localities to treat its medicaid patients in community sponsored clinics; it simply would give those cities that have suffered escalating medicaid costs at the hands of unscrupulous physicians and private medical centers the alternative of creating a network of neighborhood health clinics to be staffed by salaried doctors to treat medicaid patients. Some localities where abuses have not been a problem may indeed opt to continue the present system of per-patient fee payments.

As presently written, title 19 is supposed to give medicaid patients freedom of choice as to which doctor he or she chooses to see. Some will argue that my bill will curtail freedom of choice, but I would submit that they are simply unaware of the facts. Freedom of choice does not exist in practice anyway.

At the present time, 20 percent of the doctors in this city do all the medicaid work, with an overwhelming number of doctors refusing to accept medicaid patients. Furthermore, 4 percent of the doctors are collecting 85 percent of the fees. So if freedom of choice does exist, it is freedom of choice not for the patients, but only for the doctors and at an inordinate cost to the taxpayers.

Medicaid costs have doubled between 1970 and 1971. From $666.3 million to $1.12 billion. The total cost is now $1.3 billion, a sum greater than the combined total of all other welfare costs. My purpose in amending title 19 is to insure that this money is no longer wasted on extravagant fees for negligent services. It would help to abolish situations where certain unscrupulous doctors charge excessive fees for little or no or even incompetent services.

The abuses have been disgraceful. We can no longer allow our money to be stolen from us. Nor can we allow the health of people to be abused or ignored.

I would like to bring to the attention of our colleagues some cases which are indicative of the way our money is being wasted to fill the pockets of unscrupulous doctors. They are the following:

A radiologist in Brooklyn who received $556,053 from medicaid in 1971 and $400,000 in 1972 who has been charged with taking an average of 19 unnecessary X-rays per patient.

A Central Park West physician who gave all his medicaid patients injections of both penicillin and bicillin at a cost to medicaid of $1 per injection. These injections were judged to be needless and the physician has been ordered to refund $2,600 to medicaid.

A dentist who has billed medicaid for $4,500 worth of services to a woman and her 11 children. These services include fees for dental work on a 9-year-old child who for the last 9 years has been a patient at an upstate cerebral palsy clinic and has in fact never been in the dentist's office.

A private clinic in Hunts Point which mainly serves medicaid patients and has been judged "unsafe and unsanitary," the waiting area "filled with litter" and the clinic's disposal of used needles and syringes is "unsatisfactory and unsanitary."

It must be remembered that medicaid abuses are crimes and acts of larceny and just like other acts of theft they should be treated as criminal offenses with the appropriate penalties. At the same time, it is incumbent upon the Congress to act to safeguard the taxpayers and the medicaid patients from unscrupulous practices that result in high bills and poor health care.

U.S.S. "WILLIAM H. BATES"

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. Heckler) is recognized for 10 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I am sure many of my colleagues remember with a great deal of fondness the late Bill Bates, for so long a distinguished Member of this body from Massachusetts. His contributions to his State and his country are legion. Many of them live on although he was taken from us prematurely in 1969.

Not the least of his legacies to us is a strong, flexible Navy, over whose growth and preparedness he presided as the ranking minority member of the Committee on Armed Services.

It is fitting, therefore, that one of this Nation's newest attack nuclear submarines proudly carries the name U.S.S. *William H. Bates*.

I am pleased to share with you the latest report on the *Bates* which I recently received in a letter from Vice Adm. H. G. Rickover.

USS William H. Bates (SSN 680),
New York, N.Y., February 5, 1973.
Hon. Margaret M. Heckler,
U.S. House of Representatives.

Dear Mrs. Heckler: We are just returning from the first sea trials of the USS *William H. Bates* (SSN 680), our 60th attack type nuclear submarine. The ship completed all tests including full power operation, both surface and submerged. The *Bates* was built by the Ingalls Shipbuilding Division, Pascagoula, Mississippi.

William Henry Bates enlisted in the Navy in July 1940 and participated in the assaults on Iwo Jima and Okinawa. When he died in 1969, he was a captain in the Naval Reserve.

His legislative service began in 1950 when he resigned as a lieutenant commander after being elected to the 6th Massachusetts Congressional District to fill the vacancy caused by the death of his father, George J. Bates. Bill Bates was one of the foremost congressional authorities on national defense during his two decades of service. In his position as ranking Republican member of the House Armed Services Committee and member of the Joint Committee on Atomic Energy, he was instrumental in strengthening our Navy. He was a proponent of nuclear power for naval ships, including this ship which bears his name. He contributed immeasurably to building our modern nuclear Navy—submarines, aircraft carriers, frigates—which is today a major factor in preserving peace.

The *Bates* is equipped with the latest navigation and electronics systems and a computer controlled weapons system which enable her to detect and attack targets at considerable distances. These characteristics, combined with the ability to operate at high speeds for long periods of time and the environmental independence provided by nuclear propulsion, make her a powerful weapon against surface ships and submarines alike.

In addition to the 60 attack type nuclear submarines, we also have 41 Polaris submarines and a deep submergence ocean engineering submarine, making a total of 102 nuclear submarines in operation. When all nuclear submarines presently authorized by Congress are completed, the United States will have 83 attack and 41 Polaris submarines.

Respectfully,

H. G. Rickover.

THE HEROIN TRAIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Wolff) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, Newsday has just begun a 40-part series entitled "The Heroin Trail" based on a 6-month study by a number of its reporters. Yesterday's installment detailed charges that an official agency of the Bulgarian Government is involved in narcotics traffic.

While the Foreign Affairs Committee, on which I have the privilege of serving, has been aware of the use of Bulgaria as a conduit for heroin shipments in trucks from Turkey to France, these charges of official complicitv lend new urgency to a resumption of our committee's investigation of the problem.

With the normalization of relations between the United States and the Balkan States. I think it essential that we secure the facts behind these allegations. Therefore I have requested both the chairman of the Foreign Affairs Committee, Mr. Morgan, and the chairman of the Europe Subcommittee, Mr. Rosenthal, to investigate the charges that have been made.

For the information of all of the Members of the House, I include the article at this point in the Record:

The Bulgaria Connection: A Throughway for Drugs

(Note.—Members of the Newsday team that followed The Heroin Trail—Newsday Senior Editor (Investigations) Robert W. Greene and reporters Knut Royce and Les Payne—visited Bulgaria last summer, as part of a nine-month investigation of the flow of heroin from its source to the streets of Long Island. The report, another in the series on The Heroin Trail, follows:)

The Bulgarian government has sanctioned the movement of morphine base through Bulgaria on its way from Turkey to France, Newsday has been told. The information came from law enforcement officials in two countries and from two smugglers who operated through Bulgaria.

Newsday received the reports about Bulgarian involvement while investigating the heroin business in Europe last summer and fall. Several of those who told us about it said the drug smuggling was done through an agency named "KINTEX," and that it was an export-import bureau of the Bulgarian government. But, they added, it also had been a clearinghouse for smugglers requiring safe passage through Bulgaria.

The story was denied Monday in Washington by a Bulgarian government spokesman. "This is not true, not true, not true," said Assen Yankov, first secretary of the Bulgarian Embassy. "Each government that respects itself will not allow this kind of dirty action—dealing in heroin and contraband. The same is true of the Bulgarian government." Yankov, noting that Bulgaria has just completed an agreement which provides for training of its border guards by U.S. anti-narcotics experts, warned that publication of the KINTEX story might damage the agreement. He said that it "may be in fact . . . a stick in the wheel."

But others tell a different story. According to one smuggler, certain Istanbul narcotics profiteers worked out arrangements with KINTEX for two-way smuggling: Morphine base was permitted to move through Bulgaria unimpeded; in exchange, the narcotics merchants were sometimes required to move, among other things, guns and ammunition back into Turkey, destined for members of left-wing Turkish revolutionary groups.

The Istanbul-Sofia-Munich road is the superhighway for smuggling of morphine base. More than half of the base that, converted to heroin, leaves France for its eventual destination in the arms of American addicts, is moved along that route. It is estimated that 80 per cent of America's illegal heroin supply comes from France.

SOFIA

It was our last day in Bulgaria. Our car looped Liberation Square, past the outdoor cafes and the statue of a Russian czar astride a bronze horse. It turned toward onion-domed Alexander Nevsky Memorial Church, cut left at the TSOUM department store and eased into a narrow, cobblestoned side street, busy with stores and people.

We were riding with the two smugglers we had met in Istanbul. The car stopped near a squat, new, concrete-and-glass building without a name on it. Several men stood near the entrance, looking at us.

"That's it," said one of the smugglers. "That's the new headquarters of KINTEX."

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Galip Labernas, the former Istanbul narcotics squad chief, had heard of KINTEX. During one conversation in his Istanbul apartment, he said: "There is an important agency in the Bulgarian government that has given some of our biggest smugglers carte blanche to run morphine base through the country. We know it's happening, but we don't have many details. The agency is called KINTEX."

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A U.S. Embassy source in Ankara: "We don't know much. We understand that KINTEX is the official import-export agency of the Bulgarian Peoples Republic. The agency is supposed to promote exports and regulate imports. Sounds like a standard government bureau."

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There were fragments of the story in Istanbul. A leading opium dealer who was perfectly willing to discuss his colleagues by name grew silent when asked about KINTEX. "I've heard of it; that's the Bulgarian arrangement," he said. Then he pointedly changed the subject. An Istanbul police official, drinking his fourth martini at the Istanbul Hilton, said: "We know about it; we hear about it."

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It had been a five-hour drive from the Kapitan Andreevo border-crossing to Sofia, the Bulgarian capital, close to the Yugoslavian border. A soft rain was falling at 3 a.m. when we arrived, without reservations, at the Grand Sofia Hotel, on Liberation Square.

The square was deserted, except for two parked cars nearby, with two men sitting in each. Their lights were out, but their windshield-wipers were moving. We hauled the luggage out of the trunk and went into the hotel. Behind us, we heard car doors shutting. The men from the cars followed us in. They did not appear to be tourists.

The desk clerk looked at our passports and visas. We told him we would be staying three days. "Very well," he said, "but your visas are for transit only. That means only 24 hours in Bulgaria. If you wish to stay longer, go to the police early in the morning. Otherwise you will be in very serious trouble." The four men who had been watching us lounged around the lobby.

We took the elevator up and looked down on the square from our windows. We saw the four men get back into their cars and settle down behind the moving windshield-wipers.

It took part of the next day with the police to straighten out the border guards' error about the visas.

* * * * *

The Sofia Press, a government-operated agency, assigned Georgi Ganiv, a blond six-footer, to assist us.

We requested an interview with the Bulgarian government official responsible for narcotics control, whose name we had not seen in our readings on the subject. Ganiv said that he didn't know the name of the official either, but that he would try to find out. "Do you know that Sofia was recently host to a Warsaw Pact conference on narcotics control?" he asked. We said that we had heard about it. Who headed it for the Sofia government? He said he would try to find out.

* * * * *

We reached the outdoor cafe in front of the Grand Sofia Hotel at noon. The two Turkish smugglers, who had come from Istanbul by train, sat at another table. We followed the plan agreed upon in Istanbul: We made believe we didn't see them; they made believe they didn't see us. Our Turkish driver walked by their table and the smoking smuggler asked him for a match. We returned to our hotel room. Soon, the driver joined us. We had already checked the room and found no electronic listening devices, but we turned up the TV to full volume—happy workers were singing about a new sanitary sewer system in the city of Varna. We were to pick up the smugglers on a street corner four blocks away in 15 minutes.

We picked them up and went to another cafe 10 minutes by car from Liberation Square. We were on a second-level balcony. Thirty feet below, two men peered under the hood of a parked car. They stayed under the hood for the next two hours, while the smugglers went through two dishes of ice cream, and we drank a half-bottle of cold Manaslupska Usba, a local white wine.

One of the two smugglers, Ghassan, sketched in the details on KINTEX: "If you've got the right connection with that agency, you can pass morphine base through Bulgaria without the slightest ripple." Certain Istanbul patrons, he said, were allowed to move base through Bulgaria. In turn, the Bulgarian government sold American cigarets and Scotch whiskey to the patrons at a profit. The patrons smuggled them into Turkey.

The Bulgars had another interest in Turkey, the left-wing Dev Genc revolutionary movement. According to the smugglers, an Istanbul patron who was allowed to bring out his base was required to occasionally reciprocate by providing smugglers to move guns and ammunition from Bulgaria for the Turkish revolutionaries. The patrons were also expected, when asked, to supply intelligence information to the Bulgarian secret police.

"KINTEX is immensely powerful in this country," Ghassan said. "It's not just a governmental agency. If KINTEX decides not to let you smuggle through Bulgaria, you can have a tough time here."

Until recently, Ghassan said, KINTEX maintained warehouses in various parts of Bulgaria. Some of these were stocked with cigarets, whiskey or guns. The agency would sell the supplies to officially designated middlemen. In turn, these men would sell the merchandise to the Istanbul patrons. Within the past year, however, KINTEX has closed down many of its storage depots and has consolidated many of its operations in a new Sofia headquarters.

"KINTEX is getting more conservative," Ghassan said. "Apparently things were getting out of hand and the Bulgarian government was afraid of being exposed. Now KINTEX will only deal with big, old customers, some of the biggest Istanbul patrons. They can still get the approval to run a load through the country. But no one else, particularly no one new."

Before KINTEX began to tighten up last year, the smuggler said, it was relatively easy for a young Istanbul patron to establish a working relationship with the agency. "Let's say you want to smuggle American cigarets into Turkey," he said. "You contact a middleman who has done business with KINTEX. He puts your name through to Sofia for a check. Bulgarian agents in Istanbul run a background on you. If you are reputable in the [smuggling] business and have no police connections, you start doing business with KINTEX."

Bulgaria is the logical cork on the Turkish bottle, because Bulgaria is the only nation along the entire route from Istanbul to Marseilles to stop and check every car. But, Ghassan said, there is no problem for a man with KINTEX connections. "He sends a message to Sofia, giving a description and the license number of his truck or car. He also tells what time the truck is expected to cross the border. Then KINTEX sends a man to the crossing point to make sure that the truck goes through without any search."

We left the cafe. As we got into our car, the two men down the street lowered the hood of their car and got in. As we drove away, the smugglers gave us the names of the patrons KINTEX dealt with in Istanbul, all owning Transports Internationaux Routiers (TIR) trucks. We had heard the names before. They were on our list of heroin profiteers: Ali Hikmet Tekin, Mehmet Tuysusoglu, Mustafa Kisacik.

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Later, we again sat at a table in the crowded outdoor terrace of the Grand Sofia Hotel, looking like tourists. Toward the back of the terrace sat the two smugglers. We had worked out this plan: When Ghassan scratched his ear, another new smuggler had come to his table. We were to take his picture. Ghassan would identify the smugglers later.

A man came to the smugglers' table, sat a few minutes and left. He was followed by others. Each time, Ghassan scratched his ear. We kept taking pictures.

Later we met. Ghassan asked: "Did you get the picture of Salim Yunan?" Yes, we said, we took pictures of all the smugglers. He looked puzzled. We explained that we took a picture each time he scratched his ear when someone sat down. "I forgot," he said. "Ear scratching is a nervous habit of mine."

Salim Yunan, he told us, had been smuggling guns into Turkey for KINTEX until about two years ago. Now he was building apartment houses in Beirut. Later we checked the films. A waitress had partially blocked the view of Salim Yunan; the back of his head was all that could be seen.

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That evening we ran into Georgi Ganiv, the Sofia press official, while walking up a side street to the hotel. He seemed surprised. He told us that he had checked and that the minister for us to talk to was Lazar Bonev of the Bulgarian Finance Department. Good, we said. No, he replied, bad. A representative of the U.S. government was scheduled to come up from Ankara next month for joint talks on narcotics control with Bonev. The minister declined to give out any interviews before the meeting.

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After looking at the KINTEX building, the next afternoon, we headed back to our car. We were now about three blocks away when a man in a white shirt began walking behind us. He followed us until we got into the car and drove off. On the way back to the hotel, we dropped off our smugglers on a street corner. They had information that a friend was bringing 200 kilos through from Istanbul. They wanted a piece of the action.

* * * * *

Istanbul, Turkey: A month later we called Ankara and asked Bob Munn, U.S. Embassy narcotics control coordinator, what happened at the scheduled meeting in Sofia between U.S. narcotics officials and Lazar Bonev of the Bulgarian Finance Department. Munn said that the meeting had been canceled by the Bulgarians. He didn't elaborate.

* * * * *

Vienna, Austria: We sat with Dr. Ernst Hoffman, chief of Austria's narcotics bureau, and talked about heroin. He spoke in slow, carefully enunciated English. Yes, he had heard of an agency in the Bulgarian government that had cooperated with narcotics smugglers moving through that country.

He explained that a wiretap had been placed on the home telephone of a suspected narcotics smuggler. "He talked freely to his wife on the phone. He told her there was nothing to be worried about in Bulgaria because they had contact with some government agency there and they could bring through narcotics without interference. Later, he signed a statement to the whole thing and was sent to jail."

Was Hoffman certain that the country was Bulgaria? Yes. And he recalled: "As a matter of fact, the prisoner wrote me recently asking if I could help him get out of jail. He said that he is reformed. But there is nothing that I can do for him." Was the prisoner working for any particular narcotics merchant in Istanbul? "Yes," replied Hoffman. "He said that he was working for a man named Mustafa Kisacik."

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Washington, February, 1973: The Bulgarian Embassy denied that an official agency of the People's Republic of Bulgaria sanctions the smuggling operations of major Turkish morphine patrons.

"This is not true," said Assen Yankov, first secretary of the Bulgarian Embassy. "Each government that respects itself will not allow this kind of dirty action, dealing in heroin and contraband. The same is true of the Bulgarian government."

Yankov dismissed reports from government officials in Turkey and Austria attesting to Bulgarian cooperation with smugglers as "false." He said he had never heard of KINTEX. If morphine is smuggled through Bulgaria on the road from Istanbul to Munich it is despite Bulgarian efforts to stop it, Yankov said.

"This article," he said, "could lead to serious consequences which run counter to recent trends in the direction of mutual cooperation in this area. The chief of Bulgarian Customs has been a guest in this country—not just a visitor, but a guest—just because the customs bureau of your government recognizes the work we have done in the area, the effort we are making."

He said the KINTEX story "may be in fact . . . a stick in the wheel."

At the State Department, officials said that U.S. and Bulgarian diplomats and customs personnel recently concluded discussions that will lead to U.S. training of Bulgarian agents in narcotics enforcement procedures.

The State Department officials, who asked not to be named, said their files contained no data on KINTEX, but they said that their knowledge of the Bulgarian government made them believe that such an operation was "plausible."

A U.S. source experienced in Bulgarian-American relations said that it was possible that an agency such as KINTEX could be operated as an arm of the Bulgarian secret police, reporting only to high Communist Party officials and unknown even to some high-ranking Bulgarian bureaucrats.

U.S. diplomatic relations with Bulgaria, the source said, have been colder than with any other Eastern European nation. It is only in the area of narcotics control, he said, that the Bulgarians have moved to establish better contact with the U.S. "Much to our surprise," he said, "they seemed to want to cooperate on the customs level. But not on the enforcement level. They would deal with our customs agents, but not with the BNDD, which would correspond to their secret police. This is the way they run their country and they're not about to let anybody in on it."

RECESS

The SPEAKER pro tempore (Mr. Young of Texas). Pursuant to the order, the Chair announces that the House will now stand in recess subject to the call of the Chair. The bells will be rung 15 minutes prior to the reconvening of the House.

Accordingly (at 1 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock p.m.

AUTHORIZING SPEAKER TO DECLARE RECESS UNTIL 3 P.M. TODAY

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to declare the House in recess until the hour of 3 o'clock, or sooner.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

RECESS

The SPEAKER. The Chair declares the House in recess subject to the call of the Chair, not later than 3 o'clock p.m.

Accordingly (at 2 o'clock and 2 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 3:00 o'clock p.m.

AIRPORT AND AIRWAYS IMPROVEMENT ACT OF 1973

(Mr. ADAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAMS. Mr. Speaker, I am introducing today the Airport and Airways Improvement Act of 1973. The principal purpose of this bill is to abolish the discriminatory and capricious head tax on air passengers which has been arbitrarily imposed on travelers at more than 31 airports throughout the country. This tax is unfair because it not only falls on top of the 8 percent tax on tickets already paid by air passengers, but differs in amount from airport to airport. As a flat tax rather than a percentage tax, these head taxes are more burdensome on those flying short distances than long. They fly in the face of the uniform tax system established by the Airways and Airport Act of 1970; they are in effect double taxation on air passengers.

The bill recognizes the need for increased financing for airport development. The head tax is no solution to this problem—in some instances, the head tax receipts go into general revenues and are not even earmarked for airport development. The logical source for this financing is the trust fund established under the Airport and Airways Act. This fund, created by user charges, is already in substantial surplus. My bill would increase the Federal share in airport development projects from 50 percent to 75 percent. Many airport projects have been held back because of the inability of local sponsors to meet the dollar for dollar matching requirement. Hopefully, this increase in the Federal share will help to overcome these roadblocks.

Mr. Speaker, I believe that this bill is of the greatest importance to the millions of American air travelers.

RECESS TO 3:30 P.M.

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that it be in order for the House to stand in recess until 3:30.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. ANDERSON of Illinois. Mr. Speaker, reserving the right to object—I shall not object—for the convenience of those Members who have delayed their travel plans and who are still waiting upon action either of the other body or elsewhere, if there is somebody in the Chamber who can enlighten us a little bit as to the present situation and the likelihood of our being able to take some action of a definitive nature at 3:30, it would be helpful.

Mr. BOLLING. Mr. Speaker, the gentleman who made the unanimous-consent request is not fully informed but he has the impression that the other body is now either considering or will soon consider the resolution in question. I am advised it began at 2:30.

The SPEAKER. The Chair will make this statement since there is no one from the Committee on Interstate and Foreign Commerce here. My understanding is they have agreed, but I see the gentleman from California.

Mr. MOSS. Mr. Speaker, if the gentleman will yield I can make a report.

Mr. ANDERSON of Illinois. I am pleased to yield to the gentleman from California (Mr. Moss).

Mr. MOSS. I can tell the gentleman we have reported from the Committee on Interstate and Foreign Commerce a resolution which would provide for postponement of the final settlement of this work stoppage until the 24th of September, continuing into effect the present work rules unless they are changed as the result of an agreement between the two parties, and it would require the President within 60 days of the enactment of the resolution to file with the Congress a plan for the continuation of essential rail service throughout the Northeastern section of the Nation and over generally the lines thought essential to be retained out of the Penn Central, and at not later than 30 days prior to the expiration date or by the 23rd of August the President would report, giving a progress report of the work on the settlement of this very minute part of the problems of the Penn Central and such recommendations as are deemed desirable at that time.

Mr. ANDERSON of Illinois. And this resolution that has been voted out of both the House and Senate committees is now before the other body for consideration?

Mr. MOSS. It is slightly different from the one considered by the Senate committee. I do not at this moment know, because we just finished—I do not know the specifics of the Senate resolution, but it is very similar, if not the same.

Mr. BURTON. Mr. Speaker, will the gentleman yield for the purpose of permitting me to ask a question of the gentleman from California?

Mr. ANDERSON of Illinois. I yield to the gentleman from California (Mr. (BURTON).

Mr. BURTON. Mr. Speaker, this question may be premature, but if the gentleman from California (Mr. Moss) can give us a 30- or 60-second explanation as to why the time span for intervening in this collective bargaining dispute is so extended, I would appreciate it.

Why not a 30-day extension rather than a 6-month extension or a 7-month extension?

Mr. MOSS. Mr. Speaker, will the gentleman yield for purposes of answering that question?

Mr. ANDERSON of Illinois. I yield to the gentleman from California (Mr. Moss).

Mr. MOSS. I would say the problem of the Penn Central is far more complicated than just a work rule dispute. We are only talking about roughly $13 million, a high estimate, of the cost involved in this for 1973.

Over a period of 8 years the proposed changes would have an impact of around $90 million.

What we are talking about is the whole complex package of Penn Central. It is necessary that recommendations be made, and it was the judgment of the principal spokesman for the administration, the Assistant Secretary of Labor, and the judgment of the representative of the Brotherhood, that a period of time beyond that which was originally suggested, which was 45 days from the report from the President until May 9 on the extension of the barrier against any further work stoppages, it was felt that it would be desirable to have more time if meaningful recommendations were to be made to the Congress.

It is for that reason that the House granted the longer period in order to permit the development of more equitable plans for the continuation of this very vital part of our transportation system.

Mr. BURTON. Mr. Speaker, will the gentleman yield further?

Mr. ANDERSON of Illinois. I yield further to the gentleman from California.

Mr. BURTON. Mr. Speaker, I would stipulate that this authorization is premature. I find my own workload in trying to master the responsibilities of a Member of the U.S. Congress are such that I really do not feel all that qualified to also serve as a labor-management arbitrator.

I intend to vote against this legislation and let the real collective bargaining process work, if it can.

Mr. ANDERSON of Illinois. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

APPOINTMENT AS MEMBERS OF THE COMMITTEE ON THE HOUSE RECORDING STUDIO

The SPEAKER. Pursuant to the provisions of section 105(c), Public Law 624; 84th Congress, the Chair appoints as Members of the Committee on the House Recording Studio the following Members on the part of the House: Mr. REES, of California; Mr. ROSE, of North Carolina; and Mr. CRANE, of Illinois.

RECESS

The SPEAKER. The Chair declares the House in recess until 3:30 p.m.

Accordingly (at 3 o'clock and 8 minutes p.m.), the House stood in recess until 3 o'clock and 30 minutes p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 3 o'clock and 30 minutes p.m.

EXTENDING CERTAIN PROVISIONS OF THE RAILWAY LABOR ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 331) to extend the Railway Labor Act, and for other purposes.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 331

Whereas a labor dispute exists between the Penn Central Transportation Company and certain of its employees represented by the United Transportation Union, arising out of the Penn Central Transportation Company's implementation of a plan to eliminate approximately 5700 train crew positions; and

Whereas the recommendations of Presidential Emergency Board Number 180 did not result in a settlement of this dispute, and all procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted; and

Whereas such dispute has now resulted in a cessation of the Penn Central Transportation Company's rail carrier operations; and

Whereas such cessation of operations by the Penn Central Transportation Company, a rail carrier which transports 225,000 passengers a day and 20% of the Nation's freight, and which provides many necessary connections with numerous other rail carriers operating throughout the Nation, threatens essential health and safety; and

Whereas the Penn Central Transportation Company is now undergoing reorganization proceedings under Section 77 of the Federal Bankruptcy Act, and its court-appointed trustees have indicated that present reorganization proceedings will not be successful, even with the eventual elimination of 5700 train crew positions alone, and that a massive infusion of Federal financial assistance would be needed; and

Whereas the financial crisis of the Penn Central Transportation Company is so acute that cessation of its operations for even a short period of time, may make it financially impossible to resume operations; and

Whereas failure of the Penn Central Transportation Company to resume operations, in addition to the previously stated impact on vital transportation services throughout the Nation, will further threaten the continued operation of other financially-imperiled rail carriers in the Northeast section of the Nation; and

Whereas the President has not provided the Congress with any proposals for preserving essential rail services in the Northeast section of the Nation, including those services which would be jeopardized by financial collapse of the Penn Central Company; and

Whereas the Congress finds that emergency measures are necessary to assure the continuity of essential rail transportation services: Now Therefore, in order to encourage the parties to the dispute to reach their own agreement, and to provide time for the submission to Congress of a comprehensive plan for preserving essential rail services in the Northeast section of the Nation, be it

Resolved by the Senate and the House of Representatives of the United States in Congress assembled, That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period commencing at the expiration of the 30-day period provided for in the third paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) and ending at 12:01 a.m. September 24, 1973, so that during such period no change except by agreement shall be made by the Penn Central Transportation Company or its employees or by order of any court in the conditions out of which such dispute arose.

Section 2. Not later than 60 days from the enactment of this joint resolution the President shall submit to the Congress a report which, regardless of the settlement of the particular dispute between the Penn Central Transportation Company and its employees represented by the United Transportation Union, provides a full and comprehensive plan for the preservation of essential rail transportation services in the Northeast section of the Nation, including the President's proposals, if any, regarding Federal financial expenditures necessary for restoration or preservation of rail transportation services imperiled by the financial failure of rail carriers, and for alternative means for providing essential transportation services now provided by such carriers.

Section 3. Not later than 30 days prior to the expiration date specified in the first section of this joint resolution, the President shall submit to the Congress a full and comprehensive report containing—

(1) the progress, if any, of negotiations between the Penn Central Transportation Company and its employees represented by the United Transportation Union; and

(2) any such recommendation for a proposed solution of the dispute described in this joint resolution as he deems appropriate.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, this bill was considered before our committee for 3½ hours, and the committee was very patient in listening to all the testimony that we had. I am sorry to come to this House with this resolution today, because it ought not to be here. But I would say that it is brought over here under the guise that this is a labor dispute—actually, it involves so much more than just a labor dispute.

The labor dispute, compared to the money involved, is so infinitesimal that it really does not amount to anything. We have a railroad that is in trouble, and according to the trustees it needs $600 or $800 million. But this is a way to dramatize the subject and to get the attention of the Congress.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Ohio.

PARLIAMENTARY INQUIRY

Mr. DEVINE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DEVINE. It was the understanding of the minority, and I think of a majority of the people on the floor of the House, that when the gentleman from West Virginia made his unanimous-consent request that this bill be brought up, the question was whether or not it could be brought up for immediate consideration without objection. There was no objection, but I am not sure whether I heard the Speaker correctly. The Speaker said that it was engrossed and read a third time and passed.

The SPEAKER. The gentleman is correct. The Chair had no knowledge of any other procedure. The only procedure the Chair had in his knowledge was it was going to be called up by a unanimous-consent request. Then the Chair said, "without objection, the bill is engrossed, read a third time, and passed." Any Member during that entire procedure could have objected if he desired to do so.

Mr. DEVINE. Is the gentleman from West Virginia now making a statement after the fact, or is this in support of the bill already passed?

The SPEAKER. The gentleman, as the Chair understands is doing what is often done on a unanimous-consent bill, and that is explain the bill to the House after passage.

Mr. STAGGERS. Mr. Speaker, I ask for 5 minutes to explain and say to the gentleman from Ohio that I did not intend for this to be in this fashion; that I thought I would ask for unanimous consent to bring it to the floor, and that was my intent. The Speaker did make a statement that the bill was engrossed, read a third time, and passed.

PARLIAMENTARY INQUIRY

Mr. DEVINE. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DEVINE. In view of the statement made by the chairman of the committee that he had no intention that it be brought up under that set of circumstances, and the fact that the Chair has stated that a motion to reconsider has been laid on the table, I would ask the Speaker if a motion would not be in order to remove from the table the motion for reconsideration.

The SPEAKER. It takes unanimous consent to vacate the proceedings by which a motion to reconsider was laid on the table.

Mr. DEVINE. Mr. Speaker, I ask, therefore, unanimous consent to vacate the order of the Chair in connection with this legislation.

The SPEAKER. The gentleman from Ohio has asked unanimous consent that the proceedings by which the joint resolution was engrossed, read a third time, and passed, and the motion to reconsider laid upon the table, be vacated.

Is there objection to the request of the gentleman from Ohio?

Mr. ADAMS. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Ohio a question. As I understood the matter, there was not any conflict or objection on the bill, and if that is the case, perhaps we could proceed so that if Members wish to place remarks in the RECORD to make their position clear, that could be done. If there is something else that is involved here that our side does not know about that the gentleman could indicate to me, I would yield to the gentleman for that purpose so he could do so.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Ohio.

Mr. DEVINE. Mr. Speaker, we had a very unusual situation wherein the chairman did not have an opportunity or take the opportunity to explain the merits of the legislation before the House, and it was passed even without the knowledge of the chairman of the committee.

Mr. STAGGERS. Mr. Speaker, I would ask the Members of the House not to object to the unanimous-consent request of the gentleman from Ohio.

The SPEAKER. The request of the gentleman from Ohio is pending. The Chair follows the usual procedure. The gentleman has the right to make and has made the request.

Is there objection to the request of the gentleman from Ohio that the proceedings by which the joint resolution was passed be vacated?

Mr. ANDERSON of Illinois. Mr. Speaker, reserving the right to object, I just want to add to the reasons why I think the gentleman's request should be granted. In an effort to be helpful I was en route from the other Chamber to this body with a report, that I hoped would be helpful in settling this matter, as to what was occurring there and information as to some of the views expressed by the majority leader of the other body and others, and I think it would be a most unseemly thing for us to proceed with the finality of this action before we have even had the opportunity to explore some of those matters on this floor, so I take this time to urge Members in the interest of orderly procedure to honor the request of the gentleman from Ohio.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. STAGGERS. Mr. Speaker, I would like to explain what the joint resolution will do and the reason for bringing it here. However, there is more to this matter than appears on the surface, more than just a mere labor dispute.

This is a railroad in bankruptcy. Its trustees have said publicly it needs $600 to $800 million to keep the railroad running. I believe this crew consist dispute was a dramatic way to bring the matter to the attention of the Congress in an effort to have something done. That is all I can figure. The railroad has even said that if everything they requested this year was granted, they would have great difficulty still.

As I say, this matter is only a small part of the whole problem.

I believe the resolution should be passed. It will put the men back to work. If the strike is allowed to continue there are thousands of commuters who will be stranded, tons of freight will not be moved to its destination, other rail lines which interconnect with the Penn Central may have to shut down.

Mr. Speaker, this is the only explanation I am going to offer at this time unless there are some questions.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I would like to ask the gentleman from West Virginia why we have selected the date of September 24, 1973? What is the meaning of that date? Is it related to anything at all?

Mr. STAGGERS. No, sir. Nothing that I know of at all. It was picked out of the clear air by a member of the committee and offered as an amendment and it was agreed to.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, that was put in unanimously by the committee. If the gentleman will read the resolution, he will see the President is called upon to make two studies, the first of which relates to the solution of the railroad problems in the northeast quarter of the United States where we have eight railroads and their backers. Obviously the original 30-day figure did not give enough time for the President to make this study and report back to the Congress. The second study is the one the President is called upon to make with respect to specific problems in the specific legislation before us, which brings us to consider this matter, and report back here. In order to give the President time enough to come forward with recommendations and the Congress time to act upon those recommendations, we settled upon this date, which gives us the best time for determination of the legislation and time for an orderly consideration of the problems which are before us, both in terms of railroad service, which appears to be deteriorating rapidly in the Northeastern section of the United States, and with regard to the labor problems which bring us here today.

Mr. GROSS. My only question is that it seems to be a long time for intervention on the part of the Congress. Perhaps the House will accept the gentleman's explanation, but it seems to be an unusually long time for intervention in a matter of this kind.

Mr. STAGGERS. Are there any further questions? If not, I will yield to the gentleman on the other side.

Mr. DEVINE. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I am not going to take a position of strong opposition or a position of being in favor of this legislation, but I would like to point out a few matters that should be called to the attention of the House.

Those of us who have served on the Interstate and Foreign Commerce Committee over the years are weary and sick and tired of having to go up and down, up and down the hill on the same issue just about every year. I am not sure that management or the operating brotherhoods are sincerely following the collective bargaining process, because they fiddle around and spend months and months; extension after extension; board after board; and they come back to our committee and say, "Do something."

Yet, they are adamant about their opposition to compulsory arbitration and things like that.

With few exceptions, we have been called upon to delay crippling railroad strikes for about 10 straight years. Last year we missed for the first time in 10 years. The issue seems to be about the same. Lately, there has been a new one added. I can document this, whether by happenstance or not—it does not appear to be happenstance—we come to a critical strike period at midnight, the night before Congress is going into one type of recess or another and this has been the case the last three times.

I think that is more than coincidence. I think it should be taken into consideration when we deal with this matter.

The use of these emergency strike boards has actually become a farce. Whichever President has been in charge, we have had three or four during the time I have been here, and three or four emergency strike boards with experts, scholars, eminent people, and many recommendations, and still it comes to the Members of Congress to grant more time and another moratorium and goes on and on and on.

It is unfortunate that this type of situation cannot be resolved. It is unfortunate that we have not been able to pass emergency strike legislation, as we tried to do 2 years ago, and last year. I hope the chairman will recognize the fact that again we are faced with the almost annual situation, and I hope he will call up and schedule for hearings the emergency transportation strike legislation now pending.

Mr. ANDERSON of Illinois. Mr. Speaker, I move to strike the last word.

Mr. Speaker, as I understand the resolution that is now before the House from the House Committee on Interstate and Foreign Commerce, it would provide for September 24 date, and no changes in the work rules could be made until that date, save by agreement between the parties. Is that correct, Mr. Chairman?

Mr. STAGGERS. Except by legislation.

Mr. ANDERSON of Illinois. I feel obliged to inform the House, and it may have already been mentioned in a previous colloquy, that it is my understanding that the other body has already passed legislation providing for a 90-day period during which the present work rules would be continued in full force and effect, that is until the date, I believe of the 9th of May 1973.

I would further be constrained to advise my colleagues that in my conversations with both the minority and the majority leaders of that body, that they were adamant in their insistence on a 90-day as opposed to a 7½-month delay in any change in the work rules.

I wonder if it would not, therefore, be the better part of wisdom, in view of the situation in which we find ourselves, for the distinguished chairman of the House Interstate and Foreign Commerce Committee, or someone, to be willing to offer an amendment so that we could conform this legislation to the date that I have just mentioned.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Arizona.

Mr. RHODES. I agree with the gentleman. However, I should like to make an inquiry. If any Member knows, is the legislation which passed the other body identical with the legislation reported by the Committee on Interstate and Foreign Commerce of the House, other than for the period of suspension?

Mr. ANDERSON of Illinois. I regret I am not in a position to answer the gentleman's question.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I am glad to yield to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. There are two basic changes. They occur on page 3 of the legislation.

The first change is in the date during which the cooling off period would be established.

The second is because this arises under a court order, together with the promulgations by the trustees, and there is language that provides for the effective date for the type of work rules that will go into effect, and it was amended in the committee to be certain that the work rules that were in dispute and were being negotiated by collective bargaining remain in effect rather than a new set of rules that had been put into effect at 12:01 this morning.

So there are two changes in the legislation.

If the gentleman will yield further, I would respond as to why there is a difference in the date between the Senate and the House as to how long this period should last. I am not certain whether the Senate had the testimony of Mr. Usery at the time they were considering the legislation in the committee, but this particular problem, as explained by Mr. Usery, on behalf of the administration, is not really a labor dispute, because we are dealing with an employer here who is no longer in existence. Instead, it is with a series of trustees and the judge. So we must solve the problem of whether there is going to be an employer at all, or what kind of an employer, before we can have the bargaining process go further.

Mr. ANDERSON of Illinois. In view of what the gentleman has said—and it is true that the Penn Central is governed by the provisions of section 77 of the Bankrupcy Act of the United States—why should it not be necessary or indeed would it not be advisable for this legislation, coming out of the committee, to include language to the effect that the Secretary of Transportation should submit to the reorganization court that has jurisdiction over the Penn Central a plan, and that then the court be given by this legislation power to carry out that plan for the reorganization of the railroad.

It does not do any good, as I see it, to pass this and dump the matter back into our hands, whether it be 90 days or 7½ months, without giving that court the power to act in the situation.

Mr. ADAMS. The problem is that the court does not have the power to continue the service that is considered essential in the northeast corridor. The trustees came before the court in their January 1 report, and had four conditions which had to be met before the Penn Central could continue running for any period of time.

The labor issue which is in this strike was one of the lesser of the four.

The major problem is that they have a negative cash flow. They simply are not able to stay in business unless there is a rationalization of their plan.

The SPEAKER. The time of the gentleman from Illinois has expired.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint resolution of the following title:

S.J. Res. 59. Joint resolution to extend the provisions of the Railway Labor Act and for other purposes.

EXTENDING CERTAIN PROVISIONS OF THE RAILWAY LABOR ACT

Mr. ADAMS. Mr. Speaker, I move to strike the requisite number of words.

Unless the trustees are placed in a position—and only the Government is going to be able to do this; this appears in the trustee's report of February 1—where they can rationalize the plant, which means either to cut through the abandonment procedure, or to provide that the Government take over the rights of way and in some way provide some capital improvement, so that they can run the trains on the track, the trustees are not going to be able to create an employer that can be bargained with.

So that if you gave the administration the power to go directly to the bankruptcy court, the court's answer to the administrator would be the same as his answer to the trustees: You do not have a viable reorganization plan. You cannot create one, and the effect of the Bankruptcy Act is thereby to stop the railroad from running and it will be liquidated.

Mr. Speaker, that is the reason why we were trying to provide some time for the administration to work with the Congress to see if it were possible.

It may not, I may say to the gentleman from Illinois, be possible to save any kind of a Penn Central system as such, but the point that was raised by the gentleman from Ohio earlier and by several other Members is that there are seven other railroads in the same condition in the Northeast.

So we are talking about the whole northeast quadrant, as far as rail service is concerned, not just the Penn Central. That is why we are asking for some time so the administration can make a proposal as to how we should handle it. This Congress could then act on that proposal and when that is done, there would be some type of an employer. Then within 30 days the administration will recommend a means to settle this dispute, or the collective-bargaining system will be brought into operation and they can settle it themselves.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield for just one further comment?

Mr. ADAMS. I yield to the gentleman.

Mr. ANDERSON of Illinois. Mr. Speaker, the suggestion I made was that I felt that the Secretary of Transportation should be charged with the responsibility for submitting a plan within 45 days or some such period, a plan for the reorganization and rationalization for the running of this railroad, with all of its assets and fixed plans and so on.

But in addition to charging him with that responsibility, then we ought to in the same piece of legislation give the bankruptcy court the power to carry out the plan.

That is the second necessary step, and I do not see that that is in the resolution reported out of your committee.

Mr. Speaker, the gentleman says the Congress shall consider the plan, but does it not make more sense to say that the referee in bankruptcy or the bankruptcy court, which I believe has had this matter under consideration for 2½ years, is better equipped, has more knowledge, and has more expertise to deal with the matter and to judge whether or not the plan as submitted by the Secretary of Transportation is sound? They would know more than we in the Congress.

I do not propose to know how we should draw a map for the railroad and say that we should eliminate tracks here or somewhere else, but presumably the bankruptcy court, after two and a half years of living with this problem, ought to know.

Mr. ADAMS. Mr. Speaker, this is the precise problem. The trustees in their report of February 1 have said, in effect, that they cannot do that without a massive infusion of about $600,000,000 to $800,000,000. Our committee is not in position and the administration is not in position at the present time to come to this body and say: "This kind of a system is what we should have or this is how we should operate."

If we were to simply have the administration go to the bankruptcy court, the bankruptcy court would then have to come back to this body immediately. That is what we were trying to avoid.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman.

Mr. ROUSSELOT. Mr. Speaker, my understanding is that there was a court order from the district court in Philadelphia for a work plan that was submitted and agreed to by the Penn Central trustees on December 22; is that not correct?

Mr. ADAMS. For the crew consist, yes.

Mr. ROUSSELOT. And if we pass this legislation today, we are in effect in an argument with the court and setting that aside; is that correct?

Mr. ADAMS. No, they extended that by agreement up through last night.

Mr. ROUSSELOT. Right.

Mr. ADAMS. And what the court order in effect said was that they as trustees are authorized to proceed with this kind of new work force proposal.

Mr. ROUSSELOT. And the trustees agreed to that plan?

Mr. ADAMS. The trustees as of last night promulgated a change.

Mr. ROUSSELOT. And so if we pass this legislation, we are in fact overriding that plan?

Mr. ADAMS. We are overriding the trustees' plan or, rather, we are postponing it; that is what we are doing.

Mr. ROUSSELOT. What is the financial effect on this bankrupt company if we do that?

Mr. ADAMS. Well, that is very difficult to determine.

Mr. ROUSSELOT. I am sure the committee looked into it, because you are concerned about the problem of bankruptcy. What is the effect of overriding the court order which was done after careful consideration? Will that impose additional debt on this company?

Mr. ADAMS. The reason why I said to the gentleman that it is difficult to answer is the railroad went on strike as of this morning and it is not operating at all. It had a tremendous effect on the bankrupt's estate.

Mr. ROUSSELOT. So one of the things we are doing in effect is creating additional financial problems for this bankrupt company by overriding this court order. Is that not true?

Mr. ADAMS. No, not at all. We are selecting alternatives as best we in the Congress can for the benefit of the public and the people that are before that court, because if this goes on for 6 days, you simply cannot bring it out of reorganization.

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. ROUSSELOT. Mr. Speaker, I move to strike the requisite number of words.

Now, to continue the colloquy, if we can. That means, in effect, that if we legislate here today by overriding this court order, we are imposing additional costs on this bankrupt company that the court and the trustees already agreed upon was a proper reduction in force. Is that true?

Mr. ADAMS. That is what I said to the gentleman. It is not, because if this railroad, which went on strike because of that order, stays shut down for 6 days, according to the testimony, then they cannot start it up again. So the secured creditors and people before the court lose everything. It was testified that the maximum savings if the court order went into effect would be a potential of $15 million. So if you want to compare the fact of the entire property going into liquidation and the losses occurring from that as compared to $15 million, then the gentleman can make his own judgment as to whether or not the committee tried to act responsibly and select the proper alternative.

Mr. ROUSSELOT. But is there any guarantee in this legislative plan that it will not be further aggravated, anyway?

Mr. ADAMS. There is no guarantee as far as the Penn Central is concerned about anything.

Mr. ROUSSELOT. And we may be back here again in 60 or 90 days for the same problem, as the Senate bill provides.

Mr. ADAMS. I can say to the gentleman without qualification that the Penn Central problem will be before this conference for the rest of the year. Whether or not it stays shut down and they strike or whether we keep it alive for a period of time and whether the order goes in or not—before the first quarter of next year the Penn Central is going to have to have some type of action taken, and that action may be a liquidation.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from California.

Mr. GUBSER. I would like to inquire of the gentleman from California (Mr. ROUSSELOT) if we legislate today as suggested, would we not be in a position of allowing a labor union to overrule a court order while there are thousands and thousands and thousands of mothers and fathers in Prince Georges County who are not allowed to overrule the court order with regard to busing of schoolchildren? Is that not a fact?

Mr. ROUSSELOT. There is no doubt about that. Maybe the gentleman from Washington will want to respond to that question.

Mr. ADAMS. I do not believe there has been any overruling of the court order.

Mr. ROUSSELOT. The gentleman from Washington just got finished saying that if we pass this, we will in effect overrule the court order of December 22 for a temporary period of time.

Mr. ADAMS. Not at all. What I said would happen is that the effect of the order would be postponed for a period of time, and if we did not do that, the court would have to come in with another type of order deciding what they were going to do with the property that is not functioning.

Mr. ROUSSELOT. Then would it not be better to postpone the decision on this for only 90 days rather than 7 months?

Mr. ADAMS. If we were only to do the——

Mr. ROUSSELOT. Because we must face up to the issue sooner or later.

Mr. ADAMS. The problem is they have to decide over in the administration and among the witnesses that appeared before the committee what service, if any, is going to continue to exist in the whole northeast quadrant. We have a lot of people living up there in the United States. The testimony we have had before the committee both on prior occasions and on this one is that that part of the country cannot continue to function without railroad service.

So that is our alternative of trying to see that services continue to be provided in that area, and get to a solution as quickly as possible, and these time limits were the ones indicated to us as being of primary necessity.

Mr. ROUSSELOT. Mr. Speaker, I thank the gentleman, and I yield back the balance of my time.

Mr. ECKHARDT. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise to speak in favor of the resolution, and to try to clarify the question of what the court order was. I think, as the gentleman from Washington said, in a sense the court order is set aside, but what is the court order? The court order is not an order which would ultimately and finally determine the working conditions to be established for the Penn Central and its employers. The court order is simply a directive that an employer in bankruptcy—or, more accurately, reorganization—take certain unilateral action as an employer.

In an ordinary labor situation, under section 10 of the Railway Labor Act, when the employer does post such a notice and when it does unilaterally change the working conditions which have existed for a period of time, and all cooling-off periods under the Railway Labor Act have run, then what will ultimately constitute the working conditions, after the economic joust, will depend on such a test of strength.

Now, that is all we set aside. The court has not decided that the conditions of service should, or would, ultimately be those which the employer is urging. The court does not determine the ultimate result of the crew consist issue. Rather, the court, as the authority directing the Trustees, calls upon the employer to open the issue, to make a unilateral decision. The court is not making a juridic judgment but is directing what it determines to be a prudent economic judgment for the employer.

In an ordinary labor dispute such unilateral action on the part of the employer may result in the employees striking, on the one hand, and the company insisting on a rule, on the other.

Now, what we are doing here is not overriding a court's juridic determination on the labor dispute over the crew consist issue. We are overriding the action of the court in behalf of the employer triggering a strike. We are simply, as we have done many times before, preserving the status quo. We are suspending a change of the status quo which triggered a strike. And why are we doing that? Because all of the testimony and all of the facts that we have been able to get hold of indicate that, if a strike continued, this railroad would simply go out of existence as an integrated, operating railroad property.

Now, what is the answer to the whole question? Actually, this labor dispute is really a very small portion of the problem of the Penn Central. The problem is the problem of continuing a viable railroad in the Northeast, where it has been difficult to continue railroad operations under traditional economic conditions, conditions that have existed for a long period of time. We have simply got to grapple, not so much with the labor problem here, as with the economic question of the railroads in the Northeast. Therefore, we are not dealing with a court order that says finally that this should be the decision with regard to work rules; the court does not make this kind of decision. The court in this case is acting in behalf of the employer because the railroad is in reorganization, and it tells the employer that it should, or must, do something as an employer which simply opens the labor dispute to a more or less free-for-all. The company, pursuant to the court order, says we want you, our employees, to work under these conditions, and the union says we do not want to work under these conditions—we want to strike. So it is not a matter of the court order, or the overturning the court order, that ultimately decides the dispute; it is the contest in a strike situation that ultimately determines the work rules. Here we are simply staying that triggering process that would result in a devastating strike. That is all in the world we have done with respect to the court order.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that I be permitted to speak for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, I take this time to explain what has happened. The Senate has passed a bill and sent it over here, which is somewhat different from ours as to the dates.

I want to explain to the House the motion I want to make when the time comes to withdraw the House resolution before the Congress, and then to request unanimous consent to bring up the Senate-passed bill and offer an amendment to it, and I want to explain the amendment.

It is at the end of the bill; there will be no changes in the moratorium, during this moratorium period, except by agreement between the transportation company and the employees. We put in the words "or by order of any court," because we know the court has a large role in the bankruptcy proceedings. The court should not have the authority to come in and just say, "Well, we are going to do this," or, "We are going to do that," during the moratorium. We think the court should be included and that there should be no changes during the moratorium except by agreement. We think the change is fair, and we think it is necesary to carry out the resolution.

Mr. Speaker, I ask unanimous consent to withdraw my request to have House Joint Resolution 331 considered by the House at this time.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 59) to extend the provisions of the Railway Labor Act and for other purposes.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. PICKLE. Mr. Speaker, reserving the right to object, I merely ask the chairman if the introduction of his new version does not preclude debate or amendments or any further discussion on the joint resolution.

Mr. STAGGERS. Mr. Speaker, it does not preclude anything. We are taking up the Senate measure.

Mr. PICKLE. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. GROSS. Mr. Speaker, further reserving the right to object, are there any copies of the Senate proposal available?

Mr. STAGGERS. I might say to the gentleman from Iowa that I will explain the differences between the House and Senate versions.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. Res. 59

Joint resolution to extend the provisions of the Railway Labor Act and for other purposes

Whereas a labor dispute exists between the Penn Central Transportation Company and certain of its employees represented by the United Transportation Union, arising out of the Penn Central Transportation Company's implementation of a plan to eliminate approximately 5700 train crew positions; and

Whereas the recommendations of Presidential Emergency Board Number 180 did not result in a settlement of this dispute, and all procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted; and

Whereas such dispute has now resulted in a cessation of the Penn Central Transportation Company's rail carrier operations; and

Whereas such cessation of operations by the Penn Central Transportation Company, a rail carrier which transports 225,000 passengers a day and 20% of the Nation's freight, and which provides many necessary connections with numerous other rail carriers operating throughout the Nation, threatens essential transportation services vital to the national health and safety; and

Whereas the Penn Central Transportation Company is now undergoing reorganization proceedings under Section 77 of the Federal Bankruptcy Act, and its court-appointed trustees have indicated that present reorganization proceedings will not be successful even with the eventual elimination of 5,700 train crew positions, alone, and that a massive infusion of Federal financial assistance would be needed; and

Whereas the financial crisis of the Penn Central Transportation Company is so acute that cessation of its operations for even a short period of time, may make it financially impossible to resume operations; and

Whereas failure of the Penn Central Transportation Company to resume operations, in addition to the previously stated impact on vital transportation services throughout the Nation, will further threaten the continued operation of other financially-imperiled rail carriers in the Northeast section of the Nation; and

Whereas the President has not provided the Congress with any proposals for preserving essential rail services in the Northeast section of the Nation, including those services which would be jeopardized by financial collapse of the Penn Central Company; and

Whereas the Congress finds that emergency measures are necessary to assure the continuity of essential rail transportation services: Now therefore, in order to encourage the parties to the dispute to reach their own agreement, and to provide time for the submission to Congress of a comprehensive plan for preserving essential rail services in the Northeast section of the nation, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the above dispute, so that no change, except by agreement, shall be made by the Penn Ceneral Transportation Company or by its employees, in the conditions out of which such dispute arose prior to 12:01 antemeridian of May 9, 1973.

Sec. 2. Not later than 45 days from the enactment of this joint resolution the Secretary of Transportation shall submit to the Congress a report which, regardless of the settlement of the particular dispute between the Penn Central Transportation Company and its employees represented by the United Transportation Union, provides a full and comprehensive plan for the preservation of essential rail transportation services in the Northeast section of the Nation, including the President's proposals, if any, regarding Federal financial expenditures necessary for restoration or preservation of rail transportation services imperiled by the financial failure of rail carriers, and for alternative means for providing essential transportation services now provided by such carriers.

Sec. 3. Not later than 30 days prior to the expiration date specified in the first section of this joint resolution, the Secretary of Labor shall submit to the Congress a full and comprehensive report containing—

(1) the progress, if any, of negotiations if any, of negotiations between the Penn Central Transportation Company and its employees represented by the United Transportation Union: and

(2) any such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate.

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Staggers: Strike out the first section and insert in lieu thereof the following:

"That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period commencing at the expiration of the 30-day period provided for in the third paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) and ending at 12:01 a.m. May 9, 1973, so that during such period no change except by agreement shall be made by the Penn Central Transportation Company or its employees or by order of any court in the conditions out of which such dispute arose."

Mr. STAGGERS. Mr. Speaker, I assured the gentleman from Iowa I would explain the differences between the Senate resolution and the House resolution. The change mainly has to do with the change of the date. The House resolution would retain the status quo until September 24, 1973, the Senate version would only extend it until May 9 or about 90 days. Also, instead of the President reporting to the Congress as in the House version, the Secretary of Transportation will report with regard to the preservation of transportation in the Northeast within 45 days of the enactment of this resolution. The Secretary of Labor will submit to the Congress a full and comprehensive report not later than 30 days before the expiration of the resolution on the Penn Central crew consist dispute and on his recommendations for settlement of the dispute. We have changed the date, as I said, from September 24 as reported from the committee to May 9 as in the Senate version.

Mr. GROSS. And what about court orders?

Mr. STAGGERS. We put the court orders in. No court can order a change in the situation as it was immediately before the strike began. These are the essential changes.

Mr. Speaker, I recommend to the House the passage of the joint resolution.

Mr. SCHERLE. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the lengthy dock dispute which dragged on for 6 months last year and cost the American economy $1 billion; dramatically pointed up the deficiencies in current labor legislation. Once the limited resources of the Taft-Hartley Act had been exhausted—the court-ordered injunction had already expired on the west coast and ran out in the east coast and gulf ports the following month. The President had no further recourse under present law, national emergency or no national emergency. All he could do was submit the case to Congress as a special crisis requiring a separate legislative solution. This "solution" is really none at all, for it bucks responsibility to the Federal Government which should not become embroiled in labor litigation. Repeated congressional intervention violates the principle of collective bargaining and is a costly and inefficient waste of congressional energies.

Nevertheless, protracted transportation work stoppages, of which the United States has suffered a veritable plague in recent years, cannot be allowed to cripple the economy indefinitely. Some way must be found to represent the interests of the American public in these disputes. Thousands, perhaps millions of people who have no direct connection with the longshoremen or their employers have suffered heavy losses as a result of the dock strike, yet no way now exists to make their voices heard in the bargaining session between labor and management. No one would deny the dockworkers their legitimate right to a reasonable return for their labors. At the same time, it must be realized that others are being denied the fruits of their labors because the longshoremen closed virtually every major port in the Nation to gain their ends.

Farmers have suffered perhaps most of all. But lost farm income, estimated at a million dollars a day during the strike, is not an isolated economic occurrence. Sympathy for the farmer's woes will rapidly turn to empathy as the impact of agriculture's shrunken dollar is felt in other sectors of the economy. Agricultural loans will have to be renegotiated, new purchases of farm machinery will be deferred and consumer purchasing patterns in farm States will decline sharply.

Nor are farmers the only exporters to feel the pinch. Other producers of goods for foreign markets not only sacrifice current sales; like the farmer, they also risk permanent loss of their overseas customers to competitors who can guarantee reliable delivery on a steady basis. Precautionary stockpiling can cushion the blow for manufacturers to some extent, as it cannot for farmers who are at the mercy of seasonal harvest and perishable commodities, but even these measures do not entirely compensate for the uncertainties of a long strike. Thus the businessman on Main Street, the worker in the factory—union and nonunion alike—and the farmer in the field are all penalized for work stoppages in the transportation industries.

In order to avert another such disaster for the economy, I plan to introduce a bill in the new session of Congress revising the Taft-Hartley Act to broaden its coverage to the entire transportation industry, including rail, air, maritime, longshore, and trucking. My proposal would also extend the President's powers to deal with national emergencies in the industry, and would redefine "national emergency" to include regional strikes with national impact, a concept not now recognized under Taft-Hartley. When the present provisions of the law have been exhausted, my bill would give the President three additional options which could be exercised singly or in succession, as his judgment of the situation warranted.

First, he could extend the cooling-off period up to 30 days more. This option would be useful if a settlement appeared imminent. In the event that no end to the dispute seemed to be in sight, he could direct the workers to resume partial operations, just enough to insure essential transportation services. Finally, if the participants were unable to reach agreement, he could empanel three neutral parties to act as judges. Labor and management would each submit a final offer and the three would then select one of the two. No arbitration would be permitted. Whichever offer was chosen would become the binding contract between labor and management. This solution should induce the participants to submit reasonable and realistic proposals since the panel would obviously reject extreme demands in favor of a more moderate position. It is hoped that the "final offer selection" device will obviate the need for arbitration by providing the necessary incentive for compromise.

It is my belief that this bill represents a viable solution to the impasse provoked by protracted transportation strikes. Despite the demonstrated need for such legislation, however, Congress has so far been reluctant to act. President Nixon submitted similar legislation almost 2 years ago. It is still languishing in committees in the Senate and the House. AFL–CIO President George Meany rejected these proposals when they were introduced, contending that they nullify the principle of collective bargaining and impose compulsory arbitration under another name. This is both inaccurate and short-sighted. All three additional options provided in my bill are actually incentives to labor and management to settle their own disputes. The deficiencies of the present law, on the other hand, virtually insure Federal intervention because Congress is forced to step in with special legislation in default of any other procedure for resolving labor-management differences.

Hopefully, the majority of my colleagues will recognize the fallacy of this reasoning and its partisan motivation. We must act promptly in the public interest to forestall future recurrences of strangling strikes. My bill offers one way to accomplish this. Those who reject it should be prepared to furnish a better solution.

The material referred to follows:

SAD SOYBEAN STORY IN IOWA RAIN: FREIGHT TRAIN BREEZES PAST $15,000 SHIPMENT IN OPEN GONDOLA CARS

(By Arlo Jacobson)

(The Register's-Agri-Business Editor)

FARLIN, IA.—It was impossible to tell Thursday if the trickles of moisture running down Larry Dingman's cheeks were tears of frustration or just some of the rain ruining $15,000 worth of soybean loaded in open gondola cars.

Farlin, located just five miles northwest of Jefferson, is so small that it isn't listed on road maps. About the only outsider aware of its existence is the Milwaukee Road.

Dingman, manager of the elevator here, was assured last week by a railroad representative that—because of the current boxcar shortage—the railroad would give priority to corn or soybeans loaded into open gondola cars because of their vulnerability to rain or snow.

So Dingman thought he had a safe bet when he received three gondola cars on Tuesday when the Milwaukee shuttle between Perry and Rockwell City made its run northward. The train was to return on Wednesday and pick up the cars.

Rain was forecast for Thursday, but Dingman only had to get the soybeans to the Cargill plant in Des Moines. He had two of the loaded gondolas waiting Wednesday when the freight made its trip back south.

BREEZED PAST

But the train breezed right on past the elevator, never even stopping.

Alarmed, Dingman got in his car and, following county roads, beat the train to a crossing two miles east of the elevator. There he flagged down the train.

But the conductor would not agree to pick up the cars. Dingman said the conductor maintained he had no instructions to give priority to open gondola cars.

The conductor told Dingman he had orders to pick up cars at the Jefferson elevator loaded with Commodity Credit Corp. (CCC) corn that the government had dumped onto the market.

The train couldn't pick up Dingman's cars he was told, because it would put the train over its limit of about 50 cars on that particular branch line.

EXPRESSES INDIGNATION

Dingman expressed his indignation in no uncertain terms.

But the train pulled out without the gondolas. Wednesday night it started raining. Thursday when the train trudged through Farlin on its run north, the rain was pouring down. By afternoon it was rain mixed with snow.

The 3,600 bushels of soybeans were getting wetter and wetter. Soybeans expand when they get wet. They've been known to pop open steel bins. On open gondola cars they'll just expand upward and spill over the sides—like popcorn.

Dingman couldn't predict how many soybeans would be left in the gondola cars this morning. But he estimated at least 20 percent would be lost from spillage and spoilage.

"It's a mess," Dingman said. "It really is—when they haul away the government corn instead of something like this.

"They told me at that meeting at Ames they'd give priority to take gondola cars as soon as they were loaded. It'd be different if they hadn't told me they would take them."

EMERGENCY SESSION

The meeting at Ames last week was an emergency session to try to find solutions to the grain transportation dilemma that has the entire Midwest in a bind. The Milwaukee representative who attended is no longer superintendent of the Perry division, which serves Farlin.

"I've heard a little about it (the Farlin situation)," commented the trainmaster at Perry, who declined to give his name.

WAS OVERLOOKED

"It apparently was a matter of the conductor having a message to pick up cars at Jefferson and the cars at Farlin would have put him over the allowed tonnage.

"The matter was brought to me and there will be a correction and the crews will be informed. Apparently the message on priorities for gondola cars loaded with grain was overlooked.

"In fact, the crews have been informed to never leave open top gondola cars—to take them in preference to anything else. It was just a mistake. People make them every day."

In Farlin, Dingman was muttering something about the mistake as the moisture trickled slowly down his face.

The SPEAKER. The question is on the amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment was agreed to.

Mr. PICKLE. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, we are plowing the same ground we have plowed many times before. We have gone up the mountain and down the mountain, as I said, eight or 10 times in the last 6 years. Let me recite a bit of history for Members of the House.

In 1966 Congress was in the process of ordering striking machinists back to work in a dispute with the union and five major airlines when the parties reached a settlement ending a 42-day-old strike. In 1967 Congress acted three times to deal with a threatened nationwide rail strike, the first strike in 20 years. Two actions postponed the strike, the third ended the strike after a 2-day walkout. This problem involved the shopcraft unions versus the railroads.

In the spring of 1970 Congress headed off a rail strike first by postponing the strike for a month or so, and later by enacting legislation that imposed a 17-month moratorium between the management and four shopcraft unions. In December 1970 Congress was beat to the crossing. We tried to avoid another strike by enacting an 81-day moratorium, but action came too late to stop a brief walkout. This dispute also involved the shopcraft unions and the railroads.

In May of 1971 a short strike prompted Congress to approve emergency legislation that sent 13,500 signalmen back to work and ordered the railroads to give the workers an interim 13.5-percent wage increase. In November of 1971 this dispute was settled.

Of course, we all remember the west coast dock strike of 1971–72.

Mr. Speaker, that is eight or 10 times in the last 6 years that we have come here at the 12th hour or at 5 minutes before 12 and we have acted as an arbitration board, in effect the other body and this body comprising a body of 535 Members on an arbitration board.

We are engaged in a debate as to whether it is actually a dispute or whether we are actually contravening a court order. The trustees have recommended that by the process of attrition they reduce the crew from one conductor to one brakeman over a period of time and that action this year could save as much as $13 million this year and could save up to maybe $90 million over a period of 8 years or more.

We are trying to pass judgment on whether we are right or wrong, but I say, Mr. Speaker, I do not know that anyone can say whether we are right or wrong, and I think it is difficult for us to pass judgment on whether these men should be allowed to be released on an attrition basis. I think it is questionable whether we should try to decide whether they should be kept on a regular basis.

We ought not to be involved in the merits of the case, but that is what we are doing. We are doing the same thing we have done 8 or 10 times in the last 6 years. When are we going to set up some kind of transportation strike machinery?

We did try to have some kind of hearings last year, but could not get it out of the subcommittee. We on the committee recognize that this is not an easy answer. The chairman of the committee agonizes over this matter as much as anyone. Every member of the committee on both sides recognizes that there is no good answer except, in my opinion, the answer must lie in the establishment of some kind of machinery which will settle national transportation strikes.

We shall not come face to face with an answer when we have hearings in an ad hoc manner like this. This is not the solution.

I do not know what I would later be prompted to do if we turned this joint resolution down, because it is a very painful decision to make, but I am not going to vote for this resolution.

I think we ought to face the responsibility of setting up some kind of machinery which can prevent this type of thing year after year after year. What assurance do you have, if massive Federal assistance is given to Penn Central, and we may well have to do that, that this is going to settle this particular strike?

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Arizona.

Mr. RHODES. I certainly agree with what the gentleman is saying about the need for machinery to correct this thing and about it going on year after year after year.

We need a mechanism for dealing with this kind of thing. I certainly hope the great committee the gentleman is serving on will take up the matter.

Mr. PICKLE. I know the chairman will ask our subcommittee to have immediate hearings on some kind of strike legislation. We have got to face it. We might as well do it. I hope we can do it immediately.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EMERGENCY EMPLOYMENT AMENDMENTS OF 1973

(Mr. DOMINICK V. DANIELS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matters.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, today I am introducing the Emergency Employment Amendments of 1973, a bill to provide for funding the Emergency Employment Act of 1971 for 2 additional years.

The public employment program, created initially by Public Law 92–54, is a response to two urgent problems: people need work and States and cities need public services their tax money cannot produce. Public employment has provided the unemployed and underemployed with work in such fields as education, safety, housing, health care, conservation, and may other fields of public need.

Special consideration is given to Vietnam veterans, welfare recipients, older workers and youth.

Persistent high unemployment and claims of unmet public sector needs provided the major impetus for the original Emergency Employment Act. Since the program was authorized and signed into law by the President in July 1971, the rate of unemployment has continued to remain at an unconscionably high 5 percent. This means that over 4 million workers who want jobs are unemployed.

The basic concept of the Emergency Employment Act is that the Federal Government will subsidize the wages and other job-related costs of persons employed under the act. It provides the Secretary of Labor with the power to contract with States, local governmental units, and public and private nonprofit agencies and institutions to carry out public service programs when unemployment remains at 4.5 percent for 3 consecutive months.

In addition, section 6 of the act provides a special fund for "areas of substantial unemployment" which have a rate of unemployment equal to or in excess of 6 percent for 3 consecutive months.

Unemployment is affecting not only our unskilled but our Ph. D.'s. In both cases, it saddens me to think of the anguish inflicted on these people and their families as well as the waste of talent of those who want to work to earn a living.

Although manpower training has to its credit many accomplishments which more than justify its costs, we still have large-scale unemployment. In part, our high unemployment rate is due to inadequate funding and the limited scope of training programs. But, in larger measure, it is the result of the false assumption that jobs exist in the private sector in sufficient number to bring down the unemployment rate. Expansion of the public service jobs program to create more employment would actually create more employment instead of just promising employment.

In the 92d Congress, the Select Subcommittee on Labor, of which I am chairman, held 22 days of hearings on manpower. As a result of these hearings, not only was I convinced that the public employment program must be continued—it must also be expanded.

The Full Employment Act of 1946 stated that it was the policy of the United States to assure all Americans seeking work opportunities useful, regular, full-time employment at reasonable wages. Today, over 25 years later, this goal is still not a reality for millions of Americans.

I am appalled and distressed to see the continually high unemployment rate across our country—8.3 percent in Bridgeport, Conn.—6.3 percent in Detroit—8.7 percent in Lowell, Mass.—8 percent in Seattle—5.6 percent in New Orleans—and 7.6 percent in Jersey City, N.J.—in my own congressional district.

The main thrust of my bill is to extend the Emergency Employment Act for 2 additional years and increase the funding under section 5 for the fiscal year ending June 1974 to $1.3 billion and the fiscal year ending June 1975 to $1.5 billion. The bill also increases the funding for section 6—special employment assistance—to $700 million for the fiscal year ending June 1974 and $1 billion for the fiscal year ending June 1975.

In addition, my bill deals with such other topics as the problem of promotional opportunities, submission of comments by labor organizations, and the definition of "unemployed." In practically every other respect, it leaves the highly successful Public Law 92-54 intact.

It is my opinion that this bill will be one of the most important to come before Congress this year, because realistically and philosophically we have arrived at the point that we must recognize that a public service employment program is the most direct way to alleviate unemployment.

FISCAL RESPONSIBILITY

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, the Congress of the United States must begin to exercise greater responsibility in its fiscal and budgetary operations. Our appropriations process, rather than operating within a budgetary framework, deals separately with a number of funding bills. This approach can result in an overall spending level that exceeds projected full-employment revenues.

In order to enable Congress to reassert its role in developing fiscal and budgetary policies, I have sponsored the Federal Fiscal Responsibility Act of 1973. The bill would require Congress to set an overall expenditure limitation within 45 days after the President's annual economic message. By setting such a limitation, Congress would be forced to consider the appropriations bill in the light of limited dollars and competing priorities.

The bill would also move the Federal fiscal year from July 1 to January 1, thus giving Congress more time to consider budgets properly and reducing the need for "continuing resolutions" which are now used to permit agencies to spend at their old budget levels when their new budget has not been approved by the July 1 deadline.

The Federal Fiscal Responsibility Act also deals with the matter of presidential impoundment of funds. Once the Congress has reassumed the responsibility of relating outlays to available resources, it has the duty to preserve its constitutional prerogative to determine national priorities. The Executive must not be allowed to assume legislative responsibilities. Once the legislative branch has appropriated funds, they should be spent, unless circumstances have significantly changed in the period following passage, and the Congress agrees not to spend them.

Mr. Speaker, the time to bring order and reason to the budget process has come. We all have our personal priorities and we should all continue to fight for those priorities. We must recognize, however, the constraints of a spending framework that is determined, in part, by our revenues.

ACTIVITIES OF THE SELECT COMMITTEE ON CRIME

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I submit the following material concerning the activities of the Select Committee on Crime for inclusion in the CONGRESSIONAL RECORD.

APPENDIX—SELECTED DOCUMENTS RELEVANT TO CRIME COMMITTEE ACTIONS

1. "A National Reseach Program to Combat the Heroin Addiction Crisis" Report Recommendations.

2. "Amphetamine Politics on Capitol Hill", article in *Trans-Action* Magazine, January 1972.

3. May 18, 1971, letter from Chairman Claude Pepper to the United States Attorney General regarding movement of two amphetamine-type drugs (methylphenidate and phenmetrazine) up to Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

4. June 7, 1971 letter from the Crime Committee Members to colleagues in the House of Representatives requesting support of legislation to move these two amphetamine-type drugs up to Schedule II of the Act.

5. December 16, 1971 letter from Chairman Claude Pepper to the United States Attorney General protesting the excessive quotas proposed for amphetamines and methamphetamines, and requesting that these quotas be substantially lowered.

6. August 16, 1972 letter from Chairman Claude Pepper to the United States Attorney General protesting the excessive quotas proposed for methylphenidate and phenmetrazine, and requesting that these quotas be drastically lowered.

7. June 9, 1971 letter from Chairman Claude Pepper to colleagues regarding the Committee's model heroin paraphernalia bill.

8. July 12, 1971 letter from Chairman Claude Pepper to all State Attorneys General advising of the Committee's model heroin paraphernalia bill.

9. February 1, 1972 letter from the Commonwealth of Pennsylvania to Chairman Claude Pepper commending him on his October 1970 hearings concerning the drug paraphernalia problem, and attributing Pennsylvania legislation and Pennsylvania Pharmacy Board action to the Committee hearings.

10. List of 35 states which enacted heroin paraphernalia statutes subsequent to Crime Committee hearings in 1970 which published a model paraphernalia statute.

11. March 31, 1972 letter from Dr. Jerome Jaffe, Director of the President's Special Action Office for Drug Abuse Prevention commending Chairman Claude Pepper for his work towards passage of legislation providing vitally needed tools to combat the drug abuse crisis.

A NATIONAL RESEARCH PROGRAM TO COMBAT THE HEROIN ADDICTION CRISIS

RECOMMENDATIONS

The Congress Should Appropriate $50 Million for Fiscal Year 1972 To Be Used for Emergency Scientific Research To Create a Drug Which Will Effectively Treat, Prevent, or Cure Heroin Addiction.

Congress should authorize the Secretary of Health, Education, and Welfare, through the Director of the National Institute of Mental Health, to contract with drug manufacturers to accomplish this emergency research. The drug industry has the necessary experience, manpower, and facilities to pursue this goal. The Federal Government should provide 90 percent of the cost of each research and development project undertaken by private industry. The Government's contribution should be refunded from any profits derived by the company from marketing the addiction control agents to be developed.

The Federal Government's clinical testing facility, the Addiction Research Center at Lexington, Ky., should be expanded to ensure that promising drugs are expeditiously evaluated and tested. Other existing laboratory facilities used for the selection, screening, and clinical testing of potentially promising new drugs should be adequately financed through existing grants programs. If need be, new clinical facilities should be created.

Federal programs now being implemented by the National Institute of Mental Health involving this research must be accelerated and expanded. The appropriation of $50 million guarantees that these presently existing programs will be intensified.

Action on these recommendations should be taken immediately. As President Nixon said, "Every day we lose compounds the tragedy which drugs inflict on individual Americans."

Legislation to effect these objectives will be introduced today, a copy of the bill is annexed to this report.

SELECT COMMITTEE ON CRIME,
Washington, D.C., May 18, 1971.

Hon. JOHN N. MITCHELL,
Department of Justice,
Washington, D.C.

DEAR GENERAL: You are to be congratulated on your decision to move amphetamines and methamphetamines from Schedule III to Schedule II. As you know, the House Select Committee on Crime has recommended this for a long time and we had hoped that these drugs would be controlled in Schedule II over 8 months ago when the "Comprehensive Drug Abuse Prevention and Control Act of 1970" was enacted.

Though it is commendable that you should finally agree with the findings of our Committee, it is unfortunate that your move is but a half measure. We believe that it is unwise to move amphetamines and methamphetamines into Schedule II while leaving methylphenidate and phenmetrazine in Schedule III. The potential for abuse of methylphenidate (Ritalin) and phenmetrazine (Preludin) has been well documented in the medical journals and has been vividly evidenced on a wide scale in Sweden.

For two reasons we believe that it is imperative to consider the whole class of central nervous system stimulants in the same manner and not to single out amphetamines and methamphetamines for special control. First, control of the whole class is essential in order to avoid the pattern of abuse that developed in Sweden when one central nervous system stimulant was tightly controlled while others remained readily available. Second, as you well know, under the provisions of the International Convention on Psychotropic Substances which the United States signed on February 21, 1971, in Vienna, Austria, amphetamines, methamphetamines, methylphenidate and phenmetrazine were placed in Schedule II. The controls of Schedule II in the International Convention closely parallel those of Schedule II in P.L. 91513. The Schedule III controls of amphetamine-type drugs of P.L. 91–513 are inadequate to comply with the treaty. Also, we understand that at the Conference the United States introduced a resolution, which was subsequently adopted by all member states, urging all states, where possible, to implement the provisions of the treaty prior to its official ratification. At a time when we are calling for international cooperation in the field of drug abuse control, in order for the United States to maintain its credibility, we should do everything in our power to conform to the treaties we have helped draft and signed.

For these reasons, today, with a bipartisan majority of ten members of the House Select Committee on Crime, I have reintroduced a bill to amend P.L. 91–513 to have amphetamines, methamphetamines, methylphenidate and phenmetrazine transferred together from Schedule III to Schedule II. In order to bring the United States drug laws in line with our pending treaty obligations and to avoid further central nervous system stimulant abuse, we urge you to support our bill, which we expect will have early and favorable consideration in the Congress.

Kindest regards, and
Believe me.
Always sincerely,
CLAUDE PEPPER, *Chairman.*

SELECT COMMITTEE ON CRIME,
Washington, D.C., June 7, 1971.

DEAR COLLEAGUE: You know the Select Committee on Crime has long been concerned with the widespread abuse of amphetamines and related drugs. We believe that this abuse will continue until we limit by law the production of all amphetamine-type drugs (central nervous system stimulants) so that an adequate supply is available for medical uses only.

The "Comprehensive Drug Abuse Prevention and Control Act of 1970" provides for the control of amphetamine production and distribution under Schedule III. Hearings held by our Committee in San Francisco and Washington, D.C., and our continuing investigations, have conclusively demonstrated the need for tighter controls than those presently imposed on amphetamine drugs in Schedule III.

We need only point to the now infamous case of an American firm shipping millions of amphetamines to a fictitious Mexican address that would have corresponded to the 11th hole of the Tijuana Country Club Golf Course to support our contention that the present controls are ineffective.

We believe that the current overproduction of amphetamine drugs and diversion from legitimate sources could be curbed if all amphetamine drugs were transferred to Schedule II, where they would become subject to production quotas based on legitimate medical needs, strict import/export controls and tighter prescribing regulations.

On May 18, 1971, nine of my Colleagues and I, a bipartisan majority, of the Select Committee on Crime, introduced an amendment to transfer amphetamines, methamphetamines, methylphenidate (Ritalin) and phenmetrazine (Preludin) from Schedule III to Schedule II. We intend to reintroduce the bill with co-sponsors on June 17, 1971.

On May 26, 1971, the Attorney General initiated administrative proceedings to transfer amphetamines and methamphetamines to Schedule II. Unfortunately, this is but a half measure. Ritalin and Preludin remain in Schedule III. The potential for abuse of Ritalin and Preludin has been well documented in the medical journals and vividly evidenced on a wide scale in Sweden.

For two reasons, we believe it is imperative to consider the whole class of central nervous system stimulants in the same manner and not to single out amphetamines and methamphetamines for special controls:

A. First, control of the whole class is essential in order to avoid the pattern of abuse that developed in Sweden when one central nervous system stimulant was tightly controlled while others remained easily available. Abusers switched readily to the available drugs.

B. Second, under the provisions of the International Convention on Psychotropic Substances, which the United States signed on February 21, 1971, in Vienna, Austria, amphetamines, methamphetamines, methylphenidate and phenmetrazine were placed in Schedule II. The controls of Schedule II in the International Convention closely parallel those of Schedule II in P.L. 91–513. The Schedule III controls of amphetamine-type drugs in P.L. 91–513 are inadequate to comply with the treaty. At the Conference a resolution introduced by the United States, and subsequenly adopted by all member states, urged all states, where possible, to implement the provisions of the treaty prior to its official ratification. This is exactly what our bill would do.

In addition, the following are some pertinent facts concerning amphetamine-type drug production and abuse:

1. Between 5 and 8 billion doses of amphetamine-type drugs are produced annually. Medical authorities estimate a legitimate need for a few hundred thousand doses, for the treatment of narcolepsy, hyperkinesis, and the early stages of weight control.

2. Over 50% of the legally manufactured amphetamines are diverted into illegal channels.

3. The Federal Bureau of Narcotics and Dangerous Drugs estimates that over 80% of the illicit amphetamines it seizes were legally manufactured.

4. Drug companies have not voluntarily curtailed their amphetamine-type drug production, and there has been an increase in abuse of amphetamines.

5. The street term for high dosage amphetamine abuse is "speed"; use of "speed" causes euphoria and hyperactivity; it often results in paranoid psychosis and other personality disorders; users have often been known to attack others or cause serious injury to themselves. Other side effects are hepatitis, malnutrition, and exhaustion. There have been recorded cases of brain damage and death.

If you are interested in joining us in this effort and in co-sponsoring the amendment, please contact Miss Deb Hastings on Extension 5–8143 no later than Wednesday, June 16.

Sincerely,
Charles E. Wiggins, Sam Steiger, Larry Winn, Jr., William J. Keating, Claude Pepper, Chairman, Jerome R. Waldie, Frank J. Brasco, James R. Mann, Morgan F. Murphy, and Charles B. Rangel, Members of Congress.

SELECT COMMITTEE ON CRIME,
Washington, D.C., December 16, 1973.

Hon. JOHN N. MITCHELL,
Attorney General of the United States,
Washington, D.C.

MY DEAR MR. ATTORNEY GENERAL: You are aware of the Select Committee on Crime's continuing concern with the serious national problem created by drug abuse with amphetamines. In 1970, we urged your Department to bring the excessive production of these dangerous drugs under control. In July of this year, you advised the Committee that the Justice Department had initiated a program to limit the production of amphetamines.

The most qualified medical experts who testified before our Committee clearly and convincingly established three major points. First, Doctor Sidney Cohen, who was the director of the Division of Narcotic Addiction and Drug Abuse of the National Institute of Mental Health, estimated that this nation's maximum yearly requirement for amphetamines is one million dosage units. Other medical experts agreed that there are only two legitimate treatment purposes for which these powerful stimulants may be used—the treatment of hyperkinesis in children and narcolepsy. The medical authorities' final point was that the present widespread and indiscriminate abuse of amphetamines in crash diet situations creates a health hazard far greater than any therapeutic value these drugs may have in the treatment of obesity.

The Committee has recently been advised that the Department of Justice has set production limits for amphetamines and methamphetamines which are equivalent to 1.5 billion dosage units for 1972. When contrasted with the estimates of the experts who testified before our Committee, it is apparent that these production limitations are grossly and entirely inadequate. A true perspective of the 1.5 billion amphetamines may be obtained when it is compared with the nation's population. The suggested production quotas would permit more than seven doses of amphetamines a year for every one of our citizens—man, woman and child.

This country, Sweden, Japan and other nations have found through tragic experiences that the continued availability of massive amounts of amphetamines creates a hospitable climate for extensive and deadly drug abuse. In many situations these extremely dangerous drugs have created health hazards of epidemic proportion.

Under these circumstances, the Committee respectfully requests that you re-evaluate your decision in relation to the permitted quotas, and suggests that the amphetamine production allowances be substantially curtailed so as to provide solely for legitimate medical requirements.

The Committee would greatly appreciate being advised of any further developments in this matter.

Very sincerely yours,
CLAUDE PEPPER, *Chairman.*

SELECT COMMITTEE ON CRIME,
Washington, D.C., August 16, 1972.

Hon. RICHARD G. KLEINDIENST,
The Attorney General,
Washington, D.C.

MY DEAR MR. ATTORNEY GENERAL: Our continuing drug crisis is a horrendous problem which has concerned the Select Committee on Crime for the last three years. As you know, we have persistently proposed legislation and governmental action which is designed to contain and control drug abuse throughout the nation.

Drug abuse with amphetamines and similar compounds has been a critical area in our investigations. In 1970 we urged the Department of Justice to bring the excessive production of these dangerous drugs under control. Almost a year later, in July 1971, your department initiated a program to limit the production of amphetamines. In December 1971 we protested as entirely inadequate the Department of Justice's proposed 40% reduction of amphetamines production. After our protest, the Department more than doubled the production cutback—raising it to a more reasonable 82%.

In the course of our original investigation in 1970 we found that Ritalin (methylphenidate) and Preludin (phenmetrazine) were drugs exactly like the amphetamines insofar as drug abuse was concerned; we concluded that they should be placed under the same stringent controls as the amphetamines. We pointed out that Sweden had previously experienced a damaging drug abuse epidemic with these drugs. Specifically, school children began utilizing these drugs when they were just sixteen years of age. In Sweden 81% of juvenile drug addicts used Preludin and 36% abused Ritalin.

On January 1, 1972 the Department of Justice—belatedly and after a reversal of its position on the matter—rescheduled Preludin and Ritalin placing them under the strict controls we originally advocated in 1970. There is no doubt in my mind that the needless delay in imposing these restraints, apparently caused by bureaucratic inertia, has contributed to the drastic increase in drug abuse among our school age youth. It is also unmistakable that the death of a large number of teenagers from overdoses of Ritalin and Preludin would have been avoided. Our recent hearings in New York and Miami and our preliminary investigations in Chicago and San Francisco have clearly demonstrated these facts.

I think you would agree that a forceful, decisive and conclusive attack on drug abuse with these substances is long overdue.

It is, therefore, with deep regret that I learned of the presently proposed production reduction for Preludin (40%) and Ritalin (50%).

As with the original amphetamine cutback, these reductions are entirely and grossly inadequate. Indeed, it is obvious that cutbacks for these drugs should be greater than those adopted for the amphetamines. Since the amphetamine production quotas were established, almost twenty state medical groups have voluntarily adopted restrictions on the use of these drugs.

More importantly, the production quota for all of these dangerous drugs should be predicated solely upon the necessity to provide medication for those individuals who are actually suffering from narcolepsy and hyperkinesis.

Under these circumstances we respectfully request that you reevaluate these production curbs and drastically revise them so this avenue of drug abuse will be effectively closed to our nation's youth.

Sincerely,
CLAUDE PEPPER,
Chairman.

SELECT COMMITTEE ON CRIME,
Washington, D.C., June 9, 1971.

DEAR COLLEAGUE: You know drug abuse is an extremely serious problem that daily becomes more serious. Drugs are directly threatening the mental and physical health of our youth. Drug related crimes are overwhelming Federal and State police. Drugs are seriously threatening the orderly operation of our court systems and correctional institutions. And now we find that drugs are undermining the integrity of our Armed Forces. The Nation has not faced a more serious domestic threat in the last one hundred years.

The Select Committee on Crime has studied and investigated the drug problem for the past two years. The Committee findings are contained in House Report No. 91–978, Marihuana, House Report No. 91–1807, Amphetamines, and House Report No. 91–1808, Heroin and Heroin Paraphernalia. A fourth Report on drug related research and rehabilitation is forthcoming. We know that strict criminal sanctions and effective law enforcement are part of the solution. We have moved to make the laws of the District of Columbia prohibiting drug trafficking more comprehensive, and we ask your support.

The Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91–513), provides adequate sanctions for unlawfully dealing in drugs themselves. However, the drug trade is broader and more complicated than just drugs. "Legitimate" businessmen who might never see illicit drugs, are essential to the trade. These persons provide needles to the heroin addicts and "speed freaks". These persons provide the pusher with essential tools of his trade; cutting agents and diluents for the drugs, and containers to package drugs for the street. Any such person who enriches himself by intentionally supplying support to drug traffickers must be stopped. The bill we proposed also provides penalties for possession of drug paraphernalia with the intent to carry on or promote the drug trade. Too often police, armed with a search warrant enter the drug pushers' "factory" seconds late. The drugs are flushing down the toilet. All that remains are the gelatin capsules and the cutting agents. As the law stands now, chances are the pusher has escaped arrest. If our bill is enacted, he would be caught dead to rights.

Section (a) provides that trafficking in drug paraphernalia shall be subject to the same penalty for trafficking in that particular drug as provided in P.L. 91–513. In other words, selling pipes for smoking hashish will have the same penalty as selling hashish. Possessing mannite to cut heroin for sale will have the same penalty as possessing heroin for sale.

This bill in Section (b) prohibits possession by the drug abuser of needles, syringes, pipes or other instruments he uses to take his drugs. Typically, a heroin addict will carry a "kit" consisting of a bent spoon, a needle, and a bottle cap or "cooker", that he uses to shoot up. We provide the same misdemeanor penalty for possession of paraphernalia by the user as is provided in P.L. 91–513 for possession of the drug by a user.

This bill is proposed with full realization that drug paraphernalia in other contexts has legitimate and desirable uses. Every pharmacy in the District of Columbia stocks hypodermic syringes, mannite, gelatine capsules, and other paraphernalia. Clearly these pharmacists should not be fearful of prosecution or intimidated from freely pursuing their business. This bill completely protects against such results. The prosecution must establish beyond a reasonable doubt that any person charged with a violation of this law specifically intended to promote illegal drug trafficking (Section a) or specifically intended to use a drug in an unlawful manner himself (Section b).

This bill was introduced on May 18, 1971, (H.R. 8569), with the sponsorship of the eleven Members of the Select Committee on Crime and Mr. John McMillan, Chairman of the House District of Columbia Committee. The measure is to apply to the District of Columbia in the hope that it will not only help narcotics enforcement officers here, but will serve as a model for the States to emulate. Such a comprehensive approach to unlawful trafficking in drug paraphernalia has been made by only Virginia and Maryland to date.

This same bill will be reintroduced on June 24, 1971. If you are interested in joining us in this effort to curb the drug trade, please contact Andrew Radding on Extension 5–8140 as soon as possible.

Kindest regards, and
Believe me,
Always sincerely,
CLAUDE PEPPER,
Chairman.
CHARLES E. WIGGINS,
Member of Congress.

SELECT COMMITTEE ON CRIME,
Washington, D.C., July 12, 1971.

DEAR ATTORNEY GENERAL: The Select Committee on Crime was created by House Resolution 17 on May 1, 1969. The Committee was authorized and directed by the House of Representatives to investigate and study all aspects of crime in America. This broad mandate allows the Committee to assist the Standing Committees of the House to meet their legislative responsibilities. We also have the duty to advise Congress and so the American people, on methods of meeting the challenge of crime.

The Committee has investigated and analyzed the social, economic, medical and legal aspects of the drug abuse crisis for the past two years. I need not detail to you the serious implications of drug abuse with regard to the administration of justice. Our investigations of illicit drugs included public hearings in Massachusetts, New York, Nebraska, California, South Carolina, Florida and the District of Columbia. The Committee findings in this area are contained in Reports from the Committee to the House of Representatives. The Reports are *Marihuana* (House Rep. 91–978), *Amphetamines* (House Rep. 91–1807), and *Heroin and Heroin Paraphernalia* (House Rep. 91–1808). A fourth Report on the treatment and rehabilitation of drug addicts is forthcoming.

The eleven Members of the Committee and sixty-three other Members of Congress have introduced the bill I have attached hereto. We are respectfully forwarding it to you in the hope you will consider its applicability to your State. It is the judgment of the Committee that criminal sanctions such as this should be enforced by local Government and so this bill is drafted to apply to the District of Columbia.

This bill is intended inter alia to meet several types of criminal behavior. The drug trade in your State has more dimension than individuals buying and selling contraband drugs. A parallel trade in "drug paraphernalia" is essential to support the drug traffic. Often "legitimate" businessmen, who typically never possess or sell drugs operate the paraphernalia trade. They provide the syringes and needles to heroin addicts and amphetamine abusers. They provide pipes for marihuana, hashish, and peyote smokers. They provide the pushers with cutting agents to dilute heroin for street sale. They provide the pusher with the "bags" or containers for the drugs; typically small gelatin capsules or glassine envelopes. Committee investigators uncovered a pharmacy in New York City that sold, in a three-year period, four tons of mannite, 40,000 ounces of quinine hydrochloride 47 million glassine envelopes and 55 million No. 5 gelatin capsules, such items sold mainly to be used in the illicit drug trade. New York State and the City of New York had no specific law to stop this operation. Although this is not a typical example because of the uniquely heavy consumption of heroin in New York City, this type of operation on a smaller scale undoubtedly exists in other areas in proportion the intensity of heroin use.

Your State or cities may well have an "implements of a crime" type statute, often enacted to apply to the possession of burglar tools. Attempts have been made to apply this law to paraphernalia dealers in the District of Columbia without success. Additionally, these statutes may also carry only misdeameanor penalties. We believe a specific law which carries felony penalties and contans forfeiture provision is more desirable. Specific sanctions also have an educational and deterrent effect.

The second specific set of facts we intend to cover arises when police officers armed with a search warrant enter the drug pusher's "factory" seconds too late where the drugs have been flushed down the toilet; a relatively common occurrence. Often what remains available for seizure are the tools of the pusher's trade; glassine envelopes, and the cutting agents. Chances are, as many State laws now stand, the pusher has escaped arrest.

This bill is proposed with full realization that drug paraphernalia in other contexts has legitimate and desirable uses. Every pharmacy stocks hypodermic syringes, mannite, gelantine capsules, and other paraphernalia. Clearly these pharmacists should not be fearful of prosecution or intimidated from freely pursuing their business. This bill protects against such results. The prosecution must establish beyond a reasonable doubt that any person charged specifically intended to promote illegal drug trafficking (Section a) or specifically intended to use a drug in an unlawful manner himself (Section b).

The penalty provisions of this bill parallel the penalties provided under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91-513). Section (a) provides that trafficking in drug paraphernalia shall be subject to the same penalty for trafficking in that particular drug as provided in P.L. 91-513. In other words, selling pipes for smoking hashish will have the same penalty as selling hashish. Possessing mannite to cut heroin for sale will have the same penalty as possessing heroin for sale.

Section (b) prohibits possession by the drug abuser of needles, syringes, pipes, or other instruments he uses to take his drugs. Typically, a heroin addict will carry a "kit" consisting of a bent spoon, a needle, and a bottle cap or "cooker", that is used to shoot up. We provide the same misdeameanor penalty for possession of paraphernalia by the user as is provided in P.L. 91-513 for possession of the drug a user.

The Select Committee on Crime believes this bill, if enacted, will greatly assist the law enforcement officers in the District of Columbia to combat drug related crime. Of course you may desire to modify language in the bill in order to meet the needs of your State. In that connection, I would urge you to contact our Associate Chief Counsel, Michael W. Blommer at 202-225-8142, who would be happy to aid you or your staff in answering any questions that arise.

Kindest regards, and
Believe me,
Always sincerely,
Claude Pepper, *Chairman.*

State Health Center,
Harrisburg, Pa., *February 1, 1972.*

Hon. Claude Pepper,
Chairman, Select Committee on Crime, House of Representatives, Congress of the United States, Washington, D.C.

Re. Leonard S. Cohen, Senate Drug Store, Harrisburg, Pa.

Dear Mr. Pepper: I have enclosed a copy of an article which appeared in the January 19, 1972 edition of the Harrisburg Patriot-News regarding the above subject.

Acting on a complaint filed by this office, the Pennsylvania State Board of Pharmacy cited Mr. Cohen for "grossly unprofessional conduct" in connection with his extensive sales of controlled paraphernalia used in narcotic trafficking. After the hearing, the Board suspended Mr. Cohen's license for one year and ordered an indefinite revocation of his pharmacy permit. Mr. Cohen's attorney later appealed this action to the Commonwealth Court, which upheld the suspension and revocation on January 18, 1972.

Without a doubt, the hearings held by your Committee in October, 1970, concerning the drug paraphernalia problem in general and Mr. Cohen's activities in particular provided the impetus for the Pharmacy Board's action. In addition, the Pennsylvania Legislature is now considering the passage of new, comprehensive drug legislation which includes provision banning the sale of controlled paraphernalia.

Your interest and cooperation in this matter have been greatly appreciated by our unit and many other local law enforcement agencies.

Sincerely yours,
Thomas P. Livingston,
Division of Drug Control.

Subsequent to crime committee hearings in 1970, which published a model paraphernalia statute, 35 States and the Commonwealth of Puerto Rico, plus the Virgin Islands and Guam, enacted and are now enforcing drug paraphernalia laws.

Those States are:

Alabama, Arkansas, Connecticut, Delaware, Hawaii, Idaho, Nevada, Illinois, Iowa, Kansas, Kentucky, Louisiana.

Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missori, Nebraka, South Dakota, Tennessee, Utah, Virginia, Wisconsin.

New York, New Jersey, North Carolina, Washington, South Carolina, Pennsylvania, Oklahoma, North Dakota, New Hampshire, West Virginia, Oregon.

Executive Office of
the President,
Washington, D.C., March 31, 1972.

Hon. Claude D. Pepper,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Pepper: I am writing to thank you for all that you did in moving the legislation to establish the Special Action Office toward its final enactment on March 21, 1972.

This new law provides vitally needed tools for the achievement of our mission to combat the drug abuse crisis which our nation faces today.

I appreciate your support and look forward to working together with you in the future.

Sincerely,
Jerome H. Jaffe, M.D., *Director.*

ACCOMPLISHMENTS OF SELECT COMMITTEE ON CRIME

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I submit the following material concerning the activities of the Select Committee on Crime for inclusion in the Congressional Record:

Summary of Achievements and Goals

As a special investigative Committee, the Select Committee on Crime of the U.S. House of Representatives has assisted the Congress in the development of significant legislative enactments and administrative actions designed to reduce crime in the United States. In addition to filing Reports and making substantial recommendations to Standing Committees, the Chairman and Members of the Select Committee on Crime have individually and jointly sponsored anti-crime legislation and appeared before Standing Committees of the House and Senate to urge enactment of legislation suggested by the Crime Committee as well as other Committees of the Congress with legislative jurisdiction in the criminal justice field.

Hearings held in the 91st Congress formed the basis for recommendations to and legislative action by Standing Committees in both the 91st and 92nd Congresses. A number of Crime Committee recommendations resulted in administrative actions of various Federal Government agencies and departments. Accomplishments as of February, 1973, in which the Crime Committee assumed a dominant role include:

Amphetamine controls. The Crime Committee discovered early in its field hearings (San Francisco, October, 1969) that illegal drug trafficking was not solely responsible for a national drug emergency. In testimony gained in field hearings and in Washington, the Crime Committee heard evidence sharply criticizing pharmaceutical firms for promoting and packaging six to eight Billion amphetamines or "pep pills," half of which were being diverted and resold in the black market. In injectable form, amphetamines became known to a youthful drug culture as "speed" and were responsible for numerous instances of death and brain damage. Grossly over-prescribed for weight control, amphetamines were misused by millions of adults. Medical witnesses testified in Washington ("Crime in America—Why 8 Billion Amphetamines," November 1969) that the pills were clinically trivial for dietary purposes. In November, 1970, Members of the Crime Committee found the opportunity to amend pending legislation and attempted a fight on the House floor to place amphetamines under quotas and controls. Losing in the House, the Committee succeeded in finding support in the Senate where such legislation passed only to be deleted in House-Senate Conference. ("Amphetamine Politics on Capitol Hill." Trans-Action magazine, January, 1972).

On January 2, 1971, the Crime Committee renewed its attack on the over-production of amphetamines with a report entitled "Amphetamines." The Committee recommended quotas and controls on the pills and the production of only enough pills to meet the medical needs of two rare diseases, narcolepsy and hyperkinesis. Legislation was introduced and hearings begun before Standing Committees of the House and Senate. The Crime Committee continued to demand in communications to the Attorney General, the Food and Drug Administration, and the Bureau of Narcotics and Dangerous Drugs, that amphetamines be rescheduled and subjected to quotas and controls. Finally, in 1971, faced with increasing pressure from Congress, the Justice Department announced that quotas and controls would be placed on amphetamines. Later in the year the B.N.D.D. announced an 82 percent cutback in 1972 over the number produced in 1971, even while the pharmaceutical manufacturers were requesting a 50 percent increase. Advised that the reduction was the best that could be hoped for, the entire Committee protested that the equivalent of 500 million pills were still too many to meet the legitimate medical needs of the country. On January 18, 1973, the F.D.A. announced that it recommended to the B.N.D.D. that a further 60 percent cut be ordered.

Heroin research. Hearings held by the Crime Committee in Washington ("Narcotics Research, Rehabilitation and Treatment," April and June, 1971) convincingly established the need for the appropriation of funds to stimulate medical research to discover non-addictive drugs as alternatives to methadone for the treatment of narcotics addicts. The Committee in prior hearings established that at least half of what is commonly referred to as "street crime," offenses against person and property, are committed by individuals seeking funds to sustain their addiction. In a Report entitled "A National Research Program to Combat the Heroin Addiction Crisis" (November 18, 1971), the Committee recommended a $50 million appropriation for scientific research to find a drug or combination of drugs to treat herion addicts. As a direct result, PL 92–255, creating the Special Action Office for Drug Abuse Prevention, adopted in March, 1972, contained provisions for $75 million for research on heroin blocking agents. (See letter dated March 31, 1972, from Dr. Jerome H. Jaffe, Director, SAODAP, to Chairman Pepper). The Crime Committee received excellent cooperation from the Subcommittee on Public Health and Environment of the Interstate and Foreign Commerce Committee on this legislation. The Public Health Subcommittee recently announced that promising results were being achieved in working with naloxone, a heroin antagonist.

Funds for corrections. Testimony at the Crime Committee's first public hearing (The Improvement and Reform of Law Enforcement and Criminal Justice in the United States, Washington, D.C. August and September, 1968) suggested that a set percentage of all funds appropriated under the Omnibus Crime Control and Safe Streets Act to fight crime be allocated to corrections. Following the hearings, Chairman Pepper and other Members of the Committee appeared before Standing Committees of the House and Senate urging that a minimum of 20% of all funds to fight crime through the Law Enforcement Assistance Administration be allocated for correctional institutions and facilities. It was also urged that the funds be used for decentralization of large prison facilities. As a result of the efforts of the Crime Committee, the Administration, and Standing Committees of the House and the Senate, a new section, Part E, was added to the authority of the Law Enforcement Assistance Administration which provided that beginning in fiscal year 1972 an amount equal to not less than 20% of all Action Grants (the greater part of all funds channelled to the states through the L.E.A.A.) must be reserved for correctional institutions and facilities.

Heroin paraphernalia statutes. As a result of hearings ("Crime in America—Heroin Importation, Distribution, Packaging and Paraphernalia," New York, June, 1970, and Washington, D.C., October, 1970) and a Report issued January 2, 1971 ("Heroin and Heroin Paraphernalia"), a total of 34 States have enacted legislation based on a model bill submitted by the Crime Committee to make it unlawful to intentionally promote or facilitate illegal drug trafficking by possession, sale, or distribution of heroin paraphernalia. All eleven Members of the Committee sponsored such legislation for the District of Columbia (H.R. 8569, 92nd Congress, May 19, 1971) and hearings were held in 1972 by the House District of Columbia Committee. In recent weeks, the existing District paraphernalia statute governing evidence seized was ruled unconstitutional. Crime Committee Member Charles Rangel, a new member of the District Committee, has agreed to lead an effort in the 93rd Congress to enact the legislation sponsored by the Crime Committee.

Juvenile Justice Research Institute. Following a five state site inspection of juvenile correction facilities (July, 1970) and hearings in Baltimore (Crime in America—Youth in Trouble) and Philadelphia ("Crime in America—Youth Gang Warfare"), legislation was introduced by Chairman Pepper, other Members of the Committee and additional colleagues to establish a Juvenile Research Institute and Training Center (91st Congress, H.R. 19327). The Pepper bill was merged with legislation sponsored by Congressman Tom Railsback, ranking minority member of House Judicial Subcommittee No. 3 and passed by the House of Representatives. Action was not completed in the U.S. Senate and similar legislation has been reintroduced in the 93rd Congress.

Marihuana laws. Testimony contributed during field hearings across the country led to a Washington, D.C., hearing in October, 1969, on the need to reform the marihuana laws ("Crime in America—Views on Marihuana"). The hearings resulted in a Crime Committee Report ("Marihuana," April, 1970), which reviewed the disparity of penalties for marihuana possession in the several states and recommended that possession of small quantities be made a misdemeanor rather than a felony with sentences no longer than seven days. Six months later Federal statutes were amended to make possession of small quantities of marihuana a misdemeanor.

Crime funds. In a speech to the Commonwealth Club of San Francisco, Chairman Pepper in October, 1969, following hearings in Washington, D.C., Boston, Omaha, and San Francisco, called for a Federal commitment of $1 billion a year through the Law Enforcement Assistance Administration to fund various anti-crime programs. The Chairman appeared or presented statements to legislative committees urging a more ambitious effort through L.E.A.A. and other agencies. Funding of the L.E.A.A. has increased from $63 million in fiscal year 1969 to the $855 million recommended in the Administration's FY 1973 budget. (Total Administration anti-crime and drug abuse efforts for FY 73 are approximately $2.5 billion).

Hijacking. Chairman Claude Pepper was the first Member of the Congress to submit legislation (July, 1970) authorizing the appropriation of Federal funds to the Federal Aviation Agency to install weapon detection devices at all 531 commercial airports in the country. The purpose was to resolve a jurisdictional dispute between the F.A.A., the air carriers, and the airports, as to whose responsibility it was to pay for the devices. The Chairman made numerous appearances before Standing Committees in support of this and similar legislation. In May, 1972, all eleven Members of the Crime Committee demanded that the F.A.A. take immediate steps to assure the installation of weapon detection devices at all airports. In August, 1972, an appropriation of $3.5 million was made to the F.A.A. for the purchase and installation of weapon detection devices. A supplemental appropriation for $5.5 million for additional costs is pending before the House and Senate Appropriation committees.

Among the priorities of the Select Committee on Crime should it be reconstituted in the 93rd Congress will be the implementation of recommendations contained in four forthcoming reports on "Drugs in the Schools," "Organized Criminal Activity in Sports (Racing)," "Conversions of Worthless Securities Into Cash," and "American Prisons in Turmoil."

The Committee is also considering hearings into "Street Crime," the term commonly invoked to describe crimes against person and property; and hearings to consider the effect of drug advertising on television and radio and what correlation, if any, exists between such advertising and what the Committee will describe as a "drug epidemic" in our schools in a forthcoming report. Such a hearing would also consider what voluntary restraints are adopted at February and March meetings of committees of the National Association of Broadcasters.

Among legislative recommendations the Crime Committee plans to pursue before Standing Committees of the House in the 93rd Congress will be bills to provide:

Drug abuse education funds. The Crime Committee based on field hearings in six cities is determined to press for funds for school districts so that adequate drug counseling and on or off campus programs can be created in the next school year. Following the Committee's hearings in Chicago, the School Board passed a resolution seeking $4.4 million in Federal funds for a $5.8 million program to hire teachers with drug training backgrounds and for detecting and finding help for adolescent drug abusers. The Los Angeles School Board following hearings there requested $3.4 million for a drug abuse program in the schools. Funds to survey the Dade County School System (Miami) were authorized by the School Board following hearings in that city. The Crime Committee is convinced that a massive infusion of Federal funds is necessary if the schools are to participate in a national effort to combat the drug abuse problem. Many school boards are broke. The Committee was advised by Chairman Carl Perkins of the House Education and Labor Committee last October, following the appearance of Chairman Pepper and Oakland School Superintendent Marcus A. Foster before his Committee, that funds for drug abuse education and related programs would be considered this year.

Barbiturate quotas. Based on testimony obtained in field hearings in New York City, Miami, Chicago, San Francisco, Kansas City, and Los Angeles, the Crime Committee will recommend legislation to bring under controls and quotas nine fast acting barbiturate compounds and two barbiturate-like compounds identified as abused drugs by the Bureau of Narcotics and Dangerous Drugs. The Crime Committee has found that these barbiturates are more deadly than heroin and that withdrawal, unlike most cases involving heroin, can be fatal. Fast-acting barbiturates are widely dealt in elementary and secondary school campuses throughout the country and are especially deadly when taken with alcohol.

Amphetamine quotas. The Crime Committee will press for a further 60 percent cutback in amphetamine production as recommended by the Food and Drug Administration. This will reduce legal production of amphetamines to the equivalent of approximately 200 million pills, down from a high of six to eight BILLION pills which the Crime Committee exposed as a form of "legal" drug trafficking in 1969.

A District of Columbia heroin paraphernalia statute. Congressman Charles Rangel, who serves on the Crime Committee and was assigned to the House District Committee for the 93d Congress, will move to replace a recently court-rejected D.C. paraphernalia statute with one drafted by the Crime Committee and adopted in 34 states. Hearings on the Crime Committee bill, H.R. 8569, were held in the House District Committee in 1972.

Juvenile Justice Institute. Legislation to establish an Institute for Continuing Studies of Juvenile Justice (H.R. 45 and identical bills) has been reintroduced in the 93d Congress. The House approved the bill in 92d Congress.

Pari-mutuel racing. Federal legislation and recommendations for state action in the area of pari-mutuel racing will be presented this month in a Crime Committee Report entitled "Organized Criminal Influences In Sports (Racing)."

Securities Fraud. The Crime Committee in a Report entitled "Conversion of Worthless Securities Into Cash" will recommend steps to prevent criminals from using phony statements of assets to obtain favorable credit ratings and swindle legitimate businesses as exposed in hearings last Congress.

Correctional reform. Recommendations based on hearings entitled "American Prisons In Turmoil" held in Washington, D.C., New York City, and interviews with inmates, guards and prison authorities at Attica, New York, will be made this month.

RECORD OF THE SELECT COMMITTEE ON CRIME

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I submit the following material concerning the activities of the Select Committee on Crime for inclusion in the CONGRESSIONAL RECORD.

RECORD OF THE SELECT COMMITTEE ON CRIME

I. INTRODUCTION

The Select Committee on Crime of the U. S. House of Representatives was authorized on Law Day, May 1, 1969, by a record vote of 343 to 18. The legislation creating the Committee enjoyed the bipartisan sponsorship of 116 Congressmen. The Committee was empowered to probe "all aspects and elements of crime" in the United States, and to report to the House of Representatives its findings, "together with such recommendations as it deems advisable." The original membership of the Committee was comprised of seven Representatives, all of whom were attorneys, under the chairmanship of Claude Pepper, D.-Fla.

In the spring of 1971, the Committee was reconstituted by a voice vote of the House, and the demand by Members to be appointed to the Committee was such that its membership was increased to eleven by the 92nd Congress. The Committee is presently composed of Claude Pepper, D.-Fla., Chairman; Jerome R. Waldie, D.-Calif.; Frank J. Brasco, D.-N.Y.; James R. Mann, D.-S.C.; Morgan F. Murphy, D.-Ill.; Charles B. Rangel, D.-N.Y.; Charles E. Wiggins, R.-Calif.; Sam Steiger, R.-Ariz.; Larry Winn, Jr., R.-Kansas; Charles W. Sandman, Jr., R.-N.J.; and William J. Keating, R.-Ohio.

The Select Committee on Crime held 18 sets of public hearings in Washington, D.C., and numerous cities across the width of the Nation. Not content simply to have the experts come to Washington, D.C. to testify, the Committee took its hearings to the public in the following 15 additional cities: Lorton, Virginia; Boston, Massachusetts; Omaha, Nebraska; Lincoln, Nebraska; San Francisco, California (twice); Columbia, South Carolina; Miami, Florida (twice); Fairfax, Virginia; Riverdale, Maryland; Baltimore, Maryland; New York City (three times); Philadelphia, Pennsylvania; Chicago, Illinois; Kansas City, Kansas; Los Angeles, California. The Committee held more than 100 days of public hearings in these cities and received testimony from more than 1,000 witnesses at these hearings. In addition, the members of the Select Committee on Crime visited correctional institutions in Attica, New York; Red Wing, Minnesota; Plainfield and Pendleton, Indiana; Detroit, Michigan; Meridian, Connecticut; Leesburg, Trenton, Rahway, Newark and Hackensack, New Jersey; and Camp Hill, Pennsylvania.

Of course, Committee staffers interviewed many thousands of potential witnesses and other persons knowledgeable in the various areas investigated by the Committee. Contacts were made with countless Federal, state and local officials. At the Federal level, cooperation was received from the United States Attorney General, the Director of the Federal Bureau of Investigation, the Assistant Attorney General for the Criminal Division, the Director of the Bureau of Narcotics and Dangerous Drugs, the Director of the Law Enforcement Administration, the Director of the Bureau of Prisons, the Board of Parole, the U.S. Marshal; the Secretary of State; the Secretary of Health, Education and Welfare, the Commissioner of Food and Drugs, the Director of the National Institute of Mental Health, the Director of the National Institutes of Health, the Commissioner of Education; the Secretary of the Treasury, the Commissioner of the Bureau of Customs, the Commissioner of the Internal Revenue Service; and various independent agencies including the National Science Foundation, the Securities and Exchange Commission, the General Services Administration and many others. State officials who cooperated with the Select Committee on Crime included Governors, Attorneys General, State Police Commissioners, Judges, Department of Corrections officials, Department of Education officials, State Racing Commissioners, University officials, Department of Health officials, and Board of Pharmacy officials. Cooperation was received from many local officials, such as Mayors, Prosecuting attorneys, Chiefs of Police, Sheriffs, Drug Abuse officials, Juvenile and Criminal Court Judges, Probation Department officials, Public Defenders, Medical Examiners and other professionals, correctional officials, and others too numerous to mention.

II. SUMMARY OF COMMITTEE HEARINGS

The hearings of the Select Committee on Crime are briefly listed as follows:

"The Improvement and Reform of Law Enforcement and Criminal Justice in the United States." Washington, D.C., and Lorton, Va., July 28, 29, 30, 31, August 4, 5, 6, 7, 11, 12, and September 17, 18, 1969.

The hearings touched on all aspects of crime and served as an overview, to help the Members of the Committee focus on specific problems in need of further study.

"Crime in America—Drug Abuse and Criminal Justice." Boston, Mass., August 25, 26, 1969.

This hearing focused on the phenomenal increase in the use of narcotics and dangerous drugs, and the critical need for better programs for the enforcement of narcotic laws, rehabilitation of drug addicts and drug abuse education. Another major theme was the critical need for the improvement of correctional institutions at the state and local level, and the role the Federal government can play in this regard.

"Crime in America—A Mid-American View," Omaha and Lincoln, Nebraska, October 9, 10, 11, 1969.

This hearing clearly demonstrated that the major problems of crime—narcotics and dangerous drug abuse, the rise in violent crimes, the increasing involvement of juveniles in criminal activities—are the same in medium-sized cities of the Midwest as they are in the major urban concentration of the country. The Committee especially focused on the development of suggestions for areas in which the Federal government could more effectively assist local government in fighting crime. The Committee elicited much helpful testimony on the subjects of drug abuse and addict rehabilitation, juvenile justice and corrections, improving and upgrading the police, and the eradication of the native marihuana supply in the United States.

"Crime in America—Views on Marihuana," Washington, D.C., October 14, 15, 1969.

Following up on material gathered at the Omaha/Lincoln hearing, the Committee held this hearing to specifically address the problem of widespread use of marihuana. Testimony was received from government officials concerned with the problem, as well as from doctors and researchers versed in the area.

"Crime in America—Illicit and Dangerous Drugs," San Francisco, Calif., October 23, 24, 25, 27, 1969.

This hearing was held to determine what course of action should be taken by the Federal government to restrict the movement of dangerous drugs from legitimate manufacturers to illegal drug distributors. Testimony was received from government officials, drug company representatives and the operators of illegal drug laboratories. The hearing documented the vast overproduction of amphetamines and the laxity of controls on their distribution.

"Crime in America—Why 8 Billion Amphetamines," Washington, D.C., November 18, 1969.

Following up on its work in San Francisco, the Committee convened this hearing to take additional testimony concerning the legitimate and illegitimate uses of amphetamines and methamphetamines. This hearing and the Committee's San Francisco hearing became the foundation of the Committee's drive to greatly curtail the legitimate but abused production of amphetamine drugs.

"Crime in America—Response of a Midsouth Community," Columbia, S.C., November 21, 22, 1969.

The focus of this hearing was the new and successful programs of the South Carolina correctional system. These programs included extensive vocational training, pre-release centers, and programs to mobilize community support for under-financed juvenile justice systems. The Committee took two field trips during this hearing; the first to meet with inmates of the Richland County Jail; the second to visit the Columbia Pre-Release Center, an innovative program to equip inmates for the society they are reentering.

"Crime in America—Aspects of Organized Crime, Court Delay and Juvenile Justice," Miami, Fla., December 4, 5, 6, 8, 1969.

The Committee received testimony that indicated that cocaine, a narcotic previously used only by the wealthy, is now in strong competition with drugs like heroin for use among the middle class. Testimony was also taken on the problems of cocaine smuggling, treatment and rehabilitation of the drug addict, and the need for better drug abuse education in the schools. The Committee also devoted time to the problems of violent street crime, youth crime and juvenile justice, as well as the effect of court delay on the quality of justice.

"Crime in America—In the Nation's Capital," Washington, D.C., Fairfax, Va., and Riverdale, Md., February 25, 26, 27, 28, 1970.

The Committee was concerned with the growth of street crime and its effect on citizens, and believed it could get a more accurate picture if the hearings were held in the community. Two days of hearings were held in elementary schools in the Capital, and two days in the suburbs; one in Prince George's County, the second in Fairfax, Va. The District hearings focused on the plight of the ordinary citizen and businessmen and the deleterious effect of crime in their everyday life. The suburban hearings concerned the so-called spillover of crime from the District and the indigenous crime problems of the suburbs themselves.

"Crime in America—Youth in Trouble," Baltimore, Md., March 19, 20, 1970.

The Committee took wide-ranging testimony on the problems of youth crime, drug abuse and corrections. The tensions between the police and youth were explored, and a panel of youths told the Committee how they thought young people could be kept out of criminal activities.

"Crime in America—Heroin Importation, Distribution, Packaging and Paraphernalia," New York, N.Y., June 25, 26, 27, 29, 30, 1970.

This hearing was a major effort to collect information concerning the importation, distribution, and packaging of heroin. With at least 200,000 heroin addicts in the United States today, the Committee was convinced that heroin addiction was a major cause of crime, particularly the types of crimes that citizens fear most—burglary, robbery and mugging. Testimony received revealed the difficulty of halting heroin smuggling and the frustration caused by court delay in prosecuting those indicted. The Committee also conducted an intensive investigation into the materials used to dilute and package heroin for street sale. As a result of this investigation, these materials became substantially more difficult to obtain and seriously hindered the normal heroin traffic in New York. The Committee also took an unpublicized visit to a church in the South Bronx to see first-hand the devastation caused by heroin addiction. Subpoenas to testify were served on several reputed organized crime members allegedly active in the heroin trade, but they declined to testify.

"Crime in America—Youth Gang Warfare," Philadelphia, Pa., July 16, 17, 1970.

The Committee's investigation revealed that there were 93 organized gangs operating in Philadelphia, with approximately 5,300 members ranging in age from 12 to 23. In 1969, 41 persons lost their lives in gang incidents, and, as of June 30, 1970, 17 persons had been slain in gang-related rampages. A long tied-up grant from LEAA was given to Philadelphia to fight gang warfare shortly after the Committee hearings there, and the Committee's work was cited at the time of the announcement.

"Crime in America—The Heroin Paraphernalia Trade," Washington, D.C., October 5, 6, 1970.

The purpose of this hearing was to inquire into the possible need for legislation to control the manufacture, distribution and sale of items used to dilute and package heroin for street sale. This heroin "paraphernalia" is essential to the pusher to dilute and package heroin into street doses, and the Committee discovered that many pushers were obtaining their paraphernalia from so-called legitimate businessmen. As a result of this hearing, one major drug company discontinued its production of the small gelatine capsules used to package heroin, and another major firm instituted stricter order controls.

"Narcotics Research, Rehabilitation and Treatment," Washington, D.C. April 26, 27, 28, 1971.

The hearings covered four separate but related areas of narcotics addiction. The complex problems of drug abuse and drug dependence were examined and solutions offered in a field the Crime Commisison has explored since its inception in May 1969.

"Narcotics Research, Rehabilitation, and Treatment," (second part) Washington, D.C., June 2, 3, 4 and 23, 1971.

The Crime Committee probed the phenomena of heroin addiction and revealed that there was a serious lack of medical knowledge and scientific exploration into new drugs to counter the effect of heroin.

On October 13, 1971, the Select Committee on Crime issued its report: "A National Research Program To Combat the Heroin Addiction Crisis" which received favorable comment from individuals and associations across the country concerned about heroin addiction.

"American Prisons in Turmoil," Washington, D.C., November 29, 30 and December 1, 2, and 3, 1971 and February 25, 1972 (2 parts).

Following the tragic episode at Attica state prison in upstate New York which left 43 people dead, the Crime Committee initiated a series of hearings in Washington and New York City.

Testimony was taken from more than a score of witnesses including elected officials, prison authorities, line-personnel, prisoners and members of the academic community.

"Organized Crime: Techniques for Converting Worthless Securities Into Cash," Washington, D.C., December 7, 8 and 9, 1971.

This is the first of a series of hearings designed to show how extensively organized criminal elements have infiltrated the banking, securities, and insurance industries. The evidence uncovered thus far shows that important racketeers have combined with lawyers and accountants in developing schemes which have defrauded the general public as well as companies in the banking, securities, and insurance industries of hundreds of millions of dollars each year.

"Organized Crime in Sports," Washington, D.C., May 9–11, 15–18, 22–25, 30, 31; June 1, 7, 13–15; July 18–20, 25–27, 1972.

Following our inquiry into the infiltration of elements of organized crime into 3 areas of legitimate business, banking, securities and insurance, we began hearings designed to determine the extent of influence organized criminal elements have in sports and sports-related activities. The predominant focus was on the activities of major racketeers and their involvement with, and control of, sports activities. This inquiry included investigations of both the ownership and operation of sport facilities and teams as well as rigging sporting events to effect gambling activity.

The Committee also inquired into the roles of those ostensibly honest businessmen who cooperate with and assist leading racketeers in their infiltration into sports.

"Drugs In Our Schools," New York, June 19, 20, 1972; Washington, D.C., June 21, 27, 1972; Miami, Florida, July 5, 6, 7, 1972; Chicago, Illinois, September 21, 22, 23, 1972; San Francisco, California, September 28, 29, 30, 1972; Kansas City, Kansas, October 6, 7, 1972; Los Angeles, California, December 8, 9, 1972.

As indicated above, the Committee held six hearings on "Drugs In Our Schools" during the last six months of 1972. The hearings were designed to elicit testimony from teachers, school administrators, parents, students and other private and public officials concerned with drug abuse problems of the young.

The hearings clearly demonstrated that school students in every city the Committee visited were familiar with and were using and abusing a wide variety of narcotics and dangerous drugs.

The hearings further demonstrated that large scale, organized school programs to prevent drug abuse and to rehabilitate student drug abusers are virtually nonexistent.

ACTIVITIES OF THE SELECT COMMITTEE ON CRIME

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I submit the following material concerning the activities of the Select Committee on Crime for inclusion in the Congressional Record:

SUMMARY OF COMMITTEE REPORTS

The Committee's five Reports already submitted to the Congress embodied the results of studies on "Marihuana," "Heroin and Heroin Paraphernalia," "Juvenile Justice and Corrections," "Amphetamines," and "A National Research Program to Combat the Heroin Addiction Crisis." A brief summary of each of these Reports follows:

MARIHUANA

This Report summarizes evidence received at Committee hearings on the prevalence and dangers of this substance. It reviewed state and federal laws on marihuana and recommended that it be treated as a misdemeanor rather than felony with sentences no longer than seven days. Over 20,000 copies were printed and made available to Members of Congress at their request.

HEROIN AND HEROIN PARAPHERNALIA

Summarizing the historic use of heroin and morphine in the world and in the United States, in particular, this report outlines the scope of the problem and examines possible solutions. The 21 recommendations, many of which have been enacted, form the basis for a wide-ranging attack on heroin, both at its source overseas and in this country. A model paraphernalia law which has since been adopted by Virginia and Maryland, is included in the report. After Members of the Committee found out how disruptive to heroin trafficking restrictions on heroin paraphernalia could be, a bill was introduced for the District of Columbia.

JUVENILE JUSTICE AND CORRECTIONS

This Report examines the state of juvenile justice and corrections in the United States today and proposes methods for improvement both for the consideration of the Federal government and state and local governments. It recommends passage of a Juvenile Research Institute and Training Center Act drafted by the Committee after consultation with a distinguished panel of juvenile justice experts. In April 1972 the House adopted a bill to set up such an institute.

AMPHETAMINES

This Report traces the epidemic abuse of amphetamines in Japan and Sweden and warns that the United States may well experience such an epidemic if the proper controls are not instituted. This Report summarizes the Committee's wide-ranging investigation of these often abused and often ignored dangerous drugs, and calls for passage of the Committee's amendment to the present drug laws to limit by quota the production of these drugs. Although the amendment was defeated, quotas 82% lower than in 1971 have been established.

A NATIONAL RESEARCH PROGRAM TO COMBAT THE HEROIN ADDICTION CRISIS

This Report examines the state of the art concerning research into drug abuse and recommends an all-out national effort, similar to the Manhattan Project, to solve the problem of heroin addiction.

It explores the nature and potential value of antagonist drugs, such as cyclazocine and naloxone, and recommends that $50 million be appropriated to be used for emergency scientific research to create a drug which will effectively treat, prevent, or cure heroin addiction. At the urging of the Select Committee on Crime, PL 92–255, creating the Special Action Office for Drug Abuse Prevention, passed in March 1972, contained provisions for $75 million for research of this type.

The Committee's four reports to be submitted shortly to the Congress embody the results of investigations and hearings on "Drugs in Our Schools," "Conversion of Worthless Securities Into Cash," "Organized Criminal Influences in Horseracing," and "Improvement of Our Correctional Systems." A brief summary of each of these Reports follows:

DRUGS IN OUR SCHOOLS

The school age youth of our country are being inundated with a wave of drugs from California to the New York Islands. Children are dying from acute reactions to heroin injections, from hepatitis caused by contaminated drug paraphernalia, and from the consumption of barbiturates and alcohol. Children are becoming dependent upon—or addicted to—an astonishing variety of narcotics and dangerous drugs. While preliminary investigation had indicated that schools were experiencing significant drug problems, the actual scope revealed in the course of the full investigation exceeded our worst expectations.

Drugs—drugs in all forms—are readily available (and frequently at very low cost) to school students. Sales of drugs take place with alarming regularity in school cafeterias, hallways, washrooms, playgrounds, and parking lots. With little or no effort our teenagers can obtain amphetamines, barbiturates, LSD, and marihuana. Cocaine and heroin are also generally available in schools. In one suburban school in Chicago a 17-year-old girl who was assisting the Committee purchased in a two-day period $100 worth of heroin, barbiturates, amphetamines, LSD and marihuana. A school official from Chicago told us that it was easier to buy drugs than notepaper in school. Unfortunately, Chicago is not unique in this regard.

Drug abuse surveys conducted by reliable authorities indicate that drug abuse in our schools is widespread and growing. The National Commission on Marihuana and Drug Abuse found that 6% of the country's high school students had used heroin and that 2 million youngsters have tried hallucinogens. Other state and local surveys are even more alarming: a New York survey estimated that 20% of New York City junior high school students were drug users. A five-year study of drug abuse in San Mateo, California, confirmed that drug abuse increases dramatically as students progress from the freshman to the senior year in high school—drug abuse doubles in this span of time.

Drugs are incredibly dangerous and they kill the very young: heroin kills more young people in New York City than any other single cause including automobile accidents, homicides and suicides. In New York City in the last five years, drug deaths of the very young have increased a shocking 700%. Heroin caused the death in 1969 of a 12-year old boy in New York City; in Los Angeles County as many as 50 people overdose on drugs each day; Florida a teenage boy, under the influence of drugs, strangled his five-year old sister as his mother listened helplessly outside a locked bedroom. These are but a few of the "horror stories" related to the Committee during its investigation.

What causes these tragedies among our Nation's 52 million school students? Heroin, cocaine, barbiturates, amphetamines, methamphetamines, LSD, mescaline, peyote, marihuana and other psychedelics are all available—and all are dangerous. Heroin, cocaine, LSD and other drugs are produced illegally but others such as amphetamines and barbiturates are legally purchased by the billions and find their way into the hands of students.

Programs to help students do exist. Imaginative programs such as Fort Lauderdale's "Seed" program, Chicago's Gateway Houses Foundation, Kansas City's DIG (Drug Intervention Groups) and New York's Alpha School offer hope that children hooked on drugs can be rehabilitated. But widespread, organized and proven programs are few and far between. Only a massive Federal effort directed at the schools can succeed. Schools have the resources to combat student drug abuse—they have trained teachers, the facilities and more importantly they have the students. The Federal government must provide the leadership and the resources to mobilize a total assault on drug abuse in the schools.

CONVERSION OF WORTHLESS SECURITIES INTO CASH

The Committee's Report, "Conversion of Worthless Securities Into Cash", has been considered and revised, and will be filed shortly by the Select Committee on Crime. The Report culminated a lengthy investigation and three days of hearings by the Committee into organized criminal activities in the securities frauds area.

The Report focuses on two major frauds: the Baptist Foundation of America, Inc. (BFA) and the Dumont Datacomp, Inc. stock manipulation. In both cases the fraud perpetrated on the public was unwittingly aided by respectable members of the business community who lent their names and prestige to the swindles.

The Report details how the BFA used its own confidence-inspiring name plus a report on the foundation by the credit reporting firm, Dun & Bradstreet, to sell its worthless notes to unsuspecting parties. The Report vividly illustrates the complete lack of diligence by Dun & Bradstreet to report information accurately in its reports. The fact that Dun & Bradstreet accepted BFA's financial statement listing assets totalling $19 million without verifying the information contained in that statement is a startling revelation. That report by Dun & Bradstreet greatly enhanced BFA's chances of success in selling its worthless notes. The Committee has made recommendations that deal specifically with business practices of credit reporting agencies.

In the Dumont-Datacomp case the Report looks into a fraudulent stock manipulation, where in fact BFA notes were used in the transactions. The Report reveals how another member of the business community, the prestigious accounting firm of Peat, Marwick, Mitchell & Company also played a role, albeit unwittingly, in the illegal manipulation. In that case, Peat, Marwick accepted a financial statement from another auditor and incorporated it into its own report on the Dumont Corporation. In fact, the independent auditor was involved in the manipulation and his audit report was totally fraudulent. Unfortunately for the public his report was incorporated under the Peat, Marwick masthead and hence credibility lent to it.

A major problem in the securities fraud area is the inadequate enforcement of the securities laws by the Securities and Exchange Commission. The Committee adopted a recommendation that will, if enacted, greatly enhance the SEC's ability to protect the victims of illegal manipulations. All too often those defrauded are left with no recourse—the manipulator could very well be in jail—but the funds lost by those defrauded are forever gone. The recommendation will remedy this situation to the benefit of the innocent investor.

ORGANIZED CRIMINAL INFLUENCES IN HORSERACING

The Select Committee on Crime commenced its hearings in May, 1972, to determine the extent of influence organized criminal elements have had in sports and sports-related activities. The predominant focus was on the activities of major racketeers and their involvement with and control of the sports activities. The inquiry included investigations of both the ownership and operation of sports facilities and teams as well as rigging sporting events to effect gambling activity.

The Committee also heard of the roles of ostensibly honest businessmen who cooperate with and assist leading racketeers in their infiltration into sports.

The Committee's hearings also included testimony of fixed and rigged sporting events in order to effect gambling results, and uncovered extensive evidence of fixed horse races on many tracks in the country. Evidence of racketeers' hidden ownership of racetracks, horses and other sports-related activities was developed.

Another facet of the problem which became evident was a pattern of official corruption in relation to sports activities. The Committee also found that bribes or other illegal payments had been given to public officials in order to obtain helpful legislation, the necessary licenses, favorable racing dates, and other advantages.

The Committee Report, to be released this month, will call for legislation to make it a Federal offense to bribe a jockey, drug a horse, or otherwise conspire to tamper with the outcome of a race.

Other recommendations will be made to the 31 states engaged in partimutuel racing with the suggestion of possible further Federal action if efforts are not made to better police the sport.

IMPROVEMENT OF OUR CORRECTIONAL SYSTEMS

In November and December, 1971, after the disaster at Attica, the Select Committee on Crime of the United States House of Representatives held extensive hearings on prison conditions—hearings which went far in substantiating the fact that our penal system has failed.

The deplorable status of the American prison systems is not a new condition, nor a condition susceptible to dispute. Quite the contrary, some of the most vocal critics of the prison system are prison administrators themselves. Yet, little is being done to remedy these admittedly deplorable conditions. In the words of Dr. Karl Menninger writting in *The Crime of Punishment*, the American penal system is a "creaking, groaning monster through whose heartless jaws hundreds of American citizens grind daily to be maimed so that they emerge implacable enemies of the social order and confirmed in their criminality."

On an average day, approximately 1.6 million people—a number greater than the individual 1970 populations of 15 separate states—are under correctional authority in our country: roughly one-third of whom are in penal institutions, while the balance are on parole or probation. However, 80 percent of the correctional dollar and 75 percent of correctional manpower are allotted to supervise the one-third of the offenders who are incarcerated in penal institutions. Little is being spent to treat and supervise the two-thirds of the offenders who are in the community on parole or probation. Less is being spent to develop alternatives to incarceration which could, according to correctional authorities, decrease the inmate population by 40 percent and, for the money spent, produce at least as good results.

Prisons have proven to be revolving doors that have cut offenders off from schools, families, jobs and other supportive means necessary to minimize an offender's return to crime. Furthermore, inmates who are released from prison find that society tends to continue to punish them for their transgressions. Persons convicted of felonies and certain serious misdemeanors frequently lose—for varying periods—their rights to vote, to hold appointive and elective public office, to serve as jurors, to testify in court, to obtain professional, business and occupational licenses, to enter into contracts, to take or transfer property, and to bring civil suits. It is no wonder that on a nationwide basis, 80 percent of all felonies are committed by ex-inmates, and two out of three men released from our country's prisons are returned to prison within four years for new crimes or for parole violations. The cumulative effect of our present penology system is to breed deep and bitter disrespect for social order among offenders and ex-offenders who, in the words of Dr. Menninger, [become] "implacable enemies of social order and confirmed in their criminality."

Subsequent to the tragedy at Attica and major disturbances in correctional institutions in Florida, California, and New Jersey, the problems of our prisons have been maintained in the public spotlight by almost daily reports of major and minor correctional disturbances, and sensational escapes from "escape proof" or "maximum security prisons." These disturbances also point up the serious and uncorrected deficiencies which exist in many of our prisons and correctional systems. These are but symptoms of decay and failure. We must now move to provide better prison riot control techniques; more importantly, we encourage widespread reform to make rehabilitation a fact rather than a slogan.

THE REAL CHALLENGE TO CONGRESS

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, Jefferson said:

> It is in the natural course of events that liberty recedes and government grows.

I am glad to join the President, my colleagues in Congress, and millions of Americans in helping reverse that trend.

As the Federal Government's growth has mushroomed over the last decade, and as the percentage of personal income going for taxes has risen, the individual citizen has begun to lose control of his own economic destiny. Concomitantly, his faith in public leaders and government has plummeted. These realities stem from the increasing remoteness of the government from the governed. The once-cherished concept of self-government is rapidly becoming a page in history. It is a foreboding thought, but I fear it is true. If we subscribe to James Madison's view that "the only safe repository for human freedom is in self-government," we cannot help but be alarmed. The time for the reinstitution of self-government is before us.

It is from these deep-seeded convictions that I find great satisfaction in the new direction of government the President is helping set for the Nation, and that is outlined in his budget message.

Since the President submitted the budget to Congress several weeks ago, many of us have felt the full weight of conflicting demands, requirements, needs, and goals which can bear down upon a representative of "all" the people. The budget has focused on the complexity of problems which Congress is supposed to deal with and has made clear to me how difficult it is to integrate what seem to be conflicting but apparently justifiable human needs into policies which are equitable to all.

And our input does not make the job any easier. We are overwhelmed with a wealth of general information—analyses of the State of the economy, prognoses of recession and inflation, arguments proclaiming the horrifying effects of terminating this program or that, cries about the size of the defense budget, expressions of shock over the dismantling of OEO and certain areas of HEW. At the same time we have a paucity of information which indicates in any meaningful way if various programs in the social field have helped or hurt the people for which they were intended. We are constantly approached by a great variety of lobbyists, many with moving tables of woe and human suffering which are "inevitable" if cutbacks prevail in many areas of social welfare. Nowhere are we in Congress able to get good hard information which would make possible intelligent debate over the course of action embarked upon by the President and so starkly manifested in the new budget.

Gradually though, as the smoke from the battle clears, as the despair seems to grow in Congress, and as the White House maintains its appearance of intractability, some of the underlying causes which have created such a disturbing climate are becoming clear. I am impelled to hearken back to an illuminating article by Irving Kristol in which he gives a brief history of the changing nature of rhetoric throuhout American political history. In it he explains the changing relationship between visionary utopian eloquence and the more sober, subtle eloquence of the dispassionate, objective mind:

> The United States has always had, by historical standards, quite ambitious ideological ends of a timeless and universal nature. George Santayana, echoing the worldly wisdom of Old Europe, could dismiss the Declaration of Independence as "a salad of illusions." But these "illusions" represented a deep emotional commitment by a new national community to the idea that government—all government, everywhere—should be subservient to the citizen's individual life, his personal liberty and his pursuit of happiness. But, in another sense, the United States can also be said to have been one of the least ideological of nations. For, in addition to the philosophy of the Enlightenment, as incarnated in the Declaration of Independence, there was another and, for a long time, equally powerful political tradition that prevailed in the United States. This political tradition, rooted in centuries of British political experience and in British constitutional-juridical thought, found expression in the Constitution—a document that (unlike the contemporary French Revolutionary constitutions) was far more a lawyer's job of work than a social philosopher's. There is nothing particularly grand or visionary or utopian in the language of the Constitution. Its eloquence, where it exists, is the eloquence of British jurists as carried over and preserved in American legal education. And it proceeds to establish a mundane government based on a very prosaic estimate of men's capacities to subordinate passion to reason, prejudice to benevolence, self-interest to the public good.
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> For more than a century, these two traditions coexisted amiably if uneasily in American life. The exultant prophetic-utopian tradition was always the more popular; it represented, as it were, the vernacular of American political discourse. It was, and is, the natural rhetoric of the journalist and the political candidate, both of whom instinctively seek to touch the deepest springs of American sentiment. In contrast, the constitutional-legal tradition supplied the rhetoric for official occasions and for the official business of government—for Presidential messages, debates in Congress, Supreme Court decisions and the like.
>
> Sometime around the turn of the century, the impact of the Populist and Progressive movements combined to establish the vernacular utopian-prophetic rhetoric as the offical rhetoric of American statesmen. It happened gradually, and it was not until the nineteen-thirties that the victory of the vernacular was complete and unchallengeable. But it also happened with a kind of irresistible momentum, as the egalitarian, "democratic" temper of the American people remorselessly destroyed the last vestiges of the neo-Whiggish, "republican" cast of mind. By now, we no longer find it in any way odd that American Presidents should sound like demagogic journalists of yesteryear. Indeed, we would take alarm and regard them as eccentric if they sounded like anything else.
>
> The effects of this transformation have been momentous; though not much noticed or commented upon. High-flown double-talk has become the normal jargon of American Government. This flatters and soothes the citizenry, but at the same time engenders a permanent credibility gap.

If what Kristol says is correct, and I believe it is, then our present ordeal in Congress, exemplified by the debate over the budget, seems to me to be the inevitable climax of a gradual movement in which esoteric utopian social goals have come to wholly dominate the congressional vision of what government should do for the governed. Objective realities and dispassionate reason have been left by the wayside.

The evidence of such movement is incontrovertible. The growth of the Federal budget over the past decade is phenomenal. Great streams of spending have resulted from little springs of good intentions, and the Congress has abdicated what should be its responsibility to see to it that its intentions are being carried out. Federal programs that begin on a modest scale often expand swiftly into the billions-a-year class—and keep right on growing. Recent programs of noncash subsidies, such as food stamps, medicaid, and social-service grants, have zoomed as a result of expanded goals, loopholes in the legislation, or unforeseen abuse. The costs of job-training and placement have been swelled by duplication of State and local efforts. These programs that start small and grow fast account for a lot of the expansion in Federal spending in recent years.

The total domination of social policy-making by the "social utopians" has caused not only a mushrooming budget, but also has brought the burden of taxation to the breaking point. Aside from the fact that most Americans are fed up with the amount of money they pay to the Government from their weekly paycheck, economic history indicates that excessive Government spending causes inflation, which is perhaps the greatest social evil of all. British economist Colin Clark suggested that the breaking point in taxation lies at about 25 percent of national income. Fortune recently pointed out that there are those who argue that when peacetime taxation rises above that 25-percent level, a "slow but inexorable process of strangulation sets in, leading ultimately to the loss of both freedom and national stability." The fact is that combined Federal, State, and local government tax collections have risen from 13 percent of national income in 1929, to 26 percent in 1950, and 34 percent last year. And despite all the hard talk coming out of the White House, the trend is up unless Congress has the courage to stop it.

Perhaps even more alarming than the outcry of the American taxpayer is the threat that utopian rhetoric poses to U.S. institutions. It is clear to me that we are on the verge of overloading our public, and particularly Federal institutions. The overblown demands on them exceed their capacity to perform. And as greater financial commitment is made to them, always given with the implied expectation of absolute measurable improvement in whatever their pursuit, the gap between expectation and performance widens. James Perkins states the case remarkably well:

> It must not be assumed that if capacity for increased performance lies latent in our society, we can continually increase our demands on our institutions and that performance will automatically rise to the level of our demands. When you raise the ante, you do not improve the cards. This notion is the central fallacy of our times.

But Congress has not subscribed to that seemingly self-evident truth. Sadly, there are many whose devotion to an institution rises above the devotion to the goal the institution was originally intended to achieve. And uncontrolled distribution of moneys to public institutions in pursuit of an unattainable goal seems to have caused a disorientation which blinds some into thinking that if only additional funding can be found, the goals will be more nearly achieved.

There is no doubt that initial motivation for expending public moneys has been, to a great extent, valid. Clear examples abound where the private sector has fallen short and, in behalf of the general interest, Government has intervened. Environmental protection is an immediate example. But the prevailing thought seems to have become that only those on the public payroll can work in the public interest. That distortion must be immediately and successfully corrected.

Now that billions of dollars have been spent on the public payroll, and now that the American people have called for a halt to unsuccessful and only marginally successful public programs, we are faced with a dilemma—to continue to finance the Federal sector in "hopes" of more rapid social gains in the future, or to return resources and power to State and local governments with the expectation that those people closest to the problems are best equipped to handle them.

I cannot help but think that the latter approach is more likely to succeed. I will leave the espousal of the first argument to others; it is certainly not lacking for advocates. My support for returning power and moneys to local governments stems from something that the people seem to understand a good deal more explicitly than many in Congress—that Government is intended to function with the "consent of the governed." As the President put it:

> The American people as a whole—the governed—will give their consent to the spending of their dollars if they can be provided a greater say in how that money is spent and a greater assurance that their money is used wisely and efficiently by government. They will consent to the expenditure of their tax dollars as long as individual incentive is not sapped by an ever-increasing percentage of earnings taken for taxes.

While the President may be stretching his mandate from the people, there can be no doubt that he correctly perceives the American peoples' frustration over the misuse and inefficiency of Government funds. He is correctly, I think, reversing the flow of political power, taking decisionmaking out of Washington and putting it back in the hands of the people being served.

But Congress has not done, nor is it able to do, its fair share of the job. Maintaining a growing economy, halting inflation, keeping the budget under control, establishing national priorities—all these are areas of national concern which Congress, at present, is not capable of dealing with. Of the four identifiable phases in the budget process, three are presently in need of overhaul—budget execution and control, review and audit, and congressional authorization and appropriation.

Congress has abdicated its authority simply because it lacks the machinery to use its authority wisely. The top priority of this Congress should be to develop a vehicle which will allow us to get a handle on the budget, to view it in totality, and establish a ceiling on the budget, before the usual rituals of logrolling and pork-barreling begin to make their bid for what's available. We might learn from the British system. As the Christian Science Monitor explains it:

> In Britain the budget is one complete comprehensive whole. It is written each year in the Treasury. It is presented as a whole to the Parliament. It is debated as a whole and voted up or down as a whole. The British system of a single-budget is an improvement not yet emulated by Washington.

I have cointroduced legislation which will help meet the challenge to Congress to "reform its own fragmented and piecemeal approach to budget-making." The bill, originated in the Senate by Senator BROCK of Tennessee, would establish the machinery to enable Congress to arrive at its own spending priorities.

Our bill would require not only Congress as a body, but each individual Member, to face up to his duty to curb spending and stop the steady erosion of budgetary power to the executive branch.

The bill covers five major points:

First. Designate a joint congressional committee to formulate legislative budget and evaluate the federal budget in terms of priorities.

Second. Require the projection of all major expenditures over a 5-year period.

Third. Require all major spending programs to be evaluated at least once every 3 years.

Fourth. Require consideration of pilot testing of proposed major Federal programs.

Fifth. Require all Federal expenditure programs to be appropriated annually by Congress.

I know that other legislation addressing itself to these same areas of concern will be under consideration during this session. They must be acted upon promptly. While the notion of impoundment of funds does not sit well with me, I cannot in good conscience condemn an action which aims to achieve a result in the general interest which cannot in any other way be met.

There are specific impoundments with which I am in disagreement, particularly water pollution control moneys, certain elements of the higher education amendments of 1972, and others, but until we can establish the machinery for setting spending priorities, the President's approach will have great attraction.

His budget message concludes with an appeal to commonsense. It is a practical guide and goal, as well as a challenge which Congress should heed. If we do not, the President will, for lack of an alternative, continue his own methods of "serving the general interest." He said:

> Commonsense tells us that government cannot make a habit of living beyond its means. If we are not willing to make some sacrifices in holding down spending, we will be forced to make a much greater sacrifice in higher taxes or renewed inflation.
>
> Commonsense tells us that a family budget cannot succeed if every member of the family plans his own spending individually—which is how the Congress operates today. We must set an over-all ceiling and affix the responsibility for staying within that ceiling.
>
> Commonsense tells us that we must not abuse an economic system that already provides more income for more people than any other system by suffocating the productive members of society with excessive tax rates.
>
> Commonsense tells us that it is more important to save tax dollars than to save bureaucratic reputations. By abandoning programs that have failed, we do not close our eyes to problems that exist; we shift resources to more productive use.

While those admonishments might impel us toward a new approach to the budget process, an equally important area of concern is the establishment of methods and standards by which the costs of new and old Federal programs can be measured against their effectiveness or value to the taxpayers. Henry Wallich offers some thoughts on what should be the criteria for the worthwhileness of public expenditures.

HOW TO SPEND

(By Henry C. Wallich)

> The budget squeeze has promptly separated the bad guys from the good guys. The bad guys are marked as plainly as in any Western. They like the new budget because they don't care about the poor or the environment, they ignore our great social needs, they don't want to pay taxes and want only to cater to their crude materialistic values.

The good guys do care, and they are outraged at the program cuts. They are willing to see taxes go up, and they can point to any number of ways of bringing in revenues by taxing types of income they may wish they had but do not.

This tendency of the good guys to fund their social concern with other people's money explains why right now they sound so unconvincing. But the propensity to tax Peter in order to pay Paul involves much more than the present budget hassle. It points to a fundamental dilemma in the fiscal process that needs careful diagnosis. The defect stems from the Federal budget's attempt to do two things at once: to redistribute income and to provide needed government services. This is bad economics. Today, it is also bad politics.

REDISTRIBUTING

I shall focus on bad economics. Our tax system embodies the principle of redistribution of income produced by the market as too uneven. We therefore tax the rich more than the poor so as to even things up a little. A progressive tax system is sound economics, although one could debate how much we should do in the way of redistribution. There are fairly persuasive reasons why we want to stop short of perfect equalization of incomes. But the principle of redistribution simply says that we should take money from the rich and give money to the poor. Where we get in trouble is by giving, not money, but government services. When redistribution gets mixed up with the provision of services the result is a bad use of the money—"misallocation of resources" in economese.

Suppose we found a way of breaking the whole process of taxing and spending into two steps. In the first step, we simply take and give money. This being done, we then ask people what amount of government services they would want, provided everybody had to pay for the full cost of the services rendered to him. This would allow the beneficiaries of redistribution to keep some of their benefits in cash, instead of having to take them in kind. If they think that the services they now get are worth what they cost, they could vote for them and pay the cost in taxes. If they do not think so, they would be better off with cash.

Under the present system, the beneficiaries of redistribution do not have this option. The only way a low-income person has of getting more redistribution is to demand more government services. He may not consider these services particularly valuable. He might not vote and pay for them if he had to pay the full cost. But he is in fact buying them below cost, because others are paying more than cost. Thus he is ahead, even though he would still be better off if he could get cash instead of government services.

Today the Federal government spends $30 billion to help some 25 million poor. This averages out at $4,800 per family of four, which if given in cash would put such a family well above the poverty line even if none of its members worked. But many of the benefits are given in kind. The worthwhileness of this spending is never properly weighed because the cost differs so enormously for different taxpayers.

HOW TO DO BETTER

The test for the worthwhileness of a public expenditure is very simple. Find out whether a majority will vote for it if it had to be financed without progressive taxation. Let it be examined on the assumption that everybody pays for what he gets. No comeons promising easy payments through loophole closings and other forms of making other people pay. By cutting the link to redistribution, the true value of the program will be revealed. If a majority still wants it, fine. If not, they are better off keeping their money.

This does not interfere with redistribution. Rejecting some expenditures will cut the tax bill. But the smaller tax bill can be made more progressive. Low-income people can be taken off the rolls, loopholes can be closed, regardless of the level of spending. Then we shall have redistribution without the price of unwanted government services.

Unless we can develop some way to measure effectiveness of Government programs, programs and costs will continue to be determined by special interests, emotions, and ideologies. Congress must make provision to have access to information from the various elements of the executive branch for which Congress is responsible, and unless the legislative branch can effectively oversee and review the results of its own initiatives, it will remain impotent to effectively debate program cutbacks, reorganization, or national priorities with the White House.

I have great faith in this body to improve its capacity to govern. We cannot function in some hoped for euphoria, nor can we disregard the real needs of the people. But a reduction in utopian rhetoric, a new sense of realism and understanding of what our institutions are capable of, real reform of the budget process, and a renewed understanding of the will of the people, should help put Congress back in the prevailing winds of the Nation.

The Buffalo Evening News correctly puts this challenge to Congress in proper perspective and I include it at this point:

NIXON'S BUDGET CHALLENGE

President Nixon has summoned Congress to what could easily become Washington's most significant debate of the year—particularly if Vietnam finally fades as a contentious issue—with today's proposed federal budget of $268.7 billion for the 12 months beginning next July 1.

The budget calls for no tax increases. It urges major re-allocations of funds sure to ignite controversy, and it correctly argues against federal spending of more than the $268 billion total.

Despite Mr Nixon's tight-fisted spender rhetoric, however, Congress ought to go him one better and trim that total even further—whatever the final decisions on specific items.

This is because the budget projects a $12.7 billion deficit. Budget deficits, to be sure, can helpfully stimulate economic recovery in a period of recession and sluggishness. But all signs now point to a period of robust economic activity, if not boom, in the year covered by this budget. Indeed, the administration itself forecasts that 1973's national economy will grow by a hefty $115 billion, more than the $102 billion spurt of last year. One of the current risks is rekindled inflation, especially with the relaxed wage-price controls advocated by the administration.

Thus, it seems to us, this deficit starkly poses the alternative of either less spending or more taxes than the President recommends. If Washington doesn't avoid spending more than it collects in periods of economic health, when should it avoid them?

This is not to claim that the President hasn't already made some difficult choices. He has. We agree with his arguments for consolidating many individual programs into broader revenue-sharing areas, such as education, urban community development and manpower training, a recommendation Congress has spurned in the past.

And he has challenged Congress with proposals to drastically reduce, or totally abolish, well-known programs like Model Cities, the Office of Economic Opportunity, urban renewal and farm price supports. We will reserve judgment on these and other proposed economies until later. But he has made hard choices, and this should obligate Congress to apply rigorous standards of whether results have justified the amounts of money spent rather than simply the popularity or authorship of these programs. The aim should not be to abandon the social-welfare goals, but to find better means to those goals.

We are not convinced, however, that the same rigorous standards of performance that the Nixon administration has applied to such programs as low- and middle-income housing, as well as community action counsels in the anti-poverty effort, have been applied to the vast array of subsidies to business and agriculture and the increased military spending. These are fields where budget-cutters ought to whet their axes.

The President is certainly right in urging Congress to reform its own fragmented and piecemeal approach to budget-making. He and others have suggested reforms—such as legislating an over-all budget ceiling—that could improve existing practices as to both the total budget and specific items.

The budget poses serious questions of national economic policy. It deserves serious consideration—concerning its total impact on the economy, its priorities among competing programs, its suggested procedures for reaching those decisions. This year is an ideal time for it to get just that kind of debate.

THE COMMUNITY SERVICES FELLOWSHIP ACT

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 15 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, late in the last session of the 92d Congress, I introduced the Community Services Fellowship Act. Realizing there was not sufficient time to act upon it, I hoped its introduciton would provide a forum for the academic community, public agencies, local services organizations, and my colleagues here in the House to express their view of the bill. The response in support of the legislation has been most encouraging, and the suggestions I have received will certainly strengthen its provisions.

Today I am reintroducing the Community Services Fellowship Act—confident that it will provide the incentive necessary for many citizens of all ages to involve themselves in needed community service programs. The fellowship concept will provide postservice educational benefits to those who are willing to meet the challenges of community services.

This concept is designed to:

Rekindle the idea of voluntary service to the community and the Nation;

Create a new way to work one's way through college;

Enhance the ability of young people to make career decisions based on experience;

Develop a socially acceptable mechanism for those students who are not ready to enter—or continue—in college to break the academic lockstep;

Provide opportunities for participation in socially needed activities;

Facilitate vocational redirection, for those adults who wish to alter their career patterns;

Enable older and retired workers to impart their years of experience and understanding to community projects; and

Help locally based community service

agencies with an infusion of enthusiastic citizens to perform needed work in a creative manner.

BREAKING THE ACADEMIC LOCKSTEP

Twenty-five years ago, less than one-quarter of America's youth enrolled in college. Today, more than half do. As the proportion increases, there are strong social pressures on most high school graduates to embark on higher education as soon as their secondary schooling is completed.

For many young people, the college experience can be less than beneficial if they are not ready to continue their academic careers. For the reluctant student, the choice of study can be inappropriate or uninformed. Moreover, few students possess experience for choosing a career; we have allowed an artificial barrier to arise between the world of work and the world of learning. We must find ways to eliminate that barrier, to give our young people an opportunity to participate in the mainstream of society in a manner consistent with continuing their education.

YOUTH AND THE COMMUNITY

There are other vital reasons for granting educational benefits for community service. We must strengthen the bond between youth and our Government through a process that will build faith in society and our institutions. We must bring vitality to the concept that working for a betterment of our society is a task for which every citizen can voluntarily devote a part of his life.

We must also move to make the best use of youthful enthusiasm, and afford opportunities to young people who wish to provide full-time service to the community. We are currently in the midst of a dramatic expansion of part-time volunteer activities on campus and in the communities. While these programs have served many useful functions, experience has shown that localities benefit the most from full-time participation in programs lasting from 6 to 21 months. Such endeavors give the participants sufficient time to become proficient in their work. Programs of such length also are of the necessary duration for participants to develop meaningful relationships with the communities they serve.

VISTA and the Peace Corps have filled some of the need. Yet no one would argue that all service programs should be totally dependent on Federal funding or controlled from Washington. The fellowship program allows local public service agencies and nonprofit organizations to supplement the quantity and quality of their personnel by offering an additional incentive over and above—not in lieu of—normal remuneration. It will encourage these agencies to develop projects meeting the greatest need in areas of human and ecological concern, and to design jobs in an innovative fashion.

WORKER ALIENATION

While the bill was originally aimed at breaking the education lockstep, it became apparent that it could have much broader application in an area of growing concern: Workers trapped in dead-end careers. While perhaps most strikingly exemplified by the strike at the Lordstown automobile assembly line, the so-called blue collar blues has been explored in some depth by such recent studies as HEW's just published report, "Work in America" by Jim O'Toole, and Hal Sheppard and Neil Herrick's book "Where Have All the Robots Gone?" It should be emphasized that job dissatisfaction is by no means confined to blue collar workers and is perhaps as prevalent in management as well.

Though the dimensions of this problem are not clear at this time, the situation stems from at least two primary developments. First, many American workers by mid-career have achieved in the postwar economic boom what their parents had labored all their lives for: Freedom from poverty and the attainment of a level of comfort that is the envy of the entire world. But the second car and the summer house have not brought the happiness or the fulfillment that had been anticipated. Second, while time and motion studies have helped bring about record productivity through task specialization, they have deprived the worker from seeing the value of his efforts in relation to the quality of the finished product. The end result of these factors many times is an alienated worker. The opportunity to offer one's specific skills to the community for a year or two to gain preparation for a new career is one many workers would find exciting.

The concept would not only increase the number of options to the individual, but would make great sense from a labor economics point of view as well. Given the increasing impact on our economy of international trade—that is, the electronics industry—the increasing impact of changes of Government and domestic spending patterns—that is, the aerospace industry—and the continuing boom of technology—that is, automation—it is virtually certain that the individual graduating from high school or college today will not remain in the one mythical career presumed by many guidance counselors in the past. He may perhaps have to pursue four or five different careers, interspersed with periodic re-education and training. Packaged, lockstep education will no longer be adequate for either the individual or society. A program of the type envisaged by this legislation would ease the transition between the world of work and the world of education and help provide the greater elasticity in the labor force future labor markets may require.

OLDER AND RETIRED PERSONS

Mandatory retirement often abruptly ends productive careers long before the individual is ready. For those persons who would choose to offer their expertise and invaluable perspective to worthy community efforts, it is foreseen that this program could emulate the successes of such examples as the Foster Grandparents program and the Senior Corps of Retired Executives—SCORE. Not only would it assist in retaining the senior citizens in the mainstream of our society, but would allow them to subsequently pursue a degree they had always wanted or a field of longtime interest.

THE PROPOSAL

The Community Service Fellowship Act provides those persons who serve in select community service programs the right to educational benefits. These benefits would be accrued on a month-to-month basis; that is, for each month that a participant served in a community service program, he or she would subsequently receive 1 month of educational benefits when enrolled in an acceptable postsecondary program. The rate of educational benefits is $150 per month, for up to 24 months, when the fellow's participation in the program is pursued on a full-time basis.

The program will be administered by ACTION, to draw upon the experience of this Agency in developing and administering community service programs.

A national board of 15 members will provide policy advice and program recomendations to the Director of ACTION. Individuals serving on the Board will represent the educational community, community service agencies, young people, and the general public.

To encourage program decentralization, regional boards will be established such that each State or part thereof which is included in a region shall be entitled to have at least one representative on the regional board for such region. Utilizing the criteria developed by the national board, the regional boards will select community service projects, choose fellows to participate in these projects from among those nominated by community service organizations, keeping itself continually informed of the conduct of the projects in its region, and encourage the use of fellows by local community service organizations. The chairman of each regional board will sit on the national board, thereby facilitating the coordination of operational problems with the development of national policy.

Administrative arrangements are designed for minimal Federal involvement. Local input is strongly encouraged in the development of programs and the selection of community service fellows.

Both public and nonprofit institutions may apply to have jobs approved for educational benefits. As a protection to present workers, certain safeguards are built in. Jobs are to be paid at levels commensurate with similar occupations. Further, employment benefits are to be parallel to those given to similar workers within the community service agency. In no event are jobs to result in the displacement of current workers or job positions.

The legislation anticipates applications from adults as well as young people. Increasingly, more mature citizens have the time and desire to engage in community service. Education is no longer restricted to youth, but is seen as a lifelong process.

It is the intent of the legislation, that the administration of educational benefits tie into the experience and mechanism of the Department of Health, Education and Welfare. The Director of Action, is therefore, required to use HEW facilities for the administration of such benefits, to the extent feasible.

Full benefits will accrue on a month-to-month basis for up to 24 months for full-time students. Recognizing that an individual's participation in this program may impose financial hardships on his or her family, a beneficiary provision is included which will allow the educational benefits that were accrued to be passed on to the spouse or children.

As the legislation intends to encourage education in a broad sense—making training available in many vocational and educational areas—the definition of education and training is identical to the broad-based definition available to veterans qualifying under chapter 34, title 38, United States Code.

Finally, to permit adequate program evaluation, the program begins with a manageable level of 10,000 fellowships in 1974.

I insert the text of the bill at this point in the RECORD:

H.R. 4309

A bill to provide postservice educational benefits for those who have participated in community service programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Community Service Fellowship Act".

PURPOSE

SEC. 2. It is the purpose of this Act to establish a community service fellowship program which will confer entitlement to assistance for further education, which program will also—

(a) encourage the development of meaningful learning experiences through full-time work in community service jobs throughout the country;

(b) help break the academic lockstep by providing legitimate options to the immediate continuation of formal education courses;

(c) allow our Nation's citizens who so desire to contribute their energies for a set period of time to the betterment of conditions in our urban and rural areas; and

(d) help provide creative and energetic manpower for presently undone but needed community tasks.

ESTABLISHMENT OF PROGRAM

SEC. 3. The Director of ACTION (hereinafter referred to as the "Director") shall develop and carry out a community service fellowship program, as provided in this Act.

NATIONAL BOARD

SEC. 4. (a) The Director shall establish a national board to assist him in carrying out this Act. The national board shall consist of not more than fifteen members who, by reason of background and training, are representative of the general public, educational institutions, young people, and community service agencies participating or planning to participate in the program. No person who has served as a member of the national board shall be eligible to be again appointed to such board. Such members (and members of the regional boards provided for in section 5) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, but subject to the provisions of such title relating to classification and General Schedule pay rates.

(b) The term of office of members of the national board shall be three years, except that (1) of the members first appointed five shall be appointed for a term of one year, five for a term of two years, and five for a term of three years, as designated by the Director at the time of appointment, and (2) members appointed to fill a vacancy shall be appointed for the unexpired term of the member whom they succeed, except that where such unexpired term has a year or less to run, they shall be appointed for three years plus the unexpired term of the member whom they succeed.

(c) It shall be the duty of the national board to advise the Director, particularly with respect to—

(1) establishment of criteria for the selection of community services projects to participate in the program which shall include consideration of (A) the extent of community participation in the project, (B) the contribution to the community which will be made by the project, (C) the availability of manpower for the project from other sources, and (D) the extent to which the project shows creative and innovative methods of meeting community needs,

(2) approval of applications for community service projects,

(3) names of persons it deems suitable for appointment to regional boards,

(4) evaluation of community service programs being carried on under this Act, and

(5) recommendations for the improvement of programs carried on under this Act.

REGIONAL BOARDS

SEC. 5. (a) The Director shall establish not to exceed ten regional boards for regions which he shall establish. Each such board shall have a membership appointed by the Director with the same qualifications as the national board. One member of each regional board shall be a person who is a member of the national board and who shall be the chairman of the regional board. No person who has once served as a member of a regional board or as a member of the national board shall, after the termination of such service, he again appointed to a regional board, except pursuant to the preceding sentence. To the extent practical, the regions established under this section shall be of substantially equal population. Each State or part thereof which is included in a region shall be entitled to have at least one representative on the regional board for such region.

(b) It shall be the duty of each regional board—

(1) to select for approval community service projects which meet criteria established by the Director with the advice of the national board,

(2) to keep itself continually informed with respect to the conduct of community service projects in its region,

(3) to obtain from organizations carrying on community service projects recommendations of persons for designation as community service fellowship holders (hereinafter referred to as "fellows"), and, with concurrence of the national board, to select from among the persons so recommended those who are to be appointed fellows within the limits of quotas which the Director shall establish for each such board,

(4) to encourage the utilization of fellows by local community service organizations, and

(5) to perform such other duties as the national board may assign.

APPROVAL OF PROJECTS

SEC. 6. (a) Any public or private nonprofit agency which wishes to participate in the program while carrying out a community service project shall submit an application to its respective regional board, which may not recommend an application unless—

(1) it provides for the employment of fellows in activities which contribute to the social well-being of the community, such as work in corrections, mental health, law enforcement, protection and enhancement of the environment, recreation, housing, or drug abuse;

(2) it will result in the creation of new positions, and will not result in the displacement of currently employed workers, or elimination of present occupational positions,

(3) the wages to be paid are comparable to those being paid persons in similar positions who are not fellows, and in no event shall the wages to be paid be at a rate higher than a maximum rate which the Director shall prescribe after consideration of recommendations of the National Board,

(4) the other terms and conditions of employment are not less favorable to fellows than they are to other employees performing comparable duties,

(5) the fellows participating in the project are prohibited from engaging in political activities which might be identified with the community service fellowship program,

(6) the fellows will not be engaged, as a part of their activities under the project, in religious or sectarian activities,

(7) it provides for certain planned activities which will help fellows understand the broad context and role of community services within the area represented by the applicant, and

(8) it provides for the submission of such reports in such form and containing such information as the Director may require to carry out his duties under this Act and to enable him to establish the educational benefits to which the fellows are entitled.

(b) In approving applications selected by the regional boards meeting the requirements of subsection (a), the Director shall consider the extent to which applications conform to the criteria established by the National Board as required by section 4 (c) (1). Allocation of community service fellowships among projects shall be made by the several regional boards, in accordance with criteria established by the National Board.

(c) If, after affording due notice and an opportunity for a hearing, a regional board determines any applicant agency has violated any assurance given in its application, it shall terminate further participation by that applicant agency in the program. In such a case the agency may appeal the determination to the national board which shall review the case and make recommendations to the Director for his final decision. If the applicant agency's participation in the program is terminated, the Director shall make every effort to place the fellows participating in the program in other projects carried on under this Act.

SELECTION OF COMMUNITY SERVICE FELLOWS

SEC. 7. The Director shall develop a procedure which will permit each agency carrying on a community service project to nominate persons to participate in the program as fellows. The regional boards shall approve fellows from among those persons selected by community service agencies (in accordance with criteria which the Director shall prescribe) based on their qualifications to become fellows.

EDUCATIONAL BENEFITS

SEC. 8. (a) Each fellow participating in a community service project shall accumulate entitlement to educational benefits for use by him for his educational expenses when he resumes his education. He shall accumulate entitlement at the rate of $150 a month. For purposes of this subsection, a fellow is participating on a full-time basis when he devotes 40 hours a week to participation in the project. The maximum period of participation for which a fellow may accumulate educational benefits is twenty-four months. No such benefit may be paid a fellow more than seven years after he has completed his participation in a community service project.

(b) Educational benefits may be paid only while a fellow is pursuing a course of education or training which, when pursued by eligible veterans, qualifies them to receive an educational assistance allowance under chapter 34 of title 38, United States Code. Benefits may be paid only when the fellow is maintaining satisfactory progress in the course of study he is pursuing and is in good standing with the institution in which he is enrolled, according to the regularly prescribed standards and practices of the institution.

(c) If a fellow incurs disability or death arising out of his participation in a community service project, the educational benefits which he has accrued but is unable to use shall be made available to his wife or child or children to assist them to meet their education expenses. Such benefits must be used within seven years of the disability or death, in the case of a widow, or before he reaches twenty-six, in the case of a child. Where there is more than one person eligible for and seeking benefits under this subsection, such benefits shall be made available to, or apportioned among, the eligible recipients as the disabled fellow may prescribe, or, if he is dead, as the administrator or executor of his estate may prescribe.

(d) In carrying out this section, the Director shall, to the maximum extent feasible, use the resources and services of the Office of Education. Funds necessary to enable the Office of Education to carry out its functions under this section are authorized to be appropriated directly to such Office.

MISCELLANEOUS

Sec. 9. (a) The Director shall provide for evaluation of community service projects. He shall also disseminate broadly information about the community service program to potential fellows and project sponsors.

(b) For purposes of title VI of the Civil Rights Act of 1964, a community service project shall be treated as a program or activity receiving Federal financial assistance.

(c) No provision of this Act shall be construed to restrict any fellow from receiving retirement, social security, veterans' benefits, or other benefits of like kind at the same time he is receiving benefits under this Act. However, no individual shall receive educational benefits of any type authorized by any Federal agency for performing the same functions that entitle him to educational benefits under this Act.

AUTHORIZATION

Sec. 10. During the fiscal year 1974, the maximum number of fellows shall be ten thousand; during the fiscal year 1975, the maximum number of fellows shall be thirty-five thousand; and during the fiscal year 1976 and thereafter, the maximum number of fellows shall be one hundred thousand.

GAS-GUZZLING CARS

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. Danielson) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, in my remarks to the House yesterday concerning the relationship of car size to fuel consumption and air pollution, which appeared on page 3728 of the Congressional Record, I stressed the need for a comprehensive study on this subject.

Today I would like to call to the attention of my colleagues some additional information concerning the extent to which our big gas-guzzling cars waste our natural resources. I have been informed that, based upon actual data as to gasoline consumption during 1969, 1970, 1971, and the first 6 months of 1972, it is estimated that southern Californians will consume an average of 400,000 barrels of automobile fuel per day during 1973. This does not include fuel consumed for other purposes such as diesel engines, aircraft, locomotives, the generation of electricity, industrial uses, propane or anything else. There are an estimated 11 million people in this region of California. With 42 gallons of fuel per barrel, this means that we are consuming 1½ gallons of fuel per day for every man, woman, and child in southern California; that is, for everyone, including infants and centenarians.

If we assume that the average automobile in this area consumes 1 gallon of gasoline for every 12.5 miles traveled, which is the national average, then we can figure that all of the cars of southern California will travel a total of 210 million miles every day, and most of this is on the freeways and city streets.

On the other hand, it is within our engineering capabilities to produce and use smaller autos which can get as much as 25 miles per gallon.

This would result, under the figures I have mentioned above, a savings of 200,000 barrels per day, a most substantial saving of our irreplaceable natural resources.

The Washington Evening Star published an excellent editorial on this subject in the February 6, 1973, issue which I would like to insert in the Record.

Energy Gluttons

As the energy shortage begins to hurt, to the extent that talk of fuel rationing is heard, an accusing eye has fallen upon that almighty American dream machine. The big fast-getaway gas-guzzling car is being cast as a villain, and that image was magnified the other day by William D. Ruckelshaus, head of the Environmental Protection Agency.

He claims that the automobile industry has caused extravagant consumption of gasoline, by turning out cars of excessive weight, and loading them with too many gadgets. For its part, the industry complains that pollution-control devices required on new cars will cause them to devour much more fuel, and there's no denying that. This year's models are said to use 7 percent more, for that reason. But Ruckelshaus counters that the unnecessary weight of massive first-line cars, and all the "power options," cost up to 20 percent in mileage. "A 5,000-pound vehicle consumes 100 percent more gas than its 2,500-pound counterpart," he says.

What he's talking about is an enormous wastage that the country may be able to afford less and less in the years ahead, as domestic and oil shortages worsen and imports must be relied upon increasingly. A drop in the average maximum car weight to 2,500 pounds, he contends, would "reduce crude oil imports by 2.1 million barrels a day in 1985, and the projected balance of payments deficit by $2.3 billion annually." That, coupled with the national determination to curb pollution, seems a powerful incentive for more Americans to break off their love affair with the big automobile. It isn't inconceivable that someday, if the fuel crunch gets bad enough, legal limits on weight and horsepower will be considered.

The trouble is that our whole system has been geared to the idea of maximizing consumption—of everything. That's one reason why we are now wasting at least 50 percent of the fossil energy we burn. Just lately, in the face of a crisis in supplies, has there been some blinking recognition of the need for conservation. It's possible, and feasible, to design buildings, appliances and vehicles so as to reduce the electricity and fuel they use.

American technology must turn itself to that task. If some prodding by the government is required, so be it.

LAW OF THE SEA

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. Fraser) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, today I am introducing a resolution calling for early agreement on an equitable international treaty governing the uses of the ocean. The resolution is being introduced in the other body today also, with Senator Pell as the principal sponsor. I am very pleased to be joined in sponsorship by 13 of our colleagues, representing both parties.

This resolution gives strong support to the ocean policy objectives of this and preceding administrations, which are now being pursued by the U.S. delegation to the U.N. Seabeds Committee in preparation for the Law of the Sea Conference scheduled to begin in New York late this year. The work of the U.N. Seabeds Committee and the forthcoming Law of the Sea Conference is of vital importance to all nations of the world, and in particular the United States because of the enormous economic potential of ocean resources and the inadequacy and absence of present sea law to deal with the challenges of ocean use.

Some estimates place the recoverable oil under the seabed at 1,600 billion barrels, compared with 500 billion barrels produced in the United States—the world's greatest source in the last century. Many billions of pounds of nickel, copper, and cobalt lie in manganese nodules on the deep seabed. World fisheries are a $12 billion industry, and with modern methods, one nation's fishing may drastically reduce another nation's catch. Whales and other ocean mammals have been decimated, and certain fish species are seriously endangered.

Ocean commerce has quadrupled since 1945. Increase has been heaviest in petroleum and its products. The ocean is the chief location for more stable deterrence by nuclear submarines as well as for movement of Armed Forces by sea or air.

Ocean pollution has increased at an alarming rate from land runoff, from polluted air, and from dumping or accidents, especially involving giant supertankers at sea. Some ocean areas are "dying" in the sense that certain types of ocean life can no longer exist there. If the trend continues long enough, ocean pollution might become irreversible, and with it the march to the end of human existence.

Furthermore, the oceans, which cover 70 percent of the earth's surface, are this planet's last frontier, as well as the last great storehouse of resources. As such, scientists seek to explore and expand man's still scant knowledge of this vast and fascinating part of our world. But they are increasingly hampered by national restrictions.

These new developments have made the old law of the sea unacceptable and ineffective. The alternatives are to modernize the law of the sea by multilateral agreement, or to face ocean conflict and anarchy.

Already, some nations are claiming sovereignty over the oceans out to 200 miles from shore, and seizing foreign fishing boats. Already, nations are claiming special economic or fishing rights, or the right to determine what ships constitute pollution hazards, in zones off their coasts. Already nations are threatening to impose restrictions on use of international straits. Already, preparations are being made to mine deep seabed hard minerals, without waiting for international agreement.

Fortunately, the United States has exercised wise leadership. We passed a good ocean dumping bill that contributed to an International Dumping Convention which is a first step toward eliminating that cause of pollution. We have also provided creditable leadership in the United Nations Seabed Committee.

A Law of the Sea Conference will convene in November to December 1973, which will greatly affect the future of the oceans and of mankind for decades ahead. The United States delegation has done excellent work during the period of preparation and is making wise and generous proposals, giving due consideration to our national interests as well as those of the world community. Full support by Congress will strengthen their hands, and contribute to a successful outcome for the Law of the Sea Conference.

TRIBUTE TO THE LATE STEPHEN LAMB

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, on Wednesday, February 7, 1973, a very prominent Chicagoan and a good friend of mine, Stephen Lamb, passed away. Officially, Steve Lamb was the business manager of the Chicago Journeymen's Plumbers Local Union No. 130 and international vice president and member, executive board of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada. Unofficially, he was this and a whole lot more to the people of Chicago. His interest in civic affairs and in charitable activities is virtually legend. He was well known as the general chairman of the famous Chicago St. Patrick's Day parade. Much time was also devoted by him to the Girl Scouts, Boy Scouts, and to the Jerry Lewis Labor Day Telethon of which he was general chairman for Chicagoland.

In the labor movement, Steve Lamb was not only active in all phases of the journeymen plumbers operations, but he also found time to serve as first vice president of the Chicago Federation of Labor and Industrial Union Council since 1968.

His interests and achievements, Mr. Speaker, are too many for me to enumerate here. Let it be said, though, that his contributions to his community and to his city shall surely remain as a lasting tribute to his memory. I deeply regret his passing for I shall indeed miss him.

In closing I should like to offer my sincere condolences to his widow, Lucilla, and their two daughters Suzanne and Mary Ann.

OBSCENE RADIO BROADCASTING—IV

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 5 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, over the last few days I have inserted in the RECORD letters I have written relative to offensive language used in radio talk shows in Cleveland and other cities around the country. The first letter went to the U.S. attorney in Cleveland, the second to the Federal Communications Commission, and the third to the Office of Legislative Counsel. This fourth letter, which I ask permission to insert in the RECORD, deals with still another aspect of this troublesome question. I am certain it will be of interest to all Members of the House, because of the vogue that these radio talk shows are achieving around the country. The letter to the Justice Department follows:

CONGRESS OF THE UNITED STATES,
Washington, D.C., February 7, 1973.

Hon. RICHARD G. KLEINDIENST,
Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR MR. KLEINDIENST: Because of an acute problem relating to offensive radio programming in Cleveland, Ohio, I have written letters to the United States Attorney for the Northern District of Ohio, to the Federal Communications Commission and to the Legislative Counsel of the House of Representatives. I enclose copies of those communications for your perusal, since they deal with an issue over which the Justice Department has jurisdiction.

I have made inquiries pertaining to your enforcement of Title 18, United States Code, Section 1464, which states: "Whoever utters any obscene, indecent, or profane language by means of radio communication shall be fined not more than $10,000 or imprisoned not more than two years or both."

From the Congressional Research Service, I received this report about your activities:

"There are apparently a number of unreported decisions involving indictments under sec. 1464 but the precedent value of these proceedings seems to be limited. The General Counsel's Office of the FCC indicated that when a case is referred to the Justice Department for criminal prosecution under sec. 1464 the Department may not prosecute where it appears that the language in question would be protected under the First Amendment. The FCC General Counsel's office explained, however, that local U.S. District Attorneys, under community pressure, may obtain indictments and that the defendants often plead guilty to these indictments. The Justice Department, according to the FCC, does not rely upon these proceedings as precedents."

In conversations with officials of the Federal Communications Commission and your own Justice Department, I was able to confirm that what the Congressional Research Service reported to me is indeed true. I learned also from these conversations that your Department does not keep track of guilty pleas that may have been entered in various Federal trial courts around the country—i.e. that such cases, when they occur, are not necessarily reported to your office in Washington.

In view of this fact, I want to say respectfully that I fail to see how it is possible for the United States Attorney General to achieve a uniform enforcement policy around the country with respect to Section 1464 if certain facts that might prove useful to you are not reported to you.

If indeed there are guilty pleas being made to violations of Section 1464, wouldn't you want to know what accounts for your success in each case? Wouldn't such knowledge suggest to you strategy for action with respect to new complaints as you receive them? In other words, wouldn't the circumstances under which you might be achieving success in one area prove instructive to you with respect to other parts of the country?

Again respectfully, I would like to suggest that you circularize your United States Attorneys across the Nation, asking them to report to you all prosecutions and dispositions in recent years under Section 1464.

It could be that such information would be of particular value to Mr. Coleman in Cleveland, who is considering whether to institute proceedings against Station WERE there.

As your superior, President Nixon, asserted on October 24, 1970:

"So long as I am in the White House, there will be no relaxation of the national effort to control and eliminate smut from our national life. . . . Pornography can corrupt a society and a civilization. The people's elected representatives have the right and obligation to prevent that corrupation. . . . The Supreme Court has long held, and recently reaffirmed, that obscenity is not within the area of protected speech or press. Those who attempt to break down the barriers against obscenity and pornography deal a severe blow to the very freedom of expression they profess to espouse."

I am certain that you want to have in effect the kind of enforcement policy that implements the President's feelings on this matter. Therefore, I would appreciate your comments not only on this letter but also on the three others which I enclose.

Kindest personal regards.

Sincerely,

JAMES V. STANTON,
Member of Congress.

NATIONAL CHECK YOUR VEHICLE EMISSIONS MONTH

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. ECKHARDT) is recognized for 5 minutes.

Mr. ECKHARDT. Mr. Speaker, members of the oil and automobile industry have sparked an enthusiastic program to encourage automobile owners to participate in a program to substantially reduce air pollution by testing the emissions from their automobiles. Today I am introducing a resolution to authorize and request the President to proclaim April as the "National Check Your Vehicle Emissions Month" to add further fuel to their efforts.

The resolution calls upon motorists and the automotive industry of the United States to take appropriate steps during the month of April to reduce substantially air pollution from motor vehicles operating on streets and highways. Congress passed a similar resolution last year, and the members of the industry engaged in a widespread educational program to encourage drivers to check the content of the emissions of their automobiles and to make repairs when needed. Assistance was given to mechanics and service station owners to develop techniques for checking emissions.

These activities are an important part of the total effort to clean up the air. While new automobiles must comply with Government standards for emissions, older automobiles on the roads continue as the worst offenders of the environment. Tests have indicated that simple adjustments and minor tuneups can result in a minimum of 15 to 25 percent reduction of automobile air pollution. For example, engine misfire caused by a malfunction of the ignition system is a major cause of hydrocarbon emissions. Carbon monoxide emissions can be controlled by the adjustment of the idle air/fuel ratio and idle rpm. When such adjustments are made, motorists can expect an additional direct benefit in money saved because engine life is increased, performance improved, and operating costs reduced.

While the automotive and oil industry must assume a major responsibility for cleaning the air, we cannot expect them to shoulder complete responsibility. The educational effort which was conducted in accordance with the resolution passed last year, and will be conducted again this year, brings to motorists' attention the fact that they can actively contribute to improving the quality of the air we breathe. Furthermore, it may serve to discourage motorists from asking mechanics to adjust their new automobiles to provide better performance but dirtier emissions.

Should we successfully prevail upon the President to once again proclaim April as "Check Your Vehicle Emissions Month," I am certain that we can count on the support and active involvement of industry groups, citizen organizations, car dealers, oil companies, vehicle and parts manufacturers, retailers, and consumer groups to make the campaign a success. An indication of the enthusiastic support for the program is the fact that the industry-wide Vehicle Emissions Check Committee recently announced the support of the U.S. Jaycees. Some 2,000 Jaycee chapters plan to promote April Check Lanes in local shopping and recycling centers before and during April.

Attached is a copy of the resolution.

Joint resolution authorizing and requesting the President to proclaim April 1973 as "National Check Your Vehicle Emissions Month"

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the month of April 1973 as "National Check Your Vehicle Emissions Month," and call upon the motorists and the automotive industry of the United States to take appropriate steps during the month of April to reduce substantially air pollution from the motor vehicles operating on the streets and highways.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. SMITH of New York, for the period February 19 to March 8, 1973, on account of minor surgery.

To Mr. PRICE of Texas (at the request of Mr. GERALD R. FORD), on account of physical testing and evaluation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. SMITH of New York) to revise and extend her remarks and include extraneous matter:)

Mrs. HECKLER of Massachusetts, for 10 minutes, today.

(The following Members (at the request of Mr. BAFALIS) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. KEMP, for 15 minutes, today.

Mr. WHALEN, for 20 minutes, today.

Mr. STEIGER of Wisconsin, for 15 minutes, today.

Mr. HANSEN of Idaho, for 10 minutes, today.

Mr. CRANE, for 5 minutes, today.

Mr. QUIE, for 10 minutes, today.

(The following Members (at the request of Mr. THORNTON) to revise and extend their remarks and include extraneous matter:)

Mr. DANIELSON, for 5 minutes, today.

Mr. FRASER, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. JAMES V. STANTON, for 5 minutes, today.

Mr. ALEXANDER, for 60 minutes, on February 20.

Mr. ECKHARDT, for 5 minutes, today.

(The following Members (at the request of Mr. JOHNSON of California) to revise and extend their remarks and include extraneous matter:)

Mr. WOLFF, for 5 minutes, today.

Mr. DOMINICK V. DANIELS, for 30 minutes, today.

(The following Members (at the request of Mr. STUDDS), to revise and extend their remarks and include extraneous matter:)

Mr. ASPIN, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. KOCH, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MICHEL and to include extraneous matter.

Mr. HUBER in six instances and to include extraneous matter.

Mr. GROSS and to include extraneous matter.

(The following Members (at the request of Mr. BAFALIS) and to include extraneous matter:)

Mr. QUIE.

Mr. STEELMAN.

Mr. HANSEN of Idaho.

Mr. MICHEL in five instances.

Mr. ZION.

Mr. ANDERSON of Illinois in three instances.

Mr. CRANE in five instances.

Mr. CONTE.

Mr. BAKER.

Mr. MCCLORY.

Mrs. HOLT.

Mr. WYMAN in two instances.

Mr. HASTINGS.

Mr. MYERS.

Mr. HEINZ.

Mr. GUDE in five instances.

Mr. STEIGER of Wisconsin.

Mr. BROTZMAN.

Mr. BAFALIS in six instances.

Mr. COHEN.

Mr. SHOUP.

Mr. SARASIN.

(The following Members (at the request of Mr. THORNTON) and to include extraneous matter:)

Mr. FISHER in three instances.

Mr. MATSUNAGA in six instances.

Mr. ZABLOCKI in two instances.

Mr. TIERNAN.

Mr. MURPHY in two instances.

Mr. STOKES in two instances.

Mr. DOMINICK V. DANIELS in two instances.

Mr. VAN DEERLIN.

Mr. PEPPER.

Mr. ECKHARDT.

Mr. PICKLE in six instances.

(The following Members (at the request of Mr. STUDDS) and to include extraneous matter:)

Mr. WALDIE in two instances.

Mr. HARRINGTON.

Mr. GONZALEZ in three instances.

Mr. RARICK in four instances.

Mrs. GRIFFITHS in two instances.

Mr. KASTENMEIER.

Mr. O'HARA.

Mr. KLUCZYNSKI.

Mr. VANIK in three instances.

Mr. DANIELSON.

Mr. BYRON in 10 instances.

Mr. BURKE of Massachusetts.

Mr. JOHNSON of California in three instances.

Mr. BINGHAM in three instances.

Mr. CLARK.

Mr. DELANEY.

Mr. BRINKLEY.

Mr. HANNA.

(The following Members (at the request of Mr. JOHNSON of California) and to include extraneous matter:)

Mr. ANDERSON of California in four instances.

Mr. WOLFF in three instances.

Mr. KOCH in six instances.

Mr. JAMES V. STANTON.

Mr. HUNGATE in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 583. An act to promote the separation of constitutional powers by securing to the Congress additional time in which to consider the Rules of Evidence for U.S. Courts and Magistrates, the Amendments to the Federal Rules of Civil Procedure and the Amendments to the Federal Rules of Criminal Procedure which the Supreme Court on November 20, 1972, ordered the Chief Justice to transmit to the Congress; to the Committee in the Judiciary.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 299. Joint resolution relating to the date for the submission of the report of the Joint Economic Committee on the President's Economic Report.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 37. Joint resolution to designate the Manned Spacecraft Center in Houston, Tex., as the "Lyndon B. Johnson Space Center" in honor of the late President.

ADJOURNMENT

Mr. THORNTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. In accordance with House Concurrent Resolution 105, 93d Congress, the Chair declares the House adjourned until 12 o'clock noon on Monday, February 19, 1973.

Thereupon (at 4 o'clock and 21 minutes p.m.), pursuant to House Concurrent Resolution 105, the House adjourned until Monday, February 19, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred to as follows:

392. A letter from the Chairman, National Endowment for the Arts, and the Acting Chairman, National Endowment for the Humanities, transmitting a draft of proposed legislation to amend the National Foundation on the Arts and the Humanities Act of 1965, as amended; to the Committee on Education and Labor.

393. A letter from the Acting Assistant Secretary of Commerce for Science and Technology, transmitting notice of a finding that amendment to the Flammability Standard for Mattresses (DOC FF 4-72) may be needed; to the Committee on Interstate and Foreign Commerce.

394. A letter from the Administrator, Environmental Protection Agency, transmitting a survey of the manpower situation of organizations and institutions involved in managing the Nations' solid waste, pursuant to section 210(c) of Public Law 91-512; to the Committee on Interstate and Foreign Commerce.

395. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

396. A letter from the Comptroller General of the United States, transmitting the comments of the General Accounting Office on the report of the Secreary of the Treasury and the Director of the Office of Management and Budget entitled "Second Annual Report to Congress on the Budgetary and Fiscal Data Processing System and Budget Standard Classifications", pursuant to section 202 (b) of the Legislative Reorganization Act of 1970 (84 Stat. 1140); to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 4182. A bill to amend the Airport and Airway Development Act of 1970 to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958 to prohibit certain State taxation of persons in air commerce; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER (for himself and Mr. McSpadden):

H.R. 4183. A bill to establish more effective community planning and development programs (and expand the related provisions of existing programs) with particular emphasis upon assistance to small communities; to the Committee on Banking and Currency.

By Mr. ALEXANDER:

H.R. 4184. A bill to authorize the Secretary of Agriculture to establish a program to promote the production and marketing of farm-raised fish through the extension of credit, technical assistance, marketing assistance, and research, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SAYLOR (for himself, Mr. Dorn, Mr. Hammerschmidt, and Mr. Teague of Texas):

H.R. 4185. A bill to amend title 38, United States Code, to stabilize and freeze as of January 1, 1973, the Veterans Administration Schedule for Rating Disabilities, 1945 edition, and the extensions thereto; to the Committee on Veterans' Affairs.

By Mr. ANDERSON of California (for himself, Mr. Matsunaga, Mr. Johnson of California, Mr. Harrington, Mr. Won Pat, Mr. Rangel, Mr. Lehman, Mr. Waldie, Mr. Sarbanes, Mr. Moakley, Mr. Danielson, Mr. Pepper, Mr. Diggs, Mr. Charles H. Wilson of California, Mr. Corman, Mrs. Burke of California, and Mr. Bell):

H.R. 4186. A bill to establish the Cabinet Committee for Asian American Affairs, and for other purposes; to the Committee on Government Operations.

By Mr. ASPIN (for himself and Mr. Moss):

H.R. 4187. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize safety design standards for schoolbuses, to require certain safety standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BADILLO:

H.R. 4188. A bill to amend title 18 of the United States Code to provide rules for the treatment of prisoners in Federal correctional institutions; to the Committee on the Judiciary.

By Mr. BADILLO (for himself, Mr. Jones of North Carolina, Mr. Perkins, and Mr. Charles H. Wilson of California):

H.R. 4189. A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped; to the Committee on Education and Labor.

By Mr. BENITEZ (for himself, Mr. Moss, Mr. Fraser, Mr. Moakley, Mr. Thompson of New Jersey, Mr. Stark, Mr. O'Hara, Mr. Addabbo, Mr. Mosher, Mr. McCloskey, Mr. Hechler of West Virginia, Mr. Wolff, Mr. Lehman, Ms. Jordan, Ms. Chisholm, Ms. Abzug):

H.R. 4190. A bill to require the termination of all weapon range activities conducted on or near the Culebra complex of the Atlantic Fleet Weapons Range; to the Committee on Armed Services.

By Mr. BENNETT:

H.R. 4191. A bill to amend section 1201 of title 18, United States Code (relating to kidnapping), to remove from such section the exception relating to abduction of a minor child by a parent; to the Committee on the Judiciary.

By Mr. BENNETT (for himself, Mr. Bob Wilson, Mr. Matsunaga, and Mr. Steiger of Wisconsin):

H.R. 4192. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. BIAGGI:

H.R. 4193. A bill to terminate the oil import control program; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself and Mr. Fraser):

H.R. 4194. A bill to amend title 10 of the United States Code to establish procedures providing members of the Armed Forces redress of grievances arising from acts of brutality or other cruelties, and acts which abridge or deny rights guaranteed to them by the Constitution of the United States, suffered by them while serving in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. BINGHAM:

H.R. 4195. A bill for the relief of certain residents of northern Ireland; to the Committee on the Judiciary.

H.R. 4196. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants to cities for improved street lighting; to the Committee on the Judiciary.

H.R. 4197. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income certain amounts in the case of certain prisoners of war and other individuals; to exclude certain amounts in the case of their wives; and to amend title 37 of the United States Code to exempt from State and local income taxes the salaries of such prisoners and other individuals; to the Committee on Ways and Means.

By Mr. BINGHAM (for himself and Mr. Heinz):

H.R. 4198. A bill requiring congressional authorization for the reinvolvement of American Forces in further hostilities in Indochina; to the Committee on Foreign Affairs.

By Mr. BRADEMAS:

H.R. 4199. A bill to extend the Education of the Handicapped Act for three years; to the Committee on Education and Labor.

By Mr. BROYHILL of Virginia (for himself and Mr. Buchanan):

H.R. 4200. A bill to amend section 122 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. CARNEY of Ohio:

H.R. 4201. A bill to provide that, in the selection of persons to participate in federally assisted manpower training programs, Vietnam veterans shall be afforded a priority; to the Committee on Education and Labor.

By Mr. CONTE (for himself, Mr. Gilman, Mr. Howard, Mr. Roe, and Mrs. Schroeder):

H.R. 4202. A bill to repeal the Connolly Hot Oil Act; to the Committee on Interstate and Foreign Commerce.

By Mr. CONTE (for himself, Mr. Biaggi, Mr. Gilman, Mr. Howard, Mr. Madigan, Mr. Maraziti, Mr. Mills of Maryland, Mr. O'Brien, and Mr. Quie):

H.R. 4203. A bill to terminate the oil import control program; to the Committee on Ways and Means.

By Mr. DOMINICK V. DANIELS (for himself and Mr. Perkins):

H.R. 4204. A bill to provide for funding the Emergency Employment Act of 1971 for 2 additional years, and for other purposes; to the Committee on Education and Labor.

By Mr. E de la GARZA:

H.R. 4205. A bill to amend the act of April 7, 1956, relating to the lower Rio Grande rehabilitation project, Texas, Mercedes division; to the Committee on Interior and Insular Affairs.

H.R. 4206. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 4207. A bill to amend the Fishermen's Protective Act of 1967 to require the return of certain vessels of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. DENT:

H.R. 4208. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. DIGGS (for himself, Ms. Abzug, Mr. Badillo, Mrs. Burke of California, Mr. Burton, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Dellums, Mr. de Lugo, Mr. Edwards of California, Mr. Eilberg, Mr. Fauntroy, Mr. Flood, Mr. Metcalfe, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Murphy of New York, Mr. Nix, Mr. O'Hara, Mr. Price of Illinois, Mr. Rangel, Mr. Rosenthal, Mr. Stark, and Mr. Won Pat):

H.R. 4209. A bill to amend the Federal Aviation Act of 1958 to safeguard American citizens from racial and religious discrimination by foreign nations while traveling abroad; to the Committee on Interstate and Foreign Commerce.

By Mr. DIGGS (for himself, Mr. Yatron, and Mr. Young of Georgia):

H.R. 4210. A bill to amend the Federal Aviation Act of 1958 to safeguard American citizens from racial and religious discrimination by foreign nations while traveling abroad; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL:

H.R. 4211. A bill to amend section 801 of the Federal Aviation Act of 1958 to provide that the Civil Aeronautics Board shall make the selection of air carriers in international route matters, subject to veto by the President within 90 days after such selection; to the Committee on Inerstate and Foreign Commerce.

H.R. 4212. A bill to amend the Federal Aviation Act of 1958 to require ticket agents to observe currently effective tariffs for air transportation; to grant the Civil Aeronautics Board access to certain records of ticket agents; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4213. A bill to provide for a moratorium on State taxation of the carriage of persons in air transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4214. A bill to amend the Airport and Airway Development Act of 1970 to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958 to prohibit certain State taxation of persons in air commerce; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DORN:

H.R. 4215. A bill concerning the allocation of water pollution funds among the States in fiscal 1973 and fiscal 1974; to the Committee on Public Works.

H.R. 4216. A bill to amend the Tariff Schedules of the United States to provide for the duty-free entry of mica films; to the Committee on Ways and Means.

By Mr. DOWNING:

H.R. 4217. A bill to amend the Merchant Marine Act, 1936, as amended, by inserting a new title X to authorize aid in developing, constructing, and operating privately owned nuclear-powered merchant ships; to the Committee on Merchant Marine and Fisheries.

By Mr. DULSKI:

H.R. 4218. A bill to prohibit the sale of "Saturday night special" handguns in the United States; to the Committee on the Judiciary.

H.R. 4219. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

H.R. 4220. A bill to amend the Internal Revenue Code of 1954 to provide tax relief for homeowners; to the Committee on Ways and Means.

By Mr. EILBERG:

H.R. 4221. A bill to establish a Department of Education, and for other purposes; to the Committee on Government Operations.

By Mr. FINDLEY (for himself, Mr. Burke of Massachusetts, Mr. Fulton, and Mr. Hastings):

H.R. 4222. A bill to provide adjustment assistance to prisoners-of-war of the Vietnam era because of the inhumane circumstances of their incarceration; to the Committee on Veterans' Affairs.

By Mr. FLYNT:

H.R. 4223. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 4224. A bill to establish an Emergency Medical Services Administration within the Department of Health, Education, and Welfare to assist communities in providing professional emergency medical care; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAY (for himself, Mr. O'Neill, Mr. McFall, and Mr. Price of Illinois):

H.R. 4225. A bill to name the U.S. courthouse and Federal office building under construction in New Orleans, La., as the Hale Boggs Federal Building, and for other purposes: to the Committee on Public Works.

By Mr. GUDE:

H.R. 4226. A bill to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. GUNTER:

H.R. 4227. A bill to provide to members of the Armed Forces and Federal employees who were in a missing status for any period during the Vietnam conflict double credit for such period for retirement purposes and certain additional pay and allowances, to provide such members certain medical benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho (for himself, Mr. Quie, Mr. Dellenback, Mr. Alexander, Mr. Bell, Mr. Brown of California, Mrs. Burke of California, Mrs. Chisholm, Mr. Eilberg, Mr. Frenzel, Mr. Hawkins, Mrs. Heckler of Massachusetts, Mr. Horton, Mr. Lehman, Mr. Murphy of New York, Mr. Podell, Mr. Sarbanes, Mrs. Schroeder, Mr. Tiernan, Mr. Won Pat and Mr. Yatron):

H.R. 4228. A bill to improve the quality of child development programs by attracting and training personnel for those programs; to the Committee on Education and Labor.

By Mr. HARRINGTON (for himself, Mr. Addabbo, Mr. Brown of California, Mr. Burton, Mr. Clay, Mr. Conyers, Mr. Diggs, Mr. Drinan, Mr. Eckhardt, Mr. Gibbons, Mr. Gude, Mr. Hamilton, Mr. Helstoski, Mr. McCloskey, Mrs. Mink, Mr. Moakley, Mr. Riegle, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. Roybal, Mr. Seiberling, Mr. Tiernan, Mr. Vanik, and Mr. Wolff):

H.R. 4229. A bill to provide for the transfer of authorizations for military assistance programs for Laos and Vietnam to the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HAWKINS (for himself, Mr. Bell, Mr. Eshleman, Mr. Gaydos, and Mr. Perkins):

H.R. 4230. A bill to authorize financial assistance for opportunities industrialization centers; to the Committee on Education and Labor.

By Mr. HORTON:

H.R. 4231. A bill to amend title 38 of the United States Code to provide that any social security benefit increases provided for by Public Law 92–336 be disregarded in determining eligibility for pension or compensation under such title; to the Committee on Veterans' Affairs.

H.R. 4232. A bill to require States pass along to public assistance recipients who are entitled to social security benefits the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. JOHNSON of California:

H.R. 4233. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to contract with private facilities near the homes of veterans for the medical care and treatment of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KOCH:

H.R. 4234. A bill to amend the Urban Mass Transportation Act of 1964 to authorize grants and loans to private nonprofit organizations to assist them in providing transportation service meeting the special needs of elderly and handicapped persons; to the Committee on Banking and Currency.

H.R. 4235. A bill to amend the Controlled Substances Act to require life imprisonment for certain persons convicted of illegally dealing in dangerous narcotic drugs; to the Committee on Interstate and Foreign Commerce.

H.R. 4236. A bill to establish in the Public Health Service an institute for research on dysautonomia, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. Casey of Texas, Mr. Gibbons, Mr. McKinney, and Mr. Rangel):

H.R. 4237. A bill to amend title 5, United States Code, to provide that persons be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. KOCH (for himself, Mr. Brown of California, Mr. Conyers, Mr. Hawkins, Mr. Helstoski, Mr. Nix, Mr. Rees, and Mr. Rosenthal):

H.R. 4238. A bill to amend title 18, United States Code, to conditionally suspend the application of certain penal provisions of law; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mr. Eckhardt, Miss Holtzman, Mr. McKinney, Mr. Mann, Mr. Van Deerlin, and Mr. Yates):

H.R. 4239. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

By Mr. KOCH (for himself, Mr. Coughlin, and Mr. Yatron):

H.R. 4240. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Ms. Abzug, Mr. Adams, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mr. Boland, Mr. Brasco, Mr. Brown of California, Mr. Buchanan, Mr. Burke of Massachusetts, Mrs. Burke of California, Mr. Burton, Mr. Carey of New York, Mrs. Chisholm, Mr. Clark, Mr. Conyers, Mr. Corman, Mr. Danielson, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mr. Fascell, Mr. Fauntroy, and Mr. Fulton):

H.R. 4241. A bill to amend title V of the Social Security Act to extend for 5 years (until June 30, 1978) the period within which certain special project grants may be made thereunder; to the Commission on Ways and Means.

By Mr. KOCH (for himself, Mr. Gibbons, Mrs. Grasso, Mr. Green of Pennsylvania, Mr. Gude, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Miss Holtzman, Mr. Howard, Mr. Leggett, Mr. Lehman, Mr. Metcalfe, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Mollohan, Mr. Moorhead of Pennsylvania, Mr. Murphy of New York, Mr. Nix, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Rees, and Mr. Roe):

H.R. 4242. A bill to amend title V of the Social Security Act to extend for 5 years (until June 30, 1978) the period within which certain special project grants may be made thereunder; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Mr. Seiberling, Mr. James V. Stanton, Mr. Symington, Mr. Tiernan, Mr. Won Pat, and Mr. Murphy of Illinois):

H.R. 4243. A bill to amend title V of the Social Security Act to extend for 5 years (until June 30, 1978) the period within which certain special project grants may be made thereunder; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Addabbo, Mr. Alexander, Mr. Badillo, Mr. Bafalis, Mr. Bergland, Mr. Blackburn, Mr. Broomfield, Mr. Brown of California, Mrs. Burke of California, Mrs. Chisholm, Mr. Del Clawson, Mr. Cleveland, Mr. Conlan, Mr. Danielson, Mr. Davis of South Carolina, Mr. Delaney, Mr. de Lugo, Mr. Diggs, Mr. Dulski, Mr. Forsythe, Mr. Giaimo, Mrs. Hansen of Washington, Mr. Hansen of Idaho, and Mr. Hawkins):

H.R. 4244. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Hicks, Mr. Hinshaw, Mr. Hogan, Mr. Huber, Mr. Hudnut, Mr. Ketchum, Miss Jordan, Mr. Jones of North Carolina, Mr. Lehman, Mr. McCormack, Mr. Mitchell of Maryland, Mr. Moss, Mr. Obey, Mr. Pike, Mr. Rarick, Mr. Rose, Mr. Rousselot, Mr. Runnels, Mr. St Germain, Mr. Sarasin, Mrs. Schroeder, Mrs. Sullivan, Mr. Symms, and Mr. Veysey):

H.R. 4245. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways aind Means.

By Mr. KOCH (for himself, Mr. Widnall, Mr. Bob Wilson, Mr. Won Pat, Mr. Wyatt, Mr. King, and Mr. Moakley):

H.R. 4246. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. LENT (for himself, Mr. Won Pat, Mr. Helstoski, Mr. Rarick, Mr. Podell, Mr. Cronin, Mr. Waggonner, Mr. Talcott, Mr. Sandman, Mr. Roncallo of New York, Mr. Bafalis, Mr. Cleveland, Mrs. Heckler of Massachusetts, Mr. Widnall, Mr. Burke of Massachusetts, Mr. Henderson, Mr. Blackburn, Mr. Mills of Maryland, Mr. Roe, Mr. Tiernan, Mr. Kemp, Mr. Coughlin, and Mr. King):

H.R. 4247. A bill to establish a contiguous fishery zone (200-mile limit) beyond the territorial sea of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. LONG of Maryland (for himself, Mr. Wolff, Mr. Gude, Mr. Nedzi, Mr. Moorhead of California, Mr. Collier, and Mr. Flynt):

H.R. 4248. A bill to provide for the burial in the Memorial Amphitheater of the National Cemetery at Arlington, Va., of the remains of an unknown American who lost his life while serving overseas in the Armed Forces of the United States during the Vietnam conflict; to the Committee on Veterans' Affairs.

By Mr. LONG of Maryland (for himself, Mr. Dennis, Mr. Wyman, Mr. Murphy of Illinois, Mr. Downing, and Mr. Whitehurst):

H.R. 4249. A bill to provide for the burial in the Memorial Amphitheater of the National Cemetery at Arlington, Va., of the remains of an unknown American who lost his life while serving overseas in the Armed Forces of the United States during the Vietnam conflict; to the Committee on Veterans' Affairs.

By Mr. LONG of Maryland (for himself, Mr. O'Brien, Mr. Robinson of Virginia, Mr. Gunter, Mr. Blackburn, Mr. Hinshaw, Mr. Mazzoli, Mr. Cleveland, Mr. Brown of Michigan, Mr. Danielson, Mr. Nichols, Mr. Murphy of New York, Mr. Burton, Mr. Rhodes, Mr. Roncalio of Wyoming, Mr. Bob Wilson, Mr. Veysey, Mrs. Green of Oregon, Mr. Mitchell of New York, Mr. Hudnut, Mr. Martin of North Carolina, Mr. Parris, Mr. Brown of California, Mr. Moakley, and Mr. Kemp):

H.R. 4250. A bill to provide for the burial in the Memorial Amphitheater of the National Cemetery at Arlington, Va., of the remains of an unknown American who lost his life while serving overseas in the Armed Forces of the United States during the Vietnam conflict; to the Committee on Veterans' Affairs.

By Mr. McCLORY:

H.R. 4251. A bill to amend the Federal Aviation Act of 1958 to authorize free or reduced rate transportation for widows, widowers, and minor children of employees who have died while employed by an air carrier or foreign air carrier after 25 or more years of such employment; to the Committee on Interstate and Foreign Commerce.

By Mr. MAILLIARD:

H.R. 4252. A bill to designate certain lands in the Farallon National Wildlife Refuge, San Francisco County, Calif., as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. MARAZITI (for himself, Mr. Donohue, Mr. Boland, Mr. Fish, Mr. Wyatt, Mr. Burke of Massachusetts, Mr. Rinaldo, Mr. Hanrahan, Mr. Roncallo of New York, Mr. Podell, Mr. Eilberg, Mr. Yatron, Mr. Moakley, Mr. Clark, Mr. Nix, Mr. Johnson of Pennsylvania, Mr. Williams, Mr. Price of Illinois, Mr. Railsback, Mr. Flood, Mr. Gilman, Mr. Moorhead of California, Mr. Murphy of New York, Mr. Won Pat, and Mr. Kluczynski):

H.R. 4253. A bill to promote the employment of unemployed POW/MIA of Vietnam veterans; to the Committee on Ways and Means.

By Mr. MARAZITI (for himself, Mrs. Hansen of Washington, Mr. Roe, Mr. Charles Wilson of Texas, Mr. Brown of California, Mr. Pettis, Mr. Sarbanes, Mr. Metcalfe, Mr. Rangel, and Mr. Bafalis):

H.R. 4254. A bill to promote the employment of unemployed POW/MIA Vietnam veterans; to the Committee on Ways and Means.

By Mr. MARAZITI (for himself, Mr. Donohue, Mr. Boland, Mr. Fish, Mr. Wyatt, Mr. Burke of Massachusetts, Mr. Rinaldo, Mr. Hanrahan, Mr. Roncallo of New York, Mr. Podell, Mr. Eilberg, Mr. Yatron, Mr. Moakley, Mr. Clark, Mr. Nix, Mr. Johnson of Pennsylvania, Mr. Williams, Mr. Price of Illinois, Mr. Railsback, Mr. Flood, Mr. Gilman, Mr. Moorhead of California, Mr. Murphy of New York, Mr. Won Pat, and Mr. Kluczynski):

H.R. 4255. A bill to promote the employment of unemployed handicapped Vietnam veterans; to the Committee on Ways and Means.

By Mr. MARAZITI (for himself, Mrs. Hansen of Washington, Mr. Roe, Mr. Charles Wilson of Texas, Mr. Brown of California, Mr. Pettis, Mr. Sarbanes, Mr. Metcalfe, Mr. Rangel, and Mr. Bafalis):

H.R. 4256. A bill to promote the employment of unemployed Vietnam veterans; to the Committee on Ways and Means.

By Mr. MARAZITI (for himself, Mr. Donohue, Mr. Boland, Mr. Fish, Mr. Wyatt, Mr. Burke of Massachusetts, Mr. Rinaldo, Mr. Hanrahan, Mr. Roncallo of New York, Mr. Podell, Mr. Eilberg, Mr. Yatron, Mr. Moakley, Mr. Clark, Mr. Nix, Mr. Johnson of Pennsylvania, Mr. Williams, Mr. Price of Illinois, Mr. Railsback, Mr. Flood, Mr. Gilman, Mr. Moorhead of California, Mr. Murphy of New York, Mr. Won Pat, and Mr. Kluczynski):

H.R. 4257. A bill to promote the employment of unemployed Vietnam veterans in employment reflecting experience or providing training; to the Committee on Ways and Means.

By Mr. MARAZITI (for himself, Mrs Hansen of Washington, Mr. Roe, Mr. Wilson of Texas, Mr. Brown of California, Mr. Pettis, Mr. Sarbanes, Mr. Metcalfe, Mr. Rangel, and Mr. Bafalis):

H.R. 4258. A bill to promote the employment of unemployed Vietnam veterans in employment reflecting experience or providing training; to the Committee on Ways and Means.

By Mr. MARAZITI (for himself, Mr. Donohue, Mr. Boland, Mr. Fish, Mr. Wyatt, Mr. Burke of Massachusetts, Mr. Rinaldo, Mr. Hanrahan, Mr. Roncallo of New York, Mr. Podell, Mr. Eilberg, Mr. Yatron, Mr. Moakley, Mr. Clark, Mr. Nix, Mr. Johnson of Pennsylvania, Mr. Williams, Mr. Price of Illinois, Mr. Railsback, Mr. Flood, Mr. Gilman, Mr. Moorhead of California, Mr. Murphy of New York, Mr. Won Pat, and Mr. Kluczynski):

H.R. 4259. A bill to promote the employment of unemployed Vietnam veterans; to the Committee on Ways and Means.

H.R. 4260. A bill to promote the employment of unemployed Vietnam veterans; to the Committee on Ways and Means.

By Mr. MARAZITI (for himself, Mrs. Hansen of Washington, Mr. Roe, Mr. Charles Wilson of Texas, Mr. Brown of California, Mr. Pettis, Mr. Sarbanes, Mr. Metcalfe, Mr. Rangel and Mr. Bafalis):

H.R. 4261. A bill to promote the employment of unemployed Vietnam veterans; to the Committee on Ways and Means.

H.R. 4262. A bill to promote the employment of unemployed handicapped Vietnam veterans; to the Committee on Ways and Means.

By Mr. MEEDS (for himself, Mr. Hawkins, Mr. William D. Ford, Mr. Burton, Mr. Badillo, Mr. Ashley, Mr. Cleveland, Mr. Conyers, Mr. Corman, Mr. Danielson, Mr. Dellums, Mr. Fascell, Mr. Fauntroy, Mr. Fraser, Mr. Frenzel, Mr. Green of Pennsylvania, Mr. Gude, Mr. Harrington, Mr. Hicks, Ms. Holtzman, Miss Jordan, Mr. Kyros, Mr. Leggett, Mr. McCloskey and Mr. McDade):

H.R. 4263. A bill to amend the Economic Opportunity Act of 1964 to authorize a legal services program by establishing a National Legal Service Corporation, and for other purposes; to the Committee on Education and Labor.

By Mr. MEEDS (for himself, Mr. Moakley, Mr. Mollohan, Mr. Nix, Mr. Pepper, Mr. Preyer, Mr. Rees, Mr. Reid, Mr. Riegle, Mr. Rodino, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. Sarbanes, Mr. Tiernan, Mr. Widnall, and Mr. Won Pat):

H.R. 4264. A bill to amend the Economic Opportunity Act of 1964 to authorize a legal services program by establishing a National Legal Services Corporation, and for other purposes; to the Committee on Education and Labor.

By Mr. MELCHER (for himself, Mr. Aspin, Mr. Bowen, Mr. Brown of California, Mr. de Lugo, Mr. Diggs, Mr. Evans of Colorado, Mrs. Hansen of Washington, Mr. Hays, Ms. Holtzman, Mr. Kyros, Mr. Long of Louisiana, and Mr. Meeds):

H.R. 4265. A bill to amend the Budget and Accounting Act of 1921 to require the advice and consent of the Senate for appointments to Director of the Office of Management and Budget; to the Committee on Government Operations.

By Mr. MELCHER (for himself, Mr. Metcalfe, Mr. Murphy of New York, Mr. Obey, Mr. Pepper, Mr. Podell, Mr. Pike, Mr. Reid, Mr. Riegle, Mr. Rodino, Mr. Roncalio of Wyoming, Mr. Rooney of Pennsylvania, Mrs. Schroeder, Mr. Charles H. Wilson of California, and Mr. Wolff):

H.R. 4266. A bill to amend the Budget and Accounting Act of 1921 to require the advice and consent of the Senate for appointments to Director of the Office of Management and Budget; to the Committee on Government Operations.

By Mr. METCALFE (for himself, Mr. O'Neill, Mr. Burton, Mr. Badillo, Mr. Won Pat, Mr. Harrington, Mr. Conyers, Mr. Rosenthal, Mr. Fauntroy, Mr. Helstoski, Mr. Fraser, Mr. Mitchell of Maryland, Mr. Podell, Ms. Chisholm, Mr. Moakley, Mr. Murphy of Illinois, and Mr. Rangel):

H.R. 4267. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Judiciary.

By Mr. METCALFE (for himself, Mr. Harrington, Mr. Conyers, Mr. Rosenthal, Mr. Fauntroy, Mr. Koch, Mr. Fraser, Mr. Burton, Mr. Mitchell of Maryland, Mr. Podell, Ms. Chisholm, and Mr. Murphy of Illinois):

H.R. 4268. A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes; to the Committee on the Judiciary.

By Mr. METCALFE (for himself, Mr. Burton, Mr. Harrington, Mr. Conyers, Mr. Rosenthal, Mr. Fauntroy, Mr. Helstoski, Mr. Fraser, Mr. Mitchell of Maryland, Mr. Podell, Ms. Chisholm, and Mr. Murphy of New York):

H.R. 4269. A bill to assist in reducing crime by requiring speedy trials in cases of persons charged with violations of Federal criminal laws, to strengthen controls over dangerous defendants released prior to trial, to provide means for effective supervision and control of such defendants, and for other purposes; to the Committee on the Judiciary.

By Mr. MILFORD:

H.R. 4270. A bill to establish the Big Thicket National Park in Texas; to the Committee on Interior and Insular Affairs.

H.R. 4271. A bill to amend title II of the Social Security Act to increase to $5,000 the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. PATMAN:

H.R. 4272. A bill to amend the Small Business Act to consolidate and expand the coverage of certain provisions authorizing assistance to small business concerns in financing structural, operational, or other changes to meet standards required pursuant to Federal or State laws; to the Committee on Banking and Currency.

H.R. 4273. A bill to provide for auditing of the Federal Reserve System by the Comptroller General; to the Committee on Banking and Currency.

By Mr. PATTEN:

H.R. 4274. A bill to create a Department of Youth Affairs; to the Committee on Government Operations.

H.R. 4275. A bill to insure the free flow of information to the public; to the Committee on the Judiciary.

H.R. 4276. A bill to amend the Internal Revenue Code of 1954 to restore to individuals who have attained the age of 65 the right to deduct all expenses for their medical care, and for other purposes; to the Committee on Ways and Means.

H.R. 4277. A bill to provide for the duty-free importation of bitters containing spirits but not fit for use as beverages; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 4278. A bill to amend the National School Lunch Act to assure that Federal financial assistance to the child nutrition programs is maintained at the level budgeted for fiscal year ending June 30, 1973; to the Committee on Education and Labor.

By Mr. PEYSER:

H.R. 4279. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to eliminate the present requirement that relocation payments be excluded from the recipient's income for public assistance purposes; to the Committee on Public Works.

By Mr. PICKLE:

H.R. 4280. A bill to amend the Rail Passenger Service Act of 1970 to reduce the amount a State, regional, or local agency may be required to reimburse the National Railroad Passenger Corporation for certain rail passenger service provided by the Corporation; to the Committee on Interstate and Foreign Commerce.

H.R. 4281. A bill to provide the Secretary of Commerce with the authority to make grants to States, counties, and local communities to pay for up to one-half of the costs of training programs for firemen; to the Committee on Science and Astronautics.

H.R. 4282. A bill to provide financial aid to local fire departments in the purchase of advanced firefighting equipment; to the Committee on Science and Astronautics.

H.R. 4283. A bill to provide financial aid for local fire departments in the purchase of firefighting suits and self-contained breathing apparatus; to the Committee on Science and Astronautics.

By Mr. PODELL:

H.R. 4284. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

H.R. 4285. A bill to amend the Internal Revenue Code of 1954 to provide that there shall be allowed as an income tax deduction those contributions on the part of civil service employees toward personal retirement annuities; to the Committee on Ways and Means.

H.R. 4286. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income; to the Committee on Ways and Means.

H.R. 4287. A bill: The Anti-Hijacking Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. QUIE (for himself, Mr. Perkins, Mr. Brademas, Mr. Eshleman, Mr. Thompson of New Jersey, Mr. Hansen of Idaho, Mr. Peyser, Mr. Mazzoli and Mr. Badillo):

H.R. 4288. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965, as amended; to the Committee on Education and Labor.

By Mr. RARICK:

H.R. 4289. A bill to amend the Internal Revenue Code of 1954 relative to percentage depletion rates; to the Committee on Ways and Means.

By Mr. ROBISON of New York (for himself, Mr. Hastings, Mr. Clark, Mr. Dent, Mr. Esch, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Johnson of Pennsylvania, Mr. King. Mr. Leggett, Mr. Mitchell of Maryland, Mr. Moorhead of California, Mr. Podell, Mr. Reid, Mr. Riegle, Mr. Roe, Mr. Schneebeli, Mr. Walsh, Mr. Won Pat, and Mr. Yatron):

H.R. 4290. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to extend for 3 years the provision for full Federal payment of relocation and related costs for victims of Hurricane Agnes and of certain other major disasters; to the Committee on Public Works.

By Mr. ROGERS (for himself, Mr. Kyros, Mr. Preyer, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, and Mr. Hastings):

H.R. 4291. A bill to extend the Clean Air Act, as amended, for 1 year; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS (for himself, Mr. Kyros, Mr. Preyer, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter and Mr. Hastings):

H.R. 4292. A bill to extend the Solid Waste Disposal Act, as amended, for 1 year; to the Committee on Interstate and Foreign Commerce.

By Mr. RONCALIO of Wyoming:

H.R. 4293. A bill to provide for a National public employee merit system; to the Committee on Post Office and Civil Service.

By Mr. RONCALLO of New York:

H.R. 4294. A bill to provide that members of the Armed Forces and Federal employees who were prisoners of war or missing in action for any period during the Vietnam conflict may receive double credit for such period for retirement purposes; to the Committee on Armed Services.

By Mr. ROUSSELOT:

H.R. 4295. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress of the United States or of a military attack upon the United States; to the Committee on Foreign Affairs.

By Mr. ST GERMAIN:

H.R. 4296. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medicaid programs (and recipients of assistance under the veterans' pension and compensation programs or any other Federal or federally assisted program) will not have the amount of such aid or assistance reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

By Mr. SCHERLE:

H.R. 4297. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

H.R. 4298. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SHOUP:

H.R. 4299. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 4300. A bill to amend the Tariff Act of 1930 so as to exempt certain private aircraft entering or departing from the United States and Canada at night or on Sunday or a holiday from provisions requiring payment to the United States for overtime services of customs officers and employees; to the Committee on Ways and Means.

By Mr. SHUSTER:

H.R. 4301. A bill to extend for 1 year (until June 30, 1974) the temporary increases in railroad retirement annuities and pensions provided by Public Laws 91–377, 92–46, and 92–460; to the Committee on Interstate and Foreign Commerce.

By Mr. SISK:

H.R. 4302. A bill to provide compensation for the injury, illness, disability, or death of employees in agriculture, and for other purposes; to the Committee on Education and Labor.

H.R. 4303. A bill to amend the Internal Revenue Code of 1954 to provide an additional personal exemption of $750 for the disability of the taxpayer or his spouse; to the Committee on Ways and Means.

By Mr. SISK (for himself, Mr. McFall, Mr. Mathias of California, Mr. Ketchum, and Mr. Rhodes):

H.R. 4304. A bill to amend the National Labor Relations Act, as amended, to amend the definition of "employee" to include certain agricultural employees; to the Committee on Education and Labor.

By Mr. SMITH of New York:

H.R. 4305. A bill to establish a Water Pollution Control Trust Fund containing amounts to be used for the construction of waste treatment facilities under the Federal Water Pollution Control Act, to provide revenues for such Fund through the imposition of a 3-percent income tax surcharge, and for other purposes; to the Committee on Ways and Means.

By Mr. STAGGERS:

H.R. 4306. A bill to extend the Solid Waste Disposal Act, as amended, and the Clean Air Act, as amended, for 1 year; to the Committee on Interstate and Foreign Commerce.

By Mr. JAMES V. STANTON (for himself, Mr. Burton, Mr. Flowers, Mr. Flood, Mr. Hechler of West Virginia, Mr. Jones of North Carolina, Mr. Kemp, Mr. Pepper, Mr. Rangel, Mr. Roy, and Mr. Sarbanes):

H.R. 4307. A bill to provide death benefits to survivors of certain public safety and law enforcement personnel, and public officials concerned with the administration of criminal justice and corrections, and for other purposes; to the Committee on the Judiciary.

By Mr. JAMES V. STANTON (for himself, Mr. Seiberling, Mr. Corman, Mr. Eilberg, Mr. Mazzoli, Mr. Murphy of Illinois, and Mr. Sandman):

H.R. 4308. A bill to provide for greater and more efficient Federal financial assistance to certain large cities with a high incidence of crime, and for other purposes; to the Committee on the Judiciary.

By Mr. STEIGER of Wisconsin:

H.R. 4309. A bill to provide postservice educational benefits for those who have participated in community service programs; to the Committee on Education and Labor.

By Mr. THONE:

H.R. 4310. A bill to amend the Agricultural Act of 1970; to the Committee on Agriculture.

By Mr. VANIK:

H.R. 4311. A bill to amend the Internal Revenue Code of 1954 to require that certain corporate income tax information shall be open to public inspection, shall appear in the annual shareholders report of such corporation, and shall appear in annual corporate reports submitted pursuant to section 13 or 15 of the Securities Exchange Act of 1934; to the Committee on Ways and Means.

By Mr. WALDIE (for himself, Mr. Karth, Mr. Bingham, Mr. Brasco, Mr. Harrington, Mr. William D. Ford, Mr. Yatron, Mr. Rosenthal, Mr. Tiernan, Mr. Lujan, Mrs. Chisholm, Mr. Helstoski, Mr. Hawkins, Mr. Clay, Mr. Rangel, Mr. Mitchell of Maryland, and Mr. Corman):

H.R. 4312. A bill to amend titles 39 and 5, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WYMAN:

H.R. 4313. A bill to amend the Clean Air Act to modify the emission standards required for light duty motor vehicles and engines manufactured during or after model year 1975; to the Committee on Interstate and Foreign Commerce.

By Mr. ZWACH (for himself, Mr. Metcalfe, Mr. Thone, Mr. Stephens, Mr. Hansen of Idaho, Mr. McCloskey, Mr. Bergland, Mr. Vander Jagt, Mr. Henderson, Mr. Lehman, Mr. Williams, Mr. Frenzel, Mr. Alexander, and Mr. Melcher):

H.R. 4314. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to establish an upland game conservation program; to the Committee on Agriculture.

By Mr. ROYBAL (for himself, Ms. Abzug, Mr. Boland, Mr. Buchanan, Mrs. Burke of California, Mr. Burton, Mr. Cleveland, Mr. Donohue, Mr. Drinan, Mr. Eckhardt, Mr. Fraser, Mr. Gaydos, Mrs. Grasso, Mrs. Griffiths, Mr. Harrington, Mr. Helstoski, Mr. Koch, Mr. Mathis of Georgia, Mr. Moorhead of Pennsylvania, Mr. Moss, Mr. Pettis, Mr. Rosenthal, Mr. Ryan, Mr. Sandman, and Mr. Tiernan):

H.R. 4315. A bill to amend the Fair Credit Reporting Act, and to create a new title in the Consumer Credit Protection Act in order to license consumer credit investigators; to the Committee on Banking and Currency.

By Mr. ROYBAL (for himself, Mr. Waldie, Mr. Charles Wilson of Texas, Mr. Wolff, Mr. Won Pat, Mr. Wright, Mr. Yatron, and Mr. O'Hara):

H.R. 4316. A bill to amend the Fair Credit Reporting Act, and to create a new title in the Consumer Credit Protection Act in order to license consumer credit investigators; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS:

H.J. Res. 331. Joint resolution to extend the Railway Labor Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BAFALIS (for himself, Mr. Baker, Mr. Collins, Mr. Conlan, Mr. Crane, Mr. Derwinski, Mr. Rousselot, Mr. Spence, Mr. Symms, and Mr. Treen):

H.J. Res. 332. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the systematic paying back of the national debt; to the Committee on the Judiciary.

By Mr. WYLIE:

H.J. Res. 333. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H.J. Res. 334. Joint resolution to provide for the designation of the second full calendar week in March 1973 as "National Employ the Older Worker Week"; to the Committee on the Judiciary.

By Mr. DICKINSON:

H.J. Res. 335. Joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools or jobs because of race, creed, or color; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. Talcott, and Mr. Goldwater):

H.J. Res. 336. Joint resolution to establish the Tule Elk National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. ECKHARDT:

H.J. Res. 337. Joint resolution authorizing and requesting the President to proclaim April 1973 as "National Check Your Vehicle

Emissions Month"; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.J. Res. 338. Joint resolution to authorize a National Memorial Grove of trees dedicated to those Americans who died in the Indochina war; to the Committee on Public Works.

By Mr. LONG of Maryland:

H.J. Res. 339. Joint resolution prohibiting U.S. rehabilitation and reconstruction aid to the Republic of Vietnam, the Democratic Republic of Vietnam, or any other country in Indochina until certain conditions have been met, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MURPHY of New York:

H.J. Res. 340. Joint resolution to authorize the President to issue a proclamation designating the last full calendar week in April of each year as "National Secretaries Week"; to the Committee on the Judiciary.

By Mr. PATTEN:

H.J. Res. 341. Joint resolution relating to sudden infant death syndrome; to the Committee on Interstate and Foreign Commerce.

By Mr. RARICK:

H.J. Res. 342. Joint resolution proposing an amendment to the Constitution of the United States to repeal the fourteenth article of amendment thereto; to the Committee on the Judiciary.

By Mr. SHRIVER:

H.J. Res. 343. Joint resolution authorizing the President to proclaim the week of April 9 through 15, 1973, as "National Drafting Week"; to the Committee on the Judiciary.

By Mr. WON PAT (for himself and Mr. de Lugo):

H.J. Res. 344. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. MEEDS (for himself, Mr. Andrews of North Dakota, Mr. Bingham, Mr. Clark, Mr. Dellums, Mr. Duncan, Mr. Fraser, Mr. Frenzel, Mrs. Hansen of Washington, Mr. Horton, Mr. Kastenmeier, Mr. Matsunaga, Mr. Moss, Mr. Obey, Mr. Riegle, and Mr. Wolff):

H. Con. Res. 115. Concurrent resolution relating to a national Indian policy; to the Committee on Interior and Insular Affairs.

By Mr. PEYSER:

H. Con. Res. 116. Concurrent resolution expressing the sense of Congress with respect to establishing a no-fault system of motor vehicle insurance; to the Committee on Interstate and Foreign Commerce.

By Mr. WHALEN:

H. Con. Res. 117. Concurrent resolution requesting the President of the United States to take affirmative action to persuade the Soviet Union to revise its official policies concerning the rights of Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. ASHBROOK (for himself, Mr. Robert W. Daniel, Jr., and Mr. Spence):

H. Res. 208. Resolution; Canal Zone sovereignty and jurisdiction; to the Committee on Foreign Affairs.

By Mr. BROOMFIELD (for himself and Mr. Huber):

H. Res. 209. Resolution calling upon Radio Free Europe to initiate radio broadcasts to the people of Estonia, Latvia, and Lithuania; to the Committee on Foreign Affairs.

By Mr. BROTZMAN (for himself, Mr. Bob Wilson, Mr. Pike, Mr. Hinshaw, Mr. Podell, Mr. Shoup, Mr. Corman, Mr. Murphy of Illinois, Mr. Fauntroy, Mr. Won Pat, Mr. Sarasin, Mr. Devine, and Mr. Pritchard):

H. Res. 210. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. CRANE (for himself, Mr. Archer, Mr. Bafalis, Mr. Del Clawson, Mr. Dennis, Mr. Dickinson, Mr. Gross, Mr. Huber, Mr. Hutchinson, Mr. Landgrebe, Mr. Lujan, Mr. Michel, Mr. Miller, Mr. Mizell, Mr. Rousselot, and Mr. Veysey):

H. Res. 211. Resolution to declare U.S. sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. EILBERG:

H. Res. 212. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. FASCELL:

H. Res. 213. Resolution to establish a House-authorized budget; to the Committee on Rules.

By Mr. FINDLEY:

H. Res. 214. Resolution to authorize a marker in Statuary Hall for the location of Abraham Lincoln's desk during the 30th Congress; to the Committee on House Administration.

By Mr. FINDLEY (for himself and Mr. Cleveland):

H. Res. 215. Resolution to establish a House-authorized budget; to the Committee on Rules.

By Mr. FRASER (for himself, Mr. Mailliard, Mr. Fascell, Mr. Bingham, Mr. Findley, Mr. Zablocki, Mr. Seiberling, Mr. Hamilton, Mr. Buchanan, Mr. Rosenthal, Mr. Broomfield, Mr. Ruppe, Mr. Conable, and Mr. Morgan):

H. Res. 216. Resolution on U.S. oceans policy at the Law of the Sea Conference; to the Committee on Foreign Affairs.

By Mr. HALEY (for himself and Mr. Saylor):

H. Res. 217. Resolution to provide funds for the expenses of the investigations and studies authorized by H. Res. 130; to the Committee on House Administration.

By Mr. HUBER:

H. Res. 218. Resolution expressing concern over freedom of emigration for citizens of all countries; to the Committee on Foreign Affairs.

By Mr. PRICE of Illinois:

H. Res. 219. Resolution providing funds for the expenses of the Committee on Standards of Official Conduct; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 4317. A bill for the relief of Charles P. Edwards; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 4318. A bill for the relief of Mrs. Anna R. Bacon; to the Committee on the Judiciary.

By Mr. CASEY of Texas:

H.R. 4319. A bill for the relief of Rajinder N. Dewan; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 4320. A bill for the relief of Cpl. Kenneth M. Schmitz; to the Committee on the Judiciary.

By Mr. STEPHENS:

H.R. 4321. A bill for the relief of William H. Spratling; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

38. The SPEAKER presented petition of Trudy Scocozzo, Brooklyn, N.Y., relative to the rights of American Indians; to the Committee on the Judiciary.

SENATE—*Thursday, February 8, 1973*

The Senate met at 9:30 a.m. and was called to order by the Acting President pro tempore (Mr. Metcalf).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, grant us strength and wisdom through this day to do not what we like but what we ought; to work with alacrity but with the deliberateness of thorough workmen; to follow Thy will, not our own desires.

Help us, O Lord, in all things to set duty above pleasure, to meet graciously those who are ungracious, and to work at tasks though they be dull and unpleasant. Grant that conscience may be our only master, and that our true motive may be to earn Thy divine approbation.

When evening comes and our duty is done, may we know the deep contentment of work completed which honors the Nation and glorifies Thy name.

In the Master's name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, February 7, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations under "New Reports."

There being no objection, the Senate proceeded to consider executive business.

DEPARTMENT OF STATE

The ACTING PRESIDENT pro tempore. The clerk will state the first nomination.

The legislative clerk proceeded to read sundry nominations in the Department of State.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered and confirmed en bloc.

U.S. INFORMATION AGENCY

The legislative clerk read the nomination of James Keogh, of Connecticut, to be Director of the U.S. Information Agency.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

GOVERNMENT PRINTING OFFICE

The legislative clerk read the nomination of Thomas F. McCormick, of Connecticut, to be Public Printer.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nomination.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

AUTHORIZATION FOR THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE TO CONDUCT OPEN PUBLIC HEARINGS INTO THE CONDUCT OF THE POSTAL SERVICE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 24, Senate Resolution 61.

The ACTING PRESIDENT pro tempore. The clerk will read the resolution by title.

The legislative clerk read as follows:

> A resolution (S. Res. 61) authorizing the Committee on Post Office and Civil Service to conduct open public hearings into the conduct of the Postal Service.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. HUMPHREY. Mr. President, I strongly endorse the resolution reported this week by the Post Office and Civil Service Committee, Senate Resolution 61, calling for open public hearings into the conduct of the Postal Service.

In fact, Mr. President, I had prepared such a resolution myself. If I have any difference with the committee resolution it is that its indictment of the Postal Service is far too mild.

In my resolution, Mr. President, I would have pointed out:

In June of 1972 it was reported that the U.S. Postal Service now moves a first-class letter more slowly between cities than it did 3 years ago.

A Reader's Digest survey found that the average letter it mails now takes nearly 3 days longer to be delivered than in 1969.

Members of Congress receive hundreds of thousands of individual complaints about Postal Service each year.

A nationwide mail survey conducted in May of 1972 by the Associated Press revealed that airmail postage does not necessarily guarantee quicker delivery.

Letters without ZIP codes generally reach their destinations as fast as zip-coded mail or faster.

Postal rate increases and poor service have caused many companies to turn to private mail services that promise reliable but relatively inexpensive delivery of third-class bulk mail.

The Postal Service and the administration have failed to provide the decent postal service necessary for not only the personal needs of our citizens but also for the efficient operation of our economy.

Mr. President, we need remedial recommendations at the soonest possible date. The facts are already evident to every Congressman in Washington. The complaints to Congress about postal service have not stopped. They are increasing. Each day I receive complaints about the poor quality of postal service from citizens all over the country. Here are excerpts from two letters I received during this past week:

> The U.S. Postal Service has turned back in the past few years. Far behind what it was fifty years ago. . . . To give you an idea of how it now works, I give you this one incident, which I believe is a national example. I live ten miles south of Brookhaven on a direct line of communication: the Illinois Central railroad and Interstate Highway 55 and U.S. Highway 51. All these lines are busy 24 hours per day. A business letter mailed to anyone in Brookhaven requires three days for delivery. The oxcart days were better for us.

Another citizen writes the following about the lack of service:

> The postal service is becoming outrageous! "Packages arrive" and you *never receive them.* Bank statement missing and mail taking 7 to 9 days to arrive from Milwaukee, Wisconsin. But worse yet 7 days from Wheeler, Oregon.

Mr. President, it is about time we let the average citizen know that we here in Congress are aware of the problem. After all, we receive and send a great deal of official and business mail ourselves. We must put the spotlight on the sad state of affairs here and now.

I urge immediate approval of the committee resolution and that there be no delay in getting this investigation underway.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. Res. 61

Whereas the Committee on Post Office and Civil Service in carrying out its responsibilities to the Senate did in 1970 recommend the enactment of legislation relating to the organization of the United States Postal Service; and

Whereas the postal policy of the United States as enacted in the Postal Reorganization Act in 1970 was established as follows:

"§ 101. Postal policy

"(a) The United States Postal Service shall be operated as a basic and fundamental service provided to the people by the Government of the United States, authorized by the Constitution, created by Act of Congress, and supported by the people. The Postal Service shall have as its basic function the obligation to provide postal services to bind the Nation together through the personal, educational, literary, and business correspondence of the people. It shall provide prompt, reliable, and efficient services to patrons in all areas and shall render postal services to all communities. The cost of establishing and maintaining the Postal Service shall not be apportioned to impair the overall value of such service to the people.

"(b) The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.

"(c) As an employer, the Postal Service shall achieve and maintain compensation for its officers and employees comparable to the rates and types of compensation paid in the private sector of the economy of the United States. It shall place particular emphasis upon opportunities for career advancements of all officers and employees and the achievement of worthwhile and satisfying careers in the service of the United States.

"(d) Postal rates shall be established to apportion the costs of all postal operations to all users of the mail on a fair and equitable basis.

"(e) In determining all policies for postal services, the Postal Service shall give the highest consideration to the requirement for the most expeditious collection, transportation, and delivery of important letter mail.

"(f) In selecting modes of transportation, the Postal Service shall give highest consideration to the prompt and economical delivery of all mail and shall make a fair and equitable distribution of mail business to carriers providing similar modes of transportation services to the Postal Service. Modern methods of transporting mail by containerization and programs designed to achieve overnight transportation to the destination of important letter mail to all parts of the Nation shall be a primary goal of postal operations.

"(g) In planning and building new postal facilities, the Postal Service shall emphasize the need for facilities and equipment designed to create desirable working conditions for its officers and employees, a maximum degree of convenience for efficient postal services, proper access to existing and future air and surface transportation facilities, and control of costs to the Postal Service; and

Whereas it is the duty of the Congress to exercise its oversight and investigations authority to insure that the public policy shall be faithfully executed by the President through the executive branch: Therefore be it

Resolved, That the Committee on Post Office and Civil Service shall conduct open public hearings into the conduct of the Postal Service:

That the committee shall undertake such other investigations into the Postal Service, including, but not limited to, on-the-spot investigations of postal facilities and installations without advance notice; interviews on and off the record with postal officials, administrators, and employees; investigation of official documents and statistics of postal services relating to volume, revenue, costs, levels of service, employment, and other matters as determined by the committee; and such other matters as the committee may deem necessary.

SEC. 2. The committee shall report its finding, including recommendations for legislation, not later than August 31, 1973.

LETTER TO LEADERSHIP FROM NEWLY ELECTED SENATORS ON NEED FOR IMPROVED CONGRESSIONAL BUDGETARY PROCESS

Mr. MANSFIELD. Mr. President, the distinguished minority leader and I are in receipt of a letter signed by all the new Senators of the class of 1973. It reads as follows:

> We address you in a spirit of bipartisanship, because it is apparent to us, as newly elected Members of the Senate, that the most crucial question facing this body today is this: What do we intend to do about the Federal budget and our Constitutional responsibility over it, including the setting of an order of priorities among national needs?
>
> We do not presume to have immediate answers to every question involved in the congressional budgetary process; in fact, we may often disagree among ourselves on specific proposed solutions. But we do concur wholeheartedly on these two points:
>
> Congress has the obligation to set priorities under which expenditures are to be authorized by this Nation, and
>
> Present procedures of the Congress do not in fact achieve that aim.
>
> Common logic leads us to conclude that the first step toward establishing priorities has to be setting a ceiling on appropriations and expenditures. This must be done first, rather than last. Unless we do this, we are not really budgeting at all.
>
> Presently pending in the Senate are two measures which would reform our procedures and specify the ways in which Congress should perform this Constitutional obligation. One was introduced by Senator Brock and the other by Senator Nunn. Other such bills may also be introduced in the near future.
>
> By this letter, we do not single out any one of these proposals for specific approbation. But we want to say clearly that, if we are to live up to the responsibility which brings us here, we must give the bills which reform our practices top priority. Unless we do this, the people of the United States will not have confidence in us.
>
> We address ourselves to you, our leaders, to urge you to see that hearings on all proposals which address this essential question are held as expeditiously as possible, to demonstrate that the Senate of the United States is ready to meet its responsibilities.
>
> We feel it would be a critical shirking of our Constitutional obligations if we consider any appropriation proposals before our budgetary process has been considered and revised.
>
> Respectfully submitted,
>
> Very truly yours,
>
> Dewey Bartlett, J. R. Biden, Jr., Dick Clark, William D. Hathaway, Floyd K. Haskell, J. Bennett Johnston, Jr., Jesse Helms, Sam Nunn, James Abourezk, Dee Huddleston, Pete V. Domenici, James A. McClure, William L. Scott.

May I say that I will do everything in my power to carry out the recommendations made by the newly elected Senators. I personally think they are on the right track, and they can be assured that, as far as the Senator from Montana is concerned, they will have his full support.

Mr. SCOTT of Pennsylvania. Mr. President, I am aware of the statement by all of the new Senators of both parties. I commend them for the action they have taken. They come more immediately and directly from the people than any of us, since they have just been elected to their first term, and this indicates to me that they have seen for themselves and heard for themselves what the people are talking and what they want the Congress to do. I shall not go into it at any length. I will have a more formal statement this morning. But I agree with them.

I think, as the majority leader and I have both noted from time to time, that the erosion of authority of Congress arises directly from the fact that we have not exercised our function. It is our fault that we have not kept the budget within limitations. It is our fault that we are moving, therefore, more closely to the debt ceiling than otherwise. It is our fault that we are risking inflation and added taxes, if we do not clean our own house by establishing our own budget ceiling and by establishing priority of categories in either amounts or percentages within those budget ceilings.

We have the right to go beyond the recommended amount of the President when we feel the purposes are just and desirable. Yes, we have that right, but if we do, we ought to recommend the taxes which go with the increases. Otherwise we get the worst tax of all—the thief in the night—inflation—which will, in the long run, take more away from the people of the United States than the taxes would.

So if we are going to bust the budget or bust the debt ceiling, then let us tell the taxpayer that we are digging further into his pocketbook and that the recommendations of the Congress for 1972–73 and for 1973–74, if expended, would add between 15 and 20 percent to the income taxes of the average American taxpayer. You cannot close it by the old demagogic concept that is so often heard in Congress—that we will close loopholes or we will tax the rich. If we take everything that the ultrarich have, if we take it away from them by confiscation, and take 100 percent of it, it would run the Government about a week. Then if we added the next category, it would run the Government about another week. Then if we got down to the ordinary affluent or the quite affluent, it would run the Government about another month, and that is where the rest of the country comes in. So, let the rich pay for January. Let the middle income pay until September. And let the poor pay from September on.

That is what is really involved here. Let us stop this nonsense of closing loopholes. If loopholes are there, if they are unfair, if they give anybody a discriminatory advantage over anyone else without a compensatory increase in the national wealth or the Federal income, let us close them.

But after we do all of this, let us stop this yacking on the television where we see various people sitting there with their bare faces hanging open, saying that we can do these things, that we can give the people anything we want as long as we tax the rich.

That is the oldest shell game in the business. It is older than three-card monte. I think we ought to stop kidding the people. I have been around as long as most, and I have made one big discovery. Every time we think that we are kidding the people, we "ain't."

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Vermont (Mr. AIKEN) is recognized for not to exceed 15 minutes.

RESURRECTING BIPARTISANSHIP

Mr. AIKEN. Mr. President, in opening the office mail this morning, I find that the greater part of it contains requests for more Federal financing while, at the same time, registering disapproval of higher taxes.

This protest against higher taxes is not of recent origin.

It reached intense proportions 200 years ago and, on December 16, 1773, culminated in a taxpayers' demonstration in Boston Harbor when irate American colonists boarded a British merchant ship and cast its cargo of tea into the sea.

No doubt the people of Boston wanted the tea, but they wanted the higher taxes even less—taxes which had been assessed by the executive branch of Government in London without the consent of those being taxed.

After this taxpayers' demonstration, relationship of the American Colonies with the government in London grew steadily worse.

In April 1775, there was the Battle of Lexington and Concord.

In June of that same year came the Battle of Bunker Hill, and on July 4, 1776, representatives of the 13 American Colonies declared themselves to be a free and independent nation.

It was not until 1788, however, that our Constitution establishing the three branches of Government—legislative, executive, and judiciary—was formally adopted.

And even that did not work until the 10 amendments submitted to the States in 1789 were finally approved.

I mention these historical facts, because of the similarity of political conditions which existed 200 years ago with those which we are supposed to reckon with today.

While this comparison may not seem too apropos in this day and age, nevertheless, it is here.

We still have the three branches of Government and today, as many times in the past two centuries, each branch of our Government apparently would like to impose its will on one or both of the others.

This has been particularly true in the case of both domestic and foreign policies.

Sometimes, we find the Supreme Court

interpreting laws in a manner never intended by the Congress which enacted them.

We also find the executive branch of Government undertaking to tell the Congress how far it can go in the field levying taxes and making appropriations.

And we find the legislative branch of Government, instead of playing its constitutional role as a seat of accountability where the President's foreign policies are analyzed, explained, and defended, spending a good share of its time attacking and investigating, largely upon a partisan basis.

I believe that the only way Congress can effectively participate in the formulation and practice of foreign policy is in an atmosphere of bipartisanship—just as I believe that Congress should exercise its responsibility for levying taxes and making appropriations and being held responsible for the results.

If we had wanted to live under the British system of government, we should have kept that form of government 200 years ago, leaving the levying of taxes and the making of appropriations strictly to the executive branch of Government.

We did not choose to follow this course, however, and I do not believe that it should be restored today.

On the other hand, the formulation and practice of foreign policy lies within the constitutional authority of the executive branch which, in turn, can be held fully accountable by the Congress.

The situation which exists today is no longer tolerable for the President or for the Senate or for the country.

The United States cannot continue to present to the world a legislative face torn with self-doubt, dissension, irresolution, or political aspirations.

So long as the Senate is devoted to investigating and attacking the President's foreign policy, rather than making the President accountable in foreign affairs, this Senate will remain ineffective in this field.

Why did our bipartisanship break down?

I believe that one reason lies in the fact that the road to the Presidency in recent years has run almost exclusively through the Senate with State Governors playing only a minor role.

The Senate has for many years had a surplus of presidential candidates and the practice of partisan campaigning has been extended until it has become a year-round, year-in, year-out business.

If the Senate could resolve to limit partisan campaigning on the floor and in committees to a maximum of 6 months every 2 years, then I believe the Senate might thereby restore some of its lost authority and prestige.

It is the seat of accountability before which all Presidents must as a matter of constitutional duty present, explain and, if need be, defend their policy—their foreign policy in particular.

Partisan campaigning year-round diminishes the stature of this body by making it almost impossible for the President to perform his constitutional duties.

Bipartisanship really broke down over the Vietnam war.

Yet all the major policies and initiatives that led to our involvement in Vietnam up to and including the Tonkin Gulf resolution were blessed with bipartisan support.

Even after the war became such a devisive force in the Senate and the country, the philosophical gap between President Johnson and his critics was never as wide as it seemed.

In the 1950's and the early 1960's bipartisanship rested on an exuberant, expansive, confident, and tragically oversimplified view of the world and of America's role therein.

This view was held fervently not just by politicians interested in foreign affairs but even more by the spokesmen of our leading universities, by big business leaders, and by leaders of the trade unions.

The view was well expressed as late as 1966 by the distinguished chairman of the Senate Foreign Relations Committee, who published a book that year. The basic premises of that book in the author's words, were:

> First, that, at this moment in history at which the human race has become capable of destroying itself, it is not merely desirable, but essential that the competitive instinct of nations be brought under control; and second that America, as the most powerful nation, is the only nation equipped to lead the world in an effort to change the nature of its politics. (J. William Fulbright, *The Arrogance of Power*; New York, Random House, 1966; p. 256)

One could hardly sum up better the sentiments that underlay the years of bipartisan foreign policy—including the years of our initial involvement in Vietnam.

It is easy to blame our present day dissensions on the Vietnam war, but the real reason why bipartisanship failed was that the premises on which it rested were wrong.

We are all sadder now, but wiser, too, about the real state of the world and the limits of the role we can play.

We are all aware that priorities have to be established.

The one great lesson of Vietnam is that big powers can stir up civil wars in small nations much easier than they can stop them.

I am glad that now Dr. Kissinger is saying that the war in South Vietnam is in very large part a civil war.

When big nations stir up these wars, they usually end up being tyrannized by them.

This is just as true of the promoters of "wars of national liberation" as it is of those whose main interest is counterinsurgency.

Even in Czechoslovakia it was not in the long run important that Russia used its army to suppress a rambunctious ally.

It is the memory of that intervention that belittles the Soviets all over East and West Europe today.

President Nixon has removed the immediate tyranny of the Vietnam war from the American people.

He promised to do that.

He did it.

He deserves the Nation's gratitude and he has mine.

But, will he and the Nation continue to be humiliated by the memory of that war—particularly by the last-minute use of strategic bombing to achieve a political purpose of possibly dubious necessity?

There will be those who for purely partisan purposes will dwell on this possibility and other things that might have been, and those who for purely partisan purposes will fashion extravagant justifications for their own positions.

There will be those who will insist on talking about President Johnson's war or President Nixon's war in ignorance of, or having forgotten how bipartisan was the support for all the steps that led us into that war.

And, naturally, there are those who will talk about President Nixon's peace, confusing extrication from a predicament for achievement of what may prove impossible.

I am not carried away by the arguments of any of these groups.

I gladly leave it to the historians to judge our policies and actions in Vietnam.

And I believe the overwhelming majority of Americans are of a similar mind.

It is not given to any one of us to judge the historical importance of the political actions taken on the world stage in our time.

We can only speculate, and too much speculation in the case of Vietnam risks downgrading ourselves in our own eyes and in the eyes of others.

I am concerned with the future of our foreign policy and with Congress role in the formulation and practice of that policy.

I am concerned with how to resurrect bipartisanship as the only means by which the Congress can effectively participate in foreign policy.

But, if bipartisanship failed so conspicuously when it came up against the reality of Vietnam, one may ask, "Why bother to resurrect it?"

First, there is no alternative.

Second, the premises on which the old bipartisanship rested were not all wrong.

There was, in fact, a generosity of view in those premises, which Senator FULBRIGHT to his great honor always stressed, that badly needs renewal now.

Why do we need to have a generous view?

Quite simply to protect our interests in the world.

We cannot protect those interests by changing our national personality from generosity to something else.

We have to be ourselves.

Generosity means above all else trying to understand the other fellow's point of view.

It does not mean agreeing with him necessarily, and certainly not lavishing gifts on him.

It does not mean feeling either guilty or repentant.

It is the very opposite of arrogance.

Generosity means listening and learning and trying to understand.

The competitive instinct among nations is not something we or anybody else can bring under control.

We can, however, and we must, try

to civilize that competitive instinct by working and negotiating with 100 nations on a thousand tasks of common interest.

Without such a generous view, President Nixon's great achievements of the past year can crumble in his second term.

I am sure the President knows this and, if permitted, he would earnestly desire to resurrect bipartisanship in foreign policy.

How else are we to deal with the formidable problems still before us in Southeast Asia?

How else are we to keep the peace in the Middle East, now that a worldwide energy crisis looms up as an added ingredient in the historical feud between Arab and Jew?

How else can we explore a new relationship with China, which seems to have played such an important role in bringing about a truce in Vietnam, presumably because it was in China's interest as well as ours?

How else can we thread our way through the tangle of monetary and trade problems that are so straining our relations with our friends in Europe and Japan?

And how can the Congress participate effectively in the resolution of those problems without on its part being willing to work with the President to this end?

The list of reasons is much longer but I have brought the idea of bipartisanship down from the attic and dusted it off as best I can, and the question is—Will we now put it to use?

There must be those in this Congress now who are willing to lend their weight to the future by letting history judge our past actions and to work with the President on future problems in a spirit of bipartisanship.

It will take a lot of time and hard work.

There is no delivered wisdom at hand as there was in the 1950's and the early 1960's.

The Members of Congress will have to work with the President to create a new consensus out of a period of grave difficulties, rather than out of the successes of World War II.

Is there a more productive task for an aspiring politician than to give his best to the service of his country?

Is there a better way to restore the authority of the Senate in foreign affairs?

I am convinced that the American people do not want to choose sides over foreign policy issues.

This is the one area of government where they look for leadership to the President and the Congress almost exclusively.

Here there is no challenge to the supremacy of Washington, no responsibility-sharing possibility with the States and the localities.

If the President tries to shoulder this responsibility all by himself and ignores the legislative branch of our Government, he inevitably sets the Congress against him.

Instead of accountability, he will get partisan investigation.

Instead of consultation, he will have confrontation.

President Nixon is too good a student of history, too intelligent an executive, not to realize that he, too, could suffer if bipartisanship is not resurrected and practiced by both the Congress and the White House.

Can we not bury partisanship at least until 6 months before the next elections and practice consultation and cooperation instead?

Let the Senate make the first move, for after all is said and done it was the Senate, not the Presidents, which imposed the 4F classification on itself.

It may be that all I have just said will fall on deaf ears, if listened to at all—I have been here too long to be overly optimistic—but at least it makes me feel better to get it off my mind.

The ACTING PRESIDENT pro tempore. The time of the Senator from Vermont has expired. Under the previous order, the Senator from New York (Mr. JAVITS) is recognized for not to exceed 15 minutes.

Mr. JAVITS. Mr. President, first I would like to say that I have heard with the deepest interest what the Senator from Vermont has said. He is probably as respected as any Member of the U.S. Senate, perhaps at this or any other time of our history, and I can assure him that I, and I know every other Senator, will read almost with reverence the deep thought and the great patriotism which has gone into his presentation to us.

THE MONETARY CRISIS

Mr. JAVITS. Mr. President, once again ominous rumblings are heard across the international monetary front. The familiar scenario—a run on the dollar—often repeated, is being repeated once more, but this time, however, there is a difference. It is the second time in which a major test has been put to the Smithsonian exchange rate schedules which were hammered out in December 1971, but it is the first time that such a test has been unaccompanied by any major public U.S. Government reaction. Many questions are being asked and as confidence is so critical to international monetary affairs I believe it desirable to discuss the issue today.

Let us remember at the start that the proximate cause of the current crisis did not involve the United States at all. Some 2 weeks ago the Swiss floated the franc, largely as a result of heavy inflows of funds from Italy. The sudden rush of speculative funds into Germany in the past few days has resulted directly from the Swiss situation. There has been some intervention by the Federal Reserve in the New York money markets, although Secretary Shultz has characterized the intervention as "modest"—aimed chiefly, I presume, at enabling the dollar-mark rate to look stable subsequent to the closing of the European markets. There have been no policy statements by the Treasury or by Federal Reserve Chairman Burns, except statements to the effect that they will avoid making any statements.

Now this contrasts dramatically with the situation last June and July, when speculative pressures caused more than $6 billion in flows from dollars into European currencies. At that time, the Federal Reserve intervention was accompanied by statements from Chairman Burns and the U.S. Treasury that the United States was doing its part to uphold the Smithsonian system, and that we stood willing to intervene when desirable to cool down speculation.

Of course, the Feds' and Treasury's silence is being interpreted as an intent not to support the Smithsonian schedule. We have learned a number of lessons in the brief year since the Smithsonian accord was signed, and we have also confirmed beliefs which were held then. They bear repeating:

First, it is clear from the post-Smithsonian events that more frequent changes in parity are needed to keep the international monetary system on course. The world has seen a floating pound, a two-tier lira and Belgian franc, exchange controls in Italy and Germany and speculative surges which promise even more controls. To the extent that currency controls are just another form of exchange rate adjustment, we are simply fooling ourselves in believing that the Smithsonian schedule is anything but the temporary measure it was supposed to be. The fact is that the post-Smithsonian period has shown the need for further rate changes.

Second, the addition within a short time of a couple of billion more dollars in official hands overseas proves more conclusive the declining role of gold in the international system.

Third, I believe that the current events prove the necessity for balancing obligations among the surplus and deficit countries. In a sense Switzerland's action was the responsible action of a surplus country. I would urge that even prior to agreement on principles of reform, the world's surplus countries consider seriously their role as major factors in the process of cooling down speculative forces.

This third point, which relates to a currency adjustment mechanism deserves special attention and amplification at this time since it has been the key point on the negotiating table and is directly related to the present "crisis."

Fourth and most important, the current crisis proves all the more the urgency for making substantial progress towards meaningful and lasting international monetary reform. I note that Treasury has set a timetable of agreement on general principles by the Nairobi meeting of September 1973, but I do not think we can necessarily wait until then and I urge the Treasury to move much more quickly. Note that agreement on general principles is not the same as actual reform—actual reform—a permanent new mechanism in place of Bretton Woods' is urgently demanded.

The United States starting with the speeches of President Nixon and Secretary Shultz at last year's annual International Monetary Fund meeting—September 1972—put forward a detailed program for the long-term reform of the international monetary system.

> We cannot afford a system that almost every year presents a new invitation to monetary crises. That is why we face the need to develop procedures for prompt and orderly adjustment.

At that time, the President stated:

Secretary Shultz amplified the President's statement and spelled out the type of adjustment process the U.S. envisaged.

The heart of the currency adjustment proposals were described by Secretary Shultz in the following way:

> I believe the most promising approach would be to insure that a surfeit of reserves indicates and produces pressure for adjustment on the surplus side as losses of reserves already do for the deficit side. Supplementary guides and several technical approaches may be feasible and should be examined. Important transitional difficulties will need to be overcome. But, in essence, I believe disproportionate gains or losses in reserves may be the most equitable and effective single indicator we have to guide the adjustment process.

In November 1972 the comprehensive U.S. proposals for using reserves as an indicator of the need for balance of payments adjustment were presented by the U.S. to the Group of Twenty for discussion and negotiation.

The intervening period perhaps can be characterized as a period of international monetary stability burned—leading up to the present crisis.

Also in retrospect it is clear that phase III did not help overseas confidence in the dollar, and the premature ending of controls had an influence on the present crisis.

However, what is interesting to me is that while "objective indicators" to trigger currency adjustments have not yet been developed in international negotiations, the money markets apparently have developed their own set of "objective indicators." The currencies most under attack at the moment are the very currencies of those countries which enjoy an almost indecent surplus position. I refer to the surplus position of West Germany and Japan, of course. It is these countries which have a lot of rethinking to do and not much time in which to do it.

Perhaps it can be postulated that the new unwritten rule of the money markets is that surplus countries, by being major disrupters of the international monetary system, will be prime targets of currency speculators. I regret that the lack of success of the international negotiations to date "to develop procedures for prompt and orderly adjustment" insure that the present adjustments that probably will take place will be delayed and disorderly. This, of course, does not lead to increased confidence in the working of the international monetary system.

However, it also would be a mistake to assume that the international economy of the free world is on the point of collapse, only because the monetary adjustment procedures are disorderly.

If adjustment procedures absolutely do not work, this is one thing, but if free market forces indeed do cause needed currency realinements, this is something else. Hopefully, the present crisis also will give impetus to the ongoing monetary talks to develop orderly procedures, thus giving substance to the expectation that Secretary Shultz voiced before the Joint Economic Committee of the Congress yesterday that "the main outlines of a new system can be agreed by the next IMF meeting in Nairobi."

In this context, our relations with Japan deserve a special word. First, I would like to say to our Western European friends that the full integration of the Japanese economy into the economy of the free world is not solely an American problem. It is also a European problem and continuing European "protectionism" regarding Japan serves no one's long-term interest. Continued close and good relations between Japan and the rest of the free world must be a continuing priority item on the agenda of all leading nations of the free world. It is essential to our collective security.

This is not to say that the unusually rapid growth of the Japanese economy does not cause all of us enormous and economically painful adjustment problems. Prime Minister Tanaka, in my opinion, has made and is making a sincere attempt to reverse the pattern of Japanese production and exporting that has caused so much disruption in overseas markets. Unfortunately, at times, the procedures of decisionmaking within the Japanese Government seem so time consuming that Japan does not take timely decisions and choices which can be more unpleasant than are or may be forced on Japan.

It has been clear to me since last August—and I made a public statement to this effect—that a revaluation of the Japanese yen was inevitable. I feel that most reputable Japanese economists would agree with this judgment. The inevitability arises out of the growing and totally unacceptable Japanese surplus on the trade account with the United States, as well as Japan's general trade surplus position in the world. Some two-thirds of the U.S. trade deficit is accounted for by our bilateral account with Japan. The U.S. deficit on the trade account with Japan has increased by $1 billion in 1972 to $4.2 billion. The surplus in each case is so great that the rules of the game which underlie the stability of any equitable international monetary and trading system must be judged as having been seriously impaired.

It is my hope that Japan will moderate the position against any further revaluation of the yen since it has again become clear that despite the yen revaluation contained in the Smithsonian agreement, the yen remains seriously undervalued. It should also be asked why revaluation of the yen is so to be feared. Revaluation clearly is a reward for hard work, productivity and industrial efficiency, and the Japanese man in the street could benefit through cheaper prices for all imported goods. Revaluation could also contribute to a redirection of Japanese energies and resources to what we are told are pressing societal and environmental needs at home.

Let me also say a brief word about the United States.

In his speech before the IMF on September 25, 1972, President Nixon stated:

> No nation should be denied the opportunity to adjust, nor relieved of the obligation to adjust.

Because of the present reserve currency role of the dollar, the United States is partially denied this opportunity and also relieved of this obligation. However, the American people must realize that the productivity and competitiveness of the American society are at issue in this monetary crisis.

If any other currency indeed is revalued, the world will have rendered a judgment about the United States, and this judgment will result in higher prices for imported products. Any foreign currency revaluation impacts adversely on the American standard of living. In turn, if burgeoning trade deficits lead to protectionist trade legislation, the American consumer will pay a further levy and this levy will then be even stiffer. The international effects of the blue-collar blues, faltering productivity and white collar malaise cannot be swept under the rug. We shall in time find it impossible to maintain our living standards under these conditions.

In conclusion, while this latest international monetary crisis is very serious—this is not the time to act precipitously—rather it is a period of opportunity; opportunity to advance the international monetary negotiations, opportunity to review the economic relations among the principal economies of the free world, and yes, opportunity to consult with the Congress on the future course of our trade and monetary policies.

I have long felt and advocated that 1973 would be the optimum year for a major multilateral summit at which time economic—trade and monetary—as well as political and military problems would be on the table. International action is also appropriate to deal with the growing international energy crisis.

We are in a new era—the international order created during and immediately after the second world war is rapidly collapsing if it has not already collapsed. The time is at hand to build new relationships and new institutional structures to deal with today's realities—be they the new international monetary system, international action on the energy crises, or the reconstruction of Southeast Asia. Let us not let the time pass us by.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes, the time to be charged against the 3 hours under the order with respect to the executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT—INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

The PRESIDING OFFICER (Mr. Clark). The Chair, on behalf of the Vice President, appoints the following Senators to attend the Intergovernmental Maritime Consultative Organization—IMCO—preparatory meeting for the International Conference on Marine Pollution, to be held in London, England, from February 12 to March 2, 1973: The Senator from Washington (Mr. Magnuson) and the Senator from Maryland (Mr. Beall).

ORDER OF BUSINESS—INTRODUCTION OF A BILL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks Mr. Griffin made at this point on the introduction of S. 815 and Senate Joint Resolution 58, dealing with strikes and lockouts in the transportation industry, are printed in the routine morning business section of the Record under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Metcalf) laid before the Senate the following letters, which were referred as indicated:

Proposed Legislation To Authorize Appropriations to the National Aeronautics and Space Administration

A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes (with accompanying papers); to the Committee on Aeronautical and Space Sciences.

Proposed Amendment of Title 5, United States Code

A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to amend title 5, United States Code, to provide for a change in the titles of the NASA Associate Administrator positions listed under Level V of the Executive Schedule, and to add three more such positions to such Schedule (with accompanying papers); to the Committee on Aeronautical and Space Sciences.

Report on Flight Pay, Department of the Army

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on flight pay, Department of the Army, for the fiscal year 1972 (with an accompanying report); to the Committee on Armed Services.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Metcalf):

A joint resolution of the Legislature of the State of Idaho; to the Committee on Banking, Housing and Urban Affairs:

"House Joint Memorial No. 1

"We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Forty-second Idaho Legislature, do hereby respectfully represent that:

"Whereas, United States citizens have been forbidden by the 1934 Gold Reserve Act the right and privilege of owning gold; and

"Whereas, there is no compelling reason why this freedom should be forbidden any longer; and

"Whereas, there is an ever increasing demand by United States citizens to enjoy the rights and privileges of owning gold.

"Now, therefore, be it resolved by the First Regular Session of the Forty-second Legislature of the State of Idaho, now in session, the House of Representatives and the Senate concurring, that we respectfully urge the Congress of the United States to enact legislation that would repeal those sections of the 1934 Gold Reserve Act that prohibit private ownership of gold in the form of H.R. 1232 and S. 359 introduced in the 93rd session of the Congress of the United States.

"Be it further resolved that the Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to the Senators and Representatives in Congress from the State of Idaho, and to the Governors of the fifty states of the United States."

A joint resolution of the Legislature of the State of Maine to the Committee on Commerce:

"Joint Resolution Protesting the Proposed Closing of the National Marine Fisheries Services at Boothbay Harbor, Maine

"We, your Memorialists, the House of Repsentatives and Senate of the State of Maine of the One Hundred and Sixth Legislative Session assembled, most respectfully present and petition the National Oceanic and Atmospheric Administration, as follows:

"Whereas, the National Oceanic and Atmospheric Agency has summarily and publicly announced the intention of permanently closing the National Marine Fisheries Services facility at Boothbay Harbor on or before July 1st of this year; and

"Whereas, this incredible decision comes at a time when our commercial fisheries need the scientific capabilities that this, the only 'cold water' fishery facility in the Nation can provide; and

"Whereas, should budget cuts become necessary they should be planned and apportioned equally among all fisheries research centers rather than arbitrary closure and the accompanying financial burdens to the State; and

"Whereas, the maintenance and development of this fishery research center at Boothbay Harbor is vital to the future overall economic development of the northeast; now, therefore, be it

"Resolved: That we, your Memorialists, do hereby respectfully protest said closure and request the National Oceanic and Atmospheric Agency to cease and desist in its efforts to close the said facilities; and be it further

"Resolved: That the Members of the United States Congress for the State of Maine are hereby urgently requested to use every possible means to cause the decision to close said facilities to be reversed; and be it further

"Resolved: That a copy of this resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the National Oceanic and Atmospheric Administration and to the Honorable Richard M. Nixon, President of the United States; the Honorable Frederick B. Dent, Secretary of Commerce; and to the Senate and House of Representatives in Congress and to the members of the said Senate and House of Representatives from this State."

A concurrent resolution of the General Assembly of the State of South Carolina; to the Committee on Public Works:

"S. 96

"A concurrent resolution requesting the Congress and the President of the United States to Continue the Provisions of the Public Works and Economic Development Act of 1965 so as to Permit Continued Funding of Projects Necessary to the Future Well-Being of the State and Nation

"Whereas, the Public Works and Economic Development Act of 1965 has caused the investment of more than fifty-one million dollars of funds of the Economic Development Administration and the Coastal Plains Regional Commission in the economic development of South Carolina; and

"Whereas, EDA and Coastal Plains Regional Commission investments by their catalytic utilization have resulted in the added investment of more than one hundred million dollars from other public and private sources; and

"Whereas, these economic development programs have resulted in many worthwhile job-generating projects, including vocational-technical training facilities and other public works, business loans, technical assistance and planning; and

"Whereas, this financial assistance, geared to helping underdeveloped communities help themselves, has been responsible for the creation of thousands of job opportunities in many parts of our great State; and

"Whereas, a substantial number of projects, which will greatly enhance the future economic development of South Carolina, are now pending or in the development stage and these projects are depending upon EDA and Coastal Plains funding; and

"Whereas, this act expires June 30, 1973, and bills have been introduced in the Congress which will provide for the extension of the act. Now, therefore,

"*Be it resolved* by the Senate, the House of Representatives concurring:

"That the General Assembly of South Carolina expresses its continued strong support for programs resulting from the Public Works and Economic Development Act of 1965 and respectfully urges the Congress to authorize and the President to approve the continuation of the provisions of such act, as well as ample appropriations to permit the continued funding of projects necessary to the future well-being of this State and Nation.

"*Be it further resolved* that copies of this resolution be sent to the President of the United States, the presiding officers of both houses of the Congress, the Honorable Frederick Dent, Secretary of the Department of Commerce, the Chairman of the Public Works Committee in both houses of the Congress and to each member of the South Carolina Congressional Delegation."

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare, without amendment:

S.J. Res. 59. A joint resolution to extend the provisions of the Railway Labor Act, and for other purposes (Rept. No. 93–18).

INTERIM REPORT OF THE JOINT STUDY COMMITTEE ON BUDGET CONTROL—REPORT OF A COMMITTEE

Mr. GRIFFIN, from the Joint Study Committee on Budget Control, submitted a report entitled "Improving Congressional Control Over Budgetary Outlay and Receipt Totals," which was referred to the Committee on Government Operations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. FANNIN (for himself and Mr. Goldwater):

S. 811. A bill to amend the Taylor Grazing Act to increase the amount of certain revenue returned to the State. Referred to the Committee on Interior and Insular Affairs.

By Mr. HATFIELD:

S. 812. A bill to incorporate in the District of Columbia the American Ex-Prisoners of War. Referred to the Committee on the Judiciary.

By Mr. FANNIN:

S. 813. A bill to authorize the Secretary of the Interior to purchase property located with the San Carlos Mineral Strip. Referred to the Committee on Interior and Insular Affairs.

By Mr. BENNETT:

S. 814. A bill for the relief of Charles Eugene Fickas, Marjorie Jean Fickas, Charles Bradley Fickas, and Steven Fickas. Referred to the Committee on the Judiciary.

By Mr. GRIFFIN:

S. 815. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry, and for other purposes. Referred to the Committee on Labor and Public Welfare.

S. 816. A bill for the relief of Jozefa Sokolowski Domanski. Referred to the Committee on the Judiciary.

By Mr. GURNEY:

S. 817. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder. Referred to the Committee on Finance.

S. 818. A bill to amend title II of the Social Security Act to provide that, in the case of an individual who after attainment of age 65 is entitled to widow's or widower's benefits thereunder, no reduction in such benefits shall be made because such individual had received such benefits prior to attaining such age. Referred to the Committee on Finance.

By Mr. BAYH:

S. 819. A bill to authorize a national policy and program with respect to wild predatory mammals; to prohibit the poisoning of animals and birds on the public lands of the United States; to regulate the manufacture, sale, and possession of certain chemical toxicants, and for other purposes. Referred to the Committee on Commerce.

By Mr. BAYH (for himself, Mr. Hart, Mr. Hartke, Mr. Stevenson, and Mr. Percy):

S. 820. A bill to amend the Act establishing the Indiana Dunes National Lakeshore to provide for the expansion of the Lakeshore, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BAYH (for himself and Mr. Cook):

S. 821. A bill to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. HANSEN (for himself and Mr. McGee):

S. 822. A bill to amend the Communications Act of 1934 to provide that licenses for the operation of a broadcasting station shall be issued for a term of not to exceed 5 years. Referred to the Committee on Commerce.

By Mr. STEVENS (for himself and Mr. Gravel):

S. 823. A bill creating an additional Federal district judgeship for the district of Alaska. Referred to the Committee on the Judiciary.

By Mr. STEVENS:

S. 824. A bill for the relief of Othal William Ray d/b/a Bill Ray Construction Co. of Fairbanks, Alaska. Referred to the Committee on the Judiciary.

S. 825. A bill to amend title II of the Social Security Act to adjust the earnings exemption, applicable to recipients of monthly benefits thereunder, for individuals in Alaska or Hawaii so as to take into account the higher cost-of-living in such States. Referred to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. Thurmond, Mr. Dominick, and Mr. Hollings):

S. 826. A bill to authorize the issuance of United States conservation savings bonds in order to afford an opportunity for the people of the United States, through the purchase of such bonds, to participate in the financing of programs to conserve and improve the Nation's environment. Referred to the Committee on Finance.

By Mr. STEVENS:

S. 827. A bill to amend section 6334(a) of the Internal Revenue Code. Referred to the Committee on Finance.

S. 828. A bill to reduce the indebtedness of certain native villages in Alaska to the United States, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. STEVENS (for himself and Mr. Gravel):

S. 829. A bill to establish the Seward National Recreation Area in the State of Alaska, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. STEVENS:

S. 830. A bill to amend section 5303(a) of title 5, United States Code, to authorize higher minimum pay rates for certain additional Federal positions. Referred to the Committee on Post Office and Civil Service.

By Mr. ERVIN:

S. 831. A bill for the relief of Virginia Jokisch. Referred to the Committee on the Judiciary.

By Mr. TOWER (for himself and Mr. Fannin):

S. 832. A bill to repeal the Davis-Bacon Act and related provisions of law. Referred to the Committee on Labor and Public Welfare.

S. 833. A bill to repeal certain provisions of law applicable to federally assisted housing. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MUSKIE (for himself and Mr. Gurney):

S. 834. A bill to improve the financial management of Federal assistance programs to facilitate the consolidation of such programs; to provide authority to expedite the processing of project applications drawing upon more than one Federal assistance program; to strengthen further congressional review of Federal grants-in-aid; and to extend and amend the law relating to intergovernmental cooperation. Referred to the Committee on Government Operations.

By Mr. HUMPHREY:

S. 835. A bill entitled "Full Social Security Benefit Act of 1973." Referred to the Committee on Finance.

By Mr. CASE:

S. 836. A bill to amend the Federal Water Pollution Control Act in order to require specific approval by the Congress and by adjacent coastal States prior to the construction of certain offshore facilities. Referred to the Committee on Public Works.

By Mr. MANSFIELD (for Mr. Fulbright) (by request):

S. 837. A bill to amend the Foreign Assistance Act of 1961, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. TOWER (for himself, Mr. Bellmon, Mr. Nunn, Mr. Dole, Mr. Hartke, and Mr. Bennett):

S. 838. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces. Referred to the Committee on Armed Services.

By Mr. HANSEN (for himself and Mr. McGee):

S. 839. A bill to repeal section 127 of title 23, United States Code. Referred to the Committee on Public Works.

By Mr. HART:

S. 840. A bill to supplement the antitrust laws of the United States by providing for fair competitive practices in the termination of franchise agreements. Referred to the Committee on the Judiciary.

By Mr. HOLLINGS (for Mr. Magnuson) (by request):

S. 841. A bill to implement the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage. Referred, by unanimous consent, jointly to the Committee on Commerce and the Committee on Foreign Relations.

By Mr. KENNEDY (for himself, Mr. Goldwater, Mr. Bayh, Mr. Beall, Mr. Bentsen, Mr. Brock, Mr. Brooke, Mr. Church, Mr. Eagleton, Mr. Gravel, Mr. Hart, Mr. Humphrey, Mr. Jackson, Mr. Javits, Mr. McGovern, Mr. Magnuson, Mr. Mondale, Mr. Moss, Mr. Pell, Mr. Thurmond, Mr. Young, and Mr. Tunney):

S. 842. A bill to amend title 39, United States Code, in order to assist the survival of publications threatened by increased postal rates, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. HARTKE:

S. 843. A bill for the relief of Elena P. Muya. Referred to the Committee on the Judiciary.

By Mr. SCOTT of Virginia:

S. 844. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses. Referred to the Committee on Commerce.

By Mr. STEVENS:

S. 845. A bill to amend section 5722 of title 5, United States Code, to provide for travel and transportation expenses for new Government appointees residing in Alaska. Referred to the Committee on Government Operations.

By Mr. PERCY (for himself, Mr. CRANSTON, and Mr. HARRY F. BYRD, JR.):

S. 846. A bill to amend the Legislative Reorganization Act of 1970 to add a new part relating to a congressional budget process. Referred to the Committee on Government Operations.

By Mr. NELSON (for himself, Mr. MAGNUSON, Mr. PROXMIRE, Mr. WEICKER, Mr. SCHWEIKER, and Mr. PERCY):

S. 847. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize safety design standards for schoolbuses, to require certain safety standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes. Referred to the Committee on Commerce.

By Mr. PELL:

S. 848. A bill amending the Foreign Assistance Act of 1961 to provide for the termination of certain assistance to countries not carrying out the Agreements on Ending the War and Restoring Peace in Vietnam, and the protocols thereto, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. HOLLINGS:

S. 849. A bill to amend the Communications Act of 1934 to establish orderly procedures for consideration of applications for renewal of broadcast licenses. Referred to the Committee on Commerce.

By Mr. GRIFFIN:

S.J. Res. 58. A joint resolution to provide for the temporary prohibition of strikes or lockouts with respect to the current labor-management dispute between the Penn Central Railroad and certain of its employees. Referred to the Committee on Labor and Public Welfare.

By Mr. WILLIAMS (for himself, Mr. JAVITS, and Mr. STAFFORD):

S.J. Res. 59. A joint resolution to extend the provisions of the Railway Labor Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. BAKER:

S.J. Res. 60. A joint resolution to direct the Federal Communications Commission to study and revise its rules consistent with the realities of modern day broadcasting, and the special problems of the small market radio broadcaster. Referred to the Committee on Commerce.

By Mr. HARTKE:

S.J. Res. 61. A joint resolution authorizing and requesting the President to proclaim April 1973 as "National Check Your Vehicle Emissions Month." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FANNIN (for himself and Mr. GOLDWATER):

S. 811. A bill to amend the Taylor Grazing Act to increase the amount of certain revenue returned to the State. Referred to the Committee on Interior and Insular Affairs.

Mr. FANNIN. Mr. President, today, with Senator GOLDWATER, I am introducing a bill that will amend section 10 of the Tayor Grazing Act to correct a situation that has existed since 1947.

On August 6, 1947, section 10 of this act was amended to reduce from 50 to 12½ percent the portion of the grazing fee returned to the States. It is important to note that this money is in turn given to the grazing districts by nearly all of the States, and earmarked by them for range improvements, which are so badly needed on the public domain grazing lands.

I would like to point out that the 1947 change was made as the result of a conflict between the Senate Appropriations Committee and the Senate Interior Committee in which historical records indicate that the Appropriations Committee was trying without success to get an increase in grazing fees. When those efforts failed, the act was amended to increase the amount of money going into the U.S. Treasury by making a reduction in the 50 percent which had been returned to the States.

It is unfortunate that this happened, because this reduction has made it difficult to get needed range improvements essential to encouraging range management plans that include grazing rotation and better management of the land for the benefit of both livestock and wildlife.

The livestock industry has attempted over the years to get this cut restored, but without success. I am introducing this bill at the request of wildlife and conservation interests of my State who have convinced me that good land management is essential for wildlife and the beauty of our land as well as the livestock industry.

At the present time grazing fees, which were the subject of the 1947 controversy, are being increased. They are on the third step of a 10-step increase that will make them competitive with fees charged on private lands. So I should think that the Senators on the Appropriations Committee could join with me in restoring the amount of the fee returned to the State to 50 percent.

I hope that my colleagues also will take note of the fact that these funds actually are not placed in the State treasuries to pay for other programs, but that the States themselves have seen fit to reinvest them in the Federal lands for these needed improvements.

Of the present 66 cents per animal month fee, 37 percent goes into a range improvement fund administered by the Bureau of Land Management.

The 12½ percent that goes to the State comes out of what is left, which means that about 45 percent of the total now goes into range improvements, and the remaining 55 percent goes into the Federal Treasury.

By boosting the State's share to 50 percent of what is left, the total going into range improvements will be about 68 percent of the total fee, and 32 percent will still go into the Treasury.

The Bureau of Land Management has classified 177,630,329 acres for multiple use and retention of which 10,755,033 acres are located in Arizona. National Forest Service permits grazing on 106 million acres of which 11,300,000 acres are located in Arizona. Grazing is permitted on approximately 283,930,000 acres of public lands. The increased fees based on the 1972 apportionment which would be returned to the State would be $2,854,000 or approximately 1 cent per acre.

In the long run, Mr. President, this would be the greatest investment the Federal Government could make to increase beef production, make wildlife more plentiful and to enhance the beauty of our land, by getting native grasses and shrubs reestablished in areas where the land has been neglected.

Mr. President, I send this bill to the desk for appropriate reference.

By Mr. GURNEY:

S. 817. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder. Referred to the Committee on Finance.

Mr. GURNEY. Mr. President, ever since I came to Congress 10 years ago, I have wondered why we have an earnings limit on Social Security retirement benefits. And, in all those years, I have never heard a convincing answer to that question.

While on the House side, I tried a number of times to have the earnings limit removed. And since I have been on the Senate side there have been a number of efforts to either raise the limit or remove it altogether. During the 92d Congress, for instance, the Senate voted to raise the limit to $2,400 per year. Last year, I introduced S. 1250 which would have raised the limit to $3,000 and while that particular figure did not pass, we did raise the limit from $1,680 to $2,100. While I agree with my colleagues that being able to earn $2,100 is better than being able to earn $1,680, no limit at all would be better still. So, today, I am introducing a bill to remove this artificial earnings limit altogether.

I favor outright elimination for two reasons. First of all, Social Security is an earned right that should not be abridged just because someone is willing to keep on working for a living. And second, with all the problems senior citizens face, why should we be trying to discourage them from adding to their income?

As it stands now, a worker contributes many of his hard-earned dollars in order to set aside an income for himself when he approaches retirement age, which is set—again arbitrarily—at age 65. That money should be his, but with this earnings limit, we are attaching a condition—that he not work very much, that he not try to ease the problems of living on a small, fixed income. And, if the 65-year-old person works too much, he loses the right to draw his social security. Why? Why do we force a man to contribute to social security and then turn around and deny him the fruits of his labor? I see no reason why a person should be denied access to the work force simply because he is drawing social security benefits which he more than paid for. No other retirement plan puts such a restriction on its enrollees.

We are all familiar with the military retiree who returns to the work force after service in our Armed Forces. No one denies him this right, even though those military benefits are far higher than social security benefits, and begin at a substantially lower age. Moreover, many civil servants retire as early as age 55, then continue in another capacity long past the age of 65. My only comment is this: If we permit some of our senior citizens to continue to work then why not all? Why do we restrict so large a number of hard-working people from continuing in a fulfilling endeavor?

I submit that the earnings limit has outlived its usefulness. We need experienced labor, we need the "true craftsmen," and then we refuse to let many of those we have work. Economically, the earnings limit makes no sense; morally, the earnings limit works an injustice. Therefore, I hope my colleagues will join me in the view that it should be abolished—for once and for all—in this session of Congress.

Mr. President, I ask unanimous consent that the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (b), (d), (f), (h), (j), and (k) of section 203 of the Social Security Act are repealed.

Sec. 2. (a) Subsection (c) of section 203 of the Social Security Act is redesignated as subsection (b); and such subsection as so redesignated is amended—

(1) by striking out "Noncovered Work Outside the United States or" in the heading;

(2) by striking out paragraph (1);

(3) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(4) by striking out "For purposes of paragraphs (2), (3), and (4)" and inserting in lieu thereof "For purposes of paragraphs (1), (2), and (3)"; and

(5) by striking out the last sentence.

(b) Subsection (e) of such section 203 is redesignated as subsection (c); and such subsection as so redesignated is amended by striking out "subsections (c) and (d)" and inserting in lieu thereof "subsection (b)."

(c) Subsection (g) of such section 203 is redesignated as subsection (d); and such subsection as so redesignated is amended by striking out "subsection (c)" each place it appears and inserting in lieu thereof "subsection (b)."

(d) Subsection (i) of such section 203 is redesignated as subsection (e); and such subsection as so redesignated is amended by striking out "subsection (b), (c), (g), or (h)" and inserting in lieu thereof "subsection (b) or (d)."

(e) Subsection (l) of such section 203 is redesignated as subsection (f); and such subsection as so redesignated is amended by striking out "subsection (g) or (h)(1)(A)" and inserting in lieu thereof "subsection (d)."

Sec. 3. (a) Section 202(n)(1) of the Social Security Act is amended by striking out "Section 203 (b), (c), and (d)" and inserting in lieu thereof "Section 203(b)."

(b)(1) Section 202(q)(5)(B) of such Act is amended by striking out "section 203(c)(2)" and inserting in lieu thereof "section 203(b)(1)."

(2) Section 202(q)(7)(A) of such Act is amended by striking out "deductions under section 203(b), 203(c)(1), 203(d)(1), or 222(b)" and inserting in lieu thereof "deductions on account of work under section 203 or deductions under section 222(b)."

(c)(1) Section 202(s)(1) of such Act is amended by striking out "paragraphs (2), (3), and (4) of section 203(c)" and inserting in lieu thereof "paragraphs (1), (2), and (3) of section 203(b)."

(2) Section 202(s)(3) of such Act is amended by striking out "the last sentence of subsection (c) of section 203, subsection (f)(1)(C) of section 203,"..

(d) Section 202(t)(7) of such Act is amended by striking out "Subsections (b), (c), and (d)" and inserting in lieu thereof "Subsection (b)".

(e) Section 208(a)(3) of such Act is amended by striking out "under section 203(f) of this title for purposes of deductions from benefits" and inserting in lieu thereof "under section 203 for purposes of deductions from benefits on account of work".

(f) Section 215(g) of such Act is amended by striking out "and deductions under section 203(b)".

(g) Section 3(e) of the Railroad Retirement Act of 1937 is amended by striking out "under subsections (g) and (h)(2) of section 203 of the Social Security Act" and inserting in lieu thereof "under subsection (d) of section 203 of the Social Security Act".

(h) Section 5(i)(1) of the Railroad Retirement Act of 1937 is amended by inserting "or" after the semicolon at the end of clause (i), by striking out clause (ii), and by redesignating clause (iii) as clause (ii).

Sec. 4. The amendments made by this Act shall be effective with respct to taxable years ending after December 31, 1973.

By Mr. GURNEY:

S. 818. A bill to amend title II of the Social Security Act to provide that, in the case of an individual who after attainment of age 65 is entitled to widow's or widower's benefits thereunder, no reduction in such benefits shall be made because such individual had received such benefits prior to attaining such age. Referred to the Committee on Finance.

Mr. GURNEY. Mr. President, today I am introducing a bill which will alleviate a problem brought on by the passage of last year's social security bill, H.R. 1, specifically that section which provided that widows could receive an amount equal to 100 percent of their deceased husband's social security benefits.

During the long months H.R. 1 was under consideration, I received thousands of letters asking how soon that bill would be passed, and how much longer widows would have to wait for a benefit increase. When we finally completed action on this bill, I received many letters from widows thanking me for my help—prematurely, it turns out. Almost as soon as H.R. 1 took effect, I began receiving letters from many widows who began receiving benefits at age 62, who expected a 17.5-percent increase, and who suddenly found themselves shortchanged. Instead of an increase in their meager incomes, there was nothing but disappointment because H.R. 1 provides that only those widows who were 65 before they began receiving benefits are eligible to receive 100 percent of their husbands' share.

My bill would correct this inequity. It provides that, for women who began drawing benefits at age 62, those benefits shall increase to a full 100 percent of the husband's benefits when that widow reaches age 65. For those already 65 and over, the 100-percent benefit would begin immediately.

Mr. President, prior to the enactment of H.R. 1, we had essentially two levels of benefits for women who had no social security earnings record of their own. If they were disabled, they could draw reduced benefits as early as age 60. If not, the widow's benefits were available at age 62, and these were "nonreduced" full benefits. In other words prior to the passage of H.R. 1 the benefits received at age 62 were the highest benefits nonworking widows could expect to earn.

For the woman who worked, there was an alternative. She could draw the amount equal to 82.5 percent of the husband's benefit at age 62, or she might continue working until 65 and draw benefits on her own earnings record.

But, by enacting H.R. 1, we installed another tier of benefits. Now a woman can draw reduced benefits at age 60, 71.5 percent; full benefits at 62, 82.9 percent; and fuller benefits at age 65, 100 percent. However, by doing this we have created a situation where the woman who began receiving benefits at age 62, thinking that those were the highest benefits available, now finds herself permanently behind.

Mr. President, I do not believe Congress sought to discriminate against widows aged 62 to 65 when it passed H.R. 1. Benefits for widows aged 62 have never been considered "reduced benefits" before and I believe the intention was to help them when they needed the help so much. This bill will give that help and I hope my colleagues will give it their utmost consideration and support.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 202(q)(1) of the Social Security Act is amended—

(1) in the matter preceding subpargraph (A), by inserting "(in the case of any benefit other than a widow's or widower's benefit) and for any subsequent month prior to the month in which such individual attains retirement age (in the case of a widow's or widower's benefit)" immediately after "subsequent month"; and

(2) in subparagraph (B)(ii), by striking out "such individual attains retirement age" and inserting in lieu thereof "such individual (in the case of any individual other than an individual who is entitled to a widow's or widower's benefit) attains retirement age".

Sec. 2. The amendments made by this Act shall apply with respect to monthly benefits under title II of the Social Security Act for months after the month following the month in which this Act is enacted.

By Mr. BAYH:

S. 819. A bill to authorize a national policy and program with respect to wild predatory mammals; to prohibit the poisoning of animals and birds on the public lands of the United States; to regulate the manufacture, sale, and possession of certain chemical toxicants, and for other purposes. Referred to the Committee on Commerce.

PREDATOR CONTROL ACT

Mr. BAYH. Mr. President, I introduce today, for appropriate reference and consideration, the Antipoisoning Act of 1973. The purpose of the bill is threefold: To prohibit the routine use of poisoning on Federal lands; to outlaw the manufacture, sale, or use of particularly toxic poisons; and to encourage the development of alternative methods of predator control, as well as their utilization by individual States. Exceptions to the poisoning prohibition are possible, but any use of poison would require a detailed written justification by the Secretary of Agriculture or the Secretary of the Interior following opportunity for public debate.

Last year two sets of hearings were held on my bill, S. 2083, but no action resulted. This year I have revised the bill based on the expertise offered during hearings and debate in the House. Therefore, my bill is similar to the bill H.R. 13152 which passed the House of Representatives last year and has been reintroduced as H.R. 38. Its differences can be summarized briefly: A public hearing is required prior to approval of poisoning on public lands; poisoning is not justified, even as a last resort to prevent major damage to domestic livestock; a total of $4 million rather than $9.5 million is authorized for the first year of the program; Federal administration of poisons is authorized only in emergency situations where no State program has been approved; and perhaps most important, it is unlawful to sell or use certain particularly toxic poisons for field use in predator control programs.

Mr. President, I believe the need for a law similar to this proposal is strong. Until last February, the Interior Department was killing the very animals we in Congress had asked it to protect. The irony would have been ludicrous if it had not been so tragic. And yet, the President has just been urged to reestablish that shocking program.

Let us look for a moment at the appalling statistics of thoughtless destruction of some treasured animals.

Until last year, the Division of Wildlife Services had 700 employees who had placed 2,300,000 pounds—more than a thousand tons—of poisoned meat on public land in the previous 5 years. The main poisons were compound 1080, of which more than 100,000 pounds had been used annually for two decades, and thallium sulfate. The legal poisoners had used 3 million strychnine tablets and tons of poisoned grain. Not only had the Interior Department engaged in its own massive poisoning program, but States had subsidized similar programs by local governments and private organizations, often duplicating and aggravating the destructive impact of Federal programs. The total cost of this blanket of poison was at least $8 million dollars annually, not to mention the needless killing of innocent and treasured wildlife. Furthermore, in an attempt to poison all potential ranch predators, ranchers were only upsetting a natural balance of wildlife and creating new economic losses for themselves. For instance, if the balance of wild predators and prey is disrupted, then there will be a mushrooming of small rodents, stripping the grazing lands intended for livestock. In fact, in 1970, DWS designated a cumulative 228,019 acres for separate rodent-poisoning programs. Or, on the other hand, there may be a decrease in the rodent population which will force previously innocent predators toward captive livestock. Each of these results will only lead to economic loss and to increased pressure for more of the poison which caused the problem.

Last year this administration took two important steps by banning the use of poisons on public lands and suspending the registration of particularly toxic poisons.

While I applauded such action, I testified that these crucial protections of our wildlife deserved the authority and permanence of law. Executive orders are repealed too easily.

The events of the past few years have reinforced my determination to secure favorable congressional action on this measure. It is now clear that Western woolgrowers are committed to the repeal of Executive Order 11643. Conservationists argue that the Executive order has not possibly been in effect long enough for its effect to be measured statistically; however, woolgrowers are apparently convinced that without tons of poisons and a $8 million subsidy by American taxpayers, they will be driven out of business by predators.

Mr. President, studies have indicated again and again that most coyotes live on wild prey and never come near a flock of sheep. Studies and experience have shown that selective trapping can be far more effective in reducing sheep loss, because predators often retrace their steps. Mr. President, there is an alternative. We do not need to continue a program which has systematically poisoned species of animals which were already on the list of endangered animals.

In support of the conviction that this country must protect its wildlife and resources by finding alternatives to the use of poisons, numerous Members of the House and Senate along with 40 conservation groups representing nearly 4 million citizens wrote to the President urging him not to repeal Executive Order 11643 or the Environmental Protection Agency order of March 9, 1972. Both orders are still in effect, but the battle is far from over.

In summary, the poisoning program was ill-designed, it mushroomed beyond control or reason, and it presented an outrageous threat to innocent wildlife. I am pleased that those public lands not yet needed for parks or preserves can be used for a small fee by sheepowners. I also believe, that in view of the Government's historic willingness to protect sheep on those lands, we bear a responsibility to sheepowners to assist them to find an effective alternative to poisoning. But I do not believe the Federal Government has any obligation or right to needlessly sacrifice public resources to private interests.

I ask unanimous consent that a copy of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Antipoisoning Act of 1973", and that it is the policy of Congress to recognize that the wolf, the coyote, the mountain lion, the lynx, the bobcat, the several species of bear, and other large, wild carnivores native to North America and commonly known as predatory mammals are among the wildlife resources of interest and value to the people of the United States.

DEFINITIONS

SEC. 2. For purposes of this Act—

(a) "Public lands" means all publicly owned lands of the United States;

(b) the term "person" means any individual, organization, or association, including any department, agency, or instrumentality of the Federal Government, a State government, or a political subdivision thereof;

(c) the term "State" means the several States of the Union, Puerto Rico, Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the District of Columbia, but shall not include any political subdivision of the foregoing entities;

(d) the term "chemical toxicant" means any chemical substance which, when ingested, inhaled, or absorbed, or when applied to, or injected into the body, in relatively small amounts, by its chemical action may cause significant bodily malfunction, injury, illness, or death to animals or man;

(e) the term "predatory animal" means any mammal, bird or reptile which habitually preys upon other animals;

(f) the term "depredating animals" means any nonpredatory mammal or reptile causing damage to agricultural crops or natural resources;

(g) the term "secondary poisoning effect" means the result attributable to a chemical toxicant which, after being ingested, inhaled, or absorbed by or into, or when applied to or injected into a mammal, bird, or reptile, is retained in its tissue, or otherwise retained in such a manner and quantity that the tissue itself or retaining part if thereafter ingested by man or another mammal, bird, or reptile, produces the effects set forth in subsection (d) hereof; and

(h) the term "field use" means any use on lands not in or immediately adjacent to occupied buildings.

PUBLIC LANDS

SEC. 3. (a) Except as provided in subsection (b) of this section, no person shall—

(1) make field use of any chemical toxicant on any Federal lands for the purpose of killing predatory animals; or

(2) make field use on such lands of any chemical toxicant which causes any secondary poisoning effect for the purpose of killing other mammals, birds, or reptiles.

(b) In any specific instance where either the Secretary of the Interior or the Secretary of Agriculture believes, because of unusual and extraordinary circumstances, that it is imperative to use poisons on public lands for animal control, he shall place a Notice of Intention in the Federal Register at least sixty days prior to the proposed beginning of the program and shall give a public hearing to anyone who wishes to protest the poisoning; the program shall not be begun until a review of the protest is made by the Secretary of the Interior or Secretary of Agriculture, as the case may be, and a detailed explanation of the need of the program is placed in the Federal Register. The use of poison under such a program must be essential—

(1) to the protection of human health or safety;

(2) to the preservation of one or more wildlife species threatened with extinction or likely within the foreseeable future to become so threatened; or

(3) to the prevention of substantial irretrievable damage to nationally significant natural resources.

(c) In such emergencies, in the absence of an approved program for control of predatory and depredating animals for the State in question, the Secretary of Interior is authorized to provide technical assistance to a State agency, or to direct Federal personnel to oversee the emergency program.

(d) Any person, including officials, employees, and agents of the United States or any State, who violates the provisions of this section shall, upon conviction for the first offense, be subject to a fine not to exceed $500 or imprisonment not to exceed six months, or both; upon conviction of a second or subsequent offense, violators shall be subject to a fine not to exceed $10,000, or imprisonment not to exceed 12 months, or both.

(e) There are hereby authorized to be appropriated for the purposes of this section not to exceed $400,000 for each fiscal year occurring after fiscal year 1973.

ALTERNATIVE METHODS OF PREDATOR CONTROL

SEC. 4. (a) In order to assist the States in controlling damage caused by predatory and depredating animals and in order to encourage the use by States of methods which are consistent with accepted principles of wildlife management and the maintenance of environmental quality, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to conduct directly or by agreement with qualified agencies or institutions, public and private, a program of research which shall concern the control and conservation of predatory and depredating animals and the abatement of damage caused by such animals. Research objectives, and the program of research authorized by this subsection, shall be developed by the Secretary in cooperation with each of the affected States.

(b) The program of research authorized by subsection (a) hereof shall include, but need not be limited to

(1) the testing of methods used for the control of predator and depredating animals and the abatement of damage caused by such animals;

(2) the development of effective methods for predator control and the abatement of damage caused by predatory and depredating animals which contribute to the maintenance of environmental quality and which conserve, to the greatest degree possible, the Nation's wildlife resources, including predatory animals;

(3) a continuing inventory, in cooperation with the States, of the Nation's predatory animals, and the identification of those species which are or may become threatened with extinction; and

(4) the development of means by which to disseminate to States the findings of studies conducted pursuant to this section.

(c) The Secretary is authorized to conduct such demonstrations of methods developed pursuant to subsection (b) and to provide such other extension services, including training of State personnel, as may be reasonably requested by the duly authorized wildlife agency of any State.

(d) There are hereby authorized to be appropriated for the purposes of this section not to exceed $600,000 for each fiscal year occurring after fiscal year 1972.

SEC. 5. (a) In furtherance of the purposes of this Act, the Secretary is authorized to provide in the three fiscal years following enactment financial assistance to any State which may annually propose to administer a program for the control of predatory and depredating animals. To qualify for assistance under this section, any such State program must be found by the Secretary to meet such standards as he may, by regulation, establish except that—

(1) the Secretary shall not approve any such State program which entails the field use of chemical toxicants for the purpose of killing predatory animals or the field use of any chemical toxicant which causes any secondary poisoning effect for the purposes of killing other mammals, birds, or reptiles; and

(2) the Secretary may approve a temporary State program which entails such emergency use of chemical toxicants as he may authorize, in each specific case, for the protection of human health or safety; the preservation of one or more wildlife species threatened with extinction or likely within the foreseeable future to become so threatened, or for the prevention of substantial irretrievable damage to nationally significant natural resources. Such approval will not be made until in each specific case he makes a written finding, following consultation with the Secretaries of the Interior, Agriculture, and Health, Education and Welfare, and Administrator of the Environmental Protection Agency, that an emergency exists that cannot be dealt with by any means which do not involve the use of chemical toxicants. Prior to his decision to approve or disapprove, the Secretary shall publish notice in the Federal Register of each proposed emergency use being considered under this section. Such notice shall invite the submission from interested parties, within thirty days after the date of notice, of written data and or views with respect to the proposed emergency use.

(b) An annual payment under subsection (a) hereof may be made to any State in such amount as the Secretary may determine except that—

(1) no such annual payment shall exceed an amount equal to 75 per centum in the first year, 50 per centum in the second year, or 25 per centum in the third year, of the cost of the program approved under subsection (a) hereof;

(2) no such annual payment to any State shall exceed $300,000 in the first fiscal year following enactment, $200,000 in the third fiscal year following enactment;

(3) no payment otherwise authorized by this section shall be made to a State whose share, in whole or in part, of the cost of the program approved under subsection (a) hereof is to be paid from funds not appropriated by its legislature; and

(4) not more than 10 per centum of the State share may be from funds derived from sale of hunting, fishing, and trapping licenses or permits.

(c) There is hereby authorized to be appropriated for the purposes of this section $3,000,000 in fiscal year 1974, $2,000,000 in fiscal year 1975, and $1,000,000 in fiscal year 1976.

CONTROL OF POISONS

SEC. 6. (a) It shall be unlawful to manufacture, distribute, offer for sale, hold for sale, sell, ship, deliver for shipment, deliver, receive or use any compound of thallium sulfate, sodium cyanide, strychnine, or sodium monofluoracetate for field use in predator control programs.

(b) In addition to existing authority under the Federal Insecticide, Fungicide, and Rodenticide Act, the Environmental Protection Agency shall establish a system of recordkeeping and licensing to record the possession and use of all compounds and chemicals encompassed in subsection (a).

(c) The Environmental Protection Agency is authorized to purchase the compounds and chemicals in section (a) from any persons who possess them upon enactment of this Act but whose continued possession becomes unlawful under the Act or regulations issued thereunder.

(d) Any person convicted of any violation of subsection (a), or of any regulation promulgated thereunder, shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

SEC. 7. Heads of Federal departments, agencies, or establishments are hereby authorized to issue such regulations as may be necessary to carry out the purposes of this Act.

SEC. 8. There is hereby repealed in its entirety the Act of March 2, 1931, (7 U.S.C. 426–426 (b)), pertaining to the eradication and control of predatory and other wild animals.

SEC. 9. Nothing in this Act shall be construed as superseding or limiting the authorities and responsibilties of the Administrator of the Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

SEC. 10. Except as otherwise provided in sections 3, 4, and 6 hereof, there is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

By Mr. BAYH (for himself, Mr. HARTKE, Mr. STEVENSON, and Mr. PERCY):

S. 820. A bill to amend the act establishing the Indiana Dunes National Lakeshore to provide for the expansion of the lakeshore, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. BAYH. Mr. President, I introduce for appropriate reference a bill to authorize an expansion of the Indiana Dunes National Lakeshore. I am pleased to announce that my senior colleague (Mr. HARTKE), the Senators from Illinois (Mr. PERCY and Mr. STEVENSON), and the Senator from Michigan (Mr. HART) are joining as cosponsors of this bill.

In September of 1972, Secretary of Interior Rogers Morton, speaking at the dedication of the lakeshore, called it a great urban facility. There is no better place in the country, I believe, for bringing parks to the people than the Indiana Dunes National Lakeshore.

This bill will add an additional 5,340 acres to the existing lakeshore. Most of this land was included in a bill I introduced in 1963 to establish a port and a park for the Midwest. However, between the time the bill was introduced in 1963 and its ultimate passage in 1966, several areas had been dropped out or spoiled by development. Time has demonstrated to us that additional land is necessary to preserve the unequaled ecological and recreational value of the lakeshore for the millions of people living within easy traveling distance. Aside from the very real necessity of providing buffer areas and contiguous sections of land to protect the dunes and bogs already within the lakeshore boundaries, there are areas of unparalleled beauty and value that must be preserved. For example:

The Beverly Shores Island is a rolling, wooded area that is completely surrounded by the national lakeshore.

The Blue Heron nesting unit is one of the few refuges for dwindling species of birds. This area consists of lowland forest with timber unlike that found in the dunes proper.

Mr. President, I believe that expansion

of the lakeshore park is necessary for both ecological and recreational reasons, and is in the interest of the entire Great Lakes region and indeed the country. I hope that the Congress will move expeditiously to consider and approve an expansion bill.

I am informed that the Interior Department will prepare a map showing the exact location of the proposed areas of expansion. I will attempt to disseminate this map widely in the hope that all concerned citizens will be informed and will communicate to me and other Senators their views on the expansion.

By Mr. BAYH (for himself and Mr. Cook):

S. 821. A bill to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes. Referred to the Committee on the Judiciary.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1973

Mr. BAYH. Mr. President, I am pleased today to join with my distinguished colleague from Kentucky, Senator Marlow Cook, the ranking minority member of the Subcommittee To Investigate Juvenile Delinquency of which I am chairman, in introducing the Juvenile Justice and Delinquency Prevention Act of 1973. Our bill provides a comprehensive, coordinated program to prevent juvenile delinquency, rehabilitate juvenile delinquents, and improve the quality of juvenile justice in this country. In addition, it authorizes substantial resources to assist State and local governments as well as public and private agencies in developing an effective approach to the multifaceted problems of juvenile delinquency.

This measure received strong support during the 92d Congress when it was introduced as S. 3148. It has been endorsed by youth-serving organizations and juvenile delinquency experts throughout the country. It has received the support of many of the major organizations working in the field of youth development and delinquency prevention, such as the American Parents Committee, the Boys Clubs of America, the National Congress of Parents and Teachers, the National Education Association, the Young Women's Christian Association and the Young Men's Christian Association. The National Council on Crime and Delinquency and the National Council of Juvenile Court Judges have enthusiastically approved the comprehensive attack on delinquency contained in this bill. This legislation has also received widespread support from many individuals throughout the Nation who are actively involved in providing services to young people in trouble.

Extensive hearings conducted by the Subcommittee on Juvenile Delinquency have demonstrated the desperate need for this legislation. Expert witnesses, including State and local officials, representatives of private agencies, social workers, sociologists, criminologists, judges, and criminal justice planners have testified on the bankruptcy of the current juvenile justice system which provides neither individualized justice nor effective help to juveniles. In particular, they have repeatedly emphasized that large custodial institutions such as reformatories and training schools are nothing more than schools of crime, where juveniles learn the skills of the experienced criminal.

This bill provides strong incentives for State and local governments to develop community-based programs and services as alternatives to these damaging training schools. It is encouraging to note that the National Advisory Commission on Criminal Justice Standards and Goals has recently recommended that no new major institutions for juveniles should be built under any circumstances. The Commission provides additional support for the philosophy of this legislation that many delinquents who have previously been institutionalized can be helped successfully in community settings.

State officials testifying before the subcommittee have stressed the need for effective, coordinated Federal funding to assist the States in carrying out their efforts to treat juveniles in the community. The Governor of Massachusetts, the Honorable Francis Sargent, and the Governor of Ohio, the Honorable John Gilligan, were eloquent in describing the urgent need for this legislation. The deputy director of the Kentucky Department of Child Welfare, Bill Ryan, confirmed the feeling of many State administrators in urging passage of this bill:

> Quite frankly, when I first read the bill and Senator Bayh's comments in the Congressional Record, I wanted to shout "Alleluia," somebody has finally developed a comprehensive piece of legislation that makes sense. It should provide a real opportunity for all of us if we want to be serious about resolving problems facing youthful offenders.

During my 2 years as chairman of the Subcommittee To Investigate Juvenile Delinquency, I have carefully reviewed the Federal juvenile delinquency programs which are scattered among more than 40 agencies. Unfortunately, this investigation confirmed what had already been painfully suggested—that existing Federal programs have not provided the requisite direction, coordination, resources, and leadership needed to deal with the crisis of delinquency. They have had virtually no impact on the devastating effects of juvenile crime—crime which results every year in immeasurable loss in human life, personal security, and wasted economic and human resources.

As we know all too well, young people account for more than half the crime in this country. Persons under 25 make up 60 percent of the total arrests for crimes of violence and 81 percent of the arrests for property crimes each year. During the past decade, criminal activity by young people has increased alarmingly. Arrests of juveniles for violent crimes jumped 193 percent; arrests for property crimes such as burglary, larceny, and auto theft increased 99 percent. Yet, the problem is even worse than the figures indicate, since a large proportion of adult arrests for serious crimes are those we failed to rehabilitate as juveniles.

The price of juvenile crime to our society is enormous, not only in a costly, unproductive juvenile justice system but also in blighted young lives. One million juveniles will enter the juvenile justice system this year; 100,000 of them will be incarcerated in institutions. The cost of maintaining this system is high—nearly $1 billion a year—and it is increasing at a rate of $50 million a year. Yet, our efforts to rehabilitate are clearly failing; recidivism among juveniles is estimated between 74 and 85 percent.

When juvenile crime costs our society billions of dollars each year and our juvenile correctional system only produces more sophisticated offenders, a drastically new approach is needed. Such an approach must recognize the severity of the delinquency crisis, the inadequacy of the Federal Government's response and the need to restructure the Federal effort. Our tax dollars must be used to help develop productive, law-abiding young citizens. This makes good sense not only from a humanitarian point of view, but from an economic point of view as well.

The Juvenile Justice and Delinquency Prevention Act which we are introducing today will provide the comprehensive, coordinated Federal effort combined with the massive resources that have so long been needed to deal effectively with the crisis of delinquency. This bill creates a new National Office of Juvenile Justice and Delinquency Prevention to insure national coordination of federally assisted delinquency programs and provides substantial new resources for delinquency prevention, treatment, and rehabilitation programs. It creates a centralized research, training, data collection, and evaluation effort in a new Institute of Juvenile Justice. It provides for the development of model uniform standards for the administration of the juvenile justice system, including conditions of confinement in detention and correctional institutions. Finally, it establishes basic procedural rights for juveniles who come under Federal jurisdiction.

Our bill does not propose the termination or the relocation of existing juvenile delinquency programs; rather, it provides the authority to establish priorities and objectives for all Federal delinquency programs, including training, evaluation, research, prevention, rehabilitation, and treatment activities. The Director of the new National Office of Juvenile Justice would be the spokesman and central coordinator for the entire Federal juvenile delinquency effort. He would have broad supervisory review over the operation of delinquency programs in other agencies, and would be responsible for reporting on their effectiveness and recommending budget and program modifications to the President.

The need for centralized authority has been recognized by both major Federal agencies operating in the field of juvenile delinquency—the Law Enforcement Assistance Administration and the Department of Health, Education, and Welfare. In announcing the decentralization of authority to regional offices on May 18, 1971, Mr. Jerris Leonard, Administrator of the Law Enforcement Assistance Administration, specified that juvenile delinquency programs would be excepted from this decentralization and that supervisory control would remain in headquarters. Mr. Leonard said:

> This is a real problem area—the apparent inability of all of the programs that we have in the juvenile delinquency field to dovetail and address the problem on a very broad and effective base. That is something that cannot be done at the regional or state level; the coordination effort has got to come from the National Government and from Washington.

The 1971 report of the Youth Development and Delinquency Prevention Administration within the Department of Health, Education, and Welfare concluded that Federal efforts to combat delinquency demonstrate a lack of priorities, emphasis, and direction, and that State planning has been spasmodic and ineffective. The report recommended that a new national program be created to provide coordination and leadership for all delinquency related efforts—Federal, State, and local.

This bill creates the new, national program that has so long been needed to coordinate and direct federally assisted juvenile delinquency efforts. The President responded to the crisis of drug addiction facing our Nation by creating a new Special Action Office for Drug Abuse Prevention with far-reaching powers over the numerous drug programs scattered throughout the Federal Government. Our bill recognizes that a similar response is needed to meet the crisis of juvenile delinquency—a response which will focus Federal resources to have a meaningful impact on the terrible social, economic, and human cost of juvenile delinquency.

The Federal effort to combat delinquency has failed not only because of lack of direction and coordination, but also because we simply have not allocated resources commensurate to the size of the problem. Despite the fact that young people represent more than half the crime problem in our country, the Federal Government allocates only a small fraction of its total crime prevention money to the problems of juvenile delinquency. In fiscal 1970, LEAA spent less than 12 percent of its appropriation on juvenile delinquency programs; in fiscal 1971, although the percentage increased somewhat, it still remained well under 15 percent. In fiscal 1972, according to LEAA's figures, only 19 percent of its total appropriations went to juvenile delinquency programs.

The Department of Health, Education, and Welfare has consistently requested shockingly low appropriations under the Juvenile Delinquency Prevention and Control Act. In the past 4 fiscal years, the Department has requested only $50 million out of a total authorization of $275 million. Of this $50 million, $45 million were actually appropriated.

Equally significant is the fact that the Federal responsibility for developing and funding juvenile delinquency prevention programs rests entirely with HEW by agreement with LEAA. The resources devoted to this vitally important effort—to prevent young people from becoming involved in criminal activity—are so minimal as to be practically useless.

We can only conclude that to date no Federal agency, including those specifically charged with the prevention and control of crime and delinquency, has responded to the fact that young people account for more than half the crime problem in our country. On the contrary, juveniles seem to be last on the list of national priorities when it comes to allocating vitally needed resources.

Our bill authorizes substantial appropriations—one and a half billion dollars over the next 4 years—so that resources will be available at the State and local level for developing and implementing delinquency prevention, rehabilitation, and treatment programs. Funds will be distributed by the States through designated planning agencies in accordance with comprehensive State plans approved by the new national office. Funds are also provided for direct grants to public and private agencies to develop and implement new methods of delinquency prevention, treatment, and rehabilitation. This will maintain the funding flexibility required to develop innovative approaches to the problems of delinquency. The ability of the Director to develop and implement an effective, coordinated Federal delinquency effort will be enhanced by making funds available for direct grants. Further, by making funds to nongovernmental agencies, institutions, and individuals, participation by a wide spectrum of the community in developing ways of dealing with the problems of juvenile delinquency will be encouraged.

Representatives of private youth-serving agencies have testified with particular feeling about the need for this kind of Federal support for their efforts to help young people. These agencies already have resources, facilities and volunteer workers which can and should be part of a coordinated national effort to reduce juvenile delinquency. These witnesses have affirmed the need for a partnership between Government and the private sector to help the youth of this country. While they are willing to accept the responsibility of the private sector to respond to the delinquency problem, they need the commitment, leadership, and assistance of the Federal Government to do the job. Our bill places heavy emphasis on the role of the private sector in developing prevention and treatment alternatives and provides both the necessary assistance and direction to make this an effective partnership.

Grants under the Juvenile Justice and Delinquency Prevention Act will be made in accordance with broad guidelines which reflect the consensus of those who have long worked in the juvenile delinquency field. These guidelines encourage the development of viable alternatives to the traditional juvenile justice system, with particular emphasis on replacing large, outmoded juvenile detention and corrections institutions with community-based services and facilities.

The bill provides that at least three-quarters of the funds a State planning agency receives must be spent on the development of programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, and to provide community-based alternatives to traditional detention and correctional facilities used for the confinement of juveniles. Witnesses before our subcommittee strongly advocated the adoption of the treatment techniques supported in this bill, such as foster care, shelter care, group homes and halfway houses, diagnostic facilities and expanded use of probation services and probation subsidy programs. These witnesses testified that many delinquents who had previously been incarcerated could be better and more humanely handled in community-based alternatives at less cost to the public.

This bill provides States and localities with the incentive and with the resources to develop these and other alternatives to large institutions. Through the use of community-based services and facilities, juveniles will be able to receive the help they need while remaining in their communities, close to the families and friends so necessary to rehabilitative efforts.

One of the most successful alternatives to institutionalization has been the probation subsidy program which is provided for in the proposed legislation. Under this program, which is now operating in several States, a unit of local jurisdiction is reimbursed for every juvenile it retains in the community rather than committing to a State correctional institution. This program allows a child to stay at home while receiving intensive probation services, and, in fact, costs far less than institutionalization. For example, in California, the operation of the probation subsidy program from 1966 through 1972 has reduced commitments to the California youth authority by 10,624 young people at an estimated savings to the State of over $68 million. This worthwhile program saves the taxpayer's money while providing assistance to the local community, and treatment for the juvenile in his own neighborhood where the chances of rehabilitation are greatest.

One of the best documented problems facing our youth today is that of drug abuse. Not only do drugs destroy the lives of many young people, they are also the direct cause of serious delinquent behavior. The Subcommittee To Investigate Juvenile Delinquency has conducted an extensive investigation of the problems of non-opiate addiction among young people, especially with regard to amphetamines and barbiturates. We have found that a shockingly large percentage of our high school, and even elementary school, population have become involved in the abuse of these dangerous drugs, often without realizing their target consequences. Numerous young witnesses have told us of their first experiences with these drugs, of their increasing dependence and eventual addiction, and of the delinquent, often criminal activity to which their drug habits led them.

Our bill provides for comprehensive programs of drug abuse education and prevention which will reach even the youngest children before they become hopelessly enmeshed in the destructive cycle of drug addiction and criminal activity. For those children who are already involved with drugs, the bill provides for rehabilitation and treatment programs. As many correctional authorities have indicated, drug abuse is a grave problem both within juvenile correctional institutions and in the communities in which the juveniles live. We must make a concerted attack on this evil if we are ever going to reduce the numbers of children for whom crime becomes a necessary way of life.

Many of the early signs of delinquent behavior, or of problems at home, first show up in the schools. Any approach to delinquency prevention must include intensive services within the elementary and secondary education systems which will identify and help youth in danger of becoming delinquent. This bill emphasizes the need to develop such programs through the use of individuals and family counseling, and other supportive services within the schools or in alternative learning situations. Grantees are also encouraged to provide training for professionals and paraprofessionals working with juvenile delinquents and predelinquents in all aspects of the problem.

The creation of these innovative community-based facilities and services at the State and local level may result in changes in employment opportunities which will affect current State, county, and local governmental employees. The burden of these desirable changes in the handling of delinquents should not be made to fall on the employees alone. Our bill requires the State plan to include provisions for fair and equitable arrangements, as determined by the Secretary of Labor, to protect the interests of employees affected by this act. These provisions assure that in dealing fairly with children we do not deal unfairly with employees.

One of the problems in carrying out delinquent programs by public and private agencies at the State and local level has been a lack of sufficient technical expertise on how to develop these programs and services. The new National Office of Juvenile Justice and Delinquency Prevention would provide technical assistance to Federal, State, and local agencies, courts, institutions, and individuals involved in developing and implementing delinquency programs. Thus, our bill provides both the resources at the State and local level for needed delinquency programs and the technical know-how to make these programs effective.

One of the major features of our bill is the creation of a National Institute for Juvenile Justice within the new National Office of Juvenile Justice and Delinquency Prevention. The need for such an institute has long been recognized. Many of our colleagues in both the Senate and House have responded to this need by supporting a similar, far more limited concept in the Institute for Continuing Studies of Juvenile Justice. Our proposal would give the institute the national prestige, the authority, and the resources required to develop long-range strategies for dealing effectively with the problems of juvenile delinquency. Even more important, the institute would be an integral part of the new national office. Promising research and evaluation results developed through the institute could be translated promptly into operating programs in the field. By closely relating the functions of the institute to the activities of the national office, we will be effectively closing the information gap that has severely hindered our efforts to combat delinquency.

The Institute would be responsible for the evaluation of programs assisted under this act, as well as other juvenile delinquency programs, at the request of the Director of the National Office. In the past, there has been little evaluation of federally assisted delinquency programs and it is vital that analysis of delinquency programs be commenced and carried out on a systematic basis. The dissemination of the results of these evaluations will mean that persons actively engaged in working with juveniles will know for the first time which programs are effective in the delinquency field.

The Institute would serve as an information clearinghouse, both collecting all data related to juvenile delinquency and disseminating it throughout the country. There is general agreement that the impact of various research and demonstration programs results has been severely limited due to the fragmented Federal structure and the lack of any centralized source of information. Further, it is extremely difficult for a prospective grantee to obtain comprehensive information on Federal resources available in the area of juvenile delinquency. The Institute would serve as a clearinghouse for delinquency information, including statistics, research, availability of resources, and Federal, State, and local prevention, rehabilitation and treatment programs.

Research on the problems of juvenile delinquency would be a primary function of the Institute. The bill provides substantial funding for research and demonstration projects to be conducted both by Institute personnel as well as by public and private agencies, institutions, and individuals. The quality of these research projects would be regularly evaluated and the findings widely disseminated.

The Institute would also be responsible for conducting training programs throughout the country for persons working in the area of juvenile delinquency, such as policemen, judges, probation officers, correctional personnel, and Federal, State, and local officials, in the latest proven effective techniques and methods of preventing and treating juvenile delinquency. In addition, the Institute would develop training programs for professional, paraprofessional and volunteer personnel who work directly with juveniles or juvenile offenders.

The Institute would provide vitally needed leadership in developing effective research, training, and information services relating to juvenile delinquency. It is an essential part of the new comprehensive, coordinated Federal approach we are recommending. Appropriations of $500 million over the next 4 years are authorized for the vital work of the Institute.

Our bill recognizes that the National Office and the Institute will need the support and advice of private citizens and groups actively involved in the area of juvenile delinquency working with juveniles and juvenile delinquents. Accordingly, it provides for a National Advisory Council for Juvenile Justice and Delinquency Prevention to make recommendations to the Director of the National Office on the planning, policies and operations of Federal juvenile delinquency programs. A subcommittee of five members of the Council will serve as an Advisory Committee for the National Institute and consult with the Director of the National Office and the Administrator of the Institute on the overall policy and operations of the Institute.

Another subcommittee of the Council, the Advisory Committee on Standards for Juvenile Justice, will supervise the Institute in developing standards for the administration of juvenile justice at the Federal, State, and local levels, including juvenile court procedures and conditions of confinement in juvenile detention and correctional facilities. The Advisory Committee would, of course, draw upon the considerable body of work already done in these areas. Within 18 months after the passage of this act, the Advisory Committee would make its recommendations on standards for juvenile justice and report its findings to Congress and the President. These recommendations would be widely publicized, and State and local governments would be urged to adapt their practices and procedures to the standards recommended by the commission. The final report will also include recommendations concerning Federal administrative, budgetary and legislative action required to facilitate the adoption of these standards throughout the United States. Moreover, the Director is authorized to make grants to facilitate the adoption of these recommendations and to consider the recommendations in making individual fund ing decisions.

We have been told again and again of the wide disparities in the procedures governing the treatment of juveniles at all stages of the adjudicatory and dispositional process. Many State juvenile laws are archaic and even unjust; further, they are often inconsistent with laws in neighboring jurisdictions. The result is that children in trouble frequently are deprived of basic procedural safeguards, depending on the particular laws of the jurisdiction they are in. By creating national standards of juvenile justice backed by Federal leadership, we can help assure that State and local governments will strive to meet these standards.

Finally, our proposed Juvenile Justice and Delinquency Prevention Act provides for a series of specific amendments to existing Federal law, designed to guarantee certain basic protections to juveniles under Federal jurisdiction.

Whenever possible, juveniles would be processed through State and local juvenile courts and correctional systems, and not in the Federal courts. Unfortunately, neither the Federal courts nor the Federal correctional system has ever been properly equipped to handle large numbers of juveniles. The result has been that great numbers of juveniles have been sent to institutions far from their home communities. This dislocation has been repeatedly criticized, since one of the most important factors in successful rehabilitation is the access the juvenile has to stabilizing community and family influences.

The bill contains an absolute prohibition against the detention or confinement of any juvenile alleged or found to be delinquent in any institution in which adults—whether convicted or merely awaiting trial—are confined. Juveniles who are incarcerated with sophisticated criminals are much less likely to be rehabilitated. The older offenders become the teachers of graduate seminars in crime. In addition, we have heard repeated charges about the homosexual attacks that take place in adult institutions, and confining juveniles in institutions only increases the likelihood of such attacks. There is no reason to imprison adults and juveniles together. Only harm can come from such a policy, and this bill would forbid it completely.

Under present law, a juvenile alleged to have committed an act which if committed by an adult would be a felony can be handled either in juvenile proceedings or in criminal proceedings. Our bill would require a hearing before a Federal district judge before an eligible juvenile could be transferred to adult criminal jurisdiction. Only if the Federal judge found that "there are no reasonable prospects for rehabilitating" the juvenile before he reaches the age of majority could the criminal prosecution take place. Transfer proceedings could be instituted only against a juvenile age 16 or older who has committed certain serious felonies. In all other cases, he would be treated as a juvenile.

We have heard too many stories of juveniles being detained for long periods of time without having the nature of the charges against them precisely stated, and without sufficient evidence against them to make their detention legal. The bill requires that immediately after arrest the juvenile be advised of his legal rights and that the juvenile's parents or guardian be notified forthwith of such custody and of the juvenile's rights. The juvenile must then be brought before a magistrate who shall release him to his parents or guardian, unless, after hearing, the magistrate determines that detention is necessary to secure the juvenile's timely appearance before the appropriate court or to protect the safety of others.

Our bill would implement recent Supreme Court decisions dealing with the right to counsel. The arresting officer and the magistrate would be required to inform the juvenile that he has the right to be represented by legal counsel at all critical stages of the juvenile proceedings, and if the juvenile does not retain counsel, legal counsel will be appointed by the court.

The proposed amendments would also establish safeguards for juveniles under Federal jurisdiction, guaranteeing them virtually all the constitutional rights guaranteed an adult in a criminal prosecution. These guarantees are fundamental to our system of justice.

The Juvenile Justice and Delinquency Prevention Act provides an effective new approach to the problems of juvenile delinquency. We have failed too long to respond in any meaningful way to the crisis of delinquency facing our Nation. We cannot afford to delay any longer. We urge our colleagues in the Congress to give this bill careful consideration. We hope that they will act expeditiously to give this country the comprehensive, coordinated juvenile delinquency program it so desperately needs.

Mr. President, I ask unanimous consent that the bill and accompanying explanatory material be printed at this point in the Record.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 821

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Justice and Delinquency Prevention Act of 1973."

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

FINDINGS

Sec. 101. The Congress hereby finds—

(1) that juveniles account for almost half the arrests for serious crimes in the United States today;

(2) that understaffed, overcrowded juvenile courts, probation services and correctional facilities are not able to provide individualized justice or effective help;

(3) that states and local communities,, which experience the devastating failures of the juvenile justice system, do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency;

(4) that the adverse impact of juvenile delinquency results in enormous annual cost and immeasurable loss in human life, personal security, and wasted human resources;

(5) that existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency; and

(6) that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate, comprehensive, and effective action by the Federal Government.

Sec. 102. It is the purpose of this Act—

(1) to provide the necessary resources, leadership, and coordination to improve the quality of juvenile justice in the United States and to develop and implement effective methods of preventing and treating juvenile delinquency;

(2) to increase the capacity of State and local governments, and public and private agencies, institutions, and organizations to conduct innovative, effective juvenile justice and delinquency prevention and treatment programs and to provide useful research, evaluation, and training services in the area of juvenile delinquency;

(3) to develop and implement effective programs and services to divert juveniles from the traditional juvenile justice system and to increase the capacity of State and local governments to provide critically needed alternatives to institutionalization;

(4) to provide for the development of national guidelines for juvenile detention and corrections facilities, and for the administration of juvenile justice;

(5) to guarantee certain basic rights to juveniles who come within Federal jurisdiction;

(6) to establish a centralized research effort on the problems of juvenile delinquency, including an information clearinghouse to disseminate the findings of such research and all data related to juvenile delinquency;

(7) to provide for the thorough and prompt evaluation of all federally assisted juvenile delinquency programs;

(8) to provide technical assistance to public and private agencies, institutions, and individuals in developing and implementing juvenile delinquency programs;

(9) to establish training programs for persons, including professionals, paraprofessionals and volunteers, who work with delinquents or potential delinquents or whose work or activities relate to juvenile delinquency programs; and

(10) to establish a new National Office of Juvenile Justice and Delinquency Prevention in the Executive Office of the President to provide direction, coordination and review of all federally assisted juvenile delinquency programs.

DEFINITIONS

Sec. 103. For the purpose of this Act—

(1) the term "community-based" facility, program, or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service which maintain community and consumer participation in the planning, operation and evaluation of their programs which may include, but are not limited to, medical, educational, vocational, social and psychological guidance, training, counseling, and other rehabilitative services;

(2) the term "construction" includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees but not the cost of acquisition of land for new buildings). For the purposes of this paragraph, the term 'equipment' includes machinery, utilities and built-in equipment and any necessary enclosures or structures to house them;

(3) the term "Federal juvenile delinquency program" means any juvenile delinquency program which is conducted directly or indirectly, or is assisted by the Departments of Health, Education, and Welfare; Labor; Housing and Urban Development; and Justice, and any program funded under this Act. With regard to those Federal programs which appear to have only a tangential or indirect involvement in the area of juvenile delinquency, the Director of the Office of Management and Budget, upon consultation with the Director, named in Section 301, is authorized to determine whether such programs come within the purview of this Act;

(4) the term "juvenile delinquency program" means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education training, and research, the improvement of the juvenile justice system and any program or activity for neglected, abandoned or dependent youth and other youth who are in danger of becoming delinquent;

(5) the term "local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State and an Indian tribe and any combination of two or more of such units acting jointly;

(6) the term "public agency" means any department, agency, or instrumentality of any State, unit of local government, or combination of such States or units;

(7) the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

TITLE II—AMENDMENTS TO THE FEDERAL JUVENILE DELINQUENCY ACT

SEC. 201. Section 5031 of title 18, United States Code, is amended to read as follows:

"§ 5031. Definitions.

For the purposes of this chapter, a "juvenile" is a person who has not attained his eighteenth birthday, and "juvenile delinquency" is the violation of a law of the United States committed by a juvenile which would have been a crime if committed by an adult.

SEC. 202. Section 5032 of title 18, United States Code, is amended to read as follows:

"§ 5032. Delinquency proceedings in district courts; transfer for criminal prosecution.

"A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to an appropriate district court of the United States that the juvenile court or other appropriate court of a State (1) does not have jurisdiction or refuses to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, or (2) does not have available programs and services adequate for the rehabilitation of juveniles.

"If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

"If an alleged delinquent is not surrendered to the authorities of a State or the District of Columbia pursuant to this section, any proceedings against him shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, in chambers or otherwise. The Attorney General shall proceed by information, and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency.

"A juvenile who is alleged to have committed an offense and who is not surrendered to State authorities shall be proceeded against as a juvenile delinquent unless he is sixteen years old or older. With respect to a juvenile sixteen years and older alleged to have committed an act which if committed by an adult would be a felony punishable by a maximum penalty of ten years imprisonment or more, life imprisonment, or death, criminal prosecution may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States and if such court finds, after hearing, that there are no reasonable prospects for rehabilitating such juvenile before his twenty-first birthday.

"Evidence of the following factors shall be considered in assessing the prospects for rehabilitation: the age of the juvenile; the nature of the alleged offense; the extent and nature of the juvenile's prior delinquency record; the juvenile's present mental condition; the nature of past treatment efforts and the juvenile's response to such efforts.

"Reasonable notice of the transfer hearing shall be given to the juvenile, his parents, guardian, or custodian and to his counsel. The juvenile shall be assisted by counsel during the transfer hearing, and at every other critical stage of the proceedings.

"Once a juvenile has entered a plea with respect to an alleged act of juvenile delinquency a criminal prosecution based upon such alleged act of delinquency shall be barred."

SEC. 203. Section 5033 of this title is amended to read as follows:

"§ 5033. Custody prior to appearance before magistrate.

"Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the arresting officer shall immediately advise such juvenile of his legal rights, in language comprehensive to a juvenile, and shall immediately notify the Attorney General and the juvenile's parents, guardian, or custodian of such custody. The arresting officer shall also notify the parents, guardian, or custodian of the rights of the juvenile and of the nature of the alleged offense.

"The juvenile shall be taken before a magistrate forthwith. In no event shall the juvenile be detained for more than twenty-four hours before being brought before a magistrate.

SEC. 204. Section 5034 of this title is amended to read as follows:

§ 5034. Duties of Magistrate.

"If counsel is not retained for the juvenile, or it does not appear that counsel will be retained, the magistrate shall appoint counsel for the juvenile. Counsel shall be assigned to represent a juvenile when the juvenile and his parents, guardian or custodian are financially unable to obtain adequate representation. In cases where the juvenile and his parents, guardian or custodian are financially able to obtain adequate representation but have not retained counsel, the magistrate may assign counsel and order the payment of reasonable attorney's fees or may direct the juvenile, his parents, guardian or custodian to retain private counsel within a specified period of time.

"The magistrate may appoint a guardian *ad litem* if a parent or guardian of the juvenile is not present, or if the magistrate has reason to believe that the parents or guardian will not cooperate with the juvenile in preparing for trial, or that the interests of the parents or guardian and those of the juvenile are adverse.

"If the juvenile has not been discharged before his initial appearance before the magistrate, the magistrate shall release the juvenile to his parents, guardian, custodian, or other responsible party (including, but not limited to, the director of a shelter-care facility) upon their promise to bring such juvenile before the appropriate court when requested by such court unless the magistrate determines, after hearing, that the detention of such juvenile is required to secure his timely appearance before the appropriate court or to insure his safety or that of others.

SEC. 205. Section 5035 of this title is amended to read as follows:

"§ 5035. Detention prior to disposition.

"A juvenile alleged to be delinquent may be detained only in a juvenile facility or such other suitable place as the Attorney General may designate. The Attorney General shall not cause any juvenile alleged to be delinquent to be detained or confined in any institution in which adult persons convicted of a crime or waiting trial on criminal charges are confined. Alleged delinquents shall be kept separate from adjudicated delinquents. Every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education and medical care, including necessary psychiatric, psychological or other treatment.

SEC. 206. Section 5036 of this title is amended to read as follows:

"§ 5036. Speedy trial.

"If an alleged delinquent who has been detained pending trial, is not brought to trial within thirty days from the date when such juvenile was arrested, the information shall be dismissed with prejudice, on motion of the alleged delinquent or at the direction of the court, unless the Attorney General shows that additional delay is unavoidable, caused by the juvenile or his counsel, or consented to by the juvenile and his counsel. Unavoidable delay may not include delays attributable solely to court calendar congestion.

SEC. 207. Section 5037 of this title is amended to read as follows:

"§ 5037. Rights in general.

"A juvenile charged with an act of juvenile delinquency shall be accorded the constitutional rights guaranteed an adult in a criminal prosecution, with the exception of indictment by grand jury. Public trial shall be limited to members of the press, who may attend only on condition that they not disclose information that could reasonably be expected to reveal the identity of the alleged delinquent. Any violation of that condition may be punished as a contempt of court.

SEC. 208. A new Section 5038 is added, to read as follows:

"§ 5038. Dispositional Hearing.

"(a) If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than ten court days after trial unless the court has ordered further study in accordance with subsection (c). Copies of the presentence report shall be provided to the attorneys for both the juvenile and the government at least three court days in advance of the hearing.

"(b) The court may suspend the adjudication of delinquency or the disposition of the delinquent on such conditions as it deems proper, place him on probation, or commit him to the custody of the Attorney General. Probation, commitment or commitment in accordance with subsection (c) shall not extend beyond the juvenile's twenty-first birthday or the maximum term which could have been imposed on an adult convicted of the same offense, whichever is sooner.

"(c) If the court desires more detailed information concerning an alleged delinquent, it may commit him after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency. Such observation and study shall be conducted on an out-patient basis, unless the court determines that in-patient observation and study are essential. No alleged delinquent may be committed to the custody of the Attorney-General for study and observation without the consent of his attorney and his parent, custodian or guardian. In the case of an adjudicated delinquent, such study shall not be conducted on an in-patient basis without prior notice and hearing. The agency shall make a complete study of the alleged or adjudicated delinquent to ascertain his personal traits, his capabilities, his background, any previous delinquency or criminal experience, any mental or physical defect, and any other relevant factors. The Attorney General shall submit to the court and the attorneys for the juvenile and the government the results of the study within thirty days after the commitment of the juvenile, unless the court grants additional time.

SEC. 209. Section 5039 is added, to read as follows:

"§ 5039. Use of juvenile records.

"(a) Upon the completion of any formal juvenile delinquency proceeding, the District court shall order the entire file and record of such proceeding sealed. After such sealing, the court shall not release these records except under the following circumstances:

(1) inquiries received from another court of law;

(2) inquiries from an agency preparing a presentence report for another court;

(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;

(4) inquiries, in writing, from the Director of a treatment agency or the Director of a facility to which the juvenile has been committed by the court; and

(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security.

Information about the sealed record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

"(d) The entire file and record of juvenile proceedings where an adjudication of delinquency was not entered shall be destroyed and obliterated by order of the court.

"(c) District courts exercising jurisdiction over any juvenile shall inform the juvenile, his parent or guardian, in writing, of rights relating to the sealing of his juvenile record. The information in these communications shall be stated in clear and non-technical language.

"(d) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge or others entitled under this section to receive sealed records.

"(e) Unless a child who is taken into custody is prosecuted as an adult:

(1) neither the fingerprints nor a photograph shall be taken, without the written consent of the judge; and

(2) neither the name nor picture of any child shall be made public by any medium of public information in connection with a juvenile delinquency proceeding.

SEC. 210. Section 5040 is added to read as follows:

"§ 5040. Commitment.

"A juvenile who has been committed to the Attorney General has a right to treatment and is entitled to custody, care and discipline as nearly as possible equivalent to that which should have been provided for him by his parents. No juvenile may be placed or retained in an adult jail or correctional institution.

"Every juvenile who has been committed shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education and medical care, including necessary psychiatric, psychological or other care.

"Whenever possible, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community.

SEC. 211. Section 5041 is added, to read as follows:

"§ 5041. Support.

"The Attorney General may contract with any public or private agency or individual and such community-based facilities as halfway houses and foster homes, for the observation and study and the custody and care of juveniles in his custody. For these purposes, the Attorney General may use the appropriation for "support of United States prisoners" or such other appropriations as he may designate.

SEC. 212. Section 5042 is added, to read as follows:

"§ 5042. Parole.

"The Board of Parole shall release on parole, on such conditions as it deems necessary, each juvenile delinquent who has been committed, as soon as the Board is satisfied that he is likely to remain at liberty without violating the law.

SEC. 213. Section 5043 is added to read as follows:

"§ 5043. Revocation of Parole or Probation.

"Any juvenile parolee or probationer shall be accorded notice and a hearing with counsel before his parole or probation can be revoked.

SEC. 214. The table of sections of chapter 403 of this title is amended to read as follows:

"Sec.
"5031. Definitions.
"5032. Delinquency proceedings in district courts; transfer for criminal prosecution.
"5033. Custody prior to appearance before magistrate.
"5034. Duties of magistrate.
"5035. Detention prior to disposition.
"5036. Speedy trial.
"5037. Rights in general;
"5038. Dispositional hearing.
"5039. Use of juvenile records.
"5040. Commitment.
"5041. Support.
"5042. Parole.
"5043. Revocation of Parole or Probation.

TITLE III—NATIONAL OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

ESTABLISHMENT OF OFFICE

SEC. 301. (a) There is hereby established in the Executive Office of the President, an office to be known as the National Office of Juvenile Justice and Delinquency Prevention (referred to in this Act as the "Office").

(b) There shall be at the head of the Office a Director (referred to in this Act as the "Director") who shall be appointed by the President by and with the advice and consent of the Senate.

(c) There shall be in the Office a Deputy Director of the Office who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall perform such functions as the Director from time to time assigns or delegates, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

(d) There shall be in the Office not to exceed three Assistant Directors who shall be appointed by the Director. Each Assistant Director shall perform such functions as the Director from time to time assigns or delegates.

PERSONNEL—SPECIAL PERSONNEL—EXPERTS AND CONSULTANTS

SEC. 302. (a) The Director is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

(b) The Director is authorized to select, appoint, and employ not to exceed five officers and to fix their compensation at rates not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States Code.

(c) Upon the request of the Director, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Director to assist him in carrying out his functions under this Act.

(d) The Director may obtain services as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States Code.

VOLUNTARY SERVICE

SEC. 303. The Director is authorized to accept and employ, in carrying out the provisions of this Act or any Federal juvenile delinquency program, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

CONCENTRATION OF FEDERAL EFFORTS

SEC. 304. (a) The Director shall establish overall policy and develop objectives and priorities for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system in the United States. In carrying out his functions, the Director shall consult with the National Advisory Council for Juvenile Justice and Delinquency Prevention.

(b) In carrying out the purposes of this Act, the Director is authorized and directed to—

(1) advise the President as to all matters relating to federally assisted juvenile delinquency programs and Federal policies regarding juvenile delinquency;

(2) assist operating agencies in the development and promulgation of, and review regulations, guidelines, requirements, criteria, standards, procedures and budget requests in accordance with the policies, priorities, and objectives he establishes;

(3) review and as he deems necessary, modify, insofar as they pertain to Federal juvenile delinquency programs:

(A) implementation plans for any Federal program; and

(B) the budget request of any Federal department or agency;

(4) recommend changes in organization, management, personnel, standards, and budget requests which he deems advisable to implement the policies, priorities, and objectives he establishes;

(5) conduct and support evaluations and studies of the performance and results achieved by Federal juvenile delinquency programs and activities and of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered;

(6) coordinate Federal juvenile delinquency programs and activities among Federal departments and agencies and between Federal juvenile delinquency programs and activities and other Federal programs and activities which he determines may have an important bearing on the success of the entire Federal juvenile delinquency effort;

(7) develop annually with the assistance of the Federal agencies operating juvenile delinquency programs and submit to the President and the Congress, after the first year the legislation is enacted, prior to September 30, an analysis and evaluation of Federal juvenile delinquency programs conducted and assisted by Federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations, and coordination of such programs;

(8) develop annually, and submit to the President and the Congress, after the first year the legislation is enacted, prior to March 1, a comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system; and

(9) provide technical assistance to Federal, State, and local governments, courts, public and private agencies, institutions, and individuals, in the planning, establishment, funding, operation, or evaluation of juvenile delinquency programs.

(c) The Director may require departments and agencies engaged in any activity involving any Federal juvenile delinquency program to provide him with such information and reports, and to conduct such studies and surveys, as he may deem to be necessary to carry out the purposes of this Act.

(d) The Director may delegate any of his functions under this title, except the making of regulations, to any officer or employee of the Office.

(e) The Director is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

(f) The Director is authorized to transfer funds appropriated under this Act to any agency of the Federal Government to develop or demonstrate new methods in juvenile delinquency prevention and rehabilitation and to supplement existing delinquency prevention and rehabilitation programs which the Director finds to be exceptionally effective or for which he finds there exists exceptional need.

JOINT FUNDING

SEC. 305. Notwithstanding any other provision of law, where funds are made available by more than one Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile delinquency program or activity, any one of the Federal agencies providing funds may be designated by the Director to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Director may order any such agency to waive any technical grant or contract requirement (as defined in such regulations) which is inconsistent with the similar requirement of the administering agency or which the administering agency does not impose.

TRANSITIONAL PROVISIONS

SEC. 306. (a) The President may authorize any person who immediately prior to the date of enactment of this Act held a position in the executive branch of the Government to act as the Director of the National Office of Juvenile Justice and Delinquency Prevention until the office of Director is for the first time filled pursuant to the provisions of this Act or by recess appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Director.

(c) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect of which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

(d) No Federal officer, department, or agency shall be deemed to be relieved of any responsibility that such officer, department, or agency had on the date of enactment of this Act with respect to any federally assisted juvenile delinquency program.

AMENDMENT TO TITLE 5, UNITED STATES CODE

SEC. 307. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(21) Director, National Office of Juvenile Justice and Delinquency Prevention.".

(b) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(58) Deputy Director, National Office of Juvenile Justice and Delinquency Prevention.".

(c) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) Assistant Directors, National Office of Juvenile Justice and Delinquency Prevention.".

ADVISORY COUNCIL—MEMBERSHIP ESTABLISHED

SEC. 308. (a) There is hereby established a National Advisory Council for Juvenile Justice and Delinquency Prevention (hereinafter referred to as the Council) which shall consist of 21 members.

(b) The Attorney General, the Secretary of Health, Education and Welfare, the Secretary of Labor, and the Secretary of Housing and Urban Development or their respective designees, shall be *ex officio* members of the Council.

(c) The regular members of the Council shall be appointed by the President from persons who by virtue of their training or experience have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice. The President shall designate the Chairman. A majority of the members of the Council, including the Chairman, shall not be full-time employees of Federal, State or local governments. At least seven members shall not have attained twenty-six years of age on the date of their appointment, of whom at least three shall have had actual experience within the juvenile justice system.

(d) Members appointed by the President to the Council shall serve for terms of four years and shall be eligible for reappointment, except that for the first composition of the Council, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each term shall be four years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term

DUTIES OF THE COUNCIL

SEC. 309. (a) The Council shall meet at the call of the Chairman, but not less than four times a year.

(b) The Council shall make recommendations to the Director at least annually with respect to planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs.

(c) The Chairman may designate a subcommittee of the members of the Advisory Council to advise the Director on particular functions or aspects of the work of the Office.

(d) The Chairman shall designate a subcommittee of five members of the Council to serve as members of an advisory Committee for the National Institute of Juvenile Justice to perform the functions set forth in Section 505.

(e) The Chairman shall designate a subcommittee of five members of the Council to serve as an Advisory Committee to the Director on Standards for the Administration of Juvenile Justice to perform the functions set forth in Section 507.

COMPENSATION AND EXPENSES

SEC. 310. (a) Members of the Council who are employed by the Federal Government full-time shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

(b) Members of the Council not employed full time by the Federal Government shall receive compensation at a rate not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by Section 5332 of title 5 of the United States Code including travel time for each day they are engaged in the performance of their duties as members of the Commission. Members shall be entitled to reimbursement for travel, subsistence and other necessary expenses incurred by them in carrying out the duties of the Council.

APPROPRIATIONS AUTHORIZED

SEC. 311. There are hereby authorized to be appropriated for the purposes of this title $15,000,000 for the fiscal year ending June 30, 1973, $20,000,000 for the fiscal year ending June 30, 1974, $25,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 3, 1976.

TITLE IV—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

PART A—FORMULA GRANTS

AUTHORIZATION

SEC. 401. There are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973; $100,000,000 for the fiscal year ending June 30, 1974; $150,000,000 for the fiscal year ending June 30, 1975; and $200,000,000 for the fiscal year ending June 30, 1976, for grants to States and local governments to assist them in planning, establishing, operating, coordinating, and evaluating projects for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

SEC. 402. (a) In accordance with regulations promulgated under this title, the Director shall allocate annually among the States the sums appropriated under section 401 on the basis of the relative population of people under age eighteen, per capita income, and rate of delinquency. After the first year of the administration of this Act, the Director may take into consideration any decline in the rate of delinquency in allocating these sums. No such allotment to any State shall be less than $200,000, except that for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, no allotment shall be less than $50,000.

(b) If any amount so allotted remains unobligated at the end of the fiscal year, the Director may reallocate such funds on such basis as he deems equitable and consistent with the purposes of this title. Any amount so reallocated shall be in addition to the amounts already allotted and available to the States, the Virgin Islands, American Samoa, Guam and the Trust Territory of the Pacific Islands for the same period.

(c) In accordance with regulations developed by the Director, a portion of any allotment to any State under this part shall be available to develop a state plan and to pay that portion of the expenditures which the Director finds necessary for efficient administration. Not more than 15 percent of the total annual allotment of such State shall be available for such purposes. The State shall make available needed funds for planning and administration to local governments within the State on an equitable basis.

STATE PLANS

SEC. 403. (a) In order to receive Part A Formula Grants, a state shall submit a plan for carrying out its purposes. In accordance with regulations set forth by the Director, such plan must—

(1) designate a single State agency as the sole agency responsible for the preparation and administration of the plan, or designate an agency as the sole agency for supervising the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter referred to in this Act as the "State agency") has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

(3) provide for supervision of the programs funded under this Act by the State agency by a Board appointed by the Governor which shall consist of persons who have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice. A majority of the members, including the Chairman, must not be full-time employees of the Federal, state or local government, and at least one-third of the members of the Board shall be under the age of 26 at the time of appointment. This Board shall approve the state plan prior to its submission to the Federal Government;

(4) provide for the active consultation with and participation of local governments in the development of a state plan which

adequately takes into account the needs and requests of local governments;

(5) provide that at least fifty percent of the funds received by the State under Section 401 shall be expended through programs of local government insofar as they are consistent with the state plan, except that this provision may be waived at the discretion of the Director for any state if the services for delinquents are organized primarily on a statewide basis;

(6) provide that the chief executive officer of the local government shall assign responsibility for the preparation and administration of the local government's part of the state plan, or for the supervision of the preparation and administration of the local government's part of the state plan to that agency within the local government's structure (hereinafter in this Act referred to as the "local agency") which can most effectively carry out the purposes of this Act;

(7) provide for an equitable distribution of the assistance received under Section 401 within the state;

(8) set forth a detailed study of the State needs for an effective, comprehensive, coordinated approach to juvenile delinquency prevention and treatment and the improvement of the juvenile justice system. This plan shall include itemized estimated costs for the development and implementation of such programs;

(9) provide for the active consultation with and participation of private agencies in the development and execution of the state plan; provide for coordination and maximum utilization of existing juvenile delinquency programs and other related programs, such as education, health, and welfare within the State;

(10) provide that not less than 75 percent of the funds available to such State under Section 401, whether expended directly by the State or by the local government, shall be used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, to establish probation subsidy programs as set forth in Section 402(10)(G), and to provide community-based alternatives to juvenile detention and correctional facilities. The advanced techniques include but are not limited to—

(A) community-based programs and services for the prevention and treatment of juvenile delinquency through the development of foster-care and shelter-care homes, group homes, halfway houses, and any other designated community-based diagnostic, treatment or rehabilitative service;

(B) community-based programs and services to work with parents and other family members to maintain and strengthen the family unit, so that the juvenile may be retained in his home;

(C) commmunity-based programs to support, counsel, provide work and recreational opportunities for delinquents and youth in danger of becoming delinquent;

(D) comprehensive programs of drug abuse education and prevention, and programs for the treatment and rehabilitation of drug addicted youth, and "drug dependent" youth (as defined in section 2(g) of the Public Health Service Act (42 U.S.C. 201(g));

(E) educational programs or supportive services designed to keep delinquents or youth in danger of becoming delinquent in elementary and secondary schools or in alternative learning situations;

(F) expanded use of probation and recruitment and training of probation officers, other professional and paraprofessional personnel and volunteers to work effectively with youth;

(G) probation subsidy programs providing:

(i) incentives for local governments to operate a subsidized probation program utilizing innovative supervision practices designed to reduce commitments of juveniles to correctional institutions, and

(ii) procedures for determining on an equitable basis the yearly reductions of such commitments considering the distribution of juvenile delinquents within the State and the success of each local government in making such yearly reductions.

Each state shall include in its plan a provision for the establishment and operation of such a probation subsidy program, unless this requirement is waived by the Director.

(11) provides for the development of an adequate research, training and evaluation capacity within the State;

(12) provide within a reasonable period of time that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, shall not be placed in juvenile detention or correctional facilities, but must be placed in shelter facilities;

(13) provide that juveniles alleged to be or found to be delinquent shall not be detained or confined in any institution in which adult persons convicted of a crime or awaiting trial on criminal charges are incarcerated;

(14) provide assurances that assistance will be available on an equitable basis to deal with all disadvantaged youth including, but not limited to, females, minority youth, and mentally retarded or emotionally handicapped youth;

(15) provide for procedures which will be established for protecting under Federal, State and local law the rights of recipients of services and which will assure appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

(16) provide that fair and equitable arrangements are made, as determined by the Secretary of Labor, to protect the interests of employees affected by assistance under this Act. Such protective arrangements shall include, without being limited to, such provisions as may be necessary for—

(A) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise;

(B) the continuation of collective bargaining rights;

(C) the protection of individual employees against a worsening of their positions with respect to their employment;

(D) assurances of employment to employees of any State or political subdivision thereof who will be affected by any program funded in whole or in part under provisions of this Act; and

(E) training or retraining programs.

The State plan shall provide for the terms and conditions of the protective arrangements established pursuant to this section.

(17) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;

(18) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event supplant such State, local, and other non-Federal funds;

(19) provide that the State agency will from time to time, but not less often than annually, review its plan and submit to the Director an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, which it considers necessary; and

(20) contain such other terms and conditions as the Director may reasonably prescribe to assure the effectiveness of the programs assisted under this title.

(b) The Director shall approve any State plan and any modification thereof that meets the requirements of subsection (a) of this section.

PART B—SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

PROGRAM AND AUTHORIZATION

SEC. 404. There are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973; $100,000,000 for the fiscal year ending June 30, 1974; $150,000,000 for the fiscal year ending June 3, 1975, and $200,000,000 for the fiscal year ending June 30, 1976. The Director is authorized to use these appropriations to make grants to and enter into contracts with public and private agencies, organizations, institutions, or individuals to—

(1) develop and implement new approaches, techniques, and methods with respect to juvenile delinquency programs (as defined in Section 103(4));

(2) develop and maintain community-based alternatives to traditional forms of institutionalization;

(3) develop and implement effective means of diverting juveniles from the traditional juvenile justice and correctional system;

(4) improve the capability of public and private agencies and organizations to provide services for delinquents and youths in danger of becoming delinquent; and

(5) facilitate the adoption of the recommendations of the Advisory Committee on Standards for Juvenile Justice as set forth pursuant to Section 507(b).

CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

SEC. 405. (a) Any agency, institution, or individual desiring to receive a grant, or enter into any contract under this part, shall submit an application at such time, in such manner, and containing or accompanied by such information as the Director may prescribe.

(b) In accordance with guidelines established by the Director, each such application shall:

(1) provide that the program for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) set forth a program for carrying out one or more of the purposes set forth in section 404;

(3) provide for the proper and efficient administration of such program;

(4) provide for regular evaluation of the program;

(5) indicate that the applicant has requested the review of the application from the state and local agency designated in Section 403, when appropriate;

(6) indicate the response of such agency to the request for review and comment on the application;

(7) provide that regular reports on the program shall be sent to the Director and to the State and local agency, when appropriate; and,

(8) provide for such fiscal control and fund accounting procedures as may be necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title.

(c) In determining whether or not to approve applications for grants under this title, the Director shall consider—

(1) the relative cost and effectiveness of the proposed program in effectuating the purposes of the Act;

(2) the extent to which the proposed program will incorporate new or innovative techniques;

(3) the extent to which the proposed program meets the objectives and priorities of the state plan, when a state plan has been approved by the Director under Section 403

(b) and when the location and scope of the program make such consideration appropriate;

(4) the increase in capacity of the public and private agency, institution or individual to provide services to delinquents or youths in danger of becoming delinquent;

(5) the extent to which the proposed project serves communities which have high rates of youth unemployment, school dropout, and delinquency; and

(6) the extent to which the proposed program facilitates the implementation of the recommendations of the Advisory Committee on Standards for Juvenile Justice as set forth pursuant to Sec. 507(b).

WITHHOLDING

SEC. 406. Whenever the Director, after giving reasonable notice and opportunity for hearing to a grant recipient under this title, finds—

(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this title; or

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision;

the Director shall notify such recipient of his findings and no further payments may be made to such recipient by the Director until he is satisfied that such noncompliance has been, or will promptly be, corrected.

USE OF FUNDS

SEC. 407. (a) Funds paid to any public or private agency, institution or individual (whether directly or through a State or local agency) may be used for:

(1) securing, developing, or operating the program designed to carry out the purposes of this Act;

(2) not more than 50 percent of the cost of construction of innovative community-based facilities (as defined in Section 103 (1) and (2)) which, in the judgment of the Director, are necessary for carrying out the purposes of this Act.

(b) In accordance with criteria set forth by the Director, grants or contracts may provide for long-term funding, provided that such grants or contracts provide for yearly evaluation to ascertain if the goals of such grants or contracts are being achieved.

(c) At the discretion of the Director, when there is no other way to fund an essential juvenile delinquency program, the State may utilize 25 percent of the funds available to it under this Act to meet the non-Federal matching share requirement for any other Federal juvenile delinquency program grant.

(d) The Director may require the recipient of any grant or contract to contribute money, facilities, or services up to 25 percent of the cost of the project.

(e) Payments under this title, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, and in such installments and on such conditions as the Director may determine.

TITLE V—NATIONAL INSTITUTE FOR JUVENILE JUSTICE

NATIONAL INSTITUTE

SEC. 501. (a) There is hereby established within the National Office of Juvenile Justice and Delinquency Prevention a National Institute for Juvenile Justice (referred to in this Act as the "Institute").

(b) The Institute shall be under the supervision and direction of an Administrator who shall be appointed by and be responsible to the Director of the Office. Acting through the Institute, the Director shall take any action consistent with the intent and purpose of this Act, including but not limited to the functions stated in this title.

(c) With the approval of the Director, the Administrator is authorized to make grants to, or enter into contracts with, any public or private agency, institution, or individual to carry out the purposes of this title.

INFORMATION FUNCTION

SEC. 502. The Institute is authorized to—

(1) serve as an information bank by collecting systematically and synthesizing the data and knowledge obtained from studies and research by public and private agencies, institutions, or individuals concerning all aspects of juvenile delinquency including the prevention and treatment of juvenile delinquency;

(2) serve as a clearinghouse and information center for the preparation, publication, and dissemination of all information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs and plans, availability of resources, training and educational programs, statistics, and other pertinent data and information.

RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

SEC. 503. The Institute is authorized to—

(1) conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with regard to new programs and methods which show promise of making a contribution toward the prevention and treatment of juvenile delinquency.

(2) encourage the development of demonstration projects in new, innovative techniques and methods to prevent and treat juvenile delinquency;

(3) provide for the evaluation of all programs assisted under this Act in order to determine the results and the effectiveness of such programs;

(4) provide for the evaluation of any other Federal, State, or local juvenile delinquency program, upon the request of the Director; and

(5) disseminate the results of such evaluations and research and demonstration activities particularly to persons actively working in the field of juvenile delinquency.

TRAINING FUNCTIONS

SEC. 504. The Institute is authorized to—

(1) develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are or who are preparing to work with juveniles and juvenile offenders;

(2) develop, conduct, and provide for seminars, workshops, and training programs in the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges, and other court personnel, probation officers, correctional personnel, and other Federal, State, and local government personnel who are engaged in work relating to juvenile delinquency.

INSTITUTE ADVISORY COMMITTEE

SEC. 505. The Institute Advisory Committee established in section 309(d) shall advise, consult with, and make recommendations to the Administrator of the Institute concerning the overall policy and operations of the Institute.

ANNUAL REPORT

SEC. 506. The Administrator shall develop annually and submit to the Director after the first year the legislation is enacted, prior to June 30, a report on research, demonstration, training, and evaluation programs funded under this title, including a review of the results of such programs, an assessment of the application of such results to existing and to new juvenile delinquency programs, and detailed recommendations for future research, demonstration, training, and evaluation programs. The Director shall include a summary of these results and recommendations in his report to the President and Congress required by section 304(b)(7).

DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE

SEC. 507. (a) The Institute, under the supervision of the Advisory Committee on Standards for Juvenile Justice established in section 309(e), shall review existing reports, data, and standards, and, where necessary, independently study the juvenile justice system in the United States. This study shall emphasize juvenile court administration and procedure, and the conditions of confinement in juvenile detention and correctional facilities in order to develop standards for juvenile justice.

(b) Not later than 18 months after the passage of this Act, the Advisory Committee shall submit to the President and the Congress a final report which—

(1) recommends standards for the administration of juvenile justice at the Federal, State, and local level, including juvenile court procedures and conditions of confinement in juvenile detention and correctional facilities;

(2) recommends Federal action, including but not limited to administrative, budgetary and legislative action, required to facilitate the adoption of these standards throughout the United States; and

(3) recommends State and local action to facilitate the adoption of these standards for juvenile justice at the State and local level.

(c) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Advisory Committee such information as the Committee deems necessary to carry out its functions under this Act.

(d) The Advisory Committee shall hold public hearings on its proposed standards.

AUTHORIZATION OF APPROPRIATIONS

SEC. 508. To carry out the purposes of this title there are hereby authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973; $100,000,000 for the fiscal year ending June 30, 1974; $150,000,000 for the fiscal year ending June 30, 1975, and $200,000,000 for the fiscal year ending June 30, 1976.

SUMMARY AND ANALYSIS OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1973

TITLE I: FINDINGS AND DECLARATION OF PURPOSE

This title sets forth the need for a comprehensive, expanded Federal approach to the problems of juvenile delinquency, and briefly outlines the activities encompassed by the Act.

FINDINGS

This section essentially summarizes the problem and includes general statements concerning the alarming increase in juvenile delinquency, the adverse impact of juvenile delinquency on our society, the lack of technical expertise or resources to deal with delinquency at the state and local level, the failure of Federal delinquency programs to provide the necessary direction, coordination, resources, and leadership, and the need for an immediate and effective Federal governmental response to the crisis of delinquency.

PURPOSE

This section sets forth the objectives the Act is designed to achieve. Such objectives include coordination of Federal delinquency programs: authorization of additional resources; creation of centralized research, information clearinghouse, training, technical assistance, and evaluation activities; development of national guidelines for the administration of juvenile justice, including conditions of confinement; and finally, adoption of basic procedural protections for juveniles under Federal jurisdiction.

DEFINITIONS

This section sets forth the definitions used throughout the Act. Such definitions include: (1) "community-based" facility, program or service means a small, open group home located near the juvenile's home and programs of community supervision and service, which maintain community participation in planning and operation; (2) "Federal juvenile delinquency program" means any juvenile delinquency program which is conducted by the Departments of Health, Education, and Welfare, Labor, Housing and Urban Development, and Justice and any program funded under this Act. The Director of the Office of Management and Budget, on consultation with the Director, is authorized to determine whether additional programs come within the purview of this Act; (3) "juvenile delinquency program" means any activity related to juvenile delinquency prevention, control, diversion, rehabilitation, planning, training, and research, the improvement of the juvenile justice system and any program for neglected, abandoned or dependent youth and other youth who are in danger of becoming delinquent.

TITLE II: AMENDMENTS TO THE FEDERAL JUVENILE DELINQUENCY ACT

This title sets forth a series of specific amendments to the Federal Juvenile Delinquency Act (Secs. 5031–5037 of Title 18) designed to guarantee certain basic rights to juveniles who come within Federal jurisdiction.

DEFINITIONS

A "juvenile" is a person under 18 and "juvenile delinquency" is the violation of a law of the United States committed by a juvenile which would have been a crime if committed by an adult.

DEFERENCE TO LOCAL COURTS

In cases involving juveniles, Federal courts would be required to defer to state courts unless the Attorney General certified that the state does not have jurisdiction or does not have available adequate rehabilitative programs for juveniles. The Federal courts and the Federal correctional system have never been properly equipped to handle large numbers of juveniles with the result that Federal juvenile delinquents are frequently transferred away from their home communities for treatment. By deferring jurisdiction to state courts, the harmful effects of this dislocation would be reduced.

DELINQUENCY PROCEEDINGS AND TRANSFER HEARINGS

In Federal cases, a juvenile alleged to have committed a crime shall be proceeded against as a juvenile delinquent unless he is 16 years or older. Where a juvenile age 16 and older alleged to have committed a serious felonies act could be prosecuted either as a juvenile or as an adult, a Federal District judge would be required to conduct a hearing and find that "there are no reasonable prospects for rehabilitation" before a juvenile could be prosecuted as an adult criminal. The Attorney General now has sole discretion to make this determination. Juvenile proceedings are designed to rehabiilitate a youthful offender and no eligible child should face criminal prosecution without careful decision by a court.

RIGHT TO COUNSEL

The bill implements Supreme Court decisions guaranteeing the right to counsel at all critical stages in the proceedings including the right of indigent juveniles to have court-appointed counsel.

PROCEDURAL SAFEGUARDS

The bill requires that juveniles be advised of their rights and taken before a committing magistrate forthwith upon arrest, and that pre-adjudication detention is permitted only if a magistrate determines, after hearing, that detention is necessary to secure the juvenile's timely appearance before the appropriate court or to protect his safety or the safety of others. Once a juvenile has entered a plea to an alleged act of juvenile delinquency a criminal prosecution is barred. The bill also accords juveniles the constitutional rights guaranteed an adult in a criminal prosecution, with the exception of indictment by grand jury. Public trial is limited to members of the press under certain conditions. A juvenile is also guaranteed the right to a speedy trial.

PROHIBITION AGAINST COMMINGLING

The bill prohibits the detention or confinement of juveniles in institutions in which adults who are convicted or awaiting trial are confined. Juveniles who are incarcerated with adults are not only less likely to be rehabilitated, but are also likely to learn the ways of criminals. For similar reasons, the bill provides that alleged delinquents must be kept separate from adjudicated delinquents.

STUDY AND DISPOSITION

This legislation provides that the court may suspend the sentence of the delinquent, place him on probation, or commit him to the custody of the Attorney General. If the court desires more detailed information concerning an alleged delinquent, it may commit him after notice and hearing and with the consent of his counsel and parents to the custody of the Attorney General for study for 30 days. Such study shall be conducted on an out-patient basis, unless the court determines that in-patient study is necessary. In the case of an adjudicated delinquent, such study shall not be conducted on an in-patient basis without prior notice and hearing.

A juvenile who has been committed to the Attorney General has a right to treatment, and is entitled to custody, care and discipline as nearly as possible equivalent to that which should have been provided for him by his parents. A juvenile shall be placed whenever possible in a foster home or community-based facility located in or near his home community.

PAROLE AND PROBATION

The Board of Parole is required to release on parole any juvenile delinquent who has been committed as soon as satisfied that he is likely "to remain at liberty without violating the law." Furthermore, a juvenile cannot have parole or probation revoked without a hearing. The provision is in accordance with the trend of recent court decisions and enables the juvenile to prepare himself for a normal life in the community.

JUVENILE RECORDS

The record of any juvenile proceeding shall be sealed upon completion and only released by the court under certain very limited and prescribed circumstances. Juvenile records are all too frequently used inappropriately to eliminate adjudicated delinquents from meaningful opportunities in our society.

The provisions of Title II as a whole guarantee a juvenile under Federal jurisdiction the basic rights of our system of justice and increase the probability of his rehabilitation while still protecting the safety of the public.

TITLE III: NATIONAL OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

OFFICE

This title establishes a new National Office in the Executive Office of the President (hereinafter referred to as the "Office") charged with the responsibility of administering the Juvenile Justice and Delinquency Prevention Act. The Office is administered by a Director, appointed by the President with the advice and consent of the Senate. The Director is assisted by a Deputy Director, three Assistant Directors, and such other employees as are necessary to perform the duties vested in him. The Director also has the authority to hire consultants and to request the detailing of personnel from other Federal agencies.

POWER

Patterned after the new Special Action Office for Drug Abuse Prevention, the Office would have supervisory and coordinating power over all Federal juvenile delinquency programs. This concept is central to the bill. There is general agreement that the Fderal effort to date has been badly fragmented and lacking in direction, and has had virtually no impact in reducing the spiralling rate of juvenile crime. The President responded to the drug abuse crisis by proposing a centralization of program authority in one office; this bill recognizes that a similar response is warranted in the area of juvenile delinquency.

PROGRAMS INCLUDED

The programs which come under the supervision of the new National Office of Juvenile Justice include those conducted directly or indirectly by the Departments of Health, Education, and Welfare; Labor; Housing and Urban Development, and Justice and any program funded under this Act. The Director of the Office of Management and Budget, on consultation with the Director of the Office, is authorized to determine whether additional programs come within the purview of the Act.

AUTHORITY AND POWERS OF THE DIRECTOR

The Director will provide overall planning and policy and establish objectives and priorities for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and programs to improve the juvenile justice system. He would be the spokesman and central coordinator for the entire Federal juvenile delinquency effort. He would have broad supervisory review over the operation of programs in other agencies, and would be responsible for reporting on their effectiveness and for making budgetary and programmatic recommendations to the President.

The need for centralized authority for Federal delinquency programs has been recognized by many State and local officials and representatives of private agencies who have emphasized their problems in working with the Federal government due to the fragmentation of responsibility for delinquency programs. The bill would solve that problem and provide a focus for a coordinated national attack on the juvenile crime crisis.

ANNUAL REPORT

The Director will be required to report annually on the activities of the Office, on problems encountered in the operation and coordination of the various Federal juvenile delinquency programs, and on the effectiveness of Federal efforts to deal with juvenile delinquency. He is also required to develop annually a comprehensive plan for Federal juvenile delinquency programs with particular emphasis on prevention and diversion.

NATIONAL ADVISORY COUNCIL

A National Advisory Council for Juvenile Justice and Juvenile Delinquency Prevention of 21 members will advise the Director with respect to the planning, operations and management of Federal juvenile delinquency programs. A subcommittee of five members will serve as an Advisory Committee on the overall policy and operations of the National Institute of Juvenile Justice. Another subcommittee of five members will serve as an Advisory Committee to the Director on Standards for the Administration of Juvenile Justice.

The National Advisory Council will bring citizen participation and cooperation to the work of the Office. The bill recognizes that we will only be able to do something meaningful about juvenile delinquency with the help and support of the public.

In addition, there are certain routine, housekeeping sections in Title III such as transitional provisions, joint-funding, voluntary service, and personnel provisions.

APPROPRIATIONS

Appropriations of $15 million for Fiscal '73, $20 million for Fiscal '74, $25 million for Fiscal '75, and $30 million for Fiscal '76 are authorized.

TITLE IV: FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

In addition to exercising supervisory power over existing Federal efforts, the Director is authorized to make grants and enter into contracts to carry out the purposes of the Act.

STATE AND LOCAL FORMULA GRANTS

Funds appropriated under this part will be reserved for grants to states which develop a state plan containing the following fundamental requirements:

(a) the designation of a single state agency supervised by a Board appointed by the Governor consisting of persons knowledgeable about juvenile delinquency and juvenile justice;

(b) the expenditure of at least 50 percent of the state's funds through local government programs;

(c) the expenditure of three-quarters of the funds a state receives on the development and use of advanced techniques designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, to establish probation subsidy programs to provide community-based alternatives to traditional detention and correctional institutions. The advanced techniques include community-based prevention, diversion, and rehabilitation efforts through development of foster-care and shelter care facilities, group homes, halfway houses, and other diagnostic or rehabilitative facilities; expanded use of probation; funding of probation subsidy programs; training of probation personnel, other professionals and paraprofessionals to work with youth; and comprehensive drug abuse prevention and education programs and treatment and rehabilitation programs for drug addicted and dependent youth. Such techniques also include community-based services to work with parents to retain the juvenile in his home and educational or supportive services designed to keep the juvenile in school or alternative learning situations and to provide work and recreational opportunities for delinquents or youth in danger of becoming delinquent.

Grants will be allocated among the states on the basis of relative population under age 18, per capita income, and rate of delinquency. Appropriations of $500 million are authorized over the next four years for grants to states.

SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

Funds under this part will be used for grants or contracts with public or private agencies and individuals to develop and implement new juvenile delinquency programs; to develop and maintain community-based alternatives to institutionalization; to develop and implement means of diverting juveniles from the traditional juvenile justice and correctional system; to improve the capability of public and private agencies to provide services for delinquents and youth in danger of becoming delinquent; and to facilitate the adoption of recommendations of the Advisory Committee on Standards for Juvenile Justice.

Direct funding authority will allow the new Office to provide additional overall resources for juvenile delinquency programs and to maintain the funding flexibility required to develop innovative approaches to the problems of delinquency. Moreover, the ability of the Director to develop and implement an effective, coordinated Federal delinquency effort will be enhanced by making funds available for direct grants over which he has supervisory control. This will allow him to implement his decisions as to what must be done in the area as well as to supplement existing efforts. Moreover, these special emphasis grants will enable the new Office to benefit from the experience and knowledge of private organizations on how to handle youth in trouble. Appropriations of $500 million are authorized over the next four years for Special Emphasis Prevention and Treatment Programs.

TITLE V: NATIONAL INSTITUTE FOR JUVENILE JUSTICE

This title establishes a National Institute for Juvenile Justice (hereinafter referred to as the "Institute") which will be the research and training arm of the Office. It is under the direction of an Administrator, appointed by the Director of the Office. The Institute is closely tied to the operation of the Office and the Director is authorized to act through the Institute to carry out any of the purposes of the Act. For example, although preparing an analysis of all Federal delinquency programs is a responsibility of the Director, he may choose to delegate that responsibility to the Institute.

Information Clearinghouse

The Institute will serve as an information clearinghouse, both collecting all data related to juvenile delinquency and disseminating it throughout the country. There is general agreement that the impact of various research and demonstration program results has been severely limited due to the fragmented Federal structure and the lack of any centralized source of information. Further, it is extremely difficult for a prospective grantee to obtain comprehensive information of Federal resources available in the area of juvenile delinquency. The Institute is intended to serve as a clearinghouse for delinquency information, including statistics, research, availability of resources, and Federal, State and local juvenile delinquency programs.

RESEARCH, DEMONSTRATION AND EVALUATION

Research, demonstration and evaluation will be central functions of the Institute, conducted both by Institute personnel and by outside agencies, institutions, or individuals. The quality of the research and demonstration projects will be regularly evaluated and the findings widely disseminated. In addition, the Institute will provide for the evaluation of all programs funded under this Act and any other delinquency programs at the request of the Director. Those which prove effective can then be adapted for use on a broad scale in various parts of the country. By relating the research, demonstration and evaluation functions closely to the program funding function of the National Office, the bill will permit promising results to be translated promptly into operating programs in the field.

TRAINING

The Institute is also responsible for conducting training programs (directly or by contract) throughout the country for persons working in the juvenile justice and delinquency field, such as policemen, judges, probation officers, and corrections personnel. In addition, the Institute would train professional, paraprofessional and volunteer personnel who work with young people to prevent and treat juvenile delinquency.

STANDARDS FOR JUVENILE JUSTICE

The Institute, under the supervision of the Advisory Committee on Standards for Juvenile Justice, is also responsible for reviewing existing studies and independently studying, if necessary, all aspects of the juvenile justice system in the United States, with particular emphasis on juvenile court procedure and the conditions of confinement in juvenile detention and correctional facilities in order to develop model standards for the administration of juvenile justice in the United States. Not later than 18 months after the passage of the Act, the Committee will submit to the President and Congress a final report which (1) recommends standards for the administration of juvenile justice at the Federal, State, and local level; (2) recommends Federal administrative budgetary and legislative action to facilitate the adoption of the standards; and (3) recommends state and local action to facilitate the adoption of these standards at the state and local level.

IMPLEMENTATION OF RECOMMENDATIONS

To increase the likelihood of carrying out these recommendations, the Director is authorized to make grants to public and private agencies to facilitate the adoption of the standards for juvenile justice.

We have been told repeatedly of the wide disparities between states governing the treatment of juveniles at all stages of the court and correctional process. By creating national standards of juvenile justice backed by Federal leadership and funds, we can help assure that state and local governments will meet these standards.

AUTHORIZATION

Amounts authorized for appropriations to the Institute are $50,000,000 for Fiscal '73, $100,000,000 for Fiscal '74, $150,000,000 for Fiscal '75, $200,000,000 for Fiscal '76.

SECTION-BY-SECTION ANALYSIS OF THE PROVISIONS OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1973

TITLE I: FINDINGS AND DECLARATION OF PURPOSE

This title sets forth the need for a comprehensive, expanded Federal approach to the problems of juvenile delinquency, and briefly sets forth the objectives the Act is designed to achieve.

DEFINITIONS

Sec. 103. This section establishes definitions for purposes of this Act:

(1) the term "community-based" facility, program or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service which maintain community participation in planning and operation;

(2) the term "construction" includes construction of new buildings and acquisition and alteration of existing buildings;

(3) the term "Federal juvenile delinquency program" means any juvenile delinquency program which is conducted directly or indirectly by the Departments of Health, Education, and Welfare; Labor; Housing and Urban Development; Justice; and any program funded under this Act. The Director of the Office of Management and Budget, upon consultation with the Director, named in section 301, is authorized to determine whether additional programs come within the purview of this Act;

(4) the term "juvenile delinquency program" means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, the improvement of the juvenile justice system and any program or activity for neglected, abandoned or dependent youth and other youth who are in danger of becoming delinquent;

(5) the term "local government" means any city, county, or town, or other political subdivision of a State, and an Indian tribe and any combination of such units acting jointly;

(6) the term "public agency" means any department or instrumentality of any State.

unit of local government, or combination of such State or units;

(7) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

TITLE II: AMENDMENTS TO THE FEDERAL JUVENILE DELINQUENCY ACT

This title amends sections 5031–5037 of Title 18 of the United States Code, which deal with proceedings in Federal courts against juvenile delinquents, to provide that:

(1) A "juvenile" is a person under 18 and "juvenile delinquency" is the violation of a law of the United States committed by a juvenile which would have been a crime if committed by an adult;

(2) A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any Federal court unless the Attorney General certifies to an appropriate district court of the United States that the State (1) does not have jurisdiction or refuses to assume jurisdiction, or (2) does not have available adequate programs for the rehabilitation of juveniles;

(3) A juvenile alleged to have committed a crime shall be proceeded against as a delinquent unless he is 16 years or older.

Adult criminal prosecutions of juveniles age 16 and older alleged to have committed a felonious act punishable by a maximum penalty of ten years imprisonment or more, life imprisonment or death may be commenced only if a Federal judge finds, after a hearing, that "there are no reasonable prospects for rehabilitation" the juvenile before he reaches twenty-one. Reasonable notice of the transfer hearing shall be given to the juvenile, his parents or guardian and to his counsel. The juvenile shall be assisted by counsel at the transfer hearing and every other critical stage of the proceeding.

(4) Once a juvenile has entered a plea with respect to an alleged act of juvenile delinquency, a criminal prosecution based upon this act shall be barred;

(5) A juvenile must be advised of his rights and taken before a committing magistrate forthwith upon arrest;

(6) If counsel is not retained for a juvenile, the magistrate must appoint counsel for him. No juvenile may be detained prior to adjudication of delinquency unless the magistrate determines, after hearing, that such detention is required to secure the juvenile's timely appearance in court or to protect his safety or the safety of others;

(7) No juvenile may be detained or confined in any institution in which adults are incarcerated. Alleged delinquents shall be kept separate from adjudicated delinquents;

(8) If a juvenile detained pending trial is not brought to trial within thirty days, the information shall be dismissed with prejudice unless the Attorney General shows that the additional delay was unavoidable, caused by the juvenile or his counsel, or consented to by the juvenile and his counsel;

(9) A juvenile charged with an act of juvenile delinquency shall be accorded the constitutional rights guaranteed an adult in a criminal prosecution, with the exception of indictment by grand jury. Public trial shall be limited to members of the press under certain conditions;

(10) An adjudicated delinquent is entitled to a separate dispositional hearing within ten court days. The court may suspend the sentence of the delinquent, place him on probation, or commit him to the custody of the Attorney General. Probation or commitment shall not extend beyond the juvenile's twenty-first birthday or the maximum term for an adult convicted of the same offense, whichever is sooner. If the court desires more detailed information concerning an alleged delinquent, it may commit him, after notice and hearing, to the custody of the Attorney General for study for 30 days. Such study shall be conducted on an out-patient basis, unless the court determines that in-patient study is necessary. No alleged delinquent may be committed for study without the consent of his counsel and parents, or guardian. In the case of an adjudicated delinquent, such study shall not be conducted on an in-patient basis without prior notice and hearing.

(11) The record of any juvenile proceeding shall be sealed upon completion, and the court shall release this record only to another court of law, an agency preparing a presentence report, law enforcement agencies, the Director of a treatment agency, the Director of a correctional facility to which the juvenile has been committed, or to an agency considering the juvenile for a position affecting the national security;

(12) A juvenile who has been committed to the Attorney General has a right to treatment, and is entitled to custody, care and discipline as nearly as possible equivalent to that which should have been provided for him by his parents. A juvenile shall be placed whenever possible in a foster home or community-based facility located in or near his home community;

(13) The Attorney General may contract with any public or private agency, including such community-based facilities as halfway houses and foster homes, for the observation and study and custody and care of juveniles in his custody;

(14) The Board of Parole shall release on parole any juvenile delinquent who has been committed as soon as it is satisfied that he is likely "to remain at liberty without violating the law;"

(15) A juvenile cannot have parole or probation revoked without a hearing at which the juvenile is represented by counsel.

TITLE III: NATIONAL OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Sec. 301. This section establishes a new National Office of Juvenile Justice and Delinquency Prevention (hereinafter referred to as the "Office") in the Executive Office of the President, administered by a Director appointed by the President. The Director is assisted by a Deputy Director and three Assistant Directors.

Sec. 302. This section authorizes the Director to employ personnel, hire consultants, and request the detailing of personnel from other Federal agencies.

Sec. 303. This section authorizes the Director to accept voluntary service in carrying out the provisions of the Act.

Sec. 304. This section sets forth the functions and authority of the Director. He is the spokesman and central coordinator for the entire Federal juvenile delinquency effort. He has broad supervisory review over the operation of programs in other agencies, and is responsible for reporting on their effectiveness and for making budgetary and programmatic recommendations to the President. Specifically, this section authorizes the Director to provide overall planning and policy and to establish priorities and objectives for all Federally assisted juvenile delinquency programs and activities. Further, he is authorized to recommend changes in organization, management, and standards in accordance with the policies and priorities he has established; to review implementation plans of any Federal program and budget requests of any Federal agency pertaining to juvenile delinquency; to conduct evaluations of the performance of Federal juvenile delinquency programs; and to coordinate Federal juvenile delinquency and related activities among all Federal agencies. The Director is required to report annually on the activities of the Office, on problems encountered in the operation and coordination of the various Federal juvenile delinquency programs, and on the effectiveness of Federal efforts to deal with juvenile delinquency. He is also required to develop annually a comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system. The Director is also authorized to provide technical assistance to Federal, State and local governments and public and private agencies in the planning and operation of juvenile delinquency programs. In addition, there are certain provisions regarding cooperation with other Federal agencies, delegation of functions, and transfer of funds to other innovative or effective Federal delinquency programs.

Sec. 305. This section establishes procedures for joint funding of programs by more than one Federal agency, including a single non-Federal share requirement.

Sec. 306. This section sets forth transitional provisions regarding the appointment of an Acting Director and Deputy Director.

Sec. 307. This section sets forth routine amendments to Title 5 of the United States Code to include the Office within its purview.

Sec. 308. This section establishes a National Advisory Council for Juvenile Justice and Juvenile Delinquency Prevention of 21 members who shall be appointed by the President from persons who have knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice. A majority shall not be full-time government employees, but the heads of the Federal departments with significant delinquency programs shall be *ex officio* members. At least 7 members shall be under 26 of whom three shall have had experience within the juvenile justice system.

Sec. 309. The Council shall make recommendations to the Director with respect to the planning, operations and management of Federal juvenile delinquency programs. The Chairman shall designate a subcommittee of five members to serve as an Advisory Committee on the overall policy and operations of the National Institute of Juvenile Justice. The Chairman shall also designate a subcommittee of five members to serve as an Advisory Committee to the Director on Standards for the Administration of Juvenile Justice.

Sec. 310. This section authorizes the payment of expenses of members of the Council who are full-time employees of the Federal government and the payment of compensation and expenses to other members of the Council.

Sec. 311. This section authorizes appropriations of $15,000,000 for Fiscal '73, $20,000,000 for Fiscal '74, $25,000,000 for Fiscal '75, and $30,000,000 for Fiscal '76.

TITLE IV: FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

PART A—FORMULA GRANTS

Sec. 401. This section authorizes appropriations of $50,000,000 for Fiscal '73, $100,000,000 for Fiscal '74, $150,000,000 for Fiscal '75, and $200,000,000 for Fiscal '76 to assist the States in planning, establishing, operating, coordinating, and evaluating projects for the development of more effective education, training, prevention, diversion, treatment, and rehabilitation programs to deal with juvenile delinquency and programs to improve the juvenile justice system.

Sec. 402. This section provides that funds under this part are to be allocated equitably among the States on the basis of the relative population of people under age 18, per capita income and rate of delinquency. No allotment to any State, except the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands shall be less than $200,000. The Director is authorized to reallocate unused or surplus funds to other states as he deems advisable.

In accordance with regulations developed by the Director, not more than 15 percent of the State's allotment may be used to develop the plan and to pay administrative expenses.

Sec. 403. This section authorizes the Director to make grants to state agencies to develop and implement comprehensive state plans for juvenile delinquency programs and services. The requirements which these plans must meet are set forth in the following subsections:

Sec. 403(a)(1). This subsection requires the plan to designate a single state agency for supervising the preparation and administration of the plan.

Sec. 403(a)(3). This subsection requires satisfactory evidence that the designated state agency has authority to implement the plan.

Sec. 403(a)(3). This subsection requires the designated State agency be supervised by a Board appointed by the Governor consisting of persons who have experience or knowledge of juvenile delinquency or the administration of juvenile justice. A majority shall not work for government and one-third shall be under 26. The Board shall approve the State plan prior to submission.

Sec. 403(a)(4). This subsection provides for the active consultation of local governments in the development of the plan.

Sec. 403(a)(5). This subsection requires that at least 50 percent of the funds received by the State shall be spent through programs of local government except that this provision may be waived by the Director for any State if the services for delinquents are organized on a State-wide basis.

Sec. 403(a)(6). This subsection provides that the chief executive officer of the local government shall assign responsibility for preparation and administration of the local government's part of the plan to that agency which can most effectively carry out the purposes of the plan.

Sec. 403(a)(7). This subsection requires that the assistance received under this act be equitably distributed throughout the State.

Sec. 403(a)(8). This subsection requires the State agency to submit a detailed survey of State and local needs for the prevention and treatment of juvenile delinquency and a comprehensive program to meet those needs.

Sec. 403(a)(9). This subsection requires that the applicant State consult private agencies in developing the plan and provide for maximum coordination and utilization of existing juvenile delinquency programs within the State.

Sec. 403(a)(10). This subsection requires that at least three-quarters of the funds a State receives under this part shall be spent on advanced techniques for the prevention of juvenile delinquency, the diversion of juveniles from the juvenile justice system, the establishment of probation subsidy programs and the development of community-based alternatives to traditional detention and correctional facilities. The advanced techniques include community-based prevention, diversion, and rehabilitation efforts through development of foster-care and shelter care facilities, group homes, half-way houses, and other diagnostic or rehabilitative facilities; expanded use of probation; funding of probation subsidy programs; training of probation personnel, other professionals and paraprofessionals to work with youth; and comprehensive drug abuse prevention and education programs and treatment and rehabilitation programs for drug dependent youth. Such techniques also include community-based services to work with the juvenile and his family and educational or supportive, services designed to keep the juvenile in school or alternative learning situations and to provide work and recreational opportunities for delinquents or youth in danger of becoming delinquent.

Sec. 403(a)(11). This subsection encourages the States to develop research, training, and evaluation capacity in the field of juvenile delinquency.

Sec. 403(a)(12). This subsection provides that juveniles who are not charged with or who have not committed substantive, criminal offenses shall not be placed in juvenile detention or correctional facilities, but must be placed in shelter facilities. This would include runaways, truants, neglected children, persons in need of supervision (PINS), and incorrigibles.

Sec. 403 (a)(13). This subsection provides that no juvenile may be confined in an adult jail or prison.

Sec. 403(a)(14). This subsection requires adequate assurance that assistance will be available on an equitable basis to all disadvantaged youth.

Sec. 403(a)(15). This subsection provides for procedures protecting the rights of recipients of services and assuring appropriate privacy with regard to records relating to services received under the State plan.

Sec. 403(a)(16). This subsection provides that the State plan must provide that fair and equitable arrangements are made, as determined by the Secretary of Labor, to protect the interests of employees affected by assistance under this Act.

Sec. 403(a)(17). This subsection requires the State to make prudent use, proper disbursement and accurate accounting of funds.

Sec. 403(a)(18). This subsection requires adequate assurances that Federal funds will be used to supplement rather than supplant State funds.

Sec. 403(a)(19). This subsection requires regular reporting by the State agency of the effectiveness of programs carried out under the State plan.

Sec. 403(a)(20). This subsection provides that the State plan shall contain such other terms as the Director may reasonably prescribe to assure the effectiveness of programs assisted under this title.

Sec. 403(b). This subsection provides that the Director shall approve any State plan which meets the requirements of subsection 403(a).

PART B—SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

Sec. 404. This section authorizes appropriations for the purposes of this part of $50,000,000 for Fiscal '73; $100,000,000 for Fiscal '74; $150,000,000 for Fiscal '75; and $200,000,000 for Fiscal '76. The Director is authorized to make grants and enter into contracts with public or private agencies or individuals to develop and implement new approaches for juvenile delinquency programs; to develop and maintain community-based alternatives to institutionalization; to develop and implement means of diverting juveniles from the traditional juvenile justice and correctional system; to improve the capability of public and private agencies to provide services for delinquents and youth in danger of becoming delinquent; and to facilitate the adoption of recommendations of the Advisory Committee on Standards for Juvenile Justice.

Sec. 405(a). This subsection provides that in order to receive a grant the agency must submit an application containing information prescribed by the Director.

Sec. 405(b). This subsection sets forth the requirements for an application including provision for supervision of the delinquency program, administrative and accounting procedures, evaluation of the program, and review of the application by appropriate State and local planning agencies.

Sec. 405(c). This subsection sets forth the factors which the Director shall consider in approving applications. These factors include the relative cost of the program, the extent to which the program incorporates new techniques, the extent to which the program carries out the State plan, the increase in capacity of the agency to provide delinquency services, the extent to which the proposed program serves communities which have high rates of youth unemployment, school dropouts and delinquency and the extent to which the program implements the recommendations of the Advisory Committee on Standards for Juvenile Justice.

Sec. 406. This section authorizes the Director to withhold funds from a grantee for failure to comply with the provisions of this title. The Director is required to give reasonable notice and opportunity for hearing.

Sec. 407(a). This subsection provides that funds paid to any public or private agency may be used to operate the program and to meet not to exceed 50 percent of the cost of construction of innovative community-based facilities.

Sec. 407(b). This subsection authorizes long-term funding for grants providing that provision is made for yearly evaluation.

Sec. 407(c). At the discretion of the Director, a State may utilize 25 percent of the funds available to it under this Act to meet the non-Federal matching share requirement for another Federal delinquency grant.

Sec. 407(d). This subsection authorizes a Director to require a grant recipient to contribute up to 25 percent of the cost of the project.

Sec. 407(e). This subsection establishes payment procedures for grants or contracts under this title.

TITLE V: NATIONAL INSTITUTE FOR JUVENILE JUSTICE

Sec. 501. This section establishes within the Office a National Institute for Juvenile Justice (hereinafter referred to as the "Institute") under the supervision of an Administrator appointed by the Director. With the approval of the Director, the Administrator is authorized to make grants to any public or private agency to carry out the purposes of this title.

Sec. 502. The Institute is authorized to serve as an information bank and clearinghouse, both collecting data concerning juvenile delinquency and disseminating it throughout the country.

Sec. 503. This section authorizes the Institute to conduct, encourage, and coordinate all types of research relating to juvenile delinquency; to encourage the development of demonstration projects; to provide for the evaluation of all programs funded under this Act and any others at the request of the Director; and, to disseminate the results of such evaluation, research and demonstration activities.

Sec. 504. This section authorizes the Institute to devise and conduct training programs throughout the country on the prevention and treatment of juvenile delinquency for law enforcement officers, judges, and governmental personnel who are engaged in work relating to juvenile delinquency. The Institute is also authorized to provide training for professional, paraprofessional and volunteer personnel who work with juveniles.

Sec. 505. This section provides that the Institute Advisory Committee shall advise the Administrator concerning the overall policy and operations of the Institute.

Sec. 506. This section requires the Administrator to report annually to the Director on research activities, including a review of research results and their applicability to operating programs.

Sec. 507(a). This subsection authorizes the Institute, under the supervision of the Advisory Committee on Standards for Juvenile Justice, to study the juvenile justice system with emphasis on juvenile court procedures and conditions of confinement in juvenile detention and correctional facilities in order to develop standards for the administration of juvenile justice which will serve as models for Federal, State, and local governments.

Sec. 507(b). Not later than 18 months after the passage of the Act, the Committee shall submit to the President and Congress a final report which:

(1) recommends standards for the administration of juvenile justice at the Federal, State, and local level:

(2) recommends Federal administrative, budgetary and legislative action to facilitate the adoption of the standards; and,

(3) recommends State and local action to facilitate the adoption of these standards at the State and local level.

Sec. 507(c). This subsection provides that all Federal agencies are directed to furnish the Advisory Committee with all necessary information.

Sec. 507(d). This subsection provides that the Advisory Committee shall hold public hearings on its proposed standards.

Sec. 508. This section authorizes appropriations for the purposes of this title of $50,000,000 for Fiscal '73; $100,000,000 for Fiscal '74; $150,000,000 for Fiscal '75; and, $200,000,000 for Fiscal '76.

By Mr. HANSEN (for himself and Mr. McGEE):

S. 822. A bill to amend the Communications Act of 1934 to provide that licenses for the operation of a broadcasting station shall be issued for a term of not to exceed 5 years. Referred to the Committee on Commerce.

Mr. HANSEN. Mr. President, today I am joining with my colleague, Senator McGEE, in cosponsoring legislation to extend the license renewal period for broadcast stations from the current 3 years to 5 years. Previously, several bills similar to this legislation have been introduced in the Senate. We are hopeful that the Senate Commerce Committee will be able to take positive action on this measure soon.

Under the present renewal system, many broadcasters—especially small broadcasters such as those in Wyoming—face a considerable administrative hardship in filling out voluminous forms necessary for renewal of licenses.

Many broadcasters in my home State of Wyoming do not have large staffs to take care of such paperwork as many larger stations maintain. Many times, the near one-man stations are forced to drop some of their daily responsibilities in order to complete the required paperwork. This measure extends the necessity for the renewal procedures from a 3-year interval to 5 years, a real help.

I must mention, however, that despite the hardships which necessarily accompany the small staffs at the radio stations, Wyoming broadcasters have done an outstanding job in providing consistently good service to the public. But it is an ironic situation when small stations are forced to cut into valuable time for civic duties and personal participation as leaders of their communities to fill out numerous forms that are not realistically attuned to the role of a small broadcaster and his station's real contribution to his city, county, and State.

The realization of this legislation will greatly relieve current hardships for many broadcasters. It is vitally needed.

Mr. President, I ask unanimous consent that a statement on this bill by the distinguished senior Senator from Wyoming (Mr. McGEE) be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR McGEE

Mr. President, the bill I am cosponsoring with my colleague today is similar to many which have already been introduced in this Body to extend the license renewal period for broadcast radio and television stations from the present three years to five years.

In doing so, however, I wish to make it very clear that I am sponsoring this bill as totally divorced from the proposal recently made by Mr. Clay Whitehead and the Office of Telecommunications. Mr. Whitehead also has proposed an extension of license renewals but only as what most suspect is merely a carrot to broadcasters if they will acquiesce to his companion suggestion that local broadcast stations be liable for the news content of networks. The latter part of this proposal, in my judgment, is outright censorship, and I am confident the Congress will reject it out of hand.

Despite Mr. Whitehead's attempts to use license renewal as a "sweetener" for his proposed bitter legislation, the fact remains that broadcasters—particularly small broadcasters such as those in my home State of Wyoming—do need relief from the present procedure.

Because they have immense staffs to perform those chores, it is one thing, Mr. President, for a television station or radio station in Washington, D.C. or in New York City to go through the administrative paperwork and time-consuming procedures involved in license renewals. But it is quite another for the small, often one-man, stations in the West to drop the day-to-day business of trying to run a responsible station and spend weeks filling out tons of paperwork.

While I cannot speak for the country as a whole, Mr. President, I can attest to the performance of the bulk of Wyoming broadcasters over the past 14 years. In my opinion, they have done a creditable job of meeting—often exceeding—their public service responsibilities to the communities they serve. I feel that the adoption of five-year license renewal period is a fitting and deserved relief.

By Mr. STEVENS (for himself and Mr. GRAVEL):

S. 823. A bill creating an additional Federal district judgeship for the district of Alaska. Referred to the Committee on the Judiciary.

Mr. STEVENS. Mr. President, today I am introducing for myself and my colleague from Alaska (Mr. GRAVEL) legislation which would authorize the President to create an additional Federal judgeship for the State of Alaska. The creation of an additional district judge will assist in insuring the speedy administration of justice in Alaska. In recent years, there has occurred a significant increase in the caseload handled by the present two U.S. district judges now in Alaska. In addition, the unusually large size of Alaska requires wide travel by the two judges in order to serve all areas of the State.

That the judicial caseload handled by the two U.S. district judges in Alaska has increased greatly is portrayed most clearly by the significant increase in the number of case filings in recent years. The commencement of criminal cases in the district increased from 101 in 1964 to 250 as of June 30, 1972. The civil caseload has also increased from 116 in 1964 to 273 in 1972. In addition, 264 bankruptcy petitions were filed in the district for the year ending June 30, 1972. Since 1964, therefore, the total filings for the district, both civil and criminal, have increased over 100 percent, while the number of district judges has remained the same.

The same great increase in case loads has occurred in the Alaska State court system. However, the State of Alaska, realizing the heavy demands that the increased caseloads made upon its judges, has increased the number of superior court judges in recent years. In 1960 there were eight superior court judges in Alaska; in 1973 the number stands at 16. This is an increase of 100 percent since 1960.

Since Alaska is over one-fifth the size of all the other 49 States, it presents unusual geographic problems for the two present judges due to the increase in caseloads in the district. In order to handle cases in other areas of the State, the judges must travel long distances to other cities such as Fairbanks, Juneau, Ketchikan, and Nome. Expected increases in the district's caseload will only make the present situation more burdensome.

Recent developments in Alaska promise to add heavily to the judicial workload of the present two U.S. judges. The Alaska Native Claims Settlement Act and the trans-Alaska pipeline have presented complicated legal issues which require sound judicial consideration and interpretation. Further litigation on such important issues may be expected.

Recent developments in the judicial field have increased the time demand upon individual judges. Although these problems are not unique to Alaska judges, they do contribute to the problems facing the present manpower of the Alaska district. Appellate decisions relating to the acceptance of pleas of guilty have established standards which require additional court time.

The Bail Reform Act of 1966 and decisions of the Supreme Court have resulted in changes which impose time consuming requirements upon the judges. It is estimated that these and other changes have increased by 25 to 30 percent the time which an individual judge must personally devote to the proper performance of his duties.

In light of these probable developments, the present judges estimate that case filings within the District of Alaska will increase at least 10 percent per annum. The civil case filings in Alaska increased 21.9 percent from fiscal 1971 to fiscal 1972 while there was only a 3-percent national increase. Upon such a percentage increase, by 1975, the total yearly case filings for Alaska will have increased at least 300 percent.

In conclusion, I believe that this bill to authorize the creation of one additional U.S. district judge for Alaska is a necessary and carefully considered piece of legislation which will insure the rapid administration of justice in Alaska. Furthermore, an additional U.S. judge will assist other districts in the Ninth Circuit in handling their increased caseloads.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 823

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized, by and with the consent of the Senate, to appoint an additional district judge for the district of Alaska.

SEC. 2. The provisions of this Act shall become effective on the first day of the month following the date of enactment of the Act.

By Mr. STEVENS:

S. 825. A bill to amend title II of the Social Security Act to adjust the earnings exemption, applicable to recipients of monthly benefits thereunder, for individuals in Alaska or Hawaii so as to take into account the higher cost of living in such States. Referred to the Committee on Finance.

Mr. STEVENS. Mr. President, in the past few years the Congress has become increasingly sensitive to the needs of our senior citizens. Legislation has been introduced to increase benefits to these citizens and to increase the opportunities for them to provide their services in businesses and community organizations throughout the country.

I like to think that the oldtimers in Alaska are a unique breed of individuals. Their intense desire for self-sufficiency and self-reliance has been conditioned by a lifetime spent in a very rugged and demanding area. The bill which I am introducing is a step toward allowing them to maintain this self-reliance. The bill provides for an increase in the exempt earnings under the social security law in proportion to the salary adjustments currently made for Federal employees.

We are asking that our senior citizens be given an opportunity to engage in satisfying work experiences which contribute to the economy of the country.

Mr. President I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 825

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 203(f) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(9) For special provisions applicable to individuals in Alaska or Hawaii, see subsection (m)."

(b) Section 203(h) of such Act is amended by adding at the end thereof the following new paragraph:

"(4) For special provisions applicable to individuals in Alaska or Hawaii, see subsection (m)."

(c) Section 203 of such Act is further amended by adding at the end thereof the following new subsection:

"Special Rule Applicable to Individuals in Alaska or Hawaii

"(m) In applying the provisions of subsection (f) and (h) to any individual with respect to any period (consisting of one or more complete calendar months) for all of which he is physically present in Alaska or Hawaii, the figure '$175' and the term 'exempt amount' (as referred to in paragraphs (1), (3), and (4)(B) of subsection (f), and in paragraph (1)(A) of subsection (h)) shall be deemed to be such figure, or such exempt amount, as the case may be, plus a per centum thereof equal to the per centum applicable, as of the beginning of such period, in determining the amount of the allowance payable under section 5941 of title 5, United States Code, to Federal employees serving in such State."

By Mr. STEVENS (for himself, Mr. THURMOND, Mr. DOMINICK, and Mr. HOLLINGS):

S. 826. A bill to authorize the issuance of U.S. conservation savings bonds in order to afford an opportunity for the people of the United States, through the purchase of such bonds, to participate in the financing of programs to conserve and improve the Nation's environment. Referred to the Committee on Finance.

Mr. STEVENS. Mr. President, today I would like to introduce a bill for myself and the Senator from South Carolina (Mr. THURMOND), the Senator from Colorado (Mr. DOMINICK), and the Senator from South Carolina (Mr. HOLLINGS), to create U.S. conservation savings bonds.

We introduce this legislation in response to the concern of many Americans interested in preserving the quality of environmental life in our country. This bill would give all Americans a new option.

Many patriotic Americans still think of savings bonds only in terms of defense bonds. While they may not support all aspects of our foreign policy, they still love the United States and want to contribute to its growth and preservation. Other Americans, strong in their belief that this country must continue its technological experimentation and advancement, still cherish the clean air, clean water, and quality of life that make this country unique.

My bill will establish a conservation trust fund. Proceeds from the sale of conservation savings bonds will go into this trust fund and may be expended only for conservation purposes. Passage of this legislation will enable Americans to contribute financially to the priceless heritage of our country's natural resources. A purchase or gift of conservation savings bonds will provide secure savings. It will also provide our Federal Government with funds to promote conservation programs. Both the owners of the bonds and citizens throughout the United States will thus directly benefit.

I ask unanimous consent that the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a new section 22B be added to the Second Liberty Bond Act to read as follows:

"SEC. 22B. (a) In addition to United States savings bonds, and retirement and savings bonds authorized to be issued under sections 22 and 22A of this Act, respectively, the Secretary of the Treasury is authorized to issue from time to time United States conservation savings bonds, the proceeds of which shall be deposited in the trust fund created by subsection (b) of this section. Conservation savings bonds shall bear such rates of interest, shall be in such forms, shall be offered in such amounts. subject to the overall debt limitation imposed by section 21 of this Act, shall be issued in such manner, and shall be subject to such terms and conditions, including any restriction on their transfer, as the Secretary of the Treasury may from time to time prescribe.

"(b) There is hereby created within the Treasury of the United States a conservation savings bond trust fund hereinafter referred to as the fund. All proceeds from the sale of conservation savings bonds shall be deposited in the fund. Amounts in the fund are hereby authorized to be appropriated without fiscal year limitation for expenditures for conservation purposes."

By Mr. STEVENS:

S. 827. A bill to amend section 6334(a) of the Internal Revenue Code. Referred to the Committee on Finance.

Mr. STEVENS. Mr. President, I am today introducing a bill which would exempt salary or wages in an amount of $450 per month for the head of a family or $300 per month for an individual from levy for nonpayment of Federal taxes.

Many people throughout the country have been faced with severe hardships, because there is no present provision in the Internal Revenue Code to exempt any amount of a person's salary or wages from levy for the nonpayment of taxes.

Under the law as presently written, the Internal Revenue Service has no authority to levy on less than 100 percent of a person's take-home pay. This is not to say that it would not be possible for the IRS to accept less under a specific arrangement; however, under the law, it is the Internal Revenue Service's position as I understand it that any levy that does attach must attach to the full amount of the employee's take-home pay.

In order to permit taxpayers to retain a minimal amount of wages or salary upon which to live, I have introduced this bill.

Because the bill is brief, I believe it will be necessary to provide specific guidelines to Congress in order to indicate my intent as the author of this legislation. Such guidelines will serve two purposes: They will assist the Senate and House committees in their considerations of this bill and also serve as the basis for the Internal Revenue Service in applying the law.

First, the exemption is stated in an amount per month rather than an amount per week. I realize that many people are paid on a biweekly or weekly basis and that weekly wages may be involved in tax levies more often than monthly wages. However, many pay periods are made on a bimonthly or other basis, not easily statable in weekly figures.

Second, it is my specific intent that the Director of the Internal Revenue Service should have the discretion as to whether to exempt, first, the first earnings for that month, up to the exempt amount, or second, to prorate such exemption for the month in question. He is to make such a choice based upon the equities of the case. Such a decision is presently permissible under the proposed regulations under section 6334(a)(8) which permit the District Director to make "arrangements" with a taxpayer to establish a prorated amount for each pay period which shall be exempt from levy (36 F.R. 19035).

Third, I intend that the amount exempt from levy under this bill is to be reduced by any amount exempt from levy under section 6334(a)(8).

Fourth, I intend that this exemption should apply whether or not any other member of the household is employed in addition to the head of the household.

Fifth, I intend that at the discretion of the Interal Revenue Service, the amount exempt from levy may be apportioned among several salaries or allocated entirely to one salary in the case of a taxpayer who is employed by two or more employers. This is the position the Internal Revenue Service has taken in the proposed regulations to be promulgated under section 6334(a)(8). See 36 FR. 19035.

Sixth, I intend that there be no carryover of the exemption from one pay period to another. The amount exempt from levy for 1 month should not be increased by the amount exempt for the preceding month merely because the taxpayer did not work in such preceding period.

Seventh, I intend that the Internal Revenue Service may prescribe by regulation general rules relating to the circumstances under which money deposited in a checking account or savings account—or which is traceable to other property acquired—loses its identity as salary or wages exempt from levy. In certain cases it is possible that a taxpayer may utilize a checking account for the payment of his household expenses. In such a case, the purpose of this legislation would be frustrated if levy were permitted to be made upon the account immediately after the money is deposited. On the other hand, taxpayers should not be able to shield funds indiscriminately by accumulating them in a bank account. This problem is one that is solvable by regulation.

For the information of my colleagues and the general public, I ask unanimous consent that this bill be printed in its entirety in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 827

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) IN GENERAL.—Section 6334(a) of the Internal Revenue Code (26 U.S.C. 6334(a)) (relating to enumeration of property exempt from levy) is amended by adding at the end thereof the following new paragraph:

"(9) salary or wages in an amount of $450 per month for the head of a family or $300 per month for an individual."

(b) EFFECTIVE DATE.—This amendment shall apply to levies made 30 days or more after the date of enactment of this Act.

By Mr. STEVENS:

S. 828. A bill to reduce the indebtedness of certain native villages in Alaska to the United States, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. STEVENS. Mr. President, I am today introducing a bill to authorize the Secretary of Interior to reduce the debts owed by four Alaskan Native villages to the Bureau of Indian Affairs in the Interior Department for past loans used for the construction of four village fish canneries.

The Native villages of Kake, Klawock, Hydaburg, and Angoon are all small villages in Southeastern Alaska that are largely dependent upon fishing for their economic livelihood. The Bureau of Indian Affairs years ago made loans to these villages from its revolving fund for the construction of fish canneries.

Because of a variety of circumstances, these debts have not been liquidated overtime, but remain outstanding. For example, from 1954 to 1955, the villages of Hydaburg and Klawock combined fishing operations to minimize costs and alternated the canning operations of each village. In 1965, however, this arrangement ended due to Hydaburg's fears that its cannery would be permanently closed. Hydaburg's doubts were given credence, because of the BIA's lack of consultation with the villagers on this most important matter. As a result, BIA at that time took over management of the Hydaburg cannery. One of the consequences of this action has been that Hydaburg's cannery has been standing idle and indeed abandoned for 8 years.

The debts owed by these villages have at present reached alarming proportions, considering the ability of the villagers to raise sufficient revenue to liquidate them. As of this year, Klawock's debt stands at $1,257,000, while Kake owes $1,057,000, and Hydaburg owes $445,000. Also, the village of Angoon owes a substantial cannery debt to the BIA, even though its cannery was destroyed by fire in 1961.

Unfortunately, this situation is even more grievous because of other substantial debts owed by these villages to the BIA and private companies for the purchase and equipping of village fishing boats. In the case of Angoon alone, these fishing boat debts now amount to nearly $500,000—a sum far in excess of the present valuation of the boats.

Mr. President, the great and continuing size of these fish cannery debts attests to the overly stringent control exercised by the BIA in the past and dramatically portrays the effect this kind of poor management has had. Alaska's salmon fishery continues to lead the world. There is no reason that the fishing efforts of these Native communities could not have been more successful, as has occurred in so many other Native villages. Accordingly I believe, in light of the dismal management efforts of the Government in the past, that reducing the present high level of these debts is indeed proper.

My bill would provide for the reduction of these cannery debts by the difference between their present level and the fair market value of the respective canneries. There is ample precedent for such an action, for in 1964 and 1967 other cancellations occurred. However, due to poor fishing seasons and poor management by the BIA, these past actions were not successful in bringing the canneries' liabilities into balance with their assets.

Furthermore, the Interior Department presently has this very authority, which is found in 25 U.S.C. 386A. Unfortunately, the procedures set up for the forgiveness of debts require that all debt forgiveness actions for 1 fiscal year must be submitted to Congress by the December following that year. Because the BIA did not ask Congress to approve the debt forgiveness actions for the fish cannery debts of these four Native villages before June 30, 1972, it would not be possible to authorize forgiveness of these debts until December of 1973. Practically, this would mean that the villagers of these four Native villages would have to undergo one more fishing season to await forgiveness actions on their various debts to the BIA. I believe that now is the proper time to take action to reduce these debts so that next year's fishing season will be a new beginning for all of these villages. One more year of delay will only add interest to these debts which are fast approaching an extraordinarily high level.

Mr. President, my bill would provide a new approach to this problem by authorizing the partial cancellation of these debts and the conveyance of fee title to the site of each cannery to the respective villages. I firmly believe that passage of this bill will allow the Natives of these villages to assume greater control of their futures. Additional delay in dealing with this situation will, on the other hand, only worsen the financial situation of these villages and will jeopardize their ability to use the settlement funds that they will soon receive to improve their lives.

I ask unanimous consent that my bill be printed in its entirety at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to reduce the reimbursable charges of the Government of the United States existing as debts against respectively, the Hydaburg Cooperative Association, the Organized Village of Kake, the Kiawock Cooperative Association, and the Angoon Community Association incurred for the acquisition and operation of salmon canneries by the difference in each case between such debt and the fair market value of the following described lands utilized in such operation and the improvements thereon, as determined by the Secretary:

(a) lots 9, 10, 11, 12, 13, 14, 15, and 16 of block 15; lots 1, 2, 3, 4, 5, 6, 7, and 8 of block 16; lots 9, 10, 11, 12, 13, and 14 of block 21; lots 1, 2, 3, 4, 5, 6, 7, and 8 of block 22 of United States Survey 1568 in Kiawock Townsite, Alaska;

(b) lots 2, 3, and 4 of block 14 of United States Survey 1570 in the city of Hydaburg, Alaska;

(c) all of United States Survey 963, containing 15.90 acres, in Kake, Alaska;

(d) all of United States Survey 1480, containing 10.24 acres, and all of lot 36 of United States Survey 2412, containing 3.00 acres.

SEC. 2. Upon payment by the respective entities named in section 1 of the fair market value of the lands described in subsections (a), (b), (c), and (d) of section 1 as determined by the Secretary, the Secretary is authorized to convey all right, title, and inter-

est of the United States in and to said lands and the improvements thereon to those entities.

By Mr. STEVENS (for himself and Mr. Gravel):

S. 829. A bill to establish the Seward National Recreation Area in the State of Alaska, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

SEWARD NATIONAL RECREATION AREA

Mr. STEVENS. Mr. President, I am pleased to introduce today, for myself and Mr. Gravel, a bill to establish the Seward National Recreation Area.

The bill would establish a Seward National Recreation Area encompassing spectacular forests, glaciers, lakes, rivers, wildlife, and other resources in the Chugach National Forest and nearby lands on the Kenai Peninsula in Alaska. It would contain approximately 1.4 million acres and would be administered by the Secretary of Agriculture as a part of the Chugach National Forest.

Rich in history, spectacularly beautiful, the Seward National Recreation Area contains a wealth of recreation resources and opportunities. Its boundary lies about an hour's drive away from Anchorage, which is Alaska's most populous city, and the air crossroads of the world.

The story of civilization within the proposed recreation area began in late 1700's. The fur of the sea otter attracted Siberian fur hunters and Russian traders, who enlisted as hunters the original inhabitants of the region—the Kenaitze Indians. In the 1850's, gold was first discovered, and in 1888, the town of Hope welcomed a discovery at Resurrection Creek which started a human stampede in search of the precious metal.

Wildlife is a main attraction of the area. Moose wander near the main roads at certain times of the year, and Dall sheep and mountain goats can be seen on the steep mountain slopes. There are black bear, brown bear, and abundant porcupines and grouse. Hunting is good and fishing very popular, particularly when the salmon are running.

Most of the recreation area is rugged mountainous terrain with a maximum elevation of around 6,000 feet. The combination of mountains, lakes, streams, glaciers, and a variety of vegetative cover, produce a striking and varied landscape.

Ice fields and glaciers are prevalent. The recreation area includes one of the largest ice deposits in North America, the Harding Ice Field. It also contains one of the major established glacial attractions in Alaska—the Portage Glacier. This outstanding geological feature draws thousands of persons each year from all sections of the Nation and from many parts of the world. From a parking lot observation point on the western edge of Portage Lake one can get an excellent view of the face of the glacier, the expanse of the lake itself, and the steep surrounding mountains. The unique feature of this panorama, however, is the floating mass of gigantic icebergs which regularly calve off the face of the glacier. These irregular chunks of ice drift across the lake and come within close range of the observation point. Few other places in the world afford such a closeup view of icebergs from a vantage point on land.

Our bill is patterned after legislation which established other national forest recreation areas. It directs the Secretary of Agriculture to manage the recreation area for public outdoor recreation benefits and conservation of biotic, scenic, scientific, geologic, historic, and other values. Management, utilization, and disposal of natural resources are permitted so long as they are compatible with the recreational purposes and programs in the area. Minerals are withdrawn from location and entry under the mining laws, but can be leased or removed under permits by the Secretary of the Interior if the Secretary of Agriculture determines these would have no significant adverse effects on administration of the area. Permits and leases can contain conditions prescribed by the Secretary of Agriculture to protect the areas resources.

The Secretary is also directed to cooperate with the State of Alaska and its subdivisions in administering the area.

Copies of a map of the proposed national recreation area are available in the office of the Chief of the Forest Service in Washington and in the Alaska Regional Forester's office in Juneau.

Mr. President, enactment of my bill will bring an important new concept to bear in the management of Federal recreation resources in Alaska. This will establish the first Federal recreation area in the 49th State. I hope for and look forward to its early consideration.

I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide for the public outdoor recreation use and enjoyment of certain spectacular forested areas, geological areas, lakes, rivers, and streams, and other recreational features and resources on the Kenai Peninsula in the State of Alaska by present and future generations and the conservation of scenic, scientific, historic, geologic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Seward National Recreation Area (hereinafter referred to as the "recreation area"), comprising approximately one million four hundred thousand acres. The boundaries of the recreation area shall be those shown on the map entitled "Proposed Seward National Recreation Area", dated February 1971, which is on file and available for public inspection in the Office of the Regional Forester, Alaska Region, and in the Office of the Chief, Forest Service, United States Department of Agriculture.

Sec. 2. The administration, protection, and development of the recreation area shall be by the Secretary of Agriculture (hereinafter called the "Secretary") in accordance with the laws, rules, and regulations applicable to the national forest system, in such manner as in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of biotic, scenic, scientific, geologic, historic, and other values contributing to public enjoyment; and (3) such management, utilization, or disposal of natural resources as in his judgment will promote or are compatible with, and do not significantly impair the purposes for which the recreation area is established.

Sec. 3. Within one year after the effective date of this Act, the Secretary shall publish in the Federal Register a detailed description of the boundaries of the recreation area and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description may be made.

Sec. 4. The boundaries of the Chugach National Forest are hereby extended to include all of the lands not presently within national forest boundaries lying within the recreation area as described in accordance with section 1 of this Act. Notwithstanding any other provision of law, any Federal property located within the recreation area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this Act.

Sec. 5. Within the boundaries of the recreation area the Secretary is authorized to acquire lands, waters, or other property, or any interest therein, in such manner as he considers to be in the public interest to carry out the purposes of this Act. Any lands, waters, and interests therein owned by or under the control of the State of Alaska or any political subdivision thereof may be acquired only with the consent of such State or political subdivisions. Moneys appropriated from the land and water conservation fund shall be available for the acquisition of lands, waters, and interests therein for the purposes of this Act. Lands acquired by the Secretary or transferred to his administrative jurisdiction within the recreation area shall become part of the recreation area and of the Chugach National Forest.

Sec. 6. The Secretary shall permit hunting, fishing, and trapping on the land and waters under his jurisdiction within the recreation area in accordance with applicable Federal and State laws; except that the Secretary may issue regulations designating zones where and establishing periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations pursuant to this section shall be issued only after consultation with the Alaska Department of Fish and Game.

Sec. 7. The lands within the recreation area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws. The Secretary of the Interior, under such regulations as he deems appropriate, may issue permits or leases for the removal of the nonleasable minerals from lands or interest in lands within the recreation area, and he may permit the removal of leasable minerals from lands or interests in lands within the recreation area in accordance with the Mineral Leasing Act of February 24, 1920, as amended (30 U.S.C. 181 et seq.), or the Acquired Lands Mineral Leasing Act of August 7, 1947 (30 U.S.C. 351 et seq.), if the Secretary of Agriculture finds that such disposition would not have significant adverse effects on the administration of the recreation area: *Provided,* That any lease respecting such minerals in the recreation area shall be issued only with the consent of the Secretary of Agriculture and subject to such conditions as he may prescribe. All receipts derived from permits and leases issued under the authority of this section for removal of nonleasable minerals shall be paid into the same funds or accounts in the Treasury of the United States and shall be distributed in the same manner as provided for receipts from national forests. Any receipts derived from permits or leases issued on lands within the recreation area under the Mineral Leasing Act of February 25, 1920, as amended, or the Act of August 7, 1947, shall be disposed of as provided in the applicable Act.

SEC. 8. The jurisdiction of the State of Alaska and the United States over waters or any stream included in the recreation area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of water rights which are vested under either State or Federal law at the time of enactment of this Act shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

SEC. 9. The Secretary shall cooperate with the State of Alaska or any political subdivision thereof in the administration of the recreation area and in the administration and protection of lands within or adjacent to the recreation area owned or controlled by the State or political subdivisions thereof. Nothing in this Act shall deprive the State of Alaska or any political subdivision thereof of its right to exercise civil and criminal jurisdiction within the recreation area, or of its right to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or on lands or waters within the recreation area.

By Mr. STEVENS:

S. 830. A bill to amend section 5303(a) of title 5, United States Code, to authorize higher minimum pay rates for certain additional Federal positions. Referred to the Committee on Post Office and Civil Service.

HIGHER PAY FOR CERTAIN FEDERAL EMPLOYEES

Mr. STEVENS. Mr. President, the legislation I am proposing would provide legal basis to adequately pay Federal employees performing unusually demanding services.

Certain governmental occupations require a high degree of specialized training and experience and are characterized by heavy responsibility and extraordinary work shifts. Yet, employees doing these jobs are not compensated accordingly, simply because there is no mechanism to compare their pay with others in the labor market.

Under the present Federal pay schedule higher wages may be paid certain employees when the President finds that rates for comparable jobs in private enterprise are substantially higher than Government levels. Such adjustments are necessary to recruit and retain qualified people. A significant gap exists where the service is so uniquely governmental that there are few, if any, comparable civilian occupations.

I propose to expand existing authority, section 5303(a) of title 5, United States Code, to provide that, when the President finds a Government occupation is so unique that no comparison may be drawn with private enterprise, but higher minimum rates are warranted, those higher minimums may be established.

A case in point is the air traffic controller, whose Government employment daily places in his hands a profound responsibility for human life and property. The controller works odd hours and endures both physical and mental strain. However, because parallel activities are not represented in the nongovernmental labor force, air traffic controllers do not receive what can be considered an honest level of pay for what they do. The field is becoming less attractive for potential controllers, while the need for professional caliber controllers is growing. This is but one example within the full spectrum of Federal employment, but I think it is sufficiently vivid to support the need for early favorable action on this legislation.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5303(a) title 5, United States Code, is amended by inserting immediately after the first sentence the following new sentence: "When the President finds that (A) the unique character of any occupational group, series, class, or subdivision thereof, occupied by individuals in such positions, precludes actual comparison with private enterprise, (B) the group, series, class, or subdivision thereof warrants higher minimum rates of basic pay, and (C) the established grade of the group, series, class, or subdivision thereof, precludes classifications at higher grades, he may establish higher minimum rates of basic pay for the grades of that group, series, class, or subdivision thereof, and may make corresponding increases in all step rates of the pay range for each such grade."

By Mr. TOWER (for himself and Mr. FANNIN):

S. 832. A bill to repeal the Davis-Bacon Act and related provisions of law. Referred to the Committee on Labor and Public Welfare.

S. 833. A bill to repeal certain provisions of law applicable to federally assisted housing. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. TOWER. Mr. President, the senior Senator from Arizona (Mr. FANNIN) and I are introducing legislation to repeal the Davis-Bacon Act. Alternatively, we are also introducing a bill to repeal the provisions which make the Davis-Bacon Act applicable to the National Housing Act and the United States Housing Act of 1937.

Introduction of both of these bills provides the Congress with a unique opportunity to review the Davis-Bacon Act. Each of these proposals will be referred to different standing committees in the Senate, thereby allowing a broad review of what I believe is a most timely subject for reconsideration. The Housing and Urban Affairs Subcommittee of the Senate Banking, Housing and Urban Affairs Committee held hearings last year on my proposal to repeal the Davis-Bacon provisions in the above mentioned federally assisted housing programs. As ranking Republican member of both the subcommittee and the full committee, I am hopeful that further action on this subject will be taken in the 93d Congress. Likewise, I would urge the Senate Labor and Public Welfare Committee to give priority consideration to the overall effects of the Davis-Bacon Act.

Mr. President, the Davis-Bacon Act, commonly known as the prevailing wage law, was enacted in 1931. The purpose of the act was to protect the local wage standards of workers on Federal construction projects. Shortly thereafter, the act's applicability was extended to any federally assisted project. Therefore, a substantial body of law has been enacted since 1931 requiring the incorporation of Davis-Bacon prevailing wage determinations in contracts to which the Federal Government itself is not a party. Two of these statutes—the National Housing Act and the United States Housing Act of 1937, as amended—are the subjects of the second bill I am introducing today.

Mr. President, had I been privileged to sit in the U.S. Senate in 1931, I would undoubtedly have voted in favor of the Davis-Bacon Act. The depression of 1929 was the catalyst for the act, for it was clear at that time that the construction contractors with Federal contracts were paying their employees substandard wages. Raging unemployment in those days encouraged such practices. Many contractors with union contracts were underbid by contractors using unorganized labor, often imported from low-wage areas. The intent, therefore, of the Davis-Bacon Act was twofold—to avoid the possibility of the Federal Government being an instrument to the deflation or inflation of wage rates, and, at the same time, to provide an equal opportunity for local contractors to bid on Federal contracts.

Since 1931, the Secretary of Labor has been given the responsibility for determining prevailing wage rates. These prevailing wage rates then must be incorporated by prospective contractors in their bids for federally funded construction projects.

Over the years, Davis-Bacon applicability has been expanded into every conceivable area. First, the traditional area of dams, reservoirs, and buildings to house Federal operations, has burgeoned into such programs as missile and space systems, defense-related institutions and the interstate highway complex. A second major development has been the rapid increase in Federal assistance, through grants and loans, for construction projects on a State and local basis. Federal funds now help construct hospitals, sewage plants, parks, housing, airports, and many other facilities. Much to my dismay, and to the dismay of the Senate Finance Committee which recommended against it, the Davis-Bacon Act was also given applicability to the Revenue Sharing Act which was intended to give State and local governments Federal funds with little or no strings attached to use as they see fit in improving the lives of their citizens and their communities.

The number of wage determinations issued yearly by the Department of Labor increased approximately eightfold between 1945 and 1970. By 1971, an estimated 26,200 wage determinations were being made each year, and for fiscal year

1971, an estimated 59,000 contract awards totaling roughly $30.1 billion were covered by wage determinations. This represents about one-third of all construction expenditures during that fiscal year.

In recent years, particularly over the last decade, a great deal of criticism has been leveled against the Department of Labor's administration of Davis-Bacon. Moreover, the economic community is beginning more and more to challenge the rational basis of a law in the 1970's which protects the most powerful unions in the country against the unorganized, the unskilled, and, to a great extent, the minorities—primarily blacks and Spanish-speaking—that in most instances have been summarily left out of employment in the construction industry.

The most conclusive research in this area has been undertaken by the General Accounting Office, the congressional watchdog over the executive branch. From 1962 to 1971, the GAO reviewed the administration of the Davis-Bacon Act in 29 selected construction projects, including military family housing, low-rent public housing, federally insured housing, and a water storage dam. The following are some of the criticisms made by the General Accounting Office in a report issued July 14, 1971:

First. Minimum rates prescribed by the Labor Department were significantly higher than prevailing wages in the areas and therefore substantially increased construction costs borne by the Federal Government, by 5 to 15 percent. This violates one major concept of the Davis-Bacon Act: that payment of prevailing wages should not be inflationary.

Some contractors do not bid on federally financed construction projects, according to the report of the General Accounting Office, because the higher wage rates required on such projects lower the morale of workers in their labor forces paid lower wage rates on privately financed projects in the same locality. Morale is also hurt when workers return to lower wage rates after a Federal construction project is completed.

Second. The Labor Department must identify classifications of workers for which determinations should be made. In some cases, the Department has applied the wage rates of one classification to another classification without investigating the actual prevailing wage rates paid to each group.

Third. In defining the geographical area for which prevailing wages were to be determined, the Labor Department in some cases has gone beyond the county where the project was located and has applied rates from other, sometimes nonadjacent counties or from another State having different labor conditions.

Fourth. In many cases the Labor Department has not distinguished between different types of construction such as commercial and residential, although significant variances exist between labor rates applicable to these two types of construction. Often wage determinations have called for the higher rates applicable for commercial-type building construction and have disregarded the rates for residential-type construction.

Fifth. The Labor Department places undue emphasis on wage rates established in prior determinations and rates included in collective bargaining agreements, without verifying whether such rates are representative of the rates prevailing on similar construction in the area. These practices may be attributed to the fact that the Department has not compiled sufficient up-to-date and accurate information on prevailing basic wages and fringe benefits.

Sixth. The Labor Department's wage determinations do not generally prescribe separate rates for helpers and trainees. When local labor practices recognize these categories separate rates may help lower construction costs and encourage contractors to hire semi-skilled and untrained persons on Government-financed projects.

Such a procedure would be particularly desirable in areas of hardcore unemployment.

Mr. President at this point, I ask unanimous consent to have printed in the RECORD two areawide tables detailing a comparison between Davis-Bacon wage determinations and the actual wage rate surveys. The wage rate survey for the Quantico project was conducted by the Navy, and the New England study was one of the many local studies made by the General Accounting Office.

There being no objection, the tables were ordered to be printed in the RECORD. as follows:

QUANTICO PROJECT WAGE DATA

Craft	Davis-Bacon [1]	Wage rate survey	Percentage that Davis-Bacon exceeds midpoint of area survey wages
Laborer	$2.42	$1.00 $2.40	43
Carpenter	3.67	2.00–3.50	33
Cement Mason	3.87	1.75–3.00	63
Bricklayer	4.15	2.75–3.75	28
Plumber	4.16	2.00–3.00	66
Electrician	4.45	2.00–3.50	62
Plasterer	4.10	1.60–3.00	78
Painter	3.84	1.50–2.35	100

[1] Rates are union rates for commercial construction in Metropolitan Washington, D.C.

NEW ENGLAND STUDY WAGE DATA

Craft	Department of Labor determination	GAO private housing survey	Difference
Masons	$4.12	$3.81	$0.31
Carpenters	3.85	3.04	.81
Ironworkers	4.26	2.51	1.75
Lathers	3.90	2.75	1.15
Painters	3.30	2.28	1.02
Plumbers	4.20	3.14	1.06
Plasterers	4.12	3.50	.62
Laborers	2.90	2.23	.67
Steamfitters	4.20	3.00	1.20
Soft floor layers	3.85	3.08	.77
Tile setters	4.05	2.58	1.47
Truck drivers	2.80	2.40	.40

Source: GAO report, op. cit., p. 19. Wage rates are reported to the lowest cent.

Mr. TOWER. Mr. President, clearly our goals of ending inflation and reducing unemployment would be more easily achieved if the Davis-Bacon Act were abolished. It has a deleterious effect on our national economic policy since its restrictive and non-competitive characteristics help to assure the continuation of inelastic labor supply conditions in a major area of our economy. Its basic tenets contradict a full employment policy since it restricts competitive bidding to large scale concerns which employ workers from very strong union organizations. These factors work to reduce upward mobility in the construction industry and entry thereto by potential workers who have traditionally been left out of this sector of our economy.

I applauded the President's decision to move toward the reestablishment of free enterprise mechanisms in his recent outline of phase III. Yet, control remains on the construction industry. I believe that there is a direct relationship between the need for controls in this particular segment of our economy and the continuation of the prevailing wage determinations under Davis-Bacon. In fact, a free and competitive construction industry will never exist in this country until this anachronistic law is repealed.

I, for one, can no longer countenance a law which forces an employer to pay a worker $7 an hour on a federally assisted project when that same worker is compensated at a rate of $5 an hour on similar construction projects which are privately financed. The hearings held by the Housing Subcommittee clearly revealed instances of this nature, emphasizing that workers often leave privately financed projects to obtain employment on a Federal project.

No doubt many who might agree with what I have said would recommend revision or internal improvements within the Department of Labor. While this would be a step in the right direction, I feel the proper step would be to repeal the law in toto. Only if we now assume that our national policy is to protect monopolistic union organizations and their restrictive practices can a rational basis for the Davis-Bacon Act be formulated.

Our national priorities point toward the type of reform I am advocating. As I have already stated, the General Accounting Office concluded that Davis-Bacon wage determinations increased the cost of Federal projects from 5 to 15 percent. If the GAO's findings from their comprehensive sample were projected to a national formula, it would be calculated that the savings to the Federal budget by the repeal of the Davis-Bacon Act would be a fraction over $3 billion a year in fiscal 1971 money. In addition to this measurable and positive effect on curtailing inflation, repeal would benefit the American consumer when he purchases a house or when his community becomes involved in financing a federally assisted project. It is unfortunate that at a time when the Federal Government is attempting to provide quality low- and moderate-income housing, another law exists which negates the positive effects of these programs. This is a ludicrous situation, and the legislation I am today introducing suggests an attempt to order our Federal policies in a way which will not allow us to veer from some of our major objectives.

Mr. President, I urge those of my colleagues who have opposed this legislation in the past to reexamine it. Segments of their constituencies are also greatly hindered by this obsolete law. I would further urge the responsible segments of organized labor to review it once more with the longrun best interests of the labor movement in mind. The very refreshing Labor Day statement by Mr. C. J. Haggerty, president of the AFL–CIO Building Trades Department, encourages me to believe that organized labor can recognize the clear advantages as well as the disadvantages it retains in our society today.

At this time, Mr. President, I ask unanimous consent that the full text of the two bills I am introducing, the just-mentioned statement by Mr. Haggerty, and an article by Yale Brozen of the University of Chicago School of Business on the inequities of the Davis-Bacon Act, be printed at this point in the RECORD.

There being no objection, the bills and material were ordered to be printed in the RECORD, as follows:

S. 832

A bill to repeal the Davis-Bacon Act and related provisions of law

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following provisions of law are repealed:

(1) The Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5).

(2) All legislation which is subject to Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267).

SEC. 2. This Act shall take effect sixty days after its enactment, but shall not effect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding at the time of the enactment of this Act.

S. 833

A bill to repeal certain provisions of law applicable to federally assisted housing

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 212 of the National Housing Act is repealed.

SEC. 2. Paragraphs (2) and (3) of section 16 of the United States Housing Act of 1937 are repealed.

A LABOR DAY STATEMENT

(By C. J. Haggerty, president, Building Trades Department, AFL–CIO)

On this Labor Day of 1970 . . . this may be the occasion when we might appropriately and beneficially indulge in objective self-appraisal, in an assessment of what we stand for and what we will not stand for.

Since we are not flawless, since we never have pretended to be without faults, such introspection would reveal our shortcomings as well as our strengths.

There is no doubt that we have the finest craftsmen in the world. We have the finest training programs. Each year we put in place a volume of construction greater than anywhere in the world. We know these things. We are properly proud of these things.

Being strong, we should have no apprehension about raising and considering some fundamental questions about some of our shortcomings, such as:

Are we using our skills and our productive capacity to deliver a full day's work for a full day's pay?

Do we honestly and rigidly observe the provisions of our collective bargaining provisions?

Is our rate of absenteeism and quits higher than normally should be expected because of personal whims rather than actual illness or other compelling reasons?

Are the continuous and devastating work stoppages as a result of jurisdictional disputes justified in any way at all?

THE DAVIS-BACON ACT: HOW TO LOAD THE DICE AGAINST YOURSELF

(By Yale Brozen, professor of Business Economics, Graduate School of Business, University of Chicago)

Unusual and quixotic as it may seem, and contrary to the spirit of the laws requiring the award of government business to the lowest bidders, the Federal Government does not seek the lowest bids available on its construction projects. It also does not permit those whose projects it subsidizes to seek the lowest bids available. Attached to the grants provided by the Hill-Burton Act for meeting 50% of the cost of local hospital construction, for example, is a requirement which outlaws those who might bid lowest. Even where the subsidy provided is indirect, such as guaranteeing a loan or providing part of the interest on a loan, as in the case of the Federal Higher Education Facilities program, those who might bid lowest are barred from bidding.

For each construction project financed or assisted by the Federal Government, the Secretary of Labor is empowered by the Davis-Bacon Act to set minimum wage rates. A separate minimum is set for each of the crafts in advance of inviting bids. Contractors who bid must agree to pay at least these government determined minima on the project.

The minima set by the Secretary of Labor are not at the level that may be required to ensure a family income above the officially defined poverty line for a single worker or for a family. Typical of the minimum rates set is an $8.58 rate for carpenters and a $6.00 an hour rate for trainees in Gary, Indiana. In Washington, D.C., the minimum for steamfitters is $8.12 and that for common laborers is $5.24.

THE VIOLATION OF THE LAW BY THE SECRETARY OF LABOR

The Secretary of Labor is empowered by the Davis-Bacon Act to set minimum rates for construction workers at the level of *prevailing* wage rates in the "city, town, village or other civil subdivision of the state in which the work is performed." The rates he sets, however, are never the average of rates paid in the area for the skills in question. They are almost always at least as high as the union rates found in the "city, town, or other civil subdivision in which the work is performed." Union rates are usually above the average rate paid to the construction workers in the area.

The average union scale for all construction trades in the United States in 1967, for example, was $4.83. Actual average hourly earnings of construction workers in 1967 ranged from $3.80 in heavy construction and $3.96 in building construction to $4.10 in contract construction and $4.35 in special trades. The actual average hourly earnings of journeymen ranged from 75 to 85% of the union scales. These prevailing rates, however, are not the rates used for Davis-Bacon minima. They are set at the union scale in over 90% of the Federal determinations.

In a large number of instances, the Secretary sets minimum rates above even the union scale found in the area "in which the work is performed." Higher union rates in some other area fifty or seventy-five miles away from where the work is to be done are frequently used instead of local rates, despite the instruction in the law to the contrary. In over 50% of the determinations, union rates from a county other than that in which the work was done were used.

The 450 unit Capehart housing project at the Marine Corps Schools, Quantico, Virginia, provides an example of the importation of a high rate into a lower rate area. The Wage Determination Division of the Department of Labor used union rates from Washington, D.C. to set a schedule of minimum rates for various crafts at the Quantico project. The rates set ranged from 65 cents to $1.95 an hour higher than the rates paid by the builders of a 300 unit private housing project and another 400 unit private housing project constructed in Quantico in the same time period. The Davis-Bacon minimum rates for this project could hardly be called prevailing rates in the area. They were higher than the *highest* rates found in a Navy survey of wage rates in the area. The amounts by which the minima exceeded the *highest* rates paid ranged from three cents to $1.49 for the various crafts. The highest rates paid found in the Navy survey were Davis-Bacon minima which had been set by earlier determinations for federally assisted projects.

PERVERSION OF THE ACT'S PURPOSE

The original purpose of the Davis-Bacon Act was, in the words of Congressman Bacon (N.Y.), "simply to give local labor and local contractors a fair opportunity to participate in the federal building program." At the time (1931) a Southern contractor had won the bid to build a Veterans' Hospital in New York. He imported "some thousand" Southern construction workers to do the job. The wage paid by the contractor was below that which prevailed in Congressman Bacon's district. The higher prevailing wage in the Congressman's district prevented local contractors from bidding as low as the "interloper."

Since the Secretary of Labor has begun setting minimum wage rates for federal and federally assisted construction, the purpose of the act has been perverted. Instead of setting minimum wage rates at the level prevailing in "the city, town, village or other civil subdivision of the state in which the work is performed," as the law requires, the Wage Determination Division of the Department of Labor frequently sets rates on the basis of union rates in cities or counties which are not even contiguous to the counties in which the work is to be done. In some cases, rates have been based on union rates in a city which was not even in the state in which the work was to be done. The case cited above of the use of Washington rates in Virginia illustrates this. St. Louis, Missouri rates have been imported into Illinois and Chicago, Illinois rates into Indiana.

As a result of imported rates, local labor and local contractors in rural areas and small towns lose jobs to contractors from outside their areas. Davis-Bacon minimum wage rates in Western Pennsylvania, for example, are based on the Pittsburgh construction union scale. Last year, the common labor rate was set at $5.14 an hour ($4.74 per hour plus $0.40 in fringe benefits) for areas in depressed Appalachia in which the prevailing wage for common labor was $2.25. As a consequence, local contractors did not bid for water, sewerage, and school projects. The wage scale forced on them for these projects would have made it impossible to compete for nongovernmental projects. The contracts went to union contractors from outside the area. They imported their own crews instead of using local labor.

THE NEGATION OF PURPOSES OF OTHER FEDERAL PROGRAMS BY THE DAVIS-BACON ACT

Because of Davis-Bacon minima set in violation of the stipulations in the act, federal subsidies for projects in Appalachia frequently have not served to increase the jobs available to local workers. Instead, they have provided jobs in Appalachia for workers imported from Pittsburgh. This, of course, increased the scarcity of construction workers there and drove rates up further there. As one consulting engineer from Somerset, Pennsylvania, lamented, "The local laborer, out of his $2.25 per hour wage, must pay higher water and sewer service charges resulting from construction costs inflated by outside labor unions. His taxes are increased to pay for other projects including schools to better educate his children. We must import union contractors, thus depriving the local worker of an employment opportunity. He can't win for losing."

In the President's January budget message, he proposed spending $975 million for rural community development. With the funds going to projects subject to Davis-Bacon minima, the result will be less work for rural labor. Also, less community development will occur than could be purchased if local labor were used. More work will be provided for construction tradesmen imported from large cities, the scarcity of journeymen in those cities will grow worse, and construction costs in major cities will escalate despite the scandalously high levels already attained. The consequences of the Davis-Bacon Act determinations will be a reduction in the amount of development spurred by Federal funds in rural areas and, in some areas, joblessness for some rural residents who would have had jobs in the absence of the provision of Federal funds.

The Davis-Bacon Act also negates the effect of Section 221 D4 of the National Housing Act. The purpose of the section is "to assist private industry in providing housing for low and moderate income families and displaced families." It offers subsidies to reduce interest costs in projects serving such families.

Any project built with these subsidies must pay construction workers the minimum rates set by the Secretary of Labor. The net result of the Secretary's wage determinations for these projects is that the subsidy is largely consumed in paying higher rates to construction workers. As a consequence little benefit emerges for the families who were presumably to be assisted by Federal subsidization of interest costs.

An illustration of this result is provided by a proposed high rise apartment to be built in Prince Georges County, Maryland. The developer of the project, after completion of one high rise apartment and while in process of building a second one, received an interest cost subsidy to build a third high rise for moderate income families in the same project. Along with the interest cost subsidy came a set of Davis-Bacon minima to be paid. The bricklayers whom he was paying $5.80 an hour were to be paid a minimum of $6.50 plus fringe benefits on the moderate income building. Carpenters whom he was paying $4.50 were to be paid $6.09 plus fringes. Electricians who were being paid $4.50 had their minimum set at $6.85 plus fringes. Laborers whose pay was $2.50 were to be paid $4.395 plus fringes.

The builder objected that these rates would force an increase in rentals by $30 per month. If he were not allowed to pay his current rates, the rentals in the subsidized building would be higher than those in the two buildings he had already built in the project. He further objected that the rates set were based on those found in commercial construction and were not those paid by builders of high-rise residential structures.

Before his objection was acted upon by the Wage Appeals Board, a new determination was made by the Wage Determination Division. The old one had expired. New rates were set even higher than the previous minima. The previous $6.50 minimum rate for bricklayers was raised to $7.10. The $6.09 rate for carpenters was raised to $6.49. The $4.395 rate for common laborers was raised to $4.82. The $6.50 rate for sheet metal workers was raised to a $7.50 minimum. Any hope of making low rent apartments available for moderate income families were glimmering.

These examples of the effects of Davis-Bacon determinations offsetting the intended purposes of much Federal legislation could be multiplied manyfold. The contractor for the Madison Community Hospital, to be built with Hill-Burton and local matching funds in South Dakota, found the minimum rates set for the job exceeded what he had been paying by amounts ranging from $0.10 an hour for laborers to $1.25 an hour for sheet metal workers. The rates set for a project at Fremont, Michigan under the Housing for the Elderly Program caused a local contractor to withdraw his bid of $93,000. They increased the cost to $135,000, the best bid that could be obtained from a nonlocal contractor, all local ones having refused to bid if they had to pay the minima set by the Secretary of Labor. The project was abandoned. A Methodist church group proposing a home for the aged at Walnut, Iowa, with the assistance of HHFA funds, found itself saddled with Council Bluffs (part of the Omaha, Nebraska metropolitan area) union rates, which were used to set minimum wage rates for the construction of the home. It abandoned the project. A Federally-aided low-rent housing project in Atlanta, Georgia had Davis-Bacon minima set at levels runnings from $0.80 an hour more than was paid in private construction for laborers to $1.65 an hour more for electricians. A low-rent project in Cullman, Alabama had Davis-Bacon minima set initially which averaged 62% higher than local rates. The wage decision used Birmingham negotiated rates through Birmingham was fifty-five miles away.

A Manpower Training Program in construction trades has been made necessary by the Davis-Bacon minima and simultaneously has been partly nullified by the minima. Davis-Bacon minima have been set for apprentices and trainees on Federal and Federally assisted projects at about 70% of journeyman rates. Since trainees work slowly compared to trained journeymen, their output is only about 50% as great. Much of their work has to be redone. The amount of supervision required to teach and to check work is much greater than with trained journeyman. On the average, a trainee's net output is worth about one-fourth that of a journeyman. With a minimum wage at 70% of a journeyman's wage, contractors are reluctant to hire trainees on Federal jobs. The production of skilled journeymen is restricted, causing scarcities which force up construction wage rates.

The Manpower Office has financed the training of construction workers to offset the scarcity and to provide opportunities for minority group members. Davis-Bacon minima are set for these training programs, however, since they are Federally funded. In a Gary, Indiana program, the minimum for carpenter trainees taking part in the program is $6.00 an hour. As a consequence of this high rate, the funds allocated to the training program are consumed in paying high wage rates. Very few trainees are graduated relative to the funds expended, although large numbers of applicants have indicated that they would be eager to enter the training program at $3.44 an hour. Many more minority workers could be trained with the available funds if the Davis-Bacon minima were not set at the $6.00 an hour level for trainees.

DAVIS-BACON EFFECTS ON UNION RATES

Because of the Wage Determination Division presumption that union rates should be used to set minima in its wage determinations, construction union negotiators have become increasingly intransigent insisting upon large increases in negotiated rates. They know that whatever rates are set, they will be paid on Federal and Federally-assisted construction. Federal projects currently come to almost 30% of total construction.

The number of jobs available at union rates in private construction has declined because of the high levels rates have reached. The wage rates extorted on Federal projects compensate, in part, for this decline. Union members are taking more and more non-union jobs to offset the decreasing employment opportunities. In many areas where union rates have reached the eight and nine dollar level, members are working on non-union jobs at four to five dollars an hour when no union jobs are available.

For many types of construction in many centers, only union members at union rates are used even though their financing is not Federal or Federally assisted. As costs have been forced up, the result is the cancellation of projects which could serve their communities well, but inordinately high costs make them impossible. If there were no Davis-Bacon program forcing the payment of union rates on Federal projects, rates would not have been pushed to the levels which have killed many private projects. Unemployment in the construction trades would not have reached its current level.

Current spending for construction is at near record levels, but current employment is not. Eleven percent of construction workers are unemployed. Unions, with Davis-Bacon incentives, have over-priced their members to the point where construction dollars buy so little that record spending does not result in record employment.

Mr. TOWER. Mr. President, the distinguished senior Senator from Arizona (Mr. FANNIN) being necessarily absent today, has asked that the attached remarks be printed in the RECORD along with my own remarks on introduction of the bills. I ask unanimous consent that they be so printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR FANNIN

Mr. President, I commend the Senator from Texas for his remarks and I am pleased to join with him in sponsoring this legislation to repeal the Davis-Bacon Act.

I would like to discuss further some of the history of this legislation and the reasons why the act should be repealed.

The Davis-Bacon Act was originally enacted in 1931, two years after the 1929 crash. The great depression was deepening. Large numbers of people were out of work and could not find employment. Construction work was scarce and building contractors were shaving costs from every angle in order to obtain contracts. In this setting, labor costs were being sharply cut and wages forced downwards. In many areas, the local construction contractors found they were being underbid by contractors from distant states who brought with them cheaper labor from other areas.

At this point in our history many members of Congress and eminent attorneys did not believe the commerce clause of the Constitution was broad enough to permit the Federal Government to enact a general minimum wage law and consequently, the only permissible basis for wage regulations by the Government was in connection with its authority as a contracting party to require its contractors to observe certain wage requirements.

In order to meet this problem Congress enacted the Davis-Bacon Act in 1931, to require that contractors on Government projects must pay the wages prevailing in the locality for the corresponding classes of laborers and mechanics. When first enacted the Act left it up to the contractor to ascertain what rates were "prevailing," but in 1935 the Act was amended to require that each contract contain a schedule of wage rates based upon the rates determined by the Secretary of Labor to be prevailing in the area. In 1936, under the same theory, Congress passed the Walsh-Healy Act which provided that all Government contracts in excess of $10,000 for supplies and equipment, must contain stipulations with respect to minimum wages and overtime hours and determinations by the Secretary of Labor similar to those established in Davis-Bacon. The purpose of the Act, as later stated by the Supreme Court, was to "use the leverage of the Government's immense purchasing power to raise labor standards."

By 1938, with the composition of the Supreme Court changed, there appeared a strong possibility that the Court might place a broader construction upon the Commerce Clause. It should be remembered that the Court in 1935 had found the National Recovery Act to be unconstitutional. In 1938, the Fair Labor Standards Act (Wage and Hour Law) was passed and subsequently held constitutional. This law provided a general minimum wage for employees engaged in commerce or in the production of goods for commerce and also require payment of time and one half for hours over forty in one week.

The Fair Labor Standards Act effectively supplanted the earlier Davis-Bacon Act. Unfortunately, however Congress took no action to repeal the earlier more limited act. We can only speculate that in 1938 there existed a feeling in Congress that the Federal Government should require higher wage payments to laborers and mechanics working on Government contracts. After all wages were low.

In 1962 the Contract Work Hours Standards Act was passed. It replaced the eight hour laws, a group of statutes enacted between 1892 and 1940. Prior to 1962, the net effect of these laws had been to require payment of time and one half in excess of eight hours in one day to laborers and mechanics on public works. The 1962 law extended the obligation to require payment of time and one half both for work in excess of eight hours in one calendar day and forty hours in one work week. Contrast this with the National policy established by the Fair Labor Standards Act of 1938 which required and continues to require payment of the premium pay only for hours in excess of 40 hours in one work week. It is a bad law in other respects. Time is frequently lost by workers, especially in construction, because of weather conditions and delays in delivery of supplies. Without this law extra hours could be scheduled on one day to make up for time lost on other days. It also discourages the growing trend for experimentation in work week scheduling. Proposals such as four day work week of ten hour days are out of the question when the employer must pay an overtime penalty for work over eight hours per day.

EXPANSION OF CONSTRUCTION AND THE EFFECT OF DAVIS-BACON UPON COSTS

Today, construction is the nation's largest industry doing an annual volume of business in excess of $115 billion, an amount exceeding autos and steel combined. A survey by Engineering News-Record indicates that low productivity wastes from 15% to 40% of every construction payroll dollar.

During the last decade of accute shortage of qualified construction workers, the average wage in industry has reached a figure far in excess of other industries. It has also become one of the most highly unionized industries.

Mr. President, I recognize and fully agree with other members of this chamber that Davis-Bacon is not the sole reason that construction wages greatly exceed the wages in other industries. Much of their work requires more skills. Weather conditions curtail their periods of employment. On large jobs they are required to be worked in distant cities and although workers enjoy subsistence allowances they are still living apart from their families.

But these factors do not justify frozen minimums which in many cases are double and more than those paid in the local competitive market.

Bacon-Davis minimum rates produce spirals of inflations in wage rates in manufacturing and other industries as union leaders demand higher and higher wages for their members.

The effect upon the economy in small cities (five to fifteen thousand population) is devastating when a Federal supported project is begun nearby. Local workers rush to leave their jobs to seek employment at the Federal project at wages which are twice what they enjoy.

Small business in the locality is left without employees because it cannot meet the higher rates. In a few months many workers are laid off as a phase of the Federal project is completed. Then they seek employment at their former jobs in local industry. Their morale is anything but good when their wages are cut in half.

In large cities, the problems are equally acute. The skilled crafts demand wages equal to those on the Federal project. We all have experienced the tremendous increase in cost when we call an electrician, a plumber, a carpenter to fix or repair something in our homes. If we seek to build a new home the labor costs put cost of construction out of our reach. At the same time, strikes inevitably occur as local labor leaders respond to the demand of their members for wage rates which approach those of construction.

The Davis-Bacon Act has been expanded far beyond its original purpose of preventing disruption of local wage rates by importation of low priced labor. It is now used to disrupt lower wage practices by importation of higher wage rates from other areas. This was clearly not the Congressional scheme when the law was passed.

At least six separate studies of prevailing wage determinations of the Secretary of Labor have been made by the General Accounting Office between 1962 and 1970. Each has shown that they have established inappropriately high minimum wages on a variety of Federally financed and Federally assisted projects. They have been found to be well above rates that would obtain under competitive bidding. An overwhelming fraction of the prevailing wage determinations carry union wage scales irrespective of the location or type of construction. A large fraction of the determinations carried union rates from noncontiguous countries. G.A.O. also found that on-site survey date and other kinds of local wage dates were ignored in making prevailing wage determinations.

The comptroller General Report to the Congress on "Need For Improved Administration Of the Davis Act" dated July 14, 1971 contains many startling findings and conclusions. For example—"GAO reviews for 29 selected construction projects, including military family housing, low rent public housing, Federally insured housing and a water storage dam estimated that, as a result of minimum wages being established at rates higher than those actualy prevailing in the area of the project, construction costs increased five to fifteen percent. This amounted to about $9 million of the total $38 million construction costs."

Every time Congress passes new legislation for building programs financed in whole or in part by the Federal Government it has tacked on the requirement that wages be paid in accordance with the Davis-Bacon Act.

We did it in the *Highway Act* and added a cost of at least $3 billion.

We did it in the *Area Redevelopment Act, Public Health Research Facilities, Armed Services Contracts, State & Community Health Centers, Public Library Construction, Urban Mass Transit* loans or grants, *Veterans Administration Hospitals* and *Post Offices*—just to name a few. At last count some 60 Federal statutes contain provisions for minimum wage determinations.

The result:

1. During the last decade of acute shortages of qualified construction workers, the average wage in the industry for major cities has become greatly excessive.

2. Unfortunately the Department of Labor, whether it be during a Republican or Democratic Administration, has invariably applied the union wage scale in the closest metropolitan center to the site of the work.

3. As Davis-Bacon rates increase, other wages, whether in construction or any other industry, are forced to raise.

4. Inflationary wage rates are a primary cause of our economic problems.

5. The Davis-Bacon Act was never intended to disturb local wage practices by importation of higher wage rates from other areas, but that has been the result.

6. Just before imposition of Wage and Price Controls, President Nixon suspended Davis-Bacon. The several week suspension was too brief to determine the effects. I believe it should have continued to be suspended.

7. Contrary to popular belief, the Associated General Contractors Association, the largest association in this field, has adopted a policy statement for the repeal of Davis-Bacon.

We have always had wage differentials in this country and I expect such will always be true whether or not Davis-Bacon applies. Construction unions may and have been able to raise relative wages by limiting entry of workers into the craft or trade and by superior bargaining power.

Davis-Bacon has the effect of freezing minimum wages. Wages should be permitted to respond to changing market conditions. When wages are frozen by law at the relative high level, workers are encouraged to refuse lower paying jobs while attempting to search for work in the high wage market. Since wages in this market are not allowed to drop, there will not be enough demand to absorb these additional workers. This results in at least temporary unemployment among these workers. When unable to secure work at the high market, they are then forced to accept jobs in the low demand market. When wages are not frozen, increases in demand tend to spread across the economy to the benefit of all workers. Constraints on wage changes concentrate the gains of additional demand on some workers at the expense of lower wages of others.

While the procedure for predetermination of wage rates are explicitly spelled out, the branch of wage determination in the Department of Labor has a substantial amount of discretion in making determinations. In practice the overwhelming proportion of wage determinations carry union wage rates regardless of area or type of construction. The staff of the branch of Wage Determination is under pressure of expedience. It is simple and easy to obtain the union wage. Small non-union construction firms just do not take the time for this additional paperwork.

For reasons of staffing or otherwise, the wage determinations have displayed an inappropriate and persistent upward bias. Between 1962 and 1970 there have been six reports by the General Accounting Office that have pointed this out. The problem has been acknowledged and deplored by high-level officers of the Department of Labor in Congressional testimony. However, there is no evidence of action to eliminate the inaccurate and, in many cases, economically harmful wage determinations under Davis-Bacon.

Insofar as I have been able to discover, Congress has only once placed any limitation upon the application of the Davis-Bacon Act. This occurred in the Revenue Sharing law passed by the last Congress. The House passed bill contained the usual Davis-Bacon provision requiring each local government as a condition for receiving funds under the bill, to establish to the satisfaction of the Secretary of the Treasury that all laborers and mechanics employed by contractors and subcontractors on construction financed in whole or in part from revenue sharing funds would be paid wages at rates not less than these prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. This provision was eliminated by the Senate Finance Committee.

An attempt on the floor of the Senate to restore the Davis-Bacon provision resulted in a compromise. The law as passed states "all laborers and mechanics employed by contractors or subcontractors in the performance of work on any construction project, 25 percent or more of the costs of which projects are paid out of its trust fund . . ." are determined under Davis-Bacon. I do not know whether or not localities will save the money because of this provision. Only time will tell how much money will be saved. However, it is a "foot in the door"—at last a recognition by Congress of the effects of the Davis-Bacon Act. We should now go forward to repeal this law.

By Mr. MUSKIE (for himself and Mr. Gurney):

S. 834. A bill to improve the financial management of Federal assistance programs to facilitate the consolidation of such programs; to provide authority to expedite the processing of project applications drawing upon more than one Federal assistance program; to strengthen further congressional review of Federal grants-in-aid; and to extend and amend the law relating to intergovernmental cooperation. Referred to the Committee on Government Operations.

INTERGOVERNMENTAL COOPERATION ACT OF 1973

Mr. MUSKIE. Mr. President, I submit today, for appropriate reference, the Intergovernmental Cooperation Act of 1973, a bill designed to improve the financial management of Federal assistance programs; to facilitate the consolidation of such programs; to provide authority to expedite the processing of project applications drawing upon more than one Federal assistance program; to strengthen further congressional review of Federal grants-in-aid; to extend and amend the law relating to intergovernmental cooperation; and to extend and amend the law relating to intergovernmental personnel. I ask unanimous consent that the text of the bill be printed in the Record immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MUSKIE. Mr. President, last year the Office of Management and Budget identified at least 520 congressional authorizations for grant-in-aid programs. It also discovered some 1,060 separate programs totaling $43.5 billion. Taken by themselves, these numbers and dollar amounts are disconcerting. Taking into consideration the fact that they do not include direct Federal disbursements to individuals in such forms as social security or unemployment compensation payments, the figures are staggering. What they imply in terms of redtape, bureaucratic fiefdoms, and overall confusion should be clear.

And Congress, as the father of these categorical programs, has the responsibility to provide new and better tools to improve their management.

Last fall, as chairman of the Subcommittee on Intergovernmental Relations, I sent questionnaires on the Federal grant system to over 2,000 city officials in communities all over the country. The questionnaires were mailed to two separate groups: small- and medium-sized communities with populations under 100,000, and large cities with populations over 100,000. Mr. President, I ask unanimous consent that the text of one of these questionnaires appear in the Record at this point.

There being no objection, the questionnaire was ordered to be printed in the Record, as follows:

QUESTIONNAIRE

1. Please list the following characteristics of your community:

a. Population

b. Form of government (mayor, counsel, manager, etc.)

c. Name and title of chief administrative officer

d. Dates of your fiscal year and of the term of the highest elected official

e. Number of full time, professional, city employees

2. What is your community's budget for the current fiscal year?

3. What are your principal sources of revenue (list the percentage of revenue you receive from property tax, sales tax, income tax, State aid, Federal aid, etc.)?

4. How much Federal assistance does your community receive? List the five major sources of Federal assistance, excluding welfare.

5. Do you believe there is too much red tape in applying for Federal assistance, and, if so, has Federal red tape ever discouraged or prevented your community from undertaking a program that you believed necessary or worthwhile? Please list specific examples.

6. Has your community participated in programs under the Intergovernmental Personnel Act? Does your community need more professional expertise in order to apply for Federal assistance? (List examples of special problems such as the need for information more complex than you can provide, and be specific about what kind of professional expertise you could use.)

7. Do you have a representative in Washington to help you seek out Federal money?

8. Do you feel the current Federal system of furnishing assistance in the form of categorical grants (grants for a specific purpose such as water and sewer grants or anti-poverty grants) prevents you from using Federal money in a manner which is best for your community?

9. Would you favor Federal assistance coming to your community in the form of block grants or revenue sharing rather than as categorical grants?

10. How do you plan to use the assistance your community will receive under the new revenue sharing program?

11. With the advent of revenue sharing, do you believe it would be desirable for the Federal Government to cut back its categorical grants programs?

12. Does your community belong to a metropolitan, county or other regional planning agency, and, if so, does that agency have veto power over your grant applications for Federal assistance?

Mr. MUSKIE. Mr. President, the overwhelming majority of the city officials who have responded to the questionnaire confirm that they frequently experience great frustration and long delays in applying for Federal assistance. They bolster our belief that the current system of administering Federal grants-in-aid is riddled with redtape through confused, complicated, and sometimes conflicting Federal guidelines that tax both the patience and the expertise of overburdened local officials. Some of the responses are particularly illuminating.

The city manager of a small Texas community described his frustrating problems in trying to obtain Federal aid for a new sewer system:

> It took us approximately a year to obtain approval of the grant by the Texas Water Quality Board. It is now in the hands of the Environmental Protection Agency. Every few days they write for more information, and there is every indication that this grant could be delayed as much as a year. We actually have raw sewage flowing in the streets at the present time, so if your committee can come up with some way of assistance in expediting these grants, it would be a godsend.

Mr. President, this type of situation is unfortunately repeated in cities and towns all over the country. I fear that we may rapidly be reaching the point where the Federal Government's capability to give local governments the assistance they need is being outdistanced by its capacity to create paperwork and delay.

The mayor of a New Jersey city put it this way:

> There is too much redtape in all Federal programs. The applications require too much data and information. In many cases if we actually had all the data required by the application, we wouldn't need the grant we are applying for. The redtape never discouraged us from applying for funding, however, we find we spend an inordinate amount of time filling out applications when we could be working on these specific programs.

The manager of a Connecticut town cited two examples of Federal confusion that would be amusing if we were not talking about the capacity of our governments to govern:

> Two specific examples of almost farcical federal behavior were experienced by the Town with HUD programs. One involved the mythical Legacy of Parks program which apparently was a presidential publicity gimmick. The Town applied but there were no forms. By the time some forms were available, the program did not exist. The second involved the HUD sewer facilities grant program. The Town applied first in the middle sixties when the program was new. It was one of the first applications in the state. Political pressure . . . was exerted to move two towns ahead of (us), and the word was the appropriation was exhausted . . . The Town, however, went ahead at its own expense. A year later, out of the blue, a publicity release in the local newspaper announced a wonderful sewer grant . . . No advance notice was given to the Town. Of course, the Town was no longer available for the grant as it had proceeded to build the sewer system.

Obviously, this kind of redtape and delay is intolerable, and we must move to eliminate it. But eliminating redtape and streamlining our categorical assistance programs does not mean that the categorical grant system should be abandoned. In this conclusion, the mayors of some of our largest cities were agreed. A typical answer to the question, "With the advent of revenue sharing, do you believe it would be desirable for the Federal Government to cut back its categorical programs?" drew this response:

> No, the categorical programs provide vitally needed revenues to the City to provide specific services. If these categorical programs are replaced with bloc grants enabling the City to program its efforts in the respective problem area, then we would favor fewer categorical programs. However, any replacement must be at least on a dollar-for-dollar basis.

Another typical response was:

> The goal to be achieved through revenue sharing has no relationship with the goals to be achieved through the categorical grant program. An example is that I should not expect revenue sharing would accelerate the construction of waste treatment plants or solid waste disposal systems, however, I am confident that a strong categorical grant program would achieve this national goal. It is my conclusion then that categorical grant programs should not be curtailed because of revenue sharing, but should be continued according to the national goals as set by Congress.

Mr. President, during the past few years, the executive branch has taken some positive steps to simplify the flow of Federal aid money to local governments through administrative experiments such as HUD's planned variations and Chief Executive's review and comment—CERC—in model cities and annual arrangements. And in keeping with the dictates of the "new federalism," the administration has begun to decentralize some Federal programs to permit regional officers to make basic decisions on funding Federal programs. Insofar as regionalism actually cuts redtape and thereby speeds up the funding process, this idea could be a constructive one.

However, the results of regionalization to date are not totally convincing to me. The mayor of a large city where one of the new Federal regional offices is located has complained to me that his communication with that agency was actually better when it was located hundreds of miles away than now when it is located across town. He commented:

> The City . . . often wonders if the Federal agency has misplaced the City's address and phone number. There is often a lack of communication and responsiveness on the part of the Federal agency . . . In effect . . . (decentralization) has created delay, frustration and disappointment by local units.

The administration has also instituted 10 Federal Regional Council's—FRC's—whose stated mission is better interagency coordination of Federal programs. Again, the record is very mixed, and there is disturbing evidence that FRC's may be a long way from fulfilling their goal.

But, Mr. President, I fear that the President's recent actions—particularly as outlined in the new budget—negate any earlier positive thrusts.

If Mr. Nixon has his way, OEO, model cities, and urban renewal will be no more. Major health programs, including regional medical planning, comprehensive health service grants, community mental health facilities, and maternal and child health services, will be eliminated. The emergency employment program will be abandoned, and vocational education is slated for heavy cuts. And the list goes on.

What concerns me is the extra burden that wholesale cutbacks in Federal social programs will place on State and local governments.

If the Federal Government is to slash categorical aid for disadvantaged schoolchildren, for vocational education, even for school milk programs, does that mean that the widely recognized need for such help has disappeared? It does not. It only shifts the pressure to fund such programs out of Washington and onto State and local governments.

If the Federal Government is to shrink its efforts to train and place the unemployed, does that mean joblessness—and the local consequences, including higher crime rates and welfare costs—will wither away? It does not.

If the Federal Government is to restrict its funding for local sewage waste treatment projects, does that mean our Nation's rivers have suddenly reverted to purity? It does not.

If the Federal Government is to abandon its experiment in direct aid to community mental health facilities or force elderly medicare recipients to scrape up more money they do not have to meet steadily rising medical costs, does that mean sick people will be better cared for? It does not.

What this does mean is that the demand to finance these same, enduring obligations will be made now on local financial structures that are already ill-equipped to meet existing burdens. This is not tax saving. It is tax shifting. Apparently, the new federalism means that State government, or local government, or those least able to bear the costs, will have to pay the bills.

In place of some of these categorical programs which he would eliminate, the President asks for four special revenue programs in manpower, education, law enforcement, and community development. The concept of special revenue sharing, with less redtape and fewer strings attached to Federal grants, may be attractive to State and local governments at first blush.

However, I am not convinced that special revenue sharing is a panacea for our intergovernmental problems. Nor am I any more convinced that wholesale abandonment of our categorical grant programs will provide the right kind of relief to our overburdened local governments. I am troubled by the prospect of special revenue-sharing money going to the most powerful—and that means, by and large, the most privileged—elements in every local power structure while the needs of the least advantaged citizens—the jobless veterans, the poorest ghetto dwellers, the old and the ill, the school-aged children—go unmet and underfunded. There is no reason to believe that special revenue sharing will provide more money to our States and cities. In fact, it is possible that the end result may be less money.

Mr. President, for all its shortcomings, the categorical grant system has two overriding advantages. First, it has provided the Federal Government with a handle to assure that basic national goals—like equal opportunity—are met. Second, categorical grants have permitted the Federal Government to target special resources on the most disadvantaged areas and on those people—like the poor, the elderly, and minorities—most in need of extra assistance. There is ample evidence that local political pressures may make it extremely difficult for local governments to maintain these twin efforts.

I do not argue with the President that some Federal programs may have outlived their usefulness and that others need revitalization and revamping. But I fear that President Nixon, in his zeal to reduce Government spending and return power to the people, may be in danger of throwing out the baby with the bath water.

My own response—faced with the legitimate call for a more efficient Federal structure and for greater attention to the capacities of local government to judge and meet local needs—is to reform the grant process, not junk it. The record of our finest Great Society programs is a record of progress—not of instant success, not of full elimination of pervasive social ills—but above all, not a record of failure.

Moreover, special revenue sharing, I honestly fear, may become just a distorted and diffuse way of "throwing money at problems," with increased danger of putting the money into the wrong pockets and losing its targeted impact on our real, national demands.

I do believe that we can and must streamline our assistance programs, and this is exactly what the Intergovernmental Cooperation Act of 1973 would do. It is a modest bill. It proposes no massive new Federal programs. It authorizes no vast new expenditures of Federal money.

What it does propose is congressional authorization for a trimmer more efficient, more rational Federal grant system.

This new bill is very similar to legislation considered and passed by the Senate last fall. Unfortunately, that legislation died because of the failure of the House to act on it.

Specifically, this legislation would:

First. Permit the President to seek congressional approval to consolidate Federal grant-in-aid programs within the same functional areas through a procedure similar to Executive reorganization plans;

Second. Permit States and local governments to submit combined applications for joint grant-in-aid projects which require funding from two or more Federal programs;

Third. Allow States and local governments to use simplified auditing and accounting procedures in reporting on their Federal grant projects;

Fourth. Establish a new procedure for congressional oversight of Federal grant-in-aid programs through new review specialist positions on each standing committee of the House and Senate;

Fifth. Insure that State governments obtain full and complete information on the amount and purpose of all Federal aid dollars spent in their State; and

Sixth. Amend the Intergovernmental Personnel Act to permit a new program of Federal-State fellows and Federal-urban fellows.

Mr. President, on February 21 the Subcommittee on Intergovernmental Relations will begin a wide-ranging series of hearings on the federal system. In holding these hearings, the subcommittee will consider the Intergovernmental Cooperation Act and related legislation.

Beyond the immediate legislation at hand, the subcommittee hopes to investigate the implications of the new federalism on intergovernmental relations. We want to learn about other proposals to streamline the current categorical grant system. In field hearings and in Washington, we shall seek the advice and guidance of Governors, mayors, county officials and others who have day-to-day experience on the receiving end of the Federal grant program. We intend to explore general revenue sharing at work. We expect to invite administration witnesses to testify on "new federalism" in action. We shall ask detailed questions about the President's special revenue-sharing proposals.

In holding these hearings, Mr. President, I am acting on the basic assumption that the way to strengthen our federal system does not lie in wholesale scuttling of categorical grants, or in Washington's abandoning its commitment to pursue broad national goals in favor of turning power—and responsibility—over to State and local governments.

Revitalizing the federal system must be a two-way street. It must entail a willingness on the part of both the Congress and the executive branch to reexamine the categorical grant system; a willingness to eliminate those programs which may have outlived their usefulness or been proven failures; a willingness on the part of congressional committees to stop authorizing new categorical programs when similar programs with the same goals already exist; a willingness on the part of the executive branch constantly to review ways and means to cut redtape.

It also must involve a willingness on the part of State and local governments to modernize their own governmental institutions; a willingness to rewrite outmoded constitutions; a willingness to reform antiquated tax structures which frequently impose disproportionate burdens on those least able to afford them.

Mr. President, nothing should be more important to the 93d Congress than legislation designed to give Federal, State, and local governments the means to function more rationally, more responsibly or more responsively. I do not maintain that the Intergovernmental Cooperation Act of 1973 is the final answer to our efforts to streamline Federal grants, nor do I think it is a perfect bill. But I urge my colleagues on both sides of the aisle, as well as our colleagues in the House. to consider this legislation and to join with me in seeking new and imaginative ways to improve the effectiveness of our federal system.

EXHIBIT 1

S. 834

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Intergovernmental Cooperation Act of 1973".

TITLE I—ACCOUNTING, AUDITING, AND OTHER ADMINISTRATIVE REQUIREMENTS RELATED TO FEDERAL ASSISTANCE FUNDS

Sec. 101. The Intergovernmental Cooperation Act of 1968 (82 Stat. 1098; 42 U.S.C. 4201) is amended by adding at the end thereof the following new title:

"TITLE VII—ACCOUNTING, AUDITING, AND OTHER ADMINISTRATION REQUIREMENTS RELATED TO FEDERAL ASSISTANCE FUNDS

"STATEMENT OF PURPOSE

"Sec. 701. It is the purpose of this title to encourage simplification and standardization and financial and other administrative requirements of Federal assistance programs, to promote among Federal agencies administering such programs, accounting and auditing policies that rely on State and local financial management control systems meeting certain standards, and to authorizing the issuance of principles, and standards governing the auditing of Federal assistance programs.

"MORE UNIFORM REQUIREMENTS

"Sec. 702. Notwithstanding any other provision of law, the President shall, to the extent feasible, promulgate rules and regulations simplifying and making more uniform the financial and other administrative requirements imposed by Federal agencies on recipients under Federal assistance programs.

"STANDARDS OF AUDITING TO BE DEVELOPED

"Sec. 703. (a) The Comptroller General of the United States, in consultation with the Director of the Office of Management and Budget, shall develop, issue, maintain, and interpret standards of auditing for the guidance of Federal agencies, State and local governments, and independent public accountants, engaged in the review and audit of Federal assistance programs. Such standards shall serve the purpose of providing guidance to the Federal Government and State and local governments but shall not be construed as relieving such governments of the responsibility for the effective administration of their audit program.

"(b) The Comptroller General shall, in the course of carrying out his audit responsibilities, consider and report to the Congress on the utilization made by Federal agencies of the audits performed by State and local governments, or independent public accountants, and on the implementation of the standards issued pursuant to subsection (a) of this section.

"(c) The Comptroller General shall from time to time make such recommendations to the Federal agencies administering Federal assistance programs as he determines desirable to assist such agencies in complying with the provisions of this title and any regulations or principles and standards of auditing prescribed pursuant thereto.

"FEDERAL AGENCIES' RELIANCE ON THE FINANCIAL MANAGEMENT CONTROL SYSTEMS OF STATES AND THEIR POLITICAL SUBDIVISIONS

"Sec. 704. (a) Federal agencies administering Federal assistance programs shall adopt accounting and auditing policies that, to the maximum extent feasible, rely on evaluation of internal or independent accounting and audits of such programs performed by or for States and units of local government without performing a duplicate audit unless deemed necessary.

"(b) Heads of such agencies shall determine the adequacy of the internal financial management control systems employed by recipient jurisdictions, including but not restricted to a determination of (1) whether reports are prepared in accordance with applicable requirements and are supported by accounting and other records; (2) whether audits are carried out with adequate coverage and in accordance with the auditing principles and standards issued pursuant to section 703(a); and (3) whether the auditing function is performed on a timely basis by a qualified staff which is sufficiently independent of program operations to permit a comprehensive and objective auditing performance.

"(c) Where such control systems are found to be acceptable, heads of such agencies shall, in the absence of substantial reasons to the contrary, authorize an evaluation of audits performed under such systems to determine their acceptability in lieu of audits which otherwise would be required to be performed by such agencies. Where the agency determines that audits performed under financial management control systems are acceptable, it will not perform duplicate audits. Where the agency does not accept audits performed under such systems in lieu of its audits, such agency shall make whatever audits are necessary to assure that the Federal funds are expended for the purpose of the Federal assistance program involved.

"(d) Periodic review and testing of the operations under such control systems shall be undertaken by such agencies to verify the continuing acceptability of the systems for the purposes of subsection (c) of this section.

"(e) Each Federal agency administering a Federal assistance program shall encourage greater cooperation with the personnel operating the internal financial management control systems of recipient jurisdictions by maintaining continuous liaison with such personnel, collaborating in accounting systems development and the interchange of audit standards and objectives and collaboration in the development of audit programs.

"(f) Each such agency administering more than one Federal assistance program shall, to the extent feasible and permitted by law, coordinate and make uniform the auditing requirements of individual programs.

"(g) Each Federal agency administering a Federal assistance program shall, to the extent feasible, establish cross-servicing arrangements with other Federal agencies administering Federal assistance programs under which one such agency would conduct the audits for another.

"(h) The Office of Management and Budget, or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this section including coordination in the field.

"NO DIMINUTION OF AUTHORITY OF COMPTROLLER GENERAL

"Sec. 705. Nothing in this title shall be construed to diminish the authorities and responsibilities of the Comptroller General of the United States under existing law."

TITLE II—CONSOLIDATION OF FEDERAL ASSISTANCE PROGRAMS

Sec. 201. (a) Title 5, United States Code, is amended by inserting the following immediately after chapter 9 of such title 5:

"CHAPTER 10—FEDERAL ASSISTANCE PROGRAM CONSOLIDATION

"Sec.
"1001. Purpose.
"1002. Definitions.

"1003. Federal assistance program consolidation plans.
"1004. Limitations on powers.
"1005. Effective date and publication of consolidation plans.
"1006. Effect on other laws and regulations.
"1007. Rules of Senate and House of Representatives on consolidation plans.

"§ 1001. Purpose

"(a) The President shall from time to time examine the various Federal assistance programs provided by law and with respect to such programs shall determine what consolidations are necessary or desirable to accomplish one or more of the following purposes:

"(1) to promote better administration and more effective planning;

"(2) to improve coordination;

"(3) to eliminate overlapping and duplication; and

"(4) to promote economy and efficiency to the fullest extent consistent with the achievement of program goals.

"§ 1002. Definitions

"For the purpose of this chapter—

"(1) 'agency' means—

"(A) an Executive agency or part thereof; and

"(B) an office or officer in the executive branch;

"(2) 'officer' is not limited by section 2104 of this title;

"(3) 'Federal assistance' or 'Federal assistance program' means any assistance provided by an agency in the form of grants, loans, loan guarantees, property, contracts (except those for the procurement of goods and services for the Government of the United States), or technical assistance, whether the recipients are a State or local government, their agencies, including school or other special districts created by or pursuant to State law, or public, quasi-public, or private institutions, associations, corporations, individuals, or other persons; and

"(4) 'consolidation plan' means any Federal assistance consolidation plan proposed under section 1003 of this title.

"§ 1003. Federal assistance program consolidation plans

"(a) When the President, after investigation, finds that a consolidation of Federal assistance programs is necessary or desirable to accomplish one or more of the purposes set forth in section 1001(a) of this title, he shall prepare a Federal assistance consolidation plan for the making of program consolidations, and shall transmit the plan (bearing an identification number) to the Congress, together with a declaration that, with respect to the consolidation included in the plan, he has found that the consolidation is necessary or desirable to accomplish one or more of the purposes set forth in section 1001(a) of this title and a declaration as to how each program included in the plan is functionally related.

"(b) Each such consolidated plan so transmitted—

"(1) shall place responsibility for administration of the consolidated program in a single agency;

"(2) shall specify in detail the terms and conditions under which the Federal assistance programs included in the plan shall be administered, including but not limited to matching, apportionment, and other formulas, interest rates, and planning, eligibility, and other requirements; except that the President shall, in selecting applicable terms and conditions, be limited by the range of terms and conditions already included in the Federal assistance programs being consolidated;

"(3) shall specify the date of expiration of the consolidated plan and all the Federal assistance programs which have been included, except that in selecting the expiration date the President shall not specify a date which is earlier than the earliest or later than the latest expiration date of any of the Federal assistance programs being consolidated and in no case shall the expiration date of the consolidated plan be any longer than 5 years from the date the consolidated plan becomes effective;

"(4) shall set forth in the message transmitting the plan to the Congress the difference between the terms and conditions of the individual Federal assistance programs to be consolidated under the plan and those that will be applicable after the plan goes into effect, and shall also set forth the reasons for selecting such terms and conditions.

"(c) The President shall have a consolidation plan delivered to both Houses on the same day and to each House while it is in session, except that no consolidation plan may be delivered within 30 calendar days following the delivery of a previous plan in the same functional area.

"§ 1004. Limitations on powers

"(a) A consolidation plan may not provide for, and may not have the effect of, (1) consolidating any Federal assistance programs which are not in the same functional area, (2) providing any type of Federal assistance included in such a consolidation plan to any recipient who was not eligible for Federal assistance under any of the programs included in the consolidation plan, (3) excluding from eligibility under the consolidation plan any recipient who was eligible for Federal assistance under any of the programs included in the consolidation plan, or (4) transferring responsibility for the administration of the program or programs contained in a consolidation plan in an agency, office, or officer who was not responsible for the administration of one or more such programs prior to the taking effect of the consolidation plan.

"(b) Each consolidation plan shall provide for only one consolidation of two or more Federal assistance programs.

"(c) A provision contained in a consolidation plan may take effect only if the plan is transmitted to Congress before October 31, 1974. Section 905(b) of this title shall not limit any consolidation plan prepared under this chapter.

"§ 1005. Effective date and publication of consolidation plans

"(a) Except as otherwise provided in subsection (c) of this section, a consolidation plan shall become effective on the first day of the first month commencing after the expiration of the first period of 60 calendar days of continuous session of the Congress after the date on which the plan is transmitted to it unless, between the date of transmittal and the end of the 60-day period, either House passes a resolution stating in substance that the House does not favor the plan.

"(b) For the purposes of subsection (a) of this section—

"(1) continuity of session is broken only by adjournment of Congress sine die; and

"(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the 60-day period.

"(c) Under provisions contained in a grant consolidation plan, a provision of the plan may become effective at a time later than the date on which such plan otherwise is effective.

"(d) A consolidation plan which becomes effective shall be printed (1) in the Statutes at Large in the same volume as the public laws and (2) in the Federal Register.

"§ 1006. Effect on other laws and regulations

"(a) To the extent that any provision of a consolidation plan which becomes effective under this chapter is inconsistent with any provision of any statute enacted prior to the effective date of the plan, the provision of the consolidation plan shall control, to the extent that such plan specifies the provision of the statute to be superseded.

"(b) Any regulation, rule, order, policy, determination, directive, authorization, permit privilege requirement or other action made prescribed, issued, granted, or performed with respect to any matter affected by a consolidation plan which becomes effective under this chapter shall be deemed to be modified to the extent of any inconsistency thereof with the consolidation plan but shall otherwise continue in effect.

"(c) A suit, action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, does not abate by reason of the taking effect of a consolidation plan under this chapter. On motion or supplemental petition filed at any time within twelve months after the plan takes effect, showing a necessity for a survival of the suit, action, or other proceeding to obtain a settlement of the questions involved, the court may allow the suit, action, or other proceeding to be maintained by or against the successor of the head or officer under the consolidation plan or, if there is no successor, against such agency or officer as the President designates.

"(d) A consolidation plan may provide for transfers of appropriations or other budget authority in such manner that the aggregate amount of appropriations and other budget authority available for carrying out the Federal assistance programs involved in such plan shall be available for any or all such programs; and the aggregate amount of authorizations of appropriations or other budget authority for such programs shall be deemed an authorization of appropriations and other budget authority for any or all of such programs. The appropriations or portions of appropriations unexpended by reason of operation of this chapter may not be used for any purpose, but shall revert to the Treasury.

"§ 1007. Rules of Senate and House of Representatives on consolidation plans

"(a) This section is enacted by the Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House with respect to consolidation plan resolutions referred to in subsection (b) of this section; and it supersedes other rules to the extent that it is inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(b) The provisions of sections 910–913 of this title shall apply with respect to a consolidation plan and, for such purposes—

"(1) all references in such sections to a 'reorganization plan' shall be treated as referring to a 'Federal assistance program consolidation plan', and

"(2) all reference in such sections to 'resolution' shall be treated as referring to a resolution of either House of the Congress, the matter after the resolving clause which is as follows: "That the   does not favor the Federal assistance program consolidation plan numbered   transmitted to the Congress by the President on   19 .' The first blank therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled."

(b) The table of chapters of part I of title 5, United States Code, immediately preceding chapter 1, is amended by adding at the end thereof the following new item:

"10. Federal Assistance Program Consolidation .... 1001".

TITLE III—JOINT FUNDING SIMPLIFICATION

SEC. 301. The Intergovernmental Cooperation Act of 1968 (82 Stat. 1098; 42 U.S.C. 4201) is further amended by adding after title VII, as added by section 101 of this Act, the following new title:

"TITLE VIII—JOINT FUNDING SIMPLIFICATION

"STATEMENT OF PURPOSE

"SEC. 801. The purpose of this title is to enable States, local governments, and other public or private organizations to use Federal assistance programs more effectively and efficiently, to adapt such programs more readily to their particular needs through the wider use of joint projects drawing upon resources available from more than one Federal program, appropriation, or agency and to acquire experience which would lead to the development of legislative proposals respecting the consolidation, simplification, and coordination of Federal assistance programs. It is further the purpose of this title to facilitate the development of joint project and joint funding arrangements at the national level by giving primary emphasis to those arrangements involving intradepartmental actions and by placing interdepartmental joint projects and management funds on an experimental and limited demonstration basis.

"INTRADEPARTMENTAL JOINT PROJECTS

"SEC. 802. (a) The head of every Federal agency administering two or more Federal assistance programs is authorized to approve combined applications for joint projects requiring funding from two or more such programs administered by his agency.

"(b) To develop the necessary Federal agency capability to achieve the purposes of section 801, the head of such agency, among other actions shall—

"(1) identify related programs within his agency likely to be particularly suitable or appropriate for providing combined support for specific kinds of joint projects:

"(2) promulgate guidelines, model or illustrative joint projects, common application forms, and other materials of guidance to assist in the planning and development of joint projects drawing support from different Federal assistance programs;

"(3) review program requirements established administratively within his agency in order to determine which of those requirements may impede combined support of joint projects and the extent to which these may be appropriately modified and make modifications accordingly;

"(4) apply common technical or administrative rules among Federal assistance programs administered by his agency to assist in the support of specific joint projects or classes of joint projects;

"(5) create joint or common application processing and project supervision procedures or mechanisms including procedures for designating a lead office or unit to be responsible for processing of applications and supervising joint projects approved by him; and

"(6) promulgate common accounting, auditing, and financial reporting procedures that will facilitate establishment of fiscal and program accountability with respect to joint projects aided by Federal assistance programs administered by his agency.

"(c) Where appropriate to further the purposes of this title, and subject to the conditions prescribed under subsection (f) of this section, the head of every Federal agency administering two or more Federal assistance programs may adopt uniform provisions respecting—

"(1) inconsistent or conflicting departmental or agency requirements relating to financial administration, including accounting, auditing, and fiscal reporting, but only to the extent consistent with the provisions of clauses (2), (3), (4), and (5) of subsection (d) of this section;

"(2) inconsistent or conflicting agency requirements relating to the timing of Federal payments where a single or combined schedule is to be established for the joint projects as a whole;

"(3) inconsistent or conflicting agency requirements that assistance be extended in the form of a grant rather than a contract, or a contract rather than a grant;

"(4) inconsistent or conflicting agency requirements for merit personnel systems, but only to the extent that the joint project contemplated would cause those requirements to be applied to programs or projects administered by recipient agencies not otherwise subject to such requirements;

"(5) inconsistent or conflicting agency requirements relating to accountability for, or the disposition of, property or structures acquired or constructed with Federal assistance where common rules are to be established for the joint project as a whole; and

"(6) other inconsistent or conflicting agency requirements of an administrative or technical nature as defined in regulations authorized by subsection (f) of this section.

"(d) To further carry out the purposes of this title, the head of every Federal agency administering two or more Federal assistance programs—

"(1) may provide for review of combined applications for joint projects of his agency by a single panel, board, or committee in lieu of review by separate panels, boards, or committees when such review would otherwise be required by law;

"(2) may prescribe rules and regulations for the establishment of joint management funds with respect to joint projects approved by him so that the total amount approved by any such project may be accounted for through a joint management fund as if the funds had been derived from a single Federal assistance program or appropriation; and such rules and regulations shall provide that there will be advanced to the joint management fund from each affected appropriation its proportionate share of amounts needed for payment to the grantee and amounts remaining in the hands of the grantee at the completion of the joint project shall be returned to the joint management fund;

"(3) may promulgate rules and regulations governing the financial reporting of joint projects financed through joint management funds established pursuant to this section; and such reports shall, as a minimum, fully disclose the amount and disposition of Federal assistance received by recipient States and local governments, the total cost of the joint project in connection with which such Federal assistance was given or used, the amount of that portion of the cost of the joint project supplied by other sources, and such other records as will facilitate an effective joint project audit;

"(4) shall have access for the purpose of audit and examination to any books, documents, papers, and records of recipient States and local governments that are pertinent to the moneys received from joint management funds authorized by him; and

"(5) may establish a single non-Federal share for any joint project, authorized by him and covered in a joint management fund, according to the Federal share ratios applicable to the several Federal assistance programs involved and the proportion of funds transferred to the joint project account from each of those programs.

"(e) Subject to such regulations as may be established pursuant to subsection (f) of this section, the head of every Federal agency administering two or more Federal assistance programs may enter into agreements with States or appropriate State agencies to extend the benefits of this title to joint projects involving assistance from his agency and one or more State agencies. These agreements may include arrangements for the processing of requests for, or the administration of, assistance to such projects on a joint basis. They may also include provisions involving the establishment of uniform technical or administrative requirements, as authorized by this section. Such agreements ordinarily will focus on those program areas wherein Federal assistance is normally channeled through the States.

"(f) In order to provide for the more effective administration of funds drawn from more than one Federal assistance program or authorization in support of intradepartmental joint projects authorized under this section and to assure energetic and more uniform departmental and agency administration of the functions authorized by this section, the President may prescribe such rules and regulations as he deems necessary to achieve these purposes.

"INTERDEPARTMENTAL DEMONSTRATION JOINT PROJECTS

"SEC. 803. (a) In order to extend selectively the benefits of joint projects and joint management funding on a governmentwide basis and in recognition of the administrative difficulties involved in this undertaking, the President is authorized to approve on a demonstration basis combined applications for joint projects, requiring funding from two or more Federal assistance programs administered by more than one Federal agency.

"(b) In order to develop the necessary capability within the Executive Office of the President or achieving the purpose of this section, those responsibilities and authorities assigned to heads of Federal agencies with reference to intradepartmental joint projects under subsections (b), (c), (d), and (e) of section 802 shall be exercised by the President in the case of interdepartmental demonstration joint projects.

"(c) To facilitate the expeditious processing of applications for interdepartmental demonstration joint projects or their effective administration, the President is authorized to establish rules and regulations requiring the delegation by heads of Federal agencies to other such agencies of any powers relating to approval, under this section, of projects or classes of projects under an interdepartmental demonstration joint project, if such delegation will promote the purposes of such project. Such rules and regulations may also provide for the delegation to other Federal agencies of powers relating to the supervision of administration of Federal assistance, or stipulate other arrangements for other agencies to perform such activities, with respect to projects or classes of projects subject to this section. Delegations authorized by such rules and regulations shall be made only on such conditions as may be appropriate to assure that the powers and functions delegated are exercised in full conformity with applicable statutory provisions or policies.

"(d) To facilitate the establishment of joint management funds on an interdepartmental basis, any account in a joint management fund involving money derived from two or more Federal assistance programs administered by more than one Federal agency shall be subject to such rules and regulations, not inconsistent with other applicable law, as the President may establish with respect to the discharge of the responsibilities of affected agencies. Such rules and regulations shall assure the availability of necessary information, including requisite accounting and auditing information, to those agencies, to the Congress, and to the Executive Office of the President. They shall also provide that the agency administering a joint management fund shall be responsible and accountable for the total amount provided for the purposes of each account established in the fund, and shall adhere to accounting and auditing policies consistent with title VII of this Act. They may include procedures for determining from time to time, whether amounts in the account are in excess of the amounts required, for returning that excess to participating Federal agencies in accordance with a formula providing an equitable distribution; and for effecting returns accordingly to the applicable appropriations, subject to fiscal year limitations. Excess amounts applicable to expired appropriations will be lapsed from that fund.

"(e) During the seventh month after the end of each fiscal year, starting with the first full fiscal year after the effective date of this section, the President shall submit to the Congress an evaluation of progress in accomplishing the purposes of this title.

"FUNDING AND PERSONNEL AVAILABILITY

"SEC. 804. (a) Appropriations available to any Federal assistance program for technical assistance or the training of personnel may be made available for the provision of technical assistance and training in connection with projects approved for joint or common funding involving that program and any other Federal assistance program.

"(b) Personnel of any Federal agency may be detailed from time to time to other agencies as necessary or appropriate to facilitate the processing of applications under this title or the administration of approved projects.

"AUTHORITY OF THE COMPTROLLER GENERAL OF THE UNITED STATES

"SEC. 805. For the purpose of audit and examination, the Comptroller General of the United States shall have access to any books, documents, papers, and records of recipients of interdepartmental and intradepartmental joint projects that are pertinent to the moneys received from joint management funds established for such projects.

"DEFINITIONS

"SEC. 806. As used in this title—

"(1) 'Federal assistance' or 'Federal assistance program' means any assistance provided by an agency in the form of grants, loans, loan guarantees, property, contracts (except those for the procurement of goods and services for the United States Government), or technical assistance, whether the recipients are a State or local government, their agencies, including school or other special districts created by or pursuant to State law, or public, quasi-public, or private institutions, associations, corporations, individuals, or other persons; and

"(2) 'joint project' means any undertaking which includes components proposed or approved for aid under more than one Federal assistance program or appropriation or one or more Federal assistance programs or appropriations in combination with one or more State or local programs, if each of those components contributes materially to the accomplishment of a single purpose or closely related purpose."

EFFECTIVE DATE

SEC. 302. Sections 802 and 803 of the Intergovernmental Cooperation Act of 1968, as added by section 301 of this Act, shall become effective one hundred and twenty days after the date of enactment of this Act.

TITLE IV—CONGRESSIONAL AND EXECUTIVE OVERSIGHT OF FEDERAL ASSISTANCE PROGRAMS

SEC. 401. Section 601 of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098; 42 U.S.C. 4201) is amended by adding at the end thereof the following new subsection:

"(c) If any law enacted on or after the date of the enactment of the Intergovernmental Cooperation Act of 1972 authorizes the making of grants-in-aid over a period of three or more years, then during the period beginning not later than the twelve months immediately preceding the date on which such authority is to expire, the committees of the House and Senate to which legislation extending such authority would be referred shall, separately or jointly, conduct studies of the program under which such grants-in-aid are made and advise their respective Houses of the results of their findings with special reference to the considerations cited in clauses (1), (2), (3), and (4) of subsection (a) of this section. Each such committee shall report the results of its investigation and study to its respective House not later than one hundred and twenty days before such authority is due to expire."

SEC. 402. Title VI of such Act is amended—

(1) by redesignating section 604 as section 606; and

(2) by inserting immediately after section 603 the following new sections:

"CONGRESSIONAL REVIEW SPECIALISTS

"SEC. 604. Each standing committee of the Senate and House of Representatives which is responsible for the review and study, on a continuing basis, of the application, operation, administration, and execution of two or more grant-in-aid programs is entitled to employ a review specialist as a member of the professional staff of such committee in addition to the number of such professional staff to which such committee otherwise is entitled. Such specialist shall be selected and appointed by the chairman of such committee, with the prior approval of the ranking minority member, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of the position. Such specialist shall, under the joint direction and supervision of the chairman and the ranking minority member, assist the committee in the performance of its review functions under this title.

"REPORTS BY FEDERAL AGENCIES

"SEC. 605. (a) Heads of Federal agencies administering one or more Federal assistance programs shall make a report to the President and the Congress on the operations of such programs at the end of each fiscal year, beginning with the first full fiscal year following the date of enactment of the Intergovernmental Cooperation Act of 1972. Such report shall include—

"(1) the overall progress and effectiveness of administrative efforts to carry out each program's statutory goals;

"(2) the consultative procedures employed under each program to afford recipient jurisdictions an opportunity to review and comment on proposed new administrative regulations, and basic program changes;

"(3) intradepartmental and interdepartmental arrangements to assure proper coordination of headquarters and in the field with other related Federal assistance programs;

"(4) efforts and progress in simplifying and making more uniform (A) application forms and procedures, and (B) financial reporting and auditing requirements and procedures;

"(5) efforts and progress in relying on the internal or independent audits performed by or for States and political subdivisions;

"(6) the feasibility of consolidating individual Federal assistance programs with others in the same or closely related functional areas, where they exist;

"(7) the practicability of delegating more administrative discretion, including application approval authority, to field offices;

"(8) whether changes in the purpose, direction, or administration of such Federal assistance programs, or in procedures and requirements applicable thereto, should be made; and

"(9) the extent to which such programs are adequate to meet the growing and changing needs for which they were designed.

"(b) The President shall transmit to the Congress, no later than January 31 of each year, a summary report on Federal assistance activities of the preceding fiscal year. The first such report shall be transmitted not later than January 31 following the first full fiscal year following the date of enactment of the Intergovernmental Cooperation Act of 1972. Each report shall (1) summarize and analyze the findings of the department and agency reports provided in subsection (a) of this section; (2) set forth such recommendations as he may deem appropriate to convert the existing system of Federal assistance programs into a more effective vehicle for intergovernmental cooperation; and (3) such other matters that are considered pertinent."

TITLE V—MISCELLANEOUS

SEC. 501. Section 201 of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098; 42 U.S.C. 4201) is amended to read as follows:

"SEC. 201. Any department or agency of the United States Government which administers a program of grants-in-aid to any of the State governments of the United States or to their political subdivisions shall notify in writing the governor, the State legislature, or other official designated by either, of the purpose and amount of actual grants-in-aid to the State or to its political subdivisions."

SEC. 502. Section 202 of such Act is amended to read as follows:

"SEC. 202. No grant-in-aid to a State or a political subdivision shall be required by Federal law or administrative regulation to be deposited in a separate bank account apart from other funds administered by the State or political subdivision. All Federal grant-in-aid funds made available to the States or to political subdivisions shall be properly accounted for as Federal funds in the accounts of the State or of the political subdivisions. In each case the agency of the State or of the political subdivisions concerned shall render regular authenticated reports to the appropriate Federal agency covering the status and the application of the funds, the liabilities and obligations on hand, and such other facts as may be required by said Federal agency. The head of the Federal agency and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, papers, and records that are pertinent to the grant-in-aid received by the States or by the political subdivisions."

SEC. 503. Section 203 of such Act is amended to read as follows:

"SEC. 203. Heads of Federal departments and agencies responsible for administering grant-in-aid programs shall schedule the transfer of grant-in-aid funds consistent with program purposes and applicable Treasury regulations, so as to minimize the time elapsing between the date of transfer of such funds from the United States Treasury and the date of disbursement thereof by a State or by a political subdivision; or between the date of disbursement by a State or by a political subdivision and the date of transfer by the United States Treasury. States and the political subdivisions shall not be held accountable for interest earned on grant-in-aid funds, pending their disbursement for program purposes."

TITLE VI—INTERGOVERNMENTAL PERSONNEL ACT AMENDMENTS

SEC. 601. Sec. 2 of the Intergovernmental Personnel Act of 1970 is amended by adding at the end thereof the following new paragraph:

"That the commitment, energy, and skills of younger citizens constitute an available source of talent that should be broadly utilized in the strengthening of personnel resources available to State and local governments, thereby strengthening the Federal system."

SEC. 3. Title III of the Intergovernmental Personnel Act of 1970 is amended—

(1) by striking out—

"TITLE III—TRAINING AND DEVELOPING STATE AND LOCAL EMPLOYEES"

and inserting in lieu thereof—

"TITLE III—STATE AND LOCAL GOVERNMENT EMPLOYMENT

"PART A—TRAINING AND DEVELOPMENT";

(2) by striking out of section 301 the word "title" and inserting in lieu thereof "part"; and

(3) by adding at the end thereof the following new part:

"PART B—DEVELOPING ADDITIONAL EMPLOYEE RESOURCES

"SEC. 321. The purpose of this part is to develop additional employee resources for State and local governments and simultaneously to create new avenues of Federal, State, and local government service for younger citizens of the United States by establishing programs of Federal-State fellows and Federal-urban fellows, and by authorizing support for related supplementary programs.

"DEFINITION

"SEC. 322. For the purpose of this part, 'organization' means—

"(1) a national, regional, statewide, areawide, or metropolitan organization, representing member State or local governments;

"(2) an association of State or local public officials; or

"(3) a nonprofit organization, one of whose principal functions is to offer professional advisory, research, development, educational, or related services to governments.

"FEDERAL-STATE FELLOWS

"SEC. 323. (a) The Commission, or an organization designated by it, is authorized to make grants to a State to establish, develop, and carry out a Federal-State fellows program for that State. Each State program shall provide opportunities for learning and service in other work of State governments by younger citizens of the United States of diverse backgrounds. Each such program shall—

"(1) emphasize the development of a group of informed and experienced citizens who, following their internship as fellows, may subsequently be available to State governments, and also to Federal and local governments, for career employment or special periodic service.

"(2) provide for the appointment of fellows from among outstanding young citizens at least twenty-one years of age;

"(3) be administered on a nonpartisan basis; and

"(4) provide for carrying out such programs by a State agency designated by the Governor or chief executive authority of the State or pursuant to an agreement with an organization (unless State law otherwise prohibits such an agreement).

"(b) The Council of State Governments shall be designated as advisers—

"(1) to the States, with respect to the development of appropriate qualifications, standards, and methods of selection of fellows; and

"(2) to the Commission, with respect to the development of criteria for awarding grants to States.

"(c) Grants to a State shall be for not to exceed 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the date of enactment of this part, up to 50 per centum) of the costs of such program of that State, including—

"(1) costs of stipends of not to exceed ten fellows per State a year;

"(2) administrative costs; and

"(3) related expenses as may be authorized by the Commission.

"(d) Each State shall agree to be responsible for the non-Federal share of the costs of its program. The State agency or the organization administering the Federal-State fellows program for the State may seek public or private funds to pay for the non-Federal share of the cost of its program and for educational activities designed to supplement or complement the work-service experience of fellows.

"(e) For costs incurred in connection with its advisory role, the Council of State Governments shall be reimbursed by the Commission, out of appropriations made pursuant to this Act, in such amounts as may be determined by the Commission.

"FEDERAL URBAN FELLOWS

"SEC. 324. (a) The Commission is authorized to establish, develop, and carry out a Federal urban fellows program which shall provide opportunities for learning and meaningful participation in the functioning of local government. Such program shall—

"(1) recognize the common national implications of local problems and seek to build a coordinated national personnel resource for local governments;

"(2) provide for the appointment of fellows from among outstanding young persons, twenty through thirty-nine years of age, representing a variety of ethnic groups and occupational backgrounds, including the appointment of such persons from volunteer programs and community service organizations, and with business, labor, medical, teaching, community action, and other kinds of experience relevant to the needs of local governments; and

"(3) provide for the assignment of fellows, by agreements with a local government, or a local governmental or nongovernmental agency, designated by the mayor or chief executive authority of the local government.

"(b) Except as otherwise provided in subsection (c) of this section, the Commission shall enter into an agreement with an organization or another Federal agency to carry out such program for the Commission. If the Commission enters into such an agreement, it is authorized to reimburse such organization or agency for stipends for the fellows and administrative and other costs determined by the Commission to be related to carrying out such program. In no event, however, shall the Commission reimburse any such organization or agency for more than 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the date of enactment of this part, up to 50 per centum) of the total amount of stipends for five fellows to each local government or nongovernmental agency each year.

"(c) If the Commission determines it is not practicable to have an organization or other Federal agency carry out such program, the Commission is authorized to carry out such program by making grants directly to a local government or to a local governmental or nongovernmental agency (designated by the mayor or chief executive authority of the local government) to establish, develop, and carry out Federal-urban fellows programs of that government or agency. Any such grant shall not exceed 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the date of enactment of this part, up to 50 per centum) of (1) the costs of each such program of that local government or agency (including administrative costs and other costs authorized by the Commission to be paid out of the grants), and (2) the total amount of stipends for more than five fellows to that government or agency each year.

"(d) Each such local government or agency shall agree to be responsible (1) in the case of fellows provided by an organization or Federal agency under subsection (b) of this section, for that portion of the total amount of the stipends for fellows provided that local government or agency and not reimbursed by the Commission, or (2) in the case of a grant directly to that government or agency under subsection (c) of this section, for the non-Federal share of the costs of its program.

"(e) The local government or agency may seek public or private funds to pay the non-Federal share of the amounts of the stipends for fellows provided under subsection (b) of this section or its program under subsection (c) of this section.

"SUPPLEMENTARY PROGRAMS

"SEC. 325. (a) The Commission is authorized to make grants to States, general local governments, or combinations of governments that serve fifty thousand or more persons, or other organizations, for support of additional programs which, as determined by the Commission—

"(1) are consistent with the provisions of subsection (a) of section 323 and subsection (a) of section 324 of this Act;

"(2) do not duplicate programs established under such sections;

"(3) constitute imaginative complements to those programs; and

"(4) in the case of programs proposed by organizations, have the endorsement of the appropriate State or local governments.

"(b) Grants may provide up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the date of enactment of this part, for up to 50 per centum) of the costs of such programs, as determined to be appropriate by the Commission, including stipends and administrative costs."

By Mr. HUMPHREY:

S. 835. A bill entitled "Full Social Security Benefit Act of 1973." Referred to the Committee on Finance.

OLDER AMERICANS SHOULD RECEIVE FULL BENEFIT OF SOCIAL SECURITY INCREASES

Mr. HUMPHREY. Mr. President, I am today introducing legislation to enable those older Americans receiving social security and other old-age benefits to obtain the full amount of the 20-percent social security increase passed by the Congress last October 1, 1972.

This bill is designed to close what I regard to be a disgraceful loophole in the Social Security Act. That loophole requires an elderly person receiving a social security increase voted by Congress to give up an equivalent dollar amount from the supplementary benefits he may already have been receiving under programs for public assistance, food stamps, public housing, and veterans pensions.

In other words, if the social security cost-of-living increase is $15 a month and the retired person is getting that much in food stamps, he or she must give up that much in food stamps assistance and so really gets no retirement benefit increase at all.

I previously introduced this legislation last year. Senator MONDALE and I succeeded in securing Senate passage of it. But in the final days of the Congress, a House-Senate conference committee deleted this provision.

I am reintroducing it, because the original problem still exists—grants and pensions are still being cut back. And, the elderly need our help and assistance.

But this legislation is even more important today than it was last year. The Nixon administration's new proposed medicare legislation threatens additionally to erode any income gains made by the elderly under the recently enacted 20-percent social security increase.

The Nixon administration seems bent on making the elderly and the sick bear the brunt of controlling inflation. Under the President's proposals, medicare charges for doctors costs will increase from the present $60 deductible to $85 deductible. And, hospitalization costs to the elderly will be increased beginning the second day of hospital care. In total, the Nixon administration will charge the poor, the elderly, and the infirm more than $700 million in increased expenses for health care next fiscal year.

That is why this legislation I am introducing today is so critically needed. The meager income of the retired poor must be protected. The President's medicare changes must be opposed. And, the elderly must be able to get the full benefit of food stamps, public assistance, public housing, and veterans pensions programs.

Mr. President, it is my hope that the Senate will act on this legislation as promptly as possible.

By Mr. CASE:

S. 836. A bill to amend the Federal Water Pollution Control Act in order to require specific approval by the Congress and by adjacent coastal States prior to the construction of certain offshore facilities. Referred to the Committee on Public Works.

Mr. CASE. Mr. President, I am today introducing legislation that would require approval by both Congress and the States affected before major facilities can be constructed in the territorial waters off our coastal States.

My bill would apply to plans for construction of offshore facilities such as deep draft docking for oil super tankers, electric generating plants, airports, and oil drilling facilities.

Last year, I joined Senator Boggs in sponsoring similar legislation that would have given a veto over the construction of such facilities to the Governor of any coastal State that might be adversely affected by the construction.

Legislation almost identical to the Boggs bill has already been introduced in this Congress.

On further consideration, I have concluded that the Congress as well as the Governors ought to have the opportunity to exercise judgment in these matters. My bill gives both the Governors and the Congress this opportunity.

In addition, my bill requires the Administrator of the Environmental Protection Agency to forward to Congress a complete report, including an environmental impact statement and the views of all other Federal agencies affected, with respect to the proposed facility.

It also requires the Administrator to forward a statement of his own comments and views on the matter.

These provisions would provide Congress with more information than would be required under the Boggs bill.

The legislation introduced earlier specifically exempts projects carried out under leases issued pursuant to the Outer Continental Shelf Lands Act. In other words, leases issued for offshore oil drilling would not be covered by that legislation.

My bill applies to offshore oil drilling along with all other types of facilities.

The need for congressional attention, as required by my bill, is particularly acute at this time of constantly increasing energy demands that pose a threat to our environment.

I ask that the bill be referred to the appropriate committee and it is my hope that hearings can be held on it in the near future.

By Mr. MANSFIELD (for Mr. Fulbright) (by request):

S. 837. A bill to amend the Foreign Assistance Act of 1961, and for other purposes. Referred to the Committee on Foreign Relations.

AUTHORIZATION BILL FOR MILITARY GRANT AID, CREDIT SALES, AND SUPPORTING ASSISTANCE

Mr. FULBRIGHT. Mr. President, last session the Senate and House conferees were unable to reach agreement on H.R. 16029, a bill to authorize appropriations for fiscal year 1973 for the military assistance and sales and the supporting assistance programs. However, the disagreement which broke up the conference was not on amounts for these programs but over a provision sponsored by the senior Senator from New Jersey (Mr. Case) which required that foreign military base agreements be submitted to the Senate for approval. As a consequence, these and other foreign aid programs are now being funded by continuing resolution authority. Although no additional authorization is needed for economic aid programs, since a 2-year authorization for these was enacted in the Foreign Assistance Act of 1971, for unknown reasons these programs were also included in the continuing resolution.

With the expiration of the 92d Congress, H.R. 16029 died. The President has now submitted a new legislative request for authorization of the military assistance and sales and supporting assistance programs and I am introducing this proposal in order to provide a vehicle on which members of the Committee on Foreign Relations can take such action as they see fit.

I wish to make it clear, however, that I am not endorsing the provisions of this bill and reserve complete freedom to vote as I see fit on both the bill and any amendments that may be proposed. I ask that the text of the bill and related materials be printed in the Record following my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 837

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 491 of Chapter 9 of part I of the Foreign Assistance Act of 1961, relating to refugee relief assistance, is amended by striking out "1972" and inserting in lieu thereof "1973"; by striking out the figure "$250,000,000" and inserting in lieu thereof "$100,000,000"; and by striking out the words "East Pakistan" wherever they appear and inserting in lieu thereof "Bangladesh."

Sec. 2. Part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new chapter:

"Chapter 10—PHILIPPINE DISASTER RELIEF

"PHILIPPINE DISASTER RELIEF

"Sec. 497. Notwithstanding the provisions of this or any other Act, the President is authorized to provide, on such terms and conditions as he may determine, relief, rehabilitation, and reconstruction assistance in connection with damage caused by floods in the Philippines during 1972. Of the funds provided to carry out part I, $50,000,000 shall be available only to carry out this chapter. Such assistance shall be distributed, to the extent practicable, under the auspices of or by international institutions and relief agencies or United States voluntary agencies".

Sec. 3. Chapter 2 of part II of the Foreign Assistance Act of 1961, relating to military assistance, is amended as follows:

(a) In Section 504(a), relating to authorization, strike out "$500,000,000 for the fiscal year 1972" and insert in lieu thereof "$780,000,000 for the fiscal year 1973".

(b) In Section 506(a), relating to special authority, strike out "1972" each place it appears and insert in lieu thereof "1973".

(c) Section 514 is hereby repealed.

Sec. 4. Section 532 of Chapter 4 of part II of the Foreign Assistance Act of 1961, relating to authorization for security supporting assistance, is amended by striking out "for the fiscal year 1972 not to exceed $618,000,000, of which not less than $50,000,000 shall be available solely for Israel" and inserting in lieu thereof "for the fiscal year 1973 not to exceed $844,000,000".

Sec. 5. The Foreign Military Sales Act is amended as follows:

(a) In Section 23 of Chapter 2, relating to credit sales, strike out "ten" and insert in lieu thereof "twenty".

(b) In Section 31(a) of Chapter 3, relating to authorization, strike out "$400,000,000 for the fiscal year 1972" and insert in lieu thereof "$527,000,000 for the fiscal year 1973".

(c) In Section 31(b) of Chapter 3, relating to aggregate ceiling on foreign military sales credits, strike out "$550,000,000 for the fiscal year 1972, of which amount not less than $300,000,000 shall be made available to Israel only" and insert in lieu thereof "$629,000,000 for the fiscal year 1973".

(d) In Section 3(a) of Chapter 3, relating to aggregate regional ceilings, strike out "$100,000,000" and insert in lieu thereof "$150,000,000".

(e) Section 33(c) of Chapter 3, relating to aggregate regional ceilings, is amended to read as follows:

"(c) The President may waive the limitations of this section if he finds that overriding requirements of the national security of the United States justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such findings. In any case in which the limitations of this section are waived under the preceding sentence, the report required under such sentence shall set forth, in detail, the amounts of assistance, sales, credits, guarantees, and ship loans proposed to be made in excess of the geographical limitation applicable under this section".

Sec. 6. Section 8(b) of the Act of January 12, 1971, entitled "An Act to amend the Foreign Military Sales Act, and for other purposes" (84 Stat. 2053), is amended by striking out "$185,000,000" and inserting in lieu thereof "$245,000,000".

THE WHITE HOUSE,
Washington, D.C., February 7, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am forwarding herewith a draft of proposed legislation "To amend the Foreign Assistance Act of 1961, and for other purposes." This legislation would authorize appropriations for fiscal year 1973 for international security assistance and for relief assistance in Bangladesh, make appropriations available for disaster relief in the Philippines, and make our military assistance more effective. These proposals are the same as those I presented to the Congress last year.

Foreign assistance plays an indispensable role in the achievement of our foreign policy and national security goals. Because the last Congress did not take final action on the legislative proposals before it or on foreign assistance appropriations, these programs have been operating for almost seven months under a continuing resolution providing temporary appropriations. The delay in enactment of authorization and appropriations bills has created uncertainties among our friends and allies as to our resolution and willingness to provide essential economic and security assistance. Yet this is precisely the time when confidence is most needed in our commitment to continuing our efforts to build a lasting structure of peace.

In the conviction that the timely and full support of these programs on the part of the Congress is in our own national interest, I urge the Congress to give early and favorable consideration to the legislation I am transmitting today.

Sincerely,

RICHARD NIXON.

SECTION-BY-SECTION ANALYSIS OF THE BILL, "TO AMEND THE FOREIGN ASSISTANCE ACT OF 1961, AND FOR OTHER PURPOSES"

The proposed bill constitutes amendments to the Foreign Assistance Act of 1961, as amended (hereinafter referred to as "the Act"). It also amends the Foreign Military Sales Act (hereinafter referred to as "the FMSA") and Public Law 91-672.

The bill makes few substantive changes in the Act or in the FMSA. Primarily, it provides fiscal year 1973 authorization levels for those categories of assistance for which the Foreign Assistance Act of 1971 did not provide fiscal year 1973 authorizations of appropriations. These categories are Refugee Relief Assistance for Bangladesh and the Philippines, Military Assistance, Security Supporting Assistance, and foreign military sales credits.

PROVISIONS OF THE BILL

Section 1. Relief Assistance to Bangladesh:

This section provides an authorization for appropriation of $100,000,000 for fiscal year 1973 for the purpose of providing refugee relief and reconstruction assistance to Bangladesh and its people. It also contains a technical amendment, changing the words East Pakistan to Bangladesh.

Section 2. Relief Assistance to the Philippines:

This section provides an authorization to engage in relief rehabilitation and reconstruction assistance for the Philippines in connection with damage caused by the 1972 floods. It authorizes the use of up to $50,000,000 of Part I funds for this purpose.

Section 3. Military Assistance:

(a) Authorization. This subsection amends section 504(a) of the Act to authorize the appropriation of $780,000,000 for military assistance for fiscal year 1973.

(b) Special Authority. This subsection amends section 506(a) of the Act to extend through fiscal year 1973 the President's special authority to order defense articles and defense services subject to subsequent reimbursement.

(c) 10% Local Currency Deposit. This subsection repeals section 514 of the Act which requires recipients of grant military assistance and excess defense articles to deposit in local currency an amount equal to 10 per centum of the value of such assistance for use by the United States to pay its local currency costs in that country.

Section 4. Security Supporting Assistance:

This section amends section 532 of the Act to provide an authorization for the appropriation of $844,000,000 for security supporting assistance for fiscal year 1973.

Section 5. Foreign Military Sales Act:

(a) Credit Sales Terms. This subsection amends section 23 of the FMSA which deals with credit sales by extending from 10 to 20 years the length of time for which credit may be extended.

(b) Authorization. This subsection amends section 31(a) of the FMSA by authorizing the appropriation of $527,000,000 for fiscal year 1973 to carry out the purposes of the FMSA.

(c) Aggregate Ceiling. This subsection amends section 31(b) of the FMSA by raising to $629,000,000 the ceiling on credits and guarantees which can be issued under the FMSA in FY 1973.

(d) This subsection amends section 33(a) of the FMSA by increasing the ceiling on aggregate military assistance and sales to Latin American countries from $100,000,000 to $150,000,000.

(e) This subsection amends section 33(c) of the FMSA by removing the limitation on the President's authority to waive the regional ceilings contained in sections 33(a) and 33(b) to 50 per centum of such ceilings. The President would be required to report each waiver to the Congress.

Section 6. Excess Defense Articles:

This section amends section 8(b) of the Act of January 12, 1971 (Public Law 91-672, 84 Stat. 2053), by increasing to $245,000,000 the value of excess defense articles which may be ordered during any fiscal year before the value of such articles is considered military assistance to be charged against funds appropriated under part II of the Act.

By Mr. TOWER (for himself, Mr. BELLMON, Mr. NUNN, Mr. DOLE, Mr. HARTKE, and Mr. BENNETT):

S. 838. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces. Referred to the Committee on Armed Services.

Mr. TOWER. Mr. President, I am introducing today legislation designed to rectify an inequity that has existed since 1958. I am, of course, speaking of recomputation of retired military pay. From 1861 to 1958, with only a 4-year break between 1922 and 1926, the retired pay of military men was recomputed every time there was a basic pay raise. As you know, the retired pay of servicemen is based upon active duty pay and number of years of service. Therefore, every time there was an active duty pay raise, retired servicemen were allowed to recompute their retired pay based upon the then current active duty pay scales. This acted as a sort of cost of living increase and as a very real incentive to join the military. Many servicemen were willing to put up with less than equitable pay while on active duty precisely because recomputation insured them a good retirement pay.

But in 1958, Congress changed the rules of the game. We replaced recomputation with a complicated formula for figuring retired pay raises. The new formula was based upon increases in the Consumer Price Index and so gave the retirees some pay increases. However, the problem is that the Consumer Price Index has not increased as rapidly as have the active duty pay scales.

The result is that we have men retiring today that make, in some cases, 1½ times the retired pay that pre-1958 retirees of the same rank and years of service make. Now, its true that the civilian world has nothing comparable to recomputation. But, on the other hand, most civilians do not regularly risk their lives in line of duty; most civilians do not endure the hardships, and family separations inherent in service life.

Some have argued that the costs of recomputation are too high. This bill tempers those costs by restricting recomputation to those servicemen retired or in a career status at the time the retirement system was changed. For this purpose, career status is defined as having 10 years or more of active duty service. It is this group of retirees that has the strongest case for restoration of recomputation for it can be reasonably argued that those men joining after the retirement system was changed were not induced by the stricken recomputation provisions. It can also be said that men with less than 10 years service still had sufficient career flexibility and insufficient investment in a service career that they could have moved to another profession if the change in the retirement system was significant to them. To restrict recomputation to any other group would be unjustifiable. To restore full recomputation would be uneconomical.

Other opponents of recomputation point out that the servicemen has an opportunity to retire after 20 years service, in the prime of his work life. The retiree can then get another job and have not only his retired pay but, in many cases, a quite reasonable salary besides. These opponents argue that to give these retirees recomputation in addition is an unnecessary waste of Federal funds. This bill has a provision that the recomputation will not take place until the age 60, after the retiree has reached the end of his work-life. It is precisely at this point that the additional income from recomputation will be needed most.

This bill is a fair compromise. It will remove a grave injustice done our servicemen by Congress. The Senate last year demonstrated its concern that some form of recomputation legislation be passed. I call upon my colleagues to join me in working toward that goal.

By Mr. HANSEN (for himself and Mr. MCGEE):

S. 839. A bill to repeal section 127 of title 23, United States Code. Referred to the Committee on Public Works.

Mr. HANSEN. Mr. President, in 1956

when Congress created the interstate highway system, it established an interim set of size and weight limits for trucks and buses which would be using the new superhighways.

Under the "grandfather" clause recognizing any existing State size and weight limits greater than those in the 1956, act, 26 States permit heavier single axle loads on their interstate highways; 24 permit heavier tandem axle loads; and 13 permit gross loads exceeding the 73,280-pound maximum set by the "grandfather" clause in the 1956 act.

Wyoming and a number of other Western States were "locked in" by that "grandfather clause" which should have been changed long ago.

Until the 1956 law was enacted, size and weight limits had been left entirely to the individual States. The only standards available at the time were those adopted in 1946 by the American Association of State Highway Officials. These standards were intended to be temporary inasmuch as they were based largely on roads and bridges built prior to 1946. Congress recognized that newer highways and structures were of much higher quality. They were stronger, wider, safer. The projected new interstate super highways were to be even better.

As a result Congress indicated in both hearing reports and the 1956 law itself that it considered these Federal limits strictly a "stopgap" measure until they could be reconsidered in 1959. It made this clear in the directive to the Secretary of Commerce, whose Department then included the Bureau of Public Roads.

Although the Bureau was unable to make its report until 1964, the changes it recommended were endorsed by the Federal Highway Administration and by the AASHO and included in a 1968 bill which was recommended by the Public Works Committees of both the Senate and House. The bill was passed by the Senate, but died in the House.

Essentially the same bill was reintroduced in the 91st Congress, but again failed in the House.

By repeal of the "grandfather" clause, size and weight limitations on interstate highways would be set by the States, most of which already have higher limits for other roads. The States would still set their own limits for their other roads or post any road or bridge for even lower limits.

Today, 80 percent of the wider, safer, divided interstate highway system is completed and in use.

Congress directed that these highways should be adequate to accommodate the type and volumes of traffic 20 years in the future. And most of the main-line primary roads now have pavements and structures designed to essentially the same standards.

The 96-inch width limit in the present law was based on the prevailing 9 and 10 feet pavement lanes built prior to 1946. The minimum lane width on the interstate system is 12 feet. The Federal Highway Administration says modern primary roads provide at least 11-foot lanes and many are 12 feet as recommended by AASHO.

In terms of axle loads the important weight factors as far as pavements are concerned, repeal of the "grandfather" clause would merely permit States to adopt new limits which would be nearer to those already permitted in regular truck operation in many States. States could in fact, lower limits should they desire but the trend would, I believe, be toward standardization, especially in an increase of 6 inches over the present 96-inch width limitation. This would permit, for the first time, the efficient loading of modular materials in units of 4 feet and accommodate freight containers 8 feet wide. That is one of the basic reasons the Department of Transportation endorsed the increase to 102 inches in the earlier bill.

An added factor now in favor of higher gross weight limits is the current fuel shortage and the savings possible by utilizing space now available, but limited by present weight restrictions.

A resolution passed by the Wyoming State Senate and now pending in the House emphasizes the need for this legislation. Other Western States that were caught in the freeze are in the same situation and will, I am sure, follow the lead of the Wyoming Legislature in support of this bill.

I ask unanimous consent, Mr. President, that the Wyoming Senate joint resolution be printed in the RECORD as part of my remarks in support of this bill.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

WYOMING SENATE JOINT RESOLUTION NO. 6

A joint resolution requesting the United States Congress to repeal the size and weight limitations placed on interstate trucking

Whereas, the people of the state of Wyoming and the rest of the United States rely on an efficient and dependable transportation system to supply their daily needs; and

Whereas, the motor truck transportation system has fully discharged that need and trust within the limitations placed upon it by federal law and

Whereas, the fuel needed to power the nation's transportation system has reached a critically short supply and

Whereas, the health, safety and well-being of our people are now placed in jeopardy by this lack of fuel needed to power the nation's trucks which deliver goods and materials; and

Whereas, the capability to deliver substantially more cargo with very little increase in fuel consumption has long been available, but has been denied by the freeze on size and weight limitations on the federal interstate highway system which has been in existence since 1956; and

Whereas, the bureau of public roads, the American association of state highway officials, and the several states, including the state of Wyoming, have long recommended that the sizes and weights be allowed on the interstate system for which it was designed and which are allowed on the noninterstate system;

Now, therefore, be it resolved by the forty-second legislature of the state of Wyoming, that the president and the congress of the United States do speedily act to repeal the existing size and weight limitations placed on the interstate system by the freeze of 1956. In order to preserve the well-being of our citizens and the integrity of the environment as well, the nation's transportation network must be allowed to deliver cargo to our people at maximum efficiency and capability.

It is further resolved that the legislature service agency transmit copies of this resolution to United States Senator Gale W. McGee, United States Senator Clifford Hansen, and Representative in Congress Teno Roncalio.

By Mr. HART:

S. 840. A bill to supplement the antitrust laws of the United States by providing for fair competitive practices in the termination of franchise agreements. Referred to the Committee on the Judiciary.

FAIRNESS IN FRANCHISING ACT

Mr. HART. Mr. President, back in 1898, one lone man—whose name seems to be lost in history—obtained a "franchise" to sell and service steamer and electric cars.

To the best of our knowledge, he was the first franchisee. More came along—in bits and pieces—up to World War II.

Right after the war, franchising began its real boom—one that has not subsided since. Today it is common to find annual reports of growth of 15 to 20 percent, on the average, in franchising sales. In fact, in 1971, the figure was 18.3 with two lines—construction and remodeling, and recreation, entertainment, and travel—topping 32 and 34 percent, respectively.

From the one electric car outlet, we have grown to 1971 franchised sales of more than $131 million.

Mr. President, the vast majority of this growth has come from well-motivated companies who saw this as a way of putting products on the market faster and more efficiently than they could do alone. For those, all segments of the system—franchisor, franchisee, and consumer—have benefited.

Unfortunately, there are thousands of franchisees who have not fared as well. For them, the dream of being an independent businessman has turned into a nightmare. Independence is an illusion, and the rope that binds them into compliance with all wishes of the parent company is the threat of cancellation.

Mr. President, investments by franchisees in their operations range from a couple of thousands of dollars to hundreds of thousands. That is the capital. But the worth of the business also must reflect the years of overtime and the goodwill. However, currently most of this becomes worthless to the franchisee the moment he is informed that he will be cancelled—or not renewed.

This comes about, of course, because he is a franchisee and not what is traditionally considered an "independent businessman."

In other words, if I went out and started "Hart's Handiman Shop" traditionally after several years in the business when I would sell out, part of the selling price would reflect the value of the patrons of the business. In franchising, the argument is made that the "good-will" attaches to the franchisor and no compensation is made to the franchisee for his part in building that good will.

Faced with the potential economic losses of termination, franchisees understandably "go along" with demands of the franchisor. So, too often, instead of being independent businessmen they are economic serfs.

Mr. President, long hearings by the Senate Antitrust and Monopoly Subcommittee demonstrated the need to balance the power scales between the franchisor and franchisee. Obviously, the best method was to disarm the threat of cancellation.

This is done in the bill which I offer today—the Fairness in Franchising Act.

This bill does not seek to wed the franchisee and franchisor together so long as they both shall live. Nor does it reverse many franchise agreements so that they become "contracts of adhesion"—making the franchise system so abhorrent to parent companies that they would rather dump the system than comply.

The bill seeks to build equity in the system—on both sides. It does so by zeroing in on that potent weapon—the threat of cancellation—seeking to make the parting of the ways as equitable as it is possible.

In short, under the bill, any franchisor may cancel any franchise for any reason that suits his fancy—or his business judgment.

It will be noted that the bill this year permits cancellation of a franchise for legitimate business reasons. However, if the termination comes through no fault of the franchisee—that is, if he has been living up to all reasonable expectations of the agreement—he shall be compensated for his loss.

So the franchisor could rid himself of the nonproducer and would be liable for no compensation. However, if he wants to take over or for any reason eliminate a viable concern which has been run in a proper manner, the franchisor—in effect—must buy out the franchisee.

That is what I mean by "equitable".

There is another facet of the bill which I also think adds equity. In section 5, it spells out that if companies fear excessive litigation under the bill, this can be avoided by a binding arbitration clause in their contracts which meet the specifications of the bill.

Another portion of the bill—section 6—would prohibit a franchisor from engaging in methods of competition which constitute unfair methods of competition within the meaning of the Federal Trade Commission Act. This is aimed at correcting the so-called predatory methods of competition, such as sales by the franchisor at below cost in competition with his franchisee.

Mr. President, Congress has been talking about doing something to help franchisees with their problems since 1965. It is time we delivered on that promise. This bill I introduce today, would go a long way toward that goal. Hopefully, we will be able to move it quickly into law.

Mr. President, I ask unanimous consent that the full text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fairness in Franchising Act".

Sec. 2. As used in this Act—

(a) The term "person" means a sole proprietor, partnership, corporation, or any other form of business organization.

(b) The term "franchise" shall mean a contract or agreement, either expressed or implied, whether oral or written, between two or more persons, excluding credit or financing arrangements, relationships between manufacturers, agreements of a bona fide and express interim or trial nature requiring a relatively small new investment by the franchise (as hereinafter described), and warranty, cooperative advertising, training, and other programs provided by one person to another person which other person receives his franchise from a third party—

(1) wherein a commercial relationship of definite duration or continuing indefinite duration is involved;

(2) wherein one person, hereinafter called the "franchisee", is granted the right to offer, sell, and distribute goods or services to the extent that they are manufactured, processed, distributed, or (in the case of services) organized and directed by the other person, hereinafter called the "franchisor";

(3) wherein the franchisee as an independent business constitutes a component of franchisor's distribution system;

(4) wherein the operation of franchisee's business franchise is substantially associated with a franchisor's trademark, service mark, trade name, advertising or other commercial symbol designating the franchisor; and

(5) wherein the operation of franchisee's business is substantially reliant on franchisor for the continued supply of goods or services.

(c) The term "goods" means any article or thing without limitation, or any part of such article or thing, including any article or thing used or consumed by a franchisee in rendering a service established, organized, directed, or approved by a franchisor.

(d) The term "commerce", as used herein, means trade or commerce among the several States or from foreign nations and any State or territory of the United States or the District of Columbia, or between the District of Columbia or any territory of the United States and any State or territory, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or territory of the United States or the District of Columbia or any territory or any insular possession or other place under the jurisdiction of the United States.

Sec. 3. It shall be a violation of this Act for any franchisor engaged in commerce, directly or through any officer, agent, or employee to terminate, cancel, or fail to renew a franchise for any reason whatsoever without having first given written notice of such termination, cancellation, or intent not to renew to the franchisee at least ninety days in advance of such termination, cancellation, or failure to renew.

Sec. 4. Notwithstanding the terms, provisions, or conditions of any franchise, and except as provided in section 5, it shall be a violation of this Act, unless done for good cause and for legitimate business reasons, for any franchisor engaged in commerce, directly or through any officer, agent, or employee to terminate, cancel, or fail to renew a franchise or threaten to terminate, cancel, or fail to renew a franchise. Any franchisor, engaged in commerce, who does terminate, cancel, fail to renew or who threatens to terminate, cancel, or fail to renew a franchise shall have the burden of proving that the termination, cancellation, failure to renew or threat of termination, cancellation, or failure to renew a franchise was done for good cause and for legitimate business reasons. For the purposes of this Act, good cause shall include—

(a) failure by the franchisee to substantially comply with those requirements imposed upon him by the franchise which requirements are both essential and reasonable; or,

(b) use of bad faith by the franchisee in carrying out the terms of the franchise. For the purposes of this Act, legitimate business reasons shall include those acts defined as good cause but shall not include—

(a) any conduct which violates the antitrust laws, including section 5 of the Federal Trade Commission Act; or,

(b) cancellation, termination, or failure to renew for the purpose of enabling the franchisor to take over the franchisee's business, unless reasonable compensation is paid for the value of the franchisee's business including goodwill.

Sec. 5. The provisions of section 4 of this Act shall not apply to any written franchise containing provisions for the binding arbitration of disputes concerning the items covered in section 4 in accordance with the rules of the American Arbitration Association or other similar rules: *Provided,* That the criteria for determining whether good cause and legitimate business reasons existed for the termination, cancellation, or refusal to renew the written franchise shall be no less than that outlined in section 4 of this Act: *And provided further,* That the allowable compensation to a franchisee terminated for other than good cause shall be no less than that provided in section 7.

Sec. 6. It shall be a violation of this Act for any franchisor engaged in commerce, directly or through any officer, agent, or employee to engage directly or indirectly in methods of competition with any franchisee that constitute unfair methods or competition within the meaning of the Federal Trade Commission Act.

Sec. 7. Any franchisee may bring an action against a franchisor for violation of this Act in any district court of the United States in the district in which the franchisor resides or is found, or has an agent, or in which the cause of action arises, without respect to the amount in controversy, and shall recover the damages by him sustained by reason of the franchisor's failure to comply with this Act, together with the costs of the action, including reasonable attorney fees.

Sec. 8. Any action brought pursuant to this Act shall be forever barred unless commenced within two years after the cause of action shall have accrued.

Sec. 9. No provision of this Act shall repeal, modify, or supersede, directly or indirectly, any provision of the antitrust laws of the United States. This Act is and shall be deemed supplementary to, but not a part of, the antitrust laws of the United States.

Sec. 10. This Act shall become effective six months after the date of its enactment.

Sec. 11. This Act shall not invalidate any provision of the laws of any State except insofar as there is a direct conflict between an express provision of this Act and an express provision of State law which cannot be reconciled.

Sec. 12. If any provision of this Act or the application of such provision to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

By Mr. HOLLINGS (for Mr. Magnuson) (by request):

S. 841. A bill to implement the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage. Referred, by unanimous consent, jointly to the Committee on Commerce and the Committee on Foreign Relations.

Mr. HOLLINGS. Mr. President, I introduce, on behalf of the Senator from Washington (Mr. Magnuson) a bill to implement the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage. The bill was transmitted to the Senate by the Department of State. I ask unanimous consent that the bill be jointly referred to the Committees on Commerce and Foreign Relations.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, what was the request?

Mr. HOLLINGS. The request was to jointly refer this bill, transmitted by the Department of State, relative to the International Convention on Civil Liability for Oil Pollution Damage, jointly to the Committees on Commerce and Foreign Relations. This has already been checked through with both committees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, the Commerce Committee intends to hold joint hearings with the Public Works Committee on the bill. I ask unanimous consent that after the bill is reported out of the committee, it be held on the Senate calendar for a period of at least 30 days to allow any offered amendments to be considered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOLLINGS. I also ask unanimous consent that the bill, the letter of transmittal, and a section-by-section analysis be printed at this point in the Record.

There being no objection, the bill, letter, and analysis were ordered to be printed in the Record, as follows:

S. 841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

That this Act may be cited as the "Oil Pollution Compensation Act of 1972."

"TITLE I—INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE

"Sec. 101. For the purposes of this Title, the term—

"(a) 'Ship' means any sea-going vessel and any seaborne craft of any type whatsoever, actually carrying oil in bulk as cargo.

"(b) 'Person' means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency, or instrumentality, any State, or any political subdivision of, or any political entity within a State any foreign government or country, or any political subdivision of any such government or country, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing.

"(c) 'Owner' means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship. However in the case of a ship owned by a country and operated by a company which in that country is registered as the ship's operator, 'owner' shall mean such company.

"(d) 'State of the ship's registry' and other references to registration of a ship in a State mean in relation to registered ships the country of registration of the ship, and in relation to unregistered ships the country whose flag the ship is flying. Registration of a ship in the United States includes the licensing or enrollment of a ship.

"(e) 'Oil' means any persistent oil, such as crude oil, fuel oil, heavy diesel oil, lubricating oil and whale oil, whether carried on board a ship as cargo or in the bunkers of such a ship.

"(f) 'Pollution damage' means loss or damage caused outside the ship carrying oil by contamination resulting from the escape or discharge of oil from the ship, wherever such escape or discharge may occur, and includes the costs of preventive measures (including the actual cost of removal of the oil) and further loss or damage caused by preventive measures. In the preceding sentence, 'contamination' includes, but is not limited to, contamination which is the escape or discharge of any quantity of oil, at such times and locations or under such circumstances and conditions, as are determined, pursuant to paragraph (3) of Sec. 11(b) of the Federal Water Pollution Control Act, as amended, to be harmful to the public health or welfare of the United States.

"(g) 'Preventive measures' means any reasonable measures taken by any person after an incident has occurred to prevent or minimize pollution damage.

"(h) 'Incident' means any occurrence, or series of occurrences having the same origin, which causes pollution damage.

"(i) 'Liability Convention' means the International Convention on Civil Liability for Oil Pollution Damage, 1969.

"(j) 'Escape' or 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping.

"(k) 'United States,' when used in a geographic sense, means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and all other territories or possessions of the United States.

"(l) 'Franc' means a unit consisting of sixty-five and a half milligrams of gold of millesimal fineness nine hundred.

"(m) "Ton' means 2240 pounds.

"(n) 'Guarantor' means any person providing insurance or other financial security pursuant to the provisions of Section 103 of this Title or of Article VII, paragraph 1 of the Liability Convention.

"(o) 'Ship's tonnage' means the net tonnage of the ship with the addition of the amount deducted from the gross tonnage on account of engine room space for the purpose of ascertaining the net tonnage. In the case of a ship which cannot be measured in accordance with the normal rules of tonnage measurement, the ship's tonnage shall be deemed to be 40% of the weight in tons of oil which the ship is capable of carrying.

"(p) 'District Court of the United States' includes the courts enumerated in Title 28, Section 460, United States Code.

"Sec. 102. (a) Except as provided in subsections (b) and (c) of this section, the owner of a ship at the time of the incident, or where the incident consists of a series of occurrences at the time of the first such occurrence, shall be liable for any pollution damage caused as a result of the incident.

"(b) The owner shall not be liable for pollution damage if he proves that the damage

(1) resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character, or

(2) was wholly caused by an act or omission done with intent to cause damage by a third party, or

(3) was wholly caused by the negligence or wrongful act of any government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function.

"(c) If the owner proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage or from negligence of that person, the owner may be exonerated to the same extent from his liability to such person.

"(d) This section applies exclusively to pollution damage (other than preventive measures) caused on the territory, including the territorial sea, of the United States or of any foreign country which is party to the Liability Convention and to preventive measures, wherever taken, to prevent or minimize such damage.

"(e) Nothing in this Act shall prejudice any right of recourse of the owner against third parties.

"(f) When oil has escaped or has been discharged from two or more ships, and pollution damage results therefrom, the owners of all the ships concerned, unless exonerated under subsection (b), and, to the extent not exonerated under subsection (c), shall be jointly and severally liable for all such damage which is not reasonably separable.

"(g) (1) Subject to paragraph (2) of this subsection, the owner of a ship shall be entitled to limit his liability under this Act in respect of any one incident to an aggregate amount equal to the dollar equivalent of 2,000 francs for each ton of the ship's tonnage; provided that the aggregate amount of an owner's liability in respect of any one incident shall not exceed the dollar equivalent of 210 million francs. The dollar equivalent of a franc shall in any action brought pursuant to this Title be calculated as of the date the fund referred to in paragraph (3) of this subsection is constituted.

(2) If the incident occurred as a result of the actual fault or privity of the owner, he shall not be entitled to avail himself of the limitation provided in paragraph (1) of this subsection.

(3) For the purpose of availing himself of the benefit of limitation provided for in paragraph (1) of this subsection the owner shall constitute a fund in an amount equal to the limit of his liability under this Title in a Court in which an action is brought under subsection 104(b) of this Title, or the owner shall constitute a fund in such amount in accordance with Article V of the Liability Convention in any court of a foreign country having jurisdiction as provided in Article IX of the Liability Convention in which an action under that Convention is brought or with another competent authority of such a country. A fund constituted in the United States may be constituted either by depositing the sum or producing a bank guarantee or other guarantee considered to be adequate by the Court.

(4) A guarantor shall be entitled to constitute a fund in accordance with this subsection on the same conditions and having the same effect as if it were constituted by the owner. Such a fund may be constituted even in the event of actual fault or privity of the owner but its constitution shall in that case not prejudice the rights of any claimant against the owner.

"(h) (1) Where the owner, after an incident, has constituted a fund in accordance with subsection (g) of this section and is entitled to limit his liability,

(A) no person having a claim for pollution damage arising out of that incident shall be entitled to exercise any right against any other assets of the owner in respect of such claim;

(B) a District Court of the United States shall order the release of any ship or other property belonging to the owner which has been arrested in respect of a claim for pollution damage arising out of that incident, and shall similarly release any bail or other security furnished to avoid arrest.

(2) Paragraph (1) of this subsection shall

apply only if the claimant has access to the Court administering the fund and the fund is actually available in respect of his claim.

"(i) Any claim for compensation for pollution damage may be brought directly against the guarantor of the owner's liability for pollution damage. In such case, the defendant may, irrespective of the actual fault or privity of the owner, avail himself of the limits of liability prescribed in subsection (g)(1) of this section. He may further avail himself of the defenses (other than the bankruptcy or winding up of the owner) which the owner himself would have been entitled to invoke. Furthermore, the defendant may avail himself of the defense that the pollution damage resulted from the willful misconduct of the owner himself, but the defendant shall not avail himself of any other defense which he might have been entitled to invoke in proceedings brought by the owner against him. The defendant shall in any event have the right to require the owner to be joined in the action.

"Sec. 103. (a) The owner of a ship registered in the United States which is capable of carrying more than 2,000 tons of oil in bulk as cargo shall maintain insurance or other financial security in the sums fixed by applying the limits of liability prescribed in subsection (g)(1) of Section 102 of this title. Any sums provided by insurance or by other financial security maintained in accordance with the preceding sentence shall be available exclusively for the satisfaction of claims under this title.

"(b) After determining that insurance or other financial security in the sums fixed by applying the limits of subsection (g)(1) of Section 102 has been obtained, the President shall issue a certificate to each ship registered in the United States which is capable of carrying more than 2,000 tons of oil in bulk as cargo attesting that such insurance or other financial security has been obtained. After making such a determination, the President may also issue a certificate to a ship capable of carrying more than 2,000 tons of oil in bulk as cargo which is registered in a State not party to the Liability Convention. The certificate shall be in the form annexed to the Liability Convention and shall contain:

(1) name of the ship and port of registration;

(2) name and principal place of business of owner;

(3) type of security;

(4) name and principal place of business of insurer or other person giving security, and where appropriate, place of business where the insurance or security is established;

(5) period of validity of certificate which shall not be longer than the period of validity of the insurance or other security.

"(c) The certificates shall be carried on board all ships to which the certificates are issued and a copy shall be retained by the President.

"(d) No certificate shall be issued if the insurance or other financial security can cease, for reasons other than the expiration of the period of validity of the insurance or security specified in the certificate, before three months have elapsed from the date on which notice of its termination is given to the President. The President shall determine such other requirements related to the financial capability of the owner's guarantor as may be desirable to carry out the purposes of this Act for the issuance of the certificate or the termination of its validity.

"(e) Certificates issued or certified under the authority of another State party to the Convention shall have the same force as certificates issued pursuant to this subsection. The Secretary of State shall request consultation with the State of a ship's registry if the President seeks to determine whether the guarantor named in the ship's certificate is financially capable for the purposes of this Act. If the President determines that such guarantor is not financially capable for the purposes of this Act, he may take such lawful action as he deems appropriate, including but not limited to the barring of the ship from any or all ports of the United States.

"(f) No ship registered in the United States to which this section applies shall engage in trade unless a certificate has been issued pursuant to this section.

"(g) No ship registered in the United States which is capable of carrying more than 2,000 tons of oil in bulk as cargo, and no other ship, wherever registered, actually carrying more than 2,000 tons of oil in bulk as cargo, shall enter or leave a port in the United States, or be permitted to arrive at or leave an offshore terminal in the territorial waters of the United States unless the ship has on board a valid certificate issued by the United States or a foreign country party to the Convention. Any ship required by the preceding sentence to have such a valid certificate on board which enters the territorial waters or the contiguous zone of the United States en route to a port or terminal installation (as defined in subsection 201(e) of Title II) in the United States, and which fails to have such valid certificate on board, shall for each such failure be liable for a civil penalty of not more than 10,000 dollars. The President may assess and compromise such penalty. No penalty shall be assessed until notice and an opportunity for hearing on the charge has been given. In determining the amount of the penalty or the amount agreed upon in compromise, the demonstrated good faith of the owner shall be considered by the President.

"(h) Any ship owned by the United States or any foreign country which carries a certificate issued by the President, or, if a ship owned by a foreign country, by the country owning the ship, stating the ownership of the ship and that the ship's liability is covered to the limit prescribed by subsection (g)(1) of Section 102 shall be deemed to have complied with the foregoing requirements of this section. The certificate shall resemble as closely as possible the model described in subsection (b) of this section.

"(i) The President is authorized to delegate the administration of this section, including the powers to make determinations and to make and revise regulations, and to redelegate such powers, to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate.

"Sec. 104. (a) Rights of compensation under this Title shall be extinguished unless an action is brought thereunder within three years from the date when the damage occurred. However, in no case shall an action be brought later than six years from the date of the incident which caused the damage. Where the incident consists of a series of occurrences, the six years' period shall run from the date of the first occurrence.

"(b)(1) Subject to paragraph 2 of this subsection, the several District Courts of the United States shall have jurisdiction over any actions arising under this Act if the action is brought in respect of an incident which has caused all or part of the pollution damage (other than preventive measures) on the territory, including the territorial sea, of the United States or in respect of preventive measures, wherever taken, to prevent or minimize such damage.

(2) Actions authorized under the above subsection may be brought in any judicial district in which one of the plaintiffs or one of the defendants resides or in which pollution damage, including preventive measures taken to prevent or minimize such damage, has occurred or could reasonably be expected to have occurred if such preventive measures had not been taken. For the purpose of this Act, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii and the Trust Territory of the Pacific Islands shall be included within the judicial districts of both the District Court of the United States for the District of Hawaii and the District Court of Guam.

(3) If the fund referred to in subsection (g)(3) of Section 102 has been constituted in a District Court of the United States or in a competent court of a foreign country party to the Liability Convention, that court shall have exclusive jurisdiction regarding all matters relating to the apportionment and distribution of the fund.

"(c) Subject to the provisions of Section 302 of Title III of this Act, any judgment given by a foreign court with jurisdiction in accordance with Article IX of the Liability Convention which is enforceable in the country of origin and which is no longer subject to ordinary forms of review therein, shall be enforceable in the courts of the United States except:

(1) where the judgment was obtained by fraud; or

(2) where the defendant was not given reasonable notice and a fair opportunity to present his case.

"(d)(1) The provisions of this Title shall not apply to warships or other ships owned or operated by a country and used, for the time being, only on Government non-commercial service.

(2) With respect to ships owned by the United States and used for commercial purposes, the United States, in actions brought against it in the United States and in other jurisdictions identified in Article IX of the Liability Convention, waives all defenses based on its status as a sovereign state.

"TITLE II—INTERNATIONAL CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR COMPENSATION FOR OIL POLLUTION DAMAGE

"Sec. 201. For the purposes of this Title, the term—

"(a) 'Convention' means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971.

"(b) 'The Fund' means the 'International Oil Pollution Fund' established by the Convention.

"(c) 'Liability Convention,' 'ship,' 'State of the ship's registry' and other references to registration of a ship in a State, 'person,' 'owner,' 'oil,' 'pollution damage,' 'preventive measures,' 'incident,' 'franc,' 'ship's tonnage,' 'escape,' 'discharge,' 'United States' when used in a geographic sense, 'ton,' 'guarantor,' and 'District Court of the United States' have the same meaning as in Title I of this Act, except that (1) 'oil' shall be confined to persistent hydrocarbon mineral oils for the purposes of this Title, and (2) 'ton' in relation to oil means a metric ton.

"(d) 'Contributing oil' means crude oil and fuel oil as defined in subparagraphs (1) and (2) below:

"(1) 'Crude oil' means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation, and includes crude oils from which certain distillate fractions have been removed ('topped crudes') and to which certain distillate fractions have been added ('spiked' or 'reconstituted' crudes).

"(2) 'Fuel oil' means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to 'American Society for Testing Materials Specification for Number Four Fuel Oil' (Designation D 396–69) or heavier.

"(e) 'Terminal installation' means any site for the storage of oil in bulk which is capable of receiving oil from waterborne transportation, including any facility situated off-shore and linked to such site.

"SEC. 202. (a) Contributions to the Fund shall be made by any person who has received, in total quantities exceeding 150,000 tons in the calendar year preceding the year in which his contribution is calculated,

"(1) in the ports or terminal installations in the territory of the United States, contributing oil carried by sea to such ports or terminal installations;

"(2) in any installations situated in the territory of the United States, contributing oil which has been carried by sea and discharged in a port or terminal installation of a country not party to the Convention, provided that contribution in respect of contributing oil so carried and discharged shall be made only by the first receiver in the United States.

"(b) Any person

(1) who is a subsidiary of or an entity commonly controlled by a person or related group of persons required under subsection (a) of this section to make contributions to the Fund and who receives contributing oil as provided in subsection (a) of this section in any amount in the same calendar year as such person or related group of persons, or

(2) who is one of two or more subsidiaries of or entities commonly controlled by a person or related group of persons and such subsidiaries or entities receive, as provided in subsection (a) of this section an amount of contributing oil exceeding 150,000 tons in the aggregate in the same calendar year, shall also make contributions to the Fund. The President shall by regulation determine which persons shall be deemed to be subsidiaries, commonly controlled entities and related groups of persons for the purposes of this subsection.

"(c) Any person required by subsection (a) or (b) of this section to contribute to the Fund shall, upon notification by the Director of the Fund, be liable to pay the Fund the amount of his initial and annual contribution calculated pursuant to Article 11 and Article 12 of the Convention, as specified by the Director. Such person shall pay the Fund such portion thereof in cash as may from time to time be requested by the Director, and shall give such security for the remaining portions thereof, including amounts in arrears, as the Director may require pursuant to regulations of the Fund. Such person shall be liable to pay interest to the Fund in respect of amounts in arrears at a rate determined by the Fund.

"(d) Any person liable to contribute to the Fund and who fails to make a payment or to provide security to the Fund as required by the preceding subsection within three months from the date such payment is due or the provision of security is required, shall for each such failure be liable for a civil penalty of not more than 5,000 dollars. The President may assess and compromise such penalty. No penalty shall be assessed until the person has been given notice and an opportunity for a hearing on such charges. In determining the amount of such penalty or the amount agreed upon in compromise, the demonstrated good faith of the persons and the amount of the contribution due shall be considered by the President.

"(e)(1) Subject to paragraph (2) of this subsection, any person liable to contribute to the Fund and who fails to make a payment or to provide security to the Fund as required by subsection (c) of this section shall be liable in an action brought in the several District Courts of the United States by the Director of the Fund for the amount due or to provide such other relief as the court may determine is appropriate.

(2) Upon a determination of the President that a person to which the judicial power of the United States does not extend in the circumstances set forth in Amendment XI to the Constitution of the United States is liable to contribute an amount to the Fund, and that such person has failed to make payment of that amount or any part thereof for more than three months from the date the payment was due, the President shall take such measures as he deems appropriate to collect such unpaid amount and any interest (as provided in subsection (c) of this section) on behalf of the Fund, including the prosecution of an action therefor against such person in a court of the United States. Upon receipt of the sums collected, the President shall forthwith pay such sums to the Fund.

"(f) The Fund shall have capacity under the laws of the United States to contract, to acquire and dispose of real and personal property, and to institute and be party to legal proceedings. The Director of the Fund shall be the legal representative of the Fund. The Director shall be deemed irrevocably to have appointed the Secretary of State his agent for service of process in any action against the Fund in any court of the United States.

"(g) The President shall communicate to the Director of the Fund the name and address of any person who is liable to contribute to the Fund under subsection (b) of this section and data regarding the relevant quantities of contributing oil received by such person during the preceding calendar year. The President may require any person who may be liable to contribute to the Fund to furnish such information as he may from time to time deem appropriate for purposes of the preceding sentence. Communications by the President to the Director shall, in any Civil action or administrative proceeding arising out of alleged failure to contribute or provide security to the Fund as required herein, be *prima facie* evidence of the facts stated therein.

"(h) The President is authorized to delegate the administration of this section, including the powers to make determinations, and to make and revise regulations, and to redelegate such powers, to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate.

"SEC. 203. Sections 204 and 205 of this Title respectively apply exclusively to pollution damage (other than preventive measures) caused on the territory, including the territorial sea, of the United States and any foreign country which is party to the Convention and to preventive measures, wherever taken to prevent or minimize such damage, and, with regard to indemnification of owners and guarantors, to pollution damage (other than preventive measures) caused on the territory, including the territorial sea, of the United States and any foreign country party to the Liability Convention by a ship registered in a State party to the Convention, and to preventive measures, wherever taken, to prevent or minimize such damage.

"Sec. 204. (a) Any person suffering pollution damage arising out of an incident occurring more than one hundred and twenty days after the entry into force of the Convention shall be entitled to compensation from the fund if that person has been unable to obtain full and adequate compensation for the damage under the terms of Title I or the Liability Convention either

"(1) because no liability for the damage arises under Title I or the Liability Convention; or

"(2) because the owner liable for the damage under Title I or the Liability Convention is financially incapable of meeting his obligations in full and any financial security that may be provided under section 103 of Title I or Article VII of the Liability Convention does not cover or is insufficient to satisfy the claims for compensation for the damage, provided that an owner shall be deemed to be financially incapable of meeting his obligations and financial security shall be deemed to be insufficient if the person suffering damage has been unable to obtain full satisfaction of the amount due him under Title I or the Liability Convention after having taken all reasonable steps to pursue the legal remedies available to him: or

(3) because the damages exceed the owner's liability under the Liability Convention as limited pursuant to subsection 102(g) of Title I or Article V, paragraph 1 of the Liability Convention or under the terms of any other international convention in force or open for signature, ratification or accession on December 18, 1971.

Expenses reasonably incurred or sacrifices reasonably made by the owner voluntarily for preventive measures shall be treated as pollution damage for purposes of this section.

"(b) The Fund shall incur no obligation under the preceding subsection if:

(1) it proves that the pollution damage resulted from an act of war, hostilities, civil war or insurrection or was caused by oil which has escaped or been discharged from a warship or other ship owned or operated by the United States or a foreign country and used at the time of the incident only on government non-commercial service; or

(2) the claimant cannot prove that the damage resulted from an incident involving one or more ships.

"(c) If the Fund proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered damage or from the negligence of that person, the Fund may be exonerated to the same extent from its obligation to pay compensation to such person. The Fund shall in any event be exonerated to the extent that the owner may have been exonerated under subsection 102(c) of Title I or Article III, paragraph 3 of the Liability Convention. Notwithstanding any other provision of this Act, the Fund shall not to any extent be exonerated with regard to pollution damage resulting from the taking of preventive measures compensable under subsection (a) of this section.

"(d) The aggregate amount of compensation payable by the Fund under this Act shall in respect of any one incident be limited, so that the total sum of that amount and the amount of compensation actually paid under Title I or the Liability Convention for pollution damage, including any sums in respect of which the Fund is under an obligation to indemnify the owner pursuant to Section 205 of this Title shall not exceed the dollar equivalent of 450 million francs; provided, however, that if the Fund shall decide to change the figure 450 million francs, such total sum shall, with respect to incidents occurring after the date of such change, in no case exceed the dollar equivalent of the amount decided on by the Fund, and further provided, that all pollution damage resulting from a single natural phenomenon of an exceptional, inevitable, and irresistible character in every case shall be deemed to have arisen out of a single incident.

"SEC. 205. (a) An owner or his guarantor shall be entitled to reimbursement from the Fund, for that portion of the aggregate amount of liability for pollution damage under Title I or the Liability Convention arising out of an incident occurring more than one hundred and twenty days after the entry into force of the Convention which:

(1) is in excess of an amount equal to the dollar equivalent of 1500 francs for each ton of the ship's tonnage or of an amount equal to the dollar equivalent of 125 million francs, whichever is less; and.

(2) is not in excess of an amount equal to the dollar equivalent of 2,000 francs for each ton of the ship's tonnage or an amount equal to the dollar equivalent of 210 million francs, whichever is the less;

provided, however, that the Fund shall incur no obligation under this paragraph where the pollution damage resulted from the willful misconduct of the owner himself.

"(b) If the Fund proves that

(1) as a result of the actual fault or privity of the owner, the ship from which the oil causing pollution damage (including preventive measures) escaped or was discharged did not comply with the requirements laid down in (A) the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended in 1962; or (B) the International Convention for the Safety of Life at Sea, 1960; or (C) the International Convention on Load Lines, 1966; or (D) the International Regulations for Preventing Collisions at Sea, 1960; or any amendment which has been determined to be of an important nature under Article XVI(5) of the Convention mentioned in (A), under Article IX(e) of the Convention mentioned in (B) or under Article 29(3)(d) or (4)(d) of the Convention mentioned in (C); provided, however, that any such amendment has been in force for at least twelve months at the time of the incident; and,

(2) the incident or damage was wholly or partially caused by such non-compliance;

the Fund shall, to the same extent, be exonerated from its obligations under the preceding subsection, without regard to whether the ship was bound by the law of the State of the ship's registry to comply with such requirements.

"(c) If the Fund decides that a new convention shall replace an instrument or a part thereof for the purpose of paragraph 3 of Article 5 of the Convention, the ship shall on the effective date of such replacement be required to comply with the requirements of the new convention for the purposes of the preceding subsection: *Provided, however,* That any ship registered at the time of an incident in any State party to the Convention (including the United States) which is not a party to the new convention and which has declared to the Director of the Fund that it does not accept such replacement and has not terminated such declaration shall be required for the purposes of the preceding subsection to comply only with the requirements referred to in that subsection until such declaration is withdrawn or the State becomes party to the new convention.

"(d) Any ship complying with the requirements in an amendment to an instrument specified in subsection (b) or with the requirements in a new convention, where the amendment or the convention is designed to replace in whole or in part such instrument, shall be considered as complying with the requirements of subsection (b).

"(e) If the Fund shall have assumed the obligations of a guarantor of part of an owner's liability, the owner shall, upon proof of such assumption, be deemed to have complied with Section 103 of Title I of this Act and Article VII of the Liability Convention with respect to that part of his liability. Where the Fund, acting as a guarantor, has paid compensation for pollution damage in accordance with Title I of this Act or the Liability Convention, it shall have a right of recovery from the owner to the extent that the Fund would have been exonerated pursuant to subsection (b) of this section from its obligations under subsection (a) of this section to indemnify the owner or his guarantor.

"(f) Expenses reasonably incurred and sacrifices reasonably made by the owner voluntarily to prevent or minimize pollution damage shall be treated as included in the owner's liability for the purposes of this section.

"SEC. 206. (a) The several district courts of the United States shall have jurisdiction over actions against the fund for compensation or indemnification under sections 204 or 205 of this title. Such actions may be brought no sooner than 240 days after entry into force of the convention and shall be brought only before a court competent under section 104(b) of title I of his Act.

"(b) Subject to the provisions for consolidation of the Federal Rules of Civil Procedure, where an action for compensation for pollution damage has been brought before a district court of the United States or a court of another country competent under article IX of the Liability Convention, against the owner or his guarantor, such court or courts shall have exclusive jurisdiction over actions against the fund for compensation or indemnification under section 204 or 205 of this title in respect of pollution damage arising out of the same incident and involving the same defendant or his guarantor. However, where an action for compensation for pollution damage under the Liability Convention has been brought before a court of a country party to the Liability Convention but not to the convention, any action against the fund for such compensation or indemnification may be brought before any district court of the United States having jurisdiction under section 104(b) of title I.

"(c) The fund may intervene of right as a party in any legal proceedings instituted against an owner or his guarantor under title I of this Act.

"(d) Subject to subsection (e) of this section, the fund shall not be bound by any judgment or decision in proceedings to which it has not been a party or by any settlement to which it is not a party.

"(e) Where an action under title I for compensation for pollution damage has been brought against an owner or his guarantor in a district court of the United States, each party to the proceedings shall be entitled to notify the fund of the proceedings. Where such notification has been timely made and in accordance with the practice of the Federal courts, any judgment rendered by the court in such proceedings shall, after it has become final and enforceable in the United States, become binding upon the fund in the sense that the facts and findings in that judgment may not be disputed by the fund even if the fund has not actually intervened in the proceedings.

"(f) Rights to compensation under section 204 of this title or to indemnification under section 205 of this title shall be extinguished unless an action is brought thereunder or notification has been made pursuant to the preceding subsection within three years from the date when the pollution damage occurred, provided that no action shall be brought more than six years after the date of the incident which caused the pollution damage.

"(g) Notwithstanding the provisions of the preceding subsection, the right of an owner or guarantor to seek indemnification from the fund pursuant to section 205(a) shall in no case be extinguished sooner than six months from the date the owner or his guarantor acquired knowledge of the commencement of an action against him under title I of this Act or under the Liability Convention.

"(h) Subject to the provisions of Section 302 of Title III of this Act, any judgment given against the Fund by a court having jurisdiction as provided in Article 7, paragraphs (1) or (3) of the Convention shall, when it is enforceable in the country of origin, and which is no longer subject to ordinary forms of review therein be enforceable in the courts of the United States except on the same conditions as are prescribed in Section 104 of Title I.

"SEC. 207. The Fund, its assets and income, including contributions, shall be exempt from all direct taxation in the United States.

TITLE III—APPORTIONMENT OF CLAIMS AND SUBROGATION; EXCLUSIVE REMEDY; EFFECTIVE DATE

"SEC. 301. For the purposes of this Title, the term—

"(a) 'Owner's fund' means a fund constituted as provided in Section 102 of Title I of this Act.

"(b) 'Compensation Fund' means the Fund as defined in Section 201 of Title II of this Act.

"(c) 'Owner,' 'guarantor,' 'person,' 'pollution damage,' 'preventive measures,' 'Liability Convention,' and District Court of the United States' have the same meaning as in Title I of this Act.

"(d) 'Convention' has the same meaning as in Title II of this Act.

"SEC. 302. (a) Subject to Section 303 of this Title—

(1) An owner's fund shall be distributed among the claimants in proportion to their established claims. Claims in respect of preventive measures taken by the owner shall rank equally with other claims against the owner's fund.

(2) Where the aggregate amount of damage arising out of any one incident exceeds the amount referred to in section 240(d) of title II of this Act, the amount available thereunder for compensation of such damage under this Act shall be distributed in such a manner that the proportion between any established claim and the amount of compensation actually recovered by the claimant under the Liability Convention and this Act shall be the same for all claimants.

"(b) On the petition of any claimant, owner, guarantor, the Compensation Fund, or any other interested person, any District Court of the United States in which an owner's fund is constituted pursuant to section 102 of title I of this Act or if no fund is constituted, any District Court having jurisdiction of an action against the Compensation Fund may determine that liability arising from an incident may exceed the limit of liability under this Act. Whenever such determination is made:

(1) Total payments made by or for all claimants as a result of such incident shall not exceed 20 per centum of such limit of liability without the prior approval of the court;

(2) The court shall not authorize payments in excess of 20 per centum of such limit of liability unless the court determines that such payments are or will be in accordance with a plan of distribution which has been approved by the court or such payments are not likely to prejudice the subsequent adoption and implementation by the court of a plan of distribution pursuant to subsection(a) of this section; and

(3) Any other interested person may submit to such District Court a plan for the disposition of pending claims and for the distribution of remaining moneys available. Such a plan shall include an allocation of appropriate amounts for claims which may not be made until a later time. Such court shall have all power necessary to approve, disapprove, or modify plans proposed, or to adopt another plan; and to determine the proportionate share of moneys available for each claimant. Any person compensated or indemnified shall be entitled to such orders as may be appropriate to implement and enforce the provisions of this subsection, including orders limiting the liability of the persons indemnified, orders approving or modifying the plan, orders staying the payment of claims and the execution of court judgments, orders apportioning the payments

to be made to claimants, and orders permitting partial payments to be made before final determination of the total claims. The orders of such court shall be effective throughout the United States.

"SEC. 303. (a) If, before an owner's fund is distributed, the owner, any of his servants or agents, the owner's guarantor, or the Compensation Fund has as a result of the incident in question, paid compensation for pollution damage, such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Act.

"(b) The right of subrogation provided for in subsection (a) of this section may also be exercised by a person other than those mentioned therein in respect of any amount of compensation for pollution damage which he may have paid but only to the extent that such subrogation is otherwise permitted under law.

"(c) Subject to the provisions of Section 205 of Title II, the Compensation Fund shall, in respect of any amount of compensation damage paid by the Compensation Fund in accordance with Section 204 of Title II, acquire by subrogation the rights that the person so compensated may enjoy under Title I or the Liability Convention against the owner liable for the damage or his guarantor.

"(d) Nothing in this Act shall prejudice any right of recourse or subrogation of the Compensation Fund against persons other than those referred to in the preceding subsection. In any event the right of the Compensation Fund to subrogation to the rights of persons referred to in the preceding paragraph shall be no less favorable than that of an insurer of a person to whom compensation or indemnification has been paid.

"(e) Without prejudice to any other rights of subrogation or recourse against the Compensation Fund which may exist, the United States or any foreign country party to the Convention, or any agency thereof, shall acquire by subrogation the rights which a person it has compensated for pollution damage in accordance with the provisions of national law would have enjoyed under the Convention.

"SEC. 304. No action for compensation for such damage or preventive measures shall be maintained in the United States against an owner, a guarantor, or the Compensation Fund, otherwise than in accordance with this Act. No action for such damage or preventive measures shall be maintained in the United States against an owner's servants or agents.

"SEC. 305. This Act shall be effective upon the later of the date of its enactment or the date of the entry into force of the Convention."

DEPARTMENT OF STATE,
Washington, D.C., Jan. 31, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed act, "To implement the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage."

This act was first transmitted to the Congress on September 8, 1972. The proposed act would incorporate in domestic law, provisions embodied in the two Conventions establishing a regime for prevention of and compensation for oil pollution damage from tankers. The International Convention on Civil Liability for Oil Pollution Damage, which was negotiated in 1969 at a conference convened by the Inter-Governmental Maritime Consultative Organization (IMCO), has been favorably reported to the Senate by the Senate Foreign Relations Committee. Action by the Senate is pending. The International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, also an IMCO Convention, has been transmitted to the Senate for advice and consent. The submission of draft legislation at this time is in accord with Executive Branch intention of seeking legislative implementation at the earliest possible time.

Title I of the proposed act implements provisions of the Civil Liability Convention making a tanker owner strictly liable to governments and private persons for oil pollution damage in the territory, including the territorial sea, of the United States or any other country party to the Civil Liability Convention, and for preventive measures, wherever taken, in respect of such damage. An owner may limit his liability to the lesser of $144* per ton or $15,120,000* by constituting a fund in the amount of his liability limit in the appropriate court. The act also requires that the owner of a vessel capable of or actually carrying more than 2,000 tons of oil in bulk as cargo carry insurance or another guarantee of financial security in the amount of the limit which may be applied to his liability.

Title II of the act implements the provisions of the Compensation Fund Convention making the Compensation Fund (an international entity) strictly liable up to $32,400,000 per incident for oil pollution damage insofar as that amount exceeds applicable limits in the Civil Liability Convention and for the entire amount in respect of certain incidents of damage where the owner may avail himself of a defense under that Convention. The Compensation Fund will be financed by contributions levied on receivers of oil importing more than 150,000 tons of contributing oil on the basis of a fixed sum per ton of oil, set on the basis of need from time to time.

Title II also implements the provisions of the Compensation Fund Convention which provides for the indemnification by the Fund of a portion of the liability of the owner or his guarantor under the Liability Convention. The amount which may be indemnified is that portion of liability which exceeds $108 per ton or $9,000,000, whichever is the less, and which does not exceed $144 per ton or $15,200,000, whichever is the less. The obligation to indemnify is subject to defeat if the incident causing the pollution damage arose from the willful misconduct of the owner or, to the proportionate extent the incident, through the actual fault or privity of the owner, was caused by the ship's failure at the time of the incident to comply with the provisions of named IMCO Conventions which operate to have a pollution prevention effect.

Title III of the act gathers the provisions of law required by both Conventions regarding subrogation and apportionment of claims where applicable liability limits may be exceeded. It also includes a provision (Section 302(b)) empowering a District Court of the United States to adopt a plan for prompt and equitable distribution of monies in such cases.

The provisions of the act are explained in greater detail in the attached sectional analysis. The act would supersede that part of the Federal Water Pollution Control Act as amended relating to money damages for oil pollution and financial security, but only insofar as a given oil pollution incident is within the scope of the Conventions. No express language of supersession has been provided, however, pending review of recent changes to that Act.

Prompt consideration and early enactment of this legislation are respectfully urged.

The Office of Management and Budget has advised that the enactment of this legislation is consistent with the objectives of the Administration.

Sincerely,

MARSHALL WRIGHT,
Acting Assistant Secretary for Congressional Relations.

SECTIONAL ANALYSIS

TITLE I—INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE

Sec. 101. This Section includes definitions of terms for purposes of Title I of the Act. Generally, these definitions are taken verbatim from the Civil Liability Convention itself. A "ship" is any seagoing vessel or seaborne craft actually carrying oil in bulk as cargo. "Oil" includes any persistent oil carried as cargo or in a ship's bunkers. The definition of "person" (subsection (b)), "State of the ship's registry" (subsection (d)), and "pollution damage" (subsection (f)), are consistent with the Convention but have been modified for clarity and to take account of circumstances prevailing in the United States and in United States law.

Sec. 102. This Section is the basic liability section of the Title. It provides that the owner of a ship at the time of an incident giving rise to pollution damage is liable for pollution damage caused as a result of the incident. The defenses of the owner are confined to:

1. Act of war, hostilities, civil war, insurrection, or act of God;

2. An act or omission done with intent to cause damage by a third party; or

3. The negligence or wrongful act of a government or other authority in the exercise of responsibility for the maintenance of lights or other navigational aids.

An owner's liability for pollution damage may be reduced proportionally to the extent the owner proves that the damage was caused by an act or omission done with intent to cause damage by the claimant or by the claimant's negligence. The Section provides that a ship owner may limit his liability to $144 per ship's ton or $15,120,000, whichever is lesser, by the constitution of a fund in an amount equal to the ship owner's liability in a United States court or in a foreign court having jurisdiction under the Convention. The owner may avail himself of the limit only if the incident did not occur as a result of the owner's fault or privity. The Section also provides that if the owner has constituted a fund, the fund shall be the only property of the owner reachable in payment for covered pollution damage, if the claimant has access to the court in which the fund is constituted, and if the fund is actually available in respect of the claim. The Section also provides that an action may be brought directly against a guarantor (insurer) of the owner's liability for pollution damage. The Section applies to pollution damage caused on the territory, including the territorial sea of the United States or any foreign country party to the Liability Convention, and to preventive measures, wherever taken, to prevent or minimize such damage.

Sec. 103. Section 103 requires the owner of a ship registered in the United States which is capable of carrying more than 2,000 tons of oil in bulk as cargo to maintain insurance or other financial security in the amount of the limit of the owner's liability under Section 102. Such a vessel is required to carry a certificate attesting that insurance or other financial security in that amount is maintained. No ship registered in the United States which is required to have such a certificate may engage in trade unless a certificate has been issued to it. No U.S. ship capable of carrying more than 2,000 tons of oil in bulk as cargo and no other ship, wherever registered, actually carrying more than 2,000 tons of oil in bulk as cargo, may enter or leave a port in the United States or arrive at or leave an offshore terminal in the territorial waters of the United States unless the ship has such a certificate issued by the United States or a foreign country party to the Convention. The Section also provides for a civil penalty of up to $10,000 to be imposed upon any ship required to have a certificate and failing to do so if it enters the U.S. territorial waters or contiguous zone en route to a port or terminal installation in the U.S.

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* Throughout this letter and the attached sectional analysis, dollar figures are expressed in terms of U.S. dollars taking account of P.L. 92–268, the Par Value Modification Act. The messages from the President transmitting the Conventions to the Senate (Exec. G, 91st Cong., 2d Sess., May 20, 1970; Exec. K, 91st Cong., 2d Sess., May 5, 1972) have expressed dollar figures in terms of 1970 U.S. dollars. The Conventions and the act themselves provide that the limit is the national currency equivalent of specified amounts of Poincare francs.

Sec. 104. This Section provides that rights of compensation are extinguished unless an action is brought within three years of the date the damage occurred or not later than six years from the date of the incident which caused the damage. If the incident consists of a series of occurrences, the six-year period runs from the date of the first occurrence. The Section confers jurisdiction to entertain actions for pollution damage on the several District Courts of the United States and its territories. It provides that a judgment of a foreign court having jurisdiction in accordance with Article IX of the Liability Convention, which is final in the country of origin, shall be enforceable in the United States unless the judgment was obtained by fraud or the defendant was not given reasonable notice and a fair opportunity to present his case. Article IX of the Liability Convention provides that the courts of any Contracting State have jurisdiction if an incident has occurred causing pollution damage in the territory, including the territorial sea of such a State, or if preventive measures have been taken to prevent or minimize such damage. Pursuant to the Convention, subsection (d) exempts warships or other ships owned or operated by a government and used for the time being only on government non-commercial service, since pollution damage from such ships is not covered by the Convention. It also waives the sovereign immunity of the United States with respect to actions brought against the United States for pollution damage from any ships owned by the United States and used for commercial purposes. Foreign governments are required by the Convention to make the same waiver.

TITLE II—INTERNATIONAL CONVENTION TO THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR COMPENSATION FOR OIL POLLUTION DAMAGE

Sec. 201. This Section incorporates by reference the definitions of Title I and adds other definitions required by the Compensation Fund Convention. It confines the definition of oil to persistent hydrocarbon mineral oils for the purposes of the Title in accordance with the Compensation Fund Convention. The Liability Convention includes damage arising from the introduction of whale oil and other oils that are not hydrocarbon mineral oils. Damage from these sources was not included in the Compensation Fund Convention because the contribution system of the Convention could not be practicably adapted to their inclusion.

Sec. 202. This Section provides that contributions to the Compensation Fund (an international entity) shall be made by any person who receives more than 150,000 tons of contributing oil (crude and fuel oil) in the relevant calendar year, carried by sea to ports or terminal installations in the territory of the United States or to ports or terminal installations of a country not party to the Convention and received in the United States, provided that contribution in respect of contributing oil carried to a non-party country is to be made only by the first receiver in the United States. The Section provides for the aggregation of receipts of contributing oil of subsidiaries, commonly controlled entities, and related groups of persons. It provides that a person required to contribute must do so upon notification by the Director of the Compensation Fund and give security for portions not called for in cash or amounts in arrears if the Director so requires pursuant to regulations of the Compensation Fund. The obligation to contribute or provide security its enforceable in the several district courts and a person failing to make payment or to provide security may be liable for a civil penalty of not more than $5,000 for each such failure. The United States is obliged to communicate to the Director of the Compensation Fund the names and addresses of persons from time to time liable to contribute to the Compensation Fund.

Sec. 203. This Section provides for the same geographical coverage of this Title in respect of pollution damage as is provided for in Title I. It also provides that the indemnification provision for the benefit of owners of ships and guarantors (Sec. 205) applies to owners of ships registered in a State party to the Convention and to their guarantors.

Sec. 204. This Section is the basic liability Section of the Title. It provides that the Compensation Fund is liable for pollution damage arising out of an incident occurring more than 120 days after the entry into force of the Compensation Fund Convention [1] if (1) no liability arises under the Liability Convention; (2) because the owner is financially incapable of fully paying under the Liability Convention and his financial security is inadequate; or (3) because the damage exceeds the owner's liability under the Liability Convention or under the terms of any other applicable Convention limiting ship owner liability such as the 1957 Brussels Convention on Limitation of Shipowner's Liability.[2] Reasonable costs incurred by an owner voluntarily for preventive measures are treated as pollution damage under the Section in order to induce an owner to take prompt action. The defenses of the Fund are limited to:

1. Act of war, hostilities, civil war or insurrection; or
2. That the damage was caused by a warship or other ship owned or operated by a government on non-commercial service.

If the ship causing damage cannot be identified, a claimant must prove that the damage came from one or more ships. Hence the Compensation Fund is liable for a number of incidents of pollution damage subject to defenses under the Liability Convention (compare Title I, Section 102). The liability of the Fund may be reduced proportionally to the extent that the Fund proves that damage results from an act or omission done with the intent to cause damage by the person who suffered the damage or the negligence of that person. The Fund must be exonerated to the same extent that the owner is exonerated under Title I wish respect to such a person. However, the Fund may not be to any extent exonerated with regard to pollution damage resulting from the taking of compensable preventive measures.

The aggregate amount of compensation payable by the Fund is limited so that the total sum of the amount paid by it and under the Liability Convention does not exceed $32,400,000 or after a decision of the Assembly of the Fund to increase the limit for future incidents, any higher amount decided upon up to $64,800,000. All pollution damage arising out of a single act of God is deemed, under this Section, to have arisen from a single incident.

Sec. 205. This Section provides that the Fund must reimburse an owner or his guarantor for that portion of his liability under the Liability Convention which exceeds $108 per ship's ton or $9,000,000, whichever is less, and which does not exceed $144 per ship's ton or $15,120,000, whichever is less, if the pollution damage did not result from the willful misconduct of the owner.[3] The Fund may be exonerated from this obligation of reimbursement proportionally to the extent that the incident or damage was, as a result of the actual fault or privity of the owner, caused by the failure of the ship to comply with the 1954 Oil Pollution Convention, as amended in 1962, the SOLAS Convention, 1960, the Loadline Convention, 1966, or the Collision Regulations, 1960 or any amendment to those Conventions which was determined to be of an important nature and which has been in force for 12 months at the time of the incident. The Section also provides that if the Fund itself assumes directly the obligations of a guarantor of part of an owner's liability, the owner may to the extent the obligations are assumed substitute the guarantee of the Fund for the certification required by Title I.

Sec. 206. Section 206 provides that a United States or foreign court having jurisdiction over an action for pollution damage under the Liability Convention shall have exclusive jurisdiction over an action against the Fund which involves the same parties and the same set of circumstances. It provides that the Fund may intervene of right as a party in any legal proceedings against an owner or his guarantor, and provides that where the Fund has been notified that proceedings have begun, the Fund will be bound by the decision even if it has not actually intervened. Section 206 also provides a statute of limitations for actions against the Fund by claimants, owners and guarantors. The period given a claimant in which to bring action is the same period the claimant has under Title I, Section 104, for actions against an owner or guarantor. It provides that judgments given against the Fund by a court having jurisdiction as provided by the Convention shall be enforceable in the United States when final, except on the same conditions that a final judgment against an owner or a guarantor may be set aside (Tile I, Section 104 (c)).

Sec. 207. This Section provides that the Fund's assets and income shall be exempt from direct taxation in the United States.

TITLE III—APPORTIONMENT OF CLAIMS AND SUBROGATION; EXCLUSIVE REMEDY; EFFECTIVE DATE

Sec. 301. This Section defines terms within the context of this Title.

Sec. 302. Section 302 provides that, where the total amount of all claims arising out of a single incident of pollution damage exceeds an applicable limit of liability, each claimant shall be paid that part of his claim which is proportionate to the total amount of the established claims. It also provides that a district court may adopt a plan of distribution to assure that a claimant in these circumstances receives his proportionate amount and to enable a court to make disbursements pending the final determination of the total claims.

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[1] The purpose of the 120 day delay is for organization of the Fund after the Convention enters into force.

[2] The United States is not a party to this Convention.

[3] The section also contains a limitation to incidents occurring more than 120 days after entry into force of the Compensation Fund Convention.

Sec. 303. Section 303 provides for rights of subrogation of an owner, his servant or agents, his guarantor or the Compensation Fund where compensation is paid by any of these persons to the claimant prior to distribution of a fund constituted under Title I. The purpose of this provision is to encourage prompt out of court settlement of claims. Likewise rights of subrogation are provided for other persons to the extent permitted under law. The United States or any foreign country may acquire a claim against the Fund by paying compensation for pollution damage under its national law.

Sec. 304. Pursuant to the Conventions, this Section provides that the remedies of Act are the exclusive remedy for claims for pollution damage or preventive measures against the owner, the guarantor, or the Fund, and that no action for such claims may be maintained against the owner's servants or agents.

Sec. 305. This Section provides that the act shall be effective upon the later of its date of enactment or the date of entry into force of the Compensation Fund. The Compensation Fund Convention cannot enter into force before the Liability Convention. Although the Liability Convention may enter into force before the Compensation Fund Convention, it is not contemplated that the United States would become a party to the Liability Convention before the entry into force of the Compensation Fund Convention.

Mr. HOLLINGS subsequently said: Mr. President, just a few moments ago I received unanimous consent that the bill to implement the International Convention on Civil Liability for Oil Pollution remain on the calendar for a 30-day period after it was reported. I understand that is contrary to the normal procedures, and we do not want to go against the leadership procedures. The leadership was not on the floor at that time to make its views known.

So I ask unanimous consent that the previous order be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I wish to thank the distinguished Senator from South Carolina for, on his own initiative, undertaking to make the motion he did.

By Mr. KENNEDY (for himself, Mr. Goldwater, Mr. Bayh, Mr. Beall, Mr. Bentsen, Mr. Brock, Mr. Brooke, Mr. Church, Mr. Eagleton, Mr. Gravel, Mr. Hart, Mr. Humphrey, Mr. Jackson, Mr. Javits, Mr. McGovern, Mr. Magnuson, Mr. Mondale, Mr. Moss, Mr. Pell, Mr. Thurmond, Mr. Young, and Mr. Tunney):

S. 842. A bill to amend title 39, United States Code, in order to assist the survival of publications threatened by increased postal rates, and for other purposes. Referred to the Committee on Post Office and Civil Service.

PROTECTION OF MAGAZINES AND NEWSPAPERS FROM RISING POSTAL RATES

Mr. KENNEDY. Mr. President, on behalf of Senator Barry Goldwater and myself, together with Senators Bayh, Beall, Bentsen, Brock, Brooke, Church, Eagleton, Gravel, Hart, Humphrey, Javits, McGovern, Magnuson, Mondale, Moss, Pell, Thurmond, and Young, I send to the desk for appropriate reference a bill to alleviate the harsh impact of the recent drastic increase in second-class postal rates on the Nation's magazines, newspapers, and other publications.

In July of 1972, after 18 months of controversy, the Postal Service adopted its own version of a new economic policy, a 5-year plan that imposed an average across-the-board rate increase or 127 percent on these publications over the next 5 years—an unprecedential increase that has been widely and fairly criticized as exorbitant and unjustified.

By its action, the Service announced what may well be a sentence of capitol punishment for thousands of periodicals that for generations have been a vital source of ideas in our free and democratic society.

The death of Life last December can be attributed in large part to the severe burden imposed by the new rate increase, and the demise of other popular magazines like Look and Collier and The Saturday Evening Post in recent years is further testimony to the very real threat posed to all publications by the new rate increases. It is up to Congress to end this threat, and that is the purpose of the legislation we are introducing.

The bill contains three principal provisions.

First, it establishes a 10-year period for phasing in the new rate increases for all second-class publications, to replace the dichotomy in current law, which allows 10-year phasing only for nonofit publications and requires 5-year phasing for all others. In addition, the phasing in will take place in 2-year steps, rather than annually as under present law, with the next adjustment occurring in July 1974, instead of July 1973. It is estimated that the cost of this provision would be $17 million for the current fiscal year.

Second, it establishes a ceiling of 66⅔ percent of the otherwise applicable rates for the first 250,000 copies per issue of any publication. The majority of both profit and nonprofit publications have circulations below this figure. By this provision, important new protection will be provided for magazines and other journals of small circulation, for many of whom the new rate increases are a thinly-veiled death sentence. The cost of this provision would be approximately $30 million for the current fiscal year.

Third, the bill provides for automatic funding to pay the cost of the phasing provisions in existing law, as well as the cost of the amendments in the present bill. In this way, it will be possible to guarantee that adequate funds will always be available to protect the Nation's publications, instead of subjecting them to the vagaries of the annual appropriations process.

It is not just the press that will feel the blow if the current rate increases are actually carried out. We all will bear the burden, especially those of us in public life, at whatever level of Government we serve—Federal, State, or local. Ever since Thomas Paine invented the American political pamphlet in our revolutionary days, the disseminated written word has had enormous impact on the development of American life, on the dreams our people live by, and on the laws we pass to make those dreams come true.

The magazines of America are not just disseminating soap or toothpaste. They are spreading words and ideas, the coins of truth in our national marketplace, coins that are in such scarce supply today that we can ill-afford to lose any of them.

The same is true of the thousands of small daily and weekly newspapers around the country that depend on the mail to reach their readers, and that serve as the lifeblood of communication across the country, especially countless small communities, in rural regions of the Nation. Surely, we cannot afford the wholesale slaughter that the Postal Service has in store for so many of these essential publications.

The danger is compounded by the involvement of the Federal Government in the slaughter. It is bad enough that many distinguished journals, especially in our recent past, have now become extinct, gone the way of the passenger pigeon. The demise of Life, Collier's, Look, and The Saturday Evening Post makes the point—well known and widely loved journals that succumbed to the unyielding economic reality of red ink, run over by the competition of television, or victimized by changing national taste and the brutal logic of the balance sheet.

But when the heavy hand of Government itself intrudes to distort the economic balance, the problems become much worse. And that is the situation the Nation faces now if Congress does not act to redress the accumulating unfair actions of the Postal Service.

As one publisher wrote to me last September—himself the publisher of a group of special interest magazines whose financial situations are relatively stable:

> The problems for us, inherent in the scheduled rates, are onerous but not fatal, simply because our revenue per copy from both reader and advertiser is very much higher than most other magazines.
>
> Therefore, I can be relatively impersonal in my own view of what the current schedule of increases will produce. In a word, disaster for the mass circulation magazines and the small religious and intellectual publications, and shades of disaster for everything in between.
>
> As a case in point, I believe that *Life* Magazine has no chance of survival, given the current postal costs, and I think that its demise would be typical of the deprivation the public will suffer if Congress does not take action. *Life* and *Look* certainly brought to millions of Americans an exposure to world affairs, to the arts and sciences, and to history that they never would otherwise experience. Similar informational, educational and cultural exposures from the full range and variety of magazines threatened by these punitive rates, will be cut off.

The current problem of postal rates cannot be viewed in isolation. At this time of challenges on so many fronts to the freedom of the press throughout the country, the burden of the new rate increase is especially ominous. In recent years, we have seen the Pentagon Papers case and the attempt to impose an unprecedented prior restraint on the dissemination of news. We have seen subpenas served on newspapers. We have seen reporters jailed for contempt, for refusal to disclose their sources to Federal or State law enforcement agencies. We have seen threats of oppressive Government action against the freedom of the broadcast media. Almost everywhere we turn, we see the press and its first amendment freedoms under attack by official policy and action. Now is the time for Congress to assert its power, and end the advancing tide of censorship by Government, whatever form it takes, whether the pressure is political or economic.

The story of the problems of the current postal rate increase begins in Congress, with the enactment of the Postal Reorganization Act. That bill, which President Nixon signed into law in August 1970, was the product of years of frustration in and out of Congress with the management and operation of the Post Office. In essence, the 1970 act was a measure designed to end the anomaly by which our contemporary technological society had tolerated the existence of techniques for mail delivery more suited to the days of the Pony Express and Amelia Earhart than to the world of the 1970's.

Just as any large private business in any aspect of the Nation's service industry needs to keep pace with modern life, so the Post Office Department needed continuity of management practices and forward-looking policies to modernize its equipment and procedures. But such practices and policies were simply not being attained by a Post Office Department mired in the traditions of the past and the politics of the present—the Department was staggering under the burden of more than 150 years of the historical and political disabilities it had allowed itself to accumulate.

By the mid-1960's the Nation's postal system was moribund. After the collapse of the Chicago Post Office in the fall of 1966, Postmaster General Lawrence O'Brien, serving under President Lyndon Johnson, prescribed surgery in the form of radical reform. President Johnson accepted the challenge by appointing the Kappel Commission to study the problem. The Commission's report in 1968 accepted Mr. O'Brien's basic premise by recommending a comprehensive overhaul of the Nation's postal laws, and the movement for reform went into high gear.

So, in 1970, with the acquiescence and broad support, if not the enthusiasm, of experts and public and private groups around the country—including the Magazine Publishers Association, representing 400 magazines and two-thirds of the Nation's total magazine circulation—Congress tried to end the ancient blight of inefficiency, obsolescence, and politicized bureaucracy by setting up a new and different type of organization.

The essence, the Postal Reorganization Act of 1970 was based on three important guiding principles. First, as nearly as possible, the Agency was to be independent, freed from the stranglehold of political pressures and blatant patronage that had continually sapped the energy of the old regime. Second, the Agency was to operate like a business, so that the movement of the mail could be streamlined and made cost effective. To this end, all mailers would be required to pay their fair share of postal costs and overhead. Third, to carry out these other principles, the law established a new entity, the U.S. Postal Service, headed by a Postmaster General and a Board of Governors, with a separate and independent Postal Rate Commission to pass on proposed rate increases.

Over and above these guiding principles, however, was a touchstone stated explicitly by Congress in the opening section of the 1970 act, and affirmed by the congressional committees handling the legislation. The Postal Service was to be a service in fact as well as name—it was to operate as a basic and fundamental service for benefit of the American people, not just as a business enterprise.

And that is what the new Agency forgot in the current crisis over rates. All business and no service was what the Postal Service delivered. And it was business with a vengeance, as bureaucratic balance sheets began to drive ideas out of circulation.

In February 1971, when the ink was hardly dry on the 1970 law, the Postal Service submitted a proposal to the Rate Commission for astronomical increases on second-class mail. The increase averaged 143 percent over a 5-year period—nearly two-and-one-half times the prevailing rate at the time, or a rise of nearly 30 percent a year. By contrast, the average increase since World War II had been less than 7 percent a year, and no increase in any year had exceeded 14 percent.

In early June of 1972, after 6 months of hearings and more than a year of deliberations, the Rate Commission managed to trim the increase, but only slightly—to 127 percent. And by the end of June the Board of Governors had rubber-stamped the increases as permanent new rates.

Where was phase II of the President's economic program while this was going on? Where was Mr. Rumsfeld's Cost of Living Council? Where was Mr. Grayson's Price Commission? Conveniently for the Postal Service, and unhappily for the magazines and the general public, it seems that postal rates were one of the notorious exemptions from phase II. And this in spite of the fact that postal charges are among the handful of fastest-rising components of the consumer-price index in recent years—in the same league today with things like health and food. The cost of meat and magazines may not be of much concern around the coffee table at Key Biscayne or San Clemente, but it is of very real concern to thousands of publishers and millions of ordinary citizens.

For most of us the only brush we have with postal rates is the coil of stamps we use for correspondence—first-class mail. But even there we see the pattern of the sudden recent inflation. Whatever became of the 3-cent stamp? It stayed that way from 1932 to 1968, surviving four Presidents, from Hoover through Eisenhower. We had the 4-cent stamp until 1963, and the 5-cent stamp until 1967, and then the roof came off—the 6-cent stamp arrived in 1968, the 8-cent stamp in 1970, and the end is not in sight.

Perhaps, you say, the magazines can simply absorb the rate increases, passing them on to their subscribers or their advertisers. No such luck. Unfortunately, in the view of virtually every economic expert, the large new rate increases simply cannot be absorbed that way. They cannot be passed on to the public who subscribe. As the subscription rate goes up, an inexorable law of the marketplace drives circulation down. And, the new rates cannot be passed on to advertisers either. As the rates for advertising go up, the advertising revenue is diverted rapidly into rival media like television.

That is why asking magazines to raise their rates is like asking them to walk the plank. In fact, as the experience of recent years suggests, the overwhelming majority of magazines and similar publications are already perched at the end of the plank today. It would hardly take a nudge to knock them off—far less than the heavy nudge the Postal Service is belligerently delivering now.

It is not just Time and Reader's Digest that will suffer. The rate increase falls on big and small, rich and poor, Right and Left alike. Some may die unsung, but many more will leave a void that cannot be filled.

A wide variety of newspapers, magazines, and other periodicals pass through my Senate office mailroom every day. I know that the ones that come to my attention are only a tiny portion of those that circulate in cities, towns, and villages across the Nation. Their rich diversity of viewpoint is matched only by the threat they face today. Who will stay the hand of the executioner? Who speaks for all the daily and weekly newspapers that depend on the mails for their circulation? Or the weekly and monthly magazines? Or the special-interest journals—the religious and the educational press, the agriculture and the veterans press, the consumer and the labor press?

The average increase of 127 percent is only the beginning of the problem for many of these publications. What about the impact on journals whose own increases fall on the wrong side of that average. The point is no small matter. For many publications the increase will range in the neighborhood of several hundred percent, depending on their size, their individual mailing practices, and the amount of editorial content. The Reverend Billy Graham testified before Congress, for example, that the monthly postal charge for Decision would go from $11,000 to $164,000 under the new rates—an increase of 1,400 percent, or more than 10 times even the Postal Service average. For the American Legion magazine, the increase will be well over 100 percent. For the Catholic press, the average increase will be approximately 400 percent, and some of its smaller publications will face increases as high as 750 percent. Labor, the Railroad Union magazine, will pay 800 percent higher rates, and equally drastic increases are facing Steel Labor and the Machinist, two of the most widely read labor publications in America. Those increases are death sentences by anyone's standard and they should never have been imposed.

A similar dismal specter confronts thousands of weekly and small city daily newspapers that make up the Nation's community press. The following examples tell the story, and hundreds more can be culled from proceedings of the Postal Rate Commission:

Turtle Mountain Star, of Rolla, North Dakota (cir. 2,791) estimates that its second class postage charges will increase from $23.80 per mailing to $60.95 under the full proposed rates.

The Sentinel, of Fairmont, Minnesota (circ. 12,805) says that its present annual second class postage bill of $16,000.00 will go to approximately $40,000.00 under the full proposed rates.

The Republican-Courier, of Findlay, Ohio (circ. 25,313) circulates about 8,800 of its newspapers through the mail. It's current annual second class postage bill is $43,000.00 and under the proposed increases, the annual costs will rise to about $100,000.00.

The Banner, of Knightstown, Indiana (circ. 2,486) would see its annual second class postage costs increased from $663.00 to $2,082.60, a 214% rise.

The table, taken from the proceedings of the Rate Commission, shows the increases in second class mailing costs per copy, per year for various page size newspapers, all using 30-inch newsprint stock, and maintaining a ratio of 60 percent advertising and 40 percent news.

Number of pages	Incounty		Percent increases	Zones 1 and 2		Percent increases
	Present rates	Full proposed		Present rates	Full proposed	
8	10.4 cents	62 cents	496	48.8 cents	$1.56	201
12	10.4 cents	62 cents	496	52.5 cents	1.66	215
16	16.0 cents	62 cents	325	56.1 cents	1.88	234
18	18.0 cents	70 cents	288	57.9 cents	1.99	243
20	20.0 cents	72 cents	260	59.7 cents	2.10	251
24	24.0 cents	74 cents	208	71.7 cents	2.32	223
50	50.0 cents	$1.02	104	$1.49	3.77	160

The conclusion is obvious. It is the small-size newspapers being mailed incounty that are hardest hit by the proposed postal rates. And in every case, except for 50 page newspapers mailed incounty, the increase is substantially greater than the 142 percent average figure used in the proceedings.

For two centuries the postal system in America has operated on Benjamin Franklin's basic principle that what we call second-class mail is not really second class at all. It is first class in everything but name, and that is because the printed word occupies such a central place under the first amendment in our democratic society. Whether you call it a Federal service or a Federal subsidy, the purpose and tradition have always been the same. Newspapers and magazines pay lower postal rates because we want no serious financial hurdles to block the spread of ideas in our society.

Ideas have never had to pay full fare in American life, at least in terms of the accountant's balance sheet. In another sense, of course, they actually pay their way, because the postal subsidy is returned many times over in the value that newspapers and magazines have always brought to the quality of our life and Government. That is the only balance sheet that really counts if we want to keep our society free and responsive to the people.

As I read the 1970 act, there are ample arguments against the current rate increase. One of the most compelling arguments is in the language of the statute itself, which speaks of cost apportionment in the context of prompt, reliable, and efficient management operations by the Postal Service.

Those are the words the statute uses. Anyone who uses the mails today will certainly question the extent to which the standards of promptness, reliability and efficiency have been met. A little modernization. Better management, we hope. Less politics, perhaps. But no one would assert that the goals of the act have been achieved today. As Postmaster General Klassen stated last November at the ceremonies releasing the annual Christmas stamps, he would personally hand deliver an album of the stamps to the White House, to make sure the President got it by Christmas. A joke, you say, but with a very hollow laugh.

Why, then, should our newspapers and magazines be made to pay so much so soon, when in fact a major share of what they pay is still going for the same old inefficiency and waste the mails have always known? Until the Postmaster General and the Board of Governors of the Postal Service apply the letter of the law to themselves, they have no business applying it to magazines and newspapers the Nation cannot afford to lose.

Nothing in the 1970 act requires the current "too far, too fast" increase in postal rates for magazines. The specific language of the act cannot fairly be read as unilaterally demanding either the immediate imposition or the enormous magnitude of the rate increase required by the Postal Service. Why should the magazines have to toe the line on costs, while the Service is still stubbing its toe against the requirements of promptness, reliability and efficiency?

Unfortunately, the Postal Service does not read the act that way. Do as we say, they tell us, not as we do. And so, because of the Service's blatant double standard, innocent victims are about to suffer unless Congress rights the wrong.

I do not believe that the act compels a policy that spells extinction for a substantial number of publications. Nor did Congress intend such a result. Granted, many publishers will weather the storm. But many others will not—a number have told me quite candidly that they simply cannot last the course, if they are obliged to pay annual postal rate increases of 30 percent for the next 5 years, let alone the additional rate increases likely to be superimposed during the period.

I am aware, of course, that some types of publishers—those whose publications go primarily to business houses and offices—are less concerned about the impact of the new rates, since their subscribers either receive the publication free of charge, or the cost is written off as a business expense for tax purposes. Obviously, these are advantages that many consumer-oriented magazines do not enjoy.

But I have difficulty in understanding how journals that do not themselves feel threatened can ignore the very real threat to sister publications. Surely, the choice is not between a fast dependable Postal Service, and relief for magazines jeopardized by the new rates. The success of postal reorganization does not turn on funds exacted from increased postal rates for magazines. Congress wrote no such Hobson's Choice into law, and the 1970 act cannot fairly be read as requiring it.

For its part, the Postal Service continues to perpetuate its narrow-minded view that the only thing at stake in the current crisis is an economic issue.

The Service likes to argue that the magazine industry is in robust health as "proved" by figures showing that more magazines have been born than died in the past several years. The point is false. The birth rate figures beg the question, since they are based entirely on the longstanding, well-known and historically accepted practice of low-cost distribution of magazines and newspapers through the mail—a practice that by definition no longer exists today because of the recent controversial rate increase. The fact that new magazines blossomed when the climate was sunny in the past does not mean that they will continue to do so when the weather turns freezing in the future.

The point is misleading as well, because it ignores the character and relative circulations of the magazines that have been born and died, the declining life expectancy of magazines in general today, and the increasingly desperate financial plight of publications that still survive. The figures do suggest that many new special interest magazines may be thriving, but that does not mean we can afford to wash our hands of the older general interest, mass audience magazines that are teetering on the financial brink. As one authority has accurately put it, we must reject the view that says: to get into the magazine business today, you have to have a magazine for left-handed rose-growers.

Next, the Postal Service objects to the use of the 127-percent figure to measure the average rate increase, they prefer to speak of the increase in terms of pennies of copy, to mask how bad the increase really is. But could General Motors bamboozle the Price Commission by arguing that, although a proposed percentage price increase exceeded the Federal guidelines, it amounted only to a fraction of a penny per mile annually over the life of a car? I hope not. Or, perhaps, the Service would try telling a housewife in the supermarket that the soaring cost of food amounts only to a fraction of a penny per meal.

Even on its own terms, however, those pennies the Service so easily dismisses mean the difference between day and night for many publications. As Charles Dickens put it in David Copperfield:

> Annual income twenty pounds, annual expenditure nineteen nineteen six, result happiness. Annual income twenty pounds, annual expenditure twenty pounds ought and six, result misery.

Moreover, the argument of the Service conveniently ignores the additional rate increases virtually certain to be imposed during the next few years, if its present draconian policy on rates is carried forward. Because of the recent rate increase and those on the horizon, the result will be misery and red ink for far too many publications.

These increases pose a real threat to survival and a massive obstacle to the entrance of new and valuable publications in the marketplace. This fact cannot be swept aside by misleading assertions about pennies a copy for particular magazines. The Postal Rate Commission itself found that the average increase for a subscriber to a weekly magazine would be a dollar a year, even if only half the present increase were passed on by the publisher. And, many families subscribe to more than one magazine. Thus, the pennies a copy the Service likes to talk about are likely to translate into several dollars a year in higher costs for many family subscribers, and into millions of dollars a year in higher costs for large publishers, many of whom are already in deep financial trouble.

As part of its distorted understanding of the issue, the Postal Service adopted the elitist approach that all the magazines have to do to solve their postal problem is lower their profits or raise their subscription charges. As one articulate publisher told me in reply to this position:

> This business is, with a few exceptions, pretty much a hand-to-mouth one, and new magazines or those which are not especially popular with the advertising business, are barely making it now.
>
> I go into this because I have become aware that a number of people in Washington seem to think that we are all rolling in riches. Nothing could be further from the truth, especially considering the declines which magazines have faced in recent years. Those declines came from economic disturbances throughout business, as well as a heavy challenge from other forms of media, mainly television.
>
> This postal increase ought to be of concern to all thoughtful people, not just publishers of magazines. This country's magazines are in fact the national press. There is no other. And when we ask the postal service how we are to raise this enormous amount of money they are demanding for postal service, their only suggestion is that we should increase our subscription rate and force the readers to pay. Without going into the question of whether or not such a violent change in subscription rates can be accomplished in the short period of time allowed us, there is the more significant concern that a high price for magazines will result in a national press which is financially elitist. Wealthy people would be able to know what is going on across the country, and be in the main stream of this nation's thinking; poor people would not. It is this aspect of the whole business which, it seems to me, is so against everything our democracy stands for.

And so it goes. Almost never in its arguments does the Postal Service raise its sights above the dollar sign. I would have liked to see some substantial indication that the Service is sensitive to more than just the economic argument, some recognition that other basic issues are also at stake in the present controversy—issues like freedom of the press, the First Amendment, the flow of ideas in our free society, and a deep-rooted hallowed historical practice going back to the days of Benjamin Franklin. If only we could be convinced that the Postmaster General is paying as much attention to the Constitution and American history as he is to his office balance sheet.

John Marshall put it well long ago, in ruling against the power of the States to tax the fledgling Federal institutions being created at the beginning of our new Republic: "The power to tax is the power to destroy," he said. And so is the power to impose confiscatory postal rates. The Postal Service has the responsibility to exercise its vast new power wisely, and Congress must hold it to that standard.

To be sure, there is blame for all in the current crisis. We in Congress could have been more alert to the problem in the 1970 act. Publications that use the mail could have sounded the alarm before the act was passed. The Nixon administration might well have saved the day, but so far they've been completely insensitive to the problem.

Congress has been known to come from behind before, and perhaps we shall do so now. If not, we shall have only ourselves to blame, because the issue is clearly joined. We can act to prevent the death of many publications that serve a cherished historical purpose in our democracy. They may not have the clout to challenge the Postal Service on their own, but that is why Congress sits.

Mr. President, it is my hope that the Senate will make this issue one of its first priorities this session. I ask unanimous consent that the text of the bill may be printed in the RECORD. I also ask unanimous consent that a statement by Senator BARRY GOLDWATER on the bill may be printed in the RECORD after the text of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 842

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3626 of title 39, United States Code, is amended—

(1) by striking out "with annual increases as nearly as practicable, so that—" and inserting in lieu thereof "with annual increases as nearly equal as practicable for mail under former sections 4421, 4422, 4452, and 4554, and with biennial increases (after 1972) as nearly equal as practicable for mail under former sections 4358 and 4359, so that—";

(2) by inserting "(and the ninth year in the case of mail under former section 4358)" immediately after "tenth year" in paragraph (1);

(3) by deleting "4359," in paragraph (2);

(4) by deleting the word "and" at the end of paragraph (1), deleting the period at the end of paragraph (2) and inserting in lieu of the period a semi-colon and the word "and", and adding immediately below paragraph (2) the following new paragraph (3);

"(3) the rates for mail under section 4359 shall be equal, on and after the first day of the ninth year following the effective date of the first rate decision applicable to that class or kind, to the rates that would have been in effect for such mail, if this subsection had not been enacted."; and

(5) by adding immediately after "unless he files annually with the Postal Service a written request for permission to mail matter at such rates." the following new sentence: "Notwithstanding any other provision of this section, rates established by the Postal Service for the first 250,000 pieces of each issue of a publication of a class or kind authorized to be mailed under former sections 4358 and 4359 of this title shall not exceed 66⅔ percent of the otherwise applicable temporary or permanent rate then in effect".

(b) The changes in existing law made by this section shall become effective on the date of enactment of this Act.

SEC. 2. Section 2401 of title 39, United States Code, is amended—

(1) by deleting in subsection (b)(1) "there are authorized to be appropriated to the Postal Service the following amounts." and inserting in lieu thereof "the Secretary of the Treasury, at the beginning of each fiscal year, shall credit to the Postal Service Fund, out of any moneys in the Treasury not otherwise appropriated, the following amounts:";

(2) by deleting in subsections (b)(1)(A) "1972" and inserting in lieu thereof "1974"; and

(3) by amending subsection (c) to read as follows:

"(c) At the beginning of each fiscal year, the Secretary of the Treasury shall credit to the Postal Service Fund, out of any moneys in the Treasury not otherwise appropriated, such sums as may be determined by the Postal Service annually to be equal to the difference between the revenues the Postal Service would have received if sections 3217, 3403–3405, and 3626 of this title and the Federal Voting Assistance Act of 1955 had not been enacted and the estimated revenues to be received on mail carried under such sections and Act. Determinations by the Postal Service under this subsection (c) shall be subject to verification by the Comptroller General of the United States.".

PRESERVING A FREE CHOICE OF PUBLICATIONS

(Statement by Senator GOLDWATER)

Mr. President, the plight of the nation's magazines and small town and weekly newspapers is a national scandal. As a direct result of the recent postal rate increases, thousands of these publications face extinction unless Congress will do something about it. In the belief that this threat endangers a fundamental principle which is basic to all citizens, their right to enjoy the widest possible circulation of opinions and information, I am joining today with the Senator from Massachusetts (Mr. Kennedy) and others in introducing emergency legislation which we hope will assist affected publications in surviving the transition period of the higher postal rates.

Mr. President, our bill is not complicated. Briefly, it will do three things. First, it will seek to allow publications to recover from the unprecedented added postal costs by spreading the increases over a period of ten years instead of five years. Second, publications with a circulation of 250,000 or less will be given a reduced rate of no more than ⅔ of the otherwise applicable rate. Third, the bill includes a system of automatic funding to reimburse the Postal Service for the revenues it would lose during the ten-year transition period and as a result of the reduction in rate for the first 250,000 copies of circulation.

Mr. President, I recognize that the Postal Reorganization Act converted the mail service from a Cabinet Department into a semi-independent corporation committed to standing on its own feet and, in general, I agree with this concept. However, there are other considerations which Congress had in mind when it passed that law and I believe one of these was that the Postal Service should continue to be what its name and its historical role implies, a service to the American people. When it comes to a choice between the ability of the public to obtain a variety of publications, providing information and education on a wide range of subjects and affairs, or the ability of the Postal Service to be totally self sufficient, I am certain Congress intended for the cause of freedom of information to prevail.

In the words of David Lawrence, writing in the Washington Star of December 6, 1972, "even if one's own enterprise is not threatened, the fate of others is still a matter of great concern to anyone who has grown up with the idea that the U.S. Government has a stake in seeing printed newspapers and magazines distributed widely to help tell the people what's going on. Entertainment is important, but the facts about the happenings in government and in the life of the nation are essential if public opinion is to become important." Mr. President, the entire commentary of Mr. Lawrence appears at the end of my remarks.

Support for my belief that Congress never intended for rate increases to threaten the very survival of publications can be raised by implication from section 101(b) of the Postal Reorganization Act, which is specifically devoted to providing effective and regular postal service in "rural areas, communities and small towns where Post Offices are *not* self-sustaining." Here, Mr. President, is visible proof that Congress placed a higher value on the benefits of communication than it did on achieving a self-sustaining basis for the Postal Service. I believe that this same fundamental principle flows through each and every provision of the Postal Reorganization Act and that whenever there is a plain danger to the communications needs of the public, it is the good of the general people which is supposed to be served.

Mr. President, I believe that, in general, the magazines, newspapers and other publications that would be most harshly affected by the increased rates have a great deal to contribute to American opinion and information. I believe that this contribution is so fundamental as to warrant its protection in law against postal rates that might well put these publications out of business forever. In the face of the present crisis confronting the people's need to be informed, I urge that Congress act promptly on this bill, or any other legislation which shows the prospects of preserving the distribution by mail of the printed news.

POSTAL RATES AND PERIODICALS

(By David Lawrence)

Whenever any large private enterprise raises its prices to the public, there is a howl for the government to step in. But, oddly enough, when big government itself permits an unprecedented cost increase to be imposed on the publishing industry, causing the demise of some magazines and threatening the existence of others, nothing is done.

Despite protests by the publishers of periodicals who have expressed willingness to pay higher second-class postal rates if these were spread over 10 years instead of a 5-year period, the government takes no action.

The net result is that lots of companies are facing huge expenses with little time to prepare for them, and the government is failing to assist the publications in their transition difficulties.

The first announcement by the Postal Service called for an increase of 142 percent in the rates for second-class mail. This was subsequently changed to 120 percent, but the reduction is relatively ineffective in solving the problems of the publishing companies.

For decades past, the government made special provision for the mails to be used to help disseminate information to the public. But now this is going to be one of the costliest means of communication. Any publisher will have to feel assured of either a substantial increase in subscription prices or a big volume of advertising to take care of the expenses involved in delivering magazines to their destination.

Various magazines, of course, have been trying to overcome the dilemma by arranging with private companies to carry their issues to distant zones in order that the mail rates applicable would not be so high. But the Postal Service promptly changed the effect of this by declaring that postage would have to be paid on each individual piece of mail in addition to the customary weight charges.

Two years ago one company which had been steadily developing a successful publication was able to make a profit of a million dollars. But the next year, 1971, the higher postal rates came along and cut deeply into profits. If in that year the full amount of the postal increase had been in effect, it would have completely wiped out the profit and put the company in the red.

The data in other cases in which magazines could not recover from the losses have been given to members of Congress by committees formed by the magazine publishers, and efforts have been made to get bills passed by Congress to spread the added postal costs over a 10-year period so that they can be more readily absorbed. But no action was taken in the last session of Congress, and there is no indication that the administration will do anything about it during the next.

The government, of course, established the postal corporation, which is supposed to be a semiprivate body. It has, however, no right to impose rates that are so high as to impair the operations of businesses. But with the exception of a few senators and representatives who have written letters of protect on the subject, there has been little evidence of concern over the attitude taken by the postal service.

Yet it is known that some of the magazines which have ceased publication in the last two years have been affected by the postal-rate problem. Others have been encountering trouble because of the heavy costs under the new plan of high rates.

Over the years Congress has held the view that the press—including, of course, magazines—should have the benefit of low mail rates because this is one way of stimulating the establishment of publications of all kinds which could be of educational importance. In the last year and a half, however, the government's interest in the future of magazines has waned, and all magazines now are faced with serious problems which may eliminate more of them within the next decade. For they cannot raise subscription prices enough to cover the postal charges. People aren't accustomed to paying $25 or $30 a year for a magazine, and it will take a number of years to get them used to such prices. Meanwhile, some publications will not be able to survive because they will not have money enough to pay the higher second-class postal rates.

Fortunately, there are publications that have a cushion of assets which will enable them to go through the crisis. But even if one's own enterprise is not threatened, the fate of others is still a matter of great concern to anyone who has grown up with the idea that the U.S. government has a stake in seeing printed newspapers and magazines distributed widely to help tell the people what's going on. Entertainment is important, but the facts about the happenings in government and in the life of the nation are essential if public opinion is to become important.

By Mr. STEVENS:

S. 845. A bill to amend section 5722 of title 5, United States Code, to provide for travel and transportation expenses for new Government appointees residing in Alaska. Referred to the Committee on Government Operations.

Mr. STEVENS. Mr. President, I am today introducing a bill to amend section 5722 of title 5, United States Code, to provide travel and transportation expenses for new Government appointees residing in Alaska.

Under the current provisions of 5 U.S.C. 5722, the travel expenses of a new appointee and the transportation expenses of his dependents and household effects may be paid from the place of actual residence at the time of appointment to the place of employment outside the Continental United States including Alaska and Hawaii. Upon completion of his term of service, the employee is reimbursed similar expenses incident to return to his actual residence. However, when the new appointee resides in Alaska, there is no authority for payment of such expenses to his first duty station located in Alaska or in one of the States other than Hawaii—except to a position for which the Civil Service Commission determines there is a manpower shortage. Also, there is no authority for payment of such expenses from the last duty station to the place of actual residence at the time of appointment when an employee whose permanent residence is in Alaska is separated from a position in the States other than Hawaii.

The transportation benefits for non-Alaskan civil service employees working in Alaska were originally authorized to provide an incentive to motivate people to come to work in Alaska. At present many people are naturally attracted to Alaska from out of State. However, in many cases Alaskans may have to travel as far as non-Alaskans in accepting civil service employment. Therefore, it is only reasonable that Alaskans and non-Alaskans working as civil service employees of the U.S. Government should both receive the same benefits.

I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 845

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5722(a) of title 5, United States Code, is amended to read as follows:

"(a) Under such regulations as the President may prescribe and subject to subsections (b) and (c) of this section, an agency may pay from its appropriations—

"(1) travel expenses of a new appointee and transportation expenses of his immediate family and his household goods and personal effects from—

"(A) the place of actual residence at the time of appointment to the place of employment outside the continental United States;

"(B) the place of actual residence within Alaska at the time of appointment to the place of employment within the continental United States; or

"(C) the place of actual residence within Alaska at the time of appointment to a remote duty station within Alaska; and

"(2) those expenses on the return of an employee from—

"(A) his post of duty outside the continental United States to the place of his actual residence at the time of assignment to duty outside the continental United States;

"(B) his post of duty within the continental United States to the place of his actual residence in Alaska at the time of assignment to duty within the continental United States; or

"(C) his post of duty at a remote duty station within Alaska to the place of his actual residence in Alaska at the time of appointment to a remote duty station within Alaska.

Subparagraphs (1)(C) and (2)(C) of this subsection shall not apply to an appointee whose place of actual residence within Alaska is within —— miles of a remote duty station within Alaska."

(b) The section caption of section 5722 of title 5, United States Code, is amended to read as follows:

"§ 5722. Travel and transportation expenses of new appointees".

(c) Item 5722 of the analysis of chapter 57 of title 5, United States Code, is amended to read as follows:

"5722. Travel and transportation expenses of new appointees.".

By Mr. PERCY (for himself, Mr. CRANSTON, and Mr. HARRY F. BYRD, JR.):

S. 846. A bill to amend the Legislative Reorganization Act of 1970 to add a new part relating to a congressional budget process. Referred to the Committee on Government Operations.

CREATING A NEW CONGRESSIONAL BUDGET PROCESS

Mr. PERCY. Mr. President, we are at a crucial moment in the evolution of the Congress as a political institution. Never in my memory has the present combination of congressional will to reassert its powers, and the public demand for reform come together with such intensity.

There are a number of areas in which Congress must reorganize itself. One of our most urgent needs is to reform the system for appropriating funds for Government programs. Reform of the appropriations process has been discussed for 50 years; it was a principal element of the historic Legislative Reorganization Act of 1946. The framers of that immensely significant legislation responded to the problem by enacting a provision requiring a "legislative budget."

This provision—section 138 of the bill—would have resulted in creation by Congress of an annual budget based on estimated receipts, a determination of the amount of necessary expenditures, and an estimated deficit, if any. It would have imposed a new discipline on the appropriations process. The provision was never implemented because the chairman and the ranking Republican of the House Appropriations Committee opposed it.

Had it been implemented, I believe, an orderly congressional budget process would very likely have evolved.

No doubt embarrassed by continuous failure to implement section 138 of the 1946 Legislative Reorganization Act, Congress repealed it in the 1970 Reorganization Act amendments. Because it was never utilized, it was considered to be unusable.

Thus we are left—26 years after the 1946 Reform Act, and 73 years into the 20th century—with a system that belongs to the mid-19th century. We are trying to operate the largest budget in history with a system largely unchanged since the Civil War. Congress is like a giant corporation trying to operate with an accountant with a green eyeshade and a quill pen.

This congressional unwillingness to modernize its budget process is the key to the current dispute about impoundments. In my opinion, if we had established a logical, orderly new budget process in which congressional outlays were related to amounts available for expenditures, the Federal budget would be under much better control, and impoundments would not now be a major issue.

Congress has the ability to determine an annual expenditure level that is related to budget receipts and to national needs. These kinds of fiscal policy determinations and decisions about national priorities are entirely within the competence of a well-organized Congress. That is the purpose of the bill Senator CRANSTON, Senator HARRY F. BYRD, JR., and I are introducing today.

The bill is based on an amendment Senator CRANSTON and I offered to the debt ceiling bill last year, and on the tentative findings recommended by the Joint Study Committee on Budget Control in its interim report of February 6. This special joint study committee was created last year to recommend a new congressional appropriations system. The February 6 interim report did not, however, recommend a specific new system. It did recommend the principles that should guide the creation of the new system. Senator CRANSTON, Senator BYRD, and I have attempted to reflect these principles and tentative recommendations in the bill we are introducing today. To a very substantial extent, I believe we have succeeded in providing a workable new mechanism. No doubt, it can be improved. What it represents, however, is a careful attempt to achieve a highly desirable objective that is consistent with the tentative recommendations of the Joint Study Committee. The major difference between our bill and the interim report is that we believe a Joint Budget Committee is preferable to creating two separate budget committees, one in each House.

Our bill would work as follows:

A Joint Committee on the Budget would be created consisting of 28 Members, seven from each of four committees—the House and Senate Appropriations Committees, the House Ways and Means Committee and the Senate Finance Committee. Four Members from each committee would represent the majority, and three the minority. This joint committee would meet at the beginning of each regular session of Congress. After considering the overall budget situation and the state of the economy, and taking into account the President's annual economic report and budget recommendations and the annual economic review of the Joint Economic Committee, the Joint Committee would make a report to each House of Congress by March 30. The report would contain a recommendation for the maximum amount to be appropriated or authorized for outlays in the coming fiscal year. This recommendation would be based on an estimate of expected budget receipts during the coming fiscal year, and on this basis the Joint Committee would also make recommendations regarding any necessary increase in the national debt or in Federal income taxes.

The report would be accompanied by a joint resolution which would be introduced in each House of Congress. The joint resolution would fix an amount for all outlays and budget authority for the coming fiscal year. If the recommended outlay total exceeds the estimated receipts, the joint resolution would authorize an increase in the public debt.

The joint resolution would also provide for a division of the total amount of outlays among the subcommittees of the Appropriations Committees and all other committees having the authority to authorize outlays.

This provision is intended to implement the important recommendation of the Joint Study Committee on Budget Control that the appropriations process should be coordinated with the authorizations process. It also deals with another important problem stemming from the fact that there are several committees of the Congress other than the Appropriations Committees which have the authority to create new spending.

For example, the Ways and Means Committee and the Finance Committee both authorize and appropriate increases in social security. Last year these committees created the revenue-sharing program, which over a period of 5 years appropriates over $30 billion in new outlays. The Banking Committee can create new spending by authorizing certain agencies to borrow. It is for this reason that the Appropriations Committees control only about 45 percent of the total amount of annual Federal outlays.

In brief, this bill would attempt to solve two problems that have been very troublesome for some time. One is that appropriations are made by a number of committees in addition to the Appropriations Committees. The second is that the authorizing committees often authorize amounts for programs in current and future fiscal years that have little relationship to the real funding needs of such programs, or to the ability of the Nation to afford them in any given fiscal year.

By assigning to the new Joint Budget Committee the authority to determine amounts both for budget outlays and for authorizations, the bill would provide for the first time in our history a system of assigning priorities among programs. We would be creating a new discipline on our budget and authorizations processes.

The joint committee would not, however, have the ability to create such priorities in a vacuum.

The joint resolution embodying its decisions would be reported by the Joint Budget Committee after it had received the views of many experts and organizations, including the authorizing committees. More importantly, the joint resolution would be subject to approval by a record vote of both Houses. At this point, early in each session of the Congress, the Members of both Houses would have the opportunity to debate and decide on the budget priorities for the coming year. These would not be decisions on line-by-line, or item-by-item programs. Rather, they would be decisions about broad program categories, defined by the number of appropriations subcommittees—and the categories of programs over which they have jurisdiction—and the other committees with the ability to appropriate, such as Ways and Means and Finance. Parenthetically, I would note that the subcommittees of the House and Senate Appropriations Committee are not similar in number or subject matter. The two committees would probably have to agree on a new, similar structure of subcommittees and jurisdictional areas.

During this process the Members of both Houses would have the opportunity to amend the joint resolution, so that they could change the priorities established by the Joint Budget Committee, and even change the recommended outlay ceiling. Differences in the House- and Senate-passed resolutions would be reconciled in conference according to standard procedures.

However, until this process had been completed, and the joint resolution adopted, no bill appropriating money or otherwise authorizing budget outlays for the ensuing fiscal year could be passed by either House. Neither could any committee report a bill authorizing budget outlays or authorities in excess of the limits provided in the joint resolution. And each bill would contain a limit on outlays under that bill for the coming fiscal year.

The bill, realistically, contemplates a situation in which changes would have to be made in the initial joint resolution. An appropriations subcommittee or other committee might find that it urgently needs more money for some existing program or for some unforeseen need. A natural disaster, such as Hurricane Agnes, or a need to create an international famine relief program, are good examples. In such cases the bill would provide a procedure whereby the joint committee would meet again and agree to assign additional amounts of money for such outlays in the current fiscal year. It would do so by recommending an increase in the total amount for outlays in the current fiscal year, or by recommending a reduction in the budgeted amounts for other subcommittees or committees. Its recommendation would be embodied in another joint resolution which would be submitted to a vote in both Houses.

Finally the bill authorizes the creation of a new joint committee staff, which would include the staff and the functions of the present Joint Committee on the Reduction of Federal Expenditures. At present, the principal function of this Joint Committee is to issue scorekeeping reports on receipts and authorized and appropriated expenditures during the year. The new Joint Budget Committee staff would continue this function. In addition it would be directed to make projections of the effect on future expenditures of existing and proposed legislation, to analyze the budget, to become expert in estimating budget receipts, to become expert in problems of debt management and fiscal policy, and in all respects to become a major, highly professional joint budget staff for the Congress.

Mr. President, we are proposing today a system that will allow Congress to seize the initiative at the beginning of each Congress and make its own judgments about national expenditures. We would not act in a vacuum. We would have the President's recommendations and all the advice and information his officers may wish to supply us. But we would also have our own system, and our own experts, to weigh and decide for the Nation, as the Constitution intends, the amounts and the priorities for the Nation's spending.

There should be no presumption that the President's decisions are inherently wiser than ours. Until now the President has had in the executive branch the ability to recommend the budget. We have left that job to him, and he has become entrenched in that role. If we organize our congressional institutions adequately, however, there is every reason to expect that our spending decisions will be as good, and perhaps better, for the country than his.

Mr. President, for some time now we have ceded the powers and prerogatives of the Congress to the executive branch, until today we are faced with the very real prospect of becoming little more than a highly visible debating society. Today we are told that a President may refuse to spend funds the Congress appropriates. At some future date we may be told the President has the power to shift funds arbitrarily from one program to another. From there it is but a step to asserting that the President also has the authority to raise the revenues to support the programs he deems worthy. Our Constitution very explicitly mandates certain duties to the Congress, among them determining public expenditures and raising revenues.

Shakespeare wrote in "Julius Caesar" that:

> There is a tide in the affairs of men which taken at the flood, leads on to fortune; omitted, all the voyage of their life is spent bound in shallows and miseries.

I submit that we stand at the turning point of a historic moment in the affairs of this Nation. Action we take to reform the congressional budgetary process now will be seen in future years to have come at a critical time. If we act, I believe that Congress will be able to resume its rightful role. Otherwise, I fear that we shall continue to see the power and influence of Congress drain away, as with a receding tide, until we are "bound in shallows," little better than an advisory group, whose advice some future President may accept or reject. That is why reforming the budgetary process in Congress is more than responsible or desirable. It is absolutely imperative.

I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the Legislative Reorganization Act of 1970 is amended by adding at the end thereof the following new part:

"Part 6—Congressional Budget Process

"Sec. 261. (a) The Committee on Ways and Means and the Committee on Appropriations of the House of Representatives, and the Committee on Finance and the Committee on Appropriations of the Senate, shall each select seven members, four representing the majority and three representing the minority, who are authorized and directed to meet jointly at the beginning of each regular session of Congress. The joint committee thus created shall be known as the Joint Committee on the Budget. After study and consultation, giving due consideration to the needs of the United States, the state of the economy including considerations of fiscal and monetary policy, the budget recommendations and economic report of the President, and the recommendations of the Joint Economic Committee, the Joint Committee on the Budget will make a report to the respective Houses. Such report shall contain a recommendation for the maximum amount for total outlays and budget authority in such fiscal year, an estimate of receipts, and a recommendation for any necessary increase in the national debt or in taxes. Such report shall be made by March 30. The Joint Committee is authorized to hold such hearings as it deems necessary.

"(b) The report shall be accompanied by a joint resolution which shall fix the total amount for outlays and budget authority in such year. If the recommended outlay total

> exceeds the estimated receipts the joint resolution shall authorize that the public debt shall be increased in an amount equal to the amount by which the recommended outlays for the ensuing fiscal year exceed the estimated receipts. Such resolution shall also allocate the budget outlay and budget authority amount so established to each subcommittee of the Committees on Appropriations and to such other committees of the Congress as may be necessary.
>
> "(c) Until the joint resolution specified in subsection (b) has been agreed to by both Houses by record vote, no bill appropriating money or otherwise authorizing budget outlays for the ensuing fiscal year shall be reported by any committee of either House.
>
> "Sec. 262. (a) No committee shall report a bill authorizing budget outlays or authority in amounts which by themselves or when added to previous bills reported in the same year exceed its allocation as provided in the resolution approved under subsection 261 (b). All bills establishing budget authority shall also include a limit on outlays for the current fiscal year.
>
> "(b) If an Appropriations subcommittee or other committee determines that an increase in the ceilings authorized pursuant to section 261(b) are essential, it shall request the Joint Committee to make an appropriate revision in the resolution referred to under section 261(b). If in the judgment of the Joint Committee a change in such ceilings is necessary it shall report a revised resolution to the Congress stating a new amount for total outlays. Such resolution may provide for lower ceilings with respect to Appropriations subcommittees or other committees if the Joint Committee considers such lower ceilings to be necessary to achieve the purposes of this part, or it may provide for an increase in the ceilings established pursuant to section 261(b).
>
> "Sec. 263. (a) The Joint Committee is authorized to create a professional staff. The Joint Committee on the Reduction of Federal Expenditures shall cease to exist, and its staff and functions shall be subsumed into the Joint Committee on the Budget.
>
> "(b) Among the continuing duties of the Joint Committee and its staff shall be to review and analyze the annual budget of the United States and agency estimates and justifications therefor, to analyze and determine estimated budget receipts, to analyze United States fiscal policy including tax and debt policy, to make projections of the effect on expenditures of existing and proposed legislation for coming years, and to make all such other studies, reports and recommendations as shall further the purposes of this part."

Mr. CRANSTON. Mr. President, I join with Senator Percy today in introducing a bill, the Legislative Budget Act, that would create a permanent, systematic procedure for setting a spending ceiling, determining priorities and revenues, and controlling expenditures. This bill is similar to the amendment that Senator Percy and I introduced, to the debt ceiling bill in 1972.

This bill is based on section 138 of the Legislative Reorganization Act of 1946, that provided a mechanism for a legislative budget. This was never implemented because of the opposition of key members of the Appropriations Committees at the time. In my view, it is still a sound basis for current action.

In 1946, the distinguished Senator from Oklahoma, Mike Monroney, then the manager of the Legislative Reorganization Act in the House, said:

> For years we have been operating our revenue raising committees and our revenue spending committees completely apart from any relationship one with the other. You simply cannot have adequate budgetary control by such an independent procedure.

We can look at history as a reflection of the present. Today we are still practicing this outdated and fragmented congressional appropriations process. There can be no doubt of the need for a solution to this problem. The present system has led to oppressive debt and excessive inflation. Congress must now begin to restructure its own machinery if it is to effectively exercise its responsibility over the budget.

I am in clear agreement with the President's determination to hold down Federal expenditures. This is what I supported in 1972 when the debt ceiling bill was before Congress. However, I firmly believe it is the responsibility of Congress as representative of the people to formulate budgetary priorities and impose a spending limit.

I believe that this bill is a reasonable, constructive, workable means of avoiding still another budget crisis next year. I feel certain this legislative budget system will work with the cooperation of the respective House and Senate committees. I urge that we move forward as quickly as possible on passing this legislation.

By Mr. NELSON (for himself, Mr. Magnuson, Mr. Proxmire, Mr. Weicker, Mr. Schweiker, and Mr. Percy):

S. 847. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize safety design standards for schoolbuses, to require certain safety standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes. Referred to the Committee on Commerce.

Mr. NELSON. Mr. President, we are reintroducing today the School Bus Safety Act, which was introduced last session. The bill calls for the Secretary of the Department of Transportation to set minimum standards for the construction of schoolbuses to make them more crashworthy and safer for transporting the 20 million children in 20,000 school districts across the Nation.

Thirty-nine percent of the entire U.S. student population below the college level travel to and from school daily on schoolbuses traveling 2 billion miles each year—more than nine times the distance to the moon.

In 1971, according to the National Safety Council, there were 47,000 schoolbus accidents in the Nation, resulting in 150 fatalities and 5,600 persons injured; 35 of the fatalities were to pupils inside schoolbuses. Some 4,000 pupils receive disabling injuries annually in schoolbus accidents, according to testimony by Douglas Toms, National Highway Traffic Safety Administrator in the Department of Transportation—Committee on Public Works, U.S. House of Representatives, hearings on proposed highway safety, streets and roads, 92d Congress, first session, September 28, 1971.

In Pennsylvania in 1969, one out of every 14 schoolbuses operating was involved in an accident. There were 950 schoolbus accidents in all in the State in 1969—15 percent more accidents than in 1968, resulting in 35 percent more injuries than the previous year—"Schoolbuses Flunk Safety Checkup," Philadelphia Inquirer, July 26, 1970.

In New York State in 1971, there were more than 900 schoolbus accidents resulting in eight deaths and 402 injuries.

In Wisconsin in 1971, schoolbuses were involved in 564 accidents—five of them fatal.

As the number of children transported on schoolbuses has risen—from 15.6 million in 1963 to the present level of 20 million—the number of schoolbus fatalities has increased disproportionately—from 49 in 1963 to 150 in 1971—National Safety Council figures. In 1966, 3,800 children were injured in schoolbus accidents—an 80-percent rise over 1960, although the number of riders increased only 3 percent—James Joseph, "We Need Safer Schoolbuses," Parade, September 10, 1967.

While the number of fatalities and injuries from schoolbus accidents is small compared to the blood bath from automobile use on the highways, everyone agrees that the potential for tragedy is great.

Former Secretary of Transportation John A. Volpe said, in a press release May 5, 1972:

> The death of even one child in a school bus accident is one too many.

Nevertheless, the Department of Transportation has given schoolbus safety a low priority. The fact that the Department has only one individual in charge of pupil transportation safety gives us some measure of the priority afforded school bus safety.

After a tragic schoolbus-train accident in Congers, N.Y., last year, in which five children were killed and 45 injured, the Department asked a four-member task force to come up with plans, priorities, and budget proposals for schoolbus safety. We are advised that the task force has recommended essentially what this bill calls for: implementation of some basic, minimum, uniform construction standards for schoolbuses.

The Department, however, has been sitting on more than 60 regulations or amendments to regulations affecting the construction and performance of schoolbuses, which still have not been issued, after years of bureaucratic preparation. For example, it has taken 6 years for the Department to reach the point of preparing a proposal for more protective seats—but that standard still will not be implemented for months.

The important thing to note is that the research and technology aimed at improving schoolbus structural integrity have largely been completed. All that remains is for the Department of Transportation to issue uniform, national minimum safety and construction standards for school buses. For example, the

Department contracted for a $125,000 study by the Institute of Transportation and Traffic Engineering at UCLA to determine necessary changes in schoolbus interiors that would result in improved driver and passenger safety. That report, 150 pages long, was completed in 1969. Its recommendations have never been implemented or acted upon.

More importantly, the National Transportation Safety Board has repeatedly made recommendations following their investigations of major schoolbus accidents. These recommendations also have not been acted upon.

Following the Congers, N.Y., accident, the National Transportation Safety Board on September 22, 1972, urged the Department to do just what this bill proposes. The report stated:

> We believe that standards should be established for the basic school bus structure.

The Vehicle Equipment Safety Commission, a 13-year old interstate compact agency, issued minimum standards for schoolbus construction in 1971, which eight States have adopted in part or whole.

The problem is that each State is establishing its own modification of the standards, making it difficult for schoolbus manufacturers to comply evenly.

That is another major reason for the adoption of national, uniform standards.

Furthermore, several schoolbus body manufacturers have built prototype buses meeting many of the VESC standards for about $300 additional cost to the average $8,000 price tag for a new schoolbus. Secretary Volpe testified in 1971:

> I certainly for one would not want to say that I do not want to add $300 to the cost of a bus or $500 to the cost of a bus because that would be too expensive. If we can prove that these things are going to do the job and can save lives, I certainly believe we ought to have them installed. I think you also have to bear in mind you would not want to double the cost of a bus, but I think a matter of a few hundred dollars to provide a great deal more safety for those youngsters is certainly a worthwhile investment. (House Committee on Government Operations, hearings on Effectiveness and Efficiency of the Department of Transportation's programs relating to automobile and schoolbus safety, 92nd Congress, 1st Session, July 13, 1971, p. 40, 49.)

Here are some of the things the National Transportation Safety Board has found, relative to schoolbus structural integrity, in its investigations of major accidents:

> There have been crashes in which the disintegration of the structure of the schoolbus and the lack of mutual support of structural parts are evident. The failure of the structural parts to support each other in crashes has contributed to injury and fatality and is an implied threat in future schoolbus crashes. (Special Study, Inadequate Structural Assembly of Schoolbus Bodies, The Accidents at Decatur and Huntsville, Alabama, National Transportation Safety Board, Report Number NTSB–HSS–70–2, July 29, 1970.)

This accident was traced to brake failure. One child was killed.

Reiterating these points in a subsequent study, the Safety Board pointed out—

> The injustice and unfairness of allowing correctable sources of injury to continue, in that the children were essentially involuntary passengers, and further, that the schoolbus type of construction is widely used by military agencies, small bus lines, and for many local and charter services.
>
> The Board reiterates these points. In the case of the safety issues addressed in this report, the correction of all three problems can be accomplished at little or no cost to the school districts or counties which purchase and use the buses. (Highway Accident Report, Schoolbus/Automobile Collision and Fire, near Reston, Virginia, February 29, 1972, Report Number NTSB–HAR–72–2, April 12, 1972.)

In this accident, a bus collided with an automobile; the driver was ejected—he was not wearing a seatbelt—and seriously burned; all occupants were injured. The Safety Board found that fire was caused by the schoolbus fuel tank being ruptured and knocked from the bus. Injuries to occupants were caused by the impact against interior bus components.

In September 1971, a schoolbus carrying a Gunnison, Colo., high school football team careened down Monarch Pass, Colo., and crashed, killing the coach and eight junior varsity players, and seriously injuring the driver. Here is what the Department of Transportation found after investigating that accident:

> This accident points out the need for a total restraint design concept to be employed in the construction of schoolbuses.
>
> . . . Brake fade was experienced in the collision vehicle . . . However, this does not exempt the manufacturer and those responsible for purchases from providing equipment systems with an adequate margin of safety given thier knowledge of the wide range of experience in bus drivers, the type of terrain, and the range of operating conditions imposed.
>
> A possible cause of this accident and a possible severity increasing factor was the non-synchronized shifting characteristics of the two-speed rear axle.
>
> There is documented evidence in the form of reports by four previous drivers of this vehicle and the transportation foreman that the vehicle had a history of gear clash and was difficult to shift.
>
> A definite injury severity increasing factor was the lack of structural integrity in the roof and sidewall area of the bus. All side posts failed and the roof shifted to the left . . .
>
> The seat attachments were inadequately designed to permit retention during the collision.
>
> . . . separation of interior roof panels . . .
>
> . . . lack of an effective area for egress . . .
>
> the source of fuel leakage was inadequately designed filler necks.
>
> . . . brake lines running transversely across the rear axle housing revealed that they were heavily contaminated with metal filings and were probably the source of the contamination found in the rear wheel cylinders . . . it is therefore concluded that the contamination was introduced at the assembly plant.
>
> Further, it is felt that by choosing the best features of existing buses and engineering the structure from the ground up with an eye toward crashworthiness that a considerable improvement over existing buses would be realized, without a substantial cost penalty. (Monarch Pass, Colorado, Schoolbus Crash, March 31, 1972, DOT HS 600 779.)

The important thing to remember, of course, is that many of these injuries and deaths are avoidable at relatively low costs.

That is the purpose of this bill: to set minimum safety standards governing the structural integrity and crashworthiness of schoolbuses.

What the bill does:

The bill requires the Department of Transportation to issue standards dealing with but not limited to: emergency exists, interior protection, floor strength, seating systems, crashworthiness—including protection against rollover hazards—vehicle operating systems, windows and windshields, fuel systems, exhaust systems, and flammability of interior materials.

The bill calls for construction of an experimental prototype bus to be built within 3 years after the bill's passage.

It requires that manufacturers and dealers certify and test drive buses before they are delivered and go into service.

It calls for inspection by the National Transportation Safety Board of accidents resulting in fatalities. And, it requires the Secretary of Transportation to take steps to prevent recurrences or reduce the possibility of such accidents, based on the recommendations of the Safety Board.

This bill calls for simple amendments to the National Traffic and Motor Vehicle Safety Act of 1966.

It is a vehicle for the Department of Transportation to adopt uniform standards that are applicable nationwide.

Schoolbus tragedies and equipment are not bound by State lines. Mechanical and structural defects should be eliminated on the drawing board and the assembly line, before schoolbuses embark with their precious cargo—our Nation's schoolchildren.

Mr. President, I ask unanimous consent that the bill and the National Transportation Safety Board recommendations be printed in the Record following my remarks, together with a statement prepared by the distinguished senior Senator from Washington (Mr. Magnuson).

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 847

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Traffic and Motor Vehicle Safety Act of 1966 is amended as follows:

(1) Paragraph (2) of section 102 is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and, in the case of a schoolbus, and schoolbus equipment, it also means a minimum standard which is practicable and meets the need for motor vehicle safety.".

(2) By adding at the end of section 102 thereof the following:

"(14) 'schoolbus' means any motor vehicle designed primarily for the purpose of transporting children to and from schools, or school-related events, and

"(15) 'schoolbus equipment' means equipment designed primarily as a system, part, or original component of a schoolbus or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as an accessory or addition to a schoolbus."

(3) Section 103 is amended by adding at the end thereof the following:

"(i) The Secretary shall establish by order appropriate Federal motor vehicle safety standards for schoolbuses, and schoolbus equipment. Not later than the end of the eighteenth month which begins after the date of enactment of this subsection the Secretary shall by order establish Federal motor vehicle safety standards applicable to schoolbuses and schoolbus equipment, including, but not limited to, the following:

"(1) Emergency exits.

"(2) Interior protection for occupants.

"(3) Floor strength.

"(4) Seating systems.

"(5) Crash worthiness of body and frame (including protection against roll-over hazards).

"(6) Vehicle operating systems.

"(7) Windows and windshields.

"(8) Fuel systems

"(9) Exhaust systems.

"(10) Flammability of interior materials."

(4) Section 106 is amended by adding at the end thereof the follow new subsection:

"(d) The Secretary shall procure (by negotiation or otherwise) experimental, prototype, and other schoolbuses for research and testing purposes and he shall procure at least one such experimental or prototype schoolbus not later than three years after the date of enactment of this subsection."

(5) Section 114 is amended by adding after the first sentence thereof the following new sentence: "Every manufacturer or distributor of a schoolbus shall furnish to the distributor or dealer at the time of the delivery of such schoolbus by such manufacturer or distributor a certification that such schoolbus was individually inspected and test driven for the limited purpose of determining if due care was used in production of the bus."

(6) Section 114 is further amended by adding at the end thereof the following: "Every dealer shall furnish to the first purchaser who in good faith purchases a schoolbus for purposes other than resale a certification that such schoolbus was test driven by such dealer."

(7) By adding at the end thereof the following new title:

"TITLE V—SCHOOLBUS ACCIDENT INVESTIGATION

"SEC. 501. (a) It shall be the duty of the National Transportation Safety Board to—

"(1) make rules and regulations governing notification and reporting of each accident involving a schoolbus which results in death to any person; and

"(2) investigate each such accident and report the facts, conditions, and circumstances relating to each such accident and the probable cause thereof and of each such death.

(b) It shall be the duty of the Secretary of Transportation, after consultation with or upon recommendation of, the Board, to—

"(1) make such changes in the administration of law administered by him, or in the Federal motor vehicle safety standards as will, in his opinion, tend to prevent similar accidents in the future;

"(2) make such reports public in such form and manner as he deems in the public interest; and

"(3) ascertain what will best tend to reduce or eliminate the possibility of, or recurrence of, such accidents by conducting special studies and investigations on matters pertaining to schoolbus safety, and the prevention of accidents.

"SEC. 502. In carrying out its duties under this title the National Transportation Safety Board is authorized to examine and test to the extent necessary any schoolbus involved in a fatal accident. The Board is authorized to examine the remains of any person who died as a result of such accident and to conduct autopsies and other tests as may be necessary to the investigation of the accident. Provisions of local law protecting religious beliefs with respect to autopsies shall be observed.

"SEC. 503. Any schoolbus involved in a fatal accident shall be preserved in accordance with, and shall not be moved except in accordance with, regulations prescribed by the Secretary of Transportation."

[Adopted by the National Transportation Safety Board at Its Office in Washington, D.C., on the 30th Day of August 1972]

SAFETY RECOMMENDATION H-72-30

The National Transportation Safety Board is investigating an accident involving the collision between a train and a schoolbus at Congers, New York, on March 24, 1972. This accident resulted in five fatalities and injuries to 45 occupants of the schoolbus.

The performance of the schoolbus in the crash has been initially observed and analyzed by the Safety Board, assisted by the Cornell Aeronautical Laboratory, the latter agency acting under its contract with the National Highway Traffic Safety Administration (NHTSA). Both agencies have tentatively concluded that the gross disintegration of the schoolbus body was made possible by widespread failures of the schoolbus body at the joints. Approximately the rear one-third of the bus was separated from the forward portion, with failures occurring at joints within the body and also at joints between the body and the chassis frame. A large portion of the roof was separated from the remainder of the body, the side walls on the right side were separated from the floor, and the floor sections were separated from each other and from the chassis frame. The construction method employing relatively few widely spaced rivets and other fasteners throughout the body of the schoolbus appears to have contributed to the large-scale disintegration of the schoolbus body and chassis.

In addition, the window columns failed in one portion of the schoolbus which was inverted after being torn away, and there were widespread failures of seats at their fastenings to the floor.

Analysis of the fatality and injury causation is not yet complete; however, some very evident factors appear to justify immediate corrective action by NHTSA standards. The seat anchorage failures and other seating factors are already the subject of NHTSA standards proposals. We believe that standards should be established for the basic schoolbus structure. The Safety Board has analyzed the problem of extensive failures of structural joints in schoolbuses in a special study, "Inadequate Structural Assembly of Schoolbus Bodies," issued July 29, 1970. The Board also recommended on September 18, 1968, that the National Highway Safety Bureau, predecessor to NHTSA, ". . . consider the need for requirements for structural strength of schoolbus bodies in connection with its study of desirable standards for protection of schoolbus occupants. In particular, The Board also recommended on September of the National Highway Safety Bureau titled 'Design, Fabrication, and Test of a Safe Schoolbus Interior,' be expanded in scope to include consideration of structural integrity and intrusion into the school interior."

As stated above, there are indications in the Congers accident that the failures of structural joints contributed to the injuries of the occupants. The speed of the schoolbus was slow and the speed of the train was moderate, apparently not more than 30 miles per hour. Although about two-thirds of the bus structure was accelerated to the full speed of the train by the impact, a majority of the schoolbus occupants survived and some received only relatively minor injuries. However, the penetration of the gross structure of motor vehicles in crashes, or the disintegration of the structure, generally does tend to reduce the probability of survival and increase the probability of injury.

In this connection, structural improvements which have been made by other agencies and private manufacturers in response to the Safety Board's earlier recommendations are important. In January 1971, the Vehicle Equipment Safety Commission (VESC) adopted a regulation which, when implemented by the States, would require that all schoolbuses under State purchasing authority have substantially increased strength of structural joints. The exact wording of this part of the regulation is attached as Appendix A. At least two schoolbus manufacturers have built and exhibited prototype buses which apparently meet this requirement. These prototypes are constructed of much larger steel sheets to reduce the number of joints, in effect providing 100-percent joint efficiency wherever a joint was eliminated. In addition, many more rivets are used to join sheets and structural members. An analysis by one manufacturer indicated that approximately half the joints have been eliminated and that about six times as many rivets are used in meeting the VESC specification than were used in the earlier designs which had upspecified joint strength. It appears that changes in the VESC specification increases the strength of the joints in a schoolbus body approximately fivefold.

The technical feasibility of implementing the VESC structural specification appears to be well established by these prototype buses. One of the manufacturers has stated that the change in sale price of a bus having more complete assembly of structural joints was only approximately 5 percent of the total cost.

The Safety Board is aware that the VESC specification does not insure the structural strength of schoolbus bodies. It is, no doubt, preferable to control the structural strength of bus bodies and chassis as a unit through the development and application of large-scale crash tests. However, the development of such tests and their use as standards have been very slow, as even passenger cars are not yet subjected to such testing. This critical weakness of schoolbus bodies must be eliminated as quickly as possible. Additionally, the VESC specification, in part, meets the statutory requirement of DOT that safety characteristics be controlled by performance rather than design.

It is the Board's opinion that the very high value that society places upon the protection of children riding in schoolbuses establishes the need for improvement in structural design. The adoption of a standard to control the assembly of structural joints in schoolbuses should not be regarded as a novel initiative to reduce schoolbus fatalities, but as correction of a long-standing failure to employ normal engineering practices in schoolbus construction. Many existing schoolbuses do not meet rivet-spacing recommendations of SAE Standard J-492, Rivets and Riveting, June, 1961.

While NHTSA is taking steps to correct the structural inadequacies of schoolbus bodies through the establishment of standards to control strength of joints, they should resolve the problem of the column strength of schoolbuses. The failure of the window columns is very evident in the accident at Monarch Pass, Colorado, as well as in this accident at Congers, New York. Because of the similarity in construction methods used for domestically produced schoolbuses, the overall strength of schoolbus bodies possibly could be controlled through performance requirements of individual structural elements prior to the development of the full-scale tests which are more technically complete.

For the above reasons, the National Transportation Safety Board recommends that:

"The National Highway Thaffic Safety Administration expeditiously adopt a Federal Motor Vehicles Safety Standard to control the strength of structural joints of schoolbuses. In this connection careful consideration should be given to requirement 5.6 Body Structure, of the Vehicle Equipment Safety Commission. This standard should also apply to the strengthening of the window columns of schoolbuses."

This recommendation will be released to the public on the issue date shown above. No public dissemination of the contents of this document should be made prior to that date.

Reed, Chairman; McAdams, Burgess, and Haley. Members, concurred in the above recommendation. Thayer, Member, was absent, not voting.

JOHN H. REED,
Chairman.

Issued on September 22, 1972.

APPENDIX A

(Vehicle Equipment Safety Commission, Regulations VESC-6, Minimum Requirements for Schoolbus Construction and Equipment. Approved January 1971. Revised February 1972, Washington, D.C.)

5. Body Structure:

5.6 Strength of structural joints of Schoolbus bodies. It is the intent of this section to insure that all structural joints within bus bodies which employ discrete fasteners, including those between heavy gauge members and those which join panels to panels or panels to heavier structures, achieve a significant proportion of the strength of the parent metal, so that all available panel materials are capable of serving as part of the structure. Accordingly, in all joints of the above named types which employ discrete fasteners, such as rivets, screws or bolts, the pitch of fasteners shall not exceed 24 times the thickness of the thickest material used in the joint. Alternatively, for any method of joining such structural members, it shall be demonstrated by calculation that the strength of such joints is at least 60% of the tensile strength of the thinnest joined members.

STATEMENT BY SENATOR MAGNUSON

Mr. President, the issue of schoolbusing is one which has received widespread attention and has evoked deep-seeded controversy in recent months. But there is one aspect of schoolbusing which should not be controversial. If a child boards a schoolbus, for whatever reason, that bus must be safe and that child must be reasonably protected should the bus be involved in an accident.

Each day, 20,000,000 of our youngsters ride a bus to school; they travel over 2 billion miles each year. But while 39% of our children are riding schoolbuses, the Federal Government, and particularly the National Highway Traffic Safety Administration is doing very little to insure their safety.

In 1971, for example, there were 47,000 schoolbus accidents, killing 150 children and injuring another 5,600. A study conducted in the State of Pennsylvania in 1969 disclosed that 1 out of every 14 schoolbuses were involved in an accident within a 12 month period. Hence it is clear that schoolbuses, despite the flashing red lights and the sanctity of the familiar yellow shells, are indeed involved in accidents and our task is to insure that they are as crashworthy and as protective of their precious passengers as is technologically and economically feasible.

In 1966 when Congress enacted the National Traffic and Motor Vehicle Safety Act, we thought that we were providing protection for schoolbus passengers. In that legislation, the Department of Transportation was given the authority to set mandatory federal standards for all vehicles used on the highway—including schoolbuses. But the Department has stubbornly refused to assign the staff and the resources necessary to do the job. In fact, the majority of the standards that are now applicable to schoolbuses are minimum safety features to which all vehicles must comply and are only incidentally extended to include schoolbuses.

Perhaps the cruelest irony about the Department of Transportation's poor track record on schoolbus safety is that intercity and transit buses, which perform much the same function as the school bus, are infinitely more safe than the fragile yellow boxes which cart our children back and forth to school each day. This fact was revealed in a 1970 report published by the National Transportation Safety Board entitled "Inadequate Structural Assembly of Schoolbus Bodies."

That report cited specific hazards associated with schoolbuses. It concluded, after examining in depth two crashes involving schoolbuses, that the disintegration of schoolbus bodies in collisions is a contributing cause to deaths and injuries sustained by passengers in those crashes.

Disintegration primarily takes the form of separation of the sheet metal body panels and potential load carrying panels where they are joined to the frame of the bus. Safety Board investigators noted that a predominant source of injury was the laceration of children exposed to edges of the bus interior sheet metal, including the ceiling. "The exposed sharp edges of the sheet metal were raised into shapes similar to the edge of a shovel or a cookie cutter." Furthermore, the separation allowed openings to form in the body of the bus, causing passengers to be ejected. In one of the accidents, where the bus struck a tree, a child was killed because of the weakness in the fastenings in the body. The tree disassembled and crushed the rearmost section of the bus—and the child.

Engineers have informed me that if more riveted joints are used in the construction of the schoolbuses, these problems can be alleviated. In fact, the intercity buses studied by the Safety Board were riveted more frequently than the schoolbuses studied. Hence, the strength and integrity of those buses is far superior to the schoolbus.

Technology used to construct intercity buses can be applied to schoolbuses. In January 1971, the Vehicle Equipment Safety Commission, a group representing state safety officials, promulgated voluntary safety standards which among other things, would have required more riveted joints. At least two schoolbus manufacturers have built prototype buses that meet the standards and the cost of compliance has been estimated to be $300.

There are numerous other problems with schoolbuses. Research reports all seem to agree that another cause of injury in a schoolbus collision is the seat. Apparently, seats are so poorly engineered that even in a moderate crash, the seat anchorage may fail so that the seats collapse on the occupants in a domino-like fashion. The passengers are hurtled into the seats ahead of them, or even over the seats as they collapse. Furthermore, the top of the typical seat in a schoolbus consists of little more than a metal bar occasionally adorned with ineffective cosmetic padding. The exposed metal or insufficiently padded surfaces produce severe injuries on little faces that are brutally thrust forward in a quick stop or collision.

In short, there is little question in my mind that we must initiate a national effort to protect the health and safety of our children who ride buses to school. The technology is there; it costs, when compared to the potential horrors, is minimal. The legislation which I co-sponsor today will provide a good working paper for the Commerce Committee in our attempt to protect youngsters riding in schoolbuses.

Mr. SCHWEIKER. Mr. President, the safety of 20 million schoolchildren who ride to and from school each day in a schoolbus is being neglected. Our children, the Nation's most precious resource, are daily being placed on vehicles which fail to meet satisfactory safety standards. In fact, suitable motor vehicle safety standards have not been established for our schoolbuses. We have demanded the development of safety features in our automobiles, but not our schoolbuses. As a result, the easily recognizable yellow schoolbus represents perhaps one of the most poorly designed vehicles in terms of the protection of its occupants on the road today.

The hazards to our children in these buses are numerous; hard, poorly padded seats which are not securely anchored to the floor; metal bars on the top of each seat upon which a child's face or chest can come into dangerous contact; vertical metal poles, or stanchions, once used to assist standing occupants, now useless, as standing occupants are prohibited; exit doors that do not open outward and cumbersome emergency exits; the lack of structural integrity which allows a schoolbus in an accident to virtually "come apart at the seams" causing the bus to become what has been described by the National Traffic Safety Board as "a cookie cutter."

Mr. President, there exists a clear and critical need for national uniform standards regarding the safety of schoolbuses, particularly their construction, engineering, and performance. What is needed are standards relating to the seating in schoolbuses, energy-absorbing interior furnishings, the structural strength of the vehicle, proper exits, the use of seatbelts, exhaust, and interior heating systems.

It has been pointed out that the number of fatalities and injuries have increased at a faster rate than the number of children using school buses.

In 1971, there were 47,000 school bus accidents resulting in 150 deaths and 5,600 injuries. The overwhelming number of these injuries occurred to children while on the school bus. In my judgment a significant number of these injuries can be reduced by improved school bus design and the incorporation of suitable safety features. The technology is available ot help eliminate the causes of a majority of the injuries and fatalities.

The National Transportation Safety Board in its accident report conclusions and recommendations has repeatedly called for action by the Department of Transportation in the area of school bus safety.

The Federal Government through the enactment by Congress of the National Traffic and Motor Vehicle Act of 1966 has been assigned a responsibility to reduce hazards in school buses. Although the Department of Transportation has consistently indicated its awareness of the problem of school bus safety, it has failed to act.

The National Traffic and Motor Vehicles Safety Act of 1966 provides the appropriate authority for the Department of Transportation to promulgate Federal motor vehicle standards and the National Highway Traffic and Safety Administration has acknowledged the need for new and more sophisticated standards for occupant protection in school buses. However, the majority of the standards on school buses that have been issued can be easily characterized as minimal safety features for a vehicle. No standards issued by the Department of Transportation have been specifically designed for school buses.

There has been an expressed concern on the part of the public and the Congress over the lack of appropriate national uniform vehicle safety standards for schoolbuses. Thus, it is the clear purpose of the legislation we introduce today to require the Department of Transportation to promulgate such standards. They are long overdue.

In addition, the bill provides for construction of an experimental prototype bus to be built within 3 years. It requires manufacturers and dealers to certify and test drive buses before delivery and service.

Mr. President, it has been my intention to introduce legislation requiring the Secretary to prescribe not later than June 30, 1974, Federal motor vehicle safety standards for schoolbuses. The measure, not incompatible with the bill we introduce today, would represent a clear, succinct expression of the will of Congress regarding schoolbus safety without running the risk of the Congress prescribing the type of standards, their application, and other technical matters for which the Department of Transportation is better equipped.

I have personally felt for some time that the use of seat belts in schoolbuses should be required. However, I recognize that opinions vary on the value of such a requirement. This only serves to support the contention that the Congress should require the standards, not prescribe them. The bill we introduce today has been drawn very carefully to avoid this problem.

Mr. President, we can no longer await the pleasure of the Department of Transportation. We need good safety standards immediately and I look forward to prompt consideration of the legislation.

Mr. WEICKER. Mr. President, I am pleased to join with the distinguished Senator from Wisconsin in introducing the School Bus Safety Act of 1973.

Among the merits of this sensible and long-overdue piece of legislation, I would like to emphasize the fact that some 18 million children ride an estimated 240,000 buses over more than 2 billion miles to school each morning of the year. It is a national disgrace to learn from the National Transportation Safety Board that at least 90 percent of our buses, carrying more than 16 million of our children, are in danger of falling apart in a serious collision.

In the words of the Nation's No. 1 schoolbus safety administrator, David H. Soule, of the National Highway Traffic Administration:

> The potential for tragedy with the school bus is extremely great.

We need legislation to "save the children," by halting the trend over recent years of lowering, rather than raising, schoolbus construction standards. At the present time, there are no effective quality control standards to deal with unsafe schoolbus manufacture.

The legislation introduced today will attack these dangers, by ordering the Secretary of Transportation to promulgate new design standards in 10 critical aspects of schoolbus construction. These 10 areas include emergency exits, interior protection, floor strength, seating systems, crash worthiness, vehicle operating systems, windows and windshield, fuel systems, exhaust systems, and flammability of the interior. The Department of Transportation already has discretionary power to implement these standards. DOT has failed to act, so it falls to the Congress to require action.

In addition, the bill calls for the Secretary to procure a prototype "safe" schoolbus for research and test purposes, by 1976. It will become the duty of the National Transportation Safety Board to investigate and report on each schoolbus accident which results in a death. On the basis of these reports, the Secretary would be required to make necessary changes in the regulations, to prevent similar accidents in the future.

It is nothing short of an injustice to our children to subject them to risk of death and injury, from such things as inadequate welding and riveting of steel joints in the schoolbuses, especially when a superior type of construction is already in use for our intercity buses.

Mr. President, this "save-the-children" measure demands the full support of the Congress—to protect our future, today.

Mr. PERCY. Mr. President, I am most pleased to join with the distinguished Senator from Wisconsin (Mr. NELSON) and others in sponsoring this vital measure to mandate comprehensive safety design standards for schoolbuses. I personally believe that such authority already exists under the National Traffic and Motor Vehicle Safety Act of 1966. But if consideration and passage of this measure, by setting a date certain, can expedite the establishment and promulgation of schoolbus safety standards, then I think we will have served the public interest in this matter.

I would, of course, prefer that the Department of Transportation take it upon itself to act with dispatch in setting schoolbus safety standards with respect to the categories and areas specifically referred to in our bill.

There is a critically important consumer interest in having buses designed and built in a more safe manner to protect the very lives of some 20 million children—43.5 percent of all schoolchildren—who ride a quarter of a million buses each day to school. They travel 2 billion miles annually—almost 9,000 times the distance to the moon.

For years the Department of Transportation has literally sat on its duff with respect to even elementary precautions and regulations to prevent schoolbus accidents. In 1971 there were 47,000 schoolbus accidents taking 150 lives and injuring some 5,600 persons, many of the injuries particularly resulting from weak structural design which allowed the buses to crumble upon impact. Many other tragedies result from poor seating design with the chests and heads of children propelled into inflexible metal bars on the tops of seat backs. Still other children suffer serious injury when their bodies are hurled forward over the low seat backs and into steel protrusions in the front of schoolbuses.

Although DOT regulations for automobiles mandate seat belts, collapsible steering columns, padded interiors, and strong seat anchorages, these items are notoriously lacking in schoolbuses, and as a result DOT risks the lives of the millions of children who daily travel in these vehicles.

Recently three law students at the George Washington University—James T. Bruce, Carol A. Elder, and Laura G. Ross—under the direction of Prof. John Banzhaf petitioned the Department of Transportation to enact stringent new safety standards for schoolbuses. The group calls themselves BUSWREC—ban unsafe schoolbuses which regularly endanger children. In their 106-page petition they called on the Department of Transportation to end the string of broken promises dating back to 1968 for standards covering critical aspects of schoolbus safety performance. Their legal petition proposes eight separate engineering performance standards including: Safety seats, rollover strength, structural integrity, driver restraints and steering wheel delethalization, front seat passenger protection, elimination of stanchions and safer exit doors.

The Department of Transportation has long known of the problems of schoolbus safety. In fact these "fragile yellow boxes" are probably the worst designs on the road in terms of failure to protect against easily preventable hazards to schoolchildren. But agency procrastination for years has led to a seemingly callous delay in affording those children the most basic of protections. Hopefully, BUSWREC's recounting of the 4 years of inaction will be embarrassing enough to the Department generally and to the National Highway and Traffic Safety Administration specifically to stimulate new safety efforts by that agency.

From a practical standpoint the interested citizen is unable to effect change. BUSWREC spent weeks in the docket room alongside busy, well-paid special interest lobbyists reading the documents and comments filed away at the Department of Transportation. The group had to interview agency personnel, industry representatives, and many other knowledgeable persons in Washington—all during regular working hours. The only reason BUSWREC was able to accomplish their research was that they were enrolled in a credit project in a law school in Washington, D.C. Even then, they could only work part time. The three law students told me that all their semester's work could have been accomplished by one full-time attorney or investigator in Washington in about 3 weeks.

It is significant that the BUSWREC petition has three other citizen groups as copetitioners: Physicians for Auto Safety, Action on Child Transportation, and the New Jersey Chapter of the American Academy of Pediatrics. Because citizens in these organizations are located in New Jersey and New York and have professional careers, they could not conduct the basic research that was necessary for submitting the petition.

I believe that citizens across the Nation who are sincerely concerned about issues which affect them should have more consistent representation in the deliberations of Federal agencies and courts concerning those issues. They should not have to rely solely on public-spirited law students who happen to be in Washington. The proposed Consumer Protection Agency would conduct research and be advocates on selected issues before Federal agencies on matters of substantial concern.

The BUSWREC petition is a model of citizen participation in government. It is a model which should be encouraged and complemented by the establishment of an advocacy agency in the Federal Government to drive the point home that where consumer health and safety are involved, or fraud or unconscionable conduct on the part of any corporation, industry, or governmental agency, then corrective steps should be taken at once.

Mr. President, I ask unanimous consent that the outstanding petition for rulemaking for the establishment of schoolbus safety standards recently submitted by BUSWREC to the Department of Transportation be printed in its entirety at this point in the Record.

There being no objection, the petition was ordered to be printed in the Record, as follows:

Proposal for Establishment of Schoolbus Safety Standards

(Petition for rulemaking before the Department of Transportation)

To: Honorable John A. Volpe, Secretary, Department of Transportation; Honorable Douglas W. Toms, Administrator, National Highway Traffic Safety Administration.

Petitioners: B.U.S.W.R.E.C. (Ban Unsafe Schoolbuses Which Regularly Endanger Children) 620 Twenty-First Street, Northwest, Washington, D.C. 20006, (202) 223–3680; James T. Bruce, III, Chairman, Carol A. Elder, Laura G. Ross; Action For Child Transportation Safety, (ACTS), 400 Central Park West, No. 2R, New York City, N.Y. 10025, (212) 866–8208; Action on Safety and Health (ASH), 2000 H Street, Northwest, Washington, D.C. 20006, (202) 659–4310; American Academy of Pediatrics (New Jersey Chapter), 98 Broadway, Hillsdale, New Jersey 07642, (201) 664–7444; Center for Auto Safety, 800 National Press Building, Washington, D.C. 20004, (202) 638–0420; Physicians for Automotive Safety, 50 Union Avenue, Irvington, New Jersey 07111, (201) 926–1730.

Pursuant to 5 U.S.C. 553(e) and 49 C.F.R. 553.31, Action for Child Transportation Safety (ACTS), Action on Safety and Health (ASH), the American Academy of Pediatrics (N.J. Chapter), the Center for Auto Safety, Physicians for Automotive Safety and Project B.U.S.W.R.E.C. (Ban Unsafe Schoolbuses Which Regularly Endanger Children) respectfully request that the Administrator of the National Highway Traffic Safety Administration and, insofar as is appropriate under 49 C.F.R. 5.11, the Secretary of Transportation, adopt as part of their Rules and Regulations, standards (included herein) designed to reduce schoolbus hazards.

INTRODUCTION

Pursuant to 5 U.S.C. 553(e) and 49 C.F.R. 553.31, Petitioners B.U.S.W.R.E.C.; A.C.T.S.; A.S.H.; American Academy of Pediatrics; Center for Auto Safety; and Physicians for Automotive Safety, join in bringing this proposal for the establishment of schoolbus safety standards before the Department of Transportation. Each and every petitioner has an established and demonstrated interest in the action herein requested. The National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89–563; 80 Stat. 718; 15 U.S.C. 1381) provides the necessary statutory authority for the Department of Transportation and, by delegation, the National Highway Traffic Safety Administration to promulgate Federal motor vehicle safety standards. Petitioners respectfully submit for the consideration of the Department of Transportation standards in the following categories:

1. Well-anchored safety seats
2. Energy-absorbing high seatback with armrest
3. Roll-over strength
4. Joint efficiency (strength of structural joints)
5. Front seat passenger protection—energy absorbing modesty panels.
6. Driver restraint systems and steering wheel delethalization.
7. Elimination of stanchions.
8. Outward opening exit doors.

Petitioners propose the above standards in response to the critical need for safer schoolbuses.

Thirty-nine percent of the entire student population below the college level—twenty million youngsters—travel to and from school daily on schoolbuses traveling two billion miles each year—more than nine times the distance to the moon.[1] In 1971, there was a total of 47,000 school bus accidents resulting in 150 persons killed and 5,600 injured.[2]

While it is demonstrable that a greater number of deaths resulting from school bus accidents occur to pedestrians approaching or leaving the bus or to those in other vehicles, an overwhelming proportion of the injuries sustained happen to the children on the schoolbus.[3] Administrator Toms of the National Highway Traffic Safety Administration stated in Congressional hearings on proposed safety standards in 1971, "The most recent reports from the states indicate that 4,000 pupils receive *disabling* injuries annually."[4] (emphasis supplied)

What causes the fatalities and the injuries? It is not enough to say that driver error causes most of our accidents—be they in buses, trucks, or cars. Our technology and manner of thinking are certainly advanced enough to recognize the fact that while humans may cause the vehicle to suffer the initial impact with a foreign object, it is the second impact—the impact of the occupant against the interior or exterior structures that causes injuries and fatalities.

Today, automobiles have full restraint systems, padded interiors, collapsible steering columns, strong seats, and more crash energy management systems are scheduled. Schoolbuses, however, for some inexplicable reason have been neglected to such an extent that they even exhibit a dangerous design. Probably no other form of highway transportation displays such a callous disregard for protecting the occupants of a vehicle. The standards which petitioners herein propose address themselves to the problem of the "second impact" and seek to ensure occupant protection and crashworthiness of the school vehicle.

Research reports all seem to agree that the overwhelming cause of injury in a school bus collision in the seat. The rows of seats form "compartments" in which a passenger "lives" during his trip. Yet, present-day seat designs are so poorly engineering that even in a moderate crash the seat anchorage may fail so that the "compartments" literally collapse on the occupants in domino-like fashion. Meanwhile the occupants, transformed into living projectiles, hurtle into the seats ahead of them and then over the seats as they collapse. The orderly rows of seats instantly become a shamble of twisted and jagged metal that inflicts injury and death on the children.

Furthermore, the top of the typical seat in a schoolbus consists of little more than a metal bar occasionally adorned with ineffective cosmetic padding. In even the most minor of accidents the child in a schoolbus is exposed to a very high probability of serious facial and chest injury as the tops of their bodies are targeted for this inflexible metal bar. Petitioners submit that the standards they propose on seat backs and seating systms will alleviate many of the inexcusable dangerous design deficiencies in this critical area of occupant protection.

For the unfortunate child who sits in the front seat of the schoolbus, there is a whole array of steel bars, door-opening mechanisms and stanchions for the child to come in violent contact with in the event of a crash. Petitioners submit that a modesty panel, designed to have force-moderating properties for occupants thrown against it would significantly minimize the hazards to which front seat passengers are subjected.

The vertical poles, called stanchions, which extend from the floor of the bus to the ceiling along the aisle have been recognized by experts as hazardous, unnecessary structures in the schoolbus. In an accident they become death-dealing quarter-staffs. Petitioners submit that these useless stanchions be eliminated by a standard.

Even with all the metal protusions and bars in the interior of the bus well-padded or eliminated, if the bus lacks structural integrity, then in a collision it will become the equivalent of a cookie-cutter, as NTSB has described it.[5] The metal sheets of the interior will be ripped apart upon collision, producing razor-sharp edges which produce slicing wounds. Two of the standards which petitioners propose address themselves to this problem. One would require the development of a static roll-over test so as to ensure that the bus can withstand its own weight when overturned. The other would set a joint efficiency performance standard which

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would ensure that the sheet metal sections will not separate along their lines of connection in an accident.

Finally, it is imperative that the schoolbus driver is afforded a good collision protection system. Unless the driver, the first adult on the scene of the accident, is capable of conscious and decisive action, then needless new or compounded injuries to the children may result. At present, the driver is only supplied a seatbelt.

The paucity of strong standards on schoolbuses cannot be attributed to the lack of technical data, as there is a wealth of empirical information gathered from researchers and bus manufacturers themselves to demonstrate the feasibility of advanced safety construction in exterior and interior designs of school vehicles. The National Transportation Safety Board in its accident report conclusions and recommendations has repeatedly called for action by the Department of Transportation in the area of schoolbus safety. The Vehicle Equipment Safety Commission, an interstate compact formed to create uniformity in minimum standards for vehicle equipment, has adopted some standards in the area of schoolbus safety that go beyond the basic and unimaginative federal standards into crucial areas of vehicular structural integrity.

Finally, Congress has demonstrated its concern with the lack of substantive standards on schoolbus performance by entertaining in the 92d Congress, a bill sponsored by over 80 Congressmen and Senators that would compel the Department to issue tougher standards on schoolbus construction within a fixed time period. Apparently, the members of Congress are confident that the technology was present to meet the demands of stronger standards for motor vehicles.

The question is, if the problem areas are so clearly defined, then why has not any action been taken to correct the situation? And who should take such remedial action? School boards are certainly not the appropriate individuals to respond to this need of eliminating the risks to children riding in schoolbuses. They often work within tight budgetary restrictions which discriminate against "extravagant" purchases. In the budget squeeze, the board members may unwittingly believe optional safety equipment to be "extravagant" expenditures.

The Vehicle Equipment Safety Commission does not offer a viable alternative for implementation of standards for schoolbus construction. The Commission can never achieve the desired uniformity of laws regulating schoolbus equipment because of weaknesses that are both inherent in the structure of the Compact and present in the results of the Commission's work thus far.

At the Federal level, the Highway Safety Act of 1966 places no safety requirements on bus manufacturers. Rather, the Act directs the Department of Transportation to assist the states in developing highway safety programs designed to reduce traffic accidents. For example, under the Highway Safety program standards, manufacturers are not required to install seatbelts for drivers or passengers of schoolbuses. Rather, the state is required to develop a "system for minimizing highway hazards . . ." whereby if a bus is equipped with lap and shoulder belts, then the driver and passenger must wear them. Clearly, the Highway Safety Act does not address the crucial problem of improved schoolbus safety performance and construction.[6]

It is the National Traffic and Motor Vehicle Safety Act of 1966, which offers the only real hope for effective schoolbus safety standards. However, in reviewing the standards that have been issued by the Department thus far, petitioners have concluded that the Department's approach to the critical areas of crashworthiness and occupant protection in schoolbuses has been woefully inadequate.

The majority of the standards on schoolbuses that have been issued can be easily characterized as minimal safety features for a vehicle. Also, not one of the standards applying to schoolbuses was drafted with only schoolbuses in mind. Rather, for the most part, these standards were drafted to apply primarily to passenger cars and only incidentally were extended to (or later adapted to) apply to buses. And, schoolbuses were subsumed under the general heading of buses, only occasionally being singled out for distinction.

Why hasn't the Department of Transportation taken any aggressive and affirmative action in the critical areas of schoolbus safety? Why hasn't the Department acted, especially in light of the (1) urgent need for solutions to obvious problems; (2) expressed public and Congressional concern over the issue; and (3) the available technology to help alleviate the causes of most injuries and fatalities? The Department has utilized a benefit-cost analysis approach based on the number of fatalities and injuries from schoolbus accidents to relegate schoolbus safety to a back seat.

Mesmerized by its benefit cost analyses, the Department of Transportation does not feel that enough children are killed or injured in schoolbuses to justify the enactment of new standards. The drone of the keypunches has drowned out the please of the public for safer schoolbuses.

However, this chronic benefit-cost myopia has blinded DOT to the fact that their whole approach rests on a false premise. The fundamental rationale for the benefit-cost analysis is that soceity demands that government programs, even safety programs, net a long-term economic profit. Petitioners submit that society is willing to "take a loss" on the safety of its children.

Certainly if the benefit-cost approach is utilized at all, it should be considered the source of helpful aid and not of determinative imperatives. Other factors merit equal attention, such as the justice of requiring children to ride in fragile yellow boxes when intercity commercial buses already exhibit many of the safety features which petitioners urge DOT to adopt. It is ironic that schoolbuses, to which society entrusts its most precious possessions, and which are widely believed to be the paragon of vehicle design wholly dedicated to safety, are, in reality, probably the worst design on the road in terms of easily preventable hazards to the occupants.

I. INTERESTS OF THE PETITIONERS IN THE ACTION REQUESTED

B.U.S.W.R.E.C. is a special project of Action on Safety and Health and an organization of three George Washington University law students who are personally and professionally concerned with the problems of schoolbus safety. Chairman Bruce has received a Masters Degree in engineering from Princeton University. The director of Action on Safety and Health, John F. Banzhaf, III, has received an engineering degree from the Massachusetts Institute of Technology. All members have during their lifetimes been passengers on schoolbuses and are cognizant of the dangers involved. B.U.S.W.R.E.C. was formed for the immediate concern of the twenty million children who travel daily in schoolbuses. Since its inception, B.U.S.W.R.E.C. has been in contact with members of the Department of Transportation, the National Transportation Safety Board, the School Bus Manufacturers Institute, the Vehicle Equipment Safety Commission, the National Safety Council, the Center for Auto Safety, and concerned Senators and Congressmen.

Petitioner Action on Safety and Health (ASH) is a national, nonprofit tax-exempt organization which derives its funds and contributions from members of the public concerned about safety and health. Its purpose is to support, initiate, and participate in legal actions, including actions before regulatory agencies, designed to advance some aspect of the public interest as related to safety and health. Its director is John F. Banzhaff, III who is a well-recognized leader in the field of consumer protection. Action on Safety and Health is a sister organization of Action on Smoking and Health which serves as the legal action arm of the antismoking community.

Action on Smoking and Health has come before the Department in various actions relating to cigarette smoking on commercial airlines. Action on Safety and Health has served as a coordinating and supervisory body for a number of actions brought before not only the Department of Transportation, but other regulatory agencies and boards as well. The action presently before the Department is of great public concern in that it affects the safety of many Americans and Petitioner, Action on Safety and Health therefore joins with the other organizations as a party to this action.

In October 1972, Action for Child Transportation Safety (ACTS) was formed by a group of young New York City mothers. The purpose of the organization is to create an awareness of the danger children are exposed to riding unrestrained in cars, in open trucks, and of the inadequate safety provisions in school buses. The goal of Action of Child Transportation Safety is to awaken public concern and bring about corrective action. Therefore, this petition represents a fundamental and necessary step toward achieving that goal. ACTS enthusiastically supports the efforts of B.U.S.W.R.E.C. for the establishment of schoolbus safety standards.

The Chairman of the School Health Committee of the American Academy of Pediatrics, N.J. Chapter, is Sheldon N. Feinberg, M.D., F.A.A.P. Dr. Feinberg is the author of "School Bus Safety Recommendations" adopted by Resolution of the State of New Jersey's Medical Society House of Delegates in 1970. Not only has Dr. Feinberg been an innovative initiator for schoolbus safety legislation, but he has actively participated in numerous symposia on the subject. In addition, Dr. Feinberg investigated the recent Congers, N.Y. accident within one hour after the crash and submitted his analysis of the medical aspects of this accident to the National Transportation Safety Board. Because of his vital interest in schoolbus safety. Dr. Feinberg joins with the other petitioners in this effort to reduce hazards in schoolbus construction.

The Center for Auto Safety is a nonprofit organization incorporated in Washington, D.C. in June 1970. The Center acts as a clearinghouse for vehicle defects, seeking recalls, proposing new safety standards for vehicles and equipemnt, and monitoring enforcement of existing standards. Its director, Lowell Dodge, has been outspoken and highly involved on the subject of schoolbus safety. Mr. Dodge has been invited to speak at numerous conferences on the issue including the New Jersey Symposium on Seat Belts and Emergency Exits in January 1972. In addition, Mr. Dodge was an alternate for Ralph Nader

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on the National Motor Vehicle Advisory Council.

Physicians for Automotive Safety is a national organization of the medical profession founded in 1965 by Dr. Seymour Charles. Dr. Charles was a member of the Advisory Council on Automotive Safety under former Secretary of Health, Education, and Welfare, John Gardener. He has on numerous occasions provided testimony to Congress on legislation in the interest of auto safety. In addition, Dr. Charles is the author of several articles concerning the subject of vehicle safety for medical publications and family magazines. Physicians for Automotive Safety aim to reduce child mortality and morbidity on the highways. As part of this effort, therefore, they join in this petition to reduce the hazards in schoolbuses to the nation's twenty million youngsters.

II. STATUTORY AUTHORITY TO PETITION

Petitioners bring this action for rulemaking for the promulgation of schoolbus safety standards pursuant to 5 U.S.C. 553(e), 49 C.F.R. 553.31(a), and 49 C.F.R. 5.11.

5 U.S.C. 553(e) provides: "Each agency shall give an interested person, the right to petition for the issuance, amendment, or repeal of rule".

49 C.F.R. 553.31(a) provides: "Any interested person may petition the Administrator to establish amend, or repeal a rule."

With respect to any functions or powers not exercised by the Administrator and exercised by the Secretary of Transportation, 49 C.F.R. 5.11 provides: "Any person may petition the Secretary to issue, amend, or repeal a rule, or for a permanent or temporary exemption from any rule".

Petitioners, as demonstrated in Part I above, are clearly "interested" persons within the meaning of the acts and regulations.

STATUTORY AUTHORITY TO PROMULGATE PROPOSED STANDARDS

Petitioners submit that the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89–563; 80 Stat. 718; 15 U.S.C. 1381) provides the most efficacious and uniform program for improved safety in schoolbus performance and construction. The Act is administered in the Department of Transportation under the National Highway Traffic Safety Administration. (49 C.F.R. 5.11)

Under the National Traffic and Motor Vehicle Safety Act, as amended, the Secretary of Transportation is authorized to promulgate Federal motor vehicle safety standards; "The Secretary shall establish by order appropriate Federal motor vehicle safety standards". (section 103(a)).

By the end of 1972, six years since the passage of the National Traffic and Motor Vehicle Safety Act, 43 Federal motor vehicle safety standards had been promulgated by the Department. Twenty-one (21) of those standards apply to schoolbuses. Not one of these standards applying to schoolbuses, however, was drafted with only schoolbuses in mind. Rather, for the most part, these standards were drafted to apply primarily to passenger cars and only incidentally were extended to (or later adapted to) apply to buses. And, schoolbuses were subsumed under the general heading of "buses" only occasionally being singled out for distinction or exemption. Indeed, the Department of Transportation has exhibited such a propensity for all-inclusive categories that schoolbuses do not even enjoy their own docket in the Department's files.

The majority of these standards that are extended to cover schoolbuses deal with what could easily be characterized as minimal safety features. Where the standards have approached such critical areas as occupant restraint systems, they (a) apply only to the schoolbus driver, and (b) require only the most primitive restraint system: seat belts without shoulder harnesses. Surely the Department of Transportation and in particular the National Highway Traffic Safety Administrator are aware of the need for more sophisticated safety standards for schoolbuses. Petitioners shall later demonstrate in this petition that on several occasions the Department, through its spokesmen, has shown a sensitivity to the peculiar and urgent safety needs of schoolbuses.

Title I of the National Traffic and Motor Vehicle Safety Act of 1966, section 103(f)(1) provides that" "In prescribing standards under this section, the Secretary shall—consider relevant available motor vehicle safety data, including the results of research, development, testing and evaluation activities conducted pursuant to this Act. . ." Petitioners shall show that the Department is or must necessarily be cognizant of available motor vehicle safety data from a number of reliable sources—e.g., DOT-contracted research, private research, NTSB collision reports and analyses, VESC findings and proposals, etc.—that has repeatedly delineated the problem areas and offered viable solutions to the problems.

Title I of the National Traffic and Motor Vehicle Safety Act of 1966, section 103(f)(2) provides that: "In prescribing standards under this section, the Secretary shall consult with the Vehicle Equipment Safety Commission, and such other State or interstate agencies . . . as he deems appropriate. . . ." Petitioners will demonstrate how the Department of Transportation has not only *not* consulted with the V.E.S.C. but has apparently ignored the findings and proposals of the Commission—a Commission created by an interstate compact. Due to weaknesses that are inherent in the structure of the Compact, the minimum regulations for schoolbuses that the Commission has adopted are unlikely to ever become state law in most states. Petitioners submit that the dim prospective for state acceptance of V.E.S.C. regulations only lends force to the argument that the Department of Transportation must act on school bus safety.

Title I of the National Traffic and Motor Vehicle Safety Act of 1966, section 103(f)(3) provides that: "In prescribing standards under this section, the Secretary shall—consider whether any such proposed standard is reasonable, practicable and appropriate for the particular type of motor vehicle or item of motor vehicle equipment for which it is prescribed . . ." Petitioners will demonstrate that the standards they propose meet all of the considerations specified above and furthermore are necessary in light of the most fundamental concepts of crash protection.

Title I of the National Traffic and Motor Vehicle Safety Act of 1966, section 103(f)(4) provides that "In prescribing standards under this section, the Secretary shall—consider the extent to which such standards will contribute to carrying out the purposes of this Act." In the 92d Congress a bill having over 80 sponsors was introduced that would compel the Department of Transportation to promulgate, *within a fixed time period*, standards on schoolbus construction. (emphasis supplied) Apparently there was a growing feeling in Congress that the Department was not effectively "carrying out (the) purposes of the act" when it failed to issue any strong standards. The Bill would require that, among other things, the Department must issue standards on emergency exits, interior protection for occupants, and crash worthiness of the body and frame. In response to this prodding measure from the Hill, the Department wrote:

"In view of the Department's rule making activity on schoolbus safety, the requirement for the promulgation of standards covering specific performance areas appears unnecessary. The authority clearly exists for promulgating standards with respect to the specified performance areas and is being so used."[7]

The Senators and Congressmen who sponsored and supported the bill were certainly aware that the Department had the authority to promulgate standards. The Congressional intent was to force the Department to use this authority and act decisively in this long-neglected and critical area. Petitioners concur with the apparent Congressional opinion that thus far the purposes of the Act ("to reduce . . . deaths and injuries resulting from traffic accidents") have not been adequately carried out through the standards presently issued by the Department on schoolbus safety. However, petitioners are of the opinion that it is within the authority and capability of the Department of Transportation to act *now* in the promulgation of standards for safer schoolbuses and obviate the need for new legislation. To that end petitioners submit that the standards they propose will substantially "contribute to carrying out the purpose" of the National Traffic and Motor Vehicle Safety Act.

In summary, petitioners submit that the Department of Transportation has not only the authority to act under the National Traffic and Motor Vehicle Safety Act, but also the duty to promulgate safety standards for schoolbuses.

IV. THE PROBLEM

A. Statement of the facts

Thirty-nine percent of the entire student population below the college level—twenty million youngsters—travel to and from school daily on school buses traveling two billion miles each year—more than nine times the distance to the moon.[8] In 1971, there was a total of 47,000 school bus accidents resulting in 150 persons killed and 5,600 injured.[9]

While it is true that the total number of children transported to and from school has increased—from 15.6 million in 1963 to the present level of 20 million—this increase cannot explain, justify, or rationalize the disproportionate rise in fatalities from 49 in 1963 to 150 in 1971.[10] In 1966, 3,800 children were injured in school bus accidents—an 80% rise over 1960 although the number of riders increased only 30%.[11] Clearly, the rising loss of lives and the increasing number of injuries because of school bus accidents demand that the problem be addressed immediately.

An investigation of the school bus accidents in one state alone manifests the severity of the problem. One out of every fourteen school buses operating in Pennsylvania was involved in an accident in 1969. There were 950 school bus accidents in all—15% more than in 1968. Although the number of fatalities was down from the previous year, the number of injuries had increased 35% from 1968.[12]

While it is demonstrable that a greater number of deaths resulting from school bus accidents occur to pedestrians approaching or leaving the bus or to those in other vehicles, an overwhelming proportion of the injuries sustained happen to the children on the school bus. In a survey conducted by the Department of Transportation from July 1, 1968 to June 30, 1969, 80% of the injuries were inflicted on the children in the bus, while children were victims of 23.6% of the fatalities. Similarly, in a Department of Transportation study from July 1, 1969 to June 30, 1970, 77.5% of the injuries and

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19.8 of the fatalities occurred to children on the school bus.[13]

The fact that children riding in school buses are sustaining a smaller number of fatalities than pedestrians or those in other vehicles does not diminish the severity of the problem. We would agree with Secretary Volpe that "the death of even one child in a school bus accident is one too many".[14]

It is equally important, however, to focus on the large amount of injuries inflicted on the young while riding on school buses. In a survey by the American Society of Oral Surgeons in 1970, it was stated: "Of the nearly 16,000 school-age children treated for facial injuries and/or dental trauma resulting from vehicular collisions during a one year period, over 1,350 received severe facial injuries as a direct result of school bus collisions from impacts with school bus seat backs".[15] "In 98% of these cases, the injuries could have been less severe or have been avoided entirely had appropriate safety measures been used"[16] concludes the National Safety Council. Administrator Toms of the National Highway Traffic Safety Administration stated in Congressional hearings on proposed safety standards in 1971, "The most recent reports from the states indicate that 4,000 pupils receive *disabling* injuries annually." (emphasis added)[17]

B. The causes of fatalities and injuries

In every vehicular accident there are two impacts: the initial vehicle collision and the resulting impact of the occupant against the interior of the vehicle. Needless injuries and deaths can be prevented for children on a schoolbus with improved construction and safety performance. But, the present design of the yellow schoolbus provides little occupant protection.

First, the overwhelming cause of injury in a schoolbus collision is the seat.[18] The present design of the seat includes a low seatback creating the possibility in an accident of a child being hurled over the top or of suffering severe whip-lash. Or, in an accident with a greater impact, the seat back can give way all together because of insufficient seat anchorage. In addition, on severe impact, inadequate seat anchorage may cause the set to tear loose thereby rupturing the floor. Schoolbus seats as presently designed afford no protection to those sitting on the aisleside of the seat. Upon impact, there is nothing to protect this child from being thrown across the aisle onto the edge of another seat or onto another passenger. Finally, the thin padding if it exists at all does little more than provide a disguise for the rigid metal lurking beneath. A child catapulted from his seat, on impact, targeted at another seat will not land on a cushion, but a hard metal frame. In addition, other lethal surfaces surround the seat—such as the protruding steel bar hand grip in front of each seat—which a child can strike causing injuries to the face, neck, and chest.

Second, the child sitting in the forwardmost seat is provided no protection at all in the "second collision" in an accident. The unfortunate child sitting in this seat collides with steel bars, the windshield, the door opening mechanism, the driver's seat back, stanchions, or any other of the various equipment in the schoolbus interior. There is nothing in the present yellow schoolbus to provide this child with even a minimum of occupant protection.

Third, in today's schoolbuses stanchions, the vertical poles which extend from the floor of a bus to the ceiling, located on each side of the aisle at the entrance to the bus, are another target upon which a child can be hurled. This target has no justification for its continued presence in light of the new Federal Safety regulation prohibiting standees on schoolbuses.[19] Yet, it remains as a death-dealing quarter-staff in the accident.

Fourth, the exterior of the bus has been observed as providing little in the way of occupant protection except against the wind and the rain.[20] The wide spacing of rivets provides little in the way of structural integrity so that upon impact a bus tends to cave in like an accordion having no inherent strength to resist the force application. Lack of structural integrity is most probably the leading cause of death to children in schoolbuses. As the National Transportation Safety Board said in its investigation of the collision between a schoolbus and a train in Waterloo, Nebraska in 1967, "All children riding in the disintegrated portion were killed".[21] And in the investigation of the Congers, New York accident which resulted in five fatalities, the National Transportation Safety Board said, "The adoption of a standard to control the assembly of structural joints in schoolbuses should not be regarded as a novel initiative to reduce schoolbus *fatalities*. . . ."[22]

The lack of structural integrity has resulted in a schoolbus being nick-named a "cookie cutter". As the metal sheets of the exterior are ripped apart upon a collision, their razor-edge surfaces become another source of injury for the child.

Finally, special occupant protection is needed for the driver of a schoolbus. It is, of course, the driver who is the only adult on this scene, who must summon aid, and who must assist the children in escaping from the wreckage. Yet, present schoolbuses provide the driver with only the most primitive type of restraint system. Clearly, it is imperative that the driver be afforded the engineering advances now available in all presently manufactured automobiles.

The hazards within the schoolbus certainly demand a response. The question is who is the most appropriate authority to respond to the situation.

C. The Federal Government under the auspices of the National Traffic and Motor Vehicle Safety Act of 1966 has the responsibility to reduce hazards in schoolbuses

"Passing the buck" is not an unfamiliar phrase in any problem situation. Petitioners submit that this routine must end in the need to reduce schoolbus hazards and that it is the responsibility of the Department of Transportation, under the National Traffic and Motor Vehicle Safety Act of 1966, to issue expeditiously schoolbus safety standards.

School boards are certainly not the appropriate individuals to respond to this need of eliminating the risks to children riding in schoolbuses. For the most part, school boards are not only not composed of engineers, but also are not aware of the technological state of the art. In addition, the local school board is, by necessity, caught in a budget squeeze. And, what local elected official will want to bear the burden of an increased tax bill or of a budget cut in some other 'vitally needed' program to fund structural improvements on a vehicle that merely transports the children to the school house." In the school budget squeeze, safe buses will invariably lose to bigger and better pom-poms. Even the minutest structural improvement from an engineer's point of view is often classified as extravagant waste from the unappreciating local official's limited perception. Unless localities are required to buy safer buses, they will generally not go a nickel more when they can save a dime in vehicle acquisition.

The Vehicle Equipment Safety Commission does not offer a viable alternative for implementation of standards for schoolbus construction. The Vehicle Equipment Safety Compact is an interstate compact which resulted from a Joint Congressional Resolution (HJ Res. 221) signed into law by President Eisenhower on August 20, 1958. The Vehicle Equipment Safety Commission was organized to administer the Vehicle Equipment Safety Compact. Presently forty-three states and the District of Columbia are signatories to the Compact. In the words of the VESC, the basic purposes of the Commission is to achieve a "greater uniformity of laws regulating vehicle equipment, expediting the widespread use of new and improved safety equipment on vehicles and retaining jurisdiction and enforcement of regulations in the hand of the States."[23] For reasons hereinafter stated, petitioners submit that the VESC can never achieve the desired uniformity of laws regulating school bus equipment because of weaknesses that are both inherent in the structure of the compact and present in the results of the Commission's work thus far.

Before a VESC regulation becomes enforceable on the state and local level, the individual member state must approve the standard. In most states this means that the state legislature must consider Commission recommendations and enact them as a matter of State law. The projected result of such a fragmented approach would appear obvious; the actual consequences confirm the initial projection: of all the states that are required to pass on VESC standards by legislative action, not one has adopted VESC school bus regulations. (Only two states, Maryland and Illinois, have adopted the regulations, and they did so by administrative action—their representative to the Commission being authorized to unilaterally adopt the standards for their state.) The prospects of other states approving the regulations by legislative action appears slim at this time.

While Petitioners applaud the efforts of members of the School Bus Subcommittee who drafted the proposed standards applying to "Minimum Requirements for School Bus Construction and Equipment—VESC–6", petitioners are dismayed by the apparent likelihood that their efforts will never see any results on a substantial or even minimal scale—considering the slow response of the individual member states to all the VESC regulations. Clearly, the whole purpose of the compact is frustrated when only a couple of states adopt the proposed standards. This results in manufacturers being required to meet certain minimum standards in those states that have adopted VESC regulations, while not being under the same restrictions for other states. What will undoubtedly develop if this procedure endures as the only "uniform" national approach to the problem will be the proliferation of optional safety equipment.

But, even if the VESC–6 were adopted in many and most states, forcing less optional and more standard equipment, petitioners submit that the regulations, for the most part, lack sufficient specificity as presently drafted to meet the needs of the school bus manufacturers in design and construction of safer buses. One is hard-pressed to find a significant number of standards which specifies the compliance tests adequately enough for a bus manufacturer to know just what constitutes compliance and what does not. VESC–6 amounts to a list of vague suggestions for safer school buses; as such it is simply unenforceable. A court of law would probably find the majority of these standards unconstitutional for vagueness if a state attempted to penalize for noncompliance. Having demonstrated that neither the local school board nor the interstate

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compact (VESC) are the appropriate bodies to respond to the need to eliminate schoolbus hazards, Petitioners submit that the Department of Transportation must accept the responsibility in this area. Citizen groups formed to seek safety improvements for schoolbuses are unanimous in feeling that "nothing will be done if the Federal Government waits for the initiative to come from the general public. . . . The reform has to come from the top." [24]

Two 1966 Congressional Acts confer authority on the Department of Transportation to, among other things, develop minimum safety standards for schoolbuses. Both Acts are administered in the Department of Transportation by the National Highway Traffic Safety Administration.

The Highway Safety Act (P.L. 89–564, 80 Stat. 731, 23 U.S.C. 401) directs the Department to assist the states in developing highway safety programs designed to reduce traffic accidents. Federal standards are promulgated which serve as guidelines or minimum requirements for State and local programs. The only vehicle equipment requirements for schoolbuses are standards which relate to the identification of the vehicle as a schoolbus—so other drivers will exercise caution when approaching a schoolbus; and standards which call for equipment necessary to control traffic when the vehicle is stopped—e.g. flashing warning lights. The standards are not directed towards the performance and construction of a vehicle and hence do not require a private manufacturer to build a safer bus. For example, under the Highway Safety program standards, manufacturers are not required to install seatbelts for drivers or passengers of schoolbuses. Rather, the state is required to develop a "system for minimizing highway hazards. . . ." whereby IF a bus is equipped with lap and shoulder belts, THEN the driver and passenger must wear them.[25]

The latest standard issued under this Act focused, in part, on an upgrading of driver training and selection. While this is an area of needed improvement, minor structural improvements in the design of the schoolbus will be a more efficacious way of reducing accidents and injuries. Not only is it easier to issue Federal vehicular safety standards for schoolbus design than to attempt to alter human behavior, but a highly trained driver will be of no avail in a schoolbus which losses its braking capacity. It is worthwhile to note that the Decatur and Huntsville, Alabama schoolbus accidents in 1968, causing five fatalities and 59 injuries, were a direct result of brake failure. And, in the 1971 schoolbus accident where the bus careened down the 11,312 foot Monarch Pass in Colorado, killing 9 and injuring 39, defective brakes were a major contributing cause to this tragedy.

Clearly, the Highway Safety Act does not address the crucial problem of improved schoolbus safety performance and construction. The nature of the language employed in the Act reflects the Congressional intention that this Act is to be used for highway safety programs as opposed to vehicular safety standards for schoolbus performance and construction.

It is the National Traffic and Motor Vehicle Safety Act which is oriented towards the critical area of vehicle safety performance and construction. Under this Act, the Secretary of Transportation, and by delegation the National Highway Traffic Administrator are authorized to "establish by order appropriate Motor Vehicle Safety Standards" (Pl 89–563, 80 Stat. 718, 15 U.S.C. 1381, et seq.) to which motor vehicle manufacturers must conform. Therefore, if a program of improved schoolbus safety performance and construction were proposed by the Department of Transportation, the National Traffic and Motor Vehicle Safety Act of 1966 would be, as the language of the Act strongly denotes, the *only* appropriate statutory authority.

D. The present response of the Department of Transportation under the National Traffic and Motor Vehicle Safety Act

Of all the Federal Motor Vehicle Safety Standards issued by the end of 1972, twenty-one standards apply to schoolbuses. None of these standards have been specifically designed for schoolbuses. Rather, for the most part, these standards were drafted to apply primarily to passenger cars and only incidentally were extended to (or later amended to) apply to buses. And, schoolbuses were subsumed under the general heading of "buses" only occasionally being singled out for distinction. Indeed, the Department of Transportation has exhibited such a propensity for all-inclusive categories that "schoolbuses have never enjoyed their own docket in DOT's files." To illustrate the inane consequences of such a careless approach to the peculiar problems of schoolbuses at least two of the federal motor vehicle safety standards address themselves to such improbable schoolbus equipment as "tot guards" and "headlamp concealment devices".

The majority of these standards that are extended to cover schoolbuses deal with what could easily be characterized as minimal safety features. For example, standards requiring windshield defrosting and defogging systems or that a transmission shift have a neutral position between forward and reverse, or that a driver can reach the controls with a seat belt on, and that the controls be identified are necessary first steps towards a safer vehicle, but hardly a leap. Where the schoolbus standards have approached such critical areas as occupant restraint systems, they (a) apply only to the schoolbus driver and (b) require only the most primitive restraint system—seat belts without shoulder harnesses.

But, the Department of Transportation is certainly aware of the need for more sophisticated safety standards for schoolbuses. The Department contracted for $125,000 a study by the Institute of Transportation and Traffic Engineering of UCLA to determine necessary changes in schoolbus interiors that would result in improved driver and passenger safety.[26] This report, over 150 pages long, was received by the Department in 1969; its recommendations have fallen on deaf ears. Not only have outside reputable organizations urged adoption of schoolbus safety standards based on thorough engineering analysis, but the National Transportation Safety Board, the Department's own transportation safety monitoring arm, has repeatedly made recommendations following their investigations of major schoolbus collisions. These suggestions by the National Transportation Safety Board have likewise gone largely unheeded.

The Department itself, however, has even indicated its own sensitivity to the need to address the unique problems of schoolbus hazards. But, as will be demonstrated, the Department's concern manifests itself by empty promises. As previously indicated, the schoolbus seat is a major source of injury to the children. The Department has consistently indicated its awareness of the problem of safety seats. In February of 1970, in response to Senator Edward Kennedy's letter urging the Department to take more concrete steps in the critical area of occupant protection for children in schoolbuses, Secretary Volpe replied, "The Department, in Docket 2–11, has already initiated the first rule-making action to upgrade substantially the safety performance of schoolbus seats." [27]

But, a whole year passed and there was no proposed rule making on schoolbus seats. The Department, however, had not forgotten about the earlier promises it had made. During Congressional hearings in July 1971 on the "Effectiveness and Efficiency of The Department of Transportation's Programs Relating to Automobile and Schoolbus Safety," Mr. Toms, the Administrator for the National Highway Traffic Safety Administration, testified:

"We deem one of the best payoffs in schoolbus standards would be to provide for friendlier seats. One thing we do not like are the seats with the metal hard rails and metal backs so as the youngster moves forward in any kind of a crash he strikes a solid, unyielding surface. . . . We are moving forward to see that the seat backs and most of the interior parts of the bus are friendlier.

"Docket 2–11. Bus Passenger and Crash Protection. Notice of proposed rulemaking to be issued late summer or early fall 1971. Proposes stronger seats and seat anchorages, elimination of lethal surfaces, substantial padding in the immediate seating area, and increased seat back height for improved occupant containment." [28]

Late summer and early fall of 1971 passed without any notice of proposed rulemaking on schoolbus seats. In April of 1972, the National Highway Traffic Safety Administration issued a press release stating,

"One proposed standard, to be issued shortly, deals with bus passenger seating and crash protection. It would require stronger seats and seat anchorages, elimination of lethal surfaces, substantial padding in the immediate area, and increased seat back height." [29]

A little over a month later, Secretary Volpe wrote to Congressman John Moss stating that a "notice of proposed rulemaking is slated to be published in the next few weeks" on schoolbus safety seats.[30]

In September of 1972, *The Washington Star* quoted the National Highway Traffic Safety Administration saying:

"In a few more weeks, the agency said it will have a notice of proposed standards for stronger safer seats." [31]

The reporter observed that "It has taken six years to get this far on a seat standard. No one will venture to guess how long it will take to get a standard on a safer bus structure." [32]

1972 has now passed and again there is no proposed rulemaking of schoolbus safety seats. The situation is doubly intolerable because the National Highway Traffic Safety Administration has created a bottleneck: the Agency has indicated that no other action on schoolbuses will be undertaken until the seat standard is proposed.

"Asked about his agency's reaction to the board's (the National Transportation Safety Board) call for immediate action on schoolbus structural strength, an NHTSA official told Status Report that it would be 'possibly two years' before NHTSA issues a corrective standard. It is giving priority, he suggested, to the area of passenger restraints in school buses, which it feels is the 'biggest single' factor in occupant protection. 'Once we get that out of the way we can go after the other things,' he said . . . NHTSA hopes that the improved seat backs (which they plan to propose a rule on soon) 'will negate' the need for seat belts in schoolbuses, he said." [33]

Thus, the National Highway Traffic Safety Administration had continued to make empty promises for the last three years.

It is clear that the Department of Transportation has relegated schoolbus safety to a back seat. The fact that schoolbus safety receives a low priority from the Department is all the more distressing when one considers that the manufacturers have moved far ahead of the Federal agency. In January of 1972, the Wayne Corporation of Richmond, Indiana displayed a new prototype schoolbus at the Department. This bus had full length side and roof panels with a minimum of joints to separate under impact. There are approximately six major schoolbus coach

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makers: two of them have designed a schoolbus greatly improving the structural integrity of the exterior. In addition, most, if not all, of the improved safety equipment have already been designed by schoolbus coach makers and are available as optional equipment.

All of our proposed standards have been recognized by independent expert research organizations and by the National Transportation Safety Board as areas needing federal regulation. Indeed, even the National Highway Traffic and Safety Administration has acknowledged the need for new and more sophisticated standards for occupant protection in schoolbuses. The question is, why hasn't the Department of Transportation acted? Why the delay when the solutions to most of these problems have been staring the Administrator and the Secretary in the face?

E. The reason the Department of Transportation has inadequately responded to the needs of 20 million youngsters

From our interviews at the National Transportation Safety Board, the School Bus Manufacturers' Institute, concerned Congressmen and Senators, and even with the National Highway Traffic Safety Administration, it has become abundantly clear that the reason the Department has not responded adequately to this crisis is simply because schoolbus safety supposedly has a low benefit-cost ratio. That is, the economic value of the lives to be saved and injuries prevented is less than the economic cost to the nation of saving those lives and preventing those injuries by building safer schoolbuses.

This conclusion is grounded on the fact of the low fatality rate in schoolbus accidents. (Only 150 people were killed last year as a result of schoolbus collisions). In averaging the available data over the years 1965–1969, the automobile fatality rate for this period is 2.40 deaths per million miles in comparison to the schoolbus fatality rate of 0.09 or about 1/27th of the auto rate.[34] While this is a comparatively low figure, the year-to-year trend, as indicated above, appears to be increasing for schoolbuses; while the automobile fatality rates have begun to decrease over the five year period. Indeed, the recent developments in automobile design to reduce injuries and fatalities make the inadequacy of schoolbus design increasingly glaring.

Furthermore, the low fatality rate of schoolbuses is *not* the result of quality safety features or crash-worthy design. Some safety experts feel that this low fatality rate may be the result of the "sanctity" that surrounds the yellow schoolbus "and the willingness of other drivers to surrender the right of way".[35] Also, most schoolbuses do not travel during rush hour or at dark. The yellow schoolbus is easily visible and most important, the driver is not intoxicated—the leading cause of automobile collisions.

What this means is that the low fatality rate for schoolbuses has not been achieved by a conscious attention to the strength and crash protection of these vehicles. As Paul Stewart, Director of School Transportation Programs for the National Safety Council, said,

"Being 'best' cannot be used as a license to neglect obviously needed and available safety features and measures. It is no comfort to the parents of a critically or fatally injured child that hear that the past record of schoolbuses has been 'better' than other modes of transportation—especially if the injury resulted from failure to use a safety feature that was available at a relatively low cost."[36]

Perhaps the National Highway Traffic Safety Administration has used benefit cost analysis merely to choose its work priorities and thus schoolbus safety is relatively low on the list of hazardous problems. If this is the case, then Petitioners submit that some consideration should be devoted to the ease of solution when listing priorities. The means of dramatically reducing the number of injuries in schoolbuses is staring the National Highway Traffic Safety Administration in the face. There would be, therefore, no significant cost for research and development as all the Agency need do is read its own engineering studies. (For example the study done under DOT Contract No. FH–11–6971 by Severy, et al, at the Institute of Transportation and Traffic at UCLA) Or, the Department could easily listen to the recommendations of the National Transportation Safety Board, its transportation safety monitoring arm. Thus, swift action to write standards for safe schoolbuses will not drain the administration's limited resources.

If the National Highway Traffic Safety Administration has rejected the need for safer schoolbus occupant protection on the basis of benefit cost analysis, then Petitioners submit that this economic tool is being misused to the detriment of 20 million children who are required to ride these vehicles. The fundamental rationale for a benefit cost analysis is that society should not adopt a program unless in the long run, the economic benefits exceed the economic costs. That is, the purpose of government programs is to reap a long term economic return for the nation.

Petitioners submit that a rigid benefit-cost analysis should not apply to schoolbus safety because if society is willing to tolerate a long term economic loss on anything, it certainly would be the safety of her children. On the micro-societal level, parents are willing to pay enormous sums to protect their children—expecting nothing in return, not even later economic productivity. Certainly society as a whole does not demand a long term profit on what she spends to protect her children. Thus, the application of benefit-cost analysis to this particular area may rest on a false premise.

But, even if the premise were applicable to schoolbus safety, the Department of Transportation would certainly admit that the benefit-cost test does not necessarily determine whether the agency will undertake a project or not. Their economists know that there are some essentially nonquantifiable costs and benefits that do not enter into the analysis. As a result, the Department may well undertake a project or enact a standard that is not quite cost beneficial. That is, the Department will in some cases tolerate a benefit cost ratio slightly less than 1.0 just because they know that their analysis is always imperfect. The subjective question is, how much of an economic loss is justified, how much less than 1.0 can the benefit-cost ratio be? Certainly, the Department cannot answer these questions in a vacuum.

DOT must at least consider the will of the public with regard to schoolbus safety. What is the will of the public? There are of course many manifestations of it. NHTSA apparently looks to the willingness of schoolboards to purchase the cheapest buses available without any optional safety features, as being proof that the public is not willing to spend more money on schoolbus safety.

An article entitled "U.S. Rules Leave School Bus Design As Is" quoted the Director of NHTSA "Mr. Toms said that because of the low death rate in school buses, the payoffs in anything you do are very small."

"I'm not saying that the argument of saving even one life would not justify the cost," he said, "but the parents in the school district ought to make that type of decision. They must say it's our kids and our taxes and we'll spend the money."[37]

If we should leave it up to the parents, then why didn't Congress leave auto safety up to the new car buyers? Why was the National Motor Vehicle Safety Act enacted? What is the function of the Administrator of NHTSA?

Mr. Tom's comments are appalling! Does he really expect every schoolboard to have a library of NTSB accident reports and have a team of engineers to explain to them just what features of a schoolbus are important safety innovations and which are just luxuries? Does he believe that the issue of safety is well defined in the school bond referendums?

Petitioners contend that the numerous bills proposed in Congress (over 80 co-sponsors on one bill alone) calling for DOT action on schoolbus safety reflect constituent concern. The abundance of editorials and articles on this subject in newspapers across the country and the vast number of letters which the DOT, the Center of Auto Safety, and other transportation safety groups have received from outraged parents all substantiate the point that America is willing to "take a loss" to ensure the safety of its school children.

While traditionally the Department of Transportation has placed its emphasis through a cost/benefit standard, we would concur in the conclusions reached by the National Transportation Safety Board of the gross unfairness in using this standard alone for schoolbus safety. DOT must include a consideration of justice along with its benefit cost analysis:

"If the priority of schoolbus structural improvement is low in terms of the total national needs in which the Department of Transportation and the National Highway Safety Bureau must function, schoolbus fatality and injury is nevertheless a predominant concern in two areas, the schoolbus manufacturing industry and schoolbus operators and users. In the schoolbus field, the degree of effort for safety has not been traditionally determined by cost/benefit considerations, but by the unique need for protection of the innocent children who ride schoolbuses, and who almost totally are unable to assure their safety by their own actions. Schoolbus riding children are seated within the buses usually because State law require schooling, the children are not there totally on their own volition. Society has established many regulations for the safety of school children which may appear exaggerated in other fields. For this reason, it appears that the employment of structural assembly methods in schoolbuses which are less efficient than methods used in other types of passenger buses should be considered primarily a question of justice to schoolbus riding children. This consideration of justice, in the Board's view, should override the question of whether the cost of complete assembly could be demonstrated to be less than the dollar value of the lives saved."[38]

For instance, the cold dictates of benefit cost analysis would demand that severely retarded or severely physically handicapped children ride in *unsafe* buses because such children's net economic productivity to society will be negative. Of course, this is nonsense, society tempers its demand for profit with some sense of justice.

It is this same sense of justice which must be considered here in addition to the benefit cost analysis. The balancing of justice should include the fact that the children do not ride these buses under their own volition. The state effectively requires them to enter that bus twice every day. There is no assumption of the risk because the child has no choice about the risk.

When DOT uses the benefit cost approach to determine the minimum safety standards, then they have defined the lowest standard of care imaginable on the manufacturers, school boards, and schoolbus owners.

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One can argue that children are owed the highest duty of care by those who force them to ride the schoolbuses. Their parents pay their fare through taxes and thus the schoolbus system takes on all the qualities of a common carrier and more because the children are required to ride the buses. So we would expect that a higher duty of care would be owed to children in schoolbuses than to passengers in common carriers.

Normally, common carriers have imposed upon them a higher duty of care than the standard of benefit cost analysis. And consequently the inter-city common carrier buses are better made, stronger, and offer more protection than do schoolbuses. These inter-city buses have padded seatbacks, high seatbacks, well-riveted bodies, arm rests, and no stanchions. Hence, there is a tragic irony in that children who should be owed the highest duty of care by the schoolbus system, and by the government which administers it, are being forced to ride the shoddiest buses. And DOT would continue this injustice by imposing only the lowest duty of care (the benefit-cost test) in their standards for schoolbuses. Petitioners urge that DOT temper its benefit cost analyses with a sense of equity and justice.

Of course NHTSA must have at least estimated the cost of implementing safety measures in schoolbuses. Petitioners would remind them of the low cost of these features. Padding on the tops of seat backs has been estimated to cost $200 for retrofitting a sixty-seat passenger schoolbus.[39] To implement a joint efficiency standard, the maximum cost would be $390; [40] that is, fivefold stronger joints for 5% more of the total cost.[41] A totally adequate safety seat such as the one proposed by the UCLA Institute of Transportation and Traffic Engineering has a unit cost of about $65; whereas the conventional unsafe schoolbus seats cost $35 per unit.[42] Petitioners stress that these are the maximum estimated costs: mass production may reduce the total cost and retrofitting is much more expensive than initial padding on the tops of seat backs. There should be no cost in eliminating stanchions and providing for outward opening exit doors: Therefore, Petitioners submit that if the Department were to adopt all the proposed standards the cost of implementation would be less than $1000; or 12½% additional cost of the total cost for a new schoolbus of $8000.

Need Petitioners remind DOT of the words of their Secretary which were spoken before a Committee of Congress:

"I certainly for one would not want to say that I do not want to add $300 to the cost of a bus or $500 to the cost of a bus because that would be too expensive. If we can prove that these things are going to do the job and can save lives, I certainly believe we ought to have them installed. I think you also have to bear in mind you would not want to double the cost of a bus, but I think a matter of a few hundred dollars to provide a great deal more safety for those youngsters is certainly a worthwhile investment." [43]

Standard No. 1: Standard on Anchorage Strength and Structural Integrity of Seating Systems for Schoolbuses.

S 1 Purpose and scope: This standard establishes requirements for seats, their attachment assemblies, and their installation to minimize the possibility of their failure by forces acting on them as a result of vehicle impact.

S 2 Application: This standard applies to schoolbuses.

S 3 Requirements:

S 3.1: General performance requirements. When tested in accordance with S 3.2 each passenger seat shall withstand the following forces without failure of any components and without any angular rotation of the seatback which exceeds 15 degrees.

S 3.1.1: Forward longitudinal forces.

(a) 20 times the seat weight applied at the height of the center of gravity of the seat, PLUS

(b) A force applied against the back of the seatback within 6 inches of the top of the seatback and such force shall have a magnitude of (72,000/D) lb. where D equals the vertical distance to the floor in inches from the point where the force is applied against the seatback.

S 3.1.2: Rearward longitudinal forces.

(a) 20 times the seat weight applied at the height of the center of gravity of the seat, PLUS

(b) A force applied against the back of the seatback within 6 inches of the top of the seatback and such force shall have a magnitude of (72,000/D) lb. where D equals the vertical distance in inches to the floor from the point where the force is applied against the seatback.

S 3.2: Method of testing.

All forces shall be applied against a rigid crossmember placed parallel to the floor against the seatback at the height specified. In the forward forces test the rigid crossmember shall be placed against the back of the seatback and in the rearward force test the crossmember shall be placed against the front of the seatback.

JUSTIFICATION FOLLOWS STANDARD NO. 2

Standard No. 2: Seat Backs and Armrests in Schoolbuses.

S 1 Purpose and Scope: This standard specifies requirements to afford impact protection for occupants.

S 2 Application: This standard applies to schoolbuses.

S 3 Requirements:

S 3.1: Head Impact Protection: When that area of the seat back that is within head impact area is impacted in accordance with S 3.1.2 by a 15 pound, 6.5 inch diameter head form at a relative velocity of 15 miles per hour, the deceleration of the head form shall not exceed 80g continuously for more than 3 milliseconds.

S 3.1.1: The requirements of this standard do not apply to the driver's seat or the rearmost seats.

S 3.1.2: Demonstration Procedures: Tests shall be performed as described in the Society of Automotive Engineers Recommended Practice J921, "Instrument Panel Laboratory Impact Test Procedure", June 1965, using the specified instrumentation or instrumentation that meets the performance requirements specified in the Society of Automotive Engineers Recommended Practice J977, "Instrumentation for Laboratory Impact Tests", November 1966, except that;

a. The origin of the line tangent to the uppermost seat back frame component shall be a point on a transverse horizontal line through the seating reference point of the right designated seating position.

b. The direction of impact shall be either

(1) In a vertical plane parallel to the vehicle longitudinal axis; or

(2) In a plane normal to the surface at the point of contact;

(3) Tests shall be performed between points 4 inches outboard of the centerline of each designated seating position.

S 3.2: Structure.

S 3.2.1: The seatback shall be at least 28 inches high measured from the top of the undepressed seat cushion.

S 3.3: An armrest (shoulder guard) shall be provided on the end of every seat closest to the aisle.

S 3.3.1: Dimensions: The armrest shall be capable of supporting a child occupant seated next to the armrest when the bus is impacted at its side.

(a) Test for position compliance: Place a 95th percentile child male anthropomorphic dummy in a seated position next to the armrest. When a 100 lb. force is applied on the shoulder furtherest from the armrest and the force is applied in a direction parallel to the seatback so as to push the dummy against the armrest, the dummy shall remain in the seated position. Perform the same test using a 5th percentile female child anthropomorphic dummy. For the purposes of this test "in the seated position" shall mean that both buttocks of the anthropomorphic dummy shall remain in contact with the seat cushion.

S 3.3.2: Strength of the armrest: The armrest shall be capable of withstanding a static force of 500 lb. when that force is applied in the same direction as in part S 3.3.1(a) at any and all points on the armrest. Such force shall be applied through a 3 inch diameter circle such that the full area of the circle makes contact with the armrest.

S 3.3.3: Head Impact Protection: When that area of the armrest that is within head impact area is impacted by a 15 lb., 6.5 inch diameter head form at a relative velocity of 15 miles per hour, the deceleration of the head form shall not exceed 80g continuously for more than 3 milliseconds.

JUSTIFICATION FOR STANDARD ON SEATING SYSTEMS

Of all the motor vehicle occupant hazards which might be classed as "unconscionable engineering" probably none can compare to the typical schoolbus seat. Of particular notoriety is the steel "guard rail" and the steel bar which often forms the top of the typical seatback.

Six years have elapsed since the passage of the Federal Motor Vehicle Safety Act and yet even today schoolbuses are being sold with these dangerous seats. To a thoughtful engineer the interior of these buses is a grotesque but precise array of steel weaponry, with each child's head targeted for a piece of steel. The driver, the children, and even the schoolboard which purchased the bus are all, most likely, unaware of the dangers involved. And yet suddenly, with no warning, one of those schoolbuses will eventually have an accident. The yellow schoolbus will instantly be transformed into the yellow peril as all the children are simultaneously hurled against the steel cudgels before them. Injuries and deaths will be inflicted which are entirely unnecessary, wholly the result of negligent engineering.

This prediction is certainly within the realm of reasonable foreseeability. In fact, it is a statement of the inevitable.

In November of 1968 the National Motor Vehicle Safety Advisory Council—the Council authorized by Congress to advise the National Highway Safety Bureau (and later the successor organization—the NHTSA)—offered the following recommendation to the Bureau:

"7. Collision protection of schoolbus as follows: . . . (g) performance standards for seats within schoolbus should be developed making allowances for: seat back height requirements, strength to withstand forward and rear force application, protection from side impact by use of arm rests and elimination of all force-concentrating contours and materials within possible range of the pupils during impact." [44]

In response to this specific schoolbus safety recommendation of the Advisory Council, the Bureau stated the following:

"Docket No. 2-11, at the discussion paper phase, applies to passenger seats in school buses. This proposal includes requirements for high seat back, seat anchorages, padded armrests (on the aisle side) and padding on rear of seat backs. Other impact protection requirements in the interior of the bus could be added. . . ." [45]

In a study which was contracted-out by DOT in 1969 to the Institute of Transportation and Traffic Engineering of UCLA the

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researchers made the following conclusions in their report entitled "School Bus Seat Restraint and Seat Anchorage Systems":

"The overwhelming cause of injury in a school bus collision is the seat. This fact does not appear to hold true for commercial and charter buses using a covered seat. It is probable that, as currently designed, seats account for, or contribute to, two-thirds or more of the injuries in the TYPE III impacts."[46]

Thus, as early as 1969 the Department was cognizant of the importance of issuing a standard on passenger seats. Its Advisory Council and researchers were calling for action and the National Highway Safety Bureau (predecessor of NHTSA) was showing incipient signs of interest.

On January 27, 1970 Senator Edward Kennedy wrote DOT Secretary John Volpe a letter in which the Senator expressed his concern for the deplorable lack of safety engineering in schoolbuses and recommended rulemaking in a number of areas.

"All of these questions seem to be matters that the Department should have resolved long ago to carry out the mandate of the National Traffic and Motor Vehicle Safety Act. Nearly all of these points were cited on the recommendations of the National Motor Vehicle Safety Advisory Council on November 26, 1968, and positive action by the Department was discussed in a report by the National Highway Safety Bureau . . . I believe the following steps should be a matter of immediate concern and action by your Department.

"1. Performance standards for seats and for padding of seat backs, the latter also affecting school buses now in service."

John Volpe replied to Senator Kennedy's letter on February 10, 1970, referring specifically to the Kennedy recommendation on seats:

"Performance standards for Seats:

"The Department, in Docket 2-11, has already initiated the first rule-making action to upgrade substantially the safety performance of school bus seats. Prior to proceeding with this work a research contract was initiated with the ITTE at the UCLA, . . . to provide objective criteria for seat performance standards. While the information from this research has not been as definitive as we would like, we nevertheless believe that there is sufficient information for us to proceed with this rule-making . . ."

In a letter written five days later by the Acting Administrator of the National Highway and Traffic Safety Administration, Douglas Toms, to a Dr. Shelness of the Physicians for Auto Safety—a professional concerned-citizens group, the Acting Administrator noted that

"In addition, we will soon release a notice of proposed rulemaking on bus seats which will provide additional protection to school children."

It would seem, then, that in early 1970 a federal standard on bus seats was forthcoming and all concerned legislators and citizens could rest assured that the Department of Transportation was looking after the welfare of their little loved ones.

But a whole year passed and there was no proposed rulemaking on bus seats. The Department had not forgotten about the earlier promises it had made. On the contrary, at a New Jersey Symposium on Seat Belts and Emergency Exits in School Buses NHTSA trotted out its Director of Pupil Transportation—David Soule to demonstrate their commitment to keep their promise:

"The DOT will soon issue a Federal Motor Vehicle Safety Standard on a high strength padded safety seat that will materially reduce the hostile environment presented by the present bare metal frame found in most of today's school buses."

1971 moved on and the Department did not. But the Administrator of NHTSA managed to raise hopes once again that a rule making on seats was at hand. At a hearing in July before a subcommittee of the Committee on Government Operations which was investigating the "Effectiveness and Efficiency of DOT Programs Relating to Automobile and Schoolbus Safety" Mr. Toms testified:

"We deem one of the best payoffs in schoolbus standards would be to provide for friendlier seats. One thing we do not like are the seats with the metal hard rails and metal backs so as the youngster moves forward in any kind of a crash he strikes a solid, unyielding surface . . . We are moving forward to see that the seat backs and most of the interior parts of the bus are friendlier.

"Docket 2-11. Bus Passenger and Crash Protection. Notice of proposed rulemaking to be issued late summer or early fall 1971. Proposes stronger seats and seat anchorages, elimination of lethal surfaces, substantial padding in the immediate seating area, and increased seat back height for improved occupant containment."

The summer passed and the early fall came and still there was no rulemaking. But Administrator Toms was back on the Hill with his now familiar projections:

"I would like to describe briefly three of our current proposals for improved bus safety. We are nearing completion of a notice of proposed rulemaking that would require stronger seats and seat anchorages, substantial padding in the immediate seating area, and increased seat back height for improved occupant protection. It would also require the elimination of lethal surfaces."[47]

Apparently the legislators had had their fill of empty promises for in late September Senator Gaylord Nelson and Congressman Les Aspin introduced companion legislation that would require the Department of Transportation to issue standards within a specified time period. After the General Counsel for DOT informed the legislators that the Department was certainly aware of its authority to promulgate rules, he went on to say:

Among the proposed standards are ones relating to bus seating, window retention and release, and tires. The proposal on bus seating would require stronger seats and seat anchorages, substantial padding in the immediate seat area, and increased seat back height for improved occupant protection. It would also require the elimination of lethal surfaces. *A notice of proposed rulemaking on the proposal will be issued next year.* (emphasis added)

That letter was dated February 19, 1972. Almost two months later NHTSA issued a press release in which it said:

". . . NHTSA is preparing several standards that apply to new school bus construction. Our goal here is to increase bus safety in the area of occupant crash protection. The most significant standard would relate to improved occupant containment. We will attempt to improve the hostile environment inside present buses, so that, in a crash situation, occupants are retained within the bus and are protected from serious injury. *One proposed standard, to be issued shortly,* deals with bus passenger seating and crash protection. It would require stronger seats and seat anchorages, elimination of lethal surfaces, substantial padding in the immediate area, and increased seat back height. The purpose is to contain passengers between strong, well padded, high-backed seats during a crash situation. (Emphasis supplied)[48]

A little over a month later in a letter to Congressman John Moss, Chairman, Subcommittee on Commerce and Finance, House of Representatives, Secretary Volpe made the following announcement:

"A third rulemaking action relating to bus passenger safety is underway. *A notice of proposed rulemaking is slated to be published in the next few weeks,* titled, "Bus Passenger Seating and Crash Protection." This notice will propose greatly improved passenger protection in the form of strong, passenger compartments which will restrain and protect passengers in most crash situations."[49]

The seasons passed with summer turning into fall and again there was no proposal for rule making. In late September of 1972 a newspaper article in a Washington, D.C. paper quoted the agency (NHTSA) as saying that they "had decided to give priority consideration to proposing strong seats with higher backs to protect children in buses."

"*In a few more weeks,* the agency said, it will have a notice of proposed standards for stronger, safer seats. Then in a few months, a hearing will be held and eventually a seat standard will be announced. (emphasis added)"[50]

The reporter observed that "It has taken six years to get this far on a seat standard. No one will venture to guess how long it will take to get a standard on a safer bus structure."[51] Actually the reporter was assuming a great deal in thinking that the agency was getting any nearer to a standard on seats than it was in 1968 when it first recognized the critical need for one. In an October status report of the Insurance Institute for Highway Safety the Institute quoted an NHTSA official as saying,

"NHTSA will soon require schoolbus manufacturers to build buses equipped with high, padded seat backs. . . . a public proposal of the requirement is 'imminent'. . .[52]

A pattern emerges of promises and assurances of DOT's forthcoming actions which never seem to materialize. DOT's strategy so far has been effective in blunting their critics' charges but surely the patience of the public is limited. The situation is doubly intolerable because NHTSA has created a bottleneck, clearly implying that no other major action on schoolbuses will be undertaken until the seat standards are proposed.

". . . Asked about his agency's reaction to the (NTSB) board's call for immediate action on schoolbus structural strength, an NHTSA official told Status Report that it would be "possibly two years' before NHTSA issues a corrective standard. It is giving priority, he suggested, to the area of passenger restraints in school buses, which it feels is the "biggest single" factor in occupant protection. "Once we get that out of the way we can go after the other things," he said. . . NHTSA hopes that the improved seat backs (which they plan to propose a rule on soon) "will negate" the need for seat belts in school buses, he said.[53]

Thus, it would appear that NHTSA's major priority in schoolbus safety is passenger restraints, but NHTSA hopes that the need for restraints will be obviated by improved seats. And we are told that a proposal for rule-making is imminent. Again, words of assurance quell the public outcry for action. But this strategy is losing its credibility.

EXPLANATION OF SEATING STANDARDS

The proposed standard on seating systems aims toward compartmentalizing the passengers so that in an accident they are surrounded by a protective environment. Such an approach lessens the need for seat belts for schoolbuses. This does not mean that petitioners are opposed to seat belts in schoolbuses. It is another approach to giving the passengers adequate protection. However, the continuing feud over the merits of seatbelts in schoolbuses has consumed so much time and captured so much of the focus that should properly have been devoted to solving the problem that petitioners would rather avoid the issue altogether and proceed with another solution.

The standard is broken into three parts: anchorage of the seat to the floor, energy absorption capability of the seat back, and

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performance of the shoulder rest (known in the literature as an arm rest). The section on anchorage strength attempts to account for the fact that in a headon accident the seat has an inertia force imposed on it and in addition the occupants behind the seat are thrown against the seat back thus generating a second force on the seat. Neither the Federal Motor Vehicle Safety standards for autos nor the VESC standard for schoolbuses accounts for the force imposed on the seat by the occupants striking it from behind.

EXPLANATION OF STANDARD NO. 1, STANDARD ON ANCHORAGE STRENGTH AND STRUCTURAL INTEGRITY OF SEATING SYSTEMS

The general performance requirements of Standard No. 1 (S. 3.1) require that the seat shall withstand the forces specified without failure of any component and without any angular rotation of the seatback which exceeds 15 degrees. This is to ensure that the seat holds to the floor and the seatback does not bend. If the seatback does bend significantly the occupants can hurtle over the seat ahead of them, thus defeating the attempt to compartmentalize the occupants.

Part S 3.1.1 a) is the standard 20g seat strength as required by both the Federal standards for automobiles and the VESC standards for schoolbuses. Part S 3.1.1 b) is the heart of the standard. When the child is thrown against the seatback ahead of him, he imposes a force on the seat of his weight times the severity of the crash deceleration in "g's". Federal Standard CFR 49 Sec. 567.4 (g) (3) used 120 lb. as the minimum assumed weight of passenger of a schoolbus. We shall use the 120 lb. figure as a conservative estimate of the weight of each occupant.

We assume the inertial force of 20g as that is the figure used by both the Federal Standard 571.207 S 4.2 a) and the VESC–6 standard as well. So the force of the occupant thrown against the seat ahead of him is (120 lb.) (20g) =2400 lb. Naturally there will be more than one child on each bench seat and we must multiply by that number accordingly. We define the number of children that will sit on the seat as "N". The force imposed on the seat ahead of the occupants is therefore 2400 N lb.

This force is exerting a moment on the seat anchorages at the floor. A moment is of course the force times the moment arm. The moment arm is defined to be the distance measured perpendicular to the force's direction to the point about which the moment is measured. Hence the moment arm is the distance from the floor to the point where the force is acting on the seatback. This distance would be the height of the center of gravity of the occupants. In "Schoolbus Seat Restraint Seat Anchorage Systems", D. M. Severy, (page 49) the height of the center of gravity of the occupants is assumed to be 30 inches. We also shall use this figure of 30 inches as the moment arm.

Combining terms we have: Weight of child equals 120 lb.: Inertial force equals 20 g.; Height of child's c.g. above the floor equals 30 inches; and Number of children in the seat equals N.

The moment imposed on the seat about a point on the floor is: (20) (120) (30)N equals 72,000 inch lb. times N. Consequently, one child would impose a moment on the seat of 72,000 inch lb. about the floor. However, it would be preferable to apply the force to give this moment at some point near the top of the seatback so as to ensure that the seatback is structurally sound. So instead of applying a force (20) (120) lb. against the seatback at a height of 30 inches, we apply a smaller force higher on the seatback so as to achieve the same moment on the seat. If the seatback is well-padded then it will not be able to support the test load at the very top, so we only require that the force be applied within 6 inches of the top. As the moment is equal to the force applied times the moment arm, then if we know the moment we want to achieve and the moment arm length then it is easy to solve for the force to be applied.

Force equals 72,000N divided by D where D is defined to be the moment arm, the vertical distance from the floor to the point where the force is applied. Note that we are measuring the moment about a point on the floor, directly underneath the point on the seatback where the test force is applied.

So the manufacturer simply draws a line across the seatback within 6 inches of the top of the seatback and then measures the vertical distance D inches to the floor from that line. 72,000 N divided by D then is the force he must apply through a rigid crossmember as specified in S 3.1.3.

Note that these tests are performed in both the forward and the rearward direction so as to give 20 g protection in a front or rear-end accident. Also, note that S 3.1.1 a) test and the S 3.1.1 b) test are performed simultaneously, so as to simulate the forces acting on a seat in an accident.

EXPLANATION OF STANDARD NO. 2 SEATBACKS AND ARMRESTS IN SCHOOLBUSES

Section "S 3.1 Head Impact Protection" and the accompanying sections S 3.1.1, S 3.1.2, adopt the same performance test for a seatback as is used in the Federal Standard 571.201 "Occupant protection in interior impact". In fact petitioners' proposed standard is taken verbatim from the Federal standard. Note that the definition of "head impact area" is given in the Federal Standard 571.3 "Definitions".

"S 3.2 Structure" simply requires that the seatback be a high one so as to prevent the occupants from being thrown over the seat ahead of them in an accident and to prevent whiplash in a rear-end collision. A high seatback is generally defined to mean at least 28 inches in height.

Section S 3.3 gives the requirements of the armrest, actually a shoulder guard, which is intended to prevent the occupants from being thrown from their seats in the aisle when there is a side-impact. S 3.3.1 2) "The Test for Position Compliance" is intended to assure by a performance test that the arm rest is large enough and positioned properly on the end of the seat so as to effectively restrain virtually any child occupant flung against it. If when the 100 lb. test force is applied to the dummy's shoulder, the dummy's buttocks do not remain in contact with the seat, then the armrest is not properly restraining the occupant. Such an armrest could cause injury to the occupant if his torso is thrown over the armrest.

"S 3.3.2 Strength of the armrest" is intended to ensure that the armrest is strong enough to withstand the second collision of the occupant against it. The requirement that the armrest be able to withstand 500 lb. force applied over a 3 inch diameter circle anywhere on the armrest, leaves the manufacturer free to design the armrest as he wishes, but it must perform the basic function assigned to it.

Finally Section "S 3.3.3 Head impact protection" is a performance test that ensures that the armrest will have an energy-absorbing surface so that occupants will not be injured when they are thrown against it. It is the same requirement as petitioners propose for the seatback. (Sec. S 3.1). However, the SAE compliance test is not included here because the wording is only suitable for seatbacks. The same test could be adapted for the armrest with minor alterations in the wording.

STANDARD NO. 3: ROLL-OVER STRENGTH OF SCHOOLBUSES

S 1 Purpose and Scope: This standard specifies minimum requirements for the strength of the schoolbus when rolled on its side or upside down.

S 2 Application: This standard applies to schoolbuses.

S 3 Requirements: The bus body, including all of its components and reinforcements, shall be of sufficient strength to support the gross vehicle weight rating plus ten percent of that weight when the vehicle is overturned on its side or on its top.

a) Manner of testing: the test shall follow the Static Load Test Code for School Bus Body Structure of 1965 as established by the School Bus Manufacturers Institute except that the weight applied shall be 110% of the gross vehicle weight rating.

b) Allowable Deflections: the deflection of the body after testing in accordance with the Static Load Test Code must not exceed the following measurements:

1. Deflection at center of roof bow 3.00 inches.
2. Deflection at each side pillar at window 1.00 inch.
3. Deflection at center of floor .40 inch.

JUSTIFICATION FOR STANDARD ON ROLL-OVER STRENGTH

Because of the relatively high value of the center of gravity height/wheel track width of schoolbuses, it is not surprising that they occasionally overturn. Certainly this possibility should be anticipated in the design. At present there is no Federal standard on the ability of schoolbuses to retain their structural integrity in an overturn. However, such standards do exist for automobiles (Standard 571.216, effective August 15, 1973).

VESC–6 does have a roof strength requirement (Section 5.3) which petitioners have adopted as their proposal except for one minor change. We have added 10% safety factor to the requirement that the bus be able to withstand its own weight when overturned. This is done in recognition of the fact that when a bus overturns, it occurs violently, sometimes on uneven terrain, and not slowly as in the labortaory.

In addition, the original VESC standard used the term "weight of the fully loaded vehicle" as that weight that to be applied to the bus in the test. This would imply that the empty vehicle weight plus the cargo weight plus the weight of a full load of students would be the test weight. However, the Static Load Test Code calls for only the weight of the chassis plus the body, presumably the empty vehicle weight, is that to be applied. Because the wording of the standard itself implies that the weight of the occupants should be included, we have used the term "Gross Vehicle Weight Rating". Under the Federal standards (Sec. 567.5(5)) this is defined to mean not less than "the sum of unloaded vehicle weight, rated cargo load, and 150 lb. times the vehicle's designated seating capacity. However for school buses the minimum occupant weight allowance shall be 120 pounds."

The compliance tests are written by the industry and, according to the School Bus Manufacturers Institute, all its members already meet this VESC provision. Thus the cost burden on the industry of meeting this standard should be practically nil. It should be noted that the VESC–6 provision is about as weak as is conceivable. When the weight of the bus is applied to its roof, deflection is allowed but limits are specified. Petitioners' proposal only adds 10% to the weight applied. If the School Bus Manufacturers Institute has a more rigorous test than what petitioners propose, then petitioners would accept amendments to their proposal. Thus, petitioners admit that their proposal is not as tough as what should ultimately be applied. However, the time has come for some kind of minimum standard rather than forming new task forces and study committees to procrastinate over the ultimate test.

As a result of its schoolbus accident investigations, NTSB has recomemnded to NHTSA that they issue standards to remedy the inadequate structural strength of the window columns in schoolbuses. In the tragedies at Monarch Pass, Colorado and at Congers, N.Y., the investigators found that the window columns failed when the buses overturned. The Board feels that "the overall strength of schoolbus bodies possibly could be controlled through performance requirements of individual structural elements prior to the development of the full-scale tests which are more technically complete." [54]

Petitioners believe that the standard which they herein propose will satisfy the recommendations of the NTSB although NTSB may later prefer a more rigorous standard.

STANDARD NO. 4: JOINT EFFICIENCY OF SCHOOLBUSES

S 1 Purpose and Scope: This standard establishes requirements for the strength of structural joints in schoolbus bodies to ensure that all structural joints within bus bodies which employ discrete fasteners including those between heavy gauge members and those which join panels or panels to heavier structures achieve a significant proportion of the strength of the parent metal.

S 2 Application: This standard applies to schoolbuses.

S 3 Definition: Joint: the junction between two metal parts that are fastened together by discrete fasteners. Schoolbus body: the compartment structure which is fastened to the chassis.

S 4 Requirements: For any method of joining such structural members, it shall be demonstrated by calculation that the strength of such joints is, at least, 60% of the tensile strength of the thinnest member.

JUSTIFICATION FOR JOINT EFFICIENCY

The shell of a vehicle is the occupant's primary shield in accidents. If the total weight of metal is used efficiently it will create an integrated structure able to resist intrusions on the living space of the occupants. For years the National Transportation Safety Board has recognized the structural insufficiency of school buses. At one time they characterized the panels (of the side, roof, ceiling and interior) as doing little more than keeping out weather and holding insulation in place.

"In general, these panels act to keep out weather or hold insulation in place, but do not develop a sufficiently high proportion of the available strength to be regarded as more than covering material." [55]

One of the earlier NTSB investigations of a schoolbus accident vividly illustrated the basic lack of joint efficiency in schoolbus design:

"With few exceptions, the sheet metal sections of the body did not fail internally, but separated along their lines of connection. The most frequent form of failure was the pulling out of rivets. Spacing between rivets varied from two inches to as much as nine inches between rivets, as measured on another bus of the same model, so the full strength of joining was not obtained . . . the wreckage included numbers of highly significant examples of failures in which the general shape of sheet metal remained, but the parts separated." [56]

Thus, as early as 1967, the National Transportation Safety Board was turning its investigatory conclusions into recommendations for positive action by the Department of Transportation:

"The Safety Board recommends that the Federal Highway Administration consider the need for requirements for structural strength of school bus bodies in connection with its study of desirable standards for protection of school bus occupants. In particular, the Board recommends that program A.1.1.4. of the National Highway Safety Bureau, titled "Design, Fabrication, and Test of a Safe School Bus Interior," be expanded in scope to include consideration of structural integrity and intrusion into the school bus interior." [57]

In 1970 the NTSB again uncovered the same structural inadequacy in the design of schoolbuses. The Board issued a special study entitled *Inadequate Structural Assembly of Schoolbus Bodies: The Accidents at Decatur and Huntsville, Alabama*. In that study the Board made the following findings:

"A predominant source of reported injury was the laceration of child passengers by exposed edges of the bus interior sheet metal, including the ceiling, which were raised and opened by the distortion of the upper right-hand front structure of the bus . . . the exposed edges of the sheet metal were raised into shapes similar to the edge of a shovel or a cookie cutter." [58]

The researchers had discovered from the wreckage that the screws holding the sheet metal interior roof panels together were so far apart that the panels came apart in the impact, creating the "cookie cutter" edges which lacerated the passengers.

The dangerous weakness of the interiòr panels was only half the problem in the investigated crashes. The exterior panels were also fastened together inadequately. This inadequate design yielded two more hazardous consequences. First, the load-carrying members of the sides and roof could not support each other because the panels or skin of the bus was not strong enough to transmit the load over several load-carrying members. Thus, the overall strength of the bus was less than it could be and overturns were more likely to cave in the sides or roof of the bus.

Second, a weak skin on the bus meant that impacted objects could penetrate into the living space of the bus and injure the occupants even without collapsing the structure. In addition, this penetration would carry with it the ripped metal skin of the bus into the passenger compartment, causing injuries. The overall result was that the bus gave the children only a fraction of the protection that could have been provided if a reasonable number of rivets or other fasteners were used. NTSB concluded:

"1) There have been crashes in which the disintegration of the structure of the schoolbus and the lack of mutual support of structural parts are evident. The failure of the structural parts are evident. The failure of structural parts to support each other in crashes has contributed to injury and fatality and is an implied threat in future schoolbus crashes.

"2) Interior panels present exposed sharp edges because the widely spaced and inadequate fastenings at joints fail or allow edges to be raised between fastenings in schoolbus crashes. Such edges are a source of injury to passengers.

"3) The joints employed to join structural members and potential load carrying panels in schoolbuses are often inadequate and "inefficient" in the technical sense because they employ relatively few fasteners and thus do not develop more than a small fraction of the structural strength which is potentially available." [59]

NTSB was also careful to contrast the structure of inter-city and city transit buses to that of schoolbuses. The disparity between them was great and NTSB used this difference to undercut the argument that stronger schoolbuses would be too costly. If the manufacturers of buses used in city transit were riveting their buses together more efficiently, then why could not the school bus manufacturers employ the same techniques at the same low cost? NTSB recognized the unlikelihood that all the schoolbus manufacturers would voluntarily emulate the city transit bus designs so it recommended that federal regulations be adoped to require the manufacturers to construct sturdier buses.

Finally, in this special study released February, 1970, NTSB reminded NHTS of their recommendtion made in the Waterloo report three years earlier—that standards for structural integrity be enacted.

In a later report on February 29, 1972, on a schoolbus-automobile collision and fire near Reston, Virginia, the National Transportation Safety Board reminded NHTSA of their now four-year old recommendation for structural integrity standards.[60]

The federal agency apparently ignored these very pointed recommendations or the inertia within the organization was just too overwhelming for their own advisory group—NTSB—to overcome. It is a sad comment that while NHTSA slept, VESC—the loose compact of the several states—came up with a standard that implemented NTSB's recommendations.

In January, 1971, VESC adopted a regulation which, when implemented by the states, would require that all schoolbuses under State purchasing authority have substantially increased strength of structural joints.[61] That regulation is the same as petitioners now pray be accepted—in a modified form—as a Motor Vehicle Safety Standard.

NTSB took notice of the VESC specification when it issued a report on the schoolbus-train collision at Congers, N.Y. in which 5 occupants were killed and 45 injured on March 24, 1972. Some of the findings were:

"The performance of the schoolbus in the crash has been initially observed and analyzed by the Safety Board, assisted by the Cornell Aeronautical Laboratory, the latter agency acting under its contract with the National Highway Traffic Safety Administration. Both agencies have tentatively concluded that the gross disintegration of the school bus body was made possible by widespread failures of the schoolbus body at the joints . . . the construction method employing relatively few widely spaced rivets and other fasteners throughout the body of the schoolbus appears to have contributed to the large-scale disintegration of the schoolbus body and chassis.[62]

NTSB went on to specifically advise the adoption of requirement 5.6 Body Structure of VESC–6. This is the requirement which petitioners now propose as a rulemaking.

The proposed standard simply requires that at every structural joint in the bus the joint must have a tensile strength equal to at least 60% of the tensile strength of the thinnest joined member. In an interview with Henry Wakeland, Director—Surface Transportation, NTSB, petitioners learned that present buses have joint efficiencies of as little as 5–8%. That is, the joint is only 5–8% of the strength of the metal itself. The practicability of this approval is already demonstrated.

"At least two schoolbus manufacturers have built and exhibited prototype buses which apparently meet this requirement. These prototypes are constructed of much larger steel sheets to reduce the number of joints, in effect providing 100% joint efficiency wherever a joint was eliminated. In addition, many more rivets are used to join sheets and structural members. An analysis by one manufacturer indicated that approximately half the joints have been eliminated and that about six times as many rivets are used in meeting the VESC specification than were used in the earlier designs which had unspecified joint strength. It appears that changes in the VESC specification increases the strength of the joints in a schoolbus body approximately fivefold. The technical feasibility of implementing the VESC structural specification appears to be well established by these prototype buses. One of the manufacturers has stated that the change

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Footnotes at end of article.

in sale price of a bus having more complete assembly of structural joints was only approximately 5% of the total cost."[63]

Thus we see that implementation of this proposal would make the structural joints of schoolbuses five times the strength of previous structural joints for a mere 5% additional cost. NTSB does not regard this proposal as an advancement in schoolbus engineering, but rather as the expected level of quality of any engineering design.

"The adoption of a standard to control the assembly of structural joints in schoolbuses should not be regarded as novel initiative to reduce schoolbus fatalities, but as correction of a longstanding failure to employ normal engineering practices in schoolbus construction. Many existing schoolbuses do not meet rivet-spacing recommendations of SAE Standard J–092, Rivets and Riveting, June 1961."[64]

The need for standards to improve the present primitive engineering practices found in the construction of schoolbus bodies has been poignantly demonstrated in numerous NTSB accident studies. Seldom has NTSB been so persistent in urging NHTSA to action. And yet a Status Report of the Insurance Institute for Highway Safety dated Oct. 2, 1972, reported, "Asked about his agency's reaction to the board's call for immediate action on school bus structural strength, an NHTSA official told 'Status Report' that it would be 'possibly two years' before NHTSA issues a corrective standard."

Considering the normal lag between issuance and effectiveness of a standard, we may have to wait 4 years before all new schoolbuses will have reasonable structural strength. And considering the agency's history of disparity between promises and action, the wait may be even longer. Petitioners readily add their plea to the record for a better joint efficiency.

STANDARD NO. 5: FRONT SEAT PASSENGER PROTECTION IN SCHOOLBUSES

S 1 Purpose and Scope: This standard specifies requirements to afford impact protection for front seat passengers in schoolbuses.

S 2 Application: This standard applies to schoolbuses.

S 3 Definition: Front seat passengers: the occupants of the forward-most passenger seats and the occupants of the seat directly behind the stairwell of any side exits.

S 4 Requirements: All front seat passengers shall have a modesty panel (forward passenger restraint panel) in front of them which shall comply with the following requirements.

S 4.1 Height: The modesty panel shall have a height equal to that of the top of the seat back of the front seat and such panel shall extend downward to within 10 inches of the floor. Its width shall be equal to the width of the front seat.

S 4.2 Performance requirements: The modesty panel shall meet all the requirements of S. 3.1, S. 3.1.1, S. 3.1.2 a) and S 3.2 of "Standard No. 1 Anchorange Strength of Seating Systems for Schoolbuses" and the requirements of S 3.1 and S 3.1.2 in "Standard No. 2 Seatbacks and Armrests in Schoolbuses". In applying these provisions to the modesty panel they shall be read so that the term "modesty panel" is substituted for the word "seat" and for the word seatback".

JUSTIFICATION FOR FRONT SEAT PASSENGER PROTECTION

The right front seat in the automobile is sometimes called the "death seat". In a schoolbus the forwardmost seats could easily share the same label. The reason why these particular seats have this macabre distinction is that the occupants have nothing to mitigate their "second collision" in an accident. They collide with steel bars (sometimes ineffectively padded), the windshield, the door opening mechanism, the driver's seat back and other sundry equipment. While the other occupants in the bus have the seat back ahead of them to help prevent the occupants from becoming projectiles in the bus interior, the front seat passengers are not so fortunate.

The unique hazard to children in the front seats had been well known for some years now at NHTSA:

"Immediate attention must be given to the hazard to which children in the front row are exposed. In the older buses the single, or even a double, guard rail separating passengers in the front seat from the driver's compartment may not be adequate in preventing these passengers from being thrown into an array of sharp, protruding equipment, instruments, and controls. The barriers may themselves be injury producing and may not even be strong enough to be functional. In some of the newer buses the aisle seat above the stairwell has no barrier at all and the passenger is in danger of being thrown into the handle operating the door. Buses vary so much in design, and there are such differences between old and new vehicles, that it must suffice to say that the matter of the front seat is urgently in need of attention."[65]

The School Bus Safety Committee of the National Motor Vehicle Safety Council also brought the problem of front seat passenger protection to the attention of NHTSA when, in their report to the Department of Transportation dated November 26, 1968, they advised passage of a "provision for a protective restraint system for the bus driver and front seat occupants".[66]

Two different means of protecting the front seat occupants have already been recommended to the Department of Transportation. The School Bus Safety Committee of the National Motor Vehicle Safety Council recommended three-point shoulder harnesses. Derwyn Severy, et al suggested energy absorbing, modesty panels be installed in front of the forward most seats and the stanchions be either padded or eliminated.

"A modesty panel can be designed having force moderating properties for passengers thrown against it sufficient to prevent serious injury in moderately severe crashes but also designed to protect the driver from impact as a result of passengers thrown forward during front end impacts. The modesty panel adjacent to the entrance must restrain passengers from being thrown into the collapsing entrance-well. The same protection features applicable to seatback passenger (passive) restraint design are equally applicable to modesty panel design."[67]

Severy concluded that the modesty panel design that they tested performed "in a very effective manner".[68] Basically, the standard which petitioners propose for the protection of front seat passengers calls for a modesty panel in front of them which has the same performance characteristics as the seat backs. That is, its anchorage to the floor, height, width and energy-absorbing capability would be the same as for the seat. Thus, as the passengers occupying all of the other seats on the bus will benefit from safer seat backs, so will the front seat passengers be "compartmentalized" in a safer environment than the one to which they are now exposed.

STANDARD NO. 6: DRIVER RESTRAINT SYSTEM

Amend 49 C.F.R. 571.208, "Occupant crash protection". S4.4.2, "Second Option—Belt System—Driver Only" to read: The vehicle shall, at the driver's designated seating position, have a Type 2 seat belt assembly that conforms to 49 C.F.R. 571.209 and such seat belt assembly shall be equipped with an emergency-locking retractor as defined in 49 C.F.R. 571.209 S3.

Amend 49 C.F.R. 571.203, "Impact protection for the driver from the steering control system". S2, "Application" to read: This standard applies to passenger cars and schoolbuses.

F. Justification for driver restraint systems

In November of 1968, the School Bus Safety Committee of the National Motor Vehicle Safety Advisory Council issued its report to the Secertary of Transportation. Among the recommendations were the following:

"7. Collision protection of school buses as follows:

"(c) Provision for steering wheel and column protective measures for the bus driver

"(d) Provision for a protective restraint system for the bus driver and front seat occupants

"(k) Provision for a device which encourages bus drivers to use a restraint system"

The National Highway Safety Bureau, now the National Highway Traffic Safety Administration, responded to these recommendations with a list of "Proposed National Highway Safety Bureau Actions Responsive to Specific School Bus Safety Recommendations of the National Motor Vehicle Safety Advisory Council". In its response, the National Highway Safety Bureau included,

"7c. Provision for Steering Wheel and Column Protective Measures for the Bus Driver:

"Docket No. 2–4 proposes to extend the energy absorbing steering column requirements to trucks, tractors, and buses . . . The following plan is being considered with these approximate dates: Research, RY 70; Notice of Proposed Rule Making, FY 71; Final Rule, FY 72 with an effective date two or three years later. (In the same document, Petitioners find that there had been an Advanced Notice of Proposed Rulemaking on "Impact Protection for Driver from Steering System" in Docket 2–4 since October 11, 1967.)

"7d. Provision for a Protective Restraint System for the Bus Driver and Front Seat Occupants:

"These dockets include proposals for appropriate anchorage of the driver's seat, a high seat back padded in the rear, and a seat belt assembly installation and seat belt anchorages for the driver's position."[69]

Petitioners note that at this time none of these proposed rulemakings have appeared.

These, however, were not the only calls for action to protect the schoolbus driver. In a report issued in 1969 by the Institute of Transportation and Traffic Engineering at the University of California in Los Angeles under a Department of Transportation contract, the authors concluded that the steering column was a definite threat to the driver and that a strong seat for the driver with three point restraint system attached was feasible and inexpensive.[70]

On January 27, 1970, Senator Edward Kennedy sent a letter to Secretary Volpe regarding the issue of schoolbus safety. In response to the Senator's letter, Secretary Volpe said, "Approximately thirty additional rule making matters are in process. Among these thirty are proposed standards in the following 'areas':

"Provision for steering wheel and steering column protective devices, for drivers. Protective restraint systems for driver and front seat occupants."[71]

Petitioners question the slow response of the Department when the problem has been not only recognized, but assurances received for forthcoming solutions.

Finally, in 1972 the need for driver protection was raised again, but this time with poignant emphasis. The National Transportation Safety Board in its investigation of the accident near Reston, Virginia concluded:

"Nonuse of available seatbelts by the schoolbus driver prevented the driver from regaining control of the bus, which resulted in its running off the roadway and its partial overturn on the south embankment of Lawyer's Road."[72]

Footnotes at end of article.

The driver, of course, should be given protection for his or her own safety. In addition, it is important that the driver be shielded, as far as possible, from impact as he or she is the only adult on the scene during an accident.

It is the driver who must remove the children away from the wreck to a safe location, who applies first aid to those injured, and who summons help. The driver is the only person available to assume the responsibility of maintaining control over post-accident panic.

This year the National Highway Traffic Safety Administration issued Standard 17 which requires the driver to use the seat belt and shoulder harness if provided. However, 49 C.F.R. 571.208, "Occupant Crash Protection" requires the driver to have only a seatbelt and nothing more. Although there are a number of options, standards are meaningless unless compulsory.

Petitioners propose that bus drivers be given some of the protection which auto drivers have had for several years. Instead of the shoulder harness being an acceptable optional item in the standard on "Occupant Crash Protection", petitioners propose that it be required. A lap belt is not a guarantee that a driver will not jack-knife over his seatbelt and be thrown into the rigid steering wheel and column.

In addition, Petitioners propose that schoolbuses comply with 49 C.F.R. 571.203, "Impact Protection for the Driver from the Steering Control System". Presently, only automobiles are required to meet this standard. Petitioners note that this standard does not require full crash tests of the schoolbus as does 49 C.F.R. 571.204, "Steering Control Rearward Displacement". We would hope that once the Federal standards progress beyond the minimal stages that Petitioners propose, full crash tests will be required to prove compliance with the occupant protection standards.

Petitioners have added the requirement that an emergency locking retractor be included on each shoulder harness. This is also known as an inertial reel because the harness is free to extend with the movements of the user until the user is jerked forward by his own inertia in an accident. In that event, the retractor locks and the harness restrains the user.

The cost of providing a shoulder harness as described above should be minimal. The 1973 Volkswagen, which sells for about $2,000, has the three-point harness with inertia reel in both front seats as standard equipment. Schoolbuses, which cost about four times more than the Volkswagen, should not be overburdened by the requirement that one such harness be included.

STANDARD NO. 7: STANCHIONS

S 1 Purpose and Scope: This standard eliminates the vertical stanchions which tend to inflict serious injuries if struck by an occupant in an accident.

S 2 Application: This standard applies to all schoolbuses.

S 3 Definitions: Stanchions: the vertical poles extending from the floor to the ceiling and located along the aisle of the bus.

S 4 Requirements: There shall be no vertical stanchions on schoolbuses. Handgrips shall be located on the modesty panels but in a position such that the occupants in the forwardmost seats would not tend to strike them in an accident.

JUSTIFICATION FOR STANDARD ON STANCHIONS

Stanchions are the vertical poles which extend from the floor of a bus to the ceiling and are located on each side of the aisle at the entrance to the bus. Ostensibly their purpose is to provide a guard rail to which a passenger can hang on for support in a support is desirable for standees near the doors. Petitioners are hopeful that the states sudden stop. Certainly some kind of hand will comply with Highway Safety Program Standard 242.8J and eliminate standees on buses. However, rigorous enforcement of the standard appears unlikely in the near future considering the fact that as of 1970 some 1.44 million children rode buses as standees every day.[73] (letter from Secretary John Volpe to Senator Edward Kennedy, February 10, 1970) While stanchions may be convenient supports in starts and stops, they are transformed into death-dealing quarter staffs in an accident.

"Stanchions, Guard Rails, Modesty panels: these are used in the forward portions of buses and are extremely injurious to noncontained and non-restrained passengers. The narrow edges produce fracture and serious injury to the body and should be either eliminated or well-padded to minimize these injuries."[74]

The bus manufacturers have padded the stanchions in the newer buses and VESC–6 requires that the stanchions and guard rails be present as specified, but padded "to minimize injury producing impact forces". While petitioners applaud the efforts of VESC they are dismayed with the inadequate specificity of the regulation. The thickness of the requisite padding is not specified nor the type of padding material. Some new schoolbuses are using padding that resembles foam rubber. This kind of padding is completely ineffective, petitioners submit, as it is equivalent to wrapping a handkerchief around a baseball bat and then believing it is safe to beat someone over the head with it.

Dr. Seymour Charles of the American Pediatrics Association cited the Severy study concerning the ineffectiveness of foam rubber padding:

"The strips of foam rubber padding covered with plastic fabric (overall less than half an inch thick) presently available and required by some states to be installed as a covering of exposed seat rails and guard rails to protect passengers' heads, faces and necks (fig. 5), has unhappily been described by ITTE/UCLA as practically useless."[75]

A classic study entitled "Evaluation of Various Padding Materials for Crash Protection" by John Swearingen involved impacting anthromorphic instrumented dummy heads into various types and thicknesses of padding and understructure. His conclusions were as follows:

"Padding of less than one inch thickness on a rigid structure offers little or no protection during crash impact. One inch of rigid, slow return material similar to Koroseal H3334 greatly reduces impact g forces (to 300g) and distributes the impact load over the contours of the face when used as protective paddings on rigid structure, but is still borderline for survival without head injury. An impact velocities of 15 and 30 feet/second against rigid structure padded with materials even six inches thick, unconsciousness, consciousness, concussion and/or fatal head injuries will be produced. Head impacts at greater velocities would increase the seriousness of the injury. Underlying structures must be redesigned to deform and dissipate the energy of head impact. A combination of deforming 'metal' to dissipate energy and firm padding to distribute pressure forces over the contour of the facial bones may be used successfully in preventing head injuries or even unconsciousness."[76]

The point of all this is that for padding to be at all effective it must be at least one inch thick and even that the extent of protection is questionable. So to delethalize the stanchion requires the stanchion plus padding to be a minimum of three inches thick if the pole is one inch in diameter as the VESC–6 requires. Imagine children trying to grip a three-inch diameter pole—they may as well hang on to a seat cushion. And of course, aisle space is lost.

STANDARD NO. 8: EXIT DOORS OF SCHOOLBUSES

S 1 Purpose and Scope: This standard established requirements for exit doors in schoolbuses in order to facilitate quick egress in an emergency.

S 2 Application: This standard applies to schoolbuses.

S 3 Definition: Exit door—any door used in a non-emergency or emergency for leaving the bus.

S 4 Requirements:

S 4.1 Direction of opening: All exit doors shall swing outward away from the bus interior when opened.

S 4.2 Provision against accidental opening. When the door is closed and the door control mechanism is thus in the closed position, the door shall remain closed when a 100 lb. force is applied against it from the inside toward the outside of the bus.

a) Manner of testing: The door shall remain closed when a 100 lb. force is applied against the door from within the bus through a 4" x 4" block against the center of the door in a direction perpendicular to the door. Where the door consists of two half doors, the 100 lb. shall be applied through the 4" x 4" block at the junction of the two half doors at a height of one-half the height of the door.

JUSTIFICATION FOR STANDARD ON SCHOOLBUS EXIT DOORS

In their Highway Accident Report on the schoolbus accident near Reston, Virginia on February 29, 1972, the National Transportation Safety Board noted a potential hazard in schoolbuses. Some 45% of the buses in the area of Fairfax County have front doors which open by swinging half the door inward and half the door outward. The National Transportation Safety Board very astutely noted that theaters, restaurants, hotels, and schools are all required to have doors that open outward so that in the event of a panic, people would not press against the door so as to make it impossible to open the door. Inward opening doors in a Chicago streetcar was directly the cause of 32 of 34 deaths in a postcrash fire which enveloped the streetcar. Thereafter, all new Chicago Transit vehicles have had outward opening doors.[77]

The National Transportation Safety Board has not observed any accident experience which would tend to favor or disfavor any particular kind of door opening mode. Yet, we, of course, should not wait for an accident to direct our attention toward a potential hazard. The exits of schoolbuses should merit extra attention in light of the fact that the new emergency exists provisions of the Federal Motor Vehicle Safety Standards specifically exempt schoolbuses without any apparent justification.

Some sixty percent of schoolbuses sold nationwide are equipped with the inward/outward opening service doors and the rest are the accordian or double-outward doors. However, the National Transportation Safety Board surveyed the five major producers of schoolbuses, and they are all willing to supply the double-outward doors if the customer requests it. There does not appear to be any appreciable cost difference; at least the manufacturer has indicated that all modes of door opening are supplied without additional charge.[78] This is one hazard which can be eliminated by a relatively simple and costless change and for the reason Petitioners propose this standard.

The definition of "exit doors" would include both the service doors and the emergency exit doors simply because the argument in favor of outward opening door is applicable to both. In addition, there is a provision against accidental opening which is self-explanatory.

Footnotes at end of article.

VII. CONCLUSION

An examination of the federal safety standards for aircraft and automobiles reveals the Department of Transportation's devotion to occupant protection standards as an integral and necessary component of any effective safety program. Today, automobiles have full restraint systems, padded interiors, collapsible steering columns, strong seats, and more crash energy management systems are scheduled. Schoolbuses, however, for some inexplicable reason have been neglected to such an extent that they even exhibit a dangerous design. Probably no other form of highway transportation displays such a callous disregard for protecting the occupants of a vehicle. It is ironic that schoolbuses, to which society entrusts its most precious possessions, which are widely believed to be the paragon of vehicle design wholly dedicated to safety, are, in reality, probably the worst design on the road in terms of easily preventable hazards to the occupants.

Petitioners, therefore contend that schoolbus safety can no longer be relegated to a back seat in the determination of the National Highway Traffic Safety Administration's priorities particularly in light of the ease of the solution. The lives of the twenty million children traveling on schoolbuses are too valuable and important as hopes for the future to be so long neglected. The problems and solutions have been meticulously documented and researched not only by recognized scientific and authoritative research and advisory boards, but by the Department of Transportation in its own extensive research into the problem of occupant protection in all modes of transportation through the granting of Government contracts.

Indeed, the Department of Transportation has seemingly ignored the thorough investigations of school bus accidents and extensive recommendations of the National Transportation Safety Board, an autonomous investigative arm of the Department.

It is most disconcerting that the agency takes this inactive posture toward schoolbus safety because they alone possess the authority and the power to remedy this national tragedy. The Vehicle Equipment Safety Commission cannot fill the vacuum created by the inaction of the National Highway Traffic Safety Administration. VESC is without sanctions, without resources and facilities, and its standards, for the most part, lack sufficient specificity and performance tests to enable a manufacturer to comply.

The solution to the problems of schoolbus hazards will not occur through a "hands-off" policy by the National Highway Traffic Safety Administration. It is inequitable and inappropriate to assume that individual school board purchasers, caught in a budget squeeze and unaware of the technological advances, will be eager to siphon off their limited resources for safety features.

Why has NHTSA followed a "hands-off" policy? Mesmerized by its benefit cost analyses, DOT does not feel that enough children are killed or injured in schoolbuses to justify the enactment of new standards. The drone of the keypunches has drowned out the pleas of the public for safer schoolbuses.

However, this chronic benefit-cost myopia has blinded DOT to the fact that their whole approach rests on a false premise. The fundamental rationale for the benefit-cost approach is that society demands that government programs, even safety programs, net a long-term economic profit. Petitioners submit that society is willing to "take a loss" on the safety of its children.

Certainly if the benefit-cost approach is utilized at all, it should be considered the source of helpful aid and not of determinative imperatives. Other factors merit equal attention, such as the justice to the children of requiring them to ride in fragile yellow boxes when inner-city commercial buses already exhibit many of the safety features which petitioners urge DOT to adopt.

The feasibility and the reasonable cost of implementing such standards have been adequately demonstrated. School bus manufacturers have designed and tested safety features that are ready for implementation if the National Highway Traffic Safety Administration were willing to issue appropriate standards. Padding on the tops of seat backs has been estimated to cost $200 for retrofitting a sixty-seat passenger schoolbus.[79] To implement the joint efficiency standards, the maximum cost would be $390;[80] that is, a fivefold stronger bus for 5% more cost.[81] A totally adequate safety seat such as proposed by the UCLA Institute of Transportation and Traffic Engineering has a unit cost of about $65; whereas the conventional unsafe schoolbus seats cost $35 per unit.[82] Petitioners stress that these are the maximum estimated costs. There should be no cost in eliminating stanchions and providing for outward opening exit doors. Petitioners submit that the total cost for implementing the proposed standards should be less than $1000 per bus.

Petitioners conclude that it is incumbent on the National Highway Traffic Safety Administration in fulfilling its mandate from Congress by the National Traffic and Motor Vehicle Safety Act to propose safety standards for the promotion of schoolbus safety design and construction. Accordingly, Petitioners seek the adoption of the standards:

1. Well-anchored safety seats.
2. Energy-absorbing high seatbacks with armrest.
3. Roll-over strength.
4. Joint efficiency (strength of structural joints).
5. Front seat passenger protection—energy-absorbing modesty panels.
6. Driver restraint systems and steering wheel delethilization.
7. Elimination of stanchions.
8. Outward opening exit doors.

Respectfully submitted.

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FOOTNOTES

[1] "Safer School Buses . . . An Industry Wide Effort," *School Bus Fleet*, Oct./Nov. 1971.

[2] *Accident Facts*, National Safety Council, Chicago: 1972, p. 92.

[3] Department of Transportation, School Bus Safety Division, HSPS-NHSB. "School Bus Accidents, Injuries, and Fatalities." July 1, 1968 to June 30, 1969 and July 1, 1969 to June 30, 1970.

[4] U.S. Congress. House. Committee on Public Works, *Hearings Regarding Proposed Highway Safety Standards*, 92d Cong., 1st Session, p. 2 of Prepared Testimony delivered on Sept. 28, 197.

[5] Status Report of Insurance Institute for Highway Safety Vol. 6, No. 15, August 16, 1971, page 1.

[6] Highway Safety Program N–2, Sect. 242.8 (k) (1) (iii).

[7] Letter from John W. Barnum, General Counsel, Office of the Sec. of Transportation to the Honorable Warren G. Magnuson, Feb. 14, 1972.

[8] *Supra*, footnote 1.

[9] *Supra*, footnote 2.

[10] Agis Salpukas, "U.S. Rules Leave School Bus Design As Is," The New York Times, Jan. 2, 1971, p. 16.

[11] James Joseph, "We Need Safer Schoolbuses," Parade (Sept. 10, 1967).

[12] "School Buses Flunk Safety Check-Up", Philadelphia Inquirer, July 26, 1970.

[13] Department of Transportation. School Bus Safety Division, HSPS–NHSB. "School Bus Accidents, Injuries, and Fatalities" July 1, 1968 to June 30, 1969 and July 1, 1969 to June 30, 1970.

[14] Department of Transportation: National Highway Traffic and Safety Administration. Press Release, May 5, 1972.

[15] Siegel, Nahum, Runge. *Bus Collision Causation and Injury Patterns*. New York: Society of Automotive Engineers, Inc., Nov. 1971, p. 4M.

[16] Paul T. Stewart, "How Safe Is This Package?", *Traffic* Safety (May 1972), p 8.

[17] U.S. Congress. House. Committee on Public Works, *Hearings Regarding Proposed Highway Safety Standards*, 92d Cong., 1st Session, p. 2 of Prepared Testimony delivered on Sept. 28, 1971.

[18] Siegel, Nahum, Runge, *Bus Collision Causation and Injury Patterns*, Society of Automotive Engineers, Inc., N.Y. 1971 p. 15M.

[19] Highway Safety Program N–2. Section 242–8(j).

[20] National Transportation Safety Board. "Special Study: Inadequate Structural Assembly of Schoolbus Bodies—The Accidents of Decatur and Huntsville Alabama." Report No. HSS–70–2, July 29, 1970, p. 15.

[21] National Transportation Safety Board: "Waterloo, Nebraska, Public Schoolbus-Union Pacific Railroad Company Freight Train Accident," NTSB No. SS–R/H–3, Oct. 2, 1967, p. 34.

[22] "NTSB, NHTSA Differ on Urgency of Bus Hazards," National Institute for Highway Safety, Status Report, Vol. 7, No. 18, Oct. 2, 1972—(emphasis added).

[23] Pamphlet, "The Vehicle Equipment Safety Commission: What it is, What it does."

[24] Agis Salpukas, "U.S. Rules Leave School Bus Design As Is," *The New York Times*, January 2, 1971, p. 16.

[25] Highway Safety Program N–2 Section 242.8(k) (1) (iii).

[26] Severy, D.M., et al. School Bus Seat-Restraint Seat-Anchorage Systems. California Institute of Transportation and Traffic UCLA, July 1969. (Department of Transportation Contract #FH–11–6971).

[27] Letter from the Honorable John A. Volpe to the Honorable Edward M. Kennedy, Feb. 10, 1970.

[28] U.S. Congress. House. Committee on Government Operations, Hearings on Effectiveness and Efficiency of the Department of Transportation's Programs Relating to Automobile and Schoolbus Safety, 92d Congress, 1st Session, p. 40, 49.

[29] National Highway Traffic Safety Administration, Press Release. April 5, 1972.

[30] Letter to Congressman John Moss, Chairman, Subcommittee on Commerce and Finance, House of Representatives from Secretary Volpe on May 26, 1972.

[31] Miriam Ottenberg, "New Alarm Arises on Strength of Structure of Schoolbuses." *Washington Star*, September 22, 1972.

[32] *Ibid.*

[33] *Supra*, footnote 22.

[34] *Supra*, footnote 18, p. 2M.

[35] "How Safe is a Schoolbus?" *Journal of American Insurance* Summer 1971, p. 16.

[36] Stewart, Paul T. "How Safe Is This Package?" *Traffic Safety*, (May 1972), p. 8.

[37] Salpukas, Agis, N.Y. Times, Jan. 4, 1971, page 16.

[38] *Supra*, footnote 20, pp. 17–18.

[39] *Supra*, footnote 36, p. 10.

[40] Ward, Charles D., "Schoolbus Safety is Practical," Congressional Record, Oct. 20, 1971, p. H9841.

[41] National Transportation Safety Board, Investigation of Congers, New York Accident—Preliminary Safety Recommendation H–72–30. September 22, 1972, p. 2.

[42] *Supra*, footnote 26, p. 124.

[43] *Supra*, footnote 28, page 50.

[44] Report of the School Bus Safety Committee of the National Motor Vehicle Safety Advisory Council, Nov. 26, 1968.

[45] National Highway Safety Bureau Actions Responsive to Specific School Bus Safety Recommendations of the National Motor Vehicle Safety Advisory Council. Sept. 9, 1969.

[46] *Supra*, footnote 26.

[47] Administrator Toms before the Subcommittee on Roads, Committee on Public Works, House of Representatives, September 28, 1971.

[48] National Highway Traffic Safety Administration Press Release April 5, 1972, NHTSA-32–72.

[49] Letter of Congressman John Moss, Chairman of Subcommittee on Commerce and Finance, House of Representatives, from Secretary Volpe, May 26, 1972.

[50] *Supra,* footnote 31.

[51] *Ibid.*

[52] *Supra,* footnote 22.

[53] *Ibid.*

[54] *Supra,* footnote 41.

[55] *Supra,* footnote 20, p. 15.

[56] *Supra,* footnote 21, p. 8.

[57] *Ibid.*, p. 40.

[58] *Supra,* footnote 20, p. 2.

[59] *Ibid.*, pp. 19–20.

[60] National Transportation Safety Board. "Schoolbus/Automobile Collision and Fire, Near Reston, Virginia," Report #HAR–72–2. February 29, 1972.

[61] Regulation VESC–6, 5.6.

[62] *Supra,* footnote 41, p. 1.

[63] *Ibid,* p. 2.

[64] *Ibid.* p. 3.

[65] Severey, D.M., Brink, H. M. and Baird, J. D. cite this portion of an article by Seymour, Charles M.D. and Shelness, Anne Marie in "How Safe is Pupil Transportation" January, 1970 Supplement to Pediatrics. v. 45, n. 1, part II, page 177, their report: *School Bus Passenger Protection,* Society of Automotive Engineers, January 1967.

[66] *Supra,* footnote 44.

[67] *Supra,* footnote 26, page 125.

[68] *Ibid,* page 125.

[69] *Supra,* footnote 45.

[70] *Supra,* footnote 26, p. 125.

[71] Letter from the Honorable John Volpe to the Honorable Edward M. Kennedy, February 10, 1970, p. 6.

[72] *Supra,* footnote 60.

[73] *Supra,* footnote 71.

[74] *Supra,* footnote 18.

[75] Charles, Dr. Seymour, and Shelness, Annemarie, "How Safe is Pupil Transportation" Supplement to *Pediatrics,* vol. 45, No. 1, part II, Jan. 1970, p. 178.

[76] Swearingen, John, "Evaluation of Various Padding Materials for Crash Protection," Report No. AM66–40, FAA, Office of Aviation Medicine, Civil Aeromedical Institute, Oklahoma City, Oklahoma, December 1966, p. 2.

[77] *Supra,* footnote 60.

[78] *Ibid.*

[79] *Supra,* footnote 39.

[80] *Supra,* footnote 40.

[81] *Supra,* footnote 41.

[83] *Supra,* footnote 42.

By Mr. PELL:

S. 848. A bill amending the Foreign Assistance Act of 1961 to provide for the termination of certain assistance to countries not carrying out the Agreements on Ending the War and Restoring Peace in Vietnam, and the protocols thereto, and for other purposes. Referred to the Committee on Foreign Relations.

Mr. PELL. Mr. President, I am introducing a bill today which is designed to help keep the peace in Vietnam and ultimately throughout Indochina.

It is a simple bill which cuts off all foreign aid to any party to the Paris cease-fire agreement, if the President finds that it was not cooperating in carrying out its obligations under the agreement. Aid could be resumed only after the President found that the party was cooperating with the International Commission of Control and Supervision and, in general, carrying out the obligations assumed by signing the agreement, and Congress passed a concurrent resolution approving a resumption of aid. The provisions would also apply to the parties to cease-fire agreements for Laos or Cambodia when, and if, they are reached. Humanitarian relief aid provided through international auspices or voluntary agencies, handled outside of government channels, would not be affected.

Mr. President, Dr. Kissinger, in describing the Paris agreement, said—

> . . . Whether this agreement brings a lasting peace or not depends not only on its provisions, but also on the spirit in which it is implemented.

Ambassador William J. Porter, the permanent U.S. negotiator at the Paris peace talks, told the Foreign Relations Committee on January 30 that—

> . . . The obligations of all parties are clear and everything now depends on what they do about the obligations they have agreed to undertake.

I asked Ambassador Porter if the United States would be violating any commitments if aid to South Vietnam were cut off if we found that they were not carrying out the agreement. He assured me that we reserved the right to continue or discontinue aid and said that—

> . . . Most certainly the question of future aid will be in the mind of anyone regardless of which side they are on when there is some question of observance of their obligations.

The American people expect no less than full compliance by all parties if they are to be asked by their government to continue to pay for massive financial aid to South Vietnam. Later, they will be asked to aid in the reconstruction of North Vietnam as well. In the current fiscal year U.S. taxpayers are being asked to provide a total of $3.2 billion in aid to South Vietnam. We do not know yet how much will be asked by the President for South Vietnam in fiscal year 1974. But the budget reveals that $2.1 billion is being asked for military aid alone for Vietnam and Laos and economic assistance, the most pressing need if peace prevails, will undoubtedly be hundreds of millions of dollars more.

I hope that the coming international conference will result in arrangements for an international aid effort for Indochina under the overall direction of the United Nations. But, regardless of the framework for the reconstruction effort, U.S. aid should be used as leverage to keep the peace. Passage of my bill will put all parties on notice that the American people will not tolerate a deliberate failure to carry out the terms of the agreement. It will give the President a positive tool to encourage compliance.

All of us hope that the parties will strive to keep the peace and cooperate with the International Commission of Control and Supervision. But, if a course of conduct by South Vietnam or later by North Vietnam, develops that threatens the peace, the American taxpayers must say "no more aid." My proposal brings Congress and the President into partnership in insuring that our aid helps maintain the peace—not finance its subversion.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 848

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 659. Termination of Assistance.—(a) It is the sense of the Congress that the Agreements on Ending the War and Restoring Peace in Vietnam, and protocols thereto, signed in Paris, France, on January 27, 1973, will be effective only to the extent that the parties to such agreements and protocols carry out the letter as well as the spirit of those agreements and protocols. It is further the sense of Congress that the United States should not furnish economic or military assistance to any such party, or make any sale, credit sale, or guaranty to or on behalf of any such party, unless that party agrees to comply, and does comply, with those agreements and protocols.

"(b) If the President finds that any party to such agreements or protocols is, under this or any other law, a recipient of United States economic or military assistance, or for whom the United States makes a sale, credit sale, or guaranty, and such party refuses to cooperate fully with the International Commission of Control and Supervision, established under those agreements and protocols, or otherwise fails to take appropriate steps to carry out its obligations under such agreements and protocols, the President shall immediately terminate all United States assistance to that party, and terminate making sales, credit sales, and guaranties to or on behalf of such party. Assistance to that party, and the making of sales, credit sales, and guaranties to and on behalf of such party, shall be resumed only upon—

"(1) a finding by the President, reported to Congress with full details, that the party is again cooperating with the International Commission of Control and Supervision and taking appropriate steps to fulfill its obligations under such agreements and protocols; and

"(2) Congress approves the resumption of assistance, sales, credit sales, and guaranties by passage of a concurrent resolution.

"(c) Upon the conclusion of a cease-fire agreement ending hostilities in Laos or Cambodia, or both, the terms and conditions of this section applicable to the furnishing, termination, and resumption of economic and military assistance to, and to the making, termination, and resumption of sales, credit sales, or guaranties to or on behalf of, any party to such agreements and protocols signed on January 27, 1973, shall also apply to any party to any such cease-fire agreement.

"(d) This section shall not apply to the provision of food and other humanitarian assistance which is administered and distributed, under international auspices or by United States voluntary agencies, directly to persons and not through any government."

By Mr. GRIFFIN:

S. 815. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry, and for other purposes. Referred to the Committee on Labor and Public Welfare.

S.J. Res. 58. A joint resolution to provide for the temporary prohibition of strikes or lockouts with respect to the current labor-management dispute between the Penn Central Railroad and certain of its employees. Referred to the Committee on Labor and Public Welfare.

Mr. GRIFFIN. Mr. President, on a number of occasions in the past, I have expressed concern about the failure of Congress to enact meaningful reform legislation in the face of paralyzing national transportation strikes.

Today, we are confronted again with another major crisis in the railroad industry. This morning, at 12:01, the Penn Central Railroad was struck by the United Transportation Union. Whatever the arguments may be on one side or the other in this particular dispute, the unmistakable effects on the economy of the United States can be devastating.

Millions of workers in industries other than the railroads, workers who are not on strike, will be laid off and out of work in a matter of a few days unless something is done.

For example, Mr. President, one of the major automobile companies will begin closing down its operations tonight if the strike continues. The automobile industry as a whole will be completely shutdown in 7 days, I have been told. And this would directly affect approximately 900,000 autoworkers. In addition, millions of workers around the Nation in supplier and related industries will be affected very soon if the automobile industry is forced to close down.

I understand that the steel industry will be forced to shut down in a matter of a few days if the rail strike should continue.

Mr. President, over the years, along with other Members of the two Houses, I have introduced and reintroduced bills which, if enacted, would have precluded the type of situation that now confronts the Nation. Senate and House committees have held hearings on such legislation, but as yet no bill has been passed.

Since December of 1970, the Nation has been faced with two national railroad strikes and has suffered the devastating effects of a nationwie dock strike. During the past 12 years, the country has been confronted with crippling stikes in the transportation industry no less than 10 times. Yet, during that entire period, Congress has refused to face up to its responsibility.

The effects of this strike on the economy of the Nation would be serious. But the effects of this strike on the Penn Central Railroad itself would probably be fatal. Congress has already authorized loan guarantees totaling more than $100 million to bail out the bankrupt railroad company. Recently, the Penn Central trustees asked the Federal Government for another $600 million in order to pull the company out of what seems to be an economic tailspin. A prolonged strike might even necessitate a Federal takeover of the company.

For these and other reasons, it is the duty of Congress to act and to act promptly in this crisis. I believe that Congress has a responsibility to enact legislation that would cope not only with this immediate crisis but that would establish more appropriate procedures and machinery to deal with such crises in the future.

In 1971, on the Senate floor, I asked—

> How much more notice does this Congress need before it will begin to move in a serious, meaningful way to provide needed reforms in the basic labor laws of the nation so Congress can get out of the business of arbitrating particular labor disputes?

Mr. President, I am forced to ask the same question again today.

I am reintroducing legislation similar to legislation I have introduced in the past two Congresses, designed to get Congress out of the labor arbitration business. This legislation would make available to the President of the United States three options to resolve a nationwide strike or lockout in the transportation industry, which is defined to include the railroads, the airlines, maritime, longshore, and trucking. One option would permit appointment of a three-member panel to finally resolve such a dispute if necessary.

While I realize that it would be wise and appropriate for Congress to pass such comprehensive legislation that would apply to the current strike as well as to future disputes in the transportation industry, I am realistic enough to realize that is not likely to happen. I realize that today we probably can expect to pass nothing more than another stopgap measure to deal with this particular strike for, say, a 30-day period. However, if that is the best we can get, we must do that so Congress will at least have time to consider a more comprehensive measure.

Accordingly, I have introduced two bills: First, the comprehensive legislation which would apply to future disputes in the transportation industry, as well as to the current strike; and second, I am also introducing a joint resolution which would seek to extend the cooling-off period provided by the Railway Labor Act for an additional 30-day period.

At a time in history when Congress is being criticized for failing to fulfill its constitutional role, I hope Congress will now rise to this challenge before us now.

As much as I would like a few days off, I really believe Congress cannot afford to recess as we had planned without first taking action to cope with this strike. I say that, realizing the difficulties and inconvenience which a change in those plans would mean now for other Members. I also realize, of course, that there would be no point in the Senate continuing in session if the other body should recess and go home.

By Mr. WILLIAMS (for himself, Mr. Javits, and Mr. Stafford):

S.J. Res. 59. A joint resolution to extend the provisions of the Railway Labor Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. WILLIAMS. Mr. President, I introduce for myself and the Senator from New York (Mr. Javits) and the Senator from Vermont (Mr. Stafford) a joint resolution that deals with the strike involving the Penn Central Transportation Co. that started at 12:01 today, in order to allow the President to take what we consider necessary action and to do it in a noncrisis atmosphere.

The joint resolution we are introducing extends section 10 of the Railway Labor Act for an additional 90 days. This will run until May 9. Within this period, within 45 days it calls upon the President to formulate and submit to Congress his proposals for the continuation of essential services on this railroad which, of course, is one of the major railroads in the country, carrying something approaching 225,000 passengers a day and accounting for approximately 20 percent of the freight haulage each day, and in view of its link with other railroads, its financial condition, the trustees' statement of eminent total financial collapse, even if this particular issue is resolved, this presents a need for an administration proposal of how this essential service can be preserved.

Mr. President, at 12:01 a.m., this morning the Penn Central Transportation Co. began to implement its previously announced plan to eliminate approximately 5,700 railroad crew positions. At the same time, employees of the company, represented by the United Transportation Union, simultaneously initiated a strike action in order to preserve the jobs of its members.

The immediate issues in conflict with regard to the train crew positions have been the subject of a difficult labor dispute between the company and its employees for some time. The recommendations of Presidential Emergency Board No. 180 have not resulted in a settlement, nor have any of the other mediative procedures under the Railway Labor Act.

Compounding the already complex labor situation is the company's precarious financial condition brought on by, among other things, a well-documented history of mismanagement. The trustees of the company, which is currently undergoing bankruptcy proceedings, have already indicated that even the elimination of the 5,700 crew positions in dispute would not alone enable it to become financially solvent. This bankruptcy proceeding is not an ordinary one involving merely a business unable to make ends meet trying to reorganize itself, but rather a critical element in the economy of the entire Northeast section of our country, serving a quarter of a million passengers a day and carrying approximately 20 percent of the Nation's freight.

The issue at stake is not only the jobs of the workers affected by this morning's events, or the preservation of the free collective bargaining process, but rather whether this country seriously wants to maintain its rail transportation capacity as a viable means of providing passenger and freight service to the citizens and industries of this Nation. If the answer is "Yes," as it surely must be, then it behooves the Government to immediately take action to accomplish these ends.

For too long now, the administration has dragged its heels with regard to the problems of mass transportation, particularly its refusal to take the initiative in the area of developing comprehensive plans for maintaining essential rail services.

Therefore, as a part of the joint resolution I am introducing today, Congress is calling upon the President to come forward with recommendations for such a plan within 45 days of the enactment of this joint resolution. Following the submission of this plan, the President will submit a report to the Congress on the progress of any subsequent negotiations between the parties and his recommendations for appropriate resolution of the dispute.

In order to allow the President to take these actions in a noncrisis atmosphere, the joint resolution extends section 10 of the Railway Labor Act for an additional period which, in effect, will require the parties to maintain the status quo until May 9, 1973.

I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 59

Whereas a labor dispute exists between the Penn Central Transportation Company and certain of its employees represented by the United Transportation Union, arising out of the Penn Central Transportation Company's implementation of a plan to eliminate approximately 5700 train crew positions; and

Whereas the recommendations of Presidential Emergency Board Number 180 did not result in a settlement of this dispute, and all procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted; and

Whereas such dispute has now resulted in a cessation of the Penn Central Transportation Company's rail carrier operations; and

Whereas such cessation of operations by the Penn Central Transportation Company, a rail carrier which transports 225,000 passengers a day and 20% of the Nation's freight, and which provides many necessary connections with numerous other rail carriers operating throughout the Nation, threatens essential transportation services vital to the national health and safety; and

Whereas the Penn Central Transportation Company is now undergoing reorganization proceedings under Section 77 of the Federal Bankruptcy Act, and its court-appointed trustees have indicated that present reorganization proceedings will not be successful, even with the eventual elimination of 5700 train crew positions, alone, and that a massive infusion of Federal financial assistance would be needed; and

Whereas the financial crisis of the Penn Central Transportation Company is so acute that cessation of its operations for even a short period of time, may make it financially impossible to resume operations; and

Whereas failure of the Penn Central Transportation Company to resume operations, in addition to the previously stated impact on vital transportation services throughout the Nation, will further threaten the continued operation of other financially imperiled rail carriers in the Northeast section of the Nation; and

Whereas the President has not provided the Congress with any proposals for preserving essential rail services in the Northeast section of the Nation, including those services which would be jeopardized by financial collapse of the Penn Central Company; and

Whereas the Congress finds that emergency measures are necessary to assure the continuity of essential rail transportation services: Now therefore, in order to encourage the parties to the dispute to reach their own agreement, and to provide time for the submission to Congress of a comprehensive plan for preserving essential rail services in the Northeast section of the Nation, be it

Resolved by the Senate and the House of Representatives of the United States in Congress assembled, That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the above dispute, so that no change, except by agreement, shall be made by the Penn Central Transportation Company or by its employees, in the conditions out of which such dispute arose prior to 12:01 antemeridian of May 9, 1973.

SEC. 2. Not later than 45 days from the enactment of this joint resolution the President shall submit to the Congress a report which, regardless of the settlement of the particular dispute between the Penn Central Transportation Company and its employees represented by the United Transportation Union, provides a full and comprehensive plan for the preservation of essential rail transportation services in the Northeast section of the Nation, including the President's proposals, if any, regarding Federal financial expenditures necessary for restoration or preservation of rail transportation services imperiled by the financial failure of rail carriers, and for alternative means for providing essential transportation services now provided by such carriers.

SEC. 3. Not later than 30 days prior to the expiration date specified in the first section of this joint resolution, the President shall submit to the Congress a full and comprehensive report containing

(1) the progress, if any, of negotiations between the Penn Central Transportation Company and its employees represented by the United Transportation Union; and

(2) any such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate.

Mr. JAVITS. Mr. President, I have joined with the Senator from New Jersey (Mr. WILLIAMS) in this resolution because I believe that the United States needs to be able to deal with an immobilizing emergency like this one which cuts off an essential artery, without finding fault with trustees, the court, or labor. This is the cutting off of an essential artery like a jugular vein of the whole country.

The United States has no other machinery for this purpose than law by Congress and signature by the President. This is terribly deplorable and indicates a great failure in national law, but nevertheless there it is.

The court may find—I do not wish to be conclusive—but it has no authority in such a situation, even in a bankruptcy case, except as granted by Congress. Therefore, we must act.

Whatever differences there may be between us, we must act. Secondly, I do not believe in bloodletting, of letting them stay out and see who yields first, because this is a great disservice to America.

Finally, there should be a plan for transportation. We have no right to be interested in the dispute, per se, but we must maintain transportation.

I hope this resolution will receive immediate action in both houses of Congress.

Mr. GRIFFIN. Mr. President, while the Penn Central carries 20 percent of the freight of the entire Nation, in some parts of the country, particularly in the East and the Midwest, the percentage carried by the Penn Central is much, much greater. I understand that if the railroad strike now in progress continues, one of the major automobile companies will be forced to begin shutting down tonight; and the whole automobile industry will be shut down in a period of 7 days if the strike continues.

I am advised that the steel industry will be affected almost immediately, and that there will be massive consequences in terms of the jobs of millions of workers within a few days.

I want to commend the chairman and the ranking minority member of the Labor and Public Welfare Committee for taking this initiative this morning. I wish also to indicate, however, that I think a 90-day extension of the cooling-off period would be too long. I hope the ranking minority member, who is on the floor at this time, will convey that view of at least this Senator to the committee, which, as I understand, is about to go into session.

If there were a shorter extension—in the neighborhood of 30 days—the sense of urgency which prevails in Congress now might not evaporate completely.

Once again, I commend the ranking minority member of the committee for the initiative and the fact that the committee is meeting. I hope that any extension granted will be brief enough so that Congress will have its "feet to the fire," so to speak.

Mr. JAVITS. Mr. President, I shall convey that view. I believe we should act in a crisis atmosphere in order to get results.

By Mr. BAKER:

S.J. Res. 60. A joint resolution to direct the Federal Communications Commission to study and revise its rules consistent with the realities of modern day broadcasting, and the special problems of the small market radio broadcaster. Referred to the Committee on Commerce.

RE-REGULATION OF RADIO

Mr. BAKER. Mr. President, under the Communications Act of 1934, the Federal Communications Commission is charged with the responsibility for regulating radio broadcast stations in accordance with a public interest standard. In implementing the broad statutory standard a body of adminstrative regulations has evolved. While many of these regulations may be as sound today as when they were adopted, others are archaic and needless in view of changes in the state of the art and the tremendous increase in the number of AM and FM radio stations now on the air.

The total number of radio stations now exceeds 7,000, giving most Americans access to several radio stations and in fact the 64 percent of the population that lives in standard metropolitan statisical areas, has access to at least five local AM stations.

However, despite the growth of the radio industry, a substantial number of radio stations, often operating in small towns, are not very profitable and indeed large numbers of stations including most FM stations, report operating losses.

Realizing that fact and because of the increased capability of radio equipment, last April the Commission announced a study of all their rules and regulations pertaining to broadcast stations to determine if their regulatory authority is being exercised in a meaningful and pragmatic manner consistent with the public interest.

Since that time, the Commission has adopted two orders that will improve the regulatory framework. However, today I seek to build on that outstanding record and, in doing so, urge the Federal Communications Commission to relieve the broadcaster of unnecessary burdens that will allow him to devote more time and resources to serving the public.

Specifically, this resolution directs the Federal Communications Commission to study and revise its rules and regulations, consistent with the public interest, to reflect the realities of modern-day broadcasting. In this process, the Commission is to give special attention to the unique problems of small market broadcasters and, in particular, consider the feasibility of adopting a short form renewal application for radio along the lines of the 1040A tax form; determine whether the fairness doctrine obligations can be simplified and clarified; requirements of ascertaining community needs by small market broadcasters; and direct its effort and energies to relieve all broadcasters of technical, legal, and administrative burdens which are unrelated to or out of proportion to the individual broadcaster's pursuit of the public interest and his role as a public trustee, and thereby enable them to devote more time and resources to the public interest. In recognition of the need to move ahead on an experimental program designed to test the practical feasibility of these objectives, a pilot project in representative sample cities would be established by the Federal Communications Commission.

I ask all interested Senators to join me in cosponsoring this legislation.

By Mr. HARTKE:

S.J. Res. 61. A joint resolution authorizing and requesting the President to proclaim April 1973 as "National Check Your Vehicle Emissions Month." Referred to the Committee on the Judiciary.

Mr. HARTKE. Mr. President, today I introduce a joint resolution to designate the month of April as "National Check Your Vehicle Emissions Month." This resolution was passed by the Congress last year and resulted in increased public awareness of the need to have vehicle emission systems checked annually. Regardless of the quality of the mechanical devices currently placed on our vehicles by auto manufacturers, they will continue to pollute the atmosphere unless they are regularly checked and maintained.

It is estimated that annual emission inspection, simple adjustments and minor tuneups would result in at least a 15- to 25-percent reduction in air pollution caused by motor vehicle pollution. On the other hand, manufacturers estimate that compliance with the Federal emission standards for 1975 model cars will result in only a 2-percent reduction in automobile emissions.

Studies conducted by the States of Wisconsin, New Jersey, Arizona, and California, and by private industry under the sponsorship of the Department of Transportation, clearly indicate that emission reduction of carbon monoxide and hydrocarbons can be attained by implementing a program of vehicle inspection and repair where needed. The reductions attainable range from a low of 15 percent to a high of 68 percent. The average inspection cost would be about $5 per vehicle.

In an effort to promote the annual inspection of pollution control mechanisms, I offer a joint resolution today which would authorize and urge the President to declare the month of April 1973 "National Check Your Vehicle Emissions Month."

Vehicle emissions represent lost fuel—1 pound of fuel per pound of hydrocarbons emitted and one-third pound of carbon monoxide emitted. With these relationships the annual fuel saving per inspected car will average 58 gallons, assuming an average of 10,000 miles driven per year, at a cost of 37 cents per gallon.

This is an average fuel savings per car amounting to more than $21, which is higher than the estimated repair cost. Regular inspection of pollution control devices makes sense, then, both in terms of its effect on pollution and savings to the consumer.

Mr. President, I ask unanimous consent that a copy of the joint resolution be printed in the RECORD immediately following my remarks, together with several newspaper articles on this subject.

There being no objection, the joint resolution and articles were ordered to be printed in the RECORD, as follows:

S.J. RES. 61

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a continuing proclamation designating the month of April beginning 1973, as "National Check Your Vehicle Emissions Month," and call upon the motorists and the automotive industry of the United States to take appropriate steps during the month of April to reduce substantially air pollution from the motor vehicles operating on the streets and highways.

CHAMPION TESTS REVEAL: TUNEUPS REDUCE AUTO EMISSIONS

While new automotive emission control systems are fulfilling their promises of helping clean the nation's air, they can do a better job with proper periodic maintenance, according to Champion Spark Plug Co.

A nationwide series of tests showed that late-model U.S. cars are running twice as clean as the pre-1968 vehicles, Richard C. Teasel, Champion vice-president research and engineering, told a news conference in Detroit.

"In spite of these encouraging findings, four out of 10 of the total cars on the road would still fail the emissions standards being established by the City of Chicago next summer," Teasel said. "However by proper periodic maintenance, almost all of these cars can be adjusted to pass standards."

Tests conducted in Phoenix and Denver, according to Teasel, revealed a nearly 50 percent reduction in emissions on this group of cars after a tuneup.

Cars in Phoenix showed a 56 percent reduction in carbon monoxide and a 40 percent reduction in unburned hydrocarbons at hot idle after tuneup, while in Denver, cars showed a 50 percent reduction in CO and a 47 percent improvement in HC.

Vehicle testing will be compulsory in Chicago on July 1, 1973, with three sets of standards of varying degrees of severity, one for pre-1968 vehicles, a second for 1968 and 1969 units, and a third for 1970 and newer models.

Based on the Chicago standards, almost 40 percent of all cars tested failed. About 22 percent failed on CO emissions, 7.5 percent failed on HC emissions and 10 percent failed both CO and HC emissions standards.

According to Champion, if the test findings were projected on a national basis to the 110 plus million vehicles on the road, 24 million vehicles are emitting excessive CO, 8 million are emitting too much HC and 10 million vehicles are failing on both counts. Thus, based on the Chicago emissions standards, 42 million American vehicles presently on the road are emitting excessive pollutants.

Cars that "failed" contributed significantly more of their share of pollutants than cars that "passed." While one-third of the cars failed to pass the CO tests, they contributed 57 percent of total recorded CO emissions for all the cars. The 17.5 percent failing HC tests recorded 43 percent of all HC emissions, Champion said.

Despite stricter standards, newest cars with more sophisticated anti-emission equipment had the lowest rate of failure. About 36 percent of the 1970–1972 cars failed Chicago standards, compared to a 42 percent rate of failure for earlier cars.

In the Phoenix tests, after tuneup, all cars were able to pass emissions tests while in Denver the failure rate dropped from 61 percent to 5 percent. For all cars only 3.3 percent failed to pass after tuneup.

In the tests, average emissions for late-model cars was 2.8 percent carbon monoxide (CO) and 308 parts per million unburned hydrocarbons (HC). For pre-1968 cars, average emissions of CO was 4.7 percent and average HC emissions were 723 parts per million.

The Champion tests of 1,370 vehicles showed that maintenance was an important factor in whether cars passed or failed, Teasel said.

In pre-1968 cars, average mileage of failures was 69,914 miles, compared to 68,244 miles for non-failures. In the 1968–69 group average mileage for failures was 47,916 miles versus 47,298 miles for non-failures. In the 1970–72 group, failures averaged 22,782 miles while non-failures averaged 18,134 miles.

According to Champion, the primary reason for CO failures is improper air/fuel mixture. Typical maintenance needs included adjustment of the carburetor, improper idle setting, stuck choke, dirty air cleaner and other factors affecting the air/fuel ratio.

Abnormally high HC readings generally result from engine misfire and incomplete combustion of fuel. Worn spark plugs, bad points or condensers, faulty wiring, improper timing, distributor system malfunctions, and worn engines all can lead to misfire and high HC readings, Champion said.

The Champion emission test program was conducted in Dayton, O.; Norman, Okla.; Dallas; Denver; Memphis; Phoenix; San Ramon, Calif.; Chicago, and New Orleans.

[From Automotive News, Jan. 15, 1973]

JAYCEES JOIN AFTERMARKET FOR APRIL PROGRAM: NATIONAL EMISSION CHECK SLATED

CHICAGO.—Plans for the country's first National Emissions Check Lane Program, scheduled for April, 1973, have been announced by the industrywide Vehicle Emissions Check Committee.

Highlighting the announcement was the disclosure that the United States Jaycees will play a major role with Automotive Service Industry Assn., Independent Garage Owners Assn., Equipment and Tool Institute; Automotive Boosters and the Car Care Council in planning, spearheading and executing the check lane program.

The American Automobile Assn., American Assn. of University Women, and the American Driver Training and Safety Education Assn. will also serve in important supportive roles.

In making the announcement pledging and defining support by the U.S. Jaycees, Bernie Brand, Jaycee senior program manager of environmental improvement, estimated that "some 2,000 Jaycee chapters will be aggressively promoting April Check Lanes in local shopping and recycling centers before and during next April."

This is the second phase of the "April Is National Check Your Vehicle Emissions Month" campaign developed last year as the aftermarket's response to President Nixon's Proclamation asking motorists to have their cars' emissions checked and the necessary engine adjustments made for reduced air pollution.

Finding and correcting the emittors is the objective of the April Check Lane Program. According to Atlantic Richfield projections, "more than 60 percent of the nation's automobiles have engine malfunctions contributing to excessive exhaust pollution which can be corrected by simple maintenance."

"The decision to make community check lanes the focal point of our 1973 program, as well as the determination that support of civic groups was essential, came after analysis of over 1,000 April '72 programs," Dick Zimmerman, general manager of the program committee, said.

"We found that the most successful programs used check lanes as the base for stimulating the other prime ingredient, civic and motorist awareness and involvement," Zimmerman continued.

Three members of ETI, Allen Testproducts Division, Allen Electric & Equipment Co.; Marquette Mfg. Co., and Sun Electric Corp., it was announced, will supply portable analyzer equipment and a combined staff of some 1,200 field engineers to provide local technical training and supervision on its use.

Jack Proven, ETI's executive manager and the committee coordinator for equipment availability and field training, announced that a new training booklet is being developed to simplify the local training process.

Professional manpower for the lanes will be coordinated by ASIA and IGOA. Speaking for these groups, Freer Kiger, vice-president of IGOA's specialty shop council, stated that "although ASIA and IGOA members will be spearheading manpower coordination nationally, we expect our members to elicit cooperation from such other local service groups as NADA, and the gasoline retailer associations in manning local campaigns."

Art Nellen, general manager of the Car Care Council, reported on the vital role the CCC will play in the April campaign—that of national motorist education.

"The real measure of motorist motivation will be the amount of local media support and word-of-mouth interest that must be generated by the local committee," Nellen said. "For that reason, we are preparing effective guidelines and materials for stimulating local promotional support.

"At the national level," he said, "we are preparing newsprint ads, as well as an assortment of radio and television spots to set the awareness framework for the local payoff. National media donated more than a quarter of a million dollars in public service time and space in support of the April '72 Program. We are anticipating an even greater use of program material, including feature stories, for next April's program."

Committee spokesmen stressed the point that although the 1973 program is national in scope, its actual execution will be state by state and community by community.

"Although we have defined major roles in coordinating the work of our cooperating groups, anyone can spearhead a local campaign," Zimmerman said. "All they have to do is follow the step by step approach we have outlined in our Check Lane Guidebook."

Several other firms have announced support of the emissions-check program.

Women's Day magazine will run a March feature on the program, while Toyota Motor Sales USA, Inc., is purchasing 1,000 specially prepared kits of tiein material for distribution to its dealers across the country.

Chrysler Motors Corp. is featuring the program's logo and April is National Check Your Vehicle Emissions Month line in specially prepared dealer tiein materials.

Champion Spark Plug Co. has produced a 16-page special newspaper roto section on the program, which will be sent to every daily newspaper in the country.

Fram Automotive Division, Fram Corp., is featuring a full color page on the program in its own publication being sent next month to 500,000 automotive wholesalers and service dealers.

Wix Corp. is preparing special pollution control advertising featuring the clean-car logo.

[From the Oil Daily, Nov. 29, 1972]

CHECK YOUR VEHICLE MONTH ATTRACTS WIDE SUPPORT

NEW YORK.—Representatives of all segments of the automotive service industry are backing a resolution by Congress that would proclaim April 1972, as National Check Your Vehicle Month as a means of reducing pollution from auto emissions.

Comprehensive studies show that simple inspection with minor adjustments and tune-ups can reduce individual vehicle pollution by an average of 25 percent with resultant cost savings to car owners by better fuel consumption, amounting to about $21 a year.

To ensure total industry support of the Presidential proclamation that is being sought, an ad hoc committee has been created to develop and implement a plan of action. Represented on the committee are a wide range of oil companies and suppliers to the automotive aftermarket as well as equipment manufacturers, trade associations and automotive business publications.

One of the oil companies which is urging full support of the measure is Atlantic Richfield. Dr. B. G. Gower, ARCO manager of consumer affairs, represents the technical committee. He supports a three-engine check to spot gross polluters. The system, Gower says, are ignition, carburetion and emissions control. The check can be performed in less than 15 minutes by a service shop with minimal equipment.

Minimal equipment, Gower said, means exhaust analyzers to analyze hydrocarbons and carbon monoxide emissions. This would cost the dealer as little as $300 and for a somewhat better one as much as $2100. The equipment used by ARCO's Caravan cost a total of $10,000 but this would not be necessary for a service station dealer to perform the task adequacy. His equipment would be to diagnose a car to get a general idea of what is wrong with it. Then his equipment would be used to perform a second service and that is to show the customer by means of the instruments how his engine performance has been improved after adjustments have been made.

Principal things to be checked on a car, Gower said, are the spark plugs, timing, carburetor, idle speed and air filter. Asked whether he thought motorists will submit their cars to inspection, Gower said he believes most people are diligent but up until recently no emphasis has been placed on pollution. Now we are entering a new phase in automobile maintenance and performance. As inspections will be free, motorists should not have hesitancy in having their cars looked over.

"More than 60 percent of the cars on the road have simple malfunctions with simple adjustments needed to correct them," Gower said. "Fifty percent need carburetor adjustments. The rest need work on the ignition system and new air filters."

Gower said that more emphasis is being placed on car performance and mileage than ever before. The driver is being educated to get over the idea that "as long as a car runs why bother with doing anything about the engine."

"If our industry can find and correct the seriously offending cars," Gower said, "we will have provided a valuable service to motorists and to the public at large."

Atlantic Richfield has spotlighted and dramatized the fight on pollution with its Clean Air Caravans. During the summer of 1970 the first caravan travelled across the United States demonstrating how the individual motorist could contribute to cleaner air by keeping the engine of his car properly maintained.

The first caravan consisted of 23 small delivery vans, each containing two exhaust emission analyzers. It started out from Los Angeles and conducted its air pollution checking activity to 15 metropolitan areas across the country, testing more than 75,000 vehicles.

Improper carburetor adjustment was found to be the most frequent cause of high exhaust pollution. More than half the cars tested needed an adjustment. Among the deficiencies were restricted air filters, 12 percent of the cars; problems on the PCV system, 23 percent and ignition problems, 20 percent.

From this ARCO concluded that more than 60 percent of the nation's 37 million vehicles have engine malfunctions which are contributing to air pollution and which could be corrected by simple maintenance.

This year a second caravan is making its way around the country. It has already made car inspections at 120 communities and by the time it finishes its journey expect to visit at least another 120 places. Gower said that its findings substantiate those of the 1970 caravan, indicating the need for such inspections and follow-up adjustments.

An ad hoc committee has been set up to support a Presidential proclamation designating April 1972 as National Check Your Vehicle Emissions Month. The committee consists of Richard J. Zimmerman, of Zimmerman Associates, coordinator; James E. Bates, Ignition Manufacturers Institute; Dr. B. G. Gower, Atlantic Richfield Co.; Gerry Haddon, Motor Age Magazine; Richard D. Kudner, Chamption Spark Plug Co.; Frank McGonagle, Fram Corp.; Arthur H. Nellen Jr., Car Care Council, and A. J. Russo, Shell Oil Co.

The group met recently in Chicago to further plans for National Check Your Vehicle Month and to lend support to the resolution which will activate it. The resolution, introduced by Sen. Vance Hartke, D-Ind., and Rep. Bob Eckhardt, D-Texas, states that "the President is authorized and requested to issue a proclamation designating the month of April, 1972, as National Check Your Vehicle Emissions Month and call upon the people of the United States to take their vehicles into the repair shop of their choice to have the emissions checked and their vehicles adjusted where necessary so that we can substantially reduce air pollution from the 110 million motor vehicles operating on the streets.

[From the Motoress, March, 1972]

Heeding Nation's Call: MA Joins Pollution Fight

A pending presidential proclamation; and introduction of legislation in the U.S. Congress, were ample impetus for Motoress Aid's decision to help the April, 1972 "National Check Your Vehicles Emissions Month."

A National Ad Hoc Committee in Cranston, Rhode Island, advanced the idea of significantly reducing air pollution from America's unmaintained cars by encouraging individuals to have their vehicles checked periodically.

Following the spirit of the idea, U.S. Senator Vance Hartke of Indiana, and Rep. Bob Eckhardt of Texas, introduced almost identical resolutions to deal with the problem.

The complete resolution follows:

"That the President is authorized and requested to issue a proclamation designating the month of April, 1972 as *'National Check Your Vehicle Emissions Month,'* and call upon the people of the United States to take their vehicles into the repair shop of their choice to have the emissions checked and their vehicles adjusted where necessary, so that we can substantially reduce air pollution from the 110 million motor vehicles operating on the streets and highways."

Comprehensive studies show that this simple inspection with minor adjustments and tune-ups can reduce individual vehicle pollution by an average of 25 percent with resultant cost savings to the owners.

Serving the country at large, MA points out how a nation-wide program such as this can have far-reaching effects for the nation-at-large; if full-scale participation can be achieved.

MA believes that if all its members have these checks made, and in turn convince others of the need to follow suit, they will become a catalyst in starting a national chain-reaction of significant proportions.

"Cleaning up the air is everyone's responsibility, but MA is proud to aid the National Program through MA automotive dealers in various parts of the country."

Concerted participation and a continuing interest in such a fight could further lead to U.S. Government support.

The need to clean the air cannot be denied, nor in any way minimized. And the time to do it—is now. Future generations of Americans will forever be grateful to those whose actions assure clean air in the future.

MA is proud to be on the list of groups that helps America stay clean.

"We believe the Ad Hoc Committee is doing a good job and we want to help them."

"We're doing so by providing a center for emission checks to be made. We encourage our members to have these checks made," said Alice Saunders, MA's National Director.

WHAT CAN YOU DO ABOUT YOUR CAR'S EXHAUST POLLUTION

Is an informative booklet published by the Champion Spark Plug Company. They have joined the April Crusade for "Check Your Emissions Month."

Members wishing a copy should write to: Pollution, Motoress Aid, Inc., P.O. Box 400, Southfield, Mich. 48076.

[From the Oil Daily, May 17, 1972]

Researchers Issue Report: Annual Auto Inspection Seen Best Way To Trim Emissions

New York.—Yearly inspection and maintenance of automobiles appears to be the most effective way to keep down engine emissions on a long-term basis.

This is one of the conclusions reached in an 84-page report issued here by the Coordinating Research Council.

More frequent inspection and maintenance would be too expensive, Richard Koppang, project engineer for TRW Systems Group, explained, "conversely, a less frequent program would allow too much time for engine deterioration," he added.

Two independent research organizations—TRW Systems group and Scott Research Laboratories—pooled their expertise to develop a new computer model for use by states setting up car emission-control programs.

Fifteen states have so far told the Environmental Protection Agency that they are considering the possibility of setting up inspection programs as part of their overall efforts to meet national ambient quality standards by mid-1975. Only New Jersey has adopted a program as of now.

Scott's role was to analyze the extent and frequency of engine malfunctions which affect emissions. TRW designed the experiments, analyzed Scott's data, and integrated it into the model.

After making certain data refinements, TRW demonstrated the model's versatility by applying it to four geographic regions in the United States: Los Angeles; New York City; Washington, DC. and Denver.

These regions were selected because they represent four major kinds of air quality problems found throughout the country. In each case, TRW discussed air-quality needs with regional officials and compiled the necessary demographic data.

TRW's calculations show that motorists in cities like Los Angeles and Denver, where hydrocarbon emissions are the main problem, can expect to pay more for emission inspection and maintenance than motorists in areas where carbon monoxide is the pollutant of major concern.

The higher cost of reducing hydrocarbons results from the need to maintain ignition systems. Engine misfiring, caused by malfunction of the ignition system, is a major cause of hydrocarbon emissions. Carbon monoxide emissions, however, can be controlled with a simpler, less costly procedure—adjustment of the idle air/fuel ratio and idle rpm.

Koppang said the model's emission-reduction calculations assume all required maintenance will be correctly done. "Carburetor adjustments are particularly sensitive," he says. "An idle set one percent richer than the specification can almost completely negate the effectiveness of a program primarily concerned with reducing carbon monoxide."

The study to develop this model is one of more than 30 projects sponsored by the council as part of an industry-government program to obtain reliable air pollution data. Representatives from the petroleum and automotive industries and the federal government participate in the technical conduct of all CRC studies.

It means our three system engine emissions check has taken on fresh significance. Although it may not be as complete as we would like, it has been acclaimed as a practical and achievable beginning in the steady upgrading of emission control expertise by our nation's mechanics. Furthermore, it could be an important interim step in achieving nation-wide PMVI Standards. In both these regards, we can be mutually proud that we have taken a giant step forward—Your Ad Hoc Committee.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 316

At the request of Mr. Robert C. Byrd (for Mr. Jackson), the Senator from Arkansas (Mr. Fulbright) was added as a cosponsor of S. 316, a bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the national wilderness preservation system, and for other purposes.

S. 471

At the request of Mr. Robert C. Byrd (for Mr. Church), the Senator from New Jersey (Mr. Williams) was added as a cosponsor of S. 471, a bill to encourage State and local governments to reform their real property tax systems so as to decrease the real property tax burden of low- and moderate-income individuals who have attained age 65.

S. 548

At the request of Mr. Humphrey, the Senator from Missouri (Mr. Eagleton), the Senator from North Dakota (Mr. Burdick), the Senator from Alaska (Mr. Gravel), and the Senator from Missouri (Mr. Symington) were added as cosponsors of S. 548, a bill to provide price support for milk at not less than 85 percent of the parity price therefor.

S. 565

At the request of Mr. Robert C. Byrd (for Mr. Nunn), the Senator from Mississippi (Mr. Eastland) was added as a cosponsor of S. 565, a bill to require the Congress to prescribe a ceiling on expenditures for each fiscal year and to establish procedures to effectuate such ceilings.

S. 571

At the request of Mr. Hansen, the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of S. 571, a bill to amend the Federal Meat Inspection Act to require that imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer.

S. 607

At the request of Mr. Kennedy, the Senator from California (Mr. Cranston) was added as a cosponsor of S. 607, amendments to the Lead-Based Paint Poisoning Prevention Act.

SENATE JOINT RESOLUTION 11

At the request of Mr. Hollings, the Senator from Kansas (Mr. Dole), the Senator from Alaska (Mr. Gravel), the Senator from Maine (Mr. Muskie), the Senator from West Virginia (Mr. Randolph), and the Senator from California (Mr. Tunney) were added as cosponsors of Senate Joint Resolution 11, to pay tribute to law enforcement officers of this country on Law Day, May 1, 1973.

SENATE RESOLUTION 62—SUBMISSION OF A RESOLUTION TO REFER S. 824 TO THE COURT OF CLAIMS

(Referred to the Committee on the Judiciary.)

Mr. STEVENS. Mr. President, I am today introducing two pieces of legislation: S. 824, a bill for the relief of Othal William Ray, doing business as Bill Ray Construction Co. of Fairbanks, Alaska and Senate Resolution 62, a Senate resolution to refer this bill to the Chief Commissioner of the Court of Claims in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code. I request that these pieces of legislation be jointly referred and considered together by the relevant committee.

I further request unanimous consent that they be printed in their entirety in the Congressional Record at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution and bill are as follows:

S. Res. 62

Resolution to refer S. 824, together with all accompanying papers, to the Chief Commissioner of the United States Court of Claims

Resolved, That the bill (S. 824) entitled "A bill for the relief of Othal William Ray doing business as Bill Ray Construction Company of Fairbanks, Alaska", now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner of the United States Court of Claims shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code, and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. 824

A bill for the relief of Othal William Ray, doing business as Bill Ray Construction Company of Fairbanks, Alaska

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Othal William Ray, doing business as Bill Ray Construction Company of Fairbanks, Alaska, a sum of money, in the amount to be substantiated, representing the amount to which such claimant is equitably entitled for the cost sustained by him and his company arising out of a contract with the Department of the Army for the construction of certain facilities at Fort Wainwright, Alaska, which contract required claimant to bear substantial loss as a result of a flood disaster occurring in the construction area in August 1967, a loss for which no remedy can be found at law except through special appropriation of funds by Congress.

Sec. 2. No part of the amount appropriated in this Act in excess of 20 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SENATE RESOLUTION 63—SUBMISSION OF A RESOLUTION ENDORSING THE OBJECTIVES OF THE PRESIDENT'S OCEAN POLICY STATEMENT

(Referred to the Committee on Foreign Relations.)

Mr. PELL. Mr. President, today I offer a sense of the Senate resolution endorsing the objectives envisioned in the President's ocean policy statement of May 23, 1970. These goals are now being pursued by the U.S. Delegation to the United Nations Seabed Committee in its preparation for the Law of the Sea Conference, tentatively scheduled for November of 1973.

Historically, the law of the sea, unlike the law of the land, was based on a concept of unrestricted liberty. This so-called "freedom of the seas" doctrine prohibited claims of sovereignty or national jurisdiction over the open oceans with all nations enjoying equal rights to the use of these waters. The only exception to this doctrine was the 3-mile territorial sea, a generally accepted compromise, designed to protect the defense interests of coastal States. For over three and one-half centuries, this doctrine remained the basis of a remarkably stable regime of international law.

However, the enormous increase of mankind's needs in this highly technological age made urgent the search for new resources. In an effort to modify the law of the sea in light of developing technology, President Truman asserted, in 1945, the exclusive right of the U.S. Government to exploit the resources of the Continental Shelf off its coast beyond the traditional 3-mile limit.

Unfortunately, the Truman proclamation was interpreted by the international community to stand for the right of coastal states to make general unilateral jurisdictional claims. This action by the United States initiated a period of escalating claims, first, to navigation and fishing rights, and finally to full sovereignty over wide areas of the seas.

In an attempt to resolve these sometimes conflicting claims and to codify a uniform law of the sea, the United Nations convened a conference in 1958. However, the four conventions, adopted as a result of that Conference, failed to establish a fixed territorial sea boundary, and thereby did little to alleviate the problem of expanding coastal state jurisdictional claims.

In 1966, President Lyndon Johnson acknowledged the problem and established the general direction of U.S. policy on this issue when he stated:

> Under no circumstances, we believe, must we ever allow the prospects of rich harvest and mineral wealth to create a new form of colonial competition among maritime nations. We must be careful to avoid a race to grab and hold the lands under the high seas. We must ensure that the deep seas and the ocean bottoms are, and remain, the legacy of all human beings.

During the following year, Ambassador Arvid Pardo, Representative of the Permanent Mission of Malta to the United Nations, proposed that the General Assembly declare the seabed and the ocean floor a common heritage of mankind, and that the United Nations take immediate steps to draft a treaty embodying this principle.

Spurred into action by the Maltese proposal, the General Assembly, in 1969, authorized the creation of the United Nations Seabed Committee. This Committee was given the responsibility of preparing for a comprehensive Law of the Sea Conference to be held under U.N. auspices.

As many of you know, I have had the privilege of serving as a Senate Adviser to the U.S. delegation to this Seabed Committee, and the subcommittee I chair on the Foreign Relations Committee has devoted a number of hearings to this subject. At the present time, 91 members of the United Nations belong to the Seabed Committee, and four meetings have been held to prepare for the Law of the Sea Conference. Two additional preparatory meetings have been scheduled for this year along with a conference organizational session in November. The substantive work of this Conference will not begin until the spring of 1974 in Santiago, Chile.

I must emphasize to my colleagues that we are talking about, not theoretical or esoteric matters, but law that will apply to the 70 percent of the globe covered by the oceans. Only 30 percent is covered by the land and the continents and this 30 percent is well governed by law. But this is an area of rapine and anarchy in many cases, in the 70 percent of the earth that is covered by water.

Although the Seabed Committee has achieved an agreement on a provisional agenda for the Conference and has made some headway toward drafting treaty articles on the principles for an international seabed regime, its overall progress has been disappointingly slow. The vast range of questions concerning the limits of national jurisdiction to the sea and seabed, passage through straits, fishery rights and conservation measures, preservation of the marine environment and the internationalization of the seabed beyond national jurisdiction, has created sharp differences in national policies, which are yet to be reconciled.

The time for dealing with the problems of ocean space is rapidly running out for the flag nations approach which so many nations of the world have adopted. We can see the situation where national boundaries will be extended so that they meet in the center of the ocean. This would be a disaster as it would affect the heritage of mankind. It would be exploited on the same basis as when the white nations carved up the black continent of Africa and the yellow continent of Asia in the past century. It is essential, for a variety of reasons, that the international community reach an agreement on a comprehensive law of the sea.

First, such an agreement is necessary to check and abate the threat of ocean pollution before it reaches the threshold of irreversibility. The recommendations of the Stockholm Conference and the recently negotiated Ocean Dumping Convention are merely the first steps in this direction. A strong international organization is necessary to promulgate and to enforce international pollution control standards for the high seas. The astonishing development of the super oil tanker reinforces the need for immediate action in this area.

Only 5 years ago, the average tanker was approximately 12,000 to 13,000 tons. There are now four tankers in operation of 325,000 tons. Future plans include monsters of 800,000 tons. As noted experts have pointed out, a single disaster with one of these giants releasing all its oil would increase by 25 percent the total pollution of the seas in that year. Such an eventuality was one of the major factors which prompted Canada to establish a 100-mile pollution zone, in which navigation could be controlled.

Another reason requiring a prompt agreement on the law of the sea negotiations is the promotion of better management and conservation of fishery resources. The present international conservation treaties and organizations are woefully inadequate to cope with the problems caused by modern fishing technology. The International Commission on the Northwest Atlantic Fishery—ICNAF—is a prime example. Fishery experts have indicated that off the coast of New England, the U.S. food fish catch has dropped 50 percent in 10 years, while that of foreign fleets has increased to four times the present U.S. catch. Despite feeble attempts by ICNAF to limit the total catch, overfishing has nearly depleted the haddock stocks and severely damaged the yellowtail flounder and herring resources. A strong uniform multinational fisheries conservation agreement must be achieved during the next few years in order to prevent the necessity for unilateral action.

As ocean technology advances and the search for seabed resources increases, the necessity for a law of the sea treaty becomes more evident. Studies have shown that offshore oil is by far the most valuable—in terms of dollars—ocean resource that will be exploited. Offshore production in 1970 provided approximately 19 percent of the world's oil, valued at $8 billion. Within 10 years, offshore oil production is expected to reach 25 million barrels a day, or about 33 percent of the total world output of 70 million barrels a day. As a result, nations are rushing to establish exclusive economic resource zones or extend their territorial seas to 200 miles. This situation increases the possibility of international conflict. As President Nixon indicated in his 1970 ocean policy statement:

> The nations of the world are now facing decisions of momentous importance to man's use of the oceans for decades ahead. At issue is whether the oceans will be used rationally and equitably and for the benefit of mankind or whether they will become an arena of unrestrained exploitation and conflicting jurisdictional claims in which even the most advantaged states will be losers. . . . The stark fact is that the law of the sea is inadequate to meet the needs of modern technology and the concerns of the international community. If it is not modernized multilaterally, unilateral action and national conflict are inevitable.

Therefore, reasonably prompt action is needed not only in the interests of pollution abatement and conservation but also to prevent de facto colonization of the seas.

The U.S. role in the seabeds negotiations has been both positive and constructive. The U.S. proposal for a treaty, submitted to the U.N. in 1970, provided the basis for a farsighted, equitable and beneficial international agreement. I was at that time, and I still am, particularly impressed by this U.S. proposal, which would create an international legal regime and which would require, among other things, that a portion of the revenue derived from the exploitation of the seabed mineral resources "be used for international community purposes, particularly economic assistance to the developing countries." This proposal could open up a new era of international cooperation in the economic development of the poor countries.

I realize that the U.S. position, as well as the success of the entire Conference is being jeopardized by the thrust of narrow nationalism.

However, I believe that the law of the sea is one issue in which multilateral action is not only desirable, but absolutely necessary. I, therefore, urge the U.S. delegation to continue to pursue the generous goals set out in the President's ocean policy statement of May 23, 1970. These objectives give due regard to both our country's national interests and those of the international community. I hope the Senate will give its full support to the U.S. delegation in their efforts to achieve a successful agreement on the law of the sea.

The resolution which I am offering today is designed to indicate congressional support for the policies enunciated in the 1970 draft proposal. I hope my colleagues will recognize the sense of urgency attending the law of the sea issues and will give this measure their full support.

Mr. President, this resolution is cosponsored by the distinguished senior Senator from New Jersey (Mr. Case). I ask unanimous consent to have its text printed in full in the Record.

The PRESIDING OFFICER (Mr. Scott of Virginia). The resolution will be received and appropriately referred; and, without objection, the text of the resolution will be printed in the Record.

The text of the resolution is as follows:

S. Res. 63

Whereas the oceans cover 70 per cent of the earth's surface, and their proper use and development are essential to the United States and to the other countries of the world;

Whereas Presidents Nixon and Johnson have recognized the inadequacy of existing ocean law to prevent conflict, and have urged its modernization to assure orderly and peaceful development for the benefit of all mankind;

Whereas the United States Draft Seabed Treaty of August, 1970, offers a practical method of implementing these goals;

Whereas a Law of the Sea Conference is scheduled to convene in November-December 1973, preceded by two preparatory meetings of the United Nations Seabed Committee;

Whereas it is in the national interest of the United States that this Conference should speedily reach agreement on a just and effective ocean treaty: Now, therefore, be it

Resolved, That the Senate endorses the following objectives, envisioned in the President's Ocean Policy statement of May 23, 1970, and which are now being pursued by the United States delegation to the Seabed Committee preparing for the Law of the Sea Conference—

(1) protection of the freedoms of the high seas, beyond a twelve-mile territorial sea, for navigation, communication, and scientific research, including unimpeded transit through international straits;

(2) recognition of the following international community rights:

(a) protection from ocean pollution,

(b) assurance of the integrity of investments,

(c) substantial sharing of revenues derived from exploitation of the seabeds particularly for the benefit of developing countries,

(d) compulsory settlement of disputes, and

(e) protection of other reasonable uses of the oceans,

beyond the territorial sea including any economic intermediate zone (if agreed upon);

(3) an effective International Seabed Authority to regulate orderly and just development of the mineral resources of the deep seabed as the common heritage of mankind, protecting the interests of both developing and developed countries;

(4) conservation and protection of living resources with fisheries regulated for maximum sustainable yield, with coastal zone management of coastal and anadromous species, and international management of such migratory species as tuna.

Sec. 2. The Senate commends the United States delegation to the Seabed Committee preparing for the Law of the Sea Conference for its excellent work, and encourages the delegation to continue to work diligently for early agreement on an ocean treaty embodying the goals stated in section 1.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 36

At the request of Mr. Robert C. Byrd (for Mr. Nunn), the Senator from Mississippi (Mr. Eastland) was added as a cosponsor of Senate Resolution 36, a resolution prescribing certain procedures for the Senate.

VICTIM OF CRIMES ACT OF 1973—AMENDMENT

AMENDMENT NO. 6

(Ordered to be printed and to lie on the table.)

Mr. SCHWEIKER. Mr. President, I submit an amendment to S. 800, the Victims of Crime Act of 1973.

This amendment makes it a Federal crime to assault, injure, or kill any State or local law enforcement officer, fireman, or judicial officer because of his official position. Let me emphasize that this legislation is designed to apply to situations where an official is singled out and attacked as a symbol of the establishment because of his official position—for example, killing a policeman simply because he is a policeman.

This amendment is similar to a bill I introduced in the 91st Congress, S. 4348, and reintroduced in the 92d Congress as S. 120.

On September 18, 1972, I introduced this amendment as an amendment to S. 33. I was pleased when the Senate voted overwhelmingly, 46 to 23, to accept my amendment. Regrettably, the bill died in conference, so my amendment failed to become law. I reintroduced it on January 4 as S. 254.

Just recently, a sniper in New Orleans killed three policemen and other citizens, and wounded a fireman. Seven people, including the sniper, died during the 2-day battle. Allegations have been made that the New Orleans killings were part of a national conspiracy to shoot policemen. These particular allegations are unproven as yet, but during the 91st Congress the Senate Internal Security Subcommittee held hearings on my bill, as well as similar bills introduced by Senators Eastland, Williams, and Dodd, and several witnesses indicated their strong belief that national conspiracies to shoot policemen were involved in a number of killings.

Increasingly in recent years, we have witnessed brutal and often fatal attacks on State and local policemen by radical revolutionaries. These attacks have often been essentially politically oriented, conceived by the twisted minds of individuals bent on destroying law and order in our society. We must declare in no uncertain terms that such attacks are intolerable and that we intend to stand by and protect the loyal men and women who serve in these capacities in our government. Existing legislation covers Federal employees in these capacities, but no similar provisions cover State and local officials.

My amendment does the following:

First, in any case where an individual has traveled in interstate commerce or used any instrumentality of, or facility for interstate commerce with the intent of assaulting, injuring, or killing such officials, or where a dangerous or deadly weapon which has been transported in interstate commerce is used to commit the crime. Federal officials would be able to assist local authorities in investigating the crime and tracking down the criminals. The crime would be punishable under Federal statutes.

Second, in addition, my amendment includes provisions covering conspiracies to kill or injure police officers, firemen, and judicial officers.

Furthermore, the amendment includes provisions similar to the Lindbergh kidnapping law which creates a presumption that the assailant has traveled in interstate commerce if he has not been captured within 24 hours after the crime was committed. This helps to assure that very little delay occurs between the commission of the crime and the involvement of the Federal law enforcement authorities.

This bill has the strong support of the Fraternal Order of Police, the International Conference of Police Associations, and the International Association of Firefighters.

The number of police officers killed has been increasing at a startling rate in the past few years. In 1961, 37 were killed. In 1971, 125 killed—about 3½ times the rate only 10 years before. The most recent figures available for 1972 indicate that through November, 96 policemen were killed. In 1970, 100 were killed; in 1969, 86. Twenty of the 1971 killings resulted from ambush-type attacks.

Mr. President, how many more policemen must be killed? How much more evidence do we require of the urgent need for this legislation?

We must show these loyal public servants that the U.S. Congress stands solidly behind them. We can do this by acting on this legislation making these ruthless killings a Federal crime and triggering the full range of Federal law enforcement authority against these senseless murders.

Mr. President, I ask unanimous consent that the text of this amendment be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 6

At the end of the bill add the following:

(a) Chapter 51 of title 18, United States Code is amended by adding at the end thereof the following new section:

"§ 1116. Assaults on State law enforcement officers, firemen or judicial officers because of their official position

"(a) Whoever travels in interstate commerce or uses any instrumentality of, or facility for, interstate commerce, including, but not limited to the mail, telegraph, radio or television, in furtherance of—

"(1) a conspiracy, attempt or solicitation to assault, injure or kill any law enforcement officer, fireman or judicial officer because of his official position; or

"(2) a killing, injuring or assault upon any law enforcement officer, fireman or judicial officer because of his official position;

and who during the course of such travel or use or thereafter performs or attempts to perform any other overt act for any purpose specified in subparagraphs (1) or (2) of this paragraph; or

"Whoever assaults, injures, or kills or attempts to assault, injure or kill by means of any dangerous or deadly weapon which has been transported in interstate commerce, any law enforcement officer, fireman, or judicial officer because of his official position as a law enforcement officer, fireman, or judicial officer; or

"Whoever transports, causes to be transported, or aids or abets another in transporting, or receives, causes to be received, or aids or abets another in receiving, in interstate commerce or through the use of any instrumentality of or facility for interstate commerce any dangerous or deadly weapon with knowledge that it will be used or with intent that it be used to assault, injure, or kill any law enforcement officer, fireman, or judicial officer because of his official position as a law enforcement officer, fireman, or judicial officer—

"Shall be fined not more than $10,000, or imprisoned for not more than 10 years, or both; or if death results, shall be punished as provided under sections 1111 and 1112 of this title.

"(b) As used in this section, the term—

"(1) 'dangerous or deadly weapon' includes any object, item or device which, when used as a weapon, is capable of causing physical injury or death;

"(2) 'law enforcement officer' means any officer or employee of any State who is charged with the enforcement of any criminal laws of such State;

"(3) 'fireman' means any person serving as a member of a fire protective service organized and administered by a State or a volunteer fire protective service organized and administered under the laws of a State;

"(4) 'judicial officer' means any judge, officer or other employee of a court of any State;

"(5) 'interstate commerce' means commerce (A) between any State or the District of Columbia and any place outside thereof; (B) between points within any State or the District of Columbia, but through any place outside thereof; or (C) wholly within the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States; and

"(6) 'State' means any State of the United States, the Commonwealth of Puerto Rico, any political subdivision of any such State or Commonwealth, the District of Columbia, and any territory or possession of the United States."

"(c) Whenever a law enforcement officer, fireman, or judicial officer is willfully killed, injured or assaulted, while such law enforcement officer, fireman or judicial officer is engaged in his official duties, and no person alleged to have committed such offense has been apprehended and taken into custody within twenty-four hours after the commission of such offense, it shall be presumed in the absence of proof to the contrary that the person who committed such offense has moved or traveled in interstate as foreign commerce to avoid prosecution or custody under the laws of the place at which the offense was committed.

"(d) This section shall not be construed to evidence an intent on the part of the Congress to prevent the exercise by any State of jurisdiction over any offense with respect to which such State would have had jurisdiction if this section had not been enacted by the Congress."

(b) The section analysis of chapter 51 of title 18 of the United States Code is amended by adding at the end thereof the following new item:

"1116. Assaults on State law enforcement officers, firemen, or judicial officers because of their official position."

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—AMENDMENT

Amendment No. 7

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. FULBRIGHT. Mr. President, every Member of this body is cognizant of the manner in which the President has impounded billions of dollars of appropriated funds in a determined effort to manipulate the Nation's spending priorities as established by Congress. By exercising a de facto line-item veto over appropriations approved by Congress and signed by the President. The President is currently withholding from obligation and expenditure more than $12 billion in funds appropriated for a variety of domestic programs. This action, reinforced by the fiscal 1974 budget, adds up to a little more than "The Trickle-Down Theory Revisited."

In view of the President's efforts to turn back the clock—an effort which is bringing hardship and deprivation to millions of Americans—the Congress must take affirmative action and approve countermeasures to reestablish the role of the Congress in establishing the basic priorities of our spending.

With this purpose in mind, I am today submitting an amendment to the administration's foreign aid authorization bill which will bring an end to the expenditure of foreign aid funds if the President insists upon impounding funds appropriated for high priority, very important domestic programs. Mr. President, I ask unanimous consent that the amendment be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 7

At the end of the bill, add the following new section:

Sec. 7. Section 658 of the Foreign Assistance Act of 1961 is amended to read as follows:

"Sec. 658. Limitation on Use of Funds.—(a) Except as otherwise provided in this section, none of the funds appropriated to carry out the provisions of this Act or the Foreign Military Sales Act shall be obligated or expended after April 30, 1973, until the Comptroller General of the United States certifies to Congress that all funds previously appropriated (including any authorization to create obligations in advance of appropriations) and thereafter impounded during fiscal years 1972 and 1973 for activi-

> ties, programs, and projects under the Departments of Agriculture, Transportation, Housing and Urban Development, and Health, Education, and Welfare.
>
> "(b) Except as otherwise provided in this section, none of the funds appropriated for fiscal year 1974 or any fiscal year thereafter to carry out the provisions of this Act or the Foreign Military Sales Act shall be obligated or expended if any of the funds appropriated to the Departments of Agriculture, Transportation, Housing and Urban Development, and Health, Education, and Welfare for any such fiscal year are impounded for more than 60 days. If such impounded funds are released, the funds appropriated to carry out such Acts may subsequently be obligated and expended unless thereafter funds for any such department are impounded for more than 60 days.
>
> "(c) The provisions of this section shall not apply with respect to funds impounded in accordance with any provision of law specifically authorizing the impoundment of funds of any such department if (1) such provision is contained in any law authorizing, or making appropriations for, any activity, program, or project of such department, and (2) the impoundment is made only with respect to and in accordance with such provision authorizing the impoundment.
>
> "(d) Notwithstanding any other provision of law, new obligational authority made available for any activity, program, or project under this Act or the Foreign Military Sales Act for fiscal year 1974 and any fiscal year thereafter shall not exceed in any quarter of any such fiscal year one-fourth of the new obligational authority made available for such activity, program, or project for such fiscal year. If activities, programs, and projects are being conducted under either such Act during any such fiscal year under a law making continuing appropriations, obligations for any quarter of such fiscal year for such activity, program, or project shall not exceed one-fourth of the new obligational authority made available for such activity, program, or project for the most recent, immediately preceding fiscal year for which appropriations were made to carry out such activity, program, or project.
>
> "(e) The Comptroller General shall determine (1) if funds of any such department have been impounded, (2) whether such funds have been impounded for more than 60 days, and (3) if, and when, such funds have been released in accordance with this section. In any case in which the executive branch does not provide sufficient information to the Comptroller General to determine whether funds with respect to any such department have been impounded, then, for purposes of this section, such funds shall be deemed to have been impounded and any period during which such information is not provided shall be considered as a period, or a part of a period, of impoundment. The Comptroller General shall review from time to time and report to Congress not later than 30 days after the end of each quarter of a fiscal year, beginning with the first quarter of fiscal year 1974, with respect to the operation of this section. Each report shall include any determination made by the Comptroller with respect to such quarter that funds of any such department have been impounded for more than 60 days and when any such funds have been released.
>
> "(f) For purposes of this section, impounding includes—
>
> "(1) withholding or delaying the expenditure or obligation of funds (whether by establishing reserves or otherwise) appropriated or otherwise obligated for projects or activities, and the termination of authorized projects or activities for which appropriations have been made;
>
> "(2) withholding any authorization to establish obligations in advance of appropriations; or
>
> "(3) any type of executive action which effectively precludes the obligation or expenditure of the appropriated funds."

Mr. FULBRIGHT. Mr. President, specifically, the amendment which I am offering does the following:

It places an embargo on foreign aid funds if by April 30, 1973, the President has not released all funds appropriated during the 92d Congress for the Department of Agriculture, Transportation, Housing and Urban Development and Health, Education, and Welfare.

It requires a similar cut off of aid funds if future appropriations for these departments are impounded for more than 60 days.

It defines impoundment along the lines of the definition contained in Senate bill 373, introduced by Senator ERVIN, and cosponsored by more than 50 Senators.

It requires that aid funds be spent on an orderly basis so as to insure that the prohibitions in the amendment are not nullified either by "reimpoundment" or by a speed up in the obligation of aid funds.

It provides for spending limitations so long as they are in accord with specific legal requirements as may be contained in the legislation pursuant to the departments affected.

Finally, it calls upon the GAO to certify compliance with these provisions and to report back to Congress.

Mr. President, my colleagues will recall that Congress passed a similar amendment as part of the 1971 Foreign Assistance Act. In explanation of that amendment, which I sponsored and which the Committee on Foreign Relations approved, I want to quote from the committee's report.

> The objective of this amendment is to give the American public some indication that the Committee is just as aware of our domestic needs as it is of the needs of other countries. The provisions of the section say to the taxpayers of this country, "You will be assured of getting the funds appropriated by Congress for domestic programs and projects before additional foreign aid funds can be obligated for similar programs and projects in Rio de Janeiro, Nairobi, or New Delhi."

The committee report also points out:

> If the President is left free to impound funds appropriated by the Congress, this could result in an even greater unbalance between the two Branches than has developed in the field of foreign affairs. If the Congress' power of the purse is infringed or restricted in any way—such as through the impoundment of appropriated funds—Members of Congress might as well pack their bags and go home. This is the only real power the Congress has left and it must be guarded and protected, and kept whole and intact. The Committee believes that the requirements of this section are consistent with this goal.

Mr. President, that amendment should have served as a warning to the administration; it, too, called for the release of certain impounded funds or face a cutoff in foreign aid. According to the GAO, the funds specified in the amendment were released. But what happened? The President no sooner released the 1971 money than he impounded the 1972 money—and now the 1973 money.

The amendment which I am offering today affords no such loophole. It simply states:

> Mr. President, whenever you impound funds appropriated for certain Federal agencies, we in Congress are going to cut off foreign-aid funds.

To get a better perspective on the impounded funds issue, particularly in contrast to our ongoing foreign-aid expenditures, I want to focus attention on the following situation:

The President has impounded, for example, some $400 million in funds appropriated for water and sewer grants. In order to get these funds appropriated, any number of State and local officials lobbied long and hard, first for an authorization of the funds and then for an appropriation. After going through this process—covering weeks if not months, plus the expenditure of time and money going back and forth to Washington—these officials finally persuaded the Congress that their funding needs were valid. Congress appropriated the money and the mayors and other local officials went home believing that they had done a good job, that their time had been well spent, and that the funds they urgently needed would be forthcoming. In short, they went home feeling victorious. They had gone to their elected representatives; they had presented their case; they had won. They made the democratic system work—and it did.

Then comes the announcement from the White House:

> Consistent with the President's economic game plan, he has decided that funds recently appropriated by the Congress for water and sewer grants shall not be spent at this time.

State and local officials, as well as Members of Congress, are surprised and disappointed. How can the President do this? He is bound to execute the laws of the land, but he refuses, and the lobbying effort begins anew, this time directed at the While House. But the President remains unconvinced of the need for this expenditure and the water and sewer funds remain impounded.

Contrast the above with what happens on the expenditure of foreign aid funds for similar water and sewer projects abroad.

A planning official from country *x* goes to the AID Mission Director and says that he needs *x* amount for a sewer project in his country's capital city. For political reasons, State Department officials determine the project should be given priority and they submit their recommendation to Washington. State/AID officials in Washington approve the project and the funds are obligated. For the planning official in country X, the "system" works perfectly. Neither he nor his advisers have had to plead for an authorization from Congress; they have not had to test their metal before an Appropriation Committee—but, still, they get the money for their sewer project. From their standpoint, the President of the United States has his spending priorities in line. Their needs are, of course, more pressing than those in the United States, which, after all, is the richest, most affluent, most powerful nation on the face of the earth.

Mr. President, to underscore the contrast in the administration's spending priorities, I want to read from a letter which I received from the Honorable Jones H. Lamb, mayor of the city of Paragould, Ark. The purpose of Mayor Lamb's letter is "to protest Mr. Nixon's proposed budget for fiscal year 1974 and also his unauthorized withholding of over $12 billion authorized by Congress for 1973." The letter goes on to explain some of the difficulties faced by the citizens of Paragould and the mayor ends his letter with the request that I vote against any funds for Indochina's reconstruction, because in Mayor Lamb's words:

> We have severe water, sewer, housing, employment, health, poverty and welfare problems that these funds might better be spent for.

Now I wonder what Mayor Lamb's reaction would be if I were to tell him that some of the money that could have been used to meet his city's water, sewer, housing, employment, health, poverty, and welfare problems had actually been used to send bidets and other bathroom fixtures to help our friends in Cambodia. I suspect that he would be just as astonished as I was when I learned of this transaction. It first came to my attention last year and since then I have received a copy of a report on it prepared by the Acting Inspector General of Foreign Assistance and sent to the Director of the Agency for International Development. I want to quote one paragraph from this report:

> We wonder, however, if it is prudent policy to authorize grants of U.S. taxpayers' money to be used for the purchase of bidets and other fixtures in manchu yellow, regency blue, venetian pink and surf green. Granting that bidets may be considered a necessity by high-born and foreign-educated Cambodians, and granting too, that white is associated with death in Southeast Asia, surely there must be many other items of higher priority for which U.S. taxpayers can be asked to pay.

Mr. President, I will not belabor this point any further other than to say it boggles the mind to understand how we ever reached the point where the Government spends the taxpayers' money to send venetian pink bidets to the people of Cambodia and, at the same time, refuses to provide Federal funding for urgently needed sewer and water projects here at home.

Mr. President, I will pursue my amendment at the proper time. I very much hope that it will receive the support of my colleagues.

I ask unanimous consent that the letter which I received from the mayor of Paragould, Ark., and the Acting Inspector General's report on AID financing of bathroom fixtures for Cambodia be included at this point in the Record.

There being no objection, the letter and report were ordered to be printed in the Record, as follows:

PARAGOULD, ARK.,
February 2, 1973.

Senator J. WILLIAM FULBRIGHT,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: I am writing to protest Mr. Nixon's proposed budget for fiscal year 1974 and also his unauthorized witholding of over 12 billion dollars authorized by Congress for 1973.

Most particular we here in State, County and City government protest his proposal to cut back or do away with the Emergency Employment Act of 1971. This Act has provided employment for over 1100 persons in your home State and furnished badly needed Public Services for Arkansas State, County and City government.

This Bill has also authorized 1 billion dollars for fiscal year ending June 30, 1973. We understand it is to be cut off or funds withheld to abolish this program.

We would request you as chaiman of the Foreign Relations Committee to deny holding any hearings on the President's proposal to "give over $3.8 Billion dollars in Foreign Aid in fiscal 1974 and a like amount for 1975.

We would also request you to vote against [and] use your powerful influence in Vetoing Mr. Nixon's proposed Post War Aid to Indo China in an amount equal to or exceeding the funds" cut off of domestic programs in the United States (7.5 Billion)

We have severe Water, Sewer, Housing, Employment, Health, Poverty and Welfare Problems that these funds might better be spent for.

Most Sincerely,

JONES H. LAMB,
Mayor.

CIP FOR CAMBODIA—SANITARY AND PLUMBING FIXTURES

Under Financing Request Number 30, dated February 11, 1972, PA/PR 442-K-60227-5, is an application by a Cambodian importer for his purchase of ten separate items of bathroom fixtures and fittings of a brand name (American Standard) variety. We recognize that this category of commodities is not ineligible for financing by AID, according to AID General Schedule B. We also recognize that a given quantity of bathroom fixtures doubtless need be replaced periodically wherever they are used.

We wonder, however, if it is prudent policy to authorize grants of U.S. taxpayers' money to be used for the purchase of bidets and other fixtures in manchu yellow, regency blue, venetian pink and surf green. Granting that bidets may be considered a necessity by high-born and foreign-educated Cambodians, and granting too, that white is associated with death in Southeast Asia, surely there must be many other items of higher priority for which U.S. taxpayers can be asked to pay.

Members of my staff have discussed this matter with your Bureau of Suppporting Assistance. They have been advised that the purchase request has since been cancelled by the importer on the basis of essentiality and extra price due to the color requirements. I am, of course, pleased to learn of AID/W actions in this regard.

NOTICE OF HEARING BY SUBCOMMITTEE ON EDUCATION

Mr. PELL. Mr. President, on February 1, 1973, pursuant to law, the Acting Commissioner of Education submitted to the Congress the family contribution schedule for the basic opportunity grant program, the so-called Pell grants. This is the schedule by which every student receiving a postsecondary education will be able to figure out the amount of his grant. Some questions have been raised about the schedule.

The Subcommittee on Education will hold a hearing on February 22, 1973, at 10 a.m., in room 4232, to hear the administration explain the family contribution schedule for the basic grants, as well as any other interested party who may wish to comment on the schedule.

NOTICE OF HEARING ON RELATIONSHIP BETWEEN THE FEDERAL GOVERNMENT AND STATE AND LOCAL GOVERNMENTS

Mr. MUSKIE. Mr. President, the Subcommittee on Intergovernmental Relations will conduct hearings February 21, 23, 27, 28, and March 1 on the impact of the President's proposals for a new federalism on the relationships between the Federal Government and State and local government.

At those hearings, the subcommittee intends to hear testimony from State and local officials, administration officials, and experts in intergovernmental relations.

The hearings will begin at 10 a.m. each morning in room 3302 of the New Senate Office Building. Anyone wishing to testify at those hearings should contact Mrs. Lucinda Dennis, chief clerk of the subcommittee. Her telephone number is 225-4718.

NOTICE OF RESCHEDULING OF HEARINGS ON S. 424—NATIONAL RESOURCE LANDS MANAGEMENT ACT OF 1973

Mr. JACKSON. Mr. President, I wish to announce for the information of the Members of the Senate and other interested persons that the hearing scheduled for February 15 before the Subcommittee on Public Lands on S. 424, the National Resource Lands Management Act of 1973, has been rescheduled for March 1.

The hearing will begin at 10 a.m. in room 3110 of the Dirksen Senate Office Building, and anyone wishing to testify or submit a statement should so advise the staff of the Interior Committee.

NOTICE OF HEARINGS ON EASTERN WILDERNESS AREAS ACT

Mr. JACKSON. Mr. President, I wish to announce to the Members of the Senate and other interested persons that the Subcommittee on Public Lands has scheduled an open hearing on S. 316, a bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the national wilderness preservation system, for February 21.

The hearing will be held in the committee room, 3110 Dirksen Senate Office Building, and will begin at 10 a.m. Persons wishing to testify or submit statements for the record should so advise the staff of the Interior Committee.

NOTICE OF HEARINGS

Mr. McINTYRE. Mr. President, I wish to announce that the Subcommittee on Financial Institutions of the Banking, Housing and Urban Affairs Committee will hold hearings on legislation to extend Regulation Q and also examine the use of Notice of Withdrawal Accounts by financial institutions on March 8, 9, and March 13.

The hearings will commence at 10 a.m., in room 5302 New Senate Office Building.

All persons wishing to testify should contact Mr. T. J. Oden, room 5300, New

Senate Office Building; telephone 225-7391.

ADDITIONAL STATEMENTS

POSTAL SERVICE REFORM

Mr. GURNEY. Mr. President, I was delighted to hear from the distinguished Senator from Wyoming (Mr. McGEE) that the Post Office and Civil Service Committee will conduct a full scale investigation into the workings of the Postal Service beginning on February 27. Judging by the mail I have gotten lately—usually 4 or 5 days late—it is high time we looked into the alarming deterioration taking place in our postal system.

Just a few years ago, before we changed over to a postal corporation, we had reasonably good mail service. Letters mailed from city to suburbs would get there the next day. Mail from one city to another usually got there in 2 days, 3 at the most. And if you sent a letter airmail special you could be pretty sure that it would reach its destination the next day. Those were the good old days.

Today, service like that is but a distant memory. Much more frequent are instances like the one I had happen to me recently. A letter containing important and urgent information, was mailed to my Senate office from 19th Street here in Washington. Even though it was sent first class, 5 days went by before it arrived; 5 days for 20 blocks—that is ridiculous.

But my mail indicates that perhaps I ought to be counting my blessings. For instance, a VFW member in Lake Worth, Fla., wrote me as follows:

> Enclosed are four different Xerox copies of letters sent me on various dates, each of which show cancellation dates and date of arrival. Imagine the local one taking 14 days from a neighbor living 75 feet away with two cancellations, also the Wisconsin letter taking 18 days in transit. Then the letter from Newark, N.J. 11 days and last but not least the one from St. Petersburg, Florida taking 13 days enroute. I still have a letter to receive from Garwood, N.J. with a check enclosed sent about December 16th from my son.

Then there is the constituent in Green Cove Springs, who wrote:

> My dentist, whose office is located just four blocks from my home, mailed his statement to me January 3rd. I received the bill January 7th; it had been sent to Daytona Beach.

A few isolated examples? Hardly. Just yesterday I received—and I suspect many Senators received—a letter from a firm in Terra Ceia, Fla., 40 miles south of Tampa. Attached to it was a list of letters—all properly stamped, addressed, and zip coded—that arrived late during the month of January. The list, which follows, shows just how far things have deteriorated:

Point of origin	Date of postmark	Date received
Chamblee, Ga	None	Jan. 3, 1973
Ft. Myers, Fla	Dec. 23, 1972 Dec. 26, 1972	Jan. 4, 1973
Capron, Ill	Jan. 2, 1973	Jan. 10, 1973
Horseshoe, N.C	do	Jan. 6, 1973
Palmyra, Pa	Jan. 3, 1973	Jan. 10, 1973
Mableton, Ga	Jan. 4, 1973	Jan. 9, 1973
Metheun, Mass	do	Jan. 10, 1973
Ft. Lauderdale, Fla	Jan. 3, 1973	Jan. 6, 1973
Franklin, N.C	do	Jan. 8, 1973
Hendersonville, N.C	do	Do.
Ft. Myers, Fla	Jan. 4, 1973	Do.
Hendersonville, N.C	do	Jan. 9, 1973
Hendersonville, N.C	Jan. 5, 1973	Do.
Lakeland, Fla. (Senator Chiles)	do	Jan. 8, 1973
Hendersonville, N.C	Jan. 4, 1973	Jan. 10, 1973
Wash, D.C. (Representative Haley)	Jan. 5, 1973	Do.
Hendersonville, N.C	Jan. 6, 1973	Do.
Atlanta, Ga	do	Do.
Ft. Myers, Fla	do	Do.
Bradenton, Fla	Jan. 8, 1973	Do.
Monroe, La	Jan. 3, 1973	Jan. 11, 1973
Hazard, Ky	Jan. 6, 1973	Do.
Ft. Myers, Fla	Jan. 9, 1973	Jan. 12, 1973
Ft. Myers, Fla	do	Do.
Dallas, Tex	Jan. 5, 1973	Do.
Ft. Myers, Fla	Jan. 9, 1973	Do.
Ft. Myers, Fla	do	Do.
Greenwood, S.C	Jan. 11, 1973	Jan. 15, 1973
Mableton, Ga	do	Do.
Orangeburg, S.C	Jan. 13, 1973	Jan. 16, 1973
Hazard, Ky	Jan. 12, 1973	Do.
Ft. Myers, Fla	Jan. 11, 1973	Do.
Franklin, N.C	Jan. 9, 1973	Do.
Greenwood, S.C	Jan. 12, 1973	Do.
Atlanta, Ga	Jan. 12, 1972	Jan. 17, 1973
Richmond, Va	Jan. 13, 1973	Do.
Petersburg, Va	Jan. 13, 1973 Jan. 14, 1973	Do.
San Antonio, Tex	Jan. 13, 1973	Do.
Mableton, Ga	Jan. 16, 1973	Jan. 20, 1973
Lenoir City, Tenn	Jan. 17, 1973	Do.
Wash., D.C. (Representative Haley)	Jan. 16, 1973	Do.
Athens, Ga	Jan. 15, 1973	Do.
Tampa, Fla.[2]	Jan. 13, 1973 Jan. 16, 1973	Do.
Wash., D.C	Jan. 16, 1973	Jan. 22, 1973
Bradenton, Fla	Jan. 22, 1973	Jan. 26, 1973
Mableton, Ga	Jan. 23, 1973	Do.
Mableton, Ga.[3]	Jan. 24, 1973	Do.
Ft. Myers, Fla	Jan. 22, 1973	Jan. 26, 1973
Atlanta, Ga	Jan. 24, 1973	Jan. 30, 1973
Ft. Myers, Fla	Jan. 26, 1973	Do.
Tampa, Fla	Jan. 27, 1973	Do.
Sun City, Fla	do	Do.
Ft. Myers, Fla	Jan. 29, 1973	[4] Feb. 1, 1973
Ft. Myers, Fla	do	Do.[4]

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[1] 1st incorrect postmark Dec. 20, 1972.

[2] Same letter. (This letter I mailed to myself from Bradenton, Fla., on Jan. 13, was sent to Tampa for cancellation, etc.) Bradenton is 10 miles south of Terra Ceia. Terra Ceia is 40 miles south of Tampa.

[3] See it can be done.

[4] Should have arrived in January.

Something quite obviously has to be done to restore reasonable mail service. When—as was the case several months ago—mail can be delivered from Philadelphia to Washington more quickly by horseback than by the U.S. Postal Service, one has to wonder if we would not be better off with pony express.

Let us go back a little bit. During the hearings on postal modernization in 1969 and 1970, the point was repeatedly made that improved postal management was necessary to bring about better postal service. In arguing the point, then-Postmaster General Winton Blount stated that—

> A primary objective of the new postal service will be to see that today's levels of service not only are continued, but where possible are improved to meet the Nation's growing postal needs.

In addition to that, the Postmaster General expressed the view that the changes made in the Postal Service would enable it to pay for itself in 5 years.

Well, two of the 5 years have gone by, and it seems to me that we ought to be seeing some evidence of this hoped-for improvement by now. I realize that we cannot expect miracles overnight and that improvements do take time, but since when does the prognosis for a patient improve when his symptoms worsen.

That brings me to another point—the failure of the Postal Service to recognize the extent of the problem. For instance, Postmaster General E. Theodore Klassen cites figures saying that 94 percent of all local mail deposited by 5 p.m. is delivered the next day. Well, if that be so, then the 6 percent of the mail that is slow must all be in Florida. The postmaster goes on to say that in smaller communities, the service is usually even better. If that is true, then the small towns of Florida must constitute the exceptions. As for Postmaster Klassen's claim that the average time for delivery of first-class mail irrespective of distance, has dropped from 1.7 to 1.6 days, all I can say is that deliveries to Florida have certainly hurt the average.

Therefore, I must conclude that either things are great everywhere else or something is wrong with the figures. Since I have not seen accolades being heaped on the Postal Service by Senators from other States, it must be the figures. I certainly hope the upcoming investigation will shed some light on the apparent disparity between statistics and reality.

I would also hope that the Post Office and Civil Service Committee will examine carefully various ways to improve the situation. The old line, "just bear with us and pretty soon things will work out," is not enough any more. The American people have a right to some specific answers like: "What's wrong? Can the problem be corrected within the present framework and, if not, what kinds of changes might bring about the desired improvements?"

We may find out, for instance, that it is false economy to cut back on personnel, as the postal service has done recently—by 33,000 in a recent 4-month period. All the fancy sorting machinery in the world does not mean much if there are not enough mailmen to get the efficiently sorted letter into the addressee's mailbox. We have yet to develop a machine to replace the mailman.

As a matter of fact, I am starting to get mail from mailmen who are getting embarrassed about the quality of service they are giving. On January 22, Mr. Tony Montanez, president of the Miami branch of the National Association of Letter Carriers, wrote me:

> On or about Thursday, January 11, 27 trays and 2 sacks of 2nd and third class mail arrived at the Shenandoah Post Office. Above mail was not delivered until Tuesday, January 16, 1973. Saturday, January 7, 1973, abnormal amount of re-directs were left unprocessed until the 12th and 13th of January. On Thursday, January 10, 1973, sales advertisement from Winn-Dixie arrived at the Shenandoah unit. The sale was to expire on Saturday, January 20th. We received reports that above mail matter was not delivered until Monday, January 22, two days after the expiration of the sale.

Naturally, letter carriers are worried about their jobs, and I do not blame them, but they are also concerned about morale. Everyone likes to do a good job, but that is tough when there are fewer men to deliver more mail. And even though postmen are putting in more hours, they take the brunt of the complaints for a situation that is not their own making. After a while that can get mighty frustrating and frustration is not conductive to improving efficiency.

What makes this even more galling to me is that, while we have been cutting back on mail carriers and other lower-echelon employees, a dramatic increase has taken place in the number of high-salaried bureaucrats on the payroll. As the distinguished Senator from West Virginia (Mr. Randolph) has pointed out, before the advent of the Postal Service we had 84 high-level officials. Now we have 1,856, which is an unbelievable increase of 2,207 percent. These people work in offices as nice as mine—or nicer—with far more room for staff people than we in Congress have. If this is streamlined management, then the laws of good business have changed overnight.

Which brings me to an interesting point. The idea behind changing over to a postal corporation was that a corporation, required to at least break even, would have an incentive to be more efficient and provide better service. But, so far, it has not worked out that way, and we ought to ask ourselves, Why? Several thoughts come to mind. First, I think we would all agree that, if the choice is between breaking even and having good service, we would choose good service. But that does not necessarily mean the corporation concept cannot provide good service. The fact is that, be it corporation or Federal agency, the Postal Service is still basically a monopoly. As such, it lacks the competitive influences that could make it more efficient. Perhaps we ought to examine the possibility of introducing more competition—such as by contracting for certain postal delivery services after competitive bids—into the present postal system. At present, private firms like REA, United Parcel, and others deliver millions of packages each year; perhaps some of the time-consuming package delivery services—and possibly even bulk rate mail—could be better done by these firms.

Conversely, it may be determined that the goal of quick and efficient mail delivery can be better achieved by returning the Postal Service to its old status as a Federal department. This is certainly a possibility, and I know that bills have been, or will be, introduced to that effect, but I would hope that, whatever we decide to do, it will be something that can be done quickly. America is too dependent on the mails getting through on time for us not to move with the greatest possible speed.

In essence, then, the basic issue in question is, What price do we have to pay to get the service Americans expect? Once that is determined, then we will have to decide—in case more money is needed now—whether we should stick to the principle that postal service should be paid for by those that use it, and raise rates, or we should subsidize it out of general tax revenue on the premise that it is an essential national service that promotes the general welfare.

I think that the choices and alternatives I have suggested here will become more clear as hearings proceed. For now, let me say how pleased I am to see that we are finally coming to grips with the problem. I am sure I can speak for all Senators when I say that this is one committee report that will be reviewed with the greatest of interest and concern.

REMARKS OF SENATOR HATFIELD AT NATIONAL PRAYER BREAKFAST

Mr. McGOVERN. Mr. President, many people attending the recent National Prayer Breakfast in the Capital were deeply moved by the brief but eloquent words of our colleague, Mark Hatfield.

Senator Hatfield is not only a distinguished and highly effective U.S. Senator; he is also a man of remarkable spiritual and moral courage.

I ask unanimous consent that his remarks of February 1 at the National Prayer Breakfast be printed at this point in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

> My Brothers and Sisters: As we gather at this prayer breakfast let us beware of the real danger of misplaced allegiance, if not outright idolatry, to the extent we fail to distinguish between the god of an American civil religion and the God who reveals Himself in the Holy Scriptures and in Jesus Christ.
>
> If we as leaders appeal to the god of civil religion, our faith is in a small and exclusive deity, a loyal spiritual Advisor to power and prestige, a Defender of only the American nation, the object of a national folk religion devoid of moral content. But if we pray to the Biblical God of justice and righteousness, we fall under God's judgment for calling upon His name, but failing to obey His commands.
>
> Our Lord Jesus Christ confronts false petitioners who disobey the Word of God:
>
> "Why do you call me 'Lord, Lord' and do not the things I say?" (Luke 6:46)
>
> God tells us that acceptable worship and obedience are expressed by specific acts of love and justice:
>
> "Is not this what I require of you . . . to loose the fetters of injustice . . . to snap every yoke and set free those who have been crushed?
>
> "Is it not sharing your food with the hungry, taking the homeless poor into your house, clothing the naked when you meet them, and never evading a duty to your kinsfolk?" (Isaiah 58: 6–7)
>
> We sit here today, as the wealthy and the powerful. But let us not forget that those who follow Christ will more often find themselves not with comfortable majorities, but with miserable minorities.
>
> Today, our prayers must begin with repentance. Individually, we must seek forgiveness for the exile of love from our hearts. And corporately, as a people, we must turn in repentance from the sin that has scarred our national soul.
>
> "If my people . . . shall humble themselves, and pray, and seek my face, and turn from their wicked ways, . . . then I will forgive their sins, and will heal their land." (II Chronicles 7:14)
>
> We need a "confessing church"—a body of people who confess Jesus as Lord and are prepared to live by their confession. Lives lived under the Lordship of Jesus Christ at this point in our history may well put us at odds with values of our society, abuses of political power, and cultural conformity of our church. We need those who seek to honor the claims of their discipleship—those who live in active obedience to the call . . . "do not be conformed to this world, but be transformed by the renewing of your minds." (Romans 12:2) We must continually be transformed by Jesus Christ and take His commands seriously. Let us be Christ's messengers of reconciliation and peace, giving our lives over to the power of His love. Then we can soothe the wounds of war, and renew the face of the earth and all mankind.

DR. WHITEHEAD AND THE FIRST AMENDMENT

Mr. ERVIN. Mr. President, last December Dr. Clay Whitehead, Director of the White House Office of Telecommunications Policy, made a speech to the Indianapolis Chapter of Sigma Delta Chi, the national journalism fraternity. In that speech, he announced that the administration was planning to introduce a bill which would establish new criteria for the renewal of broadcasting licenses by the FCC.

These new criteria were described as being, first, whether the broadcaster seeking license renewal had demonstrated that he was substantially attuned to the needs and interests of the communities he serves; and second, had shown he had afforded reasonable, realistic and practical opportunities for the presentation and discussion of conflicting views on controversial issues.

Later, he made clear that what the administration really sought was control of network news:

> Station managers and network officials who fail to act to correct imbalance or consistent bias from the networks—or who acquiesce by silence—can only be considered willing participants, to be held fully accountable by the broadcaster's community at license renewal time.

By reasoning as contorted as the coastline of North Carolina, Mr. Whitehead defended these proposals in terms of preserving the guarantees of the first amendment. He explained that by requiring local broadcasters to correct "bias" or "imbalance" from the networks, the Government would be insuring a fuller expression of views and protect the people's right to know. Mr. Whitehead said:

> Local responsibility, is the keystone of our private enterprise broadcast system operating under the First Amendment protections . . . When affiliates consistently pass the buck to the networks, they're frustrating the fundamental purposes of the First Amendment's free press provision.

Of course, what Mr. Whitehead does not add is that under his plan it would be the Government, in the form of FCC, who would ultimately decide which stations had met their responsibilities, as he described them, and which ones had not. The FCC would determine what constitutes "bias" and what does not. It would be Government's view of "imbalance" which would control. And it would be to Government, not to the public, that our free press would be accountable.

This is the basic flaw of Mr. Whitehead's proposal. It is a thinly veiled attempt to create governmental censorship over broadcast journalism. We have seen in recent years what the administration and Mr. Whitehead see as "bias" and "imbalance." Quite simply it is the failure of the press to see the administration, its policies, and its statements in the best possible light. The only responsible press is one which agrees with the administration, and which accepts its views uncritically and unquestioningly.

We saw much evidence of the administration's approach to the press in the Constitutional Rights Subcommittee hearings on Freedom of the Press in late 1971 and early 1972. While many witnesses testified to the subtle and not-so-subtle efforts of the administration to get the press to see only the wisdom of the Government views, we never did get the administration to send up anyone but Mr. Whitehead to defend these policies.

One of Mr. Whitehead's approaches to the press was well presented by him in those hearings. Public broadcasting, said he, must reflect local views and controls. We must return control of public broadcasting to the local stations.

It may have been only the sceptical who believed that Mr. Whitehead wanted more local control because the public affairs programs of public TV were too critical of the administration. In any case, we no longer hear from Mr. Whitehead about local control of public TV. The reason may be that now that the administration appointees to the governing board of the Corporation for Public Broadcasting are in control, we need less local decisionmaking. The centralized administration-controlled board has succeeded in cutting out many of the most effective public affairs programs. One may fault Mr. Whitehead and the White House on a lack of consistency on the issue of central versus local control, but they are most persistent in their efforts to insure that the only information we the public get is the information they give out; and the only views we hear are the views they like. New rules on classification, increased Government secrecy, Executive privilege, and local control of broadcasting fit this pattern perfectly. And Mr. Whitehead's proposal for local control of private broadcasting is quite candidly aimed at defusing network criticism of the administration.

The Washington Post on December 22, 1972, published a thoughtful and unusually well-written editorial on this whole matter, entitled "Dr. Whitehead and the First Amendment." I ask unanimous consent, that the text of the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DR. WHITEHEAD AND THE FIRST AMENDMENT

The election has come and gone, the cabinet and part of the administration have been reshuffled, but, alas, some things haven't changed. They have only intensified. One of those things is the administration's hostility to free and vigorous journalism particularly as practiced by the television networks. That hostility, evident throughout much of the President's first term, is now to be made operational through legislation currently being prepared for submission early in the next session of Congress. This doleful information was served up in a recent speech by Dr. Clay Whitehead, director of the White House Office of Telecommunications Policy in Indianapolis the other day.

Dr. Whitehead's speech, which underlines the administration's antipathy toward the free and sometimes adversary interplay between government and the press, deserves a bit of careful analysis because his main message is as deceptively packaged as it is dangerous. The clues to the real meaning of the speech were contained in Dr. Whitehead's sharp exposition of the administration's distaste for the content of network news shows. That distaste—foreshadowed with remarkable accuracy by presidential speech writer Patrick Buchanan last May in an interview with Elizabeth Drew—found its most colorful expression in Dr. Whitehead's suggestion that network news shows contain something called "ideological plugola." He went on to describe "so-called professionals" in the TV news business "who confuse sensationalism with sense and who dispense elitist gossip in the guise of news analysis." Now comes the fancy and deceptive packaging. Dr. Whitehead tells us that our First Amendment freedoms are being eroded by all of this and, therefore, the administration has designed some legislation to protect us.

The administration's remedy is to require local network affiliates to undertake more responsibility for what goes on the air. They will be required at license-renewal time to demonstrate that they were "substantially attuned to the needs and interests of the community" they serve . . . "irrespective of where the programs were obtained" and to show that a reasonable opportunity for the "presentation of conflicting views on controversial issues" has been afforded. All of that might seem unexceptional were it not linked both to Dr. Whitehead's extreme dissatisfaction with the news the networks have been providing and to the warning that "station managers and network officials who fail to act to correct imbalance or consistent bias in the network—or who acquiesce by silence—can only be considered willing participants, to be held fully accountable at license renewal time."

The legislative package will come complete with incentives for docile local affiliates. Along with their new responsibility, they would get a couple of breaks they have long wanted: First, the license period will be extended from three to five years; and second, challenges either by community groups or by a hopeful alternative applicant for the license are to be made more difficult. It is a neat horse trade. The local station owners would be given warm and gentle treatment in exchange for the requirement that they scrutinize the network's news offerings for "bias." At the same time, Dr. Whitehead's colorful language gives them a pretty good clue as to what kind of "bias" the government will expect them to have eliminated by license renewal time.

All of this reverberates with the echoes of Mr. Buchanan's conversation with Mrs. Drew on public television last spring. He suggested then that the network news operations had developed "an ideological monopoly" over the information the public is receiving, that the views of "middle America" were underrepresented and that perhaps some kind of antitrust approach to network news might have to be developed. The new legislative package, as described by Dr. Whitehead, parallels Mr. Buchanan's views except that it cleverly substitutes indirect encouragement by the government of pressure by local affiliates has been packaged with three powerful inducements: first, the desire to have their licenses renewed by the government, second, the lessening of FCC control over other aspects of their operations and, third, the local affiliates' own general preference for entertainment rather than public affairs and news material from the networks.

The end result, however, is the same and that is governmental pressure to blunt the critical inquisitiveness of the network news organizations—with the threat of governmental reprisals at the end of the line. Under the pretext of eliminating bias and in the guise of protecting our First Amendment rights, the administration is proposing to set the local affiliates, or failing that, itself up as the ultimate arbiter of the truth to which the public is to be exposed. It is a move that strikes at the very heart of the First Amendment's notion that a people, in order to retain their freedom, must know as much as possible about what their government is doing for or to them and that any interference in this process by the government, however finely motivated towards the elimination of "bias," opens the way for an intolerable suppression of free speech and expression.

That tension is an essential part of our system with which Presidents from the beginning of the republic have been uncomfortable from time to time, but which they have tolerated because of their regard for the freedom of the people they were elected to govern. They understood that a free press meant a press that was free to inquire, free to develop its own professional standards and free to discipline itself. It is clear that the press does not always live up to the standard which editorial writers sometimes are tempted to ascribe to it. But it is also clear that one man's bias is another man's ultimate truth and that the founding fathers never trusted the government—any American government—to be the arbiter between the two as far as speech is concerned. The essence of press freedom is that professional discipline and consumer pressures constitute the safest corrective devices. The antithesis of press freedom is for those correctives to be supplied by the government.

Those fundamental principles and distinctions seem to have eluded this administration. In its efforts to eliminate the healthy tension between the press and the government—by which truth is more surely pursued than by another device we have—the administration is endangering not simply the independence of network news organizations, but the fundamental liberties of the citizens of this country as well.

PUBLICATION OF RULES OF PROCEDURE OF SELECT COMMITTEE ON STANDARDS AND CONDUCT

Mr. BENNETT. Mr. President, as required by the Legislative Reorganization Act of 1970, I submit herewith for publication in the RECORD the Rules of Procedure adopted by the Select Committee on Standards and Conduct.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

Resolved, That the Select Committee on Standards and Conduct, United States Senate, adopt the following rules governing the procedure for the Committee:

1. *Meeting time.*—The meetings of the Committee shall be on the first Monday of each month at 10:30 a.m. or upon call of the Chairman.

2. *Organization.*—Upon the convening of each Congress, the Committee shall organize itself by electing a chairman and a vice chairman, adopting rules of procedure, and confirming staff members.

3. *Quorum.*—A majority of the Members of the Committee shall constitute a quorum for the transaction of business, except that two Members shall constitute a quorum for the purpose of taking sworn testimony.

4. *Proxies.*—Any Member may vote by special proxy on any issue which comes before the Committee for decision except as otherwise designated in these rules.

5. *Record of Committee action.*—The Chief Counsel of the Committee shall keep or cause to be kept a complete record of all Committee action. Such record shall include a record of

the votes on any question on which a record vote is demanded.

6. *Public hearings.*—All hearings conducted by this Committee shall be open to the public, except executive sessions for voting or where the Chairman orders an executive session. The Committee, by a majority vote, may order a public session at any time. In making such determination, the Committee will take into account evidence which may tend to defame or otherwise adversely affect the reputation of any person.

7. *Secrecy of executive testimony.*—All testimony taken in executive session shall be kept secret and will not be released for public information without the approval of a majority of the Committee.

8. *Stenographic record of testimony.*—An accurate stenographic record shall be kept of the testimony of all witnesses in executive or public hearings. The record of his own testimony, whether in public or executive session, shall be made available for inspection by a witness or his counsel under Committee supervision; a copy of any testimony given in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session, shall be made available to any witness at his expense if he so requests.

9. *Release of reports to public.*—No Committee report or document shall be released to the public in whole or in part without the approval of a majority of the Committee. In case the Committee is unable to reach a unanimous decision, separate views or reports may be presented and printed by any Member or Members of the Committee.

10. *Subpenas.*—Subpenas may be issued by the Committee Chairman or any other Member designated by him, and may be served by any person designated by the Chairman or Member. The Chairman or any Member may administer oaths to witnesses.

11. *Swearing of witnesses.*—All witnesses at public or executive hearings who testify to matters of fact shall be sworn unless the Chairman, for good cause, decides that a witness does not have to be sworn.

12. *Counsel for witnesses.*—Any witness summoned to a public or executive hearing may be accompanied by counsel of his own choosing who shall be permitted while the witness is testifying to advise him of his legal rights.

13. *Right to submit interrogatories.*—Any person who is the subject of an investigation in public hearings may submit to the Chairman of the Committee questions in writing for the cross-examination of other witnesses called by the Committee. With the consent of a majority of the Members of the Committee present and voting, these questions shall be put to the witnesses by the Chairman, by a Member of the Committee, or by counsel of the Committee.

14. *Written witness statements.*—Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the counsel or Chairman of the Committee 24 hours in advance of the hearings at which the statement is to be presented. The Committee shall determine whether such statement may be read or placed in the record of the hearing.

15. *Prohibition of cameras.*—Television, motion picture and other cameras and lights will not be permitted to operate during a hearing.

16. *Interrogation of witnesses.*—Interrogation of witnesses at Committee hearings shall be conducted on behalf of the Committee by Members and authorized Committee staff members only.

17. *Right to testify.*—Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comment made by a Committee Member or counsel, tends to defame him or otherwise adversely affect his reputation, may (a) request to appear personally before the Committee to testify in his own behalf, or, in the alternative, (b) file a sworn statement of facts relevant to the testimony or other evidence or comment complained of. Such request and such statement shall be submitted to the Committee for its consideration and action.

18. *Confirmation of staff.*—All staff members shall be confirmed by a majority of the Committee.

19. *Changing rules.*—These rules may be modified, amended, or repealed by a decision of the Committee, provided that a notice in writing of the proposed change has been given to each Member.

JOHN L. LEWIS

Mr. HUGHES. Mr. President, February 12 is the birthday, as we all know, of our beloved President, Abraham Lincoln, born in Kentucky and adopted by the State of Illinois, where he rests. Nearby is the final resting place of another great American, John L. Lewis, who was born in Lucas, Iowa, on February 12, 1880, and who came to adopt Illinois as his home.

I think it appropriate at this time to honor the memory of Mr. Lewis from my State. Mr. Lincoln is remembered for having freed the black men and women from slavery. Mr. Lewis is remembered by his people for having freed the coal miners of America from intolerable living and working conditions.

Now the great institution over which Mr. Lewis presided for 40 years, the United Mine Workers of America, has, through a recent rank-and-file election, voted in new officers, led by a West Virginia coal miner, Arnold Miller as president. Let me take this occasion, on the 93d anniversary of the birth of John L. Lewis, to offer this brief tribute to the memory of a great Iowan, a great American, and a great labor leader and to extend my best wishes to the United Mine Workers of America, a dynamic, living memorial to Mr. Lewis' memory.

DELAWARE STATE POLICE

Mr. BIDEN. Mr. President, State police forces are an indispensable part of law-enforcement operations. The State Police of Delaware are no exception. Indeed, in my judgment, they deserve the respect they receive from Delawareans. This is due, in no small measure, to the leadership exercise by Col. George J. Bundek, the superintendent of Delaware State Police. Recently, a newspaper interview recited the views of Colonel Bundek in the area of law enforcement, particularly as they apply to his force, of which his son is a member.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wilmington News-Journal, Feb. 2, 1973]

DYNAMIC A POTENT WORD TO BUNDEK, ACTING SECRETARY OF PUBLIC SAFETY

(By Ray Goldbacher)

First, let's get the name right. It's Bundek, George J. Now add colonel, superintendent of the Delaware State Police and appointee as acting Secretary of Public Safety for the second time.

"You should see some of the spellings I get," Bundek says. He offers a letter from the Johns Hopkins University Hospital, where he's scheduled to take his annual physical. They spell it "Bundik." "And I've been going there for years," he adds.

Bundek, almost 48, doesn't look like he needs a physical. In civilian clothes, with his salt and pepper crewcut and a snub-nosed .38-caliber pistol at his waist, his appearance is faintly reminiscent of George C. Scott in an old TV cop series.

He was born in Chicago in 1925, when Washington's birthday was still celebrated on Feb. 22. That's it—George, as in George Washington. "If I had been born 10 days earlier, I would have been named Abraham (after Lincoln)," Bundek quips.

He settled in Dover after World War II, leaving the Air Force. In 1950, he was employed as a civilian communications engineer by the state police and three years later joined the force in uniform. He took over as state police superintendent in November 1970.

While Bundek is serving as acting secretary of the Department of Public Safety, Lt. Col. Thomas F. Buckmaster is acting as superintendent of state police.

"We're really sharing the responsibilities," Bundek said. "The division (state police) is so dynamic, you have to be here on a day-to-day basis to find out what's going on."

During the course of his interview comments, the word "dynamic" cropped up again and again, mainly as he described the changing nature of police work.

Asked about his experience with the police, Bundek answered, "It's been a real dynamic period." He has seen the advent of the K–9 units, the computer, and police aviation, and expansion of the national drug problem, and vast improvements in communications.

In 1970, Bundek was cited by President Nixon for his "outstanding leadership" in developing a national police communications system, which began operating in 1966, while Bundek was heading both the state communications system and the state police communications system.

Asked what he would most like to see accomplished during his tenure in his new post, Bundek took his time answering.

"What I'd like to see is our full complement of men on board (including the latest training class, there will be 402 men in the state police; 450 are authorized) with the necessary resources behind them so they could really have the opportunity to prove that we can cope with modern problems.

"I think we can break the back of this rising crime rate by having the manpower and wherewithal to do it."

Possibly because of his communications background, Bundek is a believer in technology. He welcomes change, seeing it not as a threat to an older and familiar way of doing things, but as a "tool."

"I'd like to think we've been dynamic in our approach—tried new methods with a great deal of success and recognized the need for specialization. You've got to be as sophisticated as you can. The world is getting more complex all the time."

Bundek talks about the "state of the art" in police resources, basically taking advantage of advances in technology: computer forecasting of high crime areas, identifying the types of crimes and the times during which they are most likely to occur; mobile teleprinters and car-to-computer hookups. He doesn't even discount Dick Tracy's two-way wrist radio.

"You're only limited by the amount of resources, meaning money" Bundek said.

His vision is of cooperation between police and other governmental agencies, including social welfare agencies, to do computer profiles of an area to "determine the root causes of crime."

"If you really want to get on top of the problem, you must prevent crime. We have the resources to investigate all types of crimes, but that's after the fact."

Bundek is also attempting to cope with the relatively new concerns of what is called human relations—minority and female employment among them—along with the changing image of the state police. He admitted he's not too fond of the term "state police" because of the totalitarian and repressive images it can evoke.

As to women, Bundek backtracks a bit on specialization. Although there are many specialists on the force, he stresses they are all capable of doing general police work when required.

"The law is clear," he says, "and when we can afford the luxury of just having specialists, there are a lot of places in the state police organization for women. We're studying what other states are doing, and we're gearing ourselves up for that."

On minority employment: the state police have done "a little active minority recruitment to form a base—get things started. We hope these men will bring others in. That's the way we've always done it," Bundek said. Of the 402-man force now, there are five members of minority groups, with two more in training.

"We're also trying to change the image from law enforcement to police services, since the biggest amount of time is spent serving the public rather than in enforcing the law. That's something people don't generally realize."

Since he is behind a desk now, not on the road now, Bundek's relaxation takes a physical form. "I spend most of my time fooling around the house, planting trees, landscaping—working with my hands and back. It's good therapy."

He also reads. Primarily historical works. The book "Bury My Heart at Wounded Knee", a sympathetic look at the history of the American Indian, "tore me up," Bundek said.

"I've spent the bulk of my career holding down two jobs. I can't seem to get away from it," Bundek sighed. The communications job with the state was supposed to be "temporary." It lasted for 10 years.

As state police superintendent, Bundek is a "short-timer." He is due to retire in October, but will almost certainly leave before then, taking "terminal leave," using vacation time he has accrued.

One thing he'd like to do is to take a tour of the states with his wife.

"When I leave, I'm going to leave a big piece of me behind," he said thoughtfully. And he mentioned that his son, Marshall, is now a trooper.

EARTH WEEK

Mr. GURNEY. Mr. President, from April 9 through 15, thousands of schools and communities across the Nation will observe Earth Week for the fourth consecutive year. Encouraged by local groups and statewide organizations, people will reaffirm their interest and involvement in environmental issues and attempt to learn more about the problems of coping with existing and emerging needs.

This year, for the first time in this country's history, preelection political debate focused upon environmental management and related topics. Candidates and public leaders addressed themselves to various aspects of environmental problems, took positions, and advocated courses of action. And, as if to reinforce all this attention, global environmental problems were considered and debated in detail at the past United Nations Conference on the Human Environment held in Stockholm in June, 1972. So, an extra dimension is added to the year's observance of Earth Week.

Observance of Earth Week the last 2 years were focused primarily on the environment as a national issue in order to enlist the support and involvement of as many citizens as possible. This year's observance, however, will emphasize grass roots efforts as a method of dealing with environmental problems and it is hoped that citizens will focus their attention on local issues involving such things as: Air and water quality, land and resource use, transportation, the use and abuse of technology, urban sprawl and population growth.

While the problems may vary from State to State, no area of the country today has not suffered from some major damage to its environment whether it be deterioration of its air and water resources, depletion of its land and other natural wealth, overloading of its facilities, or overcrowding of its cities and highways.

My own State of Florida is certainly no exception. We have our share of ecological and environmental problems—the Everglades, Big Cypress, vanishing natural wilderness, and far too many cases of water and air pollution. Much has been done to correct many of the problems but there is still a long way to go, which is one reason why Earth Week can be so important.

This year's grass roots emphasis for Earth Week provides an opportunity for citizens to examine collectively the implications of environmental damage in their local areas and to come up with proposed solutions to their local problems. In recent years, we have seen numerous headlines and heard a lot of rhetoric about the environment, but there has been too little in the way of results. We are spending a lot of money in an effort to solve some environmental problems and we have passed numerous laws in an attempt to cope with pollution and the abuse of our natural resources, but we have made very little progress in learning how to manage the environment so that it will be liveable and so that its value will be preserved.

Earth Week also gives us an opportunity to stand back and consider not only what should be done, but also what should not be done. At the local level, we must examine why people's efforts have not been more successful, despite wide public support and the expenditure of considerable funds. We must ask ourselves why air and water pollution have increased rather than decreased and why urban blight has continued to spread. Hopefully, we will find some answers.

Likewise, Earth Week gives us an opportunity to examine existing priorities and to establish new ones. It has become obvious that no community can tackle all its environmental problems at once and do so successfully. Moreover, no community can continue to insist on more electric power, more goods and services, more automobiles, and more industry to create more jobs, without paying the price of environmental damage. How much damage a community is willing to trade for additional industrialization and more potential consumers has to be evaluated keeping in mind, that, in a sense, we buy technology and pollution at the same store. Therefore, a major challenge during Earth Week will be for communities to start weighing risks against advantages and to begin developing priorities. It will not be easy to make choices for environmental problems are often the result of economic successes and even when a commitment is made to cleaning up the environment at the expense of other things, there is always the question of how it should be done. Should the effort be made for prevention, or for cleanup?

The challenge to students this year, therefore, is not to go out and pick up the trash in the schoolyard for 1 day. Rather, they, and their teachers, will accomplish more if they spend their time assessing the problems and assigning some priorities in their efforts to improve the environment. We cannot turn back the clock and scrap all the technology invented to return the earth to its pristine state. After all, pollution control depends on technological know-how. We cannot shut all industrial and power plants, discard construction machinery, return to the horse and buggy or become children of nature. On the other hand, we do not have the means, in each and every community, to tackle all environmental problems at once. So, priorities must be established, and it is my hope that many communities and schools will face up to the challenge of setting these priorities, first by deciding what they need most and what they must do first, and then by committing themselves to pursuing their chosen goals until they are reached.

We have found during previous earth weeks that most citizens are willing and eager to learn about the environment and that they often become involved in its preservation and improvement. Our challenge is to find and use first-rate expert and professional manpower in each community, people capable of making the necessary evaluations and then of carrying out the projects decided upon. This challenge, it seems to me is particularly relevant to youth. We do not have nearly enough trained manpower to design and build environmental control equipment, run sewage treatment plants, analyze air monitoring data, or design recycling systems. We do not have nearly enough teachers in our public schools trained to teach environmental subjects. We do not have nearly enough lawyers capable of handling environmental damage suits, or doctors with special training in environmental health. Our municipalities lack technicians to operate new pollution-controlled incinerators, and our States lack trained personnel to administer pollution control regulations and inspectors capable of detecting violations. All these things need doing and our young people are the ones who can learn to do them.

Therein lies one of the challenges of this grassroots-oriented Earth Week: will citizens be willing to pursue a reasonable environmental policy through its day-to-day difficulties to a successful conclusion, or will they allow themselves to be diverted to some new, more glamorous, issue before the environmental objectives have been achieved? Environmental problems are here to stay. They constitute probably the toughest technological challenge we have ever faced and dealing with them is a new and difficult job. The task requires purposeful, systematic work and the very best use of advanced technology and know-how.

This country excels in the effective use of science, technology and management know-how as tools of progress. It also excels in the systematic pursuit of an agreed course of action until the desired results are achieved. The environmental crisis is a challenge to be met in the same way. I hope that this year's Earth Week will provide the impetus in many communities toward attacking it with similar dedication and perseverance. We know much of what is wrong; let us now determine what we must do to put it right.

CHANGES IN 1973 FEED GRAINS PROGRAM ARE UNFAIR TO PRODUCERS

Mr. HUMPHREY. Mr. President, the recently announced changes in the 1973 feed grains program place all the economic risks under that program on the back of the farmer with the Government sharing or assuming none.

On January 25, I wrote to Secretary Butz expressing my concern about the prospects of our not having enough soybean production this year and of having too much feed grain production. I suggested that consideration be given to raising price supports significantly on soybeans and modestly on feed grains and/or reducing the required 15 percent set-aside under the previously announced—alternate II—feed grain program without any reduction in payments.

Unfortunately for our Nation's soybean and feed grain producers, the changes that Secretary Butz announced on January 31 constitute, in my judgment, a flagrant breach in equity of treatment among producers under the Agricultural Act of 1970.

Unlike his treatment of the cotton and wheat producers, where there was no reduction in 1973 payments when the set-aside acreage was reduced to zero, Secretary Butz cut feed grain producers' payments by over one-third—from 24 to 15 cents a bushel on 50 percent of their base production—when he announced elimination of the 15 percent set-aside under alternative II of the 1973 feed grain program.

Secretary Butz' January 31 announced changes in the 1973 feed grains program constitute by far the shabbiest treatment feed grain producers have received from a Secretary of Agriculture since Ezra Taft Benson occupied that office.

These latest changes will not only result in reduced payments to program cooperators, but also will contribute to possible overproduction without price and income protection for producers which the Secretary could have provided through increased loan levels.

FEDERAL OPERATING SUBSIDIES FOR MASS TRANSIT

Mr. STEVENSON. Mr. President, on Tuesday and Wednesday of this week the Housing and Urban Affairs Subcommittee held hearings on S. 386, the Emergency Commuter Relief Act. The Senator from New Jersey (Mr. WILLIAMS) is the chief sponsor of this bill, and I am a cosponsor.

One of the most powerful statements given at the Tuesday, February 6, hearing was that of Mr. Clair M. Roddewig, the acting chairman of the Chicago Transit Authority. Mr. Roddewig set out the present desperate financial situation the CTA finds itself in and made an excellent case for Federal operating subsidies for mass transit. Such a Federal operating subsidy is a main component of S. 386.

Mr. Roddewig did not call for endless Federal moneys for mass transit. He concluded that:

> If we are to survive, we must—as must all metropolitan transit systems—seek a partnership between federal, state and local government to provide operating assistance.

Partnership, or Federal help, in the cause of saving our cities—that is what Mr. Roddewig's statement was all about, and that is what S. 386 is all about.

In order that Senators might have the earliest possible opportunity to read Mr. Roddewig's cogent statement, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY BEFORE THE SENATE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

(Presented by Clair M. Roddewig)

My name is Clair M. Roddewig and I am acting chairman of the Chicago Transit Authority, the second largest transit system in North America.

I am here today because the City of Chicago is imperiled, and the danger we face threatens the very existence of our city as well as other cities throughout the United States.

The Chicago Transit Authority was organized in 1947 to take over transit operations in Chicago and several of the suburban towns in Cook County, Illinois. Today, the Authority is in deep financial trouble. If 1973 operations and level of fares are continued on the same basis as those in effect during 1972, we will have a $42.1 million deficit. It is not possible for us to borrow money with which to make up this deficit. Obviously, unless we obtain some financial assistance, we will be out of money and will be required to shut down our operations. As a matter of fact, we are today practically out of money. As of close of business on February 4, 1973, we had $7.2 million of cash on hand but had outstanding obligations for payroll, material and supplies totaling $14,950,000. We can perhaps forestall the day of complete shut down for a short period by raising fares and reducing service. This, however, has proven to be a counter-productive measure and, in the long run, will operate against the best interests of the social and economic life of the area serviced. Our daily cash receipts from the farebox in our system today are not sufficient to meet our daily payroll obligations let alone take care of the costs of fuel, power, supplies, parts and maintenance of the various rapid transit cars and vehicles used in our system.

To a proud transportation system, one that has often been cited among the very best in the history of this nation, it is a critical moment.

Our system has taken great pride in making effective mass transit available within three blocks of 99 percent of our citizens, and we have operated without a subsidy for 22 out of 25 years of our existence, longer than any other major city in the nation. But time and circumstances have engulfed us. If we are to survive, we must—as must all metropolitan transit systems—seek a partnership between federal, state and local government to provide operating assistance. That the Chicago system could be virtually on the edge of extinction might seem unbelievable unless you face our bills, deadlines and cash position.

The dialogue that will take place here and the decisions made here in the next few weeks will not simply modify the direction of mass transit policy, it will literally determine whether disintegration of mass transit will begin, inevitably followed by disintegration of the cities themselves.

I am here today to speak in support of the Williams-Stevenson Emergency Commuter Relief Act, Senate Bill 386. The development of this federal program of assistance is the single most pressing need of mass transit today. While I am here as a representative of Chicago, my statements are applicable to almost every major metropolitan area.

In 1947, the year the Chicago system commenced operations, about 22 billion passengers were carried by the nation's transit lines. Chicago alone carried over one billion. By 1972, the national figure shrank to seven billion, a drop of two-thirds. In Chicago, the 1972 figure was 600 million, a drop of 45 percent.

By comparison, in 1947, automobile registrations in the Chicago Transit service area amounted to 750,000, while in 1972, they rose to in excess of 2.25 million.

Mass transit in metropolitan areas must today be regarded as a public service in the same light as schools, police and fire protection, sanitation, public welfare, highways, and many other needs. Unless it is so regarded as a public service and given public assistance over and above that realized from the farebox alone, the systems like the Chicago Transit Authority will erode and face ultimate extinction.

About 260 transit companies went out of business in the past 20 years. Service in most remaining large cities, other than Chicago, was maintained *only* because state and local revenues were used to supplement fares to keep them going.

However, the limited wealth and resources of the state and local governments, together with their obligations to provide those services I have enumerated, make it impossible for these bodies to shoulder the total responsibility.

In Illinois, during 1971–1972, the operating deficit of CTA was partially met by joint emergency action of the city, county, and state. The state's program also assisted other carriers. As yet, nothing has been provided for 1973 to meet the even greater expected deficit, although within the last week, the City of Chicago by ordinance, made available some funds to meet the immediate crisis, contingent on similar state action.

But how long will local agencies continue to be the sole source of support for escalating deficits? There can be little more than holding action, because the sheer demand on the local dollar is overwhelming.

The problem is not unique to Chicago; every city in the country shares it. What is different about Chicago is the fact that we were spared this moment of decision for years longer than other large cities. St. Louis and Cleveland, like Chicago, without such support, are on the verge of collapse. Clearly, no one can make it from the farebox alone.

In Chicago, we are on an economic and sociological treadmill as a result of our dependence on the farebox. If no financial assistance is forthcoming, we will be forced to raise fares in order to increase revenues and curtail service to reduce expenditures. Yet, we are aware that such action will lose us millions of passengers annually. If we are compelled to make these decisions to stay alive, we know that in doing so, we will be forcing people to the sidelines or to travel by automobile, and the overall action would be counter-productive.

When specific service cuts were suggested, one of the most tragic stories we have heard came to us from the Chicago School and Workshop for the Retarded. They strongly protest any reduction in service. They claimed that people who had been in rehabilitation, some of whom have just returned to the community after 20 and 30 years in state institutions, would no longer be able to travel to their rehabilitation centers.

This is not just an isolated incident. The litany of what happens as transportation systems erode is a catalog of horrors . . . job loss . . . increased traffic congestion . . . longer time to get to work . . . increasing traffic accidents . . . more land used up for highways, and so on.

The movement in recent years to preserve our environment has underscored the need for improved and expanded mass transit. Statistics show that in serving the same number of riders as 30 automobiles, a typical bus produces only a tiny fraction as much pollution and uses a still smaller portion of irreplaceable fuels. Rapid transit and suburban trains, with their capacity for large numbers of passengers, represent an ideal answer for helping to reduce pollution and conserve energy.

We do not argue that mass transit should replace the automobile; but, in fact, have consistently promoted the idea of balanced transportation. Each mode has its own function. A well-patronized mass transit system relieves the congestion on the highways, making roads more usable for those who must drive. Through the development of park n' ride, automobiles and mass transit can be combined to utilize the most advantageous characteristics of each.

The need for balanced transportation is nowhere more dramatically demonstrated than in Chicago's Loop, the city's central business district. Each day, almost 476,000 persons enter downtown. Of the 283,000 who work or remain downtown during the day, 86 percent travel by rapid transit, bus or commuter railroad. In dramatic contrast, only 13 percent travel by private automobile.

The elimination of mass transit would mean that at least 300,000 additional automobiles would need to enter downtown Chicago each weekday and 166,000 of them would need to find parking there.

To accommodate this deluge, there would have to be 148 additional lanes of expressways over and above the 48 which now only reach the edge of downtown. To park the cars would require four decks of parking over the entire Loop area. These statistics give rise to an impossible situation.

The world's largest private suburban electric railway system slipped away in Los Angeles in favor of a system of freeways and a heavy dependence on the private automobile. Now, after enduring such things as smog, central business district atrophy, and endless urban sprawl, L. A. has made a commitment to "reinvent" mass transit.

I do not wish to limit my emphasis to the survival of the downtown areas. Transit is also essential for other parts of the city and metropolitan area as well as for smaller cities throughout the country. For large segments of our urban population, mass transit is often the only means of travel. The young, the aged, the physically handicapped, and the poor are the people most affected by increased fares and decreased services. It is their mobility and ours that is vital to the success of a free society. As we spread out to the suburbs, we must meet the need of the underprivileged to move between the inner city and suburbs in order to hold jobs.

In addition to providing for essential operating assistance. S. 386 corrects a deficiency in the existing capital assistance program for mass transit by increasing federal participation from two-thirds to ninety percent.

Federal, state and local capital grants have been absolutely essential. In Chicago, they are enabling CTA and other carriers to renew and modernize. Not only is much more needed, but even the one-third cost that must be borne by local government becomes oppressive. At least one Chicago carrier cannot implement its grant because it is unable to produce its one-third matching contribution.

Like highways, mass transit needs 90 percent federal participation as provided by this bill. If we accept the concept of a balanced transportation system, cities should not be expected to produce a greater percentage of matching funds for one mode of transportation than for another.

At this point, I respectfully direct the committee's attention to an area of deep concern as to how, under S. 386, operating assistance would be apportioned among the possible beneficiaries. We strongly recommend that the basis of allocation incorporated in the Housing and Development Act of 1972, the forerunner of S. 386, be adopted. Under this, operating assistance would be distributed in proportion to the number of riders. The advantage of this criteria is that acceptable input information is readily determinable for all transit systems, thus making the program easy to administer and responding more quickly to the present crisis. Allocation on the basis of the number of riders is a strong incentive for a transit operator to do everything possible to increase his business.

In conclusion, I strongly urge the passage of S. 386 which provides federal operating assistance and raises federal participation in the funding of capital inprovements for mass transit.

In the name of saving and rebuilding strong urban mass transit systems, and ultimately saving our central cities, there can be no higher priority than this bill. If we don't succeed in Chicago—with a city and a transit system that is still strong, still vital—we won't stand a chance anywhere else in the nation.

Thank you.

IN THE PUBLIC INTEREST

Mr. SAXBE. Mr. President, on February 29, 1969, as a new U.S. Senator, I expressed my concern regarding the growing tendency of America's broadcasters to emphasize commercialization. Since 1969 television has become progressively more dominated by advertising.

There is no statute or regulation limiting the amount of commercial material which may be broadcast in any given period of time. However, applicants for new licenses must describe the commercial policies they propose to follow. In addition, each applicant for renewal of a license is required to inform the Federal Communications Commission of the amount of commercial material per hour actually broadcast during his past license period.

The FCC has never set up fixed quantitative standards for advertising content. In general, it asks stations to justify commercials in excess of the maximums in the voluntary codes of self-regulation adopted by the National Association of Broadcasters. In 1963 the FCC proposed to adopt as a compulsory rule the NAB standards, but broadcasters lobbied vigorously against official adoption of their own trade-association standards. At the time, the FCC Commissioner indicated that much of the opposition was caused by the fact that 40 percent of the stations exceeded NAB time standards.

Early in 1964, the FCC terminated its overcommercialization investigation and dropped the proposed regulations in favor of closer scrutiny of how well stations lived up to their application promises on a case-by-case basis.

What are the NAB codes? For network affiliated television stations, the allowable time for nonprogram material in prime time is 9 minutes 30 seconds in any 60-minute period. However, the NAB adopted a separate standard of 12 minutes of nonprogram material during prime time for independent stations. During nonprime time, nonprogram material is limited to 16 minutes in any 60-minute period. I ask unanimous consent that the NAB time standards for nonprogram material be included in the RECORD at the close of my remarks.

As television viewers might suspect, the Code of Good Practices is not always followed. The NAB monitors broadcasts and keeps in touch with local subscribers, but the ultimate punishment is merely revocation of a station's NAB seal. In addition, only 60 percent of licensed television stations subscribe to the NAB Code. A recent spot check conducted by Dancer-Fitzgerald-Sample Advertising Agency in 75 cities revealed more than 2,000 violations during 6-week-long test periods.

In November, Henry Mancini was moved to write FCC Commissioner Nicholas Johnson. While vacationing in Colorado, Mr. Mancini had occasion to view his own show, "The Mancini Generation," over a local station from Denver. He complained that:

> Within the half-hour there were eleven spot commercials . . . The reason they were able to get so many spots into the show is that my opening remarks and opening musical number were completely omitted.

He goes on to state that:

> We spent a great deal of time, effort and money on our opening numbers in that they are shot on location with our band. It is quite depressing to find that all of this effort by so many people ends up in the trash. I have no knowledge of FCC regulations in matters of this kind. Legally it might be just fine, but morally and artistically it borders on the criminal.

Mr. Mancini concludes that:

> The primary goal of a television station is to stay on the air with a profit, but surely not at the expense of the artist and the public.

I could not agree more. Unfortunately, some broadcasters take the completely opposite viewpoint. One firm found itself somewhat embarrassed because the television show it had packaged to sell Mogen David wine was not producing desired results. It was delighting the audience with high rated, chilling mysteries, but it was not selling wine. Motivational analysts were put to work on the problem, and they determined that the excitement tended to "freeze" the audience. Subsequently, a calmer panel show was substituted.

Recently, one station in Lorain, Ohio, tried the ultimate—an hour-long commercial. They applied to the FCC to run an hour program paid for by real estate men and featuring houses and land for sale. The FCC refused to grant permission.

However, other purely commercial programs of 15 and 30 minutes in length are being placed by advertisers on small stations throughout the country. Usually, the FCC does not have knowledge of these abuses until an irate viewer complains.

One distressing aspect of the problem is the exposure of our children to commercials. On September 13, 1970, the Saturday morning television watchers on CBS alone viewed approximately 50 advertisements of edibles and 47 advertisements of toys. The NAB is to be commended for adopting effective January 1, 1973, a new children's weekend programing code; from 7 a.m. to 2 p.m. on Saturdays and Sundays during programs designed primarily for children, the code allows only 12 minutes of nonprogram material. Prior to January 1, 16 minutes of nonprogram material was allowed during these programs.

Another related problem is the number of program interruptions. NAB standards during prime time allow no more than two interruptions within any 30-minute program, or four within any 60-minute program. The number of interruptions in a 60-minute variety show should not exceed five during prime time. In all other time, the number of interruptions should not exceed four within a 30-minute program period. However, news, weather, sports and special events programs are exempt from the interruptions standard.

How does the public feel? The utter inescapability of television advertising often arouses acid indigestion. One survey indicates that 80 percent of the people interviewed agreed that "there are too many commercials on television." In another questionnaire, when asked what they disliked most about television commercials, nearly one-half of the respondents mentioned content and an equal number mentioned timing—length, frequency, placement. There is obviously widespread discontent.

The principal question is what to do about excessive broadcast advertising. In 1969, I called upon the NAB to institute a stricter code and voluntary policing and I encouraged the FCC to pay closer scrutiny to renewal applications. Yet, today, we are still being inundated with commercials. Therefore, I suggest that the FCC reopen its 1963 investigation—perhaps the FCC should consider handling the matter on something other than a case-by-case basis. Also, I encourage the public to contact the FCC and NAB whenever they feel there are deviations from the existing standards. The stations would do well to heed the advice of one irreverent ad man:

> You're using up minutes of people's lives! You have an obligation to put out as little garbage as possible!

There being no objection, the code was ordered to be printed in the RECORD, as follows:

THE TELEVISION CODE—NATIONAL ASSOCIATION OF BROADCASTERS

TIME STANDARDS FOR NONPROGRAM MATERIAL

In order that the time for non-program material and its placement shall best serve the viewer, the following standards are set forth in accordance with sound television practice:

1. Non-Program Material Definition:

Non-program material, in both prime time and all other time, includes billboards, commercials, promotional announcements and all credits in excess of 30 seconds per program, except in feature films. In no event should credits exceed 40 seconds per program. The 40-second limitation on credits shall not apply, however, in any situation governed by a contract entered into before October 1, 1971. Public service announcements and promotional announcements for the same program are excluded from the definition.

2. Allowable Time for Non-Program Material.

a. In prime time on network affiliated stations, non-program material shall not exceed nine minutes 30 seconds in any 60-minute period.

In prime time on independent stations, non-program material shall not exceed 12 minutes in any 60-minute period.

In the event that news programming is included within the three and one-half hour prime time period, not more than one 30-minute segment of news programming may be governed by time standards applicable to all other time.

Prime time is a continuous period of not less than three and one-half consecutive hours per broadcast day as designated by the station between the hours of 6:00 PM and Midnight.

b. In all other time, non-program material shall not exceed 16 minutes in any 60-minute period.

c. Children's Weekend Programming Time —Defined as that contiguous period of time between the hours of 7:00 AM and 2:00 PM on Saturday and Sunday. In programming designed primarily for children within this time period, non-program material shall not exceed 12 minutes in any 60-minute period. (Effective January 1, 1973)

3. Program Interruptions.

a. Definition: A program interruption is any occurrence of non-program material within the main body of the program.

b. In prime time, the number of program interruptions shall not exceed two within any 30-minute program, or four within any 60-minute program.

Programs longer than 60 minutes shall be pro-rated at two interruptions per half-hour.

The number of interruptions in 60-minute variety shows shall not exceed five.

c. In all other time, the number of interruptions shall not exceed four within any 30-minute program period.

d. In children's weekend time, as above defined in 2c, the number of program interruptions shall not exceed two within any 30-minute program or four within any 60-minute program (Effective January 1, 1973)

e. In both prime time and all other time, the following interruption standard shall apply within programs of 15 minutes or less in length: 5-minute program—1 interruption; 10-minute program—2 interruptions; 15-minute program—2 interruptions.

f. News, weather, sports and special events programs are exempt from the interruption standard because of the nature of such programs.

4. No more than four non-program material announcements shall be scheduled consecutively within programs, and no more than three non-program material announcements shall be scheduled consecutively during station breaks. The consecutive non-program material limitation shall not apply to a single sponsor who wishes to further reduce the number of interruptions in the program.

5. A multiple product announcement is one in which two or more products or services are presented within the framework of a single announcement. A multiple product announcement shall not be schdeuled in a unit of time less than 60 seconds, except where integrated so as to appear to the viewer as a single announcement. A multiple product announcement shall be considered integrated and counted as a single announcement if the voice(s), setting, background and continuity are used consistently throughout so as to appear to the viewer as a single announcement. Multiple product announcements of 60 seconds in length or longer not meeting this definition of integration shall be counted as two or more announcements under this section of the Code. This provision shall not apply to retail or service establishments.

6. The use of billboards, in prime time and all other time, shall be confined to programs sponsored by a single or alternate week advertiser and shall be limited to the products advertised in the program.

7. Reasonable and limited identification of prizes and donors' names where the presentation of contest awards or prizes is a necessary part of the program content shall not be included as non-program material as defined above.

8. Programs presenting women's service features, shopping guides, fashion shows, demonstrations and similar material provide a special service to the public in which certain material normally classified as non-program is an informative and necessary part of the program content. Because of this, the time standards may be waived by the Code Authority to a reasonable extent on a case-by-case basis.

9. Gratuitous references in a program to a non-sponsor's product or service should be avoided except for normal guest identification.

10. Stationary backdrops or properties in television presentations showing the sponsor's name or product, the name of his product, his trade-mark or slogan should be used only incidentally and should not obtrude on program interest or entertainment.

TRIAL OF PERSONS CHARGED WITH GENOCIDE

Mr. PROXMIRE. Mr. President, article VI of the Genocide Convention deals with the trial of persons accused of genocide. The Foreign Relations Committee has recommendel an understanding that, if accepted by the Senate, will put the United States on record as willing to exercise the right to try its own citizens for alleged acts of genocide that occur in other countries.

Will the other nations of the world respect this understanding? Yes, because they have the same understanding of article VI.

In December 1948 the Legal Committee of the United Nations General Assembly adopted the following resolution:

> The first part of article VI contemplates the obligation of the State in whose territory acts of genocide have been committed. Thus, in particular, it does not affect the right of any State to bring to trial before its own tribunals any of its nationals for acts committed outside the State.

The other nations of the world will honor the recommended understanding on article VI because it is also their understanding of article VI. It is the intent of the U.S. Government to amend article VI of the Genocide Convention so as to make it clear that this Nation will be permitted to try its own citizens for punishable genocidal acts whether committed at home or abroad.

It should go without saying that the United States cannot exercise jurisdiction unless the accused is in U.S. territory. This would be the case in any event for other crimes besides genocide. The Genocide Convention would do nothing to change the existing situation.

The Genocide Convention is not intended to deny the American people their rights, nor to destroy our Constitution, nor to subject us to any foreign power. It does not do any of these things. The Genocide Convention is to protect the people of the world, and that includes the American people, from the horrors of mass murder. If the Senate ratifies this treaty and if the Congress enacts the implementing legislation, then the United States will have done its share to prevent this crime from occurring.

Mr. President, I call upon the Senate to ratify the Genocide Convention.

HARRY S TRUMAN—THE VISIBLE PRESIDENT

Mr. BIDEN. Mr. President, I am not in a position to discourse at great length about former President Harry Truman. However, I wish to comment on one aspect of his Presidency that stands out in my mind.

My observations do not relate so much to matters of grave public policy—the Berlin airlift or aid to Greece and Turkey or the Taft-Hartley Act or his relations with General MacArthur—but rather to his sense of the Presidency.

Mr. Truman was a visible President, a fact even more notable when one considers that television was in its fledgling state during his Presidency. By being a visible President, I mean that Mr. Truman could be seen—a living, breathing human being who also happened to be President. He could be seen walking the streets of Washington or the streets of the community in which he happened to be visiting. Moreover, he was accessible to the people's surrogates, the White House press corps.

Today, unfortunately, the Presidency carries with it the trappings of monarchy and, at times, the appearance of Caesarism. Presidential entourages become larger and more dense. The panopoly of presidential power becomes more ornate, at times resembling a scene from a Victor Herbert operetta. And, logically, the occupant of the Presidency—the President himself—becomes less visible, less authentic, less real, if you will.

One contrasts this with Harry Truman, showing himself to Americans. Waving, smiling, talkative, a reassurance that the Presidency was somehow, despite its exhalted status, close to the people.

Somehow, this was a better way. Perhaps some day it will return. Perhaps.

U.S. POLICY TOWARD CUBA

Mr. GURNEY. Mr. President, in light of the President's recent trips to Peking and Moscow, renewed attention has been given to the relationship between the United States and Fidel Castro's Communist regime in Cuba. For instance, the Democratic Party, in its 1972 platform, came out in favor of a reexamination of U.S. policy toward Cuba. Others have suggested that an agreement on hijacking could lead to a renewal of diplomatic relations. However in my view, such suggestions are premature. So far, at least, there has been no noticeable change in Castro's attitudes toward the United States. And until there is a shift, a dramatic shift, I see no reason for U.S. policies to be softened.

It has been 11 years since the United States broke off diplomatic relations with Fidel Castro's Cuban Government in response to the cutting of our embassy staff, the continuing stream of anti-American invective, and the confiscation of American property in Cuba. In that time, four things have become evident. First, Castro has shown no indication that he wants the United States to be anything other than a punching bag to use as an excuse for his domestic failures. Second, there is no evidence that he is willing to compensate Americans for losses suffered at his hands. Third, there has been a concerted effort on his part to export violent revolution to the Latin American nations who want no part of his brand of communism. And, fourth, Castro has developed strong military ties with the Soviet Union, ties which nearly brought on nuclear war once, and which continue to threaten the peace and security of the Western Hemisphere.

The record is quite clear as to Castro's responsibility for the breakoff in relations and his persistence in widening the rift over the years. Anyone who studies the facts carefully, would be hard pressed to come to any other conclusion.

Fidel Castro came to power on January 1, 1959 riding a wave of popular support. Taking advantage, he first eliminated all opposition. Then he followed up by instituting, in the name of land reform, a program of property expropriation, with deliberate emphasis being placed on American holdings. And although he promised compensation, it was never forthcoming. By November, 1960, Castro had confiscated over $1 billion worth of American-owned property, without regard for either the rights of the owners or the expressed wishes of the U.S. Government. To this day, none of this property has ever been paid for.

Simultaneous with these expropriations came an increase in verbal attacks on the United States. Castro then added force to his words by ordering the United States to cut back its embassy staff to an inoperable level of 11. Since then Castro has given no indication that he favors the renewal of normal diplomatic relations on anything other than his own terms.

We are, of course, all aware of the circumstances surrounding the Cuban missile crisis and the way in which it was resolved. However, it should be noted that, since 1962, Castro has continued to accept sophisticated military equipment from the Soviet Union as part of his policy of unrelenting hostility towards the United States. The Soviet Union has pumped over $1.5 billion in military aid to Cuba in a decade, including TU-95 medium-range bombers, rocket firing patrol boats, SAM II antiaircraft missiles and some 70 Mig-21 fighters. An estimated 2,500 to 3,500 Russian military men, mostly instructors and advisers, are still stationed in Cuba and neither they, nor the equipment, show any signs of leaving. If anything, the tentative Soviet efforts to establish a missile submarine base at Cienfuegos, Cuba, in 1970 and the more recent reconnaissance flights by Soviet bombers over the U.S. Atlantic Coast indicate the opposite. As long as Castro demonstrates a preference for military alliance with the Soviets over responsible ties with the United States and other Latin American nations, concessions to the Castro regime do not appear to be in order.

Unfortunately, the Soviet military presence is only a part of the problem. There is also the matter of Castro's attempts to export revolution to the Americas. Ever since consolidating power in 1960, Castro has tried to impose his style of revolutionary government on a number of unwilling Latin American nations. These efforts have not had popular support, but they have caused nations like Venezuela, Colombia, Brazil, Uruguay, and Bolivia untold trouble and expense.

For example, Venezuela has been a primary target of Communist subversion since 1960. From 1960 to 1962, guerrillas supported by the Castro regime, resorted to urban terrorism and sabotage of oil installations in an effort to create enough turmoil to discredit the democratically elected Betancourt government and provoke a military coup. Bombings and killings became daily events in Caracas and elsewhere.

However, with two exceptions—a revolt at the Capripano Naval Base and an uprising at the Puerto Cabello Naval Base—the military remained steadfastly behind Betancourt and, by the end of 1962, had dealt the rebels some severe setbacks.

Still, despite a lack of popular support, the rebels persevered. In June 1963, an unsuccessful attempt was made on the life of President Betancourt. Then, in November 1963, the Venezuelan authorities discovered a 3-ton arms cache together with a plan for using the smuggled weapons to help Communist guerrillas capture Caracus while Venezuelan troops were guarding polling places during a national election. The plot failed, but subsequent evidence that Castro had supplied the weapons, led the OAS to condemn Cuba for aggression. The OAS also called on Latin American nations to impose sanctions including the severance of diplomatic relations and the suspension of all trade. Three of the four Latin American countries which had not previously broken relations with Cuba then did so, and the policy of economic sanctions was implemented more fully.

However, Castro was not to be deterred. Instead, he supported guerrillas, like Douglas Bravo, who simply shifted their operations from the urban areas to the rural areas of Venezuela and continued their policy of assassination and sabotage. By 1966, pro-Communist terrorists had also infiltrated the university system, which they turned into a series of armed revolutionary camps.

Despite all these efforts Venezuela remained strong and free. But, nonetheless, Castro persisted. In June 1967, the OAS Council appointed a five-man committee to investigate Venezuelan charges that Castro was promoting revolutionary activity in Venezuela. The committee report substantiated these charges by stating that early in May 1967 a motorship, sailing from Santiago, Chile and manned by a Cuban crew, transported seven Cuban and nine Venezuelan guerrillas to the coast of Venezuela. After two of these armed Cuban interlopers were captured, it was learned that the Cubans involved were members of the Cuban Armed Forces.

Another case in point is Bolivia, which is, perhaps, the best known example of Castro's efforts to export revolution to Latin America. As early as 1960 Fidelistas, in collusion with leftist Juan Lechin, tried to topple the government of Paz Estenssoro. That failed but, in 1967, Ernesto "Che" Guevara turned up as a guerrilla leader, after having disappeared from Cuba in 1965. After months of guerrilla activity in the back country—activity that did not attract popular support—Guevara was killed by the Bolivian Army on October 9, 1967. Even so, the remaining guerrillas have not given up the struggle.

Guatemala, also, has been the scene of considerable revolutionary activity dating as far back as 1960. Ever since then two guerrilla groups—the FAR of Turcios Lima and the Trotskyite MR-13 of Yon Sosa—have carried out repeated attacks against the government. These groups carried out the sporadic raids against government installations and army convoys that took place in the eastern part of the country in 1966. And, reunited, under the FAR banner, they were responsible for the killing of two U.S. Army officers and U.S. Ambassador John Gordon Mein in 1968.

Turcios Lima, Yon Sosa and a number of the older guerrilla leaders are now dead but their successors fight on. And a number of them have been trained by the forces of Fidel Castro.

In Colombia, where guerrilla warfare had become a way of life during La Violencia, Castro's influence was felt not long after he came to power. The first Fidelista group to be formed was the workers, students, and peasants movement—MOEC—started by Antonio Larotta in January 1960. Then came other pro-Castro guerrilla groups—the United Front of Revolutionary Action—FUAR—the Army of National Liberation—ELN—and, still later, the Revolutionary Armed Forces of Colombia—FARC. The army was able to clean out the Communist "Republics" of Marquetalica, Sumapaz and El Pato in 1964 and 1965 but guerrilla activity continued, spurred by the propagandistic activities of Father Camilo Torres. In April and May of 1967, rebels were responsible for the killing of 50 security officers and in January 1968 a pro-Peking guerrilla group—the People's Liberation Army—took to the field. Insurgency continues to this day, and according to reliable sources, Cuban money and Cuban agents are still being funneled into Colombia—and elsewhere—to foment revolution.

In Brazil, after Leftist Joao Goulart was thwarted in his attempts to take the country into the Communist orbit in 1964, Cuban trained revolutionaries turned to urban terrorism in their efforts to overthrow the Brazilian Government. Evidence indicates that they were involved in the recent kidnaping of the United States and Swiss Ambassadors.

The same kind of activity—on an even wider scale—had been going on in Uruguay. Here the Tupamarus, founded by Raúl Sendic in 1962, have been robbing, kidnaping, killing, and terrorizing the people of Montevideo since mid-1969—with Castro's support. In 3 years, under Tupamaru auspices, many policemen were assassinated and over a dozen prominent Uruguayans and foreign diplomats were kidnaped and held prisoner. Among the latter were Dan Mitrione, a U.S. aid official who was kidnaped and killed; Dr. Claude Fly, a U.S. agricultural adviser to the Uruguay Government, who was kidnaped and held captive for 7 months, and the British Ambassador, Geoffrey Jackson, who was taken prisoner and incarcerated for 8 months.

Last April, after failing miserably in the national elections, the Tupamarus launched an all out attack in an effort to impose a Castro-style dictatorship on Uruguay. This effort failed, but there was considerable bloodshed and enough Tupamarus are still left to see that it continues. Castro, of course, is doing nothing to discourage them.

In spite of this record, there are some people who believe that Castro has reduced his efforts to export revolution to Latin America. What in fact has happened is that, instead of a reduction, there has been a shift in tactics from rural guerrilla warfare, like that which took place in Colombia and Venezuela, to urban terrorism, such as practiced by the Tupamarus.

On a philosophical level, this shift has manifested itself in the replacement of the Guevara's "guerrilla warfare" by Carlos Marighella's "Mini Manual of the Urban Guerrilla" as the bible for revolutionary subversion; on a practical level it has meant changes in the guerrilla training programs being conducted by Castro. Instead of training a large number of revolutionaries as in the past, Castro gives a limited number of them specialized training in urban terrorism at one of the dozen or more Cuban-run training camps.

The reduction that some have perceived is, therefore, deliberate; Castro has concluded that there is more to be gained by sending a smaller number of better trained guerrillas to certain selected Latin American countries. According to recent estimates, there are about 2,000 of these revolutionaries now operating in Latin America.

Time and time again Castro has restated his intention to revolutionize the hemisphere. On April 19, 1971, he said that, before a truly inter-American system can function:

> There first must be revolution in each of the Latin American countries.

And that:

> American revolutionary peoples can depend on Cuba for support.

On July 26, 1971, he said that:

> Revolutionaries shall not make a single concession to imperialism and that they shall stand here firmly erect, raising our banner until the last Latin American nation is liberated.

In August 1971, he said:

> We have not repented one whit and the path we have followed up to today is the path we will follow in the future.

And following the visit of Soviet Premier Kosygin in October 1971, Castro hailed: "An upsurge of revolutionary movement in Latin America."

By now, the rest of the hemisphere should have gotten the message that the only type of recognition Castro wants is the type accorded a dictator by those unfortunate enough to have no other choice.

Perhaps the momentous events of 1972—the President's trips to Peking and Moscow as well as the SALT agreements—will bring about a change in Castro's attitude, but this has yet to be proven. Castro's decision to imprison the three men who hijacked the Southern Airways jet on November 12, 1972, his cooperation in resuming the "freedom flights," and his apparent willingness to negotiate a skyjacking treaty with the United States are all interesting—but far from conclusive. In fact, Castro himself put the situation in its proper perspective when he stated, on December 13, 1972, that unless the United States changes its policies "no one should think for a moment that we want reconciliation with Yankee imperialism." In my opinion, it is Cuban policies that need changing, not the United States.

On September 16, 1971, Deputy Assistant Secretary of State for Inter-American Affairs, Robert Hurwitch, stated, to the Senate Foreign Relations Committee, that:

> Unless the Cuban Government were to abandon its policies and actions which constitute a threat to the peace and security of the hemisphere, the benefits to be derived from normalization of relations with Cuba are not readily apparent, whereas the costs are clear.

President Nixon reaffirmed this position in November of 1972 and, as far as I can see, nothing has taken place since which would warrant any shift now.

Furthermore, continuation of our present policy of political and economic sanctions offers a greater prospect for success now than at any time in recent years. I say this for two reasons. First, Cuba continues to be an economic drain on the Soviet Union and, second, the Soviets may no longer, in view of recent events, be willing to assume such a burden indefinitely.

In the last 10 years or so, Russia has poured over $6 billion into Cuba. In economic assistance alone, Communist bloc nations have given Cuba a total of $3.6 billion. Over $3 billion of that—$1.5 million a day—has come from the Soviet Union in the form of loans which are still outstanding. And, as far as the Soviets can see, there is little hope for Cuban economic improvement.

The reason for that is fairly simple. In 1969–70, Castro failed in his attempt to produce a 10-million-ton sugar harvest and the effort resulted in a much lower sugar crop in succeeding years. Since sugar is Cuba's principal earner of foreign exchange, Castro is likely to be dependent on Soviet aid indefinitely. About the only thing that could change that, would be if the U.S. reestablished normal trade relations with Cuba and took the Soviets off the hook. That would be a double-barreled mistake. First, economically, it would shore up Castro, this Communist troublemaker who seeks to export revolution and subversion throughout the hemisphere, and second, it would save the Soviets large sums of rubles now going down the Cuban drain annually.

For instance, one of the most striking things that emerged from the President's trip to Moscow, was the hint that the Soviets are interested in a relaxation of tensions—at least temporarily—between the United States and the U.S.S.R. If the Soviets were unwilling to risk this objective in the case of the U.S. blockade of North Vietnam, then it follows they may not be so interested in continuing to prop up a Cuban Government that the Soviets know has been an aggravation to the United States. The Soviets are not ones to pour money into expensive projects that do not promote their own interests.

Therefore, if the United States and other Latin American nations continue their economic boycott, Castro may, as a result of Soviet aid cutbacks, be forced to make a choice—either explain to the Cuban people his failures or adopt a responsible or responsive attitude toward the rest of the hemisphere. The possibility of forcing Castro into such a position requires that we continue political and economic sanctions; to ignore the opportunity would be to break faith with the OAS and with freedom-loving people around the world, including some 650,000 refugees who have fled Castro's tyranny. The time has long since come for Castro to give up his dreams of revolution and to make good on the promise of freedom that brought him to power. The burden of proof is upon Castro; when he is ready to return Cuba to the Western Hemisphere, the hemisphere will be ready to reevaluate him.

CRIME TARNISHING THE QUALITY OF LIFE

Mr. ERVIN. Mr. President, crime, which spawns fear in the hearts of millions of Americans each day, continues to tarnish the quality of life in our country in real and significant ways.

In a recent newsletter to my constituents, I cited the grim statistics which tell us that crime's grip on our citizens is changing the pattern of our lives in a terrifying fashion. I pointed out that business firms are losing billions of dollars annually in stolen merchandise, expensive security costs, and lost income; that many residential areas have guards on patrol 24 hours a day; and that murder, rape, robbery, and assault in certain areas have imposed a practical curfew on the movements of all who wish to protect themselves after dark.

On December 23, 1972, one of my constituents wrote me and commended my interest in this most pressing domestic problem. His observations, as a former law enforcement officer, merit the attention of all Americans who seek to make our Nation a safer and more crime-free society.

I ask unanimous consent that my constituent's message be printed in the Record without revealing the identity of the writer.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Dear Senator: I saw in a newspaper, an article about crime in this land, with a caption, that said, Senator Sam Ervin says: "Crime Tarnishing Quality of Life." What a true statement, a mild heading for something going on that effects us all, as it always will, but to a greater degree than has to be for sure.

Having been retired from law enforcement, I think my thoughts are on target mostly, so to me, these years of permissiveness in the home, spawning grounds for a sickness, that has enveloped the whole nation, need not have been. For the most part, the percentage of today's young, who behave as they do, are the offspring of families of post war era, and these families tended to turn to a greater degree of a liberal way of life, in all behaviour patterns. The end result, what goes today, needs no describing, its all too evident, a bitter payoff for all society for having allowed it. This nation's people, can wring their hands and engage in countless debate of what to do, about all the crime and nasty manners and looks of today's young, but will bring nothing good about. The only workable formula, or turnabout from what goes today, to a more sane way of life for all, it calls for Congress, state gov't. heads, plus local, to openly state, that until and unless this nations' parents get behind those they should, we all will go on wallowing in tribulation, encompassing within it, nasty young folks, and others, who engage in all the things, that tend to decay this nation and give its homes no peace, because of the evil that needs coming to grips with. Its way past time, to grab the bull by the horns, to turn a deaf ear to the bleeding hearts, that don't want to lose this permissive way of life. And who, in our Congress, yes more than one, will summon courage enough to sound off, and hope for enough backing, to rid this nation of at least 50–75% of its permissiveness, to once again, make teachers and policemen looked up to, with some real authority, instead of being attacked and called 'PIG'??

Having only one life to live, and only so many years to live most is behind me, I think I'd have the guts to sound off on the floor of the House or Senate, if I was allowed to, I'd like to be the alarm clock, that like Paul Revere, tried to awaken the people to a decay from within, that would have grave penalty to us all, if this nation don't wake up. The diagnosis is known, the prescription we have to use, but the minds of men will not unleash what is needed to roll back this disease, CRIME, that affects us all, and saps the life blood of our nation, giving its citizens a daily unhappy frame of mind, in complete bewilderment of what to do about it. I say this. If we all were content to let permissiveness creep into the life of this nation, about 25 plus, years ago, and steadily climb ever since, then I say it can be stopped and the trend we know today, reversed, but our nation's people must be alarmed and appealed to in no uncertain terms, to help stamp out the Cancer of Crime. It can be done, and if only you could yourself, read this message on the floor, to your Senate colleagues, then I'm sure our good Lord might see fit to enlist his aid to help our nation get well. Thank you for listening Senator.

P.S. I request your confidence in only my name, otherwise my message to you, I wish could be heard by all, whoever might see fit to broadcast it.

THE ENVIRONMENTAL MOVEMENT

Mr. NELSON. Mr. President, the January and February issues of the Progressive magazine contain an enlightening group of articles on the nature and makeup of the environmental movement in this country.

In the January issue, Daniel Zwerdling, a free lance environmental author, discusses the relationship between the environmental movement, the working people, and the poor.

The February issue contains three responses to Mr. Zwerdling's comments; namely by the distinguished Senator from Michigan (Mr. Hart); Henry Gibson, the well-known actor and environmentalist; and myself.

This series of articles serves to demonstrate the need for widespread understanding and public support of the environmental movement.

I ask unanimous consent that the articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Poverty and Pollution

(By Daniel Zwerdling)

Environmentalists suffered some tough times this past year. As spring turned to summer the Supreme Court rebuffed the Sierra Club attempt to prevent Walt Disney entrepreneurs from turning Mineral King valley in California into a sugar-spun ski resort. Then environmentalists lost their suit against the trans-Alaska pipeline, which will melt permafrost and will probably rupture during earthquakes and kill uncountable animals and fish. In August, environmentalists failed in an effort to halt the $400 million Tennessee-Tombigbee waterway which will gouge twisting country rivers into canals in Mississippi and Tennessee.

These random, isolated defeats helped signal that the environmental movement was stumbling badly. Although the movement did win some victories—such as passing the Clean Water Act and overriding President Nixon's veto, defeating the Denver Winter Olympics, and turning arch-foe Wayne Aspinall, Democratic Representative from Colorado, out of Congress—it did not show promise that the movement is gaining vitality or indicate that the Government and the public are coming to grips with vital, long-range issues like economic growth.

But perhaps most important, the movement has not spread beyond the lawyers and activists in Washington and on college campuses and in the suburbs. Environmental setbacks troubled such advocates, but the people on the filthy stoops in Washington's 14th Street or the workers in the River Rouge assembly lines wouldn't give a damn if they knew. Back in the cities last summer it was hot and the rats were worse than ever. East Coast cities were on pollution alert. Mine workers died in explosions, jobs were scarce in industry, and food became more expensive. Compared to these struggles for survival, all the money and energy which environmentalists were pouring into their fights to preserve remote wilderness seemed like a cruel extravagance. That is why, if the environmental movement is going to survive, it must revamp the most fundamental notions of what it is all about. For industrial workers and the poor, the environment is not 300 miles away and six hours by car; it begins every morning at home and when the first whistle blows on the job. Thus:

Air pollutants saturate the inner cities at levels up to five times greater than in the suburbs. Suburbanites in Washington, D.C., felt anxiety last summer when District officials called three pollution alerts and warned the elderly, the sick, and those with chronic respiratory and eye infections—the majority of the population to stay indoors. But people in the inner city breathe dangerous air every day. The eight hour carbon monoxide standard of nine parts per million (ppm), a level which a city can exceed under Federal regulations only once a year, was violated ninety-nine times in the capital city. Daily carbon monoxide doses at some Washington intersections exceed the one hour fifty ppm *emergency* level almost regularly.

Lead poisoning kills more than a score of children every year and cripples the brains of at least 6,000, mostly in the nation's inner cities, according to the Department of Health, Education and Welfare. And an HEW survey has found that twenty-five per cent of inner city children in Washington, Baltimore, and New York have dangerously high lead levels in their blood. Public health officials used to think most children got their lead doses from chipped paint, but now they are discovering that a major source is the exhaust fumes from automobiles using leaded gas. The lead emissions accumulate in the body as the air is inhaled, and they settle in the dust along the street. Children can become seriously ill by eating only one-eighth of a teaspoon of dirt a day, not much when they play in the dirt and then stick their fingers in their mouths. Poor inner city dwellers also drink amounts of lead in their water—about about 920 micrograms per milliliter, forty-six times as much lead as in the suburbs. That is because the pipes in old parts of town are made of lead.

Sheer noise tops eighty decibels, a danger level, from busy city street traffic alone. Inner city poor must live with the pollutant, filth: rotting food, human excrement, cans and bottles, all kinds of debris. Filth brings rats, which bring rat bite fever and other diseases unknown in the split-level neighborhoods ringing the city.

Together, pollution and poverty take a heavy toll in the inner city because the twenty-four million poor and "near poor" are the ones most vulnerable to the assaults of air and water pollution, the stress and tensions of noise and squalor. They do not eat well (forty-eight per cent of inner city children suffer from anemia, says HEW) and they do not receive good medical care. A majority of the urban poor are younger than fifteen or older than sixty, ages when the body is weakest. Middle and upper class people live in the cities, too—but they can shut out noise and fumes with their air conditioners, keep their homes in good repair, grind up their garbage, and keep out rats. They send their children to nurseries where they romp on carpeted floors instead of lead-dusty street corners. And when living conditions get really bad, they can pack their clothes and spend a week at the beach. Poor inner city blacks succumb three times as frequently to heart diseases as whites who earn more than $10,000 a year—and four times as often to chronic illnesses from lung disease to deafness.

At least 100,000 workers die every year from "occupationally-caused diseases," according to the President's Report on Occupational Safety and Health, and 14,000 more die from accidents on the job. That makes work the number one killer in America, worse than heart attacks, cancer, or automobiles. Every day industrial workers handle about 15,000 toxic chemicals—poisonous metals like mercury, cadmium, and beryllium, and gases like sulfur dioxide and chlorine—but the Government regulates only 450 of them.

No one really knows just how low-level chronic doses of these poisons and poisonous dusts can affect people but recent studies give some clues: Dr. Irving Selikoff of the Mount Sinai School of Medicine, who has studied the nation's 250,000 asbestos workers who too often work in dust-laden surroundings, estimates that 3,000 of them succumb each year to cancer and other lung diseases. A third of the nation's coal miners suffer black lung, reports HEW. At an Allied Chemical plant in Moundsville, West Virginia, government inspectors found workers with six times the permitted mercury levels in their urine. Some were hospitalized with tremors—the first symptom of dread mercury poisoning. Name any pollution on the city streets and you will find it is worse inside the factory gates. The Federal Government allows workers to breathe fifty ppm of carbon monoxide all day long—the emergency level on the streets. Noise can roar legally to ninety decibels, ten times as intense as the danger level, but it goes up to 100 decibels in auto plants and more in print shops. No wonder twice as many blue collar workers as their office counterparts become deaf.

Earth Day 1970 may not have accomplished anything else but "it made everyone realize how elitist the environmental movement is," says young activist Sam Love, now a director of Environmental Action, who helped organize it. The stereotypes are familiar: ecology buffs with Sierra Club posters on their walls, all those redwoods shooting into sunlight and ocean surf exploding on deserted coasts. The buffs use white toilet paper made from recycled fibers and save beer and soft drink emptics for a Saturday outing to the recycle center.

It may be an unkind exaggeration, but the environmental movement has been mostly a middle and upper class battle, largely to save beautiful lands and animals which only the middle and upper classes will ever see. Glance through a list of environmental law suits over the past year:

The Natural Resources Defense Council, an activist law group, fought a dam and irrigation canal on the American River in California. It called a canoeist, a fisherman, and a skin diver to describe "the harm to their respective interests." NRDC also was active in a case called *Trout Unlimited* v. *Morton*; This involved a New York Consolidated Edison nuclear power plant, the cooling waters of which were killing fish, and a government predator control program which was accidentally killing bears, bobcats, coyotes, fox, and mountain lions.

The Environmental Defense Fund is currently suing the Department of Interior to halt construction of supertanker ports along the East Coast—to prevent despoiling of beautiful beaches.

Environmental groups organized against and defeated plans to develop land around Denver for the 1976 Winter Olympics.

The point is not that these battles are worthless, but that too often they take place in a context which seems only to affect the elite and to ignore the poor. Even rich people's ability to see the wilderness and waters being despoiled implies social privilege: They are the only ones who can afford to drive there.

Anti-poverty activists feel more and more hostile toward environmentalists as they see them pouring crucial but scarce time, energy, and money into their own seemingly parochial battles. "What are you doing talking about air and water pollution in the wilderness?" an angry black asked Washington environmental veteran Spencer Smith, of the Citizens Council for Natural Resources. "Right now I'm trying to keep my kids from being bitten by rats. I'm fighting to keep my job and keep the food coming in."

Environmentalists are siphoning away money which used to fund civil rights causes. "The same people and foundations and corporations which normally fund civil rights groups are the same ones who are now interested in the environment," says David Tatel, director of the national Lawyers Committee for Civil Rights Under Law. "Before they allocated a substantial part of their budgets to us, but now they're giving a big chunk of that to environmental groups. The environmental movement—I don't mean to detract from its importance is faddy. There's more sex appeal to it than civil rights."

Ecology groups are not making many friends in labor circles, either. As the unions see it, ecologists talk blithely about shutting down factories which ruin streams, but what happens to the workers who earn their food and rent money inside those factories? In California, labor groups joined corporate management to oppose and defeat Proposition Nine, a referendum which would have given the state government broad powers to close industries which pollute. "Labor," says Anthony Mazzochi, Washington legislative director of the Oil, Chemical, and Atomic Worker Union, "is turned off to the environment."

Some environmental activists are beginning to realize that "environment" must encompass industry and the inner city, but their new sensitivity comes as much from political desperation as from political understanding. Their movement is dwindling to a core of energetic lawyers and lobbyists scurrying around the courts and Capitol Hill corridors in Washington. The environmental movement must have broader support, especially from labor and poverty groups, or it will drop dead from malnutrition and irrelevance.

The big problem is to figure out a way to do it. An inner city task force at the Environmental Protection Agency suggested flooding the slums with large plastic trash bags with "suitable civic pride mottos" like "Help Keep Your Street Clean." David Zwick, an associate of Ralph Nader, has a better idea: he is trying to organize fishermen around the country to fight industrial water polluters. But the most coordinated effort so far has been the Urban Environment Conference, an alliance of environmental, labor, and anti-poverty organizations. Senator Philip Hart, Michigan Democrat, organized the Conference early in 1972 after he had a political and moral awakening. "I thought I was aware of the extra-heavy burdens of the environmental problems imposed on the city poor," Hart said, "but I confess I badgered EPA more about an environmental problem occurring to Lake Superior, a magnificent body of water hundreds of miles away from almost anyone . . . than I have about downtown Detroit."

Under Hart's Conference umbrella, organizers from the Sierra Club, Wilderness Society, Environmental Action, Friends of the Earth, National Welfare Rights Organization, National Tenants Organization, and the United Auto Workers have agreed to join hands on three issues which affect all of them: housing, highways, and transportation.

The highways are a good place to start because they are both a cause and effect of a vicious poverty-and-pollution cycle. As more highways are built from the Federal Highway Trust Fund, Detroit produces more cars. As people buy more cars and gasoline, the tax-fed Trust Fund gets fatter. The fatter the Trust Fund, the more money for highways.

When interstate connectors and freeway loops and beltways slice through the city they demolish poor neighborhoods, not the rich. The poor are the first to go because the Government can buy these already dilapidated neighborhoods cheaply—and because white middle class people wield a lot more political clout at City Hall. A third of the 150 Model Cities neighborhoods—"showcases" where the Department of Housing and Urban Development was going to revitalize the inner city—have been torn up by highway bulldozers. So poor neighborhoods are isolated behind walls of concrete and more traffic saturates the air with more pollutants which erode buildings, trees, and human lungs. People and businesses that can afford it flee to the suburbs, while the poor people who can't stay behind and suffer the middle class exhaust. (Highways and other urban "renewal" projects, incidentally, have also destroyed more than 22,000 parks in the last six years—most of them in the inner city.)

The Urban Environment Conference is also trying to bring environmentalists and labor together to fight "environmental blackmail"—corporate threats to close factories and lay off workers rather than obey costly anti-pollution laws. Environmentalists, for example, will help labor groups lobby for legislation which would compensate workers—perhaps retrain them in other industries—when their factories shut down under pollution laws. Workers, on the other hand, must not heap the blame on environmentalists when management claims the expense of pollution controls will put people out of work. Many of the companies which have blamed ecologists for their economic woes were losing money and planned to close anyway. An example is the Weyerhauser Company, which announced last January it would fire 350 workers at its sulphite pulp mill in Everett, Washington, "strictly on environmental grounds." Management was hoping to fuel a labor backlash in an area already crippled by the Boeing layoffs. Only a few months before, however, company newspaper advertisements admitted the plant was "marginal," and the president, an upright vice president of the Boy Scouts of America, told stockholders that the factories forced to close were "without exception not only poor environmental performers but the least productive of our mills."

Urban Conference organizers hope to show workers that a factory which belches pollutants from its smokestacks or drainage pipes is probably not so clean inside, either. Workers in New Jersey oil refineries, which make the air unbearable for miles around, complain they suffer from abnormally high lung disease and heart attack rates. They are always immersed in benzene fumes, hydrocarbons, and asbestos dust.

So far, despite their good intentions, environmentalists have been grasping more for symbols of a common cause with poor people and workers instead of far deep and constant involvement. The Urban Environment Conference has not really done much except to testify against lead in gasoline and to produce some position papers condemning highways. The Environmental Defense Fund, one of the major environmental law groups which is funded by the Ford Foundation and private donors, is "trying to open up to minorities" in its law suits, according to staff lawyer John Helleger.

EDF recently persuaded the National Welfare Rights Organization to join a suit with the NRDC against cancer-causing DES in cattle. The poor should be concerned about the hormone, EDF lawyers say, because it accumulates in liver which poor people eat as a cheap source of protein. EDF has crowed a great deal about this alliance which illustrates how environmentalists and inner city groups can embrace. But actually, NWRO says it joined the suit in name only—and then only because U.S. Department of Agriculture Secretary Earl Butz made a racist remark implying that no one normal eats cattle organs. "Otherwise we wouldn't care," says NWRO counsel John Kinney. "The question for us is not whether meat will kill people thirty years from now, but whether *lack* of meat will kill them now." Meanwhile, the National Wildlife Federation, the world's largest and richest conservation group, is also turning its head toward poor people; the Federation recently spent $9,000 organizing workshops for inner city residents. Purpose: to advise poor folks how to solve *their* problems.

Usually, the common cause between environmentalists and minorities does not go even skin deep. "We're lily white and we're worried about it," says Sam Love of Environmental Action, one of Washington's most politically-oriented ecology activists. "Our problem is our staff is living on $60 a week each and we can't find any blacks who care enough about the environment willing to get involved for that price," Love complains. "It's not because we haven't tried. It's not because we haven't looked. We had a Chicano working on the staff who was pretty good, but he wanted to go back to New Mexico." Environmental Action recently nominated "a black woman engineer" from Denver to serve on an Atomic Energy Commission public committee. "We were really excited to find her," Love told me.

Environmentalists are straining to find issues which might affect poor people and workers too. So when a highway cuts through parklands *and* inner city neighborhoods, or when a factory ruins rivers *and* workers' health, why, *great!* That means they can all testify together before a Congressional hearing or hold a joint news conference for extra wallop. But this approach implies that the relationships among pollution and poverty and the workplace are merely matters of chance—good luck which will bring them briefly together. And if that is true, the three movements face a cruel dilemma. Which cause is more important: environment, poverty, or labor? The movements have limited workers, limited energy, and limited funds, and each must fight the other to win the biggest share. Whose battle do we fight first and hardest? Civil rights advocates like David Tatel know their answer: "If we give poor minorities new rights—the right to buy a house in the suburbs, the right to go to a new school, the right to a good job," says Tatel, "we'll do more to help their lives than the environmental movement ever will."

All this misses the crucial point: Every kind of environmental exploitation ultimately hurts the workers and the poor worst, whether it is highways or oil drilling, because they are on the bottom of the social heap. Take the Alaska pipeline: Environmental groups have been fighting the giant Alyeska oil consortium for two years now, charging the pipeline will play havoc with nature. But that is only the beginning. First, the pipeline will help guarantee that the United States will continue to rely on petroleum as a major source of fuel for decades to come. As long as petroleum is Number One, we will probably rely on gasoline-powered vehicles (which consume fifty per cent of the nation's petroleum) to get us around. That means we will need more highways (various states plan at least $10 billion worth of new highways in the next few years), which will tear up more neighborhoods, spread more lethal exhaust, impoverish the inner city even more. Petroleum will also nourish electric utilities, which shower sulfur oxides on the poor neighborhoods where they are usually built (the neighborhoods around New York's Con Edison are called "asthma alley").

Environmentalists will begin to make sense and their movement will survive only if they realize that neither pollution nor poverty nor worker insecurity is a separate problem which can be solved on its own. Pollution, poverty, and worker insecurity reflect three different ways that American corporations express themselves as they exploit people and resources for maximum profits. When corporations need raw materials, they strip them from public lands as cheaply as possible and leave behind great scars on the earth. When they need labor, they hire workers as cheaply as possible and leave behind women and men broken by industrial injuries, diseases, and debt. When corporations produce their goods they use the cheapest and fastest methods available and leave behind vast quantities of waste. Then corporations dump the wastes in the poorest and most powerless parts of town. And when they earn their profits, the corporations divide them up among company executives and investors, leaving behind poor people who cannot afford medical care or food or decent homes. "It's the same folks ripping off the wilderness," says John Hampton, director of the National Tenants Organization, "who are ripping off the inner city."

The root problem which environmentalists—and poverty-fighters and labor—must constantly assault is the economic and political system which gives enormous corporations the power to control the nation's people and resources. Those struggles against pollution in the rivers and lakes and the wilderness are important—or they *could* be important—but only if environmentalists fight them in a way which strikes at pollution's economic and political roots. Few of those court suits under the National Environmental Policy Act are worth their expense, because they seldom go past procedural, legalistic issues. At best the suits could be educational platforms. When environmentalists battle the trans-Alaska pipeline, for example, they should not talk just about the tundra and wild animals and the need to elevate the pipeline so it will not melt the permafrost. They should fight the power of seven petroleum corporations to dictate national energy policy, to control national wealth, to trap Americans in a suicidal gowth syndrome, and the power to destroy people's environment and people's lives for corporate benefit.

If environmentalists can transform their movement—and if environmentalists, workers, and the poor can all realize the common foe they are fighting—then they can really begin working together. So far, the prospects for this kind of resurrection seem bleak. At least environmental activists can start transforming their part of the struggle now. (Perhaps the Urban Environment Conference could provide the meager base, a common concern from which to start.) If they don't, they will soon discover that the environmental movement is stuck out on a limb, isolated, facing imminent and needless death.

The Common Roots of Poverty and Pollution

(By Senator Gaylord Nelson)

Daniel Zwerdling's article is a mixed bag of some sense and some nonsense, some truths and some half truths, a little pop sociology, a little politics, a little philosophy, and a generous mixture of confusion and superficiality.

His view of the dimension and significance of the global environmental-resource problem is appallingly superficial at best and it is on that point that his whole thesis falls apart. He sees the environmental movement as "elitist," "middle and upper class," composed of a "dwindling corps of energetic lawyers and lobbyists," a movement that will "drop dead from malnutrition and irrelevance" unless it gains broader support from "labor and poverty groups." He seems to think it is kind of important but really not *all that important*. After all, beautiful lands, wilderness, clean lakes and rivers, and pure air are of value only to a handful of the privileged, affluent, and rich, he believes. "Even rich people's ability to see the wilderness and waters being despoiled implies social privilege: They are the only ones who can afford to drive there."

This mini view of what the big problem is all about does not even state the case, let alone evaluate it. It is not necessary to respond point by point. One example will do. The oceans are one of the world's great resources. If we continue to pollute them at the current accelerating pace their productivity as a world source of food will be ended within a half century—at most a century. Is that an elitist issue? A middle and upper class problem? Or is it just irrelevant?

We are dealing with the most critical issue that faces mankind in the long pull, and the rich and the poor alike are passengers on the same space ship. We must start, it seems to me, with a recognition of the hard global realities. We live on a finite planet, with limited resources and a limited capacity to support life. Expanding technology, industrialization, and an exploding population growth are putting ever increasing pressures upon a vanishing resource base. If we are not dealing literally with the question of survival of the human species, at the minimum we are dealing with the question, "survival under what conditions?"

Zwerdling's asssertion that the environmental movement is made up mostly of a few middle class folks and a few energetic lawyers and lobbyists tells us that he really doesn't know very much about the movement. Short of a world war, no single issue commands the interest or involvement of everyone, but as many polls have shown, the environmental issue ranks high on the scale of general public concern, and on college campuses it ranked at or near the top among both black and white college students. A recent Harris Poll found that during the last campaign, eighty-three per cent of Americans favored making air and water pollution one of the two or three top priorities for the Federal Government in the next four years.

When we organized Earth Day in 1969, contributions in support of the event were made by a broad cross-section of labor unions representing a substantial majority of organized labor in the United States. Among the earliest contributors were Walter Reuther's United Auto Workers, and the AFL–CIO through George Meany. They supported Earth Day because they understood that the quality of our environment is the concern of all people from all walks of life.

Zwerdling considers the environmental cause a cop-out because it is not somehow resolving all of our social problems at one massive stroke, while at the same time reforming the whole social, political, and economic system. This is the well known peer group syndrome complex. You must assure all of your peers that because you are putting some time and energy into one cause you have not copped-out on any other cause. It reaches its ultimate absurdity when you conclude that nothing can be done about anything until the whole system is replaced by some vague, ideal system as yet undefined. It is a comfortable cop-out that answers all questions and solves no problems.

Obviously we must continue to fight poverty and discrimination in this country. Despite significant progress in the past two decades, these persistent problems continue to challenge the moral basis of our society. Obviously we must continue to fight for the priorities of health, education, jobs, welfare reform—all of which have suffered because of our costly, mistaken adventure in Vietnam and the economic distortions that have followed.

This does not mean, however, that it is elitist to work as well on the question of population growth, resource management, clean air, pure water, a beautiful countryside, and the protection of the last shreds of American wilderness. The environment has become a worldwide issue not because of some politician's rhetoric or as a diversion from other grave human concerns, but because a deteriorating environment greatly intensifies almost every problem faced by man. And, in addressing the issue, nothing less is involved than rethinking our role and our responsibilities on the planet, as we once rethought earth's place in the cosmos during the Copernican Revolution.

The shock waves from this shattering new insight into the limits to our exploitation and the extent of our new responsibilities are still echoing through America and other societies. As we begin to see that to secure a decent environment and assure a sound human future we must make some drastic changes in priorities, lifestyles, and fundamental values, there is fear or denial or just plain refusal to face the challenge. But we must realize that if we turn our backs on the task, it will matter little whether we live in affluent suburbs or poverty-stricken ghettos—life will become intolerable in any case.

Instead of viewing the environment as an exclusive concern, it seems to me that because of the issue's potential for positive change and its broad support, it has already become a vigorous new partner in the drive to match the condition of modern civilization with its hope and promise. In just a few short years we have seen the issue blossom into the great public awakening represented by Earth Day, 1970, and by the U.N. Conference on the Human Environment last June in Stockholm.

Anyone who watched the participation of millions of persons of all ages and interests in thousands of communities and schools on Earth Day could hardly conclude that this was the cause of a select few. Except for the selection of a date and a clearinghouse office in Washington, Earth Day represented a spontaneous grass roots event which did not require any planning, pushing, or organizing from the top. People from all walks of life all across the nation wanted a chance to express their concern, and they did.

The force of this new public concern is already making itself deeply felt, as it helps to forge new policies and views on land use, urbanization, transportation, public health and safety, citizen and consumer rights. In industry, the question is no longer whether to stop polluting, but how. In Government programs from defense to agriculture, review of environmental dangers has become a prerequisite to action. In Congress, since 1970 we have seen passage of the National Environmental Policy Act, the Clean Air Act, and the Water Quality Act Amendments, along with the President's creation of the Environmental Protection Agency, precedent-setting measures establishing landmark new national policies on the environment. In last November's elections, the sweeping successes of environmental bond issues, referendums, and candidates nationwide dramatically showed that instead of a fad, the environmental movement has grown into a powerful and widely accepted political force that is here to stay.

The new challenge facing the environmental issue as it moves from awareness to action is to provide public understanding of the costs and benefits involved in environmental cleanup. This task should be a major focus during Earth Week, 1973, April 9–15. From a straight dollars and cents view, the gigantic cost in damages from the present pollution of the air, water, and land is greater than the cost of cleaning it up. In addition, pollution control spending will create a whole new economic sector of jobs and investments.

Wherever there may be any potential conflicts between the goals of a clean environment and a sound economy, the new Congress should explore techniques such as long term loans to small business, protection and compensation of workers, and expanded support of research and development.

The recent conference in San Francisco on jobs and the environment, sponsored by the Institute of Industrial Relations of the University of California at Berkeley, was a positive step toward understanding and reconciling any possible differences. Also, through efforts such as those of the Urban Environment Conference, the working man, the city dweller, and the suburbanite can begin to recognize the common roots of their problems and work more effectively together on the wide range of urban problems facing this nation.

(Senator Nelson has been identified with the leadership on the fronts of both poverty and pollution. As chairman of the Senate's Employment, Manpower and Poverty subcommittee, he played a major role in securing the passage of the Emergency Employment Act of 1971. As one of the Senate's leading environmentalists, he has sponsored a number of anti-pollution measures, and in 1970 he was the originating sponsor of Earth Day.)

Self-Interest the Key

(By Senator Philip A. Hart)

One of the marvels of America is the fluidity with which segments of its society are constantly forming alliances, new coalitions, new crusades. Unlike Europeans, Americans of varying economic classes and educational levels find it easy to band together in pursuit of some common interest. But the dedication of these coalitions is always more trustworthy when the bonding glue is a specific issue rather than a general philosophy.

For example, I have seen environmentalists and resort-motel owners fight side-by-side for a new national park only a year after having battled each other over a billboard bill.

Certainly I approve Daniel Zwerdling's proposal for permanent solidarity of inner-city and middle-class environmentalists, and I am distressed that I must be more pessimistic than he about the extent of cooperation that might be achieved. The two factions are simply different pressure groups with some common concerns and a host of conflicts.

The middle-class environmentalist, after all, thinks almost exclusively in terms of preserving the status quo—or better yet, turning back the clock. He wants to make water and air as clean as they once were—even if this diminishes production or makes it more expensive. He wants to preserve the countryside by making big portions of it unavailable for commercial development.

The middle-class environmentalists has grown suspicious of Gross National Product as the sole gauge of progress in this nation. He is willing to stop the supersonsic transport (SST) regardless of economic discomfort. The Clean Air Act requiring non-polluting autos by 1976 is largely the reflection of middle-class willingness to give the environment the edge when it conflicts with high production and lower cost per unit.

But that inner-city fellow with meager income has a totally different view of environmental improvement. The status quo is bad news for him. He hasn't yet made it, and an expanding economy is his one chance of climbing out of the pit he is in. Moreover, his most pressing environmental needs—housing, schools, medical facilities, refrigerators, and so on—are all dependent on production, and cheap production at that. He is not unaware that one traditional role of the American city has been to provide an abode for low-income groups until they can afford to move elsewhere. And so he naturally thinks of environmental improvement in terms of economic improvement. He is often less interested in improving the slum than in getting out of it.

Sure, the inner-city fellow mildly approves distant parks and clean lakes just as he might be mildly approving of a folk festival in Liechtenstein. But, as Zwerdling suggests, his chances of enjoying either one are about equally good. Doubtless both the Sierra Club member and the ghetto citizen are interested in diverting some corporate profits. But while one would channel the money into pollution control, the other would likely choose higher wages.

Since I was present at the creation of the Urban Environment Conference—which seeks to unite urban and suburban environmental interests—I feel a little guilty about not touting it as the solution to all social conflict. But I have always felt that the greatest threat to the organization's success would be over-expectation.

The environmentalists, labor, and the poor cannot march together on every issue, and those who expect that they will must inevitably come to think of the coalition as a failure. Unvarying solidarity just isn't in the cards. The Conference's best chance for a string of victories lies in picking a few issues that hold a compelling common interest.

Mass transit might be one. It promises jobs, environmental improvement, and access to employment in the surburbs. It touches everyone's priorities.

There will, naturally, be other issues that will turn everybody out when the bugle sounds—and it is the Conference's job to find those issues. But I don't expect a redwood buff suddenly to begin budgeting his time toward better garbage collection in southside Chicago. I don't expect aircraft workers to denounce the SST. And I don't expect that black leaders in Detroit will soon set aside other concerns to picket some polluter on the Lake Superior shore.

Zwerdling, I think, proposes to stir up the nation's environmental conscience and throw it into a broad scale attack. That is a tremendously appealing idea and it pains me to sound like a hopeless cynic in observing that conscience just doesn't have the kind of staying power that self-interest has. It is my sad theory that self-interest focused on a few problems will wind up with better success than mass conscience temporarily activated into attack along the whole front.

Congress can endure with composure that mass assault by well-meaning citizens demanding generalities such as world peace or a change in the system. But it almost always responds to determined coalitions that are driven by self-interest into a sustained effort to hammer through a couple of specific bills.

Frankly—and I am sure this is a sign of age—I have wearied of great new crusades. I'd rather hammer through a couple of bills.

(Senator Hart, Michigan Democrat, organized the Urban Environment Conference in 1972.)

A GALOSH IN COMPUTER?

(By Henry Gibson)

Daniel Zwerdling's heart is in the right place, but one wonders where his head is. After three years of environmental reporting, Zwerdling has just discovered that the poor, the black, and the workingman are endangered species.

Dismayed by revelations of pollution in the working place and the inner city, he lashes out at environmentalists for their indulgence in elitist battles for "beautiful lands and animals" and for "siphoning away money" from civil rights causes. As he sees it, the environmental movement is dwindling to a core of D.C. gadflies and is searching for relevant "issues." He argues that since those concerned about poverty, the workplace, and the gretto are also few in number, and since their issues are where the action is at, why don't the eco-folks wake up, join forces with the other guys, and attack all these things together? And P.S., while they're at it, it might not be a bad idea to cut through all the permafrost and start thinking about really heavy questions, like no-growth and all that.

One would be willing to suspend disbelief and just enjoy, were the writer's shortcomings the excusable ones of confusing conservation with preservation, environmentalism with ecology, or even stereotypes with real people. Unfortunately, they go beyond that. It would be impudent to accuse Zwerdling of misquotation, myopia, negativism, or oversimplification. More likely, some eco-freak tossed a galosh in Zwerdling's computer or tinkered with his manuscript while he was napping. In either case, it jolts one a bit when:

A four-year study by Dr. Irving Selikoff of 17,800 men becomes a study of "the nation's 250,000 asbestos workers." A statistical result of this study, "1092 deaths in the group, 213 from lung cancer . . ." becomes: "3,000 of them succumb each year to cancer and other lung diseases."

A 1971 Presidential Council on Environmental Quality (CEQ) report citing studies by the Department of Interior and Housing and Urban Development "showing a loss of more than 22,000 acres of parkland in the last six years, much of [it] . . . close to the inner city" becomes: "highways and other urban 'renewal' projects have also destroyed more than 22,000 parks in the last six years—most of them in the inner city."

A Department of Labor projection based on limited analysis "that there may be as many as 100,000 deaths per year from occupationally-caused disease" becomes: "at least 100,000 workers die each year. . . ."

So what's the difference? A word here, a number there. We get the message. It's bad. Even a casual reading of Franklin Wallick's *The American Worker* suggests that 100,000 deaths may be a conservative figure. The difference is simply this: A casual concern for facts, however ugly, coupled with omission of all extenuating evidence, is not only a distortion of the truth but a deterrent to action as well. The effect is such a total downer that those inclined to change things surrender, enabling the author to say: "I told you so."

Funny, nowhere is mention made of the pioneering efforts of the Oil, Chemical and Atomic Workers Union to bring together union leaders, workers, and environmental scientists. Instead, the author quotes an outdated 1969 comment of Anthony Mazzochi, the driving force behind these efforts, to the effect that "labor is turned off to the environment." This is the same Mazzochi who has long worked closely with ecologist Barry Commoner, attended the Stockholm Conference on the human environment, and is a member of the only union in the AFL-CIO that fought the supersonic transport.

Funny, the author paints a breathtaking portrait of a summer of pollution alerts in the District of Columbia, but fails to tell us of the efforts of such District environmental groups as the Metropolitan Coalition for Clean Air, the Washington Ecology Center, the D.C. Federation of Civic Associations, and organizations of black groups like the Northeast Coordinating Council. Nor is there a word about the pending lawsuit (under the District's Clean Air Act), initiated by the Environmental Defense Fund, which several paragraphs later is criticized for focusing on remote causes like DES, the cancer-causing hormone in beef, the Alaska pipeline, and "beautiful beaches."

Funny, the author notes a government inspection of workers in Moundsville, West Virginia, but neglects to tell us that this was a historic occasion for labor: the first official union complaint under the 1970 Occupational Safety and Health Act. He doesn't even mention the Act. Nor the much-maligned EDF's intervention in behalf of the Industrial Union Department's suit, under the Act, to compel the Secretary of Labor to provide adequate and early standards against exposure to asbestos dust.

Funny, the author drives home the frightening imbalances of the octopus Highway Trust Fund, but omits any reference to the growing strength of the Highway Action Coalition, let alone the participation of the director of La Raza and a United Auto Workers' vice-president on its Advisory Committee.

Throughout the article, implication supplants fact, so that one is led to believe that "a major source" of inner-city lead poisoning is "the exhaust fumes from automobiles." That will come as a real shocker, especially to anyone who lives in St. Louis. The overwhelming source is paint chips. Just ask the parents of the kids who have been poisoned. Or, if their word isn't good enough, check with the expert: Dr. Oliver David, Mt. Sinai Hospital, New York City, or Vaun Newill of the Environmental Protection Agency.

Because the 1970 Census tells us there are twenty-four million Americans below the poverty line, and everybody knows ghettos are filled with poor people, it is implied that they all live in the inner city. First of all, there are a lot more than twenty-four million. Secondly, what about the rural poor?

Because labor in California opposed Proposition Nine last spring, it is implied that ecology groups are at odds with the unions. Well, the Sierra Club also opposed the bill because it was badly written.

But enough. Why defend the National Environmental Policy Act because it's all we've got, or explain the difference between chemicals and chemical compounds, or describe the Izaak Walton League's Urban Affairs Division, or the "urban turn" by many of our leading foundations? The hell of commenting on this particular example of Zwerding's reporting is that clarification becomes endless. Why bother? Pedantry? Oneupmanship? Fondness for debate? It's much more basic than that.

Somebody's going to read Zwerdling's article and somebody's going to accept it as gospel and somebody's going to do something based on the "truth" he read. And what that person does is going to affect you and me and the blacks and the poor and the old and the young and the worker and the bureaucrat and the businessman and the President and the bald eagle and the entire ecosphere.

Zwerdling knows this. His excellent reports in *The New Republic* prove it. If he is disenchanted or turned off by Washington, D.C., he should get away and recharge his batteries. We need his valuable probing into matters we know little about. Like snob-zoning laws in each state, and sophisticated uses of the environmental movement as a tool for discrimination, and to what extent revenue-sharing funds are actually used for inner-city programs, and maybe even a detailed comparison between environmental and civil rights laws.

(Mr. Gibson, actor and writer, has long been involved in environmental matters. A contributor to The Progressive's special "Crisis of Survival" issue in 1970, his poetry and articles have appeared in Audubon, National Wildlife, Penthouse, Reader's Digest, and Environmental Quality.)

PRAYER IN PUBLIC BUILDINGS

Mr. BAKER. Mr. President, since coming to the Senate in 1967, one of my top legislative priorities has been the adoption of an amendment to the Constitution of the United States to restore the civil right of American citizens—especially public schoolchildren—to pray in public buildings. I must say that pursuit of this objective has led to nothing more than a series of frustrations. This proposal has the support of an overwhelming majority of the people of this country, but the political system has proven doggedly unresponsive to this clear mandate. There have been, it is true, moments of hope. When I offered the prayer amendment as an amendment to the Equal Rights Amendment on October 13, 1970, the amendment was approved in the Senate by a rollcall vote of 50–20, a margin of more than two-thirds of those present and voting. There have been near successes in the House of Representatives. But this critically important issue has never been dealt with conclusively.

As I have done in previous Congresses, I have this year introduced a prayer amendment: Senate Joint Resolution 7. Others have joined in cosponsoring that resolution and a similar proposal put forward by the distinguished junior Senator from Pennsylvania, Mr. SCHWEIKER, Senate Joint Resolution 10. Today, in the other body, Representative CHALMERS P. WYLIE of Ohio is expected to introduce a proposed prayer amendment that will become the focal point for much support in the House. Congressman WYLIE has long been a leading and forceful proponent of this legislation and deserves the deepest gratitude of all of us who believe so strongly in the right of prayer.

In addition to paying this tribute to the efforts of Congressman WYLIE, I want to take this opportunity to underscore the fact that none of the proponents of the prayer amendment have any pride of authorship. There are, as I have indicated, several such proposed amendments, some of them worded in a slightly different way. The language of my proposal, for example, speaks of the right to "participate in nondenominational prayer;" the proposal of Congressman WYLIE is identical to Senate Joint Resolution 7, except that it substitutes the word "voluntary" for the word "nondenominational." This is not an idle change, and I think it holds great promise of proving an effective counter to various constitutional reservations that some have had about the amendment.

I look forward to working closely with Mr. WYLIE and Senator SCHWEIKER and the many other Members of both Houses who support this intensely important proposal.

AIRPORT SEARCHERS

Mr. HARTKE. Mr. President an article appeared in the January 31 edition of the Evansville Courier which I wish to bring to the attention of the Senate. The article, by Joe Aaron, develops an interesting perspective on the issue of searches at airports, an issue which I discussed on the floor of the Senate on February 8, 1973.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Evansville (Ind.) Courier, Jan. 31, 1973]

IF PERSON IS SEARCHED, IS HOUSE SAFE?

A friend called me on the phone the other day just as I returned from lunch and, with her usual lack of preambulatory chitchat, demanded:

"Well, what do you think of what the idiot Hartke has done this time?"

"What do you mean?" I asked, knowing perfectly well what she meant.

She meant what did I think of what that idiot Hartke had done this time. She could not have asked it more simply.

"I mean refusing to be checked for hidden weapons at the airport," she explained.

"I think," I said, "that he was absolutely right."

There then followed a long silence—so long a silence, indeed, that I thought she had hung up on me.

"What did you say?" she asked at last.

"I said I think he was absolutely right. I only wish a few more people would dig in their heels and say 'Enough' "

"You've lost your mind," she said tartly, and then she did hang up on me, allowing me no opportunity to defend myself, or the senior senator from Indiana.

The Senator and I, over the years since he blithely abdicated as Evansville's mayor to join that august group in the United States Senate, have seldom seen eye to eye on any issue.

I must admit that I have often considered him full of sound and fury signifying very, very little indeed.

I have often doubted his motives.

I have cynically suspected him of playing politics for the sheer love of the game, and on occasion of being the most brazen of opportunists.

But when he told those guards at Dress Regional Airport—and later guards at other airports here and about—that he was not going to submit himself to a search of his person just because everybody else was doing it, my respect for him increased considerably.

There are compelling reasons why he should not have submitted—and why, for that matter, nobody else who values his constitutional freedoms should submit, either.

First of all, of course—and of far lesser importance—Hartke is a United States senator.

And, like it or lump it, that fact makes him immune from arrest while attending, or while going to or from, a Senate session.

You may not like it; I may not like it; he may not like it.

It may well be that nobody likes it; from the frenzied response, I suspect that nobody does.

But that's the way it is, just the same. The Constitution—remember the Constitution?—says so.

"Then that means," somebody declared hotly during a lengthy, wearying dispute, "that Hartke feels he's better than anybody else, right?"

I would not presume to speculate on the senator's assessment of his own comparative value. Maybe he does and maybe he doesn't.

But that, obviously, is not the point at all, and I am amazed that the point is not absolutely clear.

But that, as I say, is the least sinigficant aspect of the entire brouhaha that his latest antic has created.

The things is, I do not believe that any person, unless there is good and just cause to suspect him, should be forced to submit to any manner of physical search, no matter by what sophisticated means.

To require him to do so, it seems to me, is to presume that he is guilty until he has proved that he is not.

That is not, nor has it ever been, the normal presumption in this fair land—and if it ever becomes so, then we shall have forfeited what we have so long fought for.

If a passenger is suspected—for ample reason—of trying to carry a hijack weapon onto a plane, then he should be searched without unnecessary ceremony.

If, indeed, he is found to have such a weapon, then he should be dealt with, and dealt with most harshly.

But to use this "scattergun" approach, on the theory that if you frisk them all—with absolutely no belief that all are guilty—you will find the one or two, is to create a far more sinister threat than the one you are trying to solve.

If it starts here, where does it end?

How long before every house is routinely searched for weapons when a murder is committed?

How long after that before every house is routinely searched just because it seems a good idea?

If my person is not exempt from unreasonable search and seizure, then is my home really my castle?

Hang in there, Senator.

FINANCIAL STATEMENT OF SENATOR AND MRS. DEWEY F. BARTLETT

Mr. BARTLETT. Mr. President, my wife, Ann, and I have placed all of our stocks and bonds in blind irrevocable trusts, and I have completed arrangements for the sale of my approximately one-third interest in Keener Oil Co., a family company, to the other Keener owners, the major share of which is owned by my brother, David Bartlett. My children, all adults, have a minor interest.

These steps are being taken in order to eliminate all possible conflicts with my responsibility to the people of Oklahoma as a U.S. Senator.

The trusts will be managed by the National Bank of Tulsa which will make its own investment decisions. Ann and I will not be aware of the companies in which the trusts made investments. The trusts will continue as long as I am a U.S. Senator.

The Keener sale is subject to a ruling from the Internal Revenue Service on the tax consequences and will not be completed until a ruling is received.

The sale price of the Keener interest was based upon an independent appraisal by a recognized consulting firm.

The people of Oklahoma are entitled to know that I will not benefit financially by any votes or positions I may take as their Senator. I believe the energy crisis facing this Nation is important to all our people and to Oklahomans in particular. I want to avoid even the appearance of self-interests in fighting for what Oklahomans believe.

In addition to the Keener sale and creation of the blind trusts, Ann and I have done the following:

First, made arrangement, on the date of the sale of my Keener interest, to tender my resignation as trustee for my children under my mother's will, regarding their Keener partnership interests; second, Ann and I sold all oil company stocks which we owned; third, prohibited the trustee from buying or selling oil or gas company securities; fourth, disposed of my interest in International Breeder Services, Inc. to my children.

Any real estate which Ann and I own, including the Delaware County farm, is not being placed in the trust.

I pledge to never repurchase any interest in Keener Oil. Further, I will not purchase any petroleum interest for at least 2 years after my service in the Senate has terminated.

I will disclose to the press at least annually any bank loans or other borrowings with the names of the leaders, the terms thereof, and any significant changes or additions in any real estate holding which are outside the blind trust and residence.

When the Keener sale is completed, I plan to place the proceeds, less the amount necessary to pay taxes, in my blind trust.

I ask unanimous consent to have the financial statement printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD as follows:

FINANCIAL STATEMENT

PRESENT KEENER PARTNERS

David A. Bartlett.
Dewey F. Bartlett.
F. Lewis Bartlett.
Dewey F. Bartlett, Trustee for John Chilton Bartlett.
Dewey F. Bartlett, Trustee for Michael Hopkins Bartlett.
Dewey F. Bartlett, Jr.
Myles G. Bartlett.
Mary S. Bartlett.

BARTLETT STOCKS PLACED IN TRUST

(1) Owned by Dewey F. Bartlett.

No. of shares

100 AT&T.
200 General Electric Co.
200 Bristol Meyers Co.
125 General Motors Co.
220 Coca-Cola Co.
200 General Telephone and Electric.
140 Halliburton Co. (has been disposed of by trustee).
140 IBM.
25 Rampp Company.
300 Standard Brands, Inc. (foods).
753 Teledyne, Inc.

(2) Owned by Ann Bartlett.

97 American Electric Power Co., Inc.
50 Ford Motor Co.
100 General Electric Co.
169 General Motors Corp.
56 IBM.
80 3-M Corp.
15 Rampp Company.

BARTLETT REAL PROPERTY

(1) 80 acres described as E/2 NW/4 of Section 18-18N-14E. Purchased October 8, 1958.

(2) 120 Acres described as S/2 SW/4 and S/2 N/2 SW/4 of Section 8-18N-14E. Purchased May 6, 1959.

(3) 1500 acre farm and home in Delaware County.

(4) Residence in Washington, D.C.

BARTLETT BUSINESS OBLIGATIONS

(1) Notes on farm in Delaware County:

(a) Owe W. C. Gunter $2100 @ 5%. 4 payments made, final payment July 25, 1973.

(b) Owe R. H. Adams Estate $21,300 @ 5% interest. 4 payments made. 6 payments remaining.

(c) Owe Mrs. R. H. Adams $21,300 @ 5% interest. 4 payments made, 6 remaining.

THE DEWEY F. BARTLETT TRUST

(Ann Bartlett Trust is Identical)

Trust agreement, made this 15th day of January, 1973, by and between Dewey F. Bartlett, a domiciliary resident of Tulsa, Oklahoma (hereinafter referred to as "Settlor"), and National Bank of Tulsa, a national banking association, in Tulsa, Oklahoma (hereinafter referred to as "Trustee").

WITNESSETH

Whereas, Settlor was recently elected as a United States Senator for the State of Oklahoma, and, in order to evidence and promote his desire of achieving actual, as well as apparent, impartiality on all issues and matters affecting his personal and political life, and to eliminate possible conflicts of interest in this regard, Settlor hereby establishes a trust to receive, hold, administer and distribute certain assets which he will transfer to the Trustee from time to time, and Settlor has herewith deposited the sum of Five Dollars ($5.00) to establish and fund said trust; and

Whereas, the Trustee acknowledges receipt of said deposit, and agrees to hold the same, together with all additions hereto, in trust, for the purposes and on the conditions hereinafter set forth.

Now, therefore, in consideration of the premises and the mutual covenants herein contained, the Settlor and Trustee agree as follows:

I

This Trust shall remain in effect until Settlor ceases to be a United States Senator, whether by reason of his death or otherwise, and, during such term hereof, Settlor retains no right to alter, amend, revoke or terminate this Trust, which is and shall remain irrevocable.

If Settlor is living at the time of termination of this Trust, i.e., when he ceases to be a United States Senator, then the entire remaining trust estate shall be forthwith distributed and returned to him, free of trust.

If this Trust is terminated by reason of the death of Settlor while he is serving as a member of the United States Senate, then the entire remaining trust estate shall be forthwith distributed to such person(s) or other beneficiaries, including his estate, in such proportions, whether outright or in trust, as Settlor shall designate and appoint in his Last Will and Testament or any Codicil thereto; or, if, and to the extent that, such general power of appointment by Will is not validly exercised by Settlor, then such remaining trust estate hereof shall be forthwith distributed to Settlor's estate.

II

During the term of this Trust, all of the net income hereof shall be paid to Settlor or to such other person(s) or concern(s) as he may from time to time direct by instrument in writing delivered to the Trustee; such income shall be paid in quarterly or more frequent installments as Settlor directs. In addition, the Trustee shall pay to Settlor so much of the principal of this Trust, up to the whole thereof, as he may from time to time direct by instrument in writing delivered to Trustee.

All payments of income as above required and of principal as above authorized shall be made in cash or by check without identifying the source thereof and, in no event, shall payments be made in kind of other property forming a part of the trust estate.

Provided, however, that if Settlor becomes incapacitated by illness, age or other cause, the Trustee shall, in its discretion, from time to time while it believes such incapacity continues, apply so much of the net income and/or principal of this Trust, up to the whole thereof, in such manner as the Trustee may determine to be necessary to provide for the support, care and maintenance of Settlor and/or his wife, Ann S. Bartlett, without regard to the other means of Settlor or his said wife. Any net income which is not disposed of as above provided shall be added to principal at the end of each year.

III

With respect to the management of this Trust, the character and manner of making investments and reinvestments of trust funds, the sale, conveyance or transfer of trust property, and the powers and duties of the Trustee, the provisions of the statutes of the State of Oklahoma in force on the date hereof, including, but not limited to, 60 Okla. Stat., Sections 161, 162, 163 and 175.1 et seq., shall govern, except as they may be modified or limited by the provisions herein contained. No repeal or amendment of said statutes shall change the powers and duties of the Trustee hereunder, and the provisions of said statutes, existing on the date this Trust is executed, except as herein modified or limited, shall continue in effect with respect to all property which may come into the hands of the Trustee, whether such property has a situs within or without the State of Oklahoma.

In addition to such statutory powers, the Trustee is expressly authorized to:

A. Invest and reinvest all or any part of the trust estate, in such stocks, bonds, notes and other securities or other property, real or personal, including investment trusts and common trust funds, as it deems advisable and proper, without regard to any law or rule of court limiting the property which trustees may purchase; except, and provided, however, that the Trustee shall use its best efforts to avoid making investments in any corporation engaged in the oil and/or gas business. Recognizing, however, the practical and administrative difficulties of an absolute prohibition against such investments, due to the fact that many corporations are incidentally engaged in such business, the Trustee shall be absolutely prohibited only from investing in securities of corporations or other entities which derive 10% or more of their gross income from the exploration, drilling, production and/or marketing of oil and/or gas. If, by mistake or otherwise, any investment is made which violates this provision, such investment shall be disposed of as soon as feasible after discovery thereof.

B. Retain and hold any assets or property acquired from the Settlor or pursuant to authority granted hereunder, including cash, without regard to diversification, limitation as to time, suitability of original purchase, and/or any other restriction or qualification.

C. Exercise any option or right with respect to any stocks, bonds or other securities of the trust estate, and take any action necessary or proper in connection with any plan of operation, sale, lease, mortgage, consolidation, merger, exchange, reorganization, foreclosure, liquidation or dissolution as to any corporation in which the Trustee holds stocks, bonds or other securities, and as to any of the property of such corporation; and the Trustee, when it deems it advisable, may execute a proxy to such person or persons as the Trustee may select to act for it in the exercise of those powers.

D. Hold all or any portion of the trust estate in bearer form or in its own name or in the name of a nominee or nominees, with or without disclosing the fiduciary relationship; provided, however, that the Trustee shall be responsible for all acts and omissions of such nominee relating thereto.

E. The Trustee shall have the power to appoint an individual or corporation as trustee to act with respect to any portion of the trust estate which has a situs in a jurisdiction in which it is not qualified to act, and shall have the power to remove each such appointee at any time, with or without cause. Each such appointee shall have all of the powers herein granted to the Trustee with respect to the management of the trust estate, and shall transfer to the Trustee as soon as practicable all gross receipts derived from the portion of the trust estate under his or its control.

F. Sell or exchange (subject to the provisions of paragraph A above), all or any portion of the trust estate from time to time, upon such terms and conditions as the Trustee, in its sole discretion may determine, free from and discharged of the Trust, and may deliver good title thereto, and no purchaser at any such sale or exchange shall be obliged to see to the application of the money or other property received by the Trustee.

G. Borrow money to protect, preserve or

improve the assets of this Trust, and/or in order to accomplish the purposes hereof, and pledge or mortgage trust assets as security for any loans thereby obtained.

H. Manage, operate, repair, improve and/or lease, for a period or periods within or beyond the term of this Trust, any real property forming a part of the trust estate.

I. Abandon any property which it deems to be burdensome or valueless.

J. Consult with legal counsel and be fully protected in any action or non-action taken, permitted or suffered in good faith, in accordance with the opinion of such counsel. The Trustee is further authorized to employ accountants, brokers, agents and others for assistance in performing its duties hereunder.

K. Compromise, contest, submit to arbitration or settle all claims by or against this Trust or the Trustee.

L. Accept additions to this Trust from Settlor, from time to time.

M. Make, execute, acknowledge and deliver any and all deeds, leases, assignments and instruments, and otherwise do and perform all casts which the Trustee deems necessary or proper to carry out the terms and provisions of this Trust.

Provided, that all powers of the Trustee shall be exercised only in a fiduciary capacity.

The compensation of the Trustee for services rendered hereunder shall be commensurate with the compensation for like services ordinarily and customarily paid in the community where such services are rendered. The Trustee shall serve without requirement of bond.

IV

The Trustee shall maintain books and accounts showing all transactions relating to the trust estate, but shall make no reportings therefrom to Settlor or his wife at any time or in any manner which would disclose or otherwise identify the specific assets held by the Trust or any investments made during the term hereof, it being Settlor's desire and direction that he be absolutely relieved and foreclosed from all responsibility, knowledge and access to information concerning the administration of this Trust, the composition of its assets and all investment and other decisions concerning the trust estate throughout the term of this Trust, except as provided below:

A. The Trustee shall furnish Settlor, annually, a statement as to the aggregate beginning and year-end values of the trust estate and such minimal information as is necessary for Settlor to report the income received from this Trust on his personal income tax returns.

B. Settlor reserves the right to make periodic recommendations to the Trustee as to the overall investment program of the Trust, by classification of investments only, i.e., income (tax exempt or non-exempt), balanced or growth, and the respective percentage of each.

C. Settlor reserves the right to remove National Bank of Tulsa (or any subsequent trustee) from the office of Trustee, at any time, with or without cause, and to appoint another national or state bank in Tulsa, Oklahoma, having trust powers and capable of performing the required services as successor Trustee by written notice to National Bank of Tulsa, or to any intermediate successor Trustee later appointed; provided that no change of Trustee shall affect or in any manner modify the terms and provisions hereof.

V

Should any of the provisions of this Trust, for any reason whatsoever, fail or be declared invalid by final judgment or decree in any court of component jurisdiction, such failure or invalidity shall not defeat or impair any of the remaining provisions herein contained, but this Trust Agreement shall be construed as if such provision or provisions so failing or declared invalid were not included herein.

VI

The situs of this Trust shall be the State of Oklahoma, and this Trust shall be construed according to Oklahoma laws.

VII

This Trust Agreement shall be binding upon the heirs, executors and administrators of the Settlor, and upon the successors and assigns of the Trustee.

In witness whereof, the Settlor and Trustee have executed this Trust Agreement on the date first above shown.

DEWEY F. BARTLETT,
"Settlor."

National Bank of Tulsa, a national banking association.

By: ——— ———,
Senior Vice President and Senior Trust Officer, "Trustee."

State of Oklahoma)
) ss.
County of Tulsa)

Before me, a Notary Public in and for said County and State, on this 15th day of January, 1973, personally appeared Dewey F. Bartlett, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed, for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year last above written.

KATHERINE W. HOWERTON,
Notary Public.

INSTANT REPLAY OF RAW ARREST DATA

Mr. ERVIN. Mr. President, on Monday, January 22, an article entitled, "Instant Replay of Raw Arrest Data," written by Mr. Richard Zimmerman, appeared on the front page of the Cleveland Plain Dealer. It concerns a computerized information system operated by the Department of Justice. In the article, Mr. Zimmerman described the National Crime Information Center—(NCIC)—operated by the Department. The purpose of this system is to collect criminal history information and to disseminate the information to participating State systems. Zimmerman describes the Ohio Bureau of Criminal Identification—(BCI)—information system, the Ohio State system which will in the next weeks become one of almost 40 other State systems participating in NCIC.

The great danger of NCIC and the related State systems is that they permit the collection and dissemination of raw arrest data. As a subsquent editorial in the Cleveland Plain Dealer pointed out:

> As matters stand, Ohio's BCI and similar agencies in other states can feed and store raw arrest data in NCIC's computers. There it could remain forever, even if persons involved in arrests were not formally charged, were not found guilty of crime or charges lodged against them were later dismissed.

Mr. Zimmerman makes a convincing case for the dangers of dissemination of raw arrest data. For example, he cites a Labor Department study which demonstrates the debilitating effect of an arrest record on employment prospects.

Of course, NCIC is only one example of the threat of computerized technology on individual freedom. Computers, such as NCIC, have the capability of locking a man into his past. They cannot forget unless they are so instructed. Computers such as NCIC can compile infinite amounts of information even erroneous or irrelevant but very prejudicial information on an individual and make it so easily and widely available that he may never escape it, no matter where he goes, no matter how erroneous the information.

I ask unanimous consent that Mr. Zimmerman's article and the subsequent editorial be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

INSTANT REPLAY OF RAW ARREST DATA

WASHINGTON.—Within the next few weeks the state of Ohio will quietly gain the space-age capability of being instantly able to lock your name forever into the FBI's massive criminal-history computer, which stands ready and whirring in a guarded fortress in southwest Washington.

Barring new state or federal regulations, your name then will be almost automatically and precipitously transmitted onto the FBI's master computer tapes as the result of almost any felony or serious misdemeanor arrest, even a simple charge by a beat patrolman or deputy sheriff.

The transmission to Washington will take place whether you are guilty or innocent, whether you are tried and acquitted and even if the charges are dropped and you are never arraigned.

Barring further legislative clarification of confusing and constitutionally questionable federal laws and regulations, the now-established fact of your arrest will be spit out at the command of an undetermined number and variety of inquiring federal, state and local agencies—including, in all probability, some prospective employers, banks and credit agencies.

And barring action by state and federal legislatures, your name and record will remain on the FBI computer tapes, ready for instant recall, no matter where you may live or move and no matter what kind of life you may subsequently live.

The information will remain on the tapes until the computer learns of your death.

If you are both lucky and guiltless, the computer print-out that will follow you forever may note your arrest was never prosecuted or the charges were formally dropped or you were acquitted.

But if the bare requirements of present federal regulations are met, the print-out may merely note your arrest record.

A recent comprehensive report made for the Manpower Commission, U.S. Department of Labor, found that an arrest record, whether followed or not by additional action by any criminal justice agency and regardless of the outcome, creates for the job-seeker a handicap that can hound him for the rest of his life.

And according to President Nixon's own Commission on Law Enforcement, a male child now living in the United States stands a 46% chance of being arrested for a nontraffic offense.

Not of being convicted, mind you. Being arrested.

For an urban male, the odds jump to 60%.

For a black, urban male, testimony before a congressional committee suggests the chance of a nontraffic arrest may run as high as 90%.

Considering these facts, it is little wonder that when the Bureau of Criminal Identification (BCI) computer terminals in Columbus are connected to the FBI's National Crime Information Center (NCIC) in Washington, Ohio—knowingly or not—also will plug into a quietly raging controversy that has civil libertarians on both the right and left in an uproar.

As Ohio planned to join the new NCIC network, which is envisioned eventually to permit every major criminal justice agency in the country to instantly "talk" with any other. The Plain Dealer investigated the controversy.

The Plain Dealer survey found some of the claims made by the more hysterical opponents of the national "big brother" computer are exaggerated. Both the FBI and its parent, the Justice Department, are not totally unaware or unconcerned as to the potential for misuse.

The Plain Dealer also discovered, if a set of rules formulated by the NCIC's own advisory board are rigidly followed, some of the potential abuses of the NCIC may be avoided.

It also was found, at least in one case, the FBI has actually disconnected one contributing criminal justice agency from the NCIC computer because the agency did not follow a guideline aimed at protecting criminal histories from misuse.

But the survey also uncovered an uncomfortably large amount of evidence leading to this conclusion: The new NCIC concept is growing unchecked by any firm legislative authority or supervision, either at the state or federal level.

Consequently, the comptuer system has the potentially destructive and totalitarian capacity to make a mockery of the constitutional right to be presumed innocent, of privacy, and of the concept of criminal rehabilitation.

Among specific findings:

The Ohio legislature has never given, nor has it been asked for permission for unregulated and unchecked state participation in the NCIC program.

Instead, according to state officials, only a broad, precomputer legislative grant authorizing the collection of criminal information at the state level provides authority to tap into the national system.

No less a conservative constitutional authority than Sen. Sam Ervin, D.-N.C., views federal authority to store, computerize and disseminate states' raw arrest data as statutorily shaky at best, and constitutionally outrageous and repugnant at worst.

The only detailed operational controls for the operation of NCIC are contained in guidelines formulated by a 20-member advisory council—a council composed of representatives selected by the very law enforcement agencies served by the system.

These guidelines, which are also being used to guide Ohio BCI input in lieu of any effective state regulations, are subject to immediate revision, without even a requirement for administrative hearings.

The guidelines as now written appear to permit any federal agency to have access to the NCIC computer tapes. While the exact limits on access are unclear, it appears this rule may, for example, permit the Defense Department access to the tapes to check on present or prospective employes of any of its sensitive defense contractors.

The informal guidelines specifically limit access "outside the federal government" to "criminal justice agencies." Yet a federal law allows the FBI to disseminate its "identification records" to federal banks, state licensing agencies and any other person authorized by a state and approved by the attorney general.

The boundary between what constitutes NCIC-stored information and the FBI's "identification records"—if a line indeed exists—is so fuzzy that even congressional experts on criminal records cannot explain the difference.

And as more and more FBI "identification records," such as criminal and civil fingerprint cards, become computerized, the line may become less clear.

An advisory group of the Law Enforcement Assistance Administration (LEAA), the agency that first conceived the idea of a national criminal history center urge that procedures be adopted to regularly purge master tapes of outdated information that would give an inaccurate picture of a subject's current behavior.

But the FBI takes the attitude that only those who fed into the NCIC, that is, the states, can or should remove information.

Few states seem immediately interested in adopting such purging requirements.

Public awareness of the NCIC does not seem acute, although the debate has been raging for some time at various levels in Washington.

The concept of a state-run, national criminal history bank first grew from a 1969 LEAA project. As first envisioned, the more sensitive criminal histories would be kept entirely separate from the FBI's then-established NCIC. The existing NCIC, at first manual and later computerized, stored names of wanted persons, license numbers of stolen cars, serial numbers of stolen guns and securities and the like. This original, limited NCIC was designed to speed information to police and the security of its contents was not of prime consideration.

It was for this reason the LEAA wanted its sensitive, raw criminal history files to be completely separate. The LEAA's idea was to help all criminal justice agencies keep track of mobile interstate criminals and to aid the courts in sentencing—not to supply raw information in response to a patrolman's inquiry.

Because raw arrest data is so sensitive, an LEAA advisory group headed by Dr. Robert Gallati, a 27-year veteran of the New York Police Department, wrote a technical report recommending detailed and tight input and output regulations, including criteria for periodic purging.

A power struggle then developed, between the states and the LEAA on the one hand and the FBI on the other, for control of the computer. In December of 1970, then-Atty. Gen. John Mitchell ruled in favor of the FBI.

The FBI chose not to keep criminal histories separate from its existing NCIC computer, but combined the two systems into a new, expanded system.

The NCIC advisory council did adopt some of the LEAA's precautions, at least on paper. To further allay critics the Council adopted one additional safeguard: Those feeding information into the new system were required to do so via systems and employes dedicated solely to criminal justice work. No other information, such as tax records and drivers license information, can be stored in local or state computers that feed the NCIC giant.

But this new regulation, at first vaguely enforced only agitated many jurisdictions which insisted they could not afford separate computer systems.

And the dedication regulation certainly has not quieted foes of the master NCIC computer, foremost among them Sen. Ervin.

Ervin found himself in the thick of the NCIC battle after a federal judge in Washington ruled the FBI has no right to give its criminal history files to anyone outside the criminal justice field.

In response to this ruling, an attempt was made last year in the House of Representatives specifically to give the FBI authority to pass out its records.

The attempt took the form of a rider to an appropriations bill. It was dropped when it was quite correctly opposed on the ground that congressional rules prescribe appropriations bills from legislating.

Ervin was ready to raise a similar objection in the Senate but was placated when the rider was rephrased so that only criminal justice agencies outside the federal government, not federal banks and the like, were designated as legal recipients of FBI information—and then only if the arrest information had led to a conviction.

But Ervin was euchred by a Senate-House conference committee, which put the House's broader version of the rider back into the bill. When the conference report was approved, an outraged Ervin vowed he would not be doublecrossed again when the temporary appropriations bill comes up for approval again this sesson.

It would appear that limiting federal legislation backed by Ervin and his sympathetic colleagues is the primary answer to misuse of NCIC and other criminal information. Federal courts have been sympathetic to persons saying arrest information has been misused, but so far they have been loath to completely purge arrest records.

While opponents of unchecked NCIC growth favor federal legislation, there probably is need for state control as well. First, federal controls may be difficult to pass. And the FBI now puts much of the control over input into the hands of the states.

Additionally, unique situations in various states create the need for special legislation.

For example, Ohio law does not consider arrest histories collected at the state level by the BCI as public records. Thus, even the subject of the history does not have the right to inspect his own records.

Yet under conflicting federal regulations and proposed law, the subject does have this right of inspection.

Also, a person in Ohio who seeks to mitigate his arrest record might be better off if he demands a costly and burdensome trial.

Jack Driscoll, head of the computer system at Ohio's BCI, believes Ohio's system of judicial reporting is sound and formal court action, such as acquittals, will be sent to BCI and hence on to the NCIC.

But if charges are quietly dropped, the BCI probably will not find out. Consequently, the subject simply will have the arrest record filed away with BCI and the NCIC.

According to the staff of Ervin's subcommittee on constitutional rights, in most arrests that do not result in convictions the prosecutors simply drop the complaint. There is no formal court action.

Both the problem of the conflict over inspection of records and the failure to inform the BCI when charges are dropped could be remedied by state law.

The possibility of abused arrest information has always been with us. For example, there have been documented cases of police selling such raw information to credit bureaus and employment agencies. Anyone working in law enforcement, including aggressive police reporters, knows it is often easy to get a look at supposedly confidential police records.

The computer age, with its accompanying danger of centralization, and these problems of purging, correcting inaccuracies and instant access, only serves to create the more chilling atmosphere of a world supervised by blinking, coldly purring, amoral master computers, programmed to serve a government at the expense of the individuals who make up that government.

SYSTEM IS OUT OF HAND

WASHINGTON.—The steady building of a new massive, computerized criminal history file in Washington, which Ohio plans shortly to begin contributing to, has elicited many comments from many sources.

Here is a sampling, collected both firsthand and from secondary sources during a Plain Dealer survey on the establishment of a national criminal file system:

"The system is out of hand."—Judge Gerhard Gessell in ruling the FBI could not give criminal record information to banks and others outside the federal government.

"An important part of the opposition to large-scale information systems is the fear that individuals would no longer be permitted to outlive their mistakes. If this is true, an information system could run counter to much that has been claimed about this country since its beginnings."—Law Enforcement Administration Agency (LEAA) study urging that computer tapes be periodically purged of outdated information.

"I have trouble seeing any legitimate use whatsoever in a bare record of an arrest which is not followed by a conviction . . . The only way to correct this problem is for Congress to enact legislation defining and controlling the power of the Justice Department to collect and disseminate criminal history information."—Sen. Sam Ervin, D-N.C., chairman, subcommittee on constitutional rights.

"Any arrest which does not lead to subsequent conviction should not be recorded, let alone disseminated, as a stain on a man's record."—Francis Dale, chairman of the Committee for the Re-election of President Nixon and member of National Council on Crime and Delinquency.

'Notwithstanding the big daddy' problem, we believe that we must build comprehensive information systems so that government can better legislate, plan and administer to assure the survival of our society."—Daniel Magraw, president, National Association of State Information Systems.

"The average guy is just not going to be able to walk in off the street and make a correction in his records."—Prof. Herbert S. Miller, author of a study on the effect of an arrest record on employment.

"I'd say most legislatures are reactional—you have to have a (criminal computer) system in place, first, before they legislate."—Joseph L. White, deputy director, Ohio Department of Economic and Community Development's Administration of Justice Division, on why Ohio is plugging into the national system without any legislative guidelines.

"The NCIC affords you, the citizen, the greatest crime-fighting weapon since the development of fingerprint identification."—"The NCIC and You," an FBI publication of the FBI.

Arrest Record Is Obstacle to Jobs, Difficult To Erase

Washington.—Last year the manpower administration of the U.S. Department of Labor asked Georgetown University Law Center to study the residual effect that an arrest record has on a person's employability.

Among that study's findings:

"An arrest record not followed by conviction is a substantial obstacle to employment.

"Present annulment and expunging statutes do not remove obstacles to employment. . .

"State civil service statutes provide no guidelines . . . to screen applicants with criminal records.

"Job application forms frequently ask for arrest record (information) and do not indicate that an individual with a criminal (arrest) record is eligible for hiring."

State licensing requirements for various occupations (from lawyers to barbers and beauticians) have the potential to discriminate against those with criminal (arrest) records.

The study found that arrest records, including 60 million already on file with the FBI, "are notoriously inaccurate in that they do not show final dispositons."

"Cleaning up" the manual and computerized records on file with the FBI would "almost be impossible," the study said.

Consequently, the Georgetown group recommended that all employers be barred from asking whether a prospective employe has a simple arrest (as opposed to a conviction) record.

Some Proposals for Regulation

Washington.—A few federal laws, some informal federal regulations and many proposed federal and state controls have been inspired by the government's quietly growing propensity to gather raw criminal information to its bureaucratic bosom.

After a federal judge ruled that the broad authority of the federal government to collect such information did not permit it to pass it to banks or others outside the government the following language was slipped into an otherwise routine appropriations bill (contrary to congressional rules that temporary appropriations bills should not legislate):

"The funds provided for . . . the FBI may be used . . . for the exchange of identification records with officials of federally chartered or insured banking institutions . . . and if authorized by state statute and approved by the attorney general, to officials of state and local governments for purposes of employment and licensing . . ."

As a means of self-regulation, the NCIC has established an advisory board that has formulated regulations to control the system. Among the highlights:

Direct access, that is, the ability to feed into and draw from the computer by means of direct terminals, "will be permitted only for criminal justice agencies . . ."

Raw criminal history facts then will be made available "outside the federal government only to criminal justice agencies for criminal justice purposes . . . but pending additional legislative action at state and federal levels or attorney general's regulations."

"The person's right to see and challenge the contents of his record should form an integral part of the system . . ."

Not to be fed into the computers are records of minor, nonfelony arrests, minor traffic violations, juvenile offenses and intelligence information not resulting in an arrest.

The submision of follow-up information after an arrest will be encouraged, but voluntary.

The Justice Department has come up with additional proposed legislation even though it claims already to have authority to collect criminal data.

Essentially, Justice's proposal would make permanent the language (above) that was slipped into the temporary appropriations bill set to expire at the end of the fiscal year.

Because this proposal would grant the attorney general and the states such wide latitude to adjust regulation of dissemination, the proposal is termed "not the solution" by aides to Sen. Sam Ervin, D-N.C.

Because both proposed and existing federal laws supported by the Justice Department appear open to tampering and interpretation by federal authorities, other regulatory concepts have been devised. Among them:

Ervin: The senator has a simple method to correct what he considers, in the words of a colleague, the computerization of "the raw material of tyranny."

Ervin has pledged to object on procedural grounds when language giving the FBI wide power to give out information is again included in the appropriations bill. If successful, this would reinstate the ruling of Judge Gesell limiting the dissemination of criminal history information.

Essentially, Ervin is opposed to computerizing any arrest records in cases that do not later lead to a conviction. He also favors other safeguards on the system's security.

Law Enforcement Assistance Administration: On the advice of an advisory group, the LEAA has produced two sets of draft proposals. The first is a model state law and the second is detailed, model regulations to supplement the laws.

While permitting the collection of arrest data, the model law and regulations are much more strict and comprehensive than current federal law.

Among other things, the laws set up boards to oversee privacy and access and also permit the purging of arrest data after the subject has avoided contact with the law for 10 years.

U.S. Rep. Don Edwards, D-Calif.: Edwards has introduced legislation this session which, among other protections, flatly prohibits the dissemination of arrest information by anyone to anyone if the information is more than two years old and has not been followed by prosecution.

Citizens' Rights Come First

Protection of citizen rights, one of the grand ideas behind the American form of government, appears to be relegated to secondary status in new action against crime and wrongdoing.

That is the clear picture developed in The Plain Dealer Washington Bureau's inspection of the linkup-to-be between the Ohio Bureau of Criminal Identification (BCI) and the FBI National Crime Information Center (NCIC).

It would be good if the computerized two-way system could be operated to provide only the fast, accurate information that law enforcement agencies need. But it will be very bad if the arrangement is allowed to work unfairly, as it can, against very large numbers of people.

The potential for doing just that is very real, and not just in Ohio. The confusion in federal law and the general lack of strict state limitations on gathering, storing and disseminating arrest data thus become now a matter for serious consideration nationwide.

As matters stand, Ohio's BCI and similar agencies in other states can feed and store raw arrest data in NCIC's computers. There it could remain forever, even if persons involved in arrests were not formally charged, were not found guilty of crime, or charges lodged against them were later dismissed.

There the black-mark data could be made available to a variety of other federal, state and local agencies. Those in turn and at their own discretion could pass the information along to employers, banks and credit agencies.

Such extended free-flow of incomplete and harmful information unquestionably runs contrary to an innocent individual's right to privacy and his right to be presumed innocent until proved guilty. In the case of persons who have broken the law, paid the penalty and mended their ways, bad reports from the past could interfere with rehabilitation, the new chance they supposedly have earned.

U.S. Sen. Sam Ervin, D-N.C., chairman of a Senate subcommittee, deserves praise for sounding warnings of danger in the expanded NCIC system. He opposes computerizing of arrest records in cases that do not later lead to convictions, and he wants tightened control over data disseminated by NCIC.

Prodded by an advisory group, the federal Law Enforcement Assistance Administration has produced model state laws and regulations that could overcome deficiencies in federal law. The models propose the purging of arrest data on persons who have stayed clear of the law for 10 years. Also they propose boards to oversee record privacy and access.

A few other useful ideas have become known, but as The Plain Dealer's study indicates, a complete awakening of concern for protection of very basic citizen rights in the stepped-up war on crime comes very slowly.

The arrangement involving the states and NCIC could and should be made to work fairly. It can be made to do so if lawmakers at the state and federal levels recognize that protection of citizen rights remains of paramount importance.

REPORT OF JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

Mr. METCALF. Mr. President, Congress created a new Joint Committee on Congressional Operations just over 2 years ago and assigned it responsibility for finding ways to strengthen the people's branch of our Federal Government.

Since its inception, this committee has worked hard to carry out the activities intended for it under the 1970 Legislative Reorganization Act.

Let me summarize some of these activities for you. Under the dedicated and effective chairmanship of Representative Jack Brooks of Texas, the committee has—

Conducted hearings and reported recommendations on proposals designed to improve the congressional budget process.

Reviewed and reported on implementation of provisions of the 1970 act intended to give Congress better access to more meaningful Federal fiscal and budgetary information.

Initiated a major study of congressional capability for utilizing communications media more effectively in reporting to the American people.

Undertaken a preliminary study of the 1970 act's requirements for committees to file reports on legislative review activities, to determine the effectiveness of this provision in improving congressional oversight.

Compiled and published in a single source rules adopted by the committees of Congress.

Prepared and issued a series of reports identifying court proceedings and actions of vital interest to the Congress.

Established an Office of Placement and Office Management for Congress, and published congressional handbooks containing information on the allowances, emoluments, and privileges accorded Members of both Houses.

Mr. President, this record of accomplishment and productivity speaks for itself. Because of the careful and conscientious effort of Representative Brooks, the joint committee is now firmly established and prepared to continue and expand its work to help the Congress "better to meet its responsibilities under the Constitution of the United States."

Yesterday, at the first possible opportunity after all of its members had been named for this Congress, the joint committee held its organizational meeting and began to set its agenda for the next 2 years.

My Senate colleagues on the committee, Senators Gravel, Chiles, Taft, and Weicker selected me as chairman for the 93d Congress. I consider this both an honor and a privilege, and intend to build on the solid foundation prepared by Representative Brooks.

Our first hearings in March will examine problems of legislative immunity created by recent court decisions, particularly as these affect the exchange of information between citizens and their elected representatives in Congress. Preliminary work on these hearings has been underway in the committee for some time.

I have ordered initial staff work on a study of Senate committee structure and jurisdiction so that we can be prepared to go into hearings on this as expeditiously as possible.

Mr. President, so that Members of the Senate will have a better knowledge of the scope and direction of the joint committee's work, I ask unanimous consent to have a brief description of the joint committee's activities over the past 2 years printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Activities of the Joint Committee on Congressional Operations, 93d Congress

COMMITTEE ORGANIZATION

Representative Jack Brooks of Texas and Senator Lee Metcalf of Montana were elected to serve as chairman and vice chairman, respectively—the chairmanship alternates between the House and Senate every two years—at the committee's first organizational meeting on March 18, 1971. Committee organization was completed on March 30, with adoption of rules and procedure.

Other Members of the committee were: Representatives Robert N. Giaimo of Connecticut, James G. O'Hara of Michigan, Durward G. Hall of Missouri, and James C. Cleveland of New Hampshire; and Senators Mike Gravel of Alaska, Lawton Chiles of Florida, Clifford P. Case of New Jersey, and Richard S. Schweiker of Pennsylvania.

Appointed as permanent committee staff employees were: Eugene F. Peters, Executive Director; Donald G. Tacheron, Director of Research; Nicholas A. Masters, Staff Director (resigned September 30, 1971); Raymond L. Gooch and George Meader, Staff Counsel; Ann Holoka, Research Assistant; and Cynthia Watkins, Office Manager.

The committee held six days of public hearings and met 12 times to consider staff appointments, proposals and approve reports, discuss hearings, and conduct other committee business.

COMMITTEE ACTIVITIES

Provisions of the 1970 Act give the committee a broad mandate. As defined in title IV, part 2, its duties and responsibilities are to:

Make a continuing study of congressional organization and operation; and to recommend improvements designed to strengthen Congress, simplify its operations, improve its relationships with other branches of the United States Government, and enable it better to meet its responsibilities under the Constitution.

Identify any court proceedings and actions of vital interest to the Congress or to either House of the Congress; to call these to the attention of the House of Congress specifically concerned, or to both Houses of Congress; and to make recommendations concerning them.

Control and supervise an Office of Placement and Office Management.

Activities undertaken by the committee to carry out these provisions included the following:

In its first hearings, the committee evaluated proposals to improve the scheduling of annual authorization-appropriations action so that enactments could be completed prior to the start of the new fiscal year. Four days of hearings were held, with emphasis on numerous proposals to change the Federal fiscal year. Invited to testify were Members of both Houses and representatives of congressional agencies, executive departments, and various private organiztions. Additionally, all Governors, all chief State school officers, and the mayors of 50 cities were asked to submit statements for the record.

The hearings were printed and, together with the committee's report and recommendations, entitled *Changing The Federal Fiscal Year: Testimony and Analysis*, issued November 5, 1971, were sent to all Members of both Houses.

In a related area the committee conducted an extensive review of implementation of sections 201–203 of the 1970 Act, intended to give Congress—along with other users—ready access to meaningful fiscal, budgetary, and program related data in the executive departments and agencies. Hearings were held in March and April, 1972, with witnesses invited from the General Accounting Office, Department of the Treasury, and Office of Management and Budget. The printed hearings and subsequent committee report, entitled *Improving Fiscal and Budgetary Information for the Congress*, issued August 15, 1972, were sent to all Members of both Houses.

As a part of this review activity, the committee initiated a comprehensive study of congressional needs for information on Federal financial operations. The study, begun by the GAO in mid-1971, is expected to be completed in 18 to 24 months, and the committee will continue its review of implementation of sections 201–203 during that period.

In another project, the committee issued a report containing rules adopted by congressional committees at the beginning of the 92nd Congress. Compiled in cooperation with the chairmen of the various committees, who were asked to submit copies of their committee's rules for inclusion, the report contains rules adopted by 22 House committees, 20 Senate committees, and 3 joint committees. The committee plans to revise this report, *Rules Adopted by the Committees of Congress*, to reflect any committees rules changes made early in each Congress.

Other publications resulting from committee studies were:

Modern Information Technology in the State Legislatures, June 9, 1972, describes automatic data processing systems in use or being developed at the state level.

The Joint Committee on Congressional Operations, January 1, 1972, describes the committee's purpose, jurisdiction and rules; and contains a brief description of changes in congressional organization and operation over the past decades as well as statistical information on congressional activity, names of House and Senate Leaders, committee chairmen, and congressional agency heads.

Committee publications have been distributed widely. For example, the committee responded to 5,120 requests for *Rules Adopted by the Committees of Congress*, 1,880 for *Improving Fiscal and Budgetary Information for the Congress*, 1,280 for *Changing the Federal Fiscal Year: Testimony and Analysis*, and 1,445 for *Modern Information Technology in the State Legislatures*.

Identifying court proceedings

In October, 1971, the committee issued the first in a series of reports identifying court proceedings and actions of vital interest to Congress. Four such reports have been issued since then, each of them listing additional cases and including any new action on cases described in the preceding reports.

The most recent of these cumulative reports, complete to September 25, 1972, contains a summary of the brief and the status of 38 actions in the following areas: Constitutional qualifications of Members of Congress, Constitutional immunities, powers of congressional committees, Constitutional powers of Congress, congressional access to executive branch information, Officers and agents of Congress, and other actions involving Members in their representative capacity. The 164-page report also contains the text of recent decisions on cases identified for inclusion.

In addition to the cumulative reports, the committee prepared and distributed two special reports in areas of general interest to many Members. The committee responded to 1,817 requests for copies of the first of these, *Decisions of the United States Supreme Court (United States* v. *Brewster*, and *Gravel* v. *United States)*, issued on June 29, 1972; and to 2,430 requests for copies of the second, *The Franking Privilege of Members of Congress*, issued October 16, 1972.

The final cumulative report, for the 92nd Congress to be issued in early January, 1973, will include final action on all cases pending during the two-year period. The committee has arranged to distribute these reports regularly to all Members of both Houses as well as congressional committees, law schools, and other interested individuals and organizations.

Office of placement and office management

The committee conducted a survey of congressional offices during May, June, and July 1971, to determine what kinds of assistance Members, officers, and committees required in recruiting, and training qualified staff personnel and in applying modern office management techniques. Based on results of this survey—which included interviews with Members and staff in 49 congressional offices and committees—the committee began providing services through its office of Placement and Office Management in January, 1972.

The committee assumed full responsibility for the Placement Office, previously operated by the U. S. Department of Labor, on January 3, 1972. The Placement Office is situated on the first floor of the House Annex (former Congressional Hotel) and in Room B-46 of the Russell Senate Office Building. Among placement services provided are:

Preliminary applicant interviews on a walk-in basis.

Maintenance of qualified applicants by job categories.

Submission of résumés in response to job orders for review by the congressional offices involved. (The Placement Office submits a number of résumés of qualified applicants for each job opening; it does not make final selection among candidates for employment.)

Use of Placement Office sevices is increasing steadily, with 941 job orders received from congressional offices to date. Some 200 applicants are given preliminary interviews by the office each week.

In November, 1972, in accordance with objectives defined in sections 402(a) and 402 (b) of the 1970 Act, the committee printed and distributed loose-leaf handbooks consolidating information on allowances and other support services available to Members of the House and Senate.

Prepared by the Office of Placement and Office Management, the 200-page *Congressional Handbook*—the House and Senate versions differ to reflect the different allowances and procedures for obtaining them in the two Houses—describes information sources, privileges of Members, and other information pertaining to establishment and maintenance of congressional offices.

Copies of the handbooks have been distributed to all re-elected, incumbent and newly elected Members of Congress, officers of the House and Senate, and congressional committees. Material in the handbooks will be revised periodically as needed and new pages containing updated allowances, procedures, etc., will be sent to those receiving these publications from the committee.

To date, the committee has received additional requests for 128 copies from Members and others interested in congressional operations. Since the original printing has been exhausted, the committee plans to request reprinting of the handbooks to fill such requests early in the 93rd Congress.

STUDIES AND ACTIVITIES IN PREPARATION

In addition to work completed, as indicated above, the committee initiated a number of preliminary studies for hearings or reports and planned training programs for new House and Senate staff employees. Included, are background studies relating to questions to be considered in hearings on legislative immunity and its relationship to Congress' ability to gather and disseminate information. Topics on which such studies are under way are the origin and development of the doctrines of legislative, executive, and judicial immunities; the justiciability of issues involving operations of Congress; judicial and executive actions relating to the separation of powers doctrine and executive privilege; and proposals for establishing a counsel for Congress. The hearings have tentatively been scheduled to open in February, 1973. Other studies scheduled for completion during the 93rd Congress are:

Congressional capability for utilizing communications media more effectively in reporting to the American people. The study objectives are to:

(1) Describe the existing imbalance between executive and legislative branch communications capabilities;

(2) Analyze and assess the consequences of this imbalance; and

(3) Develop recommendations for a communications strategy providing Congress with the techniques and access to the media necessary to offset the massive and increasingly sophisticated use of mass communications by the President and executive agencies.

Decisions of the Federal courts in cases which have significantly affected the operations of Congress. This compilation will include cases of historic and legal importance in these major categories:

(1) The separation of powers doctrine as it affects the legislative functions of Congress;

(2) Congressional investigations and the power to solicit information by contempt proceedings;

(3) Congressional power over elections and qualifications of members; and

(4) Legislative immunities

Each chapter will contain selected material from law journals and other legal periodicals as well as the complete text of the official reports of the cases selected for inclusion, providing in a single source the major court interpretations of the constitutional functions and perquisites of the Congress along with the implications of these interpretations as viewed by legal commentators.

Responsiveness of legislative agencies, including the Government Printing Office, General Accounting Office, Library of Congress, and Architect of the Capitol.

Detailed description of the plans of the General Accounting Office and the Congressional Research for upgrading their information capabilities to meet new requirements of the 1970 Legislative Reorganization Act. Also under way is a general survey of the operation of other provisions of the 1970 Act that are within the review and study jurisdiction of the committee.

Current and prospective applications of modern information technology in the Congress. The study will include summary descriptions of such systems in both Houses, the GAO, Library of Congress, and Government Printing Office.

Training for new staff employees will be offered by the committee through its Office of Placement and Office Management during the second week in January, 1973. The purpose of the training sessions will be to acquaint key staff appointees with various problems that can be anticipated in the day-to-day operation of a congressional office. The *Congressional Handbook* will be used as the basic text for these sessions, with discussion leaders selected from among experienced House and Senate staff personnel. Subjects covered will include office organization, constituent relations, casework, and sources of information.

NATIONAL ASSOCIATION OF INSTALLMENT COMPANIES

Mr. BEALL. Mr. President, the National Association of Installment Companies has recently initiated a code of conduct which will have a beneficial effect on the industry. I refer to the Guide to Modern Collection Principles developed by the organization which details the proper techniques and practices that should be followed by its members in day-to-day business.

I ask unanimous consent that the Guide to Modern Collection Practices be printed in the RECORD so that Senators might have the opportunity, as I did, to read of the work of NAIC.

There being no objection, the guide was ordered to be printed in the RECORD, as follows:

GUIDE TO MODERN PRINCIPLES

NEW YORK, N.Y.—February 5, 1973—The National Association of Installment Companies announces that, at its Annual Membership Meeting on February 4, 1973, the membership adopted a Guide to Modern Collection Principles for members of the Association. The Guide makes explicit a statement that has always been in our Statement of Principles that "members will follow sound, progressive and ethical methods in the collection of their accounts."

There are eleven specific points which will now guide the conduct of all members of the Association in the area of collections. They are:

1. Investigate any process server or collection agency or collection attorney that you may retain to make certain that such agency or individual conducts his business in your behalf in a completely ethical and legal manner.

2. Verify employment and personal references at the time of the initial or add-on sale so that proper credit extension policies can be followed. Do not contact the place of employment (even where such contact is legal) to effect collection unless mail to debtor's residence has been returned.

3. Make sure that all contracts conform to all legal requirements and that each individual contract is signed by a person of legal age.

4. Do not engage in any harassment of debtor at place of business or at residence.

5. Use telephone in collection work only during reasonable hours.

6. Avoid all deceptions in locating the whereabouts of a skip account.

7. Always permit the consumer to cancel a sale before the first payment is due whether state law requires a "cooling-off" period or not.

8. Use brief, easily understood and courteously worded collection letters.

9. Afford any disgruntled customer an opportunity to arbitrate the grievance before any legal action is undertaken.

10. Eliminate holder in due course provisions in contracts even in States that still permit this practice.

11. If legal action is required, bring the action in the county of debtor's residence, or in the county where the sale was made, or in the county of debtor's employment, and simultaneously notify the debtor in writing at his residence that legal action is being taken, enclosing a copy of the Summons.

The Guide was adopted because all of the members of the Association are naturally involved in various collection activities since it is an installment business and, as any businessman knows, one who is involved in credit will from time to time have collection problems. Moreover, the entire area of collection problems has become a rather sensitive one and there no doubt have been many abuses of debtors and many violations of proper collection practices by various and sundry individuals and organizations.

By taking the lead in this matter, it can help develop greater confidence on the part of the entire public in the extension of consumer credit and in the fairness with which just debts are collected. This, in turn, will be good for all business and for the consumer as well as the seller.

We are recommending that these Guide Lines be followed not only by members of the Association but by all firms engaged in the extension of consumer credit. We also recommend cooperation with all duly constituted authority to achieve the establishment of these collection principles so that the abuses which have been reported at various hearings will be relegated to the archives of the past.

For further information contact: Edward L. Sard, NAIC, 38 West 32nd Street, New York, N.Y. 10001. Phone: 212—239-6520. Or **at the Statler Hilton Hotel, 212—PE 6-5000—Room, 410. From February 2-6, 1973.)**

PRESIDENT LYNDON B. JOHNSON

Mr. McGEE. Mr. President, the passing of President Lyndon Baines Johnson is a great loss to our Nation and a deep, personal loss to me.

While I had known of, and about, Lyndon Johnson a great many years, he did not come to know me until my mentor, Senator Joseph C. O'Mahoney, asked L. B. J. to come to Casper, Wyo., on my behalf. The occasion was my initial race for the U.S. Senate in 1958. It was at a public meeting in Casper that the then majority leader of the Senate was so bold as to publicity pledge to the Wyoming voters that—

> If you send that young history professor to the Senate of the United States, I promise to put him on the most powerful committee in the Senate—Appropriations.

They did, and he did.

Many present at that meeting thought Lyndon Johnson's promise was a typical political promise made to all constituencies, no matter what the State. Even I did not believe that the man who made it would have any reason to deliver. However, the moment I arrived in Washington, Lyndon Johnson's first public deed on my behalf was to announce the appointment of that young, new, freshman Senator from Wyoming to the Appropriations Committee.

Needless to say, the State of Wyoming has never forgotten that this man kept his word. And personally, from that moment on, I learned to respect the integrity of the man who was my majority leader in my "green years" in the Senate; later, my counselor and father-confessor; and ultimately, my President. But most of all, Lyndon B. Johnson was always my friend.

I suppose it would be fair to say that there were many instances and occasions where events drew us more closely together—particularly with members of his family. I recall even yet those warm occasions when his daughters, Luci Baines and Lynda Bird, were organizing young people in the Washington area high schools during national campaigns. I appeared jointly with them and enjoyed the good fun and camaraderie. Or those occasions when Lady Bird and Lyndon seemed to find his greatest comforts in sharing reminiscences with those western Senators with whom he seemed to speak a language much like their own.

No events, however, drew us more tightly together than the crunches of the war in Southeast Asia. It was during those tense and lonely years that the President seemed to become more and more isloated from many of his lifelong friends. A loneliness grew within him that only decisionmaking at the White House could create or explain. The loneliness of the Presidency must have reached an all-time peak during L. B. J.'s Vietnam years.

The climax of those troubled years are capsulized best by the President's momentous decision on March 31, 1968, not to seek reelection. Some already had reason ot suspect that the President preferred to spend his retiring years with his family. But the threatened violence and divided voices of America in that fateful spring of 1968 prompted the President to make one of the most statesmanlike decisions any President has ever had the courage to make—that he would forego another political race for reelection—one which, in the judgment of some of us, he would have won—because he felt that even in another election victory, the very fact of his presence in the White House would jeopardize the chances for a meaningful peace in Southeast Asia.

Probably more than any other modern President, Lyndon Johnson was the kind of political professional who relished political success the most. For him to forgo its prospects and promises in the interests of the well-being of his country says a great deal about the man's selflessness and statesmanship.

The occasion of President Johnson's retirement afforded the opportunity for many of us to engage in efforts to summarize his career. At the time he stepped down from the office of the Presidency, I said in a speech on the floor of the Senate—and I now quote from that text:

> Mr. McGee. Mr. President, Lyndon Baines Johnson came to Washington as a young man 38 years ago. Shortly he leaves his town, this Capital, this bastion of democracy, as a still young man. He leaves us with the knowledge that he is a vigorous man whose dedication to people will cause him to continue an active life and contribute many more years of service to this country. He leaves us with much more than that, however.
>
> If Lyndon Johnson's career had ended at almost any point it would still have stood as a great record of achievement, for he served in five Congresses as a Member of the House of Representatives, was elected three times to the Senate, served as whip and as both minority and majority leader in this body, as Vice President and as President—the highest office this land, indeed this world, has to offer. It is a remarkable record of achievement which President Johnson has established. Only a remarkable man could have done it.
>
> For myself, I count myself fortunate to know and to have worked with Lyndon B. Johnson, not alone because he has held power, but because he is, as a man aside from the positions of great influence which have marked his career, truly a remarkable person. I know that I am not alone in holding Lyndon B. Johnson in great esteem and affection, for he has been a friend to all of us—a dedicated friend to all the people of the United States. We know this whether or not we have agreed with our President on specific issues of the past. He himself, addressing us in his farewell state of the Union speech just this week, said it best:
>
> I hope it may be said, a hundred years from now, that by working together we helped to make our country more just, more just for all of its people—as well as to insure and guarantee the blessings of liberty for all of our posterity. That is what I hope, but I believe that it will be said that we tried.
>
> Certainly, it will be said that Lyndon Johnson's leadership of this country was met by turbulence as well as progress, by hate as well as affection, by fear as well as faith. But never will it be said that he gave less than a total effort to doing what, as Chief Executive, he saw as necessary, and I do suspect that 100 years from now historians will agree that this era did see America advance as a just country, just for all its people, and strengthened liberty for the future.
>
> Lyndon B. Johnson has a rather special place in the State of Wyoming and in the West in general, not just because he was known to wear boots and raise white-faced cattle on his beloved ranch—though that did not hurt him any—but because he understood us and was, in real measure, one of us. He has enriched our country's democratic tradition immensely. A young man from the Texas hill country, a graduate of Southwest Texas State Teachers College, a teacher himself, he became our leader. And he led us.
>
> Mr. President, I wish Lyndon Johnson and the great lady who is his wife and has been such a grant First Lady to all of us. Godspeed as they return to their Texas home.

Mr. President, indeed at the ranch, Lyndon and Lady Bird sought the quiet of their beloved hill country. But even in retirement, the President continued his quest for meaningful answers to the complex problems of humanity. Not for a moment did he rest or desist from driving himself to find better answers or higher ground upon which to resolve the conflicts that his fellow man experienced as they sought to achieve equality, understanding, and tolerance of one another. Even as he departed this world, Lyndon Johnson was striving to heal the wounds of this Nation laid open by racial strife and bigotry.

A giant in his own time, Lyndon B. Johnson will emerge as a giant on the pages of our Nation's history. The judgment of history will accord him a place of highest honor in our people's memory. For history has a way of sorting out the irrelevent and emotional attacks of contemporaries from the significant and sensitive achievements of one who is a leader. As it was the fate of Woodrow Wilson and Harry Truman, so it will be the fate of Lyndon Baines Johnson.

Loraine joins me in expressing our own deep sense of loss and sympathy to Lady Bird, to Lynda Bird, to Lucie Baines, and their families.

Wyoming's sense of loss is epitomized in an editorial published in the Wyoming Eagle on January 23, 1973. Editorial Writer Bernie Horton opened his remarks by saying, "Wyoming has lost another friend."

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Lyndon B. Johnson

> Wyoming has lost another friend.
>
> His name: Lyndon B. Johnson, 36th President of the United States. Mr. Johnson died yesterday of a heart attack.
>
> Many Wyomingites may remember Lyndon Johnson when he came to Cheyenne in 1952 to deliver a free-swinging political speech in behalf of his long-time friend, the late Sen. Joseph C. O'Mahoney.
>
> Others may remember him in 1958, when he told Wyomingites that, if they elected Gale W. McGee to the United States Senate,

he, as majority leader in the Senate, would see to it that McGee would be appointed to the powerful Senate Appropriations committee. McGee was elected and he was appointed to the appropriations committee the day he walked into the Senate.

Some of us will remember talking to Lyndon Johnson in Los Angeles, in 1960 when he was running for President. He ended up as running mate to the late President John F. Kennedy, and much of the credit for their victory was due to his efforts.

Lyndon Johnson came to Cheyenne again, in July, 1963, to speak at a giant appreciation dinner in honor of Wyoming's senior Senator McGee. More than 1,250 persons from all over Wyoming turned out for the occasion.

On that day, Mr. Johnson granted this writer an exclusive interview, perhaps the last exclusive interview he was to grant for many years. He was Vice President, at the time, and a few months later he was to become President following the tragic events that transpired in Dallas, Tex.

Lyndon Johnson even rode in the Cheyenne Frontier Days parade, one year. Remember him? Cowboy hat and all perched on the back of a stagecoach?

Some may have thought differently.

But we thought Lyndon Johnson was one of the most approachable, down-to-earth men we have ever interviewed.

He answered our questions with candor and sincerity. It seemed to us that, even as Vice President, he was dedicated to making this a greater nation—a nation with concern for all.

President Johnson was scheduled to return to Cheyenne on Nov. 4, 1966, but was forced to cancel because of a serious illness.

Some Wyoming Democrats may remember Lyndon Johnson when he was nominated at the 34th National Democratic Convention at Atlantic City, Aug. 24–27, 1964.

Some, who are interested in politics, will remember his landslide victory that year. He won 486 electoral votes to only 52 for his opponent.

Some may remember the vast number of social and economic reforms he brought about as President, especially during the months immediately following the death of President Kennedy.

But we strongly suspect that millions of Americans, including the citizens of Wyoming, may remember most vividly the address Lyndon B. Johnson gave on a Sunday evening, March 31, 1968.

At the very close of a 30-minute speech on Vietnam, during which he announced he was ordering an immediate and unilateral scaling down of American bombing of North Vietnam as "the first step in what I hope will be a series of mutual moves toward peace," Mr. Johnson declared:

"I shall not seek and I will not accept the nomination of my party for another term as your President."

That was his way of underscoring the United States' sincerity in seeking to end the war in Vietnam. It eventually was to bring the communists to the conference table. Few times in history has a President, or any other leader of a major international power, placed the welfare of his nation and the struggle for the ideal of peace so clearly and dramatically ahead of his own political ambitions.

Among other things, President Johnson may go down in history as the President who gave up his own political future in favor of national unity and a sincere hope for peace.

TESTIMONY OF SENATOR HUGHES BEFORE COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. SYMINGTON. Mr. President, the distinguished Senator from Iowa (Mr. HUGHES) presented timely and thoughtful testimony to the Committee on Agriculture and Forestry on January 29 and February 5 on several matters of great concern to the people of the Midwest.

His testimony was given in behalf of the 15 Senators from nine Midwestern States who are members of the Midwest Democratic Conference of Senators. With one-fifth of the Nation's population, these States produced $9.3 billion in agricultural products in 1971, 36 percent of the U.S. total for that year.

In his presentation, Senator HUGHES called attention to the critical shortage of boxcars to transport these commodities from farms and grain elevators to markets and to transport fertilizers back to the farms. In part, because of this shortage, according to recent estimates only 25 percent of the grain sold to Russia has been shipped.

The impoundment of funds has also had many bad effects on the Midwest. As an example, communities that have waited years for help on water and sewer systems for the administration to allocate the moneys appropriated by the Congress, under the current freeze can now have no hope. Programs for conservation of soil and water resources have been reduced or terminated.

Congressionally authorized and funded rural housing loans, disaster loans, and rural electrification loans are also examples of programs which have been cut drastically or terminated by the Office of Management and Budget.

In order that all Senators may read his presentation, I ask unanimous consent that the two statements by Senator HUGHES be printed at this point in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR HAROLD E. HUGHES, SENATE AGRICULTURAL AND FORESTRY COMMITTEE, WASHINGTON, D.C.—JANUARY 29, 1973

Mr. Chairman, it is my privilege to testify here today, with two distinguished colleagues, Senators Mondale and Abourezk, on behalf of the Midwest Democratic Conference of Senators. The Midwest Conference represents nine states—Michigan, Illinois, Minnesota, North and South Dakota, Missouri, Indiana, Wisconsin and Iowa. Senators who are members of the Conference are: Hartke and Bayh of Indiana, Symington and Eagleton of Missouri, McGovern and Abourezk of South Dakota, Mondale and Humphrey of Minnesota, Proxmire and Nelson of Wisconsin, Stevenson of Illinois, Burdick of North Dakota, Hart of Michigan, and Clark and Hughes of Iowa.

On behalf of all of the members of this Midwest Conference, Mr. Chairman, and the constituents we represent, I want to thank you and the members of the Agriculture and Forestry Committee for holding hearings on the acute problems affecting the rural Midwest, including the critical shortage of grain shipment facilities, the subject of today's hearing.

As you know, Mr. Chairman, the shortage of rail transportation facilities for moving grain in the great food-producing region of the Midwest is not some fleeting dark cloud passing across the economic sky, but a crisis of the first dimension to the economy of the corn belt.

On top of experiencing the worst late fall and early winter in 35 years, the Midwest is reeling under a series of precipitate Department of Agriculture cut-backs in vital farm programs and abrupt eliminations of others that have compounded the difficulties of grain dealers and farmers throughout this region.

The Administration's drastic policy changes that have contributed so severely to our winter of discontent can be rescinded by a stroke of the pen.

This should and must be done, Mr. Chairman, because the economic crisis in the rural Midwest is almost certain to get worse before it gets better without prudent modification of these recent Department of Agriculture orders.

This past year, a great percentage of the fall plowing could not be done owing to the constant moisture. Only a small percentage of the cropland has been fertilized.

All of this fall work will have to be done in the spring—and if we should have a wet spring, it will be nothing short of disaster. In the meantime, delayed shipment of fertilizers will add to the already over-burdened state of rail shipment facilities.

We need help, Mr. Chariman. We need it desperately and we need it quickly.

The grain car shortage is just one phase of our economic crisis. In my remarks today, I will point out how the recent Department of Agriculture rulings have contributed to the economic crisis we are experiencing, if, indeed, they have not created that crisis.

My own remarks will pertain largely to conditions in the State of Iowa, with which I am the most familiar. But our situation in Iowa is a microcosm of what is confronting the other states of the Midwest and other regions of rural America. Here are the basic facts.

A critical shortage of rail transportation facilities to move grain to terminal and export outlets exists throughout Iowa.

Shortages of grain transportation equipment usually occur in October and early November. Excessive rainfall and snow have delayed harvesting corn and soybeans from six weeks to two months, and a corresponding shortage of fuel for grain drying has further delayed the marketing of these farm crops.

A report from railroad representatives indicates that they are doing a good job of updating the condition of existing grain cars in addition to buying new 40′ grain boxcars and covered-hopper rain cars. Railroads are even using coal cars covered with canvas to help move the grain.

Most railroads reported that there was a surplus of grain cars as late as the first of November, but now that corn and soybean harvests are nearly completed, there is a very acute shortage of grain cars at this time.

The movement of large amounts of grain to meet export shipments is helping to make the problem more acute.

Reports as late as the end of December indicate that only about 101 million bushels of wheat of total Russian export sales of 440 million bushels had moved to port positions for inspection; approximately 61 million bushels of corn of total exports sales of 285 million; and 18 million bushels of soybeans from export sales of 40 million bushels were at port positions on the above date and had been inspected for loading. This means that only about 25% of these export sales had moved to port outlets in a seven-month period.

The term "multi-hopper grain shipments" sometimes referred to as "Uni-Trains" is becoming a common term in grain transportation language. These are trains which consist of diesel-powered engines pulling train units consisting of 25, 50, or 55 covered grain hopper cars, with each car holding approximately 3,500 to 4,500 bushels of grain.

The charge for movement of grain in these large train loads is sometimes referred to as "exporter risk rates" since the railroad must have a guarantee on the minimum tonnage use per year for each commodity contracted.

In addition, the contractor is required to guarantee a minimum train use of 5 consecutive trips to the Gulf. For example, the Rock Island Railroad requires a minimum of a 54-hopper "trip." Each minimum hopper "trip" must be accumulated off one of the many designated Rock Island Rail divisions. Cars from different divisions of this railroad cannot be mixed to accumulate a trip. The Chicago & Northwestern and The Milwaukee Railroads have a minimum of 25 hoppers for a train.

Since shippers are required to guarantee a minimum usage of hopper car trains, most of these kinds of cars are leased or rented to large grain companies such as Continental Grain, Bunge, Cargill, etc., who can assure the railroad companies that there will be unloading facilities at the destination loading ports and also grain at the loading points. This vests a large amount of the control of these units in a relatively few large grain concerns. In fact, the Manager of one of Iowa's largest grain companies said recently "If you can't or don't participate in the use of hopper cars or 'Uni-Trains' to move your grain, you might as well go fishing after harvest because you will not be able to participate in any grain business."

This rash statement failed to take into consideration the fact that there are hundreds of grain elevators in Iowa which are located on railroad trackage which cannot accommodate the use of large hopper-type grain cars.

A report from the railroads serving Iowa indicate these "Uni-Train" units, hauling nothing but grain, serve fewer than 30 locations in Iowa.

This means that a very large volume of the grain now being moved out of Iowa is going to fulfill export commitments for the large grain companies which participated in the Russian and China export sales last year simply because they controlled the use of most of this type of grain handling transportation facilities.

There are more than 700 country grain elevators which do not have "Uni-Train" service because of a lack of trackage at country locations and, of course, cannot guarantee the railroad of outlets at port facilities. The "Uni-Trains" have priority over all other grain shipments, both in or out, and at port unloading points. One of these trains can and will by-pass regular boxcars of grain which may have arrived at the ports 2 or 3 weeks ahead of a "Uni-Train." The average turn-around time for this type of unit is about 10 or 11 days to most points in Iowa. The average turn-around term on a regular 40′ boxcar ranges anywhere from 22 to 30 days.

Country grain elevator operators have had to borrow an unusually large amount of funds to assist in marketing record productions of corn and soybeans. Farmers and elevator operators have sold large amounts of grain for deliveries in December and January—and some of these commitments cannot be completed on time.

Monetary penalties are being assessed for late deliveries on future contracts. This problem will grow more acute if present transportation problems continue.

The U.S. Department of Agriculture has taken recent administrative action to worsen the marketing problems by requiring farmers to repay loans on 1969, 1970, and 1971 crops of corn by midsummer. This means that about 214 million bushels of old crop corn will have to go into market channels, therby adding to an already acute transportation problem.

In addition the Department has taken action to sell all warehouse and CCC bin stocks of corn in the next 60 to 90 days.

These government actions will result in moving more than 260 million bushels of corn from Iowa into glutted market channels before early spring.

As a result of these actions and transportation problems, country grain prices for corn in Iowa are on an average from 10 to 12 cents per bushel lower than would be the case if there were enough transportation facilities.

The Department of Agriculture has indicated that they are moving all of this corn into market channels at this time in order to meet increasing market demands for corn. The real reason may be that the Department wants to depress current market prices which are rising at a rapid rate. It may not be possible to meet all of the export commitments without exporters having to fill these commitments with grain which is being purchased at a higher market price than existed when the sales were made.

The United States Department of Agriculture should immediately rescind their orders requiring that CCC-owned and loan grain be moved into market channels in the next few months. The Department should use all of their resources and efforts to assist producers in marketing the record production of 1972 crops of corn and soybeans into market channels at the earliest date possible. In addition, serious consideration should be given to the possibility of accumulating train loads of grain in regular 40′ boxcars which could move to port positions with the same priority and rate structure as afforded to multi-hopper grain shipments or "Uni-Trains."

The Department of Agriculture should also reactivate the Farm Storage Facility Loan Program so that farmers can provide more on-farm storage which will, in turn, assist in marketing grain produced over a longer period of time than is possible if farmers are forced into moving each year's production into market channels at harvest time.

The government ought to give serious consideration to a careful study and analysis of the danger of permitting large grain companies to exercise so much control as now exists over the use of multiple hopper grain shipment.

The large grain companies have already captured the control of most of the policy decisions of the Department of Agriculture, and they are well on the way to capturing control of the rail transportation facilities for the movement of grain produced by midwestern farmers.

It has been pointed out by grain dealers in our state that it costs approximately 4½ cents less to ship grain by hopper than by box cars. That, coupled with the difference in turn around time, makes the grain hoppers susbtantially more desirable than regular box cars. However, any type of usable rail conveyance for grain shipment is at a high premium in the current shortage and, as I have stated, there is an acute lack of boxcars as well as of grain hoppers.

This shortage has affected other industries in Iowa and it could become more severe. Penick and Ford of Cedar Rapids receives over 6,000 carloads of shelled corn annually and ships finished products in over 9,000 cars. They are now receiving less than 10% of the purchased shelled corn because of the boxcar shortage and they are having similar difficulty in getting cars to ship the finished product. It does them little good to truck in the corn because they have no way of getting rid of the finished product. This is affecting country elevators that sell to Penick and Ford.

Corn Refiners in Clinton, Keokuk and Muscatine are experiencing the same problems.

Penick and Ford suggests that each port railroad be required to report the number of cars on hand each day and the ships expected within the next ten days. If the cars exceed the ship capacity, an embargo should be immediately issued to prevent accumulation and wasted cardays. Obviously, poor utilization of railroad cars at the ports contribute a great deal to the problem. It was reported at the Ames meeting by the American Association of Railroads that on January 22, 1973, there were 8,200 grain cars at the various ports. They did not consider this to be a large number but it does amount to 3 per cent of their grain hauling fleet.

Mr. Chairman, in my testimony, I have dwelt principally on the desperate economic problems in Iowa and other states caused by the acute shortage of boxcars and grain hopper rail facilities.

There are, of course, a number of reasons for the shortage apart from the recent rulings of the Department of Agriculture which I have cited. In Iowa alone, we had a corn crop of 1.2 billion bushels in 1971. Commercial grain sales have increased dramatically in the last decade. With reference to the nation's supply of rail equipment, while the supply of boxcars was decreasing between 1960 and 1969, U.S. railroad leased and owned boxcars declined by 42 percent. As a result, the total carrying capacity of the car fleet decreased from 36.4 million tons in 1960 to 31.3 million tons in 1969. This trend was accompanied by a decrease in the availability of truck equipment. Branch-line abandonments by the railroads and the probability of a very substantial increase in these abandonments is a cause of grave concern to producers and shippers for the future.

My colleague, the distinguished Senator from North Dakota, Mr. Burdick, has recommended several immediate measures relating to the Interstate Commerce Commission including placing embargoes against receivers having an excess accumulation of loaded cars; issuance of ICC emergency car service orders which levy effective penalties against lines which do not return cars to owners; and immediate legislation forcing the ICC to increase its personnel in the field for the more effective enforcement of new rules.

Senator Burdick has also called for reseal of the 1971 and 1972 wheat and feed grains now in farm storage "in order to restore some farmer control to the market place and to keep additional grain from an already overburdened market." It will be noted that I made a similar recommendation earlier in my testimony.

Moreover, the Senator from North Dakota suggests two long-range approaches—legislation authorizing the ICC to act in anticipation of boxcar shortages and also legislation to increase the boxcar and hopper car pool and improve their utilization.

Along with a number of my colleagues in the Midwest Democratic Conference of Senators, I was a co-sponsor in the 92nd Congress of the Magnuson Bill, S. 1729, as originally voted out of the Commerce Committee. This legislation serves the purpose described by Senator Burdick of increasing the boxcar and hopper car pool and improving their utilization.

It is my understanding that a bill along these lines will be coming out, again, from the Commerce Committee, and it will again have my full support and I am certain the support of other Senators in the Midwest Democratic Conference.

At this point, however, I believe I am speaking for all of the Senators in the Midwest Democratic Conference, when I say that our most immediate focus is on persuading the Department of Agriculture to rescind or modify recent Administration actions that have compounded an already serious situation—namely the requiring of farmers to repay loans on 1969, 1970 and 1971 crops of corn by midsummer and the order to sell all warehouse and CCC bin stocks of corn in the next 60 to 90 days.

At such a time of crisis in the great food-producing region of the Midwest, it is unconscionable that the Department entrusted with the welfare of the farmer and the agricultural economy should have adopted policies that would inevitably exacerbate an already critical situation.

My colleague from Iowa, Senator Clark, and I have received scores of telegrams and other communications from farmers, county elevator operators and other interested parties giving first-hand information on how the grain car shortage has affected our state. I regret that time does not permit me to read these convincing statements, but I ask permission of the Committee to include these in the printed record. Senator Burdick has already provided you with similar messages from North Dakota and I ask that these and other constituent messages presented by other Senators of the Midwest Democratic Conference of Senators be also put into the record.

Testimony of Senator Harold B. Hughes, Senate Agriculture and Forestry Committee, Washington, D.C.—February 5, 1973

Mr. Chairman, I am here to testify today not only as a Senator representing the State of Iowa but as spokesman for the Midwest Democratic Conference of Senators from the states of Michigan, Illinois, Indiana, Missouri, Wisconsin, Minnesota, North Dakota, South Dakota, and Iowa. A number of our group have presented individual statements at this hearing on the abrupt terminations and cutbacks by the Nixon Administration of established agricultural and rural development programs that are of vital importance to farmers, rural residents, businessmen and other citizens of our states.

We consider it important not only to express our concern as individual Senators but to convey to all concerned that while we may differ on details and points of emphasis, we are strongly united in opposition to these arbitrary, crippling and largely illegal actions of the Department of Agriculture against the food and fiber producing regions of our nation. Fifteen Senators are members of this Midwest Conference: Senators Hartke and Bayh of Indiana, Symington and Eagleton of Missouri, McGovern and Abourezk of South Dakota, Mondale and Humphrey of Minnesota, Proxmire and Nelson of Wisconsin, Stevenson of Illinois, Burdick of North Dakota, Hart of Michigan and Clark and Hughes of Iowa.

The farmers of our states produce a variety of the essential foods for the people of the entire country—livestock, wheat and other cereal grains, milk and dairy products, dry beans, fruits and vegetables. Not all of these commodities are produced in any one state, but the fact that we represent diversity in agricultural production in no way detracts from our common purpose with regard to the subject of this hearing. We also feel strong bonds of unity in this cause with other rural regions throughout the nation.

We are as deeply concerned about the need to control inflation and restrain government spending as any responsible citizen or public official could be. However, the wholesale gutting of proven programs that have paid their way by strengthening the economy and preserving the natural resources of the food and fiber producing regions of our country cannot be passed off as prudent economic policy.

We are categorically opposed to the sudden and wholesale dismantling and crippling of farm programs that have been approved by Congress after long consideration, funded by Congress and signed into law by the President. We consider these programs to be the duly enacted law of the land and since we believe in a government by law, it has come as a considerable shock to us and to our constituents that the Executive branch of the government seems to assume that a mandate to ignore the law has been expressed by the electorate.

The Constitution of the United States, in Article 2, Section 1, declares that the "Executive Power shall be vested in a President of the United States," and Section 3 of that article states that "he shall take care that the laws be faithfully executed."

The issue we are confronting, it is plain to see, goes beyond considerations of the well-being of rural America and current economic policy. It gets to the basic foundation of constitutional law on which our form of government is built. The President is responsible for carrying out the laws that have been constitutionally approved. There is no provision or justification for unilateral repeal by the Executive of laws that have been duly enacted by the Congress.

Mr. Chairman, the farm programs that have been terminated or hurtfully cut back include the Rural Environmental Assistance Act; the REA Direct Loan Program to rural electric and telephone cooperatives; the Water Bank Program; Farmers Home Administration emergency loans; rural housing loans for low and middle-income farm and other rural people; and the rural municipality and association water, sewer and solid waste disposal grant program.

The cancellations and cutbacks of these programs assuredly do not comprise all of the punitive blows struck by the Nixon Administration at rural America in recent months, but these are some of the more important casualties and they serve to bring into focus the grave constitutional question that should be causing grave concern to every American who believes in our constitutional form of government.

We do not contend, Mr. Chairman, that all of these programs that have felt the Administration axe are perfect or beyond improvement. They should be and have been subject to continuous administrative and congressional review through the years.

But for cloistered bureaucrats in Washington to chop out the heart of proven programs serving rural America without benefit of administrative or congressional hearings or even advance notice is not only illegal; it is a violation of conscience and sound judgment. We object, Mr. Chairman, not only to the elimination or maiming of important programs; we deplore the arbitrary and indefensible way in which it has been done.

The Rural Environmental Assistance Program (REAP, formerly ACP) has for years shared with farmers the cost of conservation practices to protect the soil and water resources which farmers and ranchers, in effect, hold in trust for all of our people. Farmers were enabled to minimize erosion, conserve water, conserve woodland and wildlife areas, and lessen rural pollution. Every government dollar that went into the program required an investment by the farmer. Congress had provided an advance authorization for fiscal 1973 of $225.5 million of which only $14.5 million was utilized prior to the cut-off.

With the death of REAP, farmers have not only lost the reasonable incentive offered by the government to carry out environmental projects on their farms for the benefit of all, but in addition, have lost national leadership and planning in a major area of environmental protection. It is elementary that agricultural run-off is a prime factor in water pollution in rural areas.

The mayor of Iowa's second largest city was in my office last week. Among other things, he spoke of the adverse effect the elimination of REAP would have on the water treatment program in his city.

The shallow assumption by the Administration that farmers will continue these environmental protection projects, assuming all of the expense and risk themselves, hardly squares with reality. With REAP, as with other recently terminated programs, it is important to note that the Administration did not call for modifications or changes but simply applied the meat-axe to the entire program.

We have all received stacks of letters and other communications from farmers protesting the elimination of REAP. A farmer recently wrote to Senator Gaylord Nelson of Wisconsin, telling him in plain language what the impact of this termination means to those who have participated in the program.

"Whoever is to blame," the farmer writes, "has succeeded in eliminating one of the few programs we have that benefits everyone, present and future. For many farmers, it has made the difference of making a go of it. From my own experience, I am sure I would not be farming today if it weren't for ACP. Not through cost sharing alone, but it has taught me to take care of the soil and woodland through liming and other practices. I would certainly like to see our young people starting out today have the same opportunity.

"The explanation for termination was mainly that farmers now have sufficient income to carry out these practices on their own. This could not be farther from the truth. I am sure that 75 percent of the soil and water saving practices being carried out today will not be carried out unless there is an incentive payment."

This Wisconsin farmer touches on a point I would like to enlarge on when he indicates that farm income is better this year. Everyone should be pleased when farm income improves, as it did in 1972 due to two unrelated happenings—wheat and feed grain program payments increased to four billion dollars and bad weather in the Soviet Union and China resulted in an unexpected demand and therefore higher prices for our wheat and feed grains.

The record farm income which makes headlines along with food price increases is largely a statistical myth achieved by multiplying total production by peak prices. Individual farmers may be better off but most farmers are hardly rolling in wealth. A North Dakota farmer wrote to Senator Quentin Burdick:

"As everyone knows, the grain prices reached a new high this fall and winter or higher at least than they have been for twenty years. But everyone does not know that most of the farmers were not able to cash in on the better prices because the local grain elevators contracted only what they could ship out considering the boxcar shortage. Consequently, this price advantage was an unobtainable commodity for most.

"The higher prices reduced our fall certificate payment substantially and after sacrificing that loss, Secretary Butz called in all resealed grain and with this knowledge the grain buyers refused to bid on the grain because they know they are going to get it later for a reduced price. Durum has dropped 25 cents in the last three days, and I see no reason why it should strengthen, to say nothing of reaching the former high."

There are a great many wheat and feed grain producers in that farmer's shoes. Others, many others, had crop failure due to the wet spring. Others look out at muddy corn and soybean fields which they cannot harvest and see that record-high income slipping through their fingers before they have spent a cent of it on the farm production expenses they owe. To use this illusory high farm income figure as an excuse to kill the REAP-ACP program is to add insult to injury.

From all parts of the Midwest have come angry and bewildered protests regarding the termination of REAP.

A South Dakota constituent wrote Senator Abourezk: "History records that whenever the rural and food producing element of any nation is in trouble, the very survival of that nation is at stake . . . A person needs only to fly over the farm and ranch land here to see the tremendous erosion of the soil that is taking place."

An eight-county conservation group in Indiana expressed to Senator HARTKE their grave concern over the sudden discontinuation of REAP.

They declared that water, soil fertility, timber and the preservation of wild life "are NOT fair subjects for political football. They are *vital* to our life and the life of future generations! We do not oppose government economy; we encourage it. We pay our share of the tax load. We submit, however, that there are hundreds of other areas where curtailment of government funds will not endanger the very existence of future generations."

An Illinois farmer wrote Senator Stevenson: "It's hard for me to understand why as effective and successful a program as REAP should be scrapped. The long overdue period of 'environmental awareness' is starting to produce results, but now that a very important tool is lost, maybe the emphasis will also be lost and irreversible pollution could be the result."

The Chairman of the Iowa Water Pollution Control Commission wrote to the President that "your decision to terminate the Rural Environmental Assistance Program will seriously impair our water pollution control program in Iowa.

"Let me state our case. Agriculture is the largest contributor to Iowa's water pollution problems which result from both livestock and crop production. A wide range of pollutants, chemicals, coliform bacteria, organic materials, and soil, are carried into our surface waters by runoff from melting snow and rain. This is not point of source entry and can only be controlled by soil conservation practices which prevent erosion and movement of soil. Unless this soil movement is controlled, we can never meet our water quality standards at all times, nor can any other state which has intensive agriculture. The only federally-funded program that addresses itself to this problem is REAP."

As we all know, the Rural Electrification two percent loan program for rural and electric cooperatives has been cancelled. Once again the action was taken by dictatorial administrative fiat without benefit of hearings or review. This unilateral executive action, in effect, repealing an existing law, affects more than 1,000 rural electric systems which provide electric service to 25 million consumers.

The Administration proposes to substitute for it a program of guaranteed loans at 5 per cent. Congress had appropriated $426 million more for fiscal 1973 than has already been committed so far this year.

The guaranteed loan is proposed to be made available under a section of the Rural Development Act of 1972, an Act for which procedures and regulations have not been written nor have any funds yet been appropriated for its administration. As Senator Humphrey has pointed out, "if Congress wanted such a shift we would have indicated that in the Rural Development Act." The Minnesota Senator has introduced legislation, co-sponsored by a number of us from the Midwest, that would prohibit this shift in lending authority to the Rural Development Act. Credit under the RDA could be used to *supplement* but not to *replace* credit under the REA Act. This bill would also direct the Administrator of REA to make loans each fiscal year in the amounts appropriated by Congress.

Again, the Administration has used average national figures to justify cutting off funds to small rural cooperatives, which serve very few customers per mile in our thinly populated areas.

The plight of the small cooperative was outlined to Senator George McGovern by a constituent who is the manager of a small electric cooperative in South Dakota. "The lines of our Cooperative," the manager stated, "are thirty-five years old and we have been spending three times as much as formerly for replacement and to heavy up our lines. All hardware is costly; anchors were originally $1.30; they are now $3.30. . . . It is hard to cope with inflationary rising prices, cost of materials and labor. What will we do now with the termination of the two percent loan program?" Other Dakotans representing electric cooperatives pointed out to Senator McGovern and Senator Abourezk that with their low density of consumers per mile, they would be left no choice but to raise consumer rates in order to cover the higher rate of interest.

"In my judgment," a South Dakota constituent wrote Senator Abourezk, "no program has done more to bring equality of life to rural people than the rural electrification program, and it has provided a considerable boon to the economy of main street and industries of our nation."

Here are comments by two constituents of Senator Adlai Stevenson of Illinois regarding the termination of the direct loan program of the REA.

"I urge you," wrote one, "to work toward reinstatement of the REA loan program—this is the type of investment by the government that will let rural people help themselves provide services that are necessary in the rura areas at rates they can afford to pay."

Another constituent wrote Senator Stevenson: "It would be a breach of faith to eliminate the direct loan programs provided by the Pace Act. The two percent money was provided to the cooperatives in return for their undertaking to extend electric service on an area coverage basis regardless of financial feasibility. By extending service on an area basis in reliance on this act of Congress, the cooperatives have gone out on a financial limb. The President's action has sawed off this limb. If it is permitted to stand, it will have a disastrous effect on rural electric cooperatives. . . . At the best, it means there will have to be an increase in the cost of electric service to our rural consumers. Service in rural areas has a high cost to each customer because of the low density of population and the Pace Act was designed to overcome this situation."

The Farmers Home Administration programs have been dramatically effective in improving the quality of living in rural areas. The emergency loan program provided a financial lifeline to farmers and ranchers hit by natural disasters, just as it did to the city-dwelling victims of the storm Agnes and the tragic Rapid City, South Dakota, disaster. A grim footnote to the demise of this program is that farmers had been assured by local FHA officials in good faith that they should wait to file loan applications until the full extent of their crop loss was determined. These farmers are out in the cold unless they can pay much higher interest costs. Many marginal farmers could be forced off the land. There are few non-farmers among us who could stand the tremendous losses that farmers must risk as one of the occupational hazards of commercial farming.

My colleagues from Missouri, Senators Symington and Eagleton, inserted in the Congressional Record and referred to your committee a resolution passed unanimously by the Missouri House of Representatives on January 9, calling attention to the impact the weather was having on the livelihood of Missouri's farmers and appealing to the President to reinstate the disaster relief funds.

A news story of February 3 reports that the Administration has endorsed a compromise plan to revive disaster emergency loans for farmers. At this point, I have seen no confirmation of the report or details of any proposed compromise.

* * * * *

All of the Farmers Home Administration loans to provide housing for low and moderate income farm and rural families were summarily canceled as well as a similar program administered by the Department of Housing and Urban Development. Only those families that can prove 100 percent repayment ability without the help of interest credit or rent subsidy can now qualify for rural housing loans. As the vast majority of sub-standard housing in our country is in rural America, the termination of these programs strikes down the promise of improved rural communities. These programs provided housing for people who were in great need of decent shelter, but also provided an urgently needed infusion of employment and economic development in these depressed rural regions.

From Senator Hart's office comes the tragic case history of a Caro, Michigan, woman who got ground up between the termination of the FHA housing subsidy program and an incredible example of bureaucratic bungling.

Mrs. Prior filed for housing subsidy assistance through the Farmers Home Administration office in Caro, Michigan—the district office. She applied on September 19, 1972, and received a letter saying she was being favorably considered shortly thereafter.

Normally, it takes about seven weeks to process a claim. It appears that Mrs. Prior qualified for the program because she did not earn enough money to make full payment on a home.

With the impending favorable results in view, the Estes Building Corporation in Flint built Mrs. Prior a small home. She was so pleased about this, according to a friend, it was impossible to do justice to her excitement and anticipation.

The excitement and anticipation have now turned to gloom. The Farmers Home Administration in Caro—owing to other demands on their time—did not process the papers in time. Then, on approximately January 9, the Farmers Home Subsidy program was canceled by the government and Mrs. Prior was out in the cold.

The termination of the Rural Community Water, Sewer, and Solid Waste Dispsoal Planning and Construction Grant Programs is another severe blow against small rural communities where depressed economic conditions and lack of job opportunities continue to drive residents to the crowded cities. As Senator Humphrey puts it, the affected communities are those which have the weakest and thinnest tax base to support the heavy investment such projects entail . . . FHA estimates itself that the number of rural communities in need of new or improved systems of this type is over 25,000 nationally."

Senator Phil Hart of Michigan provides this revealing case history of the struggle of one small community—Greenwood, Michigan—to update its water system:

"During the period from December 1967 to July 1968, a large portion of the Greenwood Water System was practically inoperable for hours at a time with at least a dozen families and one commercial (motel) unable to even draw one cup of water from the line. Some sections of this line were replaced in July 1968; however, that did not improve the water to those 12 families. During this time in 1968, we were given temporary permission to use a test well as the principal source of water. That was back in 1968 and the pathetic thing about it, we are still (1973) getting water from that temporary supply.

"After more than four years of diligent effort, correspondence, engineering studies and contacts with various state and federal agencies, a plan was worked out for financing of a water system for Greenwood as follows:

"$10,000 from applicant;

"60,000 FHA grant;

"$140,000 FHA loan.

"The project was to serve 115 residents (60% retired) plus 5 commercial establishments.

"On December 15, 1972, the Greenwood Water Board sent the most important letter of its four years of existence to Farmers Home

Administration, Marquette and East Lansing Offices, announcing the fact that we had achieved the plateau of safe economics for FHA with more than the necessary amount of subscribers pledged to the system.

"On January 11, 1973, the FHA advised the applicant that all grants were terminated as of January 9, 1973: 'This was done on the basis that revenue sharing funds and EPA funds would generally make up the difference . . . we are willing to proceed with your project on the basis of a loan only.' "

The Water Bank Program was enacted in 1970 providing authority for preservation of wetlands and for assuring additional habitat for nesting and breeding of migratory waterfowl. This was a comparatively small program as national programs go but with great potential for the preservation of the country's wildlife, especially waterfowl. It wasn't until this fiscal year that funds were appropriated for the Water Bank Program. As in the case of REAP, the program was to have been administered by local ASCS offices with planning and technical services to be supplied by the Soil Conservation Service. But the peremptory cancellation of this promising ecological program before it had been allowed to get under way is another example of this Administration's disregard of law and its insensitivity to the nation's environmental needs.

Mr. Chairman, the programs I have dealt with in this testimony represent only part of the adverse actions taken by the Nixon Administration over the past two months against rural America.

But these are vitally important, proven programs which, although not perfect, have served to strengthen the food and fiber producing regions of the nation and to conserve our natural resources.

Moreover, the Nixon Administration's dismantling of these programs gets to the heart of the Constitutional question before the nation at this time: Will the Executive be permitted to defy the law of the land by literally wiping out duly authorized and funded programs without consulting the Congress or receiving its concurrence?

It is not my purpose to propose specific counter-actions in this testimony. Needless to say, the Congress in general and your Committee in particular are at work developing and implementing the counter-offensive.

For the time being, I would say on behalf of the Midwest Conference of Democratic Senators:

We are united in our condemnation of the destructive actions taken by the Nixon Administration against vital farm programs and agricultural interests.

We are united in our determination to take every decisive action available to us to recover the most important elements of what would be lost if these punitive terminations and cutbacks were allowed to stand.

Finally, we are united in our determination that Congress shall reassert its Constitutional authority and stop further usurpation of its prerogatives by the Executive.

AMBASSADOR DONALD RUMSFELD

Mr. BAKER. Mr. President, Donald Rumsfeld, America's newest Ambassador to the North Atlantic Treaty Organization and for many years my close personal friend and neighbor in Washington, is truly one of the most talented and versatile young men engaged in public service today.

Donald Rumsfeld brings to his new assignment a vast background of experience gained from his dynamic leadership in an astounding variety of endeavors in the public and private sectors.

After serving as a naval aviator and flight instructor, Donald Rumsfeld began his career in Government service as a congressional administrative assistant in 1958. Just 4 years later he was elected to the House of Representatives from Illinois. Donald Rumsfeld established an outstanding record as a Member of Congress, serving nearly 7 years in the House.

Donald Rumsfeld's competent leadership so impressed President Nixon that he appointed him as an assistant to the President and Director of the Office of Economic Opportunity in 1969. His performance was so outstanding in these areas that the President selected him for the difficult and challenging responsibility of heading the Cost of Living Council.

As Chairman of the Cost of Living Council, Donald Rumsfeld again proved his competence in his wise administration of the economic stabilization program. Working closely with the President, he carried out the dramatic policies on the economic front which have successfully reduced the rate of inflation and unemployment.

With these impressive qualifications, and my own personal knowledge of his sincerity and dedication, I feel certain that Donald Rumsfeld will continue his record of exceptional service as Ambassador to NATO. I am sure that Senators all join me in wishing him well as he assumes his new position of leadership and service.

ADDRESS BY SENATOR MUSKIE

Mr. HART. Mr. President, I invite the attention of Senators to a speech made last Friday by the senior Senator from Maine. The speech constituted a reasoned, full-scale response to this administration's astounding budget proposals. In particular, it pointed out that the administration's promise of special and general revenue sharing was a false one since it results in shifting the burden of domestic problems from the Federal Government to already overburdened State and local governments.

I ask unanimous consent that the speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Remarks of Senator Edmund S. Muskie Before the Intergovernmental Relations Committee of the National Legislative Conference

Washington, D.C.,
February 2, 1973.

I want to discuss the Administration's efforts to decentralize authority and emphasize local responsibility. With the serious reservations I will discuss in a moment, I do endorse the development of more responsible and responsive local government. We all acknowledge that the means on which we have been relying to deliver Federal assistance have been imperfect. Recipients have too often been throttled in redtape. Federal programs have grown faster than the ability of counties, cities and States—and even the Federal Government—to coordinate them. Too often, ambitious national programs have not met all their worthy objectives.

So we must work harder to identify those areas where Federal efficiency in collecting revenues can be effectively matched to grassroots appreciation of our real problems. We must provide the most flexible kind of Federal support in those fields where a community's own work best answers its own concerns.

But I think we should ask some hard questions about this President's approach to this general and easily applauded goal.

First, does the new budget really deliver on that promise to help local initiative or does it, as I suspect, simply shift to local taxpayers new burdens that will only deepen popular resentment of government?

Second, are we really ready to abandon the *national* commitment to attack the enemies Lyndon Johnson identified as "poverty, ignorance and disease"?

And finally, is a philosophy that relies so heavily on the supposedly benign side-effects of self-centered energy truly adequate to impel the growth of a society which has not yet fulfilled its brightest prospects or its greatest ambitions?

The way I have asked these questions strongly suggests the answers I will give. Basically, this President views government as a necessary evil. In contrast, I see it as an instrument for the common good, a weapon that can restore our sense of shared purpose and of great, national enterprise.

Starting from that broad disagreement, let me go to the specific problems of the Fiscal 1974 budget, the practical expression of the President's philosophy. At the outset, it should be said that the general idea of a Congressionally fixed limit on spending will prove acceptable, even if this President's ceiling figures do not. I can assure you that the Congress accepts its responsibility to set spending priorities and to match full-employment revenues to government outlays, whenever possible.

But I frankly regret that the budgetmakers failed to apply the same tough standards to defense spending that they imposed—wholesale, it seems—on social programs. Here, the Congress may prove more skeptical than this President, particularly in relation to funding levels for the Trident submarine and the nuclear carrier and in relation to the overemphasis on command and support personnel for the Army.

Beyond the possibilities of further savings, I am disturbed—but not surprised—at this President's failure to offer the tax reforms he promised us last year. I have already submitted a comprehensive but moderate program to end or restrict the worst inequities in the tax code. My proposals would reform 24 unjustifiable tax shelters for the wealthy and produce estimated new revenues of $18.6 Billion by 1975. The bullet this President will not bite—the people's demand that income taxation correspond to ability to pay—is one the Congress will have to discharge unaided.

I also suspect that State legislators, especially, will remember another Presidential pledge this budget fails to honor: the campaign-year promise of Federal property tax relief. I am not aware of any significant change for the better in the way such taxes are administered or any major reduction in the pain they generate. But the President's budget not only offers no relief from high property taxes; the unexamined consequences of this budget could easily increase their burden.

It is also necessary to be frank about one grave deception in the budget. Not only has this President scuttled his own welfare reforms, he has given us only rhetoric about his promise to provide a national health insurance plan.

The promise is there, but not one penny is requested for its realization in Fiscal 1974. In fact, this budget actually cuts projected spending for national health insurance to less than one-fourth the level projected in last year's budget. Where the 1973 estimates forecast a total of $6.5 Billion for such a program in the Fiscal years 1974 through 1977, this President now proposes to delay the program another year and to set aside only $1.5 Billion for the same period.

Let us look at the above-board implications of the budget.

If the Federal Government is to slash categorical aid for disadvantaged school children, for vocational education, even for school milk programs, does that mean that the widely recognized need for such help has disappeared? It does not. It only shifts the pressure to fund such programs out of Washington and onto you.

If the Federal Government is to shrink its efforts to train and place the unemployed, does that mean joblessness—and the local consequences, including higher crime rates and welfare costs—will wither away? It does not.

If the Federal Government is to restrict its funding for local sewage waste treatment projects, does that mean our Nation's rivers have suddenly reverted to purity? It does not.

If the Federal Government is to abandon its experiment in direct aid to community mental health facilities or force elderly Medicare recipients to scrape up more money they do not have to meet steadily rising medical costs, does that mean sick people will be better cared for? It does not.

What this does mean—and everyone of you should think carefully about this point—is that the demand to finance these same, enduring obligations will be made now on local financial structures that are already ill-equipped to meet existing burdens. This is not tax saving. It is tax shifting, and don't you fool yourselves on it for one minute. Self-reliance means that State government, or local government, or those least able to bear the costs will have to pay the bills.

This President, of course, wants you to believe that his proposed special revenue sharing programs will match in the future the Federal contributions of the past. The sums may tally up on paper, but what will be the practical effects?

The money will go to the most powerful—and that means, by and large, the most privileged—elements in every local power structure. I energetically supported and I continue to support general revenue sharing, but I have been somewhat concerned by partial evidence of the ways in which its first fruits have been used. A survey of city officials by my Subcommittee on Intergovernmental Relations has brought some 75 responses—almost uniform in their frustration with the red tape surrounding many categorical aid programs and almost uniform in the evidence they give that few of this year's revenue sharing allocations are being spent on social services.

Congress gave communities many choices of what to do with the general revenue sharing funds. Most used them for capital improvements, official salaries, public safety and tax relief. In one instance, the money is being spent to remodel a public golf course—a priority that, as a golfer, I commend, but, as a legislator, I question.

The fact remains that few local authorities chose freely to put their first general revenue sharing distributions into improved health care, into anti-poverty programs, into equalizing opportunities for the less privileged, into the problems which, left unsolved, spread far beyond any local boundaries. Communities were not, of course, permitted to spend the funds on education. And the fact is that, whether because of the law's restrictions or local choices of priority, if Federal authorities no longer honor our national, social responsibilities, no one will.

So let's be realistic. Are you and your colleagues in State and municipal government prepared to comfort the afflicted and to afflict the comfortable—the dual task the President wants to shuck off?

Are you ready to go home and tell local property taxpayers that their payments—exacted in so many States on the basis of arbitrary appraisals and by ill-equipped, under-qualified assessment officials—will have to rise?

Or are you willing to face the least advantaged of your constituents—the jobless veterans, the poorest ghetto dwellers, the old and the ill, the school-age children—and tell them to go to the rear of the line?

Do not deceive yourselves. These are the real choices presented by this budget. These are the real and radical alternatives offered by the New Federalism that President Nixon has concocted out of a philosophy that says it rewards effort when, in fact, it bestows added blessings on the affluent and added cares on the weak.

My own response—faced with the legitimate call for a more efficient Federal structure and for greater attention to the capacities of local government to judge and meet local needs—is to reform the grant process, not junk it. The record of our finest Great Society programs is a record of progress—not of instant success, not of full elimination of pervasive social title—but, above all, not a record of failure.

Moreover, special revenue sharing, I honestly fear, can become just a distorted and diffuse way of "throwing money at problems," with increased danger of putting the money into the wrong pockets and losing its targeted impact on our real, national demands.

I do believe we can and must streamline our assistance programs. I will soon reintroduce, as an example, the changes to the Intergovernmental Cooperation Act which the Senate already passed last Fall. With this legislation we can consolidate grant-in-aid programs within proper, broad functional areas, making it easier for local governments to decide their overall requirements and coordinate the Federal response with the agencies that administer the help given.

Further, my Subcommittee will hold extensive hearings this year into the Federal system and the ways that Governors, State Legislators, county executives, Mayors and City Managers can suggest to cut through bureaucratic regulations toward efficient and responsive government. The emphasis in these hearings—in contrast to the President's program—will be on a positive search for better ways to solve problems of national scope, not on abdicating Federal responsibility.

In this effort, I also intend to put heavy emphasis on open government. For despite the argument that secrecy augments efficiency, I insist that good administration must be founded on the fullest possible citizen awareness of and participation in the options and decisions of government at every level.

I have spoken of the practical problems in the Budget. Let me turn, in conclusion, to the broader issues I raised at the beginning of these remarks.

I do not read America's mood as this President does. His interpretation is narrow and negative. It stresses a frightened impulse to retreat from social responsibility. My own beliefs center on the openness of spirit that is still our dominant trait as a society. Americans still desire to lead ambitiously and to act imaginatively.

What emerges from this President's analysis is the view that Americans stand in the same relation to the State as children do to parents. From this fundamentally authoritarian position, President Nixon proceeds quite naturally to the belief that the government is involved in little more than the dispensing of enormous financial lollipops, bribes to placate willful brats, hush money to keep peace in the family.

Let me suggest a few instances of such behavior, not perhaps the ones the President has in mind.

There is, I have always thought, an undue measure of indulgence in the way we treat major defense contractors when their claims of higher costs overwhelm their estimates and delay their meeting of contractual obligations.

We manage, without apparent deep misgivings, to pamper a coterie of oil millionaires with depletion allowances more generous than any we would think of giving to ordinary mortals.

We reward industrial inefficiency with hastily arranged government loan guarantees. And we subsidize corporate farming and international grain traders with a series of sophisticated devices that somehow result in raising the price of our daily bread.

There are, obviously, a lot of different ways to be on welfare. There are people taking government handouts who, quite naturally, prefer to regard themselves as beneficiaries of official incentives.

Forget them for a moment. Each case is arguable, and the only real sin is self-righteousness.

This President's view of self-reliance might have fitted us in the early 19th Century, appropriate to an agrarian society in the process of boisterous expansion. But it cannot answer the needs of this modern world where the real frontier is the one between the slums and the suburbs, where the general store is a chain supermarket, where the wagon train has been replaced by the traffic jam and computer analysts are the new pathfinders.

Let us be honest about our potential. Individual initiative alone is not going to build the schools or train the teachers America's youngsters need.

Self-reliance cannot redirect a massive economy into new expanses of opportunity for those who live in shrinking rural communities or blighted ghettos.

Self-denial will not cure childhood diseases or conquer the heartbreak of an old age spent in solitary illness and enforced austerity.

To address these and other tasks is the mission of a confident people, acting together. The men who built the great medieval cathedrals of Winchester and Milan and Chartres knew such confidence for they were bound to each other by the link of a shared faith. We are tied by a common destiny and a shared faith that it can be magnificent.

To meet our imperatives, the great role of government is to unify, to inspire and to provide the leadership and some of the tools with which we go about our work.

But piecemeal attacks on great national problems cannot contribute forcefully to their solution. We only invite further deeper citizen frustration by handing out trowels and asking people to move mountains.

We must embrace instead, and with a new will, the harder task of closing the great gaps in our social fabric, the disparities between rich and poor, between the races, between "private opulence and public squalor."

We will not achieve a more open society by rewarding our most selfish instincts. We can strive toward justice by appealing to America's conscience to heal division through common effort and mutual sacrifice.

We need instead a restoration of our most humane impulses and a new conviction that the will to idealism in our culture can be matched by the compassionate performance of our institutions.

That faith animates America. Honoring its dictates, we will make our society whole again.

FUEL OIL CRISIS—TESTIMONY BY SENATOR McINTYRE

Mr. MUSKIE. Mr. President, in recent weeks we have been hampered in our efforts to seek a realistic solution to the current fuel oil shortage by misleading contradictory and inadequate information concerning the ability of the major oil companies to provide adequate supplies.

Now, with the end of the phase II price controls, the major oil companies have announced price increases on heating oil products amounting to over 8 percent. It is difficult to see how such an increase can possibly be justified to American consumers without more information than has been provided thus far by the oil industries.

Yesterday, in testimony before the Cost of Living Council hearings on the recent price increases, Senator Thomas J. McIntyre presented a thorough and incisive evaluation of the present situation. I know his remarks will be of considerable interest to my colleagues and the public.

Mr. President, I ask unanimous consent that the text of Senator McIntyre's testimony be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Statement by Senator Thomas J. McIntyre

It is indeed a pleasure for me to appear before you today as a witness at the public hearings you are now holding on the recent price increases by the petroleum industry on No. 2 distillate or as it is better known in my region of the country—home heating oil.

I am sure you are aware of the intense interest that I have with regard to this matter and I hope that these hearings today are in and of themselves an indication that Phase III of the wage and price control program is more than a "toothless tiger" and will, in fact, require the various segments of our domestic economy to "toe the line" on prices and wages and not allow us to enter into another inflationary spiral.

Today's hearings by the Council are concerned with recent home heating oil price increases, and I make no pretense of appearing as a witness having any professional expertise as to the justification of the recent action taken by several oil companies. I do appear, however, as a representative of the consumers of heating oil in this country, particularly of those consumers living in my State of New Hampshire.

I would like to raise several points that I hope the Cost of Living Council will examine closely in its consideration of the appropriateness of these recent price increases:

1. PRICE

Of course, the primary reason for these hearings today is to make a determination as to whether the recent increases in consumer costs for home heating oil can be justified and whether they meet Phase III guidelines and standards.

As an indication of the magnitude of these recent increases, I would like to cite a few figures.

At the present time, annual national consumption of home heating oil is approximately 2 million barrels a day. With 42 gallons in a barrel this 2 million b/d figure equals 84 million gallons a day. Of this 2 million b/d national consumption rate, the East Coast of the United States uses approximately ⅔ or 1.3 million b/d. Out of this figure, the New England region alone uses approximately 400,000 b/d, or 20% of total national demand. For every one cent increase at wholesale, heating oil costs in New England alone are increased by $62 million a year. Nationally the cost is over $300 million a year. And this is just the initial wholesale increase.

This fuel is not only used for heating homes throughout the United States but is also a basic boiler fuel used by electric utilities, hospitals, public and private buildings, and business.

Each cent of increase at wholesale has a rippling effect throughout the entire economy that cannot be easily established as a net consumer cost. I am, however, sure that no one would disagree that substantial cost increases in such a basic commodity certainly applies strong inflationary pressures on many segments of the economy.

The question immediately arises as to what benefits will accrue because of increases in price. Does this mean that the industry will increase production of this product, thereby alleviating shortage or near shortage situations facing several areas of the country or does it mean that the industry will find it more profitable to continue to limit production of this product thereby maintaining a continuing tight supply situation which can be used as a basis for additional price increases?

This is one issue that I think should be thoroughly explored by the Cost of Living Council with definite assurances by the industry, substantiated by convincing data, that price increases will in actuality result in increases in supply. If the industry cannot show this, I feel that the Cost of Living Council would find it impossible to approve the recent actions taken by the industry.

Another point that is of great concern to me is the fact that as early as last August, several major refiners were indicating even that early that without price increases there would be no incentive to increase production of home heating oil. I categorized that attitude as "blackmail" at that time, and I think the term applies equally as well today.

The industry was arguing that when the price freeze was first imposed by the President on August 15, 1971, home heating oil prices were frozen at their seasonably low point. Their argument continued that this product is seasonal in nature and that by freezing the price at the low point the industry had no incentive to refine substantial quantities.

On August 28, 1972, an article appeared in the Wall Street Journal quoting a vice president of a major oil company as stating that—and I quote from that article—"The industry will turn only about 2.9 (sic) percent of each barrel of crude into home heating oil this Winter instead of a maximum potential 25 percent because any higher rate of fuel oil production will just not be economical at present prices." The article went on to state that this vice president said that if the government permits a one cent per gallon price boost, he estimated that the processing rate would climb to 24.6 percent and that would mean about 50,000 more b/d of fuel oil.

It is simply unbelievable that the major oil companies could be as insensitive as to take the position that because their prices were frozen and could not rise that they would not produce a product as essential to the well being and security of this country as home heating oil.

What would have happened to wage and price controls if every other industry had taken the same position as the oil industry?

The tragedy of the situation is that the major refiners of this country did exactly what they threatened to do. They did not get a price increase; therefore, they did not produce the product; therefore, shortages developed. And now they are in here to defend their recent actions.

I feel compelled to say that from my personal point of view no price increase would seem equitable at this point to an industry that acted in such a callous disregard of the health and safety of our citizens as we have just witnessed. And I might add, we are not over the dilemma yet. There is still the coldest part of the winter facing us, and it could well be that shortages will develop with or without these recent price increases. In fact, it is my understanding that in the last few days the soon-to-be abolished Office of Emergency Preparedness is now in the process of developing a national rationing program for petroleum products.

Another side of this pricing question that the Cost of Living Council should look at is gasoline. If home heating oil prices were caught at their seasonal low point, then the opposite is true of gasoline. The peak demand period for gasoline in this country and a traditional peak point in price for that product is during the Summer months. It would appear to me that there must have been some balancing of cost in view of the fact that while heating oil was allegedly frozen at a low point; gasoline was frozen at a higher point. However, I have heard no discussion from the industry on this point.

2. EFFECT OF PRICE INCREASE

I certainly hope that the Cost of Living Council will take a close hard look as to exactly what the industry has recently done with regard to price increases. As I stated earlier, I am not an expert with regard to petroleum product prices and can only rely upon recent press reports. It is my understanding that in the last week and a half there has been an upward price movement throughout the entire industry.

It was begun on January 19 by an announcement by Mobil Oil Company that it would immediately increase wholesale prices on home heating oil by ¾ of a cent a gallon. It is my understanding that within the next few days following Mobil's announcement the remaining major refiners increased their wholesale prices at a minimum level of ¾ of one cent a gallon.

If that was the only action taken, it, in my opinion, would have been serious enough to justify the hearings being held here today. However, that was not the case. The major suppliers not only increased wholesale prices, but, at the same time, removed what are known as "dealer discounts" or temporary dealer allowances (TDA).

These TDA's are actually a reflection of competitive distortions within the industry and of continuing efforts at maintaining a retail price fix on home heating oil and other petroleum products, notably gasoline.

The major suppliers, rather than allowing wholesale prices to fluctuate based on demand, generally try to fix prices at a permanent level which is usually referred to as "rack" or "tank-wagon" price.

It is my understanding that with regard to gasoline, "rack" price is the price at which the gasoline jobber purchases the product and "tank-wagon" price is the price he charges the dealer.

With regard to home heating oil, there is normally one price at this distribution level which is referred to within the industry as "rack" price. Major suppliers follow a pricing procedure called "posted pricing" whereby they try to maintain the price at a certain constant level. Because of competition among other suppliers, notably independent dealers, it is difficult to maintain this fixed posted price and rather than changing the fixed price they allow what is referred to as "dealer discounts" to their distributors. When the major oil companies announced their recent wholesale price increases they also took another step and that was to remove dealer discounts.

It is my understanding that depending upon the area of the country and the supplier, these discounts range anywhere from .3 of one percent a gallon to one cent.

By doing this, it is obvious that the recent price increases on home heating oil are much more substantial than the 8 percent figure that is being referred to by several major oil companies in recent price increase announcements.

In the way of illustrating these increases, I would like to quote some figures I obtained from a Texaco dealer in New Hampshire.

On January 18, he was purchasing home heating oil from Texaco at a posted price of 12.2 cents a gallon. He was also receiving, however, a .6 of one cent a gallon dealer discount which made his actual purchase price 11.6 cents a gallon. A few days after Mobil raised its prices, Texaco also announced an increase in its price from the posted price of 12.2 cents a gallon to a 12.95 cents or a ¾ of one cent increase. However, the company also removed at the same time their dealer discount of .6 of a cent a gallon. So rather than having a wholesale price increase of ¾ of a cent a gallon, there was actually a 1¼ cents increase. This wholesale price increase was immediately reflected in a retail price increase of from 19.9 cents a gallon to 21.5 cents.

So what you have in effect is a percentage increase substantially higher than the 8 percent figure quoted in recent press releases.

This is a point that I hope the Cost of Living Council will look into very closely.

What the major oil companies have done by this action is to hide from the consumer the true cost of these recent price increases. While the oil companies claim that they have only increased prices by ¾ of a cent to one cent a gallon they have actually increased it substantially higher, leaving the dealer to explain to the consumer how it is that there is only a ¾ of one cent increase at wholesale but that his retail prices have gone up by at least 1¼ cents a gallon and maybe even higher.

Another disturbing issue is the question of seasonal discounts. Again quoting from the Wall Street Journal article, the same vice president of the major oil company discussed the fact that heating oil prices here hit at their seasonal low point because the industry traditionally grants Summer discounts of up to one cent below normal Winter prices to encourage the terminal operators, dealers, and home owner to store the oil in his tank during the Summer and that this saves storage costs for the industry.

From the evidence I have been able to develop, it appears that there is a movement underway now to grant seasonal discounts this Summer. If this is true then it simply represents an additional price increase that must be borne by the heating oil consumer. In fact removal of Summer discounts may well signal even further price increases next Fall.

The reason for this is that without a Summer seasonal discount incentives are removed for customers of the major oil companies to store this product during the Summer.

The industry might well announce later this Spring it intends to raise heating oil prices even further next Fall. If this is the case then we are not talking about price increases of ¾ of a cent a gallon; or one cent a gallon, or even two cents a gallon; or—God forbid—even three cents a gallon; but possibly as high in the next nine months of four cents to five cents a gallon. And if that is not inflation and price gouging I don't know what are.

3. COMPETITION

Price is a direct manifestation of the level of competition within an industry. Price rigidity is an indication of a lack of a spirit of competitiveness between businesses. This is reflected in higher costs to consumers and often results in distortions within the industry involved. A serious question must be raised in the home heating oil market as to whether these price increases are a sign of meaningful competition or a manifestation of extreme competitive distortions. Normally, in competitive industries price adjustments upward are taken as a last resort and only when the industry as a whole is facing cost increases.

The general area of price competition in the home heating oil market is at the retail level. One question I hope that the Cost of Living Council will direct itself to is whether the major suppliers who are raising wholesale prices intend to continue their normal marketing procedures or whether structural changes will accompany the price increases. The structural changes I am referring to here would be a forward integration into the marketing segment by the supplier rather than continuing to sell to his traditional customers—the small business dealer and jobber.

It may well be that these recent price increases will result in a diversion of needed supplies from the small business dealer to large commercial accounts. This is of grave concern to me in that the dealer is the traditional supplier to the home owner while the major companies normally deal directly only with large institutional purchasers.

I would hope that the Cost of Living Council would receive assurances from the major oil companies that these recent price increases will not result in structural changes in marketing in which the company itself becomes the retailer, thereby forcing its dealers out of business.

4. SHORTAGES

Mr. Chairman and Members of the Council, as I am sure you are well aware, various sections of the country have been experiencing in varying degrees shortages of home heating oil since the first of December, 1972.

The issue of supply of this essential product should be of primary concern to you in your examination of these recent price increases.

As early as last year, evidence began to mount that this country was on a collision course. National stocks of home heating oil were slow in returning to their normal levels in 1972, and all indications were that the industry was not preparing for its normal switch-over in refinery runs from an emphasis on gasoline to increased production of home heating oil.

In fact, as early as May of last year, I wrote to the Director of the Office of Emergency Preparedness indicating that during the 1972–1973 Winter, shortages could very well develop in many sections of the country.

By August of last year, this prospect was even more obvious.

On the first of September, I wrote to Secretary of the Interior Morton asking that his Department conduct a survey to assure that adequate supplies would be available for this Winter.

On September 19 and 20, the subcommittee I chair on the Senate Banking, Housing and Urban Affairs Committee held hearings on the adequacy of home heating oil supplies. General Lincoln of the Office of Emergency Preparedness, and Mr. Stephen A. Wakefield. Deputy Assistant Secretary for Emergency Programs of the Department of the Interior, both testified. During those hearings, Mr. Wakefield submitted to the subcommittee a study done by the Department at my request on fuel oil supplies.

During General Lincoln's appearance before the subcommittee, he stated—and I quote from the hearing record—"I have been assured by several major suppliers that there should be an adequate supply of No. 2 oil during the coming Winter. The industry has the necessary refining capacity and necessary feedstocks to insure an adequate supply."

Also, Mr. Wakefield testified that the Department of the Interior study had found: "In summary, the study indicates a tight but workable supply situation for distillate fuel oil in districts I through IV, even with a reasonably severe Winter."

The experiences that we have encountered during the past two months clearly show exactly how wrong their predictions were.

In my opinion, it is apparent that either one of two things happened. Either the Federal officials responsible for oil policy in this country displayed an unbelievable level of incompetency or the petroleum industry itself misrepresented the facts. I personally believe that a combination of both factors were at work.

It is clear from the Department of the Interior's study that the industry simply refused to refine the amount of home heating oil necessary to meet domestic demand.

As early as October 13, 1972, the entire Senate Delegation from New England wrote to the President indicating our belief that unless corrective action was taken before November 1 that shortages would develop this Winter. The Senate Delegation from New England urged that import levels of home heating oil be increaesd to assure an adequate supply of this product for the Winter heating season.

I also wired the President on November 1, 1972, and again on December 13, reiterating our request and urging an increase in foreign imports.

What we have just witnessed within the past few months is a tragic example of the complete failure of our Federal oil policy.

And the actions taken by the major oil companies in this country, in my opinion, indicate that they totally failed to assume their responsibility and simply allowed shortages to develop as an inducement to force the government to grant price increases. Make no mistake about it, there was no real shortage in the traditional sense. There were supplies of home heating oil, but this country's oil policy did not make them available to the domestic consumer.

5. QUOTA SYSTEM

What I mean when I say there was no actual shortage of product is that since 1959 this country has systematically excluded foreign imports of crude oil and products through the operation of the Mandatory Oil Import Quota System. This quota protects the domestic industry from foreign competition and assures the industry that they will maintain the ability to fix prices in this country at a substantially higher level than the world market.

By carefully controlling the amount of foreign imports allowed into this country, there is only enough supply to meet demand. This destroys price competition and forces the consumer to pay billions of dollars a year more for his oil products.

During the last few months, we have witnessed exactly how unfair this quota system is to the American people. By limiting home heating oil imports to a small percentage of domestic demand, there is a continuing situation allowing the major oil companies to extract ransom prices from the consumer without fear of competition. The real tragedy of this quota system is that it keeps us constantly on the brink of shortage.

What has happened this Winter clearly shows the complete failure of the oil import quota system. Its stated goal is to keep out foreign oil, thereby supporting artificially high domestic prices.

If the Administration had heeded the warnings that a number of us made in the Summer and Fall of 1972, shortages would not have developed this Winter. But, instead, no action was taken to ease import controls until after a month of actual home heating oil shortages.

Why did it take so long before the Administration acted?

In fact, the actions taken and the manner in which they were implemented certainly does not give the consumer any assurance that Federal oil policy takes his needs and concerns into consideration.

Why did the President wait until actual shortages developed before removing import controls on home heating oil?

The coincidences of recent actions both regarding wage and price controls and home heating oil imports raise serious questions in my mind.

On January 11, 1973, the White House announced the implementation of Phase III of wage and price controls. On January 17, 1973, the President removed import controls on home heating oil for the first four months of the year and on January 19, 1973, the major oil companies began announcing price increases.

As early as December 21, 1972, in a submission to the President's Oil Policy Committee by the Independent Fuel Terminal Operators Association, evidence was beginning to mount showing that a number of major oil companies and/or their affiliates were accumulating sizeable stocks of home heating oil aboard.

In its submission to the Oil Policy Committee, the Association states—and I quote—"there are indications that several major refiners who operate in the Caribbean and Europe are withholding quantities of No. 2 fuel oil from the market. These refiners may be holding the product in anticipation of receiving permission to import the No. 2 fuel oil themselves." Such permission was, of course, granted on January 17.

On Friday, January 19, 1973, two days after import controls were removed on home heating oil, an article appearing in the Journal of Commerce states—and I quote—"The major oil companies were the big winners in the oil import program revisions announced Wednesday, some industry analysts and critics indicate, with the consuming public finishing barely in the money and the independent importers trailing far behind."

Further on in the article, it is stated that: "The oil was actually available, industry sources say, but not available to the independents—because it was in the hands of overseas affiliates of the domestic majors and the subsidiary companies wouldn't release it. It has been reported for instance, that Phillips has 55 million gallons of home heating oil in storage in England, and Standard Oil of Indiana an even greater cache."

In view of these allegations, it would seem imperative for the Cost of Living Council to obtain from the companies which recently instituted price increases (1) month to month figures showing total overseas stocks of home heating oil held by major oil companies, their affiliates, and other American companies who refine abroad for January of this year and for the last two years; (2) overseas purchases by major oil companies on the spot market from December 15, 1972, to January 17, 1973; and (3) total imports of home heating oil from January 17, 1973 to date by major oil companies.

Certainly this is not admissible evidence in the court of law, but it certainly does provide weight to the presumption that what is good for big oil is good for the country.

At the same time that we are running out of the domestic ability to produce and refine enough oil to meet this country's demands, we are constantly bombarded by ads on TV, radio, and in print, sponsored by the American Petroleum Institute, telling us "that a country that is run on oil cannot afford to run short."

Well, there is no doubt about the fact that we run on oil.

There is also no doubt about the fact that we have run short.

The problem is that the shortage is a contrived one with the oil industry and the Federal government joining in an alliance, the stated purpose of which is to assure that we have only enough oil to meet the price.

I can well understand that the Cost of Living Council will assert that the operation of the quota system is beyond its authority. However, it is encumbent upon you to understand that price increases within the oil industry are directly controlled by the oil import program.

The tragedy to my region of the country is that these new price increases plus the quota will cost my region this year alone several hundreds of millions of dollars. And for what purpose? To protect an industry at the cost of the consumer!

It is just as unfair today as it was almost fourteen years ago when this quota was imposed.

Mr. Chairman, in conclusion, I hope that these hearings are not simply pro forma window dressing for a fait accompli but will truly go into the complete justification for these recent price increases.

If we are to control inflation, we must make every effort to hold down prices. This is the first public hearing held on a price increase during the Phase III program, and I am sure that the manner in which the Cost of Living Council handles the matter presently before it will be considered a precedent by both industry and the consumer as to how closely price increases will be monitored in this country over the next few months.

IN PRAISE OF LYNDON JOHNSON

Mr. BIDEN. Mr. President, unlike my more fortunate colleagues, I can not claim to have served in Congress with Lyndon Baines Johnson—or even to have seen him. When Lyndon Johnson was first elected to the U.S. House of Representatives in 1938, I had not yet been born. When he was elected to the U.S. Senate, where I now sit, I had reached the ripe age of 6, more interested in playing than politicking.

But as my interest in politics developed early, I could not help become interested—and fascinated—by the political professionalism of Lyndon Johnson. His mammoth concern for the well-being of impoverished Americans is a permanent and distinguishing mark of his Presidential stewardship. His legislative programs were gargantuan ones, but always we should remember the generous impulses upon which these programs rested. If his stewardship became a "splendid misery," as some have described the Presidency, nevertheless the word "splendid" should be remembered in connection with his Presidency as well as the "misery" of it. If his failures were sometimes larger than life, so were his successes. It does neither him nor his Presidency a disservice to paint him, as an artist once did, another outstanding but earlier President, "warts and all."

Mr. President, I ask unanimous consent that an editorial from the Washington Post of January 24, 1973, which discusses the Johnson Presidency, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LYNDON BAINES JOHNSON

The public lifetime of Lyndon Baines Johnson spanned almost four decades. It was a period marked not just by the development of certain powerful currents in American thought, but also by an eventual reappraisal of where those currents had led. Thus, much which had been considered desirable, necessary and even holy in Mr. Johnson's political youth had fallen into disrepute by the time that he left office. "Internationalism" had come to be known as "interventionism" by many, its painful and costly effects haunting the nation in a seemingly unendable war. And the vital and generous impulses that had animated Mr. Johnson's commitment to domestic legislation from the New Deal through the Great Society had come to be seen by many as obsolete and outworn habits of mind which caused as many troubles as they cured. At the airport sendoff that January day in 1969, when Lyndon B. Johnson's homebound plane vanished into the clouds, his longtime friends and colleagues were left with more than an eerie feeling of the suddenness and totality with which power is relinquished in this country. The summary departure of this man who had been the larger-than life center of ambition and authority in government for five years, also seemed symbolically to end a self-contained chapter in the nation's political development.

It was an era characterized both domestically and in foreign policy terms by an assumption of responsibility—national responsibility—for the welfare of the poor, the rights of the mistreated, the fairness of the way in which we distribute our wealth and the general well-being and stability of countries all over the world. Of Mr. Johnson's participation in all this—as a Congressman, Senator, Vice President and President—it must be said that his impact was so profound that there is hardly a case in which the nation was either blessed or victimized by this particular 20th century passion for responsibility for which Lyndon Johnson himself was not largely responsible. Like indifferent lovers or fractions offspring, a nation can often take things for granted or seem only to notice when it has been wronged. The death of Mr. Johnson may serve momentarily to pull us back from these perspectives, to remind us that much which we now expect from our government and our society as a matter of course—black voting rights, care for our elderly and our ill—came to us very recently and largely by courtesy of Lyndon Johnson.

The simple, inescapable fact is that he cared—and that it showed. Being in all ways larger than life-sized, he cared about a lot of things: his own political fortunes, his image, and his place in history, for of course he was vain. But he was consistent; all of his appetities were king-sized. So he cared about people with the same enormous intensity. In fact, a fair case can be made that one set of appetites fed on the other; he struggled and wheedled and hammered and cajoled for political power because he yearned powerfully to do great and good things and that is what he wanted the power for.

This was at once the strength and the weakness of Lyndon Johnson, for while this tremendous force was more often than not irresistible over the years, both as Senate Majority Leader and President, it was, like everything about the man, very often excessive. It could bend the political process to his will, and to good effect. But it could also bear down too hard, so that the system cracked under his weight. A master at the instrumentality of events, he could use a Selma or an assassination to lever a civil rights law or a gun control bill through Congress. But he could also use a minor gunboat skirmish in the Gulf of Tonkin to produce a resolution from Congress giving overwhelming support to a war effort whose true nature was never revealed in terms which could be expected to prepare either the Congress or the public for the sacrifice that both would later be expected to accept.

Neither Lyndon Johnson's memory nor his place in history, we would hope, is going to turn entirely, or even primarily on the war that grew out of that resolution; for Vietnam there is blame enough for all concerned, over four administrations and a good number of Congresses. Confined and carried along by earlier commitments, counselled by the men recruited by his predecessors, unchecked by Congress, Mr. Johnson plunged on, overstating, over-promising, over-hoping, over-reaching. But if his time in office marked the big Vietnam escalation, it also will be remembered for the fact that he, by implication and by painfully difficult decision, moved toward the end of his term to acknowledge a great miscalculation—widely shared in, let it be said—which is not something incumbent Presidents are given to doing. Reluctantly, grudgingly, but effectively, he turned the war effort around, abandoning "graduated response" as the method of choice, and bequeathed to his successor a greater opportunity than he himself inherited to move toward disengagement and a redefinition of the mission in realistic terms.

When Harry Truman died a few weeks ago at the age of 88, he died the beneficiary of a gift Lyndon Johnson was not to receive: 20 years had passed since the embattled and much maligned Mr. Truman had held office so that time and change and hindsight vastly altered the view people had of him. Mr. Johnson was never lucky in this regard. His each and every achievement from his Senate years on seemed to be followed or accompanied by some series of events that spoiled the glory of the moment. Still, we do not share the notion, now being advanced (sometimes with bitterness) of how unfair it was that he rarely received the recognition he deserved in his lifetime for the good and also great things he did—or that the criticism of his handling of the war unfairly overshadowed all the rest. He would we suspect, have a wryly humorous view of all this—much as he craved to be well-loved and well-remembered—because he was too shrewd, not to say cynical a student of human and political nature not to have been amused by these efforts by those who served him badly from time to time to revise the record in his (and their) favor. Lyndon Johnson must have known that he did not need to be helped into history.

PRICE PRESSURE ON LOGS FOR EXPORT

Mr. McCLURE. Mr. President, yesterday the President quite properly noted the need for stabilization of wages and prices on the national interest. This is something on which we can all agree. He noted the presence of the "club in the closet" which is available should the situation warrant. It should be noted that the "club" may have to be fashioned out of substitute materials other than wood, because of the tremendous price pressure on logs for export.

For example, No. 1 Douglas fir peeler export prices the week of January 24 was $800 to $900 M bm log scale, and the current price is $975 to $995 M bm Hemlock log prices for export are as high as $700 M bm.

The President needs to look into the ambivalent national policy that permits this situation to exist, on the one hand, and, on the other hand, seeks to maintain stabilized domestic prices for housing and construction.

FINANCIAL STATEMENT OF SENATOR PELL

Mr. PELL. Mr. President, during the election campaign for the U.S. Senate in Rhode Island last year, both my opponent and I made public disclosure of our personal financial assets.

In order that this information may be more readily accessible, I ask unanimous consent that the listing of my assets as of September 30, 1972, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CLAIBORNE AND NUALA PELL—STATEMENT OF ASSETS AND LIABILITIES (UNAUDITED) SEPT. 30, 1972

[The accompanying notes are an integral part of this statement]

	Cost	Estimated value basis
ASSETS		
Cash (including certificate of deposit—$20,000)	$56, 367	$56, 367
Notes receivable (Note 1)	44, 250	44, 250
Marketable securities (Schedule 1) (Note 2)	1, 749, 211	2, 114, 762
Investment in real estate (Schedule 2) (Note 3)	326, 600	659, 700
Interest in partnerships and corporation (Schedule 3) (Note 4)	522, 927	550, 239
Other assets	4, 000	2, 500
Total assets	2, 703, 355	3, 427, 818
LIABILITIES		
Mortgage payable, Prudential Insurance (payable $500 per annum plus interest at 5½ percent)	16, 500	16, 500
Accrued income taxes on unrealized asset appreciation (Note 5)		253, 500
Total liabilities	16, 500	270, 000
Excess of assets over liabilities	2, 686, 855	3, 157, 818

SCHEDULE 1.—MARKETABLE SECURITIES

	Number of units	Cost	Estimated value basis
STOCKS			
Actronics, Inc	982	$550	$550
American Intl. Group Inc	500	32, 802	38, 000
Anheuser Busch, Inc	600	29, 250	38, [illegible]50
Avon Products, Inc	600	47, 027	74, 700
Becton Dickinson & Co	1, 600	56, 762	71, 600
Burroughs Corp	374	7, 899	82, 841
Carrier Corp	1, 326	7, 900	32, 156
Channel Cos	1, 500	47, 329	37, 500
Charter Co	800	35, 200	22, 100
Clark Equipment Co	1, 000	36, 756	54, 500
Coit International, Inc	2, 000	46, 480	38, 000
Coleco Industries, Inc	800	13, 517	22, 500
Data General	600	30, 000	66, 600
Data Ram Corp	3, 000	22, 500	3, 000
DeJour Productions Ltd	500	25, 000	25, 000
Deltec International Ltd	2, 475	39, 420	21, 656
Development Corp of America	1, 000	24, 400	38, 000
E. I. DuPont de Nemours & Co	50	----------	8, 288
Engelhard Minerals & Chem. Corp	2, 800	76, 851	75, 600
Federal National Mortgage Assoc	1, 848	26, 025	33, 957
General Electric Co	2, 000	63, 187	132, 750
General Motors Corp	43	3, 824	3, 381
Gillette Co	1, 000	53, 073	53, 500
Horizon Corp	1, 500	44, 661	34, 688
Hospital Corp. of America	1, 250	29, 534	50, 000
Hycel, Inc	1, 500	41, 248	20, 250
International Business Machines Corp	260	85, 068	105, 690
International Investors, Inc	1, 968	22, 156	46, 897
Kimberly Clark Corp	1, 500	52, 744	54, 563
Logetronics, Inc	1, 470	3, 240	3, 491
Medtronic, Inc	1, 000	35, 619	48, 000
Modulus Corp	1	50, 000	25, 000
National Chemsearch Corp	1, 000	37, 359	79, 000
Pierce SS Co 5 percent Cv Pfd	900	90, 000	90, 000
Pierce SS Co	10, 000	10, 000	10, 000
Preferred Risk Life Ins. Co	1, 000	34, 750	34, 625
Searle GD & Co	300	30, 645	30, 600
Singer Co	600	48, 861	48, 750
Snap on Tools Corp	1, 000	40, 083	49, 000
Sonic Development Corp	1, 000	9, 756	10, 500
Sutro Mortgage Investment Trust—Warrants	100	468	225
T.I.M.E. D.C. Inc	2, 000	37, 000	19, 500
United States Trust Co. (New York)	1, 000	46, 974	58, 750
V.C.A. Corp	1, 000	24, 160	21, 375
Variable Annuity Life Ins. Co	1, 500	30, 187	31, 875
Wal-Mart Stores, Inc	1, 500	40, 187	43, 688
Wall Street Growth Fund, Inc	1, 644	$10, 892	$16, 013
Western Union Corp	456	21, 405	22, 629
Xerox Corp	500	39, 791	79, 250
Total stocks		1, 642, 504	2, 008, 788

	Face value	Cost	Estimated value basis
BONDS			
Control Data Corp., Conv. Sub. Deb., 3¾ percent, Feb. 1, 1989	$15, 000	$16, 008	$14, 400
Halliburton Co., Cv. Sub. Deb., 4 percent, Sept. 15, 1997	35, 000	35, 000	36, 750
Port of New York Authority, Cv. 3.40 percent, Feb. 1, 1987	5, 000	5, 000	3, 738
Process Plants Corp., Cv. Sub., 6¾ percent, June 1, 1975	50, 000	50, 000	50, 000
Xerox Corp., Cv. Sub. Deb., 6 percent, Nov. 1, 1995	600	699	1, 086
Total bonds		106, 707	105, 974
Total marketable securities		1, 749, 211	2, 114, 762

SCHEDULE 2.—INVESTMENT IN REAL ESTATE

	Cost	Estimated value basis
Land and building: Dutchess County, N.Y., approximately 300 acres	$90, 000	$300, 000
Residence: Washington, D.C	149, 600	229, 100
Residence: Newport, R.I	62, 000	106, 600
2 lots: Newport, R.I., ⅝ percent interest	25, 000	24, 000
Total	326, 600	659, 700

SCHEDULE 3.—INTEREST IN PARTNERSHIPS AND CORPORATION

Glen Ross Ltd. Partnerships: 4/268 units	($37)	$9, 700
Train, Cabot & Associates: Omnibus account	96, 968	102, 285
Train, Cabot & Associates: K accounts	399, 146	438, 254
Baker Research Development Corp.: 491 shares	26, 850	----------
Total	522, 927	550, 239

NOTES TO STATEMENT OF ASSETS AND LIABILITIES

Note 1: Notes receivable—The notes were received from sale of property in Minnesota and New York.

Note 2: Marketable securities—The amounts shown as estimated values at Sept. 30, 1972, were based on the quoted closing or latest bid prices.

Note 3: Investment in real estate—The estimated values are based on appraisals, assessment valuations and estimated selling prices.

Note 4: Interest in partnerships and corporation—The estimated values are based on current realizable values.

Note 5: Accrued income taxes on unrealized asset appreciation—Unrealized appreciation in value of assets would, if realized require payment of taxes at capital gains rates. Therefore the accrual has been made on that basis.

Note 6: The statement of assets and liabilities does not include personal effects and furnishings most of which were inherited.

Note 7: Claiborne and Nuala Pell have interests in various trusts.

Note 8: Claiborne Pell is eligible for pensions under retirement plans of the U.S. Senate and, at the age of 60, of the U.S. Coast Guard.

Note 9: Claiborne Pell holds no directorships in any business or other institutions for profit. He is a trustee of St. George's School, Middletown.

Note 10: All assets are owned individually by Claiborne Pell, except the residence in Washington, D.C., which is owned by Claiborne and Nuala Pell.

ROBERT M. BALL: A DISTINGUISHED PUBLIC SERVANT

Mr. HARTKE. Mr. President, during his 11 years as Social Security Commissioner, Robert Ball exemplified the highest qualities of public service, administrative competence, and technical know-how.

Our Nation, the Congress, and 28 million social security beneficiaries all owe him a debt of thanks for his personal dedication.

Under his expert direction the social security system has experienced unprecedented growth and improvements.

Benefit levels have been improved considerably. As a result nearly 1.7 million persons 65 or older have been removed from the poverty rolls during the past 4 years, for a 35-percent reduction.

Medicare has been enacted into law. With the approval of H.R. 1 coverage has been extended to 1.7 million disabled social security beneficiaries.

Quite clearly, major advances have been achieved in improving the economic and medical position of older Americans during Bob Ball's tenure as Commissioner.

Throughout his career, he also insured that the social security system would steer clear of political involvement. This has undoubtedly contributed to the overwhelming acceptance and the high degree of public trust in the integrity of the system.

For these reasons, it becomes especially important that the new Commissioner of Social Security be someone of Robert Ball's stature and an individual who will not politicize this crucial position for the Nation's elderly, disabled, and survivor beneficiaries.

Recent news articles and editorials have made this point very forcefully.

Mr. President, I ask unanimous consent to have printed at the close of my remarks several news articles and editorials on this important subject.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Evening Sun, Jan. 25, 1973]

Ball Says SSA Proves Government Can Work

(By Anne S. Philbin)

Robert M. Ball, retiring commissioner of Social Security who has served three presidents, hopes Americans will remember that social security "is at the very least, a big exception" to widely expressed views that government isn't working.

"There seems to be a lot of feeling today," he said in a farewell interview in his ninth floor office at Woodlawn, "that federal programs, particularly many Great Society programs, are not working well.

"If this is true, and I am not sure it is," he added, "I think Americans shouldn't forget social security is a big exception.

"It is by far the largest of federally financed programs in the area of health, education and welfare, and accounts for almost one-fourth of the country's entire budget."

Explaining this, Mr. Ball said that in 1974 the Social Security Administration will be paying out about $70 billion, with one out of every eight Americans in the country receiving a monthly check.

The $70 billion figure includes $54.73 billion in social security cash benefits, about $10 billion for Medicare payments, $408 million in "black lung" benefits to miners and their widows and children, and an estimated $3.5 billion to be paid out under the Supplemental Security Income program effective January 1, 1974, for the needy aged, blind and disabled.

MINIMUM INCOME

SSI guarantees a uniform minimum income of at least $130 a month for an individual and $195 monthly for a couple; it is a 100 per cent federally financed and federally administered program.

Mr. Ball said he believes SSI is a "very good addition to the social security law. The federal payments will be higher than those now paid by more than half the states," he said.

"The amount is getting closer to what people need to live on," he added, "and certain onerous and restrictive features of some state welfare assistance programs such as home lien laws, will be removed."

Mr. Ball said he thinks social security cash benefits, which have increased more than 70 per cent in the last five years, have "reached a new level of adequacy."

"We now have the automatic provision which will keep benefits up to date as the cost of living goes up. Also, benefits rise as a worker's earnings rise. Medicare coverage has been broadened to include disabled persons under age 65.

"Over a hundred other changes in social security and Medicare have improved the protection of present and future workers and their families. Americans are paying more but they are getting more," he commented.

SOUNDLY FINANCED

Mr. Ball said the social security program is "completely and soundly financed, under present law, to the year 2011."

Touching upon administrative policies and leadership which have molded the Social Security Administration into what President Nixon has called a "model for other government agencies," Mr. Ball said he is very proud of a number of things that have happened during his 11-year tenure as commissioner.

"We have made a great deal of progress in training minorities for better jobs with SSA, opened up more career opportunities for women, pioneered in fair housing for our employees, sponsored a volunteer program whereby our employees respond actively to community needs, and supported a substantial education program.

"We have a strong union (American Federation of Government Employes, Local 1923) which does a good job in protecting employes; it is aggressive, but responsible," Mr. Ball said.

"And I think SSA has had a positive impact on the Baltimore area in the 19,000 jobs it presently provides here plus the 3,000 that will be needed to implement the recent legislative changes."

NEW BUILDINGS

Mr. Ball said the agency's expansion program would include new buildings "here at Woodlawn and also in downtown Baltimore."

Although he said it would be difficult to leave SSA at this particular time in history when the agency faces major problems in implementing H. R. 1's legislative changes, Mr. Ball indicated his departure was a "mutual agreement" between the President and himself.

He said he plans to write, answer questions raised by those who attack the social security system, and help in the development of long-range policy on national health insurance. On the latter, he said "the question today is not if we need it, but how we can accomplish it."

Mr. Ball began his federal career in 1939 as a field assistant in a New Jersey district office at an annual salary of $1,620. He worked his way up through the ranks and by 1954 had become deputy director of the former Bureau of Old Age and survivors Insurance. Through government reorganization, this bureau was to become the Social Security Administration in the early sixties.

Since April, 1962 when President John F. Kennedy appointed him commissioned, Mr. Ball has been serving "at the pleasure of the President for the time being."

SHOCKED SURPRISE

Between then and now, he has submitted four pro-forma resignations to Presidents Johnson and Nixon. When the fourth was accepted by the White House early this month, the announcement was greeted in SSA and official Washington with shocked surprise, principally because Mr. Ball is as respected for his management leadership as his knowledge of social insurance.

He is also well-known and well-liked on Capital Hill, having testified at every congressional hearing on social security since the early Fifties.

In describing the qualifications needed by his successor, Mr. Ball, in the judgment of his peers, has used the words they would use to best describe him.

"He should be someone with experience in running a large federal agency, he should be nonpolitical and a humanitarian."

During his 30 years of federal service, Robert M. Ball has placed his indelible stamp upon the social security system. Of all the schemes generated to promote the welfare of the nation's people, social security stands almost uniquely in its absence of associated scandal and accomplishment of its mission.

[From the Washington Star-News, Jan. 30, 1973]

Social Security Head Disputes Benefit Cuts

(By Philip Shandler)

President Nixon's claims that increased payments by Medicare recipients of their hospitalization costs would shorten hospital stays have been disputed by the outgoing Social Security administrator.

Robert M. Ball, whose resignation from the post he has held the last 11 years has been accepted by Nixon, said he cannot support several aspects of the proposed budget for health care for the elderly.

In his budget message yesterday Nixon called for legislation to raise the annual deductible—the patient's initial out-of-pocket cost—on doctors' bills from $60 to $85, and to boost the patient's share of subsequent expenses from 20 percent to 25 percent.

More basically, he recommended revising the payment formula for the hospital insurance portion of Medicare available to anyone over 65 without an enrollment fee.

Currently each patient entering a hospital pays $72 for room and board the first day, a national average, but nothing more until the 61st day of hospitalization. Then he pays $13-a-day for the next 30 days and $26-a-day a maximum of another 60 days when the benefits run out.

The administration would have the patient pay the actual cost of his first day in the hospital, and 10 percent of all services thereafter.

Administration officials said their aim is confronting both patients and doctors with "the real costs" of hospitalization to discourage long stays.

But, Ball said, if patient costs were "a major thing" in hospital-bed utilization, how come hospitalization is lower for subscribers to the so-called Kaiser plan, a health-maintenance organization, than for the public generally?

Subscribers in health-maintenance organizations are entitled to virtually free medical and hospital care on payment of an annual fee. The administration has been citing reduced hospital usage by these persons in advocating funding for the creation of more HMOs.

Ball's remarks were the first clear indication of a policy split with the Nixon administration.

The President announced three weeks ago that he had accepted Ball's resignation. Ball said he was happy to go, though willing to serve on.

But friends said he would have preferred to remain, and key congressmen said they were distressed that he would be leaving as the government is moving into several new programs, including federalization of current state welfare assistance for adults.

[From the New York Times, Jan. 8, 1973]

DEFENDER OF THE AGED

In his decade as Social Security Commissioner, Robert M. Ball has demonstrated both administrative competence and social imagination of a high order. He came into the vast Federal insurance program for protection of the aged and disabled not long after its establishment in 1937. His subsequent career entitles him to rank alongside the late Arthur J. Altmeyer, the first head of the Social Security system, as an official who knew how to translate dreams into an efficient, corruption-free program.

The distinction of Mr. Ball's service makes it difficult to understand President Nixon's decision to speed his departure from Government just when massive new administrative problems are about to descend on the system in connection with the Social Security changes voted by Congress last year. We share the hope voiced by Chairman Mills of the House Ways and Means Committee that the dropping of Mr. Ball does not signify an Administration desire to "politicalize" Social Security. Perhaps his greatest contribution was keeping that multi-billion-dollar program totally free from any taint of politics.

[From the Washington Star-News, Jan. 15, 1973]

OUSTER AT SOCIAL SECURITY

The word "bureaucrat" like the word "politician," has gathered a distinctly deprecatory ring to it. The public has grown more distrustful of big government, and so it has become fashionable, even in this town that lives by big government, to dismiss the man who works for government as something of a second-rater.

It is all too bad. For though second-raters, and third-raters, abound in government, as they do in private employment, the disparagement of the bureaucracy ignores the hard-working and the able in government ranks, and it ignores those relatively few people who can fairly be called superb public servants.

Robert M. Ball is in that last category of bureaucrat. He will be, at least, until his successor is named and takes over as commissioner of Social Security. Whatever bothersome questions that have arisen about the legislative principles and the financing of Social Security, there is almost universal agreement that here is one government program that works: The computers whirr; the checks go out; public confidence in the system remains high. Bob Ball can take some of the credit for this.

Ball has been with Social Security since 1939, or almost since its inception. He has been commissioner for the last 10 years, a period in which the system experienced a mighty expansion in size, scope and complexity. As an administrator, keeping on top of the legislation, knowing what had to be done, and doing it in an apolitical way, Ball rode the expansion tide in admirable fashion.

All of which brings up the question: Why did President Nixon accept Ball's pro forma resignation? Ball, it is known, wanted to stay on. And he had reason to stay on, for in light of 1972 legislation further expanding the system to include all the nation's adult welfare programs, Social Seclurity faces a challenge at least as complex as in the move eight years ago to establish Medicare within the system.

What the White House has in mind may become clearer when Ball's successor is announced. In the meantime, we believe the burden of proof is on the administration to show that it can come up with someone of Ball's stature, and someone who will not politicize this key position. Congressman Wilbur Mills, whose knowledge of the system is unequaled on Capitol Hill, says he'll be "watching carefully" the choice of a successor. That's good to hear. We hope a lot of other people, in Washington and elsewhere, will do the same.

[From the American Medical News, Jan. 15, 1973]

BALL LEAVES TOP SSA POST

Veteran Social Security Commissioner Robert Ball resigned under what he termed "a mutually acceptable decision" with the White House.

The 58-year-old career federal official was named commissioner of the vast Social Security Administration by President Kennedy. He was in the forefront of the fight for Medicare and other expansions of Social Security, and was regarded as one of the government's most knowledgeable officials.

No successor was announced.

Although he ran Social Security with an expert hand and generally managed to steer clear of political involvement, Ball was a firm believer in the ability of Social Security to handle larger responsibilities, such as Medicare.

His convictions clashed with those of former chief Social Security actuary Robert Myers, who resigned several years ago after accusing Ball of pushing unlimited expansion of Social Security.

In his letter to President Nixon, Ball said his "personal preference after nearly 11 years as commissioner of Social Security, has been to ask you to accept my resignation, effective at the beginning of the new term. I have refrained from doing so only because of my concern for the program and the Social Security organization during the coming period of great challenge. . . ."

Ball's resignation follows the departures—some voluntary, some not—of the entire top echelon at HEW's health department. Only Food and Drug Commissioner Charles Edwards, MD, remains. He is reported under consideration for promotion.

[From the New York Times, Jan. 25, 1973]

POLITICS, POLITICS, EVERYWHERE

(By Wilbur J. Cohen)

ANN ARBOR, MICH.—The recent forced resignations of key personnel in the Department of Health, Education and Welfare is an ominous omen of worse things to come.

The termination of Dr. Robert Q. Marston, the distinguished director of the National Institutes of Health, has already been viewed by scientists as the possible politicalization of the institute, which no previous Republican or Democratic Administration has ever attempted. Dr. Marston has been recognized as a nonpolitical and able administrator of an important, difficult and scientific assignment. No reasons were given for his termination from a position so vital to continued expansion of our medical research capacity.

The resignation of Robert M. Ball, the outstanding commissioner of Social Security, is a further recognition that the Nixon Administration fails to understand the importance of retaining its key administrators in its key programs. The Social Security program has always been run on a nonpartisan basis. There has been up to now no political interference in the program by any Administration since it was established in 1935. Ball's superior competence has been recognized by all previous secretaries of H.E.W. His departure prior to the implementation of the massive and far-reaching legislation recently passed by Congress and approved by the President is premature and unfortunate. Next year, total expenditures under Mr. Ball's supervision will exceed $70 billion.

Certainly, changes in personnel in governmental programs are desirable and inevitable. But there is a difference between wholesale and retail changes. The Nixon Administration appears to be trying to tell employes in the various departments that they must recognize who is the boss—the White House.

Government programs such as medical research and Social Security must depend upon the professional competence and morale of the employes who administer them. This is a delicate, sensitive and precious set of elements. It may take many years to build; it can be destroyed in a moment. There is a lack of understanding in high places of the political importance of nonpolitical administration of services vital to the American people.

Prof. John R. Commons, the distinguished labor economist of the University of Wisconsin, used to tell his students that an inadequate law which was well administered was to be preferred to a good law, badly administered. The Nixon Administration appears to want to prove that it can administer good laws badly on a reduced budget without first-class administrators—a dangerous experiment.

The forced resignations of many able persons in other agencies of government—such as the Commissioner of Labor Statistics, Geoffrey Moore—tend to support this dismal conclusion. The Commisioner of Labor Statistics is a four-year-term appointment. No other Commissioner of Labor Statistics in any previous Administration has been asked to resign before his term expired. In 1969 the Nixon Administration also fired the chief of the Children's Bureau which no Administration had ever done in the 57-year, nonpolitical history of that bureau. No Administration has such a record of interference in statistical and early childhood development programs.

These personnel changes must be viewed in terms of the repeated White House interference and reversal of Secretary Richardson's recommendations, to name but two, the rejection of his compromise with Senator Ribicoff on the welfare-reform bill, and the lack of consultation on the veto of the Hill-Burton hospital construction amendments.

Coupled with the unprecedented Presidential vetoes of H.E.W. appropriation bills, and the attack by John D. Ehrlichman of the White House staff on the employes in the department prior to the election, why should competent men and women of stature and integrity take any of the jobs vacated? The health, education and welfare of all of the American people are too important to be sacrificed for political purposes.

ECONOMIC DEVELOPMENT ADMINISTRATION

Mr. HOLLINGS. Mr. President, as we all know, the President recently recommended that the Economic Development Administration be eliminated. On behalf of Senator THURMOND and myself, I would like to introduce into the RECORD a concurrent resolution adopted by the South Carolina State Legislature calling for the continuation of EDA.

Both Senator THURMOND and I are cosponsors of S. 467, which would authorize the continuation of EDA. As a member of the State, Justice, Commerce Appropriations Subcommittee, I have been able to see the benefits derived from this program, and I will do all I can to see that the funds for EDA are provided as soon as the authorization is enacted into law. I know that Senator THURMOND shares my view that EDA has proven to be a successful program. We are glad to receive the confirmation of this fact from our State legislature.

From 1965 to 1972, EDA provided 130 projects in South Carolina, totaling over $41 million. These projects included loans and grants for public works, business development, planning, and technical assistance. Within this total, eight South Carolina vocational technical centers received $7 million and 36 municipalities in 21 counties received EDA water and sewer assistance.

While we should be careful not to perpetuate programs which are wasteful and do not give an adequate return for the moneys invested, EDA has proven itself to be a well-run program, providing vital support to local communities. It deserves our support, and we must see that it is continued.

I ask unanimous consent that the South Carolina resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SOUTH CAROLINA RESOLUTION

A concurrent resolution requesting the Congress and the President of the United States to continue the provisions of the Public Works and Economic Development Act of 1965 so as to permit continued funding of projects necessary to the future well-being of the State and Nation

Whereas, the Public Works and Economic Development Act of 1965 has caused the investment of more than fifty-one million dollars of funds of the Economic Development Administration and the Coastal Plains Commission in the economic development of South Carolina; and

Whereas, EDA and Coastal Plains Regional Commission investments by their catalytic utilization have resulted in the added investment of more than one hundred million dollars from other public and private sources; and

Whereas, these economic development programs have resulted in many worthwhile job-generating projects, including vocational-technical training facilities and other public works, business loans, technical assistance and planning; and

Whereas, this financial assistance, geared to helping underdeveloped communities help themselves, has been responsible for the creation of thousands of job opportunities in many parts of our great State; and

Be it resolved by the Senate, the House of Representatives concurring:

That the General Assembly of South Carolina expresses its continued strong support for programs resulting from the Public Works and Economic Development Act of 1965 and respectfully urges the Congress to authorize and the President to approve the continuation of the provisions of such act, as well as ample appropriations to permit the continued funding of projects necessary to the future well-being of this State and Nation.

Be it further resolved that copies of this resolution be sent to the President of the United States, the presiding officers of both houses of the Congress, the Honorable Frederick Dent, Secretary of the Department of Commerce, the Chairman of the Public Works Committee in both houses of the Congress and to each member of the South Carolina Congressional Delegation.

Whereas, a substantial number of projects, which will greatly enhance the future economic development of South Carolina, are now pending or in the development stage and these projects are depending upon EDA and Coastal Plains funding; and

Whereas, this act expires June 30, 1973, and bills have been introduced in the Congress which will provide for the extension of the act.

AIRPORT SEARCHES

Mr. HARTKE. Mr. President, I would like to bring to the attention of my colleagues a recent article that appeared in the Fort Wayne Journal Gazette. The Journal Gazette editorial offers an interesting perspective on the present manner in which searches at the Nation's airports are conducted.

Mr. President, I ask unanimous consent that the Journal Gazette article be printed in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THOSE AIRPORT SEARCHES

Sen. Vance Hartke's protestations that he shouldn't be subject to airlines security searches because "I am a senator" might be comic if they weren't grounded in serious constitutional questions. The Indiana Democrat's threats to knock heads at the FAA and his melodramatic "confrontations" at various airports cloud the basic objections to giving security officers blanket powers to conduct weapons checks.

The FAA would deny such widespread powers exist, of course, and would point to the warnings given federal agents at airports not to disregard the civil rights of passengers. Facts would indicate quite the opposite—"unreasonable searches and seizures," as defined by the Fourth Amendment, are being conducted every day, and that passengers' rights indeed are being violated in the process.

For example, almost 6,000 travelers were arrested at U.S. airports in the first 22 months after anti-hijacking measures went into effect. Less than 20 per cent of the arrests were for carrying a weapon, making a hijack threat, or anything else even remotely linked to a hijacking attempt.

Over 2,000 of the arrests were for possession of drugs found in security searches ostensibly made for weapons. About the same number was arrested for illegal entry. Other charges ranged from parole violation to forgery. The sheer bulk of these arrests would suggest passengers are being searched under the pretext of looking for weapons, when in fact they are suspected of carrying drugs or of other crimes.

Aside from the constitutional question of whether airlines searches are legal in the first place, it is problematic whether evidence uncovered in searches that relate to crimes other than hijacking should be admissile in court, when there is no reasonable cause for a security officer to believe another crime has been committed.

The Nixon administration reportedly is considering a plan to require air travellers to sign a form consenting to a search as a condition to buying a ticket. There is doubt even within the administration that this would be constitutional. Government attorneys likewise say the mandatory check of carry-on luggage hasn't yet been tested in court to determine its legality under the Fourth Amendment.

These important constitutional considerations must be met before the nation can proceed with developing an effective anti-hijack procedure. It's not enough to say the safety of air travellers is paramount, even when civil liberties are imperiled.

The Hoosier Senator is right when he says airport searches presently go far beyond reasonable limits in guarding against the threat of airborne terror. It is imperative that Congress enact legislation that will insure the proper use of police powers in screening air passengers, and prevent a search for weapons being used as an excuse to fish for other unrelated evidence.

THE FISCAL COST OF THE COLD WAR

Mr. FULBRIGHT. Mr. President, Prof. James L. Clayton of the University of Utah has written an enlightening article entitled "The Fiscal Cost of the Cold War to the United States: The First 25 Years, 1947–1971," which appeared in the Western Political Quarterly for Sepember 1972.

Professor Clayton calculated that of the total $1,700 billion spent on war-related matters from 1947 to 1971, $1,051 billion was attributable to the cold war. Projecting the costs for veterans benefits and interest on the debt, he estimated that the ultimate costs of the cold war will be somewhere between $1,381 billion and $1,431 billion.

He wrote:

> Compared with other wars the United States has fought, the first twenty-five years of the cold war is by far the most expensive war this nation has ever engaged in . . . more than three times the original cost of World War II, thirty-six times the original cost of World War I, and almost three hundred times the initial cost of the Civil War.

To put the $1.4 trillion cost estimate in perspective, he said that this sum:

> Represents more than three times the value of the total assets of all American nonfinancial business corporations . . . twice as large as our total corporate after-tax profits since 1940 . . . somewhat less than the total financial assets of all American households . . . five times the total national wealth when the war began, ten times our currently outstanding consumer credit, and twenty-six times the total money in circulation in 1970.

He wrote:

> On a per capita basis, the first twenty-five years of the Cold War will eventually cost Americans about $10.000 each.

What could we do with the money that has been spent or committed to the cold war? Professor Clayton says that it would:

First. Pay the cost of operating our public school system for the next 10 years;

Second. Give all heads of poor families—as defined by the Social Security Administration—a $5,000 subsidy each year for the next 10 years;

Third. Pay for the operation of our institutions of higher education for the next 25 years;

Fourth. Pay for our police protection for the next 50 years; and

Fifth. Still have enough money left over to buy up everything of value in Canada.

Mr. President, Professor Clayton has made a most useful analysis. I commend his article to the Senate and the public and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FISCAL COST OF THE COLD WAR TO THE UNITED STATES: THE FIRST 25 YEARS, 1947–1971

(By James L. Clayton)

(NOTE.—The author wishes to express his appreciation to the American Philosophical Society for a research grant which helped make this study possible. Similarly, appreciation is acknowledged to the Research Committee of the University of Utah for a travel grant which aided in gathering materials.)

"The expenses of a war," said William Gladstone upon introducing the Crimean War Budget to the House of Commons, "are the moral check which it has pleased the Almighty to impose upon the ambitions and the lust of conquest that are inherent in so many nations." [1] Whatever the intentions of the Almighty, few would agree with Gladstone today that the cost of war has been a significant deterrent factor in the origin or the duration of most modern wars. One of the main reasons for this disagreement is that, with the possible exception of World War I, the precise cost of wars has seldom been computed—before, during, or even long after the conflict.[2] What estimates we do have are often mere guesses and usually lower than they should be. As a consequence, "the expenses of a war" have not been the popular "check" Gladstone felt they were partly because we have not had reliable and convincing cost analysis studies upon which to make a judgment.

More recently, the Joint Economic Committee of the Congress in its analysis of the 1972 Economic Report of the President has called the budget of the United States "woefully inadequate as a public accounting of the true costs of national security." [3] The committee called for more comprehensive war-cost data, criticized the President's Council of Economic Advisors for neglecting "to focus on the problems of defense spending and its impact on the economy," and again proposed a national security budget concept (discussed below) which it put forward in 1971. At no time in this generation has interest in the cost of war been so high, and yet as the Joint Economic Committee points out, the Executive Department is moving away from the objective of a realistic, full, and true accounting of the costs of our national security.

What this essay attempts to do is to measure carefully the *calculable fiscal costs*, i.e., the incremental cold war expenditures of the federal government, of the first twenty-five years of the cold war for the United States and to place these costs in historical perspective. The non-calculable costs are left for another time. So too are economic costs and costs incurred by state and local governments. In addition, several theories of war-cost analysis are examined and the widely held "ratchet effect" theory of the impact of war is criticized.

I believe this undertaking is important as *a first step* in understanding the more important economic, social, and political consequences of the cold war which we know very little about as of now. By understanding these ultimate consequences we may better determine whether the cold war has been worth the cost to date, and therefore whether we should continue it, or whether the real costs are not worth the results achieved and therefore we should begin to search for fundamental alternatives to our present defense policies. There is very little fundamental searching for alternative defense policies within the Executive branch of the government today, partly because there is very little understanding of the *domestic* consequences of cold war spending and, one suspects, partly because the Administration is deliberately hiding an important part of what it is doing. It may be that we shall want to continue on course anyway, or that we feel we have no real choice, but that decision should include a realistic, careful, and comprehensive knowledge of the price attached.

First a word about definitions. By "cold war" is meant the ideological and actual conflict between the Soviet Union and its communist allies and the United States and its non-communist allies which followed World War II and continues to this day. Traditional peacetime defense expenditures are excluded as are defense outlays which do not relate somehow to this particular conflict. Hence, I shall be talking about *incremental costs* or the real fiscal cost of the cold war and not simply foreign policy or defense generally as most studies do. The dates in this essay are all fiscal years, following budgetary practice, and 1947 was chosen as the beginning of the cold war simply because that year is the earliest year for which it is possible to keep cold war accounts separate from World War II expenditures. "Cost" is used in a neutral sense—it is always a burden on the Treasury but it may be either a burden or a benefit to the economy—as shall be shown below.

THE NATURE OF WAR COSTS

The costs of any war may be and generally are measured in a variety of ways.[4] In the widest sense, one might calculate all losses that a war has imposed on a particular country, including loss of life and labor and war damages. But there is only one standard available for measuring costs: money. The money value of human lives, however, has never been precisely calculable, and all estimates in that direction seem arbitrary. Nor can one measure in monetary terms the social and moral consequences of war, which some believe are of greater significance than the monetary costs. Even indirect monetary cost studies vary widely in their methodology and conclusions.[5]

What can be measured in the United States—and this not without considerable difficulty—are the direct federal or central government expenditures for war. The greatest difficulties of measuring these direct expenditures is their longevity, especially regarding veterans' benefits, and interest on war loans. The main advantage of focusing on direct public expenditures is that here is probably the only sector where general agreement on costs can be reached and hence valid comparisons made between nations.[6] Aside from fiscal costs, economic costs may be measured with some degree of objectivity where sufficient data are available. The war's effect on prices, employment, economic growth, cost of living, taxation, the real costs of what people do without, transfers, etc. are usually considered. Space does not permit a discussion of these costs here.

The most comprehensive approach toward measuring the cost of recent American wars is the national security budget concept of the Joint Economic Committee mentioned above.[7] Basically, this approach goes back five years and includes everything that has any direct or indirect relationship with national security today. An admittedly imperfect attempt to explain the full costs of national security, this approach was taken in order to generate discussion and to counteract the Executive's tendency to underestimate if not to ignore war costs completely. The main problem with the Joint Economic Committee's method is that it focuses wholly on the present and thereby is not an incremental or real cost analysis. Moreover, their budget includes too much—partly one suspects because of that committee's hostility to the war in Southeast Asia. For example, all expenditures for space research and technology and atomic energy are included under national security. Most scholars would attribute no more than one-half of these funds to security. Nevertheless, this approach is far more accurate and fair than most and the committee is to be commended for its efforts.

The fiscal costs of war have traditionally been measured in one of two ways. The first ascertains what the war expenditures were during the war, and deducts from them the "normal" expenditures of an equally long period of peace, usually the immediately preceding years. The difference is the approximate direct fiscal cost of the war. This method has been traditionally followed in England and France.[8] Indeed, it was the Finance Committee of the House of Commons in 1782 that first suggested this approach in order to measure the cost of the American Revolution. The major difficulty with this method lies in trying to separate out long-range trends. The second method called for the measurement of the public debt before the war and at some point in time afterwards. The difference was the cost of the war. The greatest difficulties here lie in separating out war costs from non-war costs in debt payments, and in distinguishing between expenditures made and expenditures incurred.

The methodology of the approach here is more economically precise and historically broad. Defense expenditures are put in constant dollars, to adjust for long-range inflationary trends, and on a per capita basis to account for population growth. Next, immediate prewar trends are measured and adjusted to long-range trends. These per capita expenditures in constant dollars are then compared with data that measure defense outlays on a percentage of total public expenditures over time. To these direct defense cost figures are added the other indirect war-related expenditures of the central government. What "war-related" means and the methodology for determining these costs are explained below. It is believed that this procedure is both the most accurate and the most historically defensible way of measuring war costs yet devised. It should be emphasized, however, that the results are approximate and that what is included or excluded is still a matter of judgment.

NATIONAL SECURITY EXPENDITURES

The first and largest direct financial source of cold war costs is, of course, the major national security expenditures account in *The Budget of the United States.* These expenditures have ranged in the United States from a low of $9.1 billion in 1947 to a high of $81.2 billion in 1969 (see Table 1). As a percentage of total governmental expenditures, national security expenditures in the United States range from a low of 27 percent in 1949 to a high of 69 percent in 1952. As a percentage of GNP the spread ranges from 3.9 in 1947 to 13.4 percent in 1953.

Footnotes at end of article.

TABLE 1.—PUBLIC EXPENDITURES IN THE UNITED STATES FOR WAR AND WAR-RELATED PURPOSES, AT CURRENT PRICES, 1947–71

[Dollars in billions]

	(1)	(2)	(3)	(4a)	(4b)	(5)	(6)	(7)	(8)	(9)
Year	GNP	Total government expenditures	National defense	3 as percent of 1	3 as percent of 2	International affairs	Space	Veterans Administration expenditures	Interest on public debt	General government
1929	103.1	3.3	0.7	0.07	22.0	0.01		0.8	0.7	NA
1940	99.7	9.1	1.5	1.5	16.0	.05		.6	1.1	0.4
1945	211.9	98.4	73.5	35.0	85.0	3.3		2.1	3.7	.9
1947	231.4	29.5	9.1	3.9	31.0	6.5		7.4	5.0	1.4
1948	257.6	30.9	10.7	4.2	35,0	4.6		6.7	5.2	1.3
1949	256.5	39.6	13.3	5.2	27.0	6.1		6.7	5.4	1.1
1950	284.8	42.4	14.1	5.0	30.0	4.7		6.6	5.8	1.2
1951	328.4	44.6	33.6	10.2	75.0	3.7		5.3	5.7	1.3
1952	345.5	66.0	45.9	13.3	69.0	2.8		4.9	5.9	1.5
1953	364.6	75.8	48.7	13.4	64.0	2.2		4.3	6.6	1.5
1954	364.8	74.2	41.2	11.3	66.0	1.7		4.2	6.5	1.2
1955	398.0	67.3	38.6	9.7	60.0	2.2		4.5	6.4	1.2
1956	419.2	69.8	40.3	9.6	57.0	1.9	0.1	4.8	6.8	1.6
1957	441.1	76.0	44.2	10.0	58.0	2.0	.1	4.9	7.3	1.7
1958	447.3	83.1	45.9	10.3	55.0	2.2	.1	5.2	7.7	1.3
1959	483.7	90.9	46.0	9.5	51.0	3.8	.1	5.3	7.7	1.5
1960	503.7	91.3	44.9	8.9	50.0	1.8	.4	6.4	9.3	1.9
1961	520.1	98.0	47.8	9.2	50.0	2.5	.4	6.8	9.0	1.6
1962	560.3	106.4	51.6	9.2	49.0	2.8	.7	6.7	9.2	1.6
1963	590.5	111.4	50.8	8.6	46.0	4.5	1.3	7.0	10.8	2.9
1964	632.4	116.9	50.0	7.9	43.0	3.8	4.3	7.1	10.6	2.4
1965	684.9	118.5	50.1	7.3	42.0	4.3	5.9	7.1	10.4	2.3
1966	749.9	131.9	60.7	8.1	46.0	4.5	5.4	7.5	11.3	2.5
1967	793.5	154.6	72.4	9.2	47.0	4.5	4.7	8.1	12.6	2.3
1968	865.7	172.4	78.0	9.0	45.0	4.6	4.2	8.6	13.7	2.4
1969	931.4	184.6	81.2	8.7	44.0	3.8	4.2	9.2	15.8	2.3
1970	[1] 976.5	196.6	80.3	[2] 8.2	41.0	3.6	3.9	8.7	18.3	3.7
1971 est.		212.8	76.4		36.0	3.6	3.4	10.0	19.4	4.1
Total 1947–71	124,317.0	2,485.5	1,175.8	9.5	46.5	88.7	39.2	164.1	232.4	47.8

[1] Prel.

[2] 1st quarter.

Sources: The Budget of the United States Government, fiscal year 1972, and Appendix; Economic Report of the President, 1971, Statistical Supplement; Statistical Abstract of the United States, 1971, Historical Statistics of the United States, Colonial Times to 1957, and Veterans Administration, Annual Report, 1971, Statistical Supplement.

From 1947 through 1971 national defense has cost the United States about $1,176 billion. Not all of this figure, of course, is attributable to the cold war. All nations spend something on defense even in the most peaceful years. Indeed, the whole post-World War II budget is so completely out of touch with prewar magnitudes that one might fairly raise the question that, on the surface, no comparisons with earlier years are really possible. Two questions in this regard suggest themselves immediately: (1) Is it possible to separate out the costs of earlier wars? and (2) Are not expenditures for everything gradually and perhaps permanently rising because of technological and other changes regardless of wars, and hence overweighting the more recent war-cost estimates? In order to neutralize these objections, I have tabulated defense expenditures per capita of population in constant prices since 1800 (see Table 2).

TABLE 2.—U.S. NATIONAL SECURITY EXPENDITURES PER CAPITA OF POPULATION IN CONSTANT DOLLARS, 1800 TO 1970

Year	Population (millions)	National security expenditures (millions)	National security expenditures (per capita)	In constant 1957–59 dollars
1800	5	6	1.20	2.76
1810	7	5	.71	1.57
1820	10	7	.70	1.39
1830	13	8	.62	1.13
1840	17	13	.77	1.45
1850	23	17	.73	1.29
1860	31	28	.90	1.33
1870	40	80	2.00	5.37
1880	50	52	1.04	2.24
1890	63	66	1.05	2.16
1900	76	191	2.51	5.15
1905	84	240	2.90	10.03
1910	92	310	3.37	10.78
1915	101	340	3.31	10.33
1920	106	2,400	22.64	26.72
1925	116	700	6.04	10.51
1930	123	800	6.50	13.72
1935	127	900	7.09	16.17
1940	133	1,500	11.28	26.28
1945	140	80,500	575.00	989.00
1950	150	14,100	92.76	106.67
1955	166	38,600	232.41	248.68
1960	181	44,900	248.01	245.53
1965	195	50,100	256.92	251.72
1966	197	60,700	308.12	289.63
1967	199	72,400	363.81	341.98
1968	201	78,000	388.06	357.02
1969	203	81,200	400.00	352.00
1970	205	80,300	391.22	346.10

Sources: Historical Statistics of the United States, Colonia Times to 1957 and Table 1.

Note: Prices were derived from Table 526, 1971 Statistical Abstract and Warren & Pearson index. National security figures prior to World War II are Department of the Army and Department of the Navy accounts.

By putting the defense expenditures on a per capita of population basis in constant dollars from 1800 to 1970, it is immediately clear from Table 2 that American wars do not necessarily cause a *permanent* increase or "ratchet effect" in defense budgets as is commonly believed. Many have alluded to this allegedly permanent increase in defense expenditures brought about by wars, but Michael Levy, writing in the August 1970 issue of the *Conference Board Record* has stated this theory most precisely.[9] Levy maintains that there is an historical "ratchet effect" for every American war. That is, "even though defense spending was always sharply reduced during the immediate postwar year, it never returned to its prewar level, even when measured in real terms." [10] This is historically inaccurate. As Table 2 shows, in some decades defense expenditures, both in current and in real dollars, actually fell below the previous decade (e.g., 1800 to 1810 and 1870 to 1880). From the American Revolution, for example, to the Civil War there was virtually no increase in per capita defense expenditures in constant prices in the United States. All during that period defense costs were about $1.30 per head per year.[11] Following the War of 1812 and the Mexican War there were actually *decreases* in per capita expenditures for war compared with the prewar decade. Following the Civil War defense costs rose somewhat, partly owing to continuing Indian wars, but by the peacetime year of 1890 defense costs per capita were less than they had been in the quasi-war year of 1800. At the turn of the century U.S. per capita defense expenditures increased approximately five times, owning to our new role as a world power and our wars of imperialism. But this development was not repeated after the far more lavish expenditures of World War I. By 1925 per capita defense costs in constant prices had fallen back to their pre-World War I level.

Having found only modest support in the war-generated "ratchet effect" theory, does history suggest a better guide? It seems fair to assume that without the cold war, defense costs per capita in constant prices in the United States might have reacted after World War II as they did after our other two major wars—the Civil War and World War I. That is, they might have rapidly returned to approximately their prewar level and then slowly risen about 50 to 60 percent in the next generation. The data show that the isolation and depression of the 1920s and 1930s following World War I did not have a very substantial effect on defense spending per capita in constant dollars since defense spending was generally higher following World War I than it was during the years preceding World War I. On this basis defense expenditures in the United States would have cost about $20 per capita in constant prices in 1947 and risen to about $33 per capita today, or averaged approximately $27 per capita for the whole period. Actually, defense expenditures averaged $279 per capita in constant prices from 1947 through 1971.[12]

If defense expenditures following World War II had reacted like they did following our other two major wars (Civil War and World War I), then approximately 90 percent of our actual national security expenditures after 1946 should be attributed directly to the cold war. But this long-range historical pattern needs to be adjusted to more contemporary trends. Although there is no evidence that wars are becoming more or less frequent, there is a gradual trend upward in per capita defense costs in this century, and especially in recent years, owing to technological advancement. There has also been a marked increase in the cost of military manpower in recent years. For these two reasons, among others, this 90 percent figure should be reduced, perhaps as much as 10 percent.

Although the per capita costs in constant prices is believed to be the most accurate way to figure defense cost over time,[13] I have also used defense expenditures as a percentage of total federal expenditures as a control. This method is also widely used. Viewing defense expenditures as a percentage of total U.S. federal expenditures reveals that defense represented about one-half of all government expenditures prior to the Civil War (see Table 3). The need for safety while expanding our frontiers is the chief reason for such a high percentage, but little social welfare concern during that period is also partly responsible. Following the Civil War and prior to the Spanish American War, defense costs were about 20 percent of total federal costs. The first two decades of the present century were years of imperialism and world war; hence defense costs as a percentage of the budget were about double what they were in the latter part of the nineteenth century. During the 1920s and 1930s, however, defense again represented 20 percent or less of total expenditures.

TABLE 3.—U.S. NATIONAL SECURITY EXPENDITURES AS A PERCENTAGE OF TOTAL FEDERAL EXPENDITURES, 1800-1971

	[1]	[2]	[3]
Year	Total Federal expenditures (millions)	National defense expenditures (millions)	2 as a percent of 1
1800	11	6	55
1810	8	5	63
1820	18	7	39
1830	15	8	53
1840	24	13	54
1850	40	17	43
1860	63	28	44
1870	310	80	26
1880	268	52	19
1890	318	66	18
1900	521	191	36
1905	567	244	43
1910	694	310	45
1915	761	344	45
1920	6, 403	2, 400	38
1925	3, 063	717	23
1930	3, 440	800	23
1935	7, 009	924	13
1940	8, 998	1, 500	17
1945	98, 400	73, 500	75
1950	42, 400	14, 100	30
1955	67, 300	38, 600	57
1960	91, 300	44, 900	48
1965	118, 500	50, 100	42
1966	131, 900	60, 700	46
1967	154, 600	72, 400	47
1968	172, 400	78, 000	46
1969	184, 600	81, 200	44
1970	196, 600	80, 300	41
1971	212, 800	76, 400	36

Sources: Historical Statistics of the United States, Colonial Times to 1957 and Table 1.

An important fact emerges from this survey. In the long run defense spending averages about 20 percent of the national budget during the longer periods of peace. But this long-term fact also has to be adjusted to contemporary reality. Federal spending since 1953 for domestic social and economic programs has increased 236 percent, far faster than for any previous period and twice the rate of federal revenue. This means that the budget has been far larger during the past generation, both relatively and absolutely, than for any other non-war period. Consequently, defense spending, *certeris paribus*, would have been far less than usual, perhaps closer to 10 percent of the budget than the usual 20 percent. If this is a fair and accurate estimate, this percentage of federal expenditures method would lead us to substantially the same results as our per capita costs in constant prices method. Based on these two methods, from 1947 through 1971 the cold war has cost the United States approximately 80 percent of her actual national security expenditures or about $941 billion.

INTERNATIONAL AFFAIRS

After major national security expenditures, outlays for "international affairs" are the most clearly cold war-oriented federal government expenditure. Historically, the pattern of international affairs expenditures in the United States is available only since 1912. In that year they amounted to $5 million, or less than 1 percent of the federal budget. During World War I these outlays shot up to $4.7 billion and then fell back to $10 million in 1922. With the coming of World War II they shot up again from $20 million in 1938 to $3.6 billion in 1944. Clearly, these monies are closely related to war. In times of peace they have never amounted to much.

Following World War II international affairs expenditures increased, owing largely to our European Recovery Program and war relief funds. Some of this money would undoubtedly have been spent without the cold war, but the adoption of the Marshall Plan in 1947 and the creation of NATO in 1949 required the maintenance of programs which otherwise would have been allowed to expire. In fact, one can pick up any of the annual budget reports of the President to the Congress from 1947 to the present, look under the international affairs category, and find language similar to this statement in the 1964 budget report: "The nonmilitary international activities of the United States Government are closely related with our national security strategy and fulfill various purposes vital to world peace and stability. Their aim is to enhance our national security. . . ." The most recent budget simply says the money is to be used to "promote a peaceful world community." [14] There can be no question whether these expenditures are cold war oriented or not—the only question is to what extent?

Since it is a well-known fact that, all of our presidents since Truman and most congressmen from World War II to the present have believed communism lurks in the shadows of poverty and that U.S. security is closely linked with world stability and free and expanding markets, one would assume that the percentage of cold war-oriented funds here would be high. An examination of the actual programs shows this assumption to be true. About five-sixths of the total of international affairs expenditures prior to the Korean War were for recovery and relief purposes which President Truman often called money to "strengthen the great moral force of freedom." During the 1950s the "mutual security programs" sector of this account usually amounted to more than 75 percent of the total, and foreign aid was generally understood as money spent to combat communism. During the 1960s and early 1970s cold war-oriented programs such as AID (minus developmental loans), Food for Peace, the USIA, and of course International Security Assistance, came close to 50 percent of the international affairs account.

If one subtracts all loans, 50 percent of all developmental programs, and one-half the cost of operating our State Department, and if one includes all of the traditional programs such as membership in international bodies and all commercial activities, then about half of all international affairs expenditures since 1947 could be considered cold war-oriented. This figure would allow for a vastly increased foreign service and a major humanitarian effort to help underdeveloped nations even without the cold war stimulus. If these assumptions are acceptable, and one cannot see how much more could be excluded, then the cold war has cost about $44 billion in international affairs expenditures.

SPACE AND TECHNOLOGY

Expenditures on space and space research in the United States are universally admitted to be in part attributable to the cold war. A common rule of thumb has been to attribute 50 percent of the total space budget to military and 50 percent to civilian purposes. This attribution does not appear unreasonable, whereas ignoring this column would be. Even as late as 1970 more than one-half of our space budget was for landing men on the moon—a goal clearly attributable to our space competition with the Soviet Union and a reaction to Sputnik. I shall follow the usual procedures here and count one-half of our space expenditures as a cold war cost. This would total $19 billion through fiscal 1971.

VETERANS' BENEFITS

The greatest continuing cost as well as the second largest single expense of the cold war to the United States will be expenditures for veterans and their dependents. Original expenditures and even interest on the national debt are larger initially, but they do not last as long.

Traditionally, veterans' benefits have always been included in figuring ultimate war costs.[15] This was also the position of the Bradley Commission which surveyed this question in 1956.[16] Today, however, scholars and politicians are divided on whether to include them or not. Those scholars who would not include them as a cost of war feel veterans' benefits are essentially more like social welfare payments than war costs. Politicians, as is their wont, tend to divide on the issue according to whether they oppose or favor the war in which these benefits are rooted.[17]

I have included veterans' benefits as a *fiscal cost* here because without the cold war there would have been no such benefits. It should be reemphasized that by calling these benefits a fiscal cost does not necessarily mean they are to be deplored. I personally favor them. But their *primary* purpose both in the past and today has been to subsidize those who have served in the armed forces in time of war. Economic need is only a part of the philosophy of these benefits and pensions represent less than two-thirds of total veterans' benefits paid out today. Insurance, educational subsidies, vocational rehabilitation, loans, and various other services open to all veterans regardless of need are commanding an ever greater share of the budget. For example, compensation and pensions for veterans of the Korean War by 1969 represented less than one-third of total expenditures for Korean War veterans. For World War II the figure is less than half of the total spent. The trend today is clearly away from "need" and toward viewing most benefits as a "right" based on military service. For these reasons I believe it is reasonable if not essential to include veterans' benefits as a war cost.

There are 30 million war veterans in the United States today. Including their dependents, they represent approximately 100 mil-

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Footnotes at end of article.

lion people who are eligible for veterans' benefits of some sort. Actually, 39 million people were receiving some kind of veterans' aid in 1970, 17 million of them for war services rendered after 1950. This is hardly the size of group one generally thinks of as "needy" even by Great Society standards.[18]

Of the 30 million veterans in the United States today, 12.7 million or 42 percent are cold war veterans.[19] Of these cold war veterans, those who have served or will serve in the Vietnam conflict through fiscal 1971 represent the largest number (5.0 million). Korean veterans number 4.6 million and those who served between the Korean conflict and the Vietnam conflict number 3.0 million. To 1970 cold war veterans' benefits have cost $20 billion.

We may only conjecture how much benefits for these cold war veterans will cost in future years. But reasonable conjecture is more helpful than silence, and reasonableness may be enhanced by looking to past experience and adjusting for contemporary differences. This is the method used here.

As Table 4 shows, veterans' benefits have greatly increased the fiscal cost of our wars. At no time in the past have these paid-out benefits been less than one-half the original national security expenditure costs of a war, and they have, in the case of the Spanish-American War, gone as high as 17 times the original cost. Since all of these wars differ in the amount of veterans' benefits produced on a percentage of original cost it is difficult to know how to evaluate this experience as it relates to the present. The difficulty of comparability can be readily seen from the following example. During the Civil War 2.2 million men served in the GAR; during World War I 4.7 million served. Yet forty years after each war twice as many World War I veterans were receiving twelve times more in benefits than did their Civil War grandfathers. This was true despite the fact that Civil War casualties were roughly twice as numerous as World War I casualties. Aside from these difficulties, there are uncertainties in the future numbers of persons covered and the rates of coverage. Payments have tended to rise over time, and the number of persons covered has been broadened. Such uncertainty has led even the most careful of students of this question to underestimate future costs by very wide margins. To cite just one example, John M. Clark, in his noteworthy study of World War I costs, estimated in 1931 that World War I veterans would be receiving less than 100 million by 1975.[20] In 1970 they were actually receiving $1.9 *billion* and there is no evidence that the rate of these benefits is beginning to fall.

Part of the reason for these increased costs is that for half the casualties of the Civil War, World War I produced more than twice the disabilities in the same period of time—brought about by more sophisticated warfare, better medical care, and greater longevity. Even the Veterans Administration expectations are off from year to year, to say nothing of a thirty-year period. In 1970, for example, they admitted in their annual budget request that Vietnam war veterans were getting on the disability rolls faster than they thought they would last year, and that their rate of disability was "considerably greater than [for] veterans of prior wars."[21]

The most thorough study of the continuing costs of veterans' benefits was made in 1956 by the President's Commission on Veterans' Pensions, chaired by General Omar Bradley. This report[22] showed clearly that the long-term trend in Veterans Administration expenditures was upward.[23] (These expenditures have *doubled* since the Commission made its report.) The report also predicted an "upward sweep in non-service-connected pensions"—now already greater than service-connected disabilities for deceased veterans—but failed, as have other reports, to foresee just how rapidly costs could climb. The Commission predicted Veterans Administration expenditures would not reach $6 billion annually until 1985.[24] Actually, that $6 billion figure was reached in 1964, just eight years after the Commission issued the report! The Commission opposed general service pensions as being too expensive, but experience has demonstrated that actual expenditures have risen to 1970 faster than the Commission believed they could even if *every* veteran, regardless of need, were given a pension of $100 a month upon reaching 65. Obviously, one cannot wholly rely upon the Bradley Commission's report today.

There are at least two ways to figure veterans' benefits as a cost of war. One way, as we have seen, is to figure these benefits as a percentage of original war costs. Another is to compute the dollar cost per servicemen involved in that war over time. Using the first method, the Bradley Commission predicted veterans' benefits for World War II would cost $232 billion and $79 billion for the Korean War according to 1955 coverage and rates of payments.[25] Since 1955 those rates have increased about 25 percent. According to today's rates—and assuming no further coverage—World War II benefits will eventually cost $310 billion, or slightly more than the original cost of that war, and the Korean War benefits about $100 billion, or slightly less than twice the original cost of the war (see Table 4).

Footnotes at end of article.

TABLE 4.—VETERANS' BENEFITS AND THEIR IMPACT ON THE COST OF AMERICAN WARS

[Dollars in millions]

War	Estimated original cost [1]	Veterans' benefits to 1968	Estimated total benefits under present laws [2]	As a percent of original cost	Number years following the war benefits — Peaked	Ended	Number who served [3] (thousands)	Cost per serviceman
1. American Revolution	100	70	70	70	UKN	128	184–250	$380.00 280.00
2. War of 1812	93	49	49	53	68	131	287	167.00
3. Mexican War	60	64	64	107	43	116	79	81.00
4. Civil War	3,264	8,568	8,580	263	60	113	2,213	3.70
5. Spanish American War	391	5,351	6,000	1,765	51		307	12.20
6. World War I	26,361	41,755	75,000	284			4,744	15.20
7. World War II	288,055	80,063	290.000	101			16,354	17.70
8. Cold War (1947–71) [4]	[1] 941,000	14,402	389.000	36			[5] 14,000	26.42
A. Korean War conflict	54,000	13,617	99,000	184			5,764	17.30
B. Vietnam conflict (through fiscal year 1972)	[6] 144,000	[7] 785	265,000	[9] 184			[8] 5,000	53.00
C. 1947–49 and 1956–64 peace time	567,000	UKN	25,000				3,134	UKN

[1] Major national security expenditures during the war and immediately thereafter. See table 8, note.[1]

[2] Actual expenditures or Bradley Commission estimates plus 25 percent (the average increase in rates since the commission's report) to the Vietnam conflict. That war and the peace time years formula are explained in the essay.

[3] Includes only those who served in that war. No World War II vets are, for example, included under the Korean War.

[4] 80 percent of actual national security expenditures, 1947–71. A, B, and C do not equal cold war costs because of overlapping.

[5] To 1971.

[6] Fiscal 1971 estimated at $21,000,000,000 since Vietnam War cost data were excluded from 1971 budget.

[7] Through fiscal 1971, compensation and pension only. Source U.S. Budget, 1971, appendix.

[8] There were 4,173,000 Vietnam War veterans in 1970, an increase of 1,000,000 over 1969. Assuming the same numbers are added in 1971 this would bring the total to about 5,000,000.

[9] Korean War rate.

Sources: Historical Statistics of the United States, Colonial Times to 1957; World Almanac, 1970; Veterans Administration, Annual Report, 1970, and 1969 Statistical Abstract.

There is no certain way to determine what the pattern of cold war veterans' benefits will be. The pattern of our first three major wars was fairly consistent but not relevant to a single later war. The Civil War and World War I veterans' expenditures on a percentage of original costs are also close, but not to the Spanish-American War, World War II, or the Korean War as seen by the Bradley Commission. At this stage there is no apparent reason why one should prefer the patterns of World War I and the Civil War to the patterns of World War II or the Korean War, or for that matter, the pattern of our first three wars. One can say, however, that in no war since the Civil War have actual or projected costs been less than approximately the original cost of the war. For our major wars where the data are now essentially in, the actual or projected costs are or will be from two to three times the original cost of those wars.

In light of this experience, what can be said about the ultimate cost of cold war veterans' benefits? Since we know more about Korean War benefits, let us begin there. Twelve years after the Korean War ended these benefits had reached $13.6 billion, or 25 percent of the original cost of the war itself. The annual rate of increase in 1968 was .015 percent per year of the original cost of the war. This was twice the World War II rate and only slightly less than the World War I rate at the same period in time. Now if we take as our base figure the Bradley Commission's ultimate estimate for the Korean War, add to it 25 percent for the actual increase in costs since that estimate was first made, we arrive at $99 billion, or 184 percent of original costs. This is more than for World War II (since the rate of increase is faster) but less than for World War I. On a cost per serviceman it is comparable to both wars. I think it fair then to project Korean War veterans' benefits at roughly $100 billion by the middle of the twenty-first century when they are expected to terminate. This projection assumes present laws and rates of coverage, and is, therefore, more likely to be on the low than the high side.

In the case of the Vietnam War there is insufficient data to establish a base figure, nor has anyone to my knowledge made any projection of ultimate costs for this war. The picture is further complicated by what appears to be less public appreciation for Vietnam War veterans than for veterans of earlier wars which could well affect future coverage. Most important of all, we do not yet have a terminal date for the war in Southeast Asia.

All of the above requires us to make a number of assumptions. Let us assume that the combat fighting by American forces in Southeast Asia will be essentially ended in 1972. Let us further assume that the *original* costs of that war are concluded with the 1972 fiscal year, and that all later costs are included under occupation costs as they are in Korea. This would put the original cost of the Vietnam War at $144 billion, according to official DOD data to 1970 and estimates thereafter.[26] If the Vietnam War is best compared with the Korean War estimates, as I believe it is, then Vietnam veterans' benefits may eventually reach 184 percent of the original cost of that war, or $265 billion. The higher Vietnam figure is further justified because the number of battle deaths in Vietnam is about one-third higher than they were in Korea, and there were more than twice as many wounded. Vietnam war veterans are also entering the pension rolls faster than in earlier wars.

Finally, what of the veterans' benefits for those who served between the Korean War and the Vietnam War and from 1947 to 1950, in the so-called "peace time years." Obviously, these costs will be far lower, but just how much lower we are unable to determine since there are no previous peace time data to measure this against. Perhaps $25 billion—and this is merely an educated guess—would not be too much for those dozen years. If that figure is not unreasonable, this could bring the total for veterans' benefits in the United States for the whole of the cold war to between $350 and $400 billion.

INTEREST COSTS

In the past, major wars in the United States have always markedly increased the per capita gross-public debt (see Table 5). During the Civil War per capita public debt increased thirty-seven fold. Twenty-five years later it was still eight times the prewar level. World War I increased per capita public debt twenty fold. This debt was reduced to eleven times its prewar level 1931 when the Great Depression caused further increases in the national debt.[27] World War II increased an already swollen per capita public debt sixfold. By 1968 this debt was almost exactly what it had been in 1947; hence the cold war, unlike all of our other major wars, cannot be charged with having increased our public debt in any substantial way. This same conclusion is also reached if one looks at interest on the national debt as a percentage of total federal expenditures.

TABLE 5.—INCREASE IN PER CAPITA GROSS PUBLIC DEBT

Year	Population (millions)	Gross public debt (millions)	Interest (millions)	Gross debt per capita	Percent of Federal expenditures
1850	23	64	4	3	9.8
1860	31	65	3	2	5.1
1870	40	2,436	129	61	41.6
1880	50	2,091	96	42	35.8
1890	63	1,122	36	18	11.3
1900	76	1,263	40	17	7.7
1905	84	1,132	25	14	4.3
1910	92	1,147	21	12	3.1
1915	102	1,191	23	12	3.0
1920	106	24,299	1,020	228	15.9
1925	116	20,516	882	117	28.8
1930	123	16,185	659	132	19.2
1935	127	28,701	821	226	12.6
1940	133	42,968	1,041	325	11.5
1945	140	258,682	3,617	1,849	3.7
1950	150	257,357	5,817	1,697	14.5
1955	166	274,374	6,438	1,660	4.9
1960	181	286,331	8,299	1,585	11.9
1965	195	317,274	10,357	1,631	11.7
1966	197	319,907	11,285	1,625	11.2
1967	199	326,221	12,588	1,637	10.6
1968	201	347,578	13,744	1,728	7.9
1969	203	353,000	15,791	1,741	8.7
1970	205	370,000	18,312	1,806	9.8

Sources: Historical Statistics of the United States 1789–1945 and 1970 Statistical Abstract, 386.

This is not to say that there have been no interest costs involved in the cold war. As indicated above, considerable effort has always been made after each of our previous wars to decrease the national debt. Interest on the Civil War debt amounted to $1,572 million dollars, or approximately 50 percent of the original cost of that war, but our Civil War debt was paid off in about twenty-six years. The Spanish-American War debt amounted to $200 million. This was paid off in no more than four years at a cost of $47 million, or slightly over 10 percent of the original cost of that war. During World War I we borrowed $23 billion to finance that war. This does not include the billions loaned to our allies. Interest on our domestic war debt for World War I was $14.4 billion by 1939, or 54 percent of the original cost.[28]

Prior to World War II it was expected that interest and principal costs for World War I would be completely paid by the early 1950s. Whether this has been done or not is unknown, but the intent was clear. What the cold war has meant with regard to interest expenditures is that since World War II there has either been no resolve to reduce the national debt or there has been no real opportunity to do so. Keynesianism has probably contributed to the former, but the cold war has certainly contributed to the latter.

Precisely how much of a hindrance the cold war has been on debt reduction is not easily calculated. We do know however that a quarter of a century following the Civil War interest payments had dropped to one-third their 1866 rate. Following World War I and prior to the Great Depression, interest payments and per capita debt had fallen about 40 percent. May we not fairly assume therefore that given the limited acceptance of Keynesianism some effort would have been made following World War II to reduce the national debt? The fact that debt ceilings have been passed during these years and that per capita debt has not increased despite the needs of war and rising and increasingly violent domstic problems, suggests that many congressmen would like to reduce the national debt if national security were not at issue.

Let us arbitrarily assume that the per capita national debt would have been decreased 25 percent within twenty-five years following World War II. This seems conservative when one remembers that within the same time span per capita debt following the Civil War and World War I was reduced 33 and 40 percent respectively. Let us further arbitrarily assume that only *half* of the obviously many and complex reasons why this debt has not been reduced as in previous times are owing to the cold war and related matters. This gives us the figure 12.5 percent. Surely few would argue that this figure is too high. This means that very roughly 12 percent of debt interest payments since 1947 can be attributed to the cold war because it was a major factor in our decision *not* to reduce our debt. If these admittedly debatable assumptions are accepted, interest costs attributable solely to the cold war would have amounted to $27 billion from 1947 through 1971 in the United States.

Lest I be misunderstood, it should again be pointed out that interest costs, like veterans' benefits, are not necessarily a burden. The former tend to redistribute income between people in the country, the latter tend to redistribute purchasing power between bond holders and taxpayers. Interest costs are always a burden on the Treasury, but are a burden economically only to the extent defense bonds are held by foreigners. Interest payments do mean that money spent on interest cannot be spent on something else, but the whole question of whether we should be redistributing our income and purchasing power in this way and what its consequences are—good or bad—is an economic question, not a fiscal one, and hence beyond the scope of this paper.

GENERAL GOVERNMENT COSTS

Finally, since it has long been known that one of the major consequences of war is to increase dramatically the size of the central government, it seems only fair to ask should a portion of the increased expenditures for operating the federal government since 1947 be attributed to the cold war? Again, the patterns of past wars are instructive. In the United States total government expenditures—minus military, veterans' benefits, and interest on the public debt—approximately doubled after the War of 1812, the Mexican War, and the Civil War.[29] There was no appreciable increase following the briefly fought Spanish-American War, but expenditures to operate the general government increased by about four times during World War I and approximately three times during World War II. The pattern falls therefore between doubling general government costs for our earlier wars to quadrupling our general government costs for our much more expensive recent world wars.

Actual figures for general government operations from 1947 through 1971 show an increase of 221 percent. About 64 percent of this increase can be attributed to inflation. Of the remaining 157 percent virtually all of it has come since 1960 with the introduction of Great Society programs. Clearly, the Cold War has not increased government operations costs much. But has it maintained these costs at a high level when they should have fallen after World War II? Again the past is instructive. The Civil War and World War I increased permanently the cost of government operations about threefold. This was also true for World War II, but largely because the Great Depression had already increased these costs sixfold from 1930 to 1940. Hence one must conclude that the cold war has not appreciably increased the cost of operating our government.

SUMMARY

Tables 6, 7, and 8 are a summary of the incremental fiscal costs of the first twenty-

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Footnotes at end of article.

five years of the Cold War to the United States. Clearly, the greatest cost is the immediate cost of the Armed forces, but veterans' benefits may ultimately run as high as one-third of these immediate costs. Although the burden of the cold war on the GNP (9.5 percent) does not seem high, the fact that the cold war has eaten up 42 percent of all money expended and obligations incurred by the federal government shows that the war burden of the past generation has indeed been heavy.

TABLE 6.—*Estimated cold war-related public expenditures for the United States (1947–71)*

[Dollars in billions]

National Defense:	
Total	1,176
Cold war only	941 (80%)
International affairs:	
Total	89
Cold war only	44 (50%)
Space:	
Total	39
Cold war only	19 (50%)
Veterans' benefits:	
Total	164
Cold war to 1970	20
Ultimate cold war	350–400
Interest on public debt:	
Total	232
Cold war only	27
Total war-related expenditures 1947–1971	1,051
Total cold war-related expenditures, 1947–1971	1,051
Ultimate cold war costs for first 25 years	1,381 to 1,431

TABLE 7.—*The fiscal burden of cold-war-related expenditures for the United States, 1947–71*

Defense as a percent of GNP (1947–70)	9.5
Defense as a percent of total Government expenditures (1947–71)	46.5
Cold-war-related expenditures as a percentage of total war-related expenditures	61.7
Cold-war-related expenditures as a percentage of total expenditures	42.3

TABLE 8.—THE FISCAL COST OF MAJOR AMERICAN WARS

[In billions of dollars; fiscal years]

War	National security [1]	International affairs [2]	Ultimate veterans' benefits under present laws [3]	Interest costs [4]	General government [5]	Total
1. American Revolution	100	NA	70	20	NA	190
2. War of 1812	93	NA	49	16	2	160
3. Mexican War	60	NA	64	10	2	136
4. Civil War	3,264	NA	8,580	1,572	20	13,436
5. Spanish-American War	391	NA	6,000	47	30	6,468
6. World War I	26,361	9,632	75,000	16,000	5,900	132,893
7. World War II	288,055	15,199	290,000	144,028	1,100	738,382
8. Cold War (1947–71)	941,000	44,000	389,000	27,000	(6)	1,401,000
(a) Korean Conflict	54,000	NA	99,000	NA	NA	153,000
(b) Vietnam Conflict (1965–72)	144,000	NA	265,000	NA	NA	409,000

[1] Major national security expenditures here are expenditures of the Departments of the Army and Navy prior to World War I, and major national security figures thereafter. See pp. 718 and 719 in "Historical Statistics of the United States, Colonial Times to 1957," 1960 ed.

[2] Same formula as in note 1, above.

[3] From table 4.

[4] American Revolution, estimated at 20 percent of original cost. War of 1812, ½ of annual increase on the national debt, 1817–36. Mexican War, ⅕ of annual increase on national debt, 1846–59. Civil War through World War I, are from John C. Gebhart, "Can We Afford Another War," 1939. World War II, estimated at 40 percent of original cost, based on a 48 percent and a 61 percent of original cost estimate for the Civil War and for World War I respectively.

[5] Estimated at ⅓ of the total increase during the war years to World War II, thereafter for World War II at 50 percent of general government increase.

[6] Amount insignificant.

Note: Periods are as follows: American Revolution, estimate based on findings in "Mobilization and War" in Seymour Harris, ed., "American Economic History" (New York, 1961), 210. War of 1812: 1812–16; Mexican War: 1846–49 (Department of Army only. Navy Department showed no increase); Civil War (Union only): 1862–67 (Navy Department to 1866); Spanish-American War: 1898–1900; World War I: 1917–21; World War II: 1941–46, and Cold War: 1947–71.

Source: "Historical Statistics of the United States Colonial Times to 1957," pp. 718–719.

Compared with other wars the United States has fought, the first twenty-five years of the cold war is by far the most expensive war this nation has ever engaged in. Table 8 is a comparison of these costs for the United States. It shows that the fiscal cost of the Cold War to date is more than three times the original cost of World War II, thirty-six times the original cost of World War I, and almost three hundred times the initial cost of the Civil War. Ultimately, however, because of the high casualties of these earlier wars—hence higher veterans' costs—the cold war will "only" cost about twice what World War II will cost and ten times what World War I will eventually cost.

Most of the burden of these costs has already been met, but the final dollar will not be paid out until early in the twenty-second century. In terms of initial monetary costs, the Korean and Vietnam wars are fiscally only minor incidents in the cold war, together amounting to less than one-fifth the total initial cost of the cold war in the United States. Almost all of the long-range costs will center on these two hot wars, however.

Since figures in the billions are difficult to comprehend meaningfully, it is helpful to place these figures in perspective. In the United States $1.4 trillion dollars represents more than three times the value of the total assets of all American non-financial business corporations (1970). It is a figure about twice as large as our total corporate after-tax profits since 1940. It is only somewhat less than the total financial assets of all American households (1970). It is, moreover, five times the total national wealth when the war began, ten times our currently outstanding consumer credit, and twenty-six times the total money in circulation in 1970. On a per capita basis, the first twenty-five years of the Cold War will eventually cost Americans about $10,000 each. This is almost twice the per capita cost of World War II and eight times the cost of World War I. Still another way of making war costs more specific is to ask how long it would take the work force to pay off the debt if *all* the money they made went solely toward paying for the cold war. The answer is that if each non-agricultural worker in the United States in 1970 worked steadily for 2.6 years at the income rate of that year the cold war costs would have been paid.

Most students of war costs list war expenditures as a foregone opportunity cost. Often this is done partly as a protest to the war itself, but there is some merit in asking what this money *could have bought* had we not committed it to war and were willing to spend it for public purposes now. Each person could draw up his own shopping list. Here is one which emphasizes the magnitude of cold war costs and at the same time suggests some new priorities. If we now had the money we have spent or committed to the cold war, we could:

1. Pay the cost of operating our public school system for the next ten years;
2. Give all heads of poor families (as defined by the Social Security Administration) a $5,000 subsidy each year for the next ten years;
3. Pay for the operation of our institutions of higher education for the next twenty-five years;
4. Pay for our police protection for the next fifty years; and
5. Still have enough money left over to buy up everything of value in Canada.[30]

Finally, it is useful to ask who has or will likely pay these cold war costs since the burdens of war are never equally shared. Put another way, what segments of our society and economy will or have already made disproportionate sacrifices in meeting cold war costs? This subject has received very little attention, but an able study by Bruce M. Russett suggests a number of answers.[31] Russett shows that traditionally guns come at the expense of butter in the United States, e.g., for every dollar added to defense expenditures there is a decline of about $.42 in private consumption. Consumer durables suffer particularly; capital investment is also somewhat lessened. But hardest hit are welfare expenditures, and to a lesser extent education and public health outlays. Russett concludes that our most expensive wars have seriously hampered the nation in its attempt to build a healthier and better-educated citizenry, and that very great effort will be necessary to change our priorities from a war-oriented society to a more peaceful one.

What the Cold War has cost implies that an answer needs to be given to the corollary questions, namely who will eventually pay these costs and what have been the political, economic, and social consequences of these costs. Only when these questions have been answered will we be able to ask the most fundamental question of all: "Was it worth it?"

FOOTNOTES

[1] As quoted in Alan Milward, *The Economic Effects of the Two World Wars on Britain* (London: Macmillan, 1970), p. 12.

[2] The most extensive bibliography on the cost of war is unpublished. See "The Cost of War," typescript by Alice Matthews, librarian at the Carnegie Endowment for International Peace, Washington, D.C., 1940, 25 pp. Also useful are Albert T. Lauterbach's unpublished bibliography entitled "Modern War—Its Economic and Social Aspects," Institute for Advanced Study, Princeton, N.J., n.d.:

Hanna Newcombe, *Bibliography on War and Peace* (Dundas, Ontario, Canada; Canadian Research Institute, 1963); and Milward, op. cit., pp. 53–61.

The cost of World War I, as well as other important economic and social consequences, has been studied, often brilliantly, for most participants in the 150 volume *Economic and Social History of the World War* published by the Carnegie Endowment for International Peace. John Maurice Clark. *The Costs of the World War to the American People* (New Haven: Yale University Press, 1927), is the best work on that subject for the United States.

[3] *Report of the Joint Committee Congress of the United States on the January 1972 Economic Report of the President together with minority and other views*, 92nd Cong., 2nd Sess., Washington, D.C., March 23, 1972, p. 56.

[4] For an extended discussion of the nature of war costs, see Gaston Jèze and Henri Truch, *The War Finance of France* (New Haven: Yale University Press, 1927), chap. 1; John Maurice Clark, op. cit., chaps. 5 and 6; and A. C. Pigou, *The Political Economy of War* (London: Macmillan, 1921), chap. 5.

[5] Compare, for example, the findings of Ernest L. Bogart, *The Direct and Indirect Costs of the Great World War* (New York: Oxford, 919), who believed that indirect costs can be rather precisely measured, with Kurt Heinig, *Wenn die Soldaten . . . Was Kriege kosten* (Frankfurt am Main: Nest Verlag, 1957), who believes that in the final analysis trying to measure almost any war cost "ist . . . vergeblicher Versuch."

[6] The United States Arms Control and Disarmament Agency has begun to take this approach in recent years. See its *World Military Expenditures, 1966–1967* (Washington, D.C., 1970). Still, its methods are not always clear nor are its sources unimpeachable.

[7] For a detailed breakdown of what is included see p. 55 of the Committee's report. For an able criticism of the JEC's concept see "Statement of Honorable Robert C. Moot, Assistant Secretary of Defense (Comptroller), before the Sub-Committee in Priorities and Economy in Government," 1972, as yet unpublished but available from the DOD upon request, pp. 72–89.

[8] Jeze and Truch, op. cit., p. 6.

[9] See his "The Vietnam Peace Dividend," VII. 7. Assistant Secretary of Defense David Packard, in the January 1971 issue (p. 7) of the same journal agreed with Levy's "ratchet effect" theory in general, but doubted that it would have much application for the Vietnam War. Moot, op. cit., presents data to support Packers' view.

[10] Levy, op. cit., p. 9.

[11] Although only decennial figures are given here, a careful check of all years will show that these years are representative, except for 1800 and 1900 which are years of war activity.

[12] The formula here is: \$1,175 billion+25 years=\$47.4 billion per year average÷173 million average population=\$274 per capita×\$1.02 average index in constant 1957–59 prices=\$279 per capita in constant prices.

[13] See Clark, op. cit., p. 103; Heinig, op. cit., p. 17; Jèze and Truch, op. cit., p. 18.

[14] See *The Budget of the United States Government* (Washington, D.C.: U.S. Government Printing Office, 1964 and 1971), pp. 64 and 90 respectively.

[15] See Jèze and Truch, op. cit., p. 8; Clark, op. cit., p. 105; and Gustavus A. Weber and Laurence F. Schmeckebier, *The Veterans' Administration* (Washington, D.C.: Government Printing Office, 1934), pp. 1–199.

[16] See *Veterans' Benefits in the United States*, Findings and Recommendations, Report to the President by the President's Commission on Veterans' Pensions (Washington, D.C.: Government Printing Office, April, 1956), Omar N. Bradley, Chairman.

[17] See especially *The Military Budget and National Economic Priorities*, report of the Subcommittee on Economy in Government, Joint Economic Committee, 91st Congress, 1st Session, Washington, D.C., 1959. See also Moot, op. cit., pp. 80 ff.

[18] See Veterans' Administration, *Annual Report* (Washington, D.C.: U.S. Government Printing Office, 1969), Statistical Supplement, passim; 1971 *The Budget of the United States Government*, Appendix, pp. 833 ff; and 1971 *The Budget of the United States Government*, p. 170.

[19] This figure counts those Vietnam conflict veterans who serve through fiscal 1971. Some may question the inclusion of Korean and Vietnam conflict veterans in a study of the *cold* war. It is not, however, the fighting so much as the costs that we are considering, and as will be shown later in terms of costs these hot wars are not nearly as significant as the lengthier "peace" years.

[20] Clark, op. cit., p. 203.

[21] *The Budget of the United States Government*, 1971, Supplement, p. 833.

[22] See footnote 16.

[23] Ibid., p. 103.

[24] Ibid., p. 106.

[25] Ibid., p. 113.

[26] The 1971 cost is estimated at \$21 billion, and the 1972 figure is estimated at \$15 billion. Incremental costs would be somewhat lower. See *Hearings on Military Posture*, House Committee on Armed Services, 92nd Cong., 1st Sess., March–May 1971, pp. 2508–2522; and 1970 *Statistical Abstract*, 248; and U.S. Bureau of the Census, *The Statistical Abstracts of the U.S.* (Washington, D.C., 1970), p. 248.

[27] See U.S. Bureau of the Census, *Historical Statistics of the United States, Colonial Times to 1957* (Washington, D.C. 1960).

[28] These data were taken from John C. Gebhart, *Can We Afford Another War* (New York: pub. u.k., 1939), pp. 1–2.

[29] *Historical Statistics . . .* , pp. 718–19.

[30] Assumes constant prices and levels of need

[31] *What Price Vigilance, The Burdens of National Defense* (New Haven: Yale University Press, 1970).

THE COLD NEUTRALITY OF THE IMPARTIAL JUDGE

Mr. ROBERT C. BYRD. Mr. President, Kenneth K. Hall, of Madison, W. Va., was nominated by President Nixon for the office of U.S. District Court Judge for the southern district of West Virginia in 1971 and was confirmed by the Senate in December of that year. Judge Hall is a Democrat, and, of course, his nomination by a Republican President was an eyebrow raiser for some observers. However, Judge Hall is doing an excellent job on the bench and his high performance at all times reflects, in the words of Edmund Burke, the "cold neutrality of the impartial judge." He has recently been "throwing the book" at the drug pushers, and, for this, I want to say both hallelujah and amen.

The Reverend Dr. Shirley Donnelly—who served as Chief Chaplain in General Patch's Seventh Army—now retired and living in Oak Hill, W. Va., regularly writes a column for the Beckley, W. Va., Post-Herald. In the February 6, 1973, edition of that newspaper, Dr. Donnelly wrote a column in which he commended Judge Hall, and I ask unanimous consent that Colonel Donnelly's column be included in the Record. To paraphrase Dr. Donnelly, his column is "right in line with my feeling and thinking."

There being no objection, the column was ordered to be printed in the Record, as follows:

Yesterday and Today—Discipline Is Still Need for Youngsters

(By Shirley Donnelly)

A number of things I have seen, heard, and read recently about characters who flout the law are very much to my liking.

One of the most heartening things along this line is what U.S. District Judge K. K. Hall said when he was sentencing Ralph Edward Carpenter of Rosemont to two years in the Kennedy Youth Center at Morgantown after Carpenter refused to accept an alternate sentence which would have permitted him to serve two years in the Davis Memorial Hospital at Elkins.

Carpenter claimed to be a conscientious objector who refused induction into the army in December, 1970. Judge Hall said in sentencing Carpenter that "It seems to me that if you accept the benefits of this country, you ought to accept some of its responsibilities, too."

The judge spoke for me when he sent that married young man and father of two children to prison for at least as long as he would have been required to serve in the armed services. As one who followed the flag of our country over four continents in war time—16 months of it in the zone of combat—let it here be said that Judge Hall has my backing.

Acting F.B.I. Director L. Patrick Gray took these words out of my mouth when he addressed the National Conference on Criminal Justice the other day:

"The accused on trial is not the only person whose inalienable rights are on the line in a criminal case. The people in whose name the prosecution is brought, have a rather substantial set of rights on the line, to. . . . The protection of society, not just the protection of the rights of the accused, is an object of the criminal justice system."

Well said, indeed, and that's right in line with my feeling and thinking.

On Jan. 29 while nursing an attack of influenza, for want of something to help while away a bit of time, I fell to watching a story on the boob-tube called "Gunsmoke."

In that show was an incorrigible kid whose neck needed to be wrung. No one—lawmen or do-gooders—could do anything with the sassy, impudent little wretch. Finally, he was turned over to U.S. Marshal Matt Dillon for final disposition. After the brat made a pass or two at the marshal he was handled in the manner with which he should have been dealt with in the first place! Marshal Dillon took him outside and applied some hand pressure to the back part of the ornery devil's lap. That did the trick and for one I felt it in my heart to say, "Amen!"

After the application of the marshal's treatment, the boy became a fairly decent individual.

I had dinner with a judge who is a friend of mine of long standing. He had a juvenile offender before him recently. After hearing the charges against the lad, in the presence of the boy's father, the judge told the father, "What your son needs is a good licking."

That sentence was immediately carried out. The father removed his belt from his trousers and folded it up with the buckle and other end of the belt held tightly in his hand. Then the trouble-maker boy was directed to bend over the table at hand. In that position, the boy was "licked," as the judge called it. He directed the father to apply that belt below the boy's back and on to his hips. After ten or so good strokes were well laid on to the boy's differential, the judge said it was enough.

When the boy straightened up and wiped the tears from his eyes, the father said, "I hope I don't have to do this again." The boy said the father would not have to, either!

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, informed the Senate that the House had agreed to House Resolution 196, electing Samuel L. Devine, of Ohio, as a member of the Joint Committee on the Library, on the part of the House.

The message announced that the House had passed a bill (H.R. 2107) to require the Secretary of Agriculture to carry out a rural environmental assistance program, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 2107) to require the Secretary of Agriculture to carry out a rural environmental assistance program was read twice by its title and referred to the Committee on Agriculture and Forestry.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider the nomination of Mr. Caspar W. Weinberger, to be Secretary of Health, Education, and Welfare.

The clerk will report the nomination.

The assistant legislative clerk read the nomination of Caspar W. Weinberger, of California, to be Secretary of Health, Education, and Welfare.

Mr. MANSFIELD. Mr. President, I am in receipt of a letter from the distinguished chairman of the Committee on Finance (Mr. LONG) which indicates that Mr. Weinberger did assure the committee on several occasions that he would be prepared to appear before appropriate congressional committees upon reasonable and seasonable request. As the Senate knows, this is something which we would like to have on the nomination cards which are reported out by committees, but I believe this was reported out before action was taken.

With the understanding that this will substitute for that and that the inclination and the determinaion of Mr. Weinberger to appear before committees on the basis of reasonable request would be adhered to, I ask unanimous consent that this letter be made a part of the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> UNITED STATES SENATE,
> COMMITTEE ON FINANCE,
> *Washington, D.C., February 8, 1973.*
>
> The Honorable MIKE MANSFIELD,
> *Majority Leader, U.S. Senate,*
> *Washington, D.C.*
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> DEAR SENATOR MANSFIELD: When Casper W. Weinberger appeared before the Committee on Finance following his nomination to be Secretary of Health, Education, and Welfare, he was asked several times to assure the Committee on Finance that he would respond to congressional requests that he testify. Mr. Weinberger did assure the Committee, as the following excerpts from the hearing demonstrate:
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> The Chairman: "There is another situation which was very much highlighted, where the Secretary of State failed to appear or declined to appear before Foreign Relations Committee, and an effort is going to be made to seek a commitment from Presidential appointees in the future that they will appear before the committee in response to a reasonable summons. I think the interpretation of what is reasonable is intended to be more in the bosom of the Senate than for the determination of the officer himself.
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> "Would you give us your reaction to that problem in view of the fact that, with your new responsibilities, you are going to be more in demand than previous Secretaries of HEW?
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> Mr. Weinberger: "I appreciate that, Mr. Chairman, and my response is first of all simply to say that, to the best of my knowledge, I have never declined the invitation of a congressional committee or subcommittee. I would certainly not plan to do so. I would plan to give that the very highest priority. As I recall, sitting here, the only time I did not come when specifically requested was when I had a conflict with a meeting with the President, and I would think that that would still be the rule that I would follow. I suspect that with some 30 subcommittees and committees having oversight over various aspects of the Department of Health, Education, and Welfare, there may occasionally be times when there will be conflicts and when it will be necessary to try to be in two or three different places at once. But those can be ironed out, and I would feel it is an important part of my duties to appear before the congressional committees on request.
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> The Chairman. "Well, hopefully, those of us on the Hill would be willing to leave you a few hours of your year to do something besides testify before the committee and all these various and sundry committees. As far as I am concerned, Mr. Weinberger, I think that assurance is adequate . . ." (Page 5 of the hearings.)
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> Senator Bentsen. "I believe one of the great disciplines on a Cabinet officer in arriving at a judgment or his decision is the knowledge that he will have to justify that decision before a congressional committee, generally in a public forum. I am pleased to hear you say, as I understand your words, that you would answer any reasonable request in the way of an appearance before a congressional committee.
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> Mr. Weinberger. "That is certainly correct, Senator. I have great respect for the legislative process. I was in the California Legislature for 6 years, and I would certainly want to consider that the very highest priority whenever a committee wants to hear me, or a subcommittee. That has been the practice I have followed ever since I have been in Washington . . ." (Pages 9 and 10 of the hearings.)
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> I believe that in recommending approval of Mr. Weinberger's nomination, the Committee on Finance was fully satisfied that he had committed himself to testify before congressional committees when requested.
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> With every good wish, I am
> Sincerely,
> RUSSELL LONG, *Chairman.*

PRIVILEGE OF THE FLOOR

Mr. GRIFFIN. Mr. President, I ask unanimous consent that a member of my staff, Mr. David Clanton, may be on the Senate floor during the remainder of the debate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that Gene Mittleman, of the committee staff, may have leave to be on the floor during this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I rise to urge the Senate to expeditiously approve the nomination of Caspar W. Weinberger as Secretary of the Department of Health, Education, and Welfare.

Mr. Weinberger is a man of unquestioned ability and integrity who has earned the respect of Congress through his diligent performance as Director of the Office of Management and Budget. I have worked closely with Mr. Weinberger in many matters before the Senate Finance Committee, and know him to be an honest, frank, and untiring public servant whose only interest is in the efficient and effective management of Government programs which are of genuine benefit to our Nation.

Mr. Weinberger is a man of broad experience in Government at both the local and Federal levels. His remarkable ability was recognized in 1955 when he was voted the most able legislator in the California State assembly. He served with distinction as chairman of the commission on California State government and as director of finance for the State. On the Federal level, Mr. Weinberger has served as chairman of the Federal Trade Commission, and as both Deputy Director and Director of OMB under President Nixon.

In addition to his duties as Secretary of one of the largest executive agencies, Mr. Weinberger has been designated by the President to serve as Presidential Counselor for Human Resources, and in that position will be responsible for coordinating all Federal programs and activities in this, the most important of all domestic areas.

Mr. President, Mr. Weinberger has undergone searching examination in hearings before the Senate Finance Committee. In an unusual procedure, he has also appeared twice before the Senate Committee on Labor and Public Welfare since his nomination by the President. This in itself shows Mr. Weinberger's attitude of cooperation and respect for the Congress, his openness and willingness to subject himself to the most careful scrutiny at all times, and confirms the statement made by the Senator from Louisiana (Mr. LONG) in the letter which was just put in the RECORD.

During hearings before the Finance Committee he was asked specifically about his attitude toward appearing before congressional committees. His reply was:

> To the best of my knowledge, I have never declined the invitation of a congressional committee or subcommittee. I would certainly not plan to do so. I would plan to give that the very highest priority.

Mr. Weinberger is assuming leader- secrecy in government is rapidly buildcation, and Welfare at an important time in our history. The President's efforts to bring Government to a manageable level and to keep Federal spending in check will in large part be focused on many of the programs in the human resources field, and specifically the Department of Health, Education, and Welfare. Mr. Weinberger is a man with both the ability and the compassion to steward the basic changes which will make our human resource programs both more efficient and more effective in meeting the pressing needs with which we are faced.

Mr. President, I am glad that the Senate finally agreed to consider and vote on the nomination. No useful purpose would be served in delaying a vote. Mr. Weinberger has great tasks to perform. There are many problems involving the various agencies in HEW. He cannot even begin to handle them until we have acted.

Mr. President, I personally feel that we have, in Mr. Weinberger, a man who is more than equal to those tasks, and I ask the Senate to approve his nomination.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time may be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CLARK). Without objection, it is so ordered. Who yields time?

Mr. HUGHES. Mr. President, I have been asked to control the time in opposition, in the absence of the chairman of the committee. I therefore yield myself such time as may be necessary.

The PRESIDING OFFICER. The Senator from Iowa may proceed.

Mr. HUGHES. Mr. President, the Senator from Iowa rises in opposition to the nomination of Caspar Weinberger to be Secretary of Health, Education, and Welfare. I do so with regret because of the long tradition in the Senate of general acquiescence to the wishes of the President with regard to members of his Cabinet. By the same token, however, the Senate's role is one of "advise and consent," and on this occasion at least, I believe the "advise" portion of this dual responsibility must be paramount over that of "consent."

I want the Members of this body to know that I do not question Mr. Weinberger's ability or his integrity. I do question whether the man who fashioned the 1974 Federal budget can faithfully execute the duties of the Secretary of the one Department of Government dedicated to such paramount areas of human concern as health, education, and welfare. For this budget, Mr. President, represents an abandonment of our efforts to help those least able to help themselves—our children, our aged, our sick. Make no mistake about it, it is the helpless in our society that are being asked to show greater "individual responsibility," a phrase dearly loved by this present administration.

According to the budget message, the purpose of the proposed cuts in the budget is to avoid inflation and/or a tax increase. Laudable as these aims are—and I do not mean to imply that they are not important—we are further told that there is only one way to achieve these aims—and that is to accept the budget fashioned by Mr. Weinberger and submitted by President Nixon. We are told that Congress will be exercising great "fiscal irresponsibility" if we dare to disagree with the determinations that have been made by the administration.

But what are those determinations, Mr. President?

First of all, let us talk about the determination not to increase taxes.

But whose taxes, Mr. President? Not, I submit, those of the millions of working men and women now earning under $11,000 a year, for these hard-working Americans have already felt a new increase in taxes through the rise in the social security tax. Most have accepted these increased social security taxes with good grace for they know how important social security can be to them in their later years or should tragedy strike during their working years. It would be understandable if these millions feared another tax increase. The administration knows full well that Congress would not support an across-the-board tax increase. By his pledge of "no tax increase" the President, through Mr. Weinberger, is sending a message—loud and clear—to those in our society who enjoy enormous tax preferences at the expense of the less affluent in our society.

What the President has really promised is that there will be no "tax reform." He is telling the affluent that he will not propose or support any changes in the tax laws with regard to capital gains, oil depletion allowances, real estate tax shelters, investment credits, and the like, even though he knows that such tax reforms would make a significant change in the budgetary picture and that talk about a tax increase could disappear.

Where is the leadership, where is the fiscal responsibility in the tax area? There is nothing but complete silence from the White House.

The second determination—that inflation must be kept in bounds—is predicated on the proposition that only by cutting services and benefits in the areas of most concern to millions and millions of Americans—what I call our "people programs"—can this be achieved. There is not the slightest suggestion that our huge military expenditures and waste might also be contributing to inflation. Even if we accept the administration's claims that our military spending now represents less than one-third of the total Federal Budget—and I, for one, do not—we are told that this part of the budget is Simon-pure and untouchable. Are the American people to believe that there is no inflation in a military budget of $83.5 billion dollars?

One does not really have to look hard to find out what this proposed budget is all about. On pages 50 to 57 of the volume entitled "The Budget of the United States Government," we find a listing of outlay savings from program reductions and terminations, 1973–75. Under savings listed as coming after legislation has been enacted by Congress, the programs affected would be social security, medicare, medicaid, public assistance, veterans burial benefits, and veterans pensions, for a total of $1.4 billion in 1974 and $2.1 billion in 1975.

Under the tabulation where the administration claims it can make outlay savings without the authorization of Congress—and many of these Members of Congress hotly dispute that—estimated total savings for 1974 come to $16.9 billion and for 1975, $21.7 billion. Of this amount, a savings of $2.7 billion is claimed for the Department of Defense—military for each year, while there is a claimed savings of $4.8 billion in 1974 and $7.2 billion in 1975 for the Department of Health, Education, and Welfare. If nothing else, these figures clearly indicate to me where the priorities of this administration lie. It is not with people and their problems—they are to be left to "individual responsibility."

Mr. President, the press release material furnished by the Department of Health, Education, and Welfare to explain its budget begins with a statement of three basic themes.

The first of these themes reads:

> The Budget places primary emphasis on programs that directly support individual economic well-being and access to the market place.

We know that the social security, medicare, and supplemental security income amendments which we enacted in the last Congress were designed to accomplish that objective. It is interesting to see that these programs account for $9.7 billion of the $10 billion increase in the Department's budget, and that $8.2 billion of the total will come primarily from the retirement, disability, and medicare trust funds financed by individuals and employers, rather than from general revenue funds.

The obvious question then is, "How else will the budget emphasize individual well-being and access to the marketplace?"

ALCOHOLISM

As chairman of the Subcommittee on Alcoholism and Narcotics, I turned first to the sections of the budget materials which described these programs. Certainly the economic well-being of the victims of these diseases would be affected by any change in financial support for treatment programs.

I discovered that indeed the budget showed an increase in fiscal 1974 funds for alcoholism over fiscal 1973. However, the first step taken to achieve this increase was to cut back on the fiscal 1973 budget estimates. One year ago, the administration had submitted an estimate of $98,453,000 for alcoholism programs. I found that the revised estimate for fiscal 1973 is now $75,774,000, a loss of nearly $23 million. Then, moving to fiscal 1974, I found an estimate of $86 million, putting us $1 million below the fiscal 1972 level, and $12 million below the original estimate for fiscal 1973.

I am puzzled over how this kind of regression will contribute to the economic well-being of any individual.

Further study showed that in the dismantling of the Office of Economic Opportunity, alcoholism programs funded by that agency in the amount of some $14 million are to be transferred to the National Institute on Alcohol Abuse and Alcoholism, presumably to be funded from that agency's already reduced 1973 and 1974 budgets. These OEO programs were operated in connection with community action agencies, for Indian tribes, and for such minorities as Spanish-speaking Americans. I wonder how their economic well-being will be affected by this budget.

It is true that the nominee for Secretary at our committee hearing last week cited his authority to transfer funds among programs in order to meet the most urgent needs. I suggest, Mr. President, that with cutbacks in nearly every major health program, it will be extremely difficult to extract funds from any one of them to support another.

DRUG ABUSE

I turned then to the other program interest of our subcommittee, drug abuse prevention activities, which include research, training, education, and project and formula grants to the States, local communities, and private, nonprofit treatment programs.

Here at least, the cutbacks were not so severe. The fiscal 1973 budget had lost nearly $11 million. The estimate last year had been $215.5 million for the drug abuse prevention activities of the National Institute of Mental Health. It is now $204.6 million. The cut came from funds for project grants and contracts to treatment programs—those that reach the streets, where the addicts are. For fiscal 1974, NIMH will have $243 million for its drug abuse activities.

Perhaps there would have been grounds for some optimism in this proposed increase of some $39 million over fiscal 1973, although it is little enough when we consider that the President and Congress agreed last year that the time had come to launch a full-scale attack on this major national problem. What kind of attack is this?

However, the NIMH drug abuse prevention budget must be considered in terms of the pressures that will come from cutbacks for drug abuse prevention in the budgets of other agencies. So let us put it all together. OEO has been spending $23 million for these programs in fiscal 1973 and its programs are being transferred to NIMH. The $14.4 million for drug programs in HUD model cities will be lost with the demise of the model cities programs. The drug abuse education activities of the Office of Education are to be cut from $12.4 to $3 million. Treatment and rehabilitation programs funded by the Law Enforcement Assistance Administration are being cut from $4.9 to zero—absolutely nothing.

By my arithmetic, Mr. President, the NIMH drug abuse prevention budget for fiscal 1974 will gain about $39 million, but program losses in other agencies add up to nearly $52 million.

Here again an act of legerdemain to show there is an increase when actually there is a substantial decrease in program funding.

DECENTRALIZED AUTHORITY, OR THE ELIMINATION OF POORLY DESIGNED PROGRAMS

The second and third principles enunciated in the Department's budget statement provide the excuses for cutting back program budgets. No. 2 reads:

> The budget takes several significant steps toward decentralizing authority and decision-making to states and local governments away from central control in Washington.

It is very difficult for anyone to disagree with that principle; in fact, all of us believe in it.

No. 3 says:

> The budget reflects an assessment of federal demonstration and special project programs. Those that carry out genuine national priorities and are believed to be producing real results have been strengthened; those that are poorly designated or unproductive are proposed for reduction or elimination."

It sounds beautiful, but as we look at the program cuts, it is difficult to discern which reason the administration is applying for many of them. But the two excuses are convenient for the whole range of cuts. Those programs "that carry out genuine national priorities" and are "believed to be producing real results" so therefore "have been strengthened" are few and far between.

Turning again to the alcoholism and drug abuse prevention programs, we find that there will be no new NIMH and NIAAA project grants after fiscal 1973. Those programs already begun will be carried on until the end of present commitments. And incidentally, the budget at this point contains an interesting trick.

The phaseout funds required for these commitments in future years are requested in the fiscal 1974 budget. They include $205 million for drug abuse project grants and $47 million for alcoholism project grants. The money is not to be spent in fiscal 1974 but instead will be carried forward, so it will not be necessary to request new obligational authority for these programs in the future. This device makes it appear that program support in fiscal 1974 is greater than it will actually be, and it will allow a showing of substantial budget cuts in the next few years.

Presumably, not even this administration is suggesting that all the projects now funded through grants and contracts are "poorly designed or unproductive." We must assume then that the cuts are being made in the interest of "decentralizing authority and decision-making to States and local governments." It seems to me, however, that if this intention were sincere, the budget would have contained increases in requests for State formula grants. These funds are now allocated to the States under a system which gives them very substantial decisionmaking authority. Yet, fiscal 1974 formula grants to the States for drug abuse remain at $15 million, the amount requested for fiscal 1973. Likewise, there is no change in the formula grants for alcoholism. The request is $30 million for both years.

HEALTH PROGRAMS IN GENERAL

Mr. President, I am not suggesting that the budget for alcoholism and drug abuse prevention programs is different in character from the other programs operated by the Department of Health, Education, and Welfare. The same themes run throughout the health, education, and indeed all of the human resources programs.

Our colleague, the senior Senator from Massachusetts, who is going to speak in a few moments, can provide many of the tragic details of the health budget, but I will note a few of them, until such time as he gets here.

The Community Mental Health Centers Act would be allowed to expire at the end of the current fiscal year. There will be no new commitments for centers, and funds for staffing of the centers and for the mental health of children would be phased out.

NIMH training grants and fellowships are to be phased out, as part of a stated policy of eliminating assistance for specialized training in selected disciplines. In the future, such students will be forced to rely on the general student assistance programs of the Office of Education.

An appropriation of $60 million is requested for the development of health maintenance organizations. The assistance will be given as grants, contracts, loans, or loan guarantees. The plan is to support 93 planning projects, 67 development projects, and 30 operational programs. Given the heavy initial expense of starting an HMO, the $60 million will certainly be stretched very thin.

No new neighborhood health centers will be funded. Maternal and child health and migrant health funds will remain unchanged. Indian health funds will be raised by 4 percent.

And family planning programs gain rising from $107 million to $122 million. This may be one of the largest proportionate gains in programs affecting the health of the poor. While I approve of the increase, I want to point out it does appear that this administration is willing to help control the population—there is no question about that—of the poor but is cutting back or holding the line on every other program that would improve their health.

We are told that the Center for Disease Control will place a major emphasis on control of venereal disease, which is reaching epidemic levels in many parts of the country. Yet the Center's funds are being cut from $85 million to $73 million, and hereafter the States and local communities must carry the costs of training their venereal disease control personnel.

Health manpower funds will undergo drastic cuts, I am especially concerned over the fate of nursing schools. They received $144 million in fiscal 1972. This support level dropped to $92 million in the revised fiscal 1973 budget, and the request for fiscal 1974 is only $52 million.

Although Mr. Weinberger admitted before the Labor and Public Welfare Committee that there was still a shortage of paramedical personnel, basic institutional support in the allied health fields must now come from State and local funds, tuition payments, and private sources.

Now let us look at the medicare proposal. In order to establish a cost awareness on the part of the medical care consumer, it is proposed that Congress pass legislation to require the patient to pay the first day's room and board plus 10 percent of each day's charges thereafter. This compares with the present system of payment for the average of one day's hospital costs plus nothing until the 61st day. We all know that this does not quite work out to its promise because of stringent regulations placed upon medicare in recent years, but at least the elderly will have the prospect of having almost all of their hospital bills covered. Under the administration's proposal, the cost for the patient for a 2-week hospital stay would almost triple. Thus, a medicare patient at the present time should be paying $72 for 2 weeks' hospitalization; under the proposed legislation, he would pay $72 plus 10 percent of the charges for the other 13 days, and if the newspaper reports are correct that it now costs an average of $100 a day in a hospital, this raises the patient cost to $202. In addition, the patient will be asked to pay an initial deductible to his doctor of $85 instead of the present $60, and pay 25 percent instead of 20 percent social security increases; and maybe it makes great cost accounting, but it has absolutely nothing to do with human beings and their needs, and I for one will have nothing to do with this part of the program.

When it comes to welfare, the administration's distaste is even more evident. Early in December, the administration announced with great fanfare that it would be able to eliminate some 700,000 from the AFDC rolls and another 147,000 from the aged, blind, and disabled rolls. The magic to be applied to achieve this marvelous result was some more cost accounting—simply apply a zero tolerance level to welfare error. While the States have always had to repay for errors—I repeat, the States have always had to repay for errors—on an individual case basis in the past, it was now proposed that the percentage of error discovered through the sampling process under quality control would be used as the basis for reducing the Federal payment.

Mr. KENNEDY. Mr. President, would the Senator yield for a unanimous-consent request?

Mr. HUGHES. I yield.

The PRESIDING OFFICER (Mr. HUDDLESTON). The Senator from Massachusetts is recognized.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Mr. Lee Goldman and Stan Jones, members of the staff of the Health Subcommittee, be permitted access to the floor during the debate on the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, if the Senator will yield further, I was very interested in the Senator's analysis of the recommendations that have been made by the administration as to the cost of increasing the coinsurance on medicare.

As we know from a reading of the budget, the administration claims that the revised coinsurance proposal will really benefit the elderly people of this country costwise. The recommendation of the administration is for increased coinsurance payments under medicare of 10 percent of the actual hospital costs beginning with the second day. At present the first 60 days are excluded under medicare.

Mr. President, when we had Mr. Weinberger before the committee, I asked him, given the new formula, how long a patient would have to be in the hospital before he would actually realize a savings as compared to the old formula. He indicated that he did not know how many days they would actually have to be in the hospital. We figured it out mathematically and found out that under the new formula, before any savings for the elderly people would be realized, they would have to be in the hospital for more than 100 days.

I asked him further, how many elderly people actually stay in the hospital more than 100 days. He indicated that he did not know the answer to that question. Mr. President, only seven-tenths of 1 percent of the elderly people who enter the hospitals stay more than 100 days and a very heavy percentage of those people are terminal cases.

These elderly people, Mr. President, are the Americans that this administration is trying to make "cost conscious." These are the people they are trying to give some spirit of self-reliance.

I say that these provisions in the budget, approved by Mr. Weinberger, who says that they will benefit the elderly people, are part of a sham and a fraud practiced upon the American people by this budget.

I believe that the Senator from Iowa has commented on this particular fact.

The provision which eliminates the dental care program for elderly people under medicaid is another matter I wish to mention. We asked Mr. Weinberger his justification for it. He pointed out that a lot of people were abusing this program of dental care for adults under medicaid.

He pointed out that there was abuse in New York and in California, and that, therefore, they were going to strike it out.

The Senator from Iowa knows, as I do, that perhaps there is some abuse. However, I say, "Why can we not eliminate the abuse and have a better administration of the program?"

Mr. Weinberger is supposed to be a great administrator.

Why can they not work to administer the program effectively and efficiently and provide the care that is important to the elderly and poor of this country instead of just striking the provisions out?

This is part of the Senator from Iowa's objection. It is also mine. As members of the Committee on Labor and Public Welfare we are prepared to take a hard look at any duplication and abuse, and we are ready to root it out and eliminate it. But this budget goes beyond that.

Would the Senator from Iowa not agree with me that as we listened to Mr. Weinberger talk about how they were trying to cut out the abuse of programs and make the HEW more efficient, we never heard, for example, any discussions about taking on the drug industry under medicare and medicaid? It could save the taxpayers of this country $750 million, if we required that the drugs be prescribed by their generic rather than their brand names. However, this would have caused a problem for the pharmaceutical industries. If they are cutting, why do they not cut across the board? Maybe the poor would have to take some cuts, but the administration should be willing to take on some of the powerful interests too. We absolutely did not hear anything to that effect.

Why do they not cut back on the number of officers in the Armed Forces? At the end of World War II, we had 12 million men under arms. And that Army obtained the most glorious victory in the history of the world with half the number of officers we now have.

We have more officers stationed in Western Germany today than we had in all of the Army in World War II. Why are we not cutting some of those areas as well as cutting out dental care for elderly people and putting higher costs on the senior citizens who need to go to the hospitals of this country.

I wonder if the Senator from Iowa is not genuinely concerned about this budget when he realizes that it places the burden upon the more powerless groups in our society, the groups that do not have great spokesmen and lobbyists in Washington supporting them.

It seems to me that the powerful groups have come out pretty well in the budget.

The budget says that this is going to benefit the elderly people. We get a slick presentation and statements of philosophy but, I think, woeful insensitivity to the real health needs of our people.

Mr. HUGHES. Mr. President, the Senator from Massachusetts is entirely correct. The Senator from Iowa is concerned and has pointed out really what the administration is saying. Everyone in this body is concerned about inflation and taxes. However, when they say to the people that we cannot afford to do anything for the ones who must rely upon themselves, they are talking about the aged, the little old lady sitting in a room somewhere and eating boiled eggs for lunch and unable to get proper dental care anymore, the children of the country, the poor, the disabled, the alcoholic, and the drug addict. Those are the people that this administration thinks are contributing to the inflation and the spending.

There is not one word from the administration about plugging the tax loopholes of the rich and the wealthy of this country. There is not one word concerning any kind of fiscal responsibility and stopping up the loopholes of the rich, but they only speak with regard to the poor and the aged who are paying the price, the left out, the abandoned, and the hopeless.

Those are apparently the people that this administration feels are contributing to the inflation of this country and the problems of this country.

We all know that zero tolerance is impossible; we all know that the inevitable result would be that the States would have to absorb the cost. We all know that the inevitable result would mean a decline in payment level to thousands upon thousands of needy individuals. The administration even admits through its special analyses that this great savings of $592 million in welfare payments will result in a $2 monthly reduction in welfare payments for 1974 for each welfare recipient. Thus, the effect will be that the Federal share under our matching programs will be less than that mandated by law. The fact that 34 States have banded together to hire the prestigious Washington law firm of Covington & Burling to fight this proposal is an indication of the disaster such a policy would be.

One of the most curious "savings" of all in the budget is that which is applied to social services—another program for the poor. We all recall that as a result of the controversy which arose over previous open-ended funding of social services Congress established a ceiling of $2.5 billion for such programs, to be allocated among the States according to population. But the administration went right ahead anyway and projected social services costs on an open-ended basis and so claims that it will save $2.7 billion in 1974 because the open-ended funding would have been $5.2 billion. Carrying it even further, and for something no longer in the law, the claim is that the savings in 1975 will amount to $4.7 billion. One can only speculate on the reasoning behind this kind of budgetary legerdemain. Apparently, however, another provision of the law with respect to social services—unwisely enacted by the Congress, I believe—will result in another $500 million savings, since the administration has budgeted only $2 billion for this item rather than $2.5 billion. I refer here to the restriction on such expenditures which requires that 90 percent of such funds be used for present welfare recipients. In my own State of Iowa, this has meant a severe setback to preventive programs for our youth and aged—programs designed, through minimal expenditures, to keep people off welfare.

EDUCATION CUTBACKS

Mr. President, the budget submitted by the President cuts deeply into our national commitment to education.

Existing programs would be reduced by 67 percent, and the eliminated funds for the most part would be lumped together into an educational bloc grant package with few strings attached.

The millions of Americans now benefiting from these programs—some of which were written into law only last year—would be forced to go fishing in the State capitols, county courthouses, and city halls for the assistance they formerly received from the Federal Government pursuant to a national commitment.

Have we reached the point where these national commitments are to be parceled out to the States? And can we really expect that the aggregate efforts of the States in these programs will add up to a national commitment?

How can the President justify a $500 million cut in Federal funding of vocational and adult education?

How can he justify a 28-percent reduction in Federal support for education of the handicapped?

How can he justify wiping out a $140 million Federal program for libraries?

How can he justify a slash of more than $1.8 billion for elementary and secondary education—most of it focused on underprivileged children?

How can he justify phasing out the work-study and direct loan programs for college students?

These are the questions for which Congress will be demanding answers when Caspar Weinberger comes back before our committees to coldly and efficiently articulate the administration's policies on education.

A great deal of concern has been voiced in Congress in recent days regarding educational assistance to federally impacted areas, which benefits 4,700 school districts in the country.

This program is operating under the continuing resolution, which allows funding at an annual rate of $592 million. But the President has slashed that back to $415 million for the current school year—a 30-percent cut in the overall program.

A State such as Iowa, which received $2.2 million from this program in fiscal 1972, can expect much deeper reductions, since the cutbacks are mainly applied to students who are not living on Federal installations, and as you know, Mr. President, there are not extensive Federal installations in my State.

In fairness, I would point out that this action of the President is not in direct defiance of congressional instructions—he made the cutbacks under authority granted him in the continuing resolution which allows him to reduce spending to the level of his own recommendations for fiscal 1973.

But it is, in my opinion, a Presidential defiance of the clearly expressed desire of Congress, which has time and again been asked by one President after another to reduce aid to federally impacted areas and has repeatedly refused to do so. Moreover, the President was able to resort to the continuing resolution by reason of the fact that he twice vetoed the Labor-HEW appropriations bill which would have provided ample funding of the program and would have prevented him from unilaterally slashing it to the bone.

I have concentrated on the budget for the Department of Health, Education, and Welfare, Mr. President, but there are many other instances in this budget—again. I remind you, prepared by Mr. Weinberger—which show a callous disregard for the needs and aspirations of millions of Americans. There is the massive slowdown in our fight against pollution; the termination of housing subsidies for low- and moderate-income families: the reductions in the school milk program; the ending of the direct student loan program; the termination of REAP and REA direct loans; the ending of Federal participation in local community action groups; drastic reductions in the emergency employment assistance program; the termination of the Community Relations Service under our Civil Rights Act—the list goes on and on.

We are told that where there are large reductions or terminations, the programs can either be carried on by the local communities if they wish through the use of general revenue sharing funds or that they will be replaced by special revenue-sharing programs. In the first instance, there is a clear abandonment of Federal effort, with the inevitable result that a greater number of programs will be competing for a piece of the revenue sharing pie, pitting one group of citizens against another or even, if the need can be met in no other way, an increase of local taxes.

In the second instance we are told that under special revenue-sharing blocks of money will be allocated to the States in the broad categories of education, manpower, and community development. We do not yet have any details, however. We do not know how much control is to be given to the 50 State legislatures in the allocation of funds to localities. We do not know what, if any, strings will be attached to assure the continuance of programs now served by categorical grants.

As a former Governor, I know how attractive a block grant proposal can be. It suggests fewer Federal controls and less red tape. However, it also requires a greatly increased capacity on the part of the State governments and local communities to make wise decisions.

I would be the last to suggest that the quality of wisdom is inferior at State and local levels. However, as the "Book of States, 1972–73" reminds us, there are 17 States whose legislatures meet only once every 2 years; only 21 States are listed as having no restriction on the length of the legislative session, and there are some qualifications even among these States; the salaries of legislators varies from $5 a day—plus certain expenses—for each legislative day allowed by law to $19,200 a year in California. Perhaps his knowledge of the California situation led Mr. Weinberger to believe that all States were equally fortunate in their legislative resources, but I suggest that a little homework might have quickly brought the true facts to light.

There is no question about the fact that many States have made many improvements in the last decade or so, but I think it would be foolhardy to conclude that all 50 States are now in a position to take over many categorical programs from the Federal Government. Local control is desirable where feasible, and I subscribe to the concept, but I suggest, Mr. President, that the dismantling of our Federal categorical programs at the present time may in truth bring disastrous results at the local level.

How can State and local authorities be expected to analyze all of these program needs and then establish wise priorities, under the pressure of competing claims for scarce dollars?

Administratively, this great shift of responsibility would require the States and local communities to undertake substantial enlargements of their executive departments and agencies. The scheme assumes that every State has a pool of expert administrators who are not now employed at these levels of government and who would be immediately available. Yet, we know that many of the States and cities have had trouble finding qualified people to develop policies and run health programs even when administrative costs could be covered by Federal grants.

In conclusion, Mr. President, we cannot overlook Mr. Weinberger's claim that the President does, indeed, have the power to cut Federal spending as he pleases without regard to what Congress has legislated. He is also reported to have indicated that if Congress does not agree to the President's proposed special revenue sharing programs, the budget cuts such programs would replace would still stand. It seems to me that this is coming dangerously close to telling the people of the United States that it does not matter what laws are passed by the Congress of the United States because the President will only "faithfully execute" those laws with which he is in agreement.

The present occupant of the White House—through the budget engineered by the nominee before us—has chosen the appropriations route to change the face of America. He has not come to us with legislative proposals to change or terminate programs so that they may be studied by the appropriate substantive committees of the Congress, for to do so would subject his philosophy to the light of day. Instead, through the repeated use of the scare words "inflation" and "tax increase" and in the name of "fiscal responsibility" he would destroy 30 years of effort to achieve a sense of social responsibility on the part of the Government in the United States.

One of the extremely sad by-products of the rhetoric of the last 4 years—now culminating in this callous computer-produced budget which cannot relate to the problems of individual human beings—is that all too many people are willing to believe that their own tax and financial problems would be solved if only the Federal Government would stop spending money on the poor. This is reflected in my mail and, I suspect, in the mail of most Members of Congress. It may be human nature to seek a scapegoat, but it should not be governmental policy.

Mr. Weinberger was the architect of this budget and apparently he believes in it. Yet we are asked to confirm him for a post that calls for great compassion and understanding of the problems of human beings. I for one do not believe that Mr. Weinberger will be able to make the transition from budget hatchetman to advocate of people programs. I believe that under his direction, the people affected by HEW programs will be computerized, indexed, and put into slots—and if they fail, as individual human beings do—heaven only knows what their recourse will be.

Now, Mr. President, because the distinguished senior Senator from Massachusetts is the chairman of the Health Subcommittee, I yield the floor to him. I know he has much to contribute to this debate.

Mr. KENNEDY. I thank the Senator from Iowa. I think in his statement and comments he has accurately summarized vital questions suggested by the preparation of the budget by Mr. Weinberger. Even beyond that is the issue of whether this nominee should serve as the Secretary of the Agency of Government which is most directly responsible for the human resource potential and development of the American people.

When we view the cuts in this budget, the nominee's failure to present to the Labor and Public Welfare Committee the justification for the cuts in these various programs, I think it raises a very serious question as to whether his nomination should be approved.

Mr. President, this Nation has become great because it has been blessed for almost 200 years with an abundance of public-spirited men and women who have had the intellectual capacity, commonsense and wisdom to take the long view regarding the American people's human needs and the Nation's role in the world community. Those needs, especially the human needs, are greater and more complicated and more controversial than they have ever been. And no philosophy of self-reliance that I know of can define them out of existence. If those needs are ignored, the inevitable price will be to make them worse. I am concerned that, if Mr. Weinberger is confirmed, these needs will go unmet. I cannot countenance that. And therefore, I will vote against his confirmation. And I urge my colleagues to join me.

Except in extraordinary circumstances, I believe that a President must have the opportunity to have in his Cabinet advisers of his own choice. My voting record with respect to such Presidential appointments bears witness to my strong belief on this matter.

However, the nomination of Mr. Weinberger is, unfortunately, an extraordinary situation. I do not come to this conclusion lightly. As a Member of the Senate Committee on Labor and Public Welfare, and as chairman of the Senate Health Subcommittee, I have had an opportunity to take an active role in the committee's consideration of the nomination of Mr. Weinberger. In that respect, Mr. Weinberger has appeared twice before the committee, on January 17 and February 2, 1973.

As you know, Mr. President, Mr. Weinberger is the principal budget officer of the U.S. Government. He is the President's key adviser and right-hand man in making up the budget of the United States.

The administration's fiscal year 1974 budget raises profound questions with regard to this Nation's priorities.

The main point about this budget is the selective and discriminatory application of a special set of criteria which result in the ruthless reduction of this Government's commitment to its social obligations. In point of fact, the budget says unless it can be demonstrably proven that a social program has worked, it can be abandoned as a failure. Moreover, the most rigorous application of these criteria is reserved for social programs.

This budget succeeds in cutting out $3.1 billion worth of HEW programs in fiscal year 1973. These cuts result in cuts of $6 billion in fiscal year 1974. For DOD, there are no such program cuts in fiscal year 1973, and only $2.7 billion in 1974. No one can believe that there are no cuts possible in DOD. One Joint Economic Committee study indicated $7 billion in "overruns" in fiscal year 1971 alone. Surely a few million could be saved to fund these HEW programs. Indeed, efficiency aside, cuts are made to HEW programs while funds are increased by $135 million for foreign military aid in the form of military hardware, and subsidies are continued for a variety of corporate interests. Also unchanged are a variety of corporate interests. Also unchanged are a variety of tax breaks for corporate interests which could produce billions in additional revenue for domestic programs.

In short, the budget zeroes in on domestic programs as the place to save Federal dollars. Through these budgetary decisions, the administration washes its hands of the health care problems of the poor. It washes its hands also of the rising costs of health care for every American family.

Time after time in his testimony before the Labor and Public Welfare Committee, Mr. Weinberger, as spokesman for the administration, pronounced that it is not the Federal Government's job to offer health services. Nor is it the Government's job to give grants to health centers to supply health services. Nor is it the Government's job to give construction grants to outpatient clinics so they can offer health services. The administration has decided this as a matter of basic philosophy. They have decided health services are not the Federal Government's job.

But whose job is it? If the Federal Government does not do it, who will? Where is the money going to come from?

The administration does not really answer these questions. Their general philosophy, of course, says State and local government should take responsibility—or the private sector—especially the insurance companies—should do it. Ambulatory care centers, for example, should take out loans to cover construction. According to the philosophy, these health care institutions should become "self-sufficient."

Unfortunately, the philosophy does not match the facts. Unfortunately, health care institutions that serve the poor are not "self-sufficient" and will never be "self-sufficient" until we have made major reforms of our health care system.

The fact is that outpatient clinics and emergency rooms cannot get loans to support construction because they cannot collect for their services. Fully 50 percent of the patients at District of Columbia General's outpatient department can pay none or only part of their bill. Other metropolitan hospitals across the Nation have similar experience. Private hospitals in New York and other cities have frequently closed their outpatient clinics and emergency rooms because they cannot afford the financial losses.

Mr. Weinberger says that as a matter of administration philosophy this is not the Federal Government's responsibility—and, therefore, the budget kills Federal grants for ambulatory care facilities under the respected Hill-Burton law. Indeed, in their special analysis of the fiscal year 1972 budget, this administration offered grant support to ambulatory care facilities "which ordinarily do not generate income sufficient to repay long term mortgages." Again in fiscal year 1973, the special analysis called for full funding of the construction grant authority for ambulatory care. But now in fiscal year 1974, in the name of its philosophy, the Administration not only cancels the grants in 1974, it has requested that 1973 funds also be eliminated.

The use of emergency room and outpatient facilities has increased some 600 percent over the period of the last 25 years. The Joint Commission on Accreditation reviews the quality and standard of care provided by these facilities in many of our major cities. We find time and time again that it is increasingly difficult for the hospitals to meet basic standards; and if they fail to meet the standards, they cannot obtain compensation they might otherwise be able to get from medicare and medicaid. As a result of this phenomenon, it is a continuing spiral downward for many of the hospitals in the large population centers of this country.

If you talk to any doctor or health care professional in this country, or anyone who knows anything about the health care system in this country, he will say that one of the most important forms of health care support is in the ambulatory health care centers reaching out from the urban areas of this country. Mr. Weinberger says funds for these centers will have to be made available by the local communities. This is the answer we get time and time again. The local community is going to have to pick up the responsibility.

The administration seems to agree on these facts. They have produced no new studies, no new data to show things have changed. All they know is that as a matter of philosophy, the Federal Government has no responsibility here. They apparently feel also that it is not HEW's responsibility to make sure someone else can do it. The poor can go without good care. Our metropolitan hospitals can continue to rot. And they will. They will continue to rot in the name of the administration's philosophy. The same pattern holds in other health programs.

This goes not only for ambulatory care, but for the 515 mental health centers we have in this country, which have recently been adapted to take care of drug and alcohol abuse programs.

What is the administration going to do? It says, "We are going to give you one more grant, and then you are going to have to go back to the community and raise resources there.

The mental health centers program is canceled, and the poor Americans they serve are phased out into the cold. Sixty-four percent of all mental health center patients have family incomes below $5,000 a year. Forty-two percent are on welfare. The administration says they are giving each center one last grant to cover the remaining Federal obligation—which may be for a number of years. They also say that State, local, and insurance funds can take up the slack.

They ignore the fact that most health insurance—whether Federal or private—has limited or no coverage for mental health center services. The centers can collect barely 12 percent of all their costs from insurance carriers. They can offer no studies that prove substantially more could be collected.

They offer no evidence that State and local funding can pick up the average 30 percent of costs currently paid by the Federal Government.

They offer only philosophy—no facts. Mr. Weinberger testified that if the administration's health program had been passed by the last Congress, there would be no problem. The fact is that the administration's National Health Insurance Partnership Act does not even cover mental health services.

The administration would cancel the mental health center program in the name of philosophy—and take no responsibility for the facts—no responsibility for making sure these Americans continue to get health care.

There are other examples. Because they find it difficult to administer, the administration proposes to eliminate dental services for adults under medicaid. They save $75 million of Federal money—instead the States or the poor will pay. Or more likely, the poor will simply go without care. They offer no study to show whether the States would continue these services, or whether the poor could get the care in any way.

But the biggest blow of all to Americans on limited income are the administration's cuts in medicare. By increasing deductibles and coinsurance, the administration would require the elderly and disabled to pay somewhere between $700 and $900 million more out of their own pockets.

The special analysis justifies this as helping those who have prolonged hospitalizations—and as cutting down on unnecessary utilization of health care.

On the first point, I have found out that a patient has to be in the hospital over 100 days in order for the new provisions to help him save money. Only seven-tenths of 1 percent of all medicare hospitalizations are for more than 100 days. In other words, only 7 patients out of every 1,000 who enter the hospital under medicare will save money under the new provisions. The other 993 will pay more, up to $1,000 more in some cases. In fact, medicare only covers 90 days of hospitalization a year without dipping into lifetime reserves.

On the second point, it has been nowhere demonstrated that you keep doctors from putting people in the hospital by charging the patient more money. In fact, Blue Cross and Blue Shield argue that sizable deductibles and coinsurance are punitive—and keep people away who needed health care. The best that can be said of the administration's proposal is that it is extremely controversial and unproven.

But that does not matter to the administration. The theory of the deductibles and coinsurance matches the administration's philosophy of "self-sufficiency." It does not matter what the facts are. So, experimental or not, unproven or not, the administration proposes that the elderly and disabled pay $700 to $900 million a year more for health care so they would not go to the hospital so much.

I believe this provision will in fact save the Government money. I believe it will even reduce use of health services—because more people who really need care will simply stay away from the doctor—and suffer needlessly. The administration has no studies to indicate how many people will be hurt by this provision. It has only a philosophy, and a matching theory.

In all of these cases, the administration has chosen to wash its hands of responsibility without knowing who will be responsible. In all of these cases, it is Americans who are poor or on limited incomes who are the big losers. In every case, they wash their hands of responsibility in the name of a philosophy.

I do not believe that our American ideals of individualism and self-sufficiency mean we have no responsibility for our neighbors. I do not believe that "self-sufficiency" means we are free to wash our hands of the poor, the elderly and the infirm among us. I do not believe that "self-sufficiency" means we are not our brother's keeper.

Indeed, I believe this is a gross perversion of American values, and an insult to Americans. I do not believe Americans want a budget that washes its hands of our neighbor's problems—or a Secretary of Health, Education, and Welfare who will enforce an abstract philosophy with little concern for its impact on Americans in the real world. I believe the Secretary of Health, Education, and Welfare must in fact be an advocate of the needs of poor Americans for health care and take responsibility for seeing they are met.

Though I differ profoundly with the administration's philosophy that the Federal Government has a minimal role in health care—I can understand it. What I cannot understand or accept, is their apparent view that HEW and its Secretary have no responsibility to see that someone in our society provides health care to the poor, nor any responsibility to serve as advocate for the poor and needy in our society.

But this budget does not wash its hands only of the poor. It also washes its hands of the entire health care crisis in America. The average working man now works 1 month out of every year to buy health care for himself and his family. In 1960, the average cost of a patient day in the hospital was $32.23. As of January, 1973, it is $105. The costs of a doctor's visit have also soared. The working man feels this in a higher and higher deduction from his paycheck for health insurance. He also pays more and more out of his pocket for doctor, dentist, and hospital bills that his insurance does not cover.

In fact, the Federal Government pays more also—it feels the same pinch. The medicare average hospital payment per beneficiary per year rises from $1,414 in fiscal year 1973 to $1,589 in fiscal year 1974. The average medical payment per beneficiary per year rises from $235 to $244.

The President said in 1971 that the administration would control these costs and reorganize the health care system by a comprehensive national health insurance program to train more doctors, nurses, and other health professionals, and a program to support health maintenance organizations.

The fiscal year 1974 budget contains no explicit funds for a national health insurance—except for trivial amounts shown for fiscal years 1975–78, amounts which total less than the first year of the administration's proposal to the last Congress.

Not only is no national health insurance proposal in the budget—no serious effort is indicated to prepare for national health insurance. To the contrary, the budget cuts and destroys programs designed to produce the health professionals we need. It holds the Federal support to medical and dental schools at two-thirds of the amount authorized and needed. It radically reduces aid to schools of nursing. It also eliminates construction grants for all schools—including medical and dental schools. This budget will not produce the doctors, dentists, and other professionals we need to offer health care.

Nor will it build the facilities we need. Through some strange logic, the administration concludes that because our Nation has too many hospital beds in some areas, we should eliminate all Federal construction grants—not just for new beds, but for outpatient departments, emergency rooms, and modernization. They also make no effort to preserve the respected nationwide network established under the Hill-Burton law to plan for construction of hospital facilities. It is a mystery to me how the administration can be seriously supporting national health insurance, and at the same time eliminating the programs that plan and build the right kind of facilities in the right kind of places to offer health care.

The budget also kills Federal mental health centers support and holds to last year's levels the funds for all other innovative programs offering health services. It is not clear how this prepares the Nation to offer adequate health services to all Americans under national health insurance.

Finally, the budget cuts medical research on every disease except cancer and heart. It also eliminates all programs designed to train medical researchers. NIH would grow under this budget only 4 percent between fiscal year 1972 and fiscal year 1974—and most programs would decrease.

The point is that this budget washes its hands of the health care crisis.

If we take this budget seriously, we can only conclude that the administration's program for health care reform is not serious, and is designed more to eliminate overt criticism than to solve problems Americans face in getting health care.

It seems that the administration feels about the average American family the way it feels about the poor. They believe the Federal Government should not be involved, so they cut and eliminate programs that might be improved and redesigned to help solve our health care crisis. They feel too little responsibility for resolving the crisis—for defending the needs of American families for health care at a cost they can afford—and for seeing that proposals are made for how to meet them. In this area, as in others, the administration seems more concerned with enforcing their philosophy—and cutting the budget—than with assuring the needs of the people for health care are met.

Whether we take the health area, the education area, or the elderly program, the story is the same.

We see on the older workers program, a proposal to do away with Operation Mainstream, which included the most effective pilot program or community service employment for older workers.

Instead it is to be lumped in with several other manpower programs and no guarantee provided of any specific level of concern for older workers.

In the past year, we already have witnessed a reduction in enrollees. And the total sum proposed for the manpower programs is $70 million less than a year ago.

It is a squeeze of $70 million in programs. And who do you think, Mr. President, will be squeezed in those communities? We know who will be squeezed. It will be the elderly, the older workers. They are the ones who will have difficulty in being served.

On the manpower programs, it is the elderly who take it in the neck. On the health programs they are the ones least able to take care of themselves and have the greatest need.

What about the education programs? I sit on the Education Committee and I have heard requests from the administration for the past 4 years but they have never requested an increase in title I, which was to address itself to the most needy students in our country. We always get a request for $1.5 billion time and again. Then we heard in the heat of the campaign the President going on national television, giving assurance to parents of those children who are going to school in the inner cities that he will admonish the Senate and Congress to pass increased appropriations for title I. That was good political rhetoric and maybe some Americans thought that was going to come to pass. But they did not know what Mr. Weinberger was doing.

He was cutting the heart out of the elementary and secondary education title I program. In trying to get a response from Mr. Weinberger as to the education, manpower, and health programs, Mr. Weinberger constantly came back with the statement that the local communities, the local governments, and the States would have to put up the funding for those programs.

Then when we talk about education in the health area, you know, Mr. President, what they have come up with as a response to that?

They say that the only people eligible for scholarships for medical schools in the future will be young people who will commit themselves to serve 1 year in an underserved area for every year they get a scholarship to a health professional school.

Mr. President, that is 1973 indentured servitude.

We all know we have to get medical students into underserved areas, but why should it be those whose parents are of limited financial means? Why should they be the ones offered that particular opportunity?

The extraordinary thing about it, Mr. President, is that the amount of money being made available by the Federal Government to medical schools is over one-third the total cost of educating our young people.

So here we have a situation where if the son of rich parents goes to medical school, over one-third his education will be subsidized by the Federal taxpayers anyway, with no obligation to serve in any underserved area. That son can go to Park Avenue and make a financial killing. But if that son comes from a financially stressed family and is able to qualify for one of the scholarship programs—no, sir—they say, "You cannot go to Park Avenue or out to Beverly Hills to practice, you have got to go to one of those 5,000 underserved communities."

We should devise a system that will be equitable to the rich and poor alike, and not have a program that means indentured servitude for one segment of the population which is financially stressed.

Mr. President, the Senate cannot require the President to install a Secretary of Health, Education, and Welfare that differs with administration philosophy. I do not expect that—and I believe that Mr. Weinberger is an articulate spokesman for the administration's philosophy with respect to solving Americans' health care problems.

What I do object to, Mr. President, is the apparent view that the Secretary of Health, Education, and Welfare, on behalf of the administration, can carry out abstract philosophies with no accommodation to the hard facts of life for many Americans, that he can kill Federal programs with no sense of responsibility for assuring that other resources are available to assure Americans will not needlessly suffer, and that he has no responsibility to be an advocate on behalf of the Nation's health needs in the budgeting process, and propose convincing options for meeting these needs.

In short, Mr. President, I object to the view that the Secretary can wash HEW's hands of the health care crisis in our Nation and leave all responsibility to someone else—be it State and local government or the insurance industry—with no assurance they can carry this responsibility.

Therefore, Mr. President, I must regretfully vote against the President's nominee to the post of Secretary—and I ask my colleagues to join me. I cast this negative vote without intent to impugn the integrity or the obvious enormous competence of Mr. Caspar Weinberger. My objection is to this administration's destruction of HEW as ultimately responsible advocates of the interests of all Americans in decent health, education and social welfare. I cannot in good conscience vote for confirmation of a Secretary whom I believe will work to carry out this destruction. I believe the President could implement his philosophy of government without abandoning the poor in our society to chance—and I cannot vote for his nominee until they make more convincing assurances than the fiscal year 1974 budget makes that they are willing to do this.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. BENNETT. Mr. President——

Mr. KENNEDY. I withhold the request. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from Massachusetts has 15 minutes remaining.

Mr. BENNETT. May the Senator from Utah suggest that the time for the quorum call be taken equally out of all remaining time?

Mr. KENNEDY. Mr. President, how much time remains for the other side?

The PRESIDING OFFICER. The Senator from Iowa has 10 minutes, and the Senator from Utah has 23 minutes.

Mr. KENNEDY. Would the Chair be kind enough to tell us how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 15 minutes remaining.

Mr. KENNEDY. And the Senator from Iowa also has some time?

The PRESIDING OFFICER. The Senator from Iowa has 10 minutes remaining.

Mr. KENNEDY. I ask unanimous consent that the time for the quorum call be divided equally.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the pending confirmation of Mr. Weinberger occur 5 minutes from now unless in the meantime an objection is received from any Senator on either side of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I am pleased to have the opportunity to indicate my support for Caspar Weinberger for Secretary of the Department of Health, Education, and Welfare. I have known him to be a man of intelligence, integrity, great knowledge of State, local, and Federal matters, a man of perception, a man familiar with our Nation's problems and programs presently aimed at correcting those problems, a man who can effectively evaluate the progress of a program, a capable administrator, and a man of very good judgment.

Obviously he has the full confidence and support of the President. Few men have had the opportunity when nominated for a Cabinet position for the President to have observed their background and experience, administrative capabilities and extent of judgment which they brought to bear on problems.

Previously his entire career in public life has demonstrated great intelligence, a man of scholarship and ability; his integrity is beyond reproach, as testified to by our colleagues in the Senate from the State of California. He has great knowledge of State matters because of his former responsibilities in local government. Obviously he has a command of the problems of Federal Government and the Nation as a whole.

He is perceptive in the way he goes about using this knowledge to solve problems. He is a problem solver, a pragmatic man. I do not know if I could cast him ideologically. I would not know whether to put him under liberal, conservative, or middle of the roader. I think he is a pragmatic problem solver and that is what we need in this huge agency he is to administer.

I think he can effectively look at some of our old problems and see whether the programs we now have constructed to solve these problems are effected and whether they can be improved.

I know that in some ways I will differ with him in judgment, I will differ with him in priorities, but I have never, in the many contacts I have had with him, had cause for not respecting his judgment and the effort he puts into the problems. The differences we may have are honest differences, and ones I can live with. Even though he may have the final say in these particular problems, I know that I, and the rest of our colleagues, have had and will have an opportunity to express ourselves to him.

So I support with enthusiasm his confirmation today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I feel it my duty to speak on this nomination, as I am the ranking Republican member of the Labor and Welfare Committee, with which an enormous amount of Mr. Weinberger's work will be concerned. I handled a great deal of the questioning in the hearing before that committee, and I wish to state my position, as I shall vote in favor of confirmation.

First of all, Mr. President, he is a Cabinet officer, not a judge, and hence, as a direct lieutenant of the President, holding office at the pleasure of the President, we ought, if we can, give the President those he wants for his Cabinet.

Second, Mr. Weinberger has, without question, shown great ability as head of the Federal Trade Commission as well as Deputy Director of the Office of Management and Budget, and now the Director, which he also showed in his previous career in offices in the State of California.

Finally, his testimony shows that he understands that, as Secretary of Health, Education, and Welfare, a department concerned very broadly with human needs, he needs to apply very different standards than those of Budget Director, where he was representing the President in an overall budget approach.

So I express the hope and belief that he will make a real effort to do so, that he will put before the Congress and the country, and fight for in the administration, as an advocate, what is needed for health, education, welfare, child care, social services, especially as they affect the disadvantaged and underprivileged of our country.

It is on those grounds that I shall vote in favor of confirmation.

Mr. MUSKIE. Mr. President, my experience with representatives of the administration in recent weeks has convinced me that we are going to have to go beyond empty threats in contesting the administration's usurpation of the constitutional authority of Congress and in opposing its negative approach to solving pressing domestic problems.

The Executive certainly has the right to propose budgetary priorities to Congress. Congress always has the opportunity to reject or modify these proposals.

But this administration has gone far beyond proposing priorities. Administration witnesses have made clear their intent to persist in ignoring the Congress constitutional power over appropriations by impounding appropriated funds in unprecedented fashion, imposing unilateral cutbacks or even terminating congressionally mandated programs.

I have always believed that the President should have leeway to appoint a Cabinet he feels will carry out his policies. And with rare exceptions I have voted for Presidential nominees even when I disagreed with them on some issues. But I also believe that the Senate has the responsibility to reject nominees who would perform their office in disregard of the Constitution and the Nation's needs.

It is with these thoughts that I have approached the question of the confirmation of Mr. Caspar Weinberger to be Secretary of the Department of Health, Education, and Welfare. Mr. Weinberger is undoubtedly an intelligent, capable, and experienced administrator. But he is also the chief architect of the administration's negative and unconstitutional policies which I cannot conscientiously endorse. I, therefore, must vote against his confirmation.

Mr. WILLIAMS. Mr. President, it is with deep regret that I feel I must today cast my vote in opposition to the nomination of Caspar Weinberger to be

Secretary of Health, Education, and Welfare. I do so not because I feel Mr. Weinberger lacks the technical competence to carry out the responsibilities of that position, but rather because of the role which Mr. Weinberger played in fashioning the President's new budget requests and the views which he has expressed in support of the President's budget.

The Committee on Labor and Public Welfare held 2 days of hearings in which Mr. Weinberger testified concerning his views on his role as Secretary of Health, Education, and Welfare and his feelings about administration proposals in the areas of education, health, aging, and handicapped programs. During his first appearance before our committee, Mr. Weinberger felt unable to answer many of the questions asked of him since they related to the budget which had not yet been released. Subsequent to the release of the budget, Mr. Weinberger accepted our invitation to return in order to respond more freely to all such questions by members of the committee. At that time, Mr. Weinberger made clear to the committee that he was in full support of the budget which he helped fashion in his former role as Director of the Office of Management and Budget. Frankly, I am in complete disagreement with his views.

The fiscal 1973 budget, which was released on January 29, 1973, confirmed my worst apprehensions since it proposes to eliminate or drastically reduce a great many programs that are within the direct jurisdiction of the Labor and Public Welfare Committee. In my opinion, this budget is contemptuous of the real needs of the American people and is insulting to the responsibility vested by the people in their representatives in Congress. It plays on the weaknesses in current Federal programs, either real or imagined, but ignores their proven strengths. While the President proposes an increase in military spending of more than $5.6 billion over current levels, he proposes increasing appropriated funds for the Department of Health, Education, and Welfare by only $1.2 billion. That represents almost a fivefold increase in Pentagon appropriations over increases in appropriations for education, health, vocatonal rehabilitation, child development, and other programs designed to meet human needs.

In the field of education, the administration has once again displayed a callous disregard for the needs of our Nation's schools by asking for a decrease in educational assistance below current levels. If the Congress were to accept this strategy it would represent an appalling step backward from the commitment we have made in the past decade. And what is most tragic is that this would clearly increase the existing financial burdens on our State and local governments.

In the field of health, while I endorse increased funding for research into heart disease and cancer, I am astonished that the administration has chosen to reduce support for virtually all other research activities and actually phase out most resources for the treatment of one of our greatest health hazards—alcoholism. I am deeply disturbed to see that this budget envisions the termination of such successful initiatives as the Hill-Burton program for the construction and modernization of hospital and outpatient facilities, and the equally successful Community Mental Health Center program. Equally disheartening is the request to phase out the migrant health program, project grants for maternal and child health care, and program for family planning. The needs met by these programs have not disappeared and if the Federal Government backs out now, the only alternative is that local governments will have to pick up these burdens as well.

In the area of handicapped, the administration budget refuses to recognize the necessity for increasing funding for vocational rehabilitation and education for the handicapped. Instead, the budget proposes funding these efforts at their current and all too low levels. Considering inflation, and population increases, this would mean an actual reduction in Federal assistance, placing yet another burden on States and localities.

When questioned about the budget and these specific cuts or terminations, Mr. Weinberger appeared to express little concern about the effects that this action might have on the people who look to the Department of Health, Education, and Welfare as one of their greatest advocates, and with sincere hope. In response to a letter which I wrote to Mr. Weinberger asking him about his view regarding his role as Secretary of Health, Education, and Welfare, he replied as follows:

> I agree with you that there are considerable differences in the responsibilities of the Director of OMB and the Secretary of HEW. I respectfully suggest, however, that the differences do not exist in the fact that the Secretary should be an advocate for programs within his jurisdiction. I believe the Secretary should be an advocate for people, not for programs. He should propose, advocate, and effectively administer those programs which help to improve the health care of our citizens, to increase educational opportunities, and to provide essential basic resources to those who need them.

Unfortunately, I do not find, in reviewing Mr. Weinberger's testimony before the committee or in examining the budget which he was instrumental in preparing, that he appears to be willing to be as enthusiastic in his advocacy for people as he would claim. The programs which the Congress has developed in the past 10 years have been programs designed to help people. Where they have fallen short, the Congress has an obligation to change them. But, the administration's budget seems to suggest that rather than changing what we have done we should abandon what we have accomplished. Rather than working with the Congress to bring about effective change, the administration appears to be saying that only it knows best. I want to be prepared to work closely with the administration in improving upon the past, but Mr. Weinberger appears to suggest that the administration will only settle for their approach.

Mr. President, in my opening statement in the second hearing on Mr. Weinberger, I indicated my concern that the administration's budget proposals reflect what has been an erratic approach to the development and implementation of governmental policies. For example, throughout most of the last 2 years the President publicly scolded the Congress version of compulsory arbitration for labor disputes in the transportation industry—legislation which was repeatedly proclaimed to be essential to the well-being of the Nation. Then, last summer, the President suddenly took the position that there was not such urgency to this particular bill after all, and that the whole matter ought to be turned over to a commission for further study.

For several years, reform of the welfare system was a major subject of administration rhetoric; now it would appear the idea has been abandoned.

Two years ago the administration announced with great fanfare that it was going all-out to support the right-to-read program—a program on which it promised to spend $200 million through 1976. Despite the extravagent claims, I note that the administration is proposing only $12 million for the program this year—the same level as last year.

Two years ago the administration was emphasizing the need for educating more physicians and other medical personnel. Now it appears that the administration is proposing severe cutbacks, or no funds at all for most of the programs that support the education of health manpower.

When we were considering the bill that became the Occupational Safety and Health Act, administration witnesses stressed the need for fostering the training of professionals in the occupational safety and health disciplines. We were told that there was an existing need for an additional 150,000 to 225,000 persons in these fields. Responding to this testimony, we created a National Institute of Occupational Safety and Health with specific authority to do just what the administration had suggested. Now I understand that the Office of Management and Budget has decided the Institute should not support such training, and the new budget reflects that decision.

Such examples of the random and eccentric nature of administration policymaking within the areas of my committee's jurisdiction alone, could be multiplied many times over. They illustrate for me the impossibility of using administration representations as the basis for formulating coherent long-range legislative approaches to the Nation's needs.

Mr. President, as I said at the outset of my remarks, I do not question the personal integrity or competence of Mr. Weinberger. I am sure that he is honestly attempting to implement the policies which he believes are necessary to meet the needs of the American people. But as one Senator, I cannot agree with his approach. Nor can I agree with the views of an administration whose top domestic advisor, John Ehrlichman, has said will not spend money it considers wasteful even if Congress appropriates funds over a Presidential veto. In my view, that is contrary to the domestic structure of government fashioned by our Founding Fathers. That is a philosophy which is disrespectful of the laws of the land. I feel it is tragic that Mr. Weinberger appears to agree with that view.

While I am certain that he will be confirmed today, I would hope that my vote against him will make it absolutely clear to the administration that this Congress is not about to abandon the people who it represents. We will not succumb to erratic, ill-conceived notions about how best to fulfill our responsibilities to the people. The programs which we have developed and will continue to develop are programs which advocate the basic right of people to education, health care, jobs, and other basic needs.

I can only hope that the administration will begin to develop a better understanding of our objectives and our goals.

MY VOTE FOR CASPAR WEINBERGER

Mr. McINTYRE. Mr. President, I am voting for the confirmation of Mr. Caspar Weinberger as Secretary of Health, Education, and Welfare even though I have grave concerns about his nomination.

I have always tried to give the President the widest possible latitude in choosing the members of his Cabinet. As evidence of this, I have opposed only three Cabinet nominations in the past 4 years.

The most important criteria for judging these nominations, I feel, are integrity and competence. Mr. Weinberger is competent and, as far as I know, he is a man of integrity.

My reluctance to vote for Mr. Weinberger derives from the serious doubts I have about some of the President's 1974 budget proposals in the fields of health, education, and welfare. Mr. Weinberger was closely involved in the formulation of these proposals, I am sure, and, if confirmed today, will be given the responsibility for attempting to carry them out.

I am sure that I will be opposing Mr. Weinberger on many of the program cuts he will be trying to justify. The burden of proof falls upon him as a member of the President's Cabinet to show me and the Nation that the course he and the President have proposed is in the best interests of the country.

Mr. NELSON. Mr. President, I intend to vote against the confirmation of the nomination of Mr. Weinberger. However, because he is an able, dedicated public servant, I am reluctant to cast a negative vote, and I would not want my vote to be interpreted as a reflection on Mr. Weinberger in any personal way. He is quite obviously a man of distinguished qualifications and great ability.

My negative vote simply expresses my opposition to this administration's policies respecting a number of important programs within Mr. Weinberger's jurisdiction as a Cabinet member.

Mr. METCALF. Mr. President, Caspar Weinberger is a very attractive person. He is able, competent, and congenial. I first met him in San Francisco at a meeting of the Sierra Club, and we talked briefly and discussed several matters of mutual interest and concern.

Last year he was frequently a witness before Senator Muskie's Subcommittee on Intergovernmental Relations. He was always available in his capacity as Director of the Office of Management and Budget. He was responsive—at least more so than most agency heads—and he went out of his way to specially provide for the committee the information and the data requested from him.

Nevertheless, I am going to vote against the confirmation of the nomination of Mr. Weinberger to be Secretary of the Department of Health, Education, and Welfare.

Mr. Weinberger is the chief architect of impoundment. He has pitted his ideas on national priorities against those of Congress. With an arrogance that has been seldom asserted in our Government he has defied elected representatives, heads of executive departments, regulatory commissions, and others.

For example, Mr. Weinberger was Chairman of the Federal Trade Commission before he became Director of the Office of Management and Budget. In fiscal 1972, he was responsible for a cut in FTC funds. A cut that he made was not under the antideficiency act and certainly not under any antideflation claim, but under some vague goal to reduce Federal-civilian employment.

According to Chairman Kirkpatrick, the result of Mr. Weinberger's slashes resulted in a decrease of 72 positions, but also seriously affected FTC's work in such areas as:

First. Enforcement of compliance of cease-and-desist orders.

Second. Enforcement of the advertising substantiation program.

Third. Enforcing flammable fabrics law.

Fourth. Investigation of hospital and medical supply costs.

Fifth. Investigation of multinational corporations.

Sixth. Investigation into joint ventures.

Seventh. Continuation of an economics concentration study with respect to automobiles and parts.

Mr. Weinberger's special knowledge of this key agency permitted him to destroy some programs and seriously handicap dozens of others. He knew that cutting appropriations for these independent regulatory agencies he and President Nixon were violating the statutes and the Constitution.

Under Mr. Weinberger's direction of the OMB, the Federal Power Commission, the Securities and Exchange Commission, and the Interstate Commerce Commission, all received cuts that handicapped their enforcement and regulation functions far beyond the money saved or the jobs dissolved.

Mr. Weinberger was Director of the Office of Management and Budget when the water pollution program, REAP, and REA were destroyed.

I cannot give my consent to have this man preside over the destruction of dozens of needed and worthwhile endeavors of the Department of Health, Education, and Welfare. In his cold and calculating manner he can and, based on his past record, will discontinue many of the gains in the field of human resources that have been achieved in the period since the end of World War II.

In his zeal for destruction, he has not been constrained by the Constitution, by human feelings, by the welfare of his fellow Americans, by statutes governing his conduct of office, or by his oath of office to protect and defend the Constitution.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time on the nomination having expired, the question is, Will the Senate advise and consent to this nomination?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. Abourezk), the Senator from Nevada (Mr. Bible), the Senator from Nevada (Mr. Cannon), the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Connecticut (Mr. Ribicoff), the Senator from Alabama (Mr. Sparkman), and the Senator from Kentucky (Mr. Huddleston) are necessarily absent.

I further announce that the Senator from Utah (Mr. Moss) and the Senator from Lousiana (Mr. Johnston) are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from California (Mr. Cranston), the Senator from Washington (Mr. Magnuson), and the Senator from Connecticut (Mr. Ribicoff) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Massachusetts (Mr. Brooke), the Senator from Kentucky (Mr. Cook), the Senator from Colorado (Mr. Dominick), the Senators from Arizona (Mr. Goldwater and Mr. Fannin), the Senator from Hawaii (Mr. Fong), the Senator from Oregon (Mr. Packwood), the Senator from Kansas (Mr. Pearson), the Senator from Ohio (Mr. Taft), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The Senator from Maryland (Mr. Mathias) and the Senator from Nebraska (Mr. Hruska) are absent on official business.

If present and voting, the Senator from Massachusetts (Mr. Brooke), the Senator from Kentucky (Mr. Cook), the Senator from Colorado (Mr. Dominick), the Senator from Nebraska (Mr. Hruska), the Senator from Ohio (Mr. Taft) and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

The yeas and nays resulted—yeas 61, nays 10, as follows:

[No. 17 Ex.]

YEAS—61

Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bennett
Bentsen
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Cotton
Curtis
Dole
Domenici
Eagleton

Eastland
Ervin
Fulbright
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Helms
Hollings
Jackson
Javits
Long
Mansfield
McClellan
McClure
McGee
McIntyre
Nunn
Pastore
Pell
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Stafford
Stevens
Stevenson
Symington
Talmadge
Tower
Tunney
Weicker
Young

NAYS—10

Biden
Clark
Hathaway
Hughes
Humphrey
Kennedy
Metcalf
Muskie
Nelson
Williams

NOT VOTING—29

Abourezk
Bellmon
Bible
Brooke
Cannon
Church
Cook
Cranston
Dominick
Fannin
Fong
Goldwater
Hruska
Huddleston
Inouye
Johnston
Magnuson
Mathias
McGovern
Mondale
Montoya
Moss
Packwood
Pearson
Ribicoff
Sparkman
Stennis
Taft
Thurmond

The PRESIDING OFFICER. On this vote there are 61 yeas and 10 nays. The nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I have cast my vote against the confirmation of the nomination of Mr. Caspar Weinberger as Secretary of the Department of Health, Education, and Welfare as a symbolic expression of my deep concern over and opposition to the action of the administration in cutting back on and sharply reducing or terminating a number of programs which I believe are of vital importance to the American people.

Mr. Weinberger was Director of the Office of Management and Budget and therefore a party to these cutbacks and terminations. He continues to attempt to justify impoundment of appropriated funds. I consider impoundment to be illegal and unconstitutional unless by act of or permission of Congress.

Mr. Weinberger is an able and gifted man. He represents, however, by his actions and testimony an attack on policies and programs that I feel are much needed particularly for the poor, the handicapped, and the elderly.

I do hope that Mr. Weinberger will direct the Department of Health, Education, and Welfare in such a manner as to improve, enrich, and strengthen our human resources.

LEGISLATIVE SESSION

On request of Mr. Mansfield, and by unanimous consent, the Senate resumed the consideration of legislative business.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE DEPARTMENTS AND AGENCIES' REPORTS ON IMPLEMENTATION OF THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. Huddleston) laid before the Senate the following message from the President of the United States, which, with the accompanying reports, was referred to the Committee on Government Operations:

To the Congress of the United States:

I am transmitting today the second annual report of each executive department and agency on their activities during fiscal year 1972 under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

The reports describe the efforts within the Federal Government to provide for the uniform and equitable treatment of persons displaced from their homes, businesses, or farm operations by Federal and federally assisted programs and to establish fair and uniform policies for real property acquisition under these programs.

The reports give positive evidence that the objectives of the Uniform Relocation Assistance and Real Property Acquisition Policies Act are being achieved. While the limited experience under the Act has not permitted a comprehensive survey of its effect on the general public, the principal reporting agencies agree that most of the people displaced by federally related activities were pleased with both their new relocation sites and their benefits. The agencies attributed this favorable reaction to the increase in relocation benefits provided under the Act. Relocation payments during fiscal year 1972 totaled more than $109 million for both Federal and federally assisted programs and were paid to over 50,000 claimants.

Early in 1972 I was concerned that legislation implementing the Act had not yet been passed by the States, and that the Act was not being carried out as effectively as it should be. A number of actions were taken to improve this situation:

—On February 2, 1972, the Vice President wrote to each Governor and to the majority and minority leadership in each State's legislature to encourage the enactment of comprehensive implementing legislation.

—The Office of Management and Budget, in cooperation with the Council of State Governments and the National Governors' Conference, solicited the assistance of Federal agencies and State officials. Partly as a result, most States had apparent statutory authority to comply with the Act's provisions by July 1, 1972.

—The Office of Management and Budget also issued a new and more comprehensive set of guidelines for agencies' regulations on May 1, 1972.

—In addition, the Relocation Assistance Implementation Committee, formed pursuant to my memorandum of January 4, 1971, has undertaken a number of projects to increase uniformity and effectiveness in carrying out the law. For example, a pilot test is being conducted to develop standard application forms so that all displacees, regardless of the program that displaces them, may be able to follow uniform instructions when seeking benefits under the Act.

—As a further step toward uniform and equitable treatment of individuals affected by Federal and federally assisted acquisition programs, the Office of Management and Budget has encouraged all concerned Federal agencies to conduct early audit programs to check progress. I understand that the General Accounting Office has also been engaged in a review of the implementation of the law. I appreciate this effort and I am confident that Federal agencies will continue to cooperate in making improvements in these programs.

RICHARD NIXON.

THE WHITE HOUSE, *February 8, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Nunn) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

ANNOUNCEMENT ON LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, let me first say that when the Senate completes its business today it will stand in adjournment until Thursday next. I hope that in the meantime the appropriate committees will report out legislation which has been considered and which is ready, and which should be brought before the Senate for debate and disposal. In the way of passing Senate Calendar items, I wish that we could have made a better record in this first month of the session, especially in view of the fact that the committees were all set and operating within a week after the 93d Congress convened. There were certain steps taken in the way of procedural changes, in the way of restoring the balance between the legislative and executive branches. But much, much more remains to be done.

I would remind the Senate that we have several other recesses ahead of us—around Easter for a few days, Memorial Day for a day or two, the Fourth of July for 2 or 3 days, and then the month of August. That is more than enough time for us to attend to our extracurricular activities, and I would hope that it would be possible that meritorious legislation would be reported out of the committees as expeditiously as possible.

When the Senate returns next week, it is anticipated that action may well be taken on Senate Resolution 59, a resolution relating to the railroad transportation crisis caused by the freight car shortage and other factors, and it is hoped that by a week from Monday we will be able to take up S. 39, a bill to amend the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy and for other purposes.

Both of those measures are very important. As far as the freight car shortage is concerned, in my 30 years in Congress, every year there has been a freight car shortage and every year grain has rotted on the ground. This year it seems to be worse than ever, and instead of being an annual affair it is becoming a twice-a-year affair. This is a very important piece of legislation, and we will do what we can to get it up as expeditiously as possible.

Furthermore, the skyjacking bill is extremely important, and we will do our best to get that up as soon as possible, as well as the money resolutions for the committees, which will be reported out of the Rules Committee shortly.

Now, as to today, I have discussed the matter with the minority leader and the acting minority leader as well as the chairman of the Committee on Labor and Public Welfare, and, on behalf of the joint leadership, I wish to announce to the Senate that by the hour of 1:30, or no later than 2 o'clock, there will be a resolution before the Senate having to do with the strike on the Penn Central Railroad. I would therefore urge all Senators to remain at hand and to be prepared for the consideration of that resolution. It would be my hope that it would be the type of resolution which could be passed unanimously and without a vote, but that cannot be guaranteed; hence the reason for making this statement at this time, putting Senators on notice that this will happen and asking them to remain close by.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. Delighted.

Mr. JAVITS. For the information of the Senate, Senator WILLIAMS and I have introduced a joint resolution and Senator GRIFFIN has introduced a joint resolution. These are on Senators' desks, so that Senators may orient themselves as to the type of approach which will undoubtedly be taken in the recommendation of the Senate.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. AIKEN. I would say I was hesitant about bringing up Senate Resolution 59 last night, because we certainly needed more information on the subject. I expect before we meet next week to have a report from the Department of Agriculture, and also one from the dairy and poultry industry.

We are really facing a crisis in the Northeast because of this strike. The feed dealers for grain and poultry in New York and New England have, right now, an average of a 3- to 5-day supply of feed on hand. Had it not been for the release of Government-owned grain, particularly from the Northeast, where it was stored, we would have been in a desperate situation before this time.

As it is, the price of milk has gone up 2 percent, I think, since some time in November, while the price of dairy feed has gone up 28 percent in the same length of time, and the situation promises to be worse. So there is a crisis, and I think we should consider that a large part of it is due to the shortage of cars and railroad equipment, the reluctance of railroads to ship grain to an area where they are not sure of getting a return load, and other factors as well. Certainly the situation is more serious than would otherwise have been the case if these things had not happened.

I do not think that the sale to Russia has had so much to do with it. Of course, if I have the reports correctly, as I read them in the Wall Street Journal, and so forth, from day to day, there never was a time when there was greater speculation in the stock and commodity markets than there is right now, and I am sure that dealers who bought cottonseed cheaply—I think some growers will assure you that they practically stole the cottonseed—a couple of years ago are now simply selling it for unbelievable prices.

So we have that whole situation. I am glad it is going to be brought up, but I shall look out for our dairy and poultry people to the best of my ability. I know the situation is probably worse in the Middle Atlantic and the northern South—the first of the Southern States, the Carolinas and Georgia, shall we say—and not so bad in some areas of the country. In fact, some areas of the country would probably make more by cutting off the sale of Government-owned grain and putting it back under loan, even though it has been under loan for 3 years, than they would lose by the increased cost of dairy and poultry feeds.

But that is something we will have to take up next week, and I think it is high time that we do consider that whole situation. There has been a question in my mind as to whether shuffling the railroads is properly within the jurisdiction of the Committee on Agriculture and Forestry or not, but under the circumstances it is easy to understand the concern of all people engaged in agriculture.

We depend on the Penn Central altogether too much. I think some more permanent solution should be found for that situation, other than dumping a few hundred million dollars every few months into their coffers; and unfortunately, they have bought some of the other roads; I think the New Haven road has now come under their control.

So, except for Canada, I do not know that we would have any railroads at all up in New England. We do have a little service left, but it is a very important situation, and it is really serious. It is possible that we should have a moratorium on shipping of grain out of the country for a short time.

RECESS UNTIL 1:30 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until the hour of 1:30 p.m. today.

The motion was agreed to and, at 1:09 p.m., the Senate took a recess until 1:30 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. HATHAWAY).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 2(b), Public Law 89-491, as amended, the Speaker had appointed Mr. STUDDS of Massachusetts as a member of the American Revolution Bicentennial Commission, vice Mr. BURKE of Massachusetts, resigned.

The message announced that the House had agreed to the amendments of the Senate to the concurrent resolution (H. Con. Res. 105) providing for adjournment of the House from Thursday, February 8, 1973, to Monday, February 19, 1973.

ENROLLED JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled joint resolutions:

S.J. Res. 37. Joint resolution to designate the Manned Spacecraft Center in Houston, Texas as the "Lyndon B. Johnson Space Center" in honor of the late President; and

H.J. Res. 299. Joint resolution relating to the date for the submission of the report of the Joint Economic Committee on the President's Economic Report.

The enrolled joint resolutions were subsequently signed by the Acting President pro tempore (Mr. METCALF).

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS ON WEDNESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees be authorized to file reports between the hours of 9 a.m. and 3 p.m. on Wednesday, February 14.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT DURING THE ADJOURNMENT OF THE SENATE

Mr. **ROBERT C. BYRD.** Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives and the President of the United States during the adjournment of the Senate over until 11 a.m. on Thursday next, and that any such messages be appropriately referred.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AUTHORIZATION FOR THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, AND THE ACTING PRESIDENT PRO TEMPORE TO SIGN DULY ENROLLED BILLS AND JOINT RESOLUTIONS DURING THE ADJOURNMENT OF THE SENATE

Mr. **ROBERT C. BYRD.** Mr. President, I ask unanimous consent that the Vice President, the President pro tempore, and the Acting President pro tempore be authorized to sign any duly enrolled bills or joint resolutions during the adjournment of the Senate over until 11 a.m. on Thursday next.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

QUORUM CALL

Mr. **ROBERT C. BYRD.** Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **HUMPHREY.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. SCOTT of Virginia). Without objection, it is so ordered.

THE PRESIDENT'S IMPOUNDMENT MESSAGE IS UNACCEPTABLE

Mr. **HUMPHREY.** Mr. President, on February 5, the President of the United States submitted a special message to the Congress detailing the amount of congressionally appropriated funds impounded by the executive branch. This total comes to $8.7 billion, excluding the $5.6 billion water pollution funds withheld from obligation.

The most striking aspect of this message is its incompleteness—full reasons for fund impoundment are not specified, and little information is given as to when the Congress and the public can expect the funds to be released.

Mr. President, the Congress, last October, passed the impoundment information amendment which I offered to the debt ceiling bill. The purpose of the amendment is simple: to require the President to notify the Congress whenever funds are impounded. More specifically, though, the amendment provides that the President must send a special message to the Congress stating specific information about the funds impounded: The date on which the funds were impounded, the department or establishment of government to which such funds would have been available except for the impoundment, the period of time during which the funds are to be impounded, the reasons for the impoundment, and, to the maximum extent practicable, the estimated fiscal, economic, and budgetary effects of the impoundment.

Mr. President, might I also add, the Reorganization Act emphatically and specifically requires that the Director of the Office of Management and Budget shall make available to Congress, upon its request, to any committee or to any joint committee, the information, the data, with respect to program activities, and receipts of expenditures of such agencies. So all we were doing with this impoundment amendment was to fortify the Reorganization Act of 1970. If this had been done as it should have been, there would have been no need for the Humphrey amendment.

But I regret to say that the executive branch was not automatically fulfilling the requirements of law.

The amendment to which I have referred specifies that the President shall report promptly on any such impoundments. That bill was signed in October. No report or intention to report was ever filed with Congress until the beginning of the New Year.

In short, it took 4 months for the President and his Director of Management and Budget to develop a list, print it, and send it to Congress. Yet, the President's own list indicates funds that were impounded both before and after the effective date of the impoundment amendment. Specifically, the 1974 census of agriculture funds were impounded on November 24, 1972, and funds for the Appalachian Regional Development program were impounded on September 22, 1972.

It took an act of Congress to get the executive branch of Government to inform us of this action on the part of the executive office.

It would seem to me that the administration could have at least obeyed the law by providing this data to Congress. But, the administration did not obey the law. As I have said repeatedly, the administration seems to have a special propensity for avoiding the law, changing the law, or disobeying the law.

Now that the report has been sent to Congress, I must say in all candor that it is unacceptable. The Office of Management and Budget had 4 months to prepare a comprehensive report. It had 4 months to consider the requirements of the legislation. Yet, the final product of OMB efforts looks like the report was put together in less than a week's time.

It is my opinion that this message should be returned to the President by Congress. The message should be designated exactly what it is—an unacceptable accounting of impounded funds.

The first glaring error of the report concerns the requirement of law that each impoundment action be accompanied by a estimate to the maximum extent practicable of the fiscal, budgetary, and economic effects of the impoundment. No such information was given us.

The President and the Office of Management and Budget dismiss this requirement as almost meaningless. They say:

> The reserves listed are consistent with the 1974 budget, transmitted to the Congress on January 29, 1973. Therefore, the estimated, fiscal, economic and budgetary effect of the reserves have been reflected in the estimates and information in that budget.

If anyone ever heard a lot of what is called bureaucratic gobbledygook language, that is it. That does not tell one anything. It does not relate to anything that is meaningful and practical.

May I say that this response of the Office of Management and Budget is contrary to the letter and most assuredly the spirit of the law. I want to know what the economic, fiscal and budgetary effects are of closing down the REA program or cutting back the housing program.

The fact is that neither the budget nor the special impoundment message delineates what effect closing the subsidized housing program will have on employment, inflation, or construction-materials production, not to mention what effect it has on the personal needs of people. This information is not in the budget. It is not in the special impoundment message. Yet, it is the analysis that is required by law. And, it is the kind of analysis that must be made for either the executive or Congress to decide rationally what programs should be cut and by how much.

I have just come from a hearing with the new director of the Office of Management and Budget, Mr. Ash. I noted to him that in all the material we have received on the budget, no justifications are made for the impoundments, no justification is made for the cutoff of programs, the termination of programs; yet, the law specifically requires it. The law of 1970—not 1972—requires it; and the word is there that the director "shall"—not "may" or "is empowered"—furnish to the committee or joint committee or Congress the information that is required.

The impoundment amendment of 1972 was merely to outline explicitly, in considerably more detail, the information that was sought and needed. The information we need is not in the budget. It is not in the special impoundment message. Yet, it is the analysis that is required by law, I have said, and it is the kind of analysis that must be made for either the Executive or Congress to decide rationally what programs should be cut and by how much.

Furthermore, the special message gives little hint at when the President intends to release these funds. The message suggests that the administration will review the situation quarterly, to see if funds can be released.

In other words, the President simply does not plan to release these funds. This is hardly complying with the law—especially when impoundment is illegal in the first place. This administration is not playing straight with the Congress and the American people.

I think Senators would like to know

that in today's cross-examination of the Director of the Budget, I asked the Director whether or not the budget ceiling that the President has suggested of $268.7 billion was to be the budget ceiling insofar as the President was concerned—in other words, that the President was not going to ask for more money, that that figure would stand and would stay. I was told categorically "Yes," that the President would not increase that figure.

I mention this because a year ago the original estimate on spending by the President was $246 billion. He later came in and asked to raise it to $250 billion—in other words, with a supplemental budget request.

The purpose of my question today was that there is no information in the budget as to whether or not there will be funds for North Vietnam.

We keep hearing about it, keep reading about it. I keep hearing that we are going to have some kind of aid program. Two billion nine hundred million dollars for South Vietnam is hidden in the budget, not labeled. You cannot find it. You have to cross-examine Mr. Ash, and finally you find that such an amount of money is earmarked in the budget for South Vietnam. Yet everything I read tells me that there may be an aid program for North Vietnam.

Mr. President, I am not drawing any conclusion or judgment as to whether or not we should have a program. That is a matter we will decide later on. After all, another President made such a proposal, too—President Johnson, in his speech at Johns Hopkins in 1966. So I am not being critical of the President on the matter of suggesting that there might be an aid program for North Vietnam.

I merely want the Senate to note that the Director of the Budget said that if a proposal came here, to Congress, to aid North Vietnam, the money would have to be taken out of the programs that are presently in the budget. In other words, there would have to be more cutbacks on things that are already cut back in the budget.

So let Congress be on notice that the Director of the Office of Management and Budget has said that if the President comes to Congress and asks for money for North Vietnam, he is going to take it out of the hide or out of the substance of programs that are currently in the budget for 1974. I think this will cause us to do some second thinking about aid and about what we are going to do concerning the presidential budget message.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. PASTORE. Mr. President, I congratulate the Senator from Minnesota for his very elucidating address this afternoon on the floor of the Senate.

My explanation is that before I am going to vote for a Marshall plan for North Vietnam, I want a Marshall plan for the Americans; I want a Marshall plan for the elderly in America, those who are looking for homes and cannot buy them, and people who are disturbed by the price of food. I think we ought to begin to think about Americans before we begin to talk about rehabilitating North Vietnam.

As the Senator pointed out, Lyndon Johnson gave them a chance in 1966, and they told him to go fly a kite. That was even before any bombing was started.

Mr. HUMPHREY. The Senator is correct.

Let me say to the Senator that we have cities in America that are more devastated or as much devastated today as they are in Vietnam.

When I look at the programs that are cut back and I think about what requests are being made, I am going to take a good, long, hard look before I vote for proposals that will consume vast sums of our resources for overseas when we are in desperate need here at home in area after area. The crime rate in our cities still is a terrible thing. The slums, the filth, the decay of urban areas, all of these things are going to necessitate our attention. In other words, put our own house in order. One of the greatest contributions we can make to world peace is to show we can live at peace in our own midst.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. ROBERT C. BYRD. Mr. President, I rise at this moment to congratulate the distinguished Senator from Minnesota (Mr. HUMPHREY) for the amendment which he offered last October to the measure extending the debt limit. The amendment which was offered by my distinguished friend required the administration to inform Congress promptly of impoundments and the reasons therefor, the date thereof, and so on.

Time passed until January, when the Senate considered House Joint Resolution 1, which extended the date by which the President could submit the budget, to January 29. Under the law, he is required to subject the budget within 15 days after the convening of Congress, to wit, this year, January 18.

I offered an amendment to that bill to require that the information concerning the impoundment be submitted to Congress by January 29. At the request of the distinguished assistant Republican leader, I modified my amendment to extend that date to February 5. The House further modified it to make it read February 10.

The problem I am pointing out here lies in interpretation of the word "promptly." The distinguished Senator from Minnesota used the word "promptly," last October. Information on impoundments had not been received, however, as of January. I realize Congress had been out of session for awhile, but I thought it necessary to write into House Joint Resolution 1 that information on impoundments be submitted by a specified vote, namely, January 29.

I hope the distinguished Senator will give consideration—and I would like to join him in such—to further amend the law to require that information on impoundments be submitted—not "promptly," because apparently there is disagreement as to what "promptly" means, but that information on impoundments should be submitted quarterly, at least.

This would be specific and I think certainly justified. There may be those who would argue that we are looking at this from a partisan standpoint. I do not think so. I think that any administration and any President should be required to supply to Congress, regardless of the party in control thereof, this information at regular intervals. I do not think Congress can wisely legislate and appropriate unless it has this information at hand.

I hope the able Senator—and I will be glad to join him—will give further consideration toward amending the law to provide a requirement for such information—at least quarterly.

Mr. HUMPHREY. I think the suggestion is a good one. A quarterly report is specific. We would not have to argue about words. And the Government operates on a quarterly basis in the utilization of programs and appropriations.

At the proper time when we have the opportunity to make amendments I will join with my friend, the majority whip, and we will make what I think is a good correction in the current law.

The administration supports its claim as to specific authority to impound funds in its report to us by listing eight legal bases for impoundment. I ask unanimous consent to have printed in the RECORD at this point in my remarks the eight specifications or alleged justifications.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Code and authority and reasons for present action

1—"To provide for contingencies" (31 USC 665(c)(2)).

2—"To effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such (funds were) made available" (31 USC 665(c)(2)).

3—To reduce the amount of or to avoid requesting a deficiency or supplemental appropriation in cases of appropriations available for obligation for only the current year (31 USC 665(c)(1)).

4—"To achieve the most effective and economical use" of funds available for periods beyond the current fiscal year (31 USC 665(c)(1)). This explanation includes reserves established to carry out the Congressional intent that funds provided for periods greater than one year should be so apportioned that they will be available for the future period.

5—Temporary deferral pending the establishment of administrative machinery (not yet in place) or the obtaining of sufficient information (not yet available) properly to apportion the funds and to insure that the funds will be used in "the most effective and economical" manner (31 USC 665(c)(1)). This explanation includes reserves for which apportionment awaits the development by the agency of approved plans, designs, specifications.

6—The President's constitutional duty to "take care that the laws be faithfully executed" (U.S. Constitution, Article II, Section 3).

6a—Obligation at this time of amount in reserve is likely to contravene law regarding the environment; or the amount in reserve is being held pending further study to evaluate the environmental impact of the affected projects (activities) as required by law.

6b—Existing tax laws and the statutory limitation on the national debt (as provided under Public Law 92-599) will not provide sufficient funds in the current fiscal year to cover the total of all outlays in that year contemplated by the individual acts of Congress.

6c—Action taken pursuant to President's responsibility to help maintain economic stability without undue price and cost increases (P.L. 92-210, which amended Section 203 of P.L. 91-379).

6d—Amount apportioned reflects the level of obligations implicity approved by the Congress in its review of and action on the appropriation required to liquidate obligations under existing contract authority.

6e—Other. See footnote for each item so coded.

7—The President's constitutional authority and responsibility as Commander in Chief (U.S. Constitution, Article II, Section 2).

8—The President's constitutional authority and responsibility for the conduct of foreign affairs (U.S. Constitution, Article II, Section 2).

Mr. HUMPHREY. Mr. President, this list deserves brief comment.

REASON 2

To effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such—funds were—made available (31 U.S.C. 665(c)(2)).

Of course, this section of the Antideficiency Act is highly controversial. No one can know what is meant by "other developments" and the other general phrases. What precisely does OMB have in mind when it uses this so-called reason? Why did it not specify intent?

REASON 5

Temporary deferral pending the establishment of administrative machinery—not yet in place—or the obtaining of sufficient information—not yet available—properly to apportion the funds and to insure that the funds will be used in the most effective and economical manner (31 U.S.C. 665(c)(1)). This explanation includes reserves for which apportionment awaits the development by the agency of approved plans, designs, specifications.

Who would know what that means? OMB refuses to say.

REASON 6

The President's constitutional duty to take care that the laws be faithfully executed (U.S. Constitution, art. II, sec. 3.).

That is purely a catchall phrase, used to justify a variety of impoundments. Standing by itself, the words can have no definite meaning to a Member of Congress unless it is that the President should carry out the will of Congress. That is my interpretation of article II, section 3 of the Constitution, which calls upon the President to take care that the laws be faithfully executed. It is beyond me how the Office of Management and Budget can say where the President is directed to faithfully carry out the laws of this country he can stop a program which Congress has appropriated and funded.

Few Members of Congress would disagree with the authority of the President to reserve expenditures in order to "effect savings" under the antideficiency statutes. Yet, the great bulk of the impoundments are done on the flimsy reason that:

> Existing tax laws and statutory limitation on the national debt will not provide sufficient funds in the current fiscal year to cover the total of all outlays in that year.

But, the fact is, Mr. President, that debt ceilings increases are granted by Congress almost upon request by the President. And, tax laws—as the administration action in the fall of 1971 shows—can be changed.

The President could propose a tax reform package. He could propose legislation that would bring some farmers to the tax system. But, the President is backing away from tax reform. Tax reform is not even on the mind of the President; it is not mentioned in the budget or in the economic report of the Council of Economic Advisers and I venture to say that since the last election it is not on the mind of the President or of the executive branch.

The simple fact is, Mr. President, that the "existing tax laws and debt ceiling limitation" reason for impoundment is simply another catch-all category used by OMB to evade the impoundment information law. It offers no special insight into why a program was cut back or halted.

It does not tell why. It only tells that this is the reason. And, that is that. There is little proof or reason given for the decision. There is only the decision.

What the President and his Director of the Office of Management and Budget do not say is why—why is it that tax laws and debt limits prohibit spending on the Economic Development Administration, grants for special water and sewer projects, housing, while at the same time permits spending on the B-1 bomber, Trident submarine, and various other military projects?

Mr. President, the Nixon administration could have performed a valuable public service if it had complied with the impoundment information law. Perhaps that partnership that the President claims he wants with the Congress could be forthcoming.

But the President seems not to want a partnership. He seems to or appears to want to fight a political battle; yes, confrontation. May I say most respectfully that is not the way to govern this country.

We need a partnership between the two areas of government.

I believe it is time that the President and his advisers stopped acting like a super-government, above the law.

Mr. President, I believe it is time that the Nixon administration demonstrated sincerity and good faith in implementing the laws of our Nation.

NEED FOR RENT CONTROLS

Mr. CASE. Mr. President, since the end of the phase II economic control program thousands of tenants have received notice of—or already are paying—outrageous increases in rent. Public confidence in the fairness and equity of the entire Federal control program has been seriously eroded.

While many in government speak in statistical terms the end of the Federal control program on rent is also a story of human fear and desperation especially for older people. High rent increases immediately undo what all of us in Congress have worked to achieve—to provide older people with the financial protection they need to live out their lives comfortably and constructively.

It is shocking the Federal rent control program has been ended. The measure of the shock is best reflected by the voices of the elderly and their friends.

I would like to put on the record some of the facts as told to me by senior citizens in New Jersey:

> DEAR SENATOR CASE: I would like to bring this to your attention. My rent was raised $39 (since the end of Phase II), from $156 per month to $185 per month, and being a senior citizen on a small fixed income, I simply cannot pay this increase.
>
> What is an old woman to do with a small income, she certainly can't get another apartment as there are none to be had.
>
> SPRINGFIELD, N.J.

> DEAR SENATOR CASE: . . . We are retired living (trying) on a fixed income and each time our lease date comes up we fear another increase. . . . We rented this apartment July 1968 for $145 per month, in 1969 the rent was raised to $150, in 1970 $160, in 1971 $170 and in 1972 $181.25.
>
> COLLINGSWOOD, N.J.

> DEAR SENATOR CASE: . . . This latest increase—the third since President Nixon's 90-day freeze ended November 14, 1971—means that the rent of my mother-in-law, a 79-year old invalid widow dependent to a large extent on her social security income, will have risen from $100 on November 14, 1971 to $175 on March 1, 1973—a 75% increase within the brief span of 15½ months. . . .
>
> CRANFORD, N.J.

> DEAR SENATOR CASE: . . . We certainly benefitted from (Phase II), as we signed a one year lease with an increase of $24 per month. However, on Saturday January 20, we received a notification of an increase of $50 per month. This brings our present rent of $264 per month to $310 per month, which is approximately a 33⅓% increase over the $240 we paid from October 1, 1971–October 1, 1972. We do realize we are living in a very marketable housing area, but an overall increase of $75 per month in one year seems preposterous. Surely, Phase III holds some restraints.
>
> CHATHAM TOWNSHIP, N.J.

At this point I ask unanimous consent to have printed in the RECORD an article by Richard Zimmermann, staff writer for the Bergen Record of Hackensack, N.J.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ON SOCIAL SECURITY, RENT HIKE IS JOLTING

(By Richard Zimmermann)

George Slane, 81, gets a monthly Social Security allotment of $212.90.

In 1971, he paid $110-a-month for a four-room apartment in the Brookchester Apartments in New Milford. In 1973, it will be almost twice that.

In 1972, his rent jumped 59 per cent, to $175. This month, he was notified his new one-year lease would be $197 a month. But when he tried to sign that lease Friday, he was told his 1973 rent would be $210 a month, 20 per cent more than last year.

The 1973 surprise package came after President Nixon lifted wage, price, and rent controls under Phase III of his economic game plan. And what is happening to George Slane is also happening to many others caught in the midst of Bergen County's housing squeeze.

Slane's wife died a year ago, so his monthly Social Security check was reduced by about

$100. But while the check dropped to $212.90, his bills kept rising.

Slane called the Internal Revenue Service, which handled complaints under the first two phases of the Nixon Administration's wage, price, and rent control program.

"They're just foundering around down there," he said. "I can't get a straight answer from anyone."

Actually there is nothing IRS can do to help him.

"As long as the rent increases comply with state and municipal regulations, the IRS has no further jurisdiction over rents," said Thomas Coleman, stabilization manager of the Newark IRS office.

When Nixon lifted controls a week ago, he called for voluntary compliance with Phase II rules. Indications are that few landlords are holding the line.

Slane's landlord, George Costa, has had financial problems, says his accountant, Murray Hyman of Fort Lee. He says Costa got a new mortgage on the 440-unit complex in mid-1971, then found that—because of Phase 2 controls, he could not increase rents to pay for the new loan and for improvements to the property. Now he's trying to bring rents up to market value, says Hyman.

Unless Costa can boost rents, Hyman says, he will lose $80,000 this year. Hyman claims Costa is not increasing rents as much as he could have under the rent freeze guideline. By that rule, Slane's rent could have gone to $254 a month.

The U.S. Attorney's office in Newark is handling a complaint against Costa based on charges of Phase I and II violations.

Some communities have adopted local rent-leveling ordinances, but many of these are being held in abeyance pending a state Supreme Court ruling on their constitutionality.

In the meantime, Slane and tenants at Brookchester and elsewhere are wondering how they'll pay higher rents.

Even luxury apartment dwellers are finding that increases are well above the suggested Phase II limit of 8 per cent.

Dr. Philip Haf, for example, moved into the new Empress House Apartments in Paterson in 1966. A dentist, he paid $272 for his two-bedroom apartment. Since then, his rent has increased 34.6 per cent to $366 a month. He says that since Phase II guidelines came off, new leases are calling for increases of 18 to 20 per cent. Asked why he stays in a place he says is overly expensive and offers shoddy services, he answered:

"Where are you going to go? Horizon House or Hackensack where the rents are even higher? We're locked in. It's a landlord's market and we have to stay and suffer."

Haf is president of the Empress House tenants association.

The new burst of rent hikes is expected to give impetus to the organization of tenant groups in the state. The New Jersey Tenants Organization is collecting incidents of what it considers outright gouging to use in a renewed campaign to get local and state rent leveling legislation.

The NJTO says tenants without leases are under the most stress, since landlords can raise rents monthly.

Mr. CASE. Mr. President, I also ask unanimous consent to have printed in the Record another article from the Jersey Journal, of Jersey City, for February 2, 1973, on the matter of rent increases in this particular community.

There being no objection, the article was ordered to be printed in the Record, as follows:

Gregory Takes Lead in Rent Increases

Jersey City rent increases today continued to snowball despite federal suggestions two weeks ago that rent rises be "moderate."

Landlords, particularly in the Downtown part of the city, have reportedly been jacking rents more than a third of what they were before increases.

Leading the parade is Arthur Padula, developer of the Gregory Apartments. Tenants there have been getting boosts of from $40 to $75. Gregory is the beneficiary of a generous tax relief under the limited dividend concept. Under this arrangement the landlord pays the city 15 per cent of his total rentals, less certain maintenance and utilities, in lieu of taxes. This is a considerably lower tax bill than that which the ordinary landlord pays on 100 per cent of assessed value.

Padula is currently in trouble with the state Environmental Protection Department and faces a court hearing for violating the state's clean air regulations. The agency contends that Padula's incinerators are a health hazard.

Robert T. Baker, secretary of Gregory Tenants Association, said the group is now collecting signatures to be presented to Gov. Cahill and the Jersey City Council through Councilman Morris Pesin. They are notifying the state and city that the rent raises range from eight and a half to 50 per cent.

Baker also said he has been in touch with the state attorney general to determine whether the tenants can participate in the pollution action against Padula as "a friend of the court."

The case is scheduled to be heard next Friday by Superior Court Judge A. Alfred Fink. The state charges Padula with smoke violations as the result of improper operation of the boiler at Gregory in July 7, 1972.

According to the Mayor's Action Bureau, one Downtown tenant reported a $67 increase on a studio apartment. Other tenant complaints came from 27 Spanish-speaking residents on Ninth Street. Of 27 on one block, 17 people reported $15 rises and 10 complained of $30 increases.

Meanwhile, the state assembly conference committee is expected to move proposed rent control legislation for a floor vote in two weeks. The bill proposes landlords be required to account for planned increases.

Jersey City Assemblyman Michael Esposito, a committee member, said the proposed legislation will be turned over to the municipal government committee for amendments to make it optional, rather than mandatory, for municipalities to decide whether they want to impose rent legislation.

Meanwhile, West Side Councilman Morris Pesin said he will introduce a rent control ordinance before the city council Tuesday that would parallel one currently in effect in Fort Lee.

Tuesday, Pesin submitted petitions to Gov. Cahill and the conference committee from tenants at 192, 196 and 200 Clinton Ave., protesting rent increases of approximately 30 per cent. According to the tenants, rent raises ranged from $16 to $41 at the three buildings owned by Dominion Enterprises of Ridgewood headed by Richard J. Albigese of Ridgefield.

Under federal guidelines, the increases would have been $3 to $5.

Albigese commented "the rent increases may represent an increase to them that's high, but expenses have gone up. We're not trying to gouge them."

The owner contended his mortgage expenses, insurance costs and need for repairs had forced him to jack rents. "If we didn't make the increases, the buildings would end up as tenement dumps."

Rent increases are being reported to the Action Bureau from points throughout the city. On Laidlaw Avenue, a $25 rise was reported. Also reported to the bureau were a $15 raise on Hague Street, two $10 increases on Palisade Avenue, and a $25 increase on Van Reipen Avenue.

An Action Bureau official said during the rent freeze, his office received only one or two weekly rent complaints.

Since the federal ban was lifted, the office has been averaging five complaints each day, the official said.

In another development, Bess R. Gollin, president of the Jersey City Rent Payers Association, is prepared to appear before the committee handling the rent control bill to urge its immediate passage.

Mrs. Gollin also plans to suggest a tenant-landlord division of the state community affairs department in every city to hear complaints and suggestions on rent problems. The Jersey City rent control proponent already has appeared at three state hearings on rent control to urge protective legislation.

"Some type of rent control is needed at the present time as long as the housing shortage is still with us," the rentpayers' leader said. "In the light of this, tenants need some protection against vindictive landlords and agents for arbitrary rent increases and evictons clutterng up our courts today."

Mr. CASE. Mr. President, here are a few more communications, and I may say that my office has not been just getting them now, but over the last 2 months we have been deluged with appeals for help from people who have nowhere else to turn except to us:

Dear Senator Case: Please pardon me taking this liberty in writing you but I wanted to know if the landlord is allowed to raise rents. We are both senior citizens going on eighty years old and I have just had another raise of twenty dollars a month for one year and thirty more for the following year.

Trenton, N.J.

Dear Senator Case: * * * The rents were increased $40 a month on a $120 a month apartment 2 years ago. Now we are being raised $25 per month since the rent control went off. I and many here are on social security * * * Where can we go?

Collingswood, N.J.

Dear Senator Case: * * * I am living on a postal employees pension and I am used to it here and can't afford to move and am not up to it. But I don't know how I can manage a $20 raise now, unless I stop eating.

Camden, N.J.

Dear Senator Case: * * * We (my daughter and I) have resided here in this apartment since the death of my husband in 1961, and we paid reasonable rent at reasonable rent increases.

Three years ago these apartments were sold to a corporation and since that time our rent increased from $135 per month up to $210 per month. * * *

Rahway, N.J.

Dear Senator Case: Up to July 1971 my rent was $157.50 per month, a sum almost beyond my ability to pay. In July 1971 (without any rent control) my rent soared to an alarming $190 per month. In 1972 because of your Phase II my rent increased by only $6.00.

Unfortunately on January 11, 1973 the Cost of Living Council removed all formal controls from the economy. Two days later my landlord advised that my rent would be $235 per month. This means that after I pay the rent, phone, electric, doctor, and dentist I have about $1.00 a day to exist.

Cedar Grove, N.J.

Dear Senator Case: In our county * * * a landlord increased the rent of an 80-year old senior citizen widow living solely on social security, from $137.50 per month to $190.00 a month, effective March 1.

Sparta, N.J.

I have received hundreds of letters from my constituents reflecting situations much like the above. It is clear that Congress must act by reinstituting Federal rent controls on a retroactive basis to protect our senior citizens and insure that congressional programs for the aged provide the help promised older citizens.

Mr. President, several days ago I introduced legislation to this effect. I have had good response from those of my colleagues who have been advised about it. We have had a hearing before the Banking and Currency Committee. The Senator from New York and I were warmly received. My colleague from New Jersey, who has sponsored this legislation, and who has responsibility in the committee for it, is on the floor, and can confirm that fact.

I urge that we take affirmative action, and quickly, to help these people who are desperate by reason of these increases in rent.

I yield the floor.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. JAVITS. Mr. President, I ask unanimous consent that Eugene Mittelman, an aide to the Committee on Labor and Public Welfare, be given the privilege of the floor during the consideration of the joint resolution which will be considered shortly.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 59—REPORT OF A COMMITTEE

Mr. WILLIAMS, from the Committee on Labor and Public Welfare, reported without amendment, the following joint resolution:

S.J. Res. 59. A joint resolution to extend the provisions of the Railway Labor Act, and for other purposes (Rept. No. 93–18).

SENATE JOINT RESOLUTION 59—EXTENSION OF PROVISIONS OF RAILWAY LABOR ACT

Mr. WILLIAMS. Mr. President, I send to the desk Senate Joint Resolution 59, which was reported unanimously from the Committee on Labor and Public Welfare and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be read for the information of the Senate.

The joint resolution (S.J. Res. 59) was read the first time by title, and the second time at length, as follows:

S.J. RES. 59

Joint resolution to extend the provisions of the Railway Labor Act and for other purposes

Whereas a labor dispute exists between the Penn Central Transportation Company and certain of its employees represented by the United Transportation Union, arising out of the Penn Central Transportation Company's implementation of a plan to eliminate approximately 5700 train crew positions; and

Whereas the recommendations of Presidential Emergency Board Number 180 did not result in a settlement of this dispute, and all procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted; and

Whereas such dispute has now resulted in a cessation of the Penn Central Transportation Company's rail carrier operations; and

Whereas such cessation of operations by the Penn Central Transportation Company, a rail carrier which transports 225,000 passengers a day and 20% of the Nation's freight, and which provides many necessary connections with numerous other rail carriers operating throughout the Nation, threatens essential transportation services vital to the national health and safety; and

Whereas the Penn Central Transportation Company is now undergoing reorganization proceedings under Section 77 of the Federal Bankruptcy Act, and its court-appointed trustees have indicated that present reorganization proceedings will not be successful, even with the eventual elimination of 5700 train crew positons, alone, and that a massive infusion of Federal financial assistance would be needed; and

Whereas the financial crisis of the Penn Central Transportation Company is so acute that cessation of its operations for even a short period of time, may make it financially impossible to resume operations; and

Whereas failure of the Penn Central Transportation Company to resume operations, in addition to the previously stated impact on vital transportation services throughout the Nation, will further threaten the continued operation of other financially-imperiled rail carriers in the Northeast section of the Nation; and

Whereas the President has not provided the Congress with any proposals for preserving essential rail services in the Northeast section of the Nation, including those services which would be jeopardized by financial collapse of the Penn Central Company; and

Whereas the Congress finds that emergency measures are necessary to assure the continuity of essential rail transportation services: Now therefore, in order to encourage the parties to the dispute to reach their own agreement, and to provide time for the submission to Congress of a comprehensive plan for preserving essential rail services in the Northeast section of the nation, be it

Resolved by the Senate and the House of Representatives of the United States in Congress assembled, That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the above dispute, so that no change, except by agreement, shall be made by the Penn Central Transportation Company or by its employees, in the conditions out of which such dispute arose prior to 12:01 antemeridian of May 9, 1973.

SEC. 2. Not later than 45 days from the enactment of this joint resolution the Secretary of Transportation shall submit to the Congress a report which, regardless of the settlement of the particular dispute between the Penn Central Transportation Company and its employees represented by the United Transportation Union, provides a full and comprehensive plan for the preservation of essential rail transportation services in the Northeast section of the Nation, including the President's proposals, if any, regarding Federal financial expenditures necessary for restoration or preservation of rail transportation services imperiled by the financial failure of rail carriers, and for alternative means for providing essential transportation services now provided by such carriers.

SEC. 3. Not later than 30 days prior to the expiration date specified in the first section of this joint resolution, the Secretary of Labor shall submit to the Congress a full and comprehensive report containing—

(1) the progress, if any, of negotiations between the Penn Central Transportation Company and its employees represented by the United Transportation Union; and

(2) any such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

Mr. GRIFFIN. Mr. President, I object for the moment and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO RICHARD HELMS ON HIS APPOINTMENT AS AMBASSADOR TO IRAN

Mr. PELL. Mr. President, I am delighted to support the nomination of Richard Helms as Ambassador to Iran.

Mr. Helms is a man of immense intelligence and ability and has brought a level of excellence and esprit de corps to the Central Intelligence Agency, which he has headed so ably these past 6 years, that is unsurpassed.

I know how impressed I have been by the intelligence and the grasp of knowledge of his people around the world.

In my view, we are indeed fortunate as a nation to have a man like Richard Helms serving as our Ambassador and I believe the Persians are to be congratulated, too, on having him as our spokesman there.

To Dick Helms and his lovely wife, Cynthia, I wish Godspeed on their voyage and know they will have a most successful tour of duty.

QUORUM CALL

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO WALLACE B. EDGERTON, FORMER ACTING CHAIRMAN AND DEPUTY CHAIRMAN OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES

Mr. PELL. Mr. President, it is with great pleasure that I share with my colleagues, a tribute to Wallace B. Edgerton, former Acting Chairman and Deputy Chairman of the National Endowment for the Humanities and recently appointed President of the International

Institute of Education based in New York City.

Wallace Edgerton first came to Washington and became known to many of us in 1959 as Administrative Assistant to Senator HARRISON WILLIAMS. After leaving Senator WILLIAMS' staff in 1963, he did some consulting. In 1966 he joined the Endowment as its Deputy Chairman at the invitation of the then Chairman Barnaby C. Keeney. At the expiration of Dr. Keeney's 4-year term in July 1970, he assumed the duties of Acting Chairman and served the Endowment in this capacity for 17 months. Upon the appointment of Dr. Ronald Berman as endowment Chairman in December 1971, he again became the Deputy.

Under Wallace Edgerton's leadership many of the distinctive directions that the endowment continues to pursue with significant effect were begun or expanded. The Endowment seeks to support research and generate public understanding of the humanities. Wallace's interest was not only the traditional and academic constituency of the humanities, but the broader audience of the general public. On the importance of the humanities to this public, he remarked in his introduction to the 1970 Annual Report of the Endowment:

> For the individual in meeting his needs to make wise choices, the humanities offer the clarification of alternatives, the perspectives of time, and the judgments of experience. For the individual functioning as a citizen they provide the only means he has to see many of today's issues in light of the experience of the past and in a context of the thinking of the wisest men our human past has produced.

Pursuing this goal to bring the humanities to every member of our society, the endowment, under Wallace's direction, began its State-based program of informal adult education which will reach all 55 States and territories by the end of the present year. This program is a major effort to encourage the involvement of the American public in a real examination of our national life in the past, the present, and as it might be in the future.

The Jefferson Lecture Series, also begun under Wallace's direction, stands as another link between the resources of the humanities and the general public. The Series is envisioned as a forum for outstanding humanists, that their ideas and wisdom may reach the public, and that living issues may be the test of humane learning.

The vitality of these programs and of the Endowment as a whole is a continuing testimony to Wallace Edgerton's work and concern for the humanities, but I would also like to include a more personal testimonial to Wally himself, unanimously approved by the National Council on the Humanities, the Presidentially appointed 26-member advisory council to the Endowment, on October 21, 1971:

> As the Acting Chairman has said, we have lived through a new era in our national life and national planning; the Endowment has grown considerably since the beginning and found its identity. . . . It is the Council's grateful belief that in this interim period Mr. Edgerton presided over the coming of age of a significant innovative experiment of our Government. This was to imagine a mission, to devise ways to give it life, and with it to begin to realize for the American people means by which the humanistic heritage could find contemporary fulfillment for our countrymen. Devoted leaders, according to their lights, gave earlier impetus to the purposes of the Endowment. It fell to the Acting Chairman in his protracted period of service to crystallize ideas conceived earlier, to open new creative channels to members of staff and Council, to initiate his own innovations, and to command the productive loyalty of his colleagues by his sensitive leadership and executive imagination. For his personal qualities of grace of spirit, generosity, selflessness, and energy of intellect, and for his particular creation of a courteous collegiality between Council and staff, we, the Council members, offer to Wallace Edgerton our abiding and grateful respect.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. WILLIAMS. Mr. President, I am happy to join the Senator from Rhode Island in congratulations to Wallace Edgerton in this new post. I know that in this post he will contribute much, as he has in all the positions he has held, including, as the Senator said, a position in my office when I first came to the U.S. Senate. Wallace Edgerton is a magnificent man and is ideally equipped with ability, experience, background, and temperament for the job he now holds.

Mr. PELL. I thank the Senator. No man in the Senate knows Mr. Edgerton better than does the Senator from New Jersey (Mr. WILLIAMS).

I think I can only echo this sentiment for myself and for fellow members of the Special Subcommittee on Arts and Humanities. In wishing him well as president of the International Institute of Education, I also wish to acknowledge his outstanding contributions, as a public servant, to the National Endowment for the Humanities and the best interests of our national life.

ORDER OF BUSINESS

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 59—EXTENSION OF PROVISIONS OF RAILWAY LABOR ACT

Mr. WILLIAMS. Mr. President, the resolution (S.J. Res. 59) reported unanimously from the Committee on Labor and Public Welfare is at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senate will proceed to consider the joint resolution.

Mr. WILLIAMS. Mr. President, this resolution deals with the emergency situation that the Nation faces because of the strike that is now several hours old on the Penn Central Railroad. The resolution was introduced this morning. We in the committee heard from the Department of Transportation. We heard from Mr. Usery, the Assistant Secretary of Labor, Mr. Langdon, a trustee of the Penn Central, Mr. Chesser of the United Transportation Union, Representative PEYSER, the Senator from Indiana (Mr. HARTKE), and Mr. Ingraham, the Federal Railroad Administrator.

The resolution cites in the whereas clauses the crisis the Nation faces because of this strike. It then provides that the cooling-off provisions of the Railway Labor Act will continue until May 9, 1973. Then it calls for submission by the President to Congress of a report not later than 45 days after enactment, a report that provides a comprehensive plan for preservation of essential rail services in the northest section of the Nation.

It also provides that not later than 30 days prior to the expiration date, which is May 9, the President shall submit to Congress a full and comprehensive report containing the progress, if any, of negotiations between Penn Central and employees represented by the United Transportation Union, and any such recommendations for a proposed solution of the dispute described in this joint resolution, as he deems appropriate.

The dimensions of the impact of this strike were fully described before our committee. It is truly a situation that presents a national crisis in terms of the health of the Nation, its safety, and certainly, manifestly, the economy of the entire northeast section of the country.

Mr. PELL. Mr. President, the Committee on Labor and Public Welfare, of which I am a member, has reported to the Senate a measure which would put a quick end to the labor dispute which is now so adversely affecting our State of Rhode Island. Without going into the pros and cons of the dispute itself, it should be noted that stoppage of the Penn Central service to my own Rhode Island and to New England has a devastating effect and that Congress has acted expeditiously.

It is my hope and expectation that the Senate and the House will take speedy action on this matter.

Mr. JAVITS. Mr. President, I wish to point out that the Senator from Michigan (Mr. GRIFFIN) this morning introduced a resolution to extend the time for 30 days and get the railroad rolling again, out of the deep conviction that this was all the time that should be taken.

If we pass this resolution now it should be clear had the Senator from Michigan (Mr. GRIFFIN) chosen to press that point that would have been the end of any hope of acting in the Senate today. The country should understand that, and that he placed a higher priority on getting the railroad rolling than on his conviction of what the resolution should state.

Second, we did have before us the necessary witnesses to establish the existence of an emergency. We had before us

Assistant Secretary of Labor Mr. Usery, who testified to the inability to work this out by collective bargaining, unless the next few days would make that possible, and there did not seem to the committee enough likelihood of that to warrant not taking action on this resolution.

We had the labor people, through Mr. Chesser, president of the union, which fortified the committee's judgment on findings of fact. We had Mr. Ingraham who directs the railroad activities of the Department of Transportation, who testified on the nature of the emergency and the fact that it would be a full-blown emergency within a few days, and the committee could not see the likelihood of anything happening to change that situation and felt it could not wait until the catastrophe actually happened.

Under all the circumstances I think it is very clear that we have to continue this railroad in operation. The terms referred to in the resolution relate to the Northeast but I believe it is appropriate legislative history to state that we intend that term to mean the whole area primarily served by the Penn Central System.

I wish to ask the Senator from New Jersey if he would agree with that interpretation.

Mr. WILLIAMS. The Senator is correct. I would say that the matter of the impact of the Penn Central Railroad goes well beyond the Northeast, too, because it has to link with other railroads.

For our purposes, because of the critical nature of railroad transportation in the Northeast, we called for a proposal from the President concerning the preservation of rail transportation in that area. That is where so many bankrupt railroads are.

Mr. GRIFFIN. My point is that when we use the term "northeast" we include all areas served by the Penn-Central Railroad system. The point is that Michigan is not thought of as being in the northeast but it is one of the first victims of the stoppage. Will the chairman state that it covers the entire area served by the Penn Central Railroad?

Mr. WILLIAMS. Yes; it includes the area served by this railroad.

Mr. JAVITS. Very well. The Department of Transportation testified through Mr. Ingraham that the administration would find this resolution acceptable if it included an amendment which vested the authority in the court, which is hearing the reorganization proceeding, to implement any plan for the reorganization or rationalization, as the administration called it, of the operation of this particular railroad system, which is proposed by the President under the terms of the resolution, and also provided that the court would have "plenary power notwithstanding any other provision of State or Federal law."

The committee had that resolution presented to it by me as an amendment and unanimously rejected it, including my vote. The reason is we do not know or cannot gage in the short time we have to act on this matter—that is, the railroad is stopped now and the increasing days of stoppage only aggravate the emergency—we do not understand and cannot possibly develop the reach of any such overriding of existing law. We know it would override the power of the ICC to stop the abandonment of trackage. That is one of the things that would be overridden by this clause. We were unable to bring in so sweeping a clause.

In addition, we must be cognizant of the fact that we do not have primary jurisdiction in railroad transportation matter; the Commerce Committee does. They know much more about it and have been considering problems of railroads for decades. So we could not accept the proffer of the administration.

Therefore the resolution we bring to the floor is not administration-supported. I should make that clear as ranking Republican member of the committee. But it is the best we can do under the circumstances.

Finally, at the appropriate moment, I shall join with the Senator from Michigan (Mr. GRIFFIN) in seeking to have substituted for a mandate to the President by sections 2 and 3 for making his submission to the Congress, a mandate to the secretaries of the respective departments, that is, the Secretary of Transportation and the Secretary of Labor.

I submitted that amendment to the committee. It failed by a vote of 5 to 8, but I really feel that, in an emergency situation like this, we should not mandate the President, but that it is appropriate to mandate the respective departments.

Therefore, I will join the Senator from Michigan (Mr. GRIFFIN) in offering that change. I hope the chairman will agree to accept it.

Other than that, I voted for the resolution. I felt it to be my duty. I believe it is our duty, without prejudicing the rights of either labor or the creditors and stockholders of the company represented by the trustees, whose affairs are in the hands of the court, to keep going a transportation system essential to America, in the public interest, and that it is our duty to keep it going by hereby issuing the necessary authority.

Finally, I wish to say I am not blind to the fact that a 90-day delay, which is the period specified, gives some advantage to labor, because labor goes back without change in the work rules, and we realize the deep financial stringencies upon the railroad.

But I feel 90 days is a fair figure. I hope no one will try to force it beyond that period, because that, in my judgment, would begin to "load the deck" beyond what is necessary to get the job done. So I hope there will be no effort to press it beyond the 90 days. That period represents an effort to be as objective as we can—and I emphasize all those words, as objective as we can—under the circumstances, in the Senate. I hope very much the Senate will support this resolution.

Mr. GRIFFIN obtained the floor.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. WILLIAMS. The Senator from New York mentioned an amendment.

Mr. JAVITS. Mr. President, I send two amendments tc the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. The clerk will state the amendments.

Mr. JAVITS. The sponsors are the Senator from Michigan (Mr. GRIFFIN) and myself.

The legislative clerk read the amendments, as follows:

On page 3, line 2, strike "President" and insert in lieu thereof "Secretary of Transportation".

On page 3, line 15, strike "President" and insert in lieu thereof "Secretary of Labor".

Mr. JAVITS. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Is there any objection to their being considered en bloc?

Without objection, the amendments will be considered en bloc.

Mr. WILLIAMS. Mr. President, these amendments were offered in committee and, on a closely divided vote, they failed.

I believe it to be the fact that while the Secretaries would be reporting, their reports would certainly reflect administration policy, and I think the net result would be the same. We would be hearing from the executive department.

Mr. JAVITS. Exactly.

Mr. WILLIAMS. Because of the fact that it changes very little, and because of the fact that we had a closely divided vote, I will accept the amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc. [Putting the question.]

The amendments were agreed to en bloc.

The PRESIDING OFFICER. The joint resolution is open to further amendment.

The Senator from Michigan.

Mr. GRIFFIN. Mr. President, this is no time for long speeches so I will have only a word or two to say. I know about the parliamentary problem we have on this side of the Capitol as well as on the other side.

Legislative action often involves dilemmas and difficult decisions. As I strongly indicated earlier, I do not like the idea of a 90-day extension as contained in this joint resolution. I am concerned that it may operate to put Congress back into a state and frame of mind that Congress has been in for too long—that we can just forget about the whole problem again.

I was hoping for a 30-day extension because I believe that might have continued the same urgency about this situation. But I am also realistic, and I realize that I cannot prevail with my point of view, at least at this time.

Indeed, I am conscious of the fact that we are faced with a demand for an even longer extension of time from the other side of the Capitol.

I am glad the Senator from New York has at least made clear that he believes any extension beyond 90 days would be out of the question. I certainly join him in that strong expression.

Mr. President, I suggest that we go ahead and act on the joint resolution.

Mr. JAVITS. Mr. President, I ask unanimous consent that the text of the amendment submitted by the administration as submitted to the committee may be made a part of my remarks.

There being no objection, the text of the amendment was ordered to be printed in the Record, as follows:

The Secretary of Transportation shall submit to the reorganization court having jurisdiction over the Penn Central Transportation Company within 45 days of the date of enactment of this action a plan for the rationalization of the railroad lines, fixed plant, other facilities and assets of the Penn Central Transportation Company and for the preservation of those the services of which he deems to be essential.

The reorganization court, after notice to all interested parties and an opportunity for them to be heard on the manner in which the Secretary's plan shall be implemented, and the consistency of said plan with their constitutional rights, shall take whatever action is necessary to implement that plan insofar as it is consistent with the constitutional rights of creditors and stockholders and otherwise public interest.

Said implementation shall be completed no later than 45 days after submission of the Secretary's plan.

The reorganization court shall have exclusive and plenary power and jurisdiction to effect the implementation of the Secretary's plan, any other provision of State or Federal law notwithstanding.

Neither the Secretary's plan nor the orders of the reorganization court implementing said plan shall be subject to the jurisdiction of the ICC in any respect, and the order of the reorganization court implementing the plan may not be stayed by any reviewing court.

The **PRESIDING OFFICER.** The joint resolution is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The **PRESIDING OFFICER.** The question now is on passage of the joint resolution, as amended. [Putting the question.]

The joint resolution (S.J. Res. 59) was passed.

The **PRESIDING OFFICER.** Without objection, the preamble will be agreed to.

The joint resolution, with its preamble, was agreed to, as follows:

S.J. Res. 59

Joint resolution to extend the provisions of the Railway Labor Act and for other purposes

Whereas a labor dispute exists between the Penn Central Transportation Company and certain of its employees represented by the United Transportation Union, arising out of the Penn Central Transportation Company's implementation of a plan to eliminate approximately five thousand seven hundred train crew positions; and

Whereas the recommendations of Presidential Emergency Board Number 180 did not result in a settlement of this dispute, and all procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted; and

Whereas such dispute has now resulted in a cessation of the Penn Central Transportation Company's rail carrier operations; and

Whereas such cessation of operations by the Penn Central Transportation Company, a rail carrier which transports two hundred twenty five thousand passengers a day and 20 per centum of the Nation's freight, and which provides many necessary connections with numerous other rail carriers operating throughout the Nation, threatens essential transportation services vital to the national health and safety; and

Whereas the Penn Central Transportation Company is now undergoing reorganization proceedings under section 77 of the Federal Bankruptcy Act, and its court-appointed trustees have indicated that present reorganization proceedings will not be successful, even with the eventual elimination of five thousand seven hundred train crew positions, alone, and that a massive infusion of Federal financial assistance would be needed; and

Whereas the financial crisis of the Penn Central Transportation Company is so acute that cessation of its operations for even a short period of time, may make it financially impossible to resume operations; and

Whereas failure of the Penn Central Transportation Company to resume operations, in addition to the previously stated impact on vital transportation services throughout the Nation, will further threaten the continued operation of other financially-imperiled rail carriers in the Northeast section of the Nation; and

Whereas the President has not provided the Congress with any proposals for preserving essential rail services in the Northeast section of the Nation, including those services which would be jeopardized by financial collapse of the Penn Central Company; and

Whereas the Congress finds that emergency measures are necessary to assure the continuity of essential rail transportation services; Now, therefore, in order to encourage the parties to the dispute to reach their own agreement, and to provide time for the submission to Congress of a comprehensive plan for preserving essential rail services in the Northeast section of the Nation, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the above dispute, so that no change, except by agreement, shall be made by the Penn Central Transportation Company or by its employees, in the conditions out of which such dispute arose prior to 12:01 antemeridian of May 9, 1973.

Sec. 2. Not later than forty-five days from the enactment of this joint resolution the Secretary of Transportation shall submit to the Congress a report which, regardless of the settlement of the particular dispute between the Penn Central Transportation Company and its employees represented by the United Transportation Union, provides a full and comprehensive plan for the preservation of essential rail transportation services in the Northeast section of the Nation, including the President's proposals, if any, regarding Federal financial expenditures necessary for restoration or preservation of rail transportation services imperiled by the financial failure of rail carriers, and for alternative means for providing essential transportation services now provided by such carriers.

Sec. 3. Not later than thirty days prior to the expiration date specified in the first section of his joint resolution, the Secretary of Labor shall submit to the Congress a full and comprehensive report containing—

(1) the progress, if any, of negotiatitons betweene the Penn Central Transportation Company and its employees represented by the United Transportation Union; and

(2) any such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate.

Mr. **JAVITS** and Mr. **MANSFIELD** moved to reconsider the vote by which the joint resolution was passed.

Mr. **ROBERT C. BYRD.** Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD AND SENATOR MANSFIELD AND FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON THURSDAY, FEBRUARY 15, 1973

Mr. **ROBERT C. BYRD.** Mr. President, I ask unanimous consent that on Thursday next, immediately following the recognition of the two leaders under the standing order, the junior Senator from West Virginia (Mr. Robert C. Byrd) be recognized for not to exceed 15 minutes and that the distinguished majority leader be then recognized for not to exceed 15 minutes; that there then be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **ROBERT C. BYRD** subsequently said: Mr. President, I ask unanimous consent that the order previously entered for the recognition of the junior Senator from West Virginia (Mr. Robert C. Byrd) and the distinguished majority leader, in that order, on next Thursday, be reversed.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. **ROBERT C. BYRD.** Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **ROBERT C. BYRD.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **SCOTT** of Pennsylvania. Mr. President, will the Senator yield?

Mr. **ROBERT C. BYRD.** I yield.

Mr. **SCOTT** of Pennsylvania. Mr. President, I understand that the Senator from West Virginia is going to ask for a recess until 5 o'clock today.

I think that we ought to make it clear that the joint resolution just passed is expected to go to conference. I would like it to be known that every effort is being made to find some relief for all the people affected by the strike.

It is our earnest hope that we can work out something which will provide at least temporary relief, because otherwise the motor companies will close, the suppliers of motor companies will close, and extremely bad economic hardships will result.

I do want the Senate to know that both sides of the aisle will do their very best to find a solution by which we can avert this hardship until something more substantive can be worked out.

I thank the Senator from West Virginia for yielding.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Republican leader. I agree with what he has said.

Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond 5 p.m. today.

The motion was agreed to; and at 3:45 p.m., the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 4:44 p.m., when called to order by the Presiding Officer (Mr. SCOTT of Virginia).

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the joint resolution (S.J. Res. 59) to extend the provisions of the Railway Labor Act, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

EXTENSION OF PROVISIONS OF THE RAILWAY LABOR ACT

Mr. WILLIAMS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 59.

The PRESIDING OFFICER (Mr. SCOTT of Virginia) laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 59) to extend the provisions of the Railway Labor Act, and for other purposes, which was to strike out all after the resolving clause in section 1, and insert the following:

> That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period commencing at the expiration of the 30-day period provided for in the third paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) and ending at 12:01 a.m. May 9, 1973, so that during such period no change except by agreement shall be made by the Penn Central Transportation Company or its employees or by order of any court in the conditions out of which such dispute arose.

The Senate proceeded to consider the amendment.

Mr. WILLIAMS. Mr. President, the House has passed Senate Joint Resolution 59. There was just the one amendment that will only take me a moment to explain.

Mr. President, we provided in our resolution that during the period between enactment and May 9, 1973, no change except by agreement shall be made between Penn Central Transportation Co. or by its employees in the conditions out of which the dispute arose.

The House amendment, in effect added the provision that not only can no changes be made, except by agreement between the Penn Central Transportation Co. and its employees, but that no court can make any change in the conditions out of which the dispute arose.

That is the substance of the amendment that was offered in the House to the Senate joint resolution and agreed to there.

I feel that in the nature of the situation in which Penn Central is involved, the prohibition against changes being ordered by any court is a reasonable provision, and I am willing to accept it.

Mr. GRIFFIN. Mr. President, I am authorized to say for the distinguished ranking minority member of the committee (Mr. JAVITS) that he has no objection to the amendment added by the House.

As for the junior Senator from Michigan, I wish to observe, first of all, that the House did accept the Senate's time frame, despite the fact that the House committee had earlier reported a resolution providing for a 6 or 7 month extension of the status quo.

Frankly, I do not believe that the addition by the House of this particular amendment makes any difference, legally speaking. If the Congress passes this resolution with or without the words added by the House, the courts would be bound to respect it.

So, while the situation we face is not what I have advocated in all respects, I believe we have no realistic choice at this juncture except to proceed to adoption of the resolution as amended.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the House of Representatives.

The amendment was agreed to.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare may have until noon tomorow to file the report on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DR. DUNLOP PROMISES FIGHT ON INFLATION

Mr. GRIFFIN. Mr. President, critics of phase III of the Economic Stabilization program have expressed concern about the administration's plans for strong enforcement of the wage and price guidelines. Those who have such fears may be encouraged by remarks made by President Nixon on yesterday.

At the swearing-in ceremony for Dr. John T. Dunlop, the President said to the Director of the Cost of Living Council:

> There is a stick in that closet and it is a very big stick, and I will never hesitate to use it in the fight against higher prices or higher taxes, so you let me know when you need a stick. I hope that you can do it with persuasion, but we are ready to use the stick, too.

Dr. Dunlop's reply reflected his personal determination to make phase III work. He said:

> My view is that with sound fiscal restraint, hard work in food prices, and the kind of cooperation from labor and management that we are getting, that we can have a really effective constraint on inflation in the year ahead, and I think we all are going to cooperate whether we like it or not.

Dr. Dunlop's long experience, including his service as chairman of the Construction Industry Stabilization Committee, has prepared him well for the responsibilities he assumes as Director of the Cost of Living Council. He has gained the respect of the business community as well as the labor community for his efforts during phase II. He takes on a heavy and important assignment and with the President's firm backing, I am sure that most Americans wish him well and are pulling for him to succeed.

ANNOUNCEMENT ON VOTE

Mr. ROBERT C. BYRD. The distinguished Senator from Alabama (Mr. SPARKMAN) has requested me to state that if he had been present and voting on the adoption of the resolution (S. Res. 60), as amended, he would have voted "yea."

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. McINTYRE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT OF SENATORS TO THE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

The PRESIDING OFFICER (Mr. McINTYRE). The Chair, on behalf of the Vice President, pursuant to Senate Resolution 60, 93d Congress, first session, appoints the following Senators to the Select Committee on Presidential Campaign Activities:

SAM J. ERVIN, JR., Chairman, HERMAN E. TALMADGE, DANIEL K. INOUYE, JOSEPH M. MONTOYA, HOWARD H. BAKER, JR., EDWARD J. GURNEY, LOWELL P. WEICKER, JR.

PROGRAM FOR THURSDAY, FEBRUARY 15, 1973

Mr. ROBERT C. BYRD. Mr. President, the program for next Thursday is as follows:

The Senate will convene at 11 o'clock a.m. After the two leaders or their designees have been recognized, the distinguished majority leader will be recognized for not to exceed 15 minutes, to be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 15 minutes; at the conclusion of which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The Senate is expected, on Thursday next, to take up Senate Resolution 59, a resolution authored by Mr. HUDDLESTON relating to the railroad transportation crisis caused by the freight car shortage. It is also expected to take up Senate Resolution 61, a resolution authorizing the Committee on Post Office and Civil Service to conduct open public hearings into the conduct of the Postal Service. By that time, committees may have reported other items for the calendar, so all Senators should be so alerted. Rollcall votes are not to be ruled out, and could very well occur. Moreover, the leadership hopes that committees will meet during the adjournment, if possible, and it is especially hoped that they will meet on Thursday and Friday of next week in an effort to report legislation to be calendared for action on the Senate floor.

ADJOURNMENT TO FEBRUARY 15, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, pursuant to House Concurrent Resolution 105, as amended, that the Senate stand in adjournment until 11 a.m. on Thursday next.

The motion was agreed to; and, at 5:09 p.m., the Senate adjourned until Thursday, February 15, 1973, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate February 8, 1973:

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, section 3370:

ARMY PROMOTION LIST

To be colonel

Berard, Rene J., [redacted].
Berry, Russell I., [redacted].
Buck, Frank C., [redacted].
Carbray, Robert W., [redacted].
Cunningham, A. D., [redacted].
Dempsey, Robert J., [redacted].
Farley, Vincent P., [redacted].
Farmakides, John B., [redacted].
Freeman, Warren C., [redacted].
Ginn, Louis H., [redacted].
Grand, Pre Donn R., [redacted].
Harley, James P., [redacted].
Harsh, Richard S., [redacted].
Kahn, Donald R., [redacted].
Kesselring, Roger J., [redacted].
Knez, Eugene I., [redacted].
Lawson, Frederick H., [redacted].
Leister, Robert W., [redacted].
Lucas, Charles J., [redacted].
Meetze, Henry W., [redacted].
Mennig, Jan C., [redacted].
Michaud, David S., [redacted].
Moody, William J. Jr., [redacted].
Moore, Thomas M., [redacted].
Perna, Frank L., [redacted].
Pickens, Harley L., [redacted].
Pogge, Ernest C., [redacted].
Previto, Angelina J., [redacted].
Randall, James D. Jr., [redacted].
Reilly, Harry R., [redacted].
Roman, James A., [redacted].
Spiro, Demetri M., [redacted].
Storms, Luther L., [redacted].
Sutton, Berlyn K., [redacted].
Thomas, Harold Jr., [redacted].
Wagenbach, K. V., [redacted].

CHAPLAIN

To be colonel

Avrech, Abraham, [redacted].
Benvegnu, Mark O., [redacted].
Dexter, Raymond A., [redacted].
Mikolon, Theodore, [redacted].
Ogg, J. C., [redacted].
Silseth, Martinus E., [redacted].
Stevenson, L. J., [redacted].

DENTAL CORPS

To be colonel

Stone, Arthur I., [redacted].

MEDICAL CORPS

To be colonel

Marshall, Foster, II, [redacted].

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of Title 10, Sections 3366 and 3367:

ARMY PROMOTION LIST

To be lieutenant colonel

Adams, James E., [redacted].
Adamson, Nathan W., [redacted].
Alvarado, John V., [redacted].
Alvarez, Joe R., [redacted].
Avampato, John C., [redacted].
Bailey, Ernest E., [redacted].
Bartholic, Robert L., [redacted].
Blake, William W., [redacted].
Boren, Richard L., [redacted].
Bowen, Robert E., [redacted].
Bradley, Orren P., [redacted].
Brannan, Edgar, [redacted].
Brannon, Leo C., Jr., [redacted].
Brewster, A. J., III, [redacted].
Brodie, Phillip A., [redacted].
Buffone, Frank H., [redacted].
Clark, Douglas E., [redacted].
Clayton, Grace B., [redacted].
Clifton, Martha L., [redacted].
Cline, Donald L., [redacted].
Damick, Peter J., [redacted].
Dehle, Richard A., [redacted].
Dejesus, Felix V., [redacted].
Dethorne, Richard F., [redacted].
Dorsey, Kenneth E., [redacted].
Drury, Douglas S., [redacted].
Durda, Frank J., III, [redacted].
Elson, James M., [redacted].
Evans, Charles G., [redacted].
Faulk, John E., [redacted].
Fiscus, John W., [redacted].
Gabriel, Serge G., [redacted].
Gary, Robert R., [redacted].
Glass, Robert W., [redacted].
Hamilton, William F., [redacted].
Hansen, John J., [redacted].
Hatcher, William C., [redacted].
Hemken, Daryl D., [redacted].
Hemminger, John G., [redacted].
Henderson, Jimmy D., [redacted].
Holiman, Oscar B. Jr., [redacted].
Hollje, John B., [redacted].
Hough, Roland H., [redacted].
Hudgens, James E. Jr., [redacted].
Ishimoto, Robert Y., [redacted].
Jewett, Robert P., [redacted].
Jordan, James W., [redacted].
Knight, Albert S. J., [redacted].
Knight, Wallace S., [redacted].
Kurland, Burt, [redacted].
Lacerte, Richard C., [redacted].
Lafranchise, John E., [redacted].
Larson, Henry W., [redacted].
Lefebvre, Alton R., [redacted].
Lehman, William B., [redacted].
Leonard, Gerald M., [redacted].
Lindsey, Robert T., [redacted].
Ludvik, Joseph, [redacted].
Malech, Arnold M., [redacted].
Mark, Jack C., [redacted].
Mauriello, C. G., [redacted].
Mc Bee, George G., [redacted].
Mc Cord, Wallace R., [redacted].
McCormack, Glen R., [redacted].
McGee, Oscar B., [redacted].
McGuire, James M., [redacted].
Nelson, Walter G., [redacted].
Orth, T. W. Jr., [redacted].
Patrick, Lewis E. Jr., [redacted].
Patton, Devon K., [redacted].
Peacher, Stanley, [redacted].
Pelfrey, James A. Jr., [redacted].
Pithan, George A., [redacted].
Poole, Lee H., [redacted].
Prohaska, Francis S., [redacted].
Radnitzer, Kenneth, [redacted].
Ransom, Harry B., [redacted].
Scholtes, W. S., [redacted].
Schuster, Joseph L., [redacted].
Shepherd, Hugh H., [redacted].
Sims, Sears W., [redacted].
Stewart, Oscar B. Jr., [redacted].
Talley, Joseph C., [redacted].
Taylor, Jess W., [redacted].
Underwood, Harry L., [redacted].
Velez, Manuel O., [redacted].
Williams, Howard L., [redacted].
Williams, Louis C., [redacted].
Yaw, Herbert W., [redacted].
Yim, George W. Y., [redacted].

CHAPLAIN

To be lieutenant colonel

Ellens, Jay H., [redacted].
Reaves, James B., [redacted].
Sensenbrenner, E. W., [redacted].

DENTAL CORPS

To be lieutenant colonel

Blanch, William H., [redacted].
Ruhl, Charles T., [redacted].

MEDICAL SERVICE CORPS

To be lieutenant colonel

Kendrick, Edwin K., [redacted].
Mackanic, George, Jr., [redacted].
Williams, Earl M., [redacted].

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, sections 591, 593, and 594:

MEDICAL CORPS

To be lieutenant colonel

Hogancamp, Charles E., [redacted].
Langley, Roland L., [redacted].
Ram, Cecil C., [redacted].
Sayer, William J., [redacted].
White, Claude R., [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

Pinkston, Dorothy, [redacted].

The following-named Army National Guard officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3351:

ARMY PROMOTION LIST

To be colonel

Aase, Harry S. B., [redacted].
Bebout, Ronald L., [redacted].
Gordon, Clarence R., [redacted].
Hefner, Hal L., [redacted].
Marchant, Julian M., [redacted].
Moore, Joshua P., [redacted].
Murphy, Thomas J., [redacted].
Phillips, Samuel W., [redacted].

Weeks, Andrew E. Jr., [redacted].
Wise, George R. [redacted].

CHAPLAIN

To be colonel

Hedges, Robert B., [redacted].

DENTAL CORPS

To be colonel

Fletcher, George L., [redacted].

The following-named Army National Guard officers for appointment in the Reserve of the Army of the United States, under the provisions of Title 10, U.S.C., Section 3351:

ARMY PROMOTION LIST

To be lieutenant colonel

Allen, Carroll, G., [redacted].
Beals, Robert J., [redacted].
Bogle, Robert L., [redacted].
Bookout, John G., [redacted].
Bryant, Alvin M., [redacted].
Burton, Donovan L., [redacted].
Crandell, Albert K., [redacted].
Creamer, William P., [redacted].
Dailey, Millard F., [redacted].
De Angelis. Rocco R., [redacted].
Eure, Carl E., [redacted].
Fendley, Franklin M., [redacted].
Fleming, David F., [redacted].
Franklin, Calvin G., [redacted].
Freeman, John R., [redacted].
Gilbert, Charles E., [redacted].
Grimsley, William P., [redacted].
Harris, Lee G., Jr., [redacted].
Hartline, James G., [redacted].
Hearn, John W., [redacted].
Huff, Rayford J., [redacted].
Jobe, Waylen E., [redacted].
Johnston, John W., [redacted].
Koett, Karl E., [redacted].
Lalley, James E., [redacted].
Leiviska, Richard A., [redacted].
Lewis, William D., [redacted].
Lovett, James C., Jr., [redacted].
Lowman, James M., [redacted].
Maggert, James R., [redacted].
Maloney, James J., [redacted].
Marfull, Rene S., [redacted].
Mason, Dan A., [redacted].
Mason, Theodore B., [redacted].
Mayo, John O., Jr., [redacted].
Murphy, Francis M., [redacted].
Neel, John C., Jr., [redacted].
Norsworthy, Robert S., Jr., [redacted].
Nudo, David L., [redacted].
Obert, Karl A., [redacted].
Pape, Robert J., [redacted].
Pate, Harold E., [redacted].
Pierceall, Bobby A., [redacted].
Richards, Robert J., [redacted].
Robertson, Leland F., [redacted].
Schuessler, David R., [redacted].
Simmons, Ralph T., [redacted].
Simoneaux, Frank P., [redacted].
Sims, Richard J., [redacted].
Sloan, William D., [redacted].
Smith, Chester B., [redacted].
Smith, Dale E., [redacted].
Stuart, Theodore E., [redacted].
Tackenberg, William A., [redacted].
Teale, Thomas A., Jr., [redacted].
Teske, Herbert W., [redacted].
Thompson, Donald, [redacted].
Thompson, James C., [redacted].
Van Loon, Donald E., [redacted].
Vass, Claude M., Jr., [redacted].
Wenning, John, Jr., [redacted].
Zimmer, Lyle D., [redacted].

CHAPLAIN

To be lieutenant colonel

Kinard, James E., [redacted].

DENTAL CORPS

To be lieutenant colonel

Douglas, John H., [redacted].

MEDICAL CORPS

To be lieutenant colonel

Cloud, Robert S., [redacted].
Friedrichs, Vernon D., [redacted].
Hoopes, William J., [redacted].
Morrison, Richard D., [redacted].

MEDICAL SERVICE CORPS

To be lieutenant colonel

Prough, James K., [redacted].

CONFIRMATIONS

Executive nominations confirmed by the Senate February 8, 1973:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Caspar W. Weinberger, of California, to be Secretary of Health, Education, and Welfare.

DEPARTMENT OF STATE

Daniel P. Moynihan, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India.

Richard Helms, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iran.

Richard T. Davies, of Wyoming, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Poland.

Cleo A. Noel, Jr., of Missouri, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Sudan.

Melvin L. Manfull, of Utah, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Liberia.

U.S. INFORMATION AGENCY

James Keogh, of Connecticut, to be Director of the U.S. Information Agency.

GOVERNMENT PRINTING OFFICE

Thomas F. McCormick, of Connecticut, to be Public Printer.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSIONS OF REMARKS

OUR PRISONERS OF WAR ARE COMING HOME

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. McCLORY. Mr. Speaker, in the light of the imminent return of our prisoners of war, there are many valuable lines which are being composed in their behalf, and in behalf of their immediate loved ones.

The Cary Grove News recently published a most inspiring editorial recalling the events which have transpired since many of these prisoners of war were last heard from, and which may help in their transition from the hell and despair of Vietcong and Hanoi prison life to the light and love of freedom to which we want them to return.

Mr. Speaker, the editorial follows:

HE'S WALKED TEN THOUSAND MILES

"I'll be coming home—if I walk ten thousand miles." A song they sang during World War II . . . until they came home.

Saturday, Jan. 27, 1973 a most important date: The right signatures on the right document declares the end of our involvement in a long weary struggle in Vietnam—7,000 miles from San Francisco, 12,000 miles from New York City—nautical miles.

Our Prisoners of War are coming home!

We wonder what it will be like—for them, for us. They've walked their ten thousand miles in their minds, in their mental journeys from the enemy's prison to home—to America, to those they love, places they remember.

They come from the dark into the light. From night to daylight—with blurred vision.

A briefing booklet has been prepared for them. It tells them that President John F. Kennedy was assassinated, November 22, 1963. And Lyndon Baines Johnson became president and remained president until January 20, 1969, when Richard M. Nixon was sworn in as 37th President of the United States. It tells when and where Martin Luther King and Robert Kennedy were assassinated. It tells them—facts. It doesn't tell them what their wives and children will look like, or who has died in their family circle, or who will accept them and who will reject them.

It tells them much, but much they will have to learn on their own. Like toddlers they'll learn to walk in the knowledge of what is, as it is.

It will be a long walk—and slow. Another ten thousand miles of learning and adjusting is the journey before them.

We say, welcome home! We're here to stand beside them, walk with them and prove that they are welcome . . . Welcome home! husband, father, son, brother, neighbor—welcome home!

Home isn't exactly as you left it—it never is. We've become a battle-scarred nation. Scarred by campus riots, racial distress, murders and bombings, hijackings and drugs, and all else that formed the great parallel which shows death statistics on the home front in line with death on the battlefield, or maybe we've surpassed the death count from Vietnam—we tried.

While you fought one sort of a war we've fought other sorts in order that the words peace and love may sustain their breath of life.

Despite the shadow of Vietnam and homespun shadows across our land we've won a few battles, met a few challenges. We've planted Old Glory on the moon! and prolonged life by medical miracles. We strive to prove the capabilities of man and value of life.

Welcome home—to the home front battlefields. Now—together we can walk out of darkness into light. We'll lead your steps until you can manage alone and then by your wisdom of values you can lead us.

The hell you've lived through, no man knows. The hell we invite by permissiveness everyone sees. This could be a good time to lift our eyes to the hills and ask The Almighty what's right and what's wrong.

You've walked your ten thousand lonely miles. Let's walk the next ten thousand miles together—step by step, hand in hand—to America's place in the sun.

Welcome home traveler, welcome home prisoner—and welcome peace! Long may it last.

VISIT TO CHINA BY DON CARTER

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 8, 1973

Mr. TALMADGE. Mr. President, Don Carter, executive editor of the Macon Telegraph-News, toured Red China last fall as a member of an American newspaper editors' delegation. Mr. Carter, one of the most competent newspapermen in Georgia and the Nation, filed numerous columns and articles from China while he was there with 22 other editors. He is to be congratulated for the excellence of his reporting and the incisiveness of his commentary.

A special account of Mr. Carter's trip to China was featured in the January, 1973, issue of the Georgia Alumni Record. I call the attention of the Senate to this article, which was prepared from material he wrote for the Macon newspapers and other Knight publications on his trip.

I congratulate Mr. Carter on a job well done, and ask unanimous consent that the article be printed in Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DON CARTER IN CHINA

If you were a city dweller in China now, you'd probably ride a bicycle to work. You'd rent, not own, your dwelling, and you'd have an excellent job if you earned 25 yuan ($11.25) a week.

But your rent woud probably cost you only 5 yuan ($2.25) a month, your spouse would work and add to the family income, and you probably would end the year with a small savings account.

This developing picture of life in Communist China was pieced together through scores of interviews during a visit of 22 American newspaper editors to the People's Republic of China during September and October, 1972. I was one of those fortunate 22, the largest and only major group of American newspapermen—except the specialized contingent who accompanied President Nixon on his visit to Peking—to take a detailed look there in a quarter of a century.

Comparisons of China with America are difficult because the values are so different. But there are some experiences we share and their contrast is interesting.

There are, for instance, no privately-owned automobiles in China. All cars are controlled by state agencies, or factories or agricultural communes. We got no exact figures, but the best estimates suggested a total of only 80,000 automobiles in all of China.

Bicycles are encouraged as a primary mode of transportation. There are 1,600,000 registered in Peking alone, and a cycler can get a stern warning from a traffic policeman if he rides in a careless manner.

It isn't required, but most women work in China. Although they haven't gained the dominant role, they have equal rights with men in pay and work and marriage.

The working period is eight hours a day, six days a week, with no pay for overtime. There are no vacations, except when members of an immediate family are divided by more than a day's traveling time. At the state's convenience, a family may be separated for essential work and the vacation is designed to allow a temporary reunion.

A working mother gets 56 days off for childbirth. She may then place her child in a care center by the day or week or arrange for a relative to care for it. Later the child goes to kindergarten and primary school, much as an American child does, but with the option of living at the school if the parents wish and will pay a small fee for it.

To control population, late marriage and family planning are encouraged in China but not ordered by the state. Both men and women are urged to wait until they are beyond 25 to marry and to limit their families to three children. All methods of birth control are encouraged by the state. Both pills and contraceptive devices are furnished free. Abortions are legal and are performed upon request. So are sterilizations.

Hospital care and medicare and dental services are essentially free in China. There may be small charges for registration or food while a person is in the hospital. A dentist will fill a tooth at no charge to the patient, but he will be billed for the material that goes in the filling.

All real property is owned by the state. So are all businesses and services. There are no taxes, property or income but a citizen may be required to pay a small registration fee to operate a bicycle.

Personal property is limited to clothing, household items, and a very few consumer possessions. The No. 1 status symbol and the most desired personal possession is a bicycle. The next is a sewing machine and then a wrist watch or clock. Radios rank fourth.

Food is plentiful. Grains (wheat and rice), cooking oils and cotton fibers are rationed, primarily, the Chinese say, to achieve distribution. Most people seem to get all these items they need or want.

There is no rationing of synthetic fibers. Clothing for both men and women is basically uniform and drab, for children a little more colorful and creative.

There is no religion, except socialism; no churches or temples, except one or two for foreigners and a very few elderly Chinese.

Marriage can be as simple as buying a license, with no ceremony. But for some, it is still an occasion for feasting and well-wishing. Divorce, although minimal, comes as easily as a signed mutual agreement, quickly filed and accepted.

Death may or may not bring a short service of memory for the departed. Burial is becoming increasingly rare. Members of the Chinese Communist party sign an oath upon joining to commit their bodies to cremation. They encourage all loyal Chinese to do likewise. Land is too precious for the use of the living, they argue, to be set aside as a memorial to the dead.

Our trip itself was filled with high adventure, haunting mystery, good relations and occasional humor.

We were in a line of cars outside a hotel in Sian, China, almost ready to head for the airport one day, when a Chinese hotel employee burst from the door and shouted for the convoy to wait.

As he ran toward the cars, he lifted high a roll of toilet tissue and pleaded for one of us Americans to claim it. He thought it had been accidentally left behind and didn't want his guests to arrive at a new location without it.

One editor in our group sheepishly grabbed it. He had read the travel advisories ahead of the trip and had taken along a supply just in case. He had deliberately left the unneeded roll in his room to provide more luggage space.

Our hosts didn't want us to lose or miss anything. So far as I know, no one did. Once they brought out a partly consumed bottle of orange pop, carefully but unsuccessfully concealed by one of us in an effort to discard it. Another day they produced a tie tack for me that I thought I had misplaced forever. It made no difference if we left our rooms unlocked. Nothing would be taken.

Despite 20 years of strained relations between the United States and Communist China we were warmly and hospitably received everywhere we went. Although crowds of people gathered around us and were curious about the foreigners in their midst, there was not one instance of discourtesy or ill-will because we were Americans.

More frequently we received warm applause and broad smiles. Chinese children, always present and wonderful and beautiful, grasped our hands or posed for our pictures with unequaled hospitality.

We entered China by the rail line that runs from Hong Kong to Canton. When we reached the river that separates the British colony from the People's Republic, we had to get off the train and walk across a bridge into China. A Chinese passenger train was waiting for us on the other side to take us on to Canton.

Cars met us at the rail station and drove us through spotlessly clean streets to the airport. It was here I first noted how immaculate the new China is, as contrasted to filth and stench that characterized the country when I was there as a U.S. Army officer in 1945. Even the trees along the thoroughfares in Canton have been whitewashed.

During the next three weeks, we traveled more than 3,800 miles. Our route took us to Peking, Yenan, Sian, Chengchow, Anyang, Shanghai, Wushi. We moved by regular airline, chartered plane, scheduled or special trains, rickety buses, and large and small automobiles before returning to Canton and walking back across that same bridge.

The trip was tightly controlled and carefully planned as to where we went. I was disappointed not to be permitted to visit Chungking, where I had served in World War II. But my request was met with the suggestion that I'd want to come back another year—and bring my wife that time!

Within these boundaries, we had maximum freedom to see what we could, talk to whom we pleased, and ask any questions that seemed appropriate. We asked some tough ones. Photographs were sometimes sensitive. We quickly perceived that some Chinese do not want their pictures made and will move or protest if they sensed we were photographing them against their will. Most of us adopted a policy of asking permission before making closeups. Once the request was made, usually it was gladly granted.

Our food was superb. We had an infinite variety of dishes, creatively prepared and attractively served. We abandoned knives and forks for the duration and ate with chopsticks. Hotel accommodations were the best available, but not always up to American standards.

The various trips to schools, universities, factories, hospitals, living quarters, governmental units followed the same general format. Arrival with a long line of local dignitaries to greet us. Quick movement into a meeting room with countless cups of hot tea and packages of cigarettes served. A briefing period during which the vice chairman tells us about the operation. For some reason the chairman was frequently absent or not the spokesman.

Then a swing through the facility with an opportunity to talk to the workers or other principals. Finally a gathering again in the meeting room for questions and more discussion.

Our American delegation of 22 was accompanied by a Chinese host team of 13, eight interpreters and five administrators. They took wonderful care of us, asking and responding to our questions and being patient with our needs. One even went to a barber shop with me once to help arrange a haircut with a Chinese barber.

My only total frustration was with the

telephone. It was possible to make a call to the United States, but to do so one must make an appointment in advance and be prepared for endless delays and language problems.

The cost to the East Coast ($12 for the first three minutes, $4 for each additional minute) was less and the service much quicker than cable affords.

Throughout China I took notebooks, a typewriter, two cameras and a tape recorder. I made 350 pages of notes, hand-written and typed, took countless color and black and white photographs, and made a host of sound recordings.

During World War II, I had seen close-up then the gigantic problems China faced in the post-war years.

We had read about the changes since then but to know China one must see it and touch it and smell it. He should walk its city streets and view its countryside. He must sense the mass of humanity that seems ever present and wonder what the years ahead will bring to this nation of 800,000,000 people.

Our delegation representing the American Society of Newspaper Editors was under no illusions about the visit. We saw what our hosts wanted us to see under carefully planned circumstances. Most of the people we talked to knew in advance we were coming. We were almost totally dependent upon the Chinese for translation, a key problem in any factfinding trip.

We were refused permission to visit some places we especially wanted to see, and did not talk to many of the top leaders in government we wanted to question.

But we did have a significant 3 hour and 40 minute interview with Premier Chou En-lai, the brilliant and sophisticated man who administers China. We had the freedom to go where we chose within the boundaries established, to ask any question we wanted to ask (not all of them were answered, to make most of the photographs we wanted to, to talk to any people we met at random.

While I do not pretend in three weeks to have gained expertise in China watching, I can report what I saw and heard, contrast it with the way I saw it 27 years ago, and react to the changes.

For the Chinese, the system is working; they are proud of it, and are confident enough about its success to show it to the world. There is an amazing degree of unanimity in their acceptance and their enthusiasm for the new system.

For most Chinese, except the wealthy and the intellectually elite, life has improved. They have enough food, better clothing, more education, improved medical care. They are energetic, alert, and on the whole, look exceptionally well.

For me this contrasts sharply with the China of 1945 when I saw the grinding poverty that gripped most of the nation, the poor health and undernourished condition of many of the people, the sharp disparity between the opportunity of the rich and the poor, the apparent hopelessness of those who worked in the fields and factories.

Gone is the old Chinese system of a pay-off for each level of influence. In its place is a degree of order built upon a moral code so strong that Shanghai, a city of 10,000,000 people hires only 1,200 policemen. The army is a respected member of the governing triumvirate (the party, the army, the workers) and not a hated weight upon the countryside that existed in years gone by.

We few American servicemen who went there in World War II used to abhor the litter and the smells of the street, and ask ourselves: Why don't they clean up the place? They have now. The streets and public places are spotless, flies are gone, and the odors are the natural smells of the farm and city.

Perhaps most impressive to me is the simple dignity that has permeated the society. There is no cowed, downtrodden attitude. The men and women who perform the most menial services exhibit the same pride and sense of belonging as the top college professor or the best engineer. The military forces in China wear no insignia; service personnel accept no tips.

But let's consider the negatives.

For his economic improvement, the average Chinese has paid his freedom of choice and action. Except for a very few personal possessions he cannot acquire property; the state owns and operates it all. He has no self-determination or individual choice. He has no ability to direct or control his own life when he feels it is headed in a path opposite his own desires.

There is no reward for enterprise or initiative or creativity unless it serves the political system. His schooling, his work assignments, his promotions are based first upon his political achievements, then his ability and his experience. There is no place for the nonconformist, none for the individualist whose talents cannot be harnessed for the enhancement of the socialist system.

There is no relief for people with ideas; creativity flourishes only so long as it serves the system. Conflicts and complaints develop within the system. They are quickly settled, a new course is set, and the state moves off without a loyal or effective opposition.

Despite efforts at birth control, the population is growing too fast. Agricultural improvements have led to enough increased production to feed the nation and sell some surplus, and industrial growth has provided some consumer items like bicycles and wrist watches.

But housing is woefully short in quality and quantity, and privacy is virtually nonexistent. Transportation is still far behind. The human-propelled rickshaw is gone but the human beast of burden still pulls part of the weight of China on his cart or carries it on his pole.

This leveling of work and society has evened out the living standard to a dull monotone of existence. It is not a police state, but the party line is so emphatic that the pressures for conformity allow little variance. There is a drabness about it all that makes it unexciting. Nothing much seems to happen. It is a joyless society.

One day I was walking in the fields of a commune in Central China and saw an old man and a boy working together planting winter wheat. With an interpreter, I asked them if they would come over for a brief talk.

"Are you grandfather and grandson?" I asked, fully expecting a positive answer.

"No. No relation," the old man replied.

"Then what are you doing here together?"

"His school knew we need help in the planting season and sent him here to work."

I turned to the boy, bright-eyed youngster of about 12. "What do you hope for your future?" I asked.

"I have no ambitions," he responded. "I wish only to do what the state wants me to do."

As we walked away, I wondered what sort of impact this young man, and the millions of Chinese like him, will have on his country, and the world, in the years to come. It was a sobering experience.

KELLEY ENDED THE DRAFT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. MICHEL. Mr. Speaker, I include the following editorial from the Peoria Journal Star, "Kelley Ended the Draft," which gives very appropriate praise to my fellow townsmen, Roger Kelley, Assistant Secretary of Defense.

The editorial follows:

KELLEY ENDED THE DRAFT

In the welter of events the last week or so, the momentous news of an end of the draft after a quarter of a century almost got lost in the shuffle.

Yet, this change in the life style of America may have more deep and broad effects than any other event of this period.

For about 25 years, every American boy has faced a built-in "military obligation" and the possibility of the draft. It has hung there as a factor in his future and his planning through all his growing years.

Suddenly, it is gone.

American boys as of now are "growing up" in a significantly different environment, a totally altered frame of reference.

The "new generation" is always different in some ways. This next "new generation" is likely to be MORE different from the "youth group" we have recently known and which received so much attention and so much analysis. So many "theories" have been built around it—and they are all obsolete this week.

The ending of the draft is a staggering accomplishment as well.

There are those of us who are not concerned with detailed function in the action world who sometimes think that it is simply a matter of "deciding" to do thus and so or wanting to do it—and it can just be "passed" overnight. We are blindly and often snootily impatient about problems that may be involved. We just brush them aside.

That's not the way things work.

To change over institutions as gigantic in numbers, forms, habits, and practices as the Army, Navy and Air Force to operate on an entirely different base is a rare achievement. We get some inkling of how rare by the failures, so often, of our top people to manage much lesser changes in the huge bureaucracy of any government department—national, state or local.

And to change the system at a time when the military was under the most vituperative assault in our history was a terrible assignment.

The country and the Congress were filled with people who loudly proclaimed "It won't work!" And those who shouted that we would end up with armed forces which were "all black" or "all poor" or various other expectations that were regarded as unfair and undesirable.

As the program progressed, the dire predictions fell by the wayside, one by one. Instead of a "volunteer" or professional force becoming narrower and narrower in its personnel types, it got broader—with more and more wowen participating, for one thing.

Instead of the lower draft calls ending enlistments—enlistments improved. Instead of everybody enlisting for the variety of "special" jobs and nobody for the combat arms—combat enlistments rose.

The change-over moved on schedule, and that post-election schedule was no trick. With a peace deal for IndoChina made and started on its first leg in Vietnam, it was accomplished, in fact, a few months ahead of the calculations.

The architect of this massive achievement and of this great change in the life of America's youth was a Peorian—Roger Kelley.

He has done the people of this country a great service.

Kelley did not make rousing speeches or call out blazing emotions—he worked hard, coolly, long and intelligently without fanfare.

It was thus that the real job got done.

It was thus that Kelley lifted this great burden from the backs of every youngster in America.

It is funny how often there are the people who make the noise on one hand, and the people who quietly get the real job done, unsung, on the other.

C. L. DANCEY.

THE CASE OF DR. MILTON MARGOLES

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. GROSS. Mr. Speaker, I have discussed on a number of occasions in the past the case of Dr. Milton Margoles, the former Milwaukee physician whose son, Perry, struggled so hard for so long to achieve a pardon for him.

President Nixon last December granted that pardon and, in order to complete the record on this most unfortunate case, I insert in the RECORD at this point several newspaper articles dealing with the pardon:

[From the Chicago Tribune, Dec. 22, 1972]

DR. MARGOLES GIVEN PARDON BY NIXON

(By Willard Edwards)

WASHINGTON, Dec. 21.—President Nixon today granted Dr. Milton Margoles, 60, a former Milwaukee physician now practicing in Zion, Ill., a full and unconditional pardon, thus restoring him the civil liberties he lost when income tax difficulties sent him to prison 12 years ago.

The President's act of clemency added a new chapter, probably not the last one, to a bizarre case. Future investigation is expected to shed additional light on the political harassment and intimidation accompanying the physician's ordeal.

COPY ACCEPTED BY SON

An embossed copy of the President's pardon was tendered Dr. Margoles' son, Perry, in a ceremony in the office of pardon Atty. Lawrence M. Traylor. Among those present were Rep. Robert McClory [R., Ill.] and Rep. H. R. Gross [R., Ia.], leaders in a 10-year fight to correct what Gross called "a classic and tragic example of miscarriage of justice."

Dr. Margoles, from his home in Winthrop Harbor, Ill., expressed his gratitude, giving much credit to the press for "keeping a focus on my case." He also saluted Gross and McClory who had long argued in behalf of a pardon.

"It was the press that brought out the full facts concerning the injustice and harassment that followed my efforts to rehabilitate myself and return to a useful life in medicine," he said. "And the interest and integrity of a few congressmen kept spirits up during a period when we were faced with opposition from some of the strongest political forces in Wisconsin."

OWED $33,000 AT FIRST

Dr. Margoles' troubles began in the late 1950s when he was one of Milwaukee's leading physicians. He was a victim of poor legal advice after he was charged with a $33,000 income tax deficiency. His lawyers advised him against a settlement.

Criminal prosecution followed and the physician found himself sentenced to prison and assessed tax penalties which accumulated over the years to more than $400,000. In the last decade, he has drained himself of assets and most of his income to reduce this sum but he still owes $26,000 to the government.

When he was discharged from prison in 1962 and sought to resume the practice of medicine, he discovered he was barred in Wisconsin.

A number of states, including Illinois, however, licensed him to practice.

INQUIRY IS DENIED

After an investigation, Gross linked Wisconsin's attitude to judicial misbehavior in the federal courts and began demanding an inquiry which was denied by the Democratic-controlled Congress.

Gross' main target was Senior Judge Robert E. Tehan of the District Court in Milwaukee who presided at the Margoles trial and imposed the sentence. Tehan, a former Democratic national committeeman, was disclosed as a nonpayer of income taxes for eight years before he went on the bench.

Subsequent investigation suggested that Dr. Margoles, for reasons not yet clear, was the victim of fears that ventilation of his case would lead to revelations of judicial misbehavior on a broad scale. He had also aroused antagonism in Milwaukee because of his charity work in the Negro community. Seven hundred black residents signed a petition for clemency in his case.

[From Chicago Today, Dec. 22, 1972]

PRESIDENT PARDONS DOCTOR IN TAX CASE

WASHINGTON.—Dr. Milton Margoles, a Zion, Ill., physician who served a controversial two-year sentence for an income tax offense in the early 1960s, has been granted a full pardon by President Nixon.

The Margoles case had attracted the attention of several congressmen and journalists who contended that the doctor was the victim of an overly harsh sentence and questionable judicial procedures.

Rep. Robert McClory (R., Ill.), who announced the pardon, said the move will allow Margoles to regain the full rights of citizenship, including the privilege of voting, which were curtailed with his conviction.

Margoles was practicing medicine in Milwaukee when, acting on legal advice, he fought an income tax assessment and ended up receiving a prison sentence. The sentencing judges were Senior Judge Robert E. Tehan of Milwaukee and Chief Judge Luther M. Swygert of the 7th Circuit Court in Chicago.

After leaving prison, Democratic political forces prevented the doctor from regaining his medical license in Wisconsin. He then moved to Illinois and obtained a license.

[From the Des Moines Register, Dec. 21, 1972]

NIXON GIVES FULL PARDON TO MARGOLES

WASHINGTON, D.C.—President Nixon has granted a full pardon to Dr. Milton Margoles, the former Milwaukee, Wis., surgeon who was convicted of tax evasion in a highly controversial case, the Justice Department announced Wednesday.

The pardon for Margoles was one of 202 pardons and four commutations of sentence signed by the President, the Justice Department said.

The other names were not available but will be made public today, the department spokesman said.

The Margoles case has been before half a dozen state medical boards over a period of the last eight years.

Margoles served his prison term on the federal income tax evasion charge, but failed to win reinstatement by the Wisconsin State Medical Board.

The rejection by the state medical board followed a complaint by Margoles that the judge who presided at his conviction was an admitted tax evader himself. The charge was aimed at United States District Judge Robert Tehan of Milwaukee, who earlier had served as state Democratic chairman.

There was no denial by Tehan he had failed to pay federal and state income taxes for an eight-year period prior to the time President Truman appointed him to the federal bench.

Nor was there any denial of the fact that Tehan sat regularly on tax evasion cases but rarely sent convicted evaders to prison.

Margoles contended that his conviction and sentencing to prison by Tehan were a result of his complaints about the judge.

Margoles made an effort to win a license to practice in Iowa when Battle Creek offered him an opportunity to practice at a small clinic in that northwest Iowa community.

The Iowa Medical Board at first indicated it would approve the license for Margoles, but later, acting on private information from the Wisconsin Medical Board, rejected his application.

Subsequently, he was admitted to practice medicine in Washington, D.C., New Jersey, Michigan, and Illinois, where he now practices.

Throughout he has contended that Tehan's influence at the Justice Department prevented him from obtaining a presidential pardon. He also contended that Tehan's influence in politics in Wisconsin was at the heart of the Wisconsin Medical Board's refusal to admit him to practice.

Perry Margoles, a teenager when his father's problems started, since has graduated from University of Wisconsin Law School and has devoted a major portion of his time to assembling evidence of alleged widespread corruption in the Seventh Circuit Judiciary.

[From the Madison (Wis.) Capital Times, Dec. 23, 1972]

NIXON PARDONS MARGOLES; HE'S DOUBTFUL HE'LL RETURN

Dr. Milton Margoles, the Milwaukee doctor who lost his license to practice in Wisconsin after being found guilty of tax evasion and obstructing justice, has received a full pardon from President Nixon.

The pardon was announced at a ceremony in Washington, D.C., attended by Margoles' son, Perry, and several congressmen and journalists interested in the doctor's plight.

Margoles ran the old Capitol Hospital in Milwaukee, the first integrated hospital in the city, but got into tax problems over the handling of the finances of the non-profit hospital.

He subsequently pleaded no contest to those charges on advice of his attorneys. He was later charged with attempting to bribe U.S. District Judge Robert Tehan.

Margoles was found not guilty of those charges, but was convicted of attempting to obstruct justice. He served 22 months in prison on the charge.

Margoles is now practicing medicine in Winthrop Harbor, Ill.

He applied for a medical license in Wisconsin after getting out of prison but was turned down by the State Medical Examining Board. In 1970, Illinois refused to grant him license, as did Iowa, because he had not gotten his Wisconsin license back.

The Illinois board, saying "there was something wrong going on in Wisconsin," reversed itself however, and gave Margoles a license in late 1970.

* * *

He has been frustrated in every attempt to get a license back in Wisconsin, despite the fact he now holds licenses in Michigan, California, Indiana, New Jersey, Vermont, the District of Columbia, and Illinois.

Margoles' son, Perry, said he thought it doubtful that Margoles will make another attempt at getting his Wisconsin license back, "because he is practicing in Illinois."

Although Dr. Margoles could not attend the ceremony due to his medical duties, he issued a statement read by his son.

"We are elated over the pardon and can't say enough about the roles of the free press and the Congressmen who kept a focus on my case in a manner that gave us hope," the doctor's statement said.

"It was the press that brought out the full facts concerning the injustice and harassment that followed my efforts to rehabilitate myself and return to a useful life in the practice of medicine.

"The interest and integrity of a few Congressmen made it possible to keep the family's spirits up during the long ordeal when we were faced with opposition from some of the strongest political forces in Wisconsin," he said.

[From the Chicago Sun-Times, Dec. 21, 1972]

Nixon Decides to Pardon Dr. Margoles

WASHINGTON.—President Nixon has decided to grant a pardon to Dr. Milton Margoles, a Zion (Ill.) physician convicted on income tax charges in 1960.

Margoles has been the subject of a 12-year vindication campaign by his son Perry and politicians including U.S. Representatives H. R. Gross (R-Iowa) and Robert McClory (R-Ill.), whose district includes Zion.

Reportedly Mr. Nixon intends to announce 202 pardons and other acts of executive clemency on Thursday.

Margoles was convicted of income tax evasion and attempted obstruction of justice and served two years in jail from 1960 to 1962. He also served four years on parole and was allowed to resume medical practice last year, but McClory continued to seek a pardon to restore the physician to full professional standing.

His family has alleged that he was the object of a vendetta spearheaded by Judge Robert E. Tehan, chief judge of the U.S. District Court in Milwaukee, who presided over Margoles' tax case.

The obstruction-of-justice charge stemmed from an attempt by Margoles to hire the law firm of Tehan's son. Margoles' family has contended that the hiring was solicited by the judge's son.

At least four appeals to U.S. presidents on behalf of the physician have been filed, including the latest by a Zion newspaper, Rep. McClory and Gov. Ogilvie.

[From the Waukegan (Ill.) News-Sun, Dec. 21, 1972]

Nixon Pardons Margoles

(By Steve Rothman)

U.S. Atty. Gen. Richard Kleindienst has kept his word by obtaining a presidential pardon for a Zion doctor.

He promised a News-Sun reporter he would bring the pardon case of Dr. Milton Margoles to President Richard M. Nixon as quickly as possible.

Late Wednesday afternoon, Kleindienst sent the Margoles petition for executive clemency to the President with a note saying he felt this case merited consideration. The President signed the pardon before leaving for the Florida White House.

"He is a great man for having the courage to take this case to the President," said Margoles when reached at his Winthrop Harbor home. "I cannot say what I feel in my heart about this decision. I had nearly given up hope after so many years."

Margoles was tried for income tax evasion some 15 years ago while he was a physician in Milwaukee, Wis. He was charged with evading taxes on $33,000 of income. He ultimately served 22 months in a federal prison under what many newspaper reporters felt were "dubious circumstances."

He has already paid $380,000 in interest, penalties and taxes since that date and still owes $25,000 more. And he has been forced to suffer untold hardships "because he dared to take on a federal judge" who also was guilty of income tax evasion during a nine year period before he was given a federal judgeship, said Clark Mollenhoff of the Des Moines Register's Washington bureau.

The bureau chief's comments dealt with Federal Judge Robert E. Tehan Sr., who has waged a bitter battle to keep Margoles from ever practicing medicine again anywhere in the country.

"I have no intention of ever returning to Wisconsin," said Margoles. "I am happy practicing medicine in Zion and Winthrop Harbor."

Margoles opened a desegregated hospital in Milwaukee at the time when school integration was being fought for in Little Rock.

He built Capitol Hospital into a financially secure institution by offering medical treatment for all regardless of race, creed or color.

His hospital came under scrutiny of the Wisconsin Medical Association because of his radical approach to medicine. Internal Revenue Agents were told to go in and look at the hospital books. When they could find nothing wrong, IRS agents were encouraged to check his personal income tax returns.

This is where the error in his bookkeeper's work was discovered. For several years, his personal lawyer advised him not to worry about the IRS claim because it would be settled.

But this was not to happen. The IRS indicted him on income tax evasion charges. He pleaded nolo contendere (no contest) on the legal advice he would be given a fine and probation. Instead, he faced a one-year prison sentence.

Tehan also fined him $15,000 on ground that he had allegedly hidden away some $730,000 in assets. These assets were never found nor do they exist even to this day, Margoles has maintained.

Margoles was granted 90 days to get his affairs in order. Margoles was then approached by a man who said the decision could be changed if he hired the law firm of Tehan's son. The doctor did and immediately found himself charged with attempted bribery and attempted obstruction of justice. The jury found him guilty of attempted obstruction of justice.

When Margoles returned from prison, he found his hospital had been snatched legally by the Milwaukee County Employes Union. All of the assets had been sold or wasted and there was nothing left but the empty building.

Margoles mortgaged himself to the hilt and borrowed from friends to buy back the empty building. This was in 1962 when he started rebuilding his life.

During this time his most able advocate, his son, Perry, decided to become a lawyer and champion his father's cause.

Perry carried the cause to such reporters as Willard Edwards of the Chicago Tribune and to Mollenoff. He sought help from the late Robert Kennedy when he was head of the U.S. Department of Justice, Congressman H. R. Gross, R-Iowa, Congressman Robert McClory, R-Lake Bluff, and others.

"Your own newspaper played no small role in my case," said Margoles. "The paper supported me not only in its news columns but on its editorial page."

The News-Sun carried the battle to Illinois Gov. Richard B. Ogilvie, and Lake County State's Atty. Jack Hoogasian.

Both men lent their good names to the cause championed by so many voices, said Margoles. Former Zion Mayor Lee Fleming carried the doctor's plight to Ogilvie and helped him obtain a license to practice in Illinois.

Both Mayor Bruce Dunbar of Zion and Mayor Arthur Fossland of Winthrop Harbor also wrote to President Nixon on the doctor's behalf.

But the Internal Revenue Service said today Margoles will still have to pay his entire tax debt despite the presidential pardon. The department's policy is that anyone who owes money to the government must pay it back, a spokesman said.

Perry Margoles explained that the executive pardon forgave his father of any wrongdoing. It gives him the right to vote, the right to practice medicine where he pleases if he can pass the tests and restores his full professional status.

[From the Chicago Daily News, Dec. 22, 1972]

Zion Medic Pardoned by Nixon

(By Robert Gruenberg)

WASHINGTON.—President Nixon has granted Christmas pardons to 202 persons, including Dr. Milton Margoles of Zion, Ill., and commuted the sentences of 4 others, it was announced Thursday.

Dr. Margoles, now 60, was convicted in 1960 of income tax evasion and attempted obstruction of justice.

He paid $125,000 in fines and sentenced to serve a year in jail by Senior Judge Robert E. Tehan Sr., sitting in U.S. District Court in Milwaukee.

Judge Tehan refused a plea of clemency for Dr. Margoles, saying "I don't think he deserved it."

Judge Tehan failed to pay his own income taxes for eight years before becoming a judge in 1949. At the time, Tehan was a member of the Wisconsin Legislature. He paid the back taxes before he was nominated to be a federal judge.

Dr. Margoles, who had practiced in Milwaukee until his conviction, served four years on probation after his release from prison, but was prohibited from practicing medicine in Wisconsin. This also blocked his being licensed elsewhere.

His son, Perry, 28, a Chicago lawyer, enlisted the aid of Rep. Robert McClory (R.-Ill.), in whose district Dr. Margoles now lives, and the support also of Rep. H. R. Gross (R.-Ia.).

Rep. McClory said he became convinced the doctor was the victim of political prosecution after pressure was brought on him when he unsuccessfully sought a presidential pardon from President Lyndon B. Johnson.

Dr. Margoles was licensed to practice in Illinois in 1971 and opened his office in Zion, in McClory's district.

Perry Margoles said that his family spent approximately $400,000 in legal costs, appeals and fines since the case began in 1957.

[From the Chicago Tribune, Dec. 28, 1972]

Capitol Views—Campaigns To Correct

(By Willard Edwards)

WASHINGTON, Dec. 27.—In this farewell column, the temptation is to look back over the years and lament, "Where are the giants of yesteryear?"

It would be easy to list some of the leaders in Congress during the '30s and '40s, to note their high stature in history, and to compare them with men occupying the same leadership positions today. The verdict would have to favor the veterans.

There is in the Senate no Robert A. Taft, Richard Russell, William Borah, George Norris, Arthur H. Vandenberg, Walter George, Everett M. Dirksen, or Huey Long. In the House, no leader approaches the political sagacity of Sam Rayburn or Carl Vinson.

Unfortunately, this exercise would be dishonest. My memories of those early days are too clear. With an exception or two, the senators and representatives then encountered were about the same breed as now. The years have exalted their virtues and dimmed their faults just as the future will, undoubtedly, add luster to the reputations of men and women now serving. If, in the '70's, there is a lower level of intelligence, industry, and dedication among members of Congress, as compared to the past, I am unable to detect it.

The age level is much lower and that is all to the good. A few decrepit chairmen cling to power on Capitol Hill, but the recent election revealed their vulnerability. Younger men are taking over in Congress.

The younger generation is not to be envied as it takes a crack at national and world problems which have not yielded to the attacks of their elders. I plan to stick around long enough to write, I hope, about their successful efforts.

Changes in the press are much more evident than in Congress. For a particular reason, I have been cheered by the development of the newspaper as an assistant to the ordinary man, battered by frustrations in this computer age.

If I were attempting to pick the most notable improvement in newspapers in the modern era, I would cite the emergence of such departments as the Action Express column in this newspaper. Its potential for inspiring good will is unbounded.

The greatest reward of working for a newspaper is the somewhat similar opportunity to wage a successful campaign to correct injustice in the case of a man or woman otherwise helpless against the arrogance of bureaucracy. It is here that the reporter or columnist can, by repeated pounding on such an issue, eventually summon public opinion to the rescue.

He must, it seems unnecessary to note, have editors who are patient, allowing him space to develop the pattern of injustice to an individual whose only crime has been zeal in the performance of his duty. In a case such as that of Otto P. Otepka, eight years may pass before government yields and vindication is accomplished. In the similar case of John D. Hemingway, justice is still delayed after four years, but his prospects are brightening.

In the last four years, the political harassment of Dr. Milton Margoles has been repeatedly stressed in this space. There was comfort last week in reporting President Nixon's issuance of a full and unconditional pardon to the physician. That was a victory over powerful political forces and, as Dr. Margoles said, it would have been impossible without the help of the press.

These rambling observations now come to an end. A year ago, when some young friends gathered to note my 50th anniversary in the newspaper business, I was inspired to write a sonnet in response. Its concluding two lines will serve very well here:

"How long we'll march together,
I don't know—
"I'll take some fragrant memories
when I go!"

THE GREAT OIL SEARCH: THE SOVIETS IN THE PHILIPPINES, THE UNITED STATES IN RUSSIA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. RARICK. Mr. Speaker, while the American people are being told that U.S. development of Soviet oil may be one of the solutions to the energy crisis, the Soviet Union announces that it is ready to explore for oil in the Philippines.

Apparently the Soviet Union is also experiencing energy problems, and being aware that it does not have the needed oil potential, is looking elsewhere while encouraging U.S. investors to squander their time and money in the Soviet oil pipedream. I include the following newsclipping:

[From the Washington Post, Feb. 8, 1973]

SOVIET OFFER

MANILA.—The Soviet Union has expressed readiness to send an oil exploration team to the Philippines, the government said. Moscow, which has no diplomatic relations with Manila, offered only to help the Philippines explore for oil and to leave the country once a strike is made.

BALANCED TRANSPORTATION

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. CLARK. Mr. Speaker, under leave to extend my remarks, I include for the benefit of the Members the details of an interesting paper presented recently before the Australian Road Research Board in Canberra, Australia, by Mr. Ted Holmes, former Associate Administrator, U.S. Federal Highway Administration, and currently staff consultant International Road Federation. Mr. Holmes has some pertinent and interesting comments on "Balanced Transportation":

BALANCED TRANSPORT REAL MEANING CITED

"Balanced transportation" is not simply the distribution of the various types of transport but the balancing of transportation with public and private development on the land highways serve.

That was the thesis of a detailed paper presented recently at the Sixth Annual Conference of the Australian Road Research Board meeting in Canberra by E. H. Holmes, former Associate Administrator, U.S. Federal Highway Administration and currently Staff Consultant, International Road Federation.

The problem of maintaining balance between transportation and other development has led to an in-depth study by IRF entitled "The Coordination of Urban Development and the Planning and Development of Transportation Facilities", with Mr. Holmes as the principal investigator.

He already has consulted with officials in eight European countries and he reported in general terms to the Australian meeting on some findings in the field of planning, realization of the plans, financing and citizen participation.

Pointing out that it would still be some time before his final detailed report was made, Mr. Holmes made this comment;

"In the United States we are wont to dismiss European experience on the grounds that 'things there are different.' Certainly they are different, but in my visits to Europe I have found far more similarities than differences, even or perhaps especially in the area of motor vehicle transportation.

"And it seems likely that there is far less difference between the United States and Europe than between countries within Europe and between states within the United States.

"I am under no illusions that the product of this IRF project on which I am engaged will have any visible impact in the United States. I am convinced, however, that preservation of our heavy investment in highways and motor vehicles demands control over the use of the land our highways serve, and in their own selfish interests if for no other reason, highway officials could well afford to take the lead in gaining acceptance of effective land use control.

"I am also convinced that elements of European practice could be synthesized into a procedure for control of development within our political system, if we are ready to accept it.

"In my opinion as a nation we are not ready. But on the other hand there are some states that may be becoming sufficiently concerned about urban development in their future that they may soon be ready and willing to accept the necessary degree of control of land use. When that time comes, the experience of others, as developed by projects such as this, can provide useful guidelines.

"And hopefully in the meantime, the product of this and other projects like it may help to speed the day when some unit of our government will adopt effective land use control measures and strike a sound balance between transportation and other development."

FIGURE PRESENTED

Mr. Holmes cited figures to show the extent of highway transportation in the United States noting an annual traffic volume increase of 4%. In intercity movement, 88% of the total miles traveled is by private vehicle and 2% by bus, meaning 90% total on highways.

"Apart from the economic aspects, important as they are, the situation in intercity movement boils down to the highway system having to provide for nine-tenths of the person miles of travel and four-tenths of the ton miles of goods and commodities.

"In intra-city movement, of course, the story is different. Here virtually all goods movement is by truck, but unfortunately deliberate provision for it is seldom considered in our planning and the total dependence of the city on the motor truck and the street system is generally overlooked or over-shadowed by the problem of personal travel.

"In the smaller urban areas, those below 50,000 population, all personal travel is by highway, virtually all by private vehicle. It is only in the "urbanized areas that public transportation appears as a factor, but even here it is of little significance except in our largest cities. In all urbanized areas (those with 50,000 or more population 93% of all trips were by automobile, 5% by bus and 2% by rail, either rapid transit or commuter railroad. And this 2% is virtually all in our five cities with subways and nearly half of that in New York. Thus the question of distribution by mode is a specialized or localized problem, and not one of general concern. The question might quite reasonably be raised as to whether this should be a matter of national concern.

"Looking at our largest metropolitan areas, we have not one problem but two very distinctly different ones. First is that of the peak hour movement, five days a week, to and from the downtown area, and the second the general travel throughout the entire area all days and into the night seven days a week in most of the largest areas not more than 5% of the trips are to or from the downtown area, and 40 or more percent of those trips are in the morning and evening peak. Yet it is this problem of access to the downtown areas of our largest cities that has produced what is called the 'transportation crisis' in our cities, where in fact in transportation viewed on a 24-hour-a-day, seven-days-a-week basis we've never had it so good. . . .

REASON FOR CRISIS

"It is not a result of deliberate political or economic decision that some certain portion of our national effort should be devoted to highways and their use. Rather it is the result of application of private resources and the mobilization of user charges by the several levels of government to accomplish a purpose desired by the public."

He said the United States has had a unique opportunity to measure the effect of highways through the Interstate System which started from scratch and which has 80% of its 42,500 miles completed. It is estimated it will have cost $75 billion by completion but by that time, user savings, in operating costs, accident cost reduction and time savings will have reached $108 billion. The additional saving of time for passenger cars was not included in the computation.

Turning to public transportation, Mr. Holmes said there was an obvious need in urban areas.

"But the question can be raised, in the

writer's opinion, as to whether this is properly a problem of national concern, and not simply whether highway funds should be funneled off from the highway program to aid in providing rapid transit for cities as they are developing."

He said that of $10 billion authorized for mass transit, more than two-thirds will go to subways and "will have no impact on transportation save in ten or a dozen cities and will have little impact on the total transportation needs even in those cities, save for travel to and from the central core."

NO POLICY

Mr. Holmes said there was no effective national transportation policy in the United States.

"Federal aid for two major modes of travel and transportation, highway and air are fully supported by their users. Both are programs of national scope and logically of national concern.

"The third major mode—public transportation in urban areas—cannot support itself and must have aid from some public source if it is to be preserved. It is a matter of local rather than national concern, however, and the question could well be raised as to whether federal funds should be directed to this end. It is not a factor in transportation on a national basis, and could better be viewed as a cost of maintaining the cities as they are built and are building . . .

"What is unfortunately overlooked in all our discussion and debates is that save a small percentage of the trips, transit is not an alternative to highways. It is a supplement and providing it will not materially reduce traffic congestion. In most cities with rapid transit it will be found that the heaviest traffic congestion is on the streets under which the subways run . . . Most riders shifted to the subways not from automobiles but from surface transit lines or drove to the rapid transit stations instead of all the way downtown, thus simply shifting the points of congestion."

Referring to criticism of highways by environmentalists, Mr. Holmes detailed federal legislation requiring consideration of the environment in highway planning. Involved are "prudent" alternatives, the problem of disruption of neighborhoods, the question of air pollution.

While there is no doubt the automobile pollutes the atmosphere, Mr. Holmes pointed out that federal legislation requires the virtual elimination of air pollution by motor vehicles after 1976. In fact he said "we have an incongruous situation in which there are federal requirements already in effect which may well be unnecessarily severe, but which would virtually eliminate vehicular air pollution, and at the same time groups calling for alternative to the motor vehicle."

ACT REQUIREMENT

He explained the National Environmental Act requires that environmental factors must be fully considered in major highway decisions.

"In interpreting this requirement the agency (Environmental Protection Agency) requires a written environmental impact statement to be prepared for each project for review by the EPA. . . With the thousands of federal aid highway projects each year, delays in approving projects by the Federal Highway Administration have been severe, especially in projects where the design had largely been accomplished prior to the application of the act, and the project had to be pulled out of the 'pipeline' of preconstruction work."

Then Mr. Holmes turned to what he considered the major problem of balanced transportation—the balance between transportation and other development, public and private.

"Could we strike a balance, and maintain that balance, between the way our cities grow and the amount and form of transportation we provide to serve that growth, the problems arising from special interest groups jockeying for favored position and the disharmony between the community and the transportation interests would certain be alleviated and might, for practical purposes, disappear . . .

"Since 1965, in conformance with the Federal Aid Highway Act of 1962, federal aid highway programs cannot be approved in any urbanized area unless they are based on a 'continuing comprehensive transportation planning process carried on cooperatively by the states and the local communities' . . .

SIMPLE APPROACH

"In principle the approach is very simple—develop a land use plan, or better several alternative plans, calculate the transportation requirements for each, ask the people of the area which plan they prefer, and then go ahead and execute it. . . .

"But the planning tools are not designed to ascertain just what form of community the people really want, or perhaps can have within the available resources, and they cannot execute the public aspects of the plan nor control the private development envisioned in the adopted plan of land use. Other programs and other tools are necessary to do those things. And those are what we lack to insure 'balanced' transportation. Transportation plans can provide for a balance between automobile and transit travel or the private and public modes. The highway portion of plans, usually components of a statewide highway plan, can in large measure be financed from federal and state highway user funds, and highway programs move quickly forward. . . .

"Funds for developing transit facilities come largely from local sources, with little state aid and significant federal aid only in recent years, and often little progress is made in that mode—a situation leading to criticism that the plan was 'highway oriented' when in fact it was the program, not the plan that was at fault.

But the real problem comes in keeping private development in line with the plan. The unfortunate experience has been that private development goes on almost unchecked, with zoning the only land use control we have, and that in many cases, particularly in the urbanizing areas around the larger cities, so weak as to be almost ineffectual. Zoning seems almost invariably to give way to economic pressure. As a result high density use, residential and commercial, has followed new highway construction as accessibility to undeveloped or lightly developed land has been improved, often quite inconsistent with the plan. Highways become congested and can no longer serve their designated purpose, and the inner city is pressed to accept still more automobiles . . .

"In plain fact, cities as they are developing are creating transportation problems that for all practical purposes transportation cannot solve."

POSTAL EMPLOYEES RIGHT TO STRIKE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. WALDIE. Mr. Speaker, on November 22, 1971, I stood on this floor to introduce a bill which would authorize the employees of the U.S. Postal Service the same right to strike that is guaranteed to employees in the private sector by Federal legislation.

I pointed out at that time that a year previous we had enacted a bill into law that was held out as the Magna Carta for postal employees. It allegedly put employees in the Postal Service on comparable terms to the employees in the private sector in terms of engaging in collective bargaining through representatives of their own choosing. I pointed out that it guaranteed the postal employees all of the rights, privileges, and obligations that employees in the private sector possessed, except for the one right—the most fundamental right—that any employee, and particularly a trade unionist possessed, that is: the right to strike. At that point I stated:

> Without that right, the union is for all forms and purposes a paper dragon and has no means of bringing any economic pressure whatsoever on an employer.

I then quoted from a concurring opinion in a district court decision involving postal workers, wherein the judge stated:

> It is by no means clear to me that the right to strike is not fundamental. The right to strike seems intimately related to the right to form labor organizations . . . A union that never strikes, or which can make no credible threat to strike may wither away in ineffectiveness. That fact is not irrelevant to the constitutional calculations. Indeed, in several decisions, the Supreme Court has held that the First Amendment right of association is at least concerned with essential organizational activities which give the particular association life and promote its fundamental purposes.

Collective bargaining only works when both sides—management and labor—can sit across the bargaining table as equals, each one having certain weapons to equalize the strength of the other: labor—the power to strike, and management—the power of the lockout. But in the Postal Service collective bargaining the deck is stacked against an employee and his union representative who is forbidden to strike, while management—which is to say, the Postal Service—has the right of lockout, or more precisely, the right under Federal law to not only discharge, but to imprison the employee for striking. It is, therefore, little wonder that Postal Service employees bitterly characterize this kind of "collective bargaining" as "collective begging."

I wish to point out again today as I did at the time I originally introduced this bill in the 92d Congress, that in fact what we did in enacting the Postal Reorganization Act was to hold out a short piece of bait to the employee and at the same time withhold the most basic fundamental right employees in a true collective bargaining situation ever have—that is, the right to strike.

A representative of one of the Postal Service unions pointed out at hearings conducted on the previous bill that the 40th American Assembly, a respected conservative organization, had expressed concern that government should not set either an unrealistic or unfair prohibition against employees and concluded that public employees should have at least a limited right to strike. That assembly, at its Western Conference in May 1972, went even further. It was the consensus of more than 100 leaders of government, management, education and labor that took part in this meeting that Government workers should have the same rights to unionize, bargain collectively and strike as workers in private industry have.

Mr. Speaker, if this is true of all Government employees, then it is certainly even more true for the employees of the Postal Service who have been removed from the protective umbrella of Congress insofar as their wages, rights, benefits and working conditions are concerned, but who are nevertheless denied the basically essential weapon which would put them on equal footing with the employer, the Postal Service.

This constitutes a double standard being enforced by the Government, that of prosecuting private individuals for failure to end discrimination, while tolerating discrimination in its own establishments. Government as a labor arbitrator bans restrictive practices of employers and discourages punitive attitudes on the part of employees. But the Government and, in the present instance, the Postal Service as an employer, is engaging in the same negative practices that it condemns in others.

I am, therefore, introducing again today this bill to remove the postal employees from this special category and to grant them full parity with the rest of the employees in the private sector of our economy. I include the attached section-by-section analysis to be printed in the RECORD at this point:

SECTION-BY-SECTION ANALYSIS

Section 1. States that the act shall be known as "The Postal Reorganization Act Amendments of 1973."

Section 2(a). This section, by striking the reference to Sec. 3333 would remove the requirements that every Postal employee take an oath not to strike. By adding the proviso at the end of the subsection the applicability of Section 7311 is removed insofar as Postal employees are concerned. This is the prohibition against striking. The section contains various other prohibitions but the courts have invalidated all but the strike prohibitions.

(b) This section removes Postal employees from the applicability of criminal penalties (Sec. 1918, Title 18 U.S.C.) which may be imposed against employees of the Federal government for striking. The remainder of that section has also been invalidated by the courts.

Section 3. This section would repeal that portion of Chapter 12—"Employee-Management Agreements" entitled "Labor Disputes" and which sets forth the machinery for mandatory arbitration in the event of an impasse between labor and management which in an ordinary non-governmental situation might, but not necessarily, lead to a strike. Since this was inserted in the Postal Reorganization Act as an alternative to the right to strike it is logical to eliminate it when the strike restrictions are removed.

Section 4. In striking Sec. 1207 the provisions for mediation were also removed. This section would merely make the general law provisions of conciliation applicable to the Postal Service. Please note that it also contains the Taft-Hartley provisions for handling "National Emergency" strike situations.

Section 5. This section would remove the prohibition against postal employees being affiliated with a labor organization, which imposes upon them an obligation to engage in a strike against the government.

MORE SUPPORT FOR STANDING COMMITTEE ON ENVIRONMENT

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. BROTZMAN. Mr. Speaker, on the opening day of the 93d Congress, I introduced a resolution to establish a standing Committee on the Environment in the House of Representatives. Today, I am introducing the proposal with 12 additional cosponsors. This brings to 140 the number of Congressmen who have joined with me in offering this proposal.

It is my thinking that the broad support existing in the House for a standing Committee on the Environment justifies hearings on the proposal at an early date. The House must reorganize itself to the task of meeting threats to our environment. Without one committee having legislative jurisdiction over air pollution, water pollution, herbicide and pesticide abuse, noise control, and solid waste management our efforts will continue to be fragmented.

Nothing more clearly indicates fragmentation in the congressional efforts to improve environmental quality than does the number of committees before which the Environmental Protection Agency must testify. During the first session of the 92d Congress, EPA testified before eight committees of the Senate, eight committees of the House, and two joint committees for a total of 18 different committees. During the second session of the 92d Congress, testimony was presented before eight Senate committees, 10 House committees, and one joint committee for a total of 19 different committees.

The important feature of the standing committee proposal as distinguished from proposals to create a select committee or a joint committee is the fact that a standing committee would have legislative jurisdiction, including the authority to have bills referred to it and the authority to report bills to the floor of the House. It would represent a streamlining of the House and not merely create another layer in legislative process.

Mr. Speaker, I am pleased to announce that the following Members are today joining in cosponsoring a standing Committee on the Environment:

JAMES CORMAN of California.

SAMUEL DEVINE of Ohio.

WALTER FAUNTROY of the District of Columbia.

ANDREW J. HINSHAW of California.

MORGAN MURPHY of Illinois.

ANTONIO WON PAT of Guam.

OTIS PIKE of New York.

BERTRAM PODELL of New York.

JOEL PRITCHARD of Washington.

RONALD SARASIN of Connecticut.

DICK SHOUP of Montana.

BOB WILSON of California.

EXPRESS BUS SERVICE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. KOCH. Mr. Speaker, today the New York City Board of Estimate is considering a petition submitted by the Riverdale Transit Corp. in the Bronx for a permanent franchise to run express buses from Riverdale to mid-Manhattan. The route that the bus company has been using and for which it has requested permanent status runs down Fifth Avenue and returns via Madison Avenue with several stops in mid-Manhattan. The express bus has proven to be successful and popular among Riverdale residents working and shopping in Manhattan.

The route is opposed, however, by some Manhattanites who fear that additional buses coming down mid-Manhattan will increase noise and pollution.

My congressional district is in Manhattan, and I support the transit company's application. I believe that its express service is the type of bus service that should be expanded, not thwarted. Realistically, the alternative to such express service is more private cars coming into Manhattan, and this, I would submit, produces more pollution—and more congestion—for the neighboring residents than buses which can and must be required to carry effective emission control devices. Furthermore, it should be remembered that the streets of New York belong to all New Yorkers and not just the particular neighborhood in which they are located. The people of Riverdale have a right to efficient access to the central city.

New York City, and Manhattan in particular, is faced with a serious pollution problem. And just recently a Federal court told the State that it will not be allowed a 2-year extension beyond the 1975 deadline to reduce its pollution to an acceptable level. To achieve the air quality required by law, major changes will have to be made in the city's traffic patterns. According to the New York State Department of Environmental Conservation which has drawn up an air quality implementation plan to meet the air quality standards, the influx of cars into the central business district—CBD—will have to be reduced and greater use be made of mass transit. In its report, the department spoke favorably of the success in express bus service feeding mid-Manhattan. The institution and growth of this service from several of the city's outer borough has reduced an ongoing diversion of people from mass transportation to their cars in traveling into the CBD.

Just this week I testified before the Senate Housing Subcommittee in support of legislation I have introduced to expand the Federal mass transit program. I pointed out that only through improved public transportation will many cities like New York be able to meet the air quality standards mandated by the 1970 Clean Air Act. The health of our citizens requires the air quality standards mandated by the 1970 law. But, to meet these standards cities will have to receive assistance from the Federal Government to improve their transit system.

In the case of the Riverdale express service we have an operation that is providing its riders with a practical, and for many a preferable, alternative to the automobile. This kind of bus service benefits the whole city of New York, as well as the residents of Riverdale.

PERSPECTIVE ON VIETNAM PEACE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. PICKLE. Mr. Speaker, below is a perspective on the Vietnam peace which appeared recently in the Daily Texan, the newspaper of the University of Texas at Austin.

The article was written by Prof. Walt Rostow. Since Dr. Rostow was intimately involved with Vietnam policy during the Johnson administration, I find his perspective now quite useful and want to share it with my colleagues here.

The article reads as follows:

Evidently, the wobbly cease-fire in Vietnam which went into effect on the evening of January 27th could prove either the prelude to a resumption of major hostilities in Indochina or the prelude to stable peace.

On the hopeful side, five essential elements sought over the years by the United States and the government of South Vietnam (GVN) are present in the agreements:

The DMZ at the 17th parallel is recognized as a line of demarcation not to be violated by force, reunification to come about (as in Korea) only "by peaceful means, through negotiation between North and South Vietnam without coercion or annexation."

The vulnerable flanks of South Vietnam are protected by the reaffirmation of the Geneva Accords of 1954 on Laos and Cambodia, guaranteeing their independence, and of the 1962 Accords on Laos: all foreign troops, including the North Vietnamese, must leave, and further infiltration of South Vietnam is forbidden from the present forward, except for monitored replacement of existing equipment and personnel.

The cease-fire is to be monitored by substantial international forces, not bound by unanimity in investigating violations, equipped with their own transport, including helicopters.

The international conference to be convened within thirty days will, presumably, reaffirm these principles and provide similar flexible inspection provisions.

Self-determination for the South Vietnamese is affirmed and the organization of elections is to be arranged by a committee within which the GVN has a veto.

All this flowed from Hanoi's momentous decision, revealed on October 8, 1972, to move for a cease-fire without demanding prior change in the GVN. That decision ended a negotiating impasse of at least seven years.

But the pitfalls are numerous and, in some cases, inevitable in a process of peacemaking that starts with a cease-fire in place. For example, U.S. forces move out quickly and the mines are promptly removed from North Vietnamese waters, whereas the North Vietnamese forces in South Vietnam are placed under pressure to leave only as the provisions on Laos and Cambodia are fully implemented. The terrain of Laos and Cambodia, as well as the western part of the DMZ, lends itself to violation of the provisions on infiltration, even with an alert and flexible international monitoring force. It remains to be seen if the Communists will negotiate promptly with the GVN to achieve national elections, or stall within the framework of the cease-fire to build up military and political enclaves within South Vietnam. From the Communist point of view an extremely delicate and important issue is unresolved and must be negotiated with the GVN: the release of Communist prisoners. As the Canadian government has indicated, bearing as it does the wound stripes of almost twenty years of monitoring experience in Indochina, it is essential that the forth-coming international conference create a responsible body to which the inspection group in Vietnam can report cease-fire violations. And the list of problems which makes the agreement fragile could be extended.

The outcome will hinge on many factors, starting with the unity and steadiness in these complex circumstances of the government and people of South Vietnam. The posture and policy of Russia and China, as they will emerge in the forthcoming conference, will, of course, bear on the outcome: has either or both come to the conclusion that their old conflict for influence in Hanoi and their abiding interest in extending their influence in Southeast Asia would best be served by stable peace?

And, there is Hanoi itself. The greatest hope for peace lies in a possibility I, at least, cannot confidently assess. For almost all of their mature lives the men who bear responsibility in Hanoi sought to succeed to the French colonial empire in Asia. After achieving a part of their dream in 1954, they revived the military struggle in 1958. They did so in the post-Sputnik period when the whole Communist world was enflamed with new hopes and ambitions for the extension of Communist power. Crises in Berlin, the Congo, and the Caribbean, as well as in Southeast Asia, reflected this mood. It began to wane in the West after the Cuba missile crisis in the autumn of 1962. In Asia things began to change slowly by the end of 1965, after the American forces dispatched in July by President Johnson stopped the disintegration of South Vietnam and the Communist coup in Indonesia failed. The determined men in Hanoi persisted, however, down to the failure of their massive offensive which began on March 30, 1972.

Now, what do they see? North and South Korea in negotiation; East and West Germany in negotiation; President Nixon dealing constructively with their great (but mutually hostile) allies in Peking and Moscow; most of Asia moving forward rapidly in economic and social development, while North Vietnam remains a dreary military encampment, its progress arrested for some fourteen years. Perhaps (as in North Korea) these dedicated Communists will conclude that an historical phase has arrived, inappropriate for war and revolution, in which, to use their phrase, "building socialism in the North" should enjoy priority, for a time at least. Perhaps some years of concentration on these constructive tasks will create a vested interest in getting on with them. Perhaps the present leaders will come to perceive that the rise of an authentic nationalism in post-colonial Southeast Asia has overtaken the dream of their youth that a Communist Hanoi could exercise hegemony in the area. Perhaps a new generation of leaders will come to responsibility to whom the glories of Dienbienphu and the political victory in Paris in 1954 are part of history, not guides for current policy.

Perhaps. But if something like this process is to take place, we Americans must continue to bear a heavy responsibility. The Congress and the American people must support President Nixon in his determination that the cease-fire yield "a peace that lasts." Hanoi will watch closely whether American sensitivity to violations of the agreement declines, once our prisoners are home. We will have to back our government in assuring "that the terms of the agreement must be scrupulously adhered to" while also reaching out to North Vietnam in the spirit of reconciliation President Nixon offered.

It is simply not good enough to deplore the horrors of war or to rejoice at the end of the killing without facing up to the conditions for stable peace. This is what we owe to the American dead and wounded, to the millions of human beings in Asia who have died or suffered from this war, to ourselves, and to our children.—W. W. Rostow.

A PROBLEM OF CHILD NEGLECT

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. ECKHARDT. Mr. Speaker, being a proponent of legislation for the implementation of a system of national health security, I want to acknowledge the efforts of another crusader in the field of mental health.

Mike Gorman, the executive director of the National Committee Against Mental Illness, has been described as "the country's greatest missionary for mental health." Mr. Gorman, a professional journalist, internationally recognized for his crusading efforts against mental illness, began his long battle to bring the plight of the mentally ill to public attention in 1945 as a reporter for the Daily Oklahoman.

Since then he has served under Presidents Truman and Kennedy in the capacities of Director of the President's Commission on Health Needs of the Nation, and a framer of the Joint Commission recommendations which passed the Congress as the landmark Community Mental Health Centers Act of 1963, repectively.

He is the author of many books on the subject of mental illness and has received honorary degrees from the New York University. He is a member of Phi Beta Kappa and is fellow of the New York Academy of Sciences.

In honor of Mr. Gorman's unprecedented achievements in the field of mental illness I have the privilege of reading a speech that was delivered by him on December 1, 1972, in Houston, Tex., to the annual meeting of the Texas Association for Mental Health. His words of mercy for the unfortunate multitudes is worth heeding by this honored body of legislators.

As the speech was delivered while Congress was in adjournment, I offer it now for the Members' consideration:

Child Development Center Legislation: Our Highest Priority

(Keynote address to annual meeting, Texas Association for Mental Health, December 1, 1972, Embassy Room, Shamrock Hilton Hotel, Houston, Tex., by Mike Gorman, Washington, D.C., executive director, National Committee Against Mental Illness, member, Joint Commission on Mental Health of Children, fellow, American Psychiatric Association, honorary, and fellow, American Public Health Association)

In 1965 Senator Abraham Ribicoff introduced legislation providing partial federal funding for a privately incorporated Joint Commission on Mental Health of Children to take a long, hard look at the plight of our emotionally disturbed children and come up with specific legislative and policy recommendations.

The Commission, composed of representatives from 53 national organizations interested in children, labored long and hard over a period of four years. Those of us who had the privilege of serving on its Board of Directors waded through thousands of pages of documentation from 10 expert task forces and held innumerable meetings—many of them quite stormy—in an effort to produce the most meaningful final report.

We frequently assert that ours is a nation devoted to its young. Our acts, however, belie our words. We have failed to commit our vast resources to eliminating the innumerable ills which hinder the healthy development of our young. Through our failure, we do violence to our most precious natural resource and, ultimately to the destiny of our nation. The number of mentally, emotionally, and physically handicapped youngsters in our midst is living testimony of the most devastating form of this violence.

From the time of the first White House Conference on Children in 1909 we have repeatedly, and wtih considerable eloquence, announced our intentions to develop strong, imaginative programs for children and youth. Yet, our programs for maintaining the health and mental health of infants and children remain woefully inadequate to the present day. Further, our preventive programs are most deficient where they are most crucially needed, that is, during the prenatal period and the first three years of life. For millions of our young, these highly critical periods of development go unattended. The consequent damage to health and mental health are inseparable and frequently lead to irreversible handicaps.

Our corrective and remedial efforts often reflect the same historical apathy. For example, we have not even met the needs of our emotionally disturbed children and youth, although these needs have long been recognized. The 1930 White House Conference on Child Health and Protection, composed of several thousand citizens and government officials, proclaimed that:

"The emotionally disturbed child has a right to grow up in a world which does not set him apart, which looks at him not with scorn or pity or ridicule—but which welcomes him exactly as it welcomes every child, which offers him identical privileges and identical responsibilities."

The 1930 White House Conference estimated that there were, at that time, at least two and one-half million children with well-marked behavioral difficulties, including the more serious mental and nervous disorders.

In the four decades since the issuance of that report—the care of the emotionally disturbed child in this country has not improved—it has worsened considerably. During the four years of its deliberations and fact-finding efforts, the Joint Commission gathered together an impressive body of descriptive material on the plight of the emotionally disturbed child in America today.

Our major national, professional organizations estimate that there are now approximately four million children under the age of 18 who are in need of some kind of therapeutic intervention because of emotional difficulties. Of this number, anywhere from one-half million to a million children are so seriously disturbed that they require immediate treatment.

What happened to these emotionally sick children for whom there are no services in the community? Each year, increasing numbers of them are expelled from the community and confined in large state hospitals so understaffed that they have few, if any professionals trained in child psychiatry and related disciplines. It is not unusual in this year 1972 to tour one of these massive warehouses for the mentally ill and come upon a child, aged nine or ten, confined on a ward with 80 or 90 sick adults. Data for 1969 indicates that over 27,000 of these children were confined in state and county mental institutions. On the basis of a trend which had been developing over the past few years, the National Institute of Mental Health correctly projected in 1963 that by the end of 1970 the number of children aged 10–14 hospitalized in these institutions would double. Sad to relate, it did.

The National Institute of Mental Health also reports that thousands upon thousands of elderly patients now confined on the back wards of these state institutions were first admitted as children 30, 40, and even 50 years ago. A recent report from one state estimates that one in every four children admitted to its mental hospitals "can anticipate being permanently hospitalized for the next 50 years of their lives."

From all of its studies, the Joint Commission concluded that it is an undeniable fact that there is not a single community in this country which provides an acceptable standard of services for its mentally ill children.

The Commission therefore recommended that federal funding be provided for the establishment of a network of Child Development Councils throughout the nation. These Councils would act as the direct advocate for children and youth. They would have the responsibility and prerogative of insuring that complete diagnostic, treatment, and preventive services were made available to all children and youth in the neighborhoods which they serve.

Our report received almost unanimous acclaim. Practically every professional organization concerned with the problem of mental health hailed the Commission report as both a definitive description of the crisis in child mental health and a bold and pragmatic prescription of the measures we had to take as a nation to tackle the problem.

Legislation was introduced early in 1971, but it languished on the back burner while the Congress voted a $250 million loan to Lockheed and pledged hundreds of millions of dollars to have the Penn Central and other examples of creative American enterprise from immediate collapse.

While the legislation was bottled up in committee, the problem didn't go away. Drug addiction among our youth reached a record high. Because of shortages of staffs and facilities, Mental Health Clinics and Community Mental Health Centers all across the country turned away hundreds of thousands of children who could not function either in the world of school or in the world of work.

However, a remarkable series of events occurred last year which gave strong hope that we could develop and pass a monumental piece of legislation which, under the umbrella concept of comprehensive child development centers, could bring about an even more dramatic revolution in child care than the child advocacy concept.

We are not talking here about baby sitting services for working mothers. Let me give you the definition of a comprehensive child development program as enunciated by the Office of Child Development of the Department of Health, Education, and Welfare:

"An attempt is made to meet all the needs of a growing child and his family. The program directs itself to the educational, nutritional, health and psychological needs of children and involves parents through instruction in the fundamentals of child development and family counseling."

There is nothing new in this comprehensive child development concept. It exists in one form or another in most of the European countries and has reached its fullest fruition in the Soviet Union. Those of us who were members of the official U.S. Mental Health delegation to the Soviet Union in 1967 came away with the very crystal clear impression that from the fifth month of pregnancy, every resource is brought to bear to aid the new-born child. I cannot give you the full flavor of the Russian system in a short time, but let me quote just two paragraphs from an article I wrote for the International Journal of Psychiatry:

"For children under the age of three, there is a vast network of nurseries. It is estimated that more than 50 percent of Russian children get their early upbringing in these nurseries. Working parents may leave them in these nurseries during the entire working week, just bringing them home for weekends. In addition to intensive pediatric care, the nurseries in recent years have concentrated on developing educational staffs to motivate the child and introduce him to the learning process. If the psychiatric consultant to any of the regular nurseries detects an emotional problem in a child, he can transfer him to one of the specialized nurseries that handle psychiatric disorders in children.

"From the ages of four to seven, the child goes to a kindergarten, which may be located in the district where he lives or in the factory in which his father and/or mother works. Here, again psychiatric consultation is available, and there are several specialized kindergarten schools for disturbed children."

Contrast this with the situation in our country. Today, more than 26 million children have mothers in the labor force (up ten million in a decade); six million of them are under six years of age. That's a lot of kids.

What happens to these children while the mother is working? The average woman in the work force earns $4000 a year. Even the least expensive center charges $10 to $20 a week per child; the services vary from good to deplorable. Because of these obvious economic considerations, day care centers (defined as facilities for more than six children) enrolled only a little over half a million children in 1970—less than ten percent of the preschoolers with working mothers.

How are the rest of the children "cared for"? You should know the story. For some of the kids, it's a latch key as they wander the streets; for others somewhat more fortunate, a relative, a boarder or a neighbor may try to do the job.

Both the House and Senate addressed themselves to this problem with great energy and determination throughout the latter part of 1970 and all through 1971. The House committee, under the leadership of Congressman John Brademas of Indiana and Congressman Ogden Reid of New York, held innumerable days of hearings, as did a comparable Senate committee under the jurisdiction of Senator Walter Mondale of Minnesota. Their major purpose, as outlined by its sponsors, was to give reality to President Nixon's oft-quoted 1969 commitment "to provide all American children an opportunity for healthful and stimulative development in the first five years of life."

As finally drafted, the legislation which was sent to the White House late in 1971 was exceedingly modest in scope. For a family of four with an income ceiling of less than $4,300, day care would be free. Between that figure and $7,000 a year, a small escalating fee would be charged depending upon income. For families above $7,000, there would be a fee schedule to pay for the services.

It seemed for a while as though the Administration looked favorably on this tremendously important development in the care of our children. In June of 1971, for example, Doctor Edward F. Zigler, director of the Federal Office of Child Development, which was supposed to carry out President Nixon's 1969 commitment to the first five years of life, was quoted in the New York Times as saying, "people don't recognize the monumental nature of this legislation and what effect it can have on the country in 20 years."

A few months later, the situation looked even better. The Washington Post noted that on September 9, 1971 the Senate had approved legislation "that could dramatically change the lives of American children and their mothers. The bill would provide high quality child day care at no cost for millions of poor children and at partial cost for millions more in the middle class . . . it would deeply involve the country in comprehensive early education for its pre-school children."

But the story does not have a happy ending. Despite roll call votes for its passage in both the House and Senate, President Nixon vetoed the bill on December 9, 1971. The veto message is a weak collection of old bromides about "the family weakening implications of the bill and the dangers of collectivizing our young." The one about the weakening of the family is a little hard to take when one thinks of several million latch key children wandering around the streets all day while their mothers work. What kind of family structure is that?

But the main thrust of the President's veto was directed at the estimated cost of the program—roughly $2 billion a year. As a nation with a trillion dollar gross national product, we just couldn't afford this kind of money to salvage these many millions of children Mr. Nixon was seemingly so worried about in the spring of 1969.

Can we afford it? Well, last year as a nation we spent 20 billion on recreation; 12 billion for alcohol and 7 billion for tobacco products.

I could talk about cost over-runs at the Pentagon running into billions of dollars, and I could question a projected 15 billion for a space-shuttle program; 10 to 15 billion dollars for a new generation of bombers and, somewhat on the same order, 15 billion for ULMS (Undersea Long Range Missile Systems.

But I would like to bring it somewhat closer to home where you all participate and must share a portion of guilt. Since the passage of the original Federal Highway Act of 1956, which President Eisenhower described as "the greatest public works program in history," we have spent billions and billions of dollars in an effort to cover this country with a layer of concrete. In 1956 the announced goal was the 41,000 additional miles of interstate highways; the cost was estimated at $27 billion. Each time the Highway Act was renewed, the cost estimates soared. The latest estimate when this "temporary" act was renewed again in 1970 was that 90 billion dollars will ultimately be expended by 1977, when the present act expires.

But this is not all. The Highway lobby is insatiable. The American Association of State Highway Officials was quoted recently as stating that when the present Highway Act expires in 1977, it will lobby for another $78 billion worth of public taxes for a vastly expanded road system by 1985.

It really all gets down to a set of priorities, and that's all I am really talking about this afternoon. In the very same year that the Highway boys added billions of dollars to their program, we passed a miniscule amendment to the Community Mental Health Centers Act providing $62 million over a three-year period to start some Children's Units in our Community Mental Health Centers. What happened to his $62 million? Mr. Nixon recommended not one cent of the first year's authorization of $12 million, so we got not one cent. In 1971, when the authorization was $20 million, he again recommended nothing. After a vicious eight-month battle, we were able to get the Congress to vote $10 million for these Children's Units. This year Mr. Nixon has recommended $10 million—the same amount as the Congress voted last year. In very simple terms, with the fantastically small authorization of $62 million for Children's Units, the best we have been able to do is $20 million—less than one-third of the authorized sum.

In the coming year, as HEW officials admitted in testimony earlier this year before the House Appropriations Committee, we will be able to open the staggering total of four new Children's Units for the needs of the entire nation.

As you drive your cars along the turnpikes and super-highway which now engulf this lovely state, just think about this—billions for highways and pennies for children.

And you are partially responsible. The elected officials are spending *your* taxes and they have decided that these are *your* priorities.

But the Congress and the people refused to give up. Early in 1972, a Senate committee held renewed hearings on the child development legislation. The new bill which it hammered out was immediately sponsored by 14 Democrats and 12 Republicans, a remarkable instance of bi-partisan cooperation in the face of a Presidential veto.

The new Senate bill made only minor modifications in the bill which had been vetoed in 1971. It retained all of the basic principles of the child development center concept, but merely reduced the amount of money to be appropriated, provided additional monies for Head Start, and required that localities seeking to operate a child development center must have populations of at least 25,000.

Under the terms of the revised 1972 legislation, the following provisions were crucial:

(1) The federal government would pay 90 percent of the operating costs of comprehensive child development centers. Project applicants may include states, cities, counties, or any local community group which wishes to operate a child development center—parent cooperatives, churches, unions, and the like.

(2) Each successful applicant must set up a Child and Family Service Council, made up of parents of eligible children and public members with child service skills, to operate the program in their specific area. Parent participation is emphasized by requiring at least 50 percent parent representation on all governing bodies that approve curriculum policy and funding for child development programs.

(3) In order to insure that children with a variety of backgrounds, both economic and cultural, would be included in the centers, the legislation provided for free services to the children of families with an income under $4,300, modest fees for children of families with incomes between $4,300 and $7,000, and a sliding scale fee schedule for families with higher incomes.

(4) In order to draw on the experience of public schools and preserve the continuity between preschool and school age programs, the bill reserved five percent of the funds for pilot demonstration projects run by educational agencies which would coordinate these programs.

(5) There were a number of educational provisions in the bill of significant importance, particularly a lengthy section providing sizable funds for the training of professional and semi-professional staff for these centers, since the Congressional hearings had brought out the facts on the severe shortages of all types of child development personnel.

The bill was debated in June of 1972 and passed by the overwhelming vote of 73 to 12—again with very strong support from many members of the President's party.

Due to the massive amount of legislation before the House of Representatives in the closing weeks of the 1972 session the House sponsors, led by Congressman John Brademas, were unable to get the bill on the calendar. However, Congressman Brademas and many members of both political parties in the House have stated repeatedly in recent months that child development legislation will be a priority issue in the opening months of the 93rd Congress.

To those of us in the mental health field, there is no doubt that the child development center, with its emphasis on the early and crucial years in the emotional and educational maturation of the child, is an idea whose time has finally come. Doctor Bertram Brown, Director of the National Institute of Mental Health, has stated on a number of occasions that services for children is the number one priority of his Institute. The National Association for Mental Health is leading a coalition effort in the mental health field to push this idea to fruition in 1973. Even more heartening, the 1971 Coalition of Non-government Organizations, which included the League of Women Voters, the National Council of Churches, the U.S. Conference of Mayors, and numerous labor, professional and other voluntary organizations, expands its strength and membership each day.

With the generally accepted psychiatric consensus that the emotional life style of a child is pretty well determined by the age of five, we must resolve as a nation to intervene where necessary or reap a continuing harvest of mental illness, drug addiction, alcoholism, and senseless violence in our land.

The choice is really yours.

We need your help.

We are determined to prevail.

HOUSE COMMITTEE ON THE ENVIRONMENT

HON. DICK SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. SHOUP. Mr. Speaker, I have joined over 100 Members of Congress in sponsoring legislation to establish a standing committee on the environment in the House of Representatives. Creation of this committee is long overdue. We can ill-afford continuation of the fragmented efforts of the past in our attempts to solve our environmental problems.

The executive branch has recognized the need to coordinate their efforts. This resulted in the establishment of the EPA, the Environmental Protection Agency. If we are to assume a leadership role and take positive action regarding our environment, we must consolidate our efforts. The piecemeal process of the past is not good enough.

The House passed a joint resolution for the establishment of a joint House-Senate Committee of the Environment during the 92d Congress. The Senate failed to act on this issue. The joint committee would have proved helpful as a clearing house, but would not have had jurisdiction to report measures to the House floor. We need more than that.

As a number of bills to upgrade and protect our environment continues to proliferate we owe it to the public to take concerted action. By our failure to take action, we abrogate our authority. By this failure to take action we give over our leadership to the Executive, by forfeit. Let us not complain about Executive orders or actions of the EPA while we remain derelict in our responsibilities.

We need this standing committee with a competent staff to deal with the multitude of environmental issues. The issues are staggering to contemplate, mining and resources generally, air and water pollution, herbicides and pesticides, noise, waste management and weather modification. These are but a few. If we are to act effectively in these areas, we need a Standing House Committee on the Environment.

MANY PROGRAMS AFFECTED BY THE ADMINISTRATION'S IMPOUNDMENT OF FUNDS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, I stand today to raise my voice with those of my many colleagues who are alarmed and most concerned with the constitutional checks and balances being so flagrantly disregarded by the present administration. The events of the past several weeks have made me increasingly alarmed over the potential effects of the action taken by the administration to impound funds appropriated by Congress for a number of public programs which I deem most crucial for the welfare of all this country's citizens.

Over this past year, the executive branch has continually ignored the will of Congress and has impounded millions of dollars in funds for programs considered vital by Congress. This impoundment has, in effect, permitted the President to exercise an informal line item veto over projects and programs that Congress wants and nothing in the Constitution, or any other statute, permits such a veto.

For the first time the extremely shaky legal basis for impoundment has been revealed. The newly selected Director of the Department of Health, Education, and Welfare, Mr. Caspar Weinberger, has been trying to make the best of a bad case, maintaining that the President could refuse to spend money in order to control inflation and to help the U.S. balance of payments. But he was at the same time unable to cite specific constitutional or statutory bases for Nixon's actions.

Apparently Mr. Weinberger does not know his statistics regarding inflation. From 1964 to 1968, the wholesale price index rose 8.2 percent. In approximately 4 years of the Nixon administration, this index has risen about 17.3 percent, or more than double that of the Johnson administration. Wholesale industrial commodities prices rose 7.7 percent in the Democratic administration from 1964 to 1968. During the Nixon administration industrial commodity prices have risen 15.8 percent—again, more than double.

Under price controls, the figures show an even more revealing trend. In the period since phase II started in mid-November 1971, wholesale prices of all commodities have risen about 5.7 percent and industrial commodities have increased approximately 4 percent. In the last full year of the Democratic administration, all wholesales prices rose 3.2 percent with industrial commodities increasing 2.8 percent.

The Nixon economic record has already cost this country about $175 billion in lost production and a $50 billion shortage in expected Federal, State, and local revenues and now he would like to make up that deficit by pulling out money from those least able to afford it while at the same time increasing the military commitment.

Programs which have been affected by the impoundment of funds include transportation, water quality, housing, urban renewal, education, and agriculture, and in most instances, the only explanation offered to Congress is that the programs are in the process of "internal review" by the Office of Management and Budget.

Mr. Speaker, for whatever reason, the funds which have been authorized and appropriated by the Congress are being prevented from reaching the people whom they were intended to help. My own State of New Jersey will, as a result of such impoundments, be unable to spend over $580 million for projects earmarked as crucial by the U.S. Congress. I am appalled about the audacity of the administration in presuming that it knows more than my State's own representatives, or legislators of all other States, what is needed for certain programs. It seems clear that the President is withholding funds from programs he dislikes personally, even when Congress has passed those programs over his veto. This action is done in open defiance of congressional power, congressional judgment, and congressional sensibilities.

I feel, Mr. Speaker, as do many of my colleagues in this body, that if congressional directives can be defied as the administration is attempting to do, we will have moved a long way toward a government dictated by the Executive—something few Americans would knowingly tolerate.

Accordingly this issue of the impoundment of funds by the Office of Management and Budget, under the direction of Mr. Nixon and the new Director of the Office of Management and Budget, Mr. Roy L. Ash, has become a critical constitutional matter. The policy of withholding congressionally approved funds has enabled the Executive Office to invalidate legislatively enacted programs at will and it is a matter to which Congress must give immediate attention.

I should like at this time to outline some of the, as yet, "unofficial" impoundments presently in effect:

On November 28, 1972, the administration announced that it would withhold $6 billion in contract authorization for fiscal 1973 water pollution control. It is unbelievable it would take this action, canceling in one stroke two constitutional rights: Congress' right to set expenditures and its right to override Presidential vetoes.

This legislation was to establish comprehensive regulations and programs to control and abate water pollution. It was the intent of Congress to declare it a national goal to eliminate the discharge of pollutants into navigable waters by 1985 with an interim goal to achieve a water quality suitable for fish and wildlife, swimming, and other recreation by 1981. Impoundment of these funds will cause a great loss to the State of New Jersey of approximately $231 million earmarked for this project.

This measure was passed in the House of Representatives by a vote of 366 to 11 and the Senate passed it unanimously. In his management of the water pollution issue, President Nixon has not only disregarded the overwhelming judgment of Congress, but has explicitly refused to conform to the terms of the law enacted over his veto.

The administration officials have more than once reflected Mr. Nixon's contention that the financial outlay contemplated under the bill would be inflationary. It is hard to believe that the President's economic advisers can seriously advance an opinion as farfetched as that. In the first place the moneys authorized by Congress would be pledged to the States and localities—mostly for the construction of waste-treatment plants—over a 3-year period. It would actually be spent over a stretch of 9 years. Not all the sums authorized, moreover, would have to be committed. The rate of spending could be controlled—subject, of course, to a genuine commitment to move ahead with the job. The question really is how committed is Mr. Nixon to the environmental cause to which he has given so much rhetoric.

Earlier this year, Environmental Protection Agency Director, Mr. William D. Ruckelshaus, announced that "the President has directed me to allocate no more than $2 billion for Federal year 1973 and no more than $3 billion for fiscal year 1974." He went on to say that it "was not legally clear" whether EPA would ever get the impounded $6 billion in contract authority or whether the funds would simply lapse.

I am sure I do not need to point out to Members of this body the crying need for such assistance. One only has to recall the 1969 incident of the Cuyahoga River in Cleveland, Ohio, bursting into flame—or look at the Potomac River here in Washington—or the Hudson River which skirts my congressional district.

Over $25 million to be channeled to New Jersey via the Highway Fund Act has been impounded, an incredible act when the plight of urban areas is studied. Much of this money was to be used for mass transportation and you may be sure that my district in New Jersey, just across the Hudson River from New York City, is in desperate need of such assistance.

The administration has also threatened to cut back on almost $700 million in Federal aid for such programs as job training and senior citizens lunch programs. According to HEW estimates, a $689 million "savings" would have been effected by elimination of payments to these projects.

Here it is interesting to note that an as yet unpublished Federal evaluation report concluded that the nationwide community action program had been "highly constructive" in meeting the Nixon's administration's goals, but yet this is one program completely cut out of the President's budget as announced last week. Antipoverty workers, states Jack Rosenthal in the New York Times on February 3, says the report has been suppressed because it flew in the face of the administration's new proposal to terminate Federal funding for community action programs because "it was not working." This is not apparently a pet project for the administration now. This community action evaluation, conducted by the Office of Economic Opportunity was completed 2 weeks prior to the announcement of the budget and its results were reported to senior agency officials.

Millions of dollars more have been removed from low- to moderate-housing subsidized projects. Citizens hoping to rehabilitate their own homes have, in essence, been pushed out. Those people with lower incomes, least able to afford home improvements and most in need of them, are now told by the administration that the country needs less to take care of them than we do in maintaining, or even increasing, the defense budget despite the fact a peace has been signed. It seems unheard of that there will be no "peace dividend" considering the cost of the Vietnam war. That war has been costing $8 billion a year and the ending of a budget item of that magnitude should make funds available for domestic programs needed in peacetime.

I believe that Congress wants to control inflation and wants to limit Federal spending. However, the Congress wants to set different priorities within the budget—not the administration. I cannot defend all the dollars spent by Government on all programs, but I do defend Congress duty—not the President's—to cut and trim.

One proposal which I believe crucial to Congress' retention of its powers is that it must enact legislation which would require the Director of the Office of Management and Budget subject to Senate confirmation and to congressional questioning. Given the enormous policymaking responsibilities of this position, it is necessary that the Director of Office of Management and Budget be accountable to Congress. Certainly when considering the many news accounts of Mr. Ash's previous professional connections with military expenditures—and military expenditures, interestingly enough, are the only expenditures which are not being considered for impoundment by the President and Office of Management and Budget—serves all the more to illustrate this need for congressional investigation before such appointments are realized.

In addition, I feel we must enact laws that insure that Congress will be kept fully informed of every action taken by Office of Management and Budget and that legislation will set forth the authority of Congress to require the President to cease impounding funds. Bills to this effect have been introduced in this session of Congress, and I want to record my support to the passage of these measures.

In addition, I wish today to voice my support and extreme interest in the newly formed Joint Budget Committee, created as a result of the Ullman amendment to the debt ceiling bill of the 92d Congress. This joint committee has been meeting regularly since the beginning of the 93d Congress, with representatives from the Senate Finance and Appropriations Committees and the House Appropriations Committee and the Committee on Ways and Means, to suggest proposals which these representatives consider crucial to maintain the proper checks and balances with regard to the pursestrings of the country's financial affairs.

The recommendations finally decided upon by this joint committee are to be presented to Congress by the 15th of this month and I will be extremely interested in those proposals.

When I supported the creation of this committee, I envisioned several far-reaching improvements the committee would study which would lead to Congress' control of the budget and wise appropriations of the tax payer's dollar. One such proposal to be studied by this committee was to have been the recommendation that a permanent committee in each House of Congress be established to overlook the budget—and it would propose the Congress' spending ceiling. I feel that Congress, and not the President, should determine its own ceiling. This would result, I am sure, in a Congress with an eye on needed programs as well as an eye on the available revenues. The programs supported then would be the result of a consensus of all legislators and not the result of one man's pet projects as is clearly the case now.

The "Budget Committee" in each body would determine how much could be appropriated for each general area of need without overspending its proposed budget. In addition, it would report back to the House or the Senate so each body may work its will and set its own priorities. Under this proposal the revenue and spending processes of Congress would be in one place in each House—where it should be.

The power of the purse is one of the most basic powers of the legislative branch, and if it is not exercised in a decisive and fiscally responsible manner, the Congress itself may rightfully be accused of abrogating its role under the separation of powers doctrine. While I feel that on occasion the Congress has indeed been a spendthrift and has appropriated money in sometimes irresponsible manner, I do not believe that the President's impoundment of the amounts appropriated constitutes a cure for our Nation's fiscal and economic woes. Impoundment does not save anybody any money, nor does it lead to lower taxes. It is merely a means whereby the White House can give effect to the social goals of its own choosing by reallocating national resources in contravention of congressional dictates. In any event, the President's motive, however, worthy, cannot legalize an inherently unconstitutional act.

If Congress wants any significant part in national policy, it cannot leave the President with the unlimited power to cut any appropriation, at any time, to any point, that he is now claiming.

SEX DISCRIMINATION IN BANKS

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mrs. GRIFFITHS. Mr. Speaker, Detroit Free Press staff writer, Eileen Foley, has written an excellent article on discrimination against women employees in our bank system. Women, who compose the greater work force of banks, long have been relegated to lower paying jobs with opportunity for promotion blocked, particularly to administrative positions. Yet, as is often the case, it is these women employees, who are forced to train the potential male executive in his climb up the administrative ladder.

This kind of discrimination cannot be permitted to stand in today's society. With a higher level of education, working women are asserting their rights to equal job opportunity. As breadwinners, heads of households, wives and mothers, women are seeking better jobs to help provide the necessities of life for themselves and their families. The article follows:

[From the Detroit Free Press, Feb. 5, 1973]

ARE WOMEN SHORTCHANGED AT THE BANK?

(By Eileen Foley)

Item: A Savannah, Ga., bank hires a male management trainee at $400 a month. He works in the bookkeeping department alongside a woman paid $280 a month and then as a teller, training under a woman earning $320 a month.

During a Labor Department investigation of the case (after which 13 women got $709,000 in back pay, the bank told a compliance officer the difference in pay was justified because the women were more experienced at the work and the male employe, therefore, had to put forth more effort to do the job.

Item: a bank customer in Detroit, standing in line at a teller's window, observes a woman sitting at an official-looking desk. "You must be the manager," says the customer. "It's great to see a woman bank manager."

"Are you kidding?" asks the woman. "I've been the assistant manager for 13 years. I train the managers."

Isolated incidents, yes. But figures from the Michigan Civil Rights Commission, culled from employment data collected from the banks in late 1970 and early 1971 by the U.S. Equal Opportunity Commission indicate:

Women were 63.3 percent of the banks' work force, but held 87 percent of the low-status, low-paid office and clerical jobs.

Men were 37 percent of the banks' work force, but held 80 percent of the top official and managerial jobs.

Of a work force totaling 11,510 persons, 2,210 are black and another 97 Spanish-surnamed. Blacks held barely 5 percent of official and managerial jobs.

The figures came from 10 unnamed (by law) metropolitan area banks (excluding any operating solely in the suburbs).

The expectation is that as historical patterns of discrimination in U.S. society disappear, women and minorities will be represented at all levels of jobs in proportion to their numbers in the work force.

DIFFERENT VIEWS OF FUTURE

Whether you view the current outlook for women and minorities in Detroit's banks optimistically or bleakly depends largely on where you sit.

From his executive vice president's seat at NBD, Norman B. Weston thinks things are improving a lot. So much so he says he can see a woman or a black in his job in 10 to 15 years.

"It'll take a lot longer than 10 years," Detroit Bank and Trust vice president, economist Martha Seger said.

"I have been told in certain cases, though it is less true than five years ago, that I wouldn't be able to do certain briefings to a group because they didn't know how the group would react to a women," she said.

"So even if a woman were qualified, who would make her chief loan officer if they think customers won't go to her for loans? It's worse than the black problem. Today everyone feels guilty about that."

A REPORT—REACTION

Detroit's banks are really no worse off than 15 other banks in five major American cities. A study published last fall by the Council on Economic Priorities, a non-profit, New York research company, concluded that women and minorities in banking in Detroit and five other cities were "shortchanged."

"You didn't need a study by anyone to know that, says David Harper, president of the First Independence National Bank.

Several Detroit bankers were critical with the council report because it used EEOC figures that were two years old. Yet many of the banks wouldn't make today's figures public. When they did, they coincided with the two-year-old Michigan Civil Rights Commission figures.

For instance, of 162 official and managerial jobs at City National Bank, the bank says about 20 percent are held by women.

On the other hand, the Council on Economic Priorities found only 2.2 percent of the officers at Manufacturers were women. At National Bank of Detroit, the only women officers are assistant trust officers, a spokesman said. At Detroit Bank and Trust, the council says, there are 11 female executives. No figures were available from Michigan Bank.

Bank of the Commonwealth would not say how many jobs it has in the official and managerial class. It did say that 20 of 28 assistant branch managers are women; as well as 55 of 70 administrative assistants and 27 of 46 supervisors.

"REAL ISSUE IS POWER"

The Council on Economic Priorities was critical of the banks' secrecy on how well and how much they were complying with federal equal employment dictates, and it knocked federal compliance agencies for failing to press for faster action.

Detroit banks explained their zippered lips in two ways. First, some said, if other banks knew their plans for equal opportunity, they would lose their competitive advantage. Others felt that the bank's business wasn't the public's business.

"I think the real issue in these things is power," says Sheila Tobias, president of the Professional Women's Caucus, a national organization. "What actually happens when affirmative action programs are public and enforced is that the person in the hierarchy loses power to guarantee jobs to friends, proteges and colleagues. The capacity to guarantee jobs is power."

The council's stance was moral. It felt the banks, both as government contractors and as businesses whose right to operate is specially chartered and regulated by government, owe the public information about what's going on.

Non-managerial bank employes are equally ignorant of management's specific affirmative action plans for their departments, Detroit banks say.

A ROUND WON IN COURT

What this internal secrecy means, says Alameda County (Cal.) Legal Aid director, Clifford Sweet, is that women, blacks and chicanos have no right to review things, so they cannot determine whether or not their employer is in compliance.

Sweet's office has won round one in federal court to force the Treasury and Labor Departments to open records on individual banks and other federal contractors to public scrutiny.

Under the Freedom of Information Act, U.S. Circuit Court Judge Alfonso Zirpoli has granted Legal Aid and the public access to all affirmative action programs, statistical reports on work force composition and compliance review reports prepared by the Treasury Department on each bank. The government is appealing the decision.

Banks do business with the government in many ways, participating in account insurance, student and housing loans, bond sales and other programs.

Their status as a federal contractor, however, hinges largely on government tax and loan accounts, the channels through which employers pass tax deductions, taken from employe salaries, on to government.

The Detroit Clearing House Association reported last fall that the downtown commercial banks had the following amounts in U.S. government deposits:

THE MANAGERIAL STORY AT DETROIT BRANCHES

	Total	Women managers	Black managers
NBD	105	7	6
City National	31	2	2
D.B. & T	84	6	2
Commonwealth	57	4	2
Manufacturers	73	3	0
Michigan Bank	30	4	0
First Independence	0	0	0

Bank of the Commonwealth	$8, 078, 160
City National	11, 597, 249
Detroit Bank and Trust	34, 839, 765
Manufacturers Nat. Bank	78, 058, 020
Michigan Bank	12, 937, 492
National Bank of Detroit	137, 790, 083

First Independence National Bank, still too small to be scrutinized by the Treasury Department's Equal Opportunity Program, said it averaged about $15 million a month in U.S. government deposits.

Detroit bank managements say they have not presented detailed accounts of their affirmative action programs to their own boards of directors. All say, however, that individual directors could request the data.

Perhaps the specifics of affirmative action have never been an issue in the boardroom, says one woman, because there are so few women and minorities on the banks' boards.

NBD, City National, DB&T, Commonwealth, Manufacturers' and Michigan National Bank have no women on their boards. Commonwealth and Manufacturers have one black director apiece. In contrast, First Independence, rooted in the black community, has 19 black members out of 20, including two women.

Banks say things are changing because government rules are forcing change. Some add, too, that it's good business, say, to have black people behind the counter in black neighborhood branches, much as they had Italian and Polish people in Italian and Polish neighborhoods in the old days.

But it is also true, that banks have not been prodded very hard by the Treasury Department's Equal Opportunity Program, the office charged with reviewing banks' compliance under executive orders.

The prime reason is that the Treasury EOP office has only 14 people to keep about 14,000 U.S. banks in line. Many U.S. banks have never been reviewed. Detroit's six downtown commercial banks were last reviewed in 1970–71 and were found to be in compliance.

"Compliance is relative," says Treasury EOP assistant director Inez Lee. "It means they are willing to get into better shape. It doesn't mean they aren't discriminating."

"THEY HAVE TO SHAPE UP"

To Irv Miller, who heads a clinical program in employment discrimination at WSU's law school, the Treasury EOP manpower shortage is proof that "the government is not really sincerely interested in eliminating discrimination against blacks, minorities and women."

Dave Harper of First Independence is more hopeful, because the affirmative action programs make government contractors set goals for employment and upgrading of women and minorities department by department, branch by branch, job category by job category.

This is significant, he believes, because "top management and government have found that writing edicts is not a solution to the problem. Organizations just don't respond.

"With affirmative action programs, top management is getting into the field and saying, this is for real. Individual managers are beginning to recognize that they are going to have to have departments that perform and hire blacks and women as well. So they have to shape up, just in their own best interest."

A woman bank official is more cynical. "What's down on paper and what actually happens are two different things," she says.

The area where Detroit women in top bank jobs are most skeptical of their employers is pay. They doubt they earn the same as male counterparts.

Banks frown on salary discussions among employes. They aren't unionized, so there are no posted pay scales. One bank official said there could be a 50 percent pay variance for any top job.

The one area where the six banks have improved policies for women is maternity leave. Each permits a woman to work as long as her doctor says it's okay, and to come back without loss of seniority or other benefits within 90 days.

QUALIFIED PEOPLE LACKING?

The principal problem Detroit bankers say they face in bringing women and blacks into significant jobs in their organizations is "availability," of qualified personnel.

Banking is a business where you qualify inside in most instances. If you start at point zero, that takes time, insiders say—a minimum of four years to train a bank manager, six to eight years for a personnel director.

Detroit bankers say substantial gains have been made in the past five or six years through promoting women and minorities to positions of importance in branches and giving them a bigger piece of management training programs.

NBD says 20 percent of its management trainees in the past two years have been black.

But bankers and compliance officers both feel societal bias has to end before true equality arrives for women and minorities. Only when both are encouraged from home, to school, to college and graduate school to study business, finance and trade will both be adequately represented at management levels.

ATTITUDE SHIFT NEEDED

For women, perhaps even more than men, there has to be a shift of attitude and posture, feminists say. They think women in banks must become less passive and grateful for tidbits. They should be more aggressive, accomplished and cocky.

"It's so tragic that the women won't do anything," said Marcia King, formerly of the Dallas Women's Equity Action League, which filed a complaint against over two dozen Dallas banks on behalf of women.

"Out of 10,000 women employees in Dallas banks, WEAL received a phone call from one, and over 100 women were promoted to officer positions, pretty much directly for the work we had done. The bank women were just hostile to being helped."

The National Association of Bank Women's approach to women and affirmative action plans is soft line. Its president, Barbara Pendleton, of Kansas City, Mo., said NABW had no plan of action for demanding that banks recruit and upgrade more women. It simply encourages women in banking to go to school, she said.

"It's going to be left up to the efforts of any little guy or gal out there with enough moxie to stand up against companies, with help from federal judges," says WSU's Irv Miller.

To date about four women have complained to the Michigan Civil Rights Commission about job or promotion discrimination in Detroit's six major commercial banks.

SUITS BEGUN IN TWO STATES

In New York and California women have begun suing their bank employers for equity.

San Francisco attorney Barbara Phillips filed a federal court suit in March 1971 on behalf of three women against U.S. financial giant Bank of America. They charged it with discrimination in hiring, promotion, training, job classifications, pay, access to facilities and benefits.

Going out on a legal limb by yourself can seem dangerous to many women, who aren't used to that kind of insecurity. It worked for Bev Wadsworth, though, whose case against First National City Bank of New York is about to be decided.

"Banks don't like aggressive, pushy, militant women," she said, "and they don't hire them. I wasn't like that when they hired me until I discovered they weren't going to do a damn thing for me."

Bev, married, with two children, quit the bank in 1970 while her suit was in progress, went to graduate business school, specialized in marketing management and became a Harriman scholar.

She sees her future as bright, even without a bank in it. "With this case," she says, "I couldn't ever get a job with a bank. They wouldn't touch me with a 10-foot pole. Banking's a very closed system. They all get in touch with each other."

Law suits, complaints and other confrontation tactics are just piecemeal strategies. One federal compliance officer thinks that equity for women will ultimately require an entire restructuring of jobs and the values placed on work.

"For instance, the reason there are hardly any males in those clerical jobs (in banks) is that they don't pay enough. And, for some reason, women are willing to work for less," he said.

"We've decided as a society that the job of clerk or secretary in a bank deserves less money than that of machine operator or punch presser. In union shops where clerical people are a part of the bargaining unit and are paid shop wages, the clerical jobs are filled by men.

"It will take more than Revised Order 4 to cause that kind of restructuring."

ENERGY AND THE FUTURE

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. BAKER. Mr. Speaker, the energy crisis this country faces is very real. The specter of what we are up against as conventional energy sources play out is frightening. Some say we will have rationing in the very near future. Whether we like it or not, our whole mode of living could change drastically.

This is the time when we look to the leaders in the energy field. They know the dimensions of the problem. They are familiar with latest research and technology and what the prospects are for meeting the crisis by making sure that we have the tremendous quantity of energy we need, at prices we can afford, and produced without significant damage to our national environment.

One of the respected leaders in this field is A. J. Wagner, Chairman of the Tennessee Valley Authority. He addressed the Northside Kiwanis Club in Knoxville, Tenn., on January 31, 1973. His remarks were made under the title, "Energy and the Future," and I feel they should be required reading for every Member of Congress. People are looking to us for some of the answers to this problem. Mr. Wagner, in his remarks, presents a refresher course for us on the sources of energy, our growing dependence upon it for survival, and what the possibilities are for getting what we need. I urge all my colleagues to read and profit from what he has to say about "Energy and the Future":

ENERGY AND THE FUTURE

(By A. J. Wagner)

Energy is vital to man's survival on earth. His ability to command and use energy, in one form or another, more than anything else has lifted him from a starvation existence in the swamps and caves of pre-history to the comfortable life we know today.

Oil and gas shortages of recent weeks have underscored our dependence on energy and created fresh interest in what is commonly called "The Energy Crisis":

In Denver, Colorado, high schools were on a three-day week to conserve fuel. One plant sent its 700 employees home when it ran out of fuel in bitter cold, even after operating for weeks with 45° temperature in the plant in an effort to conserve gas.

In West Virginia, Illinois, Mississippi, and elsewhere factories were shut down when fuel tanks went dry.

Jet fuel became so scarce at New York's JFK airport that some planes couldn't take scheduled nonstop flights across the country.

Towboats with barges of coal were docked for days because there was no oil to run their diesel engines.

Atlanta's ice storm, earlier this month, at its peak knocked out electric service in nearly 150,000 homes, leaving them without light, heat, or power.

These and similar incidents serve as reminders of our dependency on energy—and the threat of national impotence without it, even for a short while. But it is much more consequential, much more far-reaching than the inconvenience and discomfort that accompany such brief and temporary interruptions.

Last year Britain's coal miners struck for six weeks, shutting off coal supplies to her power plants. As the strike wore on, 15 percent of her electric generating capacity had to shut down. Entire residential and business districts were blacked out for as much as nine hours a day. Homes and businesses went dark and cold. Industries curtailed production, then closed. By the sixth week, *three million* Britons were out of jobs. It was calculated that if the strike had continued two weeks longer, 20 million workers—two-thirds of the entire work force—would have been idled. England's industry would have been stopped dead.

Yet even a near-disaster such as Britain experienced is little more than a hint of our total dependence on the heavy use of energy—as gas, oil, coal, or electricity. Virtually everything we do, everything we use is touched by our use of energy in one way or another. The walls of our homes and the roofs over our heads needed electric power to manufacture and to construct. Our homes and our morning coffee are heated with electricity, or gas, or oil, or coal. Gasoline drives us to work in an automobile that required great quantities of energy for its manufacture.

There are countless illustrations of this energy-dependence. But it is brought home most forcibly in an example cited by scientist-authors Lawrence Rocks and Richard Runyon in their new book, *The Energy Crisis*. They point out that only 1 percent of this country's industrial energy is expended on the farm; yet that 1 percent of our energy permits us to feed 100 percent of our population. Then they calculated that "The energy output of all 200 million Americans as biochemical energy is equal to the energy now employed on the farm."

In other words, it would take the muscle-power of every man, woman and child in the Nation to replace the work of the tractors, harvesters and other energy users that now produce the bountiful food supply of our farms. There would be no one left to build our homes, make our clothing or anything else. Even worse, there would be no one to manufacture the chemical fertilizers and insecticides we now use. And without them farm food production would be cut in half.

I have dwelt at such length on the essential place of energy in our lives because we all—every one of us—need to be aware of the consequences of running out. And, as I will discuss later, we *can* run out. It is not inevitable, but it is possible. And if we do run out of energy, any life worth living will run out, too.

This is why Rocks and Runyon introduce their book with these words:

"The most profound issue we face today is an impending power shortage. Most other environmental problems are theoretically solvable: Pollution can be largely abated by the same science that created industry, and substantial percentages of materials can be recycled, and thereby held in perpetuity. But energy cannot be recycled.

"Our energy deployment capabilities and their consequences will supersede all other environmental, economic, and political issues before this decade has passed."

A realistic appraisal of the future must also recognize that *the need for energy, the public demand for it, will continue to grow both in this Nation and around the world.*

For a good many years, now, our use of energy in the United States has doubled about every 10 years. Our living standards—the quality of life we read so much about today—are a direct reflection of that growth. In this country, for example, the energy used in industry amounts to about 10,000 watts per person, the equivalent of 100 slaves working for each of us continuously. In India, by contrast, the figure is 500 watts—or five slaves. Our living standards reflect the difference.

Energy use will continue to grow in this country primarily because I do not believe Americans will readily accept lower living standards. Quite the contrary! We strive continually for more, not less, quality in our lives.

In addition, the cleaner environment we all want will require more energy for such purposes as to recycle materials, run waste treatment plants, and to make the equipment used in pollution control facilities.

The citizens of India, China, Africa and the many "have-not" nations around the world are all seeking better food, clothing, shelter, education, and health. All of these basics require energy.

Quite apart from our increasing *per capita* demands, there are more people on the earth every year and these new families want warm homes, refrigerators, washers, driers, televisions, automobiles and all the other things we have. While population growth *rates* are declining, in the United States, our total population is still increasing about 1 percent every year. Worldwide the figure is higher.

So we are faced with a world full of more people every year, each one using more energy than the year before. And, as you read and hear daily, energy use even in presented day quantities, is presenting us with serious problems of air and water pollution that must be corrected.

Some are suggesting that we solve this dilemma by cutting back on our use of electricity. They often illustrate by pointing out that we could do without electric toothbrushes, electric carving knives and other similar gadgets. True, we could. But that wouldn't even scratch the surface of the problem. For example, a whole family can run its toothbrushes for a year on the electricity generated by less than a pound of coal.

If we really want to make significant cutbacks in electricity consumption, we will have to take more drastic actions, such as do without hot water, live in colder homes, stop production of aluminum and many chemicals basic to our economy. We will have to close down or slow down the industries and businesses that give our people jobs. These are the really heavy users of electricity.

Any wasteful uses of energy—electric or otherwise—should, of course, be abandoned. And we could do much with better insulation and improvements in other building and industrial practices. But I believe that if all such actions that the public can accept were taken, it would result in a saving of less than 10 percent. This is little more than one year's growth, and then we are right back where we started.

Thus it is clear as crystal that if we want to maintain anything approaching our present living standards, we must find ways to provide increasing amounts of energy in the years ahead. The question is: "Where will it come from?"

At the present time the United States gets about 40 percent of its energy from oil, 31 percent from gas, 25 percent from coal, 3 percent from water power, and 1 percent from nuclear plants. (These, of course, are the *basic sources*. About 9 percent of this energy is used by the consumer as electricity, a proportion which is increasing rapidly. But it must be recognized that electricity is a *form* of energy, not an original *source*.)

How well can these basic energy sources meet our needs in the years ahead? While estimates vary widely, depending on assumptions made as to future rates of use and as to undiscovered reserves, the figures for fossil fuels run about like this, for reserves *in the United States*, matched against our national needs:

Oil—15 to 20 years.

Gas—30 to 40 years (some estimate as low as 12 years).

Coal—200 to 300 years (if used to synthesize oil and gas at present growth rates).

Note that while 40 percent of the energy we are now using comes from oil, we have only enough in this country to last another 15 or 20 years. Of course that period can be extended, as could others, by imports from foreign countries. And, as you know, some of this is being done. But it is probably not in the national interest to depend on foreign sources for something so vital to our national well-being as our energy supply.

In any case, one fact is clear and incontrovertible. Fossil fuels, both in the United States and in the world, are finite and limited in their amount. When they are used up, they are gone forever. Respectable estimates forecast that, if we continue to increase use of fossil fuels at present rates, all of the coal, oil and gas will be gone by the middle of the next century—just a lifetime away. (Because of the valuable chemicals they contain, we will ultimately need them for other purposes and we ought not to use them for simple fuels any longer than is absolutely essential.) We simply must have other energy sources—and time is running out!

Water power, even if it were all developed, could supply only about 5 percent of the world's present energy needs. Tidal power, wind power, and geothermal power could not provide significant help by presently known technologies. The same is true of direct solar energy.

Nuclear fusion, the power of the hydrogen bomb, could solve the world's energy problems virtually for all time. But the technology for harnessing it still eludes us and no time-forecast for success is possible.

As you have perhaps observed, the energy problem really breaks down into three time periods: First, the period covering the next decade or so; second, the period reaching into the beginning of the next century; and, finally, the long-term future.

In the near term, we must continue to rely on fossil fuels. We simply have no workable alternatives yet available. There will be problems of supply, of price, of air and water pollution—all severe and all interrelated. We will have to solve them as best we can. But we can't continue indefinitely because we will run out.

Through the balance of this century and into the next, it seems clear to me that we have no choice but increasingly to turn to nuclear fission reactors—the type that we and others are now building—to meet our energy needs. They present us with problems too, but I believe they are being solved. Even here, the kinds of reactors now being built would exhaust this Nation's economically recoverable uranium supply within a few decades.

That is why President Nixon, looking to the long-term future in his Energy Message in June 1971, proposed a program to build this Nation's first breeder reactor. And that is why we in TVA, backed by the utility industry generally, have committed ourselves fully, along with the AEC and Commonwealth Edison Company, to its construction and operation here on the Clinch River, near Oak Ridge.

The breeder reactor, utilizing uranium and plutonium in its fuel has the unique ability to produce more fuel than it consumes! It can extend the life of our uranium reserves by about 100 times, solving our basic energy source problem for many centuries and giving us time to perfect nuclear fusion technology or perhaps something even better.

Truly, as the President has said, the breeder is "our best hope today for meeting the Nation's growing demand for economical clean energy . . ." It must be developed for safe, dependable, economical operation, compatible with a clean environment. This is the purpose of our demonstration plant.

The problems of energy supply are not easy for the layman to understand. They are so highly technical and so far-reaching in their implications and interrelationships that even few "experts" can fully grasp them in their total scope. But we all need to, in fact we must, understand their essentials because our survival depends on energy—in tremendous quantity, at prices we can afford, and produced without significant damage to our natural environment.

These are the essentials:

Energy is vital to our survival.

The amounts we need and use will continue to grow, and more and more of it will be used in the form of electricity.

Its cost will go up but we must hold its price at a level we can afford.

Fossil fuels must serve as our major source in the near-term future. But our fossil reserves are running out and we must find alternates.

The only feasible alternative presently available is nuclear power.

Light water fission reactors must continue to be built, to serve into the next century.

The breeder reactor must be perfected to conserve our available uranium. It will replace the present types of nuclear reactors, and it will solve the problem of basic energy source for many centuries.

At the same time, we need to push research on fusion reactors, direct solar energy and other even better methods for meeting our energy needs far into the future.

These are some of the critical issues that the public must understand. These are the courses of action we must support and follow. Life depends on it.

HARRY S TRUMAN

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. RHODES. Mr. Speaker, President Harry S Truman was absolutely unique. I think his career as President can be summed up by the observation that no man's decisions were ever more questioned or derided when he made them, or more praised and approved 20 years later.

Harry Truman was a true American in every facet of his being. His patriotism was a religion which governed his every action. Although he was intensely loyal to the Democratic Party, he found time to be kind to Republicans, as I discovered.

In 1962 while I was on a tour of duty with the Army at Fort Leavenworth, Kans., President Truman came to address the graduation of the Associate Course of the Command and General Staff College. Maj. Gen. Harold K. Johnston, who later became Chief of Staff of the Army, invited me to have lunch with him and the President. Mr. Truman was absolutely gracious, and we enjoyed chatting about things in Washington as they were then, compared to the situation Mr. Truman had known. I was also flattered at the fact that Mr. Truman remembered my father, who had been associated with him many years ago in promoting better highways for the States of Missouri and Kansas, as well as for the entire United States. These recollections will always be treasured by me, as a chance to rub elbows with one of the great Americans of our time.

To Mrs. Truman, and to Mrs. Daniel and her family, I extend my deepest sympathy.

EXTREMISM ON THE LEFT

HON. GALE W. McGEE

OF WYOMING

IN THE SENATE OF THE UNITED STATES

Thursday, February 8, 1973

Mr. McGEE. Mr. President, as many in this body are well aware, on numerous occasions I have expressed my concern regarding the extreme rightwing elements in the United States. These elements play upon the fears of individuals and our basest instincts. They utilize distortions of fact and, in many instances, accusations which are without foundation whatsoever, as their basic tools of attack.

However, it is not only extremism on the right which represents a threat to our decency as a humane society. This same phenomena occurs among extreme leftwing elements in our Nation.

In a recent publication of Facts, a periodic report for the Anti-Defamation League of B'nai B'rith, there appeared an analysis of the extreme leftwing propaganda assault which has been launched against the State of Israel. I believe the article raises some very crucial issues and points and is certainly worth the scrutiny of this body.

I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Facts, November, 1972]

Danger on the Left

For the past four or five years, major elements of the political Far Left in the United States have been mounting and sustaining a vigorous propaganda barrage against the State of Israel—and, in consequence, against any and all support for Israel that comes either from the operation of U.S. foreign policy or because of the natural concerns of the American Jewish community. The campaign varies in approach from group to group, and in intensity from month to month (chiefly determined by the degree of concentration or passion given at any particular time to the competing issue of the Vietnam war). It is nonetheless abundantly clear that Israel is, and will continue to be, a prime enemy of America's Far Left as it weighs and interprets the world scene.

The anti-Semitic quotient is evident. As a natural consequence of their opposition to the very existence of a Jewish state in the Middle East, most of the propaganda mechanisms of the Far Left have turned their fire on those who support that existence—Jews, predominantly—while they warmly acclaim and profess a virtual alliance with those who threaten it.

The attack is ostensibly against "Zionism"—seen as the handmaiden of "U.S. imperialism." Zionism is portrayed by the radical leftists, as by the anti-Semites of the Radical Right, as a sinister force manipulated by agents allied with all the other evil entities conceived in the radical demonology (the "imperialists" in the eyes of the Left, as it is the "communists" in the eyes of the Right).

Jewish communities the world over have a deep, abiding commitment to the survival of Israel. In the wake of the Nazi Holocaust, the question asked by a whole people, if not by the whole world—Where are the persecuted to go?—was answered in the birth of the long-promised Jewish state. Wherever they may be today, Jews overwhelmingly believe that, whatever legitimate controversies may exist in the Middle East and whatever the conflicting viewpoints between Israeli and Arab, Israel's existence as a sovereign state is absolutely non-negotiable. Manifestoes and propaganda calling for the destruction or the dissolution of the Jewish state are, therefore, direct assaults against world Jewry and, along with activities supporting those sworn to destroy Israel, constitute the ultimate anti-Semitism.

The style and the semantics of the anti-Israel assault from the Far Left, moreover, often carry an undeniably anti-Semitic impact of their own. It is obviously possible to be unsympathetic to Zionism, or to oppose Israel's position on specific issues, without being anti-Semitic. But much of the propaganda and activity that currently passes for legitimate opposition masks a real hostility to Jews, or to their aspirations and concerns, and much of it is couched in anti-Jewish terms or anti-Jewish innuendo. It is this hostility that awakens the ancient fears of Jews the world over and that all too often is manifest in the publications and the activities of the Far Left.

Anti-Semitism and the Left

History testifies that in modern times, anti-Semitism has been a tendency found most often in movements of the extreme Right. Movements of the Left, especially those aimed at combatting tyranny and autocracy, or at achieving social reform and betterment, have often seemed solicitous of minority rights and protective of Jewish security, often in the face of anti-Semitism by extremists of the Right.

Nevertheless, the record of Left movements in the 19th and 20th Centuries is itself marked by blots of anti-Semitism. Many 19th Century European socialists regarded anti-Semitism as a vehicle for awakening class-consciousness among the workers, teaching them to recognize the "evil" of capitalism through suspicions about Jewish businessmen, merchants and bankers. In the United States, the agrarian radicalism of various movements in the latter part of the 19th Century, including the Populists, was tainted with blatant manifestations of anti-Semitism.

More recently, Communists collaborated with the Hitlerites during the Nazi assault on German democracy in the early 1930s and during the notorious Hitler-Stalin pact of 1939–1941.

The current antipathy to Israel among radical leftists, including some Jews, has its roots in Lenins' opposition to Zionism as a "bourgeois" philosophy, a political rival for the loyalty of Jews, and a manifestation of "nationalism" destructive of world revolutionary unity. (For their own part, some Jewish radicals have regarded Zionism as a force retarding their assimilation into a world socialist society from which Judaism itself, and consequently anti-Semitism, would disappear.)

The hostile position of so great a portion of today's Radical Left with respect to Israel brings home with renewed impact to Jews the world over a consciousness of the fact that political extremism—that of the Left as well as that of the more familiar Right—presents a dire and continuing threat to Jewish security.

The extremists' anti-Israel war is only one aspect of the peril they present to the Jewish community. Their fundamental struggle is against the democratic system and those liberal values that have afforded safety and opportunity to an historically beleaguered minority people. The creation of social ferment, including the condoning, the advocacy and even the use of violence, is the tactic of their "revolution," and it is in revolutionary violence and assaults against the democratic process that Jewish security has been endangered and in which overt anti-Semitism easily breeds. The campaign against the Jewish state in the Middle East, a campaign with its own anti-Semitic impact, has been one major and recent focus of the danger.

The left and Israel

A current impetus to the Far Left position on the Middle East has been the militant anti-Israel stance of the Communist world and of the revolutionary "national liberation" movements of the "Third World" which enjoy the widest possible leftist support. These movements and their advocates in America identify closely with the Palestinian guerrillas in their terrorist war to destroy Israel. The Palestinians, cast in a role parallel to that of the Castro revolutionaries and the Viet Cong, have had great appeal to radical leftist youths. Yasser Arafat, leader of Al Fatah, has been accorded the cultish hero-worship given by the American Far Left to Castro and Che Guevara, to Ho Chi Minh and to Mao.

The struggles of the Arab *fedayeen* have been viewed as part of the worldwide revolutionary war against "imperialism." (Totally ignored is the fact of Israel's socialism and the fact that it is a political democracy born in a war of true national liberation. To recognize these facts would be to contradict the romantic, simplistic image and purpose now assigned to the Arab guerrillas; so Israel becomes an "imperialist" power and the enemy of the "people's" war.) "The fight against Zionism," declared writer Stephen Marks in the Marxist paper, *Worker's Power*, is "a vital part of the world revolutionary struggle."

THE TROTSKYISTS

Spearheading the Radical Left's anti-Israel, anti-Zionist campaign in America and lending its unflagging support to the Palestinian guerrillas, is the Socialist Workers Party (SWP), the part of the Trotskyist communists, together with its wide array of publications and affiliated organizations—the most important of these being the Young Socialist Alliance (YSA), since 1969 probably the fastest growing Radical Left group aimed at students and other youth.

Support for the Palestinian revolutionairies and opposition to Israel have received a higher priority in the activities of the Trotskyists than has been the case with most of the other parties and organizations of the Far Left. Policy decisions adopted during 1971 indicate that the SWP apparatus may well be giving an even higher priority rating to the Middle East in the period ahead.

In the spring of 1971, the National Committee of the SWP met in New York for four days and adopted several major resolutions to be submitted to the party convention. The April 30 issue of *The Militant*, the SWP newspaper, reported that the meeting, "one important aspect of the international situation, the struggles in the Middle East, was singled out for a special resolution" which, the paper said, "developed the SWP position in support of the Palestinian people . . . against Zionism and the state of Israel, and in support of the struggles of the Arab Peoples against imperialism and its Israeli beachhead," At the SWP convention, attended by more than 1,000 delegates and observers and held August 8–12, 1971, in Cleveland, the party resolution was introduced via a report presented by Gus Horowitz, who, according to the September 6, 1971 issue of the *Intercontinental Press*, another SWP publication, emphasized that "the major task confronting American revolutionists remains that of educating the radicalizing youth about the real history of the Zionist movement and the revolutionary character of the Palestinian and Arab struggle for *destruction of the state of Israel*." (Emphasis added.)

The resolution adopted by the Trotskyists was a lengthy document that set forth the basic political line of the party on the Middle East, purported to answer "the main Zionist arguments in defense of the present state of Israel," and outlined "the tasks the SWP has set itself in defense of the Arab revolution." The document pledged the SWP's "unconditional support" to "the struggles of the Arab peoples against the state of Israel."

That Israel has no right of survival in the eyes of the Trotskyists was made clear in the following passage (emphasis again added):

"The struggle of the Palestinian people against their oppression and for self-determination has taken the form of a struggle *to destroy the state of Israel*. The currently expressed goal of this struggle is the establishment of a democratic, secular Palestine. We give support to this struggle of the Palestinians. . . ."

With respect to the policy of the United States, the Trotskyists charged that "the central role played by U.S. imperialism in continually attempting to contain and crush the Arab revolution" raised the possibility of a Middle Eastern confrontation with the Soviet Union that could lead to war. They declared that "this places special obligations upon the SWP to educate the American people about, and mobilize opposition to, Washington's aims and actions in the Mideast."

The Trotskyists rejected as "false to the core" arguments that the Jewish people have a right to a state of their own or to self-determination of any kind. The party resolution stated:

"We explain to the Israeli Jews, as we have in the past, that their future lies only in aligning themselves with the Palestinian and general Arab liberation movements, wholeheartedly and without any reservation whatsoever. It will be to the extent that they do this that they can escape from the trap that Zionism and imperialism have set for them in the Mideast."

The ultimately anti-Semitic impact of the SWP propaganda is seen again in its insistence that the Jewish people surrender their security and their entire future to the Arab guerrillas "without any reservation whatsoever."

Examples of the major emphasis given to the Middle East in the Trotskyists' press include:

A party pronouncement concerning "perspectives for world revolution" that appeared in the February, 1971 issue of the *International Socialist Review*, another of the SWP publications, declaring that the Palestinians' fight would go forward "as long as the state of Israel continues to exist."

An article in *The Militant* by party Middle East specialist Robert Langston declaring that the Arab guerrillas would never "come to terms with the existence of the Zionist state" because even to accept the mere existence of Israel would be, for them, "national suicide."

Publication by the *Intercontinental Press* in November, 1971, and by *The Militant* in December, 1971, of an interview with Abu Omar, official representative of the Palestine Liberation Organization (PLO), the terrorists' propaganda apparatus, under the headline, "The New Phase of the Palestinian Resistance."

Publication in two successive issues of *The Militant* (October, 1970) of an official Al Fatah document calling for the dismantling of Israel and including a broad attack on the Jews of all countries. The manifesto, carried by the Trotskyist paper "for the information of our readers," said in part:

"Jews contributed men, money and influence to make Israel a reality and to perpetuate the crimes committed against the Palestinians. The people of the Book . . . changed roles from oppressed to oppressor."

The disdain for the Jewish people so glaringly apparent in such pronouncements showed itself in a *Militant* editorial following the barbarous murder of Israeli athletes by Arab terrorists at Munich during the Olympic Games of 1972. The editorial, published on September 15, said in part:

"The deaths of 11 Israeli participants in the Olympic games on Sept. 5 brought forth a hypocritical uproar of indignation from government officials and news media in capitalist countries around the world."

There was no uproar of indignation whatsoever from *The Militant*, which criticized the murderous outrage merely as being "ineffective" and a "diversion." The SWP paper added that the purpose of the world's outcry had been "to make the criminal look like the victim"—thus laying the blame for the massacre on the corpses of the murdered Jews while blaming the Arab terrorists only for a mistake in tactics.

The commitment of the Trotskyists to the support of the Arab revolutionaries includes, in addition to the steady drumfire of such articles as those quoted above from the SWP and YSA periodicals, a number of pamphlets and booklets produced and distributed by arms of the party publishing apparatus such as Pathfinder Press and Merit Publishers. It includes rallies, lectures, forums, and teach-ins at which the guerrillas are extolled and Israel vilified. It includes the formation of front groups and *ad hoc* committees for similar propaganda purposes. It includes active collaboration with Arab student groups and "Third World" organizations in cities and on college campuses all over the country.

In short, the commitment is total, and its threat to the deepest concerns of world Jewry is clear.

The Young Socialist Alliance

The Trotskyist anti-Israel thrust on the campuses and among other young people has been largely the work of the SWP's youth arm, the Young Socialist Alliance, which has been the largest Radical Left youth movement in America since the splintering of the old SDS in 1969.

On its own or in cooperation with Arab student groups, YSA has organized Middle East rallies, "teach-ins" and "Palestine Support Weeks" to boost the Arab guerrilla cause on scores of campuses around the country. It has published, and widely distributed, a number of pro-guerrilla pamphlets, one of them Peter Buch's *The Myth of a Progressive Israel*. Buch, a leading SWP spokesman on the Middle East, toured the United States early in 1971 under party auspices and with the aid of YSA promotion, covering more than 60 cities and college towns. At each stop, Buch assailed Israel and "Zionism," and extolled the Al Fatah and other Arab guerrillas.

On America's campuses, Buch claimed, there is "a new spirit of confidence on the part of Arab students and their supporters" and he expressed joy over what he saw as "a mood of diffidence among pro-Zionist students."

The YSA itself has collaborated with a number of Arab organizations which tag Israel and "Zionists" as their enemies. Members sold copies of the *The Militant* to guests at the 1970 Convention of the Association of Arab-American University Graduates, held at the end of October. Earlier that month at a meeting of the pro-Arab Middle East Institute in Washington, D.C., an Al Fatah display table was manned by YSA members. And at the YSA national convention in New York, December 27–31, 1970, a discussion panel on the Middle East included representatives of the guerrillas, the Organization of Arab Students (OAS), and Palestine House (Washington, D.C.). Of this convention *The Militant* January 15, 1971 reported:

"All agreed on the necessity for closer collaboration and solidarity between American revolutionaries, Arab organizations in the U.S. and the revolutionary movements in the Arab countries."

The convention's decision was actually the climax of a Trotskyist pro-Arab propaganda campaign that had swung into high gear during the Middle East crisis period in the fall of 1970. At that time, the YSA, declaring that "the struggle of the Palestinians to regain their homeland usurped by Zionist Israel is just struggle," issued a call for massive demonstrations on campuses throughout the country under the guidance of a Radical Left coalition. The YSA national office declared that the Middle East crisis had "thrust the situation" there "before hundreds of thousands of students."

The first manifestations of an intensive anti-Zionist campaign by YSA had taken place even before the national office published its call. Late in September, 1970, a week of teach-ins and rallies took place at George Washington University in Washington, D.C. and at the University of Maryland nearby—with speakers from YSA, the Organization of Arab Students (OAS) and the Arab Information Center. The week's climax was an "emergency" rally staged by the "Fair Play for Palestine Committee," a coalition that included YSA and OAS, joined for the occasion by the Student Mobilization Committee to End the War in Vietnam (SMC), which was dominated at the national level by the Trotskyists. That same week, hundreds of students attended rallies at Massachusetts Institute of Technology and in downtown San Francisco, both addressed by Arab students and SWP officials.

The call issued from the YSA convention in December resulted in increased Trotskyist youth activity on behalf of the Arab guerrilla cause, beginning in the early months of 1971. Teach-ins and "Palestine Weeks" were held on a number of campuses. There were anti-Israel demonstrations before the United Nations in New York and on the streets of other cities.

During the April, 1971 demonstrations against the Vietnam war in Washington, the YSA chapter of George Washington University circulated flyers inviting the demonstrators to take part in a number of events, including speeches on "Zionism and the Palestinian Revolution" and "How to Make a Revolution in the United States."

Front groups

As has long been the practice of other communist parties, the Socialist Workers Party supervises the formation of other organizations designed for specific propaganda purposes and/or to appeal to specific audiences. Sometimes the SWP participation is masked, sometimes not.

One such activity was the formation of an *ad hoc* group called the "Committee of Black Americans for Truth About the Middle East" (COBATAME). Its sole apparent purpose was to offer an imprimatur for a half-page ad in the November 1, 1970 issue of The New York Times which harshly attacked Israel and Zionism. Funds for the Times ad were solicited in advance via an announcement published in the SWP's Militant.

The COBATAME chairman was Paul B. Boutelle, who had been the SWP's candidate for Vice-President of the United States in 1968 and who had just returned from the Middle East, where he and five other members of his "Committee" had been guests of the Al Fatah terrorists. Boutelle subsequently addressed college audiences under the sponsorship of YSA.

Several other Trotskyists were signers of the *Times* ad, along with a number of black nationalists, most of whom had little or no prominence in the black community, or in the community at large. Their declaration that "imperialism and Zionism must and will get out of the Middle East" was in marked contrast to another pronouncement, published some time later in the *Times*, which called for firm U.S. support for Israel and which was signed by a number of distinguished Black Americans including Roy Wilkins, Bayard Rustin, Carl Stokes, and the late Whitney Young, Jr.

Another SWP front group, the "Committee for New Alternatives in the Middle East"—founded by Berta Langston, who headed it, and her husband, *Militant* writer Robert Langston—was apparently wrested from Trotskyist control in January, 1971 by members who proposed it develop a less one-sided approach in seeking Middle East "alternatives." In resigning from the slightly reconstituted committee, Mrs. Langston declared that she could not "support an organization that is not clearly and unambiguously opposed to Zionism." The Trotskyists' stand has always been clear and unambiguous.

Vietnam and the Middle East

The Trotskyists have opposed the injection of issues other than Vietnam into the programs of the National Peace Action Coalition (NPAC) and the Student Mobilization Committee to End the War in Vietnam (SMC), the two anti-war groups they dominate. They fear that the injection of other issues would divide their hard-won coalition and lose them the allies and the following they have acquired by exploiting the widespread opposition to the Vietnam war. But they regard the lessons, the techniques, and even the loyalties garnered in the anti-war movement as "transferrable" to other concerns when the time is right. One such concern is the war to destroy Israel.

The resolution adopted by the Socialist Workers Party at its August, 1971 convention likened the Palestinian guerrillas to America's enemies in Vietnam. And it declared:

"The mass anti-war movement has sensitized large numbers of people to the role of U.S. imperialism and to solidarity with the colonial revolution. The expansion of these movements will be important factors in the increasing growth of sentiment in solidarity with the Arab revolution."

Even the slogans to be used in opposing U.S. support for Israel, said the SWP, would be "analogous to the slogans around the issue of Vietnam."

Influential leaders on the Far Left have already urged that the anti-war organization be used as the nucleus of a mass movement opposing U.S. aid to Israel and rallying support for "Palestinian liberation." The rationale was spelled out in August, 1971 by James Lafferty, a radical Detroit lawyer who has served as one of the national coordinators of NPAC. Lafferty's law partner, Abdeen Jabara, who has served on NPAC's steering committee, is the editor of *Free Palestine*, the leading pro-Fatah newspaper in the United States.

While there is no evidence that Lafferty has ever been an SWP member, he has worked closely with the party's activists in NPAC and in other causes.

Lafferty, writing on "The Anti-War Movement and the Struggle for Palestine Liberation" in the August issue of Jabara's publication, contended that the lessons learned in the "peace" coalition "are transferrable to the effort to build a movement to support Palestinian liberation." Answering some leftist criticism that the anti-war forces had not done enough "to support other struggles," Lafferty argued that the supporters of the Arab guerrillas could learn much from the anti-war movement, which, so far as "education" and tactics are concerned, already "provides the most effective possible support for Palestinian and other liberation struggles." Although "ostensibly" limited to the Vietnam war, he wrote, it had had a "beneficial impact" on the Arab effort to destroy the Jewish state.

Lafferty himself, while working in NPAC, has been active in behalf of the Arab cause. In October, 1971, his law partner, Jabara, filed suit in Federal Court in Washington, on behalf of 12 plaintiffs including Lafferty, against Defense Secertary Melvin Laird Secretary of State William Rogers, and Presidential advisor Henry Kissinger, seeking to obtain public disclosure of alleged government "studies concerning the extent of American involvement and commitment in the Middle East." The suit followed a letter of September 2 from Jabara to the three officials which described his client, Lafferty, as being concerned that American politics in the Middle East were creating a situation "not unlike" that in Vietnam.

"Zionism serves the aggressors"

Peter Buch of the SWP, writing in the September, 1971 issue of Jabara's *Free Palestine*, was even more revealing of how the Trotskyists are planning to utilize the anti-war movement for their own purposes with respect to the Middle East. Buch wrote of the "unparalleled opportunities for Palestine supporters to reach many people with their views during the massive demonstrations and community activities of the anti-war movement."

The Socialist Workers Party, wrote Buch, connects "the Vietnam and Palestine liberation struggles within the anti-war movement," citing as an example his own six-month speaking tour "organized by the SWP in defense of the Palestinian revolution where I spoke to campus and anti-war audiences all over North America."

Buch explained that "the leadership of the anti-war coalition, in which the SWP plays an important role," had not called out the masses in support of the Arab guerrillas because most of the people in the movement "don't yet understand that Zionism serves the same U.S. imperialist aggressors who are destroying Vietnam." And yet, he declared, the Trotskyists are looking ahead to an improvement in that situation. He wrote:

"There will surely come a time when the Palestine support movement will have a broader sweep than it does now, as U.S. intervention in the Middle East becomes more palpable and as our continued educational work around the issue becomes more effective. The lessons we have learned in building a massive anti-war movement surely will help us to build an effective opposition to American and Zionist aggression in Palestine, if we understand how to build a real united front on a principled basis, how to use defensive formulations that relate to the actual consciousness of the masses of people, and how to avoid the sectarian and self-isolating mistakes that doom such efforts from the start.

"Right now, we can make more progress in that direction with concerted educational efforts all around the country. The broadest based Palestine teach-ins, debates, lecture tours, ad hoc committees, literature distributions, etc., should be organized. The elementary civil liberties of Palestinian and Arab groups should be defended. Special efforts must be made to approach not only the anti-war movement, but also the women's liberation movement, the Black, Chicano and Native American liberation movements, with the truth about Palestinian liberation. And those who approach these movements not only as revolutionary supporters of Palestine but also as builders and defenders of those movements will get the best hearing about Palestine too!"

In short, the SWP and the chapters of the YSA on college campuses around the country—using their array of publications and their dominant position in NPAC and SMC—are preparing to escalate their campaign against Israel and against Israel's friends in America to even greater levels of intensity in the period ahead.

WORKERS WORLD PARTY

Buch's article in *Free Palestine* was sparked by charges that the Trotskyists had failed sufficiently to link the Middle Eastern issue with that of Vietnam—charges which had appeared a few months earlier in *Free Palestine* under the by-line of Mrs. Rita Freed, leader of the Committee to Support Middle East Liberation (CSMEL).

The CSMEL is a front group of Youth Against War and Fascism (YAWF), which in turn is the youth arm of the New York-based Workers World Party (WWP). The WWP was formed in 1959 by pro-Peking dissidents of the Trotskyist SWP—though in recent months, the Maoist ardor of the WWP has substantially eroded in the face of diplomatic developments between Washington and Peking. Mrs. Freed's article, reprinted in *Free Palestine* from the May 21 issue of *Workers World*, official organ of the WWP, asserted that for several years YAWF and CSMEL had "sought to explain to the progressive movement in the U.S. why support for Vietnamese Liberation must be accompanied by support for Middle East liberation as well." She declared that n the view of the WWP apparatus, "it is the same imperialist system at work in both cases."

Mrs. Freed assailed the role of Israel's friends in America, mentioning the "difficulties in the U.S. in freeing the public, even the progressive movement, from decades of anti-Arab brainwashing . . . because American Zionism is actually a mouthpiece for U.S. capital." She chided Buch and the SWP for not trying to straighten out such "difficulties" within the anti-war movement itself. But it is clear that the disagreement between the WWP-YAWF-CSMEL complex and the Trotskyists—it had crystalized at an Arab sponsored conference in Algeria attended by both Buch and Mrs. Freed—centered on tactics and timing, not on basic ideology. They disagree on whether the time is right to connect the "peace" cause totally with that of the Arab guerrillas; but both factions are equally anti-Zionist, equally zealous in support of the Palestinian revolution, and resolute in their opposition to U.S. friendship with Israel.

Mrs. Freed's article, written shortly after her return from Algeria, was one item in a barrage of pro-guerrilla propaganda that has issued from the WWP complex that includes not only YAWF and CSMEL but also the American Servicemen's Union, a WWP-dominated group that has for several years sought to organize a cadre of the revolutionary left in the U.S. armed forces.

Article after article in *Workers World*, the bi-weekly party publication, has brought the Mideast ideological line of the WWP to the party's small but zealous membership. It also announces anti-Israel activities carried on by the WWP and its assorted units and fronts.

Many of these demonstrations are staged by WWP, YAWF and CSMEL in cooperation and solidarity with Arab students on campuses around the United States.

An article in the *Workers World* of May 7, 1971, for example, told how demonstrators mobilized by the Organization of Arab Students (OAS), with the aid of YAWF, had sought to convert an Israeli Independence

Day celebration at the University of Chicago Circle Campus into a pro-Palestinian demonstration. Another told of a picketing effort at an "Israeli Bond Festival" dinner carried out by YAWF "in a coalition with Arab and Iranian students and independents" who were joined by YAWF members from Detroit and Milwaukee. Guerrilla flags and banners reading "Victory for the Palestine Revolution" and "Indochina to Palestine—One Struggle, Many Fronts" were carried by the demonstrators, the article said, and these "answered the demagogy of capitalist politicians and Zionist collaborators at the 'Festival' who try to associate the State of Israel with progressive causes. . . ."

A picture caption in the May 21 issue boasted that YAWF and CSMEL were "the first groups in U.S. to link Palestinian revolution with the international anti-imperialist struggle."

Two weeks later, these WWP groups announced a demonstration at New York's Rockefeller Center the purpose of which, a CSMEL leaflet trumpeted, was to "STOP WALL ST'S OTHER VIETNAM" in the Middle East. News coverage of the event in the June 8 *Workers World* was extensive. A headline proclaimed: "Commemorate 4th anniversary of U.S. Israeli aggression against Arab people." Another article, headlined "A talk with Palestine Guerrilla Spokesman—'We need solidarity in deeds,' " was an interview with Ahmad Kayali of the Democratic Popular Front for the Liberation of Palestine. In another piece, writer M. Margolies, after reviewing some of Israel's domestic problems, asserted:

"Israel is an artificial state created by Western imperialism (and now the puppet of the U.S.) as a military outpost in the oil-rich Middle East—it is no coincidence that rights, privileges and political power are dominated by Western Jews."

On June 19, in downtown Detroit, a group of CSMEL activists staged an anti-Israel demonstration in front of an Israel Bonds office carrying signs calling for the liberation of "Palestine" and denouncing "Fascist Zionism."

A WWP statement published in the July 30, 1971 issue of the party's paper declared:

"Workers World Party urges all partisans of Arab liberation to help expose the systematic plan to destroy the Palestinian people. Stop the genocide against Vietnam and Palestine!"

In September, *Workers World* headlined an Arab "March Against U.S.-backed Oppression in Palestine"—a motor caravan of "Arab workers and students" from New Jersey and New York, followed by picketing demonstrations at the Israeli U.N. Mission, the United Nations and the Jordanian Mission. Organizations identified as taking part included the Arab Clubs of New Jersey, the Progressive Arab Students, and the CSMEL. Speakers charged that King Hussein and Israel "had become equal partners in the genocide of the Palestinians." One slogan proclaimed: "Nixon, Hussein, Dayan—My Lai, Amman, Gaza."

Deep concerns of American Jews other than Israel have also been assailed by YAWF radicals. The November 3 issue of the WWP newspaper told of YAWF activity in Seattle to denounce a "Freedom Bus" then embarking on a tour of American cities to demand that Soviet Jews be allowed to go to Israel. The article denounced the "Freedom Bus" as "imperialist-contrived" and "Zionist."

The campaign against Israel by the WWP, YAWF, CSMEL and the other units of the Workers World apparatus continues. On February 16, 1972, *Workers World* published an article charging that "the puppet state of Israel is directly dependent on U.S. support and control and, like the U.S. puppet government in Saigon, the Israeli government makes no move without first checking it out with the White House." It also asserted that in the Middle East, the U.S. has "a whole state (Israel) at its disposal as opposed to a few corrupt politicians it controls in Vietnam." The declaration concluded: "The heroic struggles of the Arab people will prove an empire shattering defeat for the mad moneymen of Wall Street."

The same issue told how activists from CSMEL, YAWF, the American Servicemen's Union, and the Organization of Arab Students had staged a demonstration on February 10 during a UJA meeting at New York's Hotel Pierre where Israeli Defense Minister Moshe Dayan was present during a trip to the United States. The article bore the byline of Ibrahim Ebeid, who spoke at the demonstration telling those participating that Dyan's "end and the end of his partners is coming sooner than they expect."

The irony in the attitude of much of the revolutionary Far Left in the United States toward the "common" people and "peoples" that they claim to serve is demonstrated by the WWP reaction to the brutal massacre at the Lod Airport on May 30, 1972—by Japanese terrorists trained by the Arab guerrillas. A *Workers World* editorial of June 15 declared:

"The fact is that the 25 people killed at Lydda Airport were, like the 50,000 GIs killed in Indochina, victims of a situation created by imperialism. Palestine is an occupied country renamed 'Israel' by its occupiers . . "

There was no condemnation of the killers of 25 innocent persons (mostly visiting Puerto Ricans), no sign at all of a balanced humanitarian concern. Only a continued hewing to the pro-terrorists, anti-Israel, anti-American line that has marked the propaganda of the WWP and other radical U.S. movements over the past several years.

THE COMMUNIST PARTY

Given the political commitment of Soviet imperialism to the Arab cause in the Middle East and the traditionally slavish adherence of the American Communist Party to the "line" set in Moscow, the pro-Arab and anti-Israel posture of the CP-USA is utterly predictable. The withdrawal from Egypt of the major part of the Soviet expeditionary force, at the request of Egypt's Sadat, does not change the political relationship.

While the CP-USA has (in its 1972 platform) affirmed the right of Israel to "exist," the Party—in common with other voices on the Far Left in the United States and in line with the declarations of policy from Moscow—continually assails "Zionism," which Party leader Henry Winston has dubbed "the nationalism of the Jewish bourgeosie." Party theoreticians fill many a page of *Political Affairs*, the party's ideological journal, with attacks on Israel and harsh criticism of the pro-Israel views and activities of American Jews. One of the more important attacks of this kind was a long two-part diatribe entitled "The Reactionary Role of Zionism" that appeared during the summer of 1971 in *Political Affairs* under the byline of the editor, Hyman Lumer, the main CP theoretician on the Middle East.

Lumer berated American Jewry for its support of the "racist" and "oppressive" State of Israel which he said has become the chief focus of activity among U.S. Jews." Lumer asserted that "among the pillars of Zionist support are the synagogues and temples" and charged that "the major Jewish organizations, Zionist and non-Zionist alike, play the role of political arms of the Israeli government." Clearly, Lumer used his criticism of Zionism as the basis for an attack on the entire American Jewish community itself. And Lumer declared:

"The fight against Zionism is an important part of the fight against U.S. imperialism. And in this fight the Communist Party must at all times be in the forefront."

The Kremlin speaks, the CP follows

The Moscow "line" on the Middle East was re-enunciated at the 24th Congress of the Communist Party of the Soviet Union held in the Soviet capital during the spring of 1971. The Soviet Party's resolution declared that the "representatives of the 14-million-strong army of Soviet communists sharply denounce Israel's imperialist aggression against the Arab states, conducted with support from American imperialism. . . ." It also denounced "the expansionist designs of the Israeli ruling clique and the Zionist circles," and praised "the constructive position of the Arab countries."

The Soviet Communist Party asserted that "the legitimate rights and interests of all the Arab peoples, including the Arab people of Palestine, will triumph," and called upon the "fraternal parties" (the Communist parties in all countries) "to strengthen solidarity with the peoples of the Arab countries and to give them active support in their struggle."

The Communist Party of the United States responded with expectable obedience. Its 20th National Convention, held at New York in February, 1972, adopted a resolution similar in tone and content to that adopted in Moscow. It read:

"End the alliance of U.S. imperialism and Israeli expansionism directed against the peoples of the Arab countries and Africa. We call for complete withdrawal from all Arab territories in accordance with the 1967 resolution as a prerequisite to a political settlement. This includes the guarantee of the right to Palestinian self-determination and the continued existence of Israel."

The issues to be acted on by the CP-USA convention were set forth in a series of "Draft Theses" that were summarized over a period of weeks in the *Daily World*, the party-oriented newspaper published in New York.

One of the theses, dealing with "anti-Semitism and Zionism," told the party faithful that "Zionism . . . has become a weapon of imperialism" and that "the state of Israel, tying itself to the imperialist warmakers of the U.S., has become the oppressor of the Middle East." Turning to American Jews, the thesis declared:

"To carry out the aggressive policies of Israel, its Zionist supporters in the U.S. have sold themselves to the U.S. State Department. They support the Vietnam war and spread State Department slanders about Soviet "anti-Semitism."

Another of the Draft Theses, critical of the Communist Party's own shortcomings, asserted that the CP-USA had been "permissive in the fight against nationalism, especially in the Jewish field and also in the Black Community. . . . " At another point, the CP-USA criticized the "serious upsurge of Jewish nationalism, particularly the rising influence of Zionism."

Lumer's Anti-Zionist Diatribe

Hyman Lumer's lengthy two-part "analysis" of "The Reactionary Role of Zionism," carried in the July and August, 1971, issues of *Political Affairs*, was saturated with the pungent aroma of gutter-level anti-Semitism. Not only did Lumer attack the American Jewish community, its major organizations, "Zionist and non-Zionist alike," and its "synagogues and temples" for their support of Israel, but in decrying American contributions to Israel and investments in that country (those of non-Jews as well as Jews), the Communist theoretician denounced the alleged role of "Jewish bankers," specifically naming the "Morgenthaus, Rosenwalds and Warburgs . . . Kuhn-Loeb and Lehman Brothers"—the very same "Jewish bankers" that for four decades have been the whipping boys of the anti-Jewish lunatic hate fringe, such as Gerald Smith and the late neo-Nazi George Rockwell.

Lumer echoed the theme used by Arab propagandist and anti-Semite alike—that big Jewish organizations and large blocs of Jewish voters in big cities and politically crucial states wield undue influence in domestic American politics and in American foreign policy with respect to the Middle East. "Accompanying these mammoth fund-raising drives," Lumer wrote, "is an uninterrupted flood of political activity, aimed at winning support for the Israeli government and its foreign policy. In the major centers of Jewish population, and especially in New York City, the big Jewish organizations wield not a little influence in the political arena. (Editor's note: Not Zionist organizations, but "big Jewish organizations"). The Communist ideologue went on to talk of the "well-organized pro-Israel lobby" which he said had been described as including "scores of Jewish organizations which have large amounts of manpower, money and zeal."

Lumer charged that the American people are not being told the truth about the Middle East by the press, the radio and television—then made the charge preposterous by himself citing articles unfavorable to Israel that had appeared in such organs of the mass media as *The New York Times* and the *National Observer* (Dow Jones).

Lumer made a similar charge in the West Coast pro-Communist paper, *Peoples World*, on July 15, 1972. He wrote that there is a "Zionist mythology" in the United States, "built up by the systematic propagation of a mass of falsehoods and distortions by Zionist sources with the help of the ruling class, its political spokesmen, the communications media and every other avenue of influencing public opinion." And Lumer added a menacing touch:

"The ugly reality which it covers up would, if it were made known, arouse the most widespread indignation and protest."

In his earlier *Political Affairs* articles, Lumer railed against the United Jewish Appeal, complaining that contributions to UJA are tax-deductible. He explained UJA's tax-exempt status in terms of the CP line: ". . . as long as Israel's policies serve the interests of U.S. imperialism, the U.S. government is hardly likely to question the use which UJA makes of the funds it raises."

Lumer went on to charge that the "heightened influence of Zionist ideology" had led, among other things, to "an alarming growth of racism and chauvinism within the Jewish community." This, he said, had aligned "the Jewish people with the forces of racism" and had produced "a campaign of vilification and slander" against the Soviet Union "based on the Big Lie of official 'Soviet anti-Semitism' and persecution of Soviet Jews, which has been built since 1967 to frenetic proportions."

"All the major Jewish organizations are actively involved," Lumer declared.

"Spearheading the Zionist movement in the United States today," he continued, "is a major section of Jewish big capital. This group has provided the lion's share of the contributions which have helped Israel to finance its enormous military expenditures. It is the main purchaser of Israel bonds. It has made large investments in Israel . . . and it has exercised preponderant ideological influence."

Setting the line for the CP–USA, Lumer declared that "in this country, the heartland of U.S. imperialism and the home of the largest Jewish community in the world, the fight against Zionism takes on exceptional importance. It is here, above all," he wrote, "that the battle must be waged against the machinations of U.S. imperialism in the Middle East and for the liberation of the Arab peoples."

The job of the CP–USA

To bring the party line on the Middle East to the party faithful—and to others—Lumer lectures at the Center for Marxist Education in New York. During the spring of 1972, he scheduled a four-week lecture series on "The Jewish People and the Struggle Against Zionism." Lumer's lectures were scheduled on Friday nights at 8 p.m.—the start of the weekly Jewish sabbath.

Another leading writer and speaker on the Middle East is Tom Foley, whose articles appear regularly in the *Daily World*. In January, 1972, Foley attended the Third Congress of the Communist Party of Lebanon as a fraternal delegate, representing the Communist Party U.S.A. and told readers of the January 18 *Daily World* that the meeting, held January 6–9 in Beirut, "was one of the most important political events to occur in the Arab world in the last decade," and that it might "well mark a turning-point in the history of the Middle East." The parley, he wrote, meant a "dramatic strengthening and unification of the Arab world's forces against imperialism, Zionism and Arab reaction. . . ." As for Israel, Foley referred to the Jewish state as "aggressive, expansionist Israel, armed to the teeth by American imperialism," and guilty of "wanton, barbaric military aggressions. . . ." The job of the CP–USA, Foley declared, "is to mobilize American public opinion against the U.S. government's support of Israeli aggression, so that the peoples of the Middle East will no longer be forced to live in an atmosphere of terror. . . ."

Aiding the Communist Party itself in these efforts are its youth group, the Young Workers Liberation League (YWLL) and the League's publication, *The Young Worker*, as well as *Jewish Affairs*, the party's own publication devoted to issues of concern to its Jewish members and those they seek to influence. With respect to the Middle East itself, the so-called Committee for a Just Peace in the Middle East is a New York-based front group of the CP–USA that was organized in October, 1970, with Alex Kolkin, a member of the national committee of the Communist Party, as its chairman.

Main speaker at the first meeting of the Committee for a Just Peace in the Middle East was Dr. Herbert Aptheker, Communist Party theoretician, who charged that the Israeli government was "racist." Aptheker was joined on the platform by Donna Ristorucci of the YWLL.

The Communist Party has had to wrestle somewhat gingerly with Middle East terror. While the vilest specifics of Arab terrorism can be clearly deplored in its press, Israeli policies are always identified as the root cause, while outcries of shock and protest from the U.S. are labeled "hypocritical." Thus, following the terrorist infamy at the Munich Olympic Games, a pair of editorials in the Communist *Daily World* (September 6 and 7, 1972) began by terming the killing of Israeli athletes "murderous banditry," but then, through the larger portion of the allotted space, condemned what was called "the complicity of the Israeli government" and of the U.S. government, and the "hypocrisy" of both because of the continuation of violence in Vietnam. The Communists' specific objection to the Munich murders was that they had been a "counter-revolutionary" diversion. No sympathy was offered for the Israeli Jews who had been the victims of the outrage.

THE "GUARDIAN"

After Israel had struck back via air raids against Arab terrorist encampments, the *Guardian*, a self-described 'independent, radical newsweekly," took the occasion to compare Israel with Hitler's Nazis. While deploring the Munich actions of the Black September Palestinian terrorists as "an indefensible outrage, a distortion of revolutionary principle, and counter-productive to the just cause of Palestinian liberation," the paper asserted:

"But no matter how wrong his assault by the commandos was, it must not be allowed to obscure the genocidal expansionism and racism of the Israeli government and its U.S. sponsors.

"It is ironic that the Jewish state of Israel should be aping the tactics of the Nazis. . . ."

The *Guardian* concluded:

"The U.S. left and progressive forces have a role to play in the Mideast conflict. These forces, especially in the antiwar movement, must take a strong stand in support of the Palestinian national struggle and against U.S.-Israeli imperialism. . . ."

The reaction from the *Guardian*, founded in the late 1940s, published in New York for a readership spread thinly across the country, was predictable. Like the rest of the Far Left, the *Guardian* is outspokenly anti-Israel in its posture on the Middle East.

OTHER PROPAGANDA MILLS

There are other arms of the Far Left's anti-Israel, anti-"Zionist" propaganda apparatus—other purveyors of pro-Arab pamphlets, leaflets, fliers, reprints, posters, stickers and buttons which are made available singly or in bulk quantities.

One of the more recent and more active of these propaganda mills is the Middle East Research and Information Project (MERIP), formed in the spring of 1971 by a small group of New Left activists, some of them Jewish; several had visited Arab guerrilla training centers as guests of Al Fatah in September, 1970. There are two MERIP units, one in Washington, D.C., and the other in Cambridge, Mass. One of those who has been active in Washington is Sharon Rose, who earlier had been with Jews for Urban Justice (JUJ), a group of Jewish radicals in the nation's capital.

MERIP states that it "provides literature, speakers, films, posters, slides and research material about political, economic and social conditions in Middle Eastern countries and the role of the United States in the political economy of the area." In point of fact, however, MERIP is an unabashed propaganda outlet in the U.S. for the Palestinian revolutionary movement. A packet of some 30 items mailed out by MERIP in the summer of 1971 included materials issued by Al Fatah, the General Union of Palestinian Students, and such Beirut-based organizations as the Fifth of June Society, the Research Center of the Palestine Liberation Organization, the Institute for Palestine Studies, the Arab Women's Information Committee, and Americans for Justice in the Middle East.

Materials distributed by MERIP included such tracts as "Revolution Until Victory" and "Political and Armed Struggle,"—both by Fatah; "Basic Political Documents of the Armed Palestinian Resistance Movement," published by the PLO's Research Center; "A Strategy for the Liberation of Palestine" (PFLP); and "Aims of the Palestinian Resistance Movement with Regard to the Jews," published by the Fifth of June Society in cooperation with the Palestine Research Center.

MERIP activists were present at the Fourth Annual Convention of the Association Arab-American University Graduates, Inc., held October 20–21, 1971 at Boston, where Abdeen Jabara, the editor of *Free Palestine*, was elected AAUG president. Other American Far Left organizations, among them the Trotskyists, set up literature tables at the convention, exemplifying the growing alliance between American and Arab leftists in the United States.

Another such propaganda operation (promoted by MERIP) is the *Palestine Resistance Bulletin*, published monthly by a small group of Arab student activists and New Left radicals at the State University of New York at Buffalo who express "solidarity with the Democratic Popular Front for the Liberation of Palestine"—one of the most extreme of the various guerrilla organizations. The Buffalo activists offer their own list of propaganda issued by the DPFLP—for example, a pamphlet entitled "On Terrorism, Role of Party, Leninism vs. Zionism."

Low-cost printing and reprinting has been provided for various arms of the New Left apparatus by *The New England Free Press* in Boston. This propaganda factory has offered a lengthy list of materials on various topics of interest to the movement, including several on the Middle East—all of them bitterly anti-Israel. One of these is "Zionism—A Political Critique," by Tabitha Petran, published by the Students for a Democratic Society (SDS) before its collapse in 1969 and subsequently promoted by MERIP.

THE "UNDERGROUND" PRESS

Perhaps the most significant adjunct of the youth "counter-culture"—the numerous though fragmented heirs to the traditions of New Left politics—has been the so-called "underground press," a network of several hundred newspapers sold in metropolitan areas and college campuses from coast to coast.

In the last five years, these papers have produced a torrent of articles and features dealing with the Middle East, and true to the growing tradition of the Radical Left, they have uniformly idolized the Palestinian guerrillas while vilifying Israel and its American Jewish supporters.

Despite its name, the "underground" press is not clandestine; its journals are sold openly and widely. It is more precisely an *alternative* press, published by and for the radical and/or "alienated" youth who oppose traditional values and life styles as well as many of the existing political, social, and economic institutions of the United States—a country they often label "Amerika" to imply a fascist reality. Representative editors of underground papers have stated that their main task is "to build a revolution." Some have published serialized "manuals" on how to conduct guerrilla warfare and to manufacture bombs. The Arab terrorist, holding high his clenched fist and toting a rifle and a beltful of grenades for destroying governments and traditions, is a likely hero. The Jew is not an unlikely enemy.

At their peak, the combined circulation of the underground papers was estimated at 1,000,000 to 2,000,000, with a total readership of perhaps 5,000,000. Through this network of hundreds of papers, fed by its own news syndicates (the Liberation News Service, run by a "collective" of radical young journalists, is the most important), hundreds of thousands of young Americans—perhaps millions of them—have been exposed to unremitting doses of anti-Israel, pro-guerrilla propaganda.

Such articles seem to follow the transparently closed-minded, authoritarian prescription of the Bay Area Revolutionary Union, as published in the *Berkeley Tribe*, one of the leading underground papers:

". . . the people's press has the responsibility to find out the truth about the Palestinian people's struggle, and become a weapon of the people's struggle, and become a weapon to smash through the Zionist propaganda. . . ."

The *Tribe* had made its own position clear:

"We at the Tribe should support the policies of Al Fatah in their efforts to build a broad-based movement and a People's War to liberate Palestine."

Middle East journeys

In the furtherance of such aims, editors from leading underground papers have visited guerrilla camps in the Middle East, attended Palestinian conferences, and returned to promote the guerrilla cause in the pages of their publications. One such trip took place at the height of the 1970 Mideast crisis in August and September. The underground editors, along with other American "revolutionaries," visited "liberation schools" and commando training centers as the guests of Al Fatah. They also met with representatives of the more extreme Marxist Arab guerrilla groups, the Popular Front for the Liberation of Palestine (PFLP) and the Democratic Popular Front for the Liberation of Palestine (DPFLP). After leaving behind a colleague from Detroit whom they denounced as a "Zionist pig" because he had suggested the group also visit Israel, the young American radicals stopped at a Fatah training center in Jordan, met Palestinian sympathizers from France, Italy, China, Cuba and Vietnam, and then pitched in to help build a new guerrilla camp.

From September 2 to 6, 1970, the Americans attended the Second World Conference on Palestine, held at Amman under the aegis of the General Union of Palestine Students. There, they adopted a resolution pledging support for the dual objectives of destroying the State of Israel and "building a revolution in the U.S. which will overthrow capitalism and smash imperialism once and for all."

Also noteworthy was a statement by several Jewish members of the American delegation. A self-hating brand of blatant anti-Semitism, it read in part:

"It is the Zionists in the United States who hypocritically raise the specter of anti-Semitism whenever black and brown people resist exploitation by landlords, merchants and social welfare neo-colonialists who happen to be of Jewish background . . . We know that our struggle is to get the Zionists out of the black and brown colonies of Harlem, Chicago and Detroit, and out of Palestine. . . ."

Examples from the steady outpouring of anti-Israel, pro-terrorism material from the "underground" press:

An article in the August 30, 1971 issue of *The Great Speckled Bird* (Atlanta), which lamented the setbacks suffered by the Arab guerrillas but recalled the "long march" retreat of the Chinese Communists in the 1930's, reminding readers that the retreat had been followed, 15 years later, by the Red victory in China.

A pro-Palestinian manifesto, published in the August 28, 1971 issue of *Quicksilver Times* (Washington, D.C.). The statement had been issued by pro-guerrilla demonstrators who "liberated" the Arab League Information Center in Washington during a sit-in to protest the failure of certain Arab regimes to support the "Palestinian masses and their Revolutionary movement." Among the demands contained in the Manifesto, which proclaimed that "Palestine Lives," was a call for support of the Palestinian movement "against the racist Zionist state."

At the height of the Middle East crisis during the fall of 1970, pro-guerrilla propaganda received major emphasis in the underground papers and from the Liberation News Service, which had two correspondents of its own in the Middle East to publicize the Arab revolutionaries and terrorists. A few samples from the many voices of the underground in that period:

On October 15, 1970, LNS distributed to its network of clients a major manifesto issued by Al Fatah from Amman. Two weeks later, LNS distributed a first-person article, carrying the by-line of Leila Khaled, the girl terrorist and airplane hijacker of the PFLP, whose name and picture adorned many articles in the underground papers during that period.

The Fifth Estate (Detroit) published a large photograph of Miss Khaled holding an automatic rifle. A few weeks later, the paper published an article, "Who is Leila Khaled?," praising the young lady for her hijacking activities. *The Fifth Estate* also published (October 29, 1970) an LNS dispatch from Middle East correspondents Sheila Ryan and George Caveletto entitled, "There Is No Israel."

The Great Speckled Bird published a dispatch from Ryan and Caveletto extolling the Arab guerrillas for their opposition to the Middle East cease-fire and asserting that "peace talks will not touch the main causes of the war—racism and imperialism inherent in Zionism." At the time of the Arab hijacking outrages in September, 1970, *The Great Speckled Bird* praised the actions by the PFLP as having "carried the war into the backyards of the imperialist powers."

The Berkeley Tribe also praised the hijacking and linked the PFLP to the revolutionary movement in the United States. The article declared in part: "We are all the new barbarians . . . The outlaws in the sky are the new woman and the new man of Palestine. Internationally, they are the new, the beautiful barbarians." The piece was signed, "Sirhan."

Good Times (San Francisco) extolled Miss Khaled in a two-part article capriciously titled, "Leila in the Sky with Dynamite."

The Metro (Detroit) celebrated Christmas 1970 with some "humor" of its own—parody carols including "*Oy To The World*, by Golda Meir." The relationship between anti-Israel propaganda and anti-Jewish ridicule is clear.

The foregoing are random but representative samples of the vast pro-guerrilla output of the "underground" which, in the words of *The Berkeley Tribe* (September 18, 1970) links the "People's War to Liberate Palestine" with People's War to Liberate America," and in so doing has brought the propaganda of the Radical Left in America, and that of Israel's enemies in the Middle East, to millions of America's youth.

CONCLUSION

The Far Left's assault against Israel's right of survival and its world-wide alliance with forces committed to Israel's destruction strike at the heart of a basic Jewish concern and are an assault against the Jewish identity. Excepting the Jewish religion itself, the assault on Israel poses a threat to the greatest hope and the deepest commitment embraced by world Jewry in two millenia.

The unbashed support given by radicals of the Far Left to Arab regimes that have waged war against Israel, or to revolutionary terrorists sworn to Israel's liquidation, are in essence a war against the security of the Jewish community. For just as Israel's security depends in large measure on support from the Jews in the United States and elsewhere, Jews here and abroad have come to believe that their own security and their hope for ultimate survival depends in large measure on the survival of Israel as a sovereign state.

The threat to Jewish security from this assault on Israel would, in itself, be sufficient to warrant the concern about the Far Left already felt by Jews in the United States and elsewhere. But there is yet another dimension to the danger—the parallel assault by the Far Left against those liberal values and democratic institutions which Jews for many decades have seen as essential to their well-being and security in the Diaspora.

Movements of democratic political and social reform have traditionally attracted the Jewish spirit. Such movements in the 18th and 19th Centuries brought full legal rights to Jews in many places and left their indelible imprint on Jewish political thinking and Jewish political loyalties. Concern for liberal values and democratic safeguards—freedom from state tyranny, equal justice under law, and equal opportunity—became a key element in determining Jewish political commitments. Parties and movements espousing liberalism or social democracy tended to exert a magnetic pull on Jews in many countires, including the United States, and shaped Jewish political thinking into a basically left-of-center orientation.

The last few years, however, have witnessed a massive onslaught by movements of the Far Left against liberal values and democratic decencies—against that political civility and respect for the opinions of others without which democratic government cannot thrive or survive. Extreme Left groups—especially those in the so-called "new Left"—have shrilly proclaimed that the liberal is their enemy, that liberalism is the servant of "corporate monopoly," and that violence is necessary, and even desirable, in carrying out the anti-democratic goals of the revolutionary left. Such groups, in the United States, in Europe, and in the so-called "Third World" of Africa, the Mideast, Asia and Latin America, have often adopted guerrilla warfare, terrorism and other forms of violence as an essential tactic in their program of revolution. In the United States, they have engaged in poltical violence on college campus and city street as part of their assault on liberal values and American democracy.

In short, the anti-Israel commitment of the Far Left and the violence-prone threat it has posed in recent years to democratic institutions in the United States have confronted the Jewish community with a tangible danger on the Far Left that has aroused ancient Jewish fears of the kind earlier triggered by the more familiar danger on the Far Right, which has been a traditional Jewish concern.

Just as Jews perceive Jewish survival as inextricably linked to the survival of Israel they are increasingly perceiving that their survival is inevitably linked to the preservation of democratic institutions. Threats from the Far Left—to Israel or to democratic institutions—are therefore daggers pointed at the heart of the Jewish community and form part of a new anti-Semitism visible today in the United States and elsewhere around the world.

LYNDON JOHNSON—TRANSPORTATION CRUSADER

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. PICKLE. Mr. Speaker, the employee strike against the Penn Central Railroad has once again focused attention on the problems of mass transportation and freight traffic in the United States, and which makes us appreciate even more the strong interest and effective action which the late President Lyndon B. Johnson displayed.

As a member of the Senate Commerce Committee, Johnson studied the difficulties involved in transporting people and goods within the Nation. As President, he created the Department of Transportation, in recognition of the crucial role which the Federal Government must play in making transportation more efficient in this vast and rapidly changing country.

I take this opportunity to insert into the RECORD an editorial from Traffic World summarizing the late President's accomplishments. Those in the transportation industry, as well as the rest of us, have good reason to mourn his death.

The editorial follows:

THE LATE L. B. J.—TRANSPORTATION PROTAGONIST

Among the men who in this twentieth century have served as Chief Executives of the United States of America, none displayed more interest in or concern about the needs of suppliers and users of transportation services in this country than Lyndon Baines Johnson, the thirty-sixth President, who died in the late afternoon of January 22 of a heart attack, en route to a San Antonio hospital, after having been stricken at his home on the LBJ Ranch, near Johnson City, Tex.

One important result of President Johnson's recognition of the essentiality of healthy transportation media to the nation's well-being was the enactment, in October, 1966, of the legislation that established the Department of Transportation as a new Cabinet department in the U.S. government. Operations of this department (the DOT) began on April 1, 1967, with Alan S. Boyd, theretofore Under Secretary of Commerce for Transportation and, in the years 1961 through 1965, chairman of the Civil Aeronautics Board, as the first Secretary of Transportation. Most members of the transportation community regarded Mr. Boyd as a "natural" for the top office in the new department; it's doubtful that anyone else could have done a better job than he did as head of the DOT in the first four years of its existence.

It was in the memorable transportation message he sent to Congress on March 2, 1966, that President Johnson made these declarations, among others:

". . . America today lacks a coordinated transportation system that permits travelers and goods to move conveniently and efficiently from one means of transportation to another, using the best characteristics of each. . . .

"The United States is the only major nation in the world that relies primarily upon privately owned and operated transportation. That national policy has served us well. It must be continued. . . .

"We must coordinate the various functions of our transportation agencies in a single coherent instrument of government. Thus policy guidance and support for each means of transportation will strengthen the national economy as a whole.

"I urge the Congress to create a Cabinet-level Department of Transportation. I recommend that this department bring together almost 100,000 employes and almost $6 billion of federal funds now devoted to transportation."

Such a department, President Johnson averred, would "serve the growing demands of this great nation, . . . satisfy the needs of our expanding industry and . . . fulfill the right of our taxpayers to maximum efficiency and frugality in government operations."

Our acquaintanceship with the late President from Texas dated back to his service, after election to the U.S. Senate in 1948, as a member of the Senate interstate commerce committee. We noted that in the committee hearings he chose to be a listener rather than a speaker. In later years, however he issued more statements and made more public utterances about transportation problems and proposed remedial measures than had been placed on record by any of his predecessors in the Presidency.

He sought and obtained enactment of a substantial number of legislative proposals affecting transportation, in his five years as President. Those enactments included, in addition to the act establishing the Department of Transportation, the so-called "incentive per diem" act of 1966, and an act creating a board of arbitration to make a final and binding determination for settlement of the work-rules dispute between the railroads and rail employe unions.

From some of the bound volumes of TRAFFIC WORLD for the years 1964–1967 we have selected a few "quotes" from statements made by President Johnson on the dates indicated:

January 27, 1964: ". . . The many basic inequities among the various modes of transportation must be removed, if the travelers and shippers are to have available a wide choice of low-cost and high-quality transportation services. Our tangled transportation policies must be reformed. . . ."

January 25, 1965: "If the nation is to have a truly efficient system of transportation, we must revise the traditional government programs of regulation and operation subsidies and place greater reliance upon the forces of competition. . . . My proposals for charging users of government (supported) transportation services a greater share of the costs incurred in their behalf are consistent with this objective."

July 20, 1965: "It remains surprising and even shocking that about 80 per cent of our business firms have never yet entered into foreign trade. I think this represents a great wasteland of unfilled opportunity that is open. I hope that over the next 10 years we can increase three or four-fold the number of American shippers who sell goods abroad."

May 26, 1966 (on signing the freight car per diem bill (S. 1098) enabling the ICC to include incentive elements in the setting of freight car daily rental charges): "The freight car shortage is only a symptom of our larger transportation challenges and opportunities. The bill I sign today is not a cure-all, or the final answer. It is but a part of the total effort we are carrying out in many fields to use transportation in better and more effective ways."

At the time he signed the incentive per diem bill, President Johnson shared with many others the belief that this was the best available means of spurring action by the carriers themselves to increase or "stretch" the freight car supply. But perusal of the summaries, elsewhere in this issue, of the U.S. Supreme Court's opinion in an incentive per diem case and of a speech made by ICC Commissioner Rupert L. Murphy on January 23, in Fargo, N.D., reveal that the freight car shortage problem remains far from being solved. Presently there seems to be no better approach than the good old one advocated by Commissioner Murphy, namely, that there be a blending of efforts by shippers, carriers and regulators to reach "the common goal" of maximum efficient use of the available car supply.

LYNDON B. JOHNSON

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. ANDERSON of Illinois. Mr. Speaker, I am deeply saddened by the death of former President Lyndon B. Johnson. I came to this body in the same year Mr. Johnson took office as Vice President and served here during his Presidency from that tragic day in November 1963 through 1968. As a member of the Republican Party I often had occasion to oppose the President's programs, but I nevertheless held him in the highest respect as a man of vision, commitment, and determination. We shall remember him in the Congress as a man of great personal warmth and proven leadership abilities. Even as President he remained a creature of the Congress and this was reflected in the mutual flow of respect and courtesy between the White House and the Hill.

Mr. Speaker, I think I shall best remember President Johnson as a man of deep commitment to the cause of civil rights—a man who provided strong and single-minded leadership in this area during the great civil rights battles of the sixties. When he echoed the words of the late Dr. Martin Luther King, Jr., in pledging, "We shall overcome," you knew he spoke from the heart. Perhaps the greatest living tributes to the Presidency of Lyndon B. Johnson are the monumental civil rights acts on the books today as a result of his efforts and deep commitment, and I was deeply honored to be a participant in the signing of the Civil Rights Act of 1968, having played a small part in its passage. I carried away from that ceremony the image of a President possessing a sincere conviction and deep devotion to the dream of a better life and equal opportunity for all Americans, and that image remains with me today.

GOV. PHILIP NOEL'S STATEMENT WITH REGARD TO NO. 2 FUEL OIL

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. TIERNAN. Mr. Speaker, we in Rhode Island are very fortunate to have elected a Governor who, after only 1 month in office, has demonstrated rare insight and ability in addressing himself to critical problems affecting the welfare of our citizens.

Today Gov. Philip Noel is testifying on behalf of the New England Governor's Conference at the Cost of Living Council's hearings on oil price increases.

The Governor has concluded that the National Government's persistence in maintaining oil import quotas, despite widespread evidence of their responsibility for the crisis in fuel oil supply, "reveals a high degree of incompetence, bad faith and insensitivity to State and consumer interests on the part of Federal officials."

I completely agree with the Governor. We in the Federal Government have known for some time that a crisis was imminent. President Nixon was fully aware of the situation—his own Cabinet-level task force told him some time ago that a dangerous shortage of fuel oil was unavoidable if the oil import quota system was not abolished. The domestic petroleum industry also knew what was going to happen. Their fuel oil reserves at the beginning of the winter were below even last year's dangerously low level. Yet they displayed a callous disregard for the health and safety of the American consumer by continuing to produce more profitable gasoline at the expense of fuel oil production. Now they are capitalizing on a situation of their own making by charging higher prices for the oil that is available.

We talk a lot about the ability of State and local government officials for dealing with their own problems. Here is a Governor that wants to display that ability. Let us untie his hands by demonstrating that primary goal of America's international petroleum policy is not economic protectionism, but the welfare of our citizens.

Mr. Speaker, I include the full text of Governor Noel's statement in the RECORD at this point:

GOVERNOR NOEL'S STATEMENT ON NO. 2 FUEL OIL

I appreciate this opportunity to present, although in brief form, the views of the New England states regarding the recent price increases of home heating oil. I would be happy to submit in writing a more comprehensive statement on any areas of special interest to the Council.

My term of office as Governor of Rhode Island began hardly thirty days ago and I am thus a new member of the New England Governor's Conference. In preparation for this meeting with you, I reviewed the history of the almost continuous dialogue between the New England Governors, Republicans and Democratics alike, and the Federal Government on oil policies.

I am truly appalled. The record reveals a high degree of incompetence, bad faith and insensitivity to state and consumer interests on the part of Federal officials. For the last several years, the Governors have petitioned the government for a new policy on home heating oil. They have convincingly demonstrated that import quotas have impaired our regional industrial growth and the welfare of our residents and would inevitably lead to serious shortages and even higher oil prices.

The responses from Washington over the years have been a patchwork of special deals and short term palliatives—in reality the maintenance of a program that benefits only the domestic oil industry. Each alleged remedy has been too late and too insignificant.

I assume now that the basic economic irrationality of the oil import program is finally forcing the government to abandon it. We regret, of course, that the government has waited so long to do something so obvious and that our national well-being has been jeopardized.

The key issue now is what characteristics the new oil policy will have. The views of the New England Governors are as follows:

1. The program can contain no quotas. President Nixon's own Cabinet Task Force, chaired by Secretary Schultz, and virtually every other study on the subject has spelled out the inefficiencies and competitive distortions of quantitative limitations. Quotas must be removed, and they must be removed now.

2. Before any new program involving import restraint of any type can be imposed, we believe we are entitled to a thorough open investigation of all facts and alternatives and a reasoned decision why any restriction is being chosen. Such an investigation and determination process is required under Section 232 of the Trade Expansion Act of 1962.

In the past, oil import policy has been made behind doors closed to State Governors but open to the industry. The Democratic process requires differently. Objective analysts have recommended programs with alternatives less burdensome than import restraints. For example, oil storage. Any recommended decision by the Cost of Living Council or the President must contain a complete analysis of these alternatives. I should add that the matter before us today is not one involving only economics but also health. Because of the shortages in low sulphur fuel created by the combination of the government's oil import program and the anti-competitive behavior of certain oil companies, at least one New England State (Massachusetts) has been forced to modify its pollution standards. The states and cities that have adopted low sulphur requirements are prepared to bear the additional financial burdens that a clean environment costs in a competitive economy. They are not prepared to squander private and public funds for the costs of an oil import program that provides no benefits whatsoever.

We are at a loss to understand why the Federal Government actively hinders our efforts at pollution abatement.

The specific question before the Cost of Living Council is whether you should permit the recent increases in prices of home heating oil. My answer to you is a categorical no. The oil companies may tell you that their costs increased, that the price of imported #2 fuel oil has gone up, and that they are entitled to additional returns. But, first, I have serious doubts whether the major suppliers of fuel oil have in fact been affected by high spot rates for fuel oil or tankers.

Presumably, their investigation which should be made public, will clarify this question. Second, the high price of imported #2 heating oil is temporary. If quotas are removed, as they must be, our New England terminal operators would be able to obtain this #2 oil at lower prices. Finally, to a great extent, any adidtional costs now incurred by the major oil companies are their own doing. There have been allegations that the oil shortages have been purposefully created. I assume you are also investigating this. Even if these allegations are not true, it is clear that the major oil companies could have produced more #2 oil in the United States if they chose to. You would obviously establish an unfortunate rule if you permit industry to create inflationary pressures and pass on costs which could be avoided.

The Cost of Living Council and its Chairman have new authority with respect to the oil import program, and, as noted before, I am a new member of the New England Governors' Conference. I start today with optimism that you will finally remedy this problem. I ask that you see that this optimism is not misplaced.

CORPORATE DISCLOSURE ACT

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. VANIK. Mr. Speaker, today, I am introducing legislation that will require disclosure of corporate income tax information with respect to larger corporations with assets over $50 million. This bill will make available only the Federal income tax totals which appear on Schedules C–I–J–M1– and M2 of the Federal corporate tax returns.

This requirement is necessary for the larger corporation because it utilizes a consolidated return which shelters and conceals vital information which is clearly available in the public financial statements of the small corporate structure.

Small business has a competitive disadvantage resulting directly from the inability of our national economic managers and our antitrust enforcers to know what is really going on in the whole economy. Most of the provisions of every tax act are directly stimulating and feeding giant corporations. Small business catches small crumbs from these tax laws—but only crumbs. As the U.S. Government has become more dependent on taxing policies to stimulate our economy, the focus has been on the top 500 corporations, leaving small business out in the cold.

The bill which I am introducing will

schedule C–I–J–M1– and M2 will be separately stated in the annual reports to stockholders as well as in the 10–k—annual report to the Securities and Exchange Commission. This information will also be available upon request from the Department of the Treasury.

The tax information on schedule C will provide dividend information of that corporation illustrating the degree of holdings in both other domestic corporations and foreign corporations.

The tax information on schedule I will provide information on the dividends received deduction as well as the Western Hemisphere Trade Corporation—a very abused tax provision where a dummy corporation is established to reduce the corporate rate from 48 to 34 percent.

The tax information on schedule M will illustrate clearly how a specific corporation calculated its taxable income from its gross income.

The tax information on schedule J will illustrate clearly how a specific corporation arrived at its Federal tax payment figure from its taxable income illustrated in schedule M. The following show the itemized listings that appear on schedule C–I–M1–M2–and J:

(A) the taxable income,

(B) the surtax exemption,

(C) dividends (and deemed dividends received),

(D) dividends received deductions and Western Hemisphere Trade Corporation deduction,

(E) tax imposed by section II (or any tax imposed in lieu thereof),

(F) the foreign tax credit,

(G) the investment credit,

(H) credit for expense for work incentive programs,

(I) the personal holding company tax,

(J) the tax from recomputing a prior year investment credit,

(K) the minimum tax of preference items imposed by section 56,

(L) total taxes imposed by chapter 1,

(M) reconciliation of income per books with income per return (including a reconciliation of book depreciation and depletion with tax depreciation and depletion), and

(N) analysis of unappropriated retained earnings per books.

The information required by this paragraph shall be computed under the method of accounting on the basis of which the corporation regularly computes such information for purposes of the taxes imposed by chapter 1.

This bill, if enacted into law, will be of immeasurable benefit to the investing public across this Nation. A well-informed investor provides a wiser and more solid expansion of our Nation's economy. My corporate tax study of last summer made it very clear that many of Wall Street's largest firms knew little about the true income and tax picture of our Nation's largest industrial firms. There is great danger investing through the eye of a crystal ball rather than by facts. This bill will provide those facts and will legislate an essential degree of corporate integrity.

This legislation will not invade personal privacy or destroy honest competition in any way. Corporations will not be required to disclose how they made their profits. Federal taxes actually paid will be reported. This requirement should produce no competitive advantage or burden.

This is not the first legislative action by the Congress directed at corporate disclosure. The Revenue Act of 1924 made corporate returns public. Section 257 was known as the publicity clause and its purpose was to eliminate fraud, dishonesty, and income tax evasion.

One year after the 1924 Revenue Act with the publicity clause in effect, corporations paid at least $100,000,000 more into the Treasury with business income actually lighter in volume than the previous year. Where did all the new revenue come from? Who was sheltered by the arbitrary cloth of secrecy and confidentiality? The secrecy that has surrounded corporate income taxes serves only to protect against the tax collector.

The State of Wisconsin opened virtually all income tax returns from the early 1920's until 1953. Ironically the proponents of the repeal of the law which required complete disclosure were not individuals—who clearly have a legitimate and constitutionally protected interest in personal privacy—but powerful interest groups. It must also be pointed out that before 1953, in the State of Wisconsin, corporations did not flee the State for shelter elsewhere, nor was commerce disrupted.

The Supreme Court long ago decided that the 14th amendment applies to corporations. The idea that constitutional protection that apply to individuals should apply across the board to corporate entities is questionable. Corporations are never jailed or dissolved because they violate the law. Under present circumstances even the fine is deductible—as a cost of doing business—illegally.

The reasoning process that brought corporations under the 14th amendment has shielded corporate structures from the kind of accountability and the kind of disclosure that would have made them more accountable.

In recent years, I have been very concerned with the loopholes of the tax code that allow these giants to legally avoid their tax liabilities. But the recent speeches of the Honorable Johnnie Walters, the recently fired Commissioner of the Internal Revenue Service, concern me, when he suggests that corporate tax evasion is becoming widespread.

The large corporations, through complex and combined reporting procedures, have made it impossible to accurately estimate from public sources the actual corporate Federal income tax paid for any particular year.

The annual reports published by giant corporations announce to stockholders and to the Securities and Exchange Commission that business is better and profits are improving. The tax statements of these same companies to Internal Revenue paint a picture that reduces their profit figure, which in effect reduces their total tax figure. Like the medieval European peasant, for their stockholders they wear their wedding clothes; for the tax men they wear rags.

As a result of confusing and divergent corporate reporting methods the public is not only being led to believe that corporations pay their fair share to support public services in this country, but they are also being misled in investment decisions.

In my study of corporate taxes in the Congressional Record of July 19, 1972, my staff had tremendous difficulty in calculating how much Federal tax was paid by the top 100 corporations of the United States. A barrage of charges and countercharges heaped more confusion and technicalities on this issue. But one fact has remained very solid and very clear—corporations are not paying their fair share—and they seem to be paying smaller proportions each year.

The Congress of the United States, which makes our Federal tax laws, is blindfolded by the shroud of secrecy, consolidation, and confusion that surrounds corporate taxes. I am beginning to feel that Uncle Sam is a blind man throwing a sieve into the sea of corporate profits.

The publicity of corporate taxes provided by this legislation will illustrate exactly who benefits from our present tax code.

Without this information, tax reform may be an exercise in futility. The Congress cannot legislate without facts. Until the tax code produces facts, it cannot produce revenue with justice.

I ask that my colleagues join with me in support of this corporate publicity bill so that every taxpayer can get a fair shake from the tax man.

TRIBUTE TO PRESIDENT NIXON AND NANCY HANKS, CHAIRWOMAN, NATIONAL ENDOWMENT FOR THE ARTS

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. QUIE. Mr. Speaker, to accompany legislation which I am introducing today to extend for 3 years the National Foundation for the Arts and Humanities, I include in the Record excerpts from a recent issue of the Washington Post which describes in detail the fine work of our President in supporting the endowments, and the truly remarkable achievements of Miss Nancy Hanks, who has directed the National Endowment on the Arts.

The excerpts follow:

PRESIDENT IS CLOSING FUND GAP ON AID TO ARTS, HUMANITIES

(By Alan M. Kriegsman)

In the realm of arts and humanities legislation, President Nixon will enter his second term of office with a record of achievement unmatched by any of his predecessors. Some may still question the direction or effect of the vastly increased federal funding brought about under his administration. But Mr. Nixon's own commitment to the cause of the nation's cultural life has been beyond dispute.

In view of the vast economic pressures, both national and international, which will bear on the issue, no one can predict with certainty how much further the President may seek to go in assisting the arts through the next four years.

One thing seems assured, however. The direction will continue to be forward, and administration support firm.

The Nixon record on the arts speaks for itself. Two major points deserve stress.

First, the appropriations for the National Endowment for the Arts rose from $8 million in fiscal 1970, the President's first year in office, to nearly $40 million for the current fiscal year virtually a fivefold increase.

Second, during the Nixon tenure, the previously broad gap between authorization level and actual funding was all but closed. For these two giant accomplishments, as well as many others, Mr. Nixon is due a large measure of personal credit.

In fairness to Lyndon B. Johnson, it should be noted that appropriations grew from $2.5 million to nearly $8 million while he was President, a threefold increase that was in itself no mean feat, especially given the less favorable atmosphere toward government subsidy of the arts in those days.

The fact remains that despite widespread notions about the Kennedys' involvement with the arts and the halycon days of the Great Society, it took Richard M. Nixon to put big money on the line for culture. Perhaps no Democratic president could ever have done what he did, because it needed a Republican to convert recalcitrant Republicans and to lend the movement the cache of a fully bipartisan effort. What matters is that he did it.

Devotion to the arts was part of the Kennedy mystique, as the White House became the scene for chic soirees honoring artistic celebrities, such as the parties for Pablo Casals and Igor Stravinsky in 1962. The aura carried over to the Johnson administration, at least until antiwar protesters on the occasion of the White House Arts Festival of 1965 put a damper on things.

Somehow, the Nixon administration has never been able to generate the same sort of image. True, White House galas have been less frequent. But the President himself has attended not a few Washington performances, and his closest executive associates have shown a real interest in the arts. When the National Symphony was in trouble, Mr. Nixon called a press conference to help prod business support, and when the question of "full funding for the arts" was in the balance in 1971, he put in a personal appearance at a national arts conference to lend the weight of his office to the campaign. In short, while the arts "charisma" may have eluded him, diligence in their behalf never has.

Along with the enormous advance in funding during the Nixon years has come a gradual turn of emphasis and direction. Small, innovative programs centering on individual artists and experimental projects—characteristic of the Arts Endowment in its early history—have given way to large programs of support for established institutions, though aid to individuals has also continued to rise in proportion. During those early days, the main thrust seemed to be toward spurs to creativity. Under Nixon, the major goal appears to have been making the arts accessible to every segment of the population.

The differences can be attributed in large part to the differing level of available funds, but to some extent they also derive from contrasts in Endowment leadership.

Roger L. Stevens, the Endowment's first chairman under LBJ, and still head of the Kennedy Center trustees, worked more or less intuitively, getting sudden inspirations, calling upon his many personal friends in the arts world, and simply plunging ahead. It worked in those days, because the sums involved were relatively small, and the administrative machinery was far less complicated.

As the funds grew, however, so did the bureaucratic processes for allocating and spending them, and this required a different approach. Nancy Hanks, the present Endowment chairman, appointed by Mr. Nixon, has proven ideal for the challenge. Combining outstanding organizational skill with great personal tact and persuasiveness, she has been able to move mountains, both with her staff internally and on the Hill. At the same time, Endowment operations have become more regulated and systematized. An activity that once took place in a few small rooms in the Executive Office Building now occupies four floors of federal offices. But it runs with enviable efficiency.

What lies ahead? This won't even begin to become clear until the administration submits its budget requests at the end of the month. In the course of the recent election campaign, the White House issued statements expressing general support for renewal of Endowment authorization, and increased funding "in partnership with increased support from corporations, foundations, individuals and state and local governments." Since then, an administration spokesman has indicated hopes that coming legislation will define a role for cultural programming "in the development of a Bicentennial celebration that will make a substantial and continuing contribution to the quality of American life."

Miss Hanks, for her part, foresees a shift in Endowment concern, over the next few years, away from appreciation of the arts and towards participation in them. She sees this change as a natural and desirable reflection of a nationwide momentum towards active involvement of the individual, toward "doing one's own thing," as illustrated, for example, by the recent enormous growth of interest in manual crafts.

And noting how the example of increasing federal activity has generated a corresponding jump in state, local and private support for the arts during the last four years, she says with a chuckle of well-earned satisfaction, "I don't see anybody telling us we ought to cut back."

CONSERVE WORLD'S WILDLIFE RESOURCES

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. YOUNG of Florida. Mr. Speaker, many of the world's fish and wildlife resources are diminishing rapidly and some species now face extinction. Recognizing the problem, America acted to preserve our endangered species with legislation in 1966 and 1969.

To strengthen this legislation, I have introduced H.R. 1461, the Endangered Species Act of 1973 to supplement existing regulations and do a more effective job in preserving some of our marine and wildlife for the enrichment of this and future generations.

Specifically, this bill would provide for the administration of the endangered species program jointly by the Departments of Interior and Commerce. There would be an annual review of the endangered species list, and States would be allowed to adopt their own preservation programs.

In addition, the Endangered Species bill would remove the distinction between native and worldwide endangered species. The Department of Interior would have authority to control exports of native endangered species just as it now controls imports of endangered wildlife, thus allowing us to do as much for our own wildlife as we are doing for foreign endangered species.

Further, H.R. 1461 would allow us to conserve not only those species of wildlife now threatened by extinction but also those which are diminishing at an alarming rate. For example, the eastern timber wolf, the wolverine, and the cougar in the United States, and the kangaroo in Australia are in trouble although not yet facing extinction.

The 1969 act called for an international conference to preserve, protect and propagate our threatened fish and wildlife on a global level. The State Department, I am happy to note, has sponsored such a conference here in Washington starting February 12th. Hopefully, a worldwide treaty can be worked out for the cooperative protection of endangered species everywhere.

WASHINGTON NEWS NOTES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. HOSMER. Mr. Speaker, each month I release to various individuals and organizations within my district a newsletter called "Washington News Notes," the February issue of which follows:

WASHINGTON NEWS NOTES: FEBRUARY 1973

At last, peace in Vietnam—Richard Nixon finally has achieved what he and the American people have sought so long. Under the circumstances, the Vietnam cease-fire agreement is as good as we could have expected. As Dr. Kissinger carefully pointed out, none of the parties achieved all they wanted, but that's the point of "negotiating."

The President stood firm in his demand for an "honorable peace." That doesn't mean "victory," which was an impossible goal in this impossible situation. While unthinking and impatient voices shouted for an illusion of peace, the President had the courage to hold out for ending the war in a way which promises real peace. Let's be grateful to Richard Nixon for what he has done to keep future generations off the battlefield.

The major issues facing the 93d Congress—KFWB Radio recently asked Congressman Hosmer to list some of the major issues which the 93d Congress will face. His response (in no particular order of importance):

(1) Presidential impounding of funds appropriated by Congress; (2) Executive branch reorganization; (3) National energy policy; (4) Diversion of highway trust fund money; (5) National health insurance; (6) Congressional reforms; and a new one (7) appropriations to help rebuild both Vietnams.

A boost for year-round daylight time—Democratic Congressman John Moss of Sacramento is "Mr. Big" in the House when it comes to legislation effecting time. He is chairman of the Commerce and Finance Subcommittee that hears all time legislation. So it was big news when he decided to co-sponsor Congressman Hosmer's bill to establish year-round daylight saving time.

Congressman Moss told an AP reporter that he had been cool to the bill in the past, but now favors it because of the growing fuel and electrical shortage. Like Hosmer, he thinks daylight time in the winter will cut the nation's fuel bill. He also hinted at plans to hold hearings on the measure this year.

About that executive pay raise—to clear up any misunderstanding or lingering doubt, the Nixon Administration has made it clear there will be no pay raise for members of Congress, Federal judges or top Executive branch officials this year. A Commission on Executive Pay will be set up to study the issue, but the President says he won't make any salary recommendations until at least 1974.

Youth vote lower than expected—A special survey by the Census Bureau indicates that young Americans didn't exactly flock to the polls last November in the numbers expected. In fact, fewer than half of the 18–20 age group actually voted. The proportion of those under 21 who did vote was about 15 percent less than for the population as a whole. And according to most professional opinion polls, they divided their votes almost evenly between the Republican and Democratic candidates.

Humor at the IRS—Officials at the Internal Revenue Service were redfaced recently when they discovered that someone had filled in some sample tax returns with humorous names. Instead of the traditional "John Doe" or "Jane Q. Public," the phantom bureaucrat invented a new mythical citizen: "Hubert H. McGovern of 1599 Pennsylvania Ave., Washington, D.C.

The Director of the IRS didn't think it was funny, apologized to Senators Humphrey and McGovern, ordered the offending pages stricken from the IRS publication, and no doubt wishes he could get his hands on the comedian.

Federal spending in 32d District—According to Congressman Hosmer's figures compiled from a report prepared for the Executive Office of the President, Federal spending in FY 1972 increased substantially in the 32nd Congressional District. The massive report, which itemizes all Federal expenditures, shows that Uncle Sam spent $465.9 million in Long Beach, $79.9 million in Huntington Beach and $5.1 million in Fountain Valley. The expenditures ranged from big prime defense contracts to VA and Social Security checks to pencils and paperclips.

Congressional calendars available—Congressman Hosmer says he has a few official two-year House of Representatives calendars available to local residents. If you would like to have one, drop Craig a note at 2217 Rayburn Bldg., Washington, D.C. 20515.

REPORTS FROM NEW DELHI RAISE SERIOUS QUESTIONS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. DULSKI. Mr. Speaker, startling reports have reached us from New Delhi.

Prime Minister Indira Gandhi is quoted as criticizing the Vietnam peace terms, disparaging the cease-fire, and, incredibly, assigning racial motives to the United States' participation in the war.

Recently, administration spokesmen were proudly citing Mrs. Gandhi's flattering messages about the President and predicting a new era of friendship and heightened good relations on the basis of this adulation.

I hope the President will keep in mind the short-lived good faith in that mutual admiration society, and realize such gestures are far outweighed by this week's outrageous tarnishing of our national honor.

We all had hoped for improved relations with India. The peace pact and cessation of fighting have been acclaimed Worldwide, and there is no denying that a settlement in Vietnam is beneficial to all Asia.

I have been reproached in the past for voting against foreign aid. Mrs. Gandhi's antagonistic remarks exemplify my reasons for opposition to our country playing benefactor to the world.

No one expects the United States to buy the unquestioning loyalty of another sovereign nation with economic or military assistance. However, we do have a right to expect some measure of respect for our motives in other diplomatic dealings, when we have, openheartedly poured vast sums into India's economy.

In view of these latest insults and the President's drastic slashes in our domestic programs, Congress should take a hard look at budget priorities; our own citizens could certainly use the $4½ billion slated for foreign aid next year.

CHILDREN AND YOUTH AND MATERNAL AND INFANT CARE PROGRAMS MUST BE SAVED

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. KOCH. Mr. Speaker, I am introducing legislation today with 57 cosponsors to extend the children and youth and maternal and infant care programs initiated in 1967 under title V of the Social Security Act. Presently, they are scheduled to be terminated by the Department of HEW on June 30, 1973.

These 69 children and youth programs and 56 maternal and infant care projects located throughout the United States deliver comprehensive health care to over ½ million children and youth of lower socioeconomic levels in central cities and rural areas. They represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country.

These programs have proven their success for the people they serve both by the health care they render and by reducing the medical costs. They are providing health care at an average cost of $126 per registrant. This compares with the national average health cost of $350 per man, woman, and child in this country. Infant mortality has been reduced in some areas served by the projects by as much as 50 percent. Nationwide, they have increased the frequency of well-children registrants by 50 percent.

In June 1972 Congress passed and the President signed into law a bill extending the programs for an additional year. However, the HEW Administrator of Health Services and Mental Health Administration has proposed the phasing out of the Federal grant support of these and other federally supported medical service programs in favor of funding by third party payment. But for most of the patients in these programs, there is no third party payment available. The majority of patients who are presently cared for by the title V projects are people who are willing and able to work and in so doing are ineligible for medicaid, but too poor to afford private health insurance.

Mr. Speaker, I would appreciate the support of our colleagues for the continuation of these projects—as they are providing quality care to a segment of the population that is without any other acceptable health care resources—until such time as a national health insurance policy system is effected. The list of cosponsors follow:

CHILDREN AND YOUTH COSPONSORS BY STATE

ALABAMA

Buchanan.

CALIFORNIA

Brown, Mrs. Burke, Burton, Corman, Danielson, Edwards, Hawkins, Leggett, Rees, Roybal.

CONNECTICUT

Grasso.

DISTRICT OF COLUMBIA

Fauntroy.

FLORIDA

Fascell, Gibbons, Lehman, Pepper.

GUAM

Won Pat.

ILLINOIS

Metcalfe, Murphy.

MARYLAND

Gude, Mitchell, Sarbanes.

MASSACHUSETTS

Boland, Burke, Drinan, Harrington, Moakley.

MICHIGAN

Conyers.

MISSOURI

Symington.

NEW JERSEY

Helstoski, Howard, Roe.

NEW YORK

Abzug, Addabbo, Badillo, Bingham, Brasco, Carey, Chisholm, Holtzman, Murphy, Podell, Rangel, Rosenthal.

OHIO

Seiberling, Stanton, James J.

PENNSYLVANIA

Clark, Eilberg, Green, Moorhead, Nix.

RHODE ISLAND

Tiernan.

TENNESSEE

Fulton.

WASHINGTON

Adams.

WEST VIRGINIA

Hechler, Mollohan.

JOHN SELVESTER—MAN OF THE WORLD

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. JOHNSON of California. Mr. Speaker, for the past 12 years the people of Chico have gathered at the State university there to honor a distinguished individual upon whom has been bestowed the Gen. Douglas MacArthur Citizenship Award.

A few days ago the 12th annual dinner was held and the man honored as the "Most World-Minded Citizen" was one of the original founders of the program, the late John Selvester, director of food services at Chico State University until his death last year.

John Selvester had served as general chairman of the dinner for 11 successive years and it is fitting that in this, the 12th year, following his untimely death, and which proved to be the final such occasion, John Selvester was honored.

The program for the occasion I felt summed up very well the type of man John Selvester was, and I quote:

> John liked people. He understood their problems and their feelings. He had a deep compassion for people. He regarded them all as equals and he wanted so much for them to feel equal, as persons, to one another. He was friend to presidents, deans, faculty, counselors, librarians, cooks, custodians, and students. They were all just people to him. Students were people. Foreign students were people. White, black, foreign, American, Jew, gentile, Arab—they were just people to John.

Throughout the 11 years that he served as general chairman, John Selvester saw to it that the notoriety and fame on these occasions went to the recipients of these awards. He was a worker, always in the background, never out front, but the sponsors of the 12th annual dinner put him on front stage center for this occasion which climaxed a major effort in achieving better understanding among people, therefore better international relations.

Mr. Speaker, the Chico Enterprise Record and its publisher, A. W. Bramwell and its editor, Bill Lee, long has been a vigorous supporter of this effort and I would like to share with my colleagues the editorial published in that paper marking the final international scholarship dinner:

INTERNATIONAL DINNER ILLUSTRATES SCHOLARSHIP PROGRAM'S SUCCESS

We consider it a happy and highly appropriate coincidence that tomorrow night's 12th annual International Dinner at Chico State University happens to fall on the eve of the scheduled signing of a cease-fire agreement to end the war in Vietnam.

The coincidence arises from the fact that the effort for peace through people-to-people understanding has for many years been the purpose behind the Gen. Douglas MacArthur Scholarship Committee, sponsor of the annual campus-community dinner.

A further coincidence resides in the fact that the dinner also occurs on the 94th birthday of the man whose name the scholarship committee bears, the late Gen. Douglas MacArthur, who did so much after World War II to help rebuild Japan and lay the foundations for ultimate peace and development in all of Asia.

And yet another coincidence can be found in the fact that wholesome and practical efforts for international understanding were hallmarks of the public service record of the late John Selvester, who will be honored posthumously tomorrow night with the scholarship committee's "Most World-Minded Citizen" award. Until his death last year, Selvester was manager of food services for the CSU Associated Students and had for many years played a strong role in assisting foreign exchange students and helping them make their way here in a strange land far from their homes.

Scheduled for 6 o'clock tomorrow night, the International dinner will be held at Craig Hall, 1400 West Third St. As in past years, the menu will feature exotic dishes from many lands. Most of the dishes will be prepared from recipes included in the International Flavors cookbook, published recently by the scholarship committee and already in its second printing.

The immediate impact of the fund-raising dinner will be financial assistance in the form of scholarship awards for deserving foreign students who are attending Chico State University.

Because of the hall's limited seating capacity, only 300 tickets are being sold for tomorrow night's dinner, and none will be available at the door. A few reservations still may be obtained by telephoning 343-4040 or 342-8647.

The MacArthur Scholarship program was founded in 1955 by Mrs. Vonnie Eastham and Mrs. Alice Anderson, both of whom had resided in Japan during the post-war era when MacArthur was leading the rehabilitation of that land and helping them establish their democratic form of government.

In the 18 years since its formation, the committee has assisted scores of students from foreign lands. These students have been made to feel at home here, they have formed lifelong friendships with young Americans, they have come to understand more about our nation and our way of life and—most important of all—they have come to know that Americans as a people do indeed desire world peace and are not imperialistic ogres as painted by anti-U.S. propagandists.

International understanding, then, has been the primary motivation of the MacArthur Scholarship program—and the warmth of the lasting relationships still maintained with many youngsters who have since returned to their homelands attests to the excellent results attained by the scholarship committee.

As such, we are pleased to wish the MacArthur Scholarship sponsors a successful dinner tomorrow night as we salute them for their many years of effort on behalf of peace and international understanding.

CONGRESSMAN ANNUNZIO URGES EXTENSION OF TERMS OF OFFICE FOR OFFICERS OF LOCAL LABOR UNIONS

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Mr. ANNUNZIO. Mr. Speaker, when the 93d Congress convened on January 3, I introduced a bill, H.R. 262, to amend the Labor-Management Reporting and Disclosure Act with respect to the terms of office for officers of local labor unions.

As you may recall, title IV of the Landrum-Griffin Act sets up standards and regulations for union election procedures. Under this title, national labor unions are required to elect officers at least once every 5 years and local unions must elect officers at least once every 3 years. The bill I have introduced is short and simple, with only one provision: To extend the maximum term permitted for local union officers from the present 3 to 5 years, the same length as the present allowable maximum term for national union officers. If H.R. 567 were enacted, section 401(b) of Landrum-Griffin would read: Every local labor organization shall elect its officers not less often than once every 5 years by secret ballot among members in good standing. The present wording of section 401(b) is exactly the same as this, except it reads "every three years."

Let me stress that the Landrum-Griffin Act specifies only the allowable maximum terms of office. Unions can, and many do, prescribe in their constitutions and bylaws terms of office which are shorter than the present 5 years permitted in title IV for national union officers and 3 years for local union officers.

My bill does not force local unions to switch to longer terms of office, but merely allows them a broader option—the same range as has always been available under the Landrum-Griffin Act for national unions.

The Landrum-Griffin Act was passed in 1959 after several years of investigation by the McClellan committee into the internal affairs of unions. The McClellan committee hearings unearthed several types of union abuse which startled and dismayed the American public. In some cases, local union leaders received kickbacks from employers in return for "sweetheart" contracts which provided wages and working conditions below the prevailing standards. In other instances, union dues were used by officials to buy houses, take lush trips to exotic places, or pad their expense accounts beyond any reasonable limit. On still other occasions, labor leaders won elections by throwing dissenting locals into trusteeship, manufacturing votes from "paper" locals, or intimidating members by threats, physical beatings, or denying job referrals under union hiring halls. In the Landrum-Griffin Act, the Congress not only outlawed transgressions or these types but also wisely attemped to strengthen democratic processes in unions and thus give power to the members to protect themselves against irresponsible leaders.

On the basis of over a decade of experience, it now appears that the Congress in its desire to do a thorough job of curbing abuses was unduly cautious in laying down a statutory maximum of only 3 years for terms of office of local union officials. The period was unnecessarily short. We know from reports of the U.S. Labor Department, the Federal agency empowered to enforce title IV of Landrum-Griffin, that the number of cases of alleged corruption in local union elections has been extremely small. Over the first 10 years of experience under the act, the Secretary of Labor has sought court authority to set aside for wrong-doing only 155 out of well over 150,000 local union elections, an extremely small ratio of one-tenth of 1 percent.

The record since 1959 also indicates that union leaders have been highly responsive to the wishes and needs of the union membership. Ironically, in the relatively rare cases where they have not been completely in tune, for the most part the union officers have shown a more responsible, balanced, and socially aware view than the rank and file. One can think of instances where the leadership has tried to persuade union members to abandon harmful practices, such as racial restrictions, make-work devices, and demands for wage increases that would threaten the jobs of union men and invite encroachments by unorganized competitors.

The record shows that no harm at all will come from permitting local unions the opportunity to inaugurate longer terms for its officers, the same 5-year maximum already allowed for national union officers. In fact, much good will derive from this change. For one thing it will relieve local unions of the burden engendered by the time lost, expense incurred, and instability created by too frequent elections. We in the Congress know, as much as anyone, that elections involve larger and larger sums of money as electioneering becomes increasingly more expensive.

Another advantage of my proposal is that extending the permissible term of local union office is in keeping with the trend of the 1960's toward longer term collective bargaining agreements. In 1960, the 2-year contract was the most common type of collective bargaining agreement; by 1969, nearly two-thirds—65 percent—of contracts were for 3 years. Contracts for only 1 year dwindled in number, according to these statistics—which are from the Bureau of National Affairs—from 13 percent of all contracts surveyed in 1960 to only 3 percent by 1969. And in 1969, fully 6 percent of all contracts were for 4 years or more, while another 4 percent were for indefinite terms.

Not all these contracts are negotiated by national unions. Many are negotiated entirely by local unions, while national contracts frequently have supplements which are negotiated by local unions. Some local unions with contracts of long duration undoubtedly would find it convenient to have longer terms of office for its bargaining officials. Other locals would most likely shift to longer contracts if they were assured more continuity in their negotiating representatives. Longer term contracts make for greater stability in labor relations, an outcome we all desire. Longer terms for local union officers would do the same.

I feel strongly that this proposal to revise title IV will correct an existing inequity and I urge my colleagues to support it.

MR. GEORGE SURGEON

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mrs. HOLT. Mr. Speaker, a recent edition of the Baltimore News American carried a description of the accomplishments of Mr. George Surgeon, principal of the Brooklyn Park Elementary School in Anne Arundel County of Maryland. In this time of crisis in many of our schools Brooklyn Park Elementary School has remained an institution where young people are successfully taught the art of learning and instilled with the necessary discipline which will prepare them for a productive life. The leadership of Mr. Surgeon is responsible for this achievement. I am proud to be able to call Mr. Surgeon both a constituent and a friend and I would like to share his accomplishments with my colleagues with the hope that more educators will follow his example. The article follows:

[From the Baltimore News American, Jan 25, 1973]

MAN ABOUT TOWN

(By Seymour Kopf)

When a principal gets up at 5 every morning so he can be at his school at 6, when he doesn't leave his school until 12 hours later at 6 p.m., when he puts in a full day Saturday even though there are no pupils around and four hours on Sunday, when he invites parents from 7 to 10 every Tuesday night, at their convenience, to chat about their children—that's news! That's George Surgeon!

You hear talk of women revolting against the mop and broom today, but a Brooklyn Park Elementary School where George is supervising principal I saw little girls cleaning the tables of the cafeteria—and enjoying it. You see boys working in a tool shop—with even welding equipment—and there is no horsing around and burning each other's hair or pigtails off.

How fortunate Brooklyn Park pupils are! It takes a lot of doing, a lot of brains, and a lot of imagination to equal George Surgeon. Although George is from the rough and rugged hills of West Virginia—and he's a man you'd hate to tangle with—his school is the most civilized place you'll set foot in. The rooms are so big and cozy under a successful "open space" system, it's like visiting a fancy parlor.

Even the lavatories are marked "ladies" and "gentlemen," not "boys" and "girls," and there is an elevator for handicapped children who may have classes on one of the three floors—almost two acres of building under one roof. You see a gym and cafeteria that can open up into an assembly seating 1,100, and an unique "playground" in one classroom that will probably turn out an Olympic star or two.

And just outside the school I saw over 10 acres of forest land that will be developed for a summer theater—to be used by pupils and the community. Back inside the school I talked to an intelligent group of youngsters who publish the best primary school paper in Maryland—it's been repeatedly judged so by Columbia University. Mary Fickel is its advisor. One of its slogans is: "Let us be grateful." A rare word today. Gratefulness.

Yet, no school can be honestly judged on looks alone—or on how good the school paper is or on how good the football team will be. It's the leadership of the principal and his teachers make a school good or bad. At Brooklyn Park Elementary School there hasn't been any turnover of teachers in three years—a new record in this day and age when many teachers are fed up with their principals and many principals are fed up with their teachers.

This is George Surgeon's sign of success—the respect his teachers, pupil and community hold for him. But there was a time when George hated school. True, his mother, Lucy, was a teacher, and his favorite uncle, Floyd, was a principal. But it wasn't until he met schoolmaster Louis Holley in Barboursville, W. Va., that George became inspired. He learned then that the secret of learning is to first have respect for the person doing the teaching. The teacher must be interesting and she must also be firm but fair. First, however, a teacher must command respect by high ideals and purpose.

"Today, in many homes and schools, we have the rule of the child over the parent and teacher. In many cases, children have become the masters and exploiters of their parents and even their teachers. It is a mistake to think that children are happiest when they are allowed to do what they want."

CONGRESSMAN JACK BRINKLEY REPORTS FROM WASHINGTON

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. BRINKLEY. Mr. Speaker, I submit herewith my March newsletter which will soon be mailed to the constituents of Georgia's Third Congressional District, which I am privileged to represent.

The newsletter reads as follows:

U.S. CONGRESSMAN JACK BRINKLEY REPORTS FROM WASHINGTON

FROM THE PRESS

[From the Columbus Ledger, Feb. 6, 1973]

In answer to questions, Brinkley said that if he remains in Congress for another six years, or longer, he would like most to see three things: victory over cancer and heart disease, an end to world hunger, and domestic tranquility restored.

Medical

"I am positive we can conquer cancer—when will be determined by the extent and scope of our national effort."

Brinkley said that just as with the goal of putting a man on the moon, the United States could find an answer to cancer and heart disease if there is an all-out effort on the part of the government and the nation.

Farming

He spoke of the ability of the American farmers, who "if turned loose can feed the world . . . our productivity is so enormous.

"We have already made a beginning in Russia and China," he said. A worldwide program "could be an economic boon to this country and to all mankind," he said.

Justice

As a third goal, Brinkley called for domestic tranquility, but said that "right now the nation is going the opposite way. People are not secure."

Opportunities for vocational training in the early school years should be increased, he said, to equip and motivate young people to make a living "so they will not think of stealing."

He said Americans have the capability "to make things that are good seem attractive and exciting," and that he would like to see "being righteous" popular again.

In his written statement, he listed some other reasons he wants to remain in Congress.

"We have the destiny of a great nation in our watchcare, or custody," said Brinkley. "We are watchmen on the walls of freedom," he said.

"It is this great patriotic intangible, that grasp for greatness for one's country, which provides the motivation, the fortitude to wtihstand the sometimes terrible schedules we maintain."

But the rewards are sufficient, said Brinkley. "For me, Congress is where the action is!"

[Photo cutline]

Congressman Jack Brinkley (left) confers with U.S. Rep. William Jennings Bryan Dorn of South Carolina, the Chairman of the House Veterans' Affairs Committee. Rep. Brinkley was elected to serve on the Veterans' Affairs Committee for the 93rd Congress—making him the first Georgian in 12 years to serve on the prestigious committee.

GEORGIA STATE SOCIETY

[From the Americus Times-Recorder, Jan. 18, 1973]

A "new twist" will be noted in the beverage department at the Pre-Inaugural Congressional Reception honoring Members of the Georgia Congressional Delegation, which will be held Friday night (January 19) . . . on Capitol Hill, hot Dr. Pepper with a twist of lemon and a milk bar with sweet and chocolate milk has been added. Jack Brinkley, as president of the Georgia State Society in Washington, will serve as host, and at the suggestion of his wife, Lois, the non alcoholic beverages have been added to the regular cocktail bars.

LETTERS FROM BRINKLEY

To businessmen

Please report to me any practice of OSHA which does not seem to be in keeping with common business courtesy or the rules of reason and common sense.

Also, the U.S. Postal Service, since being removed from Congressional oversight, is undergoing the throes of change. While reports we receive indicate the quality of personnel remains high, the quality of service is diminishing. I have asked the General Accounting Office, which is an arm of Congress, for an in-depth investigation. On February 6th they advised me that, as a result of my request and similar requests from other Congressmen, they intend to prepare a report to the Congress as a whole on the current operations of the Postal Service.

New office in LaGrange

I am pleased to announce that we will be opening a new Third District Congressional Office in LaGrange. Our new office will be located at 301 Broome Street in the Hammett Building with Mrs. Hilda Railey of LaGrange serving as office manager. While the office is not quite ready for occupancy, I am most hopeful that we will be settled in the near future. We are planning an open house at the new office in the Spring and I will make an announcement as to the date when the arrangements have been completed.

New Washington address

At the beginning of the 93rd Congress my Washington office was moved from the third floor to the fourth floor of the Cannon House Office Building. We are now located in Room 407. Hopefully, the next time we move it will be to the Rayburn House Office Building, but that will be at least two terms away. If you are ever visiting in the Washington area please come by and visit with us. You are always welcome.

Astronaut photo

Congressman Brinkley greets Apollo 17 Evans, Capt. Eugene A. Cernan and Dr. Harrison H. Schmitt after the three space explorers addressed the U.S. House of Representatives on January 22. Rep. Brinkley is a former member of the House Science and Astronautics Committee.

"I came away from this flight with a very personal experience which, I think, will stay with me for as long as I live. This was a view of the spacecraft earth. It is a small blue sphere . . . right out all by itself in the blackness of space. This was my home, and I realized it is the only earth we have . . . it only has so much breathable air; so much air space; so much drinkable water, and so much in the way of consumable resources. It made me realize that somehow the human survival requirement means that we have got to conserve these resources and man must learn to adapt to this environment."—Capt. Ronald Evans, Appollo 17 Astronaut, in address to U.S. House of Representatives on January 22, 1973

"I want to see the Potomac River clean again;
I want to see the Hudson River clean again;
I want to see the Great Lakes great again;
I want to see the air we breathe pure again!"

—U.S. Representative Jack Brinkley in address to 4-H Club Awards Banquet, Columbus College, February 2, 1973.

MINUTE QUESTIONNAIRE

1. The Vietnam War:

a. With the cessation of hostilities, should financial aid be extended to North Vietnam? Yes. No.

b. Should a blanket amnesty be considered for those men who left this country to avoid the Draft? Yes. No.

2. Should the death penalty be restored nationally for certain specified crimes? Yes. No.

3. Do you agree with the President's recent action impounding funds appropriated for specific domestic programs—

In every instance;
In most instances;
In few instances.
Comments.

Please take a minute during the day to fill in this questionnaire and return it to: Congressman Jack Brinkley, U.S. House of Representatives, Washington, D.C. 20515.

LYNDON BAINES JOHNSON

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. RHODES. Mr. Speaker, in the death of Lyndon Baines Johnson, America has lost one of its most illustrious sons. Lyndon Johnson truly came from the soil of America, and brought to the high station in life he achieved all of the loyalty and patriotism which can come only from a great love for our land and its people.

Mr. Johnson was a leader in every sense of the word. As majority leader of the U.S. Senate, I think it is possible that he will be regarded by history as one of our most effective legislative leaders. As Vice President, he was industrious and productive, all the while being completely loyal to his President and his country. As President of the United States, Lyndon Johnson went through some of the most troublesome times in our recent history. He always did his duty as he saw it, and did not shrink from making difficult decisions. He was a strong President in every sense of the word.

Lyndon Johnson was very considerate to the Members of the House and the Senate. He seemed to enjoy our company, as few Chief Executives have. The evenings at the White House were prized by all Members of the Congress, and the briefing sessions, which were frequently dominated by the personality of the President himself, were informative. I valued these associations, both as a Congressman and as an individual.

My State of Arizona will never forget that it was in Lyndon Johnson's administration that the long-planned central Arizona project was finally authorized. It was a proud moment for me and my colleagues from Arizona when we were allowed to stand at the side of President Johnson as he affixed his signature to this law which was so important to us and to our State.

Texas, America, and the world will miss Lyndon Johnson. To Mrs. Johnson and to her two fine daughters and their families, Mrs. Rhodes and I extend our deep sympathy.

THE PEOPLE NEED TO KNOW

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. HARRINGTON. Mr. Speaker, early this week, I submitted for inclusion in the CONGRESSIONAL RECORD a series of editorials printed in the Boston Globe on newsmen's privilege. I then pointed out the difficulty faced by Congress in developing appropriate legislation to protect the vitality of the public's sources of information, and the absolute necessity for informed comment on that problem by those who are most concerned—the newsmen themselves. These editorials were particularly helpful in the way in which they discussed all of the developments in the area and provided the perspective from which each occurrence could be viewed.

Yesterday, I found that I had overlooked something. The Government Printing Office has a rule which limits RECORD insertions to two pages. Any insertion which exceeds two pages must be paid for. The Globe articles came to four pages and were therefore rejected.

Now, that rule superficially appears to be based on economy. Let Congressmen play the game of publicizing their views, as long as they are not too wordy. Yet, on closer examination, it is clear that the rule is so restrictive that it prevents Congressmen from doing anything but play the game of publicizing their views. Substantive insertions of the kind I have submitted here frequently run more than two pages, and, moreover, may not be inserted in serial form. It is that kind of insertion which more often proves to be really helpful.

All of us know that it is vitally important for Congressmen to have a means of making public our positions on matters that affect our Government. That is why we make insertions in the RECORD. As a practical matter, it is not possible for each one of us to make a floor statement each time we have something important to add. Indeed, I believe that matters which do not pertain to the pending business on the floor of the House should not appear in the body of the RECORD. For that purpose, the Extensions of Remarks are provided. Some means must exist for including in a public record information relevant to issues of immediate concern, as newsmen's shield laws certainly are, and helpful in developing appropriate legislative solutions. With the current restrictive rule, the Extensions cannot serve that purpose.

To illustrate the value of the insertions I had requested, I am here inserting one of the editorials. This is the second in the series and deals with relationship between the President and the press. I have chosen it because the paramount issue of the day is, in fact, the overbearing attitude of the current administration to anything which seems to detract from its powers—such as constructive criticism. The editorial speaks for itself:

THE PEOPLE'S NEED TO KNOW—THE PRESIDENT AND THE PRESS

How much should the American people be told by and about their President? The question is almost as old as the nation itself. Most Presidents have, at one time or another, disliked what the press said. Even Abraham Lincoln was maligned in print as "an ape" and in other unseemly ways.

Yet the people want to know all that is important about the man they send to the White House. And unless they are given all points of view about it, their knowledge is diminished and they are less able to judge.

One means of judging is the presidential press conference. President Nixon, though he almost always makes a strong and favorable impression at them, has held far fewer of them than any other President in four decades.

His total in four years is 27, while the average for his four predecessors (Truman, Eisenhower, Kennedy and Johnson) was from 24 to 36 a year. Franklin Roosevelt held them twice a week, then weekly during World War II.

To be sure, the latter had as an alternative only the "fireside chat" by radio, not television, whereas Mr. Nixon can command a nationwide TV audience any time at the press of a button. Also involved here is what President Nixon thinks a press conference should be.

And on this some light has been shed. Newsmen will never tire of recalling that in a moment of defeat and extreme fatigue, Mr. Nixon once said; "You won't have Dick Nixon to kick around any more." Vice President Agnew once said, "I believe you should be able to have a press conference without having reporters key in on certain divisive issues."

This desire for national unity, with its corollary of suppressing dissent, is perhaps behind it all. President Nixon expressed it last May when he said, on resuming the bombing in Vietnam, "The greatest editors and publishers and television commentators and the rest have . . . the necessity to stand by the President of the United States when he makes a terribly difficult and unpopular decision."

People may honestly differ about the need for healthy criticism at such a moment. We think that in a democracy such a decision should be widely discussed and debated. But in any case, what can be said to defend the request of the White House that FBI agents conduct security investigations of CBS rereporter Dan Schorr and New York Times reporter Neil Sheehan, who had written his newspaper's Pulitzer Prize-wining stories on the Pentagon Papers?

Those papers concerned past history, events, and decisions in the Vietnam War only up to 1968, entirely prior to Mr. Nixon's entering the White House.

Their publication, and prosecution of four newspapers for it, involved an historic test for freedom of the press under the First Amendment, and one that has been widely misunderstood. It was a blatant attempt to impose censorship, and it failed.

But what is not so well known is that the way was left open for later attempts to muzzle the press. Let us explain.

The US Supreme Court on June 30, 1971, held by a 6 to 3 decision that "prior restraint"—meaning a court order not to print something—was unconstitutional. And this was most important.

Under the Alien and Sedition Act of 1798, editors were jailed not for what they were about to print, but for what they had already printed. Even John Peter Zenger in 1735 was jailed for 10 months after he had published, not before, and then a jury of his peers acquitted him after his counsel pleaded truth as a defense.

The Pentagon Papers case involved, for the first time ever on such a scale, a serious and for two weeks successful court effort by the government to prevent publication. And while the effort failed in the end, enough of the Supreme Courts' majority to turn the case around went out of their way to say in dicta that the newspapers might be prosecuted after publication.

Charles Rembar, a New York author and lawyer, wrote later, "The decision should have said: The press is free to publish the Pentagon Papers. Instead it said a lesser thing: the press is free from suit for an injunction. And, most of the Justices added, the publishers had better watch their step; they may very well go to jail after they exercise their freedom."

While inadequately publicized in our opinion, this point has not been lost on the Administration. In many ways, and capitalizing on the unfortunate belief of too many that the press seeks an elite and privileged position, it has moved to limit the freedom to inform the public.

In one area concerning classified information and a claim that national security is involved, it is moving to acquire more sweeping powers of secrecy and censorship than it ever had; in another it is moving to deprive the press of its secret sources of information and its right to print that information.

The former is an issue in the current West Coast trial of Daniel Ellsberg and Anthony Russo. Men may and do differ over whether Ellsberg was right in releasing the Pentagon Papers as he admits doing, but the case also concerns the making of new law on domestic dissent and publication.

The two are charged among other things with violating the Espionage Law, which until now has required for conviction as "intent or reason to believe that the information. . . . is to be used to the injury of the United States or to the advantage of any foreign nation." But the indictment charges them with communicating the documents only to "persons not entitled to receive them."

Here the courts will have to decide, in essence, whether it is a criminal offense to violate an Executive Order rather than a statute of Congress. Ellsberg and Russo are charged with conspiracy to "defraud" the government of its "lawful function" of withholding classified information. But Congress has never put such a crime into the statute books nor made the withholding of classified information a lawful function."

On the contrary, Cogress specifically wrote into an Espionage Law amendment the provision that "Nothing in this Act (18 USC 713) shall be construed to authorize, require or establish military or civilian censorship or in any way limit or infringe upon freedom of the press or of speech guaranteed by the Constitution of the United States, and no regulation shall be promulgated hereunder having that effect."

The government claims an inherent or implied power under which certain behavior is criminal. Many experts say that if the courts uphold it, the government can make it a crime to make public anything on which it chooses to place a classification stamp, and there will be almost no limit on government's capacity to do anything it chooses.

This poses a problem for both the press and a public which wants to know what the government is doing.

COL. ROBERT L. McKINNEY

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. HUNGATE. Mr. Speaker, from my election to Congress in 1964 until January 3, 1973, Kirksville, Mo., was in my congressional district and many students from all parts of my district attend Northeast Missouri State University which is located there.

That area, now capably represented by my colleague and friend, JERRY LITTON, has recently lost an outstanding citizen, Col. Robert L. McKinney. Colonel McKinney served for several years on my Academy Advisory Committee and made a valuable contribution to his community, our congressional district, and the Nation. Following are some of the tribute paid him upon his untimely death:

COL. ROBERT L. MCKINNEY DIES

Colonel Robert Logan McKinney, assistant to Northeast Missouri State University President Charles J. McClain and head of the division of public relations and information service, died yesterday afternoon of an apparent heart attack in Jefferson City. Colonel McKinney was in Jefferson City to appear before the House Appropriations committee on University business.

Colonel McKinney was born Aug. 8, 1913 in Jackson, Missouri, the son of Mr. and Mrs. H. J. McKinney. Colonel McKinney attended school in Jackson and graduated in 1930 from Cairo High School.

He attended the University of Missouri-Columbia for one year. In Sept. of 1933 he transferred to Northeast Missouri State Teachers College and in 1936 received his A.B. from the college. Colonel McKinney also attended Gem City Business College in Quincy, Ill., and New York University, New York, N.Y.

Private secretary to President Walter H. Ryle was the position Colonel McKinney held from 1938 to Dec. 1940. It was then in 1940, that Mr. McKinney enlisted in the National Guard and was stationed in Fort Robinson, Ark.

Colonel McKinney was married May 1, 1943 to Virginia Frances McCuistion, who survives. Mrs. McKinney is presently foreign student adviser at Northeast Missouri State University.

Colonel McKinney continued serving with the U.S. army until March, 1946 when he was discharged and assumed his position as assistant to President Walter H. Ryle and person in charge of publicity and public relations at the college.

On March 15, 1951 Colonel McKinney was recalled to active duty and in 1954 reported for overseas duty. He served in Korea from 1960 to 1962 when he was transferred to Fort Lee, Va. Colonel McKinney retired from the U.S. army August 31, 1965.

Upon his retirement from the armed services, Colonel McKinney resumed his duties at the University in September 1965. He served in the capacity of assistant to the President and head of public relations until his death.

Colonel McKinney received the honor of Who's Who Among College Students while attending school.

Colonel McKinney became the first editor of NEMOSCOPE, the University alumni magazine. He also served as chairman of the advisory-committee for the Centennial celebration during 1967.

He was a member of the Masons, Rotary, the American College Public Relations Association and a life member of the NMSU Alumni Association. It was also Colonel McKinney who helped with the formation of the Jaycees of Kirksville.

Other survivors include two sons, Robert L., Jr. and T. Hal. Funeral arrangements are pending further notice.

FRIENDS PAY TRIBUTE TO COLONEL MCKINNEY

The death of Colonel Robert Logan McKinney has been felt by many people. In memory of Colonel McKinney, his close friends and associates have made the following statements:

"The University community is saddened by the loss of Robert L. McKinney. He was a faithful adviser and friend, but more importantly his devotion to the University for more than 35 years was never ending. He saw the University through its times of need and through its times of prosperity. When he died he was on University business.

"Northeast Missouri State University has lost a friend in Robert L. McKinney and with him his love of life, his love of people and his deep sense of loyalty. He is gone and he will be missed."

CHARLES J. MCCLAIN,
President of Northeast Missouri State.

"Colonel Robert McKinney has been my friend and close associate for nearly 40 years. I have known him since he was a college sophomore. On Jan. 1, 1938 he became my executive secretary and within few months assumed the duties of my assistant, a position which he held until I retired in 1967.

"Robert McKinney's integrity could be depended on in the face of the most trying circumstances. He was fearless in facing crucial issues. It was not a part of his make-up to betray a friend or confident. One could trust him with the most delicate mission, knowing he would manage it wisely. Trustworthiness was the key stone of his life.

"Robert McKinney devoted many years of his life to the college he loved. He was dedicated to its general welfare. He believed in his mission. He gave unstintingly his time and energy. He was one of the great men of this century old institute."

Dr. WALTER H. RYLE,
President Emeritus of NMSU.

"The death of Bob McKinney comes as a great shock to all of us. I have lost a personal friend. The school has lost a loyal servant. I have sought his judgement and advice on many occasions. He always recommended what was in the best interest of the University. He never sought the headlines. Many of the advances at Northeast were the result of his efforts, but he was willing to let others take the credit. He will be missed and cannot be replaced. I extend to his family my sympathy."

Judge JAMES R. REINHARD,
Former President of the NMSU Board of Regents.

"I feel that I have lost one of my closest companions. Besides Dr. and Mrs. Ryle, Bob McKinney was the first member of the NMSU faculty that I met when I was interviewed at Columbia for a position on this campus. We have remained very staunch friends throughout these nearly 27 years. Whenever Bob spoke I knew he was saying exactly what he thought. I've never known a man that I trusted more. He was loyal and sincere to his friends and to NMSU."

ELI F. MITTLER,
Vice-President of NMSU.

"I have known Colonel McKinney since September 1935. He was one of my very closest college mates. We served on the college debate squad. We later took vacation trips together. I always found him to be a warm, kind and generous person, and a very trusted friend."

Dr. NOAH RICHARDSON,
Independent Studies Department at NMSU.

"The University has suffered a great loss with the passing of Colonel Bob McKinney. He was a great asset to the University as a whole. He was a friend to the students as well as the administration and will be missed by all. In fact the Board of Regents considered him as our right hand man. I personally feel a great loss and wish to extend my sincere sympathy to his family."

Mrs. MARY ALICE BUNNEY,
Vice-President of NMSU Board of Regents.

"Bob McKinney was a fellow Randolph Countian whose interests and careers successfully spanned many fields and many arenas. Yet, not unlike another great Missourian, whose death we recently mourned, he coupled with a sincere small town friendliness, a sense of tact, soundness of judgment and obvious enjoyment of life. The University and the Board in particular have lost a true friend."

WILLIAM LEE,
Member of the NMSU Board of Regents.

DON LARRABEE DAY

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. COHEN. Mr. Speaker, this past Sunday was Don Larrabee Day in the State of Maine in honor of our native son who has just been inaugurated as the 65th president of the National Press Club.

Over the years I have read Don Larrabee's columns and news articles with a great deal of interest for they have always given me a sense of connection with our representatives and with the events taking place in Washington. But what is singularly characteristic about his journalism is its ring of accuracy, fairness, and moderation. Even in the short time I have been in Washington, I have found this to be his style in the excellent coverage he has given to my activities here.

At a time when all areas of the press have increasingly come under attack from so many sectors, the position Don Larrabee is undertaking will be more important and challenging than ever before.

The power of the pen is restrained only by the character and responsibility of those who hold it. We are, indeed, fortunate that the pen is in Don Larrabee's hand.

On behalf of my fellow citizens of Maine, I want to congratulate Don Larrabee and wish him the best of luck in his new position. I am certain that the contributions he will make to his profession during the next year will merit the trust that has been placed in him by his colleagues.

MERCHANDISE MAIL IS VOLUME BUSINESS

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. HASTINGS. Mr. Speaker, I noted with interest the published interview with Postmaster General C. T. Klassen which recently appeared in the CONGRESSIONAL RECORD. Mr. Klassen discussed efforts being directed to the improvement of postal service and the reduction of costs.

I too, am encouraged by Mr. Klassen's remarks, and I am especially interested in the bulk mail network. The first of the 21 major bulk mail centers and 12 satellite facilities is scheduled for opening in New York in 1974. The need for such a network is underscored by an article in the January 29 issue of Advertising Age. The comments of Mr. Maxwell Sloge, president of his own mail order consulting company, indicate, to an extent, the huge volume of merchandising conducted through the mails and the need to move this merchandise quickly and safely.

The article follows:

MERCHANDISE MAIL IS VOLUME BUSINESS

NEW YORK, Jan. 23.—Ever wonder whether anyone orders any of that merchandise promoted in mailings from oil companies, airlines and the like?

Well, they do, and in large quantities, according to Maxwell Sroge, president of his own mail order consulting company.

Speaking to the Premium Sales Executive Assn. meeting here, Mr. Sroge gave his company's estimates of some of the products moved by specialized mail order in 1972.

Among the largest with their estimated unit volume:

Kitchen appliances	6, 100, 000
Tools, under $30	5, 200, 000
Watches, under $40	2, 500, 000
Luggage sets, under $30	2, 200, 000
Tableware sets, under $30	1, 600, 000
Tools, over $30	1, 600, 000
Vacuum cleaners	1, 200, 000
Radios, under $80	1, 200, 000
Watches, over $40	1, 000, 000
Cookware sets, under $40	950, 000

Because no uniform reporting system exists in the industry, Mr. Sroge emphasized that his figures are just estimates compiled by his company, which serves some of the largest mail sellers in the industry. The figures cover special mail offers, not including catalogs.

His estimates show that over one-third of total film developing is by mail and more books and records are sold by mail than in all retail stores of the country.

"The accelerated growth of in-home buying is inevitable, what with new communications techniques like CATV and video cassettes, and the proliferation of credit cards," Mr. Sroge said.

"Proof that this is being recognized by major corporations is the fact that today approximately 95 New York Stock Exchange listed companies are indirect marketing in some way, and that in recent years such giants as General Foods, General Mills, ITT and Avon have made major commitments to the direct marketing field."

THE BANNING MEXICAN-AMERICAN SCHOLARSHIP DINNER—AN INSPIRATION TO UNITY

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. VEYSEY. Mr. Speaker, I rise to offer a congressional tribute to a strong effort by leaders of a small California community to resolve social problems through unity of purpose rather than through conflict. In the historical western city of Banning, in my district, people of differing racial and ethnic backgrounds are laying a cornerstone for cooperation and mutual understanding which the entire Nation could adopt. In an area where racial conflict has been severe in past years, where there are five distinct ethnic groups and where distrust has prevailed between the various splinter ethnic groups, an informally organized group of citizens has begun a sociological renovation.

Banning, Calif., is a microcosm of America. Its population is 48 percent white, 20 percent Mexican American, 20 percent black, 9 percent American Indian, and 3 percent oriental.

The stress between ethnic groups has been more serious and the misunderstandings have run deeper in Banning than in most other parts of the country. Just over 3 years ago, a group of Mexican-American parents, concerned about their children's education and wanting to avoid the pitfalls experienced by other ethnic-oriented groups, launched the Mexican-American scholarship dinner. Help was sought from citizens from all ethnic groups and the scholarship funds raised during the event were to go to children of all ethnic groups. The theme was simple: Establish "better education for all our children" as the goal of the fundraising dinner; unify the community behind that much-needed objective.

During the past 3 years since that first grand beginning, the Mexican-American scholarship dinner has grown to become a highlight of the spring season. Attendance and support have mushroomed. Children of all ethnic groups have won scholarships, and disbelievers and militants in the Banning area have taken a second look.

The Banning Mexican-American Scholarship Dinner is moving toward a goal which militant factions maintained was impossible. It is helping to unify a diverse and divided community through goodwill and cooperation.

One man's reaction to a plea for help typifies the obstacles that the people of Banning have overcome. When asked for his financial support for last year's dinner, he refused on the basis that such community action efforts were self-seeking. Unbeknownst to him, his own daughter had received a healthy scholarship from the previous year's dinner. The man had not realized the source of the money. Upon finding out, the man not only donated $20 himself, he convinced his employer to contribute in a big way.

Today, the dinner has the support of educational and governmental entities throughout Riverside County. It multiplies in income and attendance, and awards more and larger scholarships each year. This year, our California Superintendent of Public Instruction, the Honorable Wilson Riles, will be on hand to deliver the feature address.

Mr. Speaker, we have all heard the political slogan, "Bring us together," which became the byword for a successful presidential campaign. Inspired by a teenager, it has reached every fiber of the Nation.

In the same way, programs such as the Mexican-American scholarship dinner can reach communities across the country.

It is in this spirit of national unity that I ask my colleagues to join me today in acknowledging this selfless and cooperative effort by the citizens of this pioneer California community to bring their own together.

A COMMITMENT TO LEGISLATION FOR THE ELDERLY

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. KOCH. Mr. Speaker, it has been well over a year now since the White House Conference on the Aging made its recommendations for improved and expanded government services for the elderly, particularly in the areas of adequate income and health benefits.

Most of us know from personal family experience what a difficult time our older citizens are experiencing in meeting their everyday minimum financial needs. In the past 3½ years, for example, older Americans have faced general price increases of over 17 percent, with medical costs climbing 21 percent, property taxes increasing 32 percent, and hospital daily service charges rising by over 35 percent.

Last year I joined a majority of my colleagues in the House in taking the initiative in the rapid implementation of some of the Conference's proposals and in laying the foundation for early consideration and enactment of others. In June 1972 Congress enacted a 20 percent across-the-board increase in social security benefits despite Presidential efforts to reduce it. Congress also unanimously passed legislation to expand and extend the Older Americans Act at meaningful funding levels, only to be blocked by a Presidential veto. And after nearly 2 years of administration opposition, Congress passed and provided full funding of $100 million for legislation to assure citizens over 60 at least one hot, nutritious meal 5 days a week.

In addition, in the first month of this new session of Congress, I have reintroduced all the major pieces of legislation which I drew up last year in response to these recommendations. Further increases in social security benefits must, of course, be enacted if our senior citizens are to live at adequate income levels. But at this time the most urgent, related problem stems from the loss of eligibility for certain federal and state programs, resulting from the attainment of higher income levels through increased social security benefits.

To deal with this, I have introduced legislation which would make sure that recipients of aid under the various Federal-State public assistance programs will not have their benefits reduced because of the 20 percent social security increase.

In order to enable the individual to supplement these benefits, I have introduced the Senior Citizen Job Corps Act (H.R. 2038), which would provide 50,000 part-time community service jobs for the low income elderly. Not only would this act provide extra income for older persons who need it, but it would also give them the opportunity to continue to be active and productive citizens.

Another of my bills (H.R. 699) would encourage family contributions to elderly relatives by allowing a taxpayer to take an exemption for each relative 62 or older to whom he gives $1,500 or more in support in a year. Presently, such an exemption can be claimed only if the taxpayer contributes more than half of a dependent's support. Generally, the persons benefiting from my bill would be parents, grandparents, immediate aunts and uncles, and brothers and sisters who are at least 62 years of age.

One complaint registered by a number of my senior citizen constituents is that the current provisions in the social security law require the termination or reduction of a widow or widower's benefits upon remarriage. For example, once the widow or widower remarries, his or her benefits are reduced to 50 percent provided he or she is over 60 or are eliminated entirely if the widow or widower is under 60. What my bill (H.R. 707) would do would be to change these laws so as to maintain the benefits regardless of a person's remarriage.

Again in response to the White House Conference's recommendations, I introduced legislation providing for the payment of attorney's fees incurred by an individual who successfully challenges a decision to deny, reduce, or limit Federal or State benefits. I believe that if a person can successfully demonstrate that an agency has made a mistake in reducing, limiting, or denying certain benefits, then the burden of correcting that error should not lie with the claimant, but with the agency responsible for the mistake.

In the specific area of health legislation, I have cosponsored the Kennedy-Griffiths National Health Security Act which is the most comprehensive health care bill pending before the House. Though this legislation would cover the cost of all prescription drugs, as an intermediate step to offset the high cost of drugs to our elderly, I have introduced legislation (H.R. 709) providing that all prescription drugs, eyeglasses, and hearing aids be sold to medicare patients at wholesale cost.

In order to help older persons get around the city at minimum expense, I have drawn up legislation authorizing free or reduced rate transportation for the handicapped and for those over 65. I also have a bill authorizing grants and loans to private nonprofit organizations to assist them in providing transportation services to meet the special needs of the elderly and the handicapped. Without such assistance many of our older citizens may find it too difficult, financially, or physically, to continue to participate in and enjoy all that our city has to offer.

I am confident that my colleagues in Congress will move promptly in once again unanimously enacting the excellent series of amendments to the Older Americans Act which were killed by the President's pocket veto last fall, and I am hopeful that Congress will also give favorable consideration to such essential legislation as I have described above.

HARRY S TRUMAN

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mrs. GRASSO. Mr. Speaker, the annals of history will record the accomplishments of Harry S Truman.

The people of the United States will cherish forever the memory of his indomitable spirit, and his dedication to duty and country.

Harry Truman was a man of the people. He was, above all, human: tough and gentle, humble and proud, earthy, courageous and stubborn. He used a panoply of qualities to chart a new course in the world for our Nation.

Harry Truman was a tenacious President who matched courage to challenge. His response to the Blockade of Berlin was but one example.

Harry Truman was an imaginative President who met problems with innovative solutions. The Marshall plan stands in bold relief.

And always, good common sense, and a realistic appraisal of the people and nations of the world were reflected in President Truman's leadership. One need only recall the Atlantic Alliance of 1949 and the NATO Defense of Europe.

Above all, a total faith in our Nation and a vision of the role it must play in human events guided the President's way The Truman doctrine embraced the world and shaped the future of many lands.

All the while, Harry Truman was leading us through the difficult post-war period of transition. As his Point Four program made the benefits of scientific and technical progress available to the world's hungry and needy, the President started our Nation on the too long untraveled road to equal rights for all citizens by creating the Committee on Civil Rights. Increased social security and Federal aid for housing were his achievements, too. And let us not forget that the important Federal programs of the 1960's—medicare and Federal Aid to Education—trace their origins to this remarkable man.

Now our 33d President is dead. The cogent, honest comment we came to treasure will be no more. The great figures of our Nation and the world will no longer journey to his home for special insight and counsel.

All of us miss the man from Independence. We miss him because we respected and loved him—for his courage and persistence, humanness, spirit and will.

A PERSPECTIVE ON IMPOUNDMENT

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. PICKLE. Mr. Speaker, before the question of the constitutionality of Executive impoundment is settled, there will, no doubt, be thousands of words written, spoken, and thought.

As many of our colleagues know, I have introduced legislation that would require congressional approval of any appropriated moneys that the Executive desires to withhold.

The final decision on spending—and as important, savings—in Government must rest with the people of this Nation through their elected representatives.

I will be one of the first to admit that collectively we in the Congress have not always held the line on spending, but I do think we have spoken more often than not for the wishes of the American public and for their priorities.

While the legislative branch of the Federal Government has not always been efficient, it has been, for all general purposes, democratic.

I am inclined to think that our Founding Fathers—whose intent and wisdom we are wont to always second-guess—was that they intended to create a republic and Nation that was above all endowed with liberty and democracy. I hope we do not lose sight of that fact during this dialog on expenditures on their final control.

Of the many comments on this subject, a recent editorial in the Washington Post tries to impart some perspective. I am including it at this point to the attention of our colleagues:

[From the Washington Post, Feb. 6, 1973]

THE IMPOUNDMENT BATTLE

"Constitutional crisis" is hardly a term to be lightly invoked. In the battle over impoundment, however, the administration has pushed matters at least to a point of real constitutional strain. The White House has already gone far beyond precedent in using impoundment systematically to control Congress, the budget and social policy. Moreover, President Nixon and his aides seem intent on legitimizing their enterprise by advancing a novel and alarming concept of executive authority, a concept which applies a full twist to the constitutional duty of the chief executive to "take care that the laws be faithfully executed." As Senator Sam J. Ervin observed the other day, the new reading seems to be that the President may execute some laws by carrying them out, and execute others by killing them.

Mr. Nixon put it baldly at his press conference last Wednesday, declaring that:

"The constitutional right for the President of the United States to impound funds and that is not to spend money, when the spending of money would mean either increasing prices or increasing taxes for all the people, that right is absolutely clear."

One wishes that this had been one of the President's occasional offhand remarks, for as a serious argument it is astounding. Most students of the issue agree that impoundment is one of the murkier areas in constitutional law, and precious little about the practice is either absolute or clear—except that it is *not* among the presidential powers (there are no "rights") set forth in Article II. The prevalent view, except at the White House, was expressed by Associate Justice William H. Rehnquist in 1969, when he was an assistant attorney general. He wrote:

"With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that the existence of such a broad power is supported by neither reason nor precedent."

As the Rehnquist memo went on to suggest, a respectable case can be made for impounding some kinds of funds in some instances. Such briefs rely, however, not on any sweeping constitutional claim, but on custom, circumstance and the precise language of specific acts. It is also reasonable to assert that occasional collisions between appropriations and other laws, such as the debt ceiling, may require or permit a chief executive to modulate spending. Finally, there is some autority in the Anti-Deficiency Act, which authorizes creating "reserves" to "effect savings . . . through changes in requirements, greater efficiency of operations, or other developments." But that authority is limited, not that you would know it from some of the administration's interpretation of the law. Last week, for instance, budget director Roy L. Ash stretched the law more than a little when he tried to justify the freeze on housing funds on the grounds that there had been "some very dramatic 'other developments'—the programs had not achieved the results Congress intended."

The underlying issue here is not the fate of any one program, or the sway of politics between a Democratic Congress and a Republican administration. It is the extent to which the chief executive should arrogate the power to amend, suspend and shelve programs duly enacted and funded by Congress. Mr. Nixon is not the first occupant of the White House to invoke the conceit that the president alone speaks for the "general interest." But he is the first to claim in such unqualified terms the "right" to pick and choose among appropriated funds and thus impose his own judgment of what is worthy or wasteful for the government to do.

The administration argues, of course, that Congress has forfeited its legislative power over spending by abdicating responsibility. Indeed, the failures of the legislative branch are all too evident. But as Justice Black wrote in the steel seizure case in 1952, "The founders of this nation entrusted the lawmaking power to the Congress alone in both good and bad times." However inefficient, spendthrift or shortsighted the Congress may be—and it has been all three—the executive branch cannot rush in to rescue the nation without running into, or over, the Constitution along the way.

FIRST WAR VETERANS NEED OUR HELP

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. YOUNG of Florida. Mr. Speaker, the needs of the valiant men and women who served in World War I are being sadly neglected.

With nearly 74,000 veterans living in my Sixth Congressional District of Florida, I am personally aware of the hardships besetting many World War I veterans. Many veterans of the first of the great wars are forced to live out their remaining years on meager incomes eroded by the pressures of inflation.

For this reason, I have introduced H.R. 1305, the World War I Pension Act of 1973, to remedy some of the hardships confronting World War I veterans and their families. This bill would provide increased pensions for WWI veterans and their dependents, and exempt from determination of their annual income the benefits received from other sources such as social security and railroad retirement.

The measure also would establish a separate pension system for non-service-connected disabilities and a priority system of hospital and medical care. The World War I Pension Act, which I introduced in the 92d Congress and now have reintroduced in the 93d, will go a long way in easing the plight of elderly veterans.

When America called, these veterans answered the challenge, often at great personal sacrifice. When the cause of world freedom called, they responded. Now they need the help of the Nation they served so well. The Congress should act promptly on H.R. 1305 to demonstrate this Nation's gratitude for the sacrifices of our veterans of World War I.

THE PRESIDENT'S 1974 BUDGET: ARE THE PROPOSED CUTS REALISTIC?

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mrs. GRIFFITHS. Mr. Speaker, the President's budget for fiscal year 1974 estimates a deficit of $12.7 billion for that year. However, this estimate is based on some budgetary sleight-of-hand, including savings in programs like social security, public assistance, medicaid, and medicare which have open-ended financing.

No doubt there is room for savings in these programs through better management and legislative improvements. But to think that such major changes can be brought about in time to reduce these programs by $7.2 billion in 1974 is naive to say the least. Of these planned savings, only $3.3 billion are fairly certain to be realized, mostly due to a cut in social services already enacted. That means that the planned deficit could easily rise to $16.6 billion, even if Congress does along with all the President's other budget requests.

In order to hold expenditures at the $269 billion level for 1974, the President has proposed program reductions of $17 billion. It turns out that half of these proposed cuts are in human resource programs and are mostly plans to cut expenditures in the open-ended programs.

The proposed cuts lack credibility for two reasons. First, much of the savings requires substantive legislation which has no guarantee of passage because every cut means that someone has to pay. The President has not yet submitted legislation on medicare which he says will reduce expenditures by over $600 million in 1974. This would result in many aged and disabled persons paying for hospital care out of their own pockets which they had received at no charge before. When a program is squeezed to help the taxpayer, someone else will wind up with higher bills.

The second reason why I doubt these budget figures is that many of the cuts anticipate administrative actions that will fall far short of their goals. For example, a recapture of nearly $600 million in excessive welfare payments, mostly to AFDC families, assumes that a pending HEW regulation penalizing States for making overpayments will be enforced. A number of States have threatened court action to block this. I am all in favor of avoiding these illegal, costly payments, but I think that it will be impossible to cut this kind of waste in welfare programs under the current, overly complex laws.

Another proposal calls for a saving of $200 million in the Federal share of medicaid costs. However, this saving requires a more intensive utilization review by the hospitals, although they are supposed to be doing this review already. The only method of enforcement by HEW would be a cutoff of funds, and we may wonder whether HEW would vigorously pursue this course.

An article in the Washington Post on January 30 showed how local governments and hospitals are already hard-pressed to finance our Nation's health programs. Twelve hospitals may have to shift more emergency care patients to the heavily burdened District of Columbia General Hospital, and the Government will pick up the cost. This case dramatically points up the seesaw nature of current health care financing. Attempts to cut health care costs by one party often mean only that those costs are borne by another. These are not real savings.

The President has been unwilling to face the basic tax and spending problem. He has offered no proposals for tax reform, preferring expenditure reductions instead. But he has not yet offered any bills to cut medicare and other such programs. Such legislation would have to be passed at once if his proposed savings are to be realized.

Does he really seek to cut the programs, or does he just want to say he wants the programs cut?

THE GOLDEN YEARS

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. JOHNSON of California. Mr. Speaker, 125 years ago gold was discovered at Sutter's Mill in Coloma, El Dorado County, which I am privileged to represent here in the Congress.

At ceremonies marking this anniversary a few days ago one of the Golden State's leading historians, V. Aubrey Neasham, was principal speaker. Aubrey Neasham is well qualified to trace the history of the gold discovery days, the development of the State of California in the years that followed, and the excavation and restoration of Sutter's Mill where James W. Marshall discovered gold January 24, 1848.

Mr. Neasham was an historian with the National Park Service in 1947 when that agency in cooperation with the University of California and State division of beaches and parks uncovered the mill, restored it in a momentous project. Subsequently he was historian for the California State Beaches and Parks and currently is an instructor at the Sacramento State University. Few in our State have a more thorough knowledge of the gold discovery days and have had a closer association with the restoration of the historic gold rush artifacts and the places and buildings which played such an important role in the Gold Rush which touched off one of the greatest migrations ever known in this world.

Mr. Speaker, I would like to let the words of Aubrey Neasham tell this story and I insert at this point his remarks on the 125th anniversary of the gold discovery:

THE 125TH ANNIVERSARY OF THE GOLD DISCOVERY: ITS OPPORTUNITY

(By V. Aubrey Neasham)

The place—Coloma. The time—January 24, 1848. The event—the Discovery of Gold. The man—James W. Marshall. Thus, on this 125th Anniversary, we celebrate the Gold Rush, which beginning here at Sutter's Sawmill, was to change California from a scene of comparative simplicity to a commonwealth of great complexity. In the process hordes from all parts of the earth, in one of the great migrations of all time, came to settle, forming the basis of what is now the most populous state of the Union, with more than 20,000,000 people.

Although gold had been discovered elsewhere in California previously, such as at Placeritas Canyon near Los Angeles in 1842, and elsewhere by the Spaniards earlier, the find at Coloma was the one that counted, because of its richness and extent along the Mother Lode. This ran for hundreds of miles from south of Mariposa north to beyond Downieville and Weaverville. The date can be and has been argued. We choose January 24, for one of the Mormon workers at the mill recorded it in his diary as such. Marshall, however, always maintained it was earlier, January 20. Perhaps he did, keeping it a secret for several days. It doesn't really matter. January 24 is and will be the accepted date to celebrate.

As for the man, let us continue to pay him homage through preservation of his momentous find, by gathering at the town which grew up here, and by visiting his cabin and last resting place on the ridge above, overlooking the south fork of the American River. This was where he made his greatest contribution. Only thirty-seven years of age at the time of the gold discovery—an excellent wheelright and builder, industrious, and honest—he exemplifies the best of the growing number of immigrants who came to California from the United States in the 1840s. Not only was he the discoverer of gold, but here as an equal partner of Capt. John A. Sutter he built the first sawmill in the Sierra Nevada Region. He was also a pioneer in agriculture, planting more than a hundred varieties of grapes, which won prizes at the El Dorado County Fair and State Fair in Sacramento. We tend to think of him largely during his last years, when almost seventy-five, he was considered by many to be an alcoholic—eccentric, contentious, and unkempt. Perhaps he was, as many an old person may be. But his life was full of frustration and disappointment, largely at the hands of his fellow beings. Famous, because of his discovery, he was never to profit greatly from it, dying in 1885, not quite poverty-stricken but almost.

As for the sawmill and the spot where the flakes of gold were found, these sites are now preserved in the Gold Discovery State Historical Park, along with portions of the town of Coloma and Marshall's cabin and monument. These now comprise a national historical landmark. Marshall's Monument (under which he is buried) has the added distinction of being the first area of the present state park system, established as a state historical monument in 1890, largely through the efforts of the Native Sons of the Golden West. Shortly, thereafter, its companion site of Sutter's Fort in Sacramento was set aside by the state in 1891 and reconstructed.

Not far from the original site of the sawmill the people of El Dorado County, led by Mr. John Hassler of Coloma, in cooperation with the state, have erected a replica of the mill, accurate in every detail, and of the same size. It interprets the early process of lumbering. Hopefully, some day, if the American River can be tamed, it can be placed on the original site. To do so now would only invite its destruction, as winter floods would wash it away.

The foundations of Marshall's Mill are still in place at the spot identified accurately by Phillip Baldwin Bekeart of the Society of California Pioneers in 1924. A large stone monument, standing at the river's edge, marks the spot. Later, in 1945, some of the timbers revealed at low water were taken by the state and stored near Marshall's monument. Late in 1946, this writer with Herbert A. Kahler, Chief Historian of the National Park Service, visiting the site, noted additional timbers. Through the efforts and encouragement of the Honorable Joseph R. Knowland, the National Park Service in cooperation with the Department of Anthropology of the University of California and the State Division of Beaches and Parks conducted a complete documentary and archeological investigation of the site. This was the basis for the reconstructed sawmill.

The Dig early in February 1947, as Mr. Knowland later wrote, "Was both valuable and sensational." The assembled crew, mostly in their twenties (I was the oldest, in my thirties), did yeoman work. Not only were the foundation timbers exposed with the help of a bulldozer, but the tailrace, still in place, was found. With the aid of Lt. Tecumsah W. Sherman's map of 1848 (he was later of Civil War fame), which marked the spot of the gold discovery, we were able to locate the exact place where Marshall picked up the first flakes of gold. State Park Superintendent Robert S. Coon found a similar flake there during our excavation. This is now preserved for safe-keeping by the state. Because heavy rains and melting snows caused a rising river on February 11 and 12, we were forced to end our work, leaving the timbers in place. Covered up with sand, gravel, and rocks, with the aid of the bulldozer, they are well-preserved, protected from the air by cold soil and water, awaiting the day when they can be further exposed and interpreted. Interestingly enough, our excavations proved the gold discovery site was on private property, which, because of the approaching Gold Discovery Centennial in 1948, had to be condemned by the state for inclusion in the Park.

Of the participants in the excavations, most have achieved distinction as scholars—Dr. Robert F. Heizer, Professor of Anthropology, University of California, Berkeley; Dr. Franklin Fenenga, Professor of Anthropology, California State University, Long Beach; F. A. Riddell, Archeologist, California Department of Parks and Recreation, Sacramento; Dr. Donald C. Cutter, Professor of History, University of New Mexico; Dr. C. E. Smith, formerly Director, Twenty-One Palms Museum; and R. A. Newman. Bob Coon, Homer Metcalf of Coloma (who operated the bulldozer), Newton Grout, (Ranger), and Mrs. Allen Combs were among others who assisted our work greatly. It was Grout who obtained the pump which allowed us to rid the tailrace of water. Mrs. Combs' meals at night did much to restore our vigor after long hours of back-breaking work in cold water and rocks. The artifacts found—tools, implements, bottles, clay pipes, coins, discarded timber, and even specimens of gold we panned—are now on display in the Gold Discovery Site Museum, along with photographs. Our reports were later written up in "California Gold Discovery, Centennial Papers on the Time, the Site, and the Artifacts", California Historical Society Quarterly, Vol. XXVI No. 2, June, 1947, and as Special Publication Number 21, published by that society in 1947. Appropriately, a Joseph R. Knowland Room in the Gold Discovery Site Museum pays tribute to his efforts of more than fifty years to preserve California's historic sites and buildings.

There seems little doubt that the sites of Sutter's Mill and the Gold Discovery will be preserved for posterity, despite the fact that as late as the 1950s a Coloma Dam was included in the State Water Plan. This, if built, would destroy California's most famous historical area. Fortunately, with the aid of more than 100 organizations, the Legislature decreed that the Coloma Dam be taken out of the State Plan. Furthermore, this legislation provided that no dam without the express permission of the Legislature could ever be built that would flood the site. Among those most prominent in the Legislation were State Senators Swift Berry of Placerville and "Biz" Johnson of Roseville. Senator Berry, now deceased, will long be remembered for his efforts to preserve history, including the Pony Express. Senator Johnson, with Berry, was responsible for the appropriation of funds for the Museums at the Gold Discovery State Historical Park and Donner Memorial State Park. Johnson, now a member of the United States House of Representatives, continues to encourage historical preservation.

The Centennial of 1948 drew as many as 50,000 people on January 24 to Coloma to pay due honor to Sutter's Mill, Marshall's Gold Discovery, and the town of Coloma. Speeches were made, plaques were dedicated, a moving picture was presented, and a pageant was staged. In the doing all parts of California participated, and were represented. The California Centennials Commission, headed by Joseph R. Knowland, was the guiding force in this celebration, as it was following during the Gold Rush and Statehood Centennials of 1949 and 1950. Some members of that outstanding commission and its advisory committee are here tonight. Several, including Mr. Knowland have passed away. It is fitting that those who remain are here, as well as the "1973 Committee", to celebrate the 125th Anniversary of the Gold Discovery. Some, I am sure, will be here also in 1998 to celebrate the 150th Anniversary. They too will hold their parades, dedications and banquets. In the doing great speeches and oratory will be heard.

But Centennial celebrations, be they the 50th, 75th, 100th, 125th, 150th, or 200th, should be more than passing events, to be staged on an occasional basis. They offer the opportunity to do something permanent, which will have a lasting effect for the benefit, inspiration, pleasure, and knowledge of mankind. So it is with this 125th Anniversary. Are we to let the opportunity pass to do something permanent? I think not!!

In honor of the 125th Anniversary of the Discovery of Gold by James W. Marshall, on January 24, 1973, let us propose that a Gold Rush National Historical Park be established. Coloma would be a major center. I am sure, but all of California which participated in the Gold Rush will contribute. The ingredients, most of them, are already in the hands of the State of California—the San Francisco Maritime State Historical Park (including the Hazlett Warehouse); Old Sacramento, in which the state will reconstruct the 1849 scene along the Sacramento River; Sutter's Fort State Historical Park, the impetus for the Gold Discovery; and Coloma, the site of Sutter's Sawmill and the Discovery. All of these areas can be given lasting recognition through cooperation of the Federal Government, State, counties, and cities involved. Administration can remain in the hands of the state, if desirable, although the National Park Service can contribute with funds, advice, and planning.

In addition, all or portions of Highway 49, from Mariposa to Downieville, should be designated as a major parkway by the National Park Service, to include such State held areas as Columbia and Coloma, with selected areas, elsewhere connected with the Gold Rush. Perhaps Donner Memorial State Park, Weaverville, and the town of Shasta should also be included.

It may not be possible at this moment to elaborate in detail all the elements of a Gold Rush National Historical Park, but the precedent has been established in the setting up of the Nez Perce National Historical Park in Washington, Idaho, and Montana, among others, where detached non-contiguous areas and parkways are planned to make up the Park. The time is ripe for a Gold Rush National Historical Park. The State of California already has important segments and is planning a major Park Bond Act in 1974. Under provisions of the Federal Historic Sites Act of 1935 and Historical Preservation Act of 1966, legal authority and provisions for funding have been established for such a project. It will need the best in planning, direction, and coordination, as well as adequate funds. True it would be costly, but perhaps not as much as a squadron of B–52 bombers.

Plans should be ready by 1976 for the Gold Rush National Historical Park, at the time of our Nation's Bi-Centennial. In fact, this *could* be California's contribution to the Bi-Centennial. Mr. Chappie, provide the legislation by the State. Mr. Johnson do the same in the United States Congress!! See that a blue-ribbon committee, perhaps the 125th Anniversary Committee, is appointed to bring the project into focus for the attention of the public. The staffs of the National Park Service, the California Department of Parks and Recreation, the counties, and cities, and towns involved, as well as private organizations and individuals, can all help to bring the project into reality.

This is the challenge of Coloma's 125th Anniversary of the Gold Discovery by James W. Marshall. Let it not go unsung throughout the coming generations!! Let it be the inspiration for one of our Nation's great national historical parks, to which California, the Nation, and the world can pay homage in 1976, in 1998, in 2033, and again in 2048. The opportunity is here. It is ours!!

UNIONVILLE, MO.—AN ATTITUDE OF PROGRESS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. HUNGATE. Mr. Speaker, the following article outlines some of the many advantages of one community in my congressional district, Unionville, Mo., which was also the home of a former House Member, the late Clare Magee:

[From the Harbinger, Missouri Division of Commerce and Industrial Development, Fourth Quarter, 1972]

UNIONVILLE—AN ATTITUDE OF PROGRESS

A community can be photographed from any angle, a pro with a camera can make it look extremely good or bad. He can show progress through new construction or he can show decay in run-down buildings and yards that have gone to seed. The one thing he cannot show is an attitude. Every town has one and every town grows or dies depending on its attitude. Change has come to Unionville, Missouri, through a new attitude and the involvement it has spawned.

Up until a few years ago Unionville had gone the way many small farm towns do, it had existed around the agriculture community. In short, it wasn't keeping up with the rest of the world, it wasn't progressing. At one time Putnam Fadeless Dyes were manufactured there, and W. A. Schaefer had invented his automatic fountain pen there; both had moved on. The only remaining longtime standing business left in the community was the *Unionville Republican.*

Unionville is an old town and is the Seat of Justice for Putnam County, organized in 1845 and centered at the northern edge of Missouri. Platted first in 1853 the community was originally named Harmony and didn't become Unionville until 1857.

Turn-of-the-century records describe Putnam County as having "bituminous coal underlying one-third of the country with limestone beneath the coal beds." At one time every small farmer, owning from 20 to 60 acres, had a "slope mine" and worked it during the winter. The Ketcham Coal Company began operations at Mendota, located about 15 miles southeast of Unionville, in 1879. It started as a family operation and, after changing hands in the 1920's, continued operations until around 1940.

Mining of both coal and limestone has played an important role in the county's economy for years, though not to the extent of which it is playing today. Early this year Missouri Mining, Inc., a subsidiary of American Industries and Resources Corporation of Steubenville, Ohio, purchased the Putnam County Stone Company and mining began on a large scale. Starting with two dozers, a highlift and six men from Ohio, the company now employs 60 people, 50 of which are local. The investment in machinery has leaped astronomically and includes a new Manitowac dragline with a seven-yard bucket capacity.

The Manitowac strips away the overburden and uncovers the 36 inch shelf of coal which is then blasted loose and transported to the crusher. Located another yard beneath the coal is a shelf of limestone; it too is quarried and processed.

Missouri Mining has helped build the economy of Unionville in a number of ways: It helped save the Burlington Northern Railroad for the community; it brought new families into town; and has helped spawn new industries. An example is the Tri-County Transfer Company. Tri-County started with two trucks, transporting coal from the crusher to the railroad. Today, the firm has a fleet of 11 trucks and has plans for further expansion.

Another long time product of Putnam County and Unionville is livestock in the form of cattle, hogs and sheep. In 1940 a visionary group of cattlemen formed the Putnam County Marketing Association. The association is credited with starting the first feeder-calf sale in the nation and Unionville continues to hold top spot in Missouri with its fall feeder calf sale; a similar sale is held each spring.

Unionville has a long list of assets and one of the most important is its municipal power plant with a separate water treatment facility. The power plant is capable of an output of 5,360 kwt per hour although its heaviest load on any given day is only 2,300 kwt, leaving plenty of room for industrial expansion. In addition, the company also has power ties with N. W. Electric Power Cooperative, Inc., headquartered in Cameron, Missouri.

One of the largest users of power is the Unionville R-1 School District. A $1,100,000 bond issue for the building of a new Senior High School received voter approval in October 1971. The present high school building will eventually house the upper elementary grades, lessening the student loads in the grade schools. The high school carries AA rating.

Another large power user is the Putnam County Memorial Hospital opened September 1963. County supported, it can draw on such funds but has not done so. Originally a 30-bed hospital, a new addition was opened in April 1969, giving it a 44-bed capacity, served by 69 employees. The hospital includes emergency, delivery and operating rooms, lab, cardiac monitor, x-ray, and an obstetrics wing. Four doctors are on the staff.

Next to the hospital is the Putnam County Nursing Home a 45-bed complex. It was opened in April 1969 at the same time the new hospital wing was dedicated. The home was built by the county but is self-supporting and receives no tax money for its maintenance.

Faced with a 60-year declining population and economy in Putnam County, citizens requested to become part of the Rural Area Development Act in November 1962. A county opinion survey the following spring voiced the public's desire for a recreational lake which would lure tourist dollars. In September 1963 engineers surveyed sites and on March 12, 1964, the Putnam County Lake Company was incorporated. Three hundred pledges for an $850,000 Farmers Home Administration loan spurred the FHA to grant its biggest loan of that kind to date for the purchase of 4,000 acres.

Once completed, Lake Thunderhead was stocked with bass, channel cat and bluegill. The lake area, with its federal and state approved Lake Thunderhead Airport, is destined to become a thriving community of private homes. This new construction will be a shot in the arm to the city's already expanding economy.

Also working to boost growth is the Unionville Industrial Development Corporation with a total current membership of 146. Formed in 1955, the organization has worked throughout the years to make the community attractive to industry. In 1968 the group purchased land and has developed a 32-acre industrial park adjoining the southwest edge of the city.

Since industries scouting cities as possible plant sites prefer Missouri Community Bettermen towns, Unionville's business, professional, social and fraternal organizations, plus interested citizens, elected to begin an MCB group in June 1969. MCB's project books have earned Honorable Mention since the inception of the program. Last year Unionville was awarded a Distinguished Award plaque. MCB is working with the Industrial Board on its current Labor Survey, and with the city on the Putnam County Housing for Senior Citizens which is now negotiating for an FHA loan. The newly-formed Putnam County Chamber of Commerce and MCB are backing a proposed Putnam County rural public water district.

Unionville is a town where people are involved. As a result of this involvement the community was awarded second place in the 1972 Community Betterment competition for cities with a population between 1,500 and 2,500. This involvement is no accident, it comes from awareness of community needs and desires as expressed by the people themselves. MCB is not just another organization; rather, it is a switchboard where all organizations plug in and work for a better community for all citizens.

Today Unionville is a picture of progress and yet, that picture is still developing; its depths are still emerging, its contrasts still evolving. Unionville is a town aware of itself, its needs and its direction. It is a community with a new attitude, an attitude of progress.

CREDIT REPORTING REFORMS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. ROYBAL. Mr. Speaker, I would like to express my appreciation to the 31 Congressmen who have joined with me today in introducing legislation to tighten Federal controls on the preparation and release of credit reports.

This bill would amend and strengthen the Fair Credit Reporting Act passed in 1970 which has failed to adequately protect a person's right to privacy.

Under current law investigative agencies produce millions of credit reports a year with virtual immunity from libel or slander suits, even though many of these reports contain serious errors. When an individual applies for a job, insurance or even apartment rental, he stands a good chance of being investigated without ever knowing it. There is nothing in the law which prevents an investigative agency from reselling these reports over and over again. This practice constitutes a very dangerous threat to our right of privacy and free speech.

My bill would correct these gaps in the law by setting up stricter procedures for both "investigative consumer reports" and "consumer reports." An "investigative report" deals with a person's moral character, life style, personal traits and reputation. A "consumer report" is a simple credit check of one's financial situation and credit rating.

Because of the seriousness of the investigative report, the company or employer requesting this report must first obtain the consumer's written consent. The report is then sent simultaneously to both the company and the consumer. In the credit check, the company must inform a person in writing within 3 days that a report may be made. The consumer has the option to ask for a copy of the completed dossier.

For both types of reports, the individual has the right to correct any reporting error or misrepresentation.

The credit reform bill would also recognize a new Federal "cause of action" allowing the consumer to sue any reporting firm that "negligently or maliciously publishes any untrue statement or representation." Civil penalties would include a minimum of $1,000 or actual damages, whichever is greater, plus punitive damages. This provision would abolish the doctrine of conditional privilege which rests on a showing of malice and would include negligence as grounds for suit.

Finally, the proposed legislation would create a board of examiners to regulate the credit reporting industry. The board would establish Federal standards for licensing credit investigators and carry subpena powers to probe into credit reporting practices.

Mr. Speaker, I believe this bill will effectively stop the release of reports that brand a person as immoral or irresponsible on the basis of hearsay or some personal grudge against the individual.

Cosponsors of the credit reporting amendments are Ms. Abzug. Mr. Boland, Mr. Buchanan, Mrs. Burke of California, Mr. Burton, Mr. Cleveland, Mr. Donohue, Mr. Drinan, Mr. Eckhardt, Mr. Fraser, Mr. Gaydos, Mrs. Grasso, Mrs. Griffiths, Mr. Harrington, Mr. Helstoski, Mr. Koch, Mr. Mathis of Georgia, Mr. Moorhead, of Pennsylvania, Mr. Moss, Mr. Pettis, Mr. Rosenthal, Mr. Ryan, Mr. Sandman, Mr. Tiernan, Mr. Waldie, Mr. Charles Wilson of Texas, Mr. Wolff, Mr. Won Pat, Mr. Wright, Mr. Yatron, and Mr. O'Hara.

The analysis of the bill follows:

Analysis of Credit Reporting Bill

The Fair Credit Reporting Act speaks in terms of investigative consumer reports and consumer reports. The investigative consumer reports used to emphasis on his character, general reputation, personal characteristics and mode of living. The consumer report deals with a person's financial standing and credit rating within the community.

Section 1 of the bill is a technical amendment

Section 2 prohibits a person from procuring or causing to be prepared an investigative report unless

(1) he clearly and accurately discloses that a report including information as to a person's character, general reputation, personal characteristic and mode of living will be made,

(2) he informs the person in writing not later than three days after the date in which the report is requested, and

(3) he obtains a statement signed by the consumer on whom the report is prepared allowing such party to obtain such report.

The investigating agency must transmit a copy of the completed report to the consumer at the time it furnishes it to its client. The bill contains a clause which prohibits an investigating agency from forcing the consumer to waive his right to receive the report.

The consumer is given an absolute right to transmit to the consumer reporting agency evidence which would correct an error or misrepresentation in the report.

Lastly no person will be held liable under the act if he shows by a preponderance of the evidence that he maintained reasonable procedure to issue compliance with the law.

Section three deals with the consumer report. It states that a person may not procure or cause to be prepared a consumer report unless (1) it is clearly and accurately disclosed to the consumer that such a report may be made (2) not later than three days after the date on which it was requested (3) includes a statement informing the consumer he has a right to request additional disclosures.

The consumer has the right to request to see a copy of the report and it must be furnished to him by the consumer reporting agency within a reasonable time after his written request. The consumer may not waive his right to request such a report. He also has the right to submit evidence to correct a misstatement or error.

Section four contains a federal cause of action to be used against credit reporting agencies that publish untrue statements. It is exactly like the present libel law except that it removes the conditional privilege requiring malice which credit reporting agencies not utilize to avoid liability.

Section five adds a new title to the law which will require federal licensing of those who work as credit investigators. The President is directed to establish a Board of Consumer Investigator Examiners which will set up appropriate examinations and licensing procedures for the credit investigators.

The Board shall issue a license to engage in this type of activity to a person who is (1) a citizen of the United States, (2) at least 18 years of age, (3) is of good moral character, (4) has passed any examination prescribed by the Board.

The Board may hold hearings to carry out its function and has subponea power to call witnesses. It may refuse to issue or revoke a license if it finds the holder or applicant (1) has been convicted of a felony or misdemeanor involving moral turpitude (2) or engaged in unethical activity.

There is a provision for sanction, and proper due process procedures.

KOSCIUSZKO HOME NATIONAL MEMORIAL GIVES SPECIAL SIGNIFICANCE TO 227TH ANNIVERSARY CELEBRATION

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. ANNUNZIO. Mr. Speaker, February 12 is the 227th anniversary of the birth of Thaddeus Kosciuszko, the great Revolutionary War hero, who fought for freedom on both sides of the Atlantic.

Tadeusz Andrzej Bonawentura Kosciuszko was one of the most outstanding of the Polish patriots who contributed to the American struggle for independence a much-needed scientific knowledge of military engineering and an unwavering enthusiasm for the cause of freedom.

As one of those deeply involved in the passage of the bill in the 92d Congress to officially designate the Kosciuszko Home in Philadelphia as a National Memorial, this occasion is of special significance to me. It is important for Americans to remain aware of the fact that American greatness is the result of vital contributions made by all of our ethnic groups and certainly the outstanding contributions of Polish-Americans to the growth and advancement of our country merits the recognition that has now been officially extended through designation of the Kosciuszko Home as a National Memorial.

Under the terms of the First Partition in 1772, Poland was divided up among its greedy neighbor-states, with connivance and cooperation of certain Polish nobles, and at the expense of any Polish citizens hostile to its purpose. The same spirit prevailed in England, where the government was bent upon a policy of bleeding dry its American Colonies, in the interest of British nobility, at the expense of the American people.

Against the tyranny of the Polish partition, a large number of Polish aristocrats and gentry offered open resistance, and for so doing were driven from their homeland. Siding with the patriots, Kosciuszko became an exile in search of justice far from home.

Abandoning his commission in the royal Polish forces, he left his homeland temporarily to serve under Washington in the American response to British oppression. As a military engineer of some consequence, he was welcomed with open arms by the Continental Army. He was first employed in designing the defenses on the Delaware River, the success of which gained for him a colonel's commission and appointment to the staff of General Gates at Ticonderoga. He was the major adviser in fortification of Mount Defiance at Ticonderoga, and the failure to follow his advice in defense of the post was responsible for its capture by the British.

The American defeat of Burgoyne at Saratoga, which was largely responsible for the entrance of France into the war on the American side, was in part the result of Kosciuszko's counsel, and the construction of American fortifications at West Point was in accordance with his design. Transferred to North Carolina, Kosciuszko served as chief of engineers and transportation officer under General Greene, who praised him for his part in the rout of British forces in the area.

The fortification of the Heights of West Point was Kosciuszko's most important undertaking in America. To maintain West Point meant to command the Hudson, and in the words of General Washington:

> The Hudson River was indispensably essential to preserve the communication between the Eastern, Middle, and Southern States.

In the midst of difficulties similar to those of Valley Forge, Kosciuszko labored for over 2 years, and within that time made West Point impregnable. General Armstrong wrote:

> Kosciuszko's merit lies in this, that he gave the fortifications such strength they frightened the enemy from all temptation of even trying to take the Highlands.

Hailed as a hero by Americans in general, and honored on every side for his contributions to American Independence, Kosciuszko returned to Poland in 1784, and was soon involved in the heroic struggle for Polish independence. Here he was defeated by overwhelming odds—but his name looms large in Polish history, as in American history, despite defeat. He was among the bravest and the ablest of his kind, deserving the respect of every American concerned for our record of National accomplishments.

Kosciuszko spent 6 years in the American Army. His long, faithful, and meritorious service was recognized in 1783 when the Congress made him a brigadier general.

It is an honor for me to join with the American Polonia in this commemoration and I extend my greetings to the Polish-American residents of the 11th Congressional District of Illinois which I am privileged to represent, the city of Chicago and the Nation as they pay tribute to General Kosciuszko and his dedication to the cause of liberty.

MACHINE TOOL LOAN PROGRAM IS IN DANGER

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. JAMES V. STANTON. Mr. Speaker, several months ago I learned of a dispute involving the administration and the House and Senate Appropriations Committees which may result in the termination of a very worthwhile program under which machine tools in the Defense Department's National Industrial Equipment Reserve are loaned to schools for use in vocational education programs. Because this program has not yet been funded for fiscal year 1973, a freeze has been placed upon all new tool loans, and unless a settlement is reached in the near future, the loan program will be completely dissolved. The Brooklyn, Ohio, school system in my district is one of those adversely affected by this freeze.

The dispute arose last year when the administration suggested that the $2 million budget for the machine tool loan program be shifted from the General Services Administration, where it had been for many years, to the Department of Defense. While the Senate Appropriations Committee approved this change, the House committee did not, and so the program is now in limbo.

I believe it is senseless to have these machine tools just lying idle and gathering dust at a time when they could be put to a highly useful purpose in helping to educate those interested in the machine tool trades. For this reason, I have attempted to inform the interested parties of the seriousness of the situation, and to urge that action be taken to ensure that the program is continued.

I would now like to insert into the RECORD copies of several letters I have sent and received on this matter, and an article and an editorial on it that appeared in the Cleveland Plain Dealer:

[From the Plain Dealer, Dec. 15, 1972]

BUDGET BOO-BOO

VO-ED SHOPS, INCLUDING ONE HERE, SUFFERS

(By Robert J. Havel)

WASHINGTON.—A budgetary blooper by the White House and bureaucratic bungling have imperiled a low-cost federal program that each year helps train 35,000 students and poor people to become skilled machinists.

A Cleveland-area high school is one of the first victims.

The program, an offshoot of a reserve of machine tools the Defense Department maintains for a national emergency, is in danger of dying because of a goof by the White House's Office of Management and Budget (OMB) and infighting between defense and the General Services Administration (GSA), plus sparring in the appropriations committees on Capitol Hill.

Nowhere, it seems, in a federal budget of more than $250 billion can be found the less than $2 million needed for the program.

The National Industrial Equipment Reserve, created in 1948, was used extensively in the Korean War by defense-supporting industries but not much in the Vietnam war.

Since 1958, defense has had a program whereby tools in the reserve were lent to vocational training schools. The program has been administered by GSA, the government's housekeeper, at an annual cost of $1.8 million.

The government got free storage of tools, while the schools had the free loan of costly equipment. The schools had to pay only for shipping the tools and their upkeep. The tools could be recalled in an emergency by the Defense Department.

The pool contains some 11,000 tools worth about $80 million. About 8,000 of these, worth some $35 million, are on loan to 399 institutions in 44 states. Forty more schools, including Brooklyn (O.) High School, were awaiting shipments when the ax fell.

Early this year, in an effort to tidy up the budget, OMB decided that the program was more properly a function of the Defense Department than of GSA but in preparing the budget OMB did not include the program anywhere.

"OMB goofed," said a source close to the House Appropriations Committee.

In testimony before the defense appropriations subcommittee, defense sought to take over the program. There were no funds in its budget request to pay for it, but the department said it would scratch up the money somewhere.

"Privately, though," the committee source said, "defense was not hepped up about taking it over. They didn't really think it belonged in the defense budget."

Neither did Rep. George H. Mahon, D-Tex., the committee chairman, and neither funds nor authority for the program were included in the House version of the defense appropriations bill.

Later efforts in the Senate to put the program in the defense budget failed.

So the program is dying and GSA is discharging 90 employes who administered it.

In response to a question, a defense spokesman at first said the tools now at schools would be recalled—which would seriously disrupt training programs. Later, however, the spokesman said the tools will remain at the schools.

"Nothing will move, because there is no money to move," he said. "We are hoping to get the money to continue to program."

Out of the program, though, is Brooklyn High School. A letter went out to Brooklyn school officials and 39 others in a similar fix telling them the program had ended.

William Pearce, director of vocational education at Brooklyn, wrote Rep. James V. Stanton, D-20, Cleveland, citing the hardship that the discontinuation worked on the school.

The school had applied last May for tools worth $30,000 and was to pick them up last month.

Pearce said the equipment was "desperately needed" and its lack would "seriously deter" his vocational education program.

Stanton wrote to OMB protesting the dropping of the program. The program, he said, "would seem to further the work ethic about which the President has often spoken."

[From the Cleveland Plain Dealer, Dec. 22, 1972]

REVIVE VO-ED TOOL LENDING

U.S. Reps. William E. Minshall Jr., R-23, and Louis Stokes, D-21, should use their influence in the coming session of Congress to help revive a program that allows schools to borrow Defense Department reserve tools.

Both serve on the House Appropriations Committee and Minshall on a Defense subcommittee that will consider the matter when the 93d Congress convenes next month.

The program was discontinued this year through a bureaucratic mixup between the White House's Office of Management and Budget (OMB), the Defense Department and the General Services Administration (GSA).

Operated at an annual cost of less than $2 million, the program enabled vocational training facilities to borrow the tools by paying transportation costs. The government, in turn, received free storage and maintenance for the tools. In the event of an emergency, the tools could be recalled.

The program, in operation since 1958, has been used by 339 institutions in 44 states. The Cleveland suburb of Brooklyn was one of 40 more schools scheduled to participate in the program this year. Without the tools, Brooklyn school officials say, their educational efforts will be seriously hindered.

It would be foolish to end the program because of this one instance of intergovernmental bungling. We see no good reason why the confusion cannot be straightened out and the program made operational again. Congressmen Stokes and Minshall can be instrumental in bringing this about.

BROOKLYN CITY SCHOOL DISTRICT,
BOARD OF EDUCATION,
Brooklyn, Ohio, November 7, 1972.

Hon. JAMES V. STANTON,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN STANTON: We need your help!

We had scheduled an appointment to visit DIPED-SOP (NIER) at the Defense Industrial Plant Equipment Center in Memphis, Tennessee last Monday, November 6, for the purpose of screening the inventory and selection of available excess property for loan to the Brooklyn High School Vocational Department. This agency is funded through General Services Administration Property Management and Disposal Service. Mr. W. G. Mears, Chief, Management Support Office, sent us a letter of notification that the arrangements were canceled because all NIER functions have been suspended due to a cut-off of funds.

Can you enlighten us about the problem? We very desperately need this equipment. When we set up our school budget for next year, we were anticipating acquiring an estimated $30,000.00 worth of excess property for use in our Vocational Education Machine Trades Program.

We here in Brooklyn have introduced a very fine vocational education program that is now in its third year of operation. Our community, as you know, is made up primarily of working class people who are vitally interested in having their children receive vocational education. Close to 50% of Brooklyn junior and senior students are currently enrolled in vocational programs. When our program was in the planning stage, our tax base was an expanding one. Now the reverse is true and we no longer receive funds in the former amount.

This cancellation will seriously deter the vocational education in this school district. With our curtailed budget, there is no possible way we can purchase this equipment.

Please give us whatever information and help you can.

Sincerely,

WILLIAM G. PEARCE,
Vocational Director.

DECEMBER 5, 1972.

Mr. ROY L. ASH,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

DEAR MR. ASH: Because of a dispute involving the Office of Management and Budget and the House and Senate Appropriations Committees, the program operated by the General Services Administration in which machine tools in the National Industrial Equipment Reserve are loaned to vocational education programs in schools has not yet been funded for Fiscal Year 1973.

As I understand it, the Office of Management and Budget recommended that the approximately $2 million allotted for the program be shifted from the GSA to the Department of Defense budget. The Senate approved this shift, but the House Defense Appropriations Subcommittee refused to allow this program to become a part of the defense budget. As a result, the program has come to a halt and a hold has been placed on all machine tools loans.

My concern over this program stems from the fact that the city of Brooklyn, Ohio, a community in my District which offers an excellent vocational education program to its high school students, had been scheduled to receive some twenty pieces of desperately needed equipment from the NIER just this past month. School officials began the process of applying for the tools last May and were scheduled to visit the Defense Industrial Plant Equipment Center in Memphis on November 6 to choose their equipment when, at the last minute, their appointment was canceled.

Brooklyn's need for this machinery is great. Almost half of their junior and senior students are enrolled in the vocational education program, and their tight budget makes it impossible for them to purchase this equipment. The shame of this situation is that the machinery is available and is now sitting idle in government warehouses. How senseless it is that because of a bureaucratic dispute, this machinery is just gathering dust at a time when it could be put to a highly constructive purpose in training high school students.

In no way can these machine tool loans, which cost the government very little and benefit the nation so much, be viewed as being in conflict with any Administration policy, and indeed, they would seem to further the "work ethic" about which the President has often spoken. I am certain the Administration would not want to see so worthwhile a program curtailed because of bureaucratic in-fighting and penny-pinching in the extreme. Thus I urge that you use your influence to put and end to the disputes which have hampered these loans.

Sincerely,

JAMES V. STANTON,
Member of Congress.

THE WHITE HOUSE,
Washington, D.C., January 4, 1973.
Hon. JAMES V. STANTON,
House of Representatives,
Washington, D.C.

DEAR MR. STANTON: This refers to your letter to Mr. Ash of December 5, 1972, concerning the National Industrial Equipment Reserve program which involves loans of machine tools to vocational education programs.

The President's 1973 Budget proposed that funding for the administrative expenses of the NIER program be shifted from the General Services Administration to the Department of Defense. In reviewing the 1973 budget proposals we concluded that this was not a high priority program and should be subject to examination by the Congress as part of their action on the 1973 Defense program. The budget proposed that 16 programs be absorbed within existing Defense Department funds.

As you know, the Congress decided not to provide funds for continuation of the Industrial Reserve program. While this action was, I am sure, the result of many considerations, I would point out that Mr. Mahon expressed concern that this program appeared to be based more on vocational training objectives than on defense requirements.

In view of the congressional action leading to termination of the NIER program I understand that the Department of Defense is considering a number of alternatives relating to the future of NIER and other Defense equipment reserves. To the extent that any of the stockpiled equipment is declared excess, it could then be donated to educational institutions for vocational training programs.

I appreciate your interest in this matter.

Sincerely,

WILLIAM L. GIFFORD,
Special Assistant to the President.

HOUSE OF REPRESENTATIVES,
Washington, D.C. February 5, 1973.
Hon. GEORGE H. MAHON,
Chairman, House Appropriations Committee, H218, The Capitol.

DEAR MR. CHAIRMAN: We are among the Congressmen in whose District is located one or more vocational education programs which have applied for the use of machine tools in the National Industrial Equipment Reserve, but which did not receive any tools due to the freeze on loans effected several months ago. As you know, because of a dispute involving the Administration and the House and Senate Appropriations Committees, the machine tool loan program has not been funded for Fiscal Year 1973, and it may be completely terminated—a process that would involve recall of the 8,000 pieces of machinery now on loan to some 400 schools—in the near future.

There can hardly be a more worthwhile program than this one. Under it, over 35,000 students are now having their education in the machine trades enhanced through the use of equipment made available by the Federal Government. Without the use of these tools, many vocational education programs will simply have to cut back, because this equipment is not available from any other source at a reasonable cost. Schools can no longer participate in the excess property program, and the selection of equipment available in the surplus property program is very limited, the tools that are available being low in quality. How can we seriously speak of our commitment to, in the President's words, "work, not welfare," at the same time we are terminating a program which facilitates the training of those wishing to become proficient in this important field.

To maintain the loan program, the Federal Government expends about $2 million a year. Yet because the schools involved pay the cost of transporting, installing, and maintaining the machinery they borrow, it could be that the Government will incur greater costs in terminating the program than in continuing it. But beyond this question, the shame of this situation is that the machinery is now just gathering dust at a time when it could be put to a highly constructive use.

Now the question is, who will undertake the task, who will assume the responsibility of ensuring that the machine tool loan program is not discontinued. The Administration has so far not taken any action to save the loan program. Attached is a copy of a letter from an Administration official in which he blames Congress for the impasse, and he refers specifically to your opposition to placing the program in the Defense budget.

It is very understandable that you, in your role as chairman of the House Defense Appropriations Subcommittee, would not want to burden the Defense budget with an item that for years has been funded by another agency. However, in your role as chairman of the House Appropriations Committee you can of course act to see that the machine tool loan program is funded *somewhere* in the budget. Representatives John Anderson, Albert Quie, and John Brademas have already initiated legislation to continue funding of the program through GSA. Whether this approach or another is taken, we cannot accept the notion that Congress is helpless on the question and cannot act on its own to save so worthwhile a program. In this effort, we request your assistance.

Sincerely,

Bill Alexander, M.C., Bob Bergland, M.C., Richard Bolling, M.C., Donald Brotzman, M.C., Robert Drinan, M.C., Gerald Ford, M.C., Edwin Forsythe, M.C., Earl Landgrebe, M.C., William Maillard, M.C., Robert Mollohan, M.C., Bill Nichols, M.C., James V. Stanton, M.C., and John Zwach, M.C.

A PUBLIC EMPLOYEE MERIT SYSTEM

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. RONCALIO of Wyoming. Mr. Speaker, it is time that the Federal Government lay out guidelines for public employer-employee relationship, and it is for this reason that I am today introducing the "National Public Employee Merit System and Representation Act."

The major purposes of this proposal are to provide public employees the right to self-organization, or to refrain from such organization; to establish equitable standards of hiring, retention, and promotion; to provide a grievance procedure, and to allow for free collective bargaining; to give definition to "unfair labor practices" for both the public employer and the public employee; and, finally, to establish a five-man National Public Employee Relations Commission to be responsible for enforcement of the act.

A full text of the bill follows:

H.R. 4293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Public Employee Merit System and Representation Act of 1973."

DECLARATION OF POLICY

SEC. 2 (a) It is the policy of the United States that public employees be selected, promoted and retained on the basis of merit and fitness without regard to sex, race, religion or political or organizational affiliation, and that they be afforded the rights to which all employees working in a free, democratic society are entitled.

(b) The failure by some public employers to establish and maintain merit systems, the denial by some public employers of the right of public employees to form, join, and participate in employee organizations of their own choosing, and the refusal by some public employers to adopt laws and procedures for employee representation deprive public employees of the effective exercise of rights guaranteed under the Constitution, deprive the public and employees of a fair and efficient government service, and also leads to strikes and other forms of strife and unrest with the consequence effect or obstructing the flow of commerce thereby denying the right of citizens of the United States to exercise rights protected by the Constitution and interfering with the normal and necessary operations of government.

(c) Experience in public personnel administration has proven that the constitutional rights of employees, and particularly the disadvantaged, are better protected and their civil rights enhanced by providing opportunities for appointment, advancement, and protection of employment through merit systems.

(d) It also has been proven that protection by law of the rights of employees to form, join, and participate in employee organizations of their choice and to bargain collectively protects commerce and the public interest therein from injury, impairment or interruption, including commerce among the States; safeguards rights guaranteed by the Constitution; and promotes the flow of commerce by removing recognized sources of strife and unrest. Protection of these employee rights encourages practices fundamental to the peaceful adjustment of employment relations disputes and fosters democratic relationships between public employers and employees.

(e) It is further declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce among the States, to mitigate and eliminate these obstructions when they occur, and to protect the effective exercise of rights guaranteed by the United States Constitution by promoting the establishment and maintenance of merit systems of personnel administration at all levels of government, and providing for the positive participation of public employees in the formulation and implementation of personnel policies and procedures through collective bargaining and other forms of employee representation.

DEFINITIONS

SEC. 3. When used in this Act, the term—

(1) "public employer" means each State, and each political subdivision thereof, including but not limited to, any town, city, county, borough, district, public or quasi-public corporation, or other government authority or public agency established by State or local law;

(2) "public employee" means any individual employed by a public employer except (A) individuals employed by the legislative or judicial branch of a public employer, (B) officials elected to office, and (C) officials appointed by the chief executive officer of a public employer who determine policies to be pursued by such employer in such employer's relations with other public employers or with the government of the United States or in the administration of State and local laws;

(3) "employee organization" means an organization the membership of which is composed of public employees and which has as one of its primary purposes the representation of such employees in their dealings with public employers concerning grievances, labor disputes, wages, hours of employment, and other terms and conditions of employment;

(4) "Commission" means the National Public Employee Relations Commission;

(5) "collective bargaining" means the mutual obligation of a public employer and the representative of an employee organization (which is recognized for the purpose of collective bargaining) when in disagreement over employment conditions, employer-employee relations (including questions concerning wages and hours of work), or any other terms and conditions of employment to personally meet and through the free exchange of information, opinions, and proposals to endeavor to reach agreement on matters in dispute in good faith within a reasonable time and to execute upon the request of either party, a written contract incorporating any agreement reached, but such obligation shall not compel either party to agree to any proposal or to make any concession;

(6) "tenure" means the granting of permanent employment status by a public employer to a teacher; and

(7) "State" means each of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

RIGHTS OF PUBLIC EMPLOYEES

SEC. 4. Each public employee has the right of self-organization and to engage in collective bargaining through representatives of his choice free from interference, restraint, or coercion, and the right to refrain from any or all of such activities.

EMPLOYMENT STANDARDS

SEC. 5. (a) For the purpose of carrying out the provisions of this Act and as a condition of eligibility to receive any funds from the Federal Government which may be used to finance any program conducted in a State, each State shall establish a public personnel system which shall be in effect and applicable to each public employer within such State and which shall—

(1) provide, in the case of public employees, that permanent appointments, promotions, and retention in positions be made exclusively on the basis of merit, fitness, and efficiency, without regard to sex, race, religion or political or organizational affiliation;

(2) provide that the right of each public employee to freely join or not join and be represented by an employee organization be guaranteed;

(3) provide that the right of an employee organization to represent its membership in determining terms and conditions of employment be recognized;

(4) provide (A) that each public employer shall adopt procedures for collective bargaining which shall include provisions for the adjudication of grievances and guarantee to public employees the right of collective bargaining and (B) procedures for the presentation and consideration of petitions from public employees;

(5) provide that each public employer will provide reasonable assistance to employee organizations including withholding of employee organization membership dues;

(6) provide for the establishment or designation of one State agency which shall be responsible for public employee relations and which shall (A) have the power to hold hearings and issue subpoenas, and (B) establish appropriate procedures to resolve recognition and representation disputes, to assure adherence to the law by all parties to such disputes, and to furnish the means of settling controversies arising out of unfair labor practice charges or negotiation impasses; and

(7) provide for the establishment of (A) a grievance procedure under which a public employee who has in any manner been adversely affected in his employment by an action or failure of action by a public employer, a supervisor, or another public employee shall be entitled to a fair hearing, (B) a tenure system under which a teacher employed by a public employer may be granted permanent employment status, (C) a procedure for providing the opportunity for a fair hearing before any public employee may be demoted, suspended or dismissed, or denied or deprived of tenure or status, and (D) a means for protecting the rights guaranteed public employees under section 4 of this Act and for resolving charges concerning unfair labor practices.

(b) (1) In order to promote uniform and effective public personnel administration and to facilitate the administration of Federal grant-in-aid programs and projects undertaken by public employers and as a condition of receiving such aid and assistance, each public employer shall, by July 1, 1975, adopt a program complying with the standards set forth in subsection (a), or shall give satisfactory assurance to the Commission established under section 7 of this Act that the public employer will conform to such standards.

(2) The Commission; upon finding that any public employer is not complying with the requirements of subsection (a), may order any such public employer to establish a public personnel system in accordance with subsection (a).

(3) Upon a finding that any order issued under paragraph (2) has not been implemented, the Commission may direct the suspension of any payment otherwise payable under the provisions of any Federal program to such employer and shall notify each department, agency, or instrumentality of the Federal Government from which such payment would be received of its action.

(4) Notwithstanding any other provision of law, each department, agency, or instrumentality of the Federal Government shall, upon receipt of any order issued under the provisions of this subsection, suspend the payment of any funds which are directed to be suspended by such order and otherwise comply with the terms of such order.

UNFAIR LABOR PRACTICES

SEC. 6. (a) It shall be an unfair labor practice for a public employer—

(1) to interfere with, restrain or coerce public employees in the exercise of the rights guaranteed under section 4 of this Act;

(2) to dominate, interfere or assist in the formation or administration of any employee organization;

(3) to encourage or discourage membership in any employee organization through use of discriminatory practices with respect to hiring, granting tenure, or deciding any other condition or term of employment;

(4) to discharge or otherwise discriminate against a public employee because he has filed a complaint, affidavit, petition or given any information or testimony regarding his employment;

(5) to refuse to bargain collectively in good faith; or

(6) to fail to comply with the policies and standards of this Act.

(B) It shall be an unfair labor practice for an employee organization or its agents—

(1) to restrain or coerce (A) employees in the exercise of the rights guaranteed by section 4 of this Act, but this paragraph shall not affect the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership therein; or (B) a public employer in the selection of his representative for the purpose of collective bargaining or the adjustment of grievances;

(2) to cause or attempt to cause a public employer to discriminate against a public employee in violation of subsection (a)(3) or to discriminate against a public employee with respect to whom membership in such organization has been denied or terminated on a basis other than his failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership; or

(3) to refuse to bargain collectively in good faith with a public employer.

ESTABLISHMENT OF COMMISSION

SEC. 7. (a) (1) There is hereby established the National Public Employee Relations Commission which shall be responsible for the enforcement of the provisions of this Act. The Commission shall be composed of five members appointed by the President by and with the advice and consent of the Senate. Each member of the Commission shall receive compensation at the rate prescribed by section 5314, title 5, United States Code, for executive officers of level III. The members of the Commission shall not engage in any other business, vocation, or employment during the term of their appointment.

(2) Each of the orignial five members of the Commission shall be appointed for terms of one, two, three, four, and five years respectively, as determined by the President, but the term of office of each member appointed thereafter shall be five years, except that any individual appointed to fill a vacancy on the Commission shall be appointed only for the unexpired term of the vacating member.

(3) Any member of the Commission may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

(4) Any vacancy in the membership of the Commission shall not affect its powers

and shall be filled in the same manner as the original appointment was made.

(5) The Chairman of the Commission shall be designated by the President.

(6) Three members of the Commission shall constitute a quorum.

(b) (1) For the purpose of conducting hearings and investigations, the Commission, or its duly authorized agent, shall at all reasonable times have access to, for the purpose of examination, and the right to copy, any evidence in the possession or control of any person being investigated or proceeded against if such evidence relates to any matter under investigation or in question. The Commission, or any member thereof, shall upon application of any party to such proceedings, issue to such party subpenas requiring the attendance and testimony of witnesses or the production of any evidence in such proceeding or investigation requested in such application. Within five days after the service of a subpena on any person requiring the production of any evidence in his possession or under his control, such person may petition the Commission to revoke, and the Commission shall revoke, such subpena if, in its opinion, the evidence required to be produced does not relate to any matter under investigation, or to any matter in question in such proceedings, or if, in its opinion, such subpena does not describe with sufficient particularity the evidence required to be produced. Any person may appeal the Commission's revocation of a subpena to any district court of the United States or the United States courts of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on. Any member of the Commission, or any agent designated by the Commission for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any territory or possession thereof, at any designated place of hearing.

(2) In the case of contumacy or refusal to obey a subpoena issued to any person, any district court of the United States or courts of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which such person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission or any party to a proceeding under this section shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, or agent, to produce evidence if so ordered, or to give testimony relevant to the matter under investigation or in issue; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpoena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that any such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(4) Complaints, orders, and other process and papers of the Commission, its member, or agent, may be served either personally or by registered or certified mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed shall be proof of service of the same. Witnesses summoned before the Commission, its member, or agent, shall be paid the same fees and mileage as are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(5) All process of any court to which application may be made under this Act may be served in the judicial district wherein the defendant or other person required to be served resides or may be found.

(6) The several departments and agencies of public employers and employee organizations shall furnish the Commission, upon its request, all records, papers, and information in their possession relating to any matter before the Commission.

(7) Any person who shall willfully resist, prevent, impede, or interfere with any member of the Commission or any of its agents or agencies in the performance of duties pursuant to this Act shall, upon conviction, be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both.

(c) The Commission shall adopt, promulgate, amend, or rescind such rules and regulations as it deems necessary and administratively feasible to carry out the provisions of this Act. Public hearings shall be held by the Commission on any proposed rule or regulation of general applicability designed to implement, interpret or prescribe policy, procedure, or practice requirements under the provisions of this Act and on any proposed change to any such rule or regulation. Reasonable notice shall be given prior to such hearings, which shall include the time, place, and nature of such hearing and also the terms or substance of the proposed rule or regulation or the proposed changes to such rule or regulation.

(d) (1) There shall be a General Counsel of the Commission who shall be appointed by the Commission and who shall receive compensation at the rate prescribed by section 5315, title 5, United States Code, for executive officers of level V. The General Counsel shall be authorized to investigate alleged violations of this Act, to file and prosecute complaints and represent the Commission in all legal proceedings. The General Counsel shall exercise such other powers as the Commission may prescribe.

(2) All expenses of the Commission, including all necessary travel and subsistence expenses incurred by its members or employees, shall be paid after approval by the Commission or any individual designated for that purpose by the Commission.

(3) The Commission may hire such employees as it deems necessary for the proper performance of its duties.

(e) The Commission shall at the close of each fiscal year submit a report in writing to the Congress and to the President stating the cases it has heard, the decisions, it has rendered, the names, salaries, and duties of all employees and other individuals under the supervision of the Commission, and an account of all moneys disbursed.

(f) The principal office of the Commission shall be in the District of Columbia, but the Commission may meet and exercise any or all of its powers at any other place.

MERIT SYSTEM

SEC. 8. Nothing in this Act or in any proceeding adopted hereunder shall be construed to require public employers to enter into agreements under which appointments and promotions in the public service shall be made on any basis other than merit, fitness and efficiency and without regard to sex, race, religion or political or organizational affiliation.

SEVERABILITY

SEC. 9. If any provision of this Act, or the application of such provision to any person or circumstance is held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

COMPENSATION OF COMMISSION MEMBERS

SEC. 10. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(59) Members, National Public Employee Relations Commission (5).".

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(97) General Counsel of the National Public Employee Relations Commission.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 12. The provisions of this Act shall become effective 90 days after the date of enactment.

EXIMBANK AND SUBSIDY

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. HANNA. Mr. Speaker, on January 23, 1972, the senior Senator from Wisconsin included in the RECORD his correspondence with several economists from various universities. The subject of the correspondence was the thus far fruitless debate as to whether or not the activities of the Eximbank constitute a subsidy to businesses in the United States. The Senator's criticisms of the Bank rely heavily on a paper written for the Joint Economic Committee by Dr. Douglas Bahi. At the Senator's request, the university economists reacted to the Bahi paper and a "reply" paper by Dr. Howard Piquet. It is clear from reading the comments of the economists and of the Senator that the issues raised are unresolved. The economists found, in both papers, the methodology and approach weak and the conclusions suspect. The Senator, apparently ignoring these comments, restates his conviction that Eximbank constitutes a subsidy to exporters.

Mr. Speaker, the senior Senator from Wisconsin has very seriously misdirected his attention. Whether or not Eximbank is subsidizing exporters is academic. The issue to which we should apply our attention is the fact of our loss of competitiveness in the world economy, the decline in our trade balance from a deficit of $2.01 billion in 1971 to a deficit of $6.44 billion in 1972, the very serious impact this has on our people, and what we can do about it. Eximbank is only one of the available tools for resolving our problem. It is pointless to argue about contradictions to free enterprise principles. In our present trade situation, we can ill afford to indulge in the luxuries of academic arguments raised by the Senator.

One of the principal reasons for our decline as a trading power in recent years has been that other countries have become vigorous trade promoters, selling the products of their economy to the world's consumers, while the United States sits back and assumes that trade will take place as a natural course of events. World trade may be a natural phenomena but that does not guarantee us a profitable position. We must realize that the world economy is now a very competitive ball game in which the best promoter wins.

If we are to recapture our favorable trade balance, we must stop assuming the marketability of U.S. products. We must assess world consumer demand, produce for that demand, and promote our goods in competition with those of other countries. Disjointed incrementalism is not sufficient. We need an arsenal of public policy weapons designed to promote exports.

In this regard, we should see Eximbank as one of the needed weapons. This is not to say that Exim as presently operating can do the job outlined above. To do so, the Bank needs to be expanded somewhat in scope and authority. In order for the Bank to help U.S. enterprises respond to a realistically assessed world marketplace, it must have the flexibility for long-term financial planning. I very much appreciate the natural congressional watchdog instinct that wants to keep everything tied to annual appropriations. I must say, however, that Exim is not like an agency operating entirely within the confines of the U.S. Treasury. It should not be if it were. The Bank needs to have the ability to make long-term economic decisions in response to the trends of the world marketplace. This means financial planning with an international perspective. Only with this flexibility can the Bank help U.S. exporters respond to world economic trends.

A second questionable approach to our trade problems was announced by the President's Council of Economic Advisers' Chairman, Dr. Herbert Stein. In testimony before the Joint Economic Committee on February 6, 1973, Dr. Stein suggested that the United States might have to impose a surcharge on imports. It seems clear that the purpose of this threat is to force a more conciliatory posture on some of our trade partners in the next round of talks on the international monetary system.

In light of the fact that our overall trade balance went from a surplus of $0.7 billion to a deficit of $4.1 billion in 1972, the use of a surcharge will no doubt strike responsive chords in many quarters. I, for one, feel rather dubious about the credibility of such a threat and, if the surcharge is imposed, the overall impact on our national interests.

I am particularly concerned that an indiscriminate application of a surcharge will have its greatest harmful effect on parties with which we presently enjoy a favorable trade balance. The use of punitive import policies in the past, such as the blanket 10-percent surcharge used in 1971, had disastrous effects on countries such as Canada, Mexico, Taiwan, Korea and others with which our trade relations have been very beneficial.

Not only do we risk cutting off our own nose to spite our face in terms of trade, but we also risk a serious political backlash from countries all over the world, whose imports, although contributing slightly to our trade deficit, are essential to their domestic economies. To apply a surcharge on their products is to use a sledge hammer to swat a fly.

Of course, some people will argue that policies must be applied in an evenhanded way. It is very appealing to argue that we must treat everyone alike in our trade policies. This, I must insist, would be unrealistic and directly contrary to our own best interests. Why should we be evenhanded in an uneven world? We should not treat all countries the same, simply because they are not the same. We should not make our friends the victims of our quarrels with a few countries, nor should we hide our intentions and our goals. We should make crystal clear to everyone where the problems are and who the targets are for punitive action if we find that we have no other choice but to use punitive trade policies, such as a surcharge on imports.

Mr. Speaker, I hope that we will not find it necessary to use the import surcharge, for it will surely mean higher prices for American consumers. It is a dangerous, double-edged sword. If forced to use it, however, we must make its application realistically relative so as to minimize its negative effects and maximize its intent.

NO-FAULT INSURANCE

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. PEYSER. Mr. Speaker, today I introduced a concurrent resolution which would make it the sense of the Congress that the 93d Congress enact immediately a system of no-fault insurance to govern interstate motor vehicle accidents.

Currently, we are faced with a crisis in regard to automobile liability insurance. The ever increasing cost of insurance reflects the increased cost of litigating civil damage suits. Our courts are overburdened by these cases, and the subsequent backlog in our justice system means injustice for all those concerned.

Many States, attempting to effect a solution to this mounting problem, have adopted no-fault automobile insurance laws, which have been successful. One problem has developed, however, and it is this problem to which the Congress must address itself. Specifically, this is the "patchwork" system of insurance laws that are proliferating and creating an inequitable system of justice. Since we are a mobile Nation, engaged in much interstate travel, it is not equitable that one State have a system of no-fault and a neighboring State not, so that an injured party might find no avenue of relief after an accident. We need a uniform system of liability insurance, and I suggest that no-fault be that system.

GOVERNMENT SERVICE—A TEXAS TRADITION

HON. ALAN STEELMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. STEELMAN. Mr. Speaker, over the years the State of Texas has contributed many great leaders of both parties to the affairs of state. The list is long and includes such notables as former Presidents Dwight David Eisenhower and Lyndon Baines Johnson; Sam Houston, U.S. Senator and later, Governor of Texas; Jesse H. Jones, Secretary of Commerce under Franklin Roosevelt; John Nance Garner, Vice President in the first two Roosevelt administrations and a Speaker of the House; Tom C. Clark, former U.S. Attorney General and a retired Associate Supreme Court Justice; Mrs. Oveta Culp Hobby, the first Secretary of Health, Education, and Welfare; Senator Tom Connally, chairman of the Senate Foreign Relations Committee during the Roosevelt and Truman administration; Sam Rayburn, Speaker of the House; Robert Anderson, Secretary of the Treasury in the Eisenhower administration, and John Connally, Secretary of the Treasury under President Nixon.

Texans have been in every facet of Government service and have always worked for the benefit of the people of this country. Service is a Texas tradition and in this tradition I am proud, as a Texan, to honor three people now in top level positions: Mrs. Anne Armstrong, Counselor to President Nixon; George Bush, chairman of the Republican National Committee; and William P. Clements, Jr., Deputy Secretary of Defense.

Anne Armstrong is the first woman to achieve the rank of Counselor to the President. In this position she has full Cabinet privileges and will be concerned with domestic issues, especially those of interest to women. She is also a member of the Cost of Living Council.

Mrs. Armstrong came to this position from that of cochairman of the Republican National Committee, in which capacity she served from January 1971 to January of this year. Once again she achieved a first by being the first woman to ever cochair a national party.

A graduate of Vassar College, where she was a member of Phi Beta Kappa, Anne Armstrong has always been involved in ways to improve the American standard of living. Whether it is in the opening of a one-room school near the Armstrong Ranch in Texas or in her work on the board of directors of Stratford Hall, Robert E. Lee Home, Anne Armstrong is concerned—concerned with helping other people.

She is a past vice chairman of the Texas Republican Party and was a national committeewoman from Texas. In 1964 and 1968 she was a delegate to the Republican National Convention and served on the platform committee. In 1968 she was on the steering committee of Texas Women for Nixon. Anne Armstrong is a founder of Tops 'N Texas, an annual statewide awards program which recognizes three women for outstanding community achievement.

She is a member of the Defense Advisory Committee on Women in the Services, under the jurisdiction of the Department of Defense. She was elected a member of the county board of education in Kenedy County, Tex., in 1968 and reelected in 1971. She is a member of the advisory committee of the Eagleton Center for American Women and Politics at Rutgers University.

Mrs. Armstrong is determined that the Republican Party become a party for all people and is working to achieve this goal. Her other priority concerns the elevation of more women to key Government posts and in both areas she will be able to use her new position as Presidential Counselor.

George Bush came by his political interest naturally. His father, the late Prescott Bush, served for 10 years as a U.S. Senator from Connecticut.

A Phi Beta Kappa graduate of Yale University, George Bush became active in the Republican Party upon his move to Houston, Tex., in 1959. He served as chairman of the Harris County Republican Party, the largest county organization in Texas, in 1963–64 and was a delegate to the 1964 Republican National Convention. He also, in that year, made an unsuccessful bid for the U.S. Senate but achieved a record Republican vote in Texas at that time. The next 2 years he served as vice chairman of the task force for job opportunity under the National Republican Chairman Ray Bliss.

In 1966 George Bush was elected to Congress from the Seventh District of Texas and, in so doing, became the first Republican Congressman in history to represent Harris County and the city of Houston. He was one of the very few freshmen Congressmen since 1900 to be chosen to serve on the powerful Ways and Means Committee.

In 1968 George Bush was reelected to Congress with no opposition. He was a delegate to the 1968 Republican National Convention and was chosen as one of ten surrogate candidates, authorized to speak in Richard Nixon's behalf during the campaign.

His congressional actions were concerned with urban affairs, revenue sharing, pollution, bilingual education and setting priorities in Federal spending. He urged the creation of an Ethics Committee in Congress and annually made total disclosures of his own assets to the Clerk of the House. He drafted legislation proposing the establishment of a Joint Select Committee on Population and Family Planning and served as chairman of the Republican task force on earth resources and population.

George Bush was appointed Permanent Representative of the United States to the United Nations by President Nixon on December 11, 1970, and was unanimously confirmed by the Senate on February 10, 1971. He served as Ambassador until resigning in January 1973 to become Chairman of the Republican National Committee. While Ambassador, he was a member of the President's Cabinet and a regular participant in all Cabinet meetings.

William P. Clements, Jr. is a native Dallasite and a graduate of Southern Methodist University. He began his business career with the Oil Well Supply Co. of Houston and remained 9 years with the firm as district manager until 1947, when he founded the Southeastern Drilling Co., now known as Sedco, Inc. Until his recent appointment as Deputy Secretary of Defense, he was chairman of the board of Sedco. Mr. Clements assumed the office of Deputy Secretary of Defense on January 30, 1973.

Mr. Clements has long taken an interest in civic life. He has been president of the five-State south central region of the Boy Scouts of America, a member of the national executive board of the Boy Scouts of America since 1969, executive vice president and director of the Dallas Council on World Affairs, and a member of the Advisory Council of the Southwest Center for Advanced Studies. He is also a trustee of the Southwestern Medical School of the University of Texas and a trustee of the Texas Research Foundation. He was a member of the Department of Defense Blue Ribbon Panel in 1969–70.

The Deputy Secretary previously had been a member of the National Petroleum Council, a director of the Mid-Continent Oil & Gas Association and the Independent Petroleum Association of America, and president of the International Association of Drilling Contractors. He also was a director of the First National Bank in Dallas and the Fidelity Union Life Insurance Co.

Until last week, Mr. Clements was chairman of the Southern Methodist University Board of Governors and on the university board of trustees as well as several university committees. He was chairman of the Board of Governors since 1965. He resigned the position last week to prevent any conflict of interest that might arise from serving both the Defense Department and the university.

The characters and qualifications of these three Texans should emphasize the fact that those persons in positions of leadership today are capable and strong. I am proud that these three, in particular, are from Texas and I know that they will serve their country and its citizens in the best of Texas traditions.

WINT SMITH, FORMER CONGRESSMAN, PAYS TRIBUTE TO THE LATE LYNDON B. JOHNSON

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. FISHER. Mr. Speaker, our former colleague Wint Smith, of Kansas, served here with much distinction. He served with Lyndon Johnson and knew him well. He recently sent me a copy of a eulogy of the former President which I desire to include in my remarks.

It will be recalled that President Johnson did not choose to seek a second full term in the White House. At that stepping aside, hopefully, the war in Vietnam might be brought to an earlier end.

The eulogy by Mr. Smith follows:

THE LATE LYNDON B. JOHNSON

(By Wint Smith)

Whenever a President or ex-President of the United States dies almost everyone stops and thinks about this loss to our country and tries to assess his worth for the common good and his future historical stature.

Lyndon B. Johnson's death—coming as it did in the midst of world-wide news of the so called peace settlement in Vietnam—did not receive the full assessment that his death would ordinarily have received. This is not to say his death was not fully appreciated by all the news media. His funeral from the Capitol of the United States was most impressive and deserved by any man who has been President of the United States.

Perhaps no President in our history tried as hard as he did to rectify some of the injustices that he felt had long been left undone. No one was ever elected with a greater majority than he up to the time of his election; no one ever tried any harder than he to achieve social justice.

But no President was ever so overwhelmingly elected by his Party and at the end of his four year term driven from his office by those that had elected him. Being forced from office was as tragic as Churchill's defeat at the end of World War II by the unappreciative British voters after Churchill had led the world through the dark days of Nazi German domination to a victory in June 1945. Yet he was forced out of office by an ungrateful people largely due to facts beyond Churchill's control, just as the Vietnam-Kennedy war he inherited.

Lyndon B. Johnson was buried along side an unknown little river—not mentioned in song or story—by the slow moving, sometimes almost dry Pedernales lined with live oak and mesquite trees. Many of our Presidents lie along side of America's famous rivers such as the Potomac and Hudson. Lyndon Johnson came back to the land of his birth. Buried among his ancestors who for two generations before him earned their living with their hands when things were created by hands and not by machines.

Lyndon B. Johnson rose to the highest pinnacle of fame and fortune. This rise was achieved by his own struggle and ability along with deep knowledge of human nature and with the ability to be in the right place at the right time—when the sun would break through to shine on the favorite area. No one in Texas would dispute the fact that Lyndon Johnson was the most astute politician ever developed in Texas and that of course includes Sam Rayburn of Texas, Speaker of the House, who served longer as Speaker than any other man in history. And of course he was ahead of Jack Garner, Vice President of the United States and also Speaker of the House of Representatives.

Lyndon Johnson was never very far from the heart and soul of his beloved hilly Pedernales River country. He knew the details of the early schools, the country ceremonies, the funerals and the marriages. He knew how his neighbors made their living, the sports, hobbies and past-times, and he full well knew that many of these customs and neighborhood values had disappeared.

We in this rural crossroad area should remember a few facts about Lyndon B. Johnson, because he will be the last elected President of the United States who grew up in such a rural country atmosphere. Lyndon Johnson knew what the smell of an afternoon rain can do to a parched, drouth stricken countryside. He knew the daily duties of an early country farm life—milking cows, shutting farm doors, pulling weeds and cutting cockle burrs. He knew what the sound of a howling, thieving coyote meant when the chicken house door had not been closed at dusk.

He also knew that all Texas men of means wore White Stetson hats. He also knew what this hat meant. Any tall lean Texan wearing a White Stetson hat, clad in high heeled boots could walk into any Texas Bank and pay for the cattle he bought without a letter of credit. Lyndon Johnson also knew that the White Stetson hat was a symbol of courage and honesty made famous by the Texas Rangers who enforced the Law from the Rio Grande to the Oklahoma border. These white hatted Rangers were to Texas what the Red Coated, broad brimmed hatted Canadian Mounties were to the people of Canada.

Perhaps some of you saw the grave side ceremonies at the little country cemetery; you heard the guns; you heard the final rites; you heard Taps played by the Army Bugler. But stop here for a moment—to me, this was the most impressive part of all the ceremonies in connection with the Johnson funeral.

Lyndon Johnson's ancestors fought on the side of the South during the Civil War. Just after the Civil War started and the North had been defeated in their first battle of Bull Run, Julia Ward Howe, sister of Henry Ward Beecher, one of the leading Pulpit Preachers and Orators of his day and the most vehement exponent of destroying slavery, came to Washington from Boston to visit her brother. In the evening she walked from her hotel and saw the camp fires of the Union soldiers guarding Washington. She returned to her hotel and wrote the "Battle Hymn of the Republic", which song became the official song of the Union Army and has since been sung by millions of patriotic Americans, and strangely enough, is still very popular with all people. Yet it was written for a cause—abolish slavery and unite America.

The opening lines state:

Mine eyes have seen the glory of the coming
of the Lord.
He is trampling out the Vintage where the
grapes of wrath are stored . . .

and the Closing lines of the poem are

As he died to make men holy, let us die to
make men free
While God is marching on.

Yet from a little country cemetery on the banks of the Pedernales in the scrubby hills in Texas this song was sung at the request of Lyndon Johnson as the closing rites of his funeral.

The writer can think of no more fitting tribute to the memory of one who sincerely tried to make men free. Lyndon Johnson knew what the song said and what it had meant in other troubled times of American history.

FARM BUREAU POSITION ON BARGAINING LEGISLATION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. ASHBROOK. Mr. Speaker, once in a while even friends disagree. On January 30, I inserted in the Congressional Record an article by my esteemed friend and fellow conservative, James J. Kilpatrick. It dealt with proposed legislation for bringing farmworkers under NLRB coverage. In his usual incisive way, Jim got to the heart of the matter.

In my years on the Hill, I have learned to value the counsel and advice of my good friend, Matt Triggs, at the very top of the list of those people in Washington you can depend upon. Matt usually feels the same way as Jim Kilpatrick but in this particular case he took exception to some of the conservative columnist's views regarding Farm Bureau's position on collective bargaining.

So the record is completely clear and the position of both of my friends is understood, I am including at this point the testimony of Matt Triggs on the Farm Bureau position on collective bargaining. It does indicate that they do not favor the approach that has been advocated by labor and other groups who want farm labor considered under the same NLRB provisions as other employee-employer relationships. The article follows:

Statement of the American Farm Bureau Federation, Subcommittee on Agricultural Labor of the House Committee on Education and Labor

(Presented by Matt Triggs, Assistant Legislative Director)

Re: Farm labor relations legislation.

We welcome the opportunity to present Farm Bureau's views concerning the enactment of farm labor relations legislation.

At the most recent annual meeting of the American Farm Bureau Federation in December, 1972, the official voting delegates of the member State Farm Bureaus recommended the enactment of legislation to provide a framework of law governing the relationships of farmers and farm workers, pursuant to the following guidelines:

(1) Secret balloting by workers.

(2) Prohibition of secondary boycotts.

(3) Administration by an independent farm labor relations board.

(4) A requirement that a union file notice of intention to strike and an option to farmers in such cases to defer this strike by calling for arbitration of the dispute.

(5) Exemption of small farms.

(6) Preservation of state laws relating to compulsory unionism and the right of states to enact legislation in this area.

(7) Authorization for farmers to obtain damages for unlawful strikes or boycotts.

(8) Provision that the election and bargaining unit shall be the employees of a farmer or particular categories of employees.

(9) Specific prohibition of featherbedding or any practice requiring the continued employment of unneeded workers.

Bills referred to the Subcommittee which would most nearly accomplish these objectives are H.R. 1689 by Representative Talcott; H.R. 10459 by Representative Veysey; and H.R. 13981 by Representatives Leggett, Quie, Ullman, and Teague.

We want to express our appreciation to all of these members of Congress for their interest in the subject at issue.

We support the enactment of any of these bills. H.R. 13981, having bipartisan backing, would appear to have the best prospects for enactment. We shall therefore discuss hereafter major provisions of H.R. 13981—although many of our comments are equally applicable to other bills.

We do not intend the above endorsement to indicate support for each and every section and paragraph of H.R. 13981. We recognize that legislation is usually a compromise between varying points of view. H.R. 13981 is the result of many compromises. We shall indicate in subsequent sections of this statement a few of the points at which we believe consideration may appropriately be given to modification of the language, without impairing the balance sought between the interests of farmers and workers.

2. SECRET BALLOT ELECTIONS

We support the right of farmworkers to join a union and to determine by majority vote, by secret ballot whether or not they wish to designate a bargaining representative and, if so, the representative to be designated. No better means of determining majority choice has been devised.

No such right is now provided except in a few states (Wisconsin, Kansas, Idaho, and Arizona) which have enacted farm labor relations statutes.

In recent years farmers too often have been compelled by the economic pressures of market boycotts to decide that their employees must join a union and which union. This is a responsibility which farmers should not exercise and do not want to exercise. Decisions in such matters should be made by workers themselves through secret ballot elections.

The right of free choice by workers would be provided by the enactment of H.R. 13981.

3. SECONDARY BOYCOTTS

H.R. 13981 would provide the same definitions and the same restraints with respect to secondary boycotts for agriculture as are now provided for industry. The language of these provisions is the result of long and careful study by the Congress over many years.

4. ADMINISTRATION

A major difference in the bills introduced on this subject is that some provide for administration of farmer-farm worker relationships by the National Labor Relations Board while others would establish an independent Agricultural Labor Relations Board.

Administration of such relationships can be effectively accomplished only by an independent Agricultural Labor Relations Board.

NLRB is already overwhelmed by a rapidly growing number of cases. Case intake has increased as follows:

Number of cases received

Fiscal year:	
1950	15,088
1960	21,527
1970	33,581
1971	37,212
1972	41,039

This heavy workload has resulted in substantial time lags in the handling of cases. The following information has been provided by the National Labor Realtions Board.

In fiscal 1972, the median number of days of elapsed time between the receipt of an unfair practice allegation and the issuance of a complaint by NLRB was 51 days; the median number of days between the issuance of a complaint to the close of the hearing by a trial examiner or judge was 65 days; the median number of days from the close of the hearing to the issuance of a proposed decision by the trial examiner was an additional 83 days.

Thus the total elapsed time (median number of days) between the filing of a charge that an unfair labor practice had been committed and the issuance of a proposed decision by the trial examiner was 199 days.

If either party chooses to exercise his full appellant rights, a year, two years, or even longer may elapse before final disposition.

This time schedule would be disastrous to the interests of both farmers and workers. Settlement of unfair labor practice cases in agriculture must occur within a period of days or weeks, not months or years, if the procedure is to serve the needs of the parties.

Any statutory enactment for agriculture must provide expeditious handling of unfair labor practice cases and elections.

The most important means of providing expeditious handling is a separate independent Agricultural Labor Relations Board with its own personnel and field offices. Its personnel should have an agricultural background and a familiarity with the special character of the problems involving farmers and farm worker relationships. The motto to be posted in every employee's office should be "Let's get going—let's do it today".

The second requisite for expeditious handling is statutory provisions such as those set forth in Sec. 6(a) and 14(c)(3) of H.R. 13981, permitting short cuts, innovative procedures, and special handling of critical situations.

Separate administration of farm labor relations cases would not be unprecedented. Railroad and airline labor relations are not administered by NLRB. Further, Federal Labor Relations Board governs labor relations between federal agencies and federal employees.

5. ARBITRATION PROCEDURE

Section 13 of H.R. 13981 provides that, when the parties are unable to reach agreement on terms and conditions of employment, either party may request arbitration and the party requesting arbitration will be bound by the arbiter's decision if it is accepted by the other party.

This concept was first advanced by then-Secretary of Labor George Shultz. It represents a compromise between the views of (1) those who oppose any restriction on the right to strike at harvest time, and (2) those who realize that a harvest time strike can often bankrupt and in most cases financially cripple a farmer. We would prefer an outright prohibition of a harvest time strike—but it appears to us that Section 13 represents a fair compromise of conflicting interests.

There will be occasions when a farmer, with many thousands of dollars invested in a crop which is ready for harvest, may be faced with unreasonable and arbitrary demands. A farmer is uniquely vulnerable under such circumstances. No other type of employer can suffer as heavy losses from a strike as can farmers.

We think that farmers will use this procedure only rarely. The price, acceptance of the arbitration award, is high. But we believe it should be included as an optional procedure in a farm labor relations act.

6. UNION SHOP PROVISION

Section 14(b) of H.R. 13981 contains the same compromise with respect to union shop contracts as is contained in Section 14(b) of the National Labor Relations Act.

As members of the Committee know, Farm Bureau has long opposed compulsory unionism and has opposed repeal of Section 14(b) of the National Labor Relations Act. However, we realize that no bill which includes a national right-to-work provision applicable in agriculture can be enacted.

We realize, too, that if no legislation is enacted there will be a substantial amount of compulsory unionism. For example, in the grape and lettuce industries in California, workers have had no opportunity to decide representation questions for themselves. The workers in such industries may be satisfied with the unions which now represent them. But no one knows. Elections have not been held. If grape growers who now have contracts with the United Farm Workers Union should decide instead to sign contracts with the Teamsters Union—or if lettuce growers who now have contracts with the Teamsters Union should decide to sign contracts with UFWU—the workers would have no statutory right to participate in these decisions. In either case, if a majority of workers should prefer individual, rather than collective bargaining, no procedure is available whereby they might seek a change.

The enactment of H.R. 13981 would provide workers a right and an opportunity to decide for themselves as to questions of representations.

The enactment of H.R. 13981 would result in less compulsory unionism than if no legislation is enacted.

7. AMENDMENTS

We submit the following recommendations to the Committee with respect to amendment of the provisions of H.R. 13981.

These amendments would not disturb the balance between the conflicting interests of farmers and farm workers, which the authors of H.R. 13981 have sought to achieve.

(1) Section 14(c)(3) of H.R. 13981 provides as follows:

"The Board is authorized and directed to administer the provisions of this Act with due regard to the special characteristics of agriculture and employment in agriculture."

In order to assure that the statute adequately expresses the need for expeditious and innovative procedures so requisite in agriculture, we recommend the addition of the following language to the above quoted paragraph:

"and particularly the need for expeditious action in the handling of representation and unfair labor practice cases in agriculture."

(2) Section 2(3) of H.R. 13981 provides that the statute would be applicable to any farmer who employed more than five-hundred mandays of agricultural labor during any calendar quarter of the preceding calendar year. We suggest that a better test of coverage would be 1,200 or 1,500 mandays of agricultural labor in the prior calendar year.

(3) Section 8(a)(6) defines as an unfair labor practice any action "to cause or attempt to cause an employer to pay or deliver or agree to pay or deliver any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed." This is the same as the language of the comparable provision of the NLRA. It is generally recognized that this has not effectively prevented "featherbedding" practices in industry. Agriculture is probably the most rapidly changing, technologically progressive, and innovative sector of the economy. Change and adaptation are often essential for economic survival. Any efficiencies of change result in benefits to the public. We therefore recommend the inclusion of more effective language in this Section.

(4) Section 8(a)(7) provides that it shall be an unlawful labor practice to knowingly employ an alien unlawfully in the United States.

In 1972, the House approved an amendment to the Immigration and Nationalization Act dealing with this issue. It appears to us that this is the appropriate way to approach this problem, rather than to include it in a labor management statute.

Further, it should be noted that most employers are unable to distinguish between a U.S. citizen of Mexican ancestry and a Mexican national unlawfully in the U.S. Most of the latter carry documentary evidence (either forged or relating to another person) indicating their right to be in this country.

If employers were to be required to carefully check the status of each prospective worker, this would be discriminatory with respect to U.S. citizens of Mexican ancestry.

We therefore recommend that this provision be deleted.

(5) Section 8(d) of the NLRA provides (i) that neither party to a contract may terminate the contract except by 60-day written notice; (ii) that the termination notice must indicate willingness to meet to negotiate a new contract; and (iii) that a strike or lockout during the 60 day period is prohibited. Section 8(d) of H.R. 13981 while otherwise similar to Section 8(d) of the NLRA, omits the provision prohibiting a strike or lockout during the 60-day period. We urge that Section 8(d) of H.R. 13981 be corrected to be comparable to Section 8(d) of the NLRA in this respect.

8. CONCLUSION

We wish to express our appreciation for the attention given to this issue by the Subcommittee. We respectfully urge your favorite action on H.R. 13981 or similar legislation introduced in 1973.

EQUAL RIGHTS IN VIRGINIA?

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mrs. GRIFFITHS. Mr. Speaker, for a person who supports equal rights, it is not necessary to comment on the following two articles, which were carried in the Washington Post of February 7:

Women's Rights Bid Dies in Virginia Assembly

(By Helen Dewar)

RICHMOND, February 6.—An all-male Virginia Legislative Committee today swiftly and overwhelmingly killed any chances of the General Assembly ratifying the proposed Women's Equal Rights Amendment to the U.S. Constitution this year.

Although a hearing on the amendment last week drew nearly 1,000 women, there was no debate—only one brief speech—as the House Committee on Privileges and Elections killed the ratification resolution, 13 to 2.

The Virginia rebuff was expected. But the margin of the Committee's vote surprised some legislators and doomed chances for a revival effort, at least for this year.

While national leaders of the ratification drive were not counting on Virginia, a surprise victory in this state—a citadel of Southern chivalry—could have given impetus to their apparently faltering campaign.

So for 24 of the 38 states whose approval is needed for ratification have approved the amendment. A 25th state, Minnesota is expected to complete ratification formalities in the next day or two.

According to Common Cause, a national citizens' lobby that is working for passage of the amendment, Virginia is only the third state to kill the measure. But it has been tabled or at least temporarily sidetracked in three other states and is reportedly in trouble in a number of other states.

Pat Keefer, who heads ratification efforts for Common Cause, said she is still hopeful that ratification will be completed by summer. Prompt action is considered vital because no amendment that has failed to be ratified within two years after congressional passage has been enacted.

The measure—which provides that "equality of rights shall not be denied or abridged by the United States or by any state on account of sex"—sharply divided womens' groups in Virginia. Many male legislators were left "just wishing the whole darn thing would go away," as one of them put it last week.

Proponents, who included three of the four women members of the 140-member Assembly, accused the opposition of distorting the issue but said that the opposition's well-financed petition and letter-writing campaign was too powerful to overcome.

Although Virginia took about 40 years to ratify the women's suffrage amendment to the U.S. Constitution, the General Assembly in 1969 approved a state constitutional amendment banning sex discrimination. But the state amendment adds language saying that "the mere separation of the sexes shall not be considered discrimination."

It was apprehension over possible loss of "separate facilities" for men and women, coupled with resistance to the idea of women being drafted, that defeated the amendment in Virginia, said House Majority Leader James M. Thomson (D-Alexandria). Thomson, chairman of the Privileges and Elections Committee, voted against the measure.

Thomson made a point of inviting other Committee members to speak on this issue, but none did so.

A separate ratifications resolution is still technically alive in the State Senate, but its chief sponsor, Sen. Clive L. DuVal (D-Fairfax), said he will make no attempt to have the measure called up for a vote.

He said he will wait until next year when the climate for ratification may be better. The entire 100-member House is up for reelection this fall. The 40-member Senate, where chances of approval of the amendment are stronger, does not come up for reelection until 1975.

Meanwhile, in both the House and Senate, members expressed relief that the House committee had taken them off the hook by killing the measure before it came to a recorded vote on the floor of either house. "Well, one less bullet to bite," said Del. Dudley J. Emick (D-Botetourt) after hearing of the House Committee action.

A Teacher Beats the Law—Virginian's Lost Residence Status Restored

(By Joseph D. Whitaker)

Judith Ryan Ramig, a teacher at Fairfax County's Mosby Elementary School, has lived all of her 27 years in Virginia and worked and paid taxes there.

But when she went to George Mason University on Jan. 9 to register for doctoral courses, officials told her she would have to pay higher, nonresident tuition fees. It seemed that without having left the state she had lost her legal residence in Virginia—by marrying a man from the District of Columbia.

No matter that just last year she had attended George Mason at the lower, state-resident tuition. The law was clear: If her husband had not lived in the state for a year, neither was legally a state resident.

After a barrage of protesting letters mailed to various state officials, Mrs. Ramig now has triumphed over that law.

"I was furious," said Mrs. Ramig, who received a master's degree from George Mason last June 5 and married Ramig on June 24, the same day Ramig moved to Virginia. "They read me this archaic state law which says that a wife must take the domicile of her husband and that he becomes her legal guardian."

As an out-of-state student, Mrs. Ramig said she would have had to pay $180 for courses that cost in-state students only $70.

In the heat of her fury, Mrs. Ramig wrote to three state delegates, her congressman and a state senator complaining about the old Virginia law, which dates back to the 1800s, and demanding that something be done.

"I frankly expected to get the runaround," said Mrs. Ramig. "I didn't expect to get an immediate response to my letters. I was already thinking about giving my case to the Civil Liberties Union."

To her surprise, the response was quick. In less than a week after her batch of letters was sent out, she started receiving phone calls and written replies from Dels. Warren E. Barry, James H. Dillard, William H. Moss and U.S. Rep. Stanford E. Parris (R-Va.), all assuring her they were investigating her complaint.

Mrs. Ramig said the delegates wrote that they were asking the Virginia attorney general to look into her case. While she was still reading letters from the delegates, George Mason, Director of Admissions Lewis J. Aebischer called Mrs. Ramig to say the school would admit her at in-state tuition rates.

Aebischer said a representative of the attorney general called him and announced that an opinion had already been issued to give a wife an opportunity to show she is a legal resident.

Assistant Attorney General William Broaddus said Del. Dorothy S. McDiarmid of Fairfax had asked last October for an opinion on the antiquated law. The attorney general said at that time that a married woman must be given the opportunity to rebut the presumption that a wife takes the residence of her husband, Broaddus said.

A bill has since been introduced in the Virginia General Assembly that would change the law so that a woman's residence would not be affected if she married a man from another state.

State Sen. Adelard L. Brault said the bill, already cleared by the Senate, was proposed after numerous wives across the state complained about the residency law.

During the two weeks she corresponded with her congressmen, Mrs. Ramig, as a precaution, applied to and was admitted for graduate courses at the Northern Virginia Center of the University of Virginia in Falls Church. That school did not challenge her residency.

Yesterday, Mrs. Ramig and her husband sat in the living room of their $54,000 split-level home in the Burke Station Square subdivision pondering the fruits of her victory.

"My whole purpose in this was not to get into George Mason University, but I wanted to get that crazy law changed. I have heard women complain about it for years," Mrs. Ramig said.

THE RIGHT TO KNOW

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. WALDIE. Mr. Speaker, whenever the question of newsmen's privilege comes up, the question of the public's "right to know" must also be raised.

The Los Angeles Times of January 14 discusses this question in depth and I would like to call the article to the attention of my colleagues. I have also included an excerpt from the court ruling against newsmen for the benefit of my colleagues.

The articles follow:

Why a "Right to Know"? Old Battle for a Fragile Guarantee

(By Michael C. Emery)

American newsmen were being thrown into jail before the Bill of Rights was 10 years old, despite the First Amendment's underscoring of the concept of press freedom and the "people's right to know."

Since those early days of the republic, events have demonstrated that the First Amendment guarantee of freedom of the press is a fragile thing, its potency largely dependent upon the administration in power, the makeup of the courts, and the support of the people.

Even the birth of the Bill of Rights was marked by uncertainty and controversy.

The 55 Founding Fathers who drew up the Constitution in 1787 seemed more concerned with the mechanics of setting up a new government than in protecting the people against repression by that government.

James Madison's journal of the secret proceedings, published 53 years later, showed only one reference to press freedom—a motion by the delegates from Massachusetts and South Carolina "that the liberty of the press should be inviolably observed."

But most delegates agreed with the argument that "it is unnecessary. The power of Congress does not extend to the press." The motion died, 7 states to 4.

So it went with proposals to insure other freedoms. Delegates argued that there was no need to mention rights which either were assumed to exist automatically (religion, assembly, trial by jury, speech, press), or were under the jurisdiction of state constitutions.

Thus the framers of the Constitution finished their remarkable document that summer in Philadelphia with no Bill of Rights.

State conventions, however, as they met to ratify the Constitution, called for restrictive amendments to prevent misconstrual or abuse of power.

Sharpening the debate was the growing struggle between Federalists like Alexander Hamilton who favored strong centralized government, and anti-Federalists like Thomas Jefferson who believed the new nation should be a union of states, each keeping strong local control.

Proposals to amend the Constitution were part of a scheme by states-rights advocates to weaken and discredit it, the Federalists asserted.

Nevertheless drawing upon Virginia's Declaration of Rights, among other sources, 12 amendments were proposed, and 10 eventually were submitted to the states for ratification as the Bill of Rights.

The press freedom clause went through various forms, some of which would have applied to the states, or to all branches of government, not just Congress. As eventually worked out by Madison and others in a House-Senate conference committee and submitted to the states in 1789, the First Amendment provided:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

The strength of the press guarantee was soon to be tested, when Congress, controlled by the Federalists, suddenly drew the issue of national power vs. individual rights by passing the Alien and Sedition Acts during the estrangement with France in 1798.

The sedition law made it a federal offense to "write, utter or publish . . . any false, scandalous or malicious writing . . . against the government of the United States, or either house of Congress . . . or the President" or to stir up opposition to any lawful act of Congress or of the President.

Charles Holt, editor of the Bee, in New London, Conn., was fined $200 and jailed for three months for casting aspersions on the army and criticizing the military policies of Congress.

David Frothingham of the Argus, the leading opposition paper in New York, was fined $100 and sent to jail for four months for reprinting an article from Aurora, edited by Benjamin Franklin's grandson, which was uncomplimentary to President John Adams.

Anti-Federalists objected that the First Amendment prohibited such moves against the press. But they suspected the fairness of the Federalist federal judges empowered to try the cases.

So opponents of the restrictive laws, led by Madison and Jefferson, relied on the inherent power of the states to defend the rights of the individual, while also dramatizing the government's political persecution to gain public support.

The turning point came with the narrow election of Jefferson as President in 1800, the deciding vote in a congressional runoff cast by Matthew Lyon of Vermont, himself once jailed for writing a letter to a newspaper accusing Adams of "ridiculous pomp, foolish adulation and selfish avarice."

The sedition law died in 1801, not to be revived until World War I. But its repressions—11 federal sedition trials including eight involving newspapers, plus prosecutions at the state level—awakened many persons to the freedom issues involved.

Theorists already had before them the 1793 book on liberty and press freedoms by Robert Hall, an Englishman, which had drawn the distinction between sentiment and opinion on one hand, and conduct or behavior on the other. Only overt acts should be considered sedition, he wrote.

In Virginia, legislator George Hay wrote that only private reputations could be libeled. Damaging statements against government must be allowed, he said, if one believed that press freedom, "like chastity," is absolute.

And visiting Frenchman Alexis de Tocqueville wrote in the 1830s that "the more I consider the independence of the press in its principal consequences, the more I am convinced that in the modern world it is the chief, and, so to speak, the constitutive element of liberty."

The Alien and Sedition Acts were only one of the many crises for the American press. Mob action, wartime censorship, court orders and government secrecy continued to hamper newsmen.

In 1812, a mob sacked the office of the Federal Republican in Baltimore for opposing the war with Britain. Editor Alexander Hanson was severely beaten. Revolutionary War hero Gen. Henry Lee, defending the paper, was crippled, and Gen. James Lingan was killed.

Mob action also swirled around abolitionist editors in the 1830s as dissension grew over slavery. In 1837, Elijah Lovejoy, editor of the St. Louis Observer, was killed when he refused to renounce his right to condemn slavery.

In 1835, a Southern-dominated Congress passed a gag law which prohibited abolitionist literature from entering Southern states. By 1859, it was a crime in some states to subscribe to a newspaper opposed to slavery.

During the Civil War, Secretary of War Edwin Stanton caused telegraphed news reports to be checked first by his office, then sometimes delayed or stopped.

Government and press clashed in 1908 when President Theodore Roosevelt, angered by allegations that an American syndicate had corruptly gained millions of dollars during building of the Panama Canal, sued Joseph Pulitzer's New York World and the Indianapolis News for criminal libel. The government lost the case.

But far worse was to come with the Espionage and Sedition Acts in the closing years of World War I. There were 900 convictions in 1917–18, amid widespread abuses of personal freedoms by government and the courts. Congress also allowed the government to ban from the mails about 100 newspapers, mainly unpopular radical and pro-German papers, reviving memories of the abuses under the Alien and Sedition Acts of 1798–1800.

Fear of communism also has brought heavy pressures on the press.

In the so-called "Red Scare" of 1919–20, brought on by the Bolshevik takeover in Russia and the International Workers of the World (IWW) movement in America, Atty. Gen. A. Mitchell Palmer instigated the arrests of socialists, labor union advocates and alleged radicals.

Sen. Joseph R. McCarthy of Wisconsin touched off another "Red Scare" in the early 1950s, capitalizing on fears stemming from the success of Communists in China, and America's confrontation with Communist forces in Korea. Newsmen who punctured McCarthy's allegations of Communists in the State Department were accused of being "soft" on communism, or "pink."

The courts are the arena for testing and defining the cornerstone of press freedom—the First Amendment.

But the words "Congress shall make no law . . . abridging the freedom . . . of the press" do not cover all threats to press freedom, even if the courts gave them their strongest interpretation.

And the Supreme Court, despite some encouraging interpretations of press law, has never approached an absolutist position.

In fact, the issue of censorship by "prior restraint" was not settled in the Pentagon Papers decision despite the court's eventual ruling that the New York Times and the Washington Post could go ahead and publish their articles despite the government contention that they endangered national security.

Historically, the press' record has been mixed.

On the one hand, it has lived up to its highest ideals with the powerful antislavery editorials of Horace Greeley in the last century and support of integration in this century, with exposure of corruption in business and government, with denunciations of abuses of immigrants, poor housing, exploitation of children and women, and discrimination at all levels; and with facts and opinions on foreign ventures ranging from the War of 1812 to the latest bombing of Hanoi.

On the other hand, the press had had many failings over the years. Much of the press was slow to push for progress in race relations, education, and health and ecology matters. Handling of technical subjects has not always been adequate.

Bias and sensationalism have been problems, beginning with the partisan, vindictive journalism of the first day of the republic, then the many irresponsible acts during the Civil War, the yellow journalism of William Randolph Hearst and Joseph Pulitzer in the Spanish-American war and one-sided journalism in more recent publications.

Journalists long since began to clean house by improving the standards of training, and striving for greater professionalism and competence in news work.

The appearance of journalism reviews in many cities, Los Angeles among them, is evidence of concern among working newsmen about standards, including persistence in digging out the important stories behind government handouts.

In the end, press freedom in all forms depends on public opinion, for it is public opinion which ultimately determines the laws which insure that the press can fulfill its duty of informing the public without crippling restrictions.

The Court Ruling Against Newsmen—An Excerpt

On June 29, 1972, the U.S. Supreme Court ruled 5 to 4 that newsmen had no First Amendment right to withhold confidential sources from grand juries. Below is an excerpt from Justice Byron R. White's majority opinion:

Of course, the press has the right to abide by its agreement not to publish all the information it has, but the right to withhold news is not equivalent to a First Amendment exemption from the ordinary duty of all other citizens to furnish relevant information to a grand jury performing an important public function. Private restraints on the flow of information are not so favored by the First Amendment that they override all other public interests. . . .

Neither are we now convinced that a virtually impenetrable constitutional shield, beyond legislative or judicial control, should be forged to protect a private system of informers operated by the press to report on criminal conduct, a system that would be unaccountable to the public, would pose a threat to the citizen's justifiable expectations of privacy, and would equally protect well-intentioned informants and those who for pay or otherwise betray their trust to their employer or associates. The public through its elected and appointed law enforcement officers regularly utilizes informers, and in proper circumstances may assert a privilege against disclosing the identity of these informers. But:

"The purpose of the privilege is the furtherance and protection of the public interest in effective law enforcement. The privilege recognizes the obligation of citizens to communicate their knowledge of the commission of crimes to law-enforcement officials and, by preserving their anonymity, encourages them to perform that obligation" (Roviaro v. United States, 1957.)

Such informers enjoy no constitutional protection. Their testimony is available to the public when desired by grand juries or at criminal trials; their identity cannot be concealed from the defendant when it is critical to his case. Clearly, this system is not impervious to control by the judiciary and the decision whether to unmask an informer or to continue to profit by his anonymity is in public, not private, hands. We think that it should remain there and that public authorities should retain the options of either insisting on the informer's testimony relevant to the prosecution of crime or of seeking the benefit of further information that his exposure might prevent.

We are admonished that refusal to provide a First Amendment reporter's privilege will undermine the freedom of the press to collect and disseminate news. But this is not the lesson history teaches us. . . . The common law recognized no such privilege, and the constitutional argument was not even asserted until 1958. From the beginning of our country the press has operated without constitutional protection for press informants, and the press has flourished. The existing constitutional rules have not been a serious obstacle to either the development or retention of confidential news sources by the press.

PERSECUTION OF IRAQI JEWS MUST CEASE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. KOCH. Mr. Speaker, with great distress I read in the news this morning that nine or 10 prominent members of the Jewish community in Iraq have been executed in prison during the last few weeks.

The Iraqui Government's continued persecution of the Jews has been a matter of grave concern to me. In the past few weeks I have written Secretary-General of the United Nations Kurt Waldheim, Assistant Secretary of State David Abshire, and President of the World Bank Robert McNamara, urging that public opinion be mobilized and whatever possible action be taken to prevent just the sort of atrocities that have now occurred in Iraq.

According to the reports, the victims—a well-known physicist, a lawyer, and several businessmen in Baghdad—were taken from their homes, their property confiscated, their homes boarded up, and their families driven away. One of the victims, Yaacov Abdul Aziz, was allegedly tortured to death in his prison cell in Baghdad. Another of those apparently executed was Ezra Khazam, a prominent Baghdad physician. Despite numerous protests from foreign governments and humanitarian organizations, Iraq has published no charges, has announced no trials, and has, in fact, refused even to confirm the reported arrests or deaths.

The news reports note that these events have aroused fears in Iraq that a wave of arrests and persecutions similar to those in 1969 may be underway. In 1969, 14 persons, including nine Jews, were accused of espionage, were tried by a military court, and were hanged in the Baghdad public square. It is estimated that only 400 Jews are still left in Iraq out of a community that once numbered 4,000, most of whom fled since 1967.

I think it is particularly important at this time to point out that the international protest sparked by the 1969 public hangings resulted in the Iraqui Government liberalizing its emigration policy with respect to Jews and setting free many of the Jews who had been jailed without trial. In the past few months, however, the departure of Jews from Iraq has all but stopped. I urge my colleagues here in Congress to contact President Nixon and our representatives in the U.N. and other international organizations emphasizing the importance of a public U.S. policy statement condemning the Iraqi Government's actions and indicating a willingness on the part of the United States to permit the entry of Iraqi Jews into this country without regard to immigration quota restrictions.

Concerned U.S. citizens can no longer allow our Government to overlook the desperate plight of the Iraqi Jews. It is time for our great Nation to demonstrate once again its compassion, as it did in September 1971, when it lifted immigration quota restrictions premitting the entry of Soviet Jews into this country. We must act now, before further atrocities are committed.

I have written to the President urging his intercession with the Iraqi Government on behalf of this beleaguered community, and I urge our colleagues to do the same.

An article from the New York Times of February 8, 1973, follows:

Israelis Hear Iraqis Executed Nine Jews

(By Terence Smith)

Jerusalem, February 7.—Nine or ten prominent members of the dwindling Jewish community in Iraq have been executed in prison during the last few weeks, according to reports reaching the Israeli Government.

The victims are said to include a well-known physician, a lawyer and several prosperous businessmen in Baghdad.

According to the reports, which a senior Israeli official described as "99 percent certain," the victims were taken from their homes in a wave of arrests that began last September.

Their property had been confiscated, according to the reports, their homes boarded up and the word "gone" smeared in red paint on their front doors.

TORTURE IS REPORTED

One man, a lawyer, Yaacov Abdul Aziz, reportedly was tortured to death in his cell in Qasr el-Nihaya Prison in Baghdad. Another reported victim was Ezra Khazam, a prominent Baghdad physician who had treated a number of former Iraqi Government leaders.

"We have almost no doubt that the reports that nine or ten of them have been executed are correct," an Israeli official said. "But we cannot confirm it officially until the Iraqi Government provides official information."

Despite numerous requests from foreign governments and humanitarian organizations, Baghdad has so far refused even to confirm even the reported arrests. No charges have been published and no trials announced.

STATEMENT BY IRAQ

The only official Iraqi comment has been a carefully-worded statement issued by the Iraqi Embassy in Paris last week that "no single Jew is in an Iraqi prison for political or religious reasons."

The reports, which have been received from foreign governments, travelers from Iraq and intelligence sources, have raised fears here that a wave of arrests and persecution similar to that of 1969 may be under way in Iraq.

Fourteen persons, including nine Jews, were accused of espionage in January, 1969, tried by a military court and hanged in public squares in Baghdad and Basra.

Then, as reported now, the victims were taken from their homes and held incommunicado. Then, as reported now, their property was confiscated and their families driven away.

SIMILARITIES ARE NOTED

"The pattern is exactly the same," a Government official here said. "That is why we are doing everything we can to arouse international concern about it."

Israeli authorities estimate that there are 400 left in the once flourishing Jewish community in Iraq that numbered some 4,000 before the 1967 Arab-Israeli war.

In response to the international protest sparked by the 1969 public hangings, the Iraqi Government changed its policy. Many Jews who had been jailed without trial were set free and thousands emigrated, first in devious ways and later with visas.

This liberalized policy was made official on Nov. 15, when the Iraqi representative on the United Nations Special Political Committee declared that Iraq's Jews were free to emigrate.

POLICY SHIFT INDICATED

Despite this, according to Israeli sources, the departure of Jews from Iraq has all but stopped in recent months. Groups of Jews have been arrested, although reports have been received recently that most, and perhaps all, of these have been released. Several dozen also reportedly have received permission to emigrate in recent days.

In the opinion of Israeli specialists, this quixotic policy represents a power struggle between competing elements in the Iraqi security services and leadership.

In addition to the doctor and lawyer, those reported executed last month were said to include Azuri Shamash, Shaul Rejwan, Yaacov Rejwan, Ezra Abu Daud, Selim Sadka, Maji Sitiat and Ezra Shemtov.

POSTAL SERVICE WINS AWARDS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. GUDE. Mr. Speaker, it has come to my attention that the U.S. Postal Service has recently won two of the five awards given annually by the American Society for Training and Development.

We are aware of the rapidly changing conditions continually in effect around us, and of the fact that individuals must also continually change if they are to survive. There is little more tragic than the plight of the loyal and capable employee whose skills have become superfluous as a result of industrial change. The Postal Service, an organization undergoing rather abrupt and extensive change, has been cited for developing an employee training program to meet the changing needs of a restructured organization moving to a higher level of mechanization.

The Postal Service utilizes an employee training system of advanced design in educational technology and learning theory. There is the Oklahoma Postal Training Operation which, through resident and correspondence programs, offers creative and progressive training to Postal Service personnel in postal management, supervision, and applied technical skills. Over 12,000 students participated in the resident program alone—during 1970 and 1971.

Additionally, some 212 Postal Employee Development Centers, located throughout the Nation and under the supervision of the National Center located in my district in Bethesda, offer the opportunity for human resource improvement and provide developmental guidance and educational mobility to postal employees.

Postmaster General Klassen spoke in his annual report of his organization's commitment to service. I think General Klassen and the Postal Service should be commended for their commitment to their employees.

ON THE 55TH ANNIVERSARY OF LITHUANIA'S DECLARATION OF INDEPENDENCE

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. HUBER. Mr. Speaker, on February 16, Americans of Lithuanian descent will celebrate the 55th anniversary of their declaration of independence. After a long period of Russian domination from 1795–1915, independence was finally proclaimed in 1918.

Unfortunately, this period of independence did not last too long. The Red Russian Army invaded Lithuania in 1919, and was finally driven out in 1920 by Lithuanian fighting units, which had to dispute some of its territory at the same time with Polish units under Marshall Pilsudski. In July 1920, the Bolshevik Government finally signed a peace treaty with Lithuania recognizing her independence. Thus, a period of relative peace prevailed until 1939.

In World War II, Lithuania was caught between the opposing armies. In 1939, she was forced to yield Klaipeda—Memel—to Nazi Germany and in the next year, Red Army bayonets forced her to accede to Soviet Russian occupation of the remainder of the country. On August 3, 1940, Lithuania was declared to be a constituent republic of the U.S.S.R. by the Supreme Soviet of the U.S.S.R. During this first Soviet occupation, some 30,000 Lithuanians were arrested or deprisoners were executed. In June of 1941, ported to Siberia and some 3,000 political the German invasion threw out the Red Army, but instead of granting Lithuania independence, Hitler began settling Germans in Lithuania. By 1944, the tides of war rolled over Lithuania again and the Red Army returned with the legions of NKVD secret police troops in company, whose sole purpose was to root out so-called "Fascists" and "enemies of the people." However, this time the Lithuanians chose to fight and naively hoped for aid from the West, which was not forthcoming.

From 1944 till about 1953, a Lithuanian underground army fought the Red army and secret police formations to a standstill, causing at least 20,000 casualties on each side. Finally, seeing that further resistance was hopeless, in light of the fact that no help from the West was forthcoming, the armed units dispersed and resistance became more subtle, but the fighting spirit never died. The tragedy of Simas Kudirka, who tried to defect from a Soviet fishing vessel off our own coast in 1970 gave dramatic proof of this as did the riots in May in the city of Kaunas incident to the self-immolation of Roman Kalanta in protest over Soviet repression of fundamental liberties.

Today, I have cosponsored legislation with Congressman William Broomfield of Michigan calling upon Radio Free Europe to initiate more direct Lithuanian language broadcasts into that nation as a further cultural link with these people. We must not let them be forgotten. It is further my thinking that the United States should insist on freer contact with the Baltic States as a part of our negotiating package at the European Conference on European Security and I will ask the Secretary of State to take up this matter. In amidst the headlines of all the large power negotiations, it ill behooves us to forget the little nations like Lithuania and one can only hope that the possibility of a free Lithuania is not too distant.

TRIBUTE TO ELMO HAYS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. ANDERSON of California. Mr. Speaker, a man I regard very highly is retiring on February 16, after a successful 29-year career of helping the Nation's workingman. Elmo Hays' achievements as a leader of the International Association of Machinists & Aerospace Workers have aided not only the workingman of his own Los Angeles, but have helped pave the way for industrial reforms across the country.

Mr. Hays has been a major force in gathering support for much local, State, and Federal legislation that has benefited America's workers.

His zeal and drive have changed workers' lives from a bleak existence to a more pleasant day.

His work has resulted in a better pay scale.

His efforts have resulted in a safer place of work.

His efforts have also resulted in stricter health regulations for a safer life.

A native of Iowa, Elmo moved to California in 1936 and soon became dedicated to the State's industry and community efforts. After joining the International Association of Machinists and Aerospace Workers in 1944, Mr. Hays became active in the group's leadership. He served as president of district lodge 720, president of local lodge 720-A, secretary-treasurer of district lodge 720, chairman of the State Machinists Non-Partisan Political League, and as a member of the National Planning Committee.

He is currently vice president of the International Guiding Eyes, Inc. International Guiding Eyes is a school which trains and supplies seeing-eye dogs, without charge to blind persons. The school serves both the United States and Canada. I applaud his unselfish efforts with this very worthwhile organization.

In addition to my respect for Elmo as a leader of the labor movement, he commands my respect as a man. A personal friend of mine for almost 25 years, Elmo has never failed to be a man I could rely on at all times.

In all the years I have known Elmo, I have found that he fought hard for those things he believed in—and equally hard against those things he felt were not in the best interests of the country. I found him to be a loyal and dedicated friend. I was fortunate, too, in staying on the side he felt was right—for I could always count on his being in my corner when I most needed him.

I never knew a time during those many years that his wife, Donna, was not standing proudly at his side. Now that their son, Charles B. (Ben) Hays, and Ben's wife, Annette, have a family of two children, Kim and John, there is an entire group of proud family watching Elmo's achievements.

Mr. Speaker, all of us—the American working man, citizens of Los Angeles, and the Nation—owe much to Mr. Hays. I am thankful for his constant service to the community and for his continuing friendship.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. SCHERLE. Mr. Speaker, for more than 3 years, I have reminded my colleagues daily of the plight of our prisoners of war. Now, for most of us, the war is over. Yet despite the cease-fire agreement's provisions for the release of all prisoners, fewer than 600 of the more than 1,900 men who were lost while on active duty in Southeast Asia have been identified by the enemy as alive and captive. The remaining 1,220 men are still missing in action.

A child asks: "Where is daddy?" A mother asks: "How is my son?" A wife wonders: "Is my husband alive or dead?" How long?

Until those men are accounted for, their families will continue to undergo the special suffering reserved for the relatives of those who simply disappear without a trace, the living lost, the dead with graves unmarked. For their families, peace brings no respite from frustration, anxiety, and uncertainty. Some can look forward to a whole lifetime shadowed by grief.

We must make every effort to alleviate their anguish by redoubling our search for the missing servicemen. Of the incalculable debt owed to them and their families, we can at least pay that minimum. Until I am satisfied, therefore, that we are meeting our obligation, I will continue to ask, "How long?"

IN COLD BLOOD

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. GAYDOS. Mr. Speaker, murders in cold blood, as contrasted to those of passion, are gaining rapidly in America, Dr. Michael M. Baden, New York City's chief deputy medical examiner, told newsman Don Kirkman the other day.

He stated:

> Ten years ago about 80 percent of the murders in this country were committed by people who knew their victims intimately—wives shooting husbands or vice versa, friends shooting each other, business partners getting into a quarrel.

But not now, according to Dr. Baden. He said the past decade has seen a sharp rise in cold blooded slayings—murders of the "execution type" and those in which the victims are struck down despite offering no resistance.

Dr. Baden added:

> Many of the murders we're seeing now are senseless—old people being shot or stabbed during robberies, policemen being ambushed and deliberate executions.

In my judgment, Dr. Baden's findings, and those of like nature by other medical examiners and coroners, refute entirely that argument advanced by the death penalty opponents and the forces of permissiveness over the last many years. It is that the fear of capital punishment is not a murder deterrent because most killings occur in fits of passion in which the slayers give no thought to future penalties.

Now, with the death penalty shelved, we are witenssing the results. Murders are on the increase and particularly those of the cold blooded kind—vicious gun-downs. Certainly, there is a direct relationship.

Dr. Joseph H. Davis, medical examiner of Dade County, Fla., sees it clearly. He told newsman Kirkman:

> There's just no curtailing the armed robber anymore. He goes into a filling station, holds up the operator and the attendant and just executes them because he doesn't have to worry about the death penalty.

So the killers do not have to worry about the electric chair or the gas chamber. And because they do not, the cold blooded murder rate is rising. It is as bloody and simple as that. And yet we still have people of influence, and court justices also, continuing to maintain against all the evidence of increasing crime that the criminal must be coddled lest society alienates him further.

Permissiveness has gone too far and it is high time that we get back to thinking of criminal penalties as punishments and not only as preludes to rehabilitation programs. The hardened killer must be dealt with as harshly and with as little mercy as he now is showing his victims. The brutal shooting of Senator JOHN C. STENNIS should be enough to convince the Congress that drastic measures are needed to back up our law enforcement officers, override the super-tolerance of this age and get crime back under strict control again.

ON BEHALF OF A RESPONSIBLE BUDGET

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. ZION. Mr. Speaker, hundreds of people are now swarming around Capitol Hill wearing buttons which read "Save Community Action." They represent but one of many special interest groups of politically active partisans protesting the President's budget message. Many Members of Congress have joined this protest and are demanding that this body takes the initiative to force spending for various programs above the budgeted figure. This is an easy course to take. It is a simple matter to vote for every special interest program. To do so gains great armies of enthusiastic supporters who may contribute and work for your reelection. Their publications list you as "friend" if you support them, and "enemy" if you do not.

The sum total of these excesses, however, can only result in further tax increases, and further inflation, the cruelest tax of all.

In a message to Congress on February 2, the President said:

> Because our resources are not infinite, we also face a critical choice in 1973 between holding the lines in Government spending and adopting expensive programs which will surely force up taxes and refuel inflation.

Every day I receive letters from, or am visited by, good friends who beg me to help them obtain more Federal funds for very important projects. When I recognize the importance of these programs, the temptation to vote for more spending is hard to resist.

My own committee, for example, works in the very important areas of water quality, highway construction, and energy production. There is no doubt that we could possibly save many lives by rushing the Interstate Highway System to completion, spending millions of extra dollars for this purpose. By great increased spending for water pollution control we can hasten the day when our streams might be clean enough to swim in. We need increased funding for dams which will reduce flooding and provide water for recreation and municipal use.

Our cities are in great need of billions of dollars for rapid mass transit systems to help reduce pollution and to stop congestion, to help poor people seek and hold jobs.

My mail is full of complaints from people who find that medicare and medicaid are not adequate to meet the greatly increased cost of health care.

I personally feel that the only solution to all of these fiscal problems is to greatly increase the productive use of our manpower. To upgrade the employability of all of our people is to increase payrolls and taxability.

Thus, education and manpower development are of paramount importance. The form that such training and manpower programs take is also of vital importance. It is fair to state that programs have mushroomed under the New Deal, the Fair Deal, the New Frontier and the Great Society, all adding to the cost and the degree of bureaucratic interference of these programs. These have not, however, contributed significantly to increasing employability of our people.

More Federal spending, then is not the answer. We must send the money to the States and to local communities where control is more effective and considerably less expensive.

We can look for one of three things to happen this year. Either the Congress will recognize the need to keep spending in line with income; or it will demand that we spend up to the need for all of these good programs; or it will recognize the stalemate between Congress and the Executive Department and pass appropriations to continue funding at previous levels.

It appears that we will not accept the first alternative. That is too bad. High taxes and/or deficit spending hold back initiative and create serious problems for all of our institutions. We are now paying $63 million a day in interest on the national debt. This great outlay of our tax dollars does not build a single safe road, it does not provide a single service for our elderly people, it does not stop pollution, build hospitals, or provide educational opportunity.

In order to have real purchasing power we must cut spending to fit income. Then, the dollars we receive will better enable us to solve our problems.

HEARING DATES SET FOR CONGRESSIONAL WITNESSES WISHING TO TESTIFY ON NEWSMEN'S PRIVILEGE LEGISLATION

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. KASTENMEIER. Mr. Speaker, I wish to announce that Subcommittee No. 3 of the Committee on the Judiciary has scheduled two hearing dates for congressional witnesses wishing to testify on bills to establish a privilege for newsmen to refuse to disclose information or the source of information received by them in the course of newsgathering. The hearing dates for congressional witnesses will be Feb. 22, and Feb. 26 with proceedings beginning at 10 a.m. in room 2141 of the Rayburn House Office Building.

It should be recalled that congressional witnesses on pending newsmen's privilege legislation were originally scheduled to be heard on Feb. 1. However, due to a conflict with a House Democratic Caucus meeting, it was necessary to cancel that hearing date.

Numerous public witnesses have already appeared at hearings held on Feb. 5, 7 and 8. Because of the great interest in newsmen's privilege legislation, it has been necessary to schedule three additional days of hearings for public witnesses on March 1, 5 and 7.

At this time, 37 newsmen's privilege measures involving more than 110 authors or cosponsors have been introduced in the House. Members of others desiring to testify at the hearings should contact Herbert Fuchs, Committee Counsel, on extension 53926.

"DON RUMSFELD DID IT"

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, in a recent speech before the Economic Club of Chicago, then-Director of the Cost of Living Council Donald Rumsfeld told of a note which greeted him at home, late one evening, during the bulge which occurred shortly after the wage-price freeze was lifted in the fall of 1971. The note, Don Rumsfeld reports, read:

> He tackled the job that couldn't be done, with a smile he went right to it. He tackled the job that couldn't be done—and couldn't do it.

I am pleased to report that he did, however, "do it."

The mandate of the President's economic stabilization program was to reduce the rate of inflation in the country, without hindering real economic growth and without the creation of a huge and self-perpetuating bureaucracy.

The rate of inflation in phase I and phase II of the economic stabilization program slowed to 3.2 percent within the limit which the President had indicated would be acceptable when he announced the onset of the economic stabilization program.

At the same time, the economy has shown signs of a healthy recovery. Real spendable earnings of the average worker rose by 4.5 percent; the unemployment rate has declined to 5 percent. The GNP implicit price deflator, regarded by many economists as one of the more reliable indices of inflation, rose during phase I and phase II by only 2.7 percent.

These remarkable achievements were attained under the leadership and direction of Don Rumsfeld, utilizing fewer than 4,000 employees throughout the entire United States. This becomes particularly remarkable when compared to earlier stabilization efforts. In World War II, there were approximately 50,000 employees involved in a similar effort, and the Korean stabilization program utilized 15,000.

The program has moved into phase III—a largely voluntary, self-administering system of controls. European nations, troubled by their own inflationary problems, have sent representatives to the Cost of Living Council to take a look at how this nation has dealt and is dealing with its economic issues.

Don Rumsfeld has just been confirmed by the Senate as the Permanent Representative of the United States to the North Atlantic Treaty Organization. In his message to the Congress discussing the outlines of phase III, the President of the United States expressed "the Nation's deepest gratitude for a job well done." I second that statement; I congratulate Don Rumsfeld on his willingness to take on this seemingly impossible job and succeed; and I look forward to future reports from Brussels with interest—and great confidence.

NATIONAL INVENTORS DAY

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. HUBER. Mr. Speaker, we hope Americans will note that President Nixon has proclaimed this Sunday, February 11, as "National Inventors Day."

It is fitting that we acknowledge the important role played by the men and women whose ideas and innovations have been instrumental in helping achieve America's high standard of living.

There are few better examples of the workings—and the success—of our free enterprise system than the incentives offered an inventor by the U.S. patent laws. Considering that the whole inventive process is such a great gamble against long odds, it is remarkable that inventors persist in their efforts to develop what is needed. More than 103,000 patent applications were received by our Patent Office during the past fiscal year yet no more than a comparative trickle will ever reap any substantial reward for the inventor. In addition, experts say it takes years and normally decades before a basic technology invention becomes an accepted commercial item. Yet the urge to create not only for self-satisfaction and recognition but also for the prospect of possible financial rewards is a powerful motivator.

A constituent who has given considerable thought to appropriate recognition of our American inventors, Robert Sciotti of Warren, Mich., particularly wanted to join me in this salute to these principal architects of our progress.

SOCIAL SECURITY ACT

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. HEINZ. Mr. Speaker, on Tuesday, February 6, I introduced legislation to assure continuation of ancillary service programs to the elderly, blind and disabled. These programs, which are so important in the daily lives of both older and handicapped citizens, have been closed down or drastically cut because of an amendment to last year's Revenue Sharing Act. This amendment limited to $2.5 billion, Federal funding for social service programs available under all of the public assistance programs in the Social Security Act. Within this $2.5 billion ceiling, the amendment further directed that 90 percent of these funds be utilized for services for those now receiving public assistance.

This morning I received a letter from Margaret McWhorter of Pittsburgh that demonstrates that we in Congress acted hastily in adopting this amendment requiring that 90 percent of these funds for ancillary services be utilized for those on welfare. In the case of Miss McWhorter, who is a recipient of social security and not receiving welfare benefits, this social services limitation has barred her from further use of the senior citizen's lounge on Chestnut Street within 2 or 3 minutes walk of her home, a lounge that has become a happy and important part of her life. I insert at this point Miss McWhorter's letter:

Rep. H. John Heinz III,
Washington, D.C.

Dear Sir: I'm writing you regarding the Senior Citizen's Lounge on Chestnut Street, 15212, Pittsburgh, Pa.

For almost a year I've been enjoying myself at this lounge. It was opened to all Senior Citizens.

Last week I received a letter telling me that I could no longer attend there because I'm on Social Security. It will be for Welfare people only.

I enjoyed myself there for crafts and Tuesday and Saturday games. It is so pleasant, clean, no profanity, no smoking. Just elderly people enjoying themselves.

The letter said that only people on welfare can come now.

People on Social Security pay taxes from which the funds for this program come.

So why only welfare people?

I'm asking you to work to have this place opened for all Senior Citizens.

As you know, every year there are more senior citizens and we can remember what happens to us when *elections* come. So please work to keep the Lounge open for all Senior Citizens, for which I thank you very much.

I remain,

Margaret McWhorter.

In checking with the officials in charge of the senior citizens' lounge, my office was told that because of recent congressional action limiting social service programs, the lounge was ordered to serve only welfare recipients.

I cannot believe that Members of Congress intended to close abruptly already established ancillary service programs to elderly citizens who are too proud to go on welfare even though they are eligible for old-age assistance. These people deserve to live out their lives with independence and dignity, and without social services such as senior centers, transportation, nutrition, personal care and others, their daily lives often become intolerable struggles.

The effect of the existing law is to force these proud, self-sufficient people onto welfare to receive these necessary services. The result is to increase the welfare case load and the cost of welfare. I cannot believe this was the intent of the legislation. It should be changed accordingly.

In the next week I will be circulating a letter to all my House colleagues seeking cosponsorship and support for this legislation, H.R. 3819. While maintaining the $2.5 billion ceiling, this bill will exempt from the previously enacted 90 percent-10 percent limitation the service programs available under the Social Security Act for elderly, blind or disabled citizens who are poor, but will not apply for welfare benefits.

I urge my House colleagues to join in cosponsoring this legislation to assure the continuation of these programs to our deserving citizens.

The text of the bill follows:

H.R. 3819

A bill to amend section 1130 of the Social Security Act to make inapplicable to the aged, blind, and disabled the existing provision limiting to 10 percent the portion of the total amounts paid to a State as grants for social services which may be paid with respect to individuals who are not actually recipients of or applicants for aid or assistance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1130 (a)(2) of the Social Security Act is amended—

(1) by striking out "of the amounts paid (under all of such sections)" and inserting in lieu thereof "of the amounts paid under such section 403(a)(3)"; and

(2) by striking out "under State plans approved under titles I, X, XIV, XVI, or part A of title IV" and inserting in lieu thereof "under the State plan approved under part A of title IV".

ADMINISTRATIVE JUDGE REVIEWS SECOND DISTRICT'S "LARGE OPERATION"

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. BRASCO. Mr. Speaker, at this time, I wish to have included in the Congressional Record an article which appeared in the State Bar Supplement to the New York Law Journal on January 24, 1973. This article by Justice John E. Cone, the administrative judge in Brooklyn and Staten Island, is an excellent detailing of the problems confronting the courts today:

Administration Judge Reviews Second District's "Large Operation"

(By John E. Cone)

Since my designation as Administrative Judge for the Supreme Court, Second Judicial District (Kings, Richmond), I have become increasingly aware of the magnitude of the responsibility and of inability in some areas to accomplish meaningful change.

This is a large operation. The Second Judicial District consists of Kings and Richmond Counties. While Richmond is relatively small, Kings County, with a population of some 2¾ million, would by itself rank as one of the largest cities in the country. In Kings, the courthouse has eleven floors, with forty-six Supreme Court Justices, five acting Justices, and a supporting staff of about 550.

JURISDICTION OUTLINED

Our jurisdiction includes civil cases where the amount in controversy exceeds $10,000, and criminal cases of felony grade. Additionally, we have exclusive jurisdiction in such areas as equity, matrimonial, condemnation, and election matters.

The Supreme Court building in Kings, completed in 1957, was not designed for criminal cases. Until 1962, felony cases were handled exclusively by the former County Court, which was then merged into this court. When this criminal caseload was assumed there were virtually no detention facilities or security provision. The operation has changed sharply since then, and numerous alterations in our physical plant to cope with the escalating criminal caseload have been undertaken.

Many problems primarily stem from this rapidly mounting criminal caseload, causing a diminution of our capability to handle the civil caseload within fixed resources of space and personnel. The number of criminal parts has been expanded gradually from eight in 1962 to twenty-four at present, and by September, thirty parts are anticipated. To staff this, judicial and non-judicial personnel have been drained from the civil side.

ACTING JUSTICES

One measure that provided partial assistance was the designation by the Appellate Division of six Civil Court Judges as acting Supreme Court Justices. They use Civil Court premises and Supreme Court personnel which releases six courtrooms in our building and six more Supreme Court Justices for assignment to criminal matters. In addition to these six, there are four Criminal Court Judges handling criminal cases exclusively.

As the criminal function expanded sharply, the court was confronted by a job freeze imposed by the city Administration. Under this freeze, not only were no new positions provided, but vacancies could not be filled except to the extent of 10 per cent; that is, for the loss of ten employees only one could be appointed.

This freeze has resulted, to date, in overtime in excess of 17,000 man-hours. The inability to pay this back in time or money greatly magnifies the problem.

A lifting of this job freeze was recently announced with respect to positions in the Police Department. Surely it must be clear that the court's criminal jurisdiction does not exist in a vacuum, and that the entire criminal justice system of court, police, custodial, prosecutorial, and defense functions is interrelated. Thus, it is anticipated that appointment of additional police will result in more arrests and more work for the courts and other criminal justice functions, without corresponding increases in capability to service adequately the increased workload.

VACATIONS CURTAILED

Alleviation of some personnel problems has been attempted by curtailing vacations. The vacation period for court employees is the same as that for all city employees, pursuant to contracts between the City of New York and employee labor organizations, but we have been constrained to deny employees the use of all their earned vacation. As a result, for overtime and accumulated vacation time there is owed over 15,000 man-days. In terms of one employee, this is on the order of sixty years in accrued time due, without prospect of being able to repay it.

There are forty-nine vacancies on the court's staff, without authority to fill them.

Help on a temporary basis, when authorized, could not be fully obtained because of the temporary status.

Court reporters to staff all courtrooms have not been available, resulting in delayed proceedings.

Despite the shortage of personnel and related problems, some results achieved have been notable.

During the recent Christmas holiday season, twenty-four criminal parts functioned. Four hundred and twenty-eight cases were disposed of and over 400 defendants were sentenced. In this respect Kings County was unique.

SUMMER OPERATION

Last summer fourteen criminal parts were operated and over 1,000 dispositions obtained.

On the civil side of the court, delay in the disposition of cases has now been reduced to fourteen months from the time a Note of Issue is filed following Statement of Readiness until final disposition.

This reduction to fourteen months has been brought about through the diligent efforts of the judges and supporting personnel, but it cannot long continue if the criminal side of the court continues to be accorded higher priority.

Although the building is only fifteen years old, there has been a recurring space shortage brought on by the increasing criminal caseload. When the County Court became part of this court in 1962, a larger detention pen was built to provide for jailed defendants while their cases awaited court action. This became inadequate and on two occasions it has had to be enlarged. At present there is a lack of space for all defendants whose presence is needed for business.

RELATED PROBLEM

A related problem which is a source of grave concern is that defendants are not produced by the Correction Department early enough to dispose of business efficiently. If a defendant is produced at 11:30 in the morning, one can scarcely plan a trial beginning that morning. In the intervening period before 11:30 a judge may, and should, turn to other business in order to maintain a full operating schedule. Budget restrictions are also imposed on the Correction Department, but this is another example of how the fiscal authorities fail to appreciate the interrelationship of components of a criminal justice system.

An arrangement with the Correction Department is now being sought to establish a shuttle system where there will be an increased number of deliveries during the course of the day. By increasing the frequency of deliveries, defendants whose cases have been heard can be moved out and others brought in.

Efforts to obtain additional space, then occupied by the New York City Register's Office within the building, began over five years ago. About three years ago this space was allocated to the court but repeated efforts to obtain its alteration for court use were fruitless, until a temporary alteration was made in the Fall of 1971. The detention pen then constructed, although sorely needed, was never used, for the Correction Department was unable to staff the facility. Thus, the pen remained idle while prisoners were transported through staircases, corridors and elevators in a building never intended or designed for the movement of prisoners.

In June, 1972, a short time after the temporary facility became available, it was razed and work was begun on the construction of a permanent facility.

The permanent alteration of the third floor hopefully will be ready by May of this year, providing ten courtrooms, eight justices' chambers, jury rooms, and a detention pen.

Within the past year, work was completed to divide three large courtrooms so that there are now six smaller courtrooms in the same physical space.

The Legal Aid Society, with an office in this building, increased its staff to cope with the large increase in criminal cases so that their office could no longer be accommodated. Other space for their use has been leased nearby.

RENTAL OF SPACE

Additionally, the Board of Estimate has authorized rental of space at 111 Livingston Street, in downtown Brooklyn. A number of the Special Terms, such as Matrimonial, Equity, Condemnation, and the unit handling funds of infants and incompetents, will be transferred to that building, together with the entire Appellate Term; however, that building cannot be used by the criminal part of the court because of security problems.

When this additional courthouse space becomes available, it will be used for the operation of the Criminal Term office. The Criminal Term has been so overcrowded that clerks have had to share desks, and work there has been handicapped by serious overcrowding.

The operation of criminal courtrooms obviously involves security considerations which are becoming increasingly important. Here again one feels a sense of frustration in inability to accomplish change.

A police detail assigned to the building to supplement our security has been withdrawn by the Police Department. The only policemen now in the building are here solely on police business, and have no security function.

SCANNING DEVICES

Scanning devices for entrances to the building and criminal courtrooms, though requested, have not been provided, although other parts of the Supreme Court within the City of New York have received them. Likewise, installation of an alarm system to prevent an escape has been frequently requested, but to no avail.

This building was never intended for criminal cases, for at the time it was built the County Court handled virtually all major criminal cases at 120 Schermerhon Street, which now houses the Criminal Court of the City of New York. A new courthouse for all criminal cases is planned, but that is years away from present operating problems.

In the County Court, until 1962, five judges disposed of a fairly stable workload of about 4,000 cases a year, on a reasonably current basis. In 1972, intake was some 12,000 criminal cases, requiring a steady increase in the number of judges assigned, ending in December with twenty-four criminal parts.

This is one manifestation of the vastly increased complexity of criminal litigation following a series of landmark United States Supreme Court decisions now substantially codified in the new criminal procedure law.

OTHER FACTORS

In addition to the increased complexity involved in the disposition of a criminal case, or perhaps because of it, some other factors have appeared.

Defendants are becoming less and less interested in accepting reduced pleas of guilty to dispose of their cases without going to trial. To an increasing extent they are insisting upon trials. Twice as many cases are now being tried to verdict as compared to a year ago.

Many of the Justices are becoming less willing to accept reduced pleas of guilty, and this restraint is shared by some assistant district attorneys. Thus conference parts, intended to achieve rapid disposition of criminal cases through negotiated pleas, are becoming less productive.

Under most optimum conditions a trial judge would be remarkable if he could try three cases a week. On this optimistic basis, in the light of about 4,000 cases now awaiting trial, it would take forty-three weeks for a criminal term composed of even thirty judges to try these cases. This is, of course, without regard to new cases entering the court at the same time, now amounting to about 1,000 a month.

ADDITIONAL CASES

This does not include an additional 450 cases in conference parts, or 152 cases awaiting arraignment on filed indictments. If these cases also require trials, it will further magnify the problem.

Another problem is the large number of fugitives. This has created some difficulties for us in case-flow management, for a case scheduled and prepared for trial would ordinarily be postponed due to the absence of a defendant.

Bail, posted as security to insure a defendant's presence in court when required, is lower generally than it ever has been, and apparently as a result, there are now 3,155 fugitives, in addition to the number of cases awaiting trial. The apprehension of these fugitives is basically a police problem, but few defendants are arrested unless apprehended on another charge.

LARGER CASELOADS

It is apparent that the thrust of the system has been to seek to accommodate larger caseloads within less than normal resources of personnel.

At the same time that all these factors referred to have come together, that is, the shortage of personnel, the shortage of space, the need for enhanced security, the vastly greater complexity of criminal cases, the freeze in the city's budget and the great increase in the volume of new cases, the city administration, and others, have seen fit to criticize the administration of the courts.

A good deal of my time is consumed in preparation of reports pointing out the very problems referred to in this article and asking corrective measures. We have sought to improve our operation in various areas but the result has not completely satisfied us. We make no claim to perfection, but one is impelled to raise an eyebrow, at least, when the subject of criticism is the end product of conditions obviously brought on to a large extent by some of those doing the criticizing.

Our budgetary needs are greatest in this period of dramatic growth in the workload and the convergence of many problems in a limited time period. One obvious solution is to afford the judicial system substantial control over its budget and I am hopeful that this will be done.

CHILD DEVELOPMENT PERSONNEL TRAINING ACT OF 1973

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. HANSEN of Idaho. Mr. Speaker, with 20 of my colleagues I have introduced the Child Development Personnel Training Act of 1973. As I indicated earlier, I believe that enactment of the legislation will enable us to move a major step forward in meeting the professional and paraprofessional personnel to staff child care programs.

I include as a part of my remarks, Mr. Speaker, the full text of my bill:

H.R. 4228

A bill to improve the quality of child development programs by attracting and training personnel for those programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Development Personnel Training Act of 1973."

STATEMENT OF FINDINGS AND PURPOSE

SECTION 1. The Congress recognizes that one of the major barriers hindering the development of quality child development services at the present time is the lack of sufficiently trained and prepared professional and paraprofessional staff; further that the number of children being placed in child development and child care will increase significantly in the next decade because of the impact of Federal welfare and child development programs and the continued entry of mothers of young children into full-time employment outside the home, and that this increase will, in the future, place an intolerable strain on the already limited numbers of personnel qualified for work in early childhood programs; that the development of quality early childhood programs depends, therefore, on the availability of trained personnel in far greater numbers than present training programs can respond to; and finally, that parents can be helped effectively to use child development techniques with their own children that will lessen or prevent the need for compensatory education programs for older children.

SEC. 2. It is the purpose of this Act to respond to the demonstrated need for child development personnel in the 1970's; by stimulating the development of sufficient training and educational programs in every State and region of the United States to assure an adequate supply of personnel to meet the staffing requirements of early childhood programs.

EARLY CHILDHOOD PERSONNEL DEVELOPMENT PROGRAMS

SEC. 3. The Secretary of Health, Education, and Welfare is authorized to make grants to or enter into contracts with institutions of higher education, State and local child development agencies, State and local educational agencies, child development programs, private companies and organizations engaged in teacher training, teacher training institutions, national child development organizations, and producers of television programing, for the purpose of establishing, developing, or upgrading early childhood personnel training programs which shall include, but shall not be limited to, the development of programs to—

(A) provide postgraduate level training for teachers of professional and paraprofessional early childhood personnel and for teachers of teachers of such personnel;

(B) attract and recruit personnel, both male and female, including students and older Americans, to training for and subsequent employment in child development programs;

(C) retrain personnel prepared for and/or experienced in education at levels other than early childhood so as to enable them to function effectively in early childhood programs;

(D) provide preservice and inservice training of professional and paraprofesional personnel for teaching, management and supervisory, and administrative posts in early childhood programs, including the training and certification of Child Development Associates;

(E) help parents and high school students understand and practice sound child development techniques;

(F) develop educational television programs and other materials for training early childhood personnel, parents, and high school students in the principles of child development;

(G) develop and refine certification criteria and techniques for professional and paraprofessional early childhood personnel.

APPROPRIATIONS

SEC. 4. There are hereby authorized to be appropriated to carry out this Act $40,000,000 for the fiscal year ending June 30, 1974, $60,000,000 for the fiscal year ending June 30, 1975, and $75,000,000 for each of the succeeding fiscal years ending prior to July 1, 1980.

DISTRIBUTION

SEC. 5. At least 50 per centum of the funds appropriated pursuant to section 4 shall be used for the development of programs to attract, train, retrain, or certifiy paraprofessional personnel and shall be apportioned among the States. Half of such 50 per centum shall be allotted among the States so that the amount allotted for each State bears the same ratio to such half as the number of economically disadvantaged children, as determined by the Secretary, in the State bears to the number of such children in all the States; and the other half of such 50 per centum shall be allotted among the States so that the amount allotted for each State bears the same ratio to such half as the number of children younger than age six with mothers who work full time outside the home in that State bears to the number of such children in all the States.

SEC. 6. The remaining 50 per centum of the funds appropriated pursuant to section 4 shall be used for the other purposes enumerated in section 3 and for such related purposes as the Secretary may deem appropriate to carrying out the purposes of the Act.

SEC. 7. Priority shall be placed on the development of those personnel development programs which promise to become self-sustaining after Federal assistance has ceased.

COORDINATION

SEC. 8. The Secretary shall take whatever steps he deems appropriate to achieve the coordination of all federally sponsored early childhood personnel training programs already in operation with the programs to be established under this Act and to assure the coordination of training programs with employment opportunities for early childhood personnel.

DEFINITIONS

SEC. 8. As used in this Act, the term—

(a) "State" means the several States and the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) "Early childhood programs" and "child development programs" means programs in children's homes or in day-care homes, schools, day-care centers, neighborhood centers which provide day care and/or educational services for children younger than age seven, or who have not reached the first grade.

(c) "Early childhood personnel" means any person working or volunteering in an early childhood program.

(d) "Professional early childhood personnel" means persons trained, either by attaining the A.A., B.A., M.A., or Ph. D. level through academic study, or on the basis of a credentialed combination of education and work experience that has been assessed as providing the person with specific competencies required to perform professional early childhood duties.

(e) "Paraprofessional early childhood personnel" means persons trained to less than A.A. degree level for service in early childhood programs.

(f) "State and local child development agencies" means any State or local government agencies responsible for the operation and/or supervision of early childhood programs.

CHURCHES AND POLITICS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. CRANE. Mr. Speaker, more and more Americans, of all ages, are finding themselves unaffiliated with a church or other religious institution. Increasingly, many have come to feel that our traditional religious bodies are no longer speaking to their needs and their concerns. Rather than having abandoned religion, a large number of men and women feel, for a variety of reasons, that churches have turned their attention away from questions of faith.

Upon his retirement from the position of Secretary General of the World Council of Churches, the Rev. W. A. Visser 't Hooft stated:

> If it is said that the church should only be concerned with spiritual matters, the answer is surely that concern for the victims of injustice and conflict is a most spiritual matter.

He cited as examples of such a concern the World Council's stand on Rhodesian independence—against—and on the American commitment in Vietnam—against.

Dr. Visser 't Hooft did not mention any concern on the part of the World Council for the victims of Communist tyranny, and this is especially notable since so many of such victims have been imprisoned for no reason other than their Christian faith.

In an article, "Try Some Old-Time Religion," the Economist of London points out that—

> The World Council of Churches in Geneva often seems to put a higher value on political and social commitment than on the more traditional religious activities. The Vatican has become deeply preoccupied with the political and social issues of the day. So have most sorts of archbishops and leading preachers from many non-episcopal churches.

At a time when certain church groups are openly advocating violent revolution in the nations of Africa, and are giving aid and comfort to Communist aggression in Asia, those who truly seek religion have found themselves with no place to turn.

The Economist declares that—

> The particular functions of the Christian churches are to proclaim the truths that they believe men should be guided by in this world and to prepare their flock for another world. . . It is a fair criticism that many leaders of the churches today, by insufficiently reminding themselves of that, are failing to render the service they should to humankind.

The economist concludes:

> By initiating a new spiritual debate about the ends of man, the churches could help to start pondering how they may be attained. Instead the messages from many leaders of great world churches this Christmastide have seemed to prefer to fill their hungry sheep with the most convenient sort of political pabulum.

I wish to share this thoughtful article, which appeared in the December 30, 1972, issue of the Economist, with my colleagues, and insert it into the RECORD at this time:

TRY SOME OLD-TIME RELIGION

There might have been a bit of a stir if the Pope and the Archbishop of Canterbury had swapped their Christmas messages: if His Holiness had condemned all men of violence (including those who claim to be fighting for a united Catholic Ireland) and if His Grace had ticked off President Nixon by sending his B-52 bombers over North Vietnam. But most people would probably have not noticed at all. They have ceased to take any notice of the torrents of churchy comments on current affairs that gush from the religious centres of the western world.

The authors of these pronouncements apparently feel obliged to go on making them, whether or not many people are listening. To be fair, the main reason is not their weakness for verbosity. The churches are responding to pressures from within their own ranks. Impatient activists are urging their religious leaders to engage in direct confrontations with dictatorial regimes, especially those which pursue policies of racial discrimination. One of those activists, Father Cosmas Desmond, resigned a few weeks ago from the priesthood and the Franciscan order because, he said, the Roman Catholic church in South Africa had accepted apartheid "in practice, if not in theory." He apparently feels that his bishops are too concerned with saving souls, instead of working for changing of the political and social conditions in South Africa. Quite a few Christian laymen and priests in various parts of Africa, Asia, and Latin America seem to agree with Father Desmond in wanting more liberation and less salvation.

The leaders are increasingly following them. The World Council of Churches in Geneva often seems to put a higher value on political and social commitment than on the more traditional religious activities. The Vatican has become deeply preoccupied with the political and social issues of the day. So have most sorts of archbishops and leading preachers from many non-episcopal churches.

This trend towards the "politicisation" of the western churches is welcome to radical revolutionaries. However reluctant they may be to admit it, they need "respectable" allies in the early stages of their struggle to change the social and political order in their countries. Communist governments, too, often find the churches useful unwitting allies. And many people in the third world look to the churches to act as advocates of their economic interests.

THE DIAGONAL LINE

Those who complain that the churches are now tending to earmark for some strange caesars many times that are God's, and seeking unsuccessfully to render to some poor men things that are Mammon's, need to make their grounds of criticism clear. Certainly, it has always been a proper function of Christianity to make people aware of the needs of the poor. Happily, it has always been its pride to attempt to bring principle into the daily practice of politics. Churchmen have done that, often with dire results for themselves, ever since the beginnings of Christianity. Through the centuries, religious principle has been invoked in support of both conservatism and radical change, although the relative loudness of the more radical voices is today's conspicuous phenomenon.

Nor should any critic be misled into arguing that there is a basic antagonism between man's "vertical" relationship with his God and his "horizontal" relationship with his fellow men. The essential link between fatherhood and brotherhood was pithily expressed in certain words of Jesus that are recorded in Matthew, chapter 22, verses 37–40 (and in Mark, 12, and Luke, 10; what they tell you three times is true). If geometrical terms are to be used, the key one must surely be "diagonal." The Christian who devotes his energies to improving other men's material lot has to remain fully aware of the spiritual relationship with God that inspires this devotion.

"Horizontal" relationships between men are the concern of a wide range of organisations, most of them secular. The particular functions of the Christian churches are to proclaim the truths that they believe men should be guided by in this world and to prepare their flock for another world (however one likes to define it). It is a fair criticism that many leaders of the churches today, by insufficiently reminding themselves of that, are failing to render the service that they should to humankind. This is also a reason why they are failing to win more recruits. The interest in some of the eastern religions that is now fashionable among young people is not always superficial. The Christian churches' failure to capture more of this kind of interest may arise from the fact that they have been so visibly abandoning their mystical, other-worldly face—and preaching political and social commitment instead. It is obvious that people who really want total political and social commitment will go elsewhere rather than stay with the churches. And so they should, even if they happen wholly to agree with the churches' present political line; otherwise, as circumstances change but some priestly convictions change more slowly, there is a terrible danger of their becoming bigots.

THE SHEEP NEED A NEW FOOD

By renewing their concern with some of their traditional functions, the Christian churches could now fill a gaping void in the world. There is a clear need for the rethinking of the rules by which people should be living at a time of rapid social change and great upheavals. But very little thinking is done about that. The academic philosophers are certainly not doing it. Nor are the political parties, whose horizons are bound to be too narrow for such broad thinking. By initiating a new spiritual debate about the ends of man, the churches could help to start people pondering how they may be attained. Instead the messages from many leaders of great world churches this Christmastide have seemed to prefer to fill their hungry sheep with the most convenient sort of instant political pabulum.

THE WORK OF THE U.S. COAST GUARD

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. STEELE. Mr. Speaker, the work of the U.S. Coast Guard, the smallest branch of the Nation's Armed Forces, often goes unnoticed, but the scope and importance of its responsibilities continues to grow and play a vital role in the Nation's future. As a member of the Board of Visitors of the Coast Guard Academy, which is located in my home district, I have had opportunities to see firsthand the services performed by this fine organization.

The Coast Guard is unique in that its operations in peacetime are as important as in war. The bulk of these tasks involve maritime law enforcement, which was the original mission of the Guard.

Congress established the Coast Guard in 1790 at the urging of Alexander Hamilton to prevent the smuggling of goods past customs officials. The role of the

Guard in law enforcement has grown rapidly over the years and today its activities can be placed in seven categories: Marine traffic control and safety, ship safety, port safety and security, environmental protection, conservation, criminal law, and cooperative law enforcement.

One of the most difficult and most important tasks of the Coast Guard is its role in the conservation of wildlife and other marine resources. This task is especially crucial because it involves treaties with foreign nations concerning offshore fishing and gives the Guard an important responsibility in resolving conflicts with foreign vessels.

Related to its conservation efforts is the role played by the Coast Guard in enforcing environmental legislation. with the ever increasing use of our waters for recreation and as a source of food, this role in environmental protection is of vital importance.

Another growing task of the Coast Guard is the enforcement of boating safety legislation. With about 8 million recreation boats on the water today, the Guard must deal with all aspects of water safety and the prevention of accidents.

For the benefit of my colleagues, I am placing "Policemen of the Sea" by Stephen Aug in the RECORD. This article provides an excellent summary of the work of the Coast Guard and its importance to our Nation:

POLICEMEN OF THE SEA

The United States Coast Guard, smallest of the nation's armed forces, is growing—slightly, but perceptibly—propelled by ever-growing responsibilities in law enforcement.

The Coast Guard's growth—about 4 percent a year during the past 15 years to a current level of about 38,000—is in marked contrast to the other military services, which have been shrinking dramatically since a Vietnam War peak of 3.5 million in 1968–69.

But then the Coast Guard has a far different mission. It is the only armed force whose primary responsibilities keep it just as busy in peace as in war. And it is one of these peacetime jobs—serving as the nation's principal maritime police force—that is keeping it incredibly busy today.

So busy is the Coast Guard, in fact, that it can barely keep up with its present duties and has been calling on its 11,000-member Reserve force for augmentation of the regular establishment. It is the only armed force to have Reservists assigned to regular peacetime augmentation duties.

Coast Guard Reservists these days are found spending weekends at lifeboat stations, radio facilities, and group offices, as well as aboard cutters, filling in spots normally held by regulars. And under new legislation the Coast Guard can call Reservists to active duty to help during peacetime domestic emergencies such as major pollution incidents, hurricanes, floods, or similar natural disasters.

But even with the Reservists' help it's tough going. As Vice Admiral Thomas R. Sargent, III, Vice Commandant, said in an interview, the Coast Guard's biggest law enforcement problem is "just people. . . . Federal maritime law enforcement is so all-encompassing for the Coast Guard that our petty officers and officers particularly must know a tremendous amount—not just about maritime law and international law, but their powers over other vessels," he said.

THE POLLUTION HEADACHE

Sargent pointed out that the Coast Guard has been given increasing responsibilities not only over fisheries law enforcement but also in enforcement of motorboat safety laws and anti-pollution laws, a segment he considers the service's "biggest headache."

He noted that anti-pollution laws now call for Coast Guard enforcement of the so-called "contiguous zone"—the area between the three-mile territorial sea and a 12-mile limit from the coast. With a limited number of ships and aircraft—all are committed to multi-mission responsibilities—"You just don't ideally cover all areas. . . . A vessel on a SAR [search and rescue] case will do law enforcement if it can . . . but there just isn't enough equipment to go around, and people . . . to do the perfect job of enforcement. We are, however, a great deterrent to the violator."

Still, the Coast Guard's law enforcement responsibilities, a major portion of its overall mission—which also includes marine safety and military readiness—is the first mission the Coast Guard ever had.

Shortly after the Revolutionary War the new federal government found itself with a difficult problem. During the war to free the colonies from British domination it had been a common practice—and one popular with the colonists' cause—to smuggle goods, to circumvent unpopular import taxes. So popular had the practice become that it continued even after the Revolution, depriving the fledgling government of a vital source of revenue.

First Secretary of the Treasury Alexander Hamilton realized that, to prevent the national treasury from going broke, some way had to be found to collect customs revenues. Since there no longer was a Navy (it had been disbanded after the war), he seized on the idea of a fleet of small boats that would enforce customs laws. A few boats had been operating on the Schuylkill River collecting customs duties under the direction of Colonel Sharp Delaney, then customs collector in Philadelphia. Hamilton knew of the arrangement and convinced Congress in 1970 to authorize 10 boats for the federal government.

The cutter *Massachusetts*, first boat in what was then called the Revenue Marine or Revenue Cutter Service (it became the Coast Guard in 1915), was launched in 1791. The Coast Guard was under way.

Rapid expansion of Coast Guard law enforcement responsibility followed. In 1797 it was given enforcement of quarantine laws; in 1818 enforcement of neutrality laws; in 1819 employment of armed vessels to suppress slave trade; in 1837 aid to distressed vessels; in 1867 general police enforcement powers in Alaska; in 1885 enforcement of fisheries laws; in 1906 destruction of derelict ships; in 1908 patrol of regattas; in 1910 motorboat regulation; and in 1915 enforcement of anchorage regulations.

LITTLE GLORY, BUT LOTS OF RUM

During the nearly two centuries since its founding the Coast Guard's law enforcement mission has not always been popular. Consider its best known law enforcement mission, probably the least popular one: to stop the widespread smuggling of alcoholic beverages from 1919 until the repeal of Prohibition in 1933.

In their recent book, "This Is the Coast Guard," Hyman R. Kaplan and Lieutenant Commander James F. Hunt, USCG, call the rum war at sea one of "little glory and much frustration" for the Coast Guard.

Prohibition itself was obviously unpopular. Nearly everybody violated the law, and speakeasies (illicit bars) did a brisk business. So disliked was the Prohibition law that, even when smugglers were caught, judges frequently gave them token sentences.

Although the federal government authorized a huge Coast Guard expansion to stop liquor smuggling—20 Navy destroyers were reconditioned for Coast Guard use dozens of smaller vessels were built (some retired only in recent years) and Coast Guard aviation expanded as well—Prohibition gave the service a thankless law enforcement task.

The Coast Guard's basic law enforcement duties stem from a section of the U.S. Code which states the service "may make inquiries, examinations, inspections, searches, and arrests upon the high seas and waters over which the United States has jurisdiction for the prevention, detection, and suppression of violations of the laws of the United States."

The Coast Guard's current law enforcement missions may be placed into seven basic categories:

Marine traffic control and safety;
Ship, boat, and offshore structure safety;
Port safety and security;
Environmental protection;
Conservation;
Criminal law; and
Cooperative law enforcement.

One of the service's busiest offshore law enforcement tasks is enforcement of conservation laws which protect wildlife and natural resources. In some cases this means enforcing treaties or conventions to which the United States is a party. Sometimes it involves requests from other agencies (such as the National Marine Fisheries Service) responsible for enforcement of a specific law, although often it is the Coast Guard which has primary enforcement responsibilities.

The Coast Guard has conducted patrols to protect the Pribilof fur seal since early in the 20th century. Since then, other patrols have been assigned to protect halibut, salmon, whales, and other wildlife species.

Currently there are about 20 laws, treaties, and agreements which require Coast Guard air and surface surveillance in five major geographical enforcement areas: off the New England coast, mid-Atlantic coast, northwest coast, Alaska, and the west coast of South America (primarily, in this case, to protect yellow-fin tuna, an almost impossible task).

Patrol of fisheries has assumed growing importance in recent years as concern has risen over the protection of ocean resources, particularly those needed to feed the world's population.

To accomplish its job of offshore fisheries law enforcement, the Coast Guard must know the whereabouts of any foreign vessel within 200 miles of the U.S. coast, an incredible intelligence task—necessary, however, to enable the Coast Guard to deter potential violators of U.S. fisheries laws as far out as 12 miles from the coast line. To accomplish this mission, moreover, Coast Guard personnel must board vessels suspected of violating U.S. laws or international agreements and, if necessary, seize violators. Some international agreements can require Coast Guard policing action hundreds of miles from U.S. coast lines.

One continuing fisheries law enforcement problem is the ongoing battle between trawlers and lobster-pot fishermen. Since early 1971 some U.S. deepwater lobstermen have been complaining about alleged harassment from foreign trawlers. The Coast Guard's view is that, since harassment connotes a malicious intent, these confrontations are more appropriately termed "gear conflicts."

The Coast Guard expects that, no matter how careful both sides are, attempts to fish in the same areas with fixed and mobile gear are going to result in mixups and conflicts between trawlers and lobstermen. Most incidents occur 40 to 60 miles offshore, where the Coast Guard has limited power. It does, however, have authority, relatively new, to board certain foreign vessels in certain areas of the high seas to mediate gear conflicts, and the service does inform trawler fleets of the location of the fixed lobster gear.

THE CROWDED COASTLINE

Of growing importance in Coast Guard law enforcement is boating safety—regulating the activities of about eight million recreational boats.

Here, too, is an area in which considerable controversy can be expected to erupt as the Coast Guard begins to enforce new regulations under authority conferred by the Federal Boat Safety Act of 1971.

One section gives the Coast Guard authority it never has had—the power to stop a voyage if it believes the vessel to be unsafe, the practices used unsafe, or weather conditions unsafe for the vessel.

The provision, approved by Congress despite what some observers say was intensive lobbying by boating enthusiasts, gives the Coast Guard power for the first time to put teeth into its warnings short of arresting violators.

In what could be considered a test case of the new law, the Coast Guard recently prevented three couples from sailing three homemade, flat-bottomed boats from California to Australia. Coast Guard officials say those sailing included three children—one only nine months old. Further, none of the adults had had any sailing experience. The Coast Guard limited the vessels to sailing in protected waters.

The same section requires the Secretary of Transportation to promulgate regulations under which the Coast Guard may prevent vessels from sailing—or force them back to shore. Until the 1971 law went into effect, this thankless job had been accomplished with limited success, and strictly by persuasion.

The first regulations under the new law went into effect last summer. Under one set of rules, Coast Guard boarding officers who observe recreational boats being used under certain specified unsafe conditions are authorized to order immediate correction of such conditions—or a return to the nearest mooring if corrections cannot be made immediately.

The law itself spells out three unsafe conditions: lack of sufficient life-saving devices, lack of sufficient firefighting devices, and overloading.

The new rules prescribe five other reasons a Coast Guard boarding officer may order a boat back to port: navigation lights not properly displayed between sunset and sunrise; fuel leakage from either the fuel system or engine; an accumulation of fuel in bilges or a compartment other than the fuel tank; ventilation requirements not met; requirements for backfire flame control not met. These requirements have always been there, of course, but until now the Coast Guard could only issue a violation notice or arrest the violator. There was no authority to simply order the boat back to port to correct the problem.

The Coast Guard last summer also issued safety standards covering safe loading and powering of boats, emergency flotation and requirements for manufacturers to repair at their own expense any failures to comply with Coast Guard standards or any defects that create substantial risks of injury to the public.

CLOSING THE BARS

Other regulations are expected to be developed to deal with natural conditions—perhaps enforcing storm warnings by requiring boats of certain sizes to remain in port during certain weather conditions. Other rules may deal with the famous "bars" along the West Coast. Here, rapid shoaling of the ocean floor often creates conditions sufficiently hazardous to endanger sizable vessels as the wave size increases.

The new boating safety act also provides authority for the Secretary of Transportation to establish minimum safety standards for boats and associated equipment, authorizes financial assistance to the states for their safe boating programs and provides for the numbering of all undocumented vessels.

Developing safe boating standards under the new law is, of course, the responsibility of the Coast Guard. But the law also sets up a National Boating Safety Advisory Council to advise on all standards and regulations imposed by the Coast Guard governing safe boating. The advisory council will draw its members equally from among state boating officials, boat and equipment makers and the general public.

Just how much influence this advisory committee will have is not certain. Critics of such committees—especially in instances where the groups are organized to advise regulatory agencies—contend they exert too much influence on the regulators. A Coast Guard background paper on the new boating safety laws says "the overriding concern is to make boating safer," but it also notes that the Coast Guard will encourage submission of views from boat makers "at every stage of the standards drafting process."

Enforcement of boating safety laws has always been a duty that has taxed the slender resources of the Coast Guard, especially in summer when boating activity reaches a peak. Since establishment in 1941, the Coast Guard Auxiliary—now about 38,000 strong—has helped the regular service promote water safety, make rescues, promote efficiency in operating motorboats and yachts, and foster wider knowledge of navigation rules. Its widespread program of courtesy motorboat examinations attempts to insure that boat owners are complying with Coast Guard safety standards.

In forthcoming boating seasons it is entirely possible that the regular Coast Guard will be augmented by reservists, especially on busy weekends, but also during their two-week annual active-duty periods in connection with boating safety.

HARMFUL FILMS

Another fast-growing law enforcement job involves water pollution. The Coast Guard has been in the antipollution business since 1899 when it began enforcing the Refuse Act which governs oil discharges in the Great Lakes and on inland navigable waters. Its oil pollution responsibilities were broadened by the Oil Pollution Acts of 1924 and 1961 which govern oil pollution on U.S. coastal waters. The Army Corps of Engineers, the Department of Interior and the Bureau of Customs also are involved in enforcement of these laws.

The Coast Guard's role in combating water pollution was considerably expanded with 1972 amendments to the Water Quality Improvement Act. Admiral Chester R. Bender, Coast Guard Commandant, says that through this law President Nixon and Congress "have made it clear that our waters must be protected by strict enforcement measures."

Initially, a series of tragic and widely-publicized oil spills resulted in passage of the original Water Quality Act of 1970. The Coast Guard was given a wide range of responsibilities under it.

The newest amendments require that all spills—not just major spills—of a harmful quantity of oil into U.S. waters be reported to the Coast Guard. This "harmful quantity" is defined as any amount that creates even a film on the water. It includes penalties for accidental spills—in the past only knowingly spilling such substances was penalized.

Under the law even a couple of gallons of oil spilled over the side of a dock during a mishap at a small boat marina is reportable to the Coast Guard. If someone else reports it—rather than those involved—the individual who caused the spill (and didn't report it) could be subject to criminal penalties of a $10,000 fine and a year in jail.

Under federal anti-pollution legislation, the Coast Guard is assigned the task of writing standards for operation of certain terminals where oil and other hazardous substances are transferred, and also is responsible for policing the manner in which offshore dumping is carried out. The legislation could open a whole new field to bootleggers—illicit dumping without permits in prohibited areas.

Coast Guard law enforcement duties also grew with the passage of the 1972 Ports and Waterways Safety Act, which gives the service authority to establish vessel traffic systems in congested ports and waterways. The first such system was set up in San Francisco to help control traffic in and out of the West Coast's busiest port.

And, as if all the above were not enough, the nation's smallest armed force also handles a variety of other law enforcement tasks involving such matters as:

Merchant marine safety, including inspection and certification of all vessels; licensing, certification and disciplining of merchant marine personnel; investigation of accidents and enforcement of duties of shipowners and officers following accidents, and promulgation enforcement of rules for lights, signals, speed, steering, sailing, passing, anchorage and the like.

Enforcement of a variety of state, local and national quarantine laws.

Regulation of maritime transportation of dangerous cargoes. Loading or unloading explosives is forbidden without the Coast Guard's express consent, and the service supplies details to supervise each loading or unloading. As part of a general port security program, it promulgates and enforces fire and other safety regulations at waterfront facilities.

There are also a host of lesser law enforcement duties, and, in addition, the Coast Guard actively cooperates with other federal agencies, if only to supply a platform for their law enforcement operations. These include aiding the Bureau of Narcotics and Dangerous Drugs in capturing "drug runners," helping the Immigration and Naturalization Service and the Bureau of Customs with their duties, and enforcing anchorage regulations set down by the Army Corps of Engineers.

Looking to the future, some Coast Guard officers are already concerned about the outcome of the 1973–74 International Law of the Sea Conference. This conference, beginning in November 1973, will consider, among other things, the possibility of changing internationally recognized limits of three miles for territorial seas and nine miles for the contiguous zone. There are moves by a number of countries—notably Ecuador, Peru, and Brazil, which currently claim 200-mile limits for fishing purposes—to gain international sanctions for a much wider zone than other nations now recognize.

The United States wants to retain the present three and 12-mile limits. If those limits are appreciably extended, the Coast Guard's already overtaxed resources might well be stretched to the breaking point.

THE PLIGHT OF THE POLTINNIKOV FAMILY

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. KOCH. Mr. Speaker, I know that my colleagues in the House continue their interest in the plight of Soviet Jews. The following letter which I have written to both Ambassador Anatoly Dobrynin and General Flanetsky, of the Department of Internal Affairs, in Russia, concerns a family that has applied for permission to emigrate to Israel. Because of their wish to leave the Soviet Union, they have lost their jobs and Dr. Poltinnikov has even lost his pension. Furthermore, the two women are sick. This case calls for compassion. I hope that our colleagues will join me in expressing their support for this family.

My letter follows:

CONGRESS OF THE UNITED STATES,
Washington, D.C., January 25, 1973.

General FLANETSKY,
Department of Internal Affairs,
Novosibirsk, Russia.
ANATOLY F. DOBRYNIN,
Ambassador, Union of Soviet Socialist Republics, Washington, D.C.:

A situation has come to my attention which cries out for a just and compassionate resolution. The facts, as reported to me, are as follows.

Isaac Poltinnikov, Irma Berenstein, his wife, and Victoria Poltinnikova, their daughter, applied for permission to emigrate from the USSR to Israel in January and June of 1972. Each of them has been refused permission several times. The family is from Novosibirsk, Novosibirsk 63, Street Tolstovo 234, Apartment 18.

Both Irma Berenstein, who is 50 years old, and her daughter Victoria, 29 years old, are seriously ill. Irma Berenstein has chronic heart disease. Victoria is now suffering from an attack of tuberculosis aggravated by the cold Siberian winter and anxiety over her family's situation.

All three of these people are physicians whose talents are currently unused since they were dismissed from their jobs because they applied to emigrate. Dr. Poltinnikov who had been receiving a pension for his many years of military service was recently deprived of that pension and thus this family has virtually no income or means of support.

Irma Berenstein's 84 year old father, Boris Berenstein, was given permission to emigrate and left the USSR in November of 1972. He was led to believe that his daugher and her family would soon be permitted to follow. Now he finds himself alone and depressed separated from his family. Irma Berenstein and Isaac Poltinnikov also have a younger daughter, Eleonora Poltinnikova, who is anxiously waiting in Israel to be reunited with her parents and sister.

I urge you to intercede on behalf of this desperate family. I trust that this matter will receive your sympathetic attention.

I would appreciate hearing from you on this matter as soon as possible.

Sincerely,

EDWARD I. KOCH.

FISHERMAN'S PROTECTIVE BILL

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. E DE LA GARZA. Mr. Speaker, no fewer than eight American fishing vessels have been seized by Peruvian military naval forces during the month of January.

This is not a new problem. And it is costly to the United States, since our Government has paid millions of dollars to bring about the release of scores of our shipping vessels. Since 1969 we have paid Ecuador and Peru alone $4.5 million in ransom.

Ironically, the U.S. vessels are being seized by warships which we made available to those countries in the first place.

This situation has arisen from the fact that while the United States claims a 3-mile territorial sea and a 12-mile exclusive fishing zone, Peru, Ecuador, and Chile claim a 200-mile exclusive fishing zone, which is not recognized by the United States or most other maritime powers. Our fishing vessels operating within this unrealistic zone are being seized by countries which are operating former U.S. vessels on a loan or lease basis.

Under existing law, the Secretary of the Navy has discretionary power to recall such vessels. However, the Department of Defense has not used that authority.

Mr. Speaker, I am today introducing a bill that would make mandatory—not discretionary—the return of all U.S. vessels now on loan to any nation which illegally seizes American fishing boats.

My bill would require the President to recall those U.S. vessels being operated under expired loans by any nation that illegally seizes an American fishing boat and would require the Secretary of the Navy to recall other U.S. naval vessels now being operated under valid loans by any offending nation.

This is a matter of immediate and great concern to my own district, the 15th Congressional District of Texas. Shrimp boats operating out of ports in my area have repeatedly suffered harassment and seizure.

Members of the Merchant Marine and Fisheries Committee, on which I serve, have tried again and again to bring the offending nations to the conference table in order to resolve this entire problem of fishing rights. But such efforts have been in vain.

Certainly we have a responsibility to live within the community of nations and abide within the realm of good neighbors, but when nations arbitrarily set unreasonable demands, not consistent with their national health, safety or welfare, then it is time, and past time, to assert our Nation's sovereign rights. My bill would move us in that direction.

IN MEMORIAM: L. B. J.

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. BRAY. Mr. Speaker—

For God's sake, let us sit upon the ground,
And tell sad stories of the death of kings.

The poignant lines from "Richard II" are appropriate. For the second time in thirty days the American Republic mourns the death of a former President.

The President is but one man. The Presidency is many men. The American Republic is over 200 million people. But, somehow, in a manner none can fathom, our 200 million coalesce into that one man, and the symbol he is. When our Presidents die, in office or out of it, no matter the circumstances, something is gone from our national life and national soul. And something is gone from each of us, too.

And now the final drum taps have sounded for Lyndon Johnson. One man—watching him, you could hear the jingle of spurs, the clump of boot heels on the floor, the creak of saddle leather, and feel the frenzied excitement and hear the rolling drumfire of a mustang at full gallop, hooves striking sparks from the flint. For over 30 years he ranged across the American political scene with a two-fisted stride that was in the best tradition of the frontier from which he came, which he loved, and of which he was so proud.

It may be the supreme irony that the fates decreed one of our saddest and most tragic hours to be Lyndon Johnson's finest. He came to the Presidency at a time when the Nation was in the indescribable shock and trauma caused by an assassin's bullet. For us, the sudden passing of a Chief Executive is a twisting, wrenching thing. Continuity and stability are hallmarks of our National Government, and of our way of life. They were replaced by fear, confusion and uncertainty. Only one man—the new President—can offset this. And Lyndon Johnson did.

How many knew, as they watched President Kennedy's funeral procession go through the streets of Washington, and as they saw Lyndon Johnson marching with it, that the Secret Service had begged him not to expose himself? There had been one assassin already; were there more? He brushed them aside; he knew what was expected of him and what his duty was:

> I would rather lose my life than be afraid to risk it.

A President had been murdered, but the country would go on. Waves crashed against the rock, but the rock stood firm. The foundations of the Republic were secure.

Now, an eagle lies under the stone. There is a vacant and lonely place against the sky. History will judge; we cannot. But, whatever is finally written about Lyndon Johnson in the annals of the American Republic must have on the pages bright, clear and large, the words "Courage—Devotion—Patriotism."

Lyndon Johnson never gave his country any less. No country could ever ask for more.

"And now these waiting dreams are satisfied;
From twilight to the halls of dawn he went;
His lance is broken; but he lies content
With that high hour, in which he lived and died.
And falling thus, he wants no recompense,
Who found his battle in the last resort;
Nor needs he any hearse to bear him hence.
Who goes to join the men of Agincourt."

WHOSE LIFE IS NEXT ENDANGERED?

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. DELANEY. Mr. Speaker, many thoughtful citizens were shocked and dismayed by the decision of the U.S. Supreme Court on January 22 legalizing abortion on demand.

The fundamental charter that established this Nation, the Declaration of Independence, states, as a self-evident truth, that all men are created equal, and are endowed by their Creator with the unalienable right to life.

The Supreme Court, while admitting it does not positively know when life begins, has made the awesome decision to allow its destruction prior to birth.

If the innocent unborn are denied the right to life, what of the aged, and the seriously incapacitated?

On February 5, I introduced House Joint Resolution 290, calling for a constitutional amendment to protect the life of unborn infants, the aged, and the incapacitated. It is my hope that early hearings will be held on this proposal, so that all citizens can be reassured immediately of this Nation's continued dedication to the protection of human life.

In this connection, I would like to share with my colleagues a cogent statement on this subject recently made by His Eminence, John Cardinal Krol, president of the National Conference of Catholic Bishops.

Cardinal Krol's statement follows:

STATEMENT BY JOHN CARDINAL KROL

The Supreme Court's decision today is an unspeakable tragedy for this nation. It is hard to think of any decision in the 200 years of our history which has had more disastrous implications for our stability as a civilized society. The ruling drastically diminishes the constitutional guarantee of the right to life and in doing so sets in motion developments which are terrifying to contemplate.

The ruling represents bad logic and bad law. There is no rational justification for allowing unrestricted abortion up to the third month of pregnancy. The development of life before and after birth is a continuous process and in making the three-month point the cutoff for unrestricted abortion, the court seems more impressed by magic than by scientific evidence regarding fetal development. The child in the womb has the right to the life it already possesses, and this is a right no court has authority to deny.

Apparently the court was trying to straddle the fence and give something to everybody: abortion on demand before three months for those who want that, somewhat more restrictive abortion regulations after three months for those who want that. But in its straddling act, the court has done a monstrous injustice to the thousands of unborn children whose lives may be destroyed as a result of this decision.

No court and no legislature in the land can make something evil become something good. Abortion at any stage of pregnancy is evil. This is not a question of sectarian morality but instead concerns the law of God and the basis of civilized society. One trusts in the decency and good sense of the American people not to let an illogical court decision dictate to them on the subject of morality and human life.

THE OCCUPATIONAL SAFETY AND HEALTH ACT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. ASHBROOK. Mr. Speaker, last year, in commenting on the Occupational Safety and Health Act—OSHA—I noted that the intentions of the act are praiseworthy, seeking to insure a safe and healthful working environment for every employee in the country. However, it was my belief that a gap had developed between intention and execution.

Recently, Charles K. Hay, of the Hughes Tool Co., and president of the Society of Manufacturing Engineers made a similar observation regarding OSHA, noting that "philosophy is one thing and reality is another."

Although the original legislation was amended, there is much work to be done to improve OSHA, thereby benefiting both the employer and employee.

Insert at this point "OSHA and the Realities" by President Hay of the Society of Manufacturing Engineers, followed by my "Washington Report" of August 9, 1972, on the Occupational Safety and Health Act:

OSHA AND THE REALITIES

Whenever a job becomes safer, it usually become more efficient. Productivity increases, the balance sheet looks better, and everyone is generally happier and more content. Accordingly, management that is wise generally accepts the philosophical premises of OSHA, the Occupational Safety and Health Act of 1970.

But as many managers are finding out, philosophy is one thing and reality is another, which is to say that worker safety is in danger of becoming another exercise in bureaucratic fol de rol. Just what can be appreciated by examining some aspects of the Act itself, and by studying the methods and procedures of enforcement?

To provide an example, we were recently talking to an engineer employed by an oil company that ran afoul of an OSHA inspector by way of the color of the handrails in the stairwell. These rails are supposed to be painted yellow, which they were. But in the opinion of the inspector, they were painted the wrong *shade* of yellow. Since an appeal from the decision of an OSHA inspector is expensive and time consuming—and something less than politically expedient—the company gave in and repainted the rails to a shade of the inspector's liking.

In another case, construction of a plant was interrupted because of a hole left in the roof for subsequent installation of an air conditioning unit. Although the opening was protected by planks, an inspector decreed that it must be closed by a hatch type cover, "to prevent a worker from stepping into it." When the management suggested that there was really nothing to keep a worker from stepping off the edge of the roof either, the inspector replied that there's nothing in OSHA about roof edges—just roof openings.

A large stamping plant we know of is in conscious violation of OSHA because the dividers in the men's washroom are several inches shorter than standard. These dividers are not jerry-built—they're commercially manufactured, pre-OSHA standard panels, but the dimensions they were built to now constitute a violation. The company's attitude is: "Let's hope the inspectors don't notice."

The problems related to a tryout press are especially difficult, since a tryout press, by definition, involves worker entry to the point of operation. But OSHA stipulates that a tryout press shall have the same protection as a production press, which means that tryout is going to become increasingly expensive. Tryout presses pose such a problem that one manufacturer called the MEM editorial staff (which produced a four-article series on OSHA) and asked for consulation regarding appropriate wiring of his press.

At a higher level, one of the basic weaknesses of the Act is that it places a disproportionate share of the responsibility for safety on the employer. As an example, the employer must supply safety glasses for virtually all work areas. But if a worker refuses to wear the glasses and subsequently sustains an eye injury, the employer is by no means relieved of responsibility.

The law is permeated with fines for the employer, but there is no system of fines for the employee whose carelessness and general disregard of the law endangers his safety and that of others.

Similarly, if the employer installs a piece of manufacturing equipment which subsequently proves defective and leads to employee injury, the employer is liable, although he acted in good faith. At this point in time it must be noted that the body of law concerning industrial safety is far from complete. There is still a great deal of work to be done in refining as well as enlarging the law by way of the development of additional safety standards. It is worth suggesting that industry involve itself in activity, for it is only through increased industry participation that this Act can be made viable.

OCCUPATIONAL SAFETY AND HEALTH ACT

Many of my constituents—both owners and employees of small firms and farms alike—have written me requesting relief from the unreasonable and burdensome regulations imposed on them under the Occupational Safety and Health Act. Most other Members of Congress have also received numerous complaints about overly zealous enforcement activities, amounting in many cases to downright harassment.

I harbored doubts about the bill when it was before us a year and a half ago, which constrained me to vote against it even though it was unpopular to do so.

The Act's intentions are praiseworthy. It aims to insure a safe and healthful working environment for every employee in the country. But, as frequently happens, a gap developed between intention and execution.

Much of the problem rests with the law itself. In an effort to insure strict and swift application of safety and health standards, it adopts a punitive approach to enforcement. Businessmen report being besieged with Department of Labor officials who are passing out fines even before owners and managers have received a copy of the more than 400 page document detailing the rules and regulations with which they must comply.

Many small businessmen and farmers have never been subject to such regulation before. Faced with a bewildering jumble of minutely prescribed safety and health standards, they are at a loss to know which ones apply to them.

Large corporations employ professional staffs solely in order to analyze and apply such standards. The small businessman cannot afford to hire a lawyer to interpret the law and an accountant to keep the records it requires. The first time he is even aware of a violation may well be when a Federal inspector slaps a fine on him for noncompliance.

The law makes it mandatory to impose a "first instance sanction," an automatic penalty for the first violation. This may entail a fine of several thousand dollars, an insignificant sum for a large corporation perhaps, but a serious loss for the small machine shop operator who is subject to exactly the same rules. The employer's ability to pay the fine or to make the necessary changes in his operations to comply with the rules is not taken into consideration by the law.

There appears to be a reluctance to provide guidance and information, and I have received reports of arbitrary fines, rudeness and sarcasm on the part of Department of

Labor inspectors, as the following excerpt from a letter to me illustrates:

Recently I heard one of the government inspectors for OHSA tell a friend of mine what changes he had to make in his garage (auto repair shop). A group of us had just come back from having coffee and as we walked into his shop, the government man cornered my friend and really chewed him out. Telling him that he had to do certain things and he bellowed his orders all over the shop. Everyone heard him, even the employees. I do not think this is the way these things should be handled. No one should be treated like this in front of friends and employees.

I'm in the printing business, have been for 15 years. Occasionally the Industrial Commission of Ohio representative will come in and tell me of changes I must make. There's no problem of shouting and no problem in asking me to do things that are ridiculous to do. We have a good relationship with the state people. But this Federal man—I have never in my life witnessed a representative of the government talk to a business man like this. Needless to say I am not looking forward to the Federal man's visit because no doubt he will find things to be done and tell me to do things that are almost impossible to do—as he did my friend. I believe steps should be taken to repeal this act . . .

Steps are at least being taken in an effort to improve the administration of the Act and relieve the small businessman of excessive governmental interference. In the House we recently adopted an amendment to an appropriation bill which will exempt firms having 25 employees or less from complying with the Act. And a Senate Labor Subcommittee has been conducting hearings to review the operation of this law.

Responsible reform of the Occupational Safety and Health Act is needed. Unquestionably, improved health and safety in industry and on farms is a desirable goal. But we must restore the balance between concern for employees' safety and realistic consideration for employers' problems and responsibilities.

WORLD ANTI-COMMUNIST LEAGUE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. DERWINSKI. Mr. Speaker, I am pleased to insert into the RECORD a speech made by our distinguished colleague, DAN DANIEL, of Virginia, at a Freedom Day Rally at Taipei, Taiwan, on January 23. The rally was held under the auspices of the Asian Peoples Anti-Communist League, an organization providing leadership throughout Southeast Asia in the struggle against the oppressive forces of communism:

WORLD ANTI-COMMUNIST LEAGUE

(By Dan Daniel)

The invitation to speak to you today was accepted with some reservation on my part. I am honored, and am flattered, that you would feel I have something to impart to you. After all, the accomplishments of your nation in recent months have been of a quality that we Americans might well wish the situation were reversed, and a member of your legislature were addressing a similar body in the United States.

Then too, when I was advised I might speak for an hour on any subject, the thought occurred that I might tell you everything I know on every subject in that span, and have a little time left over. Luckily, I learned that it really was not intended I should consume a full hour. Also, I am not restricted to hard facts. In a time when yesterday's eternal verity is viewed as today's myth, and today's fantasy may become tomorrow's reality, it is perhaps better that we consider something less concrete, but far more important. What I will talk about, then, is an ideal—the ideal of freedom—what it has meant to the people of the Republic of China, and what it means to the rest of the world, especially that part of the world which does not enjoy freedom's blessings and responsibilities.

To return to the area of facts, one which has astounded the free world in the past year is the amazing performance of the Republic of China in the economic and diplomatic arenas since October, 1971.

Not long ago, one of the large newspapers in my country carried a supplement, similar to a slender magazine, which carried the title "Free China Is Alive and Well." That such a magazine should appear, and that it could truthfully be so titled, is one of those small miracles the rest of the world has come to expect from the Republic of China over the past twenty years.

Never has there been more cause for genuine admiration of your country by the rest of the world than now exists.

While it has not always understood them, the world has long admired the Chinese people. Indeed, when my own ancestors were painting themselves blue and hunting on the moors of northern England, yours had already established a civilization and a culture rich in amenities for its time.

Despite the Russians' protestations and claims, it would appear that the Chinese have invented almost everything. And while one of your inventions as transferred to the United States tends to frustrate our legislatures at every turn, and another threatens to drown us in reports and documents, we are still grateful for your contributions to our own way of life. I refer, respectively, to bureaucracy and paper.

The history of China reveals a long record of triumph over adversity. Your nation has survived the onslaughts of a succession of enemies from beyond your borders, and disasters of nature which might have destroyed lesser men.

Perhaps it is this history which has prepared you for this particular point in time. While nature has not misused you of late, certain acts of man during the past two years have called for fortitude of a degree few other people have required or found within themselves.

Many writers in the European press as well as in the United States signalled the instant demise of the Republic of China following the admission of Communist China to the United Nations, and President Nixon's visit to the Mainland. These were matters not to be taken lightly. Yet the citizens of the Republic of China might well take pride in this nation's reaction to these shocks and its accomplishments since these two events.

On the economic front, this nation's performance has been little short of miraculous. It is reported real economic growth may match that of 1971, when a gain of more than eleven percent was recorded. Industrial production, I understand, has risen 27 percent, and with a population one-fiftieth that of Communist China's, exports and imports easily outstrip that larger nation, approaching five-and-a-half billion dollars this year.

Just before I left the United States to visit your country, one of our television networks carried a lengthy "travelogue-type" program on Red China. While I am not here to promote this program, there were two things which should properly be mentioned, especially since it came so close on my visit to your country.

One of the things which impressed me most strongly was the expression of fear on the faces of so many when they realized they were being photographed. Only the very young and the very old appeared oblivious to it.

I was further caught by the attitude of Red Chinese leaders toward the past. It is my understanding they have made every effort to destroy the sense of family which runs deep in the Chinese nature, even as it does in our American south—and this may be one reason I noticed it.

Yet having set out to ridicule and vilify the past, they now attempt to preserve it in museum settings. It is intriguing to guess at the motive, but one suspects this strong national feeling for the past dies hard, and may not have responded to the blandishments of the Communists in the way they had hoped.

In other troubled times—during the Dark Ages in Europe, for one—the Monasteries served as repositories for what knowledge we have of the ages before. Had it not been for these monks, some of them devoting lifetimes to the protection and preservation of these priceless documents, we would know little of our Western Heritage.

In a very real sense, a Dark Age has descended on the Mainland of China, but once more a Divine Providence has provided that not only the documents but the ways of a people shall not disappear, but shall be nurtured and passed on to succeeding generations. You are indeed the Keepers of the Flame.

As I considered what I should say today, I was constantly struck by the uniqueness of the position of the Republic of China in the world. In a generation, the smallest, least populous of the Chinese provinces has become one of the most prosperous small nations in the world.

From a country dependent on other nations for protection and for financial assistance, you have reached the point where you not only stand square on your own economic feet, but have extended aid to some twenty developing nations. Would that some other of the recipients of foreign aid showed such vigor!

This is not a very comfortable world in which we live. Those of us who are not completely sold on the idea of detente with the Communist nations find much to make us uncomfortable.

It would be indeed a happy development if this "Era of Negotiation" were to produce a generation of peace, but when communists and negotiations come up in the same breath, it calls to mind the traditional communist posture: "What's mine is mine; what's yours is negotiable."

The other day I came across the statement: "What we learn from experience is that we don't learn from experience." In no area is this more true than in the area of negotiation with the Communists.

History reveals that a communist is never more dangerous than when he smiles and offers to shake hands.

The smile flashed by the Russians and the Chinese Communists when President Nixon visited both of those nations last year was followed by the provision to their cohorts in Hanoi of more military support with which to kill Americans and South Koreans and blistering attacks on our efforts to secure peace in South Vietnam. When the Russians recognized their blockade of Berlin would not break the West Berliners' spirits, they smiled and gave us war in Korea. When the Panmunjon agreement settled the aggressive phase of that war, they smiled and provoked war in Indochina. They smiled as they provoked trouble in the Middle East in 1956 and committed the dastardly rape of Hungary. The Russians once more smiled while removing a portion of their military arsenal from Cuba, while increasing their program of sabotage and subversion in Latin America.

I favor building bridges of friendship with all the peoples on earth. However, if I must walk this bridge, and if I am to invite free world citizens to join me, I must first insist that its understructure be planted firmly on rock-bottom reality, not on the shifting sands of Communist pronouncements.

The communists have only one goal, but it is a goal they are willing to commit their whole effort to accomplish—that goal is world domination. "Peaceful coexistence," to them, is only a way-station on the path to that ultimate aim.

The government of the United States has been described as "government-by-crisis," not "government-by-plan." To a degree this is true, but in one area, that of our commitments to mutual defense with our allies, there is at least a semblance of a plan.

I have been privileged to observe the success of our defense treaty with your nation firsthand, for this is not my first visit to the Republic of China. Once I came as a representative of the American Legion, of which I was Commander. On that occasion I recognized the urgency of defense of this nation against the military forces then poised across the Straits of Formosa. I conveyed this to the leadership in my country in the strongest terms possible. Later, I was privileged to come here under the auspices of the People-to-People program. On that visit, I not only was impressed by the accomplishments of the Chinese people, but my belief in a strong defense for the Republic was reinforced.

For some 19 years our nation and yours have been bound by treaty to mutual defense and assistance. It is a treaty which has shored up and secured the best interests of both our nations for a generation, and has guaranteed to the people the right to live out their lives on their own terms, not on terms dictated by Moscow or Peking.

Today there are those who would again have the United States turn its back on the world. Let me say to you now that this view is not shared by the vast majority of Americans. We know well our debt to you as the firm link in the chain which protects the free world from the encroachments of totalitarianism in your area of the world.

A defense line has been drawn against further communist expansion. That line must be defended. There must be no appeasement. There can be no compromise with this objective.

It is no secret that much of the Republic of China's economic gain has been accomplished with a large assist from foreign capital. This capital will continue to be available so long as there is confidence that Free China will not be invaded by the Communist Chinese nor abandoned by the free world.

The communists have consistently maintained that time was on their side. They believed that, given time, all the world would fall victim to their preachings of a peoples' paradise. Lenin was convinced that they would take the world; we all know he even prophesied they would take the United States without firing a shot, that we would "fall like overripe fruit" into their hands. It has now been more than fifty years since communism first was recognized as a government, and still much of the world remains beyond its grasp.

If time allies itself with either side in this life-or-death struggle, it is with the free world. Already we see indications of cracks in the totalitarian wall built around eastern Europe. Given time, those who have traded their freedom for what they thought might be security, may well turn to those nations not held in-thrall to communism as more acceptable models for the way of life they choose.

When we read world history, we point at certain events and say, "At this point, we stood at a crossroads." I believe the future will accord the same designation to our own period. I am convinced that events of the 1970's will prove the deciding factors for hundreds of years to come. I am further convinced that the Republic of China will bear a significant role in these events. You stand for all the world to see the accomplishments of a nation dedicated to freedom. Smaller in size, with less natural resources and fewer people, you provide, daily, evidence that men do not just survive but prosper and grow and share the fruits of their labors in the community of nations, given the will and the determination.

Time after time, free men have confounded their critics by preserving for everyone the freedom of speech to point out our problems and the freedom of action to solve them. In this nation, we see this premise brought to fruition.

Despite public pronouncements by the diplomats and the politicians, the people of the non-Communist world are on your side. They believe deeply and firmly in what you have done, and it is my personal feeling they will not permit you to be abandoned.

I am here today not as a representative of my government, but as a representative of the people of the United States to the people of the Republic of China. The concept of a people-to-people program is that of mutuality of interests, and through seeking out and cementing those areas where our interests are mutual, we may well lay the base for governmental actions and programs in the best interests of all. Diplomacy will follow where the hearts and minds of free men have pointed the way.

I call on others around the world who cherish freedom to commit themselves to the same goals which have allowed this nation to stand tall and free in the world.

PEYSER POINTS OUT RELOCATION WASTE

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. PEYSER. Mr. Speaker, this Congress is very much aware that we are in a period of fiscal "belt-tightening," where we are attempting to eliminate governmental waste and avoid any tax increase. Hence, it is a time to examine existing programs and correct any fiscal irresponsibilities that may be present.

I have done just this with regard to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and found two tremendously wasteful practices to exist.

The first concerns the Department of Housing and Urban Development. From January 1, 1972, to August 17, 1972, the Department had a fixed payment policy for relocations. Even though that policy was changed on August 17, automatic $1,000-per-year payments are still being made to people who relocated prior to that date. These payments in many cases are far in excess of any actual relocation expenses. This is contrary to the intent of Congress.

The second concerns double payments that are being made under the act. Currently, relocation payments are not included in the recipients' income for public assistance purposes. Hence, some people receive more assistance than Congress intended they should receive. This type of practice is not fair to anyone; it is merely an extraordinary waste that must be corrected.

In order to remedy these fiscally irresponsible practices, I have written a letter of protest to Secretary-designate Lynn of HUD, demanding that the departmental policy of fixed payments be changed, and have introduced a bill to eliminate the present requirement that relocation payments be excluded from the recipients' income for public assistance purposes.

A copy of the letter and bill follows.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 29, 1973.

Secretary Designate JAMES LYNN,
Department of Housing and Urban Development, Washington, D.C.

DEAR MR. LYNN: I was shocked to learn that your Department is making relocation payments to persons forced to move to new rental housing because of urban renewal which are far in excess of any actual relocation expenses.

Even though regulations issued by HUD on August 17, 1972, changed your Department's payment policy for any relocations prospective from that date, automatic $1,000 per year payments are still being made to people who moved prior to August 17, 1972. In fact, in my own town of Greenburgh, the Executive Director of the Urban Renewal Commission is currently under instructions to pay $1,000 per year for four years to twelve families who were forced to relocate prior to August 17, 1972, even though those families moved to public housing which was $24 per month less expensive than the housing from which they moved. In many other cases not only are the families going to get relocation assistance from your Department, but also they are going to get increased public assistance, and thus a double benefit. This is outrageous.

When we consider the tens of thousands of relocation cases which must take place in New York City alone every year, this is a tremendous and totally unnecessary expense to the taxpayers, in a period when we should be doing everything possible to eliminate government expenses.

I do believe that people relocated because of urban renewal should be compensated for any increased costs they incur, but at the same time it seems incredible to me that the government should be making a fixed payment to a relocated party regardless of their actual situation. This certainly was not within the intent of Congress, and I would urge you to take whatever action is necessary to correct this squandering of the taxpayers' dollars.

Sincerely,

PETER A. PEYSER,
Member of Congress.

H.R. 4279

A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to eliminate the present requirement that relocation payments be excluded from the recipient's income for public assistance purposes

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 216 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636) is amended by striking out "for assistance under the Social Security Act or any other Federal law" and inserting in lieu thereof "for assistance (other than assistance under a State plan approved under section 2, 402, 1002, 1402, 1602, or 1902 of the Social Security Act, or under title XVI of such Act as in effect after 1973) under any other Federal law"

SEC. 2. The amendment made by the first section of this Act shall apply with respect to payments received on or after the date of the enactment of this Act.

WOULD YOU SENTENCE YOUR OWN CHILD TO LIFE IMPRISONMENT?

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. FRASER. Mr. Speaker, in the following article from the January 29, 1973, New York Times, Paul Good, disagreeing with Mr. Rockefeller's prescription for curing drug abuse, writes sensitively out of his own experience—

I saw my own son come so close to going down forever that I do not like to think about it.

Let us keep the doors open so our young can have a second chance. "My Son—Perhaps Yours" speaks for itself. The article follows:

MY SON—PERHAPS YOURS

(By Paul Good)

WESTPORT, CONN.—Once I was prepared to go Governor Rockefeller one better than his proposal to imprison all drug sellers for life without chance of parole. Once I seriously considered taking my rifle and killing a drug peddler. I didn't know his name or what he looked like. All I knew was that he—someone—was selling heroin to my son and killing a family in the process.

I put the idea aside because I knew that virtually all of my son's suppliers were addicts like he, hustling money in any way to insure their fixes, and dying piecemeal in the process. My son did the same thing at times, buying bags cheap in Harlem and the South Bronx, and selling them at a profit in our Connecticut suburb, the profit going back into his arm. To be consistent, I would have had to shoot him too, and his middle-class white addict friends who were also doing it.

Today, if he were still on drugs, should I agree with Mr. Rockefeller and say that my boy, once filled with love and promise, should be imprisoned for life without chance of parole because he succumbed to a destructive habit—a habit flourishing in a society on the edge of breakdown because of the moral hypocrises from Watergate to Vietnam, where racism and disdain for the poor and contempt for the politically powerless makes a mockery of our claim to being a democratic community?

Where was Rockefeller when addiction began gaining a foothold as a basically black problem? He was nowhere to be heard. What does he mean when he says that the State has exhausted all remedies except to lock 'em up and throw away the key? Tens of thousands of New York addicts can't even get into stop-gap Methadone programs, no less receive the full counseling that might bring rehabilitation, because Mr. Rockefeller and his legislative cronies delivered too little funds too late.

Why should life sentences be limited to sellers? Why not extend it to crooked or apathetic cops who could stop much drug pushing if they wanted to but don't? Why not extend life imprisonment to U.S. officials who permit heroin traffic in Southeast Asia?

These are the kinds of questions people should be asking before a legislature packed with mediocre and servile men approves this bill. They should ask in particular what kind of inhumane mind would insist—knowing the addict's uncontrollable desperation that drives him to sell—that the sale of a single gram of heroin should commit him to prison forever?

A friend of my son was arrested a few years ago for a so-called accommodation sale worth $15 to an acquaintance. He was sentenced to from three to five years, a terrible sentence in itself to a first offender who—the judicial process laggard as it is—had been straight for almost a year by the time he entered jail. Through great effort, possible because he was white and middle-class, the boy was released early, returned to his program, entered college and found a job. If Mr. Rockefeller had his way, that young man would be in a cell today, at 23, unable ever to leave it.

My son—his once-bright promise returning now after two-and-one-half years off heroin—might be serving the same sentence beside him—never to taste full manhood, know fatherhood, be part of a family of love.

I watched my son's best friend die of drugs. I saw my own son come so close to going down forever that I don't like to think about it. I hate drugs and the cold-blooded merchandisers of them and all of their protectors. But adequate penalties exist to put them out of business. I believe that some criminals, drug peddlers among them, are seemingly incorrigible and releasing them into society is a criminal act against the citizenry. But even men once thought to be depraved beyond hope of salvage have reformed.

At the least, let's not descend to the level of Governor Rockefeller who would have put my boy—or perhaps yours—in a cell forever.

SEEKS TO ABOLISH OIL IMPORT QUOTA SYSTEM

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. CONTE. Mr. Speaker, today I have added more cosponsors to my bills to abolish the oil import quota system (H.R. 428) and to repeal the Connolly "Hot Oil" Act (H.R. 425).

I am very pleased to announce that these bills now have 103 and 76 cosponsors respectively.

Supporters for the import quotas bill include 67 Democrats, 35 Republicans, and one Independent. Geographically, 38 are from the Northeast, 25 each from New England and the Midwest, and six from the west coast.

For more than a decade, the oil import quota system and the Connolly "Hot Oil" Act have been like two clamps locking consumers in an economic vise. Together they have fomented higher prices, tight supplies, and the ruination of competition in the oil market. The cost to consumers is well over $5 billion a year—or more than $100 for each American household.

The oil import quota program was established in 1959 by Presidential Proclamation 3279 under authority of the Trade Expansion Act. Since then oil imports have been limited by quotas, with allocations to individual importers. Under this proclamation, there are separate programs for districts I–IV—east of the Rockies—and district V—west of the Rockies. Within these areas there are separate programs for crude oil, petroleum products, and petrochemicals.

The greatest hardships stemming from the oil import control program concern the controlled imports, which include offshore crude oil, Canadian crude oil, No. 2 fuel—home heating fuel—for the east coast, and residual oil imports for the Midwest and South.

Obviously, from the critical oil shortage we are now enduring, this program is a disaster. It is squeezing the consumer, endangering the national security, and imperiling the public health. Throughout the Nation, industries have been shut down, transportation schedules disrupted, schools and offices closed, and hundreds of thousands of private residences have had their heat cut off.

The administration's recent suspension of import controls on No. 2 fuel through April 30 is backfiring on the consumer. The major beneficiaries are the big oil companies—not the consumers.

Capitalizing on the shortage scare, the major oil companies have cut back supplies to their dealers while raising prices. Jobbers and local dealers are forced to pass along the increased cost to the consumers—usually 2 cents a gallon, a 10-percent increase. For each of New England's oil-burning households, this means $40 more a year for heat. For the entire New England region, the extra annual bill is $100 million.

The rich oil companies—who recently reported stupendous profits for 1972—can raise prices with impunity because they operate within a cozy cartel that the Antitrust Division ignores.

The consumer cannot fight back by changing brands because each retail dealer has limited supplies and he has more problems than he can handle trying to meet current customer demands. The prospect of taking on new customers is unthinkable. So the consumer is helpless to fight back.

I commend the Cost of Living Council for holding hearings this week on the recent price increases for home heating oil. Yesterday I presented testimony to the Council panel, in which I asked Treasury Secretary Schultz to order the major oil companies to roll back their price hikes.

The Connolly "Hot Oil" Act is the other side of the vise in the oil industry's price-supply squeeze. Originally a depression-era remedy to help the oil industry through some bad times, it has been used in recent years to maintain tight supplies and high prices. The act authorizes the oil-producing States to limit the amount of oil produced domestically.

In the past month, hundreds of editorials have been written about the current oil shortage. Uniformly, they peg the blame where it belongs—on these two obsolete Federal programs. More or less at random, because the selection is so vast, I include editorials from the Washington Post, the New York Times, the North Adams (Mass.) Transcript, and the Daily Hampshire (Mass.) Gazette:

[From the Washington Post, Jan. 14, 1973]

THE ARTIFICIAL SHORTAGE OF FUEL OIL

Schools, factories and churches now stand cold and empty throughout the Middle West, for want of fuel to heat them. It would be excessively charitable to attribute this breakdown of the fuel distribution system to cold weather, or to a shortage of oil. Cold snaps are an accustomed part of winter life in the Midwest and, as for fuel, there is no shortage of the oil supply available to this country and its consumers. The real and critical shortages are the shortage of rational public policy, the shortage of foresight in the federal government, and the manifest shortage of common sense.

The distribution breakdown has two essential causes. To please consumers, the government keeps the interstate prices of natural gas so low that producers are increasingly keeping it out of interstate commerce. To please the oil companies, the government severely limits imports and keeps the price high. Grain is rotting in Iowa for want of natural gas to run the dryers, but there is plenty of gas available in Oklahoma. American oil refineries are currently running substantially below capacity for want of crude oil in this country, but there is plenty of crude oil for sale throughout the world and most of it is cheaper than our domestic production.

Our national stocks of heating oil began to drop significantly last March. The White House and its Office of Emergency Planning knew it. They did nothing about it. Meanwhile the consumption of fuel oil was rising at an accelerating rate. The same officials were aware of this rise. By mid-autumn, when stocks are at their annual peak, the nation had 13 per cent less fuel oil on hand than a year earlier. At the same time consumption, by coincidence, was running 13 per cent higher than a year earlier.

Patterns of fuel usage are changing rapidly, and the federal government has been unable to change its regulatory policies fast enough to prevent serious breakdowns in supply. Electric utilities, for example, have been unable to develop nuclear power as soon as they had hoped, and environmental standards have limited their use of coal. As a result the utilities are increasingly using light oil to generate electricity and contributing heavily to the new demand. Local shortages tend to chase each other around through the economy. In the areas that are short on natural gas, some industries have begun to switch over to oil and help to drain distributors' tanks.

The present level of demand was predictable. But even now, with the unfilled demand for fuel oil all too evident, American refineries are still operating about 10 per cent below capacity. Our domestic wells cannot supply them with enough crude oil. Foreign oil is the obvious answer, but the United States stringently limits the importation of foreign oil through a system of rigorous quotas. Abolishing the import quotas is not the whole solution to our future energy requirement, obviously. But of all the steps that the White House could take quickly, ending the quota system would be the most effective.

Instead, the White House took the curious step last Monday of hugely increasing the quota of refined fuel oil that can enter the continental United States from the Virgin Islands. There is only one refinery in the Virgin Islands, and it is owned by Amerada Hess. This example of gross favoritism, is a matter of great national concern, will hardly strengthen public confidence in the administration's ability to develop a rational and disinterested energy policy. The proper course, in contrast, would have been to expand imports of crude oil as well as refined fuel oil without any limitation of source.

For the past 17 months the price of fuel oil has been held constant by the controls. With the removal of the controls, there are now two possibilities. Either the federal authorities will increase supplies through imports, or the price will go up. A sharp rise in fuel oil prices would be a substantial addition to the inflation that, the administration hopes, is diminishing.

Even if import quotas were lifted tomorrow, the distress in the Midwest would continue for some time. Cold weather and logistical bottlenecks would make it difficult to move supplies quickly to the parts of the country that need them most. Because the White House was inattentive to its responsibilities over the past spring, summer and fall, citizens throughout a wide part of this country are suffering severe disruption in their businesses and discomfort in their private lives this winter. If the White House does not move quickly to expand oil imports, this distress can only spread.

[From the New York Times, Jan. 21, 1973]

Nation Without Power

If anyone still needs evidence that this country's jerrybuilt system for supply and distribution of fuels and energy has collapsed, look around. From the Rocky Mountains to the Atlantic, schools and factories are threatened daily with mid-winter close-downs for lack of heating oil. As emergency stocks become available, trucking lines find themselves so short of diesel fuel that they may not be able to deliver what there is. Were it not for a fortuitous few days of unseasonable warmth, the Northeast would be an icy disaster area.

This is an energy crisis with a vengeance, only tangentially related to the more abstract long-term energy problem which the whole developed world will face in the coming decade. The immediate crisis springs from a failure of planning and stockpiling that would seem unbelievable in a well-ordered society, and the final convergence of economic dislocations that have been allowed to mount unchecked for months and years.

The present shortages were foreseen long before winter set in. Instead of gathering reserves of heating oil, the nation's refineries found it more profitable to pump out a more than adequate supply of gasoline prices of which are set at a far higher level. Instead of arranging for more imported oil to fill the anticipated gap, the Administration waited until the crisis was already fullblown before reacting in justified panic and lifting import quotas that should have been abolished long ago. The fuel shortage which the nation is now experiencing arose not from natural or technological shortfalls, it is largely artificial, the result of a price structure gone haywire.

"There is a lesson here for the broader global energy crisis. A senior professor of economics at the Massachusetts Institute of Technology, M. A. Adelman, has published a well-documented rebuttal of the conventional wisdom that says the world faces a profound petroleum shortage. Arguing in Foreign Policy magazine and a forthcoming book, "The World Petroleum Market," Professor Adelman charges that the pressures now perceived are a result not of any foreseeable shorage, but of inflated prices set by the multinational oil companies and the Middle East producing nations in cartel. He goes on to charge that the United States Government, far from being trapped in this economic distortion, actively assisted in bring it about.

There is much in Professor Adelman's thesis which will be fiercely contested in the months to come. What is beyond dispute is that fuel shortages are and will be threatening to this country as long as the economic structure of the energy business is so twisted. Government regulation keeps some prices artificially low, others artificially high; industry profits are similarly disordered. The present economics of energy has allowed many people to become quite comfortable over the years; but it leaves too many others out in the cold.

[From The Transcript, Jan. 16, 1973]

Oil Shortage Inexcusable

How to keep the home fires burning with fuel oil is a problem with which New England has been confronted each winter for years.

Luckily, the problem has been solved each year before the acute crisis stage has been reached. The advent of warm weather has done the trick.

No guarantee can be given, however, that this always will be the case. Indeed, evidence is growing that the region no longer can rely on Nature to come to the rescue because the factors contributing to fuel oil shortages are not linked to cold weather alone.

Relief from this perennial problem is long overdue. The difficulty is being compounded, however, by the inability of those in authority to agree on the fundamental cause of the problem, nor how to meet it.

Worse still, the trouble this winter is becoming national in scope and no longer is confined to New England.

The Midwest, for example, has been hit by an especially severe winter. Thermostats in state buildings in Iowa have been ordered kept at 65 degrees. Schools have been closed at frequent intervals in Kansas and Illinois. The University of Texas suspended classes temporarily in order to conserve fuel supplies. Minnesota has sent a representative to Canada to negotiate for additional oil imports.

And in New England, Charles H. Burkhardt, executive vice president of the New England Fuel Institute, representing 1,143 independent fuel oil dealers predicted that "If oil import quotas are not raised within 10 days, New England will see a real crisis in February."

What is the reason for this situation?

The oil dealers and the Nixon administration—as well as previous administrations in Washington—have been at odds for years on the subject. The dealers blame the oil import quota system for the persistent shortages. Spokesmen for the current administration, on the other hand, contend that domestic oil producers have placed more emphasis on production of gasoline than of home heating oil.

As far as New England is concerned, Mr. Burkhardt is convinced that complete elimination of oil import quotas would solve the problem in this region. The quotas, in effect since 1959, were supposed to spur domestic production but that hasn't been the case, he said. The domestic supply has not kept pace with the demand.

Another factor complicating the problem has been anti-pollution measures. Industries compelled to achieve a lower sulphur content in their factory emissions have been switching from heavy oil to No. 2 home heating fuel oil, with a consequent added drain on home heating supplies.

"We are being told that the crisis of supply is the fault of our efforts to protect the environment", said Sen. Edmund S. Muskie (D-Maine) after a meeting with officials of the Office of Emergency Preparedness, but he charged that President Nixon clings to the import quota system because it permits manipulation by the domestic oil producers of both supply and price.

Whatever the reasons, the consumer will be the ultimate sufferer unless government and industry can get together in his interest. There is no valid reason why any home in the nation should be cold because of fuel oil shortages.

[From the Daily Hampshire Gazette (Northampton, Mass.), Jan. 20, 1973]

Fuel Shortage

IN OUR OPINION

The unseasonably mild weather the last few days has eased the fuel oil crisis for the moment, but most industry officials believe that growing shortages of heating oil will continue.

President Nixon has taken some short-term steps to alleviate the current crisis by suspending controls on the importation of heating oil for the next four months.

In addition, under the 1973 import program the ceiling on imports of crude and unfinished products to the United States east of the Rocky mountains has been set at 2.7 million barrels per day, an increase of 1.15 barrels daily over the 1972 figures.

Many congressmen from the New England states have for years been urging the total elimination of the import quotas, arguing that the quotas artificially keep oil prices high in this section of the country.

Now, with the domestic supply of oil dwindling there is an added reason for lowering or removing the quotas—we need the additional oil to heat our homes and keep our factories and businesses humming.

Perhaps, President Nixon can be persuaded that quotas are not in the best interests of the oil-consuming public.

Rep. Silvio O. Conte argues that the four-month lifting of the quotas is only a "stop gap measure" and what is needed is to "scrap the oil import quotas totally and forever."

But even that may not be enough in the long run to meet the nation's energy needs. The value of the present crisis may be that it has gotten more people in government thinking about developing new sources of energy.

The sources of energy we now rely on are finite and in the process of being exhausted. Eventually, even warm weather and the waiving of all quotas won't be enough to carry us through the crisis if we fail to develop alternative sources of energy.

SOVIET JEWS

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. RINALDO. Mr. Speaker, yesterday I joined with 259 of my colleagues in introducing legislation which will prohibit the United States from giving most-favored nation treatment to those countries which impose excessive exit visa fees. Shortly, the U.S. House of Representatives, acting on behalf of the people of America, will enact this measure and register its outrage at the Russian Government's treatment of Soviet Jews. It will be abundantly clear to the Soviet officials that if they wish to take advantage of American credit, they must adopt a civilized code of conduct toward its minority groups.

The tyranny that the Soviet Government practices on its 3½ million Jewish population is well known. The world community of nations is all too familiar with the repressive tactics the Soviet Union practices toward those of the Jewish faith. The Soviet Government has consistently inflicted unconscionable measures against its dissidents, its scholars, its scientists, and its people who wish to be free.

Soviet Jewry today is threatened with cultural and religious genocide from a policy of forced assimilation—a deliberate and brutal government effort to stamp out the Jewish historic and cultural heritage.

The study, too, of Hebrew is systematically and forceably discouraged. Last year, as we all are painfully aware, Moscow's only Hebrew teacher was imprisoned on the vague charge of "hooliganism."

To the oppression, which has become so commonplace, we have now seen the Soviet authorities add a barbarous ransom on those Russian Jews who seek to emigrate to Israel. It is this intolerable act that has caused our colleagues in the House to join together and express their outrage at this tyrannical Soviet policy toward those who seek nothing more than to pursue their cultural and spiritual beliefs.

Too often, the world stood still while innocent people have suffered persecution. Our action yesterday, the committee hearings to be scheduled in March, and the eventual House and Senate passage of this measure will demonstrate our hope that the Soviet Union will end this senseless oppression of people who desire the right to emigrate and remove themselves from a totalitarian state.

It is particularly noteworthy that among those joining in this legislation are many House Members who share my view that we ought to expand and improve economic ties with the Soviet Union and other Eastern block countries. This legislation does not mean we are abandoning our hopes for future trade agreements. It does mean, however, that we shall not sit idly by while the Soviet Union practices brutal repression against 3½ million people.

Yesterday, we passed the stage of symbolic protest. The fact that 259 Members in the House and 70 Members in the Senate have cosponsored this legislation insures us that our promise to support oppressed people will be backed up by this legislation.

Mr. Speaker, all people have the right to live in dignity and with personal freedom. Our cause is not only for the Soviet Jews who are oppressed; it is for all humanity. It is all too obvious that if one person's freedom is denied it diminishes the freedom of all people. This is our opportunity to stand up for America's ideals.

POSTAL SERVICE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. DULSKI. Mr. Speaker, during the past 3 days 85 district managers of the U.S. Postal Service have been in Washington consulting with top management on Postal Service problems.

Postmaster General E. T. Klassen emphasized, in calling the conference, that he wanted to hear frank assessments from the managers as to conditions in their areas and where management changes might be in order to improve service.

I commend the Postmaster General for arranging this conference and I believe it has worked to the benefit of both the managers in the field and the policymakers in headquarters here and in the regional offices.

The transition of the Postal Service from a Government Department to an independent agency has been a frustrating experience for everybody. It was to be expected that there would be problems because a "going" institution was involved and massive changes in management and operations were contemplated.

There has been considerable criticism of Postal Service from individuals and business people. Complaints have come into nearly every congressional office and I have been approached about specific problems by many of my colleagues.

PROBLEMS INEVITABLE

As one of those who felt deeply the necessity for a major reform of the postal system and in view of my background experience on the Post Office and Civil Service Committee, I recognized from the outset that there were going to be problems of transition and overnight improvements should not be expected.

I am convinced that no one is more concerned than Postmaster General Klassen about the Postal Service complaints and the delay in instituting new systems.

The report I have received on the management conference here this week indicates that the managers were completely frank about the problems as they see them in the field and expressed in vigorous terms their thoughts on what needs to be done to overcome current service deficiencies.

The conference began with the district managers being separated into nine groups which met privately and discussed their mutual problems. They compiled their observations and recommendations which later were presented in summary at a general session attended by all the managers and the top management of the Postal Service.

Interestingly, the reports of each group were quite similar on basic problems although different points were emphasized as a reflection of the understandable inconsistency of the difficulties across the Nation.

SYMPATHETIC REACTION

After overnight consideration of the comments and recommendations of the district managers, General Klassen and three top aides provided off-the-cuff sympathetic responses to the principal items raised.

I am very much impressed by the fact that General Klassen and his staff accepted the criticisms in the manner in which they were intended and agreed to take prompt corrective action in many areas. Naturally, some points require further more thorough study.

The principal problems were centered in about a half dozen areas as follows:

Managed mail.—This new system of funneling mail from many post offices to central points without any local sorting has resulted in jam-ups at the centers because they are not yet equipped for the huge additional flow of mail. When the centers receive the equipment they have been promised, obviously they should be able to handle their new loads.

In the meantime, headquarters has ordered an immediate reexamination of the concept and has directed the local offices to resume sorting at least part of the outgoing mail in order to ease the present jams at the centers.

Transportation.—There was considerable complaint about the lack of flexibility on mail transportation, particularly airlifting of first-class mail. Managers complained that the airlines have not been cooperative and even have been lax in some cases about handling airmail.

Management expressed great concern about airlift and conceded that unless the airlines can provide guarantee availability, the Postal Service may be required to turn more and more to air taxies and, on shorter hauls, to high-speed surface routes. Postmaster General Klassen said he intends to consult immediately with the airlines.

BUDGETS TO BE FLEXIBLE

Budget.—The managers complained about the rigidity of their budgets and said they were man-oriented instead of dollar-oriented. Management agreed on the need for greater flexibility and announced such flexibility would be effective with fiscal 1974. Further, managers were told that budgets in the future would be developed starting at the local post office level, with managers to be consulted and kept advised on policy changes up the line.

Other major areas included: Need for improved communications among various levels of Postal Service; need to start aggressively selling Postal Service instead of own people "selling it short"; need for more ontime equipment deliveries, penalties for tardiness, premiums for early deliveries, budget adjustments for affected offices as necessary; greater responsibility at regional and district levels for postal facilities as Corps of Engineers role phases out.

Mr. Speaker, this management conference of the U.S. Postal Service obviously was worthwhile and successful. It was not an instant panacea—and was not expected to be.

But it seems to me that a lot more people down the line have become better informed in general. They have had a chance to bare and discuss their gripes and frustrations. In fact, perhaps most important, the several levels of management may now have found a common wavelength.

The dedication of General Klassen is unquestioned and I believe that he made that crystal clear to the individual members of postal management in this week's conference. The get-together also demonstrated the dedication of the people in the field—they have not just been sitting on their hands.

OIL AND MINERAL DEPLETION ALLOWANCE INTRODUCED TO COMBAT ENERGY CRISIS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. RARICK. Mr. Speaker, today I introduced legislation to restore the mineral depletion allowances to the level provided for prior to the 1969 Tax Reform Act.

The measure will encourage a favorable economic climate for free-enterprise business to explore and develop domestic fuel sources needed to combat the Nation's critical energy crisis.

The section of the Internal Revenue Code, to be amended by the bill, includes oil, natural gas, uranium, and other energy sources.

Congress, in its zealous efforts at tax reform, in 1969 placed additional tax stumbling blocks in the way of getting new oil and gas out of the ground and into the marketplace.

Cutting the depletion allowances killed much of the incentive for the oil industry to develop needed oil and gas fields. The present energy crisis we are now experiencing has been the sad result.

This legislation follows the recommendations of the National Petroleum Council made last December at the request of the Secretary of the Interior.

If our country is to have the much-needed energy for the future, without weakening our national security by a dependence on foreign oil imports, American industry must have the profit incentives to develop new domestic energy sources.

I insert the text of my bill:

H.R. 4289

A bill to amend the Internal Revenue Code of 1954 relative to percentage depletion rates

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 613(b) of the Internal Revenue Code of 1954 (relating to percentage depletion rates) is amended to read as follows:

(b) PERCENTAGE DEPLETION RATES.—The mines, wells, and other natural deposits, and the percentages referred to in subsection (a) are as follows:

(1) 27½ percent—oil and gas wells.

(2) 23 percent—

(A) sulfur and uranium; and

(B) if from deposits in the United States—anorthosite, clay, laterite, and nephelite syenite (to the extent that alumina and aluminum compounds are extracted therefrom), asbestos, bauxite, celestite, chromite, corundum, fluorspar, graphite, ilmenite, kyanite, mica, olivine, quartz crystals (radio grade), rutile, block steatite talc, and zircon, and ores of the following metals: antimony, beryllium bismuth, cadmium, cobalt, columbium, lead, lithium, manganese, mercury, nickel, platinum and platinum group metals, tantalum, thorium, tin, titanium, tungsten, vanadium, and zinc.

(3) 15 percent—

(A) metal mines (if paragraph (2)(B) does not apply), rock asphalt, and vermiculite; and

(B) if neither paragraph (2)(B), (5), or (6)(B) applies, ball clay, bentonite, china clay, sagger clay, and clay used or sold for use for purposes dependent on its refractory properties.

"(4) 10 percent—asbestos (if paragraph (2)(B) does not apply), brucite, coal, lignite, perlite, sodium chloride, and wollastonite.

"(5) 7½ percent—clay and shale used or sold for use in the manufacture of sewer pipe or brick, and clay, shale, and slate used or sold for use as sintered or burned lightweight aggregates.

"(6) 5 percent—

"(A) gravel, peat, pumice, sand, scoria, shale (except shale described in paragraph (5)), and stone (except stone described in paragraph (7));

"(B) clay used or sold for use, in the manufacture of drainage and roofing tile, flower pots, and kindred products; and

"(C) if from brine wells—bromine, calcium chloride, and magnesium chloride.

"(7) 15 percent—all other minerals (including, but not limited to, aplite, barite, borax, calcium carbonites, diatomaceous earth, dolomite, feldspar, fullers earth, garnet, gilsonite, granite, limestone, magnesite, magnesium carbonates, marble, mollusk shells (including clam shells and oyster shells), phosphate rock, potash, quartzite, slate, soapstone, stone (used or sold for use by the mine owner or operator as dimension stone or ornamental stone), thenardite, tripoli, trona, and (if paragraph (2)(B) does not apply) bauxite, flake graphite, fluorspar, lepidolite, micas, spodumene, and talc, including pyrophyllite), except that, unless sold on bid in direct competition with a bona fide bid to sell a mineral listed in paragraph (3), the percentage shall be 5 percent for any such other mineral (other than slate to which paragraph (5) applies) when used, or sold for use, by the mine owner or operator as rip rap, ballast, road material, rubble, concrete aggregates, or for similar purposes. For purposes of this paragraph, the term 'all other minerals' does not include—

"(A) soil, sod, dirt, turf, water, or mosses; or

"(B) minerals from sea water, the air, or similar inexhaustible sources."

SEC. 2. The amendment made by the first section of this Act shall apply with respect to taxable years ending after the date of the enactment of this Act.

THE 21ST ANNUAL NATIONAL PRAYER BREAKFAST

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. MYERS. Mr. Speaker, more than 3,000 leaders of the United States and from 120 other nations of the world gathered in Washington February 1 for the 21st annual National Prayer Breakfast.

As president of the House of Representatives Prayer Group, I was honored to participate in the planning of this event which serves to emphasize our rededication to God and the spiritual principles which form the foundation of a strong nation.

Mr. Speaker, I feel that the remarks delivered at the National Prayer Breakfast are deserving of a larger audience than those of us who were fortunate to attend; accordingly, I insert the transcript of the Prayer Breakfast in the RECORD and commend both the remarks and the spirit in which they were delivered to all:

SPEAKER'S TABLE AT THE NATIONAL PRAYER BREAKFAST

FRONT TABLE

The Honorable Orlando Montenegro, *President, Executive Committee of the National Congress, Republic of Nicaragua.*

The Honorable Richard Kleindienst, *Attorney General of the United States.*

Mrs. Kleindienst.

Dr. Julio Astacio, *Minister of Public Health, Republic of El Salvador.*

The Honorable George Shultz, *Secretary of the Treasury.*

Mrs. Shultz.

Mrs. Johnson.

The Honorable James E. Johnson, *Assistant Secretary of the Navy.*

The Honorable Ann Armstrong, *Counselor to the President.*

Mrs. Hatfield.

The Honorable Mark O. Hatfield, *United States Senate.*

Dr. Billy Graham.

Dr. Guillermo Sevilla-Sacasa, *Ambassador of Nicaragua and the Dean of the Diplomatic Corps.*

The Honorable Carl Albert, *Speaker of the House.*

Mrs. Burns.

The Honorable Arthur F. Burns, *Chairman, Board of Governors, Federal Reserve System.*

The Honorable Albert H. Quie, *U.S. House of Representatives.*

The President of the United States.

Mrs. Nixon.

Mrs. Rogers.

The Honorable William P. Rogers, *Secretary of State.*

The Honorable Stanley Haidasz, *Minister of State for Cultural Affairs of Canada.*

Mrs. Haidasz.

The Honorable Harry A. Blackmun, *Associate Justice, Supreme Court of the United States.*

Mrs. Myers.

The Honorable John T. Myers, *U.S. House of Representatives.*

The Honorable Dudley J. Thompson, *Minister of State of Jamaica.*

Mrs. Richardson.

The Honorable Elliot L. Richardson, *Secretary of Defense.*

Mrs. Butz.

The Honorable Earl L. Butz, *Secretary of Agriculture.*

UPPER TABLE

The Honorable Arch A. Moore, Jr., *Governor of West Virginia.*

Mrs. Moore.

Mrs. Waller.

The Honorable William Waller, *Governor of Mississippi.*

The Honorable Sherman Tribbett, *Governor of Delaware.*

Mrs. Halverson.

Dr. Richard C. Halverson, *Pastor of Fourth Presbyterian Church, Washington, D.C.*

Mrs. Washington.

The Honorable Walter E. Washington, *Mayor of the District of Columbia.*

Mrs. Silva.

Mr. Federico Silva, *Presidente de Campsa, Spain.*

Mrs. Morton.

The Honorable Rogers C. B. Morton, *Secretary of the Interior.*

The Honorable John A. Volpe, *Secretary of Transportation.*

Mrs. Volpe.

Mrs. Romney.

The Honorable George W. Romney, *Secretary of Housing and Urban Development.*

Chief Buthelezi, *Chief Executive Officer of the Zululand.*

The Honorable Frank Carlson.

The Honorable Linwood Holton, *Governor of Virginia.*

Mrs. George Wallace.

Colonel James Irwin.

The Honorable John A. Love, *Governor of Colorado.*

Mr. Morgan Maxfield.

Mrs. Evans.

The Honorable Melvin H. Evans, *Governor of Virgin Islands.*

OPENING PRAYER: THE HONORABLE ANN ARMSTRONG, COUNSELOR TO THE PRESIDENT

Let us unite in prayer:

Most holy God, we thank You. We thank You for the joy in knowing Your presence here, for the assurance of Your guidance in the days ahead, and especially this morning we thank You for the hope of peace.

As at last the morbid requiem of gunfire stills, of You who are the author of peace, of You who are so diverse yet so compelling and encompassing, we ask You to remind us now of our essential brotherhood. You who span time, who know our beginnings and our ends, help us to seize this shining moment in our history.

For our nation, grant a renewal of faith like that of our founding fathers. For Your son, John Stennis, grant, Great Physician, restored health to one who has served you long and generously.

For our President and all our leaders gathered here, in this time of swift and startling change, sustain them with Your never-swerving truth.

For us all, give us Your hand, guide us in wisdom and in mercy. Lead us upwards and outwards spiritually beyond the limits of divisions to new heights of unity and peace, even as we now stretch and reach through space.

And on this beautiful shared earth, bring us together and let us love one another. Amen.

OPENING STATEMENT: THE HONORABLE ALBERT H. QUIE, U.S. HOUSE OF REPRESENTATIVES

Mr. President, Mr. Speaker and distinguished guests, and ladies and gentlemen: It is with a high sense of purpose and personal resolve that we're meeting this morning in this unique breakfast setting. This is the 21st Annual Breakfast, and like each one that has preceded it the purpose is to provide an opportunity where corporately we may reaffirm our dependence upon God and dedicate our nation and ourselves to Him and His plan for our lives.

Senator Stennis of Mississippi, who has given so much love and guidance to the Senate Prayer Breakfast Group, was to have presided over this National Prayer Breakfast this morning. But as you all know, Senator Stennis was seriously wounded and is now in the hospital. And we need to be praying for him today, and I want you to be praying in your places and I know the prayers from here from this spot will be for him as well, because he exemplifies in his personal life the ideals we're talking about this morning, that of a true reconciler, building concerned relations between people. This is a God-fearing man.

It is my signal honor today to welcome the President and Mrs. Nixon along with the leadership of our nation and many distinguished guests from abroad to what we like to think of as a continuation of our intimate weekly breakfast in the United States and the House of Representatives.

We should perhaps point to certain unique aspects of this gathering. The 3,000 of us breakfasting here together, drawn from many backgrounds and many nations, are actually meeting informally in a nonstructured fellowship made possible by the spirit of Jesus Christ. Yet this splendid gathering is but a tip of the iceberg, for grassroots level, everyday, weekly breakfasts exist in hotels, offices, auditoriums, homes, and wherever people meet—hundreds of small groups of 5 to 50, meeting casually in the same spirit to provide a moral and spiritual power base for our communities and for our nation.

So we do not think of this breakfast program as a religious exercise in any formal sense. Yet we do meet in that spirit of concern and compassion and outreach of love that includes all people. This is the reason we can come as we do from all walks of life with many and varied political and economic and philosophical and religious viewpoints represented in a deliberate effort to reach out and discover each other as brothers and sisters.

Just as we do in the Senate and the House, there are now many such informal group meetings on the regularly weekly or biweekly basis and leadership breakfasts, luncheons and fireside groups across the nation and around the world. In practically every State of the union there are Governors Prayer Breakfasts, and more than a thousand cities in which Mayors Prayer Breakfasts are conducted, most of them on an annual basis.

In some form, this idea has spread to 70 countries in every continent of our world. It is heartening to note that some of these nations have also begun to have their own National Prayer Breakfasts.

So as I view it, the true greatness of this hour lies in the fact that this is not some great independent expression or special witness, but is primarily a continuing fellowship among ourselves in which we find the strength through Christ for a better way in everyday living.

We hope it is clear to all that in sponsoring this prayer breakfast occasion we do not mean to convey that by so doing we feel particularly worthy or that we have spiritually arrived.

I want to say again this year that we are aware of criticism, sometimes valid, directed at us as public figures. We do not set ourselves up to read the Bible or pray or speak or whatever because we feel we have arrived. In fact, we at the head table this morning are anxious that you understand that we see ourselves as a gathering of sinners who know we do not deserve the blessings of God more than any others, and probably less than most.

Yet, we do meet simply to thank God for his goodness and to look for his guidance.

Another interesting fact is that the spirit of this breakfast is being shared by many who are close to us. Our soldiers and sailors, Marines and airmen are joining their Commander in Chief in giving expression to those moral and spiritual values that undergird our national life. On 1,400 bases, installations and ships at sea, in co-operation with their base commanders, chaplains have arranged similar breakfasts and observances. In many breakfasts, our servicemen will hear pretaped messages for the occasion from President Nixon and from members of both the House and the Senate.

Mr. President, as we meet here today to pray especially for you and for our great nation, and thank God for a big step toward peace, you will be gratified in the knowledge that at home and around the world there is a growing appreciation on the part of many for the value to people and nations of responsible men and women meeting in the spirit of prayer, recognizing that our ultimate hope and trust is in the Lord.

We are therefore praying, even believing, that instead of this annual event being a mere highpoint in our experience, it will indeed be an inspiration of what ought to happen in all our lives, privately and with others, on a daily basis.

And again this year, then, I welcome all of you, and I want to say that you will see in your programs the guests at the head table that I will not be introducing and therefore I will not take the time to mention them. I would like to mention some individuals who don't appear there, however. That is: the mayor of the city of Moscow and his wife, Chief of Zululand and Mrs. Buthelezi, and Governor Jack Williams.

And so, now may I present to you, to begin the program, a representative of the House of Representatives Prayer Breakfast Group, John Myers from Indiana who will bring you greetings.

GREETINGS FROM THE HOUSE BREAKFAST GROUP: THE HONORABLE JOHN T. MYERS, U.S. HOUSE OF REPRESENTATIVES

Good morning.

Mr. President, Mrs. Nixon, Government leaders, distinguished guests: On behalf of the members of the House of Representatives, welcome to the 21st Annual National Prayer Breakfast.

Thirty-one years ago a group of Government leaders was having breakfast together here in Washington as they frequently did. And the topic of conversation turned to religion, to prayer, and the powers of prayer. And before they left that morning they had decided that they would meet on a routine and dedicate the purpose of that meeting to prayer.

They started meeting weekly at the old Willard Hotel. Later they moved to the Capitol building. And today they still are meeting, however divided now, in a Senate Prayer Group and a House Prayer Group.

Our House Prayer Group meets each Thursday morning that the Congress is in session with a member leading in the discussion. Seated members of the Congress, former members of the Congress, and the members of legislative bodies of other nations are eligible to attend.

One of the first actions of each session of the Congress is the administering of the oath of office. Each member of the Congress must take that oath. The very last sentence in that oath is: "So help me God." Soon after a member accepts that oath of office, he realizes the importance of that one sentence. He realizes that there are difficult decisions, problems arising that he must make decisions where he needs help. He realizes that he is not alone in these decisions, that God is with us if only we ask.

The motivation that brings each of us to those breakfasts is different. But each of us takes away a better understanding, a better insight into our colleagues, better equipping us for the spirit on the floor of competitiveness that is so necessary. And the personal testimonies continue to restore our faith and our understanding of the powers of prayer.

I recall one story about a little girl who was being prepared for a very serious operation. And of course, this was a new experience for the little girl and she was frightened, and she was asking what each piece of equipment in this operating room meant and what the doctors and nurses were doing. And it came to the point where she was to receive that anesthesia, and she was told she was about to go to sleep. And she said, "Oh, I never go to sleep without saying my prayers." She hopped off the table and knelt beside this operating table, and recited a prayer that so many of us remember and learned as children: "Now I lay me down to sleep. I pray to God my soul to keep. And if I should die before I wake, I pray to God my soul to take."

This experience moved these seasoned doctors and nurses. They, too, knelt in prayer before the serious operation. A seemingly difficult operation was easy, and the operation was a success.

Each of us here this morning is involved in a serious operation, though few of us have the responsibility of a life in our hands as a surgeon has, but we do have to make difficult decisions. We have to face difficult problems. We need God's help.

That is what our prayer groups are about, that we might be able and better equipped to make the difficult decisions that each of us must make in our lives. We in the Congress are frequently faced with the dilemma of doing what is right, or doing God's will, or the choice of making a decision that seems to be politically popular at the time. We need God's help to make those right decisions.

Abraham Lincoln once said, "If we are right, God will be with us. And if God is with us, we cannot fail." We, the leaders in this room, must not fail.

Old Testament Reading: The Honorable Harry A. Blackmun, Associate Justice, U.S. Supreme Court

Mr. President and Mrs. Nixon, Mr. Chairman and ladies and gentlemen: The Old Testament selection this morning is from the Book of Isaiah, Chapter 40, the first chapter of what has sometimes been called the sub-book, with the title, "The Book of the Consolation of Israel," Verses 12 to 31. And I read not from the King James Version, but from the Jerusalem Bible.

"Who was it measured the water of the sea in the hollow of his hand, and calculated the dimensions of the heavens, gauges the whole earth to the bushel, weighed the mountains in scales, the hills in a balance? Who could have advised the spirit of Yahweh? What counselor could have instructed Him? Whom has He consulted to enlighten Him and to learn the path for justice and discover the most skillful ways?

"See the nations are like a drop on the pail's rim. They count as a grain of dust on the scales. See the islands weigh no more than fine powder. Lebanon is not enough for the fires, nor its beasts for the holocaust. All the nations are as nothing in His presence. For Him they count as nothingness and emptiness.

"To whom would you liken God? What image could you contrive of Him? A craftsman cast the figure, a goldsmith plates it with gold and casts silver chains for it. For it a clever sculptor seeks precious palmwood, selects wood that will not decay, to set up a sturdy image.

"Did you not know, have you not heard, was it not told you from the beginning, have you not understood how the earth was founded? He lives above the circle of the earth. Its inhabitants look like grasshoppers. He has stretched out the heavens like a cloth, spread them like a tent for men to live in. He reduces princes to nothing. He annihilates the rulers of the world. Scarcely are they planted, scarcely sown, scarcely has their stem taken root in the earth, then he blows on them. Then they wither and the storm carries them off like straw.

To whom could you liken me and who could be my equal, says the holy one. Lift your eyes and look. Who made these stars if not He who drills them like an army, calling each one by name? So mighty is His power, so great His strength, that not one fails to answer.

"How can you say, Jacob, how can you insist, Israel, that my destiny is hidden from Yahweh, my rights are ignored by my God. Did you not know, had you not heard. Yahweh is an everlasting God. He created the boundaries of the earth. He does not grow tired or weary. His understanding is beyond fathoming. He gives strength to the wearied. he strengthens the powerless. Young men may grow tired and weary, youths may stumble. But those who hope in Yahweh renew their strength. They put out wings like eagles. They run and do not grow weary, walk and never tire."

Greetings From the Senate Breakfast Group: The Honorable Mark O. Hatfield, U.S. Senate

Mr. President, Mrs. Nixon, ladies and gentlemen: As I see this audience this morning, we in the Senate Prayer Breakfast who meet on Wednesday of each week cannot help but be especially mindful of our leader of that breakfast group who has, over the years, provided the continuity, provided us with the stimulus to make our attendance known. And I see in this audience a great resource to try to bridge into what oftentimes is thought of as a withdrawn, rather exclusive group that meets on Wednesday morning. May I break tradition and ask each of you in your own way and in conformity with your own faith to mobilize together in this great room today the power of prayer on behalf of John Stennis, our leader, and do this silently for just a few seconds.

(Silence)

Thank you.

My brothers and sisters, as we gather at this prayer breakfast, let us beware of the real danger of misplaced allegiance, if not outright idolatry, to the extent that we failed to distinguish between the god of civil religion and the God who reveals himself in the Scriptures and Jesus Christ. For if we as leaders appeal to the god of civil religion, then our faith is in a small and exclusive deity, a loyal spiritual adviser to power and prestige, the defender of only the American nation, the object of a national folk religion devoid of moral content.

But if we pray to the Biblical God of justice and righteousness, we fall under God's judgment for calling upon His name but failing to obey His commandments. Our Lord Jesus Christ confronts false petitioners who disobey the word of God when He said, "Why do you call me Lord, Lord, and do not the things I say?"

God tells us that acceptable worship and obedience are expressed by specific acts of love and justice. As Isaiah taught us, "Is not this what I require of you to lose the fetters of injustice, to snap every yoke and set free those who have been crushed? Is it not sharing your food with the hungry, taking the homeless poor into your house, clothing the naked when you meet them, and never evading the duty to kinsfolk?"

We sit here today as the wealthy and the powerful. But let us not forget that those who truly follow Christ will more often find themselves not with comfortable majorities, but with miserable minorities.

Today our prayers must begin with repentance. Individually, we must seek forgiveness for the exile of love from our hearts. And corporately as a people, we must turn in repentance from the sin that has scarred our national soul. "If My people shall humble themselves and pray and seek My face and turn from their wicked ways, then will I forgive their sins and heal their lands."

We need a confessing church, a body of people who confess Jesus as Lord and are prepared to live by their confession. Lives lived under the Lordship of Jesus Christ at this point in our history may well put us at odds with values of our society, abuses of political power, and cultural conformity of our church. We need those who seek to honor the claims of discipleship, those who live in active obedience to the call, "Do not be conformed to this world, but be transformed by the renewing of your minds." We must continually be transformed by Jesus Christ and take His command seriously.

Let us be Christ's messengers of reconciliation and peace. Then we can soothe the wounds of war and renew the face of the earth and all mankind.

Thank you.

New Testament Reading: The Honorable Carl Albert, Speaker, U.S. House of Representatives

Mr. President, Mrs. Nixon, my friends: From the New Testament, I have chosen to read Verses 12 through 17 of Chapter 3 of Paul's Letter to the Colossians, and Verses 8, 9 and 13 of Chapter 4 of Paul's Letter to the Philippians:

"Put on, then, as God's chosen ones holy and beloved compassion, kindness, lowliness, meekness, patience, for bearing one another, and, if one has a complaint against another, forgiving each other. As the Lord has forgiven you, so you must forgive. And above all these, put on love, which binds together everything in perfect harmony. And let the peace of Christ rule in your hearts, to which indeed you were called in the one body, and be thankful.

"Let the word of Christ dwell in you richly as you teach and admonish one another in all wisdom, and as you sing psalms and hymns and spiritual songs with thankfulness in your hearts to God. And whatever you do in word or deed, do everything in the name of the Lord Jesus, giving thanks to God the Father through Him.

"Finally, brethren, whatsoever things are true, whatsoever things are honorable, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report, if there be any virtue and if there be any praise, think on these things. I can do all these things in Him who strengthens me."

Prayer for National Leaders: The Honorable James E. Johnson, Assistant Secretary of the Navy

Mr. President, Mrs. Nixon, Mr. Speaker, Christian friends, people around the world:

I thought about this prayer, and then I thought about my six-year-old son and what he did to me a few days ago. I was hurrying, trying to get out, going on a trip. Seven o'clock in the morning, my son came running down the stairs and says, "Dad, where are you going?" I explained to him I was going to Chicago. And before he said anything, I said, "Son, what would you like for me to bring you back?" He looked at me with tears in his eyes, and he says, "Dad, only your love."

And that's what I'd like to pray this morning is ask God just for His love. Shall we pray.

Father, as we gather here today, we ask Thy blessing upon the leaders of this nation. We ask You the Father Thou would bless those who have the power to lead us. Bless our President, Vice President and all of those who are in authority. May they continue to strive to carry forth this nation in a way that Thou would have it to go.

We know, dear Father, that in all of our endeavor we have to look to Thee for guidance and understanding. And may we put in the hearts of our people throughout this United States of America that when our country is wrong, we as Americans should do everything in our power to make it right. But Father, when our country is right, we as Americans should do everything we possibly can to keep it right. And we should always remember that, right or wrong, America is still our country.

And we pray, dear Father, that these leaders will lead us in such a way that their light will shine—their light will shine in such a way that men may see their good work and glorify in Thee.

And we ask You, dear Father, to just pour out a blessing on Senator Stennis. We ask you, dear Father, that You will heal him. And we understand that Your power is so great that You can do all things, and we ask You today to bring him back to the Senate.

And may we pray, dear Father, for those who have hatred in their hearts, that You will change their hearts to loving and kind. And we know, dear Father, that oftentimes we love things and use people instead of using things and loving people. We ask You, dear Father, only for Your love.

And we know, dear Father, that after we speak all these things, we ask Thee to make us a little bit prouder of being an American. And allow us to stand just a little bit taller among our Christian friends, and love forever. Amen.

MESSAGE: THE HONORABLE ARTHUR F. BURNS, CHAIRMAN, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Mr. President, Mrs. Nixon, Mr. Speaker and my friends and neighbors: As I rise to bring a message to this distinguished audience, my mind turns to the long succession of prophets of our Judeo-Christian faith. The prophets of Israel and Judea lived in turbulent times. They witnessed idolatry, war and much social conflict. Being messengers of God, they were deeply concerned about the future of their people, and they became tireless teachers and reformers.

We, too, live in a time of tumultuous change. Our material prosperity has been advancing. The doors of opportunity have been opened wider to racial and cultural minorities. New and far-reaching bridges to international peace have recently been built. Nevertheless, tensions, conflicts and doubts still surround us, and they are weakening our national spirit.

If America is to remain the good and generous country it has been, we need to turn back more frequently to the prophets of our faith. There is no better way to strengthen our hopes and our combined striving for human improvement.

The ancient prophets are not to be confused with soothsayers. They were, first and foremost, moral leaders, and they accepted unflinchingly the responsibilities that go with leadership. When God ordered Moses, "Bring forth my people out of Egypt," Moses at first sought to enlist the good will of the Pharaoh. But when his entreaties and negotiations failed, he assumed command over the tribes of Israel, led them hastily out of Egypt, planned for their material needs in the wilderness, provided them with a code of moral law and justice, taught them to worship the Lord, and dealt patiently, but firmly, with their grumbling.

The later prophets were equally fearless in discharging the responsibility of leadership. Catching sight of Elijah, King Ahab inquired, "Is it you, you troubler of Israel?" The prophet answered him, "I have not troubled Israel. But you have in your father's house, because you have forsaken the commandments of the Lord." And when Ahab acquiesced in Jezebel's wickedness and robbed his neighbor of his vineyard, Elijah sought out the King with thunder. "I have found you, because you have sold yourself to do what is evil in the sight of the Lord. Behold, I will bring evil upon you. I will utterly sweep you away."

The prophets were in no doubt about the goals to which earthly power should be directed. What God required of man was moral conduct, not ritualistic exercise. Isaiah reported to the people, "' What to me is the multitude of your sacrifices,' says the Lord. 'I do not delight in the blood of bulls. Bring no more vain offerings. I am weary of bearing them. Wash yourselves. Make yourselves clean. Remove the evil of your doings from before my eyes. Cease to do evil. Learn to do good. Seek justice. Correct oppression. Defend the fatherless. Plead for the widow.' "

In other words, those whom God blessed with abundance should share bread with the hungry, cover the naked with garments, protect orphans and widows, deal fairly with servants and neighbors, and trade honestly. These principles of justice and righteousness must apply to nations as well as to individuals, for the entire nation is responsible for the moral condition of its people, and it will be so judged by the Lord. By doing God's will on earth, by letting righteousness roll down as a mighty stream, a universal peace shall in time be established.

In the immortal words of Micah, "Nations shall not lift up sword against nation. Neither shall they learn war any more, for they shall sit, every man under his vine and under his fig tree, and none shall make them afraid.

The prophets of the Old Testament understood well that the ideal society to which they aspired required physical, as well as moral, effort. Men must also work, produce, invest if they are to achieve God's blessing of peace and abundance. The prophets dreamed of the noble day, as did our President in taking his oath of office 12 days ago, when nations shall beat their swords into plowshares, and their spears into pruning hooks.

It is instructive to note that in this prophetic vision, swords and spears are beaten into instruments of production, not into contrivances of indolence or consumption. "Sweet is the sleep of a laborer." So sang the preacher. And Isaiah disclosed God's reward to honest labor: "They shall build houses and inhabit them. They shall plant vineyards and eat their fruit. For like the days of a tree shall the days of my people be, and my chosen shall long enjoy the work of their hands. They shall not labor in vain."

The prophets understood also that man could not move towards the ideal society by relying solely on his own resources. Time and again we find the prophets on their knees, praying for divine guidance to inspire their teaching and their people. The prophets were men of great humility. They recognized their inadequacy. Thus we hear Moses pleading, "Who am I that I should go to Pharaoh and bring the sons of Israel out of Egypt. Oh my Lord, I am not eloquent, either heretofore, or since thou hast spoken to thy servant, but I am slow of speech and of tongue.

The prophets of the Old Testament also understood the need of love in a righteous world. "You shall love your neighbor as yourself," was already part of the Mosaic code.

It was left, however, to Jesus of Nazareth, the transcendent prophet of the New Testament, to refine and broaden this Mosaic commandment, and to reveal the profoundest of all moral truths; that neither understanding nor justice, nor righteousness can achieve full expression without the cleansing power of love.

To Jesus, the commandment "Love your neighbor" embraced kinsman and stranger, saint and sinner, friend and foe. How often do we remember? And yet, how can we ever forget His saying, "Love your enemies, and pray for those who persecute you, so that you may be sons of your Father who is in Heaven. For He makes his sun rise on the evil and on the good, and sends rain on the just and on the unjust. For if you love those who love you, what reward have you? Do not even the tax collectors do the same? And if you salute only your brethren, what more are you doing than others? Do not even the gentiles do the same? You therefore, must be perfect, as your heavenly Father is perfect."

These, then, are some of the teachings of the prophets of our faith. If they could speak once more, I can imagine them saying to the men and women gathered here today. "You are leaders, and you therefore have the responsibility of leading. Devote your energy to creating a social order based on justice and righteousness. Respect the role and dignity of honest work. Love your neighbor. And remember to pray for divine guidance in your quest for human betterment."

When God appeared to Solomon in a dream and inquired, "Ask what I shall give you," Solomon replied: "O Lord, my God, Thou hast made Thy servant King in place of David my father. Although I am but a little child, I do not know how to go out or come in. Give Thy servant, therefore, an understanding mind to govern Thy people, that I may discern between good and evil, for who is able to govern this, Thy great people?"

In this spirit of devotion and humility, may our President, our legislators and our judges bring new hope to our people. May they remain strong in their labors for peace, justice and prosperity in God's world.

REMARKS OF THE PRESIDENT

Mr. Speaker, Chairman Quie, Dr. Burns and all of our very distinguished guests from all over the world and our very distinguished guests from the United States of America:

I first have a bit of what I think is good news and encouraging news. A message was handed to me just as the breakfast was beginning from Senator Stennis' physician, General Moncrief. He reports that the Senator says he feels well this morning, and this morning, when the doctor said he was going to the Prayer Breakfast, Senator Stennis, who because he has some tubes in his mouth could not talk, but he wrote on his pad. "I wish I were going, too."

I think if Senator Stennis is listening, as I am sure he is on radio, or maybe he will hear it on television tonight, he is here today, he is with us and we are with him and he is going to be back. That is what we all know and that is what we pray for.

As I heard the other speakers, I thought of that first Prayer Breakfast—the National Prayer Breakfast—which was held, as I recall, in the Mayflower Hotel, in 1953. President Eisenhower addressed it on that occasion. I think Billy Graham did, and it was a memorable occasion.

I think back to the four years that I have had the privilege to be here as a guest and also of the years before even 1953 when I met with first the House Prayer Breakfast group and then the Senate Prayer Breakfast group.

I think, too, of what has happened over these four years, and I think all of us perhaps will remember what a year we have just completed. Since we last met here, just one year ago, we have made the trip to the People's Republic of China, which opened communication with one fourth of the people who live on this globe where there had previously been virtually no communication whatever as far as we were concerned.

We made the trip to the Soviet Union, to Moscow, and with the Ambassador from the Soviet Union here, and the Mayor from Moscow here, we all realize that that trip had enormous significance in terms of the future of the world in which we live because it was really the first time that two very great powers sat down together, recognized their differences and also those areas where they could work together and made agreements, agreements to work together in certain peaceful enterprises and to limit armaments in other enterprises and so a beginning was made, a very important beginning that needed to be made. That happened this year.

And then finally, and reference has already been made to this, for the first time in ten years at one of these Prayer Breakfasts, the President of the United States is able to say the United States is at peace in Vietnam.

Could I put that peace in perspective? I refer to these journeys abroad and also the agreement that has just been reached. We could read too much into the peace that we have talked about, much as we would hope that it could mean everything that we could possibly imagine.

But as we look over the history of agreements between nations and as we look at those periods of peace that follow war, the record is not too encouraging. Because what we often find is that after war, and after a period in which a nation has peace, the conflict that we were engaged in in war tends to turn itself inward and we continue to engage in that conflict in peace. And rather than a period of peace being one that is creative and positive, it is one that is negative, one of withdrawal, one of isolation, and that plants the seeds for more conflict, not only at home but abroad.

This is the record too often in the past. We must not let it happen now.

I recall, for example, in 1969 right after I had been elected for the first time, a trip to Europe. We had some problems on our campuses at that time, as you may remember. And when I visited one of the European Heads of State which had had no war for 25 years—and we had had two, one in Korea, and we were then involved in one in Vietnam—we talked long into the night about the problems of our young people—his and ours.

And he made a very profound comment. He said, "The problem with your young people is war." He said, "The problem with our young people is peace."

We must not let that happen. For our young people and for this nation, we must recognize that peace is not something that is simply the absence of war; it is an opportunity to do great things—great things for our people at home, great things for people abroad.

I think for example, of treaties that are made, and I have made reference to the fact that the recent agreements that we have signed will mean peace in Vietnam, and eventually throughout Indochina, we trust, but it will mean peace only to the extent that both sides and the Leaders of both sides have the will to keep the agreement.

All the paper in the world, all the more fancy phrases that could have added to the very intricate phrases that are already in the agreement would mean nothing if the individuals who have the responsibility for keeping the agreement do not keep it.

We will keep the agreement. We expect others to keep the agreement. That is the way peace can be kept abroad. Only, in other words, by the will of the individuals involved, and you must change the man or you must change the woman if the agreement is to be kept.

And so it is at home. We are concerned about conflict at home. We are concerned, for example, about the problems that divide us. They talk about the divisions between the generations, the divisions between the races, the divisions between the religions in this country, and we have them.

So we can legislate about some of those divisions. For example, we pass laws, laws providing and guaranteeing rights to equal opportunity, but there is no law that can legislate compassion; there is no law that can legislate understanding; there is no law that can legislate an end to prejudice. That only comes by changing the man and changing the woman.

That is what all religion is about, however we may worship. That is what our religion is about, those of us who may be of the Christian religion.

So today, I would simply close with one thought. There is a lyric from a song I recall, that runs something like this: "Let there be peace on earth and let it begin with me."

And so, abroad and at home, let that be our prayer. Let there be peace on earth and let it begin with each and every one of us in his own heart.

Thank you.

Closing Prayer: Dr. Billy Graham

Mr. President, Mrs. Nixon: Our Father, we thank Thee for all the things that our hearts have felt and our minds have heard today. We pray that we will go from this place with a sense of Thy presence, and we pray that when the President of the United States goes back to his Oval Office, and all the responsibilities are his, that he will sense the presence of God. And we pray that there will be a supernatural power helping him in making the great decisions of State, and we pray the same for the Congress and for the judges, and for all of those in authority.

We pray for their wives and their families, who share in these tremendous responsibilities.

We thank Thee for Him that we have talked about and heard about today, even our Lord Jesus Christ, who was willing to go to the cross and die for our sins, and who was raised again from the dead for our justification, and who is someday coming as the Prince of Peace to bring an everlasting peace to the world.

And now, unto Him who loved us and washed us from our sins in His own blood, and has made us kings and priests unto God—to Him be the glory, the praise and the dominion, forever and ever, amen.

WINNING THE WEST WITH WATER

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. JOHNSON of California. Mr. Speaker, an old friend, who is one of the Nation's leading authorities on water resources, has written a book on one of the important Federal agencies dealing in this area, the Bureau of Reclamation.

William E. Warne outlines the history and work of this agency in the most recent of the "Praeger Series on Government in Action." The 270 pages and 14 chapters, well supplemented with charts, maps, and photographs, is written with authority, an authority which comes from experience and knowledge for Bill Warne has served as Assistant Commissioner of the Bureau of Reclamation, as Assistant Secretary of Interior with authority over the Bureau of Reclamation and as director of the Department of Water Resources in my own State of California.

Another well-known water expert who currently is a staff consultant on the Committee on Science and Astronautics has reviewed Bill Warne's book. Philip P. Dickinson is another old friend whose background and experience qualify him also as an expert in the field. He has entitled his review "The Course of Empire." I would like to share this with my colleagues at this point:

The Course of Empire

(By Philip P. Dickinson, Fellow, American Society of Civil Engineers)

One does not expect a book about bureaucracy to be exciting. But here's one that is.

Mr. Warne's history and description of the work of the United States Bureau of Reclamation is exciting because it really is an extraordinary story of the winning of the West. It tells how and why the 20th Century migration to our arid states which lay beyond the 100th meridian was a great social epoch—one which, to this observer, is aptly epitomized by the famous 18th Century quotation of George Berkeley "Westward the course of empire takes it's way". When you say "Bureau" in the 17 western states, it means one agency only—the Bureau of Reclamation. William Warne is qualified to relate this story by reason of his long service as Assistant Commissioner of Reclamation and as Assistant Secretary of the Interior.

The book is not confined to history; it also examines the present state and future problems of the Bureau of Reclamation in a critical way. For example, the author notes that one of the basic objectives of the Reclamation Act of 1902—that is, the settlement of the West—has now been accomplished. In fact, California is the most populous state of the union. The other basic purpose of the act—to bring water to dry lands that could not otherwise support agriculture—remains a valid and essential function.

Under these circumstances Mr. Warne asks, what is so sacrosanct about the so-called 160-acre limitation, once considered a pillar of Reclamation law? The settlement era is past; the objective now is to maintain the agricultural and industrial economy of the West by the conservation and distribution of that most essential substance, water, and by the generation and distribution of its valuable by-product, electric power.

It should be noted that the 160-acre limitation is not, as some think, a limitation on land ownership. Rather it is a restriction on the delivery of Federal water; specifically, to that amount required to irrigate 160 acres in single ownership, whatever the crop. A man and wife may get water for 320 acres. Mr. Warne calls the limitation "outmoded."

Certainly some veteran reclamationists will object to any liberalization or perhaps repeal of the 160-acre limitation, on the grounds that a financial subsidy is involved. Under the law Federal funds are provided for the construction of Reclamation projects, subject only to capital repayment in 40 years, *with-*

out interest. A measure of the subsidy is the fact that interest-free money doubles in capital value in 40 years.

On the other hand, others may counter that the Bureau of Reclamation's powerful rival and political competitor, the U.S. Army Corps of Engineers, builds water projects for inland navigation and flood control in all 50 states with no repayment requirement whatsoever. Indeed, the arbitrary allocation of the costs of a dam to free "flood control" in the winter and spring months can sometimes become, in the dry summer and fall months, free irrigation. In some cases it has.

The Kings River Project in the San Joaquin Valley of California is an example. The Corps built Pine Flat Dam with a generous allocation to flood control, right in the middle of the Bureau's Central Valley Project service area where stored water costs from $3.50 to $7.50 an acre-foot at the side of the main canals. Water users, however they may appreciate Reclamation's interest-free irrigation service, naturally like even better the Corps' wholly free "flood control" releases, with or without acreage limitation.

The delicate, if not hostile, relationship of the Bureau of Reclamation and the Corps of Engineers (which is affectionately known as "the lobby that can't be licked") is discussed also in the chapter on the great Missouri River Basin. It is there that a joint Bureau-Corps plan for ultimate basin development was described by the president of the Farmers Union as "a loveless, shotgun marriage."

Such is the nature of the tales of bureaucratic in-fighting, political quarrels and pertinent anecdote that spark the narrative. Like the Bureau of Reclamation itself, this addition to the Praeger Library will arouse controversy because it pinpoints issues and suggests new answers to many basic questions of land management, water resource development, electric power generation, and the delicate relation of each of these to the quality of our environment in the decades ahead.

One new answer, as portentous as the proposal to abandon the 160-acre limitation, is a suggestion that the Bureau be assigned a national role. That challenges another basic provision of the Reclamation Act of 1902 which confines the Bureau to the construction and operation of projects west of the 100th meridian—that is to the 17 arid or semi-arid western states. The law still applies, with Alaska and Hawaii added.

It is pointed out that irrigation is now widely practiced in many humid eastern and southern states—particularly Florida, Arkansas, Louisiana and New Jersey—where farmers have found it to be an economical means of improving crop yields and in countering occasional dry spells. Likewise, eastern cities and factories are running short of developed water supplies to meet municipal and industrial needs. Finally, the energy crisis threatens an imposition of electric power rationing.

All three of these functions are within the professional experience and competence of the Bureau of Reclamation. How can the Bureau's expertise be applied to solving the eastern problem? Simply by removing the 100th meridian barrier of Reclamation Law which still confines the Bureau to the western states. This, too, would require legislation.

It doesn't seem likely that the Congress would approve such major changes in the Nation's water resource development policy without careful re-examination of all facets of the current problems and the proposed solutions. Accordingly, Mr. Warne's final recommendation for the creation of a Reclamation Commission to "review the history, examine the policies . . . , evaluate the programs and assess the future of Reclamation" would appear to be a logical first step.

THADDEUS KOSCIUSZKO

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. O'HARA. Mr. Speaker, February 10 is the day set aside to honor Thaddeus Kosciuszko, a Polish soldier and statesman who played an historic role in the American Revolution—a man known as the "hero of two worlds" for the battles he waged on behalf of both American and Polish independence.

This year, as the Nation pauses to reflect on the contributions made by this great man, we in the U.S. Congress, can take particular pride in the fact that, last year, we took the long-overdue step toward creating some lasting memorial to Thaddeus Kosciuszko, by authorizing the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania—legislation which I was privileged to cosponsor for several years. Our action in designating the house in Philadelphia—the last home this great man occupied in his adopted land before his death—assures that we are finally paying deserved tribute to this patriot of two nations.

Here was a man who volunteered his service to the Continental Congress during the Revolutionary War, who was commissioned a colonel in the Army Engineers, who was responsible for the construction of the famous fortifications at Saratoga and West Point, and who distinguished himself in the battles of New York and Yorktown. The Congress, by special act, bestowed on him the rights and privileges of American citizenship and the rank of brigadier general for his historic role in the American Revolution.

No student of the American Revolution has ever questioned the enormous contribution which Thaddeus Kosciuszko made to the success of the Continental Army. No student of military history has ever questioned the fact that Kosciuszko was probably the greatest fortifications expert of this own time, and perhaps of all times. By the action in the 92d Congress establishing the Kosciuszko Home National Historic Site, we have acted to place his contributions in their proper perspective, so that all Americans could recognize how much the success of our arms depended on the brilliance of his mind.

I am particularly pleased about what we have accomplished in this regard, for Thaddeus Kosciuszko was the forerunner of millions of Polish-Americans who, by their skill, hard work and patriotism, have contributed so much to this country's developments.

My own State of Michigan, for example, is the home of hundreds of thousands of Americans of Polish descent. It is also the center of some of the great Polish institutions of learning in the world—among them, Orchard Lake Center of Polish Studies and Culture. Distinguished scholars in my State, along with others, are in the process of a most exhaustive study of the wellsprings of Polish culture, particularly as it relates to the early history of the United States.

Thaddeus Kosciuszko, whose memory we honor his month, is at the core of that early historical development to which those of Polish extraction lent their efforts and their commitment. So, as we pay tribute to this man whose contributions helped win the freedom we cherish so highly, we are also paying tribute to the millions of Polish-Americans who, following in the footsteps of this great hero of the Revolutionary War, have devoted their lives often at great risk, to the cause of freedom.

THE GROWING THREAT TO FREEDOM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. RARICK. Mr. Speaker, in his Inaugural Address, President Nixon said:

> We have lived too long with the consequences of attempting to gather all power and responsibility in Washington.
>
> Abroad and at home, the time has come to turn away from the condescending policies of paternalism—of Washington knows best.
>
> Government must learn to take less from people so that people can do more for themselves.

In calling for a renaissance of individual responsibility and rededication to America, President Nixon found broad popular support.

Yet his administration, which has been most active in curtailing individual liberties and in continuing the destruction of States rights, has shown little indication of transfering or surrendering the powers amassed in Washington back to the States, local governments or the people. To the contrary, the division of our country into 10 regions or zones appears for the purpose of insuring stronger control by Washington, not returning local control. Likewise the power concentrated in the executive branch by his 1971 Presidential Proclamation 4074, its companion, Executive Order 11615, and his 1969 Executive Order 11490, all remain in force.

The great threat to the American people by over-concentration of power in one branch of the Government coupled with a hostile division between political parties can be best shown by what happened recently in another constitutional republic, the Philippines.

President Marcos, using the threat of a Communist takeover, the fear of crime, and the promise of reforms, was able to induce his Congress to delegate to him as the President, unlimited power. In fact, he amassed such power that he was able to persuade his legislators to enact a new Constitution after which he dismissed the Philippine Congress, sent them home, and now rules the Philippines as a new "safe democracy."

How did the people of the Philippines react? As long as they have law and order, prices are controlled, and peace is in their land, their attitude seems to be that, if American-style democracy can be so easily subverted, it probably never was appropriate.

Now, we learn that President Allende of Chile is in the process of rewriting the Constitution of that country, reforming its legislative chamber and seeking to amass similar one-man political rule.

Last year, relatively unnoticed by the news media, similar action was taken by General Torrijos, the strongman of Panama, who rewrote the Constitution and reformed the political structure of that country so that he now rules as a one-man monarch, hiding behind the buffer of the so-called revolutionary council.

Interestingly, among the three republics which have now fallen from within, the ideological reasoning differs. The Philippines suffered the need for such extraordinary action was to stop communism while the Chileans and the Panamanians are being told that their dictatorships are necessary to stop imperialism. But, the result—the loss of individual liberties in all three countries—is the same. They are blemishes on the honor and the workability of the American system of government.

The handwriting is on the wall. Well-phrased speeches and pleasing platitudes, without action, are disarming. The American people must not let pressures from below be used at the top to justify peaceful dismantling of our constitutional system of government.

I ask that related news clippings follow:

[From the Washington Post, Jan. 18, 1973]

Marcos' Rule Has Confounded Critics

Manila, January 17.—The critics of Philippine President Ferdinand Marcos have long assumed the he wanted to institute one-man rule, but they also assumed that he would not be able to do so.

He proved by his action today proclaiming a new constitution and giving himself the power to rule by decree that they were right about his goal, but wrong about his ability to achieve it.

Marcos, in effectively proclaiming one-man constitutional rule over the Philippines has taken his September martial law proclamation, with its promise of speedy social reforms and faster economic devleopment, to its logical conclusion.

Marcos assumed the powers of president, prime minister, legislature and military commander in chief of the Philippines. He announced the dismissal of the vice president, and members of Congress and suspension of the interim National Assembly provided for in the new constitution.

Efren Plana, justice undersecretary, said the only limitations on Marcos' powers are those invested in the judiciary.

Marcos announced his decisions at a meeting of a newly formed Peoples' Congress composed of about 4,000 public officials, civic leaders and others. The government said they represented the final authority of the local citizens' assemblies.

Some Western observers have recently felt that Marcos was taking far too long to get where he was obviously headed, as the president maintained constitutionality in the hope of making his authoritarian rule acceptable to the outside world. Marcos has shown that he is eager to provide stability for foreign investors, as well as answers to domestic critics. He can now do this if his main governmental reform is greater concentration upon social reform.

Marcos' last electoral mandate, in 1969, immediately aroused suspicions of a prolonged Marcos era. Student activists concentrated on this issue from the start of Marcos' second term.

The fears widened as he suspended habeas corpus in August 1971 and these fears helped propel a comeback of the opposition Liberal Party in the midterm elections that year. In the campaign, opposition politicians, looking to the next presidential election, made Marcos their target.

Marcos' own tendency toward political overkill helped arouse opposition.

Today's speech proclaiming the new constitution illustrated that tendency. Two of his three proclamations were, strictly speaking, unnecessary.

The new constitution makes the September martial law proclamation "legal, valid and binding" until the regular National Assembly eventually meets and repeals it—some time in the 1980s by present reckoning. Yet Marcos chose to issue another proclamation today continuing martial law.

The same reasoning applies to the proclamation today indefinitely suspending the clause in the new constitution providing for an interim assembly. It seems unnecessary because, under the new constitution, President-Prime Minister Marcos alone convenes the assembly at a time of his choosing.

Marcos also used overkill in his announcement of the results of the nationwide referendum of citizens' assemblies on adoption of the new constitution and continuation of martial law. He announced more than 90 per cent support for his moves, even though it was known that the nation is deeply divided, as it has traditionally been on most major questions of recent years.

Authoritative sources say that one opinion poll Marcos had ordered, but not published, showed a massive rejection of the constitution. After learning of that, he canceled a scheduled national vote and substituted the "referendum" of the country's village assemblies.

Had Marcos been content with proclaiming a slightly more modest result than the 90 per cent level, his authoritarian rule would probably have got off to a better start in terms of general acceptance.

Marcos now has the power to appoint four new Supreme Court judges, six more election commissioners, and removes all former congressmen and senators "to the sidelines," as the president politely put it. Marco can also replace all government appointees.

These and many other powers merely flesh out in explicit constitutional language the powers that Marcos assumed on Sept. 22 in Martial Law General Order No. 2. He proclaimed that "I shall govern the nation and direct the operation of government, including all its agencies and instrumentalities" in his capacity as commander in chief of the armed forces.

From the start, Marcos attached to martial law the dream of a reformed Philippines in which the old injustices, past inefficiencies, prevalent corruption and numerous other brakes on Filipino progress would all be overcome. Inevitably, this made necessary Marcos' prolonged extension of power. Marcos was caught in a bind. For martial law to be popular, he had to make the reforms stick, but to make them stick he had to be sure his assumption of greater power would stick, too.

As long as the American-style constitution was in force, there was inevitable tension between Marcos and the senators and congressmen. The Supreme Court also remained a restraint on authoritarian power. The choice for Marcos was authoritarian rule through persuasion and consensus—or through maneuver and imposition. He chose the latter course.

Perhaps past suspicions between the president and the politicians on the one hand, and between Marcos and oligarchy on the other, made it inevitable that he should choose impositions, albeit stage-managed to look like "democracy."

Inevitably, some foreign observers feel politics is too deeply ingrained in Marcos and in the Philippines for there to be fundamental change. Marcos today asserts that the revolution is in the constitution, but it must also be within himself. Marcos' martial law experiment remains very much as he himself has described it—a great gamble.

[From the New York Times, Jan. 21, 1973]

Marcos Gets His Kind of Democracy

(By Tillman Durdin)

Manila.—Americans—and many Filipinos—have long been proud of the American-style system of democracy adopted by the Philippines when the country was granted its independence in 1946. Last week that legacy of a half-century of American rule was abolished by President Ferdinand Marcos as unworkable.

Climaxing a tortuous process of consolidating himself in power, Mr. Marcos not only perpetuated indefinitely the martial-law dictatorship he established Sept. 22 but claimed for it the legitimacy of a new constitution of ostensibly parliamentary form.

The Marcos strategy has been shaped principally by three factors—the President's determined drive for emergency powers to crush what he called the twin threats of Communist and Moslem insurgencies in different parts of the country and rising crime and corruption in Philippine society as a whole; the support that his "New Society" program has been enjoying among many Filipinos who are willing to see their freedoms abridged temporarily at the price of achieving Mr. Marcos's stated objectives; and the political challenges to his program that have been posed by groups and individuals who charge that Mr. Marcos has been inflating the dangers stemming from the relatively small number of Communist-led insurgents as a means of making himself into a dictator. This third factor, in fact, was what precipitated the change last week.

Headed by Lorenzo Tanada, a Harvard Law School graduate, a noted civil-rights attorney and, until recently, a luminary of the Philippine Senate, the opposition groups have been seeking an injunction by the Philippine Supreme Court to prevent Mr. Marcos from putting into effect a new authoritarian constitution drafted by a convention dominated by the President. The new charter would not only give Mr. Marcos extraordinary powers in its basic clauses but would incorporate all the martial-law decrees he has issued under a clause of the old Constitution designed for situations of national peril.

Mr. Marcos was going to submit the new charter to a national plebiscite. Mr. Tanada and eight other petitioners asked the Supreme Court in mid-December to prohibit the plebiscite. They argued that the new charter had been improperly adopted, was a contradictory, unfit and undemocratic document, and was being put to the people by the President in violation of the rights of Congress under the old Constitution. In any case, they argued, a fair vote on a new constitution was impossible under martial-law suppression of free speech.

This move had a jolting effect on the President. Evidently fearing that the High Court might rule against him, Mr. Marcos postponed the date of his plebiscite and temporarily lifted restrictions on free debate on the new charter. So widespread and emotional was the upsurge of criticism that Mr. Marcos reimposed martial-law controls and, abandoning the idea of a plebiscite, resorted to hurriedly calling "citizens' assemblies" as a sounding board for his intentions. In a pressured and manipulated expression of opinion, the assemblies, or neighborhood groups, voted Mr. Marcos' way.

Last Wednesday, just as the Supreme Court began hearing arguments in the case, Mr. Marcos took decisive action. Using the approval of the "citizens' assemblies" as justification, he declared the new constitution ratified without benefit of a regular plebiscite, continued martial law in effect, eliminated all possibility of legislative interference with his authority by suspending an interim National Assembly provided for in the new charter, and declared his intention to maintain single-handed domination of the Philippines.

"It is easier perhaps and more comfortable," he said, "to look back to the solace of a familiar and mediocre past, but the times are too grave and the stakes too high for us to permit the customary concessions to traditional democratic processes."

Mr. Marcos said the country was returning to a better form of democracy—the tradition of decision-making by barangays, or tribal meetings, that prevailed in the Philippines before the islands were conquered successively by the Spaniards and the Americans. He assured the "citizens' assemblies" that they would be kept advised of developments on the national level through provincial governors, mayors and barrio captains and would be asked to meet "when and if such meetings are deemed wise and necessary."

The Supreme Court adjourned in confusion. In fact, under the new constitution, the Supreme Court loses its old authority—and Mr. Marcos has the power to remove court judges at will. The old Senate and House of Representatives are no more. But a transitional section in the new charter provides that Mr. Marcos continues indefinitely to have the powers both of President under the old Constitution and of Prime Minister under the new. Mr. Marcos is firmly entrenched, and no opposition in the legal sphere is going to dislodge him.

Mr. Marcos said he intended to keep his special powers only so long as necessary to carry out his program of reforms. But there were many Filipinos who would share the fear expressed editorially by The New York Times last Thursday that "there is real danger that the Philippines, thus polarized, will go the way of Vietnam and erupt into civil strife in a country ideally suited for guerrilla warfare." For the United States, with its important economic and mutual-defense commitments in the Philippines, the implications of such a development would be far-reaching.

[The Washington Evening Star-Daily News, Feb. 6, 1973]

ALLENDE ASKS CHILEANS FOR NEW CONSTITUTION

SANTIAGO.—President Salvador Allende, vowing "war to the death" on imperialism, yesterday proposed scrapping Chile's existing Constitution in favor of one that would replace the two chambers of Congress with a single "People's Assembly."

"Nothing is going to halt Chile on its march to Socialism," the self-described Marxist president told more than 80,000 cheering supporters at a rally. Throughout the city during the day, thousands of persons paid 20 cents apiece for the 62-page volume outlining his program title: " With Allende and For the Fatherland."

Allende's proposal will serve as the platform for his leftwing coalition in the March 4 elections for the entire 150-seat Chamber of Deputies and half the 50-seat Senate. The vote will test his 27-month-old government.

The single-body "People's Assembly" would "give popular initiative" to the legislative process, Allende said.

The political opposition, led by the Christian Democrats, hopes to increase its control of both chambers in the elections to an absolute majority. It could then impeach Allende or at least override his vetoes.

Besides scrapping Congress and the country's 48-year-old Constitution, Allende's program calls for increased taxation of the weathier classes to support the poor.

CONCENTRATION CAMPS IN THE SOVIET UNION TODAY—AN APPEAL TO THE CONSCIENCE OF THE WEST

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. ASHBROOK. Mr. Speaker, last Thursday, February 1, I commented in the CONGRESSIONAL RECORD on the amazing testimony recently given before the Senate Subcommittee on Internal Security by Mr. Avraham Shifrin, a Russian Jew now residing in Israel.

Mr. Shifrin told the subcommittee that the concentration camps system in the Soviet Union did not die with the death of Stalin—that there are still thousands of forced labor camps in the Communist motherland where millions of prisoners live under conditions as bestial as those that prevailed in Stalin's day.

Mr. Shifrin based his testimony in part on his own experiences in Soviet camps from 1953 to 1963. But he emphasized that his information dealt with the situation today, and that his Soviet concentration camp map was kept up to date based on documents smuggled out of the Soviet Union, letters from prisoners and from their relatives, telephone conversations with dissidents in the Soviet Union, documents and letters printed in Samizdat, and the statements from people now in the Free World who have emerged from camps in recent years—one of them as recently as December 1972.

Mr. Shifrin also gave the Senate subcommittee some very pertinent information bearing on the Communist treatment of prisoners of war. He told the subcommittee that he had met many thousands of Axis prisoners—German, Italian, Japanese, Spanish, and so forth in the camps as late as 1956, 11 years after the war ended. He said that, while the great majority of the survivors were repatriated in 1955 and 1956, as late as 1962—17 years after World War II ended—hundreds of Axis officers were still being held prisoner on Wrangel Island, in the remote Soviet Arctic.

Mr. Shifrin appealed to the conscience of the world to assist those now in Soviet prison camps. He stated:

> But the people of the Soviet Union resist, they struggle, they are not broken. They refuse to permit the communists to destroy God's image in their souls, to corrupt them, and turn them into beasts, or into robots. . . .
>
> That is the reason why I am here today. I want to remind you of our responsibility to those who are oppressed. They need our help. How can we help them? We can help them in two ways: first, by exposing the facts; and second, by voicing our indignation.
>
> In helping them we shall also be helping ourselves.

In my original insertion of February 1, I quoted from a summary of Mr. Shifrin's testimony that had been put out for the information of the press. Inadvertently, the summary was incomplete, and I therefore insert at this point the complete version of the summary of Mr. Shifrin's testimony before the Senate subcommittee.

SUMMARY OF TESTIMONY BY AVRAHAM SHIFRIN BEFORE THE SENATE SUBCOMMITTEE ON INTERNAL SECURITY, THURSDAY, FEBRUARY 1, 1973

[The following statement represents an accurate summary of Mr. Shifrin's testimony.]

Permit me to begin my testimony by saying how honored I am to be given the privilege of speaking here about my experiences during the 10 years of my imprisonment in Soviet concentration camps and prisons, and about the information I have received from many different sources inside the Soviet Union—and even from inside the camps—concerning conditions in the Soviet concentration camp empire today.

I am a proud Zionist, and, of course, I am very deeply concerned with the plight of the Jews in the Soviet Union, but as a human being I feel it my duty to speak here on behalf of all the prisoners, regardless of their nationality or religion. All nationalities are represented in the Soviet concentration camps. In fact, the camps are the only place in the USSR where there is no discrimination.

I also want to ask my friends in Soviet captivity to forgive me for not mentioning them all by name here in the Senate of the United States. Hundreds of prisoners whom I know personally are today on the other side of the barb-wire fence. They occupy the same concrete bunks on which I used to spend sleepless nights in the camp barracks. They eat rotten cabbage, and with bare hands they build industrial plants and electric power station dams and fell timber in the wild forests and in the Arctic.

I was amazed to discover when I left the Soviet Union in 1970 that most people in the free world—even well-informed people—appear to believe that the massive concentration camp system which existed in Stalin's day has for all practical purposes been abolished in the U.S.S.R. At the height of the Stalin terror, according to Khrushchev's statement of 1956, there were 15 million prisoners in the camps of the U.S.S.R. It is true that after Khrushchev's denunciation of Stalin in 1956 he did order the release of many millions of political prisoners—and this unquestionably does have a good deal to do with the confusion that exists in the free world. I myself saw how the camps over a period of a few years were emptied of almost half of their population. But I also saw in the period immediately following the suppression of the Hungarian revolution how the camps rapidly filled up again to capacity with soldiers, officers, workers, intellectuals, but mostly with professors, students, and young people.

Today the concentration camps house far fewer people than they did during the peak years of Stalin's terror. But the sad fact is—and I shall document this in the course of my testimony—that there are millions of prisoners in the concentration camps and prisons of the Soviet Union today; that the camps, far from having disappeared, number into the thousands; and that the conditions are just as bestial as they were in the days of Stalin.

I want to make it clear that I am not speaking about 1953. I am not even speaking about 1963, when I was released. I am speaking about today.

That conditions in Soviet concentration camps have changed little since the times of Stalin is evidenced by numerous letters received by Alexander Solzhenitsyn after the publication of his novel "One Day In The Life Of Ivan Denissovich." Excerpts from these letters were released by Solzhenitsyn and published in the collection of his works (v. 5, Possev, West Germany, 1969). In general, these letters said that conditions were very much the same, or that they were even worse than those described by Solzhenitsyn.

A group of prisoners of the Ust-Nera camp, for example, wrote: "Our conditions now are much worse (worse than those described in your novel). We are not being beaten, but soldiers say that we should all be done away with. Where does such hatred come from in boys 18–20 years old? They are obviously being incited . . . In December 1962 (when the novel was published) out of a total of 300 prisoners in our zone, 190 of us were suffering from scurvy."

Here you see a map of the USSR. The red flags stand for concentration camps. The blue flags indicate entire complexes of camps. There may be a hundred camps or more in a single complex, each camp housing 2,000 to 5,000 prisoners. There are millions of prisoners in Soviet punitive institutions today. In Moscow alone, tourists could find 27 huge prisons, had they made an effort to see them instead of the "Swan Lake" in the Bolshoi Theater Ballet.

I am unable to show you all the camps on this map. There simply is no room to stick in the flags. Around each big Soviet city you will find three to five concentration camps. In Odessa, a city which the tourists love so much, there is a huge concentration camp with towers and barbed-wire fencing, right in the center of the town, on Chernomorskaya Doroga.

Here, for example, is Orsha, a minor provincial city, not even marked on the map. Yet, it is surrounded by six concentration camps. Here are their addresses:

P. O. Box UZh 15/6—"B."
P. O. Box UZh 15/2—"V."
P. O. Box UZh 15/12.
P. O. Box UZh 15/12—1.
P. O. Box UZh 15/12—"E."
P. O. Box UZh 15/12—"Zh."

This is a situation that should be of profound concern to the entire free world. It should be of concern, first, on moral and humanitarian grounds. But beyond this, the existence of this massive concentration system poses a serious danger to the security of the Free World. To the extent that the men in the Kremlin are able to repress all dissident opinion and all restraining voices, they are freer to engage in subversion and blackmail and expansion abroad.

I feel it to be my moral duty to tell you about the new wave of arrests in the Soviet Union, about starvation in concentration camps and prisons, about the mortal danger to which sick prisoners—like Silva Zalmanson, Eduard Kuznetsov, and Anatoli Altman—are exposed there. Remember the conditions under which Yuri Galanskov died only a few weeks ago. His friends had appealed to the free world time and again. They warned how gravely ill Galanskov was, but nobody seemed to have listened to them.

My memories of the camps consist of a succession of nightmares.

Today in Soviet concentration camps you can see hundreds of thousands of women, including mothers with babies. They are being held in special subdivisions. Once in Potma in 1961, I saw some 200 or 250 women with babies in their hands, children screaming, women crying, guards cursing, dogs barking. Revolted and outraged we began to shout at the guards: "Fascists!" "Murderers!" There were about three thousand of us, being moved by cattle-car to a transit camp. The guards panicked and began to shoot in the air. And suddenly in the midst of this pandemonium we heard the metallic voice of the radio announcer, amplified by the loudspeakers: "Citizens, rejoice. The Soviet Union has scored another great victory: a rocket with Cosmonaut Yuri Gagarin on board has been launched into space!"

Thousands and thousands of men and women languish in concentration camps because of their faith in God. The Communists want to destroy all confessional groups, all religions—I wish to remind you of such martyrs as Boris Talantov, Anatoly Krasnov-Levitin, Schelkov, and thousands of other nameless victims—Christians, Jews and Moslems. The believers cannot pray, they are denied the opportunity to observe religious holidays. The guards deride them, molest them, and throw them into punitive cells whenever they catch them praying. In the Tayshet Camp No. 10 in Siberia, I have witnessed the following scene. One Sunday the guards decided to break up a prayer meeting of Russian Orthodox nuns, so they ordered them to go to the shower-room to wash. The nuns asked that they be permitted to take their baths on Monday, because they did not wish to violate their Sabbath, but the guards refused. They tore the clothes off the women, and dragged them, naked, by their legs through the snow to the shower.

In the concentration camp of Kenigirin/Kazakhstan about 500 women were run over by tanks, when they formed a line in order to protect the male prisoners whom the guards were trying to punish for staging a riot. This incident took place after the prisoners had stopped their work in the mines and gone on a hunger strike to protest against the unbearable conditions in the camp. And the conditions were such that some prisoners in desperation opened their veins, inflicted wounds on themselves, swallowed spoons and nails, drank their own blood and ate their own flesh. Yes, understand me correctly, their own flesh, driven to a state of delirium by hunger.

In the Potma Camp No. 10 I saw a prisoner, Nikolai Shcherbakov, cut off his own ears and throw them into the face of the camp officer. When I asked him later why he did it, he answered: "When I am free some day, I'll tell them of the horrors of our life here, and they may not believe me. So I'll show them my earless head and the inscription tatooed on my forehead: 'Slave of Communism.' That should convince them!"

The brutality and Sadism of the concentration camp guards—to which I will refer later in my testimony—partly results from the KGB instructions. But in part it is due to the initiative of officers and soldiers who have been completely dehumanized by their work. When you see a guard crushing the skull of a dead prisoner or plunging a red-hot iron into a corpse to ascertain that the man is really dead, then he is following instructions. But when—as I have seen in in the wild forest near Lake Baykal—the KGB soldiers tie a naked prisoner to a tree and leave him there to be devoured by swarms of poisonous gnats, they act on their own initiative, because the government encourages them to be brutal and then occupation has dehumanized them.

When the prisoners are made to eat rotten cabbage, and sleep on concrete bunks in cells covered by a thick layer of frost—these are Moscow instructions. But when the guards throw the corpses of dead prisoners out on the snow to be devoured by wild beasts in the forest, then it is the guards' initiative.

All these awful things you can see now, today, in the thousands of concentration camps and prisons of the Soviet Union. But the people in the Soviet Union resist, they struggle, they are not broken. They refuse to permit the communists to destroy God's image in their souls, to corrupt them and turn them into beasts, or into robots.

Numerous underground groups and movements are springing up all over the Soviet Union. Many hundreds of freedom fighters have been arrested, and sent to jails and concentration camps for up to 15 years. We must remember the names of these heroes:

The civil rights movement in the Soviet Union goes back to before the Hungarian revolution of 1956. Among the early heroes of this resistance, I note particularly the names of Eduard Kouznetsov, Ilya Bokshtein, Igor Avdeev, Viktor Khaustov, and Yuri Osipov. They began their resistance with the public readings of poetry in Mayakowsky Square. First they read the poems of Mayakowsky. Then they began to read some of their own poetry that contained criticisms of the Soviet regime. Then Bokshtein one day climbed up on the statue of Mayakowsky and delivered a passionate oration against Soviet tyranny. A battle ensued with the secret police, and scores of those who took part in the demonstration were arrested and imprisoned.

Since that time there have been many similar public protests in the Soviet Union—some of them inspired by the suppression of the Hungarian Revolution, some of them inspired by the desire for more freedom and hatred of the regime of oppression, some of them inspired at least in part by the recurring food shortages. In every case the answer of the regime has been more arrests and more repression. Over the past 16 or 17 years in the Soviet Union there have been riots and even major clashes in a whole series of Soviet cities, including Ryazan, Timyr Tau, Krasnodar, Vladivostok, and Novocherkask. Only half a year ago there was a major riot in which many people were killed in the city of Dnieprodzherzinsk, on the river Dnieper.

Intellectuals like Galanskov and Ginzburg tried during this period to publish an underground magazine. The Samizdat movement became nationwide—thousands of people participating in the laborious copying of documents of opposition. The Chronicle of Current Events, chief of the Samizdat publications, began to come out on a regular basis—and despite frantic efforts on the part of the regime it continues to come out until this day. A Jewish underground chonicle, Exodus, also began to appear on a regular basis. Entire books, like Marchenko's "My Testimony," were circulated in Samizdat form.

There were many casualties in this unrelenting battle for freedom—men and women whose names are justly honored throughout the world. Among the best known of these martyrs for freedom were Sinyavsky and Daniel, Pavl Litvinov, General Grigorenko, Anatoli Marchenko, Victor Krasnov and Victor Feinberg. All of these men are still in prison.

I would like to pay special tribute here to two young men who have paid an incredibly high price for their defiance of the Soviet regime—Pyotr Yakir, the son of a Jewish General who was executed by Stalin, and Yuri Shoukhevich, the son of a Ukrainian insurgent General who was also executed by Stalin. Both of these, remarkably enough, were first sent to the concentration camps at the age of 14 as sons of the "enemies of the people"; both were released after serving 20 years; both resumed the battle for freedom immediately on their release. And both are now back in prison.

I must also say a few words about Vladimir Bukovsky. He was one of the initiators of the Russian democratic opposition. Out of 30 years of his life, 9 were spent in psychiatric prisons and concentration camps. In January 1972 he was sentenced to a total of 12 years for having sent to the West a collection of documents concerning the confinement of healthy dissenters to special psychiatric institutions. These documents together with other materials were released by this Subcommittee on December 4, 1972.

Igor Ogurtsov, Mikhail Sado, Yevgeni Vagin, and Boris Averochkin, leaders of the All-Russian Social-Christian Union for the Liberation of the People, and some sixty of their followers were arrested in Leningrad, Tomsk, Irkutsk, Petrozavodsk, and other cities, because their patriotic appeal for the revival of Russia's spiritual and religious values did not fit into the pattern of the Communist-sponsored policy of "Russification."

Also arrested during '71 and '72 were Vyacheslav Chernovil, Valentin Moroz, Ivan Dzyuba, Svyatoslav Karavansky and scores and scores of other Ukrainian nationalists who resisted the ruthless "Russification" campaign unleashed by the Kremlin leaders who want to divide and rule. When riots broke out in Novocheskask and Dneprodzerzhinsk the Communists suppressed it with the hands of the Uzbeks—but in Tashkent they used Ukrainians to crush the rioting Uzbeks.

Victor Kalninsh, Juozas Zdebkis, Willi Saarte and many Latvian, Lithuanian, and Estonian patriots strove for the independence of their nations. Rollan Kadyev, Reshat Bairamov and other Crimean Tartars who demanded the right for their people to return to their native land. More than 500,000 Crimean Tartars were deported to Siberia at Stalin's orders and are still denied the right to return home by the present government.

Navy Captain Gennady Gavrilov and scores of his friends were arrested in Leningrad, Moscow, Tallin, Riga, Baku, Perm, and Khabarovsk in connection with the conspiracy of the Baltic Fleet officers. These are just a few examples.

It is with pride that I come now to the struggle of the Jewish people. In November 1972 Grisha Berman went to the draft board in Odessa and declared that he refused to serve in the Red Army because in his heart he felt himself a citizen of Israel. He got a three year sentence. A three year sentence was also imposed on Vladimir Markman just for a few telephone conversations with friends in Israel. But all this does not intimidate the Soviet Jews. I wish to mention here the names of such heroes as Eduard Kuznetsov, Silva Zalmanson, Anatoli Altman, and their friends who tried to fly secretly to Israel because the government of tyrants stubbornly refused to permit them to emigrate legally. Today they languish in the Potma concentration camp No. 10—the most horrible of all in the Soviet Union—locked up for 15 years.

And now let me voice a note of warning. The cancer of Communism has now spread over half of Europe, China, Cuba, and parts of Africa. The Communists try to destroy your society with the help of all those radical groups. They deceive your youth with propaganda; they try to demoralize you so that they can seize power in your country. And don't think that I am spreading panic. Remember that there was a time when there was no Communism in Eastern Europe or in Cuba, and the red flags were not exposed so boldly in France and Italy. In the Soviet Union, Communists try to eradicate all dissidents, all democratic elements. They lock people up only because they dare to think. All this spells danger to you: The more they consolidate their power internally, the greater is the threat to the free countries.

That is the reason why I am here today. I want to remind you of our responsibility to those who are oppressed. They need our help. How can we help them? We can help them in two way: first, by exposing the facts and second, by voicing our indignation.

In helping them we shall also be helping ourselves.

RESCUE WORK AND FEDERAL LEGISLATION

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. GONZALEZ. Mr. Speaker, rescue work is one of the most worthy of projects, if only because it deals with what is most precious to each of us—life itself, and safety.

The welfare of a community cannot but be greatly improved by the dedication and good works of a group which acts as an emergency rescue squad. It is indeed a wonderful feeling one gets to know that there are individuals who will take the time and make the effort to act as savers whenever and wherever possible.

I must first of all commend you on the work which you have done, and thank you on behalf of this community for the volunteer work which you are performing. Certainly no one, even in jest, could say that individuals in this business of providing supplemental voluntary emergency services for the money.

NEED FOR EMERGENCY CARE

One of the common problems confronting most local communities is adequate emergency care in situations involving victims of automobile accidents, heart attacks, shootings and other maladies. These every day occurrences, depending on the area, can spell disaster if prompt, adequate services are not available.

During this last Congress, I began looking into this whole area, and after some investigation concluded that, unfortunately, available emergency services are quite disproportionate, depending on the community which you are in.

Oftentimes the difference between the life and death of a person is determined on whether or not there is available prompt, professional ambulance care, for example, or in the availability of good services in the hospital emergency room. And, it depends on whether the assistance available is trained to meet the emergency at hand.

NEED FOR FEDERAL LEGISLATION

After studying the differences between the services available from State to State, or even from city to city, I concluded that not only was emergency medical assistance quite diverse in its quality, but it was almost nonexistent in some parts of the country. Running an ambulance service is certainly not a lucrative business, and much less so when all the necessary equipment is included which will make the difference to the patient. As a result, some communities have no more than a "taxi" service, if that.

Medical authorities estimate that approximately 60,000 deaths a year can be eliminated if wider use is made of new techniques and equipment. Right now victims must wait about 4 hours, on a national average, before receiving expert care. The big drive is to reduce this delay.

Jacksonville ambulance service is one of the best in the country, and is being used as a model to improve other communities. It consists of 63 experienced firemen who volunteered for duty. They receive 50 hours of first aid training and 100 hours of hospital training. Two-way radios, electro-cardiograph—EKG—machines, telemetry systems and defibrillators are being used.

Using an EKG machine to measure heartbeats, with a telemetry system, the highly skilled, well-trained ambulance attendant can follow the doctors instructions on the way to the hospital and keep the patient alive. And fibrillation—a wild shuddering of the heart which prevents it from pumping blood—can be stopped by administering an electrical shock. When state law permits this type of "paramedical" duties, we have found that the results have been very good.

As a result of comparing what is available in the way of emergency assistance across the coutry, some of my colleagues and I concluded that there must be some kind of national assistance and standards established. Driven by the results of the Jacksonville services, we were hopeful that perhaps this type of service could be the rule, rather than the exception.

I, therefore, am sponsoring once again the Emergency Medical Services Act. During the last Congress both the House of Representatives and the Senate passed a similar bill, but it was never sent to the President for signature since the Senate bill included many other programs which the House committee had not had an opportunity to study. As a result, a conference committee was never appointed to resolve the differences. But I feel sure that this issue will be coming up again in this Congress for action.

SPECIFIC PROVISIONS OF THE BILL—EMERGENCY MEDICAL SERVICES ACT

The bill would centralize responsibility for Federal Government support of local ambulance crops and emergency receiving facilities under HEW in an Emergency Medical Services Administration. The act would provide for minimum national standards, and provide for Federal assistance. Licensing would be required of drivers, attendants, as well as of the service itself. Ambulance vehicles and equipment would have to meet standards and inspections, and adequate liability insurance would be required to cover ambulance operations. In short, emergency medical care would be regulated and assistance provided to provide for top-quality emergency services.

Financial assistance would be made available to the local and regional communities through the States which qualify, according to need. To qualify the States would have to establish a fully comprehensive ambulance program for a year, to assist local communities. Federal assistance would be available for the development and operation of existing ambulance services, and in addition, grants would be available on a matching basis—50–50—for the initial purchase of ambulance equipment, vehicles, and communications system.

REVENUE SHARING AND POSSIBLE PROGRAM FOR LOCAL AMBULANCE SERVICE

The Congress enacted legislation last year known as the revenue sharing bill, Public Law 92-512, which provides fiscal assistance to State and local governments. Among the priority expenditures listed is one for "public safety," including law enforcement, fire protection, and building code enforcement.

AFTERMATH OF HURRICANE AGNES STILL CAUSING PROBLEMS

HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. WALSH. Mr. Speaker, the response of the Federal Government to the damage caused by Hurricane Agnes has saved many communities from extinction. The rapid reaction of the Department of Housing and Urban Development, the Small Business Administration, and many other Federal and State agencies was an example of the capacity of government to meet a crisis of great proportions.

But in the aftermath of Hurricane Agnes, many long range problems remain. It is my good fortune to represent the Finger Lakes area of New York State. Some of the most fertile and productive agricultural lands are located within this area.

Many of the farmers have been meeting recently to discuss their financial plight as a result of the damage caused by Hurricane Agnes. The problems of the farmer have received considerable coverage by the local news media.

A recent article in the Geneva Times outlined the impact of Hurricane Agnes on the agricultural production in several counties in the Finger Lakes area. It underscores the tremendous need for the Congress to continue its examination of its disaster relief programs. The floodwaters have subsided, but the problems have not. The article follows:

[From the Geneva (N.Y.) Times, Jan. 5, 1973]

Floods's Immeasurable Losses Dampening Farmers' Spirits—Critical Point Confronts Finger Lakes Farmers

(By Karen Stone)

"The situation of dairy farmers in the Finger Lakes area is reaching a critical point . . ." read a recent report from Cooperative Extension Dairy Specialist Jesse B. Hannan of the Seneca Farm and Home Center in Waterloo. Production in the New York-New Jersey milk shed has decreased steadily for the last three months, he reported, and the trend is projected to continue.

"I'm discouraged and I know a lot of them (farmers) are getting discouraged. The losses will be tremendous and are immeasurable at the present time," said Avery Arnold, cooperative extension field crops specialist for the four-county area of Ontario, Seneca, Wayne and Yates.

"There's no question that (area farmer's) incomes will be down. The greatest impact will probably be during this winter feeding season. The quality and quantity of roughage feed is down, and if farmers are forced to buy feed, and many will be, they're going to have to pay prices that are way out of line—more than they can justify," said Larry Davis, Cooperative Farm Business specialist for dairy and livestock in the four-county area, whose office is in Canadaigua.

As these three agricultural specialists noted, Finger Lakes area farmers experienced problems in 1972 which began with Hurricane Agnes water damage last summer and area farmers and agricultural officials expect problems to continue into spring.

Crop and cropland losses in the area resulting from the June flooding and ensuing wet weather as estimated by Cooperative Extension and Agricultural Stabilization and Conservation Service offices in each of the counties have been put at over $23.5 million thus far.

According to counties, the estimated damages have been estimated at: $8,942,200 in Ontario County; $7,765,000 in Wayne; $4,600,000 in Yates; and $2,257,500 in Seneca, a total of $23,564,500 in the four-county area.

When Hurricane Agnes first hit last summer, area farmers suffered serious land flooding and crop damage. Since then, heavy rains through the fall prevented harvesting and fall planting of many of the crops.

The impact of present and future damage will depend on the weather, agriculturalists say.

Throughout the area, some crops, especially corn, still are out in the fields awaiting harvesting. In Seneca County, ASCS director George Utzman estimated that 30 per cent of the corn crop in the county is still out in the fields.

"If the ground would freeze, maybe they could get some of it," Utzman said. "But it's just been too warm and wet."

During much of the fall, the ground has been too wet for farm machinery to harvest crops. "Even with the best equipment, many farmers have not been able to get into the fields. Where some have, the ground has been damaged. The heavy machinery traveling over the mud causes the ground to clump. It causes soil and field damage," explained Wayne County cooperative extension specialist Arnold.

"I regret to say that even at this stage, it looks like this will affect the spring season. It's almost sure to affect the early planting of oats," said Arnold.

"The water table is high now and any more rain or a wet spring will make the ground too wet to plant then. The corn that's left in the fields under snow will have to be taken care of in the spring. We'll be behind to start with, and I think it will be a late spring season," Arnold continued.

In Yates County and the southern end of Seneca County, excessive rain affected the grape crops when most varieties were in early to full bloom.

"Many growers were affected by vine damage due to the high winds which have been associated with the storms that hit our area," said Joseph Donahoe, of Penn Yan, Yates County Agricultural agent.

"Since the storms," he said, "we found fungus diseases have been serious in certain grape varieties which is also associated with adverse weather conditions."

Yates County ASCS Executive Director Olen J. Sharron reported that out of 59 vineyard owners who hold federal crop insurance, 50 have applied for losses this year on their insurance.

"The claims filed could amount to roughly $100,000 in indemnity," he said. "This represents quite a loss to the county, and this is only the people who decided to sign up for the insurance."

In Wayne County, fruit growers suffered losses because of the wet planting and harvesting conditions.

In the muckland areas there, which were covered by four to five feet of flood water last summer, damage there alone has been listed by the County Agricultural Stabilization and Conservation Service office at $6,215,000.

Eight Wayne County farmers, headed by Anthony Recckio, formed an association to work together in the rebuilding of dikes along the Barge Canal which overflowed onto the muckland areas. Reconstruction of dike areas is now underway.

Through the joint efforts of the farmers' association, Wayne County ASCS Director Charles Costello and Savannah Supervisor Donald Colvin, federal loans were secured to partially cover the costs of rebuilding the dikes along the canal, digging ditches along Rt. 31, and diverting water into May's Point.

Recckio has estimated that the farmers will not recover from the damage for years and that they will be paying back the loans for about ten years.

Area dairy farmers' problems are related to the poor harvesting season too. According to dairy specialist Hannan, many dairy area farms do not have adequate roughage supplies in their barns or silos for winter. What they do have, he said, is of poor quality and does not produce adequate milk production.

Also, farmers were not able to harvest their corn because of wetness, and some did not even harvest their corn for silage, he noted.

One 40-cow dairy farmer, Hannan reported, estimated that his gross income was down $5,000 so far this year. "This would be close to his labor income for the year," Hannan said.

One of the main problems, Hannan said, was that Agnes hit during the haying season this spring. Much of the hay was of lower quality because of water damage, he said, and because many farmers had to cut their hay late, the digestibility and protein content of the hay was down. An additional problem which arises from this situation, Hannon pointed out, is that cows' daily intake is lowered considerably because they do not eat as much of this poor quality hay.

"Many farmers thought they would make this up in good quality corn silage, but when it came time to harvest corn, because of late planting, much of the corn wasn't mature. Corn that is not mature contains more moisture and the cow has to eat more to get the same amount of nutrients that they would get from a lower moisture content silage," he explained.

Hannan said milk production in the New York, New Jersey milkshed was down 4.5 per cent in September, 8.5 per cent in October, and ten per cent in November.

The trend is expected to continue, he said.

MISS MARIE NEU

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 7, 1973

Mr. WILLIAM D. FORD. Mr. Speaker, I would like to take this opportunity to recognize a great honor bestowed recently upon one of my constituents.

Miss Marie Neu, 17, of Westland, was crowned January 27 as Michigan's Junior Miss of 1973. Marie, the daughter of Mr. and Mrs. Norbert Neu, 32020 Sandra Lane, was chosen in competition with 22 other lovely young ladies from throughout Michigan. She will now represent Michigan this spring in the national competition at Mobile, Ala.

A senior at Rosary High School, in Detroit, Miss Neu plans to attend Eastern Michigan University next September, and intends to major in drama and music.

Miss Neu has been interested in both music and drama for several years. She has participated in musical groups at Rosary High, and earlier at the St. Bernadine of Siena School. For her entry in the talent section of the competition, she sang "Mira" from the musical "Carnival."

Another of her hobbies is swimming, a sport in which she has also shown great talent. She and her sister, Susan, have competed for several years in synchronized swimming with the Garden City parks and recreation team. Swimming competition has enabled her to travel to California, Texas, Florida, Iowa, Kansas, and Ohio.

Swimming has helped her maintain her physical fitness, and the extensive traveling has enabled her to develop self-confidence and poise—all important elements in the junior miss judging.

Miss Neu gave a fine insight into her personality when she replied to a question about her ambition in life.

> I think my primary goal or ambition is to find the meaning of my life. I want to help people through whatever I decide to do, and to realize the reason for my existence on earth, no matter how large or small that reason might be.

Mr. Speaker, I want to offer my public congratulations to this outstanding young lady on the great honor she has brought to herself, her family, and her community. I also want to wish her well in the national competition, although whether she wins or not, she has already established herself as a winner in the eyes of all who know her.

SENATE—*Thursday, February 15, 1973*

The Senate met at 11 a.m. and was called to order by Hon. HUGH SCOTT, a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Our Father God, whose goodness and mercy has followed us all our pilgrim days, who has held before us the hope of that kingdom whose builder and maker Thou art, grant that this day the words of our mouths and the meditations of our hearts may be acceptable in Thy sight. Grant to Thy servants here grace and wisdom to think clearly and to speak wisely. In our daily discourse give us the magnanimity to contend without being contentious, to disagree without being disagreeable, to differ without being difficult. And when we finally arrive at the truth help us to know it and to act on it. In all things keep our country under the rulership of Thy Spirit.

We pray in the Redeemer's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 15, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. HUGH SCOTT, a Senator from the State of Pennsylvania, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. SCOTT of Pennsylvania thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

RECEIVED DURING ADJOURNMENT—APPROVAL OF JOINT RESOLUTION

Under authority of the order of the Senate of February 8, 1973, the Secretary of the Senate, on February 13, 1973, received a message in writing from the President of the United States, in which he announced that, on February 9, 1973, he had approved and signed the joint resolution (S.J. Res. 59) to extend the provisions of the Railway Labor Act and for other purposes.

Under authority of the order of the Senate of February 8, 1973, the Secretary of the Senate, on February 13, 1973, received sundry messages from the President of the United States, submitting nominations, which were referred to the appropriate committees.

(The nominations received on February 13, 1973, are printed at the end of today's Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED JOINT RESOLUTION SIGNED

Under authority of the order of the Senate of February 8, 1973, the Secretary of the Senate, on February 8, 1973, received the following message from the House of Representatives:

That the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 59) to extend the provisions of the Railway Labor Act, and for other purposes.

Subsequently, on February 8, 1973, under authority of the order of the Senate of February 8, 1973, the Acting President pro tempore (Mr. METCALF) signed the enrolled joint resolution.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that, on February 8, 1973, he presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 37. Joint resolution to designate the Manned Spacecraft Center in Houston, Tex., as the "Lyndon B. Johnson Space Center" in honor of the late President; and

S.J. Res. 59. Joint resolution to extend the provisions of the Railway Labor Act and for other purposes.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of February 8, 1973, Mr. EAGLETON, from the Committee on Labor and Public Welfare, reported favorably, with amendments, on February 14, 1973, the bill (S. 50) to strengthen and improve the Older Americans Act of 1965, and for other purposes, and submitted a report (No. 93–19) thereon, which was printed.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, February 8, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 211) designating February of 1973 as "American History Month," in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 211) designating February of 1973 as "American History Month," was read twice by its title and referred to the Committee on the Judiciary.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VACATING OF ORDER FOR RECOGNITION OF SENATOR MANSFIELD TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of the distinguished majority leader today be vacated.

The PRESIDING OFFICER (Mr. HUDDLESTON). Without objection, it is so ordered.

THE RETURNING POW'S FROM VIETNAM

Mr. SCOTT of Pennsylvania. Mr. President, it was notable that the returning prisoners of war stressed their conviction that they had been a part of an enterprise which had ended with peace with honor. A number of them thanked the President of the United States.

I thought it interesting that not one of them said: "Thank you, Jane Fonda."

Not one of them said: "Thank you, Olof Palme."

Not one of them said: "Thank you, Dr. Benjamin Spock."

Not one of them said thank you to the militants or the dissidents.

Not one of them said thank you to the extreme left.

They knew what had happened. They knew what they were there for. They knew. They knew how they came to be home. When the captain expressed his thanks at his great relief to be coming home and at his freedom, he ended his remarks by saying in an emotion-filled voice, "God bless America."

I suppose they had not told him what some minor groups of very loud dissidents at home had been saying. They had not told him that America was "rotten to the core." They had not told him "this Nation is going downhill fast." They had not told him of the "shame" of America. They had not told him how "bad" the country was.

Oh, Mr. President, they will hear about it now, but they will not believe it, and neither will the other prisoners of war returning home. Because it is not true.

It was good that the captain said, with pride in his voice, "God bless America." It was good that he meant it. It was good that he spoke for the others.

I hope that now, those people whose careers in public life seemed to depend on derogating their country will quiet down. I hope they will take their cues from the returning prisoners of war. I hope they will learn from the realities which the prisoners of war faced and which they expressed when they got off the plane; namely, that there is a goodness in America, that there is a rightness in America, that there is a fineness in America; that we, with tender loving care, have received back our own, have received them back in peace, have received them back in honor, and have not tarnished that honor for which they suffered and for which they sacrificed.

No—we as a country have done that which seemed to us just and right and proper to be done.

We have done it notwithstanding the agony in our hearts and notwithstanding our sadness at the terrible course of the war in its dread arbitrament between peoples.

We asked them to do their duty, and they did it. When they returned, they returned erect, sturdy, and proud.

They said it, and when they said it, Mr. President, they said it for us as well.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. HUDDLESTON). Under the previous order the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) is now recognized for not to exceed 15 minutes.

DAVID LAWRENCE

Mr. ROBERT C. BYRD. Mr. President, on Sunday of this week, America lost one of its truly great journalists when David Lawrence died.

In 1954, Time magazine headlined a story on Mr. Lawrence with the words "Thunder on the Right." But that was hardly an apt description of this journalist, a man committed above all else to the free flow of information and to the use of the mass media to educate, as well as inform, the electorate.

Mr. Lawrence was, if he must be pigeonholed into a single category, a conservative—although his self-description of a "conservative-liberal" is perhaps more appropriate. Although he supported every Republican presidential candidate since 1932, he was a registered Democrat. Although isolationists often heaped praise on his writings, he was himself an internationalist, committed to President Wilson's "New Freedoms" and a supporter of both the League of Nations and the United Nations.

A friend once said of Mr. Lawrence:

> No matter in which direction the tide may choose to flow, Dave is more inclined to buck it than float with it.

That ability to buck the tide made him a valuable gatekeeper in his chosen profession. And the thoughtfulness in bucking the tide made him one of the most respected columnists and publishers in America.

His personal life was also one that earned him great respect. As his magazine, U.S. News & World Report, and other business enterprises became successful, he gave his employees an opportunity to buy them. He even gave away the last of his major possessions, a 639.8-acre farm in Fairfax County, Va., which he turned over to the county as a park area.

In writing of that magnanimous gesture, the Washington Post said:

> David Lawrence came into this world with very little, and wants to go out the the same way.

He did come into this world with very little. The son of an immigrant tailor, he worked his way through Princeton and through the ranks of journalism until he got to the very top.

But when you add up all his accomplishments—his journalism awards, his countless friends and admirers—it is fair to say that he left this world with much. And he left much more behind.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in the February 13 Washington Evening Star and Daily News, and an editorial published in the New York Times on February 14, 1973.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

DAVID LAWRENCE

David Lawrence, who died Sunday at 84, kept busy to the end. No one at The Star-News, and probably none of his readers, was surprised that his usual Monday column was already in the office .But he did surprise us, for all that. The obituary in our early editions yesterday directed readers to Mr. Lawrence's "last column" on that day's opposite-editorial page. And then, on the wire, right on time as usual, came what indeed is his last column, written a few hours before he died. It appears in its usual spot today—lucid, crisp, informative, the product of a wise and gentle mind which never stopped asking the right questions.

This unflagging attention to duty was in all ways typical of Mr. Lawrence. He was a man of large affairs, the publisher of a major news magazine of wide circulation and influence. But, after his family, the column was always Mr. Lawrence's first love. For 50 years it appeared in this newspaper—something like 13,000 times. He wrote every word himself. And invariably, if our first edition contained a typographical error, we knew that if Mr. Lawrence was in town he would be on the phone before the ink was dry, gently making sure that the offense had been noted by someone, and that everything would be put right in time for the next edition of the paper.

He was the newsman in the classic mold. His opinions were firm, but they never overrode the reporter's instinct to get to the bottom of the story. He had the tenacity of the proverbial bulldog in his search for the facts, but withal he was the most forgiving and kindest of men. One of the best things that can be said about the profession of journalism is that, very occasionally, it produces a David Lawrence.

DAVID LAWRENCE

Throughout a career that spanned more than sixty years and ended only with his death, David Lawrence was one of the nation's most highly respected and warmly regarded newspapermen, and it is as such that he would want to be remembered.

An enterprising and energetic reporter when young, he became a world-famous commentator and influential magazine editor, but his zest for the day's news never dimmed. He hated to take a vacation; at home as well as at the office he was never far from the friendly clackety-clack of a teletype machine.

As some young liberals do, David Lawrence grew deeply conservative with the passing years. But readers of every viewpoint found that though they might disagree with him, they could always respect him for his intellectual seriousness, lucid prose, vigorous advocacy and total honesty.

Within his own profession, Mr. Lawrence was warmly regarded for many unpublicized acts of kindness and for his deep personal consideration for his colleagues. It was characteristic of him that he sold U.S. News & World Report, his magazine, and Bureau of National Affairs, his specialized news service, to his employes. As a publisher, he had a businessman's acumen but it is as a fellow craftsman that he will be recalled with honor and affection by his colleagues in the profession he loved so well and served so long.

NONHOSTILE DEATHS IN VIETNAM

Mr. ROBERT C. BYRD. Mr. President, on Tuesday, February 13, I wrote to Secretary of Defense Elliot L. Richardson, urging that he undertake an investigation of the nonhostile deaths that occurred in Vietnam.

These deaths are particularly disturbing, because so many were the result of drug overdoses, suicides, and homicides—including the brutal acts of "fragging," by which one American kills another through the use of a fragmentation grenade.

I think it is essential, especially now that we are beginning our all-volunteer military experiment, that we probe deeply into the causes of these deaths—that we determine what drug treatment programs are needed; that we determine what type of psychiatric treatment is needed; and that we determine what kinds of screening processes are needed to keep potential murderers out of our Armed Forces.

Mr. President, I ask unanimous consent that a copy of my letter to Secretary Richardson be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 13, 1973.

Hon. ELLIOT L. RICHARDSON,
Secretary of Defense,
The Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: The tremendous cost of Vietnam in terms of human lives is a tragedy with which our country must always live; and I hope, along with all Americans, that the peace achieved there proves to be both lasting and honorable, so that the 45,941 Americans killed in combat will not have died in vain.

However, I am writing to you now in reference to the 10,306 non-hostile deaths suffered by American forces between January, 1961, and February 3, 1973.

For the past several years, I have been increasingly disturbed by accounts of deaths caused by drug overdoses, self-inflicted wounds, and homicides. The information I have at hand, which is admittedly incomplete, shows that drug-related deaths ran approximately 64 percent higher in 1971 than they did in 1970. It also shows that 209 incidents of "fragging," the practice of one American killing another with a fragmentation grenade, resulted in 34 deaths in 1971. Overall, from January of 1961, through November of 1972, 2,229 American servicemen were the victims of self-inflicted wounds and homicides, either intentional or accidental. An additional 1,741 servicemen died as a result of other non-aircraft and non-vehicular accidents, or as a result of unknown or unreported causes.

The special tragedy that accompanies these deaths comes with the feeling that they could possibly have been avoided—that something could have been done to provide treatment for the drug addict; that psychiatric treatment could have been provided those with suicidal tendencies; or that better screening processes could have been employed to keep potential murderers out of the armed forces.

I believe these non-hostile deaths take on particular significance now that our all-volunteer experiment is beginning. These deaths, coupled with the recent and well-publicised breakdowns of discipline in our armed forces, do not bode well for the success of that experiment.

I, therefore, urge that you undertake, as soon as feasibly possible, a complete investigation into the non-hostile deaths that occurred in Vietnam, especially those deaths currently recorded in the following Defense Department categories: suicides, accidental suicides, homicides, accidental homicides, other accidental deaths, other deaths, and deaths by unknown or unreported causes.

Such an investigation could determine whether the publicised malaise in our armed forces is just symptomatic of Vietnam, or if it is something of a more terminal nature. It could provide all of us, whether in the executive or legislative branches of government, with valuable information as we proceed with the all-volunteer concept.

With best wishes.

Sincerely,

Robert C. Byrd,
U.S. Senator.

Mr. ROBERT C. BYRD. I also ask unanimous consent that a 17-category breakdown of 10,289 nonhostile deaths between January 1961 and December 1972 that was provided to me over the telephone by the Defense Department be printed in the Record.

There being no objection, the breakdown was ordered to be printed in the Record, as follows:

Breakdown

(Breakdown of the 10,289 American servicemen who died, not as a result of hostile action, in Vietnam between January of 1961 and November of 1972.)

1. As a result of aircraft crashes at sea—303.
2. As a result of aircraft crashes, not at sea—2,758.
3. In vehicular accidents—1,073.
4. Drowned or suffocated—1,012.
5. As a result of burns—147.
6. From illnesses other than malaria or hepatitis—477.
7. From malaria—117.
8. From hepatitis—22.
9. As a result of heart attacks—268.
10. As a result of strokes—42.
11. From self-inflicted wounds—377.
12. From accidentally self-inflicted wounds—789.
13. From homicides—190.
14. From accidental homicides—973.
15. As a result of other accidents—1,419.
16. From other causes—277.
17. From unknown or unreported causes—45.

THE SEATO MYTH

Mr. ROBERT C. BYRD. Mr. President, now that a settlement has finally been reached in Vietnam, it is time to thoroughly reexamine America's foreign policy in Southeast Asia. Primarily, we must make certain that our posture in that part of the world is properly in tune with American foreign policy objectives. A review of the evolving situation in Southeast Asia and America's commitments under the Southeast Asia Collective Defense Treaty has reaffirmed my belief that SEATO does not effectively serve U.S. objectives and does not accurately represent current American interests in Southeast Asia, nor the current relationship of the nations in that area. We should terminate our involvement in SEATO or drastically change its charter to make it clear to all that we will not be the region's policeman—that we will not become militarily involved in others' internal strife, nor in conflict between Asian neighbors where America's vital interests are not directly involved.

A close look at SEATO's origins and the recent history of the region will demonstrate the treaty's shortcomings. The treaty, also called the Manila Pact, states that armed attack against any of the signatory or protocol parties would endanger the peace and safety of all. The United States, the United Kingdom, Australia, France, New Zealand, Pakistan, the Philippines, and Thailand therefore agreed that, if such an attack occurred, each would "meet the common danger in accordance with its constitutional processes." This established only an ambiguous commitment—a somewhat transparent bluff. The United States added an understanding to the pact, stating it agreed to act only in the case of Communist armed aggression. The eight signatory nations further pledged to "consult immediately in order to agree on the measures which should be taken for the common defense," if any of the parties were threatened in a form other than armed attack—that is, in cases of insurgency and subversion. South Vietnam, Laos, and Cambodia were added as protocol states to the Treaty.

As originally conceived, this treaty was to form the basis for regional mutual defense. If China began to expand into Southeast Asia by military aggression, the SEATO allies were to unite and strike as one. If the tools of insurgency were chosen for Communist expansion, the allies were to quickly plan joint actions to subdue the threat. America's purpose in entering the Manila Pact, as given in the Senate Foreign Relations Committee report at the time, was to "promote security and to strengthen the fabric of peace."

When the treaty was signed on September 8, 1954, the French defeat at Dienbienphu was still fresh in everybody's mind, the Geneva Agreements had just been concluded, and the Chinese civil war, the Korean war, and the Philippine insurrection were all recent history. Communism appeared as a monolithic world force, especially menacing in Southeast Asia. Furthermore, the "domino theory" was firmly held by many high officials of this period. They believed that if Vietnam or Laos fell to communism, all of Indochina would come under Communist control, and that, in turn, all of Southeast Asia would be threatened.

Thus, John Foster Dulles created a system of alliances to deter Communist Chinese probing and to prohibit the spread of communism. To contain communism and prevent its expansion into Southeast Asia, a bilateral defense agreement was signed with the Philippines; a tripartite security pact was made between the United States, Australia and New Zealand—ANZUS—and agreements providing for U.S. military aid were concluded with Pakistan and Thailand. Finally SEATO was formed to tie the region together and involve other Western allies. Proponents of the treaty in the Senate and in the Department of State emphasized that America's responsibility in the case of Communist attack would be to employ its mobile striking forces in a coordinated defensive effort with forces from the other SEATO nations. These individuals emphasized that the United States was not expected to fight a ground war for its allies in Southeast Asia.

We can now see that the Southeast Asia Collective Defense Treaty was largely based on misperceptions and on conditions that have changed over the last 19 years. Most basically, it is now apparent that the nations making up SEATO held few vital interests in common. The French had just suffered a military and political defeat in the area and were not at all anxious to again become involved; the British were primarily concerned with Malaya and never fully shared America's worry over the spread of communism; Pakistan wanted protection from India and felt relatively little fear of Communist expansion into Southeast Asia; the Philippines did not really need SEATO, since it had the bilateral treaty with America and was much more concerned by an insurgent threat than by a Chinese attack; Australia and New Zealand were also covered by the ANZUS treaty with the United States and felt somewhat isolated from the fate of mainland Southeast Asia. Thailand was probably best served by the treaty—the Communist threat to Thailand was considerable, and it had no other defense commitment from the United States. In 1962 the United States reaffirmed its support of Thailand in the Rusk-Thanat communique which stated that the Manila Pact provides the basis for SEATO members to collectively assist Thailand in the event of armed Communist attack, and added that the American obligation did not depend on a unanimous agreement to action by the other members.

Not only in the area of security concerns, but also in many other respects it is impossible to treat Southeast Asia as a unified bloc. There is great cultural and political diversity in the region; in fact it is said that the only thing the peoples of the area have in common is geographical proximity and a hatred of colonialism. It was unrealistic to try to bind these people on the basis of the Communist threat or of mutual interests in community action, because these states differed vastly in their general natures and motivations.

What has proved to be the primary threat to peace and stability in Southeast Asia is externally supported subversion and the domestic economic, political, and social factors which have such a large impact on the outcome of unconventional warfare. Many security problems arise from the general relationship of the Southeast Asian national governments to their people. Many tribes are practically ignored by their national leaders; ethnic groups straddle borders which are poorly defined; farm families generally have very low incomes; there is a very unequal distribution of land and money; people in remote areas lack education, transportation, and medical facilities; and political participation or representation in government affairs is unheard of for many Southeast Asians. There is conflict between political, religious, and ethnic factions within nations and, there are still unresolved territorial disputes between nations. These conditions promote tensions and widespread opposition to national governments, and greatly facilitate the efforts of Communist subversive elements.

SEATO has failed to act effectively on these key problems of Southeast Asia. The history of SEATO's activities can boast of little success in bolstering regional cooperation toward meaningful security measures. When crises occurred, SEATO failed.

SEATO's credibility was one of the first victims of the Vietnam war. Our partners did not feel obligated to send anything more than token forces—Thailand, Australia, New Zealand, and the Philippines did that much and the rest did nothing. The Laos crises in 1955 and from 1959 to 1962 drew even less response from SEATO. When Cambodia was besieged by Communist aggressors in 1970 it called for help from anyone, but SEATO did not respond. Just about all SEATO has done is talk. The little cooperation we get from SEATO allies is on an individual country basis and is usually financed by the United States. The signatory nations have fully realized there is nothing in the Manila Pact that obligates them to fight for the defense of their neighbors as if their own national security depended on it. The pact has no power to unite its members in efforts to maintain peace and security, and thus fails its basic purpose.

Under the treaty's auspices, offices and commissions have been formed to offer advice and information on countersubversion and counterinsurgency programs and to prepare military plans. But SEATO has no assigned military forces. It must depend on troop contributions from member countries to implement its plans, and history shows those contributions do not come forth. It also has small organizations dealing in economic development, technical training and assistance, and research. These organizations clearly have had little effect on the peace and security of the area.

As benign as the treaty has always been, it is even less potent now than it was at birth. Two years after the treaty was signed, Prince Sihanouk renounced the protocol that extended treaty coverage to the nonsignatory nations of Cambodia, South Vietnam, and Laos. In 1962 Laos pledged its neutrality and forswore all military alliances and coalitions including SEATO. In 1972 Pakistan gave official notice that it was disassociating itself from the pact. France has long been an inactive member. The Thais are looking to the future when they might not want a strongly anti-Communist identification. Realistically the Thais must eventually make their own settlement with China and North Vietnam. The Philippines have called for a more realistic shaping of the group; and in his famous 1967 article in Foreign Affairs, even Richard Nixon called SEATO a "somewhat anachronistic relic." The newly elected Labor governments in Australia and New Zealand were highly critical of SEATO during the campaign and appear to be reluctant members. The greatest blow to SEATO has been America's well publicized withdrawal from Asia. SEATO remains behind as a confusing exception to our general policy of turning security responsibility over to the nations most directly involved.

The United States has remained active in SEATO apparently because its termination of the defense treaty's commitments might rock the boat—might undermine the area's security system in this changing period. The obvious fact is that the boat is rocking and that SEATO is excess baggage that should be tied down or jettisoned to provide our foreign policy the necessary maneuverability.

To be a useful tool, SEATO would have to expand its membership to include more regional actors—presently the Philippines and Thailand are the only members from the area. The Asian responsibility in the pact must be greater and the American responsibility less if meaningful cooperation is to be achieved.

SEATO is currently placing greater emphasis on development assistance and decreasing the role of the military aspects of the treaty. In fact the new Secretary General, Mr. Sunthorn, is a civilian and was previously the Thai Ambassador to the United States. This trend must go much further though to justify SEATO's existence as an organization for economic and technical assistance since other organizations, such as the World Bank, the Asian Development Bank, UNESCO, and the Association of Southeast Asian Nations—ASEAN—are active in these fields and could probably assume SEATO's development assistance functions.

Another trend which must be considered is the growing desire for neutrality on the part of Southeast Asian nations. In 1971, the five members of ASEAN—the Philippines, Malaysia, Indonesia, Singapore, and notably Thailand—declared Southeast Asia to be a "zone of peace, freedom, and neutrality." SEATO, as a military alliance of sorts, stands as an obstacle to that goal. By its very nature it prolongs an anti-Chinese image in Southeast Asia; it maintains a hostile polarity. If there are opportunities for peace through neutrality, certainly they should be explored. Economic, political, and social regionalism, though difficult in Southeast Asia, might well provide better opportunities for peace and security than military regionalism. Where a Western-oriented military alliance has failed—as with SEATO—it is foolish and even dangerous to try to prop up that structure with American promises. We must recast SEATO or leave it.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

JEREMIAH DENTON'S THREE-SENTENCE SPEECH

Mr. BEALL. Mr. President, a few moments ago, during the time allotted for opening statements by the leadership, the minority leader, the distinguished Senator from Pennsylvania (Mr. SCOTT), commented eloquently on the return of the prisoners of war.

On February 13, 1973, the Baltimore Sun published a very thoughtful column by Ernest B. Furgurson on this subject. The column should be of interest to all Senators and I wish to quote from the column at this time because Mr. Furgurson made some very pointed remarks.

He said about Capt. Jeremiah Denton:

> He had been in prison since July 18, 1965, and at the moment he became a free man again he had not a word of recrimination, self-pity or public regret about any of it. He had some understandable tears of joy, and said three sentences that ring like a bell in the quarrelsome hubbub that has nearly smothered us in these recent years. Each sentence is worth separate consideration by those of us still safely here at home: "We are happy to have the opportunity to serve our country under difficult circumstances . . ."
>
> The Americans who should turn that over in their minds most carefully are so obvious they hardly need pointing out—those who fled when called to duty, and those now arguing that they should be welcomed back as if indeed they had done what their country asked of them.
>
> "We are profoundly grateful to our commander-in-chief and to our nation for this day . . ."
>
> Only someone privy to the inner thoughts of Hanoi's top leadership can testify for sure whether the bombing, the phased withdrawal and the other efforts by Mr. Nixon and Dr. Kissinger were directly responsible for ending the fighting rather than prolonging it, as many critics have maintained. It is interesting, however, to hear what the first of those who pondered it for so long, in an

information vacuum relieved only by enemy propaganda, perhaps in or near the target zone of bombs dropped by their own countrymen, thought about it.

"God bless America."

While that concluding sentence from Jeremiah Denton deserves a lot of reflection, I can think of no comment now to enlarge upon it.

Mr. Furgurson concludes his article by stating:

He and his comrades will have plenty of leisure to catch up in. They do not need to be told, for they already know, that nearly every American is grateful for the way they have conducted themselves. And not the least of what they have to be proud of is the way they came home, standing tall. It sets a good example.

It certainly does, Mr. President. It sets a fine example for the rest of us in America.

Mr. President, I ask unanimous consent to have the article by Mr. Furgurson printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Standing Tall

(By Ernest B. Furgurson)

Washington.—It is too bad that in the nearly eight years since Jeremiah Denton was shot down over North Vietnam, electronic technology has not advanced far enough to give us mass two-way television. Had it been possible, when he stepped off that C–141 at Clark Field and choked out his little homecoming speech, millions of pairs of arms would have reached out over the Pacific Ocean and hugged him tight.

He had been in prison since July 18, 1965, and at the moment he became a free man again he had not a word of recrimination, self-pity or public regret about any of it. He had some understandable tears of joy, and said three sentences that ring like a bell in the quarrelsome hubbub that has nearly smothered us in these recent years. Each sentence is worth separate consideration by those of us still safely here at home: "We are happy to have the opportunity to serve our country under difficult circumstances . . ."

The Americans who should turn that over in their minds most carefully are so obvious they hardly need pointing out—those who fled when called to duty, and those now arguing that they should be welcomed back as if indeed they had done what their country asked of them.

"We are profoundly grateful to our commander-in-chief and to our nation for this day . . ."

Only someone privy to the inner thoughts of Hanoi's top leadership can testify for sure whether the bombing, the phased withdrawal and the other efforts by Mr. Nixon and Dr. Kissinger were directly responsible for ending the fighting rather than prolonging it, as many critics have maintained. It is interesting, however, to hear what the first of those who pondered it for so long, in an information vacuum relieved only by enemy propaganda, perhaps in or near the target zone of bombs dropped by their own countrymen, thought about it.

"God bless America."

While that concluding sentence from Jeremiah Denton deserves a lot of reflection, I can think of no comment now to enlarge upon it.

Meanwhile, Denton and his comrades are eating real food, phoning their wives and children who have grown up wondering whether they would ever come home, and catching up on all that has happened since they went away.

In Denton's case, the day he was shot down was the day NASA's Mariner 4 sent back exciting photographs of Mars back in the quaint pre-Apollo days when anything short of another moon landing was capable of producing excitement.

It was the day Lyndon Johnson sent to Congress a proposal for a major and expensive program to improve the quality of teaching in poor neighborhoods and to help train more teachers. That day, the paper ran a picture of a strong-armed short-haired young quarterback, just up from Alabama, who made a deep impression on Jet coach Weeb Ewbank in summer training. Youngster named Namath.

The Red Chinese, as they were still called then, said on that day that they were sending more sophisticated military help, and more of it, to the North Vietnamese. Premier Alexei Kosygin in Moscow warned the United States that "every new aggressive act" in Indochina would be met by countermeasures.

In the Central Highlands of South Vietnam, B–52 strategic bombers were used for the first time in direct tactical support of ground troops. And in Saigon, after a meeting including Robert S. McNamara, Henry Cabot Lodge and Gen. W. C. Westmoreland, MACV announced that it was requesting a major increase in the number of American troops committed in Vietnam.

A great deal has happened since Jeremiah Denton and those like him went away to war. He will learn about the moon expeditions, the sad fate of the Great Society, the adventures of Broadway Joe. He will learn about Tet and the election of 1968, George McGovern and the election of 1972. He will play the old game of "whatever happened to . . .?" with a thousand characters.

He and his comrades will have plenty of leisure to catch up in. They do not need to be told, for they already know, that nearly every American is grateful for the way they have conducted themselves. And not the least of what they have to be proud of is the way they came home, standing tall. It sets a good example .

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Huddleston) laid before the Senate messages from the President of the United States submitting sundry nomination which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

SEATO

Mr. HARRY F. BYRD, JR. Mr. President, I listened with a great deal of interest to the comments by the able Senator from West Virginia (Mr. Robert C. Byrd) dealing with the SEATO Treaty. I subscribe to the statements he made this morning. I think he focuses attention on an interesting problem. It is a problem that has interested me for a good many years.

Mr. President, 19 years ago this summer, the summer of 1954, I spent some time overseas writing a series of newspaper articles for a number of American newspapers. In the course of these articles I urged extreme caution on Congress in its then-consideration of a proposed Southeast Asia Treaty. I endorsed the North Atlantic Treaty Organization. In those articles I explored the work done and the potentialities of NATO, the North Atlantic Treaty Organization, but in those same articles I questioned the desirability and wisdom of the United States committing itself to the multitude of countries in Southeast Asia as it was envisioned under the SEATO Treaty.

The Senator from West Virginia (Mr. Robert C. Byrd) has ably pointed out this mornnig just how ineffectual that treaty has been and, as a matter of fact, it has been probably harmful as well as ineffectual.

I was most interested in listening to the comments of my distinguished colleague from a neighboring State, and I subscribe to the views that he expressed with regard to SEATO this morning.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield to the distinguished Senator from West Virginia.

Mr. ROBERT C. BYRD. I wish to thank my distinguished colleague, the very able senior Senator from Virginia.

Mr. President, I ask to be recognized in my own right.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. I wish to express my appreciation for his references to my statement. I think he has been very generous—in fact, overly generous—but I do appreciate his support of the position I expressed in my statement.

Mr. President, now I yield to the Senator from Virginia the remainder of my time.

Mr. HARRY F. BYRD, JR. Mr. President, I am glad the Senator from West Virginia raised the question this morning as to what should be done in the future with regard to the SEATO Treaty. It is a continuing treaty. The United States continues to have obligations under it. I think it is important that the Senate should give some consideration as to how it wishes to have this matter handled for the future.

THE ALASKA PIPELINE DECISION

Mr. STEVENS. Mr. President, to say that Alaskans are highly disappointed in the decision of the U.S. Court of Appeals for the District of Columbia in the case of the Wilderness Society, the Environmental Defense Fund, Friends of the Earth, and others against the Secretary of the Interior Rogers C. B. Morton and the Secretary of Agriculture Earl Butz and also against the Alyeska Pipeline System Co. and the State of Alaska is an understatement. We are appalled that the U.S. court of appeals has refused to decide the vital and central issues in the case on the very technical ground that the provisions of existing law would not permit the issuance of a permanent right-of-way to the Alyeska Pipeline Co. in excess of 54 feet in width. The court of appeals has entirely ducked the issues surrounding the National Environmental Policy Act and it is ordered to the District Court to enjoin the Secretary of Interior from issuing a special land use permit for right-of-way construction purposes in connection with the trans-Alaska pipeline.

I hope there are many in this Senate who will join with us to seek prompt enactment of legislation to cure this technical defect—a defect which arises from the provisions of the Mineral Leasing Act of 1920 which limited the statutory right-of-way for pipeline construction to an area 25 feet on either side of the pipeline which in this case would be 54 feet.

The 50-foot area—25 feet on either side of the pipeline—was set by the Congress in 1920 at a time when pipeline clearing and construction work were done without the use of mechanized equipment—at a time when even the opinion points out Congressman Taylor of Colorado had said:

> In a mountainous or rough and broken or hilly country pipe lines are sometimes buried on side hills or gulches, sometimes on high trestles, and on all kinds of ground, and people have to go up and down the lines to mend breaks in and repair the pipe line, and for various reasons, and you can not drive teams or haul material on a 10-foot strip of ground through that kind of country.

Many have indicated in correspondence to the Secretary of Interior or in public statements that they would prefer the construction of a petroleum pipeline through Alaska across Canada to the Middle Western part of the United States. Those who have expressed that opinion, if it is a sincere one, will join with those of us who want the pipeline built in Alaska across the trans-Alaska pipeline route. Because, whether the pipeline follows the trans-Alaska pipeline route or whether it follows the trans-Canadian route, the Mineral Leasing Act right-of-way as interpreted by the U.S. Court of Appeals would have to be changed. Even the trans-Canadian pipeline route would transverse several hundred miles of Federal public land in my State and that portion of the trans-Canadian pipeline route would be subject to the Mineral Leasing Act of 1920 limitation. In other words, if a pipeline is to be built to transport Alaskan oil to the U.S. market, this statute must be amended.

Let me point out that the early construction of transportation facilities for Alaskan oil and gas is absolutely essential to the national security. In 1970, I am informed, the United States spent about $5 billion abroad to import petroleum. By 1985 without regard to inflation of the value of the dollar, we will have to pay an excess of $30 billion abroad to import petroleum supplies. It is estimated that by 1980 imports will probably account for one-half of our energy requirements and by 1985 this may go as high as two-thirds. The projected production rate of the known deposits of oil and gas in Alaska will be approximately 2 million barrels a day by 1985. If Alaskan oil is not brought to the U.S. market, the requirement of dollars to purchase energy resources from abroad will obviously increase. In that last 10 to 12 years the price charged the United States by foreign governments—that is, the actual amount of money taken by the host government in taxes or payments—has increased from 83 cents a barrel to $1.46 a barrel—almost a 90-percent increase. This trend will continue and, unless we can find some way to decrease our dependence on foreign energy resources, we will of necessity face the problem of devaluation on an annual basis. These foreign oil-producing countries are taking in so much money that they literally and figuratively do not know what to do with it. And to the extent that they dump our currency in the European countries when we cannot earn an equivalent foreign exchange through our exports the value of our currency will continue to decline abroad. Finally, let me point out that Congress in its wisdom enacted the Alaska Native Claims Settlement Act of 1971; that act provides for the payment to Alaska Natives of $462,500,000. An additional payment of $500 million is to be made to the Alaska Native fund from revenues dervide from the production of oil and gas from our lands held by our Federal Government. At the time that act was passed, the anticipated production of oil and gas from Alaska's North Slope led all of us to assume that this commitment of future revenues to fund the payment for the settlement of the Alaska Native claims was responsible and fair. Any further delay in constructing a pipeline to transport Alaska's oil to the market will of necessity delay the payment the Alaska Native people—people who have a reason to expect prompt payment. Further delay could only cause hardship and anguish to those who have waited so long for fair and just treatment from our Government.

Mr. President, I have wired the Attorney General of the United States, Richard G. Kleindienst, to urge that the Department of Justice expedite its procedures to bring about an early appeal to the Supreme Court of the court of appeals decision. This is a most significant case and the court system of this country should not be permitted to duck the main issue of the case presented to it for a decision, on the narrow technical ground involved in the court of appeals decision. I am hopeful that the Department of Justice will appeal this case to the Supreme Court promptly and I am equally hopeful that this Congress will take action swiftly to modernize the provisions of the Mineral Leasing Act of 1920 to recognize the necessity for greater widths of rights-of-way for construction purposes on the pipelines which are so essential not only to Alaska but to the whole Nation.

Mr. GRAVEL. Mr. President, I rise not only to associate myself with the remarks of my colleague but also to add my voice to comment on the decision of last Friday by the court of appeals. I think now the solution to the problem clearly must be made by the Congress. Regardless of what form it takes legislatively, it should certainly be a decision by the House and Senate.

I think too often we get carried away with problems particular to Alaska. This mistake is made not only with regard to the pipeline but the energy crisis as well.

We have our problems, generated by the decision of the court and the delays on the decision with regard to the pipeline.

But, more important, we have to think of all the American people. So this is not an Alaskan issue; it is a decision that affects every single American, and I think it will be resolved—and I think favorably—by the Congress of the United States. The issue involves the security of the Nation. That is not a small consideration, because there is nothing more important in our day-to-day life than oil and how it satisfies our energy needs. In addition to maintaining our defense posture in other parts of the world, we must be able to keep the economy of the United States functioning and producing, to do that we must have energy, and particularly energy from oil.

On the environmental question, I think we can make a case based on the extensive studies that have been made, to demonstrate that the construction of the Alaskan pipeline now is an environmentally sound proposition. It will establish a new standard that other methods of transportation of oil will then have to adhere to.

The sound environmental position is not to be against the pipeline, but to be for the pipeline. When we talk about environment, we must talk about it in its totality. That should be of concern to everyone.

Part of our environment is the heat, electric lights, and air conditioning we enjoy. These are part of every American's environment. We can only continue to have that if we satisfy the voracious energy appetite that we have. It is true that we have been wasteful and will continue to be wasteful in this respect.

I for one will introduce legislation this year to limit the horsepower of automobiles. I will have in that endeavor the support of many enlightened oil producers.

Let me state that we can only continue the quality of the life we have today if we satisfy our present needs and eliminate this crisis. In my mind, that is of concern to everyone.

We have $60 billion abroad in American dollars. That is wreaking havoc with our economy. By 1985 this Nation will have a negative balance of payments of $30 billion a year due solely to oil imports. That is half of the balance of payments outstanding today.

We can begin to appreciate the horrendous effect this will have on our economy when we realize that we are likely to lose control of our economy because of the number of dollars that will be held by foreign nations. This money will seek its way back into this country through investments which could mean foreign ownership of large segments of our industrial sector; particularly susceptible would be oil refineries. That could wreak havoc with our economy and some foreign lands might become masters of the energy production in this land.

We have to develop a national policy that would meet this problem head on. I think that a commitment of $100 billion in the next decade to find the energy sources we need is the only way to meet this problem. We must allow the construction of the Alaskan pipeline to satisfy our shortrun needs. I am sure that we will see favorable action with regard to this in the ensuing months ahead in this Congress.

PAUL W. WHITE AWARD PRESENTED TO SENATOR ERVIN

Mr. ROBERT C. BYRD. Mr. President, our colleague Senator SAM J. ERVIN, JR., of North Carolina, has recently been honored by the Radio and Television News Directors Association for his unrelenting dedication to the principle of freedom of the press as set forth in the first amendment to the Constitution. On December 1, 1972, this association named Senator ERVIN as the recipient of its annual Paul W. White Memorial Award "for outstanding contribution to broadcast journalism."

I am confident that other Senators share my view that this award could not have been presented to a more deserving American. Senator ERVIN's determination to insure the continuing vitality of first amendment principles has been manifested throughout his Senate career. As chairman of the Senate Subcommittee on Constitutional Rights, Senator ERVIN is currently conducting a study of the state of freedom of the press in America and will hold a second series of hearings on this subject beginning February 20, 1973.

Mr. President, I ask unanimous consent that the fine tribute paid to Senator ERVIN by Mr. James McCulla of the Radio and Television News Directors Association upon the presentation of its award to him and a list of the previous distinguished recipients of the award be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRIBUTE TO SENATOR ERVIN BY MR. MCCULLA

It seems particularly appropriate tonight to introduce the recipient of the 1972 Paul White Memorial Award by taking a moment to remember its namesake . . . the man whose memory we honor through this important RTNDA activity.

Paul White's career was one of the places where modern broadcast journalism began. With these awards, we honor his name . . . his reputation . . . the heritage we have gained from him. We recognize these as qualities to be preserved.

Those of us who have been around long enough to remember Paul will also recall that he suffered many disappointments during his lifetime. Paul was no stranger to the experience of a broken heart.

It is particularly appropriate that we keep the threat of bitter disappointment before us as we consider the events . . . the very threats to our existence . . . which lie behind the performance which has earned tonight's Paul White Memorial Award. Ladies and gentlemen . . . our profession is threatened with an entirely new dimension of danger . . . of humiliation and degradation of one of the basic tenets of American freedom for which we share custodianship. Open conflict has been declared between right and legality. The right being defended now takes us to rock-bottom basics. Now . . . with newsmen going to jail for refusing to betray their professionalism by divulging sources . . . now . . . with practicing journalists sitting in jail for doing no more than performing with professional integrity . . . now we are at rock bottom. Now we are at a point where this country can no longer have a free press if the forces of legality triumph over the rights of journalists to behave with basic human integrity.

Late June we lost a major battle in the Supreme Court. The First Amendment no longer shields us in protecting our sources . . . in honouring our very pledge. Now . . . with the first-round battle lost . . . the war moves to a new scene . . . to the battleground of the legislature. The Paul White Award tonight honours the man who has emerged as a champion of the press in this critical encounter. Tonight . . . we pay tribute to the work . . . to the ideals . . . of Senator Samuel James Ervin, Jr.

Like Paul White . . . Sen. Ervin is known as a man of idealism . . . of absolute . . . uncompromising principle. In this next round in the war for information freedom . . . Sam Ervin is very much the right man . . . in the right place . . . and the right time. As the battle moves to the legislature . . . Sen. Ervin sits square in the spotlight . . . in his post as chairman of the Senate Judiciary Committee's Subcommittee on Constitutional Rights. Sam Ervin comes into this point of intense focus with impressive . . . appropriate credentials. He is a leading authority on constitutional law. He is . . . himself . . . an experienced and respected jurist . . . having sat on the supreme court in his home state of North Carolina . . . as well as on other judicial benches. He has held a position of honour in the legal fraternity almost since the day of his graduation from Harvard Law School in 1922. In our Nation's Capitol . . . where we have come to expect marginal performances from marginal people . . . Sam Ervin is a giant. He stands out for his competence . . . for his integrity . . . for his dedication . . . for his willingness to work seemingly without rest . . . for his human warmth.

During this past year . . . Sen. Sam Ervin has lent to RTNDA its most open and sympathetic ear on Capitol Hill. Our Members who witnessed Chet Casselman's presentations before the Ervin Committee can testify that . . . in him . . . broadcast journalism does . . . indeed . . . have a friend in the seat of power.

Sam Ervin is committed to bringing legislation protecting the rights of newsmen out of the next Congress. In these times . . . we can be truly grateful for his support . . . and his understanding. Ladies and gentlemen . . . in recognition of his support and integrity . . . I present this year's Paul White Award winner . . . Senator Samuel James Ervin, Jr.

RECIPIENTS OF THE PAUL W. WHITE AWARD

Hugh B. Terry, 1956.
Frank Stanton, 1957.
Robert D. Swezey, 1958.
James C. Hagerty, 1959.
John F. Kennedy, 1961.
Howard K. Smith, 1962.
Edward R. Murrow, 1964.
Ralph Blumberg, 1965.
Moriey Safer, 1966.
Sol Taishoff, 1967.
W. Theodore Pierson, 1968.
Herbert V. Walker, 1969.
Walter Cronkite, 1970.
Frank Stanton, 1971.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. SCOTT of Pennsylvania) laid before the Senate the following letters, which were referred as indicated:

REPORT ON FINAL DETERMINATION OF CLAIM OF CERTAIN INDIANS

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a report on final determination in Docket No. 175–B, the Nez Perce Tribe of Indians, plaintiff, against the United States of America, defendant (with accompanying papers); to the Committee on Appropriations.

REPORT ON FUNDS OBLIGATED IN THE CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAM

A letter from the Secretary of Defense, transmitting, pursuant to law, a secret report on funds obligated in the chemical warfare and biological research program, for the first half of fiscal year 1973 (with an accompanying report); to the Committee on Armed Services.

REPORT ON RESEARCH AND DEVELOPMENT PROCUREMENT ACTIONS, DEPARTMENT OF THE NAVY

A letter from the Deputy Chief of Naval Material (Procurement and Production), transmitting, pursuant to law, a report on research and development procurement actions of $50,000 and over, for the 6-month period ended December 31, 1972 (with an accompanying report); to the Committee on Armed Services.

REPORT ON CONSTRUCTION PROJECTS PROPOSED TO BE UNDERTAKEN FOR THE ARMY RESERVE

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on construction projects proposed to be undertaken for the Army Reserve (with an accompanying report); to the Committee on Armed Services.

REPORT ON RESERVE OFFICER TRAINING CORPS FLIGHT TRAINING PROGRAM

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on the Reserve Officer Training Corps flight training program, for the calendar year 1972 (with an accompanying report); to the Committee on Armed Services.

REPORT ON ROTC FLIGHT INSTRUCTION PROGRAM

A letter from the Secretary of the Navy, transmitting, pursuant to law, a report on the progress of the ROTC flight instruction program, for fiscal year 1972 (with an accompanying report); to the Committee on Armed Services.

REPORT OF OFFICE OF CIVIL DEFENSE, DISTRICT OF COLUMBIA

A letter from the Mayor-Commissioner, the District of Columbia, Washington, D.C., transmitting, pursuant to law, a report of the Office of Civil Defense of the District of Columbia, for fiscal year 1972 (with an accompanying report); to the Committee on Armed Services.

PROPOSED LEGISLATION TO ELIMINATE OR MODIFY CERTAIN STATUTORY REPORTS TO CONGRESS

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to eliminate or modify certain statutory reports to Congress (with accompanying papers); to the Committee on Armed Services.

PROPOSED FEDERAL FINANCING BANK ACT OF 1973

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes (with an accompanying paper); to the Committee on Banking, Housing and Urban Affairs.

REPORT ON ADMINISTRATION OF THE FAIR PACKAGING AND LABELING ACT

A letter from the Acting Secretary of Health. Education. and Welfare. transmitting, pursuant to law, a report relating to the administration of the Fair Packaging and Labeling Act, during fiscal year 1972 (with an accompanying report); to the Committee on Commerce.

Report of Department of Commerce Relating to the Fair Packaging and Labeling Act

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of the activities of that Department relating to the Fair Packaging and Labeling Act, for the fiscal year 1972 (with an accompanying report); to the Committee on Commerce.

Proposed International Voyage Load Line Act of 1973

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to require load lines on U.S. vessels engaged in foreign voyages nad foreign vessels within the jurisdiction of the United States, and for other purposes (with an accompanying paper); to the Committee on Commerce.

Proposed Ratification of Certain Payments Made Under the Federal Airport Act

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to ratify certain payments made by the United States under the Federal Airport Act, as amended (with accompanying papers); to the Committee on Commerce.

Proposed Legislation Relating to the District of Columbia

A letter from the Commissioner, Government of the District of Columbia, Washington, D.C., transmitting a draft of proposed legislation to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, 1925, to authorize the issuance of special identification cards, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

A letter from the Commissioner, Government of the District of Columbia, Washington, D.C., transmitting a draft of proposed legislation to define the scope of tort liability of the Government of the District of Columbia, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

A letter from the Commissioner, Government of the District of Columbia, Washington, D.C., transmitting a draft of proposed legislation to revise and modernize procedures relating to licensing by the District of Columbia of persons engaged in certain occupations, professions, businesses, trades, and callings, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

Proposed Legislation Relating to Assistance For Certain U.S. Citizens

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to make permanent the provision in the Social Security Act for providing assistance for U.S. citizens returned from foreign countries (with an accompanying paper); to the Committee on Finance.

Report on International Agreements, Other Than Treaties

A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties (with accompanying papers); to the Committee on Foreign Relations.

Interim Report On the International Transfer of Conventional Arms

A letter from the Acting Director, U.S. Arms Control and Disarmament Agency, transmitting, pursuant to law, an interim report on the international transfer of conventional arms (with an accompanying report); to the Committee on Foreign Relations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Impact of Federal Programs To Improve the Living Conditions of Migrant and Other Seasonal Farmworkers," Department of Agriculture, Department of Health, Education, and Welfare, Department of Labor, Office of Economic Opportunity, dated February 6, 1973 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Comments on the Second Annual Report to Congress on Progress in Developing Standard Classifications and Standardized Information," report of the Treasury and Office of Management and Budget, dated February 7, 1973 (with an accompanying report); to the Committee on Government Operations.

Report of General Accounting Office

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the activities of the U.S. General Accounting Office, for the fiscal year ended June 30, 1972 (with an accompanying report); to the Committee on Government Operations.

Report of Office of Water Resources Research

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report of the Office of Water Resources Research, for the year 1972 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Proposed Amendment of the Bankruptcy Act

A letter from the Director, Administrative Office of the United States Courts, reporting, for the information of the Senate, certain recommendations relating to a proposed amendment of the Bankruptcy Act, submitted to the Congress on January 8, 1973; to the Committee on the Judiciary.

Proposed Amendment of the National Foundation on the Arts and the Humanities Act of 1965

A letter from the Acting Chairman, National Foundation on the Arts and the Humanities, transmitting a draft of proposed legislation to amend the National Foundation on the Arts and the Humanities Act of 1965, as amended (with accompanying papers); to the Committee on Labor and Public Welfare.

Report on Certain Civilian Positions in the National Aeronautics and Space Administration

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on certain civilian positions in that Administration, for the calendar year 1972 (with an accompanying report); to the Committee on Post Office and Civil Service.

Proposed Amendment of Title 33, United States Code

A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to include the income of a spouse in determining entitlement of a veteran to pension (with an accompanying paper); to the Committee on Veterans' Affairs.

Proposed Legislation Relating to the Veterans' Administration

A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to provide additional authority for the Administrator of Veterans' Affairs to prescribe standards of conduct, and to authorize investigation of, and arrests for, crimes committed, on lands and in buildings under the jurisdiction of the Veterans' Administration, and for other purposes (with an accompanying paper); to the Committee on Veterans' Affairs.

A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents (with an accompanying paper); to the Committee on Veterans' Affairs.

A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38 of the United States Code to promote the care and treatment of veterans in State veterans' homes, and for other purposes (with an accompanying paper); to the Committee on Veterans' Affairs.

A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38 of the United States Code in order to authorize an agreement with the Republic of the Philippines providing for hospital care and medical services to be furnished Commonwealth Army veterans and new Philippine Scouts for service-connected disabilities, and for other purposes (with an accompanying paper); to the Committee on Veterans' Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Scott of Pennsylvania):

A concurrent resolution of the Legislature of the State of Kansas; ordered to lie on the table:

"House Concurrent Resolution No. 1017

"A concurrent resolution commending the President for the end of the Viet Nam war

"Whereas, on January 23, 1973, the President of the United States announced to the world that a cease-fire has been agreed upon, and that the longest war in American history is virtually ended, with the signing of the already initialed agreement to be at 6:00 p.m., Saturday, January 27, 1973, and

"Whereas, The agreement provides for release of all Americans held prisoner of war and the withdrawal of 24,000 U.S. Armed Forces personnel and the fullest possible accounting for all the missing in action; and

"Whereas, The ending of the Viet Nam war finally relieves the frustration and brings long sought emotional relief to the millions whose life it has held in its ruthless hand, bringing special solace to those with dear ones who are missing in action or prisoners of war, and

"Whereas, This peace-with-honor ending of the war was brought to fruition by the tireless and unrelenting determination of Richard M. Nixon, our great President: Now, therefore,

"*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the legislature of Kansas for itself and all of the people of Kansas do hereby express unending gratitude to the President of the United States for his successful fight for this peace-with-honor ending of the Viet Nam war, and we commend our President and all those others who have worked together to bring this great day of happiness to us.

"*Be it further resolved:* That the secretary of state be directed to transmit enrolled copies of this resolution to the President of the United States, the Vice President of the United States, and the Speaker of the United States House of Representatives."

A concurrent resolution of the General Assembly of the State of South Carolina; to the Committee on Foreign Relations:

"H. 1220

"A concurrent resolution requesting the Congress of the United States to oppose the proposed loan of eleven and one-half million dollars by the International Bank for Reconstruction and Development of the country of Zambia for the purpose of providing assistance to the farmers of Zambia in tobacco production

"Whereas, the International Bank for Reconstruction and Development has recently announced its intention to loan Zambia eleven and one-half million dollars, the proceeds of which will be used for the most part to provide assistance to Zambian farmers in the growth of tobacco; and

"Whereas, even though none of this tobacco is expected to enter the United States market, the Zambian tobacco grown with the help of this loan is expected to be marketed under preferential trading agreements with the European communities which will place tobacco grown in the United States at a competitive disadvantage in this market; and

"Whereas, this Zambian tobacco is also expected to be of inferior quality as compared to most American tobacco exports, thereby increasing the possibility of inroads being made into the United States' share of the export market; and

"Whereas, it makes little sense to aid foreign countries such as Zambia in the development of tobacco and other agricultural crops where such crops will compete with the crops of our own farmers on the foreign markets. Now, therefore,

"Be it resolved by the House of Representatives, the Senate concurring:

"That the Congress of the United States be requested to oppose the proposed loan of eleven and one-half million dollars by the International Bank for Reconstruction and Development to the country of Zambia for the purpose of providing assistance to the farmers in tobacco production.

"Be it further resolved that Congress be requested to take any appropriate action necessary to insure that the tobacco production of Zambia and other foreign countries does not come into direct competition with the tobacco produced in the United States in any domestic or foreign market.

"Be it further resolved that copies of this resolution be forwarded to the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the South Carolina Congressional Delegation."

A concurrent resolution of the General Assembly of the State of South Carolina; to the Committee on Interior and Insular Affairs:

"H. 1222

"A concurrent resolution expressing support of the South Carolina General Assembly for the development of a Eutaw Springs National Battlefield and to memorialize the Congress of the United States to enact such legislation

"Whereas, the Battle of Eutaw Springs, September 9, 1781, was one of the hardest fought battles of the American Revolution; and

"Whereas, the Battle of Eutaw Springs was one of the six battles of the Revolution in which the Continental Congress awarded a medal in honor of the victory, the others being: Washington Before Boston, 1776; Saratoga, 1777; Stoney Point, 1779; Paulus Hook, 1779; and Cowpens, 1781; and

"Whereas, in 1972 the Congress of the United States passed legislation creating the Cowpens National Battlefield which was signed into law by President Richard M. Nixon; and

"Whereas, the Battle of Eutaw Springs was the climax of Major General Nathanael Greene's brilliant campaign to free the South from British tyranny, the British retreated from the battlefield to Charleston the day after the battle; and

"Whereas, the presentation of the Eutaw Springs Medal and Battle Flag to General Greene by Henry Laurens in behalf of the Continental Congress is one of the six panels of history on the bronze doors of the United States House of Representatives which were cast in 1902; and

"Whereas, President John Adams stated that history would record that the importance of Eutaw Springs was equal to Yorktown; and

"Whereas, both the American and British forces fought with great gallantry at Eutaw Springs, the British Forces, which numbered some two thousand, suffered forty percent casualties, a percentage unequaled by them in any other major battle except Bunker Hill which was fifty-two percent. The American Forces which consisted of approximately twenty-four hundred suffered twenty percent in casualties; and

"Whereas, the total number of casualties at Eutaw Springs exceeded the number at the Battle of Yorktown; and

"Whereas, a close scrutiny of the American soldiers at Eutaw Springs will reveal that they were experienced, courageous and patriotic. Greene's Army consisted of continentals and militia. They were soldiers who fought with great gallantry, men who served their country with distinction in war and in peace; and

"Whereas, many legendary heroes of the nation fought at Eutaw Springs including native sons from at least eight of the thirteen states, future Governors of Virginia, Maryland, and Kentucky, and future Congressmen from Georgia, South Carolina, North Carolina, Virginia, Maryland, and Kentucky; and

"Whereas, among the numerous heroes of the battle were: Rhode Island—Major General Nathanael Greene, the fighting Quaker, next to General George Washington the greatest General officer of the Revolution, counties in fourteen states honor his memory.

"Delaware—Captain Kirkwood, the finest company commander of the war, a member of the 'Blue Hens Chickens', Delaware's Continental Line.

"Maryland—Lt. Colonel John Eager Howard, awarded a medal for Cowpens, a great soldier, later a Governor and United States Senator from Maryland, referred to in 'Maryland, My Maryland', the Maryland State Song, counties in six states honor his memory, General Otho H. Williams, another great soldier of the Maryland Line; and General Greene's black orderly, a free man from Maryland who gave his life for his country in the battle. General Greene specifically cited him for his courage and gallantry.

"Virginia—Lt. Colonel Henry Lee, Commander of Lee's Legion, awarded a medal for the Battle of Paulus Hook, New Jersey, later Governor of Virginia and Congressman, Father of General Robert E. Lee.

"North Carolina—members of the North Carolina Militia and the members of the North Carolina Continental Line under General Jethro Sumner served with great gallantry. Their number was greater than the troops of any other state. John B. Ashe, a major with General Sumner's Command later served in Congress from North Carolina.

"South Carolina—The South Carolina Militia, the forces of General Francis Marion, General Thomas Sumter and General Andrew Pickens served and fought with great distinction in the battle. Sumter, 'the Gamecock', was unable to be present, but many of his men fought under the famous Colonel Wade Hampton I, later a member of Congress from South Carolina and a General in the War 1812. Francis Marion, 'the Swamp Fox', is a legend of the American people. Seventeen states have a county named in his honor, a number exceeded only by General Washington of the American military heroes and the Revolution. General Andrew Pickens, a native of Pennsylvania, later served as a member of Congress from South Carolina. Three states have a county that honors his memory. Colonel William Washington, a native of Virginia and recipient of a medal for Cowpens was conspicuous with his bravery. The flag of his troop, 'The Eutaw Flag', is held in trust by the Washington Light Infantry of Charleston, South Carolina. 'Carolina', the South Carolina State Song, by Henry Timrod mentions the heroes of Eutaw Springs.

"Georgia—Colonel Samuel Hammond served in the Battle of Eutaw Springs and throughout the Revolution with distinction. After the Revolution he served as a General in the Georgia Militia and represented Georgia in Congress.

"Missouri—Colonel Samuel Hammond while a member of Congress from Georgia was appointed by President Thomas Jefferson, the first civil and military officer for the upper Louisiana Territory, later called the Missouri Territory. Colonel Hammond in 1820 was elected the first president of the Territorial Council of Missouri.

"Kentucky—Lt. John Adair, a member of Sumter's command, fought at Eutaw Springs, served in the South Carolina Legislature and moved to Kentucky as a young man. He became a member of Congress from Kentucky as United States Senator and a Major General in the War of 1812 who fought at the Battle of the Thames in Canada and commanded the Kentucky Volunteers in the Battle of New Orleans. In 1820 he was elected Governor of Kentucky.

"France—Count Malmedy of France offered his services to the American cause. In the Battle of Eutaw Springs he commanded the North Carolina Militia.

"Poland—Count Thaddius Kosciusko, the Engineer for Green's army, was one of the great heroes of the Revolution. A Polish patriot he fought for the cause of American independence and when victory was achieved he returned to his native land to fight to free it from its conquerors. A county in Indiana commemorates his memory; and

"Whereas, of the ten men who received medals from the Continental Congress for their leadership in battle, four fought at Eutaw Springs: General Nathanael Greene, Colonel John Eager Howard, Colonel William Washington and Lt. Colonel Henry Lee; and

"Whereas, forty-five counties in twenty states commemorate heroes of the Battle of Eutaw Springs, the states being: Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Mississippi, Missouri, New York, North Carolina, Ohio, Oregon, South Carolina, Tennessee, Texas, West Virginia and Maryland; and

"Whereas, the gallant courage of the men who fought at Eutaw Springs is part of our noble heritage, part of the heart and sinew of our nation; and

"Whereas, the South Carolina Bicentennial Commission of the American Revolution, has passed a resolution supporting the development of a Eutaw Springs National Battlefield; and

"Whereas, most of the battlefield of Eutaw Springs is open country near the Santee River, only a small part having been flooded by Lake Marion, named in honor of the famous Swamp Fox, General Francis Marion. Now, therefore,

"Be it resolved by the House of Representatives, the Senate conurring:

"That the General Assembly of South Carolina does hereby express its support for federal legislation providing for a Eutaw Springs National Battlefield and it does respectfully request South Carolina's Congressional Delegation to work for the implementation of such legislation.

"Be it further memorialized that the Congress of the United States enact legislation providing for the Eutaw Springs National Battlefield in honor of the patriots who gave their lives in the battle and in memory of all of those who by their service and sacrifice helped win our independence as a nation and our rights as a free people.

"Be it further resolved that a copy of this resolution be sent to President Richard M. Nixon; Vice President Spiro Agnew; Speaker of the United States House of Representatives, Carl Albert; the members of the South Carolina Congressional Delegation; and the members of the National Advisory Council on Historic Preservation."

A joint resolution of the Legislature of the State of South Dakota; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION 1

"A joint resolution ratifying a proposed amendment to the Constitution of the United States relative to equal rights for men and women.

"Whereas, the Ninety-second (92nd) Congress of the United States has passed a Joint Resolution proposing an amendment to the Constiution of the United States relative to equal rights for men and women; and

"Whereas, This Joint Resolution passed the House of Representatives of the United States on October 12, 1971, passed the Senate of the United States on March 22, 1972, and now has been submitted to a vote of the States and reads:

"Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"'"ARTICLE —

"'"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"'"SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"'"SEC. 3. This amendment shall take effect two years after the date of ratification."'

"Therefore, be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

"SECTION 1. That said proposed amendment to the Constitution of the United States of America is hereby ratified by the Legislature of the State of South Dakota.

"SEC. 2. That certified copies of this preamble and Joint Resolution be forwarded by the Secretary of this State, to the Secretary of State of the United States, to the presiding officers of both House of the Congress of the United States, and to the administrator of the United States General Services Administration."

A resolution adopted by the City Council of Baltimore, Md., praying for the enactment of legislation to reinstate the funding of subsidized low and middle income housing construction; to the Committee on Banking, Housing and Urban Affairs.

A resolution adopted by the Kiwanis Club of Boise, Idaho, in support of efforts to advance the cause of combating inflation through tax reduction; to the Committee on Finance.

A resolution adopted by the City Council of Baltimore, Md., supporting the right of newsmen to keep their records and information sources confidential; to the Committee on the Judiciary.

A resolution adopted by the Dallas County Commission, Selma, Ala., expressing appreciation in the matter of revenue sharing; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AIKEN, from the Committee on Agriculture and Forestry, with amendments:

S. 22. A bill to establish a system of wild areas within the lands of the national forest system (Rept. No. 93–21).

By Mr. HUMPHREY, from the Committee on Agriculture and Forestry, without amendment:

S. 394. A bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such Act be fully obligated in said year, and for other purposes (Rept. No. 93–20).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PROXMIRE:

S. 850. A bill to amend title 10, United States Code, relating to the duties of enlisted members of the armed forces assigned to duty as personal aides to officers, and for other purposes. Referred to the Committee on Armed Services.

By Mr. TOWER:

S. 851. A bill to amend the Communications Act of 1934. Referred to the Committee on Commerce.

S. 852. A bill to provide for the enforcement of support orders in certain State and Federal courts, and to make it a crime to move or travel in interstate and foreign commerce to avoid compliance with such orders. Referred to the Committee on the Judiciary.

By Mr. TOWER (for himself, Mr. BENNETT, Mr. CURTIS, Mr. HRUSKA, Mr. ERVIN, Mr. FANNIN, Mr. GOLDWATER, Mr. SCOTT of Virginia, and Mr. THURMOND):

S. 853. A bill to insure the separation of Federal powers by amending the National Labor Relations Act to provide for trial of unfair labor practice cases in the U.S. District Court, and for other purposes. Referred to the Committee on the Judiciary, by unanimous consent, then to the Committee on Labor and Public Welfare, if so desired.

By Mr. STEVENSON:

S. 854. A bill to improve planning and management processes in States, regions, and localities. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. STEVENSON (for himself and Mr. CRANSTON):

S. 855. A bill to authorize expenditures to correct or compensate for substantial defects in Federal Housing Administration mortgaged homes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. FULBRIGHT (for himself, Mr. JACKSON, and Mr. SCOTT of Pennsylvania):

S. 856. A bill to reserve a site for the use of the Smithsonian Institution; and

S. 857. A bill to authorize the Smithsonian Institution to plan museum support facilities. Referred to the Committee on Rules and Administration.

By Mr. FULBRIGHT:

S. 858. A bill to amend title 5, United States Code, with regard to the availability to the Congress and the General Accounting Office of information of the executive branch of the Government. Referred, by unanimous consent, to the Committee on Government Operations.

By Mr. GRAVEL (for himself, Mr. STEVENS, and Mr. INOUYE):

S. 859. A bill to provide for a study of the feasibility of relating benefits under the Social Security Act to prevailing cost of living in various areas; and

S. 860. A bill to amend the Social Security Act to provide a cost of living adjustment for some States to the per capita income used in determining the medicaid matching assistance percentage. Referred to the Committee on Finance.

By Mr. MOSS:

S. 861. A bill to allow an income tax deduction for repair or improvement of a taxpayer's residence. Referred to the Committtee on Finance.

S. 862. A bill to permit immediate retirement of certain Federal employees. Referred to the Committee on Post Office and Civil Service.

By Mr. EAGLETON:

S. 863. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to cosmetic safety. Referred to the Committee on Labor and Public Welfare.

By Mr. MATHIAS:

S. 864. A bill for the relief of Victor Henrique Carlos Gibson. Referred to the Committee on the Judiciary.

By Mr. STAFFORD:

S. 865. A bill to amend the Railway Labor Act to provide more effective means for protecting the public interest in national emergency disputes involving the railroad and airline transportation industries, and for other purposes. Referred to the Committee on Labor and Pulbic Welfare.

S. 866. A bill to provide for the establishment of a national cemetery in the State of Vermont. Referred to the Committee on Veterans' Affairs.

By Mr. WILLIAMS:

S. 867. A bill to amend the Consumer Credit Protection Act to prohibit discrimination by creditors on the basis of sex or marital status in connection with any extension of credit. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 868. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on the basis of their combined earnings record where that method of computation produces a higher combined benefit; and

S. 869. A bill to amend the Social Security Amendments of 1972 to provide for recomputation of benefits under title II of the Social Security Act in the case of certain individuals. Referred to the Committee on Finance.

By Mr. EAGLETON:

S. 870. A bill entitled the "News Source Protection Act." Referred to the Committee on the Judiciary.

By Mr. COTTON (for himself, Mr. BAYH, Mr. BEALL, Mr. CASE, Mr. GRIFFIN, Mr. HART, Mr. MATHIAS, Mr. METCALF, Mr. PASTORE, Mr. PELL, Mr. ROTH, Mr. SCHWEIKER, Mr. SCOTT of Pennsylvania, and Mr. THURMOND):

S. 871. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. HRUSKA:

S. 872. A bill to facilitate prosecutions for certain crimes and offenses committed aboard aircraft, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. JAVITS:

S. 873. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled. Referred to the Committee on Finance.

By Mr. JAVITS (for himself, Mr. Williams, Mr. Beall, Mr. Cranston, Mr. Hughes, Mr. Humphrey, Mr. Kennedy, Mr. Mondale, Mr. Pell, Mr. Randolph, Mr. Ribicoff, Mr. Schweiker, Mr. Stevens, Mr. Stevenson, Mr. Tunney, and Mr. Weicker):

S. 874. A bill to amend the Elementary and Secondary Education Act of 1965, to provide a program for gifted and talented children. Referred to the Committee on Labor and Public Welfare.

By Mr. NELSON:

S. 875. A bill to amend the Internal Revenue Code of 1954 to require that certain corporate income tax information shall be open to public inspection, shall appear in the annual shareholders' report of such corporation, and shall appear in annual corporate reports submitted pursuant to section 13 or 15 of the Securities Exchange Act of 1934. Referred to the Committee on Finance.

By Mr. THURMOND:

S. 876. A bill to authorize the Secretary of the Interior to convey certain mineral interests of the United States to the owner or owners of record of certain lands in the State of South Carolina; and

S. 877. A bill to authorize the Secretary of the Interior to convey certain mineral interests of the United States to the owner or owners of record of certain lands in the State of South Carolina. Referred to the Committee on Interior and Insular Affairs.

By Mr. JAVITS:

S. 878. A bill to amend the Public Health Service Act to provide for restrictions on funds for experimental use. Referred to the Committee on Labor and Public Welfare.

By Mr. RANDOLPH:

S. 879. A bill for the relief of Marietta Dizon Pamintuan. Referred to the Committee on the Judiciary.

By Mr. MOSS (for himself and Mr. Goldwater) (by request):

S. 880. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes. Referred to the Committee on Aeronautical and Space Sciences.

By Mr. BENTSEN:

S. 881. A bill to amend title 18 of the United States Code to define and limit the exclusionary rule in Federal criminal proceedings. Referred to the Committee on the Judiciary.

By Mr. HARTKE (for himself, Mr. Talmadge, Mr. Randolph, Mr. Hughes, Mr. Cranston, Mr. Hansen, Mr. Thurmond, Mr. Stafford, Mr. McClure, Mr. Abourezk, Mr. Allen, Mr. Burdick, Mr. Church, Mr. Fulbright, Mr. Gurney, Mr. Humphrey, Mr. McGee, Mr. Metcalf, Mr. Nelson, Mr. Pastore, Mr. Ribicoff, Mr. Roth, Mr. Robert C. Byrd, Mr. Muskie, and Mr. Williams):

S. 882. A bill to amend section 355 of title 38, United States Code, relating to the authority of the Administrator of Veterans' Affairs to readjust the schedule of ratings for the disabilities of veterans. Referred to the Committee on Veterans' Affairs.

By Mr. JACKSON (for himself and Mr. Fannin) (by request):

S. 883. A bill to provide for study of a certain segment of the Oklawaha River for potential addition to the National Wild and Scenic Rivers System. Referred to the Committee on Interior and Insular Affairs.

By Mr. MONDALE:

S. 884. A bill for the relief of Romelita Morais Andrade Lima. Referred to the Committee on the Judiciary.

By Mr. HART:

S. 885. A bill to provide financial assistance for the demonstration of fare free mass transportation and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MONDALE:

S. 886. A bill to provide for the control of noise along existing Federal-aid highways. Referred to the Committee on Public Works.

By Mr. ROBERT C. BYRD (for Mr. Magnuson) (by request):

S. 887. A bill to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory and depredating animals; to establish a program of research concerning the control and conservation of predatory and depredating animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes; and

S. 888. A bill to be known as the Toxic Substances Control Act of 1972. Referred to the Committee on Commerce.

By Mr. TALMADGE (for himself and Mr. Nunn):

S.J. Res. 62. A joint resolution proposing an amendment to the Constitution relating to school busing. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself and Mr. Mondale):

S.J. Res. 63. A joint resolution requiring the Secretary of Agriculture to continue the emergency disaster relief program under section 328 of the Consolidated Farm and Rural Development Act. Referred to the Committee on Agriculture and Forestry.

By Mr. CHURCH:

S.J. Res. 64. A joint resolution to protect physicians, other health care personnel, hospitals, and other health care institutions on the exercise of religious or philosophical beliefs which proscribe the performance of abortions or sterilization procedures. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE:

S. 850. A bill to amend title 10, United States Code, relating to the duties of enlisted members of the Armed Forces assigned to duty as personal aides to officers, and for other purposes. Referred to the Committee on Armed Services.

A LAW TO END THE USE OF ENLISTED MEN AS PERSONAL SERVANTS BY OFFICERS

Mr. PROXMIRE. Mr. President, there has been a longstanding practice in the military services of providing enlisted men to serve on the personal staffs of high-ranking officers. This practice is referred to under 10 U.S.C. 3639, 7579, and 8639 as follows:

STATUTORY AUTHORITY FOR ENLISTED AIDES

10 USC 3639. Enlisted members: officers not to use as servants.

No officer of the Army may use an enlisted member of the Army as a servant. (Aug. 10, 1956, section 1041, 70A Stat. 208.)

10 USC 7579. Officers' messes and quarters: limitations on employment of enlisted members.

(a) Under such regulations as the Secretary of the Navy prescribes, enlisted members of the naval service and enlisted members of the Coast Guard when it is operating as a service in the Navy may be assigned to duty in a service capacity in officers' messes and public quarters where the Secretary finds that this use of the members is desirable for military reasons.

(b) Notwithstanding any other provision of law, retired enlisted members of the naval service and members of the Fleet Reserve and the Fleet Marine Corps Reserve may, when not on active duty, be voluntarily employed in any service capacity in officers' messes and public quarters without additional expense to the United States.

(c) The Secretary, to the extent he considers proper, may delegate the authority conferred by this section, except the authority to prescribe regulations, to any person in the Department of the Navy, with or without the authority to make successive redelegations. (Aug. 10, 1956, section 1041, 70A Stat. 470.)

10 USC 8639. Enlisted members: officers not to use as servants.

No officers of the Air Force may use an enlisted member of the Air Force as a servant. (Aug. 10, 1956, ch. 1041, 70A Stat. 533.)

Mr. President, you will note that under title 10, the statutory justification for the military personal aid program is ambiguous and unclear. The law contains a simple statement regarding the use of enlisted personnel in the Army and Air Force:

> No officer of the Army (or Air Force) may use an enlisted member of the Army (or Air Force) as a servant.

This statement is inadequate for several reasons. First, it contains no definition of "servant." How are we to know what a servant is?

Second, there are no clarifying examples of allowable activities or those specifically not allowed under the law. Although the statement is clear in a grammatical sense, it can be interpreted along a wide range of variables. In fact, this chapter is ambiguous, standing by itself.

The chapter dealing with the Navy and, therefore, the Marine Corps and Coast Guard, states that enlisted men can be assigned to duty in a service capacity in officers' messes and public quarters where the Secretary finds that this use of the members is desirable for military reasons. This chapter is not consistent with the Army and Navy chapters. There is no statement about use of enlisted men as servants. Furthermore, it specifically permits the use of enlisted men in public quarters.

According to the Office of the Chief of Naval Operations Instruction 11108.13E of 16 December 1971, "public quarters" is defined as quarters for which full basic allowance for quarters is withheld when assigned to members. In other words just about all housing for high-ranking officers is public quarters.

I have also noted that section 7579 specifically states that the use of enlisted men must be related to a military reason. The authority to make this determination rests initially with the Secretary of Defense but it can also be widely delegated. It is not known how far down the command structure the Secretary has allowed this delegation of authority to be extended. From observing the exploitation of enlisted men, however, it appears that every officer with personal aids has been given or has assumed the authority to determine what is desirable for military reasons and what is not. This has permitted enlisted men to be used as personal servants in situations which have no conceivable relationship to military objectives, routines, or requirements.

Mr. President, I can only conclude that the existing laws covering the use of enlisted men as personal servants are inadequate and subject to interpretation such that the original intent is no longer served. They are inconsistent from service to service. The Navy, for example, is not even prohibited from using enlisted men as servants under 7579.

DOD DIRECTIVE ABOUT MILITARY SERVANTS

In addition to the law under title 10 on February 2, 1960, the Secretary of Defense issued Department of Defense Directive No. 1315.9 on the subject of the utilization of enlisted personnel on personal staffs.

Mr. President, I ask unanimous consent that this directive be printed in the RECORD at this point.

There being no objection, the directive was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF DEFENSE DIRECTIVE NO. 1315.9

Subject: Utilization of Enlisted Personnel on Personal Staffs.

References: (a) 10 USC 3639; (b) 10 USC 7579; (c) 10 USC 8639; (d) United States v. Robinson, 6 USCMA 347, 20 CMR 63, 68.

I. PURPOSE

This Directive prescribes the policies governing the use of enlisted personnel on the personal staff of officers.

II. APPLICABILITY

This directive is applicable to all military departments on a continuing basis, and to the Coast Guard when operating as a service in the Navy.

III. POLICY

A. Enlisted personnel on the personal staff of an officer are authorized for the purpose of relieving the officer of those minor tasks and details which, if performed by the officer himself, would be at the expense of his primary military and official duties. The duties of these enlisted personnel shall be concerned with tasks relating to the military and official responsibilities of the officer. The propriety of such duties is governed by the purpose which they serve rather than the nature of the duties. Such duties must also further the accomplishment of a necessary military purpose.

B. Under such regulations as the Secretaries of the military departments prescribe, enlisted personnel on the personal staffs of general and flag officers, and certain other senior officers who are in command positions, may be utilized for:

1. Providing essential services to such officers in the field and aboard ship.
2. Duty in their quarters to assist these officers in the discharge of their official responsibilities to include assistance in the care of the quarters.

C. The assignment of enlisted personnel to duties which contribute only to the personal benefit of officers and which have no reasonable connection with the officers' official responsibilities is prohibited.

D. Nothing contained in this directive precludes the employment of enlisted personnel by officers on a voluntary paid off-duty basis.

IV. ADMINISTRATION

The Secretary of each military department is responsible for the administration of the policies announced herein. Implementing regulations of the military departments will be forwarded to the Assistant Secretary of Defense (MP&R) within ninety days.

V. EFFECTIVE DATE

This Directive is effective immediately.

Mr. PROXMIRE. Mr. President, this directive has been systematically violated since the day it went into effect. If this directive were followed to the letter, as military directives should be, then enlisted men would not have to perform many of the personal, nonmilitary services they are presently called upon for.

For example, Directive 1315.9 states that enlisted men are authorized to perform duties that would otherwise interfere with the official and military duties of the officer. This is further qualified by adding that these duties must be related to the military and official duties of the officer and must accomplish a necessary military purpose. There is a specific prohibition against using enlisted personnel for personal benefit and with no reasonable connection to official responsibilities.

This provision is being violated every day by the highest ranking generals and admirals in our military service. They are systematically disobeying an official directive. Since the violators are also the enforcers of this directive, aside from the Secretary of Defense, it is obvious why enforcement is never considered much less attempted. Who will tell the Joint Chiefs of Staff that they are violating the directive of the Secretary of Defense every day?

Even if Directive 1315.9 were strictly adhered to, however, it would not completely protect enlisted men from being used as servants. The present situation is not confined to the officer alone. In many cases, the families of the officers order the enlisted men to perform personal services such as doing the laundry, running errands of an entirely personal nature, washing privately owned vehicles, and preparing food and drink for private parties. It is a fact of military life that the families of officers are actually in the chain of command when it comes to giving orders to enlisted aides.

PROVISIONS OF BILL

My bill is designed to do three things. First it would prohibit the use of enlisted men as personal servants. No enlisted aide would be required to perform any service that is essentially domestic or personal in nature for any officer. I will shortly explain in greater detail just what is meant by essentially domestic or personal in nature. Furthermore any order to an enlisted aide would have to be directly related to a military objective.

Second, enlisted aides would not have to obey or perform services for the families of general and flag rank officers or any other member of the household. At present, aides frequently have to wash cars, do laundry, and run errands for family members as well as for the officers.

Third, all funds for training enlisted aides would be cut off including the "charm school" run by the Army at Fort Lee, Va. The bill would apply to all military services.

This bill would make the law consistent, clear and unambiguous. Similar language would be placed in title 10, chapters 3639, 7579, and 8639 with certain modifications.

Language prohibiting service essentially domestic or personal in nature is applied to all three chapters and thus all of the military services including the Coast Guard when operating as a service in the Navy. The term enlisted aide is defined in each chapter as an enlisted member assigned or otherwise detailed to duty on the personal staff of any officer of the respective service. This would include all of the aides currently with the job description of Army, enlisted aides; Navy, public quarters stewards; Air Force, airman aides; and Marine Corps, cooks specialists and food service technicians, specialists. It would also include enlisted personnel of other MOS which are detailed, assigned or ordered in any manner to duty on the personal staff of an officer. For example, a general commanding a base who detailed any enlisted personnel to his personal staff in addition to or in place of his normal allotment of personal aides would be prohibited from using these men to perform essentially domestic or personal service for him or for any other officer.

It should be recognized that this bill does not eliminate or prohibit the use of enlisted aides for legitimate military purposes. Technically, enlisted men could still be assigned to officers in command positions. I fully expect, however, that once enlisted men are prohibited from being used as personal servants, the aide program can be cut back drastically since there will be few strictly military duties for the aides to perform. If this bill is passed and the aide program continues to be funded at its current level, I will initiate legislation to severely cut back on appropriations for this purpose.

DEFINITION OF ESSENTIALLY DOMESTIC AND PERSONAL

For the purposes of this bill, it is my intention that the phrase "essentially domestic and personal in nature," as it applies throughout, shall mean that orders given to enlisted personnel shall clearly be in accord with a military purpose and function. It would expressly prohibit such duties as care of privately owned vehicles for officers or family members of officers; cooking routine, daily meals for officers in public quarters or for their families; care and cleaning of laundry for family members and personal officer clothing aside from official uniforms; acting as a bartender, cook, server, butler, or chauffeur for any private function, party or gathering not officially approved on a one-time basis by higher authority and then only when the function is fully ascertained to be required entertainment; care of pets of any type or nature; care of infants or other family members; routine cleaning of public quarters of a general, admiral, or Navy captain; running errands of any type for family members; driving family members to any location and driving officers at any time not specifically required to fulfill a distinct military objective; gardening at or around public quarters occupied by general or flag rank officers or Navy captains; grocery shopping on a routine basis; dusting and care of furniture and privately owned goods in public quarters of admirals, generals and Navy captains; cleaning of swimming pools; construction of personal equipment.

This list is not meant to be exhaustive.

My bill also states that no funds may be expended for the purpose of establishing, operating, maintaining, or conducting any school or training program the primary or incidental purpose of which is to instruct or train enlisted personnel as personal aides. This means that the program of instruction for enlisted aides at the U.S. Army Quartermaster School at Fort Lee, Va., would be closed down as would be any similar installation.

Every day that this school at Fort Lee operates, it is in violation of Defense Department Directive 1315.9. Let me give some specific examples of what I mean.

The Fort Lee course runs 8 weeks and consists of a number of hours of lectures on specific subjects. For example, enlisted aides are given 3 hours of instruction in the proper care and feeding of various types of pets such as dogs, cats, fish, and birds. This is a clear violation of Directive 1315.9. Pet care has no related "military reason." It is a domestic function that would be prohibited under my bill. And yet, at this time, U.S. enlisted personnel are being trained how to care for the general's dog or the pet fish of the general's wife.

Other examples are no less startling. Aides receive 25 hours in care and cleaning of general officer's quarters; 8 hours instruction in table service for informal functions; 12 hours for formal functions; 16 hours in the preparation of centerpieces such as floral arrangements and ice carvings; 13 hours in the preparation and dispensing of alcoholic and nonalcoholic drinks; 16 hours in cake baking and decorating; 16 hours in Danish puff and pie pastry, and cookies; a course in mastering the art of French cooking; 7 hours in the selection and service of appetizers, hors d'oeuveres and canapes; 34 hours in the preparation of gourmet meat dishes and 10 hours in the serving of brunch.

All of this would be illegal under my bill. It should be declared illegal regardless. There is no place in the U.S. Armed Forces for this kind of pampering of generals and admirals. It is a waste of manpower and the taxpayers money.

GAO INITIAL REPORT

Mr. President, I ask unanimous consent that the recent GAO report on the military personal aide programs be placed in the RECORD at this point along with my original letter to the Honorable Elmer Staats, Comptroller General of the United States.

There being no objection, the report and letter were ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., January 16, 1973.

DEAR SENATOR PROXMIRE: As requested in your letter of December 1, 1972, this is an interim reply to your letter of November 20, 1972, which asked us to obtain information about the use of enlisted men as servants for high ranking officers. Because of the limited time involved, we have not validated the information received from the military services. Our final reply to your request will include our evaluation. On the basis of our work so far, we have insufficient data on which to make an assessment as to illegal or improper activity in the aide and steward programs. The data we have obtained follows.

The statutory justification for the enlisted aide program is contained in 10 USC 3639, 7579, and 8639. (See Appendix I for copies of applicable codes.) The budgetary authority for enlisted aides is the Military Personnel Appropriation. No separate line item is set up for enlisted aides. A copy of the agreement between the United States and the Republic of the Philippines which authorizes the recruitment of Filipinos into the armed forces of the United States is presented as Appendix II.

The enlisted men who work as personal aides to high ranking officers are designated as enlisted aides by the Army, public quarters stewards by the Navy, airman aides by the Air Force and cooks specialist or food service technicians, specialist by the Marine Corps. We will refer to all of these servicemen as enlisted aides in this letter.

Copies of Department of Defense Directive 1315.9, Army Regulation 614–16, Secretary of the Navy Instruction 1306.2A, Air Force Regulation 39–5, and Marine Corps Order 5300.8C are enclosed with this letter. These documents provide the official position of the Department of Defense and the military services. We will obtain official statements of the justification for the enlisted aide program at a later date.

The regulations state that enlisted aides are authorized for the purpose of relieving the officer of those minor details which, if performed by the officer himself, would be done at the expense of his primary military and official duties. The regulations also state that the propriety of the duties of enlisted aides is governed by the purpose the duties serve rather than nature of the duties and that they must further the accomplishment of a necessary military purpose.

A copy of the military occupational specialty description for Army enlisted aides is presented as Appendix III.

Examples of acceptable utilization for enlisted aides as given in Secretary of the Navy Instruction 1306.2A are:

Driving the official vehicle of senior officers who are engaged in military functions;

Preparation and serving of food and beverages including cooking, baking, meat cutting, and scullery duties;

Care for the cleanliness, order, and protective maintenance of the officer's quarters and the furniture, fixtures, and appliances therein; and

Preparation for and duties during official entertaining in the officer's quarters including receiving guests, checking articles of outer clothing, and serving food and beverages.

Examples of unacceptable duties for enlisted aides are:

Care and exercising of pets;

Caring for infants or children; and

Personal services for dependents which do not meet the criteria of furthering the accomplishment of a necessary military purpose by the officer.

In all of the military services, the assignment as an enlisted aide is supposed to be made strictly on a voluntary basis. An enlisted aide is also supposed to be able to transfer out of the program at any time.

The following table shows by service and geographic area the number of enlisted aides and the number of high ranking officers assigned these aides.

GEOGRAPHIC DISTRIBUTION OF OFFICERS AND AIDES, AS OF DEC. 1972

Service location	Army		Navy		Air Force		Marine Corps		Total	
	Officers	Aides	Officers	Aides	Officers	Aides	Officers	Aides	Officers	Aides
Washington, D.C. area	54	132	37	100	30	75	5	19	126	326
Continental United States less Washington	134	220	176	315	196	329	32	65	538	929
Overseas	133	158	82	162	88	141	3	6	306	467
Total	321	510	[1] 295	[2] 577	314	545	40	90	[1] 970	[2] 1,722

[1] Includes 110 Navy captains.

[2] Includes 110 enlisted aides assigned to Navy captains.

The following table shows the top military officers in the armed forces and the number of aides assigned to each.

	Number of Aides
Chairman, Joint Chiefs of Staff	7
Chief of Staff, Army	8
Chief of Naval Operations	8
Chief of Staff, Air Force	7
Commandant of the Marine Corps	7
Vice Chief of Staff, Army	6
Vice Chief of Naval Operations	6
Vice Chief of Staff, Air Force	4
Assistant Commandant of the Marine Corps	3

Under current military policies, other admirals and generals in command positions are authorized enlisted aides. The aides are usually assigned to these officers on the basis of one aide for each star. Since all admirals and generals are not in command positions, only 860 of the 1317 generals and admirals in the United States Armed Forces are assigned aides. In addition 110 Navy Captains are assigned enlisted aides (see footnote to chart on page 3). Promotable Colonels in the Army can also be authorized aides, but none are presently assigned.

We do not know at this time how many, if any, of the aides perform exclusively or in part the functions of a domestic servant. Enlisted aides are normally recruited and assigned by one of three methods:

1. The officer or a member of his staff screens and selects an enlisted man for an aide. If the enlisted man volunteers for the aide program, he is assigned to duty in the officers quarters as an on-the-job trainee. In the Army or Marine Corps, after selection and volunteering, the enlisted man can be immediately sent to enlisted aide school or can be sent there after on-the-job training. Following successful completion of school or

sufficient on-the-job training, the enlisted man is designated as an aide.

2. Qualified graduates of cooks schools are recruited into enlisted aide school or as on-the-job trainees if they volunteer to enter the enlisted aide program.

3. Enlisted men who have not been selected by an officer or recruited into enlisted aide school can volunteer to enter the aide program.

The pay and allowances (direct cost) of enlisted aides are:

Army	$3,636,612
Navy	4,439,950
Air Force	4,316,945
Marine Corps	837,527
Total	13,231,259

The indirect cost of the program will be provided later.

The racial composition of enlisted aides is presented in the following table.

RACIAL COMPOSITION OF ENLISTED AIDES

Service/race	Army		Navy		Air Force		Marine Corps	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Caucasian	[1] 422	[1] 83	4	1	338	62	31	34
Black	88	17	5	1	196	36	58	65
Malaysian			568	98			1	1
Other					11	2		
Total	510	100	577	100	545	100	90	100

[1] May include some non-Caucasians who are not black.

The Navy has an ongoing program to increase the number of Caucasians and Blacks in the enlisted aide program. Enlisted aides in the Navy are chosen out of the steward ratings. While 10 percent of the stewards in training to become enlisted aides are now Caucasians, most have insufficient experience to qualify as enlisted aides and thus do not effect the racial statistics according to the Navy. Currently, about 80 percent of the new personnel assigned to the steward ratings are Caucasians and the Navy says that effort will be made to recruit enlisted aides from Caucasian stewards. The Navy expects an increased percentage of Caucasians in its enlisted aide program.

Prior to 1970, Phillippine nationals comprised about 95 percent of the input to steward rating. About 10 Filipino volunteers applied for each available enlistment vacancy and this large pool of volunteers resulted in annually filling anticipated steward requirements. Since 1970, however, Filipino input to the steward rating has nearly ceased, according to the Navy. The Navy stated that since 1968 opportunity to convert from steward to other ratings has been enhanced significantly with Filipinos now serving in 63 ratings.

You also asked about the term "Malaysian" as an accounting designator. It is a racial designator for natives of the Malay Peninsula and certain islands, including the Philippines. Almost all of the personnel identified by the designator are Filipinos.

The following tables present the average length of service, average pay, and average rate of promotion of all aides and the types of quarters used by aides in the Washington, D.C. area.

	Army	Navy	Air Force	Marine Corps
Average length of service (years)	8.3	13.6	16.0	13.2
Average pay	$7,131	$7,788	[1] $7,921	$8,878

[1] Based on Air Force-wide budgeting figure for enlisted pay.

PROMOTION RATES OF ENLISTED AIDES VERSUS SERVICEWIDE AVERAGES

[Years in service to promotion]

Service/rank	Army		Navy		Air Force		Marine Corps	
	All enlisted men	Aides	All enlisted men	Aides	All enlisted men	Aides	All enlisted men	Aides
E-9					21.8	21.5	20.7	24.1
E-8	18.7	18.8			19.3	19.4	17.7	19.5
E-7	14.5	15.1	1.80	22.0	18.5	20.1	14.6	16.3
E-6	7.1	9.0	9.0	18.0	15.7	17.3	6.9	12.8
E-5	2.4	2.1	5.0	11.0	3.7	4.5	3.2	2.7
E-4	(1)	(1)	2.0	6.0	(1)	(1)	2.0	1.9
E-3	(1)	(1)	1.2	1.2	(1)	(1)	(1)	(1)

[1] Automatically promoted when basic eligibility criteria are attained unless there are compelling reasons to deny promotion for cause.

Navy officials indicated that the slower promotion of enlisted aides resulted from the reenlistment of 94.6 percent of stewards as opposed to 54.1 percent Navy-wide. Since very few people leave and therefore openings in the higher grades are few, this high retention rate reduced advancement opportunity within the rating.

WASHINGTON, D.C., AREA HOUSING OF ENLISTED AIDES

Service type of housing	Army	Navy	Air Force	Marine Corps	Total
Public officer quarters	15	3	0	0	18
Government-owned enlisted housing	36	46	23	2	107
Private economy housing	81	51	52	17	201
Private officer housing	0	0	0	0	0

We trust that the information presented in this letter satisfies your immediate requirements.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

APPENDIX I

STATUTORY AUTHORITY FOR ENLISTED AIDES

10 USC 3639. Enlisted members: officers not to use as servants.

No officer of the Army may use an enlisted member of the Army as a servant. (Aug. 10, 1956, ch. 1041, 70A Stat. 208.)

10 USC 7579. Officers' messes and quarters: limitations on employment of enlisted members.

(a) Under such regulations as the Secretary of the Navy prescribes, enlisted members of the naval service and enlisted members of the Coast Guard when it is operating as a service in the Navy may be assigned to duty in a service capacity in officers' messes and public quarters where the Secretary finds that this use of the members is desirable for military reasons.

(b) Notwithstanding any other provision of law, retired enlisted members of the naval service and members of the Fleet Reserve and the Fleet Marine Corps Reserve may, when not on active duty, be voluntarily employed in any service capacity in officers' messes and public quarters without additional expense to the United States.

(c) The Secretary, to the extent he considers proper, may delegate the authority conferred by this section, except the authority to prescribe regulations, to any person in the Department of the Navy, with or without the authority to make successive redelegations. (Aug. 10, 1956, ch. 1041, 70A Stat. 470.)

10 USC 8639. Enlisted members: officers not to use as servants.

No officers of the Air Force may use an enlisted member of the Air Force as a servant. (Aug. 10, 1956, ch. 1041, 70A Stat. 553.)

APPENDIX II

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES CONCERNING MILITARY BASES

Signed at Manila March 14, 1947; entered into force March 26, 1967.

ARTICLE XXVII VOLUNTARY ENLISTMENT OF PHILIPPINE CITIZENS

It is mutually agreed that the United States shall have the right to recruit citizens of the Philippines for voluntary enlistment into the United States armed forces for a fixed term of years, and to train them and to exercise the same degree of control and discipline over them as is exercised in the case of other members of the United States armed forces. The number of such enlistments to be accepted by the armed forces of the United States may from time to time be limited by agreement between the two Governments.

DEPARTMENT OF DEFENSE DIRECTIVE

Subject: Utilization of Enlisted Personnel on Personal Staffs.

References: (a) 10 USC 3639, (b) 10 USC 7579, (c) 10 USC 8639, (d) United States v. Robinson, 6 USCMA 347, 20 CMR 63, 68.

I. PURPOSE

This Directive prescribes the policies governing the use of enlisted personnel on the personal staff of officers.

II. APPLICABILITY

This directive is applicable to all military departments on a continuing basis, and to the Coast Guard when operating as a service in the Navy.

III. POLICY

A. Enlisted personnel on the personal staff of an officer are authorized for the purpose of relieving the officer of those minor tasks and details which, if performed by the officer himself, would be at the expense of his primary military and official duties. The duties of these enlisted personnel shall be concerned with tasks relating to the military and official responsibilities of the officer. The propriety of such duties is governed by the purpose which they serve rather than the nature of the duties. Such duties must also further the accomplishment of a necessary military purpose.

B. Under such regulations as the Secretaries of the military departments prescribe, enlisted personnel on the personal staffs of general and flag officers, and certain other senior officers who are in command positions, may be utilized for:

1. Providing essential services to such officers in the field and aboard ship.

2. Duty in their quarters to assist these officers in the discharge of their official responsibilities to include assistance in the care of the quarters.

C. The assignment of enlisted personnel to duties which contribute only to the personal benefit of officers and which have no reasonable connection with the officers' official responsibilities is prohibited.

D. Nothing contained in this directive precludes the employment of enlisted personnel by officers on a voluntary paid off-duty basis.

IV. ADMINISTRATION

The Secretary of each military department is responsible for the administration of the policies announced herein. Implementing regulations of the military departments will be forwarded to the Assistant Secretary of Defense (MP&R) within ninety days.

V. EFFECTIVE DATE

This Directive is effective immediately.

———— ————,

Secretary of Defense.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C.

SECNAV INSTRUCTION 1306.2A

From: Secretary of the Navy.
To: All Ships and Stations.
Subj: Guidelines for Utilization of Enlisted Personnel on Personal Staffs.
Ref. (a) DOD Directive 1315.9 of 2 February, 1960 (NOTAL).

1. Purpose. To prescribe the policies governing the use of enlisted personnel on the personal staff of officers of the Navy and Marine Corps, in order to:

a. Provide general guidance for the efficient utilization of enlisted personnel on personal staffs.

b. Preclude improper utilization of enlisted personnel by assignment to duties which:

(1) Have no reasonable connection with the efficient employment of the Navy and Marine Corps as fighting forces.

(2) Contribute only to the personal benefit of individual officers or their families.

2. Cancellation. SECNAV Instruction 1306.2 is canceled and superseded.

3. Applicability. This directive is applicable to the Department of the Navy on a continuing basis, and to the Coast Guard when operating as a service in the Department of the Navy.

4. Background. Reference (a) cites pertinent legal references and delineates the Secretary of Defense's policy in the premises, to the effect that:

a. Enlisted personnel on the personal staff of an officer are authorized for the purpose of relieving the officer of those minor tasks and details which, if performed by the officer himself, would be at the expense of his primary and official duties.

b. The duties of these enlisted personnel shall be concerned with tasks relating to the military and official responsibility of the officer, to further the accomplishment of a necessary military purpose.

c. The propriety of such duties is governed by the purpose which they serve rather than the nature of the duties.

5. Definitions

a. "Efficient utilization" is defined as proper, appropriate, and gainful employment or use of men, money or facilities. For purposes of this instruction it encompasses the use of personnel for any type of duty that can be construed as personal in nature, regardless of occupational specialty, billet title, or organizational location of the individual performing that duty.

b. "Personal staff" is defined as those personnel who are authorized to the person of an officer by the Chief of Naval Personnel or the Commandant of the Marine Corps for other than command duties and who report directly to the officer concerned. For purposes of this instruction and in addition to its specific meaning, the term will further include any personnel who might be construed by the Service or the public as members of a personal staff because of the duties assigned. This specifically includes personnel assigned to duty in the public quarters of an officer.

c. "Official duty" is defined as those actions and activities which are required by the officer's billet, position, office, or rank. It includes functions of military and military-civilian activities, both temporary and continuing. It encompasses actions initiated by and accomplished through either oral or written media, whether during or after normal working hours.

G. Guidelines for Utilization of Enlisted Personnel on Personal Staffs

a. Enlisted personnel on the personal staffs of general and flag officers, and certain other senior officers who are in command positions, may be utilized for:

(1) Providing essential services to such officers in the field and aboard ship. The purpose of such services is to assist the senior officer by relieving him of a multitude of details of an administrative and personal nature associated with his position or office in order that he may devote the maximum of time and effort to more important matters relating to military planning, policy, operations, training, exercises or maneuvers.

(2) Duty in their quarters to assist these officers in the discharge of their official responsibilities, to include assistance in the care of the quarters. The purpose of these services is to assist the senior officer in public quarters by relieving him of a multitude of administrative and personal details directly related to his official duties, to assist in the security, upkeep, and police of the public quarters assigned him, and to assist in official military and military-civilian functions therein.

b. The assignment of enlisted personnel to duties contributing solely to the personal benefit of officers and which have no reasonable connection with the officer's official responsibilities is prohibited. The purpose served, not the nature of such duties, determines the propriety. An exhaustive listing of specific duties authorized or prohibited is therefore infeasible; however, the following are clear-cut examples:

(1) Acceptable utilization

(a) Enlisted men driving the official vehicle of senior officers who are engaged in military functions.

(b) Utilization of stewards for the following duties is consistent with the policies of the Secretary of Defense and this instruction:

1. Preparation and serving of food and beverages, including cooking, baking, meat cutting, and scullery duties.

2. Care for the cleanliness, order, and protective maintenance of the officer's quarters and the furniture, fixtures, and appliances therein.

3. Preparation for and duties during official entertaining in the officer's quarters, including receiving guests, checking articles of outer clothing, and serving food and beverages.

4. Services of stewards other than those outlined in (1) through (3) above may be consistent with the Secretary of Defense's policies and this instruction when viewed from the standpoint of the purpose served; however, the official concerned must make a determination in each instance.

(2) Unacceptable utilization

(a) Care and exercising of pets.

(c) Personal services for dependents which do not fall within the intent of subparagraph 5a above.

c. This instruction does not preclude officers from the employment of enlisted personnel on a voluntary, paid outside-working hours basis. Inasmuch as personnel on active duty are in a 24-hour daily duty status, voluntary employment by officers shall be exercised with care to insure that the time, talents, and attention of enlisted personnel in the performance of their regular duties continue to receive precedence during that entire period.

d. Repsonsibility for the supervision, direction, and performance of duty of enlisted personnel assigned to duty on the personal staff or in the public quarters of an officer lies solely with this officer.

e. Specific duties of members of a personal staff, and of any enlisted personnel assigned to perform duties which may be construed as being of a personal nature, while generally following the customs of the Services, should be specifically prescribed by the senior officer concerned in each case.

f. Since enlisted personnel assigned to personal staffs may be required to assist the senior officer during normal off-duty hours, compensatory time off should be provided.

7. Action. Implementation of the requirements of this instruction demands discriminating judgment upon the part of all officers of the Navy and Marine Corps. Addresses will insure full compliance with both the letter and the spirit of the guidelines delineated herein.

JOHN W. WARNER,
Under Secretary of the Navy.

DEPARTMENT OF THE AIR FORCE,
Washington, 2 October 1967.

AIR FORCE REGULATION NO. 39-5

ENLISTED PERSONNEL AIR FORCE AIRMAN AIDE POLICY

This regulation states policies and tells how airman aides may be authorized, assigned, and used on the personal staffs of general officers. It implements DOD Directive 1315.9, 2 February 1960.

(See summary of revised material following the signature element)

1. Policy on Assigning Enlisted Personnel to Personal Staffs. Enlisted personnel may be assigned to a general officer's personal staff to perform minor duties and details that the officer could not perform himself except at the expense of his primary military or other official duties. The propriety of assigning a duty to an enlisted aide will be determined by the purpose the duty will serve rather than by its nature. All duties assigned to an aide should be related to the military or other official duties of the officer and must further the accomplishment of a necessary military purpose. Airman aides may not be assigned duties that contribute only to the personal benefit of an officer and have no reasonable connection with the officer's official responsibility.

2. Restrictions on Assignment of Aides:

a. Table 1 shows the maximum number of airman aides that may be assigned to an officer.

b. Airmen assigned as aides must not have grades higher than E-7 and authorizations must come from over-all command bulk allotment.

c. Within authorized allowances, airman aides may be assigned duty in public quarters to help an officer discharge his official responsibilities, including help in caring for quarters. Airman aides may also be assigned duties in private quarters of the following officers who do not have access to adequate public quarters:

Table 1. Number of Airman Aides Authorized.

OFFICER GRADE

General of the Air Force (or Chief of Staff, USAF, maximum number of aides authorized, 5. General, maximum number of aides authorized, 4. Lieutenant General, maximum number of aides authorized, 3. Major General, maximum number of aides authorized, 2. Brigadier General, maximum number of aides authorized, 1.

This regulation supersedes AFR 39-5, 17 October 1961. OPR: AFPDP, Distribution: B.

(1) A general or lieutenant general assigned within Continental US.

(2) Any general officer serving outside Continental US.

d. Nothing in this directive precludes an officer from employing enlisted personnel on a voluntary, paid, off-duty basis.

3. Selection and Reassignment of Aides:

a. To the maximum extent possible, airmen assigned to authorized positions on personal staffs must be selected from volunteers from available command personnel sources and preferably from among airmen assigned at the base where the aides will be used.

b. Any reassignment or retention of airmen for duty on personal staffs under the following conditions must have USAFMPC approval:

(1) Curtailment or extension of an oversea tour prescribed by chapter 7, AFM 39-11, 1 May 1967.

(2) Oversea Assignment.

(3) Intercommand Assignment.

(4) Assignment of airmen in grades E-8 and E-9.

c. When submitting requests for reassignment or retention under one of the conditions in b above, include the following information:

(1) *Information About the Officer,* Grade and name of officer for whom the airman will perform duty.

(2) *Information About the Airman.* Grade, name, AFSN, CAFSC, DOS, ODSD, specific duty to be performed (e.g. administrative aide, cook, secretary, driver, etc.), normal DEROS (if applicable), desired port date (if applicable), oversea volunteer status (if applicable), unit designation, location to which airman will be assigned, and desired reporting date at new station.

(3) *Other Pertinent Information.* Justification, if curtailment or extension of oversea tour is involved; statement that a qualified airman is not available from gaining major command resources and that losing major command concurs in reassignment, if an intercommand assignment is requested.

d. Airmen assigned to duties under this regulation will be:

(1) Given the same opportunity for oversea service under established selection criteria as other airmen.

(2) CAFSC and DAFSC will be changed to reflect reporting code 99121.

e. An airmen who becomes surplus as a result of a previous assignment on a personal staff will be absorbed by normal attrition.

BY ORDER OF THE SECRETARY OF THE AIR FORCE

OFFICIAL.

J. P. MCCONNELL, *General, USAF,*
Chief of Staff.

R. J. PUGH, *Colonel, USAF,*
Director of Administrative Services.

Summary of Revised Material: This revision updates references in paragraph 3b and substitutes "ODSD" for "FSSD" in paragraph 3c(2).

CHAPTER 1: AIDES-DE-CAMP

1-1. Assignment. *a.* General officers occupying table of organization and equipment positions may be assigned aides-de-camp as prescribed by that table of organization and equipment.

b. General officers occupying table of distribution positions when in command of troops may be assigned aides-de-camp in the numbers and grades prescribed in table 1-1. A general officer who is a deputy or assistant commander and who directs a headquarters at a different location from that of the commander is considered as "in command of troops."

c. General officers occupying table of distribution positions who are not commanding troops are not entitled to aides-de-camp except the Vice Chief of Staff of the Army and those assigned as deputy commanders or Chiefs of MAAGs, JUSMAGs and military missions who may be assigned one aide-de-camp per general officer, not to exceed the maximum grade appropriate for the rank of the general officer as prescribed in table 1-1.

1-2. Selection. Any general officer authorized aides-de-camp may select from his own command, officers of appropriate grades and may assign such officers to duty as aides-de-camp within the limitations prescribed in paragraph 1-1.

1-3. Reassignment. When a general officer is ordered to perform duty beyond the limits of his command, he may order his aides-de-camp to accompany him. When ordered to change station within, from, or to continental United States, the command from which the general officer is being reassigned is authorized, upon his request, to reassign his aides-de-camp not to exceed the numbers and grades shown in paragraph 1, providing he is authorized aides-de-camp in his new assignment. Any question concerning the authorization for aides-de-camp in the new assignment will be resolved by the commander of the command to which the general officer is to be assigned, prior to issuance of change of station orders for the aides-de-camp. Change of station orders for aides-de-camp will cite the same procurement authority for travel expenses as that under which the general officer travels and will cite this regulation as authority for issuance of the orders. Two copies of orders will be furnished The Adjutant General (HQDA (DAAG-ASL), Washington, D.C. 20310). Change of station between overseas theaters for aides-de-camp will be processed in accordance with AR 614-30.

1-4. Limitation on length of tour. No prescribed tour length is established for officers serving as aides-de-camp. However, due consideration should be given to the impact which unusually long and repetitive tours will have on the career development of the officers concerned.

1-5. Component. Officers selected for assignment as aides-de-camp, within the grade limitations specified in paragraph 1-1 may be assigned irrespective of component.

TABLE 1-1

General officers	Col.	Lt. Col.	Maj.	Capt.	Lt.	Total
General of the Army (or Chief of Staff, USA)	1	1	1			3
General		1	1	1		3
Lieutenant general			1	1		2
Major general				1	1	2
Brigadier general					1	1

November 20, 1972.

HON. ELMER B. STAATS,
Comptroller General of the United States,
Washington, D.C.

DEAR ELMER: I understand that certain flag and general rank officers of the United States Armed Forces are routinely assigned enlisted military personnel, including foreign nationals, to serve in the capacity of domestic servants.

These men, I am told, in some cases Philippine nationals, act as cooks, butlers, houseboys, drivers, bartenders at official and unofficial occasions, and perform a variety of other household duties, though they are not quartered with the officers they serve.

Would you please undertake an investigation to determine the following facts:

1. How many officers based in the U.S. are assigned stewards or military aides that perform, exclusively or in part, the functions mentioned above?

2. How many stewards or aides are so employed; how are they recruited and assigned; what are their official duties and job descriptions; and what are the full direct and indirect costs of these activities by budget authority?

3. What statutory justification is there for providing U.S. military officers with de facto personal servants?

4. What is the ethnic and racial composition of Navy stewards?

5. What is the agreement between the U.S. and the Philippines regarding the enlistment in the U.S. Armed Forces of Philippine nationals?

6. Please compute the additional compensation these services represent as an add on to existing flag and general rank salaries.

7. What is meant by the term "Malaysian" as an accounting designation? Of the 10,347 "Malaysians" in the grade of Steward as of June 30, 1972: (a) How many are assigned to jobs in the United States, (b) in the Washington, D.C. area, (c) what is the break down by local base, (d) how many Stewards are assigned to individual members of the Joint Chiefs of Staff, the Chief of Naval Operations and his deputies, and other high ranking officers (07-010) in the Washington, D.C. area, (e) what is the average length of service for Stewards, (f) average pay, (g) average rate of promotion, (h) where are they quartered in the Washington, D.C. area?

Your assistance in clarifying the statutory and budgetary justification of these activities would be appreciated. I would hope that this study could be completed in time for Congressional consideration during FY 1974 Military Appropriations Hearings.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

Mr. PROXMIRE. Mr. President, it is abundantly evident even from the preliminary figures collected by the GAO that there are serious and extensive abuses in the military aide program.

The question is why have we all accepted this state of affairs so blithely? Simply because it is traditional, that it is the inevitable relationship that develops between officers and enlisted men? Perhaps.

Regardless of why it has been accepted, now is the time for change. We are no longer living in a 19th-century military environment. The Army is undergoing a painful conversion to a volunteer status. Pay has increased dramatically. Now we must erase one of the last trappings of aristocratic privilege that remain—the use of personal servants.

ABUSES IN THE USE OF MILITARY AIDES

Since I made the request for an investigation, my office has received a large number of letters from individuals involved in the military aide program. Some came from officers who confirm that abuses do take place. Some came from aides who feel that they are being forced to perform illegal services. Some come from the wives of the officers with their rationale for the need for personal servants. I have had phone calls from Filipino enlisted men who state their case in broken English. They say that they must do anything an officer demands or else face retaliation and harassment.

Mr. President, the list of alleged abuses is quite long. I would like to cite a few, however, in order to indicate the type of problems that exist. When an enlisted man volunteers for one of the enlisted aide programs he is not told that he will be called upon to perform duties such as the following:

Take care of the officer's personal car;

Take care of the cars of the officer's family members;

Do the gardening;

Pick up the clothes of dependent sons and daughters;

Cook meals for all members of the family even when the officer is not present;

Be the bartender for private, unofficial parties;

Run errands for wives;

Serve food and drinks for parties for other members of the family when the general or admiral is not present;

Babysitting;

Dog walking; and

Maintain swimming pools.

The list could go on and on but there is no point in it. This is not a healthy situation. Who will say that maintaining a swimming pool is in the national interest? Who will say that walking a dog strengthens national security?

FINDINGS OF THE INITIAL GAO STUDY

I asked the General Accounting Office to begin their investigation by collecting data from the four services about the numbers of aides, costs to the taxpayer, and regulations concerning how aides are used. In the preliminary report, the GAO makes no assessment as to any illegal or improper activity in the aide program. They simply collected data.

The interim reply contains some startling facts. The report reveals that there are 1,722 soldiers officially designated as personal aides to generals and admirals in the U.S. Armed Forces at a cost to the taxpayer of over $13 million a year for pay and allowances alone. The 1,722 figure does not include any personnel on bases assigned to aide-type duties by commanding officers, a practice that is widespread. It is only the official categories of Army enlisted aides, Navy public quarters stewards, Air Force airman aides, Marine cook specialists, and food service technicians. I will refer to all of these as enlisted aides.

The $13 million is for pay and allowances only. The Army spends $3.6 million, Navy $4.4 million, Air Force $4.3 million, and Marine Corps $837,000. Obviously the full costs of the aid program will be much higher when indirect expenditures are added such as for training facilities.

GEOGRAPHIC DISTRIBUTION

Of the 1,722 enlisted aides reported by the services, about one-fifth serve in the Washington, D.C., area; 467 are in posts overseas. The aide per officer ratio is highest in the Washington, D.C., area with 2.6 aides per qualified officer as opposed to 1.7 for the rest of the continental United States and 1.5 for overseas. This reflects the predominance of high ranking officers in the Washington area and their insistence on using personal aides.

WHO GETS PERSONAL AIDES?

Enlisted aides, or servants as many call them, are assigned to 860 of the 1,317 U.S. admirals and generals, not on the basis of need but by rank: one aide per star. The 860 admirals and generals who receive aides are supposed to be in command positions. Besides generals and admirals, 110 Navy captains get aides. Even promotable colonels can be given aides but none have them at present.

There are certain interesting exceptions to this rule. The highest ranking officers are released from the "one aide per star" restriction. The Chairman and Chiefs of the Joint Chiefs of Staff and certain Vice Chiefs receive six to eight aides each. The Chief of Staff for the Army and the Chief of Naval Operations, for example, have eight aides assigned to them or one more than the Chairman of the Joint Chiefs of Staff.

RACIAL IMPLICATIONS

The GAO data also show that there are distinct racial overtones in the military personal aide programs. The report notes that 98 percent of the aides in the Navy are Filipinos. Blacks dominate the proportion in the Marine Corps at 65 percent. In the Air Force, 36 percent are black; and 17 percent are black in the Army.

The Navy has stated that they are trying to recruit Caucausians and blacks for their aide program which has long been dominated by a preference for Filipinos. There is no evidence in this initial report as to the plans and goals of the Marine Corps, Army, or Air Force in this regard.

PROMOTIONS

The GAO study shows that promotions come more slowly for enlisted aides than for the average enlisted man. The Navy, in particular, due to its traditional preference for Filipino servants and their high reenlistment rate, promotes those men very slowly. Past the rating E–5, in every rank and all services, aides are promoted slower than the average for enlisted men. To take one obvious inequity, it takes a Navy enlisted man on the average 9 years at the E–6 rank for promotion. It takes an enlisted aide exactly twice as long, or 18 years.

LENGTH OF SERVICE AND PAY

The average length of service for an enlisted aide varies from 8.3 years in the Army to 16 years in the Air Force. Contrary to the general military practice of rotation, enlisted aides often are transferred with the general or admiral to whom they are attached. This perpetuates the domestic servant relationship.

The average pay for enlisted aides fluctuates from $7,131 in the Army to $8,878 in the Marine Corps. The comparable figures for the Navy and Air Force are $7,788 and $7,921 respectively.

This condition cannot be allowed to go on a day longer. I ask my colleagues to join with me to improve the morale of the coming volunteer army, to increase efficiency in our fighting forces by cutting out the superfluous excesses, to save needed dollars in an era when force levels are going down, to create the proper atmosphere for a tough ready-to-serve Military Establishment. We can contribute to this by passing this bill.

If my mail is any indication the American people will not stand for this kind of luxurious treatment of our generals and admirals. They should be afforded the respect of their position. That is clear. But providing personal servants at taxpayer expense and with the associated costs in lost man-hours for military duty, is not part of the American military tradition.

Mr. President, I ask unanimous consent that a series of letters sent to me regarding the military servant situation be placed in the Record at this point. Certain names have been deleted in order to protect individuals from retaliation and harassment. I also ask that the text of my bill be printed.

There being no objection, the letters and bills were ordered to be printed in the Record, as follows:

Hon. Senator William Proxmire,
U.S. Congress,
Washington, D.C.

Dear Sir: This is in response to the UPI story which I enclosed. Your sources must be very reliable, for everything said in the article is true.

I am a Navy wife and my husband is a steward (E–4). He is a Philippine national who is now an American citizen. He has been serving in the Admiral's house in Norfolk for the past three years. When I learned of what their "duties" are, I was amazed that this is being tolerated by the United States Navy. He said that this is the way things have been in the Navy, and it cannot be changed anymore. I am very glad to know that you are interested in this practice and I hope that you can initiate a change.

For starter, you can investigate the Admiral's row in Norfolk, Virginia. Here, you will find that a vice-admiral has four stewards and a rear admiral has three. These enlisted personnel are usually E–3 to E–6. I do not dispute the claim that admirals should have sailors as aides and valets for security reasons. But, why should their wives have sailors for their own "maids"? I believe that two enlisted men are sufficient to take care of an admiral's personal needs and comfort. Right now, the stewards serve not only the admiral, but also his family.

I know for a fact that the stewards clean the house, cook all meals for the admiral's family (and houseguests), do the laundry (not only the officer's uniforms, but also their wives clothes), act as butlers, drive wives on errands (or run errands for them), work as bartenders (which my husband has become proficient) at official and unofficial parties (family gatherings as during the Thanksgiving and Christmas holidays), and serve at the bridge games and picnics of the officers wives. The stewards do not go home until after the evening meal is served, the kitchen cleaned, and the Admiral and the "missus" ready for bed. You may like to know also that to call a steward, an intercom is not used, but a bell (just like calling a servant).

As the article mentioned, most stewards are Filipinos. You are probably wondering why these men (high school graduates and some with college education) would request or stay as stewards at the admiral's house. First, because this is a sure way to stay on shore duty and be close to their families. Second, most of them cannot pass the advancement examinations, because they have no time for study, and because their activities are purely non-military. Another reason is that most Filipinos value the American dollars they earn. The money they can send to the Philippines is a big help to their families and relatives left behind. Also, due to their lack of qualification, (some have been stewards for ten or twelve years) they are afraid to get out and look for jobs as civilians.

I suggest that before assigning stewards to admirals and other high-ranking officers, they and their families be given a handbook as guide to what the duties of the stewards are. I am not exaggerating if I tell you that Navy stewards have been used as baby-sitters for officer's grandchildren, and as chauffeurs for the wives' shopping and partying (without the admiral).

I hope that you will pursue the investigation of this matter. I am supporting you fully.

November 23, 1972.

Dear Senator: I read in this morning's Washington Post that you were asking the G.A.O. to investigate the role of enlisted personnel as stewards for the General Officer Corps of the Military Establishment.

I served 7½ years in the Marine Corps with about 4 years serving as a steward in one capacity or another.

While I was in Vietnam I served as one of the stewards of the Commanding General's Mess of the First Marine Division at Danang. Our duties included serving the general staff their meals and keeping the mess clean, the silver polished, setting the table and cleaning up after the meals.

There was a Vietnamese who washed the breakfast and lunch dishes and one of us would wash the evening dishes. After the evening meal either I or a staff sgt. would show a film for entertainment. I enjoyed the tour in Vietnam as being a good experience and we ate the same food the general's staff ate which was better than what was served down in the mess hall.

I re-enlisted in Vietnam for 3 more years after serving 4½ years because I believed what the military was telling us about how we were defending freedom and democracy and allowing the South Vietnamese to choose their own future. After Vietnam I went to Okinawa as a steward for the Commanding General's Mess F.M.F. PAC. (FWD) whose main base was in Hawaii at Camp Smith where I was a cook in the mess hall before I went to Vietnam.

After my tour in Okinawa I went to Quantico, Virginia. My first few months there were as a cook in the officer's barracks.

One of the generals that served in Okinawa was transferred to Quantico and was looking for a steward to serve in his quarters with his family, so I volunteered.

Much to my surprise serving in a general's quarters in the states is much different than serving in his mess overseas.

Some of the phoniest people in America are general's wives who try to get their husbands promoted and this wife was no exception.

She gave parties and tried to butter up to the wife of the Senior General of the base and the wives of the other General's as her husband was the "low man on the totem pole."

The chores we had to do in their quarters were something else. The two other stewards who were black and senior to me said this wife was the worst one they had ever worked for. She couldn't stand to see dust anywhere, and she just loved to run her fingers along furniture or venetian blinds to pick up dust and show it to us. She had 2 children, a 14 year old daughter and a 19 year old son.

Half the time after her daughter went to school and her mother was too busy to make her daughter's bed, she asked us to and to straighten up her room. We would wash their car once a week or just before they were scheduled to go to a party or official function. We would wash their son's car while he was at college just so he could have a clean car when he came home on weekends.

When their washing machine broke down in October I had to take their wash into Quantico and wash it in a coin Laundromat. They didn't buy a new washer until after Christmas. The senior Steward took care of the General's uniform and layed out the proper one for the next day. I shined the shoes and whenever she could she had me shining her shoes and her daughter's too.

When the General and his wife went out, one of us would have to come back in the evening just to cook their daughter her dinner, like a hamburger.

When their son was home for the summer he had a job at the construction site of the new FBI building at Quantico. We would fix his breakfast before he went to work as well as his father's and make him a sandwich for his lunch, and sometimes he would complain because the lettuce was gritty or the sandwich wasn't made right or something.

At Christmas when the family was together we had to cook and serve them their Christmas Dinner on Christmas Day while the other Generals ate their Dinner a day earlier or later so their stewards could be off on Christmas.

The General's wife said after their Dinner at 6 p.m. that we still had time to have a nice dinner with our families.

Fortunately, the Marine Corps had enough sense to not promote the General after his first star and they are retired in Florida.

Her prejudices showed through and working with the other stewards was a good experience because I was able to recognize the families prejudices and it went in one ear and out the other.

I got out of the Marine Corps in Dec. '70. I enjoyed the experience of having served in the military to be able to really see the fat that is being wasted away in the military, and to know that my generation is going to change the inequities in this country because someone touched my generation and gave us spirit which we carry in our hearts, and we are going to use that spirit to lead this country into it's third century. His name was John F. Kennedy.

November 28, 1972.

Senator William Proxmire,
U.S. Senatė Building,
Washington, D.C.

Dear Senator Proxmire: I saw the November 22, 1972, UPI story regarding your feelings about the use of enlisted men as personal servants to "high ranking military officers." And, I support you in your condemnation of this practice.

It may be of interest to you, in your probe of this "servant question," to learn of my personal observations of one Air Force General and his use of enlisted men and women as personal cooks, servants and drivers.

My business associate resides in an upper income area of West Los Angeles. Living next door to him is a three star Air Force General and his wife. And, working for them each day is a black Staff Sgt., another enlisted man, rank unknown, and an Air Force enlisted lady.

These enlisted people cook, clean, build fences, garden and maintain the swimming pool as a part of, I would guess, their "military assignment." And, the enlisted lady even walks the General's poodle which I as a dog owner object to, since I walk my own dog and am not "fortunate enough" to have done at the taxpayers' expense.

Plus, the driver. The driver picks the General up each morning, returns him to his house each evening, and then is used on the weekends for a variety of driving assignments—some of which do not appear to be of a military nature. Unless you consider going out to a social event as a pressing part of our role in maintaining democracy through our military strength.

Senator, I feel that if a person wants to live in luxury—that is his right. But, he should earn that right through a participation in the free enterprise system. Build a business. Invent a product or service and then sell it. Thus, reaping the rewards of our great economic system.

I think that those people who enter government service must do so but of some personal belief that they are doing something to help their fellowman. Those of us who enter the private business world also are interested in our fellowman—whom we help by expanding business and employment opportunities through our creative efforts.

Senator, I say this, if the Generals and Government Officials of this country want servants, maids, valets and personal help—let them pay for it out of their own pocket!

Generals, for example, earn far above average in salary. They can afford to pay for their own help. Just as high government people can—and do.

Not that I am trying to give you a lesson in economics, or personal integrity, but I do have some strong feelings about your efforts to reduce the use of enlisted men by our high ranking military officers. Especially so because of my personal observations of this odious practice.

Best wishes to you in the coming year.

November 25, 1972.

Senator Proxmire: I regret this must be sent anonymously. My father would lose his career otherwise, and he values his upcoming promotion.

The newspapers tell of your questions about generals having servants. A point that highlights the waste of this question is the servant situation of Lt General William Pitts, the commander of SAC's 15th Air Force.

General Pitts took his three servants (all master sergeants) and their families with him when he went from England to take command of a headquarters in Izmir, Turkey last summer.

Five months later he was assigned to 15th Air Force, and he had a special KC–135 pick him and his wife up from Izmir to fly directly to California along with the exact same servants and their families; he also took along his polar-bear size white dog: he left Turkey on November 21st and arrived in California the next day, dog, servants and their families. These are facts, and the costs of shipping his servants from England to Turkey and California within six months were paid for by taxpayers . . . us.

Senator William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: After so many years someone of your position is investigating the assignment of aids in the armed forces. Be certain that the majority of the military people welcome your investigation. I wish to report to you an example here in Brussels of the very problem you are investigating. General Milton of the Air Force is the senior U.S. officer in Belgium. He has four full time enlisted men in his house as aids. All four of these men are negro. They cook all the meals for the general and his wife. They clean his house and answer his phone and take his dogs to the shop to be groomed. They keep his dogs while the general and his wife are gone on vacation. All of these men worked a full day on Christmas even though they have families. It is said that when the general needed a new aid last year he said that the new man had to be a negro. The assistant to General Milton is a navy admiral (rear admiral). Admiral Kane has aids at his house and they are all from the Philippine Islands.

Today I heard that General Milton will be extended by President Nixon so that he will not retire in 1973. I decided to write you because I cannot understand why the President would let this go on. Why are all the aids here in the military? These generals make more money in a year than most of us here will see in our whole life. They should be made to hire civilians as servants. And even if this is allowed why must these people almost always be other than white? I am white but I can even see the wrong being done to the people here who are aids. Everyone is afraid of the general and his aid de camp so they do not say anything. I am afraid and that is why I have not signed my name to this letter. I will soon be eligible to retire and I do not want to get in trouble. Please investigate the racial conditions in Brussels and the situation involving the aids. We have no one in authority to change the situation. Thank you senator.

Senator William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: In a recent newspaper I read of your request to have the controller general investigate the use of enlisted men in the military as personal servants for high ranking officers. As a veteran I support you and I am writing to my senator asking him to support you in any way he can.

While in the Coast Guard I saw many incidents that dehumanized enlisted men and made the officers feel even more powerful over the enlisted men's lives than they normally were. Drivers had to drive officers anywhere they wanted while an enlisted man had to clear their destination with a duty officer. The driver for top Coast Guard officers was on standby at all times and drove the Admiral to various social functions along with the usual daily business.

At CG Group Baltimore the captain has a car at his disposal and the duty driver is instructed to take the Captain wherever he wants. And the duty officer at the group makes the enlisted duty section make his bed. It is unheard of for an officer to stand in a line, he gets meals served him by enlisted people, while enlisted people eat like cave people.

The enlisted are used as servants more on the sea than on land. Enlisted men cook, clean, make beds, run errands and any other thing they can think of. During inspections the officers have their enlisted men clean their rooms and then inspect. And of course the Captain won't even settle for an enlisted man who is used by other officers, he has to have one of his own.

So in all I support you and will write the Senator in my state and ask him to support you. I would like information on your request as the article in the paper was short. Thank You

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25 Nov. 72.

Senator: On 22 Nov 72 I read comments you made about "military personnel being assigned as personal servants to some high ranking military officers."

I am retiring on 1 Dec 72. I am too old to giggle, or I would. You have many years on public service. When did you come to the astounding conclusion that personnel in the service in the grades of (yes) Colonel, Brigadier General, Major General, Lt General etc used and still use enlisted members of the service for duties as personal drivers, gardeners, bartenders, cooks, butlers, yeah—drive generals wives on errands, and any other thing that general they are assigned to wants them to do?

Why don't you check out the Air Force Regulation which outlines how many such "servants" each Air Force General can have?

By the time you receive this letter I should be "safely" in retirement, and this is the only reason that I send it to you.

I retire with over 26 years service. During this time (you will have to take my word for this) I have encountered the following: (just some):

1. A base where a Brig. Gen used enlisted personnel to build the NCO club, and "stand guard" and police, while sports car races were held. (Chanute AFB, Ill 1953)

2. A base where a CMSGT had the only duty of assigning enlisted aides to Generals in the Pentagon (Bolling AFB, D.C.)

3. A base where enlisted personnel were used to build a miniature golf course. (Korea).

4. Throughout the Air Force for years it has been the practice of "advertising" for enlisted personnel who might want to be a general's aide. The phrase "cooking experience necessary" is always present.

The only thing I am surprised at is that you indicate that you do not know about this long standing military system. Or did you just want to get the unknown general public's attention as a political thing? Request you not use my name, but if you chose to do so I won't cry about it.

P.S. Add to the above, a base where a Brigadier General was detailed as "project officer" to build a golf course. The General was detailed by the then Chief of Staff of the Air Force.

November 24, 1972.

Senator William Proxmire,
U.S. Senate and Office Buildings,
Washington, D.C.

Dear Senator Proxmire: As an enlisted aide, I would like to present you with my personal opinion regarding your investigation into the practice of using enlisted men as personal servants for high-ranking officers (Generals and Admirals). No enlisted person, regardless of race, can be forced to serve as an aide to an officer. This is strictly a volunteer program. This is not an unauthorized program as your opinion states. I am a graduate of the U.S. Army Enlisted Aide School located at Fort Lee, Virginia. The training I received there is available nowhere else in the world. I feel very honored to be one of less than 300 school trained enlisted aides.

I hope the above will be of some assistance to you and I would appreciate your reply.

Respectfully,
William J. Hayward,
Specialist 5, U.S. Army, Enlisted Aide, Headquarters Company, U.S. Army Pacific, Ft. Shafter, Hawaii, APO San Francisco 96558.

Senator William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Sir: I am writing in regards to your issue about generals having GI servants. I previously worked as an aide for three generals and, sir, the job that a soldier has to perform is not the way it was written in the regulation. There are some of the duties of an aide such as walking the dog, washing the car, cleaning the bathroom, mopping floors, making beds, washing clothes and ironing, shopping, running errands for the wife and cleaning up behind the wife, what is so bad is when the wife takes a bath, afterward she calls you to clean the bathtub. Sir, if the general has children, you are mother and father to them; when it is raining, the aides take them to school in his POV and other places they want to go and sometimes a man has to stay and babysit the children. When the general's wife decides to go shopping, she takes the aide along with her so that he can push the shopping cart.

Sir, the general doesn't have a household aide, he is for the general's wife's convenience. When a general needs an aide, the command will come out with something like the general needs a cook, and, when a person goes up for an interview, they will tell you how nice it is to work for a general as an aide. An aide never gets very much time off like the other soldiers and never spends much time with his own family. When the general has a party, the aides do all the work for it and you work all day and almost all night, you might get a half day off. Sir, I think that the general officers are making too much money to be wasting taxpayers' money by having enlisted aides. Sir, I am making a career out of the Army and hope that my name will not be put in the newspapers and this will not have any bearing on my career.

S. 850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3639 of title 10, United States Code, is amended to read as follows:

"§ 3639. Prohibition against the use of enlisted personnel to perform certain services

"(a) No enlisted member of the Army detailed to perform duties as an enlisted aide to any officer shall be ordered, requested, or detailed to perform any service not directly related to the accomplishment of a military objective, or to perform any service essentially domestic or personal in nature for or on behalf of such officer, or to perform any service for the spouse or any member of the family or household of such officer.

"(b) As used in this section, the term 'enlisted aide' means an enlisted member assigned or otherwise detailed to duty on the personal staff of any officer of the Army."

(b) The table of sections at the beginning of chapter 349 of such title is amended by striking out

"3639. Enlisted members: officers not to use as servants."

and inserting in lieu thereof the following:

"3639. Prohibition against the use of military personnel to perform certain services."

Sec. 2. (a) Chapter 559 of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 6117. Prohibition against the use of enlisted personnel to perform certain services

"(a) No enlisted member of the naval service, and no enlisted member of the Coast Guard when it is operating as a service in the Navy, detailed to perform duties as a personal aide to any officer shall be ordered, requested, or detailed to perform any service not directly related to the accomplishment of a military objective, or to perform any service essentially domestic or personal in nature for or on behalf of such officer, or to perform any service for the spouse or any member of the family or household of such officer.

"(b) As used in this section, the term 'personal aide' means an enlisted member assigned or otherwise detailed to duty on the personal staff of any officer of the Navy or the Coast Guard when it is operating as a service of the Navy."

(b) The table of sections at the beginning of chapter 559 of such title is amended by adding at the end thereof a new item as follows:

"6117. Prohibition against the use of enlisted personnel to perform certain services."

(c) Section 7579(a) of such title is amended by striking out "and public quarters".

Sec. 3. (a) Section 8639 of title 10, United States Code, is amended to read as follows:

"§ 8639. Prohibition against the use of enlisted personnel to perform certain services

"(a) No enlisted member of the Air Force detailed to perform duties as an airman aide to any officer shall be ordered, requested, or detailed to perform any service not directly related to the accomplishment of a military objective, or to perform any service essentially domestic or personal in nature for or on behalf of such officer, or to perform any service for the spouse or any member of the family or household of such officer.

"(b) As used in this section, the term 'airman aide' means an enlisted member assigned or otherwise detailed to duty on the personal staff of any officer of the Air Force."

(b) The table of selections at the beginning of chapter 849 of such title is amended by striking out:

"8639. Enlisted members: officers not to use as servants."

and inserting in lieu thereof the following:

"8639. Prohibition against the use of enlisted personnel to perform certain services."

Sec. 4 (a) Chapter 49 of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 975. Prohibition on the use of funds for certain purposes

"No funds may be expended for the purpose of establishing, operating, maintaining, or conducting any school or training program the primary or incidental purpose of which is to instruct or train enlisted personnel as personal aids. As used in this section the term 'personal aide' means an enlisted members assigned or otherwise detailed to duty on the personal staff of any officer of the armed forces."

(b) The table of sections at the beginning of chapter 49 of such title is amended by adding at the end thereof a new item as follows:

"975. Prohibition on the use of funds for certain purposes."

By Mr. TOWER:

S. 851. A bill to amend the Communications Act of 1934. Referred to the Committee on Commerce.

Mr. TOWER. Mr. President, I am today introducing legislation that will for once and for all provide a clear policy structure for the Federal Communications Commission to review broadcast license renewal contests.

The legislation would amend section 308 of the Communications Act of 1934 in the following manner:

First, in a contested license renewal procedure, the single issue which will be determinative of the FCC decision will be which applicant will be able to provide the best community service to the area being served.

Second, where one of the applicants is seeking a renewal of his license his past operating record will be considered as the most reliable indicator of his future performance.

Third, an applicant contesting a current licensee will have the burden of proof by the weight of the evidence to show that he will be able to provide a "substantially superior program service" before he can be granted the license.

This legislation is long overdue. I believe it is most consistent with the original intent of Congress when it passed the Communications Act of 1934. It will serve to clarify this original intent. Congress' failure to clarify the act, at least insofar as the contested application situation is concerned, has allowed the FCC to roam in a variety of inconsistent directions while constantly searching for new ways to interpret the true will of Congress. Moreover, due to the failure of the Congress to establish a set policy framework on the critical issue of license renewal, the Federal courts have been assumed an interpretative, and to a certain extent a legislative role in the communications field that I believe is both regretful and something that never should have been allowed to take place.

The objectives of this legislation are the same as the FCC's policy statement of June 1970, which was issued in the wake of the controversial WHDH decision by the FCC—"to strike a balance between the need for 'predictability and stability' and the need for a competitive spur." Only when these basic ingredients are contained within the Communications Act can the best interests of the public be promoted.

My proposal is for many reasons superior to the policy statement. Besides being framed by the Congress instead of being a product of an interpretative ruling promulgated by an independent regulatory commission, it provides for all of the safeguards that were felt desired by the U.S. Court of Appeals for the District of Columbia in the Citizens Communication Center against FCC case in which that court overturned the FCC Policy Statement of 1970.

First, it would guarantee the right to a hearing in a license renewal case in accordance with the Supreme Court's Ashbacker doctrine. Unlike the policy statement, my proposal would retain the single stage hearing procedure, thereby guaranteeing the nonlicensee applicant a full opportunity to show his capability. Under my proposal there will be no possibility of a summary judgment being entered against a contesting party to the application.

Second, the proposal establishes in the clearest language possible the congressional policy that program service to the community will be the determining factor and that the licensee who is up for renewal will be judged exclusively on his past record. This will clear the air of the most peripheral of factors that the FCC considered in the WHDH case.

It is imperative that Congress restore in a statutory framework the basic policy with which the FCC viewed this matter prior to the WHDH decision. Unless the language that I have proposed, or language similar to it is approved, the conditions that are necessary for the broadcasting industry to serve the public will remain in a state of constant turmoil. By raising issues that are not really relevant to actual community program service, the license procedure may very well find itself subject to financial opportunists who can easily convince the FCC that they meet artificial criteria that have no real relation to serving the public interest at the local level.

Third, the placing of the burden of proof on the new applicant to show that he can provide a superior program or service was recognized in the Ashbacker case and cited favorably in Citizens' Communications Center. It certainly does not supply the current licensee with a vested property right, which would be contrary to the Communications Act, but rather places upon the new applicant a traditional evidentiary standard that is commonplace throughout administrative law proceedings.

The burden of proof test formulated in my bill is a commonsense test. It simply recognizes that the current licensee's performance is open to public scrutiny. It would be most unfair to him and detrimental to the public for a new applicant to merely point out possible shortcomings of the existing licensee in order to obtain the license.

Mr. President, I firmly believe that this proposal includes the optimum factors that are preconditions to a balanced license renewal policy. It recognizes the need for competition and stability, for the protection of our first amendment rights. It recognizes the achievements of the broadcasting industry while not placing too onerous a burden on those groups and individuals who have heretofore not participated in broadcast communications since they will easily be able to sustain that burden if the existing licensee has not performed as he could or if the new applicant can show that he can perform in a more superior manner.

Mr. President, I am heartened by the renewed interest in the Communications Act that now prevails in Congress. While I may not agree with every aspect of the administration proposal, I feel it should be given credit for its emphasis upon broadcast responsibility at the local level and for generally spotlighting this issue as one that must be confronted immediately.

I am hopeful that my bill will be given careful consideration in the upcoming hearings on amendments to the Communications Act and that its basic framework will be enacted along with an amendment that will extend the license period from its present 3-year term to a 5-year term. This latter proposal, which is already the subject of many other bills, is needed because of the vast changes that have taken place in the broadcast field in the last 40 years.

Implementation of the 5-year period and the bill I am introducing today will represent a substantial improvement in the Communications Act. Passage would not restrict the basic outline of the FCC, but would serve as a clear congressional response to the problems I have outlined. Congress should reassert both its authority and expertise so as to insure against any possible FCC circumvention of congressional intent. Additionally, a congressional response in the form I have outlined will alleviate any need or possibility of our courts setting policy in a particular area where they collectively should play a little or no substantive role.

Mr. President, at this time, I ask unanimous consent that the text of my bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 851

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 308 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(d) Whenever mutually exclusive applications for a broadcast station to serve the same community are accepted for filing, the

Commission shall first determine, in accordance with sections 309(a) and (e) hereof, which, if any, of such applications should be denied on citizenship, character, financial, technical or other qualifications grounds under this Act or applicable Commission's rules. The applications of any two or more of the applicants who are not disqualified under such determination shall be designated for hearing on the single comparative issue of which will provide the best program service to the area to be served. Where one of such applicants is applying for renewal of station license, his past operating record shall be taken as the most reliable indicator of his future performance. No applicant for renewal of license shall be denied on comparative consideration with a mutually exclusive applicant for a new station, except upon a finding supported by the weight of the record evidence that the new applicant will provide a substantially superior program service."

By Mr. TOWER:

S. 852. A bill to provide for the enforcement of support orders in certain State and Federal courts, and to make it a crime to move or travel in interstate and foreign commerce to avoid compliance with such orders. Referred to the Committee on the Judiciary.

Mr. TOWER. Mr. President, I am pleased today to introduce a measure which I feel will begin to resolve the problem of soaring welfare costs, and will help break the poverty cycle for many of our Nation's families with dependent children. The Federal Family Support Act would attack the root of the problem facing many families now receiving Aid to Families with Dependent Children—AFDC.

This measure provides for the enforcement of support orders in certain State and Federal courts, and makes it a crime for a person to move or travel in interstate and foreign commerce to avoid compliance with such orders.

The Federal Family Support Act states that:

> Every individual has a natural, moral, and social obligation to support the members of his immediate family, which obligation transcends the status of debt.

We have in this free country of ours, a national policy which allows the unrestricted migration of our citizens from State to State. While this certainly is a freedom we would not lightly limit, we must also recognize that many persons travel from their States and the jurisdiction of their State courts, leaving behind them broken homes and dependent and neglected children. While the courts of the original State of residence may have ordered an individual to meet his responsibilities to his family, once he has removed himself from that court's jurisdiction, he has a practical sanctuary from the enforcement authority of that court.

This measure should give adequate legal recourse to families so abandoned by requiring the enforcement of support orders in Federal and State courts in areas to which the responsible parents have migrated from their original State, and by providing criminal penalties for persons who move or travel interstate to avoid compliance with support orders.

Mr. President, in the State of Texas, the largest and most rapidly growing category of public assistance is that of Aid to Families with Dependent Children. The AFDC rolls have grown so in the last few years that the State is finding itself increasingly strained to meet the overwhelming costs of public assistance. Something must be done, and I believe the measure I am introducing today can provide a part of the answer to this question. We must force, through our judicial system if necessary, our Nation's parents to accept the responsibility for the welfare of their children.

The Federal Government and the State governments cannot continue to bear the financial burden for all of our society's needs. It is unfair to ask our taxpayers to accept the responsibility for families where the parents can and should be accepting that responsibility themselves.

Mr. President, I respectfully request that the full text of this measure be printed in the RECORD at the conclusion of these remarks, and I urge my colleagues to join me in taking decisive action to halt burgeoning welfare roles and increasing irresponsibility on the part of this particular element of our society.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Family Support Act".

SEC. 2. (a) The Congress hereby declares that every individual has a natural, moral, and social obligation to support the members of his immediate family, which obligation transcends the status of debt.

(b) The Congress further declares that, while sound national policy requires that migration from State to State be unrestricted, experience has disclosed that in the exercise of the right of migration and travel many persons leave behind them broken homes, dependent and neglected children, and spouses; that although the courts of the State in which the family resided may have properly ordered an individual to meet his natural, moral, and social obligations, once he has removed himself to another State he has a practical sanctuary against the rightful jurisdiction of the original State of residence.

(c) The Congress further declares that experience has also disclosed that in other instances the departure precedes acquisition of jurisdiction over the person by the original State's courts with like result.

(d) It is the policy of Congress in enacting this Act to correct the evils outlined above (1) by requiring that orders of State courts directing individuals to meet their natural, moral, and social obligations to child and spouse shall be enforced in Federal and State courts in areas to which such individuals have migrated from the original State, (2) by giving Federal courts in States of which such migrants have become citizens original jurisdiction, in suits brought by citizens of other States, to order such migrants to meet such obligations, to the end that children and spouses will not suffer want or be made the objects of charity and thus become an unnecessary burden to the general public and be themselves thereby humiliated, and (3) by providing criminal penalties for persons who move or travel in interstate or foreign commerce to avoid compliance with support orders.

SEC. 3. Part VI of title 28 of the United States Code is hereby amended by inserting at the end thereof the following new chapter:

"CHAPTER 177.—ENFORCEMENT OF STATE COURT SUPPORT ORDERS

"Sec.
"2951. Definitions.
"2952. Registration of support orders.
"2953. Enforcement.
"2954. Notice to original court.

"§ 2951. Definitions

"As used in this chapter—

"(1) The term 'support order' means an order of a State court having jurisdiction over an individual, directing such individual to make payments periodically to (or for the support of) his spouse, former spouse, or child (whether the issue of his body, legitimate or illegitimate, or adopted).

"(2) The term 'obligor', with respect to a support order, means an individual who is directed to make payments under the order.

"(3) The term 'obligee' means any person to whom the proceeds of a support order is payable for himself, or the use or benefit of another, or such beneficiary or his guardian or guardian ad litem.

"(4) The term 'original court', with respect to a support order, means the court in which it was made.

"(5) The term 'State' includes the Territories, the District of Columbia, and the Commonwealth of Puerto Rico.

"(6) The term 'registered', with respect to a support order, means registered under section 2952.

"§ 2952. Registration of support orders

"Any obligee of a support order may register the order in any district court of the United States for a district, and in any court of a State having jurisdiction of like matters, in which an obligor of the order resides, and which is outside the State in which the support order was made. Registration shall be accomplished by filing with the clerk of such court a certified copy of the support order and of each order of the original court modifying the support order.

"§ 2953. Enforcement

"(a) Any court in which a support order is registered shall entertain contempt proceedings, in the same manner as if the order were an order of such court, against an obligor who fails to comply with the order within thirty days after being served notice that it has been registered.

"(b) No proceedings to enforce a support order shall be begun in any court under this section unless a copy of each order of the original court modifying the support order is registered under section 2952.

"(c) The cost of enforcement proceedings under this section shall be taxed against the party against whom the issues are resolved. The obligor shall be required to pay a reasonable attorney fee to the obligee if the court finds the proceedings were necessary to compel the obligor to comply with the support order.

"§ 2954. Notice to original court

"When, in any court, any support order is registered or any proceedings are taken under section 2953 to enforce a support order, written notice of such action under the seal of such court shall be sent to the original court."

SEC. 4. Section 1332 of title 28 of the United States Code is hereby amended by redesignating subsection(d) as subsection (e) and inserting after subsection (c) the following new subsection:

"(d) Notwithstanding any jurisdictional limitation with respect to the amount in controversy, each district court located in a State shall have original jurisdiction, concurrent with State courts, of civil actions brought by a citizen of another State to order a citizen of the State in which the court is located to make payments periodically to (or for the support of) his spouse or child (whether the issue of his body, legitimate or illegitimate, or adopted) if under the law of such State a State court is authorized to make such an order, as an incident to a divorce proceeding or otherwise. Nothing in this subsection shall authorize any district court to make a decree of divorce or separation, or to order an individual to make any payments to (or for the support of) a spouse who has without legal justification quit the home of such individual."

SEC. 5. The jurisdiction of the courts upon which jurisdiction is conferred by the amendments made by sections 3 and 4 of this Act shall not be affected by the amount in controversy, and such court shall have the power to enforce its orders by proceedings against either the person or property of the obligor, or both.

SEC. 6. (a) Part I of title 18 of the United States Code is hereby amended by inserting at the end thereof the following new chapter:

"CHAPTER 120.—ABANDONMENT OF DEPENDENTS

"Sec.
"2610. Definitions.
"2611. Abandonment and desertion.
"2612. Prima facie evidence.
"2613. Testimony of wife.

"§ 2610. Definitions

"As used in this chapter—

"(1) The term 'support order' means an order of a State court having jurisdiction over an individual directing such individual to make payments periodically to (or for the support of) his spouse, former spouse, or child (whether the issue of his body, legitimate or illegitimate, or adopted).

"(2) The term 'State' includes the Territories, the District of Columbia, and the Commonwealth of Puerto Rico.

"§ 2611. Abandonment and desertion

"Any individual who, to avoid compliance with a support order, shall travel or move in interstate or foreign commerce, from the State in which such support order was issued or from any State in which proceedings have been instituted under chapter 177 of title 28 of the United States Code, shall be punished by a fine of not more than $2,500, or by imprisonment for not more than three years, or by both such fine and imprisonment.

"§ 2612. Prima facie evidence

"For the purposes of this chapter, failure of any individual to comply with the terms of a support order after travel or movement in interstate or foreign commerce shall constitute prima facie evidence that such individual so traveled or moved with intent to avoid compliance with such support order, if personal service (including service by registered United States mail) of a certified copy of such support order has been had on such individual.

"§ 2613. Testimony of wife

"In all criminal proceedings under this chapter a wife may testify against her husband without his consent."

(b) The part analysis of part I of title 18 of the United States Code is amended by inserting at the end thereof the following new item:

"120. Abandonment of dependents___ 2610"

SEC. 7. Section 3237 of title 18 of the United States Code is hereby amended by inserting at the end thereof the following new subsection:

"(c) Any offense under the provisions of chapter 120 of this title is a continuing offense and may be inquired of and prosecuted in any district from, through, or into which, such offender so travels or moves, or in the district where the offender is found."

By Mr. TOWER (for himself, Mr. BENNETT, Mr. CURTIS, Mr. HRUSKA, Mr. ERVIN, Mr. FANNIN, Mr. GOLDWATER, Mr. SCOTT of Virginia, and Mr. THURMOND):

S. 853. A bill to insure the separation of Federal powers by amending the National Labor Relations Act to provide for trial of unfair labor practice cases in the U.S. district court, and for other purposes. Referred to the Committee on the Judiciary, by unanimous consent, then to the Committee on Labor and Public Welfare, if so desired.

Mr. TOWER. Mr. President, I am today reintroducing legislation to provide for the trial of unfair labor practice cases in the U.S. district courts, removing jurisdiction for such cases from the National Labor Relations Board. Joining me in this effort are my distinguished colleagues, the Senator from Utah (Mr. BENNETT), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from North Carolina (Mr. ERVIN), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Virginia (Mr. SCOTT), and the Senator from South Carolina (Mr. THURMOND).

While championing this legislation for many years, nothing has transpired to alter my belief that this legislation is in the best interests of the Nation and that it is fully consistent with the intent of the Congress as expressed in the National Labor Relations Act, as amended by the Taft-Hartley and Landrum-Griffin Acts.

Since I first sponsored this legislation, it has received strong widespread support from legislators, legal scholars, employers, employees—all of whom believe, as I do, that the National Labor Relations Board has disregarded the intent of the Congress and has been the major catalyst in the emergence of the imbalance we now face in labor-management relations.

The basic features of this measure are as follows:

First. Any individual who feels that an unfair labor practice has been committed against him would be allowed to file a charge with the U.S. attorney's office. If that office finds that the complaint lacks merit, the individual could still file his own complaint in a Federal district court. Under this jurisdictional change, the Office of General Counsel is abolished.

It is important, in my estimation, to point out that, under the current arrangement, an individual is without recourse if the General Counsel dismisses the complaint. No meaningful appeal of his ruling is possible. Under the new plan I am proposing, there is increased opportunity for the consideration of an individual's grievances.

Second. The National Labor Relations Board's jurisdiction over unfair labor practice cases is abolished and is transferred to the U.S. district courts.

Third. The district courts are given the authority to appoint a special master to hear an unfair labor practice case pending court action and to make recommendations as to the facts of the case. The master's role would be limited to fact finding. Additionally, the district courts are given the authority to issue temporary restraining orders when it is found that the complaining party will suffer irreparable damage between the time the change is filed and the time when the court makes a dispositive ruling.

One of the problems with the National Labor Relations Board mechanism, as presently constituted, is that a charging party will have already suffered tremendous economic loss by the time the General Counsel issues a complaint. It is not uncommon for the General Counsel to wait from 6 months to a year before a section 10(j) injunction is sought in the courts. By this time, the violating party has already accomplished his objective making subsequent Board action meaningless.

Fourth. Like the Board, the district courts will have authority to issue cease-and-desist orders.

Fifth. The National Labor Relations Board will continue to maintain jurisdiction over representation matters and conduct elections pursuant thereto.

From both a procedural and substantive standpoint, this legislation is necessary if this Nation's announced national labor policy is ever to be carried out. Substantively, the history of the NLRB has been one of constant emasculation of congressional policy and intent, as evidenced by the following:

FREE SPEECH

In the Sinclair case, employees voted to reject the union in a secret election. The Board, however, issued a bargaining order on the basis of employer interference with the election, because the employer had sent a letter to his employees which truthfully stated that the company was in a precarious financial situation, and that if a strike was called, as past labor history in the area indicated, there was a possibility of a plant shutdown. At the same time, assurances were given that every effort would be made to keep the plant open whether there was a strike or not.

On the other hand, in the Maryland Drydock case, the Board ruled that an employer violated the Taft-Hartley Act by forbidding the distribution on his own premises of a union newspaper which characterized the company's president as a "vulture" and a "doublecrosser," and compared the company officials to Adolf Hitler.

These are not isolated examples of the Board's free-speech double standard. Instead they are representative of an administrative policy that runs contrary to the National Labor Relations Act as amended by the Taft-Hartley Act.

SECONDARY BOYCOTTING

It has always been quite clear that section 8(b)(4)(b) of the Taft-Hartley Act was in response to the congressional policy of outlawing all secondary boycotts. Yet, the NLRB has gone far beyond the limits of the so-called product picketing which was recognized by the Supreme Court in the Tree Fruits case. In the Middle South Broadcasting case, the union had a dispute with a local radio station, and circulated a blacklist of local firms advertising over the station. In this case, the Board reversed its own trial examiner on the grounds that the radio station was a producer of the products advertised over the station and the advertisers were mere conduits or distributors. Such a decision in which a radio station is considered a producer of automobiles or refrigerators is both incomprehensible and illogical.

Board decisions with reference to section 8(b)(4)(b) have served to emasculate the basic policy Congress had drawn in terms of secondary boycotts. Exceptions and restrictions made by the Board have placed the neutral employer, which Congress intended to protect, in a most precarious position.

DUTY TO BARGAIN AND GOOD FAITH BARGAINING

The National Labor Relations Act requires both employer and employee bargaining representatives to bargain collectively in good faith with respect to "wages, hours, and other terms and conditions of employment." At the same time, the law states that neither party is required to concede an issue being negotiated. The Board has stretched this language to a most unreasonable stage. For instance, it has been ruled that good faith bargaining does not take place when an employer or a union comes forth immediately with a particular position and categorically states that it will not change that position. In essence, the party may very well be putting forth its best offer immediately rather than go through the give-and-take game that often takes place at the bargaining table. Even if an employer can prove with his business records that his offer is a reasonable one, the Board has ruled that he has not acted in good faith.

The Board has extended the range of mandatory bargaining subjects far beyond the original intent of Congress. Things once considered management prerogatives have now become bargainable subjects or even union prerogatives. For instance, the Fireboard Corp. decision made subcontracting arrangements a mandatory subject of bargaining. If an employer wishes to modernize his operation by establishing new techniques, the NLRB has said that such actions are mandatory subjects of bargaining under the vague definition of "work preservation," even though on its face, such union activity resembles featherbedding—another evil that the Taft-Hartley Act intended to correct.

To point out exactly how far the Board has drifted in expanding the statutory provisions set by Congress, one need only point to the Pittsburgh Playcraft Co. case. In this case, the Board overruled its own trial examiner and held that retired employees have the right to be represented at the bargaining table, thereby making this issue a mandatory subject of collective bargaining. In rejecting the Board decision, the court of appeals said:

> Not only are the Board's arguments without support in the language of the act, they are in defiance of its purpose. The purpose of Federal labor legislation is to reconcile and, insofar as possible *equalize the power of economic forces* within the society in order to encourage the making of voluntary agreements governing labor-management relations and prevent industrial strife. Its purpose is not artificially to create or manufacture new economic forces. (Emphasis added.)

The examples illustrate only a few of the substantive areas in which the Board has disregarded the intent of the Congress. In effect, policies of the Board have allowed it to evolve into a legislative body in the first order—something Congress never intended it to be. More importantly, however, these rulings have a tremendous effect upon our economic system and our national labor-management policy. The public is greatly affected in the marketplace by administrative decisions which encourage business inefficiency and discourage the utilization of technological developments.

The procedural problems which the Board has had almost since its inception overlap into the substantive problems, because they tend to slow down the overall process of decisionmaking: In effect, justice delayed is justice denied.

LACK OF PRECEDENT

Because the Board has moved so often to change congressional policy, it is impossible, in many instances, to recognize exactly what the law is on a particular subject. The Board does not recognize the traditional stare decisis form of decisionmaking. In fact, it may not even recognize a position already announced by a majority of the U.S. circuit courts of appeal.

I have been told by a number of labor lawyers that, because of this situation, many frivolous unfair labor practice charges are filed. Without a clear basis of law, the Board may, at any time, embark upon some new policy. Then too, an attorney may simply be unable to understand what the law is on a particular matter and, therefore, have no choice but to take it to the administrative agency for a ruling.

Adding to this problem is the fact that members of the National Labor Relations Board are appointed for 5-year terms. Because it refuses to adhere to stare decisis, it is not at all uncommon for a particular labor law policy to fluctuate radically with the addition of a single new member.

OVERBURDENED BOARD

The extraordinary inconsistency in Board decisions has contributed to a vast increase in its workload. In fiscal year 1972, 41,039 cases came to the NLRB for determinination, representing an approximate 100-percent increase in workload over the last decade. This has understandably resulted in the Board giving too little attention to each case, and drafting inconsistent and poorly written decisions. I believe that our Federal court system has the ability to manage this workload so that justice can be realized in a fair and equitable manner without unnecessary delay. Additionally, I would recommend that the funds saved by the elimination of the general counsel's office and the personnel responsible to him be transferred to the Federal court system so that it might be better prepared to handle the case load.

EXPERTISE

One of the major arguments against my proposal is that the NLRB has the type of expertise needed to administer our labor laws, and that the Federal courts do not. Such an argument is patently unsound. In fact, I am now convinced that whatever expertise the Board may have, has caused it to take a much too parochial outlook on many of the problems I have mentioned. Our labor-management policy is national in scope—extending beyond the narrow interests of the parties themselves to the general public. This is particularly so in the age in which we live where mass technology and communication have brought us all so close together.

It is my firm conviction that such basic interests found within our labor laws would best be protected by our Federal court system—the ultimate arbiter of disputes in our society.

To say that the Federal court system does not have the expertise to deal in these matters is an insult to that system itself. The courts have, for some time, been deciding matters far more complicated in nature than labor law problems. Furthermore, the courts have heard appeals from NLRB decisions since the inception of the Wagner Act. They already have original jurisdiction for the enforcement of collective bargaining agreements and for private damage suits under the Taft-Hartley Act.

In addition to the above, and as I have already stated, the courts would provide that greater sense of uniformity and stability in our labor law policy that is so lacking under the Board's jurisdiction.

In support of my position that the courts have the ability to master this subject, U.S. Court of Appeals Judge Friendly stated to the Subcommittee on Separation of Powers in 1968 that—

> Today NLRB cases do not seem to require a good deal of expertise that a good judge cannot easily acquire. Many of the cases turn on the substantiality of evidence and do not weigh great questions of the moment.

Mr. President, my proposal is not a complicated one, nor is it very original. In fact, the House Committee on Education and Labor in 1953 recommended that the Board be divested of its judicial functions and allowed to handle only representation issues. This proposal is a commonsense proposal. Its purposes are to provide for the proper interpretation of congressionally enunciated policy, and for the administration of justice in a fair and equitable manner.

I firmly believe that the Board has failed to meet these objectives. It should be recalled that the objective of the Taft-Hartley Act was to allow both labor and management to freely and nonviolently vie for the support of the workers. In effect, the Congress had said that in order to establish a balanced labor-management policy, the policy of encouraging collective bargaining must yield to the overall interests of the employees and the public at large. It was for this reason that the right to refrain from union activity was included as a section 7 right, and the secondary boycott provision was approved.

The National Labor Relations Board has disregarded the Taft-Hartley Act, to the obvious disadvantage of both employees and the general public. In effect, it is still operating under the original objective of the Wagner Act of 1935. Instead of standing in the middle of the collective bargaining process, which was the intent of the Congress, the Board stands at one end, thereby destroying the so-called "laboratory conditions" that it professes to follow.

This legislation meets the question of the role of administrative agencies in our federal system head on. As one of the seven major administrative agencies, the NLRB is a particularly appropriate institution with which to view the relationship of Congress to the independent agency system, now commonly referred to as the fourth branch of our Government.

With the renewed interest in Congress' role as a legislative institution, I urge my colleagues to give this proposal their careful consideration.

Mr. President, I further request that the full text of this measure be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(d) of the National Labor Relations Act, as amended, is hereby repealed. This section shall take effect on the thirtieth day following the date of enactment of this Act.

SEC. 2. Section 4(a) of such Act is amended by striking out 'and the General Counsel of the Board" in the first sentence; by striking out ", examiners," in the second sentence; and by striking out the fourth and sixth sentences.

SEC. 3. Section 8(b)(5) of such Act is amended to read as follows:

"(5) to require of employees covered by an agreement authorized under subsection (a)(3) the payment as a condition precedent to becoming a member of such organization, of a fee in an amount which is excessive or discriminatory under the circumstances, considering, among other relevant factors, the practices and customs of labor organizations in the particular industry, and the wages currently paid to the employees affected;".

SEC. 4. Section 9(c)(2) of such Act is amended by striking out "section 10(c)" and inserting in lieu thereof "the provisions of section 10 in effect at the time the order was issued".

SEC. 5. Section 9(d) of such Act is amended to read as follows:

"(d) Whenever the validity of a certification of a bargaining representative by the Board under this section is in issue in a proceeding before a court under section 10, the clerk of the court shall notify the Board of that fact. Within fifteen days after the date such notice is received the Board shall file such certification, together with the record on which it was based, with the court."

SEC. 6. Section 10 of such Act is amended to read as follows:

"PREVENTION OF UNFAIR LABOR PRACTICES

"SEC. 10. (a) The district courts of the United States, the district court of the Virgin Islands, and the United District Court for the District of the Canal Zone shall have jurisdiction, as provided in this section, to prevent any person from engaging in any unfair labor practice (listed in section 8) affecting commerce.

"(b) Any person aggrieved by any such unfair labor practice may, within six months after the date on which such unfair labor practice occurred, either (1) file and prosecute such a complaint in any court specified in subsection (a) having jurisdiction of the parties, or (2) file a charge of such unfair labor practice with the United States attorney for the appropriate district and request him to file and prosecute such a complaint. Whenever a person aggrieved by an unfair labor practice is prevented by reason of service in the Armed Forces from filing a charge or complaint he may do so within six months after the date of his discharge.

"(c) Whenever a charge is filed with a United States attorney under this section, he shall promptly notify the person against whom such charge is made. Within a reasonable time thereafter, he shall file a complaint with the appropriate court and prosecute such complaint, in the name of and on behalf of the person who filed the charge, unless he determines that the charge is frivolous, or otherwise without basis in law or fact, in which case he shall promptly notify the parties of such determination. After receiving such notice, the charging party may file and prosecute a complaint under subsection (b) on his own initiative; and the period beginning with the date on which he filed the charge with the United States attorney, and ending with the date on which he received such notice, shall not be counted in determining whether the six-month period specified in subsection (b) has expired. The United States attorney shall give priority of charges of unfair labor pratcices within the meaning of paragraph (4) (B) or (C) of section 8(b) over all other unfair labor practice charges filed with him.

"(d) Proceedings under this section shall be tried by the court without a jury. The Federal Rules of Civil Procedure shall apply in each such proceeding, except as otherwise provided in this section. In any case in which the pleadings present issues of fact, the court may appoint a master and the order of reference may require the master to submit with his report a recommended order. The master shall be compensated by the United States at a rate to be fixed by the court, and shall be reimbursed by the United States for necessary expenses incurred in performing his duties under this section. Any court before which a proceeding is brought under this section shall advance such proceeding on the docket and expedite its disposition.

"(e) The court may grant such temporary relief or restraining order as it deems appropriate pending final disposition of any proceeding under this section, but only after publicly hearing testimony of witnesses with opportunity for cross-examination in support of the allegations of a complaint made under oath, and testimony in opposition thereto, if offered; and only after findings of fact by the court to the effect—

"(1) that one or more acts constituting an unfair labor practice have been committed and will be continued unless restrained;

"(2) that substantial and irreparable injury to the complainant will follow;

"(3) that as to each item of relief granted greater injury will be inflicted by the denial of relief than will be inflicted by the granting of relief; and

"(4) that complainant has no adequate remedy at law.

The Act of March 23, 1932, entitled 'An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes' shall not apply to any proceedings under this section, except that section 10 of such Act, providing for expeditious review of temporary injunctions, shall apply with respect to any temporary relief or restraining order issued under this section.

"(f) If the court finds that any person named in the complaint has engaged in or is engaging in any unfair labor practice as charged in the complaint, the court shall enjoin such person from engaging in such unfair labor practice, and shall order such person to take such affirmative action, including reinstatement of employees with or without back pay (but not including the payment of damages in any other form), as may be necessary to enforce compliance with the provisions of this Act which such person is found to have violated. Where an order directs reinstatement of an employee, back pay shall be required of the employer, or the labor organization, or both, in such proportion as the court shall assess responsibility for the discrimination suffered by him. No order of the court shall require the reinstatement of any individual as an employee who has been suspended or discharged, or the payment to him of any back pay, if such individual was suspended or discharged for cause. In determining whether a violation of section 8(a)(1) or section 8(a)(2) has occurred, the same rules of decision shall apply irrespective of whether the labor organization affected is affiliated with a labor organization national or international in scope.

"(g) For the purposes of this section courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal office, (2) in any district in which its officers or agents are engaged in promoting or protecting the interests of employee members, or (3) in any district in which the unfair labor practice is alleged to have occurred. The service of legal process upon such officer or agent shall constitute service upon the labor organization and make such organization a party to the suit."

SEC. 7. Section 11 of such Act is amended by striking out "and section 10" in the matter preceding paragraph (1); by striking out "or proceeded against" in the first sentence of paragraph (1); and by striking out "Complaints, orders." in paragraph (4) and inserting in lieu thereof "Orders".

SEC. 8. Section 14(c) of such Act is hereby repealed.

SEC. 9. (a) Any proceeding under section 10 of the National Labor Relations Act which is pending before the National Labor Relations Board on the date of enactment of this Act shall be continued by the Board if the hearing provided for in subsection (b) of such section, as in effect immediately prior to the enactment of this Act, has been completed, and if, within thirty days after the date of enactment of this Act the person aggrieved by the unfair labor practice in question requests the Board to continue the proceeding. Upon request of any such person, the appropriate United States attorney shall appear and represent such person in proceedings under this subsection before the Board and the courts. The Board shall act in such proceeding, and its action may be enforced or reviewed by the courts, in the same manner and with the same effect as if this Act had not been enacted, except that—

(1) the person requesting continuation of the proceeding, or the appropriate United States attorney, shall be substituted for the General Counsel in proceedings before the Board;

(2) any enforcement proceeding under section 10(e) shall be instituted by the party seeking enforcement of the Board's order, or the appropriate United States attorney, and thereupon the Board shall certify and file in the court a transcript of the entire record in the proceedings;

(3) the Board shall not appear in any proceeding under section 10(e) or 10(f); and

(4) if the court orders additional evidence to be taken in any proceeding under section 10(e) or 10(f), it shall be taken before a master designated by the court; the master shall be compensated by the United States at a rate to be fixed by the court, and shall be reimbursed by the United States for necessary expenses incurred in performing such duties.

(b) Where the Board has issued an order under section 10 of the National Labor Relations Act before the date of enactment of this Act, a proceeding in court for the enforcement or review of such order may be instituted after such date in the same manner and with the same effect as though this Act had not been enacted, except that the provisions of paragraphs (2), (3), and (4) of subsection (a) of this section shall apply to such proceedings.

(c) Any proceeding under section 10 of the National Labor Relations Act which is pending in any court on the date of enactment of this Act shall be continued as if this Act had not been enacted, except that after the effective date of section 1 an attorney employed by the Board and designated by the Board for the purpose shall be substituted for the General Counsel.

(d) Where a charge of an unfair labor practice is pending before the National Labor Relations Board on the date of enactment of this Act, and the hearing provided for in section 10(b) of the National Labor Relations Act, as in effect immediately prior to the enactment of this Act, has not been completed, and the time limit provided for in section 10(b) of such Act, as amended by this Act, for filing a charge or complaint based on the same acts has expired, a charge or complaint may nevertheless be filed under such section at any time within thirty days after the date of enactment of this Act.

Mr. TOWER subsequently said: Mr. President, I ask unanimous consent that my bill, introduced earlier today, which would have the effect of transferring unfair labor practice cases from the NLRB to Federal district courts, be referred to the Committee on the Judiciary.

Mr. ROBERT C. BYRD. Mr. President, I reserve the right to object, and I ask that the distinguished Senator from Texas indulge me momentarily and allow me to put in a quorum call.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that my bill to insure the separation of Federal powers by amending the National Labor Relations Act to provide for the trial of unfair labor practice cases in the U.S. district courts, and for other purposes, be referred to the Committee on the Judiciary, with the understanding that should that bill be reported to the Senate, the chairman of the Committee on Labor and Public Welfare may exercise the option of having that bill referred again to the Committee on Labor and Public Welfare for its consideration.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, and I will not object, I wish to express appreciation to the Senator from Texas for his consideration of the matter. I understood that this bill, on previous occasions when it had been introduced, was referred to the Committee on the Judiciary. In order to protect the right of the Senator from New Jersey (Mr. WILLIAMS) I sought to contact him to see if this request which was made by the distinguished Senator from Texas (Mr. TOWER) a bit earlier, would be agreeable to the Senator from New Jersey. I have not been able to contact the Senator from New Jersey and in the interest of going on, I have no objection to the request as presently phrased, because it amply protects the Senator from New Jersey (Mr. WILLIAMS).

Mr. TOWER. I thank the Senator. It is my understanding that that is satisfactory to the Senator from New Jersey. I certainly would not want to try to make an end run around him or in any way thwart the jurisdiction lines of the Senate in which I have very great respect and high regard.

Mr. ROBERT C. BYRD. The Senator from Texas would never do that.

Mr. TOWER. I thank the Senator from West Virginia.

Mr. President, I might note, in connection with what the Senator from West Virginia said, that it has been considered twice by the Committee on the Judiciary and in the 92d Congress was reported favorably by the Subcommittee on Separation of Powers. There was not enough time to act on it by the full committee in the 92d Congress. That is why I introduced the matter. I think it is a matter in which many Senators have a great interest.

I thank the Senator for his forbearance, and in his absence, I thank the Senator from New Jersey (Mr. WILLIAMS).

Mr. ROBERT C. BYRD. I thank the Senator from Texas and also the distinguished Senator from New Jersey.

The PRESIDING OFFICER. The Chair wishes to clarify the request. It is the intention of the Senator from Texas that when this bill is reported by the Committee on the Judiciary if the chairman of the Committee on Labor and Public Welfare desires that it be referred to his committee it will be automatically so referred.

Mr. TOWER. That was the intent of the unanimous-consent request propounded by the Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. STEVENSON:

S. 854. A bill to improve planning and management processes in States, regions, and localities. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. STEVENSON. Mr. President, I am today introducing a bill to amend the section 701 comprehensive planning program. The bill is in the same form, except for minor technical changes, as chapter IV of S. 3248, the Omnibus Housing Act, which passed the Senate on March 2, 1972. S. 3248 unfortunately died in the House Rules Committee at the end of the 92d Congress.

The bill is designed to strengthen and to simplify the existing comprehensive planning program authorized in section 701 of the Housing Act of 1954. Under the present program, State, local, and regional governments receive Federal funds to develop comprehensive plans for their jurisdictions. These plans may include planning for social services as well as physical and land use planning.

The bill would continue section 701's emphasis on planning, but would also provide management assistance so that these governments could better implement their planning. The intent of the legislation is to continue to fund directly areawide agencies and cities as well as States rather than to send all planning funds to the State level as recommended in the President's budget message. I hope that HUD does not plan to implement this proposal administratively, for it has always been clear that Congress intended to fund cities and areawide agencies directly. An administrative change of this magnitude would be a clear violation of congressional intent.

Improved planning is particularly necessary within our metropolitan areas if we are to cope with the problems that rapid urban growth has already brought—problems which will only intensify in the future if not attended to.

By Mr. STEVENSON (for himself and Mr. CRANSTON):

S. 855. A bill to authorize expenditures to correct or compensate for substantial defects in Federal Housing Administration mortgaged homes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. STEVENSON. Mr. President, Senator CRANSTON and I are today introducing legislation designed to reimburse owners of FHA-insured homes for structural defects which were overlooked by FHA appraisers. As a result of FHA's negligence, thousands of homeowners, including many in my own city of Chicago, have watched helplessly as their lifelong dream of owning a home has disintegrated into a nightmare.

The legislation results from meetings and discussions I have had during the past year with homeowners' organizations in the Chicago area. These groups have organized in the very best tradition of American political activity to try to persuade their Government to be responsive to their legitimate needs.

Last March, I went with some of these citizens to view several homes in the Chicago area recently purchased with FHA mortgages. What I saw was shocking. Many of the homes were in a badly deteriorating condition, some with serious structural defects, even though they had been purchased within the last year.

Last December I held an open meeting in Chicago with representatives of more than 20 homeowners' organizations. I listened while they told me their stories of shoddy FHA appraisals, lack of responsiveness of Federal officials to their needs, and collusion between FHA and private interests.

The legislation we are introducing today represents only a partial response to the discussions I have had with these local groups as well as with experts in the housing field. I have come to believe that our housing programs face severe problems and that substantial changes may be necessary. In particular, the programs must be made to benefit the homebuyer and the taxpaying public as well as private interest groups with a financial stake in housing.

Our legislation would amend and vastly improve section 518 of the National Housing Act. Under present law, the Secretary of Housing and Urban Development is authorized—but not required—to reimburse homeowners for structural defects in existing homes purchased under FHA's 235 program or new homes purchased under any FHA program if the defect was one that existed at the time of purchase and could have been disclosed by a proper inspection by the FHA appraiser at that time. Purchasers of existing homes under sections 203 and 221—the basic FHA unsubsidized insurance programs—are not eligible for such compensation. Equity and justice, as well as consistency, demand that these homeowners also be eligible for reimbursement for defects which were overlooked during FHA inspections. Our bill would extend coverage under section 518 to purchasers of sections 203 and 221 FHA-insured existing homes. It would apply retroactively to all those who have purchased such homes since June 30, 1969.

The legislation also would create a legal entitlement to reimbursement funds for those owners of homes which have structural defects meeting the condition of the act—one that existed on the date of issuance of the mortgage and could have reasonably been disclosed by a proper inspection). The previous legislation merely authorized the Secretary to make such expenditures but did not mandate him to do so.

In addition, the conditions for eligibility would be changed so that structural or other defects which seriously affect a home's use and livability—present language—or which constitute a violation of the minimum property standards promulgated by the Federal Housing Administration—new language—would be eligible for reimbursement provided the defects were originally present and could have been disclosed by a proper inspection.

Finally, a new provision would be added mandating the Secretary of HUD to take all steps necessary to notify owners of their rights under section 518 of the Housing Act.

By Mr. FULBRIGHT (for himself, Mr. JACKSON, and Mr. SCOTT of Pennsylvania):

S. 856. A bill to reserve a site for the use of the Smithsonian Institution; and

S. 857. A bill to authorize the Smithsonian Institution to plan museum support facilities. Referred to the Committee on Rules and Administration.

Mr. FULBRIGHT. Mr. President, I introduce for myself, the Senator from Washington (Mr. JACKSON) and the Senator from Pennsylvania (Mr. SCOTT), two bills relating to the Smithsonian Institution and ask that they be appropriately referred. These proposals were recently recommended for enactment by the Secretary of the Smithsonian Institution and its Board of Regents. The first bill would reserve a site for the use of the Smithsonian Institution and the other would authorize the Smithsonian Institution to plan museum support facilities. I ask unanimous consent that the text of these bills be printed at this point in the RECORD, together with statements explaining the need for the legislation.

There being no objection, the bills and statements were ordered to be printed in the RECORD, as follows:

S. 856

A bill to reserve a site for the use of the Smithsonian Institution

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the portion of the Mall bounded by Third Street, Maryland Avenue, Fourth Street, and Jefferson Drive, in the District of Columbia, is reserved as a site for the future public uses of the Smithsonian Institution.

S. 857

A bill to authorize the Smithsonian Institution to plan museum support facilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Regents of the Smithsonian Institution are authorized to prepare plans for museum support facilities for the care, curation, conservation, deposit, preparation and study of the national collections of scientific and historical and artistic objects, specimens and artifacts, and for the related documentation of such collections of the Smithsonian Institution.

SEC. 2. The museum support facilities referred to in Sec. 1 shall be located on Federally owned land within the metropolitan area of the District of Columbia. Any Federal agency is authorized to transfer land under its jurisdiction to the Smithsonian Institution for such purposes without reimbursement.

SEC. 3. There are hereby authorized to be appropriated to the Smithsonian Institution such sums as may be necessary to accomplish the purposes of this Act.

RESERVATION OF MALL SITE FOR FUTURE PUBLIC USES OF THE SMITHSONIAN INSTITUTION

Long standing policies guiding the development of the Mall have reserved land use almost entirely to museums, galleries, and similar public uses. With construction of the addition to the National Gallery of Art on the square bounded by Third Street, Madison Drive, Fourth Street, and Pennsylvania Avenue, the north side of the Mall is fully committed to use. To assure that the last remaining square on the southern side is used for public purposes, and to balance the Gallery addition now under construction, legislation is now needed to reserve the site bounded by Third Street, Maryland Avenue, Fourth Street, and Jefferson Drive for the future public uses of the Smithsonian Institution.

If now legislatively reserved for this purpose, the site at some future date will be available to complete the Smithsonian complex of institutions for public education and enjoyment. At the appropriate time, the new museum would be submitted for specific construction authorizing legislation by the Congress. Thus, the present proposal looks to the future and will assure the orderly and proper development of the Mall.

The land proposed to be reserved is owned by the Federal Government and its reservation would entail no cost.

MUSEUM SUPPORT FACILITIES

The Smithsonian Institution's present facilities and space in the Washington area are heavily concentrated in and around the national Mall, an area explicitly and properly dedicated to the use, education and enjoyment of the American public. The complex of Smithsonian activities encompassing exhibits, education, collections, conservation, research, and support fully occupies its available space on the Mall and elsewhere Yet each day the National collections of specimens and artifacts are growing, even with deliberate and selective acquisition policies, and are competing for the space on the Mall with the expanding public functions of the Institution. The collections themselves cannot be made properly available for study and exhibition unless they are well documented and conserved—activities which also require space. Space economies are being pursued, including more compact storage and access systems, programs of loan and transfer of collections, and traveling exhibitions. But the preservation and progress of essential public services require the development of plans for additional facilities to house the equally necessary but less visible service of collection management with its associated functions of preparation, conservation, care, study, and publications.

Two needs are apparent. Improved housing on existing sites should be achieved where feasible in the future for services remaining on the Mall such as central conservation research and training and central library services. The most immediate requirement is for a museum support facility in the service of collections management and related museum needs. Such an annex to the national museums should be located away from the Mall but within the Washington area for efficient access. It must be within easy reach of the museums and designed for effective integration of its collections and work space with those on the Mall. It would serve as the port of entry to the Institution for new collections, including their registration and assessment for conservation purposes. Objects would be transferred to the Mall museums only when required for exhibition or for designated programs of research or reference. Objects would move back to the support facility when released from such needs. The facility would also incorporate space for on-site research, computer support for documentation, exhibits preparation, document distribution, and maintenance support. The facility would help to provide for the future a long range solution to the Institution's space problems, rather than short-term relief. A building site appropriate to these needs is being sought adjacent to the Institution's current holdings at the Suitland Federal Center in Maryland.

Authorization for planning is sought for these purposes.

By Mr. FULBRIGHT:

S. 858. A bill to amend title 5, United States Code, with regard to the availability to the Congress and the General Accounting Office of information of the executive branch of the Government. Referred, by unanimous consent, to the Committee on Government Operations.

EXECUTIVE PRIVILEGE

Mr. FULBRIGHT. Mr. President, 2 years ago, extensive and illuminating hearings were held on a bill which I proposed to restrict and regulate the practice known as "executive privilege." Since that time the practice, remaining unregulated, has grown into a habit. The administration submits—or more commonly withholds—information desired by the Congress according to its own regulated conception of the convenience and advantage of the executive branch of our Government. In a memorandum on the subject addressed to the heads of executive departments and agencies on April 17, 1969, President Nixon purported to limit the use of "executive privilege," but at the same time he claimed a right for the executive to withhold information from Congress when disclosure "would be incompatible with the public interest"—the executive being the sole judge of what was or was not in the "public interest."

When we speak of executive privlege, it should be understood that we are not referring simply to those relatively infrequent instances when the President formally invokes that dubious doctrine. Far more frequently executive branch officials employ tactics of delay and evasion which permit the executive to exercise executive privilege without actually invoking it and without honoring the commitment of three Presidents that only the President would invoke executive privilege. As matters now stand, that commitment has been reduced to a meaningless technicality; only the President may invoke executive privilege but just about any of his subordinates may exercise it—they withhold information as they see fit but they do not employ the forbidden words.

At the same time that the executive has made increasing use of executive privilege in this broader, more meaningful sense of withholding information by a variety of devises, more informal than formal, Congress has become increasingly alert to the implications of executive secrecy. Without information, it is now increasingly recognized, Congress is scarcely able to investigate or oversee the execution of its laws, and if it cannot engage in these functions, it is scarcely qualified to make the laws at all.

With a view to breaching the barricades of executive secrecy, I resubmit today, in altered form, the "executive privilege" bill (S. 1125), which I first introduced on March 5, 1971. Taking account of the increasing abuse of executive privilege—in its broader sense—and of the growing disposition of Congress to deal with it, I have strengthened my bill by adding to it the recent proposal of the Senator from Mississippi (Mr. Stennis) and the Senator from Wisconsin (Mr. Nelson). My bill, as originally formulated, would require employees of the executive branch to appear in person before Congress or appropriate congressional committees when they are duly summoned, even if, upon their arrival, they do nothing more than invoke executive privilege. One purpose of this bill is to eliminate the unwarranted extension of the claim of executive privilege from information to persons. It would require an official such as the President's Assistant on National Security Affairs to appear before an appropriate congressional committee if only for the purpose of stating, in effect:

> I have been instructed in writing by the President to invoke executive privilege and here is why. . . .

Going beyond the requirement that executive officials appear when summoned, the Stennis-Nelson proposal would charge the congressional committee concerned with the responsibility of deciding whether or not a witness's plea of executive privilege were "well taken." If not well taken, the witness would be required to provide the information requested. Further, when any committee upholds or denies an invocation of executive privilege, it would then be expected to submit an explanatory report and resolution to the entire Senate, which would then have the responsibility of taking appropriate action. This extremely desirable provision, already approved by the Democratic Policy Committee and caucus, would place the final responsibility for judging the validity of a claim of executive privilege in the Congress, where it belongs.

My bill goes on to lay down specific guidelines for the invocation of executive privilege by the executive. First, and perhaps most important, the principle would be established that information could be withheld from Congress only on the basis of a formal invocation of executive privilege, in effect, eliminating the all-too-common executive practice of withholding information on vague and insubstantial grounds, such as the contention that a document is purely a "planning" document, or that it would be "inappropriate" or "contrary to the national interest" to disseminate it more widely.

In addition, the bill would write into law the personal commitment made by each of the last three Presidents that executive privilege will be invoked only on the specific order of the President, only, in the language of my bill—

> If the President signs a statement invoking such privilege with respect to that information requested.

The bill further spells out procedures through which, within a limited time period, agency heads judging there to be compelling circumstances for the withholding of requested information from Congress, a congressional committee, or the General Accounting Office, would be required to gain the assent first of the Attorney General, and then of the President, before executive privilege could be invoked.

Should the Attorney General fail to agree with the agency head on the need of secrecy, or should the President decline to invoke executive privilege, the requested information would be made available immediately.

Finally, the bill provides that, if within 30 days the executive has neither provided the requested information nor invoked executive privilege, funds will be cut off from the agency concerned until either the information is provided or executive privilege formally invoked.

Executive privilege is a custom not a law and, even as a custom, it has been understood until recently to apply to information rather than persons. Neither law nor custom authorizes individual advisers to the President to refuse to appear before a congressional committee. The refusal to give due account of the President's policies and proposals is an extension of the extraordinary contention, spelled out in a Justice Department memorandum in 1958, that—

> Congress cannot, under the Constitution, compel heads of departments by law to give up papers and information, regardless of the public interest involved; and the President is the judge of that interest.

The memorandum goes on to assert that the withholding of information is a political rather than a legal matter, and that neither Congress nor the courts may compel the President to provide information when in his own judgment, it would be "inexpedient" to do so.[1]

This, of course, is a repudiation of the very concept of a government of checks and balances. If the President has sole descretion to keep information from Congress and the country, he is in practice at liberty to do anything he wishes, at home or abroad, as long as he manages to keep it secret.

History, logic, and law show that the President is indeed obligated to provide pertinent information to Congress; nor can he claim to be the final judge of what in fact is pertinent. In his authoritative book, "The President, Office and Powers," Prof. Edward Corwin comments:

> Should a congressional investigating committee issue a subpena *duces tecum* to a Cabinet officer ordering him to appear with certain adequately specified documents and should he fail to do so, I see no reason why he might not be proceeded against for contempt of the house which sponsored the inquiry.[2]

If the matter of accountability were to come to a final test—and it is preferable that it does not—there is no question of the legal authority of Congress, or of a congressional committee, to subpena a Government official, just as it can subpena a private individual to appear and give testimony, and to hold that individual in contempt should he fail to comply. Under section 134a the Legislative Reorganization Act of 1946, every standing committee and subcommittee of the Senate is authorized—

> to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures . . . as it deems advisable.

The power and duty of legislative oversight are rooted deeply in our constitutional history. In the words of a study of the congressional power of investigation prepared for the Senate Judiciary Committee in February, 1954:

> A legislative committee of inquiry vested with power to summon witnesses and compel the production of records and papers is an institution rivaling most legislative institutions in the antiquity of its origin. Its roots lie deep in the British Parliament, and only in the light of a knowledge of these origins and subsequent developments does it become possible to comprehend its limits.[3]

The safe general proposition was endorsed by the Supreme Court in McGrain against Daugherty in 1927, in which the Court stated that: The power of inquiry—with power to enforce it—is an essential and appropriate auxiliary to the legislative function. It was so regarded and employed in American legislatures before the Constitution was framed and ratified.

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[1] *The Power of the President To Withhold Information From the Congress—Memorandum of the Attorney General*, compiled by the Subcommittee on Constitutional Rights of the Committee on the Judiciary, U.S. Senate, 85th Cong., 2d sess., pages 3–4.

[2] Edward S. Corwin, *The President, Office and Powers* (New York University Press: 1957), pp. 281–282.

[3] *Congressional Power of Investigation*, Study Prepared at the Request of Senator William Langer, Chairman of the Committee on the Judiciary, by the Legislative Reference Service of the Library of Congress, U.S. Senate, 83d Congress, 2d session (Washington: U.S. Government Printing Office, 1954), p. 23.

Legislative inquiry and oversight are of course impossible without pertinent information. Insofar as the Executive is at liberty to withhold information, he is also at liberty to nullify the ability of Congress to exercise legislative oversight. To state the matter in its simplest terms: If Congress does not have the information it considers necessary, it cannot effectively investigate the executive; and if Congress does not investigate the executive, there is no one to do it but the executive itself. Quite understandably, any administration must find it comfortable and convenient to serve as its own judge and jury, but such an arrangement is anathema to our constitutional system of separated powers checked and balanced against each other.

Secrecy and subterfuge are themselves more dangerous to democracy than the practices they conceal. Totalitarian devices such as military surveillance of civilians, the infiltration and sabotage of a political opposition, and efforts to intimidate the news media cannot long survive in the full light of publicity. An ill-conceived war, once recognized as such by the people and their representatives, must eventually be brought to an end. But without publicity and debate there is no redress. Secrecy not only perpetuates mistaken policies; it is the indispensable condition for their perpetuation. Twenty-three years ago, in different context. Congressman Richard Nixon of California endorsed that proposition:

> The point has been made that the President of the United States has issued an order that none of this information can be released and that, therefore, the Congress has no right to question the judgment of the President. I say that that proposition cannot stand, from a constitutional standpoint, or on the basis of the merits. . . .[4]

In the words of the great early American legislator Edward Livingston of New York:

> No nation ever yet found any inconvenience from too close an inspection into the conduct of its officers, but many have been brought to ruin, and reduced to slavery, by suffering gradual impositions and abuses, which were imperceptible, only because the means of publicity had not been secured.[5]

The bill concerning executive privilege which I introduce today is designed to help secure the "means of publicity" of which Livingston spoke and, in so doing, to help restore the Congress to its proper role as the guardian of democratic liberties. The purpose of this bill is not to eliminate but to restrict the practice of executive privilege, by reducing it to bounds in which it will cease to interfere with the people's right to know and the Congress' duty to investigate and oversee the execution of the laws.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point and that it be referred to the Committee on Government Operations.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

S. 858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 3 of title 5, United States Code, is amended by adding at the end thereof the following new sections:

"§ 306. Executive privilege

"(a) An employee of the executive branch summoned or requested to testify or produce documents before Congress, any joint committee of Congress, any committee of either House of Congress, or any subcommittee of any such committee shall not refuse to appear on the grounds that he intends to assert executive privilege.

"(b) In no case shall an employee of the executive branch appearing before the Congress, any joint committee of the Congress, any committee of either House of the Congress, or any subcommittee of any such committee, in response to a summons or request, assert executive privilege unless the employee presents, at the time executive privilege is asserted in response to any testimony or document sought, a statement signed personally by the President requiring that the employee assert executive privilege as to the testimony or document sought.

"(c) When such an employee presents such statement, it shall then be a question of fact for the committee to decide (including, in the case of the assertion of such privilege before a subcommittee, for the committee of such subcommittee to decide) whether the assertion of executive privilege is well taken. If not well taken, the employee shall be ordered to provide the testimony or document sought. When any such committee upholds or denies the assertion of executive privilege, it shall within 10 days file with its House of Congress (or in the case of a joint committee, with each House of Congress) a resolution, together with a report and record of its proceedings bearing on such assertion of executive privilege, and shall take such action as such House or Houses deems proper on disposition of any such resolution.

"§ 307. Availability of Information to Congress and the General Accounting Office

"(a) The Congress declares that information of, or under the custody or control of, any agency of the Government is to be made available to the Congress so that the Congress may exercise, in an informed manner, the authority conferred upon it by article I of the Constitution to make laws necessary and proper to carry into execution the powers vested in the Congress and all other powers vested in that Government or any department or officer thereof.

"(b) For the purpose of this section—

"(1) 'agency' means—

"(A) an Executive agency;

"(B) a military department; and

"(C) the government of the District of Columbia;

"(2) 'employee' means—

"(A) an employee in or under an agency; and

"(B) a member of the uniformed services;

"(3) 'Government' means the Government of the United States and the government of the District of Columbia; and

"(4) 'information' includes any information, paper, record, report, or document.

"(c) Any information of, or under the custody or control of, any agency or employee of that agency shall be made available to any joint committee of the Congress, any committee of either House of the Congress, any subcommittee of any such committee, or the General Accounting Office, upon request of any such committee, subcommittee, or office for information relating to matters within the jurisdiction of the committee, subcommittee, or office making the request, unless executive privilege is invoked with respect to that information and is invoked in accordance with this section.

"(d) Executive privilege shall be invoked with respect to any information so requested only if the President signs a statement invoking such privilege with respect to that information requested.

"(e) (1) Any information requested by any such committee, subcommittee, or office shall be furnished immediately unless the head of the agency which receives the request determines, as soon as practicable after receiving the request, that the information requested is information with respect to which the head of the agency believes there are compelling circumstances for invoking executive privilege. If the head of the agency so determines, he shall immediately inform the committee, subcommittee, or office requesting the information of his belief and shall consult with the Attorney General or his designee to obtain advice on the question whether to seek invocation of the privilege by the President.

"(2) If, after a prompt and thorough consideration, the head of the agency and the Attorney General or his designee agree that compelling circumstances do not exist for invoking executive privilege, the information requested shall be made available immediately to the committee, subcommittee or office requesting that information. If the head of the agency and the Attorney General or his designee believe that compelling circumstances exist for invoking executive privilege, they shall recommend to the President in writing that the privilege be invoked. If 15 days after an agency has received a request for information, no such recommendation has been transmitted to the President, such information shall be made available immediately to the committee, subcommittee, or office requesting the information.

"(3) If the President invokes executive privilege with respect to any information requested, such committee, subcommittee, or office requesting the information shall be furnished promptly with a statement by the President in writing giving his reasons for invoking executive privilege with respect to the information so requested. If the President does not invoke executive privilege with respect to information so requested within 15 days after a recommendation seeking invocation of the privilege has been transmitted to the President, such information shall be made available immediately to the committee, subcommittee, or office requesting that information.

"(f) If the General Accounting Office determines that any information requested of an agency by any such committee, subcommittee, or office has not been made available within a period of 30 days after the request has been received by that agency, and if during such period the President has not signed a statement invoking executive privilege with respect to that information, no funds made available to that agency shall be obligated or expended commencing on the 40th day after such request is received by such agency or employee of that agency, unless and until such information is made available or the President invokes executive privilege with respect to such information.

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[4] Congressional Record, April 22, 1948, p. 4782.

[5] Quoted in Raoul Berger, "Executive Privilege v. Congressional Inquiry," UCLA Law Review, May 1965, p. 1332.

"(g) The provisions of this section shall not apply with respect to testimony or documents sought from an employee of the executive branch summoned or requested to testify or produce documents before Congress, any joint committee of Congress, any committee of either House of Congress, or any subcommittee of any such committee."

(b) The analysis of such chapter is amended by adding at the end thereof the following new items:

"306. Executive privilege.

"307. Availability of information to Congress and the General Accounting Office."

By Mr. GRAVEL (for himself, Mr. STEVENS, and Mr. INOUYE):

S. 859. A bill to provide for a study of the feasibility of relating benefits under the Social Security Act to prevailing cost of living in various areas; and

S. 860. A bill to amend the Social Security Act to provide a cost of living adjustment for some States to the per capita income used in determining the medicaid matching assistance percentage. Referred to the Committee on Finance.

Mr. GRAVEL. Mr. President, every State has its own unique character. The problems and the environments in which the problems exist vary considerably among the States. Federal legislation must be flexible enough to function effectively within these different environments, so as not to diminish the impact of well-conceived programs.

It is administratively unfeasible and sometimes impossible to make statutory adjustments for all of the minor differences in the economic environments of States and regions. However, adjustments must be made for significant economic distortions in order that the impact of the particular program or policy not be distorted.

One such significant economic distortion in the State of Alaska is the high cost of living. The difference between the cost of living in Alaska and the national average, or even between Alaska and the State with the second highest cost of living, is so great that special consideration must be given Alaska in any legislation that uses economic parameters such as per capita or family income to determine eligibility or benefit amounts, or that stipulates benefit payments in dollar amounts.

Budget studies compiled regularly by the Bureau of Labor Statistics show that if one earns $7,214 in the contiguous United States, which is the total budget expenditure for a low level of living for four persons, one must earn $11,019, or 53 percent more, in Anchorage, Alaska, to maintain that same standard of living. The relative cost of living is, however, even higher in Alaska than this data suggests. BLS collects such data principally from urban areas and compiles a U.S. urban average. In the contiguous States, the urban areas are the high cost of living centers. However, in Alaska, both because of the additional costs of transportation and the lack of economies of scale, it is the rural areas that are the high cost of living centers. While comprehensive data is not available for any area outside of Anchorage, one can get an indication of the problem by looking at housing construction costs in Alaska as they compare to Seattle, Wash.

The cost in Anchorage is 70 percent higher; Juneau, the capital, 80 percent higher; Fairbanks, the second largest city, 90 percent higher; Kodiak, 100 percent higher; and Nome, one of the major native villages, 130 percent higher or almost twice that of Anchorage. This rural-urban discrepancy means that the cost of living differential for the State of Alaska is significantly greater than the 53 percent obtained from calculations using BLS data for Anchorage, Alaska, and the U.S. urban average.

The high cost of living in Anchorage, Alaska, can also be compared with those urban areas that have the second and third highest costs of living as reported in the BLS study, Honolulu, Hawaii, and the San Francisco-Oakland, Calif., area. While the cost of living in Anchorage, Alaska, is 53 percent higher than the urban average, it is 25 percent higher in Honolulu, Hawaii, and 11 percent higher in the San Francisco area. These facts make it evident that the cost of living in Alaska is significantly greater than that in any other area.

In recognition of the problem, statutes that establish the remuneration of Federal employees, both civilian and military, allow for cost of living differentials to be paid to employees working overseas and in the noncontiguous States. The legislation does not stipulate the amount but grants the authority to make the cost of living adjustment. Currently, employees in Alaska and Hawaii receive a nontaxable pay allowance of 25 and 15 percent, respectively. The revenue sharing act also mandates higher payments to Alaska and Hawaii based on the cost-of-living allowance given Federal employees.

Oftentimes the method chosen by legislators to deal with the adjustments necessitated by the differing economic environments of States or areas has been to let the administering agency make such adjustments. Accordingly, many agencies do adjust their programs in recognition of the high cost of living in Alaska.

The food stamp program of the Department of Agriculture has one table for eligibility and benefits for all of the contiguous States, a separate table for Alaska, and a separate table for Hawaii. The tables for Alaska and Hawaii are higher than that for the contiguous States by 33 and 28, respectively.

The Office of Economic Opportunity has set one poverty level for all of the contiguous States, one for Alaska, and one for Hawaii. The levels for Alaska and Hawaii are higher than that for the contiguous States by 25 and 10 percent, respectively.

The Farmers Home Administration and Department of Housing and Urban Development use housing cost guidelines and recipient eligibility guidelines that reflect differences in the cost of construction and cost of living in different areas. HEW programs such as medicare pay for services based on the normal cost of necessary services in the particular area where the costs are incurred.

However, the benefits and eligibility guidelines in some programs are established by statute and the administering agency cannot adjust such programs to the economic environment of the recipient. Without such authority, serious distortions can be found in the impact of the program. Two such programs are the social security and medicaid program in Alaska.

In the social security program, benefits are established by statute. No allowance is made for the high cost of living in Alaska or Hawaii as in the Federal pay structure. BLS consumption budget data indicate that the cost of living for a single person or husband and wife 65 or over in Alaska is 43 percent higher than the national average at the lower level of living. Consumption budgets do not include taxes, however. In Alaska, taxes are one of the major factors contributing to a high cost of living. Thus the differential is greater than this data which excludes taxes would suggest. One can use the BLS budget study data to compute the real value in purchasing power of a $200 social security payment. In the low cost of living area it would be $227. In Anchorage, Alaska, it would be only $131.

The high cost of living in Alaska has resulted in a serious hardship for social security recipients there. Many are forced to leave their home and friends because they cannot survive on what their benefits can buy. It is for this reason that I have introduced a bill directing the Secretary of the Department of Health, Education, and Welfare to do a comprehensive study on the impact of cost of living differentials on programs set up under the Social Security Act. In addition, the Secretary would be directed to consider the feasibility of relating benefit payments to the cost of living in the various States or localities within the States.

This bill does not make any changes in existing laws but would make additional information available to Congress for their consideration of the problem. This bill is exactly the same in substance as a section in H.R. 1 which passed the Senate last year but was not included in the conference committee bill.

In the medicaid program, State and Federal matching assistance percentages are determined by a formula based on State per capita incomes. State per capita incomes are used as a measure of relative fiscal need and ability to pay. Thus a State with a high per capita income would pay a greater share of the cost of the medicaid program. Obviously, however, a State per capita income that is high because of a high cost of living is not an accurate measure of fiscal need or ability to pay. The other bill that I have introduced would adjust State per capita incomes in those States in which Federal employees receive a cost of living allowance by the percentage Federal employees receive for such allowance. The per capita income in affected States would then be a more accurate measure of real need and ability to pay.

This bill is also, in substance, exactly like a section in H.R. 1 which passed the Senate last year but was also deleted from the conference bill. I have introduced both of these bills so that the Senate can again move to make the social security system more fair and equitable for recipients in Alaska and her sister State, Hawaii.

By Mr. MOSS:

S. 861. A bill to allow an income tax deduction for repair or improvement of a taxpayer's residence. Referred to the Committee on Finance.

Mr. MOSS. Mr. President, there are major opportunities available to the American people to conserve energy. It is essential in our consideration of the total energy picture that we develop methods of energy conservation and increased energy efficiency.

The "most significant realizable energy conservation measures" include:

Installing improved insulation in both new and old homes, a program to be encouraged by the Department of Housing and Urban Development, Small Business Administration, Farmers Home Administration, and other Federal home lending agencies.

Developing more efficient air conditioners for homes, offices, and industries by strengthening standards of manufacture.

Encouraging shifts of intercity freight from highways to rail, intercity passengers from air to ground—rail and bus—and urban passengers from automobiles to modern mass transit, as well as freight consolidation in urban areas.

Encourage use of more efficient industrial processes and equipment.

The October 1972 staff study of the Office of Emergency Preparedness projects that all of the above suggested measures combined could reduce demands for all energy fuels including oil, gas, coal, and nuclear materials. Within 10 years, the study indicates that the reduction in energy demand would be equivalent to the energy contained in 7.3 millions barrels of crude oil daily with an annual value of $10.7 billion.

In order to provide an incentive for conservation of energy uses, efforts by the householder to curtail use of energy should be compensated as an allowance of deductions for repair or improvement of taxpayer's residence which will reduce heat loss in winter and heat gain in summer in existing residential dwellings. The addition of insulation, storm windows, caulking, humidifiers, and other similar efforts will substantially contribute to conservation and reduce demands for energy fuels.

The bill which I offer today would provide an incentive for the conservation of energy. I send the bill to the desk and ask that it be appropriately referred.

By Mr. MOSS:

S. 862. A bill to permit immediate retirement of certain Federal employees. Referred to the Committee on Post Office and Civil Service.

Mr. MOSS. Mr. President, today I introduce legislation to provide voluntary retirement incentives to qualified Federal employees whose agencies are undergoing major reductions-in-force.

This bill is similar to one I introduced just a year ago in the 92d Congress. That bill passed the Senate, but was never acted upon by the House. I was pleased to learn recently that a voluntary retirement program of the type I have proposed will receive strong administration support in this Congress. I certainly welcome such support, for in the past, the Nixon administration has not always favored improvements in the Federal employee retirement system.

There are two important features in the program I am proposing:

First, it would facilitate readjustment of the senior government employee to a second career. The employee would be permitted earlier retirement at a reduced penalty. Under the present law, an early retiree must take a 2-percent reduction in his annuity for each year that he retires prior to age 55. My bill would reduce this penalty to 1 percent a year—with the maximum limited to 5 percent.

Second, by providing incentives for early retirement, this program would decrease the number of younger men who have to be laid off during a "RIF." It would enable these younger men to move ahead in the Federal service with a far greater degree of job security.

A year ago, Hill Air Force Base in Utah underwent a major reduction-in-force, and I became acutely aware of the resulting personal hardship. A voluntary retirement system would help alleviate the hardship in these situations. The Civil Service Commission has estimated the cost of such a system at less than $1,200 per retiree. When you consider the obvious advantages of the program, this is surely a very small cost.

By Mr. EAGLETON:

S. 863. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to cosmetic safety. Referred to the Committee on Labor and Public Welfare.

Mr. EAGLETON. Mr. President, I am today introducing the Cosmetic Safety Act of 1973.

This bill represents a long-overdue redefinition of the Government's responsibility for insuring that cosmetic products offered for sale to the public are safe, and that consumers have available the information they need to make informed purchases and to protect themselves against unnecessary injury.

These goals are met by changing the current law in three major ways. First, this bill requires manufacturers to list all ingredients on the label, as well as relevant cautionary statements. Second, the bill requires that all cosmetics be tested for safety and that all test data be submitted to the Food and Drug Administration prior to marketing. Third, the bill requires that all cosmetic formulas and consumer complaints be filed with the Food and Drug Administration and that all cosmetic manufacturers and packagers register with the agency.

Under the Food, Drug, and Cosmetic Act of 1938 the FDA already has some limited power over cosmetics, but these powers are clearly inadequate to the task of protecting the public against unnecessary and avoidable hazards. The FDA can act to seize cosmetics after they are on the market, if it determines that they are either "misbranded"—that is, their labeling is either false or misleading—or "adulterated"—as when they contain microbial contamination. But this after-the-fact approach leaves totally unprotected those who in innocence have already purchased these products and continue to use them.

Under current law the FDA can neither require manufacturers to provide proof that their products are safe nor require that some premarket testing be undertaken. The FDA cannot even require that all manufacturers of cosmetics register with the agency and file a complete listing of their product line.

As a result the agency does not know for sure how many cosmetic products are on the market, what they consist of, or what proof there is of their safety. How then can we represent to the public in good faith that these products are being properly regulated?

Cosmetic products include "all articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance." Thus, cosmetic products are not only makeup products such as rouge, lipstick, and mascara, although these are cosmetics under the law. This classification also includes such products as toothpaste, shaving cream, deodorant, perfume, talcum power, and breath fresheners.

Under the Food, Drug, and Cosmetic Act cosmetics are distinguished from drugs, which are defined as "articles intended to affect the structure of any function of the body." In fact, the distinction is often a tenuous one, based not on the composition of the product but on the manufacturer's claims for their product. Thus, deodorants—ads for which just say that they "neutralize" or "mask" odor—are cosmetics, while their cousins, the antiperspirants, are drugs—their ads make claims about "stopping" perspiration. Why is the distinction important to consumers? Because the law says that drugs must be thoroughly tested for safety and efficacy; and cosmetics need not be tested at all.

While many cosmetic manufacturers do conduct some premarket testing, the fact remains that they are not required to nor are there any rational standards for testing. While most cosmetics are safe for their intended uses, some are not.

The National Commission on Product Safety reported that 60,000 people, mostly women, are injured by cosmetics every year severely enough to restrict activity for one day or require medical attention.

The Commission reported that injuries include skin eruptions, loss of hair, severe allergic reactions, burns, itching, and lacerations. Beauty aids alone rank second among products reported in our insurance survey.

In 1938 Congress moved to impose some regulations over cosmetics following reports of blindness caused by an eyelash dye and permanent baldness caused by a hair preparation. Since then, consumers have been presented with—and injured by—formaldahyde in nail polish, hexachlorophene and asbestos in talcum powder, excessive hormone content in skin creams, and chloroform in toothpaste—to name just a few of the hazards in the cosmetic market in recent years. Currently, the FDA is receiving complaints about adverse reactions to feminine hygiene sprays which are eight to 10 times FDA's acceptable level of one complaint per million units sold.

The need for stricter regulation of this $60-billion-a-year industry has been recognized by various Members of Congress. For many years, Congresswoman Leonor Sullivan has led the effort in the House of Representatives. While my bill differs from Congresswoman Sullivan's proposal in a number of respects, our goal is the same: protection of the buyer of cosmetics.

I would like briefly to describe the provisions of my bill.

Title I provides for ingredient, cautionary, and informational labeling of cosmetics and repeals the long-standing exemption of soap from the scope of the law.

Consumers have a right to know what is in products they buy for application to their bodies. First, such information makes comparative shopping possible. Second, it alerts those with allergies that they should stay clear of certain products. The Senate approved an ingredient labeling provision for cosmetics last year as part of the Consumer Product Safety Act; regrettably, my amendment was dropped in conference with the House.

Last week the FDA published a proposed regulation requiring ingredient labeling of cosmetic products. I am very pleased that they have come to share my view that such labeling is essential. While our proposals are generally compatible, the FDA proposal provides that color may simply be designated as such. However, my own views is that colors should be labeled by their FDA certification numbers. If, for example, a consumer would prefer not to buy a product containing red dye No. 2—for which some evidence of danger exists—he or she should be able to find this information on the label.

The bill also provides that the FDA may require cosmetic labels to bear certain cautionary and informational labeling, if it is in the public interest. Thus, the Secretary could direct a particular product to bear information as to first aid treatment or instructions to discontinue use if certain symptoms develop.

Title II sets out a procedure for pretesting designed to insure that manufacturers bear the burden of thoroughly testing their products for safety before making them available to the public. It provides that manufacturers must submit test data indicating that their products are safe for their intended and reasonably foreseeable uses before putting them on the market. While affirmative approval of the FDA would not be required—as in the case of drugs—the FDA would have a veto power over new cosmetics, keeping them off the market until such proof of safety is available. Moreover, the bill provides that proof of safety must be submitted for all cosmetics already on the market within 1 year.

Title III requires manufacturers of cosmetics: first, to register with the FDA; second, to submit their formulas for cosmetics to the FDA; and third, to periodically forward consumer complaints about their products to the FDA. This title codifies and makes mandatory the FDA's own voluntary compliance program launched last year.

Registration of manufacturers and packagers and their products with the FDA will facilitate a two-way flow of information that is currently hampered by the FDA's inability to know precisely who and what they are regulating. The filing of complaint letters will enable the FDA to spot sooner those products which are causing problems and to focus their attention on those items.

I believe that this is an important consumer protection measure and I am hopeful that hearings will be held in the Health Subcommittee, of which I am a member, in the coming months.

Mr. President, I ask unanimous consent that the text of the bill together with a section-by-section analysis be printed at this point in the Record.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Cosmetic Safety Act of 1973."

TITLE I—COSMETIC LABELING

ADULTERATED COSMETICS

Sec. 101. (a) Section 601(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended to read as follows:

"(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to users, or if it is or may be injurious to users, under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual, or if it bears or contains any poisonous or deleterious substance prohibited or in excess of limits of tolerance prescribed by regulation issued by the Secretary."

(b) Section 601 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) If it bears or contains a drug unless an approval of an application filed pursuant to subsection (b) of Sec. 505 is effective with respect to such drug."

INGREDIENT, CAUTIONARY AND INFORMATIONAL LABELING

Sec. 102. (a) Section 602 of the Federal Food, Drug, and Cosmetic Act is amended by inserting after subsection (b) the following new subsections:

"(c) If in package form unless its label, or labeling affixed to or within the package, bears conspicuously and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase, (1) the common or usual name if there is one, or the chemical name, of the cosmetic, and (2) in case it is fabricated from two or more ingredients, the common or usual name if there is one, or the chemical name, of each such ingredient in order of decreasing predominance by weight, except that fragrance and flavor may be designated as such without naming each ingredient. The Secretary shall have authority to require labeling of ingredients which are part of flavor or fragrance if he deems such disclosure to be in the public interest.

"(d) If its label is not in conformity with such cautionary or informational labeling as the Secretary may, by regulation, require with respect to improper use, first aid treatment, indications against use or continued use, or any other labeling which the Secretary may deem to be in the public interest.

(b) Section 602 of such Act is further amended by inserting immediately after subsection (d) as added by subsection (a) of this section the following new subsection:

"(e) If it is or contains a coal tar hair dye, unless its label bears conspicuously the warning, 'Caution—This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. The product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness,' adequate directions for such preliminary testing, and such additional labeling as the Secretary may prescribe."

(c) Subsections (c), (d), (e), and (f) of section 602 of such Act and all references thereto are redesignated as subsections (f), (g), (h), and (i) respectively.

ELIMINATION OF EXEMPTIONS

Sec. 103. (a) (1) Section 601(e) of the Federal Food, Drug, and Cosmetic Act is amended by striking the words "it is not a hair dye and".

(2) Section 602(h) of such Act (as redesignated by this subsection 102 of the Cosmetic Safety Act) is amended by striking "This paragraph shall not apply to packages of color additives which, with respect to their use for cosmetics, are marketed and intended for use only in or on hair dyes (as defined in the last sentence of section 601 (a))."

(3) Section 706(a) of such Act is amended by striking "cosmetic other than a hair dye (as defined in the last sentence of section 601(a))." and adding in lieu thereof "cosmetic."

(b) Section 201(i) of such Act is amended by striking "articles; except that such term shall not include soap." and inserting in lieu thereof "articles.".

EFFECTIVE DATES

Sec. 104. The amendment made by section 102(a) of the Cosmetic Safety Act shall be effective one year after the date of enactment of such Act. The amendments made by section 101(a) and 102(b) of the Cosmetic Safety Act shall take effect thirty days after the date of enactment of such Act. Except as otherwise provided, the provisions of this title shall take effect upon enactment.

TITLE II—COSMETIC PREMARKET TESTING

DEFINITIONS

Sec. 201. Section 201 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof a new subsection (y) as follows:

"(y) The term 'commercial distribution' means any distribution outside the establishment manufacturing the product whether for sale, to promote future sales (including free samples of the product), or to measure consumer acceptance through market testing."

PROHIBITED ACTS

Sec. 202. Section 301 of the Federal Food, Drug, and Cosmetic Act is amended by adding after paragraph (p) the following new paragraph:

"(q) The commercial distribution of any article in violation of section 604."

PREMARKET TESTING

Sec. 203. Chapter VI of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following new section:

"SEC. 604. (a)(1) No manufacturer shall offer any cosmetic or cosmetic ingredient for commercial distribution unless full reports of investigations adequate to substantiate the safety of such cosmetic or cosmetic ingredient for its intended use have been submitted to the Secretary.

"(2) In the case of any cosmetic or cosmetic ingredient offered for commercial distribution after the date of enactment of the Cosmetic Safety Act, such reports shall be submitted ninety days prior to such distribution. *Provided*, That nothing contained herein shall preclude the commercial distribution of any cosmetic or cosmetic ingredient if such reports are submitted within one hundred twenty days of the date of enactment of the Cosmetic Safety Act.

"(3) In the case of any cosmetic or cosmetic ingredient in commercial distribution on the date of enactment of the Cosmetic Safety Act, such reports shall be submitted within twelve months from the date of enactment. With respect to data relating to long-term evaluation for toxicity, the Secretary may grant an extension in addition to the time specified in this subsection not to exceed an additional eighteen months.

"(b) If the Secretary finds that the reports fail to establish that the cosmetic or cosmetic ingredient is safe for its intended or reasonably foreseeable use, he shall by regulation restrict or prohibit the use or distribution of such cosmetic or cosmetic ingredient.

"(c) The Secretary shall issue regulations establishing the kinds of scientific and medical investigations necessary to substantiate the safety of a cosmetic or cosmetic ingredient for each intended use within six months of the date of enactment of the Cosmetic Safety Act: *Provided*, That reports required to be submitted under subsection (a) of this section shall not be delayed in submission for want of the regulations required by this subsection. Such regulations shall require reports of scientific and medical investigations including, but not limited to the following;

"(1) the degree of human ingestion, inhalation, and percutaneous absorption of the cosmetic or cosmetic ingredient;

"(2) animal studies which are generally recognized by experts qualified by scientific training and experience to evaluate the safety of chemicals to which man is exposed, as appropriate and adequate to evaluate the short- and long-term toxic (including carcinogenic, mutagenic, and teratogenic), irritant, and sensitizing potential of the cosmetic or cosmetic ingredient;

"(3) safety factors which are generally recognized by experts, qualified by scientific training and experience to evaluate the safety of chemicals to which man is exposed, as appropriate for applying animal studies to human experience;

"(4) human experience in the use of the cosmetic or cosmetic ingredient adequate to evaluate the contact sensitizing and photosensitizing potential of the cosmetic or cosmetic ingredient.

"(d) Scientific and medical reports required to be submitted under this section shall be made available to the public on or after the date upon which such cosmetic or cosmetic ingredient is offered for commercial distribution.

"(e) Compliance with this section shall not denote certification by the Secretary that a cosmetic or cosmetic ingredient is safe. Any representation in labeling or advertising that creates an impression of certification shall be considered misleading.

"(f) Compliance with this section shall not be a defense in suits for product liability.

"(g) A cosmetic or cosmetic ingredient (1) shall be deemed unsafe within the meaning of this section for any use which will or may result in ingestion of all or part of such cosmetic or cosmetic ingredient if the cosmetic or cosmetic ingredient is found by the Secretary to induce cancer when ingested by man or animal, or if it is found by the Secretary, after tests which are appropriate for the evaluation of chemicals liable to be ingested by man, to induce cancer in man or animal, and (2) shall be deemed unsafe within the meaning of this section for any use which will not result in ingestion of any part of such cosmetic or cosmetic ingredient if, after tests which are appropriate for the evaluation of the safety of such cosmetic or cosmetic ingredient for such use, or after other relevant exposure of man or animal to such cosmetic or cosmetic ingredient, it is found by the Secretary to induce cancer in man or animal."

TITLE III

REGISTRATION AND FILING REQUIREMENTS

SEC. 301. Chapter VI of the Federal Food, Drug, and Cosmetic Act is amended by inserting at the end thereof the following new sections:

"SEC. 605(a) The Secretary shall require every cosmetic product establishment engaging in the manufacture or packaging of a cosmetic or cosmetic ingredient to register with the Secretary within 30 days of the date of enactment of the Cosmetic Safety Act, in accordance with regulations prescribed by the Secretary.

"(b)(1) The Secretary shall require every manufacturer of a cosmetic or cosmetic ingredient to file with the Secretary a full statement of composition of such cosmetic or cosmetic ingredient, including the common or usual name if there is one, or the chemical name, of each ingredient, and the percentage of the total weight of the product represented by each ingredient.

"(2) In the case of any cosmetic or cosmetic ingredient offered for commercial distribution after the date of enactment of the Cosmetic Safety Act such statement shall be filed with the Secretary ninety days prior to such distribution. In the case of any cosmetic or cosmetic ingredient in commercial distribution on the day before enactment of the Cosmetic Safety Act such statements shall be filed with the Secretary within ninety days from the date of enactment. *Provided*, that nothing contained herein shall preclude commercial distribution of any cosmetic or cosmetic ingredient if such reports are submitted within ninety days of the date of enactment of the Cosmetic Safety Act.

"SEC. 606(a) Whenever any manufacturer, distributor, or dealer of a cosmetic receives a report of allergic or other adverse reaction allegedly resulting from the use or handling of a cosmetic or cosmetic ingredient, such manufacturer, distributor, or dealer shall file a copy of such report with the Secretary within ninety days. Each manufacturer, distributor, or dealer of a cosmetic shall preserve for a least five years from date of receipt all such reports.

"(b) Officers or employees duly designated by the Secretary, upon presenting appropriate credentials and notice to the owner, operator, or agent in charge, are authorized to enter, at reasonable times, and inspect all reports and records collected and maintained pursuant to subsection (a).

"(c) Filing of reports with the Secretary pursuant to subsection (a) of this section shall not constitute an admission by the person filing the report that the alleged experience was the result of any ingredient in the cosmetic complained of.

"SEC. 607. The Secretary shall collect and make available to poison control centers information concerning the toxicology of each cosmetic and cosmetic ingredient and antedotes for allergic or other adverse reaction resulting from the use of such cosmetic or cosmetic ingredient.

SEC. 302. Section 301(e) of the Federal Food, Drug, and Cosmetic Act is amended by striking "or 512(j), (l), or (m)" and inserting in lieu thereof "512(j), (l), or (m), 605, or 606".

TITLE IV

SEC. 401. Chapter VI of the Federal Food, Drug, and Cosmetic Act is amended by inserting at the end thereof:

"SEC. 608(a). Proceedings to issue, amend, or repeal a regulation prescribing a standard under this Chapter shall be conducted in accordance with the procedures prescribed by section 553 of title 5 of the United States Code.

"(b) In the case of any standard prescribed by a regulation issued in accordance with section 553 of title 5 of the United States Code, any person who will be adversely affected by such a standard may, at any time prior to the sixtieth day after the regulation prescribing such standard is issued by the Secretary, file a petition with the United States Court of Appeals for the circuit in which such person resides or has his principal place of business for a judicial review of such standard. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose. The Secretary shall file in the court the record of the proceedings on which the Secretary based his standard, as provided in section 2112 of title 28 of the United States Code.

"(c) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there was no opportunity to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary in a hearing or in such other manner, and upon such terms and conditions, as to the court may seem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original standard, with the return of such additional evidence.

"(d) Upon the filing of the petition under subsection (b) of this subsection, the court shall have jurisdiction with subparagraphs (A), (B), (C), and (D) of paragraph (2) of section 706 of title 5 of the United States Code. If the court ordered additional evidence to be taken under subsection (c) of this subsection, the court shall also review the Secretary's standard to determine if, on the basis of the entire record before the court pursuant to subsections (b) and (c) of this subsection, it is supported by substantial evidence. If the court finds the standard is not so supported, the court may set it aside.

"(e) With respect to any standard reviewed under this subsection, the court may grant appropriate relief pending conclusion of the review proceedings, as provided in section 705 of such title 5.

"(f) The judgment of the court affirming or setting aside, in whole or in part, any such standard of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28 of the United States Code."

SECTION-BY-SECTION ANALYSIS

TITLE I: COSMETIC LABELING

SEC. 101(a) makes several changes in the existing section 601(a) of the Federal Food, Drug, and Cosmetic Act. (1) It deletes the proviso exempting coal tar hair dyes from the provisions relating to adulterated cosmetics. (2) It makes explicit the Secretary's authority to establish limits of tolerance for cosmetic ingredients. (3) It clarifies that a product which is in itself harmful may be declared adulterated, as well as a product containing a harmful ingredient.

Sec. 101(b) adds a new subsection relating to adulterated cosmetics. It provides that for any drug that is an ingredient of a cosmetic product there must be an approved new drug application on file with the Food and Drug Administration.

Sec. 102(a) adds two new subsections to the existing section 602 relating to misbranded products. The first subsection requires ingredient labeling of all cosmetics. Fragrance and flavor are exempted from this requirement, but the Secretary is given the authority to require labeling of any ingredient of fragrance or flavor if it is in the public interest.

The second subsection provides that a cosmetic will be misbranded if its label does not carry warning and informational statements (such as first aid instructions) required by regulations to be issued by the Secretary.

Sec. 102(b) restates the existing warning which must appear on the label of coal tar hair dyes and products containing coal tar hair dye. It simply moves the provision to indicate that the absence of this warning will constitute misbranding. Currently, the warning is codified under the adulterated cosmetics section.

Sec. 103(a) deletes all exemptions to the Food, Drug, and Cosmetic Act currently applied to hair dyes.

Sec. 103(b) deletes the exemption for soap from the definition of a "cosmetic."

Sec. 104 provides effective dates for this Title. The ingredient and cautionary labeling provisions are to become effective one year from the date of enactment. Thirty days from the date of enactment, the provisions moving the coal tar hair dye warning from the adulterated cosmetics section to the misbranded cosmetics section will take effect, thus leaving no gap in the requirement. All other provisions take effect upon enactment.

TITLE II: COSMETIC PREMARKET TESTING

Sec. 201 defines "commercial distribution."

Sec. 202 adds commercial distribution of any cosmetic product in violation of the premarket testing provisions to the list of prohibited acts.

Sec. 203 sets up a procedure for insuring pre-market testing for safety of cosmetic products.

Under this procedure, a cosmetic manufacturer must submit safety test data to the Secretary ninety days prior to marketing his product. This data must be in conformity with regulations established by the Secretary as to the kinds of testing that must be undertaken. If the Secretary finds that the safety test data does not establish that a cosmetic is safe—either because the data is inconclusive or because it indicates that the product is unsafe—he must act to restrict or prohibit its use or distribution until such deficiencies are corrected.

To avoid disruption of marketing planned to take place on or shortly after the date of enactment, the bill provides that cosmetics may be marketed prior to submitting safety test data as long as this data is submitted within four months of the date of enactment. This section is designed to avoid disruption of a seasonal market which would be nonexistent if the ninety day wait for submission were enforced.

Because the Secretary would not "approve" cosmetics as in a pre-clearance (as contrasted with a pre-testing) procedure but rather is empowered to exercise a veto power over products deemed to be unsafe, the bill provides that no cosmetic may be advertised or labeled to indicate safety certification by the F.D.A.

Miscellaneous provisions of this Title indicate (1) that compliance with this title will not be a defense in product liability suits, (2) test data is to be made available to the public when the product goes on the market, and (3) the Delaney Amendment now applied only to food additives is extended to cosmetics, as well.

TITLE III: REGISTRATION AND FILING REQUIREMENTS

Sec. 301 codifies and makes mandatory the existing "voluntary" registration and filing procedures of the Food and Drug Administration.

All cosmetic manufacturers and packagers would be required to register with the Secretary within thirty days of enactment. Manufacturers would be required to submit a statement of the composition of each of their cosmetic products ninety days prior to marketing the product, or, in the case of products already on the market or placed on the market shortly after the date of enactment, within niney days of enactment.

Cosmetic manufacturers, distributors, and dealers would be required to submit all consumer complaints about their products to the F.D.A. and to preserve these complaint reports for five years. Inspection at reasonable times of these reports is authorized. The bill specifically provides that filing these reports does not constitute an admission that the cosmetic actually caused the alleged experience. Finally, the Secretary is directed to make information relating to the toxic properties and antidotes to reaction of each cosmetic available to poison control centers.

Sec. 302 indicates that failure to establish or maintain records required under this title is a prohibited act.

TITLE IV: ADMINISTRATIVE PROVISIONS

Sec. 401 provides that proceedings to issue, amend, or repeal regulations prescribing standards under Chapter VI of the Food, Drug, and Cosmetic Act are to be conducted in accordance with section 553 of the Administration Procedure Act and sets forth procedures for judicial review of these regulations.

By Mr. STAFFORD:

S. 865. A bill to amend the Railway Labor Act to provide more effective means for protecting the public interest in national emergency disputes involving the railroad and airline transportation industries, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. STAFFORD. Mr. President, today I am introducing a bill to amend the Railway Labor Act to provide for a more effective means for protecting public interest when a strike in the railroad or airline transportation becomes a national emergency. This bill is essentially the same bill I introduced in the last Congress.

Like the introduction of S. 3243 in the 92d Congress, I am introducing this bill shortly after the Congress has had to again act in an ad hoc manner to prevent a situation that could have caused a national emergency.

Being a strong supporter of free collective bargaining and a union's right to strike, I am saddened at the fact that the processes of settling workingmen's grievances have deteriorated to the point where congressional action again became necessary.

There are many different proposals pending before the Labor and Public Welfare Committee which will need long and hard evaluations by the members. I feel the ideas I am presenting could possibly lead to a rational solution to this complex problem without infringing too much on the rights of either party, while protecting the public.

Briefly, my bill would guarantee a union's right to selectively strike segments of the railroad industry without fear of a national lockout after procedure under the existing Railway Labor Act has been exhausted. If, as a result of the strike or other circumstance surrounding the dispute, a national emergency developed, then the President could go into Federal court to obtain a Taft-Hartley type of injunction against the strike. Providing a back-to-work order was issued by the courts, then the President could issue an Executive order for Government operation of the industry.

Penalties would be invoked against the disputant parties as a result of the Government having to take action. The profits sustained by the carriers involved during the period of Government operation would be transferred to a trust fund. The unions involved would suffer the loss of retroactivity of wages and benefits for that period of U.S. operation. This is a kind of plague-on-both-your-houses approach if you cause injury to the public as a result of the dispute.

First, my bill is premised on the belief that the Government obligation in an emergency transportation situation is to provide for the restoration of essential transportation services, not to solve the strike by an imposed solution to the problems of nonagreement.

Second, my bill is premised on the belief that the Government operation procedure is a last resort and that both union and management will find it unsatisfactory and work out their differences in free collective bargaining. I feel, with the union having a guaranteed right to selective strike, the last resort provisions would seldom, if ever, be used.

Mr. President, I ask unanimous consent that the text of my bill, a summary, and a section-by-section analysis be printed in the Record at the conclusion of my remarks.

There being no objection, the bill, summary, and analysis were ordered to be printed in the Record, as follows:

S. 865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Railway Labor Act as amended (45 U.S.C. 151) is hereby amended by redesignating sections 11 to 14, inclusive, as sections 14 to 17, respectively, and by inserting the following new sections 11, 12 and 13:

"SETTLEMENT OF EMERGENCY DISPUTES"

"Sec. 11(a)(1) If the parties to a dispute do not reach agreement during the thirty-day period following the making of a report by a Board appointed under section 10, the representative of the employees affected by the dispute may selectively strike any of the carriers or carrier systems to whom such proposal was directed without concurrently striking other carriers to whom such proposal was also directed and who may have been jointly or concurrently involved with the struck carrier or carriers in the previous handling of the dispute under this Act.

(2) For purposes of this section, a selective strike in the railroad industry means (A) a strike of not more than one carrier operating in each of the eastern, western and southwestern regions are struck, (B) a strike of two or more carriers or groups of carriers operating in a system in any one of the eastern, the western, or the southeastern regions are concurrently struck and the aggregate revenue ton-miles transported by all such car-

riers in any one region who are concurrently struck did not in the preceding calendar year exceed 30 percentum of the total revenue ton-miles transported by all carriers in such regions in such year. If only one railroad carrier is struck in any one region, the revenue ton-miles limitations shall not apply in that region. The eastern, the western and the southeastern regions as used herein mean, respectively, the carriers represented by the Eastern, Western and Southeastern Carriers Conference Committees and any other carriers operating in the territories in which such carriers respectively operate.

"(3) For the purpose of this section a selective strike in the airline industry means a strike of two or more carriers whose total aggregate revenue-passenger miles do not in the preceeding year exceed 30 percentum of the total revenue-passenger miles for the United States.

"(b) If the parties to a dispute do not reach agreement during the 30 day period following the making of a report by a Board appointed under section 10, the carrier or carriers to the dispute may make changes in terms and conditions of employment effective without agreement, provided that such changes were originally proposed in accordance with section 6 of this Act by such carrier or carriers.

"(c) Whenever a selective strike occurs under the provisions of this section, it shall be unlawful for any carrier to lock out any craft or class of its employees, or any segment of any such craft or class, or in any manner to diminish its transportation service in consequence of any dispute subject to this section unless such carrier is caused to diminish such service by a strike of all or some portion of its employees; and then only as permitted by applicable agreements and in accordance with the notice and other provisions of such agreement.

"(d) In any dispute subject to the provision of this section, any agreements affecting rates of pay, rules, or working conditions between the employees or their representatives and any carriers which have been struck under this section shall be immediately offered jointly, without change, to all carriers who have been jointly or concurrently involved in the previous handling of the dispute under this Act. If all such carriers do not, within ten days after such offer, jointly accept such agreements without change, the agreements shall be then offered, individually, to each such carrier. If any such carrier does not, within ten days after having received such individual offer, individually accept such agreements without change, the employees affected by the dispute may selectively strike such carrier, subject to the limitations specified in subsection (a) of this section.

"Sec. 12(a) Whenever, in the opinion of the President of the United States, a threatened or actual work stoppage, if permitted to occur or to continue, will

"(1) imperil the national health or safety; or

"(2) interrupt interstate commerce so as to deprive any section of the country of essential transportation service to an extent beyond that permitted by section 11(a); he may direct the Attorney General to petition any district court of the United States having jurisdiction of the parties to enjoin such work stoppage or the continuation thereof.

"(b) Upon the filing of a petition under section 12(a), the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper subject to the limitations set forth in section 11(a), and to make such other orders as may be appropriate.

"(c) In any proceeding brought under this section, the provisions of the Act of March 23, 1932, entitled, "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," shall not be applicable.

"(d) The order or orders of a district court of the United States issued under this section shall be subject to review by the appropriate United States Court of Appeals and by the Supreme Court of the United States upon writ of certiorari or certification in accordance with section 1254 of title 28, United States Code.

"Sec. 13(a) Upon issuance of an order by a district court of the United States enjoining a work stoppage under section 12, the President may issue an executive order for the United States to take possession of and operate, in whole or in part, any carrier involved in the dispute in question, and prescribing the operating procedures to be followed by the parties thereafter and any other actions which he determines to be necessary or appropriate to protect the health and safety of the Nation or that substantial part of the population or territory thereof which is relevant to such labor dispute. Such executive order shall be in effect for the shortest period of time consistent with the emergency and a resolution of the dispute, and shall (1) provide for the maintenance or resumption of operations and service essential to the national or regional health and safety, (2) encourage resolution of the dispute through collective bargaining, (3) encourage and preserve future collective bargaining with industry affected, and (4), to the extent consistent with meeting the emergency, avoid undue interference with the rights of the parties to the dispute. Such executive order shall be immediately transmitted to the Congress.

"(b) During any period of government operation of the carrier under this section, the profits realized (by said carrier) as determined by the Comptroller General of the United States shall be placed in a Labor-Management Trust fund and notwithstanding any other provision of law, only for carrying out the provisions of this Act.

"(c) The penalty imposed upon the unions directly involved in the strike with the industry shall be the loss of the right to retroactivity in pay and benefits for that period of operation invoked under subsection (a).

"(d) Upon the issuance of an order by a district court of the United States enjoining a work stoppage under section 12, no changes shall be made by the parties to the controversy in the conditions out of which the dispute arose, except by agreement, until the procedures set forth in this section have been completed.

"(e) Upon issuance of the order of the district court under section 12, the parties to the dispute shall immediately resume collective bargaining. The National Mediation Board shall give all reasonable assistance to the parties and shall continue mediatory action directed toward promoting a complete and final voluntary agreement.

"(f) When a voluntary agreement is reached, it shall be filed with the President and the district court having jurisdiction of the parties under section 12. The court shall forthwith issue an order dissolving any outstanding injunction or restraining order and order such other affirmative action as may be appropriate. The President shall take whatever action is necessary to return possession and operation of any carrier taken under section 13, to that carrier.

"(g) Nothing in this section shall be construed to limit the right of any employee to resign from his position of employment."

Section-by-Section Analysis of Senator Stafford's Amendment to the Railway Labor Act

Section 11 (a) Permits a selective strike after procedures and time limitations of section 10 have been exhausted. Places a cap on the selective strike of 30% of revenue-ton miles if more than one line is struck in a region. Allow the striking of one line in each region regardless of the revenue-ton mile cap. Airlines are subject to the 30% cap for U.S. revenue passenger miles.

(b) Permits unilateral changes in terms and conditions of employment by carriers after procedures and time limitations of Section 10 have been exhausted, provided such changes were initially proposed by carriers through proper section 6 notices.

(c) Prohibits carriers from locking out as a result of a selective strike unless the particular carrier is struck in whole or in part.

Section 12 (a) Authorizes Attorney General to seek injunctive relief in federal district court if the President concludes that national health and safety is imperiled or that permissable limits of selective strike have been exceeded.

(b) Authorizes district courts to prevent or halt a strike by injunction upon appropriate findings.

(c) Makes Norris-LaGuardia Anti-strike injunction legislation inapplicable to this section.

(d) Order of the District Court is subject to review by the Court of Appeals and Supreme Court.

Section 13 (a) Upon issuance of the Court order the President may issue an executive order for the United States to seize and operate the carrier in whole or part for the shortest period of time consistent with the emergency. The order must be transmitted to Congress.

(b) Profits realized by the carriers during the period of government control will be transferred to a Labor Maangement Trust Fund by the Comptroller General of the U.S.

(c) Unions directly involved in the dispute lose right to retroactivity of pay and benefits for that period of operation.

(d) Status quo reserves during the section 13 procedures.

(e) Duty to continue collective bargaining with reasonable assistance provided by the National Mediation Board.

(f) Where a voluntary agreement is reached it is filed with the President and the district court which takes appropriate action to dissolve proceedings taken under sections 12 & 13.

(g) Law does not prohibit any employee from resigning during a period of government operation.

Summary of Senator Stafford's Emergency Labor Disputes Bill

Coverage: Labor disputes in the railroad and airline industries.

Provisions: After the parties have exhausted all dispute-settlement procedures under the Railway Labor Act without reaching agreement, the employees may selectively strike any of the carriers involved in the dispute without concurrently striking all other carriers similarly involved. A "selective strike" in the railroad industry is defined as (a) one involving not more than one carrier operating in each of the eastern, western, and southwestern regions, or (b) a strike of two or more carriers or groups of carriers operating in a system in any one of such regions if the aggregate revenue ton-miles transported during the preceding year by the struck carriers in any such region represents not more than 30 percent of the total revenue ton-miles transported by all carriers in that region. Conditions of the strike and management changes in operating procedures must conform to original section 6 notices served by the carriers at the start of the bargaining process. A selective strike in the airline industry is defined as a strike of two or more carriers whose total revenue passenger miles in the preceding year did not exceed 30 percent of the national total.

Any agreement reached as a result of a selective strike must be offered by the union to all other carriers which have been jointly or concurrently involved in the previous handling of the dispute.

Carriers which are not struck are prohibited from locking out their employees. Carriers may, however, at any time after 30 days following an emergency board report, put into effect any changes in terms and conditions of employment which were previously proposed by the carrier in accordance with section 6 of the RLA.

Whenever the President believes that a work stoppage (1) will imperil the national health or safety, or will (2) deprive any section of the country of essential transportation service to an extent beyond that permitted by the selective strike provisions of the bill, he may direct the Attorney-General to seek a court injunction against such work stoppage. Upon obtaining such injunction, the President may issue an executive order for the United States to take possession and operate, in whole or in part, any carrier involved in the dispute. Such executive order shall provide for service which is essential to the national or regional health and safety, encourage resolution of the dispute through collective bargaining, encourage and preserve future collective bargaining with the industry, and to the extent consistent with meeting the emergency, avoid undue interference with the rights of the parties. During the period of government operation, which shall end when voluntary settlement is reached, any profits realized by the carrier shall be placed in a Labor-Management Trust Fund for carrying out the purposes of the Act, and the unions directly involved in the strike shall lose the right to retroactivity in pay and benefits for the period of government operation. During such period of government operation, the terms and conditions of employment shall be those which applied prior to the dispute.

By Mr. STAFFORD:

S. 866. A bill to provide for the establishment of a national cemetery in the State of Vermont. Referred to the Committee on Veterans' Affairs.

Mr. STAFFORD. Mr. President, today I am introducing a bill to establish a national cemetery in my State of Vermont.

I am distressed to note that more than one-half of our national cemeteries are now listed as inactive by the Department of the Army. The Department of the Army informs me that this trend will continue and that there will soon be little or no space available for our Nation to accord one final honor to those who have served our Nation well.

Not only is our national cemetery system short of space but it is also geographically inequitable since the development of the national cemetery system has never had a master plan. Of particular concern to me is the fact that there is no national cemetery located in the six New England States.

The nearest national cemetery for burial of a New England veteran is in Farmingdale, Long Island, N.Y. Not only is the distance too great for most New Englanders, but the Department of the Army informs me that space in the Farmingdale Cemetery is expected to run out in approximately 1978 and the cemetery will be placed on the inactive list.

The shortage of space and the inequitable distribution of our national cemeteries make action by this Congress urgent to assist in the wishes of those veterans who wish to be buried in a national cemetery.

Mr. President, I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to (1) establish a national cemetery in the State of Vermont at such location as he determines most appropriate, and (2) with the approval of the appropriate local officials of the site selected, acquire by donation, purchase, condemnation, or otherwise, such land as may be required for the establishment of such cemetery.

SEC. 2. The Secretary of the Army is authorized and directed to provide for the care and maintenance of the national cemetery established under authority of this Act.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. WILLIAMS:

S. 867. A bill to amend the Consumer Credit Protection Act to prohibit discrimination by creditors on the basis of sex or marital status in connection with any extension of credit. Referred to the Committee on Banking, Housing and Urban Affairs.

ELIMINATION OF DISCRIMINATION AGAINST WOMEN IN EXTENDING CREDIT

Mr. WILLIAMS. Mr. President, today I am introducing legislation to end the outrageous practice of discriminating against women in credit transactions. We cannot tolerate this blatant injustice which can adversely affect over half of this Nation's citizens.

We are all aware that the American economy has undergone tremendous growth since World War II. One aspect of this growth has been the very great expansion of the consumer credit industry. In 1945, the total amount of consumer credit outstanding was only $2.4 billion. Today this figure has risen to over $121 billion. In today's economy, credit is essential. It allows people to spend as they prefer, to meet unforeseen emergencies, and to invest in consumer durables such as cars and refrigerators.

Credit augments the amount of satisfaction that people can obtain from a given income. Thus, to deny credit for reasons other than ability and willingness to pay condemns those who have been unjustly denied credit to a lower standard of living. This is precisely what has been happening to American women according to hearings held last May before the National Commission on Consumer Finance.

Much of this discrimination is an indirect result of discrimination against women in other areas. Income is the major determinant of how much, if any, credit an individual receives. As a result of discrimination in salary levels, women, on the average, receive only $3 for every $5 that a man in a similar position receives. Thus, even if credit standards were applied equally, women could well qualify for less credit because of salary discrimination.

However, the credit standards are also a part of the institutionalized discrimination which women receive. They are specifically subjected to a wide variety of practices used in extending credit which directly discriminate against them on the basis of sex and marital status. Most of those practices are based on outmoded assumptions about the status and role of women in society.

Among the practices which women find objectionable is the insistence that a woman's credit depends on that of her husband. Thus, many retailers and credit card companies refuse to issue credit cards in a woman's name. This frequently leads to absurd situations.

For example, an elderly widow recently complained that after the death of her husband, she was unable to change the charge accounts to her name. Six years after his death these accounts are still in his name. Many retailers automatically close a single woman's charge account when she marries and requests that they change her accounts to her married name. A married woman, an NBC newscaster in Chicago, found a charge account she had had for years as a single woman closed when she notified the store she had married and wanted a card issued in her married name. Other stores insisted she fill out new applications with financial information about her husband. She had the same job, the same salary, and the same credit rating. All that had changed was her name. Yet the Chicago stores ignored her past history of having an excellent credit rating. In their eyes she had simply ceased to exist.

Working married women who are supporting an unemployed husband—for example, a student—find that their status is very different from that of a man supporting a nonworking wife. The St. Paul Human Rights Department sent a man and a woman separately to 23 area banks to borrow $600 for a used car. Each was earning $12,000; each was the sole support of a family; their financial and personal qualifications were almost identical. About half the banks applied more stringent standards to the woman; they required her to obtain her husband's cosignature while waving the same requirement for the man.

The requirement of a cosigner for women borrowers has been particularly irksome to women, particularly since it is most frequently ignored for men. Estelle G. Antell, a Federal employee in Dallas with an annual income of $20,000, flies at least 100,000 miles a year. Anticipating no difficulty, Mrs. Antell applied for a credit card from Continental Air Lines. Instead of the credit card she received a letter from Continental Air Lines requesting her husband's signature. She called them back and asked to know how many men in her wage bracket they required to have a wife's signature. She never got her credit card.

Similarly many companies freely allow husbands to speak for the wife in financial transactions but do not extend the same privilege to the wife. One woman discovered that her husband had opened an account in "her" name at a brokerage firm and was actively trading on it. The firm had never consulted her and ignored her demand that they indicate on their records that she did no business with them.

Another difficulty which women encounter are outmoded rules of thumb where the salary of a working wife is either not counted at all or only a portion counted. These rules prevent many young families from buying homes which they are well able to afford if both salaries are counted. Moreover, they fly in the face of reality. The American woman is no longer a temporary worker. Today nearly 43 percent of the female population works, and more than 40 percent of married women living with their husbands are employed.

In 1970, more than 30 percent of the latter group who had children under 6 worked, as compared with 12 percent in 1950. Young couples are waiting longer to start their families. The birth rate has been dropping. Yet banks and other lenders continue to ignore these trends. The most insulting invasion of privacy of all is the practice of some mortgage lenders of requesting that a married woman obtain a doctor's certificate that she is either using accepted methods of contraception or is unable to bear children. Yet these practices continue despite the fact that there is no evidence to indicate that, when or if a married woman quits working to have a child, the family will default on its mortgage.

Furthermore, available findings indicate that the significant determinant—of loan quality risk—in mortgage loans is not the payment-to-income ratio but the loan-to-value ratio. In fact, the payment-to-income ratio can fluctuate within a reasonable range without affecting risk at all. That is, the mortgage loan of the average family is not likely to be endangered by the loss of the wife's income.

Single and divorced women also have a great deal of difficulty, particularly the latter. Divorcees are the victims of a "vicious circle." They have no credit rating and cannot get credit since all accounts were in the husband's name during marriage, a predicament caused solely by the creditor's refusal to grant credit in her name in the first place. Many companies do not count child support and alimony as income. Thus, one woman with an annual income of $14,000 in alimony and child support, an "excellent" credit rating, and an $80,000 house, was turned down for a Sears & Roebuck charge account solely because her only income was child support and alimony.

All of these difficulties are based upon the assumption that women—single, married, separated, divorced, or widowed—are poor credit risks. Yet when the National Commission on Consumer Finance held hearings on the subject in May of last year, the Commission heard no testimony that would or could support such a claim. No one even tried to present the case. To the contrary, the only available relevant study—a 1941 study on consumer finance done by David Durant—found that women were better credit risks than men.

Thus the assumption that women are poor credit risks is false. We have already seen that the assumption that women are temporary workers is false. The assumptions that women are irresponsible and cannot control their own finances is insulting and also contrary to the facts. All the assumptions which justify the injustice of credit discrimination are false. Women represent 53 percent of the population and are responsible for most consumer spending decisions. The evidence indicating credit discrimination is overwhelming. The equity of credit discrimination, like other forms of discrimination against women, cannot be allowed to continue.

It is for these reasons that I am introducing today the Equal Credit Opportunity Act to end the practice of using sex or marital status as a basis for the denial of credit. This legislation will prohibit a creditor from discriminating against any person on the basis of sex or marital status in connection with the approval or denial of any extension of credit. If a creditor violates this provision, that creditor would be liable to an individual in the amount of credit applied for up to $1,000. In the event of a class action, a creditor would be liable for at least $50,000 for violating the Equal Credit Opportunity Act.

In addition, the Federal supervisory agencies will have authority to issue guidelines and regulations in this regard as well as to enforce provisions of this act, including the power to issue cease and desist orders in most cases. Finally, this legislation will incorporate the criminal provisions of the truth-in-lending legislation. Anyone who willfully and knowingly violates this provision is subject to a $5,000 fine and up to 1-year imprisonment.

The practice I have described is too widespread and totally unjustified. It must be stopped. I am urging prompt action on this legislation so that we may end the absurd system which subjects women to these demeaning standards.

By Mr. WILLIAMS:

S. 868. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on the basis of their combined earnings record where that method of computation produces a higher combined benefit; and

S. 869. A bill to amend the Social Security Amendments of 1972 to provide for recomputation of benefits under title II of the Social Security Act in the case of certain individuals. Referred to the Committee on Finance.

REFORM OF DISCRIMINATORY PROVISIONS IN THE SOCIAL SECURITY SYSTEM

Mr. WILLIAMS. Mr. President, I am introducing legislation today designed to remedy two of the most glaring cases of discrimination in our social security system.

First, couples with working wives must be treated equitably; they should be allowed to receive benefits based on their combined earnings. Second, men who have had age 65 used as the computation point for benefits should have the same advantage as women. They should have their benefits recomputed using age 62 as the computation point. I realize this will be the case in 1975 under present law, but we should also end this discrimination against the men who are already retired.

COMPUTATION OF SOCIAL SECURITY BENEFITS BASED ON COMBINED EARNINGS

My first bill will amend the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation will permit payment of a higher benefit level.

Under present law, a wife who is at least 65 years old is entitled to receive social security benefits equal to 50 percent of her husband's primary amount whether or not she has ever worked. This is true even though the wife never worked under covered social security employment.

In the case of a working wife, she may elect to receive benefits based upon her own earnings record or 50 percent of the primary amount received by her husband, whichever method produces the higher payments. This may sound generous. But, there are still instances where a couple with a working wife may receive lower social security benefits than a family where only the husband worked, even though both couples had identical total earnings.

As an example of the unfairness under present law, consider the benefit levels of two family units with average yearly earnings of $6,000. In the first case, the entire income is earned by the husband. This family would receive $404.60 in total monthly social security benefits. The husband would be entitled to $269.70 based on his earnings record, and the wife would receive $134.90—50 percent of the husband's benefits.

The second family also has $6,000 average annual earnings, but $4,000 is derived from the husband and $2,000 from the wife. In this case the husband would be entitled to $205.80 in monthly benefits and the wife $141.60, for a total of $347.40. However, in this particular example the couple with the working wife would receive $57.20 less per month than the family where only the husband worked. Yet, both couples had identical average earnings and contributed the same amount in social security taxes.

The bill that I introduce today would help to correct this long-standing inequity for families with working wives. In such cases, under my proposal, the husband and wife could elect to combine their earnings, with each spouse receiving an amount equal to 75 percent of the benefits based upon their combined earnings.

In the example I gave where the husband earns $4,000 and the wife $2,000 in average annual earnings, my formula provides a much fairer benefit. That couple would receive $404.60 in monthly benefits rather than the $347.40 which they now receive. The family with a working wife would have the additional $57.20 each month toward an adequate income standard.

The reasons for making this change are compelling. First, fundamental fairness demands that couples with identical earnings records and contributions to the social security system should receive the same amount in benefits. Moreover, the existing formula works a hardship on low or moderate-income families in which the standard of living has been based on two incomes.

In addition, the existing inequity is not a transitional problem. Today 40 percent of married women work, compared with only 24 percent in the United

States in 1940. And these figures are projected to increase with more and more women joining the labor force. Unless remedial action is taken soon, more elderly couples will be affected by this inequity.

AGE 62 COMPUTATION FOR MEN

My second bill will end the discriminatory age 65 computation for men who are already retired. Under previous law, benefits and eligibility requirements were based on up to age 65 for men but only up to age 62 for women. This disparity in the treatment of men and women under the social security program often resulted in significantly lower benefits for men than are provided for women, even though earnings have been the same in both cases. This inequity was not allowed to continue in our social security program because of corrective legislation Congress took last year.

Under the new law, the same rules will apply to men as now apply to women. Beginning in 1973 men who reach age 62 would have a 1 year reduction in the number of years used in computing their benefits; men who reach age 62 in 1974 would receive a 2 year reduction. But only men reaching age 62 in or after 1975 would have their social security benefits figures on exactly the same basis as women.

I believe that this revised computation should be provided for men already over age 62, as well as those reaching age 62 in the future. I am today introducing legislation to accomplish this result.

Under present law, men forced to retire before age 65 will suffer a double reduction until 1975—their average earnings—and consequently their benefit amounts—are reduced because years in which they had no earnings or low earnings must be included in the computation of the average, and in addition, the benefits based on those earnings are then reduced to take account of the fact that they will be paid over a longer period than if they began at age 65.

This means, for example, that a man reaching age 62 and retiring this year with median earnings will, taking into account the recent 20 percent increase, get a social security benefit of $176.40—$5.90 less than the benefit of $182.30 payable to a woman retiring this year with the same earnings. While this difference may not seem great at first, it is a difference of almost $72 a year and a difference between being just below the 1973 poverty level—$180 per month—and just above it. At this income level, $5 or $6 a month can make a big difference.

In its discriminatory and unfavorable treatment of men, the social security program deprives millions of men—for the majority of whom the social security benefit represents the major income source—from receiving higher benefits than they should equitably receive. In addition to the millions of retired male workers themselves and their wives, there are all of the survivors of men who retired after age 62 who are adversely affected by the ill treatment afforded men under present law and who will be helped by my amendment. By applying the same method of computation to both men and women, this injustice would be eliminated and average social security benefits for individuals would be substantially increased—from $165 for an individual and $274 for a couple under present law to $170 for an individual and $285 for a couple under the revision.

I would also like to point out that besides eliminating a glaring element of discrimination from the social security program, the change I propose would mean an increase in social security benefits to some 10.7 million beneficiaries now on the benefit rolls and would decrease assistance costs for the aged, blind and disabled under the present law by $500 million. It is estimated that nearly 500,000 people will be taken out of poverty by this change. This surely is a goal we can all agree on.

CONCLUSION

I urge all of my colleagues to lend their full support to these reforms. There can be no compromise with discriminatory provisions under the social security program. To deny equality of treatment for men and women under a Federal program is unconscionable. These additional reforms deserve our swift enactment.

By Mr. EAGLETON:

S. 870. A bill entitled the "News Source Protection Act." Referred to the Committee on the Judiciary.

Mr. EAGLETON. Mr. President, today I am introducing the News Source Protection Act of 1973. This bill creates an absolute privilege against compulsory disclosure by newsmen of their confidential news sources or of information given to them in confidence. The News Source Protection Act differs in several respects from other "newsman's privilege" bills before the Senate, and I believe that it will be a useful addition to the list of bills which will be discussed at hearings before the Subcommittee on Constitutional Rights next week.

This bill differs from other bills that have been introduced in three principal ways. First, it includes a procedure for determining whether privileged information is being sought before a subpena may issue against a newsman. Second, it distinguishes between testimony sought for presentation in court at an actual trial and testimony before other forums, such as grand juries, administrative agencies, legislative committees, and the like. Third, it extends to both Federal and State subpenas.

Although legislation of this kind has been popularized as "newsman's privilege" legislation, my bill emphatically is not special interest legislation for the men and women of the press corps. The privilege against compulsory disclosure of sources and confidential information is not so much a privilege for the press as it is a privilege for the public. It is a privilege to be exercised by the press for the people.

Of course, shield legislation would make life easier for journalists. It would eliminate the possibility of having to choose between breaching confidences or going to jail. And it would make it easier to get the information that "scoops" are made of. But these are incidental effects of the privilege. Its primary purpose, and the reason I support it, is to insure that the public receives as free and as steady a flow of information and ideas as possible.

It is a fact of life that some information and some ideas will be available to the people only from sources who want to remain anonymous. Why? Perhaps they fear losing their jobs, or perhaps they fear physical harm at the hands of those whose activities are being investigated. Whatever the reason, these people will speak openly and honestly to reporters only if they can be honestly assured that their identities will be protected while their information is being disseminated to the public.

As it becomes apparent that journalists can no longer make promises of confidentiality, these sources will dry up. And precisely the kind of story that the public should know—stories about corruption, policies of extremist groups, how major decisions are made by Government officials—will no longer be available to them.

In drafting the News Source Protection Act my primary concern has been how best to instill confidence in potential news sources that they can rely on a newsman's promise of confidentiality. That is why I have opted for an absolute privilege against compulsory disclosure of news sources and information given in confidence. I believe that sources will not be reassured by a privilege riddled with loopholes and vague standards. If they cannot be sure, they will be silent.

The privilege outlined in the news source protection bill protects, first, the identity of news source; second, information which would reveal the identity of news sources; and third, any information given in confidence where divulging it would impair the newsman's relations with his sources. While most publicity has focused on the importance of protecting the identity of news sources, recent cases clearly indicate that the scope of the privilege must be broader in the interests of a free flow of information. In both the Caldwell and Bridge cases, for example, the newsmen's sources were well known, but the grand juries were seeking information which would have impaired or destroyed their relations with these and other potential sources. The ultimate effect would have been to deprive the public of information it was entitled to have.

Of course the privilege does not extend to information coming to newsmen in their private capacities. The News Source Protection Act does not set up a privileged class. Newsmen bear the same responsibility for testifying as other citizens where they have information relating to a legitimate governmental inquiry and their testimony bears no relation to their work as newsmen. In these cases, newsmen may be called before any governmental forum and compelled to testify just like anyone else.

Nor does the privilege extend to information gathered by newsmen in the course of their work but not in a confidential setting—although this kind of information is protected against "fishing expeditions." A photographer taking pictures at a street demonstration cannot argue that these photographs are the product of a confidential relationship but neither should this work product be readily available investigative material for any grand jury, agency or legislative committee that wants it.

The distinction in the way this bill, the News Source Protection Act, treats courts of record and other governmental forums—grand juries, legislative committees, advisory commissions, executive agencies, and the like—is one of its unique features. Proceedings taking place in a court of law are by their nature very different from other proceedings. They are strictly governed by rules of evidence that preclude the launching of a "fishing expedition" and the fact that verdicts rest upon cumulative evidence makes the newsman's testimony essential in cases where only he has the precise piece of evidence required for the prosecution or the defense case. Where his testimony would not infringe upon the interests being protected by the privilege—free flow of information based on source reliance—he should testify.

Grand juries, legislative committees and the like present a wholly different picture. There are no evidentiary protections in these forums; the possibility for a "fishing expedition" is wide open. Moreover, in most instances, a grand jury can establish probable cause and a legislative committee can adequately explore its subject without the newsman's participation.

Therefore, the News Source Protection Act sanctions compelling testimony from newsmen before grand juries and other forums only when the testimony sought does not relate to his work as a newsman. By contrast, the newsman may be compelled to testify in an ongoing criminal or civil trial if the testimony or documents sought are not privileged and are material to a legitimate inquiry, and he is the only source of the information sought. And, of course, the newsman may choose to disclose sources voluntarily, regardless of the forum.

Another distinguishing feature of the News Source Protection Act is its procedural provisions, which will go a long way toward eliminating the use of the subpena as a weapon of harassment against newsmen—an unfortunate and undeniable phenomenon of recent years. The bill demands that before any subpena may issue against a newsman a hearing on the record—with the due process rights of notice, an opportunity for the newsman to present his case, and judicial review assured—must be held before a judge or chief officer of the issuing agency. This will place the burden on the Government to justify a subpena by a prior showing that only unprivileged information is being sought, that the information does not relate to the newsman's work, or in the case of subpenas for appearance in an actual trial, that the information sought is material to the controversy and unavailable from other sources.

Finally, the News Source Protection Act applies to both Federal and State subpenas. No source will be reassured by a promise that his identity will be protected from questions asked in a Federal forum while the chance remains that similar questions will emanate from a State forum. The natural result of foreclosing the issuance of Federal subpenas against newsmen will be an increase in the number of subpenas issued by State and local authorities.

I do not claim to have the final answer to the complex problem of compelled testimony by newsmen. As a former prosecutor and State attorney general, I do not make light of the competing demands of a free press and effective law enforcement. But I believe that the News Source Protection Act is a proposal worthy of consideration by the Congress and, particularly, by the Constitutional Rights Subcommittee.

Mr. President, I ask unanimous consent that the text of the bill together with a section-by-section analysis be printed at this point in the Record.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "News Source Protection Act of 1973".

Sec. 2. No newsman shall be compelled pursuant to subpoena or other legal process issued under the authority of the United States or of any State or Territory to give any testimony or to produce any document, paper, recording, film, object or thing that would reveal or impair confidential associations, relations, sources or confidential information received, developed or maintained by him or by any other newsman in the course of gathering, compiling, composing, reviewing, editing, publishing or disseminating news through any news medium.

Sec. 3. No subpoena or other legal process to compel the testimony of a newsman or the production of any document, paper, recording, film, object or thing by a newsman shall be issued under the authority of the United States or of any State or Territory except as expressly authorized by sections 4 and 5 of this Act.

Sec. 4. (a) A court of record may issue a subpoena or other legal process to compel the testimony of a newsman or the production of any document, paper, recording, film, object or thing by a newsman at the actual trial of a civil or criminal cause before the court.

(b) No subpoena or legal process authorized by subsection (a) of this section shall be issued except by order of the court upon a finding either—

(i) that the testimony or production sought to be compelled relates exclusively to matters unconnected with the newsman's gathering, compiling, composing, reviewing, editing, publishing or disseminating of news through any news medium; or

(ii) that—

(A) there are reasonable grounds to believe that the newsman has information which is (1) not privileged under section 2 of this Act, and (2) material to the controversy before the court; and

(B) there is a factual basis for the claim of the party to the controversy to which the newsman's information relates; and

(C) the same or equivalent information is not available to the court from any source other than a newsman.

(c) The findings defined by subsection (b) of this section shall be made on the record after hearing. Adequate notice of the hearing and opportunity to be heard shall be given to the newsman.

(d) An order of the court issuing or refusing to issue a subpoena or other legal process shall be an appealable order, and shall be stayed by the court for a reasonable time to permit appellate review.

Sec. 5. (a) Other than as authorized by section 4 of this Act, a subpoena or other legal process to compel the testimony of a newsman or the production of any document, paper, recording, film, object, or thing by a newsman may be issued only upon a finding that the testimony or production sought to be compelled relates exclusively to matters unconnected with the newsman's gathering, compiling, composing, reviewing, editing, publishing, or disseminating of news through any news media.

(b) The finding defined by subsection (a) of this section shall be made—

(i) in the case of a court, a grand jury, or any officer empowered to institute or bind over upon criminal charges—by a judge of the court;

(iii) in the case of a legislative body, committee, or subcommittee—by the cognizant body, committee, or subcommittee;

(iii) in the case of an executive department or agency—by the chief officer of the department or agency; and

(iv) in the case of an independent commission, board or agency—by the commission, board or agency.

(c) The finding shall be made on the record after hearing. Adequate notice of the hearing and opportunity to be heard shall be given to the newsman.

(d) The finding shall be subject to judicial review, and the issuance of the subpoena or other legal process shall be stayed by the issuing agency for a reasonable time to permit judicial review.

Sec. 6. (a) Nothing in this Act shall alter the substantive rights or liabilities of any person under the law of defamation.

(b) If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Sec. 7. The following terms are defined for purposes of this Act:

(a) "Newsman" means any person who is or was at the time of his exposure to the information sought by subpoena or legal process engaged in a course of activity whose primary purpose was the gathering, compiling, composing, reviewing, editing, publishing, or disseminating of news through any news medium.

(b) "News medium" means any newspaper, magazine, radio, or television broadcast or other medium of communication by which information is disseminated on a regular or periodic basis to the general public.

(c) "News" means any communication of information or opinion relating to events, situations, or ideas of public concern or public interest or which affect the public welfare.

Section-by-Section Analysis

Section 1 states that the short title of this bill is "The News Source Protection Bill of 1973."

Section 2 states that no newsman may be compelled to testify before any federal or state body as to certain privileged matters. The privilege covers any testimony or the production of any thing that would "reveal or impair a newsman's confidential relations and to any information which he receives in confidence in the course of his work.

Thus, a newsman's sources are protected absolutely against forced disclosure of their identities. He may not be compelled to disclose their names nor may he be forced to produce any document or thing which would lead to such disclosure. Moreover, where the newsman's source is known but the content of their discussions is sought, the privilege protects against disclosure of this information given in confidence.

The privilege does not extend to information received in the course of a newsman's work but not in the context of a confidential relationship.

Section 3 prohibits the issuing of a subpoena against a newsman by any federal or state body except as provided by sections 4 and 5.

Section 4 sets forth the circumstances under which a federal or state court of record may issue a subpoena to compel a newsman's testimony and/or production of his files.

Section 4(a) indicates that a court may issue a subpoena against a newsman only where his testimony or production of his files is sought at an actual trial of a civil or criminal cause.

Section 4(b) sets forth the findings which the court must make before a subpoena may issue.

The Court must find *either* that the information sought "relates exclusively to matters unconnected with" the newsman's work *or* that the information is not privileged and is material to the pending litigation, that there is a factual basis for the claim to which the newsman's information relates, and that this information is not available from any other source.

Section 4(c) provides that these findings must be on the record after a hearing and that the newsman must be given adequate notice and an opportunity to be heard at that hearing.

Section 4(d) provides for interlocutory judicial review of a court order issuing or refusing to issue a subpoena against a newsman.

Section 5 sets forth the circumstances under which federal and state bodies other than courts may issue a subpoena to compel a newsman' testimony or production of his files.

Section 5(a) states that a subpoena may issue to compel a newsman's testimony or production of any thing by a newsman only upon a finding that the information sought "relates exclusively to matters unconnected with" the newsman's work. Thus, a subpoena may issue against an individual who happens to be a news man if the inquiry does not relate to his work.

Section 5(b) outlines the procedure by which the finding that information sought does not relate to the newsman's work is to be made.

It provides that this finding will be made (1) by a judge where the information is sought by a grand jury or prosecutor, (2) by the cognizant body, committee or subcommittee where the information is sought by a legislature, legislative or subcommittee, (3) by the chief officer where the information is sought by an executive department or agency, and (4) by the commission, board or agency where the information is sought by an independent commission, board or agency.

This provision is intended to insure that responsibility for making this finding is not delegated to individual prosecutors, legislative staff members, etc.

Section 5(c) states that the finding is to be made on the record after hearing and that the newsman is to be given adequate notice and an opportunity to be heard.

Section 5(d) states that the finding shall be subject to judicial review and that the issuance of the subpoena is to be stayed for a reasonable time for that purpose.

Section 6 includes two miscellaneous provisions.

Section 6(a) clarifies that this legislation does not affect a newsman's liability under the law of defamation. He may still be sued for slander or libel and the privilege defined herein will not be a defense.

Section 6(b) provides for severance if parts of this legislation or its application to any person are found to be invalid.

Section 7 sets forth the relevant definitions.

(a) "Newsman" is defined to include any person who is or was at the time of his exposure to the information sought engaged in activity whose primary purpose was the gathering, compiling, composing, reviewing, editing, publishing, or disseminating of news through any news medium.

(b) "News medium" is defined to include any newspaper, magazine, radio, or television broadcast or other medium of communication by which information is disseminated on a regular or periodic basis to the general public.

(c) "News" means any communication of information or opinion relating to events, situations or ideas of public concern or public interest or which affect the public welfare.

By Mr. COTTON (for himself, Mr. BAYH, Mr. BEALL, Mr. CASE, Mr. GRIFFIN, Mr. HART, Mr. MATHIAS, Mr. METCALF, Mr. PASTORE, Mr. PELL, Mr. ROTH, Mr. SCHWEIKER, Mr. SCOTT of Pennsylvania, and Mr. THURMOND):

S. 871. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, ad for other purposes. Referred to the Committee on Post Office and Civil-Service.

Mr. COTTON. Mr. President, today on behalf of myself and the Senators from Pennsylvania (Mr. SCOTT and Mr. SCHWEIKER), and the Senators from Rhode Island (Mr. PASTORE and Mr. PELL), the Senators from Michigan (Mr. GRIFFIN and Mr. HART), the Senators from Maryland (Mr. MATHIAS and Mr. BEALL), the senior Senator from Delaware (Mr. ROTH), the senior Senator from South Carolina (Mr. THURMOND), the junior Senator from Montana (Mr. METCALF), the senior Senator from New Jersey (Mr. CASE), and the junior Senator from Indiana (Mr. BAYH), I reintroduce a bill to correct certain inequities in the crediting of National Guard technicians service in connection with civil service retirement. As can readily be seen this is a bipartisan effort of Senators from all regions of the Nation to correct a serious inequity.

This bill is identical to S. 855 of the 92d Congress, which I also introduced, as it was reported by the Post Office and Civil Service Committee and approved by the Senator May 3, 1972. On October 5, 1972 the Committee on Post Office and Civil Service of the House of Representatives ordered the bill to be reported but unfortunately the report was not filed before the Congress adjourned.

Primarily for the benefit of the new Senators I should explain that a retirement program was established in the 90th Congress for the more than 40,000 National Guard technicians. This action has helped retain these men who are often subject to attractive offers from private industry with superior retirement and fringe benefits. However, further improvements in their retirement program are warranted. This is the purpose of the bill I propose, and I call attention to the fact that it has the solid support of the association of National Guard civilian technicians at Pease Air Force Base in my own State of New Hampshire and the national association as well.

Briefly, the situation is this. For many years the National Guard technicians lived in a kind of limbo. They worked as civilian employees under the immediate direction of the Governors and Adjutant Generals of the States. Their very important function is to keep in constant operational readiness the equipment used by the National Guard units at the hundreds of local amories that dot the Nation.

Without them the "weekend warriors" of our civilian militia would never get rolling or off the ground. They were paid by the Federal Government—yet they did not have real status as Federal employees.

In 1968 the Congress passed the National Guard Technicians Act, Public Law 90–486. This act was designed to rectify the situation and make these professionals full Federal employees. Full credit was given for their pre-1969 technician service in ascertaining their length of service for leave, death and disability compensation, group life and health insurance, severance pay, tenure, and status. As all Senators are aware, you do not always get perfect legislation the first time around in the Congress. In order to get the National Guard Technicians Act approved a compromise was reached with regard to retirement benefits that provided that the Federal Government would allow only 55 percent of the technicians' Federal service to be credited to them for retirement annuity purposes.

My bill would grant full retirement credit to all former technicians serving in any civil service covered position on and after January 1, 1969. It would also enable eligible technicians to pay the full amount of the optional deposit due for their pre-1969 technician service; establish 100 percent retirement credit for the pre-1969 technician service when computing annuities; and would allow all former technicians in Federal service on and after January 1, 1969 to receive credit for their pre-1969 service.

The approximately 42,000 men who serve our country as National Guard technicians are a vital part of the defense of this Nation. They deserve their full share of civil service benefits. I believe the equity of this proposal was fully justified in the intensive hearings in the last Congress on my bill by both the Senate and House Committees on Post Office and Civil Service. It is my hope in reintroducing this measure today that the Committee will give prompt and favorable consideration to the plight of those that help this Nation keep our Guard up.

By Mr. HRUSKA:

S. 872. A bill to facilitate prosecutions for certain crimes and offenses committed aboard aircraft, and for other purposes. Referred to the Committee on the Judiciary.

AIRCRAFT PIRACY AMENDMENTS OF 1973

Mr. HRUSKA. Mr. President, I introduce S. 872, a bill to facilitate prosecutions for certain crimes and offenses committed aboard aircraft, and for other purposes, and request unanimous consent that the bill be printed in its entirety immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, the problem of aircraft hijacking is one which affects the lives and safety of millions of people in this country and throughout the world. Although the Nixon administration has made great strides in reducing the scope of this problem, good reason dictates that we maintain our vigil over the legislative scheme applicable to this crime. Additionally, recent experience indicates that threats to bomb airplanes still pose a serious problem for law enforcement personnel and has indeed displaced air piracy in a quantitative sense as the primary source of concern in the area of transportation security.

The existing framework of statutes covering aircraft hijacking, destruction, and related offenses have proved inadequate in several respects to deal with certain fact situations that occur. Certain activity which should be proscribed is not treated under current law. Irrational penalty sanctions stand in the way of effective enforcement. Procedural restraints at least cause inconvenience and unnecessary expenditures by the Government, and can operate to preclude the imposition of warranted civil penalties. The bill which I introduce today represents an attempt to resolve these problems.

Under current law—18 United States Code, section 35 and section 902(m)—of the Federal Aviation Act of 1958—49 United States Code, section 1472(m), the imparting or conveying of false information to destroy or hijack aircraft, or to commit certain other offenses is dealt with on three levels. First, 18 United States Code section 35(a) provides civil penalties for mere hoaxes to destroy aircraft or other facilities. Second, section 902(m)(1) of the Federal Aviation Act sets forth a misdemeanor sanction for hoaxes to pirate aircraft or to commit other offenses aboard aircraft. Finally, 18 United States Code, section 35(b) and section 902(m)(2) raise hijack and bombing hoaxes, along with certain other related offenses, to the level of a felony if done with "reckless disregard for the safety of human life."

This statutory scheme is deficient in two respects. First, present law does not proscribe threats to commit such acts. In this regard, there have been instances in which it has been impossible to prosecute persons who have stated they are going to blow up an airplane or take it to Cuba under circumstances in which it was entirely possible that the threat could have been carried out. In other words, it was difficult to conclude that conveyances of false information were intended rather than threats to do a prohibited act. This bill recognizes that both types of conduct should be prohibited.

While actual attempts to commit prohibited acts such as piracy or destruction of an aircraft are punishable under existing statutes, mere threats lack the overt conduct necessary to constitute attempts and are not now punishable.

Second, although 18 United States Code, 35(a) provides civil penalties for certain hoaxes to destroy aircraft, no counterpart exists in section 902(m) of the Federal Aviation Act which provides only criminal penalties for hoaxes to hijack aircraft or to commit other offenses. Because of the inappropriateness of criminal action under section 902(m) against reputable and otherwise responsible persons who convey false information in ill-advised attempts at humor, the bill suggests a civil penalty for such situations. Where the false information is conveyed willfully and maliciously, or with reckless disregard for human life, the existing felony penalty of the statute would, of course, continue to be applicable. This also recognizes that the current misdemeanor provision in section 902(m) is an unnecessary sanction and reduces the levels of enforcement to two—penalty or felony.

The bill would also isolate the "threat" provisions from the "false information" sanctions in both title 18 and the Federal Aviation Act. This should obviate construction problems which might otherwise exist. It also recognizes that civil penalties, while arguably an appropriate response to "false information" should not be considered as an effective alternative for enforcement of the "threats" sanction.

Two additional problems relating to enforcement of the "carrying weapons aboard aircraft" statute (sec. 902(1)) of the Federal Aviation Act—section 1472(i) of title 49, United States Code—are dealt with. Presently, a violation of section 902(1) is only a misdemeanor. The misdemeanor penalty has been adequate in cases of persons who carry weapons such as unloaded pistols or knives aboard aircraft, but do so without any intent to use those weapons while on board. On the other hand, that penalty has not been adequate in cases where the nature of the weapon involved or surrounding circumstances indicate a very real danger that the weapon is intended for immediate use or that human life is imperiled. The proposed revision of the statute would provide a felony offense, punishable by up to 5 years' imprisonment or a fine of up to $5,000, or both, for the latter class of cases. It would retain the existing exemption for law enforcement officers and others authorized by the Secretary of Transportation to carry arms aboard aircraft, limiting the exemption, however, to the situation where those officials are acting within their official capacities. This limitation would guard against the unlikely, but possible, event of a law enforcement officer carrying or attempting to carry a deadly or dangerous weapon aboard an aircraft with no authority to do so.

The proposal would extend the coverage of the weapon section, which now applies only to United States air carriers, to foreign air carriers, thus enabling Federal prosecutions of individuals who carry concealed deadly or dangerous weapons aboard aircraft within the United States which are being operated by foreign air carriers.

Lastly, the bill would establish special provisions relating to service of process against a defendant or witness in proceedings to recover civil penalties under section 35(a) of title 18 or section 901(c) of the Federal Aviation Act of 1958—section 1471(c) of title 49, United States Code.

Mr. President, this bill passed the Senate as S. 2567 in the 92d Congress. At that time, the senior Senator from New York (Mr. JAVITS) expressed some concern over the "willfulness" requirement necessary to reach threats prohibited by the bill. The standard of culpability which we agreed on at that time was "an apparent determination and will to carry the threat into execution." The bill which I now introduce carries forward the agreement reached at that time with regard to S. 2567.

This bill was part of the administration's program in the last Congress and has the support of the Department of Justice in its current form.

I might note that section 5 of this bill duplicates certain sections of S. 39, a bill to amend the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy and for other purposes, introduced by Senators CANNON, ROBERT C. BYRD, and MAGNUSON. S. 39 was reported by the Committee on Commerce on February 2, 1973, and is presently on the Senate Calendar.

Section 5 contains the provisions proscribing the carrying of weapons aboard aircraft which I outlined earlier in my remarks. This is an important aspect of the bill which should be enacted as part of some legislation. It was a part of S. 2567 as introduced by this Senator in the last Congress and was subsequently engrafted onto the bill reported out of the Commerce Committee.

My thought is that by retaining section 5 of the instant bill, the opportunity for final enactment of these provisions will tend to be enhanced. However there is a desire to avoid duplication in the law and to recognize the jurisdictional interest of the Committee on Commerce. As the processing of this bill proceeds, it is my hope that suitable accommodation can be reached in the matter of the Commerce Committee's interest. Additionally, I would expect that the Committee on the Judiciary would be kept advised on the development of S. 39.

Exhibit 1

S. 872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Aircraft Piracy Amendments of 1973".

Sec. 2. (a) Chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 36. Imparting or conveying threats

"Whoever imparts or conveys or causes to be imparted or conveyed any threat to do an act which would be a felony prohibited by section 32 or 33 of this chapter or section 1992 of chapter 97 or section 2275 of chapter 11 of this title with an apparent determination and will to carry the threat into execution, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

(b) The analysis of chapter 2 of title 18 of the United States Code is amended by adding at the end thereof the following new item:

"Sec. 36. Imparting or conveying threats."

Sec. 3. Subsection (a) of section 1395 of title 28, United States Code, is amended by striking the period at the end of such subsection and adding the following: ", and in any proceeding to recover a civil penalty under section 35(a) of title 18 of the United States Code or section 901(c) of the Federal Aviation Act of 1958 (72 Stat. 731; 49 U.S.C. 1471(c)), all process against any defendant or witness, otherwise not authorized under the Federal Rules of Civil Procedure, may be served in any judicial district of the United States upon an ex parte order for good cause shown."

SEC. 4. Section 901 of the Federal Aviation Act of 1958 (49 U.S.C. 1471) is amended by adding at the end thereof the following new subsection:

"False Information

"(c) Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by subsection (i), (j), (k), or (l) of section 902 of this title, shall be subject to a civil penalty of not more than $1,000 which shall be recoverable in a civil action brought in the name of the United States."

SEC. 5. Section 902 of the Federal Aviation Act of 1958 (49 U.S.C. 1472) is amended as follows:

(a) Section 902(l) is amended to read as follows:

"CARRYING WEAPONS ABOARD AIRCRAFT

"(l) (1) Whoever, while aboard, or while attempting to board, an aircraft being operated by an air carrier or a foreign air carrier in air transportation, has on or about his person a concealed deadly or dangerous weapon shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(2) Whoever willfully and without regard for the safety of human life or with reckless disregard for the safety of human life, while aboard, or while attempting to board, an aircraft being operated by an air carrier or a foreign air carrier in air transportation, has on or about his person a concealed deadly or dangerous weapon shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"(3) This subsection shall not apply to law enforcement officers of any municipal or State government, or the Federal Government, who are authorized or required to carry arms, or persons as may be so authorized under regulations issued by the Secretary of Transportation, while acting within their official capacities."

(b) Section 902(m) is amended to read as follows:

"FALSE INFORMATION AND THREATS

"(m) (1) Whoever willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a felony prohibited by subsection (i), (j), or (l) (2) of this section, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

(2) Whoever imparts or conveys or causes to be imparted or conveyed any threat to do an act which would be a felony prohibited by subsection (i), (j) or (l) (2) of this section, with an apparent determination and will to carry the threat into execution, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

(c) The Table of Contents of the Federal Aviation Act of 1958, in the matter of Title IX (Subchapter IX, Chapter 20 of Title 49, U.S.C. § 1472(m)) is amended by redesignating "Section 902(m) False Information" to read "Section 902(m) False Information and Threats."

SEC. 6. Section 903 of the Federal Aviation Act of 1958 (49 U.S.C. 1473) is amended by striking "Such" at the beginning of the second sentence of subsection (b) (1) of that section, and substituting therefor, "Except with respect to civil penalties under section 901(c) of this title, such".

By Mr. JAVITS:

S. 873. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled. Referred to the Committee on Finance.

Mr. JAVITS. Mr. President, I introduce a bill to provide the disabled an income tax deduction of up to $750 to cover transportation to and from work and to allow them the same additional $750 income tax deduction as is now given the blind.

This measure is a companion bill to H.R. 3150 introduced on January 29 by the distinguished chairman of the House Committee on Ways and Means, Representative WILBUR MILLS, and is a successor to legislation I first introduced in February of 1950 when a Member of the House of Representatives.

This proposal is a logical sequence to a series of enactments by the Congress of legislation designed to help the handicapped become useful and productive citizens. The Civilian Vocational Rehabilitation Act of 1920 provided grants in aid for such services as job training and artificial limbs. Subsequent major expansions in 1943, 1954, and the 1960's broadened the scope of the program to include, among other things, corrective surgery, equipping rehabilitation facilities and sheltered workshops. My proposal is now a logical next step.

The Nation is now expending more than $1 billion annually for rehabilitation programs. The economic incentive envisioned by this bill I am introducing today would further help these people to help themselves and aid them to achieve some personal independence from institutions, from overburdened families, and from local and State governments.

It has long been evident that our handicapped citizens are capable of being productive workers, contributing to the Nation's economy instead of being dependent upon it. But their disabilities impose upon them additional expenses in pursuit of their livelihoods which are not fully deductible, such as special orthopedic devices, extra travel costs because they are unable to utilize routine methods of transportation, expensive additions to shop or home to facilitate their movements, special prosthetic devices, higher insurance costs, and the costs of hiring help to perform the simple tasks which the nonhandicapped perform for themselves. In addition, rising costs of these items and services are particularly burdensome.

Hundreds of thousands of Americans have endeavored valiantly to transform their physical handicaps from stumbling blocks to building blocks. They wish to use their crutches to move on, not just to lean on. This legislation will help them do just that. It is as practical in economic terms as it is humanitarian. It is, in effect, a practical bill to benefit those who have no alternative than to be practical.

Finally, it should be noted that this measure is, in part similar to the amendment to the Tax Reform Act of 1969, sponsored by the distinguished Senator from Arizona (Mr. FANNIN) of which I was a cosponsor. That amendment provided for a tax deduction of up to $600 to the disabled for transportation and was approved by the Senate on December 4, 1969. Unfortunately, the provision was lost in conference.

By Mr. JAVITS (for himself, Mr. WILLIAMS, Mr. BEALL, Mr. CRANSTON, Mr. HUGHES, Mr. HUMPHREY, Mr. KENNEDY, Mr. MONDALE, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. STEVENS, Mr. STEVENSON, Mr. TUNNEY, and Mr. WEICKER):

S. 874. A bill to amend the Elementary and Secondary Education Act of 1965, to provide a program for gifted and talented children. Referred to the Committee on Labor and Public Welfare.

GIFTED AND TALENTED CHILDREN'S EDUCATIONAL ASSISTANCE ACT

Mr. JAVITS. Mr. President, I introduce for myself and for the junior Senator from New Jersey (Mr. WILLIAMS) and for Mr. BEALL, Mr. CRANSTON, Mr. HUGHES, Mr. HUMPHREY, Mr. KENNEDY, Mr. MONDALE, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. STEVENS, Mr. STEVENSON, Mr. TUNNEY, and Mr. WEICKER the Gifted and Talented Children's Educational Assistance Act. A majority of members of the Education Subcommittee have joined in cosponsorship. A similar measure will be introduced in the House by a bipartisan group of Representatives, the principal sponsor being Representative DOMINICK DANIELS of New Jersey.

This measure seeks to meet the needs set out in the report submitted to the Congress by the Commissioner of Education early last year on "Education of the Gifted and Talented," a report which was reprinted and distributed by the Senate Committee on Labor and Public Welfare. The bill would—

First, establish a National Clearinghouse on Gifted and Talented Children to obtain and disseminate information on identification, counseling, and education of such children.

Second, authorize grants to the States for education programs for gifted and talented children through the high-school level.

Third, provide for the training of personnel for the education of gifted and talented children.

Fourth, establish within the National Institute of Education research and demonstration projects for the education of gifted and talented children.

The law defines gifted and talented children as those "who have outstanding intellectual ability or creative talent, the development of which requires special activities or services not ordinarily provided by local educational agencies."

The Office of Education has pointed out that only 4 percent of the estimated 2 million gifted and talented youth received planned, expert guidance and encouragement. In one State a study found that 55 percent of the gifted students were working below their mental abilities.

In another State, 18 percent of high school dropouts were gifted students. Clearly this is a waste of a most valuable national resource. It is vital that the full potential of these young people be developed.

Only 22 States have laws to provide funds for education of the gifted and many of these programs are not funded. And in only 10 States, have the State departments of education engaged at least one full-time staff person to identify and help the gifted. This points to the need for a Federal program to stimulate effective State and local action.

Educators have noted that the great reservoir of undiscovered and undeveloped intellectual talent is not confined to upper- or middle-class neighborhoods but is as great a potential in low-income neighborhoods and among the poor. In addition, as the Commissioner's report of last year pointed out, gifted and talented children are in fact—

> Deprived and can suffer psychological damage and permanent impairment of their abilities to function well which is equal to or greater than the similar deprivation suffered by any other population with special needs served by the Office of Education.

I wish to repeat the Commissioner's finding and his conclusion:

> The importance to the public of properly educating the gifted has never been greater than at present.

This bill seeks to meet that challenge, for in addition to society's obligation to provide every individual with access to self-fulfillment, our society has a very real obligation to itself to assure its own health and the continuing development of its greatest resource—the capabilities of its people—by encouraging the talented and gifted as well as seeking to lift up the disadvantaged.

In 1958, with the launching of the sputnik by the U.S.S.R., the people of this land were awakened and shocked and dismayed at the failure of our education system to adequately develop its scientifically talented students and better to direct their energies for the benefit of mankind. In response, Congress enacted the National Defense Education Act. Similar responses were made at the State and local levels.

But the effort to develop to the fullest potential the abilities of our youth has lagged. It is clear that now, more than ever before, systematic efforts must be expanded at the national, State, and local levels to identify, nurture, and cultivate the demonstrated and potential talents of the gifted that exist in every walk of American life.

To provide what our Nation's gifted and talented children and youth need, when they need it, and in the manner they need it, is an investment in human resources that will benefit not only the gifted but our society for decades to come.

I ask unanimous consent that the text of the bill be included as part of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Elementary and Secondary Education Act of 1965 is amended by redesignating title VIII and references thereto as title X, and by renumbering sections 801, 803, 805, 807, 808, 809, 810, and 811, and references thereto, as sections 1001 through 1008, respectively, and by inserting after title VII thereof the following new title:

"TITLE VIII—GIFTED AND TALENTED EDUCATION ASSISTANCE

"PART A—GENERAL PROVISIONS

"SHORT TITLE

"SEC. 801. This title may be cited as the 'Gifted and Talented Children's Educational Assistance Act'.

"PURPOSE

"SEC. 802. It is the purpose of this Act to assist State and local educational agencies to develop special educational programs for gifted and talented children and youth.

"PART B—ADMINISTRATION AND INFORMATION

"ADMINISTRATION

"SEC. 811. The Commissioner shall designate an administrative unit within the Office of Education to administer the programs and projects authorized by this Act and to coordinate all Federal programs for gifted and talented children and youth.

"NATIONAL CLEARINGHOUSE ON GIFTED AND TALENTED CHILDREN AND YOUTH

"SEC. 812. (a) The Commissioner shall establish independently or locate in an existing clearinghouse the National Clearinghouse on Gifted and Talented Children and Youth (hereinafter referred to as the 'clearinghouse'). The clearinghouse shall obtain and disseminate to the public information pertaining to the education of gifted and talented children and youth. The Commissioner is authorized to contract with public or private agencies or organizations to establish and operate the clearinghouse.

"(b) There is authorized to be appropriated for the establishment and operation of the clearinghouse $1,000,000 for the fiscal year ending June 30, 1974, and for each of the two succeeding fiscal years.

"PART C—ASSISTANCE TO STATES FOR EDUCATION OF GIFTED AND TALENTED CHILDREN AND YOUTH

"GRANTS AUTHORIZED

"SEC. 821. (a) The Commissioner is authorized to make grants pursuant to the provisions of this part for the purpose of assisting the States in the initiation, expansion, and improvement of programs and projects (including the acquisition of equipment) for the education of gifted and talented children and youth at the preschool, elementary, and secondary school levels.

"(b) For the purpose of making grants under this part there is authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1974, $60,000,000 each for the fiscal year ending June 30, 1975, and for the succeeding fiscal year.

"ALLOCATION OF FUNDS

"SEC. 822. (a)(1) From 85 per centum of the amount appropriated pursuant to section 821 for any fiscal year the Commissioner shall, after reserving the amount required by paragraph (2) of this subsection, allot to each State an amount which bears the same ratio to such amount as the number of children aged three to eighteen, inclusive, in the State bears to the number of such children in all the States, except that no State shall be allotted less than $50,000. For purposes of this subsection, the term 'State' shall not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"(2) For each fiscal years for the purposes of this paragraph the Commissioner shall reserve an amount equal to not more than 3 per centum of the amount to be allotted for such year under paragraph (1) of this subsection. The Commissioner shall allot the amount reserved pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs.

"(b) The number of children aged three to eighteen, inclusive, in any State and in all the States shall be determined, for purposes of this section, by the Commissioner on the basis of the most recent satisfactory data available to him.

"(c) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for that year shall be available for reallotment, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

"(d) Fifteen per centum of the sums appropriated pursuant to section 821 for each fiscal year shall be used by the Commissioner to make grants to or contracts with public or private agencies or organizations for the establishment and operation of model projects for the identification and education of gifted and talented children and youth, including career education, bilingual programs, programs for the handicapped, programs for the disadvantaged, and development of community resources.

"STATE PLAN

"SEC. 823. (a) Any State which desires to receive grants under this part shall submit to the Commissioner through its State educational agency a State plan in such detail as the Commissioner deems necessary. Each such plan shall—

"(1) provide satisfactory assurance that funds paid to the State under this part will be expended, either directly or through local educational agencies, solely to initiate, expand, or improve programs and projects, including preschool programs and projects, (A) which are designed to meet the special educational and related needs of gifted and talented children and youth throughout the State, (B) which are of sufficient size, scope, and quality (taking into consideration the special educational needs of such children) as to give reasonable promise of substantial progress toward meeting those needs, and (C) which may include the acquisition of equipment. Nothing in this part shall be deemed to preclude two or more local educational agencies from entering into agreements, at their option, for carrying out jointly operated programs and projects under this part;

"(2) provide for proper and efficient State administration (including State leadership activities and consultive services), and for planning on the State and local level, and provide evidence that a person knowledgeable about the educational needs of gifted and talented children and youth is employed in a full-time capacity to administer and coordinate the programs and activities authorized by this part;

"(3) provide satisfactory assurance that the control of funds provided under this part, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this part, and that a public agency will administer such funds and property;

"(4) set forth policies and procedures which provide satisfactory assurance that Federal funds made available under this part will be so used as to supplement and, to the extent practical, increase the level of State, local, and private funds expended for the education of gifted and talented children and youth, and in no case supplant such State, local, and private funds;

"(5) provide that effective procedures, including provision for appropriate objective measurements of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs in meeting the special educational needs of, and providing services for, gifted and talented children;

"(6) provide that the State educational agency will be the sole agency for administering or supervising the administration of the plan;

"(7) provide for making such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this part, including reports of the objective measurements required by paragraph (5) of this subsection, and provide for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

"(8) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the State, including any such funds paid by the State to local educational agencies;

"(9) provide satisfactory assurance that effective procedures will be adopted for acquiring and disseminating to teachers and administrators of gifted and talented children and youth significant information derived from educational research, demonstration, and similar projects, and for adopting, where appropriate, promising educational practical practices developed through such projects; and

"(10) provide satisfactory assurance that, to the extent consistent with the number and location of gifted and talented children and youth in the State who are enrolled in private elementary and secondary schools, provision will be made for participation of such children in programs assisted or carried out under this part.

"(b) The Commissioner shall not approve a State plan or a modification of a State plan under this part unless the plan meets the requirements of subsection (a) of this section.

"PAYMENTS

"Sec. 824. From the amounts allotted to each State under section 822 the Commissioner shall pay to that State an amount equal to the amount expended by the State in carrying out its State plan. Such payments may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"ADMINISTRATION OF STATE PLANS

"Sec. 825. (a) The Commissioner shall not finally disapprove any State plan submitted under this part, or any modification thereof, without first affording the State agency administering the plan reasonable notice and opportunity for a hearing.

"(b) Whenever the Commissioner, after reasonable notice and opportunity for hearing to such State agency, finds—

"(1) that the State plan has been so changed that it no longer complies with the provisions of section 823; or

"(2) that in the administration of the plan there is a failure to comply substantially with any provisions, the Commissioner shall notify such State agency that the State will not be regarded as eligible to participate in the program under this part until he is satisfied that there is no longer any such failure to comply.

"JUDICIAL REVIEW

"Sec. 826. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under section 823(b) or with his final action under section 825(b), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(b) The findings of fact by the Commissioner if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"Part D—Training of Personnel for the Education of Gifted and Talented Children and Youth

"TRAINING GRANTS

"Sec. 831. The Commissioner is authorized to make grants to State educational agencies to assist them in establishing and maintaining, directly or through grants to public or other nonprofit institutions of higher learning, a program for training personnel engaged or preparing to engage in educating gifted and talented children and youth or as supervisors of such personnel.

"LEADERSHIP PERSONNEL TRAINING

"Sec. 832. The Commissioner is authorized to make grants to public or other nonprofit institutions of higher learning and other appropriate nonprofit institutions or agencies to provide training to leadership personnel for the education of gifted and talented children and youth. Such leadership personnel may include, but are not limited to, teacher trainers, school administrators, supervisors, researchers, and State consultants. Grants under this section may be used for internships, with local, State, or Federal agencies or other public or private agencies or institutions.

"APPROPRIATIONS AUTHORIZED

"Sec. 833. For the purposes of this part there is authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1974, $20,000,000 for the fiscal year ending June 30, 1975, and $25,000,000 for the fiscal year ending June 30, 1976. At least 50 per centum but no more than 75 per centum of the annual appropriation for this part shall be expended for section 831 in each fiscal year.

"Part E—Research and Demonstration Projects for the Education of Gifted and Talented Children and Youth

"PROGRAM AUTHORIZED

"Sec. 841. (a) The National Institute of Education is authorized to (1) conduct, (2) make grants to States, State or local educational agencies, public and nonprofit private institutions of higher learning, and other public or nonprofit private educational or research agencies, for and (3) enter into contracts with States, State or local educational agencies, public and private institutions of higher learning, and other public or private educational or research agencies and organizations for, research and related purposes, relating to the education of gifted and talented children and youth.

"(b) As used in this section, the term 'research and related purposes' means research, research training, surveys, or demonstrations in the field of education of gifted and talented children and youth, or the dissemination of information derived therefrom, or all of such activities, including (but without limitation) experimental and model schools.

"APPROPRIATIONS AUTHORIZED

"Sec. 842. For the purposes of this part there is authorized to be appropriated to the National Institute of Education $14,000,000 for the fiscal year ending June 30, 1974, $16,000,000 for the fiscal year ending June 30, 1975, and $18,000,000 for the fiscal year ending June 30, 1976."

Mr. WILLIAMS. Mr. President, I am pleased to join the distinguished Senator from New York (Mr. Javits) and other Senators in introducing the Gifted and Talented Children's Education Assistance Act. The bill will translate many of the recommendations of the Commissioner of Education's report to the Congress on the education of the gifted and talented into a meaningful basis of aid to the States to develop education programs for this unique and highly talented population.

The term "special education" generally connotes education services to individuals with mental and physical handicaps. Actually, special education refers to programs designed to serve any group whose ability to learn under conventional conditions is handicapped.

Children classified as "gifted and talented" fall within this definition. Such children are unique in having potential to perform beyond normal expectations academically and creatively. Yet, they are not given recognition by educators and teachers, and few special services exist to aid them. Perhaps our most valuable human resource is lost in failing to provide special help to these children since so many become psychologically and socially maladjusted because of frustration and boredom with normally paced educational experience.

Section 806C of Public Law 91–230 authorized the Commissioner of Education to prepare a report on gifted and talented children and to examine problems, needs, and recommendations for improving services to these children. The report, completed late in 1971, called for an increased role for Federal and State education agencies in identifying and assisting gifted and talented children through creation of educational services designed for them alone. It was the report's conclusion that present education programs will not improve learning conditions for such children without substantial changes which will enable gifted and talented children to benefit from these programs.

The findings and recommendations of the Commissioner's report argue most compellingly for the need for attention to this neglected population. Those findings are worth repeating here—

A conservative estimate of the gifted and talented population ranges between 1.5 and 2.5 million children out of a total elementary and secondary school population—1970 estimate—of 51.6 million.

Existing services to the gifted and talented do not reach large and significant subpopulations—for example, minorities and disadvantaged—and serve only a very small percentage of the gifted and talented population generally.

Differentiated education for the gifted and talented is presently perceived as a very low priority at Federal, State, and most local levels of government and educational administration. Although 21 States have legislation to provide resources to school districts for services to the gifted and talented, such legislation in many cases merely represents intent. Even where there is a legal or administrative basis for provision of services, funding priorities, crisis concerns, and lack of personnel cause programs for the gifted to be miniscule or theoretical.

There is an enormous individual and social cost when talent among the Nation's children and youth goes undiscovered and undeveloped. These students cannot ordinarily excel without assistance. Identification of the gifted is hampered not only by costs of appropriate testing—when these methods are known and adopted—but also by apathy and even hostility among teachers, administrators, guidance counselors, and psychologists. Gifted and talented children are, in fact, deprived and can suffer psychological damage and permanent impairment of their abilities to function well which is equal to or greater than the similar deprivation suffered by any other population with special needs served by the Office of Education.

Special services for the gifted and talented will also serve other target populations singled out for attention and support. Services provided to gifted and talented children can and do produce significant and measurable outcomes. States and local communities look to the Federal Government for leadership in this area of education, with or without massive funding.

The Federal role in delivery of services to the gifted and talented is presently all but nonexistent.

Gifted and talented children come from every strata of society. Unfortunately, such children from lower income families often attend schools that cannot provide even average education services, making it more likely that their talents will be lost. And, although over 40 percent of the States have laws which recognize the need to assist gifted and talented children, few programs have been developed on their behalf. Furthermore, much of the legislation expresses intention rather than establishing specific programs and guidelines. Thus, it is important that the Federal Government take on a role to stimulate the development of such programs.

The bill which we reintroduce today will advance us in this direction. It calls for creation of a national information clearinghouse, grants to States for elementary and secondary education programs, funds for training of personnel to educate such children and provides authority and authorizes appropriations to the National Institute of Education for research and demonstration projects related to the education of gifted and talented children.

In my mind, the most important single finding of the Commissioner's report is that these children cannot be ignored and be expected to achieve to their potential without special programs. Overlooking the special needs of those with great intellectual capacity results in boredom for the child, overwhelming underachievement, and loss of important resources for society. These are outcomes that we cannot afford.

I strongly believe that this programing will have important results for all areas of education. Special programing for individual needs must be, I believe, an important tenet of education in the future.

Congress in its concern to provide every child with maximum education opportunity must insure that education programs meet the needs of all children, and I am, therefore, pleased to reintroduce this legislation today.

By Mr. NELSON:

S. 875. A bill to amend the Internal Revenue Code of 1954 to require that certain corporate income tax information shall be open to public inspection, shall appear in the annual shareholders' report of such corporation, and shall appear in annual corporate reports submitted pursuant to section 13 or 15 of the Securities Exchange Act of 1934. Referred to the Committee on Finance.

CORPORATE DISCLOSURE ACT

Mr. NELSON. Mr. President—

> There is looming up a new and dark power. I cannot dwell upon the signs and shocking omens of its advent. The accumulation of individual wealth seems to be greater than it has ever been since the downfall of the Roman Empire. And the enterprises of the country are aggregating vast corporate combinations of unexampled capital, boldly marching, not for economical conquests only, but for political power. We see their colors, we hear their trumpets, we distinguish the sound of preparation in their camps. For the first time really in our politics, money is taking the field as an organized power. It is unscrupulous, arrogant, and overbearing . . . The question will arise, and arise in your day, though perhaps not fully in mine; which shall rule—wealth or man; which shall lead—money or intellect; who shall fill public stations—educated and patriotic free men, or the feudal serfs of corporate capitals—(Honorable Edward G. Ryan, Chief Justice of the Wisconsin State Supreme Court, before the Wisconsin Law School Graduating Class of 1873.)

In establishing an elaborate system of price and wage controls, on August 15, 1971, and subsequent standards for corporations of different sizes, President Nixon acknowledged that large corporations have made significant structural changes in our economy requiring new approaches and attitudes. Had the economy been composed exclusively of small- and medium-size enterprises, the need for the imposition of such controls when more than a quarter of the Nation's plant capacity lay idle would never have arisen. It was the power of the large corporations to raise prices in the face of low and falling demand that set the stage for direct Government intervention in the price-making process.

The bill I am introducing today—the Corporate Disclosure Act—recognizes as the President did, that large corporations have unique powers in our economy and as sound public policy must be treated differently. Congressman VANIK introduced the same bill last Thursday in the House of Representatives.

This bill would require that the 4,348 largest corporations, little more than one-fifth of 1 percent of all U.S. corporations, make public some, but not all, of the tax information they submit with their income tax returns. The bill does not raise or lower the corporate income tax. It does not require any additional paperwork by these large corporations. It merely makes public certain tax information presently hidden in secrecy. This information is vital for sound tax policy, the health of our economy, and for the general welfare of this Nation.

As chairman of the Subcommittee on Monopoly of the Select Committee on Small Business, I have been concerned and have investigated the unique position of large corporations in our economy. During 1969 and 1971 I conducted hearings on the role of giant corporations and corporate secrecy. These hearings have convinced me of the need for this legislation.

The corporation is a human invention to serve human, social needs. In theory, it is subservient to both the State that creates it and to the market in which it competes. If the corporation does not fulfill its social obligations, under the theory, the State can amend or even revoke its charter. If it lapses in economic efficiency, its market competitors will force it to improve—or force it out.

For most of the approximately 2 million American corporations, this theory is also close to fact. But for a very few corporations—less than 1 percent of the total—the theory no longer seems to fit the facts. These few corporations have become much larger in economic size and power than the States that chartered them.

Compare, for example, Standard Oil of New Jersey—now called Exxon—with the State that granted its charter and whose name the company bore until last year. In 1967, this company had sales of almost $13.3 billion. The combined general revenues of the State of New Jersey and all local governments of the State that year were under $3 billion.

Not only States but even nations are now dwarfed by the giant corporations. In conjunction with our hearings on the role of giant corporations and at our request, the Library of Congress prepared late in 1971 a tabulation of the 100 largest "money powers" of the world for the years of 1960, 1965, and 1970. This study compares the gross national products of countries and the total—net—sales of companies, interspersed and ranked by size.

Economists agree that it is reasonable and valid to equate a nation's GNP with a company's net sales for purposes of comparing their relative economic size. Mr. President, I ask unanimous consent that the material prepared for the committee by the Library of Congress be inserted in the RECORD at the conclusion of my speech.

It is interesting—and not especially

comforting—to note that in 1960, there were 59 countries and 41 corporations on the list. In 1965, there were 49 countries and 51 corporations. Plainly, the corporations are growing faster than the nations. The material provided by the Library of Congress reveals that General Motors, which was founded less than 65 years ago, has already grown to a point where its net sales are greater than the gross national product of all but 23 nations in the world. By this standard, A.T. & T. and Standard Oil of New Jersey are surpassed by only 25 nations.

The total budget receipts of the U.S. Government—all tax and other revenue sources—were $210 billion in fiscal 1970. The total 1969 sales of the corporations known as the Fortune 500 were $444.7 billion, or more than twice as much.

As the top corporations grow, they concentrate their economic power in the U.S. economy. In 1948, the Nation's 200 largest industrial corporations controlled 48 percent of the manufacturing assets. Today, these firms control 58 percent, while the top 500 firms control 75 percent of these assets. That means that the share remaining for everyone else in the industrial sector is only 25 percent.

The Nation's largest firms are playing a prominent role in increasing economic concentration by gobbling up the assets of other corporations. Thus in 1968, 74 of the 192 acquisitions of companies with assets of over $10 million were made by companies among the Nation's 200 largest firms.

The threat of this industrial concentration was eloquently expressed by former Attorney General John Mitchell, on June 6, 1969:

> The danger that this super-concentration poses to our economic, political and social structure cannot be over-estimated. Concentration of this magnitude is likely to eliminate existing and political competition. It increases the possibility for reciprocity and other forms of unfair buyer-seller leverage. It creates nationwide marketing, managerial and financing structures whose enormous physical and psychological resources pose substantial barriers to smaller firms wishing to participate in a competitive market.

To some extent, public disclosure of the tax treatment and preferences received by top corporations can help mitigate the dangers expressed by former Attorney General Mitchell.

It is fundamental that a market economy functions properly only in an atmosphere where there is extensive public knowledge of financial and other aspects of corporate behavior. Contrary to the assertions of many, corporate secrecy—not corporate disclosure—is the great enemy of a market economy in a free society.

A market-directed economy is premised on intelligent responses of businessmen and investors to profit opportunities. Investors direct the flow of capital funds into the most efficient enterprises. But as a firm becomes increasingly larger, its public financial reports become less revealing and less useful to investors.

Additionally, a market economy places heavy reliance on the self-corrective mechanism of the market place to keep competition alive. When a firm holds a strong market position resulting in high profits, this acts as a magnet inducing new entry. Or, conversely, when a firm has higher than necessary costs which result in unprofitable operations, this too attracts entry and spurs on competitors to challenge the inefficient company. But the published financial statements of the large corporations mask both the high profits and the high costs of any of its various operations.

Ironically, American businessmen today operate under two sets of rules with respect to the disclosure of corporate financial information—one set for large corporations and another for smaller ones. We know a great deal about small and medium corporations because, almost invariably, they are quite specialized. One need only glance at the annual report of almost any industrial company with annual sales under $50 million to learn its strengths and weaknesses in a line of business. But this is not true with a large conglomerate corporation whose annual report hides more than it reveals. This is an example where allegedly equal treatment under the law results in grossly unequal treatment among those covered by the law.

The need for more adequate disclosure of corporate financial affairs grows as American corporations grow in size and complexity. As Prof. Willard Mueller of the University of Wisconsin noted in testimony before the Monopoly Subcommittee:

> Our economic intelligence about many aspects of business organization is worse today than it was around 1900, when Roosevelt made his plea for opening to public view the "mammoth" corporations of his day. It was self-evident to Roosevelt that "Great corporations exist only because they are created and safeguarded by our institutions; and it is therefore our right and our duty to see that they work in harmony with these institutions." (Roosevelt's first annual message to the Congress, December, 1901.) He therefore argued that, "The first requisite (of corporate accountability) is knowledge, full and complete, knowledge which may be made public to the world."
>
> There actually were very few really big businesses in Roosevelt's time. The great trust movement of the period created only two industrial corporations with assets exceeding $500 million by 1909, and both of these, U.S. Steel and Standard Oil of New Jersey, were specialized to a particular industry. In contrast, by the first quarter of 1971, there were 111 industrial corporations with assets of $1 billion or more.

The bill being introduced today is not as novel as some might suggest. The State of Wisconsin denied confidentiality to virtually all State income tax returns from the early 1920's until early 1953. At the time the legislature voted to close the returns, I was a State legislator and voted against it. The proponents of the repeal of the law which required disclosure were, interestingly enough, not individuals—who clearly have a legitimate and constitutionally protected interest in personal privacy—but powerful business groups.

Even today in Wisconsin, public officials, including members of the legislature and State university professors, continue to have access to income tax returns.

To treat large corporations with millions of dollars of assets as though they were like an individual or the pizza parlor around the corner is not only to engage in a legal fiction but in a public absurdity. Corporations' annual reports increasingly read like the state of the Nation address, and in some cases like a state of the world address. For example, one multinational corporation proudly proclaimed to its stockholders that its vast international organization "is constantly at work around the clock—in 67 nations on six continents, in activities extending from the Arctic to the Antarctic and quite literally from the bottom of the sea to the moon."—ITT Annual Report, 1968, page 7. It is ironic to note that the sun that has set on an empire remains constant for ITT.

To insist that the laws applying to corporations be the same for a multinational corporation as for a small retail corporation is to rely on a legal fiction and guarantee unfair and ineffective laws. As the economic statistics which I have discussed previously clearly demonstrate, all corporations are not alike.

Our laws should reflect what can be observed by the common man. Corporations become something more than merely a business venture as they grow gigantic in size, with unprecedented social, economic, and political power.

As Justice William O. Douglas wrote:

> Enterprises . . . which command tremendous resources, which hold the fate of whole communities of workers in their hands, which have a virtual or actual monopoly, which dominate markets and control vast resources tip the scales on the side of prosperity or on the side of depression, depending on the decisions of the men at the top. This is tremendous power, tremendous responsibility. Such men become virtual governments in the power at his disposal. In fact, if not in law, they become affected with a public interest. William O. Douglas, *Democracy and Finance*, Yale University Press, New Haven, 1940, p. 15.

In recognition that very large corporations are affected with a public interest, this bill will require these companies to make public some, but not all, of the information that they must submit to the U.S. Treasury with their income tax returns. My bill would not impose any additional tax or paperwork on these corporations. It merely attempts to determine the effect of certain tax provisions.

The bill applies only to corporations with assets of $50 million or more on an aggregate adjusted basis. In 1969, there were only 4,348 corporations, of all active corporations filing tax returns, that had net assets of $50 million or more. These 4,348 corporations represent only .26 percent of all corporations. This bill does not apply to the more than a million and a half other corporations.

The bill, therefore, would require the public disclosure of tax information for little more than one-fifth of 1 percent of all U.S. corporations.

For all retail corporations, only 0.03 percent would be required to make this information public. For financial institutions, 0.06; for manufacturers, 0.5 percent.

All these corporations because of their size have an important public influence economically, politically, and socially. These corporations would be required to open for public inspection, include in their annual stockholders' reports, and include in annual reports to the Securities Exchange Commission, the following information: their taxable income; the effect of the surtax exemption; any dividends—and deemed dividends—received; any deduction they take for dividend received and the deduction for the Western Hemisphere Trade Corporation; the tax imposed by section 11, which is the general corporate income tax section;

The amount of credit taken for the foreign tax credit; the amount of credit taken for the investment tax credit; the amount of credit taken for expenses for work incentive programs; the personal holding company tax; any tax due because of recomputation of prior years investment credit; the minimum tax on preference items imposed by section 56; the total taxes imposed by chapter 1—which would probably be the same as section 11 but would include any future surcharge; a reconciliation of their book net income as reported to shareholders as required by the Securities Exchange Commission with their taxable income. This would show, among other things, the total deduction taken for depletion and depreciation; and analysis of unappropriated retained earnings carried on their books.

This legislation merely provides that information that corporations now prepare for Schedules "C", "1", "J", "M1" and "M2" of their income tax return be made public.

The Corporation Disclosure Act will improve our tax laws and policies. Sound laws must be based on adequate information. All too often, tax laws are enacted lacking such information and are therefore a form of educated guesses. Even the most conscientious and diligent legislator is working in the dark. Legislators are constantly urged to enact certain tax provisions because they will be good for business and create jobs; but there is little evidence to accompany and support such claims. Once enacted, these tax provisions are stoutly defended and championed by those enjoying the direct tax benefit. Again, with little hard evidence that they are achieving their broader goal.

On February 6, the president of one of the Nation's largest steel corporations bought about $1,802 worth of space in the Washington Post to assert that:

> . . . Some Tax Reforms Are Needed. . . . But Let's Reform the Right Things . . . counteract all this irresponsible talk about "tax loopholes". . . .

He goes on to say—

> Measures such as the investment credit and liberal depreciation allowances aren't "loopholes." They're forthright measures aimed at encouraging certain results—and they've been pretty successful. . . . These measures don't just help business. They help everybody who benefits from increased economic activity—and that includes all of us.

The Corporate Disclosure Act will determine the facts behind such claims.

I opposed the "liberal depreciation allowances"—asset depreciation range—enacted as part of the Revenue Act of 1971. At that time, I felt that ADR would be a tax windfall to large corporations with little benefit to the general public. On the basis of the available evidence, it would appear that the enactment of ADR is an expensive and unjustified tax preference, costing more than $26 billion in a decade, and reducing corporate tax liability with little or no effect on employment. This bill will greatly expand our knowledge about this and other tax provisions.

Tax preferences costing $50 to $60 billion a year, are equal to about one-quarter of the whole budget and yet little is known about them. Every year and particularly this year programs in the budget are painstakingly scrutinized as to their cost, effectiveness and desirability while program expenditures achieved through the tax code are largely unexamined. The corporate disclosure bill will provide necessary information to answer questions we must ask about tax preferences.

We must ask if particular tax preferences do, in fact, achieve their stated goal. Secondly, we must ask if there are alternative methods which would be less costly and more effective. Finally, are these tax preferences consistent with tax equity and sound tax policy?

The Corporate Disclosure law will help us to determine the reasonableness and effectiveness of the corporate income tax. Congressman Vanik, the sponsor of this bill in the House of Representatives, submitted in the Congressional Record, July 19, 1972, a study prepared by his staff, on the Federal taxes paid by 145 of the Nation's largest corporations.* The study clearly indicates that, given the extent of corporate secrecy, it was difficult, if not impossible to determine precise figures. As Congressman Vanik stated—

> The confusion, complexity and secrecy which shrouds corporate tax and financial reporting is really indescribable.

Despite the difficulties, this is a valuable study strongly suggesting that the present corporate tax structure is neither fair nor reasonable. According to the study five out of 45 of the largest corporations paid no Federal corporate taxes in 1971, even though they had $382 million of taxable income.

Furthermore, six more corporations of the 45 paid an effective Federal tax rate of only 1 to 10 percent. The average effective tax rate of all American corporations in 1969 was 37 percent. But the average tax rate for the top 100 industrial corporations was 26.9 percent. In summary, the study reveals a wide variation in effective tax rates, not only as between companies in different industries, but for different companies in the same industry.

The Corporate Disclosure Act will help us determine the direct effect of our tax policies on big business. This bill will help us determine whether our tax policies are related to maximum economic efficiency and the public good. Furthermore, this bill will assist us in discovering whether tax provisions technically available to all corporations in fact work to the economic disadvantage of small corporations.

We cannot afford to examine tax law "through a glass darkly." The Corporate Disclosure Act will bring needed light to corporate income tax law.

Mr. President, I ask that the text of the bill I am introducing today be printed in the Congressional Record together with certain accompanying material.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That (a) subchapter B of chapter 61 of the Internal Revenue Code of 1954 (relating to miscellaneous provisions) is amended by redesignating section 6110 as section 6111, and by inserting after section 6109 the following new section:

"Sec. 6110. Disclosure of Information As to Corporations Filing Income Tax Returns.

"(a) Public Record and Inspection.—

"(1) In general.—Every corporation which is subject to the taxes imposed by Chapter 1 and which has assets of $50,000,000 or more shall file a schedule which meets the requirements of paragraph (2) with its return of such taxes for the taxable year.

"(2) Contents of schedule.—The schedule filed by any corporation for the taxable year shall meet the requirements of this paragraph if it contains the following information (and only the following information) with respect to such corporation for such year—

"(A) the taxable income,

"(B) the surtax exemption,

"(C) dividends (and deemed dividends) received,

"(D) dividends received deductions and Western Hemisphere trade corporation deduction,

"(E) the tax imposed by section II (or any tax imposed in lieu thereof),

"(F) the foreign tax credit,

"(G) the investment credit,

"(H) the credit for expense for work incentive programs,

"(I) the personal holding company tax,

"(J) the tax from recomputing a prior year investment credit,

"(K) the minimum tax on preference items imposed by section 56,

"(L) the total taxes imposed by chapter 1,

"(M) reconciliation of income per books with income per return (including a reconciliation of book depreciation and depletion with tax depreciation and depletion), and

"(N) analysis of unappropriated retained earnings per books.

The information required by this paragraph shall be computed under the method of accounting on the basis of which the corporation regularly computes such information for purposes of the taxes imposed by Chapter 1.

"(3) Place of inspection.—Every statement filed pursuant to this section shall be open to public inspection at the national office of the Internal Revenue Service. Any inspection under this paragraph may be made at such times, and in such manner, as the Secretary or his delegate shall by regulation prescribe.

"(b) Annual Report to Shareholders.—Every corporation which is subject to the taxes imposed by chapter 1 and which has assets of $50,000,000 or more in its annual report to shareholders shall include the schedule required to be filed by subsection (a) for the period covered by such annual report. Such schedule shall be identical with the schedule filed pursuant to subsection (a).

"(c) Annual Report to the Securities and Exchange Commission.—Each annual report submitted pursuant to section 13 or 15 of the Securities Exchange Act of 1934 by a corporation which is subject to the taxes imposed by chapter 1 and which has assets of $50,000,000 or more shall include the schedule required to be filed by subsection (a) for the period covered by such annual report. Such schedule shall be identical with the schedule filed pursuant to subsection (a).

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*Corporate Federal Tax Payments and Federal Subsidies to Corporations by Congressman Vanik, Congressional Record, v. 118, pt. 19, pp. 24487–95.

"(d) CORPORATIONS HAVING ASSETS OF $50,000,000 OR MORE.—For purposes of this section, a corporation shall be treated as having assets of $50,000,000 or more for the taxable year if, at the close of such year, the aggregate adjusted basis of all property held by the corporation equals or exceeds $50,000,000.

"(e) CORPORATIONS FILING CONSOLIDATED RETURNS.—If a corporation which is a member of an affiliated group (within the meaning of section 1504(a)) joins in the making of a consolidated return for the taxable year—

"(1) subsection (a) shall be applied only with respect to the common parent corporation, but

"(2) in applying subsections (b) and (c) to any member of such group (including the common parent corporation), such member shall show (A) the schedule filed pursuant to subsection (a) by the common parent corporation, and (B) a list of all corporations which joined in such consolidated return, and

"(3) in applying subsection (d) to any member of such group (including the common parent corporation), there shall be taken into account the aggregate of the properties held by all members of such group.

For purposes of paragraph (3), stock in one member of tne group held by a second member of the group shall not be treated as property."

"(f) SCHEDULE NOT PART OF RETURN.—For purpose of section 6103, the schedule required to be filed under this section for any taxable year should not be treated as part of the return made with respect to taxes imposed by subtitle A for such taxable year."

(b) The table of section for such subchapter B is amended by striking out the item relating to section 6110 and inserting in lieu thereof:

"Sec. 6110. Disclosure of information as to corporations filing income tax returns.

"Sec. 6111. Cross references.

SEC. 2. (a) Subsection (a) of section 6110 of the Internal Revenue Code of 1954 (as added by the first section of this Act) shall apply to taxable years beginning after December 31, 1968.

(b) Subsection (b) and (c) of such section 6110 shall apply to reports made after December 31, 1972.

(c) This Act may be cited as "Corporate Disclosure Act".

GROSS NATIONAL PRODUCTS OF COUNTRIES AND NET SALES OF COMPANIES INTERSPERSED: TOP 100, BY RANK, 1960, 1965, 1970

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., Oct. 8, 1971.

To: The Senate Subcommittee on Monopoly; Attention: Mr. Raymond Watts.
From: Economics Division.
Subject: GNPs of Countries and Net Sales of Companies.

The attached material is in response to your request concerning GNPs of countries and net sales of companies. The first table lists the top 100 countries and companies for 1960, the second for 1965, and the third for 1970. The final table lists all countries and companies previously cited, and their rank for each time period. This table also includes the percentage change of the GNP and net sales.

Because of the existence of multiple exchange rates in 1956 for many of the countries, meaningful GNP figures expressed in U.S. dollars could not be calculated. Please do not hesitate to contact us concerning this point if the enclosed is not adequate.

MARGARET BRADY,
Economic Analyst.

Gross national products of countries and net sales of companies interspersed: top 100, by rank, 1960

Rank, country, or company:	GNP[1] or sales[2] (billions)
1. United States	$504.4
2. Soviet Union	21.0
3. West Germany	73.3
4. United Kingdom	70.8
5. People's Republic of China	70.3
6. France	57.7
7. Japan	38.7
8. Italy	31.8
9. Canada	35.9
10. India	35.3
11. Poland	22.1
12. East Germany	20.9
13. Czechoslovakia	19.2
14. Australia	15.5
15. Brazil	12.9
16. General Motors(c)	12.7
17. Belgium	12.6
18. Sweden	12.2
19. Netherlands	11.7
20. Mexico	10.8
21. Romania	10.5
22. Argentina	9.2
23. Spain	8.8
24. Switzerland	8.5
25. Standard Oil (N.J.) (c)	[4]8.0
26. American Telegraph & Telephone(c)	7.9
27. South Africa[5]	7.2
28. Venezuela	7.2
29. Indonesia	6.3
30. Pakistan	6.2
31. Denmark	6.0
32. Austria	5.7
33. Royal Dutch/Shell (c)	5.5
34 Turkey	5.4
35. Great Atlantic & Pacific Tea (N.Y.) (c)	5.2
36. Ford Motor (c)	5.2
37. Bulgaria	4.7
38. Chile	4.5
39. Norway	4.4
40. General Electric (c)	4.197
41. Yugoslavia	4.197
42. Iran	4.190
43. Sears, Roebuck (c)	4.1
44. Philippines	4.0
45. Unilever (c)	3.88
46. Colombia	3.85
47. United States Steel (c)	3.69
48. UAR (Egypt)	3.67
49. Finland	3.6
50. Algeria	3.4
51. Greece	3.19
52. Socony Mobil Oil (c) [3]	[4]3.17
53. Nigeria	3.1
54. Chrysler (c)	3.00
55. Texaco (c)	2.98
56. Gulf Oil (c)	[4]2.7
57. Western Electric (c)	2.6
58. Safeway Stores (Oakland) (c)	2.5
59. Israel	2.448
60. Swift (c)	2.442
61. Thailand	2.38
62. Portugal	2.3
63. Bethlehem Steel (c)	2.2
64. E. I. du Pont de Nemours (c)	2.1
65. Standard Oil (Ind.) (c)	2.0
66. General Dynamics (c)	1.98
67. Westinghouse Electric (c)	1.95
68. Malaya	1.93
69. Kroger (Cincinnati) (c)	1.9
70. Shell Oil (c)	1.83
71. British Petroleum (c)	1.8
72. Morocco	1.8
73. Peru	1.79
74. Ireland	1.78
75. Armour (c)	1.7
76. International Harvester (c)	1.68
77. National Dairy Products (c)	1.67
78. Standard Oil of California(c)	*1.66
79. Korea, South	1.62
80. Imperial Chemical Indus(c)	$1.56
81. Boeing (c)	1.55
82. Goodyear Tire & Rubber (c)	1.55
83. Union Carbide (c)	1.54
84. Nestle (c)	[6]1.51
85. Vietnam, North	1.5
86. Rhodesia & Nyasaland, Fed. of	1.5
87. Ghana	1.49
88. China (Taiwan)	1.48
89. RCA (c)	1.48
90. J. C. Penney (N.Y.)	1.47
91. Procter & Gamble	1.44
92. International Bus Mach(c)	1.43
93. Iraq	1.42
94. Lockheed Aircraft (c)	1.33
95. Ceylon	1.32
96. Uruguay	1.27
97. Burma	1.25
98. Philips' Gloeilampenfabrieken (c)	1.25
99. Montgomery Ward (Chicago)	1.25
100. Congo, Rep of (Leopoldville)	1.25

[1] GNP's for the non-Communist countries were given in 1960 current market prices. AID used official exchange rates in most instances to convert the GNP figures into U.S. dollars; where official rates were not appropriate, more realistic exchange rates were used. Because of purchasing power disparities, precise intercountry comparisons of GNP cannot be made. It should be emphasized that all figures are in current dollars; no adjustments have been made for price changes. Data for the Communist countries are in purchasing power equivalent of 1970 dollars as estimated by the U.S. Department of State. These countries are Soviet Union, People's Republic of China, Poland, East Germany, Czechoslovakia, Romania, Bulgaria, Yugoslavia, North Vietnam.

[2] Net sales include service and rental revenues. All figures are for the year ending Dec. 31, 1960, unless otherwise noted. Sales of subsidiaries are included when they are consolidated. Sales figures given here do not include excise taxes collected by the corporation, and so the figures may be much lower than those published by the corporations themselves. When they are at least 5 percent lower for this reason, there is an asterisk (*) by the sales figure.

[3] Name changed to Mobil Oil in May 1966.

[4] Does not include excise taxes collected by the company; see footnote 2.

[5] Includes South-West Africa and the High Commission Territories (Basutoland, Bechuanaland and Swaziland).

[6] Fortune estimate.

(c) = Companies.

Note: Total number of countries in list, 59; total number of companies in list, 41; total amount of GNP's, $1,433,400,000,000; total amount of company sales, $119,600,000,000; company sales as percent of GNP's, 8.34 percent.

Sources: Non-Communist Countries: "Estimated of Gross National Product—Calendar Year 1960 in Current Market Prices." Statistics and Reports Division. Agency for International Development. Mar. 22, 1962. Communist countries: Estimated by the Bureau of Intelligence and Research, Department of State, Companies: Fortune directories. Hearings before the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, U.S. Senate, 89th and 90th Cong. Pt. 5A. pp. 2364–2394.

Gross national products of countries and net sales of companies interspersed—top 100, by rank, 1965

[Total number of countries in list, 57; total number of companies in list, 43; total amount of GNPs, $2,045,900,000,000 total amount of company sales, $177,300,000,000; company sales as percent of GNPs: 8.66 percent]

Rank, country, or company:	GNP[1] or sales[2] (billions)
1. United States	$681.2
2. Soviet Union	303.4
3. West Germany	112.2

Gross national products of countries and net sales of companies interspersed—top 100, by rank, 1965—Continued

Rank, country, or company—Con.	*GNP*[1] *or sales*[2] *(billions)*
4. United Kingdom	$99.2
5. France	93.5
6. Japan	84.6
7. People's Republic of China	77.9
8. Italy	56.7
9. India [3]	49.2
10. Canada	48.0
11. Poland	30.6
12. East Germany	26.3
13. Australia [4]	22.7
14. Brazil	22.0
15. Czechoslovakia	22.0
16. Spain	21.8
17. General Motors (c)	20.7
18. Mexico	19.4
19. Sweden	19.3
20. Netherlands	19.0
21. Belgium	16.7
22. Argentina	16.0
23. Romania	14.8
24. Switzerland	13.9
25. Ford Motor (c)	11.53
26. Standard Oil (New Jersey) (c)	11.47
27. Pakistan [4]	11.2
28. American Telephone & Telegraph (c)	11.1
29. South Africa [5]	10.7
30. Indonesia	10.5
31. Denmark	10.0
32. Austria	9.2
33. Yugoslavia	[6] 8.5
34. Turkey	8.12
35. Finland	8.11
36. Venezuela	7.7
37. Royal Dutch/Shell (c)	7.2
38. Norway	7.0
39. Bulgaria	6.7
40. Sears, Roebuck (c)	6.4
41. General Electric (c)	6.2
42. Iran [7]	5.9
43. Greece	5.6
44. Chrysler (c)	5.3
45. Philippines	5.2
46. Great Atlantic & Pacific Tea (New York) (c)	5.11
47. Colombia	5.103
48. Unilever (c)	5.100
49. Socony Mobil Oil [8] (c)	*4.90
50. Nigeria [3]	4.85
51. United Arab Republic (Egypt) [9]	4.7
52. United States Steel (c)	4.4
53. Peru	4.28
54. Chile	4.25
55. Thailand	3.9
56. Texaco (c)	3.8
57. Portugal	3.7
58. International Business Machines (c)	3.6
59. Israel	3.39
60. Gulf Oil (c)	*3.38
61. Western Electric (c)	3.36
62. E.I. du Pont de Nemours (c)	3.02
63. Safeway Stores (Oakland) (c)	2.93
64. Korea, South	2.93
65. Malaysia	2.86
66. Ireland	2.80
67. Swift (c)	2.750
68. China (Taiwan)	2.750
69. Algeria	2.63
70. Morocco	2.60
71. Bethlehem Steel (c)	2.57
72. Shell Oil (c)	*2.56
73. Kroger (Cincinnati)	2.55
74. Standard Oil (Indiana) (c)	*2.5
75. Korea, North	2.5
76. National Coal Board [10] [11] (c)	2.46
77. Standard Oil of California (c)	*2.44
78. British Petroleum [12] (c)	2.40
79. Westinghouse Electric (c)	2.38
80. International Harvester (c)	2.33
81. Volkswagenwerk (c)	[13] $2.31
82. J. C. Penney (New York) (c)	2.289
83. I.C.I. (Imperial Chemical) Industries) (c)	2.284
84. Goodyear Tire and Rubber (c)	2.22
85. Ghana	2.20
86. Philips' Gloeilampenfabrieken (c)	[14] 2.08
87. Union Carbide (c)	2.063
88. Armour [15] (c)	2.061
89. Procter and Gamble (c)	2.05
90. RCA (c)	2.04
91. General Telephone and Electronics (c)	2.03
92. Boeing (c)	2.02
93. National Dairy Products (c)	2.017
94. North American Aviation (c)	2.010
95. Vietnam, North	1.9
96. Iraq	1.9
97. Lockheed Aircraft (c)	1.814
98. Vietnam, South [16]	1.810
99. Siemens [17]	1.79
100. International Telegraph & Telegraph (c)	1.78

[1] GNP's for the non-Communist countries were given in 1965 current dollars. AID used official exchange rates in most instances to convert the GNP figures into U.S. dollars; where official rates were not appropriate, more realistic exchange rates were used. Because of purchasing power disparities, precise inter-country comparisons of GNP cannot be made. It should be emphasized that all figures are in current dollars; no adjustments have been made for price changes. Data for the Communist countries are in purchasing power equivalent of 1970 dollars as estimated by the U.S. Department of State. These countries are: Soviet Union; People's Republic of China; Poland; East Germany; Czechoslovaka; Romana; Bulgaria; North Korea; North Vietnam.

[2] Net sales include service and rental revenues. All figures are for the year ending Dec. 31, 1965, unless otherwise noted. Sales of subsidiaries are included when these are consolidated. Sales figures given here do not include excise taxes collected by the corporation, and so the figures for some corporations, especially those in the liquor and tobacco industries, may be much lower than those published by the corporations themselves. When they are at least 5 percent lower for this reason, there is an asterisk (*) by the sales figure.

[3] Fiscal year beginning Apr. 5, 1965.

[4] Fiscal year beginning July 5, 1965.

[5] Republic of South Africa includes Botswana, Lesotho, South West Africa and Swaziland.

[6] Preliminary figure.

[7] Fiscal year beginning Mar. 21, 1965.

[8] Name changed to Mobil Oil in May, 1966.

[9] Fiscal year ending June 30, 1965.

[10] Government owned.

[11] Fiscal year ending Mar. 31, 1965.

[12] Over 50% government owned.

[13] Includes turnover tax.

[14] Includes full figures of subsidiaries owned 50 percent or more.

[15] Acquired Baldwin-Lima-Hamilton in July 1965, and includes its figures from that date.

[16] Calendar year 1964.

[17] Fiscal year ending Sept. 30, 1965.

(c) =Companies.

*Does not include excise taxes collected by the company; see footnote 2.

Sources: Non-Communist Countries: "Estimates of Gross National Product—Calendar Year 1965 in Current Market Prices." Reports Control No. 137. Statistics and Reports Division; Office of Program Coordination. Agency for International Development, February 6, 1967.

Communist Countries: Estimated by the Bureau of Intelligence and Research, Department of State.

Companies: Fortune directories. Hearings before the Subcommittee on Antitrust Monopoly of the Committee on the Judiciary United States Senate, 89th and 90th Congress. Part 5A, pp. 2165–2206. (1967).

Gross national products of countries and net sales of companies interspersed: top 100, by rank, 1970

[Total number of countries in list: 49; total number of companies in list: 51; total amount of GNP's: $3,102,200,000,000 total amount of company sales: $279,700,000,000; company sales as percent of GNP's: 8.9 percent]

Rank, country, or company:	*GNP*[1] *or sales*[2] *(billions)*
1. United States	$974.0
2. Soviet Union	485.7
3. Japan	196.7
4. West Germany	184.8
5. France	146.3
6. People's Republic of China	121.0
7. United Kingdom	116.3
8. Italy	91.7
9. Canada	78.0
10. India[3]	52.5
11. Poland	46.0
12. Brazil	40.4
13. East Germany	39.6
14. Mexico	33.2
15. Australia	32.9
16. Spain	32.5
17. Czechoslovakia	32.5
18. Sweden	31.5
19. Netherlands	31.3
20. Belgium	25.0
21. Romania	24.4
22. Argentina	23.9
23. Switzerland	20.6
24. General Motors (c)	18.8
25. Yugoslavia	18.5
26. Pakistan[4]	17.9
27. South Africa	17.8
28. American Tel. and Tel. (c)	17.0
29. Standard Oil (New Jersey) (c)	*16.6
30. Denmark	15.8
31. Ford Motor (c)	15.8
32. Indonesia	14.0
33. Austria	13.7
34. Bulgaria	11.7
35. Norway	11.2
36. Royal Dutch/Shell (c)	10.8
37. Venezuela	10.3
38. Finland	10.2
39. Iran [3]	10.1
40. Philippines	9.8
41. Sears, Roebuck (c)	9.3
42. Greece	9.2
43. Korea, South	8.9
44. General Electric (c)	8.72
45. Turkey	8.68
46. Chile	8.4
47. International Business Machines (c)	7.5
48. Mobil Oil (c)	*7.3
49. Colombia	7.07
50. Chrysler (c)	6.99
51. Unilever (c)	6.9
52. Thailand	6.8
53. International Tel. and Tel. (c)	[5] 6.4
54. Texaco (c)	6.3
55. United Arab Republic (Egypt)	[6] 6.3
56. Western Electric (c)	5.9
57. Great Atlantic and Pacific Tea (New York) (c)	5.7
58. Peru	5.64
59. Israel	5.59
60. China (Taiwan)	5.5
61. Gulf Oil (c)	*5.4
62. Safeway Stores (Oakland) (c)	4.9
63. United States Steel (c)	4.8
64. Volkswagenwerk (c)	4.314
65. Westinghouse Electric (c)	4.313
66. Standard Oil of California (c)	*4.18
67. Philips' Gloeilampenfabrieken (c)	4.16
68. J. C. Penney (New York) (c)	4.15

69. British Petroleum (c)	4.1
70. Nippon Steel[7] (c)	[8]4.0
71. Malaysia	3.91
72. Ireland	3.85
73. Ling-Temco-Vought (c)	3.8
74. Kroger (Cincinnati) (c)	3.735
75. Standard Oil (Indiana (c)	*3.732
76. Boeing (c)	3.677
77. E. I. du Pont de Nemours (c)	3.618
78. Shell Oil (c)	*3.589
79. I.C.I. (Imperial Chemical Industries) (c)	[9]3.509
80. British Steel[7][10] (c)	3.496
81. North Korea	3.5
82. General Telephone & Electronics (c)	3.4
83. Hitachi[7] (c)	3.32
84. Morocco	3.31
85. RCA (c)	3.29
86. Siemens[11] (c)	3.196
87. Goodyear Tire & Rubber (c)	3.194
88. Swift[12] (c)	3.1
89. Farbwerke Hoechst (c)	[9]3.027
90. Union Carbide (c)	3.026
91. Daimler-Benz (c)	[13][14]3.018
92. Procter and Gamble[15] (c)	2.978
93. August Thyssen-Hutte[11] (c)	[16]2.956
94. Bethlehem Steel (c)	2.935
95. DASF (c)	[17]2.874
96. Montecatini Edison (c)	*2.841
97. Marcor (Chicago) (c)	2.804
98. Eastman Kodak (c)	2.784
99. Kraftco (c)	$2.751
100. Greyhound (c)	[18]2.739

[1] GNP's for the non-Communist countries were given in constant 1969 dollars. To make this data comparable with the company figures, the GNP's were converted to 1970 prices on the basis of implicit price indexes provided in the source. For non-Communist countries, the AID used official exchange rates in most instances to convert the GNP figures into U.S. dollars; where official rates were not appropriate, more realistic exchange rates were used. Because of purchasing power disparities, precise intercountry comparisons of GNP cannot be made. It should be emphasized that all figures are in current dollars; no adjustments have been made for price changes. Data for the Communist countries are in purchasing power equivalent of 1970 dollars as estimated by the U.S. Department of State. These countries are: Soviet Union, People's Republic of China, Poland, East Germany, Czechoslovakia, Romania, Yugoslavia, Bulgaria, North Korea.

[2] Net sales included service and rental revenues. Sales of subsidiaries are included when they are consolidated, and all figures are for the year ending Dec. 31, 1970, unless otherwise noted. Sales figures here do not include excise taxes collected by the corporation, and so the figures for some corporation—most of which sell gasoline, liquor, or tobacco—may be lower than those published by the corporations themselves. When they are at least 5 percent lower for this reason, there is an asterisk (*) next to the sale figure.

[3] Fiscal year beginning Apr. 1.

[4] Fiscal year beginning July 1.

[5] 1970 figure includes Gwaltney, merged into the company in August 1970.

[6] 1969 figure.

[7] Fiscal year ending Mar. 31, 1971.

[8] 1970 figure includes Yawata Iron and Steel and Fuji Iron and Steel, merged in April 1970.

[9] Includes full figures of subsidiaries owned 50 percent or more.

[10] Government owned.

[11] Fiscal year ending Sept. 30, 1970.

[12] Fiscal year ending Oct. 31, 1970.

[13] Includes some taxes.

[14] Includes prorated figures of one company 50-percent owned.

[15] Fiscal year ending June 30, 1970.

[16] Excludes foreign subsidiaries.

[17] Includes prorated figures of companies 50-percent owned.

[18] 1970 figure includes Armour, acquired in May 1970.

(c) = Company.

* Does not include excise taxes collected by the company; see footnote 2.

Soures: Non-Communist countries: Gross National Product, Growth Rates and Trend Data by Region and Country. May 15, 1971. Office of Statistics and Reports. Bureau for Program and Policy Coordination. Agency for International Development. Communist countries: Estimated by the Bureau of Intelligence and Research, Department of State. Companies: Fortune. August 1971, May 1971.

RANK OF EACH COUNTRY AND COMPANY FOR 1960, 1955, 1970—PERCENTAGE CHANGE OF GNP AND SALES

Country or company	Rank			Percentage change	
	1970	1965	1960	1960–65	1965–70
1. United States	1	1	1	35.05	42.98
2. Soviet Union	2	2	2	37.25	60.10
3. Japan	3	6	7	18.64	3[illegible].64
4. West Germany	4	3	3	53.01	64.69
5. France	5	5	6	61.91	56.51
6. People's Republic of China	6	7	5	10.83	55.26
7. United Kingdom	7	4	4	40.10	17.63
8. Italy	8	8	8	78.30	61.55
9. Canada	9	10	9	33.99	62.33
10. India	10	9	10	39.43	6.66
11. Poland	11	11	11	38.03	50.52
12. Brazil	12	14	15	70.09	83.85
13. East Germany	13	12	12	25.77	50.57
14. Mexico	14	18	20	80.60	70.79
15. Australia	15	13	14	46.32	44.9
16. Spain	16	16	23	46.43	49.61
17. Czechoslovakia	17	15	13	14.61	47.99
18. Sweden	18	19	18	57.94	62.82
19. Netherlands	19	20	19	62.10	64.03
20. Belgium	20	21	17	32.43	49.72
21. Romania	21	23	21	41.91	64.53
22. Argentina	22	22	22	73.72	49.15
23. Switzerland	23	24	24	63.59	47.73
24. General Motors	24	17	16	62.79	90.44
25. Yugoslavia	25	33	41	102.04	118.16
26. Pakistan	26	27	30	80.29	60.00
27. South Africa	27	29	27	48.06	66.40
28. American Telephone & Telegraph	28	28	26	39.67	53.27
29. Standard Oil (New Jersey)	29	26	25	42.76	44.29
30. Denmark	30	31	31	67.67	57.83
31. Ford Motor	31	25	36	20.25	29.84
32. Indonesia	32	30	29	64.82	34.52
33. Austria	33	32	32	62.10	49.37
34. Bulgaria	34	39	37	44.30	74.36
35. Norway	35	38	39	57.58	60.15
36. Royal Dutch/Shell	36	37	33	31.01	50.35
37. Venezuela	37	36	28	7.53	34.20
38. Finland	38	35	49	26.85	25.64
39. Iran	39	42	42	41.59	70.36
40. Philippines	40	45	44	30.03	89.05
41. Sears, Roebuck	41	40	43	54.57	44.94
42. Greece	42	43	51	73.81	65.40
43. Korea, South	43	64	79	78.85	206.51
44. General Electric	44	41	40	48.02	40.44
45. Turkey	45	34	34	51.2	6.87
46. Chile	46	54	38	−4.66	96.59
47. International Business Machines	47	58	92	48.81	110.01
48. Mobil Oil	48	49	52	54.43	47.94
49. Columbia	49	47	46	32.54	38.6
50. Chrysler	50	44	54	76.25	32.07
51. Unilever	51	48	45	31.34	34.96
52. Thailand	52	55	61	61.32	76.18
53. International Telephone & Telegraph	53	100	---	---	256.92
54. Texaco	54	56	55	26.81	68.03
55. U.A.R. (Egypt)	55	51	48	27.71	34.04
56. Western Electric	56	61	57	27.34	74.18
57. Great Atlantic & Pacific Tea (New York)	57	46	35	−2.44	10.37
58. Peru	58	53	73	139.16	31.95
59. Israel	59	59	59	38.7	64.57
60. China (Taiwan)	60	68	88	84.93	98.40
61. Gulf Oil	61	60	56	24.40	59.40
62. Safeway Stores (Oakland)	62	63	58	19.03	65.36
63. United States Steel	63	52	47	18.98	9.40
64. Volkswagenwerk	64	81	---	---	86.18
65. Westinghouse Electric	65	79	67	22.18	80.46
66. Standard Oil of California	66	77	78	46.84	71.49
67. Philips' Gloeilampenfabrieken	67	86	98	66.32	99.76
68. J. C. Penney (New York)	68	82	90	55.82	81.34
69. British Petroleum	69	78	71	32.96	68.68
70. Nippon Steel	70	---	---	---	---
71. Malaysia	71	65	68	48.49	36.53
72. Ireland	72	66	74	57.49	37.25
73. Ling-Temco-Vought	73	---	---	---	---
74. Kroeger (Cincinnati)	74	73	69	36.63	46.22
75. Standard Oil (Indiana)	75	74	65	23.23	51.01
76. Boeing	76	92	81	30.09	81.75
77. E. I. du Pont de Nemours	77	62	64	40.97	19.76
78. Shell Oil	78	72	70	40.15	40.12
79. I.C.I. (Imperial Chemical Ind.)	79	83	80	46.03	53.67
80. British Steel	80	---	---	---	---
81. North Korea	81	75	---	---	40.00
82. General Telephone & Electronics	82	91	---	---	68.90
83. Hatachi	83	---	---	---	---
84. Morocco	84	70	72	44.77	27.35
85. RCA	85	90	89	37.41	61.21
86. Siemens	86	99	---	---	78.05
87. Goodyear Tire & Rubber	87	84	82	43.52	43.53
88. Swift	88	67	60	12.60	11.81
89. Farbwerke Hoechst	89	---	---	---	---
90. Union Carbide	90	87	83	33.33	46.60
91. Daimier-Benz	91	---	---	---	---
92. Procter & Gamble	92	89	91	42.78	44.68
93. August Thyssen-Hutte	93	---	---	---	---
94. Bethlehem Steel	94	71	63	18.41	13.8
95. BASF	95	---	---	---	---
96. Montecatini Edison	96	---	---	---	---
97. Marcor (Chicago)	97	---	---	---	---
98. Eastman Kodak	98	---	---	---	---
99. Kraftco	99	---	---	---	---
100. Greyhound	100	---	---	---	---
101. Nigeria		50	53	56.81	---
102. Portugal		57	62	60.51	---
103. Algeria		69	50	76.67	---
104. National Coal Board		76	---	---	---
105. International Harvester		80	76	38.85	---
106. Ghana		85	87	47.92	---
107. Armour		88	75	18.77	---
108. National Dairy Products		93	77	20.99	---
109. North American Aviation		94	---	---	---
110. North Vietnam		95	85	26.66	---
111. Iraq		96	93	38.33	---
112. Lockheed Aircraft		97	94	36.18	---
113. South Vietnam		97	---	---	---
114. Nestle			84	---	---
115. Rhodesia and Nyasaland, Fed. of			86	---	---
116. Ceylon			95	---	---
117. Uruguay			96	---	---
118. Burma			97	---	---
119. Montgomery Ward (Chicago)			99	---	---
120. Congo, Republic of the (Leopoldville)			100	---	---
121. General Dynamics			66	---	---

ALPHABETICAL LIST OF COUNTRIES AND COMPANIES

	Rank		
	1970	1965	1960
1. Algeria		69	50
2. American Telephone & Telegraph	28	28	26
3. Argentina	22	22	22
4. Armour		88	75
5. August Thyssen-Hutte	93		
6. Australia	15	13	14
7. Austria	33	32	32
8. BASF	95		
9. Belgium	20	21	17
10. Bethlehem Steel	94	71	63
11. Boeing	76	92	81
12. Brazil	12	14	15
13. British Petroleum	69	78	71
14. British Steel	80		
15. Bulgaria	34	39	37
16. Burma			97
17. Canada	9	10	9
18. Ceylon			95
19. Chile	46	54	38
20. China (Taiwan)	60	68	88
21. Chrysler	50	44	54
22. Columbia	49	47	46
23. Congo, Republic of the (Leopoldville)			100
24. Czechoslovakia	17	15	13
25. Daimler-Benz	91		
26. Denmark	30	31	31
27. East Germany	13	12	12
28. Eastman Kodak	98		
29. E. I. du Pont de Nemours	77	62	64
30. Farbwerke Hoechst	89		
31. Finland	38	35	49
32. Ford Motor	31	25	36
33. France	5	5	6
34. General Electric	44	41	40
35. General Dynamics			66
36. General Motors	24	17	16
37. General Telephone & Electronics	82	91	
38. Ghana		85	87
39. Goodyear Tire & Rubber	87	84	82
40. Great Atlantic & Pacific Tea (N.Y.)	57	46	35
41. Greece	42	43	51
42. Greyhound	100		
43. Gulf Oil	61	60	56
44. Hitachi	83		
45. ICI (Imperial Chemical Industries)	79	83	80
46. India	10	9	10
47. Indonesia	32	30	29
48. International Business Machines	47	58	92
49. International Harvester		80	76
50. International Telephone & Telegraph	53	100	
51. Iran	39	42	42
52. Iraq		96	93
53. Ireland	72	66	74
54. Israel	59	59	59
55. Italy	8	8	8
56. Japan	3	6	7
57. J. C. Penney (N.Y.)	68	82	90
58. Kraftco	99		
59. Kroger (Cincinnati)	74	73	69
60. Ling-Temco-Vought	73		
61. Lockheed Aircraft		97	94
62. Malaysia	71	65	68
63. Marcor (Chicago)	97		
64. Mexico	14	18	20
65. Mobil Oil	48	49	52
66. Montecatini Edison	96		
67. Montgomery Ward (Chicago)			99
68. Morocco	84	70	72
69. National Coal Board		76	
70. National Dairy Products		93	77
71. Nestle			84
72. Netherlands	19	20	19
73. Nigeria		50	53
74. Nippon Steel	70		
75. North American Aviation		94	
76. North Korea	81	75	
77. North Vietnam		95	85
78. Norway	35	38	39
79. Pakistan	26	27	30
80. People's Republic of China	6	7	5
81. Peru	58	53	73
82. Philips' Gloeilampenfabrieken	67	86	98
83. Philippines	40	45	44
84. Poland	11	11	11
85. Portugal		57	62
86. Procter & Gamble	92	89	91
87. RCA	85	90	89
88. Rhodesia and Nyasaland, Federation of			86
89. Rumania	21	23	21
90. Royal Dutch-Shell	36	37	33
91. Safeway Stores (Oakland)	62	63	58
92. Sears, Roebuck	41	40	43
93. Shell Oil	78	72	70
94. Siemens	86	99	
95. South Africa	27	29	27
96. South Korea	43	64	79
97. South Vietnam		98	
98. Soviet Union	2	2	2
99. Spain	16	16	23
100. Standard Oil of California	66	77	78
101. Standard Oil (Ind.)	75	74	65
102. Standard Oil (N.J.)	29	26	25
103. Sweden	18	19	18
104. Swift	88	67	60
105. Switzerland	23	24	24
106. Thailand	52	55	61
107. Texaco	54	56	55
108. Turkey	45	34	34
109. Unilever	51	48	45
110. Union Carbide	90	87	83
111. UAR (Egypt)	55	51	48
112. United Kingdom	7	4	4
113. United States	1	1	1
114. United States Steel	63	52	47
115. Uruguay			96
116. Venezuela	37	36	28
117. Volkswagenwerk	64	81	
118. Western Electric	56	61	57
119. West Germany	4	3	3
120. Westinghouse Electric	65	79	67
121. Yugoslavia	25	33	41

By Mr. JAVITS:

S. 878. A bill to amend the Public Health Service Act to provide for restrictions on funds for experimental use. Referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, the bill I introduce today—identical to the bill I introduced in the 92d Congress—seeks to safeguard the rights and welfare of human subjects involved in federally funded research activities and is patterned upon NIH research guidelines which seek to accomplish that desirable objective.

The recently announced hearings on the critical issue of the rights of human subjects in biomedical research by the Senate Health Subcommittee of the Committee on Labor and Public Welfare—of which I am ranking minority member—will provide an excellent opportunity to focus public attention on the problem and determine the adequacy of my legislative efforts to safeguard the rights and welfare of human subjects.

Every 7 years there is a doubling of recorded knowledge and almost every day new powers over human life and health are being discovered in our research laboratories.

There is no doubt but that we must constantly and continually encourage research into the great enigma of man and his world if we are to eventually overcome the abysmal depths of ignorance and disease.

But we must guard against self delusion lest it harm that precarious quality of life which is so uniquely human—for being human, we must also always be humane. Scientific inquiry must constantly be blended with judgment, compassion and empathy, the true synthesis of humaneness and humanity.

Tragic newspaper accounts about human beings in syphilis research projects and other reported experiments involving human subjects—cited in a Library of Congress, Congressional Research Service, August 4, 1972, report—demonstrate the need for the reintroduction of the bill I introduced in the 92d Congress.

While it is true that much of the research involving human subjects at risk—exclusive of human subject research and experimentation undertaken pursuant to the informed patient consent amendment to the Food, Drug, and Cosmetics Act which I authored—is done under the auspices of HEW research guidelines assuring ethical guidance, I believe Congress has a responsibility to assure meaningful legal controls of federally supported research activities involving human subjects.

It is imperative that we maintain a constant vigil lest the zeal which first motivated and then impelled man forward in his never-ending quest for enlightenment be like the sorcerer's apprentice, exceeding its bounds and unfettered cause us to outdistance our own capacity for commonsense and decency. This could easily result in moral suicide.

At the same time, excessive rigidity in the regulation of human subject experimentation because of some improprieties in ethical self regulation would, I believe, be to the disadvantage of the individual and society. While civilized society cannot tolerate callous disregard of human rights for any purpose—Nazi Germany's atrocities in the name of clinical science being the most horrendous example—mankind would be badly served if we write rigid laws to govern research practices and scientific investigation. Research, development, and the reduction to practice of new ideas are not carried out in a practical, ethical, or legal vacuum and the public interest would not be served by an inflexible approach. The bill therefore outlines flexible operating procedures which can be adapted to a variety of federally funded grant and contract mechanisms.

I ask unanimous consent that a summary of the bill's provisions and the full text of the bill be printed in the RECORD at the conclusion of my remarks.

THE PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2).

Mr. JAVITS. Mr. President, as we consider such issues as psychosurgery, organ transplants, genetic manipulations, sterilization procedures for criminal behavior, brain-washing, mind control and mind expanding techniques, and, yes, even the very concept of birth and death itself, the urgent need to adequately protect the rights and welfare of human subjects in all federally funded research activities becomes imperative.

In view of my own deep personal concern about this subject, I have sponsored—with the chairman of the Labor and Public Welfare Committee, Senator WILLIAMS; the ranking minority member of the Health Subcommittee, Senator SCHWEIKER, and the chairman of the Health Subcommittee, Senator KENNEDY—a special congressional briefing session on February 27 about the advances in biomedical science and their important consequences for the future of mankind generally, and for our country in particular. These new developments have profound ethical and legislative implications, and so require understanding on our part as legislators if they are to be used for maximum benefit to our people.

EXHIBIT 1

SUMMARY OF BILL

FUNDING RESTRICTION

First. Without an appropriate organizational committee's review and approval of the protection of the human subject's rights and welfare—which shall include adequate informed consent—Federal funds in any activity involving a human subject at risk in research, development or demonstration programs is prohibited.

DEFINITION OF ORGANIZATIONAL COMMITTEE

Second. Any entity engaged in such federally funded activities is required to establish an organizational committee to be composed of sufficient members with varying backgrounds of competence to assure complete and adequate initial approval and even to protect the human subject's rights and welfare, and that no committee member shall be involved in either the initial approval or continuing review of an activity in which he has a professional responsibility, except to provide information requested by the committee.

INFORMED CONSENT

Third. Informed consent is defined to mean the consent of a person so situated as to be able to exercise free power of choice without the intervention of any element of force, fraud, deceit, duress, or other form of constraint or coercion, and certain elements for informed consent are required in all but exceptional cases.

They are fair explanation of the procedures to be followed including an identification of any which are experimental; a description of any attendant discomforts and risks reasonably to be expected; a description of any benefits reasonably to be expected; disclosure of any appropriate alternative procedures that might be advantageous for the subject; an offer to answer any inquiries concerning the procedures; and an instruction that the subject is free to withdraw his consent and to discontinue his participation in the project or activity at any time.

EXCEPTIONAL CASES

Fourth. The exceptional cases where informed consent is not required are limited to instances where it is not feasible—for example, the person is in a coma and his representative is unavailable—or professional judgment determines in the best interest of a particular subject under care that it would be contrary to that subject's welfare to obtain his consent as the communication of information to obtain consent would seriously affect the subject's disease status and the physician has exercised a professional judgment that under the particular circumstances of this subject's case, the subject's best interests would suffer if consent were sought.

In addition, the agreement entered into by the subject shall include no exculpatory language through which the subject is made to waive, or to appear to waive, any of his legal rights, or to release the institution or its agents from liability for negligence. Use of exculpatory clauses was considered contrary to public policy in *Tunkl* v. *Regents of University of California* (60 Cal. 2d, 32 Cal. Rptr. 33, 383 P. 2d 441 (1963), Annot., 6 A.L.R. 3d 693 (1966).

AT RISK

Fifth. At risk is defined to mean possible physical, psychological, sociological or other harm to which an individual may be exposed as a consequence of any activity which goes beyond the application of those established and accepted methods necessary to meet the individual's needs.

If doubt exists whether the procedures to be employed are established and accepted, I believe the activity should be subject to review and approval by the committee.

OTHER PROVISIONS

Sixth. Federal program staff are authored oversight of the procedures required by the bill and discretionary authority is granted to the Secretary of the Department of Health, Education, and Welfare—in cooperation with other Federal departments and agencies—to identify those Federal programs which may involve human subjects at risk; determine the form the required assurances shall take; set guidelines for the establishment or operation of organizational committees; and establish such additional regulations as the implementation of this bill may require.

EXHIBIT 2

S. 878

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part A of title III of the Public Health Service Act is amended by inserting at the end thereof the following new section:

"PROTECTION OF HUMAN SUBJECTS

"SEC. 310C. (a) Notwithstanding any other provision of law, unless enacted after the enactment of this Act expressly in limitation of the provisions of this section, funds appropriated for any fiscal year to carry out any Federal program shall not be made available to any organization unless such organization has given acceptable assurance that none of these funds will be used in support of an activity involving human subjects at risk in programs of research, development or demonstration in the absence of initial and continuing review and approval by an appropriate organizational committee. This review shall determine that the rights and welfare of the subjects involved are adequately protected, that the risks to an individual are outweighed by the potential benefits to him or by the importance of the knowledge to be gained, and that informed consent is to be obtained by methods that are adequate.

"(b) The organizational committee must be composed of sufficient members with such varying backgrounds of competence as to assure complete and adequate review. No member of such committee shall be involved in either the initial or continuing review of an activity in which he has a conflicting interest, except to provide information requested by the committee.

"(c) For the purposes of this section only, the term 'informed consent' shall mean the consent of a person, or his legal representative, so situated as to be able to exercise free power of choice without the intervention of any element of force, fraud, deceit, duress, or other form of constraint or coercion. The information to be given to the subject shall include the following basic elements in all but exceptional cases:

"(1) a fair explanation of the procedures to be followed, including an identification of any which are experimental;

"(2) a description of any attendant discomforts and risks reasonably to be expected;

"(3) a description of any benefits reasonably to be expected;

"(4) a disclosure of any appropriate alternative procedures that might be advantageous for the subject;

"(5) an offer to answer any inquiries concerning the procedures; and

"(6) an instruction that the subject is free to withdraw his consent and to discontinue participation in the project or activity at any time.

In addition, the agreement, written or oral, entered into by the human subject or from the human subject's legal representative, shall include no exculpatory language through which the subject is made to waive, or to appear to waive, any of his legal rights, or to release the institution or its agents from liability for negligence. Any organization which initiates, directs, or engages in programs of research, development, or demonstration which require informed consent shall keep a permanent record of such consent and the information provided the subject and develop appropriate documentation and reporting procedures as an essential administrative function.

"(d) For the purposes of this section only the term 'organization' means any Federal, State, municipal or other Government agency, or any corporation, institution, agency, or other legally accountable person.

"(e) The term 'human subject at risk' means an individual who may be exposed to the possibility of harm—physical, psychological, sociological, or other—as a consequence of any activity which goes beyond the application of those established and accepted methods necessary to meet the individual's needs.

"(f) Nothing in this section shall prevent Federal program staff from establishing and maintaining internal review procedures to identify risks to subjects in Federal programs, and from making independent determinations that the rights and welfare of the subjects involved are adequately protected, that the risks to an individual are balanced by the potential benefits to him or by the importance of the knowledge to be gained, and that informed consent is to be obtained by methods that are adequate and appropriate.

"(g) 'Exceptional cases', as used in paragraph (c) of this section, which exceptions are to be strictly applied, are cases where it is not feasible to obtain the subject's consent or the consent of his representative, or where, as a matter of professional judgment exercised in the best interest of a particular subject under care, it would be contrary to that subject's welfare to obtain his consent as the communication of information to obtain consent would seriously affect the subject's disease status and the physician has exercised a professional judgment that under the particular circumstances of this subject's case, the subject's best interests would suffer if consent were sought.

"(h) The Secretary of Health, Education, and Welfare shall from time to time, and in cooperation with other departments and agencies of the Federal Government, identify those Federal programs which may involve human subjects at risk, determine the form the assurances required by this section shall take, set guidelines for the establishment of operation of organizational committees, and establish such additional regulations as the implementation of this section may require.".

By Mr. BENTSEN:

S. 881. A bill to amend title 18 of the United States Code to define and limit the exclusionary rule in Federal criminal proceedings. Referred to the Committee on the Judiciary.

Mr. BENTSEN. Mr. President, I am introducing today a bill to amend the United States Code by providing a new section dealing with the exclusion of evidence in Federal criminal cases. This is identical to a proposal which I submitted during the 92d Congress concerning the exclusionary rule.

The exclusionary rule is a shorthand description for the rule of evidence which requires the courts to suppress any evidence which is acquired through an illegal search or seizure. In his opinion in the Bivens case, the Chief Justice challenged the Congress to take a look at the problems posed by the exclusionary rule and to provide a legislative solution.

My bill would do just that. It provides the courts with an opportunity to weigh the gravity of the offense charged to a defendant and then consider the gravity and circumstances of the offense in seizing or searching the evidence. The courts would then make a relative decision on the admissibility of the evidence involved. The bill would also amend the Federal Torts Claims Act in order to allow defendants to sue the Federal Government in a civil action for damages incurred in an illegal search and seizure.

My bill removes us from the unreasoning straitjacket in which the present exclusionary rule has placed us.

It follows the conclusion of Justice Jackson when he declared:

> Rejection of the evidence does nothing to punish the wrongdoing official, while it may and likely will release the wrongdoing defendant. It deprives society of its remedy against one lawbreaker because he has been pursued by another. It protects against whom incriminating evidence is discovered but does nothing to protect innocent persons who are victims of illegal but fruitless searches.

The present exclusionary rule was first made binding on Federal courts in 1914 in Weeks against United States. The court therein held that any evidence obtained in violation of the fourth amendment may not be introduced against a defendant in Federal criminal proceedings. This rule was later applied to State courts in 1961 in Mapp against Ohio under the due process clause of the 14th amendment.

Exclusion or suppression of evidence frequently occurs in cases where law enforcement personnel have violated the fourth amendment in seizing evidence. It is of no concern whether the violations were intentional or not.

Tragically, this rule has forced courts into an arbitrary posture which actually allows the guilty in some cases to go scot free while failing to penalize the policeman who violated the suspect's rights.

I am aware that there are abuses within our federal system and that we must guard against them.

But there can be no question that the arbitrary nature of the exclusionary rule diminishes respect for our laws and our courts.

We simply cannot allow our system of criminal justice to become a game in which the slickest stratagems can save the most blatantly guilty individual.

The exclusionary rule has become an inflexible loophole through which a criminal can walk to freedom. In my opinion the time has come to plug that loophole with a fair and workable alternative to the suppression doctrine. We have the opportunity here to contribute to an improved system of justice in our Nation.

Let me state in the clearest possible terms that my proposal is in no way designed to skirt or dilute the constitutional rights of any citizen. I believe that we can have responsible and effective law enforcement without compromising the guarantees built into our system. This bill merely seeks to afford the courts more flexibility in determining reasonable standards relating to the suppression doctrine—standards which would be fully subservient to the test of constitutional validity.

Perhaps the key words in all of this are checks and balances, which are the fundamental precepts of so much in our American system.

The intent of the bill is to protect the rights of the accused without forfeiting the rights of the victim.

The intent of this bill is to insure that by sanctioning the wrongdoing policeman we do not automatically free a wrongdoing criminal.

"The criminal is to go free because the constable has blundered." How many times has every law student in the United States heard those words of Justice Cardozo—so many times that they have become a cliche.

But cliches are not without value, and Justice Cardozo's famous statement finds an answer from Chief Justice Burger who said:

> We can well ponder whether any community is entitled to call itself an organized society if it can find no way to solve this problem except by suppression of the truth in search of truth.

The incredible effects of the exclusionary rule have been seen in any number of cases.

In a 1958 case here in the District of Columbia, Miller against U.S., a narcotics peddler was arrested and evidence was seized that conclusively proved his guilt. But the evidence was excluded and the conviction subsequently overturned because the officers failed to state properly their authority or to give sufficient notice.

The court held that the police must make an "express announcement" before entering and making an arrest.

In other words, an officer fails to speak in a loud enough voice or to speak the necessary number of words and as a result a dope pusher is back on the streets and society is the only loser.

In another instance, United States against Ravich, a warrant is held defective and the evidence is excluded because it authorizes only daytime searches and the evidence was seized at night. It is of no consequence that the showing made to the magistrate would have justified a nighttime warrant anyway.

A technicality is unobserved in administering a warrant, and a convicted bank robber goes free and, again, society is the only loser.

A study of narcotics cases in one of our largest cities showed that over one-third of the cases considered were disposed of by suppression of the evidence presented against the defendant. As a result, known narcotic offenders are returned to the streets without even having to stand trial.

There are many more examples and all of them equally disturbing to those of us concerned with the growth of crime in our country.

My bill would provide an alternative to the present method of suppressing all evidence illegally searched or seized. An important feature of my bill is that it amends the Federal Torts Claims Act to provide defendants who have been the subject of an illegal search or seizure the right to sue the Government for appropriate damages.

In this way the illegal search or seizure is considered as a separate offense and, if the defendant is successful, the Government bears the cost and responsibility of its officers conduct. Both the Canadian and English system of justice employ a similar means of protecting citizens against illegal searches and seizures.

In addition to providing a new civil remedy, this legislation would require a court to consider the gravity of any fourth amendment violation before suppressing the evidence involved.

In determining whether to admit or suppress certain evidence, the court would consider such factors as the extent to which the violation was willful, the extent to which it deviated from sanctioned conduct, and the extent to which it invaded the privacy of the defendant or prejudiced the defendant's ability to defend himself.

Other factors to be considered would be the extent to which suppression would deter such violations in the future and whether the evidence seized would have been discovered despite the violation.

In effect, then the guarantees and protections secured by the fourth amendment would continue to be protected under this bill.

I am not seeking to repeal the fourth amendment. I am seeking, however, to restore some semblance of reason and balance to the rules by which we administer the fourth amendment to see that justice is done.

I am seeking to insure that a criminal does not go unpunished simply because a policeman violates some minor rubric in obtaining clear physical evidence of his guilt.

I am seeking to provide an alternate means for dealing with the fourth amendment violations so that criminal offenses and evidentiary violations can be considered separately.

Many eminent jurists and legal scholars have studied this issue and I am confident that the bill will have their support.

The National Association of Attorney's General and the National District Attorney's Association have both endorsed this measure and most recently the Division of Judicial Administration of the American Bar Association issued a report strongly favoring reform of the exclusionary rule.

Let me quote just one passage from the majority report concerning the exclusionary rule:

> Not only has the Rule failed to achieve its stated purpose, but it has imposed substantial costs on society in the process. First, the Exclusionary Rule affords no protection or remedy to innocent persons whose Fourth Amendment rights have been infringed. Justice Frankfurter noted that the exclusion of evidence is a remedy which directly serves only to protect those upon whose person or persons something incriminating has been found . . . Next it is clear that the Exclusionary Rule imposes a single, inflexible, and drastic sanction without regard to the nature, circumstances or degree of police misconduct.

Mr. President, it would be tempting for us to cling to the practices of the past without raising a question—to stand pat with the present rules of evidence and all of their abuses simply for the cause of consistency.

Such reaction brings to mind the statement of Justice Holmes on a certain intransigent legal opinion:

> It is revolting to have no better reason for a rule of law than it was laid down in the time of Henry IV. It is still more revolting if the grounds upon which it was laid have vanished long since, and the rule simply persists from blind imitation of the past.

The exclusionary rule must be modified. We must restore a balance between the treatment accorded the victims of crime and the protection afforded the perpetrators of crime.

My bill does this and I urge that the Senate give it prompt and favorable consideration.

Mr. President, I ask unanimous consent that the majority report of the Division of Judicial Administration of the American Bar Association be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

MAJORITY REPORT OF THE COMMITTEE ON FEDERAL LEGISLATION

S. 2657, 92d Cong., 1st Sess. (1971), which would define and limit the Exclusionary Rule in Federal criminal proceedings, has been referred to the Committee on Federal Legislation of the Judicial Administration Division for analysis and review. The Committee supports the underlying purpose and effort reflected in the Bill to modify the Exclusionary Rule. This report is intended to give encouragement and direction to an in-depth study of the problems created by the suppression doctrine.

S. 2657 was introduced by Senator Lloyd Bentsen in response to a suggestion by Chief Justice Burger in *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 389 (1971) (dissenting opinion) that Congress develop an alternative to the Exclusionary Rule. When he introduced the bill, the Senator stated that its purpose was ". . . to restore some semblance of reason and balance to the rules by which we administer the Fourth Amendment to see that justice is done". Cong. Rec., vol. 117, pt. 12, p. 35183. Briefly stated, S. 2657 is designed to lessen the inflexibility of the Exclusionary Rule by permitting the trial judge to consider such factors as the extent to which the intrusion is willful, the extent to which it deviated from sanctioned conduct, and the extent to which it invaded the privacy of the defendant or prejudiced the defendant's ability to defend himself. The Court would also consider the extent to which the exclusion of evidence would deter such intrusions in the future and whether the evidence seized would have been discovered despite the intrusion. If after considering the foregoing, the Court determines the intrusion to be substantial, the evidence would then be excluded.

S. 2657, as originally drafted, was patterned after a proposal of the prestigious American Law Institute. ALI, *Model Code of Pre-Arraignment Procedure*, Draft No. 1, § 290.2(2) (Approved May 16, 1972). The bill was subsequently amended by creating a new civil remedy for persons whose Fourth Amendment rights have been abridged. As amended, an aggrieved person would have a cause of action against the Government and would be entitled to recover actual and punitive damages in an amount not to exceed $25,000.

After careful consideration and for the reasons described below, the Committee on Federal Legislation supports the principles which S. 2657 is obviously intended to serve. The committee strongly favors a thorough legislative inquiry with a view to improving the provisions of the bill including consideration of alternative means of controlling police conduct which would not involve the suppression of otherwise reliable, probative, tangible evidence of guilt.*

THE HISTORICAL DEVELOPMENT OF THE EXCLUSIONARY RULE

In order to better understand the need for some modification of the Exclusionary Rule, a historical review of the development of the suppression doctrine is necessary. Unfortunately, the factors of time and space will permit only an abbreviated version.

The starting point for any review of the Exclusionary Rule should be the Fourth Amendment to the United States Constitution. The Fourth Amendment provides:

> The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

When viewed in its historical context, it is clear that the Fourth Amendment was adopted for the specific purpose of prohibiting general search warrants and their resulting abuses. See generally 2 Story, *Constitution of the United States*, pp. 647–650 (5th ed. 1891); Lasson, *History and Development of the Fourth Amendment of the United States Constitution* (1937); Fraenkel, *Concerning Searches and Seizures*, 34 Harv. L. Rev. 361 (1921). The most infamous general warrant in the colonies was the Writ of Assistance which was neither limited in scope nor in duration. Under these general warrants, the discretion afforded petty officials was practically absolute and unlimited. Lasson, *supra* at 53, 54. In England, general warrants of this type had been held to be illegal. See Fraenkel, *supra* at p. 363 and cases cited therein. Consequently, the adoption of the Fourth Amendment constituted a reaffirmance of the common law rule which condemned unwarranted intrusions upon personal security, liberty, and private property. *Story, supra* at 648.

In the debates concerning the language of the Fourth Amendment, there appears to have been no discussion of the notion of excluding evidence as a means of controlling official conduct. Lasson, *supra* at 79–105. Such a remedy would have been meaningless to residents of Massachusetts Bay whose homes were subjected to extensive but fruitless searches by customs house officers pursuant to writs of assistance. By attacking and prohibiting the authority which permitted unrestrained searches, the procedure would not only be rendered void, but it would give rise to a common law action against the officers. At common law an unwarranted intrusion into one's private property and personal security gave rise to an action for trespass; therefore, a search conducted under the authority of an illegal warrant would not be justified and would constitute an actionable tort. *Entick* v. *Carrington and Three Other King's Messengers*, 19 Howell's State Trials 1029 (1765).

Boyd v. *United States*, 116 U.S. 616 (1885), is generally recognized as the genesis of the Exclusionary Rule. In *Boyd*, the Court held unconstitutional a forfeiture procedure which compelled the production of a party's private books and papers. If the requested records were not produced, the allegations in the request as to the contents of the records would be taken as confessed. Noting that an intimate relationship existed between the Fourth and Fifth Amendments, Justice Bradley stated:

> . . . and we are further of opinion that a compulsory production of the private books and papers of the owner of goods sought to be forfeited in such a suit is compelling him to be a witness against himself, within the meaning of the Fifth Amendment to the Constitution, and is the equivalent of a search and seizure—and an unreasonable search and seizure—within the meaning of the Fourth Amendment. *Id* at 634, 635.

This dictum in *Boyd* was relied upon by the Court in *Weeks* v. *United States*, 232 U.S. 383 (1914) when it adopted the Exclusionary Rule for violations of the Fourth Amendment. Unlike the compulsory process of the forfeiture proceeding in *Boyd*, *Weeks* involved the warrantless search of the defendant's home and the seizure of private papers which were subsequently admitted into evidence at trial. In addition, unlike the exclusionary rule alluded to in *Boyd* which was intertwined with the Fifth Amendment, the Exclusionary Rule adopted in *Weeks* was not predicated on the Fifth Amendment. Rather, the decision to create an Exclusionary Rule was founded upon the proposition that improper police conduct should find no sanction in the judgments of the Courts. The Court stated:

> To sanction such proceedings would be to affirm by judicial decision a manifest neglect if not an open defiance of the prohibitions of the Constitution, intended for the

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*Several committee members were of the view that the civil remedies proposed in S. 2657 would most likely prove inadequate to deter violations of the Fourth Amendment rights, and that the Exclusionary Rule should not be abandoned until the legislature had fashioned an alternative deterrent which could reasonably be expected to prove effective in practice.

protection of the people against unauthorized action. *Id* at 394.

Prior to *Weeks*, it was well established law that the remedy for violations of the Fourth Amendment did not require the exclusion of evidence, if it was otherwise competent. Subsequent to *Boyd*, but prior to *Weeks*, the Supreme Court stated:

> The security intended to be guaranteed by the Fourth Amendment against wrongful search and seizures is designed to prevent violations of private security in person and property and unlawful invasion of the sanctity of the home of the citizen by officers of the law, acting under legislative or judicial sanction, and to give remedy against such usurpations when attempted. But the English and nearly all of the American cases have declined to extend this doctrine to the extent of excluding testimony which has been obtained by such means, if it is otherwise competent. *Adams* v. *New York*, 192 U.S. 585, 598 (1903).

The result of *Weeks* was the adoption of a rule of absolute exclusion—a rule which rendered evidence inadmissible regardless of its probative value, the nature of evidence seized, or the circumstances surrounding the constitutional violation.

The next significant expansion of the Exclusionary Rule came thirty-five years later when the Supreme Court held that the due process clause of the Fourteenth Amendment did not require the exclusion in a state criminal proceeding of evidence obtained by an unreasonable search and seizure. *Wolf* v. *Colorado*, 338 U.S. 25 (1949). In 1961, however, the Supreme Court overruled *Wolf* and held that the Exclusionary Rule was applicable to the states through the due process clause of the Fourteenth Amendment. *Mapp* v. *Ohio*, 367 U.S. 643 (1961).

The foregoing discussion, tracing the development of the Exclusionary Rule, raises the question of whether the Exclusionary Rule is constitutionally mandated.

IS THE EXCLUSIONARY RULE CONSTITUTIONALLY MANDATED?

It is an obvious but sometimes forgotten fact that the Constitution nowhere provides for the exclusion of evidence obtained in violation of any of its provisions. In fact, due to its liberal character, it has largely left the details of enforcement of constitutional rights to legislation. The Constitution states expressly that "all legislative powers herein granted shall be vested in a Congress of the United States". U.S. Const. art. I, § 1. No legislative power, whatever, has been left to the Supreme Court. There is no room for a judge-made law in the nature of common law, as the Supreme Court itself has recognized. *Wheaton* v. *Peters*, 8 Pet. (33 U.S.) 590, 657–658 (1834); *Erie* v. *Tompkins*, 304 U.S. 64, 78 (1938).

Consequently, where the Supreme Court or a lower Federal court supplied a remedy in a case where no statutory remedy has been provided for by Congress, that remedy can prevail only until Congress, by appropriate legislation, provides another remedy and, thus, occupies the field. In this regard, the history of immunity statutes is illustrative. For example, the Supreme Court has stated that the only effective remedy to vindicate Fifth Amendment rights of persons compelled to testify would be immunity provisions which "afford absolute immunity against future prosecution for the offense to which the question relates". *Counselman* v. *Hitchcock*, 142 U.S. 547, 585–86 (1892). In 1970, however, Congress enacted a statute which did not afford absolute immunity from future prosecution but which did provide immunity from the use of compelled testimony and evidence derived therefrom. 18 U.S. Code, § 6002. This statutory provision was recently upheld by the Supreme Court. *Kastigar* v. *United States*, — *U.S.* — (1972).

Another example in which the Court has recognized that nonjudicial regulation of police practices is possible if not desirable can be found in *Wade v. United States*, 388 U.S. 218, 239 (1967). There, though a Rule of Exclusion was applied to uncounseled identification procedure, the Court acknowledged that legislative or administrative strictures could cure the defect and make it unnecessary to use suppression of testimony to enforce desired police conduct.

The situation is in no way different when the "remedy" is the Exclusionary Rule in aid of the Fourth Amendment. In *Wolf v. Colorado*, 338 U.S. 25 (1949), the Supreme Court recognized that the Exclusionary Rule is not a command of the Fourth Amendment but a judicially created rule which can be abolished by Congress. Justice Frankfurter,' writing for the Court stated:

> It [the Exclusionary Rule] was not derived from the explicit requirements of the Fourth Amendment; it was not based on legislation expressing congressional policy in the enforcement of the Constitution. The decision is a matter of judicial implication. *Id* at 28.

Justice Black, in a concurring opinion, noted that the Fourth Amendment does not bar the use of evidence unlawfully obtained. With regard to the power of Congress to legislate in this area, Justice Black stated:

> I agree . . . that the Federal Exclusionary Rule is not a command of the Fourth Amendment but is a judicially created rule of evidence which Congress might negate. *Id* at 39–40.

Between 1949 and 1961, there was no change of the Fourth Amendment. Yet, in 1961 in *Mapp* v. *Ohio* a sharply divided Supreme Court declared that other remedies were ineffective in accruing the protections of the Fourth Amendment, and based upon the dictates of prior cases, the Court stated that the Exclusionary Rule "is an essential part of both the Fourth and Fourteenth Amendments". 367 U.S. 643, 657 (1961). A close reading of that case reveals, however, that only four of the majority concurred in this pronouncement.

Neither the Fourth nor the Fourteenth Amendment has ever been changed by the amendment process. Of course, that process, as provided for in Article V of the Constitution, is the exclusive way to amend the Constitution. As Mr. Justice Frankfurter stated:

> Nothing new can be put into the Constitution except through the amendatory process. Nothing old can be taken out without the same process. *Ullman* v. *United States*, 350 U.S. 422, 428 (1956).

Under Article III of the Constitution, the Supreme Court is only empowered to decide cases and controversies between adverse litigants and to determine what their rights are under the law as it exists at the time of the decision. It follows, therefore, that the Supreme Court has no power whatsoever to add to or subtract from the language of the Constitution. Consequently, the ruling of the Supreme Court in *Mapp* v. *Ohio*, *supra*, did not add the Exclusionary Rule to the Fourth or the Fourteenth Amendment and does not prevent Congress from developing an alternative to it by legislation.

For these reasons, the Committee on Federal Legislation has concluded that the Exclusionary Rule is not constitutionally mandated and that Congress has the authority to adopt a legislative alternative to the Exclusionary Rule. Having concluded that the Exclusionary Rule can be changed by legislative action, the next question which arises is: "Should the Exclusionary Rule be modified?"

SHOULD THE EXCLUSIONARY RULE BE MODIFIED?

The Exclusionary Rule has long been criticized by jurists and legal scholars and in recent years the criticism has intensified. The critics claim that the Exclusionary Rule has not only failed to achieve its stated purposes of deterring improper police conduct and preserving the concept of judicial integrity, but that it has imposed substantial costs to law enforcement and society.

Indeed, it is common knowledge that in most cases where the Rule is applied and evidence suppressed the accused thereby is afforded complete immunity from prosecution. Moreover, there are instances where the Exclusionary Rule has been expanded beyond the criminal law again to produce a result contrary to the truth, *e.g.*, *Powell* v. *Zuckert*, 125 U.S. App. D.C. 55, 366 F. 2d 634 (1966).

At this point, a brief review of the policy bases for the Exclusionary Rule is in order. Returning to *Weeks* v. *United States, supra*, where the Rule was first announced, the Court refused to admit the unlawfully seized evidence in order to preserve the integrity of the judicial process. Under this theory, it was thought that public respect for the judicial process would be eroded if courts entertained evidence which had been impermissibly acquired. It is generally recognized, that a contrary result has obtained. When a charge is dismissed against an obviously guilty person because necessary evidence has been suppressed, the public blames the Court rather than the police. If anything, public confidence in the judicial system has been reduced while support of the police has increased. That there is no continuing vitality to the judicial integrity rationale appears clear in view of the fact that the Court has long held that tangible evidence obtained by an unreasonable intrusion is admissible for impeachment purposes. *Walder* v. *United States*, 347 U.S. 62 (1953). *See also Harris* v. *New York*, 401 U.S. 222 (1971), to the same effect respecting an uncounseled statement. Moreover, the principle of judicial integrity has obviously no relationship to the means whereby evidence which is introduced in Court is obtained. This is implicitly recognized by the consistent rejection of attempts to suppress tangible evidence illegally obtained by private persons. *Burdeau* v. *McDowell*, 256 U.S. 465 (1921); *Barnes* v. *United States*, 373 F. 2d 517 (5th Cir. 1967). The concept of judicial integrity, however, has now given way to the deterrence justification.

The deterrence theory was first enunciated in *Wolf* v. *Colorado, supra*, and subsequent decisions indicate that deterrence of unwarranted police intrusions is the primary justification for retention of the Rule. *Elkins* v. *United States*, 364 U.S. 206 (1960); *Link-Letter* v. *Walker*, 381 U.S. 618 (1965).

Under the deterrence theory, it is thought that the police will receive guidance when evidence is excluded and that this educational process will lead to improved police conduct. Justice Cardozo was an early critic of this theory. Noting that it is society that is punished, not the police officer, Justice Cardozo once stated "The criminal is to go free because the constable has blundered." *People* v. *Defore*, 242 N.Y. 13, 21 (1926), *cert.* denied, 270 U.S. 657 (1926). Professor Wigmore also questioned the wisdom and logic of a rule which reprimands the police officer by freeing the law breaker. He noted that "[o]ur way of upholding the Constitution is not to strike at the man who breaks it, but to let off somebody else who broke something else". 8 Wigmore, Evidence, § 3184 (3d ed. 1940). More recently, Professor Charles Allen Wright concluded that the Exclusionary Rule is ineffective as a deterrent because:

1. The only impact of the Rule is on the trial and much law enforcement activity is carried on without any expectation that it will lead to prosecution and conviction;

2. the police may neither know nor much care about whether a motion to exclude the evidence they have found is ultimately granted; and

3. a police officer will not be deterred from an illegal search if he does not know that

it is illegal. Wright, *Must the Criminal Go Free if the Constable Blunders?*, 50 Texas L. Rev. 736 (April, 1972).

Indeed, in cases where the Exclusionary Rule is not applied until reversal at the appellate level or higher so much time passes that the case is usually "cold" to the police and the decision serves only as another of the unassimilated "lessons" which in all probability cannot be applied by police in the future.

It might be observed in connection with the spate of security frisk cases since *Terry* v. *Ohio*, 392 U.S. 1 (1968), that the deterrence theory can have and will have no impact on an officer who, in good faith, fears for his own safety. The Exclusionary Rule will not ever, nor can it be expected to, defeat the instinct for survival, which naturally prevails in an officer's mind at the time of any potentially combative or hazardous encounter. An officer can never be expected in good conscious to do other than err on the side of survival.

Agreeing with the first proposition, former Chief Justice Warren stated in *Terry* v. *Ohio*, *supra* at 14 (1968), the Exclusionary Rule "is powerless to deter invasions of constitutionally guaranteed rights where the police either have no interest in prosecuting or are willing to forgo successful prosecution in the interest of serving some other goal".

With respect to the second proposition, Chief Justice Burger has noted:

> The presumed educational effect of judicial opinions is also reduced by the long time lapse—often several years—between the original police action and its final judicial evaluation. Given a policeman's pressing responsibilities, it would be surprising if he ever becomes aware of the final results after such a delay. *Bivens* v. *Six Unknown Federal Narcotics Agents, supra*, at 417.

And as to Professor Wright's third proposition, the Chief Justice also has stated that:

> Policemen do not have the time, inclination, or training to read and grasp the new incidences of the appellate opinions that ultimately define the standards of conduct they are to follow. The issues that these decisions resolve often admit of neither easy or obvious answers, as sharply divided courts on what is or is not "reasonable" amply demonstrate. Nor can judges, in all candor, forget that opinions sometimes lack helpful clarity. *Id* at 417.

A recent decision of the Massachusetts Supreme Court expresses this same sentiment. After a careful study of the individual opinions in *Coolidge* v. *New Hampshire*, 405 U.S. 443 (1971), the Massachusetts Court stated:

> Having traveled the length of the high road of the leading Federal judicial precedence without finding any very helpful signs pointing out the present state of the law on the subject of warrantless searches of automobiles, we return to our starting point and make a new start seeking only to determine whether Officer Hughes' search of and seizure from the automobile in this case were "unreasonable" within the meaning of the Fourth Amendment. *Commonwealth* v. *Haefeli*, 279 N.E. 2d 915, 920 (Mass. 1972).

Faced with a similar issue, another Court confessed that only the mind of a medieval scholastic would be capable of gleaning the true rule concerning search and seizure of automobiles from the tangles of Supreme Court and Federal Court of Appeals case law. *United States* v. *Sutton*, 341 F. Supp. 320, 322 (W.D. Tenn. 1972).

Those urging retention of the Exclusionary Rule have argued that since the adoption of the Rule there have been very few egregious cases reported. This example of "improved" police conduct is attributed directly to the Exclusionary Rule. Moreover, they argue that this "improvement" in police conduct has not been at the expense of law enforcement since the number of pleas and convictions continues to increase. Increase they have, but not in proportion to the increase in the crime-committing population. These retentionists have been severely undermined by recent empirical data. Dallin Oaks, in his highly regarded study, *Studying the Exclusionary Rule in Search and Seizure*, 37 U. Chi. L. Rev. (1970), concluded that the Exclusionary Rule has been ineffective as a deterrent. A survey of motion practice in Chicago during 1969 revealed that motions to suppress were granted in as many as 45% of the gambling offenses, 33% of the narcotics offenses, and 24% of the weapons offenses. Oaks, *supra*, at 688. A follow-up study to the Oaks' study shows the figures in 1971 to be 24%, 36%, and 22% respectively. Spiotto, *An Empirical Study of the Exclusionary Rule*, April, 1972 (Unpublished study in University of Chicago Law School Library) (to be published in January issue of Journal of Legal Studies, University of Chicago Law School). Since conviction usually depends upon the admission of the tangible evidence seized, dismissals necessarily result where a motion to suppress has been granted. These dismissals respecting obviously guilty defendants are not ever statistics respecting guilty pleas and convictions.

Not only has the Rule failed to achieve its stated purpose, but it has imposed substantial costs on society in the process. First, the Exclusionary Rule affords no protection or remedy to innocent persons whose Fourth Amendment rights have been infringed. Justice Frankfurter noted that "the exclusion of evidence is a remedy which directly serves only to protect those upon whose person or persons something incriminating has been found." *Wolf* v. *Colorado, supra*, at 30–31. Justice Jackson also observed that the Exclusionary Rule, which "protects one against whom incriminating evidence is discovered, does nothing to protect innocent persons who are the victims of illegal but fruitless searches." *Irvine* v. *California*, 347 U.S. 128, 136 (1954). Indeed, the Rule does not even protect a guilty person if the police or prosecution are willing to forgo prosecution. *Terry* v. *Ohio, supra*.

Next it is clear that the Exclusionary Rule imposes a single, inflexible, and drastic sanction without regard to the nature, circumstances, or degree of police misconduct. Whether an honest mistake or outrageous misconduct, the result is always the same—exclude the evidence even if it means immunity from prosecution. Indeed, in those cases where a police officer, in a good faith effort to comply with the law, secures a warrant which is later found to be technically insufficient, the evidence is excluded and the accused goes free. The evidence is excluded notwithstanding that the decision to search was made by a judicial officer and not by a police officer.

It is submitted that there can be no rational basis for applying the same sanction to an honest mistake and to outrageous misconduct. As Chief Justice Burger stated:

> "Freeing either a tiger or a mouse in a schoolroom is an illegal act, but no rational person would suggest that these two acts should be punished in the same way.
>
> "I submit that society has at least as much right to expect rationally graded responses from judges in place of the universal "capital punishment" we inflict on all evidence when police error is shown in its acquisition." *Bivins* v. *Six Unknown Narcotics Agents, supra*, at 419.

Indeed, in at least two of its landmark decisions in this area the Supreme Court appears to have left room for a measured approach to the degree of intrusion by the police. In *Mapp* v. *Ohio, supra*, the Court spoke in terms of "flagrant abuse" of a Fourth Amendment right. *Id.* at 655. In *Terry* v. *Ohio, supra*, the "traditional responsibility" of courts under the Fourth Amendment was described as that of guarding against "overbearing" or harassing police conduct.

It is also apparent that the Exclusionary Rule deceives the jury and distorts the fact-finding process by suppressing reliable, probative, and truthful evidence. Unlike coerced and thus untrustworthy confessions, tangible evidence is reliable regardless of the manner in which it was seized. Since it is the duty of judges and jurors to determine the truth, the Exclusionary Rule, by suppressing reliable and probative evidence, imposes artificial ignorance on the fact finder or forces him to wear blinders while "determining" the truth.

Chief Justice Weintraub of the New Jersey Supreme Court summed up this anomaly when he said:

> Truth and justice are inseparable. A deliberately false judgment debases the judicial process, and no less so because the false judgment is an acquittal. On a motion to suppress we deal with evidence of guilt, and the purpose of the litigant is to conceal that evidence to the end that he will escape conviction notwithstanding his guilt. Hypothetically, there could be some case in which the evidence sought to be suppressed would falsely suggest guilt, but a judge would be short in realism if he did not understand that the evidence he is asked to suppress is evidence of guilt and that the judgment of not guilty, which will ensue will likely be false. To justify so serious an insult to the judicial process some compensating gain should be incontestable. *State* v. *Bisacci*, 279 A.2d 675, 676 (N.J. 1971).

The Exclusionary Rule has needlessly contributed to the problem of delay in our courts. Time-consuming hearings on motions to suppress often consume as much Court time as the trial itself. *Spiotto*, for example, showed that 34 percent of the Court's time in Narcotics Court in Chicago during 1971 was spent on motions to suppress. Spiotta, *An Empirical Study of the Exclusionary Rule, supra*, at p. 59. It should be remembered that the function of these hearings is not to protect the innocent defendant but rather to view the police officer's conduct in an adversary fashion more appropriate to determining guilt. With its time thus consumed, it is little wonder that the courts and the public doubt the ability of the system to fulfill its principal function of conducting trials in search of the truth.

The foregoing criticisms suggest that the Exclusionary Rule has not fulfilled its intended purpose and that the cost to society has been unwarranted. The immediacy of the need to develop a workable alternative is reflected in the growing judicial dissatisfaction with the Rule and the mounting evidence against its retention. Judge Carl McGowan recently stated "in the present climate, one does not have to declare himself uncompromisingly for or against the Exclusionary Rule to justify an inquiry into feasible alternatives. It's most devoted adherents may find themselves whistling in the dark in failing to do so." See McGowan, Rule Making and the Police, 70 U. Mich. L. Rev. 659, 674 (1972).

For the foregoing reasons, the Committee on Federal Legislation suggests that S. 2657 provides an excellent opportunity for meaningful deliberations and action aimed at correction of the Exclusionary Rule. To this end the Committee urges adoption of Federal legislation which would eliminate the arbitrary application of the Exclusionary Rule and give rise to a rule of reason which takes into account the degree of intrusion into constitutional areas, the motivation for such intrusion, and the effect of an order of suppression on the ultimate determination of guilt. Consideration might be given to imposing strong sanctions upon obviously unreasonable searches and seizures including administrative or even criminal proceedings against law officers responsible for such violations. In such deliberations it may be fruitful to consider virtual elimination of the Exclusionary Rule from all cases in which a warrant has been secured and executed in good faith.

It is also the view of the committee that with a federal legislative modification of the Exclusionary Rule along the lines discussed herein the states would likewise obtain relief from that rule. It should be remembered that in *Mapp* v. *Ohio, supra*, the Supreme Court, after passage of forty-seven years since *Weeks* v. *United States, supra*, concluded "that all evidence obtained in violation of *the Constitution* is, by that same authority, inadmissible in a state court." *Id.* at 655. (Emphasis added.) The supportive rationale in *Mapp* was to obtain equal treatment with the stricture placed on Federal Government. It would seem to follow, therefore, that a valid federal modification of the Exclusionary Rule would by force of the *Mapp* decision permit adoption by the states of a substantially similar solution to the problem without Supreme Court modification of the *Mapp* holding that ". . . [t]he very essence of a healthy federalism depends upon the avoidance of needless conflict between state and federal courts. . . ." *Mapp* v. *Ohio, supra*, quoting from *Elkins* v. *United States*, 364 U.S. 206, 221 (1960) (emphasis supplied).

Signed: Gerald D. Reilly, Frank Nebeker, Howard F. Corcoran, William F. Fay, Wilson Cowan, James A. Belson, Charles L. Decker, Edward A. Tamm

Chairman.

By Mr. HARTKE (for himself, Mr. Talmadge, Mr. Randolph, Mr. Hughes, Mr. Cranston, Mr. Hansen, Mr. Thurmond, Mr. Stafford, Mr. McClure, Mr. Abourezk, Mr. Allen, Mr. Burdick, Mr. Church, Mr. Fulbright, Mr. Gurney, Mr. Humphrey, Mr. McGee, Mr. Metcalf, Mr. Nelson, Mr. Pastore, Mr. Ribicoff, Mr. Roth, Mr. Robert C. Byrd, Mr. Muskie, and Mr. Williams):

S. 882. A bill to amend section 355 of title 38, United States Code, relating to the authority of the Administrator of Veterans' Affairs to readjust the schedule of ratings for the disabilities of veterans. Referred to the Committee on Veterans' Affairs.

Mr. HARTKE. Mr. President, today I introduce legislation to protect the compensation payments of disabled veterans from future arbitrary reductions by requiring congressional approval of any proposed changes. Currently the Veterans' Administration has authority pursuant to section 355 of title 38 to revise the disability rating schedule without any consultation with Congress. As most of you know, less than 1 week ago the Veterans' Administration submitted proposed revisions in the disability rating schedule which were planned to go into effect sometime this April. These revisions, audacious in their insensitivity and unrivaled in their timing, proposed substantial reductions in monthly compensation payments which would fall most heavily on Vietnam combat veterans who have lost their limbs in a war noted for extensive booby-traps and land mines. For example, a veteran whose leg is amputated at the hip currently receive $275 a month. Under the revisions as submitted, his disability compensation payments would be cut back to $106 a month for a loss of $169. If he happened to be married with a child, he would be scheduled to lose another $53 monthly. The fiscal 1974 budget which begins on July 1, indicated that compensation payments would be reduced by a total of $160 million. Examination of the disability rating schedule revealed that these cuts would fall principally on the 350,000 Vietnam veterans entitled to disability compensation payments. World War II and most Korean veterans would not be affected since their disability ratings are frozen by law which takes into account the length of time they have held their ratings.

Given the full implications of the proposed revisions and the unrestricted authority of the executive branch to change the rating schedules at will, it was with a great sense of relief to learn yesterday that the President had become fully apprised of the situation and had ordered the immediate recall of the veterans rating schedule so that it may be given further intensive study.

As pleased as I am with the recall of these revisions, I am all the more convinced of the necessity for the legislation which I introduce today on behalf of myself and each member of the Committee on Veterans' Affairs. First, the submission of these arbitrary proposals indicate clearly that discretion can easily be abused by certain bureaucrats within the executive branch. And, where discretion is abused, it must be curtailed.

Congressional control is clearly called for and would apply to any revision supplied by any administration in the future. Under the bill introduced today, the executive branch would no longer be free to make revisions without the concurrence of Congress. Any proposed adjustments must be formally submitted to Congress and no change would become effective if either House by resolution within 90 days of the submission of these proposals expressed its disapproval of those revisions. This bill, which does not permanently freeze the existing schedule, recognizes that some changes in the rating schedule may be warranted by experience. The disability rating schedule was last revised in 1945 and certainly many disabilities are underevaluated and should be revised upward. There may even be some categories for which minor revisions downward are appropriate. Discussion and consideration of these changes should not be inhibited. What is required, however, by the situation is a check on irresponsible action by faceless bureaucrats with green eyeshades and slide rules. Revisions tempered by humane considerations are one thing; severe cuts are quite another. Congress must be in a position to judge which is which and to exercise its own judgment.

Accordingly, I want to emphasize that this legislation is not a partisan measure; it is one which directs itself to reestablishing a proper relationship between the legislative and executive branches.

Mr. President, I ask unanimous consent that telegrams received from the Veterans of Foreign Wars, Disabled American Veterans, and the American Legion concerning this legislation be printed in the Record, together with a copy of the bill as introduced.

There being no objection, the telegrams and bill were ordered to be printed in the Record, as follows:

Hon. Vance Hartke,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Capitol Hill, District of Columbia:

Many of the provisions of the 1974 Veterans' Administration budget are grossly inadequate and show a callous disregard for the needs of veterans. Most horrendous example is the proposed cut of $160 million to be taken out of the pockets of wounded and disabled Vietnam veterans. This will be accomplished by a proposed revision of the Veterans' Administration rating schedule which determines the amount of disability compensation disabled veterans receive. Since veterans who have been receiving a disability compensation payment for 20 years are protected by an act of Congress.

The proposed $160 million cut will be at the expense of Vietnam veterans? The Veterans of Foreign Wars is urging the President to cancel this proposed revision.

It is understood that Senator Hartke, chairman of your Veterans Affairs Committee, is introducing a bill to freeze the present rating schedule, which bill will have the full support of the Veterans of Foreign Wars.

Any and all efforts on your part to cancel or freeze this proposed revision of the Veterans' Administration rating schedule will be deeply appreciated by the 1.8 million members of the Veterans of Foreign Wars of the United States.

Patrick E. Carr,
National Commander, Veterans of Foreign Wars of the United States.

Senator Vance Hartke,
Chairman, Veterans' Affairs Committee, Capitol Hill, District of Columbia:

A preliminary review of the proposed revision to the Veterans' Administration schedule for rating disabilities reveals a drastic reduction in rating evaluations affecting hundreds of thousands of combat disabled veterans. It is the view of the Disabled American Veterans that such a revision of the schedule for rating disabilities should not be placed into effect unless first approved by the Congress of the United States. The 380,000 members of the Disabled American Veterans respectfully request that you cause legislation to be introduced that would accomplish this purpose.

Charles L. Huber,
National Director of Legislation, Disabled American Veterans.

Hon. Vance Hartke,
Chairman, Senate Committee on Veterans' Affairs, Old Senate Office Building, Washington, D.C.:

The American Legion supports the measure being introduced by you today to require the Administrator of Veterans Affairs to submit any proposed change or readjustment in its schedule for rating disabilities to the Congress. It is my understanding that any such proposal would thereafter become final at the expiration of 90 calendar days of continuous session of Congress unless a resolution is adopted in either House stating in substance that the proposed change is not favored.

Joe L. Matthews,
National Commander,
The American Legion.

S. 882

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 355 of title 38, United States Code, is amended by inserting before the period a comma and the following: "but no change or readjustment in this schedule of ratings may be made by the Administrator after December 31, 1972, unless (1) such proposed change or readjustment is first submitted to the Congress, and (2) neither House of Congress, prior to the expiration of 90 calendar days of continuous session of Congress following the date of submission of the proposed change or readjustment, has adopted a resolution stating in substance that the House does not favor the proposed change or readjustment. For the purpose of this section—

"(1) continuity of session is broken only by an adjournment of Congress sine die; and

"(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of 90-day period."

DISABILITY PAYMENTS FOR VIETNAM VETERANS

Mr. HUMPHREY. Mr. President, I was shocked by recent reports that the Veterans' Administration intended to cut payments for a major category of disabled Vietnam veterans, effective next October.

While President Nixon was well advised to subsequently order the withdrawal of this VA plan for physical disability rating reductions, I am deeply concerned that the presentation of this plan should have been permitted in the first place, and that widespread expressions of congressional and public concern were required to accomplish the return of this plan to the VA for further study.

It is becoming increasingly clear that this plan was only a small part of intended administrative actions by the VA to accomplish budgetary cutbacks, particularly in the areas of VA hospital care, medical research, and hospital construction. It is essential that such intended unilateral actions be made subject to congressional review and consent.

It is the worst kind of fiscal irresponsibility to save money at the expense of the future of thousands of persons who have made such a direct sacrifice in the service of their country.

I find it incredible that precisely at the time American prisoners of war are returning from Vietnam—many of them with physical disabilities that will require long-term treatment and rehabilitation—they are being told by their Government that the benefits which are lawfully due them will be reduced in the name of budgetary austerity.

These proposed cutbacks, reducing Federal costs by $160 million, would have had a direct impact upon some 200,000 Vietnam veterans, who have been victims, for example, of the mines and bobbytraps that have so well characterized this vicious conflict. But we could anticipate a much broader effect upon 2 million disabled veterans, since the VA sets the pattern for many State and local disability payment programs.

I shall continue to oppose such cutback proposals. I am pleased to join the Senator from Indiana (Mr. Hartke), chairman of the Committee on Veterans' Affairs, in introducing proposed legislation to require the consent of Congress to any new change in Veterans' Administration disability payments.

No one disputes the VA recommendation that certain disability ratings, including psychiatric disability, should be increased. But it is economically senseless and inhumane to reclassify a Vietnam veteran amputee to a lower disability rating that cuts off additional compensation for his dependents and other vital benefits. Such regressive policies simply must not be allowed to stand.

By Mr. JACKSON (for himself and Mr. Fannin) (by request):

S. 883. A bill to provide for study of a certain segment of the Oklawaha River for potential addition to the National Wild and Scenic Rivers System. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of myself and the ranking minority member of the Committee on Interior and Insular Affairs (Mr. Fannin), I send to the desk by request a bill to provide for the study of a certain segment of the Oklawaha River for potential addition to the National Wild and Scenic Rivers System.

This legislation was submitted and recommended by the administration.

Two years ago last month the President ordered a halt to further construction of the Cross Florida Barge Canal to prevent potentially serious environmental damage. Following studies, public hearings and reviews, it was recommended that the section between Saint Johns and Dead River Swamp be designated for study for possible inclusion in the National Wild and Scenic Rivers System.

Mr. President, this is a very beautiful river, and I hope we can act early on this legislation.

Mr. President, I ask unanimous consent that the letter of transmittal from the Department of Agriculture accompanying this proposed legislation be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of Agriculture,
Office of the Secretary,
Washington, D.C., January 29, 1973.

Hon. Spiro T. Agnew,
President of the Senate.

Dear Mr. President: Transmitted herewith for the consideration of the Congress is a draft bill "To provide for study of a certain segment of the Oklawaha River for potential addition to the National Wild and Scenic Rivers System."

The Department of Agriculture recommends that the draft bill be enacted.

The draft bill would provide for study of the Oklawaha River in accord with the provisions of the Wild and Scenic Rivers Act.

On January 19, 1971, the President ordered the halt to further construction of the Cross Florida Barge Canal to prevent potentially serious environmental damages. In his statement the President described the Oklawaha River as "a natural treasure . . . a uniquely beautiful, semi-tropical stream, one of a very few of its kind in the United States. . ." The President also asked the Secretary of the Army to work with the Council on Environmental Quality in developing recommendations for the future management of the area. On May 12, 1972, the Council on Environmental Quality and the Department of Army presented joint recommendations for the Cross Florida Barge Canal area. Following in depth environmental studies, public hearings and reviews, it was recommended that the section of the Oklawaha River between St. Johns River and Dead River Swamp be designated as a study river for potential inclusion in the National Wild and Scenic Rivers System. The enclosed draft bill is intended to implement this recommendation.

In connection with the recommendation of the Council on Environmental Quality and the Department of Army, the Forest Service of this Department prepared and published a draft environmental statement relating to management alternatives for the Oklawaha River area. The Forest Service has reviewed and evaluated comments on the draft statement and has prepared a final environmental statement. The final environmental statement evaluates the environmental impacts of a proposed action which includes both administrative and legislative action. This final environmental statement was transmitted to the Council on Environmental Quality on January 16, 1973.

The estimated cost for the proposed study of the Oklawaha River for potential addition to the National Wild and Scenic Rivers System is $175,000.

A similar letter is being sent to the Speaker of the House of Representatives.

The Office of Management and Budget advises that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely,

J. Phil Campbell,
Acting Secretary.

By Mr. HART:

S. 885. A bill to provide financial assistance for the demonstration of fare-free mass transportation and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

FARE-FREE MASS TRANSIT

Mr. HART. Mr. President, mass transportation as a viable private enterprise has virtually ceased to exist. While the average mass transportation fare has roughly tripled since 1945, ridership has been reduced by two-thirds, resulting in virtually no change in the revenues available for mass transportation operation. At the same time, operation costs have skyrocketed.

Mass transportation is rapidly losing out as a means of getting around cities. While there undoubtedly are many reasons for this fact, one factor seems clear—fare box collections have been expected to finance virtually all of the costs of using mass transportation, while there are costs associated with driving not paid by user fees.

Some of these costs have been discussed in a thoughtful study prepared by the Social Planning Division of the Detroit City Planning Commission.

The mobility of the poor, the handicapped, and the elderly has been drastically reduced with the decline of mass transportation. Those urban residents cannot afford to buy automobiles nor to pay increased costs of mass transportation.

Additionally, reduced services and higher fares may discourage others who might take advantage of the bus or the subway to shop "downtown" if adequate service existed at a reasonable cost.

Many people believe the decline of mass transit has adversely affected the well-being of our central cities. To quote a recent editorial in the Detroit Free Press entitled "Why Not Free Mass Transit?"

> Public transportation is as necessary to the life of the community as fully tax supported services. In some ways it is even more essential: potato peelings can be buried in the

back yard or composted, but people cannot walk six miles to work every day.

Some government support of mass transportation is now available under the Urban Mass Transportation Act and numerous subsidy programs at State and local levels. Other partial subsidies have been suggested at the Federal level. The result of these subsidy programs has been reduced fares of varying magnitude with varying increases in ridership.

Yet, little if any attempt has been made to document who has benefited from reduced fares, what the effects on air pollution have been, the extent to which traffic has been reduced, how increased mass transportation use could reduce the need for urban highways, or how the economic base of the central cities might be affected.

Importantly, no city of major size has yet tried a fare-free mass transportation system for any significant length of time. Commerce, California, a city of 10,000, has provided fare-free transportation for some 8 years. Officials there tell us that their system is enormously popular. Of course, a city of this size displays few of the symptoms which plague larger cities.

Rome, Italy, funded fare-free transit for a short period early last year. The New York Times of January 4, 1972, reported that during the first days of the experiment, ridership increased some 30 to 50 percent, admittedly partially reflecting what is described as "frivolous" passengers. But the experiment was short lived as funds ran out.

One major advantage of fare-free mass transportation is that the costs of collecting, protecting, and accounting for fares would be eliminated. These costs have been variously estimated to run from approximately 5 percent of the operating costs of mass transportation to as high as 35 percent in Chicago.

There is enough evidence, in my view, to warrant Federal support for fare-free mass transportation pilot projects.

Briefly, the proposal I introduce today requires the Secretary of Transportaton:

First to enter into contracts or other arrangements for the development, establishment and operation of demonstration projects to determine the feasibility of fare-free urban mass transportation;

Second to select cities on the basis of a failing or nonexistent mass transportation system plus all the other symptoms of central city decay. A high level of innovative service must be provided to determine the extent to which improvements in service might also increase ridership;

Third to conduct detailed studies of the effects of reduced and no-fare transportation to determine the effects on a number of central city problems;

Fourth to make annual reports to the Congress on the progress of the studies. A final report will be required by June 30, 1976, which would include any recommendations DOT might have to implement the findings.

The legislation calls for an annual authorization of $150 million for each of 3 years. The authorization is based on a rather rough computation of the operating cost for the mass transportation systems of eight metropolitan areas with populations ranging from more than 3 million to about 50,000. The eight cities used were the District of Columbia, Detroit, Kansas City, Miami, Cincinnati, Dayton, Charlotte, N.C., and Iowa City, Iowa. The total of the 1972 operating costs for these cities was about $147 million. This by no means infers that these cities should be chosen for the demonstration projects, nor do I suggest the authorization is an absolute. But if no-fare transit is to be given a fair test it does seem as though a good number of cities should be chosen.

Mr. President, I am confident that the automobile will continue to be a major form of transportation for most Americans. Yet, one only needs to be caught in the rush-hour traffic of Detroit, Washington or most any other large American city to appreciate that increased use of mass transit must be developed.

Indeed, as I have already indicated, the city of Detroit has taken the lead in soberly analyzing its transportation systems. The social planning division's report entitled "Urban Transportation and the Detroit Bus System—A Look At Some Basic Equity and Priority Issues With Recommendation for Change" should be read by anyone interested in urban transportation.

Mr. President, I introduce the legislation for appropriate reference and ask unanimous consent that it be printed in the Record at this point, together with the editorial from the Detroit Free Press of January 23, 1973, and a portion of the Detroit City Planning Commission's Social Planning Division report.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fare-Free Mass Transportation Demonstration Act of 1973".

Sec. 2. The Secretary of Transportation (hereinafter referred to as "the Secretary") shall enter into such contracts or other arrangements as may be necessary for research and the development, establishment, and operation of demonstration projects to determine the feasibility of fare free urban mass transportation systems.

Sec. 3. Federal grants or payments for the purpose of assisting such projects shall cover not to exceed ninety per centum of the cost of the project involved, including operating costs and the amortization of capital costs for any fiscal year for which such contract or other arrangement is in effect.

Sec. 4. The Secretary shall select cities or metropolitan areas for such projects in accordance with the following—

(1) to the extent practicable, such city or metropolitan area shall have a failing or nonexistent transit system, a decaying central city, automobile caused air pollution problems, and an immobile central city;

(2) several projects should be selected from cities or metropolitan areas ranging in population from 50,000 to in excess of 1 million;

(3) a high level of innovative service must be provided including the provision of crosstown and other transportation service to the extent necessary for central city residents and others to reach jobs, shopping, and recreation;

(4) to the extent practicable, projects utilizing different modes of mass transportation should be approved.

Sec. 5. The Secretary shall study fare free systems assisted pursuant to this section, and other financially assisted urban mass transportation systems providing reduced fares for the purpose of determining the following:

(1) the effects of such systems on (a) vehicle traffic and attendant air pollution, congestion, and noise, (b) the mobility of urban residents, and (c) the economic viability of central city business;

(2) the mode of mass transportation that can best meet the desired objectives;

(3) the extent to which frivolous ridership increases as a result of the reduced fare or no fare system;

(4) the extent to which the need for urban highways might be reduced as a result of such systems; and

(5) the best means of financing fare or no fare transportation on a continuing basis.

Sec. 6. The Secretary shall make annual reports to the Congress on the information gathered pursuant to section 5 of this Act and shall make a final report of his findings, including any recommendations he might have to implement such findings, not later than June 30, 1976.

Sec. 7. In carrying out the provisions of this Act, the Secretary shall provide advisory participation by interested State and local government authorities, mass transportation systems management personnel, employee representatives, mass transportation rides, and any other persons that he may deem necessary or appropriate.

Sec. 8. There is hereby authorized to be appropriated out of the Highway Trust Fund established pursuant to section 209 of the Highway Revenue Act of 1956 (70 Stat. 397), not to exceed $150,000,000 for each of the fiscal years ending on June 30, 1974; June 30, 1975; and June 30, 1976, respectively, to carry out the provisions of this Act: *Provided,* That funds appropriated under this section shall not be withheld or diminished by the Secretary.

Why Not Free Mass Transit?

In the motor capital of the world, the thought that there are some places that have too many automobiles borders on treason. But many communities feel they have too many now, or soon will have, and they are planning what to do.

Even in areas where motor vehicle traffic is bearable, there is a considerable probability it will be further curtailed by the effects of dwindling world supplies of oil. The U.S. Office of Emergency Preparedness issued a grim warning on this recently and is trying to get over-the-road freight traffic shifted to more efficient rail service, air travelers to trains and buses, and city dwellers from auto to mass transit.

People-movers of some kind will be necessary, whether buses, trains, moving sidewalks or something yet to be dreamed up. But they will cost money to build and operate. Who will pay? The answer the affected communities are considering is: Everybody.

One of the stranger quirks of municipal logic is that an outfit like the DSR should try to make it at the fare box while police protection, garbage pickup, street repair and a number of other public services are a general community responsibility.

Public transportation is as necessary to the life of the community as fully tax-supported services. In some ways it is even more essential. Potato peelings can be buried in the back yard or composted, but people cannot walk six miles to work every day.

The idea of providing public transportation without paying fares at all is under serious consideration in many big cities, from New York to Los Angeles.

It was attempted in Rome last winter for a week and was a smashing success in cutting down traffic congestion. Another two-week experiment was tried in April with the same effect, but not enough financing was provided and the plan was discontinued.

The costs are something to ponder, all right. The U.S. Department of Transportation estimates a nationwide free-transit system at the present level would cost more than $2 billion. The anticipated increased ridership, if such a system were developed, would result in costs of about $10 billion yearly.

But this is peanuts. The Highway Users Federation estimates that the costs of meeting highway and street needs during the next 20 years is going to be $600 billion.

If Detroit and other cities should try free transit it will be necessary to go the whole way. The experience of cities that have tried reduced fares to create more ridership and less traffic, such as Atlanta and Denver, is that the cost of collection is not worth the income obtained.

But the thought of what such a program might do for the cities is boggling. No competition for expensive parking. Less wear and tear on the streets and highways. No jam-ups daily on the Lodge.

The problems of the cities of tomorrow are not going to be solved only by providing fast, economical transportation with thorough coverage of the communities. But it is an important area of concern. Whether a person has to move around or not, he may well have to pay his share of the cost of public transportation to have a liveable city.

Detroit Social Planning Division Report

As has already been pointed out, the prevailing attitude in this country regarding public transportation has been that it should be entirely self-supporting financially. This stands in direct contrast to the national attitude regarding private automobile transportation. Thus, a basic point to be made here is that one justification of the subsidization of public transportation is on the grounds that private transportation has always been subsidized in many ways.

One of the principal forms which this subsidization takes is what might be called internal subsidization within the automobile-user revenue system. This results from the fact that user revenues are collected on a general basis but applied on a disproportionate specific basis. A primary example of this is the tremendous amount of highway construction undertaken to meet peak hour demands. A large portion of the funds used to build these facilities are revenues from such relatively general user sources as federal excise taxes, gasoline taxes, and state registration receipts, but the benefits from these facilities accrue to only a specific segment of the driving population, namely the work-trip automobile commuters who use them during peak hours. An example of the magnitude of this situation is that in 1961 highway related expenditures in the nation's 43 largest cities totalled $676 million while highway related revenues were less than half of this or $305 million. Thus all other drivers (as well as the public in general) subsidized the enormous facilities needed to meet the demands of specific urban automobile commuters.

We accept the subsidization of urban commuters—by virtue of the fact that we are doing it—but only if they drive cars!

Aside from internal subsidies through the transfer of user revenues, there are also significant subsidies to automobile transportation facilities from general revenue sources. Although there have been few systematic studies in this area, one study of the Philadelphia metropolitan area is quite revealing:

> . . . in 1957, total motor-vehicle charges allocable to use in Philadelphia (collected by all levels of government) amounted to $30 million, whereas highway and related expenditures by all levels of government on facilities within the city amounted to $46 million. (These estimates do not include interest charges on the value of most of the land used for streets and highways.) Thus motor-vehicle use paid for only about two-thirds of the costs of motor-vehicle facilities in 1957. But this is not all of the story. Of the $46 million expenditures, $35 million was spent by the city itself; of this $35 million, only $6.5 million was financed by user charges (chiefly parking meters) and by grants from state and federal highway funds, leaving $28.5 million to be financed from general revenue sources. There is no reason to think this situation is not typical of many large central cities, and particularly in high density areas.

Other subsidies to automobile transportation include such items as traffic control, street cleaning, and snow removal which are included in city budgets under police, sanitation, and public works, and are not paid for out of automobile user revenues but from general revenue sources.

Probably the most significant subsidies to the automobile transportation system, the costs of which are borne by all of us, are the indirect costs discussed in Section III which include congestion and the many costs resulting therefrom, traffic accidents, air pollution, aesthetic costs, and the many social costs. Such costs are very great and no tallying of subsidizations to automobile transportation can be complete without in some manner considering them.

There seems to exist a sort of vicious circle regarding automobile subsidizations: road building solutions to traffic congestion problems usually simply lead to more congestion, requiring more road building, and so forth. This phenomenon of supply creating its own demand is described by John Dyckman as follows:

> To borrow a concept from economics, in motoring facilities there is a "Say's Law" of accommodation of use to supply. Additional accommodation creates additional traffic. The opening of a freeway designed to meet existing demand may eventually increase that demand until congestion on the freeway increases the travel time to what it was before the freeway existed.

Aside from the argument that public transit subsidization is justifiable on grounds that competing private transportation is heavily subsidized, the hard fact is that public transit desperately needs some sort of subsidy if it is to continue to exist.

The gradual decline, both in quality and quantity, of public transportation over the years is more than obvious. Service has become more sporadic and in many cases eliminated altogether; equipment is less frequently replaced (especially on rail systems) and less reliable; and fares have increased astronomically while patronage has plummeted.

Theodore Kheel describes a "vicious circle" in this regard:

> The drop in riding on mass transit creates a financial hardship for the bus, subway, or commuter railroad companies. This they are forced to solve either by hiking the fare or cutting service. Either way, the result is a further drop in riding on mass transit and further increase in the use of private cars. This in turn multiplies traffic, slows bus transportation and thereby induces an additional switch from mass to private transportation. In a short while, the bus, subway, or commuter rail lines are again faced with the necessity of either increasing the fare or decreasing service. And so on, over and over again.

As many cities are finding out, subsidies are needed to break this cycle, especially in view of the fact that the people hurt most by the problems of the mass transit industry are those who can least afford it, namely the lower-income inner-city residents. Not only do these people pay ever-increasing fares for ever-decreasing service, they also pay "more and more taxes along with higher prices to help retailers, merchants, and suppliers pay higher taxes, to support the highways and other improvements which bring in more and more cars, thereby slashing still further the dwindling revenues of mass transit lines and forcing newer fare rises."

Mass transit is as much a public necessity as sanitation, police protection, and education, and can have the same overall community benefits. We do not look upon public revenues for school systems as subsidies since the entire community benefits from better educated citizens. Likewise, we should consider public transportation—which can, for instance, provide the mobility necessary for better job opportunities, thereby increasing the (taxable!) income of inner-city residents and at the same time reducing public assistance for many families—as an equally essential municipal service.

Because of the benefits to the overall community of good public transit, many of the more progressive communities today are proposing and trying various types of subsidies:

Mayor Sam Marcell of Atlanta recently proposed a free-fare transit system to be financed by a one percent sales tax. The tax was approved November 10, 1971, to finance an expanded transit system. Fares are to be lowered from 40¢ to 15¢.

New York, Philadelphia, Boston, and San Francisco, as well as several smaller areas, contribute substantial financial support to mass transit systems from general revenue resources. (Detroit does this also but not on a scale sufficient to offset operating deficits or make possible a reasonable fare structure).

The city of Rome, on December 30, 1970, eliminated all fares on its public transit system, on a trial basis, to increase ridership and reduce traffic congestion. Results are encouraging; ridership was up 30–50 percent as of January 4, 1972, according to that day's New York *Times*.

Terre Haute, Indiana recently improved bus service and cut fares from 25¢ to 15¢. Patronage has nearly doubled and revenues are as high now as before the fare cut. Their goal is a free-fare system.

Charles River Associates of Massachusetts recently published a book entitled Free Transit which seriously examines the feasibility of providing free transit throughout the country.

Bronx Borough President Robert Abrams and others are fighting for free public transit in New York to be financed by a city income surtax. The proposal has been "heartily endorsed" by legislators and community leaders.

Detroit City Councilman Nicholas Hood recently proposed free fares for the DSR. "We pick up garbage free so why not people?" (Detroit News, February 3, 1971)

At the recent White House Conference on Aging, free mass transit for everyone is being "vigorously promoted".

The Greater London Council has recently proposed that subways and buses in London be free to the public.

On November 15, 1970, Chicago Transit Authority Chairman Michael J. Caffrey announced that he favors no-fare transportation in the city's central business district.

Honolulu now has free-fare transit for the elderly, and the City Council is now considering extending the same exemption to all schoolchildren.

Commerce, California has had a free-fare bus system for the past eight years.

In Paris, the Metro fares have been frozen; subsidies come from a 1.5 percent tax on corporate profits.

Next year, Munich will provide unlimited no-fare access to all mass transit for only $2.50 a month.

These and other examples seem to indicate that a new consciousness is emerging. Cities are beginning to realize that broad-based public financial support in one form or another is essential if we are to maintain, much less improve, urban mass transportation.

By Mr. MONDALE:

S. 886. A bill to provide for the control of noise along existing Federal-aid highways. Referred to the Committee on Public Works.

Mr. MONDALE. Mr. President, I am today introducing a bill to amend the Federal Highway Act to provide authority for the Secretary of Transportation to fund noise control projects along existing Federal-aid highways. This measure is identical to H.R. 529 introduced in the House by Representative Donald M. Fraser on January 3, 1973.

Under the Federal highway law enacted in 1970, the Congress called for the promulgation of highway noise level standards and required all projects approved after July 1, 1972, to implement the standards. My bill would make the standards applicable to projects approved before July 1, 1972—all Federal-aid systems—and would permit funds authorized for any of the Federal-aid systems to be used for noise abatement projects, including the acquisition of additional rights of way, construction of physical barriers, landscaping, resurfacing, and installation of noise insulation on existing buildings.

Highway noise is a serious and rapidly growing problem. People living near major highways are frequently subjected to decibel levels approaching the point where prolonged exposure can cause permanent loss of hearing. In addition, noise from freeways can interfere with ordinary conversation, disturb sleep, and relaxation, be a source of annoyance, influence mood, and otherwise detract from the quality of life.

Urban dwellers especially suffer from the effects of harmful levels of freeway noise—noise which interferes with their daily lives, diminishes the value of their property, and too often jeopardizes their health. While the Highway Act currently provides funding to reduce noise along future highways, my bill will extend the authority of the Secretary of Transportation to reduce noise levels in neighborhoods adjacent to existing Federal-aid highways.

Through use of methods such as those authorized under my bill, it would be possible to achieve a reduction in noise for residents near existing highways of up to 90 percent. Federal money would be made available for financing noise abatement projects on a 90–10 basis for highways that are part of the Interstate System, and on a 70–30 basis for other Federal-aid highways after July 1, 1973.

In recognition of the need to alleviate the effects of excessive freeway noise, the House of Representatives last year approved an amendment offered by my colleague from Minnesota, Representative Donald M. Fraser, as part of H.R. 16656, the Federal-Aid Highway Act of 1972. The House and Senate conferees on the highway bill subsequently adopted the Fraser amendment, and it was passed by the Senate as part of the conference report on this measure. However, the report did not reach a vote in the House prior to adjournment, and new legislation must now be considered by the Congress.

In commenting on the noise abatement amendment, former Secretary of Transportation Volpe stated in a letter to Chairman Randolph of the Senate Public Works Committee on October 10, 1972:

> We support the laudable objectives of this provision. Although we recognize that this provision is discretionary and does not make noise reduction projects mandatory, absent Congressional intent to the contrary, we would apply this provision to eliminate only the most aggravating noise problems on the Federal-aid system.

Mr. President, I urge the support of my colleagues for this important noise control measure and hope that it will be approved this year as part of the 1973 highway bill.

I ask unanimous consent that the full text of my proposal be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (i) of section 109 of title 23, United States Code, is amended by adding at the end thereof the following: "The Secretary after consultation with appropriate Federal, State, and local officials, may promulgate standards for the control of highway noise levels for highways on any Federal-aid system for which project approval has been secured prior to July 1, 1972. The Secretary may approve any project on a Federal-aid system to which noise-level standards are made applicable under the preceding sentence for the purpose of carrying out such standards. Such project may include, but is not limited to, the acquisition of additional rights-of-way, the construction of physical barriers, and landscaping. Sums apportioned for the Federal-aid system on which such project will be located shall be available to finance the Federal share of such project. Such project shall be deemed a highway project for all purposes of this title."

By Mr. ROBERT C: BYRD (for Mr. Magnuson) (by request):

S. 887. A bill to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory and depredating animals; to establish a program of research concerning the control and conservation of predatory and depredating animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes. Referred to the Committee on Commerce.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. Magnuson), by request, I introduce, for appropriate reference, a bill to be cited as the "Federal Animal Damage Abatement Act of 1973." I ask unanimous consent that a statement, prepared by Mr. Magnuson, be printed in the Record. I also ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill and statement were ordered to be printed in the Record, as follows:

S. 887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Animal Damage Abatement Act of 1973".

Sec. 2. For the purpose of this Act—

(a) the term "person" means any individual, organization or association, including any department, agency, or instrumentality of the Federal Government, a State government, or a political subdivision thereof;

(b) the term "State" means the several States of the Union, Puerto Rico, Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the District of Columbia, but shall not include any political subdivision of the foregoing entities;

(c) the term "chemical toxicant" means any chemical substance which, when ingested, inhaled, or absorbed, or when applied to, or injected into the body, in relatively small amounts, by its chemical action may cause significant injury or illness, or death to animals or man, but excluding those chemical substances that interfere with reproduction, attract or repel animals, or deplete the oxygen temporarily within a restricted area thus causing death by asphyxiation.

(d) the term "predatory animal" means any wild mammal which habitually preys upon other animals;

(e) the term "depredating animal" means any non-predatory wild mammal other than wild populations of even-toed ugulates (*Artiodactyla*) which may cause damage to agricultural or natural resources;

(f) the term "secondary poisoning effect" means the result attributable to the field use of a chemical toxicant that, when ingested, inhaled, absorbed, or when applied to or injected into an animal, is retained in the animal's tissue, or is otherwise retained by the animal, in such a manner and quantity that the tissue itself or the retaining part, through the chemical action of the chemical toxicant, may cause significant injury or illness, or death to man or other animals if ingested by them;

(g) the term "field use" means any use on rural lands not in or immediately adjacent to occupied buildings; and

(h) the term "animal" includes mammals, birds and reptiles.

Sec. 3. (a) In order to assist the States in controlling damage caused by predatory and depredating animals, and in order to encourage the use by States of animal damage control methods which are consistent with accepted principles of wildlife management and the maintenance of environmental quality, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to conduct directly or by agreement with qualified agencies or institutions, public and private, a program of research which shall concern the management and conservation of predatory and depredating animals and the abatement of damage caused by such animals. Research objectives, and the program of research authorized by this subsection, shall be developed by the Secretary in cooperation with the affected States.

(b) The program of research authorized by subsection (a) hereof shall include, but need not be limited to (1) the testing of methods in use for the management and control of predatory and depredating animals and the abatement of damage caused by such animals; (2) the development of effective methods for management and control of predatory and depredating animals, which methods shall contribute to the maintenance of environmental quality and conserve, to the greatest degree possible, the Nation's wildlife resources, including predatory and depredating animals; (3) the improvement of techniques for and the maintenance of a continuing inventory, in cooperation with the States, of the Nation's predatory and depredating animals; (4) the development of methods for and the identification of losses caused by predatory and depredating animals; and (5) the development of means by which to disseminate to States the findings of studies conducted pursuant to this section.

(c) The Secretary is authorized to conduct such demonstrations of methods developed pursuant to subsection (b) and to provide such other extension services as may be reasonably requested by the State.

SEC. 4. (a) In furtherance of the purposes of this Act, the Secretary is authorized to provide financial assistance to any State, on an annual basis, for administration by the State of a program for the management of predatory and depredating animals. To qualify for assistance under this section, any such State program must be reviewed by the State agency designated for wildlife management and be found by the Secretary to meet such standards as he may, by regulation, establish: *Provided, however,* That the Secretary shall not approve any such State program which (1) proposes to use funds derived under this section for the payment of bounties, (2) entails the field use of any chemical toxicant for the purpose of killing predatory animals, or (3) entails the field use of any chemical toxicant that causes any secondary poisoning effect, for the purpose of killing animals, including but not limited to predatory or depredating animals: *Provided further, however,* That he may approve a State program which entails such emergency use of a chemical toxicant, including use of a chemical toxicant that causes a secondary poisoning effect, as he may authorize, for the protection of human health or safety, for the preservation of one or more fish or wildlife species or subspecies threatened with extinction throughout all or a significant portion of its range or likely within the foreseeable future to become so threatened, or for the prevention of substantial irretrievable damage to nationally significant resources.

(b) An annual payment under subsection (a) hereof may be made to any State in such amount as the Secretary may determine: *Provided, however,* That no such annual payment shall exceed an amount equal to 75 percent in each of the first two years or 50 percent in each of the succeeding fiscal years of the cost of the program approved under subsection (a) hereof: *And Provided further,* That no such annual payment to any State shall exceed $300,000 in each of the first two fiscal years following enactment, or $200,000 in each of the succeeding fiscal years following enactment. No payment otherwise authorized by this section shall be made to a State whose share, in whole or part, of the cost of the program approved under subsection (a) hereof is to be paid from funds not appropriated or otherwise authorized by its legislature: *Provided, however,* That not more than 10 percent of the State share may be from funds derived from sale of hunting, fishing and trapping licenses or permits.

(c) The Secretary may at the request of a State which proposes a program under subsection (a) hereof conduct such operational programs for the control of predatory and depredating animals as he may deem necessary or desirable. Such operational assistance may be terminated in a State not having statutory authority to implement a program under subsection (a) hereof not earlier than 120 days after adjournment of the first regular legislative session of such State which follows enactment hereof.

(d) The head of a Federal department, agency, or establishment may cooperate with a State in the conduct of a mutually acceptable program for the management of predatory and depredating animals on lands subject to his jurisdiction: *Provided,* That such program is reviewed by the State agency designated for wildlife management: *And Provided further,* That such program is otherwise consistent with the provisions of this Act.

SEC. 5. (a) No person shall (1) make field use of any chemical toxicant on any Federal lands for the purpose of killing predatory animals; or (2) make field use on such lands of any chemical toxicant that causes any secondary poisoning effect, for the purpose of killing animals, including but not limited to predatory or depredating animals: *Provided, however,* That nothing in this section shall be deemed to affect the administration of lands held in trust for Indians.

(b) Notwithstanding subsection (a) hereof, the head of a Federal department, agency, or establishment may authorize on lands subject to his administrative jurisdiction the emergency field use of a chemical toxicant for the purpose of killing predatory animals or of a chemical toxicant that causes a secondary poisoning effect, for the purpose of killing animals, but only if in each specific case he makes a written finding, following consultation with the Secretaries of the Interior, Agriculture, and Health, Education, and Welfare, and the Administrator of the Environmental Protection Agency, that an emergency exists that cannot be dealt with by means which do not involve use of chemical toxicants, and that such use is essential—

(1) to the protection of human health or safety;

(2) to the preservation of one or more fish or wildlife species or subspecies threatened with extinction throughout all or a significant portion of its range or likely within the foreseeable future to become so threatened; or

(3) to the prevention of substantial irretrievable damage to nationally significant resources.

(c) Any person who willfully violates this section or any regulation promulgated under this section, shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

SEC. 6. Heads of Federal departments, agencies, or establishments are hereby authorized to issue such regulations as may be necessary to carry out the purposes of this Act.

SEC. 7. There is hereby repealed in its entirety the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426(b)), pertaining to the eradication and control of predatory and other wild animals.

SEC. 8. Prior to five years from the date of enactment, the Secretary shall submit to the President and the Congress a report which evaluates the status of the programs authorized by this Act and makes such recommendations concerning these programs as he deems appropriate.

SEC. 9. Nothing in this Act shall be construed as superseding or limiting the authorities and responsibilities of the Administrator of the Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 973) as amended (7 U.S.C. 135 *et seq.*).

SEC. 10. Nothing in this Act shall be construed as superseding or limiting the authorities and responsibilities of the Secretary under the Migratory Bird Treaty Act (40 Stat. 755–757) as amended (16 U.S.C. 703–711), under the Fish and Wildlife Act of 1956 (70 Stat. 1119–1124) as amended (16 U.S.C. 742), or under the Act of December 15, 1971 (85 Stat. 649–651, 16 U.S.C. 1331–1340), dealing with the protection, management, and control of wild horses and burros on the public lands.

SEC. 11. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

REMARKS OF SENATOR MAGNUSON

Mr. President, I am pleased to introduce the legislation recommended today by the President for research on the ecology of predators and for a program controlling the damage they cause.

There has been no legislative action by the Senate since the Executive Order banning poisons on Federal lands on February 10, 1972. Hearings have been scheduled on this and related proposals for February 28th and March 2nd.

By Mr. ROBERT C. BYRD (for Mr. MAGNUSON) (by request):

S. 888. A bill to be known as the "Toxic Substances Control Act of 1973." Referred to the Committee on Commerce.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. MAGNUSON), by request, I introduce, for appropriate reference, a bill to be cited as the Toxic Substances Control Act of 1973. I ask unanimous consent that a statement, prepared by Mr. MAGNUSON, be printed in the RECORD. I also ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill and statement were ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Toxic Substances Control Act of 1973."

POLICY

SEC. 2. Whereas the American people are being exposed to a large number of chemical substances each year, and

Whereas among the many chemical substances constantly being developed are some which may be a danger to human health or the environment, and

Whereas the effective regulation of interstate commerce in such chemicals necessitates the regulation of transactions in such chemicals in intrastate commerce as well;

Therefore, it is the policy of the United States that new chemical substances and toxic or potentially toxic chemical substances should be adequately tested with respect to their safety to man and the environment; and that such testing should be the responsibility of those who produce such chemicals; and

That adequate authority should exist to restrict the distribution and use of chemicals found to be toxic; and to seize chemical substances that pose imminent hazards;

That such authority over chemicals be exercised in such a manner as not to unduly impede technological innovation while fulfilling the primary purpose of this Act to assure that such innovation and commerce does not endanger human health or the environment.

DEFINITIONS

SEC. 3. (a) "Administrator" means the Administrator of the Environmental Protection Agency.

(b) "Chemical substance" means any organic or inorganic substance of a particular molecular identity or any uncombined chemical radical or element or any mixture which (1) occurs naturally, or (2) is produced by an industrial chemical process and which is marketed or used without separation into its constituents.

(c) "New chemical substance" means any chemical substance which is not produced in commercial quantities or imported into the United States on the effective date of this Act.

(d) "Existing chemical substance" means any chemical which is being produced in commercial quantities or imported into the United States on the effective date of this Act.

(e) "Manufacturer" means any person engaged in the production or manufacture of chemical substances for purposes of sale or distribution in commercial quantities, or any person engaged in the import of chemical substances.

(f) "Processor" means any person engaged in the preparation of a chemical substance for distribution or use either in the form in which it is received or as part of another product, as defined by regulations of the Administrator.

(g) "Restrict use or distribution" means to prescribe the amount sold to given types of processors, or to limit the type of processor to whom a substance may be sold, or to prescribe the amount which may be utilized by a given type of processor, or to prescribe quality control standards related to the presence of toxic contaminants.

(h) "Byproduct" means a chemical substance produced as a direct result of the production, manufacture, or processing of some other chemical substance which is subject to the provisions of this Act.

(i) "Environment" includes water, air, land, all plants and animals living therein, and the interrelationships which exist among these.

(j) "Animal" means all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish.

(k) "Protect health and the environment" means protection against any injury to man and protection against any substantial adverse effects on environmental values, taking into account the public interest.

(e) "District court of the United States" includes the District Court of Guam, the District Court of the Virgin Islands, the District Court of the Canal Zone, and in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii, which court shall have jurisdiction over actions arising under this Act.

RESTRICTIONS ON USE OR DISTRIBUTION

Proposal to Adopt Restrictions

SEC. 4. (a) For any chemical substance produced in commercial quantities, after evaluating all information developed by or otherwise provided to or made available to him, and after referring the matter to a committee in accordance with section 10, the Administrator may publish proposed regulations to—

(1) restrict or prohibit the use or distribution of the chemical substance to the extent necessary to protect health and the environment; and

(2) require that any or all persons engaged in the distribution of the substance so regulated give notification to purchasers of the substance of such restriction in such form or manner as the Administrator deems advisable including labeling requirements; and

(3) require such other action as may be necessary to carry out such restrictions including prohibiting or restricting the sale, use, or removal of such substance or product.

Objections, Notice, Hearing, Final Order

(b)(1) On or before the thirtieth day after the day on which the proposed regulations under subsection (a) are made public, any person who will be adversely affected by such regulations if placed in effect may file objections thereto with the Administrator specifying with particularity the provisions of the regulations deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections.

(2) After such request for a public hearing, the Administrator, after due notice, shall upon request by a manufacturer or processor, and may, in his discretion, upon request by any other person adversely affected by such order, hold such a public hearing for the purpose of receiving evidence relevant and material to the issues raised by such objections. At the hearing, any interested person may be heard in person or by representative.

(3) As soon as practicable after the date for completion of the filing of objections and comments, and the hearing, if any such hearing has been held, the Administrator shall by order act upon such objections, if any, and make public an order promulgating, modifying, or withdrawing the proposed regulations issued under paragraph (a)(1). Such order shall be based only on the evidence of record and shall set forth, as part of the order, detailed findings of fact on which the order imposing restrictions is based and the relationship of such finding to the restrictions imposed. Such order must be based on the Administrator's finding that such regulations are necessary to protect health and the environment and that the proposed action is necessary to carry out the objectives of this Act. In making such a finding the Administrator shall consider all relevant factors including: the effects on human health and the environment of the substance or its byproducts; the benefits to be derived from the use of the substance as compared with the risks; the normal circumstances of use; the degree to which release of the substance or byproducts to the general environment is controlled; and the magnitude of exposure of humans and the environment to the substance or its byproducts. The Administrator shall specify in the order the date on which it shall take effect, except that it shall not be made to take effect prior to the ninetieth day after its publication.

Modification or Rescission

(c) Manufacturers or processors of a chemical substance affected by final regulations issued pursuant to this section may petition the Administrator for modification or rescission of the regulation. The Administrator may at any time modify or rescind such regulations. Proceedings respecting petitions from manufacturers or processors or respecting modifications or rescissions made by the Administrator shall be held in accordance with the standards and procedures established by this section, except that the Administrator may or may not, in his discretion, provide for a hearing regarding such modifications or rescissions.

Judicial Review

(d)(1) Any person who will be adversely affected by an order issued under subsection (b) or (c) of Section 4 if placed in effect may at any time prior to the ninetieth day after such order is issued file a petition with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review of such order. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Attorney General and the Administrator or other officer designated by him for that purpose. The Administrator thereupon shall file in the court the record on which he based his order, as provided in section 2112 of title 28 of the United States Code.

(2) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the record before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator and to be adduced upon the hearing, in such manner and upon such terms and conditions as to the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original order, with the return of such additional evidence.

(3) Upon the filing of the petition referred to in subsection (d)(1), the court shall have jurisdiction to affirm the order, or to set it aside in whole or in part, temporarily or permanently. If the order of the Administrator refuses to issue, amend, or repeal a regulation and such order is not in accordance with law the court shall by its judgment order the Administrator to take action, with respect to such regulation, in accordance with law. The findings of the Administrator as to the facts shall be sustained if based upon substantial evidence on the record considered as a whole.

(d) The judgment of the court affirming or setting aside, in whole or in part, any such order of the Administrator shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

IMMINENT HAZARD

SEC. 5. (a) An imminent hazard shall be considered to exist when the evidence is sufficient to show that a use or distribution of a chemical substance creates a hazard to human health or the environment (1) that should be corrected immediately to prevent injury to health and (2) that should not be permitted to continue while an administrative hearing or other formal proceeding is being held.

(b) If the Administrator has reason to believe that an imminent hazard exists he may request the Attorney General to petition an appropriate district court of the United States to restrain the uses or distribution of the chemical substance responsible for the hazard or require that stocks of such substances be recalled by the manufacturer from wholesalers, retailers, and other distributors. Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of proceedings pursuant to section 4 of this Act. Such proceedings shall be initiated contemporaneously with the request of the Administrator to take action under this subsection. Such proceedings shall be deemed to be initiated when he has referred the matter to a committee under section 10.

(c) The initiation of any proceedings or actions under section 4 shall not prevent the Administrator from initiating action under this section if he has reason to believe that an imminent hazard exists.

TESTING

SEC. 6. (a) As soon as practicable after enactment of the Act, and from time to time thereafter, the Administrator shall, after referral to the Toxic Substances Board, for various classes and uses of chemical substances, prescribe by regulation standards for test protocols, and for the results to be achieved therefrom, as are necessary to protect health and the environment. He shall afford opportunity for submission of written comments, and upon request of any affected person, a public hearing with respect to any such proposed regulation, and such regulation shall be based upon substantial evidence of record in such proceeding. He may supplement, modify, or withdraw any such regulation in the same manner. Except as provided in subsection (b), regulations promulgated pursuant to this section shall be applicable only to new chemical substances. The promulgation of regulations to a particular chemical substance under this section shall not preclude action with respect to such substance under section 4. A regulation under this section may require that a manufacturer or processor of the chemical substance or class of substances perform the test called for in the regulation. In the case of a substance or class of substances for which there is more than one manufacturer, or processor, such manufacturers or processors, may designate one or more of their number, or designate a qualified third party, to perform tests required under this section, and may share the costs of such tests.

(b) (1) Upon a determination that an existing chemical substance (or class of substances) may pose an unreasonable threat to health or the environment, the Administrator may promulgate regulations under subsection (a) of this section if he has not previously done so.

(2) The failure of a manufacturer or processor, of a substance to comply with regulations promulgated under this section shall relieve the Administrator in any proceeding under Section 4 from establishing that any restriction or prohibition proposed by him to be imposed against such manufacturer or processor under Section 4 is necessary to protect health and the environment, and any such proposed restriction or prohibition shall apply pending the outcome of proceedings under Section 4 as if a final regulation were in effect.

REPORTS

SEC. 7. (a) The Administrator may by regulation require any or all manufacturers or processors of chemical substances to report to him annually or at such more frequent times as the Administrator may reasonably require as to any or all of the following—

(1) The names of any or all substances produced or used by the manufacturer or processor;

(2) The chemical identity and molecular structure of such substances;

(3) The categories of use of each such substance, insofar as they are known to him;

(4) Reasonable estimates of the amounts of each substance produced by him for each such category of use; and

(5) A description of the byproducts, if any, resulting from the production of such substance, and, insofar as they are known to him, from the use thereof.

(b) Whenever the Administrator determines that such action is necessary to accomplish the purposes of this Act, he may direct manufacturers of a chemical substance to provide, within a specified period of time not to be less than thirty days, the results of any tests on the health or environmental effects of the substance or its byproducts which have been performed by or at the instance of the manufacturer or such results as are otherwise known to him, and any or all of the items of information listed in subsection (a).

(c) Whenever the Administrator determines that such action would be productive and desirable to allow him to carry out his responsibilities and authorities under this Act, he may by publishing a notice in the Federal Register invite and afford all interested persons an opportunity to provide in writing information respecting the health or environmental effects of the substance or its byproducts.

SEIZURE

SEC. 8 (a) Any chemical substance which the Administrator finds (1) is manufactured, processed, used, or distributed in violation of any regulation issued under section 4 or 6 and (2) of itself constitutes an imminent hazard shall be liable to be proceeded against while in commerce, or at any time thereafter, on libel of information and condemned in any district court of the United States within the jurisdiction of which the article is found. Such substance shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this section shall conform, as nearly as may be to, the procedure in admiralty; except that on demand of either party any issue of fact joined in any such case shall be tried by jury.

(b) Any substance condemned under this section shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this section, direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States; but such substance shall not be sold under such decree contrary to the provisions of this Act or the laws of the jurisdiction in which sold: *Provided,* that after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such substance shall not be sold or disposed of contrary to the provisions of this Act or the laws of any State or Territory in which sold, the court may by order direct that such substances be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this Act under the supervision of an officer or employee duly designated by the Administrator, and the expenses of such supervision shall be paid by the person obtaining release of the article under bond.

(c) When a decree of condemnation is entered against the article, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article.

RELATIONSHIP TO OTHER LAWS

SEC. 9. (a) This Act shall not apply to—

(1) economic poisons subject to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, and chemical substances used solely in such poisons: *Provided,* That if a chemical substance which constitutes such a poison or such and ingredient is or may be used for any purpose which is not regulated by the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, this Act shall apply to such other uses.

(2) foods, drugs, devices, and cosmetics subject to the Federal Food, Drug, and Cosmetic Act, as amended, foods subject to the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act; and toys, articles and other substances subject to the Federal Hazardous Substances Act, or products regulated pursuant to the Consumer Product Safety Act of 1972: *Provided,* that this Act shall apply to any use of such a product or component thereof not regulated under such Acts.

(3) any source material, special nuclear material, or byproduct material as defined in the Atomic Energy Act of 1954, as amended, and regulations issued pursuant thereto by the Atomic Energy Commission;

(4) the authority of the Secretary of the Department of Transportation to establish rules and regulations for the transportation of hazardous materials.

(b) To the extent that such activities are subject to regulation under the Occupational Safety and Health Act of 1970, the Administrator shall not regulate the use or distribution of a new or existing chemical substance on the basis of any possible hazard to employees in their place of employment. If it appears to the Administrator that any such substance may pose a hazard when transported for any purpose subject to subsection (a) of this section or when used or may be a hazard to employees in their place of employment, he shall transmit any data received relevant to such hazards to the Federal department or agency with authority to take legal action if a hazard is found to exist.

(c) The Administrator shall coordinate actions taken under this Act with actions taken to enforce the Federal Water Pollution Control Act as amended and the Clean Air Act as amended, and shall, where appropriate, use the authorities contained in those Acts to regulate chemical substances.

(d) The Administrator shall make every effort to maintain close coordination with the Department of Health, Education, and Welfare and other appropriate Federal agencies in administering the provisions of this Act.

(e) This Act shall not be construed as superseding or impairing the provisions of any other law or treaty of the United States.

TOXIC SUBSTANCES BOARD

SEC. 10. (a) There shall be established in the Environmental Protection Agency a Toxic Substances Board consisting of a reasonable number of scientifically qualified persons. The Administrator shall appoint as the members of the board the persons nominated to him by the National Academy of Sciences except that the Secretary of Health, Education, and Welfare shall appoint one member of the Board from whatever source he desires. One of the members may be designated at any time by the Director of the National Academy of Sciences to serve as Chairman of the Board.

(b) The National Academy of Sciences, in consultation with the Board, shall establish, maintain, and publish a continuing list of qualified scientists, including experts in the areas likely to be covered by this Act. Such scientists shall be consultants to the Toxic Substances Board.

(c) Before proposing any regulations under authority of section 4 or 6 the Administrator shall refer his proposed action and the available evidence to a Committee drawn from members of the Board and the list of consultants to the Board, except that the Secretary of Health, Education, and Welfare may appoint one member of the Committee from whatever source he desires. The Administrator shall appoint as the members of the Committee the consultants nominated to him by the Board. The Committee shall report its views, in writing, to the Administrator, within a reasonable time, not to be less than forty-five days, specified by the Administrator. If the Committee fails to report within the specified time, the Administrator may proceed to take action under this Act. The report of the Committee shall be considered as part of the record in any proceeding taken with respect to the Administrator's action.

(d) The Administrator may, at his discretion, also request the Board to convene a panel to consider other actions proposed to be taken under this Act, including actions proposed to be taken under section 5(b).

(e) The Administrator is authorized to reimburse the National Academy of Sciences for expenses incurred in carrying out this section.

RESEARCH

SEC. 11. The Administrator is authorized to conduct such research and monitoring as is necessary to carry out his functions and responsibilities under this Act. Such research and monitoring shall not duplicate the efforts of other Federal agencies. To this end, the Administrator is authorized to establish research laboratories, including the acquisition of necessary land, buildings, or facilities, and to make contracts and grants for such research and monitoring.

ADMINISTRATIVE INSPECTIONS AND WARRANTS

SEC. 12. (a) (1) For the purpose of inspecting, copying, and verifying the correctness of records, reports, or other documents required to be kept or made under this Act and otherwise facilitating the carrying out of his functions under this Act, the Administrator is authorized, in accordance with this section, to enter any factory, warehouse, or premises in which chemical substances are manufactured, processed, or held and to conduct administrative inspections thereof, and of the things specified in this section, relevant to those functions.

(2) Such entries and inspections shall be carried out through officers of employees (hereinafter referred to as "inspectors")

designated by the Administrator. Any such inspector, upon stating his purpose and presenting to the owner, operator, or agent in charge of such premises (A) appropriate credentials and (B) his administrative inspection warrant or a written notice of his other inspection authority, shall have the right to enter such premises and conduct such inspection at reasonable times.

(3) Except when the owner, operator, or agent in charge of such premises so consents in writing, no inspection authorized by this section shall extend to—

(A) financial data;

(B) sales data other than shipment data;

(C) pricing data;

(D) personnel data, or

(E) research data (other than data relating to the tests described in subsection 7(b)).

(b) A warrant under this section shall not be required for entries and administrative inspections (including seizures of property of a nature or quantity appropriate to such inspections)—

(1) with the written consent of the owner, operator, or agent;

(2) in situations presenting imminent danger to health or safety;

(3) in any other exceptional or emergency circumstances where time or opportunity to apply for a warrant is lacking; or

(4) in any other situations where a warrant is not constitutionally required.

(c) Issuance and execution of administrative inspection warrants shall be as follows:

(1) Any judge of the United States or of a State court of record, or any United States magistrate, may, within his territorial jurisdiction, and upon proper oath or affirmation showing probable cause, issue warrants for the purpose of conducting administrative inspections authorized by this Act or regulations thereunder, and seizures of property appropriate to such inspections. For the purposes of this section, the term "probable cause" means a valid public interest in the effective enforcement of this Act or regulations thereunder sufficient to justify administrative inspections of the area, premises, building, or contents thereof in the circumstances specified in the application for the warrant.

(2) A warrant shall issue only upon an affidavit of an officer or employee having knowledge of the facts alleged sworn to before the judge or magistrate and establishing the grounds for issuing the warrant. If the judge or magistrate is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, or building, to be inspected, the purpose of such inspection, and, where appropriate, the type of property to be inspected, if any. The warrant shall identify the items or types of property to be seized, if any. The warrant shall be directed to a person authorized under subsection (a)(2) to execute it. The warrant shall state the grounds for its issuance and the name of the person or persons whose affidavit has been taken in support thereof. It shall command the person to whom it is directed to inspect the area, premises, or building identified for the purpose specified, and, where appropriate, shall direct the seizure of the property specified. The warrant shall direct that it be served during normal business hours. It shall designate the judge or magistrate to whom it shall be returned.

(3) A warrant issued pursuant to this section must be executed and returned within ten days of its date unless, upon a showing by the United States of a need therefor, the judge or magistrate allows additional time in the warrant. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the person making such inventory, and shall be verified by the person executing the warrant. The judge or magistrate, upon request, shall deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant. In any case of seizure of property without warrant pursuant to this section, the person executing such seizure shall give to the person from whose premises the property was taken a receipt for such property, or shall leave such receipt at the place from which the property was taken. The receipt shall be accompanied by a written inventory of any property taken and shall be made by the person executing the seizure in the presence of the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the person making such inventory.

(4) The judge or magistrate who has issued a warrant under this section shall attach to the warrant a copy of the return and all papers filed in connection therewith and shall file them with the clerk of the district court of the United States for the judicial district in which the inspection was made.

EXPORTS AND IMPORTS

Sec. 13. (a) Notwithstanding any other provision of this Act, no substance shall be deemed in violation of this Act when intended solely for export to any foreign country except if the Administrator finds that as exported and used the substance, or particular uses of the substance, will produce a significant direct or indirect hazard to human health or the environment in the United States, provided, however, that such chemical substance shall be subject to the reporting requirements of Section 7 (a) of this Act.

(b) The Secretary of the Treasury shall refuse entry into the United States of any chemical substance or article containing such substance offered for entry if it violates any of the provisions of this Act. If a substance or article is refused entry, the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the disposal or storage of any substance or article refused delivery which has not been exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of Treasury may prescribe: Provided, That the Secretary of Treasury may deliver to the consignee such substance or article pending examination and decision in the matter on execution of bond for the amount of the full invoice value of such substance or article, together with the duty thereon, and on refusal to return such substance or article for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purposes, said consignee shall forfeit the full amount of said bond: And provided further, That all charges for storage, cartage, and labor on substances or articles which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

(c) The Secretary of the Treasury, in consultation with the Administrator, shall issue regulations for the enforcement of subsection (b) above.

CONFIDENTIALITY

Sec. 14. (a) Copies of any communications, documents, reports or other information received by the Administrator from any manufacturer shall be available to the public upon identifiable request, and at cost, unless such information may be not be publicly released under the terms of subsection (b) of this section.

(b) If requested by a manufacturer furnishing such information, the Administrator or any officer or employee of the Environmental Protection Agency shall not disclose any information which contains or might reveal information referred to in section 1905 of title 18 of the United States Code, and is otherwise unavailable to the public, except that such information may be disclosed—

(1) to other government officials;

(2) to duly authorized committees of Congress;

(3) in camera in any judicial proceedings if ordered by a court;

(4) in camera if relevant in any proceeding under this Act to carry out the purposes of this Act; and

(5) to other officers and officials concerned with carrying out this Act.

PROHIBITED ACTS

Sec. 15. The following acts and the causing thereof are prohibited—

(a) The failure to comply with any final regulation or order issued by the Administrator pursuant to this Act;

(b) The failure or refusal to provide information or results of tests as required by section 7 of this Act;

(c) The sale, distribution, or importation into the United States of a chemical substance subject to regulations promulgated under section 6 for which the standards applicable thereto required by such regulations have not been met;

(d) The knowing failure of any person who purchases or receives a substance and who is required to be given notice of restrictions on use or distribution of such substance pursuant to a final regulation under paragraph 4(a)(2), to comply with such restrictions on use or distribution;

(e) The failure to perform any other action required under this Act.

PENALTIES AND REMEDIES

Sec. 16. (a) Any person willfully violating subsections 15 (a), (b), (c), or (d) shall on conviction be fined not more than $25,000 or imprisoned for not more than one year or both.

(b)(1) Any person violating subsections 15(a), (b), (c), or (d) shall be liable to a civil penalty to the United States of a sum which is not more than $25,000 for each day of violation, to be assessed by the Administrator after notice and opportunity for hearing and after he has considered the nature, circumstances, and extent of such violation, the practicability of compliance with the provisions violated and any good faith efforts to comply with such provisions.

(2) Upon failure of the offending party to pay the penalty, the Administrator may request the Attorney General to commence an action in the appropriate district court of the United States for such relief as may be appropriate.

(c) The Attorney General or his delegate may bring an action in the appropriate district court of the United States for equitable relief to redress a violation by any person of any provision of section 15 of this Act, and the district courts of the United States shall have jurisdiction to grant such relief as the equities of the case may require.

ENVIRONMENTAL PREDICTION AND ASSESSMENT

Sec. 17. The Environmental Protection Agency shall, in cooperation with other Federal agencies, develop the necessary personnel and information resources to predict the introduction of new chemical substances into the environment and assess the environmental consequenecs of such introduction.

USE OF GOVERNMENT FACILITIES

SEC. 18. The Administrator may use, by agreement, the personnel, services, and facilities of other Federal departments, agencies, or instrumentalities, whether on a reimbursement or nonreimbursable basis.

HEALTH AND ENVIRONMENTAL DATA

SEC. 19. The Council on Environmental Quality in consultation with the Administrator, the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and the heads of other appropriate departments or agencies, shall coordinate a study of the feasibility of establishing (1) a standard classification system for chemical compounds and related substances, and (2) a standard means for storing and for obtaining rapid access to information respecting such materials.

CITIZEN CIVIL ACTIONS

SEC. 20. (a) Except as provided in subsection (b), any person may commence a civil action for injunctive relief on his own behalf, whenever such action constitutes a case or controversy—

(1) against any (i) manufacturer and processor of a chemical substance, (ii) the United States, and (iii) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution who is alleged to be in violation of any regulation restricting the use or distribution of a chemical substance, or order promulgated under this Act, or

(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator.

Any action under paragraph (a)(1) of this subsection shall be brought in the district court for the district in which the alleged violation occurred and, any action brought under paragraph (a)(2) of this subsection shall be brought in the district court of the District of Columbia.

The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties over suits brought under this section.

(b) No civil action may be commenced—

(1) under subsection (a)(1)

(A) prior to sixty days after the plaintiff has given notice of the violation (i) to the Administrator, and (ii) to any alleged violator of the regulation or order, or

(B) if the Attorney General has commenced and is diligently prosecuting a civil or criminal action in a court of the United States to require compliance with the regulation or order, or

(C) if the Attorney General has commenced an action to impose a penalty pursuant to section 16 of this Act.

(2) under subsection (a)(2) prior to sixty days after the plaintiff has given notice of such action to the Administrator, except that such action may be brought ten days after such notification in the case of an action under this section for the failure of the Administrator to act under section 4. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

(c) In any action under this section in which the United States is not a party, the Attorney General, at the request of the Administrator, may intervene on behalf of the United States as a matter of right.

(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such an award is appropriate.

(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any regulation or order or to seek any other relief.

(f) For purposes of this section, the term "person" means an individual, corporation, partnership, association, State, municipality, or political subdivision of a State.

(g) When any actions brought under this subsection involving the same defendant and the same issues of violations are pending in two or more jurisdictions, such pending proceedings, upon application of the defendant reasonably made to the court of one such jurisdiction, shall be consolidated for trial by order of such court, and tried in (1) any district selected by the defendant where one of such proceedings is pending; or (2) a district agreed upon by stipulation between the parties. If no order for consolidation is so made within a reasonable time, the defendant may apply to the court of one such jurisdiction, and such court (after giving all parties reasonable notice and opportunity to be heard) shall by order, unless good cause to the contrary is shown, specify a district of reasonable proximity to the applicant's principal place of business, in which all such pending proceedings shall be consolidated for trial and tried. Such order of consolidation shall not apply so as to require the removal of any case the date for trial of which has been fixed. The court granting such order shall give prompt notification thereof to the other courts having jurisdiction of the cases covered thereby.

STATE REGULATIONS

SEC. 21. Nothing in this Act shall affect the authority of any State or local government to restrict the distribution or use of a chemical substance or impose requirements of tests and test results for a chemical substance except that (1) if the Administrator has published proposed regulations under section 4 with respect to limiting particular uses of a particular substance a State or local government may not thereafter impose restrictions on such uses of such substance other than a total ban on such use or uses: (2) if the Administrator has published proposed regulations under section 6 with respect to tests for particular substances or uses, a State or local government may not impose test protocols or results to be achieved therefrom with respect to such substances and uses for the purposes similar to this Act; and (3) if the Administrator has published proposed regulations under section 4 with respect to limiting particular uses of a particular substance or if the Administrator has published proposed regulations under section 6 with respect to tests for particular substances or uses, a State is not preempted from enforcing any restrictions or test protocols and results to be achieved therefrom existing at the time any such proposed regulation was published; provided that if the Administrator issues an order under section 4(b)(3) restricting the use of such substance or withdrawing a proposed regulation restricting a use of such substance, or if the Administrator issues an order under section 6 prescribing tests or withdrawing a proposed regulation for such tests, the State may not enforce any such restrictions, test protocols, or results to be achieved therefrom after the effective date of such order, other than a total ban on such use or uses.

REGULATIONS

SEC. 22. The Administrator is authorized to issue such regulations as he may deem appropriate to carry out the purposes of this Act and to amend them at any time.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 23. There is hereby authorized to be appropriated to the Environmental Protection Agency such sums as may be necessary for the purposes and administration of this Act.

STATEMENT OF SENATOR MAGNUSON

Mr. President, I am pleased to introduce the legislation recommended today by the President for the control of toxic substances.

On January 18th, I joined with the senior Senator from Michigan (Mr. Hart) and the junior Senator from California (Mr. Tunney) in introducing S. 426, the Toxic Substances Control Act of 1973. That legislation evolved out of extensive hearings and executive sessions by the Committee on Commerce during the last Congress.

I am gratified that the Administration has seen fit to recommend legislation in this Congress as it did in the last. In doing so, the Administration has indicated that it places a high priority on the control of toxic substances. While we may disagree as to the form of the control, the support of the Administration in developing legislation is indeed welcome.

Hearings have been scheduled on February 23 and 26 and March 1 on S. 426 and amendments thereto as well as this Administration proposal. The completion of these hearings should pave the way for prompt committee and Senate action.

By Mr. TALMADGE (for himself and Mr. NUNN):

S.J. Res. 62. A joint resolution proposing an amendment to the Constitution relating to school busing. Referred to the Committee on the Judiciary.

Mr. TALMADGE. Mr. President, I introduce, today, for the consideration of the Congress, an amendment to the Constitution of the United States which, if enacted, will finally put an end to forced schoolbusing to achieve a racial balance.

I introduced this amendment during the 92d Congress, but no action was taken on it by the Senate Committee on the Judiciary. I am hopeful that this year, at long last, the Congress will allow the people of America to be heard on this issue.

If they are allowed to express themselves, Mr. President, I have no doubt what their verdict will be. In 1971, a Gallup Poll showed that 77 percent of the people of this Nation oppose forced schoolbusing. During last year's presidential election the people expressed themselves strongly against busing whenever they were given the chance.

Yet the people most responsible for this tragic policy have, thus far, exhibited an amazing ability to ignore the voices of the very people they are supposed to be serving. I sometimes think that whenever HEW hires a new bureaucrat to work in the area of education, that they give him a special set of glasses and a unique kind of hearing aid. The glasses enable him to see only what he wants to see; and the hearing aid allows him to hear only what he wants to hear.

Mr. President, I firmly believe that a constitutional amendment is required in this situation. We have passed antibusing legislation before which expressly prohibited the expenditure of federal funds to bus children for the purpose of achieving a racial balance. Every time we pass such legislation, the Federal judiciary proceeds to ignore it. I sometimes think that we should make the ability to read and comprehend the

English language a specific job requirement for service in the Federal judiciary.

Mr. President, our public school system has been pulled, stretched, and twisted out of shape by doctrinaire liberals who profess to be interested in the welfare of the children enrolled in these systems.

A classic case in point is the controversy involving the Atlanta school system. The Atlanta school system is currently under a court order to submit a desegregation plan by February 16. The Atlanta Chapter of the NAACP has already submitted a plan. In an interview which appears in the February 12 issue of The Atlanta Constitution, the Reverend O. L. Blackshear, a black man who is president of the South Atlantic Coordinating Council, stated that he did not believe that all the people in the NAACP would favor the plan submitted by the NAACP. He said that in his opinion, most of the plan was the product of the NAACP legal defense fund which is headquartered in New York.

Mr. President, it is all very well for such an organization to submit their extreme plans calling for the implementation of drastic quotas. After the decision has been handed down, they can return to New York secure in the knowledge that their children will not have to live under the conditions they have imposed on the children of Atlanta.

The people in Atlanta are getting wind of the true situation. Both black and white parents are raising their voices in protest against the implementation of forced busing. Typical of this protest was an open appeal to the NAACP made by Mrs. Annette Teasley, a black mother who is president of the PTA at West Fulton High School. Mrs. Teasley said in her appeal:

> Please, for the sake of our children, drop the suit which is forcing such a change that nobody seems to want. Integration has its place, but we have open schools now—each child is free to attend the school of his choice.

I am told that a coalition of black and white parents may seek to intervene in the suit.

I never cease to be amazed at the turtle-like attitude of our Federal judges and bureaucrats. When they hear statements like this, they merely tuck their heads into their shells to blot out any disturbing sounds and continue to plod resolutely along on the course they have selected for our schoolchildren. The fact that this course seems to be headed directly into left field does not seem to disturb them at all.

Well I can tell you, Mr. President, that it disturbs me. I think it is high time that we steered these turtles back on the right track. The passage of a constitutional amendment will allow the elected representatives of the American people to express themelves on forced schoolbusing when the various State legislatures consider whether or not the amendment should be ratified.

Even the Federal judiciary cannot ignore a constitutional amendment. Even tunnel vision as narrow as theirs cannot blot out a part of the Constitution itself. If we fail to pass this amendment, we will be joining in the unholy chorus of judges and bureaucrats who have been telling the parents of America for years that they should have no voice in the education of their children.

Mr. President, the doors of all our schools are already open to all our children. It is time to take the massive amounts of money being spent on forced schoolbusing and employ it to build better schools, hire better teachers, and buy better equipment. It is time to make the school down the street as good as any school in town, no matter whose school it is. In short, Mr. President, it is time, indeed past time, to call a halt to this nonsense.

Mr. President, I ask unanimous consent that the text of my resolution be printed in the Record at this point.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 62

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"Section 1. The assignment or transportation of children to a region beyond that covered by the neighborhood school, unless such assignment or transportation is voluntary, is expressly prohibited."

By Mr. HUMPHREY (for himself and Mr. Mondale):

S.J. Res. 63. A joint resolution requiring the Secretary of Agriculture to continue the emergency disaster relief program under section 328 of the Consolidated Farm and Rural Development Act. Referred to the Committee on Agriculture and Forestry.

REINSTATEMENT OF FARMERS HOME DISASTER LOAN PROGRAM

Mr. HUMPHREY. Mr. President, I am today introducing on behalf of myself and Mr. Mondale legislation to reverse the administration's abrupt cancellation of the Farmers Home Administration emergency disaster loan program.

The purpose of our bill is to reaffirm the clearly expressed intent of Congress that victims of natural disasters in areas declared prior to June 30, 1973, shall be assisted by the Federal Government on an equitable basis. Our bill will require that the Secretary of Agriculture carry out the provisions of Public Law 92–385, the Disaster Relief Act of 1972, by providing assistance to qualified applicants in areas designated on or before June 30, 1973.

On December 27, 1972, the Agriculture Department issued a directive arbitrarily terminating loan applications in disaster areas designated by the Secretary. This order, and subsequent directives, in my view constitute a clear violation of the law.

The 1972 Disaster Relief Act was passed in an effort to achieve fairness and consistency in Federal benefits afforded to disaster victims. Congress in this law required a report from the President by January 1973 providing recommendations on methods to improve the execution of the Government's disaster relief program and to prevent the misuse of benefits made available under the program. Rather than following the procedures set forth under the act, the administration unilaterally shut down the program in the case of areas designated by the Secretary of Agriculture effective December 27, and in the case of areas designated by the President effective January 15.

Especially in the case of Secretarially designated areas, this decision has created extreme inequities. The Farmers Home Administration acknowledges that it advised flood victims to delay in submitting their applications. Those who cooperated in seeking to relieve the administrative burden on the agency were rewarded by being totally shut out of the program.

The administration's action drove 14 counties in west central Minnesota out of the emergency loan program, which could cost the farmers of the State of Minnesota from a minimum of $20 million to as much as $40 million in losses. It has been estimated that perhaps only a third of the eligible farmers in counties designated by the Secretary were able to obtain loans by December 27. Five thousand is probably a conservative estimate of the number of farmers cut off from the program in Minnesota. Many of these families will be literally forced into bankruptcy without emergency assistance.

Although I have described only the damages to the State of Minnesota, throughout the country many farm families face extraordinary hardship as a result of the arbitrary loan program cancellation.

But beyond the severe impact of termination of disaster aid on individuals and rural communities, this decision constitutes a grave threat to the integrity of our laws and to the checks and balances against abuse of power embodied in our Constitution.

As I indicated earlier, the Congress recognized in passing the Disaster Relief Act of 1972 that further legislation might be necessary to improve the execution of the Government's disaster relief program and to prevent the misuse of benefits made available by the Government. I would be glad to consider recommendations from the President for new legislation—recommendations which were required to be submitted by the Executive last month. So far, we have received no proposals from the President to amend or replace the existing law. Rather, the administration chose to curtail assistance under the Disaster Relief Act to farmers in Minnesota and other States who relied in good faith on the word of their Government.

The Senate Committee on Agriculture and Forestry on February 7 was asked by one of its members to consider legislation which would have amended the current Emergency Relief Act by changing and reducing benefits provided thereunder. I not only opposed this move, but I was joined in opposing it by most of the members of the committee. The basis of our opposition was that any reduction in benefits under the current program at this point in time would constitute a gross breach of commitment to thousands of Americans by their National Government and would furthermore constitute an endorsement of the gross inequities created by the administration as a result of their arbitrarily terminating this program in midstream.

Mr. President, I also would like to call to the attention of my colleagues an announcement made by Secretary Butz on February 13, 1972, designating four California counties to receive benefits under the current Emergency Relief Act. While the administration has on the one hand terminated this same program for other designated disaster areas throughout the Nation, it is designating new areas to receive such assistance. While I in no way wish to question the need of these California counties for such assistance, I certainly do wish to question the administration's failure to treat other designated areas equally. Such unequal treatment under the law cannot and must not be permitted.

I ask unanimous consent to have the press release of February 13 by the Department of Agriculture printed at this point in my remarks.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

FHA ACCEPTS APPLICATIONS FROM CALIFORNIA DISASTER VICTIMS

WASHINGTON, February 13.—Secretary of Agriculture Earl L. Butz announced today that the Farmers Home Administration (FHA) is authorized to assist California farmers, ranchers and homeowners with emergency loans in four counties and the outlying areas of the City of South San Francisco, due to recent storms and flooding.

On Feb. 9, 1973, President Nixon declared a "major disaster" in California due to floods in areas which include Marin, Santa Barbara, San Luis Obispo and Solano Counties, and the City of South San Francisco.

FHA is the rural credit agency in the U.S. Department of Agriculture that assists rural disaster victims to finance crop and livestock production, and helps them to restore normal farming operations.

Borrowers agree to repay their loans as soon as possible consistent with their ability. Loans are secured as required to protect the government's interest.

Rural housing disaster loans are made to repair or replace housing and essential farm service buildings damaged or destroyed by the disaster.

The interest rate on the loans is one percent.

Up to $5,000 on the farm or housing loan may be canceled when losses are not compensated by insurance or otherwise.

Applications may be accepted until further notice at local FHA offices serving the disaster areas.

Mr. HUMPHREY. Mr. President, I believe that the administration has overstepped the bounds of proper administrative discretion in seeking to determine not only how this program is to be administered, but who will receive benefits and who will not receive them. If this gram can be eliminated at a moment's notice, and made available to only a selected few, which of our laws are immune from cancellation or change by the Executive?

For all of these reasons, I believe that the termination of the disaster loan program is arbitrary, inequitable, and illegal. I urge my colleagues in the Senate to support prompt approval of the resolution I offer today to counteract this decision by requiring that the Disaster Relief Act of 1972 be carried out by the Secretary of Agriculture as it applies to all approved or designated areas.

Mr. President, I ask unanimous consent that the full text of my joint resolution be printed at this point in the RECORD.

There being no objection, the joint resolution ordered to be printed in the RECORD, as follows:

S.J. RES. 63

Whereas, although the Congress recognizes that agency discretion is properly exercisable in determining how a program is to be administered under law, the determination of whether such a program should be carried out is not a matter of agency discretion;

Whereas it was the clear intent of Congress in establishing the emergency disaster relief program under section 328 of the Consolidated Farm and Rural Development Act that assistance should be provided to all qualified applicants who suffer loss, damage, or injury as the result of a disaster which occurs on or before June 30, 1973; and

Whereas the abrupt termination of emergency aid in certain areas pursuant to a directive issued December 27, 1972, and subsequent directives issued by the Department of Agriculture has created severe inequities in the arbitrary denial of assistance to thousands of qualified disaster victims;

Whereas the Administration on February 13, 1972 designated four California counties to receive emergency loans under the program after terminating this same program for other earlier designated areas. Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby reasserts its original intent and directs that the Secretary of Agriculture shall continue to provide emergency assistance to qualified applicants who suffer loss, damage, or injury as the result of a disaster which occurs on or before June 30, 1973, under section 328 of the Consolidated Farm and Rural Development Act providing for emergency disaster relief.

By Mr. CHURCH:

S.J. Res. 64. A joint resolution to protect physicians, other health care personnel, hospitals, and other health care institutions on the exercise of religious or philosophical beliefs which prescribe the performance of abortions or sterilization procedures. Referred to the Committee on Labor and Public Welfare.

FREEDOM OF RELIGION MUST BE PROTECTED IN MEDICAL CASES INVOLVING ABORTION AND STERILIZATION

Mr. CHURCH. Mr. President, recently the Supreme Court of the United States ruled in *Roe, et al.* v. *Wade, District Attorney of Dallas County* (41 U.S.L.W. 4213), that State laws which prohibit an abortion during the first 3 months of a woman's pregnancy are contrary to the due process clause of the 14th amendment to the Constitution and, therefore, invalid. The decision, in effect, prevents any interference in the relationship between a doctor and an expectant mother during early pregnancy, with regard to her legal right to obtain an abortion.

Of course, this decision can neither be altered nor repealed by statute, since it rests upon the court's interpretation of the Constitution, the supreme law of the land. Nevertheless, the decision does raise a serious question as to its possible impact upon the Federal Government's extensive involvement in medicine and medical care.

For example, thousands of hospitals throughout the United States have been built, remodeled, enlarged, modernized or equipped under the provisions of the Hill-Burton Act. Federal money made available for this purpose, has been extended on the condition that the hospitals shall comply with certain Federal regulations. These regulations need not be prescribed prior to the acceptance of the Federal grant or loan, but may be stipulated afterwards.

Thus the requirement that hospitals, furnished Hill-Burton funds, must prove that charity patients account for not less than 3 percent of their yearly operating costs, represents a relatively recent condition laid upon most hospitals after they had obtained the Federal money. Once having accepted the money, the hospitals are subject thereafter to comply with such regulations as the Federal administrative agency may choose to impose.

Physicians who participate in the medicare and medicaid programs could find themselves in the same predicament. Their eligibility might come to be conditioned upon their willingness to perform all those services prescribed by Federal regulations.

Given this state of the law, I can well understand the deep concern being expressed by hospital administrators, clergymen, and physicians whose religious beliefs prohibit abortions and/or sterilization in most cases. Catholic hospitals, for example, do not permit their facilities to be used for the performance of an abortion under ordinary circumstances. It is simply contrary to the Catholic faith, regardless of what the civil law may say.

Nothing is more fundamental to our national birthright than freedom of religion. Religious belief must remain above the reach of secular authority. It is the duty of Congress to fashion the law in such a manner that no Federal funding of hospitals, medical research, or medical care may be conditioned upon the violation of religious precepts.

Now is the time to erect the appropriate safeguards against such transgressions. Even though the Supreme Court's decision does not impose the obligation upon a hospital, there is nothing in existing law to prevent zealous administrators from requiring the performance of abortions, within the limits of the Court's decision, as a part of their regulations pertaining to federally funded programs.

This apprehension is anything but whimsy. Already a case has arisen which should furnish us with ample grounds for legislative action. A Federal district court in Montana, in the case of Mike and Gloria Taylor against St. Vincent Hospital, has issued a temporary injunction, compelling a Catholic hospital, contrary to Catholic beliefs, to allow its facilities to be used for a sterilization operation. The district court based its jurisdiction upon the fact that the hospital had received Hill-Burton funds.

Given the injunction issued by the court against St. Vincent's Hospital in Billings, together with the possible administrative ramifications of the recent Supreme Court decision on abortions, it should be evident that a provision needs to be written into the law to fortify freedom of religion as it relates to the implementation of any and all Federal programs affecting medicine and medical care.

For this purpose, I send to the desk a joint resolution, and ask that it be referred to the appropriate committee in the hope that it will be given prompt attention. I also ask unanimous consent that the text of the resolution may appear at this point in the RECORD, together with certain newspaper accounts of another sterilization case currently before the Montana State courts, along with a synopsis of the Federal district court case prepared by my staff.

There being no objection, the joint resolution and material were ordered to be printed in the RECORD, as follows:

S.J. RES. 64

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the Federal Government, in the administration of all Federal programs, that religious beliefs which proscribe the performance of abortions or sterilization procedures (or limit the circumstances under which abortions or sterilizations may be performed) shall be respected.

SEC. 2. Any provision of law, regulation, contract or other agreement to the contrary notwithstanding, on and after the enactment of this joint resolution, there shall not be imposed, applied, or enforced, in or in connection with the administration of any program established or financed totally or in part by the Federal Government which provides or assists in paying for health care services for individuals or assists hospitals or other health care institutions, any requirement, condition, or limitation, which would result in causing or attempting to cause, or in obligating, any physician, other health care personnel, or any hospital or other care institution, to perform, assist in the performance, or make facilities or personnel available for or to assist in the performance, of any abortion or sterilization procedure on any individual, if the performance of such abortion or sterilization procedure on such individual would be contrary to the religious beliefs of such physician or other health care personnel, or of the person or group sponsoring or administering such hospital or other institution.

STERILIZATION UPSETS CATHOLIC HOSPITALS: ELIMINATING OBSTETRICS CONSIDERED

GREAT FALLS.—A court order directing a Roman Catholic hospital to allow its facilities to be used for a sterilization operation could cause some Catholic hospitals to do away with obstetrical and related services, a church leader said Wednesday.

The comment came from the Most Rev. Eldon B. Schuster, Great Falls, bishop of the diocese in which the Holy Rosary Hospital of Miles City is located.

The order against Holy Rosary, he said, has placed the church in a difficult position. Asked if Catholic hospitals might consider abolishing their maternity and obstetrical services if the ruling is applied to other Catholic institutions, the bishop replied, "Yes, in fact we're considering that now."

The order was issued Tuesday in Billings by State District Court Judge Charles B. Sande in response to a suit filed by Mr. and Mrs. Richard Kransky of Miles City. A federal judge dismissed the case last week on the grounds that no federal issue was involved.

The hospital bowed to the order by permitting Mrs. Kransky, 22, to be sterilized Wednesday simultaneously with the birth of a daughter, delivered by Caesarean section.

Bishop Schuster emphasized that while the hospital complied with the court order, the church did not condone the legal decision.

"We do feel," he said, "that civil law does not dictate our moral beliefs and it seems to me that court action involving the moral code of a sectarian hospital is an infringement." The bishop explained that the Catholic Church holds basically that sterilization is not permitted if it is purely for purposes of contraception.

The Kranskys and their lawyer had argued among other things that Holy Rosary Hospital was the only medical institution reasonably available for performance of the operation in that it is the only hospital in the area with the necessary facilities.

Bishop Schuster said the decision points to a need for the church to examine the services offered by its hospital, particularly in areas where there are no other hospitals.

"If we can't uphold our own moral values, we will have to reassess our services," he commented.

Although the suit was filed as a class action for the purpose of applying to all women under similar circumstances, Judge Sande's ruling applied only to Mrs. Kransky.

She has a 4-year-old son. A second child died two days after birth. Both were delivered by Caesarean section.

Holy Rosary Hospital is owned by the Presentation Sisters of Aberdeen, S.D., and is operated under authority delegated to an 11-member board of directors, which includes seven nuns and four lay persons.

A basic question in the case is whether the hospital is essentially a public institution. Billings lawyer Robert L. Stephens, Jr. of the American Civil Liberties Union argued for the Kranskys that the hospital is performing basically a public function and enjoys tax advantages granted to nonprofit institutions by the state.

The hospital's attorneys argued, however, that the hospital could not be forced to violate its religious principles and that it is a private institution not supported in any way by public money.

Also a plaintiff in the suit was Mrs. Kransky's physician, who claimed he was being denied the right to practice "acceptable obstetrical methods based entirely on religious and not upon valid medical reasons."

Although Judge Sande signed a temporary restraining order preventing the hospital from refusing Mrs. Kransky's request for the operation, he reserved ruling on the merits of the case and said it may be a matter for scrutiny by the state supreme court.

A similar suit is pending in federal district court in Billings against St. Vincent's Hospital, also a Roman Catholic Institution.

A major difference in the two cases is that St. Vincent's receives federal Hill-Burton funds.

Bishop Schuster said he is not aware of any similar cases in the United States.

David W. Patton, administrator of Holy Rosary Hospital, said that as a Catholic institution the hospital is operated in accordance with the church's ethical standards.

"We will have to study all of the ramifications of this case before deciding on what further action to take," he commented.

STERILIZATION TO BE APPEALED

BILLINGS, MONT.—The attorney involved in legal action aimed at forcing Catholic hospitals to allow sterilization operations said Tuesday he plans to appeal an adverse ruling to a higher court.

Robert L. Stephens Jr., Billings, commented on a summary judgment issued last week by State District Court Judge C. B. Sande which allows Holy Rosary Hospital of Miles City to continue its policy of forbidding sterilization operations for contraceptive purposes.

The judge had issued a temporary order earlier which forced the hospital to allow its facilities to be used for a sterilization operation on one woman.

Stephens, an American Civil Liberties Union attorney, said his planned appeal might not be filed until a somewhat related suit now pending before the state supreme court is settled.

That suit, Stephens said, involves a physician's right to practice accepted medical procedures. He said the action was brought against St. Vincent's Hospital of Billings and is aimed at forcing the hospital to allow physicians to deliver babies by use of a method which involves the father being present in the delivery room.

"We are thinking of possibly asking to join in that appeal," Stephens said.

Stephens also is the plaintiff's attorney in a suit pending in federal district court which seeks to prohibit St. Vincent's hospital in Billings from refusing to allow sterilization operations.

Two weeks ago The Most Rev. Bishop Eldon B. Schuster of Great Falls and Catholic hospitals might have to discontinue obstetrical services if forced by the courts to permit sterilization operations purely for purposes of contraception.

The Billings chapter of the ACLU contends the policies of Catholic hospitals, often the only medical facilities in a community, have denied non-Catholics of a right to reasonable and accepted medical services.

MIKE AND GLORIA TAYLOR VERSUS ST. VINCENT HOSPITAL

Facts:

1. The St. Vincent Hospital was the only hospital in Billings that provided maternity care and intensive fetal care.

2. Under its policies, St. Vincent Hospital would permit surgical sterilization only in cases of pathological disorders or to correct pathological disorders, and then only as an incident of corrective measures.

3. Gloria Taylor was a borderline diabetic. Previously she had a history of difficult pregnancies. In addition, she had prior major surgery for the female organs.

4. Gloria Taylor delivered a baby by Caesarean, and then sought to be sterilized.

5. St. Vincent Hospital provided a procedure for the transfer to another hospital.

6. However, the plaintiff established that this procedure would create complications.

Action: Injunctive relief to prevent hospital from refusing to perform the sterilization.

Jurisdictional Basis: Suit was brought in the Federal District Court because the St. Vincent Hospital received funds under the Hill-Burton Act.

Decision: Temporary injunction to prevent the hospital from refusing Mrs. Taylor's request for a sterilization.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 136

At the request of Mr. SCHWEIKER, the Senator from New Jersey (Mr. WILLIAMS), the Senator from New Jersey

(Mr. Case), the Senator from Minnesota (Mr. Humphrey), the Senator from Minnesota (Mr. Mondale), the Senator from Massachusetts (Mr. Brooke), the Senator from Tennessee (Mr. Baker), the Senator from West Virginia (Mr. Randolph), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), the Senator from Indiana (Mr. Hartke), the Senator from South Dakota (Mr. McGovern), the Senator from Alaska (Mr. Gravel), the Senator from Arkansas (Mr. Fulbright), the Senator from Rhode Island (Mr. Pastore), the Senator from Indiana (Mr. Bayh), and the Senator from Ohio (Mr. Taft) were added as cosponsors of S. 136, a bill to authorize financial assistance for opportunities industrialization centers.

S 324

At the request of Mr. Schweiker, the Senator from Minnesota (Mr. Mondale), was added as a cosponsor of S. 324, the Nutrition Medical Education Act of 1973, a bill to amend the Public Health Service Act to provide for nutrition education in schools of medicine and dentistry.

S. 335

At the request of Mr. Church, the Senator from New York (Mr. Javits), the Senator from Massachusetts (Mr. Kennedy), the Senator from Minnesota (Mr. Mondale), the Senator from Utah (Mr. Moss), and the Senator from Alaska (Mr. Stevens) were added as cosponsors of S. 335, a bill to promote development and expansion of community schools throughout the United States.

S. 408

At the request of Mr. Thurmond, the Senator from Oklahoma (Mr. Bellmon) was added as a cosponsor of S. 408, a bill to amend the Food Stamp Act of 1964 in order to prohibit the distribution of food stamps to any household where the head of the household is engaged in a labor strike.

S. 414

At the request of Mr. Tower, the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of S. 414, a bill to provide increased job training opportunities for people with limited English-speaking ability.

S. 459

At the request of Mr. Talmadge, the Senator from West Virginia (Mr. Randolph), the Senator from New Hampshire (Mr. McIntyre), the Senator from Minnesota (Mr. Mondale), the Senator from South Carolina (Mr. Thurmond), the Senator from Indiana (Mr. Hartke), and the Senator from Arkansas (Mr. Fulbright) were added as cosponsors of S. 459, a bill to require the Secretary of Agriculture to carry out a rural environmental assistance program.

S. 519

At the request of Mr. Beall (for Mr. Schweiker) the Senators from Utah (Mr. Bennett and Mr. Moss), the Senators from Nevada (Mr. Bible and Mr. Cannon), the Senator from Rhode Island (Mr. Pastore), the Senator from North Carolina (Mr. Ervin), the Senator from New Mexico (Mr. Domenici), the Senator from Tennessee (Mr. Baker), the Senator from Georgia (Mr. Nunn), and the Senator from Arkansas (Mr. McClellan) were added as cosponsors of S. 519, the Federal Drug and Alcohol Abuse Rehabilitation Act.

S. 548

At the request of Mr. Aiken, the Senator from Florida (Mr. Chiles) was added as a cosponsor of S. 548, a bill to provide price support for milk at not less than 85 per centum of the parity price therefor.

At the request of Mr. Humphrey, the Senator from South Dakota (Mr. McGovern), the Senator from South Carolina (Mr. Hollings), and the Senator from Illinois (Mr. Stevenson) were added as cosponsors of S. 548, supra.

S. 549

At the request of Mr. Percy, the Senator from Pennsylvania (Mr. Schweiker) was added as a cosponsor of S. 549, the Food Distribution Act of 1973.

S. 550

At the request of Mr. Percy, the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of S. 550, the Comprehensive Child Nutrition Act of 1973.

S. 565

At the request of Mr. Nunn, the Senator from North Carolina (Mr. Ervin) was added as a cosponsor of S. 565, a bill to require the Congress to prescribe a ceiling on expenditures for each fiscal year and to establish procedures to effectuate such ceilings.

S. 586

At the request of Mr. Dominick, the Senator from Arizona (Mr. Goldwater), the Senator from North Carolina (Mr. Ervin), the Senator from Wisconsin (Mr. Nelson), the Senator from Georgia (Mr. Nunn), and the Senator from Alaska (Mr. Stevens) were added as cosponsors of S. 586, a bill to amend the Occupational Safety and Health Act.

S. 653

At the request of Mr. Bellmon, the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 653, a bill to prohibit the impoundment of funds from the Highway Trust Fund.

S. 744

At the request of Mr. Randolph, the Senator from California (Mr. Tunney) and the Senator from New York (Mr. Javits) were added as cosponsors of S. 744, a bill to provide a mechanism to improve health care in rural areas through the establishment of the Office of Rural Health Care in the Department of Health, Education, and Welfare, and a National Council on Rural Health, and for other purposes.

S. 838

At the request of Mr. Tower, the Senator from Alabama (Mr. Sparkman), the Senator from Florida (Mr. Chiles), the Senator from Kentucky (Mr. Cook), and the Senator from West Virginia (Mr. Randolph) were added as cosponsors of S. 838, a bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces.

SENATE JOINT RESOLUTION 9

At the request of Mr. Beall, the Senator from South Carolina (Mr. Thurmond) was added as a cosponsor of Senate Joint Resolution 9, proposing an amendment to the Constitution relating to the assignment and transportation of pupils to public schools.

SENATE JOINT RESOLUTION 10

At the request of Mr. Schweiker, the Senator from Florida (Mr. Gurney) was added as a cosponsor of Senate Joint Resolution 10, the school prayer amendment.

SENATE JOINT RESOLUTION 49

At the request of Mr. Randolph, the Senator from Maine (Mr. Muskie) was added as a cosponsor of Senate Joint Resolution 49, a joint resolution to provide for the designation of the second full calendar week in March 1973 as "National Employ the Older Worker Week."

SENATE RESOLUTION 64—SUBMISSION OF A RESOLUTION DESIGNATING JANUARY 22 AS UKRAINIAN INDEPENDENCE DAY

(Referred to the Committee on the Judiciary.) Mr. Schweiker submitted the following resolution:

S. Res. 64

Whereas Ukraine, with a population of forty-seven million is the largest non-Russian nation both in the Union of Soviet Socialist Republics and in Eastern Europe; and

Whereas this nation occupies a significant geographic and economic position in the context of Eurasia, with prominent dimensions toward central Asia, the Caucasus, the Middle East, and central Europe; and

Whereas this second largest Slavic people. with a national history extending back to the ninth century, has made substantial contributions to world culture and today possesses immense potentialities and promise for further universal cultural advancement; and

Whereas, in partial recognition of these cultural contributions toward civilization and peace, the Eighty-sixth Congress of these United States of America passed the Shevchenko Memorial resolution, leading to the erection of a statue of Taras Shevchenko, the poet of Ukraine, on public grounds in our Nation's Capital; and

Whereas the critical importance of this non-Russian nation in world affairs has been obliquely reflected in the original charter membership of the Union of Soviet Socialist Republics; that is, the Ukrainian Soviet Socialist Republic, in the United Nations; and

Whereas the contemporary status of Ukraine has been reflected in the Captive Nations Week resolution passed by the Eighty-sixth Congress in July 1959, and signed by President Dwight D. Eisenhower into Public Law 86–90; and

Whereas for the past two decades the Congress, Governors of our major States, and mayors in our largest cities have consistently observed the indomitable spirit of independence and creative assertions of the Ukrainian people; and

Whereas the independent Ukrainian National Republic, which was established by democratic, popular vote and national self-determination on January 22, 1918, was one of the first to proclaim freedom for its people in the area of the traditional Russian Empire; and

Whereas in 1974 the celebration of the Tenth Anniversary of the unveiling of the

Shevchenko statue by former President Eisenhower will be observed here and in various parts of the country: Now, therefore, be it

Resolved, That on the eve of this celebration the President is authorized and requested to issue a proclamation designating January 22 of each year (the anniversary of the proclamation which declared Ukraine to be a free and independent republic) as Ukrainian Independence Day, and inviting the people of the United States to observe such a day with appropriate ceremonies.

SENATE RESOLUTION 65—SUBMISSION OF A RESOLUTION TO AMEND RULE XXV RELATIVE TO OPEN MEETINGS OF STANDING COMMITTEES

(Referred to the Committee on Rules and Administration.)

Mr. STEVENSON. Mr. President, on behalf of myself and Senators MATHIAS and HATHAWAY, I submit a resolution amending the Standing Rules of the Senate so as to require all meetings of standing Senate committees and subcommittees to be open to the public, except in certain exceptional circumstances.

Late last year Senator MATHIAS and I held 3 days of hearings to consider ways to strengthen the Congress and make it more reflective of the popular will.

The dominant theme that emerged from all the testimony was the need for greater access to information—both for the public and for Members of Congress. A government whose legitimacy rests upon the consent of the governed must not, except in special circumstances, conduct its business in secret. Secrecy breeds public suspicion and confusion. A recent Harris poll reported that in 6 years public approval for the Congress had fallen from 64 to 26 percent. I believe that steps to eliminate needless secrecy would go a long way toward restoring public confidence in the legislative process.

It is in committee executive sessions that legislation is hammered out and hard decisions made. In the Senate all executive sessions have been held in secret until this year. Last month one committee—Interior—adopted a committee rule requiring that most executive sessions be open to the public. In the first meetings of my own committees—Banking and Commerce—the secrecy issue has been raised with broad support expressed in both for an open door policy.

If committees adopt their own different rules on the subject, public confusion will follow. What is more, recent statements by the Parliamentarian and others create considerable doubt as to whether open executive sessions can legally be required by committee rule. To insure uniformity and to eliminate uncertainty about the legality of anti-secrecy measures, a Senate rule is needed.

Under our resolution the rules of the Senate would be amended to require all meetings of the standing Senate committees and subcommittees to be open to the public, except in certain defined circumstances. A majority of the members of a committee could vote to close a meeting because disclosure of matters to be considered would, first, endanger the national security; second, relate solely to matters of committee personnel, management, or procedure; third, endanger the rights of individuals; fourth, reveal the identity of information or individuals in a way that would be damaging to effective law enforcement; fifth, reveal trade secrets; or, sixth, disclose discussion of a presidential nominee in a confirmation proceeding. To provide additional flexibility, committee meetings could be closed by the recorded vote of a majority and with a public explanation when disclosure would be considered "clearly contrary to the public interest."

The principle of open committee sessions should be adopted as early as possible in this Congress. This resolution would provide for secrecy in cases where it is clearly and understandably warranted. My belief, based on some experience in a State legislature, is that open meetings would not impede the efficient conduct of our legislative business, but would enhance public confidence in the process of lawmaking. The suspicions which now exist would be allayed and replaced by a greater public appreciation for the difficulties of reconciling the conflicting interests of a diverse and complex society.

The resolution is as follows:

S. RES. 65

Resolved, Rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"8. (a) Except as set forth in subparagraph (b) of this paragraph, all meetings for the transaction of business of each standing committee or subcommittee thereof shall be open to the public.

"(b) A committee or subcommittee to which this paragraph applies may conduct meetings closed to the public if the committee or subcommittee in open session and with 50% or more of its members present determines by rollcall vote that all or part of the meeting to be held on that day should be closed to the public because disclosure of matters to be considered at the meeting would—

"(1) endanger the national security;

"(2) relate solely to matters of committee staff personnel or internal staff management or procedure;

"(3) tend to charge with crime or misconduct, or to disgrace, injure the professional standing or otherwise expose to public contempt or obloquy any individual, or will represent a clearly unwarranted invasion of the privacy of any individual: *Provided,* That this subsection shall not apply to any government officer or employee with respect to his official duties or employment, and, *Provided further,* That as applied to a witness at a meeting to conduct a hearing, this subsection shall not apply unless the witness requests in writing that the hearing be closed to the public;

"(4) disclose the identity of any informer or law enforcement agent or of any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

"(5) disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person where—

"(A) the information has been obtained by the Federal Government on a confidential basis other than through an application by such person for a specific government financial or other benefit; and

"(B) Federal statute requires the information to be kept confidential by government officers and employees; and

"(C) the information is required to be kept secret in order to prevent undue injury to the competitive position of such person;

"(6) disclose discussion or deliberation about committee action on confirmation of a Presidential nominee; or

"(7) disclose other information under circumstances in which such disclosure would be clearly contrary to the public interest; *Provided,* That this exception shall not be invoked unless a majority of all members of the committee or subcommittee which seeks to invoke the exception vote to do so in accordance with the procedures set forth in this subparagraph.

"(c) A separate vote shall be taken with respect to each committee or subcommittee meeting that is closed to the public pursuant to this paragraph, and the committee or subcommittee shall make available within one day of such meeting, a written explanation of its action. The vote of each committee or subcommittee member participating in such vote shall be recorded and published."

SENATE RESOLUTION 66—SUBMISSION OF A RESOLUTION REQUESTING INFORMATION RELATIVE TO REHABILITATION OF PRISONERS OF WAR RETURNING

(Referred to the Committee on Veterans' Affairs.)

Mr. MONDALE. Mr. President, the joyous scenes which we have all witnessed in the past week, as the first 143 American prisoners of war were released, have brought us together as a nation. Many of these men, imprisoned for as long as 8 years, have experienced suffering beyond our ability to comprehend. They have all endured their years of confinement and imprisonment with courage and dignity.

The initial weeks and perhaps months for these men will be difficult ones indeed. Faced with the need to readjust to the different pace of domestic military and civilian life, they will need medical and psychological care which is the best our Nation can offer. The Department of Defense has gone to great lengths to provide the best care available for these men upon their return. The Department is to be commended for the thoroughness of their preparations, and for the concern which these preparations manifest over the concern of our returning prisoners of war.

However, the problems which the returning POW's will face over the long term are of a much more uncertain nature. The 562 men known to be held in captivity as a result of this war have been held for an average of 4½ years. Many of these men will have changed both physically and emotionally. Our experience from past wars—especially the Korean war—should teach us that long-range solutions to the problems of these men are matters needing the greatest care and deliberation.

But our experience from these wars should also teach us that we must act while these men are in our consciences. The public's memory is short; other problems intervene; and the POW's of past wars have often been left alone with their nightmares, forgotten by the public and unable to forget their experiences in captivity. At this point in time, we do not know what all of these men's needs—and those of their families—will be. But we cannot delay the process of serious consideration of what legislation may be necessary to assure that these brave men are helped in a course of readjustment which will not be measured in months, but in years.

As part of "Operation Homecoming," the Department of Defense has undertaken studies of long-term problems of prisoners of war of past wars, and has assembled a considerable amount of data on these problems. The resolution I am introducing today attempts to involve Congress intimately in the process of using this information—and whatever additional information becomes available over the course of the next few months—to frame legislation to meet the needs of our returning POW's.

The Senate should involve itself at the earliest possible time in this process. The needs of the POW's will vary in many different ways. But the difficulties—especially for those prisoners who have been in captivity for many years, and for their families—will be inescapable. As the wife of a returning POW who had been held captive for 7 years noted:

> I'll have a man coming in who is very much a stranger, who is biologically the father of my children, but they are my children, I have raised them, I've walked the floor at night with them; he's really not had much of an influence in their lives at all. And now he's kind of coming back in from the assumption that he's had a place here, but we're going to have to make a place for him, (that's) really the problem.

Legislation can certainly not solve every problem which these POW's and their families will face. But it can and must deal with as many of these problems as possible. The resolution which I am introducing today provides that the Senate immediately upon passage request the Department of Defense and the Veterans' Administration to submit to the Senate Veterans' Affairs Committee within 60 days complete and detailed information on the plans which they have made for the returning POW's. This information would deal with medical, psychological, family counseling, career counseling, and other needs of the returning POW's, with special emphasis on long-term needs.

Upon receipt of this information, the Veterans' Affairs Committee would study these plans and other available information and report out any legislation deemed necessary to fulfill the needs of the POW's in the following areas:

Medical and psychological needs of prisoners of war, both near-term and long-term;

Career counseling and placement, and the need, if any, for a special employment preference;

Family counseling;

The special needs of prisoners of war electing to leave the armed services; and

Other needs of Vietnam war prisoners of war, in particular with respect to long-term needs.

Any such legislation reported out of the Veterans' Affairs Committee will be deemed as privileged business, with a view to completing action on any such legislation by the end of the first session of the 93d Congress.

We have already passed some legislation which has helped to provide some measure of financial security for our POW's. But the problem involves more than finances; it also involves long-term psychological, physical, and career needs.

We in the Congress will have to examine this problem over the course of many years, and legislation may have to be revised as conditions warrant. But we should begin as quickly as possible to express our tangible concern with many of these difficult long-term questions.

The resolution which I am introducing today will hopefully aid in this process and help the Senate express its concern in aiding our POW's in the wide variety of difficult problems they will face in the years ahead.

Mr. President, I ask unanimous consent that the text of this resolution, and a number of recent articles on the POW's, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the resolution and articles were ordered to be printed in the RECORD, as follows:

S. RES. 66

Whereas American prisoners of war are currently being released from captivity in Southeast Asia, and

Whereas in past wars such prisoners of war have experienced substantial long-term difficulties in readjusting to domestic civilian and military life, and

Whereas many of the prisoners of war held in the Vietnam war have remained in enemy captivity longer than any other prisoners of war in our Nation's history, and

Whereas, families of prisoners of war have expressed concern over the long-term ability of these men to successfully readjust to domestic civilian and military life: Now, therefore, be it

Resolved,

SEC. 2. That immediately upon passage of this resolution, the President of the Senate shall request the Department of Defense and the Veterans' Administration to submit to the Senate Veterans' Affairs Committee within sixty days complete and detailed information on plans which have been completed for medical, psychological, family counseling, career counseling, and other needs of returning prisoners of war, with special emphasis on plans which have been developed to meet the long-term needs in each of these areas.

SEC. 3. (a) That upon receipt of and based upon information contained in the report requested from the Department of Defense and the Veterans' Administration, and utilizing whatever other information deemed necessary, the Senate Veterans' Affairs Committee shall report out recommended legislation, as deemed advisable, in the following areas:

(1) medical and psychological needs of prisoners of war, both near-term and long-term,

(2) career counseling and placement, and the need, if any, for a special employment preference,

(3) family counseling,

(4) the special needs of prisoners of war electing to leave the armed services,

(5) other needs of Vietnam war prisoners of war, in particular with respect to long-term needs.

(b) Any such legislation shall be reported to the full Senate so as to enable completion of passage of such legislation by the end of the first session of the 93d Congress.

(c) Any such legislation reported to the full Senate from the Senate Veterans' Affairs Committee shall be privileged business.

[From the New York Times, Feb. 11, 1973]

THE ROUGH ROAD BACK FOR POW'S

(By Steven V. Roberts)

LOS ANGELES, February 10.—As the first American prisoners start their journey home tomorrow night, they will move from a world of silence to a world of noise, from slow motion to speed, from isolation to crowds, from idleness to activity and from the company of military men to the company of wives, children and friends.

Some of these men have been held captive as long as eight years, and they are expected to experience a variety of emotional and psychological problems as they readjust to freedom.

Doctors feel that the potential problems must be discussed, and some are concerned because military men tend to hold an "archaic" notion of psychology that equates treatment with being "sick" or "crazy." This attitude, they fear, may inhibit the recovery of the returning prisoners.

The most widely quoted study of former war prisoners, one done for the Pentagon by four doctors, says that some men may suffer from "concentration camp syndrome." They describe it this way:

"Following repatriation, the symptoms of this syndrome include increased fatigue, dysphoria [mental anxiety, impatience, restlessness], impairment of memory, emotional instability, impairment of sleep, decreased self-esteem, loss of initiative, irritability and difficulty concentrating, vertigo, various somatic symptoms.

"EMOTION SCARS" REMAIN

"Within the prisoner of war who survives, the admixture of despair, hostility and anxiety during captivity deposits emotion scars which will affect him for the rest of his life."

This syndrome involves several different elements, and the first one is the shock of release itself. As Paul N. Miler, a psychologica consultant to the Pentagon, has put it: "The man is not prepared for release, he's not prepared for freedom. He doesn't dare prepare himself. His hopes have been raised and dashed too many times."

Dr. Julius Segal, a psychologist and author on the staff of the National Institute of Mental Health, has reviewed studies of the problem and reports one central theme: "The difficulty former prisoners have in adapting to the tremendous on-rush of new inputs in a normal environment."

These inputs include harsh sounds and sharp colors, flavorful food, new fashions and TV programs, the attentions of family, the press and officialdom, even the need to make the smallest choices.

"Concentration camp survivors," reports Dr. Segal, "found it an overwhelming responsibility to be suddenly told that they were free to move physically in any direction they wanted."

Mr. Miller says that former war prisoners have to unlearn many traits and habits that were necessary for survival in prison and relearn the patterns of normalcy. For example, he said, the prisoners had to discipline themselves to stretch out even the smallest task, such as smoking a cigarette, to fill the vast void of time. Many passed days constructing elaborate fantasies, and that can complicate the readjustment process.

As Lieut. David Matheny, a former prisoner released by North Vietnam in 1968, put it: "It's a fantasy world that you live in, and sometimes it's a little hard to come down. You can always make things come out exactly right in a mental game, and that doesn't always work out in real life."

For many men, the major objects of fantasy were their wives and children, and as

Dr. Alfred A. Messer, director of the Family Institute of Atlanta, put it, they could be faced with the problem of "role panic."

"Supposing he left home with small children," said Dr. Messer, who has specialized in treating military families. "The wife has had to play both roles, father and mother. What happens now? Is he expected to assume the role of assertive and dominant leader in the family?

"He may have left with youngsters at home, and now they're teen-agers. It's tough enough to have teen-agers anyway, but to suddenly have responsibility for them is even harder."

In addition, many men will return to wives who are used to doing things for themselves, from fixing the car to disciplining the children, and Mr. Miller advises both partners not to feel "guilty" if they find the renewal of their relationship a "threatening" prospect.

The former prisoners must also deal with society at large.

"When he first leaves the P.O.W. camp, a man's first emotion will naturally be joy and ecstasy," said Dr. Messer. "But his second is likely to be anger, rage and guilt. He'll feel anger at the fact that he was incarcerated so long, rage at the fact that this war has never been acclaimed as a glorious and popular war, guilt about the fact that many of his buddies have died and he has survived."

The unpopularity of the Vietnam war, say the doctors, will leave many returning prisoners feeling futile and unappreciated. But it will also have a deeper effect. As Dr. Robert J. Lifton, a professor of psychiatry at Yale and an expert on the problems of veterans, put it:

"When men come back from any war, they have a sense that they've done a dirty job, and they've got to deal with that in readjusting to civilian society. What helps them deal with that is the sense that they did a dirty but necessary job. In Vietnam, there is a widespread feeling that it is a dirty but unnecessary job."

Dr. Messer has treated many former soldiers who cannot justify to themselves their role as "killer and destroyer" and wind up displaying symptoms of "combat fatigue" several years after leaving the battlefield.

This aspect of the war prisoners' emotional readjustment has already created some controversy among antiwar activists. Dr. Lifton, for instance, feels that the military is trying to describe the prisoners in technical, and rather mysterious, medical jargon—for example, "concentration camp syndrome"—and thus obscure the possibility that the prisoners have made an "ethical appraisal" condemning the "immorality" of the war.

The situation is aggravated because many prisoners are likely to feel defensive not only about their role as soldiers, but also about their role as prisoners. Former war prisoners have talked about the tension and "fear of censure" created by the rule that a prisoner should provide only his name, rank and serial number to his captors.

"Let's face it," said Mr. Miller, "no matter how he has behaved, every man is afraid of a finger being pointed at him."

The former prisoners will want their sacrifices to be appreciated, and men like Dr. Messer think that it is important for the country to separate political judgments about the war from personal judgments about the former prisoners.

But according to men who have returned in the past, what former prisoners want most is to be considered normal. They resent being treated as "weirdos," or getting looks that say, "Here comes the cancer patient," as one put it.

Moreover, they cannot forget, and they do not want the country to forget, the men who do not return.

[From the New York Times, Feb. 11, 1973]

THEY ARE DIFFERENT MEN NOW

LOS ANGELES.—Some have suffered captivity for only a few months, others for eight years . . . some were injured, others escaped without a scratch . . . some will slip back easily into their prewar lives, others will never fully recover.

As the first major contingent of P.O.W.'s arrives home from Vietnam, each man will inevitably have his own set of problems and reactions. But talks last week with military and civilian experts, as well as former prisoners and waiting wives, indicated that most returnees would grapple with these specific problems of readjustment:

Physical. No one knows what shape the men will be in. Doctors were heartened by the health of the three P.O.W.'s repatriated last September, and treatment in the camps has undoubtedly improved in the last two or three years. But some men may have unhealed injuries, particularly if they were held captive in South Vietnam. Prisoners there were sometimes kept in cage-like contraptions and moved frequently, according to Maj. James N. Roe, who escaped after five years' imprisonment. Many could also suffer from nutritional deficiencies, bad teeth and such tropical diseases as malaria and worms, common facts of life in Southeast Asia. Most experts doubt horror stories that envision returned prisoners squatting on the living room rug and staring at the wall. But it's possible some might want to sleep on the floor for a while—a soft mattress could actually make them nauseous.

Psychological—All prisoners have experienced the shock of capture, a feeling one psychologist described as "total helplessness." All of them, he added, have become "professional time killers"—training ants or building mental houses or creating detailed fantasy worlds in order to survive. The strain takes its toll, and returning prisoners could suffer a syndrome involving frequent fatigue, impairment of memory and sleep, irritability, depression and an inability to make decisions. Wives have been advised not to ask what the men want for dinner, let alone where to send the children to school.

The immediate problem: Like Rip Van Winkle in a time capsule, returning prisoners will be propelled from a limbo of isolation to a world they've never known. To ease the time-lag trauma, returnees will be given a cram course in current "happenings" over the past years . . . from the inauguration of President Johnson in 1965 to the 1971 Supreme Court decision on state aid to nonpublic schools. The news digest, put together by Peter Hackes of N.B.C. News and Gordon Hunt of Oklahoma State University, even covers "The Current Slang Expressions Being Used by the Young People of America"—though the argot is somewhat old, to wit "chick" for young girl and "cool."

Personal—Readjustment will be hardest for those men who had been married but briefly before leaving for Vietnam. Now they must return to families in which they are virtual stangers. More than a dozen wives divorced their husbands in absentia and a sizable percentage of the younger wives admit to casual or involved relationships with other men. It is neither fair nor reasonable, they insist, to expect a young woman to remain celibate for five years or more—but many feel guilty and wonder if their husbands will understand. Then there are the wives who have not looked at another man, but have developed streaks of independence and self-reliance their husbands might find unnerving. Many have taken jobs or have become active in the National League of Families, all have had to make many key decisions completely alone—and few will return to the role of a docile homebody whose highest achievement is a casserole.

Professional—The Pentagon indicated last week that the P.O.W.'s have accumulated an average of $20,000 in back pay. Some may have as much as $100,000 coming to them, all tax free. But there is still a problem: Many captives are career military men who have now fallen behind their contemporaries in the rather remorseless competition for promotion. Some will be physically incapable of performing their old jobs, such as flying jets. The National Alliance for Businessmen and other groups are offering career counseling to those who leave the service; and some civilian companies, particularly airlines, have indicated a willingness to hire the men. But some P.O.W.'s face trouble in fulfilling one of their strongest desires, the chance to become "productive" again.

Political—The prisoners will return to a country turned skeptical and wary by a decade of war. They will encounter people who consider them foolish, if not evil, for fighting in Vietnam, and many are expected to feel futile and unappreciated. More than one wife, as she contemplates her husband's homecoming, dreads the moment when the subject of politics comes up—and her children tell their father that they feel the war was a big waste.

—STEVEN V. ROBERTS.

[From the Washington (D.C.) Post, Feb. 11, 1973]

REFLECTIONS OF A POW'S WIFE

Mrs. CORMIER. I am not the feminine woman that I was seven years ago, if one defines femininity as sort of passivity and concerned more with home and the running of the home and motherhood. Those were my limits, really seven years ago. I was terribly interested in—in raising my children and—and running my home. Those are still my primary interests. However, I have been forced by circumstances to become quite aggressive, sort of terribly cold. Do you know how long it's been since I kissed a man? It's been a long time. I don't even know if I remember how anymore, and that scares me.

Q. Do you love him?

A. Oh, yes. Very much. In fact, I guess I realize now how much I do. . . .

On the one hand, I—I cannot wait for him to get home. My life is kind of held in abeyance until he arrives, because I want so much to continue it with him. On the other hand, I do feel that this will be a time when a person will come into my life who will pass judgment, and it's kind of scary and I'm kind of nervous about it.

It's just kind of a very scary feeling to think that—let me—let me put it this way. Someone has—has said to me, "Oh, well," you know, "you have a second chance, a second marriage." And I don't really, because if this were a second marriage the two of us would be sort of starting out from equal footing and we would both have made a decision to—to stick with one another or whatever it may be.

This time I have a man coming into my house, and it is very much my house, I shopped for it and paid for it and fixed it up, took care of the storms and the screens, and it's very much mine; I'll have a man coming in who is very much a stranger, who is biologically the father of my children, but they are my children, I have raised them, I've walked the floor at night with them; he's really not had much of an influence in their lives at all. And now he's kind of coming back in from the assumption that he has a place here, but we're going to have to make a place for him is really the problem. . . .

And he's bound to come in here and—and realize that we have survived pretty well without him. And I'm sure that he's going to wonder what is his—his role and his place in this family.

Q. What about getting together when he gets out? I understand that the—the government has all sorts of plans made which you feel don't include the family much. Is that it?

A. Well, there are—their plan calls for having the men returned to specified centers in the United States and then ship the families into these centers at government expense to spend the time there, at least the initial rehabilitation period there with the man, which does not allow very much in terms of thinking about a second honeymoon. My husband has mentioned a sec—the possibility of a second honeymoon in his letters, and I'm wondering how he's going to feel about a second honeymoon in the base hospital at Andrews Air Force Base. I—well, the—the idea of the antiseptic and sterility of the place kind of turns me off; and I'm sure it will him.

Q. Your children have grown up in very crucial years without their father. Do you think that can ever be made up, that time lost?

A. No. No, I—I really don't think it can. I think what also cannot be made up is the fact that they have grown up without him. Their thinking and their actions and the—their value system is all kind of mine. And while I believe very much in my value system, it's—it's not been sort of tempered by another person. And I don't think that that's very good. It's not the way I pictured it when I went down the aisle as a bride; definitely not what I had in mind . . .

You're talking with a wife who is able to say these things because I have some security that I have a person coming home. But so many of these wives do not have that—that security. And it's so very difficult for them to be able to—to think about this sort of coldly. I guess that some of us are—are able to; we've been able to—to put our feelings aside and sort of talk about it. An awful lot of families are not able to.

Also, you must remember that I'm seven years into this. If you had—if you were in Washington last October to the league meeting, you have seen all the brand-new families, families whose relative had been shot down in '70 or '71 or '72. It seems incredible that people are still being shot down, but they are. And so really I'm sort of an old China hand at this. There are so many wives who are not. . . .

Q. When your husband comes back are you afraid that he's going to be treated as the POW freak, with his mother crying every time she looks at him and—and your saying, you know, "We've got our life to continue, and our life to start"?

A. Well, this is one of—of my fears. I am sort of concerned about my role. No matter which way I play it, I am bound to come out as kind of being the heavy. And if I appear to have managed with a reasonable degree of success, then I will appear to have gone on without him. If I did not manage at all, then it—I will not have risen to the occasion. If the children are well-behaved and present relatively few problems, then I will be the—the sole parent; he will really have not had any involvement. If the children had a tremendous amount of problems, then it would be because I haven't taken care of them. There's this tremendous possibility that I can lose. I can lose on so many counts. He could fall in love with the stewardess on the way back in the plane, because it may be the first round-eyed American girl that he's met.

He's coming back to a situation which is already set. The schedules are there; the lifestyle is there. I'm much older than I was, although he is also, but I'm much more set in my ways. The children are older. And we all have our—our schedules and our routine. And I see that I could lose, and it kind of not only worries me but it kind of angers me too.

One of the previous returnees came home and divorced his wife because she was too liberal. So that's pretty scary. Am I going to be too liberal? Well. Am I going to be too aggressive, too self-possessed, too cold? I don't know.

Q. Do you worry that perhaps he won't measure up to your standards anymore?

A. No. I guess I'm more concerned about my measuring up to his. It—it just sounds so very trite, but I—I keep thinking of how am I going to share anything with him. How is it going to be to have him sharing my life; to have him checking the checkbook and the bank balances? How is it going to be to feel that he's listening in on phone conversations that I have? How will I ever share my closet, my bathroom with him? How—how do I—I share my life with a man who to all intents and purposes at this point is a total stranger and yet is the father of my children and the man with whom I want very much to share? But I don't know about my ability to share anymore. I don't know how I'm going to feel if I am awakened in the middle of some night when he's had a bad dream and decides that I am a Vietcong intruder. I don't know how it would be to have him get very snappy with the children. I don't know how it will be when—when he comes back and says, "What was it all for?" and I don't know what it was for.

[From the New York Times, Feb. 7, 1973]

A DEBT OF HONOR

(By James Reston)

After the return of the prisoners from Vietnam, after all the consoling ceremonies at the White House, and the family reunions and tears on television, the reality for the prisoners coming home at last will begin in private. When they come home from Vietnam, what will they find?

The rest of us will never really understand. Most of us in this big continental country never had a son or relation killed or maimed in Vietnam. America lost over 46,000 dead, but, for most of us, this was a statistic in the papers and not a tragedy in the family or down the street.

For the liberated prisoners and their families, however, it is an intensely personal crisis. On the television it looks like a reunion of lovers and families, but in reality, it is a reunion of strangers.

The prisoners come back different men, usually helpless or rebellious. They have had to surrender to endure. Many of them have literally been "killing time," which means killing their fears, blotting out the present, romanticizing the past and dreaming of a family and an America that are changed beyond their imagining.

In the history of the Republic, the Vietnam war will probably look like a capricious incident, but the United States was already involved in it casually but carefully under President Eisenhower in 1953, twenty years ago, and much more deeply involved under President Kennedy in 1963. In family terms, this is a very long time.

The Census Bureau in Washington tells us that over half the people in the United States are now under 28 years of age. This means that most of our people cannot even remember much before we were involved in Vietnam. And in the lives of the prisoners now coming home, most of whom are under 25, Vietnam dominates everything.

They not only come home different men, but come home to the same but different and older wives, different children, a different country, with different memories and different values. After the reunion and the celebration, trying to sort all this out at home and in the community is bound to be an agony.

The least that can be done for these returning prisoners is to see that they are given good jobs and relieved of the economic anxiety of taking care of the security of their wives and the education of their children. But even this is not enough.

No doubt the communities they return to will see that they are employed, but after a few years it is easy to forget. So while the President and the Congress are now celebrating the courage and endurance of the prisoners, maybe they should agree on a prisoners bill that would ensure the economic security of these families during the coming years, when they will still be struggling with the consequences of Vietnam, long after most people have forgotten.

After all, the prisoners amount to only a few hundreds, and their sacrifice is not as great as the tens of thousands who were killed in the struggle, but they are a symbol of the tragedy of the Vietnam war and the conscience of America, and if the Government is as sympathetic and grateful as it now says, maybe it should not only welcome them home but give them a chance for a secure economic future after the celebrations are over.

If the returning American prisoners are to be dealt with practically, and not merely politically or romantically, legislation must be introduced now, with the support of the President and the leaders of the Congress, to relieve these families of their economic anxieties.

The Government cannot wipe out their memories. The war has gone on too long and many of them have been in prison for too many years to regain a normal family life or readjust to the values and styles of America that changed so much while they were in prison.

Some of the prisoners will have been strengthened by sacrifice and adversity, and will come back to families ennobled by sorrow and fidelity, but others will be overwhelmed by remorse, and even the austere and faithful families may have trouble with their wayward children.

For a returning prisoner to deal with all this, even in the best of circumstances, to make decisions when for years he had no power of decision, to get to know himself at another time of life, and his wife, and his growing and transformed children—this is a challenge beyond the reach of most men.

Right now, however, when the President and the Congress are conscious of the returning prisoners' problems, there is at least a chance to ease his economic burdens in a time of inflation and unemployment, and give him time to think and sort things out.

Speeches of gratitude from the President, which are undoubtedly sincere, and homecoming celebrations and parades on Main Street, are not really enough. These prisoners and their families need to be relieved for a time of economic worries to deal with their personal and family anxieties, and a Government that speaks of "peace with honor" owes them a debt of honor, which so far has not been paid.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 36

At the request of Mr. NUNN, the Senator from North Carolina (Mr. ERVIN) was added as a cosponsor of Senate Resolution 36, prescribing certain procedures for the Senate.

TOXIC SUBSTANCES CONTROL ACT OF 1973—AMENDMENTS

AMENDMENT NO. 8

(Ordered to be printed, and referred to the Committee on Commerce.)

Mr. HART. Mr. President, on behalf of the Senator from California (Mr. TUNNEY), I am submitting an amendment, intended to be proposed by him, to the bill (S. 426) to regulate interstate commerce by requiring premarket testing of new chemical substances and to provide for screening of the results of such testing prior to commercial production, to require testing of certain existing chemical substances, to authorize the regulation of the use, the distribution of chemical substances, and for other purposes. I ask unanimous consent that a statement by Mr. TUNNEY, relating to the amendment, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY MR. TUNNEY

Mr. President, I am introducing today a very important amendment to S. 426, the Toxic Substances Control Act of 1973. This amendment, which is modelled on Section 27(k) of the Consumer Product Safety Act enacted last year, provides that the Administrator of the Environmental Protection Agency shall submit to Congress his legislative recommendations, appropriation requests and hearing testimony at the same time that he submits them to the Office of Management and Budget or any other Executive office or officer.

Mr. President, the Congress must no longer permit the Office of Management and Budget to exercise the functions which the Constitution of the United States assigned to the Congress.

How can we fulfill our constitutional responsibility to legislate, with respect to protecting the American environment, if the Administrator must "clear" his prepared testimony with another Executive office before he even appears on the Hill? How can we fulfill our constitutional responsibility to appropriate funds, with respect to protecting and restoring the American environment, if the Administrator must first submit his budget requests and estimates to the Office of Management and Budget and if the OMB decides what to submit and what to withhold from us? Why should the Congress be forced to work only with material and resources that the Executive branch has first screened, filtered and packaged before Congress is entrusted with it?

There should be no censorship on legislative recommendations or testimony, and the President should be required, in submitting his budget for the Environmental Protection Agency to the Congress, to include the agency requests themselves, as originally submitted to OMB, together with any supporting materials furnished by the agency.

The Congress must have a clear understanding of what legislation and what resources the EPA itself believes are necessary to assure a healthful environment for all Americans. The process of legislation and appropriation should provide greater visibility of the agency's own determination of need.

In the words of Mr. Justice Jackson, "only Congress can prevent power from slipping through its fingers." We ourselves have allowed our powers to dwindle. We must stop this slippage and restore a proper balance between the executive and legislative branches. The environment is a good place to make a beginning, for it is the area in which, if we fail, we may never be given a second chance. As trustees for the benefit of future generations, generations who will flourish in a healthful environment or suffer in a polluted one, we must insist that Congress have the information it needs to perform its constitutional duty.

AMENDMENT NO. 9

(Ordered to be printed, and referred to the Committee on Commerce.)

Mr. HART. Mr. President, I submit an amendment to the Toxic Substances Control Act of 1973, S. 426.

Under the terms of this amendment, the Federal Government would be barred, subject to certain limited exceptions, from financially indemnifying any person who suffers loss as a result of action taken by the Administrator of the Environmental Protection Agency pursuant to this act or the Federal Environmental Pesticide Control Act of 1972. The amendment further directs the EPA to commission a study, to be conducted outside the Agency, of the entire subject of indemnifying persons who suffer economic loss as a result of environmental protection activity by the Federal Government. This investigation would probe whether "and under what conditions, if any" indemnity payments should be made, and would examine, in addition, "all viable means of financing" such payments. The study would be conducted under the direction "of a university or recognized research center by an interdisciplinary group" of authorities. Within 2 years of enactment, detailed recommendations with respect to the advisability, feasibility, and necessity of a uniform Federal indemnification policy would be submitted to the Congress and the President.

Piecemeal indemnity provisions attached to the major health and safety acts concern me. They are well intended, but as peripheral additions to major legislation they may be enacted without sufficient consideration of their impact on a system of regulation designed to protect the environment or public health and safety.

It is a fact that the research and development resources of American industry are far greater than the inspection and certification resources of the Federal Government. Thus, American industry is well positioned to police itself, and thus supplement Government regulatory efforts, provided it is given sufficient incentives to do so. The trouble with a provision that indemnifies an industry against loss when it makes a mistake, is that the payment, by taking the bite out of the mistake, destroys the incentive to avoid such mistakes. To put it in the philosophical terms of the criminal law, the possibility of an order by EPA prohibiting the sale of a particular substance or product is a strong deterrent against industry error or negligence. The indemnity payment serves to neutralize that deterrent.

Furthermore, the indemnity motion runs completely contrary to the principles of the free enterprise system. If a manufacturer is to receive an indemnity payment from the Government when his error leads an agency to order a product recall, should he not also receive an indemnity when his error in estimating public demand leads it to produce a produce that does not sell. The notion that the Government must bear all the financial risks while private industry enjoys the gains is a poisonous one that can undermine the vitality and vigor of our economic system. Without belaboring the obvious, there are certain lessons here from our experience with defense contractors and cost over-runs. Is it in the national interest to reward an industry, via some sort of Federal indemnity payment or credit, for lack of foresight, lack of careful planning, failure to inquire into hazards, or insufficient attention to product development?

Another worrisome aspect of the indemnification concept is the additional financial considerations it may inject into the regulatory process. If agency budgets will suffer from aggressive regulatory action, agencies may begin to tailor their remedies to avoid claims for compensation. That an agency may one day be unable to afford a ban necessary to protect health and safety is a prospect that simply must be avoided.

Mr. President, what we need, I believe, is an independent study of these matters by a group that includes economists and financial analysts as well as ecologists, doctors, lawyers, and safety specialists. Such a study could provide the Congress with recommendations for a well-reasoned approach to health and safety indemnification. Pending completion of this review, I would argue, the only indemnities awarded should be awarded directly by the Congress based on the particular facts and circumstances of the cases before it. Given the pitfalls of the concept, caution and study should be the watchwords associated with indemnification.

ORDER FOR STAR PRINT OF AMENDMENT NO. 7

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a star print be made of amendment No. 7 to Senate bill 837 for the purpose of incorporating language which was inadvertently left out when the amendment was introduced.

I also ask unanimous consent that the corrected version of the amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

STAR PRINT—AMENDMENT NO. 7

At the end of the bill, add the following new section:

SEC. 7. Section 658 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 658. LIMITATION ON USE OF FUNDS.—(a) Except as otherwise provided in this section, none of the funds appropriated to carry out the provisions of this Act or the Foreign Military Sales Act shall be obligated or expended after April 30, 1973, until the Comptroller General of the United States certifies to Congress that all funds previously appropriated (including any authorization to create obligations in advance of appropriations), and thereafter impounded during fiscal years 1972 and 1973 for activities programs, and projects under the Departments of Agriculture, Transportation, Housing and Urban Development, and Health, Education, and Welfare, have been released for obligation and expenditure.

"(b) Except as otherwise provided in this section, none of the funds appropriated for fiscal year 1974 or any fiscal year thereafter to carry out the provisions of this Act or the Foreign Military Sales Act shall be obligated or expended if any of the funds appropriated to the Departments of Agriculture, Transportation, Housing and Urban Development, and Health, Education, and Welfare for any such fiscal year are impounded for more than sixty days. If such impounded funds are released, the funds appropriated to carry out such Acts may subsequently be obligated and expended unless thereafter funds for any such department are impounded for more than sixty days.

"(c) The provisions of this section shall not apply with respect to funds impounded in accordance with any provision of law specifically authorizing the impoundment of funds of any such department if (1) such provision is contained in any law authorizing, or making appropriations for, any activity, program, or project of such department, and (2) the impoundment is made only with respect to and in accordance with such provision authorizing the impoundment.

"(d) Notwithstanding any other provision of law, new obligational authority made available for any activity, program, or project under this Act or the Foreign Military Sales Act for fiscal year 1974 and any fiscal year thereafter shall not exceed in any quarter of any such fiscal year one-fourth of the new law obligational authority made available for such activity, program, or project for such fiscal year. If activities, programs, and projects are being conducted under either such Act during any such fiscal year under a law making continuing appropriations, obligations for any quarter of such fiscal year for such activity, program, or project shall not exceed one-fourth of the new obligational authority made available for such activity, program, or project for the most recent, immediately preceding fiscal year for which appropriations were made to carry out such activity, program, or project.

"(e) The Comptroller General shall determine (1) if funds of any such department have been impounded, (2) whether such funds have been impounded for more than sixty days, and (3) if, and when, such funds have been released in accordance with this section. In any case in which the executive branch does not provide sufficient information to the Comptroller General to determine whether funds with respect to any such department have been impounded, then, for purposes of this section, such funds shall be deemed to have been impounded and any period during which such information is not provided shall be considered as a period, or a part of a period, of impoundment. The Comptroller General shall review from time to time and report to Congress not later than thirty days after the end of each quarter of a fiscal year, beginning with the first quarter of fiscal year 1974, with respect to the operation of this section. Each report shall include any determination made by the Comptroller with respect to such quarter that funds of any such department have been impounded for more than sixty days and when any such funds have been released.

"(f) For purposes of this section, impounding includes—

"(1) withholding or delaying the expenditure or obligation of funds (whether by establishing reserves or otherwise) appropriated or otherwise obligated for projects or activities, and the termination of authorized projects or activities for which appropriations have been made;

"(2) withholding any authorization to establish obligations in advance of appropriations; or

"(3) any type of executive action which effectively precludes the obligation or expenditure of the appropriated funds."

NOTICE OF HEARINGS ON OMNIBUS DISTRICT COURT JUDGESHIPS

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished junior Senator from North Dakota (Mr. BURDICK), I wish to announce that a continuation of open public hearings have been scheduled before the Subcommittee on Improvements in Judicial Machinery relating to the recommendations made by the Judicial Conference of the United States (S. 597) that an additional 51 judgeships be created in selected judicial districts in the United States.

The hearings will be held in room 457, Russell Office Building, commencing at 10 a.m. on February 20 and 21, 1973.

On February 20, testimony will be received from the chief judges of the Western, Southern and Middle Districts of Texas.

On February 21, testimony will be received from the chief judges of the Eastern Districts of Louisiana, Kansas, and Massachusetts.

Communications relatives to these hearings should be directed to the subcommittee staff, 3606 Dirksen Office Building, extension 5-3618.

NOTICE OF HEARINGS BEFORE COMMITTEE ON FOREIGN RELATIONS ON S. 837

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Arkansas (Mr. FULBRIGHT) I wish to announce that the Committee on Foreign Relations has scheduled a public hearing on S. 837, the Foreign Assistance Act for fiscal year 1973. The hearing will be held on February 22 in room 4221 of the Dirksen Office Building, beginning at 10 a.m.

At that time the committee expects to hear executive branch witnesses and other interested individuals. Persons wishing to testify should communicate with the chief clerk of the committee.

NAVAJO-HOPI FIELD HEARINGS ANNOUNCED

Mr. JACKSON. Mr. President, I wish to announce to the Members of the Senate and other interested persons that the Subcommittee on Indian Affairs has scheduled an open field hearing to be held in Winslow, Ariz., March 7 and 8, on the longstanding boundary dispute between the Navajo and Hopi Indian Tribes.

This will be an informational hearing on the complex land issue which has its origin in the 1882 Executive order which led to the establishment of the Hopi Reservation. The two tribes have been in dispute over the title to approximately 1.8 million acres of land since the issuance of this Executive order. At this time, the hearing will be limited to the testimony of the leaders of the two tribes and individual tribal members. The subcommittee also proposes to undertake an aerial reconnaissance over the disputed land area while in the vicinity.

CORRECTION OF NOTICE OF TIME OF HEARINGS OF THE SECURITIES SUBCOMMITTEE

Mr. WILLIAMS. Mr. President, on January 31, I announced that the Subcommittee on Securities of the Committee on Banking, Housing and Urban Affairs would hold 3 days of hearings on S. 470 and S. 488. The dates of the hearing are February 20, 21, and 22. The hearings will be held in room 5302 of the New Senate Office Building at 10 a.m. each day instead of 2 p.m. as originally announced for February 20 and 21. The purpose of this notice is to correct the time.

ADDITIONAL STATEMENTS

MRS. FLORENCE "MUDDIE" CRUMLISH

Mr. BIDEN. Mr. President, the Wilmington newspapers recently printed attractive accounts of the life of Mrs. Florence "Muddie" Crumlish, who has reached far beyond the skein of "three score and ten." She is 108 years old, which signifies that she was born when the Civil War was still being waged.

I call attention to Mrs. Crumlish because the feature stories about her reflect her exuberance and zest for life—something that enlivens and heartens us. In the interview, Mrs. Crumlish says—

> They say I screamed "bloody murder" when salt was put on my tongue and the priest said, "she'll live."

Well, she still lives, and I wish to share her recorded thoughts with the Senate.

Mr. President, I ask unanimous consent that two articles, one from the Wilmington News, the second from the Wilmington Journal, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wilmington (Del.) News, Feb. 2, 1973]

"MUDDIE" CRUMLISH TO ARISE AT 5 ON HER 108TH BIRTHDAY

In the third month of her 108th year, "Muddie" Crumlish changed her life style from spacious ground-floor to compact high-rise apartment.

It was the second drastic uprooting in less than nine years for the woman on record as Delaware's oldest resident.

Yet today, Mrs. Florence R. Crumlish—the grand dame of Luther Towers—counts her blessings as she greets her 108th birthday in a strictly 1970s environment.

It is her custom to arise at 5 a.m. on her natal day.

"That's when I was born—at 5 o'clock in the morning, Feb. 1, 1865, in Baltimore," says the former Florence Rebecca Gebhart, last-born of 10 children. She weighed only two pounds at birth.

"I was put on a pillow and baptized at 2 that afternoon because they didn't expect me to live," she recounts the event as her parents told it.

"They say I screamed 'bloody murder' when salt was put on my tongue and the priest said, 'She'll live.'

"And here I am," said Muddie Crumlish on the threshold of one century, plus eight years.

It's a day she believes in celebrating—on the date. Today she is sharing it with Luther Towers residents, friends and guests at a 1-to-2 p.m. reception in one of the large main floor rooms.

The Rev. C. Luther Fulmer, director of Lutheran Senior Services and the Towers, is arranging the party for an estimated 200 guests.

But Mrs. Crumlish, senior citizen extraordinary, will preside as hostess as usual.

It will be different from past birthdays since she reached the century mark when family and friends streamed into her home to celebrate "the Day."

Nevertheless, it's exciting. She firmly believes no one is too old to adapt to new ways.

"Oh, yes, I love it here," she has said almost from the time she settled herself and as many of her possessions as she could fit comfortably in the kitchen-living room-bedroom-bath unit which she occupies with a companion, Mrs. Mary Gerres.

From the windows of her 10th-floor apartment she can see those old, familiar places—Ursuline Academy and convent with 10th Street Reservoir in the background, and, in the distance, her last residence, 925 Van Buren St.

She calls the reservoir "Lake Placid" and loves to look out on its smooth waters—winter, summer, spring and fall.

"It's so peaceful," she says.

True, it's not like having 10th Street Park with its birds and squirrels at your front door, as she did at Van Buren Street. Or, neighbors and dogs and cats, including her own "Rudolph," coming and going.

Rudolph, a 9-year-old altered tomcat was given to a friend because, "Muddie" decided, "it is not fair to keep him in an apartment."

Although deeply sentimental, Mrs. Crumlish is sensible. In the last move and the one before, she gave away many of her lifetime—some family heirlooms predating herself.

It wasn't easy, but Muddie isn't one to fret or cling to material things.

"I've lived a long, long time," she said. "You can't take it with you . . ." then, slipping into philosophic reminiscing:

"You know, from the moment we're born, we're dying. Ever think of that?"

Muddie's face clouded as it always does when she thinks of loved ones she's lost—especially her daughter, Mrs. Elflora Lemon, who died Aug. 27, 1971.

Mrs. Crumlish was widowed in 1934. She and her husband, Edward Crumlish, had four children, two of whom survive. They are M. Eugene Crumlish of Carneys Point, N.J., and Mrs. Marguerite Homan of Hempstead, L.I., the eldest. A son, Allen, died in 1952.

Mrs. Lemon cared for her mother and shared her home at 925 Van Buren and for years before at 906 Delaware Ave.

The latter, no longer standing, was lost to the freeway in 1964 after a determined "holdout" that pitted Mrs. Crumlish against the State Highway Department. She had lived in the large house at 906 Delaware Ave. for more than 30 years. During that time the neighboring Ursuline sisters became her devoted friends.

Mrs. Florence Crumlish is a devout Catholic and a long-time Democrat who still exercises her right to vote—any way she pleases.

[From the Wilmington (Del.) Journal, Feb. 2, 1973]

Still Going Strong, "Muddie's" an Alert 108

(By Betty Burroughs)

"How many hands did I shake today?" she asked.

"Muddie" Crumlish didn't know the answer, but a close guess would be 175—at least.

That's how many signed the guest book at her 108th birthday party yesterday afternoon in the first-floor reception hall at Luther Towers.

Mrs. Florence R. Crumlish, Delaware's oldest resident on official record, received them all with handshakes and—for family and close friends—hugs and kisses.

As Muddie responded in her sprightly manner to tributes and tokens, she brought laughter and such comments as:

"She is something"

What Muddie Crumlish is—in addition to being Delaware's oldest and the grand dame of Luther Towers—is an astoundingly alert, wise and witty centenarian with a steel-trap memory.

Though hearing in her left ear is slightly impaired, Mrs. Crumlish listens quite well indeed with her good right ear. Her keen blue eyes "can see forever on a clear day." She also watches television without glasses. She doesn't have any.

"The doctor examined my eyes and said I didn't need them," she explains.

But she's never without her magnifying glass for reading newsprint, letters and the like. She is a faithful newspaper reader.

"Everything that interests me," she once told a surprised poll-taker.

She also votes and splits her ticket although she is a staunch Democrat.

Yesterday's celebration was quite different from other birthday parties she's had since reaching the century mark. It was arranged by the Luther Aides and included a five-tier birthday cake shared by an estimated 200 people.

The Luther Aides, in their yellow uniforms, were hostesses and serenaded the guest of honor as she entered the reception room.

"Isn't this wonderful!" said Muddie about an hour-and-a-half later as she returned to her 10th-floor apartment and a continuation of her 108th birthday celebrations.

Mrs. Crumlish was born Florence Rebecca Gebhart on Feb. 1, 1865, in Baltimore. She was the last of 10 children and weighed 2 pounds at birth. She is the widow of Edward Crumlish, who died in 1934. Her two surviving children are M. Eugene Crumlish of Carneys Point, N.J., and Mrs. Marguerite Homan of Hempstead, N.Y.

Muddie has 14 grandchildren, 33 great-grandchildren and two great-great-grandchildren. She knows the number, she knows their names and how many are "on their way." And she's the only one in the family who does.

Whenever the question comes up, someone says: "We'll have to ask Granny."

A PEACE THAT HEALS

Mr. SCOTT of Pennsylvania. Mr. President, Henry Cabot Lodge, once Ambassador to South Vietnam, a former Member of this body and a selfless person, has written what has been entitled, "A Diplomat's Hail to His Chief." As a man who lived in a constant period of frustration as our Ambassador to South Vietnam, Cabot Lodge knows of what he speaks. And he tells it like it is.

His column in the New York Times of February 3, 1973, is well worth reading. He commends the President for achieving what he calls a "peace that heals." I ask unanimous consent that the entire column be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

A Diplomat's Hail to His Chief

(By Henry Cabot Lodge)

Washington.—"Peace that heals." The phrase seemed only a distant dream when President Nixon first uttered it in his Inaugural Address four years ago. But now, three days into his second term, the President has repeated the appealing words and delivered the results to back them up.

The internationally supervised cease-fire, the return of American prisoners, the accounting of the missing, the complete disengagement of all U.S. forces after 19 long years in Vietnam, the chance for political self-determination by the people of South Vietnam with their duly constituted Government still intact, and the promise of massive reconstruction aid to both sides—all these terms of the Paris agreement point to more healing for Indochina than most people dared hope for, even though difficult relations still exist between the North and the South.

But if it is to be a "healing peace" here at home as well, reconciliation rather than recrimination must mark American political life from now on. Happily, a conciliatory tone has already been set by the President's tribute to the late President Johnson at the end of his peace announcement on Jan. 23, and by Henry Kissinger's gentle reminder that no one has had a monopoly of either anguish or moral insight during the harrowing years of war.

For my part, let me say how wrong were some of my pessimistic views about the prospects for a negotiated settlement of the Vietnam war during the years ranging from 1963 to 1967, I used to discuss with my colleagues in the U.S. Embassy how to achieve a negotiated settlement. Hardly a day went by that we did not speak of it.

And we were forced repeatedly to the conclusion that the hatreds and passions were so deep and the issues so complicated that a negotiated settlement seemed out of the question. Indeed, I stated publicly that our best hope was that the enemy threat would gradually "fade away," allowing the people of the South some precarious safety to breath again but holding out no dependable prospect of an orderly ending of the war, no international guarantees against its resumption, no prisoner repatriation.

Nor did I gain any new optimism for a negotiated settlement during my years as President Nixon's representative to the Paris talks in 1969. Hanoi at that time—and in fact until very recently—was adamant in its demand that the United States not only leave South Vietnam, but that we actively assist the Communists in removing the legitimate Government of South Vietnam before, as it were, closing the door behind us. Thus, at the outset of this Administration, Hanoi had no incentive to negotiate seriously, because they were confident that President Nixon's diplomatic hand was weakened both by war-weariness at home and by the insecure allied military position in the South.

So it flies in the face of the facts to suggest that we could have achieved any kind of substantial or durable peace four years ago. Only the success of the President's patient, long-headed policies in turning around the conditions of 1969 has made a settlement possible in 1973. Look at the changes those policies brought about:

In bringing home half a million troops, President Nixon rallied public support in the United States for the U.S. Government's efforts to bring about an orderly and equitable end to the war.

In turning the U.S. combat role over to South Vietnam's strengthened regular forces, he made possible a shift from an effort based largely on conventional military strategy, which in spite of much sacrifice and skill had not solved the problem, to a greater reliance on the more effective territorial and local approach which can only be carried out by an indigenous force.

He hurt the enemy's resupply and staging system badly in Cambodia and Laos.

He established new relations with Hanoi's major allies in Peking and Moscow.

He helped to counter North Vietnam's Easter invasion by the bombing and mining counter offensive that began last May.

These actions radically changed the negotiating situation. Last October, Hanoi finally dropped its demand for dismantling the Government of South Vietnam and entered serious talks—and now the settlement that eluded us for so long has been negotiated, with solid expectations for peace in Laos and Cambodia as well.

This is an outcome worth all the work and all the waiting. It is surely more secure and more specific than the "fade-out" I long believed we would have to accept, even though that result would have been preferable to a continuation or to an escalation of the war.

As the shooting stops, the building of a durable peace in Indochina seems to make its fragile beginning. Further progress will require responsible cooperation by all sides. May all of us Americans now bury our animosities, forgo the temptation either to mutter sour grapes on the one hand or to wave the bloody shirt on the other, and unite in our resolve to help the settlement succeed. In that spirit, I not only gladly admit I was wrong in doubting that the other side could be induced to take so constructive and auspicious a formal step toward peace; I also say "hail to the chief" whose courage and tenacity have made the decisive difference.

AMERICA'S TECHNOLOGY LEAD

Mr. MOSS. Mr. President, the American public has for many years considered itself superior in the field of technology. Our military and space research have, without a doubt, been superior.

However, I have been struck in recent weeks by the reoccurring theme appearing in newspapers and periodicals around the country that American technology balance is shifting. I would, therefore, invite the attention of the Senate to an article published in World magazine for January 16, 1973, entitled "The Silent Invasion." I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SILENT INVASION

(By Stefan H. Robock)

(NOTE.—Stefan H. Robock is Robert D. Calkins, Professor of International Business at Columbia University.)

Silently but surely the United States is being invaded. While America's attention has been distracted by foreign military invasions in Indochina, the Europeans and Japanese have silently but rapidly been increasing the foreign-business presence in the United States. I am not referring to the invasion of U.S. markets by foreign imports; for both American business firms and labor unions have sounded loud alarms in demanding government protection against the growing flood of imported goods. I am referring to the accelerated but little noticed trend of foreigners to establish or acquire business enterprises in the United States. European and Japanese direct investment in American business operations has been growing at a faster rate in the last few years than has American business investment abroad. Furthermore, this silent invasion promises to pick up even greater momentum.

The rapidly expanding foreign-business presence in the United States is neither narrow nor of limited interest. Much of it does not come into popular view: for instance, the vast array of industrial chemicals, industrial machinery, and agricultural fertilizers produced in the States by foreign-owned companies. But at the consumer level, the range and variety of products locally manufactured by foreign firms is almost endless.

You may begin your day by washing your face with Lux soap or brushing your teeth with Pepsodent toothpaste, both products of the American subsidiary of the British-Dutch Unilever company. You may then shave with a Wilkinson blade, made in the New Jersey plant of a British company or with a Norelco electric razor, a product of the Dutch Philips enterprise. The electricity for the razor may have been generated by a Brown Boveri turbogenerator, manufactured in the $10 million Virginia plant of this Swiss company. Your clothes may be made from Trevira polyester fibers, produced in a Spartanburg, South Carolina plant where the German company Hoechst has invested $150 million and employs 2,000 workers. The zippers may have been made in the New York factory of Yoshida Kogyo of Japan. And your shoes may have been shined with Kiwi shoe polish, made by the Pennsylvania subsidiary of the Australian Kiwi company.

Your breakfast food may have been purchased from one of a thousand stores of the National Tea chain, in which Weston of Canada has more than a half interest. The morning newspaper is likely to be printed on paper bought from the Bowater plant in Tennessee, the Cox newsprint plant in Georgia, or the Consolidated newsprint plant in Illinois, all subsidiaries of Canadian or British companies. The ride to the office may be in an imported car, but the tires may have been made in the U.S. plants of British Dunlop or French Michelin. The gasoline may be a domestically refined and distributed product of either BP (British Petroleum), Shell (a British-Dutch company), or American Petrofina (a Belgian company).

At the office the American-produced goods of foreign companies may include Olivetti business machines (Italian), BIC pens (French), and Moore Business Forms (Canadian). If you work in the New York area, your bank account might be in the Franklin National Bank, controlled by the Italian financier Michele Sindona, or with either the Republic National Bank or the King's Lafayette Bank & Trust Company, which have recently come under Swiss control. If the workday is strenuous, you might choose Librium tranquilizers made by the American subsidiary of Hoffmann-La Roche, another Swiss company, or have a cup of Lipton's tea sold by a Unilever subsidiary.

At home in the evening, while you watch the evening news on a Sony color TV—now being manufactured by that Japanese company in San Diego, California—you can down a drink made with Gordon's gin or vodka, distilled in a British-owned distillery in New Jersey, mixed with Schweppes's tonic, a product of another British company.

The list of specific products made in the United States by foreign-owned companies can be extended almost indefinitely. But the official statistics for Europe and the U.S. provide a quicker and more comprehensive picture of the silent invasion. As of 1970 the value of U.S. direct investments (i.e., investments that carry with them participation in management as contrasted with portfolio investments, which do not) in Europe reached almost $25 billion, whereas the value of direct investments in the United States by Europeans was slightly less than $10 billion. But as shown in the table (page 29), the growth rate of inflows of European direct investments increased to almost 13 per cent annually over the 1966–1970 period from only 5 per cent annually during the 1959–66 period, whereas the rate of U.S. investment in Europe dropped to 12.7 per cent from a level of 17.1 per cent over the earlier period.

When examined by type of business activity, the trend of European investments in the U.S. is even more impressive. Foreign investments in the insurance and finance fields has not grown rapidly; but European investments in both petroleum and manufacturing have been at much faster rates than reverse flows in Europe by American companies.

The value of Canadian investment in the United States is large, totaling more than $3 billion in book value as of 1970, but recent growth trends have been less dramatic than those of the European investors in the United States. Japanese investment is still small but growing rapidly. The Japanese have been shying away from direct investment in the U.S. except to build up sales and services organizations and to develop sources of supply for forest-product raw materials. Since the international financial crisis of late 1971 and the revaluation of the yen, however, the Japanese situation has changed radically.

The revaluation has made imports from Japan more expensive, and several Japanese companies are now assembling color television sets in the U.S.—Hitachi and Sony in California and Matsushita in Puerto Rico. By bulding sets in the U.S. the Japanese say they can make quicker deliveries, lower their transportation costs, and possibly enter the console market. But the most important reason is to hedge against any further revaluation of the yen, which would reduce even further the competitiveness of imports.

The continuing large balance of payments surplus of Japan and new government policies to encourage Japanese to reduce this surplus by increasing outflows of investment capital has accelerated still another trend toward buying into U.S. companies. As *Business Week* reported, in November 1972:

"The next big buyers of U.S. companies will be Japanese. U.S. businessmen appear eager to sell to the Japanese or to take in Japanese partners who have cash, rarely meddle in U.S. operations, and can contribute technological expertise, Far East distribution, and lower labor costs. A leading American investment banker is quoted as saying, 'There is more potential synergy between U.S. and Japanese companies than between two U.S. companies.'"

What explains the silent invasion? Or more appropriately, why has it been delayed? European firms are not neophytes in the field of international business. Two or three decades ago a list of the major international companies would have included such old-timers as SKF ball bearings of Sweden, Royal Dutch/Shell in petroleum, Philips, the Dutch electronic firm, Nestle of Switzerland, British-American Tobacco, and such German firms in the pharmaceutical field as founded Merck and Schering in the United States at the end of the last century as offshoots of German parent companies.

World War II brought the international activities of European companies to a standstill. And in many cases, foreign companies experienced a forced retrenchment in their international involvement. German and Japanese foreign investments were expropriated as alien properties by the United States and other countries. The rush for independence in former colonies discouraged new investments by the European powers in their former areas of business interest. But even if the European and Japanese companies had wanted to expand overseas after the war, their governments would not have allowed them to do so because of balance of payments difficulties and the high priority assigned to domestic reconstruction.

For American companies the post-World War II situation was just the opposite. The United States had no restrictions on capital outflows and encouraged American firms to contribute to foreign reconstruction and the development aspirations of the less developed countries through increased direct private investment. Even more significant, American firms had accumulated technological and managerial advantages during and after the war that gave them a keen competition advantage over foreign competitors in many fields.

But beginning in the mid-1960s, the tide began to turn. At least four major changes laid the foundation for a delayed European and Japanese response. First, a new world balance in the economic strength of the leading industrial nations had emerged. Secondly, by building on a venerable research capability that was disrupted by the war, the Europeans were able to close the technology gap and reassert technological leadership in a number of traditional fields. The Japanese also came to the fore as technological leaders by a highly effective program of quickly absorbing and building on top of the technology of the West. A third factor was a crash program supported by foreign governments to strengthen European and Japanese firms through mergers and through closing the gap in management skills. A fourth factor was the growing realization that the Americans were not necessarily unbeatable in the economic and business fields.

Nicholas Faith, of the *London Sunday Times,* who has analyzed the European business invasion of America in his fascinating book *The Infiltrators,* concludes that of all the factors explaining the change in the balance of power beween Europe and the U.S., "the Vietnam War was the most important. For as the American overseas expansion was based on the havoc wrought on Europe by two world wars, so the Vietnam War has not only revealed the limitations of American political power but has brought in its wake exchange controls on foreign investment and a worldwide sense that the Americans were not necessarily unbeatable."

To emphasize the change in relative strength in international economic relations, the German and Japanese governments have begun to encourage the direct export of capital, in some cases by tax concessions, for private business investment abroad, while President Nixon, who had hoped to remove the restrictions on American investment abroad, was forced to ignore the subject and retain his predecessors' restrictive measures. Of course, these causes of the U.S. balance of payments difficulties go beyond the Vietnam War. The U.S. began to run a balance of payments deficit beginning about 1950, but the problem was not regarded seriously so long as we continued to hold most of the world's gold supply.

In any event, without reviewing all the complexities of the international financial situation and the recent difficulties of the international monetary system, a principal result of these events has been the strengthening of foreign currencies relative to the U.S. dollar. This development gave a double boost to foreign investment in the U.S. The cost of goods produced at home by foreign companies rose relative to those produced abroad. At the same time, a revalued German deutsche mark, a Swiss franc, a Dutch guilder, and a Japanese yen were able to buy that much more in dollar assets. It should be no surprise, therefore, that the European countries with the three strongest currencies—the Swiss, the Dutch, and the Germans—are the same three countries that provided the bulk of the new direct investment in the U.S. during the late 1960s.

To explain the silent invasion as a result of foreign superiority in technology may come as a blow to the American ego. But the flood of imports from Europe and Japan based on technological advantages rather than simply on cheap foreign labor should have already brought home to Americans the reality that the technology balance has shifted. Also, it may be well to recall that before World War II the technological lead in such fields as pharmaceuticals and chemistry was held by Swiss and German firms with long traditions of R and D.

Early in the post-World War II reconstruction period. European governments and private companies adopted strategies to close the technology gap, in some cases through cooperative research efforts across national boundaries in such fields as space, nuclear research, and aircraft. As a portent of events to come, the recent *Aigren Report* of the European Economic Community recommends technological cooperation among the old EEC members and Britain on thirty specific projects ranging from a supercomputer all the way to oceanography.

The results are already impressive. A technology expert from the Organization for Economic Cooperation and Development (OECD) concluded, in a paper prepared in 1970—

"When such [military and space research] is excluded and when corrections are made for differences in wage levels, the European Research and Development effort is about the same as that of the U.S.A. Indeed industry in Switzerland and the Netherlands—and perhaps also in the U.K. and Germany—devotes a greater proportion of its resources to R and D than does U.S. industry. And there is little evidence that European R and D is much less efficient."*

America's technology lead has been heavily military in origin but in such glamorous industries that the narrowness of its base was often unnoticed. As the OECD expert has observed, military and space uses played a very small role in pharmaceutical products and plastics. And it is no accident that the European invaders tend to have technological specialization in products like drugs, plastics, and fibers where know-how plays an important competitive role.

Servan-Schreiber, with his best-selling book *The American Challenge,* did much to persuade Europeans that they were lagging behind the Americans in business-management skills. Management skills, even more than technology, have been the driving force behind U.S. industrial expansion abroad. Europe's tardy appreciation of this fact has been largely offset by the zeal with which European legislators, educators, and a host of public and private organizations have turned to the promotion of management education in Europe. New graduate and undergraduate schools of management have been established and expanded in England and on the continent. Thousands of Europeans have been sent on government scholarships to the United States to study business administration. For example, over a third of the more than 1000 graduate students at Columbia Business School are from foreign countries. And special management courses in Europe and Japan have flourished even more. The British Management Institute counts no less than 334 organizations offering management-training courses in Britain alone. And because Europe is "where the action is" in management training, the prestigious Harvard Business School in 1972 established a center in Switzerland for offering management-training courses.

Academic and other training courses may become the major source of management strength in the future. But in the immediate past the most effective institution for the management training of Europeans and Japanese has been the U.S. foreign subsidiary. As Nicholas Faith reports—

"No European company now feels secure without its quota of men trained by Ford or Proctor & Gamble. These men, aware of the deficiencies as well as the strengths of their former employers, would naturally assume that their new employers can and must be present in the United States."

Concurrently with the push for management training, European and Japanese governments have actively encouraged business mergers so that their national firms would not lack size for competing internationally. Some of the transnational mergers, such as Dunlop (British) and Pirelli (Italian) in the tire industry, Agfa (German) and Gaevert (Belgian) in the photographic field, have encountered serious difficulties. But others, such as the merger of the two Swiss firms CIBA and Geigy, have yielded rapid results.

Probably the most fascinating of the ingredients supporting the silent invasion was the shrugging off by European and Japanese businessmen of a long-standing inferiority complex vis-à-vis dynamic American businessmen. Export success in labor-intensive products, such as shoes, apparel, and textiles, was easily explained as due to lower foreign wage rates. But foreign producers have also had dramatic success in exporting to the U.S. more sophisticated products, such as automobiles, industrial machinery, and electronics, which did much to shatter the image of American business superiority and increase foreign business confidence. Along with this factor, Nicholas Faith has added the effect of the Vietnam War in challenging at an even broader level the sense that the Americans were unbeatable. But not to be underestimated are the many success stories of foreign firms who were brave enough to invade the U.S. market and managed to survive and even prosper.

Such has been the overall setting for the silent invasion. At a more specific level, individual firms were able to find in the U.S. special opportunities related to their area of operations and capabilities. With growing self-confidence many foreign enterprises have taken over U.S. businesses, motivated mainly by the availability of dollars for investment; government encouragement to invest in the United States; and opportunities for profitable returns. In some cases the establishment of new plants was based on technological advantages. In other situations foreign firms had built up a large enough demand in the American market through exports to justify the establishment of an American plant that would offer locational advantages in transportation savings and in better servicing the market. One important motivation shared by a number of foreign companies operating in the United States is the opportunity to learn sophisticated advertising, marketing, and product-development techniques, which can be applied elsewhere in the world by other subsidiaries of the foreign enterprises. Such has been the justification in part of Unilever's operations in the United States.

As Nicholas Faith reported after visiting many of his fellow Europeans doing business in the States, throughout, the Europeans have tended to keep extremely quiet about their companies' parentage to avoid any nationalist reaction, while the Americans since the war have not minded being visible; so that the impact of the Europeans tends to be overdiscounted and that of the Americans, exaggerated.

Also, he concludes—

"Whereas Americans stand out, often arrogantly, against the social and economic framework within which they are supposed to be operating, the Europeans in the States have succeeded in blending with the landscape."

Will the trend continue, and what are the implications of the silent invasion? If Americans were more xenophobic about foreign investment, they might become alarmed, as our Canadian neighbors have become, about having foreign decision centers play a major role in shaping the economic fate of the U.S. Not that Americans are less nationalistic than Canadians or Europeans, but because foreign business firms still account for a relatively small share of our vast domestic economy, I expect Americans to continue relaxed about the foreigners in our midst. In fact, the U.S. Department of Commerce has had a special branch working since the early 1960s to attract foreign direct investment to the United States. And so long as our international balance of payments situation remains unfavorable, the U.S. official position is certain to encourage capital inflows in the form of direct or portfolio investments.

Even some of the American labor unions, while opposing foreign expansion by U.S.

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*A paper by K. Pavitt presented to a conference on the Multinational Enterprise at the University of Reading in England, quoted by Faith, p. 31.

firms as a form of exporting jobs, have followed the governmental pattern of encouraging foreign firms to enter the United States. United Auto Workers President Leonard Woodcock visited Japan in October 1972; and one of his missions was to encourage Japanese auto producers to set up shop in this country. At least three state governments have set up offices in Europe for attracting new industries to their areas, and numerous state delegations have visited foreign countries to discuss future investment in their regions.

The American business community is schizophrenic. On the one hand, they are not anxious to have more competition in their large home market; on the other, they do not want to see any moves that would discourage foreign investment in the States, because other countries might retaliate against overseas subsidiaries of U.S. firms. In those cases where foreign firms are willing to enter into joint ventures, or be somewhat silent partners, as in the aforementioned Japanese cases, American firms can profit through partnerships in the United States with foreign corporations by gaining access to overseas distribution channels and to foreign technological developments.

Another interesting pattern now emerging is the proposal by capital-surplus Middle Eastern oil countries, Saudi Arabia in particular, to make major investments in the U.S. oil industry. As in most of the major oil-producing countries, oil royalties and taxes at new high rates are pouring into the government treasury much faster than the government can spend them. The strategy to invest in "downstream" facilities offers the hope of sharing even more in the profits reaped from their own natural resources. In the hope of improving their bargaining power and securing continued access to Middle Eastern oil, American international oil companies are likely to accede to the expressed wishes of Saudi Arabia.

So long as the silent invasion brings new products and increases competition in the American market, the American consumer will have little cause to complain. Even when acquisitions of existing companies, such as the Olivetti take-over of the old Underwood typewriter company, mean that existing sources of supply will be saved from extinction or operated more efficiently, consumers' interests are benefited.

Of course, the silent invasion will not be in those fields of production where low labor costs are the prime consideration, such as shoes, textiles, some lines of apparel, and electronic components. But as students of location economics are aware, the most efficient site for many industries is near the sources of raw materials, such as industrial water in the case of chemicals and electric power in the production of aluminum. Despite the widely accepted notion that wage rates are the critical factor in the competitiveness of American industry, the silent invasion is ironic proof that for many foreign firms it is most advantageous to manufacture in the United States.

In large part the European-Japanese response was inevitable. Despite past history most Americans have deluded themselves into believing that a temporary situation of American business and technological superiority represented the basic underlying truth. But technology and management skills are easily transferable; foreign producers can learn from us in matters of business as we have learned from others in the past. The silent invasion may be hard on the American ego. Yet through Vietnam we have learned to adjust to the new reality that we are not invincible in military affairs; now we will have to adjust to the reality that America's dynamic business capability is being successfully challenged. Fortunately, a successful silent invasion can have favorable, rather than unfavorable, results.

AGRICULTURAL BUDGET CUTS

Mr. TOWER. Mr. President, an editorial published in the February 1973, Farm Journal seems to present a rational evaluation of the President's recommended budget cuts as they affect the agricultural industry. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHY WE SHOULD ACCEPT USDA BUDGET CUTS

It is the duty of a farm magazine, isn't it, to stand four-square behind government help to farmers?

To campaign hard to get commodity, conservation and farm lending programs through Congress. And then to fight their repeal or loss through actions such as the Administration has just taken against REAP, farm disaster loans and REA interest rates. (See pages 9, 29.)

Except, except, that. . . .

This particular magazine, in this very space less than a year ago (March 1972), criticized President Nixon severely for having presided over the biggest federal deficit since the wartime year of 1945. We said then that further deficits and the accompanying evils of higher taxes and inflation were inevitable unless Congress, the President or somebody cut spending.

Well, now the President has started doing just that, and we are confronted with a painful dilemma, shared with everyone who has railed against taxes and inflation.

"Cut welfare!" we tell our Congressmen. "Cut public housing! Cut space programs! But don't touch agriculture. And don't raise taxes!"

So our representatives—and those of every other special interest group—go back to Washington determined to preserve every cent they got last year, and start some new projects besides. They know from bitter experience that if they don't, we'll vote them out. So Congress becomes a cacophony of "Gimmee, gimmee."

Our founding fathers foresaw this clash of pressure groups and thought they were designing a crucible for boiling our conflicting claims down to the essence of our needs. But they assumed a Congress that would be responsible—one that would match outgo to income. Instead, each session seemingly approves almost every appropriation that anybody asks for. Apparently nobody in Congress knows or cares what the total bill will be. It just can't or won't say no. The Executive Department has not usurped Congressional prerogatives. Congress has lost them by pure default.

The President didn't just hand this question back to Congress. He handed it to us. He has ordered a series of cuts which we understand will extend pretty well across the board. Housing, urban development, stream pollution control already have been cut, and others will follow. Each of these programs is somebody's favorite. We have no basis for thinking that these other groups will take a reduction unless we're willing to do the same.

So this is a battle which has to be fought out in our own minds before we can expect it to be settled in Congress. We have to decide which we would rather do: hold taxes and inflation in check or take a cut in what may be our favorite program. And we have to let our representatives know that decision. Congress usually does a pretty good job of representing our views—including the evasion of hard choices.

Commodity programs were an obvious target for the Administration's axe: an estimated $800 million saving in the '73 feed grain program and $100 million less for cotton. Some free-spending leaders seem to think that farmers are entitled to $3 to $4 billion in government farm payments every year, regardless. They forget that these programs were designed to supplement farm income when prices are low. As Secretary Butz points out, cotton prices have gone up 5c to 6c per pound on the news that '73 allotments were being cut.

"That increase added more than $325 million to the anticipated value of our '73 crop. I'll trade $100 in government payments any day for $325 million in higher market prices," says Butz.

Complete elimination of REAP—the $235-million Rural Environmental Assistance Program—caused some of the loudest yells. But REAP wasn't worth saving. Every administration as far back as that of President Truman has asked Congress to kill it because it degenerated into a "pass-the-money-around" deal in far too many counties. Some counties have gone right on paying farmers for practices that do much more to increase production than they do for conservation.

Our hope is that the USDA will expand pollution abatement under the new Rural Development Program because farmers are entitled to cost-sharing help with their waste disposal, just as other industries and municipalities are.

Actually, much of the opposition to ending REAP is coming not from farmers but from commercial suppliers and government employees whose jobs are at stake.

The future of the REAs isn't threatened by increasing their interest rate from 2% to 5%. The Production Credit Associations and the Federal Land Banks have emerged stronger than ever from their recent shift to the private money markets. We think the REAs should adopt the same strategy—become farmer-owned co-ops, completely independent of government control, as soon as possible.

Cancelling the FHA's emergency loan program was grossly unfair to many Corn Belt farmers whose 1972 crops lie in the mud or under ice and snow. Those who got their loan applications in by Dec. 22 stand to have the first $5,000 of their loans forgiven. Those who didn't are out in the cold.

But the fault lies directly on the doorstep of Congress. Our lawmakers have passed a rash of these open-end emergency loan and grant programs recently for housing, for municipal sewers, small businesses, etc., and they've "broken the bank." Secretary Butz said he could foresee emergency farm loans this winter costing $800 million in forgiveness money alone. What's more, in practice, these loans are based not on need but on first-come-first-served. And, as usual, those who need them least are always there first.

The FHA's regular loan program continues with an additional $200 million in unused authority. We hope its administrators will do everything they can to help farmers caught in this unfortunate bind.

Also, we cling to the hope that Congress will sometime, somehow acquire a sense of fiscal responsibility. There is much talk about who should have "the power of the purse." The purse has no power if it's open for everything and everybody.

ADDRESS BY BARBARA TUCHMAN TO FOREIGN SERVICE OFFICERS

Mr. FULBRIGHT. Mr. President, on January 30, at a luncheon in honor of Foreign Service officers who had accurately reported the situation in China during the 1940's, the distinguished historian, Barbara Tuchman, made an excellent statement. I think it is worthy of the attention of the Members of the Senate. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

WHY POLICY MAKERS DO NOT LISTEN

(Remarks of Barbara Tuchman)

We have gathered to honor a group of foreign service officers—represented in the person of Jack Service—whom history has recognized as having been right; and not only history, but even, by act if not by acknowledgment, the present Administration. Can there be anyone among that group who reported from China during World War II who, watching an American president journey in person to Communist China in 1971, was not conscious of an irony so acute as to make him shiver? Could anyone remembering past attitudes, look at that picture of President Nixon and Chairman Mao in twin armchairs, with slightly queasy smiles bravely worn to conceal their mutual discomfort, and not feel a stunned sense that truth is indeed weirder than fiction? When I was young the magazine *Vanity Fair* used to publish a series called Impossible Interviews by the artist-cartoonist Covarubbias in which he confronted Calvin Coolidge with Greta Garbo and John D. Rockefeller Sr. with Stalin, but last year's meeting in Peking outdid Covarubbias.

Yet it could have happened 25 years earlier sparing us and Asia immeasurable, and to some degree irreparable harm, if American policy had been guided by the information and recommendations of the staff of the Chungking Embassy, then acknowledged to be the best informed service group in China. It included the Ambassador, Clarence Gauss, the Counselor, George Atcheson, both deceased, and among the secretaries and consuls stationed all over China, besides Mr. Service, such men as John Paton Davies, Edward Rice, Arthur Ringwalt, Philip Sprouse, and alternately in the field and on the China Desk, Edmund Clubb and the late John Carter Vincent. Several had been born in China, many were Chinese-speaking, and some are happily here with us today.

For having been right many of them were persecuted, dismissed, or slowed or blocked in their careers, with whatever damage done to them personally outweighed by damage done to the Foreign Service of the United States. No spectacle, Macaulay said, was so ridiculous as the British public in one of its periodic fits of morality—and none, one might add, so mean and so self-destructive as the American public in one of its periodic witchhunts. Your colleagues and predecessors were hounded because able and honest performance of their profession collided with the hysterics of the cold war manipulated by a man so absolutely without principles as to be sinister like the man without a shadow. I shall not pursue the story of what happened to them, however important it is to you and to every citizen, because what I want to get at is a problem perhaps more abiding, and that is, why these men were not listened to even before they were persecuted.

The burden of their reports at the time, though not always explicit, was that Chiang Kai-shek was on the way out and the Communists on the way in and that American policy, rather than cling in paralyzed attachment to the former, might be well advised to take this trend into account. This was implicit in reports from Chungking and the south which were united in describing the deterioraton of the Kuomintang. It was made explicit by those who saw the Communists at first hand like Service in his remarkable reports from Yenan, and Ludden who journeyed into the interior to observe the functioning of Communist rule, and Davies whose ear was everywhere. They were unequivocal in judging the Communists to be the dynamic party in the country; in Davies' words, "China's destiny was not Chiang's but theirs." This was not subversion as our Red-hunters were to claim, but merely observation.

Any government that does not want to walk open-eyed into a quagmire, leading its country with it, would presumably re-examine its choices at such a point. That after all, is what we employ foreign service officers for: to advise policy-makers of actual conditions on which to base a realistic policy. The agonising question is, why are their reports ignored, why is there a persistent gap between observers in the field and policy-makers in the capital? While I cannot speak from experience, I would like to try to offer some answers as an outside assessor.

In the first place, policy is formed by preconceptions, by long-implanted biases. When information is relayed to policy-makers they respond in terms of what is already inside their heads and consequently make policy less to fit the facts than to fit the notions and intentions formed out of the mental baggage that has accumulated in their minds since childhood. When President McKinley had to decide whether to annex the Phillippines in 1898, he went down on his knees at midnight, according to his own account, and "prayed to Almighty God for light and guidance". He was accordingly guided to conclude "that there was nothing left for us to do but to take them all, and to educate the Filipinos, and uplift and civilize and Christianize them, and by God's grace to do the very best we could by them, as our fellowmen for whom Christ died."

Actually the main impulse at work was the pressure of the "manifest destiny" school for stepping stone across the Pacific but the mental baggage of a President in the 1890's required him to act in terms of Almighty God and the White Man's Burden just as the mental fix of his successors in our time has required them to react in terms of anti-communism. Closer observers than Almighty God could have informed McKinley that the Filipinos had no strong desire to be Christianized or civilized or exchange Spanish rule for American, but rather to gain their independence. This being overlooked, we soon found ourselves engaged not in civilizing but in a cruel and bloody war of repression much to our embarrassment. Failure to take into account the nature of the other party often has this awkward result.

The same failure afflicted President Wilson who had a mental fix opposite from McKinley's, in favor of progressivism, reform and the New Freedom. So fixed was his mind that when the reactionary General Huerta carried out a coup in Mexico in 1913, Wilson became obsessed by the idea that it developed upon him to tear the usurper off the backs of the Mexican people so that Mexico might be ruled by the consent of the governed. "My passion is for the submerged 85 percent who are struggling to be free" he said, but the reality was the submerged 85 percent were cowering in their huts unable to distinguish a difference between Huerta and his rival Carranza. Wilson however sent in the Marines to seize Vera Cruz, an intervention that not only appalled him by costing American lives, but succeeded only in deepening the turmoil in Mexico and drawing the United States into further intervention two years later against that man of the people, Pancho Villa. Political passion is a good thing but even better if it is an informed passion.

Roosevelt's bias too was in favor of the progressive. George Kennan has told how, when the Embassy staff in Moscow began reporting the facts of the Stalinist purges of the 1930s, revealing a tyranny as terrible as the Czars', the President discounted reports as the product of what he considered typical State Department striped-pants mentality. It was not only inconvenient but disturbing to be in receipt of reports that would have required a change of attitude toward the Soviet Union—(foreign policy obeys Newton's law of Inertia: it keeps on doing what it is doing unless acted on by an irresistible force). Rather than be discomfited by these disclosures, which Roosevelt's own bias caused him to believe were biased, the Russian Division was closed down, its library scattered and its chief re-assigned. This desire not to listen to unhappy truths—"Don't confuse me with the facts"—is only human and widely shared by chiefs of state. Was not the bearer of bad news often killed by ancient kings? Chiang Kai-shek's vindictive reaction to unpleasant news was such that his ministers ceased to bring him any with the result that he lived in a fantasy.

Your reports must also pass through a screen of psychological factors at the receiving end: temperament, or private ambitions, or the fear of not appearing masterful, or a ruler's inner sense that his manhood is at stake. (This is a male problem that fortunately does not trouble women—which might be one advantage of having a woman in high office. Whatever inner inadequacy may gnaw at a woman's vitals, it does not compel her to compensate by showing how tough she is.) You may cite Golda Meir in objection, but one gets the impression that her toughness is natural rather than neurotic, besides required by the circumstances.

Proving his manhood was, I imagine, a factor pushing President Nasser of Egypt into provoking war with Israel in 1967 so that he could not be accused of weakness or appear less militant than the Syrians. One senses it as a factor in the personalities of Johnson and Nixon in regard to withdrawing from Vietnam; there was that horrid doubt, "Shall I look soft?". It was clearly present in Kennedy too; on the other hand it does not seem to have bothered Eisenhower, Truman or FDR.

A classic case of man's temperament obscuring the evidence is brought out by John Davies in his recent book, Dragon By The Tail. Stalin's greatest error, he points out, was to underestimate Chinese Communism. He was deceived by his own cynicism. He did not think Mao could make it because, astonishingly enough, of his own too little faith in the power of a people's war.

Of all the barriers that reports from the field must beat against, the most impenetrable is the capacity of policy-makers to disbelieve what they do not want to believe. All the evidence of a German right-wing thrust obtained by the French General Staff in the years immediately preceding 1914, including authentic documents sold to them by a German officer, could not divert them from their own fatal plan of attack through the center or persuade them to prepare a defense on the left. In 1941 when the double agent Richard Sorge in Tokyo reported to Moscow the exact dates of the coming German invasion, his warning was ignored because the Russians' very fear of this event caused them not to believe it. Examples from military affairs are particularly distinct but the principle operates equally in the diplomatic field, in fact dominated Washington's reception of the reports from China in the 1940s. No matter how much evidence was reported indicating that the collapse of the Kuomintang was only a matter of time, nothing could induce Washington to loosen the silver cord tying us to Chiang Kai-shek nor rouse the policymakers from what John Service in a courageous report accurately called their "indolent short-term expediency."

National myths are another obstacle in the way of realism. The American instinct of activism, the Can Do myth, has lately led us into evil that was not necessary and has blotted the American record beyond the power of time to whiten. I notice that Stewart Alsop made the interesting point yesterday in the New York Times book review that American Presidents since Roosevelt have disliked the State Department and leaned heavily on the military because the military tend to be brisk can-do problem-solvers while senior foreign service officers tend to be "skeptical examiners of the difficulties;" and the worried uncertain presidents will prefer positive to negative advice. You will remark that Mr. Alsop's phenomenon coincides with the era of air power and has much to do, I think, with the enormous attraction of the easy solution—the idea that a horrid problem can be solved by fiat from the air, without contact, without getting mixed up in a long dirty business on the ground. The influence of air power on policy-making would make an interesting study.

Activism in the past, the impulse to improve a bad situation, to seek a better land, to move on to a new frontier, has been a great force, *the* great force in our history, with positive results when it operates in a sphere we can control. In Asia that is not the case, and the result has been disaster. Disregarding local realities, and depth of motivation, disregarding such a lesson as Dien Bien Phu, we feel impelled to take action rather than stay out of trouble. It would help if we could learn occasionally to leave things alone and let them seek an indigenous solution.

The most baneful myth of our time has been the myth of the Communist monolith. We now discover happily if belatedly that the supposed Sino-Soviet unity is in fact a bitter antagonism of two rivals wrapped in hate, fear, and mutual suspicion. The error has been the costliest since the myth that appeasement could contain Hitler. It never had much to do with facts but was rather a reflection of fears and prejudices. Knee-jerk reactions to fear and prejudice are not the best guide to a useful foreign policy, which I would define as the conduct of relations and exercise of influence in the service of an enlightened self-interest.

The question remains, what can be done to narrow the gap between information from the field and policy-making at home. First, it remains essential to maintain the integrity of foreign service reporting, not only for the sake of what may get through, but to provide the basis for a change of policy when the demand becomes imperative. Second, some means must be found to require that preconceived notions and emotional fixations be periodically tested against the evidence. Perhaps legislation could be enacted to enforce a regular pause for re-thinking, for questioning the wisdom of an accepted course of action, for cutting one's losses if necessary.

Failing that, I pass to a final suggestion which is not proposed as a joke: it is to abolish the presidency, because it seems to me that too much power and therefore too much risk is now subject to the idosyncrasies of a single individual at the top whoever he may be. I would substitute a committee of five to be elected as a slate put forward by each party, and to have a single five-year term with a rotating chairman, each to serve for one year. The idea needs a little working out which I leave for the moment to anyone here who may want to consider it.

By a circuitous route I come to Jack Service, the focus of this meeting.

Mr. Service was born in China in the Province of Szechuan, the son of missionary parents serving with the YMCA. His youth was spent in China until he returned to the United States to attend Overland College from which he graduated in 1932. He also acquired a classmate as wife. Anyone who knows Carolina Service will recognize this as an early example of Jack's good judgement. After passing the Foreign Service exams, he returned to China because no openings were available during the Depression, and entered the Foreign Service by way of a clerk's job in Kunming. Commissioned as a Foreign Service officer in 1935, he served in Peking and Shanghai, and joined the Embassy in Chungking in 1941. During the war years he served half his time in the field, seeing realities outside the miasma of the capitol. This opportunity culminated when, after being attached to Stilwell's staff, he served as political officer with the American Military Observers Mission to Yenan, the first official American contact with the Communists. His series of conversations with Mao, Chou En Lai, Chu Teh, Lin Piao, and other leaders, embodied in his vivid almost verbatim reports and perceptive comments, are a historical source of prime and unique importance. Equally impressive are the examples that show Service passionately trying to persuade and convince the policy makers, as in the brief prepared for Vice President Wallace in June 1944 and the famous Atcheson telegram to the Department, largely drafted by Service—a desperate effort by the Embassy staff to halt the Hurley drift down the rapids with Chiang Kai-shek. If there was passion in this it was at least informed passion.

Following arrests in the Amerasia affair in 1945, Service was exonerated and cleared, and promoted in 1948 to Class 2 officer—only to be plunged back under all the old charges of 1949 when the Communist victory in China set off our national hysteria, and put Senator McCarthy, in strange alliance with the China Lobby, in charge of the American soul. If Chiang Kai-shek were to keep American support it was imperative that the "loss" of China, so called, should be seen as no failure from inside but work of some outside subversive conspiracy. That spectre exactly fitted certain native American needs. Along with others, Service suffered the consequences. Despite a series of acquittals, he was pinned with a doubt of loyalty and dismissed from the Foreign Service by Secretary Atcheson in 1951, as Davies and Vincent were subsequently dismissed by Secretary Dulles. Six years of pursuing redress through the courts finally brought a unanimous verdict in his favor by the Supreme Court of the United States in 1957. He rejoined the Foreign Service but was kept out of any assignment that would use his knowledge and experience of China. When it was clear that the Kennedy Administration would offer no better, Service resigned in 1962 and has since served with the Center for Chinese Studies at the University of California in Berkeley.

Fortunately for the record and the reputation of the Foreign Service, the reports of Service and his colleagues from China in the 1940s are now where anyone can consult them—in the published volumes of *U.S. Foreign Relations, China Series*. Under the inflexible verdict of history, they stand up.

I am honored to present to you Mr. John Service.

EVERYBODY IS DOING IT—BUT THAT DOES NOT MAKE IT RIGHT

Mr. HELMS. Mr. President, I need not mention that I am one of the new boys on the block in terms of tenure in the U.S. Senate. Therefore, at the outset of what I am about to say, I hope it will be clear that my remarks are not meant to lecture Senators, nor to suggest that I have any unusual wisdom.

On the other hand, it may be that the nature of my experience prior to coming to the Senate has given me a bit of insight into the mood and attitude of the people—an insight that perhaps tends to be obscured by the pressing demands upon the time of Senators.

I came to Washington, Mr. President, persuaded absolutely that the majority of Americans are sick and tired of a spendthrift, paternalistic Federal Government—a government that boasts of having a remedy for every ill, a solution for every problem. The very definite impression is abroad, that much of what is said and done in Washington is scarcely more than political posturing and pretense, with the taxpayer picking up the tab.

I have noted with amazement the bitter attacks upon President Nixon because the President is attempting to make good on his pledge to try to restore economic stability to our Nation. There is a babble of voices, often intemperate, condemning the President at every turn because he is trying to cut Federal spending.

Mr. President, all my life I have witnessed the depressing spectacle of pressure groups of every sort pushing and shoving at the public trough. Indeed, we have now reached the stage that obtaining Federal grants and subsidies is a matter of fun and games, to see who can get the most at the other fellow's expense.

Otherwise decent and respectable citizens participate in the frolic. I recall vividly 4 years that I spent as a member of the Raleigh City Council. Seldom was there a meeting of that city council when it was not suggested that we apply for "Federal funds" in one form or another. I resisted, as strongly as I could, the attitude that the city of Raleigh had any right to expect taxpayers in other sections of the country to subsidize our municipal functions in Raleigh, N.C.—and, anyhow, I repeatedly tried to make the point that it was bound to be a losing proposition for Raleigh taxpayers. Anybody who knew the political facts of life was bound to understand that for every dollar Raleigh might receive from Washington, the great cities of the North and Midwest, and elsewhere, would receive 10 or more dollars.

I recall one particularly lengthy discussion at the council table, whereupon a very fine colleague of the council made this observation. He said:

> I agree with you, Jesse, that we really ought not to seek this money from Washington—but everybody's doing it, and we may as well get our share.

That summed it up, Mr. President. My colleagues on the Raleigh City Council understood that the lure of "free money from Washington" was false and illusory and dangerous. But everybody was doing it, as my colleague put it. So we did it, too.

Mr. President, these thoughts came to mind recently when I received a letter from a splendid city official in my State, Mayor William S. Bencini, of High Point, N.C. Mayor Bencini understands economics. He understands politics, and he shares the concerns of many of the rest of us.

I would hope that Senators may take the time to read Mayor Bencini's letter. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the Record, as follows:

City of High Point, N.C.,
January 15, 1973.

Hon. Jesse Helms,
Senate Office Building,
Washington, D.C.

Dear Senator: I know that you and I have the same concerns regarding the efficiency and economy in government. My political experience and background is limited to local government and governmental agencies as they relate to cities.

I recently attended the National League of Cities Annual Convention in Indianapolis, Indiana. Much of what I encountered there served to inform me; much more, however, tended to irritate and disgust me. The primary conclusion which I reached was that for the most part big-city mayors are cry babies and beggars. They make no real effort to solve many of their own local problems, but prefer to do a mediocre job of running their cities with the thought in mind that they can always run to Washington and get "bailed out" by the federal government. They tend to be over concerned with the political aspects of their job and their actions.

The concept of revenue sharing is one which I wholeheartedly endorse. It should, however, be used for all federal monies coming to the cities. In other words, I would like to see all federal monies come to the cities in the form of revenue sharing. In this way the cities would fully determine their own priorities and deliver to the citizens solutions to their most pressing problems. There would have to be, obviously, some accounting controls and reporting procedures at the end of each year, but if the money was honestly used for the wrong projects the voters could "throw the rascals out" at the time of the next election.

If the Mayor and City Council of Tuskegee, Alabama; Poplar Bluff, Missouri; or any other city were to determine their own list of urgent needs, the people in these cities would be better served. Detroit, Michigan, needs, so they say, assistance in man-power programs. High Point, North Carolina, has a very low rate of unemployment. We badly need housing for the low income. The needs and concerns of all of these cities are quite different.

If the federal government would sit down annually and determine how many millions of dollars they could return to the cities that year and then devise a fair formula for this distribution and in turn tell the local governing bodies that no additional funds would be forthcoming in that fiscal year, it would force local governments to do a better job of managing their own affairs. The amount of money that Congress can return to us in any one year can only be determined in Washington. The formula for this distribution may have to be changed each year in order to be fair to all cities.

Since urgent needs are different in every city in America, how can "Washington" determine which programs should remain under categorical grants and which programs should fall under the general revenue sharing criteria. I would so much like for the President and Congress to put every bit of energy possible towards the balancing of our budget. The above thoughts I am sure would serve this end, and I feel that the federal government should extract from the citizens only the money that it needs for the efficient operation of its affairs. If the Congress would only return to us that which it can truly afford and do it in an orderly and fair manner, we would then have better government at every level.

The other thought, Jesse. Since the federal payroll is a thing that most people who have had any experience in dealing with the federal government could very easily criticize, I have one suggestion which I feel would work a hardship on no one now employed by the federal government. It is simply this. Below the appointed or elected level add not one new name to the federal payroll for any job in any location. Attrition, deaths, etc., would eventually get the numbers of people on the federal payroll back to a realistic figure. Under this plan there could be numerous inter-agency transfers of personnel, but no new social security numbers with which to deal. Even under this proposed plan, it would take a few years for the desired results.

As the Mayor of High Point and as a citizen who is concerned about the total government of our country, I would like to do what I can to improve my city and my nation. As long as people who govern us do not view government as a business, the situation will get worse rather than better. Thank you for your consideration of the above thoughts.

Your truly,
William S. Bencini,
Mayor.

THE SECURITY OF SOCIAL SECURITY

Mr. CHURCH. Mr. President, a few weeks ago the Committee on Aging, of which I am chairman, initiated hearings on future directions in social security.

These hearings, in my judgment, become all the more crucial because of the importance and direct impact of the social security system on the lives of millions of Americans.

Today, social security is a near universal system. About 91 percent of the elderly now receive, or are eligible to receive, payments when they or their spouses stop working.

For the vast majority of older Americans, social security constitutes their economic mainstay. Nearly two-thirds of retired workers and half of aged couples depend upon social security for more than half of their income. Moreover, these benefits are almost the sole reliance—over 90 percent of total income—for one-third of retired single workers and one out of seven retired couples.

But social security is also family security. Approximately four out of five persons aged 20 to 64 now have disability protection. And, 95 percent of children under 18 and their mothers have survivor coverage if the family wage earner should die. In fact, more than 7 million social security beneficiaries are individuals receiving survivor and disability benefits.

During the course of the committee's overall inquiry, we plan to concentrate on many key positions, including:

How can we make retirement more secure for elderly women?

What can be done to improve the financing of social security?

How effective will the new supplemental security income program be in meeting the needs of the elderly poor?

These are just a very few of the important issues which the committee plans to examine.

Mr. President, a recent article by Edwin Dale, Jr., of the New York Times provides an excellent discussion of the social security system.

His article, it seems to me, gives a well-balanced account on some commonly raised issues.

I ask unanimous consent that his article entitled "The Security of Social Security" be printed in the Record.

There being no objection. the article was ordered to be printed in the Record, as follows:

[From the New York Times Magazine
Jan. 14, 1973]

The Security of Social Security

(By Edwin L. Dale, Jr.)

Washington.—A funny thing happened to your taxes on the way to 1973. Congress passed the biggest Federal increase since the Korean war (and that one was temporary), and hardly anybody peeped except a few intellectuals. This was happening at the time of the "taxpayers' revolt" at Federal, state and local levels. It was at the time when even George Wallace was appealing to a sense of frustration in the middle and lower-middle classes, telling them the tax system was unfair. It was an election year.

And yet Congress passed—with scarcely a dissenting vote—and President Nixon signed two bills that will raise the taxes of working middle-class Americans by $164 in 1973 and another $70 in 1974. They will raise the taxes of working lower-middle-class and poor Americans (the working poor have been practically eliminated from the Federal income tax, in a reform for which Congress and the first Nixon Administration got far too little credit) by some lesser amount, depending on their earnings, but the increase will be real. The two bills will raise the tax on the working rich by the same amount as on the middle class, and of course they will hardly feel it, proportionately.

Before anyone wonders whether he has missed some important news development, or has been somehow bamboozled, it is best to explain the mystery. The paradox is resolved in two words: Social Security.

Social Security is a wonderland of semantics. A tax becomes an "insurance premium," for example. The very words "social" and "security" are as slippery as can be. As semanticists have long known, when a vague or misleading phrase comes to have a popular acceptance or understanding, all kinds of irrational behavior can take place. But let it be said at once that this article is not designed in any way as an attack on the Social Security system. It is not even a criticism of the way the system is now financed, though an increasingly powerful case is being made that the financing is wrong and regressive (a long word for "soak the poor"). Rather, it is an effort to describe and assess the almost breathtaking things that have been happening in Social Security, of which the most breathtaking has just been described: a $7-billion tax increase enacted in 1972 with scarcely a voice of protest.

I remember well a sense of pleasure and satisfaction at seeing the first (minuscule) Social Security deduction on my first paycheck. The last thing I was thinking about was retirement, but I was made both conscious of it and slightly comfortable about it. I still feel good about my Social Security deduction, despite its big increases. After reading countless thousands of words on the subject—and becoming aware that no ironclad conclusion is possible—I believe that on balance, Social Security is a "good deal" for me and for nearly all working Americans. As we shall note later, there is no dispute that Social Security has been an extremely good deal for those already retired.

The even-controversial economist Milton Friedman, while conceding that the retired have had a very good deal, has argued that "the benefits promised younger workers are much smaller than the equivalent of the taxes paid on their wages." But the equally prominent economist Paul Samuelson says the exact opposite: "Everyone who reaches retirement age is given benefit privileges that far exceed anything he had paid in."

In the real world, Samuelson seems much closer to the truth. Certainly, his view has been right up to now. And Friedman's arguments are based on a set of assumptions, including the debatable one that the worker is really paying the employer's part of the Social Security tax. They are also based on law that has since been substantially altered. There are endless arguments, too, about possible alternative yields on investments, if employers and employes were to invest Social Security money elsewhere, but in the end these arguments are not conclusive, even assuming this were a realistic possibility.

To repeat, I am persuaded that Social Security at the worst is not a bad deal, and is safe, even for the young worker with 40 years of paycheck deductions ahead of him. It is not a bad deal, either, for the doctors and salesmen and other self-employed who tend to do the most squawking. Unless the world blows up, or the country goes bankrupt, it is highly likely that current workers will get back from Social Security more than they paid in if they live only a few years past their retirement age, and a great deal more if they live a long life.

If the world blows up, or the country goes bankrupt (whatever that may mean), alternative investments will not be worth much, either. One of the saddest financial stories I know is that of a fine young Englishman who went to Argentina 25 years ago, when that was a comparatively prosperous and stable country, and invested his savings in an annuity policy. He is now broke, in a savings sense, because of that country's irresponsible Government and consequent raging inflation, while American Social Security recipients—hardly affluent, to be sure—have more than kept up with the rise in the cost of living.

But back to taxes. As is generally recognized, a worker's Social Security tax is a specified percentage (5.85 per cent in 1973, the highest yet) of all his earnings up to a "wage base" or maximum covered earnings ($10,800 in 1973, also the highest yet, rising to $12,000 in 1974). Both the percentage and, more rapidly, the wage base have risen over the years through successive acts of Congress. The results are striking. The following figures show the Social Security tax paid and to be paid by a worker whose earnings have always been at or above the wage base (each figure matched, of course, by the employer's payment):

1950	$45.00
1955	84.00
1960	144.00
1965	174.00
1967	290.40
1969	374.40
1971	405.60
1972	468.00
1973	631.80
1974	702.00

The increase is far greater, proportionately, than in any other tax. Even a state sales tax that was 1 cent in 1950 and is now 7 cents has not risen as much. The Federal income tax—measured as the tax collected on a given amount of income—has actually declined, and quite substantially. The comparison is not quite fair, because the huge increase in maximum Social Security taxes reflects both rising tax rates and a rising wage base. But taking tax rates alone, the increase since 1950 has been from 1.5 per cent to 5.85 per cent.

Social Security taxes (including the employers' equal share) will bring in an estimated $63.4-billion this calendar year—far more, for example, than the corporate profits tax. For literally millions of workers, Social Security taxes are now larger than Federal income taxes. And they will keep going up, as we shall see, without any further action by Congress—particularly for the better paid—though the rise may be much less rapid in the future than it has been since 1965.

What has all this money bought? The answer comes in two parts, and the description of the first can well begin with a small episode in the recent election. John Chafee, campaigning for the Senate in Rhode Island, visited a jewelry factory and asked the workers, mainly women, what they were interested in. Many said they would like to be able to retire on Social Security with full benefits at age 55. He thought for a moment and then commented that such an idea would be very costly—both in terms of lost taxes and a big increase in the total benefit payments. The reply came back: "Let the young pay for it."

That, for course, is precisely what has been happening. The explosion in Social Security tax rates, wage base and hence tax collections from the younger working people has financed a huge increase in cash benefits for those already retired, plus the highly important addition in 1965 of Medicare for the aged (the tax for which, technically separate but collected as part of the Social Security tax, is included in all these figures).

At the beginning—the nineteen-thirties—when no one dreamed that inflation would be a way of life (even the relatively moderate inflation averaging 2.5 per cent a year that we have had over the past quarter century), the idea was to relate the Social Security pension to the wage while working. That is still theoretically the case for workers now working, but it is not true for the pensioners. Each pensioner started with a Social Security monthly benefit calculated on the basis of his or her covered wages while working. In theory, the benefit was to remain the same for as long as he or she lived, as would be the case with a private annuity. But, in fact, about every two years Congress has simply added a percentage increase to the existing benefit schedule—with the biggest of all, 20 per cent, enacted in 1972. A couple retired early in 1965, for example, with the maximum benefit then payable of $184.50 a month is now getting $339.30 a month, more than enough of an increase to preserve the real value of the pension in the face of rising prices. This couple has paid in nothing extra, and any insurance company that offered a contract like that would go broke in a year.

There is no intention here to claim that these successive benefit increases were "wrong." It would have been far worse, in a moral sense, to keep the aged on a fixed Social Security income while prices rose, and the benefits are not all that lucrative in the first place. But the fact is that in dollar terms those already retired have had a huge bonanza from the Social Security system, as measured by what they paid in—especially when Medicare is considered in addition. The bonanza has been paid for by rising tax collections from those working, not only higher Social Security tax rates but the regular rise in the total of wages subject to the tax. What all this says is a simple truth, often obscured by the semantics of "social insurance," "trust fund" and the like: The income earners pay for the income of the aged. Congress recognized that principle more explicity last year in several ways:

All pretense of an "actuarial" trust fund for Social Security was abandoned and Congress provided that from now on benefits would be financed exactly by each year's Social Security tax income from wage earners. The present fund of about $20-billion will remain as a sort of cushion but it will grow no further as an actuarial system would have to. The system is now pure "pay-as-you-go."

For the first time, Congress recognized in setting present and future Social Security tax schedules that, in the real world, average wage rates rise each year. The old tax schedules had been based on the assumption of unchanging wage rates, though they did assume a growing labor force. The result was that tax rates were higher than they needed to be, and the trust fund ran a surplus and grew almost every year. Now that the assumption has been changed and made more realistic, the scheduled tax rates for the next five years and longer will rise much less than they would have, despite the huge 1972 benefit increase and despite other costly improvements, such as a higher minimum benefit for those who have worked for many years at very low wages.

Most important, the "escalation" principle was introduced into Social Security for the first time. From now on, it will not take an act of Congress to raise benefits when prices rise. Benefits will automatically be adjusted upward when the consumer price index rises by 3 per cent. And to pay for this, there will be an equally automatic increase in the taxable wage base (not the tax rate). It is a straight-forward recognition that the young—in this case, the better-paid young—will pay for "justice" for the aged. The escalation provision simply regularizes what has been happening anyway on a slightly haphazard basis in the biennial benefit increases enacted by Congress. It guarantees a further bonanza for the already retired—again, measuring their dollar benefits against what they paid in.

So part of the answer to what higher Social Security taxes have bought is a dollar windfall for the aged. But there is also something of a plus for the working man. Although we have seen that the principle of Social Security benefits being related to wages is partly a myth (benefits are far higher for those already retired than the principle would imply), it is not entirely so. Every increase in the wage base does in fact raise the future amount that the middle- and higher-income worker will receive as a *starting* benefit, and he will have the benefit of escalation after that.

On relatively conservative assumptions about inflation, the worker now in his mid-30's earning $12,000 or more a year, and whose future earnings rise at least as much as the general wage level, can count on a starting monthly benefit on retirement of more than $1,500. That will be in dollars of about the year 2000, of course, which will not be worth today's dollars. But still, the wage-base increase (though not the tax-rate increase) is "buying" a better pension for those with good incomes. And with escalation now established in law, Social Security is an even better retirement deal. In fact, the more inflation there is after retirement, the more the retired "beat the system," in the sense that they will get a benefit far higher than their payments and working earnings would have entitled them. The then young will pay.

Is anything wrong, then? To dispose of one tenaciously held myth first, there is nothing wrong with the "soundness" of the system. No one's benefits—present or future—are in jeopardy. If the day comes when the United States Government cannot pay its contractual obligations, a lot more people than the retired will feel that the world has come to an end. The Social Security "trust fund" is a convenient financial accounting device, but in fact it is largely meaningless. The obligations to pensioners, like the interest payments on Government bonds, would be paid if the trust fund disappeared tomorrow. Social Security payments will stop only on the day that the U.S. Government stops paying its bills.

I recognize that it is very difficult to persuade some people of this fact. There are criers of doom who bombard us with figures seeking to demonstrate the "unsound" condition of the trust fund, the Social Security system's "unfunded liabilities" and the like. But they overlook the fact that, in the real world, the Social Security benefit is a straightforward obligation of the United States Government, regardless of how it is financed. Some day, part of it may be financed by regular income taxes, as many now urge. But the benefit payment will remain an obligation. Perhaps the best analogy is compensation benefits for Veterans with war-connected disabilities. These are paid out of general revenues, and they are paid every year even if the budget is running huge deficits. If necessary, the Government will borrow the money to pay its obligations, as it now often does with no disaster for the economy.

Up to now, of course, benefits have been financed solely out of Social Security taxes, and they will continue to be unless there are fundamental changes in the law. Because these collections rose faster than benefits, the "trust fund" gradually built up, though the principal will grow no more. It is "invested" in special Treasury bonds and earns interest each year—interest which does have the effect of reducing slightly the level of taxes that have to be paid by those at work to finance any year's level of benefits to the retired. But all of this is really just bookkeeping. The tax money is collected by the same Internal Revenue Service that collects all other taxes, and the benefits are paid by the same Treasury that pays all other Government bills.

The trust fund has helped preserve the idea of "separateness" of Social Security and the principal of "insurance"—the semantic confusion that has so far helped to make Social Security tax increases acceptable as they apparently were even in 1972. But in the end, the "insurance" is only the insurance that the U.S. Government pays its obligations, and that is pretty good insurance. It will remain good insurance even if some day there is a revolt by the young against the rising Social Security tax. In that event, the contracted-for benefits will be paid from some other revenue.

What about the level of benefits to the aged? Even with automatic escalation and even granting, as we must, that the retired are doing well in terms of dollars collected vs. dollars paid in, a case can be made that benefits "should" be higher. The average Social Security benefit today for a retired couple is only $271 a month.

But that is a pure question of "national priorities," and is beyond the scope of this article. With the present tendency of total Federal spending to outrun revenues, it should be obvious that any decision to increase the benefit level of the aged will require an exactly corresponding tax increase on those who are working, or a reduction in some other Federal expenditure. Apart from the fact that the young are not in love with tax increases (even though, so far, they have swallowed the Social Security tax increases with remarkable equanimity), many people feel that there are higher priorities for new Federal funds than cash benefits to the aged: services, food and cash for poor children, for example.

Some people even prefer more spending on defense. The point here is not to make a choice but simply to point out that the "Social Security system" can no longer disguise that a choice must be made, especially now that it is entirely pay-as-you-go. The choice is whether to raise taxes on the young at all and, if so, what to spend the money on. The answer is not necessarily higher cash benefits for the aged.

But finally, there is probably the most serious question of all: Is the Social Security tax system fair?

Most liberals who have looked into the matter think the system is unfair—a soak-the-poor system. If the Social Security tax is viewed solely as a tax, they are right, even after the wage base rises to $12,000 in 1974. The worker with any amount of income from $12,000 down will pay 5.85 per cent of his income in Social Security tax while the executive with an income of, say, $40,000 will pay less than 1.8 per cent. Even for the majority with incomes of $12,000 or less the tax is directly "proportional," not progressive as the income tax is with higher rates on higher incomes.

A Brookings Institution research report by John A. Brittain, published in late 1972, makes this point powerfully. It argues for calling a tax by its right name—not an "insurance contribution"—and making it at least as progressive as the income tax. One idea of Mr. Brittain's, for example, would be to give exemptions and deductions on the Social Security tax so that it would work out to be progressive, and the lower-income workers would pay a lower rate than the middle class and the rich. The result, of course, would be either a higher Social Security tax scale for the better-off or, more likely, an increase in the regular income tax.

The other side of the argument is that the Social Security tax is still—even after discarding the myths—different from the regular taxes. It does "buy in" to a system of retirement benefits that will be a good deal for both poor and rich. Given the increasing improvement in minimum benefits, the system is better for the poor than for the rich, once retirement is reached; those with very low wages and sporadic work experience already receive a starting benefit much higher than their wage earnings alone would justify. In this sense the system is quite progressive. Except for those who had received the lowest pay, the starting benefits reflect what is paid in, and we all do, after all, pay in the same percentage of our covered earnings. Put another way, while it is true that Social Security taxes are a higher proportion of total earnings for the lower-paid than for the higher-paid, so are the Social Security benefits after retirement. The rich man's benefit after retirement, like his taxes while working, is small proportionate to his large earnings—though the increase in the wage base will increase his benefits along with his taxes. And not only do we all (except the lowest-paid) get a benefit proportionate to what we paid in, from now on we will also escalate together once we start receiving benefits.

It seems fair to say that, despite all that has been happening to Social Security, the "insurance" principle still does have validity, from the point of view of the individual worker. The young do pay for the old, but the young will have their day.

Could the younger taxpayers "revolt"—at the sheer amount of the tax, if not at its supposed "unfairness"? That is possible, of course, but there is little sign of it so far. What is more, it now appears that the days of very steep increases in Social Security tax rates are behind us, certainly for the years immediately ahead. While the wage base will gradually creep higher under the escalation principle, this will affect only the better paid, will not cause much of a tax increase in any one year and will have the advantage of increasing the starting benefit upon retirement for these people.

In any case, there is no present indication that Congress will change the basic Social Security financing—a separate and equal-percentage Social Security tax. It may be that the lack of complaining so far among the great mass of us is based on some confusion about Social Security, but after all, we are likely to get a pretty good deal when we are older. Perhaps we were right not to have protested much at what happened to our taxes in 1972.

WHAT IF YOU DIE THE DAY BEFORE YOUR SOCIAL SECURITY PAYMENTS ARE TO START?

Social Security is not solely a retirement system. There are benefits for survivors no matter at what age a worker may die, and there are benefits for disability, again regardless of age. All as a matter of right, with no means test.

For example, take the case of a man who has paid Social Security taxes all his life and dies this year, at the age of 64, just before he is ready to start collecting his pension.

Has he lost everything? If he is single without dependents, yes—as would be the case with some private annuities or company pensions. But if he has a widow, there is a different answer. If this man had been paying the maximum Social Security tax during his working life, and his wife is 62, she will promptly start receiving $206 a month and will receive it for as long as she lives. Her life expectancy, incidentally, is 17 years, meaning probable total benefits of about $42,000, or far more than the man paid in.

In this sense, the younger workers have the best deal of all. In the case of a well-paid young man now 30 who dies in five years, leaving a wife and two children, 3 and 5 years old, the surviving family will receive a starting monthly benefit of $717, which will escalate with inflation. On a conservative estimate of inflation, this family will have received $189,000 from Social Security by the time the youngest child is out of college at the age of 22.—E. L. D. Jr.

ROLE OF STATE LEGISLATURES IN MEETING THE NEEDS OF THE AGING

Mr. BEALL. Mr. President, as a member of the Special Committee on Aging, as well as the ranking Republican member on the Labor and Public Welfare Committee's Subcommittee on Aging, I have a special interest in and concern for the well-being of our Nation's 20 million senior citizens. In order for our Nation to meet adequately the needs of older Americans, it is necessary for our Federal, State, and local governments to work together so as to mobilize our resources for the maximum benefit of our senior citizens. In the January 1973 edition of Aging, a magazine published by the Administration on Aging, there appeared an article entitled "State Legislatures Can Assist Aging, Martin Tells Lawmakers." Commissioner of Aging, John B. Martin, addressed himself to the ways our States can participate in programs designed to help the elderly. I commend the Commissioner for his timely and pertinent comments which coincide with the "New Federalism" which seeks to restore to State and local governments a far greater degree of responsibility than they have recently exercized.

Mr. President, I ask unanimous consent that the text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STATE LEGISLATURES CAN ASSIST AGING, MARTIN TELLS LAWMAKERS

State legislatures this year have the opportunity to take action of both short and long range benefit to older Americans, says U.S. Commissioner on Aging John B. Martin.

He spoke in Washington Dec. 5 before a national forum of State legislators arranged by the American Association of Retired Persons and the National Association of Retired Teachers to discuss what State legislative action could be taken this year to implement recommendations of the 1971 White House Conference on Aging.

With regard to programs under titles III and VII of the Older Americans Act, Mr. Martin said:

"The pressing needs are for adequate State appropriations to meet at a minimum the matching requirements stipulated for them, and for adequate staff resources in the State agencies on aging to carry out effectively their expanded responsibilities under the Older Americans Act.

"For this financial support, we look to the State legislatures not only to respond to matching provisions but also to invest additional State funds in programs considered vital to meet aging needs."

For the long pull, Mr. Martin suggested:

"State legislatures concerned about the problems of the aging should consider the creation of mechanisms within the legislative body which will better ensure that the needs of the elderly in their States are properly addressed on a continuing basis.

"This could involve the creation of a legislative Committee on Aging which would regularly consider the status and needs of the elderly in the State, conduct local and State hearings on problems of the elderly, and serve as the legislative watchdog for overseeing all aging activity in the State.

"Such a body could ensure that needs of the elderly are given appropriate attention as new State legislation is considered, particularly in the areas of property tax measures, health care programs, mass transit programs, and consumer protection efforts.

"The Oregon State Legislature, for example, recently created a Subcommittee on Social Services to the Elderly. This subcommittee is charged with developing a State legislative strategy for meeting the social services needs of the aging and is working in concert with the State Program on Aging.

"It is important that State legislatures effect a dialogue and closer working relationship wih the designated State agencies on aging. The legislatures should call regularly on such agencies to furnish data on the status and needs of the elderly and to report on progress and impact of the programs these agencies administer. State legislatures can bring the elderly into closer contact with the legislative process and the policy makers through the conduct of local hearings in which the elderly could participate, and call upon them for advice and consultation.

"Enactment of the Federal revenue sharing bill also presents other avenues of action for State legislatures. Through their cooperative relationships with the State executive branch State legislators could exert some influence as to how revenue sharing funds will be spent, so that the elderly receive some of the benefits of these monies in social services or reduction of property taxes, as is permitted under the law."

More than 200 State legislators from all 50 States were among the 455 persons attending the forum. Others included members of State agencies on aging, representatives of Governors, and members of Congress. One Governor, Jimmy Carter of Georgia, attended in person and was a speaker.

MISSOURI MILITARY ACADEMY FUSILEERS OF MEXICO, MO.

Mr. EAGLETON. Mr. President, I invite the attention of Senators to the accomplishments of a fine group of young men enrolled in the Missouri Military Academy.

The Missouri Military Academy Fusileers of Mexico, Mo., were selected as the official Missouri drill unit for the inaugural parade honoring President Nixon in Washington on January 20.

This marked the fifth consecutive national inaugural in which Missouri Military Academy units have participated in the parade. The MMA band played for the inauguration of Dwight Eisenhower in 1957 and Richard Nixon in 1969. The Fusileers marched for John Kennedy in 1961 and Lyndon Johnson in 1965.

I fully agree with the statement of Col. Charles Stribling III, MMA director:

> This continual national recognition of Missouri Military Academy is a record of which our school is justly proud.

In addition to these national honors, the Fusileers, an elite group from the academy's high school cadet corps, and the MMA band were selected to parade for Missouri's gubernatorial inauguration last month in Jefferson City.

The Missouri Military Academy platoon last year won the Governor's Trophy at the Illinois University national invitational drill meet as well as the Missouri State crown. Nine network TV appearances have included performances at Busch Stadium and Kiel Auditorium, St. Louis, and Municipal Stadium, Kansas City.

Founded in 1938, the Fusileers perform a sequence of regulation Army movements, Continental drill, and self-originated maneuvers. They wear dress blue Missouri Military Academy uniforms with white scarves, belts, slings, leggings, gloves, and gold shoulder fourrageries.

The cadet commander is Lt. Joseph Alonis, Portland, Oreg. Twelve States and two foreign countries are represented in the platoon's 1973 membership—Arkansas, Florida, Illinois, Kansas, Kentucky, Missouri, Nebraska, Oklahoma, Oregon, West Virginia; and Great Britain and Mexico.

Members of the Missouri Military Academy Fusileers are: Cadets Joseph Alonis, Portland, Oreg; Neal Arnold, Alderson, W. Va.; Ted Baer, Washington, Ill.; Jerel Best, Eldred, Ill.; Budd Bieber, Aurora, Ill.; Brian Bierman, Oklahoma City, Okla.; Dean Cary; Fayetteville, Ark.; Mark Donnelly, Mexico City, Mexico;

Robert Epple, Columbia, Mo; Kevin Gregory, Middletown, Mo.; Donald Hall, Louisville, Ky.; Tim Jones, Topeka, Kans.; Michael Knoll, Freeburg, Mo.; Daniel Lesinski, St. Louis, Mo.; James Loskill, Juniata, Nebr.; Charles Lutes, Jr., London, England;

Richard Lynch III, Kansas City, Mo.; Carmine Mattozzi, Springfield, Ill.; Alberto Mesta, Chihuahua, Mexico; Earl Thomas Moulder, Jr., Springfield, Mo.; Jack Shropshire, St. Louis, Mo.; Seth Singer, St. Charles, Mo.; Frank Smith, Sikeston, Mo.; Pat Walter, Anna, Ill.; Billy Welch, Jr., Newport, Ark.; Larry Levy, St. Louis, Mo.

RESEARCH PROJECT WAS AGAINST WEEDS

Mr. CURTIS. Mr. President, a great breakthrough has just been achieved in making life a little bit better for a lot of Americans. Agricultural scientists at the University of Nebraska, working under a research grant from the Agency for International Development, have unlocked an important secret of plant life which promises to give backyard gardeners and farmers throughout the world improved weapons in the age-old battle against weeds.

A research effort headed up by Dr. Lowell Klepper, assistant professor of agronomy at the University of Nebraska, has identified the mechanism, little understood until now, by which herbicides kill weeds. The discovery should significantly reduce the time required to develop effective herbicides for specific weeds—some tests which previously required months or years may now take only days or part of a day. It should also reduce the expense of such research. This, according to Dr. Klepper, could mean dramatic improvements in the use of weed killers, not only for the farmer but also for the private gardener who may now be able to get an upper hand in his fight with crabgrass without hurting his favorite roses.

The fact that it should be possible with this new knowledge to design herbicides specifically for certain weeds as well as to determine the exact amounts necessary to be effective should reduce to a minimum the effect herbicides will have on the surrounding environment. The difference might be compared to a rainstorm versus a watering can to achieve the same ends.

The estimated cost of crop losses due to weeds in the United States alone runs into billion-dollar figures each year. In developing countries, where crop yields often determine whether thousands of men, women, and children will go hungry or not, annual crop losses directly attributable to weeds can be as high as 30 and 50 percent or more. In the case of rice, the staple food of the majority of the world's population, yields may be reduced by 80 percent or more. The new knowledge of how herbicides actually work is expected to have far-reaching significance to agriculture, especially through laboratory procedures based on the new information which can accurately and swiftly identify chemicals that possess herbicidal properties.

Announcement of the discovery was made yesterday by Dr. Klepper at a news briefing in Lincoln, Nebr., attended by top Nebraska University officials and representatives of the U.S. Agency for International Development and the Agricultural Research Service of the U.S. Department of Agriculture. The research finding, with its potential application to a wide spectrum of problems across the entire plant science field, was accomplished by Dr. Klepper while working as a plant physiologist under a contract between AID and the university to search for wheat strains with a higher protein content. The cooperative wheat improvement program involving Nebraska University and the Agricultural Research Service has been underway for a number of years, and was extended in scope in 1966 under the AID contract.

Dr. Klepper's discovery was a scientific spinoff from the wheat protein research. In his study of metabolism in high protein wheat varieties, Dr. Klepper ended up experimenting with herbicides which block a step in protein synthesis whereby the plant converts nitrogen nitrate—NO_3—into ammonium compounds from which amino acids can be formed. These amino acids are the building blocks of protein essential to human and animal nutrition. In protein synthesis in wheat, as in any other crop, nitrite—NO_2—is an intermediate form of nitrogen in this reduction process and is not normally detected in plant tissue because it is reduced very rapidly to ammonia. All herbicides, Dr. Klepper ultimately found, blocked further reduction from the nitrate form.

According to Dr. Klepper, in an effective herbicide treatment the plant loses control of its carefully designed enzyme system and the nitrites accumulate, causing the plant to kill itself. After killing the plant, the nitrite converted into a more advanced, nontoxic form of nitrogen. Armed with this new information, Dr. Klepper has been able to devise laboratory procedures that will quickly pinpoint chemicals with weed killing capabilities. He believes that these new procedures will permit the agricultural chemicals industry to tailor-make effective and acceptable herbicides for farmers in much shorter periods of time than are now required.

Herbicides presently on the market were developed through trial and error using processes involving extensive greenhouse screening of thousands of chemicals and field testing lasting many months. Because their mode of action was not known, considerable time and cost was required to find effective herbicides. The technique developed by Dr. Klepper should compress the time necessary for such screening and identification of weed-specific herbicides. Because of the importance of the discovery, AID has assisted the University of Nebraska in getting the new technique publicly patented. This would protect the scientific method from patent rights by individual persons or companies which might interfere with full public access and use of the benefits derived from it in research and agricultural production.

In the continuing race between food and population, crop losses are a crucial factor. Ironically, the new technologies of the "Green Revolution," which has made it possible to drastically increase yields of wheat and rice, also have provided an equally good environment for weed growth. Thus, the additional fertilizer and water necessary for the cultivation of the new high-yield wheat and rice varieties also foster the growth of other vegetation. The consequential competition between crop plants and weeds results in lower yields.

Dr. Klepper, in fact, worked for 2 years at the International Maize and Wheat Improvement Center—CIMMYT—in Mexico, one of the jumping off points for the Green Revolution, prior to his joining the Nebraska University agronomy staff as a member of the wheat research team in July 1972. His initial discovery of the herbicide identification technique came in October with his study of the metabolism in high protein wheat varieties.

Surfactants, commonly called detergents, figure prominently in Dr. Klepper's procedure. They facilitate the entrance of herbicides into the plant by breaking the surface film of water. He has found surfactant-herbicide combinations to be highly specific. The right surfactant-herbicide formulation can result in effective killing of weeds at much reduced rates of herbicide application.

Dr. Klepper's technique also makes it possible to measure the capacity of crop species to reduce nitrate nitrogen to nitrite nitrogen. This step may be the major limiting barrier to development of crops such as wheat with higher protein content.

Dr. Klepper suggests that most commercial herbicides now on the market fall into two categories. In the first are those that are directly toxic to plants. These kill by blocking conversion of nitrite to ammonia, thus allowing lethal buildup of the nitrite. The second category includes chemicals that are not toxic to plants in the form in which they are applied. These undergo chemical change in the plant to become phytotoxins like the first group. Regardless of which group a herbicide is in, the lethal action is the same.

New tests based on this information are expected to be a powerful tool in the search for new herbicides as well as for the most effective formulation of these herbicides with surfactants. Individual tests require as little as 30 minutes and a large number of chemicals can be screened simultaneously.

The laboratory procedures devised by Dr. Klepper are likewise expected to telescope the time required to identify wheats with high grain protein capability. Measurement of nitrate reduction may be a good indicator of grain protein potential. If so, Dr. Klepper's procedure will provide the plant breeder with a new and useful tool to aid in his continuing search for cereals with higher protein content.

DEATH OF DAVID LAWRENCE

Mr. TALMADGE. Mr. President, it was with a great sense of personal loss that I learned of the death of David Lawrence last weekend. He was one of this century's most astute political observers, reporting and commenting on news fronts in Washington, across the United States, and throughout the world for more than 60 years.

His life was a classical American success story. He rose from humble beginnings to a position of high respect and accomplishment in the world of journalism and political commentary. The son of an immigrant tailor, he worked his way through Princeton University, after launching a freelance writing career at age 14. In the Nation's Capital and as editor and founder of the news magazine, U.S. News & World Report, David Lawrence, as reporter, columnist, and sometimes confidant and adviser, came to know 11 Presidents of the United States as well as hundreds of high Government officials at all levels.

David Lawrence was a hard worker, an intelligent newsman, and a perceptive columnist. He was, in fact, the first Washington correspondent to have a syndicated column. He was a spartan man and a gentleman of the highest order. David Lawrence will be especially missed in these Chambers. He was a friend of the Senate's, a personal friend to many of us here, and I am proud of our warm association over many years.

Mr. Lawrence was an active participant in the weekly Senate Prayer Breakfast group. He often spoke to our Wednesday morning gatherings, and he was an inspiring leader of the group.

David Lawrence will be missed by his many friends and loved ones, and Americans, both in and out of government, will miss his incisive comments on matters of national and international importance. Mrs. Talmadge joins me in extending our deepest sympathy to the Lawrence family.

I ask unanimous consent to have printed in the Record the article from the Washington Post of Monday, February 12, and an editorial from the Atlanta Journal of February 14.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Washington Post, Feb. 12, 1973]

Columnist David Lawrence, 84, Dies

(By Martha Weil)

David Lawrence, 84, the conservative spokesman who was dean of Washington's syndicated columnists as well as founder and editor of U.S. News and World Report magazine, died yesterday at his Sarasota, Fla., winter home.

Mr. Lawrence was found dead on the floor of his bedroom at about 12:20 p.m. by a maid. Death was believed due to a heart attack. He had suffered a mild one several years ago.

A tireless worker, who neither smoked nor drank and kept a news ticker and direct telephone line to his office in the Sarasota home, Mr. Lawrence was not believed to be in ill health at the time of his death.

His most recent column in The Evening Star, where it had run since 1918, appeared on Friday. It called for bipartisanship in foreign affairs, particularly when significant international negotiations are underway.

Starting his career in Washington journalism in 1910, Mr. Lawrence came to know 11 presidents, scored many celebrated scoops, and began in 1916 one of the first of the syndicated newspaper columns.

Appearing through the years in as many as 300 papers, it was reviled as reactionary (by opponents, often liberal Democrats) and praised as perceptive (by supporters, often conservative Republicans).

It could also be unpredictable, as the reflection of the personal philosophy of the immigrant tailor's son who worked his way through Princeton, admired Woodrow Wilson and pronounced himself a "conservative liberal."

Crediting Wilson's "New Freedom" as a major influence on his thought, Mr. Lawrence was long a committed internationalist who supported both the League of Nations and the United Nations. Yet, isolationists also took comfort from some of his writings.

In the middle 1950s, he criticized the U.N. sharply for failing to denounce the Soviet Union and "expel its gangster government" for supplying munitions used against U.N. forces in the Korean conflict.

A critic of federal spending and an admirer of American industry, he seemed for years to reserve his sternest strictures for "so-called liberals" and others who he said were "blind to the Communist menace."

Known as a supporter of Sen. Joseph R. McCarthy in some respects, he condemned the Wisconsin Republican for what he viewed as an "indefensible" slander against Gen. George C. Marshall.

A defender of the U.S. involvement in Vietnam, he took a favorable view of the recent bombing of North Vietnam, and predicted it would lead to a cease-fire.

"I write as I see it," said Mr. Lawrence. "My purpose is clarification and exposition."

While he was often viewed as a conservative Republican by ideology, he was also for many years a Democrat, by registration, in Fairfax County, where he had a farm near Centreville.

On Dec. 23, 1970, he donated the 639.8 acre Middlegate Farm to the county for park use. Title to the property, assessed at $5 million, was to pass formally to the county on his death.

In addition to the donation of the farm, Mr. Lawrence's concern for Fairfax County was demonstrated by his leadership in the campaign that led to the adoption in 1950 of the county executive form of government.

It was a battle that saw him confront and defeat powerful political opposition that included the strongly entrenched Byrd Organization.

After the voters endorsed his plan, Mr. Lawrence headed a team that put the county executive plan of government into effect over a two-year period.

With the donation of the farm in 1970 Mr. Lawrence had divested himself of almost all of his major properties.

He sold the Bureau of National Affairs, a Washington-based news service he developed, to its employees in 1946. He did the same in 1962 with U.S. News and World Report.

Associates said both sales were at bargain prices.

In one newspaper account, Mr. Lawrence was described as a man who wanted to go out of the world the same way he came in—with very little.

He was born Dec. 25, 1888, the son of Harris and Dora Lawrence, in Philadelphia. Shortly after his birth, his father, a poor tailor who had immigrated from England, took the family to Buffalo, N.Y.

The seeds of Mr. Lawrence's career were planted there. In 1902, he discovered the Congressional Record in a library and found it fascinating. The next year, at 14, he began newspaper work as a reporter on the Buffalo Express.

Money earned on the Express helped him pay his way at Princeton, where he continued to work as a reporter, covering sports and other campus activities for several newspapers.

At Princeton, he scored his first big scoop.

While Mr. Lawrence was at college, former President and Mrs. Grover Cleveland were living in the town of Princeton. Mr. Lawrence introduced himself to Mrs. Cleveland.

On June 24, 1908, Cleveland died of a heart attack. Mr. Lawrence, then a campus correspondent for the Associated Press, had remained in Princeton after the semester ended. Mrs. Cleveland sent a message to him.

"Out of a clear sky the news came," he recalled.

Mr. Lawrence sent the news to the Associated Press. There was no other correspondent in Princeton at the time.

"I had a scoop . . ." he said.

AP liked it, and Mr. Lawrence's subsequent funeral coverage, well enough to hire him as vacation relief in their Philadelphia bureau.

During Mr. Lawrence's Princeton years, the college president was Woodrow Wilson. Mr. Lawrence gave thorough coverage to Wilson's fight for educational reform and the two men became friends.

When Mr. Lawrence graduated in 1910, he was assigned to AP's Washington bureau.

After Wilson was elected President in 1912, the two men continued their friendship, with Mr. Lawrence becoming known as one of the President's chief journalistic interpreters.

One of his most famous scoops was the resignation of William Jennings Bryan as Secretary of State in 1915.

Another AP man told Mr. Lawrence that a big story existed, but that he himself was pledged to secrecy and could say no more. It was after the sinking of the Lusitania. Mr. Lawrence decided that the feud between Bryan and Wilson had reached the boiling point.

Walking into the office of Secretary of War Lindley Garrison, he said, "Too bad about Bryan, isn't it?"

"Yes, it is," Garrison replied. "I'm sorry to see him go."

"When do you think it will be?" Mr. Lawrence asked.

"Well," said Garrison, "It's supposed to be tomorrow afternoon about 2 o'clock."

Mr. Lawrence continued to make casual conversation, finally got to a phone booth, gave his office the story and, as he recalled, "stayed in the booth for 20 minutes . . . afraid to come out because I might reveal some sort of excitement to my colleagues sitting around in the press room . . ."

In 1916, he left AP for the New York Evening Post, where he started his Washington column. He quit the New York Post in 1919 to set up his own Consolidated Press Association, which offered features and financial news to major newspapers.

In 1926, he organized The United States Daily, to be devoted solely to government activities. It was superseded in 1933 by The United States News, a weekly. In 1940, the newspaper format was changed to a magazine.

After founding World Report in 1946 to concentrate on world affairs, he merged his two magazines in 1947 into a combined U.S. News and World Report.

As one of radio's earliest political commentators he gave weekly 15-minute Sunday broadcasts on "Our Government" for four years, beginning in 1929.

An intense, private man who spurned vacations, he also wrote seven books, including "The Story of Woodrow Wilson" (1924) and "Stumbling into Socialism" (1935).

In 1970, Mr. Lawrence was one of eight veteran journalists to receive Medals of Freedom from President Nixon.

He and Ellanor Campbell Hayes were married in 1918. She died in 1969. Survivors include three children, David Jr., of Washington, Mark, of New York, and Mrs. H. C. Sturhahn, of Princeton.

[From the Atlanta Journal, Feb. 14, 1973]

David Lawrence

David Lawrence was the dean of the Washington press corps. When he died he was old in years of service and his career was a succession of accomplishments and honors.

He was the first Washington correspondent to send out a syndicated column over the wires. He was one of the first political commentators to regularly go on the air. He was founder of the United States Daily which became the United States News, and another magazine, the World Report. He merged these two journals. His conservative opinions as expressed in those editorial pages and through his syndicated columns were important in forming the political temper of this land today.

David Lawrence's column was carried at one time or another by a number of Georgia dailies including this. He was a friend of the Georgia press in other ways, appearing on the first program of the Georgia Press Institute in 1928 in order to help get the young institute established. The world of journalism joins his reading public in regretting his passing.

MEMORIAL REMARKS OF HON. DEAN RUSK AT SERVICE FOR PRESIDENT LYNDON B. JOHNSON

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the Record, so that it may appear in the bound volume of tributes to President Lyndon B. Johnson, the remarks of former Secretary of State Dean Rusk at the memorial service held in the rotunda of the Capitol, January 24, 1973.

Many Senators were present at this service and I know I speak for them in commending Secretary Rusk on his speaking so well and eloquently for us.

There being no objection, the remarks of former Secretary of State Dean Rusk were ordered to be printed in the Record, as follows:

Remarks Made by Former Secretary of State Dean Rusk

A home on the bank of the Pedernales in the beautiful hill country of Texas, surrounded by his beloved family and the friends with whom he so fully shared his warm and generous spirit —.

A home in this place where we are gathered today, in the Congress, which was his life for so long, filled with friendships enlivened by that political debate which is the lifeblood of a free society, but friendships cemented by the common task of insuring that the public business somehow would go forward at the end of the day.

A home for more than five years at the summit of responsibility, of responsibility and not necessarily of power—for he, as other Presidents, understood that many expectations and demands were addressed to him which were beyond his constitutional reach or, indeed, beyond the reach of our nation in a world community where we might persuade but can not command. These were years of awesome burdens, but burdens lightened by the fine intelligence and the natural grace and the personal devotion of the First Lady who was always at his side.

And now he returns to the Pedernales to a home among the immortals, that goodly company of men and women whom we shall forever cherish because they were concerned about those matters which barred the path to our becoming what we have in us to become. More than a thousand years ago, in a simpler and more robust age, perhaps we might have known him as Lyndon the Liberator, for he was determined to free our people in body, mind and spirit.

A few strokes of the brush can not portray this man to whom we offer our affection and respect today. As for me, I would begin with his deep compassion for his fellowman, a compassion which was shared by the Congress and resulted in the most extraordinary legislative season in our history.

Who can forget that remarkable evening of March 15, 1965, when President Johnson addressed a joint session of Congress on voting rights and other civil rights? It was perhaps his finest single message.

You will remember that, after recalling his days as a teacher of poor Mexican-American children back in 1928, he said, "It never even occurred to me in my fondest dreams that I might have the chance to help the sons and daughters of those students and to help people like them all over the country."

And then, with eyes which bored into the conscience of all who heard him, he said, "But now I do have that chance, and I'll let you in on a secret—I mean to use it. And I hope you will use it with me."

And then he went on to disclose in a very frank way what some of his deepest hopes were. Congressman Pickle has already quoted those hopes. One may give these ideas any name or epithet one might choose. They did not evolve out of some empty intellectual exercise. They were not the product of shrewd political calculation. His colleagues knew them as a volcanic eruption from the innermost being of his soul when the responsibility for leadership finally became his own.

Many have said that Lyndon Johnson was demanding upon his colleagues and personal staff. Indeed he was. And demanding upon the Congress and the American people and many a foreign leader as well. But he was most demanding upon himself and stubbornly resisted the admonitions of his associates to slow down. There was so much to do, and there was so little time in which to get it done.

President Johnson sometimes deprecated his own background in foreign affairs. Actually he brought great talents and a rich experience to this aspect of the Presidency in November 1963. As Senate Majority Leader throughout much of the Eisenhower years, he was necessarily and deeply involved in the widest range of legislation affecting foreign and defense policy.

When he became Vice President, President Kennedy asked him frequently to make foreign visits and consult with foreign leaders on matters of major importance—not merely a tourist's visit.

He absorbed briefings in a most expert fashion, and with a powerful intellect went directly to the heart of the issues under discussion. And as many present know, he was always formidable in negotiation or persuasion.

He had a special ability, perhaps learned in the Senate, to begin his consideration of a problem by putting himself in the other fellow's shoes, in an attempt to understand which answers might be possible.

He had a personal code of relations among political leaders which did not permit him or his colleagues to engage in personal vilification aimed at foreign leaders, however deep the disagreement might appear to be.

Today's writers are inclined to discuss Lyndon Johnson almost solely in terms of Viet-Nam, and such questions as whether he did too much or too little in that tragic struggle. The historian will take a broader view and weigh such things as the Consular and Civil Air Agreements with the Soviet Union, the Non-proliferation Treaty, our space treaties, his East-West trade bill, the beginnings of the SALT talks, and many other initiatives aimed at building the peace.

He had a very special and affectionate feeling for the nations of the western hemisphere. He used to say to us, "This hemisphere is where we live, this is our home, these are our neighbors. We must start with our own neighborhood."

Mr. President, last evening you made some moving remarks about President Johnson in your brief address to the American people. We congratulate you on the substance of that address and give you our best wishes for the weeks and months ahead. I mention two points which you made about Lyndon Johnson. That President Johnson was a man of peace and would have welcomed the peace which seems now to be opening up in Southeast Asia. How true. And he would, indeed, have joined you, Mr. President, in paying tribute to those millions of gallant and dedicated men in uniform whose services and sacrifice opened the way for the peace which is before us.

In his last State of the Union Message to the Congress, his final sentence was, "But I believe that at least it will be said that we tried." Ah, yes, he tried, with reckless disregard for his own life.

And then, in the final chapter of his book, when he was reflecting upon how it looked to him as he returned to that ranch which he loved so much, his final sentence was, "And I knew also that I had given it everything that was in me."

As time passes, the world will increasingly acknowledge that the "everything" that was in him was a very great deal, and that men and women all over the earth are forever in his debt.

THE SWEEPING IMPACT OF THE ENERGY CRISIS

Mr. BEALL. Mr. President, in recent months there has been a growing debate about the growing energy crisis and its implications for our Nation's economic well-being. This concern was highlighted by the President's address to the Nation on February 14, 1973. One of my consituents, Mr. Alvon L. Hoffman, president of Construction Inspection, Inc., has written an article entitled, "The Sweeping Impact of the Energy Crisis," which will appear in the March 1973, issue of the Mortgage Banker.

Mr. President, I ask unanimous consent that the text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SWEEPING IMPACT OF THE ENERGY CRISIS

(By Alvin L. Hoffman, President, Construction Inspection Services, Inc., Silver Spring, Maryland, and Publisher of Construction Economics)

Some of the dimensions of the growing energy crisis in the United States began to appear in the headlines as the winter took a real grip on much of the nation. Homes and schools in scattered locations began to get colder, and many factories either shut down or curtailed their operations. But the real dimensions of the crisis are only dimly perceived by most citizens. The effect on all industries, on the nation's position in the world, and on its ability to protect itself economically and physically, has been voiced by only a few spokesmen. The average citizen, his furnace humming and car operating has not been significantly affected.

The effects, however, have become noticeable in the construction industry. The most visible manifestation is that housing starts figures have dropped. A paucity of sewage treatment facilities and poor weather conditions have contributed to the decline, but so has a lack of natural gas in many metropolitan areas for heating, cooling, and cooking. Factory and industrial building is expected to drop in the coming year, also as a direct result of shortage of acceptable fuel for heating, cooling, and power.

In addition, a true energy crisis will affect highway construction, if highway travel is reduced because of higher prices of gasoline and diesel fuel. Dwindling supplies of asphalt could be a concomitant factor.

As a result of the "environmental" drive of the past few years, which is an integral part of the energy crisis, other areas of construction have been affected. Cost of petroleum-based machine parts and building components have risen; construction of thermal and nuclear-fueled powerplants has been at a virtual standstill; and other construction—including major housing developments—has been either delayed or halted.

On a larger scale there was cause for grave concern. It can be said that modern nations attain their international economic rankings in proportion to the energy that is available to drive their machines, manufacture their goods, and increase their peoples' standard of living. Ample supply of energy, it is now becoming clear, is one of the major keys to the growth and influence of the United States, and its position is being threatened.

It is ironic that this should be happening while the U.S. sits on some of the largest deposits of fossil fuels on earth and has been a leader in the development of peaceful uses of nuclear power. The vast deposits of coal, oilshales, and offshore oil and gas fields are estimated to contain enough fuel to supply energy for the nation for many hundreds of years, without dependence on any foreign sources.

The estimated 500-year reserve of coal has been rendered virtually unusable by a myriad of "environmental" considerations, including emissions, particulates, and other factors. The only hope is that some acceptable (and probably expensive) means will be found to convert the coal to gas. In addition, development of known oil reserves offshore and in Alaska has been stopped dead by conservationists' objections. Even nuclear power development has been halted by fear of "thermal pollution" through water used to cool generators and possible harmful emissions, plus difficulties of disposing of wastes.

But the mathematics of the shortage—though it involves astronomical figures—is simple enough: The United States now has "proven" oil reserves (areas where oil has been found and is producible) amounting to almost 30 billion barrels within the continental U.S., and perhaps another 10–15 billion barrels under the frozen waters of Alaska's North Slope. Moreover, gas reserves amount to about 252 trillion cubic feet. However, according to the petroleum-gas industry, very little has been added to these known reserves since about 1969 because of increases in exploration costs and other restrictions.

Meanwhile, Americans are consuming 16 million barrels of oil a day, and perhaps 23 trillion cubic feet of gas a year. Moreover, this consumption is rising at the rate of 1 million barrels of oil every day, despite the claim of oilmen that existing wells are already producing at near capacity. Gas usage has been rising just as spectacularly. With this situation in mind, the U.S. government recently authorized substantial imports of liquid natural gas (LNG) to supplement the available supply, probably at considerable additional cost to the consumer. The enormous consumption is not solely in terms of heating. It includes power to turn electric-generating turbines; refinement of gasoline and other products; a vast petrochemical industry which depends on petroleum or natural gas as its basic feedstock; and highway construction, since asphalt is a by-product of gasoline and other refining processes.

The reasons are many and complex, aside from "environmental" restrictions. Oilmen are prone to blame government regulation—at both federal and state levels—for many of their ills, arguing that artificial hold-downs of prices have forced them to absorb increasing costs to the point where exploration for new sources has become prohibitively costly.

It must also be noted that the energy industry has had a hand in compounding its own problems. Restrictions on foreign imports, for example, are the result of industry demand for government protection. Also, aggressive sales campaigns promoting the use of more and more appliances in homes, offices and factories have been extremely successful.

The only remedies that have been proffered are either conservation of energy use—through lowered heating-cooling levels, better insulation and construction, and curtailment of auto use—or further dependence on foreign governments for oil and oil products. Conservation will have a very gradual effect on the energy crisis, and will depend on broad and insistent education of the public, which must be willing to give up the optimum in comfort and convenience. The long transportation lines needed to bring in foreign oil pose their own dangers in terms of possible spillage, the need for "super ports" to handle larger tankers, and other factors.

The prospect of a boom in construction seems favorable indeed, if and when politicians are willing to face environmental restrictions and strike a sensible balance between the needs of humans and the needs of the enivronment. When such a breakthrough comes, there will be immediate need for construction work: new refineries, ports for super-tankers, pipelines and power plants. The question is, how much longer can we wait before the nation experiences an irreparable economic set back?

WHAT ARE PRIORITIES THAT COUNT?

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the Record a letter I received, addressed to President Nixon. It asks the same question that I ask myself daily, "What are the priorities that count?" This poignant message resounds clearly and needs no interpretation.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Anchorage, Alaska,
January 25, 1973.

Richard M. Nixon,
White House,
Washington, D.C.

Dear Mr. Nixon: I am a physician with the Alaska Native Medical Center, part of the Indian Health Service (HEW) in Alaska. I am sending this letter not in any official capacity with the Indian Health Service or this hospital, but rather as a private citizen.

I was shocked into finally writing you a letter when I read in the paper recently that your Inauguration cost "3-4 million dollars." Currently, the Indian Health Service, like so many other government services, is suffering a budget squeeze. In addition, the Alaska area overspent its allocation last year. However, the amount of the budget cut plus the debt is certainly less than one-half the cost of the Inaugural festivities. Consequently, however, services for the Eskimo, Indian, and Aleut in Alaska have been drastically cut back.

The Alaska Native Medical Center is the only hospital for the Native in Alaska that can carry on major diagnostic and treatment programs, particularly surgery. Also Alaska is unique in that great distances sometime separate the native village from the hospital in Anchorage. Therefore, it is very expensive to perform services in Anchorage because in addition to the normal expense of hospital care, there is the cost of travel from and to the villages. The cutbacks referred to above include a marked decrease in the amount of money to be spent on travel, primarily in the area of elective surgery and diagnostic evaluations; the hospital census is being sharply reduced; and, in general, more circumspection is being urged when deciding the question of whether something is or is not an emergency.

There is little choice for our administration about these policy decisions, if we are to live within the new budget and the debt mentioned above. But, as always, it is the patient who suffers—and in no small way; rather it is possible that lives will be lost and much suffering endured. Two recent examples come to mind. One is that of a child in "the bush" who had what sounded like a hernia over the phone and the doctor decided not to send the patient to Anchorage, and later the hernia worsened and apparently strangulated and the child has currently been lost to follow up. Another example is that of an elderly woman from the Aleutian Islands who had what sounded like congestive heart failure and the doctor, thinking about the expense of chartering an airplane to bring her to Anchorage, elected to give the patient some medicine there and to have her come in on the regularly scheduled flight; but she died en route the next day. In both instances, monetary considerations probably altered the judgment of the physicians and will continue to do so, often to the detriment of the patient.

What are the priorities that count? The cost of the Inaugural is only one example but there are of course many others, including the cost of lost B–52's, the reported hundreds of millions overspent by the Navy, etc., etc.

So, finally, this letter is sent in protest and in the hopes that you and your administration might rethink your priorities and particularly that some sort of additional funding be found for the Indian Health Service to restore necessary services.

Sincerely,

Tim Samuelson, M.D.

STREET CRIMES

Mr. THURMOND. Mr. President, an interesting editorial entitled "Stennis Tragedy Spurs the War Against Crime," appeared in the State newspaper of Columbia, S.C., on February 6, 1973.

It makes points on the administration of justice which I feel would be of considerable interest. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Stennis Tragedy Spurs the War Against Crime

While Sen. John Stennis lies seriously wounded in Walter Reed Hospital, the victim of an armed robbery at his Washington residence, his colleagues in Congress are reacting with outrage to this latest example of violent crime in the nation's capital.

The reaction is predictable, and we join in it. But even as we deplore the criminal assault which felled the distinguished senator from Mississippi, we ask why equal concern should not be expressed over similar attacks on lesser individuals.

Bullets are as painful to cab drivers as to congressmen. Little people bleed and hurt and experience terror no less than political big-wigs. And the men and women who find it necessary to walk the streets of Washington—or of New York or Philadelphia or Columbia—are as much entitled to peace of mind and safety of person as those whose public prominence commands greater attention from the media.

Yet the tragedy which has struck Senator Stennis may prove to be the catalyst which produces both the atmosphere and the action needed to win the war against crime. Penalties for violent crimes, especially those committed with firearms, must be made more stringent. Delays in the administering of justice must be eliminated. And the indulgent attitude toward criminals must be reversed.

South Carolina's Sen. Strom Thurmond went to the heart of the problem in a forceful presentation on the floor of the Senate:

"The greatest deterrent to crime is swift apprehension and sure punishment."

He then added the thought which looms large in the minds of many average Americans—the possibility of making federal judges subject to reappointment at intervals so that they might be more responsive to the public's insistence upon strong measures to insure law and order. Too many federal judges, Senator Thurmond suggested (and he might well have included some state judges in his indictment) "show an unfortunate penchant to favor the defendant in criminal cases."

If Congress and the country respond favorably to such ideas, the evil which has befallen Senator Stennis may bring about good.

A HELPFUL CHECKLIST TO GUARD AGAINST OVERPAYMENT OF INCOME TAXES

Mr. CHURCH. Mr. President, time and time again the Internal Revenue Service has stated that the Federal Government wants no individual to pay more taxes than are legally due.

However, it is all too painfully clear that millions of Americans—young and old alike—needlessly overpay their income taxes each year.

This harsh fact of life became clear at a hearing conducted by the Senate Committee on Aging on "Income Tax Overpayments by the Elderly."

In far too many cases, elderly taxpayers are simply unaware of helpful deductions which can reduce their taxes.

Others are completely baffled by the complexities of the tax form. What good are deductions or credits if the fine print on form 1040 or the instructions camouflage them? And what good are tax relief measures if they are lost in the maze of calculations, schedule transfers, and linguistic booby traps to complete a return?

To help protect taxpayers against these potential pitfalls, the Committee on Aging called for comprehensive action on several fronts.

A number of the committee's recommendations to simplify tax preparation have already been adopted by the IRS, including:

Restoration of the short form 1040A for taxpayers who do not itemize their deductions and whose income is almost entirely from wages; and

Computation by the IRS of the complicated retirement income credit for older Americans, provided they list the amount of their qualifying retirement income, tax-exempt pensions, and earned income.

Moreover, the IRS will now compute an individual's tax, provided his income does not exceed $20,000; it consists only of wages, salary, tips, dividends, interest, pensions, or annuities; and the standard deduction is used.

Further improvements, however, are still necessary to insure that the preparation of more complicated tax returns does not become a nightmarish experience for the untrained.

Additionally, the committee prepared a helpful checklist of deductions—deductions which can save elderly taxpayers hundreds or perhaps even thousands of dollars.

This listing, I want to stress, is not intended to be an exhaustive summary of all available deductions for individual taxpayers. But, it can provide a very useful checklist for persons who itemize their allowable expenditures. This listing can also provide guidance in determining whether it would be to the advantage of a taxpayer to itemize his deductions or take the standard deduction.

Equally important is the committee's recent summary of the tax savings provisions in the Revenue Act of 1971. Quite clearly a fundamental understanding of these measures will also be essential for all taxpayers to receive full benefits from these provisions.

Mr. President, I ask unanimous consent that the Committee on Aging's checklist of allowable deductions for schedule A and the summary of the tax relief measures in the Revenue Act be printed in the RECORD.

There being no objection, the lists were ordered to be printed in the RECORD, as follows:

CHECKLIST OF ITEMIZED DEDUCTIONS FOR SCHEDULE A (FORM 1040) MEDICAL AND DENTAL EXPENSES

Medical and dental expenses are deductible to the extent that they exceed 3% of a taxpayer's adjusted gross income (line 17, Form 1040)

MEDICAL, HOSPITAL, OR HEALTH INSURANCE PREMIUMS

One-half of premiums are deductible (up to $150) without regard to the 3% limitation for other medical expenses. The remainder of your health insurance premiums can be deducted, but is subject to the 3% rule.

DRUGS AND MEDICINES

Included in medical expenses but only to extent exceeding 1% of adjusted gross income (line 17, Form 1040)

Other allowable medical and dental expense (subject to 3% limitation):
Abdominal supports
Ambulance hire
Anesthetist
Arches
Artificial limbs and teeth
Back supports
Braces
Cardiographs
Chiropodist
Chiropractor
Christian Science practitioner
Convalescent home (for medical treatment only)
Crutches
Dental services (e.g. cleaning teeth, X-rays, filling teeth)
Dentures
Dermatologist
Eyeglasses
Gynecologist
Hearing aids and batteries
Hospital expenses
Insulin treatment
Invalid chair
Lab tests
Lip reading lessons
Neurologist
Nursing services
Oculist
Optician
Optometrist
Oral surgery
Orthopedic shoes
Osteopath
Pediatrician
Physical examinations
Physician
Physiotherapist
Podiatrist
Psychiatrist
Psychoanalyst
Psychologist
Psychotherapy
Radium Therapy
Sacroiliac belt
Seeing-eye dog and maintenance
Splints
Supplementary Medical Insurance (Part B) under Medicare
Surgeon
Transportation expenses for medical purposes (6¢ per mile or actual fares for taxi, buses, etc.)
Vaccines
Vitamins prescribed by a doctor (but not taken as a food supplement or to preserve general health)
Wheelchairs
Whirlpool baths for medical purposes
X-rays

TAXES

Real estate
State and local gasoline
General sales
State and local income
Personal property

If sales tax tables are used in arriving at your deduction, you may add to the amount shown in the tax tables *only* the sales tax paid on the purchase of 5 classes of items; automobiles, airplanes, boats, mobile homes and materials used to build a new home when you are your own contractor.

Additional sales tax deduction (besides the table based on adjusted gross income) for nontaxable income (e.g., Social Security or Railroad Retirement Annuities)

CONTRIBUTIONS

In general, contributions may be deducted up to 50 percent of your adjusted gross income (line 17, Form 1040). However, contributions to certain private nonprofit foundations, veterans organizations, or fraternal societies are limited to 20 percent of adjusted gross income.

Cash contributions to qualified organizations for (1) religious, charitable, scientific, literary or educational purposes, (2) prevention of cruelty to children or animals, or (3) Federal, state or local governmental units (tuition for children attending parochial schools are not deductible). Fair market value of property (e.g., clothing, books, equipment, furniture) for charitable purposes. (For gifts of appreciated property, special rules apply. Contact local IRS office.)

Travel expenses (actual or 6¢ per mile) for charitable purposes (may not deduct insurance or depreciation in either case).

Cost and upkeep of uniforms used in charitable activities (e.g., scoutmaster).

Purchase of goods or tickets from charitable organizations (excess of amount paid over the fair market value of the goods or services).

Out-of-pocket expenses (e.g., postage, stationery, phone calls) while rendering services for charitable organizations.

Care of unrelated student in taxpayer's home under a written agreement with a qualifying organization (deduction is limited to $50 per month).

INTEREST

Home mortgage
Auto loan
Installment purchases (television, washer, dryer, etc.)

Bank credit card—can deduct the finance charge as interest if no part is for service charges or loan fees, credit investigation reports. If classified as service charge, may still deduct 6 percent of the average monthly balance (average monthly balance equals the total of the unpaid balances for all 12 months, divided by 12).

Points—deductible as interest by buyer where financing agreement provides that they are to be paid for use of lender's money. Not deductible if points represent charges for services rendered by the lending institution (e.g., VA loan points are service charges and are not deductible as interest).

Penalty for prepayment of a mortgage—deductible as interest.

Revolving charge accounts—may deduct the "finance charge" if the charges are based on your unpaid balance and computed monthly.

CASUALTY OR THEFT LOSSES

Casualty (e.g. tornado, flood, storm, fire, or auto accident provided not caused by a willful act or willful negligence) or theft losses to nonbusiness property—deductible to the extent exceeds $100 plus any reimbursement from insurance (basis for computing the casualty loss is the lesser of the decline in fair market value resulting from the casualty or the cost). Form 4684 must be filed for casualty losses.

CHILD AND DISABLED DEPENDENT CARE EXPENSES

Deduction for employment related expenses in obtaining care for any (a) dependent under 15 years of age, (b) physically or mentally disabled dependent, or (c) a disabled spouse to enable the taxpayer to be gainfully employed—maximum deduction is $400 a month for qualifying expenses (for more detailed discussion see description of child care deductions under "major New Tax Relief Provisions for Individuals."

MISCELLANEOUS

Alimony and separate maintenance (periodic payments).

Appraisal fees for casualty loss or to determine the fair market value of charitable contributions.

Campaign contributions (up to $100 for joint returns and $50 for single persons).

Union dues.

Cost of preparation of income tax return.

Cost of tools for employee (depreciated over the useful life of the tools).

Dues for Chamber of Commerce.

Rental cost of a safe-deposit box for income producing property.

Fees paid to investment counselors.

Subscriptions to business publications.

Telephone and postage in connection with investments.

Uniforms required for employment and not generally wearable off the job.

Maintenance of uniforms required for employment.

Special safety apparel (e.g., steel toe safety shoes or helmets worn by construction workers; special masks worn by welders).

Business entertainment expenses.

Business gift expenses not exceeding $25 per recipient.

Employment agency fees for finding employment.

Cost of a periodic examination if required by employer.

Cost of installation and maintenance of a telephone required by the taxpayer's employment (deduction based on business use).

Cost of bond if required for employment.

Expenses of an office in your home if employment requires it.

Payments made by a teacher to a substitute.

Educational expenses required by your employer to maintain your position or for maintaining or sharpening your skills for your employment.

For any questions concerning any of these items, contact your local IRS Office. In addition, page 29 of your 1972 Instruction Form 1040 lists several forms and publications which you may obtain from IRS by mail or in person at any IRS Office.

MAJOR NEW TAX RELIEF PROVISIONS FOR INDIVIDUALS

Filing Requirements: Individuals will be able to have higher incomes before required to file a tax return for 1972. Depending upon their filing status, taxpayers will be required to file a return (Form 1040) when their income is at least:

Filing status	Required to file a tax return if gross income is at least	Former filing
Single (under age 65)	$2,050	$1,700
Single (age 65 or older)	2,800	2,300
Married couple (both spouses under 65) filing jointly	2,800	2,300
Married couple (1 spouse 65 or older) filing jointly	3,550	2,900
Married couple (both spouses 65 or older) filing jointly	4,300	3,500
Married filing separately	750	600

Personal and Dependency Exemptions Increased: For taxable year 1972 the personal and dependency deductions are increased from $675 to $750. The additional exemption for blindness and for age (65 or older) is also raised from $675 to $750.

Increase in Standard Deduction: The standard deduction—formerly 13 percent of adjusted gross income with a maximum deduction of $1,500—is increased to 15 percent of adjusted gross income (line 17, Form 1040) with a $2,000 ceiling.

Low-Income Allowance: Many taxpayers will not be required to file a tax return in 1972 because the low-income allowance is raised from $1,050 to $1,300. An individual who qualifies for the low-income allowance does not have to compute it, because the low-income allowance is built into the optional tax tables (line 18, Form 1040—tax tables 1–12).

Liberalized Child and Disabled Dependent Care Expenses: The deduction for child dependent care expenses for employment related purposes has been expanded substantially. Now a taxpayer who maintains a household may claim a deduction for employment related expenses incurred in obtaining care for a (1) dependent who is under 15, (2) physically or mentally disabled dependent, or (3) disabled spouse. The maximum allowable deduction is $400 a month ($4,800 a year). As a general rule, employment-related expenses are deductible only if incurred for services for a qualifying individual in the taxpayer's household. However, an exception exists for child care expenses (as distinguished from a disabled dependent or a disabled spouse). In this case, expenses outside the household (e.g., day care expenditures) are deductible, but the maximum deduction is $200 per month for one child, $300 per month for 2 children, and $400 per month for 3 or more children.

When a taxpayer's adjusted gross income (line 17, Form 1040) exceeds $18,000, his deduction is reduced by $1 for each $2 of income above this amount. For further information about child and dependent care deductions, see Form 2441.

Political Campaign Contributions: Taxpayers may now claim either a deduction (line 32, Schedule A. Form 1040) or a credit (line 59, Form 1040), for campaign contributions to an individual who is a candidate for nomination or election to any Federal, State or local office in any primary, general or special election. The deduction or credit is also applicable for any (1) committee supporting a candidate for Federal, State, or local elective public office, (2) national committee of a national political party, (3) state committee of a national political party, or (4) local committee of a national political party. The maximum deduction is $50 ($100 for couples filing jointly). The amount of the tax credit is one-half of the political contribution, with a $12.50 ceiling ($25 for couples filing jointly). Additionally, taxpayers may voluntarily earmark $1 of their taxes ($2 on joint returns) to help defray the costs of the 1976 presidential election campaign. Individuals can stipulate that the money go to the party of their choice or be deposited in a nonpartisan general account for all eligible candidates.

LITHUANIAN INDEPENDENCE DAY

Mr. SCHWEIKER. Mr. President, February 16, 1973, marks the 55th anniversary of the Declaration of Independence of Lithuania. It is fitting that we pause today to commemorate that historic event and to reconfirm our support for Lithuania's struggle for freedom and self determination.

Lithuanians are a courageous and proud people, and continued occupation of their nation has not dimmed their hopes. Their will to be free burns brightly.

Recently, 17,000 Lithuanian Catholics signed a petition to the United Nations protesting religious persecution in their country. On May 18, 1972, the Lithuanian people demonstrated strong public solidarity by turning out by the thousands for the funeral of a young Lithuanian who set himself on fire to protest Soviet occupation of his country.

Mr. President, my sentiments on the plight of Lithuania are well summarized by those expressed in a 1959 editorial in the New York Times. The editorial said, in part:

> We do not propose to go to war for the liberation of the Baltic States. Nor do the citizens of those states, still resident there or in exile in other lands, argue for the sort of nationalism that existed between the first and second World War. What they do ask for is political, religious and cultural freedom. They are as aware as the rest of us that such freedom can exist only in a world of freedom.
>
> In the Baltic countries the path to a better future is still dark, but it is not lost and will not be. The day of the overlords will not last forever. The time will come when the three lost little nations will be able to come out and join us.

Mr. President, it is my fervent hope that the day will soon come when Lithuania indeed "will be able to come out and join us."

BANKING ON THE CONSUMER

Mr. PERCY. Mr. President, as I have said repeatedly in this Chamber in connection with legislation I am sponsoring to create an independent Consumer Protection Agency—S. 707—the overwhelming majority of American businesses build their corporate philosophies around the interests of the consumer.

An outstanding commentary on this subject, which captures the essence of concern for consumer problems shared by responsible members of the business community, is the address by William I. Spencer, president of the First National City Corp., entitled "The Banker in the Age of the Consumer." Citing a recent poll indicating that 56 percent of the American people now concur in the view that—

> The quality of most things I buy has become worse compared with standards ten years ago.

Mr. Spencer goes on to note that—

> It would seem that what was once called the revolution of rising expectations has become a rebellion of dissatisfied customers. This rebellion reflects both growing hostility towards business and mounting impatience with the ponderous pace of government bureaucracy. The result is widespread disenchantment not only with the way things work—or don't work—but with the quality of life itself under the American system.

Just as I have urged in advancing the concept of a governmental voice for consumers to represent their interests in the deliberations of Federal agencies and courts that substantially affect consumer concerns, so, too, is Mr. Spencer aware of the second-class citizenship that our society has accorded the consumer by way of indecent low-income housing, inefficient mass transit, and intolerable standards of health care.

He goes on to offer the advice to his colleagues that:

> The consumer movement in this country offers business an opportunity to rise above mediocrity and to really serve where service is needed.

Just as Leo Schoenhofen, president of Marcor—parent company to Montgomery Ward and Container Corporation of America—observed in an earlier letter to me in expressing his endorsement of the Consumer Protection Agency legislation, Mr. Spencer concludes that—

> If we seize this opportunity and run with it, we will one day realize that consumerism was the best thing that ever happened to American business.

I concur in Mr. Spencer's conclusion that the consumer is entitled to more and better information with respect to the transactions he engages in daily. And I think Mr. Spencer would concur in my view that not only is the information itself critical, but consumers collectively must have a means of using that information to best advantage. At least with respect to deliberations by Federal courts and agencies that substantially affect consumer interests, "best advantage" means having a voice in what goes on. A Consumer Protection Agency—an advocate for the consumer—would afford such a voice.

Because of the importance which I attach to Mr. Spencer's remarks, and because I believe the statement should be widely read by my colleagues in connection with much of the legislation we will be considering this year, and by executives and others within the business community, I ask unanimous consent that the text of the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE BANKER IN THE AGE OF THE CONSUMER

(Remarks by William I. Spencer, President, First National City Corp., before the American Bankers Association national marketing conference, New Orleans, La., Jan. 15, 1973)

I am always happy to meet with fellow consumers—particularly when they have the good sense to gather in New Orleans in January. I welcome this opportunity to discuss banking and the consumer, but I am sure that some of you by now might agree that if speeches were solutions all the problems of the consumer in our society would be solved.

The torrents of rhetoric championing the rights of the consumer are not, as we know, always matched by any comparable deluge of deeds. Sooner or later, however, we must all put our money where our mouth is, simply because serving the consumer, both in business and banking, is not only our bread and butter but our reason to exist. How to do this job well, and profitably, how to devise policy and implement it, these are extremely complex problems.

The wide disparity between setting policy and implementing it is well illustrated by the dilemma of the British Admiralty when confronted with the German submarine menace in the North Sea during World War II. There was, of course, need for drastic action, but no one could agree on exactly what form it should take.

The problem was turned over to one of Great Britain's most brilliant and creative thinkers. He went off for several weeks to a think tank outside London where he communed and cogitated. When he returned, he announced triumphantly that the German submarine menace could easily be eliminated—by evaporating the water in the North Sea. Asked "How do we do that?" he replied with obvious impatience, "I have given you the grand concept. The tactics are up to you."

Today, business, government and the public agree with the grand concept—the consumer does indeed deserve a fairer shake. They agree that the consumer has a right to be informed, a right to safety, a right to choose and a right to be heard.

The tactics—how these rights can be guaranteed to each and every citizen in our diverse economy—may represent as formidable a task as evaporating the waters of the North Sea, but I believe it can, in time, be done.

Satisfying all legitimate consumer demands goes far beyond merely revitalizing the traditional market mechanism as a device for protecting public interests. Consider, for example, that there is no such creature as the typical consumer in our complex and changing society. The consumer is male or female, young and old, black and white, poor and affluent, liberal and conservative, silent and vocal, relaxed and uptight.

Whatever his upbringing or life style, he is better educated, more sophisticated and more skeptical than ever before. He is well aware that many of our much publicized boons to mankind—detergents, pesticides and cyclamates among others—have eventually revealed their built-in boomerangs. He has learned to worry, too, about food additives, automobile safety, the side effects of drugs. He is no longer so confident about even the most impressive brand names. A recent ad, placed in the New York Times by Consumer Reports, warns him that it is as foolish to believe in brand names as a sign of quality as it is to believe in Santa Claus and the tooth fairy.

After decades of being sold on the miracles of American manufacturing and marketing, the Consumer faces the Establishment across a yawning gap of credibility. What is more, there is ample evidence that that gap is widening. A recent public opinion poll, for example, indicates that 56 percent of the American people now agree with the statement "the quality of most things I buy has become worse compared with standards ten years ago."

It would seem that what was once called the revolution of rising expectations has become a rebellion of dissatisfied customers. This rebellion reflects both growing hostility toward business and mounting impatience with the ponderous pace of government bureaucracy. The result is widespread disenchantment not only with the way things work—or don't work—but with the quality of life itself under the American system.

Critics of the system tend to suggest that the businessman assume responsibilities far beyond his prescribed area of expertise. They ask that we not only improve our product, services and employment practices but that we also assist society in coming to grips with a score of social ills. They ask that we clean up the air and soil and water and make America beautiful again.

They ask that we tackle such awesome problems as providing decent low-income housing, efficient mass transit, higher standards of health care. They ask that we work to improve conditions in our schools, our courts and our prisons. And, finally, they ask that we review the goal of economic growth itself and think in terms of Gross National Well-Being as well as Gross National Product.

Business, of course, has neither the resources nor the resourcefulness to cope with problems of such magnitude. On the other hand, we can no longer rely on government to be the sole doer in our society. Effective action is obviously going to involve the total investment potential of the nation, with government acting, let us say, as the systems manager. Government's role is to define our national goals, and the role of business is to realign its internal policies to support those goals. I think we are beginning to do just that and that out of the framework we will be able to answer the consumer's demand for a quality society.

The responsibility of any institution in a period of rapid change is, as Peter Drucker has described it, "the anticipation of social needs and their conversion into opportunities for performance and results." The consumer movement in this country offers business an opportunity to rise above mediocrity and to sharpen its competitive edge in the global as well as the domestic market place. It offers us an opportunity to reject the shoddy huckstering of goods that rate low in the true scale of human needs and to really serve where service is needed. If we seize this opportunity and run with it, we will one day realize that consumerism was the best thing that ever happened to American business.

Our industry, which depends so heavily on the goodwill of its customers, has given careful study to some of the primary causes of consumer unrest. We are, of course, all deeply involved with what we can do to improve the quality of existing services. However, related to the quality of service itself are two other broad areas of consumer concern as well as the number of complaints connected with the use of consumer credit.

Our first concern is not only with the quality but the tremendous number of banking services now being offered to each and every customer. In our desire to remain competitive and serve the needs of Everyman, we may be offering the consumer such an abundance of services that the result is chaos instead of choice. Consider the varying service charges on personal checking accounts arrived at on the basis of account activity, balance or both. Consider, too, the array of savings plans offered the public by our branches.

The customer, who is not familiar with the Regulation Q, does not always understand how we must package our wares in order to compete with savings institutions. There is little doubt in my mind that the consumer would be better served if commercial banks, savings and loan associations and mutual savings banks were all permitted to operate under the same ground rules and pay the same kinds of taxes. Certainly, if commercial banks were more attractive to savings depositors, we might well be able to simplify our services and lower their cost to our customers.

The proliferation of services offered the public is understandable in the light of recent history. The bank failures of the 1930's, as we all know, resulted in such an avalanche of regulatory restraints that the industry was virtually locked out of the competitive market place for more than three decades. It was only with the passage of the amendments to the Bank Holding Company Act in 1970 that the handcuffs were taken off and we were able to innovate and diversify.

In our eagerness to please and meet new demands with new services, however, we may at times be making it more difficult for the customer to choose what is best suited to his needs. We must be careful not to fall into the same redundancy as the airlines which offer the perplexed passenger 50 different fares to Europe or the supermarket which befuddles the housewife with 100 different brands of breakfast food. Variety may be the spice of life, but as we all know, variety for variety's sake can lead to confusion, frustration and resentment.

We must recognize, too, that automation which has been such a boon to our industry has led to the introduction of many new services which some people simply do not understand. The intricacies of such things as pre-authorized bill payments, prearranged lines of credit, automatic payroll accounts and direct funds transfers must be explained in clear and simple terms—not in new math or computer-ese.

The capability of the computer itself has contributed to another area of bank-consumer concern—the impersonalization of the relationship between the banker and his customer. The developments inherent in the creation of the checkless society of the future will, of course, accentuate this trend. I think we must consider whether or not the public will be receptive to the idea of having the computer play a broader role in the handling of their financial affairs. Certainly many customers are already disgruntled with that mythical mechanical man who sometimes goofs but refuses to be confronted.

There is no question that the multiplicity, the complexity and the apparent impersonality of banking services often tend to have a negative effect on quality. I would venture to say that these areas of concern are not peculiar to our industry, but underlie consumer dissatisfaction with business and government in general. They are, however, concerns which we should all bear in mind in reviewing the whole complex problem of consumer credit.

As we all know, no people in the world use as much consumer credit as we Americans do. Consumer credit outstanding in this nation has risen from less than $6 billion in 1945 to more than $150 billion in 1972. Since consumer credit now accounts for roughly 20 percent of our personal disposable income, it is not surprising that there is a continuing demand for review and improvement.

There is ample evidence that this demand is being addressed. You are no doubt familiar with the report, "Financing the Consumer" made at the request of the President to the National Business Council for Consumer Affairs. Our Executive Vice President, James D. Farley, was Vice Chairman of the Advisory panel which prepared the report, which has been distributed to all businesses involved with consumer credit.

The study identified the most frequent consumer credit complaints as relating to: rates of interest, billing procedures, collection practices, creditor remedies, rights of privacy and availability of credit. To meet these complaints, and indeed to anticipate others in the consumer credit area, the report offered a number of recommendations which, I believe, all lending institutions would be wise to follow. Notable among them were recommendations that:

Credit granting criteria should be the same for men and women;

Credit rating systems should not unfairly discriminate between types of income;

Credit grantors should update customer credit ratings on a regular basis;

Financial institutions should avoid financing the purchase of products or services sold by unethical merchants.

Once credit has been granted, the report urges all ethical lenders to adhere to a suggested Code of Billing and Collection Practices. If universally adopted, this Code would go a long way to reduce many of the major complaints raised by consumers of credit. Those conforming to the Code would agree to make prompt acknowledgement to customers of errors in billing; to assess late charges only to the extent necessary to recover overall expenses; to offer alternative methods of repayment when a delinquency does occur; and to make no citation or threat of legal action unless such action can and will be used.

To my mind, by far the most important recommendations made by the report are those that call for a greater effort on the part of lenders to acquaint the borrower with the complexities of consumer credit. Many consumers, as we all know, are not only uninformed but misinformed. Consider, for example, how many people still think the corporate prime rate is a benchmark for fair consumer credit charges. Consider, too, how many people—including bankers themselves—are baffled by such basic banking terms as the interest rate rebate system.

Certainly, there is compelling need for us to make ourselves better understood. It is imperative that we provide information on credit and money management not only for low income groups but for all users of consumer credit. In recent years some of us have been publishing and distributing widely a host of regular bulletins on consumer concerns. I might mention here that *Consumer Views*, our monthly newsletter at Citibank, has been serving the public for a good two years, and we continually have to increase our print order. Past issues of *Consumer Views* have covered such topics as what you should know about home improvement, how to cut car operating costs, how to hold down utility bills, how to reduce moving costs, how to spend less for better nutrition and even how to protect your home from burglars. I might add that this information is frequently picked up by the news media. We are not as yet competing with *Playboy*, but then serving the public interest is not always as popular as serving the public desire.

The final triumph of consumerism is a system that not only protects the interests and desires of the public in the market place but enables the citizen himself to make an informed, intelligent choice. Such a lofty goal cannot be reached with a few consumer credit counseling services or an occasional spot on educational TV. It calls for nothing short of educating the total society, and, as I view it, there is no better vehicle to accomplish this end than the American educational system.

As the leaders of the financial community we should begin now to encourage and support consumer education from the grade school to the graduate school. I am not talking about anything commercial or in conflict with the purpose of public education. I am not talking about a course in Keynesian theory or laissez-faire capitalism. I am talking about giving people the schooling they need to save or spend their hard-earned money wisely and well. I am talking about giving people the knowledge they need to choose the best available to them in goods and services. Without such fundamental information, how can anyone make an intelligent choice even about such basics as food and shelter?

If the consumer is to be king, as I think he should be in our economic democracy, he has to learn that the options for the use of every dollar are infinite. He has to learn how to cope with different methods and terms of purchase and how to be an objective judge of value and performance. In short, he has to learn to turn the abundant choices available in our vast consumer economy to his advantage.

The novelist John Fowles has suggested that "money is on trial as a unique source of happiness in the more affluent countries of the West." I would suggest that in our consumer society it is management of money, the ability of every man and woman to get his money's worth, that is on trial. And here, both business and banking should be the consumer's staunch advocate. Let us champion his cause and contribute to his knowledge by urging that consumer education begin at the earliest possible level in our public school system. After all, one of the goals of a liberal education is to be able to apply knowledge to the life one lives and to the society in which one lives. Consumer education is thus an opportunity to invest in the future and educate ourselves for living. And, as Benjamin Franklin once suggested, the investment that pays the best interest is an investment in knowledge.

TERMINATION OF REA 2-PERCENT LOAN PROGRAM

Mr. GRAVEL. Mr. President, President Nixon has struck a severe blow to rural America by terminating the REA 2-percent loan program. Many of us here have spoken publicly our outrage at this action.

The outrage, however, is not confined to this Chamber, I have received, as I am sure many of you have, many letters from disturbed constituents. They are the people most severely hurt by this action and must suffer the consequences of our inaction. I hope that we will not let them down. I would like to share with you 10 of these thoughtful letters and two resolutions that I have received. I believe these to be representative of the many comments I have received and that they speak for the problem faced by Alaska. I ask unanimous consent that they be printed in their entirety in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

A Resolution by the Homer Electric Association, Inc.

Whereas, the Rural Electrification Act of 1936 together with several amendments thereto authorized various departments of the United States Government to make loans directly to organizations engaged in providing electrical or telephone service in the rural areas of America, and

Whereas, the Rural Electrification loan program has made it possible to extend electric and/or telephone service to approximately seventy per cent (70%) of the population of Alaska where service could not have been provided without low interest loans, and

Whereas, the general economy of the State of Alaska is still in the developmental stage and will remain so for a period of several years.

Now therefore;

Be it resolved, that the board of directors of the Homer Electric Association, Inc., assembled this 9th day of January, 1973, on behalf of approximately four thousand (4,000) members that they represent, does hereby petition the President and Congress of the United States of America to the Rural Electrification Administration full power and authority to resume its normal functions as outlined in the aforementioned Act, and rescind the action of the President as to method of loan administration and interest rates of loans which would have otherwise become effective January 1, 1973.

Resolution No. 73–3

A resolution urging the administration to rescind the Executive order abolishing the Rural Electrification Administration's direct loan program

Whereas, the Rural Electrification Administration's Direct Loan Program is vital to the State of Alaska; and

Whereas, loss of the program at this stage of development would have a disastrous effect on both present REA customers and those to come:

Now, therefore, be it resolved by the Assembly of the Fairbanks North Star Borough that the Assembly urge the Administration to rescind the Executive Order abolishing the Rural Electrification Administration's Direct Loan Program;

Be it further resolved that copies of this Resolution be forwarded to The President of the United States; The Honorable Earl Butz, Secretary of Agriculture; Mr. Roy Ash, Director, Office of Management and Budget, and Members of the Alaska Congressional Delegation.

Fairbanks, Alaska,
January 21, 1973.

Hon. Mike Gravel,
U.S. Senate,
Washington, D.C.

Dear Sir: The REA program is vital to Alaska. We therefore beg the Administration to rescind their executive order abolishing the REA direct loan program.

Yours truly,
Mr. and Mrs. George Rempel.

Alaska National Bank,
Fairbanks, Alaska, January 24, 1973.

Hon. Mike Gravel,
U.S. Senate,
Washington, D.C.

Dear Senator Gravel: I am seeking your support in having the Administration rescind the Executive Order, announced December 29, 1972, which terminated the direct loan program of Rural Electrification Administration (REA).

I have discussed this matter with Mr. Robert Hufman, General Manager of Golden Valley Electric Association—which furnishes electric power to a large part of Interior Alaska. He has convinced me the termination of this loan program will make it virtually impossible for Golden Valley Electric Association to extend service to rural areas of Interior Alaska at a price people can afford. In addition, the increased cost of capital required is estimated at two and one half to three and one half times the present rate. Golden Valley Electric Association estimates this will cause them to reach a deficit financial position by 1975, which will result in rate increases for all classes of customers of from fifteen to twenty per cent.

Your support will be greatly appreciated.

Yours very truly,
W. M. Cartwright,
Executive Vice President.

Fairbanks, Alaska,
January 22, 1973.

Hon. Mike Gravel,
U.S. Senate,
Washington, D.C.

Re: Executive Order of 12/29/72 terminating REA 2% loans

Dear Senator Gravel: I am a member of Golden Valley Electric Association in Fairbanks, Alaska. I recently received a newsletter from my co-op informing me of the death of the 2% loan program.

Alaska has received Federal kicks in the pants before—but this one really tears it! The temperature this evening is —47° F. Nowhere in our nation is electricity as vital as in Alaska. If the Executive Order is permitted to stand, it will spell the end of power line extension in our young state. Our residents are already paying as much for electricity as they can bear!

My co-op is a member of Cooperative Finance Corporation. The proper method for phasing out 2% financing was underway.

I strongly protest termination of the REA 2% loan program for Alaska!

Sincerely,
Mike and Cherie Kelly.

Fairbanks, Alaska,
January 25, 1973.

Hon. Mike Gravel,
U.S. Senate,
Washington, D.C.

Dear Mr. Gravel: The termination of the Rural Electrification Administration (REA) direct loan program effective January 1, 1973, will have an adverse direct impact on all interior Alaskans, as well as many others.

This action will effectively curtail the extension of electrical service to rural Alaskan areas as well as necessitate prohibitive rate increases for existing customers, particularly those who heat electrically.

I urge you to take whatever measures are within your power to have reconsideration given to the actions which have effectively repealed the REA Act of 1936. Alaskans need it!

Sincerely,

LARRY R. SWEET.

FAIRBANKS, ALASKA,
January 26, 1973.

Hon. MIKE GRAVEL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GRAVEL: It has been brought to our attention as members of Golden Valley Electric Association that the termination of the direct loan program of the Rural Electrification Administration will have the drastic consequence of raising our price for electric power to such an extent that we will not be able to afford it.

As an Alaskan you know how much we depend on electricity. We need it for warming our homes, for pumping our water, for heating our cars, and merely to keep us from going insane with "cabin fever."

Please do all that is in your power to prevent us from having to return to a precivilised existence. We live pretty primitively as it is, even with electricity.

Hopefully and gratefully yours,
MRS. VINCENT F. HOWARD.

JANUARY 29, 1973.

Hon. MIKE GRAVEL,
U.S. Senate,
Washington, D.C.

SIR: I am writing this in regards to the termination of the Rural Electrification administration direct loan program effective 1 January 1973. This action amounts to a repeal of the REA Act of 1936 by Executive action. If such action is permitted to stand, it will make it virtually impossible for Golden Valley Electrical Association to extend electrical services to the rural areas of the Interior of Alaska at a price people can afford. In addition, the increased cost of capital required is estimated to be from 2½ to 3½ times the present rate. This will cause Golden Valley Electrical Association to reach a deficit financial position in the near future. This deficit will have to be overcome in rate increases for all classes of customers at a magnitude of 15 to 20%.

The REA program is vital to the State of Alaska. If we lose it the results will be disastrous. I can not imagine how it could have reached a situation where your office or the offices of other elected officials from the state of Alaska would allow this to happen.

With the above in mind, I urge your support in getting the executive order abolishing the REA direct loan program rescinded.

Thank you for any consideration you may show in this matter.

Sincerely,

GERALD J. LIDSTER,
SFC, U.S. Army.

FAIRBANKS, ALASKA,
January 28, 1973.

Hon. MIKE GRAVEL,
U.S. Senate,
Washington, D.C.

DEAR MR. GRAVEL: It is imperative that the REA Loan program be continued in this state. There are still many rural areas of Alaska where the people lack electricity. Without REA to assist them, they will never be able to afford electrification.

Those Alaskans who now have electricty are paying the highest rate in the nation: 8¢ per KWH for the first 150 and 5.25¢ for the next 550. We cannot afford to have our rates doubled or tripled because of having to go to private sources for the capital necessary for running our co-op.

The REA program is one of the priceless legacies of the Roosevelt New Deal Administration. Surely no present administration would be so derelict as to plunge rural America back into the Dark Ages which existed prior to REA.

Please use your influence to reverse the executive order that abolishes the REA direct loan program.

Sincerely yours,
RONALD E. CHINN.

JANUARY 18, 1973.

Hon. MIKE GRAVEL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I have followed with much interest the recent rationale from some of our national legislators as to abandoning low-cost loans and federal support for R.E.A. co-ops.

The predominant feeling seems to be that R.E.A. has done its job and that further support would only tend to "gold plate" service in most rural areas. Fine. I can do nothing but agree heartily that if, in fact, those rural areas now served with adequate, low-cost electricty are getting the lion's share of funds, then perhaps those funds should be cut off. In those places where the R.E.A. has reached its goals, then perhaps further support is not needed.

However, as you well know, rural Alaska is far from the norm in the lower 48. What is true for rural Montana just is not true for rural Alaska and the absurdity of equating rural electrical programs in the lower 48 with Alaskan problems should be apparent even to the most naive.

At any rate, I can only urge you to fight for some provision to maintain the R.E.A. support at least on a critical needs basis. The very expansion of the economy in rural Alaska depends largely upon the ability of co-ops to provide adequate, low-cost electricity. Please present to the Senate the facts and figures as they are for rural Alaska; not as they are for rural America in general.

Sincerely,
BOB CHERRY.

HEALY, ALASKA,
January 21, 1973.

Hon. MIKE GRAVEL,
U.S. Senate,
Washington, D.C.

DEAR HONORABLE MIKE GRAVEL: I'm very disturbed with the announcement that the REA direct loan program would be terminated January 1, 1973. This action makes it virtually impossible for G.V.E.A. to extend electric services to the rural areas of Interior Alaska at a price people can afford. In addition, the increased cost of capital required is estimated to be from 2½ to 3½ times the present rate. This will cause us to reach a deficit financial position by 1975, resulting in rate increases for all classes of customers at a magnitude of from 15 to 20%. These are cold hard facts.

The REA program is vital to the State of Alaska. If we lose it at this stage of our development the results will be disastrous, both for our present membership and those to come if they do.

Please urge the President to rescind this executive order abolishing the REA direct loan program.

Mr. Gravel, if you received the electricity bill I do, you would be more than unhappy at the cost or that of a raise in cost.

We have a 10x55 trailer 10 yrs old and a log cabin 16x33 attached to the trailer. We have an electric-fired oil furnace, one 42 gal electric-water heater, 10 or 12 heat tapes to keep water and sewer functioning, one electric fired butane dryer (clothes can't be dryed outdoors except in dry warm days, 20 or 30 days) 2 electric blankets, "plug-ins" for a pickup, my husband is on call 24 hours for school, a 20 cup coffee pot, a deep well water pump (well cost $2500 for 186 ft. depth), a TV set for children on long winter nites. (Pretty dull without it). The cost on the two coldest months is $163.00 per month. In all for a year the cost is $1186.00 for this family of 6 (4 children). We barely afford it!! Before we got electricity we tried a gasoline powered generator to the tune of $300.00 a month for gas. Our neighbors spent $150 per month for a diesel. But who can afford a change after you get something. That's that!!

Our 4 mos. baby was a congenital defected child in a full body cast. She had to go to the doctors every two weeks for 9 months—all during the winter. Our nine year old son learned to pull the head on that generator motor to clean or repair it. It became his responsibility to keep it running. He froze his hands and feet doing his job while we went 130 miles for the baby. We are damn grateful for electricity. Wouldn't you be? We need it.

We feel that you should help get the President to change this abolishment. Too many of us need electricity yet in Alaska. We are a long way from being "electrified". Many young families are in the same shoes we were in. You know it's rough up here as it is. Please don't make it rougher. We need strong-willed people here in Alaska. We need electricity to keep them too.

Please let me know what you can and will do to help us in this matter—

Sincerely,

PHYLLIS STICKLE.

NORTH POLE, ALASKA.

Hon. MIKE GRAVEL,
U.S. Senator from Alaska.

DEAR SIR: In response to the announced termination of the REA loan program, I must say that this will have a disastrous effect on rural Alaska.

This program has been of vital help to us in the rural areas of Alaska and a major force in the development of Alaska in general, as you very well know.

We are in our infancy and vitally need this program to adequately prepare for the great future of rural Alaska which will play an essential role in the supplying of some vital needs of the total United States.

We have appreciated the help this program, which is not a subsidy, has given us and do urge that it not only be reinstated but a substantial increase be made to certain vital development areas such as the Fairbanks and interior areas.

Thank you for your attention: (and calendar) and help in this manner!

Sincerely,

DAVID AINLEY.

SENATOR SCOTT OF PENNSYLVANIA AT THE UNIVERSITY OF VIRGINIA

Mr. PEARSON. Mr. President, on Friday, February 2, 1973, Senate Republican leader HUGH SCOTT, a fellow alumnus of the University of Virginia Law School and a member of the board of visitors of the University of Virginia, presented some interesting views on the Senate. He commented on the role of a Senator, and offered some constructive suggestions to the audience of law school students. As is typical for the distinguished Senator from Pennsylvania, these remarks are witty and penetrating, sophisticated and probing. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ONE HUNDRED MEN

The world is full of ironies, pleasant and sad. Thus, this Republican Senator is invited to address this group concerning the United States Senate. And who invited him? Why, the son-in-law of the man who led the opposing political party who, in his time, epitomized that institution.

"In his time"—and far beyond the horizons of his time—Lyndon Johnson will be listed as one of the great figures who dominated the political landscape.

When your invitation was preferred he was a living legend. Now he lies buried in his west Texas home soil and the legend will continue to grow.

Indeed, even the title of this speech owes something to the Senate Leadership of Lyndon Johnson. Somehow, "One Hundred Men" sounds far more symmetrical than the "Ninety-Six" I would have had to use before the then Majority Leader officiated so effectively at the admission to statehood of Alaska and Hawaii in 1959.

In any event, we could wish that Lyndon Johnson were here talking to you. I can assure you that my 30 years in House and Senate notwithstanding, I would be taking notes.

Not simply because he was a pre-eminent legislator—he was all of that and more—but because of the nature of the Senate itself.

Any man or woman who has served in the Senate and achieved a position of influence—few in its history, of course, achieve what LBJ did—can relate vignettes which illustrate the unique character of the Senate; vignettes which his or her colleagues may well never have heard before.

That Senator found, in his own way, the plasticity, the adaptibility of the Senate as a legislative institution.

This, of course, runs contrary to the conventional journalistic wisdom which pictures the Senate as an encrusted, tradition-ridden cavern, haunted by feeble ghosts who prostrate themselves in fear whenever the Resident Wizard of Oz down at the White House conjures up thunderbolts.

Squeezed between immensely powerful public and private pressure groups crunching huge bones of contention, the Senate has achieved within its own small membership a mode of operation that is at times baffling, often infuriating, and works splendidly.

This at a time when the elective legislature, representing people and territory, has declined in many countries and disappeared in more. Even more lamentable has been the history of upper chambers in the 20th Century. They simply don't make that model anymore—even in countries where Parliaments still flourish.

Why is the American Congress, particularly the Senate, tenaciously insisting on maintaining its powers, prerogatives and exploring tactics to regain its terra irredenta?

In the first place, America—at least up until now—recalls not alone the fading American tradition of legislatures putting the ring in the overweening executive proboscis, but the English progression in that respect.

The American constitutional system, with its Federalism, separation of powers, and checks and balances, makes it possible—indeed mandatory—for the legislator to seek to stand and hold his own turf.

We developed political parties to achieve majorities, and to help man public offices. But again, they reflect our separate arrangement between the Executive and Legislative.

Somehow this seems to curdle the disposition of certain types of talented Americans.

Type A believes in the innate supremacy of the British Parliamentary System and they blend with Type B, which yearns for efficient government through efficient Party Systems. They mean highly centralized Parties whose head honchos could tell all members—particularly stiff-necked Senators—if not what to say, at least how to vote.

Of course, the dramatis personae of this crowd has changed a bit. Senators and other groupies who used to swoon at the thought of the Senate exerting any influence on foreign policy are now delivering long lectures on Presidential tyranny in foreign affairs.

Even more bemusing are the positions of some of our erstwhile liberal congressional reformers. Re-labeling themselves "Libertarians," they are currently horrified at the pretensions to power of the Presidency.

Alas, their "reforms" seem to miss some of the stuff on which a Senator's power rests.

The establishment by law of standing committees with stated jurisdiction as to legislation and oversight has created a focus and locus of power. Both President and bureaucrat have had to come to those committees, decade after decade.

Seniority is hardly the sole and perfect device for picking committee leadership. It certainly makes clear, however, that congressional leaders are not mere dispatch-riders for a centralized party leadership.

My point is that if the Senate is not constitutionally and politically endowed with separate power, it will inevitably decline. First, to the overriding discipline that prevails in the House and second, to the dramatic intensification of power and emergency fiat that seems to surround the Presidency.

The Senate, with its foundations of power and because it consists of but 100 members, provides certain unique, precious habits necessary for what one might call "political civilization."

Comity and civility are ancient words. Many legislative bodies have forgotten them—perhaps never learned them. In the Senate, each Senator has an opportunity to speak—an opportunity to be listened to respectfully—an opportunity to arrange discussions of public matters with friend and opponent. But only with the understanding that such debate must proceed at a dignified pace, and with as little resort to ad hominem argument as possible. Felicitously, recourse to ad baculum is a century behind us.

Thus, the brilliant orator or keen debater can have his hour—he will in any legislative assembly which permits freedom of debate. But, so also, the intelligent, dogged Senator who may be a miserable orator, has his equal hour. In the end, he may prove to be more effective and more valuable.

Comity and civility in a sense mean that all states, all regions, may be heard from in the Senate on any topic.

These civilized habits of debate and political argumentation have been simply lost in many other arenas in America—be they civic academic, or fraternal.

Perhaps, in the final summing up, this may be what the Senate's great contribution will be in the next few years: The restoration of comity and civility to public debate in America.

And a little progress.

AUBURN AND PINK-LILAC MEN

Mr. FULBRIGHT. Mr. President, the New York Times of February 9 contains a provocative article entitled "Auburn and Pink-Lilac Men," written by Halldor Laxness. In view of our tragic experience during the last 10 years in Southeast Asia, I believe it well worth the time and attention of Senators to contemplate some of the thoughts advanced by Mr. Laxness. A period of introspection by all Americans would be beneficial to our country.

Mr. Laxness reminds me of a statement entitled "Man," published by the late Sam Faubus, father of former Gov. Orval Faubus. I ask unanimous consent that both articles be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MAN

(By Jimmie Higgins)

Man is a queer animal, like the beasts of the fields, the fowls of the air, and the fishes of the sea, he came into this world without his consent and is going out the same way.

At birth he is one of the most helpless creatures in all existence. He can neither walk, talk, swim nor crawl, and has but two legs while most other animals have four. Unlike other animals he has no covering for his body to protect it against the bite or the sting of poisonous insects, tooth or claw of ferocious beasts save a little hair which appears about his body only in patches.

With all his limitations he yet has one advantage over other animals—the power of reason, but history shows that he often discards that for superstition. Of all the animals on earth, man has shown himself to be the most cruel and brutal. He is the only animal that will create instruments of death for his own destruction.

Man is the only animal on all the earth that has ever been known to burn its young as a sacrifice to appease the wrath of some imaginary deity. He is the only one that will build homes, towns and cities at such a cost in sacrifice and suffering, and turn around and destroy them in war.

He is the only animal that will gather his fellows together in creeds, clans, and nations, line them up in companies, regiments, armies, and get glory out of their slaughter. Just because some king or politician told him to.

Man is the only creature in all existence that is not satisfied with the punishment he can inflict on his fellows while here, but had to invent a hell of fire and brimstone in which to burn them after they are dead.

Where he came from, or when, or how, or where he is going after death he does not know, but he hopes to live again in ease and idleness where he can worship his gods and enjoy himself, watching his fellow creatures wriggle and writhe in eternal flames down in hell.

AUBURN AND PINK-LILAC MEN

(By Halldor Laxness)

SAINT GALLEN, Switzerland.—It is hard to say whether man was one of nature's mistakes from the outstart, or whether he has by degrees developed into being the only known beast that enjoys killing its own kind Some scholars think that man's warlike instincts were implanted in him from the beginning as some sort of precautionary apparatus, lest he multiply too easily for the species to sustain itself.

At this juncture it is time to consider where morality and justice come in as factors in mankilling, because, as everybody knows, man is also unique as a moral beast. Paradoxically, the killing of one man by his fellow man, whether in the case of a common murder, or collectively, as in war, is never practiced without a moral justification on the killer's side. It is not far from the point to say that morality is the prerogative of mankilling. It is significant too, that for a long time our moral notions have been tied up with religious beliefs and metaphysics.

In a famous saga, the "Eyrbyggja," composed in the 13th century, dealing with life in preliterate Iceland, you will find an interesting narrative picturing the confrontation of two human fictions of the type that nowadays go under the name of ideologies.

A grassfield is situated near the center of an open space where the important persons of the countryside, an incipient legislative body, used to convene. This assembly happened to be a two-party one, so we know the pattern. But bad luck would have it that one of the parties worshiped the aforementioned grassfield, holding the belief that their deity was immanent in it. The other party, whose god or gods most likely were living in an attractive hillock not far away, persisted in defiling the sacred place of the first party, using the green field as their W.C. at the peril of their lives every day. Needless to say, the two ideologists fought it out with gusto and killed each other with great valor.

Alas, our dear old saga wars between families are no more in the picture, neither are the classic wars in Gaul, although they were good enough to be learned about in every worthwhile school for over 1,000 years; and so are the race wars which had the advantage that one side was black and the other white (though to my color sense black men are auburn and white men pink-lilac); gone are the noble patriotic wars conducted by national heros, and fought for the German idea of "Vaterland," never for the Latin patria which is a different thing—all this glory seems now to have degenerated into the morose pandemonium of schoolmasters and moral cranks who dominate the spirit of modern wars, and are so inane that they take the old pun "may the world perish, if justice prevails" as being the highest principle of the universe.

The current textbook division of humanity into Bourgeois and Worker, Capitalist and Proletarian, Communist and Imperialist seems to have been modeled after the Jews; the pattern is from the Bible: God and Satan, Jews and Gentiles. The God of the Bible is the God of Jews, and Jews are God's chosen people. It is true some other religions and ethnic groups, turned maniacs, have later aped the idea and claimed to be the elect, but with the Jews this is no phantasmagoria—they can prove it. The basic theme of Marxism, the call on the Proletarians to unite against their oppressors, reflects the perennial Jewish position of the diaspora in which this theocratic group, whose sole property was God, were the downtrodden victims of hostile surroundings which kept on parasiting on the Jewish spiritual legacy, paying back with the ghettos and the pogroms (and finally the gas chambers): the Gentiles, the Goyim. The tenor of Marx is the old clarion of the Jewish sectarians from the decades before and after the beginnings of the Christian era, exhorting the forces of light to withstand the forces of darkness, while you wait for Messiah to come and free you from bondage and lead you into the Realm of Happiness.

This Realm, starting with Eden, constantly reappearing in the Bible under different names, Paradise, Zion, Heaven, the Millennium, is an exclusive property of the Jews: no other clan, ethnic group or religion in East or West had conceived of it, though as late-comers, Christianity and Islam have stolen the idea. It would be preposterous to say that Marx in his turn, himself being a Jew, stole this Jewish property. But he synchronized the central idea of Jewry with arid German eighteenth and nineteenth century philosophical speculation.

Tyrants and totalitarian rulers have long been driven to madness by Biblical ideas, especially from the New Testament, setting out to become the saviors of "their" peoples, if not of the world. Many of them have developed in their minds complete sets of ideologies akin to the vagaries of certain mental patients. Hitler is a case in point, clearly both messianic, and millenarian, and even "herodic," to boot, insofar as he believed in the necessity of killing all Jews. Otherwise he seems to have been an out-growth of Marxist theory.

A race war is no problem, because any fool who is able to discern between black and white can say who is what, and accordingly know whom to kill (though personally I have other ideas of colors, as mentioned before). Class war, the modern form of race war, has more dubious points. For instance, the borderline between a bourgeois and worker has never been drawn. Even still more difficult is it to the difference between a capitalist and a Communist. According to theory, an old bourgeois widow on the point of starving is by definition a "class enemy" (i.e., an enemy of the working class) while a Communist killed by an imperialist in a just war might turn out to be a high functionary of a state capitalist monopoly if not a bank director. A law-abiding bourgeois existence is just as likely to be a faithful voter of the workers' party ticket, or even the Communist one, as a working man might categorically reject all Communist ideas and affiliations. Social observers in Western countries nowadays are well aware of the fact that there is a greater number of bourgeois lacking the final criterium of that class, a bank account, than there are workers lacking same. The difference in jingoism, narrowmindedness and prejudice is slight, if any, in a Soviet citizen, who enjoys the supposedly privileged status of worker, and in a common petit bourgeois of a Western country.

It was amusing to witness the Americans swallowing the Marxist ideology, replete with its nomenclature, in Indochina, accepting the role allotted them in an ideological war, cherishing the idea that they were killing Communists all the time, which is tantamount of declaring oneself to be an Imperialist: it looks as if they not only believed in the whole Marxist rigamarole, but also wanted to prove it—all the while their ruler was embracing the leading figures of World Communism, being wined and dined by them, now in Peking, now in Moscow. So absorbed were the Americans by this hallucination that even their slightly humorless composers of "body counts" referred to the dead bodies of "the small men in black pajamas" as ideological corpses; so and so many Communists a day killed.

It is not uncommon to hear ideologists bring up the question of just and unjust wars. A just war is a good war, an unjust war is a bad war. An unjust war, I should think, is one that has no ideology to justify it; I have yet to hear about such a war. As to the war over the problem whether God lives in a grassfield or in a hillock, what was the upshot? Perhaps the W.C. was moved to another place. Now, Caesar's Gallic wars—described in a most superb classical Latin—were they good and just, and to whom? I pity the warhorses. To whom was the Indochina war good? Hardly even to the little men in black pajamas who may have initiated it. Was it good to the one hundred or more pilots who were shot down during the famous Christmas bombing that shook the world? Questionable. The Indochina affair was just an ordinary mankilling game, like so many other wars, and did not have significance beyond stating the old fact that man is the beast that enjoys killing its own kin. No sham theories or "ideologies" can hide that fact.

We who were not shot at in this war found it an interesting spectacle on TV with all those grinning little men in black pajamas and the scared, naked children running. In entertainment value not even the Olympic Games can match a war. It was a moral war on both sides, only a bit longwinded in places. At the end the little men in black pajamas are still in focus, grinning as before as if nothing had happened. When all is said and done, the human being is the wonder of the world.

We are being told by the press that there exist workable and detailed plans for leveling to the ground all the big cities of the world. It would not surprise me if our Mother Nature decided one day to correct her error in making man, as she did after the mesozoic era, when she erased the big reptiles. In the case of man, she would probably send him one more ideology as a scourge with which to whip himself into a new stone age. Human settlements, after the leveling of the world's cities, might be rural abodes, poor in fuel and current, with most of the technical know-how forgotten, but without industrial fumes; and let us hope: with a bird singing.

LITHUANIAN INDEPENDENCE DAY

Mr. BUCKLEY. Mr. President, today, I would like to pay tribute to a courageous people. Although history has recorded an arduous path for the Lithuanian people, their desire for freedom and for self-determination has not waned.

History tells us that during the middle ages the Lithuanian empire acted as protector of the rest of Europe and served to check expansionist drives of the Mongols and the Tartars. In 1795, during the third partition of Poland, Lithuania was annexed by the Russian empire and remained dominated by czarist regimes until 1915. The czarist regimes, much like the Soviet regime, sought to eradicate national and cultural differences and even went so far as to try to replace the Lithuanian language with the Russian. With the advent of World War I, Russian domination was temporarily halted and for a time Lithuania was overrun by German armies. For the war years, Lithuania was a battleground. Though the war devastated the Lithuanian lands and population, the spirit of freedom prevailed, and for two decades, Lithuania enjoyed independence. In 1940, Lithuania was annexed and made a constituent republic of the U.S.S.R.

The United States has never recognized the Soviet incorporation of Lithuania or of the other two Baltic States, Estonia and Latvia. I applaud such a policy because the United States should not even symbolically acquiesce to Soviet domination of these nations. The eventual freedom and independence of Lithuania, as well as Estonia and Latvia, must be an objective of American policy.

America remembers Simas Kudirka, the Lithuanian sailor who attempted unsuccessfully to obtain political asylum by boarding a U.S. Coast Guard vessel. Reminiscent of earlier struggles of his Lithuanian countrymen, and in the spirit of freedom, Simas Kudirka defied a Soviet court, and in a sense, the policies of the Soviet regime, when he stated:

> I do not consider myself guilty since I did not betray my homeland, Lithuania.

He went on to say:

> I do not consider Russia, called the Soviet Union today, as my homeland. I ask that you grant my homeland, Lithuania, independence.

The conscious Soviet policy which seeks to assimilate nationality groups within its geographical borders is intolerable. In November of 1971 two Lithuanian priests were sentenced to a year's detention for preparing young children to take first communion. Instruction of this type is prohibited by a decree of 1966 which denies informal religious instructions for minors and the 1968 code of marriage and the family which restricts parents from giving such instructions to their own children. Oppression continues as the Soviet Union tries to exterminate cultural, linguistic, and national differences and to assimilate all groups such as the Lithuanians.

There are about 1 million Americans of Lithuanian descent, including many in my own State of New York. I join these Americans in their prayer for the early restoration of freedom and independence for Lithuania.

SOCIAL SERVICES CUTBACKS

Mr. HUMPHREY. Mr. President, I am profoundly concerned by reports of proposed revisions in Federal regulations whose effect may well be to undermine and substantially cut back social service programs for poor families and children, and for aged, blind, and disabled persons, who are dependent upon public assistance.

These regulations, intended to be put into effect by the middle of March by the Social and Rehabilitation Service of the Department of Health, Education, and Welfare, would make major changes in the determination of persons eligible for services, and in the qualification of State and local matching funds required for Federal assistance to community programs. It is only in the past decade that these extensive programs have been launched under social security amendments enacted by Congress, to provide day care services for children, service centers for the elderly, care for the mentally retarded and effective treatment for the mentally ill, improvements in correctional rehabilitation and in the prevention of juvenile delinquency, the treatment of drug abuse and alcoholism, coordinated job training and counseling, and so much more that has been of vital importance to hundreds of thousands of people who previously knew only deprivation and despair.

I am shocked by the potential impact of these regulations upon children. Day care eligibility requirements would be tightened. Presently, day care services can be provided to children of families receiving AFDC assistance within the past 2 years, or of families who otherwise would clearly need assistance within 5 years. The new regulations would cut back these eligibility periods to 3 months and to 6 months, respectively. The harsh reality of these bureaucratic determinations is that thousands of children will be denied the opportunities of good care, education, health services, and improved nutrition that are so crucial to their development.

But the Nixon administration does not stop there in its zeal to push social services costs far below the annual ceiling set by Congress. It contends that the Government's support for day care under the work incentive program will be increased in fiscal 1974. But it neglects to point out the serious reverse effect of cost savings through nonenforcement of day care standards for the minimum protection of children, and through denying day care for the children of persons who have just started to get on their feet through employment obtained under this same program. The absence of any mention in these proposed regulations of the application of Federal Inter-Agency Day Care Standards regarding the ratio of children to adults at these centers, can result in thousands of children being simply 'warehoused," their needs ignored because the number of day care staff is totally inadequate. In fact, it is reported that proposed new standards would cut the required level of staff in half. This would mean a saving of several hundred million dollars at the expense of the individual attention that is central to a child's development.

These are only some of the highlights of the reported proposed changes in regulations on social services—changes which in too many instances are reprehensible and inhumane. I am also strongly opposed to the proposed repeal of provisions which permit the use of privately contributed funds—including such community giving efforts as united way—to make up the required local or State matching funds to qualify for Federal assistance for 75 percent of the costs of these social service programs. This change can only undermine the public-private partnership that has evolved under the social service initiatives launched by Congress—the concentrated effort of a total community to meet the critical needs of people. And the prohibition of private contributions to meet Federal assistance requirements can well forecast the termination of many of these programs.

As an immediate response to the reported revisions proposed in social service regulations, I have joined with Senator MONDALE and a bipartisan coalition of other Senators in addressing a letter to the Secretary of Health, Education, and Welfare that stresses the serious impact of such changes. We are placing the Secretary on notice that the Senate expects to be informed in advance of the publication of any notice of proposed rulemaking in this area in the Federal Register, and that an adequate opportunity must be provided for public comment and subsequent revision.

I shall strongly oppose such extensive fiscal economizing in the area of social services under regressive and repressive regulations which fail to address an all too common scene across America of a child without laughter, an older worker sick and without a job, and an elderly couple without hope as they confront the harsh realities of a limited and fixed income. The responsibilities of national leadership must continue to include responsibilities of compassion and of economic wisdom in helping people to help themselves. It is incumbent upon Congress now to see that these responsibilities are not only accepted but are carried through.

TO GO THE ROAD OF THEIR FATHERS

Mr. SCOTT of Pennsylvania. Mr. President, February 16, 1973, marks the 55th year since the small nation of Lithuania experienced a short period of unmolested freedom. This is a most important day for the native peoples of Lithuania, as well as the many Americans of Lithuanian descent in the Commonwealth and across the United States.

I have been told many times by Lithuanians I have talked to that Communist domination will never break down their spirit or abolish their culture. The deep conviction that Lithuanians of America possess is mirrored in the belief of all in the homeland who wish to be free.

It is not surprising to learn that along with the older generation, who perhaps experienced a brief period of freedom, there is a new generation that is courageously taking up the cause. Lithuania has suffered much in the past and the sacrifices were many, but the youth of this small country are not afraid to carry on the struggle. The spirit of the new movement was ably expressed by Simas Kudirka, a young Lithuanian who on November 23, 1970, sought asylum on a U.S. Coast Guard vessel and was tragically unsuccessful. Simas Kudirka said:

> A new generation has grown up which intends to go the road of their fathers.

The United States must stand behind this country and offer, at the very least, encouragement to the young and the old of Lithuania never to stop their quest for freedom.

LET US HAVE NO ILLUSIONS ABOUT PEACE

Mr. CHURCH. Mr. President, last fall—during all the conjecture about peace in Vietnam that followed Dr. Kissinger's talks in Paris and the release of a draft agreement by Hanoi—I was asked to write an article for the Associated Press, to be published after the agreement was signed.

I consented to write the article, and it was released on January 24, 1973.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LET US HAVE NO ILLUSIONS ABOUT PEACE

(By Senator FRANK CHURCH)

We have fought the war with so many illusions; let us have no illusions about the peace.

The ceasefire, at long last, brings the second phase of the Vietnamese war to a close. It permits the withdrawal of our remaining armed forces and the welcome retrieval of American prisoners of war.

But it is no more than a truce, and it may last no longer than the earlier truce in 1954, when the French withdrew. A renewal of the fighting among the Vietnamese is probable, if not predictable, since none of the issues are resolved over which they fought for nearly a generation.

Nonetheless, by extricating our uniformed forces, we succeed in withdrawing the flag. Whatever happens in the future between contending Vietnamese, we will have left the battlefield. The eventual outcome need no longer be assessed in terms of an American "victory" or "defeat."

Presumably, we have now learned, as the French before us, that civil war in Asia is not susceptible any more to suppression by a Western army. As America's first winner of the Medal of Honor in Vietnam, a two-tour veteran said recently about that country, "Things haven't really changed too much . . . there."

Unfortunately, despite the lesson of the war, American policy hasn't really changed much either. Unlike the French, we have not seized the opportunity offered by the truce to get out of Indochina. Instead, the Executive Branch of the government is busily engaged in designing new ways to keep us involved.

We are told that ten thousand American civilian technicians and advisers, many under U.S. Defense Department contracts, will be recruited to stay on in South Vietnam, to work with Saigon's armed forces. Four American consulate generals will replace existing U.S. headquarters. A thousand AID personnel will remain to administer continuing assistance programs to bolster the Thieu regime.

Thus does "Vietnamization" give way to "civilianization" of our continuing role in Indochina, the same technique, by the way, that American Presidents have used to prosecute the war in Laos for so many years. So we come around full circle to the reinstatement of the same kind of elaborate support program which led to our original entrapment in the Vietnamese war.

The big question is this: If the fighting breaks out again, once our forces have left, and the Thieu regime falters under renewed attack, will the threat to the American technicians and advisers remaining in Vietnam be used as an excuse for our re-entry into the war? American aircraft, after all, will still be poised on offshore carriers and at bases in Thailand, ready to respond to the President's command.

Such a fateful decision must not again be left to the President and his generals alone. Congress must reassert its right to decide on war or peace, as the Constitution provides. In order to fortify that prerogative against any further Presidential usurpation, it should be enacted, as a matter of law, that no funds can be spent for the purpose of resuming the war without the prior consent of Congress.

This much assurance we must insist upon. Having done all that one country can do for another, the future of South Vietnam must now be left to the Vietnamese. Whether they stand or fall is now up to them.

LITHUANIAN INDEPENDENCE DAY

Mr. **BROOKE**. Mr. President, I join with other Senators today in commemorating the 55th anniversary of Lithuania's Declaration of Independence on February 16, 1918. It is especially appropriate that we, as individuals who cherish the blessings of liberty, should pay tribute to a people who have never wavered in their devotion to the cause of liberty for their country.

The struggle for Lithuanian independence from the domination of Russia is not a recent phenomenon. It dates back to 1795 when Russia first annexed Lithuania. Since that time numerous attempts have been made by the Lithuanians to achieve an independent status for their land. The most successful of these attempts occurred in 1918 when, in the aftermath of the Bolshevik Revolution in Russia, Lithuania declared its independence. Unfortunately, this independence was short lived, with the Soviet Union once again gaining full control over the country in 1944.

At no time has the United States recognized the legality of the Soviet occupation of Lithuania. Formal diplomatic relations with the independent Lithuanian legation in Washington are maintained to this day. That this is the case testifies to the deep respect the United States holds for the courage of the Lithuanians and their enduring commitment to the cause of freedom for their country. All Americans should feel honored to join with the Lithuanians on this special day of commemoration.

THE INSTITUTE FOR RESEARCH ON THE JERUSALEM TALMUD

Mr. **HUMPHREY**. Mr. President, in a world where peace among nations is fragile and understanding among people is rare, it is often fruitful and personally rewarding to seek guidance from the classical sources of philosophical and spiritual wisdom. To gain a better perspective on the difficult problems that confront us today, we might wish to look to those great works of antiquity and find inspiration.

I wish to bring to the Senate's attention the message of peace and freedom found in the ancient Jewish Talmud of Jerusalem—a rabbinical explanation of Jewish law. This Talmud, which had been lost in the chaos following the destruction of Jerusalem, has now been rediscovered. An institute to research the Jerusalem Talmud and publish works written about the Talmud during the years of the disaspora will soon be dedicated in Jerusalem. Its goal is to spread the ideals of justice embodied in the Talmud and present to the world the classical wisdom of the Jewish people.

This institute, the Muchon Yerushalmi Institute, has gained much recognition and praise within Israel. President Shazar of Israel has said:

> The building of the Muchon Yerushalmi Institute of Jerusalem is an admirable goal. It will research the great Jerusalem Talmud and revitalize its role in our history.

The driving force behind the establishment of this great research institute is Rabbi Abraham Hershberg, president of the Union of Rabbis of Latin America and vice chairman of the Union of Rabbis of the United States and Canada. In the finest tradition of his people, Rabbi Hershberg has combined intense dedication, great scholarly talents, and tremendous energy to create this institute and thus share the message of the Jerusalem Talmud with the world. Rabbi Hershberg has collected manuscripts from the library of the Vatican; the library of the British Museum; the bibliotheca of France; and the bibliotheca of Leningrad, making Jerusalem the only city in the world where such a comprehensive effort to research the Talmud has been undertaken.

Rabbi Hershberg, a man of the Bible, a man of letters, and a man of the world, deserves our praise and appreciation for his efforts. I think that his work, and that of his institute, will ultimately play a role in bringing peace and understanding to the Middle East.

Man has been struggling for his entire history to bring an end to the scourge of war, but he is always stifled by his own frailty. We have to strengthen ourselves, our minds, and our souls, and that comes through the learning of the Talmud and other religious works in whose teaching we can reach better human understanding. Just as the Talmud has served as a source of inspiration for the Jews throughout the ages, so it can serve as an inspiration for all of us in our efforts to obtain peace and harmony in the world.

I am especially grateful to Rabbi Hershberg, because one of the buildings in the institute is being named in my honor. It is indeed a privilege to have my name joined with this fine institute and the work it will be doing.

TRIBUTE TO LESTER S. MOODY

Mr. **THURMOND**. Mr. President, the people of the Savannah River area of Georgia and South Carolina and, indeed, the entire Nation lost a true friend recently with the death of Lester S. Moody.

Lester Moody exemplified the ideal of public service during his 38 years as executive secretary of the Augusta, Ga., Chamber of Commerce. The list of his accomplishments is nearly endless.

He was instrumental in the development of transportation in the Savannah River area. He spearheaded the 9-foot navigation channel between Augusta and the port of Savannah. He led the drive for congressional authorization to build the $86 million Clark Hill Dam, as well as promoting authorization for Hartwell Dam and Trotters Shoals Dam. He was helpful in bringing the Atomic Energy Commission's Savannah River plant to my own State of South Carolina. Mr. Moody played an important role in convincing the Army to locate Fort Gordon near Augusta and helped to provide that city with two airports and several bridges.

Mr. President, Mr. Moody well deserved the many honors he received. In 1960, he became the first person in the Southeast to be honored with the Army's highest award for civilians, the Decoration for Outstanding Civilian Service. Among his many other awards are the William J. Breidenthal Medal of the National Rivers and Harbors Congress for development and conservation of water resources, the Harry R. Creamer Memorial Award for distinguished community service, and the naming of the Lester S. Moody Bridge across the Savannah River.

This outstanding man contributed greatly to the public good. People of his region will reap the benefits of his vision and endeavor for many years to come.

Mr. President, at the time of Mr. Moody's death several tributes were published about his life and career. I ask unanimous consent that the articles entitled, "Augusta 'Builder' Is Taken by Death," of the Augusta Herald; "Greater Augusta Monument to Moody," of the Augusta Chronicle; "Lester S. Moody Dies in Augusta," of the State; and "Lester S. Moody," of the Augusta Chronicle be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Augusta (Ga.) Herald,
Dec. 28, 1972]

AUGUSTA "BUILDER" IS TAKEN BY DEATH

Lester S. Moody, 76, a guiding force behind Augusta and Savannah River Area growth since 1926, died last night.

Survivors include the widow, Mrs. Alma Katherine Myers Moody; a brother, R. N. Moody, Citra, Fla.; and several nieces and nephews.

Funeral arrangements are being handled by Elliott Sons. Friends may call at the funeral home or at the residence, 2344 McDowell St.

The family suggests that memorial contributions be made to the American Cancer Society or Salvation Army.

Moody received the last of many honors last month when the cities of Augusta and North Augusta proclaimed Nov. 5, "Lester Moody Day." But even as the proclamations for the observance were being drawn up, the former Chamber of Commerce executive who was a member of the Southeastern Rivers and Harbors Commission, was in a "weakened condition" in a local hospital.

When he retired Jan. 1, 1964, the Jacksonville, Fla., native had been executive director of the Chamber of Commerce for 38 years.

On the occasion of his 30th anniversary with the chamber, Moody told reporters that when he came here "There wasn't a paved road leading into Augusta . . ."

He reminisced "It took nearly three hours to drive from Aiken to Augusta. I was so impressed that I made highway paving my very first ambition and Chamber members enthusiastically backed me up."

While Moody will be remembered for his work in improving land transportation in the CSRA, he will be remembered much longer for his contributions to the thing he loved most—the Savannah River.

During his many years of work to improve and develop the river, Moody undertook a campaign which took him to the halls of Congress and the White House and brought him face to face with Presidents and members of Congress.

He almost single-handedly waged a fight which began when he started work here and ended in 1945 when he finally got Congressional authorization to build the $86 million Clark Hill Dam. He continued the campaign which eventually resulted in authorization for the Hartwell Dam and the Trotter Shoals Dam, which is still under construction.

He obtained the nine-foot navigation channel which has been dredged between Augusta and the deep-water port of Savannah.

He served as a one-man committee to have the Savannah River Plant brought to the area. Without the dams and flood control programs Moody fought for and obtained, the plant, which represents the most costly project ever constructed in history, could not have been built here, many believe.

In other area development projects, he joined with other Augustans in persuading the U.S. Army to locate Ft. Gordon here and in the development of Bush and Daniel Fields.

It was after the serious flood in 1929, he led a drive which resulted in the new bridges at Fifth and Thirteenth Streets and the Sand Bar Ferry Bridge. He also played an important role in obtaining the Furey's Ferry Bridge.

One of his many honors, was having the newer Sand Bar Ferry bridge named the "Lester S. Moody Bridge."

In 1960, he received the U.S. Army's highest award for civilians, the Decoration for Outstanding Civilian Service, the first resident of the Southeast to receive the commendation.

In 1966 he received the Willard J. Breidenthal Medal of the National Rivers and Harbors Congress for his "continuous, unwavering and inspiring leadership of more than 40 years in the study, development and conservation of the water resources of the United States."

[From the Chronicle, Augusta (Ga.),
Dec. 29, 1972]

GREATER AUGUSTA MONUMENT TO MOODY

Lester S. Moody, who loved Augusta and contributed immeasurably to its growth, has died.

But the contributions of the former Chamber of Commerce secretary, who died in a local nursing home Wednesday night at 79 following a lengthy illness, will live long after him here.

Moody probably built more enduring monuments than any other person since his coming to Augusta in 1926.

Funeral Services will be held Saturday at 4 p.m. at Reid Memorial Presbyterian Church with the Rev. Randolph Kowalski officiating assisted by Maj. Ernest Wixson of the Augusta Salvation Army. Burial will follow in Westover Memorial Park.

Most residents here associate Moody's name with the development of the Savannah River.

However, that was only part of it.

Because of his love for Augusta and Richmond County, he was ever active to promote the growth of this area.

And it is because of this remarkable man that many now live and prosper here.

For instance, he was a one-man committee which brought the Savannah River Plant here. Moody was chairman of a committee responsible for Ft. Gordon being located here.

In addition to his Chamber duties, he served as chairman of the NRA in Richmond County during the Depression years.

Under Moody's direction, the Chamber was active in highway development ("There was not one inch of paved roads when my wife and I came here."), promotion of the livestock industry, campaigning to save the city's winter resort industry in 1930, and acquiring Bush and Daniel fields.

After the serious flood of 1929, the need for new bridges across the Savannah River became acute, and Moody led a drive which resulted in bridges at Fifth and Thirteenth streets and Sand Bar Ferry being built.

He also played an important part in obtaining the Fureys Ferry Bridge, approximately 15 miles up the river from Augusta, and the Burton's Ferry Bridge, a link on U.S. 301 that connects Allendale, S.C., and Sylvania, Ga.

Moody was one of the founders of the Richmond County Historical Society, and since 1927, a life member of the Salvation Army here.

But he will also continue to live in the memory of those who knew him because of his high integrity and willingness to help his fellowman.

There are those in Augusta today who were assisted by the helping hand Moody was always willing to extend.

He was asked during a recent interview his greatest accomplishment while with the Chamber.

Moody answered, "The thing that I regard as the most outstanding of my Chamber of Commerce work of over 40 years was helping individuals with their individual problems.

"I always felt when someone came to me to help them with some problem, they were paying me a compliment when they came to me."

Although Moody retired from the Chamber in 1964, he continued active and came every day to his office at the Chamber until a few months ago when he was hospitalized and later moved to the nursing home.

In fact, he was one of those this past summer who waged a campaign to get shippers to make greater use of the Savannah River and, therefore, ensure continued federal appropriations for its upkeep and further development.

There are others who also made contributions to the development of the Savannah River over the years. But if one Augustan were to be designated "Mr. Savannah River," it would have to be Moody.

It was the river which brought him to Augusta in 1926 to become secretary of the Chamber here, and it was the river which kept the Jacksonville, Fla., native here.

During the intervening years, Moody worked diligently for the improvement of the river—a campaign which took him all the way to the halls of Congress and the White House and brought him face-to-face with presidents and members of Congress.

And of the several presidents he dealt with, his greatest admiration went to President Harry S Truman, who died this week at 88 years of age.

In the recent interview, Moody spoke of the help Truman gave in the development of the river, and told how the former President was a man whose word you could always depend on.

"My reason for coming to Augusta in 1926," Moody said recently, "was the river. I realized there was an opportunity here to do some empire building through the development of the river—to look beyond the city limits and go out and develop the entire area and this area was the Savannah River basin area."

When he arrived here there wasn't much which could be said for the river. "There was no traffic on the river at that time," he remembered. "No flat-bottom barges—nothing." And the river was very unpredictable.

And so it was with the approval of the board of directors of the Chamber that Moody went to work.

And before he was finished, the Flood Control Act of 1944 was approved, calling for a series of 11 dams. Clark Hill and Hartwell dams were later built and Trotters Shoals Dam, the third of the 11 authorized, is now on the way.

In addition, there is now a nine-foot channel from Augusta to Savannah with a further three-foot depth proposed.

Moody has died after having many honors bestowed on him as a result of his work.

He led the Georgia delegation to the national meeting of the Rivers and Harbors Congress in 1965 and served as acting president of that group in 1968.

Moody was presented the Decoration for Outstanding Service in 1960 at the request of the Secretary of the Army, the first person of the Southeast to be chosen for this honor.

Then there was the Willard J. Breidenthal Medal of the National Rivers and Harbors Congress in 1966 to recognize his leadership of more than 40 years in the study, development and conservation of water resources in the United States.

In 1965 he received a Ft. Gordon Certificate of Appreciation for his efforts in behalf of the fort over the years.

And the new bridge over the Savannah River at Sand Bar Ferry was named for him in 1968.

Moody received the final of his many honors last month when Augusta and North Augusta proclaimed Nov. 5 as "Lester Moody Day." Tributes were paid Moody at that time by many leaders here and elsewhere.

The former Chamber of Commerce official, who resided at 2344 McDowell St., is survived by his wife, Mrs. Alma Katherine Moody of Augusta; a brother, R. N. Moody of Gainesville, Fla.; and a number of nieces and nephews.

He was a member of the First Baptist Church.

The family suggested memorial contributions be made to the Salvation Army, Cancer Society or one's favorite charity.

Lester S. Moody Dies in Augusta

Augusta, Ga.—Lester S. Moody, a principal architect of Augusta and the Savannah River area for nearly 50 years, died Wednesday night in a local hospital. He was 76.

Moody, a native of Jacksonville, Fla., came to Augusta in 1926 as executive secretary of the Chamber of Commerce. He is credited with improving land transportation in the area and developing the Savannah River.

Moody retired from the chamber in 1964 after 38 years of development work which took him to the halls of Congress and brought him face to face with Presidents.

He is credited with almost single-handedly securing Congressional authorization for construction of the $86 million Clark Hill Dam. He is also credited with securing approval for Hartwell Dam and Trotters Shoals Dam, now under construction.

The list of Mr. Moody's accomplishments is endless. He obtained the nine-foot navigation channel in the Savannah River, and was a one-man committee to persuade the location of the Savannah River Plant in South Carolina.

In other development projects, Mr. Moody is credited as the major force in convincing the U.S. Army to locate Ft. Gordon near here and played an important role in providing Augusta with two airports, Bush Field and Daniel Field.

Following the famous flood here in 1929, Mr. Moody sparked a campaign which resulted in new bridges over the Savannah River at Fifth and Thirteenth streets and the Sand Bar Ferry Bridge. He was also instrumental in building the Furey's Ferry Bridge.

Mr. Moody received many honors for his work here. The Sand Bar Ferry bridge was renamed the "Lester S. Moody Bridge," and last month the cities of Augusta and North Augusta proclaimed Nov. 5 as "Lester Moody Day."

In 1960, Mr. Moody received the U.S. Army's highest award for civilians, the Decoration for Outstanding Civilian Service. He was the first person in the Southeast to be so honored.

In 1966, he received the Willard J. Breidenthal Medal of the National Rivers and Harbors Congress for his "continuous, unwavering and inspiring leadership of more than 40 years in the study, development and conservation of the water resources of the United States."

Mr. Moody is survived by his widow, Mrs. Alma Katherine Myers Moody, and a brother.

Funeral plans were not announced.

Elliott's Funeral Home of Augusta is in charge.

Lester S. Moody

If there has been one man in this century who deserved the title of "Mr. Augusta," that man was Lester S. Moody.

The death of the veteran secretary emeritus of this community's Chamber of Commerce, who gave 38 years of public service to Augusta and to this area, saddens the thousands of persons who came to know, appreciate and love him.

That esteem was shared by persons far and wide, for Mr. Moody had become a national figure in his years of appearance before congressional committees in the interest of river navigation, and in his service both as a director of the National Rivers and Harbors Congress, and on the Southeast Rivers Study Commission.

It would be an impossible task to list his services to the public and to individuals, both because of the magnitude of that service and because much of what he accomplished was known only to individuals who were the private beneficiaries of his encouragement and counsel.

The highlights of his career include, to an outstanding degree, the development of the Savannah River. The years of hard and unremitting labor he devoted to getting a navigable channel dredged from Augusta to the harbor at Savannah constitute a saga in themselves.

That navigation project was complemented by his service in working for the Clark Hill Dam, which was essential to a stable channel depth, and for other dams now built and yet to be built. It was accompanied by the tremendous development that came in the wake of the assured reservoir and channel, from the Savannah River Plant through a procession of new private industries.

Augustans and others in the area could tell how he unselfishly spent himself—his time, his energy, his concern—in the work necessary to build up Fort Gordon, to assure highway construction at a time when dirt roads were the rule and to get for the home town a succession of other improvements.

Honors have come his way in recognition of his professional achievement, and they were all well earned. Outstanding among them are the naming of the Lester S. Moody Bridge across the Savannah River at Sand Bar Ferry, an Army Decoration for Outstanding Civilian Service, the William J. Breidenthal Medal of the National Rivers and Harbors Congress and the Harry R. Creamer Memorial Award for distinguished community service.

Far more treasured by Mr. Moody than these outward symbols of appreciation, however, was the deep and abiding friendship he shared with so many persons here and across the state and Nation. It is in the tribute that those persons will be paying him in their hearts today, and in the sympathy they extend to the bereaved family, that Lester Moody would have felt the greatest reward. The Chronicle adds its own deep feeling of loss to that of those many friends.

Mr. Moody had been able to experience only since his retirement in January, 1964, the rest he had so greatly earned. It was in keeping with his nature, however, to retain an intense interest in the development of Augusta, and through the availability of his experience and wisdom he became a civic elder statesman in the community.

He was, to a greater degree than almost any resident in the city's history, a man who got things done.

FARMWORKERS' HEALTH NEEDS

Mr. STEVENSON. Mr. President, I recently joined as a cosponsor of S. 740, to extend the Migrant Health Act.

As chairman of the Migratory Labor Subcommittee during the 92d Congress, I held joint hearings with the Senator from Massachusetts (Mr. Kennedy), chairman of the Health Subcommittee, on the need to extend the act. Testimony from a cross section of witnesses representing the administration, existing project staffs and farmworkers clearly established two significant facts that Congress must not overlook. First, farmworkers are in desperate need of health care they do not now receive. The administration has estimated that to meet the health care needs of this segment of the population would require an annual appropriation of $600,000,000. Second, it was well established at our hearings that the present program, though shamefully underfunded, has operated efficiently in providing services to those most in need.

I am also particularly aware of the need for continuing the migrant health program in Illinois which ranks as one of the top 10 States in the Nation that rely on migrant labor. Our State's migrant health projects have proven most needed and successful, although again grossly underfunded.

Farmworker health needs in Illinois were described in Health Issues in Illinois, a publication of the Illinois regional medical program. One article entitled "Illinois Migrant Farm Workers Lack Adequate Health Care," shows the needs of the State, and a second article, "Illinois Migrant Council Urges Better Services for Workers," indicates the efforts that have been made, but also that additional and much needed efforts to date have been frustrated because of the shortage of funds. Mr. President, I ask unanimous consent that the two articles be printed in full in the Record at the end of my remarks.

Present program authority will expire on June 30, 1973, if not extended. In view of the need to continue this successful program in Illinois and around the Nation I am hopeful that we still give S. 740 a high priority and assure early hearings, due deliberation and expeditious Senate passage.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Health Issues in Illinois]

Illinois Migrant Farm Workers Lack Adequate Health Care

A major obstacle to providing adequate health care for migrant workers in Illinois is the attitude of state and local government officials that migrant health is not one of their responsibilities. "Several groups in the past have tried without success to get legislation passed appropriating state monies for migrant health care but unfortunately it has a low priority," says Cayetano Santiago, public health advisor for the Community Health Service: "There's a tendency for state officials to say, 'The migrants are transients; they're not our problem. Let Texas (where most Illinois migrants are from) take care of them.' "

Santiago is well aware of problems faced by migrants, having served from 1966–71 as head of the Illinois Migrant Council, a statewide Chicago-based organization that provides services to migrant workers. Community Health Service is the HEW agency charged with improving migrant health.

MIGRANT POPULATION

Santiago estimates between 15,000–23,000 migrant workers and their families come to Illinois annually. The majority are Mexican-Americans but there are a few Puerto Ricans and Blacks as well. The migrants usually work the winter months in Texas and spend the spring and summer working in Illinois. Some go on to Michigan for further harvesting jobs.

Areas of migrant concentration in Illinois are: McHenry County and other outlying areas of Metropolitan Chicago (harvesting lettuce, cabbage and tomatoes); Lake County (working in nurseries); the area around Rochelle and DeKalb (tomatoes); south of Rock Island (tomatoes); Peoria County (asparagus and corn); north of Danville (asparagus and corn); Centralia area in Southern Illinois (strawberries), and Carbondale (apples and peaches).

In other states with a migrant population, notably California, the number of transient workers has dropped in previous years due to stricter alien labor regulations and greater use of machines for harvesting crops. However, in Illinois the migrant population has remained steady because mechanization has not come in any great extent to the state. "Growers experimented with an automatic tomato picker a couple of years ago in south Cook County," said Santiago, "but I don't believe it's in wide use. There was a problem with the machine wasting 25 per cent of the crop. However the machine required only 14 workers to pick tomatoes compared to a work force of 75 picking by hand."

RECRUITING WORKERS

Migrant workers are recruited for farm labor either through the Illinois Employment Service or by representatives of individual growers. "Fewer workers have been recruited through the state employment service since 1968 when growers using the service had to agree to meet federal housing guidelines," said Santiago. The statistics bear this out. According to the Illinois Employment Service, 9,836 individuals (including family members) were recruited for migrant labor in 1967, dropping to 6,819 in 1968; 5,579 in 1969; 4,085 in 1970, and 3,742 in 1971. Growers recruiting workers on their own need only meet housing standards set by the Illinois Migrant Camp Law which applies to groups of ten or more workers, or four or more families. These guidelines are not as strict as the federal standards. However, legislation passed last year requires all migrant housing to meet federal standards by 1973 and any new housing must meet federal standards immediately.

Organized migrant health care programs are lacking in Illinois, and therefore, the care the workers receive is sporadic and crisis-oriented. "Some growers have limited insurance," said Santiago, "and in some cases, a grower may refer a sick worker to a physician." In the past when migrant workers were less vocal and less organized, Santiago said, they often faced a paternalistic attitude on the part of the few physicians and institutions that did provide health services to migrants. Workers suffered such indignities as having a grower deduct the cost of an office visit from a paycheck to insure payment to the provider or being asked to make advance payment before hospital admission.

Migrant workers are "short-shrift" to get help from the counties they are working in because they usually can't satisfy the residency requirement for established health care programs such as Aid to Dependent Children (ADC), General Assistance, Aid to the Blind or Disabled. Sometimes, however, a hospital will pick up the tabs for emergency care or a private organization will subsidize care.

LOCAL MIGRANT COUNCILS

Prior to the development of the Illinois Migrant Council in March 1966, local migrant councils, usually composed of representatives of church groups, migrant workers, and former migrants who had settled in a community, attempted to fill the gap of providing health services. In some communities the councils met with great resistance from both the residents and local medical societies. "There was the feeling that the migrants shouldn't get anything not provided to the local residents, such as free clinics," said Santiago. "However, the local people usually have better access to health care." Most of the financing of organized care for migrant workers has come from the federal government, said Santiago. Local support is usually provided in the form of donated time and space.

MIGRANT HEALTH "POLITICAL"

J. Kent Capps, who served as state coordinator for migrant health in the Illinois Department of Public Health (IDHP) from 1967 to 1970 says, "Migrant health is really a political issue. Unless there is motivation in the legislature to fund migrant programs, it just won't happen. Currently there are no state monies in migrant health except for sanitation."

Capps' salary as coordinator was paid by a federal grant but this grant was lost when the state failed to contribute funds to the program. The grant also provided for child and maternal health care where such services were needed, paying the salary of a nurse hired by the local migrant council, travel expenses and supplies. The nurse traveled to the migrant camps and made referrals to local physicians. Prior to 1967 some hospitalization costs were paid by the maternal and child health funds but these funds were cut that year due to budget restrictions. The nurses program continued through 1970.

Neighboring states such as Michigan and Iowa are willing and able to contribute state monies to migrant health and thus, bring in federal monies, according to Capps. He recalls that a federal official once remarked he was surprised the migrant workers in Illinois hadn't marched on the Statehouse to demand health programs as they had in other states.

At present there are five migrant health programs in Illinois funded by the U.S. Public Health Service located in the Rock Island-Muscatine area, Rochelle, Princeville, Cobden and Chicago Heights. The Chicago Heights program, carried out by the Jones Memorial Center, is providing complete dental and medical services to migrant workers. A nurse travels to farms throughout the area and refers patients to a local physician. At present only one hospital is participating in the Jones Memorial Center program which has been in operation over four years. There are limited hospitalization funds so the nurse often refers cases to other health programs such as Medicaid and Vocational Rehabilitation if the workers are eligible.

DENTAL SERVICES

In Southern Illinois limited dental services for migrants are provided during the summer months by the IDPH's mobile dental van. This program has been in operation for six years and the van is located near Goreville this summer. Previously the unit changed location every four weeks but this made it difficult to retain dental personnel so the van now relocates only once each year. Miriam Keith, IDPH dental hygiene advisor, says, "It's extremely difficult to keep dental records on anyone since we don't see the same workers each year. The majority don't seek dental care except in crisis situations. Dental care seems to be low on the list of priorities for migrant workers."

"We really need three vans to serve migrants in the entire state but we haven't been able to acquire more due to a limited budget," she said. "The Department operates this van in Southern Illinois because we feel that it is an economically and dentally depressed area. There are fewer dentists practicing there." During the winter the van provides dental care to school children and last year the van served Cairo schools. A dentist and a hygienist staff the van and provide free services including x-rays, fillings and extractions. The hygienist teaches dental education, especially proper use of the toothbrush.

Although these programs are helping stopgap the state migrant health problem, there is no organized public responsibility for migrant health care in Illinois at present and until there is, the migrants will continue to face greater obstacles in obtaining adequate health services than the residents of this state.

Illinois Migrant Council Urges Better Services for Workers

The Illinois Migrant Council, established in 1966, coordinates and provides supportive services to aid some of the more than 20,000 migrant workers and their families who come to Illinois annually. Father Robert Reicher, an officer of the Council, discusses health care problems faced by migrant workers in the following interview—

Q. What is the Council's involvement with the problem of migrant health in Illinois?

A. The Illinois Migrant Council is involved with all aspects of the problems of migrants including their health. Our basic function regarding migrant health this year has been to make an attempt to obtain funding from HEW and private sources to give at least primary care to all migrants within the state. Presently the Council supplies supportive services in some areas where some migrant health work is being done, in addition to seeking funds.

Q. How big a problem is migrant health in Illinois?

A. Migrant health is a large and critical problem in this state. Many migrants have no opportunity for any kind of health care except emergency care when needed. Often they have to pay a price far out of proportion to their income for what care they are receiving. Many are not even accepted in hospitals because of their inability to pay.

Q. How many migrants seek and receive medical treatment in Illinois each year?

A. From all available information that we receive, less than 1,000 persons are treated out of a total migrant population of around 26,000.

Q. How do these figures compare with estimates of those who need such help?

A. It is obvious that there are at least 25,000 persons in the State of Illinois who received no health care last year.

Q. Are there centers in the state where migrant health care is particularly needed? Or, perhaps a better way of phrasing this, where are most migrant workers found in Illinois?

A. Every area of the State where migrants work is in particular need of migrant health care because the health delivery system in the State of Illinois for migrants is almost non-existent. West and northwest of Chicago are large concentrations, also south around Hoopeston with seasonal farmworkers and some migrants in Southern Illinois in the Cobden-Carbondale area.

Q. What is the biggest health need of migrant workers in Illinois?

A. The biggest health need for the migrant working in Illinois is about the same as anybody else. They need total family health care and health maintenance.

Q. How does Illinois compare with other states in terms of the number of migrant workers here each year?

A. Illinois has one of the larger concentrations of migrants in the North Central Region.

Q. Are there good programs in Illinois to deal with the health care needs of migrants?

A. There are no really good programs in Illinois to deal with the health care needs of migrants. We have managed to receive funding for three programs as of last May. One is located at Cobden in Southern Illinois, one at Princeville, near Peoria, and one in Rochelle, Ogle County. These are funded by HEW and are directed by local boards of directors with the cooperation of medical delivery persons in the area.

Q. Is a lack of funds a primary problem in dealing with the health care needs of migrants?

A. Lack of funds is definitely a primary problem in dealing with health care needs of migrants.

Q. Are federal programs for compensating physicians sufficient for handling migrant health problems? What are the shortcomings of federal programs of economic compensation for physicians who treat migrants?

A. Where programs have been funded at $25–$30 per physician, per clinic hour we have been able to hire physicians for that money. However, we have inadequate amounts of money for programs. The basic shortcoming of federal programs in terms of economic compensation for physicians is purely and simply that HEW guidelines do not allow straight compensation for primary and secondary care for migrants. They are requiring that the programs be tied into some kind of health maintenance system in the local communities. These are virtually non-existent in the State of Illinois.

Q. From where do most migrants come who work in Illinois and how long do they generally stay?

A. Most migrants who come to Illinois to work come from Texas. They begin arriving in April and many stay through November.

Q. Are facilities for migrants, such as dwelling and schools, sufficient in Illinois?

A. Facilities for housing and schooling for the migrant are inadequate in the State of Illinois. While there is some evidence of improvement we still have a very long way to go.

Q. What are the main problems in getting care for migrants? Are migrants made aware of health care when they come to Illinois? If so, how?

A. One of the main problems in getting care for migrants is that the Illinois Health Department claims to have neither funds nor personnel to care for this particular segment of the population. As to how the migrants are made aware of health care when they come to Illinois, most migrants in this state are contacted by representatives of the Illinois Migrant Council. Our staff makes them aware of the various services available to them in the community, including health care. Any migrant who has a serious health problem and comes to the Illinois Migrant Council office or is identified by one of our staff is taken to whatever services can be obtained for them. Basically the awareness of the health delivery in Illinois (such as it is) is made by Illinois Migrant Council staff.

Q. Do you anticipate any significant changes in health care for migrants in the near or distant future? If so, what are they?

A. We certainly anticipate significant changes in health care for migrants in the future. However, it all depends upon whether the government is going to really assume the responsibilities of taking care of this forgotten segment of our population. It is going to take a massive amount of money and personnel to deliver the kind of medical care that is needed.

Q. What do you think should be done to take care of migrant health needs in Illinois?

A. In order to take care of the migrants' health needs in Illinois it is essential that there be clinics established in all the major concentrations of migrants so that they may obtain adequate and extremely low cost care.

Q. Can, in fact, the problem be handled on a state-by-state basis?

A. It is extremely difficult to handle the migrant health problems on a state-by-state basis for the simple reason that migrants travel through several states. The real answer is some kind of national health insurance that will care for all of its citizens including the forgotten migrant.

Q. Are written materials in English or Spanish available to distribute to migrants in Illinois concerning their health care needs?

A. There are pamphlets in Spanish and English which can be distributed to migrants. The extent to which this is being done, however, is rather negligible.

Q. Is there any state or region of the United States that has a particularly good migrant health program? If so, which state or region and why is it considered good?

A. Southern California region possibly has the best migrant health program due to the establishment of clinics through the efforts of the United Farm Workers Organizing Committee. Inadequate response in most areas of the country has been the answer to the migrant health problem while the California clinics provide total health care.

Q. Is there statewide cooperation in Illinois concerning migrant health? If so, to what extent?

A. There are a number of people willing to sit down and talk about it but no one in Illinois is willing to put money and personnel into it. As mentioned previously, the problem with HEW is that their guidelines insist upon some kind of health maintenance organization delivery system before a program will be funded. These systems are almost non-existent in Illinois.

FUEL CRISES WORSENS

Mr. HUMPHREY. Mr. President, I am becoming increasingly concerned over the fuel oil shortage. It appears that instead of getting better the situation is becoming much worse.

I invite the attention of the Senate to an article published in the Washington Evening Star and Daily News of February 13. The article reports that the Governor of my State of Minnesota, Wendell Anderson, has asked President Nixon to declare Minnesota a disaster area in order to get Federal assistance to ward off an oil shortage that could be felt in another week. The story attributes to Mr. F. James Erchul, Minnesota's Director of Civil Defense, a statement that Minnesota is about 30 million gallons short of the fuel it will need to last out the winter. This could result in heating being shut off in 105,000 homes, 18,000 stores, and 540 factories.

One of the problems we have in Minnesota and in the Upper Midwest, Mr. President, is that our small independent refineries are unable to get crude oil. One such refinery, owned by Midland Cooperatives, Inc., in Cushing, Okla., had to shut down for this reason. This should not have happened and could have been avoided.

Many of us in Government who are somewhat familiar with the fuel oil question, and indeed many of the people in the industry itself, felt that the administration's recent action in relaxing oil import quotas would have a favorable effect on the supply situation. That action, however, has resulted in a hardship as regards our independent refineries and those whom they serve.

The people in the industry tell me the reason for this is that since the major oil companies are permitted unlimited supplies of crude oil, they no longer are dependent on these smaller refiners for a percentage of their supply. In other words, whereas the majors formerly had to trade domestically produced, crude oil to the independents in exchange for the independents' import licenses, or "tickets," they no longer have to do so. They no longer need the "tickets" to import the crude, so the independents are stuck with no crude and thousands of worthless import licenses. They are unable to use the "tickets" to import their own crude because, for the most part, they operate inland refineries and there are no pipelines or other means to get the oil from the ports to the refineries. This is a case where the independent refineries, who supply much of the fuel oil in Minnesota and the Upper Midwest, are totally dependent on the major refineries and now the majors, since they are assured adequate supplies from abroad, will not sell to the independents.

Mr. President, we cannot allow this to continue. It's cold in Minnesota. We need fuel oil for our homes and our hospitals and our schools and our stores and our factories. Something has got to be done about this and I urge my colleagues on the Interior Committee to come up with something that will assure these independent refineries, upon whom we are so dependent, an adequate supply of crude oil.

I ask unanimous consent that the Washington Evening Star and Daily News article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MINNESOTA GOVERNOR ASK FUEL-SHORTAGE DISASTER AID

(By John Fialka)

The governor of Minnesota has asked President Nixon to declare his state a disaster area in order to get federal assistance to ward off an oil shortage he says could be felt in another week.

A three-man team from the President's Office of Emergency Preparedness arrived in Minneapolis yesterday to evaluate the need for the request made by Gov. Wendell R. Anderson.

According to F. James Erchul, the state's director of civl defense, a survey of state heating oil dealers showed that Minnesota is about 30 million gallons short of the fuel it would need to last out the winter, assuming normal weather prevails.

WEEK'S SUPPLY LEFT

According to the state's study, the shortage will begin to be felt in about a week, when dealers begin to run out of the month's allocation. It could, patentially, shut off the heat in 105,000 homes, 18,000 stores and 540 factories. Anderson declared in his letter to the President.

One of the industries likely to be involved, according to Erchul, is the giant iron ore mining complex north of Duluth. "They're running low on diesel fuel up there right now," he said.

Erchul said the state hopes to be able to use some of the 900,000 barrels of heating oil the Defense Department says it has ready to release in case of a serious domestic emergency.

He added that Minnesota also needs help from the White House to keep small refineries that supply fuel to Minnesota from going out of business.

One such refinery, owned by Mildland Cooperatives Inc. in Cushing, Okla., shut down last week. It had been producing 19,000 barrels of oil products a day, most of which was marketed in the northern Midwest.

CONTINGENCY PLANS SET

Without federal intervention, Erchul said, the state will have to rely on recently finished contingency plans to house people in public buildings, hotels and motels. The state may also have to take possession, he added, of major oil reserve supply tanks in the state to assure that fuel gets to vital public facilities.

"So far, the weather has saved us. Today it's running about 26 degrees outside, still above normal. This won't last forever," he added.

Asked about the refinery closing, W. R. Clovis, manager for administrative services at Midland, said the company was unable to find any crude oil supplies.

The company, said Clovis, has a license from the Interior Department to import 400,000 to 500,000 barrels of crude oil. Normally under the Oil Import Program, small refiners such as Midland located inland trade import license, or "tickets," to major refiners for supplies of domestic crude oil.

NO TAKERS

Clovis said Midland has been unable to find any major company that would make the trade. "We have all these tickets on our hands but nobody seems to want them."

Meanwhile, in Washington, the Interior Department announced that James M. Day would become acting chairman of the Oil Import Appeals Board, which decides whether to award more import licenses to companies which experience hardships.

Day replaces Lewis S. Flagg III, who was suddenly removed from the job on Friday. An Interior Department spokesman said the department would not comment on Flagg's removal.

"There have been some allegations but to protect the employe, we are in no position to say just what they are," said the spokesman.

Flagg, one of the few blacks in the departments' hierarchy, was removed one day after his three-man board awarded substantial import licenses to gasoline dealers who are feeling the pinch of a gasoline shortage predicted for the spring. He could not be reached for comment.

The Interior spokesman said Day, head of Interior's Office of Hearings and Appeals, an administrative review body, will also be acting head of the Oil Import Appeals board for 60 days. Flagg has been assigned to his former position in Interior's office of the solicitor.

PRESIDENT HARRY S TRUMAN—IN MEMORIAM

Mr. PEARSON. Mr. President, I want to comment on the passing of our 33d President, Harry S Truman, of Missouri.

Harry Truman was a President whose highest eulogy is written in the memory of his own people. Every American has a good word for "Harry." Perhaps more than other men who have achieved the highest office in the land, Harry Truman stands out as a man who lived in and loved the American political process. Not that he was too much the partisan. His sense of what was good for the Nation rarely failed him.

But in a review of his period in office, there is no suggestion that the political process, those earthy, colorful, hectic methods by which the American people choose their leaders, was beneath anyone's dignity or too dirty for an honest man to become involved in. In short, people believed in their government. A lot of the reason was Harry Truman's straight-talk and the kind of man he was.

One of the qualities we always attribute to him is decisiveness. This attribute is well documented. When Harry made a tough decision, he did not look back in doubt—at least not for the world to see.

First, there was the awesome decision to use the atomic bomb in 1945. Then, with the Soviet Union developing nuclear weapons, there was the decision to move on to build the hydrogen bomb.

The security of Europe was threatened, and the Truman doctrine came forward to meet this threat.

The war in Korea brought a reluctant America to commit ground forces in Asia, under United Nations auspices, in order to resist an expansive Communist power there.

Perhaps the most dramatic challenge of all was the decision to remove an insubordinate General MacArthur from his post as commander of our forces in Korea.

No man wants to make such decisions. Yet they came to the desk of the President, where "the buck stops"—as Truman himself put it—and, once taken, they stand as markers in history for the course of later policies and for the understanding of later times. For this understanding, we owe a lot to Harry Truman.

As one who had enormous respect for the office of the Presidency, Truman with all his plain-spoken, midwestern ways, did not fail to exercise the power of the office. He did this not only in the course of making war in defense of the free world, but he also took decisive and constructive steps for peace.

Under the Truman administration, the United Nations was established, and the first proposal for the control of atomic energy, the Baruch plan, was tabled for world debate. These initiatives tend, in my view, to bring to the Truman years a balance and a true sense of human struggle. While frontiers of new destructive power were being crossed yearly, or more often, this period was not one of a headlong rush toward the exercise of raw power. It was a time when men and governments awoke to the dangers, as well as well as the security, which is bound up in the technological revolution brought by the development of the aircraft, the rocket engine, the nuclear weapon, and the computer. In short, the mind and hand of 20th century man combined to risk new forms of self-destruction, but they also combined to steady the world on a course of survival as well. Harry S Truman is for us the man who best brings these tendencies together in that era. And we can be grateful that his common sense prevailed to the extent that it did.

He was not the kind of political leader, however, whose career skyrocketed him to high position in Government. As President, perhaps he could best be described as a little like any other fellow who found himself promoted to a new position, before he knew he was ready to handle it. Harry Truman became President in an atmosphere of doubt about his ability to fill the responsibilities carried so long and so jauntily by Franklin Roosevelt. As the record shows, he rose to the challenge. As a result, he represents for many a solid, human way of achieving the qualities of a national leader, a way which breeds confidence and loyalty and patience among the people who follow.

He served in a period when new governments around the world were electing "men of the people" to carry out the affairs of state. This was to be the era of the common man, a period of sharing the wealth and racial equality and consumer rights. Unfortunately, this era has struggled for a foothold ever since—though great strides have occasionally been made—and the policies which would seek to realize these goals have too often been diverted by foreign conflicts or domestic strife.

A man whose career was tuned to the welfare of the average citizen, Harry Truman was forced by events to take a great many steps which delayed or diluted the good of this common man. Yet one of his great triumphs, in my judgment, was his action to desegregate our Armed Forces. This was a step required by our Constitution and impelled by the military needs of the cold war. If we look closely, we can see that the commitment of Harry Truman to a "fair deal" for every citizen, regardless of race or background, happily came together on occasion with his responsibilities as a President and Commander in Chief during a period of hostile world conditions. Another example of this coincidence can be found in his prompt action to recognize the newly formed State of Israel. Here was another point where his compassion for the oppressed would guide a policy step taken in the Nation's interest.

Harry Truman came from the State of Missouri, and long before he died he had the vision to bring back to Independence, to the Truman Library, the valuable collection of papers from his administration. This action, which set a precedent for three successor Presidents, reveals the acute sense of history which has come to be part of the Presidency in this period of America's rapidly changing role in the world, and of severe strains upon the institutions of American democracy.

The life and times of Harry S Truman will be the subject of study for many future historians, and I believe every Member of the Senate will agree that an understanding of this man, and of his use of the presidential powers, will be fundamental to understanding the Nation in the 20th century.

Finally, I wish to compliment the Truman family on the dignified and orderly manner in which they carried out the ceremonial duties required at President Truman's death. There was a quality of restraint and humility throughout which carried one's thoughts back to the origin of the country and to the simple principle of equality. This itself was a fine tribute to a great man.

CHILD ABUSE

Mr. MONDALE. Mr. President, the Subcommittee on Chairman and Youth, of which I am the chairman, is planning to hold hearings soon on the subject of child abuse.

One of the most tragic and perplexing problems that has been brought to the attention of the subcommittee is that of child abuse and how to deal with it legally. Although laws requiring the reporting of suspected child-abuse cases exist in all States in one form or another, we still hear of incidents that are reported too late—only after the child has died or suffered permanent damage.

The true dimensions of the problem of child abuse are not really known because of the difficulties in diagnosis. In 1971 alone, 7,000 cases of child abuse were reported. Drs. C. Henry Kempe, and Ray E. Helfer, in their book entitled "Helping the Battered Child and His Family," make the following comments on the incidence of child abuse:

Although the true incidence of child abuse will likely never be known, a realistic assessment can now be made from the current reporting rates in the cities of Denver and New York. They now range between 250 to 300 cases reported per million population per year. Both of these cities have achieved this level of reporting after a rather intensive effort, an effort which has been focused in completely different directions, however. Denver used a method of community education, which consisted of ongoing consultations with community members, documentaries in the mass media, and providing services to families and professional workers within the city. New York, on the other hand, experienced a sudden surge of increased numbers of reports (700 to 800 cases reported in 1968, as compared with 1,700 cases reported in 1969 and over 2,700 in 1970), after a rather sensational series of articles in one of the daily newspapers."

Some of the more spectacular and tragic cases of child abuse come to our attention through accounts in the media. In recent months publicity about these cases has generated a growing demand for a thorough study of the problem and means of preventing and treating it. I ask unanimous consent that editorials which have appeared in the Washington Post, the Washington Evening Star, and the New York Times on the subject of child abuse be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Rescuing the Victims Who Can't Fight Back

Among the most unpleasant stories we come across in the news business are reports of child abuse—chilling accounts of the neglect, battering, torture and occasional killing of helpless children by their parents or other adults. Somehow, most people would prefer to believe that these instances of inhumanity must be extremely rare, or perhaps limited exclusively to poor and uneducated families. But experts can tell you that child abuse is unique to no one special group, and that it is a phenomenon far more widespread than is generally believed.

As it happens, the instances gaining the most public attention are usually cases of fatal or near-fatal beatings, in which a parent has been charged. But increasingly, authorities are discovering evidence that repeated physical torture and other severe mistreatment of children are going unreported because people are afraid or at least reluctant to notify police. Worse still, many of the young victims who finally are removed from their homes after tragic experiences are subsequently returned to those homes—only to endure more horror.

There is no precise way to calculate the degree of permanent damage to human lives in these instances, largely because there aren't any reliable statistics on the extent of the problem. Moreover, the procedures for dealing with child abuse cases are, for the most part, failing to meet the need for major remedial action.

At least in Greater Washington there has been some movement to improve approaches to child abuse, stemming from a singularly tragic case in Montgomery County last year. Attention focused on the problem when a 9-year-old Damascus girl died, apparently from beating, burning and other ill treatment; her father and stepmother are awaiting trial on a charge of murder.

Citing this case in the Maryland General Assembly recently State Senator Victor L. Crawford (D-Montgomery) has urged passage of a bill designed to give social workers and police greater power to enter homes where instances of child abuse are suspected. Senator Crawford explains that because social workers lack the authority to force their way into such homes, they were unable to go into the home where they suspected that the Damascus girl was being mistreated last year.

Under existing law, social workers accompanied by police may force their way into a home if they think there "is probable cause" to believe that a serious crime is being committed; but "probable cause" is a legal term meaning the police must have more than a mere suspicion of wrongdoing, and they must obtain a warrant before forcibly entering. Senator Crawford's bill would permit social workers to enter homes without a warrant when they suspect a case of child abuse, to remove any children found to be in danger. Police would be required to accompany social workers for their protection, but not necessarily to make arrests. If a social worker decided to remove a child, a petition would have to be filed with juvenile court and court action taken within two days.

The Crawford bill has met with some understandable opposition, for it does alter established safeguards against indiscriminate breaking into homes by authorities. Montgomery County State's Attorney Andrew L. Sonner—a leader in the effort to focus more attention on child abuse problems—has argued that the proposal is unnecessary, noting that since the case of the girl last year, Montgomery County officials have worked out procedures with police to handle emergency cases.

Besides, he says, "I'm not sure I want our citizens to have their homes broken into without probable cause. There ought to be some information the police are acting on, some standards of probable cause as in other cases." Furthermore, says Mr. Sonner, the bill might hinder social workers because it would require them to be accompanied by police when seeking entry into a home. A spokesman for state social workers, also attacking the proposal, says it would give too much power to social workers.

If every prosecutor's office in Maryland were as concerned about child abuse cases as Mr. Sonner is, and if all local police forces had the manpower and concern to assist social workers in their often dangerous assignments, there might not be any need for legislation along the lines of Senator Crawford's proposals. But the established procedures for recognizing and reporting child abuse cases haven't been working well—and children's lives are at stake. With sensitive and specific safeguards to restrict indiscriminate invasions by social workers and policemen, the Crawford proposal may be worth a careful test.

Legislative attention ought not to stop at this level, however; the concern voiced by Mr. Sonner and others—that identification of child abuse cases is only one part of the problem—is not addressed by the Crawford bill. The handling and treatment of reported cases, the decisions of when (or whether) to return children to their homes, and the whole approach to family-problem situations all cry out for more official concern.

Nationally, some of the more successful programs involve a team approach to child abuse cases, combining the talents of professional experts in all aspects of the problem—psychologists, nurses, social workers, attorneys, teachers, police and so on. Such teams can review abuse cases quickly and decide what measures might help resolve conditions contributing to each case; thus the responsibility for critical decisions is not dumped on one overworked or possibly incompetent social worker, or on a lone policeman who has many other pressing duties.

But the level of interest and concern among local agencies, state legislators, physicians—and the general public—never seems to go much beyond brief spurts of hand-wringing and quick-fix proposals in reaction to some especially chilling case that makes the headlines. Meanwhile, little lives are being threatened and ruined, and the cruelty takes many forms besides physical assault and battery. There are children who are starved, neglected, exploited, overworked and exposed to unwholesome or demoralizing circumstances. They are victims who cannot fight back, who cannot even report the crimes committed against them.

With the General Assembly now in session, and with Senator Crawford, State's Attorney Sonner and others pushing for new ways to approach child abuse problems, Maryland could take the lead in efforts to rescue and protect mistreated children. We hope the lawmakers in Annapolis will not let this important opportunity pass them by.

Dealing With Child Abuse

Child abuse is one of the most repugnant crimes growing in our midst, because it is practiced on the most helpless members of society, some of them not even out of the crib. Also, it's one of the most ignored offenses, occurring more often than not in the privacy of homes. Neighbors tend to look the other way, teachers often hesitate to report the parents of bruised and battered students. But Montgomery County Executive James P. Gleason isn't ignoring it, and we expect that his statements on the subject this week will provoke considerable discussion.

That will be all to the good, because this is a rapidly worsening problem, in Montgomery and many other counties, and deserves much more attention than it has received. But Gleason's bold proposals for combatting child abuse certainly should be subjected to a good deal of expert scrutiny, and public discussion, before any action is taken on them.

He advocates treating this malefaction much more as a sickness than a crime. He proposes a bill in the next state legislative session to reduce the charge from a felony to a misdemeanor. This measure, which Gleason says he can get introduced, would lower the maximum penalty for child abuse from the present 15-year sentence down to six months and a $1,000 fine. He also wants to bypass prosecutors until social service agencies have investigated alleged offenses, and give total legal immunity to people reporting child abuse cases. But while reducing the punishment for offenders, Gleason would impose some hard new penalties on "professionals," such as doctors, teachers, police and social workers, who fail to report suspected cases. That might bring more results than any of his other proposals.

Undoubtedly Gleason is right in saying this offense stems mainly from psychological sickness, and that the emphasis should be on identifying all the child-beaters and treating them. And a great many more of them might, as he contends, be reported to authorities if the maximum sentence weren't so heavy. There is no guarantee of that however, and more evidence of potential efficacy of the penalty-reduction plan should be offered. To retain any penalty at all is to recognize that this is both a sickness *and* a crime. Nor is it any small crime. According to one school of thought, practically all forms of crime are the result of psychological illness, but how far that idea can be extended in the workings of justice indeed is a ticklish question. Some people who expend their surplus aggressions upon children are fully capable of finding other outlets, and they must not be dealt with softly by the law.

It seems clear, though, that most of the child abusers are driven by a singular compulsion, and there is encouraging testimony from experts that this can be cured in a large majority of cases. So Gleason is on the right track in calling for more effective means of finding and treating those afflicted adults. Some modifications of law obviously are necessary, and the General Assembly should seek the best advice available in deciding how far to extend those alterations.

ABUSE OF CHILDREN

Under the auspices of the University of Colorado Medical Center, a new organization has been set up to deal with a shocking fact of American society—the abuse and willful neglect of some 60,000 children a year. The hope is not merely to discover instances of abuse and to effect the separation of these pitiful victims from their parents, though that is often necessary for a time, but to go to work on the parents themselves. A team made up of a pediatrician, a psychiatrist, a nurse, a social worker and possibly a lay therapist will work with the involved parent, not punitively but with the aim of rehabilitation.

While this National Center for the Prevention and Treatment of Child Abuse and Neglect is new, its basic aim is by no means untried. It will build on the work of Dr. C. Henry Kempe, chairman of the university's Department of Pediatrics. This highly regarded pioneer in the field has used his coordinated team approach in more than 500 cases with such success that 80 per cent of the affected families were reunited without any recurrence of abuse.

The $558,000 grant by the Robert Wood Johnson Foundation is a wise investment and a hopeful one for the country. No society can afford to be indifferent to the appalling mistreatment of the most helpless and innocent of its citizens.

Mr. MONDALE. Mr. President, as a basis for developing effective child abuse prevention and treatment legislation in these hearings, I will soon introduce a bill that deals with the problem. This legislation will include provisions for development of an effective system for the identification and reporting of child abuse and neglect cases; creation of a Commission to study the major problems associated with child abuse; and an attempt to provide and focus social service resources on families that have the kinds of problems that have been found to correlate with child abuse and neglect.

I ask unanimous consent to have printed in the RECORD other articles that deal with the problem of child abuse. They appeared, respectively, in Newsweek magazine, the Washington Post, and the Journal of the American Medical Association.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

Steve Samuels was enraged. His illegitimate 18-month-old son, Michael, had just torn a pop-art psychedelic poster that decorated Samuel's North Side Chicago apartment. The father seized Michael, hanged him by the wrists with electrical cord and then methodically beat the baby against the wall for nearly 30 minutes. Michael's mother finally got the infant to a hospital: he died minutes later of multiple fractures and bruises. Michael's father was 18, his mother 17.

Baby Michael's case does not stand alone in its ghastliness. Every week, all across the nation, hundreds of other small children are beaten, slashed, garrotted, scalded, shot, burned with cigarette stubs, tortured with electric shocks, sometimes even set afire with gasoline; many are scarred or maimed for life. And some, like Michael Samuels, die.

Child beating has long been one of the standard horrors of hospital emergency rooms but now the crime is on the increase in many areas; and while the experts agree that those guilty of it span all racial and economic groups, they think that two new factors in particular are contributing to the rise. These are drug-addicted parents and those who marry while still scarcely more than children themselves.

TIP

Though the increase is much worse in some areas than others, New York City represents by far the worst case in the nation. There, 7,000 cases of child beating were reported last year, and medical experts estimate that one child is killed every week by drug-addicted parents. But the statistics, in New York and elsewhere, represent only the tip of the iceberg, chiefly because so many cases of child abuse go unreported.

Fortunately, ongoing research aimed at curbing the crime of child battering seems now to be showing signs of promise; these stem from the application of new therapies designed to treat not just the abused children but also the parents who beat or harmed them in the first place. "The '60s gave us an insight into what went on, and why, in child abuse," declares Dr. Ray E. Helfer of Michigan State University's College of Human Medicine. "Now we are applying that insight to treating some of the basic causes." And while no single form of treatment has proved a panacea, ever increasing numbers of battered and mistreated children are now being allowed to return, quite safely, to their homes and families.

The key to the new therapies is a profile of the child-battering parents that shows them not as criminals but rather as people desperately in need of medical help. "These are young people who were never given good parentage themselves," says James Walsh of the Illinois Department of Children and Family Services. "They grew up in a hostile environment and were abused themselves." The result of this upbringing is often parents who hold themselves in low esteem and continually seek assurance from those around them—including their children. "They want children to be parents to them in a kind of role reversal," explains Walsh. And when the children fail to satisfy their emotional needs, the parents react with the same violence they experienced as children.

Another common characteristic of the child batterers is a deep suspicion of authority. To avoid investigation of their acts, they take their children to a different doctor or hospital after each episode of abuse; and when questioned about the cause of the injuries they invent barely credible stories—suggesting, for example, that a child sustained multiple fractures by falling from a sofa. "No matter how the parents appear or present themselves," explains Helen Alexander of the University of Colorado Medical Center, "their expectations are that they will be abused themselves, attacked and charged with being 'bad' parents."

For this reason, the aim of much of the new therapy is to reassure the parents and gradually convince them of their worth. "We have to rescue the family, not only the child," says John Hagenbuch of the Massachusetts Department of Family and Children Services. "'The parents are always isolated and feel they have no one to talk to. We counsel them and try to bring back the child into a household that will be able to demonstrate its love for the child as a child, and not the surrogate adult whom the parent might have imagined and against whom the parent might have struck out."

PATIENCE

One novel approach has been developed at the University of Colorado Medical Center over the past three years. It involves the use of "parent aides"—lay assistants with stable upbringings ranging in age from 24 to 60, who can exercise a kind of empathy toward the parents of battered children. Their function is basically to act as guardians for these parents; they visit the families often, pay little attention to the children, but listen with interest to the problems of the parents. "Flexibility, patience and compassion, a willingness to listen and be nondirective and noncritical are the basic requirements for a successful parent aide," write Helfer and Dr. C. Henry Kempe of the University of Colorado Medical Center in their latest book, "Helping the Battered Child and His Family." "The qualities are those of a mild and loving individual who is not easily upset by an ungrateful, suspicious and often unwilling client."

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STATE CHILD ABUSE BILL URGED

(By Ivan G. Goldman)

Montgomery County Executive James P. Gleason proposed state legislation yesterday that would decrease criminal penalties for child abuse—a move that he contended would encourage persons to report suspected cases to authorities.

Conversely, Gleason's proposal would create penalties—up to 30 days in jail and a $100 fine—for "professionals" such as teachers, doctors, and social workers, who fail to report suspected cases.

"We advocate reducing the penalty (for abuse)," Gleason explained, "simply because the penalty has not been effective, and it's been a detriment to the reporting of incidents. It's not a question of going easy on child abusers. It's a question of getting all suspected cases reported, so we can act on them."

Gleason noted that experts have found that children physically abused by their parents tend to batter their own children after they themselves grow up and become parents.

"This becomes in the strictest sense of the word a sickness—a sickness that has to be remedied," Gleason said.

Gleason's bill would reduce the maximum penalty for child abuse from 15 years imprisonment to six months and a $1,000 fine. It would also place the offense in the misdemeanor, or less serious crime category. It now is a felony.

The bill would have to be enacted by the state legislature and signed by Maryland's governor to become law. The legislature begins its annual session in January.

Because under the present criminal code child abuse is difficult to prove, many prosecutors around the country have opted instead to charge suspected parents with child neglect. The children can then be removed from the home by authorities.

Gleason said the county began studying ways to improve its handling of child abuse after a 9-year-old Damascus girl, Donna Anne Stern, died, apparently of physical abuse, in May. Her parents have been charged with murder.

State law now requires professionals to report suspected cases of abuse, but it provides no penalties if they fail to do so. Gleason's proposals would require them to report suspected cases only to the local welfare agency. The law now requires them to report to the welfare agency and the local state's attorney's (prosecutor's) office.

Gleason said he had not conferred with Montgomery County State's Attorney Andrew L. Sonner about the clause. Sonner could not be reached for comment yesterday.

Sonner and the Community Coordinated Child Care Council of Montgomery County, a new child advocacy organization, sponsored a child abuse symposium Nov. 8, where virtually all the experts said most child abusers are psychologically ill and can be cured.

Gleason said the county welfare agency is devoting more manpower to abuse cases, and he announced the formation of a county task force headed by human resource director Harvey McConnell, to further study the problem.

THE BATTERED-CHILD SYNDROME

(By C. Henry Kempe, M.D., Denver, Frederic N. Silverman, M.D., Cincinnati, Brandt F. Steele, M.D., William Droegemueller, M.D., and Henry K. Silver, M.D., Denver)

The battered-child syndrome, a clinical condition in young children who have received serious physical abuse, is a frequent cause of permanent injury or death. The syndrome should be considered in any child exhibiting evidence of fracture of any bone, subdural hematoma, failure to thrive, soft tissue swellings or skin bruising, in any child who dies suddenly, or where the degree and type of injury is at variance with the history given regarding the occurrence of the trauma. Psychiatric factors are probably of prime importance in the pathogenesis of the disorder, but knowledge of these factors is limited. Physicians have a duty and responsibility to the child to require a full evaluation of the problem and to guarantee that no expected repetition of trauma will be permitted to occur.

The Battered-Child Syndrome is a term used by us to characterize a clinical condition in young children who have received serious physical abuse, generally from a parent or foster parent. The condition has also been described as "unrecognized trauma" by radiologists, orthopedists, pediatricians, and social service workers. It is a significant cause of childhood disability and death. Unfortunately, it is frequently not recognized or, if diagnosed, is inadequately handled by the physician because of hesitation to bring the case to the attention of the proper authorities.

INCIDENCE

In an attempt to collect data on the incidence of this problem, we undertook a nation-wide survey of hospitals which were asked to indicate the incidence of this syndrome in a one-year period. Among 71 hospitals replying, 302 such cases were reported to have occurred; 33 of the children died; and 85 suffered permanent brain injury. In one-third of the cases proper medical diagnosis was followed by some type of legal action. We also surveyed 77 District Attorneys who reported that they had knowledge of 447 cases in a similar one-year period. Of these, 45 died, and 29 suffered permanent brain damage; court action was initiated in 46% of this group. This condition has been a particularly common problem in our hospitals; on a single day, in November, 1961, the Pediatric Service of the Colorado General Hospital was caring for 4 infants suffering from the parent-inflicted battered-child syndrome. Two of the 4 died of their central nervous system trauma; 1 subsequently died suddenly in an unexplained manner 4 weeks after discharge from the hospital while under the care of its parents, while the fourth is still enjoying good health.

CLINICAL MANIFESTATIONS

The clinical manifestations of the battered-child syndrome vary widely from those cases in which the trauma is very mild and is often unsuspected and unrecognized, to those who exhibit the most florid evidence of injury to the soft tissues and skeleton. In the former group, the patients' signs and symptoms may be considered to have resulted from failure to thrive from some other cause or to have been produced by a metabolic disorder, an infectious process, or some other disturbance. In these patients specific findings of trauma such as bruises or characteristic roentgenographic changes as described below may be misinterpreted and their significance not recognized.

The battered-child syndrome may occur at any age, but, in general, the affected children are younger than 3 years. In some instances the clinical manifestations are limited to those resulting from a single episode of trauma, but more often the child's general health is below par, and he shows evidence of neglect including poor skin hygiene, multiple soft tissue injuries, and malnutrition. One often obtains a history of previous episodes suggestive of parental neglect or trauma. A marked discrepancy between clinical findings and historical data as supplied by the parents is a major diagnostic feature of the battered-child syndrome. The fact that no new lesions, either of the soft tissue or of the bone, occur while the child is in the hospital or in a protected environment lends added weight to the diagnosis and tends to exclude many diseases of the skeletal or hemopoietic systems in which lesions may occur spontaneously or after minor trauma. Subdural hematoma, with or without fracture of the skull, is, in our experience, an extremely frequent finding even in the absence of fractures of the long bones. In an occasional case the parent or parent-substitute may also have assaulted the child by administering an overdose of a drug or by exposing the child to natural gas or other toxic substances. The characteristic distribution of these multiple fractures and the observation that the lesions are in different stages of healing are of additional value in making the diagnosis.

In most instances, the diagnostic bone lesions are observed incidental to examination for purposes other than evaluation for possible abuse. Occasionally, examination following known injury discloses signs of other, unsuspected, skeletal involvement. When parental assault is under consideration, radiologic examination of the entire skeleton may provide objective confirmation. Following diagnosis radiologic examination can document the healing of lesions and reveal the appearance of new lesions if additional trauma has been inflicted.

The radiologic manifestations of trauma to growing skeletal structures are the same whether or not there is a history of injury. Yet there is reluctance on the part of many physicians to accept the radiologic signs as indications of repetitive trauma and possible abuse. This reluctance stems from the emotional unwillingness of the physician to consider abuse as the cause of the child's difficulty and also because of unfamiliarity with certain aspects of fracture healing so that he is unsure of the significance of the lesions that are present. To the informed physician, the bones tell a story the child is too young or too frightened to tell.

PSYCHIATRIC ASPECTS

Psychiatric knowledge pertaining to the problem of the battered child is meager, and the literature on the subject is almost nonexistent. The type and degree of physical attack varies greatly. At one extreme, there is direct murder of children. This is usually done by a parent or other close relative, and, in these individuals, a frank psychosis is usually readily apparent. At the other extreme are those cases where no overt harm has occurred, and one parent, more often the mother, comes to the psychiatrist for help, filled with anxiety and guilt related to fantasies of hurting the child. Occasionally the disorder has gone beyond the point of fantasy and has resulted in severe slapping or spanking. In such cases the adult is usually responsive to treatment; it is not known whether or not the disturbance in these adults would progress to the point where they would inflict significant trauma on the child.

Between these two extremes are a large number of battered children with mild to severe injury which may clear completely or result in permanent damage or even death after repeated attack. Descriptions of such children have been published by numerous investigators including radiologists, orthopedists, and social workers. The latter have reported on their studies of investigations of families in which children have been beaten and of their work in effecting satisfactory placement for the protection of the child. In some of these published reports the parents, or at least the parent who inflicted the abuse, have been found to be of low intelligence. Often, they are described as psychopathic or sociopathic characters. Alcoholism, sexual promiscuity, unstable marriages, and minor criminal activities are reportedly common amongst them. They are immature, impulsive, self-centered, hypersensitive, and quick to react with poorly controlled aggression. Data in some cases indicate that such attacking parents had themselves been subject to some degree of attack from their parents in their own childhood.

Beating of children, however, is not confined to people with a psychopathic personality or of borderline socioeconomic status. It also occurs among people with good education and stable financial and social background. However, from the scant data that are available, it would appear that in these cases, too, there is a defect in character structure which allows aggressive impulses to be expressed too freely. There is also some suggestion that the attacking parent was subjected to similar abuse in childhood. It would appear that one of the most important factors to be found in families where parental assault occurs is "to do unto others as you have been done by." This is not surprising; it has long been recognized by psychologists and social anthropologists that patterns of child rearing, both good and bad, are passed from one generation to the next in relatively unchanged form. Psychologically, one could describe this phenomenon as an identification with the aggressive parent, this identification occurring despite strong wishes of the person to be different. Not infrequently the beaten infant is a product of an unwanted pregnancy, a pregnancy which began before marriage, too soon after marriage, or at some other time felt to be extremely inconvenient. Sometimes several children in one family have been beaten; at other times one child is singled out for attack while others are treated quite lovingly. We have also seen instances in which the sex of the child who is severely attacked is related to very specific factors in the context of the abusive parent's neurosis.

It is often difficult to obtain the information that a child has been attacked by its parent. To be sure, some of the extremely sociopathic characters will say, "Yeah, Johnny would not stop crying so I hit him. So what? He cried harder so I hit him harder." Sometimes one spouse will indicate that the other was the attacking person, but more often there is complete denial of any knowledge of injury to the child and the maintenance of an attitude of complete innocence on the part of both parents. Such attitudes are maintained despite the fact that evidence of physical attack is obvious and that the trauma could not have happened in any other way. Denial by the parents of any involvement in the abusive episode may, at times, be a conscious, protective device, but in other instances it may be a denial based upon psychological repression. Thus, one mother who seemed to have been the one who injured her baby had complete amnesia for the episodes in which her aggression burst forth so strikingly.

In addition to the reluctance of the parents to give information regarding the attacks on their children, there is another factor which is of great importance and extreme interest as it relates to the difficulty in delving into the problem of parental neglect and abuse. This is the fact that physicians have great difficulty both in believing that parents could have attacked their children and in undertaking the essential questioning of parents on this subject. Many physicians find it hard to believe that such an attack could have occurred and they attempt to obliterate such suspicions from their minds, even in the face of obvious circumstantial evidence. The reason for this is not clearly understood. One possibility is that the arousal of the physician's antipathy in response to such situations is so great that it is easier for the physician to deny the possibility of such attack than to have to deal with the excessive anger which surges up in him when he realizes the truth of the situation. Furthermore, the physician's training and personality usually makes it quite difficult for him to assume the role of policeman or district attorney and start questioning patients as if he were investigating a crime. The humanitarian-minded physician finds it most difficult to proceed when he is met with protestations of innocence from the aggressive parent, especially when the battered child was brought to him voluntarily.

Although the technique wherein the physician obtains the necessary information in cases of child beating is not adequately solved, certain routes of questioning have been particularly fruitful in some cases. One spouse may be asked about the other spouse in relation to unusual or curious behavior or for direct description of dealings with the baby. Clues to the parents' character and pattern of response may be obtained by asking questions about sources of worry and tension. Revealing answers may be brought out by questions concerning the baby such as. "Does he cry a lot? Is he stubborn? Does he obey well? Does he eat well? Do you have problems in controlling him?" A few general questions concerning the parents' own ideas of how they themselves were brought up may bring forth illuminating answers; interviews with grandparents or other relatives may elicit additional suggestive data. In some cases, psychological tests may disclose strong aggressive tendencies, impulsive behavior, and lack of adequate mechanisms of controlling impulsive behavior. In other cases only prolonged contact in a psychotherapeutic milieu will lead to a complete understanding of the background and circumstances surrounding the parental attack. Observation by nurses or other ancillary personnel of the behavior of the parents in relation to the hospitalized infant is often extremely valuable.

The following 2 condensed case histories depict some of the problems encountered in dealing with the battered-child syndrome.

REPORT OF CASES

CASE 1.—The patient was brought to the hospital at the age of 3 months because of enlargement of the head, convulsions, and spells of unconsciousness. Examination revealed bilateral subdural hematomas, which were later operated upon with great improvement in physical status. There had been a hospital admission at the age of one month because of a fracture of the right femur, sustained "when the baby turned over in the crib and caught its leg in the slats." There was no history of any head trauma except "when the baby was in the other hospital a child threw a little toy at her and hit her in the head." The father had never been alone with the baby, and the symptoms of difficulty apeared to have begun when the mother had been caring for the baby. Both parents showed concern and requested the best possible care for their infant. The father, a graduate engineer, related instances of impulsive behavior, but these did not appear to be particularly abnormal, and he showed appropriate emotional concern over the baby's appearance and impending operation. The mother, aged 21, a high school graduate, was very warm, friendly, and gave all the appearance of having endeavored to be a good mother. However, it was noted by both nurses and physicians that she did not react as appropriately or seem as upset about the baby's appearance as did her husband. From interviews with the father and later with the mother, it became apparent that she had occasionally shown very impulsive, angry behavior, sometimes acting rather strangely and doing bizzare things which she could not explain nor remember. This was their first child and had resulted from an unwanted pregnancy which had occurred almost immediately after marriage and before the parents were ready for it. Early in pregnancy the mother had made statements about giving the baby away, but by the time of delivery she was apparently delighted with the baby and seemed to be quite fond of it. After many interviews, it became apparent that the mother had identified herself with her own mother who had also been unhappy with her first pregnancy and had frequently beaten her children. Despite very strong conscious wishes to be a kind, good mother, the mother of our patient was evidently repeating the behavior of her own mother toward herself. Although an admission of guilt was not obtained, it seemed likely that the mother was the one responsible for attacking the child; only after several months of treatment did the amnesia for the aggressive outbursts begin to lift. She responded well to treatment, but for a prolonged period after the infant left the hospital the mother was not allowed alone with her.

CASE 2.—This patient was admitted to the hospital at the age of 13 months with signs of central nervous system damage and was found to have a fractured skull. The parents were questioned closely, but no history of trauma could be elicited. After one week in the hospital no further treatment was deemed necessary, so the infant was discharged home in the care of her mother, only to return a few hours later with hemiparesis, a defect in vision, and a new depressed skull fracture on the other side of the head. There was no satisfactory explanation for the new skull fracture, but the mother denied having been involved in causing the injury, even though the history revealed that the child had changed markedly during the hour when the mother had been alone with her. The parents of this child were a young, middle-class couple who, in less than 2 years of marriage, had been separated, divorced, and remarried. Both felt that the infant had been unwanted and had come too soon in the marriage. The mother gave a history of having had a "nervous breakdown" during her teens. She had received psychiatric assistance because she had been markedly upset early in the pregnancy. Following an uneventful delivery, she had been depressed and had received further psychiatric aid and 4 electroshock treatments. The mother tended to gloss over the unhappiness during the pregnancy and stated that she was quite delighted when the baby was born. It is interesting to note that the baby's first symptoms of difficulty began the first day after its first birthday, suggesting an "anniversary reaction." On psychological and neurological examination, this mother showed definite signs of organic brain damage probably of lifelong duration and possibly related to her own prematurity. Apparently her significant intellectual defects had been camouflaged by an attitude of coy, naive, cooperative sweetness which distracted attention from her deficits. It was noteworthy that she had managed to complete a year of college work despite a borderline I.Q. It appeared that the impairment in mental functioning was probably the prime factor associated with poor control of aggressive impulses. It is known that some individuals may react with aggressive attack or psychosis when faced with demands beyond their intellectual capacity. This mother was not allowed to have unsupervised care of her child.

Up to the present time, therapeutic experience with the parents of battered children is minimal. Counseling carried on in social agencies has been far from successful or rewarding. We know of no reports of successful psychotherapy in such cases. In general, psychiatrists feel that treatment of the so-called psychopath or sociopath is rarely successful. Further psychological investigation of the character structure of attacking parents is sorely needed. Hopefully, better understanding of the mechanisms involved in the control and release of aggressive impulses will aid in the earlier diagnosis, prevention of attack, and treatment of parents, as well as give us better ability to predict the likelihood of further attack in the future. At present, there is no safe remedy in the situation except the separation of battered children from their insufficiently protective parents.

TECHNIQUES OF EVALUATION

A physician needs to have a high initial level of suspicion of the diagnosis of the battered-child syndrome in instances of subdural hematoma, multiple unexplained fractures at different stages of healing, failure to thrive, when soft tissue swellings or skin bruising are present, or in any other situation where the degree and type of injury is at variance with the history given regarding its occurrence or in any child who dies suddenly. Where the problem of parental abuse comes up for consideration, the physician should tell the parents that it is his opinion that the injury should not occur if the child were adequately protected, and he should indicate that he would welcome the parents giving him the full story so that he might be able to give greater assistance to them to prevent similar occurrences from taking place in the future. The idea that they can now help the child by giving a very complete history of circumstances surrounding the injury sometimes helps the parents feel that they are atoning for the wrong that they have done. But in many instances, regardless of the approach used in attempting to elicit a full story of the abusive incident(s), the parents will continue to deny that they were guilty of any wrongdoing. In talking with the parents, the physician may sometimes obtain added information by showing that he understands their problem and that he wishes to be of aid to them as well as to the child. He may help them reveal the circumstances of the injuries by pointing out reasons that they may use to explain their action. If it is suggested that "new parents sometimes lose their tempers and are a little too forceful in their actions, the parents may grasp such a statement as the excuse for their actions. Interrogation should be angry or hostile but should be sympathetic and quiet with the physician indicating his assurance that the diagnosis is well established on the basis of objective findings and that all parties, including the parents, have an obligation to avoid a repetition of the circumstances leading to the trauma. The doctor should recognize that bringing the child for medical attention in itself does not necessarily indicate that the parents were innocent of wrongdoing and are showing proper concern; trauma may have been inflicted during times of uncontrollable temporary rage. Regardless of the physician's personal reluctance to become involved, complete investigation is necessary for the child's protection so that a decision can be made as to the necessity of placing the child away from the parents until matters are fully clarified.

Often, the guilty parent is the one who gives the impression of being the more normal. In 2 recent instances young physicians have assumed that the mother was at fault because she was unkempt and depressed while the father in each case a military man with good grooming and polite manners, turned out to be the psychopathic member of the family. In these instances it became apparent that the mother had good reason to be depressed.

RADIOLOGIC FEATURES

Radiologic examination plays 2 main roles in the problem of child-abuse. Initially, it is a tool for case finding, and, subsequently, it is useful as a guide in management.

The diagnostic signs result from a combination of circumstances: age of the patient, nature of the injury, the time that has elapsed before the examination is carried out, and whether the traumatic episode was repeated or occurred only once.

Age.—As a general rule, the children are under 3 years of age; most, in fact are infants. In this age group the relative amount of radiolucent cartilage is great; therefore, anatomical disruptions of cartilage without gross deformity are radiologically invisible or difficult to demonstrate. Since the periosteum of infants is less securely attached to the underlying bone than in older children and adults, it is more easily and extensively stripped from the shaft by hemorrhage than in older patients. In infancy massive subperiosteal hematomas may follow injury and elevate the active periosteum so that new bone formation can take place around and remote from the parent shaft.

Nature of Injury.—The ease and frequency with which a child is seized by his arms or legs make injuries to the appendicular skeleton the most common in this syndrome. Even when bony injuries are present elsewhere, e.g., skull, spine, or ribs, signs of injuries to the extremities are usually present. The extremities are the "handles" for rough handling, whether the arm is pulled to bring a reluctant child to his feet or to speed his ascent upstairs or whether the legs are held while swinging the tiny body in a punitive way or in an attempt to enforce corrective measures. The forces applied by an adult hand in grasping and seizing usually involve traction and torsion; these are the forces most likely to porduce epiphysical separations and periosteal shearing. Shaft fractures result from direct blows or from bending and compression forces.

Time After Injury That the X-Ray Examination Is Made.—This is important in evaluating known or suspected cases of child-abuse. Unless gross fractures, dislocations, or epiphysical separations were produced, no signs of bone injury are found during the first week after a specific injury. Reparative changes may first become manifest about 12 to 14 days after the injury and can increase over the subsequent weeks depending on the extent of initial injury and the degree of repetition. Reparative changes are more active in the growing bones of children than in adults and are reflected radiologically in the excessive new bone reaction. Histologically, the reaction has been confused with neoplastic change by those unfamiliar with the vigorous reactions of young growing tissue.

Repetition of Injury.—This is probably the most important factor in producing diagnostic radiologic signs of the syndrome. The findings may depend on diminished unmobilization of an injured bone leading to recurring macro- and microtrauma in the area of injury and healing, with accompanying excessive local reaction and hemorrhage, and ultimately, exaggerated repair. Secondly, repetitive injury may produce bone lesions in one area at one time, and in another area at another, producing lesions in several areas and in different stages of healing.

Thus, the classical radiologic features of the battered-child syndrome are usually found in the appendicular skeleton in very young children. There may be irregularities of mineralization in the metaphyses of some of the major tubular bones with slight malalignment of the adjacent epiphyseal ossification center. An overt fracture may be present in another bone. Elsewhere, there may be abundant and active but well-calcified subperiosteal reaction with widening from the shaft toward one end of the bone. One or more bones may demonstrate distinctly thickened cortices, residuals of previously healed periosteal reactions. In addition, the radiographic features of a subdural hematoma with or without obvious skull fracture may be present.

Differential Diagnosis.—The radiologic features are so distinct that other diseases generally are considered only because of the reluctance to accept the implications of the bony lesions. Unless certain aspects of bone healing are considered, the pertinent findings may be missed. In many cases roentgenographic examination is only undertaken soon after known injury; if a fracture is found. reexamination is done after reduction and immobilization; and if satisfactory positioning has been obtained, the next examination is usually not carried out for a period of 6 weeks when the cast is removed. Any interval films that may have been taken prior to this time probably would have been unsatisfactory since the fine details of the bony lesions would have been obscured by the cast. If fragmentation and bone production are seen, they are considered to be evidence of repair rather than manifestations of multiple or repetitive trauma. If obvious fracture or the knowledge of injury is absent the bony changes may be considered to be the result of scurvy, syphilis, infantile cortical hyperostoses, or other conditions. The distribution of lesions in the abused child is unrelated to rates of growth; moreover, an extensive lesion may be present at the slow-growing end of a bone which otherwise is normally mineralized and shows no evidence of metabolic disorder at its rapidly growing end.

Scurvy is commonly suggested as an alternative diagnosis, since it also produces large calcifying subperiosteal hemorrhages due to trauma and local exaggerations most marked in areas of rapid growth. However, scurvy is a systemic disease in which all of the bones show the generalized osteoporosis associated with the disease. The dictary histories of most children with recognized trauma have not been grossly abnormal, and whenever the vitamin C content of the blood has been determined, it has been normal.

In the first months of life *syphilis* can result in metaphyseal and periosteal lesions similar to those under discussion. However, the bone lesions of syphilis tend to be symmetrical and are usually accompanied by other stigmata of the disease. Serological tests should be obtained in questionable cases.

Osteogenesis imperfecta also has bony changes which may be confused with those due to trauma, but it too is a generalized disease, and evidence of the disorder should be present in the bones which are not involved in the disruptive-productive reaction. Even when skull fractures are present, the mosaic ossification pattern of the cranial vault, characteristic of osteogenesis imperfecta, is not seen in the battered-child syndrome. Fractures in ostegenesis imperfecta are commonly of the shafts; they usually occur in the metaphyseal regions in the battered-child syndrome. Blue sclerae, skeletal deformities, and a family history of similar abnormalities were absent in reported instances of children with unrecognized trauma.

Productive diaphyseal lesions may occur in *infantile cortical hyperostosis*, but the metaphyseal lesions of unrecognized trauma easily serve to differentiate the 2 conditions. The characteristic mandibular involvement of infantile cortical hyperostosis does not occur following trauma although obvious mandibular fracture may be produced.

Evidence that repetitive unrecognized trauma is the cause of the bony changes found in the battered-child syndrome is, in part, derived from the finding that similar roentgenographic findings are present in *paraplegic patients with sensory deficit* and in patients with *congenital indifference to pain;* in both of whom similar pathogenic mechanisms operate. In paraplegic children unappreciated injuries have resulted in radiologic pictures with irregular metaphyseal rarefactions, exaggerated subperiosteal new bone formation, and ultimate healing with residual external cortical thickening comparable to those in the battered-child syndrome. In paraplegic adults, excessive callus may form as a consequence of the lack of immobilization, and the lesion may be erroneously diagnosed as osteogenic sarcoma. In children with congenital indifference (or insensitivity) to pain, identical radiologic manifestations may be found.

To summarize, the radiologic manifestations of trauma are specific, and the metaphyseal lesions in particular occur in no other disease of which we are aware. The findings permit a radiologic diagnosis even when the clinical history seems to refute the possibility of trauma. Under such circumstances, the history must be reviewed, and the child's environment, carefully investigated.

MANAGEMENT

The principal concern of the physician should be to make the correct diagnosis so that he can institute proper therapy and make certain that a similar event will not occur again. He should report possible willful trauma to the police department or any special children's protective service that operates in his community. The report that he makes should be restricted to the objective findings which can be verified and, where possible, should be supported by photographs and roentgenograms. For hospitalized patients, the hospital director and the social service department should be notified. In many states the hospital is also required to report any case of possible unexplained injury to the proper authorities. The physician should acquaint himself with the facilities available in private and public agencies that provide protective services for children. These include children's humane societies, divisions of welfare departments, and societies for the prevention of cruelty to children. These, as well as the police department, maintain a close association with the juvenile court. Any of these agencies may be of assistance in bringing the case before the court which alone has the legal power to sustain a dependency petition for temporary or permanent separation of the child from the parents' custody. In addition to the legal investigation, it is usually helpful to have an evaluation of the psychological and social factors in the case; this should be started while the child is still in the hospital. If necessary, a court order should be obtained so that such investigation may be performed.

In many instances the prompt return of the child to the home is contraindicated because of the threat that additional trauma offers to the child's health and life. Temporary placement with relatives or in a well-supervised foster home is often indicated in order to prevent further tragic injury or death to a child who is returned too soon to the original dangerous environment. All too often, despite the apparent cooperativeness of the parents and their apparent desire to have the child with them, the child returns to his home only to be assaulted again and suffer permanent brain damage or death. Therefore, the bias should be in favor of the child's safety; everything should be done to prevent repeated trauma, and the physician should not be satisfied to return the child to an environment where even a moderate risk of repetition exists.

SUMMARY

The battered-child syndrome, a clinical condition in young children who have received serious physical abuse, is a freqeunt cause of permanent injury or death. Although the findings are quite variable, the syndrome should be considered in any child exhibiting evidence of possible trauma or neglect (fracture of any bone, subdural hematoma. multiple soft tissue injuries, poor skin hygiene, or malnutrition) or where there is a marked discrepancy between the clinical findings and the historical data as supplied by the parents. In cases where a history of specific injury is not available, or in any child who dies suddenly, roentgenograms of the entire skeleton should still be obtained in order to ascertain the presence of characteristic multiple bony lesions in various stages of healing.

Psychiatric factors are probably of prime importance in the pathogenesis of the disorder, but our knowledge of these factors is limited. Parents who inflict abuse on their children do not necessarily have psychopathic or sociopathic personalities or come from borderline socioeconomic groups, although most published cases have been in these categories. In most cases some defect in character structure is probably present; often parents may be repeating the type of child care practiced on them in their childhood.

Physicians, because of their own feelings and their difficulty in playing a role that they find hard to assume, may have great reluctance in believing that parents were guilty of abuse. They may also find it difficult to initiate proper investigation so as to assure adequate management of the case. Above all, the physician's duty and responsibility to the child requires a full evaluation of the problem and a guarantee that the expected repetition of trauma will not be permitted to occur.

HELP NEEDED FOR THE ABUSED CHILD

Mr. RANDOLPH. Mr. President, one of the most alarming and frustrating problems that we are faced with in this country is the increasing number of cases of the battered or abused child.

The cases of child abuse that most frequently come to the attention of the American people involve fatal or near-fatal beatings. However, there are many cases of maltreated and neglected children that go unnoticed and undetected.

The problem of the abused child is not new to this country. The first reported case was recorded in New York City in 1874. Due to a greater exposure by the press and television, cases of child abuse are reaching the American household more and more, pointing out the shocking reality of the problem.

Although there are no valid statistics that do point to an average national incidence, existing evidence indicated that reported cases are growing in alarming proportions. Of greater importance are estimates that for every reported case of the abused child, there are 10 to 100 cases that are not reported. Educated estimates in medical journals and studies conducted on this problem place the probable national incidence at over 10,000 per year.

There is a need for a national priority to halt the spreading disease of child abuse. Perhaps efforts in the past have been stymied by a reluctance on the part of people to believe that parents can physically beat or neglect their children. Many cases have gone undetected or have been swept under the rug out of reluctance on the part of responsible citizens to get involved.

We have a moral responsibility to do whatever possible to protect our children and insure their rights to a healthy and normal childhood. To determine the scope of the problem of child abuse is a difficult task. Many States have expanded their laws to improve existing statutes on the mistreated child.

A 3-year period between 1967 and 1970 saw an outpouring of legislative efforts on the part of many States in dealing with child care laws; 27 States and two territories have amended their statutes with respect to child abuse laws. All 50 States now have some form of child abuse codes.

However, there is no consistent policy on reporting procedures or requirements for those who must report known cases of battered children. The trend among the States seem to be toward expanding the reporting process beyond the medical profession into professional welfare and social workers. Yet the inadequacies of State laws are many. Where laws do exist there remains a problem of making people who may be interested aware of the routes for reporting incidences of child beatings. A national policy setting forth procedures for the reporting of incidences of child abuse, involving a simplification of the reporting process and setting exemptions for involvement of responsible professionals who are required to report, would give new direction to efforts in lessening this dread disease.

We must not stop in our attempts to help the abused child by only requiring stricter and expanded reporting procedures. In many cases the parent who abuses a child often has a history of being an abused child. Feelings of anxiety or frustration at home may also lead to child abuse or neglect on the part of the parent.

In the past the trend has been toward a strict legal penalty for the parent who has abused the child. Perhaps we need to pursue a new direction toward treatment of the parent as well as the child. Many parents through proper care can once again be united with their family.

Our responsibility, however, must also remain with the children to see that they are provided with adequate care. It is important in the rehabilitation process for the child to be provided with a normal, homelike atmosphere.

Demonstration or pilot projects should be established to test the success of programs dealing with the abused child. There are many fine centers and projects already in existence that could serve as a foundation for such a program. In my home State of West Virginia we have one such center which has been successful in meeting the needs of needy and abused children.

The Sugar Creek Children's Center near Philippi, W. Va., was established by two women, Mrs. Dawn Norman and Miss Emily Sturm, who left their careers as probation officers in California to travel to West Virginia. The center is run independently by the two ladies. Their idea originally was to establish a summer camp for affluent children, but these plans did not materialize. Mrs. Norman and Miss Sturm have moved forward, however, with a home for needy children—not needy in monetary terms alone, but children who need a homelike atmosphere, who need love and affection, who need good physical care, and who need responsibility. The property used for the center was donated by Miss Strum's family for their use.

The center's first resident was a 12-year-old boy who had been beaten with a chain by his father and had run away from home. A social worker approached Miss Sturm and Mrs. Norman and asked them to keep this youngster until he could be placed in a home. At that point in time the ladies were constructing the building which now houses the children, usually no more than 10, but they had room in their hearts and their campsite for a battered 12-year old boy.

While the center serves as a home for delinquent children, no child in need of a home and care is turned away. In previous years, youngsters awaiting trial were sometimes placed in State correctional institutions because there was no suitable place for them to be housed. Perhaps we shall never know how many of these children were products of homes with mental and physical abuse. Could a stay in jail or an industrial home be an improvement over their home environments? Local judges do not think so and have been enthusiastic in their support and endorsement of this home. The ladies, with their wealth of experience in working with juveniles, are quick to point out that institutional living is certainly less than ideal and that children need a home-like atmosphere where they are participants as well as residents. Sugar Creek Children's Center can and should serve as an example to other communities in the care of children.

In September of last year I visited the Sugar Creek Center and saw the fine work that Miss Sturm and Mrs. Norman have done for the children and for their community.

One of our goals in aiding the abused child must be to see that States are allocated money to ensure that their programs are funded properly. Such existing programs as Sugar Creek and State institutions could be much more successful in meeting the needs of our youngsters if they were given more support from the State and Federal level.

A greater public awareness of what the problem is and what must be done are necessary if meaningful progress is to be made in lessening the incidences of child abuse. Certainly, if more people were aware of the procedures for reporting and what can be done to treat both the child and the parent, more cases would be reported and more abused children could be cared for. In many cases the neglected or abused child, if not detected and treated, may end up on the roles of juvenile offenders. Adequate programs for training professional personnel are necessary if we are to detect, treat and rehabilitate the battered or neglected child.

As a member of the Subcommittee on Children and Youth of the Committee on Labor and Public Welfare, I commend the foresight and leadership that Senator **MONDALE** has displayed in initiating legislation and calling for hearings in this area of vital need. It is my hope that through hearings we can better come to grips with this crippling and often fatal disease and draft meaningful legislation to deal with the shocking problems of child abuse.

I ask unanimous consent that articles published in the Elkins, W. Va., Inter-Mountain, the Charleston Gazette, and the Ms Magazine describing the fine work done by Miss Sturm and Mrs. Norman at the Sugar Creek Children's Center be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Elkins (W. Va.) Inter-Mountain, Sept. 1, 1972]

SUGAR CREEK "HOME" ESTABLISHED BY TWO WOMEN TERMED "PHENOMENAL"

(By Paul Frank)

The dream of a summer camp for rich kids—hatched in Los Angeles by professional probation officers Emily Sturm and Dawn Norman—never has become real.

Instead, after carting their life savings out of the big city and spending every cent on Miss Sturm's 47-acre Sugar Creek farm in Barbour County, the two women have created a home for delinquent and neglected children. Perhaps the best in the United States, the Sugar Creek Children's Center may not survive without quick financial support.

The Center, in the three years since it began with two sleeping bags tossed across the ground and a skinny-dipping bath in the Sugar Creek, has done work described by a United States Senator as "phenomenal."

Sitting in his shirtsleeves in the modern-looking living room of a five-bedroom home built by the foolish California women and the 65 children who have passed through the Center, U.S. Sen. Jennings Randolph leaned forward to entreat a "phenomenal" story from Miss Sturm. For all her professional life, she has been a probation officer, but her voice is a mixture of motherhood and best girl.

"They asked us if we would take a federal felon," Miss Sturm began. "We were expecting John Dillinger, Jr." What appeared was a 12-year-old boy, Arthur, unable to speak, who'd had only 31 days of school in his entire life. Arthur crawled into the Center on his hands and knees. Dubbed "untrainable" by a social worker, Arthur was listed as a custodial case—we were told he would have to be cared for the rest of his life.

In six months at the Center, Arthur learned to read, write, speak, sit up at a table and eat with utensils—a long way from the home where he was fed off a plate on a dirt floor. He grew from a size eight to a size 14 in clothes—a long way from the days when, at the age of two, he was diagnosed as malnourished but returned to his parents.

No matter how much Arthur ate, he still hid his food under his pillow at night—even his mashed potatoes. "Even though there had been plenty of food that day," Miss Sturm remembers, "he couldn't quite believe there would be more tomorrow."

"Like a dog who buries his bone," said Paul Jenkins, executive vice-president of the Benedum Foundation which might help out financially in the near future.

"Yes," Miss Sturm agreed. "When he stopped hiding his food, we knew he felt more secure."

This kind of aid—for 65 children in three years—began in the summer of 1969 when the two women arrived from Los Angeles. Professional probation officers in that city, they had withdrawn their retirement money to start a summer camp for affluent children.

"We didn't know there weren't any building codes for camps," Dawn Norman explained. Barbour County officials first became aware of the women's presence when they came to find out what regulations would have to be abided by. By then, people began remarking on the "foolishness" of certain females from California.

But within a short time, the Department of Welfare showed up with a 13-year-old boy who bore chain marks from a time when he was tied to a tree and beaten. A runaway, he was captured, classed as "incorrigible" and jailed as an adult.

"The man in the next cell hung himself," it was explained. "The boy had to go through all that."

Now almost 17, the boy is learning how to drive bulldozers in Charleston.

The women, both professionals, are unlikely to accept any nonsense in order to get the money they need. When asked how much she wanted the center to grow, Mrs. Norman replied "Not at all."

At least one of the reasons is out-of-date regulations governing places like the Center that have ten or more children. Such regulations as keeping peanut butter in the refrigerator, making sure the dog has sleeping quarters maintained between 60 and 68 degrees, buying a dishwasher that costs hundreds and hundreds of dollars more than the small one that is needed—these are some of the reasons why the Center has never had more than nine children. It currently has eight. Six were turned away in May, two in June. More will be denied entrance in the future, due to lack of money and womanpower.

"But maybe it wouldn't be politic to say those things," Mrs. Norman commented as she walked away. Not quite out of earshot, she mumbled an indication that perhaps it wouldn't be too impolitic, either.

Both women apparently agree, however, that the best reason for keeping the Center small is the concept of a "group home"—good, solid familiar relationships and a place to come home to.

The concept began on a locally supported basis in Boulder, Colo. in October of 1966. Since then, others have been formed in Fort Collins, Colo. as well as Ferndale, Mich.

Since Sugar Creek in West Virginia, more homelike centers for children have been developed at Martinsburg, Morgantown and Welch, and more are under consideration. Sugar Creek, with what has been called "a bootstrap approach" from Mrs. Norman and Miss Sturm, is the sort of operation that elicits heavy praise and admiration from U.S. Senators.

Mrs. Norman wants to see dozens of such homes opened up everywhere, homes that could provide a real solution to the problems of juvenile delinquents and neglected children.

The alternative, points out Jenkins of the Benedum Foundation, is places like Pruntytown. While Benedum's vice-president was quick to point out that the state institution was no better or worse than thousands of others across the country, it nevertheless regularly turns out homosexuals and trained criminals.

"There's nothing like Sugar Creek," Jenkins said during a visit to the home on Thursday afternoon. A proposal for a grant to the Center is expected to come up before the board of directors of the Benedum Foundation at a meeting set for Sept. 11. Sen. Randolph is a member of the board of directors of the Benedum Foundation and is anxious for the grant to be made.

"Those damn fool women from California" have not been alone in their task, however. Help has come from many churches in the area, the most active of which has been the Methodist Church, despite the fact that neither the women are Methodist.

The Heart and Hand House in Philippi called up one day to say they were sending over 45 young people from Michigan who would more than double the size of the Center's housing, adding four bedrooms, two baths, a living room, playroom, closet space.

"That's very fine," Dawn Norman told them. "But we have no money for materials."

"Charge it," came the reply. Later, a community fund drive raised $3,000 in cash to pay for the materials.

Help came from Randolph County, in one instance, when the Elkins Builders Supply Corporation donated bathroom fixtures. Randolph County Circuit Court Judge George Triplett—who himself has sentenced youths to the Center—installed the fixtures and finished off the bathroom.

Both Judge Triplett and Judge Edward Luff of Barbour County have nothing but praise for the Center and the kind of work being done here. Both Judge Luff and Barbour County prosecuting attorney Caton Hill are said to take every opportunity they have to make use of the Center.

Judge Luff has termed the work being done at the Center as "unbelievable. In fact, I do not believe there is another home in the State of West Virginia and perhaps even in the United States that is operated under the conditions that this home is operated, and where such success has been realized without having to send youngsters to industrial homes."

Since the home began, Judge Luff said he had been required to send only one juvenile to an industrial home, and judicial referrals have come from four other counties as well, including Taylor, Harrison, Randolph and Lewis.

Life at the center is a long way from punishment. With room to run in the woods, a stream for fishing and swimming and no neighbors close enough to be disturbed by any amount of noise. Projects initiated and carried out by the children with a minimum of adult interference are encouraged.

Tree houses and cabins have been built and a tunnel constructed. Picking berries, building dams, making whistles and slingshots, collecting butterflies and insects, crawdads, flowers and wildlife, sledding and skiing in the winter and fierce snowball battles at Christmastime—this, along with a current project of building a garage plus daily routine of chores and schoolwork, is the life at Sugar Creek.

Looking back on the last three years, Dawn Norman wears a smile as she remembers the plans for a camp for rich kids. "We never have gotten to it," she says.

Thinking about the time the women traded in their motorcycle for two horses, any fool can see they never will.

[From the Charleston (W. Va.) Gazette]

DELINQUENT CHILDREN GET HOME

(By Roslie Earle)

PHILLIPPI.—With plans of running a summer camp for children from affluent families and spending quiet winters reading and writing, Mrs. Dawn Norman, 52, and Miss Emily Sturm, 42, quit their jobs as probation officers in Los Angeles and moved to West Virginia.

Now, four years later, instead of a summer camp located on the 47-acre lot near Philippi, the women are operating the Sugar Creek Children's Center, a group home for delinquent youths.

But they have no regrets about the change in their plans. "The need is so terrific. The hardest thing about it is turning people away," said Miss Sturm, a native of Philippi.

She said they have a total of 70 children in their home over the past three years. They now have nine children, which is all they are allowed to have under the law, and there are 30 children on a waiting list.

In fact, the decision to become a group-home wasn't actually theirs. "It was kinda like topsy, it all just grew," commented Miss Sturm.

When Mrs. Norman and Miss Sturm moved to the land, donated by Miss Sturm's family, they began clearing the area and building a house by themselves with the help of a 72-year-old handyman.

Around Philippi, where Miss Sturm's father is assistant postmaster, they were known "as those fool women from California."

In the midst of working around the clock on the building, a social worker asked them if they would take a 12-year-old boy for a few days. The youth had been beaten with a chain by his father and had no place to go.

What was supposed to be a few days, stretched into two years. And in that time, the youth had plenty of company.

The first year of the Sugar Creek Children's Center was dreadful, Miss Sturm said. Their home consisted of one bedroom with six bunks for the children and a large living room-kitchen where they slept. "If we had a girl staying here, she slept in the living room with us."

Fortunately, they received the help of a group of Methodist students from Michigan. The group stayed at Sugar Creek about three weeks and helped build the shell or four more bedrooms, a parlor, recreation room and a second bath.

For the first three years, Mrs. Norman and Miss Sturm got no salary and managed to keep the center going on the welfare checks they received for each child.

Sugar Creek is now considered a group home (10 children would classify the center as an institution, nine children is a group home) and Miss Sturm said they receive funding from the Safe Streets Act through the Governor's Commission on Crime, Delinquency, and Correction.

However, the funding is contingent upon matching funds, which expire in April. Miss Sturm said they hoped to raise enough funds from individual contributions.

The women decided to leave California both because of the crowded conditions in Los Angeles and because of their unhappiness with their work in the State institutions.

The probation institution in Los Angeles is the biggest in the world and has everything to work with. However, Miss Sturm said, "Institutions do horrible things to children . . . There was no physical mistreatment, but's it hard to explain what living under those conditions are like. The simple things that deteriorate children."

Small, group homes, she believes, is the answer. "Children need a family and a home," she added.

And Miss Sturm credited the success of Sugar Creek largely to Circuit Court Judge Edward Luff. "He cares about what happens to children and he has worked with us and helped us. It's necessary to have judges who want these kids to have a chance."

All the children help Mrs. Norman and Miss Sturm with the daily chores. Miss Sturm said there were no boy or girl type duties, but all did what had to be done.

"That's another thing about institutions. Children have no responsibility. In a family, ideally speaking, they do. It makes a tremendous amount of difference," she said.

She noted that none of the 70 children they kept have ever run away although she knows some day one will.

Miss Sturm said Sugar Creek was first considered a detention home and they could only keep the children for 90 days. Now that the center is a group home, she said the children stay as long as they need to.

The women were recently honored by Ms. Magazine for their contributions in the magazine's new feature "Found Women." While in New York as guests of the magazine, Miss Sturm said she was one of three women who appeared on the Today Show.

[From the "Ms." magazine, January, 1973]

Dawn Norman, 52, Emily Sturm, 42—Directors, Sugar Creek Children's Center, Philippi, West Virginia. Three years ago, Dawn Norman and Emily Sturm, 20-year juvenile probation officers in Los Angeles, quit their jobs and headed for West Virginia, where Emily's family had given them a 47-acre plot of wasteland. The original plan was to open a summer camp. They hired a 72-year-old handyman and undertook the arduous task of clearing the land and erecting buildings themselves.

"Every delivery man and superintendent—sidewalk, that is—told us what we were doing was impossible," Dawn remembers. "But we insulated, plumbed, paneled, dug ditches, mixed mortar, laid block. If it had to be done, we did it. We didn't know we had so many hidden talents—having grown up as 'city kids'."

In the midst of the chaos, a social worker from the local Department of Welfare dropped by to ask if they would keep a 12-year-old boy for a few days. He had run away after being beaten with a chain by his father. He would have to remain in jail if a home couldn't be found before a decision could be made about his custody. "We were still camping in our building mess," Dawn reveals. "We'd work all day, drive Mr. Smith, our handyman, back into town, then clean up the building mess, cook dinner and take our 'skinny dip' in Sugar Creek and literally fell into bed. We thought the social worker was a little insane to even ask us to keep the boy, but if he needed a home we'd be willing. That opened the door to Sugar Creek Children's Center and that first boy was with us for two years. In three years, we have had more than sixty children."

Emily and Dawn refer to Sugar Creek's first year as "hairy." With only two rooms completed, logistical ingenuity was in order—as were 24-hour shifts.

"We worked without any salary, and by this time we had spent all our savings on the building," Emily says. "We received seventy-five dollars per month per child, and that was it. As I look back, I don't know how we survived. We had no help."

Then the miracle happened. The local Methodist Church wondered if Sugar Creek could use a group of 45 youthful volunteers from Michigan, who wanted to come to West Virginia for a three-week work program. The Michigan group helped build four more bedrooms, a second living room, space for a second bath, the shell of a new building, and, before they left, donated a freezer, TV, and $500. That prompted the town's generosity; more money was raised, and as Dawn recalls, "Emily and I were back in the carpenter business. We had to finish the whole inside of the new building. All this, plus taking care of the seven children who were living with us. We were now receiving two hundred dollars per month as an Attention Home. This funding has kept us alive."

About this time students from nearby Alderson-Broaddus College became interested in Sugar Creek. "The college students have given of themselves to our children, and real friendships have been formed on a 'big brother and sister' basis," says Dawn.

Interest in Dawn and Emily's work has snow-balled, and Sugar Creek is currently receiving funding from several local groups and from the Governor's Committee on Crime, Delinquency, and Correction. Last May, Dawn and Emily began drawing their first salary checks in three years. "We have gained the respect and the help of the community. We are no longer called 'those fool women from California.' We have had help, but we know in our hearts that we are the spirit of Sugar Creek. We know we have created a home for children whom no one wanted; who would now be in penal institutions if we weren't here. We had to be a little crazy to start such a project. We're not saints by a long shot, just two women on a West Virginia hillside. We did build Sugar Creek Children's Center with our bare hands, with our guts, with tears and laughter. We have created a miracle."

FARMERS HOME ADMINISTRATOR JAMES V. SMITH

Mr. THURMOND. Mr. President. I am proud of South Carolina's record of improving living conditions in the rural areas in recent years,

Last year, more than 6,000 deficient dwellings were replaced with new houses valued at nearly $93 million dollars. These new homes have been financed for family ownership through the Farmers Home Administration under the rural program. Further, this new housing effort represents homes, not merely units of tenant housing, apartments, or public housing.

Mr. President, more than half of 25,000 family-owned homes now under Farmers Home Administration financing in South Carolina have been built under the present programs. They represent over $250 million of construction. Over 900 builders are active in rural counties, and over 20,000 workers are employed throughout the State in this effort.

I appreciate the interest taken in our progress by Administrator James V. Smith of the Farmers Home Administration. Mr. Smith has proved himself to be one of the most capable administrators in our Federal Government, and has guided the Farmers Home Administration through recent years of expanding responsibility.

Mr. President, Jim Smith was no stranger to the needs of rural America when he was appointed Administrator of the Farmers Home Administration by President Nixon. He had rendered distinguished service in the House of Representatives from the Sixth District of Oklahoma, and he had served on the House Armed Services Committee. He had been a wheat, cotton, and cattle farmer in Grady County, Okla., and had won many honors for service to his community.

As Administrator of the Farmers Home Administration, Jim Smith has continued to render distinguished service to his Nation. Jim Smith has always used his talents for the benefit of the people he has served, and we are all indebted to him for his untiring efforts in behalf of our farmers at the national level.

Mr. President, I commend Jim Smith for the record he has established at the Farmers Home Administration, and thank him for his fine cooperation as I have sought to work with our farmers in an effort to improve living conditions in the rural areas of South Carolina. The entire Nation is indebted to Jim Smith for the distinguished service he has rendered to rural America.

HURON EDITOR URGES OAHE IRRIGATION PROGRESS

Mr. McGOVERN. Mr. President, when Congress enacted the Flood Control Act of 1944, creating what is known in my State as the Pick-Sloan plan for development of the Missouri River, the people of South Dakota agreed willingly to give up several hundred thousand acres of choice river bottomland for the reservoirs along the main stem of the Missouri.

They did this because this was their

contribution to an overall program to tame the Missouri and provide flood control; municipal, industrial, and farm water supply; low-cost hydroelectric power; navigation on the lower reaches of the river; recreation, fishing and wildlife enhancement; and irrigation water to end the "boom or bust" cycle which afflicted much of dryland South Dakota.

Many of these objectives of the Missouri River Basin project have been realized. But in South Dakota, almost 30 years after the enactment of the project, we have yet to see an acre of farmland irrigated by the Oahe irrigation project, the principal irrigation feature of the overall project.

Mr. President, the editor of the Huron, S. Dak., Daily Plainsman, has been an able and articulate supporter of the Oahe irrigation project. He wrote a thoughtful and accurate editorial, published in his newspaper on Sunday, February 4, 1973. Members of Congress should have the benefit of his views. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Oahe Should Not Be Allowed To Lag

A Department of the Interior release dated Jan. 27, which details proposed public power rate increases for 1974, provides some interesting comparisons.

Power rates will go up as much as 1.5 mills per kilowatt hour, in some areas. In North and South Dakota which are included in the eastern division of the Pick-Sloan Missouri Basin program the increase will be one half a mill and in the western division of the Missouri program it will only be .30 mill. These are the two lowest rate increases quoted, and there is a reason.

The Upper Missouri regional office of the Bureau of Reclamation informs us that, due to favorable weather and marketing conditions, it was possible to establish new record highs in hydroelectric generation and power revenues for the 12th consecutive year.

An aggregate of 15.9 billion kwh was delivered to 366 customers for a gross revenue of $81.5 million, an increase of $6.2 million over fiscal year 1971. This included 13.8 billion kwh to 257 customers for $68.1 million in the Eastern Division and provided $6 million of the increase over the previous year. The eastern division includes North Dakota, South Dakota and portions of Iowa, Minnesota, Montana and Nebraska.

All of the eastern division power is dispatched out of Watertown and all transmission lines with the exception of those in North Dakota and Northern Minnesota are built and maintained by the projects office in Huron.

Financial records for fiscal year 1972 indicate that, after meeting the annual operating expenses plus interest on the unpaid power investment, there was about $34.5 million for repayment of principal. The excellent operating record put the basin program $10 million ahead of repayment schedule by the end of fiscal 1972 and it has been estimated that it could be $25 million ahead by the end of fiscal 1973.

All of this adds up to the fact that the Pick-Sloan Missouri Basin Program is one that has worked out even better than planned; at least it has from the power production angle.

Irrigation, which was just as important to the original plan as power, has not fared so well. And the Oahe project in South Dakota has lagged behind North Dakota.

Construction of Oahe was funded for construction in the 1973 fiscal year budget for $1.5 million. An additional $1.5 million in construction funds was provided in the fiscal 1974 budget released last month.

The problem is that an orderly construction schedule for the Oahe unit would require around $7.5 million for fiscal 1974. Contracts for the parts of the project that will take the longest to build and that should be installed first, the pumps and pump house at Pierre, cannot be let because there has not been enough money budgeted in advance to pay for them. Consequently the new construction of the first vital portion must be delayed.

All of this does not mean that the project has been crippled. But it has been delayed. And if a sizable increase is not available this year, then it must be budgeted next year without fail or the whole construction plan will be out of kilter.

The Bureau of Reclamation has done an excellent job with the power portion of the basin plan. It has plans for doing an equally effective job with the irrigation part of it is permitted to operate on the schedule originally approved by the Office of Management and Budget.

If the plan is stretched out or built piecemeal, the costs and efficiency will only be decreased. It would be in the national interest as well as the interest of the state to accelerate the construction schedule, activating that contained in the original Definite Plan Report.

ECONOMIC AID TO SOUTHEAST ASIA

Mr. BELLMON. Mr. President, congressional action on a future program for economic aid to Southeast Asia is and will likely continue to be a matter of intense interest. My understanding of this issue was considerably broadened in reading an editorial published in the Wall Street Journal on February 12, 1973. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

On Aid to Hanoi

Postwar aid to North Vietnam is of course one of the things Henry Kissinger is currently discussing in Hanoi, and Secretary of State Rogers ran into heavy weather on the subject when he appeared before the House Foreign Affairs Committee last week. We can certainly sympathize with American opposition to paying for such aid, but it still seems to us that if the United States balks it will be cutting off its nose to spite its face.

We yield to few people in our revulsion at the behavior of the current regime in Hanoi. Few if any governments in history have been willing to squander a similar proportion of their citizens in designs of conquest. Hanoi's battlefield tactics, similarly, showed utter disregard for the lives of its own fighting men. Like most other Communist governments, it consolidated its power by systematic executions and terror in "land reform" campaigns. It also used systematic executions in South Vietnam when it briefly occupied Hue in 1968; estimates of the bodies in mass graves left during its retreat reach up to 2,800.

These executions, incidentally, excited no great ire among the American moralists who were outraged by the American bombings around Hanoi, which caused about half as many deaths and which did so much to end the long war. Many of these moralists still do not concede that the comparatively low death tolls in those bombings almost certainly prove they were directed at military targets, not civilian areas as suggested by such epithets as "carpet bombing" and "terror bombing."

Now an opposing set of moralists argues, far more consistently, that the United States should not aid a brutal and totalitarian regime that has recently been killing Americans. This is a natural human reaction, and as such deserves no little respect. But in the end, practically and perhaps except for gross extremes morally as well, American policies should not try to aid the deserving and punish the undeserving, but to create an international system in which all nations can live in peace.

In principle, it seems to us, postwar aid to Hanoi would be almost certain to advance this objective. We don't mean to be foolhardy about it. There is no great hurry; certainly we want the last prisoner back before we even talk about it much, and we certainly also want some better picture of Hanoi's behavior after the American troops are gone. It would be helpful, as Secretary Rogers suggested, to involve other nations in the total reconstruction program.

But to advance the prospects of peace in Indochina, we want to do everything we can to turn Hanoi's attention to its internal development, an emphasis that also might eventually lead to some slight moderation in its internal attitudes. We also want to create the kind of dependencies that would create some outside leverages on Hanoi, and would by their simple existence make it think twice about adventuristic policies.

This is the only conceivable route to real peace in the area, and thus to create a more benign international environment in which the United States and others can live. It is by no means a route guaranteed to work, but it is most emphatically not a route the United States should foreclose in anger, however justified. We have had enough grief from our Vietnam experience without ending it on a sour and self-defeating note.

WATERFOWL DYING BY THE MILLIONS FROM LEAD POISONING

Mr. HUGHES. Mr. President, outdoorsmen and lovers of wildlife have for years argued that lead poisoning may be killing as many ducks, geese, and other waterfowl as hunters do.

It is estimated that 6,000 tons of lead shot are lofted over the ponds and sloughs and other wetlands of the United States each year and ultimately comes to rest on the muddy bottoms of waterways, where the waterfowl feed. The result is catastrophe for upward of 2 million birds a year.

A partial solution is now in the offing, with the development of iron shot for use by hunters. A test of the new iron pellets was carried out last fall by the Bureau of Sport Fisheries and Wildlife on a number of national wildlife refuges, and the results were encouraging.

The State of Maryland is now considering whether to prohibit the use of lead shot altogether for hunting waterfowl.

Mr. President, I would welcome this decision by the State of Maryland, and I would hope that manufacturers of shotgun ammunition would accelerate production of iron shot so that the other States could consider similar action.

Our waterfowl are being slowly driven toward extinction—by channelizing rivers that have been wintering habitat, by draining the Northern wetlands that provide breeding grounds, and by other incursions by man into the sanctuaries of the waterfowl. Lead poisoning is only one factor contributing to the demise of these great flocks.

An excellent article on the lead shot problem, written by outdoors editor C. Boyd Pfeiffer, was published in the Washington Post of February 4. At my request, the Bureau of Sport Fisheries and Wildlife prepared a briefing paper on the status of the iron shot program.

Mr. President, I ask unanimous consent that the article and the briefing paper be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

LEAD SHOT CAN KILL A GOOSE MORE WAYS THAN ONE

(By C. Boyd Pfeiffer)

Lead shot kills waterfowl. That is obvious to every hunter who has ever aimed a shotgun at a duck or goose. What has not been obvious until recently is that lead shot also kills waterfowl later.

It poisons them, much as lead paint poisons children. The birds, who need grit for digestion, swallow lead shot pellets that lie in waterways, thinking they are pebbles. More than two million birds died in the U.S. in 1972 as a result.

Next week, Maryland is likely to become the first state to ban lead shot and insist that waterfowl hunters use iron-base shot instead.

The proposed change has pitted conservationists against manufacturers, brought doubt from sporting goods retailers—and made all sides realize that much more information on lead and iron shot is still necessary.

The issue in Maryland will come to a head Feb. 14 at a public hearing in Annapolis sponsored by the Department of Natural Resources.

The department's director, James B. Coulter, favors the lead shot ban, as does Ralph Bitely, chief of the Maryland Wildlife Administration. Unless there is vigorous opposition on the 14th, Bitely said he will recommend the lead shot ban for the 1973–74 season—"and any regulation that we propose, we feel that we need," he said.

The lead shot poisoning problem was first discovered in 1842, in Europe. In the U.S., though, the problem had not become especially noticeable until recently, when the number of hunters increased, the number of waterfowl decreased, and wetlands shrunk.

About 6,000 tons of lead shot are scattered over U.S. wetlands each year by hunters. About 2 million rounds a year are fired in Maryland.

"In our studies on mallards," said Frank Bellrose, a pioneer in toxicity studies and a staff member of the Illinois Natural History Survey, "one lead pellet will kill nine per cent of the birds, 23 per cent will die with three pellets, 36 per cent with four, 43 per cent with five, 50 per cent with six and 75 with more than six."

The National Wildlife Federation blames this toxicity rate on footdragging by the munitions industry. The industry replies that it has long been looking for an acceptable substitute—and thinks it has one in iron shot.

Gold, silver, iron, copper, ceramics, plastics, and plated metals have all been tried, with only soft iron shot proving to have acceptable properties. It does not poison birds and while it is not as ballistically efficient as lead shot, it is acceptable, according to a $100,000 industry study.

However, early industry claims that iron shot would score and deform shotgun barrels has done little to soothe the individual waterfowler. Subsequent tests, although not conclusive or exhaustive, show that barrel damage would result only in soft-iron barrels. Like those in some doublebarrel, over-and under and less expensive imported guns. Doublebarrel and over and under shotguns are not normally used in waterfowling.

It was the reported lead poisoning of more than 5,000 geese on Maryland's Eastern Shore last year that prompted Coulter to suggest the ban last April 13. He followed this with continued proposals, a ruling on the legality of the ban from the state attorney general, and a public meeting in the proposed ban Dec. 6. Few hunters turned out for the public meeting, indicating either acceptance of the proposed regulation or indifference to the problem.

The current proposal would prohibit the carrying or shooting of lead shot while hunting waterfowl within 100 yards of water. It differs from the draft proposal of December by deleting drainage ditches from the definition of "waters of the state." Drainage ditches only infrequently contain water, and are encountered in upland hunting, where lead shot would still be allowed.

The prohibition of lead shot in upland areas is not considered necessary because hunting there is widely scattered, in contrast to the build-up of shot around permanent waterfowl blinds year after year. Also, the feeding habits of upland game birds makes lead shot less of a poisoning danger.

After the Feb. 14 hearing, Bitely will examine all testimony, including any written comments received before Feb. 23.

Is is expected that he will recommend the proposal, Coulter will sign it, and it will take effect Oct. 1.

A regulation banning lead shot could also have been enacted through the state legislature, which would have given Eastern Shore representatives a chance to voice their opinions with more force and visibility than will be possible at the public hearing. Many Eastern Shoremen are highly critical of the proposed ban.

Not surprisingly, conservation groups are in favor of it, and many would like to see it extended nationwide. The National Wildlife Federation, through executive director Thomas A. Kimball, has been vociferous in its efforts to convince the Department of the Interior and the arms and ammunition companies that iron shot in waterfowling will save birds.

"We are equally concerned with the lead shot problem, and put the Interior Department on notice two years ago," said Roland Clement, vice president of biology for the National Audubon Society. At one point, the National Audubon society had threatened court action against the Department of the Interior to force a lead shot ban.

But not everyone agrees. While the arms and ammunition industry has been notified of the Maryland proposal from the start, they are reluctant to endorse iron shot, and plead for more time for further research.

One feeling, not yet proved because of conflicting studies, is that iron shot will cripple more birds than lead shot, and thus offset any reduced poisoning.

Meanwhile, local retailers say that a switch to iron shot will leave them overstocked with loads now used for waterfowl that they have always sold at reduced prices after the season. And some manufacturers say they will have difficulty distributing iron shot.

Bitely replies that as the proposal is written, lead shot would not be useless, because it would still be legal more than 100 yards from water. He adds that he has letters from major manufacturers that say iron shot production can match demand for the 1973–74 season.

The Feb. 14 hearing will be at the Francis Scott Key Auditorium of St. John's College at 7:30 p.m. Regardless of its outcome, tons of lead shot will lie in Maryland waters for years.

BRIEFING STATEMENT ON LEAD POISONING/IRON SHOT

Lead poisoning from ingestion of spent shotgun pellets is estimated to kill 2–3 million waterfowl annually. The only practical approach to preventing this loss is to develop and use some nontoxic material for shotgun pellets. Wildlife managers and conservationists have long urged that this be done.

A cooperative study by the Bureau of Sport Fisheries and Wildlife and the Sporting Arms and Ammunition Manufacturers Institute, 1966–1968, confirmed earlier suggestions that iron was the most suitable substitute for lead in the manufacture of shotgun pellets. Experimental shells loaded with iron shot were developed and tested, and it was concluded that iron was about as effective as lead in killing ducks. However, technological problems relating to the manufacture of iron pellets, and damage caused by iron to shotgun barrels and chokes, had to be solved before the shells could be provided to the hunting public.

Methods of producing iron pellets of acceptable quality have now been developed. Improved shell design appears to have eliminated the problem of barrel damage and significantly reduced the problem of choke deformation. In recognition of these developments the National Wildlife Federation recently petitioned the Secretary of the Interior to ban the use of lead shot for waterfowl hunting no later than the beginning of the 1973–74 hunting season. Other conservation groups are on record as favoring the elimination of lead shot for waterfowl hunting at the earliest practical date.

The Secretary of Interior has authority under the Migratory Bird Treaty Act to ban the use of lead shot for waterfowl hunting, and require the use of iron shot. No additional legislative authority is needed. Factors influencing the determination of a practical date for banning lead shot include:

1. Assurance that barrel damage from iron shot is not a major problem.
2. Assurance that crippling loss with iron shot is no greater than with lead shot.
3. Time required to produce and distribute adequate supplies of iron shot ammunition.

A pilot program, in which iron shot ammunition was used as a substitute for lead shot ammunition on seven federally managed public hunting areas, during the past hunting season, was recently completed. An analysis of nearly 6,000 questionnaires, filled out at the end of each hunt, showed that 68 percent of the hunters were satisfied with the iron shot loads. Among hunters who criticised the iron shot ammunition, the most frequent complaints were lack of sufficient killing power, and excess powder residue in the barrels of their guns.

Although the data are not yet completely analysed it appears that many of those who said they were not satisfied were those who bagged few or no birds. Their dissatisfaction may have been associated with an unsuccessful hunt rather than the ammunition.

Birds reported shot but not retrieved (so-called crippling loss) averaged 23 percent for all areas—not significantly different from the estimated national average of 18–20 percent with lead shot ammunition.

Two advisory committees composed of representatives from wildlife groups, conservation organizations, and ammunition manufacturers have been formed to advise the Department on steps to be taken to eliminate lead poisoning. Based on the results of the pilot program, the Bureau, with committee concurrence, is making plans to expand the iron shot program in the 1973–1974 hunting season to the degree permitted by supplies of ammunition. It is anticipated that this will be at the level of 3–4 million rounds, and that it can include state-wide use of iron shot in one State.

THE SECOND DEVALUATION OF THE U.S. DOLLAR IN 14 MONTHS

Mr. JAVITS. Mr. President, the most recent realinement of currencies including the devaluation of the dollar which was agreed to over the weekend, was clearly and should be supported by the needed law. The President, his chief policy advisers including Secretary Shultz, FED Chairman Arthur Burns, Secretary Rogers, and CIEP Executive Director Flanigan, and their chief negotiator, Treasury Under Secretary Paul Volcker, should be commended for the style as well as the substance of this latest resolution of yet another international monetary crisis.

However, I wish to point out that another devaluation of the dollar only 14 months after the first devaluation of the dollar in our history gives little cause for joy and should be the grounds for considerable domestic soul searching. Devaluation renders an adverse judgment regarding our economic performance relative to the economic performance of the other major industrial powers in the world. In the latest crisis the world's judgment of the dollar reflects an erosion of confidence in our country's productivity and technical and marketing skills.

Devaluation is symptomatic of an illness that seems to have afflicted our society at approximately the same time as the corrosive Vietnamese war. Devaluation is the international counterpart of such domestic problems as the blue-collar blues, declining worker motivation and the white-collar woes. Devaluation is the result of unsatisfactory performance on the price front and insufficient efforts to increase our Nation's productivity. Devaluation is a slippage of America's economic position in the world. Devaluation is a signal that the American society should take stock of itself, of its goals and its direction before our bicentennial in 1976.

The problems of our own society and productive plant which led to this devaluation must be repaired and repaired soon. Our Nation, which is becoming increasingly a "have not" nation in terms of petroleum and other essential materials and metals, is now directly and profoundly affected by monetary unsettlement.

Perhaps, in a profound sense, the most important era which is ending for the United States is the era of relative self-sufficiency in terms of many of the products so essential to the running of our industrial plant.

I ask unanimous consent that the article by Ray Vicker which appeared in the Wall Street Journal of February 14, entitled "No Hurrahs, Please, for Devaluation" be printed in the Record at this point.

I also ask unanimous consent that an article which appeared in the New York Times which indicates some tactical considerations concerning trade legislation be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Feb. 14, 1973]

No Hurrahs, Please, for Devaluation

(By Ray Vicker)

London.—Despite the initial wild enthusiasm on the New York Stock Exchange yesterday following Monday night's 10% devaluation of the dollar, the fact remains that devaluation definitely spells a weaker clout for America abroad.

The markdown in the dollar's value not only affects America's ability to intervene in situations abroad like Vietnam (perhaps a good thing), but it also will have a weakening effect on the U.S. position in the Middle East and could change the American stance in a number of other trouble spots.

There's one school of thought in Europe, in fact, that believes that from now on U.S. devaluations may come every year or two, Latin American style. And that henceforth America will have to pay more attention to Arab claims in the Middle East because of the weight of oil imports from Arab lands on the steadily weakening U.S. dollar.

Since it is the dollar's image that reflects American power abroad, psychology is heavily against the U.S. as a world leader as long as its dollar is ranked as little more than a piece of paper. In Frankfurt, West Germany, last weekend, the prostitutes around the railroad station were crediting only two marks to the dollar, the equivalent of a 36% devaluation. Certainly there should be a moral somewhere in a situation where even these ladies of easy virtue are scorning the dollar except at a huge discount.

NEWSPAPERS HAVE A FIELD DAY

European newspapers, too, are having a merry time ridiculing the U.S. and its anemic dollar. The Sunday Times, a London weekly, had a cartoon of an American flag hanging at half-mast, dollar signs replacing the stars on the flag. The Observer, also of London, had one of the Statue of Liberty holding a handful of dollars instead of a torch. The caption read: "Dollars for Sale."

In the U.S., in contrast, the average man hardly seems to realize what is happening in the monetary area. The gobbledygook being spoken and written about the effects of Monday's devaluation, the second in 14 months, illustrates the ignorance of many Americans concerning its meaning. It's almost as if a brainwashing process were underway—the voice of the used car salesman describing in glowing terms the battered model with chipped paint sitting in the lot out front.

Devaluation, for instance, is presented in some quarters as a good thing, a purge that will remove all the ills from the American system. You hear that devaluation will improve U.S. exports, reduce imports and improve American competitiveness abroad. Little is said about the fact that it may increase the prices of many of the things you buy. And that it may reduce the prices of everything sold abroad. This is supposed to be good?

Foreign trade is nothing more than the exchange of goods between nations, with dollars providing the numeraire for évaluating relationships of those goods. Are you better off when you get less for your dollars? Ask the corner grocer how he likes a situation where prices of his purchased merchandise rise while prices of what he sells declines.

Then ask yourself: If devaluation is such a beneficent device, how come some of the Latin American nations aren't rolling in prosperity? Some of them seem to devalue about one a year, perhaps oftener in leap year. Also ask yourself: How come the nations that are revaluing their currencies upward—Japan, Germany and Switzerland—really are rolling in prosperity, with living standards marching steadily up and up?

Could it be that the strength of a currency has something to do with prosperity in a nation? Of course it has. The external value of a currency is merely a reflection of the strength (or weakness) of the economy behind that currency. Japan, Germany and Switzerland have strong currencies because over the last decade they have been successful in steadily increasing productivity at a faster rate than the rise in manufacturing prices. Undoubtedly, the yen is much stronger valued today, perhaps by as much as 15% or 20%. This increase in its real value could not have occurred without the steady rise in productivity by the eager beaver workers in Japanese plants.

The weakness of the American dollar stems from weaknesses in the American economy which, fortunately, do show signs of being corrected. The biggest weakness was unchecked inflation through recent years. When a currency loses value within a country, the weakness appears in its external value, too. Foreigners note that the currency buys ever-smaller amounts of goods, so they lose respect for the currency. When this happens with the American dollar, the typical American reaction is to show resentment against those foreigners who question their almighty dollar. Yet those same Americans note that a bottle of beer which cost 25 cents a few years ago, may cost 50 cents now, while the five cent cup of coffee has moved to ten cents, 15 and then to 25 cents in some corner beaneries.

It used to be that the father of a household could give Junior a dollar for a movie. Now the typical reaction from Junior at that is likely to be: "Dad, what can I do with only a dollar?"

His scorn for the dollar, if you want to call it that, is the same scorn you encounter overseas today as the declining value of the dollar has come home to more and more people abroad. Devaluation won't correct the basic weakness anymore than Dad can check the declining value of his dollars merely by deciding that henceforth he will give Junior two dollars where he used to give him one. Only the containment of inflation coupled with increases of productivity can do that.

The U.S. is making some progress in this direction. But, with a $70 billion overhang of surplus dollars abroad in hands of central banks, that correction is likely to take a couple of years before the dollar moves from weakness to strength. If you owe a bill of $10,000 at a downtown store, you might help your credit if you agree to repay a net of one hundred dollars a week. But even after many weeks of repayments your credit still might not be very good around town.

With a currency, a devaluation might conveniently lessen the debt load. This alone won't help much if inflation is allowed to continue out of control. In fact, the devaluation may lull a nation into erroneously believing that the malaise is being corrected. Should anti-inflation weapons then be relaxed, the devaluation then may contribute to further weakening of the currency.

So when somebody tries to sell you a bill of goods concerning the alleged benefits of devaluation, look at it closely, and pay attention to those hidden price tags which affect you directly. This goes even if you don't ever travel to a foreign land.

AN OFTEN-HEARD CLICHE

One of the cliches you often hear is that U.S. exports and U.S. imports each only amount to 4½% of Gross National Product; therefore foreign trade and the overseas dollar is of little consequence to the stay-at-home American. This overlooks the fact that big multinational corporations have invested over $85 billion in the book values of factories and facilities abroad. The true value of these holdings is likely to be closer to $250 billion.

The movement of foreign funds into the American stock market may affect equities, too. Monetary factors may have a major bearing on such movements. Obviously, any American devaluation cancels out profits for any foreign investor or adds to his losses according to the percentage of the devaluation. Few people want to shift money into a foreign market if they fear that the currency of that country is headed for a fall. Any one who knows anything at all about Wall Street realizes that the volume of funds pushing into or moving out of the market affects prices of shares in that market. It might be difficult to separate monetary factors and blame them alone for the recent downturn in the American market. Adverse psychology about America's inflation played a role, too. But often it does seem as if the U.S. market dips on adverse monetary news. It's certain that such news does not stimulate a market pickup.

Then, take the matter of imports. What matters here is the amount of imports which you want in your home, not the abstract percentage of a GNP which involves services as well as goods. With imports totaling $56 billion in 1972, it is evident that many Americans must be purchasing Sony radios and television sets, Swedish furniture, Volkswagen automobiles and other items. Any devaluation means that prices on such purchases are likely to rise.

Your reaction to the political effects of a devalued dollar depends upon your feelings about America, itself. Today, many Americans are negative about their own country, pessimistic about chances for whipping inflation, about better distribution of the wealth, about politicians in Washington and about where America is going. Gloom and doom prophets may view another devaluation as endorsement of their general views about America.

THE OLD ORDER CHANGETH

A weak dollar certainly weakens America's ability to lead the Free World. We still are Number One, but the troops in the ranks no longer are afraid to question any orders which might be given. In 1944, America, with an assist from Britain's brilliant John Maynard Keynes, practically dictated the form and context of the world's monetary system during negotiations at Bretton Woods, New Hampshire. When the present system is overhauled, there is likely to be less dictation, more compromise.

On trade, the U.S. now is being challenged by a rising Japan and by a slowly coalescing Common Market. Elsewhere the U.S. is discovering it can't swing its weight around as much as it might if it had a strong dollar behind its actions.

People sometimes forget that a strong currency may be more vital than a fleet of gunboats in certain international situations. Russia certainly has suffered because its ruble has never become an accepted international currency since it won't convert into anything of value. Mainland China may act like an emerging power. Until it gets a currency which means something outside of China it probably won't be much of a factor in international economic affairs. When Britain's pound sterling started to sink, Britain lost much of its influence in world affairs, too. Naturally, one might question whether sterling declined because of Britain's declining power or vice versa. It appears that they declined together.

Fortunately, America still has some way to sink before any comparisons may be made with the decline of Britain from the second half of the 19th Century to the second half of the 20th. There's no reason why that downslide can't be halted in the U.S. through determined efforts to increase productivity and contain inflation.

It won't be achieved by hailing devaluation as a panacea for the ills which beset this country.

[From the New York Times, Feb. 14, 1973]

U.S. DOLLAR DECLINES—IN CURRENCY COMPARISON, DECLINE IS PUT AT 5 TO 7 PERCENT

(By H. Erich Heinemann)

The United States dollar declined in a nervous and uncertain foreign exchange market in New York. Because of the unsettled market conditions, bankers were unable to provide a precise estimate of the drop in the external value of the United States currency.

However, according to one knowledgeable estimate, the dollar was worth some 5 per cent to 7 per cent less yesterday in terms of the currencies of its principal trading partners than it was last Friday.

The New York foreign exchange market was closed on Monday for the Lincoln's Birthday holiday.

TOO EARLY TO GAGE

Bankers emphasized yesterday that because the Japanese yen, the Canadian dollar and British pound (among other currencies) were continuing to float in world money markets without reference to defined "central values," it would be some time before the markets settled down sufficiently to judge the actual extent of the devaluation announced late Monday night by Secretary of Treasury George P. Shultz.

Economists generally believe that relative currency values are best measured on a "trade-weighted" basis. That is, in assessing the amount of a general realignment of currencies, the changes are assigned weights in proportion to the volume of trade between the countries.

Thus, for the United States a change in the dollar value of the Japanese yen or the Canadian dollar (to mention this nation's two largest trading partners) would be far more important than a change in, say, the French franc, or the South African rand.

JAVITS ASKS LEGISLATION

Separately yesterday, Senator Jacob K. Javits, Republican of New York, said that Congress should put together in a single piece of legislation authority for the formal reduction in the value of the dollar, authority for the President to selectively vary tariffs (subject to Congressional vote power) and Federal assistance to industries adversely affected by imports.

In an interview, Senator Javits—who is regarded as a leading Congressional expert on international financial matters—said, "I would hope that the trade legislation would be in with the proposal to permit devaluation."

Senator Javits warned that "the longer that a permanent international monetary system was deferred, the longer was the danger of a world depression touched off by one of these crises."

CLEAN FLOAT URGED

"The one thing that I think is critically important," he continued, "is that the Japanese yen should be a clean float [that is, the yen should reflect supply and demand in the open market, without governmental interference], rather than they should engage in some hybrid system of trying to keep the value lower than it should be under these circumstances."

Trade and monetary legislation, Senator Javits asserted, "should have a high priority" in the House Ways and Means Committee, where such legislation must originate.

In an apparent allusion to Representative Henry S. Reuss, Democrat of Wisconsin—with whom he has often been allied in the past on international monetary matters—Senator Javits was critical of a proposal for imposition of import surcharges running up to 50 per cent as a tactic in the ongoing trade negotiations with other industrial nations. Mr. Reuss has been advocating such a proposal. The United States, Senator Javits said, "should not seem bellicose."

In the New York foreign exchange market yesterday, the dollar tended to trade near the upper limit for its value in relation to the German mark of 2.967 marks to the dollar—or 33.704 cents.

Traders said that it was typical for a currency such as the dollar to be in demand immediately following a devaluation. Large holdings of German marks had been built up in expectation of the devaluation, it was noted, and now these speculative positions were likely to be unwound as traders took their profits.

SELECT COMMITTEE ON NUTRITION STUDIES NUTRITION EDUCATION

Mr. PERCY. Mr. President, the Select Committee on Nutrition and Human Needs began an investigation of nutrition education in the United States with 2 days of hearings on December 5 and 6.

I regret that as the ranking Republican member of the select committee I was not present for the start of what I hope will be a lengthy, thoughtful, and productive set of hearings, but I wish to thank the junior Senator from Pennsylvania (Mr. SCHWEIKER) and the senior Senator from Michigan (Mr. HART) for ably launching the committee on its course in this area.

I have read the transcript of the hearings and I have found that my suspicions about the need for nutrition education and the benefits to be derived from it are correct. Our witnesses indicated that Americans are by and large badly informed about food nutrition. No less an expert than Prof. Jean Mayer of Harvard University said that "our educational system is doing a poor job of teaching nutrition."

Not only do Americans have little information about correct patterns of eating, but the advertising media often stimulates the public—particularly little children—to purchase food and food products which are less than optimal in nutrient content.

According to Dr. George M. Briggs of the University of California, Berkeley, the lack of adequate information results in "personal mismanagement of food" which, combined with the effects of hunger, accounts for about one-third of our annual health bills or about $30 billion.

Both Dr. Mayer and Dr. Briggs felt that a small investment in nutrition education—Dr. Mayer suggested $120 million, a sum equal to one-tenth of 1 percent of our annual national food bill—would reap larger returns in reduced public expenditures for health care. Adequate nutrition is preventive medicine at its very best.

Witnesses from the Department of Agriculture and the Department of Health, Education, and Welfare appeared on the second day of the December hearings. These witnesses took note of the importance which is attributed to nutrition education by their respective departments and agencies, but it was clear by the end of the hearing that within no agency was it a job priority.

Mr. Richard Lyng, Assistant Secretary of Agriculture, raised an immensely important point while describing USDA activities in nutrition education. Mr. Lyng said:

> Some of the weaknesses in nutrition education can be related to the fact that there is *a lack of accurate information to transmit* (emphasis added). We just don't have enough knowledge to transmit. If we are going to add to the nutrition-knowledge of our population, we must enlarge the body of basic information on the subject.

Certainly if we do not know what we mean by good nutrition or adequate nutrition, then we have no basis for a program of nutrition education. In light of Secretary Lyng's comment, it is incumbent upon the select committee, it seems to me, to determine the state of knowledge of nutrition before moving ahead to recommend a massive program of nutrition education.

All the evidence I have seen, however, suggests that there is a considerable body of knowledge about which agreement exists and which should be transmitted to the public. The point that emerged very forcefully from testimony of representatives of the executive branch was that this activity is in all cases secondary to or derivative of another, more important activity. Secretary Lyng, for example, noted that USDA is "trying to carry an education impact" along with "its primary role, which is the delivery of food, or the means to buy food, to people or groups in need of assistance."

The witnesses from DHEW also stressed how the Social and Rehabilitation Service, the National Institutes of Health, and the Food and Drug Administration are all involved to a greater or lesser degree in nutrition education as an adjunct to their primary tasks. Moreover, the Office of Education views curriculum development as a State or local matter and therefore does not get actively involved in nutrition education.

All this testimony suggests that the Federal effort in nutrition education is fragmented, uncoordinated, and haphazard. Further hearings by the select committee should enable us to judge whether or not this is a fair characterization of the situation.

Mr. President, these introductory hearings attracted wide attention in the media, indicating the growing interest in nutrition which exists among the public. I ask unanimous consent that several news stories concerning the hearings be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Dec. 6, 1972]

BOTH RICH, POOR EAT BADLY, SENATE TOLD

WASHINGTON, December 5.—The Senate Hunger Committee was told today the American diet—among both rich and poor—is so "terrible" it costs the nation $30 billion a year in health care costs.

Dr. George M. Briggs, a professor of nutrition at the University of California, agreed with Sen. Richard S. Schweiker [R., Pa.] that the United States is "a nation of nutritional illiterates."

As one means of upgrading the quality of processed foods, Briggs suggested that "calorie empty" foods be taxed like liquor and tobacco.

SOME RESULTS OF DIET

"I have said it many times before," said Briggs, "and I will say it again: our national eating habits are terrible . . ."

"The costs to society of undernourished mothers and their sickly infants; physically and mentally inferior children; absenteeism in the working force and school children; the great loss of life from cardiovascular disease and hypertension; the costs of dental decay, alcoholism, and diseases of diabetes, obesity, digestive disturbances, osteoporosis, can be attributed in part to poor nutrition," he said

CARS GET BETTER CARE

All this, Briggs added, results in annual costs of about $30 billion, which "is equivalent to nearly one-third of our health bills and one-fourth of our national food bill."

Schweiker, who is heading the hearings into the national diet said witnesses would show that the rich do not eat a more balanced diet than the poor.

"Americans take better care of their automobiles than they do of their own bodies," said Schweiker, who is sponsoring legislation to provide grants to medical schools for teaching nutrition and its relationship to health.

Briggs and other witnesses blamed poor eating habits largely on the food and advertising industries which they charge spend millions of dollars to develop and promote nutritionally worthless foods.

When the food industry began promoting "convenience foods" following World War II, said food researcher Robert Choate, nutrition was lost to gimmicks and "crunchiness became the holy grail."

Choate drew national attention in 1970 when he denounced most breakfast cereals as virtually void of nutrition.

[From the New York Times, Dec. 6, 1972]

NATION IS TERMED "BADLY NOURISHED"—HEARING IS TOLD NUTRITIONAL IGNORANCE COSTS BILLIONS

(By Jack Rosenthal)

WASHINGTON, December 5.—Americans have turned into a nation of nutritional illiterates who know so little about what to eat that the annual cost of malnutrition among rich and poor alike may be $30-billion, several experts told a Senate committee today.

One of them, Dr. Jean Mayer, a Harvard professor who is an adviser to the President, said the answer was for the public and private sectors together to spend at least $100-million a year on public nutrition education.

Such an amount, he said at a hearing of the Senate Committee of Nutrition and Human Needs, would be only a tenth of one per cent of total food expenditures. And it would be less than is now spent on food advertising, which, he said, "too often represents a massive threat to nutrition education."

He and other witnesses outlined a catalog of social costs now exacted by public ignorance of nutrition that included the following:

There is extensive malnutrition in America today. Only some of it is attributable to poverty. Even among those who can afford to eat properly, there is unhealthy overuse of fats, sugar and alcohol, and overconfidence in "health" foods.

The public engages in what Dr. Mayer called widespread, "foolish" over-reliance on "the ridiculous propaganda" of faddish diet book authors. People have no clear idea that weight is a function of how many calories go in from food and how many go out from exercise.

Advertising has "glorified, out of proportion to their nutritional contribution," some processed foods, said Robert Choate, a noted critic of "empty calorie" products and their merchandising.

Children, particularly, have been converted, through television ads, into in-the-home hucksters of junk food. "Few men sitting on this hill," Mr. Choate testified, "understand the nagging capacity of a child who views 5,000 food commercials a year—the figure for even a moderate TV-watching child."

SCHWEIKER IN THE CHAIR

The characterization of the United States as a nation of nutritional illiterates came from Senator Richard S. Schweiker, Republican of Pennsylvania, who chaired the hearing in the absence of Senator George McGovern, Democrat of South Dakota.

The hearing, the first in a series, marked a new direction for the committee. In the last four years it has repeatedly sought to goad the executive branch into more effective action against hunger on behalf of the poor.

All the witnesses at today's hearing strongly recommended an effort toward national nutritional educational, for persons at all levels.

"We estimate the annual cost to our country from hunger and . . . personal mismanagement of food to the detriment of one's health is approximately $30-billion," said Dr. George M. Briggs and Helen D. Ullrich, two California nutrition experts.

They exhorted the food industry to live up to "the responsibility to produce nutritious foods."

"The development of fabricated foods containing nothing but calories is irresponsible," they said.

And, like Dr. George Christakis of the Mount Sinai School of Medicine in New York, they called for nutrition education in schools and for doctors, dentists, and other health professionals.

Children once had first-hand exposure to food and to nutrition, Mr. Choate said in his testimony, at least until World War II, he continued.

"Whether it was shelling peas, scrubbing potatoes, rolling pie crust or cleaning fish, the child of that generation picked up food knowledge by helping in the kitchen."

But with new food technology, he went on, "fun foods and convenience foods became the rallying cry of food merchandising . . . nutrition losses in the ever more sophisticated manufacturing processes were ignored."

His concern over nutrition ignorance was paralleled by Dr. Briggs: "Mother is no longer the major source of knowledge for food selection. The sources now are the label, the ad, the menu, the grocery store or the school."

"People are eating even less than in 1900," he said, but exercise has decreased so much faster "that the resulting excess of food is there for all to see" around people's middles.

[From the Washington Post, Dec. 7, 1972]

WHAT WE DON'T KNOW ABOUT FOOD

Many Americans have an "appalling" lack of knowledge about nutritional value of food and its relationship to health, government witnesses testified before a Senate Hunger Committee yesterday. They said they are trying to educate the public.

Officials of the Departments of Agriculture and of Health, Education and Welfare said dozens of programs are either under way or in the planning stage to disseminate sound nutrition information across the country.

"Studies made by the USDA show that good and poor diets appear at all income levels and among all ethnic groups, said Ned D. Bayley, director of science and education in the Agriculture Department.

"The lack of knowledge of our people regarding nutritive content of food and nutrient requirements is, in many ways, appalling and fosters the prevalence of misinformation. Our objective is to help families achieve a satisfying healthful pattern of eating."

Bayley and Dr. Merlin K. Duval, assistant

HEW secretary for health, said nutrition efforts are aimed primarily at groups that have the highest risk of malnutrition. Pregnant women, teen-agers, preschool children, the elderly and migrants.

They and others stressed, however, that bad eating habits affect all elements of American society and said while much work is being done to provide more information to the public, still not enough is known about nutrition.

"In this field, we just don't have enough knowledge to transmit," said Assistant Agriculture Secretary Richard Lyng. "Our understanding of human nutrition lags far behind our knowledge in other health areas.

"It has often been said that science knows immeasurably more about livestock or poultry nutrition than it does about human requirements."

LITHUANIAN INDEPENDENCE DAY

Mr. WILLIAMS. Mr. President, February 16 serves as yet another reminder of the brave efforts of the gallant people of Lithuania. For this day marks the 55th anniversary of Lithuanian Independence Day.

The declaration of Lithuanian independence made on that day in 1918, was the culmination of generations of struggle and frustration. But they were also years of hope and determination.

The courageous citizens of Lithuania who continually pursued personal freedom and national independence deserve the praise and respect of all free people.

During the short but prosperous ensuing 22 years from 1918, the Lithuanian people demonstrated to the world their energetic capacity for self-government. Within the first few years, Lithuania joined the League of Nations, adopted a democratic and permanent constitution, and became recognized by many world powers including the United States.

In addition to great political growth, Lithuania made significant improvements in areas of social and cultural concern. Advancements in education, literature, and transportation were among priorities and were soon worthy of national pride.

By 1940, however, the Lithuanian independence was destroyed as invading Soviet forces occupied this tiny nation and denied its freedom and democracy.

Mr. President, the people of Lithuania are no longer free. But their struggle for life, freedom, and human dignity continues. Therefore, we, in the United States and all the free world, should pause to acknowledge and pay tribute to Lithuanian Independence Day.

CRIME

Mr. THURMOND. Mr. President, recently, one of our distinguished colleagues, Senator JOHN STENNIS, of Mississippi, was the victim of a brutal act. He was robbed and shot in front of his Washington home. He was one of the most esteemed men in the Senate.

This incident has directed our attention to crime in the streets and to those wanton terrorists who have made our cities unsafe.

Mr. President, numerous articles and editorials have been written since the malicious attack on Senator STENNIS. One such editorial, which well expresses the sentiment of the American public, appeared on February 1 in the Greenville News of Greenville, S.C.

Mr. President, I ask unanimous consent that the editorial, entitled "Street Crime Strikes Senate," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

STREET CRIME STRIKES SENATE

Crime in the streets, long endured by numerous average urban American citizens, now has struck the highest level of government, the United States Senate.

The brutal robbery and shooting of Senator John Stennis of Mississippi in front of his Washington home Tuesday night finally confronts the nation's top lawmakers with the fact long ago apparent to many Americans: nobody is safe in the cities. Nobody will be safe unless and until society cracks down hard upon the criminals who roam the streets and terrorize decent citizens almost at will.

The savages (and the word is used deliberately) who robbed John Stennis and then shot the unresisting senator without mercy or reason are the products of a permissive society and of coddling of criminals in recent decades. Thousands of Americans have suffered—many have died—at the hands of such wantons. Now one of the most respected, most influential members of the Senate is the victim.

The attack upon Senator Stennis is no different from countless such incidents, reported and unreported, in Washington and other big cities.

Just a few weeks ago a young Greenvillian working in Washington was attacked by a knife-wielding assailant as he walked home from work along a dark street. Fortunately the young man knew the art of self-defense and laid his assailant out with a well-aimed kick, then went on home. He did not even bother to report the incident to police. It would have done no good.

The attack upon Senator Stennis differs only in the fact that a well-known personage is the victim and the incident makes headlines. It brings home to the Senate and all other dignitaries that they, too, are potential victims of savages who have de facto control of many American streets and neighborhoods at certain hours of every day.

Decent people everywhere deplore the senseless shooting of a respected public figure. The feeling is especially acute in Greenville County, where Senator Stennis has many relatives and personal friends.

Now that criminal tragedy has struck one of their own, perhaps the highest authorities of the land finally will realize the fearful cost Americans are paying for crime in the streets and for the coddling of criminals. Perhaps at last they will do something to restore protection of decent citizens which has been eroded by the overprotection of criminals.

DEATH OF ALICE FREIN JOHNSON

Mr. JACKSON. Mr. President, recently, we of the State of Washington, who have lived in Washington, D.C., so many years have suffered a great loss. Mrs. Alice Frein Johnson, who served many years as the Washington correspondent for the Seattle Times, passed away.

Alice Johnson and her husband, Jesse, were close personal friends of Mrs. Jackson and myself.

She was tops in her profession. She was one of the first of her sex to achieve prominence in our press galleries. She was a brilliant reporter and writer.

She was a gallant lady who will be sorely missed.

An article published in the Seattle Times, January 4, following her death tells much of her outstanding career. I ask unanimous consent to have printed in the RECORD the contents of the article from the Seattle Times:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALICE F. JOHNSON DIES; EX-TIMES CORRESPONDENT

Alice Frein Johnson, 72, of Bethesda, Md., Washington correspondent for The Seattle Times, died today in a Washington hospital while under treatment for cancer.

Mrs. Johnson, who interviewed many of the world's most famous people, in her 28 years in Washington, was born in Palo Alto, Calif., where her father, the late Prof. Pierre J. Frein, taught at Stanford University.

The family came to Seattle when Mrs. Johnson was a child. She graduated from Lincoln High School and the University of Washington, receiving degrees in French and journalism. Her father was head of the Romance-language department at the U. W.

Mrs. Johnson was secretary of the School of Journalism before she married Jesse C. Johnson in 1925. Mr. Johnson was former director of the Atomic Energy Commission's division of raw materials.

Mrs. Johnson began her career with The Seattle Times in 1942. She was a reporter and former society editor. In 1943 she followed her husband to Washington, D.C. where he was called to take a job with the Metals Reserve Co., a branch of the Reconstruction Finance Corp.

Mrs. Johnson became Washington correspondent for The Times and political columnist for three Alaska dailies and The Nippon Times, Tokyo's only English newspaper.

Her coverage ranged from Paris fashion shows to military affairs. She interviewed Winston Churchill, Clement Attlee, Princess Elizabeth (now the Queen), Queen Juliana of The Netherlands, Prime Minister Nehru of India, the Shah of Iran and Gen. Charles de Gaulle, among other world personalities.

Mrs. Johnson served for two years on the Defense Advisory Committee on Women in the Armed Services, visiting defense installations.

She was president of the Women's National Press Club in 1956. She was cited by Theta Sigma Phi, now known as Women in Communications, as a "woman of achievement" at Matrix Table awards here in 1953.

In 1957 Mrs. Johnson won first place for distinguished reporting among daily newspapers in the state. She was a former board member of the Seattle Art Museum.

Senator Henry M. Jackson lauded Mrs. Johnson today as "tops in her profession." He added: "She was a brilliant reporter and writer and had the confidence of the high and the low in the nation's capital. She was a gallant lady who will be sorely missed."

Representative Julia Butler Hansen of Cathlamet said Mrs. Johnson was "a very distinguished woman in press circles . . . She loved her state and was so friendly and kind and decent to all. Washington has lost one of its loveliest people."

Senator Warren G. Magnuson said, "I shall always remember Alice for her ever-willing smile and most gracious and warm approach to life . . . As good-natured as she was, Alice always got her story . . . She will be missed, as a fine journalist, a good and warm human being, and to me a close friend."

Mrs. Johnson retired in 1961 but continued to do special assignments through 1971.

Surviving besides her husband is a daughter, Mrs. Joseph B. Jeffers, Washington.

LITHUANIAN INDEPENDENCE

Mr. **HRUSKA**. Mr. President, February 16 marks the 55th anniversary of the establishment of the Republic of Lithuania. It is a time when all freedom-loving nations around the world pause and take note of a brave and proud people who have seen their country suffer the misfortune of Soviet domination.

This is a day of celebration for thousands of Lithuanian Americans. It is also a date of sadness for them—sadness because they know that their friends and relatives in this small Baltic nation have no cause for celebration.

The once proud and independent nation of Lithuania has been a virtual captive of the Soviet Union for more than 30 years. But this captivity has done little to diminish the pride and fierce determination of these people to once again regain the freedom they have long been denied.

Surely every Member of the Senate would agree that every nation of the world has the right of self-determination—the right to decide its own form of government. Lithuanians have that right. Indeed, all nations behind the Iron Curtain have that right.

It is obvious to all of us that Soviet oppression is the only force that keeps these small nations from turning against communism. We will continue to protest such oppression, and we will continue to point out the fact that only by acts of suppression can the Communists claim to control any country or people.

As my ancestry has its roots in Czechoslovakia, another small nation which bears the mark of Soviet oppression, I can readily sympathize with the feelings of many Lithuanian Americans. Those of us who enjoy the fruits of freedom here in the United States must dedicate ourselves to focusing world attention on the plight of oppressed peoples everywhere.

We share the hopes and aspirations of Lithuania. We pray for the day when all nations will enjoy the freedom we take for granted.

THE PRESS AND THE PUBLIC TRUST

Mr. **CHURCH**. Mr. President, recently, Idaho Gov. Cecil D. Andrus delivered a major address to the Idaho Press Association at its annual meeting.

The address offers a good deal of food for thought in the ongoing debate about the role of the press in American society.

Governor Andrus addresses himself not only to the current threats which have been leveled against the fourth estate, but also to the overall question of the press as guardian of the public trust.

Noting that politicians share a similar responsibility to society, the Governor makes the point that "the ultimate challenge, then, for all those in the news media—as well as all holders of a public trust—is to become a greater force for good and truth in today's complex and confused world."

This is a stimulating speech, Mr. President, and I commend it to all Senators. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY GOV. CECIL D. ANDRUS

Ladies and gentlemen of the press: As we gather here tonight, most of you are aware that the press is under attack, both nationwide and statewide, as it probably never has been before in our history. I want to address myself to this sad development, and I wish to share with you my thoughts about those often misunderstood concepts of "publict trust" and "truth."

Late last summer some of you may have seen a poll put out by Newsday. Two professors at the University of Connecticut, both psychologists, conducted extensive in-depth interviews in which they asked people to list job categories on the basis of whether they considered the job "truthful" or not.

The resulting compilation of 20 professions was listed in descending order of honesty. Physicians were rated first and clergymen second. I regret to say that politicians were rated nineteenth, just after labor union officials and just before used car salesmen.

However, ladies and gentlemen of the media, newspaper columnists were rated 16th, just before auto repairmen, and just after television repairmen. And, speaking of the visual media, TV news reporters were rated 11th on the scale, just before the plumbing profession.

In other words, ladies and gentlemen, I think I can safely say that *I*, as a politician, and you, as newspapermen, share a common dilemma.

Both of our professions are holders of a public trust, and, yet, the public apparently no longer trusts our professions. Politicians are viewed with suspicion; newspapers and television are viewed with suspicion. To borrow a much over-used expression, both our professions have credibility problems.

Please don't misunderstand me. I'm not saying that I personally have a credibility problem with the Idaho constituency, because I don't believe I do. Neither am I saying that each and everyone of you has a credibility problem. I know you don't. Rather, I'm saying the professions of which we are a part have a credibility problem. It appears our professions are no longer trusted by the majority of the public.

Needless to say, in our democracy, this is an extremely sad development.

Most of you know that President Thomas Jefferson once said in his early career something to the effect that it would be better to have newspapers without a government, than to have a government without newspapers.

But how many of you are aware that the patron saint of American journalism, in his 70th year, wrote to former President John Adams saying, that he had given up newspapers in favor of reading books and found himself much happier for it?

It appears your patron saint, the wise man of Monticello, gave up on you.

Permit me to cite two other comments as negative examples. One writer around the turn of the century once wrote, and I quote, "All successful newspapers are ceaselessly querulous and bellicose. They never defend anyone or anything if they can help it; if the job is forced upon them, they tackle it by denouncing someone or something else."

This is obviously simplified exaggeration, but one must remember that the writer wrote in the days when so-called "yellow journalism" was at its peak.

Another example is offered by a more contemporary, but little known American philosopher, Richard Weaver. He charges that newspapers face continual pressure to distort the news in order to hold reader attention. They thrive on friction and conflict, he maintains, and adds that newspapers tend to make criminals heroes by the attention given to the criminals' crimes.

His unfortunate conclusion is that "we would live in greater peace and enjoy sounder moral health if the institution of the newspaper were abolished entirely."

So goes the negative view of the newspaper which is obviously not the entire story, and I could cite many fine pieces of testimony to support the institution of journalism.

Jefferson's comment, however, plus the persistence of negative comment from writers who should know better, as well as the distrust of many people, should suggest something to the journalistic profession.

To me, it suggests that thoughtful people are doubting whether the newspaper is an honest seeker of the truth, just as they are apparently doubting whether government is honestly seeking their best interests.

Your challenge, then, is to convince the public that you are seekers of the truth, just as the challenge of good politicians is to convince the people that they do have their best interest at heart.

Your challenge as journalists, however, is complicated by the complexity of the rhetorical world in which you live and operate, just as my challenge is complicated by the complexity of the political world.

One writer has pointed out that Americans live and move in a virtual Media Tower of Babel. By that, he means we are all constantly being bombarded with countless voices, both in newspapers, on radios and on television, all hitting us with messages through different mediums.

All too often claims are conflicting, as in a political campaign, where one candidate, through his media advertising, claims one thing is true, while his opponent claims the opposite to be true.

And so the American newspaper reader, or radio listener, or television viewer, asks, "what really is the truth; who has the facts; who do I believe?"

The challenge to both our professions seems clear-cut. Simply put, we in our respective professions are to strive with all the power of our individual beings, to learn and to practice the art of relating the truth.

For journalists, I believe there are two fundamental ways of viewing your role in a free society. I also believe that *the one* a journalist adopts has everything to do with how well he becomes a relater of truth.

As you know, one basic view says that the press must be virtually free from all restraints or restrictions. This is the so-called "libertarian theory," which I think is basically a negative theory because the stress is placed upon "freedom from" instead of "freedom to."

Freedom from responsibility, instead of freedom to be responsible.

Freedom from the law, instead of freedom to operate within the Constitutional law.

Freedom from revealing sources instead of freedom to reveal sources, when the reporter or the editor, and let me stress that, the reporter or the editor, deems that a revelation of his sources is in the best interests of serving the truth and continuing to keep the public trust.

According to strict adherents of the absolute freedom theory, the pages of public print and the airwaves of radio and television should be opened up as widely as possible. An unhampered press, so the argument goes, will feed ideas and information into the public marketplace and from that interchange the Truth will emerge triumphant.

We are both aware, however, that such a view leads ultimately not to a genuine freedom of the press, but to genuine license, which is a confusing liberty to do or say anything one wishes to do or say and thumb his nose at the people's trust that he holds.

License is truly freedom gone sour. In an atmosphere where one may say or write whatever is on the tip of his tongue, regardless of consequences, everyone losses.

Now the other traditional view of the press is the so-called "social responsibility theory." Essentially, that theory holds that it is the duty of a free press to improve the character of man, to make him *a* better, more informed citizen.

I believe this concept is one of positive freedom of the press. It is a "freedom for" or a "freedom to" which implies the gathering of a media's resources toward the end of attaining a worthy social goal.

I think this view is clearly illustrated in a special report conducted by the Commission on the Freedom of the Press. According to this report, the fundamental requirements of the press are:

(1) to provide a truthful, comprehensive, and intelligent account of the day's or week's events in a context which gives them meaning.

(2) to serve as a forum for the exchange of comment and criticism.

(3) to provide a representative picture of the constituent groups in society, and

(4) to present and clarify the goals and values of society.

In other words, the media is to relate the truth. By that, I mean the media is to relate proven facts and state what is right and good.

This I believe is the beginning of an affirmation that life and the world in which we live are to be cherished, and that one who cherishes life seeks the highest goals for people and for society, not the lowest goals.

You may ask yourself what are the implications of my remarks for you?

What I am saying means that you as a journalist will seek by all means whatsoever to hold before men and women better images of themselves. Don't misunderstand me. I'm not saying that you should hide the ugliness in life, and we all know there is a great deal of ugliness.

Rather, I'm saying we should not constantly play up the ugly, or stress the bad.

In the process of reporting facts and relating truth, there should be a conscious effort to balance the good with the bad. As you are to report both sides of a story or an issue, so you are also to report both the faces of life—the good as well as the bad, the comic as well as the tragic.

To me, that means you are to sift out and discard that which is rumor, hearsay evidence, or outright falsehood.

Your challenge is to call a shovel a shovel, not an "agricultural implement."

Your challenge is to publicize the deeds of the saint as well as the sinner.

Your challenge is to develop and maintain a responsible writing style, a style that doesn't have to depend upon so-called "two-bit" word adjectives which few understand.

I believe reporting facts and writing the truth is a sober, awesome undertaking.

It calls for wisdom, as well as courage.

It calls for idealism, as well as pragmatism.

It calls for an affirmation of life, yet it calls you to face a hard historical reality—the reality that unrestrained, irresponsible utterance is certain to lead to the loss of freedom.

I believe a free and responsible press is one of society's custodians of reasonable and humane values. Part of its task is no less than that of helping to maintain civilization.

I believe also that a libertarian irresponsible press can help lead society downward to blurred moral vision and thoroughly confused goals to that point in time where men can no longer distinguish between better and worse.

I also believe that there is a delicate balance which exists between a responsible free press and an irresponsible free press. The line between responsibility and irresponsibility can be crossed easily. The line between a free press and a libertarian press can also be crossed easily.

I think our Founding Fathers keenly recognized the role and the importance of Freedom of the Press, and thus the Freedom of the Press is guaranteed by the First Amendment to the Constitution.

I also think the Founding Fathers were smart enough to recognize that freedom and responsibility are terms which do not lend themselves to a host of qualifications. Thus they left such terms unqualified.

In the intervening years, the courts of this land have taken to defining a host of qualifications, with the more controversial qualifications ending up before the Supreme Court, which then tries to determine whether a law truly is in keeping with the Constitution and its few amendments.

I also feel that by and large the successful newspapers of this land and this state are responsible, that they don't abuse the freedom they have.

I also still believe in the people's ability to discern truth and to detect the lie, to approve of responsibility and disapprove of irresponsibility.

I think people realize that the constitutionally guaranteed freedom of the press, is the constitutional guarantee of their right to have the facts and the truth related to them.

To bring my remarks closer to home, it appears that the current session of the Legislature may see a so-called Shield Law introduced which will be designed to guarantee a reporter's right to protect confidential sources of information from the growing, inquisitive eye of the Big Brothers in Washington.

In the past year, more than a dozen reporters across the country have been jailed or threatened with jail either for refusing to reveal confidential sources, or, as in Pocatello recently, for supposedly attempting to influence a trial through an editorial.

This is a delicate and complicated question. There are instances, when in the interests of serving truth and keeping the public trust, a reporter should reveal his sources in a court of law. For example, if a reporter has secret information which could determine the guilt or innocence of someone charged with kidnaping.

However, I don't believe there should be a law forcing that reporter to divulge sources in a court of law.

The sad thing is that, on the other hand, a law guaranteeing a reporter his right to privileged information is an admission that the Constitutional guarantee is in jeopardy. It is an admission that a Constitutional guarantee somehow is no longer sufficient.

That, my friends, is a sad state of affairs. If it comes to the point where the people of this state, and the press of this state, feel a shield law should be passed, I'll sign the bill.

However, I'll remain convinced that a shield law will no more protect a newsman from divulging his sources in a court of law, or his source from being hauled into a court of law, than a public figure, such as myself, is protected from smear or libel.

If it comes to pass, I will sign a shield law simply because it will be a restatement of the people's right to know and to have access to facts and to the truth. But I will be signing a law which I feel restates a right the people already have.

Earlier in my talk, I said some politicians don't have a credibility problem, though the politicians' profession does. The fact that a good politician cherishes his public trust, I believe, is the best insurance for maintaining the trust of one's constituents.

And, I attribute the fact that a good politician is trusted by the people to the fact that he listens, and listens well to what the people are saying.

A politician should get out and listen to people from all walks of life, not simply because it is the smart political thing to do, but because it is the right thing to do for a public figure who holds the public trust and wants to continue to hold the public trust.

And if you will permit me to offer any advice to you tonight, it is to get out and listen to what your readers are saying and thinking. All too often, those in the media, like many politicians, become insulated and isolated.

We begin to think that we know what is truth, and that the ignorant reader or uninformed constituent has to be informed of what is really nothing less than one reporter or one politician's own version of the truth.

It is this lack of listening on the part of many members of our respective professions which has resulted in the current low standing our professions are held in by the public. As I said earlier, our professions hold public trusts, yet the public does not trust our professions, or at least does not believe our professions to be too honest.

Yet, it is my faith in the public's ability to discern truth and responsibility which causes me not to fear that our press will become an irresponsible institution.

For it is my belief that people will not permit the press to become irresponsible just as they will not tolerate any threat to their right to know and to have facts related to them.

But I want to stress that the press cannot look to legal safeguards as the means to restoring the public confidence. The press will be held in higher esteem when it is clear to people that as a holder of the public trust, the press, and all those in the press, are holding themselves to the highest standards of relating the truth. The press will be held in higher esteem when it has the good sense to listen to the public, and re-examine itself and its profession when the people indicate they are beginning to lose confidence.

The ultimate challenge, then, for all those in the news media, as well as all holders of a public trust, is to become a greater force for good and truth in today's complex and confused world.

The response for those of you in the media, should be nothing less than a sterner discipline of yourselves to the writing and the speaking of the truth.

The correct response for those of us in the profession of politics should be nothing less than a sterner disciplining of ourselves to find what is in the best interests of the public by letting the public tell us.

We will know that our professions are doing their jobs correctly when both of our professions are rated in terms of honesty and trust as high as the professions of the physician and the clergyman.

Until then, we have our work cut out for us and we must strive with all our being not only to keep the trust of the public, but to improve the trust that the public has in us.

Thank you and good-night.

NATIONAL DEFENSE

Mr. THURMOND. Mr. President, the February 1, 1973, edition of the State newspaper of Columbia, S.C., contains an excellent editorial on the need for more research and development in our national defense program. It forthrightly points out the importance of continuing and expanding such efforts while working for peace around the world. The quality of our defense systems must be continually upgraded, an achievement that can only be produced through research and development as advocated by the State editorial of February 1.

I ask unanimous consent that the editorial entitled "Nation Must Continue Research, Development" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NATION MUST CONTINUE RESEARCH, DEVELOPMENT

Despite the size of the big defense budget submitted to Congress by President Nixon, there is some indication that the proposed spending will be somewhat short on research and development, at least in contrast with that being conducted by the Soviet Union.

Millions of Americans, fed up with the cost of the Vietnam war in both lives and money, will question the necessity of defense spending (*after* Vietnam) at a level surpassing that of any other year in history—including World War II.

True, they can appreciate the added costs due to inflation and to the substantially increased pay scale aimed at attracting volunteers into the armed services. But we fear that the public may not realize one of the important spinoffs of our involvement in Southeast Asia—the relative gains made by Russia and other potential adversaries (including Red China) in the development or improvement of weapons systems during recent years.

While billions of American dollars were being consumed in Vietnam for conventional munitions of war and the means of delivering them, Russia and China (especially Russia) were plowing money and brainpower into research and development, nuclear and otherwise. Furthermore, the Vietnam battlefield, north and south, served as a testing ground for their new weapons and techniques.

One evidence of that seems obvious even to the non-military observer: during the cessation of bombing, the North Vietnamese were able to deploy advanced anti-aircraft missiles and improve their fire control methods to such an extent that American aircraft were shot down in discouraging numbers when bombing was resumed.

This destruction, if we were to believe columnists Rowland Evans and Robert Novak (*The State* of January 30), was accomplished by what they described as the "primitive" Russian SAM-2 missiles. More sophisticated antiaircraft weaponry, Evans and Novak say, was being poured into Egypt and perhaps other Communist nations of the Mideast.

Here in the hinterland, we have no way of judging the accuracy of the Evans-Novak assessment. But if they are correct, then the United States has all the more occasion to play catch-up with the Soviet Union in surface-to-air and air-to-surface developments.

Mr. Nixon's budget and his messages to Congress and the people included expressions of determination to keep America strong—both for our own defense and for the fulfillment of our commitments abroad. But little was said or implied about the development of brand new weapons systems.

We have the unhappy feeling, for example, that the Russians are moving ahead of America in devising military application of the laser beam, which had its origin in American genius and ingenuity.

We do not question the President's determination to safeguard the security of the United States. But we worry over what seems to be a lessening of stress upon the continuing and crucial need to keep military research and development on the front burner of the national budget.

POST-VIETNAM RECONCILIATION URGED BY ROCHESTER POST-BULLETIN

Mr. MONDALE. Mr. President, the Rochester, Minn., Post-Bulletin for January 24 contains an excellent and thoughtful editorial on the cease-fire and peace agreement in Vietnam.

There is blame enough for all of us in the Vietnam tragedy. But nothing is gained by attempting now to apportion it. That is a task for time and the historians. For our own part, it is a time for binding up the wounds. In the words of the Post-Bulletin editorial:

> Now is the time for reconciliation, not recrimination.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THANK GOD IT'S OVER

Those four simple words, voiced last night by Minnesota Sen. Walter Mondale, must perfectly express the feelings of millions of Americans who heard President Nixon's announcement that an agreement has been reached to end the war in Vietnam.

Major terms of the accord, which goes into effect Saturday evening, include an internationally supervised cease-fire, returns of American's POWs and accounting of the MIAs within 60 days, withdrawal of all American military forces within those 60 days, and the guarantee that the South Vietnamese will determine their own future "without outside interference."

No one could possibly be under the illusion that that last point will be automatically achieved. Most knowledgeable observers don't even bother to wonder *if* the North Vietnamese and Viet Cong will cheat, but only when and where. Just what can be done about it by peace-keeping forces is unknown at this time.

Far, far overshadowing any nagging reservations, however, is the relief that for America this tragic conflict will be over. Not since the Civil War has this nation been so torn apart, and thus the simple word, Thank God It's Over, must pretty well sup up the nation's attitude.

President Nixon called it "a peace with honor," and we believe him. We, like countless others, hoped that the peace agreement could have been reached long ago; but it wasn't and there is no point in continuing to assess "blame" either to Mr. Nixon, who wound down the war, or to his two predecessors who wound it up.

Now is the time to bind up the divisive wounds. In particular, the attitude of the militant antiwar faction will be of crucial importance. For some of them, opposition to the war led to a senseless "hate" of their own country. Now that the war is over, it will be interesting to see if they pitch in and do their part to help unify this nation so that progress can be made on many vital domestic problems. Now is the time for reconciliation, no recrimination.

REPORT OF THE CHAMBER OF COMMERCE OF THE UNITED STATES MISSION TO EUROPE

Mr. PERCY. Mr. President, last fall the Chamber of Commerce of the United States sent a distinguished factfinding mission to the European Economic Community headed by the chamber's executive vice president, Arch N. Booth. The chamber mission held 50 formal meetings between September 25 and October 14. The principal objective of the mission was to develop fresh insights into the economic issues outstanding between the Community and the United States, and to serve the chamber as a guide in formulating its own recommendations for U.S. policy with regard to the trade, monetary, and other problems confronting the United States in its relationships with the Community. These recommendations for U.S. policy have been formally presented to President Nixon and I think they should be available as well to Members of the Senate. They are very thoughtful, very useful, guidelines for the development of trade legislation and a trade and monetary negotiating position for the United States. The U.S. Chamber of Commerce is to be commended highly for its initiative and the timeliness of its mission as trade legislation will receive highest priority treatment by this Congress.

I ask unanimous consent that the report of the mission of the Chamber of Commerce of the United States be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

NOVEMBER 15, 1972.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: Prior to my departure last September on a National Chamber factfinding Mission to the European Community, you were considerate enough to convey your best wishes and hopes for the Mission's success. In particular, you urged that we impress upon American businessmen in Europe that their participation could be a crucial factor in efforts to defeat Burke-Hartke and similar legislative proposals.

Our Mission was indeed a success in this and all other aspects and we are pleased to enclose a report of our findings. The report has been submitted to President Nixon.

The report includes a number of recommendations relevant to the type of Presidential negotiating authority that the Congress will be requested to provide. These recommendations have taken into consideration the views of the many Europeans who met with the Mission and consequently reflect a profile of trade negotiations that would be supported by the European business community.

We look forward to opportunities to discuss the Mission's findings with you.

With best wishes,

Cordially,

ARCH N. BOOTH.

IMPERATIVES FOR UNITED STATES-EUROPEAN COMMUNITY ECONOMIC RELATIONS

(Report of National Chamber Mission to Europe, September 25–October 14, 1972)

INTRODUCTION

The continued expansion and prosperity of the European Community is one of the most positive developments in the world today. The Community's progress has produced benefits in terms of European political stability, economic growth and increased world trade that convincingly justify the faith and dedication of its founders and supporters.

In particular, the United States has benefited enormously from the Community's progress. Trade with and investment in Europe have brought rich rewards to American business. The value of U.S. trade and investment activity with the enlarged Community exceeds that with either Canada or Japan.

In the future, the Community will undoubtedly continue to provide substantial benefits for its member countries and for the outside countries with which it has special commercial relations. Problems in achieving the fullest degree of unity among the member states will undoubtedly persist but their eventual solution seems plausibly attainable.

For the United States, the Community's enlargement creates problems as well as benefits. Changing world economic realities, as reflected in the New Economic Policy, have forced the United States to reshape and reassess its international economic relationships.

Guided by an overriding imperative to restore confidence in the dollar and in the underlying competitive framework of the U.S. economy, the reassessment is following two main paths.

One, a new role for the dollar is being forged, through a progressive reform of the international monetary system. And secondly, new initiatives are being explored to improve American trade performance on a long term basis.

The commitment to develop a fairer, more open system of international commerce has brought the United States into direct confrontation with its major trading partners.

Canada, Japan, and the European Community, accounting between them for more than three quarters of total U.S. foreign trade and investment, are thus the objects of special U.S. concern. In the urgent mood of the New Economic Policy, the U.S. is attempting to remove, on a bilateral basis, specific trade distortions with each of these partners. For their part, each partner can and does match American complaints with those of their own about U.S. trade barriers.

Results unfortunately have been negligible and the emphasis on bilateral dealings has created unfortunate precedents for departing from the multilateral principles underlying the most successful trade agreements of the post world war era.

The best hopes for an improved world trading system thus still rest with a major multilateral round of trade negotiations in which existing and potential barriers to trade can be eliminated on a truly reciprocal basis.

The proposed 1973 negotiations, to which most major trading nations are committed, may well result in substantial progress toward a world trading system in which reciprocity is reality. Reciprocity is the key as without it no country could be expected to make meaningful offers for increased access to its domestic markets.

The enlarged European Community occupies a dominating position in the complex world trade system. At the largest trading bloc and as America's leading trade partner, its cooperation is vital for the success of any attempt toward removing barriers on a multilateral basis.

As a consequence, the formulation of U.S. international economic policy must necessarily place heavy emphasis on the Community committing itself to a multilaterial, reciprocal and non-discriminatory trading system. It must focus on Community policies and practices, such as the Common Agricultural Policy (CAP), which may violate fundamental trade principles at the expense of United States interests. Permeating such considerations is the outlook for the extensive American direct investment in Community production and service facilities.

NATIONAL CHAMBER MISSION TO EUROPE

The prime object of the National Chamber Mission to Europe was to develop fresh insights on the outstanding economic issues between the Community and the United States. From these insights, recommendations have been drafted to serve as useful guidelines in the formulation of United States international economic policy.

The Chamber is the largest business organization in the United States. Its membership includes over 45,000 firms, corporations, and individuals. It is also a federation of more than 2,600 local, state and regional Chambers of Commerce and American Chambers of Commerce abroad as well as approximately 1,000 trade and professional organizations. Accordingly, its recommendations on US–EC relation represent a uniquely deep and broad cross-section of the American business community.

The Mission, consisting of the Chamber's chief executive officer and official spokesman, Executive Vice President, Arch N. Booth, and four staff specialists, visited six countries: Belgium, France, Germany, Great Britain, Italy and Switzerland. Meetings were organized with representatives of host country governments and business organizations, United States Embassy officials, and representatives of American Chambers of Commerce abroad and international organizations.

The Mission thus drew from a wide representation of government and business opinion, American and European, in formulating its recommendations.

Prior to departure, briefings were arranged with selected United States Government agencies, including the Departments of Commerce and State and the Office of the Special Trade Representative.

President Nixon expressed his support for the Mission's objectives in a letter in which he also requested that the Mission's findings be presented to him. Similar letters were received from Congressional leaders.

American Chambers of Commerce (AMChams) in the six countries to be visited were also contacted beforehand in order to determine those issues which each AmCham would particularly want to discuss with Mission members.

American Chambers of Commerce abroad are voluntary associations of American and host country businessmen. AmChams work toward achieving mutually beneficial trading and investment relationships between the United States and the host nations. The governing bodies reflect a majority representation by U.S. corporations. Nevertheless, host country businessmen are strongly represented in the general membership and on the boards of directors of most AmChams so that these organizations constitute a unique and valuable source of knowledge and opinion on various current international economic issues.

The Mission's recommendations with respect to economic policy issues are listed below in summary form. A succeeding section includes highlights of the discussions in Europe and related impressions bearing on each recommendation.

This report gives emphasis to the views of Europe businessmen—particularly the representatives of wholly European business organizations. In view of the close relationships generally existing between these organizations and the various European national governments and Community agencies, their opinions should be of special interest to American policymakers.

RECOMMENDED GUIDELINES FOR U.S. POLICYMAKERS

1. The Congress should enact a trade bill as soon as possible empowering the United States to enter into effective negotiations with all GATT nations. This should be a far reaching bill granting Presidential authority to eliminate tariff as well as non-tariff barriers. The authority should cover both industrial goods and agricultural commodities.

2. As a prerequisite to obtaining broad negotiating authority, the Administration should initiate talks with our major trading partners with the object of gaining agreement on broad international economic principles.

3. A system of generalized tariff preferences on U.S. imports of manufactured and semi-manufactured goods from developing countries must be instituted in concert with other industrialized countries.

4. U.S. antitrust laws and export control regulations need to be reassessed to ensure that they achieve their primary purpose without inhibiting the competiveness of U.S. firms in foreign markets.

5. Government and private efforts to develop export consciousness and improved export techniques among domestic American firms need further strengthening. More emphasis is needed at home as opposed to placing undue reliance for export development on the export assistance services provided by U.S. Government personnel abroad.

6. Negotiations should be started immediately to harmonize national environmental control policies so as to minimize the increasingly inequitable effects of differing national standards on trade and investment flows.

7. The United States Government should continue to provide and improve tax treatment for American exporters and foreign investors that enables them to compete on an equitable tax basis with their competition abroad.

8. The United States should work with other countries to ensure that domestic adjustment programs minimize the dislocations they might imply for the free international movement of goods and capital.

9. The United States should work for international talks aimed at producing some degree of harmonization of different national policies on the treatment of foreign direct investment.

10. The United States must closely reassess those of its policies and practices which may discourage foreign direct investment and purchase of securities in the United States.

11. The United States should maintain and augment its initiative in bringing about a thorough reform of the world monetary system.

BACKGROUND OF MISSION FINDINGS RELATING TO RECOMMENDATIONS

The comments that follow constitute impressions gained during the more than 50 formal meetings in which the Mission participated.

1. The Congress should enact a trade bill as soon as possible empowering the United States to enter into effective negotiations with all GATT nations. This should be a far-reaching bill granting Presidential authority to eliminate tariff as well as non-tariff barriers. The authority should cover both industrial goods and agricultural commodities.

U.S. role in world trade policy

European government and business representatives who met with the Mission repeatedly asserted their view that the United States still holds the key position in the world economic order. As a corollary, they noted that the United States must take the initiative in keeping world trade policies on a reciprocal, multilateral and non-discriminatory basis. Business representatives in particular went on to express confidence that if the U.S. Administration could secure authority from Congress to enter into far-reaching and meaningful trade negotiations, then the Community would be sure to meet the United States halfway.

In turn, we pointed out that the U.S. wants assurance that the Community would in fact be prepared to meet the United States halfway in comprehensive trade negotiations. In the absence of some form of assurance along these lines, Americans could be forgiven, it was suggested, for sometimes feeling that the Community was using the "American initiative" argument as an excuse for not moving as fast as it could toward freer trade policies.

In this context, the Community's commitment to conduct multilateral trade negotiations in the GATT was noted. The Mission expressed the hope that this would, indeed, provide the basis for Community participation in meaningful trade liberalization measures.

On balance, a definite impression was gained that the Community would take its cue from the United States as to the degree of trade liberalization it would aim for its external relations. Accordingly, the provision by the Congress of comprehensive negotiating authority would be the catalyst for any new drive to liberalize trade on a multilateral basis. Conversely, if Congress does not provide such authority there will be little incentive for other industrialized nations to commit themselves to multilateral negotiations.

On one occasion, the President of a major European employers' organization spoke at length on what he termed the "fundamental protectionism" of Western European industry which reached full flower just before the second world war.

He credited American liberal trade initiatives and leadership with a decisive role in bringing Europe back into the fold of reciprocal, multilateral and expansionary trade policy. If the United States should relinquish this role, he expected that Europe would revert to inward-looking trade philosophies.

European skepticism about U.S. commitment to liberal trade

This usually came into focus in discussions on the question of what sort of negotiating authority the Congress was likely to provide the President. In brief, it was generally felt that not only would Congress be unwilling to grant authority for comprehensive negotiations, but also that the Administration would limit any trade bill it might propose to relatively modest proportions.

As evidence of Congressional unwillingness to grant effective negotiating authority, the protectionist mood in Congress was frequently cited. The Burke-Hartke bill and its many offshoots are familiar issues in European business and government circles. Several references were made to House Ways and Means Committee Chairman Wilbur Mills' interview in *Der Spiegel* in which he stated that he could pass Burke-Hartke through the House of Representatives "today" if he so wished.

Reservations about the Administration's commitment to liberal trade policies were often expressed in the context of remarks about the apparent American tendency to go for "bilateral" packages with specific trading partners. In discussions on this point, Europeans generally conceded, however, that the bilateral approach adopted by the U.S. since August 15, 1971, was a genuine emergency measure—and in itself should not jeopardize any major move toward multilateral trade talks.

Europeans were critical of Administration support of specific American industries in their efforts to obtain voluntary protective quotas. The American Selling Price (ASP) method of U.S. customs valuation, was frequently mentioned—though less as an example of bad faith of America's part than as an example of the "fundamental protectionism" of the Congress.

There were frequent references to the current upsurge of countervailing duty and antidumping investigations in the United States. The tone was generally to the effect that "no matter how strongly Treasury may say it is committed to liberal trade policies it is nevertheless acting in a protectionist manner."

In connection with current U.S. countervailing duty and antidumping investigations references were made to the forms of retaliation that the investigations, irrespective of their merits, could generate. For instance, large scale European companies that received negative judgments would be tempted to retaliate against those of their suppliers that happened to be American owned or controlled. Several examples were given to the Mission of the scale of purchases by individual European firms from American suppliers.

It was stated that one effect of "Buy American" proposals, when successful, is to encourage proposals for "Buy European" policies.

In response to these charges, the protectionist mood of Congress was admitted, but the record of success in withstanding protectionist legislation to-date was emphasized. The Mission pointed out that in Europe there might be some over-estimation of the extent of support within the United States for protectionist legislation. It was made clear to the Europeans that the great bulk of the American business community, as represented by the National Chamber, was solidly and actively opposed to restrictionist trade and investment proposals.

In addition, it was noted that there seemed to be a tide of factors which may be working towards a cooling down of residual protectionist sentiment in America—an improved economy with a drop in unemployment—continued price stability—a new outward lookingness in trade matters as a result of the East-West initiatives—and a probable post-election toning down of the rhetoric with which these issues are discussed.

As to the role of the Administration in implementing international economic policy, the Mission took every opportunity to explain and assess the numerous factors that the Administration has presently to take into account.

In developing policies that will assure U.S. economic strength in the long run, government has to contend with strong political pressures from labor and sections of industry that urge a retreat into a "fortress America."

The Mission repeatedly stressed that one of the most effective ways to overcome these pressures is for America's trading partners to meet the United States halfway in establishing freer and fairer trade relationships.

Trade issues to be negotiated

In discussions with European business representatives, there was general agreement that future efforts to liberalize trade multilaterally should preferably be on a wide front. It was agreed that the industrialized nations should lose no time in sitting down to implement their commitment to conduct broad-based negotiations, covering agriculture as well as industry and tariff and non-tariff barriers.

In order to determine the views of European business on the negotiations, the Mission raised all the major trade policy issues on which the United States is currently seeking Community action.

The agricultural issue was presented from the perspective that the U.S. was especially concerned with the outcome of prevailing trends of U.S. agricultural and non-agricultural trade with the Community.

If comparative advantage is to remain the mainspring of international trade relations, then steps must be taken to assure more equitable access to the Community for American farm products. Farm products and high technology industrial goods are the only categories in which the United States enjoys a comparative advantage over Europe. The U.S. must be sensitive to developments which work to artifically reduce that advantage.

This approach was developed at length as the Mission gained the impression that the European business community was not particularly aware of the reasoning behind the American interest in including agriculture meaningfully in trade negotiations.

A common response to the Mission's questions on Community agricultural policy was that the United States should not worry too much, as time would alleviate most of its problems with the CAP. As the Community's farm population dwindles, the relative importance of the agricultural vote should also decline. And it was frequently stated that we may be just around the corner from a significant consumer reaction in the Community against the farm policies that are proving so costly. It was also suggested that the entrance of three new members into the Community, especially the United Kingdom, would be a contributing factor to achieving a more rational agricultural policy.

In response, the Mission impressed upon European business contacts its concern that the Community might not prove willing to move boldly on agriculture. In turn, questions were raised regarding Congressional willingness to provide authority to put U.S. farm policies on the table. It was pointed out that the Administration would most probably request such authority if the Community would give some clear indication of what kind of agricultural negotiations it would consider.

The Mission asked for the support of European business organizations in working toward trade negotiations in which agriculture played a significant part.

There was no substantial disagreement on the need to negotiate tariff barriers on an across-the-board basis. It was acknowledged by Europeans that protectionist pressures are considerable within the Community and roughly involve the same industries as in the United States.

There was some discussion of what tariff elimination would mean to the Community. If all the world had a common tariff, obviously, a prime condition for the Community's existence would be removed. Generally, it was felt that if the Community was able to rationalize its industrial and monetary base, so as to be able to compete effectively with the U.S. and other industrial economies, there would be no inconsistency between zero tariffs and the Community's basic purpose and objectives. It was strongly emphasized by Europeans that the evolution of Community Industrial, Scientific and Technological policies would be a key factor in deciding the final Community position on tariff policy—particularly with respect to the time schedule for tariff elimination.

On non-tariff barriers, the general response of business oragnizations was that a comprehensive across-the-board approach would be preferable to a limited, ad referendum approach. European businessmen appeared to be strongly aware of the proliferation of new forms of non-tariff barriers and agreed that it would be self-defeating to postpone their serious negotiations.

In summary, there was general agreement that the realities of the time demand a much more comprehensive trade bill than the type that might be expected to emerge from Washington. This should include a commitment to work toward zero tariffs for the industrial countries possibly over a 25 year period and a commitment to tackle all non-tariff barriers. The latter could include efforts to eliminate selected barriers immediately with the balance being "frozen" until such time as they could be dealt with in detail.

The trade negotiations to which the U.S. trade bill should be keyed should also embrace the adjustment assistance and other social programs and policies of trading states, as well as the question of preferential tariffs for developing nations.

The alternative to this comprehensive type of negotiation would be to ensure a gradual drift by the world's nations into progressively inward-looking and isolated blocs.

2. *As a prerequisite to obtaining broad negotiating authority, the Administration should initiate talks with our major trading partners with the object of gaining agreement on broad international economic principles.*

Discussions on trade negotiations strategy led to a general agreement that one way to pave the way for the Community and the United States to agree to wide negotiations would be to set up immediately some talks, or "pre-negotiation negotiations" in which the commitment by participating nations to certain broad economic objectives could be established. Accordingly, the recommendation to this end is made in recognition of the problem faced by the U.S. Administration in obtaining Congressional authority.

It also relates to the political considerations of individual Community members, that could, collectively, inhibit the Community to negotiate on a broad and meaningful basis.

Both considerations related in addition to the apparent reluctance of each party to commit itself specifically to negotiations because of doubt as to the other's true intentions.

Rightly or wrongly, Congress has worked itself into a quasi-protectionist frame of mind partly because of a feeling that the Europeans, or the Japanese or Canadians, as the case may be, are taking more than they are giving in international commerce. To some extent this is a legacy of the aftermath of the Kennedy Round when many legislators thought that American negotiators had exceeded their authority and failed to secure enough concessions for the United States. It is also a side effect of the current spirit of economic pessimism, in which a deteriorated U.S. trade balance symbolizes to many legislators the hopelessness of the American international competitive position.

Consequently, it is widely recognized in Europe as it is in the United States, that the chances of Congress providing wide authority to U.S. negotiators are less than bright. This is especially true in the politically volatile agricultural sector.

"Pre-negotiation negotiations" could help lead the Community and the U.S. into wider negotiations by getting the participating nations to agree to certain broad economic objectives. A form of commitment along these lines could provide Congress with an indication of the response the U.S. could expect on specific negotiating issues from other countries. This would help to mitigate Congressional reluctance to extend wide negotiating authority covering U.S. farm policies in the absence of clear foreign commitment to reciprocal concessions. Similarly the Community and non-Community countries would be better able to secure the necessary authority to negotiate if they know the basic economic policy positions of their trading partners. Points to cover could include:

The need to reach a zero tariff level by the end of the century.

The need to obtain effective harmonization of the domestic agricultural systems and policies of all countries. Without such harmonization, distortions and inequities will continue to plague agricultural world trade activity.

The need to achieve agreement on the harmonization of national tax policies that otherwise distort trade and investment activities.

The need to achieve agreement on national industrial policies so as to avoid discrimination against foreign owned or controlled enterprises.

3. A system of generalized tariff preferences on U.S. imports of manufactured and semi-manufactured goods from developing countries must be instituted in concert with other industrialized countries.

The Mission expressed its concern with the Community's growing network of preferential trade agreements with developing countries that appeared to be inconsistent with GATT rules. In general, the response from European business representatives was mixed. Those who admitted that some of the agreements should be reviewed were countered by those who accepted the official Community position that all the agreements are both legal and economically inevitable. On balance, the opinion of European businessmen meeting with the Mission indicated that the most effective policy for the United States to follow should be based on the implementation by the United States of a generalized tariff preference scheme. This would fulfill a longstanding U.S. commitment and, at the same time, oblige the Community to openly review its own system of preferences.

Other comments were directed to prevailing U.S. policy on Community preferential agreements. Outright opposition was felt to be ineffective because many of the agreements were sincerely regarded within the Community as legal and highly important to Community welfare. In the absence of a concerted move by all industrial countries to adopt a common preferential tariff system, it was recommended that the United States employ a two-pronged attack. One, to seek maximum compensation according to GATT procedures for proven injury to U.S. export trade. And two, to focus on removal of those preferential agreements that are most clearly in violation of GATT rules. Reverse preferences were mentioned in this context. There was considerable agreement among Europeans that the reverse preferences would not stand up under any objective appraisal.

The fact that the Community is considering the extension and harmonization of its preferential arrangements with Mediterranean countries underscores the urgency with which the United States must decide its adoption of generalized preferences.

4. U.S. antitrust and export control regulations need to be reassessed to ensure that they achieve their primary purpose without inhibiting the competitiveness of U.S. firms in foreign markets.

The Mission constantly raised the question of the extent to which U.S. antitrust law and practices inhibit U.S. business performance abroad and curtail U.S. based export efforts.

There was little specificity in the responses, particularly by U.S. nationals. On balance, the responses did, however, express the view that U.S. antitrust law should stop at the U.S. border. A principal objection was that extension of antitrust beyond U.S. borders goes beyond the original purpose of the law, which was to preserve competition within the United States.

Extraterritorial application of U.S. antitrust regulations means that American firms are not free to compete fully with foreign firms which are not inhibited by similar antitrust considerations.

Instances of business lost to American firms because of U.S. antitrust consideration were cited especially with respect to the 51% ownership requirement in U.S. law.

Observations on European business practice were made to illustrate the futility and disadvantages of applying U. S. antitrust criteria to the European business environment. What is accepted practice in one country, for example, would be in clear violation of antitrust in the United States. Attempts to apply U. S. law in Europe add credence to the charge that the multinational corporation is indeed outside the host nations' control.

It was acknowledged that U. S. antitrust policy is solidly entrenched behind Supreme Court rulings, which discourages much discussion of the issue. Nevertheless, conversations with American business representatives led to a conviction that the extraterritorial application of U. S. antitrust policy needs serious reappraisal. If American international business performance abroad is indeed a matter of high national priority, then avoidable obstacles to the performance must be identified and acted on forthwith.

U. S. export control policy attracted much critical comment particularly from members of American Chambers of Commerce Abroad. Despite the recent liberalization of the U. S. export control program it was generally felt that the program's administration is overly and unnecessarily restrictive. In other words, excessive conservatism has limited the effective liberalization of the program as permitted by changes in the Export Control Act. Examples were given of business lost to foreign competition because of negative rulings by the Office of Export Control. It was also suggested that U. S. export control criteria be more clearly set out in U. S. law, thereby reducing the degree of discretion that is presently characteristic of export control administration.

There were discussions on the basic national security factors that must be taken into consideration when passing judgment on the rulings of the Office of Export Control.

The Mission referred to the current situation in which the Administration is responding to a Congressional directive to adjust the export control list to the COCOM list— and to be prepared to explain reasons for retaining items that are not included in the COCOM list. (The COCOM list represents an agreement between the U. S. and other major industrial powers as to those strategic items that should not be sold to the Sino-Soviet bloc.) There was general agreement that this was an encouraging move, but "we shall have to wait and see". On balance, the comments on U. S. export control were sufficiently critical to convince the Mission that an objective reassessment of current export control policy would be in order. The response to the Congressional directive should provide a convenient means of measuring progress in that direction.

5. Government and private efforts to develop export consciousness and improved export techniques among domestic American firms need further strengthening. More emphasis is needed at home as opposed to placing undue reliance for export development on the export assistance services provided by U. S. Government personnel abroad.

A recurrent theme expressed by both American and European businessmen was that the potential for U. S. exports has not yet been realized. The Mission made it a special point to press American and foreign businessmen for ideas on how this potential could be reached.

Discussions invariably began with an assessment of the performance of United States commercial offices abroad in developing American commercial and economic interests.

Contrary to the negative comments often heard in the United States about the effectiveness of U.S. commercial services abroad, most of the businessmen responding to the Mission on this subject were complimentary. The essence of their remarks was that American firms that had done their basic homework with respect to penetrating a particular European market could generally depend upon adequate assistance. The qualification here was that they were referring to American companies that were "serious" about breaking into new export sales and wanted to contact possible customers or foreign representatives.

They acknowledged that if a company expected "cradle to the grave" export assistance they would undoubtedly be disappointed— but that firms should not expect such a level of assistance in any case.

General support and encouragement was

expressed for current U. S. Government efforts to improve the export development services of commercial offices abroad. More specifically, three areas were selected for special attention by the government.

One, it was agreed that business experience should have much weight in the selection of commercial staffs.

Two, the government should place priority on establishing procedures to get information on "hot" export leads with a minimum of delay to U. S. exporters of known motivation.

Three, more interchange should be encouraged between foreign commercial posts, Washington and Department of commerce field offices.

There was much discussion of various proposals to revamp the commercial posts, with the Pritzlaff report given specially prominent mention. On balance, there was no particular disagreement with any of the proposals made in these initiatives. The consensus was that the apparent cost involved in many of the marketing and promotional programs considered in the reports known in Europe were minor in relation to the scale of U.S. export activity. The trend of the discussions on this point was also that it was common sense to make the market development activities of the posts as efficient and productive as possible. However, in most meetings in which U.S. Government export development was discussed, emphasis was placed on generating interest among potential exporters back in the United States.

If there is, in fact, much potential U. S. export activity to be tapped, then much more importance must be attached to inducing firms to try exporting and ensuring that, once involved, they have real incentive to continue.

It was agreed that major legislative efforts, of the stature of the 1971 Export Expansion Act introduced by Senators Inouye and Magnuson, are needed to focus attention on the domestic side of export expansion.

It was generally agreed that export programs, such as DISC were the very least that could be expected if exports are truly a matter of national priority.

U.S. Department of Commerce field offices should also be strengthened to provide more intensive export development work.

Much speculation was offered as to the relatively weak export performance of American industry. A lack of "flexibility" in adapting U. S. products and marketing methods to foreign markets was often noted: for example, failure to adopt products to European standards of power and measurement, to provide instructions in foreign languages, to quote prices in foreign currencies and to reply to foreign inquiries. It was acknowledged that the huge size of the domestic U. S. market deters many American firms from seriously trying to make the necessary adjustments to compete in much smaller foreign markets.

A key problem recognized by many United States commercial officers who met with the Mission is the difficulty of producing positive responses to the trade leads they develop. Some way must be found to "rifle" viable leads quickly to companies that are most likely to act on them. The prevailing system is slow and government personnel at home and abroad are limited in their freedom and ability to direct leads to "live" companies on their own initiative. It was also recognized that finding a potential exporter to fill a lead is not enough—effective counseling on the essentials of exporting must be a key element of government programs.

Many comments were made on the advisability of further refinements of Export-Import Bank services, particularly with respect to easing the paperwork relating to Eximbank activities. The need to liberalize further East-West trade credits was emphasized by several participants, although, on the whole, few complaints were made about the general credit terms offered by the Eximbank organization.

6. Negotiations should be started immediately to harmonize national environmental control policies so as to minimize the increasingly inequitable effects of differing national standards on trade and investment flows.

The effects of national environmental policies on trade and investment provided a major source of discussion during the Mission's meetings.

Many representatives of both European and American enterprises in Europe, expressed the conviction that a crop of new worldwide environmental policies and programs threaten to introduce severe distortions into prevailing trade and investment flows. The threat of "ecology havens" has become a familiar theme in Europe.

The likelihood that the Community would move soon toward developing an environmental policy was also raised as an indication that some form of worldwide agreement on such policies is imperative. The possibility that some national policies could be drafted so as to include tacit discrimination against foreign business was also raised in discussions with the Mission.

On balance, the Mission concluded that there would be strong support from the European business community for measures aimed at producing effective harmonization of different national environmental policies.

7. The United States Government should continue to provide and improve tax treatment for American exporters and foreign investors that enables them to compete on an equitable tax basis with their competition abroad.

There was general agreement among both American and European businessmen operating in Europe that United States tax proposals like those in the Burke-Hartke bill would work to the advantage of America's foreign competitors.

The collective opinion expressed in the discussions was that the assumptions behind that type of legislative proposal fail to take account of the realities of doing business abroad. The intense competition that American firms are now experiencing in foreign markets suggests that few of these firms could remain competitive if saddled with the extra costs that the tax proposals involve.

At the same time, there are increasing signs that foreign national tax policies would have the effect of discriminating against foreign controlled or owned operations.

In Germany, for instance, a good deal of specific comment was directed to German tax proposals that would have a discriminatory effect against U.S. subsidiaries.

Comments were made on sections 806.30 and 807.00 of the U.S.Tariff Schedules which extend special tariff treatment to imported items that have been assembled abroad from American made components. Based on the experience of Americans actually involved in 806.30 and 807.00 operations in Europe, elimination of the provisions would result in a transfer of U.S.-based production to Europe.

The tax on value added was frequently mentioned as having a real effect on trade flows to the disadvantage of countries not employing that system.

In summary, there was general agreement that the harmonization of national tax policies, so as to minimize their distorting effects on trade and investment, should be a prime objective of all trading nations.

8. The United States should work with other countries to ensure that domestic adjustment programs minimize the dislocations they might have on the free international movement of goods and capital.

Adjustment assistance was a frequent point of discussion revealing significant differences in current United States and European national philosophies and policies on the issue.

The Mission pointed out that, within the United States, adjustment assistance is emerging as a major national concern, and that political considerations will probably ensure that the emphasis in the United States will be on trade adjustment assistance as opposed to adjustments arising from all forms of economic activity—which is the more prevalent concept in Europe.

There was general agreement, however, that whatever the coverage of individual national adjustment assistance programs, the Community and the United States should work together to develop some international rules on adjustment programs—rules that would be aimed at minimizing the distortions in international trade that domestic safeguard programs might otherwise produce.

The principle to be observed here is that the costs of national adjustment assistance programs be borne mainly by the governments responsible for those programs and not by countries whose trade is restricted by those programs.

This would ensure that market forces would continue to prevail in international commerce—forces which experience has shown to be the most successful means of generating world economic growth.

9. The United States should work for international talks aimed at harmonizing different national policies on the treatment of foreign direct investment.

A common theme struck in meetings with the Mission was that European and American business both had much to gain in developing a worldwide climate in which foreign direct investment could flourish.

The hope was expressed that the United States and the Community could take the lead together in bringing about some harmonization of different national policies on foreign direct investment. This was noted as being particularly important in the context of developing countries where criticism of foreign investment is most acute.

Examples were given of incipient discrimination within the Community against foreign investment. Some fears were expressed that Community evolution of internal industrial, scientific and technological policies could produce problems for non-Community controlled enterprises.

There was considerable comment on the performance of American controlled or owned operations within the Community. In general, it was agreed that the bulk of the firms involved were good corporate citizens but that they would find it increasingly important to remain so in the future. Evidence is accumulating, the Mission was told, that within the Community a much more critical awareness of U.S. controlled industry is developing. This was seen as making all the more urgent the need to work for harmonization of national policies on foreign investment on a multilateral basis.

10. The United States must closely reassess those of its policies and practices which may discourage foreign direct investment and purchase of securities of the United States.

There was a good deal of praise for the renewed U.S. Government interest in attracting foreign direct investment to the United States. Generally, no criticisms were made with respect to institutional barriers to such investment. U.S. antitrust policy was acknowledged as being equally applicable to domestic American firms.

The point was made that official U.S. promotional efforts might concentrate on helping European firms develop their export markets in the United States as a preliminary step toward establishing production facilities.

Exports are obviously the best way to test the marketability of a product in a foreign country. Consequently, one way to convince foreign companies to invest in this country is to ensure that their product line has been able to achieve successful export penetration.

Considerable comment was made about obstacles to investment in U.S. portfolio stocks. The main thread of these contentions was that over the years, the United States has put into effect a number of federal and local laws and regulations that are obstacles to foreign investment in U.S. securities.

Each of these measures, going back to the 1930's, was imposed for a reason that was sound at the time. Over the years laws and regulations have been added to the U.S. network of monetary and fiscal measures without thought to the cumulative effect. Measures have been taken for purely domestic reasons which discourage foreign investment in U.S. securities; in addition measures have been applied to control capital outflows. This has been done at the state and local level, as well as at the Federal level. Among all the monetary and fiscal measures that discourage portfolio investment from abroad, there was specific mention in Europe of Federal Reserve regulations (notably Regulation Q), estate taxes on non-residents, the Interest Equalization Tax, and a range of state and local taxes on securities trading.

The net effect has been to encourage investment in the securities of countries other than the United States, to develop financial centers outside the United States that feed on U.S. securities, to deflect business from U.S. securities houses to foreign houses, and to generally distort capital flows. The speed with which the Eurodollar and Eurobond markets developed and the magnitude of capital in these markets is a sign the distortions are at least partly attributable to U.S. measures.

A collateral development has been the growth of unregulated offshore funds that feed on U.S. securities and, unfortunately, at times damage the image of the U.S. securities market or the industry in general. As the foreign securities trading centers have developed, there has been less efficiency in the market as a result of artificial fragmentation of the global market. The investor has to pay more and, consequently, invests less.

This was the gist of comments made to the Mission on this relatively neglected issue. Bearing implications of these comments in mind, the Report of the President's Commission on Financial Structure and Regulations seems to be in the right direction. This also applies to the concept of the Foreign Portfolio Sales Corporation. Nevertheless, they represent a piecemeal approach that lacks a central direction.

What would be timely is a comprehensive, objective examination of the statutory and regulatory maze affecting foreign investment in U.S. securities. The object would be to determine whether monetary and fiscal measures, some imposed decades ago, are still required or might be eliminated. With respect to those that it is decided to retain, further judgment could be made whether they could be simplified. Kept in mind during such a study would be the effect of portfolio investment on improving the U.S. balance of payments.

It seems reasonable that the requirements of absolute objectivity would dictate a study by an independent group or commission, using, where necessary, assistance from the various government agencies.

11. The United States should maintain and augment its initiative in bringing about a thorough reform of the world monetary system.

There was considerable comment by European government and business representatives on the world monetary situation, particularly with respect to the statements of President Nixon and Secretary Shultz at the September 1972 International Monetary Fund meeting. All agreed that a new and flexible system, designed to accommodate the changing needs of trade and investment, is urgently needed.

It was noted that the determination expressed at the Fund meeting to restore dollar convertibility has evidently reassured many Europeans that the U.S. approach deserves support.

The principle of invoking sanctions against countries that fail to adjust their payments imbalances was generally accepted. However, it was pointed out by Europeans that the requirement to keep exchange reserves on a stable basis could launch governments on new exchange and investment controls policies. References were made to the role of multinational corporations in this regard. The effect they can have on international capital flows could cause special controls to be placed on multinationals' capital operations by host country governments.

The Mission made it a point to test European reaction to the possibility that the Committee of 20 might not produce recommendations for reform that were acceptable to all IMF members. As a rule, there were no objections in principle to a Mission proposal that another form of high level conference be organized in which the impetus toward monetary reform could be carried to consummation. This conference should be preceded by thorough consultations on the rules and organizational requirements of the new system. These consultations should also take special account of the problems of developing countries.

FINDING A SUCCESSOR FOR ROBERT BALL

Mr. MONDALE. Mr. President, as a member of the Committee on Finance and the Special Committee on Aging, I was very much concerned when it was announced that President Nixon is willing to let Robert Ball resign as Social Security Commissioner.

Mr. Ball, after all, has headed the Social Security Administration for 10 years and worked for Social Security since 1939. He has kept the SSA free from politics; he has kept it free from scandal; he has kept it refreshingly free, to a large degree, from bureaucratic redtape and unresponsiveness.

I am sure that when Mr. Ball submitted his letter of resignation last year—as requested by the President—he had mixed feelings. He may have wanted to rest after 34 years of service and reflect on the work he and others had performed. On the other hand, he knew that Congress had enacted in 1972 many new responsibilities for SSA, including implementation in 1974 of a new and significant supplemental security income program to replace State assistance programs now serving the aged, blind, and disabled at widely varying levels of effectiveness.

If ever an administrator should have been implored to stay and apply his experience and compassion to new challenges, this was the time for such action by the President. Instead, the President said that it was all right for Mr. Ball to go.

That action was regrettable, and I hope that Mr. Nixon will think long and hard before he decides on a proposed successor to Commissioner Ball. In fact, news of the President's action aroused much concern about—as Chairman Mills of the House Ways and Means Committee expressed it—a possible administration desire to "politicalize" Social Security. I submit several articles and editorials which voice such sentiments and ask unanimous consent to have them printed in the Record.

I also would like to add my own personal tribute to Mr. Ball and to express my disappointment that he will not be on hand to assist in an official capacity two Senate committees—the Committee on Aging and the Committee on Finance—on which I now serve.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the New York Times, Jan. 8, 1973]

Defender of the Aged

In his decade as Social Security Commissioner, Robert M. Ball has demonstrated both administrative competence and social imagination of a high order. He came into the vast Federal insurance program for protection of the aged and disabled not long after its establishment in 1937. His subsequent career entitles him to rank alongside the late Arthur J. Altmeyer, the first head of the Social Security system, as an official who knew how to translate dreams into an efficient, corruption-free program.

The distinction of Mr. Ball's service makes it difficult to understand President Nixon's decision to speed his departure from Government just when massive new administrative problems are about to descend on the system in connection with the Social Security changes voted by Congress last year. We share the hope voiced by Chairman Mills of the House Ways and Means Committee that the dropping of Mr. Ball does not signify an Administration desire to "politicalize" Social Security. Perhaps his greatest contribution was keeping that multi-billion-dollar program totally free from any taint of politics.

[From the Port Arthur (Tex.) News, Jan. 15, 1973]

Was Ball Dismissal Mistake?

President Nixon's dismissal of Robert M. Ball as commissioner of Social Security raises some serious questions about how to achieve and maintain skillful management in the government bureaucracy.

Since the agency has always been deemed to be off-limits politically, it would be a bad slip if the President were to name a successor whose experience suggested he was less a qualified social insurance expert and more an out-and-out political appointee.

But, actually, that is the shallow, obvious aspect of the matter, easy to judge. There is a deeper issue.

Ball has headed the Social Security Administration for nearly 11 years, and for roughly an equal time before that he was deputy commissioner of SSA's predecessor agency. His entire working career falls within the social insurance realm.

Does this kind of service make a man go stale and leave him empty of new ideas?

There is a school of thought that would say yes, automatically. The proponents of this view contend that turnover at the top level should occur fairly frequently. The argument can be guessed. Change assures regular infusion of fresh ideas, new energies, flexibility. Men of long tenure, it is suggested, cannot fill this need.

Yet there is a strong counter-argument put forth steadily in the field of public affairs. Its core is that there are always men with a great capacity for self-renewal, continuing growth, and adaptability to altered circumstances and problems. Such men not only can meet new challenges, but have a way of searching them out.

Does Robert Ball deserve such an accolade as this? There are a good many men in the U.S. Congress and many practiced observers of public service performance who believe he does.

He has presided over Social Security during its transformation for an agency of modest scale to one of enormous size and increasing complexity, and seen it hailed as the best of bureaucracy. In 1965, he laid over it the huge framework of the Medicare program, a task reasonably pictured as one of the greatest peacetime administrative assignments in history. He is a tireless innovator who knows his field as he knows the lines in his hands.

In 1972, Congress handed SSA new challenges for 1973 and 1974. Everything in the record suggests Ball was the man above all to meet them. His expertise is unmatched, and at 58 his powers and talents seem undimmed. He is a public servant of genuine distinction. In casting him out, President Nixon has made a gross error in judgment.

[From the Asheville Times, Jan. 6, 1973]

An Unfortunate Nixon Firing

President Nixon's shakeup of the federal bureaucracy perhaps moved a step too far when he accepted the requested resignation of Robert Ball as head of the Social Security Administration. The word out of Washington hints that Ball, who worked his way up from the civil service ranks and was named Social Security Administrator by President John F. Kennedy, had too many close contacts in Congress for the liking of the White House.

If so, it is a pity. Robert Ball served with considerable distinction as head of the vast Social Security Administration. He was one of the architects of Social Security's disability and Medicare provisions, and received the Rockefeller Public Service Award for the supervision of the vast social insurance program which now provides benefits to one of every nine Americans.

Ball can bow out with a very clear conscience. Knowledgeable observers in Washington rate the Social Security Administration as perhaps the best of all the federal agencies. There has never been a breath of scandal connected with it, and the experts hold that administratively it functions with a minimum of waste and lost motion. People who have had occasion to do business with regional Social Security offices can testify to the fine courtesy and efficiency of the staff members.

The nation owes a debt of thanks to Robert Ball. It's too bad that he had to fall victim to the Nixon pruning hook.

[From the Washington Star-News, Jan. 15, 1973]

Ouster at Social Security

The word "bureaucrat," like the word "politician," has gathered a distinctly deprecatory ring to it. The public has grown more distrustful of big government, and so it has become fashionable, even in this town that lives by big government, to dismiss the man who works for government as something of a second-rater.

It is all too bad. For though second-raters, and third-raters, abound in government, as they do in private employment, the disparagement of the bureaucracy ignores the hard-working and the able in government ranks, and it ignores those relatively few people who can fairly be called superb public servants.

Robert M. Ball is in that last category of bureaucrat. He will be, at least, until his successor is named and takes over as commissioner of Social Security. Whatever bothersome questions that have arisen about the legislative principles and the financing of Social Security, there is almost universal agreement that here is one government program that works: The computers whirr; the checks go out; public confidence in the system remains high. Bob Ball can take some of the credit for this.

Ball has been with Social Security since 1939, or almost since its inception. He has been commissioner for the last 10 years, a period in which the system experienced a mighty expansion in size, scope and complexity. As an administrator, keeping on top of the legislation, knowing what had to be done, and doing it in an apolitical way, Ball rode the expansion tide in admirable fashion.

All of which brings up the question: Why did President Nixon accept Ball's pro forma resignation? Ball, it is known, wanted to stay on. And he had reason to stay on, for in light of 1972 legislation further expanding the system to include all the nation's adult welfare programs, Social Security faces a challenge at least as complex as in the move eight years ago to establish Medicare within the system.

What the White House has in mind may become clearer when Ball's successor is announced. In the meantime, we believe the burden of proof is on the administration to show that it can come up with someone of Ball's stature, and someone who will not politicize this key position. Congressman Wilbur Mills, whose knowledge of the system is unequaled on Capitol Hill, says he'll be "watching carefully" the choice of a successor. That's good to hear. We hope a lot of other people, in Washington and elsewhere will do the same.

THE LEGAL SERVICE PROGRAM AND THE POOR

Mr. JAVITS. Mr. President, as the ranking minority member of the Committee on Labor and Public Welfare and an advocate for the legal services program conducted by the Office of Economic Opportunity, I wish to express my profound concern with the conditions which have resulted in the ouster, on February 12, of the acting director of the program, Mr. Ted R. Tetzlaff, who had served in that capacity for the last year.

I ask unanimous consent that an article by Jack Rosenthal entitled "Legal Services Chief Is Ousted; He Assails Poverty Office Head" appearing in the New York Times of February 13, be printed in the Record.

Mr. President, these actions come on the heels of the administration's presentation of its budget for fiscal year 1974, which contains no requests for funding of the Office of Economic Opportunity or its programs currently administered by that office. In the case of legal services, the budget submission would provide funding for legal services at the $71.5 million level, only if it is conducted by a new Legal Service Corporation for which the administration indicates that it plans to submit legislation.

Mr. President, these actions give legitimate cause for concern on the part of those of us who support the legal services program, and the concept of a new Legal Services Corporation.

Mr. President, this is not the first time that the head of the program has been either discharged or forced to resign—in this administration alone. Mr. Tetzlaff is the third Director of Acting Director to leave since 1970.

It is not the first time that the program itself has been under challenge.

Its history is marked by controversy and attempts by the Congress or the executive branch to restrict the independence of the Legal Services attorneys to represent their clients—the poor. In 1969, the Congress unsuccessfully attempted, through the so-called Murphy amendment, to give Governors an absolute veto over legal services programs in their States; this was not retained in conference. Just last year in the Senate restrictions were tacked onto H.R. 1, the Social Security Amendments of 1972, but fortunately also dropped in conference.

Underlying all of these controversies has been the question of so-called "law-reform" cases, often brought against State and local government.

But, whatever may be said of previous controversies, it is certainly true that the program has never been more vulnerable than it is now—while the future of OEO hangs in balance and we seek to move the legal services program to a new corporate home, where its independence, and professionalism and adequate funding may be more readily secured.

To provide safely and responsibly for that transition will require acts of domestic statesmanship on the part of the President himself, as it will necessitate the continued support of the organized bar and Members of the Congress who have high regard for the existing program, as one of the finest and most economical activities of an effective antipoverty program, and the concept of a Legal Services Corporation.

Mr. President, in that spirit I ask that the following steps be taken:

First. The stability of the existing program must be maintained by avoiding all disruption, carrying it out in accordance with the provisions of the current law, until such time as legislation is approved by the Congress for its transfer to a new corporation. In that connection, I have urged the President to undertake an immediate review of the situation at OEO and insure that it is in line with the commitments and policies of the administration under law.

Mr. President, I ask unanimous consent that there be printed in the Record a copy of a telegram that I had sent to the President on February 13, 1973, urging him to maintain the existing program, both in its interest and in the interest of establishing a new legal services corporation.

The law which should guide the executive branch now with respect to the legal services program is the Economic Opportunity Act of 1964, as amended by the Economic Opportunity Amendments of 1972, signed by the President into law on September 19, 1972.

The amendments (Public Law 92–424) provide for a 2-year extension of the antipoverty program, through fiscal year 1973, and specifically reserved from funds appropriated to the Office of Economic Opportunity, $71.5 million for this fiscal year 1973 and an equal amount for next for the legal services program.

Funds for the legal services program at the reserved level were appropriated for the current fiscal year under Public Law

92-607, signed by the President on October 31, 1972.

To emphasize these facts, I propose in the near future to introduce, together with a number of my colleagues, a concurrent resolution calling upon the President to continue OEO's major current programs in operation including legal services, under the terms of the statute.

Second, I urge those who are advocates for the program, including the organized bar and members of the Congress to work together with the administration in a new spirit of comity and toward the establishment of a legal services corporation.

But fulfillment of that objective has been frustrated for almost 2 years principally by the inability to reach agreement on the composition of the Board of Directors. The administration has insisted on an 11-member Board appointed by the President without restrictions; in contrast, the Congress has, at various points in the legislative process insisted that a certain number of members of the Board be chosen from certain categories and/or from recommendations or lists of certain groups.

The bill introduced by Senator MONDALE, S. 706, is basically the same as that previously approved by the conference committee on the OEO extension last year, but dropped from that bill, as agreement had not been reached with the administration on the Board.

As the ranking minority member of the Senate Labor and Public Welfare Committee and a supporter of the program, I shall consider it my duty to try to close the gap between the administration and the Congress, so that this concept of a legal services corporation may come to life in a mutually acceptable form if necessary, to introduce my own compromise to that end.

Third, I hope that in the very near future, we will have hearings in the Subcommittee on Employment Manpower and Poverty so that Mr. Phillips can appear to explain his actions in respect to legal services and other OEO programs in terms of his authority under the law.

Mr. President, in closing I consider the legal services program as one of the most gifted developments in the antipoverty program in the United States—as it defends the legal rights of the poor and contributes to their sense of dignity and participation in our society.

As emphasized by George W. Moore, appearing on behalf of the National Clients Council before the Subcommittee on Employment, Manpower, and Poverty on October 9, 1970:

> We clients did not start out believing blindly that the law was our friend, that the courts would do justice and that lawyers were fighters for equal justice for the poor. In fact, we started by fearing the law as the enemy; fearing lawyers and the courts as a part of a system which repossessed our furniture, evicted us, garnished our salaries, and sent our children to reform school. This program has won our trust—a precarious trust, but a growing trust, among minority groups. . . . We know, at least so far, that the attorney in this program owes his full loyalty to his client and only to his client—not to some politician. . . . If the poor lose faith in this program, in the possibility of equal justice through law, then all of us know the alternatives that remain.

Mr. President, I hope that with the support of the President and the Congress, we will not breach the trust that the poor have placed in this program, but may further secure and expand it.

There being no objection, the telegram and article were ordered to be printed in the RECORD, as follows:

TELEGRAM

The PRESIDENT,
The White House
Washington, D.C.

DEAR MR. PRESIDENT: I have noted with profound concern conditions resulting in the ouster of the head of OEO Legal Services Program, the culmination of a series of three such occurrences in the last 18 months. I plan to work toward legislation for a Legal Services Corporation as the Administration itself has proposed, but feel that our efforts may well be negated by the dismantling of the Legal Services Program in advance of establishment of a Legal Services Corporation. I am also deeply concerned that the morale of lawyers involved may be so shaken as to result in serious staff deficiencies and diminution vital services to the poor. Because I regard the Legal Services Program as one of the most gifted developments in the anti-poverty program in the U.S., I ask for an immediate review of the situation with a view toward stabilizing the program and avoiding disruption until it can be made completely autonomous. I shall also seek early hearings on this program so that Mr. Phillips can appear to explain his action in this and other areas of the poverty program.

JACOB K. JAVITS,
U.S. Senator.

[From the New York Times, Feb. 13, 1973]

LEGAL SERVICES CHIEF IS OUSTED; HE ASSAILS POVERTY OFFICE HEAD

(By Jack Rosenthal)

WASHINGTON, February 12.—A new political controversy erupted tonight over the Federal Legal Services Program with the abrupt discharge of its acting director, Ted R. Tetzlaff, following his refusal to resign.

The dismissal came only hours after the American Bar Association's policy-making body endorsed higher funding for the program and urged that it be insulated from political pressures.

Mr. Tetzlaft, who is 28 years old, said his dismissal was part of an effort "to kill the program—or at least to interject politics into the work of anti-poverty lawyers and destroy their professionalism."

He directed his accusation against Howard Phillips, the new acting director of the Office of Economic Opportunity, the parent agency of the Legal Services Program. Mr. Phillips refused to comment.

It is known, however, that Mr. Phillips, an avowed conservative, has strongly opposed some aspects of the program, one of the most successful—and controversial—initiatives of the Great Society programs of the Johnson Administration. Frequently embattled, it has won wide support even from conservative lawyers.

HAS 2,500 LAWYERS

The program involves 2,500 lawyers working out of 900 neighborhood offices in 300 cities around the country. The Administration reaffirmed its support of a plan, first proposed last year, to establish the program as an independent public corporation, thus insulating it from politics.

This corporation would also provide a home for the program, which otherwise would be orphaned by the Administration's proposed abolition of the Office of Economic Opportunity, the Federal antipoverty agency.

Mr. Tetzlaff, who has been acting director for a year, is the third head of the program in 27 months to leave under fire. Previously, Terry F. Lenzner and Fred Speaker departed after contesting asserted political pressures. In Mr. Speaker's case, criticisms of the program had been raised by Vice President Agnew.

Mr. Tetzlaff said tonight that his dismissal was only the latest in a series of "acts of political interference" undertaken by Mr. Phillips since he took over O.E.O. two weeks ago.

QUESTIONS QUALIFICATIONS

Another such cast, he said, was Mr. Phillips's installation of a number of officials into whom he called "of questionable qualification." He cited the appointment by Mr. Phillips of a new chief of evaluation—Marshall Boarman.

"That's the most professionally demanding position in the program," Mr. Tetzlaff said, "yet here he appoints a man who is not even a lawyer."

Last week Mr. Phillips abolished the National Advisory Committee to the Legal Services Program. This 34-member committee has served, since the antipoverty agency began in 1965, as a link among the professional bar, poor people receiving legal services and the Government.

The new acting director of the program is Lawrence McCarty, who was recently recruited to the O.E.O. by Mr. Phillips from a New England life insurance company.

Mr. Phillips, a founding member of the conservative Young Americans for Freedom, has expressed a variety of philosophical objections to the operation of the program. He has challenged it as serving the liberal impulses of its lawyers rather than the real needs of the poor. He has been critical, for example, of some offices producing newsletters that he contends have wrongly engaged in partisan politics.

REA NIXONOMICS—ITS COST TO MONTANANS

Mr. METCALF. Mr. President, when President Nixon finally assented to a news conference this month, he publicly revealed his utter lack of comprehension of an important Federal function which he had just abolished. I refer to the Rural Electrification loan program. Under this program, established in the 1930's, suppliers of electric and telephone service in rural areas receive loans from the Federal Government to finance a portion of their needs.

Borrowers are required to provide areawide service. Their service area is sparsely settled, in comparison with that of investor-owned utilities which serve the population centers. Therefore, the IOU's revenue per mile of line for years has been approximately 15 times greater than that of the rural cooperatives.

Because of this relatively low revenue for systems serving rural areas, REA loans have carried an attractive 2 percent interest rate. The President never included in his budget enough funds for this program. Congress usually increased the appropriation and the President usually impounded some of the appropriated funds. Consequently the systems serving rural areas have in recent years relied on higher cost private financing for an increasing portion of their needs.

Cooperatives relied upon nongovernment sources for 43 percent of their financing last year. Interest rates on their nongovernment loans ranged from 6 to 8½ percent. Therefore, their blended interest rate last year on REA and other loan funds together averaged approximately 4⅓ percent.

The REA 2-percent loan program was available to investor-owned utilities and cooperatives alike, provided they agreed to provide the areawide service. More than two dozen investor-owned electric utilities and more than 600 investor-owned telephone companies obtained REA 2-percent loans. The larger IOU's have not relied on this program because they quickly discovered that they could make more money by conventional financing, serving populous areas, than they could by obtaining some financing at 2 percent which carried with it the commitment to provide areawide service.

A great deal of the present spending by rural electric and telephone systems is simply for maintaining and upgrading service. If an industry or recreational development locates in the co-op service area, the additional load is welcomed. But many of the lucrative industrial and recreational loads that do move to the country—and there are not enough of them—arrange to be served by investor-owned utilities with which their backers have intimate ties.

Mr. President, I present that brief background of the REA loan program as a prelude to President Nixon's uninformed remarks on the subject at his January 31 news conference, and also as a prelude to a report I have received from the Rural Electrification Administration on the effect upon some Montanans of the President's unilateral decision to abolish the REA 2-percent loan program.

Here is the question put to the President, and his answer:

> Q. Mr. President, sir, Senator Hollings said on a recent trip to Southeast Asia he discovered that we are letting some countries, including Japan, have 2 per cent money, yet we have denied our own farmers in rural cooperatives 2 per cent money. We are telling them they have to have their loans at 5 per cent. Would you comment on this and how this might relate to your upcoming program of aid to Southeast Asia?
>
> A. Well, as far as the program of aid is concerned and the percentage of interest that is paid, we will, of course, have in mind the interest of the American people. We want to be fair, of course, to those who have been our allies and in the great tradition of America when it fights wars, to those who have been our enemies, like Germany and Japan, who, with America's help now have become our two greatest competitors in the free world.
>
> Now, when you get down to whether the percentage will be 2 per cent or 5 per cent or 3 per cent, that is a matter to be negotiated, but we will be fair and we will see that our farmers also are treated fairly.
>
> Let me say, if I could, with regard to REA—and Miss McClendon, because you are somewhat of an expert on this—I have always supported REA because I used to represent the old 12th District. When I lived there and represented it, it was primarily agricultural, orange groves; now it is primarily people, subdivided. But as one who came from that area, I naturally had a great interest in this matter of REA and the rest, and supported it.
>
> But what I have found is that when I first voted for REA, 80 per cent of the loans went for the purpose of rural development and getting electricity to farms. Now 80 per cent of this 2 per cent money goes for country clubs and dilettantes, for example, and others who can afford living in the country. I am not for 2 per cent money for people who can afford 5 per cent or 7.

These were not the words of a subordinate who can be fired as a scapegoat. It was the President of the United States who declared that—

> Eighty percent of this 2 percent money goes for country clubs and dilettantes, for example, and others who can afford to live in the country.

His statement shows his utter uncomprehension of the economics and realities of rural America.

When President Nixon unilaterally abolished the REA loan program on New Year's eve—without consultation with Congress or borrowers—11 Montana cooperatives had loan applications pending before the Rural Electrification Administration. These loan applications totaled $20,101,000.

These 11 cooperatives have their headquarters in the following towns: Dillon, Kalispell, Livington, Glasgow, Scobey, Circle, Fairfield, Havre, Forsyth, Worden, and Eureka. However, residents of some of those towns—the larger ones—are served by investor-owned utilities. Any facility remotely resembling a country club in those areas is likely to be served by an investor-owned utility with intimate political ties to President Nixon.

The Rural Electrification Administration, in response to my request, provided me with information as to the increased interest cost, under President Nixon's programs, to the 11 Montana cooperatives with applications pending. The response shows that the members of these 11 small rural coops will have to pay an additional $13,121,932.80 in interest payments, over a 32-year period, to finance the loan at the 5-percent rate announced by the President.

Mr. President, I ask unanimous consent that REA Administrator David Hamil's February 12 letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

RURAL ELECTRIFICATION ADMINISTRATION,
Washington, D.C., February 8, 1973.

Hon. LEE METCALF,
U.S. Senate.

DEAR SENATOR METCALF: We are glad to supply additional information concerning the repayment of REA loans at different interest rates.

Most REA loans are repaid through 128 quarterly payments, over 32 years, starting after an initial three-year period during which no payments on principal are required. The quarterly payment for a 2 percent loan under this arrangement is $10.60 per $1,000, while the quarterly payment under the same arrangement for a 5 percent loan is $15.70. The difference of $5.10 times 128 payments represents the difference in interest cost over the life of the loan, which is $652.80 per $1,000. For the loan applications pending from Montana applicants, this difference is shown below.

Applicants	Amount of pending application	Difference in interest cost
Electric applications:		
Vigilante Electric Cooperative, Inc., Dillon	$460,000	$300,288.00
Flathead Electric Cooperative, Inc., Kalispell	333,000	217,382.40
Park Electric Cooperative, Inc., Livingston	371,000	242,188.80
Telephone applications:		
Valley Rural Telephone Cooperative Association, Inc., Glasgow	$500,000	$326,400.00
Nemont Telephone Cooperative, Inc., Scobey	3,845,000	2,510,016.00
Mid-Rivers Telephone Cooperative, Inc., Circle	5,130,000	3,348,864.00
3 Rivers Telephone Cooperative, Inc., Fairfield	590,000	385,152.00
Triangle Telephone Cooperative Association, Inc., Havre	3,179,000	2,075,251.20
Range Telephone Cooperative, Inc., Forsyth	3,733,000	2,436,902.40
Project Telephone Company, Inc., Worden	1,060,000	691,968.00
Interbel Telephone Cooperative, Inc., Eureka	900,000	587,520.00
Total	20,101,000	13,121,932.80

Sincerely,

DAVID A. HAMIL,
Administrator.

THE FUEL CRISIS

Mr. MONDALE. Mr. President, for months, I and others have attempted to obtain action from the administration to relieve the worsening fuel oil crisis in Minnesota and the upper Midwest. By and large, these requests have met with little or no response, and the few responses that have come—such as a temporary lifting of oil import quotas—have come too late to meet the fuel needs of my State for the remainder of the winter.

Yesterday, Gov. Wendell Anderson of Minnesota requested aid from President Nixon, declaring that a major disaster is imminent in Minnesota if relief is not forthcoming. A survey conducted by Minnesota Civil Defense officials indicates that by the end of February, up to 105,000 homes, 18,000 stores, and 540 factories in Minnesota will be without fuel as a result of shortages in supply.

Mr. President, today I have sent a telegram to President Nixon requesting a number of emergency actions on his part by virtue of the power vested in him by the Defense Production Act, 50 U.S.C. section 2071 et seq. This act clearly empowers the President to require acceptance and performance of contracts if that is required by the national defense, and also clearly empowers him to release fuel oil supplies now held by the Department of Defense.

The time has ended for half-hearted action. We in Minnesota are face to face with a disaster of grave proportions. The President must take those actions which he is clearly authorized to take and which are the only measures that can now avert a major catastrophe in my State.

Mr. President, I ask unanimous consent that two newspaper articles and a copy of the telegram which I have sent President Nixon be printed in the RECORD.

There being no objection, the telegram and article were ordered to be printed in the RECORD, as follows:

FEBRUARY 15, 1973.

The Honorable RICHARD M. NIXON,
President of the United States, The White House, Washington, D.C.

MR. PRESIDENT: In view of the worsening fuel oil supply situation in the state of

Minnesota in the upper Midwest, I urge immediate action on your part to exercise powers available to you under the Defense Production Act.

It is clear that the crisis in Minnesota is on the verge of affecting the national security. When factories employing thousands of workers in production of defense-oriented material are within days of closing, the national defense has clearly been affected, and your power to act under the Defense Production Act is clear.

In particular, I strongly urge you, under authority vested in you by 50 U.S.C. section 2071(a) to take two immediate actions: first, the 60 to 90 day supply of fuel—amounting to hundreds of millions of gallons—which the Defense Department has in storage must be released for those states like Minnesota where the crisis is gravest. If this does not occur, a survey conducted by Minnesota Civil Defense officials indicates that at the end of February we can expect heat to be shut off to 105,000 homes, 18,000 stores, and 540 factories. Clearly, such a development impacts immediately on the national defense, and action must be taken without delay.

Second, under authority of 50 U.S.C. 2071 (a)(1), I urgently request that you shift those contracts which have already been arrived at for allocation of fuel oil and require that those contracts necessary to alleviate the crisis shall take immediate preference over any existing contracts. In particular, I urge you to exercise your statutory power "to require acceptance and performance of such contracts in preference to other contracts" to provide immediate fuel needs in my state.

For example, the government of Minnesota has been unable to attract any bids for fuel for use by the state government on the wholesale contract. The state's current contract expires at the end of February, and should they be unable to secure sources of supply, the entire operation of state government in Minnesota will be threatened. Surely, this also impacts on the national defense in a most dangerous manner.

The power to take these actions is clearly vested in you by statute. I urge you to take these and whatever other actions necessary to head off a major crisis which will cause tragic consequences if it is not corrected immediately.

Senator WALTER F. MONDALE.

[From the Washington Post, Feb. 15, 1973]

MINNESOTA GOVERNOR ASKS AID FROM UNITED STATES IN HEATING OIL CRISIS

(By Thomas O'Toole)

Minnesota Gov. Wendell Anderson has asked President Nixon to declare the state a disaster area because of the statewide shortage of heating oil.

Making public yesterday a letter he sent to the White House last Friday, Governor Anderson said that a "major disaster" is imminent in Minnesota. He said the state is short 30 million gallons of heating oil for the rest of the heating season, which he said means the closing of 540 factories, 18,000 stores and 105,000 homes if the shortage could not be made up.

Governor Anderson said Minnesota was the hardest hit of six Midwestern states that were caught short of oil this winter, and that he was asking the federal government to release 28 million gallons of heating oil from Defense Department storage tanks on the East and West Coasts.

In response to the Minnesota governor's request, the White House yesterday dispatched three federal officials to the state capital, St. Paul, to assess the statewide plight. They are Robert Connor, director of the Chicago office of the Office of Emergency Preparedness, Terrance Vangen, assistant director of that office, and John Schaberg of the Interior Department's Office of Oil and Gas.

The three officials are to meet with members of Governor Anderson's staff today to discuss the situation. Connor was quoted as saying yesterday that "on the surface" Minnesota is worse off than the other Midwest states, but that any decision about how to help the state would have to be made in Washington.

[From the Minneapolis Tribune, Feb. 14, 1973]

STATE SEEKS NIXON FUEL AID

Gov. Wendell Anderson has asked President Nixon to declare that "a major disaster" is imminent in Minnesota because of a fuel-oil shortage and that federal aid to the state be authorized.

In a letter sent Friday to the President, Anderson said a survey by the state's Civil Defense Department showed that Minnesota will be short 30 million gallons of fuel oil "for the remainder of the heating season, if normal winter temperatures prevail."

According to the state's study, the shortage will begin to be felt in about a week, when dealers begin to run out of this month's allocation of fuel. A shortage could mean that heat would be shut off in 105,000 homes, 18,000 stores and 540 factories, Anderson said in his letter.

In response to the governor's request, three representatives of the Office of Emergency Preparedness, the agency that formulates government policy on such matters as oil-import controls, arrived in Minneapolis Monday to evaluate the situation.

Anderson requested that the President release 28 million gallons of heating fuel from government storage for use in Minnesota. He said the Defense Department has a 60- to 90-day supply of fuel in storage and could release a large portion of it to the civilian population.

The governor said the state will need 9.8 million gallons of No. 1 fuel oil and 22 million gallons of No. 2 fuel oil for the remainder of the heating season. Both No. 1 and No. 2 fuel oil are the types commonly burned in home-heating plants.

"The fuel shortage is of a magnitude that cannot be handled by the resources of local and state government," the governor wrote in the letter.

The state itself is struggling to find an adequate supply of gasoline and diesel fuel on the wholesale market to keep vehicles, such as highway-patrol cruisers, snowplows and state government agency cars, running.

E. L. Gruenhagen, senior buyer for the state, told a special House-Senate Subcommittee yesterday that the state has received no competitive bids from major oil companies since the bids were sought three weeks ago.

He said the state's current wholesale contract expires March 1.

If no bids are entered, he said, the state will have no alternative but to buy its necessary gas and diesel fuel at service stations at retail prices that are considerably higher than under the wholesale contract.

The state has some fuel stored, but generally only enough to last a few days, Gruenhagen said.

Gruenhagen said he has not received any indication why companies have not entered bids. A year ago the state got bids from up to five major oil companies for the contracts to deliver about 3 million gallons of gas and diesel fuel at about 400 locations in the state.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair notes that the period for the transaction of routine morning business has expired.

RAIL FREIGHT CAR SHORTAGE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calander Order No. 26, Senate Resolution 59.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 59) relating to the railroad transportation crisis caused by the freight car shortage and other factors.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

Accordingly, the Senate proceeded to consider the resolution, which had been reported from the Committee on Agriculture and Forestry with amendments on page 2, line 7, after the word "the", strike out, "American Association of Railroads" and insert "Association of American Railroads"; on page 3, at the beginning of line 3, strike out "1970,"; in line 9, after the word "Preparedness", insert a comma and "one from the National Grain and Feed Association,"; at the beginning of line 11, strike out "American Association of Railroads" and insert "Association of American Railroads, and an appropriate representative of organized labor"; in line 18, after the word "of", insert "wheat to millers and"; and, at the beginning of line 23, insert "loaded and".

PRIVILEGE OF THE FLOOR

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that during the consideration of Senate Resolution 59, the following persons be granted the privilege of the floor. Mr. Jim Thornton and Mr. Forrest Reese of the Committee on Agriculture and Forestry, and Mrs. Carolyn Fuller of my staff.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, and I shall not; does the Senator wish that these persons remain on the floor during rollcall votes, or not?

Mr. HUDDLESTON. No, just during the consideration of the measure.

Mr. ROBERT C. BYRD. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, Senate Resolution 59 relates to the railroad transportation crisis, as it affects the movement of agricultural products, especially grain. Action on this legislation is urgently needed. This urgency derives from the continuation of a crisis in railway transportation and from continued pursuit by the Department of Agriculture of policies which the committee, on the basis of hearings held by the Subcommittee on Agricultural Production, Marketing and Stabilization of Prices, believes are ill-timed.

The resolution deals with actions which the Senate Agriculture Committee believes could be taken immediately to alleviate the current boxcar shortage as it relates to the transportation of grains—a shortage which is posing difficulties for grain producers, warehousemen, shippers, farmers dependent upon feed grains from other areas of our Nation, millers, and consumers.

This is a bipartisan bill—cosponsored by Senators McGOVERN, HUMPHREY, CLARK, YOUNG, and DOLE, who are members of the subcommittee, by Senator CURTIS, who is a member of the full committee, and by Senators ABOUREZK, HUGHES, and MONDALE.

While boxcar shortages at harvest time are not uncommon, an unusual number of special situations have this year resulted in what must be considered a transportation crisis.

This crisis evolved from a late but abundant harvest, the sale of some 400 million bushels of grain to the Soviet Union, the delay in movement of grains which occurred when the Soviet Union and the United States were unable to reach a shipping agreement, the policy of the Agriculture Department in announcing the disposal of wheat and corn owned by the Commodity Credit Corporation, the decision of the Department of Agriculture not to extend reseal loans on commodities from certain crops and crop years, freezing weather in parts of the Nation which halted barge traffic earlier than usual, the dependence of farmers in some areas upon grain from other areas as the result of extensive crop damage caused by Hurricane Agnes, the loss of work days at seaports during the Christmas and New Year periods, the general shortage of railroad freight cars and the ineffective utilization of existing freight cars.

These various situations combined to create what can only be termed a crisis. In ordinary years, we might be able to look forward to alleviation of the situation as time passed. According to testimony before the subcommittee, however, the lack of adequate transportation for agricultural products is likely to continue—and perhaps intensify. Only about 25 percent of the Soviet grain export sales has been moved to ports, and we can expect grain shipments resulting from those sales to continue until some time in August. In the upcoming weeks some 44 million tons of fertilizer will have to be delivered. There is the possibility of a fuel shortage which would further complicate the situation. Sometime in May the harvest of winter wheat will begin. And, the failure to extend reseal loans could force additional grains on to the market through July.

The clear implication of these factors is that we must act and we must act now. Time will not solve the difficulties—as it has a number of times in the past. In fact, in this year, time could even work against us.

As a result, the Committee on Agriculture and Forestry on February 7 voted to report a sense of the Senate resolution, detailing actions which should be taken to alleviate the current situation.

First, the resolution expresses the sense of the Senate that there should be a moratorium on the disposal of commodities owned by the Commodity Credit Corporation. Corn to which the CCC holds title became available for sale to third parties on February 1 and wheat became available on February 9. As a result, some 55 to 60 million bushels of grain, part of which has already been sold, can move into the market and require transportation. While the disposal action in and of itself might normally be a prudent one, it was taken without consultation with the Interstate Commerce Commission or the Association of American Railroads and it came at a time when it could only contribute to a worsening situation in the agricultural transportation industry. It is, therefore, the opinion of the committee that sales of these CCC commodities should be halted until the current transportation situation eases.

In connection with this section, it is, I believe, important to note two points. First, the resolution does foresee disposal of commodities at some future date the moratorium is not envisioned as one which would last forever. Instead, it would be lifted when—but only when—such disposal would not precipitate nor recreate a transportation crisis. The determination that such disposal would not result in transportation difficulties would be made jointly by the Department of Agriculture, the Interstate Commerce Commission and the Association of American Railroads and certified to the Agriculture and Forestry Committee 72 hours before the lifting of the moratorium.

Second, testimony before the subcommittee indicated that the current market problems—including the need for feed grains in feed deficit areas—were more problems of transportation than problems of supply. No one is trying to keep feed grains away from areas where they are needed. In fact, the third section of the resolution goes straight to this problem. But, what this first section seeks to do is to see that grain producers—producers who in some cases still have grains on the ground or grains dumped in front of elevators—have priority in getting their grains to market.

In its second section, the resolution expressed the sense of the Senate that reseal loans should be extended on 1971 and 1972 farm-stored grains. The Agriculture Department in December announced that it would not extend reseal on the following crops and crop years:

Wheat—1968, 1969, 1970, 1971-crop (except 1971-crop durum) farm-stored; 1970, 1971-crop warehouse-stored.

Corn—1969, 1970-crop farm-stored; 1971-crop warehouse-stored.

Barley—1968, 1969, 1970, 1971-crop farm-stored.

Oats—1968, 1969, 1970-crop farm-stored.

Grain sorghum—1969, 1970, 1971-crop farm-stored; 1971-crop warehouse-stored.

Rye—1971-crop farm-stored.

On February 6, the Department announced that it would not extend loans on farm-stored 1972-crop corn, barley, oats, grain sorghum and rye. This would force additional grains on to the market and advance the increased strain on transportation facilities into June or July. While farmers can sell grain and take it out of reseal at any time—even under the proposals made in this resolution—it seems only logical, in view of the transportation situation, that farmers and warehousemen at least have the option to reseal their grains—and thereby to avoid new transportation requirements at this time.

The resolution does propose the termination of reseal on 1968, 1969, and 1970 grains, pursuant to normal procedures and "good management practice" usually followed by the Department. Furthermore, it contemplates terminating reseal on warehouse-stored grains so that these can be moved to make room for additional farmer and warehouse-owned commodities. Thus, these grains will be forced on to the market.

Third, the resolution proposes the appointment of a special committee to recommend solutions to two problems which are inseparable from the existing situation but which involve the jurisdiction and coordination of several departments and agencies. The first of these problems is to guarantee that domestic farmers and stockmen receive the needed feed grains and that millers receive necessary wheat. As noted before, the existing feed grain situation is not so much one of supply, as one of transportation difficulties. We should focus efforts on meeting the transportation demands and providing adequate feed grains to farmers in feed-deficit States and in States where Hurricane Agnes destroyed crops which would normally be used for feed grains and on supplying millers whose work affects a vast number of food products. The committee to be appointed might consider a variety of special actions including securing the cooperation of the railroads in making a certain number of cars available specifically for the transportation of feed grains to these areas. The Department last week announced formation of a unitrain to move feed grains from Minnesota to New York State. Other similar efforts should be pursued.

Second, a bottleneck in the transportation tieup is at the ports. There are reports of both railroad cars and ships waiting for unloading and loading. We must speed up this process so that railroad cars can be returned to other areas of the country and additional grain moved. I know that the Interstate Commerce Commission has already taken several actions designed to improve the situation. It has, for example, increased demurrage charges and it places embargoes on ports where the backlog of unloaded cars is substantial and where the sending of additional cars into the areas would only result in those cars being tied up at the ports for numerous days. With further regard to this aspect of the problem, however, the committee might consider several possibilities including additional workshifts at the port areas.

As I noted earlier, immediate action is needed. Relief next month may only mean relief from a worsened situation. As a result the committee is recommending the immediate rescission of decisions announced by the Agriculture Department and the formation of this special committee. Under other circumstances, the Department's decisions might be entirely appropriate. But, the timing on them is bad. A change in them would help relieve the transportation shortage. They are the simplest actions to take to bring about immediate relief. They should be taken and the proposed committee formed.

I know that the resolution and the recommendations it contains will not completely satisfy everyone. Some from grain-producing States want more limitations on the Department of Agriculture. Others from feed-deficit areas contend there should be no limitations on the Department. I would, however, ask all to read the resolution in its entirety for it, as a whole, seeks to deal with the current transportation shortage in a manner considerate of the needs of various groups and interests and fair to each.

Thank you, Mr. President.

Mr. CURTIS. Mr. President, I support the resolution. The transportation crisis throughout the agricultural States is the most serious one we have ever experienced.

It is far reaching. Unless something is done and done soon, it can bring economic ruin to great portions of some communities.

It so happens that we have a very bountiful crop of feed grains. A great amount of corn was produced because the yield was unusually good. The same is true in reference to sorghum and millet.

Mr. President, it will soon be the day for people to pay their income taxes; and a farmer in Nebraska, in many communities, cannot get an offer of 1 cent a bushel for his grain because there is no one to buy it, and the reason there is no one to buy it is that there is no possible way to ship it.

It might happen that some local feeder would provide a market. It might happen that an outlet by truck might relieve the situation somewhat. But it is a fact that the transportation has so broken down that in community after community in Nebraska if a seller would call the local grain elevator and say, "What are you paying for grain today?"—or wheat or any of the sorghum grains—the answer would be, "We can't give you anything for it."

Here they are, faced with all their expenses of last year, with a new season coming on. They need money to operate; they need money to pay their taxes.

The question might be raised as to why the local elevator does not buy this grain, hold it until they can get railroad cars, and then ship it out. Mr. President, that has been done. I have received dozens of telephone calls from managers of grain elevators throughout the State, saying that their elevators are filled with grain. They have grain piled up outside. We have had a very rough winter, with a great deal of moisture, and the grain is spoiling. They cannot move it.

They say something else: They point out that they have already borrowed perhaps $300,000, $400,000, $500,000, or $600,000 to pay farmers for grain. They went to the bank and borrowed this money, expecting to ship this grain out and sell it and get the money back, pay the bank, and carry on their business. Many of those small grain companies, both privately owned and cooperative, are paying as much as 9 percent interest on $400,000 or $500,000 or $600,000, and they cannot move any grain.

I have received communications from communities that have needed perhaps 70 or 80 railroad cars over a brief period of time, and they probably get four or five.

The problem is far reaching. No one seems to take it seriously. Much of the grain from the State of Nebraska is shipped to the gulf ports. If you finally get a car and load it with grain and send it down there, it is not returned promptly. It is returned in 20 days or 25 days or 30 days—an absolute disgrace to our transportation system. While all this is going on, the Government of the United States takes actions that call for the movement of Government-owned grain.

We held a hearing before a subcommittee of the Committee on Agriculture and Forestry. The distinguished chairman of that subcommittee has just addressed the Senate, and I am very grateful to the distinguished Senator from Kentucky (Mr. HUDDLESTON) for holding that hearing in advance of the proposed legislation. Witnesses came in from throughout the affected area. They recommend many things.

In the first place, we need more boxcars. The most concrete recommendation in that regard is that a loan program of insured and guaranteed loans be made available so that cars can be built. The Committee on Agriculture and Forestry is without jurisdiction to advance such legislation. A recommendation will go from the Committee on Agriculture and Forestry to the Committee on Commerce, containing that suggestion.

Certainly, there could be an improvement in the existing services provided in the Gulf ports. There could be an improvement in the loading of ships for export and in the handling of these cars, so that a car could be returned in a matter of 5, 6, 7, or 8 days, instead of it taking three or four times that long.

Mr. President, this is a serious matter. In the months gone by, we have been plagued further by a longshoremen's strike, which ties up the movement of grain. All this has had a cumulative effect, until today we are facing a real crisis. Unless something is done, it is going to bring ruin upon a great many grain farmers, and it is going to bring ruin upon a great many grain companies, privately owned, cooperative, and otherwise.

Mr. President, at a time such as this, how can anyone defend Uncle Sam moving in and making use of available cars to shift, dispose of, or transfer Government-owned grain? We are not asking that the Federal Government cease entirely. We ask that, until this crisis is over, the shipment of Government grain come to a stop. That should be done. It is in the public interest that this be done. The grain is still here. The surplus is still here. It will cause no long-range inflation of the price to those who must buy feed.

Furthermore, the number of cars available is limited. If the Government moves in and uses those cars to ship its grain or to call in grain upon which it has a loan, there will be that much less privately owned grain that can flow through the channels of commerce. The passage of this resolution, even if it is fully carried out by the Department of Agriculture, cannot slow up the amount of grain available, because in either event grain will flow in all the cars that are available.

The question here is whether big, powerful Uncle Sam is going to move into the situation, use all the cars available, while the taxpaying public has to sit there and go broke because they cannot move their commodities to market, and grain is a perishable product.

I can understand why these original orders were issued, but they are not justified in the light of the entire situation. The Government should declare a moratorium on all activities that call for the movement of grain in our transportation system until this crisis is over. It is urgent that we pass this legislation and that we pass it today. If it is passed I will do everything in my power to urge the Department of Agriculture to follow it explicitly.

We have never had a situation that merited the action of the Government like this one. Keep in mind, Mr. President, that we are not asking that the Government do something for this distressed area. All we are asking is that the Government keep hands off for a period of time until this crisis is over; that they not move into the situation with the movement of their grain. That would seem fair enough. This could be accomplished by the Government not issuing any more orders, by the Government canceling those orders that have been issued, by allowing a reseal of commodities, so that there will be no necessity to call them in for a temporary period until this crisis is eased, until we have time to set into motion some other things that should be done.

I cannot overstate the need for this legislation. It is very mild in form. It cannot hurt anyone. It cannot hurt any segment of American agriculture because all the available transportation is going to be used to cause a flow of grain to go to the places where it is wanted and where they need it.

Every car is not used to transport Government-owned grain or to transport grain that someone else is very anxious to sell; and it will transport the grain owned by people who have nothing to say in what price they get—they take what the market offers.

I am fully aware that the opponents of this proposal are sincere. I am fully aware that they have a real problem in their area of the ever increasing cost of doing business, but I am not convinced that this resolution would in any way worsen their situation. I think it would help.

If there are a given number of railroad

cars to transport grain and to transport grain to the people who want it, the buyers are just as well off if we have a situation where the Government continues to come in and take an unfair advantage, use these boxcars and deprive other people of going to market.

Mr. President, I hope the resolution can be passed today without delay.

I yield the floor.

Mr. AIKEN. Mr. President, I have listened with interest to the discussion by the Senator from Nebraska. One thing he pointed out raised a question in my mind. I agree that there is a shortage of freight cars to handle all the freight in this country in the length of time that we would like to handle it. But the question which comes to mind is this. If we cannot load the ships and if we cannot get cars to transport grain, how does it happen that we are now transporting on land and sea more grain than ever before in history? As a matter of fact, our exports in wheat, which I realize some of my colleagues are particularly interested in, will exceed last year's exports by about 500 million bushels. That is something like a 50-percent increase.

The domestic use is also picking up because of the need for increased grains in areas that were devastated by floods during the last year.

As far as corn is concerned we are expected to export about one billion bushels for the current crop year. As far as soybeans and lesser crops are concerned, I will not even undertake to estimate that.

Farm prices have gone up. Future prices have gone up and some future dealers made a mistake and got them up too high for awhile. I suppose they may regret that.

Last week I asked that the consideration of this resolution be put over until this week. I wanted to get the opinion of the people who would be most affected by the enactment of this resolution. I realize it is not compulsory on the administration, but I realize that simple approval by the Senate would have an effect upon many things.

I wish to say that yes, we are short of boxcars. During the 32 years I have been here we always have had a boxcar shortage in the fall and I suppose that the shortage is more acute right now. But the Interstate Commerce Commission, I think, has done a whale of a good job in getting freight cars for my area of the country.

I contacted the Interstate Commerce Commission in late November. They promptly told those railroads which were not using the boxcars to transport grains where they were desperately needed to get busy and see to it that they did. Except for that, I do not know what the dairy industry on the Atlantic coast, in New England, and in New York State would have done.

The other day our retail feed dealers had only 3 to 5 days supply ahead. We have been working along that margin ever since last fall and we have been able to keep in business, and keep up the milk production. The demand for milk production is increasing.

Among those to whom I wrote asking for an opinion on this resolution was the Secretary of Agriculture, Earl Butz. I think his reply to me has been placed on the desk of each Senator. I will not bother to read the entire letter for the RECORD, but I do ask unanimous consent that the letter may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., February 14, 1973
Hon. GEORGE D. AIKEN,
U.S. Senate.

DEAR SENATOR AIKEN: This is in response to your letter of February 9, relative to Senate Resolution 59, a resolution asking for a moratorium on sales of CCC owned grain and giving farmers the option to reseal 1971 and 1972 farm stored wheat and feed grains which relates to the freight car shortage and other factors. It is my opinion that provisions placing undue restraints on grain loan stocks and on proper dispositions of Commodity Credit Corporation inventories would cause extreme hardships both at home and abroad, would abrogate existing legislative authorities, would result in higher food prices to consumers, and would play havoc with the domestic economy.

Under specific authority granted by the Congress, CCC is selling its stocks of feed grains at reduced prices to farmers who have suffered critical crop losses as a result of natural disasters. These sales are made in order to preserve vital foundation herds. At the present time, the program is being administered in 14 States, encompassing 201 counties. It is entirely possible that, because of catastrophe or severe adverse weather conditions, numerous other States and counties may fall into this situation at any time.

Many farmers, because of losses suffered, can hardly afford the feed even at the reduced prices. It is inconceivable that the Congress would ask that these sales be stopped. Such action would inflict almost irreparable damage on the livestock and dairy industries. The ultimate consequence of curtailing these sales would be borne by consumers in the form of ever higher prices for meat and the products of milk.

The proposed moratorium on sales of CCC owned grain would not only impair livestock feed sales, but would delay movement of stocks (with chain effect on processed commodities) for overseas relief and to meet critical food shortages caused by disasters. Immediate response to meet the food needs of victims of recent earthquakes in Peru and Nicaragua would have been forestalled by language of the resolution. I would point out, too, that not only has the Congress directed that we fulfill these humanitarian obligations, but that we hold pledges also to the United Nations World Food Program and to approved international voluntary relief agencies. These must be honored, and in a timely and orderly manner.

Insofar as the resolution's provision relates to reseal of the 1971 and 1972 grain crops, circumstances dictate that these stocks be available for marketing. I recognize that all stocks cannot be moved at the same time. Provision has been made to defer the redemption of loans in areas where transportation and storage availability would impede movement.

Load-out orders recently issued to grain warehousemen were predicated on the fact that all documented prior commitments on private sales would hold first priority for freight car use, and would not be preempted by any movement of CCC stocks. Future movement also recognizes the private sales by warehousemen, with use of freight cars for CCC-owned stocks limited to 50 percent of available cars.

It is unsound and uneconomical to interfere with normal market processes. To stop the sale of CCC-owned inventories and to encourage the withholding of farm-stored grains from the marketplace at this time is not in the public interest. Such actions would penalize farmers, grain merchants, processors and consumers. Consumers would be faced with the possibility of increased food prices based on a false scarcity of grains. Grain merchants and processors who have relied on the availability of stocks might find it necessary to absorb substantial losses, and farmers in the long run would suffer the consequences.

The problem of car shortages during peak grain movement periods has been one that has plagued the Nation seasonally and cyclically for many years. As pointed out in the Department's testimony before the Subcommittee on Agricultural Production, Marketing and Stabilization of Prices, the transportation crisis that developed in December of 1972 was the result of many factors and circumstances. Many of the problems are being resolved. I think there is merit to the concept that the President appoint a committee to study the needs and to make recommendations relative to the transportation system. As included in a proposal of the proposed resolution, however, the time frame for the committee's report is impractical and unworkable.

In conclusion, it is my opinion that passage of the proposed resolution would be to the detriment of the farmer and the consumer, would suggest the negation of existing directives of the Congress, and would not suggest a continuing solution to the problems of the transportation system.

Sincerely,

EARL L. BUTZ,
Secretary of Agriculture.

Mr. AIKEN. Mr. President, I would like to point out a few of the major points that Secretary Butz made in his letter to me. First, he said that Government CCC grain is being sold at reduced prices to farmers who have suffered critical crop losses as a result of natural disasters. This is done under specific authority granted by Congress.

This resolution would request the Department of Agriculture to disregard this instruction given them by Congress. I see my friend from Arkansas (Mr. FULBRIGHT) in the Chamber. He knows they are more likely to disregard our instructions when it comes to foreign affairs than farm affairs.

In other words, they are doing what we told them to do in the handling of those Government surplus grains.

The second point Mr. Butz makes is that presently the feed grain program is being administered in 14 States, encompassing 201 counties; and, in all probability, there are many more disaster areas coming up which will ask for Government surplus grains to help them get by disaster conditions. This resolution would put a crimp in that program.

I know there are certain parts of our country, the north central area, for example, where the Farmers Home Administration made a mistake and told them they could wait and apply for their disaster feed later. That was not in the law or the rules of the Department, but I think they are going to fix it up so that those who are misinformed are not hurt; but they are going to want some of this low-price grain. If the administration did what this resolution is requesting them to do and stopped these sales, it would in effect almost irreparably damage the livestock and dairy industries; and, in the last 2 or 3 days, the poultry industry has also taken its part in saying that this resolution is not the answer to their problems.

The third point raised by Secretary Butz is that this resolution, if enacted and put into effect, would result in higher consumer prices for meat and milk products. It would delay the movement of feed grains for overseas relief, such as the food needs of victims of earthquakes in Peru and Nicaragua and other places. Bangladesh, for example, would want some of these surplus grains. Well over $1 billion worth of relief work to other countries is charged to the Agriculture Department each year. This resolution, if put into effect, would cut down our obligations to the United Nations world food program.

It has been said that in calling the loans for the grains which had been put under loan 1, 2, or 3 years ago, that would create a hardship on the people who made those loans or borrowed the money. The Department of Agriculture has already made provisions to defer the recalling of reseal loans in areas where they have transportation problems. So that would not affect those people at all.

Load-out orders recently issued to grain warehousemen were predicated on the fact that all documented prior commitments on private sales would hold first priority for freight car use. If there is privately owned grain, that grain gets the freight car, but if there is no grain in that area which is privately owned, or the supply is inadequate, as is the case in all the Eastern and Southern States, and I believe the Pacific Coast, then the Federal-owned grain can be shipped in the available freight cars. It is not in the public interest to encourage withholding of farm-stored grains.

If there is merit to the concept that the President appoint a committee to study the needs of the transportation system, let me point out that some of these problems are already being resolved. I do not know how they have been able to do it, but they have just barely kept the feed coming in to the New York and New England area, which has kept us supplying the dairy and poultry markets of the Northeast. One reason for this, and what saved us in Vermont, New Hampshire, and Massachusetts, was the fact that there was a large Government-owned supply of oats in Aroostook County, Maine, where people who had gotten out of potato growing went into growing of oats. In Vermont we were able to secure 18 carloads of those oats, which were a godsend to us, and some of this grain is still coming into the region.

There had been a terrific shortage in oil seeds and oilmeal, and I suppose oats do not take the place of them; nevertheless, the oats and the corn which have been brought in under the orders of the Interstate Commerce Commission have enabled the poultry and the dairy business in Vermont to continue.

If we, in the Congress, tell the Department of Agriculture to do one thing then we should not pass resolutions telling them to disregard our previous instructions.

I realize that if this resolution is agreed to there will be an increase in prices on the futures market, if not in farm supplies themselves.

I have given the increase in the exports which have been going on this year. We are probably using what transportation we have to better advantage than we ever did before. We are doing that largely because the Interstate Commerce Commission has laid down the law to some of the transportation lines and said, "You are not going to send this business to only the places where you can make the most of it. You must serve other regions of the country."

There has been much criticism of Secretary Butz, and I am wondering if some of that does not come from some of the very areas which are supporting this resolution. Yesterday the rice of beef in the Omaha market was about $44.50 a hundred. Would we rather go back to the days when it was $30? Would those people out there rather go back to the price of $30 a hundred?

Hogs hit almost 37—36.50, to be exact. Do we want to go back to 20-cent-a-pound hogs?

They did a good job of getting the price of beef up to 45 cents a pound on the hoof. Hogs were up to 36 cents or 37 cents a pound. Last year, hides were selling for 24 cents a pound, and an order was put in preventing any increase in exports. The last quotation for hides was 50 cents a pound.

Perhaps some people have a right to complain about that, but I do not think it is the farm people of some of the areas urging the enactment of this resolution.

Wheat now is not selling for 100 percent of parity. It is selling, on the average, at 76.5 percent of parity. The end products are down lower than that. But it is true that, as Government surpluses are gotten rid of, prices will go up for the coming year.

I might add, too, that the farmers of this country, during this fiscal year, will receive about $2 billion for crops they do not grow; and a lot of people object to that. I have supported those payments for not planting. I think the time has come now, with the enormous demand which is generating all over the world—we are going to have a big demand for our farm products from Southeast Asia and China and all over that area before long—when perhaps we ought not to set aside too much of our land, but plant it and grow crops and go into the private market.

As I have pointed out and as Secretary Butz points out, the private operator has the first call on the transportation system. A year ago wheat was $1.33 a bushel. And as of January this year, it was $2.38. There is something like an 80-percent increase.

Mr. President, are we to blame the Secretary of Agriculture or the Department of Agriculture for that?

The price of milk is just about the same. It has not gone up, but the costs have gone up something like 25 percent. The cost of poultry production has also increased.

I have a letter from the National Milk Producers' Federation which I ask unanimous consent to have printed in the RECORD, as well as a letter from the National Broiler Council.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

Washington, D.C., February 8, 1973.

NATIONAL MILK PRODUCERS FEDERATION,
Hon. GEORGE AIKEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR AIKEN: This letter is with reference to Senate Resolution 59 which we understand will be considered by the Senate in the near future.

Our understanding of the Resolution is that it first requests a full review of the rail transport situation with specific emphasis on the problems encountered in providing rolling stock needed to move grain supplies from producing areas to market centers and export outlets. Second, the Resolution requests the Commodity Credit Corporation to halt any further sales of CCC grain stocks and to extend the reseal program for grains now under price support loan. These moves are both intended to relax demand for boxcars for grain movement.

The National Milk Producers Federation fully supports the first of these goals. This effort would be very similar to a request we directed to General George A. Lincoln, Director of the Office of Emergency Preparedness, on January 17 asking that a top level meeting of government officials, railroad executives and representatives of farm groups be called in an effort to deal with this question. Copies of our letter and the replies received are enclosed for your information and use.

The current shortage of shipping capacity presents an intolerable problem for both the grain producers of the country and the dairy farmer in feed short areas. We recognize the need for action to solve the problem. It was because of this that we directed our request to the Office of Emergency Preparedness. We do not feel that a solution to the problem can in any way be developed simply by attempting to reduce the supplies of grain available to users. We felt that our proposal was sound and were keenly disappointed in the lack of action on the part of the agencies involved. Perhaps if the Senate were to endorse this or a similar effort, an equitable solution could be developed aimed at providing relief for all parties.

We are fully aware of the shortage of boxcars for the movement of grain both from the producing areas and into feed deficit areas of the country such as the northeast, southeast, and southwest. This lack of shipping capacity has been a major factor in the unprecedented rise in feed costs for dairy farmers in these areas. Of even greater importance is the fact that the availability of feed in these areas has been greatly reduced.

The National Milk Producers Federation has never adopted a policy of supporting or seeking cheap feed grain prices. We know that this inevitably leads to cheap milk. However, dairymen in feed deficit areas of this country are facing a crisis situation at this time. Feed stocks are extremely limited. In many cases this limitation is due to the inability to move feed from producing regions to the users. This is particularly true in the northeast where locally produced feed stocks were badly damaged by Hurricane Agnes last June. Dairy farmers, faced with high feed costs and inadequate supplies of feed, have already stepped up culling rates and there have been reports of more farmers leaving dairying completely because of this problem.

If that portion of Senate Resolution 59 which calls for a suspension of CCC sales and the extension of reseal on CCC price support loans would have the effect of reducing the availability of feed in areas such as the northeast, this then becomes an overriding consideration and we would encourage you to act in opposition to the Resolution. Any measure which would have the effect of reducing feed use in this country would not be in the best public interest at this time.

Sincerely,

PATRICK B. HEALY,
Secretary.

NATIONAL BROILER COUNCIL,
Washington, D.C., February 14, 1973.

Hon. GEORGE AIKEN,
U.S. Senator,
Washington, D.C.

DEAR SENATOR AIKEN: I am writing to express the concern of the National Broiler Council with Senate Resolution 59.

As you are aware, broiler producers and other users of feed grains have recently experienced unprecedented increases in the cost of feed ingredients. The cost of corn is currently approximately 40¢ per bushel above year ago levels and soybean meal is selling for more than $120 per ton above last year. These two ingredients alone represent an increased cost of production to broiler producers of more than 5 cents per pound of dressed product. The magnitude of these cost increases are, of course, reflected in consumer prices.

The Department of Agriculture earlier this year recognized the severe pressures these cost increases were levying on feed using industries. In attempting to alleviate the problem, USDA announced that it was releasing Commodity Credit Corporation stocks into market channels and it would not extend CCC loans on farm stored wheat and feed grains for certain years. These two actions were virtually the only options open to the Department without their taking drastic actions with potentially adverse long term effects.

Although the Department's actions have had minimal visible effect on current ingredient prices, it is a certainty that their rescinding these actions, as would be accomplished by S. Res. 59, would not serve to alleviate the cost pressures the feed grain using industries continue to bear and which will ultimately be borne by the consumer. We recognize the fact that a railroad transportation crisis does exist in the country. However, we do not feel that S. Res. 59 offers the appropriate solution.

We respectfully request that the considerations addressed herein be included in deliberations of S. Res. 59.

Sincerely,

GEORGE B. WATTS,
President.

Mr. AIKEN. Good heavens, Mr. President, we never have agreed to a resolution asking for floods which caused damage to areas. We never have agreed to resolutions asking for damage because of forest fires or hurricanes or anything of that kind.

If we agree to this resolution, I think we are asking for a disaster which would far exceed any of those and would affect our export trade which is growing at a tremendous pace.

It is estimated that the export of farm products this year will hit $10 billion, or about $3 billion more than a few years ago and about $1 billion more than last year.

I think that is worth considering. I believe that we should consider more the situation which will occur in a few weeks.

A new crop of wheat is coming on the market. I believe it begins at the Mexican border about the last of May and extends into June, and then it works north. That makes a difference in the price. It particularly affects the futures price this year. I think we have to take those things into consideration. The futures market has a place in our economy. However, I do not think it has the major place by any means.

I think that a man who lives on a farm and produces the crop himself deserves the greatest consideration.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. BROOKE. Mr. President, I am sorry that I was unable to be on the floor when the distinguished Senator from Vermont began to discuss this subject. He is certainly one of the most knowledgeable Members of the U.S. Senate in this area.

I do not want to have him repeat himself. I merely want him to state what would be the effect of this resolution if it were agreed to.

Mr. AIKEN. Mr. President, I think it would be a devastating blow to the poultry industry and to the dairy industry in the East and most of the Southern States. The States of Louisiana, Texas, Arkansas, and those west of the Mississippi would feel its impact very harshly. A few of the States in the North, the Dakotas and Montana, would not feel it as severely, except that they would feel it in this way, that if the dairy people of Massachusetts, Vermont, New York, Michigan, Minnesota, and Wisconsin find the cost of production growing so high, they will have a tendency to sell those cows, or a part of the herd, at least, for beef. Today these cows bring about 30 cents a pound compared to the 5 or 6 cents a pound we used to get when we sold the old milk cows for beef.

It would affect those people in that way. If they have got investments in the futures market, they probably will make some money for a few days simply by reason of our agreement to this resolution, whether or not it is put into effect by the Department of Agriculture.

I cannot conceive of the Department of Agriculture putting into effect anything that would cast a solar plexus blow at the dairy industry or the poultry industry or our export trade by means of which we have been helping the people of other countries.

I have pointed out the country of Nicaragua. It is also true with respect to Bangladesh. This would put a stop to the giving of surplus grains to the United Nations world food program in order to help people in foreign countries who are hungry.

I cannot see any good from this, except for a fellow who has bought for May, June, or July delivery or something like that. He might be able to clean up for a few days after we agree to the resolution. However, when the impact becomes known, I cannot see that the public of the United States will stand for it at all. Consumers prices would undoubtedly have to go up some, according to Mr. Butz' letter, which the Senator will find on his desk.

Mr. BROOKE. Mr. President, if the CCC grain is taken off the market, we could then immediately expect that the price of grain would increase.

Mr. AIKEN. The Senator is correct. The coming crop of grain will probably be priced to a degree in accordance with the amount of grain which is on hand and controlled by the Government.

Mr. BROOKE. An already suffering poultry industry, for example, would be fiercely affected by it.

Mr. AIKEN. Particularly the broiler industry and the poultry industry. I have been hearing from them. I have heard from them all over the country.

Mr. HUDDLESTON. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. HUDDLESTON. Mr. President, I point out that the situation to which the resolution addresses itself is not one of supply. It is one of movement of the supply I think that most of the problems regarding to feed grains have to do with the movement of feed grains.

All of the testimony we had in nearly 2 days of hearings before the subcommittee indicates that the problems that the feeders are having and the problems that the millers are having result not from a shortage of supply, but from the fact that the supply cannot move to the places where it needs to be.

This resolution indicates to the department that the very minute the problem ceases to be a problem of transportation and becomes a problem of supply, the department should start releasing government-held grain.

This is basic to the resolution. It is not designed to keep grain off the market or from the feeders. Quite the contrary. One section of the resolution specifically addresss itself to the point that we want to do everything we can do to get the grain that is in excess supply—grain is lying on the ground and that is going to cause some elevator operators and some growers to face bankruptcy if they cannot move it—into the States that need it. The problem is transporting it there. It is not a question of supply.

Mr. BROOKE. Mr. President, is it not true that in an effort to obtain more transportation for the grain, we are at the same time stimulating a substantial increase in the cost of that grain?

Mr. HUDDLESTON. No, I do not believe that the testimony we received would justify that statement.

We made this inquiry of the Department of Agriculture. As the Senator understands, they have released grain previously. Millions of bushels of grain were released in the last half of 1972. We asked the representatives of the Department of Agriculture if the purpose of those releases was to hold down prices. We got a very vague answer to that question. But the fact of the matter is that prices continued to rise despite the movement of that Government-held grain into the market. So what is making the price go up is the inability to get the grain to markets, and not a short supply.

Mr. AIKEN. Mr. President, I would like to say that we are moving more grain than ever before in history.

Mr. HUDDLESTON. That is right.

Mr. AIKEN. Both domestic and exported grain. And I repeat what I said earlier: The ICC literally ordered the railroads to furnish some cars for New England, but except for the Government's own surplus grain, the poultrymen in New England—Massachusetts, Vermont, and all the coastal States from New England on the north to Louisiana on the south—would have suffered from a disaster worse than the flood. In New England, I cannot say how many of our poultry people and farm people were injured by the weather conditions this last year. I think somewhere about 3,000 people in that area alone obtained the Government-held grain, and Farmers Home Administration Emergency disaster loans and that saved them and kept them going. It cost a lot more than the Government thought the FHA loans were going to be; about $800 million, I think the final estimate will be. There are now more than 200 counties in this country—I do not know that there are any in the Mid-Central States, but there may be next week—and the Government-owned grain has been made available to them, and it has saved the day, and saved the consumers in our cities and our towns food, and saved them on the price, too.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. AIKEN. And it will soon be gone. It is going fast, and then the grower will get a better price for his grain on the open market; and he is prejudiced now, as far as freight cars go.

Mr. BROOKE. Of course, Massachusetts does not have the poultry or dairy industries that the State of Vermont has. We do have a significant farm industry in our Commonwealth. On January 18, 300 farmers met at Spencer, Mass., very much concerned about the possible impact of such legislation and what it would do to the cost of grain. That is why I raised the question, because the Senator, as manager of the bill, has indicated that he does not foresee an increase in the cost of grain as a result of taking CCC grain off the market for this period of time.

Yet the Senator admits that the cost of grain has been increasing anyway, and our industries have been injured. Now they foresee that by taking this grain off the market to free the freight cars, they will be further harmed, because they realize that there will be a substantial increase in the cost of grain.

Mr. HUDDLESTON. It was not indicated in the testimony that they are going to upset the theory that cost is determined by supply and demand—whatever the source of supply. I assume that still applies.

Mr. BROOKE. I assume that is good economics.

Mr. HUDDLESTON. All of the testimony indicates there is no problem of supply; the problem is getting the supply to the proper places.

The Senator mentioned the fact that the Government's action on its grain may have had some effect on prices. We have not been able, at this point, to find out from the Department of Agriculture who is buying their grain. We cannot secure that information. So I guess there is no way of knowing whether the Government grain is getting to the feed grain deficit areas or being exported. However, based upon the testimony we received in our hearings, the indication was that most of the Government grain being sold was going to large inland terminals and into export, and not into feed deficit areas. It may be clogging up the railroads but not getting to the poultrymen and dairymen who want to get grain. This is what was indicated in the committee hearings.

Kentucky is not a big grain producing State. A small farmer—poultry man—testified at the hearings that he has ordered grain, the shipper wants to get it to him, but he cannot get it there because of the car shortage, and he has a serious problem.

There is no question about the supply. There is a willing seller and a willing buyer. But they cannot get together because of the car shortage. If there is an increase in prices, the lack of transportation is causing it, in my opinion.

I am sure the Senator from Massachusetts understands that when a warehouse operator receives a loading order on Government-held grain, this order competes for freight cars on a 50–50 basis with orders for cars for private sales. It all involves the movement of grains—but the question is whose grains—the CCC's or the farmer and warehousemen's—is to move. Those private sales may be going to the very grain feeders the Senator is concerned about.

Mr. AIKEN. Secretary Butz made it perfectly clear that he has no objection whatsoever to a study of the freight car situation. He feels it may be a good idea. He objects very vigorously to disturbing our export of farm products and depriving our dairy and poultry industry of the feed necessary to keep them going in business.

The Senator from Massachusetts probably knows that a larger percentage of the milk going into Boston and around the markets now is used for table use than ever before; I think over 70 percent of it. I recall not many years ago when they got up around 56 percent of it that went for table use, they thought they were doing pretty well. But with 70 percent of it now, we have got so short of skim milk powder that they had to lift the bars and left 25 million pounds of skim milk powder come in from Canada. They had 60 days to bring it in, and practically all of it came in before the second night. That has enabled the cheesemakers to keep on with their work.

The dairy industry is by far the greatest agricultural industry in the United States. It is greater than the grain and wheat growers or the other livestock growers, or the sugar cane growers, or whatever you want to call it. It is the largest agricultural industry we have. Agriculture as a whole is responsible for a little over 30 percent of all the gainful employment in our entire continent. People forget that. I think the Senator from Massachusetts is making clear what has been happening in his State, and I think if anything he has understated the situation.

Mr. DOMINICK. Mr. President, will the Senator from Massachusetts yield to me?

Mr. BROOKE. I yield.

Mr. DOMINICK. I just want to comment that I have just come back from my State, out in the agricultural area. There, in a period of about 10 or 12 days, the price of wheat dropped from $2.38 a bushel to $1.60 a bushel, which really hurt a lot of people. This was on the release of the Commodity Credit Corporation wheat.

As I understand it, this resolution states it to be the sense of the Senate that we should not do any more of that. To me this makes a lot of sense.

Another thing that has impressed me is that they talked constantly that while they, in certain areas of my State, had a pretty good crop, there was no way, with the present freight car shortage, to get that grain to the people who needed it, or whether it was for the millers to store until such time as we could get the freight cars which are in short supply, and by providing the necessary wheat for the market. So I bring that up because it seems to me this particular resolution makes sense. I have been involved in, I do not know how many times, this boxcar shortage which shows up around July or August——

Mr. AIKEN. October, too.

Mr. DOMINICK. October, too—but this year, now, we should do something about it. This is a good, first step.

Mr. BROOKE. Under this resolution, the solution proposed for the freight car shortage is to take CCC grain off the market. I do not know what the cost of grain is in Colorado but I can tell the Senator that the cost of grain in Massacuhsetts has been increasing, not decreasing. Our farmers are concerned about the freight car shortage. They are also concerned about the agricultural budget cuts. Now, to add insult to injury, they feel that by taking the CCC grain off the market there will be a further increase in the cost of grain which will be injurious to the poultry and dairy industries. That is why I asked the question originally of the Senator from Vermont, who is most knowledgeable, and I was pleased to get his response, as I was to get the response of the Senator from Kentucky, who is in charge of the resolution. But I am heartened to know that in Colorado the cost of grain is decreasing. It is about the only place in the country where it is. I did not know there was any other place where we could get a decrease in the cost of grain.

Mr. DOMINICK. It happens to be a big industry in my State. Only 1 cent's worth of grain goes into a loaf of bread, so we are not doing anything, so far as benefiting the consumer is concerned.

Mr. AIKEN. Your people are eligible for Government loans; is that not correct?

Mr. DOMINICK. Some of them are.

Mr. AIKEN. Any we produce this year—The 1973 and the 1972 crop—those are eligible for Government loans but there is a shortage of boxcars, as there always is every year along about this time.

About 3 weeks ago, in the New England area while the price of milk was rising, about 3 cents, the cost of producing it went up, and part of that is in transportation. We are transporting more grain than ever before. We are exporting 500 million more bushels of wheat this year, 200 million more bushels of corn, and we have a large soybean crop which is worth its weight in gold. We are glad the farmers are getting this money now, but I hope they do not continue to get $6 a bushel for soybeans forever. It is well we continue to build up our foreign markets for grain. Agricuultural exports are expected to be about $10 billion this year—calendar year, compared with $9 billion last year and only $7 billion 2 years ago. Agricultural exports have helped to a considerable extend towards diminishing our unfavorable balance of trade.

Mr. BROOKE. We are all allies on the question of the need for improving transportation. We need more freight cars. There is no question about that. This is a good provision in this resolution. Our problem is that we feel we will be seriously hurt by taking the CCC grain off the market.

And no one has assured me that we will not get an increase in the cost of grain as an indirect effect of the pending resolution.

Mr. AIKEN. I was at the Agriculture Committee meeting the morning we considered this resolution. We reported out two or three bills, and then I realized I had an executive committee meeting of the Foreign Relations Committee, and I hustled over to that. It was after I left, that the remaining members of the committee voted out this resolution. Had I been there, I would have pointed out these things at the time and protested its being reported out.

Mr. HUDDLESTON. Mr. President, just to keep this problem in its proper perspective as to the question of relieving the needs of domestic feed users, what we are talking about is Government-owned grain. The Commodity Credit Corporation has only about 40 million bushels of wheat left to sell, whereas total available wheat supplies at the end of this marketing year are expected to amount to about 450 million bushels. This means that most of these supplies are privately held. In the case of corn, CCC has only about 28 million bushels left for sale, with 8 million being held back for emergency feed supply needs. Again, the bulk of total supplies available are in private, not Government hands. So it seems to me that the hope of relieving feed deficit area needs will lie with the private sector if they can move their grain.

A number of factors have already been enumerated which have contributed to the current freight car shortage and to the tight transportation situation we are now experiencing. As has been indicated, this situation is the worst we have ever experienced. This resolution relates to the disposal of the grain and the impact that such disposal is having on top of everything else which makes this subject in need of review. According to the thinking of the subcommittee, a modification of current CCC disposal policies is something that can be done now in order to bring about some immediate relief.

A change in CCC's disposal policy is one of the few things that can be done immediately to bring some relief to overloading our transportation system. This can be done by a mere stroke of the pen. We cannot do anything about the size of the crop. We cannot do anything about the weather, including hurricanes. We cannot do anything to increase the total supply of boxcars between now and next month. And, we cannot do anything about the utilization of boxcars within the immediate future, although this resolution does address itself to that problem. But an immediate change in CCC's disposal policy can be accomplished, and now. And, it was the judgment of our subcommittee that an immediate moratorium of CCC sales would help—not hinder—getting feed grains into feed deficit areas. This judgment was based upon the belief that most grains being purchased by buyers within such areas are being acquired from "private" not Government sources.

Mr. DOMINICK. Is it not also true, insofar as wheat is concerned, that the CCC sold off approximately half of what its reserves are in the present reserves, and it is almost less now than what the Nation's reserve was supposed to be in case of a real crop shortage before; and, therefore, selling any more would impair into that area, and there is need for considerable reserves for the future. So it seems to me that this is a good thing.

Mr. HUDDLESTON. The department, on the basis of the program embarked on now, will be completely sold out of grain by the end of this year.

Mr. AIKEN. I have some figures, from what the Senator from Colorado has said. We are expecting to export about 1 billion to 1,150,000,000 bushels of wheat this crop year through July 1, from July 1 of last year. Now if that would not put up the price, I do not know what would. If we do not stop this export movement now, it looks as if we would have an open market for private producers and private purchasers within the next few months.

Mr. DOMINICK. That would be helpful.

Mr. AIKEN. I think the price will go up faster than it would if we stopped the sale of the surplus now.

Mr. WEICKER. Mr. President, these are, admittedly, times of uncertainty. But I must view the proposed Senate Resolution 59 not just as a product of uncertainty, but as a product of utter confusion, and I must oppose it.

This resolution, which relates to the freight car shortage and other related factors, represents an attempt to "layer" new authority over authority that Congress has previously delegated to the Commodity Credit Corporation in the handling of one of this Nation's most precious resources—food, and the basic resource for producing food—grain.

This resolution does this at a time that is most unfortunate. Farmers are suffering severely from the prolonged effects of a hurricane in my section of the country—the northeastern United States—and from the prolonged effects of drought in other sections of the country. Feed grain is urgently needed in these areas to maintain foundation herds. This resolution would stop the movement of badly needed grain into these areas. To do this at a time when livestock herds are already threatened is, to me, truly the result of inconceivable confusion.

In the Northeast alone, there are still 1,600 carloads of grain yet to be shipped under the emergency livestock feed program. And there are 850 truckloads of grain on order. Elsewhere, farmers are receiving similar assistance under the emergency livestock feed program.

Let me state it as forcefully as I can: To arbitrarily call for the cancellation of loading orders for 1971 and 1972 grain at such a time is unthinkable.

There are also other aspects of this question that we must consider. One is the provision that would require resealing of 1971 and 1972 stocks of grain now when both the domestic and foreign need for this grain is running high. Price, supply, and demand all dictate that these stocks should be moved to market now.

Another factor is the undue Government cost involved. If approximately 475 million bushels of grain from the 1971 crop were held another year, cost to the Treasury—which means taxpayers—will be about $65 million. Add to that another $60 million that it will cost to hold about 475 million more bushels from the 1972 crop, and you have expenditures that neither we nor our constituents can or should stand for, especially at a time when the grain is urgently needed to meet emergency conditions or to fill other domestic or world needs.

Instead of backing this resolution, let us instead call for more responsible action on the part of all interests. We need the full cooperation of all parties to move this grain to the places where it is needed now.

So, instead of arbitrarily imposing new layers of conflicting authority in the CCC by creating directives that further inhibit the movement of grain to areas where it is so urgently needed, let us lead the way in responsible action by joining together today to defeat this ill-conceived and ill-timed resolution.

Mr. HELMS. Mr. President, I must oppose Senate Resolution 59. I must oppose it because it is, regardless of its good intentions, legislation that attempts to confuse issues by creating new authority to override an authorization that Congress has previously delegated to the Commodity Credit Corporation in handling the Nation's grain resources. And I must oppose it because it seeks to prevent the Department of Agriculture from releasing further stocks of grain now owned by CCC at a time when this grain is badly needed.

Grain is needed now in the Northeastern section of the country—as well as in other regions that are in short supply because of bad weather. Hurricane Agnes produced prolonged rainfall last summer, ruining grain at harvest time. Then we also had prolonged drought that further affected our pastures and other sources of livestock feed.

Mixed feed and feed grain supplies in this area have been in short supply for weeks. Many areas have only a 3-day supply of feed on hand. Dealers are rationing these supplies to farmers.

As a result, I am informed that CCC has been releasing Government-owned corn, oats, and other feed grains under the Department's emergency feed program. These supplies of feed grain are desperately needed. So it is interesting that we would consider a Senate resolution which would halt the flow of grain that is so badly needed in the Northeast.

The resolution would halt the flow of this feed, because it seeks to prevent the Department of Agriculture from releasing further stocks of grain now owned by the Commodity Credit Corporation until it could be determined that such releases "would not worsen the transportation situation."

Now, certainly no one wants to worsen the freight car situation. But tampering with the marketplace is not the way to solve transportation problems. Responsible action by government, industry, and labor is needed, and Senate Resolution 59 is, at best, questionable action. Instead, it seeks to stop the sale and movement of badly needed commodities.

In the northeastern section of the United States, I am advised, a dairyman short on feed will have no alternative but to dispose of part of his herd if feed supplies are cut back farther. Dairy cattle that are sent to slaughter are gone forever. And it takes several years before replacements can be brought into production.

This means that higher consumer prices for dairy products will become inevitable. It also means hardships for farmers. This sort of tinkering with the delicate balance in agriculture would affect poultry, hog, lamb, and beef feeding operation.

Although I have spoken mainly about the Northeast, stocks of grain throughout the Nation are available for the marketplace. For the Senate to now throw a roadblock in the way and prevent movement of this grain to areas where it is needed—or to ports where it can be exported for dollars—could be quite harmful indeed.

I trust Senators will consider carefully the effects of this resolution on the economy—and the consumers.

Mr. JAVITS. Mr. President, I urge that Senate Resolution 59 relating to the present freight car shortage be rejected. This resolution proposes first, a moratorium on disposal of Commodity Credit Corporation-owned grain; second, permitting the resealing of 1971 and 1972 crop farm stored wheat and feed grain; and third, the establishment of a Presidentially appointed Committee to study the problem of boxcar shortages with a report to the President and the Congress.

There is no question that this boxcar shortage has created a crisis of increasing magnitude throughout the United States—and no question that it is hitting hardest in the Midwest and Northeast regions. The passage of this resolution, however, would have serious implication for consumers who would be expected to absorb the higher costs of agricultural products which would be cause for the farmers of my own State of New York who are in desperate need of the grain which this resolution would keep from the marketplace.

Certainly, we face a unique series of events which have combined to create this problem—and Senate Resolution 59 very correctly enumerates these factors as follows: first, a late and abundant harvest of agricultural commodities; second, favorable market conditions; third, the sale of large quantities of grain to the Soviet Union and the delay in concluding an agreement with the Soviet Union for the shipment of such grain; fourth, the policy of the Department of Agriculture regarding the disposal of commodities held in storage by the Commodity Credit Corporation; fifth, the decision of the Department of Agriculture not to extend the reseal loans on commodities of certain crop years; sixth, bad weather conditions in certain areas of the Nation; seventh, the dependence of farmers in certain areas upon grain from other areas as the result of extensive crop damage caused by Hurricane Agnes; eighth, the loss of workdays at seaports during the Christmas and New Year periods; and ninth, a shortage of railroad freight cars and the ineffective utilization of existing freight cars.

Mr. President, let me tell you what these factors have combined to produce in New York State. One of the very essential programs which the U.S. Department of Agriculture operates is the emergency livestock feed program. This program becomes operative in counties where the Secretary of Agriculture determines that severe weather conditions have reduced feed supplies to the point where assistance is required to help eligible farmers preserve and maintain foundation herds and other eligible livestock. Under these circumstances, Commodity Credit Corporation-owned feed grains are offered at reduced prices. As of February 1, 1973, a total of 52 counties in New York had been made eligible for aid under the emergency livestock feed program—but, the farmers cannot get feed to purchase. I have been advised by constituents in one New York county that the price of feed has gone from $74 a ton in October 1972 to $100 a ton and more in February, 1973, and that is only if you can find grain to buy. Dealers are rationing what stock they have and in some cases they are refusing Government warranties for purchase because they have nothing to sell.

The release of the grains from the CCC and the decision of USDA not to extend reseal loans on 1971 and 1972 farm-stored grain offers some glimmer of hope to these farmers who might otherwise be required to dispose of part of their herds.

There is no question that this problem demands our immediate attention. It is my understanding that the Office of Emergency Preparedness, the Department of Agriculture, the Interstate Commerce Commission, and the Association of American Railroads are all working feverishly to cope with the magnitude of the problem. However, more must be done. Although I urge that the Senate defeat Senate Resolution 59, for the reasons listed above, I would nevertheless urge that the Agriculture Committee consider going forward with the suggestion of a Presidentially appointed committee—consisting of one representative from the Department of Agriculture, one from the Department of Labor, one from the Interstate Commerce Commission, one from the American Association of Railroads, and one from the Office of Emergency Preparedness—which would conduct a study of the railroad freight car shortage problem and submit to the President and to Congress within 30 days the results of its study together with its recommendations.

In addition, in an effort to achieve a long-term and lasting solution to this problem, I intend to cosponsor a bill to be reintroduced by Senator MAGNUSON, the national rolling stock informational service and Federal railroad equipment obligation insurance fund.

Although this bill will not help in our immediate crisis, it is designed to eliminate just such occurrences. We must recognize that the problem of inadequate supply of freight cars is one of both utilization of existing freight cars, as well as total rolling stock capacity. This bill provides for, first, the creation of an insurance fund, backed by the Government, to insure obligations incurred by railroads and car-pooling companies in the acquisition of rolling stock, and second, for Federal efforts to improve car utilization by means of a technical and financial assistance for development of a computerized car information system, development and quarterly publishing of an index measuring freight car utilization, a study by the Department of Transportation of ways to improve utilization, and action by the Department under existing law to improve utilization.

The first section of this bill provides Government assistance in the form of money, technical help and leadership to aid the rail industry in solving the freight car problem. The second part provides for establishment of a Rolling Stock Authority to acquire rolling stock, to manage such rolling stock as a pool, and to develop a national rolling stock information service if one is not in existence by that time. The second part comes into play only if the industry does not display sufficient initiative and innovation to solve the freight car problem by itself.

Mr. President, this freight car utilization legislation was passed last year by the Senate on a vote of 81 to 0, but was not acted upon by the House. Clearly, this body recognized then that we are confronted with a serious problem.

I urge that this problem be given the attention and the equitable treatment which it deserves by tabling Senate Resolution 59 and I urge that Senators give the most earnest and sympathetic attention to the freight car utilization bill when it is presented for consideration here in the Senate.

Mr. BENNETT. Mr. President, over the past several months, many of us have been reminded again of the painful problems the shortage of railroad boxcars can cause the Nation's agricultural community.

The current transportation crisis has made it not only difficult to transport grain for commercial purposes, but has severely affected the emergency feed grain assistance program of the Department of Agriculture. Livestock producers in my own State of Utah, who have been dependent on the emergency grain program since last summer, have found the gap between the promises of USDA and its capacity to keep them widening with every passing month and the situation has become desperate.

When 12 Utah counties were declared eligible for the emergency feed grain assistance last summer due to severe drought conditions, Utah livestock producers were given to understand that the grain would be immediately forthcoming to meet their needs. In anticipation of Government assistance, these Utahans did not take the opportunity to look elsewhere for grain to carry them through a winter season which has also been unusually difficult. These livestock producers did not anticipate that the USDA program would be rendered ineffective due to lack of transportation facilities. Prior to January 31, 1973, only 145 of 284 carloads of emergency grain had been delivered in Utah since August. After my discussions with the Interstate Commerce Commission, another 28 cars of grain have been moved into the State. However, this leaves Utah many carloads short.

For several years now I have joined in sponsoring legislation designed to increase the rolling stock of American railroads to avoid the continuing occurrence of just the sort of crisis we are facing today.

Today, I am pleased to lend my support and assistance to the sponsors of Senate Resolution 59 to put a moratorium on sales of CCC-owned grain until it can be determined that such sales will not worsen the transportation situation and to request the President to appoint a committee to study and make recommendations for the most effective and practical means of delivering adequate quantities of feed grains and alleviating the backup at those ports where numerous ships and railroad cars are waiting to be unloaded or loaded. I am hopeful that the Senate's support of this resolution will be a step not only in reducing the scope of the present difficulty but aid in preventing such problems in the future.

Mr. AIKEN. Mr. President, I know there are some who are wondering when we are going to have a vote on this resolution. I think it should be a record vote. I understand it is very doubtful that there is a quorum in town today, and there probably will not be tomorrow. Monday is a holiday. I do not know how far we can go or whether we can hold a session on Monday or not.

I think we should continue with this matter until anybody who has something to say has said it, and then we should fix a time to have a vote on it. It will be sometime next week, because I do not think there is a quorum within 10 miles of Washington today, from what I hear.

Mr. HUDDLESTON. Perhaps we can check quickly with the distinguished assistant majority leader and find out what the order of business is for next week.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AIKEN. Mr. President, I understand the Committee on Commerce is very insistent that this measure be referred to them. The resolution does not relate to transportation primarily, not in my view, but it does in their view, so I have just been informed.

The Senator from New Hampshire (Mr. Cotton) was here. I do not know if the Senator from Washington (Mr. Magnuson) is in the Chamber. I think that the matter should be held over until the Commerce Committee makes some decision. If that is not acceptable, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Kentucky has the floor. Does he yield to the Senator from Vermont?

ADDITIONAL COSPONSORS

Mr. HUDDLESTON. First, Mr. President, I ask unanimous consent that at the next printing of Senate Resolution 59 the following names be added as cosponsors: Senators Curtis, Young, and Dole. These names were inadvertently not listed in the previous printing of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. HUDDLESTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, in view of the fact that at this time, there seems to be no inclination to further debate the pending matter, and by virtue of the further fact that we are attempting to work out an agreement whereby there can be a vote on the pending matter on Monday, I now ask unanimous consent that the distinguished Senator from Illinois (Mr. Percy) may be recognized at this time for not to exceed 20 minutes, to speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Illinois is recognized.

THE EUROPEAN SECURITY NEGOTIATIONS

Mr. PERCY. Mr. President, the goals of American foreign policy are always a topic of study, debate, and controversies which span entire national administrations. Yet events and prior actions tend to dominate actual policymaking. How many years of policymaking manhours have been devoted to the consequences of the insurgency in Vietnam? Not until the Nixon administration made a broad review of the world situation and developed a new rubric of policy determinations did America's foreign policymakers break away from their near-total preoccupation with events in Vietnam.

In July 1966 I first took a public position against continued U.S. participation in the Vietnam war, and I have never regretted my position. The war was a nightmare for our country. It should never have been undertaken. Certainly the human and material costs of the war following from U.S. participation were not justified. And Vietnam was never vital to our national security interests.

Of much greater importance to the national interest of the United States is the complex of negotiations now underway in Europe. The negotiations on European security, on mutual and balanced force reductions, and on strategic arms limitations provide the opportunity to assure greater mutual security for all the nations and peoples from Siberia on the East to Alaska on the West. The European Security Conference this year will be the first all-European conference of recent history and offers a chance for frank discussion of serious issues affecting the future of all of us. Families in Chicago, Munich, and Naples are as affected by these issues as are families in Warsaw and Vilnius and Kiev.

The recent agreements on Berlin, the new arrangements between East and West Germany, Bonn's treaties with Poland and the Soviet Union, and the SALT agreements between the United States and the U.S.S.R., give reason to hope that new steps can now be taken to enhance the prospects for greater security and cooperation in Europe.

I do believe that a European security conference can play a constructive role in helping to establish mutually acceptable principles governing relations among states, reducing barriers to greater interchange and cooperation among nations and peoples, and in achieving mutual and balanced force reductions.

If East and West are to remain at peace, if the security of Europe is to be assured, ways must be found to insure against interference by any state in the internal affairs of another. No one must forget the gross violations of this principle when Soviet forces seized Czechoslovakia in 1968. All states, large and small, powerful and weak, members of military alliances and the nonalined, have a vital interest in this question. At the European Security Conference, there must be a frank and open discussion of this question, and all states—regardless of size or power—should be heard. The Conference might usefully reach agreement on a declaration of the principle of noninterference in the internal affairs of other soverign states, irrespective of social or political systems. Such a declaration, if accompanied by effective machinery for the investigation and settlement of disputes, could further improve the climate for peace between East and West.

One proposal to increase security, already suggested at Helsinki, calls for a declaration renouncing force, or the threat of force, against the territory of any state. While today there is no immediate threat to settle any territorial or political problems by force, commitments to renunciation of force might constitute an additional constraint upon such actions in the future. Moreover, a renunciation of force declaration might complement and strengthen a pledge of noninterference in another state's internal affairs.

The European Security Conference might also make substantial progress in reducing the formidable artificial barriers between East and West which hamper the free and healthy flow of people, ideas and information. These barriers, erected both by the East and West during the most frigid days of the cold war years, should now be dismantled. The Security Conference deliberations in this field will test how far we can progress toward the goal of a world where all men and women may be free to travel, to exchange ideas and to hear all shades of opinion. As one aspect of this process, I would hope that cultural exchanges might be significantly expanded, and that international cultural relations might be broadened to encompass a more representative cross-section of the interests of each nation's people. Inevitably this would require increasing exchanges arranged outside of governmental channels.

Moreover, greater cooperation in science and technology, and in environmental matters, can be encouraged by the European Security Conference. Europe and North America boast a unique combination of human and natural resources—resources which have put our part of the world at the forefront of scientific and technological development. It has also brought us problems of how to cope with the adverse effects on the environment and quality of life which accompany our technological advances.

No country can claim a monopoly on progress or immunity against environmental costs. Just as the latest medical research and its applications are of vital interest to all countries represented at the Security Conference, pollution control is of concern not only with respect to the Great Lakes, but to the Danube River and Lake Baikal.

Many channels for cooperation in science and technology already exist. They range from informal, private contacts between persons with similar professional interests, to bilateral, regional and pan-European arrangements. Western Europe and North America have particularly well-developed cooperation at all levels. This lack of barriers to free and continuing interchange is an important reason for our leadership in so many areas of research and, particularly, in practical applications. Somewhat more recently we have also expanded our cooperation on solving environmental problems. The Committee on the Challenges of Modern Society, formed by the Atlantic Council in 1969, has already undertaken useful work directed at effective environmental action by the countries of Western Europe and North America.

Cooperation between East and West is less advanced, although machinery such as the Economic Commission for Europe is available which could, if proper encouragement were given, provide a channel for greater exchange of information and ideas. The European Security Conference could facilitate East-West contacts in two ways: First. It could set forth those areas of cooperation which may be most appropriate for all-European consideration. Water pollution, especially in international waterways and coastal areas—such as the Baltic, which is bordered solely by European States—might be a worthwhile focus of attention among the many environmental issues. Second. It could contribute to lowering the political barriers to greater cooperation. Reducing such barriers through existing channels is one part of this. The other is to make it easier for scientists, engineers, and others to have direct contact with their colleagues in other countries outside of governmental channels. Much can be done, for example, to improve the flow of published materials and to insure that correspondence is unimpeded, particularly between East and West, in nonmilitary scientific and technical areas.

Perhaps the most important of the multilateral negotiations in Europe will be those on mutual and balanced force reductions—MBFR—to be held concurrently with—but separate from—the European Security Conference.

Obviously, the security conference, the MBFR negotiations, and the talks on strategic arms limitations—SALT—are linked and will have an impact on each other. One assumes that the American positions at each of these conferences will be integrated and coordinated. One can also assume that evidence of good faith or its absence, of cooperation or foot dragging, at any conference will surely be reflected at the others.

For each party which will be affected by the results of the MBFR negotiations, there are perceived advantages. The Soviet Union, remembering the events of World War II, may prefer mutual reductions of forces rather than unilateral American withdrawals which could force West Germany to increase her armies to fill the vacuum created in the West. The Soviet Union may also wish to withdraw limited forces from Central Europe in order to attain more flexibility in troop deployments and to have additional forces available if they should ever be needed at the Chinese border.

Some of the nations of Eastern Europe see in MBFR the possibility of Soviet troop reductions on their territory, with the concomitant possibility of less Soviet interference in their internal affairs. Moreover, further detente between East and West may enable them to pursue more contact of all kinds with the nations of Western Europe and the Atlantic Community.

As for Western Europeans, many would prefer mutual force reductions to unilateral American withdrawals which might require the nations of Western Europe to incur the financial and political costs of upgrading and expanding their own armies. Some Western Europeans—including Germans themselves—also share the Soviet desire to avoid the remilitarization of Germany.

The concept of MBFR in Europe is particularly appealing to Americans anxious to reduce defense costs in the aftermath of the Vietnam war. U.S. troop and related costs in Europe have contributed billions of dollars every year to our balance-of-payments deficit. And most Americans concerned with European security would probably agree that our 300,000-man troop contribution is vastly inadequate to contain a Soviet military plunge westward, while being two or three times larger a force than is necessary for deterrence. For it is not the size of the American presence in Western Europe which may deter a future Soviet aggression, but rather the fact of the American presence. Were the Soviet forces to attack U.S. forces in Europe, the American response would not be significantly different whether our troops in Europe numbered 100,000 or 200,000 or 300,000.

As logical as a U.S. troop reduction would be, I did not vote in the U.S. Senate for such reductions in recent years, because I felt that significant unilateral U.S. reductions might be interpreted by the U.S.S.R. as an indication of a diminished U.S. interest in European security as a consequence of isolationist sentiments aroused by our disheartening experience in Vietnam. Moreover, it seemed unwise to make unilateral reductions when the Soviet Union was willing to discuss mutual reductions. I thought that the peace of Europe would be better served by negotiated mutual reductions than by unilateral American and Western European reductions.

I am favorably impressed with the incumbent administration's thorough preparation for international negotiations. I believe that President Nixon deserves great confidence of Congress for the preparations that have been made, and I am confident that the U.S. negotiating teams will exercise requisite prudence in both the European Security Conference and the talks on MBFR.

I do believe that a high degree of caution is in order. Agreements must not be achieved for the sake of agreement. It must be recognized by our side from the start of the negotiations that the agreements reached may alter the security balance in Europe, which has been adequate to keep the peace since World War II. Alternation in the security balance is not to be arrived at lightly. Since most will agree that the peace of Europe is not now threatened, we must exercise maximum prudence in altering the political, economic, and military conditions on which the peace of Europe depends.

Our goal should be to decrease the possibility of a future European aggression which would endanger the peace of the world. Reducing the military capabilities of both Warsaw Pact and NATO forces in or near Central Europe may contribute to this goal, but only if the new levels of power do not work to the disadvantage of either side.

While the stability of Europe and the world will be affected by the decisions reached in these negotiations, there will be special dangers as well as opportunities involved for our NATO allies, for the Baltic States, for the nations of Eastern Europe and the Middle East.

We must be careful to see that developing Western European cooperation is not weakened by deep splits over negotiating positions.

We must be careful to see that the future freedom and well-being of the peoples of the Baltic States and the peoples of the nations of Eastern Europe are not disregarded or signed away. Detente should serve the legitimate aspirations of all the nations of Europe, East and West.

We must be careful to see that the eastern flank of NATO and NATO's forces in the Mediterranean are not weakened vis-a-vis Soviet forces, least we put NATO interests and the security of Israel in jeopardy.

By expressing these imperatives, I do not mean to imply any opposition to, or reluctance concerning, the negotiations which lie ahead. I simply believe that it is necessary and desirable now, at the outset of negotiations, to sound reasonable warnings. It is my profound hope that the negotiations will bring greater security to Europe and important new steps toward reconciliation of East and West. To accomplish this will require wisdom and prudence, painstaking efforts, and considerable time.

Let us proceed with caution, but let us proceed.

Mr. JAVITS. Mr. President, does the Senator find it convenient to yield momentarily at this point?

Mr. PERCY. I find it entirely convenient.

Mr. JAVITS. I had intended to be on the floor and participate in the colloquy with the Senator on the subject matter of his speech, as I believe the attention which the Senator is now giving to the situation in Europe to be one of the best byproducts of the Vietnam cease-fire. It is quite typical of the Senator from Illinois to be as alert and understanding as he is of the situation. Europe remains the fundamental center of every good thing that can happen in the world in cooperation with the United States and Canada. As the Senator knows, I am myself the honorary chairman of the new committee of nine wise men, so-called, of NATO, to chart the future. I should like to say to the Senator that I have read his speech. It is most admirable. I especially wish to applaud the Senator's calling the attention of the Senate and the country to the crucial nature of the issue. We will have a peaceful world where we begin to build up the developing areas so that they can become true consumers, which is the real economic problem of all mankind. It will be based in part on the relationships among Europe, the United States and Canada, precisely what the Senator has charted in his speech.

Mr. PERCY. I thank my distinguished colleague. I should like to report, having just come back from making a Lincoln day speech in Albany, the capital of the great State which the Senator from New York has the honor to represent, that I deeply appreciate the message he sent to that meeting. I should like to report to him that I did talk about the Vietnam war at that meeting, indicating that although it was not Richard Nixon's war, it most assuredly is a Nixon administration peace.

I can report that the reaction of that group to what is happening now at the end of this tragic war is, as would be expected, that we should now turn our thoughts and attention to matters of truly vital security interest in Europe, matters with which the Senator from New York has long concerned himself. I consider him to be one of the foremost experts in the Senate on that subject.

Mr. JAVITS. I thank my colleague.

Mr. MATHIAS. Mr. President, will the distinguished Senator from Illinois yield?

Mr. PERCY. I yield.

Mr. MATHIAS. The point the Senator from Illinois is making is one that requires a great deal of attention in this country, particularly a great deal of attention in the Senate. I am very glad that the Senator has made that point because what he is saying is that our whole relationship with Europe must be viewed as a question of total perception. As we talk about European security and American participation in European security, we are talking, as he suggests here, about the wide range of our involvement and our common interests with Europe.

That is why I have in the past, as has the Senator from Illinois, opposed an abrupt, unilateral decision on the part of the United States, suddenly to alter our security relationships with Europe. If we abruptly change our security relationships, then we will affect the whole range of mutual interests which the Senator from Illinois has so well cataloged here and which we cannot cut asunder.

Therefore, I think that what the good Senator from Illinois has just said is enormously useful. It underscores the importance of arriving cooperatively at decisions and not simply trying to go it alone in the hope of a short-range monetary advantage or a short-range saving in manpower at enormous sacrifice to the basic security interests of both the United States and Europe.

Mr. PERCY. Mr. President, I thank my distinguished colleague and would like to say that I agree wholeheartedly with the position he has taken through the years, with the wisdom of not having precipitate, abrupt, unilateral, and large-scale withdrawal by this country, which has been proven, I think, by the willingness of the Soviet Union now to engage in discussion of mutual and balanced force reductions. This does not detract from the position we have also shared in favor of burden sharing by European countries able to assume a great deal more of the costs of the common defense. The effort to have the countries of Western Europe bear a greater share, as their prosperity increases, in the cost of maintaining forces, has been steady, persistent, and supported by this administration. I am therefore very much pleased to have the support of the distinguished Senator from Maryland.

Mr. MATHIAS. The Senator from Illinois has taken a firm stand on burden sharing, which is useful and constructive, and has resulted in savings which have accrued to the American taxpayers and which, I think, are directly related to his efforts. Both of us understand, when we say we are not in favor of abrupt, unilateral, American action, that it does not mean we are in favor of postponing action indefinitely. I foresee a period of gradual, coordinated, and collectively agreed upon troop reductions, and reductions in the monetary cost over a period of years. We should begin to make decisions preparatory to reductions now. The way we do it will be of great importance to America for many years to come.

Mr. President, I want to commend the senior Senator from Illinois, Mr. PERCY, for his thoughtful speech on European security negotiations. There is a growing belief in the United States and among our Western allies that we have had no better opportunity than the present time to negotiate with the Soviet Union and its allies since the end of World War II to resolve outstanding policy questions which have contributed to dangerous tensions, continual bitterness and in some cases, hostilities. The SALT I agreements signed in Moscow on May 28, 1972, marked the beginning of what could be an end to the cold war. SALT I marked the recognition on the part of both sides that the Iron Curtain was no protection to either side, and that it was in the mutual self-interest of both East and West to not only reduce nuclear armaments but also to strengthen economic, cultural and diplomatic ties that had been all but destroyed in the aftermath of World War II.

Three negotiations between East and West are now underway, SALT II, in which the United States and Soviet Union will attempt to build upon the accomplishments of the past 4 years and reduce nuclear weapons arsenals to the minimum necessary for assured deterrence. Second, and closely linked to the SALT talks, are the MBFR—Mutual Balanced Force Reductions—which are talks between the United States and the Soviet Union encompassing the allies of both superstates. These talks will concern the future, direction and size and purpose of NATO and the Warsaw Pact. It should be pointed out that only the West adheres to the MBFR formulation, and that the Soviet Union and its Warsaw Pact allies do not agree with the Western formulation of balanced force reductions but rather on the basis of numerical equality. There are many observers who believe that the MBFR formulation is designed to end in stalemate because the principle is so opposite to the view held by the Soviet Union and its allies. I do not subscribe to this opinion because it seems to me that the solid accomplishments of SALT I and the recent practical diplomatic experience the United States has had with the Soviet Union augurs well with the possibility of rational and productive discussions that could lead to force reductions of both NATO and the Warsaw Pact of a significant nature. There can be significant reductions of conventional forces as well as nuclear forces, I believe, if both the Soviet Union and the United States are convinced that there are no advantages to be gained by engaging in any kind of war; limited probes at the one extreme and massive distruction at the other end of the scale. It seems evident that the progress of these talks on conventional forces between the Warsaw Pact and NATO will be in large measure determined by the progress made at SALT and the European Security Conference.

The European Security Conference, in

which all of the nations of Eastern and Western Europe are participants will cover a much broader range of issues and will inevitably, because of its diversity, provide a far more flexible forum for the testing of new ideas and attitudes. In some quarters, there is a fear that the agreements reached in the European Security Conference could force the United States and the Western allies into untenable military and diplomatic positions.

The European Security Conference at Helsinki could, on the contrary, do much to strengthen existing channels between East and West on a broad range of issues, not simply military and diplomatic, and could, in fact, develop means of communication which do not now exist. The broad range of issues will bring into play the participation of leaders from both East and West who have previously not had an important role in any East-West dialogue. It seems to me that broadening the base of issues and participants could do much to improve the chances of reduced tensions, reduction of military forces and the normalization of relations between East and West, so I wish to commend Senator PERCY for his very useful contribution. I think his observations give to the Senate a valuable perspective of the issues at stake in these three important diplomatic conferences now underway in Europe.

Mr. PERCY. I thank my colleague for his valuable contribution to our discussion.

ANNIVERSARY OF LITHUANIAN INDEPENDENCE

Mr. PERCY. Mr. President, today we commemorate the 55th anniversary of Lithuanian independence. In 1918 the people of Lithuania at long last regained their independence, only to fall under Soviet domination in 1940. During its brief period of freedom, free Lithuania made important progress, in social legislation, agricultural reforms, and industrialization. Its constitution of 1922 accorded freedom of speech, assembly, religion, and communication.

We know only too well the tragic circumstances which engulfed tiny Lithuania with the approach of World War II. No one will forget the thousands of Lithuanians, caught up helplessly in the maelstrom of war and forced annexation, those who perished and those who were deported, many never to return. Nor will we forget those who must live under foreign domination.

I have often called attention to the tenacity of the Lithuanian people in sustaining, often at high cost, their religious life, their cultural traditions, and their hopes for freedom during these decades of systematic repression. I have cited the tragic case of Lithuanian Seaman Simas Kudirka as an example of the determination of Lithuania to be free. The events in Lithuania this past May and June, and the petition to United Nations Secretary General Waldheim bearing 17,000 signatures by Lithuanians charging religious persecution, are more recent examples. The self-immolation of young Romas Kalanta and other Lithuanians were shocking personal tragedies and grim reminders of Lithuanian national frustration. These events, and the ensuing reprisals, have kept attention focused on the plight of the Lithuanian people.

This world has already experienced far too much suffering and cruelty inflicted by nations who impose their will on others. Therefore, we must never cease to support the legitimate aspirations of captive peoples.

It is our duty to speak out clearly on behalf of Lithuania, and to insure that contact is maintained with this nation and others whose borders have been kept sealed against the world. I have continued to support efforts by the Voice of America and Radio Liberty to reach listeners in Lithuania with news and information which is otherwise unavailable to them.

Now, as political and military tensions ease in Europe, the time has come for progress in eliminating obstacles to the freer movement of people, information, and ideas. This is one of the most important tasks confronting the forthcoming European Security Conference. Above all, we must be careful to insure that the future freedom and well-being of the peoples of the Baltic States are not disregarded or signed away.

Today as we review what has happened in the years since 1918, we remember the brave people of Lithuania, and we give recognition to the Lithuanians in this country who have contributed so much to America.

Mr. STEVENSON. Mr. President, tomorrow marks the 55th anniversary of Lithuania's Declaration of Independence. Unfortunately, this country will celebrate its independence in hope rather than reality since this nation still strains under the bonds of Soviet domination.

The people of Lithuania are denied religious freedom, and cannot exercise the rights of self-determination and personal freedom which we in America so often take for granted.

On this important day, we should therefore reaffirm our commitment to those Baltic nations still struggling for independence. Moreover, we should do everything we can to see that the forthcoming European Security Conference addresses itself to the rights of Lithuania and the Baltic lands to control their own future.

Until each nation has its freedom, we can never hope to establish lasting world peace.

QUORUM CALL

Mr. PERCY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, having consulted with the distinguished Senator from Kentucky (Mr. HUDDLESTON), the author of the pending resolution (S. Res. 59) having consulted with the distinguished Senator from Michigan (Mr. HART), the distinguished Senator from New Hampshire (Mr. COTTON), the distinguished Senator from Vermont (Mr. AIKEN), and other affected Senators who are particularly interested in this measure, I now propound the following unanimous-consent requests:

ORDER FOR ADJOURNMENT TO MONDAY, FEBRUARY 19, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate meets on Monday next it convene at the hour of 12 o'clock meridian.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, FEBRUARY 19, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the reading of President George Washington's Farewell Address on Monday next there be a period for the transaction of routine morning business with statements limited therein to 3 minutes, the period not to extend beyond the hour of 1 o'clock p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON SENATE RESOLUTION 59

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of routine morning business on Monday next, or not later than 1 o'clock p.m., the Senate resume consideration of Senate Resolution 59; that the time for debate on the resolution be limited to 3 hours; that time on any amendment be limited to 30 minutes, time on any amendment to an amendment be limited to 20 minutes, time on any debatable motion or appeal be limited to 20 minutes, and that the time for such amendment, debatable motion, or appeal come out of the 3 hours allotted for debate on the bill;

Provided further, that if no motion to refer is made, such motion be made at the hour of 4 o'clock p.m.; that time on any such motion be limited to 1 hour; that a vote on such motion, or on a motion to table such motion, then occur, to be followed immediately by a vote on the resolution;

Provided further, that if no motion to refer is made, the vote on Senate Resolution 59 occur at 4 o'clock p.m., with a motion to table being in order; provided further, that the time for debate on the bill be divided equally between the distinguished Senator from Vermont (Mr. AIKEN) and the distinguished junior Senator from Kentucky (Mr. HUDDLESTON), with time on any amendment in the first degree to be divided between the mover of such and the distinguished author of the resolution (Mr. HUDDLESTON); except in any instance in which Mr. HUDDLESTON may favor same, in which event, time in opposition thereto be under the control of the distinguished majority leader or his designee; that time on any amendment to an amendment be under the control of the mover of such and the author of the amendment in the first degree or basic amendment; in the event the author of the basic amendment be in favor of such, the time in opposition thereto be under the control of the distinguished majority leader or his designee; that time on any debatable motion or appeal be divided between the mover of such and the distinguished author of the bill, Mr. HUDDLESTON; that time on any motion to refer—to occur at 4 o'clock p.m., if such is offered—be under the control of the mover of such and Mr. HUDDLESTON; provided further, that no nongermane amendment be in order.

It is my understanding that no motion to recommit is anticipated; that if any motion is offered, it will be a motion to refer. For that reason I have made no provision for motions to recommit, except in the category "debatable motions" I did include a 20-minute time limit on debatable motions, but the 1-hour provision would apply only to a motion to refer.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The text of the unanimous-consent agreement is as follows:

Ordered, That, effective on Monday, February 19, 1973, at the conclusion of routine morning business, during the consideration of S. Res. 59, a resolution relating to the railroad transportation crisis caused by the freight car shortage and other factors, debate on any amendment in the first degree be limited to 30 minutes, to be equally divided and controlled by the mover of any such amendment and the manager of the bill, Mr. Huddleston, or, if the manager of the bill is in favor of the amendment, the time in opposition thereto shall be controlled by the Majority Leader or his designee; debate on any amendment to an amendment be limited to 20 minutes, to be equally divided and controlled by the mover of the amendment and the author of the amendment in the first degree, or if the author of the amendment in the first degree is in favor of the amendment, the time in opposition thereto shall be controlled by the Majority Leader or his designee; and the time on any debatable motion or appeal be limited to 20 minutes, to be equally divided and controlled by the mover of any such motion or appeal and the manager of the bill, Mr. Huddleston: *Provided*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of agreeing to the said resolution, debate shall be limited to 3 hours, to be equally divided and controlled, respectively, by the Senator from Kentucky (Mr. Huddleston) and the Senator from Vermont (Mr. Aiken). *Provided*, That the time for the aforementioned amendments, debatable motions and appeals shall be taken out of the 3 hours on the resolution.

Ordered further, if a motion to refer the resolution is made, it will be made at 4:00 p.m., with the time be limited to 1 hour, to be equally divided and controlled, respectively, by the mover and the Senator from Kentucky (Mr. Huddleston), with a vote on such motion or a motion to table the motion to refer to occur immediately following the 1 hour debate.

Ordered further, if a motion to refer is not made at 4:00 p.m., then a vote on either the resolution or a motion to table the resolution shall occur at 4:00 p.m.

Mr. ROBERT C. BYRD. Mr. President, I wish to thank all Senators for their cooperation in working out this agreement.

I am assured that there will be a rollcall vote on any motion to refer, and there certainly will be a rollcall vote on any motion to table such motion. There will be a rollcall vote on adoption of the resolution. Senators on both sides of the aisle are so informed.

If no Senator seeks recognition at this point, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM PRESIDENT ON NATURAL RESOURCES AND THE ENVIRONMENT—REFERRAL TO COMMITTEES ON AGRICULTURE AND FORESTRY, COMMERCE, INTERIOR AND INSULAR AFFAIRS, AND PUBLIC WORKS (S. DOC. NO. 93-5)

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the message from the President of the United States on natural resources and the environment, which was received by the Senate today, be jointly referred to the Committees on Agriculture and Forestry, Commerce, Interior and Insular Affairs, and Public Works, since it involves various proposed legislation all within the jurisdiction of each of these committees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Congress of the United States:

With the opening of a new Congress and the beginning of a new Presidential term come fresh opportunities for achievement in America. To help us consider more adequately the very special challenges of this new year, I am presenting my 1973 State of the Union Message in a number of sections.

Two weeks ago I sent the first of those sections to the Congress—an overview reporting that "the basic state of our Union today is sound, and full of promise."

Today I wish to report to the Congress on the state of our natural resources and environment. It is appropriate that this topic be first of our substantive policy discussions in the State of the Union presentation, since nowhere in our national affairs do we have more gratifying progress—nor more urgent, remaining problems.

There was a time when Americans took our natural resources largely for granted. For example, President Lincoln observed in his State of the Union message for 1862 that "A nation may be said to consist of its territory, its people, and its laws. The territory is the only part which is of certain durability."

In recent years, however, we have come to realize that our "territory"—that is, our land, air, water, minerals, and the like—is not of "certain durability" after all. We have learned that these natural resources are fragile and finite, and that many have been seriously damaged or despoiled.

When we came to office in 1969, we tackled this problem with all the power at our command. Now there is encouraging evidence that the United States has moved away from the environmental crisis that could have been and toward a new era of restoration and renewal. Today, in 1973, I can report to the Congress that we are well on the way to winning the war against environmental degradation—well on the way to making our peace with nature.

YEARS OF PROGRESS

While I am disappointed that the 92d Congress failed to act upon 19 of my key natural resources and environment proposals, I am pleased to have signed many of the proposals I supported into law during the past four years. They have included air quality legislation, strengthened water quality and pesticide control legislation, new authorities to control noise and ocean dumping, regulations to prevent oil and other spills in our ports and waterways, and legislation establishing major national recreation areas at America's Atlantic and Pacific gateways, New York and San Francisco.

On the organizational front, the National Environmental Policy Act of 1969 has reformed programs and decision-making processes in our Federal agencies and has given citizens a greater opportunity to contribute as decisions are made. In 1970 I appointed the first Council on Environmental Quality—a group which has provided active leadership in environmental policies. In the same year, I established the Environmental Protection Agency and the National Oceanic and Atmospheric Administration to provide more coordinated and vigorous environmental management. Our natural resource programs still need to be consolidated, however, and I will again submit legislation to the Congress to meet this need.

The results of these efforts are tangible and measurable. Day by day, our air is getting cleaner; in virtually every one of our major cities the levels of air pollution are declining. Month by month, our water pollution problems are also being conquered, our noise and pesticide problems are coming under control, our parklands and protected wilderness areas are increasing.

Year by year, our commitment of public funds for environmental programs continues to grow; it has increased fourfold in the last four years. In the area of water quality alone, it has grown fifteen-fold. In fact, we are now buying new facilities nearly as fast as the construction industry can build them. Spending still more money would not buy us more pollution control facilities but only more expensive ones.

In addition to what Government is doing in the battle against pollution, our private industries are assuming a steadily growing share of responsibility in this field. Last year industrial spending for pollution control jumped by 50 percent, and this year it could reach as much as $5 billion.

All nations, regardless of their economic systems, share to some extent in the environmental problem—but with vigorous United States leadership, joint efforts to solve this global problem are showing results. The United Nations has adopted the American proposal for a special U.N. environmental fund to coordinate and support international environmental programs.

Some 92 nations have concluded an international convention to control the ocean dumping of wastes. An agreement is now being forged in the Intergovernmental Maritime Consultative Organization to end the intentional discharge of oil from ships into the ocean. This objective, first recommended by my Administration, was adopted by the NATO Committee on the Challenges of Modern Society.

Representatives of almost 70 countries are meeting in Washington this week at our initiative to draft a treaty to protect endangered species of plant and animal wildlife. The U.S.-U.S.S.R. environmental cooperation agreement which I signed in Moscow last year makes two of the world's greatest industrial powers allies against pollution. Another agreement which we concluded last year with Canada will help to clean up the Great Lakes.

Domestically, we can also be proud of the steady progress being made in improving the quality of life in rural and agricultural America. We are beginning to break away from the old, rigid system of controls which eroded the farmer's freedom through Government intrusion in the marketplace. The new flexibility permitted by the Agricultural Act of 1970 has enabled us to help expand farm markets and take advantage of the opportunity to increase exports by almost 60 percent in just three years. Net farm income is at an all-time high, up from $16.1 billion in 1971 to $19 billion in 1972.

PRINCIPLES TO GUIDE US

A record is not something to stand on; it is something to build on. And in this field of natural resources and the environment, we intend to build diligently and well.

As we strive to transform our concern into action, our efforts will be guided by five basic principles:

The first principle is that we must strike a balance so that the protection of our irreplaceable heritage becomes as important as its use. The price of economic growth need not and will not be deterioration in the quality of our lives and our surroundings.

Second, because there are no local or State boundaries to the problems of our environment, the Federal Government must play an active, positive role. We can and will set standards and exercise leadership. We are providing necessary funding support. And we will provide encouragement and incentive for others to help with the job. But Washington must not displace State and local initiative, and we shall expect the State and local governments—along with the private sector—to play the central role in making the difficult, particular decisions which lie ahead.

Third, the costs of pollution should be more fully met in the free marketplace, not in the Federal budget. For example, the price of pollution control devices for automobiles should be borne by the owner and the user and not by the general taxpayer. The costs of eliminating pollution should be reflected in the costs of goods and services.

Fourth, we must realize that each individual must take the responsibility for looking after his own home and workplace. These daily surroundings are the environment where most Americans spend most of their time. They reflect people's pride in themselves and their consideration for their communities. A person's backyard is not the domain of the Federal Government.

Finally, we must remain confident that America's technological and economic ingenuity will be equal to our environmental challenges. We will not look upon these challenges as insurmountable obstacles.

Instead, we shall convert the so-called crisis of the environment into an opportunity for unprecedented progress.

CONTROLLING POLLUTION

We have made great progress in developing the laws and institutions to clean up pollution. We now have formidable new tools to protect against air, water and noise pollution and the special problem of pesticides. But to protect ourselves fully from harmful contaminants, we must still close several gaps in governmental authority.

I was keenly disappointed when the last Congress failed to take action on many of my legislative requests related to our natural resources and environment. In the coming weeks I shall once again send these urgently needed proposals to the Congress so that the unfinished environmental business of the 92d Congress can become the environment achievements of the 93d.

Among these 19 proposals are eight whose passage would give us much greater control over the sources of pollution:

—*Toxic Substances.* Many new chemicals can pose hazards to humans and the environment and are not well regulated. Authority is now needed to provide adequate testing standards for chemical substances and to restrict or prevent their distribution if testing confirms a hazard.

—*Hazardous Wastes.* Land disposal of hazardous wastes has always been widely practiced but is now becoming more prevalent because of strict air and water pollution control programs. The disposal of the extremely hazardous wastes which endanger the health of humans and other organisms is a problem requiring direct Federal regulation. For other hazardous wastes, Federal standards should be established with guidelines for State regulatory programs to carry them out.

—*Safe Drinking Water.* Federal action is also needed to stimulate greater State and local action to ensure high standards for our drinking water. We should establish national drinking water standards, with primary enforcement and monitoring powers retained by the State and local agencies, as well as a Federal requirement that suppliers notify their customers of the quality of their water.

—*Sulfur Oxides Emissions Charge.* We now have national standards to help curtail sulfur emitted into the atmosphere from combustion, refining, smelting and other processes, but sulfur oxides continue to be among our most harmful air pollutants. For that reason, I favor legislation which would allow the Federal Government to impose a special financial charge on those who produce sulfur oxide emissions. This legislation would also help to ensure that low-sulfur fuels are allocated to areas where they are most urgently needed to protect the public health.

—*Sediment Control.* Sediment from soil erosion and runoff continues to be a pervasive pollutant of our waters. Legislation is needed to ensure that the States make the control of sediment from new construction a vital part of their water quality programs.

—*Controlling Environmental Impacts of Transportation.* As we have learned in recent years, we urgently need a mass transportation system not only to relieve urban congestion but also to reduce the concentrations of pollution that are too often the result of our present methods of transportation. Thus I will continue to place high priority upon my request to permit use of the Highway Trust Fund for mass transit purposes and to help State and local governments achieve air quality, conserve energy, and meet other environmental objectives.

—*United Nations Environmental Fund.* Last year the United Nations adopted my proposal to establish a fund to coordinate and support international environmental programs. My 1974 budget includes a request for $10 million as our initial contribution toward the Fund's five-year goal of $100 million, and I recommend authorizing legislation for this purpose.

—*Ocean Dumping Convention.* Along with 91 other nations, the United States recently concluded an international convention calling for regulation of ocean dumping. I am most anxious to obtain the advice and consent of the Senate for this convention as soon as possible. Congressional action is also needed on several other international conventions and amendments to control oil pollution from ships in the oceans.

MANAGING THE LAND

As we steadily bring our pollution probems under control, more effective and sensible use of our land is rapidly emerging as among the highest of our priorities. The land is our Nation's basic natural resource, and our stewardship of this resource today will affect generations to come.

America's land once seemed inexhaustible. There was always more of it beyond the horizon. Until the twentieth century we displayed a carelessness about our land, born of our youthful innocence and desire to expand. But our land is no longer an open frontier.

Americans not only need, but also very much want to preserve diverse and beautiful landscapes, to maintain essential farm lands, to save wetlands and wildlife habitats, to keep open recreational space near crowded population centers, and to protect our shorelines and beaches. Our goal is to harmonize development with environmental quality and to add creatively to the beauty and long-term worth of land already being used.

Land use policy is a basic responsibility of State and local governments. They are closer to the problems and closer to the people. Some localities are already reforming land use regulation—a trend I hope will accelerate. But because land is a national heritage, the Federal Government must exercise leadership in land use decision processes, and I am today again proposing that we provide it. In the coming weeks, I will ask the Congress to enact a number of legislative initiatives which will help us achieve this goal:

—*National Land Use Policy*. Our greatest need is for comprehensive new legislation to stimulate State land use controls. We especially need a National Land Use Policy Act authorizing Federal assistance to encourage the States, in cooperation with local governments, to protect lands of critical environmental concern and to regulate the siting of key facilities such as airports, highways and major private developments. Appropriate Federal funds should be withheld from States that fail to act.

—*Powerplant Siting*. An open, long-range planning process is needed to help meet our power needs while also protecting the environment. We can avoid unnecessary delays with a powerplant siting law which assures that electric power facilities are constructed on a timely basis, but with early and thorough review of long-range plans and specific provisions to protect the environment.

—*Protection of Wetlands*. Our coastal wetlands are increasingly threatened by residential and commercial development. To increase their protection, I believe we should use the Federal tax laws to discourage unwise development in wetlands.

—*Historic Preservation and Rehabilitation*. An important part of our national heritage are those historic structures in our urban areas which should be rehabilitated and preserved, not demolished. To help meet this goal, our tax laws should be revised to encourage rehabilitation of older buildings, and we should provide Federal insurance of loans to restore historic buildings for residential purposes.

—*Management of Public Lands*. Approximately one-fifth of the Nation's land is considered "public domain," and lacks the protection of an overall management policy with environmental safeguards. Legislation is required to enable the Secretary of the Interior to protect our environmental interest on those lands.

—*Legacy of Parks*. Under the Legacy of Parks program which I initiated in 1971, 257 separate parcels of parklands and underused Federal lands in all 50 States have been turned over to local control for park and recreational purposes. Most of these parcels are near congested urban areas, so that millions of citizens can now have easy access to parklands. I am pleased to announce today that 16 more parcels of Federal land will soon be made available under this same program.

We must not be content, however, with just the Legacy of Parks program. New authority is needed to revise the formula for allocating grant funds to the States from the Land and Water Conservation Fund. More of these funds should be channeled to States with large urban populations.

—*Mining on Public Lands*. Under a statute now over a century old, public lands must be transferred to private ownership at the request of any person who discovers minerals on them. We thus have no effective control over mining on these properties. Because the public lands belong to all Americans, this 1872 Mining Act should be repealed and replaced with new legislation which I shall send to the Congress.

—*Mined Area Protection*. Surface and underground mining can too often cause serious air and water pollution as well as unnecessary destruction of wildlife habitats and aesthetic and recreational areas. New legislation with stringent performance standards is required to regulate abuses of surface and underground mining in a manner compatible with the environment.

AMERICAN AGRICULTURE—A BASIC NATIONAL RESOURCE

Nearly three-fifths of America's land is in the stewardship of the farmer and the rancher. We can be grateful that farmers have been among our best conservationists over the years. Farmers know better than most that sound conservation means better long-term production and improved land values. More importantly, no one respects and understands our soil and land better than those who make their living by the land.

But Americans know their farmers and ranchers best for all they have done to keep us the best-fed and best-clothed people in the history of mankind. A forward-looking agricultural economy is not only essential for environmental progress, but also to provide for our burgeoning food and fiber needs.

My Administration is not going to express its goal for farmers in confusing terms. Our goal, instead, is very simple. The farmer wants, has earned, and deserves more freedom to make his own decisions. The Nation wants and needs expanded supplies of reasonably priced goods and commodities.

These goals are complementary. Both have been advanced by the basic philosophy of the Agricultural Act of 1970. They must be further advanced by Congressional action this year.

The Agricultural Act of 1970 expires with the 1973 crop. We now face the fundamental challenge of developing legislation appropriate to the economy of the 1970's. Over the next several months, the future direction of the farm program must be discussed, debated and written into law. The outcome of this process will be crucial not only to farmers and ranchers, but to consumers and taxpayers as well.

My Administration's fundamental approach to farm policy is to build on the forward course set by the 1970 Act. These principles should guide us in enacting new farm legislation:

—Farmers must be provided with greater freedom to make production and marketing decisions. I have never known anyone in Washington who knows better than a farmer what is in his own best interest.

—Government influence in the farm commodity marketplace must be reduced. Old fashioned Federal intrusion is as inappropriate to today's farm economy as the old McCormick reaper would be on a highly sophisticated modern farm.

—We must allow farmers the opportunity to produce for expanding domestic demands and to continue our vigorous competition in export markets. We will not acomplish that goal by telling the farmer how much he can grow or the rancher how much livestock he can raise. Fidelity to this principle will have the welcome effect of encouraging both fair food prices for consumers and growing income from the marketplace for farmers.

—We must reduce the farmer's dependence on Government payments through increased returns from sales of farm products at home and abroad. Because some of our current methods of handling farm problems are outmoded, the farmer has been unfairly saddled with the unflattering image of drinking primarily at the Federal well. Let us remember that more than 93 percent of gross farm income comes directly through the marketplace. Farmers and ranchers are strong and independent businessmen; we should expand their opportunity to exercise their strength and independence.

—Finally, we need a program that will put the United States in a good posture for forthcoming trade negotiations.

In pursuing all of these goals, we will work closely through the Secretary of Agriculture with the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture to formulate and enact new legislation in areas where it is needed.

I believe, for example, that dairy support systems, wheat, feed grains and cotton allotments and bases—some established decades ago—are drastically outdated. They tend to be discriminatory for many farm operators.

It would be desirable to establish, after a reasonable transition period, a more equitable basis for production adjustment in the agricultural economy should such adjustment be needed in the years ahead. Direct Federal payments should, at the end of the transition period, be limited to the amounts necessary to compensate farmers for withholding unneeded land from crop production.

As new farm legislation is debated in the months ahead, I hope the Congress will address this important subject with a deep appreciation of the need to keep the Government off the farm as well as keeping the farmer on.

PROTECTING OUR NATURAL HERITAGE

An important measure of our true commitment to environmental quality is our dedication to protecting the wilderness and its inhabitants. We must recognize their ecological significance and preserve them as sources of inspiration and education. And we need them as places of quiet refuge and reflection.

Important progress has been made in recent years, but still further action is needed in the Congress. Specifically, I will ask the 93rd Congress to direct its attention to the following areas of concern:

—*Endangered Species.* The limited scope of existing laws requires new authority to identify and protect endangered species before they are so depleted that it is too late. New legislation must also make the taking of an endangered animal a Federal offense.

—*Predator Control.* The widespread use of highly toxic poisons to kill coyotes and other predatory animals has spread persistent poisons to range and forest lands without adequate foresight of environmental effects. I believe Federal assistance is now required so that we can find better means of controlling predators without endangering other wildlife.

—*Wilderness Areas.* Historically, Americans have always looked westward to enjoy wilderness areas. Today we realize that we must also preserve the remaining areas of wilderness in the East, if the majority of our people are to have the full benefit of our natural glories. Therefore I will ask the Congress to amend the legislation that established the Wilderness Preservation System so that more of our Eastern lands can be included.

—*Wild and Scenic Rivers.* New legislation is also needed to continue our expansion of the national system of wild and scenic rivers. Funding authorization must be increased by $20 million to complete acquisitions in seven areas, and we must extend the moratorium on Federal licensing for water resource projects on those rivers being considered for inclusion in the system.

—*Big Cypress National Fresh Water Preserve.* It is our great hope that we can create a reserve of Florida's Big Cypress Swamp in order to protect the outstanding wildlife in that area, preserve the water supply of Everglades National Park and provide the Nation with an outstanding recreation area. Prompt passage of Federal legislation would allow the Interior Department to forestall private or commercial development and inflationary pressures that will build if we delay.

—*Protecting Marine Fisheries.* Current regulation of fisheries off U.S. coasts is inadequate to conserve and manage these resources. Legislation is needed to authorize U.S. regulation of foreign fishing off U.S. coasts to the fullest extent authorized by international agreements. In addition, domestic fishing should be regulated in the U.S. fisheries zone and in the high seas beyond that zone.

—*World Heritage Trust.* The United States has endorsed an international convention for a World Heritage Trust embodying our proposals to accord special recognition and protection to areas of the world which are of such unique natural, historical, or cultural value that they are a part of the heritage of all mankind. I am hopeful that this convention will be ratified early in 1973.

—*Weather Modification.* Our capacity to affect the weather has grown considerably in sophistication and predictability, but with this advancement has also come a new potential for endangering lives and property and causing adverse environmental effects. With additional Federal regulations, I believe that we can minimize these dangers.

MEETING OUR ENERGY NEEDS

One of the highest priorities of my Administration during the coming year will be a concern for energy supplies—a concern underscored this winter by occasional fuel shortages. We must face up to a stark fact in America: we are now consuming more energy than we produce.

A year and a half ago I sent to the Congress the first Presidential message ever devoted to the energy question. I shall soon submit a new and far more comprehensive energy message containing wide-ranging initiatives to ensure necessary supplies of energy at acceptable economic and environmental costs. In the meantime, to help meet immediate needs, I have temporarily suspended import quotas on home heating oil east of the Rocky Mountains.

As we work to expand our supplies of energy, we should also recognize that we must balance those efforts with our concern to preserve our environment. In the past, as we have sought new energy sources, we have too often damaged or despoiled our land. Actions to avoid such damage will probably aggravate our energy problems to some extent and may lead to higher prices. But all development and use of energy sources carry environmental risks, and we must find ways to minimize those risks while also providing adequate supplies of energy. I am fully confident that we can satisfy both of these imperatives.

GOING FORWARD IN CONFIDENCE

The environmental awakening of recent years has triggered substantial progress in the fight to preserve and renew the great legacies of nature. Unfortunately, it has also triggered a certain tendency to despair. Some people have moved from complacency to the opposite extreme of alarmism, suggesting that our pollution problems were hopeless and predicting impending ecological disaster. Some have suggested that we could never reconcile environmental protection with continued economic growth.

I reject this doomsday mentality—and I hope the Congress will also reject it. I believe that we can meet our environmental challenges without turning our back on progress. What we must do is to stop the hand-wringing, roll up our sleeves and get on with the job.

The advocates of defeatism warn us of all that is wrong. But I believe they underestimate this Nation's genius for responsive adaptability and its enormous reservoir of spirit.

I believe there is always a sensible middle ground between the Cassandras and the Pollyannas. We must take our stand upon that ground.

I have profound respect for the enormous challenge ahead, but I have even stronger respect for the capacity and character of the American people. Many of us have heard the adage that the last letters of the word, "American," say "I can." I am confident that we can, and we will, meet our natural resource challenges.

RICHARD NIXON.

THE WHITE HOUSE, *February 15, 1973.*

QUORUM CALL

Mr. HUDDLESTON. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

OLDER AMERICANS ACT—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of routine morning business on Tuesday next, the Senate proceed to the consideration of S. 50, a bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; that time on such bill be confined to 3 hours, the time to be equally divided between the distinguished Senator from Missouri (Mr. EAGLETON) and the distinguished Senator from New York (Mr. JAVITS); that time on any amendment thereto be limited to 30 minutes; that time on any debatable motion or appeal be limited to 30 minutes; and that the agreement be in the usual form.

Mr. President, I have cleared this request with the distinguished Senator from Maryland (Mr. BEALL) and the distinguished Senator from New York (Mr.

Javits). It is my understanding that such an agreement would also meet with the approval of the distinguished Senator from Missouri (Mr. Eagleton).

The PRESIDING OFFICER (Mr. Domenici). Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE CONSIDERATION OF AMENDMENT TO THE RURAL ELECTRIFICATION ACT OF 1936 (S. 394) FOLLOWING THE DISPOSITION OF THE OLDER AMERICANS ACT (S. 50)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, upon the disposition of S. 50, the Older Americans Act of 1965, the Senate proceed to the consideration of Calendar No. 28, S. 394, a bill to amend the Rural Electrification Act of 1936.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOCATIONAL EDUCATION GIVEN DESERVED ATTENTION NATIONALLY AND IN WEST VIRGINIA

Mr. RANDOLPH. Mr. President, this week has been designated as "National Vocational Education Week" by the American Vocational Association and Vocational Industrial Centers of America. The purpose of this celebration is to highlight the significant role that vocational education performs in the training of young men and women for useful careers.

For far too long vocational training has been the dumping ground for students that were thought to be low educational achievers. Through Federal and State supported efforts vocational education, training of our youngsters to work with their hands and to achieve gainful employment has become an integral part of our educational system.

The American Vocational Association, who has sponsored this national week of observance for 6 years, has State associations in all 50 States. It is comprised of approximately 55,000 members from all areas of vocational education. The Vocational Industrial Centers of America (VICA) for the first time is sponsoring "VICA Week" in conjunction with the observance of "National Vocational Education Week," although they have been sponsoring "VICA Week" since 1965. VICA, which has State associations in 40 States, has a membership of 130,000 and they are anticipating a growth to 150,000 during 1973.

I commend these organizations for their outstanding leadership in the field of vocational education. During this week local vocational clubs and centers are sponsoring open houses and showing films in local communities throughout the Nation in order to better inform the public of the values of vocational and career training.

We have made great progress in West Virginia in establishing vocational centers. At this time we have a total of 41 vocational centers in operation and eight more are either under construction or in the planning stages. There are 11 comprehensive high schools offering vocational training, 22 vocational technical centers—including three multi-country centers, and seven postsecondary institutions offering vocational programs. The Romney Schools for Deaf and Blind also operate in Romney, W. Va., a special school in vocational training for those handicapped youngsters.

I ask unanimous consent to have printed in the Record at this point an article that appeared in the Morgantown, W. Va., Post on Tuesday, February 13, which highlights some of the aspects of the National Vocational Education Week observance at the Monongalia County Vocational-Technical Center, Preston County Education Center and a newly established technical center at the Neighborhood Youth Corps training center in Morgantown. This is a very informative, interesting, and challenging article.

There being no objection, the article was ordered to be printed in the Record, as follows:

Vocational Education Emphasized This Week

(By Peter A. Laqueur)

During the past few years the importance and necessity of vocational training as an alternative to college education has received much publicity and support from many segments of the society.

The state and federal governments have placed new importance and emphasis on vocational training both for the young and the old. No longer is the vocational school considered the dumping ground for those who can do nothing else. It is now considered an important part of the education system.

To highlight the importance and significance of vocational education this week has been declared National Vocational Education Week. In observing the week, county educational institutions, teachers and students have planned tours of the Monongalia County Vocational-Technical Center so that area residents can become more aware of the work undertaken at the center.

The Preston County Educational Center will also participate in activities throughout the week as will thousands of schools across the country.

Albert Everly and Mrs. Trudy Lavinsky, advisors to the Vocational Industrial Clubs in America (VICA) of Morgantown, said the purpose of the national observance is "to bring attention to the merits and accomplishments of vocational education."

The VICA club is for young people interested in vocational education and is sponsored through the County Vocational-Technical Center.

Everly encouraged members of the community to visit the school during the week to view the on-going projects and programs.

"We will hold an open house for county residents Thursday from 6:30 to 9:30 p.m. at the center located at 1301 University Ave. Tours will be available at this time. In addition, we will have students and faculty available during the week for anyone interested in touring the facilities during the day," he stated.

Richard Glass, coordinator of Preston County Educational Center, urged all the adults of the community to visit the new school during this week. "You can learn a lot about careers education by observing the existing vocational programs and talking with community employers who serve on school advisory committees," he stated.

Glass said that vocational education is important because it "trains our youth for a salable skill; upgrades the skills of an employe whose job has become more complex and retains a worker who has been displaced from his position due to technological innovations or physical impairments."

Discussing the importance of vocational education, Everly noted that both young people and adults today face a "tremendous task" of selecting career development programs. "Careful investigation and observation are necessary for the potential student to choose the career training program which will provide the most satisfying career for him," he explained.

He noted that the whole attitude toward vocational education is changing and that now people are realizing the "great importance" of the training. "People are realizing that not everyone needs to go to college and that there is a great demand and need for persons trained in the skills area such as carpentry, mechanics and plumbing," he stated.

Everly explained that since the vocational training program began in Monongalia County five years ago, enrollment has doubled. "This is an indication of the importance and success of the program," he noted.

The program at the vo-tech center is open to high school students, veterans, college graduates and the public in general, Everly stated. The daytime courses are mainly for high school students, although some post high school students are enrolled. In the evening, the center offers various training programs for adults.

Everly said courses in air conditioning, building maintenance, machine shop, auto mechanics, drafting, welding, mine mechanics and nursing arts are offered at the center. Courses in business training are offered through the high schools.

The Monongalia County center is not the only training center operating here in Morgantown. The Human Resources Development Foundation yesterday opened a skills training center at the Neighborhood Youth Corps training center here.

The program offers training in machine shop and business. Homer Kincaid, director of the HRDF, said the program is mainly for the disadvantaged in the Preston, Marion, Taylor and Monongalia County area.

Some 32 NYC enrollees are now participating in the skills program.

Personnel with all vocational training programs in Preston and Monongalia Counties have issued an open invitation to all citizens to tour the facilities and learn more about what is happening in the field of vocational education.

"The VICA club and faculty of the Monongalia Vocational-Technical Center stands ready to help anyone with questions about vocational education," Everly stated.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

"GOD BLESS AMERICA"

Mr. HARRY F. BYRD, JR. Mr. President, I was deeply touched and I think all America was thrilled with the first words of the first prisoner of war when he landed in the Philippines after being a prisoner of the North Vietnamese. The words of Navy Capt. Jeremiah Denton, Jr., of Virginia Beach, Va., were:

> We are honored to have had the opportunity to serve our country under difficult circumstances. God bless America.

I feel Captain Denton was speaking for the vast majority of those who served, as he did, long periods in captivity. Captain Denton's family, his wife and seven children, live at Virginia Beach. She, together with other wives of prisoners of war, came to see me frequently during the 7½ years that Captain Denton was a captive. I was tremendously impressed with her courage, just as I was with the courage of the other wives of prisoners of war. While their husbands and fathers suffered, so did the wives and the children and those who were in this country.

While I applaud the comments of Captain Denton and commend his courage and the courage of those other brave men who are returning from prison camps in Southeast Asia, I likewise commend the wives of those men and their children for the courage that they have shown during the absence of their husbands and fathers.

THE DEATH OF DAVID LAWRENCE

Mr. HARRY F. BYRD, JR. Mr. President, David Lawrence, a great newspaperman, died Sunday. I have known David Lawrence for many years. I think he was one of the great newspapermen of the 20th century.

He wrote a daily column for many years. I think I am accurate in saying that he wrote the column for 50 years. He also established and was editor of U.S. News & World Report.

I doubt if there has been a more industrious individual than was David Lawrence. He died in his 84th year. He wrote his column every day, and the last column was written only a few hours before his death.

Yes, David Lawrence was a great newspaperman, but more than that, he was a wonderful individual and a wonderful friend, and he will be greatly missed not only by his hundreds of thousands of readers, but he will be greatly missed by those of his colleagues in the profession which he served so well and for so long.

Mr. President, I ask unanimous consent to have printed in the Record an editorial entitled "David Lawrence" published in the Evening Star for February 13, 1973.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

David Lawrence

David Lawrence, who died Sunday at 84, kept busy to the end. No one at The Star-News, and probably none of his readers, was surprised that his usual Monday column was already in the office. But he did surprise us, for all that. The obituary in our early editions yesterday directed readers to Mr. Lawrence's "last column" on that day's opposite-editorial page. And then, on the wire, right on time as usual, came what indeed is his last column, written a few hours before he died. It appears in its usual spot today—lucid, crisp, informative, the product of a wise and gentle mind which never stopped asking the right questions.

This unflagging attention to duty was in all ways typical of Mr. Lawrence. He was a man of large affairs, the publisher of a major news magazine of wide circulation and influence. But, after his family, the column was always Mr. Lawrence's first love. For 50 years it appeared in this newspaper—something like 13,000 times. He wrote every word himself. And invariably, if our first edition contained a typographical error, we knew that if Mr. Lawrence was in town he would be on the phone before the ink was dry, gently making sure that the offense had been noted by someone, and that everything would be put right in time for the next edition of the paper.

He was the newsman in the classic mold. His opinions were firm, but they never overrode the reporter's instinct to get to the bottom of the story. He had the tenacity of the proverbial bulldog in his search for the facts, but withal he was the most forgiving and kindest of men. One of the best things that can be said about the profession of journalism is that, very occasionally, it produces a David Lawrence.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Domenici). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR., Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECONFIRMATION OF FEDERAL JUDGES EVERY 8 YEARS

Mr. HARRY F. BYRD, JR. Mr. President, on February 9, 1973, the Senate of the State of Virginia approved a resolution calling for the reconfirmation of Federal judges by the U.S. Senate every 8 years.

This resolution is similar to the one which I proposed as an amendment to the U.S. Constitution. It is my feeling that as more and more power is concentrated in the Federal Government, it is increasingly important that Federal judges who now serve for life, be made more accountable. Today, these judges are accountable to no one.

Why should any public official in a democracy have life tenure?

I am pleased by the action of the Virginia Senate on its resolution, which was sponsored by State Senator Robert S. Burruss, Jr., of Lynchburg.

I know Senator Burruss well. I know his deep concern about this problem. It was therefore heartwarming to me to know that the Senate of the State of Virginia, as a body, holds the same view.

I commend Senator Burruss for the resolution which he presented to the Virginia Senate and I commend the Virginia Senate for approving it, because it is very important, as more and more power becomes concentrated in the Federal Government, that attention be directed to lifetime tenure by Federal judges. It is a practice that should be ended. Federal judges should have fixed terms as now provided for in 49 States. There is only one State out of 50 States which provides for life tenure, the rest provide for fixed terms. That should be the same procedure with the Supreme Court and the Federal judiciary.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO INTRODUCE BILLS ON BEHALF OF SENATOR MAGNUSON

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that until the hour of 5 p.m. I be permitted to introduce bills on behalf of the distinguished Senator from Washington, Mr. Magnuson) by request, concerning toxic substances in predatory animals.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO FILE REPORTS DURING ADJOURNMENT UNTIL 12 O'CLOCK MERIDIAN ON MONDAY, FEBRUARY 19, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that committees may be authorized to file reports during the adjournment over until 12 o'clock meridian on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE PRESIDENT DURING THE ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the President of the United States during the adjournment over until Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL MONDAY, FEBRUARY 19, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock meridian on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

When the Senate completes its business today it will adjourn until 12 o'clock meridian on Monday next. After the two leaders or their designees have been recognized under the standing order on Monday, the distinguished Senator from Maryland (Mr. MATHIAS) will read President Washington's Farewell Address, after which there will be a period for the transaction of routine morning business with statements limited therein to 3 minutes, the period for morning business not to extend beyond the hour of 1 p.m.

The reading of the address normally takes about 45 minutes. This would mean there would likely be about 10 or 15 minutes for the transaction of routine morning business.

At the hour of 1 p.m.—or at the conclusion of routine morning business, if such business is concluded prior to 1 p.m.—the Senate will resume consideration of Senate Resolution 59, the so-called freight car shortage measure, under a time limitation of 3 hours, the 3 hours to run until the hour of 4 o'clock p.m. There is a time limitation on amendments, debatable motions, and appeals, with time for such to come out of the time allotted for debate on the resolution.

If no motion to refer is made, a vote—and it would be a yea-and-nay vote—would occur at the hour of 4 o'clock p.m. on Senate Resolution 59 or on any motion to table Senate Resolution 59, if such motion were made. In the event of a motion to refer Senate Resolution 59, such motion would be offered at the hour of 4 o'clock p.m.

There is a 1-hour limitation on a motion to refer, and the vote thereon would then occur circa 5 o'clock p.m.

A motion to table the motion to refer would be in order. If the motion to refer were not adopted, other amendments conceivably would be in order, without time for debate thereon, prior to the final vote on Senate Resolution 59 at 5 o'clock p.m.

May I ask the Chair if that is the understanding of the Chair with respect to the agreement?

The **PRESIDING OFFICER.** That is the Chair's understanding.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, there will be at least one yea-and-nay vote, therefore, on Monday. There will probably be at least two yea-and-nay votes on Monday, and there will possibly be additional yea-and-nay votes on Monday. Yea-and-nay votes could come on amendments to Senate Resolution 59 prior to 4 o'clock p.m. A yea-and-nay vote on Senate Resolution 59 or a motion to table Senate Resolution 59 could occur at 4 o'clock p.m. A vote on any motion to refer Senate Resolution 59 or tabling motion in connection therewith, if made, would occur at 5 o'clock p.m.

Mr. President, for the benefit of Senators and staffs who will be reading the RECORD tomorrow morning, on Tuesday next the Senate will take up the Older Americans Act, S. 50, under a time limitation of 3 hours, with a time limitation on amendments, debatable motions, or appeals, and a yea-and-nay vote will occur on S. 50 on Tuesday. Additional yea-and-nay votes on amendments and/or motions to recommit are anticipated.

Hence, in recapitulation, there will be yea-and-nay votes on Monday. There will be yea-and-nay votes on Tuesday. On the disposition of the Older American Act on Tuesday, the Senate will proceed to the consideration of the REA bill, the number of which is S. 394.

Mr. President, in view of information I have just received from the distinguished Senior Senator from Indiana (Mr. HARTKE), it will be the intention of the leadership, upon the disposal of the REA measure, S. 394, to proceed to the consideration of S. 39, the so-called aerial hijacking bill.

So, Mr. President, there will be a busy 4 or 5 days next week. I am sure there will be at least a busy 4 days, because the money resolutions will be ready for consideration by the Senate following the consideration of the hijacking bill. This will mean that the Senate will have a very busy 4 days next week, and possible 5, with yea-and-nay votes daily.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 19, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian on Monday next.

The motion was agreed to, and at 3:35 p.m. the Senate adjourned until Monday, February 19, 1973, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate on February 13, 1973, pursuant to the order of February 8, 1973:

FEDERAL POWER COMMISSION

William L. Springer, of Illinois, to be a member of the Federal Power Commission for the remainder of the term expiring June 2, 1977, vice Pinkney Calvin Walker.

U.S. CIRCUIT COURTS

Joseph F. Weis, Jr., of Pennsylvania, to be a U.S. circuit judge, Third Circuit, vice Abraham L. Freedman, deceased.

U.S. DISTRICT COURTS

Herbert A. Fogel, of Pennsylvania, to be a U.S. district judge for the Eastern District of Pennsylvania vice Ralph C. Body, retired.

Executive nominations received by the Senate February 15, 1973:

DEPARTMENT OF COMMERCE

Henry B. Turner, of California, to be an Assistant Secretary of Commerce, vice Larry A. Jobe, resigned.

U.S. INFORMATION AGENCY

Eugene Paul Kopp, of Virginia, to be Deputy Director of the U.S. Information Agency, vice Henry Loomis, resigned.

FEDERAL MEDIATION AND CONCILIATION SERVICE

Willie J. Usery, Jr., of Georgia, to be Federal Mediation and Conciliation Director, vice James C. Counts, resigned.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grade indicated in the National Oceanic and Atmospheric Administration:

To be lieutenants

David J. Goehler
Michael A. Graber
Frederick J. Jones
Jan W. McCabe

IN THE MARINE CORPS

The following named officer of the Marine Corps Reserve for temporary appointment to the grade of major general:

Louis Conti

The following named officers of the Marine Corps Reserve for temporary appointment to the grade of brigadier general:

Alan T. Wood
Hugh W. Hardy

IN THE AIR FORCE

The following named Air National Guard of the United States officers for promotion in the Reserve of the Air Force, under the appropriate provisions of section 593(a), title 10, United States Code, as amended.

Major to lieutenant colonel

LINE OF THE AIR FORCE

Omar R. Adame, [redacted]
Daniel R. Angulo, [redacted]
James B. Armstrong, [redacted]
Joshua H. Batchelder, [redacted]
Howard A. Batten, [redacted]
Roger E. Becker, [redacted]
Bruce G. Bishop, [redacted]
Wayne O. Burkes, [redacted]
John B. Calhoun, [redacted]
Joseph G. Corey, [redacted]
William M. Coughran, [redacted]
Larry F. Dahle, [redacted]
Sam F. Delitta, [redacted]
Arthur D. Fincannon, [redacted]
Leon B. Frye, [redacted]
Edwin J. Garn, [redacted]
Ollie W. Gresham, [redacted]
Robert N. Hall, [redacted]
Robert R. Hall, [redacted]
Edward P. Hane, [redacted]
Wallace D. Hegg, [redacted]
Arnold W. Heiting, [redacted]
Edgar L. Helmey, [redacted]
Fred R. Helms, [redacted]
Lloyd H. T. Johnson, [redacted]
Harold E. Juedeman, [redacted]
James D. Logan, [redacted]
Patrick J. Marckesano, [redacted]
Frank Martone, [redacted]
John L. Matthews, [redacted]
Richard E. Mayne, [redacted]
John C. McCoy, [redacted]
Charles A. McKinney, [redacted]
Robert G. Minick, Jr., [redacted]
Donald W. Miracle, [redacted]
David H. Montplaisir, [redacted]
Rox M. Moyers, [redacted]
Frank P. Musso, [redacted]
David W. Noall, [redacted]
John J. O'Connor, Jr., [redacted]
Jack Odell, Jr., [redacted]
James L. Pline, [redacted]
Anthony C. Piergiovanni, [redacted]
Edward V. Richardson, [redacted]
Larry G. Rodgers, [redacted]
Robert E. Ruppel, [redacted]
Hilbert H. Simmons, [redacted]
Donald V. Snyder, [redacted]
Ronald G. Standerfer, [redacted]
Robert G. Steeves, [redacted]
Claude M. Strickland, Jr., [redacted]
William Tucker IV, [redacted]
Maurice H. Udell, [redacted]
Clayton E. White, [redacted]
Don F. Winters, [redacted]

MEDICAL CORPS

Marinus Flux, [redacted]
Robert E. Jackson, [redacted]
Thomas F. Lowry, [redacted]

IN THE ARMY

The following-named persons for reappointment in the active list of the Regular

Army of the United States, from temporary disability retired list, under the provisions of title 10, United States Code, section 1211:

To be lieutenant colonel, Regular Army and Colonel, Army of the United States

Dahl, Laverne H., [redacted].

To be captain

Turpin, William C., [redacted].

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be colonel

Doane, David G., [redacted].

To be major

Broskey, Richard D., [redacted].
Goiser, John L., [redacted].
Mathison, Francis G., [redacted].
Reese, Joseph W., [redacted].
Schmidt, Charles E., [redacted].
Smith, Joseph A., [redacted].

To be captain

Addison, Charles B., [redacted].
Bickerdike, Edwin V., [redacted].
Bunner, Ronald C., [redacted].
Ferguson, Richard L., [redacted].
Garraway, Samuel W., Jr., [redacted].
Gray, Kenneth E., [redacted].
Koller, Conrad F., [redacted].
Lawhead, Gary W., [redacted].
Long, Donald W., [redacted].
Neely, James M., [redacted].
Neves, Eugene E., [redacted].
Newby, John H., Jr., [redacted].
Riddle, Steven G., [redacted].
Sauer, James B., [redacted].
Schweitzer, William C., [redacted].
Shipp, Donald R., [redacted].
Taylor, Larry A., [redacted].
Ward, George S., [redacted].
Woody, Jerry M., [redacted].
Yearby, Calvin G., [redacted].

To be first lieutenant

Armstrong, Michael D., [redacted].
Arquilla, Alfred F., [redacted].
Aust, Lorraine L., [redacted].
Bolt, Brenda A., [redacted].
Brewer, Thomas L., [redacted].
Browning, Judith A., [redacted].
Callaway, Larry W., [redacted].
Caudle, Michael E., [redacted].
Craig, Aubrey D., [redacted].
Crockett, Rudolph Jr., [redacted].
Dix, Drew D., [redacted].
Frank, Mitchell C., [redacted].
Gahan, Sharon M., [redacted].
Hammack, Richard T., [redacted].
Harris, Thomas W., [redacted].
Henry, Ronald M., [redacted].
Hinson, Alan L., [redacted].
Holt, Robert H., [redacted].
Hoover, Steven P., [redacted].
Hopkins, Frank E., Jr., [redacted].
Jacobsen, Craig C., [redacted].
Johnson, Gerald K., [redacted].
Johnson, Terry D., [redacted].
Jones, Frank F., III, [redacted].
Karjala, John C., [redacted].
Kearns, Michael B., [redacted].
Keyser, Collette P., [redacted].
Kinzey, Bertram Y., III, [redacted].
Larson, Douglas F., [redacted].
Lawson, Willie A., [redacted].
Lewis, Richard L., [redacted].
Logan, William M., [redacted].
MacDougall, Parker, [redacted].
Mayfield, Truman M., [redacted].
Meigel, Glenn J., [redacted].
Michaud, Philip L., [redacted].
Millican, Jerry W., [redacted].
Montgomery, Daniel A., [redacted].
Mullins, Stephen A., [redacted].
Murphrey, Sheila M., [redacted].
Nelson, Paul R., [redacted].
Nickisch, Ward P., [redacted].
Njuguna, Joshua F., [redacted].
Oldmixon, Robert J., [redacted].
Pemberton, Clem J., [redacted].
Ray, Delton B., [redacted].
Reilly, William P., [redacted].
Roberts, Donald R., [redacted].
Robinson, Rosemary L., [redacted].
Schone, Carl L., [redacted].
Shaffer, Gayle A., [redacted].
Shipley, Susan B., [redacted].
Silkman, Billy D., [redacted].
Smith, Byron W., [redacted].
Smith, Robert A., [redacted].
Sparacino, Ronald A., [redacted].
Stephanik, Gerald V., [redacted].
Stewart, Randall T., [redacted].
Stratta, James M., [redacted].
Taylor, Rex E., [redacted].
Thomson, Joseph S., [redacted].
Townsend, James C., [redacted].
Tull, Clyde H., [redacted].
Vihinen, Ruthanne, [redacted].
Walker, Richard S., [redacted].
Ward, Bobby R., [redacted].
Wholfeil, Paula K., [redacted].

To be second lieutenant

Bankirer, Harold, [redacted].
Basye, Richard E., [redacted].
Bosley, James M., [redacted].
Burge, Larry W., [redacted].
Cart, Carl E., [redacted].
Cooper, Marcellous, [redacted].
Crosbie, Philip A., [redacted].
Crouch, Sammy E., [redacted].
Crump, Howard M., [redacted].
Ericson, Andrew F., [redacted].
Garcia, Albert B., [redacted].
Gibson, Elizabeth L., [redacted].
Hills, James P., [redacted].
Johnson, Richard W., [redacted].
Kearin, Timothy D., [redacted].
Leblanc, James M., [redacted].
Lots, James V., [redacted].
McMaughan, Patrick M., [redacted].
Morgan, Mary E., [redacted].
O'Brien, Michael D., [redacted].
Pearson, Charles D., Jr., [redacted].
Peters, Anthony L., [redacted].
Radwick, Michael J., [redacted].
Rickman, John C., [redacted].
Riedel, Peter E., [redacted].
Rodda, Peter H., [redacted].
Rose, Robert W., [redacted].
Rosenquist, David L., [redacted].
Smith, Wallace E., Jr., [redacted].
Steiner, James E., [redacted].
Van Horne, Ralph J., [redacted].
Varnado, Talmadge R., Jr., [redacted].
Ward, Robert L., [redacted].
Williams, Reginald F., [redacted].

The following named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Richardson, Michael A., [redacted].

IN THE ARMY

The following-named persons for reappointment in the active list of the Regular Army of the United States, from temporary disability retired list, under the provisions of title 10, United States Code, section 1211:

To be colonel, Regular Army and colonel, Army of the United States

Brady, Joseph V., [redacted].

To be lieutenant colonel, Regular Army and colonel, Army of the United States

Alphonso, Albert F., [redacted].
Sharp, John H., [redacted].

To be major, Regular Army and lieutenant colonel, Army of the United States

Armstrong, Andrew J., [redacted].
Mollison, Douglas A., [redacted].

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be captain

Kelly, Colin P., III, [redacted].

To be first lieutenant

Anthony, Steven C., [redacted].

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Deweese, Thomas P., II, [redacted].
Einertson, Norris L., [redacted].
Heck, Francis J., [redacted].
Tupy, Richard R., Jr., [redacted].

To be captain

Allen, John M., [redacted].
Ayers, Glen D., [redacted].
Bodner, John J., II, [redacted].
Boice, Craig H., [redacted].
Burns, Joseph H., [redacted].
Carroll, Tom A., [redacted].
Cochran, Fletcher W., [redacted].
Dytkowski, Louis M., [redacted].
Goldsmith, Richard A., [redacted].
Iskowitz, Joel J., [redacted].
Jachim, Robert J., [redacted].
James, James J., Jr., [redacted].
Johnson, Roy S., III, [redacted].
Mangham, Gerald M., [redacted].
McCormick, Wilbur S., [redacted].
Mouchette, Edward D., [redacted].
Myers, Glenn L., [redacted].
Pond, Douglas E., [redacted].
Roberts, Clifford R., [redacted].
Robnolt, James H., [redacted].
Segler, Esther J., [redacted].
Stengel, Glenn M., [redacted].
Stitley, Judith A., [redacted].
Tiller, William F., [redacted].
Whitling, David L., [redacted].
Windmiller, Bernard L., [redacted].

To be first lieutenant

Amendolair, Darlene M., [redacted].
Anderson, Larry D., [redacted].
Antle, Linda C., [redacted].
Bachman, William G., [redacted].
Bleck, Dorothy A., [redacted].
Borom, Lisle K., [redacted].
Brooks, Susan, [redacted].
Bush, James D., [redacted].
Candler, David M., [redacted].
Cathey, Theodore F. M., [redacted].
Chamberlain, Ann M., [redacted].
Coble, Claude H., Jr., [redacted].
Cochrane, William M., [redacted].
Conant, Robert A., [redacted].
Cumming, James M., [redacted].
Davenport, John D., [redacted].
Deucher, Kathleen, [redacted].
Deweese, Paul M., [redacted].
Diamond, Dalton E., [redacted].
Edgington, Sonja N., [redacted].
Elmore, Richard S., [redacted].
Flynn, Linda L., [redacted].
Garner, William B., II, [redacted].
Glenn, Alvin E., [redacted].
Goodman, Doris L., [redacted].
Grace, John P., [redacted].
Hales, Priscilla W., [redacted].
Hall, David P., [redacted].
Hardisty, Jerry F., [redacted].
Hawkins, Wayne D., Jr., [redacted].
Hayes, Glenn M., Jr., [redacted].
Haynes, Charles L., [redacted].
Hogg, James L., [redacted].
Holtzer, Naomi J., [redacted].
Hufft, Anita G., [redacted].
Humm, Gayle A., [redacted].
Kabat, Wayne C., [redacted].
Kateiva, Joan E., [redacted].
Kelly, Michael L., [redacted].
Kimmell, John A., III, [redacted].
Kruzich, David J., [redacted].
Lancaster, Cheryl A., [redacted].
Leadbetter, Wyland F., Jr., [redacted].
Lehman, Joseph A., [redacted].
Lynch, Richard F., [redacted].
Martin, Elizabeth A., [redacted].

Matthews, Susan W., [redacted].
McConnell, Robert M., [redacted].
Mc Elmurry, Ralph E., [redacted].
Miller, Dwayne E., [redacted].
Miller, William T., [redacted].
Moleski, Carol M., [redacted].
Morrill, Kenneth F., [redacted].
Natho, James E., [redacted].
Needham, Suzanne L., [redacted].
Nessle, Keith E., [redacted].
Nolen, Raymond D., [redacted].
Olson, Richard L., [redacted].
O'Neal, Robert B., [redacted].
Ory, Ronald R., [redacted].
Peoples, Thomas E., [redacted].
Peterson, Fleix, [redacted].
Phillips, Roy S., [redacted].
Porter, Donald L., [redacted].
Priddy, William L., [redacted].
Proctor, Ronald E., [redacted].
Rees, Marilyn S., [redacted].
Rice, Mary J., [redacted].
Rose, Steven A., [redacted].
Rosnick, Denis, [redacted].
Ruff, Edwin R., [redacted].
Sawyer, Leroy, [redacted].
Scates, Joseph F., [redacted].
Schock, Thomas W., [redacted].
Scullary, James R., [redacted].
Simms, James H., [redacted].
Skeldon, Daniel J., [redacted].
Smith, James B., [redacted].
Snell, Allen S., [redacted].
Steen, Kenneth B., [redacted].
Stenbakken, Richard O., [redacted].
Stolarcek, William G., [redacted].
Sullivan, Michael L., [redacted].
Sundin, Robert K., [redacted].
Tansey, Bruce M., [redacted].
Teepe, Karl W., [redacted].
Thomas, Patricia P., [redacted].
Tibbit, William T., [redacted].
Vik, Donald R., [redacted].
Wallman, Jeffrey R., [redacted].
Warren, Pierre S., [redacted].
Weber, Jack E., [redacted].
Weeks, Howard R., [redacted].
Weems, Fred T., [redacted].
Wheelon, Carrol B., [redacted].
Wiley, John L., [redacted].
Worthington, Donna L., [redacted].
Wright, David V., [redacted].
Zotter, Jonn G., [redacted].
Zygan, Robert F., [redacted].

To be second lieutenant

Allen, William P., [redacted].
Baird, Robert A., Jr., [redacted].
Baker, Donald C., Jr., [redacted].
Bresnahan, Richard E., [redacted].
Brown, John M., III, [redacted].
Calhoun, Charles B., [redacted].
Dauster, Charles L., Jr., [redacted].
Den Beste, Edwin J., [redacted].
Duke, Ransom B., [redacted].
Fano, Robert M., [redacted].
Ferralli, Peter A., Jr., [redacted].
Gardner, William H., Jr., [redacted].
Gravish, Joseph M., [redacted].
Green, Charles J., [redacted].
Grimes, Walter B., III, [redacted].
Hochberg, Richard C., [redacted].
Hughes, George W., [redacted].
Jacobson, Richard G., [redacted].
Johnson, Richard G., [redacted].
Jones, Ronald G., [redacted].
Lewis, Linda G., [redacted].
Luckenbill, Richard J., [redacted].
Malcom, Joseph A., [redacted].
Marlow, Richard P., [redacted].
Menser, Michael W., [redacted].
Miller, Thomas A., [redacted].
O'Hara, Doris H., [redacted].
Pein, Heiko W., [redacted].
Selle, Grace A., [redacted].
Sheehan, Edward M., [redacted].
Sunday, John W., [redacted].
Smith, Marie E., [redacted].
Stahl, John A., [redacted].
Stephens, Charles R., [redacted].
Taylor, Marvin C., [redacted].
Tilden, Robert J., [redacted].
Tio, Alberto W., [redacted].

EXTENSIONS OF REMARKS

CONCURRENT RESOLUTION BY SOUTH CAROLINA GENERAL ASSEMBLY REGARDING WORLD BANK LOAN TO ZAMBIA

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, February 15, 1973

Mr. THURMOND. Mr. President, on behalf of the junior Senator from South Carolina (Mr. HOLLINGS) and myself, I bring to the attention of the Senate a concurrent resolution passed by the South Carolina General Assembly on February 1, 1973.

On January 16, 1973, the International Bank for Reconstruction and Development' approved an $11.5 million loan to Zambia to aid in the production of tobacco and maize crops. Both Senator HOLLINGS and I protested this course of action.

Mr. President, I am pleased that the United States did not support this loan. Unfortunately, however, other members of the World Bank did not see fit to follow our Nations example.

Senator HOLLINGS and I jointly endorse the concurrent resolution of the South Carolina General Assembly opposing this loan and asking for appropriate action to insure that Zambia's tobacco will not come into direct competition with tobacco produced in the United States.

Mr. President, on behalf of Senator HOLLINGS and myself, I ask unanimous consent that the concurrent resolution be printed in the Extensions of Remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO OPPOSE THE PROPOSED LOAN OF $11½ MILLION BY THE INTERNATIONAL BANK FOR RECONTRUCTION AND' DEVELOPMENT TO THE COUNTRY OF ZAMBIA FOR THE PURPOSE OF PROVIDING ASSISTANCE TO THE FARMERS OF ZAMBIA IN TOBACCO PRODUCTION

Whereas, the International Bank for Reconstruction and Development has recently announced its intention to loan Zambia eleven and one-half million dollars, the proceeds of which will be used for the most part to provide assistance to Zambian farmers in the growth of tobacco; and

Whereas, even though none of this tobacco is expected to enter the United States market, the Zambian tobacco grown with the help of this loan is expected to be marketed under preferential trading agreements with the European communities which will place tobacco grown in the United States at a competitive disadvantage in this market; and

Whereas, this Zambian tobacco is also expected to be of inferior quality as compared to most American tobacco exports, thereby increasing the possibility of inroads being made into the United States' share of the export market; and

Whereas, it makes little sense to aid foreign countries such as Zambia in the development of tobacco and other agricultural crops where such crops will compete with the crops of our own farmers on the foreign markets.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

That the Congress of the United States be requested to oppose the proposed loan of eleven and one-half million dollars by the International Bank for Reconstruction and Development to the country of Zambia for the purpose of providing assistance to the farmers in tobacco production.

Be it further resolved that Congress be requested to take any appropriate action necessary to insure that the tobacco production of Zambia and other foreign countries does not come into direct competition with the tobacco produced in the United States in any domestic or foreign market.

Be it further resolved that copies of this resolution be forwarded to the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the South Carolina Congressional Delegation.

THE 108TH ANNIVERSARY OF SOKOL FOUNDING

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. ANNUNZIO. Mr. Speaker, on February 15, 1865, a group of Czech immigrants organized the first American Sokol Unit in St. Louis, Mo. The first Slovak Sokol Society was organized in Chicago, Ill., on October 30, 1892. The American Sokol Organization—Czech—and the Sokol U.S.A.—Slovak—are working closely together to achieve their common goals. Also pursuing similar objectives are Catholic Sokols in the United States.

Last year, to honor all Sokol organizations across the country, the Congress passed my bill designating October 30 as National Sokol Day and authorizing the President to call upon the American people to observe October 30 with appropriate ceremonies.

I felt it was most fitting for the Congress to honor the Sokol organizations because of their dedication to the development of physical, spiritual, moral, and cultural enlightenment among its members.

The Sokol membership varies in age

from the preschooler, the adolescent, the middle-ager, to the senior citizen.

Sokol physical education stresses individual initiative, creativity, and self-discipline, which are basic requirements for personal achievement. Sokol gymnasiums and Sokol activities provide a training ground where each one can develop according to individual strength and skill.

The membership enjoys the facilities of many Sokol summer camps in various parts of the country, which are used for gymnastic schools, clinics, summer youth activities, and other year-round functions. The camps are primarily financed, operated, and maintained through the voluntary services of their dedicated members. The camps are an ideal place where the training and development of young people can be fulfilled to the greatest extent.

In uniting the American heritage and the Sokol ideals in the hearts and minds of their members, the Sokol organizations contribute greatly to the welfare, safety, and freedom of the United States.

I extend my greetings to the Sokol membership in the 11th district of Illinois, which I am privileged to represent, the City of Chicago and all over the Nation. They are to be commended for their enthusiastic dedication and noble example to their fellow citizens.

DIARY OF AN UNBORN CHILD

HON. STANFORD E. PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. PARRIS. Mr. Speaker, there has been a growing tide of controversy in this Nation for more than a decade on abortion and whether or not a woman has a right to terminate an unwanted pregnancy. This controversy began to crest last month with the decision by the U.S. Supreme Court to allow abortions prior to the 27th week of pregnancy.

Since that decision much has been said and written. But in my opinion, one of the most thought-provoking comments was written by one of my constituents, Mrs. Gail Miller, of Manassas, Va., in a letter to the editor of the Manassas Journal Messenger. At this time I would like to include the letter, which was published February 9, 1973, in the RECORD:

DIARY OF AN UNBORN CHILD

To the Editor:

How thankful I was to read the letter opposing the recent change in the abortion law. I wonder what has happened to our "Nation Under God." Now that we've ended the killing in Vietnam we're going ahead full force in allowing the murder of unborn children. Even though the Commandments tell us "Thou Shalt Not Kill," we continue to be obsessed with taking lives.

If we listen closely we might hear the diary of an unborn child being read.

Conception: Today my life began. No one knows it yet because I'm so tiny. My sex is already determined. I'll be a blond-haired, blue-eyed little girl.

3 Weeks Old: Some say I'm not a real person—but I am. My heart began today to beat all by itself. It will continue beating like this for many many years before retiring.

4 Weeks Old: I'm growing a bit every day. My legs and arms are forming but it will be a while yet before I'll be able to run to Mommy.

6 Weeks Old: Look! Tiny fingers are forming on my hands. They'll help me to squeeze my Daddy's hands as we walk together.

7 Weeks Old: Today Mommy's doctor told her I was here, living under her heart. She must be very happy.

11 Weeks Old: I wonder if Mommy hears my heart whispering. It's a strong heart, beating evenly. I'm glad I'll be healthy for you, Mom. I'll love you very much.

12 Weeks Old. Today my Mother killed me.

Are we proud of our "New America"?

Are we still a "Nation Under God?"

Isn't it about time we exercised our freedom of speech by letting our government know how we feel?

MRS. GAIL MILLER.

MANASSAS.

THE ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. VANIK. Mr. Speaker, in this week which marks the anniversary of the independence of Lithuania on February 16, 1918, the time is at hand to pause and pay homage to the great tradition of Lithuanian nationalism and independence. The tragic story of the short-lived independence of this small nation serves to reinforce our moral responsibility to respond to the hopes of freedom among these courageous people.

The Republic of Lithuania became a reality in the modern world with the conclusion of the First World War. In a treaty signed in conjunction with the Treaty of Versailles, the Lithuanian state was formally separated from czarist Russia. The new state quickly embarked on a positive course to progessive statehood. Tragically, the period of independence was destined to last only a short 21 years. Caught in the power struggle between Hitler's Nazi Germany and Stalin's Soviet Russia, the small state had little chance of survival. In June 1940, Stalin's armies initiated the occupation which has lasted to this day.

This episode in history is not isolated; the roots of Lithuanian nationalism run deep into time. They begin with the initial unification of the Lithuanian nation by Mindaugas the Great in 1251 and stretch to the recent actions of 17,000 Lithuanian Catholics who petitioned the United Nations, charging the Soviets with religious persecution. For 700 years the small nation has been buffeted by the cruel winds of history.

We must not betray the hopes and aspirations of the Lithuanian people. The Freedom of Emigration Act of 1973, which I introduced with Chairman MILLS earlier this session, is an effort to call attention to the Soviets of their responsibilities to the minorities under their control. Only through positive action by our Government and a continual reaffirmation by our people of the goal of freedom for all men can Lithuania hold the hope of regaining her lost independence. As John F. Kennedy once stated—

> The vital spark of freedom has not been extinguished among Lithuanians. Their cause remains our cause and their hopes more than ever remain our responsibility.

A RETURN TO FISCAL SANITY

HON. L. A. (SKIP) BAFALIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. BAFALIS. Mr. Speaker, the Presidential budget message, as usual, has kicked off a hue and cry from many members of Congress. Some condemn the Chief Executive for the cutbacks proposed for existing programs; some condemn him for not cutting more. And still others commend him for his determination to bring spending more in line with revenues.

But few Members of Congress bother to make mention of the fact the responsibility for balancing the budget, for appropriating moneys and levying the taxes necessary to get those funds, lies not with the President, but with Congress.

In view of the dismal record of fiscal irresponsibility in recent years, however, it appears Congress has not been willing to seriously accept this responsibilty. It has been easier to appropriate money on a piecemeal basis, so much for this program, so much for that one, and a tad more for still another—with the final accounting left for someone else after Congress adjourns.

But the duty to balance the budget is still there. It has been there all along, outlined in the Constitution, waiting only for Congress to accept its responsibility.

Today, I have introduced a proposed constitutional amendment to force Congress to accept its responsibility—and amendment stating simply that expenditures cannot exceed revenues in any given year.

This amendment—which I am proud to say has the support of several of my colleagues including Congressmen BAKER, COLLINS, CONLON, CRANE, DERWINSKI, FROEHLICH, ROUSSELOT, SPENCE, SYMMS, and TREEN—requires Congress to put its house in order.

It would mean establishing priorities, deciding first how much we can afford to spend, then working within those limits.

If we want to approve new programs, then we must also approve higher taxes to finance them. This will make the full impact of our Federal programs available to our constituents—the taxpayers whose hard-earned dollars finance all our spending.

This proposed amendment also contains a provision requiring that one-tenth of the national debt be repaid during each 10-year interval of a 100-year period. This would be a major step forward in providing America with a sound, inflation-free economy.

In addition, there is also a provision which allows the suspension of the anti-deficit spending mandate—but only in time of war or national emergency, and only with the consent of three-fourths of the members of both the House and Senate.

It is a hard step. But it is one we must take.

During my campaign, I found the vast majority of the people of the 10th District of Florida do not want any increase in taxes. And they do not want any more deficit spending.

They—and the people of this Nation—want Congress to do what they do, live within their means.

SENATE WAR ON MALNUTRITION

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 15, 1973

Mr. SCHWEIKER. Mr. President, during the last few years, a major legislative interest of mine has been nutrition, and the lack of adequate knowledge and awareness about nutrition on the part of most Americans of all economic levels.

I have been privileged to serve on the Select Committee on Nutrition and Human Needs, and have introduced bills for nutritional labeling and for nutritional education in medical and dental schools. In December, I presided at hearings of the Nutrition Committee on the general subject of nutrition education. There is an important education task about nutrition ahead of us, and all media sources must be utilized to wake more Americans up to the need for better nutritional balance in our daily eating habits.

A Fairchild Publications trade newspaper, Supermarket News, for January 22, 1973, published an article on this problem, and some of my work in nutrition. I ask unanimous consent the article, entitled "Senator SCHWEIKER Declares War on Malnutrition, Unwise Eating," be printed the RECORD. I also ask unanimous consent that my opening remarks at the December 1972, Nutrition Committee hearings be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PROMOTION NEWS: SENATOR SCHWEIKER DECLARES WAR ON MALNUTRITION, UNWISE EATING

(By Penny Girard)

WASHINGTON.—Sen. Richard Schweiker (R., Pa.) is trying to foment a revolution in which key combatants will be housewives, and supermarket aisles the battlefields.

He is one of a slow-to-surface but growing number of health professionals, academicians and lawmakers who see malnutrition and poor eating habits taking their toll at all economic levels in the U.S.

Schweiker is appalled at what he sees. "Most Americans take better care of their cars than their bodies," he says in an interview with Supermarket News.

A few years ago, mention of nutritional illiteracy brought an automatic association with poverty. But health statistics are proving otherwise. Infant mortality, life expectancy and certain illness rates in the U.S. are higher than in many other countries.

One university nutrition professor put the cost of hunger and personal food mismanagement in the U.S. at $30 billion annually. This figure includes sickness and treatment, absenteeism from work, loss of life, dental decay, alcoholism and diseases such as diabetes and obesity.

The U.S. has become, in Schweiker's estimation, "A nation of nutritional illiterates." His criticism is aimed at all economic levels, coupled with a warning that an adequate income is not synonymous with an adequate diet.

"Nothing is further from the truth," he tells SN. "In this country, affluence breeds false security about nutritional habits," he said.

Schweiker is presiding over a continuing probe of nutrition education which the Senate's Select Nutrition Committee launched late last year.

While the committee has no legislative powers, Schweiker and others are hopeful that the subcommittee work can trigger favorable reaction to other nutrition oriented legislation, some of which he is sponsoring.

INFORMED SOCIETY

The first-term Pennsylvania lawmaker believes the answer is a better education program aimed at the housewife who shops, and the prospective doctor in medical and dental schools. Schweiker has reintroduced a bill from the last Congress, which would provide grants to medical and dental schools.

He believes an atmosphere for good nutrition can and should be set primarily in the supermarket, where basic food purchases are made. He has endorsed giving consumers basic tools to make wise purchases. For the second year, he is sponsoring a bill to require nutrition value of food commodities to be listed on each product label. Where a package denotes the number of servings, the label must provide a breakdown of the nutrition value of each serving.

The last Congress did not make major headway on either of his proposals, but Schweiker said he is encouraged by industry and other support. He said the Grocery Manufacturers Association has been "pretty cooperative."

PRODUCT LABELING

Schweiker believes that as consumers see the advantages of labeling, more of them will make use of it and he foresees sales of those products increasing.

"Without nutritional labeling, consumers face a mind-boggling assortment of items—between 15,000 and 18,000—on the supermarket shelves," he said in introducing the bill.

Although he does not relieve the industry of its responsibility for nutritious products, Schweiker is not critical of producers and manufacturers. "You can't blame them any more than you can blame the public at large," he told SN.

But he admits that "in the rush to mass produce and mass market foods, we've overlooked important nutritional matters."

Witnesses at the nutrition committee's hearings in December were critical of the food industry's role. One doctor accused the industry of being more concerned with the profit ledger than the nutrition value of its products. Several witnesses charged that the advertising emphasis of prepackaged, processed foods and sugar-coated cereals was out of proportion to their nutrient contribution.

OPENING STATEMENT BY U.S. SENATOR RICHARD S. SCHWEIKER AT HEARINGS OF SENATE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS ON "NUTRITION EDUCATION"

WASHINGTON, D.C.—We take better care of our automobiles than we do our own bodies. Yet, what can be more important to each of us than our personal health and that of our families? The hearings we begin today wil focus on one of the underlying problems causing widespread nutritional ignorance—the inadequacy of nutrition education.

Are we a nation of nutritional illiterates?

In the last few years, many experts, including Dr. Jean Mayer, who will appear before us this morning, have answered this question with a definite "yes". These hearings are designed to give us some answers as to why we are a nation of nutritional illiterates. The purpose of these hearings is to explore the status of nutrition education in the United States today.

These hearings will prove, I believe, that the widespread belief that nutritional ignorance is limited to poor people alone is absolutely false. In other hearings before this Committee we have frequently noted that there are tremendous gaps in nutritional knowledge among all income levels in our society. Having the income needed to maintain a nutritionally adequate diet does not guarantee that this will be done.

We will attempt to determine how our people are obtaining nutrition information. There are many sources, including schools, colleges, doctors, advertising, and the mass media. We will see how federal nutrition education programs are working, or not working. We will look at how many people are being reached, who they are, and in general how good a job we are doing.

I am particularly pleased that we will also cover the status of nutrition education in medical schools. Earlier this year, I introduced a bill, the Nutritional Medical Education Act, which is designed to provide grants for medical schools to teach nutrition education to future doctors. I strongly feel we must fill this gap in medical education by providing courses in our medical schools which will teach applied nutrition.

Future doctors are now taking nutrition-related courses, such as pharmacology, biochemistry and physiology.

However, most medical schools do not have courses in applied nutrition which deal in a fundamental way with the relationship between good nutrition and good health. As a result, people are turning to food faddists and other often inadequate sources of information. They do not seek help from doctors, many of whom are not in a position to give it anyway. Since it has been clearly shown that there is a direct relationship between nutrition and health, between the foods we eat and many diseases, it is vitally important that doctors be fully trained to recognize the relationship between diet and health.

We will open our hearings this morning with witnesses from the private sector. Dr. Jean Mayer, President-Elect of the Society for Nutrition Education, Professor of Nutrition, Harvard University, will lead off the witnesses. Dr. Mayer will discuss the meaning of "Nutrition Education", and the respective roles of the federal government and industry.

Mr. Robert Choate will discuss the relationship between nutrition education and advertising.

Dr. George Briggs, Executive Editor of the Journal of Nutrition Education and Professor of Nutrition, University of California at Berkeley, will discuss the federal role in nutrition education through both the educational programs and food programs presently in existence.

Our last witness this morning will be Dr. George Christakis, Professor of Community Medicine (Nutrition), Mount Sinai School of Medicine, New York, who will testify on the role of nutrition education in community medicine and the availability of nutrition education in medical schools.

Tomorrow, we will have witnesses from the United States Department of Agriculture and the Department of Health, Education and Welfare to discuss the nutritional activities of these agencies.

I believe these hearings will illustrate that nutrition education is clearly an important part of an overall program of preventive medicine. We will show, too, that there are great gaps in this area nationally which need to be filled. The hearings will point to the urgent need for a coordinated national policy as an integral part of our overall effort to keep our people healthy.

SURVIVAL OF OEO

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mrs. BURKE of California. Mr. Speaker, on Thursday, February 8, 1973, I testified before the Subcommittee on Equal Opportunities of the House Committee on Education and Labor concerning the President's cutbacks and reorganization proposals for the Office of Economic Opportunity.

There is more at stake here than just the proposed decrease in Federal funds. Many operational programs of OEO will actually be closed, not transferred to other line agencies, including most probably the outreach activities which community action agencies have started. Further, the use of community participation to influence local policies affecting the disadvantaged will, most likely, disappear entirely, and the innovative "one-door" approach to health care for the poor that has been the hallmark of community health centers may well be lost as the administration shuffles priorities in health care.

I am including at this point in the CONGRESSIONAL RECORD a copy of my testimony before the Subcommittee on Equal Opportunities for my colleagues' immediate attention:

TESTIMONY OF CONGRESSWOMAN YVONNE B. BURKE

Mr. Chairman, there is a somber mood which prevades this room today, and it is a mood of sincere and profound concern about the commitment of the present Administration to pursue policies which effectively deal with the problems of the poor, the sick, the homeless, and the jobless.

We have heard the President say in past weeks that "we must reject the mistaken notion . . . that ever-bigger government is the answer to every problem." But, Mr. Chairman, we must ask here today, "What are Mr. Nixon's answers to these problems?"

Mr. Nixon has proposed to abolish the Office of Economic Opportunity and transfer certain of its programs to other federal line agencies and national excellence in place of the combination of good intentions and fuzzy follow-through . . ."

But many operational programs of OEO will actually be closed, not transferred. The out-reach activities which non-profit community action agencies have started and the use of community participation to influence local policies affecting the disadvantaged will, most likely, disappear entirely. And it is less than certain that any of the revenue sharing funds will fill the gap. I would enjoy learning which cities will be receiving more total federal funds under revenue sharing and the proposed 1974 Budget then they are scheduled to receive under this year's budget.

OEO was established to bring about conditions at the local level to help the plaguing problems of poverty and to serve as a coordinated link between human resources of the government and the poor. OEO was established because the line departments—the very agencies to which OEO programs now are being scattered—were both unwilling and unable to deal effectively with low income and minority citizens.

Over the past few weeks, as the Administration's policy regarding OEO and its programs have become increasingly clear, most people have labeled the President's actions as an administrative reorganization. Some have seen it as an end to the federal War on Poverty effort. Yet labeling the Administration's policy as merely reorganization overlooks in what my view is the real nature of the Administration's policy, namely to destroy the unique functions that OEO-sponsored activities have performed.

One example of this attitude is the Administration's decision to eliminate funding for Community Action Agencies and certain other community action operations. This will result in the destruction of most existing Community Action Agencies as they are presently constituted.

If the functions that the OEO-sponsored Community Action programs perform are viewed as being simply another form of government *services* for the poor and disadvantaged—such as a local welfare department's day-care program or payments made for medical services—then it would probably be proper to see the Administration's policy as one of rational consolidation of federal and local services. But OEO's Community Action Agencies are *not* simply providing services to ameliorate the conditions of poverty and they were never *meant* to. They provide much more.

A host of other government programs provide the vast bulk of services and income supplements to the poor. These include Social Services grants under the Federal welfare program, ESEA educational assistance, manpower training programs, Medicaid, and Food Stamps, to name a few. The contribution of OEO's Community Action Agencies is in a very different and much needed and neglected area.

The over 900 Community Action Agencies *consolidate* and *coordinate* the various Federal, state, local and community service programs and activities and make them workable, cohesive efforts rather than scattered and fragmented lunges at various problems of the poor. On the average, approximately 50% of the funds that Community Action Agencies administer come from OEO. The bulk of Community Action Agency sponsored programs have sharply defined goals; the Agency provides the overview and direction. The local agency serves as the mechanism to coordinate the attack on problems the poor face in the area of services.

By eliminating OEO's Community Action Agency funding and forcing them to depend on the revenue sharing pot, the Administration is *not* just shifting administrative responsibility for Community Action Agency functions to local governments. Rather it is, for all practical purposes, *eliminating* the major sources of program consolidation and mobilization for institutional change at the local level. Services in the limited sense of Head Start projects or Neighborhood Health Centers will probably continue, although probably in an altered form as other agencies impose their own guidelines on the former OEO programs. However, the unique functions that CAAs performed will disappear. Programs that were once part of coordinated efforts and "sparks" for further logically, linked changes will become simply, dead-end service providers, offering little chance of change in the wider complex of problems facing the poor in Los Angeles, Community Action Agencies such as the FYOA and the Compton CAA will lose the "core" funding from OEO that made it possible for them to coordinate existing programs and mobilize the community to launch out in new directions. At this moment, their future is uncertain, and no substitute has been offered to take their place.

Mr. Chairman, I have had an opportunity last night briefly to review an unreleased OEO developed evaluation of the community action agencies. This evaluation applauds the agencies for their efforts in helping the poor become self-sufficient. This evaluation is entitled *Utilization Test Survey Data for 591 Community Action Agencies, January, 1973*. This evaluation states, and I quote,

"There is now emerging for the first time a national picture of community action achievements in terms of the mission emphasized by this Administration.

"Community action is already producing highly constructive results in both urban and rural communities and the trends indicate that continued effort in this direction will produce substantially greater returns on a small investment.

"Perhaps most surprising is the very substantial mobilization of business and industry resources, especially in rural areas. Total business resouces amount to about $75 million. The total emerging picture of Community Action clearly shows that Community Action Agencies are rapidly becoming very positive forces in their communities. They can play significant roles in helping communities rise to the challenges of revenue-sharing and other forms of government decentralization."

This then is a far different analysis of the effectivness of community action operations than the President presented in his recent Budget message. In the Budget, he claimed that "community action has had an adequate opportunity to demonstrate its value to local communities. Little justification for continunig separate categorical funding can be identified." What I would like to know, Mr. Chairman, is on what information and facts did the President rely in making this statement?

In the last few years, OEO programs have increasingly committed themselves to a new area of activity—"self-help" programs. The newly-established Community Economic Development program, formerly called the "Special Impact" program, is the primary example of this new thrust. The Community Development Corporations supported by OEO's Community Economic Development program have been widely recognized as the most successful effort by any organization—governmental or non-governmental—to promote realistic economic development in low income communities, using both seed money and technical assistance to deal with the multiple problems involved in economic development.

In addition to removing the support Community Action Agencies have given these corporations, the Administration has proposed transferring this economic development effort to the Office of Minority Business Enterprises (OMBE) in the Department of Commerce. The combined budget for fiscal 1974 for OMBE and the OEO economic development program shows, however, a net reduction of some $28.7 million in programs designed to support minority businesses. The traditional thrust of OMBE has been one of providing educational and technical assistance to individual businessmen in poverty areas. Contrasted with the corporation's approach, it makes little sense to send an individual businessman into a low-income area with little capital, no matter how much technical expertise to which he may have access.

The community development corporation approach of involving the community in a large project with necessary capital where various components will re-inforce one another has proved itself more successful. The East Los Angeles Community Union, a community development corporation has joint ventured with a housing planning group for a community-based housing project to demonstrate real "urban renewal" supported by the community! It is likely that, placed in OMBE, the community economic development program will become just another halfway and fragmented attempt to aid the poor.

With a transfer to OMBE, what will happen to the needed stress on an approach which uses *all* the resources of the community to create economic development? What will happen to the linkage to the community that the community development corporation supplies?

The next area that I want to talk about is the OEO health programs. The Administration proposes to transfer OEO's health programs, most importantly, Comprehensive Health Services Centers, to the Department of Health, Education, and Welfare. This is, supposedly, to centralize the administration of health programs in one agency. But will the *innovations* of OEO health centers, such as the South Central Multipurpose Health Service Corporation in Los Angeles (which has already seen over a $1 million drop in its budget) be continued or will they be dropped in favor of some different approach?

We already have one indication in the President's fiscal 1974 budget proposal which calls for a de-emphasis on health services delivery with a possible switch-over to Health Maintenance Organization. A total of $147 million for OEO health programs is requested in the 1974 Budget for HEW, compared with the 1973 obligation of $165.2 million, a reduction of $18.2 million. When this account of $147 million is transferred to the HEW Health Services Delivery budget of 1974, one discovers a further cut in the overall Health Services Delivery budget of nearly $47 million. Further, the administration is proposing a reduction in the 1973 appropriation of some $45 million, bringing the total net loss to some $110 million.

The innovative "one-door" approach to health care for the poor that has been the hallmark of Community Health Centers may well be lost as the administration shuffles priorities in health care—with the result that the poor, with their very special set of health problems, will suffer. The successful South-Central Community Health Center in Los Angeles services about 500 people per month, and has demonstrated its importance of the community.

Finally, Mr. Chairman, a word about OEO Legal Services. Recent reports and news stories have indicated a definite Administration bias *against* OEO's *Legal Services'* "back-up" centers. Since this committee will soon be dealing with legal services legislation, I would like to make a few observations concerning the role these centers have played in our community and their critical relationship to the rest of OEO's programs.

Two centers in California—the Los Angeles-based Western Center on Law and Poverty, and the University of California at Berkeley's National Housing and Economic Development Law Project—serve as vivid examples of their fundamental value and importance. The "back-up" functions of the Western Center have included assistance in appellate litigation, training assistance, and clinical education assistance to law schools. The recent California precedent setting decision of *Serrano vs. Priest*, Declaring unconstitutional California's school financing scheme, was a direct result of Western Center's skill and involvement. Also, the Western Center participated in the case of *Blair vs. Pitches*, wherein the California Supreme Court declared unconstitutional the practice of repossessing personal property upon the mere filing of an action by a creditor without a prior court hearing to determine the validity of the charge. These cases have profoundly altered the law, affecting significantly the lives of thousands of the poor by a single ruling.

The kinds of assistance and services these centers provide to legal service projects and to law schools are badly needed by individual projects and by lawyers who don't have the time or expertise to become proficient in every area of poverty law. The centers also play a role with the rest of OEO's programs. The "back-up" functions of the Berkeley project, for example, are directed at assisting lawyers working with Community Development Corporations. One of the recent successful CDC ventures they contributed to was the Salinas Valley "Strawberry Cooperative". It brought a group of migrant families from average incomes of $3500 per year to nearly $12,000, and provided the basis for future spin-offs of new cooperatives sponsored by the parent "Strawberry Coop."

"Back-up" centers like these fill a special need for Legal Services projects and for programs like Community Development Corporations attempting to help the poor. Efforts to help the poor always face legal problems. In many cases, developments in one area can be applied to others. In general, legal services lawyers cannot, by themselves, provide a broad range of expertise in every facet of "poverty law". The function of back-up centers is to assist by "filling in the gaps" and searching out new ways to handle legal problems faced by the poor. They help make the Legal Services program and all OEO's programs a unified operating system. When this Committee considers the Legal Services Corporation legislation, I would strongly recommend that specific provisions should be made for preserving and protecting the independence necessary to ensure the continual role of these centers.

In closing, Mr. Chairman, I would just like to point out that what I am worried about today is not only the decrease in federal funds. The President's Budget for 1974 represents more than a shift in priorities of spending the federal tax dollar. It demonstrates a radical reorganization of our federal system of government.

This proposed new federalism represents a direct challenge to the institutional changes developed over the last five years in employment practices, education, and in medical and legal professions in improving the access of services to the poor. OEO brought the alienated and disenfranchised into the democratic process, gave them a window to government, provided them with hope at a time when hope was obscure. With the dismantling of OEO, not only the symbol of concern, but the actual involvement and commitment of the government will be suspended.

Who will lobby for the poor in communities where the poor have no effective voice in the decisions of government? I urge this Committee to review carefully the full implications of the President's proposal before it accepts the demise of OEO, and to consider the possibility of enacting categorical funding legislation to preserve these programs which have aided the poor.

Mr. Chairman and members of the Committee, thank you very much for your patience and courtesy in allowing me to present this testimony.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. SCHERLE. Mr. Speaker, for more than 3 years, I have reminded my colleagues daily of the plight of our prisoners of war. Now, for most of us, the war is over. Yet, despite the cease-fire agreement's provisions for the release of all prisoners, fewer than 600 of the more than 1,900 men who were lost while on active duty in Southeast Asia have been identified by the enemy as alive and captive. The remaining 1,220 men are still missing in action.

A child asks: "Where is daddy?" A mother asks: "How is my son?" A wife wonders: "Is my husband alive or dead?" How long?

Until those men are accounted for, their families will continue to undergo the special suffering reserved for the relatives of those who simply disappear without a trace, the living lost, the dead with graves unmarked. For their families, peace brings no respite from frustration, anxiety, and uncertainty. Some can look forward to a whole lifetime shadowed by grief.

We must make every effort to alleviate their anguish by redoubling our search for the missing servicemen. Of the incalculable debt owed to them and their families, we can at least pay that minimum. Until I am satisfied, therefore, that we are meeting our obligation, I will continue to ask, "How long?"

PROBLEMS OF REVENUE SHARING

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 15, 1973

Mr. HARRY F. BYRD, JR. Mr. President, the Staunton, Va., Leader of February 8 contains an excellent editorial analyzing some problems in connection with the revenue-sharing program enacted last year.

The editorial points out that in some cases capital outlays made with revenue-sharing funds by the localities will produce projects which will have continuing operating expenses—and that revenue-sharing funds may not be available to meet these operating expenses.

I opposed the revenue-sharing program last year, despite its great appeal to State and local governments, primarily on the grounds that with the Federal Government running huge deficits in its own budget there was no revenue to share.

But this is not the only questionable aspect of revenue sharing. I stated last year, and I still believe, that many problems are bound to arise with a program which provides for spending by units of government which do not have the responsibility for raising the revenues they are dispensing. I think the problems of revenue sharing will multiply as time goes by.

I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

REVENUE-SHARING DISAPPOINTMENTS

One of the possible sources of disappointments over federal sharing is that while it provides funds for capital projects which states and localities could not produce without more taxation, it is unlikely to bear the recurring costs of operation.

Moreover, Congress could quit handing out funds limiting distribution to the one already made, although it committed itself to five years of aid in addition to grants under existing programs.

The National Federation of Independent Business, Inc., which boasts the largest individual membership of any business organization in the United States and has some savvy officers and committees, says that at best, revenue sharing will probably be a mixed blessing. It opposes the whole concept.

So did Virginia's Sen. Harry F. Byrd Jr., who declared the obvious fact that the federal government, operating under billion dollar deficits, didn't have any revenue to share.

NFIB quotes the Wall Street Journal to the effect that more than 6,000 governmental units received less than half of the sums they had been led to believe they would get by revenue sharing. This cutting has created a storm of protest by some of the big cities' mayors, who haven't hesitated to say the Administration isn't doing what it should to help them out of their financial difficulties.

This is all due to a "joker" that was put into the legislation and which largely escaped public notice, says NFIB. This is the clause which requires the Treasury Department in splitting up the $30 billion over the next five years to ascertain if the governmental unit, state, county, city or town is levying sufficiently high local taxes on its citizenry. The organization's statement continues:

In some respects, this puts the federal government in the role of a national board of equalization, with the Washington bureaucrats with little knowledge of any locality's situation, making the determination.

Obviously, when a government unit does not receive its full share of this "free" government money, there is bound to be a certain element in the community severely critical of local government leaders. On the other hand, those who actually pay taxes will be equally as critical if such tactics promote unwarranted tax increases.

It does not look as if in many localities officials will be happy for long with revenue sharing.

THE 55TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. ANNUNZIO. Mr. Speaker, during the month of February, Lithuanian-Americans are commemorating two important occasions.

In February 1251, Mindaugas the Great unified all the principalities of Lithuania into one great kingdom.

On February 16, 1918, the Republic of Lithuania was established. It was with great joy that the Lithuanian people welcomed the coming of freedom, and with it, self-determination and the right to maintain their own national life and cultural institutions.

It was during this 22-year period of independence that the nation of Lithuania made great and astounding progress both socially and materially. Land reform was instituted, industry and trade were strengthened, transportation facilities were expanded, social legislation was enacted and educational institutions were enlarged. Lithuanians took pride in their energetic nation and its principles of freedom.

In 1940, however, this amazingly successful experiment in democracy was put to an end. Stalin marched his Red Army in, occupied the country, and incorporated the buoyant Lithuanian nation into the Soviet Union. The Soviet occupation has been marked by extreme brutality, deportations, and suppression of Lithuanian culture. The oppression of this heroic people continues to this day.

Mr. Speaker, the United States has never recognized the seizure and forced "incorporation" of Lithuania, Latvia, and Estonia into the Soviet Union. Our Government maintains diplomatic relations with the former free governments of all three Baltic States.

Many citizens of the three Baltic nations, in an effort to rebuild their lives and maintain their ethnic integrity, have applied for permission to emigrate. Soviet authorities have mocked these requests by imposing an "education tax" which can amount to $18,000 per person depending upon the level of education attained by an intended emigrant.

Consequently, on February 7, I joined over 250 of my colleagues in the House of Representatives in introducing a bill urging suspension of trade with the Soviet Union until such time as that country does away with its arbitrary and discriminatory methods of limiting the right of emigration. The text of my resolution follows:

H.R. 3911

A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Act for Freedom of Emigration in East-West Trade."

SEC. 2. To assure the continued dedication of the United States to fundamental human rights, and notwithstanding any other provision of law, after October 1, 1972, products from any nonmarket economy country shall not be eligible to receive most-favored-nation treatment, such country shall not participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, directly or indirectly, and the President of the United States shall not conclude any commercial agreement with any such country during the period beginning with the dates on which the President determines that such country—

(1) denies its citizens the right or opportunity to emigrate;

(2) imposes more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever; or

(3) imposes more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice, and ending on the date on which the President determines that such country is no longer in violation of paragraph (1), (2), or (3).

SEC. 3. After October 15, 1972, pursuant to any separate Act of Congress, (A) products of a nonmarket economy country may be eligible to receive most-favored-nation treatment, (B) such country may participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, or (C) the President may conclude a commercial agreement with such country only after the President has submitted to the Congress a report indicating that such country is not in violation of paragraph (1), (2), or (3) of section 2. Such report with respect to such country, shall include information as to the nature and implementation of emigration laws and policies and restrictions or discrimination applied to or against persons wishing to emigrate. The report required by this subsection shall be submitted initially as provided herein and, with current information, semi-annually thereafter so long as such treatment received, such credits or guarantee extended, or such agreement concluded pursuant to any separate Act of Congress is in effect.

As a representative of a free people in the U.S. Congress, I consider it most important that we take this occasion to encourage the people of Lithuania in their continuing struggle for basic human rights. I extend my greetings and support to Americans of Lithuanian descent in the 11th Congressional District of Illinois, which I am privileged to represent, and in Chicago and our Nation, as they commemorate the independence of a people whose determination has never wavered in the face of enormous intimidation and oppression.

LEE HAMILTON'S FEBRUARY 12, 1973, WASHINGTON REPORT ON THE LESSONS OF THE VIETNAM WAR

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the text of my February 12, 1973, Washington Report on the lessons of the Vietnam war:

WASHINGTON REPORT OF CONGRESSMAN LEE HAMILTON

The Vietnam War has been a searing experience for Americans. It has cost at least 1.3 million lives over the last decade, according to U.S. figures, including more than 56,000 American combat and non-combat deaths.

We dropped over 7 million tons of explosives from aircraft on both North and South Vietnam. That's 3½ times more than the total dropped in World War II, and it adds up to 289 pounds of explosives for every man, woman and child living in the four nations of Indochina.

Some economists estimate the total cost to be $400 billion, including the costs of benefits to veterans in the decades to come, plus the economic loss of the contributions those who died would have made. If one takes into account inflation, unemployment, the diversion of public resources, the failure to meet our domestic needs, and the social divisions at home, the war may have been the most costly in American history.

The true costs, of course, are incalculable because they include wasted lives and resources, the anguish and heartache of the surviving relatives, the loss of credibility of government leaders, and the erosion of the Constitution itself. Our confidence in our political institutions was strained because of the secrecy and deception of the war; our respect for justice was diminished because of the way we manned the armed services; and the respect of our allies was weakened by our conduct of the war and our failure to resolve it quickly.

The impact of the war on the American military was another cost of the war. In the words of former Vietnam commander, General William Westmoreland, Vietnam was "a traumatic experience." The U.S. Army was, in a sense, a major casualty, hit with drug problems, disregard for authority and violence. A Pulitzer Prize-winning reporter said that the Army was saved from ruin by the President's decision to pull out of Vietnam.

It should be said that the military fought the war in the most difficult circumstances with no clear military objectives, a failure to declare war and mobilize for it, a lack of moral imperative at home to support the fighting, and the length of the conflict. One lesson of Vietnam is that the U.S. cannot successfully fight a war that way. We need clear objectives, victory or defeat, and in the long run, our military cannot exist without the good will of the people.

Although we have paid heavily for our Vietnam experience, the United States emerges from the war having learned important lessons. We should know now our limitations in shaping the future of areas as remote as Southeast Asia, and we will be much more reluctant, if not unlikely, to intervene with military forces in foreign countries.

Other nations will see us as less sure of our international course, less predictable, and close association with us will be less attractive to them.

Some say the U.S. will swing back to isolationism. I do not expect that to happen, and I hope it does not. If the Vietnam War causes the American people to turn their backs on their genuine national interests in the world, that would be unfortunate, and could be disastrous for world peace.

The Vietnam settlement leaves the balance of power in Asia relatively stable and the prospects of a major clash between the big powers has been reduced. The U.S. role in Asia will be more restrained, with our trade expected to increase sharply, but our strategic presence in Japan, Thailand and Taiwan diminished.

In the post-Vietnam world, economic power may become the most important element of national influence and prestige, and military power will become less important.

The war is behind us now, and I hope we have ended our involvement in Indochina except for limited economic and military assistance.

AMERICA THE BEAUFIFUL

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Ms. ABZUG. Mr. Speaker, at the time of the first Earth Day, a constituent of mine, Ira A. Stark, wrote a new and sadly appropriate version of "America, the Beautiful."

Thanks to the hard work of people like Mr. Stark, we as a nation have awakened to the dangers of pollution, and I believe that we will succeed in preventing the death of this planet if we all dedicate ourselves to keeping it alive.

Mr. Stark's version of "America, the Beautiful" is included at the conclusion of these remarks with the hope that its warning will be heeded by all:

Oh shame on us for hazy skies
For toxic waves of grain
For ugly mountain majesties
Above the gutted plain

America, America, we cast our junk on thee,
And in our haste to create waste
We killed ecology

We killed the very atmosphere
That our forefathers breathed
Our garbage did accumulate
And on our shores was heaved

America, America, thy substance we did stain
Thy water all polluted are
From Florida to Maine
America, America, God shed His grace on thee
Save us from dearth of good clean earth
And from toxicity.

ADDRESS BY GOV. JIMMY CARTER OF GEORGIA TO THE NATIONAL PRESS CLUB

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. YOUNG of Georgia. Mr. Speaker, on February 9, Gov. Jimmy Carter of Georgia made a remarkable speech to the National Press Club.

Governor Carter, who is an exponent of vigorous and compassionate government, spoke about alarming trends in the Federal Government and its relationships with the States. State governments, he said, have "become hamstrung by recent developments in Washington." He described "Federal Government by crisis and surprise" and "the unhealthy shift of power toward the Federal Executive." Governor Carter said that the State governments are receiving "little cooperation" from Washington on a whole range of important programs. He spoke of a "steady deterioration in the effectiveness of government here in Washington, and also in the relationship between the State and Federal Governments."

I especially commend to all members of this body the Governor's remarks on revenue sharing, the impoundment by the executive branch of funds approved by Congress, and secrecy in Government.

Governor Carter's address was particularly poignant when he referred to people who are suffering from cutbacks in programs for social progress. To these victims, the Governor observed:

> It's not enough to say: "Ask what you can do for yourself."

Mr. Speaker, the prepared text of this important address by Gov. Jimmy Carter is as follows:

REMARKS OF GOV. JIMMY CARTER, NATIONAL PRESS CLUB, FEBRUARY 9, 1973

I will talk to you today strictly from the viewpoint of a governor who has seen State governments become stronger and more effective, but at the same time become hamstrung by recent developments in Washington.

We all serve the same people. In my inaugural address I said that the public can best be served by a strong and independent executive working with a strong and independent legislature.

In Georgia, Minnesota, Oklahoma, Virginia and most other States this is proving to be true. In Washington, this basic premise is being abandoned.

Since 1970 when new governors were elected in Georgia, Florida, South Carolina, Tennessee, Arkansas and Oklahoma, a constant stream of newsmen have been through Atlanta to ask about the new south.

I don't think there is any such thing as a new south, but there is definitely a "new freedom".

Let me tell you what I mean. I ran for governor for four-and-a-half years. I made eighteen hundred speeches which I wrote myself and contacted in person more than six hundred thousand Georgians.

I stood in factory shift lines at five o'clock in the morning and at midnight, and shook hands with customers in shopping centers and country stores.

Just a few years ago this would not have been necessary.

A quiet and satisfactory back room conversation with a judge or sheriff or banker or perhaps an editor could insure the delivery of the county's votes.

Then came the civil rights demonstrators and the students who showed the other citizens that a small voice could be heard and an injustice could be corrected by people who cared enough to express their concern.

The farmer, the filling station owner, and the taxi cab driver may not have agreed with the goals or the tactics of these early movements, but he learned that they could produce results and he began to ask himself, "If they can do it, why can't I?"

Many Americans began to realize that powerful intermediaries between themslves and their public officials were neither necessary nor desirable. They attained an influence and a freedom which they had never had before.

This new freedom to speak out and to participate among average citizens has brought about a realization by elected officials that the primary role of government is not to serve the powerful and influential, but to create a climate in which *every* citizen can realize his full potential.

We began to see that few of the business or government leaders who make the decisions have ever felt personally the direct impact of government programs involving such things as prisons, welfare lines, employment agencies, manpower training, venereal disease control, school busing, or public housing.

It is well known that during the 1950's many State governments deliberately abrogated their power rather than face up to the difficult decisions involving civil rights and other social problems.

Many governors then were hand-picked and controlled by powerful special interests. Dynamic leadership *had* to come from Washington.

But I tell you that this is no longer the case. In State after State there has been a demonstrated willingness, even an eagerness, to deal with tough problems.

We realize that to the States are reserved those constitutional powers not expressly granted to the Federal Government, but the courts have often filled a power vacuum by leaning toward Federal authority in interpreting this principle.

However, the principle becomes significant when aggressive State leadership is combined with original development of new problems or issues at the local level of government.

For instance, a question about environment, insurance, education or land use planning first arises within a State and for a time may be of interest only in that particular community.

A dynamic and creative state government will move to solve the problem, will enact laws to deal with it, and then, through its experience, begin to establish a pattern of solution for possible nationwide emulation.

State government, properly used, can be a powerful force for solving problems and for strengthening our system of federalism.

Like many other States, we have taken advantage of these changing attitudes in Georgia.

For instance, more than fifty thousand citizens participated in evolving a definitive set of goals for Georgia which prescribed optimum purposes of our state government during the next few years.

These goals are now being put into effect by me and the general assembly, in an orderly and almost inexorable manner.

Both the State government and the courts have liberalized eligibility for welfare payments, but with a strong emphasis on training and employment opportunity we have leveled-off the number of Georgians on our welfare rolls. Our last month's data show the first actual numerical reduction in many years.

After a full year of study, conferences, debates and public forums, we eliminated three hundred agencies in our government and substituted for them twenty-two well coordinated departments. We were able to overcome inevitable and substantial opposition with massive public involvement.

We have also completely implemented for two years, what I believe to be the best budgeting system in the nation. Known as zero base budgeting, the process divides State government into more than eleven thousand individual functions. Each one is analyzed on a one-sheet form by the person directly responsible for that function. He must analyze his responsibility, list the tangible achievements which measure his effectiveness and then describe how he would perform this job next fiscal year, at several levels of funding, beginning with eighty-five percent of his present budget. Old programs and new proposals are considered on the same basis.

Each department head then arranges these functions in order of priority. I approve the arrangement after consultation with the department head and then budget funds, as available, to each department.

This budget, with associated data is presented to the general assembly for final approval.

It is perhaps the only practical means of controlling a bureaucracy.

Although I am sure all governors are making similar efforts, we are still dependent for successful public service on a viable state-federal relationship.

Programs and responsibilities are interrelated and mutually supportive. We need to understand and seek a common national purpose.

Distrust of any government by our people is contagious; it spreads to other governments.

Our state budgets are dependent on federal appropriations.

Even the balance of trade deficit has a direct adverse effect on the economy of individual states. The average or nationwide effect is bad enough, but the localized impact, when a particular kind of product is involved, can be even more serious. We governors have begun to protect ourselves and our business communities by direct action in the field of foreign trade. This past year I visited five foreign nations and had trade representatives of more than twice that number as my guests in Georgia. In May I shall be in five countries of Europe and the Middle East.

It is imperative that state and federal governments work together on other critical matters such as health care, land use planning, law enforcement and energy supplies. We have little cooperation in these fields now. Our system of federalism was conceived to make such cooperation possible and we have a responsibility to make the system work.

In summary, many state governments are now much more dynamic and competent than before, but our system of federalism is no stronger because there has been a steady deterioration in the effectiveness of Government here in Washington, and also in the relationship between the State and Federal Governments.

When I became governor in 1971, I remembered the recent words of the president, and I quote: "I would disperse power instead of taking all power to myself. I would select cabinet members who could do their jobs and each of them would have the stature and the power to function effectively. Publicity would not center at the White House alone. Your most creative people cannot develop in a monolithic, centralized, power set-up."

Since we are particularly interested in such things as environment and social programs, I began to study the attitudes of those independent and creative officials who had the stature to insure a lasting influence—men like Walter Hickel and Pat Moynihan.

We then established a tracking system for federal legislation and provided a continuing analysis from the state's viewpoint to our senators and congressmen. After the vetoes were over-ridden, we planned our state programs and budgets accordingly. At that time I had not heard of impoundment.

We applauded with anticipation the highly publicized concept of a new federalism—getting the decision-making process closer to the people—and we are now beginning our fifth year of anticipatory applause.

Nowadays we seem to have Federal Government by crisis and surprise. Decisions are made in secrecy and consultations are few.

Our contacts as State officials are mostly with the Congress and sometimes with a Cabinet officer.

Final decisions, however, are made by the Ehrlichman's, the Haldeman's and the Ash's. I don't know them and I have no access to them. Neither, unfortunately, do most of our Congressmen.

In spite of a balanced budget and a dynamic economy, our State funds are limited. Revenue sharing has been a cruel hoax. Our State's thirty-six million dollars in revenue sharing, per year, was off-set by fifty-seven million dollars in lost funds when the title IV–A and title sixteen sections of the Social Security law were first amended (and now they are even further drastically reduced).

The President's proposed new budget will cut Georgia payments on programs at least one hundred seventy-four million dollars more. Impoundment of appropriated funds has already debilitated our efforts to plan and construct interstate highways, to provide compensatory education to the poor, and to finance municipal sewerage systems.

Many of these Government efforts are inherently dependent on Federal funding. You must remember that when the gross national product goes up one hundred percent, local income, which is based primarily on property tax, only rises seventy percent. State revenues increase about ninety-five percent and the progressive Federal taxes go up one hundred thirty percent. Consequently, abrupt changes in national program funding can be devastating to a State.

I consider myself a fiscal conservative. To me the essence of that conservatism is an orderly, logical, and planned approach to problems and to the allocation of public funds. The present Federal system actually encourages a cavalier, unplanned, and wasteful attitude toward Federal dollars.

The responsible, predictable, businesslike approach to Federal legislation, appropriations and budgeting does not exist. This is creating havoc in all States, but particularly in those legislatures which meet briefly or sometimes every other year.

I prepare budget projections five years in the future. Of our two and one-half billion dollar 1974 budget, about three-quarters of a billion dollars are federal funds.

How do you encourage local and state officials as well as private citizens and groups to develop long-range plans and well researched priorities based on federal law when all their work may be shot to pieces by a sudden and apparently capricious decision in Washington?

What encouragement is there to try to make a program run right in Waycross, Georgia, when it may be wiped out because a similar effort was mis-managed somewhere in California?

I represent and speak for almost five million people who are harmed by these developments.

To the dairy farmer, expecting emergency farm loans to replace cows which were ruined by a lack of electricity for milking during a five-day ice storm, it's not enough to say: "Ask what you can do for yourself."

To the mentally afflicted child who had just begun to enjoy his first chance for treatment and training in a community treatment center, which is now closed, it is not enough to say: "Ask what you can do for yourself."

To a mother of dependent children, holding her first job in eight years through the emergency employment program, who will now return to the welfare rolls, it is not enough to say: "Ask what you can do for yourself."

To the home owners, the contractors, the construction workers and the merchants who would have benefited in the next eighteen months from almost three hundred million dollars worth of new housing in Georgia, which now will not be built, it is not enough to say: "As what you can do for yourself."

We in Georgia are willing to do our share but the State-Federal partnerships are being dissolved.

I cannot understand what are our common national goals. They should be defined with maximum input from the Congress, from private citizens and local and State governments.

What will happen now that we have finally accepted the status quo in Vietnam?

I cannot understand how or why the Congress has lost control of the budgetary process and almost legalized it with the debt ceiling bill.

In order to protect our people, impoundment of funds should be *stopped*, and the Congress should demand the immediate return of its constitutional powers. Post-impoundment notification of Congress will not help.

It seems to me that a zero base budgeting system should be implemented by the executive branch of Government and that a maximum spending limit adopted by both Houses of Congress could provide clear and firm restraints on total congressional appropriations. Such action would insure a continuing and understandable determination of national financing priorities.

Intimidation of the press should cease, and the veil of secrecy should be removed from Government so special interests will not maintain exclusive access behind the closed doors.

We have a sunshine law in Georgia. There is a freedom of information act at the Federal level. There is room for legislative action to improve the impact of both, but there is no legislative remedy for the attitude that the people are too ignorant or too unsophisticated to be told what is really happening. That attitude must be clearly identified where it exists by you the members of the press. I hope that you, who are charged with letting the people know what is being done to them, will conduct a holy war against the secret maneuvers of all branches and all levels of government.

Budget cuts can be reinstated, vetoes can be overridden, and policies can be changed; but governmental contempt for the people can destroy the very basis of democracy unless it is exposed and ruthlessly eliminated.

The sunshine law is working in Georgia. The deliberations of our legislature and its committees are filmed each day by educational television and broadcast nightly throughout the State.

If other news media and the Public Broadcasting System could record the deliberations of the national Congress and make frequent and comprehensive reports to the Nation, public confidence might be restored and an effective forum would be guaranteed to the legislative branch of government. Last year the House Appropriations Committee, here in Washington, opened to the public only 33 of its 399 meetings. Do you think the lobbyists got a full report? As a Governor, I would like to have the same information.

It would help us if congressional committee staffs could be enlarged and professional staff members could spend more time with appropriate State agencies as major legislation is being considered.

We would be glad to send key people to Washington to help evolve acts of Congress which so critically affect us all.

I have been gratified by the cooperation and communications that has been established between our State government and the members of the Georgia congressional delegation—of both parties.

But if the unhealthy shift of power toward the Federal executive with its attendant problems is to be reversed, all Governors and Members of Congress are going to have to realize that we are in the same leaky boat.

Both Congress and the Governors have been partially responsible for allowing the shift to take place. Only by concerted, common effort can it be reversed.

Well, with all of these concerns, one might ask about election mandates which allegedly gave prior blanket approval to recent administration attitudes.

The mood of the people, in my opinion, is one of basic conservatism. But one has to be careful about the definition of the word.

Conservatism does not mean racism. It does not mean stubborn resistance to change. It does not mean callousness or unconcern about our fellow human beings.

I think it means a higher valuation of the human being, of individuality, self-reliance, dignity, personal freedom; but I also think it means increased personal responsibility through governmental action for alleviating affliction, discrimination and injustice.

Reinhold Neibuhr said that the purpose of politics is to establish justice in a sinful world.

As more of our citizens choose to exercise their exciting new freedom and as the conglomerate and more unselfish will of the people is felt on government, I predict that we shall see an emergence of what might be called benevolent conservatism. There are many conservative people who care.

They want government to play a more dynamic role in insuring that each person can overcome affliction and realize his full potential and achieve maximum personal freedom.

They perhaps agree with the ancient Chinese philosopher Kuan Tzu, who said: "You give a man a fish, he has one meal; if you teach him to fish, he can feed himself for life."

This is a time for benevolent conservatism.

I may be wrong, but I hope and believe that this is true.

LYNDON BAINES JOHNSON: EPITOMIZING THE IDEALS OF A NATION

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. DENT. Mr. Speaker, I want to join my colleagues today in mourning the passing of a good man and a great American, Lyndon Baines Johnson.

As a Congressman and a Senator, and as President of the United States, Lyndon Johnson embodied the ideals of this Nation and the ideals of humanity. There is no need to recount his specific accomplishments here; suffice it to say that in his 30 years in public office, he did more good for more people than any of us have done in a lifetime. I say this because, of all the Presidents in this century, Lyndon Johnson had the singular distinction of being the one who had the keenest grasp of what the goals of our form of government are and how to translate these goals from the sterile words of the Constitution into true meaning for all Americans.

The Founding Fathers used the inclusive phrase "we the people" to define who is protected by constitutional rights. But, for so many years, "we the people" too frequently meant those who were wealthy, those who were enfranchised, those who were white, and those who were in control of the powers of the U.S. Government. For the Lyndon Johnson years, "we the people" referred to each individual in this country, be he rich or poor, black or white, powerful or powerless.

The legacy of Lyndon Johnson has assured us and our posterity that the application of laws under the Constitution will be made fairly and equally. His legacy has assured each American that he or she would have an equal opportunity to seek and achieve the American dream of success and happiness. His legacy has assured each person in this country that he will have the opportunity for an education equal to that of his peers. His legacy has assured those who were powerless that the Government of the United States would extend a helping hand to them so that they could indeed help themselves.

Yet, for all the glory of the Johnson years, the story of his Presidency ended in personal frustration and disappointment. Perhaps this was because Lyndon Johnson believed too strongly in the greatness of America; he believed that there were no bounds to what America could accomplish in the world. It was a contageous belief, one which we in Congress felt ourselves.

Yet, as we worked together to achieve those goals of justice and equality for all Americans, we both failed to recognize that the escalation in the Vietnam war would delineate the boundaries of our Nation's greatness.

For this reason, Lyndon Johnson's detractors are several; yet, history is certain to vindicate his name, for decades from now, when the pain and suffering of the Vietnam war have waned, the groundwork which he laid for freedom in America will live on and continue to be strong.

We mourn the passing of this great man for we knew him in life as a true friend. So, too, we mourn for him as a symbol of the ideals which our country holds so dear. Let us pray to God that our Nation is blessed in the future with leaders who have the ability and foresight of Lyndon Baines Johnson.

MUST WE BE BORED?

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. GAYDOS. Mr. Speaker, the young lady with a headache loses her cool. A series of persons are spotted toting giant chewing gum cartons around the town. A waitress shows a preference between customers at a coffee counter. Joe Namath gets "creamed."

And on and on TV goes—providing the "hard sell" by repetitious commercials which could be threatening the well-being of the Nation by deadening the senses of our people.

How many times in one evening must we see the feverish cold sufferer undergo a miraculous capsule cure, or hear the traveler lament the loss of his luggage to a different destination, or watch the car being taken apart by a gang of professional strippers to reveal to us its inner strengths?

The effect of reiterated commercials invites the attention of psychologists. What does the utter boredom of the practice do to us as individuals? Could the mental lapses we are compelled to suffer so often in front of the TV screens change us into less alert, more likely to be turned off people in matters of larger importance?

Currently, the Federal Communications Commission is sorting through complaints filed against its 1970 rule restricting the networks' prime time use of local stations. One such complaint is that the stations are using the rule to increase the number of minutes alloted per hour to commercials beyond that which prevailed when the networks held full sway. In considering this objection, I would suggest that the FCC also give thought to the commercial replays.

Why would not a new rule be in order banning the showing of the same commercial more than 1 hour on any one station? Few advertisers, I am certain, now lack sufficient sales pitches to provide a variety. I realize commercials are expensive to make and that good ideas for them come only periodically to admen. But, still, they could be used less frequently and yet over a greater span of time, thus leveling out their cost per showing while, at the same time, having greater effect on a less-wearied viewing public.

Television has become a matter of extreme significance in our lives. It delights and it educates. It sets popular moods and standards. It also, by our general devotion to it, affects us in very subtle ways which we have yet to clearly understand. Thus the tedium of looking time after time at commercials we have seen time and time before may be taking a toll of the national acumen. It is something which the FCC well could take into account in its continuing efforts to improve both the quality and impact of TV.

THE 500TH ANNIVERSARY OF COPERNICUS

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. HUBER. Mr. Speaker, this week—February 14 to be precise—marks the 500th anniversary of that scientific giant, Nicholaus Copernicus of Poland, who laid the foundation of modern astronomy by demonstrating with reason, logic, and imagination that the sun, not our earth, was the center of our solar system.

Not only will scientific communities throughout the world be noting this anniversary, but Polish Americans are staging their own Copernicus birthday celebrations in Michigan's 18th District and throughout America. A committee in Philadelphia is raising funds for a statue of the Polish astronomer, I understand, to be erected on that city's Benjamin Franklin Parkway.

When Copernicus finished his extensive schooling in 1503, it is a fair estimate that he possessed virtually all the knowledge of the Western World in mathematics, astronomy, medicine, and theology. He used his education well for the benefit of others. He used his medical skill on behalf of the poor in Frauenburg. He applied his knowledge of economics to formulate the principle that when both good and bad money are in circulation together, the bad drives out the good—a principle incorrectly attributed to Thomas Gresham and known as Gresham's law. And he was a leader in the Catholic church, serving as canon of the duchy-bishopric of Varmia as well as physician and secretary to his uncle, Bishop Lucas.

But first and foremost, Nicolaus Copernicus is recognized for his contributions to astronomy. He replaced Ptolmey's centuries-old theory of a geocentric solar system, in which the earth was the center of the universe, with his own heliocentric system. In the Copernicus theory, the sun was at the center of a universe around which the individual planets and other heavenly bodies orbited.

In the words of Stephen Mizwa of the Kosciuszko Foundation:

> Audacious as a thinker and not lacking even in physical courage, Copernicus was timid in pushing his own discoveries. He wanted to work out, check and recheck all details before eventual publication. . . . The testimony of the senses was against him and he was afraid that the Church, of which he was a faithful son, might take exception to his revolutionary theory.

One of his students finally persuaded Copernicus to publish his manuscript, and the first copy of the six-section "De Revolutionibus Orbium Coelestium"—"Concerning the Revolutions of the Heaven Spheres"—was handed to the aging scientists during his final illness in 1543.

Acceptance of the new theory made steady progress, but it literally took some 200 years. For example, in Colonial America in 1721, Cotton Mather wrote:

> The Copernician hypothesis is now generally preferred . . . and there is no objection against the motion of the Earth.

Copernicus lived in a transition period between the Middle Ages and modern times, during which scientists began to turn from meditation to experimentation. His studies and his devotion to scientific truth hastened the modern era on its way.

LYNDON B. JOHNSON

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. DIGGS. Mr. Speaker, I share with my colleagues and my fellow Americans a deep sadness at the death of Lyndon Baines Johnson, a President who, through his great concern and great courage, initiated and fought for the most far-reaching legislation in the field of civil rights and social opportunity in the past century in America.

I had the privilege of serving in the Congress at the time when Lyndon Johnson was pursuing his distinguished career as a brilliant and forceful leader of the Senate, when he served under John F. Kennedy as Vice President, and when he brought his skills, knowledge, and experience to the White House as President. His love for this land and all its people was limitless; his untimely death is a loss for all Americans.

LITHUANIAN INDEPENDENCE DAY

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. BURKE of California. Mr. Speaker, I would just like to take this opportunity to note that tomorrow, February 16, 1973, Americans of Lithuanian origin and descent will commemorate two anniversaries. These are the 722d anniversary of the founding of the Lithuanian State, and the 55th anniversary of the establishment of the modern Republic of Lithuania.

I would like to join with them in commemorating this occasion and the cultural contributions which they have made to all mankind.

FRANK ROSENBLUM—LABOR LEADER

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. ANNUNZIO. Mr. Speaker, it is with a sad heart that I call to the attention of my colleagues the death last week of Frank Rosenblum, general secretary-treasurer emeritus of the Amalgamated Clothing Workers of America.

I knew Frank Rosenblum personally. He was a man totally dedicated and devoted to the cause of the working men and women of America and he always championed the underdog. His entire career was spent trying to uplift the living standards of millions of Americans. Along with the late Sidney Hillman and Philip Murray, he was one of the pioneers in the labor movement.

Frank Rosenblum was among the founders of the Amalgamated Clothing Workers of America and his career spanned 62 years. Although his union activities centered in Chicago, it was under his dynamic leadership that clothing workers were organized in Cleveland, St. Louis, Minneapolis, St. Paul, and Cincinnati.

The passing of Frank Rosenblum is the passing of an entire era. He will be sorely missed.

Mrs. Annunzio joins me in extending to his widow, daughter Beatrice, two sons, Leigh and Howard, and their grandchildren, our deepest sympathy on their great loss.

FEDERAL PROGRAMS AT CROSS-PURPOSES

HON. PETE V. DOMENICI

OF NEW MEXICO

IN THE SENATE OF THE UNITED STATES

Thursday, February 15, 1973

Mr. DOMENICI. Mr. President, I have spoken before this body previously on the need for Congress to establish fiscally responsible budgetary procedures before we begin considering individual appropriations bills. I have cosponsored legislation to that effect—S. 40, S. 565, Senate Joint Resolution 27, and Senate Resolution 36.

Therefore, my position in this matter is well established, and I reaffirm it at this time. Another issue on which I have spoken is the critical and pressing need to straighten out Federal programs which at times are at cross purposes with each other. Some of these programs, enacted in good faith to benefit persons in need, have actually been detrimental in some cases by their cumulative effect.

One situation is dramatically illustrated by the following excerpt from a letter I received from a citizen of New Mexico:

> I am a World War I veteran, 75 years old and living on Veterans and social security pensions. On account of the 20 per cent social security raise, my Veterans check was reduced. My rent has also been raised and the Medicare program went up. I would like to know if some kind of legislation can be passed to protect my pension.

This is a circumstance so obviously unfair and disastrous to this good citizen and others like him that I urge the Senate to enact with all possible speed S. 275, which would restore the pensions of veterans and their survivors to their original level prior to the recent increase in social security payments.

SENATE—*Monday, February 19, 1973*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Reverend William Sydnor, rector, Christ Church, Alexandria, Va., offered the following prayer:

O Holy God, Lord of the forces of history and Father of all men, we remember in gratitude the great and the noble who have been the lights of the world in their several generations. Especially this day, we remember Thy servant, George Washington. May the memory of his reliance on Thy heavenly grace, his integrity of character, his devotion to duty, and his courageous concern for the welfare of this people inspire and sustain us that the good work which Thou didst begin in him may be furthered and strengthened by our endeavors so that there may be justice and peace at home and through obedience to Thy law, we, Thy people, may show forth Thy praise among the nations of the earth. All of which we ask through Jesus Christ, our Lord. Amen.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of February 15, 1973, Mr. DOLE, from the Committee on Agriculture and Forestry, reported favorably, with an amendment, on February 16, 1973, the bill (S. 43) to provide for the mandatory inspection of rabbits slaughtered for human food, and for other purposes, and submitted a report (No. 93-22) thereon, which was printed.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, February 15, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PATRIOTISM AND GEORGE WASHINGTON'S BIRTHDAY

Mr. SCOTT of Pennsylvania. Mr. President, a famous wit, Artemus Ward, once wrote:

> A good many politicians slop over. G. Washington never slopped over.

As we meet today to honor the birthday of George Washington, a birthday which keeps us skittering around from date to date as we change it, we should remember another statement that George Washington himself made—and I paraphrase it:

> Every citizen may be expected to contribute some part of his property to the support of his Government and may even be expected to contribute some part of his services to the support of his country.

I believe that the principle of service has been well exemplified in the attitude of the returning prisoners of war, who served, and served well—served with a distinction that brings to them great respect and which brings to the United States a great pride.

I am glad that they have set the tone which has brought simple patriotism back into fashion in this country.

It is good that our people have seen how their prisoners of war have reacted. They have given us all a light to guide our footsteps. They have set for us a path and a pattern.

They have confounded the critics and silenced those who would create dissent among our people. They have helped to unite us. They are a reconciling force.

It is, therefore, fitting that on the birthday of our first President we can take pride in the fact that, as a nation, we are stronger today, we are more united today, and we are making progress toward reduction of tensions in the world.

I believe, Mr. President that we are, therefore, truly exemplifying the Biblical direction to "follow after the ways that lead to peace."

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. Under the order of the Senate of January 24, 1901, as modified, the distinguished senior Senator from Maryland (Mr. MATHIAS), having been appointed by the Vice President to do so, will now read Washington's Farewell Address.

Mr. MATHIAS, at the desk, read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should not apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to this country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgement of the debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration, in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint, counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however, powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry—The *south* in the same intercourse, benefitting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations—*northern* and *southern*—*Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however, strict, between the parts can be an adequate substitute: they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state it is requisite, not only, that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

The spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free county should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and pronenesss to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinions should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest; in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessary parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another; cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intential error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. EAGLETON. Mr. President, what is the pending order of business?

The PRESIDING OFFICER (Mr. NUNN). Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond 1 p.m., with statements therein limited to 3 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business may run for not to exceed 15 minutes, with the time to be equally divided between the two sides under the order respecting Senate Resolution 59.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that on February 16, 1973, the President had approved and signed the joint resolution (S.J. Res. 42) to extend the life of the Commission on Highway Beautification established under section 123 of the Federal-Aid Highway Act of 1970.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. NUNN) laid before the Senate a message from the President of the United States submitting sundry nominations, which was referred to the Committee on Banking, Housing and Urban Affairs.

(The nominations received today are printed at the end of Senate proceedings.)

PRIVILEGE OF THE FLOOR

Mr. EAGLETON. Mr. President, I ask unanimous consent that Mr. Jack Lewis, a member of my staff, be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks Senator EAGLETON made

at this point when he submitted an amendment to S. 398, the Economic Stabilization Act, are printed in the RECORD under the appropriate heading.)

U.S. RECONSTRUCTION AID TO NORTH AND SOUTH VIETNAM

Mr. CRANSTON. Mr. President, many Americans believe that we have a responsibility to contribute to the reconstruction of war-torn Vietnam—both north and south. They feel we have that responsibility because we, for good reason or ill, contributed in large part to the massive destruction in that country.

I believe that we have a responsibility to the people of our own country who look to the Government to help meet pressing domestic needs and to set a standard for fiscal responsibility.

Therefore, I would favor reconstruction aid to North and South Vietnam only under these six conditions:

First. The North and South Vietnamese governments, and the Vietcong, must agree to end all hostilities, permanently. There must be an absolute end to cease-fire violations. They must understand that if there is a new outbreak of fighting, economic aid will be promptly shut off. Otherwise, we will, in effect, be financing endless fighting in Vietnam; the money we will be contributing to rebuild Vietnam will simply enable the North and South Vietnamese governments to divert funds they themselves should be spending on reconstruction and to use that money to continue the war instead.

Second. No U.S. aid to North Vietnam should commence until all prisoners of war have been returned safely to American hands and until the U.S. Government is fully satisfied that there has been a complete accounting of all Americans missing in action.

Third. U.S. economic aid to North and South Vietnam must be budgeted within a tight limit on over-all Federal spending. If, for example, Congress decides to accept the $268.7 billion spending ceiling recommended by President Nixon, then President Nixon's proposals for Vietnamese aid must come out of that basic budget. I would oppose an increase in either the tax burden or the public debt load that Americans must carry in order to enable us to spend additional billions in Vietnam.

Fourth. Since the destruction in Vietnam was caused by war, funds to reconstruct Vietnam should rightfully be considered part of the cost of war. Money to aid North and South Vietnam should, therefore, be taken out of our military budget, without weakening our essential defense. I would oppose taking money for Vietnamese aid from any domestic programs.

Fifth. I oppose spending money on foreign projects while we are scrimping and cutting back on vital domestic programs. Congress should make aid to Vietnam contingent on the release of all appropriated funds which the administration has impounded or has refused to spend on domestic programs.

Sixth. Finally, provisions should be made in the initial Vietnam aid program for safeguards against misuse of funds and for a rapid takeover of the program by an international agency—preferably an arm of the United Nations.

We got enough trouble in Southeast Asia trying to play a lone hand in war. Let us not make the same mistake in peace.

POLITICAL PARTISANSHIP SHOULD HAVE NO PLACE IN THE FBI

Mr. ROBERT C. BYRD. Mr. President, on May 4, 1972, President Nixon appointed L. Patrick Gray III, Acting Director of the Federal Bureau of Investigation following the death of J. Edgar Hoover. The President named Mr. Gray as Acting Director because the President said he did not want the appointee to become "involved in partisan politics in an election year."

On Saturday, the President appointed Mr. Gray to be Director of the FBI. The Washington Sunday Star and Daily News yesterday referred to Mr. Gray as a "longtime political associate" of Mr. Nixon.

In the 9 months that Mr. Gray has held the post of Acting Director, there has been increasing criticism that the Bureau was becoming more and more a political arm of the administration. Under J. Edgar Hoover, the FBI had always been a nonpolitical bureau, and Mr. Hoover meticulously avoided partisanship in campaigns.

I have nothing against Mr. Gray personally, but in my judgment, he is not a proper nominee, primarily because of his apparent political partisanship. His background includes a history of Republican Party activities, and this tends to make his appointment appear political—an appearance enhanced last year when he made speeches favorable to Mr. Nixon's point of view and when it was reported that 21 FBI field officers in 14 States were directed to supply information on criminal justice to give Mr. Nixon "maximum" support in his campaign.

Time magazine, on January 15, 1973, stated:

> But the nagging problem that will not go away is Gray's tie with President Nixon. Whatever Hoover's flaws, no one could accuse him of playing partisan politics; he intended the Bureau to be above such things and made that ideal stick during his reign.

Mr. Gray's partisanship has not been limited to speeches. The FBI investigation of the Watergate burglary apparently was aimed only at the actual events surrounding the breaking and entering of the National Democratic Committee headquarters and avoided any attempt toward tying together the leads concerning where the plot originated.

Newsweek magazine of February 19, 1973, had this to say:

> The Watergate affair has already opened the Bureau to charges of politicization. Gray had unhesitatingly kept the White House informed of findings of his agents even when they implicated Administration aides. The Bureau was also quick to accept the Justice Department's limits on what should be probed, and more than one federal source admits that the investigation was gentler and more limited than it would have been had the suspects been ordinary citizens. No FBI man, for example, has even sought an interview with White House Chief of Staff H. R. (Bob) Haldeman, though Haldeman is the immediate superior of Dwight Chapin, whose resignation was announced recently (and perhaps coincidently) after he was linked with GOP trickster Donald Segretti.

Judge John J. Sirica, before whom the Watergate case was tried, bluntly criticized the Department of Justice for failing to investigate the matter completely. It is, of course, the FBI upon which the Department relies for such investigations, but Judge Sirica openly expressed the hope that a Senate committee will do a better job.

The New York Times of February 6, 1973, stated, in Tom Wicker's column:

> It also has been reliably reported that the FBI under Mr. Gray made no real investigation of the political espionage and sabotage activities allegedly planned last year by Donald H. Segretti—who was reported to have close links to the White House. In both of these failures, if Mr. Gray's political interests were not responsible for poor FBI performance, the public certainly had good reason to think they might have been.

Mr. President, considering the vast intelligence network that is under the control of the FBI, with thousands of computerized dossiers gathered by the FBI, it is obvious that the FBI can reach so far into the lives of all Americans that no administration—Democratic or Republican—should have direct political control of that agency through a complaint and politicized director.

Moreover, if the Bureau is to maintain its high standards of law enforcement and respect as the most effective investigative agency in the free world, its integrity must not be threatened by partisan politics. Mr. Hoover, throughout his half century in the post, maintained meticulous nonpartisanship. The appointment of a director who is openly partisan is certain to damage FBI professionalism and morale and will impair public confidence in the Bureau's competency, effectiveness, and objectivity.

Additionally, from time to time, the press has carried stories of internal complaints that Mr. Gray is not a good administrator, not a decisive leader or law enforcement professional. Of course, such charges may be attributed to a "sour grapes" attitude and they are hard to judge without close examination. There are also those who criticize the Acting Director for spending too much time away from Washington, to say nothing of the criticism regarding the nearly tragic result of Gray's order to shoot the tires of an escaping hijacked airliner which would have caused the death of many innocent people had it not been for the great skill of the pilot in making an extremely difficult takeoff in spite of his aircraft's tires being shot out by FBI agents. Hence, Mr. Gray's most publicized decision was not a reassuring one.

Fortunately, the Congress, in 1968, enacted Public Law 90-351, which requires advice and consent of the Senate for the appointment of the FBI Director. Personally, I would like to see the confirmation of Mr. Gray delayed until Senator Ervin's select committee has had an opportunity to thoroughly investigate the Watergate incident. That might require a year, however. In any event, I hope that the Judiciary Committee will thoroughly go into this aspect of Mr. Gray's responsibilities as Acting Director. I also hope that my bill requiring reconfirmation of any new Director every 4 years will be promptly reported for action. In the event Mr. Gray is confirmed, the Senate would then be assured of the opportunity of taking a new look at his performance at the beginning of the next presidential term.

I have no personal animosity toward Mr. Gray. I do not personally know him. I do not question his character, nor do I question his ability. I do think, however, that the aspects of political partisanship involving any prospective appointee to this particular office constitute a very serious matter, and I believe that the Senate owes it to itself and to the country to insist upon a better nominee. I shall vote against the favorable reporting of Mr. Gray's name by the Judiciary Committee, of which I am a member, and, if it reaches the Senate floor, I shall vote against his confirmation for the post of FBI Director.

ORDER FOR RECOGNITION OF SENATOR EAGLETON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, immediately after the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Missouri (Mr. EAGLETON) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HUMPHREY ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday, immediately following the remarks of the two leaders under the standing order, the distinguished Senator from Minnesota (Mr. HUMPHREY) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON SUPPORT FURNISHED TO THE VIETNAMESE AND OTHER FREE WORLD FORCES IN VIETNAM

A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting pursuant to law, a report on support furnished to the Vietnamese and other free world forces in Vietnam, for the second quarter of fiscal year 1973 (with an accompanying report); to the Committee on Appropriations.

REPORT ON EXPERIMENTAL, DEVELOPMENT, TEST, AND RESEARCH PROCUREMENT ACTION

A letter from the Secretary of the Air Force, transmitting, pursuant to law, the Air Force report entitled "Semi-Annual Experimental, Development, Test and Research Procurement Action Report," for the 6-month period ended December 31, 1972 (with an accompanying report); to the Committee on Armed Services.

REPORTS ON OFFICERS ON DUTY WITH HEADQUARTERS, DEPARTMENT OF THE ARMY AND DETAILED TO THE ARMY GENERAL STAFF

A letter from the Acting Secretary of the Army, transmitting, pursuant to law, reports on the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff, as of December 31, 1972 (with accompanying reports); to the Committee on Armed Services.

REPORT ON ENFORCEMENT OF TITLE I OF THE CONSUMER CREDIT PROTECTION ACT OF 1968

A letter from the Attorney General, transmitting, pursuant to law, a report on enforcement of title I of the Consumer Credit Protection Act of 1968, for the calendar year 1972 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

PROPOSED AMENDMENT OF THE PAR VALUE MODIFICATION ACT

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Par Value Modification Act (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

RECIPROCAL PRIVILEGES TO VESSELS OF THE UNITED STATES

A letter from the Secretary of the Treasury reporting, pursuant to law, that at this time the Department of the Treasury has not received any information on the extent to which foreign governments are extending reciprocal privileges to vessels of the United States; therefore, no findings of reciprocity have been made; to the Committee on Commerce.

PROPOSED ELECTRIC FACILITIES SITING ACT OF 1973

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes (with an accompanying paper); to the Committee on Commerce.

PROPOSED HIGH SEAS FISHERIES CONSERVATION ACT OF 1973

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to provide for the conservation and management of fisheries and for other purposes (with accompanying papers); to the Committee on Commerce.

PROPOSED FEDERAL ANIMAL DAMAGE ABATEMENT ACT OF 1973

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory and depredating animals; to establish a program of research concerning the control and conservation of predatory and depredating animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes (with an accompanying paper); to the Committee on Commerce.

PROPOSED ENDANGERED SPECIES CONSERVATION ACT OF 1973

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are presently threatened with extinction or likely within the foreseeable future to become threatened with extinction; and for other purposes (with an accompanying paper); to the Committee on Commerce.

PROPOSED OIL POLLUTION ACT AMENDMENTS OF 1973

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and the 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended; and for other purposes (with accompanying papers); to the Committee on Commerce.

PROPOSED TOXIC SUBSTANCES CONTROL ACT OF 1973

A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation cited as the "Toxic Substances Control Act of 1973" (with an accompanying paper); to the Committee on Commerce.

PROPOSED INTERVENTION ON THE HIGH SEAS ACT

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to implement the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 (with an accompanying paper); to the Committee on Commerce.

PROPOSED LEGISLATION RELATING TO THE DISTRICT OF COLUMBIA

A letter from the Commissioner, the District of Columbia, Washington, D.C., transmitting a draft of proposed legislation to improve the laws relating to the regulation of insurance companies in the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

REPORT ON GRANTS FINANCED WHOLLY WITH FEDERAL FUNDS

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, that no projects were approved relating to grants financed wholly with Federal funds, during the period October 1, 1972, to December 31, 1972; to the Committee on Finance.

PROPOSED ENVIRONMENTAL PROTECTION TAX ACT OF 1973

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to encourage the preservation of coastal wetlands, open space, and historic buildings and to encourage the preservation and rehabilitation of all structures, and for other purposes (with accompanying papers); to the Committee on Finance.

REPORT ON INTERNATIONAL AGREEMENTS OTHER THAN TREATIES

A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, documents relating to international agreements other than treaties (with accompanying papers); to the Committee on Foreign Relations.

PROPOSED UNITED NATIONS ENVIRONMENT PROGRAM PARTICIPATION ACT OF 1973

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to provide for participation by the United States in the United Nations environment program (with accompanying papers); to the Committee on Foreign Relations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Improved Management Information System Needed for Eximbank's Capital Loan Program," Export-Import Bank of the United States, dated February 12, 1973 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "More Effective United States Participation Needed in World Bank and International Development Association," Department of the Treasury, Department of State, and other agencies, dated February 14, 1973 (with an accompanying report); to the Committee on Government Operations.

PROPOSED AMENDMENT OF SECTION 204 OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

A letter from the Acting Administrator, General Services Administration, transmitting a draft of proposed legislation to amend section 204 of the Federal Property and Administrative Services Act of 1949, as amended, to authorize the use of proceeds of dispositions of surplus real and related personal property for the relocation of Federal facilities, and for other purposes (with an accompanying paper); to the Committee on Government Operations.

PROPOSED LEGISLATION FROM DEPARTMENT OF THE INTERIOR

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the Land and Water Conservation Fund Act of 1965, as amended (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the Wild and Scenic Rivers Act (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to establish a national policy encouraging states to develop and implement land use programs (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the cooperation between the Federal government and the States with respect to environmental regulations for mining operations, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

FINAL REPORT OF ELEANOR ROOSEVELT MEMORIAL FOUNDATION

A letter from the Chairman, Eleanor Roosevelt Memorial Foundation, transmitting, pursuant to law, a final report of that foundation (with an accompanying report); to the Committee on the Judiciary.

REPORT OF SUBVERSIVE ACTIVITIES CONTROL BOARD

A letter from the Chairman, Subversive Activities Control Board, transmitting, pursuant to law, a report of that Board for fiscal year 1972 (with an accompanying report); to the Committee on the Judiciary.

PROPOSED ANTARCTIC TREATY CRIMINAL LEGISLATION ACT OF 1973

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend title 18 of the United States Code, to define and discourage certain criminal conduct by United States nationals and certain foreign nationals in Antarctic (with an accompanying paper); to the Committee on the Judiciary.

REPORTS ON THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATION FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports on third preference and sixth preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT ON REPROGRAMING OF APPROPRIATIONS

A letter from the Director, National Science Foundation, reporting, pursuant to law, on the reprograming of certain appropriations within that Foundation (with accompanying papers); to the Committee on Labor and Public Welfare.

REPORT OF COMMITTEE ON MOTOR VEHICLE EMISSIONS

A letter from the President, National Academy of Sciences, transmitting, pursuant to law, a report of the Committee on Motor Vehicle Emissions (with an accompanying report); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of South Carolina; to the Committee on Finance:

"H. 1290

"A concurrent resolution memorializing Congress to exempt prisoners of war returning from Southeast Asia from the payment of Federal income tax

"Whereas, many prisoners of war are returning to the United States from Southeast Asia; and

"Whereas, it would seem fitting that these returning heroes should be exempt from the payment of federal income tax to show our gratitude to these most deserving men. Now, therefore,

"Be it resolved by the House of Representatives, the Senate concurring:

"That the Congress is hereby memorialized to take such action as may be necessary to exempt prisoners of war returning from Southeast Asia from the payment of federal income tax for any year during which time they were held as prisoners of war.

"Be it further resolved that copies of this resolution be forwarded to the President of the United States, to the Clerk of the United States Senate, to the Clerk of the United States House of Representatives, and to each Member of the United States Congress from South Carolina."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BENNETT:

S. 889. A bill for the relief of Mrs. Sylvia Graham, Gary Graham, Deborah Graham, and Scott Graham. Referred to the Committee on the Judiciary.

By Mr. PASTORE:

S. 890. A bill for the relief of Maria de Lourdes Moitoso Mota. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself and Mr. TOWER):

S. 891. A bill to authorize appropriations for the President's National Commission on Productivity. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. SPARKMAN (for himself and Mr. TOWER) (by request):

S. 892. A bill to amend section 404 of the National Housing Act. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BENTSEN (for himself, Mr. RANDOLPH, Mr. BAKER, Mr. DOMENICI, Mr. GRAVEL, Mr. MONTOYA, Mr. MUSKIE, and Mr. STAFFORD):

S. 893. A bill to authorize appropriations for certain highway safety projects, to extend and improve the Federal highway safety program, and for other purposes. Referred to the Committee on Public Works.

By Mr. CRANSTON:

S. 894. A bill for the relief of Antonia Rieta Victa. Referred to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. BENNETT, Mr. DOLE, and Mr. RANDOLPH):

S. 895. A bill to require a health warning on the labels of bottles containing certain alcoholic beverages. Referred to the Committee on Commerce.

By Mr. RANDOLPH (for himself, Mr. WILLIAMS, Mr. STAFFORD, Mr. CRANSTON, Mr. SCHWEIKER, Mr. PELL, Mr. KENNEDY, Mr. MONDALE, Mr. HATHAWAY, Mr. JAVITS, Mr. DOMINICK, Mr. MAGNUSON, Mr. DOLE, and Mr. BENTSEN):

S. 896. A bill to amend the Education of the Handicapped Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. STEVENS:

S. 897. A bill to authorize the removal of debris and obsolete buildings in the Aleutian Islands, Alaska. Referred to the Committee on Armed Services.

By Mr. HOLLINGS (for himself and Mr. CRANSTON):

S. 898. A bill to authorize insurance in connection with loans to finance the purchase of, and improvements to, lots on which to place mobile homes; and

S. 899. A bill to extend and amend laws relating to housing and urban development, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BENTSEN:

S. 900. A bill to amend the Act of April 7, 1956, relating to the lower Rio Grande rehabilitation project, Texas, Mercedes Division. Referred to the Committee on Interior and Insular Affairs.

By Mr. HOLLINGS:

S. 901. A bill for the relief of T. Michael Smith. Referred to the Committee on the Judiciary.

By Mr. STEVENS (for himself and Mr. MAGNUSON):

S. 902. A bill to amend section 607(k)(8) of the Merchant Marine Act, 1936, as amended. Referred to the Committee on Commerce.

By Mr. STEVENS (for himself, Mr. FONG, Mr. GRAVEL, and Mr. INOUYE):

S. 903. A bill to provide for the addition of the names of the States of Alaska and Hawaii to the list of the forty-eight States inscribed upon the walls of the Lincoln National Memorial. Referred to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS:

S. 904. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients. Referred to the Committee on Labor and Public Welfare.

By Mr. STEVENSON (for himself, Mr. MATHIAS, Mr. ERVIN, and Mr. McGOVERN):

S. 905. A bill to provide for the reform of congressional procedure with respect to budgetary review, and for other purposes. Referred to the Committee on Government Operations.

By Mr. BEALL:

S. 906. A bill to provide for the continuation of programs authorized under the Older Americans Act of 1965, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. STEVENS:

S. 907. A bill to authorize the appropriation of $150,000 to assist in financing the Arctic Winter Games to be held in the State of Alaska in 1974. Referred to the Committee on Commerce.

S. 908. A bill for the relief of Glenna Granger Golebiewski. Referred to the Committee on Interior and Insular Affairs.

By Mr. HOLLINGS:

S. 909. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus supplies and equipment to State and local public recreation agencies. Referred to the Committee on Government Operations.

S. 910. A bill to amend title V of the Housing Act of 1949 to assure borrowers of the right to employ qualified attorneys of their choice in performing necessary legal services in connection with loans under that title. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BIDEN:

S.J. Res. 65. A joint resolution requesting the President to issue a proclamation designating the week of April 23, 1973, as "Nicholas Copernicus Week" marking the quinquecentennial of his birth. Referred to the Committee on the Judiciary.

By Mr. ERVIN:

S.J. Res. 66. A joint resolution to authorize the erection of a monument to the dead of the 1st Infantry Division, U.S. Forces in Vietnam. Considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPARKMAN (for himself and Mr. TOWER):

S. 891. A bill to authorize appropriations for the President's National Commission on Productivity. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, I send to the desk for Senator TOWER and me, a bill to provide for a 14-month extension of the authority for appropriations for the President's National Commission on Productivity, that is, an extension from April 30, 1973 to June 30, 1974.

This extension is necessary for the Commission to carry out its proposed program. The broad, complex and persisting problems which affect productivity cannot be adequately analyzed and treated within the time provided under the present authority.

By Mr. SPARKMAN (for himself and Mr. TOWER) (by request):

S. 892. A bill to amend section 404 of the National Housing Act. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, at the request of the acting Chairman of the Federal Home Loan Bank Board, I send to the desk for Mr. TOWER and me a bill to amend section 404 of the National Housing Act.

I ask unanimous consent that the bill as well as an analysis of the bill be printed in full in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 404 of the National Housing Act, as amended, is amended to read as follows:

"SEC. 404. (a) (1) The Corporation shall establish a primary reserve which shall be the general reserve of the Corporation and a secondary reserve to which shall be credited the amounts of the prepayments made by insured institutions pursuant to former provisions of subsection (d) and the credits made pursuant to the first sentence of subsection (e).

"(2) The Corporation may accomplish the purposes and provisions of this section by rules, regulations, orders, or otherwise as it may consider necessary or appropriate.

"(b) (1) Each institution whose application for insurance is approved by the Corporation shall pay to the Corporation, in such manner as it shall prescribe, a premium for such insurance equal to one-twelfth of one per centum of the total amount of all accounts of the insured members of such institution. Such premium shall be paid at the time the certificate is issued by the Corporation under section 403, and thereafter annually, except that under regulations prescribed by the Corporation such premium may be paid semiannually.

"(2) If, at the close of any December 31, the primary reserve equals or exceeds two per centum of the tôtal amount of all accounts of insured members of all insured institutions as of such close, no premium under paragraph (1) of this subsection shall be payable by any insured institution with respect to its premium year beginning during the year commencing on May 1 next succeeding such December 31, except that the foregoing provisions of this sentence shall not be applicable to any insured institution with respect to any of the twenty premium years beginning with the premium year commencing with the date on which such certificate is issued.

"(c) The Corporation is further authorized to assess against each insured institution additional premiums for insurance until the amount of such premiums equals the amount of all losses and expenses of the Corporation; except that the total amount so assessed in any one year against any such institution shall not exceed one-eighth of one per centum of the total amount of the accounts of its insured members.

"(d) (1) The Corporation shall not, on or after the date of enactment of this sentence, accept or receive further payments in the nature of prepayments of future premiums as was formerly required by this subsection (including any such payments which have accrued or are payable under such former provisions). When no insured institution has any pro rata share of the secondary reserve, or has any such share not immediately payable to it, the Corporation may take such steps as it may deem appropriate to close out and discontinue the secondary reserve.

"(2) The Corporation may provide for the adjustment of payments made under former provisions of this subsection or made or to be made under subsections (b) and (c) of this section in cases of merger or consolidation, transfer of bulk assets or assumption of liabilities, and similar transactions, as defined by the Corporation for the purposes of this paragraph.

"(e) The Corporation shall credit to the secondary reserve, as of the close of each calendar year a return on the outstanding balances of the secondary reserve, during such calendar year, as determined by the Corporation, at a rate equal to the average annual rate of return to the Corporation during the year ending at the close of November 30 of such calendar year, as determined by the Corporation, on the investments held by the Corporation in obligations of, or guaranteed as to principal and interest by, the United States. Except as provided in subsections (f) and (g), the secondary reserve shall be available to the Corporation only for losses of the Corporation and shall be so available only to such extent as other accounts of the Corporation which are available therefor are insufficient for such losses. No right, title, or interest of any institution in or with respect to its pro rata share of the secondary reserve shall be assignable or transferable whether by operation of law or otherwise, except to such extent as the Corporation may provide for transfer of such pro rata share in cases of merger or consolidation, transfer of bulk assets or assumption of liabilities, and similar transactions, as defined by the Corporation for purposes of this sentence.

"(f) If (i) the status of an insured institution as an insured institution is terminated pursuant to any provision of section 407 or the insurance of accounts of an insured institution is otherwise terminated, (ii) a conservator, receiver, or other legal custodian is appointed for an insured institution under the circumstances and for the purpose set forth in subdivision (d) of section 401, or (iii) the Corporation makes a determination that for the purposes of this subsection an insured institution has gone into liquidation, the Corporation shall pay in cash to such institution its pro rata share of the Secondary Reserve, in accordance with such terms and conditions as the Corporation may prescribe, or, at the option of the Corporation, the Corporation may apply the whole or any part of the amount which would otherwise be paid in cash toward the payment of any indebtedness or obligation, whether matured or not, of such institution to the Corporation, then existing or arising before such payment in cash: *Provided*, That such payment or such application need not be made to the extent that the provisions of the exception in the last sentence of subsection (e) are applicable.

"(g) If, at the close of any December 31, occurring on or after the date of enactment of paragraph (1) of subsection (d) of this section, the aggregate of the Primary Reserve and the Secondary Reserve equals or exceeds 1¼ per centum of the total amount of all accounts of insured members of all insured institutions but the Primary Reserve does not equal or exceed 2 per centum of such base, each insured institution's pro rata share of the Secondary Reserve shall, during the year beginning with May 1 next succeeding such close, be used, to the extent available, to discharge such institution's obligation for its premium under subsection (b) for the premium year beginning in such year, but only to the extent of such percentage, to be the same for all insured institutions and to be not less than 30 nor more than 70 per centum of such premium, as the Corporation may determine; and the use of such pro rata shares as provided in this sentence shall continue unless and until the next sentence or the last sentence of this subsection shall become operative. If, at the close of any December 31 occurring before the last sentence of this subsection shall become operative, the aggregate of the Primary Reserve and the Secondary Reserve is not at least equal to 1¼ per centum of the total amount of all accounts of insured institution's pro rata share of the Secondary Reserve under the first sentence of this subsection shall terminate with respect to its premium under subsection (b) for the premium year beginning during the calendar year commencing on May 1 next succeeding such December 31, and such termination shall continue unless and until the first sentence of this subsection shall become operative. If, at the close of any December 31, the Primary Reserve equals or exceeds such 2 per centum, the Corporation shall, at such time (which shall be the same for all insured institutions and shall not be later than May 1 next succeeding such close) and in such manner as the Corporation shall determine, pay in cash to each insured institution its pro rata share of the Secondary Reserve.

"(h) (1) Each insured institution shall make such deposits in the Corporation as may from time to time be required by call of the Federal Home Loan Bank Board. Any such call shall be calculated by applying a specified percentage, which shall be the same for all insured institutions, to the total amount of all withdrawable or repurchasable shares, investment certificates, and deposits in each insured institution. No such call shall be made unless such Board determines that the total amount of such call, plus the outstanding deposits previously made pursuant to such calls, does not exceed 1 per centum of the total amount of all withdrawable or repurchasable shares, investment certificates, and deposits in all insured institutions. For the purposes of this subsection, the total amounts hereinabove referred to shall be determined or estimated by such Board or in such manner as it may prescribe.

"(2) The Corporation shall credit as of the close of each calendar year, to each deposit outstanding at such close, a return on the outstanding balance, as determined by the Corporation, of such deposit during such calendar year, at a rate equal to the average annual rate of return, as determined by the Corporation, to the Corporation during the year ending at the close of November 30 of such calendar year, on the investments held by the Corporation in obligations of, or guaranteed as to principal and interest by, the United States.

"(3) The Corporation in its discretion may at any time repay all such deposits, or repay pro rata a portion of each of such deposits, in such manner and under such procedure as the Corporation may prescribe. Any procedure for such pro rata repayment may provide for total repayment of any deposit, if total repayment of any and all deposits of equal or smaller amount is likewise provided for.

"(4) The provisions of subsection (f) of this section and of the last sentence of subsection (e) of this section shall be applicable to deposits under this subsection, and for the purposes of this subsection the references in such subsection (f) and such last sentence to the prepayments and the pro rata shares therein mentioned shall be deemed instead to be references respectively to the deposits under this subsection and the pro rata shares of the holders thereof, and the references in such subsection (f) to that subsection (except the last such reference) and to subsection (d) of this section shall be deemed instead to be references to this subsection."

Analysis of the Bill To Amend Section 404 of the National Housing Act

This bill is the result of a thoroughgoing review by the Federal Home Loan Bank Board of the adequacy of the reserves of the Federal Savings and Loan Insurance Corporation and the suitability of the premium system under which it is funded. The existing language of section 404 of the National Housing Act provides for a system of collecting a regular annual insurance premium of 1/12 of one percent of the total amount of all savings accounts of the insured members of each insured institution and, under certain specified circumstances an additional premium—in the nature of a prepayment of the regular premium—in an amount equal to two percent of each insured institution's annual savings deposit increase. Whether the additional premium prepayment is to be paid in a given year depends on the ratio of insurance reserves of the Insurance Corporation to the total amount of all savings accounts in all insured institutions. This statutory plan produces widely varying cash flows from insured institutions to the FSLIC—from zero over a period of years to very substantial sums in other years. After a two percent ratio of insurance reserves to savings in insured institutions was achieved in 1969 cash flow from the additional premium was cut off. By the end of 1972 this ratio slipped below 1⅗ percent which means that additional premium payments will have to resume on May 1, 1973. Unless the section is amended this will mean an extremely large cash flow into the FSLIC's insurance reserves which is not required by the Corporation and would simply absorb funds that would otherwise finance housing. The irregular cash flows which result from the present premium structure are detrimental to the orderly administration of home mortgage credit and the affairs of the Corporation.

This proposed amendment to section 404 would eliminate the prepayment of additional premiums and restructure the premium payment system by giving the Federal Home Loan Bank Board discretion to adjust the level of cash payments to the Corporation within a range of 30 to 70 percent of the regular annual premiums with the remainder to be transferred from the secondary reserve of accumulated premium prepayments. If at any December 31 the FSLIC's reserve ratio is less than 1.25 percent, full cash payment of the regular premium would be begun and continued until the year-end ratio again reaches 1.25 percent. The proposed amendment is based on the considered judgment of the Corporation that the present law's goal of a reserve ratio in the 1.60 to 2.00 percent range is not justified. Relative to the size of its reserve funds, the FSLIC's losses over a span of 38 years have been nominal, and the projected reserves forthcoming as a result of this amendment will be adequate to discharge its financial responsibilities and maintain the public's confidence.

By Mr. BENTSEN (for himself, Mr. Randolph, Mr. Baker, Mr. Domenici, Mr. Gravel, Mr. Montoya, Mr. Muskie, and Mr. Stafford):

S. 893. A bill to authorize appropriations for certain highway safety projects, to extend and improve the Federal highway safety program, and for other purposes. Referred to the Committee on Public Works.

HIGHWAY SAFETY ACT OF 1973

Mr. BENTSEN. Mr. President, I introduce today the Highway Safety Act of 1973, legislation to continue the efforts of the Federal Government to reduce the continuing death and injury that takes place on our country's roads. I am joined in this introduction by Senators Randolph, Muskie, Montoya, Gravel, Baker, Stafford, and Domenici.

I have chosen to introduce a separate bill dealing with highway safety rather than to include this critically important subject in the general highway construction bill (S. 502). I believe that highway safety requires the separate and undivided attention of the Subcommittee on Roads and the Committee on Public Works, as well as of the Senate. This bill is addressed to matters of great importance that could become obscured if they are part of a highway construction bill that becomes as controversial as it did last year. Highway safety programs must be judged on their own merits, and they must be developed with the single aim of making American roads safer for travel.

The Highway Safety Act of 1973 modifies somewhat the safety provisions that were part of last year's bill. In line with our general approach to highway legislation, this proposal reduces the number of categorical programs. It does not, however, neglect any area of highway safety in which either program authority or funding is needed. While the number of categories is reduced from those in last year's proposal, the essential activities are provided for in broad, general authorizations.

Authorizations in the bill I introduce today total $500 million for each of the fiscal years of 1974 and 1975. All of this money for safety programs would come from the highway trust fund. This use of trust fund revenues reflects my conviction that highway safety is an integral part of the total highway program and that its support from user revenues is fully justified and desirable.

The highway trust fund has facilitated the construction of the world's most advanced highway system, and it should be utilized to make this the world's safest highway system.

I call the attention of the Senate to the fact that the authorizations contained in this bill are significantly higher than highway safety expenditures recommended in the President's budget proposals for fiscal year 1974. Spending levels of $289 million are advanced by the administration, but I do not believe they are adequate or responsive to the need for better highway safety programs. I am pleased that the safety record of our highways has improved in recent years on the basis of deaths and accidents per mile driven. This is indicative that we are moving in the right direction and that our investments in highway safety are paying dividends. The actual death toll on our highways, however, seems to have stabilized in the vicinity of 55,000 persons a year. This is a totally unacceptable figure and dictates that there be no relaxation in our highway safety efforts.

Mr. President, there are several significant changes in the safety program proposed by this bill.

To stimulate a more aggressive response by the States to highway safety, this legislation authorizes the Secretary of Transportation to award grants totaling $10 million a year to States as incentives for superior performance. These payments will be made to States which the Secretary determines have achieved above-average results in highway safety.

The committee has long been concerned with the persistent dangers posed by railroad-highway grade crossings, where an average of 1,500 people die in accidents each year. The time is long overdue to begin eliminating the thousands of grade crossings in our country. To make this start, the bill authorizes $100 million each year for grade crossing removal. Recognizing that a significant number of grade crossing accidents occur on roads not on a Federal-aid system, this legislation authorizes expenditures of one-third of the funds on highways not included on any Federal-aid system. Because of the high cost of such projects, Federal participation at 90 percent of the cost is authorized.

The bridge reconstruction and replacement program, enacted in 1970 under the sponsorship and special concern of the distinguished chairman of the committee (Mr. Randolph), has enabled us to begin correcting another serious deficiency in our national highway network. Our highways cross thousands of bridges that are far too old and inadequate to carry modern traffic loads. About one-sixth of the highway bridges in the United States have been found to be deficient in some respect, and this program is aimed at correcting those deficiencies. The bill I introduce continues the bridge reconstruction and replacement program and authorizes $100 million per year for this purpose. A modification is made to also permit bridge replacement on roads that are not part of a Federal-aid system.

In its evaluation of highway safety programs, the committee has found that enforcement of standards relating to alcohol and highway safety has not been satisfactory. Accordingly, the bill includes the requirement that standards include certain features intended to reduce the incidence of people who drive under the influence of alcohol. Approximately one-half of all highway deaths take place in accidents where alcohol is a factor and, therefore, we must give special attention to this aspect of the highway safety program.

Participation in the State-administered highway safety program is broadened by this bill to include Indian Tribes. Highway safety is as serious a problem on Indian reservations as it is elsewhere, but existing statutes do not permit the same type of safety programs to be carried out on Indian reservations as are conducted by States.

The concern over widespread drug use and its possible effect on the operation of motor vehicles are recognized in this bill. The authority of the Secretary of Transportation to conduct highway safety research is broadened to include the use of drugs and their effect on highway safety and motor vehicle operators.

In addition to these major provisions of the bill, several activities which were proposed in last year's legislation could be included under existing authority. I intend that the committee report on this bill include a discussion of items dropped from last year's proposal, such as elimination of roadside obstacles, pavement marking, and emergency medical care. The absence of these programs from this bill does not mean that I consider them any less important than they were a year ago. Rather, it is my belief that they should be carried out under the authority of other sections of the statutes and this emphasis will be noted in the committee report.

Mr. President, the Highway Safety Act of 1973 is intended to continue the progress we have made in reducing death, injury, and destruction on our Nation's roads. It is a realistic bill, both as to program content and as to financing levels. Hearings on this bill will be conducted by the Subcommittee on Roads in the near future.

Mr. President, I ask unanimous consent that a copy of the bill and a section-by-section analysis of this measure be printed in the Record at this point.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Sec. 101. This Act may be cited as the "Highway Safety Act of 1973".

AUTHORIZATIONS

Sec. 102. There are authorized to be appropriated out of the Highway Trust Fund—

(a) $150,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for the fiscal year ending June 30, 1975, for carrying out section 402 of title 23 of the United States Code (relating to highway safety programs) by the National Highway Traffic Safety Administration, of which $10,000,000 in each such year shall be for the purposes of section 402(i) (1), and $10,000,000 for section 402(i) (2).

(b) $85,000,000 for the fiscal year ending June 30, 1974, and $85,000,000 for the fiscal year ending June 30, 1975, for carrying out such section 402 by the Federal Highway Administration, of which $25,000,000 for the fiscal year ending June 30, 1974, shall be exclusively available for the purchase of equipment for pavement marking.

(c) $50,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975, for carrying out section 403 of such title (relating to highway research and development) by the National Highway Traffic Safety Administration.

(d) $15,000,000 for the fiscal year ending June 30, 1974, and $15,000,000 for the fiscal year ending June 30, 1975, for carrying out sections 307(a) and 403 of such title by the Federal Highway Administration.

RAIL-HIGHWAY CROSSINGS

Sec. 103. (a) In addition to funds which may be otherwise available to carry out section 130 of title 23, United States Code, there is authorized to be appropriated out of the highway trust fund for projects for the elimination of hazards of railway-bridge crossings, $100,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975. Such sums shall be available for obligation for one year in advance of the fiscal year for which authorized and shall remain available for obligation for a period of two years after the close of the fiscal year for which authorized.

(b) Funds authorized by this section shall be available for expenditure as follows:

(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

(2) one-third for projects on highways not included on any Federal-aid system.

(c) Funds made available in accordance with paragraph (1) of subsection (b) shall be apportioned to the States in the same manner as sums authorized to be appropriated under paragraph (1) of section 105 of the Federal-Aid Highway Act of 1970. Funds made available in accordance with paragraph (2) of subsection (b) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof.

BRIDGE RECONSTRUCTION AND REPLACEMENT

Sec. 104. (a) Subsection (b) of section 144 of title 23, United States Code, is amended by striking out "on any of the Federal-aid systems".

(b) Subsection (e) of section 144 of title 23, United States Code, is amended by striking out "1972; and" and inserting in lieu thereof "1972,"; by inserting immediately after "1973," the following: "$100,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975,".

(c) Subsection (f) of section 144 of title 23, United States Code, is relettered as subsection (g) (including references thereof); and immediately after subsection (e) the following new subsection (f) is inserted:

"(f) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system; and

"(2) one-third for projects on highways not included on any Federal-aid system."

(d) Existing subsection (g) of section 144 of title 23, United States Code, is relettered as subsection (h) (including references thereto).

PENALTIES FOR DRIVING WHILE INTOXICATED

Sec. 105. Subsection (a) of section 402 of title 23 of the United States Code is amended by inserting after the fifth sentence the following "Effective as soon as practicable after the date of enactment of the Highway Safety Act of 1973 such standards shall also include provisions requiring (1) laws prohibiting persons from operating motor vehicles while under the influence of intoxicating liquors or any narcotic or drug which impairs their ability to operate a motor vehicle properly and safely, (2) procedures for effective enforcement of such laws, (3) penalties for violation of such laws which provide a meaningful deterrent to their violation and, where appropriate, adequate medical treatment for persons violating such laws who are in need of treatment.".

MANPOWER TRAINING AND DEMONSTRATION PROGRAMS

Sec. 106. (a) The first sentence of subsection (c) of section 402 of title 23, United States Code, is amended by inserting immediately after "approved in accordance with subsection (a)," the following: "including the development and implementation of manpower training programs, and of demonstration programs that the Secretary determines will contribute directly to the reduction of accidents, and deaths and injuries resulting therefrom such funds.".

PUBLIC ROAD MILEAGE

Sec. 107. Subsection (c) of section 402 of title 23, United States Code, is amended by inserting immediately after the third sentence the following "Public road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary."

COMPLIANCE WITH ALCOHOL SAFETY STANDARD

SEC. 108. (a) Subsection (c) of section 402 of title 23 of the United States Code is amended by inserting before the period at the end of the next to the last sentence thereof a comma and the following: "*Provided, however,* That the provisions of this sentence shall not apply in the case of any State which has not prior to July 1, 1974, properly implemented the Secretary's highway safety programs standard numbered 8 (relating to alcohol in relation to highway safety) or any modification or addition to such standard prior to such date.".

(b) Such subsection is further amended by adding immediately after the next to the last sentence thereof the following "Whenever the Secretary suspends the application of the seventh sentence of this subsection, he shall report within ten days the reasons for such suspension and the period of such suspension to the Committees of the Senate and House of Representatives on Public Works, Commerce, and Interstate and Foreign Commerce, and shall publish such report in the Federal Register, and shall notify the State or States involved of such suspension, the reasons therefor and the period thereof, and warn them of the penalty involved.".

MINIMUM APPORTIONMENT

SEC. 109. Subsection (c) of section 402 is amended by striking "one-third of 1 per centum" in the fifth sentence thereof as amended, and inserting "one-half of 1 per centum.".

INCENTIVES FOR COMPLIANCE WITH HIGHWAY SAFETY STANDARDS

SEC. 110. Section 402 of title 23 of the United States Code is amended by adding a new subsection (i), as follows:

"(i) (1) The Secretary shall award, in addition to other grants pursuant to this section, $10,000,000 in grants for each fiscal year to States which he determines, in accordance with criteria which he shall establish and publish, to have attained above average results in carrying out and achieving the purposes of this chapter. Such grants shall be used by recipient States only to further the purposes of this chapter. The amount appropriated in each fiscal year for the purpose of carrying out this paragraph shall be apportioned among the States eligible for grants pursuant to this paragraph in the ratio which the total apportionments to each State pursuant to section 104(b) (1) and (2) for such year bears to the total such apportionments to all such eligible States for such year.

"(2) The Secretary may also award, in addition to other grants pursuant to this section, $10,000,000 in grants in each fiscal year to States which he determines, in accordance with criteria which he shall establish and publish, to have made the most significant improvements in carrying out and achieving the purposes of this chapter. Such grants shall be used by recipient States only to further the purposes of this chapter. No State shall receive in excess of $500,000 in any fiscal year pursuant to the provisions of this paragraph.".

HIGHWAY SAFETY ON INDIAN RESERVATIONS

SEC. 111. (a) Section 402 of title 23 of the United States Code is amended by adding a new subsection (j), as follows:

"(j) For the purpose of the application of this section on Indian reservations, 'State' and 'Governor of a State' includes the Secretary of the Interior and 'political subdivision of a State' includes an Indian tribe: *Provided,* That, notwithstanding the provisions of subparagraph (C) of subsection (b) (1) hereof, 95 per centum of the funds apportioned to the Secretary of the Interior shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions: *And provided further,* That the provisions of subparagraph (E) of subsection (b) (1) hereof shall be applicable in those tribal jurisdictions in which the Secretary determines such programs would not be practicable.".

(b) Subsection (d) of section 402 of title 23, United States Code, is amended by inserting at the end of the first sentence thereof the following: ", and except that, in the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, he may increase the Federal share of the cost thereof payable under this Act to the extent necessary.".

DRUG USE AND HIGHWAY SAFETY

SEC. 112. Section 403 of title 23 of the United States Code is amended by inserting "(a)" immediately before the first sentence thereof, and by adding at the end thereof the following new subsections:

"(b) In addition to the research authorized by subsection (a) of this section, the Secretary, in consultation with such other government and private agencies as may be necessary, is authorized to carry out safety research on the relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles. As soon as practicable, the Secretary shall promulgate a highway safety program standard with respect to drug use in relation to highway safety. The research authorized by this subsection may be conducted by the Secretary through grants and contracts with public and private agencies, institutions, and individuals.

"(c) In addition to the research authorized by subsections (a) and (b) of this section, the Secretary is authorized either independently or in cooperation with other Federal departments or agencies, to conduct research into, and to make grants to or contracts with State or local agencies, institutions, and individuals for demonstration projects for programs of administrative adjudication of traffic infractions. Such administrative adjudication programs shall be designed to improve highway safety by providing fair, efficient, and effective adjudication of traffic infractions, and by utilizing appropriate punishment, training, and rehabilitative measures for traffic law offenders. The Secretary shall report to Congress by July 1, 1975, on the research and demonstration projects authorized by this subsection, and shall include in such report a comparison of the fairness, efficiency, and effectiveness of administrative adjudication of traffic infractions with other methods of handling such infractions.".

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

SEC. 113. The second sentence of subsection (a) of section 403 of title 23, United States Code, is amended to read as follows: "In addition, the Secretary may use the funds appropriated to carry out this subsection, either independently or in cooperation with other Federal departments or agencies, for making grants to or contracting with State or local agencies, institutions, and individuals for (1) training or education of highway safety personnel, (2) research fellowships in highway safety, (3) development of improved accident investigation procedures, (4) emergency service plans, (5) demonstration projects, and (6) related activities which are deemed by the Secretary to be necessary to carry out the purposes of this section. The Secretary shall assure that no fees are charged for any meetings or services attendant thereto or other activities relating to training and education of highway safety personnel.".

TRANSFER OF DEMONSTRATION PROJECT EQUIPMENT

SEC. 114. Section 403 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The Secretary may, where he deems it to be in furtherance of the purposes of section 402 of this title, vest in State or local agencies, on such terms and conditions as he deems appropriate, title to equipment purchased for demonstration projects with funds authorized by this section.".

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

SEC. 115. Subsection (a) (1) of section 404 of title 23, United States Code, is amended by inserting immediately after "Federal Highway Administrator," the following: "the National Highway Traffic Safety Administrator,".

DATE OF ANNUAL REPORT

SEC. 116. The first sentence of subsection (a) of section 202 of the Highway Safety Act of 1966 (80 Stat. 736) is amended by deleting "March 1" and substituting in lieu thereof the following: "July 1".

SECTION-BY-SECTION ANALYSIS OF HIGHWAY SAFETY BILL

SECTION 101. SHORT TITLE

This title may be cited as the "Highway Safety Act of 1973".

SECTION 102. AUTHORIZATIONS

The following amounts would be authorized from the Highway Trust Fund:

1. For assistance to the States in carrying out highway safety programs under section 402—$235 million for each of the 1974 and 1975 fiscal years, provided that $25 million of such funds would be available to the States exclusively for the purchase of pavement equipment marking.
2. For highway safety research and development—$65 million for each of the 1974 and 1975 fiscal years.

SECTION 103. RAIL-HIGHWAY CROSSINGS

This section authorizes $100 million from the Highway Trust Fund for each of the fiscal years 1974 and 1975 for elimination of hazards of rail-highway crossings, in addition to funds available to carry out section 130 of title 23, United States Code. These funds in any fiscal year would be available as follows: (1) two-thirds for projects on any Federal-aid system (other than the Interstate System) apportioned in the same manner as sums authorized to be appropriated under section 105 of the Federal-Aid Highway Act of 1970; and (2) one-third for projects on highways not included on any Federal-aid system apportioned in the same manner as provided in 23 U.S.C. 402(c).

The Federal share payable on account of any such project would not exceed 90 percent of the cost.

SECTION 104. BRIDGE RECONSTRUCTION AND REPLACEMENT

This section authorizes the appropriation out of the Highway Trust Fund of $100 million for each of the fiscal years 1974 and 1975 to carry out the bridge replacement program established pursuant to 23 U.S.C. 144. Two/thirds of the funds authorized and expended under the program would be for projects on the Federal aid system and one/third would be for projects not included on any Federal-aid system.

SECTION 105. PENALTIES FOR DRIVING WHILE INTOXICATED

States would be required by future highway safety standards to prohibit persons from operating motor vehicles while under the influence of intoxicating liquors, narcotics or drugs, to provide effective enforcement of such restrictions, and to provide penalties that would constitute a meaningful deterrent.

SECTION 106. MANPOWER TRAINING AND DEMONSTRATION PROGRAMS

This would authorize funds appropriated to States for their highway safety programs to be used for the development and implementation of manpower training and demonstration programs which the Secretary determines might help reduce accidents.

SECTION 107. PUBLIC ROAD MILEAGE

For purposes of apportioning funds for highway safety among the States, the public road mileage in each State would be determined at the end of each calendar year.

SECTION 108. COMPLIANCE WITH ALCOHOL SAFETY STANDARD

The discretionary authority of the Secretary to suspend application of the 10 percent reduction in the apportionment of Federal-aid highway funds for those States not implementing a highway safety program would be eliminated with respect to the highway safety standard on alcohol. In effect, the 10 percent penalty would be made mandatory for States not in compliance with this standard.

Whenever the Secretary exercises his authority to suspend application of the 10 percent penalty in Federal aid for those States not in compliance with safety standards, he would be required to report his reasons for such suspension within ten days to appropriate committees of Congress, to publish the report in the Federal Register, and to notify the States involved.

SECTION 109. MINIMUM APPORTIONMENT

The minimum amount available to any State for highway safety programs would be increased from one-third of one percent to one-half of one percent.

SECTION 110. INCENTIVES FOR COMPLIANCE WITH HIGHWAY SAFETY STANDARDS

The Secretary would be authorized to award each year, $10,000,000 in incentive grants to States which have achieved "above average results" and $10,000,000 to States which have made the "most significant improvement" in carrying out their highway safety programs.

SECTION 111. HIGHWAY SAFETY ON INDIAN RESERVATIONS

Indian reservations would be made eligible for highway safety grants under Section 402. Funds normally apportioned to the States for this purpose would instead be apportioned to the Secretary of the Interior. The Secretary would also be authorized to increase the Federal share if necessary to assist an Indian tribe in meeting the non-Federal share of the cost of reservation safety programs.

SECTION 112. DRUG USE AND HIGHWAY SAFETY

The Secretary would be authorized to carry out research on the relationship between the consumption of drugs and highway safety and to promulgate, as soon as practicable, a highway safety program standard on drug use and highway safety.

The Secretary would be authorized to conduct research for making grants or contracts on the effectiveness of administrative adjudication systems in promoting highway safety and in reducing recidivism rates of traffic law offenders by appropriate punishment, training, and rehabilitation.

SECTION 113. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

The language of this section would be modified slightly in order to make it clear that research funds could be used for grants to or contracts with public agencies, institutions and individuals for all five types of programs listed. The Secretary would assure that no fees are charged for training on education of highway safety personnel.

SECTION 114. TRANSFER OF DEMONSTRATION PROJECT EQUIPMENT

The Secretary would be authorized to transfer to State and local agencies the title to equipment purchased with research funds for demonstration projects.

SECTION 115. NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

The National Highway Traffic Safety Administator would be added as an ex officio member of the National Highway Safety Advisory Committee.

SECTION 116. DATE OF ANNUAL REPORT

The date on which the Secretary is to make an annual report to Congress on the Administration of the Highway Safety Act would be changed from March 1 to July 1.

By Mr. THURMOND (for himself, Mr. BENNETT, Mr. DOLE, and Mr. RANDOLPH):

S. 895. A bill to require a health warning on the labels of bottles containing certain alcoholic beverages. Referred to the Committee on Commerce.

Mr. THURMOND. Mr. President, I have long been concerned with the problem of alcoholism in this country.

On April 14, 1971, I introduced a bill to amend section 5(e) of the Federal Alcohol Administration Act to require a health warning on the labels of bottles containing alcoholic beverages. This bill was referred to the Senate Commerce Committee, and the full Senate did not act on this bill.

Mr. President, after the passage of 2 years, statistics do not reveal any reason for less concern. In fact, alcoholism has become a growing problem, and more and more people are being victimized by this menace.

Consequently, I am reintroducing this legislation today, and I urge my colleagues to give it very careful consideration.

The Department of Health, Education, and Welfare has revealed that some 10 million Americans are dependent on alcohol. Mr. President, this is a national tragedy.

Overuse and abuse of alcohol has caused broken homes and economic disaster for many individuals who otherwise would be model parents and successful in their business pursuits.

Furthermore, alcohol is the cause of many physical, emotional, and mental problems. Alcoholism can strike at all social and economic levels, and the result is tragic.

Mr. President, we are all aware of the dangers in mixing alcohol and automobiles. Drinking and driving has become a killer of major proportions, and it is time that we warn drinkers of the hazards involved.

A health warning label for all bottles of alcoholic beverages containing more than 24 percent of alcohol by volume will be an effective method of public education.

Mr. President, if a warning label prevents one potential alcoholic from taking his first drink, or one casual drinker who drives from having his "drink for the road," then it is worthwhile and constructive legislation.

I am pleased that Senators BENNETT, DOLE, and RANDOLPH again join me as cosponsors of this legislation.

Mr. President, I request that this bill be appropriately referred and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 895

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(e) of the Federal Alcohol Administration Act (49 Stat. 982, as amended; 27 U.S.C. 205(e)), is amended by inserting the following new paragraph immediately before the last full paragraph of such section:

"It shall be unlawful to sell or ship or deliver for sale or shipment, or otherwise introduce in interstate commerce or foreign commerce, or receive therein, or to remove from customs custody for consumption, any bottle containing a beverage having more than 24 per centum of alcohol by volume, unless the label of such bottle contains the following statement: 'Caution: Consumption of alcoholic beverages may be hazardous to your health and may be habit forming.' Such statement shall be located in a conspicuous place on each label, and shall appear in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the label."

By Mr. RANDOLPH (for himself, Mr. WILLIAMS, Mr. STAFFORD, Mr. CRANSTON, Mr. SCHWEIKER, Mr. PELL, Mr. KENNEDY, Mr. MONDALE, Mr. HATHAWAY, Mr. JAVITS, Mr. DOMINICK, Mr. MAGNUSON, Mr. DOLE, and Mr. BENTSEN):

S. 896. A bill to amend the Education of the Handicapped Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. RANDOLPH. Mr. President, I send to the desk for appropriate reference a bill to extend the Education of the Handicapped Act as set forth in Public Law 91-230. This act, which brought together Federal programs of assistance for the education of handicapped children, has served our Nation well.

The States estimate that there are 7 million children, 1 million of whom are of preschool age, who are so severely handicapped that they require special education programs. The thrust of Federal legislative effort has been to assist the States in providing such programs, to enable them to give each handicapped child his rightful opportunity to an education.

We have done much; yet much remains to be done.

Our reports from State education agencies show that special education programing is growing. In the past 5 years, the number of children receiving special help has grown from 2.1 million to almost 3 million. Federal assistance to States for these purposes has increased from $45 million 5 years ago to $250 million in the past fiscal year. Yet despite this positive growth, such programs are reaching less than one-half of all of the children who need them.

Federal support for education for teachers of the handicapped has been a major factor in this increase in special education programs. The number of colleges and universities training these teachers has multiplied tenfold since the beginning of Federal funding a decade ago. There are now about 400 colleges and universities offering such training, some 300 of which are receiving Federal support. There is good reason to believe that the increase in Federal investment from $2.5 million in fiscal year 1962 to $34.6 million in fiscal year 1972 is directly related to the increase in numbers of special education teachers. That number has grown from 70,000 in 1962 to the current 1972 figure of 162,887. It is estimated that double that number of special educators are needed if the 7 million handicapped children are to be educated.

PRESCHOOL HANDICAPPED CHILDREN HELPED

Federal legislation has resulted in the development of many model programs for preschool handicapped children. Since 1968, when the Handicapped Children's Early Education Act was enacted, 70 models serving approximately 4,000 children and their parents have been established. Each State has at least one such demonstration project. The wisdom of the law in requiring that these projects function to stimulate States to use their own resources for implementing additional projects for these children has been borne out. Three years ago only 15 States had legislation providing for the education of handicapped children of preschool age. During the past 3 years, there has been a significant increase in the States making available early education programs for these children. Presently, 45 States have legal authority to provide such programs for 5-year-olds or younger. During the past school year, 5 States passed similar comprehensive mandatory legislation. In addition to States with new comprehensive laws, others have reduced age requirements, with the State of North Carolina providing special education from birth.

The value of these early education programs is underscored not only by giving a good start and helping prevent these children from developing secondary problems, but also by enhancing their ability to enter the educational mainstream. Early figures indicate that handicapped preschoolers in the programs throughout the country more frequently are able to enter a regular classroom and "make it" with special education support. Last year, for example, 492 children who had participated in model early education projects were admitted to other programs which previously had refused to accept them.

DEAF-BLIND CHILDREN NEED HELP

Without the availability of Federal support, 4,200 deaf-blind children born in our Nation as a result of the 1964–65 rubella epidemic would have little hope of receiving the complex educational and other services they require. Now, through the establishment of 10 regional centers for these children, and the marshaling of Federal, State, local and private resources, coverage has increased from 100 children to more than 2,000. A national goal of full services for each of these children and their families is drawing within reach.

Appropriate special education programs for the Nation's handicapped children, including the preschool-aged and severely handicapped; career education programs with placement and employment sevices; and the development of the necessary pool of special education teachers are what we are investing in with our legislative program. These investments go to the States to enable them to fulfill their responsibility to educate our children—to equip these children to live as productive and independent lives as possible. While special education programs may cost twice those for a nonhandicapped child, the cost to society of institutionalizing a handicapped child over a lifetime is over $400,000. Those costs can be saved for many children by preschool and school programs especially designed for the child's needs.

In 1967, when Congress began its major efforts to provide education for America's blind, deaf, and other handicapped children, we mandated the creation of the Bureau of Education for the Handicapped in the U.S. Office of Education. Many of my colleagues here will recall it was not easy to convince the executive branch of the wisdom of that decision, although it was our belief that a strong organization in the Office of Education was necessary if earlier experiences of fragmentation, weakening of programs, and dilution of resources were not to be repeated.

The experience of these years has proven that we were right in establishing this unit. Federal support has grown sharply; programs for children, teacher education, and research projects have been coordinated; joint activities with other Federal agencies, the rehabilitation program, and the mental health program have been established; and education for handicapped children has become a stated priority of the Office of Education. As we consider this legislation we will be concerned with how program management can be strengthened and facilitated.

DOLLARS WELL SPENT FOR HANDICAPPED

Time and again, I have had constituents say to me, and have had Members of this great body say, that the taxpayers' dollars spent for educating handicapped children are among the best dollars the Federal Government spends. They help fulfill a child's right to an education; they help express our society's commitment to caring about every person, the weak, the sick, and the poor. And in addition to this expression of human concern, their dollars are a wise investment, for they convert dependence to independence and futility to productivity and gain for our Nation.

SENATOR WILLIAMS SHOWS LEADERSHIP

Mr. President, our Subcommittee on Handicapped will focus attention on programs of education to assist handicapped children and youth. This urgent issue will be a priority in our activities. The able chairman of the Committee on Labor and Public Welfare, Senator WILLIAMS, is also an active member of our subcommittee. He has introduced legislation to provide assistance to the States to pay 75 percent of the excess costs of educating handicapped children. I am pleased to say that I, as well as many of our colleagues in this body, cosponsored this important new proposal. If this program proposed by the Senator from New Jersey (Mr. WILLIAMS) comes to fruition, the need for professional personnel, research, instructional media and special projects, as contained in the measure I am introducing today, will be in greater demand to serve increase of children brought into our school systems.

Mr. President, I ask unanimous consent to have this bill, the Education of the Handicapped Amendments of 1973, printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education of the Handicapped Amendments of 1973."

BUREAU FOR THE EDUCATION AND TRAINING OF THE HANDICAPPED

SEC. 2(a) Section 603 of the Education of the Handicapped Act is amended by inserting "(a)" After "Sec. 603." and by adding at the end thereof the following new subsection:

"(b)(1) The bureau established under subsection (a) shall be headed by an Associate Commissioner of Education who shall be appointed by the Commissioner and who shall report directly to the Commissioner, be compensated at the rate specified for, and placed in, grade 17 of the General Schedule set forth in section 5332 of title 5, United States Code.

"(2) In addition to such Associate Commissioner, there shall be placed in such bureau four positions for persons to assist the Associate Commissioner in carrying out his duties, and such positions shall be placed in grade 16 of the General Schedule set forth in section 5332 of title 5, United States Code."

(b)(1) The positions created by subsection (b) of section 603 of the EHA shall be in addition to the number of positions placed in the appropriate grades under section 5108 of title 5, United States Code; and such positions shall be in addition to, and without prejudice against, the number of positions otherwise placed in the Office of Education under such section 5108 or under other law.

(2) The amendments made by subsection (a) shall become effective upon the enactment of this act.

GRANTS TO THE STATES

SEC. 3. (a) Subsection (b) of section 611 of the EHA is amended to read as follows:

"(b) For the purpose of making grants under this part, there are authorized to be appropriated $300,000,000 for the fiscal year ending June 30, 1974, $400,000,000 for the fiscal year ending June 30, 1975, and $500,000,000 for the fiscal year ending June 30, 1976."

(b) The amendment made by subsection (a) shall become effective, and shall be deemed to have been enacted on July 1, 1973.

CENTERS AND SERVICES

SEC. 4. (a) Section 626 of the EHA is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 626. For the purpose of carrying out this part, there are authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1974, $90,000,000 for the fiscal year ending June 30, 1975, and $110,000,000 for the fiscal year ending June 30, 1976."

(b) The amendment made by subsection (a) shall become effective, and shall be deemed to have been enacted on, July 1, 1973.

PERSONNEL TRAINING

SEC. 5. (a) Section 636 of the EHA is amended by striking out that part thereof which follows "this part", and inserting in lieu thereof "$103,000,000 for the fiscal year ending June 30, 1974, $110,000,000 for the fiscal year ending June 30, 1975, and $115,000,000 for the fiscal year ending June 30, 1976."

(b) The amendment made by subsection (a) shall become effective and shall be deemed to have been enacted July 1, 1973.

RESEARCH

SEC. 6. (a) Section 644 of the EHA is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 644. For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1974, $55,000,000 for the fiscal year ending June 30, 1975, and $60,000,000 for the fiscal year ending June 30, 1976."

(b) The amendment made by subsection (a) shall become effective, and shall be deemed to have been enacted on July 1, 1973.

INSTRUCTIONAL MEDIA

SEC. 7. (a) (1) That part of section 652(b) of the EHA which precedes clause (1) is amended by inserting "(either directly or by grants or contracts)" after "authorized".

(2) Section 654 of such act is amended by striking out "$20,000,000" and inserting in lieu thereof "$35,000,000".

(b) The amendments made by subsection (a) shall become effective, and shall be deemed to have been enacted on July 1, 1973.

SPECIFIC LEARNING DISABILITIES

SEC. 8. (a) Section 661(c) of the EHA is amended by striking out "$12,000,000" and all that follows down to but not including the period at the end of such section and inserting in lieu thereof the following: "$35,000,000 for the final year ending June 30, 1974, $40,000,000 for the fiscal year ending June 30, 1975, and $45,000,000 for the fiscal year ending June 30, 1976".

(b) The amendments made by subsection (a) shall become effective, and shall be deemed to have been enacted on, July 1, 1973.

By Mr. STEVENS:

S. 897. A bill to authorize the removal of debris and obsolete buildings in the Aleutian Islands, Alaska. Referred to the Committee on Armed Services.

Mr. STEVENS. Mr. President, I am today introducing a bill to authorize the Corps of Engineers to remove obsolete buildings and debris left in Alaska after World War II by the armed services.

These obsolete buildings and debris are located in the Aleutian Islands at four locations: Port Heiden, Cold Bay, Unalaska, and Fort Glenn. They are left over from World War II and large numbers of them are on public domain lands. At my request, the Department of the Interior and its Bureau of Land Management made an investigation of the magnitude of the problem and furnished me with a report.

PORT HEIDEN

Port Heiden is the name given to the old military installation and airfield located adjacent to a shallow bay of the same name. It is also the location of the White Alice communications—and former DEW line—site involving a civilian maintenance crew of from six to eight people. However, most of the 60 or so population resides at the nearby native village of Meshik. Because of its key location midway between King Salmon and Cold Bay, Port Heiden Airfield assumes some measure of importance as a transportation center. Reeve Aleutian Airways and Peninsula Airways both serve it and Reeve maintains an agent and hotel there.

The immediate area around the Port Heiden Airfield is quite heavily littered with old World War II remains. Most of these fall within the 4,058-acre Air Navigation Site withdrawal quitclaimed to the State of Alaska in 1966. There are some accumulations on the surrounding lands which reverted to the public domain in 1949. There are probably 30 to 50 buildings on public lands in the Port Heiden area.

COLD BAY

Cold Bay is not a village in the usual sense. Rather, it is a government and service community for a major but remote jet stop, and a transfer point for Reeve Aleutian Airways, the local airline. The FAA, Bureau of Sport Fisheries and Wildlife, Alaska Department of Fish and Game, the State Division of Aviation and the U.S.A.F.—remote station—are the Federal and State agencies with personnel at Cold Bay. Reeve Aleutian, and Flying Tiger Airlines, Standard Oil Co. of California, and a sea food processing company comprise the private sector. The nearest native village is King Cove, some 20 miles to the southeast. There was little on the site at Cold Bay before 1941 when military construction first began. Most of the large withdrawals in the area which were made for the Navy, Army and Air Force, were turned back to the public domain in 1954. The major airfield facilities remained withdrawn and were actually enlarged. In 1966, the airfield portion was quitclaimed to the State of Alaska, while the outlying navigation facilities remained under FAA withdrawal.

The State and the FAA airfield properties, comprising about 4,000 acres, have major concentrations of debris, although some material has been disposed of. The remaining areas which reverted to the public domain also contain major concentrations of debris. In 1960, the Izembek National Wildlife Refuge was created, but for the most part, the boundaries were drawn to exclude most of the heavily littered areas. According to a rough estimate from 1962 aerial photographs, there are probably about 300 assorted remnants of metal quonset huts, wood-frame messhalls, warehouses, and the like, on public domain lands in three main areas. In addition, there are probably about 75 on the Izembek Refuge, and another 150 to 200 on airfield property. At Cold Bay, the most numerous type of buildings are the metal quonsets which are also one of the more difficult to dispose of.

UNALASKA

Unalaska, the historic village crossroads of the Aleutians, is an incorporated, largely native town of about 250 persons. It is situated on the shore of Unalaska Bay, on a large island, 80 by 30 miles, also called Unalaska. Unalaska townsite is across a deepwater channel from Amaknak Island—the site of the Dutch Harbor Navy Base of World War II. Associated with the navy base and naval air station on Amaknak, was Fort Mears, an Army installation located on the main island around and behind the town of Unalaska.

Amaknak Island has an extremely heavy concentration of dilapidated buildings. Most of these are substantial wood-frame structures but they also include a massive reinforced concrete powerhouse, reinforced concrete hangars, bunkers, etc. These buildings were mostly built from 1940 to 1942. At the peak, there were 60,000 military personnel at Dutch Harbor and neighboring Fort Mears.

The Unalaska townsite—both the original townsite and addition No. 1—have a number of old military buildings, some crumbling and some rebuilt and lived in. The privately owned land extending 1½ miles easterly up the Unalaska Valley, behind the Unalaska townsite, has numerous derelict buildings including some substantial reinforced concrete warehouses. In the upper valley beyond, several hundred rusting quonset and wood frame warehouses, wood barracks, wood cabana huts in various stages of dilapidation extend over several square miles. Four miles easterly, from Unalaska City, the Summer Bay area contains the remains of the Fort Brumback coast artillery emplacements remaining as concrete circles in the ground. These emplacements are complete with the supporting quonset living quarters, messhalls, wood water tanks, and the like.

UMNAK ISLAND

Fort Glenn, Cape AFB on eastern Umnak Island about 70 miles west of Unalaska City, was the air base to complement the Dutch Harbor Naval Base. Umnak, while well-suited for an airfield, lacked a good harbor. The harbor function was fulfilled by Chernofski, across Umnak pass on western Unalaska Island. The Umnak base was restored to the public domain in 1952, and Chernofski in 1958.

Chernofski Harbor has a comparatively mild sprinkling of remains, probably numbering 50 to 75. Eastern Umnak has its major concentrations at the main airfield—Fort Glenn area. The majority of the remains are within the 7,550 acre FAA—now State of Alaska—airfield withdrawal. There are, however, very substantial numbers of old buildings on public domain lands around the edges of this withdrawal and in scattered outposts as far as Umnak's narrow waist to the south, and to Ashishik Point on the North. There are probably over 200 buildings on public domain lands and probably more on airport lands. Whereas the Unalaska Harbor area runs to wood frame and concrete, Umnak runs heavily to quonset and other metal huts.

The main concentration of buildings outside the Fort Glenn withdrawal is at the so-called north shore or Berry Field, this being the second, but smaller airport on the island. Additional buildings are found on the east end of Umnak Island, outside the Fort Glen reserve. A great many of the smaller buildings have been dug into the ground. Barbed wire is also found on parts of the island. Additionally, there is a Coast Guard loran station. This is a massive concrete structure.

SUMMARY

Mr. President, these military facilities and the State of Alaska served the Nation well during World War II. The time has long passed, however, when they should be removed and the Aleutian Islands returned to their natural beauty. These obsolete buildings and debris are a blight on the Islands. The Federal Government placed them there, and I believe it is only equitable that the Federal Government remove them. My bill provides for their removal by the Corps of Engineers, with appropriate measures to minimize environmental damage.

The Department of the Interior submitted to me a very rough estimate of the cost of cleaning up the public domain areas in the Aleutian Islands. I have also received cost estimates from the Army Corps of Engineers.

Although a complete and accurate breakdown estimate of these jobs is not yet available, I believe it will cost between $800,000 and $900,000 to complete the job. I would hope a more accurate estimate will be made when hearings are held on this bill.

Mr. President, I request unanimous consent that the bill itself be printed in the RECORD at this point and followed by an article entitled "The Rise and Fall and Rise of Adak" by Lael Morgan which appeared in the Sunday, December 10, 1972, Washington Post at page c2. This article fully describes the situation of the Aleutian Islands.

There being no objection, the bill and article were ordered to be printed in the RECORD, as follows:

S. 897

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, acting through the Chief of Engineers, is authorized to remove and dispose of debris and obsolete buildings remaining as a result of military construction in World War II in the vicinities of Port Heiden, Cold Bay, Unalaska, and Umnek Island, in the Aleutian Islands, Alaska. Such removal and disposal operations shall include appropriate measures to restore the areas involved to their natural condition.

SEC. 2. Appropriate non-federal interests shall provide necessary lands or interests therein and shall hold and save the United States free from damages due to the work authorized by this Act.

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out this Act, but the sums appropriated shall not exceed $900,000.

THE RISE AND FALL AND RISE OF ADAK

(By Lael Morgan)

It takes guts to serve your country
As a sailor or as a marine
But a man must be a hero
When he visits our latrine.

ADAK, ALASKA.—Such was the ode scrawled on an outhouse by one freezing member of the first battalion stationed at this island outpost during World War II. His sentiments were understandable. The weather here, even according to the conservative U.S. Coast and Geodetic Survey, is the worst in the world; the cold combines with winds that often reach velocities of more than 100 knots.

And if a visit to the latrine didn't get you, there was a decent chance that the sheer desolation would. It drove more than one man to desperation before he ever tasted battle. And it still does today.

"We still get some men, the young ones mostly, who crack up," says Navy nurse Nancy Thornton. "They get what they called 'the Adak stare' during World War II. Usually, we send them home. If they can't take Adak, they certainly wouldn't be able to take combat."

Although taking Adak is never likely to be easy, a number of efforts are under way to make it at least less miserable. The new efforts are due to the rise again of Adak as a military installation.

SHOOTING BALLOONS

Originally, the facility was built by the Army as a $37.6 million crash project after the Japanese invaded the western Aleutians in 1942. One of the strongest garrisons then in the North Pacific war, Adak was known as "the golden link" of the Aleutian chain, headquartering 96,000 men at the height of the conflict.

When the Japanese were driven from the Aleutians, troop strength dwindled to housekeeping status; those who remained sat out the rest of the war shooting occasional balloons rigged with time bombs that the Japanese lofted into prevailing winds. The base never suffered a direct hit, chiefly, it is said, because the weather was so bad the Japanese never saw it. "A clear day is when you can see 100 feet," remarks one Navy man.

After the war, Adak was not exactly considered the prize U.S. base. Command passed from the Army to the Air Force in 1948, and in 1950 the Air Force handed it over to the Navy; by 1962, the base's military and civilian personnel had shrunk to 1,500.

But last year new life was breathed in Adak. Under a belt-tightening drive, the Navy decided to concentrate its Alaska effort on a single base, and it chose Adak over Kodiak because the Aleutian outpost is farther west.

"It must be considered a strategically important base in any defense plan—strategic for anyone who holds it, us or the Soviet, says Capt. G. F. Thummel, who came from Kodiak to be Adak base commander last September. "It's a beautiful staging base to work from in any conventional warfare realm. As a strategic nuclear deterrent it probably doesn't have the importance of other bases or a missile site. But it's an excellent stepping stone."

Thummel is vague about what, exactly, the military houses on Adak. Some areas of the island are restricted, and neighboring Aleutian natives who stop at Adak enroute to their small settlements must have government clearance to land. The official reason given is a lack of lodging facilities for transients.

Because of the Navy's belt-tightening effort, then, a new Adak is rising amid the World War II relics.

"What we're doing is replacing the World War II facilities," says Capt. Thummel. "They have just about reached the end of the line. We still use some of the buildings, but each year they are more of a fire hazard and more expensive to maintain."

Recent additions include a modern dispensary, streamlined modular housing for military dependents, a 10-lane bowling alley and gym, and a petty officer's club. A domitory-style barracks to house 356 men shares a building with a modern post exchange, and plans are set for a new state-operated school to accommodate Adak's 860 children and 30 teachers. The base population is now about 5,000, including civilians, and modern housing will eventually be provided for everyone.

With minimum maintenance, Adak's World War II-vintage construction has weathered three decades remarkably well. The roof, main bearings and timbers of one of the original storage areas was recently discovered to be in excellent shape and incorporated into a construction warehouse at a cost of $500,000. Likewise, Adak's old Yakatat Hanger is being converted into a hobby shop at a cost of $720,000

THE LEAKY CHAPEL

But those who must deal with World War II relics on a make-do basis have increasing problems. The original base exchange, for example, must be caulked and plugged like an old scow. The 30-year-old docks, while still in use, need constant attention, and airport aprons just gave out.

Capt. Joe Mitchell, commanding officer of the 750-man Naval Communication Station on the island, arrived at the post last year to find that his men's barracks had all the charm of a subway station restroom and that the chapel leaked so badly the water had to be vacuumed out before each service.

Enlisting the base "self-help program," which runs on his men's off-duty hours, he set to refurbishing the entire facility. He has badgered Washington for funds, gleaned donations from wives' clubs and "liberated" most of the building materials from abandoned buildings and the redwood and cypress water tanks that litter the island. The results: wood paneling, wall to wall carpet, extended recreation facilities and a watertight chapel.

The island is also in the midst of a massive clean-up program. Derelict quonsets are being scrapped along with the rusty skeletons of oil drums and machinery. Dumping areas are being rehabilitated, and miles of old telephone lines reeled in. There is some debate, however, as to how far this program should go.

"You hear a lot of people say, 'Why don't you clean up this mess?' But I'm not sure that everything should be cleaned up," says Chief Warrant Officer H. C. Haggard, Adak conservation officer. "There's a lot of history here, a lot of suffering and bitter memories. I'm not sure it all should be cleared away.

"It's fantastic how they dug in. It took the first troops eight days traveling through the Aleutians by boat to get here back in 1942," Haggard recounts. "It was a long, rough trip and it became obvious, even to a nonmilitary mind, that there was little chance of retreat or reinforcements. When they landed they dug in for their lives . . ."

The old hospital was completely underground, and most of the watch stations by gun emplacements were subterranean. The quonsets were placed low in the valleys. Some were nearly buried, not only for protection from bombardment but from the Aleutian winds.

Touring the old entrenchments can be hazardous, for overgrown barbed wire and metal-spiked "anti-personnel" fences lie in wait for the unwary.

"We had a man who stepped on one and the spike fence post went through the sole, his foot and out the top of his boot," a Nurse nurse recalls. "But it seemed mild in comparison to the scare I had recently. I hiked through a lumpy field and turned over a sign which had blown into the center to discover I was in a live mine field." (It had been deactivated, according to the base commander.)

Despite 30 years of scavenging, many of the old encampments still have some of their original furnishings: flight-tracking charts, an occasional Betty Grable pin-up, mess hall warming trays, sinks. Inland, there's a building with a lookout tower disguised as a water tank, and a forest of radio antenna leaved with useless insulators and wires.

FEW SINGLE WOMEN

Years of peace have fostered the growth of wildlife, making Adak a superb preserve. Dozens of sea otters play fearlessly around the docks, swimming on their backs and carrying rocks on their chests to crack clams, or teaching their pups to hunt. Sea lions abound in a rookery on one of the more remote coasts and the eagle population, nurtured by easy access to the military dumping areas, is at a record.

In the absence of a full-scale war, the

Navy has used some of its time in tailoring a workable conservation program for the island. Working with state and federal fish and wild life agencies, base personnel are stocking many of the island lake with rainbow trout and may develop heretofore untapped resources into a salmon fishery.

There are also some highly personal conservation projects being carried out. Conservation officer Haggard is working on game count and research on bird migration. Joe Buckbee, wildlife agent at the Communication Station, doctors downed eagles that unsuccessfully tackle airplanes or pick the wrong snacks at the base dump. And Capt. Mitchell unofficially heads the island forestry department. Trees are not supposed to grow in the Aleutians, but some planted on Adak during the 1940s are still growing. Mitchell is trying to find out why, taking soil samples and trying out new species.

Despite all this, for many Adak still represents the desolation and deprivation of World War II. It is still classified by the military as an overseas assignment, and although there is now a swimming pool, a bowling alley, a movie theater, numerous clubs and shopping facilities, many men complain that there is nothing to do.

Mainly, there are practically no single women. Capt. Thummel has given his approval to the stationing of WAVEs as soon as barracks facilities can be built for them.

But this isn't too consoling to men stationed here now.

"That will be after I leave," complains an enlisted man. "And even if it wasn't, I probably never would get to meet one."

By Mr. HOLLINGS (for himself and Mr. Cranston):

S. 898. A bill to authorize insurance in connection with loans to finance the purchase of, and improvements to, lots on which to place mobile homes; and

S. 899. A bill to extend and amend laws relating to housing and urban development, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. HOLLINGS. Mr. President, one of the most serious domestic problems facing our Nation is the inadequate supply of housing. Production of low and moderately priced homes continues to fall far below national goals. The cost of building, owning, or renting adequate housing has risen sharply, so that what is now medium-priced housing is without financial access to nearly one-half of the families in this country.

Mr. President, for many moderate-income families, the mobile home is the only type of house they can reasonably afford to own, and the legislation I propose today would assist these families in obtaining adequate dwellings of this type. In the 91st Congress, I introduced a bill which permitted the Federal Housing Administration to insure loans financing the purchase of mobile homes to be used by the purchaser as his principal residence. This bill, a part of Public Law 91-152, has provided a low-cost avenue for thousands of citizens in obtaining adequate housing. Also, during that Congress, Public Law 91-506 was enacted, permitting eligible veterans to receive guaranteed loans for mobile homes as well as individual mobile home lots. Today I am reintroducing two bills I sponsored during the 92d Congress, which round out the availability of Federal programs for mobile homes under all types of Government housing programs.

First, under the existing Federal Housing Administration program, mobile home parks and the individual mobile homes are provided for, but the program does not include the combination of a mobile home and an individual lot. My legislation would permit a purchaser to receive FHA assistance for both his mobile home and his lot.

Further, my legislation would amend title V of the Housing Act to permit the Farmers Home Administration to participate in the mobile home loan program. The constituency of the Farmers Home Administration includes the economic income bracket which would most benefit from low-cost housing. Seventy-five percent of the mobile homes delivered in 1971 were in States that contained 72 percent of the national rural population, and 84 percent of our farm population. Further, 34 percent of existing housing units in that same group of States are deteriorated, dilapidated, or lacking in adequate plumbing facilities. It would seem clear that this source of housing would be most beneficial in the rural areas where the lack of housing is most severe.

These bills were included as parts of the omnibus housing bill of 1972, which passed the Senate, but unfortunately, this bill died in the House. Due to the impact of inflation, high interest rates, and tight money, American families with middle and low incomes are effectively barred from seeking new and improved housing. These families include returning veterans, young marrieds, and retirees. A survey done by the U.S. Department of Housing and Urban Development indicates that three-fourths of these households have children under 6 years of age; the husband is under 35 and has completed at least 3 years of high school education; and the family income, primarily from wages, is about $6,700 per annum. It is clear that the mobile home offers these families a source of housing not otherwise available. The availability of mobile homes contribute significantly to the housing supply outside the central city and small community. According to the 21st annual mobile home financing survey, the mobile home in America today, provides permanent housing for over 7 million Americans. In addition, in 1971, the mobile home industry produced 43 percent of single family dwellings in the United States. By the assistance of this legislation, we can extend the advantage to many more people.

Mr. President, I sincerely feel that, although mobile homes are not the whole answer to fulfilling our housing commitments, they do provide an adequate measure in easing the housing crisis in our Nation.

Mr. President, I ask unanimous consent that these bills be printed in the Record at this point and I ask unanimous consent that the Senator from California (Mr. Cranston) be added as a cosponsor to these bills.

There being no objection, the bills were ordered to be printed in the Record, as follows:

S. 898

A bill to authorize insurance in connection with loans to finance the purchase of, and improvements to, lots on which to place mobile homes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(a) of the National Housing Act is amended by inserting immediately before the last sentence a new sentence as follows: "A loan for the purchase of a mobile home may include an amount to finance the acquisition of a lot on which to place such home and to pay expenses reasonably necessary for the appropriate preparation of such lot, including but not limited to, the installation of utility connections, sanitary facilities and paving, and the construction of a suitable pad."

(b) Subsection (b) of section 2 of such Act is amended by striking out all that precedes the second proviso and inserting in lieu thereof the following:

"(b) Insurance may be granted under this section to any approved financial institution with respect to any obligation representing a loan, advance of credit, or purchase by it for a purpose described in subsection (a), subject to the following limitations with respect to amounts and maturities:

"(1) Except in the case of an obligation financing the purchase of a mobile home, the principal amount of the obligation shall not exceed $5,000, and the maturity of the obligation shall not exceed three years and thirty-two days (seven years and thirty-two days in any case where the Secretary determines that an extension in such period is in the public interest after giving consideration to the general effect of the extension upon borrowers, the building industry, and the general economy): *Provided,* That the foregoing limitations on the maturity of any such obligation shall not apply if the loan, advance of credit, or purchase is for the purpose of financing the construction of a new structure for use in whole or in part for agricultural purposes.

"(2) (A) In the case of an obligation financing the purchase of a mobile home only, the principal amount of the obligation shall not exceed (i) $10,000 ($15,000 in the case of a mobile home composed of two or more modules), and (ii) such additional amount as the Secretary shall by regulation prescribe as appropriate to cover the cost of necessary site preparation for the lot on which the home is to be placed. The maximum maturity of any such obligation shall not exceed twelve years and thirty-two days (fifteen years and thirty-two days in the case of a mobile home composed of two or more modules).

"(B) In the case of an obligation financing the purchase of a mobile home and an undeveloped lot on which to place the home, the principal amount of the obligation shall not exceed (i) the maximum amount under subparagraph (A), and (ii) such amount not to exceed $5,000 as may be necessary to cover the cost of purchasing the lot. The maximum maturity of any such obligation shall not exceed fifteen years and thirty-two days.

"(C) In the case of an obligation financing the purchase of a mobile home and a suitably developed lot on which to place the home, the principal amount of the obligation shall not exceed (i) the maximum amount under subparagraph (A) (i), and (ii) such amount not to exceed $7,500 as may be necessary to cover the cost of purchasing the lot. The maximum maturity of any such obligation shall not exceed fifteen years and thirty-two days.

In addition to the limitations set forth in paragraphs (1) and (2), no insurance shall be granted under this section to any such institution with respect to any such obligation unless the obligation bears such interest and contains such other terms, conditions, and restrictions as the Secretary shall prescribe in order to make credit available for the purposes of this section:".

S. 899

A bill to extend and amend laws relating to housing and urban development, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title V of the Housing Act of 1949 is amended by adding at the end thereof a new section as follows:

"MOBILE HOMES

"SEC. 525. (a) As used in this title, the term 'housing' shall, notwithstanding any other provision of this title and to the extent deemed practicable by the Secretary, include mobile homes.

"(b) With respect to mobile homes financed under this title, the Secretary shall—

"(1) prescribe minimum property standards to assure the livability and durability of the mobile home and the suitability of the site on which it is to be located, and

"(2) obtain assurances from the borrower that the mobile home will be placed on a site which complies with standards prescribed by the Secretary and with applicable local requirements.

Loans under this title for the purchase of mobile homes shall be on the same terms and conditions as are applicable under section 2 of the National Housing Act to obligations financing the purchase of mobile homes."

By Mr. STEVENS (for himself and Mr. MAGNUSON):

S. 902. A bill to amend section 607(k) (8) of the Merchant Marine Act, 1936, as amended. Referred to the Committee on Commerce.

Mr. STEVENS. Mr. President, today I introduce on behalf of myself and the Senator from Washington (Mr. MAGNUSON) a bill amending portions of the Merchant Marine Act of 1970.

The purpose of the bill is to clarify an ambiguity which could have the unfortunate effect of denying the citizens of Alaska the full benefit of certain provisions of the Merchant Marine Act of 1970. As Senators will recall, in the 91st Congress we enacted a historic new maritime program to revitalize our merchant marine. The Merchant Marine Act of 1970, amended the Merchant Marine Act of 1936, to, among other things, extend the coverage of certain tax deferral privileges previously available only to one small segment of our fleet.

The act also recognized the unique dependence of the citizens of Alaska, Hawaii, Puerto Rico and the noncontiguous territories and possessions on marine transport, and provided tax incentives decreasing the cost of building vessels for these trades, and thus the cost of marine transportation.

This provision was intended to provide long overdue relief to the people of our noncontiguous States and territories. Unfortunately, the definition of "noncontiguous trade" in section 607(k) (8) is ambiguous with respect to whether incidental intrastate carriage between ports in Alaska would qualify for this benefit, even though it clearly provides that similar carriage between the Islands of Hawaii does. Also, the privileges apply to similar carriage on the Great Lakes. Given the clear public policy of these provisions of the act, it seems to me that incidental intrastate carriage between ports in Alaska could be permitted by administrative interpretation. However, there has been an understandable reluctance to so interpret the literal words of section 607(k) (8), even though such an interpretation would be clearly consistent with the objectives of the act. Consequently, I am introducing this legislation to remedy the situation.

The bill would amend the Merchant Marine Act of 1936, to clarify the meaning of the term "noncontiguous trade," in section 607(k) (8), so that trade between points wholly within an offshore State or possession can qualify as a permissible trade in which to operate vessels which are built with capital construction funds. Enactment of this bill will enable offshore operators of vessels built with such funds to deploy these vessels in the most efficient manner without contravening the act.

Section 607(a) of the Merchant Marine Act of 1936, as amended by the Merchant Marine Act of 1970, allows a shipping company to establish a capital construction fund consisting primarily of tax-deferred earnings for the purpose of constructing or reconstructing "qualified vessels." In order to be considered "qualified," a vessel must be operated in the U.S. foreign, Great Lakes, or noncontiguous domestic trade or in the fisheries of the United States (sec. 607(k) (2)). If a vessel built or purchased with capital construction funds is operated outside one of the enumerated trades, substantial penalties would ensue.

"Noncontiguous trade" is presently defined in section 607(k) (8) to mean:

> (i) trade between the contiguous forty-eight States on the one hand and Alaska, Hawaii, Puerto Rico and the insular territories and possessions of the United States on the other hand, and (ii) trade between Alaska, Hawaii, and Puerto Rico and such territories and possessions and (iii) trade between the islands of Hawaii."

As now structured, this definition of "noncontiguous trade" is susceptible to uncertainty regarding the status of ocean shipping wholly within Alaska, Puerto Rico, or the insular territories and possessions of the United States.

Although trade between the islands of Hawaii is clearly noncontiguous (clause (iii) of section 607(k) (8)), it is not altogether clear that trade between points in Alaska, for instance, can similarly be regarded as "noncontiguous trade" as that term is presently defined. Alaska's reliance on water transportation and its need to obtain such transportation as economically as possible dictates that section 607(k) (8) be amended to explicitly include intra-Alaska trade within the meaning of "noncontiguous trade."

For example, a few carriers—mostly tug and barge operators—serve the offshore domestic trade between the contiguous 48 States and Alaska. In the course of a voyage between Seattle and Alaska, cargo may be carried to a number of Alaskan ports. In serving these ports, incidental cargoes may also be carried from one Alaskan port to another Alaskan port. From the carrier's point of view, the carriage of these incidental intrastate cargoes represents the most efficient use of its equipment. Although these cargoes are minor in volume compared to the major interstate trade, they are also very important to Alaska shippers since there is no regularly privately owned service operating only between ports in Alaska. The interstate movement is clearly within the scope of section 607(k) (8), but the incidental intrastate movement is arguably outside the definition of "noncontiguous trade."

If this intrastate movement is not considered "noncontiguous trade," a carrier could not in good faith contract with the Secretary of Commerce for the construction of vessels which would be regularly used in such a trade, albeit incidentally. If Alaskan operators, for example, were forced to abandon incidental intrastate carriage in order to benefit from the capital construction fund program, the intrastate shippers dependent on water transportation would obviously be injured; and since there would be an irreplaceable loss of freight from this movement, the interstate shipper might have to pay increased rates in order to offset the loss of intrastate revenue. The proposed amendment would relieve the carrier from having to choose between the benefits of the act and the efficient use of its equipment.

Another compelling reason for specifically including intra-Alaska—also intra-Puerto Rico, intra-Guam, and so forth—trade within the scope of the act arises from Congress inclusion of interisland Hawaiian trade—wholly intrastate—in the definition of "noncontiguous trade." It was apparently recognized that Hawaii's dependence on ocean shipping, even for intrastate movement, dictated that Hawaiian carriers, shippers, and consumers should benefit from the construction of water transport equipment with capital construction funds.

The conditions which impelled Congress to extend the benefits of the act to the interisland Hawaiian trade are equally present in the case of Alaska and the insular territories. For instance, there are 6,640 miles of general coastline in Alaska and 33,904 miles of coastline if all of its islands are included. There are more islands in Alaska than in any other State. Alaska and the insular territories are just as heavily dependent on water transportation as is Hawaii.

The legislative history of the Merchant Marine Act of 1970 sheds no light on the omission of the intra-Alaska trade as opposed to the inclusion of the interisland Hawaiian trade. The failure to include Alaska and the other offshore territories and possessions may well have been a legislative oversight which should be corrected by the adoption of the proposed amendment. This amendment would assure Alaskan citizens the same treatment that the act confers upon Hawaiian citizens. The benefits of the act, in terms of better, more efficient, and more modern water transportation service in intra-state trade should accrue not only to Hawaii but to Alaska as well. At the same time, Puerto Rico and the other insular territories and possessions of the United States should be accorded the same treatment.

A third and equally important reason is to encourage the growth of the boat building industry in Alaska. With its wealth of natural materials, particularly timber, so close to so many potential customers. Alaska is a State particularly advantageously situated for the development of a boat building industry. The largest accessible stands of good lumber are in southeastern Alaska, close to many potential customers. This bill will incidentally encourage the growth of the shipbuilding industry in Alaska. Of course, it will also encourage the domestic Alaska shipping industry which is, as I have indicated, still, like Alaska shipyards, relatively small and in need of assistance.

The proposed legislation accomplishes the objectives set forth above. In addition, the wording of the bill also encompasses the meaning of original clause (ii) to section 607(k)(8): "trade between Alaska, Hawaii, and Puerto Rico and such territories and possessions."

I ask unanimous consent that the bill be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 607(k)(8) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1177(k)(8), is amended by striking that entire portion of section 607(k)(8) which follows the lower case roman numeral "(ii)", and inserting in lieu thereof, "trade from any point in Alaska, Hawaii, and Puerto Rico, and such territories and possessions to any other point in Alaska, Hawaii, Puerto Rico, and such territories and possessions."

By Mr. STEVENS (for himself, Mr. FONG, Mr. GRAVEL, and Mr. INOUYE):

S. 903. A bill to provide for the addition of the names of the States of Alaska and Hawaii to the list of the 48 States inscribed upon the walls of the Lincoln National Memorial. Referred to the Committee on Interior and Insular Affairs.

Mr. STEVENS. Mr. President, as one of those deeply involved and deeply committed to the cause of statehood for Alaska and Hawaii. I remember with pride the moment when Alaska became the 49th State in our Union. I remember the feeling of tears welling up in my eyes as our flag was raised over Fort McHenry on July 4, 1959, and included in that flag was the 49th star representing my State.

As Alaska entered into statehood, Alaskans assumed the burdens and duties of citizenship along with its advantages. Alaskans are proud to be full citizens of the United States and proud of the heritage this country affords.

Part of that heritage is the dignity, courage, and grace of Abraham Lincoln. More than any other man, he was responsible for the preservation and perpetuation of the Union of our States. The names of the 36 States which were in the Union at the time of Lincoln's death are carved on lintels in the memorial which bears his name. Above them are inscribed the names of 48 States of our Union. Missing are the names of the States of Alaska and Hawaii.

Accordingly, I am introducing today a bill for myself, Mr. GRAVEL, Mr. FONG, and Mr. INOUYE which authorizes and directs the Secretary of the Interior to take such action as may be necessary to inscribe on the Lincoln Memorial, at an approximate place and in a manner and style consistent with the existing inscriptions of the names of the other 48 States, the names of the 49th and 50th States, Alaska and Hawaii.

I ask unanimous consent that the bill be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of adding the names of the States of Alaska and Hawaii to the existing list of names of the forty-eight States inscribed on the walls of the Lincoln National Memorial, the Secretary of the Interior is authorized and directed to take such action as may be necessary to inscribe on the walls of such memorial, at an appropriate place and in a manner and style consistent with the existing inscriptions of the names of the forty-eight States, the names of the States of Alaska and Hawaii.

By Mr. WILLIAMS:

S. 904. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients. Referred to the Committee on Labor and Public Welfare.

TRUTH IN LABELING ACT

Mr. WILLIAMS. Mr. President, today I am introducing a bill that would amend the Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients, in order of predominance.

This legislation is necessary in order to put an end to the misleading, inadequate, and incomplete practice used in informing the public of what actually and totally is in the product they are consuming.

Under present law, only those ingredients that the FDA requires to be listed are printed on the labels. It was the intent of Congress in authorizing the establishing of the standard of identity for ingredient listing to inform and protect the American consumers. However, the standard of identity has not been totally effective and has only insured that certain manufactured food products be substantially the same regardless of manufacturer; in other words, all peanut butter must contain the same basic ingredients.

However, this existing FDA provision does not go far enough in fully informing and protecting the consumer. Serious concern should be given to the many Americans who are limited in their food consumption for various reasons—health problems, religious beliefs, and specific dietary practices. For example, a person who has a heart condition and who is restricted in his cholesterol intake may be unaware that egg yolks—cited as the single highest source of cholesterol—are found in mayonnaise. A person of the Mormon faith who observes religious laws which prohibit the consumption of caffeine, may not know that that ingredient is in cola. Many people of the Jewish faith observe religious dietary laws and would be better able to avoid eating those food substances that are prohibited by making a more informed decision on the product they buy. This would be possible through adequate and total listing of food ingredients.

In addition to those persons who are restricted from certain substance intake, the average consumer is deserving of complete and uniform labeling so that he may become, if not already, more nutritionally educated and concerned.

It is interesting to note that pet food is qualitatively and quantitatively better labeled than food intended for human consumption.

Besides the incomplete listing of ingredients which is commonly practiced by manufacturers, misleading labeling is also harmful to the consumer. For instance, in a petition prepared by an active food labeling advocate organization, Label, Inc., of Washington, D.C., to be presented to the FDA, it was determined that some major cola manufacturers list only a few ingredients on their labels. The average consumer would interpret those labels as a complete listing, unaware that the major ingredients are not on the label. The label on chili con carne indicates that this product must contain 40 percent meat, but does not specify when the meat is head, cheek, or heart meat.

Labels also do not provide names of ingredients used to produce a certain effect in a product, as, for example, the names of thickening or stabilizing agents used in ice cream to prevent ice crystals or retard melting.

However, the petition presented by Label, Inc., was denied by the FDA in March 1972, stating that the agency did not have the statutory authority to require the extensive labeling requested within the petition.

The FDA has most recently ordered new labeling regulations that would require the disclosure of nutrient and vitamin-mineral labeling and would provide for the identification of fats and cholesterol content. This new program, however, is only a beginning. The identification of nutrients and essential vitamins and minerals will serve to provide better nutritional information to the consumer, but this form of labeling still does not protect the public from the continued practice of misleading and incomplete labeling.

I wish to quote from an editorial that appeared in the Washington Post on January 23, 1973, in referring to the new FDA regulation:

> For now, consumers can be grateful the F.D.A. has at least taken this first step. The agency's past record of frequent indifference to consumer problems is well known. If anything, the new labeling suggests that the F.D.A. now knows that parts of the public are demanding more knowl-

> edge about food. This should have been the transaction all along: paying your money and knowing exactly what was put into the food product. Somehow, concealing the facts from the public has been going on so long that now, when nutritional labeling comes along, it looks revolutionary. It isn't. It is only a long-needed move toward fairness in the marketplace.

Mr. President, the original intent of Congress in enacting the Food, Drug, and Cosmetic Act, and the creation of the standard of identity for foods was to insure the quality and uniformity of food products but not to deny the consumer the knowledge of ingredients and thus the right to make an educated choice.

The FDA regulations have, within the standard of identity, established four categories for classifying and identifying food products. However, these categories are vague and complex and have not led to improved and informative labeling for consumers. Rather, they have served to further confuse the public and, in turn, hide the actual and complete content of the product.

At this time I ask unanimous consent to have printed in the RECORD a description of these complex categories, as demonstrated within the Label, Inc., petition:

There being no objection, the description was ordered to be printed in the RECORD, as follows:

> 1. Mandatory ingredients, or ingredients that are listed in the Standard of Identity which must be contained in the product. They do not have to be labeled.
>
> 2. Permissible mandatory, or ingredients which are listed by group in the mandatory category within the Standard of Identity, with at least one of the ingredients within the group in the product. This means that of all those ingredients listed as mandatory in the Standard of Identity only some of them are actually contained within the product. If they are contained within the product under this group, they do not have to be labeled.
>
> 3. Labeled optionals, or ingredients which are listed in the Standard of Identity as "optional ingredients", implying that they do not have to be in the product. Of these, there are those that must be labeled, as ordered by the Secretary of H.E.W. if they are contained in the product.
>
> 4. Unlabeled optionals, or ingredients listed as optional ingredients in the Standard of Identity, which do not have to be labeled if they are included in the product because the Secretary has not so designated.

Mr. WILLIAMS. Mr. President, I believe it is obvious that this standardized procedure for labeling of food ingredients would not be easily understood by the general public, and does not, therefore, promote fair and honest dealing in the interest of the consumer, as was intended by Congress.

In the final report of the White House Conference on Food, Nutrition and Health, in 1970, it was concluded:

> As a result of the maze of present laws and regulations governing food labeling, consumers are presented with confusing or incomplete information about the products they purchase. The label of an unstandardized food, must bear a full statement of ingredients whereas the label of a standardized food need not disclose the mandatory ingredients. Nutritional information may be required on the label of a special dietary food, but not on a general purpose food.
>
> Consumers have requested and are entitled to more meaningful and useful information than is now provided them about food. Such reforms as required statement of properties, a declaration about the amount of any characterizing ingredient, and simplification of ingredient designation, will help the consumer understand the product more fully and help him to make more intelligent purchasing decisions.

The bill I am introducing today attempts to rationalize the present, inadequate system. My bill would, in summary, require the FDA to call for the complete ingredient labeling of all manufactured foods which presently go unlabeled as to ingredients. It would also cover those that are partially, and thus, deceptively, labeled. Further, the absence of a complete ingredient disclosure on any particular food product will cause the product to be deemed misbranded. When misbranding is cited, my bill would give the FDA the needed power to enforce full ingredient disclosure or pull the product off the market.

Mr. President, I, too, believe that the American consumer is entitled to more meaningful and useful information on the contents of food products than is presently available. The protection of the health and welfare of every American citizen should be of national concern. Therefore, I ask my colleagues in the Senate to join me in support and cosponsorship of this important legislation.

By Mr. STEVENSON (for himself and Mr. ERVIN):

S. 905. A bill to provide for the reform of congressional procedure with respect to budgetary review, and for other purposes. Referred to the Committee on Government Operations.

CONGRESSIONAL BUDGETARY REVIEW REFORM ACT

Mr. STEVENSON. Mr. President, I am today introducing legislation designed to assure that Congress will review the budget and set priorities in a fiscally responsible manner. The legislation establishes a system for congressional appropriations process through which Congress can rationally determine fiscal priorities, and prohibits the President from irresponsibly impounding funds appropriated by Conugress through this new mechanism.

The need for congressional action to bring about fiscal responsibility and reordered priorities has never geen greater. Fiscal responsibility will be required if we are to avoid the threat of a new round of inflation. Reordered priorities are necessary if we are to meet our pressing public needs while still keping Government spending under control. And congressional action appears mandatory if we are to preserve the constitutional separation of powers and checks and balances which the Founding Fathers rightly deemed indispensable to a viable democractic form of government.

In the last session the President proposed that the Congress establish a ceiling on spending and then delegate to him its constitutional responsibility to determine how Federal funds would be allocated within that ceiling. The Congress came perilously close to giving up its fundamental power of the purse.

It would be better if Congress preserved its power and exercised it well.

In broad terms, under my proposal, Congress would be required to set an absolute ceiling on spending—budget outlays—at the beginning of each year. That ceiling would be based on the President's budget, the condition of the economy and projected revenues. Congress would then be prohibited from passing any measures which breached the ceiling. Since there would be an absolute ceiling on the amount of Federal outlays, it would not be possible to provide funds without regard to overall fiscal impact.

Each appropriations committee would be required to report out only one appropriations bill containing all appropriations. The bill would not only specify the amount to be appropriated, but the permissible outlay during the fiscal year for each activity. The present procedure of reporting out and considering individually more than 10 separate appropriations bills makes it difficult for Congress to rationally set priorities. Under the procedure which I proposed, Congress would be compelled to weigh the cost and benefits of one program against those of another.

The omnibus appropriations bill could be amended on the floor of the House or Senate, but any amendment which increased appropriations for one Federal program would have to provide for cuts in other programs at least equal to the increase. The proposal includes provisions to insure enough flexibility to take account of unforeseen emergencies and sudden changes in the economy.

The President would be prohibited from impounding funds for any other than technical fiscal management reasons. Under no circumstances could he impound funds if it meant that, as a result of the impoundment, the activities for which appropriations had been granted would not be fully carried out.

In short, the bill would establish a firm and carefully calculated ceiling on spending. It would then establish a process by which the Congress could rationally determine the Nation's fiscal priorities within that ceiling. And it would prohibit Presidential frustration of responsible congressional action.

I do not claim that this is a perfect bill, or the only possible means of reforming the congressional budgetary process. It is, at least, a good beginning. If enacted, I believe it would go a long way toward claiming for the Congress its rightful powers and assuring that they are exercised well.

Let me now explain this proposal in greater detail.

Prior to receipt of the President's budget, the Joint Committee on Internal Revenue Taxation—a joint committee consisting of members of the Senate Finance and House Ways and Means Committees—would hold hearings and make estimates of tax revenues available for the coming fiscal year. The estimates would be based on the best available economic projections and advice.

Then, no later than 10 days after receiving the President's budget, the Joint Economic Committee would hold hearings on the President's budget, and using the revenue projections prepared by the Joint Committee on Internal Revenue Taxation, make recommendations concerning the Federal budget surplus or deficit, if any, appropriate for economic growth and stability.

No later than 10 days after receiving the recommendations of the Joint Economic Committee, the Appropriations Committee on each House would consider the JEC's recommendations, hold hearings and report out a bill establishing the total permissible outlays for the Federal Government during the next fiscal year.

The setting of the outlay ceiling would represent an act of great importance for the economy and a significant assumption of responsibility by Congress. At the present time, Congress considers the macroeconomic impact of the Federal budget only through nonlegislative hearings of the Joint Economic Committee.

Clearly, the committee responsible for considering and reporting out an outlay ceiling will assume a vitally important function. Many have suggested a joint committee consisting of selected members of the Appropriations Committees, Ways and Means, and Finance. I have rejected this proposal for two reasons. First, such a mechanism was attempted during the abortive legislative budget effort in 1948 and found unwieldy and unworkable. Second, I do not believe Congress should delegate such an important function of all members to a body which would essentially be a committee of only the most senior members of the most powerful committees.

It would be more reasonable and consistent with present, workable congressional procedures to consider an outlay ceiling through the present Appropriations Committees which, after all, are the committees charged with providing the budget authority which results in outlays. The membership of these committees has become increasingly well balanced in terms of seniority, regional representation and philosophy.

Under this proposal procedures are set forth to prevent delay in the Appropriations Committee and extended consideration on the floor. In each House, floor debate, including amendments, is allowed for 5 calendar days during which that House is in session. If Congress has not enacted a spending ceiling within 45 days of receiving the President's budget message, the sum total of budget outlays set forth in the President's budget would become the legally binding spending ceiling.

The legislation specifies that the ceiling be on total outlays with no exceptions. It would require that all legislation considered by Congress contain estimates of projected outlays during the current and four succeeding fiscal years. The rules of Congress would be changed to specifically prohibit each House from passing legislation which would result in exceeding the outlay ceiling. However, to maintain needed flexibility a mechanism would be set up to allow for periodic congressional reexamination and, if necessary, revision of the outlay ceiling. I will describe this mechanism later.

Setting the outlay ceiling insures that spending will be kept under control. But it does not necessarily mean that Federal funds will be spent wisely. To do that, the present process by which Congress attempts to set priorities must be restructured.

At present, Congress faces at least two severe problems in its efforts to rationally set priorities. First, the Appropriations Committee in each House currently reports out 10 or more appropriations bills, at least one from each Appropriations Subcommittee. Each of these bills is considered separately in committee and separately on the floor of Congress. This process makes it difficult to rationally set priorities.

Since the very essence of setting priorities is to compare the benefits of an extra dollar spent for purpose A with spending that dollar for purpose B it is impossible to make this decision rationally if program A and program B are not considered together and at the same time. Instead, the tendency is to spend more money for each worthy program to come along. The tendency should be to weigh the cost and benefits of one program against those of another. This proposal would allow such comparisons to be made by requiring that all appropriations be considered in a single appropriations bill—an omnibus appropriations bill.

Second, the Appropriations Committee now can exert control over less than one-third of budget outlays in any one fiscal year. This is because the appropriation process does not directly affect budget outlays. Instead, it controls budget or obligational authority, and only one type of budget authority at that.

Budget authority provides the authority for the executive branch to enter into legal obligations. There are three kinds of budget authority: appropriations, contract authority, and authority to spend debt receipts. The Appropriations Committee does not control contract authority which accounts for a substantial amount of budget authority. Programs such as mass transit capital grants, water pollution control, and the highway trust fund bypass the Appropriations Committee through contract authority.

My proposal addresses this problem by requiring that all new budget authority excepting those for activities with permanent appropriations such as social security, unemployment insurance, payment of interest on the national debt, etc. be made available only through appropriations bills. It also specifies that the appropriations bill shall specify the amount of existing unobligated contract authority—contract authority—already provided but which the executive branch has not yet obligated—which may be obligated during the fiscal year. The same provision would apply with respect to unobligated budget authority already available through the State and local financial assistance trust fund—general revenue sharing.

Of greater importance, however, the present appropriations process deals only with budget authority rather than with budget outlays. Budget outlays remain the most important measure for any fiscal year in terms of impact on the economy, since outlays represent the actual amount of Federal dollars disbursed from the Treasury into the economy that year. Budget outlays, of course, result from obligations of budget authority—including appropriations—but the actual expenditure may not come until several years hence.

My bill would strike directly at the heart of this problem by requiring the appropriations bill to specify the amount of outlays each year for each Federal program and activity. The amount of outlays for many programs and activities will remain uncontrollable because legal obligations already entered into must be honored as will legal entitlements that have been created. Thus Congress can properly do no more than project estimates of outlays for the fiscal year which will be necessary for social security, unemployment insurance, civil service retirement and other such programs. These estimates will, of course, be subject to later revision. But in many other cases Congress will achieve effective control of program outlays.

With the above reforms Congress as an institution will be on the same footing as the President and his Office of Management and Budget in their consideration of the budget.

The Appropriations Committee will report out only one appropriations bill, and that bill would specify the amount of outlays for each Federal program and activity during the next fiscal year. The total of these outlays must match the total set forth in the spending ceiling set previously.

The Appropriations Committee would follow any procedure it wished, although two possibilities seem most obvious. It could begin its deliberations, after initial full committee hearings, by assigning a target outlay level to each of its subcommittees, which, after their own hearings, would allocate that outlay target among the various programs and activities under the subcommittee purview. Or it could let the subcommittees submit their proposals first, without reference to an outlay target and then, when all subcommittee proposals are submitted, let the full committee determine which subcommittee proposals to cut or add to in order to equal the outlay ceiling. In either case, the full committee could report only one bill to the floor. The bill could be in any form. Each subcommittee allocation might constitute a separate title. It must also contain, as part of total outlays, a contingency allowance for unforeseen outlays. These funds would be available pursuant to future appropriations by Congress specifying the programs and activities for which they could be spent.

The bill would have to be reported out of the House Appropriations Committee by May 15 and out of the Senate Appropriations Committee within 15 days after it had passed the House, though it is to be assumed that the Senate committee consideration of appropriations would begin far before formal receipt of the House bill, as is presently the case. If portions of the bill were not ready at the appointed times, those programs and activities for which specific appropriations and outlays were not included would be reported out with outlays at the same level as the previous fiscal year. This device would provide a strong incentive for appropriations subcommittees to be ready with their portions by the time the bill must be reported out.

The reported bill would contain outlays at the same level as provided for in the outlay ceiling. Floor amendments to the omnibus appropriations bill would have to be "strike out and insert" and the amount inserted could not be greater than the amount struck out. Such an amendment could either specify the activities and programs and the amounts for and by which outlays would be reduced, or it could mandate the Appropriations Committee to recommend the appropriate places for cuts subject to floor amendment and approval.

As I have already observed, it is necessary to build a degree of flexibility into the spending ceiling and priority setting process. The state of the economy may change, emergencies may occur, or projections of outlays for uncontrollable expenditures—such as social security or unemployment insurance—may prove inaccurate. At any time after signing of the omnibus appropriations legislation, the President could submit a request to Congress for a change in the outlay ceiling. The President would specify the activities for which outlays would be increased or decreased to correspond with the change in the outlay ceiling, and he would have to state his reasons for both the change in the ceiling and the changes in specific outlays. The President could also recommend that outlays for specific activities be changed while keeping the total spending ceiling constant. Congress itself could, of course, initiate such changes in the ceiling or in specific outlays without a Presidential recommendation.

Congress could disapprove the President's request completely or it could amend his proposals. However, if Congress did not act upon the President's request within 30 days, it would automatically become law. Provisions would be made for expedited consideration of the President's request through a mechanism similar to that provided for in considering executive reorganization proposals.

If this legislation is enacted, Congress will have institutionalized a means of considering the budget in a fiscally responsible manner. The President will no longer be able to contend that he must impound funds, regardless of the legality of such an act, in order to assure economic stability. The bill would prohibit the President from reserving—impounding—funds except for technical reasons as provided for in the Anti-Deficiency Act. Under no circumstances could funds be reserved if it would result in impairing the efficient operation of the activity for which obligational authority had been provided or if it would result in not fully carrying out that activity.

Mr. President, I ask unanimous consent that a short summary of the bill, and the bill itself, be printed in the RECORD at this point.

There being no objection, the summary and bill were ordered to be printed in the RECORD, as follows:

PROPOSAL BY SENATOR STEVENSON TO REFORM THE CONGRESSIONAL BUDGET REVIEW PROCESS

(1) Prior to receipt of the President's budget, the Joint Committee on Internal Revenue Taxation shall make estimates of tax revenues (and other sources of revenue) based on the best available economic projections. These estimates shall be adjusted from time to time, as may be appropriate.

(2) No later than 10 days after receipt of the President's budget, the Joint Economic Committee shall hold hearings on the President's budget and, using the revenue projections prepared by the Joint Committee on Internal Revenue Taxation make recommendations concerning the federal budget surplus or deficit, if any, appropriate for economic growth and stability.

(3) After receiving the recommendations of the Joint Economic Committee, the Appropriations Committee in each House, giving due regard to the recommendations of the Joint Economic Committee, shall report out a spending [outlay] ceiling.

(4) Congress shall be required to set a ceiling on total spending (with no exceptions), no later than 30 days after receiving the President's budget message for the coming fiscal year.

(5) If Congress has not enacted a spending ceiling within 45 days of receiving the President's budget message, the sum total of budget outlays set forth in the President's budget shall become the legally binding spending ceiling.

(6) The rules of both Houses would be changed so that, to the extent practicable, all legislation considered shall contain estimates of the projected outlays during the current and four succeeding fiscal years for each activity that would result from passage of the legislation.

(7) The rules of both Houses would specifically prohibit each from passing legislation which would result in exceeding the outlay ceiling.

(8) The rules of both Houses would be changed so that contract authority, including contract authority expended from trust funds, and budget authority available through the State and Local Financial Assistance Trust Fund must be first approved through the appropriations process before they are available as budget authority.

(9) The Appropriations Committee would report out only one bill which must equal the spending ceiling. The bill must include a contingency fund. In addition to appropriations (including appropriations made pursuant to (8) above), the bill shall specify the amount of outlays for each activity for the fiscal year.

(a) The bill must be reported out of the House Appropriations Committee by May 15 and out of the Senate Appropriations Committee within 15 days after it has passed the House. If portions of the bill are not ready, then agencies of the government would operate on a continuing resolution basis at the same level as the previous year. The previous year's outlays would be counted toward the spending ceiling.

(10) The rules of both Houses would be changed so that floor amendments on appropriations bills must be "strike out and insert" and the total amount inserted must not be greater than the amount struck out. The amendment may mandate the Appropriations Committee to recommend the appropriate places for cuts subject to floor approval. The Appropriations Committee recommendations will be amendable when returned to the floor.

(11) The Congress would review the spending ceiling six months after it is set.

(12) The President may at any time submit a report to the Congress asking that the spending ceiling be changed stating the reasons and recommending what activities should receive increased or decreased funding. He may also recommend that outlays for specific activities may be changed while keeping the total spending ceiling constant.

(a) By a majority vote of both Houses, Congress can amend the total by which the President has recommended the ceiling be changed.

(b) By a majority vote of both Houses, Congress can change the composition of the expenditures specified by the President for increase or decrease.

(c) If Congress has not acted within 30 days, the President's recommendations automatically become law. The action of the Congress during the 30-day period shall be governed by the expedited procedures set up in the Executive Reorganization Act.

(13) The President will be prohibited from reserving (impounding) funds (unless legislative approval is granted as set forth in (12) above) if such a reservation would impair the efficient operation of the activity for which obligational authority had been provided or if such a reservation would result in not fully carrying out the activity for which the obligational authority had been provided.

S. 905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Congressional Budgetary Review Reform Act".

DEFINITION

SEC. 2. For purposes of this Act, "Budget" means the Budget of the United States Government transmitted to Congress by the President pursuant to the Budget and Accounting Act, 1921.

BUDGET REVIEW BY CERTAIN JOINT COMMITTEES

SEC. 3(a) Prior to the transmittal of the Budget to Congress for each fiscal year, the Joint Committee on Internal Revenue Taxation shall make estimates of the tax revenues and other revenues expected to be received by the United States Government with respect to that fiscal year, including an itemization by major revenue sources. The Joint Committee may thereafter revise such estimates from time to time as it considers appropriate. Such estimates, and revisions thereof, shall be reported promptly to the two Houses of Congress. For the purpose of preparing these estimates, the Committee is authorized to hold hearings for the presentation of facts and views by among others, consultants or organizations thereof.

(b) Not later than 10 days after the Budget with respect to such fiscal year has been transmitted to Congress, the Joint Economic Committee shall hold and complete hearings on that Budget. Based on the estimate of the Joint Committee on Internal Revenue Taxation of revenues expected to be received by the United States Government with respect to such year, the Joint Economic Committee shall recommend to the Committees on Appropriations of the two Houses of Congress the amount, if any, (1) by which outlays of the United States Government should exceed revenues expected to be received, or (2) by which such revenues should exceed such outlays, in order to provide for appropriate growth and stability of the economy of the United States.

ESTABLISHING TOTAL AMOUNT OF GOVERNMENT OUTLAYS

SEC. 4. (a) After receiving and giving consideration to the recommendation of the Joint Economic Committee with respect to a fiscal year, the Committees on Appropriations of each House of Congress, not later than 10 days after receiving such recommendations, report to its House a bill or joint resolution establishing the total amount of outlays to be made during that fiscal year by the United States Government.

(b)(1) A bill or joint resolution reported under subsection (a) of this section shall be highly privileged in each House. It shall be in order at any time after the third day following the day on which such a bill or joint resolution is reported to move to proceed to its consideration (even though a previous motion to the same effect has been disagreed to). Such a motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate on such bill or joint resolution, and all amendments thereto, shall not exceed five consecutive calendar days, which shall be divided equally between those favoring and those opposing the bill or joint resolution. Once debate on such bill or joint resolution has begun, no other measure or matter may be considered by that House. A motion to recommit the bill or joint resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which the bill or joint resolution is agreed to or disagreed to.

(3) Motions to postpone, made with respect to the consideration of such a bill or joint resolution and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to such a bill or joint resolution shall be decided without debate.

(c) If, prior to the passage by a first House of Congress of any such bill or joint resolution of that House, such House receives from the second House such a bill or joint resolution, then the following procedure applies.

(1) Such bill or joint resolution received from the second House shall be reported to the first House not later than 3 days after being received.

(2) On any vote on final passage of such a bill or joint resolution of the first House, such a bill or joint resolution of the second House shall be automatically substituted for the bill or joint resolution of the first House.

(d) If the amount specified in such a bill or joint resolution with respect to a fiscal year agreed to by the Senate and House of Representatives is not the same, conferees on the part of the Senate and the House of Representatives shall be appointed not later than 2 days after the House of Congress passing the bill or joint resolution last passes such bill or joint resolution, unless within those 2 days both Houses of Congress agree upon the same total amount of outlays of the United States Government with respect to such fiscal year without the convening of a committee of conference. Upon appointment of conferees, the committee of conference shall meet immediately to resolve their differences. The provisions of subsection (b) shall be applicable with respect to the consideration of any report of a committee of conference on any such bill or joint resolution.

(e) Except as otherwise provided in section 6 of this Act, upon the enactment of such a bill or joint resolution establishing the total amount of outlays of the United States Government with respect to such fiscal year, the total amount so established shall be effective for such fiscal year.

(f) Except as otherwise provided in Section 6 of this Act, if there has not been enacted into law, within 45 days of continuous session of Congress after the Budget with respect to such fiscal year has been transmitted to Congress, a bill or joint resolution establishing the total amount of outlays pursuant to this section, then the total of the budget outlays set forth in the budget shall constitute the total amount of outlays with respect to such fiscal year.

The continuity of a session of Congress is broken only by the adjournment of that session until the next regular or special session of Congress, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 45-day period.

ENACTMENT OF GENERAL APPROPRIATIONS AND OUTLAYS MEASURE

SEC. 5. (a) There shall be reported from the Committees on Appropriations of the House of Representatives and the Senate, in any form as such Committees may determine, only one general appropriations measure with respect to a fiscal year (other than a measure reported, after such general appropriations measure has been enacted into law, making deficiency, supplemental, or emergency appropriations for such fiscal year). That general appropriations measure so reported—

(1) shall specify for each activity, program, or project of the United States Government, excepting those with permanent appropriations, the amount of new budget authority (including new contract authority) available for obligation during the next fiscal year and shall specify whether and for how long such authority shall remain available if not obligated during such year.

(2) notwithstanding any other provision of law, shall specify for each activity, program, or project of the United States through which budget authority has been provided through contract authority the amount of such unobligated authority which shall be available for obligation with respect to such fiscal year.

(3) notwithstanding any other provision of law, shall specify the amount of budget authority previously provided for through the state and local Financial Assistance Trust Fund which shall be available for obligation with respect to such fiscal year.

(4) shall specify, for each activity, program, or project of the United States Government (including outlays for the payment of contracts and outlays from trust funds, and whether or not an appropriation is required for such activity, program, or project) the total amount of outlays that may be made with respect to such activity, program, or project for such fiscal year including estimated or projected outlays for those activities, programs, or projects for which legal obligation has already been entered into or a legal entitlement has already been created.

(5) shall include an outlays contingency fund item providing a specified amount of outlays that may be made, in accordance with any law enacted after such general appropriations measure has been enacted into law, with respect to such fiscal year; and

(6) shall provide for a total amount of outlays (including estimated outlays for activities programs, and projects for which legal obligations or legal entitlements have already been entered into, outlays provided for payments for contracts and payments from trust funds, and the outlays from the contingency fund) which equals the total amount of outlays established for the United States Government with respect to such fiscal year and in effect at the time such measure is so reported.

It shall not be in order in either House to consider any appropriations measure with respect to such fiscal year unless the provisions of this subsection have been met. Any bill or joint resolution with respect to the availability of outlays from the contingency fund shall be considered in accordance with section 4 (b)–(d) of this Act.

(b) The Committee on Appropriations of the House of Representatives shall report such general appropriations measure to the House not later than forty-five days prior to the first day of the fiscal year for which the appropriations are made. The Committee on Appropriations of the Senate shall report such measure to the Senate not later than fifteen days after the measure has been passed by the House. If the appropriations or outlay for an activity, program, or project of the United States Government has not been agreed upon by the date the particular Committee on Appropriations of the House of Congress is to report such general appropriations measure to its House, the measure so reported shall provide for an appropriation and an outlay for that activity, program, or project at the same amounts made available for the fiscal year immediately preceding the fiscal year for which such measure is making appropriations and establishing outlays.

(c) It shall not be in order for either House of Congress to pass such a general appropriations measure or any other measure making available budget authority with respect to a fiscal year which provides for outlays with respect to such fiscal year which exceed the total amount of such outlays established for the United States Government and in effect at the time such measure is to be passed by that House of Congress. Any amendment to such measure in either House which provides for an appropriation with respect to that fiscal year, for an activity, program, or project not included in the measure as reported to that House, and any such amendment proposing to increase the outlay of any activity, program, or project with respect to such fiscal year, shall not be in order unless that amendment—

(1) specifies the amount of outlays for that fiscal year that may be made with respect to such activity, program, or project; and

(2) includes (A) a reduction in any other outlay or outlays not in excess of the amount of the outlays to be added by such amendment, or (B) a direction to the Committee on Appropriations of that House of Congress to recommend and report back to that House where such reduction in outlays shall be made.

Any such amendment shall not be divisible.

REVISING OUTLAYS TOTAL AND SPECIFIED ACTIVITY OUTLAYS

SEC. 6. (a) Not later than six months after the general appropriations measure with respect to a fiscal year has been enacted, the Committees on Appropriations of the two Houses of Congress shall review and recommend to their respective Houses any revisions each such committee considers appropriate in the total amount of outlays established for the United States Government with respect to such fiscal year, and in the outlays specified in such general appropriations measure.

(b) At any time after such general appropriation measure has been enacted into law, the President may recommend to Congress, with reasons therefor (1) a revision in such total amount of outlays, if such revision also includes an itemized revision, addition, or deletion with respect to the amount of outlays for each activity, program, or project which the President recommends for revision, addition, or deletion, so that the total of the sums of the revisions, additions, and deletions of such outlays equals the sum of the revision recommended in such total amount of outlays, or (2) revisions, additions, and deletions, separately itemized, with respect to the amount of outlays for each activity, program, or project which the President recommends for revision, addition, or deletion, which, when totaled, would require no revision in such total amount of outlays.

(c) Any such recommendation shall be effective with respect to such fiscal year unless there has been enacted into law, within thirty calendar days of continuous session of Congress after the date such recommendation has been transmitted to Congress, a bill or joint resolution providing a different total amount or providing different activities or amounts for which specific activities shall be increased or decreased.

(d) Any bill or joint resolution only providing for (1) the revision of the total amount of outlays established by the United States Government, (2) the revision of any specified outlay contained in such general appropriations measure, or (3) both, shall be considered in accordance with section 4 (b)–(d). The continuity of a session of Congress is broken only by the adjournment of that session under the next regular or special session of Congress, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period.

(e) Any such recommendation for revision which becomes effective under this section, or any such revised outlay provided by the enactment of such a bill or joint resolution, with respect to a fiscal year shall be effective for the remainder of such fiscal year unless revised in accordance with this section or by law.

DEFICIENCY, EMERGENCY, AND SUPPLEMENTAL APPROPRIATIONS

SEC. 7. Any appropriations measure reported by the Committees on Appropriations of the two Houses of Congress, making deficiency, emergency, or supplemental appropriations with respect to a fiscal year, shall specify for each activity, program, and project of the United States Government contained therein (including outlays for the payment of contracts and outlays from trust funds, and whether or not an appropriation is required for such activity, program, or project) the total amount of outlays that may be made with respect to such activity, program, or project for such fiscal year. The total amount of outlays provided in such measure, when added to the amount of outlays previously specified and made effective with respect to such fiscal year, shall not exceed the total amount of outlays established for the United States Government with respect to such fiscal year and in effect at the time such measure is reported. Any such reported measure which exceeds such total amount in effect at such time shall not be considered in either House, except pursuant to the provisions of Section 6.

OUTLAY ESTIMATES IN COMMITTEE REPORTS

SEC. 8. (a) The report accompanying each bill or joint resolution of a public character reported by any committee of the Senate (except the Committees on Appropriations of the two Houses of Congress) shall contain an estimate, made by such committee, of the outlays that would be made in carrying out such bill or joint resolution in the fiscal year in which it is reported in the ensuing fiscal year immediately following such fiscal year, and in the four fiscal years immediately following the ensuing fiscal year.

(b) It shall not be in order in the House of Representatives or the Senate to consider any such bill or joint resolution if the report of that committee which reported such bill or joint resolution does not comply with the provisions of subsection (a) of this section.

(c) For the purposes of this section, the members of the Joint Committee on Atomic Energy who are Members of the Senate shall be deemed to be a committee of the Senate, and the members of that Joint Committee who are Members of the House of Representatives shall be deemed to be a committee of the House.

IMPOUNDMENT OF FUNDS

SEC. 9. (a) Except as provided in subsection (b) of this section, the President shall have no authority or power (1) to reserve any amount of obligational authority provided by appropriation Acts, or (2) to reserve from expenditure any amounts of any such obligational authority, and any provision of law construed to give the President such authority or power shall have no force or effect.

(b) The President is authorized to reserve any such amount only if the amount to be so reserved (1) is not necessary for the efficient operation of the activity, program, or project for which the obligational authority was made available, and (2) the activity, program, or project can and will continue to be fully carried out without the amount so reserved.

(c) For purposes of this section, the term "obligational authority" includes loan authority.

EXERCISE OF RULE-MAKING POWERS

SEC. 10. The provisions of this section and sections 4 (a)-(d), 5, 6 (a), (d), 7, and 8 are enacted by the Congress—

(1) as an exercise of the rule-making powers of the Senate and the House of Representatives, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House, except that such House may change the provisions of such sections with respect to that House only by a vote of two-thirds of the Members of that House present and voting.

By Mr. BEALL:

S. 906. A bill to provide for the continuation of programs authorized under the Older Americans Act of 1965, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. BEALL. Mr. President, I am sending to the desk a bill prepared by the Department of Health, Education, and Welfare to revise and extend the Older Americans Act of 1965. It is similar to the bill the administration offered last year, S. 3391.

Mr. President, when I introduced S. 491, along with Senators DOLE, DOMINICK, and YOUNG, I indicated to the Senate that Secretary Richardson had advised me that the administration is presently considering budget and legislative decisions relating to the proposed programs for the elderly. Thus, I expressed my willingness to introduce an administration proposal that might be forthcoming so that it too can be referred to the Labor and Public Welfare Committee for its full consideration.

It is my understanding, that HEW's decision regarding this legislation was deferred by the change in Secretaries and by the Senate delay in confirming Secretary Weinberger's appointment. Regardless of the reasons for the delay, this legislation has now been transmitted to the Senate for its consideration. Mr. President, I ask unanimous consent that the text of this bill and the summary of the proposed Older Americans Amendments of 1973 be printed in their entirety at the completion of my remarks.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Amendments of 1973".

REVISION OF TITLE III

SEC. 2. Title III of the Older Americans Act of 1965 is amended to read as follows:

"TITLE III—GRANTS FOR STATE AND AREA PROGRAMS

"SEC. 301. It is the purpose of this title to encourage and assist State or local agencies to develop greater capacity and foster the development of coordinated service systems to serve older persons by entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing, social services and, where necessary, to reorganize or reassign functions, in order to—

"(1) secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services and for whom economic independence is not feasible; and

"(2) remove individual and social barriers to economic and personal independence for older persons capable of self-support.

"DEFINITIONS

"SEC. 302. For purposes of this title—

"(1) The term 'social services' means any of the following services which meet such standards as the Secretary may prescribe—

"(A) health, continuing education, welfare, nutritional, informational, recreational, homemaker, counseling, or referral services;

"(B) transportation services where necessary to facilitate access to social services;

"(C) services designed to encourage and assist older persons to use the facilities and services available to them;

"(D) services designed to assist older persons to obtain adequate housing; or

"(E) any other services;

if such services are necessary for the general welfare of older persons.

"(2) The term 'unit of general purpose local government' means (A) a political subdivision of the State whose authority is broad and general and is not limited to only one function or a combination of related functions, or (B) an Indian tribal organization.

"(3) The term 'coordinated system' means a system for providing social services in a manner designed to—

"(A) facilitate accessibility to and utilization of all social services provided within the geographic area served by such system by any public or private agency or organization;

"(B) make the most efficient use of social services in meeting the needs of older persons; and

"(C) use available resources efficiently and with a minimum of duplication.

"(4) The term 'Governor' means the Governor of the State, in the case of any of the fifty States, and, in the case of the other States, the chief executive officer thereof.

"ALLOTMENTS

"SEC. 303. (a)(1) From the sum appropriated for a fiscal year for allotments under this section, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands each shall be allotted an amount equal to one-half of one per centum of such sum and each other State shall be allotted an amount equal to one per centum of such sum.

"(2) From the remainder of the sum appropriated for a fiscal year for allotments under this section, each State shall be allotted an additional amount which bears the same ratio to such remainder as the number of individuals in such State who have attained age sixty-five bears to the total number of individuals in all the States who have attained such age, as determined by the Secretary on the basis of the most recent satisfactory data available to him.

"(b) Whenever the Secretary determines that any amount allotted to a State for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made during the period such allotment is available therefor, he may make such amount available for carrying out such purpose to one or more other States to the extent he determines such other States will be able to use such additional amount for carrying out such purpose within such period. Any amount made available to a State from an appropriation for a fiscal year pursuant to the preceding sentence shall, for purposes of this title, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year.

"(c) The allotment of a State under this section for a fiscal year shall remain available until the close of the following fiscal year for grants to pay part of the cost (pursuant to section 306) of (1) administration of the State plan by the State agency designated pursuant to section 304(a)(1), including the preparation of State plans submitted to the Secretary under section 305, the evaluation of activities carried out under such plan, the collection of data and the carrying out of research related to the need for social services within the State, the dissemination of information so obtained, the provision of technical assistance to public or nonprofit private agencies and organizations engaged in activities related to the problems of older persons, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of social services; (2) administration of area plans by area agencies on aging designated pursuant to section 304(a)(3), including the preparation of area plans on aging consistent with section 304(c) and the evaluation of activities carried out under such plans; and (3) social services provided under the State plan.

"ORGANIZATION

"State Organization

"SEC. 304. (a) In order for a State to be eligible to participate in the program of grants to States from allotments under section 303, the Governor of the State shall, in accordance with regulations of the Secretary—

"(1) designate a State agency (hereinafter in this title referred to as 'the State agency') to (A) develop the State plan to be submitted to the Secretary for approval under section 305, (B) administer the State plan within such State, (C) be primarily responsible for the coordination of all State activities related to the purposes of this Act, and (D) review and comment on, at the request of any Federal department or agency, any application from any agency or organization within such State to such Federal department or agency for assistance related to meeting the needs of older persons;

"(2) divide the entire State into distinct areas (hereinafter in this title referred to as 'planning and service areas'), after considering the incidence of the need for social services, the distribution of resources available to provide such services, the boundaries of existing areas within the State which have been delineated or established by the State for the purposes of planning and development, the location of units of general purpose local government within the State, and any other relevant factors;

"(3) determine for which planning and service areas an area plan will be developed, in accordance with subsection (c) of this section, and for each such area designate, after consideration of the views offered by the unit or units of general purpose local government in such area, a public or nonprofit private agency or organization as the area agency on aging for such area; and

"(4) provide assurances satisfactory to the Secretary that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of social services provided under such plan.

"Area Organization

"(b) In order to be eligible for designation under subsection (a), an area agency on aging—

"(1) must be—

"(A) an office or agency designated by the chief elected official or officials of a combination of units of general purpose local government to act on behalf of such combination for this purpose,

"(B) an office or agency of a unit of general purpose local government which is designated for this purpose by the chief elected official or officials of such unit, or

"(C) a public or nonprofit private agency which is under the supervision or direction for this purpose of the designated State agency and which can engage in the planning or provision of a broad range of social services within a planning and service area, and

"(2) must provide assurance, found adequate by the Governor, that it will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program pursuant to that plan within the planning and service area. The Governor may designate an agency described in clause (1)(C) of this subsection for a planning and service area only if he finds that no office or agency described in clause (1) (A) or (B) for the planning and service area will have the capacity to carry out the area plan.

"Area Plans

"(c) In order to be approved by the State agency, an area plan for a planning and service area shall be developed by the area agency on aging designated with respect to such area under subsection (a) and shall—

"(1) provide for the establishment of a coordinated system for the delivery of social services within the planning and service area covered by the plan, including determining the need for social services in such area, evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need;

"(2) in accordance with criteria, established by the Secretary by regulation, relating to priorities, provide for the initiation, expansion, or improvement of social services in the planning and service area covered by the area plan, including planning on a continuing basis with providers of social services in such area to insure the provision, when financial assistance therefor under this title is no longer available, of such services without such assistance;

"(3) provide that the area agency on aging will—

"(A) conduct periodic evaluations of activities carried out pursuant to the area plan;

"(B) render appropriate technical assistance to providers of social services in the planning and service area covered by the area plan; and

"(C) take into account, in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan; and

"(4) specify the activities in the planning and service area covered by the area plan which were assisted with funds made available under title III of this Act prior to enactment of the Older Americans Comprehensive Services Amendments of 1973 and specify each of such activities (A) which will not continue to receive assistance under the area plan, and (B) which will continue to receive assistance under the area plan.

"STATE PLANS

"SEC. 305. (a) In order for a State to be eligible for grants for a fiscal year from its allotment under section 303, except as provided in section 306(b), it shall submit to the Secretary a State plan for such year which meets such criteria as the Secretary may prescribe by regulation and which—

"(1) provides that the State agency will evaluate the need for social services within the State and determine the extent to which existing public or private programs meet such need;

"(2) provides for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of an individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan;

"(3) provides that the State agency will make such reports, in such form, and containing such information, as the Secretary may from time to time require, and comply with such requirements as the Secretary may impose to assure the correctness of such reports;

"(4) provides that the State agency will conduct periodic evaluations of activities and projects carried out under the State plan;

"(5) establishes objectives, consistent with the purposes of this title, toward which activities under the plan will be directed, identifies obstacles to the attainment of those objectives, and indicates how it proposes to overcome those obstacles;

"(6) provides, in any case in which an individual is able to participate in the cost of social services provided to him under the State plan, for such participation (in accordance with regulations prescribed by the Secretary in the light of such ability);

"(7) provides that no social service will be provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, (A) provision of such service by the State agency or an area agency on aging is necessary to assure an adequate supply of such service and (B) payment for such service is not available from other sources;

"(8) provides that each area agency on aging designated pursuant to section 304 (a)(3) will develop and submit to the State agency for approval an area plan which complies with section 304(c); and

"(9) specifies the activities in the State which were assisted with sums made available under title III of this Act prior to enactment of the Older Americans Comprehensive Services Amendments of 1973 and specifies each of such activities (A) whch will not continue to receive assistance under the State plan submitted pursuant to this section, and (B) which will continue to receive assistance under the State plan submitted pursuant to this section.

"(b) The Secretary shall approve any State plan which he finds fulfills the requirements of subsection (a) of this section.

"(c) The Secretary shall not finally disapprove any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 304, without first affording the State reasonable notice and opportunity for a hearing.

"(d) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency, finds that—

"(1) the State is no longer eligible under section 304,

"(2) the State plan has been so changed that it no longer complies with the provisions of subsection (a), or

"(3) in the administration of the plan there is a failure to comply substantially with any such provision,

the Secretary shall notify such State agency that no further payments from its allotment under section 303 will be made to the State (or, in his discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State from its allotment under this title (or payments shall be limited to projects under or portions of the State plan not affected by such failure).

"(e) A State which is dissatisfied with a final action of the Secretary under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Codes. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

"PAYMENTS

"SEC. 306. (a) From a State's allotment under section 303 for a fiscal year—

"(1) an amount equal to 15 per centum thereof (but not less than $50,000 in the case of the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, or $100,000 in the case of any other State) shall be available only for paying such percentage as the State agency determines, but not more than 75 per centum, of the cost of administration of the State plan; and

"(2) such amount as the State agency determines, but not more than 15 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of administration of area plans.

The remainder of such allotment shall be available to such States only for paying—

"(3) such percentage as the Secretary determines but not more than 90 per centum, of the cost of social services provided under a program or project approved by the area agency on aging in a planning and service area for which there is an area plan approved by the State agency, and

"(4) in the case of social services provided under a program or project approved by the State agency under the State plan in a planning and service area for which there is no area plan approved by the State agency, such percentage as such agency determines, but not more than 75 per centum of the cost of such services for the first year they are so provided, not more than 60 per centum of such cost for the second year they are so provided, and not more than 50 per centum of the cost of such services for the third year they are so provided,

except that not more than 20 per centum of an allotment to a State under section 303 for a fiscal year shall be available for payments for social services provided in a planning and service area for which there is no area plan approved by the State agency.

"(b) Payments of grants or contracts under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Secretary may determine. From the portion of a State's allotment for a fiscal year which is available pursuant to subsection (a)(1), the Secretary may pay to a State which does not have a State plan approved under section 305 such amounts as he deems appropriate for the purpose of assisting such State in developing a State plan. From a State's allotment for a fiscal year which is available pursuant to section 303, the Secretary may, during the period ending one year after the date of enactment of the Older Americans Comprehensive Services Amendments of 1973, pay, in accordance with such regulations as he may prescribe, to a State which does not have a State plan approved under section 305, such amounts as he deems appropriate for the purpose of continuing Federal financial assistance for activities assisted under the plan of such State approved under section 303 of this Act prior to enactment of the Older Americans Comprehensive Services Amendments of 1973.

"(c) No allotment to a State under this title shall be available for making payments with respect to any program or projects for providing social services under a State plan approved under section 305 after payments have been made from such allotments with respect to such program or project for a period of time equal to three calendar years. No allotment to a State under this title shall be available for making payments with respect to the administration of an area plan approved under section 305(a)(8) after payments have been made from such allotments with respect to the administration of such plan for a period of time equal to three calendar years.

"(d) Not less than 25 per centum of the non-Federal share (pursuant to subsection (a) of this section) of the total expenditures under a State plan approved under this Act for any fiscal year shall be met from funds from State or local public sources. For the purposes of the preceding sentence, fees charged by a State or local public agency for services provided under a State plan approved under this Act shall not be considered funds from State or local public sources.

"(e) A State's allotment under section 303 for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 305 are less than its expenditures from such sources for the preceding fiscal year.

"MODEL PROJECTS

"SEC. 307. The Secretary may, after consultation with the State agency, or the Governor of the State where there is no State agency, make grants to or contracts with any public or nonprofit private agency or organization within such State for paying part or all of the cost of developing of operating statewide, regional metropolitan area, county, city, or community model projects which will expand or improve social services or otherwise promote the well-being of older persons.

"AVAILABILITY OF SURPLUS COMMODITIES

"SEC. 308. Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) may be donated to public or nonprofit private agencies or organizations to be used for providing nutritional services in accordance with the provisions of this title."

AVAILABILITY OF SURPLUS COMMODITIES UNDER TITLE VII

SEC. 3. Section 707 of the Older Americans Act of 1965 is amended to read as follows:

"AVAILABILITY OF SURPLUS COMMODITIES

"SEC. 707. Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) may be donated to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title."

COORDINATION OF TITLE III AND TITLE VII

SEC. 4. Section 705(a) of the Older Americans Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(5) provide that, wherever possible, nutrition projects assisted under this title shall be made a part of the coordinated systems established under title III of this Act."

STATE PLANNING UNDER TITLE VII

SEC. 5. Section 705(a)(2)(B) of the Older Americans Act of 1965 is amended by inserting "for the fiscal year ending June 30, 1973," following "administrative cost,"; by striking out "any fiscal year" and inserting in lieu thereof "such fiscal year"; and by adding at the end of the first sentence thereof the following sentence: "For the fiscal years ending after June 30, 1973, funds allotted to a State for State planning and administration pursuant to section 306 of this Act may be used for the administration of the State plan submitted pursuant to this section, except that wherever the Governor of the State designates an agency other than the agency designated under section 304(a)(1) of this Act, then the Secretary shall determine that portion of a State's allotment under section 306 which shall be available to the agency designated under section 705(a)(1) for planning and administration."

REPEAL OF LIMITATION ON APPROPRIATIONS AUTHORIZATION

SEC. 6. Title VIII of the Older Americans Act of 1965 is amended by striking out section 803 thereof and redesignating sections 804 and 805 as sections 803 and 804, respectively.

EVALUATION

SEC. 7. The section redesignated as section 803 of the Older Americans Act of 1965 by section 6 of this Act is amended by striking out "or VI or section 803" and inserting in lieu thereof ", IV, or V".

REPEAL OF STUDY AUTHORIZATION

SEC. 8. Title V of the Older Americans Act of 1965 is amended by striking out section 503 thereof.

CONFORMING AMENDMENTS

SEC. 9. The Older Americans Act of 1965 is further amended by striking out—

(1) "303" in section 402(c) and inserting in lieu thereof "304";

(2) "303" in section 502(c) and inserting in lieu thereof "304";

(3) "303" in the first sentence of section 601(a) and inserting in lieu thereof "304";

(4) "303" in section 601(c) and inserting in lieu thereof "304";

(5) "303" in section 612(a)(2)(A) and inserting in lieu thereof "304";

(6) "303" in section 612(a)(3)(C) and inserting in lieu thereof "304";

(7) "303" the first time it appears in the first sentence of section 705(a) and inserting in lieu thereof "304" and "303" the second time it appears in such sentence and inserting in lieu thereof "305"; and

(8) "303" in section 705(a)(1) and inserting in lieu thereof "304".

EFFECTIVE DATE OF AMENDMENTS TO SECTION 305

SEC. 10. The amendments made by this Act shall become effective upon enactment, except that the provisions of section 305 of the

Older Americans Act of 1965, as effective prior to such enactment, shall remain effective with respect to appropriations made prior to July 1, 1973, which are available for projects assisted under such section.

SUMMARY OF THE PROPOSED OLDER AMERICANS AMENDMENTS OF 1973

Section 1 provides the short title of the bill: the "Older Americans Amendments of 1973".

Section 2 of the bill would substitute a revised title III of the Older Americans Act of 1965 for the existing title.

The revised section 301 of the Older Americans Act of 1965 would contain the statement of purpose for title III. The program authorized by the title would encourage and assist State or local agencies to develop greater capacity to serve older persons by entering into new cooperative arrangements with each other and with providers of social services for planning for, and providing, services to older persons in order to enable them to maintain their independence and dignity. In administering this program, the Department would take such steps as may be necessary to avoid duplication between the assistance provided under this title and assistance provided under title VI of the Older Americans Act (administered by ACTION).

The revised section 302 of the Older Americans Act of 1965 would define several key terms, such as "social services" and "coordinated system".

The revised section 303(a) of the Older Americans Act of 1965 would provide the formula for allotting the funds appropriated under title III for grants to States which is currently provided by section 302 of the Older Americans Act.

The revised section 303(b) of the Older Americans Act of 1965 would provide for the reallotment of funds not used by a State for carrying out the purpose for which allotted.

The revised section 303(c) of the Older Americans Act of 1965 specifies the purposes for which an allotment may be used.

The revised section 304 of the Older Americans Act of 1965 would describe the administrative organization which a State must develop in order to be eligible to receive funds under title III. Subsection (a) would provide that it is the responsibility of the Governor to designate a State agency to develop a State plan, to divide the State into distinct areas for planning and providing social services, to determine for which areas an area plan will be developed, to designate area agencies on aging for those areas, and to provide assurances that the State agency will take into account, in matters of general policy, the views of recipients of services under the State plan.

The revised section 304(b) of the Older Americans Act of 1965 would specify the entities eligible to be designated area agencies on aging.

The revised section 304(c) of the Older Americans Act of 1965 would specify the provisions which must be included in an area plan to be approved by the State agency. Among other things, the plan must provide for the establishment of a coordinated system for the delivery of social services and for the initiation, expansion, or improvement of social services.

The revised section 305(a) of the Older Americans Act of 1965 would prescribe the requirements applicable to a State plan. Among other things, an approvable plan must (1) provide that the State agency will determine the need for social services within the State, (2) provide that the State agency will make reports required by the Secretary, (3) provide that the State agency will conduct periodic evaluations of the activities carried out under the State plan, (4) establish objectives toward which such activities will be directed, identify obstacles to the attainment of those objectives, and indicate how it proposes to overcome those obstacles, (5) provide that where an individual is able to participate in the cost of services provided him under the State plan, such participation will be in accordance with regulations of the Secretary, and (6) provide that the State agency will review and approve area plans which meet the criteria of section 304(c).

Subsections (b), (c), (d), and (e) of section 305 of the Older Americans Act of 1965, as it would be amended by section 2 of this bill, would provide the procedures to be followed by the Secretary when approving or disapproving a State plan, and the appeal procedures to be followed when a State plan has been disapproved.

The revised section 306(a) of the Older Americans Act of 1965 specifies the portion of a State's allotment which must be used for the various activities under the State plan, and the matching rate for each of those activities. The Federal matching rate for social services provided under an area plan would be not more than 90 percent of the cost, while in areas without an area plan the rate would decline from 75 percent for the first year of a project to not more than 50 percent the third year. The Federal matching rate for all planning and administrative activities would not be more than 75 percent of the cost, and each State would have available 15 percent of its allotment, but not less than $100,000 (or $50,000 in the case of the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands) to be used only for State planning and administration. Finally, not more than 20 percent of a State's allotment may be spent for services in areas without an area plan, and not more than 15 percent of its allotment could be spent for area administrative activities.

The revised section 306(b) of the Older Americans Act of 1965 provides for payments to the State and allows the Secretary to pay funds for State planning to States without an approved State plan. It also allows the Secretary, during the period ending one year after the date of enactment of this bill, to pay to a State which does not have a State plan approved under the revised section 305 such amounts as he deems appropriate for the purpose of continuing Federal financial assistance for activities assisted under the plan of such State approved under section 303 of the Older Americans Act prior to enactment of this bill.

The revised section 306(c) of the Older Americans Act of 1965 would limit to three years the period of time during which the cost of a project or program for providing a social service or the cost of administration of an area plan may be met in part from a State's allotment under section 303.

The revised section 306(d) of the Older Americans Act of 1965 would require that not less than 25 percent of the non-Federal share of expenditures under the State plan for each fiscal year must be met from public sources.

The revised section 306(e) of the Older Americans Act of 1965 would provide that if for any fiscal year a State reduces its expenditures from State sources under the State plan from the preceding fiscal year its allotment under section 303 would be reduced by a percent equal to the percent of the State reduction.

The revised section 307 of the Older Americans Act of 1965 would give the Secretary authority to make grants to or contracts with any public or nonprofit private agency or organization for paying part or all of the cost of developing or operating statewide, regional, metropolitan area, county, city, or community model projects which will promote the well being of older persons.

The revised section 308 of the Older Americans Act authorizes surplus food commodities to be donated to public or nonprofit private agencies or organizations to be used for providing nutritional services under title III.

Section 3 of the bill would amend title VII of the Older Americans Act of 1965 by revising the surplus food commodities provision to make it identical to the one which would be in title III.

Section 4 of the bill would amend section 705(a) of the Older Americans Act of 1965 to require that the State plan provide that, wherever possible, nutrition projects assisted under title VII be made a part of the coordinated systems which would be established under the revised title III.

Section 5 of the bill would amend section 705(a)(2)(B) of the Older Americans Act of 1965 to provide that for the fiscal years beginning with July 1, 1973, funds allotted to a State for State planning under title III be used for the administration of the State plan submitted under title VII.

Section 6 of the bill would amend title VIII of the Older Americans Act of 1965 by deleting section 803, which had imposed a limitation on the authorization of appropriations for titles IV and V.

Section 7 of the bill would amend section 804 of the Older Americans Act of 1965 (relating to funds for evaluation) to make a conforming change.

Section 8 of the bill would amend title V of the Older Americans Act of 1965 by deleting section 503. The study authorized by that section has been completed.

Section 9 of the bill would amend the various sections of the Act to conform to the restructuring of title III.

Section 10 of the bill would make the amendments to section 305 of the Older Americans Act of 1965 effective for fiscal years beginning after June 30, 1973. This provision would thereby permit continuation of grants and contracts made pursuant to section 305 prior to enactment of this bill.

By Mr. STEVENS:

S. 907. A bill to authorize the appropriation of $150,000 to assist in financing the Arctic Winter Games to be held in the State of Alaska in 1974. Referred to the Committee on Commerce.

Mr. STEVENS. Mr. President, today I am introducing a bill similar to S. 2988 in the last Congress to authorize the appropriation of $150,000 to the Secretary of Commerce to assist in financing the Arctic Winter Games to be held in Alaska in 1974. S. 2988 which authorized the appropriation of $250,000, was quickly reported out by the Senate Commerce Committee and passed the Senate last May 10 without objection. However, due to the press of time, it could not be taken up in the House Commerce Committee. I am, therefore, reintroducing it with a request for $150,000 in this Congress and have already requested the leadership of the House of Representatives to assist the State of Alaska by introducing it there. I hope that this bill will be passed quickly because time is of the essence if the games are to be held as presently scheduled in March 1974.

This bill will authorize the appropriation $150,000 for this purpose. The Secretary of Commerce is authorized to provided for the disbursement of these funds under such conditions as he deems appropriate.

This year, I have reduced authorized appropriations from $250,000 to $150,000. Since last summer, the committee planning for the Arctic Winter Games has obtained assistance from the Armed Forces in Alaska which promised to provide food to the participants for a nominal fee. The committee has also been successful in obtaining additional private donations. They have, therefore, lowered their request.

The Arctic Winter Games, which were inaugurated in 1970, are international in scope with the Northwest and Yukon Territories of Canada and the State of Alaska acting as joint sponsors. Basic sports in the program includes badminton, basketball, boxing, curling, figure skating, hockey, shooting, skiing, table tennis, volleyball, and wrestling. Additionally six Eskimo and Indian sports indigenous to the northern people may be scheduled.

In the past, approximately two-thirds of the funding has come from the Canadian Federal Government. The 1970 games held in Yellow Knife, Northwest Territory, and the 1972 games held in Whitehorse, Yukon Territory, saw contributions of approximately $250,000 each from Canada. The balance of the funding was provided by the two territories and the State of Alaska, the host city, and cash donations from various companies and individuals. Regrettably, the United States never appropriated money for this worthy purpose. The State of Alaska appropriated $15,000 for each game.

The U.S. Government does not contribute toward the program. I have made numerous inquiries to all relevant Federal agencies and am assured that there is no presently available funding. It is estimated that $150,000 in Federal funds will be necessary in order for Alaska to host the games in 1974. This is the reason for the introduction of this legislation.

This Federal funding will be additional to the moneys available from other sources, including the State of Alaska.

The 1972 games involved approximately 250 athletes each from the Northwest Territories, the Yukon Territory, and the State of Alaska. Quebec, which entered the games in 1972 had approximately 60 participants. Quebec is expected to have a full contingent by 1974. The games have attracted many thousands of Americans and Canadian spectators.

The Arctic Winter Games were established to provide international competition for all northern countries or States or Provinces therein, the bulk of those territories lie above the 60th parallel north latitude. Canada and Alaska, Greenland, Iceland, Denmark, Finland, and Norway are possible future competitors. Greenland is especially interested and may field a competing team in 1974. It is planned that the games will continue to rotate between the participating territories, provinces, and states.

I urge Congress to assist in funding this worthy event. Hopefully, as these games progress, they will expand to take in all northern countries and provide a forum for international peace and understanding between young people from throughout the Arctic and Subarctic.

Mr. President, I request unanimous consent that the bill be printed in the RECORD at this point and also an article on the games which appeared in Time magazine, March 27, 1972, and additionally, a resolution of the Anchorage City Council urging the reintroduction of this bill.

There being no objection, the bill, article, and resolution were ordered to be printed in the RECORD, as follows:

S. 907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the Secretary of Commerce the sum of $150,000 for the purpose of assisting the financing of the Arctic Winter Games to be held in Alaska in 1974. The Secretary shall provide for the disbursement of such funds (including the making of grants to appropriate persons or organizations) on such terms and under such conditions as he deems appropriate, including the submission to him of such reports from persons or organizations to which such funds are disbursed as the Secretary considers necessary to protect the interests of the United States and assure that such funds have been used for the purpose for which they were disbursed.

[From Time, March 27, 1972]

ANYONE FOR AQRAORAK?

As the second biennial Arctic Winter Games got under way this month in Whitehorse, Yukon Territory, it became painfully clear that the organization of the event left something to be desired. Take the case of Simon Tookoome, the Northwest Territories' leading *ipirautaqturniq* (precision whip flicking) virtuoso. Not only did Tookoome have no competition in his specialty, but the games committee was not even certain that another whip maestro had been invited. For his part, Tookoome left his sealskin whip at home in Baker Lake. But resourcefulness, as much as *ipirautaqturniq*, is the name of the game. Improvising a whip from a length of rope, Tookoome put on a crackling display highlighted by the extraction of a toothpick from the sole of an assistant's boot at 25 ft.

Some might call the noncompetitive performance a hollow triumph, native sports do not even call for medals. There are, however, gold, silver and bronze ulus (medals shaped like the Eskimo whale-skinning knife) for individual and team winners in such conventional sports as cross-country skiing, figure skating, basketball, ice hockey and table tennis. The combination of exotic native feats and intense territorial rivalry have made the games the liveliest sporting event north of the 60th parallel.

EAR PULL

While there was no one to stand up to Tookoome in *ipirautaqturniq*, there was competition aplenty in *aqraorak* and *nalukataak*. Mickey Gordon, 23, an Eskimo from Inuvik, and Reggie Joule, a sophomore at the University of Alaska, battled for honors in *aqraorak*. The event consists of trying to kick a sealskin ball dangling from a pole. Kicking furiously aloft, Gordon came within a toe of breaking his own world record of 8 ft. 2 in. Joule—all 5 ft. 5 in. of him—performed just as brilliantly, though it must be remembered that *aqraorak* is not his forte. Joule is the world champion in *nalukataak*, in which contestants bounce on a walrus hide held fireman-style by two dozen assistants. Joule bounced to within inches of the ceiling in the town's gymnasium but later confessed that he does not really know what determines a winner in his chosen sport. "I think it has something to do with height and form," he said.

Many of the native contests held at Whitehorse evolved from the self-torture games devised by the Eskimos long ago. Explains Roger Kunayak, another University of Alaska student: "The traditional Eskimo life included lots of pain—hunger, cold, frozen ears. So indoors we would torture ourselves to get used to the pain." To drive home his point, Kunayak swept the field in his own fearful event, the knuckle hop, by hopping 40 ft. on his toes and knuckles. Other such tests of mettle include the finger pull (two combatants locking middle fingers and pulling until one hollers uncle) and the ear pull, in which the toughest ears in the Arctic are wound with cord and pitted against each other in a tug of war.

BOTCH

The Arctic Games were inspired by the abysmal performances of the athletes from the Yukon and Northwest Territories in conventional sports at the Canada Winter Games held in Quebec City in 1967. Says Lou LeFaive, director of Sports Canada: "The idea was to provide a level of competition that would enable Northerners to develop skills at a rate more compatible with that in the South." Native events were included to add to the fun.

The games at Whitehorse proved that the quality of play in the Northern provinces has measurably improved. The same cannot be said for the advance planning of the Northerners—especially those at Baker Lake. Tookoome's lapse aside, the townsfolk made rather a botch of things in the *aksunaiqtuq* (rope gymnastics). In place of their gymnastics team, they inexplicably dispatched an old Eskimo drum dancer—without her drum.

RESOLUTION No. 72-R-72

A resolution of the City Council of the City of Anchorage, Alaska, urging the Alaska congressional delegation to reintroduce a bill to appropriate the sum of $150,000 to be used in conjunction with the 1974 Arctic Winter Games

Whereas, the City of Anchorage has been chosen to host the 1974 Arctic Winter Games; and

Whereas, additional funding is necessary to ensure the success of such Games; and

Whereas, a bill appropriating the sum of $150,000 to be used in conjunction with such games was introduced during the 1972 session of the Congress of the United States; and

Whereas, such bill did not pass during such session of Congress;

Now, therefore, be it resolved by the City Council of the City of Anchorage, Alaska:

Section 1. That the Honorable Ted Stevens, and the Honorable Mike Gravel are hereby urged to re-introduce a bill to appropriate the sum of $150,000 for the purpose of assuring the success of the 1974 Arctic Winter Games.

Section 2. Publication of this resolution shall be made by posting a copy thereof on the City Hall Bulletin Board for a period of ten (10) days following its passage and approval.

Passed and approved by the City Council of the City of Anchorage, Alaska, this 26th day of December, 1972.

By Mr. HOLLINGS:

S. 909. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus supplies and equipment to State and local public recreation agencies. Referred to the Committee on Government Operations.

Mr. HOLLINGS. Mr. President, I send to the desk a bill and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks. This is a bill to permit donations of surplus supplies and equipment to State and local public recreation agencies.

Presently, section 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C.) 484(j) permits donations of surplus Federal property to States for educational, public health, or civil defense purposes. My proposal would allow donations to public recreational agencies if the Secretary of Interior determined that the surplus property was usable and necessary for the park or recreational purposes. There is no reason why these agencies shall be denied access to this surplus equipment, which ranges from vehicles and athletic equipment to office furniture. Indeed, increasing emphasis on, and need for, recreational facilities, particularly for our youth, combined with the financial problems faced by local governments, makes the public park and recreation agencies logical and necessary recipients when surplus property is available.

This proposal has the endorsement of South Carolina's Municipal Association and Department of Parks, Recreation, and Tourism as well.

During the last Congress this legislation passed the Senate, and I urge prompt and favorable consideration of this measure again during this Congress.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 909

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)) is amended—

(1) by inserting "public park, public recreational," immediately before "or civil defense" in the first sentence of paragraph (1);

(2) by striking out "paragraph (2), (3), or (4)" in the first sentence of paragraph (1) and inserting in lieu thereof "paragraph (2), (3), (4), or (5)";

(3) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and by inserting immediately after paragraph (4) the following new paragraph:

"(5) Determination whether such surplus property (except surplus property allocated in conformity with paragraph (2) of this subsection) is usable and necessary for public park or public recreational purposes, including research, in any State shall be made by the Secretary of the Interior, who shall allocate such property on the basis of need and utilization for transfer by the Administrator of General Services to such State agency for distribution to public recreational organizations of such State, or political subdivisions and instrumentalities thereof, which are established pursuant to State law. No such property shall be transferred until the Secretary of the Interior has received from such State agency a certification that such property is usable and needed for public park or public recreational purposes in the State, and until the Secretary of the Interior has determined that such State agency has confromed to minimum standards of operation prescribed by the Secretary of the Interior for the disposal of surplus property.";

(4) by adding at the end of paragraph (6), as redesignated by paragraph (3) of this section, the following new sentence: "The Secretary of the Interior may impose reasonable terms, conditions, reservations, and restrictions upon the use of any single item of personal property donated under paragraph (5) of this subsection which has an acquisition cost of $2,500 or more."

SEC. 2. Section 203(n) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(n)) is amended to read as follows:

(n) For the purpose of carrying into effect the provisions of subsections (j) and (k) of this section, the Secretary of Health, Education, and Welfare, the Secretary of the Interior, the President, and the head of any Federal agency designated by any such officer, are authorized to enter into cooperative agreements with State surplus property distribution agencies designated in conformity with paragraph (1) of subsection (j) of this section. Such cooperative agreements may provide for utilization by such Federal agency, without payment or reimbursement, of the property, facilities, personnel, and services of the State agency in carrying out any such program, and for making available to such State agency, without payment or reimbursement, property, facilities, personnel, or services of such Federal agency in connection with such utilization. In addition, under such cooperative agreements, and subject to such other conditions as may be imposed by the Secretary of Health, Education, and Welfare, the President, or the Secretary of the Interior, surplus property which the Administrator may approve for donation for use in any State for purposes of education, public health, public park, public recreation, or civil defense, or for research for any such purposes, pursuant to subsection (j)(3), (j)(4), or (j)(5) of this section, may with the approval of the Administrator be made available to the State agency after a determination by the appropriate Secretary or the President that such property is necessary to, or would facilitate, the effective operation of the State agency in performing its functions in connection with such program. Upon a determination by the appropriate Secretary or the President that such action is necessary to, or would facilitate, the effective use of such surplus property made available under the terms of a cooperative agreement, title thereto may with the approval of the Administrator be vested in the State agency.

SEC. 3. Section 203(o) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)) is amended by inserting "and the Secretary of the Interior," immediately before "with respect to personal property".

By Mr. HOLLINGS:

S. 910. A bill to amend title V of the Housing Act of 1949 to assure borrowers of the right to employ qualified attorneys of their choice in performing necessary legal services in connection with loans under that title. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. HOLLINGS. Mr. President, today, I am introducing a bill to correct an inequity that has developed through administrative ruling of the Farmers Home Administration. Since the fall of 1969, I have tried to change the attitude of the Farmers Home Administration concerning the choice of attorneys who provide title, closing, or other legal services in connection with Farmers Home Administration rural housing loans. Prior to 1968, all qualified attorneys were permitted to provide such legal services. However, from the latter part of 1968 to date in the State of South Carolina and other States, the Farmers Home Administration has designated certain attorneys as the only ones qualified to provide such services. In my judgment, Mr. President, this is a political ruse. No Federal program should be designed in such a way as to preclude any qualified attorney from participating when the services of a private attorney are required in connection with that Federal program.

The 1970 conference report of the Housing and Urban Development Act, contained language which was drafted by the Banking, Housing and Urban Development conferees in concert with representatives of the Farmers Home Administration which provided:

> It is the intent of the conferees that all qualified attorneys be given equal opportunity to participate in providing title and loan closing services required in connection with Farmers Home Administration rural housing loans.

It was our belief that this conference language would sufficiently erase any doubt that all qualified attorneys should have an equal opportunity to provide legal services so that there would be no unwarranted interference with the right of a citizen to select his own attorney. However this was not the case and even in the face of this language, the Farmers Home Administration has continued to select a limited number of attorneys to handle these matters. Accordingly, I introduced legislation in the 92d Congress to amend title V of the Housing Act to require that this language be carried out. The bill passed the Senate as a part of the Omnibus Housing Act of 1972, but the omnibus bill died in the House. Again, I am introducing my original proposal and ask my colleagues to favorably consider it. I ask unanimous consent that this proposal be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 510 of the Housing Act of 1949 is amended—

(1) by inserting "(a)" after "SEC. 510.";

(2) by redesignating paragraphs (a)–(g) as paragraphs (1)–(7) respectively;

(3) by redesignating subparagraphs (1) and (2) of paragraph (3) (as hereinabove redesignated) as subparagraphs (A) and (B) respectively; and

(4) by adding at the end thereof a new subsection as follows:

"(b) The Secretary shall accord to all qualified attorneys an equal opportunity to participate in providing such title, closing, or other legal services as may be required by persons receiving direct or insured loans under this title."

By Mr. BIDEN:

S.J. Res. 65. A joint resolution requesting the President to issue a proclamation designating the week of April 23, 1973, as "Nicholas Copernicus Week" marking the quinquecentennial of his birth. Referred to the Committee on the Judiciary.

IN PRAISE OF COPERNICUS

Mr. BIDEN. Mr. President, this year marks the 500th anniversary of the birth of Nicolaus Copernicus, the father of modern astronomy.

In observance of this auspicious occasion, the Council of Polish Societies and Clubs in the State of Delaware, whose goal is to perpetuate Polish heritage and culture in America, will gather at a dinner on February 19, 1973, to commemorate the birth of Copernicus. It will be my pleasure to attend this celebration which annually salutes the births of George Washington, Abraham Lincoln, and Thaddeus Koscuiszko, but which will, this year, have a Copernicus theme in honor of the great astronomer.

Born in Poland and educated in Italy, Copernicus was the first to suggest that the Ptolemaic astronomical system that he had studied as a student had serious flaws. Ptolemy's theory that the earth was the center of the universe with all heavenly bodies revolving around it was widely accepted by Copernicus's contemporaries. It was in a bold break from this tradition that Copernicus named the sun as the center of a great system with the earth, as one of its planets, revolving about it. For fear of public reprisal, in light of the tenor of the times, Copernicus's writings were circulated cautiously, and not until 1543, as he was dying, was his immortal treatise setting forth his theory published.

It is fitting that we should honor this great scientist for it is upon the Copernican system that modern astronomy is built. I am, therefore, introducing a joint resolution to proclaim the week of April 23, 1973, as "Nicolaus Copernicus Week" marking the quinquecentennial of his birth.

National recognition of Copernicus would be an expression of sentiment apropos of a nation whose own brilliant strides in space began with this man's great discovery.

I ask unanimous consent that the text of my joint resolution be printed in the RECORD at this point in my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES 65

Whereas the work of Nicolaus Copernicus marks the beginning of the era of modern science;

Whereas in 1973 there will have passed 500 years since the birth of Copernicus who was born, worked, and lived in Poland;

Whereas the National Academy of Sciences has accepted the invitation from the Polish Government to assure leadership for activities associated with the observance of the quinquecentennial and has named a special committee to make recommendations;

Whereas the Smithsonian Institution in cooperation with the National Academy of Sciences is conducting during the week of April 23 its Fifth International Symposium, "The Nature of Scientific Discovery," with a scientific program which focuses upon the Copernican theory, an integral part of modern science; and

Whereas scientists from the United States, Poland, and other countries will be gathered to celebrate the origins of modern science, inquire into the kinds of cultural climates which encourage the growth of scientific knowledge, and examine certain revolutionary developments in contemporary science that have grown out of the Copernican Revolution: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to issue a proclamation designating the week of April 23, 1973, as "Nicolaus Copernicus Week" and calling upon the people of the United States to join with the Nation's scientific community as well as that of Poland and other nations in observing such week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 59

At the request of Mr. CRANSTON, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 59, a bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery.

S. 254

At the request of Mr. SCHWEIKER, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of S. 254, a bill to make it a Federal crime to assault, injure, or kill any State or local law enforcement officer, fireman, or judicial officer because of his official position.

S. 255

At the request of Mr. EAGLETON, the Senator from Washington (Mr. MAGNUSON) was added as a cosponsor of S. 255, a bill to repeal certain provisions which become effective January 1, 1974, of the Food Stamp Act of 1964 and section 416 of the Agricultural Act of 1949 relating to eligibility to participate in the food stamp program and the direct distribution program.

S. 324

At the request of Mr. SCHWEIKER, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of S. 324, a bill to provide for nutrition education in schools of medicine and dentistry.

S. 352

At the request of Mr. MCGEE, the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Iowa (Mr. CLARK), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Michigan (Mr. HART), the Senator from Maine (Mr. HATHAWAY), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 352, a bill to establish within the Bureau of the Census a Voter Registration Administration.

S. 504

At the request of Mr. CRANSTON, the Senator from Rhode Island (Mr. PASTORE), was added as a cosponsor of S. 504, a bill to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive emergency medical service systems.

S. 516

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Georgia (Mr. TALMADGE), the Senator from California (Mr. TUNNEY), the Senator from North Dakota (Mr. BURDICK), and the Senator from Arkansas (Mr. FULBRIGHT) be added as cosponsors of S. 516, a bill to amend title VI of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a 4-year term for the appointment of the Director of the Federal Bureau of Investigation.

The PRESIDING OFFICER (Mr. NUNN). Without objection, it is so ordered.

S. 582

At the request of Mr. SCOTT of Pennsylvania, the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Illinois (Mr. PERCY), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 582, a bill providing social services for the aged.

S. 650

At the request of Mr. PACKWOOD, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 650, a bill to equalize Federal tax treatment of unmarried individuals.

S. 726

At the request of Mr. BENTSEN, the Senator from Arkansas (Mr. FULBRIGHT) was added as a cosponsor of S. 726, a bill concerning the allocation of water pollution funds among the States in fiscal 1973 and fiscal 1974.

S. 755

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from North Carolina (Mr. ERVIN) and the Senator from Arkansas (Mr. FULBRIGHT) be added as cosponsors of S. 755, a bill to provide 4-year terms for the heads of the executive departments.

The PRESIDING OFFICER (Mr. NUNN). Without objection, it is so ordered.

S. 825

At the request of Mr. STEVENS, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 825, a bill to amend title II of the Social Security Act to adjust the earnings exemption.

S. 858

Mr. ROBERT C. BYRD. Mr. President, at the request of Mr. FULBRIGHT, I ask unanimous consent that the name of Mr. CRANSTON be added as a cosponsor of S. 858.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 6

At the request of Mr. CRANSTON, the Senator from Wyoming (Mr. MCGEE), the Senator from Illinois (Mr. STEVENSON), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Rhode Island (Mr. PELL), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of Senate Joint Resolution 6, a joint resolution to establish the Tule Elk National Wildlife Refuge.

SENATE JOINT RESOLUTION 11

Mr. DOMINICK. Mr. President, I am proud and grateful for the opportunity to join in cosponsoring Senate Joint Resolution 11, designating May 1 as Law Day with special recognition for law enforcement officers.

Policemen have come to be known by many labels; but to me they are outstanding Americans and daily heroes who perform an exceedingly difficult and thankless job in a truly professional manner. Cosponsoring this resolution is only a small measure of my gratitude.

Mr. President, one of the most regrettable statistics for 1972 was the killing of 112 law enforcement officers. Colorado, unfortunately, is a part of this figure, with the killing of Officer James A. Chew, of Steamboat Springs. In the light of this sacrifice, a day of special recognition hardly seems tribute enough.

I take this opportunity to thank our country's law enforcement officers.

SENATE JOINT RESOLUTION 11

At the request of Mr. HOLLINGS, the Senator from Oklahoma, (Mr. BARTLETT), the Senator from Tennessee (Mr. BROCK), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Colorado (Mr. DOMINICK), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Virginia (Mr. SCOTT) were added as cosponsors of Senate Joint Resolution 11, to pay tribute to law enforcement officers of this country's Law Day, May 1, 1973.

SENATE JOINT RESOLUTION 21

At the request of Mr. MCGEE, the Senator from New Jersey (Mr. WILLIAMS), the Senator from Minnesota (Mr. MONDALE), and the Senator from Alaska (Mr. GRAVEL) were added as cosponsors of Senate Joint Resolution 21, a joint resolution to create an Atlantic Union delegation.

SENATE JOINT RESOLUTION 49

At the request of Mr. RANDOLPH, the Senator from California (Mr. CRANSTON) was added as a cosponsor of Senate Joint Resolution 49, a joint resolution to provide for the designation of the second full calendar week in March 1973 as "National Employ the Older Worker Week."

SENATE JOINT RESOLUTION 56

At the request of Mr. CRANSTON, the Senator from Oklahoma (Mr. BARTLETT), the Senator from Indiana (Mr. BAYH), the Senator from New Jersey (Mr. CASE), the Senator from Michigan (Mr. HART), the Senator from Colorado (Mr. HASKELL), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from New York (Mr. JAVITS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MONDALE), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) were added as cosponsors of Senate Joint Resolution 56, a joint resolution to authorize the President to proclaim the week containing February 12 and 14 as Afro-American History Week.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 38

At the request of Mr. STEVENS, the Senator from Indiana (Mr. BAYH) and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of Senate Resolution 38, a resolution designed to give to the Select Committee on Small Business the authority necessary for it to receive bills and resolutions relating to the problems of small business and to report bills and resolutions to the Senate for its consideration.

EXTENSION OF ECONOMIC STABILIZATION ACT—AMENDMENT

AMENDMENT NO. 10

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. EAGLETON. Mr. President, much has been said in recent weeks about executive impoundment of appropriated funds, and rightly so. The imperious actions of this administration in terminating or cutting back funds for such programs as REAP, rural electrification, sewer construction and housing pose a grave challenge to the constitutional authority of Congress. That challenge cannot be ignored.

Today I want to bring to the attention of the Senate an opportunity to act on this problem.

There is now pending before the Senate Banking, Housing and Urban Affairs Committee a bill, S. 398, to extend for 1 year the Economic Stabilization Act—Public Law 92-210—which otherwise would expire on April 30. The administration has requested, and the bill as introduced would provide for, a simple 1-year extension. Very likely, the bill will be reported for Senate action early in March.

I have written to the distinguished chairman of the committee, Mr. SPARKMAN, pointing out the use that has been made of this act to justify executive impoundment.

In its recent report to Congress on funds currently being impounded—Federal Register, February 6, 1973—pursuant to the requirements of Public Law 92-599, the Office of Management and Budget cites as one of its statutory justifications:

> Actions taken pursuant to President's responsibility to help maintain economic stability without undue price and cost increases (Public Law 92-210, which amended sec. 203 of Public Law 91-379.

That, of course, is the Economic Stabilization Act.

In point of fact, Mr. President, the Economic Stabilization Act is the only authority cited in the OMB report for the impoundment of more than $2.4 billion in Federal-aid highway funds. It is cited as one authority for the following other impoundments:

> Appalachian Regional Commission, $65 million.
>
> Rural Electrification Administration loans, $456.1 million.
>
> Farmers Home Administration rural water and waste disposal grants, $120 million.
>
> Open space land programs under Community Development, $50 million.
>
> Grants for basic water and sewer facilities, $400.1 million.
>
> Rehabilitation loan fund, $50 million.
>
> Public facility loans, $20 million.
>
> Tennessee Valley Authority, $22.3 million.

Section 203 of the Economic Stabilization Act does give a broad grant of authority to the President to issue such orders and regulations as he deems appropriate in the interest of stabilizing prices, rents, wages, salaries, interest rates, corporate dividends, and other transfers. It goes on to mandate the President in issuing such orders to call for generally comparable sacrifices by business and labor as well as other segments of the economy. This is read by the administration as authority to impound appropriated funds.

I am certain that Congress had no such intent. But neither was it intended that the antideficiency acts be used to terminate programs and otherwise thwart the legislated purposes of Congress. Yet that has been done—and on far more questionable legal ground than can be found in the quoted sections of the Stabilization Act.

Mr. President, it would be a sad commentary on the workings of Congress if, while decrying the loss of its constitutional powers on one hand, we are found to be giving them away on the other hand. Therefore, I have urged the committee to consider an amendment to provide that nothing in the Economic Stabilization Act shall be construed as authority to impound, reserve, or otherwise withhold from spending funds and contract authority which have been duly authorized by Congress. I send to the desk at this time such an amendment to S. 398 and ask that it be referred to the appropriate committee.

Mr. President, I want to make it clear that the amendment I propose in no way conflicts with or overlaps the proposed legislation of the distinguished senior Senator of North Carolina (Mr. ERVIN). I am a cosponsor of that bill and I believe it is essential that we establish some across-the-board checks on Executive impoundments. In the meantime, however, we cannot close our eyes to the immediate challenge before us. To do so would be to ratify the impoundment actions which have been taken and to tacitly agree that the Economic Stabilization Act authorizes those impoundments.

Mr. President, I ask unanimous consent that the amendment I sent to the desk and my letter to the chairman of the

Banking, Housing and Urban Affairs Committee be printed in the RECORD.

There being no objection, the amendment and letter were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 10

At the end of the bill add the following:

SEC. 2. Section 203 of the Economic Stabilization Act of 1970 is amended by adding at the end thereof the following new subsection:

"(j) Nothing in this section may be construed to authorize or require the withholding or reservation of any obligational authority provided by law, or of any funds appropriated under such authority."

U.S. SENATE,
Washington, D.C., February 15, 1973.

Hon. JOHN SPARKMAN,
Chairman, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As the Committee prepares to mark up S. 398 to extend the Economic Stabilization Act, I want to bring to your attention the need for an amendment to prevent the Act from continuing to be used as a basis for executive impoundments of appropriated funds.

In its recent report to the Congress on funds currently being impounded (Federal Register, February 6, 1973), the Office of Management and Budget cited the following as one of its statutory justifications: "Action taken pursuant to President's responsibility to help maintain economic stability without undue price and cost increases (Public Law 92–210, which amended sec. 203 of Public Law 91–379)."

In point of fact, the Stabilization Act is the only authority cited for impounding more than $2.4 billion of federal-aid highway funds and it is cited as one justification for the following other impoundments:

Appalachian Regional Commission, $65 million.

Rural Electrification Administration, $456.1 million.

Farmers Home Administration, $120 million.

Open space land programs under Community Development, $50 million.

Grants for basic water and sewer facilities, $400.1 million.

Rehabilitation loan fund, $50 million.

Public facility loans, $20 million.

Tennessee Valley Authority, $22.3 million.

Section 203 of the Act does give broad discretion to the President "to issue orders and regulations as he deems appropriate" in the interest of stabilizing prices, rents, wages, salaries, interest rates, corporate dividends and similar transfers. Apparently, this is read by the Administration as authority to impound appropriated funds.

Supporting such a reading might be the mandate of subsection (b)(5) that such executive actions "call for generally comparable sacrifices by business and labor as well as other segments of the economy."

I am certain that this interpretation was not intended by Congress. But neither was it the intent of Congress in enacting the Anti-Deficiency Acts, to authorize the Executive Branch to terminate programs and otherwise thwart the legislated purposes of Congress. Yet that has been done and done on far more questionable legal ground than can be found in the Stabilization Act.

It would be a sad commentary on the workings of Congress if while decrying the loss of its constitutional powers on one hand it is found on the other to be giving it away. I therefore urge the Committee to consider an amendment to S. 398 to provide that nothing in the Act shall be construed as authority to impound reserve or otherwise withhold from spending funds and contract authority which have been duly authorized by the Congress.

I would be happy to meet with Committee members to further discuss this matter.

Sincerely yours

THOMAS F. EAGLETON,
U.S. Senator.

FOREIGN ASSISTANCE ACT OF 1973—AMENDMENT

AMENDMENT NO. 11

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. WILLIAMS. Mr. President, today I am introducing legislation to amend the foreign assistance authorization bill, S. 837, by providing that $5 million of the security supporting assistance for Vietnam be spent on programs to benefit Vietnamese children who have been disadvantaged by the war.

Over the last several days, we have watched with a deep sense of relief the first group of American prisoners of war come home. Hopefully, this emotional and joyous repatriation will occur many more times in the next 6 weeks, all American military personnel will be returned from Vietnam and our long, costly military involvement will finally be ended.

However, for the Vietnamese who have suffered enormously during this severe war, the end of this fighting enables them to redirect precious time and resources to their massive social problems. And even though we have conducted some humanitarian assistance throughout the Agency for International Development's long involvement in Vietnam, no attempt has been made to approach the social and humanitarian problems on a permanent and ongoing basis. Unfortunately, in regard to humanitarian needs, AID has generally emphasized solving crises rather than establishing viable programs.

Although they have performed creditably with limited resources, the time has indeed come when we must make commitments to helping these beleaguered people overcome the ravages of war.

Over the last few years, my attention has been directed to the substantial impact of the war on the civilian population and particularly the children. South Vietnam has a young population; nearly 50 percent of the population is under 15 years of age and approximately 700,000 of these children are orphans. This staggering figure reflects how Vietnamese children have been caught in the war's devastating crossfire and have been a major part of the large forced migrations from their homes in the country to urban centers.

The children have played a large part in the rapid growth of the cities and their general problems have been compounded by spiraling inflation and widespread unemployment caused by the loss of jobs in support of American military forces. Clearly, these children, the marginal members of the society, have suffered most as a result of these social and economic upheavals.

Mr. President, unfortunately, as these problems have been worsening, our Government has pursued a policy of destruction almost to the exclusion of providing adequate programs for the young and helpless victims of that policy.

For example, I understand that AID had planned to reduce its social welfare advisers who work on a part-time basis with children's programs from five to three at the end of fiscal year 1973. However, I am gratified to note that in recognition of the seriousness of the problem and the final termination of hostilities, AID has planned to retain the current meager level of U.S. involvement in these matters.

Although I am pleased that AID has made this modest adjustment, I believe that their commitment is still insufficient. We have reached the point where we must actively replace military efforts with significant health and rehabilitation efforts.

For these reasons, I am introducing an amendment to S. 837 which provides $5 million solely for programs related to children's welfare. This amendment is basically the same as the one I introduced last July which was accepted in both the Senate and House versions of the foreign aid bill.

This legislation would clearly expand AID's mandate in the child care area and provide the assistance which should improve the care and protection of children orphaned, abandoned, or left in poverty as a result of the war. The highest priority would be improving and expanding day-care facilities which should provide an environment conducive to healthier family development thereby reducing the incidence of abandonment which has accompanied the withdrawal of American troops.

Since the major purpose of this legislation is to improve the home atmosphere so that fewer children are left to institutions, it is expected that a major emphasis will be to improve existing orphanages instead of building new ones. Along similar lines, the existing but inadequate hostel program which provides housing for children who support themselves must be expanded, so that the thousands of independent children can have a roof over their heads at night.

Furthermore, this amendment contemplates training Vietnamese to staff day-care centers, orphanages, health care centers, and providing grants for establishing and conducting medical centers.

A second approach of this legislation is directed toward the children who have no parents or guardians, especially the half-American children who too frequently are subjected to bitter racial discrimination. For these children, intercountry adoption may be the best solution to the problem of locating or establishing a home for them. In this respect, AID is called upon to negotiate with the appropriate Vietnamese and U.S. Government officials in order to standardize the forms and procedures used in intercountry adoption.

Should such a facilitation of the adoption process occur, adoptions would be simplified but they would continue to be handled on a strict case-by-case basis.

I have made two changes in this legislation which I believe make it conform better to the existing situation in Vietnam. First, I have changed the language related to intercountry adoption in order to emphasize that abandoned or orphaned half-American children should be given priority in intercountry adoptions. Second, I have restricted the funds under this program to international agencies, or United States or South Vietnamese voluntary agencies. Since money is already provided in the AID budget request for programs being conducted with the Vietnamese Government, I do not think it is necessary to provide more money for the government to use, especially during this period when we are not sure what final and lasting form that government is going to have. Therefore, I submit that we restrict the funding provided by this amendment to those private agencies which have demonstrated a commitment to resolving child care problems. Furthermore, I am under the impression that the most effective programs related to child care in Vietnam are generally run by the private, voluntary agencies.

I understand that the Committee on Foreign Relations will be holding hearings on S. 837 this Thursday. I expect that the committee will be beginning its thorough consideration of post war reconstruction in the near future.

As one of the principals in the war, we must now provide the humanitarian leadership which will result in the devolopment of a healthy, viable country. Congress should provide this leadership by supporting a responsible program which will finally provide adequate U.S. assistance to this sad and long-neglected area. Surely, we can hasten the end of this era of divisiveness with a demonstration of compassionate unity for those who have, throughout the ages, been the most helpless and destitute of war's victims—the children.

I ask unanimous consent that this amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENTS No. 11

On page 2, line 25, immediately after "Sec. 4.", insert "(a)".

On page 3, between lines 6 and 7, insert the following:

(b) Such chapter 4 is amended by adding at the end thereof the following new section:

"SEC. 534. Assistance to South Vietnamese Children.—(a) It is the sense of the Congress that inadequate provision has been made (1) for the establishment, expansion, and improvement of day care centers, orphanages, hostels, school feeding programs, health and welfare programs, and training related to these programs which are designed for the benefit of South Vietnamese children, disadvantaged by hostilities in Vietnam or conditions related to those hostilities, and (2) for the adoption by United States citizens of South Vietnamese children who are orphaned or abandoned, or whose parents or sole surviving parent, as the case may be, has irrevocably relinquished all parental rights, and, in particular, for the adoption of such children whose fathers are United States citizens.

"(b) The President is therefore authorized to provide assistance, on terms and conditions he considers appropriate, for the purposes described in clauses (1) and (2) of subsection (a) of this section, with priority being given, in carrying out the purposes of such clause (2), to providing assistance for the adoption of such children whose fathers are United States citizens. Of the funds appropriated pursuant to section 532 for fiscal year 1973, $5,000,000 shall be available until expended solely to carry out this section. Not more than ten per centum of the funds made available to carry out this section may be expended for the purposes referred to in subsection (a) (2) of this section only under the auspices of and by international agencies, or United States or South Vietnamese voluntary agencies."

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 6

At the request of Mr. SCHWEIKER, the Senator from Maryland (Mr. BEALL) and the Senator from Rhode Island (Mr. PASTORE) were added as cosponsors of amendment No. 6 intended to be proposed to the bill (S. 800) the Victims of Crime Act of 1973.

ANNOUNCEMENT OF HEARINGS: "BARRIERS TO HEALTH CARE FOR OLDER AMERICANS"

Mr. MUSKIE. Mr. President, as chairman of the Subcommittee on Health of the Elderly of the Senate Special Committee on Aging, I wish to announce that the subcommittee will soon begin hearings on "Barriers to Health Care for Older Americans."

The first round of hearings—on March 5, 6, and 7—will provide us with essential information for our overall study. They will sound the themes to be explored at some length at later hearings here and possibly in the field, or in special reports issued in conjunction with the hearings.

But the March hearings will also serve a more immediate purpose. They will provide an opportunity to take testimony on the administration proposal to raise the cost of coinsurance and deductibles for participants in the medicare program.

My own feeling, from the limited information now available, is that this so-called cost sharing could become very costly by deterring those in need of care from receiving it early enough in their illness to prevent institutionalization or prolonged treatment.

Indeed, studies have shown that deductibles and coinsurance have little effect in preventing overutilization and that they are, in fact, administrative nuisances.

I will look forward to an early discussion of the administration proposals and the relationship of those proposals to other issues which the subcommittee shall investigate:

How rising medical costs are undermining medicare and medicaid, causing new restrictions and higher costs to participants.

How alternatives to institutionalization are not available to most older persons, despite official lipservice to that principle.

How fragmentation of medical services is worsening especially in inner city and rural areas.

How health care costs keep going up for the elderly, despite the essential protection provided by medicare.

My subcommittee study will be held in conjunction with a committee inquiry into "Future Directions in Social Security." As I said at the committee hearing on January 22:

> The valuable testimony on health care will result from this first round of hearings in this series will serve as the springboard of hearings and other inquiries by my Subcommittee on Health of the Elderly in 1973.
>
> A major goal of these hearings and other Subcommittee activities will be to make certain that a national health security program for all—when finally enacted into law—will include provisions meeting the real needs of older persons.
>
> Yet another goal will be to stop the decline of health services for older Americans that has marked this Administration's approach to Medicare and Medicaid and other health programs that serve the elderly. We will be focusing on the barriers to adequate health care for the elderly and ways to remove them.

The hearings will be held at 10 a.m. March 5, 9:45 a.m. March 6, and 10 a.m. March 7 in room 6226, Dirksen Office Building.

NOTICE OF RESCHEDULING OF HEARINGS

Mr. McINTYRE. Mr. President, I wish to announce for the information of Senators and other interested persons that the hearings scheduled for March 8, 9, and 13 before the Subcommittee on Financial Institutions on legislation to extend Regulation Q and also examine the use of Notice of Withdrawal Accounts by financial institutions have been rescheduled for March 20, 21, and 22.

The hearings will commence at 10 a.m. in room 5302, New Senate Office Building.

All persons wishing to testify should contact Mr. T. J. Oden, room 5300, New Senate Office Building; telephone 225-7391.

NOTICE OF HEARINGS ON STATE TAXATION OF CERTAIN FINANCIAL INSTITUTIONS

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking, Housing and Urban Affairs will hold hearings on S. 297, a bill to regulate State taxation of federally insured financial institutions, on February 28 and March 1, 1973. The hearings will be held each day in room 5302 in the Dirksen Building beginning at 10 a.m. Anyone wishing to testify or submit a statement on this matter may telephone Reginald Barnes, assistant counsel, at area code 202, 225-7391.

NOTICE OF HEARINGS ON NOMINATIONS

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on

Banking, Housing and Urban Affairs will hold hearings at 9:30 a.m., February 21, 1973, in room 5302, Dirksen Building, on the nomination of Mr. G. Bradford Cook, to be Chairman of the Securities and Exchange Commission and Messrs. Philip A. Loomis, Jr., and John R. Evans, to be members of that Commission.

Anyone wishing to testify or submit statements on this matter may telephone Steven Paradise, assistant counsel, at area code 202, 225–7391.

ADDITIONAL STATEMENTS

LAST COLUMN BY DAVID LAWRENCE

Mr. SCOTT of Pennsylvania. Mr. President, U.S. News & World Report for February 5, 1973, published a column by the late David Lawrence entitled "Thank God for the United States."

I believe that this article, one of the last by the esteemed Mr. Lawrence, is a fitting legacy to his many years of thoughtful commentary.

I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THANK GOD FOR THE UNITED STATES

(By David Lawrence)

Ten years of war in Indo-China could be followed by a lasting peace in Southeast Asia, which could also help to promote the peace of Europe and other continents. But can we be sure?

South Vietnam has struggled since 1954 to establish its independence. North Vietnam started a war to prevent it. The Communists of China and the Soviet Union provided military supplies and weapons to the North Vietnamese.

To whom could the people of South Vietnam turn for aid? The United States, as a party to the Southeast Asia Treaty, recognized its obligation when a request for assistance was made by the Saigon Government. Acting under the pledge of the treaty, America began to give military advice and send troops to contest aggression.

Where else could South Vietnam have looked for the support it so desperately needed? The United States responded because of the principle at stake. Acquisition of other nations' territory by force of arms could lead, if unchecked, to similar acts of aggression in other parts of Asia as well as in Europe and elsewhere.

The United States Government was conscious of its responsibilities and unhesitatingly endeavored to demonstrate respect for the commitments made in the Southeast Asia Treaty, which had been duly ratified by the Senate in 1955.

Now that the peace agreement has been made to end the Vietnam war, there is an opportunity for reconstruction and rehabilitation of the war-torn lands of Indo-China. Already some countries which were not participants in the war have begun to offer funds for the rebuilding. Financial aid will be given so that a better life will come to those who have suffered from the tragedy of war. Tens of thousands of civilians have been killed and millions more have been wounded or left homeless in the savage fighting which has swept the whole area.

The generosity of peoples throughout the world will be extended to both North and South Vietnam. The chance to make the word "peace" meaningful, however, will rest with the governments which signed the documents, pledging themselves to carry out a cease-fire, to return the prisoners of war and to resolve differences without military coercion.

If the United States had declined to fulfill the provisions of the Southeast Asia Treaty, what would have been the consequences? Is there any doubt that the countries of Indo-China would no longer be free but would be part of the system ruled by the Communists? Is there any doubt, also, that Australia and New Zealand would have been confronted by aggression or internal revolutions?

Communist imperialism or dictatorial rule is not confined to Europe or the Asian continent. Just 90 miles away from the United States, we have seen Cuba become an ally of the Communists. The Soviet Union in 1962 even set up missile bases in Cuba. This is an example of how limitless are the efforts to expand Communist domination. Indeed, since those days, some countries in Latin America have been victims of subversion by Communist agents who have managed to stimulate local groups to seek a virtual alliance with the Soviet Union.

People who want the United States not to be involved in any conflict overseas and to confine itself merely to resisting military attacks on its own territory are not aware that there are conspiracies by the Communists to produce disorders inside many countries, including ours. These activities cannot be brushed aside as inconsequential.

The United States today is known as a champion of freedom and as a nation which has given substantial military support for the defense of South Vietnam. This is an example of fidelity to the principle of self-determination of peoples. There are hardships in becoming a party to any war, but the critics ignore the true significance of what the United States has done by its decision to protect South Vietnam.

There are those who see the entry of the United States into the war to save South Vietnam as a "big mistake." They do not realize what America did in standing up to its commitments under an existing treaty. For history will record that the unselfishness of this country was exhibited and continued not only to the day the war terminated but in the financial assistance given subsequently to the peoples on both sides in Vietnam so reconstruction could be begun.

The United States has performed its duty under the Southeast Asia Treaty and also has shown itself to be the friend of countries threatened with a loss of their sovereignty. The world knows there is at least one major power willing to help a small nation when armed aggression menaces its independence.

Millions of people around the globe who do understand what the Vietnam war means to the cause of freedom will say:

"Thank God for the United States!"

PROFESSIONAL PERSON URGED FOR RESOURCE MANAGEMENT

Mr. METCALF. Mr. President, on February 14, spokesmen for 19 conservation organizations sent telegrams to Secretary of Agriculture Butz and Secretary of the Interior Morton. The signers of the telegrams urged the appointment of a person, professionally qualified in resource management, to head the Bureau of Land Management.

I take this means to call the telegram to the attention of Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

TELEGRAM

FEBRUARY 14, 1973.

Hon. EARL L. BUTZ,
Counselor to President—Natural Resources,
The White House, Washington, D.C.:
Hon. Rogers C. B. Morton,
Secretary of the Interior, Department of the Interior, Washington, D.C.:

Undersigned aware new Director, Bureau of Land Management may be named soon. We urge that a person professionally qualified in natural resources management be selected to head the agency. Furthermore, in our opinion, the Reorganization Act of 1946 requires selection of a classified civil service employee. BLM has careerists worthy of consideration for this important post. Others also qualified in Forest Service.

American Forestry Association, American Institute of Biological Sciences, Appalachian Mountain Club, Boone and Crockett Club, Friends of the Earth, International Association of Game, Fish and Conservation Commissioners, Izaak Walton League of America, National Association of Conservation Districts, National Association of State Foresters, National Audubon Society, National Rifle Association of America, National Wildlife Federation, Sierra Club, Society of American Foresters, Society for Range Management, Sport Fishing Institute, the Wildlife Society, Trout Unlimited, Wildlife Management Institute.

PROPOSED CUT IN VETERANS' BENEFITS

Mr. BIDEN. Mr. President, the welfare of returning American prisoners of war and veterans of the Southeast Asia conflict is of deep concern to all Americans.

At this time of sharp focus on our returning men, it is beyond comprehension that the Veterans' Administration would choose to announce a sizable cut in veterans' benefits, particularly those to disabled veterans.

Recently, a newspaper columnist presented the irony of the situation in most lucid terms.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star and Daily News, Feb. 13, 1973]

CHEERS FOR POW'S, THEN—VA CUTS

(By Mary McGrory)

It was, Rep. Ella Grasso, D-Conn., stormed, "callous and shameless."

She was referring to the awkward coincidence of events of the past few days. On the one hand, the country, with a lump in its throat, was cheering the deliverance of the POWs at Clark Field. On the other, a grateful government was telling the disabled prisoners, along with other Vietnam veterans, that their sacrifices had been sharply devalued.

For those held in long captivity, it may provide a rude jolt to learn that while the price of everything else went sky-high, the price of an arm or a leg or an eye lost in the service of one's country had been slashed, as of Wednesday.

For example, the soldier of World War I, World War II or Korea received as compensation for a leg amputated at the hip, $275 a month, a 90 percent disability. Under a new schedule proposed by the Veterans' Administration, the amputee would receive only 40 percent disability, or $106 a month.

The administrator of the VA is required by law periodically to review the disability schedule payments, but the distribution of the revised rates to interested congressional committees and veterans organizations, just as the country was preparing for its first happy moment of the war, caused a general blowing of stacks on Capitol Hill.

By 12:30 on Thursday a bill restoring the cuts and freezing the payments at the 1945 rates, had been introduced into the House by South Carolina Rep. William J. B. Dorn, chairman of the Veterans Affairs Committee.

One of his cosponsors, Rep. John Hammerschmidt of Arkansas, the committee's ranking Republican, said, "the timing is simply incredible."

Hammerschmidt dashed off a letter to President Nixon urging him to overrule the VA at once.

"I can't believe he won't do it," says Hammerschmidt.

In common with Mrs. Grasso and other indignant committee members, Hammerschmidt finds the context of the administration's proposal to send unspecified amounts of money to North Vietnam particularly grating.

It would, of course, be the ultimate irony of this war that those Americans who suffered most from it would be short-changed so that compensation could be paid the people they fought. The saving realized on the disability cuts are projected at $160 million.

The disabled American Veterans already has set up a meeting with the House Veterans Affairs Committee next Tuesday for a general review of the situation. They expect to make the cuts the first order of business.

DAV National Commander Jack O. Hicks of Larue, Ohio, protests that the payments are "not a gratuity or a handout, but rather a hard-earned entitlement for service and sacrifice."

Hicks also fired off a telegram to the commander-in-chief urging him to cancel at once "these ominous threats to America's war veterans."

Those disabilities which are rated at less than 50 percent will mean also the cancellation of benefits to veterans with families.

American Legion Commander Joe L. Matthews stated, "This is not a time in the history of the nation when benefits for the service-connected disabled should be in any way reduced. If anything, they should be increased."

VFW Commander in Chief Patrick E. Carr promised the full support of his organization in fighting the discrimination against the Vietnam veterans.

The President has no objection to battling things out with Congress—Sen. Vance Hartke, D.-Ind., has introduced an opposition bill in the Senate—but it will be interesting to see if he wishes to go eyeball-to-eyeball with the veterans organizations who accorded him such strong support in the past four years while he continued the war and constantly expressed his admiration and concern for the American fighting man.

As of now, he seems to have as little regard for the disabled veterans as for those who refused to fight.

If he persists in what Mrs. Grasso calls his "merciless program of budget-chopping," someone will surely ask about the compensation being paid to one of the most celebrated Vietnam veterans, Gen. John D. Lavelle, author of the unauthorized bombing raids over North Vietnam, who was retired at 70 percent disability and seems to be unaffected by the austere new schedule.

SOCIAL PROGRAMS BUDGET CUTS

Mr. BENNETT. Mr. President, the administration has come under heavy fire from some quarters for its attempts to apply some sound business management and commonsense to many wasteful and inefficient social programs.

There are those in Congress and among the media who would lead us to believe that any budget cuts in existing social programs are proof that the administration is insensitive to the needs of the poor, the minorities, and the downtrodden. If they would only stop and examine some of the programs in depth, they would find that such programs are not accomplishing anything they were designed to do. On the contrary, much of the Federal money appropriated for the poor does not help the poor at all, but serves merely to perpetuate the the bureaucracy and provide lucrative jobs for professional crusaders.

Columnist Victor Riesel pinpointed the problem in a column published in the Arizona Republic on February 3, 1973. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, Feb. 3, 1973]

JOB TRAINING: BONANZA FOR SOME, BUST FOR POOR

(By Victor Riesel)

Many an oratorical ambitious politician these days specializes in a domestic brand of dollar diplomacy. He cries out against defense spending or quivers with rage over moon shots. But hardly ever does he denounce the fantastic looting of billions of dollars from what are called, in the trade, federal social programs.

Corruption "over there" is betrayal. Corruption here is just inefficiency of enthusiasm if done in the name of social service.

It has gotten to the point where the annual stealing of $40 million in Medicaid funds in one state or the welfare looting of $59.1 million a year in another state not only are ignored, but those who expose the thievery are denounced as enemies of the people.

Well, late last year Rep. Martha Griffiths, who heads a subcommittee probing the "whole welfare mess," released a report for her top group, Congress' Joint Economic Committee.

In effect, the report said that much of the $6.8 billion poured into manpower-training programs by the government in a decade may have been uselessly spent.

Admittedly this kind of money may be petty cash to some. But I was impressed. So, I dug. Finally, in the catacombs of the government, I found the specialists who know exactly what the small print says in all the laws.

One such specialist said he was "bewildered" by the labyrinthian bureaucracies, the intricacies, the fabulous expenditures, and the tragic failure of most of the manpower-training projects.

Some of this is being probed quietly by a little-known subcommittee of the Joint Economic Committee, the subcommittee on fiscal policy-welfare study. The House Ways and Means Committee handed it a considerable sum to get the facts, just the facts.

The specialists talk a language of their own. One said he is "not sanguine about the prospects of a large expanded program increasing the income of the welfare population in a short period of time."

Some 6.1 million persons have passed through the so-called training programs.

How many of those millions, which have cost so many taxpayers so much, are still working? No one knows. What are they earning because of their new "skills"? Nobody knows.

There is one series of reports issued by the General Accounting Office which in gentle jargon appears to say that mighty few of the training programs actually operate.

For example, there's something called Manpower Training Skill Centers. GAO says with characteristic but unimpeachably honest understatement: "There is a need for changes in procedures for funding a center; improving the selection of individuals for training, improving the management information system and the (Labor) Department to more adequately monitor centers' program operations."

Which means there's something wrong with the money input and outflow. And the wrong people are being trained. And there is need for closer supervision.

In a sense virtually all the manpower-training programs suffer from the same bureaucratic disease. There is "JOBS"—Job Opportunities in the Business Sector. There is WIN—Work Incentive Program—and the Neighborhood Youth Corps and the Job Corps. And a string of evangelistic, drum-beating, heavily staffed, heavily financed operations with electrifying acronyms for names. Trouble is they're not really working right according to GAO, Joint Economic Committee members and any cop on the beat.

So time has come for Congress and the citizenry to forget being diplomatic about dollars spent, wasted, looted, or lost in the "great crusade."

Let's tell it like it is: Billions are being wasted and the disadvantaged get no advantages, life isn't softer for the hard core, and most of the benefits go to the professional crusaders, politicians and skill peddlers who have turned the training into a big business.

THE ROCKY PATH OF FEDERALISM—OUR DUAL SYSTEM OF COURTS

Mr. ERVIN. Mr. President, Robert H. Hall, the presiding judge of the Georgia Court of Appeals and the current president of the American Judicature Society, has written an illuminating and interesting article entitled "The Rocky Path of Federalism—Our Dual System of Courts," which was published in volume 23, No. 3, of the Mercer Law Review.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ROCKY PATH OF FEDERALISM—OUR DUAL SYSTEM OF COURTS*

(By Judge Robert H. Hall**)

That great observer of the American scene, Alexis de Tocqueville, began his discourse on the judicial power with a remark which describes my feeling on approaching this subject. He said: I am at a loss to explain the political action of the American tribunals without entering into some technical details of their constitution and their forms of proceeding; and I know not how to descend to these minutiae without wearying the curiosity of the reader by the natural aridity of the subject, or without risking to fall into obscurity through a desire to be succinct. I can scarcely hope to escape these various evils.[1] I hope you will bear with me as I also try to navigate between the banks of aridity and obscurity. And I must begin, I fear, from the port of generality.

From the time of its inception, our peculiar form of federal government has been regarded as one of the most complex in

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the world. It was created by what we now consider as the ablest political thinkers of any generation. Its form was a result of their skill at compromise. About the only point of agreement of the delegates to the Philadelphia Convention was that government under the Articles of Confederation had not worked, but the opinion about what to do ranged from minor amendment of the Articles to the creation of a completely national government. The resulting compromise was unique to history at that point. The states were to be neither completely sovereign members of a confederacy nor administrative units of the new national government. Madison supplied the philosophical underpinning of the new form by his concept of the sovereignty of the people and their direct relationship to the national government. The people were creating the government, even though the mechanism of ratification was the states.[2]

This semi-mystical notion of dual and partially limited sovereignty between the states and federal government was scarcely off the ground before it came under fire. The doctrine of interposition was born before the decade was out and although a civil war settled the issue for practical purposes, its ghost still walks from time to time. Nevertheless, while our discussions about the nature of our federalism have tended to remain rooted in the patterns of the 1780's, the reality has changed. We have become an increasingly centralized nation because strong social and economic forces have impelled it. The power of the federal government has grown beyond anything Hamilton might have imagined; but we must remember that most of the limitation on that growth have been made by the federal government itself. Beyond the first surge of expansionism in the early 19th century and a brief period in the early 20th century, the Supreme Court and Congress have more often than not been highly solicitous of state rights. The states now have the widest latitude in most areas of governmental activity. For example, no state economic regulation has been held unconstitutional on due process grounds in well over 30 years[3] and certain decisions of the Supreme Court this past year are filled with language which would have warmed Calhoun's heart.[4] I will mention other, more technical, limitations later.

Nevertheless, there is a new form of federalism in the process of emergence. It is not a renaissance of the classical concept of state sovereignty, despite some of the rhetoric that has accompanied the public discussion. Rather, it is a way of problem solving based on the realization that everything cannot be cured in Washington—that there is a point of growth in central administration beyond which there is no sensitivity, creativity, or effectiveness. The emphasis is pragmatic. Delegation back to the grass roots is a more effective way to deal with certain problems, but the grass roots, in this sense, are not necessarily the traditional political entities.[5] There is no need to list the ever increasing number of subjects which refuse to be bound by city, county or state lines.

We therefore find ourselves in the process of both philosophical and practical change in the nature and workings of government; but our court systems are still operating under the old forms and largely without any serious re-examination. We know we have problems, but the proposed solutions have been of the minor readjustment variety. I believe it is safe to assume that for the near future no radical reform will occur in the form or distribution of judicial power, just as it is safe to assume that the states are not going to be imminently abolished. With evolution in mind, therefore, I will turn to the subject of our concurrent court systems.

Two important ideas underlie any discussion. The first is that our dual systems of state and federal courts is also unique. No other federal government has chosen to emulate our example. The general idea has been that it is unnecessarily complex. I might add that foreign observers are not the only ones who think so. The second important point is that our courts occupy a more powerful place in the political process than in any other country. This is a result of a number of factors: that we began our federal experiment with a basic distrust of government; that we operate under written constitutions which are power *limiting* in nature; and that we have developed the unusual concept of judicial review of the other branches of government.[6] A Canadian commentator described this in an amusing way.

"The people manifestly do not trust their lawgivers and they have therefore loaded their constitutions with prohibitions intended to prevent the legislature from doing most of the things which it would normally wish to do. The legislature is like a servant who is not entrusted with the keys to the cellar or the garage, for fear lest he might help himself and accommodate his friends. Now one of the main functions of the judge in an American state is to keep an eye upon the legislature. The people cannot do this themselves, and he must discharge this duty on their behalf." [7]

The writer, of course, points out that it is conceptually impossible for courts to declare legislation unconstitutional in a parliamentary system where the legislature is deemed to be the complete expression of popular sovereignty. I would also add, for those of us who think there is something unprecedented in the recent political activism of the judiciary, that de Tocqueville said in 1835 that Americans are inclined to turn any political question into a lawsuit.

Our court systems developed in the same way as the general scheme of federal government—as the result of our own colonial history and as the compromise of the many cross currents of thought born of that history. For example, there was never any real question that the national government ought to have judicial power or the types of jurisdiction appropriate to it. This was vested in the Supreme Court by article III. There was considerable debate, however, over the necessity or desirability of inferior federal courts.[8] The constitutional provision which empowered Congress to establish them was yet another of the compromises of the Philadelphia Convention. Many of those who supported the provision didn't believe that Congress would actually rush into doing anything about it. The feeling was strong that the existing and complete systems of state courts could adequately deal with any claim of federal right, with ultimate review in the United States Supreme Court if necessary. Only a few voices suggested that the real possibility of conflict between general and local policy would make the state courts inappropriate to administer national laws.[9]

However, the first Congress did act to establish inferior courts. The Judiciary Act of 1789 was, once again, the result of compromise. Admiralty and maritime jurisdiction had been made exclusive to the national judicial power. A basic agreement that lower courts were necessary to exercise it had grown during the ratification interval; but whether they should be granted any other constitutionally authorized jurisdiction was hotly debated. Today it may seem surprising that Congress finally decided to grant these courts diversity jurisdiction but not federal question. Again, the feelings of the day have to be examined. What we could call xenophobia was common. The national thinkers were the exceptions. People were more than willing to trust their own state courts to deal with their rights as national citizens, but not to trust another state court to deal fairly with them in any matter. The theory has also been advanced that the original basis for diversity was not regional but rather class bias, *i.e.*, that federal judges would be of the propertied class and would be more sympathetic to interstate commercial litigation.[10] It was not until 1875, and in the wake of the great national feeling born of the Civil War that the inferior federal courts were clothed with federal question jurisdiction.

This set the stage for two developments. The most far reaching was the implementation of the strong centralizing and unifying tendencies of national law by judicial expression and enforcement. In other words the federal courts became powerful nationalizing instruments. This new role, of course, made the existence of dual systems even more complex and greatly enlarged the areas of friction between them.

That the two systems would necessarily have large areas of concurrent jurisdiction was recognized very early. Hamilton wrote:

"The judiciary power of every government looks beyond its own local or municipal laws, and in civil cases lays hold of all subjects of litigation between the parties within its jurisdiction, though the causes of the dispute are relative to the laws of the most distant part of the globe. . . . When in addition to this we consider the state governments and the national governments . . . as parts of *one whole*, the inference seems to be conclusive that the state courts would have a concurrent jurisdiction in all cases arising under the laws of the Union, where it was not expressly prohibited." [11]

Since that time, the principle has been continuously reiterated that the state courts share the duty of enforcing federally created rights and obligations; and, of course, the same duty rests on federal courts. Diversity litigation is the most obvious, but even in federal question cases there are often significant issues of state law as well.

Therefore, while concurrent jurisdiction in the broad sense is necessary, given a dual court system, we must also find ways to rationally divide the work load between the two systems. As a practical matter it cannot be done by simply determining whether a case is state or federal in nature. There is too much overlap. On the other hand, the various methods we have employed to sort out cases have led to confusion and inefficiency in some areas and to friction and hostility in others.

Perhaps the most obvious example of inefficiency is diversity litigation. Judge Wright of the United States Court of Appeals believes that its practice under *Erie* squanders the resources of the federal judiciary. When state law is not clear, exhaustive research and analysis is required to predict what the state court would do and then the result merely settles the immediate dispute. It fails to achieve that other important objective of a legal decision, *i.e.*, establishing a precedent and organizing a body of law. He also believes it retards the formation and development of state law by postponing issues until another appropriate case comes to the state court.[12] The most extreme version of the doublethink necessary under *Erie* is in determining conflict of laws rules. There the federal judge must decide what he thinks the forum state would think that another state would think "on an issue about which neither has thought." [13]

The reverse side of the coin is the problem of the state judges who must decide cases arising under federal statutory law, *e.g.*, Federal Employer's Liability Act, Fair Labor Standards Act, Jones Act, and Miller Act. Jurisdiction over these matters has been

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made specifically concurrent by the statutes. The problem here is also one of determining what the law is. Even when they originate in the federal courts, these cases rarely get beyond circuit level. The state judge is faced with conflicting decisions among the circuits and the states. He can only choose among them at his peril. The result is a lack of uniformity even within a circuit. There is also a similar inefficiency because the state judge does not see enough of these cases to develop an expertise. He must necessarily spend more time than usual in research and analysis. Finally, he faces some procedural quirks which may not have any solution. For example, forum shopping across state lines is possible in FELA cases because the employer, usually a railroad, is amenable to suit nearly everywhere. Without a state doctrine of forum non conveniens, how does a state judge dispose of a suit which clearly does not belong in his court?

So far I have mentioned situations which are wasteful and confusing, but do not often cause conflict between the systems. However, there are other areas in which concurrent jurisdiction is highly abrasive to state-federal relations. The oldest and most obvious one is the Supreme Court's power of review over state decisions which conflict with federal law or the Constitution. However repugnant it may be to a state, the power to resolve these conflicts follows naturally from the supremacy clause, and indeed is inherent to our federal union itself. The issue of direct review has long since been settled [14] although it is sometimes discussed as if the question were open. Much more annoying to the states is the review exercised by the lower federal courts in certain instances. I will return to that in a moment, but first I want to mention another category of cases which Judge Moore of the Second Circuit calls "the ships that pass in the night group." [15] These are the parallel suits in each system which have different results. A recent, well publicized illustration was the tug-of-war played by the courts with the Braves baseball team. Would they play in Atlanta or Milwaukee? A more classical example is the embroiled parallel litigation surrounding the amours of a Nevada Senator which ultimately resulted in the shooting of a California judge by the bodyguard of a Supreme Court Justice. The second round of confrontation occurred when the federal court enjoined the bodyguard's prosecution for murder in the state.[16] Possibly the only remedy for these cases is the discreet use of abstention or res judicata. Certainly injunctions, even in the limited instances where they are available, act as exacerbating influences.

The power of a lower federal court to enjoin state courts or officials from enforcing state civil or criminal laws on the basis of their unconstitutionality is, of course, a prime area of friction. Possibly because of fears for the independence of state judicial systems, a federal anti-injunction statute was first enacted in 1793. Over the course of time, however, many exceptions to it were carved out, culminating in the famous case of *Ex Parte Young* in 1908.[17] It vividly demonstrated the power of one man to negate state regulatory measures passed by representatives of the people for their protection. The public's reaction was hostile and the result was the passage of the Three Judge Court Act,[18] a compromise which allowed the retention of certain federal injunctive power. It seems clear, however, that despite the limitations and safeguards contained in both the present anti-injunction statute [19] and the three judge court, the potential for abrasive interference can only be mitigated by court developed rules of comity and the desire of the federal bench to interfere no more than absolutely necessary to enforce the Constitution uniformly across the country. But how much is "no more than necessary?" Judge Moore suggests that the decision of the Supreme Court that an apportionment plan adopted by popular referendum was unconstitutional falls in a shadowy area.[20] He queries:

"If the people of the state were happy with moderate malapportionment, should they be permitted to remain that way, however benighted the Supreme Court may have thought them?" [21]

Among the problem areas of federalism, possibly the most acute is dissatisfaction with the habeas corpus jurisdiction of the federal courts over state prisoners. State judges believe it a violation of the dignity due the state's highest courts when they are, in effect, reversed by a single federal district judge. Prosecutors believe it impedes the administration of criminal justice. Even the federal judges are unhappy because the large volume of frivolous applications of the past ten years has severely burdened their work load.

One important fact needs to be emphasized now. Discussions of federal habeas corpus have often proceeded on the false assumption that the whole thing is a device dreamed up by the United States Supreme Court, willingly abetted by the district courts. The jurisdiction was, of course, first granted by an Act of Congress in 1876.[22] On many occasions since then, proposals have been made to limit or even abolish it for all practical purposes.[23] The proposals have been backed by the Conference of Chief Justices and other similar prestigious groups. In each case, and after full consideration, Congress has refused to abrogate the jurisdiction. The 1966 amendments were little more than legislative recognition of the methods and standards developed by case law and already used by the judges to screen applications.

While there is room for debate concerning the necessity or efficiency of present habeas procedures, the point I have been making is that it must be directed to the legislative branch. The chief role of the Supreme Court has been to establish definitively the existence and scope of the power in the federal courts *under the Act*.[24] However, the rapid increase in the volume of applications is mainly due to the steady incorporation of federal constitutional protections into state criminal systems by way of the series of fourteenth amendment-due process cases of recent years.[25]

It seems clear that Congress believes that the existence of the remedy is essential to maintain minimum, uniform standards of due process in criminal procedure throughout the country and that considerations of federalism, however important, do not outweigh this necessity. It is interesting that in Canada, criminal procedure has always been a matter of dominion law although the substantive criminal law is both provincial and dominion. Justice Shaefer of Illinois has said that "the quality of a nation's civilization can be largely measured by the methods it uses in the enforcement of its criminal law" and that to the people of the world, "the criminal procedure sanctioned by any of our states is the procedure sanctioned by the United States." [26]

It seems likely then, that the federal habeas corpus remedy will be retained until a uniform criminal procedure exists in this country, both in letter and application. Appellate review by the Supreme Court is not a practical alternative for a variety of reasons. The approach should therefore be to devise a better form of the remedy—and which will take account of both federal bench work load and state court sensibilities.[27]

Now that I have outlined the various problem areas, I would like to mention some recent developments which tend to mitigate, and reforms which have been proposed, including some of my own.

The diversity jurisdiction of federal courts has come under increasing fire by legal scholars in recent years. It is widely asserted that the local prejudice which gave rise to the jurisdiction originally no longer exists. The American Law Institute has made an extensive study of the subject. Its draft proposals have been published under the title "Study of the Division of Jurisdiction between State and Federal Courts." Although there are many minor changes which would affect the volume of diversity litigation, the chief one would abolish the right of a plaintiff to institute an action in the federal court of his home state. The rationale is that while there is still a risk of bias against a litigant from a distant part of the country, the justification for diversity jurisdiction to protect him does not support its initial invocation by an in-state resident. In other words, the resident cannot claim he is prejudiced by having to use his own state courts. The American Law Institute proposal is a compromise of sorts, since it would remain approximately 50 per cent of the diversity cases. It has, however, received little support and a lot of criticism from the bar. The feeling is widespread that federal courts are better in every way and practitioners do not want to relinquish the option to use them.[28] Judge McGowan has characterized the proponents of this position as those successful members of the bar who make states' rights speeches by night but want to try their cases by day in the federal courts and who, therefore, make of professional interest and convenience a standard for the allocation of jurisdiction between the dual systems.[29]

I would also suggest that the assumption of superiority is no longer based completely on reality. The federal blue-ribbon jury is a thing of the past. In some states the judicial system has been upgraded to federal standards by comparable staffing and salaries. Where effective merit selection is practiced and discipline and removal commissions exist, they may even be better. The time may yet come when there will be no particular advantage to choosing a federal court in the vast majority of cases based on state law. Then diversity jurisdiction can be dropped by consensus.

In the meantime, the American Law Institute proposals are a reasonable start to solving the difficulties of diversity under *Erie* which I mentioned earlier. They ought to be backed by everyone who is concerned with the efficient administration of justice. I should also mention another, independent factor which is operating to diminish the importance of diversity litigation. That is the shrinking of state law's traditional subject matter because of the rapidly expanding federal coverage through pre-emption and federal common law.

The American Law Institute study also resulted in several proposals which would expand federal question jurisdiction, chiefly by abolishing the monetary limitations and by permitting defendants with a substantial federal defense to remove. The justification here is that uniformity in federal law is not only crucial, but much more likely to be had within the single system. There has been little opposition to these proposals, although no great haste to implement them either. In one respect, though, I believe they fall short. The American Law Institute recommends the retention of concurrent jurisdiction (which in some instances carries a statutory prohibition against removal) in those cases which grow out of federal statutory law, such as FELA. There was apparently no consideration of the difficulties for the state judge I described earlier. It seems to me there is also a lingering assumption that federal courts are, in fact, superior and should not be burdened by minor claims. I would

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make a counter-proposal. If the district courts do not want the business, then there should be federal small claims courts. The federal government can certainly afford to provide these forums better than the states, and the clarity and uniformity rationale is just as good here as in federal question jurisdiction generally. A pattern for lower judicial officers already exists in the referees and magistrates and a pattern of expeditious procedure in the Tax Court. There is no reason why another variation could not be used in these types of cases.

Several other recent developments should be mentioned which act to ease state-federal friction. One is the series of Supreme Court cases decided this past year which drastically limits federal court intervention in state criminal matters to those situations where the state trial courts are powerless to provide the relief necessary to protect constitutional rights.[30] The only apparent example of such a situation so far is massive bad faith harassment by state prosecuting and police officials.[31]

Another development is the unusual form of abstention practiced in the Fifth Circuit which extends to diversity cases involving only an unclear issue of state law. The doctrine was enunciated in a 1964 case, *United Services Life Insurance Co. v. Delaney.*[32] The basis seems to be a desire to let the state courts always have the first shot at deciding questions of state law. While the idea may be sound for state-federal harmony, the method is doubtful. Even traditional abstention in federal question cases is not in favor today because of the extra cost and delay entailed in the second action. The American Law Institute has proposed an abstention doctrine for the district courts which would limit its use to a fairly rigorous set of conditions.

A more promising way to achieve the same result is the certification procedure. Six states, including Florida, now have some method which allows their courts to decide controlling issues of state law certified to them by federal courts. The advantage of this method is the potential for a rapid and inexpensive determination of the issue by the state court. However, it has not always worked this way in practice. Obviously, the attitude of the state court toward the procedure will have an effect, as will other factors such as its backlog of work.

How to deal with habeas corpus is, of course, the knottiest problem. It is clear that any change in method which adds appreciably to the workload of the federal bench will be unacceptable to Congress. For example, a proposal to require a three-judge court for any proceedings beyond the initial screening was rejected in 1966. If anything, the wind is blowing in the opposite direction. In order to deal with the volume, the federal courts could quite reasonably ask for authority in the magistrates to make the preliminary determination, with the right of appeal to the district judge. This will do nothing to ease relations with the state courts, however. I would like to suggest an alternative which I believe strikes a balance between the need to handle the applications more efficiently in the federal system and the need to reduce the obviously real vexation of the state courts with the remedy. When we analyze the problem, it becomes clear that the only dissatisfaction is with the case in which the writ is granted, not those which are terminated in some other way. Statistically, these cases are hardly significant. In fiscal 1969–70, only .01 per cent of the applications were granted nationally; .007 per cent in the Fifth Circuit; and .02 per cent in Georgia. In actual numbers, we are talking about only twelve grants for the entire Fifth Circuit in 1969–70. In the interest of state-federal harmony it would seem reasonable that in those few cases where the district court judge (usually after a hearing) determines the writ should be granted, the record should be certified to and reviewed by a panel on the circuit level, with the writ actually issuing there. It seems a very small price to pay for the smoother working of the dual systems.

Finally, I would like to sail completely into the blue and question the necessity of two systems at all today. The peculiar circumstances of 1787 no longer exist and other similar federal governments feel no good for such a complicated court structure. The judiciary of Canada and Australia derive authority from an undivided national sovereignty and administer the law of the nation, whether the law is federal or provincial in origin. Along similar lines, Justice Garwood of Texas once proposed a single system for this country, with the judiciary selected and paid for jointly. The suggestion is not absurd. We have, in fact, been tending that way philosophically if not structurally. But it is the structure which causes the trouble. If a recalcitrant court system is ordered, in effect, to apply certain law by another system, there is more resentment than if a particular judge fails to perform his clear duty and is reversed by a higher court in his own system.

We are a long way from such a solution, however, just as we are a long way from full implementation of the new federalism. In the meantime, each system must look for ways of accommodation with one another. Judge Roberts of Pennsylvania, when addressing the judges of the 3rd Circuit, sounded this same note. He recognized that with *Erie*, the federal judiciary had led the way in easing tension; and that just as it:

"Realized that within a given state the common law should be uniform as to all litigants, so also should we of the state judicial system accept the principle . . . that with respect to certain procedural requirements of due process, the entire nation is but "one state."[33]

With an attitude of cooperation, open channels of communication, and some imagination for new ways of doing things, the two systems should be able to continue justice in this rapidly changing world until we reach a consensus on a replacement.

FOOTNOTES

*Sidney W. Hatcher Memorial Lecture, delivered at Mercer Law School, March 23, 1972.

**Judge Hall is Presiding Judge of the Georgia Court of Appeals and current President of the American Judicature Society.

[1] A. de Tocqueville, Democracy in America ch. VIII, *The Federal Constitution.*

[2] The Federalist No. 39 (Madison); W. Bennett, American Theories of Federalism (1964).

[3] Wisdom, *Frictionmaking Exacerbating the Political Role of the Federal Courts,* 21 Sw. L.J. 411, 416 (1967).

[4] *See, e.g.,* Younger v. Harris, 401 U.S. 37 (1971).

[5] C. McGowan, Organizational of Judicial Power in the United States (1969); Wright, *Federal Courts and the Nature and Quality of State Law,* 13 Wayne L. Rev. 317 (1967).

[6] The Federalist No. 78 (Hamilton); Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803).

[7] Smith, Federalism in North America 120 (1923).

[8] For a general review of the history of the establishment of inferior federal courts, *see*

[8] C. McGowan, Organization of Judicial Power in the United States (1969).

[9] The Federalist No. 81 (Hamilton).

[10] Frank, *Historical Bases of the Federal Judicial System,* 13 Law & Contemp. Prob. 3 (1948).

[11] The Federalist No. 82 (Hamilton) (Emphasis added).

[12] *See* Wright, *Federal Courts and the Nature and Quality of State Law,* 13 Wayne L. Rev. 317 (1967).

[13] Nolan v. Transocean Air Lines, 276 F.2d 280, 281 (1960).

[14] Martin v. Hunter's Lessee, 14 U.S. (1 Wheat.) 304 (1816).

[15] Moore, *State and Federal Judicial Conflict,* 39 N.Y.S. B.J. 292 (1967).

[16] *See In re* Neagle, 135 U.S. 1 (1889).

[17] 209 U.S. 123 (1908).

[18] 28 U.S.C. § 2281 (1970 ed.).

[19] 28 U.S.C. § 2283 (1970 ed.).

[20] Lucas v. Forty-Fourth General Assembly of Colorado, 377 U.S. 713 (1964).

[21] Moore, *State and Federal Judicial Conflict,* 39 N.Y.S. B.J. 292, 297 (1967).

[22] Present 28 U.S.C. §§ 2244, 2254 (1970 ed.).

[23] For a good history of federal habeas corpus, *see* Schaefer, *Federalism and State Criminal Procedure,* 70 Harv. L. Rev. 1 (1956).

[24] Towsend v. Sain, 372 U.S. 293 (1963); Fay v. Noia, 372 U.S. 391 (1963); Brown v. Allen, 344 U.S. 443 (1953).

[25] Hopkins, *Federal Habeas Corpus: Easing Tension Between State and Federal Courts,* 44 St. John L. Rev. 660, (1970).

[26] *See* Schaefer, *Federalism and State Criminal Procedure,* 70 Harv. L. Rev. 1, 26 (1956).

[27] *See* Bell, *State Courts and the Federal System,* 21 Vand. L. Rev. 949 (1968).

[28] Compare Field, *Diversity, a Response to Judge Wright,* 13 Wayne L. Rev. 489 (1967) *with Wright, Federal Courts and the Nature and Quality of State Law,* 13 Wayne L. Rev. 317 (1967).

[29] C. McGowan, Organization of Judicial Power in the United States 86 (1969).

[30] Younger v. Harris, 401 U.S. 37 (1971); Samuels v. Mackell, 401 U.S. 66 (1971); Boyle v. Landry, 401 U.S. 77 (1971); Perez v. Ledesma, 401 U.S. 82 (1971).

[31] For a discussion of the import of these cases, *See* 59 Calif. L. Rev. 1549 (1971).

[32] 328 F.2d 483 (1964), *cert denied,* 377 U.S. 935 (1964).

[33] Roberts. *A State Judge Looks at the Federal Courts,* 116 U. Pa. L. Rev. 468 471 (1968).

CHALLENGE TO CONGRESS

Mr. McGOVERN. Mr. President, columnist Mary McGrory has written a provocative piece which appears in yesterday's Washington Star relative to the current struggle between the Congress and the President. This is a subject to which I addressed myself at some length in a recent speech at Oxford University. It is a subject that should be of vital interest to all of us.

I ask unanimous consent that Miss McGrory's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Star-News, Feb. 18, 1973]

The Uncertain Knight

(By Mary McGrory)

The Encyclopaedia Britannica, in its section on "tournaments," is perhaps as enlightening a source as any on why, in the present joust between the White House and the legislature, so little money is being put on Congress.

The Britannica tells us of the knightly ritual on the eve of the meeting. The newly dubbed knight spends the night in the chapel, his weapons on the altar. In the morning, there is the caparisoning of the horse, the polishing of the armor, the donning of it piece by piece, the visor, the lance rest, the greaves. The squires wearing the knight's device study the order of battle. The call goes out for the trumpeter to announce the opening of the engagement.

Except that when the trumpet sounds on Capitol Hill, it's often for milk and cookies. Just as all is in readiness for the big clash, time out is called. Congress gets down from its horse, removes its armor, puts it back in the armory and prepares to go home to see the folks and tell them what it's been doing.

The adversary in the White House, of course, never gets off his horse. He is always battle-ready. Wherever he goes, to San Clemente, to Key Biscayne, the White House goes with him. If he wishes to talk to the country, he raises a hand for four netweeks to convene at once.

Congress clattered into town on Jan. 3, fire in its eye and on its tongue. It was, according to the Congressional Quarterly, one of its chief chroniclers, "in a defiant mood." But 23 meetings later, it was in recess.

There had been much snorting and posturing in those first days. The Christmas bombing still hung on the air, and there was rage under the dome, and high talk. If the President didn't end the war, Congress would.

But not right away, of course. They could hardly do anything before the Inauguration, could they? It would have been a breach of chivalry for which they never would have forgiven themselves.

The President ignored them, went forward with his plans and, when it suited him, dispatched his squire, Henry Kissinger, to Paris to make peace. Considerably deflated, the knights turned their attention to the budget. "He can't do this to us," they fumed.

In the debate over the confirmation of Caspar W. Weinberger, the President's cheese-paring choice for secretary of HEW, the agency that takes baskets to the villagers, Sen. Harold Hughes, D-Iowa, pictured the problem vividly.

"When they say to the people that we cannot afford to do anything for the ones who must rely on themselves, they are talking about the aged, the little old lady sitting in a room somewhere and eating boiled eggs for lunch . . . the children of the country, the poor, the disabled, the alcoholic and the drug addict. These are the people that this administration thinks are contributing to the inflation and the spending."

But only 10 senators, including Hughes, voted against Weinberger, because, as Sen. Jacob Javits, R-N.Y., put it, "We ought, if we can, to give the President those he wants for his Cabinet."

You never hear anyone saying that the President ought to yield to congressional wishes, or that it is impolite or discourteous of him to impound funds they have appropriated or to slash programs they have voted.

The presidency is a popular institution these days, whether the holder of it is personally popular or not. Richard Nixon understood that very well when in the recent campaign he ran as an office, not as a man.

Mostly because of the war, Congress has the image of a dithering, nattering assemblage of anxious conformists, snarled in protocol and haunted by what the neighbors will say.

Actually, it is one of the functions of the President to explain himself, to define the country's actions and goals. But this President spends less time explaining himself than any in recent memory, and Congress, which has ceded him so much power, has assumed his responsibility of defending, expounding and exhorting.

After the Lincoln Day rhetoric of the Republicans, there will be another rhetorical interlude for the Democrats' Jefferson-Jackson Day, and that will be followed by an Easter recess.

Congress spends an inordinate amount of time getting on and off its horse. Maybe if it would just sit through the winter and spring like a state legislature and spend more time acting, it would in time acquire the momentum, cunning and vigilance to give the President the sense that he has formidable opposition in a tournament that has yet to be joined.

NATIONAL DEFENSE WEEK, 1973

Mr. DOLE. Mr. President, I wish to place in the RECORD remarks by the President of the United States commending National Defense Week. As George Washington said:

> Every citizen who enjoys the protection of a free government owes not only a proportion of his property but even of his personal services to defense of it.

Along with all patriotic Americans, the Reserve Officers Association of the United States, is observing National Defense Week, February 12–22, honoring the birthdays, respectively, of Abraham Lincoln and George Washington, the latter being the Nation's first citizen-soldier.

President Nixon has declared:

> The patriotism and self-sacrifice of our people in time of crisis have fortified our democratic society and helped to preserve and perpetuate the freedom we cherish.
>
> On the occasion of National Defense Week, February 12–22, 1973 it is most fitting that we honor the valor and vigilance of our citizens in uniform. Their loyalty and determination have been invaluable throughout our nation's history. And no where has their courage been more in evidence than at the recent signing of the Truce in Vietnam.
>
> As Commander-in-Chief of our Armed Forces and on behalf of all my fellow Americans, I extend deep appreciation to the members of the Reserve Officers Association. I salute your stalwart support of our efforts to secure a just and honorable peace, and I commend your perpetuation of the National Defense Week observance as a civic tribute to all those who have upheld the security and strength of our nation.
>
> RICHARD NIXON.

LET LITHUANIA BE FREE

Mr. PASTORE. Mr. President, February is rich in American history as we observe important birthdays—that of Washington who led us to life, liberty and the pursuit of happiness—and that of Abraham Lincoln who gave "life and liberty" a meaning for all enslaved people, regardless of race or color or creed.

America is composed of the contributions of many other nations who have given us of their manhood and womanhood to build us to the world power of which we boast.

This month of February the sons and daughters of a particular nation—Lithuania—look back to its ancient days of glory and its more recent days of a newly achieved independence—now submerged by the mailed fist of Moscow.

The student of history reminds us that when America was discovered, Poland and Lithuania, united under the same ruling family, was the largest and most powerful country in Eastern Europe with a proud record of cultural greatness and political achievement.

In the course of time, Lithuania came to know conquest and subjection to foreign will. But 55 years ago there was a rebirth of freedom.

Today is the 55th anniversary of Lithuania's Declaration of Independence.

This day is being celebrated the world over—everywhere but in Lithuania.

Today Lithuania is occupied by the powers of the Soviet Union and its freedom and human rights have been savagely destroyed.

However, the dream and desire for Lithuanian liberty has not died out. Moscow cannot annihilate the Lithuanian courage. In the past year 17,000 Lithuanian Catholics dared to petition the United Nations with charges of Moscow's religious persecution and oppression.

That is only one sample of a nation's spirit that can never be conquered.

Lithuanians look to the approaching European Society Conference in hopes that self-determination may again be a people's right.

They remember the Bermuda declaration of December 8, 1953, in which the President of the United States and the Prime Ministers of France and Great Britain declared that "they cannot accept as justified or permanent the then division of Europe."

Lithuanians remember the Washington declaration of June 29, 1954, in which President Eisenhower and Sir Winston Churchill stated, in the name of their Governments, that they will not be a party to any arrangement or treaty which would confirm or prolong the subordination of the formerly sovereign states of central and eastern Europe now held in bondage by the Soviet Union.

Yes, Lithuanians remember those wonderful words, and they wonder if we have forgotten.

We say "We do remember" and on this February day we affirm the American state of mind—that we will reject any solution of European problems that would prejudice the right to freedom of Lithuania.

We are mindful of the character and patriotic contributions of the Lithuanians we treasure as fellow Americans, and neighbors.

Our hearts go out to their homeland and they will have every possible help from us in Lithuania's struggle for decency and dignity—for liberty and for life itself.

RURAL PRACTICES AND NATIONAL SOCIAL POLICIES

Mr. ABOUREZK. Mr. President, in the months and years ahead, I hope to participate in taking the discussion of rural policies and practices out of their narrow, parochial channels and to put that discussion into the context of national social policy.

The penalty for shortsightedness is bad policy. As far as rural America is concerned, across the board, we have been too limited in our vision.

Mr. Richard Margolis has focused his considerable literary talent upon that shortsightedness and the penalty for it, and brings to light a new term for the disease, "Metropollyana," in the February 5 issue of The New Leader.

I ask unanimous consent that Mr. Margolis' thumbnail sketch of the problem be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STATES OF THE UNION—METROPOLLYANA AND RURAL POVERTY

(By Richard J. Margolis)

We suffer in this country from metropollyana, a profane and all but universal belief in the City Triumphant. The word, though not the myth, was invented by Clay Cochran, director of the Rural Housing Alliance, one of the few organizations still raging against urban fatalism. Nearly everyone else, including farmers and their spokesmen, shares the grand illusion.

Secretary of Agriculture Earl L. Butz, for example, recently offered this apologia: "When I said we were going to have upwards of a million fewer farmers in 1980, that didn't mean necessarily that I approved of that. I simply was reporting what was going to happen. I think it is inevitable."

Even the late Charles Abrams, an urban specialist yet no slouch of a social critic, felt compelled to concede the inevitability of world-wide urbanization, and to argue that it was all for the best—in fact, that it might foretell an era without wars. Since we are no longer competing for tillable land, Abrams reasoned, and have learned instead to live together in municipal compactness, we may soon "lay to rest the *Lebensraum* concept that has perennially arisen to threaten world peace." That is metropollyana on a global scale.

Fatalism frequently masks bad social policy. In the United States we virtually ignore the miseries of 14 million impoverished rural people, on the grounds that they are residing in the wrong place at the wrong time. President Johnson's National Advisory Commission on Rural Poverty estimated, in 1966, that one out of every four nonurban citizens was poor. "In the poverty areas of rural America," the Commission noted, ". . . more than 70 per cent struggle along on less than $2,000 a year, and one family in every four exists, somehow, on less than $1,000 a year."

To learn who gets what in America and who doesn't, we need only examine people's houses, the traditionally folk-gauge of economic and social status. ("They think me unworthy," runs an Indian song, "my Midé brethren,/but look and see/the length of my wigwam.") Bad as the housing is in our cities, it is even worse in our villages.

The figures from the latest census indicate that one out of every seven rural dwelling units is substandard, compared to one out of every 25 in the cities. In round numbers, that means nearly 4 million nonmetropolitan families, or about 10 million rural Americans, inhabit housing that is either substandard or overcrowded, or both. And the Commission on Rural Poverty reports:

More than a million rural houses are unsafe for human occupancy.

Less than one in four farm families have water piped into their homes.

About one-third of all rural families still use privies.

Under half of all nonurban residences have central heating.

There is nothing new here—rural conditions have been bad for a long time and a few souls, like the commission members, have always stood ready with the facts. But not many of us take an interest in the problem of rural suffering, leaving the concerned to cry in the night: "The publicity that has attended the urban housing program during the last few years has aided immeasurably in educating the country to the need for better urban housing. Not enough has been said about similar conditions on the nation's farms." That was written in 1940 by Will W. Alexander, then head of the Farm Society Administration.

He went on to make what has now become a familiar plea, beseeching doubters to go and see for themselves. "Here, then, is the picture of rural housing in America. The city dweller can prove it for himself by taking a drive into the country. Along the main highways one will find many large substantial farm homes. . . . But on the back roads . . . he will see leaky roofs, broken floors, the kerosene lamp, the privy, the smoking fireplace. . . ." Five successive Presidents, all but one born and raised on a farm or in a small town, have made public commitments to our nation's rural poor, yet little has changed since Alexander's day.

Why do we traditionally ignore our farms and villages? In the first place, the concept of the city as magnet has seeped into our collective imagination; we are its unwitting captives. In the second place, cities are centers of political influence and contain large aggregations of wealth and technical knowledge; they are able to assert *metropower*, the brother-in-law of metropollyana. I define metropower as the urban ability, for better or for worse, to control America's social, political and economic destiny.

Our belief in urban inevitability seems to have been confirmed by the migratory torrent from farm to city. It began almost as soon as the United States began. In 1790, the year of the first census, only 3 per cent of the population lived in towns of 8,000 or more; by the end of the 19th century a third of the population was classified "urban." During that century, as C. Vann Woodward has pointed out, "the population of the entire country increased twelvefold; but over the same period the urban population multiplied eighty-sevenfold."

And that was just the start. It has been estimated that since World War II about 1 million Americans a year have moved from farm to city. The shift may constitute one of the most gigantic migrations in the history of man. No wonder people tend to view urbanization as the wave of the future.

There have been forces at work, however, shaping all the colossal patterns—forces like industrialization, capitalization, suburbanization. Beware of trends whose names end in z-a-t-i-o-n: Neither as impersonal nor as inevitable as they sound, they are the consequences of human decisions, made by the same people who invented metropower.

The critical moment occurred early, when Alexander Hamilton's metropolitan pragmatism, or cynicism, conquered Thomas Jefferson's pastoral idealism. From that moment on, with their growing accumulations of wealth and power, cities began to enforce their will.

Not even the Homestead Act of 1862, specifically written to prevent land monopoly by absentee (read "urban") owners, and to head off rampant land speculation, could appreciably alter the drift of affairs. In the country's first 40 years of homesteading, only 600,000 homesteads were patented, accounting for less than one-fifth of all the new acreage that was added to the total land in farms. Few prospective homesteaders possessed either the capital or the know-how to settle the land and wrest a living from it. So speculators from the city moved in and had a field day. And they've been having one ever since.

Everyone knows about the railroads, the banks, the mills—all urban institutions calculated to win a smile from Hamilton's gloomy ghost. These aggregations of metropower first kept people *down* on the farm, and then, ultimately, sucked them into the city.

But we need not belabor the past. The present is replete with examples of metropower policies that throw people off the land and drive them into our teetering cities. Take welfare. Rural families comprise about one-third of the total population, yet HEW allocates only 25 per cent of its health welfare funds to these families. Similarly, the low-income elderly in rural areas make up 46 per cent of the national total, but receive only 38 per cent of Social Security and Old Age Assistance benefits. Should we characterize these discrepancies as inevitable, the legacy of forces too large to oppose? Or should we call them what they really are: the offspring of bad social policy?

Agribusiness is another branch of metropower. At present only 800,000 farms produce 90 per cent of all our food and fiber. This is one of those "historic trends" that experts like Butz view as natural, though in fact the big farms have been pampered and promoted by national policy. Our Secretary of Agriculture has never conceded that present laws encourage creeping "agribus" by offering fat tax shelters and generous depreciation benefits to corporations engaged in farming. Nor has she intimated that his own department wastes millions of dollars each year in research, through stipends to land grant colleges, aimed at mechanizing and automating the nation's farms.

As Jim Hightower observes in *Hard tomatoes, Hard Times*, "Land grant college research is agribusiness research. Projects are designed with argibusiness interests in mind, frequently with agribusiness participation. Whether the need is an irrigation system, a new shaped tomato . . . a chemical solution for processing vegetables, a new food product or an electronic checkout system for supermarkets, land grant researchers stand ready and able to assist, irrespective of other interests in rural America.

The Office of Economic Opportunity (OEO) —hailed only a few years back as the poor man's salvation—provides us with another melancholy example of metropower. A decade ago, it will be recalled, liberal political scientists were noting the existence of two national parties cutting across traditional Republican and Democratic boundaries. The "Congressional party" was said to be conservative, unimaginative and unsympathetic to the poor; the "Presidential party," on the other hand, was considered liberal and humane.

A different picture emerges, though, if these groupings are considered along rural-urban lines. The "conservative" Congressional party, with its heavier farm and small-town representation, retains a sympathy for the rural poor, while the "liberal" Presidential party, dependent on electoral largesse from large industrial states, is urban or suburban in its thinking. The result has been much prorural legislation followed by little prorural administration. A case in point is the alleged "war on poverty."

In the original Economic Opportunity Act of 1964, the Congress called for equitable distribution of OEO funds between rural and urban areas, instructing the OEO director to establish guidelines to insure that the intent of Congress was carried out. To date, OEO has established no guidelines. In 1965 Congress reaffirmed its concern for equitable allocation of antipoverty funds and even wrote in some specific measures aimed at helping to get the job done. None of this had any effect on the bureaucrats at OEO.

In 1966 the Senate Committee on Labor and Public Works reported: "After careful consideration of the nature and scope of program activity in rural areas, the committee has determined that the Congressional intent respecting rural poverty has not been adequately implemented." Although rural areas accounted for 43 per cent of the nation's poverty, continued the committee, they received only 15.5 per cent of all OEO community action funds.

In 1967 Nick Kotz, then a reporter for the Minneapolis *Tribune*, charged that OEO Assistant Director Robert A. Levine "has actively opposed programs to establish housing, job training and economic development to help the hard-core rural poor stay where they are. He believes these programs are doomed to failure and that migration to the city is inevitable."

The same year, a House committee inserted strong language in its report on amendments to the antipoverty law, calling for an expansion in OEO's rural programs: "The committee wishes to discourage any policy which relies on or might tend to reinforce the migratory flow from rural to urban areas..." Consequently, Congress rewrote the objectives of the community action program to include the following: "It shall not be the purpose . . . of OEO to encourage the rural poor to migrate to urban areas, since it is not in the best interests of the poor. . . ."

Despite this series of clear expressions from the Congress, OEO administrators have made only limited progress toward equalizing assistance to the rural poor. Three years ago OEO officials admitted to Congress that rural programs would account for less than one-fourth of all community action funds spent from 1969 through 1971. And just last month President Nixon casually declared an 18-month moratorium on nearly all of the rural housing funds that Congress had appropriated to OEO and the Farmers Home Administration.

Three patterns of metropower—typified by inequities in OEO and welfare grants, and by Federal subsidies to agribusiness—have engulfed millions of rural Americans, keeping them locked in poverty. And they have been perpetrated not out of a desire for human social policy, but—as Federal officials keep saying—in the name of inevitability. Meanwhile, to borrow from Franklin P. Adams:

The rich man has his motor car,
  His country and his town estate.
He smokes a fifty-cent cigar
  And jeers at Fate.

DAVID LAWRENCE—A CREDIT TO AMERICAN JOURNALISM

Mr. HELMS. Mr. President, last week I attended memorial services here in Washington for Mr. David Lawrence. I went in sadness, because I had lost a friend—an esteemed friend, a friend whom I admired and respected, a friend who possessed the kind of decency and integrity and dedication that supplied a goal that others of us could strive to achieve.

Mr. Lawrence was, as Senators know, editor of U.S. News & World Report, a thoroughly credible, always reliable news magazine which thoughtful Americans rely upon each week for a factual review and analysis of the events of our time. David Lawrence gave this publication its noble sense of direction. He imbued it with his personal character. In a very real way U.S. News & World Report is a great publication because David Lawrence was a great man.

Mr. President, I said that I went to the memorial services for Mr. Lawrence in sadness. But I came away inspired and grateful for the life of this man who passed our way. For on that occasion, an eloquent eulogy to David Lawrence was delivered by perhaps his best friend, the distinguished Arthur Krock, who like Mr. Lawrence, brought a certain nobility to American journalism.

This nobility is, sadly, being seriously diminished today by the far lesser men than David Lawrence and Arthur Krock who now control so much of America's journalism. There has been, Mr. President, an appalling drift away from truth and accuracy and responsibility—a drift that was surely depressing to Mr. Lawrence and Mr. Krock, and dismaying to countless other Americans who have had their fill of the kind of journalism that so often has torn at the very fabric of this Republic.

But the tribute paid to Mr. Lawrence by Mr. Krock spells out what American journalism could once more be if it can regain its character, courage, and perspective. I commend it to Senators and to all others willing to invest the time to read an eloquent measurement of the greatness of one American as spoken by another equally great American.

Mr. President, I ask unanimous consent that the eulogy by Mr. Arthur Krock be printed in the Record.

There being no objection, the eulogy was ordered to be printed in the Record, as follows:

Eulogy to David Lawrence

(By Arthur Krock)

On December 23, 1963—two days before his 75th birthday—the National Press Club gave a luncheon in honor of David Lawrence. Although we used words extravagantly in my profession, it is not extravagant to describe the occasion as memorable.

It was memorable for several reasons, but two were outstanding. The speaker had accomplished an almost impossible feat. "I've tried to figure out," he remarked, "what it is a fellow can say about himself and remain modest at the end." But he had. Moreover, a member of the audience had arisen to tell David Lawrence something about himself that applies equally to this occasion. "Do you know," he asked David, "that every person here and many more who are absent have a real affection for you?"

But true as the statement was, on this day as well, it enumerated only one of the qualities inherent in David Lawrence that account for the noble contribution he made: as a journalist to the enlightenment of his time, and as a humanist to the store of compassion for the less fortunate that is ever in scant supply. His contribution was substantially professional integrity, personal honor, and courage in serving principle at risk of the loss of a fortune hardly won. For frequently articles under his byline, involving the risk of crippling financial boycott of his magazine were palpably written in full awareness of it.

If the *personal* standards David Lawrence lived by were common to us all, there would be much more evidence to sustain his faith, as he expressed it that day at the National Press Club, the faith that for mankind "there is an inspiration somewhere." If the basic *professional* standard by which he was guided were common to all his contemporaries, the press would be much better armed in defending itself from those who fundamentally and knowingly—and I do not agree there are many such in office—would shackle its freedom to search out and circulate the facts the people are entitled to know.

In using the reservation "entitled to know," I have in mind the widespread position in the press that the people are "entitled to know" *concurrently* all details of a negotiation of government policy, however sensitive or momentous. But, in my judgment, if this procedure had been invoked, for example, by opening to the public the secret sessions by which the writers of the Constitution arrived at the delicate compromises which made the agreed text possible, the National Charter of 1787 would never have been ratified.

As reporter, columnist, editor and publisher, David Lawrence upheld a basic professional standard. It was: in news reporting, to set down coldly the vital statistics of a happening, a condition or a situation and leave judgment of its significances to the reader. If the product were a commentary it should be plainly so marked, and the author's primary mission was to clarify the issues involved, provide all pertinent information, and, with due acknowledgement of the opposing point of view, modestly present his own.

I have tried to recall any column or editorial he wrote in which he turned to the pejorative to buttress his position. Although, two classes after mine, David Lawrence took the same freshman English courses I did at Princeton, under the same professors, he seemed never to have learned any of the parts of speech in the category of abuse. Nor do I recall any column or editorial in which he repaid the source of exclusive information by ornamenting subsequent mention of his name or his source with "able," "forthright," "astute" or any of the expressions by which such repayment is made by some of his colleagues.

Adhering to these standards, as David Lawrence did, does not set the river of print on fire. But it helps greatly to keep that river clean, and sustain the flow of reliable information that serves our government process.

When first I met David Lawrence he was the new boy at the Press Club, relieving me of that lowly status which I had acquired a few months before in the year 1910. The Chief of the Associated Press Bureau in Philadelphia must have had a good eye for promise when he recommended that Lawrence be transferred to Washington. It was not long before the slim, eager young man, with a most agreeable personality, was upsetting the complacent hierarchy of Washington correspondents—some of them wore silk hats then, and carried canes—with exclusive news stories, written with a clarity and personal detachment that won him the highly respected position of Washington correspondent of the New York Evening Post—then a literate newspaper resembling the present one in name only.

To those who knew David only by his journalism it may be surprising to be told that in his youth he was filled with a spirit of merriment, and one which wasn't always "innocent," as Gilbert & Sullivan's "Makido" described his own. I learned of this trait early in our acquaintance. David, being an extra young man around town in the first Wilson Administration, often came to dine with my wife and me. One of these evenings the telephone rang while we were at dinner, and it was not until later that I recalled as an odd circumstance how quickly our guest sprang to answer it. "It's for you," he said, in a tone so lugubrious that I picked up the instrument prepared for the worst, and it was.

The caller's voice was unquestionably, I thought, that of the Member of Congress from Kentucky he identified himself to be, a Member, moreover, whom I knew to be resentful of a news story concerning him that I had sent to my paper, The Courier-Journal of Louisville. "I hereby give notice," were the statesman's opening words, uttered in a resounding shout, "that when next we meet, and I shall see this is soon, I shall disembowel you unless you have retracted that lying article."

I knew from the gentleman's record in various taverns that he was wholly capable of attempting the operation on me—unless by chance his chosen instrument was a gun. But the apprehension that my wife and guest would gather enough from my side of the conversation to conclude I was a coward, a renegade reporter, yielding to threat, impelled me to make something like the following statement before banging down the receiver: "Sir, you cannot intimidate me, and I will prove this the next time our paths cross."

Suffused with a mixture of fear and personal pride, I returned to the table to find Lawrence doubled up in mirth and my wife disappointingly unimpressed with my heroism. For, as it developed, Lawrence knew, and had informed my wife, that the belligerent who called was not the Kentucky representative at all, but Joe Tumulty, President Wilson's secretary and a close pal of David, the two having planned the joke together.

As age came upon David Lawrence, and fate inflicted on him two of the most poignant griefs in human experience, his youthful sense of merriment was subordinated to a kind of amused contemplation of the pretentiousness that is deeply woven in the fabric of Washington life. This amusement extended to his own ways and works—equally he would turn off compliment or complaint with banter. For, as Disraeli noted, "Those who have known grief rarely seem sad," and so I feel that we should bid farewell to David Lawrence without sadness. For he met his last deadline well in advance, as he had for sixty years, when he arose from his typewriter for the final time.

In his Press Club "talk" he answered one question by saying that "The moral principles Woodrow Wilson expounded in international affairs were . . . the greatest thing I've ever known. . . ." We here today can praise in similar terms the moral principles which David Lawrence, expounded in everything he did, wrote and thought.

I do not *believe* he ever did a petty thing. I *know* he never wrote a petty line.

AMERICAN BAR ASSOCIATION SUPPORTS CONGRESSIONAL STUDY OF PROPOSED RULES OF EVIDENCE

Mr. ERVIN. Mr. President, at its recent midyear meeting in Cleveland, Ohio, the American Bar Association House of Delegates overwhelmingly adopted a resolution urging the Congress to adopt legislation similar to S. 583, which the Senate passed on February 7, 1973, and which provides Congress with the time it needs to consider carefully the proposed rules of evidence for Federal courts prescribed by the Supreme Court on November 20, 1972.

It is my understanding that both Mr. Robert Merserve, the present president of the American Bar Association, and Mr. Whitney North Seymour, a former president of the American Bar Association, expressed strong support for this resolution. As adopted by the house of delegates the resolution reads:

> Whereas the Rules of Evidence for the United States Courts and Magistrates, which were authorized to be submitted to the Congress by order of the Supreme Court of the United States, dated November 20, 1972, have never been submitted to any committee of the American Bar Association, and contain new matters which were not included in any earlier draft, submitted or considered by the American Bar Association;
>
> Resolved, that the American Bar Association urges the Congress to adopt legislation such as S. 583, 93d Congress, a copy of which is attached.

Under present law, pursuant to section 3771 of title 18 and section 2072 of title 28, the Supreme Court has authority to prescribe rules to govern procedure in the Federal courts. These rules have the full force and effect of law 90 days after submission by the Court to Congress.

The particular rules proposed by the Supreme Court in its order of November 20, 1972, and subsequently submitted to the Congress on February 5, have caused considerable controversy not only among members of the bar, but among many citizens concerned about their impact on our judicial system and individual liberties. Testimony presented earlier this month to a House judiciary subcommittee, chaired by Congressman WILLIAM HUNGATE, underlined the widespread concern about these rules and the present procedure by which they are to be adopted.

I believe that the Senate acted wisely in adopting S. 583 and am encouraged in this belief by the recent action of the American Bar Association. I am confident that the House of Representatives will act as quickly as possible to insure that Congress has sufficient time to consider the proposed rules.

In addition, I ask unanimous consent to have printed in the RECORD a letter which I have received from Mr. E. Barrett Prettyman, Jr., president of the District of Columbia Bar Association, which also urges Congress to give careful attention to these rules.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DISTRICT OF COLUMBIA BAR,
Washington, D.C., February 8, 1973.

The Honorable SAM J. ERVIN, Jr.,
Chairman, Constitutional Rights Subcommittee, U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: I am writing to you on behalf of the District of Columbia Bar, an organization of all lawyers in the District of Columbia, with respect to the proposed Rules of Evidence for the federal courts.

The District of Columbia Bar has almost 16,000 members. It is the largest Bar of any city in the United States and is larger than the Bar of all but four states. The proposed Rules of Evidence are of vital concern to our membership. A high percentage of all civil cases tried in the District of Columbia are tried in the United States District Court here. That Court also tries more federal criminal cases than any other federal court in the United States. These proposed Rules of Evidence would undoubtedly have a more far-reaching effect on practitioners in the District of Columbia than on lawyers in any other jurisdiction in the United States.

The District of Columbia Bar takes no position at this time on the merits of any of the proposed Rules of Evidence or on whether uniform Rules of Evidence should be adopted at all. We do urge the Congress to give the most careful and painstaking scrutiny to the proposed Rules. It would be unfortunate if the Rules became effective before the bench and bar of the United States and the Congress had adequate time to study them.

We recognize, of course, that the proposed Rules have been approved by the Supreme Court and that this approval warrants a high degree of respect and attention. We believe, however, that in view of the importance of these Rules and the changes they would work, even the Court itself would not object to a careful review by the Congress.

The Rules were the product of a long period of study and went through several versions before they were proposed. They deal with many of the most complex problems of the law, including the hearsay rule, and many of the most controversial, such as governmental privileges to withhold information in litigation. Therefore, it is only appropriate that, before being put into effect, they receive close study by the Congress and all persons concerned with the administration of justice.

We respectfully request that this letter be made part of the record of any hearings conducted on these Rules.

Sincerely yours,
E. BARRETT PRETTYMAN, Jr.,
President, District of Columbia Bar.

ADDRESS BY S. DAVID FREEMAN TO CONSUMER FEDERATION OF AMERICA

Mr. DOMINICK. Mr. President, on January 25, 1973, Mr. S. David Freeman, director of the Ford Foundation energy policy project, spoke to the Consumer Federation of America. To say the least, Mr. Freeman's speech sparked considerable controversy. His rhetoric included such phrases as "windfall profits," "soak the consumer," and "so-called energy crisis."

In the interest of a balanced perspective, I invite the attention of Senators to the "Fiction and Fact" article in the February 5, 1973, issue of the Oil & Gas Journal. I ask unanimous consent that the article be printed in the RECORD.

The issue of energy is currently a matter of in-depth discussions within Congress and, in my opinion, deserves the thoughtful and balanced judgment of every Member of this body.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

FICTION AND FACT

THE FICTION

"This winter's so-called energy crisis was manufactured right here in Washington. It could have been averted with a stroke of the President's pen."—S. David Freeman, director of Ford Foundation Energy Policy Project, in Washington address to Consumer Federation of America, Jan. 25, 1973.

THE FACT

Freeman performed a disservice to any studied solution to the nation's energy problems and particularly to the nation's energy consumers in his rabble-rousing address.

He resorted to such exhortations as warning against "whoppingly higher prices," against falling into the trap of "soak the consumer," against "windfall profits into hands of energy companies." He declared "increased reliance on coal or drilling for oil and gas offshore could make our spaceship earth an even more unhealthy place to live." His solution is "scrap the import-quota system," reduce energy demand by "abandoning our more wasteful patterns of consumption," and "launch a unified, vigorous R & D effort into alternative energy sources."

Freeman's simplistic solution of ending import controls by the stroke of a pen ignores all the complex factors in the nation's energy problem. Allowing free movement of energy into this country from abroad is not the single solution—either in the present emergency or long-term. Foreign sources this winter could not supply immediately the volumes of crude and products needed in an emergency nor could the tanker fleet or American ports and distributors handle them. Imported products also would have a hard time reaching inland areas in time to benefit. Price was another problem—spot distillate prices, for example, were higher in western Europe than the price freeze allowed on domestic distillate in this country.

In the long-term, complete reliance on imports is no bargain. Price of LNG in import projects being considered is three times the wellhead price of domestic natural gas. Price of crude and refined products inevitably will be moved up by new heavy demand from the U.S. Consumers in Europe and Japan are acutely concerned about this, knowing it will boost their energy costs. There's also an environmental consideration; the U.S. needs to build huge port facilities to handle supertankers, a move strongly opposed by environmentalists because of the fear of oil spills.

Freeman's advocacy of conservation as a means of reducing energy demand is a weak crutch with little prospects of helping in the next few years. The nation has no mass transit worthy of the name, won't have for many years, and then only by spending billions and forcing Americans caught up in urban sprawl to use it. Americans probably won't rebuild glass-walled skyscrapers or poorly insulated homes for more efficient heating and cooling. They won't scrap their big, gas-guzzling autos overnight. Changes that will conserve fuel are definitely needed but their effect will have to come gradually. Any reliance on them for near-term relief is a false hope.

Freeman really bares his fangs at the smell of higher prices and becomes blinded to the inflated costs that petroleum companies, like all Americans, must face. He equates higher prices with windfall profits—no matter that costs of leases, drilling, construction, operation move steadily up while the prices of crude and products lag. His attempts to differentiate in price between resources already discovered and those newly found is only a slick method of seeming to offer explorations incentives with one hand while taking them away with the other. Ignored is the reality that any operator needs the cash flow from production to help finance further drilling.

Freeman is on somewhat firmer ground in advocating research into new energy sources but he still neglects to tell the consumers that both environmental tradeoffs and much higher energy costs are involved in nearly all of them, too. Present energy costs will seem trivial when Americans start footing the bill for alternate choices.

The major factors Freeman mentioned—imports, conservation, alternate sources—are all parts of America's energy puzzle; plus one he spurned—development to the fullest of domestic petroleum resources. The problem is far from a simple one and will never be solved by "a stroke of the President's pen."

THE FEDERAL BUDGET—A QUESTION OF PRIORITIES

Mr. BIDEN. Mr. President, President Nixon's budget for the 1974 fiscal year has caused considerable consternation among those groups who have looked to the Federal Government as an ally in the struggle to build a better America. The cutback of Federal social service funds and the elimination of important programs, such as those administered by the Office of Economic Opportunity, have done little to portray the present administration as a friend of the people.

Both the distinguished Senator from Minnesota (Mr. HUMPHREY) and the Washington Post have addressed this problem.

For his part Mr. HUMPHREY, writing in the New York Times on February 14, 1973, described the President's budget as another "effort to protect the interests of business and the affluent against the broad spectrum of Americans who are not so fortunate."

The President's budget actions, he said, will impose an increased tax burden on State and local communities if they wish to continue the programs the President eliminated. Mr. HUMPHREY continued:

> The Nixon way is to solve problems by dumping them back on the states and local communities.

The alternative, he pointed out, is for Congress to create "its own office of budget analysis and program evaluation to make judgments about budget ceilings,.national priorities, and program effectiveness. It must reform its procedures."

An editorial in the Washington Post on February 13, 1973, sums up succinctly by suggesting that Mr. Howard Phillips, Acting Director of OEO, has been assigned the task of "dismantling a powerful vehicle for humane hope." One of the major benefits of the program, said the Post, has been what it has done for the people: "It has given thousands a new sense of their own dignity and worth and some stake in the society," and this was a primary aim of the program.

The remarks of Mr. HUMPHREY and those in the Post are particularly incisive, in my judgment.

In addition to these, I also include in my remarks a news story printed on page 1 of the Washington Post on February 12, 1973 .

I ask unanimous consent that the complete text of these three articles from the New York Times and the Washington Post be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE OEO: DISMANTLING HOPE

The Office of Economic Opportunity is going to be dismantled because the administration thinks that by and large it has been a failure. An acting director, Mr. Howard Phillips, has been appointed and this is how he expresses his (and presumably the administration's) point of view: "I think in many ways OEO has had a negative impact . . . When we spend public dollars, we have to decide not merely whether they're being spent effectively, but whether there are some ways in which they've been harmful. And to the extent that we have promoted the welfare ethic out of OEO . . . then I think OEO has done a great disservice to this country." So the office is to be spread around the federal government and its most important parts, the community action agencies around the country, are to be pretty much set adrift. There are a number of people around who think this policy is neither wise nor humane and we are among them.

So, evidently, is the OEO's own Office of Operations which seems to have taken a different view in the "Utilization Test Survey" of 591 community action agencies released just last month. After looking at whether the agencies had been doing their jobs in mobilizing resources for the poor and helping the poor to achieve self-sufficiency, the report stated that the administration's emphasis had produced "closer working relationships between CAAs and state and local governments, which offer genuine help in making the decentralization of government succeed during the next few years." The report also asserted that "even at this early stage in the project [the utilization survey], the picture clearly shows that the administration's redirection of Community Action was on target."

The report underlines the first reason for thinking the administration's new policy is wrong. Americans are an impatient people and often want instantaneous results from large and complex governmental endeavors with little or no tolerance for shakedown periods and experimentation. Premature judgment of failure are often the result. But as the OEO evaluation of the CAAs demonstrates, time was working on the side of the program and after eight years, seemed to be making steady progress toward achieving its goals. Yet, although the agency was indeed moving toward enlarging the self-sufficiency of the poor and obtaining institutional change to benefit the poor, Mr. Phillips thinks the programs have tended to "erode the kind of normal majoritarian democratic safeguards that are incident to the electoral process" and that it is wrong to "treat the poor as a class apart with interests separate and distinct from those of society as a whole."

To our way of thinking, Mr. Phillips has got it just backward. Long before OEO came along, the poor were a class apart because they were poor and powerless and because our "normal majoritarian democratic safeguards" left them that way. OEO programs, and particularly the community action program were designed to help remedy that. The programs were designed to give the poor some stake in their own destiny, and in the society, and to enlarge significantly their ability to help themselves. And that, despite Mr. Phillips' assertion that the programs have promoted the welfare ethic, is just what OEO's own evaluation says they were beginning to do well.

Anyone who has the slightest familiarity with the program knows that one of its major benefits has been what it has done for people. It has uncovered—from the ranks of the poor themselves—several new layers of leadership in communities around the country. It has given people the opportunity to develop skills that help them participate in the management of their own communities and of their own lives. It has given thousands a new sense of their own dignity and worth and some stake in the society. There clearly have been excesses, mistakes and false starts. But the gains in terms of human growth and the institutional achievements documented in the OEO study destroy both the factual and the philosophical underpinnings of Mr. Phillips' arguments.

In his cheerfully assumed task, he will be dismantling a powerful vehicle for human hope.

BIG-BUSINESS BUDGET

(By HUBERT H. HUMPHREY)

WASHINGTON.—With a deft political touch, the President has submitted a budget to Congress designed to capitalize on citizen discontent with government.

The President's intention is to put tax reformers on the defensive by substituting spending reform for tax reform; to blame Congress for the current budget squeeze, and to reduce Federal responsibilities with the admonition that Federal programs are ill-founded and not working.

The Nixon budget is a retreat to traditional Republican conservatism. It is an effort to protect the interests of business and the effluent against the broad spectrum of Americans who are not so fortunate.

The trouble with the Nixon budget is that it seeks to employ moralizing, ideology, and scolding, rather than to apply effective financial measures to problems.

The President has called for a $268.7-billion spending ceiling. And he has threatened Congress to go along or else. But I want to know why $268.7-billion? What gives that particular figure credibility? Why not $265 billion or $275 billion? Where is the justification?

The point is that the budget ceiling ought to be set, not by executive edict, but by Congress working together with the President on a ceiling that both meets the needs of our nation and is fiscally prudent.

The President doesn't want a tax increase. But neither does he want the tax reform that he pledged during the 1972 Presidential campaign. Instead, he seems bent on protecting the large tax windfalls of big business.

It is startling indeed to discover that the Federal Government collects only 16 per cent of its revenues from corporations, compared to 30 percent which came from this source twenty years ago. It collects twice as much from regressive payroll taxes and almost three times as much from personal income taxes as it does from corporate sources.

Someone is going to have to pay the increased tax bill which the President's budget actions will impose on states and local communities. I predict that the average American will find that it will be through increases in sales and property taxes, where the burden hurts him the most.

The Nixon way is to solve problems by dumping them back on the states and local communities. So without the slightest hesitation the President proceeds with the dismantling of such programs as vocational education, job training and placement, Medicare, mental health, manpower training, child nutrition, housing and hospital construction.

But every one of these problems calls for the vigorous and concerted action of government at all levels, in partnership with the private sector. I do not believe that the President understands this.

The fact is that less than one quarter of President Nixon's budget goes for solving such massive national problems as urban decay, crime, drugs, health, mental illness, low-income housing, job training, mass transportation and pollution.

Congress cannot allow Richard Nixon to slice into the heart of human resource programs while adding $5-billion to military spending—all at a time when the President loudly proclaims a "Generation of Peace."

Congress must create its own office of budget analysis and program evaluation to make judgments about budget ceilings, national priorities and program effectiveness. It must reform its procedures. It must realign its committee jurisdictions to legislate public policy more effectively.

Congress must take a hard look at the tax laws—and it must examine the real needs of the country. It has to invest in the public sector, because right now our country is publicly poor and privately rich.

Cutbacks Planned in Social Services

(By Austin Scott)

The Nixon administration is preparing to make major changes in the way the federal government supports programs in day care, aid to the elderly, mental retardation, juvenile delinquency, and other social services.

Although new social services regulations aren't scheduled to be announced by the Department of Health, Education and Welfare for another week or so, some affected groups have obtained copies and are gearing up for a fight.

Rep. Bella Abzug (D-N.Y.), a vocal supporter of day-care centers, denounced the new proposals as "unconscionable," and said she will call for congressional hearings into their effect on day care. Arkansas Gov. Dale Bumpers said parts of them are "patently absurd."

While the proposed new regulations would change the ground rules for federal aid to a number of important social services programs, most of the comment so far has been aimed at their effect on day care.

As written now, they would eliminate existing mandatory federal child care standards, and end the $3 in matching money that the federal government gives for every $1 private contributions. However, they would permit the government to continue matching, 3 for 1, state and local funds.

That end to the federal matching of private money applies to all the programs, not just day care, and it is what Bumpers termed "patently absurd."

"To give you an example of the effect it would have on our mental retardation program," he said, "when I was elected [in 1970] we had fewer than 20 community facilities caring for a little less than 400 children.

In the past year and a half . . . we have expanded that to 82 facilities caring for over 2,000 children.

Quite frankly, with the guideline prohibiting the use of private funds and the further restrictions . . . we will probably wind up closing virtually every one of the new ones we have started in the past year and a half."

"It's such a bad law I can't conceive of it standing," he said. "I have heard they expect to save $1 billion. My guess would be they'll save $2 billion with the guidelines as they are now."

Among the changes in the proposed regulations are:

Quarterly recertification of applicants for some programs, instead of the yearly recertification.

Tightening day-care eligibility requirements. Current rules allow day care for children who have been on welfare within the past two years, or are prospects for welfare in the next five years. The new ones change those figures to three months and six months, respectively.

Elimination of the "special need" category, allowing services for the handicapped regardless of income.

Elimination of federal money for code enforcement, to make sure state standards are being enforced.

Setting of a maximum income figure for day-care eligibility that in some states works out to below the poverty level for a family of four.

HEW officials point to their plans to increase the amount of money spent on day care, and the number of children covered.

Federal budget estimates show one portion of the government's support for day care jumping from an estimated $82 million under the Work Incentive Program in Fiscal 1973, to $204 million in Fiscal 1974 which will begin July 1.

Some child-care groups, however, are convinced the dropping of federal standards will mean more "warehousing" of children with little attention paid to their education or other needs.

The new regulations drop all reference to existing federal interagency regulations about the ratio of children to adults at day-care centers.

Instead, a set of HEW Model Day Care Codes, currently on Secretary Caspar Weinberger's desk, recommends approximately twice as many children per adult as the standards now in effect.

The opening pages of the Model Day Care Codes indicate they are to be used as guidelines for states to draw up their own codes, but are not requirements.

"It's all a matter of money," said the source who gave a copy of the proposed regulations to The Washington Post, and who asked not to be identified.

"The key thing to remember is that most experts say the child-to-staff ratio accounts for 75 per cent of all the costs. They were spending $800 million for day care at the end of fiscal year 1972. If you double the child-to-staff ratio, as they're proposing, that's a saving of $300 million."

"These regulations are unconscionable," said Rep. Abzug. "They effectively shut out children from middle income families from federally assisted day care, and they will substantially reduce the number of senior citizens eligible for vitally needed services."

An advance copy of the proposed regulations was floated by the Council of State Governments in November for that group's reaction.

"We are quite sure that the states will have major objections to the denial of the use of private funds for matching," said Allen Jensen, a special assistant on human resources to the group.

"They feel this is a way to have community involvement and community participation in delivering these services."

Jensen estimated that private donations along with the three federal dollars that can now be given for each private dollar, supply about $55 million worth of day-care services around the country.

The private money comes from many sources, including charitable organizations such as United Way, and even bake sales or garage sales conducted by the day-care centers.

Along with eliminating such federal fund matching, the new proposals also eliminate federal matching for the value of "in-kind contributions," such as when furniture or a building are donated.

A number of experts are saying that politics is playing a heavy role in the federal matching section of the new regulations.

They point out that the government's proposed policy is opposite the position taken by former HEW Secretary Elliot L. Richardson when he said to several members of the House last summer that he supported federal matching for private donations.

The proposed policy, however, does go along with a directive from the Senate Finance Committee, which said during last year's debate over welfare reform that the kind of matching should be stopped.

There are predictions that federal matching for private money will be reinstated before the regulations become final, and the administration will make its real fight over the elimination of federal standards, and a new ban it proposes to place on transferring social services money to other state programs.

"It's a foolish (HEW) Secretary who ignores a directive from the Senate Finance Committee," said one source, "but they'll be able to say they tried, and the real money is saved in other places."

"They certainly tighten up in terms of eligibility, definitions, and range of authority," said Elizabeth Wickenden, professor of urban affairs at the City University of New York.

"The two most severe restrictions in them are the direct result of Senate Finance Committee instructions to the Secretary . . . All of this I think is quite consistent with the current philosophy of the administration. They have on one hand loosened up insofar as the state decision-making is concerned . . . And on the other hand they've tightened eligibility on who can get the service."

REA FINANCING PROBLEM

Mr. McGOVERN. Mr. President, one of the important issues facing the country today and for the future, is the financing of the growing needs of our rural electric cooperatives. As chairman of the subcommittee of the Committee on Agriculture which has jurisdiction over this program, I have given considerable thought to its solution. I believe we must preserve low cost REA loans for the sparsely settled States such as my own. We will at the same time need to seek supplemental sources for increased power needs.

Mr. Phillip Sawicki, former editor of Rural Electrification magazine, has written a thoughtful survey of the REA challenge which appears in yesterday's Washington Post. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RURAL ELECTRICS GO TO WALL STREET

(By Phillip Sawicki)

Old Roosevelt haters probably never thought they would live to see the day. The rural electric cooperatives that once upset them, those associations of country people building electric lines with the help of cheap federal loans, are scouting for high-cost money on Wall Street.

This new order of things has been some time in coming, but it is clearly here to stay now, with the Nixon administration giving it a considerable shove.

The change is not difficult to understand. Rural electrification as a cause no longer has the wide appeal it had when life on the farm was primitive, when the Dust Bowl blanketed the plains, when the Okies were streaming to California. With a demand for investment capital now at $900 million a year, with growth rates exceeding those of the big power companies, rural electrics look only mildly convincing as an underdog.

Moreover, rural electric leaders, in charge of healthy systems for the most part, have moved into the rural—and, in some cases, suburban—establishment. Idealistic feelings have faded with the deaths of the old farmers who were there when it all began. And while systems in most states are still wary opponents of the big power companies, the trend is toward accommodation between these old antagonists; in some places they have even reached the point of sharing the same power plant and feeling equally abused by the environmentalists.

THE "SPITE LINES"

This is all a far cry from 1936, when the rural electrics were created by the Rural Electrification Act. At that time, 90 out of 100 farmsteads in the Midwest, the South, the Great Plains and the Mountain States lacked a line to a utility plant. A handful of the 90 had Delco home generating units, but most farmers did their chores with the help of farmhands, horses and mules. Farm women cooked over wood stoves by the light of candles or oil lamps and washed clothes themselves.

As the big power companies saw it, the farms in the heart of the country were too far apart, wouldn't use enough electricity to make it profitable, and wouldn't pay for what they did use because of the Depression.

That is, they saw it that way until the REA bill was close to passage. Then they worked overtime putting up "spite lines" in territories they had previously disdained, hoping to sign up enough rural customers to make the creation of cooperatives impractical. Some of them also sent out hired men to warn any gullible farmers they could find that, among other things, co-op kilowatts wouldn't be as "hot" as the company's.

Nonetheless, by 1970 the Rural Electrification Administration had approved loans of more than $7 billion to about 1,000 rural electric cooperatives and 80 public power districts and similarly named organizations for the distribution of electric power to about 20 million people. Rural electric systems had put up 1,676,000 miles of line, thousands of substations, and 183 generating plants. The systems existed in every state except Massachusetts, Rhode Island, Connecticut and Hawaii. They were still small, serving on the average about 20,000 people, and they were usually more numerous the further the state was from New England or California.

In 35 years cooperative rural electrification had come a long way since the time when farmers grinned and wives wept at the first sight of a light bulb brightened by the current. But 1970 was significant for more than a 35th anniversary; it was also the year the Cooperative Finance Corporation made its first loan.

NEEDING MORE CAPITAL

CFC was the product of a concern about REA's future that had dominated the thoughts of rural electric system leaders since the Eisenhower presidency. During his second term, Eisenhower had backed unsuccessful legislation to double the low 2 per cent REA interest rate and had urged the systems to hie themselves to Wall Street to borrow money.

Even though Ike was succeeded by public power stalwarts Kennedy and Johnson (the latter a member of the Pedernales Electric Cooperative), leaders like Clyde Ellis, then general manager of the National Rural Electric Cooperative Association (NRECA) in Washington, saw problems ahead.

Virtually all the farms finally had electricity. Court reapportionment verdicts were shifting political power away from rural areas, meaning in all probability less support for REA appropriations in Congress. The problems of the cities were getting increasing national attention.

At the same time, rural electrics found themselves needing larger amounts of capital. Suburban subdivisions were spreading into territory historically served by the co-ops. Factories were moving to the country. A boom in vacation homes was apparent. And even though the number of farms had been cut in half from the 7 million of 1935, the remaining farmers were becoming steadily more dependent on electric power as a substitute for human labor.

The estimate was that rural electrics would need about $1 billion a year in investment capital by 1975, if not earlier. Through 1965 the largest REA appropriation had been the $425 million of the previous year. It seemed obvious, given the political climate, that rural electrics would never get all they needed from REA.

CFC was to be a private supplemental financing institution that would permit the "stretching" of REA funds. It would get its money from investments in it by rural electrics, and then provide 10 per cent of an REA loan at close to money market interest rates. Gradually, CFC was to provide a larger portion of the loans as its financial base grew. Eventually, it would raise money on Wall Street. But for all this to happen over a period of years, REA had to stay alive and well, its cheap loans still the heart of the program.

Despite Richard Nixon's election in 1968, rural electrics felt fairly confident that REA and its low interest rate would survive. Although Mr. Nixon's congressional record was bad from their standpoint, and although he had served under Eisenhower, he had said nothing threatening during the campaign. With the creation of CFC only weeks after his inauguration, rural electric leaders felt they had demonstrated their willingness to move gradually away from total dependence on REA.

But in 1970 the administration began to tread heavily. REA administrator David A. Hamil said the agency would make no more full loans for generating plants. Such loans had always been one of the causes of weeping and wailing among the power companies. Every government-financed plant cut into their old monopoly on wholesale electricity. (But not very far, in the case of REA. Rural electrics generate only 2 per cent of the electricity used in the nation.)

When Maurice Mann, then assistant director of the Office of Management and Budget, spoke to a Washington meeting of cooperative power officials in June, 1970, it was clear where Hamil was getting his orders. "If you haven't heard," Mann said, "let me tell you there are some of us who are disturbed about 2 per cent direct loans. And there is a move under way, as some of you may have heard, to phase these out over time.

"Let me remind you that a 2 per cent direct loan, although you recognize fully it is a loan, isn't really a loan. It's a subsidy. It's a grant, because in today's money market, with Treasury paying 7 or 8 per cent, in effect it represents a five or six percentage point subsidy. I think what we're really saying is that we'd like to see a shift toward more reliance on a private financing bank . . . which some of us think is a fine idea."

KILLING 2 PERCENT LOANS

Early in 1970 and 1971, OMB impounded relatively small amounts of REA funds. Then, in the fall of 1971, it became evident, although no announcement was made, that OMB was holding up $216 million, the difference between the administration's budget request of $329 million and the congressional appropriation of $545 million. Rural electrics protested, the election came closer, and the government's financial situation miraculously improved. By spring of 1972 the freeze was lifted.

The thaw proved deceptive, however, for in the week between Christmas and New Year's the Agriculture Department announced that 2 per cent REA loans were now extinct. Instead, rural electrics would pay 5 per cent, and the agency would get its money solely from the sale of federal securities. The new program, the department said, would "reduce the impact on the federal budget and the public debt" of REA loans.

The administration contends that its authority for the change comes from the Rural Development Act of 1972. Rural electric leaders argue that Congress intended no changes in REA when it passed the development bill. Robert D. Partridge, general manager of NRECA, calls the administration's action "repeal of the Rural Electrification Act by executive action" and has warned that it may wreck the supplemental financing arrangement. And as in other cases where the administration has reshaped federal programs unilaterally, the revamping of REA has drawn a barrage of protest from Congress.

The change, if it sticks, will mean higher bills for rural consumers. Their bills were already rising because rural electrics, like power companies, are paying more for everything from fossil fuel to labor. The long-range effect is likely to be stronger interest among members in poorer areas to sell out to neighboring companies. In the past an occasional system has succumbed to a company offer, combined with promises of lower electric bills. The promises haven't always been met, but in some places they will sound more attractive than ever.

GOING THE SAME WAY

Yet whether the President or Congress wins the battle over REA, the time is obviously coming when 2 per cent loans, if available at all, will go only to the weakest systems in states like New Mexico, Wyoming, North Dakota and Alaska.

With the creation of CFC a majority of (the members signaled that they were ready to give up the 2 per cent rate. The supplement financing program has progressed rapidly enough that in 1972 CFC and private sources provided a substantial amount of investment capital, $353 million compared to REA's $438 million.

Most loans now carry an interest rate of more than 2 per cent but less than 5 per cent. A significant exception to that, though, occurred last June, when two co-op power plants costing $365 million were financed by combined loans from REA, CFC and a consortium of insurance companies. The interest rate on the combined financing will be close to 6.5 per cent.

The desire of rural electrics to move cautiously away from dependence on 2 per cent REA money was natural, given their size and their history as outsiders in the electric power industry. Now the administration has given them a hard push in the direction they were already going—toward Wall Street.

ADDRESS BY SENATOR DOMINICK

Mr. DOMINICK. Mr. President, I ask unanimous consent to have printed in the RECORD a speech delivered by me to the National Western Mining Conference and Exhibition on February 9, 1973.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR PETER H. DOMINICK

The energy crisis is now a favorite topic of speakers from all segments of our society . . . public officials, industry people, environmentalists and consumer groups.

At the risk of saying "I told you so," let me point out that I have been conscious of the impending crisis and have talked about it for years. In my position as a member of the Joint Committee on Atomic Energy, and to a lesser extent, perhaps, as a member of the Senate Armed Services Committee, I have been listening to testimony concerning our energy resources and the potential dangers associated with our policies toward them for as many years as I have served on those committees.

Back in August of 1971 when I was out here on a speaking tour during a recess, I used portions of a scenario developed by Glenn Seaborg, the former Chairman of the Atomic Energy Commission. That scenario assumed that a moratorium was suddenly placed on the use of atomic energy as a power source and it described the resulting havoc when the nation had to rely almost exclusively on a dwindling supply of fossil fuels to meet its power needs. Schools closed, hospitals went on emergency power, businesses shut down, fuel for transportation was rationed, buses, trains and airplanes were on reduced schedules or not operating at all. Environmental restrictions were waived to permit greater use of high sulphur coal with resultant increases in smog in all the major cities. Mines went into increased production with health and safety considerations pushed to the wall, prices skyrocketed, miners threatened and then went on strike, federal troops were called in to get the mines back in operation, and so on. This was a hypothetical scenario, you understand.

Thank heaven we haven't declared a moratorium on the use of atomic energy, even for the 3 to 4 percent of our power needs which it provides. But perhaps you recognize some similarities between our present situation in Denver and other cities around the country, and this story I have just paraphrased.

I mention this to indicate that while I recognize that energy speeches are in vogue today, I am not a Johnny-came-lately to this area, and I firmly believe that while we will *probably* get through the present emergency without the chaos contained in Seaborg's scenario, some of these forecasts are facing us and if we do not get on with the business of developing some long term solutions to this major challenge right now, all may face us.

Before we even attempt to discuss what some of the solutions may be, permit me to explore the reasons that I think we find ourselves in this situation today. A recent issue of Newsweek Magazine described it this way: "America has passed from a long period of dirt-cheap energy that made it the world's leading industrial power into an era in which its ability to meet its own growing demands for energy comes more into question with each succeeding year." The magazine reveals that "With but 6 percent of the world's population, the U.S. guzzles 33 percent of the globe's energy. . . ."

In a recent speech to the American Gas Association, Stephen Bechtel of San Francisco, pointed out that" For almost every year in our history until 1953, we had a surplus of energy and were not exporters. However, in each of the last 20 years we have become a net importer; and currently about 15 percent of our supplies come from foreign sources." The Bechtel speech, by the way, is an excellent thesis on the whole energy question and contains some sound proposals for bringing it under control. I will be drawing further upon that speech as I continue.

But here we are in 1973 with our demands for every source of energy outstripping our own readily available supplies and the other industrial nations of the world rapidly reaching out to the same foreign sources which we have been using to meet their own skyrocketing demands.

Ironically, the United States is not even close to having exhausted the *minerals* which are the sources of energy contained without our borders. Experts differ on the exact figures, and all are estimates, of course, but most will agree that we have enough coal in this country to furnish our total energy requirements for over a hundred years. There is an ample supply of uranium to serve our energy needs for years to come, even using the reactors now being installed, and with the implementation of the fast breeder reactor, these supplies could become practically inexhaustible. It is true that our demands for oil and gas have already exceeded our production capacity, and there is little optimism that this trend can be reversed, at least so long as we continue to employ these products for the wide range of requirements which they must satisfy today.

Then, what is the problem? With regard to coal, you are well aware that environmental constraints have been largely responsible for the trend toward substituting other fuels—and I think we will start to refer to them as "Premium Fuels"—such as oil and natural gas for coal. Natural gas became an attractive substitute for coal as a source of electrical power and for use in factories because it burned cleaner and was much cheaper. The same is true of oil. As more factories and power generating plants began to turn to these products, the demands went up, and the supplies were taxed with the resulting alteration of our export/import situation.

The picture with regard to atomic energy is somewhat different. It must be remembered that we did not begin to develop atomic energy for generating electrical power until about twenty years ago, and nuclear power has yet to become a major operating alternative source. Progress in getting additional nuclear generating plants on the line has been slowed by court actions and executive decisions based on environmental considerations. The breeder reactor, which many, including me, see as a potential medium range answer to our energy problems is still some years away—perhaps as much as twenty years away.

The Congress, the President and industry are involved in developing sound programs which each considers will be the blueprint to meet this most important domestic challenge. Within Congress, there is probably more of a divergence of opinion than in any other segment of society. My colleagues who feature themselves as the champions of the consumer (and frankly any of us who don't act in what we consider to be the best interests of the consumer *and* the nation won't be around very long!), but those who seem to seek the label of consumer advocate to the exclusion of all else, will be looking for some program which will give us ample energy, clean air, an adequate balance of payments situation and sound national security—at no increase in costs to the constituents! The man who can deliver that under the conditions we now face is not on this earth.

My point is, any program which will accomplish the objectives I have just stated, and I consider them sound objectives, is going to cost plenty. Peter Flanigan has summed it up rather well as quoted in that Newsweek article: "Everything must give a little—national security, environmental quality, and price." To which Newsweek responds, "Compromise pleases no one completely, of course, but the alternative seems to be to throw the nation out in the cold."

Let us begin with those thoughts as our frame of reference, and examine what I consider to be some possible short range and longer term solutions to this problem. Two immediate steps must be taken: First we must increase our imports of oil and to a lesser extent natural gas, and second, we must convert industry from those fuels to coal.

The National Petroleum Council's "U.S. Energy Outlook" has concluded that "Because of long lead times required to increase domestic production, energy imports must increase over the next few years. In the short term, through 1975, options are limited for altering the trend toward greater dependence on foreign energy sources."

This is a solution which I suggest with the greatest reluctance for two very significant reasons: balance of payments and national security. Again quoting from the NPC's Energy Outlook, "Greater oil and gas imports will have a major impact on the nation's balance of payments. The cost of imported fuels, less the sales revenue from fuel exports results in a sizeable net dollar drain. This dollar drain was $2.1 billion in 1970. It will range from about $9 to $13 billion in 1975 . . ." The report projects a threefold to fifteenfold increase in foreign exchange requirements by 1985 over current levels. The Council concludes that "To pay for our imports of fuel, we will need to seek additional exports of other goods and services. The magnitude of the potential problem in this area is highlighted by the fact that today our total annual exports of all goods and services is only about $65 billion."

And a U.S. Commerce Department report discussing the growing reliance on Saudi Arabia for oil says it is only a matter of time before the U.S. slips into a net deficit in trade with that country for the first time in history. It concludes that: "The aggressive selling on the part of U.S. exporters that might possibly prevent this from occurring has yet to develop." Nevertheless, this increase in imports must be taken as one *short-term* solution, and I emphasize that for my part, I would like to see it terminated at the earliest possible opportunity.

Part of my reason for that is as I suggested a few minutes ago, the matter of national security. Again from the Petroleum Council

Report: "Besides the possible large increases in volumes of imports, a shift in the source of those imports through 1985 is indicated.

A larger share of U.S. imports will come from the Eastern Hemisphere. Thus, as imports rise, the country will become increasingly dependent on the political and economic policies of a small number of distant countries. This, in turn, can have important consequences with respect to the military, political and economic position of the United States. Consideration should be given to the need for additional storage to cushion the impact of possible near-term interruptions of foreign supplies, and the desirability of utility plants being constructed to burn more than one type of fossil fuel."

On this same note, Ray Vicker, writing from Saudi Arabia in the January 23 edition of the Wall Street Journal notes, "Like it or not, Washington may have to pay more attention to Arab wishes and sensitivities—because by 1985 it is estimated the U.S. will be importing about half of its oil, and most of this will come from the Middle East."

So far all of this talk about reliance on foreign resources has centered on the political considerations within the countries with whom we will be doing business. But let me add some personal observations from my seat on the Senate Armed Services Committee.

You need only recall the events of June 1967 to realize how quickly the international situation can change with regard to our traditional sources of supply and the routes by which we receive them. The Middle East War could have dried up our supplies in a matter of weeks, had it gone on. But further, the supplies cannot reach us if our free access to the seas and waterways of the world is challenged.

As you know, for many years this country went unchallenged as the major sea power of the world, able to guarantee without question the right of access to the sea lanes of the world to all nations. However, our superiority is facing a serious challenge. The Russian Navy has grown dramatically in the last ten years. Most of their ships are less than 20 years old while many of ours should have gone into moth balls years ago. They have weapon and missile systems equal to and in some cases perhaps superior to our own, and the Russian submarine force presents a very serious potential threat to our traditional freedom of the seas. In addition, the Soviets seem to have made inroads into many countries positioned along the narrow waterways and straits through which we must pass—and which we must keep open—to insure delivery of foreign oil to this country. President Nixon has made progress in his talks with the Soviet Union, and we are in less danger of an international confrontation now than we were even a year or two ago, but all of these factors, together with the tenuous cease-fire arrangement which still exists in the Middle East must be considered, and we must reduce our reliance on foreign imports as quickly as possible.

The second portion of my short-range solution is of particular importance to you. We must begin right now to convert industry from oil and gas to coal. Most studies I have seen conclude that gas is an improper source of energy for industrial uses. *Gas must be considered a premium fuel.* It must be reserved for that segment of our markets which cannot economically or for other reasons utilize coal—residential, commercial and other special areas.

My friend, Russ Cameron, in an address in Billings, Montana, last fall declared that between 25 percent and 40 percent of the gas being consumed in this country today is used for purposes for which other fuels are suitable. But he points out that we are now about to reverse the substitution process which accounts for those percentages, because we are nearly out of that low cost gas that started the change in the first place.

A similar situation exists with oil. Oil supplies about 45 percent of our total energy requirements, and a good percentage of that requirement cannot be economically satisfied in any other way. Autos, airplanes and buses are not likely targets for coal substitution, and it is doubtful that we could convince the railroads to go back to the steam locomotive, even though many a romantic railroad buff still longs for the sound of old number nine. But we must change over those uses of oil that can be switched to another fuel, and one excellent alternative fuel is low sulfur coal. The only problem is that the transition is still going the other way: industry is still converting to low sulfur oil and the supplies are getting scarce.

In order to begin the transition in earnest, we must make such a step attractive to the industry concerned. There are some obvious incentives, of course, and others must be developed. The most obvious incentive to any industry is economic. Another winter with interruptible natural gas service and resultant shut down of operations would not be a pleasant prospect for anyone trying to make a profit. Scurrying around later this year to nail down contracts for enough low sulfur fuel oil appears to be a similarly unenviable prospect. But if the costs of low sulfur coal are significantly higher, transition to coal will proceed at a much lower pace. Frankly, I don't believe this will be the case in the forseeable future, because the only way we will meet even the present demands for natural gas and oil is through the increased imports we have talked about and new exploration and development at home. Neither of those alternatives is cheap, and it is anticipated that costs from either alternative will drive prices up to the extent that low sulfur coal will be quite competitive. It may be that we will have to come up with some other means to encourage transition to coal, such as rationing, tax incentives and certainly an intensive public relations and sales program aimed at, as Russ Cameron puts it, taking gas and oil out from under the industry's boilers and putting it where it's needed more.

We have plenty of low sulfur coal to replace some uses of gas, oil and even high sulfur coal. We can see it becoming competitive in cost through improved mining techniques, new innovations in transportation, such as coal slurry pipelines, and the inevitable increases in the costs of oil and gas.

There is one more problem, and this is the matter of environmental considerations. While the end product may be compatible with emissions standards now in effect, the means of obtaining the product—the mining operation itself—is, as you all know, coming under ever-increasing scrutiny because of the effects on the natural environment. And this applies to the entire mining industry, not merely to coal mining, of course. But even in 1970, 44 percent of all coal came from surface mining and current trends seem to indicate even greater emphasis on surface extraction in the future.

Let me tell you before I go on that I am in no way suggesting that we abolish surface mining operations for coal or any other minerals. I recognize too well the disruption in our economic structure and the deleterious effect on our standard of living. But what I am saying is, there are pressures from segments of our society to do just that, and there are others of us in this society who are unwilling to accept unrestricted, or insufficiently regulated surface mining in those remaining portions of our country which are essentially unspoiled.

Pollution of lakes and streams, dust and noxious gases in the atmosphere, unreclaimed stripped areas, and the dangers of accessible open pits or other terrain characteristics remaining after abandonment of strip mines have left their mark upon the land and in the minds of millions of people who desperately desire to protect our dwindling natural resources, one of which is the many wilderness areas of our country.

Many of you know that late last year, in response to the concerns of people on the Western Slope and articles in the Ouray County Plaindealer and Herald, I wrote the Bureau of Land Management expressing my concern over a leasing arrangement for strip mining coal by Kemmerer Coal Company in our Cimmaron Ridge District. It is my feeling that such an operation is not compatible with the present uses assigned that land, namely hunting, fishing, grazing, camping and general outdoor activity. At the very least, I sought assurances that every possible consideration be given to environmental impact, and if such consideration resulted in negative conclusions, that we seek to terminate the leases.

Again, let me emphasize that I probably recognize our national energy needs more than most of the people with whom you will be facing similar objections. And I further recognize that as we move toward resolving our energy crisis, compromise will be necessary. But compromise means movement on both sides, and my point here is that as we place heavier demands for low sulfur coal, and for that matter the many other minerals which must be surface mined, you must be prepared to spend larger sums on reclamation, and you should also be prepared to explain your plans in the greatest possible detail to the public prior to commencement of your operations.

Environmentalists are not unreasonable or unintelligent people. I believe that compromise is essential for the benefit of the nation's mineral needs, but it will take some increased spending on your part for environmental controls and reclamation, a willingness on the part of the public and some of their representatives in the Congress to accept the resultant higher costs of the end product, and concerted effort to exchange information and ideas among all the parties to indicate good faith. Along this line, incidentally, I have been told recently that coal producers like to think in terms of spending about $200 an acre on reclamation. It has been said that even spending up to $25,000 an acre in some areas, the cost of the coal would not increase by more than 10c a ton. Now before you react too strongly, let me add that I recognize the many factors which determine both the cost of reclamation and the cost per ton of coal, and similarly I understand that an acre of land which might be in an area where the going price for undeveloped land was $75 an acre would not be a likely target for a $25,000 per acre reclamation project! But again, the need for greater concern for our remaining undisturbed lands, streams and lakes must become a major consideration as demands for surface mined minerals increase in the wake of our present crisis.

Increased imports of oil and liquid natural gas and increased use of low sulfur coal as a substitute for them where possible are my two primary short-range solutions. Others include an immediate effort toward more efficient use of energy through improved operation of our appliances and automobiles, for example. Some have suggested at least a temporary waiver of further emission control devices for autos because the controls put into effect thus far have reduced efficiency of the engines to the extent that fuel consumption is up about 7 percent and still rising. This *is* an area where compromise may be necessary. And it is another reason why better means of transportation—such as the proposed people mover project in the Denver area—must be developed as rapidly as possible.

In the immediate future, we must work to overcome environmental problems—real and imagined—which hamper immediate construction of more nuclear power plants for electrical power.

Also in the immediate future, we in Congress must pass some legislation deregulating the price of natural gas at the well head, a step which would, of course, result in price increases, but which would also be a factor in encouraging industrial users to move to coal and which would insure home dwellers and other premium customers adequate supplies of gas. The other factor in deregulating the well head price, of course, is to stimulate additional exploration and development of our domestic natural gas resources.

We can also look for some sharp increases in oil costs and I believe that we must not entertain the slightest thought of tampering with the 22 percent oil depletion allowance at a time when additional incentives may be necessary.

This will not be a pleasant pill to swallow. We have enjoyed an energy bargain in this country for years, but experts now predict increases in total energy costs of 50 to 150 percent over the next ten years, and some estimates are even higher.

The longer range solutions to our energy needs are fascinating. The breeder reactor, which I have already mentioned and which uses plutonium to generate more fuel than it actually uses, the concept of harnessing solar energy, and beyond all of this, the great adventure of controlled thermonuclear fusion. It is my hope that we can have a large economically feasible thermonuclear demonstration power plant in operation by the year 2000. These are just a few of the longer range possibilities.

Closer, perhaps, is oil and even gas from shale, with the work on our Western Slope most important to the future of this energy source. Oil from coal and coal gasification are two possibilities which are now economically infeasible, but which through increased research and development and the projected cost increases of our conventional energy sources, could very well become medium range alternatives. The nuclear stimulation of natural gas deposits, such as proposed in Rio Blanco and accomplished in Project Rulison is another possibility. There are others, of course, and this subject becomes more fascinating as it becomes more challenging.

In reflecting on the situation in which we find ourselves, I think there is some interesting food for thought. It seems to me that over the hundred and some years that we have occupied portions of this continent, we have always been faced with the challenge of pushing farther out, opening new territory, and taking the resources we needed as we continued to grow and prosper. I believe we are now turning our attentions to a new challenge, that of conquering our environment. The challenge is the maintenance of a quality of life and the effective management of the resources necessary to maintain it. It seems to be that the transition from conquering nature in the form of new lands to conquering our environment and the challenges it presents may be difficult but it is necessary. It means acquiring a new understanding of the value and availability of our resources and a recognition that we have attained a highly developed and advanced society but not without paying a high price in terms of resources expended to accomplish it. Over the remainder of this century, much more of our attention will be expended toward increasing the efficiency of our technology, and encouraging the conservation of our natural resources in search for an even better quality of life for all mankind.

RESOLUTION BY COLORADO LABOR COUNCIL

Mr. HASKELL. Mr. President, I know that many Senators share my concern about the administration's usurpation of authority in many areas which rightly belong to Congress.

One primary area of concern is the executive refusal to spend the funds which have been authorized and appropriated by the Congress. We have the power and the obligation to determine the spending priorities of this Nation. I, for one, am appalled by recent actions which indicate that the administration has completely ignored our expressed desires by impounding already appropriated funds.

The members of the executive board of the Colorado Labor Council share my point of view that Congress must exert itself and take action to resist this unfortunate trend.

I ask unanimous consent that a resolution which was unanimously adopted by the Colorado Labor Council be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

ASSERTING CONGRESSIONAL AUTHORITY

Whereas, This Council is concerned with the assertion of the unusual proclamation of power through the control of the expenditure of appropriated funds by the President of the United States as a means of controlling and/or subverting the authority of the Legislative Branch of the Federal Government; and

Whereas, The proclaimed righteousness of the President obviously designates his approach to his reasoning that the Office of the President is entitled to this kind of subjective autocracy; and

Whereas, No reasonable American can stand by and watch the demise of beneficial programs (which the people, themselves, have willed through the Congress of the United States) by Presidential proclamation to eliminate appropriations already made to such programs as: Urban Renewal, Model Cities, War on Poverty, Job Training for Disadvantaged, and Elementary and Secondary Education Facilities for Children of Impoverished Americans; and

Whereas, State Government, even if it is ready to assume its rightful role in its relationship with the Federal Government to assume the responsibility for the programs that are so urgently needed in the area of human welfare relating to both urban and rural America, the fact of life is that no State government—including Colorado's—can act to evaluate what the State should do to relieve the arbitrary cutoff of programs by the President of the United States before June 30, 1973, therefore be it

Resolved, That this Council call upon the five members of the House of Representatives and the two members of the Senate of the United States from Colorado to take leadership in having the Congress, itself, establish its own executive agencies to be administered by the Congress to assure that the programs funded by the Congress in spite of the President of the United States are administered outside of the Cabinet of the President in the fields of Urban Renewal, Job Education, Farm Family Maintenance, Job Training for the Poor, and Development of Full Employment (among others) both in the public and private sector; and be it further

Resolved, That the Colorado Congressional delegation considers this whole area of Congressional integrity as demanding the first call upon its business so that Congress does not continue to rock along in its usual manner but does not arise in these few months immediately ahead to the occasion of giving leadership to the American people; all of this in spite of the unabashed and authoritarian display of judgment in the monarchical role assumed by the President of the United States, even if such action by the Congress moves its own leadership in the direction of a parliamentary type of executive action, responsible to the political majority of the U.S. Congress for the purpose of Government serving the people.

PROBLEMS OF ELECTIONS

Mr. McGEE. Mr. President, on February 1 and 2 the National Association of Secretaries of State met in conference in New Orleans. Significantly, the full 2 days were spent by these important State officials discussing our voter registration and election laws. For the first time in the history of the organization, they gave their undivided attention to the problems of elections.

It had been my hope to be with the secretaries of state in New Orleans so that I might receive the benefits of their accumulated talents and experience; however, storms on the east coast and plane schedules disallowed my attendance. I was fortunate enough to get an enthusiastic report from one of my staff members who was there about the determination and concern election officials have for uniform election laws.

In passing, I might note that there was great interest in the Voter Registration Act—S. 352. Certainly, the time and effort by election officials in New Orleans is indicative of the responsibility the Senate has to give close attention to problems of voter registration.

The secretaries of state in New Orleans passed what I think are two landmark and related resolutions which recognize the need for the Federal Government and State governments to work in tandem to improve voter registration.

The first resolution was submitted by the very able secretary of state of Louisiana, Wade O. Martin, Jr., who is chairman of the organization's standing committee on elections. The second resolution was submitted by the equally able secretary of state of Connecticut, Gloria Schaffer, a member of the same committee. I ask unanimous consent that the two resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION NO. 1

Whereas the problems inherent in the elections process are common to all states of the union and;

Whereas it has become increasingly obvious that there must be more interchange of ideas and cooperation among the several states and between the federal government with respect to changes and improvements in the election laws and;

Whereas there does not exist at the present time any national organization of chief state election officials which can exclusively devote its purpose to the improvement and problems of the elections process and;

Whereas this can best be done through a national association of chief elections administrators;

Now therefore be it resolved that we, the chief state elections officials in attendance at the National Conference on Elections held in New Orleans, Louisiana, on February 1 and 2, 1973, do hereby recommend and support the creation of the National Association of Chief Elections Administrators sponsored by the National Association of Secretaries of State.

This resolution adopted at New Orleans, Louisiana, this 2nd day of February, 1973.

RESOLUTION No. 2

RESOLUTION—LIAISON COMMITTEE

Whereas, our Nation and its several states are in the midst of a critical period in the evolution of our election system; and

Whereas, it is essential to the Congress that in considering the enactment or the amendment of legislation relating to the acquisition and exercise of voting rights, it has available the advice and consultation of those officials possessing the highest level of expertise in election administration; and

Whereas, the majority of the members of the National Association of Secretaries of State are charged with the responsibility of administering the election laws in their respective states and said members are keenly aware that the administration of elections involves a function of the greatest public concern; and

Whereas, said members recognize further the need for their being available to the Congress to present their analyses, evaluation and views as to the effectiveness and workability of existing and/or contemplated legislation relating to voting rights and voting in federal elections; and

Whereas, said members recognize the desirability of making available to our national legislature a committee of its members prepared to testify with regard to voting rights legislation, and particularly charged with the responsibility of analyzing and evaluating the same as to its procedural effectiveness and workability and its potential for an orderly integration into the several states elections systems;

Now therefore, be it resolved that the National Association of Secretaries of State consider the designation of a liaison committee of its members who shall upon the direction of the president and/or executive board testify on proposed legislation relating to the acquisition and exercise of voting rights and the conduct of elections.

FORT LEE MILITARY SERVANT TRAINING CAMP

Mr. PROXMIRE. Mr. President, during my investigation of the use of enlisted men as personal servants to high-ranking generals and admirals in the U.S. Armed Forces, the name of the Army installation at Fort Lee, Va., has constantly appeared.

FORT LEE TRAINS SERVANTS

Fort Lee is the place where the Army trains enlisted men in the graces of personal service. Fort Lee offers an extensive course of instruction broken down into a certain number of hours per subject. Volunteers for the Army's enlisted aide program come to Fort Lee, mainly on temporary duty assignment—TDY.

The course lasts about 8 weeks and runs continuously throughout the year. There are 24 slots per course, mainly for Army personnel but occassionally also for the Air Force.

The enlisted men at Fort Lee receive some extraordinary training. They are thoroughly briefed on how to take care of the every need of the admiral or general they serve and, in addition, the needs of the officer's family. They learn how to set a proper table, arrange flowers, prepare gourmet food such as petit fours, carve delicate and intricate designs from blocks of ice for table decorations and serve beverages at parties. They also are told how to provide for the essentials of everyday living for their officers.

MOCKUP OF GENERAL'S QUARTERS

Fort Lee contains a mockup of several generals quarters complete with beds, living rooms, dining rooms, bathrooms, and kitchens. Here they practice the specifics gleaned from the many hours of lectures. Large manikins are provided so that they can practice arranging medals and properly placing decorations.

While at Fort Lee, the enlisted men receive their own type of uniform. They are issued a special set of tuxedo-type pants and white mess jackets to wear around the officer's house.

The Army's enlisted aide program is managed by the Office of Personnel Operations, Enlisted Aide Unit, 1E680 in the Pentagon. When colonels become promotable, they call the enlisted aide unit and request that they be put on the waiting list for a personal servant. About 80 new generals are now on this list. It frequently is the first thing a new general does.

GOURMET COOKS RECRUITED

The Army combs the military for enlisted personnel with special service capabilities. The enlisted aide unit keeps in touch with the Culinary Institute of America to recruit men who graduate and then happen to serve in the military. When found after basic training, they are asked if they want to volunteer for the personal aide program. Gourmet cooks are recruited in this manner.

PHYSICAL APPEARANCE IMPORTANT

Not every enlisted man can make it through the Army's aide program. If an enlisted man is physically unattractive for some reason, such as a bad complexion problem, he is not judged to be of sufficient military bearing to be around a general or admiral. He is weeded out.

OTHER WAYS TO OBTAIN SERVANTS

Being assigned a personal servant by the enlisted aides unit is not the only technique used to acquire help. If the commanding officer of a base wants his grass cut, he simply orders it done. The same goes for car washing, laundry, and errand running for the wife. Since the commanding officer is in full control of the base, his word is law, and he can command that his personal desires be fulfilled.

S. 850

I have introduced S. 850 to prohibit the use of enlisted men as personal servants by officers or family members and to shut down training facilities such as at Fort Lee, Va.

It is unethical to cater to the every whim of generals and admirals at a time when the poor are being asked to sacrifice and the elderly are being told to expect less assistance. It must stop now. The $13 million for pay and allowances alone for the 1,722 enlisted aides can be put to better use.

Mr. President, I ask unanimous consent that a recent newspaper article by an enterprising investigative reporter, Ann Blackman, be printed in the RECORD together with an editorial from the St. Louis Post Dispatch of February 4, 1973.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AIDE OR SERVANT?—HE COOKS, CLEANS, AND WALKS THE DOG—ALL FOR HIS GENERAL

(By Ann Blackman)

FORT LEE, VA.—Here the Army trains soldiers to make tasty penguins out of hard-boiled eggs, carve swans out of ice, groom dogs and empty ash trays.

Other lessons range from bartending to flower arranging.

The purpose is to prepare enlisted men, all volunteers for the program for the job of making Army generals and their families more comfortable. Or, as an Army spokesman explains it, "to put the commanding officer and his family in the forefront of the Army installation and the community."

Some program critics call the personal aides servants. Most generals get one aide for each star on their shoulders.

A General Accounting Office report says that in pay and allowances alone the personal aides program costs the Army $3.6 million yearly. The Navy spends $4.4 million, the Air Force $4.3 million and the Marines $837,000 on similar programs, the report says.

What sort of enlisted men volunteers to be an aide?

"It takes a special boy, one who will take an order from a female, like the general's wife," a spokesman at Fort Lee replied.

During a visit to Fort Lee, an officer was asked directions to the training school. "An enlisted aides course?" he said. "Oh you mean the charm school. Over there."

He pointed to a two-story, World War II era building that has been remodeled to include five apartments. Each resembles a general's quarters and includes a living room, dining room, two bedrooms and a bathroom. Red and white carnations are carefully arranged on many tables.

Such delicacies as chocolate-covered petit fours, the work of aides, are stored in freezers.

The Army's enlisted aides course has been located in the building since the program started in January 1969. Courses are given six times a year, and the Army reports a total of 404 graduates. The waiting list of generals requesting aides is now at about 80. Some generals don't ask for aides, according to the spokesman.

He said soldiers spent 70 hours learning the duties and responsibilities of an enlisted aide, 109 hours on management of dining facilities and 137 hours on "the advanced principles of cooking, baking and garnishing."

Duties listed in the course outline include pet care, cleaning a general's quarters, care of officer's uniform and equipment, preparation of center pieces and ice carvings and watering plants.

A section called household duties includes these responsibilities: empty and wash all ash trays; sweep off steps and porch; scour tub, shower, lavatory and all fixtures; empty laundry hamper; insure adequate supply of soap, facial tissues, toilet tissue and tooth paste.

Helping a general's wife includes reminding her of appointments, providing her with transportation and assisting her role as hostess, according to the outline.

Critics, including Sen. William Proxmire (D-Wis.), say taxpayers should not have to pay for personal aides to generals and other military brass. The Army says the taxpayers are getting a good deal.

Sneaky Attack

Rank, as the saying goes, has its privileges. But if Senator William Proxmire has his way, the privilege of having a "military aide" who is actually a little more than a domestic servant will not be one of them.

According to a recent study by the General Accounting Office, there are 1722 enlisted men (annual expense of about $13,000,000) assigned to aide duty. Many of them, according to Senator Proxmire, spend their time walking dogs, tending bar at private parties, cooking meals, gardening, doing the family laundry and cleaning out the swimming pool.

In a recent Senate speech, Mr. Proxmire attacked this regal system as "one of the last trappings of aristocratic privilege" and argued that the time had come for the military to stop doling out domestic help at the rate of one per star.

Although the Pentagon has come to expect criticism from the Senator from Wisconsin, this assault hits the military brass where it hurts—on the home front. Almost any general would be willing to stand eyeball to eyeball with the Russians. But few, we suspect, want to be forced to tell the little lady that she will have to drive the kids to school herself.

COHERENT NATIONAL ENERGY POLICY

Mr. STEVENSON. Mr. President, the need for a coherent national energy policy was demonstrated by the President's failure to meet fuel needs this winter despite insistent prodding over many months by myself and others who foresaw the impending shortages. The shortage of oil illustrates a far more general and growing shortage of energy. Yet, the Nation has no solution to its longer term energy requirements, nor even a coordinated effort to match our energy requirements with our vast energy potentials.

Testifying recently in support of S. 70, to establish a Council on Energy Policy, I cited the Nation's failure to develop coal as an environmentally sound source of energy. With some effort and money systems could be developed for the extraction of coal in environmentally sound ways. Systems in process of development could also permit coal to be burned without pollution and to be converted into oil and gas.

We have heard much about the possibility of investing billions of dollars in the development of natural gas reserves in Siberia. I suggest, Mr. President, that we should attach a higher priority to the development of our own fuel reserves, though the need is such that it may well be necessary to proceed expeditiously in many directions at once.

The Nation's reserves of coal could theoretically be converted into more than 4,000 billion barrels of oil which is 10 times the world's proven oil reserves. I suggest that for the long haul the development of nuclear energy and coal is more important than the development of more expensive and highly vulnerable foreign sources of oil and gas. The Nation is largely unaware of the potentials for coal. I ask unanimous consent that my statement of February 8, 1973, before the Commerce Committee be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Adlai E. Stevenson III

Statement by Senator Stevenson on S. 70, to establish a Council on Energy Policy, before the Committee on Commerce:

Mr. Chairman, I want to commend this Committee for focusing the attention of the Congress and the nation on the need for a coherent national policy on energy.

Experience in my own state dramatizes the need for national short-term and long-term responses to growing energy shortages.

This winter brought the lesson home. I have been appalled at the inability of the Administration to even determine the extent of the fuel shortage. In November I wrote to Secretary Morton and former OEP Director Lincoln to ask for a modification of the Oil Import Regulation to allow independent operators in Districts II through IV an oil import quota. I believed this would safegard against a winter fuel shortage. My letter received a mere acknowledgment.

On December 21, after the shortages in No. 2 heating oil, propane and natural gas were becoming apparent, I wrote to the President, citing the reasons for the fuel shortage, calling for a temporary end to the oil import quota program, and suggesting other measures that might be taken to relieve the shortage. Other Senators in the Midwest and elsewhere were doing likewise. Our letters received mere acknowledgments.

On January 10, I joined other members of the Senate Midwestern Democratic Caucus in another letter to the President, again calling for a suspension of the oil import quota program. Again, nothing happened.

Finally, and only as Senator Kennedy and I prepared S.J. Res. 23 to suspend oil import quotas, did the President act to suspend the program. The President's action, however, was too late and too little, and it does nothing about next winter, when we may well be facing the same problems.

The Executive Branch is plainly unable to gauge our short-term energy needs, let alone our long-term requirements.

The necessity is to forecast our short- and long-term needs and to plan a coordinated policy in response to those needs. I believe that a prospective answer is at hand to meet this necessity in S. 70, the bill before the Committee which would create a Council on Energy Policy within the Executive Office of the President.

This three-member Council, as is set forth in S. 70's "Declaration of Purpose," would establish a central point for the collection, analysis and interpretation of energy statistics and data necessary to formulate policies for wise energy management and conservation. The Council would also prepare a long-range comprehensive plan for energy utilization in order "to foster improvement in the efficiency of energy production and utilization, reduction of its adverse environmental impacts, conservation of energy resources for future generations, reduction of excessive energy demands, and the development of technological capabilities to produce alternative clean energy."

Perhaps most important of all, the Council would coordinate all energy activities of the federal government, and provide a measure of leadership to state and local governments and various other persons and organizations concerned with energy.

Moreover, although this bill focuses on the Executive Branch, and its ability to forecast and respond to our energy needs, the Section 6 requirement of an annual energy report to the Congress will help us revise present law and policy dealing with energy in order to deal with our ever-changing and expanding energy needs. In fact, one duty of the Council would be to advise the Congress as well as the President on how to resolve conflicting energy policies of various federal agencies.

The efficiency of our currently fragmented approach and the need for the coordinated energy policy which S. 70 could provide are convincingly illustrated by the incredible imbalance which has developed between our nation's natural energy reserves and our patterns of energy consumption.

Of the basic fuel sources of coal, oil, gas, and uranium, our 3,000 billion tons of coal constitute about 80% of the total fuel resources of the nation, while gas constitutes only 9% of our total energy resources, oil only 8%, and uranium only 4%.

Yet as consumers we depend on gas and oil to supply 79% of all our energy needs. Because no one has been responsible for overall energy planning, we have come to rely on those fuels in shortest supply for the greatest part of our energy requirements, while our greatest single energy resource lies relatively untouched.

We all recognize the need to meet our growing energy needs without further degrading the environment. Under older technologies it was simply easier to turn to oil and gas in order to minimize adverse environmental consequences. What has troubled me, however, is that we have had the capability for some time now to utilize new technologies which will enable us to transform our tremendous untapped coal reserves into environmentally sound fuels. With ever-increasing pressures on our oil and gas reserves, and the frightening experience of this relatively mild winter, I fear we have already waited too long to make use of these new technologies. I believe a centrally coordinated energy policy, as called for by S. 70, is the key to focusing our energy research priorities on such important questions.

The Office of Coal Research, in conjunction with the American Gas Association, has already constructed a pilot plant in Chicago for converting high sulfur coal into pipeline quality gas. Three more pilot plants for testing variations of this process are under construction elsewhere in the country. One variation of this process, producing less than pipeline quality gas, is being tested as an environmentally superior fuel for electrical generation.

A pilot plant has been constructed which demonstrates the feasibility of transforming high sulfur coal into low sulfur fuel oil, and one concept is being tested which would simultaneously result in both the liquiefication and gasification of coal.

Technology is also being developed for the clean burning of high sulfur coal combined with limestone. Much of this work is being conducted at the Argonne National Laboratory in Illinois. With adequate financial support it could soon produce a system to power generating plants for electricity.

The implications of all this research are staggering. Improved mining techniques, some of it also in the research stages, would make it environmentally feasible to recover about 2,000 billion tons of our nation's 3,000 billion tons of coal reserves. Illinois alone has about 10% of these reserves, and studies by the Office of Coal Research indicate that Illinois' high sulfur coal is also among the highest in potential liquid and gas yields in the nation.

At a conversion rate of two barrels or more of synthetic oil per ton, nationally, we would have over 4,000 billion barrels of oil in the form of coal, or ten times the world's proven reserves. If this coal were converted to pipeline quality gas, it would yield about 32,000 trillion cubic feet of synthetic gas. Our proven recoverable national reserves are only 1,600 trillion cubic feet of natural gas.

Too few people are aware of this incredible untapped potential. The time to make this technology begin serving the people of our increasingly energy-starved nation is long overdue; and so is the kind of overall energy policy coordination which could help focus attention and resources on such crucial questions of balanced energy needs.

Illinois' currently unused high sulfur coal could be converted into a major energy source for the nation, and that would be one of the benefits of a better coordinated energy policy. We have always had the resources to meet our energy needs. Passage of S. 70 may be the long-overdue key to providing the direction and will to put them to the most efficient use in an increasingly energy starved nation.

OREGON INVENTORS' WEEK

Mr. PACKWOOD. Mr. President, I am pleased today to announce that the Governor of Oregon, the Honorable Tom McCall, designated the week of February 11 as "Oregon Inventors' Week" to coincide with National Inventors' Day, February 11. It is, indeed, a privilege for me to be able to pay tribute to the many inventor-citizens of the State of Oregon who have contributed so much to its economy and welfare. Their continued pursuit of excellence and their creativity and imagination promise to bring even greater benefits to the people of our State and the Nation in the future.

Mr. President, I ask unanimous consent that the text of Governor McCall's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY GOVERNOR TOM MCCALL

Even in our grandfathers' days American inventiveness was a topic of conversation and wonder all over the civilized world.

One of the first acts of the Congress of the United States was to establish the patent system under which American inventors have made outstanding contributions to the world's engineering, manufacturing, and scientific projects.

Both the Senate and the House of the United States Congress have now passed and the President of the United States has now signed a resolution officially designating the birthday of Thomas Edison, February 11th, as National Inventors Day.

As Governor of the State of Oregon, I do hereby proclaim the week of February 11, 1973, as "Oregon Inventors Week" in commemoration of the contribution made by the inventors of the State of Oregon to the progress of the useful arts within the United States and to the contributions made by all inventors to progress within the State of Oregon.

In this way, the State of Oregon expresses thanks to her inventor-citizens for their contributions to the economy and welfare of this State and our Nation. Additionally, we pay tribute to the United States Patent system by acknowledging and recalling the quotation of Abraham Lincoln: "The Patent System adds the fuel of interest to the fire of genius."

EMERGENCY PROPERTY TAX RELIEF ACT

Mr. WILLIAMS. Mr. President, I am pleased to join the Senator from Idaho (Mr. CHURCH) in cosponsoring S. 471, the Emergency Property Tax Relief Act.

The property tax now constitutes one of the most crushing burdens for elderly persons living on limited, fixed incomes.

As a result, large numbers of older Americans are threatened with bankruptcy because of this never-ending upward spiral.

Many aged homeowners now turn over 20, 30, or 40 percent of their income to the local assessor. For example, elderly households with annual incomes below $2,000 pay, on the average, almost 16 percent of their incomes for property taxes. And in the northeast region, property taxes account for a shocking 29 percent of their budgets.

A classic example occurred in my own State of New Jersey, where one elderly widow, with an annual income of $1,176, was paying $796 to the local assessor. The net impact is that her property taxes accounted for almost 70 percent of her meager resources—leaving her just about $7 per week for food, clothing, transportation, medical care, and other essential expenses.

This account, I want to emphasize, is not just an isolated story. It happens in varying degrees throughout every region in the United States.

The evidence is all too compelling that the elderly—more so than any other age group in our society—are being squeezed through the property tax wringer.

For the typical urban household, the property tax represents about 3.4 percent of their household income. But for the older Americans, it accounts for 8.1 percent of their budget. And in the Northeastern United States, aged households turn over 11.4 percent of their income to the local assessor.

As the former chairman of the Senate Committee on Aging and now the chairman of the Labor and Public Welfare Committee, I have had a longstanding commitment to protect the elderly from confiscatory property taxes. In the past, I have sponsored legislation to develop a mechanism to provide relief for overwhelmed aged homeowners and tenants. But now, a very compelling and complete body of knowledge has been developed by the Senate Committee on Aging.

This evidence, in my judgment, points unmistakably to one conclusion: elderly homeowners and tenants need emergency relief now. And this is a major reason why I join the current chairman of the Senate Committee on Aging in sponsoring the Emergency Property Tax Relief Act.

S. 471, I strongly believe, represents a sound and sensible approach for coming to grips with one of the most serious problems affecting older Americans. Moreover, it can ease the financial burden for States desiring to establish circuitbreaker tax relief systems for elderly homeowners and renters.

Under this measure, the triggering mechanism would come into operation when an individual's property tax or rent causes an overload situation in comparison with household income. Additionally, a step system would be built into the formula to target relief to those in greatest need. For example, households with incomes not exceeding $3,000 would be entitled to relief—in the form of a rebate or refund—provided their property taxes exceeded 4 percent of their income. Afterwards, the threshold would be increased by 1 percent for each $1,000 of family income, until it eventually reaches 7 percent for households in the $5,001 to $6,000 income group.

Renters with incomes under $6,000 would also be entitled to relief whenever gross rents exceed 25 percent of their household income.

Older Americans—because of their markedly reduced incomes in retirement—are in urgent need of protection from this onerous and growing burden.

More than 3 million still fall below the poverty line, despite the enactment of recent social security increases. If the hidden poor would also be counted, nearly 2 million more aged persons would be classified as living in poverty.

These statistics present a challenge which our Nation must address itself to now. And the Emergency Property Tax Relief Act provides an effective and realistic method for delivering long overdue relief to low- and moderate-income aged homeowners and renters.

Mr. President, a recent article by Douglas Cray of the New York Times puts in proper perspective the impact of the property tax upon older Americans. It also provides compelling reasons for early action on the Emergency Property Tax Relief Act.

Mr. President, I commend this article—entitled "Tax Relief for the Elderly in Focus"—to my colleagues, and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAX RELIEF FOR THE ELDERLY IN FOCUS

(By Douglas W. Cray)

"The time has come to stop talking about the impact of property taxes on older Americans and to act in their behalf."

President Nixon made that pledge to 3,400 delegates attending the 1971 White House Conference on Aging. He said he would develop specific proposals to ease the burden of "one of the most onerous of all taxes for older Americans."

The President reiterated the pledge in a special message to Congress last March and reaffirmed it last fall during the election campaign, when he said he would ask Congress this year for property-tax relief for the elderly.

His interest in the matter is by no means singular. It reflects at the highest level a growing national awareness of a problem faced by the vast majority of the 20 million aged (65 and over) living in homes they own.

Several bills have been introduced in Congress in recent years aimed at providing a measure of property-tax relief for older Americans. Voluminous material on the subject has been collected by Senate and House committees.

Last year the staff of the Advisory Commission on Intergovernmental Relations, an organization of Federal, state, city and county government officials, developed at the White House's request detailed analyses of the impact of property taxes on elderly homeowners.

This kind of attention strongly suggests that 1973 may be the year the Government acts. Several states already have acted and pressures are building in others.

A well-documented case has been made for such action.

Consider property taxes, for example. In 1971 they reached a record high of more than $40-billion. They rose about 35 per cent from 1967 to 1970 and have increased another 35 per cent since.

Superimposed on the elderly homeowner or tenant (through rent increases), spiraling property taxes can be termed onerous. Close to 70 per cent of the elderly own homes, but in 1970 half the families headed by older persons had incomes of less than $5,053. Moreover, almost five million, or over a quarter of the elderly, live below the official poverty line.

Typically urban households pay about 4 per cent of income for property taxes. For the elderly the pecentage has climbed to 30 and more in parts of the country.

Staff studies by the Advisory Commission on Intergovernmental Relations indicate that for 1.3 million elderly home owners with incomes of less than $2,000, property taxes claim an average of 15.8 per cent of their incomes. In the Northeast the average property tax in this income group is 30.8 per cent. In the West it is 22.9 per cent.

As the Senate Special Committee on Aging noted in its annual report last year: "Evidence from one Midwestern state (Wisconsin), for example, revealed that more than 8,000 elderly homeowners who lived on less than $1,000 paid about 30 per cent of their meager incomes for property taxes."

The reference to Wisconsin is significant. In 1964 Wisconsin pioneered in developing and passing legislation to provide property tax relief for the elderly. It has been termed a "circuit-breaker" system and provides that such taxes, in excess of a predetermined percentage of total income, be rebated by the state.

As originally adopted in Wisconsin the circuit-breaker came into effect when, for those elderly households with incomes below $2,000, property taxes exceeded 5 per cent of income. In 1965 the total program benefit in the state amounted to $1,829,426 granted to 30,714 beneficiaries for an average of $59.56.

The Wisconsin formula has changed since, and the circuit-breaker concept has been adopted by 14 states.

Elderly homeowners and tenants, most of whom cannot begin to afford the "Sun Cities" and posh retirement communities, are now finding some measure of tax relief in those states. It has permitted many to hold on to their homes, providing not only shelter and roots in communities, but also preserving some equity, something to leave for heirs.

The emergence last year of the Federal revenue-sharing concept has led to across-the-board property-tax-relief plans in some states and communities. Officials and others concerned about the problem are urging Federal legislation establishing, perhaps through matching grants, support for state programs such as the circuit-breaker.

John Shannon, assistant director of the advisory commission, gave this personal view to the Senate Special Committee on Aging in 1969 testimony:

"The Federal Government could hurry history along by providing a financial reward to those states that extend property-tax relief to low-income families. The Federal incentive might well take the form of reimbursing the state for, say, one-half of the cost that it incurs in taking such remedial action. Corrective action must be taken—an affluent society has no excuse for putting this type of tremendous burden on very low-income householders in order to finance its schools and local governments."

VIETNAM SETTLEMENT

Mr. MUSKIE. Mr. President, recently the 106th Legislature of the State of Maine passed a resolution in recognition of the Vietnam settlement. On behalf of myself and Senator Hathaway, I ask unanimous consent that this joint resolution in recognition of peace with honor in Vietnam be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

Joint Resolution in Recognition of Peace With Honor in Vietnam

Whereas, the President of the United States has announced the successful negotiated conclusion of the Viet Nam conflict; and

Whereas, the final agreement enabling return of prisoners and troops and establishing peace with honor will be signed on Saturday, January 27, 1973; and

Whereas, the People of Maine share with their fellow Americans a sense of profound and prayerful thanks that United States military involvement in Viet Nam has been concluded in an honorable manner; now, therefore, be it

Resolved: That We, the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature of the State of Maine, now assembled, take this opportunity to commend the efforts of President Richard M. Nixon, Dr. Henry Kissinger and those in the service of our Federal Government who have successfully secured an honorable end to this conflict and, hopefully, the beginning of a generation of peace throughout the world; and be it further

Resolved: That a copy of this resolution duly authenticated by the Secretary of State be transmitted forthwith by the Secretary of State to the President of the United States, the National Security Advisor to the President and to the Senators and Representatives in Congress from the State of Maine.

ATTACK ON SENATOR STENNIS

Mr. DOLE. Mr. President, to a man, the Senate was alarmed and saddened at hearing of the brutal and senseless attack on our revered colleague, Senator John Stennis.

No other Member of this body commands such a universal measure of respect and admiration from his associates—within Congress and without—as the Senator from Mississippi. And no one more completely personifies the people's idea of a Senator—gracious, dedicated, and knowledgeable—than he.

We each have a deep personal concern for our colleague. The Senate as an institution also has a major interest in seeing the swiftest possible apprehension of the individuals responsible for this crime; for, Chairman John Stennis is one of the most respected and esteemed individuals ever to sit in the Senate as well as one of the most distinguished leaders in any field of American life. Although the robbery and cold-blooded assault he suffered last month are grave offenses against the law, they also affront the Senate's principles of courtesy, dignity, and integrity which John Stennis so proudly exemplifies.

All America prays for the Senator's swift and complete recovery. We have been heartened by his sure steps toward that goal, and our thoughts and support in this trying time go out to Mrs. Stennis and their family. We look forward to his early return to this Chamber and to the continuation of his invaluable guidance and leadership in the Committee on Armed Services and here on the floor of the Senate.

LITHUANIAN INDEPENDENCE

Mr. PROXMIRE. Mr. President, I am privileged today to join with Americans of Lithuanian origin and descent in commemorating the 55th anniversary of the establishment of the modern Republic of Lithuania and the 722d anniversary of the founding of the Lithuanian State. On February 16, 1918, the determined and courageous people of Lithuania proudly proclaimed a new and independent Republic of Lithuania after centuries of forced servitude to the crowns of Russia, Germany, and Poland.

Acceptance of the principles of democracy and freedom followed closely upon the proclamation of independence in this center of Christianity on the Baltic. Land reform, construction, and improvement of industry and transportation facilities, and the development of an educational system were among the many accomplishments of the early Republic. The struggle for liberty, prosperity, and social justice soon earned the young Republic the sobriquet "Little America," and this Nation looked proudly upon the progress of her sister state.

The joy of progress and liberty was abruptly subdued when, in 1940, Soviet troops marched into the Baltic and occupied Lithuania, along with Latvia and Estonia. Forceful annexation of these states into the Soviet Union did not, however, quench the spirit and resolve of the Lithuanians, who are now living testimony to Soviet tyranny whether under Russian rule or scattered throughout the free world. Even now, after almost 23 years of Soviet subjugation, Lithuanians are risking and sacrificing their lives in defiance of the Soviet regime, seeking religious and political freedom for their country. The unsuccessful escape attempt of the Lithuanian sailor, Simas Kudirka; the self-immolation of 20-year-old Romas Kalanta; the subsequent demonstration by thousands of young Lithuanians, and the petition of 17,000 Lithuanian Roman Catholics to the United Nations, demonstrate Lithuania's thirst for freedom.

In recognition of the continuing viability of this movement for independence, the U.S. Government recognizes the Baltic governments-in-exile as the true representatives of the peoples of Lithuania, Latvia, and Estonia. We must also give careful attention to their interests in the upcoming European Security Conference.

As we speak today in honor of that great moment of independence 55 years ago, all Americans should recommit themselves to the ideals of freedom and justice which animated the Lithuanians in 1918.

EXTENSION LEGISLATION FOR EDUCATION OF THE HANDICAPPED ACT, BUREAU OF EDUCATION FOR THE HANDICAPPED

Mr. WILLIAMS. Mr. President, I am pleased to join with other Senators from the Committee on Labor and Public Welfare in introducing extension legislation for the Education of the Handicapped Act. This act, as passed by the Congress in 1970, repealed the existing title VI of the Elementary and Secondary Education Act and created a separate act, which includes part B, Grants to the States—currently funded at $37.5 million; part C, Centers and Services To Meet Special Needs—currently funded at $18.550 million; part D, Training of Personnel—currently funded at $34.595 million; part E, Research, Demonstration and Development—currently funded at $6.1 million; part F, Instructional Media and Materials—currently funded at $11 million; part G, Special Programs for Children with Learning Disabilities — currently funded at $2.25 million.

All of these programs are administered by the Bureau of Education for the Handicapped, which despite funding levels far below authorization levels set by the Congress, has done an outstanding job of deploying its limited resources in a way which will bring greatest return to handicapped children. I believe, Mr. President, that I cannot speak too strongly about the leadership which has been brought to the field and to many of the States by the Bureau in its attempts to insure that all handicapped children are provided with appropriate educational services since its creation 6 years ago.

During that period of time, support for children in special education under part B has grown from 53,000 children in 1967 to more than 200,000 in the last fiscal year. It has supported, under part C, Regional Resource Centers to provide advice and technical assistance to school systems for diagnosis and special education services; regional centers for the diagnosis, evaluation and education for deaf-blind children, many of whom were born blind as a result of the rubella epidemic in 1964; and has stimulated the development of early childhood and preschool programs for handicapped children through what was originally called the Handicapped Children Early Education Assistance Act.

Services for handicapped children early in life are exteremely important and often can mean the difference between a developmental handicap which will be a problem for the child in later years, or a reduction in the severity of the handicap because of early stimulation and compensating services. The model centers in early education authorized under this act have provided direct services to more than 10,000 children and have stimulated the creation by State and local governments through catalytic assistance of services for an additional 75,000 children.

For example, six of the existing projects are closely related to Head Start programs which include handicapped children. States such as Alaska, Tennessee, and Minnesota have adopted the model program and have extended it to all handicapped children within the State. In my own State of New Jersey, a project with the Mount Carmel Guild in Newark has extended its techniques for working with inner city deaf and language handicapped children to other programs run throughout the city.

Efforts have been made to insure that early education programs are coordinated with other programs run under the Education of the Handicapped Act in order to get greatest return for its investment, and make sure that techniques developed in one program can be utilized in other programs. Thus, the early education program has been coordinated with evaluation projects of early intervention under the part E research authority and with training projects under part D. They have also, under part F, stimulated the development of guidelines for preparation, copywriting and production of materials used in early education through the National Center on Media and Materials. Parent education films have been developed, and children's programs, such as Sesame Street, Mister Rogers Neighborhood, and Zoom have been worked with to stimulate programing for handicapped children and to bring handicapped children and adults onto these programs.

I believe, Mr. President, that we would have to look far to find programs which have used their funding in a more catalytic way. Training programs have been assisted at more than 300 colleges and universities, resulting in more than a twofold growth in the number of special educators in the present year. Estimates show a need for double the number of personnel if all handicapped children are to receive the educational services they need. And the future will no doubt show an increased growth in professional and paraprofessional training programs in special education, for many of our junior and community colleges are developing programs which will provide the much-needed personnel for special education.

Research into the unique learning modes of handicapped children has resulted in applied research, curriculum development, the development of tools and media for implementation of research and dissemination of research information. And programs under part G, for children with specific learning disabilities, has resulted in badly needed knowledge about learning problems of children with no apparent physical or mental disabilities who are unable to learn basic educational skills.

Since 1967 when the Congress created a Bureau of Education for the Handicapped and passed the Education of the Handicapped Act, the accomplishments under this authority have provided promise and hope to many handicapped children who previously were not being educated or provided for by the school system. In order to insure that these accomplishments continue with no break in services or lag in funding authority, I believe that we must act soon on this extension legislation.

But we must also look beyond this extension. For despite growth in education programs throughout the States, and the inclusion of many more children in appropriate preschool, elementary and secondary programs, more than 50 percent of the 7 million handicapped children in this country are without special education services. I believe that recent court decisions in Pennsylvania, the District of Columbia, and Michigan arguing the right to appropriate educational services of all handicapped children make clear that we must undertake to insure that all these children who are presently receiving inadequate or no educational services have access to full and appropriate public education. It was for this reason that Senators Randolph, Magnuson, and I introduced S. 6, the Education of All Handicapped Children's Act, on January 4, with the support of 24 cosponsors. We see this legislation as a basic support program for assistance to States in educating handicapped children, and as such this excess cost funding formula should take the place of many of the set-aside and formula grant programs currently authorized to assist the States. We believe that the Federal Government has an important role to play in assisting the States to provide appropriate education programs for all handicapped children, and in insuring that all handicapped children have a right to a free and appropriate education.

In introducing extension legislation for the Education of the Handicapped Act, we wish to make very clear that this year the Congress must provide important national leadership to assure the rights of all handicapped children to free and appropriate education. Thus, the committee intends to hold hearings on extension legislation and on S. 6, the Education for All Handicapped Children's Act.

Mr. President, we have received support for this legislation from Governors and education departments across the country, and I ask unanimous consent that the text of S. 6, as well as these letters, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

S. 6

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education for All Handicapped Children Act."

STATEMENT OF PURPOSE

Sec. 2. (a) The Congress finds that

(1) there are more than seven million handicapped children in the United States today;

(2) close to 60 percent of these children do not receive appropriate educational services which would enable them to have full equality of opportunity;

(3) one million of these children are ex-

cluded entirely from the public school system and will not go through the educational process with their peers;

(4) the States have a responsibility to provide this education for all handicapped children; but are operating under increasingly constrained fiscal resources; therefore

(b) It is the purpose of this Act to insure that all handicapped children have available to them not later than 1976 a free appropriate public education, to insure that the rights of handicapped children and their parents or guardian are protected, to relieve the fiscal burden placed upon the States and localities when they provide for the education of all handicapped children, and to assess the effectiveness of efforts to educate handicapped children.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "handicapped children" means mentally retarded, hard-of-hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health-impaired children, or children with specific learning disabilities who by reason thereof require special education, training and related services;

(2) the term "Commissioner" means the Commissioner of Education;

(3) the term "per pupil" expenditure for handicapped children" means, for any State, the aggregate current expenditure during the fiscal year preceding the fiscal year for which the computation is made, of all local educational agencies in that State, plus any direct current expenditure by the State for the operation of any such agency for handicapped children, and the additional cost to the State or local educational agencies within that State for the provision of education to handicapped children in homes, institutions, and other agencies other than public elementary and secondary schools, divided by the aggregate number of handicapped children in attendance daily to whom such agency has provided free appropriate public education, and such expenditure shall not include any financial assistance received under the Education of the Handicapped Act the Elementary and. Secondary Education Act of 1965, or any other Federal financial assistance;

(4) the term "per pupil expenditure for all other children" means, for any State, the aggregate current expenditure during the fiscal year preceding the fiscal year for which the computation is made, of all local educational agencies in that State, plus any direct current expenditure by the State for operation of any such agency for all other children not included in the determination made under paragraph (6) of this section, divided by the aggregate number of all other children in attendance daily to whom such agency has provided free appropriate public education, and such expenditure shall not include any financial assistance received under the Elementary and Secondary Education Act of 1965, or any other Federal financial assistance;

(5) the term "free appropriate public education" means education, training and related services which shall be provided at public expense, under public supervision and direction and without charge, meeting the standards of the State educational agency, which shall provide an appropriate preschool, elementary, or secondary school education in the applicable State and which is provided in conformance with an individualized written program;

(6) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(7) the term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law;

(8) the term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, and such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school; and

(9) The term "individualized written program" means a written educational plan for a child developed and agreed upon jointly by the local educational agency, the parents or guardians of the child and the child when appropriate, which includes (A) a statement of the child's present levels of educational performance, (B) a statement of the long-range goals for the education of the child, and the intermediate objectives related to the attainment of such goals, (C) a statement of the specific educational services to be provided to such child, (D) the projected date for initiation and anticipated duration of such services, and (E) objective criteria and evaluation procedures and schedule for determining whether intermediate objectives are being achieved.

AUTHORIZATION

SEC. 4 (a) The Commissioner is authorized to make grants pursuant to this Act for the purpose of assisting the States in providing a free appropriate public education for handicapped children at the preschool, elementary and secondary school levels.

(b) There are authorized to be appropriated for the fiscal years beginning July 1, 1973, and ending June 30, 1977, such sums as may be necessary for carrying out the purposes of this Act.

BASIC GRANT AND ENTITLEMENT

SEC. 5. (a) (1) From the sums appropriated pursuant to section 4 of this Act for each fiscal year each State is entitled to an amount which is equal to the amount by which the per pupil expenditure for handicapped children, aged three to twenty-one years, inclusive, exceeds the per pupil expenditure for all other children, aged five to seventeen years, inclusive, in the public elementary and secondary schools in the State, multiplied by the Federal share specified in section 8(a) (2) for each handicapped child for which the State is providing free appropriate public education during the current fiscal year. Funds so allotted shall be used by the State to initiate, expand and improve educational services for handicapped children in conformance with a State plan.

(2) The per pupil expenditure for handicapped children, aged three to twenty-one years, inclusive, and the per pupil expenditure for all other children, aged five to seventeen years, inclusive, in any State shall be determined by the Commissioner on the basis of the most recent data available to him.

(b) The portion of any State's entitlement under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such entitlement is available, for carrying out the purposes of this Act shall be available for reallotment from time to time, on such dates during such period as the Commissioner may fix, to other States in proportion to the original entitlements to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such period for carrying out such portion of its State plan approved under this Act, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its entitlement under subsection (b) for such year.

ELIGIBILITY

SEC. 6(a). In order to qualify for assistance under this Act in any fiscal year, a State shall demonstrate to the Commissioner that the following conditions are met.

(1) A State has in effect a policy that assures all handicapped children the right to a free appropriate public education.

(2) The State has a plan which details the procedures and implementation strategies for ensuring that a free appropriate public education will be available for all handicapped children within the State not later than 1976, and which includes a detailed timetable for accomplishing such a goal, and the necessary facilities, personnel, and services.

(3) The State has made adequate progress in meeting the timetable of its plan.

(4) Each local educational agency in the State will maintain an individualized written program for each handicapped child and review at least annually and amend when appropriate with the agreement of the parents or guardian of the handicapped child; that in the development of the individualized written program, parents or guardian are afforded due process procedures which shall include (A) prior notice to parents or guardian of the child when the local or State educational agency proposes to change the educational placement of the child, (B) an opportunity for the parents or guardian to obtain an impartial due process hearing, examine all relevant records with respect to the classification or educational placement of the child, and obtain an independent educational evaluation of the child and, (C) procedures to protect the rights of the child when the parents or guardian are not known, unavailable or the child is a ward of the State, including the assignment of an individual, not to be an employee of the State or local educational agency involved in the education or care of children, to act as a surrogate for the parents or guardian; and that when the parents or guardian refuse to agree to the provisions of the individualized written program that the decisions rendered in the impartial due process hearing are binding on all parties pending appropriate administrative or judicial appeal.

(5) Tests and other evaluation procedures utilized for the purpose of classifying children as handicapped are administered so as not to be racially or culturally discriminatory.

(6) To the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(7) An advisory panel broadly representative of individuals involved or concerned with the education of handicapped children, including teachers, parents or guardian of handicapped children, administrators of programs for handicapped children, and handi-

capped individuals, has (A) advises the State educational agency of unmet needs within the State in the education of handicapped children, (B) assists the State educational agency in determining priorities within the State for educational services for handicapped children; (C) reviews the State plan and reports to the State educational agency and the public on the progress made in the implementation of the plan and recommends needed amendments to the plan, (D) comments on any rules or regulations proposed for issuance by the State regarding the education of handicapped children and the procedures for distribution of funds under this Act, and (E) assists the State in developing, conducting and reporting the evaluation procedures required under section 7 of this Act.

(8) To the extent consistent with the number and location of handicapped children in the State who are enrolled in private elementary and secondary schools, provisions is made for the participation of such children in the program assisted or carried out under this Act.

(9) Federal funds made available under this Act will be so used as to supplement and increase the level of State and local funds expended for the education of handicapped children and in no case supplant such State and local funds.

(10) The State educational agency will be the sole agency for administering or supervising the preparation and administration of the State plan, and that all educational programs for handicapped children within the State will be supervised by the persons responsible for educational programs for handicapped children in the State educational agency and shall meet educational standards of the State educational agency.

(11) The State has identified all handicapped children with the State and maintains a list of the local educational agency within the State responsible for the education of each such child (whether the child remains in the area served by the local educational agency or is sent out of the jurisdiction for services), the location of the child, and the services the child receives.

(b) Any State meeting the eligibility requirements set forth in subsection (a) and desiring to participate in the program under this Act shall submit to the Commissioner and at such time, in such manner, and containing or accompanied by such information as he deems necessary. Each such application shall——

(1) set forth programs and procedures for the expenditure of the funds paid to the State under this application, either directly or through individual local educational agencies or combinations of such agencies to initiate, expand, or improve programs and projects, including preschool programs and projects, which are designed to meet the educational needs of handicapuped children throughout the State;

(2) provide satisfactory assurance that the control of funds provided under this Act, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this Act, and that a public agency will administer such funds and property;

(3) provide for (A) making such reports in such form and containing such information, as the Commissioner may require to carry out his functions under this Act, including reports of the objective measurements required by paragraph 9 of subsection (A) and (B) keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this Act;

(4) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this Act to the State, including any such funds paid by the State to local educational agencies;

(5) provide for procedures for evaluation at least annually of the effectiveness of programs in meeting the educational needs of handicapped children, in accordance with such criteria that the Commissioner shall prescribe pursuant to section 7.

(c) The Commissioner shall approve an application and any modification thereof which—

(1) is submitted by an eligible State in accordance with subsection (a);

(2) complies with the provisions of subsections (b);

(3) provides for the distribution of funds under this Act in such a way which reflects the relative percentage contribution within each State of funds spent within the State on education of handicapped children by State and local educational agencies; and

(4) provides that the distribution of assistance under this Act within each State is made on the basis of consideration of (A) the relative need for special educational services in certain geographical areas within the State as developed under the State plan, and (B) the relative need for special educational services for certain subgroups of the population of handicapped children within the State as developed under the State plan. The Commissioner shall disapprove any application which does not fulfill all such conditions, but shall not finally disapprove a State application except after reasonable notice and opportunity for a hearing to the State.

(d) As soon as practicable after the enactment of this Act, the Commissioner shall prescribe basic criteria to be applied by State agencies in submitting an application for assistance under this Act. In addition to other matters, such basic criteria shall include—

(1) uniform criteria for determining the handicapped children to be served;

(2) uniform criteria to be used by the State in determining categories of expenditures to be utilized in calculating State and local expenditures for the education of handicapped children.

EVALUATION AND REPORTING

SEC. 7. (a) The Commissioner shall measure and evaluate the impact of the program authorized under this Act, and shall submit annually to the Congress a report on progress being made toward the goal of making available to all handicapped children a free appropriate public education by 1976. Such report shall include a detailed evaluation of the education programs provided in accordance with individualized written programs, and shall include an evaluation of the success or failure of the State and local educational agencies to meet the long-range goals and intermediate objectives for education, to deliver specific services detailed in the individualized written program and to comply with the projected timetable for the delivery of such services.

(b) The Commissioner shall also include in the report required by subsection (a)—

(1) an analysis of the procedures undertaken by each State to insure that handicapped children are to the maximum extent appropriately educated with children who are not handicapped, pursuant to paragraph (6) of subsection (a) of section (6) of this Act;

(2) an evaluation of the State's procedures for the institutionalization of handicapped children, including classification and commitment procedures, services provided within institutions, and an evaluation of whether institutionalization best meets the educational needs of such children; and

(3) recommended changes in provisions under this Act, and other Acts which provide support for the education of handicapped children which will encourage education of such children in public preschool, elementary, and secondary schools where appropriate and improve programs of instruction for handicapped children who require institutionalization.

PAYMENTS

SEC. 8. (a) (1) The Commissioner shall pay to each State from its allotment determined pursuant to section 3, an amount equal to its entitlement under that section.

(2) (A) From funds paid to it pursuant to paragraph (1) each State educational agency shall distribute to each local educational agency of the State the amount for which its application has been approved except that the aggregate amount of such payment in any State shall not exceed the amount allotted to that State pursuant to section 5(a).

(B) To the extent that any State in which the State educational agency is wholly or partially providing free appropriate public education for handicapped children, the provisions of subparagraph (A) of this paragraph shall not apply.

(b) For each fiscal year the Federal share shall be 75 per centum.

(c) (1) The Commissioner is authorized to pay to each State amounts equal to the amounts expended for the proper and efficient performance of its duties under this Act, except that the total of such payments in any fiscal year shall not exceed—

(A) 1 per centum of the total of the amounts of the grants paid under this Act for that year to the State educational agency; or

(B) $75,000, or $25,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands, whichever is greater.

(2) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

(d) Payments under this Act may be made in advance or by way of reimbursement and in such installments as the Commissioner may determine necessary.

WITHHOLDING

SEC. 9. Whenever the Commissioner, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there has been a failure to comply substantially with any provision of section 6, the Commissioner shall notify the agency that payments will not be made to the State under this Act (or, in his discretion, that the State educational agency shall not make further payments under this Act to specified local educational agencies whose actions or omissions caused or are involved in such failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no payments shall be made to the State under this Act, or payments by the State educational agency under this Act shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

STATE OF ALABAMA,
Montgomery, Ala., September 1, 1972.

Hon. HARRISON A. WILLIAMS, Jr.,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: Your recent letter wherein you provided me a copy of Senate

Bill 3614 providing for expanded federal assistance for the education of handicapped children, has been received.

I am presently in the process of reviewing this legislation, after which I will be more than happy to discuss the same with John Sparkman and Jim Allen so that they might also add their constructive assistance.

Thank you very much for bringing this matter to my attention.

With kind regards, I am

Sincerely yours,

George C. Wallace,
Governor.

State of Arkansas,
Little Rock, Ark., September 5, 1972.

Hon. Harrison A. Williams, Jr.,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Senator Williams: I've received your letter of August 23, 1972 regarding your sponsorship of S. 3614 introduced on May 16, 1972 and providing expanded federal assistance for handicapped children.

Since the consent decree in Pennsylvania we've been making plans to greatly expand appropriations for the education of handicapped children. It has put quite a strain on our already limited resources for public education.

I heartily endorse your bill and will be happy to assist in any way toward its passage. I will visit with both Senators McClellan and Fulbright shortly to express my total approval of this bill.

You are most kind to advise me of the bill and your efforts to get it passed.

Kindest regards,

Sincerely,

Dale Bumpers,
Governor.

Commonwealth of Pennsylvania,
Harrisburg, Pa., September 22, 1972.

Hon. Harrison Williams, Jr.,
U.S. Senate, Old Senate Building,
Washington, D.C.

Dear Senator: It is my distinct privilege to review S. 3614, which you recently introduced on behalf of the education of all handicapped children, and its companion bill, H.R. 15727, introduced by Congressman Brademas.

We, in Pennsylvania, have long expressed active concern for our handicapped of all ages, and because of the public interest, the support of the legislature and the leadership in government, Pennsylvania's educational programs for exceptional children are among the most progressive in the nation.

Despite this dedicated and continuing effort, however, Pennsylvania does not have sufficient resources to educate every handicapped child, as is his right under the Constitution. To realize this goal for Pennsylvania will require the continued participation of the Congress as set forth in this legislation.

I commend you and your colleagues for recognizing the need for a national commitment to this vital issue and for proposing these bills, which I am convinced will be recognized as among the most significant social legislation of our time. I pledge to you my personal support in the interest of all handicapped children throughout the nation.

Sincerely,

Milton J. Shapp,
Governor.

State of New Jersey,
Trenton, N.J., September 27, 1972.

Hon. Harrison A. Williams, Jr.,
U.S. Senate,
Senate Office Building,
Washington, D.C.

Dear Pete: Thank you for your letter of August 23, 1972, on the subject of S-3614.

There is no doubt that legislation is necessary to provide expanded Federal assistance to states for the education of handicapped children. As you may know New Jersey is presently expanding approximately $84 million on such educational programs. While we feel that a good effort is being made on behalf of handicapped children in the educational field in New Jersey at this time, it is also obvious that Federal aid will enable us to improve program planning and actually increase the educational exposure of handicapped children. Our best estimates indicate that a very large percentage of New Jersey handicapped children are presently being served by our existing program. Programs, such as the one envisioned by your legislation, would enable us to improve our position and hopefully provide us with necessary funds to improve out-reach programs in order to identify and provide services for all handicapped children within the State.

The provisions which pertain to determination of uniform criteria for the identification of handicapped children to be served are of the utmost importance and I was delighted that the bill addressed itself to these problems.

I think you might consider the possibility of providing, in your legislation, for administrative funds to the various state departments of education to enable them to effectively carry out the evaluation requirements and the oversight of program administration generally. Oversight and evaluation are not simple problems; without adequate fiscal support for these elements of the program the success of the undertaking will be endangered.

I am sure that this will be an expensive undertaking but it would appear to me that legislation of this kind would be most worthwhile, regardless of the level of funding.

Sincerely yours,

Bill (William T. Cahill),
Governor.

State of Montana,
Helena, Mont., October 5, 1972.

Hon. Harrison A. Williams, Jr.,
U.S. Senate,
Senate Office Building,
Washington, D.C.

Dear Senator Williams: Thank you for your August 23 letter concerning S3614 for the education of handicapped children.

In Montana there is no question that it will be extremely difficult to extend educational services to all handicapped children and youth, without greatly expanding our resources. Therefore, I endorse S3614, and congratulate you for taking the initiative in this worthwhile effort.

Sincerely,

Forrest H. Anderson,
Governor.

Wyoming Executive Department,
Cheyenne, Wyo., September 27, 1972.

Hon. Harrison A. Williams, Jr.,
U.S. Senator,
Committee on Labor and Public Welfare,
Washington, D.C.

Dear Senator Williams: Thank you for sending me a copy of S. 3614, the "Education for All Handicapped Children Act," which you and Senators Magnuson and Randolph introduced last May. The bill would enable Wyoming to broaden substantially the scope of its educational services for handicapped children. It would also hasten our efforts to make appropriate services available to all children.

The provision to serve handicapped children through both regular and special education programs is especially desirable. Federal funds for the education of the handicapped too often are restricted to children in special education programs.

Mandatory legislation enacted by the Fortieth Wyoming Legislature has resulted in a dramatic increase in the number of children served. A major effort is in progress to identify and serve children with multiple handicaps and children residing in remote areas of the state. The enormity of this task is such that complete success can hardly be achieved without substantial additional funds. S. 3614 would provide much needed assistance.

Your bill has my support. Thank you for your efforts and those of your colleagues on behalf of the handicapped children and youths.

With best wishes, I am

Sincerely,

Stan Hathaway,
Governor.

State of Minnesota,
St. Paul, Minn., October 11, 1972.

Hon. Harrison A. Williams, Jr.,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

Dear Senator Williams: Thank you for your letter of August 23rd asking my comments on Senate Bill 3614. I feel that it is basically sound. The major financing proposed in the bill fulfills a needed resource which will help states assume educational responsibilities for all handicapped children.

When enacted, this bill will allow extension of services to school children from the 72,070 children currently served in Minnesota, to an estimated total of 100,000. The bill would also encourage services to a large segment of the present preschool population.

Based on special state aids paid for 1971–72, preliminary calculations indicate that costs to the state can be held relatively constant even though services are extended to include all additional children and from time to time upgraded as necessary and desirable. Costs to local educational agencies will not be increased. The bill will thus enable federal and special aid to make up the total difference in educating handicapped youngsters beyond that identified for the non-handicapped.

Section 3 of the bill should extend the definition of handicapped children to delinquent youth. To separate this group of "hard core" handicapped from other areas only serves to fractionalize services at the state level and does not encourage local schools to coordinate programs for the handicapped. In Minnesota, special state aids for delinquent youth are provided to schools as authorized by interpretation of M.S. 120.03 subd. 3, "Children who have an emotional disturbance or a special behavior problem."

Section 7 dealing with state plans should perhaps be reworded to include language providing for input on policy from the respective states. For more specific recommendations on such language you may contact John C. Groos, Director, Special Education, Department of Education, 550 Cedar Street, St. Paul, Minnesota, 55155.

Thank you for informing me of Senate Bill 3614, and for allowing me to comment on it.

Sincerely,

Wendell R. Anderson,
Governor.

Executive Chambers,
Honolulu, Hawaii, September 14, 1972.

Hon. Harrison A. Williams, Jr.,
Hon. Warren G. Magnuson,
Hon. Jennings Randolph,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

Dear Sirs: Thank you for your letter of August 23, 1972, calling my attention to S.

3614 which you and others have co-sponsored in the Senate.

"Equal educational opportunity for every child in the State" has been our goal here in Hawaii for the last ten years. We know that the cost for educating handicapped children has been steadily increasing as we serve more children. Rising costs together with recent estimates of declining revenues complicate our efforts to meet the goal we have set for ourselves.

Our Special Education Branch in the State Department of Education, in cooperation with other agencies, is developing a plan to serve the state's entire population of exceptional children from age 0–20 years. It is my understanding that S. 3614 will assist Hawaii in its desire to accomplish this end and therefor equalize educational opportunity.

We will be interested in progress of the bill. You have our fullest support and appreciation for your efforts in Congress to serve our handicapped children and adults.

Aloha, and may the Almighty be with you and yours always.

Sincerely,

JOHN A. BURNS,
Governor.

STATE OF SOUTH CAROLINA,
Columbia, S.C., September 7, 1972.

Hon. HARRISON A. WILLIAMS, Jr.,
Hon. WARREN G. MAGNUSON,
Hon. JENNINGS RANDOLPH,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

GENTLEMEN: Thank you very much for your letter and the information concerning the education of handicapped children and S. 3614.

This will be most helpful to us in our goal to provide education for all handicapped children. I am providing a copy of this information to all agencies having an interest in this important work.

Best regards.

Sincerely,

JOHN C. WEST,
Governor.

STATE OF CALIFORNIA,
Sacramento, Calif., August 30, 1972.

Hon. HARRISON A. WILLIAMS, JR.,
Member, U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: Thank you for your letter of August 23, also signed by Senators Warren G. Magnuson and Jennings Randolph, bringing to my attention S. 3614 regarding education of the handicapped.

I have asked our rehabilitation education expert in the Health and Welfare Agency to review your legislation and report back to me.

Thank you for bringing this to my attention.

Sincerely,

RONALD REAGAN,
Governor.

STATE OF OHIO,
Columbus, Ohio, September 11, 1972.

Hon. HARRISON A. WILLIAMS, JR.,
Chairman, U.S. Senate Committee on Labor and Public Welfare, Washington, D.C.

DEAR SENATOR: Thanks very much for your recent letter calling my attention to S. 3614 providing for greatly expanded Federal assistance for the education of handicapped children.

I agree with you that we must offer every possible educational advantage to our handicapped children and I heartily endorse your efforts to provide Federal funds to the States for this purpose. Please be assured that you have my full support for this legislation.

Thanks again for calling S. 3614 to my attention and for furnishing me with the statistical data pertaining to Ohio.

With warmest good wishes,

Sincerely,

JOHN J. GILLIGAN.

STATE OF CONNECTICUT,
Hartford, Conn., September 12, 1972.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Senate Committee on Labor and Public Welfare, Washington, D.C.

DEAR SENATOR WILLIAMS: I appreciate very much your sending me a copy of S. 3614, a Bill to provide expanded federal assistance at three-quarters of the excess cost per child to the State and Local Education Agencies for the education of all handicapped children.

This is of considerable interest to me. Since 1969 the State of Connecticut has had legislation mandating the public schools to provide education for all children of the State. The State pays two-thirds of the excess costs expended in educating a handicapped child for each child that the school district serves. During 1972–73 the State will expend $22,600,000 under the provisions of this law.

I appreciate hearing from you on this matter.

With best wishes,

Sincerely,

THOMAS J. MESKILL,
Governor.

STATE OF ALASKA,
Juneau, Alaska, September 12, 1972.

Hon. HARRISON A. WILLIAMS,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: I certainly appreciate receiving the material on Senate Bill 3614 introduced by you and your colleagues on May 16, 1972, to provide expanded Federal assistance for the education of handicapped children.

The need for education is real and the benefits to be derived by the handicapped child are great. Therefore, any assistance over and above what the states can or do provide, should greatly enhance the opportunities for such education.

I appreciate your concern and heartily endorse the effort.

Sincerely,

WILLIAM A. EGAN,
Governor.

GOVERNMENT OF GUAM,
Agana, Guam, September 7, 1972.

Hon. HARRISON A. WILLIAMS, Jr.,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

DEAR SENATOR WILLIAMS: I am in receipt of your letter dated June 16, 1972, relative to your interest in providing much needed funds for the implementation of programs and facilities for the handicapped.

It is gratifying to see that our political leaders are aware of the many problems facing educators in the field of Special Education as well as the many frustrated parents who find it impossible to provide a meaningful education for their children.

We are pleased with the many efforts put forth on our behalf through the various federal grant programs, especially with Title VI–B and 10% Vocational Education, P.L. 91–230, D and P.L. 89–313. We were able to establish a Work Experience program at the post-junior high school level of instruction. This is the first time on Guam that formal education beyond age 16 or junior high school has been provided for our handicapped, except for those who may have qualified under the provisions of the Division of Vocational Rehabilitation.

I reviewed, with interest your remarks made on the Senate floor. How familiar it all sounds! Of particular note is your reference to evaluation of bi-lingual children.

Congratulations on your efforts toward better education for the handicapped. We support your efforts.

Sincerely yours,

JULIA T. CERTEZA,
Associate Superintendent,
Special Education.

GOVERNMENT OF AMERICAN SAMOA,
Pago Pago, American Samoa, September 7, 1972.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: Thank you very much for the August 23rd letter from Senator Magnuson, Senator Randolph and you.

The official position of the Government of American Samoa is expressed by the Department of the Interior through the office of the Deputy Assistant Secretary for Territorial Affairs, Mr. Stanley S. Carpenter. I am sending copies of your material to him.

On an informal basis, may I say that your bill apparently approaches what is a very real problem in American Samoa and I am sending copies of your material to our Director of Medical Services, Dr. Lowell Wiese, with the request that he provide your committee with whatever statistics on handicapped children he has available.

We recently completed an identification survey among our young children which gives us some indication of the problem. Additionally, we have begun our first classes for deaf children and, just this past week, have been engaged in discussions with the Deputy Administrator of Social and Vocational Rehabilitation Service in Washington, D.C., Dr. James Garrett.

We would like to do everything possible here in American Samoa to provide education facilities and education for handicapped children and will be much interested in the progress of your proposed legislation.

Very sincerely yours,

JOHN M. HAYDON,
Governor.

THE JOSEPH P. KENNEDY, JR. FOUNDATION,
Washington, D.C., July 6, 1972.

Senator HARRISON A. WILLIAMS, JR.,
Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: Your bill S. 3614, "Education for All Handicapped Children Act," is a great landmark in the improvement of care for the mentally retarded and a true demonstration of commitment to the mentally retarded in this country.

I wholeheartedly support the principles of this legislation. I agree completely that the class action suits in several parts of this country have forced the states to provide additional services for the handicapped, especially the mentally retarded, and that states are in no position to do so unless there are increased government expenditures to meet these needs. Two aspects require emphasis, I believe.

The first is that the $400 per child figure is an absolute minimum and such amounts will be grossly inadequate if the states do not maintain their current effort in this area. Therefore, effort maintenance must be an essential requirement of this legislation.

An equally important issue is that of the development of curriculum and the training of special education teachers to work with the severely and profoundly handicapped so that the expenditures of federal and state money can be done in the most efficacious way. The Kennedy Foundation has recently explored some of the needs in this area, and there is no question but that a significant increase in the support of research and demonstration activities should be included in any legislative package so that the public school systems are properly guided in their efforts. I sincerely believe that the curriculum development work and the demonstration activities can be initiated very rapidly in order to give the states proper guidance within the next four years so that by 1976 programs can be generated that will use the new monies effectively.

It is also important to point out in the legislative history, if not in the legislation, the need for some portion of these funds to be used for the detailed individual assessment of each child so that his education can be optimized rather than be provided in a purely undifferentiated way. I am sure you recognize that the handicapped child differs more and more from his compatriots as his degree of handicap increases; therefore, greater individualization is essential.

To ensure that such research and demonstration activities are carried out, it would seem to me appropriate that sums be specifically earmarked for this purpose as additional monies for research efforts of the Office of Education's Bureau of the Handicapped. Dr. Edward Martin of the Bureau of the Handicapped might furnish your committee with details of the needs and method of procedure if you would care to call upon him.

Sincerely,

Eunice Kennedy Shriver,
Executive Vice President.

Department of Education,
Las Vegas, Nev., July 14, 1972.
Hon. Harrison A. Williams, Jr.,
U.S. Senator,
Senate Building,
Washington, D.C.

Dear Senator Williams: I am pleased that you have introduced S. 3614 to offer states more Federal assistance for the education of handicapped children on a cost per child basis.

Your introductory remarks in the Congressional Record tell the story that has been a state and national disgrace to our educational system for many years. I want you to know that I support this bill and will actively engage in generating support for this legislation.

I would also like to make a suggestion at this time. Would it be possible to have the same stipend written into this bill to include the exceptionally bright child on a per child cost basis?

Sincerely,

LaMar LeFevre,
Assistant Superintendent.

Western Interstate Commission for Higher Education,
Boulder, Colo., July 11, 1972.
Hon. Harrison A. Williams, Jr.,
U.S. Senate,
Committee on Labor and Public Welfare,
Washington, D.C.

Dear Sir: Thank you very much for your letter of June 16, 1972. We here at the Western Interstate Commission for Higher Education appreciated receiving this information and are in full support and agreement with the legislation for the Education of the Handicapped (S. 3614) that you and Senators Magnuson and Randolph have introduced.

This level of federal support is very much needed and will certainly be welcomed by the many handicapped children across the country who are currently being excluded from the appropriate education they deserve.

Sincerely,

Dr. James A. Bradshaw,
Director, Special Education for General Educators.
Leonard M. Baca,
Staff Associate, Special Education for General Educators.

Department of Human Resources,
Raleigh, N.C., July 6, 1972.
Re Education for all Handicapped Children Act.
Senator Harrison A. Williams, Jr.,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

Dear Senator Williams: Your letter and a copy of the Congressional Record pertaining to the "Education for All Handicapped Children Act" have recently come to our attention. We are particularly impressed with both the timeliness and the scope of this Act, in that class action suits similar to the Pennsylvania suit have been filed in North Carolina.

The scope of the Act includes all handicapped children, which to us implies the implementation of a "zero reject" principle; i.e., no child may be rejected on the basis of being too handicapped to receive educational services. In addition, the inclusion of provisions for institutionalized children, with an emphasis on de-institutionalization, is much needed.

I strongly support the legislation you have introduced and commend you for your interest in and concern for the needs of handicapped children.

Sincerely,

Don Taylor,
Assistant Deputy Commissioner for Mental Retardation Services for Children.

Department of Human Resources,
Raleigh, N.C., July 17, 1972.
Senator Harrison A. Williams, Jr.,
U.S. Senate, Senate Office Building,
Washington, D.C.

Dear Senator Williams: We are fortunate to have received a copy of Senate Bill 3614, "Education for all Handicapped Children Act" sponsored by you, Senator Magnuson, and Senator Randolph.

As you probably know, North Carolina has a suit pending similar to the Pennsylvania case. We do not know what the final decision will be; however statistics in the state reveal that approximately 50% of the handicapped children in North Carolina are not receiving special education services.

We have examined your bill carefully and we want you to know that we endorse your proposal to provide states with federal resources to assure each handicapped child his "right to an education".

Thank you.

Sincerely,

Eugene A. Hargrove, M.D.,
Commissioner.

Board of Supervisors,
Los Angeles, Calif., July 14, 1972.
Each member, Senate Committee on Labor and Public Welfare,
Each member, Los Angeles County Delegation to Congress.

Dear Sir: The Board of Supervisors, at its meeting held July 11, 1972, on motion of Supervisor Ernest E. Debs, went on record as endorsing S. 3614, legislation introduced by Senator Harrison A. Williams to provide markedly improved educational services to handicapped children, thus greatly reducing the necessity, expense and inhumanity of institutionalizing such children.

It is the feeling of each Board member that the provisions of S. 3614 are a long-overdue right of these youngsters. History shows that some of the world's greatest contributions to art, literature, science, music and statesmanship have come from the physically handicapped. Consequently, legislation which provides maximum educational facilities for physically handicapped children is not only in their interest . . . it is in ours.

Your support and active efforts on behalf of the passage of S. 3614 are most respectfully urged by the Board.

Very truly yours,

James S. Mize,
Richard A. Schoeni,
Assistant Executive Officer.

Office of the Superintendent of Public Instruction,
Springfield, Ill., August 28, 1972.
Hon. Harrison A. Williams, Jr.,
Member of the Senate,
Old Senate Office Building,
Washington, D.C.

Dear Senator Williams: Your "Handicapped Children Act" (S. 3614) deserves the active support of all educators, and I would like to join those who are advising their Representatives and Senators to support this progressive legislation.

Despite our best efforts in recent years, a majority of handicapped children have not received adequate services. If Illinois actually realized the near $40-million increase in federal aid to handicapped children which your bill would provide, we could assure quality services for these children. Your bill addresses several reforms which our General Assembly has endorsed but could not fully finance. This area of education was of great concern to parents and teachers who helped in formulating our Action Goals for the Seventies.

Please advise me if there is anything I can do in aiding the passage of this important legislation.

Sincerely yours,

Michael J. Bakalis,
Superintendent.

Department of Education,
Frankfort, Ky., September 26, 1972.
Hon. Harrison A. Williams, Jr.,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Senator Williams: You may certainly count the State Department of Education in Kentucky on the side of supporting as vigorously as possible the passage of Senate Bill 3614. Almost every state has neglected children with special learning disabilities, and in many cases the neglect has been more than trivial. The cost of educating these children is from two to three times as much as for normal children; and, therefore, the financial burden becomes extremely heavy if all necessary services are provided. We in Kentucky are very much aware of the pressure and the problem, and we commend you for taking this constructive position.

Sincerely yours,

Lyman V. Ginger,
Superintendent of Public Instruction.

Department of Public Instruction,
Pierre, S. Dak., July 3, 1972.
Hon. Harrison A. Williams, Jr.,
Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

Dear Senator Williams: Thank you for your communication of June 16, 1972.

S. 3614, providing adequate financial assistance to the States for improved educational services to handicapped children is an excellent bill. Again, you and your committee are to be applauded for your efforts on behalf of the voiceless and defenseless in our land. As I mentioned to you in a previous correspondence, the exceptional child is at the very least a major priority of the South Dakota Department of Public Instruction.

I believe we have one more court decision in regard to equal educational opportunity for handicapped children. The Pennsylvania

Association for Retarded Children case provides for compulsory attendance for handicapped children in public schools. Judge Skelley Wright's decision in Washington, D.C. borrows the precedent of Brown vs. Board of Education indicating that tracking for handicapped children when it results in ipso facto segregation, is inherently unequal. I believe it judicially necessary to establish the precedent that segregated programs for handicapped children within public school systems are of themselves inherently unequal.

Only then can we be assured of at least the basis for equal education for one of our country's long-neglected minorities. When one considers that the parameters of this minority are not well measured, vary from district to district and state to state, and are primarily based on questionable data and highly questionable norms, the need for inclusion into the opportunity of regular education wherever possible becomes mandatory.

DON BARNHART,
State Superintendent of Public Instruction.

DEPARTMENT OF EDUCATION,
Providence, R.I., June 29, 1972.
Senator HARRISON A. WILLIAMS, JR.,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

DEAR SENATOR WILLIAMS: I was pleased to learn from your recent letter that you and two colleagues have introduced legislation that holds great promise for expanding programs for handicapped youngsters. Your concept of providing federal funds to the states for a goodly portion of the excess cost of educating handicapped youngsters would appear to have many advantages over present categorical methods of funding.

Based on my experience with local educational agencies, its is my feeling that the excess cost method of financing would greatly increase the willingness of communities to expand their efforts and experiment with innovative programs for all types of handicapped youngsters. Presently many, if not most, communities view current methods of financing special education with suspicion and trepidation.

When grants and project allocations expire or diminish, communities have been expected to shoulder the full or major financial burden. The excess cost approach would give more reliable assurance of continuing support for efforts expended. It would also increase the odds in favor of developing quality programs for the handicapped rather than labeling and assembling mere regimented group situations. Excess cost funds as proposed in your bill, would be a boon to Rhode Island, where new legislation has just mandated that public schools provide programs for severely retarded and multi-handicapped children, without any additional financial aid to support such efforts.

You and your colleagues are to be congratulated on your foresight in this matter. My best wishes for the success of S. 3614. If there is any way I can be of further assistance, please don't hesitate to contact this office.

Sincerely yours,
FRANCIS B. CONLEY,
Coordinator, Special Education.

LITHUANIAN INDEPENDENCE DAY

Mr. PACKWOOD. Mr. President, today I want to join Senators in paying tribute to one of the bravest nations of the world. On February 16, each year, the attention of men of good will everywhere is focused on the sad plight of Lithuania. This is the 55th anniversary of the year the Lithuanian people finally won their independence—the fulfillment of a seven-century quest for freedom.

The Baltic peoples have suffered the harsh realities of political geography for centuries.

From the west they were invaded by the Teutonic Knights, from the east by the Moscovites.

During the Middle Ages, Lithuanians established a powerful and independent state in Europe which helped protect Europe against the Mongols and the Tartars.

They blessed their subjects with human freedoms and encouraged education and toleration, and they played a significant part in the general development of European civilization.

But in 1795, all this was ended when Russian conquered her tiny neighbor. During the next 120 years of domination, there were numerous revolts by the Lithuanian people against attempts to replace their own language and culture with Russian. This repressive policy of forced Russification began to diminish in 1905. But, only 10 years later, Russian domination was replaced by German rule. What progress had been made came to a crashing halt, but not for long.

The defeat of Germany, coupled with the revolution in Russia, made it possible for Lithuania to declare her independence. On February 16, 1918, an independent Lithuanian state based on democratic principles was established.

Freedom brought with it a renewal of the Lithuanian spirit. Great progress suddenly was made on all fronts. Literature and the arts were revived. The Lithuanian people, once again, became contributors to European culture and civilization.

Industrialization, too, was rapid. In 1913 there were only 181 industrial establishments. By 1939 the number had grown to over 16,000. Land reform was established. Over 335,000 peasants acquired and began to operate their own family farms—in some cases land they and their forebears had lived on for generations.

But World War II happened. Lithuania fell victim to the anarchy of a chaotic Europe. The secret agreement between Hitler and Stalin that precipitated the war included a callous betrayal of the Baltic States. Germany, in short, had agreed to their being swallowed up by the Soviet Union.

It is estimated that during this Soviet occupation, Lithuania suffered the loss of about 45,000 people. Thousands of others were arrested or deported. Some 30,000 members of the Lithuanian intelligentsia were deported to Siberia on the single night of June 14, 1941.

Despite decades of oppression by the Soviet Union, Lithuanians still hope and pray for a restored freedom. Men of good will everywhere join them in this hope and add their prayers for eventual freedom for this proud but harshly treated people.

FOR DEFECTS IN FEDERAL HOUSING ADMINISTRATION MORTGAGED HOMES

Mr. CRANSTON. Mr. President, I am pleased to join my distinguished colleague from Illinois (Mr. STEVENSON) in introducing S. 855, a bill to authorize the Secretary of the Department of Housing and Urban Development to make expenditures to correct or compensate for substantial defects in Federal Housing Administration mortgaged homes.

Anyone who buys an FHA insured home has every right to expect that on the day he moves in, his home will be in decent, safe, and sanitary condition. Instead, thousands of home buyers using the FHA programs have had their expectations shattered. They have discovered that the FHA has not protected them from buying homes with faulty wiring, unsafe and leaky roofs, defective furnaces, inoperative plumbing, peeling paint, cracked foundations and floors. A home buyer ignores these defects at his own peril. Recently, a constituent of mine in Southgate, Calif., who bought an older home insured under the 221(d)(2) program, wrote me that he and his wife were nearly asphyxiated when they turned on their furnace. Instead of heat, carbon dioxide poured out. It is outrageous that the Federal Government continues to insure property that is positively dangerous.

In 1970, the staff of the House Banking and Currency Committee uncovered evidence that low- and moderate-income families were being sold houses with serious defects. In that year, the Comptroller General of the United States estimated that FHA had insured under the section 235 program 15,800 existing houses having significant defects. In response to this evidence, I introduced in 1970 a bill mandating the Secretary of HUD to compensate purchasers of existing housing insured under section 235 for the cost of correcting substantial defects present at the time of purchase and which an ordinary inspection should have disclosed.

The 91st Congress passed this bill—now section 518(b) of the National Housing Act—but in a weaker version. Instead of compelling the the Secretary to make expenditures for legitimate claims—as I intended—section 518(b) permits compensation to be at the discretion of the Secretary. In S. 855, Senater STEVENSON and I propose to amend section 518(b) to conform to the original intent, so that compensation is mandatory.

Negligent FHA inspectors have saddled thousands of 235 families with crumbling homes. Earning between $4,000 and $7,000 a year, these families cannot afford costly repair bills. Some have strained their budgets to patch up their homes as best they can; others, giving up in despair, have abandoned their property to FHA.

As compared with $740—the average cost of a claim under section 518(b)—each foreclosure on a section 235 house costs the taxpayer $3,850. Since the section 235 program was enacted in 1968, through June 30, 1972, HUD estimates that foreclosures have cost the public $50.2 million. Not every 235 repossession results from a homeowner's inability to make essential repairs. But every foreclosure that does stem from negligence on the part of FHA to perform proper inspections is a completely unnecessary expense—an injustice to the taxpaying public and a violation of the public trust.

Slipshod inspections, often accompanied by inflated appraisals, have not been confined to the section 235 program. In fact, the highly publicized foreclosure rates in Philadelphia and Detroit do not involve section 235 but rather the FHA unsubsidized insurance programs, sections 203 and 221. In recognition of abuses in these programs, Senator STEVENSON and I have broadened section 518(b) to extend coverage to purchasers of existing housing insured under sections 203 and 221 of the National Housing Act. To catch up with homebuyers using these programs, S. 855 makes coverage retroactive to homes purchased on or after June 30, 1969.

To be sure that all eligible homeowners know of their right to apply for financial aid to correct defects or to be reimbursed for repairs they have paid for out of pocket, S. 855 requires HUD to take all steps necessary to notify homeowners, including notification by certified mail.

In addition to strengthening section 518(b), this legislation amends the National Housing Act by including substantial rehabilitation under the 1-year builder's warranty for single-family new construction. Buying a house which has undergone major rehabilitation is like buying a new house—equity requires that both homebuyers be protected under a warranty.

That homebuyers trusting in the good faith of the FHA have found themselves owning homes that are neither decent, safe, nor sanitary is a scandalous example of ineptitude in government. The legislation that Senator STEVENSON and I have introduced is a compensatory measure. By redressing past wrongs I believe it will help restore the public's trust in government. But that trust will be tenuous if we are only catching up with what went wrong in the past without providing safeguards against future abuse. Congress should see to it that the FHA insuring offices have enough well trained appraisers to do a proper job on each mortgage insurance application, and the FHA should insure a home only when it can certify that the property meets FHA minimum property standards. When these conditions are met, I believe the public will have greater confidence that the Federal Government takes seriously the goal of a decent, safe, and sanitary home for every family.

LETTERS ON PRESIDENT TRUMAN

Mr. MUSKIE. Mr. President, in the past month, I have received many letters expressing an outpouring of sympathy to Mrs. Truman and her family, paying tribute to the great memory of President Truman. Harry Truman's courage, his boldness, his simplicity, and his vision touched the lives of millions of Americans. His loss is very keenly felt.

One of the most moving and thoughtful tributes I have received is that of Rabbi David Berent of Congregation Beth Jacob in Lewiston, Maine. Rabbi Berent expresses with eloquence and warmth the great affection in which President Truman was held by the Jewish people of our country and the world. I ask unaminous consent that the tribute be printed in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

ADDRESS BY RABBI DAVID BERENT OF CONGREGATION BETH JACOB FOR MEMORIAL PRAYER SERVICE FOR PRESIDENT HARRY S TRUMAN, DECEMBER 31, 1972, SAINT JOSEPH'S CHURCH, LEWISTON, MAINE

Reverend clergy, distinguished citizens, and fellow Americans: It is with great diffidence that I accepted the invitation of the Arrangements Committee to be its spokesman at this Memorial Service—all sparkling ornaments in their professions, whose tongues are far more eloquent than my poor lips to speak words of tribute in memory of the 33rd President of the United States.

Millions of words have been written since Harry S. Truman breathed his last on Tuesday. There is little that I can add to that which has already been said.

Mourning is often little more than official. It is seldom the portion of the famous to evoke sincere grief at their passing. In all the years of my ministry, I have seldom looked upon truer sorrow than that which was evoked by the American people when the news of Harry S. Truman's passing became known.

As I recall it, when Daniel Webster died, his passing was lamented in the perfect tribute: "There is no Daniel Webster left to die." Last Tuesday morning, another Homeric figure was called to death, and America plunged into mourning might well express its sense of loss in the terms: "There is no Harry S. Truman left to die." Surely in all America there survives no other figures before whom detraction long was silenced and calumny transformed into praise. Best of all, he was not a martial figure, though he steered a nation towards ending World War II. He was not an exciting personality such as were two other octogenarians at the zenith of their mighty careers—Gladstone and Clemenceau. He had none of the oratorical genius or hypnotic potency of Franklin Delano Roosevelt. But Harry S. Truman was a great American, as truly as Wilson or Franklin Delano Roosevelt. One does not lightly liken any American or any human to Abraham Lincoln, but Harry S. Truman had something of the simplicity and of the sheer human greatness which were Lincoln's. One might also add ruggedness, except for the fact that Harry S. Truman, with all his strength in and for the right, was one of the most gentle and gracious of human beings. As was pointed out to me by our own Mr. Democrat, Louis Jalbert, who knew Harry S. Truman personally, Harry S. Truman's code was simplicity, even as he was a profoundly humble human being. Throughout his life, this man from Independence, Missouri, devoted all his energies to the perpetuation of the American way of life, and was a flame in the battle against the wrong and the injustice of tyranny.

Harry S. Truman will live in history as one of the elemental figures which created a new political world. How great he was as Commander-in-Chief which he inherited from Franklin Delano Roosevelt as he ended World War II, when, with heavy heart, he dropped the bomb in order to avert another "D" day on Japanese soil, which would have cost a million lives and another million maimed and/or ruined—history will determine.

When in the United States Senate, he was termed "the Senator with a conscience." Harry S. Truman was not only a Senator with a conscience; but pre-eminently the conscience of the Senate. He stood out as the great apostle and servant of democracy. No American since the day of Lincoln was more truly "of the people, by the people and for the people." He recognized and acted upon the imperatives of social-economic as well as political democracy, and sought to move his country to live by them, and in obedience to their commands. Each of the mighty battles Harry S. Truman fought will abide as an inspiring memory to his fellow Americans. He was Jeffersonian in his political idealism, like Lincoln in his American simplicity, and Roosevelt in his inimitable dedication to the democratic hope of his country and of mankind at its highest. He was prophetic when he declared after his request to Congress in 1950 for economic aid to Korea was denied—when he said that had the $200 million been allocated that unfortunate war would have been averted, as indeed our tragic misadventure in Viet-Nam.

Harry S. Truman championed civil-rights legislation which resulted in Senator Strom Thurmond's candidacy for the Presidency as a "Dixiecrat" in 1948. History will record, I believe, that Harry S. Truman more than any President in American history thus far, equal only to the lamented John F. Kennedy, vigorously challenged the morality of racial and religious discrimination.

I cherish the memory which I have refreshed by referring to the text of an address by Harry S. Truman in 1948 which he made in New York's Madison Square Garden when he said: "When the word went forth that a home for the Jewish people was to be established in Palestine, it was a matter of profound interest not only to the Jewish people but to people throughout the world. It seemed in accord with a beautiful and sacred tradition. The story of a marvelous people surged upon our mind, enriching our thought. It seemed in accord with the highest and loftiest principles of justice that this should be so." He then burst into a paragraph that still haunts one's memory:

And he closed with the words: "In the faces of this vast audience I see great anxiety, great worry and great sorrow. But I also read in your faces great purpose and great determination. Let that purpose and determination be your pillar of fire by night and your pillar of cloud by day, to lead you into possession of that which belongs to you as a people." The great audience hungering for comfort, and passionately eager for light, burst into a demonstration which, Harry S. Truman told his friend Judge Rosenman, that he would remember to his last day.

Indeed, there is little doubt that Harry S. Truman was the most important American non-Jew in Judaism's contemporary history. Eleven minutes after the State of Israel was proclaimed by David Ben Gurion, on the 14th day of May in 1948, a few months after this stirring address, Harry S. Truman personally ordered de facto recognition of the new State. Truman's action served immediate notice to the nations who stood with tanks on Israel's borders.

Had Truman not taken the action he did, Israel could have been destroyed within hours.

On the holiest day of the year, on Yom Kippur, the Day of Atonement, the High Priest in Jerusalem's Temple, 25 centuries ago, would read a portion from the Sacred Scroll to the people. He would conclude with these words: "Much more than I have read is written herein." I, too, have read from the life-scroll of a truly great American and human being. More, much more is written and will be written in the pages of our nation's history about this extraordinary, outstanding, God-blessed person. History will treat him kindly. In God he has now found ultimate repose. May the Eternal send his comforting balm to the heart of his beloved Bess, his daughter Margaret, and all his loved ones, and to all who mourn the passing of Harry S. Truman. America will never forget a man equal to himself, who served in the United States Senate with character, and the Presidency with dignity and dedication. "He never sold the truth to serve the hour" nor sought less than to keep his country upon the highest level of equal law and unfailing justice.

May the memory of this great American President be constant inspiration to all people who seek the better world for which he labored.

DRUNKEN DRIVING CAUSES TRAGEDY

Mr. STEVENS. Mr. President, last November, after Congress adjourned, I received a letter from a constituent I would like to share with the public. The writer, a neurologist at Elmendorf Air Force Base Hospital in Anchorage, narrates a tragic tale involving two lifesaving kidneys destined for air shipment to Seattle and implacement in two young children. En route to the airport, the automobile carrying the kidneys was struck by a drunken driver. The kidneys were completely destroyed and at least one occupant of the automobile was critically injured.

The writer of the letter, Dr. Bertram R. Henry, has asked me for assistance, perhaps legislation, to deal with drunken drivers. Of course, this is not enough. Such legislation, particularly at the State and local levels, can establish such things as driving regulations, criminal penalties, liquor sale laws, and closing hours. However, legislation alone cannot prevent tragedies of this type. Such disasters will never be eliminated until drivers refuse to drink and drunks refuse to drive or are prevented from doing so.

Mr. President, I ask unanimous consent that Dr. Henry's letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

USAF Hospital Elmendorf,
November 15, 1972.

Senator Ted Stevens,
Federal Building,
Anchorage, Alaska.

Dear Senator Stevens: I am a neurologist, in the Elmendorf Hospital, and I find it necessary to share with you a human tragedy which occurred in Anchorage, 3 November 1972. That afternoon, an 11 year old girl sustained a severe head injury while on the playground at school. She was brought to the Elmendorf Hospital and I was one of the physicians who managed her case. Within three hours, after her admission, she died. I personally informed the parents of their daughter's death and also discussed the possibility of donating her kidneys for the benefit of patients with chronic renal disease, who are currently being treated with renal dialysis machines.

The parents agreed to the operation, of donating their daughter's kidneys and Dr. Edward Paget who was to head the Elmendorf Surgical Team, discussed the details of the procedure. At that point and time, a team of physicians gathered for the operation as well as nurses and technicians, who would manage the kidneys once they had been removed. At the University of Washington, in Seattle, two children were eligible recipients for our patient's kidneys and they were being prepared by medical and surgical teams simultaneously.

The kidneys were removed and placed in a special artificial container for transportation to the Anchorage International Airport, for the flight to Seattle. On the way to the airport, a drunken driver's car collided with the auto carrying the nurse, technician, and the apparatus containing the kidneys. The technician was injured critically and the kidneys were lost in the crash.

As a result of the crash, the technician was hospitalized in Anchorage Community Hospital and his future well-being, of course, is in question. Furthermore, the two children in Seattle, with long term renal disease, are now deprived of healthy kidneys and another chance of life. They, again, must survive on a renal dialysis machine. This, of course, was a preventable human tragedy and its implications are obvious. The complicated medical efforts, which were proceeding simultaneously in Anchorage and Seattle, were of no benefit but these can, and will be repeated when possible.

The future lives of the two recipients are uncertain and will remain in jeopardy because of the negligence of a drunken driver. This case is but a simple example of the consequences of intoxicated drivers and surely others occur daily, and who are the people who will be involved at that time?

I think we must by some means, perhaps legislative, more aggressively deal with drunken drivers so that the effects of their negligence might be reduced. Would it be possible for you to help in this matter and get the ball rolling?

Sincerely yours,
Bertram R. Henry, M.D.

THE GENOCIDE CONVENTION AND EXTRADITION

Mr. PROXMIRE. Mr. President, article VII of the Genocide Convention provides that the contracting parties pledge to grant extradition of persons charged with genocide in accordance with their laws and treaties in force. A close examination of this section of the treaty reveals that there is no basis for criticism of the Genocide Convention on grounds that ratification of this document would mean that American citizens could be tried in foreign courts without American constitutional guarantees.

If an American citizen is accused of committing genocide in another nation, and is accused while he is in that nation, he may, according to article VI of the treaty, be tried by a competent tribunal of the state in which the act was committed. There is nothing unusual about this provision; under present law, an American accused of murder in a foreign country may be tried there. And even without American ratification of this treaty, American citizens may be tried for genocide by nations which are parties to the treaty.

In the case of an American citizen who has returned to the United States and is charged by a foreign nation with committing genocide, article VI declares that extradition is to be granted in accordance with laws and treaties in force. The important point here is that extradition is promised in accordance with existing laws and treaties. What this means is that the Genocide Convention itself does not alter extradition procedures. It says they will be conducted the way our present extradition treaties specify. Since we have no extradition treaties dealing with genocide, they would be made in the future with the advice and consent of the Senate.

These future extradition treaties could and would contain a number of safeguards. First, we must be assured that certain procedural rights are secured in the courts of the foreign nation which requests extradition. Second, there can be a provision for a thorough examination of the evidence in the case before extradition is granted. Finally, S. 3182, the proposed legislation implementing the genocide treaty in the 92d Congress, stated that it is the sense of Congress that extradition treaties should provide that the United States reserves the right not to extradite in cases which the United States is either already prosecuting or intends to prosecute. In 1970 the Deputy Legal Adviser of the State Department testified that the State Department supported this provision.

The genocide treaty, then, is not in itself an extradition treaty. Mr. President, we already have extradition arrangements for various other offenses with 97 nations. Since there is no reason to think that the extradition arrangements we would make concerning genocide would particularly differ from those existing treaties either in provision or effect, criticism of the Genocide Convention on these grounds is unreasonable.

I urge the Senate to ratify the Genocide Convention without further delay.

ALABAMIANS EXPRESS THEMSELVES ON ISSUES

Mr. ALLEN. Mr. President, during the Washington-Lincoln Birthday recess, I had the opportunity to visit in 17 different counties in my home State of Alabama, where I had the opportunity to meet with literally thousands of my fellow Alabamians as they expressed themselves on issues that face our Nation.

I found relief among Alabamians that the war in Vietnam is ending and that our prisoners of war are coming home.

I found a desire to heal the divisions and disunity that the Vietnam war has caused in our country and to turn now to the productive pursuits of peace.

Alabamians are strongly opposed to amnesty or pardon for draft dodgers and deserters and just as strongly opposed to our rebuilding North Vietnam.

Alabamians feel, too, that now, as we rejoice with our returned prisoners of war and their families, we must not forget the patriotic service and sacrifice of the 50,000 American boys killed, the 300,000 wounded, and the 2½ to 3 million who saw service in Vietnam. We must not forget the amputees, the paraplegics, the maimed in body, mind, and spirit. Let us draw them and their memories to our hearts. They, too, deserve our undying gratitude.

FORMER DEPUTY SECRETARY OF DEFENSE DAVID PACKARD SPEAKS OUT ON DEFENSE AND NONDEFENSE EFFORTS BY THE AEROSPACE INDUSTRY

Mr. McINTYRE. Mr. President, David Packard has had a long and distinguished career in industry and government. His company in California employs 18,000 and is one of the principal electronics firms in the world.

From 1969 to 1971, Packard served as Deputy Secretary of Defense in the Pentagon and I believe history will record that he brought some sense to the procurement practices of the Defense Department. He often made sense when it seemed that others were lost in the bureaucracy and complexity of modern weapon development and acquisition. He fought against cost overruns and mistakes in defense procurement.

So when David Packard speaks out on problems we face in the areas he knows well he deserves our consideration.

Therefore, I want to bring to the attention of my colleagues a recent thought-provoking statement of his before the American Institute of Aeronautics and Astronautics symposium in Los Angeles. Packard says that we can have the same defense strength in this Nation if we will just stick to the basics and try not to get so complex and esoteric in weapons development that they price the American defense structure out of the market.

Mr. President, I ask unanimous consent to have this statement by David Packard printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PACKARD WARY OF INDUSTRY DIVERSIFICATION—AEROSPACE URGED TO SET PRIME GOAL OF BUILDING WEAPONS MORE EFFICIENTLY, ECONOMICALLY BEFORE SEEKING NONTRADITIONAL WORK

Clearly the aerospace industry must change with the times—as must every other industry. There is, of course, a need to consider society's current concerns and problems when policies in this industry, as well as every other industry, are considered and implemented. What I judge to be the proposal before this conference is that the aerospace industry should do more than change with the times. What is proposed is that the aerospace industry should make a concentrated effort to move into new fields and new markets different from those in which the industry has been involved in the past.

I suppose the idea that this industry has a more critical need to change its priorities than some other industries stems from two basic factors. First, because of probably further cutbacks in defense and space funding and a continued leveling off of the demand for commercial aircraft and equipment, the aerospace industry has a very severe problem that must be solved.

I agree that this industry has a severe problem because of these reasons, but I am not at all sure that this problem can be solved, or even alleviated for the industry by trying to move into new product and new market areas.

I am sure there are some new product areas and some new market areas which the industry may be able to serve. However, there is no reason to expect the aerospace industry would be able to do a better job in these new product areas and markets than the industries which are involved in these product areas and markets.

The aerospace industry has had some great triumphs. It has also had some disastrous failures. This leads into the second argument, which again I believe is wrong.

The second argument is that because of its great triumphs in space and aerospace the industry has unique qualifications to do other difficult tasks . . . the aerospace industry, with its advanced technology base and sophisticated managerial and systems analysis technique, is well qualified to meet the challenges of the future.

I have trouble with both of these propositions.

Let me talk about the future of the defense business first. I will not talk about possible changes in Fiscal 1973 spending, or the probable level of the Fiscal 1974 defense budget, but rather about broader issues. President Nixon received an overwhelming vote of confidence in November, indicating—among other things—strong support by the American people of the President's foreign policy. President Nixon has clearly stated on many occasions and in many ways that strength, and he means military strength, is one of the three essential pillars of his Nixon doctrine. It is now certain that this doctrine will guide American foreign policy for at least the next four years, more probably for the next several decades.

The Nixon doctrine requires military strength. The realities of this nation's economic situation require a considerable measure of fiscal responsibility. This is clearly emphasized by the expressed intent of the President to keep federal spending within a $250-billion ceiling.

This clearly means there will not be any major increases in federal funding of defense and aerospace programs in the foreseeable future. At least in terms of current dollars there will probably be no major decreases either.

The challenge for the aerospace industry in respect to national security, then, is to produce for America more defense capability at lower cost.

The overall problem of national security can probably be solved with lower levels of military manpower. But if America is to remain strong we cannot have both lower levels of manpower and inferior weapons.

Thus I come to the conclusion that the most important responsibility and opportunity for the aerospace industry, in respect to national security, is to do the job that it is capable of doing and doing it right. Your responsibility in your industry is to develop and build the weapons that only you know how to build, and do so with greater efficiency and greater economy than you have done in the recent past.

Defense budgets will be lower in the future in terms of real dollars. The need for military capability will not go away. You people in the aerospace industry have one of the greatest challenges of the century against which to apply your so-called "great sophisticated management and systems analysis capabilities." Frankly, I think you may have to get rid of some of these "sophisticated management and systems analysis capabilities" and fall back on some good old-fashioned common sense management techniques if indeed you are to do the job for the country that must be done.

The only way an industry can produce better weapons at lower cost is with fewer people. That, in my view, is what you in this industry will have to face up to. I am convinced, after spending three years in the Pentagon, that the industry is grossly overstaffed and very inefficient by any sound management standards. I cannot in fairness place all the blame on the industry, for in many cases you have simply responded to what was asked for by some of the so-called "experts" in the Pentagon. But, you can do better—in fact, you must do better in responding to what will continue to be your main priority.

Now as to the second point: I should not be so severe as to say there are no other areas where your capabilities can be properly and effectively applied.

No one can question the claim that the aerospace industry has a great store of advanced technology. The fallout of technology from the aerospace industry has been a very substantial factor in the growth of the American economy from the early decades of this century.

Our magnificent air transportation system is based solidly on fine contributions from the aerospace industry. In turn, this fine accomplishment can be largely attributed to research paid for over the years from the defense budget. Weather satellites and satellite communication have come from federally financed space and defense research, and satellite communication in particular is a new priority of great importance for the future. These are two good examples of expansion by the industry itself into logical market areas of great importance. They were both possible because of advanced technology which was created originally for defense and space exploration requirements.

Commercial jet aircraft began as simple modifications of military jet aircraft, and it is interesting to speculate where we might be with commercial aviation had there been no requirements for military jet aircraft of comparable size and performance.

Or as a corollary, how bright the prospects for an American SST might be if the SST could evolve as a simple modification of the B-1 bomber.

There are other examples—navigation equipment, communication equipment—where the aerospace industry has made great contributions into new fields and expanded its markets correspondingly. These have been, in nearly every case I can think of, rather natural expansion of advanced technology into new markets which were logical and natural for the aerospace industry. In most other cases where aerospace technology has contributed to old or established markets, other industries with experience in those markets have simply picked up the advanced technology of the aerospace industry and applied it themselves.

With the notable exception of the commercial airline industry, which grew up hand in hand with the aerospace industry, the record of applying the so-called "sophisticated management and systems analysis technique" by the aerospace industry to new fields is not very good.

Let's look at some examples. The shipbuilding industry is one which was far behind in technology and adhered to what many consider to be antiquated management principles. Where was a better opportunity for the aerospace industry to apply its great expertise? This great opportunity was seized upon by several of the largest, and until then the most successful of the aerospace firms. What happened? All of the sophisticated management and system analysis techniques were ineffective in an area where the firms had no previous experience. They simply did not know their business.

The one firm which did know something about the business may work its problems out. General Dynamics, which had considerable shipbuilding experience in its Electric Boat Div., may eventually salvage something out of its expansion into a non-aerospace field. So far, however, the preponderant evidence is that the aerospace industry would be better off today, and the shipbuilding industry would certainly be no worse off, if they had left each other alone.

Examples of the aerospace industry with its great management talent expanding by the conglomerate route do not give much credence to the theme that the aerospace industry has much to offer in new and different fields either. I can think of some aerospace companies which are now better off after having been taken over by non-aerospace companies. I am hard put to think of many non-aerospace companies that are better off after having been taken over by aerospace companies.

I believe it is time for you people to call a spade a spade and admit that the first priority of the aerospace industry is to get its house in order and not go charging into new fields. The industry does not yet know how to build complex reliable equipment at a reasonable cost. The industry can build complex equipment which is reliable when there are no constraints on cost. The Apollo program is a magnificent example of what can be done, and there are some equally impressive defense programs.

Most of the defense development and procurement programs, however, have not produced the kind of equipment the industry can be very proud of. Most of our current military aircraft can fly only a few hours without a system failure. The development process in the industry is so slow and inefficient that most new systems are out of date by the time they go into the inventory.

We have a good example of what has happened when aerospace techniques are applied to ground transportation in the Bay Area Rapid Transit (BART) system. This system was designed around computers and other aerospace type system technology. After a few weeks of operation one of the trains ran off the end of the track. The program is far behind schedule and the cost overruns are substantial, and there are other serious problems. In short, BART has most of the characteristics of many recent products of the aerospace industry—such as the C–5A.

You in the aerospace industry have only one priority, that is to learn how to do the job you are supposed to be doing and do it right.

Learn how to build reliable equipment at a reasonable cost. Stop looking to the government to bail you out when you fail to do your job.

I am convinced the serious problems which the aerospace industry has are largely related to the fact that this industry has been and still is too dependent on the government. And I judge what is being suggested is that the government should support the industry involvement into new fields. I have no trouble with the concept of expansion into new fields if the industry is willing to submit to the rigid disciplines of the marketplace in doing so. The worst possible thing for the aerospace industry would be for the federal government to subsidize its "reconversion" into domestic markets. This would assure the continuation of the waste and inefficiency which is the real problem of the industry.

On the other hand if you can go it on your own and learn to compete in the real world, more power to you.

Some of you can, and some of you can't.

And so I will conclude by answering the question I have posed in the title of my presentation. Should the aerospace industry reorient to new priorities? The answer is yes to the extent it can demonstrate by its performance that it can do so. The answer is no if the industry must seek subsidies from the government to survive. Government subsidies to help the industry reconvert to new priorities will not help its survival—it will only postpone its failure. This is my solid belief, and I urge you to give consideration to these thoughts as you set your course for the future.

LITHUANIAN INDEPENDENCE—1973

Mr. RIBICOFF. Mr. President, I am pleased to once again take part in the commemoration of Lithuanian independence.

During February, Americans of Lithuanian descent have been reminding their fellow Americans of the loss of Lithuanian independence as they mark two very important occasions in the history of Lithuania. 1973 marks the 722d anniversary of the formation of the Lithuanian State, and the 55th anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918.

Such events in the history of a nation are usually cause for celebration. Unfortunately, this is not the case today. Lithuania and its two neighboring Baltic States, Estonia and Latvia, have been occupied by the Soviet Union since 1940.

Our own Government still refuses to recognize the forced incorporation of these three States into the Soviet Union. This continuing lack of official recognition, along with the diplomatic accreditation of the representatives of Estonia, Latvia, and Lithuania are not enough. The United States should take every opportunity to call attention to the brutal attitude of the Soviet Union toward these three Baltic States. The demonstrations there during the past year testify to the fact that these people still long to be free.

Our diplomatic representatives at the United Nations and in other international forums should be prepared to confront the Soviet Union with the issue of freedom for the Baltic States, and this subject should be included in any comprehensive discussions of outstanding United States-Soviet issues.

The Congress of the United States is already on record regarding this subject. During the 89th Congress, House Concurrent Resolution 416 was adopted, calling for the freedom from Soviet domination of Lithuania, Latvia, and Estonia. In the light of this clear expression by the Congress, our Government should treat the illegal occupation of the Baltic States as a matter of continuing importance.

I hope that the coming year will witness significant progress in the struggle of the people of Lithuania to regain their liberty and independence, and that all the peoples of the Baltic States will live in freedom some day.

I ask unanimous consent that House Concurrent Resolution 416, agreed to by the Senate on October 22, 1966, be printed in the Record.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

H. Con. Res. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

PENSION REFORM

Mr. RIBICOFF. Mr. President, on January 15 of this year I submitted testimony to the Senate Labor Subcommittee on the problem of pension reform.

As I stated at that time, S. 4 provides a meaningful first step toward true equity in the private pension system. More remains to be done, however.

In my testimony I suggested three amendments to strengthen the Retirement Income Security for Employees Act.

First, I recommended establishment of a fund or funds into which those people not covered by pension plans could make contributions. In this way, some 40 million Americans not now protected by a pension plan could participate.

Second, I recommended that a worker's rights to his pension be vested after 10 rather than 15 years. Under my proposal 50 percent would be vested after 5 years, and an additional 10 percent would be vested each year thereafter until the pension is fully vested.

Finally, I recommended an amendment to enable employees who change jobs to have the option themselves of converting their retirement into a centralized retirement fund. The bill presently leaves this decision with the employer.

I ask unanimous consent that my testimony be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Pension Reform

As a cosponsor of the Retirement Income Security for Employees Act, I am pleased to support efforts to improve the pension coverage of America's working people. Your Subcommittee's comprehensive studies over the past three years have dramatically illustrated the widespread weaknesses of private pensions which often deny American workers the retirement security they look forward to during a lifetime of work.

Today some 40 million working Americans are covered by private pensions. They are entitled by right to receive adequate compensation after a lifetime of work. Unfortunately, all too often the benefits of pension plans are illusory. Frequently the pension promise is akin to the so-called "Buffalo insurance plan" which provided coverage only if you were run over by a herd of buffalo in downtown Buffalo.

In the case of pensions the fine print usually means that if you remain in good health and stay with the same company until you are 65 years old, and if the company is still in business, and if your department has not been abolished, and if you haven't been laid off for too long a period, and if there is enough money in the fund, and if that money has been prudently managed, you will get a pension.

That is a slim thread on which to rely for retirement income.

This Subcommittee has documented the major problems which have afflicted the private pension system:

First, the failure of pension funds to provide necessary minimum and adequate vesting standards;

Second, premature termination of pension plans without adequate insurance coverage to protect the employees;

Third, the failure of pension plans to have sufficient funding to meet accrued and vested liabilities; and

Fourth, ineffective fiduciary requirements which threaten the safety and preservation of fund assets.

The legislation we have introduced is a first step toward correcting the abuses which have overtaken this fast-growing industry—an industry which has grown from assets of $2.4 billion and coverage of 4 million employees in 1940 to assets of over $130 billion and coverage of 40 million workers in 1970.

First, the legislation establishes within the Department of Labor an office of Pension and Welfare Plan Administration, responsible for promotion, establishment, administration, and operation of employee benefit plans, and enforcement of the act.

Second, the legislation prescribes minimum vesting requirements. Vesting refers to the nonforfeitable right or interest which an employee participant acquires in the pension fund representing contributions made to such fund.

The reform legislation we are proposing would stipulate that an employee, after 8 years of services, will acquire a vested nonforfeitable right to 30% of pension benefits and, thereafter, each year will vest an additional 10% until, at the end of 15 years, he will have vested rights of 100%.

Third, the bill establishes minimum funding standards to assure that the pension funds' assets are sufficient to meet liabilities.

Fourth, the legislation establishes a voluntary program for portability through a central fund, whereby employees of participating employers may transfer vested credits from one employer to another.

Fifth, the bill establishes a plan-termination insurance program which will guarantee that the vested pension credits of the employees will be paid when an employer goes out of business and the pension plan does not have sufficient assets to pay the workers' benefits.

Sixth, the bill prescribes new rules of conduct for trustees and fiduciaries controlling employee benefit funds, and prohibits conflicts of interest and other unauthorized practices to prevent mishandling or loss of such funds.

Seventh, the bill requires additional and more comprehensive disclosure in reports to be filed with the Federal Government, and more comprehensive explanations of the plans to workers.

Finally, the legislation establishes Federal jurisdiction and provides adequate remedies to both the Government and the individual worker for judicial and administrative enforcement of the bill's provisions, including recovery of pension benefits due.

While S. 4 is a solid legislative foundation upon which to build an adequate and equitable pension system, more remains to be done.

PROPOSALS FOR IMPROVEMENT OF S. 4

1. Extending coverage

While S. 4 provides some protection to 40 million working Americans who are now covered by pension plans, it does not address itself to the needs of 40 million American workers who work in jobs which are not covered by pensions. In many cases, these workers are employed by businesses which can't afford the administrative expense of establishing and maintaining a pension fund. Some provisions should be added to S. 4 to allow these workers to have payments made on their behalf into a central fund or funds. Such a system would relieve small businesses of the burden of administering separate pension funds and would allow presently unprotected workers to get a pension.

Ralph Nader has made a worthwhile proposal along these lines which merits our attention. He proposes the creation of a limited number of private, competitive, cooperative, insured institutions to be licensed and regulated for the Securities and Exchange Commission. These institutions would be empowered to receive contributions made by employers for their employees and by employees and self-employed persons for themselves and their dependent spouses. All contributions to these institutions would be tax deductible and the funds' earnings would be exempt from taxation. In this way an individual's contributions would be pooled for investment purposes with other contributions and a pro rata share of the fund's earnings each year would be credited to the employee's account. Each employee would be issued a passbook indicating the total amount in his account. This plan would allow any employee to change jobs without losing his accrued pension benefits.

This concept of centralized pools of funds could be carried out through a number of private, regulated institutions or through the portability fund mechanism which would be established by S. 4 in the Department of Labor.

2. Liberalized Vesting Requirements

Under the provisions of S. 4 an employee's right to his pension becomes fully vested after 15 years of service. Thirty per cent would be vested after eight years and an additional ten per cent would be vested each year thereafter. While such a guarantee helps many workers who find themselves having to wait 25 or 30 years before becoming entitled to pension rights, it does little to help the worker who changes jobs often.

An employee who changes jobs more often than every eight years would receive nothing in the way of a pension. Employees who changed jobs every 10 years, for example, would receive only 50% of what they are entitled to. And yet in this increasingly mobile society people are changing jobs more often. Therefore it is not only important that employees be able to carry their rights with them when they change jobs, but also that they actually have rights which are more than illusory.

The period in which an employee receives full rights to his pension should be shortened from 15 years to 10 years. After a period of five years 50% should be vested with an additional 10% to be vested each year thereafter until full vesting is reached at 10 years.

3. Portability of benefits

Under the present pension system a worker often loses all his rights to a pension when he moves from job to job. There should be a mechanism by which any employee could assure that his benefits would be carried with him if he switched jobs. S. 4 sets up a voluntary portability fund in the office of the Secretary of Labor. Employers could voluntarily transfer the money contributed for an employee who left the plan to a portability fund administered by the Secretary of Labor. The transferred money would be credited to the individual's account in a special fund and would later be paid over to a new plan that the employee joined or kept in the special fund. The drawback to S. 4, however, is that the decision as to whether to participate in the portability fund is left up to the employer. The decision should be in the hands of the employee. I propose that the bill be amended to allow an employee to make the decision as to whether to pay into the central portability fund rather than force him to rely on the company's decision.

Conclusion

S. 4 represents a sound first step toward helping Americans meet their own retirement needs. A strong private pension system available to all workers with safeguards to insure that pension benefits are actually available to employees and that they are properly and prudently managed will be a major contribution to the well-being of every American.

I hope the Senate Labor and Public Welfare Committee will take favorable action on this bill as it did last year.

A KANSAS EDITOR COMMENTS

Mr. DOLE. Mr. President, the State of Kansas has one of America's finest journalism traditions. Editors such as William Allen White and Ed Howe enriched and strengthened the entire fabric of the national newspaper tradition with their high principles, strong sense of right and wrong and a great faith in the basic principles of our Republic.

Whitley Austin edits the Salina Journal and is a modern day repository of this great Kansas tradition of journalistic achievement.

I have known Whit Austin for many years and have represented his town of Salina for more than 12 years now as a Representative and a Senator. I know his devotion to journalism and his great pride in the plains and people of Kansas. So it was with a personal measure of pride and pleasure that I noted his article "A Song of Salina" in the February 15 New York Times.

It is an interesting and enjoyable commentary on life in our Midwest, and I would like to share it with Senators.

Mr. President, I ask unanimous consent that the article entitled "A Song of Salina," published in the New York Times of Thursday, February 15, 1973, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A SONG OF SALINA

(By Whitley Austin)

SALINA, KANS.—Three wars back, when I was a soldier encamped in an Astoria, Queens, walk-up flat, I told my landlady my wife and I were going to lunch at Rockefeller Center.

"You know," the landlady said, "my husband was a bricklayer on that job but I have never seen it."

And the subway fare then was a nickel!

Today, in Salina, Kan., a prairie market town in almost the center of the continental United States, I received a postcard from my neighbor across the way telling me that Raffles' Hotel in Singapore is as romantic as I said it was and that he would return from his around-the-world trip in March.

His next door neighbor is packing for another trip to Hawaii and down the street an engineer is booking his twentieth or so jet flight to Saudi Arabia where his firm designs highways for the kingdom.

When a mural by Lumen Martin Winter, an old Kansas boy now living in New Rochelle, N.Y., was dedicated at the United Nations this January, my newspaper ran a photograph of it in full process color across the front of page one.

Upon such evidence, I contend that the people of Salina, out here where the wintry winds blow cold and unobstructed over feed lots, pastures and wheat fields, are better informed, man for man, Ms. for Ms., than the average New Yorker.

I have no precise figures. The census only shows we enjoy indoor plumbing.

Yet there are statistics that hint at my conclusion. The Salina Journal with a paid circulation of 36,000 goes into 95 per cent of the households of the community and into two-thirds of the households in the surrounding counties. It uses the news and feature services of The New York Times, The Associated Press and The Christian Science Monitor, the picture service of the United Press International and, among others, the syndicated columns of Carl Rowan, Art Buchwald, James Kilpatrick and Jack Anderson. Our reporters and correspondents cover the town, the district and the state.

To pack this information into our average 26 pages daily, 48 Sunday, we must edit sharply. We have no room for the trivia, nor the weighty reports, that often inundate our big brothers of the cities. We expect to be read from cover to cover, and mostly are.

The Wichita Eagle, Topeka Capital and Kansas City Star have substantial circulation here as well. The more important out-of-town newspapers are available at the newsstand.

Cable television provides the programs of the three major networks and the Public Broadcasting Service. Every home has at least one radio, plus a radio in each of two cars.

The New Yorker magazine may not have as many subscribers here as the Readers' Digest but it certainly is not unknown. The weekly news magazines have substantial circulation. Paperbacks sell much better than hardbacks but the public library is new, big and well-stocked.

Although Salina has not yet seen "The Last Tango in Paris" or even "Clockwork Orange," there are enough X-rated movies to keep the county prosecutor and the Baptist preacher worried.

About half the high school graduates now matriculate at one college or another, at one time, the figure was as high as 70 percent. Officials cannot entirely explain the decline.

Despite the rigors of Kansas rum control laws, the better liquor stores stock a fair selection of wines, both imported and domestic.

Interstate highways and two small airlines provide easy exit to the flesh-pots of metropolis. Two travel agencies are busy organizing London theater tours and longer excursions to the wonders of Europe. More than preachers have visited the Holy Land. If you start a conversation about India, you are apt to be countered by personal observations on the beggars of Calcutta. Mexico is a favorite watering spot.

And then there is the yokel who has never traveled further than Kansas City and whose reading matter consists of comic books. But he tends to be the rara avis.

If this is all so, why?

Salina is little more than a century old, settled first by restless pioneers and Civil War veterans, mostly of northern European stock. The town's founder was sent west as a reporter by Horace Greeley and remained to make his fortune in real estate.

After the first grocery store was opened, the Indians driven away and the railroad bonds floated, Kansas opened a college. The countryside is dotted with them, Bible-based and not all of them surviving. But the thirst for learning was there.

In the wide-open spaces, where the stars are bright and the population sparse, travel is a necessity and becomes a habit. The vast skies expand the horizon.

Finally—perhaps the most important reason of all—we in the Middle West have a friendly curiosity about each other and the next man that few city dwellers, behind their triple-locked doors, dare exercise.

This is an itch that fortunately grows.

GIFTED AND TALENTED CHILDREN'S EDUCATIONAL ASSISTANCE ACT

Mr. CRANSTON. Mr. President, on February 15 I cosponsored—with Senators JAVITS and WILLIAMS and other Senators—the "Gifted and Talented Children's Educational Assistance Act."

I am convinced of the importance of the legislation both nationally—where some 1.5 to 2.5 million children need to be identified and helped—and in my State of California, where over 112,000 mentally gifted youngsters are enrolled in the State's own program, but many others have not been identified and are not presently being served.

As a Senator from California, I am proud that the mentally gifted minor program in my State is one of the best in the country. The legislation I have cosponsored will enable California to move farther and faster in meeting the needs of the gifted and talented child. It will also—and this is very important—encourage other States to follow California's lead.

We must not continue to neglect, at the Federal level, one of the most important resources we possess. As pointed out in a recent report to the Congress, our gifted and talented youth are possibly the most ignored of all groups with special educational needs. They are versatile and complex human beings, and they seldom excel without assistance.

The measure I have cosponsored offers several routes toward realizing the potentials of these youngsters.

First, it creates a National Clearinghouse on Gifted and Talented Children to bring together and disseminate materials on identifying, counseling, and teaching the gifted and talented—$1 million is authorized for each of fiscal years 1974, 1975, and 1976.

Second, the bill provides grants to States for developing programs to meet specific State needs, for children from preschool through high school—$50 million is authorized for fiscal 1974, $60 million for fiscal year 1975, and $60 million for 1976.

Third, the measure allots funds to train teachers and other personnel, with authorizations of $15 million for fiscal 1974, $20 million for fiscal 1975, and $25 million for fiscal 1976.

Finally, the National Institute of Education is authorized to establish research and demonstration projects for education of the gifted and talented. For this purpose, $14 million is authorized for fiscal 1974, $16 million for fiscal 1975, and $18 million for fiscal 1976.

Mr. President, the U.S. Assistant Secretary for Education, Dr. Sidney P. Marland, Jr., has said:

> The importance to the public of properly educating the gifted has never been greater than at present.

The measure introduced last Thursday which is supported by the Council for Exceptional Children, can put together, for the first time, the resources necessary to meet a pressing national need. I commend it to the support of all Senators.

SURVIVAL OF SMALL BROADCASTERS

Mr. CANNON. Mr. President, recently, one of my constituents, Lorraine Walker Levine, president of the Nevada Broadcasters Association and president and general manager of KCBN radio, of Reno, Nev., outlined before our Small Business Committee the problems small broadcasters have in surviving under what seems to me some very oppressive rules of the Federal Communications Commission.

Mr. President, our country is covered with small broadcasters, all facing the same struggle for existence, and it seems to me her ideas might prove useful to all of us.

Accordingly, I ask unanimous consent that her remarks be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS

My name is Lorraine Walker Levine. I am President and General Manager of KCBN Radio, 111 N. Virginia St., Reno, Nevada. I have just been re-elected for a second term as President of the Nevada Broadcasters Assoc. and I am appearing before your subcommittee on Government Regulation, Senator McIntyre, to speak on the red tape and reports imposed on the small market broadcaster.

The biggest burden on Broadcasters is the ascertainment of community needs and the biggest threat to free enterprise broadcasting as we know it today is the threat of challenge for the licensee at license renewal time.

Public interest dictates that we need ascertainment of community needs, but can't we point out that the method of ascertainment should not be dictated? Should the small market radio stations with 5 to 20 employees be required to survey their communities the same as the New York and Chicago stations? The Broadcaster who lives in the community and perhaps has been a Broadcaster there for 25 years should certainly know his community and its needs better than anyone in Washington and could serve that community better if he were not so tied with restrictions and red tape. Even in a market with a few stations, it's rediculous that each station manager personally call on the Mayor, the Chief of Police, and Community Leaders, people he knows by their first names, asking the same questions the other station managers before him ask. The community leaders certainly don't have the time and neither do the station managers and yet the FCC will not permit radio stations to pool their time and money to have one joint meeting with all of these leaders to determine how Broadcasters could better serve their community. It is even possible the Broadcasters in a community could hold a yearly hearing and invite anyone who wished to comment on current service, programming, and so on, and then let each Broadcaster be allowed to decide how to best meet the needs. If the Broadcaster does not serve his community, the FCC will soon know it from the public.

The small market Broadcaster (and we have two perfect examples in Reno) knows his community and serves it well. We have two men who have been in radio for over 30 years. They have small operations with 3 or 4 employees. They do an air shift, go out and sell time, do the news, do their own traffic logs and send out their own billing, yet these two broadcasters will broadcast local school ball games, parades, the Governor's speeches to Nevadans and always find time to air the Senators' releases. These men live and breath radio and serve the public well, but they spend weeks at license renewal time doing interviews that take away from the business of running their stations. They lose revenue, have the cost of hiring someone to type all of the interviews and usually the cost of an attorney to help prepare and mail it to the Commission. Yet, how can the Commission possibly control over 7000 radio stations in the program area? If radio was meant to entertain and inform, why is it necessary for them to get so involved in programming? In my view the Communications Act of 1934 made the FCC largely an engineering spectrum regulation agency, but isn't it establishing itself too much as a program control agency? Chairman Burch has frequently said the Commission is too heavily involved.

If a Broadcaster is subject to a license renewal every three years and has the fear of a group filing against him hanging over his head, he cannot serve his public to the fullest. He will not buy new equipment to improve his sound, will not enter into long term contracts for jingles, music libraries, good announcers, news services and so on if he knows that he can lose his station because someone else "says" he can do a better job. Even the cost of defending himself against the competing applicant can break him. If a Broadcaster has lost his license because of gross negligence or defiance of FCC regulations, then let someone go after the license, but only after it has been revoked. If all businesses had to operate under a handicap like this, our American system of free enterprise and business would no longer be. Why should we ask for just a five year renewal? Why, if a man is willing to invest his money or go into debt for a broadcast facility, shouldn't he be given a permanent license unless the FCC finds just cause to revoke it? The constant threat of losing a station every three years hinders the Broadcaster from doing a good job and cannot possibly be in the best public interest. Let's give the small broadcaster who lives and serves his community credit for knowing what the community wants and needs and the integrity to fulfill those needs without the horrendous ascertainment methods we now have.

The Broadcaster presently has, in addition to the ascertainment of needs, that takes months to prepare, yearly financial reports, a public file to keep up, employment reports, reports to ASCAP, BMI, all the tax reports and many other forms. And now the FCC has issued a notice of proposed rule making which would require the Broadcaster to make two duplicates daily of his program log; ours is 24 pages per day; one copy to be put with the public file and one at a public place such as library or his attorney's office. Besides the time and the cost of duplicating them, who would really want to see them unless it might be a competitor who wants to see who is advertising on your station or how many spots you ran each hour in order to estimate your monthly revenue, or perhaps a potential challenger. In five years, I've had just two people want to see my huge public file, one of them filed against me for the FM Channel I filed for and the other one was an attorney for a competitor who prepared a petition to delete that FM Channel. The FCC already has a copy of our public files; why must we hire someone to be there to show it to anyone that asks, without the right to ask why they want to see it?

The January 9th issue of Broadcasting Magazine says that in 1971 the eight AM stations in Reno lost $215,000. And it shows that radio stations lost money in most other small markets yet on December 15th, the FCC issued a new rulemaking proposal to substantially raise its fees to recover the full amount of its appropriations. Perhaps the increased fees of 30 to 50% would not be needed if the commission was not burdened with reading our mountains of paper work. Broadcasters must seek some kind of legislative aid if they hope to have protection against inordinate and unfair bureaucratic burdens. The whole budget process is unreal and if the Commission can in fact lift itself by its own bootstraps, rather than by legislation, to any height it wishes, the agency's wants could be insatiable. Investigation from outside the Commission is needed in order to determine what the Commission's useful financial requirements are and what portion of them should equitably be borne by the licensees. This is extremely serious for licensees and applicants because, although some people think everyone is making a fortune, the truth is that many small Broadcasters struggle to survive and a great many more have very modest earnings.

In closing, I would like to quote from a recent speech by John W. Pettit, General Counsel of the FCC. I quote: "Let's face it, the obstacle course of paper work facing every Broadcaster and especially the small market Broadcaster is both burdensome and unnecessary. For too long, I believe, the FCC has failed to distinguish between large market TV and small market radio and has saddled both with the same unfortunate form filing requirements. Certainly the burden on TV is too great, but when a small market radio broadcaster, busy with selling time, spinning records, interviewing dignitaries and reading meters has to spend literally months preparing a license renewal application, the public interest and common sense demand a change. It is time for all of us, Broadcasters, government and the public alike, to reaffirm our belief that the public interest is served by a strong, free, economically sound and profitable commercial broadcast system dedicated to serving the public and encouraged, not hampered by its government." And I concur with those remarks.

I thank you for the opportunity to speak to this committee and I hope I have given the committee useful information to proceed with helpful legislation.

U.S. TRADE AND DEVALUATION OF THE DOLLAR

Mr. McINTYRE. Mr. President, last week's action by President Nixon is an indication to me that the administration has finally realized that strong medicine is required to halt further deterioration of this country's trading position and that if long-term actions are not taken we will continue to see continual currency problems among our trading partners.

The decision last week to devalue the dollar is certainly a needed action. However, unless we move swiftly to correct our trade imbalance the recent devaluation in the long run will have little impact. What is needed, in my opinion, is a complete overhaul of our present trade policy. Our foreign trade deficit in 1972 of $6.439 billion must be reversed.

Certainly, devaluation is a partial cure to this problem in that it will make our exports more competitive on the world market. However, the key to the solution of our trade deficit is the establishment of meaningful trade equality.

Devaluation alone without a strong trade policy, in my opinion, will only further undercut the strength of the dollar on the world currency market. If our trading partners refuse to deal fairly with us, then we must be prepared to take those steps necessary to protect our domestic economy. Free trade is certainly a worthy goal for us to pursue but is suicidal if it is only one sided.

While we have continually allowed our trading partners open access to the U.S. market, several of our trading partners have continually maintained restrictive policies limiting our exports into their countries. This must be changed and changed immediately.

In announcing the recent devaluation, President Nixon recognized the need for more equitable trade policies and made it clear that this country would require "a fairer shake" in foreign trade.

It is clear that the recent devaluation is only a temporary step and that a reordering of our trade policy is of utmost importance. While I strongly support the actions recently taken by the President, I must admit that I feel that his decision to adopt a strong foreign trade policy is long overdue.

During the last several years, my State of New Hampshire has been particularly severely damaged because of the imbalance between our trade policy and that of some of our overseas partners.

The shoe industry in my State at the present time is on the brink of annihilation. In the past few years, over 20-shoe plants have been forced to close because of imports and has resulted in the loss of thousands of jobs.

In last week's announcement, the President said that in conjunction with devaluing the dollar he would also request Congress to provide the executive branch with strong tariff legislation. It should be noted, however, that there is and has been authority contained in the Trade Expansion Act of 1962, as amended, that allows the President to increase tariffs when domestic industries are put at a competitive disadvantage through foreign imports.

This legislation, however, expires at the end of June, and I strongly urge the President to move swiftly in sending his legislative proposals on trade to Congress.

Delay will only mean a further deterioration of or trading position, and this is something I do not believe we can afford at this time.

THE 18-YEAR-OLD VOTER AND THE CLASSROOM

Mr. CRANSTON. Mr. President, the reduction of the voting age to 18 has placed added responsibilities on our secondary schools. But it has also substantially increased their potential for improving the quality of the electorate.

Last fall two California educators, Joyce Fadem and Charles Duffy, did an excellent job of describing the challenge of the lowered voting age to our schools. The article was published in the October 1972, issue of Social Education, the official journal of the National Council for the Social Studies. Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REGISTRATION OF YOUNG VOTERS: AN ONGOING RESPONSIBILITY

(By Joyce A. Fadem and Charles A. Duffy)

"We need to take the lead as professionals in helping the new young voters realize their immense potential for improvement of the quality of political life," state the authors of the following article, as they focus on the importance of voter registration. Joyce A. Fadem is the Director of Political Education for the 170,000-member California Teachers Association; Charles A. Duffy is an Instructor of History at Merritt College, Oakland, California.

The gap between student participation in the study of government and full citizen participation in the electoral process has been closed. You may or may not have welcomed the change, but teenagers have the franchise and many will exercise it. Politically and professionally, life will not be the same.

Many of us worked to lower the voting age. We agreed that "if they're old enough to fight, they're old enough to vote." Increasing the number of people eligible to vote would be a good thing for our democratic form of government. Moreover, bringing young people into full citizenship earlier might help combat the apathy and alienation which have plagued us for the past two decades.

The 26th Amendment is the first major extension of the franchise since women were given the vote in 1920. There are approximately 11.3 million people living in the United States who will be between the ages of 18 and 21 by the November 1972 Presidential election. Fourteen million more young people passed their 21st birthday since November 1968. As a group, these new voters constitute 18 percent of the electorate—both potentially and actually a force.

The implications of the "youth vote" for the 1972 elections, its impact upon campaigns and issues, is already a favorite, even overworked, topic in publications. Will the new constituents register? How many will vote? Will they follow their parents' footsteps into the polling booth? Will they campaign? Will the youth vote make *the* difference?

Extension of the franchise, if exercised, will bring about a government more sensitive to the needs and views of incoming members of adult society, more open to change and less committed to a middle-aged status quo. We can count on a quality of movement, openness and emotion. We should not expect or fear that the changes will be revolutionary. Our institutions are far too stable, and besides, once the current crest has passed, population trends indicate a steady lowering in the relative numbers of new 18-year-old voters each year, with a concomitant increase in the proportion of older voters. There is every reason, therefore, to expect a change in style rather than substance, a surge of excitement and vitality, but no major disruption in the normal balance of political forces.

ROLE OF TEACHERS OF GOVERNMENT

So much, then, for predictions. We are not concerned here with the fate of one party or another, one issue or another, but with our role as teachers of social studies in a new era which brings our classroom practices into sharp and critical focus.

We need to take the lead as professionals in helping the new young voters realize their immense potential for improvement of the quality of political life. If we do not lend ourselves to this positive effort of legitimate involvement, we believe that others, less concerned with fair play and civic improvement, less patient with the workings of democracy, will claim their attention and their leadership. Sincerity and idealism are not effective bulwarks against demagoguery; sound information and a warm welcome to the adult political world are needed—now.

It is on our high school campuses, through Civics and Government classes, that we can best appeal to the new voters as they approach the age of eighteen. Here they can come to understand that social changes they want are available "within" the system. Here is our best opportunity to help young people make the transition to fully exercise of their newly acquired citizenship.

While much has been conjectured about the potential power and direction of the new youth vote, there have been those analysts who, all along, have discounted its impact. They have based their predictions on a number of studies which show that large proportions of newly eligible persons tend not to vote or, if they do vote, to follow the pattern of their parents or their social group.

We do not believe that we need to accept this analysis, because it overlooks a crucial point—the fact that today's newly enfranchised 18-year-old is stepping virtually from his high school government class to the voting booth. As high school teachers in the several social studies, can we ignore this challenge?

Even though we cannot guess how many young people will vote, we can certainly heed these warnings of past experience and direct our energies to positive programs which will diminish the barriers to widespread and effective participation. We can help bridge the gap between learning about and participating in the political process.

Perhaps the major barrier is the indifference which many young people feel toward the entire process and the concept of citizen participation. These young people do not perceive that they can make *a* difference, let alone *the* difference. They do not perceive that they can be a positive force toward readjusting our national priorities to meet the needs they have been articulating. What greater challenge is there for the government teacher than to stimulate the young voter to join and use the system as it is intended to be utilized?

Another barrier is the students' unfamiliarity with the voter registration process. Here, too, the government teacher in the many jurisdictions throughout this nation has the tools for an effective voter education effort. Students need factual information about the registration procedures in their state. With solid procedural guidance, they are less likely to be discouraged by the complexities and mechanical obstacles to voter registration. This is especially important because, as described by the League of Women Voters in their September 1971 issue of *Current Focus*, ". . . registration procedures on state and local levels remain diverse, obscure and often obstructive."

The mobility of young people creates difficulties which have to be approached another way. The U.S. Census Bureau reports that 36 percent of the eighteen- to twenty-four-year-olds moved between 1969 and 1970, including 14 percent who moved to another county and 7 percent to another state. Young people who have not yet achieved a sense of belonging to their community may find it difficult to maintain an active and realistic interest in its politics.

The challenge this group presents to the government teacher is one of anticipating their moves to new communities and motivating them to become a part of their new political surroundings. They must be helped to believe they can make a difference, that they are important and that one vote does count. In addition to this role of motivation, the government teacher is obviously also able to help furnish information about technicalities such as registration procedures and absentee balloting.

THREE DESIRABLE REFORMS

But teaching young people is not sufficient. Ours is also the task of speaking out and leading in the effort to change the existing rules which so often are designed to reduce political participation of young and old alike.

Numerous studies conclude that residency requirements and registration systems are significant barriers to wider voter participation. State and local voter registration laws are confusing, obstructive, and often discriminatory. They are generally more restrictive than the national requirements in the Voting Rights Act of 1970.

One question often occurs: Does the effort of a successful registration drive really pay off in an increased vote? The records show that it does.

Only six out of every ten citizens eligible to vote do so. The remainder, 40 percent, are not registered. However, nine out of every ten people who are registered to vote actually do vote. For example, in 1968, of the 47 million who did not vote, 72 percent were not registered. Eighty percent of the 82 million registered Americans did cast ballots. The lesson is clear: registered citizens are likely to vote.

A recent Supreme Court decision which reduced the residency requirements to 30 days in federal elections may help to improve the heretofore rigid bureaucratic procedures and requirements which have deterred many voters from registering. Moreover, early deadlines which close registration as much as two months before an election are also being struck down by the courts in some states. These have been especially significant in minority group and low income areas. For example, only 69 percent of the nation's manual workers were registered in 1968, while 83 percent of all white collar workers were registered.

Three general areas of reform could, however, accomplish much to make the ballot box more accessible to all voters, especially to those newly enfranchised. It is for these that the government teachers can help increase public understanding and support.

The first is national legislation to provide uniform procedures for registration and voting. Although the same result might be accomplished by State statutes to conform their rules to the national standard, National legislation is a more realistic goal, given the present maze of conflicting laws and provincialism of many local officials.

A second major reform would be a national voter lifetime registration law. Such legislation could tie voter registration to an individual's social security number. But whatever the mechanism, it would result in a permanent voter registration system. This would eliminate unnecessary reregistration, would cease to penalize those who move or marry, and would still provide the safeguards of making sure that only the people eligible to vote do so.

Finally, we need legislation, either nationwide or in each state, to make absentee ballots available to those who are away from home on election day. At the present time, fewer than half of the states permit absentee voting. In those which have provision for absentee voting, the mechanical obstacles tend to deter all but the highly motivated from availing themselves of the process.

VOTER REGISTRATION PROGRAMS

It is obvious that voter registration programs belong in the high school government class. The government teacher can play a key role in identifying effective practices, creating innovative approaches, and establishing voter registration as an ongoing part of the social studies high school curriculum.

Critics of school efforts toward voter registration raise a number of questions about the appropriateness of such programs on school campuses. They ask:

1. Where should voter registration take place? Should it be in the classroom? Should it be at a designated place on campus?

2. Who should conduct registration in the schools? Should members of the teaching faculty or clerical staff be deputy registrars? Should 18-year-olds who are still in school become deputy registrars and canvass their fellow students?

3. Should new voters register during class time?

4. Will the proximity of the teachers exert subtle pressure upon the student to register with the political party the teacher might prefer?

There will always be critics of any attempt to encourage young voters to join the system, and objections stem most often from those who fear and resist change. However, some things appear to be a matter of good judgment for social studies teachers:

1. The registration process must provide privacy for the individual. Although the party selected by the reigstrant in his affidavit for a primary election is a matter of public record, the school should not seek to publish or disseminate such information to faculty, students, or the public.

2. Objectives, policies, and procedures for voter registration and political education should be locally formulated by each school district. These must include a clear definition of the nonpartisan nature of the registration process.

3. The study and discussion of critical problems of society are clearly appropriate to the social studies classroom, but must take place in a framework of commitment for the individual formulation and exercise of opinion by the student.

4. A program of community involvement should accompany voter registration programs to help reassure community leaders that the school is not acting as the instrument of an anti-establishment political move.

5. Although members of the faculty may be deputy registrars, the 18-year-olds should be registered by a deputy other than their teacher.

Voter registration must no longer be considered a one-time activity. Instead, it must become an integral part of the curriculum for high schools. We must seize the opportunity it provides to obliterate the time lag between the civics class and civic participation.

The "how" of stimulating the high school student to register and vote has been widely explored and described. Activities in the classroom which have been successfully implemented include:

Establishing a system of notifying the 18-year-old, perhaps in the form of a birthday card and using information available from the student personnel office, that he is eligible to register.

Stimulating 18-year-olds to become deputy registrars.

Encouraging students to set up voter registration booths at school functions or outside the school library.

Holding classroom rap sessions with local community leaders and officeholders.

Playing simulation games.

It is the school-wide, everyone-involved approach, however, which has been most effective. For example, a semi-annual drive, sparked by the student council and carried out through social studies classes, is worth considering.

1. Begin with adoption of the idea by faculty, administration, and student leaders, as well as key members of the community.

2. Create an organizational structure, which includes a steering committee of faculty, students, and community leaders to oversee the activity.

3. Develop a plan of action and a timetable.

4. Map out a geographic area to cover.

5. Publicize the program in school, community, and professional organs, as well as through local media.

6. Encourage faculty members in other discipline to take part in the voter registration effort through such activities as poster contests, cartoon booklets, debates on public issues, "how to" skits, and media shows.

7. Seek the support of school-related and civic organizations.

8. Include activities such as a telephone campaign or systematic neighborhood canvassing designed to bring the voter registration drive to the entire school community.

9. Encourage social studies teachers to use curriculum materials related to voter registration and participation.

10. Select from among a variety of possible activities such as inviting elected officials to campus, seeking endorsements by community leaders and organizations, holding contests, taking field trips, using buttons, flyers, booths and rallies.

11. Culminate the activity with both formal and informal evaluations from individuals and groups involved in the design and execution of the program.

12. Report to the steering committee and interested participants on results and the evaluations of the voter registration program.

IMPORTANCE OF POLITICAL PARTICIPATION

Voter registration must be coupled with voter education if we want to increase both the extent of participation and the level of understanding of the electorate. The social studies classroom provides innumerable opportunities to involve and educate the new voter. Although it is beyond the scope of this article to detail them, community experiences are clearly the key approach to stimulating voter interest.

Active political participation can be incorporated in the curriculum as long as the teacher observes the basic caveat of encouraging students to support the candidate or issue of their choice. Canvassing, petitioning, poll watching, precinct work, telephone surveying, public meeting attendance—all are part of the spectrum of citizen participation in the political process available to the government teacher. And these are also available as the culmination of community projects in which students participate in developing the issues to be put before the voters.

No longer is the government teacher relegated to talking about that which will be when the student is old enough to vote. What used to be "when" is "now." The political process desperately needs young, energetic, and vigorous contributions today. Political participation begins in the high school classroom and stems from the encouragement provided by social studies teachers.

That eleven million new voters have been enfranchised for 1972 should not obscure the real significance of the 26th Amendment for the social studies. Instead, granted to us by the inclusion of the 18-year-old in the political process, is the greatest gift in the history of our teaching art. Here, today, we have the warm, living, vibrant flesh of political reality in our classrooms replacing the dry, dusty bones of academic political theory with which we have lived so long. Here, in our classrooms, we can join present and future. This is our challenge; this is our opportunity.

COST ALLOCATION STUDY OF AIRPORT AND AIRWAY SYSTEMS

Mr. STEVENS. Mr. President, the Federal Aviation Administration is about to submit to Congress the cost allocation study of airport and airway systems which was required in the Airport and Airway Development Act of 1970.

The December 1972 issue of Airport Services Management contained an article about how general aviation pays its own way for utilization of airport and airway systems. There are apparent differences in the conclusions reached by the magazine and by the FAA's study which should be considered by all who must concern themselves with our national aviation system. I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SIGMET FOR GENERAL AVIATION: THE COST ALLOCATION STUDY AND WHAT YOU SHOULD DO ABOUT IT

We heard of a fixed base operator who was being dunned by one of his suppliers on an overdue payment. Finally he wrote the credit manager a letter which said, in part,

"My flight school has been weathered out of business for 19 of the last 30 days. The bank is threatening to repossess half of my airplanes unless I come up with $4,000 in the next three days. My wife ran off with my chief pilot last week, and they left in my best instrument trainer. Ten of my hangers burned down four weeks ago and my customers' insurance companies are threatening to sue me for negligence. My secretary is pregnant and says I did it. The only reason I am clinging to life at all is to see what the hell will happen next."

We predict he will be answered when the Cost Allocation Study goes to Congress in February, 1973. This is the study, ordered by Congress as part of the Airport and Airway Development and Revenue Act of 1970. It was made by the Resource Management Corporation, Bethesda, Md., under a $630,025 contract from the FAA. The first really hard news on the completion of the study this past summer was revealed at the National Association of State Aviation Officials meeting in October.

Samuel Eastman, Director of the DOT Office of Policy Review, told the state aviation representatives that the report now in the hands of the FAA states that $421-million is the amount which has been allocated as the "fair share" payment for Federal services to general aviation. This study also claims that in Fiscal Year 1972, the total tax recovered from general aviation through fuel sales was "only" $51-million. Therefore, the present Federal fuel tax paid by general aviation is deficient by an 8:1 ratio.

That may seem innocent enough at first reading. But work it out: if full recovery of this allocated "fair" share is to be obtained through the fuel tax, the tax would have to go to 56c a gallon!

Optimists are predicting that the FAA will realize this could put general aviation out of business, and they feel that the agency will "only" ask for 28c a gallon fuel tax. But even 28c a gallon will have a tremendous impact on general aviation operating costs—great enough, we believe, to severely depress the use of general aviation aircraft . . . possibly to the point where the government would no longer realize even the present $51-million in revenues from general aviation.

Table 1 shows typical general aviation aircraft, their fuel consumption rates at cruise, and what will happen to their operating costs under either the 28c or the 56c fuel tax.

(If you think this could make piston airplanes expensive to fly, consider what will happen to executive jets. For example, a DH–125 has a tank capacity of 1,364 gallons. Just to fill the tanks once with the present 7c a gallon Federal tax, costs $95.48 in Federal tax. At 28c a gallon, the Federal bite would be $381.92. At 56c a gallon, it would be $763.84!)

TABLE 1.—AIRCRAFT HOURLY OPERATING COSTS—FEDERAL FUEL TAX ONLY (BASED ON MANUFACTURER'S HOURLY FUEL CONSUMPTION FIGURES FOR CRUISE AT 75 PERCENT POWER)

Aircraft	Present per hour Federal tax	Federal tax cost per hour at 28 cents per gallon	Federal tax cost per hour at 56 cents per gallon
American Trainer	$0.44	$1.76	$3.53
Cessna 150	.40	1.51	3.01
Cherokee 140	.59	2.35	4.70
Cessna 182	.96	3.84	7.67
Cessna 340	2.03	8.14	16.27
Cessna 421	2.64	10.56	21.11
Cherokee Arrow 200	.71	2.86	5.71
Cherokee Six 300	1.12	4.48	8.96
Piper Seneca	1.44	5.77	11.54
Beech Musketeer Custom	.87	3.50	7.00
Bonanza E33A	1.47	5.88	11.76
Beech King Air	4.89	19.54	39.09

25-YEAR HISTORY

It was actually President Truman who started "user allocation" thinking in his Message to Congress in 1947. The position was stated that ascertainable user groups shall pay the total costs of services rendered to them by the Federal Government.

The Federal Aviation Administration has restated this policy in every official document since 1965, starting with the Policy Statement issued in May of that year, and all subsequent National Aviation Systems Planning Review Conference briefing books.

The urgency now is that, after months of delay and false starts since first ordered, the "study" to determine who should pay what costs of the Federal airport and airways system is now scheduled to go to Congress in the immediate future. And, unless Congress is better informed than some of the people who worked (?) on this study, general aviation could be in real trouble. The 56¢ a gallon fuel tax could be a reality before the end of next year.

You cannot assume that "It will never happen. Somebody will stop it" . . . unless you are prepared to name that somebody. It will probably not be the FAA.

Try as we have, we just cannot share the general aviation community's seeming all-out enthusiasm for FAA Administrator John Shaffer or for his deputy, Jack Baker. If you really think about the current threat of the cost allocation study, the reasons for our reservations should be apparent.

This is not a new thing. As mentioned, it has been promoted within the FAA since 1965. For all the dashing glamor of Jetstart pilot Shaffer, or King Air jockey Baker, neither has succeeded in educating Washington policy makers as to the true contributions of general aviation to our total transportation system; neither impresses us as having the stature or savvy to change present anti-aviation thinking in the Department of Transportation or the Office of Management of Budget. Both seem more interested in flying about the country telling aviation people about aviation's great progress than in staying at home minding the FAA's more mundane store. Unfortunately, that's where the termites are gnawing away at the structure that supports general aviation.

Both Mr. Shaffer and Mr. Baker are fond of using the line, "Preaching to the choir" when addressing aviation groups (can't help but wonder which of them used it first). We suggest that what general aviation needs *right now* is not more preaching to aviation group choirs, but the conversion of a few heathens right in the FAA/DOT home parish at 800 Independence Avenue S.W., Washington, D.C.

(In all fairness to Mssrs. Shaffer and Baker, however, we do not know of anyone else we think could do the job of running the FAA. We have a definite feeling that it is now like New York City: too much of a mess for anyone to really "manage." The only hope of controlling it, therefore, is in the Congress. And this requires *your* involvement.)

THE FAA POSITION

This year's restatement of official FAA policy is found on page 11, Appendix 2, of the briefing book, The National Aviation System Ten Year Plan 1973–1982, dated March, 1972. It states:

"Estimated FAA expenditures for FY 1973–82 will total approximately $22 billion, considerably in excess of the estimated $12.8 billion revenues . . . Further, the funding planned during this period for facilities/equipment and engineering/development for the airport/airway system is about $900 million in excess of the amounts anticipated at the time the Airport/Airway Act was enacted. To support these planned higher levels of investment, additional or increased user charges will be proposed in 1973 depending upon the results of the cost allocation study and upon revenue projections."

Note that this policy statement simply assumes that the FAA can go on increasing expenditures, and that they plan on being able to increase taxes to support their expenditures. The thought has obviously never crossed anyone's mind that expenditures should be baed on income and not *vice versa*.

COST RESPONSIBILITY

A further failure of Federal policy is neglecting to assign responsibility for certain types of expenditures. John M. Ferris, Chairman of the General Aviation Manufacturers Association, made this point quite clearly at the 1972 Planning Review Conference:

"General aviation often benefits when the system is upgraded and improved, but basically new improvements have been made for the larger and faster aircraft of the scheduled air carriers. Some of these improvements we need and use. Others are beyond the needs of the vast majority of the general aviation fleet.

"Look at the situation in reverse. What would be the result, for instance, if tomorrow, the Federal government closed down the Federal portion of the airport/airways system, including the airports constructed with Federal airport funds. General aviation would, of course, be badly restricted by the closing down of IFR facilities and navigational aids used for VFR flights, and could not use many airports. However, there would still be over 7,000 privately-owned airports that general aviation could use, and the vast majority of the general aviation fleet would be able to continue to fly. On the other hand, the scheduled air carrier system would virtually close down.

"On the other hand, what would be the result if you completely eliminated general aviation? First, you would eliminate about 98 percent of the airplanes and 95 percent of the pilots would be grounded. Second, you would close some towers and Flight Service Stations and trim the FAA work force. But the vast majority of the system cost would be unaffected as this money is spent on the system that serves the scheduled air carriers, a system that has been constructed for these air carriers."

EVALUATING GENERAL AVIATION

We understand that the DOT's consultants and in-house economists claim that the value of general aviation cannot be proved quantitatively. In our opinion, they did not try very hard.

Table 2 shows the results of about four hours of statistical research, telephone calls, and compilations by one person. The net result is as impressive for what is *not* included as for what is. For example, the economic contributions do not include the income taxes paid by workers . . . the salaries of pilots and ground support people employed in corporate aviation departments, unless these are also "public" FBOs . . . the value of having general aviation services available to local communities who may not have scheduled carrier services . . . the incomes of parts, accessories, and supplies distribution companies if these are not members of the General Aviation Manufacturers' Association. The final figure does not make any attempt to include expenditures by users of general aviation for such services at hotels, restaurants, rental cars and the major expenditure for fuel. Nor does it include revenues produced for the benefit of the total system through State-fuel taxes.

TABLE 2.—*General aviation and the national economy*

Number of employees, GAMA companies	40,000
Number of employees, 5,500 leading FBOs at average of 10 employees (est.)	55,000
Basic General Aviation employment	95,000
3 additional service industry jobs created for each 100 basic industry employees	2,850
Total General Aviation related jobs	97,850
Total G.A. payroll at average age of $8,000 per job annually	$782,600,000
Total local, State, and Federal taxes paid by employers @ $887 per worker	$86,792,950
Total fuel tax paid at present .07 per gal	$51,000,000
Total basic general aviation contributions to the national economy	$20,382,950

Reputed "fair share" of costs located to general aviation	$421,000,000
Excess contribution to the national economy by General Aviation over the allocated costs	$499,392,950

In other words, all that are included are basic revenues that even the most hard-nosed economist will find difficult to deny. Here, item by item, are the sources of the figures:

1. Estimate of total employment of GAMA companies supplied by the General Aviation Manufacturers' Association for year-end 1972.

2. ASM estimate of number of FBOs offering a minimum of day-light-to-dark service at airports. This includes those offering only maintenance or radio service, as well as those offering fuel sales and other aviation services.

3. U.S. Chamber of Commerce estimate of number of additional jobs created in any community for each 100 jobs in a basic industry.

4. Average of weekly earnings for Aircraft, Aircraft Engines and Parts, and Other Aircraft Parts and Equipment from the U.S. Bureau of Labor Statistics, as reported on page 225 of the 1970 edition of the FAA Statistical Handbook of Aviation. Actual annual figure is $8,339, rounded for computations.

5. Based on projection of payments by Cessna Aircraft Company for aircraft (only) related employment.

6. Reported as present amount "recovered" in the working paper for the Cost Allocation Study.

DO-IT-YOURSELF

Everyone who is in, or dependent upon, general aviation will have to become involved in defeating the present thrust of cost allocation.

If you are an FBO, tell your associations to get organized to fight. So far as we have been able to ascertain, the National Aviation Trades Association is the only group that is really on top of this at the present time. It is to the credit of Frank Kingston Smith that, after hearing Mr. Eastman at the NASAO meeting, he took the initiative to break open his already set program for the NATA convention in New Orleans to arrange time for Eastman to present the study results to NATA members and guests from other associations.

If your legislators and senators are home for the holidays, get them out to your place of business and acquaint them wtih the facts of general aviation business life. If they are not available, start writing letters. We suggest you heed this bit of advice from Washington veterau Frank Smith, however:

" . . . Show your Congressman that you are knowledgeable, reasonable, and forceful . . . If, however, you take the tack that he is stupid, and that he is callously indifferent to the problems of his constituent (you); if you call him names or write or speak to him in insulting or sarcastic terms, or discuss the issues in such a manner—then you will not only be ineffective, but you will also be doing yourself and the industry of which you are a part, great harm."

We suggest you also start talking to your businessmen customers. How long do you suppose corporate controllers will keep quiet about aviation costs (which many of them already consider a luxury) if the cost of aviation fuel doubles because of Federal taxes?

If you are an airport manager, sit down with pencil and paper and figure out how you will operate your airport with only 10–15% of your present revenue from general aviation coming in. Communicate those findings to AAAE or AOCI, as well as to your Congressional representatives. (Some airport men will be able to truthfully inform legislators that, "If this happens, you won't be able to come from Washington every weekend because we will no longer have an operating airport here.")

If your airport operates on revenue from a mixture of airline and general aviation revenues, figure out how much you will have to raise your charges to the airlines if your general aviation revenue drops to 10–15% of what it is now. Then tell the airlines . . . now.

We suspect the Machiavellian hand of the Air Transport Association (ATA) behind the persistent efforts to tax general aviation out of the sky. The airlines don't take kindly to having their half-filled 474s, DC–10s, 727s, and L–1011s lined up for takeoff behind a line of Jet Commanders, King Airs, Queen Airs, MU–2s and 402s that are carrying passengers they, the airlines, would dearly love to have filling their own empty seats.

We suspect, however, that the airlines do not really appreciate the fact that if general aviation goes, there won't be anyone left but airlines to pick up the "allocated" costs. Airport men may be able to get the word through. But the time to do it is now, before the Senate hearings start.

NO DRILL

Cost allocation will be defeated in Congress—not the FAA or DOT. Congress is where the voices must be heard, and the pressure turned on. Now.

And the only person you can really count on to do something is you, yourself.

This is no drill. It is not a Charley Flight. It is a real and present threat to general aviation. Your fate as a general aviation businessmen will be decided by elected legislators, and you can have an impact in the decision if you are willing to act.

If you aren't willing to commit yourself . . . to get involved . . . to put yourself out . . . to make an effort to fight this, then you will deserve what will certainly happen to you, your job, and your business.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

PRIVILEGE OF THE FLOOR

Mr. COTTON. Mr. President, I ask unanimous consent that during the discussion of the business about to be pending, the minority counsel of the Committee on Commerce have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

RAIL FREIGHT CAR SHORTAGE

The PRESIDING OFFICER (Mr. NUNN). Under the previous unanimous-consent agreement, the Senate will now resume consideration of Senate Resolution 59, the so-called freight car shortage measure.

Debate on this measure is limited and controlled under the unanimous-consent agreement of February 15, 1973.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 59) relating to the railroad transportation crisis caused by the freight car shortage and other factors.

The PRESIDING OFFICER. The clerk will state the first committee amendment.

The legislative clerk read as follows:

On page 2, line 7, strike "American Association of Railroads" and insert "Association of American Railroads".

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the following individuals from the staff of the Committee on Agriculture and Forestry be permitted on the floor of the Senate during the consideration of Senate Resolution 59: Mr. Bill Taggart and Mr. Henry Casso.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. HUDDLESTON. I yield.

Mr. AIKEN. Did I understand the Senator to say the Commodity Credit Corporation has only about 40 million bushels of wheat to sell?

Mr. HUDDLESTON. Forty million bushels of wheat.

Mr. AIKEN. The figure presented to me by agriculture showed 140 million bushels of wheat.

Mr. HUDDLESTON. I think these are figures from the same source. We are talking about uncommitted, wheat.

Mr. AIKEN. And there are 268 million bushels under reseal.

Does the Senator have those figures?

Mr. HUDDLESTON. We are only talking about CCC-owned stocks that have not been committed, exclusive of those set aside for emergency use. This, of course, does not include the reseal.

Mr. AIKEN. The figures they submitted to me show 140,300,000.

Well, if the Senator will proceed, in the meantime we will try to find out which is correct because it is a difference of 100 million bushels.

Mr. HUDDLESTON. That is a lot of wheat.

The PRESIDING OFFICER. The Senator may proceed.

Mr. HUDDLESTON. Mr. President, I ask that the committee amendments, which are included in the printed version of the Senate resolution which is on the desk of each Senator, be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are agreed to en bloc.

Mr. HUDDLESTON. Mr. President, I would like to make several observations about the pending resolution and the debate which has occurred during its consideration.

First, there has been an attempt here to portray this resolution as an antifeed deficit area resolution. That fact is, I believe, an unfortunate one. No one connected with the drafting or committee approval of the resolution seeks in any way to deprive dairymen or poultrymen of needed feed grains. Indeed, we seek to assist feed deficit areas in obtaining the grains they need—for their own benefit and for the benefit of all of us throughout the Nation.

We seek to do this by relieving the current strain on transportation facilities and thereby permitting more efficient use of those facilities. In section 3 of our resolution, we make special provision for feed deficit areas. We specifically request that a committee be formed to oversee and guarantee the movement of grain into feed deficit areas. In my opening statement, I noted that the supporters of this resolution envisioned that the committee to be formed would recommend a variety of means of servicing feed deficit areas. I mentioned the concrete example of the unitrain which the Department of Agriculture formed to transport feed grains from Minnesota to New York State. This is the type of action which we contemplated, which we need, and which the authors of the legislation want.

Second, the major problem is the movement of grains, not the supply. The 1972 harvest of wheat was about 1.5 billion bushels. The 1972 corn harvest was about 5.4 million bushels. And, in each of these cases, there was some carryover from previous years. Now, some of this grain has been sold, some has been stored, some has been used. But, there are also reports of grain lying on the ground in the grain producing States. There are reports of grain piled in the streets next to elevators. There are reports of farmers and warehousemen near bankruptcy because of their inability to move grains.

Thus, what the authors of this resolution sought to do was to give the private citizens—the warehousemen and farmers—an opportunity to move their grains first, and to give them priority over CCC-owned grains.

The abundant harvest and carryover does not suggest that there is a shortage of grains. There are grains but they are not on the market and the price is high on them because we cannot get them to the markets. If the grain waiting to be moved, were moved, the market shortage would be alleviated. The problem is transportation and in view of that it seems unwise for the CCC to pursue policies which load further an already overloaded transportation circuit. Instead of helping the situation, that simply contributes to the deterioration of the entire circuit. This resolution is an attempt to break that circuit overload.

Third, I would like to point out that the committee contemplated by this resolution is a very limited, but important one. It seeks to deal with two problems which involve several agencies and various private personnel. Its scope is, nevertheless, quite precisely defined. First, the committee would be charged with guaranteeing that necessary feed grains move into deficit areas. As I noted previously, we who support this resolution are trying to help—not hurt—the feed deficit areas. We would expect this committee to be active and effective in securing the appropriate grains for the feed deficit areas.

We would also expect this committee to be active and effective in expediting the loading and unloading of ships and railroad cars at the ports. During hearings we heard of 1,700 railroad cars and nine ships waiting at one port. The current 3-day weekend will cause additional tieups at the ports with the result that tomorrow there will be another backlog of cars waiting to be unloaded. This backlog not only causes congestion at the ports but ties up boxcars and hoppers so that they are not available in other areas. Consequently, the resolution seeks to involve in seeking solutions all those concerned with this problem by including on the committee a representative of the Department of Labor, the Association of American Railroads, the Interstate Commerce Commission, the Department of Agriculture, National Grain and Feed Association, and of organized labor who we would expect to be from the Longshoremen's Association.

As I have just indicated, we can expect a worsened condition at the ports tomorrow as a result of the holiday weekend. This is not to imply that workers there should not have holidays or should be forced into unwanted overtime. But, there are, we hope, various actions which might be taken to alleviate this situation and we hope this committee will address itself to them immediately.

The new tieup once again emphasizes a most important factor surrounding the introduction and consideration of this resolution. That is the enormity of the problem this year and the urgency in doing something about it.

I hope, therefore, that the Senate will today adopt this sense-of-the-Senate resolution and put us that much closer to meeting our transportation difficulties as they affect agricultural products, particularly the movement of grain.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. ROBERT C. BYRD. Mr. President, I ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, the time will be equally divided, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AIKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AIKEN. Mr. President, I yield such time as he may require to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, it must be obvious why I rise in opposition to this resolution. I know that we have a problem in transporting the wheat that we have sold to Russia, and maybe it has become more important in America to feed the Russians than to take care of our own people.

I have received quite a bit of mail from people in my State that advises me that if we declare a moratorium on feed grains, not only will we be placed in a disastrous and catastrophic situation, but with the price of groceries being what it is and the price of meat being what it is and the cost of living rising by leaps and bounds they wonder what is next and I am wondering what we are going to do about the chickens we raise in Rhode Island. Chicken raising in Rhode Island is just as important to us, I suppose, as growing wheat might be in some of the Midwestern States.

I repeat, they have a problem, and we have a problem, too, and this whole business of looking at it in a parochial way is like having a short blanket. If you pull it up to cover your nose because your nose is cold, you will end up with your toes being frozen. This is what would happen. We declare a moratorium on feed grains, and what happens to the States and the people in the States who are engaged in this sort of agriculture?

I want to say to my friends that this Senate resolution requires very extensive consideration and understanding compassion. I think something needs to be done about this freight car shortage. In all probability, a very extensive study should be held. But we passed an all-inclusive bill out of committee last year, and that bill passed by more than 80 votes, and we intend to do it once again. But the fact still remains that if you do this now in such a subtle and, I dare say, even cataclysmic fashion, I am afraid we are going to hurt a lot of people in this country.

So I want to appeal to my friends who are sponsoring this legislation: Why do they not have the bill referred to the Commerce Committee? If they want to give it a time limitation, give it a time limitation, but refer it to that committee so it can come back here with an overall plan that might make us all happy; and, after all, that is the name of the game.

I think at present it is most unfair. I agree with the Senator from Vermont, and he is the Dean on the Republican side. He has seen things come and go. He knows what the problems are. He deserves attention. We have problems here that they should listen to. When a resolution is proposed that stirs a whole section of the country to rise up and plead to the Senate for fairness, I think we should at least heed that appeal. We do not want a fight or an extended debate; we want a resolution that solves the problem. The fact is that this resolution is geared to help only one part of the country, and that is not fair. If these feed grains are allowed to stand by, a shortage is created. The shortage results in a rise in prices in the feed grains that go to us and the chicken industry is hurt.

Mr. President, I repeat. Whom are we hurting here? We are hurting the American consumer, while at the same time we are trying to unload a lot of grain for the benefit of Russia. I cannot see it. I cannot see this sectionalism. Here we are in Rhode Island. We have always voted for all of these national programs. We have voted for public works projects and other projects. We have never had any of those public works projects in our State. We have had hydroelectric projects that we have voted for. We have gone along. Why have we gone along? We have gone along because we felt that it would be better for the country as a whole.

We have a bill here that will be of benefit to one section of the country, and every time that benefit is picked up, we slap the citizens of Rhode Island down. That is unfair.

Mr. President, this bill comes up at an inopportune time. It comes up on the birthday of George Washington, the Father of our Country. They will not even wait until the 22d, on Thursday. They have to give it to us on the Monday.

Let me tell the Senate something. This delivers a blow to New England.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. HUDDLESTON. I yield.

Mr. COTTON. Mr. President, I think the attention of the Senate should be directed at the fact that last year the Committee on Commerce held 10 days of hearings on the bill, S. 1729, which dealt with the supply of general service freight cars. Two days of these Commerce Committee hearings were held in Portland, Oreg., and in Dodge City, Kans. The Commerce Committee reported this bill and on August 4 of last year, the Senate passed it with amendments. Unfortunately, it was not acted upon by the House before the 92d Congress adjourned.

Now, so far as I can find out, such hearings as the Committee on Agriculture held on this question which led to the pending resolution, Senate Resolution 59, have not been printed. Certainly, they are not available to Members of the Senate.

The Committee on Commerce—has been dealing with this problem for several years. It has even had a Special Subcommittee on Freight Car Shortage on which the Senator from Kansas (Mr. Pearson) serves so that we could thoroughly understand the problem.

I might add that the distinguished chairman of the Commerce Committee (Mr. Magnuson) is now preparing to introduce a bill on this very subject which is nearly identical to S. 1729 of last Congress.

Mr. President, it seems to me that at its very best, Senate Resolution 59 can do little good, and, if anyone pays any attention to this sense-of-the-Senate resolution, such as the Commodity Credit Corporation, it can only result in harm. It can result in harm to the small dairy farmer. It can result in harm to the small poultry farmer. It can result in even greater harm to the housewives and the consumers of this country.

Now, Mr. President, on its face Senate Resolution 59 represents a simple resolution which will not have the force and effect of law. Rather, it should only affect the operation of the Senate. But, the fact remains that Senate Resolution 59, if adopted, would represent the position of the U.S. Senate on a very complex matter and which could have a very far-reaching and injurious impact upon many of our citizens.

As a matter of fact, although Senate Resolution 59 is entitled as "relating to the railroad transportation crisis caused by the freight car shortage and other factors," it is in the words of the junior Senator from Nebraska (Mr. Curtis) expressed last Thursday, February 15, a transportation crisis which is "far-reaching." But, Mr. President, the effect of Senate Resolution 59 is even more "far reaching." For example, Secretary of Agriculture Butz in his letter of February 14 to the distinguished senior Senator from Vermont (Mr. Aiken) made the following observation:

> Many farmers, because of losses suffered, can hardly afford the feed, even at the reduced prices. It is inconceivable that the Congress would ask that these sales be stopped. Such action would inflict almost irreparable damage on the livestock and dairy industries. The ultimate consequence of curtailing these sales would be borne by consumers in the form of ever higher prices for meat and the products of milk.

Mr. President, representing as I do the State of New Hampshire, I am particularly sensitive to this potential severe impact on small farmers which would result from the moratorium on the disposal of grain owned by the Commodity Credit Corporation proposed in Senate Resolution 59. For example, the commissioner of the department of agriculture of my State of New Hampshire wrote to me in December of last year noting in part the following:

> . . . the poultry and livestock industry of New Hampshire * * * finds itself in a very critical, if not volatile situation. Many of our farmers face financial ruin and liquidation of their flocks and herds because of feed grain shortage.
>
> * * * * *
>
> We are asking Secretary of Agriculture Butz to release Government stocks of feed grains now in storage to make adequate supplies available immediately. We are also requesting the Secretary to declare a ninety-day moratorium of shipments of grains to foreign countries to make shipping available to the Northeast poultry and dairy industries.

Similarly, in an article appearing in the Concord Monitor of January 2 of this year, Mr. Charles Calley observed that—

> Scores of New Hampshire dairy farmers will probably be forced to sell off their herds this winter because they can't afford to buy grains, according to Howard Townsend, state commissioner of agriculture.

Mr. President, as a result I, as the senior member of the New Hampshire congressional delegation, with the solid support of Gov. Meldrim Thomson and Agriculture Commissioner Townsend, spent most of the early part of January convincing the Department of Agriculture of the emergency conditions prevailing in the State of New Hampshire and the dire need to make the State eligible for the emergency livestock feed grain program. The torrents of rain that fell on our State throughout the growing season resulted in abnormally low corn and hay yields that were of poor quality in feeding value, which as Commissioner Townsend stated, threatened the elimination of New Hampsire's dairy industry.

On January 19, exactly 1 month ago, Secretary Butz authorized this assistance to eligible farmers in the State. But, this would be rendered a hollow and short-lived victory for the hard-pressed farmers of my State if Senate Resolution 59 is adopted by the Senate today.

Mr. President, the moratorium on the disposal of grain owned by the Commodity Credit Corporation proposed in Senate Resolution 59 therefore constitutes a grave and mischievous proposal which can only serve to aggravate further the feed grain crisis facing farmers in northeastern States such as New Hampshire. And, as the president of the New Hampshire Poultry Growers Association observed in a letter to me of February 8:

> . . . the Northeast poultry farmer also needs some help before he too joins our growing welfare rolls.

Mr. President, I believe that the Department of Agriculture is mindful of the tight freight car supply situation confronting us. However, unlike the proponents of Senate Resolution 59, the Department is equally mindful of its overriding obligation to make its inventory as accessible as possible to buyers such as farmers and stockmen dependent upon such grains for feeding their livestock. As the Department of Agriculture observed in its release of January 4 of this year announcing loading orders for all country corn in elevators:

> In taking this action CCC [Commodity Credit Corporation] has carefully considered the current status of the transportation industry. We recognize the tight car supply situation, but we also have an obligation to make our inventory as accessible to buyers as possible in this period of extremely high demand.

In the final analysis, Mr. President, if Senate Resolution 59 is to have the salutary effect sought by its proponents, the only beneficiary will be the private grain speculators who will be able to profit at the expense of the small farmers and stockmen of the United States who are dependent upon grain owned by the Commodity Credit Corporation for feeding their livestock.

Accordingly, to represent Senate Resolution 59 as relating to the railroad transportation crisis caused by the freight car shortage is grossly misleading. If, in fact, the freight car shortage is the issue which Senate Resolution 59 seeks to address, then the Committee on Commerce, not the Committee on Agriculture and Forestry, should have undertaken consideration of this resolution. As I noted earlier, the Committee on Commerce held 10 days of hearings in the last Congress on the bill, S. 1729 dealing with the supply of general service freight cars; 2 days of those Commerce Committee hearings were held in Portland, Oreg., and Dodge City, Kans. And, on August 4th of last year the Senate passed, with amendments, the bill, S. 1729. Unfortunately, it was not acted upon by the House before the 92d Congress adjourned sine die.

Mr. President, in contrast to the careful consideration accorded S. 1729 of the last Congress by the Commerce Committee, we now have before us a hastily conceived simple resolution on which I understand but 2 days of hearings were held here in Washington, D.C. on January 29th and 30th. I say "understand" because I wish to invite the attention of my colleagues in the Senate to the fact that the hearings on Senate Resolution 59 to my knowledge have not been printed as of this date, and it is not expected that they will be available for at least another 2 weeks. Yet, we in the Senate are being called upon to blithely approve a resolution which could have very far-reaching and serious cost impact upon the small farmers and stockmen of this country, and, also, do not forget, upon the price to the consumers.

Mr. President, I cannot help but conclude that Senate Resolution 59 is both ill-conceived and ill-advised. It is fraught with dangerous implications. I, therefore, wish to express my vigorous opposition to its adoption by the Senate at this time.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter of December 13, 1972, from the New Hampshire Commissioner of Agriculture; a letter of February 8, 1973, from the president of the New Hampshire Poultry Growers Association; and an article appearing in the Concord Monitor of January 2, 1973, all of which I have referred to in my earlier remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF NEW HAMPSHIRE,
Concord, N.H., December 13, 1972.
Hon. NORRIS COTTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COTTON: I am writing to respectfully request you to use the power of your office to help the poultry and livestock industry of New Hampshire. The industry finds itself in a very critical, if not volatile situation. Many of our farmers face financial ruin and liquidation of their flocks and herds because of the feed grain shortage.

This shortage has come about for three reasons:

1. The very unfavorable harvest weather in the feed grain belt which finds, as of this date, only about one-half the normal harvest completed.

2. The sale of grains principally to Russia and China.

3. The acute shortage of freight cars to ship feed into the Northeastern states, the latter again brought about by the demand for foreign shipping.

These factors coupled with the tremendous increase for feed grains, caused in no small way by speculators, have many of our farmers in a position which will be difficult to recover from unless relief is forthcoming promptly.

We are asking Secretary of Agriculture Butz to release Government stocks of feed grains now in storage to make adequate supplies available immediately. We are also requesting the Secretary to declare a ninety-day moratorium of shipments of grains to foreign countries to make shipping available to the Northeast poultry and dairy industries.

Your prompt attention to this very critical situation will be greatly appreciated by the industry and me as Commissioner of Agriculture for the State of New Hampshire.

Sincerely,

HOWARD C. TOWNSEND,
Commissioner.

NEW HAMPSHIRE POULTRY GROWERS ASSOCIATION,
Durham, N.H., February 8, 1973.
Senator NORRIS COTTON,
Bedford, N.H.

DEAR SENATOR COTTON: I am in receipt of your delayed letter of 31 January 1973. The Emergency Feed Program has been a boon to dairy farmers and beef producers who must supplement their home-grown feedstuffs with 25–50% of mixed livestock feeds. However, it has been more of a strain on poultry and egg producers than a relief.

The reasons for the rise in prices we must pay for 100% of our rations have been made very clear to us by the news media, the Department of Agriculture and any bureau and agency we contact. The one reason everyone neglects to mention is that we in the Northeast *must*, and I repeat *must*, pay a premium not only for rail transportation, but also to get rolling stock to pay the premium on. Feedstuffs are available to us, but one of the main reasons that the price has not only held, but has gone up, is that all available cars are busy hauling to ports of shipment for foreign trade. Hopper cars that were being used to supply the Northeast have been reassigned to direct runs from the elevators to shipping points for quick return. We, the forgotten, abused and neglected Northeast are at a point in our feedstuffs inventory where if we are "blessed" with a significant snowfall our reserve will vanish within 5–6 days instead of the usual 10–14 days.

Agriculture in New England is still a sizable business and with few exceptions we are basically a large number of small "family" farms. Although we are not in tremendous farm blocs or parts of tremendous, powerful agriculture combines, we are still performing a service and filling a place in our nation's economy and kitchens and we do feel that we are entitled to some consideration.

I am taking the liberty of sending copies of this letter to Agriculture Secretary Butz and the balance of our New Hampshire delegation. I hope that you, along with the rest of the New England Congressmen, will be able to persuade someone somewhere that the Northeast Poultry Farmer also needs some help before he too joins our growing welfare rolls.

Sincerely,

GEORGE H. SILBERBERG,
President, New Hampshire Poultry Growers Association.

[From the Concord (N.H.) Monitor, Jan. 2, 1973]

FEED COSTS PINCH N.H. FARMERS

(By Charles Calley)

Scores of New Hampshire dairy farmers will probably be forced to sell off their herds this winter because they can't afford to buy grain, according to Howard Townsend, state commissioner of agriculture.

Townsend said almost the entire dairy industry in the state is suffering from a severe financial bind that was intensified last week when President Nixon abruptly ended the emergency loan program offered by the Farmers Home Administration (FHA).

The problem began last summer when a long spell of wet weather ruined hay and corn crops in all 10 counties, drastically reducing both the quantity of cattle forage and its nutrient quality.

The situation forced dairy farmers all over New England to rely on corn, oats and protein dairy ration grown in the Midwest.

However, other forces have been at work pushing the prices of those grains up to exorbitant levels.

A grain deal concluded by Nixon last fall is sending millions of tons of American grain to the Soviet Union, reducing the supply in the United States and forcing prices upward.

At the same time, American businessmen have been speculating in grain futures, buying when prices were low last summer and hoarding the grain to unload on the market in the spring when prices are expected to be highest.

Townsend said he "doesn't want to name names" but there has been speculation in grain in New England by feed processors and distributors.

"When the feed situation is as critical as it is now," said the state's new agriculture commissioner, "you will find that many manufacturers, expecting a shortage, purchased feed in advance of their own needs to protect their businesses. Many of them have admitted this.

"This is like speculation and has the same effect as speculation in that it forces prices upward," he said.

When the seriousness of the situation first became apparent last summer, the federal government geared up two programs to help farmers afford to buy grain for the winter.

The FHA emergency loan program enabled farmers to borrow money at 1 per cent interest to buy the high-priced grain imported from the Midwest.

A major advantage of the loan program was that the FHA would cancel the first $5,000 of such a loan to farmers who suffered more than a 20 per cent loss in either the quantity or quality of their hay or corn crops.

New Hampshire farmers were certified as eligible to borrow from the FHA on Oct. 17 and the federal agency began making loans on Nov. 1.

When the program was dumped last week it left New Hampshire farmers without any other place to turn for help.

Farmers in Maine and Vermont will be better able to survive the winter because those states are participating in the other federal measure—the Emergency Feed Grain Program.

That program, run by the Agricultural Stabilization and Conservation Service (ASCS), subsidizes farmers for about two-thirds the price of each ton of grain they buy.

It means farmers in Maine and Vermont can buy oats this winter for about $30 a ton while struggling New Hampshire farmers must pay more than $100 a ton for the same feed.

New Hampshire has formally applied for approval to participate in that program, but Townsend doubts the federal government will allow it.

"I'm fearful that elimination of the FHA loan program, which I understand was done as an economy measure, will mean that our request for participation in the Emergency Feed Grain Program will be denied for the same reason," Townsend said.

Cloyes Gleason, FHA district supervisor for New Hampshire and southern Vermont, said that when Nixon ended the loan program last week only 167 loan applications from New Hampshire farmers had been approved.

Still in various stages of processing were 153 other loan requests.

"I don't know what will happen to the requests we were still processing," said Gleason. "I'm still awaiting word from my headquarters on that but I don't believe we'll be able to approve them now."

He said as many as 900 New Hampshire farmers probably would have been eligible for the loans if the program had not been killed.

Both Gleason and Dennis Fenton, state director of the ASCS, agreed with Townsend that New Hampshire's official request to participate in the Emergency Feed Grain Program will probably be denied.

"Maine and Vermont were smart," said one top agriculture official. "They got into the ASCS program before the presidential election in November."

Gleason said he thinks many New Hampshire dairymen will have to sell their herds for lack of other alternatives.

"New Hampshire farmers were hit harder than farmers in the other New England states," he said. "Now they're getting a double dose of problems."

Townsend said his office will be doing all it can to pressure Washington for help, but it appears "inevitable" that in the expected absence of quick federal relief many farmers will have to sell their cows.

"It stands to reason that many farmers will sell," he said. "If you can't get feed there's only one thing to do. Many New Hampshire dairy farms are only marginal operations at best. This could well be the straw that breaks the farmer's back."

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. HUDDLESTON. I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I believe that our friends from New England are unduly alarmed about this legislation. I believe that the flow of grain to their section of the country will continue, just as it is now, if this resolution is agreed to. It is a mandate to be carried out by the Commodity Credit Corporation and other officials of the Government.

It is difficult for some to realize just what the situation is that we face in the farming areas. There are farmers who have their entire year's production in grain. They are unable to sell a dollar's worth. It is not just an inconvenience. It is not just a loss. It is an inability to sell their product at all. The reason is that the local elevator cannot take it. He has no place to put it. And the reason that he has no place to put it is because he has no cars in which to ship the grain out. The grain is rotting on the ground.

Farmers who have a payment coming up March 1 on their land cannot sell their last year's crop. Most farmers file income tax returns that call for the tax payment to be made by March 1. They cannot pay their taxes because they cannot sell their crops.

I would like to have our New England friends realize that we hope this matter will be treated with compassion.

A while ago we were threatened with a strike involving passenger service on the Penn Central railroad. Congress responded on the matter within 24 hours. All we have here is a sense of the Senate resolution. It is a reasonable one.

I would like to call to the attention of the Senate a few communications I have received. This letter was written by a farmer in longhand. I have had it typed so that I could read it. It says:

TRENTON, NEBR.,
Jan. 18, 1973.

DEAR SIR: Am writing in regard to the boxcar shortage and what is the excuse for such a terrible situation out here. I generally bin my wheat at harvest and sell after first of year to pay my income tax and other expenses. I checked with the Culbertson Grain Co. to see when I could haul. He said he had no idea as 2 weeks ago he got 2 cars for the week and last week he only got one and all of them he did get were small ones and in poor condition. He said the situation is terrible, as he had 17 cars of government wheat and corn to ship in the next week or two, also about 25 or 27 cars of his own wheat to ship, besides the thousands of bushels that the farmers ordinarily sell after the first of the year. And if he didn't get more cars than he has been getting, I would be lucky to get my bins empty by harvest time. So it looks like I will have to borrow money to pay my income tax and running expenses.

I cannot see why the government would want this wheat delivered at this time, when the farmers need this money to pay their taxes.

Also, the boxcar he did get he got on a Thursday and so it had to be filled and ready to ship by Friday evening, which he did. But the railroad company did not pick it up till the next Tuesday. He checked with other grain dealers in other towns and said it was the same way with them. Hope you get busy and get something done about this terrible situation.

Sincerely,

CARL A. WEIDNER.

P.S.—I am sure there are a lot of other farmers feel the same way as I do about this.

Mr. President, one of the things that this resolution asks is that the shipment of Government grain be delayed for a little while, at least until this crisis is over.

If a car is available in which to ship grain out, it will still continue to be moved. It will still flow to the domestic and to the foreign markets. It will not hurt the Northeast or any other section of the country. Every car that is available will continue to be used. However, it will mean that Uncle Sam should not get in there and use all of the cars at a time when we have such a desperate situation.

We have this situation in many places. There are elevators that may be privately owned or may be cooperatively owned. They have a lot of farmers' grain and have advanced them money. In some cases small elevators have had to borrow as much as $400,000, $500,000, or $600,000 to pay the farmers, hoping that they can ship the grain out. They are paying 9 percent interest on those loans.

Yet they cannot get a car to ship it out. And some of those businesses that are so vital to the local community are going to go broke. All we are asking is that the Government withhold those actions that call for its moving grain until this crisis is over. Is that not a reasonable request?

There is, for example, the situation I just referred to, where in 2 weeks they got 2 cars. They need many dozens of cars. They have about 17 carloads of Government grain that must be moved.

I call attention to another communication. This is from a grain elevator:

I have about 100 cars on order, and this week I'll get only one car to ship—

He needs 100 cars, and can get one—

To make the situation worse the CCC has called in their grain and they give you ten days to ship an order. My wheat order was for 56,000 bu. and just day before yesterday I received an order to ship about 16,000 bu. of corn. They will stop storage in ten days and then the elevator must insure and keep the grain in condition until cars are available.

I can tell you without fear of being quoted that there is much loss of time on grain cars that are loaded by the elevator and left as many as five to seven days before they pull the car out for shipment.

Mr. President, I was home a week ago. In place after place I went, there was brought up the situation of the inability to move the grain out of the State.

That is more than an inconvenience. That is more than an increase in expense. Here is a situation where, for the entire year's production, there is no market at all, because there is no one to buy it; they cannot move it. The individual farmer is faced with his family expenses, he is faced with his operating expenses, he needs money for his coming farm expenses, he has payments on his land, he has his income tax bill at the present time; he has worked hard, he has been at great expense, he has gathered a bountiful crop, and he cannot sell it at all because there are no railroad cars available.

He cannot live on statistics. He cannot live on 10 days' hearings by some other committee. He cannot solve his problems by reading a volume of hearings held last year. Something needs to be done to expedite the moving of this grain.

Uncle Sam is a big shipper. One of the things that this resolution asks is a moratorium on those actions which cause Uncle Sam to use the cars to transport grain—a very reasonable thing. If this situation is decided on the basis of fairness and compassion, it will pass the Senate unanimously.

Mr. President, the car shortage has been serious for a long, long time, but it has never been this serious. I want to read another communication:

MY DEAR SENATOR: The severity of the situation in being unable to market grain has given me no choice but to seek help on the national level. I think it is critical enough to deserve your immediate attention. Farmers in this area, including ourselves, have sold grain last fall that we have been unable to deliver to the elevators because the elevators have been unable to get rail cars to ship out the grain from their facilities. I have every reason to believe that this is the situation all over the midwest. The grain we still have on hand unsold, we cannot find a market for where they will take delivery of the grain. I visited with the manager of the local elevator at Shelby, Nebraska, and he said they are 60–90 weeks behind in shipping the grain they have already bought based upon the present rate they are getting cars for shipment and if the situation did not improve the elevator would be in severe financial difficulties. They have nearly borrowed their $700,000 limit, paying an undue amount of interest because of this, and are being assessed penalties on grain contracts they made last fall but are unable to get shipped for delivery and collection. This situation is causing severe hardships to the farmers who

> have land payments due at this time of year and income tax payments due March 1st. They cannot market any grain to come up with money to meet these payments and are fast approaching the spring planting season when it takes great quantities of money to finance the seed, fertilizer, and chemical supplies for which they ordinarily use their line of credit. To aggravate the situation the government is calling in all warehouse and farm stored grain at a time when these same elevators are overburdened with grain still arriving from the 1972 harvest.

I could go on and on, Mr. President.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. CURTIS. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. I am not on the Agriculture and Forestry Committee, and in that regard I defer to my distinguished friend from Vermont, who has been very knowledgeable in that area. But as I look at the first part of the resolve clause on page 2, it states here that the Secretary of Agriculture should—that is a command, more or less—impose a moratorium on the disposal of grain owned by the Commodity Credit Corporation. In that regard, are we not talking about feed grain?

Mr. CURTIS. That is correct, both feed grain and wheat.

Mr. PASTORE. If you place a moratorium on feed grain, do you not more or less subscribe to the argument that I have made, that you create a shortage where there already exists a shortage?

This need for transportation for enough freight cars has affected the entire spectrum of your agricultural products, not alone wheat or corn, but practically everything. We just do not have enough boxcars.

I realize that the Commodity Credit Corporation has a major portion, over 50 percent of these cars that they can fill up before others are allowed to use them, especially private enterprises.

But the argument I make is this: When we say to the Secretary of Agriculture that it is the sense of the Senate that the Secretary of Agriculture should impose a moratorium, does not the Senator think that the Senate is entitled to know how the people who might be affected by such action feel? Has anyone who buys this grain to feed his cattle, his chickens, or his cows been called before the committee to be asked how he might feel as a result of the repercussions that might flow from it? All the committee has done is call in a lot of wheat people who have a lot of surplus wheat and would like to sell it, and I would like to see them sell it.

Mr. CURTIS. I might answer the Senator's question this way: In the first place, it was an open hearing. In the second place, all of the farm organizations were notified and had a chance to participate, and that meant the dairy farmers, the chicken producers, and the others.

This is not a matter of something coming up suddenly or without notice. We have a choice on the one hand of a feared inconvenience in opposition to this, with an actual disaster and ruination if we do not provide some relief in the boxcar situation.

Mr. PASTORE. Did I understand the Senator correctly that the committee held hearings in Kansas?

Mr. CURTIS. No, in Washington. They were open hearings.

Mr. PASTORE. In Washington?

Mr. CURTIS. Yes.

Mr. PASTORE Did anyone from New England appear?

Mr. CURTIS. Yes, I think so. There was a witness from Vermont. They were public hearings and here is the transcript.

Mr. PASTORE. Were they for or against the resolution?

Mr. AIKEN. The hearings have not yet been printed.

Mr. CURTIS. The resolution was developed out of the hearings, but the principles were covered.

Mr. PASTORE. I am not questioning the motivation of the committee. Please do not misunderstand me.

Mr. CURTIS. No, but I would like to point out that users of grain will get as much grain if this resolution is followed than otherwise. Every available car will be used to ship grain to the people that want to buy it. All we are asking is that the Government step aside and not hog all the cars while the people facing disaster cannot sell a bushel of grain—cannot get a nickel.

Mr. PASTORE. But they take the disaster from one group and pass it on to another.

Mr. CURTIS. Oh, no, it does not create any disaster. The facts have been revealed to establish that. As a matter of fact, any Government grain on hand—it is with transportation that we are concerned. If the Senator is interested, I would be willing to offer this amendment to the moratorium.

Mr. AIKEN. If the Senator from Nebraska will yield, I want to make a correction, that the Senator from Nebraska said a representative from Vermont appeared at the hearing. That is true. The commissioner of agriculture did appear but he did not appear in support of the resolution.

Mr. CURTIS. No——

Mr. AIKEN. I have here a telegram under date of February 15 in which he vigorously opposes this resolution. I ask unanimous consent to have it printed in the RECORD at the end of this colloquy.

The PRESIDING OFFICER (Mr. HELMS). Without objection, it is so ordered.

(See exhibit 1.)

Mr. CURTIS. Mr. President, I should like to say to my distinguished friends that we have a situation more extreme than any I have ever seen during my service in Congress, and this is my 35th year——

Mr. PASTORE. But it is a problem the Senator cannot solve. We turn around and say we should impose a moratorium on the CCC. I have already answered my question. That is where the feed grain is shipped. The minute we impose a moratorium, we stop the feed grain.

Mr. CURTIS. No, no.

Mr. HUDDLESTON. Mr. President, will the Senator yield on that point?

Mr. CURTIS. May I answer first? It does not stop it at all. Not at all.

Mr. PASTORE. Then why are they against it, then?

Mr. CURTIS. To give the farmer a chance to sell his grain. You users of grain in New England can buy that grain as easily as Government grain. Every car, every facility——

Mr. PASTORE. At the same price?

Mr. CURTIS. No, no——

Mr. AIKEN. Will the Senator from Nebraska yield?

Mr. CURTIS. I do not know whether the Senator wants this as a price control——

Mr. PASTORE. No, no. But everyone knows that if we buy from the CCC, it will be cheaper.

Mr. CURTIS. Permit me to say this, that no one knows what will happen to the price. We do know that the price is zero for many farmers. The price is zero. That is a greater shock and a greater hardship than anyone will have that may quibble about what the price will be. As a matter of fact, to show good faith and to point out that what we want to do is to get the Government out of the business of using transportation facilities, this one Senator is willing to take an amendment in reference to the moratorium, which has this proviso:

> Provided that the grain owned by the CCC and stocked east of the 84th Meridian shall not be subject to this moratorium.

Mr. AIKEN. Well——

Mr. CURTIS. May I finish, please?

Mr. AIKEN. Yes.

Mr. CURTIS. This amendment would provide that the moratorium would not apply to CCC stocks owned in Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. There is some grain stored there now. To sell it would not put a strain on the boxcar situation in the farming areas. If this moratorium is applied in the farming areas, the full facilities for shipping out grain will still be used, only it will give a chance for farmers to ship some grain instead of having the Government dispose of their grain while the farmer is unable to get any price for it.

I do hope that our distinguished Senators respresenting those areas will realize the very dire situation we face and the ruination that will come to countless farmers and to local elevators when they have the crop that they cannot move at all.

I do not believe it will adversely affect the price because there will be as much grain flowing out and we will use all the cars we can. But I submit that for a farmer to have his price dropped from the first good price he has had in a long, long time down to zero is a greater hardship than any fluctuation that might come to a buyer of grain because of this. And just as this body responded to help the eastern section of the United States with the threatened Penn Central Railroad strike, we did not get up and suggest that we have hearings which would last a couple of weeks and that in lieu of transportation somebody could carry a hearing under his arm and get work on to the town they want to go to. Hearings, and delays, and referrals will not solve anything. But I do believe that if we could have the Government taking no action that would call for the use of railroad cars, it would give a chance for these people who have worked all year, and who have such a dire need to market their harvest, to do so.

Mr. President, I yield the floor.

Mr. AIKEN. Mr. President, may I ask a question?

Mr. CURTIS. Surely.

Mr. AIKEN. Would the Senator be willing to include all the States where they have disaster areas that would be seriously handicapped by this resolution? I point them out—several of them west of the 100th meridian, particularly Colorado, where the larger counties are involved, and Nevada, New Mexico, Oregon, and Utah—about two-thirds of that State. They have been eligible for Government-owned feed at lower prices. Would the Senator object to helping those folks out, too? Five Western States besides most of the Eastern and Southern States would be adversely affected; but I was wondering about the five, particularly Utah, and Colorado and New Mexico. Colorado and the other States involved are the ones in the South along the Mexican border.

Mr. CURTIS. I was not aware they had any opposition to this legislation.

Mr. AIKEN. I do not think they know about it.

Mr. CURTIS. If they look into it they will not be opposed to it.

Mr. AIKEN. I will say that the dairy people and the broiler people and the national organizations have vigorously protested the enactment of this resolution. I assume that they are objecting to the part which would deprive them of the privilege of getting Government-owned grain in disaster areas. As I say, in New England, this Government-owned grain is stored there.

Mr. CURTIS. The resolution I would propose would exempt from the moratorium all that is stored east of the 84th meridian.

Mr. AIKEN. That would leave 22 counties. About two-thirds of the counties in Utah, I think, have been involved in this program.

Furthermore, this program is one that Congress authorized the Department of Agriculture to go ahead with in 1959.

I would like to treat those western people as well as the Senator from Rhode Island wants his people treated. All the counties in Rhode Island and Vermont, among other States, have been declared disaster areas.

Mr. CURTIS. If I would accept such an amendment, could we adopt the resolution right away?

Mr. AIKEN. I do not know how it would be worded. I would want to read it.

As for the boxcars, I think the railroads are capable of looking after themselves, and the Committee on Commerce knows whether or not it wants to give up consideration of any proposal.

Mr. CURTIS. I cannot speak for the other members of the committee or the chairman of the subcommittee or the chairman of the full committee. I do not know just what problems would be created by a county-by-county basis. But I am very much inclined to agree with the Senator, and if we can have assurance that we might have this resolution adopted——

Mr. AIKEN. I would like time to have it submitted to the Department of Agriculture, to find out what the ultimate effect or the immediate effect or the midseason effect would be.

I did not realize that the Committee on Commerce had done so much work, until the Senator from New Hampshire told about the hearings they held last year.

Mr. President, on my time, I ask unanimous consent to have printed in the RECORD a list of all the affected counties in the United States.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

PARTICIPATION IN THE LIVESTOCK FEED PROGRAM AS OF FEBRUARY 16, 1973

Colorado—Counties of Archuleta, Conejos, Costilla, La Plata.

Connecticut (entire State)—Counties of Fairfield, Hartford, Litchfield, Middlesex, New Haven, New London, Tolland, Windham.

Maine—Counties of Androscoggin, Cumberland, Hancock, Knox, Lincoln, Penobscot, Piscataquis, Sagadahoc, Waldo, Washington, York.

Massachusetts—Counties of Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Worcester.

Nevada—County of Lincoln.

New Hampshire (entire State)—Counties of Belknap, Carroll, Cheshire, Coos, Grafton, Hillsboro, Merrimack, Rockingham, Strafford, Sullivan.

New Mexico—Counties of McKinley, Rio Arriba, San Juan, Valencia.

New York—Counties of Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautaugua, Chemung, Chemango, Clinton, Columbia, Cortland, Delaware, Dutchess.

Counties of Erie, Essex, Franklin, Fulton, Genesee, Greene, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery.

Counties of Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Putman, Rensselaer, Rockland, St. Lawrence, Saratoga, Schnectady.

Counties of Schoharie, Schuyler, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Westchester, Wyoming, Yates.

Ohio—Counties of Ashtabula, Geauga, Lake, Medina, Trumbull.

Oregon—County of Lake.

Pennsylvania—Counties of Adams, Allegheny, Armstrong, Beaver, Bedford, Berks, Blair, Bradford, Bucks, Butler, Cambria, Cameron, Centre, Chester, Clarion, Clearfield.

Counties of Clinton, Columbia, Crawford, Cumberland, Dauphin, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juanita.

Counties of Lackawanna, Lancaster, Lawrence, Lebanon, Luzerne, Lyconing, McKean, Mercer, Mifflin, Monroe, Montgomery, Montour, Northcumberland, Northhampton, Perry, Pike.

Counties of Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquenhanna, Tioga, Union, Venango, Warren, Washington, Wayne, Westmoreland, Wyoming, York.

Rhode Island (entire State)—Counties of Bristol, Kent, Newport, Providence, Washington.

Utah—Counties of Beaver, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Piute, San Juan, Sanpete, Washington.

Vermont (entire State)—Counties of Addison, Bennington, Caledonia, Chittenden, Essex, Franklin, Grand Isle, Lamoille, Orange, Orleans, Rutland, Washington, Windham, Windsor.

Source: USDA.

	Bushels
Total CCC grains ordered by all counties included in the Livestock Feed Program as of the week of February 9, 1973	16,075,534
Total ordered week of February 9, 1973	773,928
Total quantity shipped to date (2/9/73)	8,845,647
Total quantity not shipped (2/9/73)	7,278,813

201 counties participating in 14 States.

Source: USDA.

Mr. CURTIS. The Committee on Commerce could do something that would help very materially in this matter, but it would not be immediate. What is needed is a program for insured or guaranted loans so that the railroad cars could be built. We would start to get some cars in approximately 6 months, but not many, and it would take a little time.

The very reasonable resolution we have here is just that the Government stop taking all the cars until we can ship some of this grain. It is a very reasonable proposal, and the amendment I have offered would see to it that they could go ahead and dispose of all the grain they have in the Senator's area.

Mr. AIKEN. I would like to help out on the boxcar and the hopper car situation, because the country is tremendously short in this respect. I read in the newspaper this morning that the Burlington Northern ordered a thousand hopper cars which are supposed to be delivered this summer. We are short of boxcars. Everybody knows it. In the meantime, however, we have enough left so that they are transporting grain to the ports twice as fast as last year and faster than the ships can load it. So that we have more than one angle to this.

Mr. CURTIS. I should like to comment on that. The railroads are not doing too good a job. Some of these cars do not get back for 25 or 28 days, when they should be back in 8 or 10 days, from the grain belt to the gulf ports.

The PRESIDING OFFICER. The Chair inquires as to who is yielding time to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I yield the floor.

EXHIBIT 1

Senator GEORGE D. AIKEN,
Capitol Hill, D.C.

On behalf of Vermont dairyman, producers of livestock and livestock products I strongly oppose adoption of S.R. 59 which would affect moratorium on Government disposals of feed grains in CCC stocks and would also grant repeal privilege on 1971 and 1972 feed grains under loan. Prices paid by livestock owners for dairy ration, poultry ration, and supplemental animal feed have accelerated since August 1972 due to combination of factors which have disrupted orderly marketing and rail movement. Government sponsorship and encouragement of export sales of grain have contributed to this unwarranted situation. Orderly marketing of and improved rail services are badly needed at this time to restore normalcy in supply-demand relationship for feed ingredients prices for Pacific ingredients which are inflated to artificial levels must be reduced to orderly marketing status to assure continued production of livestock products in Northeast. Objectives of S.R. 59 would further aggravate and perpetuate serious situation which we are now endeavoring to overcome.

EDWARD R. EURICH,
Vermont Commissioner of Agriculture.

Mr. COTTON. Mr. President, will the Senator from Vermont yield me a few minutes?

Mr. AIKEN. I yield 6 minutes.

Mr. COTTON. I merely want the record straight with respect to S. 1729 of last Congress, which was reported by the Commerce Committee.

I apologize to the Senator from Rhode Island; I did not see him on his feet.

Last year, the bill, S. 1729, that came to the Senate established a Federal Railroad Equipment Obligation Insurance Board with authority to insure rolling stock equipment obligations up to $2 billion to produce freight cars. It also provided that automatically at the end of 3 years for the establishment of, unless Congress intervened and took action, a corporation, called the Rolling Stock Authority, which could provide Federal guarantees up to a billion dollars to finance construction of freight cars.

We had a disagreement simply on the last point, and the Senator from New Hampshire offered an amendment. The only change that his amendment made was that at the end of the 3-year period the Congress affirmatively adopted a resolution—not even a bill, which would require the signature of the President—before the proposed Corporation would come into being.

It was the position of some of us that it was a delayed bomb to pass an act automatically creating a Government corporation at some future date 2 or 3 years hence, at which time there could be new Members of Congress, and when people who knew the situation could be gone. That amendment prevailed here in the Senate by a vote of 43 to 41 and the bill passed. But, it was not acted upon in the House.

Now, as I understand it, the same bill shortly will be introduced and referred to the Committee on Commerce, except that it will propose 2 instead of 3 years, before the Corporation automatically comes into being, unless disapproved by the Congress.

The only possible delay I presently foresee is the issue on which I prevailed concerning S. 1729 of the last Congress; the shorter period of 2 years instead of 3; and the level of financing authority.

We have to thrash out these questions in the committee after testimony is taken. And, then the bill can come to the Senate as soon as an executive session of the Commerce Committee can be scheduled. Nobody on the committee, to my knowledge, is against the concept of legislation dealing with the problem of freight car shortages.

As for Senate Resolution 59, I cannot see why it should not be referred to the Commerce Committee, with a time limitation, if desired, so we can act on it and the bill to be introduced, which is something more than a pious wish, since it represents affirmative action with financing to build freight cars.

Mr. HUDDLESTON. Mr. President, I would like to respond briefly to some of the comments made by the Senator. The subcommittee, of course, was aware of the hearings that had been held previously by the Commerce Committee last year in which the overall shortage of freight cars was discussed. Our investigation and our consideration was a narrow one, relating to the specific difficulty of moving agricultural products, that exists at this time.

Our Senate Committee on Agriculture and Forestry agreed to support and encourage the Committee on Commerce in its deliberations on a bill which hopefully would bring about a long-term solution to this shortage of freight cars and underutilization of freight cars. But that is not the problem to which we are addressing ourselves today. It is not the problem to which this resolution addresses itself.

The problem today is brought about by a set of circumstances that have come together all at one time which has created the worst shortage of freight cars in the history of this country as it relates to the movement of agricultural products. This was confirmed by those who testified during our hearings.

If crops cannot be moved at the right time great losses result. Of all the things adversely affecting this situation, most do not level themselves to immediate correction: size of crops, weather conditions, and the shortage of freight cars. The only thing we can do about this situation immediately—and I think the very fact that Senators have pointed out they have been wrestling with the freight car shortage problem for 25 years indicates we cannot solve the shortage between now and the end of this month—is the action of the Department of Agriculture. This action was done by a stroke of the pen, and can be undone by a stroke of the pen.

I want to say that the moratorium that is suggested relates not to the supply problem. To the distinguished Senator from Rhode Island I might say we had a chicken feeder from Kentucky testify before the committee and he is in a desperate situation, not because the feedgrain is not available, but because the people who want to sell it to him cannot get it to him. We are talking about a problem of transportation, not supply.

As far as the Government's role in disposing of Government-owned grain is concerned, that is a small proportion of the grain that the Senator's State needs. If the needs of the Senator's State is going to be alleviated, it is probably going to have to be alleviated by private sellers able to get their stocks into the Senator's State.

Mr. President, at this time I yield to the Senator from South Dakota such time as he may require.

Mr. McGOVERN. Mr. President, I thank the Senator. I support this resolution.

The shortage of railroad boxcars in South Dakota and other agricultural States is reaching the proportions of a crisis.

This weekend, the major railroad serving South Dakota told me that, throughout its system, it had orders for nearly 47,000 boxcars that it could not fill. This railroad has an inventory of 2,000 cars. A second railroad, serving a smaller area, reported that, throughout its system, it was unable to fill orders for 3,000 boxcars.

A spokesman for one of the roads told me that the demand for boxcars to move grain has been so overstrained by the need to move massive amounts of grain to ocean ports that it is like one gigantic railyard from Kansas City south to the Gulf of Mexico.

The present shortage, I am told, is due to the inability of our transportation system to ship, all at once, the equivalent of 2 years' crops. In the words of one veteran railroad official, "The pipeline is full—all the way to Russia." Hundreds and hundreds of cars are stacked up at ocean and Great Lake ports awaiting unloading.

Last week I returned from 6 days in South Dakota. Everywhere I went, farmers and elevator operators told me of the critical need to obtain boxcars to ship grain.

The dearth of boxcars has already started to have an impact on orderly marketing of wheat and feed grains. Some country elevators are refusing to buy any more grain because storage facilities are overtaxed and there is no way to move the grain out. Cash prices for wheat at some elevators fell as much as 90 cents per bushel from early January to early February. Future prices are off as much as 60 cents.

We have had boxcar shortages at harvest time in the Midwest as long as I can remember. But this is not harvest time. Yet, the National Grange says the present shortage is the worst that has existed over the history of recurrent shortages since before the creation of the Interstate Commerce Commission in 1887.

Grain farmers and their representatives who have contacted me in the past few weeks are unanimous in support of the pending resolution.

The resolution is of several parts, and all of them are important. But the provisions of section 1 and section 2 have particular immediate relevance.

The existing shortage of boxcars is bad enough, but the Secretary of Agriculture has compounded the problem by ordering the callup of virtually all farm-stored and warehouse-stored grain and placing the Commodity Credit Corporation's inventories of grain on the market, dumping them into a transportation system that already is straining to capacity.

In December, the Department announced the callup of nearly every commodity under storage loans from 1968 through 1971. In February, the Department extended the callup order to cover the 1972 crop when loans mature.

Maturity dates vary from April 30 to

July 31. The Department has granted a grace period of 30 days after maturity to farmers in areas where transportation facilities are inadequate. But a 30-day breathing period does not help much.

The Secretary of Agriculture should rescind his callup order. This resolution says that farmers should be given the option of extending their Commodity Credit Corporation loans for 1970, 1971, and 1972 crops. That request is entirely logical, as is the declaration of the sense of the Senate in section 1, that the Secretary should declare a moratorium on sale of Commodity Credit Corporation stocks until it can be determined that rail facilities exist to move those stocks to market.

The arguments against this resolution have, to date, been unconvincing. Nothing in any section of this resolution suggests that less grain be moved to market. No buyer or consumer of grain or grain products would be disadvantaged if the full recommendations of this resolution were implemented. It calls simply for a restoration of order in the grain marketing system. I urge enactment of the resolution.

I thank the Senator from Kentucky for yielding to me.

Mr. AIKEN. Mr. President, earlier today the Senator from Kentucky and I had different figures as to how much wheat was now owned by the Commodity Credit Corporation. I have what I think are the correct figures as of today.

The CCC owns 136 million bushels, but of this amount, 53 million are already earmarked for Public Law 480 and 40 million other bushels, in round figures, have been sold, whether to Bangladesh or where I do not know, which leaves 43 million bushels available for sale in the hands of the CCC.

So, for once, the Senator from Kentucky and I were both right. The CCC owns 136 million bushels, but only 43 million bushels are available for sale or disposal.

Mr. HUDDLESTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I have listened to the debate and I understand the sincerity and good will of every Senator with reference to the problem this crisis is causing in the Midwest and also problems it is causing in other parts of the country. I am also well aware of the efforts made by the senior Senator from Kansas (Mr. PEARSON) and members of the Commerce Committee during the 92d Congress with reference to permanent legislation that would deal with the boxcar shortage.

The first case on the docket of the Interstate Commerce Commission——

The PRESIDING OFFICER. If the Senator will pardon the Chair, who yields time?

Mr. PASTORE. Mr. President, I yield time to the Senator.

Mr. HUDDLESTON. Mr. President, I yield time.

Mr. AIKEN. Mr. President, I yield time.

Mr. DOLE. Everyone is willing to yield me time.

One of the first cases of the Interstate Commerce Commission when it was created had to do with the boxcar shortage, so this is nothing new. Reference was made to the fact that this resolution was being considered, not on George Washington's Birthday, but on the day when we celebrate it. I assume that even on George Washington's Birthday there was a boxcar shortage. The fact is that there has been a boxcar shortage from time immemorial. There was one available while I was a Member of the House. It was interesting to see which Congressman would be the first one to announce that he was urging more efficient use of boxcars because of the anticipated boxcar shortage.

So there is a problem, there has been a problem, and I assume from time to time in the future there will still be a problem; but I believe that all those in the Senate and in it's committees dealing with transportation and commerce are aware of the problems. Steps are being taken to remove the problems. I would hope that today we could compromise the matter so we might proceed with passage of the resolution.

Let me make my statement at greater length.

Mr. President, the shortage of railroad freight cars is an annual problem. In each of my 12 years in the House and the Senate we have faced this problem, and, repeatedly, we have made honest efforts to deal with it, so our farmers could have adequate rail equipment in which to ship their grain and receive their supplies.

A bill (S. 1729) passed by the Senate last session could have assisted in the construction of more freight cars, but, unfortunately, it was not passed by the House. Senate passage of comparable legislation in this Congress is needed at the earliest possible date, so the House will have adequate time to act and provide the long-term answer.

But while this process goes on in Congress, farmers and grain elevators in Kansas and other grain-producing States are facing the most critical shortage of freight cars in history. The problem is not new, but a new pressure, brought about by the largest sale of grain in history last summer, has been added. Thousands and thousands of the normally scarce hopper cars and boxcars used to ship grain are tied up in rail yards near our ports.

It has not yet been determined if the railroads are failing to provide efficient delivery of these grain shipments to the ports or if the number of cars available is simply inadequate. Studies to make this determination are underway; but, regardless of the reasons, our farmers have felt the impact of the freight car shortage in a drastic drop in wheat prices. The farmer cannot deliver or sell his grain to his local elevator, because the elevator is full and cannot be emptied of the grain already purchased. The grain exporting firms cannot buy or ship any grain, because they cannot get enough grain to their port elevators to load waiting ships. Unless these firms can deliver on time in accordance with their contracts they have to pay penalties. These penalty costs are being passed on to the grain elevators in the form of lower prices, and the elevators pass their losses to the farmers.

CCC COMPOUNDS PROBLEM

The freight car shortage has been acknowledged for some time, and it is a problem with which the grain companies and the railroads have been dealing. The problem was further compounded, however, when the Commodity Credit Corporation—CCC—of the Department of Agriculture issued loading orders to ship the grain it had stored in country and terminal elevators. Original orders to ship grain in on-the-farm storage were also issued, but USDA amended those orders to allow farmers to retain that grain until this current freight car shortage is alleviated. However, the problem created by the issuance of CCC's loading orders continues. This problem is both unfortunate and unnecessary. At a time when we have a critical shortage of equipment the CCC should temporarily suspend these loading orders until the flow of grain to export ships can be smoothed out by a regular supply of cars. Presently, a jammed condition in the railroad yards appears to be causing railroad workers difficulties in locating cars and routing them.

This morning, Mr. George Voth, general manager of Far-Mar-Co., Inc. in Hutchinson, Kans., informed me of an on-the-spot study that the firm's traffic manager is making at this time of the Texas port and rail situation.

In the past few days a study has been made of the grain export elevators in Houston, Corpus Christi, and Beaumont, and the railroad yards between these ports and Dallas. The observation was that it was like "traffic from a full 8-lane highway trying to get across a single lane bridge." There is too much tonnage of grain for the trackage, power and switching facilities available. And in addition to grain, there is considerable demand for freight cars to handle fertilizer, pesticides, and cotton.

In the Port of Houston over 100 ships were waiting to be loaded with grain. In the Houston area the freight cars are distributed to the four major export elevators by a switching system referred to as the "Houston belt." This system is so overburdened that individual cars of grain are difficult to keep track of, and there is not enough track to switch out the cars needed to load vessels.

The railroads are making a tremendous effort to break loose this traffic jam, and their employees have been working from 7 a.m. to 11 p.m. the past 50 days. But relief is not in sight; even though Mr. Voth reports he feels every effort is being made to unload and return these cars as promptly as possible.

He makes three recommendations that he feels would help:

Suspend CCC loading orders until its grain can be moved without further disruption to the movement of other grain and agricultural supplies. He emphasizes that the CCC loading order is not the sole cause of the difficulty, but it is contributing to the overall problem.

He suggests that concerned Senators go to these areas and see the backup of traffic and observe the efforts being made to relieve the problem.

He encourages the use of unit train shipments, because they are easier to locate, unload, and return than individual car shipments.

Suspension of the CCC loading orders would not entirely correct the situation, but the demand for cars to satisfy the requirements of the loading orders only complicates the already overburdened system, may force bankruptcy of some small grain companies and could bring still lower grain prices to our farmers.

The resolution we consider today indicates the sense of the Senate that a moratorium be imposed on these CCC shipments. I submit for inclusion in the RECORD at this point a copy of my telegram to Secretary of Agriculture Butz demanding action to prevent CCC from further complicating this situation.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

TELEGRAM FROM SENATOR BOB DOLE TO SECRETARY BUTZ, FEBRUARY 9, 1973

Secretary BUTZ:

I demand that immediate action be taken to increase and stabilize wheat prices. Prices paid to farmers in Kansas have dropped $1.00 per bushel in the last 30 days as a result of the critical shortage of railroad freight cars. Fifty cents of this drop occurred this week as a result of Commodity Credit Corporation (CCC) loading orders and offers to sell CCC stocks. Realize adverse weather conditions and increased shipping for export have contributed to this matter, but action by USDA in changing CCC policy is essential immediately to correct this disastrous price drop.

Mr. DOLE. The savings to be realized by calling this grain from storage are minimal when compared to the damage being done to our exporters, our elevator operators, and our farmers. If CCC would hold this grain until the freight car crisis subsides it should be able to liquidate its stocks at prices that will more than offset the additional costs for maintaining these stocks in storage.

Mr. President, I urge my colleagues to support this resolution, which focuses attention on the need for action to relieve an unnecessary pressure in the critical situation, and again I would ask for support and prompt action toward passage of basic legislation, such as that considered by the last Congress, to provide additional railroad equipment for moving our grain harvest to its workers.

The price of wheat in Central Kansas today is $1.90 per bushel—30 to 50 cents under the price a month ago. Just because of this crisis. The demand still exists for this grain, but the inability to deliver grain and the resulting penalties for not delivering under sales contracts has forced the price down.

Suspension of CCC loading order temporarily until such time as grain starts moving in an orderly manner would certainly enhance the economic well-being of our farmers and our entire economy.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Is an amendment in order?

The PRESIDING OFFICER. An amendment is in order.

Mr. PASTORE. Mr. President, I send amendments to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. The amendments will be read.

The assistant legislative clerk read the amendments, as follows:

On page 2, strike lines 3 through 12 and renumber the following subparagraphs.

On page 3, strike lines 24 and 25 and on page 4, strike lines 1 through 4.

On line 10, page 3 after the word "association" add "one from the Forest Industries Council".

On line 15, page 3 after the word "the" delete the word "Congress" and add in lieu thereof the following: "Senate Agricultural and Senate Commerce Committees,".

The PRESIDING OFFICER. Is there objection to the amendments being considered en bloc? Without objection, the amendments will be considered en bloc.

Mr. PASTORE. Mr. President, I am not going to belabor the matter. This is a compromise. I guess there is no complete happiness on either side, but it carries out the intent of the committee and satisfies those who feel that, after all, a report should be had from the Commerce Committee. We want the grain to move at the best price possible and we want a solution of the other problems.

I hope the amendments will be approved.

Mr. AIKEN. Mr. President, I yield myself such time as I need.

I think the proposal by the Senator from Rhode Island is a good solution to our problem. In the letter which Secretary Butz wrote to me the other day he indicated he was not averse to the boxcar part of the resolution. I am sure the one thing he objected to was the difficulty which many of us would be found in, in trying to get our people out of their difficulty. I think this is a good overall "out" for everybody.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. PASTORE. Can we get action on the amendments first?

Mr. DOMINICK. I wanted to talk on the amendments.

Mr. PASTORE. Very well.

Mr. DOMINICK. I shall not detain the Senate long. We have heard a great deal from our farm people. When I served on the Commerce Committee I heard more about boxcars than I thought I would ever hear on the subject. This is not a new problem. I think this problem has been with us since shortly after the turn of the century.

The proposal is that the CCC shall continue to sell its surplus grains. Ordinarily I would object very strenuously to that because the surplus grains are what depresses the market price for the farmers who have been trying to make a living getting grain distributed to the consumer. Under the present circumstances, the Senator from Vermont (Mr. AIKEN), has just said that only about 43 million bushels remain unobligated. The rest is obligated in one form or another. Consequently, the amount of grain held over is not at this point going to have any appreciable effect. I will point out that when the first sale took place—almost 50 percent of the surpluses at that point—the price went down from $2.38 to $1.65, which is enough to make any farmer, who has struggled to make a living raising grains despite hail and insects and everything else, burst into tears. I will say that that crisis is past.

In the interest of trying to get the necessary boxcars in order to get the grain to market, it would seem wise to adopt this proposal, though, frankly, I do not like the principle.

Mr. HUDDLESTON. Mr. President, I yield to the Senator from Nebraska 5 minutes.

Mr. CURTIS. Mr. President, I would much rather see the resolution adopted as reported to the Senate. I understand the problem we are facing. I understand the position of the Department of Agriculture. In any event, we do not face too great a solution, regardless of how this resolution goes. We are expressing the sense of the Senate to the Department of Agriculture.

Since the hearings were held by the Committee on Agriculture and Forestry, the Department of Agriculture has made a few tiny moves to help alleviate this situation. I say tiny because they are tiny. They could do a lot more. They could speak more emphatically and with more assurance. That would help out.

There was a time prior to our hearings when they insisted that half of the available boxcars should be used to load out Government orders. They modified that since our hearings to provide that if a shipper or a grain elevator had orders to fill or contracts to complete, he could do so without having to comply with the provision concerning half of the cars being diverted to Government grain.

I hope they will continue to do things along that line. I hope that the Department of Agriculture, which has so vigorously opposed the idea of a moratorium on commodity credit sales, will go a little further and do everything within their power to lessen the movement of Government grain.

Mr. President, there remains in the resolution a recommendation for the resealing of the 1971 and 1972 crops. That means that, instead of that grain being eligible to be called on pursuant to the decision of the Government, the producer will have a right to reseal it under the same conditions that he sealed it before. He thereby gets the advantage of having it sealed and the storage fees, and at the same time this will tend to lessen the pressure for boxcars.

Mr. President, at the very best we are at the mercy of the Department of Agriculture if the resolution were to pass today. I think the resolution is weakened by the amendments of the distinguished Senator from Rhode Island. However, I still believe that the resolution contains some provisions that, if followed by the Department of Agriculture, will materially help the situation.

An alternative is that the Senate might vote to pass it over or that the Senate might decide before acting on the resolution that the Committee on Commerce should further study it. Further delays and further studies will not do anything to relieve the shortage that exists now. Hearings may be important to work out the details of legislation. But hearings are of no particular help to the individual or grain company that is facing ruin, because of our inaction.

So, it is with considerable reluctance that I resist the amendments of the Senator from Rhode Island. However, I believe that we have accomplished some good by reason of hearings and by reason of the resolution.

I further believe, Mr. President, that if the Department of Agriculture will take the remaining clauses of the resolution and construe them, not in favor of the Department of Agriculture and not in favor of their theories on market control, but in favor of the principle of the lessening the need for boxcars for Government grain, that can help a great deal.

Mr. President, I thank the distinguished Senator for yielding.

Mr. HUDDLESTON. Mr. President, I concur generally in the remarks of the Senator from Nebraska. While we would have preferred to have the entire resolution, we appreciate the action of the Senator from Vermont, the Senator from Rhode Island, and the other distinguished Senators who have participated in working out this compromise, which, if followed as the Senator from Nebraska has suggested, can bring about some positive action on behalf of all the farmers, both the growers and the feeders. That is, after all, the intent of us all.

Mr. President, I believe that we will be taking a positive step today by acting and therefore by agreeing to the amendments offered by the Senator from Rhode Island and then agreeing to the resolution.

Mr. AIKEN. To make the record perfectly clear, I think we should state that no Government-owned grain can be consigned to Russia or sold to Russia. Grain sold to Russia constitutes a deal between the Russians and the private outfits on the open market. I suppose that the Russians buy it as cheaply as they can and that the American sellers get all they can, just as other human beings do.

Mr. HUDDLESTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I am ready to yield back the remainder of my time on my amendments.

Mr. HUDDLESTON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendments en bloc of the Senator from Rhode Island. [Putting the question.]

The amendments were agreed to en bloc.

Mr. BUCKLEY. Mr. President, it is encouraging when we review the realities involved in the proposed Senate Resolution 59 to discover that the domestic and export demand for grain is rapidly increasing. It is estimated by the Department of Agriculture that in 1972, the domestic market for feed grain will be 7 million tons higher than originally expected. The 1973 projections for the domestic market have been revised upward by 10 million tons. South Africa and Australia are not expected to be able to supply their usual export markets, and the United States will probably fill the need. India and Russia are seeking our grain.

So great is this demand that the Department of Agriculture has reduced the 1973 set-aside program so that nearly 40 million acres will be available for planting. I rejoice with the grain farmers in anticipating their future prospects. It is encouraging to know that we are moving toward the day when it will no longer be expedient to pay farmers not to till the soil or to loan them money so that they will store their produce rather than sell it.

But at the same time we are rejoicing for the midwestern farmer, northeastern farmers are in desperate need. These farmers have never been self-sufficient in providing feed for their livestock, and their problem has been made vastly worse by the extensive crop losses caused by Hurricane Agnes. This winter, these farmers have had to put their animals on short rations or poor quality feed.

Over the past months, they have never had more than a 2- to 3-day supply on hand. Many have questioned the advisability of struggling to maintain their herds.

Through the cooperative efforts of several Government agencies and the transportation industry, a glimmer of hope is on the horizon. The situation is still serious, but Commodity Credit Corporation grain is now available in the disaster areas. It is essential that this grain remain available for at least another 60 to 90 days if irreparable damage to the dairy and livestock industry of the Northeast is to be avoided.Ten days without this CCC grain would negate all the progress made thus far and precipitate a crisis.

Senate Resolution 59 would withhold this aid. A moratorium on the disposal of grain owned by CCC would put a halt to the efforts to alleviate the hardships in the Northeast. Thousands of animals would have to be slaughtered because of lack of feed while congressional committees took a month or so to study alternative methods of delivering grains.

The solution to the transportation deficiency does not lie in Senate Resolution 59. Present emergencies have made it apparent that railroad boxcars, scarce under ordinary circumstances, are not sufficient in number to alleviate quickly any national emergency. Senate Resolution 59 does not direct attention to the real problem; but if enacted, it will create new ones.

I am grateful to my colleagues who have described so well the other adverse effects this resolution would have on consumers and on agriculture. While I have confined my remarks to the critical situation in my own area of the country, I fully endorse the arguments they have advanced.

I urge that Senate Resolution 59 be set aside so that farmers in the Midwest and farmers in the Northeast can enjoy together the expanding role the United States is playing in producing grain and other farm products for world markets.

Mr. CLARK. Mr. President, almost daily I receive calls from farmers in my home State asking for help, for some action to provide relief from this transportation nightmare that is affecting not only farmers but the entire chain of businessmen involved in the movement of commodities to market.

I have met with county elevator operators, representatives of railroads, grain processors and shippers, and farmers who are concerned with this problem. They support long-term legislation to help remedy this situation, but there is also a general feeling that the Agriculture Department could help alleviate this immediate crisis by suspending its orders to move grain owned by the Government and by extending its resale to crops under loan.

The Department's latest action, calling the loan on the 1972 crop corn, is particularly harmful.

Reversal of these policies would help control the heavy grain surpluses on the market and would free boxcars to move farmers' grain to market so that the corn would not spoil while it is on the ground or in the crib awaiting transportation to market.

Let me illustrate how one Iowa elevator operator, Mr. Larry Dingham, of Farlin, Iowa, literally saw his soybeans ruined, because a boxcar was carrying Government-owned grain rather than his beans. This story not only points out the human involvement in this crisis, but also the seriousness of the threat it poses to the livelihood of the people who grow and handle these crops.

I ask unanimous consent to insert the following story, "Sad Soybean Story in Iowa Rain," from the Des Moines Register & Tribune.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAD SOYBEAN STORY IN IOWA RAIN—FREIGHT TRAIN BREEZES PAST $15,000 SHIPMENT IN OPEN GONDOLA CARS

(By Arlo Jacobson)

FARLIN, IOWA.—It was impossible to tell Thursday if the trickles of moisture running down Larry Dingman's cheeks were tears of frustration or just some of the rain ruining $15,000 worth of soybeans loaded in open gondola cars.

Farlin, located just five miles northwest of Jefferson, is so small that it isn't listed on road maps. About the only outsider aware of its existence is the Milwaukee Road.

Dingman, manager of the elevator here, was assured last week by a railroad representative that—because of the current boxcar shortage—the railroad would give priority to corn or soybeans loaded into open gondola cars because of their vulnerability to rain or snow.

So Dingman thought he had a safe bet when he received three gondola cars on Tuesday when the Milwaukee shuttle between Perry and Rockwell City made its run northward. The train was to return on Wednesday and pick up the cars.

Rain was forecast for Thursday, but Dingman only had to get the soybeans to the Cargill plant in Des Moines. He had two of the loaded gondolas waiting Wednesday when the freight made its trip back south.

BREEZED PAST

But the train breezed right on past the elevator, never even stopping.

Alarmed, Dingman got in his car and, following country roads, beat the train to a crossing two miles east of the elevator. There he flagged down the train.

But the conductor would not agree to pick up the cars. Dingman said the conductor maintained he had no instructions to give priority to open gondola cars.

The conductor told Dingman he had orders to pick up cars at the Jefferson elevator loaded with Commodity Credit Corp. (CCC) corn that the government had dumped onto the market.

The train couldn't pick up Dingman's cars, he was told, because it would put the train over its limit of about 50 cars on that particular branch line.

EXPRESSES INDIGNATION

Dingman expressed his indignation in no uncertain terms.

But the train pulled out without the gondolas. Wednesday night it started raining. Thursday when the train trudged through Farlin on its run north, the rain was pouring down. By afternoon it was rain mixed with snow.

The 3,600 bushels of soybeans were getting wetter and wetter. Soybeans expand when they get wet. They've been known to pop open steel bins. On open gondola cars they'll just expand upward and spill over the sides—like popcorn.

Dingman couldn't predict how many soybeans would be left in the gondola cars this morning. But he estimated at least 20 per cent would be lost from spillage and spoilage.

"It's a mess," Dingman said. "It really is—when they haul away the government corn instead of something like this.

"They told me at that meeting at Ames they'd give priority to take gondola cars as soon as they were loaded. It'd be different if they hadn't told me they would take them."

EMERGENCY SESSION

The meeting at Ames last week was an emergency session to try to find solutions to the grain transportation dilemma that has the entire Midwest in a bind. The Milwaukee representative who attended is no longer superintendent of the Perry division, which serves Farlin.

"I've heard a little about it (the Farlin situation)," commented the trainmaster at Perry, who declined to give his name.

WAS OVERLOOKED

"It apparently was a matter of the conductor having a message to pick up cars at Jefferson and the cars at Farlin would have put him over the allowed tonnage.

"The matter was brought to me and there will be a correction and the crews will be informed. Apparently the message on priorities for gondola cars loaded with grain was overlooked.

"In fact, the crews have been informed to never leave open top gondola cars—to take them in preference to anything else. It was just a mistake. People make them every day."

In Farlin, Dingman was muttering something about the mistake as the moisture trickled slowly down his face.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a statement and some insertions by the distinguished Senator from Minnesota (Mr. HUMPHREY) be printed in the RECORD.

There being no objection, the statement and insertions were ordered to be printed in the RECORD, as follows:

ACTION NEEDED NOW ON RAIL CAR SHORTAGE

(Statement by Senator HUMPHREY)

Mr. President, first, I compliment the junior Senator from Kentucky, Mr. Huddleston, for the speed and manner in which he has handled this difficult problem involving the current rail freight car crisis. Already, as a result of the two days of hearings held on this subject, actions have been taken by the ICC, the railroad and the U.S. Department of Agriculture. Additional steps have been taken to accelerate the turnaround of rail cars at the ports and the allocation of cars on a more equitable basis among shippers.

However, more action is needed and soon if we are to keep up with demands of domestic and foreign buyers of our grains. Domestic users, particularly dairy, poultry and livestock feeders located in feed deficit areas, are faced with critical shortages. These shortages are not due to limited supplies of these grains, but due to an overloaded rail transportation system. There is an abundant amount of feed grain available presently, especially corn.

In addition to the heavy supplies of grains being moved to export points, especially shipments in connection with last year's sales to Russia, the Commodity Credit Corporation's actions relating to the current sale of their own stocks, plus their calling in of previous crop year loans, is causing further disruption in the marketplace insofar as feed deficit areas getting their needed supplies. Such actions by CCC are further limiting the number of freight cars available to move private sales into such areas. Also the action of CCC in providing for no extension of loans for the 1968, 1969, 1970, 1971, and 1972 grain crops will not only further complicate the current freight car situation but also will force most of our grain producers to redeem these loans at a time when they are particularly hard pressed for funds—due to their heavy financial commitments in connection with spring plantings—and at a time when they cannot sell this grain—even though market prices are above loan levels—because they cannot move it, due to the limited availability of freight cars.

Any producer who should choose to redeem his loan under these circumstances would be assuming the risk of the market price remaining above the loan level for many months into the future, that is, until such time as the transportation situation improves sufficiently to move such grain to market. In my judgment, that date is many months away and by the time it arrives, the chances are at least 50–50 that feed grain prices, particularly corn, will likely be at or below the loan level.

Mr. President, Minnesota, like most other grain producing areas around the nation, is in desperate need of some specific relief with respect to this current rail car shortage. I believe that Senate Resolution 59, of which I am one of the sponsors, will help us in providing at least some of that needed relief. I urge my Senate colleagues to support and pass this Resolution so that we can get on with the job of relieving this crisis at the earliest possible date. Hopefully, the special committee, which this Resolution is suggesting the President impanel, will be able to identify and recommend some additional steps that might be taken to facilitate the movement of this grain. Every day we delay in moving ahead with the steps embodied in this Resolution, we are permitting the current crisis to worsen. Mr. President, I support this Resolution and urge its adoption as soon as possible.

Furthermore, following its passage, I would urge the President to respect the wishes of the Senate as expressed in this Resolution and fully implement its recommendations.

Mr. President, I place in the RECORD at this point a list of witnesses appearing at the Senate Agriculture Subcommittee hearing on the boxcar shortage. The length of the list in itself indicates the seriousness of the shortage.

I also place in the RECORD a selection of letters, typical of those I have received from many of my Minnesota constituents, requesting relief from this freight car problem.

WITNESSES ON BOXCAR SHORTAGE—SUBCOMMITTEE ON AGRICULTURAL PRODUCTION, MARKETING, AND STABILIZATION OF PRICES

10 A.M., MONDAY, JANUARY 29

Senator Burdick.

Senator Hughes, Chairman, Midwest Democratic Conference of Senators.

Senator Mondale.

Senator Abourezk.

Representative Abdnor of South Dakota.

Glenn A. Weir, Associate Administrator, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

Hon. George M. Stafford, Chairman; Hon. Rupert L. Murphy, Commissioner; and Thomas J. Byrne, Chief, Railroads Sections, Bureau of Operations, Interstate Commerce Commission.

Edward Eurich, Commissioner of Agriculture, State of Vermont, Montpelier, Vt.

Kenneth D. Naden, Executive Vice President, National Council of Farmer Cooperatives.

W. H. Van Slyke, Executive Director and Chairman, Car Service Division, Association of American Railroads.

James R. Scoggin, Vice President, Peavey Company, Minneapolis, Minn., and Chairman, Transportation Committee, National Grain and Feed Association.

Frank Johanssen, Chairman, Transportation Committee, National Association of Wheat Growers, Bayard, Nebr.

Edwin M. Wheeler, President, Fertilizer Institute.

Matt Triggs, Assistant Legislative Director, American Farm Bureau Federation.

John Adams, Director, Environmental and Consumer Affairs, National Milk Producers Federation.

Roscoe Marsden, National Corn Growers Association, Ames, Iowa.

Milt Clint, Chairman, Transportation Committee, Nebraska Grain and Feed Dealers Association, Hastings, Nebr.

John M. Cranor, Executive Vice President, Kansas Grain and Feed Dealers Association, Hutchinson, Kans.

Richard Elkins, President, and Bruce Hagen, North Dakota Public Service Commission, Bismarck, N.D.

John I. Finsness, Transportation Counsel, North Dakota Wheat Commission, Bismarck, N.D.

Robert Marland, Commissioner, Nebraska Public Service Commission, Lincoln, Nebr.

Robert Steinheider, Fred Steinheider and Sons, Goehner, Nebr.

Robert Skinner, Executive Vice President, Iowa Grain and Feed Association, Des Moines, Iowa.

Philip Dukes, Marathon Farmers Cooperative, Marathon, Iowa, representing the Iowa Institute of Cooperation.

Norman County Farmers Union,
Ada, Minn., February 8, 1973.

Hon. Hubert Humphrey,
U.S. Senate,
Washington, D.C.

In Norman County we have the following bushels of grain on the latter part of January 1973:

[In bushels]

1968 wheat	162, 561
1969 wheat	121, 922
1970 wheat	120, 309
1971 wheat	2, 073, 063
1972 wheat	1, 040, 321
Total, wheat	3, 518, 176
1968 barley	925, 020
1969 barley	706, 473
1970 barley	181, 240
1971 barley	1, 153, 554
Total, barley	2, 966, 293
1968 oats	615, 288
1969 oats	1, 708, 501
1970 oats	574, 483
1971 oats	927, 802
Total, oats	3, 826, 074
1971 rye	108, 720
1972 rye	15, 241
Total, rye	123, 961

This totals 10,551,441 bushels. If we could ship 20 cars a day it would take 8 months to complete this shipment.

We have nine elevators in the county and they are getting about a car per day so you can see we are going to have quite a struggle unless more boxcars become available.

Norman County Farmers Union,
Almer Hidalh,
Secretary.

Houston, Tex.,
February 8, 1973.

Hon. Hubert H. Humphrey,
Senate Office Building,
Washington, D.C.

Dear Senator Humphrey: According to my hometown newspaper, the *Lamberton* (Minn.) *News*, there is a serious shortage of boxcars in Lamberton with the result that the local elevators cannot buy grain from farmers in the surrounding area. My parents and other relatives own farms near Lamberton which will explain my interest in this problem.

The local elevator received a total of only five boxcars during the month of January. The reason given for the shortage was that boxcars are being used to transport grain for shipment to Russia. Whatever the reason, these voters need your help in securing more boxcars.

Sincerely.

Mrs. Richard F. Richards.

Dumont, Minn.,
February 16, 1973.

Hon. Hubert Humphrey,
U.S. Senate,
Washington, D.C.

Senator Humphrey: I am a Farm-wife from Traverse County, Minn. I listened with interest on the radio to the meeting you attended in Alexandria, and feel this is great. What better way for you to really find out what we are thinking and needing, than to come out to where the action is.

However there isn't much action around here. We cannot sell grain—(most in Traverse Co. are strictly grain farmers.) Our local elevator received three box cars this year. I read in the paper the car loads that come into the Twin Cities every day and must conclude that someone is getting cars. Our elevator at Dumont could and should handle thousands of bushels, but can't take a thing. I also read in the papers how rich we are getting with the good prices. They are good—but one can't eat grain or pay expenses with grain or the paper with the price wrote on it. The first $12,000 we earn goes for interest, principal, and taxes on our land. These bills are due regardless of price or the ability to sell. At present grain prices are down considerably from what they were. The government's calling in of grain has not helped an already bad situation.

We have heard that it used to take a six-pack of beer to get the train to stop and to get cars. Now I understand that it requires money. If the elevator man doesn't shell out—no cars. Perhaps this is not true, however there must be some reason why 6 miles north the elevator got eight cars this week, and it doesn't do any more business than Dumont. I do know that if we ran our business the way the railroad does we would not be in business anymore.

I can only add one thing—if you were to ask my 16 yr. old son if he wants to farm—his answer would be "no way" I do think Minnesota Farmers have some good friends in Washington.

Thanks for your concern.

Mrs. Loyal J. Fritz.

Walnut Grove, Minn.,
February 12, 1973.

Hubert H. Humphrey,
Washington, D. C.

Dear Sir: The reason for this letter is to complain about Mr. Butz and the Administration calling in all the corn and other grains not allowing a reseal program. What's their idea? The elevators are all full in our county (Redwood). Nobody buying any corn. No box cars. Would appreciate your putting all the pressure you can on them to allow a reseal program on at least 1972 corn. And see what you can do about getting box cars into the State of Minn.!

Thank you.

Alvin D. Maker.

Butterfield, Minn.,
February 12, 1973.

Hon. Hubert H. Humphrey,
U.S. Senate,
Washington, D.C.

Dear Mr. Humphrey Permit me to introduce myself. My wife and I farm 200 acres in Watonwan Co. We have three children of public school age and my wife works part time as a nurse-anesthetist at the St. James Hospital.

My reason for writing is in the hope that you as our Senator can spur some action to curb Secretary Butz, under the direction of the President, in the unwise direction he is taking in the feed grain program.

Our local elevators are bulging with corn, transportation by rail is almost at a standstill, and then the Secretary, in effect, cancels the farm reseal program. He is calling in 1969, 1970, 1971 corn whose reseal loans mature on May 31st 1973 and offering no reseal on 1972 corn which loan matures on July 31st 1973. All this in the name of "economy" and the vague premise that commercial channels will absorb it.

I admit that resealing corn for several years doesn't seem too wise, but liquidate the whole program in one season and also encourage a large expansion in planting seems to be the height of irresponsibility.

It is strange, too, that "economy," which appears to be nonexistent in most areas of the federal budget, should also prompt an increase to 5½% interest on commodity loans in place of the 3½% which has been in force since the inception of the program.

I am a "child of the depression" and remember too well the years before we had any agricultural program. It seems that the Nixon-Butz combination is bent on returning us to that unhappy period.

I hope you'll use your influence to prevent these changes which are causing great anxiety amongst our local farmers.

Sincerely,

Wendell I. Peterson.

January 19, 1973.

Senator Hubert Humphrey.

Dear Senator: I am writing this letter for a nice Country Elevator in Minnesota. Yes some of the Farmers have a Disaster, But I think the Grain Elevators have a disaster now. The Country Elevator is forced to quit buying Grain on account of no Box Cars to get rid of the Grain in. Our Elevator in Sacred Heart could use 5 Box Cars a day for a long time, to get caught up on Grain, which has been bought and resold to a commission firm with delivery in 30 days.

I personally think if something isn't done there will be a lot of Coop Elevator Managers going to pot. Since Jan. 1, 1973 our Elevator has bought $300,000.00 worth of Grain from Farmers and can't get rid of it. This Grain must be delivered in 30 days. Approximately three years ago I wrote a letter to you on the same subject and you had very good results. We did receive Freight Cars at that time. Please for our sake out in the Country Elevator give it your very best try, we are desperate for freight cars.

My personal point of view is you should not be calling in 69–70–71 sealed corn all at one time. Our Country Elevator can not handle warehouse corn, bin site corn and sealed corn on the farm all at one time. Plus buy a few soybeans at same time. Please talk to Butz, our Secretary of Agriculture.

Will you please except my sincere thank you for the Freight cars we received two or three years ago due to your attitude to help the average Farmer.

Yours truly,

Arvid Krogstad,
Chairman of the Board, Sacred Heart Farmers Elevators.

P.S.—Thank you for dealing with our very big problem out here in Rural Minnesota.

Kenneth, Minn.,
January 18, 1973.

Dear Sir: I would like to know if you can help us farmers get R.R. boxcars in our community.

We have 3 elevators on one Main line. They are Adrain, Magnolia and Luverne. Magnolia says they need 30 for Jan. 49 in Feb, 59 in Mar. They are big operators. The corn is still laying almost a block long near the school.

I wanted to sell some corn and 2 elevators turned me down so I sold one crib to a farmer. Now I can't get my money till he sells hogs.

I'm a widow and get only $85.20 a month social security so I live out on the farm and rent my land out. There are 3 other widows doing the same thing, can't afford to live in town.

I hope you will look into this boxcar deal. We need to move this grain.

Many thanks.

Yours truly,

Mrs. Myrtle Gath.

Dovray, Minn.,
February 9, 1973.

Dear Sir: Enclosed please find thermo-Fox copies of what is happening to the Country elevator because of the severe car shortage. Would appreciate any help you can give us.

Sincerely,

Merle Miesen.

Minneapolis, Minn.,
January 25, 1973.

Mr. Merle Miesen,
Manager, Dovray Grain & Feed Co.,
Dovray, Minn.

Dear Merle: I regret to inform you that as of this date, you are late on your shipments of corn to the Gulf in the amount of 7 cars for the month of January.

Today, I was informed by the buyer that he is going to assess us the following discounts on December contracts:

2 cents discount a bushel if shipment is after February 1. An additional 1 cent discount for each 5 days thereafter until the contract is filled.

On your January contracts, there will be a discount of 1 cent for shipments after February 10, and 1 cent discount each 5 days thereafter until our January contracts are filled.

I contacted all the railroads and asked them to do everything possible to furnish you cars so that you will be able to make your shipping time. I sincerely hope that we will be able to make it.

Sincerely yours,

Donald E. Mahl.

Continental Grain Co.,
Minneapolis, Minn., February 5, 1973.

Gentlemen: We are enclosing a contract adjustment which amends all January 1973 and prior rail corn contracts by extending shipment to February 15, 1973, at 2½¢ per bushel discount.

This adjustment is necessary since the delivered market is charging us for late shipment and a full market difference between January and February is certainly 5 to 10¢ per bushel.

We are fully appreciative of the rail equipment shortage and hope that your situation improves shortly.

Contracts still remaining open will be reexamined prior to February 15, 1973.

Sincerely yours,

Lynn B. Olson,
Assistant Vice President.

Dovray Grain and Feed,
Dovray, Minn.

To those of you that have received loading orders on your CCC Corn which you have in store in your local elevators I would suggest that you follow CCC's instructions very carefully.

CCC has said that warehousemen will be permitted to honor current commitments before shipping on the loading order. An additional storage will be paid on claims properly presented. Warehousemen are advised to completely document their situation on the date the loading order was received as to commitments for cash grain contracts for the producers for delivery at future dates and any other information which will be needed to prove to CCC that additional storage payments by CCC are justified. Make sure all car orders are written and copies are available to prove your position. After your prior commitments are met CCC expects to receive 50% of the cars shipped until a loading order is completed.

Many of you have had us try to buy this Corn for you, however, CCC's asking price has been too high. From $1.20 FOB to a $1.34 FOB in store. On Monday of this week, CCC accepted bids on a "to arrive" basis and sold 7 million bushels of Corn at $1.24 to $1.26 delivered Minneapolis, which is about 16¢ to 20¢ a bushel less than they were willing to sell it to you.

We, in Benson Quinn, feel that this is one of the greatest gifts CCC has ever given the terminal elevators in Minneapolis. We have complained very bitterly to CCC and our congressmen about the sale of this Corn and we highly recommend that you contact your senators and congressmen as soon as possible and file your complaint with them.

You might check with Ag-Sec. Butz regarding his comments or position on this.

Merle E. Imesen,
Owner.

Farmers' Cooperative Association,
Jackson, Minn., February 5, 1973.

Senator Hubert H. Humphrey,
Senate Office Building,
Washington, D.C.

Dear Senator Humphrey: This is a copy of a letter sent to Mr. W. L. Smith, President of the Milwaukee Railroad.

We feel that eight cars in six weeks is unreasonable even with the box car shortage.

The small shipper or larger shipper that can not use a unit train is being penalized at this time. This does not seem legally or morally right.

We hope you will continue your efforts to see that this situation is remedied.

Sincerely,

Forrest D. Mariner,
Manager.

Farmers' Cooperative Association,
Jackson, Minn., February 3, 1973.

Worthington L. Smith,
Chicago, Ill.

Dear Mr. Smith: The box-car situation in Jackson, Minnesota remains critical. Since our last correspondence with you we have received four empties. This makes a total of eight cars in thirty eight days.

We have agreed to rebuild the floors with ply-wood to make cars fit for grain loading but even this has not helped.

The dispatcher in Austin, Minnesota promised us cars last Wednesday January 31, but so far nothing. We have three times a week service so when we miss a trip it ends up to be a week with out cars.

Thank you for your patience and cooperation.

Sincerely,

Forrest D. Mariner,
Manager.

Mr. HUDDLESTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, I yield now to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, on last Thursday the program as stated for today indicated that there would be at least 1 yea and nay vote on the adoption of the resolution, that vote to occur at 4 p.m. today.

It was also stated that if a motion to refer was made, that motion to refer would be made at 4 p.m. today and the vote on the adoption of the resolution would occur circa 5 p.m.

It is my understanding now that all sides have worked the matter out and that there will be no motion to refer and that the debate has been completed on the resolution. Consequently, that vote could be taken now on final passage of the resolution.

Due to the fact that the information, as stated in the program which appeared in the Record on Thursday, also went out in the whip notices, I would like to suggest that the respective cloak rooms now put out a message to all Senators asking if there is any objection to the vote on final passage occurring at 3 p.m. today. If we receive no objections from either cloakroom, the previous order then could be vacated with respect to a vote at 4 p.m., and that vote could occur at 3 p.m. instead. I make that suggestion.

Mr. COTTON. Mr. President, while we are waiting for that message to go out, will someone yield me about 3 minutes to make a statement for the Record.

Mr. DOLE. Mr. President, will the Senator yield so I might ask a question of the Senator from West Virginia?

The PRESIDING OFFICER. Who yields time? The Senator from Vermont has control of the time.

Mr. DOLE. The Senator from New Hampshire has yielded, if I might ask a question.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. I yield.

Mr. COTTON. The Senator only gave me 3 minutes, but I will go ahead and give him some time.

Mr. DOLE. Will the Senator yield so that I might ask a question on the vote at 3 o'clock?

Mr. COTTON. Yes, certainly; if I have 5 minutes, I yield.

Mr. DOLE. Will the vote be a record vote at 3 o'clock, or just a vote?

Mr. ROBERT C. BYRD. The yea-and-nay vote would then be at 3 o'clock rather than 4 o'clock, because the announcement was made that it would be a yea-and-nay vote, and I am sure that some Senators are here today on the strength of that announcement.

Mr. COTTON. Mr. President, I trust my colleagues will recognize that what we now have as a simple resolution goes even more deeply to the jurisdiction of the Committee on Commerce. I would therefore like the Record to show that I make this statement reserving such rights as the distinguished chairman of our Committee on Commerce (Mr. Magnuson) may have, who was unavoidably unable to be here today. Further, Mr. President, I would like to make one very brief observation.

I wish to correct a misapprehension which I think has inadvertently been prevalent in the Senate several times during today's debate. We have repeatedly heard Senators say that we have been struggling, studying, and worrying about the boxcar shortage for 25 years. Others have talked about it having started back in 1902, and so forth. Actually, it started in 1887 with the first docket of the ICC.

But, I think it should be understood that the controversy in the Senate, particularly in the Committee on Commerce, which did last a long time, has, in large measure, come to an end. The real bone of contention that for a long time delayed affirmative remedial action concerned the situation where boxcars came over the long lines of western railroads to the borders of Massachusetts, Delaware, or other eastern States, and the participating eastern railroads received compensation for every mile a boxcar traveled. The short eastern lines only went a few miles, and this short mileage, coupled with rulings of the ICC meant that they were being badly discriminated against.

Today, many of these eastern railroads are either out of business, or have been absorbed into larger systems so that this controversy does not exist to the degree it once did. I think the Senator from Kansas (Mr. Pearson) will be able to corroborate this observation.

Thus, the principal issue on any Commerce Committee freight car bill is that which we settled on the floor last year with my amendment, but which is still with us. It can be handled in 5 minutes by a rollcall vote in the Commerce Committee, and if that fails, then another rollcall vote in the Senate. What I wish to emphasize is that there appears to be no need for a prolonged study. The Commerce Committee is ready to act, and I think the go-ahead signal from our distinguished chairman (Mr. Magnuson) will be received. We should be able to report a bill, I would think, within a few weeks after it is scheduled for consideration which will really provide the means for building boxcars.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. COTTON. If I may have a few more minutes, I am glad to yield.

Mr. PEARSON. I just want to say to the distinguished Senator that in recognition of the Commerce Committee's appreciation of this particular problem, it is my understanding that early this year it was the judgment of the leadership on the committee that we would disband the Special Subcommittee on Freight Car Shortage and include this function in the Subcommittee on Surface Transportation. However, that decision has, as I now understand, been reversed because of a renewed emphasis in trying to bring out that bill again within the near future.

Mr. COTTON. I, too, understand that earlier decision was reversed for the reasons stated by the distinguished Senator from Kansas (Mr. Pearson).

The PRESIDING OFFICER. Who yields time? If no one yields time, the time will be charged equally against both sides.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield me 1 minute?

Mr. PEARSON. I yield.

Mr. ROBERT C. BYRD. Mr. President, the vote on the adoption of the resolution will occur at 4 p.m. today, as previously scheduled. We have received too many objections from both sides of the aisle to any change in the time.

Mr. CURTIS. Mr. President, will the distinguished assistant majority leader yield?

Mr. ROBERT C. BYRD. I yield.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. Has all remaining time been yielded back?

The PRESIDING OFFICER. Not on the resolution. The time is still under the control of the Senator from Vermont and the Senator from Kentucky.

Mr. ROBERT C. BYRD. If Senators wished to yield back their time, the Senate could go into a recess.

Mr. AIKEN. No; not yet.

Mr. ROBERT C. BYRD. Mr. President, after conferring with the Senator from Vermont and the Senator from Kentucky, I move that the Senate stand in recess until the hour of 3:50 p.m. today, and that the time for the recess be charged equally against both sides.

The motion was agreed to; and, at 2:59 p.m. the Senate took a recess until 3:50 p.m., whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. Helms).

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Kentucky (Mr. Huddleston) I yield myself 1 minute.

ORDER FOR RECOGNITION OF SENATORS BENTSEN, KENNEDY, MATHIAS, HART, HUMPHREY, MUSKIE, CASE, AND ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that on tomorrow, after the distinguished Senator from Missouri (Mr. Eagleton) has been recognized, the distinguished Senator from Texas (Mr. Bentsen) be recognized for not to exceed 15 minutes, and that he be followed by the following Senators, each to be recognized for not to exceed 15 minutes and in the order stated: Mr. Kennedy, Mr. Mathias, Mr. Hart, Mr. Humphrey, Mr. Muskie, Mr. Case, and Mr. Robert C. Byrd.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that on tomorrow at the conclusion of the recognition of Senators under the foregoing orders, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RAIL FREIGHT CAR SHORTAGE

The Senate continued with the consideration of the resolution (S. Res. 59) relating to the railroad transportation crisis caused by the freight car shortage and other factors.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time for the quorum call be equally charged against the two sides on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. Helms). Without objection, it is so ordered.

The question is on agreeing to Senate Resolution 59, as amended.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Florida (Mr. Chiles), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mr. Magnuson), the Senator from Minnesota (Mr. Mondale), the Senator from Utah (Mr. Moss), and the Senator from Missouri (Mr. Symington) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Minnesota (Mr. Mondale), the Senator from Missouri (Mr. Symington) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senators from Arizona (Mr. Fannin and Mr. Goldwater), the Senator from Hawaii (Mr. Fong), the Senator from Florida (Mr. Gurney), the Senator from New York (Mr. Javits), the Senator from Idaho (Mr. McClure), the Senator from Illinois (Mr. Percy), and the Senators from Ohio (Mr. Saxbe and Mr. Taft), are necessarily absent.

The Senator from Oregon (Mr. Hatfield) is absent because of illness.

The Senator from Texas (Mr. Tower) is absent on official business.

If present and voting, the Senator from Ohio (Mr. Taft) would vote "yea."

On this vote, the Senator from Florida (Mr. Gurney) is paired with the Senator from Oregon (Mr. Hatfield). If present and voting, the Senator from Florida would vote "yea" and the Senator from Oregon would vote "nay."

On this vote, the Senator from New York (Mr. Javits) is paired with the Senator from Illinois (Mr. Percy). If present and voting, the Senator from New York would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 60, nays 15, as follows:

[No. 18 Leg.]

YEAS—60

Abourezk
Aiken
Beall
Bentsen
Bible
Biden
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Church
Clark
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fulbright
Hansen
Hart
Haskell
Hathaway
Hollings
Hruska
Huddleston
Jackson
Johnston
Long
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Montoya
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Sparkman
Stafford
Stevens
Stevenson
Talmadge
Thurmond
Tunney
Weicker
Young

NAYS—15

Allen
Bartlett
Bellmon
Bennett
Brock
Buckley
Case
Griffin
Helms
Packwood
Roth
Schweiker
Scott, Pa.
Scott, Va.
Williams

NOT VOTING—25

Baker
Bayh
Chiles
Fannin
Fong
Goldwater
Gravel
Gurney
Hartke
Hatfield
Hughes
Humphrey
Inouye
Javits
Kennedy
Magnuson
McClure
Mondale
Moss
Percy
Saxbe
Stennis
Symington
Taft
Tower

So Senate Resolution 59, as amended, was agreed to.

The preamble was agreed to.

The resolution as amended, with its preamble, is as follows:

S. Res. 59

Whereas a railroad transportation crisis currently exists in the United States; and

Whereas such crisis has occurred as the result of a number of factors including—

(1) a late and abundant harvest of agricultural commodities;

(2) favorable market conditions;

(3) the sale of large quantities of grain to the Soviet Union and the delay in concluding an agreement with the Soviet Union for the shipment of such grain;

(4) the policy of the Department of Agriculture regarding the disposal of commodities held in storage by the Commodity Credit Corporation;

(5) the decision of the Department of Agriculture not to extend the resale loans on commodities of certain crop years;

(6) bad weather conditions in certain areas of the Nation;

(7) the dependence of farmers in certain areas upon grain from other areas as the result of extensive crop damage caused by Hurricane Agnes;

(8) the loss of work days at seaports during the Christmas and New Year periods; and

(9) a shortage of railroad freight cars and the ineffective utilization of existing freight cars; and

Whereas immediate and appropriate action is required to alleviate such transportation crisis: Now, therefore, be it

Resolved, That it is hereby declared to be the sense of the Senate that—

(1) the option to reseal loans on farm-stored wheat and feed grain should be made available to farmers by the Commodity Credit Corporation with respect to the 1971 and 1972 crops; and

(2) the President should, and is hereby urged and requested to, immediately appoint a special committee composed of one representative from the Department of Agriculture, one from the Department of Labor, one from the Interstate Commerce Commission, one from the Office of Emergency Preparedness, one from the National Grain and Feed Association, one from the Forest Industries Council, and one from the Association of American Railroads, and an appropriate representative of organized labor to conduct a study of the railroad freight car shortage problem and to submit to the President and to the Senate Agriculture and Forestry and Senate Commerce Committees, within thirty days after its appointment, the results of its study together with its recommendations for the most effective and practical means of (A) delivering adequate quantities of wheat to millers and feed grains to farmers and stockmen in the United States dependent upon such grain for feeding their livestock, and (B) alleviating the backup at those ports where numerous ships and railroad cars are waiting to be loaded and unloaded.

Mr. HUDDLESTON. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion was agreed to.

OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS OF 1973

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate proceed to the consideration of S. 50.

The PRESIDING OFFICER. Without objection, the motion is agreed to. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 50) to strengthen and improve the Older Americans Act of 1965, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with amendments on page 1, line 4, after the word "of", strike out "1972" and insert "1973"; on page 3, line 14, after the word "Services", strike out "Act of 1972" and insert "Act"; in line 16, after the word "functions", strike out "he" and insert "the Commissioner"; on page 9, line 3, after "June 30", strike out "1974" and insert "1973"; in the same line, after the amendment just above stated, strike out "and $1,250,000" and insert "$1,000,000"; on page 12, line 12, after the word "study", insert a comma and "but no later than eighteen months after enactment of this Act,"; in line 14, after the word "Congress", strike out "no later than eighteen months after the enactment of this Act"; at the top of page 13, insert:

"(i) The Council shall undertake a study or studies concerning the effects of the formulae specified in section 303 for allotment among the States for sums appropriated for area planning and social service programs authorized under title III of this Act. Upon completion of this study, but no later than June 30, 1975, the results of such study, together with recommendations for such changes, if any, in such formulae as may be determined to be desirable, and the justification for any changes recommended, shall be submitted to the Commissioner, the Secretary of Health, Education, and Welfare, the Committee on Labor and Public Welfare of the Senate, and the Committee on Education and Labor of the House of Representatives.

On page 14, at the beginning of line 8, insert "is authorized"; on page 16, line 20, after the word "provided.", insert "In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose."; on page 18, at the beginning of line 4, strike out "Sec. 301. The Older Americans Act of 1965 is amended" and insert "Sec. 301. It is the purpose of this title to encourage"; on page 20, at the beginning of line 11, strike out "$200,000,000" and insert "$150,000,000"; in line 12, after the word "and", strike out "$300,000,000" and insert "$200,000,000"; in line 15, after "section 305", insert "(except as provided in section 307(a))"; on page 24, line 15, after the word "areas')", insert a comma and "in accordance with regulations of the Commissioner, after"; on page 25, line 6, after the word "service", strike out "area and the State may include in any planning and service area designated pursuant to this proviso such additional areas adjacent to the unit of general purpose local government so designated as the State determines to be necessary for the effective administration of the programs authorized by this title", and insert "area; except that the State may designate as a planning and service area, any region within the State recognized for purposes of areawide planning which includes one or more such units of general purpose local government when the State determines that the designation of such a regional planning and service area is necessary for, and will enhance, the effective administration of the programs authorized by this title, and"; on page 28, line 12, after the word "for", strike out "the establishment and maintenance of" and insert "and coordinate information and referral sources in suf-"; on page 29, line 24, after the word "children", strike out "and"; on page 30, line 5, after the word "conducted", strike out "thereunder." and insert "thereunder; and"; at the beginning of line 6, insert:

(5) specify the activities in the planning and service area covered by the area plan which were assisted with funds made available under title III of this Act prior to enactment of the Older Americans Comprehensive Services Amendments and specify each of such activities (A) which will not continue to receive assistance under the area plan, and (B) which will continue to receive assistance under the area plan.

On page 31, line 25, after the word "for", strike out "establishing and maintaining" and insert "and coordinates"; on page 32, line 11, after the word "service", strike out "and"; in line 15, after the word "persons", strike out "qualify." and insert "qualify; and"; after line 15, insert:

(10) specifies the activities in the State which were assisted with sums made available under title III of this Act prior to enactment of the Older Americans Comprehensive Services Amendments and specifies each of such activities (A) which will not continue to receive assistance under the State plan submitted pursuant to this section, and (B) which will continue to receive assistance under the State plan submitted pursuant to this section.

On page 36, after line 17, insert:

(3) Any State which has designated a single planning and service area pursuant to section 304(a)(1)(E) covering all, or substantially all, of the older persons in such State, as determined by the Commissioner, may elect to pay part of the costs of the administration of State and area plans either out of sums alloted under this section or out of sums made available for the administration of area plans pursuant to section 303(e)(1), but shall not pay such costs out of sums allotted under both such sections.

On page 37, line 10, after the word "or", strike out "$100,000" and insert "$150,000"; on page 39, at the beginning of line 2, strike out "to section 306 the Commissioner may advance to a State which does not have a State plan approved under section 305 such amounts as he deems appropriate for the purpose of assisting such State in developing a State plan." and insert "to section 306 the Commissioner may pay to a State which does not have a State plan approved under section 305 such amounts as he deems appropriate for the purpose of assisting such State in developing a State plan. From a State's allotment for a fiscal year which is available pursuant to Section 303, the Commissioner may, during the period ending one year after the date of enactment of the Older Americans Comprehensive Services Amendments, pay, in accordance with such regulations as he may prescribe, to a State which does not have a State plan approved under section 305, such amounts as he deems appropriate for the purpose of continuing Federal financial assistance for activities assisted under the plan of such State approved under section 303 of this Act prior to enactment of the Older Americans Comprehensive Services Amendments."; on page 42, line 25, after the word "appropriated", strike out "$70,000,000" and insert "$20,000,000"; on page 43, line 1, after "1973", strike out "$105,000,000" and insert "$25,000,000"; at the beginning of line 3, strike out "$140,000,000" and insert "$30,000,000"; on page 54, at the beginning of line 1, strike out "$15,000,000" and insert "$10,000,000"; in line 2, after "1973", strike out "$20,000,000" and insert "$15,000,000"; in line 3, after the word "and", strike out "$25,000,000" and insert "$20,000,000"; in line 7, after "(except section 412)", strike out "$20,000,000" and insert "$15,000,000"; in line 8, after "1973", strike out "$30,000,000" and insert "$20,000,000"; at the beginning of line 10, strike out "$40,000,000" and insert "$25,000,000"; on page 55, after line 3, strike out:

TITLE V—MULTIPURPOSE SENIOR CENTERS

SEC. 501. The Older Americans Act of 1965 is further amended by inserting immediately after title IV the following new title:

"TITLE V—MULTIPURPOSE SENIOR CENTERS

"PART A—CONSTRUCTION OF MULTIPURPOSE SENIOR CENTERS

"CONSTRUCTION PROJECTS

"SEC. 501. In order to provide a focal point in communities for the development and delivery of social services and nutritional services designed primarily for older persons, the Commissioner may make grants to units of general purpose local government or other public or nonprofit private agencies or organizations and may make contracts with any agency or organization to pay not to exceed 75 per centum of the cost of leasing, altering, or renovating existing facilities to serve as multipurpose senior centers (including the initial equipment of such facilities), and, where utilizing existing facilities is not feasible, not to exceed 75 per centum of the cost of constructing new public or nonprofit private multipurpose senior centers. Facilities assisted by grants or contracts under this part shall be in close proximity to the majority of individuals eligible to use the multipurpose senior center, and within walking distance where possible, except that the total payments made pursuant to such grants or contracts in any State for any fiscal year shall not exceed 10 per centum of the total amount appropriated for the year for the purposes of carrying out this part.

"REQUIREMENTS FOR APPROVAL OF APPLICATIONS

"SEC. 502. (a) A grant or contract for construction under this part may be made only if the application therefor is approved by the Commissioner upon his determination that—

"(1) the application contains or is supported by reasonable assurances that (A) for not less than ten years after completion of construction, the facility will be used for the purposes for which it is to be constructed, (B) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and (C) sufficient funds will be available, when construction is completed, for effective use of the facility for the purpose for which it is being constructed;

"(2) the application contains or is supported by reasonable assurances that there are no existing facilities in the community suitable for leasing as a multipurpose senior center, and that there are no existing facilities in the community which could be altered or renovated to serve such a purpose;

"(3) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment; and

"(4) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractors or subcontractors in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a 276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 267c).

"(b) In making grants or contracts under this part, the Commissioner shall—

"(1) give preference to the construction of multipurpose senior centers in areas where there is being developed a comprehensive and coordinated system under title III of this Act; and

"(2) consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed construction.

"PAYMENTS

"SEC. 503. Upon approval of any application for a grant or contract under this part, the Commissioner shall reserve, from any appropriation available therefore, the amount of such grant or contract; the amount so reserved may be paid in advance of by way of reimbursement, and in such installments consistent with construction progress, as the Commissioner may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility.

"RECAPTURE OF PAYMENTS

"SEC. 504. If, within ten years after completion of any construction for which funds have been paid under this part—

"(a) the owner of the facility ceases to be a public or nonprofit private agency or organization, or

"(b) the facility shall cease to be used for the purposes for which it was constructed (unless the Commissioner determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so),

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated."

And, in lieu thereof, insert:

TITLE V—MULTIPURPOSE SENIOR CENTERS

SEC. 501. The Older Americans Act of 1965 is further amended by inserting immediately after title IV the following new title:

"TITLE V—MULTIPURPOSE SENIOR CENTERS

"PART A—ACQUISITION, ALTERATION, OR RENOVATION OF MULTIPURPOSE SENIOR CENTERS

"GRANTS AUTHORIZED

"SEC. 501. (a) In order to provide a focal point in communities for the development and delivery of social services and nutritional services designed primarily for older persons, the Commissioner may make grants to units of general purpose local government or other public or nonprofit private agencies or organizations and may make contracts with any agency or organization to pay not to exceed 75 per centum of the cost of acquiring, altering, or renovating existing facilities to serve as multipurpose senior centers (including the initial equipment of such facilities). Facilities assisted by grants or contracts under this part shall be in close proximity to the majority of individuals eligible to use the multipurpose senior center, and within walking distance where possible.

"(b) The total payments made pursuant to grants or contracts under this section in any State for any fiscal year shall not exceed 10 per centum of the total amount appropriated for the year for the purposes of carrying out this part.

"(c) The term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of social services and recreational opportunities for older persons.

"REQUIREMENTS FOR APPROVAL OF APPLICATIONS

"SEC. 502. (a) A grant or contract for purchase under this part may be made only if the application therefor is approved by the Commissioner upon his determination that—

"(1) the application contains or is supported by reasonable assurances that (A) for not less then ten years after purchase, the facility will not be used and is not infor which it is to be purchased, (B) sufficient funds will be available to meet the non-Federal share of the cost of purchase of the facility, (C) sufficient funds will be available, when purchase is completed, for effective use of the facility for the purpose for which it is being purchased, and (D) the facility will not be used and is not intended to be used for sectarian instruction or as a place for religious worship;

"(2) the application contains or is supported by reasonable assurances that there are no existing facilities in the community suitable for leasing as a multipurpose senior center;

"(3) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment (promulgated with particular emphasis on securing compliance with the requirements of the Architectural Barriers Act of 1968 (Public Law 90–480)); and

"(4) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractors or subcontractors in the performance of work on the facility will be paid wages at rates not less than those prevailing for similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) In making grants or contracts under this part, the Commissioner shall—

"(1) give preference to the acquisition of multipurpose senior centers in areas where there is being developed a comprehensive and coordinated system under title III of this Act; and

"(2) consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed alteration or renovation.

"PAYMENTS

"SEC. 503. Upon approval of any application for a grant or contract under this part, the Commissioner shall reserve, from any appropriation available therefor, the amount of such grant or contract. The amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with progress in alteration or renovation, as the Commissioner may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of altering or renovating the facility.

"RECAPTURE OF PAYMENTS

"SEC. 504. If, within ten years after purchase of any facility for which funds have been paid under this part—

"(a) the owner of the facility ceases to be a public or nonprofit private agency or organization, or

"(b) the facility ceases to be used for the purposes for which it was purchased (unless the Commissioner determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so),

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated."

On page 63, line 21, after the word "There", strike out "is" and insert "are"; in line 23, after "501", strike out "$35,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1975" and insert "$10,000,000 for the fiscal year ending June 30, 1973, $15,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975"; on page 64, line 19, after the word "during", strike out "construction)" and insert "acquisition, alteration, or renovation)"; on page 67, at the beginning of line 7, strike out "construction;" and insert "acquisition, alteration, or renovation;"; on page 69, line 25, after the word "the", where it appears the second time, strike out "construction" and insert "acquisition, alteration or renovation"; on page 70, line 11, after the word "the", strike out "construction" and insert "acquisition, alteration or renovation"; on page 72, line 10, after the word "fiscal", strike out "years." and insert "year." "; after line 10, strike out:

"DEFINITIONS

"SEC. 512. For purposes of this bill—

"(1) the term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of services (including provision of health, social, and educational services and provision of facilities for recreational activities) for older persons.

"(2) the term 'cost of construction' includes the cost of architects' fees and acquisition of land in connection with construction, but does not include the cost of offsite improvements."

On page 75, after line 4, strike out:

"SEC. 614. (a) There are authorized to be appropriated for grants or contracts under subsection (a) of section 611, $35,000,000 for the fiscal year ending June 30, 1973, $45,000,000 for the fiscal year ending June 30, 1974, $55,000,000 for the fiscal year ending June 30, 1975.

"(b) There are authorized to be appropriated for grants or contracts under subsection (b) of section 611, $6,000,000 for the fiscal year ending June 30, 1973, $7,000,000 for the fiscal year ending June 30, 1974, $8,000,000 for the fiscal year ending June 30, 1975."

And, in lieu thereof, insert:

"SEC. 614. (a)(1) There are authorized to be appropriated for grants or contracts under subsections (a) and (b) of section 611, $41,000,000 for the fiscal year ending June 30, 1973, $52,000,000 for the fiscal year ending June 30, 1974, and $63,000,000 for the fiscal year ending June 30, 1975, respectively, of which (A) $35,000,000 for the fiscal year ending June 30, 1973, $45,000,000 for the fiscal year ending June 30, 1974, and $55,000,000 for the fiscal year ending June 30, 1975, respectively, shall be available for such years for grants or contracts under subsection (a) of section 611, and (B) $6,000,000 for the fiscal year ending June 30, 1973, $7,000,000 for the fiscal year ending June 30, 1974, and $8,000,000 for the fiscal year ending June 30, 1975, respectively, shall be available for such years for grants or contracts under subsection (b) of such section.

"(2) If the sums authorized to be appropriated under pargaraph (1) of this subsection are not appropriated and made available for each such fiscal year, then such sums as are so appropriated and made available for each such fiscal year shall be allocated so that—

"(A) any amounts appropriated not in excess of $25,000,000 shall be used for grants or contracts under subsection (a) of section 611; and

"(B) any amounts appropriated in excess of $31,000,000 for the fiscal year ending June 30, 1973, $32,000,000 for the fiscal year ending June 30, 1974, and $33,000,000 for the fiscal year ending June 30, 1975, respectively, shall be used for grants or contracts for such fiscal years under subsection (a) of such section."

On page 78, line 13, after the word "by", strike out "spelling" and insert "striking"; in the same line, after the word "section", insert "and substituting"; in line 14, after the word "thereof", strike out "each fiscal" and insert "such fiscal year"; in line 22, after the word "the", strike out "Secretary" and insert "Commissioner"; on page 83, line 20, after the word "The", strike out "second" and insert "third"; so as to make the bill read:

S. 50

A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Comprehensive Services Amendments of 1973".

TITLE I—DECLARATION OF OBJECTIVES

FINDINGS AND PURPOSES

SEC. 101. The Congress finds that millions of older citizens in this Nation are suffering unnecessary harm from the lack of adequate services. It is therefore the purpose of this Act, in support of the objectives of the Older Americans Act of 1965, to—

(1) make available comprehensive programs which include a full range of health, education, and social services to our older citizens who need them,

(2) give full and special consideration to older citizens with special needs in planning such programs, and, pending the availability of such programs for all older citizens, give priority to the elderly with the greatest economic and social need,

(3) provide comprehensive programs which will assure the coordinated delivery of a full range of essential services to our older citizens, and, where applicable, also furnish meaningful employment opportunities for many individuals, including older persons, young persons, and volunteers from the community, and

(4) insure that the planning and operation of such programs will be undertaken as a partnership of older citizens, community agencies, and State and local governments, with appropriate assistance from the Federal Government.

SEC. 102. Section 101(8) of the Older Americans Act of 1965 is amended by inserting after "services" the following: ", including access to low-cost transportation,".

TITLE II—ADMINISTRATION ON AGING

SEC. 201. (a) Section 201 of the Older Americans Act of 1965 is amended to read as follows:

"ESTABLISHMENT OF ADMINISTRATION ON AGING

"SEC. 201. (a) There is established in the Office of the Secretary an Administration on Aging (hereinafter in this Act referred to as the 'Administration') which shall be headed by a Commissioner on Aging (hereinafter in this Act referred to as the 'Commissioner'). Except for title VI and as otherwise specifically provided by the Older Americans Comprehensive Services Act, the Administration shall be the principal agency for carrying out this Act. In the performance of his functions, the Commissioner shall be directly responsible to the Secretary and not to or through any other officer of that Department. The Commissioner shall not delegate any of his functions to any other officer who is not directly responsible to him unless he first submits a plan for such delegation to the Congress. Such delegation is effective at the end of the first period of thirty calendar days of continuous session of Congress after the date on which the plan for such delegation is transmitted to it, unless between the day of transmittal and the end of the thirty-day period either House passes a resolution stating in substance that that House does not favor such delegation. For the purpose of this section, continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period. Under provisions contained in a reorganization plan, a provision of the plan may be effective.

"(b) The Commissioner shall be appointed by the President by and with the advice and consent of the Senate."

(b)(1) Section 202(4) of the Older Americans Act of 1965 is amended to read as follows:

"(4) develop plans, conduct and arrange for research in the field of aging, and assist in the establishment of and carry out programs designed to meet the needs of older persons for social services, including nutrition, hospitalization, preretirement training, continuing education, low-cost transportation and housing, and health services;"

(2) Section 202 of the Older Americans Act of 1956 is amended by striking out "and" at the end of paragraph (7), by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraphs:

"(9) develop basic policies and set priorities with respect to the development and operation of programs and activities conducted under authority of this Act;

"(10) provide for the coordination of Federal programs and activities related to such purposes;

"(11) coordinate, and assist in, the planning and development by public (including Federal, State, and local agencies) and nonprofit private organizations of programs for older persons, with a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such persons;

"(12) convene conferences of such authorities and officials and public (including Federal, State, and local agencies) and nonprofit private organizations concerned with the development and operation of programs for older persons as the Commissioner deems necessary or proper for the development and implementation of policies related to the purposes of this Act;

"(13) develop and operate programs providing services and opportunities as authorized by this Act which are not otherwise provided by existing programs for older persons;

"(14) carry on a continuing evaluation of the programs and activities related to the purposes of this Act, with particular attention to the impact of medicare and medicaid, the Age Discrimination Act of 1967, and the programs of the National Housing Act relating to housing for the elderly and the setting of standards for the licensing of nursing homes, intermediate care homes, and other facilities providing care for older people;

"(15) provide information and assistance to private nonprofit organizations for the establishment and operation by them of programs and activities related to the purposes of this Act; and

"(16) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of aging, and for training persons for carrying out programs related to the purposes of this Act, and conduct and provide for the conducting of such training."

(3) Section 202 of the Act (as amended by the preceding provisions of this subsection) is further amended by inserting "(a)" after "Sec. 202.", and by adding at the end thereof the following new subsection:

"(b) In executing his duties and functions under this Act and carrying out the programs and activities provided for by this Act, the Commissioner, in consultation with the Director of Action, shall take all possible steps to encourage and permit voluntary groups active in social services, including youth organizations active at the high school or college levels, to participate and be involved individually or through representative groups in such programs or activities to the maximum extent feasible, through the performance of advisory or consultative functions, and in other appropriate ways."

(c) Title II of the Older Americans Act of 1965 is further amended by adding at the end thereof the following new sections:

"FEDERAL AGENCY COOPERATION

"SEC. 203. Federal agencies proposing to establish programs substantially related to the purposes of this Act shall consult with the Administration on Aging prior to the establishment of such services, and Federal agencies administering such programs shall cooperate with the Administration on Aging in carrying out such services.

"THE NATIONAL INFORMATION AND RESOURCE CLEARING HOUSE FOR THE AGING

"SEC. 204. (a) The Commissioner is authorized and directed to establish and operate a National Information and Resource Clearing House for the Aging which shall—

"(1) collect, analyze, prepare, and disseminate information related to the needs and interests of older persons;

"(2) obtain information concerning older persons from public and private agencies and other organizations serving the needs and interests of older persons and furnish, upon request, information to such agencies and organizations, including information developed by Federal, State, and local public agencies with respect to programs of such agencies designed to serve the needs and interests of older persons;

"(3) encourage the establishment of State and local information centers and provide technical assistance to such centers, including sources established under section 304(c) (3) and section 305(a) (7), to assist older persons to have ready access to information; and

"(4) carry out a special program for the collection and dissemination of information relevant to consumer interests of older persons in order that such older persons may more readily obtain information concerning goods and services needed by them.

"(b) The Commissioner shall take whatever action is necessary to achieve coordination of activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to older persons. To the extent practicable, the Commissioner shall carry out his functions under this subsection through the National Information and Resource Clearing House for the Aging.

"(c) There are authorized to be appropriated to carry out the purposes of this section $750,000 for the fiscal year ending June 30, 1973, and $1,000,000 for the fiscal year ending June 30, 1974, and $1,250,000 for the fiscal year ending June 30, 1975.

"FEDERAL COUNCIL ON THE AGING

"SEC. 205. (a) There is established a Federal Council on the Aging to be composed of fifteen members appointed by the President with the advice and consent of the Senate for terms of three years without regard to the provisions of title 5, United States Code. Members shall be appointed so as to be representative of older Americans, national organizations with an interest in aging, business, labor, and the general public. At least five of the members shall themselves be older persons.

"(b)(1) Of the members first appointed, five shall be appointed for a term of one year, five shall be appointed for a term of two years, and five shall be appointed for a term of three years, as designated by the President at the time of appointment.

"(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

"(4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at a rate not to exceed the daily rate specified for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

"(c) The President shall designate the Chairman from among the members appointed to the Council. The Council shall meet at the call of the Chairman but not less often than four times a year. The Secretary and the Commissioner on Aging shall be ex officio members of the Council.

"(d) The Council shall—

"(1) advise and assist the President on matters relating to the special needs of older Americans;

"(2) assist the Commissioner in making the appraisal of needs required by section 402;

"(3) review and evaluate, on a continuing basis, Federal policies regarding the aging and programs and other activities affecting the aging conducted or assisted by all Federal departments and agencies for the purpose of appraising their value and their impact on the lives of older Americans; and

"(4) serve as a spokesman on behalf of older Americans by making recommendations to the President, to the Secretary, the Commissioner, and to the Congress with respect to Federal policies regarding the aging and federally conducted or assisted programs and other activities relating to or affecting them;

"(5) inform the public about the problems and needs of the aging, in consultation with the National Information and Resource Clearing House for the Aging, by collecting and disseminating information, conducting or commissioning studies and publishing the results thereof, and by issuing publications and reports; and

"(6) provide public forums for discussing and publicizing the problems and needs of the aging and obtaining information relating thereto by conducting public hearings, and by conducting or sponsoring conferences, workshops, and other such meetings.

"(e) The Secretary and the Commissioner shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

"(f) Beginning with the year 1974 the Council shall make such interim reports as it deems advisable and an annual report of its findings and recommendations to the President not later than March 13 of each year. The President shall transmit each such report to the Congress together with his comments and recommendations.

"(g) The Council shall undertake a study of the interrelationships of benefit programs for the elderly operated by Federal, State, and local government agencies. Following the completion of this study, but no later than eighteen months after enactment of this Act, the President shall submit to Congress recommendations for bringing about greater uniformity of eligibility standards, and for eliminating the negative impact that one program's standards may have on another.

"(h) The Council shall undertake a study of the combined impact of all taxes on the elderly—including but not limited to income property, sales, social security taxes. Upon completition of this study, but no later than eighteen months after enactment of this Act, the President shall submit to Congress, and to the Governor and legislatures of the States, the results thereof and such recommendations as he deems necessary.

"(i) The Council shall undertake a study or studies concerning the effects of the formulae specified in section 303 for allotment among the States of sums appropriated for area planning and social service programs authorized under title III of this Act. Upon completion of this study, but no later than June 30, 1975, the results of such study, together with recommendations for such changes, if any, in such formulae as may be determined to be desirable, and the justification for any changes recommended, shall be submitted to the Commissioner, the Secretary of Health, Education, and Welfare, the Committee on Labor and Public Welfare of the Senate, and the Committee on Education and Labor of the House of Representatives.

"ADMINISTRATION OF THE ACT

"SEC. 206. (a) In carrying out the purposes of this Act, the Commissioner is authorized to:

"(1) provide consultative services and technical assistance to public or nonprofit private agencies and organizations;

"(2) provide short-term training and technical instruction;

"(3) conduct research and demonstrations;

"(4) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act; and

"(5) provide staff and other technical assistance to the Federal Council on the Aging.

"(b) In administering his functions under this Act, the Commissioner may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organization, in accordance with agreements between the Commissioner and the head thereof, and is authorized to pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

"(c) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary.

"EVALUATION

"SEC. 207. (a) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

"(b) The Secretary may not make grants or contracts under section 308 or title IV of this Act until he has developed and published general standards to be used by him in evaluating the programs and projects assisted under such section or title. Results of evaluations conducted pursuant to such standards shall be included in the reports required by section 208.

"(c) In carrying out evaluations under this section, the Secretary shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects.

"(d) The Secretary shall annually publish summaries of the results of evaluative research and evaluation of program and project impact and effectiveness, the full contents of which shall be available to Congress and the public.

"(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

"(f) Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this section shall be made available to him, upon request, by the departments and agencies of the executive branch.

"(g) The Secretary is authorized to use such sums as may be required, but not to exceed 1 per centum of the funds appropriated under this Act, or $1,000,000, whichever is greater, to conduct program and project evaluations (directly, or by grants or contracts) as required by this title. In the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriated therefor) shall be reduced accordingly.

"REPORTS

"SEC. 208. Not later than one hundred and twenty days after the close of each fiscal year, the Commissioner shall prepare and submit to the President for transmittal to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include statistical data reflecting services and activities provided individuals during the preceding fiscal year.

"JOINT FUNDING OF PROJECTS

"SEC. 209. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to any agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

"ADVANCE FUNDING

"SEC. 210. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

"(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year."

SEC. 202. Title VIII of the Older Americans Act of 1965 is hereby repealed.

TITLE III—GRANTS FOR STATE AND AREA PROGRAMS

SEC. 301. The Older Americans Act of 1965 is amended by striking out title III and inserting in lieu thereof the following new title:

"TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

"PURPOSE

SEC. 301. It is the purpose of this title to encourage and assist State and local agencies to concentrate resources in order to develop greater capacity and foster the development of comprehensive and coordinated service systems to serve older persons by entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing, social services and, where necessary, to reorganize or reassign functions, in order to—

"(1) secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services; and

"(2) remove individual and social barriers to economic and personal independence for older persons.

"DEFINITIONS

"SEC. 302. For purposes of this title—

"(1) The term 'social services' means any of the following services which meet such standards as the Commissioner may prescribe:

"(A) health, continuing education, welfare, informational, recreational, homemaker, counseling, or referral services;

"(B) transportation services where necessary to facilitate access to social services;

"(C) services designed to encourage and assist older persons to use the facilities available to them;

"(D) services designed to assist older persons to obtain adequate housing;

"(E) service designed to assist older persons in avoiding institutionalization, including preinstitutionalization evaluation and screening, and home health services; or

"(F) any other services; if such services are necessary for the general welfare of older persons.

"(2) The term 'unit of general purpose local government' means (A) a political subdivision of the State whose authority is broad and general and is not limited to only one function or a combination of related functions, or (B) an Indian tribal organization.

"(3) The term 'comprehensive and coordinated system' means a system for providing all necessary social services in a manner designed to—

"(A) facilitate accessibility to and utilization of all social services provided within the geographic area served by such system by any public or private agency or organization;

"(B) develop and make the most efficient use of social services in meeting the needs of older persons; and

"(C) use available resources efficiently and with a minimum of duplication.

"AREA PLANNING AND SOCIAL SERVICE PROGRAMS

"SEC. 303. (a) There are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, $150,000,000 for the fiscal year ending June 30, 1974, and $200,000,000 for the fiscal year ending June 30, 1975, to enable the Commissioner to make grants to each State with a State plan approved under section 305 (except as provided in section 307 (a)) for paying part of the cost (pursuant to subsection (e) of this section) of—

"(1) the administration of area plans by area agencies on aging designated pursuant to section 304(a) (2) (A), including the preparation of area plans on aging consistent with section 304(c) and the evaluation of activities carried out under such plans; and

"(2) the development of comprehensive and coordinated systems for the delivery of social services.

"(b) (1) From the sums authorized to be appropriated for the fiscal year ending June 30, 1973, under section (a) of this section, (A) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of such sum, (B) each other State shall be allotted an amount equal to one-half of 1 per centum of such sum, and (C) from the remainder of the sum so appropriated, each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty or over in such State bears to the population aged sixty or over in all States.

"(2) From the sums appropriated for the fiscal year ending June 30, 1974, and for the fiscal year ending June 30, 1975, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (C) no State shall be allotted an amount less than that State received for the fiscal year ending June 30, 1973. For the purpose of the exception contained in clause (A) of this paragraph only, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(3) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent and satisfactory data available to him.

"(c) Whenever the Commissioner determines that any amount allotted to a State for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, he shall make such amount available for carrying out such purpose to one or more other States to the extent he determines such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year pursuant to the preceding sentence shall, for purposes of this title, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year.

"(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

"(e) From a State's allotment under this section for a fiscal year—

"(1) such amount as the State agency determines, but not more than 15 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of administration of area plans; and

"(2) such amount as the State agency determines, but not more than 20 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of social services which are not provided as a part of a comprehensive and coordinated system in planning and service areas for which there is an area plan approved by the State agency.

The remainder of such allotment shall be available to such State only for paying such percentage as the State agency determines, but not more than 90 per centum of the cost of social services provided in the State as a part of comprehensive and coordinated systems in planning and service areas for which there is an area plan approved by the State agency.

"ORGANIZATION

"State Organization

"SEC. 304. (a) In order for a State to be eligible to participate in the programs of grants to States from allotments under section 303 and section 306—

"(1) the State shall, in accordance with regulations of the Commissioner, designate a State agency as the sole State agency (hereinafter in this title referred to as 'the State agency') to: (A) develop the State plan to be submitted to the Commissioner for approval under section 305, (B) administer the State plan within such State, (C) be primarily responsible for the coordination of all State activities related to the purposes of this Act, (D) review and comment on, at the request of any Federal department or agency, any application from any agency or organization within such State to such Federal department or agency for assistance related to meeting the needs of older persons; and (E) divide the entire State into distinct areas (hereinafter in this title referred to as 'planning and service areas'), in accordance with regulations of the Commissioner, after considering the geographical distribution of individuals aged sixty and older in the State, the incidence of the need for social services (including the numbers of older persons with low incomes residing in such areas), the distribution of resources available to provide such services, the boundaries of existing areas within the State which were drawn for the planning or administration of social services programs, the location of units of general purpose local government within the State, and any other relevant factors: *Provided*, That any unit of general purpose local government which has a population aged sixty or over of fifty thousand or more or which contains 15 per centum or more of the State's population aged sixty or over shall be designated as a planning and service area; except that the State may designate as a planning and service area, any region within the State recognized for purposes of areawide planning which includes one or more such units of general purpose local government when the State determines that the designation of such a regional planning and service area is necessary for, and will enhance, the effective administration of the programs authorized by this title, and

"(2) the State agency designated pursuant to paragraph (1) shall—

"(A) determine for which planning and service areas an area plan will be developed, in accordance with subsection (c) of this section, and for each such area designate, after consideration of the views offered by the unit or units of general purpose local government in such area, a public or nonprofit private agency or organization as the area agency on aging for such area; and

"(B) provide assurances, satisfactory to the Commissioner that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of social services provided under such plan.

"Area Organization

"(b) An area agency on aging designated under subsection (a) must be—

"(1) an established office of aging which is operating within a planning and service area designated pursuant to subsection (a) of this section, or

"(2) any office or agency of a unit of general purpose local government, which is designated for this purpose by the chief elected official or officials of such unit, or

"(3) any office or agency designated by the chief elected official or officials of a combination of units of general purpose local government to act on behalf of such combination for this purpose, or

"(4) any public or nonprofit private agency in a planning and service area which is under the supervision or direction for this purpose of the designated State agency and which can engage in the planning or provision of a broad range of social services within such planning and service area,

and must provide assurance, found adequate by the State agency, that it will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program pursuant to the plan within the planning and service area. In designating an area agency on aging, the State agency shall give preference to an established office on aging, unless the State agency finds that no such office within the planning and service area will have the capacity to carry out the area plan.

"Area plans

"(c) In order to be approved by the State agency, an area plan for a planning and service area shall be developed by the area agency on aging designated with respect to such area under subsection (a) and shall—

"(1) provide for the establishment of a comprehensive and coordinated system for the delivery of social services within the planning and service area covered by the plan, including determining the need for social services in such area (taking into consideration, among other things, the numbers of older persons with low incomes residing in such area), evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need;

"(2) in accordance with criteria established by the Commissioner by regulation relating to priorities, provide for the initiation, expansion, or improvement of social services in the planning and service area covered by the area plan;

"(3) provide for and coordinate information and referral sources in sufficient numbers to assure that all older persons within the planning and service area covered by the plan will have reasonably convenient access to such sources. For purposes of this section and section 305(a) (7), an information and referral source is a location where the State or other public or private agency or organization (A) maintains current information with respect to the opportunities and services available to older persons, and develops current lists of older persons in need of services and opportunities, and (B) employs a specially trained staff to inform older persons of the opportunities and services which are available, and assist such persons to take advantage of such opportunities and services; and

"(4) provide that the area agency on aging will—

"(A) conduct periodic evaluation of activities carried out pursuant to the area plan;

"(B) render appropriate technical assistance to providers of social services in the planning and service area covered by the area plan;

"(C) where necessary and feasible, enter into arrangements, consistent with the provisions of the area plan, under which funds under this title may be used to provide legal services to older persons in the planning and service area carried out through federally assisted programs or other public or nonprofit agencies;

"(D) take into account, in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan;

"(E) where possible, enter into arrangements with organizations providing day care services for children so as to provide opportunities for older persons to aid or assist, on a voluntary basis, in the delivery of such services to children;

"(F) establish an advisory council, consisting of representatives of the target population and the general public, to advise the area agency on all matters relating to the administration of the plan and operations conducted thereunder; and

"(5) specify the activities in the planning and service area covered by the area plan which were assisted with funds made available under title III of this Act prior to enactment of the Older Americans Comprehensive Services Amendments and specify each of such activities (A) which will not continue to receive assistance under the area plan, and (B) which will continue to receive assistance under the area plan.

"STATE PLANS

"Sec. 305. (a) In order for a State to be eligible for grants for a fiscal year from its allotments under section 303 and section 306, except as provided in section 307(a), it shall submit to the Commissioner a State plan for such year which meets such criteria as the Commissioner may prescribe by regulation and which—

"(1) provides that the State agency will evaluate the need for social services within the State and determine the extent to which existing public or private programs meet such need;

"(2) provides for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Commissioner shall exercise no authority with respect to the selection, tenure of office, or compensation of an individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan;

"(3) provides that the State agency will make such reports, in such form, and containing such information, as the Commissioner may from time to time require, and comply with such requirements as the Commissioner may impose to assure the correctness of such reports;

"(4) provides that the State agency will conduct periodic evaluations of activities and projects carried out under the State plan;

"(5) establishes objectives, consistent with the purposes of this title, toward which activities under the plan will be directed, identifies obstacles to the attainment of those objectives, and indicates how it proposes to overcome those obstacles;

"(6) provides that each area agency on aging designated pursuant to section 304 (a)(2)(A) will develop and submit to the State agency for approval an area plan which complies with section 304(c);

"(7) provides for and coordinates information and referral sources in sufficient numbers to assure that all older persons in the State who are not furnished adequate information and referral sources under section 304(c)(3) will have reasonably convenient access to such sources;

"(8) provides that no social service will be directly provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, provision of such service by the State agency or an area agency on aging is necessary to assure an adequate supply of such service;

"(9) provides that preference shall be given to persons aged sixty or over for any staff positions (full time or part time) in State and area agencies for which such persons qualify; and

"(10) specifies the activities in the State which were assisted with sums made available under title III of this Act prior to enactment of the Older Americans Comprehensive Services Amendments and specifies each of such activities (A) which will not continue to receive assistance under the State plan submitted pursuant to this section, and (B) which will continue to receive assistance under the State plan submitted pursuant to this section.

"(b) The Commissioner shall approve any State plan which he finds fulfills the requirements of subsection (a) of this section.

"(c) The Commissioner shall not make a final determination disapproving any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 304, without first affording the State reasonable notice and opportunity for a hearing.

"(d) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency, finds that—

"(1) the State is not eligible under section 304,

"(2) the State plan has been so changed that it no longer complies with the provisions of subsection (a), or

"(3) in the administration of the plan there is a failure to comply substantially with any such provision of subsection (a), the Commissioner shall notify such State agency that no further payments from its allotments under section 303 and section 306 will be made to the State (or, in his discretion, that further payments to the State will be limited to project under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State from its allotments under section 303 and section 306 (or payments shall be limited to projects under or portions of the State plan not affected by such failure). The Commissioner shall, in accordance with regulations he shall prescribe, disburse the funds so withheld directly to any public or nonprofit private organization or agency or political subdivision of such State submitting an approved plan in accordance with the provisions of section 304 and section 306. Any such payment or payments shall be matched in the proportions specified in sections 303 and 306.

"(e) A State which is dissatisfied with a final action of the Commissioner under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioners' action.

"PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS

"Sec. 306. (a)(1) There are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $20,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975, to make grants to States for paying such percentages as each State agency determines, but not more than 75 per centum, of the cost of the administration of its State plan, including the preparation of the State plan, the evaluation of activities carried out under such plan, the collection of data and the carrying out of analyses related to the need for social services within the State, the dissemination of information so obtained, the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this Act, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of social service.

"(2) Any sums allotted to a State under this section for covering part of the cost of the administration of its State plan which the State determines is not needed for such purpose may be used by such State to supplement the amount available under section 303(e)(1) to cover part of the cost of the administration of area plans.

"(3) Any State which has designated a single planning and service area pursuant to section 304(a)(1)(E) covering all, or substantially all, of the older persons in such State, as determined by the Commissioner, may elect to pay part of the costs of the administration of State and area plans either out of sums allotted under this section or out of sums made available for the administration of area plans pursuant to section 303 (e)(1), but shall not pay such costs out of sums allotted under both such sections.

"(b)(1) From the sums appropriated for any fiscal year under subsection (a) of this section, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or $150,000, whichever is greater, and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or $50,000, whichever is greater. For the purpose of the exception contained in clause (A) of this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(2) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(c) The amounts of any State's allotment under subsection (b) for any fiscal year which the Commissioner determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (b) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (b) for that year.

"(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

"PAYMENTS

"Sec. 307. (a) Payments of grants or contracts under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine. From a State's allotment for a fiscal year which is available pursuant to section 306 the Commissioner may pay to a State which does not have a State plan approved under section 305 such amounts as he deems appropriate for the purpose of assisting such State in developing a State plan. From a State's allotment for a fiscal year which is available pursuant to Section 303, the Commissioner may, during the period ending one year after the date of enactment of the Older Americans Comprehensive Services Amendments, pay, in accordance with such regulations as he may prescribe, to a State which does not have a State plan approved under section 305, such amounts as he deems appropriate for the purpose of continuing Federal financial assistance for activities assisted under the plan of such State approved under section 303 of this Act prior to enactment of the Older Americans Comprehensive Services Amendments.

"(b) Beginning with the fiscal year ending June 30, 1975, not les than 25 per centum of the non-Federal share (pursuant to section 303(e)) of the total expenditures under the State plan shall be met from funds from State or local public sources.

"(c) A State's allotment under section 303 for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 305 are less than its expenditures from such sources for the preceding fiscal year.

"MODEL PROJECTS

"Sec. 308. (a) The Commissioner may, after consultation with the State agency, make grants to any public or nonprofit private agency or organization or contracts with any agency or organization within such State for paying part or all of the cost of developing or operating statewide, regional, metropolitan area, county, city, or community model projects which will expand or improve social services or otherwise promote the well-being of older persons. In making grants and contracts under this section, the Commissioner shall give special consideration to projects designed to—

"(1) assist in meeting the special housing needs of older persons by (A) providing financial assistance to such persons, who own their own homes, necessary to enable them to make the repairs and renovations to their homes which are necessary for them to meet minimum standards, (B) studying and demonstrating methods of adapting existing housing, or construction of new housing, to meet the needs of older persons suffering from physical disabilities, and (C) demonstrating alternative methods of relieving older persons of the burden of real property taxes on their homes;

"(2) improve the transportation services available to older persons by (A) establishing special transportation subsystems for older persons or similar groups with similar mobility restrictions, (B) providing portal-to-portal service and demand actuated services, (C) payment of subsidies to transportation systems to enable them to provide transportation services to older persons on a reduced rate basis, with special emphasis on transportation necessary to enable older persons to obtain health services, (D) payments directly to older persons to enable them to obtain reasonable and necessary transportation services, (E) programs to study the economic and service aspects of transportation for older persons living in urban or rural areas, and (F) programs to study transportation and social service delivery interface;

"(3) meet the needs of unemployed low-income older persons who are unable, because of physical condition, obsolete or inadequate skills, declining economic conditions, or other causes of a lack of employment opportunity to secure appropriate employment, which will enable such persons to participate in projects for public service in such fields as environmental quality, health care, education, public safety, crime prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement;

"(4) provide continuing education to older persons designed to enable them to lead more productive lives by broadening the educational, cultural, or social awareness of such older persons, emphasizing, where possible, free tuition arrangements with colleges and universities;

"(5) provide preretirement education, information, and relevant services (including the training of personnel to carry out such programs and the conducting of research with respect to the development and operation of such programs) to persons planning retirement; or

"(6) provide services to assist in meeting the particular needs of the physically and mentally impaired older persons including special transportation and escort services, homemaker, home health and shopping services. reader services, letter writing services, and other services designed to assist such individuals in leading a more independent life.

"(b) For the purpose of carying out this section, there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $25,000,000 for the fiscal year ending June 30, 1974, and $30,000,000 for the fiscal year ending June 30, 1975."

TITLE IV—TRAINING AND RESEARCH

Sec. 401. The Older Americans Act of 1965 is amended by striking out titles IV and V and by inserting immediately after title III the following new title:

"TITLE IV—TRAINING AND RESEARCH

"Part A—Training

"STATEMENT OF PURPOSE

"Sec. 401. The purpose of his part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by (1) developing information on the actual needs for personnel to work in the field of aging, both present and long range; (2) providing a broad range of quality training and retraining opportunities, responsive to changing needs of programs in the field of aging; (3) attracting a greater number of qualified persons into the field of aging; and (4) helping to make personnel training programs more responsive to the need for trained personnel in the field of the aging.

"APPRAISING PERSONNEL NEEDS IN THE FIELD OF AGING

"Sec. 402. (a) The Commissioner shall from time to time appraise the Nation's existing and future personnel needs in the field of aging, at all levels and in all types of programs, and the adequacy of the Nation's efforts to meet these needs. In developing information relating to personnel needs in the field of aging, the Commissioner shall consult with, and make maximum utilization of statistical and other related information of the Department of Labor, the Veterans' Administration, the Office of Education, Federal Council on the Aging, the National Foundation on the Arts and Humanities, State educational agencies, other State and local public agencies and offices dealing with problems of the aging, State employment security agencies, and other appropriate public and private agencies.

"(b) The Commissioner shall prepare and publish annually as a part of the annual report provided in section 208 a report on the professions dealing with the problems of the aging, in which he shall present in detail his view on the state of such professions and the trends which he discerns with respect to the future complexion of programs for the aging throughout the Nation and the funds and the needs for well-educated personnel to staff such programs. The report shall indicate the Commissioner's plans concerning the allocation of Federal assistance under this title in relation to the plans and programs of other Federal agencies.

"ATTRACTING QUALIFIED PERSONS TO THE FIELD OF AGING

"Sec. 403. The Commissioner may make grants to State agencies referred to in section 304, State or local educational agencies, institutions of higher education, or other public or nonprofit private agencies, organizations, or institutions, and he may enter into contracts with any agency, institution, or organization for the purpose of—

"(1) publicizing available opportunities for careers in the field of aging;

"(2) encouraging qualified persons to enter or reenter the field of aging;

"(3) encouraging artists, craftsmen, artisans, scientists, and persons from other professions and vocations and homemakers, to undertake assignments on a parttime basis or for temporary periods in the field of aging; or

"(4) preparing and disseminating materials, including audiovisual materials and printed materials, for use in recruitment and training of persons employed or preparing for employment in carrying out programs related to the purposes of this Act.

"TRAINING PROGRAMS FOR PERSONNEL IN THE FIELD OF AGING

"Sec. 404. (a) The Commissioner may make grants to any public or nonprofit private agency, organization, or institution or with State agencies referred to in section 304, or contracts with any agency, organization, or institution, to assist them in training persons who are employed or preparing for employment in fields related to the purposes of this Act—

"(1) to assist in covering the cost of courses of training or study (including short-term or regular session institutes and other inservice and preservice training programs),

"(2) for establishing and maintaining fellowships to train persons to be supervisors or trainers of persons employed or preparing for employment in fields related to the purposes of this Act,

"(3) for seminars, conferences, symposiums, and workshops in the field of aging, including the conduct of conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this Act,

"(4) for the improvement of programs for preparing personnel for careers in the field of aging, including design, development, and evaluation of exemplary training programs, introduction of high quality and more effective curricula and curricula materials, and

"(5) the provision of increased opportunities for practical experience.

"(b) The Commissioner may include in the terms of any contract or grant under this part provisions authorizing the payment, to persons participating in training programs supported under this part, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as he determines to be consistent with prevailing practices under comparable federally supported programs. Where the Commissioner provides for the use of funds under this section for fellowships, he shall (in addition to stipends for the recipients) pay to colleges or universities in which the fellowship is being pursued such amounts as the Commissioner shall determine to be consistent with prevailing practices under comparable federally supported programs.

"PART B—RESEARCH AND DEVELOPMENT PROJECTS

"DESCRIPTION OF ACTIVITIES

"SEC. 411. The Commissioner may make grants to any public or nonprofit private agency, organization, or institution and contracts with any agency, organization, or institution or with any individual for the purpose of—

"(1) studying current patterns and conditions of living of older persons and identifying factors which are beneficial or detrimental to the wholesome and meaningful living of such persons;

"(2) developing or demonstrating new approaches, techniques, and methods (including the use of multipurpose centers) which hold promise of substantial contribution toward wholesome and meaningful living for older persons;

"(3) developing or demonstrating approaches, methods, and techniques for achieving or improving coordination of community services for older persons;

"(4) evaluating these approaches, techniques, and methods, as well as others which may assist older persons to enjoy wholesome and meaningful lives and to continue to contribute to the strength and welfare of our Nation;

"(5) collecting and disseminating, through publications and other appropriate means, information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this part; or

"(6) conducting conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this part.

"SPECIAL STUDY AND DEMONSTRATION PROJECTS ON THE TRANSPORTATION PROBLEMS OF OLDER AMERICANS

"SEC. 412. (a) The Commissioner shall, after consultation with the Secretary of Transportation and the Secretary of Housing and Urban Development, conduct a comprehensive study and survey of the transportation problems of older Americans with emphasis upon solutions that are practicable and can be implemented in a timely fashion. In conducting the study and survey, the Commissioner shall consider—

"(1) the use of all community transportation facilities, particularly public transportation systems, the possible use of school buses, and excess Department of Defense vehicles; and

"(2) the need for revised and improved procedures for obtaining motor vehicle insurance by older Americans to be implemented for use in a coordinated transportation system.

"(b) In connection with the study required by subsection (a), the Commissioner, in coordination with the Secretary of Transportation and the Secretary of Housing and Urban Development, shall conduct research and demonstration projects, either directly or by grants or contracts with public or private nonprofit agencies and organizations, in order to—

"(1) demonstrate possible solutions of economic and service aspect of furnishing adequate transportation to older persons in rural and urban areas including transportation services furnished by social service agencies;

"(2) demonstrate improvement of transportation services available to older persons with emphasis on (A) establishing special transportation subsystems for older persons or similar groups with similar mobility restrictions, (B) providing portal-to-portal service and demand actuated services, (C) making payments directly to older persons to enable them to obtain reasonable and necessary transportation services;

"(3) demonstrate improved coordination between transportation systems and social service delivery systems; and

"(4) demonstrate innovative solutions for other special transportation problems confronting older Americans.

"(c) At least half of the projects authorized under subsection (b) of this section shall be conducted in States that are predominantly rural in character.

"(d) Not later than June 30, 1975, the Commissioner shall prepare and transmit to the Secretary, to the President, and to the Congress, a report on his findings and recommendations, including a plan for implementation of improved transportation services for older Americans and recommendations for additional legislation, administrative and other measures to provide solutions to the transportation problems of older Americans not later than June 30, 1975, as he deems advisable.

"(e) In carrying out the study and survey, and the demonstration and research projects under this section, the Commissioner is authorized to—

"(1) procure temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, and

"(2) secure directly from any executive department, bureau, agency, board, commission, office, independent establishment or instrumentality information, suggestions, estimates, and statistics for the purpose of this section; and each such department, bureau, agency, board, commission, office, independent establishment or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics, directly to the Commissioner upon request made by him.

"(f) There are authorized to be appropriated for the purposes of this section $7,500,000 for the fiscal year ending June 30, 1973; $15,000,000 for fiscal year ending June 30, 1974; and $20,000,000 for fiscal year ending June 30, 1975.

"PART C—MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

"SEC. 421. The Commissioner may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology. A grant may be made under this section only if the application therefor—

"(1) provides satisfactory assurance that the applicant will expend the full amount of the grant to establish or support a multidisciplinary center of gerontology which shall—

"(A) recruit and train personnel at the professional and subprofessional levels,

"(B) conduct basic and applied research on work, leisure, and education of older people, living arrangements of older people, social services for older people, the economics of aging, and other related areas,

"(C) provide consultation to public and voluntary organizations with respect to the needs of older people and in planning and developing services for them,

"(D) serve as a repository of information and knowledge with respect to the areas for which it conducts basic and applied research,

"(E) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges or universities,

"(F) help to develop training programs on aging in schools of social work, public health, health care administration, education, and in other such schools at colleges and universities, and

"(G) create opportunities for innovative, multidisciplinary efforts in teaching, research, and demonstration projects with respect to aging;

"(2) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for funds paid to the applicant under this section; and

"(3) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"PART D—AUTHORIZATION OF APPROPRIATIONS

"AUTHORIZATION

"SEC. 431. (a) There are authorized to be appropriated for the purposes of carrying out part A of this title $10,000,000 for the fiscal year ending June 30, 1973, $15,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975.

"(b) There are authorized to be appropriated for the purpose of carrying out the provisions of part B and part C of this title (except section 412), $15,000,000 for the fiscal year ending June 30, 1973, $20,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

"PAYMENTS OF GRANTS

"SEC. 432. (a) To the extent he deems it appropriate, the Commissioner shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

"(b) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Commissioner may determine.

"(c) The Commissioner shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of title III of this Act unless the Commissioner has consulted with such State agency regarding such grant or contract."

TITLE V—MULTIPURPOSE SENIOR CENTERS

SEC. 501. The Older Americans Act of 1965 is further amended by inserting immediately after title IV the following new title:

"TITLE V—MULTIPURPOSE SENIOR CENTERS

"PART A—ACQUISITION, ALTERATION, OR RENOVATION OF MULTIPURPOSE SENIOR CENTERS

"GRANTS AUTHORIZED

"SEC. 501. (a) In order to provide a focal point in communities for the development and delivery of social services and nutritional services designed primarily for older persons, the Commissioner may make grant to units of general purpose local government or other public or nonprofit private agencies or organizations and may make contracts with any agency or organization to pay not to exceed 75 per centum of the cost of acquiring, altering, or renovating existing facilities to serve as multipurpose senior centers (including the initial equipment of such facilities). Facilities assisted by grants or contracts under this part shall be in close proximity to the majority of individuals eligible to use the multipurpose senior center, and within walking distance where possible.

"(b) The total payments made pursuant to grants or contracts under this section in any State for any fiscal year shall not exceed 10 per centum of the total amount appropriated for the year for the purposes of carrying out this part.

"(c) The term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of social services and recreational opportunities for older persons.

"REQUIREMENTS FOR APPROVAL OF APPLICATION

"SEC. 502. (a) A grant or contract for purchase under this part may be made only if the application therefor is approved by the Commissioner upon his determination that—

"(1) the application contains or is supported by reasonable assurances that (A) for not less than ten years after purchase, the facility will be used for the purposes for which it is to be purchased, (B) sufficient funds will be available to meet the non-Federal share of the cost of purchase of the facility, (C) sufficient funds will be available, when purchase is completed, for effective use of the facility for the purpose for which it is being purchased, and (D) the facility will not be used and is not intended to be used for sectarian instruction or as a place for religious worship;

"(2) the application contains or is supported by reasonable assurances that there are no existing facilities in the community suitable for leasing as a multipurpose senior center;

"(3) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment (promulgated with particular emphasis on securing compliance with the requirements of the Architectural Barriers Act of 1968 (Public Law 90–480)); and

"(4) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractors or subcontractors in the performance of work on the facility will be paid wages at rates not less than those prevailing for similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) In making grants or contracts under this part, the Commissioner shall—

"(1) give preference to the acquisition of multipurpose senior centers in areas where there is being developed a comprehensive and coordinated system under title III of this Act; and

"(2) consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed alteration or renovation.

"PAYMENTS

"SEC. 503. Upon approval of any application for a grant or contract under this part, the Commissioner shall reserve, from any appropriation available therefor, the amount of such grant or contract. The amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with progress in alteration or renovation, as the Commissioner may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of altering or renovating the facility.

"RECAPTURE OF PAYMENTS

"SEC. 504. If, within ten years after purchase of any facility for which funds have been paid under this part—

"(a) the owner of the facility ceases to be a public or nonprofit private agency or organization, or

"(b) the facility ceases to be used for the purposes for which it was purchased (unless the Commissioner determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so),

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 505. (a) There are authorized to be appropriated for the purpose of making grants or contracts under section 501, $10,000,000 for the fiscal year ending June 30, 1973, $15,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975.

"(b) Sums appropriated for any fiscal year under subsection (a) of this section and remaining unobligated at the end of such year shall remain available for such purpose for the next fiscal year.

"MORTGAGE INSURANCE FOR MULTIPURPOSE SENIOR CENTERS

"SEC. 506. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for the elderly.

"(b) For the purpose of this part the terms 'mortgage', 'mortgagor', 'mortgagee', 'maturity date', and 'State' shall have the meanings respectively set forth in section 207 of the National Housing Act.

"(c) The Secretary of Health, Education, and Welfare is authorized to insure any mortgage (including advances on such mortgage during acquisition, alteration, or renovation) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

"(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new multipurpose senior center, including equipment to be used in its operation, subject to the following conditions:

"(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who demonstrates ability successfully to operate one or more programs for the elderly. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Multipurpose Senior Center Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

"(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the multipurpose senior center, when the proposed improvements are completed and the equipment is installed.

"(3) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

"(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

"(4) The Secretary shall not insure any mortgage under this section unless he has determined that the center to be covered by the mortgage will be in compliance with minimum standards to be prescribed by the Secretary.

"(5) In the plans for such Multipurpose Senior Center, due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

"(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Multipurpose Senior Center Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property cr project during acquisition, alteration, or renovation; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

"(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(g) (1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

"(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Multipurpose Senior Center Insurance Fund, and all references in such provisions to 'Secretary' shall be deemed to refer to the Secretary of Health, Education, and Welfare.

"(h) (1) There is hereby created a Multipurpose Senior Center Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Multipurpose Senior Center Insurance Fund.

"(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Multipurpose Senior Center Insurance Fund.

"(3) Moneys in the Multipurpose Senior Center Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Multipurpose Senior Center Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be cancelled and not reissued.

"(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings as the assets of the fund, shall be credited to the Multipurpose Senior Center Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired in connection with mortgages insured under this section shall be charged to such fund.

"(5) There are authorized to be appropriated to provide initial capital for the Multipurpose Senior Center Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

"ANNUAL INTEREST GRANTS

"SEC. 507. (a) To assist nonprofit private agencies to reduce the cost of borrowing from other sources for the acquisition, alteration or renovation of facilities, the Secretary may make annual interest grants to such agencies.

"(b) Annual interest grants under this section with respect to any facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from othe sources for the acquisition, alteration or renovation of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were 3 per centum per annum: *Provided*, That the amount on which such grant is based shall be approved by the Secretary.

"(c) (1) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary for payment of annual interest grants in accordance with this section.

"(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants in any year pursuant to contracts entered into under this section shall not exceed $1,000,000, which amount shall be increased by $3,000,000 on July 1, 1974, and by $5,000,000, on July 1, 1975.

"(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

"PART B—INITIAL STAFFING OF MULTIPURPOSE SENIOR CENTERS

"PERSONNEL STAFFING GRANT PROGRAM AUTHORIZED

"SEC. 511. (a) For the purpose of assisting in the establishment and initial operation of multipurpose senior centers the Commissioner may, in accordance with the provisions of this part, make grants to meet, for the temporary periods specified in this part, all or part of the costs of compensation of professional and technical personnel for the initial operation of new multipurpose senior centers and for the delivery of social services established therein.

"(b) Grants for such costs of any center under this title may be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day. Such grants with respect to any center may not exceed 75 per centum of such costs for the first year of the project, 66⅔ per centum of such costs for the second year of the project, and 50 per centum of such costs for the third year of the project.

"(c) In making such grants, the Secretary shall take into account the relative needs of the several States for community centers for senior citizens, their relative financial needs, and their population of persons over sixty years of age.

"(d) For the purpose of this part, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years."

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

SEC. 601. Section 601 of the Older Americans Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever."

SEC. 602. Section 603 of the Older Americans Act of 1965 is amended by inserting immediately before the period at the end thereof the following: "and $20,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 30, 1975".

SEC. 603. (a) The heading of part B of title VI of the Older Americans Act of 1965 is amended to read as follows:

"FOSTER GRANDPARENT PROGRAM AND OLDER AMERICANS COMMUNITY SERVICE PROGRAMS".

(b) Section 611 of such Act is amended to read as follows:

"SEC. 611. (a) The Commissioner is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects designed to provide opportunities for low-income persons aged sixty or over to render supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs, including services as 'Foster Grandparents' to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs.

"(b) The Commissioner is also authorized to make grants or contracts to carry out the purposes described in subsection (a) in the case of persons (other than children) having exceptional needs, including services as 'senior health aides' to work with persons receiving home health care and nursing care, and as 'senior companions' to persons having developmental disabilities.

"(c) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions as the Commissioner may determine.

"(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever."

(c) The first sentence of section 613 of such Act is amended to read as follows:

"In administering this part, the Commissioner shall consult with the Office of Economic Opportunity, the Departments of Labor and Health, Education, and Welfare and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this part with other public or private programs or projects carried out at State and local levels."

SEC. 604. Section 614 of the Older Americans Act is amended to read as follows:

"SEC. 614. (a) (1) There are authorized to be appropriated for grants or contracts under subsections (a) and (b) of section 611, $41,000,000 for the fiscal year ending June 30, 1973, $52,000,000 for the fiscal year ending June 30, 1974, and $63,000,000 for the fiscal year ending June 30, 1975, respectively, of which (A) $35,000,000 for the fiscal year ending June 30, 1973, $45,000,000 for the fiscal year ending June 30, 1974, and $55,000,000 for the fiscal year ending June 30, 1975, respectively, shall be available for such years for grants or contracts under subsection (a) of section 611, and (B) $6,000,000 for the fiscal year ending June 30, 1973, $7,000,000 for the fiscal year ending June 30, 1974, and $8,000,000 for the fiscal year ending June 30, 1975, respectively, shall be available for such years for grants or contracts under subsection (b) of such section.

"(2) If the sums authorized to be appropriated under paragraph (1) of this subsection are not appropriated and made available for each such fiscal year, then such sums as are so appropriated and made available for each such fiscal year shall be allocated so that—

"(A) any amounts appropriated not in excess of $25,000,000 shall be used for grants or contracts under subsection (a) of section 611; and

"(B) any amounts appropriated in excess of $31,000,000 for the fiscal year ending June 30, 1973, $32,000,000 for the fiscal year ending June 30, 1974, and $33,000,000 for the fiscal year ending June 30, 1975, respectively, shall be used for grants or contracts for such fiscal years under subsection (a) of such section."

Sec. 605. The authorities conferred upon the Commissioner of the Administration on Aging by the amendments made in this title shall be carried out pursuant to delegations of authority, reorganization plans, and transfers made effective prior to the date of enactment of this Act with respect to authorities conferred upon the Secretary of the Department of Health, Education, and Welfare under title VI of the Older Americans Act of 1965, as amended.

TITLE VII—NUTRITION PROGRAM

AVAILABILITY OF SURPLUS COMMODITIES

Sec. 701. Section 707 of the Older Americans Act of 1965 is amended to read as follows:

"AVAILABILITY OF SURPLUS COMMODITIES

"Sec. 707. (a) Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) may be donated to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

"(b) The Commodity Credit Corporation may dispose of food commodities under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

"(c) Dairy products purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a–1) may be used to meet the requirements of programs providing nutritional services in accordance with the provisions of this title."

Sec. 702. Section 705(a) of the Older Americans Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(5) provide that, when mutually agreed upon by recipients of grants and contracts and area planning and service areas agencies, nutrition projects assisted under this title shall be made a part of the comprehensive and coordinated systems established under title III of this Act."

STATE PLANNING

Sec. 703. Section 705(a) (2) (B) of the Older Americans Act of 1965 is amended by inserting "for the fiscal year ending June 30, 1973," following "administrative cost,"; by striking out "any fiscal year" in this section and substituting in lieu thereof "such fiscal year"; and by adding at the end of the first sentence thereof the following sentence: "For the fiscal years ending after June 30, 1973, funds allotted to a State for State planning and administration pursuant to section 306 of this Act may be used for the administration of the State plan submitted pursuant to this section, except that wherever the governor of the State designates an agency other than the agency designated under section 304(a) (1) of this Act, then the Commissioner shall determine that portion of a State's allotment under section 306 which shall be available to the agency designated under section 705(a) (1) for planning and administration."

CONFORMING AMENDMENT

Sec. 704. (a) The first sentence of section 705(a) of the Older Americans Act of 1965 is amended by striking out "303" the first time it appears in such sentence and inserting in lieu thereof "304" and by striking out "303" the second time it appears in such sentence and inserting in lieu thereof, "305".

(b) Section 705(a) (1) of the Older Americans Act of 1965 is amended by striking out "303" and inserting in lieu thereof "304".

(c) Title VII of the Older Americans Act of 1965 is amended by striking out "Secretary" wherever in such title the term refers to the Secretary of Health, Education, and Welfare, and inserting in lieu thereof "Commissioner".

TITLE VIII—AMENDMENTS TO OTHER ACTS

AMENDMENT TO LIBRARY SERVICES AND CONSTRUCTION ACT

Sec. 801. (a) The Library Services and Construction Act (20 U.S.C. 351 et seq.) is amended by adding at the end thereof the following new title:

"TITLE IV—OLDER READERS SERVICES

"GRANTS TO STATES FOR OLDER READERS SERVICES

"Sec. 401. The Commissioner shall carry out a program of making grants to States which have an approved basic State plan under section 6 and have submitted a long-range program and an annual program under section 403 for library services for older persons.

"USES OF FEDERAL FUNDS

"Sec. 402. (2) Funds appropriated pursuant to paragraph (4) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 403. Such grants shall be used for (1) the training of librarians to work with the elderly; (2) the conduct of special library programs for the elderly; (3) the purchase of special library materials for use by the elderly; (4) the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly; (5) the provision of in-home visits by librarians and other library personnel to the elderly; (6) the establishment of outreach programs to notify the elderly of library services available to them; and (7) the furnishing of transportation to enable the elderly to have access to library services.

"(b) For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan.

"STATE ANNUAL PROGRAM FOR LIBRARY SERVICES FOR THE ELDERLY

"Sec. 403. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services for older persons. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (4) of section 4(a) will be used, consistent with its long-range program for the purposes set forth in section 402, and

"(2) include an extension of the long-range program taking into consideration the results of evaluations.

"COORDINATION WITH PROGRAMS FOR OLDER AMERICANS

"Sec. 404. In carrying out the program authorized by this title, the Commissioner shall consult with the Commissioner of the Administration on Aging and the Director of ACTION for the purpose of coordinating where practicable, the programs assisted under this title with the programs assisted under the Older Americans Act of 1965."

(b) Section 4(a) of the Library Services and Construction Act is amended by adding at the end thereof the following new paragraph:

"(4) For the purpose of making grants to States to enable them to carry out public library service programs for older persons authorized by title IV, there are authorized to be appropriated $11,700,000 for the fiscal year ending June 30, 1973, $12,300,000 for the fiscal year ending June 30, 1974, $12,900,000 for the fiscal year ending June 30, 1975, and $13,700,000 for the fiscal year ending June 30, 1976."

(c) (1) Section 5(a) (1) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(2) Section 5(a) (2) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(3) Section 5(a) of such Act is amended by striking out the word "and" at the end of such paragraph (B) thereof, by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon and the word "and", and by inserting after subparagraph (C) thereof the following:

"(D) with respect to appropriations for the purposes of title IV, $40,000 for each State, except that it shall be $10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

(4) The last sentence of section 5(a) (3) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(5) Section 5(b) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(c) Section 6(a) of such Act is amended by striking out "and III" and inserting in lieu thereof "III and IV".

(d) (1) Section 7(a) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(2) Section 7(b) (1) of such Act is amended by inserting "and title IV" after "title III".

(e) The amendments made by subsections (a), (b), and (c) of this section shall be effective after June 30, 1972.

AMENDMENT TO NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

Sec. 802. (a) Section 5(a) (2) of the National Commission on Libraries and Information Science Act is amended by striking out "and" after "areas" and inserting a comma in lieu thereof, and by inserting after "deprived persons," the following: "and of elderly persons,".

(b) The third sentence of section 6(a) (20 U.S.C. 1505(a)) of such Act is amended by inserting before the period at the end thereof the following: ", and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly".

AMENDMENT TO HIGHER EDUCATION ACT OF 1965

Sec. 803. Title I of the Higher Education Act of 1965 is amended by redesignating sections 110, 111, and 112 (and cross references thereto) as 111, 112, and 113, respectively, and by inserting after section 109 the following new section:

"SPECIAL PROGRAMS AND PROJECTS RELATING TO PROBLEMS OF THE ELDERLY

"Sec. 110. (a) The Commissioner is authorized to make grants to institutions of higher education (and combinations thereof) to assist such institutions in planning, developing, and carrying out, consistent with the purpose of this title, programs specifically designed to apply the resources of higher education to the problems of the elderly, particularly with regard to transportation and housing problems of elderly persons living in rural and isolated areas.

"(b) For purposes of making grants under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1977.

"(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965."

AMENDMENT TO ADULT EDUCATION ACT

SEC. 804. (a) The Adult Education Act (20 U.S.C. 1201 et seq.) is amended by redesignating sections 310, 311, and 312 (and cross references thereto) as sections 311, 312, and 313, respectively, and by inserting after section 309 the following new section:

"SPECIAL PROJECTS FOR THE ELDERLY

"SEC. 310. (a) The Commissioner is authorized to make grants to State and local educational agencies or other public or private nonprofit agencies for programs to further the purpose of this Act by providing educational programs for elderly persons whose ability to speak and read the English language is limited and who live in an area with a culture different than their own. Such programs shall be designed to equip such elderly persons to deal successfully with the practical problems in their everyday life, incuding the making of purchases, meeting their transportation and housing needs, and complying with governmental requirements such as those for obtaining citizenship, public assistance and social security benefits, and housing.

"(b) For the purpose of making grants under this section there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1975.

"(c) In carrying out the program with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965."

(b) Section 313(a) of such Act, as redesignated, is amended by inserting before the period at the end thereof the following: "(other than section 310)".

ADDITIONAL AUTHORIZATION FOR SENIOR OPPORTUNITIES AND SERVICES

SEC. 805. In addition to the amounts authorized to be appropriated and allocated pursuant to the Economic Opportunity Amendments of 1972, there is further authorized to be appropriated $7,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Senior Opportunities and Services program described in section 222(a)(7) of the Economic Opportunity Act of 1964.

TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SHORT TITLE

SEC. 901. This title may be cited as the "Older Americans Community Service Employment Act".

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

SEC. 902. (a) In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter referred to as the "Secretary") is authorized to establish an older American community service employment program (hereinafter referred to as the "program").

(b) In order to carry out the provisions of this title, the Secretary is authorized—

(1) to enter into agreements with public or private nonprofit agencies or organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or Indian tribes on Federal or State reservations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement it. No payments shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 (other than political parties), except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

(D) will contribute to the general welfare of the community;

(E) will provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor;

(F) will result in an increase in employment opportunities for eligible individuals, and will not result in the displacement of employed workers or impair existing contracts;

(G) will utilize methods of recruitment and selection (including, but not limited to, listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

(H) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

(I) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in public service jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment or (iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(J) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

(K) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title in accordance with regulations promulgated by the Secretary; and

(L) will assure that to the extent feasible such projects will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State;

(2) to make, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

(c)(1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project or (B) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Office of Economic Opportunity.

(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

ADMINISTRATION

SEC. 903. (a) In order to effectively carry out the purposes of this title, the Secretary is authorized to consult with agencies of States and their political subdivisions with regard to—

(1) the localities in which community service projects of the type authorized by this title are most needed;

(2) consideration of the employment situation and the types of skills possessed by available local individuals who are eligible to participate; and

(3) potential projects and the number and percentage of eligible individuals in the local population.

(b)(1) The Secretary is authorized and directed to require agencies and organizations administering community service projects and other activities assisted under this title to coordinate their projects and activities with agencies and organizations conducting related manpower and unemployment programs receiving assistance under this Act and under other authorities such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and the Emergency Employment Act of 1971. In carrying out the provisions of this paragraph, the Secretary is authorized to make necessary arrangements to include projects and activities assisted under this title within a common agreement and a common application with projects assisted under this Act and other provisions of law such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, the Emergency Employment Act of 1971.

(2) The Secretary is authorized to make whatever arrangements that are necessary to carry out the programs assisted under this title as part of any general manpower legislation hereafter enacted, except that appropriations for programs assisted under this title may not be expended for programs assisted under that title.

(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies, and instrumentalities in the use of services, equipment, and facilities.

(d) The Secretary shall establish criteria designed to assure equitable participation in the administration of community service projects by agencies and organizations eligible for payment under section 902(b).

(e) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

(f) The Secretary shall not delegate his functions and duties under this title to any other department or agency of Government.

PARTICIPANTS NOT FEDERAL EMPLOYEES

SEC. 904. (a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self insurance, as allowed by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment. The Secretary must establish standards for severance benefits, in lieu of unemployment insurance coverage, for eligible individuals who have participated in qualifying programs and who have become unemployed.

INTERAGENCY COOPERATION

SEC. 905. The Secretary shall consult and cooperate with the Office of Economic Opportunity, the Administration on Aging, the Department of Health, Education, and Welfare, and any other related Federal agency administering related programs, with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this title with other public and private programs or projects of a similar nature. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects funded under this title.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 906. (a) (1) From the sums appropriated for any fiscal year under section 908 there shall be initially allotted for projects within each State an amount which bears the same ratio to such sum as the population, aged fifty-five or over in such State bears to the population aged fifty-five or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(2) The number of persons aged fifty-five or over in any State and for all States shall be determined by the Secretary on the basis of the most satisfactory data available to him.

(b) The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration the proportion which eligible persons in each such area bears to such total number of such persons, respectively, in that State.

DEFINITIONS

SEC. 907. As used in this title—

(a) "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(b) "eligible individual" means an individual who is fifty-five years old or older, who has a low income, and who has or would have difficulty in securing employment, except that pursuant to regulations prescribed by the Secretary any such individual who is sixty years old or older shall have priority for the work opportunities provided for under this Act;

(c) " community service" means social, health, welfare, educational, library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services which are essential and necessary to the community as the Secretary, by regulation, may prescribe.

AUTHORIZATION OF APPROPRIATIONS

SEC. 908. There are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and $150,000,000 for fiscal year ending June 30, 1974, to carry out the provisions of this title.

TITLE X—MIDDLE-AGED AND OLDER WORKERS TRAINING

SHORT TITLE

SEC. 1001. This title may be cited as the "Middle-Aged and Older Workers Training Act".

DECLARATION OF FINDINGS

SEC. 1002. The Congress hereby finds and declares that—

(1) inflation has forced middle-aged and older persons to bear growing economic burdens, particularly if they are living on limited, fixed incomes;

(2) millions of middle-aged and older Americans wish to continue in or obtain employment in order to provide adequately for themselves and to contribute to the Nation as productive citizens;

(3) millions of middle-aged and older Americans are frustrated in these goals and find it increasingly difficult to retain or obtain employment of a remunerative and meaningful nature, as a result of their inability to keep pace with a dynamic economy and changing technology;

(4) without additional legislation, the Age Discrimination in Employment Act of 1967 cannot reasonably be expected to deal adequately with age discrimination in employment which acts to deny employment opportunities for middle-aged and older workers;

(5) as a result of the lack of full opportunity and adequate training and supportive services more than a million men and women between the ages of fifty-five and sixty-four have given up the active search for work and hundreds of thousands of men and women between the ages of sixty-two and sixty-four have been forced to retire with inadequate benefits, resulting in individual frustration, impaired morale and loss of sense of worth and dignity;

(6) in addition to individual loss, the Nation as a whole loses the benefits which may be contributed by middle-aged and older persons and incurs needless costs in unemployment compensation and public assistance which can be reckoned in billions of dollars; and

(7) providing middle-aged and older workers training and educational opportunities and supportive services leading to remunerative and meaningful employment opportunities will increase their incomes and benefit their physical and mental well-being, as well as strengthen the Nation's economy.

STATEMENT OF PURPOSE

SEC. 1003. It is the purpose of this title to establish and assist training programs and relative supportive services which will provide middle-aged and older workers a full opportunity for remunerative and meaningful employment; to assist further in eliminating discriminatory practices which deny work to qualified persons solely on account of age; to improve and extend existing programs designed to facilitate training and the matching of skills and jobs; to assist middle-aged and older workers, and employers, labor unions, and educational institutions to prepare for and adjust to anticipated changes in technology in jobs, in educational requirements, and in personnel practices and to otherwise stimulate innovative approaches to make employment opportunities more accessible to middle-aged and older persons.

AUTHORIZATIONS

SEC. 1004. For the fiscal year ending June 30, 1973, the Secretary is authorized to carry out the provisions of this title from funds otherwise available for similar programs. There is authorized to be appropriated for the purpose of carrying out the provisions of this title, $100,000,000 for the fiscal year ending June 30, 1974.

PART A—MIDCAREER DEVELOPMENT SERVICE PROGRAM

PROGRAM ESTABLISHED

SEC. 1011. There is hereby established a comprehensive midcareer development service program, to be administered by the Manpower Administration in the Department of Labor, to assist middle-aged and older workers to retain and obtain remunerative employment by providing manpower training, counseling, and special supportive services to such workers.

TRAINING PROGRAMS

SEC. 1012. (a) The Secretary, through the Manpower Administration, is authorized to make loans and grants to public and private nonprofit agencies, institutions, and organizations and to individuals for manpower training, including on-the-job, institutional, residential, and other training, designed to upgrade the work skills and capabilities of middle-aged and older persons.

(b) Any grant or loan made pursuant to this section may be used to pay all or part of the cost of training under any such program plus such stipends (including allowances for subsistence or other expenses) for such persons and their dependents as he may determine to be consistent with prevailing practices under comparable Federal programs.

(c) A grant or loan under this section shall be made on such terms and conditions as the Secretary shall prescribe and may be made only upon application to the Secretary at such time or times and containing such information as he deems necessary. The Secretary shall not approve an application unless it sets forth a program for training which meets criteria established by him, including training costs and tuition schedules.

(d) The Secretary shall pay to each applicant who has an application approved by him part or all of the cost of the program set forth in such application.

(e) Individuals receiving payments under the provisions of this section while undergoing training shall continue to receive such payments only during such period as the Secretary finds that they are maintaining satisfactory proficiency in such training program.

(f) The Secretary is authorized to enter into agreements to provide loan guarantees to lending institutions on such terms and conditions as the Secretary shall prescribe in order to permit such institutions to make loans to middle-aged and older persons for training which qualifies under this section.

TRAINING PERSONS TO TRAIN AND RETRAIN MIDDLE-AGED AND OLDER WORKERS

SEC. 1013. The Secretary is authorized to develop and carry out a program under which an adequate number of persons are trained to understand the manpower training and educational needs of middle-aged and older persons and to become qualified to train and retrain middle-aged and older workers in skills needed in the economy in the community in which such workers reside. Such programs shall emphasize developing innovative techniques for training middle-aged and older persons.

SPECIAL SERVICES FOR MASS LAYOFFS

SEC. 1014. The Secretary is authorized to recruit and train personnel within the Department of Labor to be made available to localities in which substantial numbers of middle-aged and older persons are unemployed as a result of the closing of a plant or factory or a permanent large-scale reduction in the work force in such locality. In carrying out the provisions of this section, the Secretary is authorized to provide such persons with recruitment, placement, and counseling services.

SPECIALIZED SERVICES

SEC. 1015. (a) The Secretary shall establish and carry out specialized services for middle-aged and older workers who desire to improve their employability, to receive manpower training to improve their capabilities at their present employment, or to obtain counseling in planning to maximize earning opportunities for the remainder of their working lives.

(b) The Secretary is authorized to recruit and train manpower specialists, including older and retired employment counselors and personnel directors to serve in programs authorized under this section.

EMPLOYMENT SERVICES FOR PART-TIME EMPLOYMENT

SEC. 1016. The Secretary may, where appropriate, make special provisions through the United States employment service, or with the advice and assistance of the employment service, by means of grants to or contracts with nonprofit volunteer agencies to assist such agencies in securing part-time or temporary employment for additional members of middle-aged and older persons who wish such employment.

PART B—SPECIAL REPORTS AND STUDIES

RESEARCH AND INFORMATION PROGRAMS

SEC. 1021. (a) The Secretary is authorized to enter into grants, contracts, and other arrangements with public and private agencies and institutions to conduct such research and demonstration projects as he determines will contribute to carrying out the purposes of this title.

(b) In carrying out the purposes of this title the Secretary is authorized to publish and disseminate materials and other information relating to training and job opportunities for middle-aged and older individuals and to conduct such special informational and educational programs as he determines appropriate.

MANPOWER STUDIES

SEC. 1022. The Secretary is authorized and directed to undertake, either directly or by way of grant or contract, a thorough study of manpower programs authorized by provisions of Federal law other than this title, and other federally assisted training programs to determine whether such programs are responsive to the needs of the middle-aged and older persons. The Secretary shall report the findings and recommendations of this study, and his own recommendations with respect to additional legislation, to the President for transmittal to the Congress not later than July 1, 1973.

(b) In conducting this study the Secretary shall not employ or contract with any individual, institution, organization, or agency providing advice or technical assistance for any program described in subsection (a) of this section.

EXTENDED UNEMPLOYMENT COMPENSATION

SEC. 1023. The Secretary shall study the feasibility of establishing a program of extended unemployment compensation benefits for unemployed older workers who have exhausted their unemployment compensation. On or before July 1, 1973, the Secretary shall report to the Congress and the President his findings and recommendations with respect to such a program of allowances.

COMPENSATION AND DISABILITY INSURANCE

SEC. 1024. The Secretary shall prepare and submit a report to the Congress not later than July 1, 1973, on means of eliminating the lack of coverage and other inadequacies in workmen's compensation and disability insurance programs, health insurance, and pension plans, particularly as they affect adversely the employment of middle-aged and older workers.

FEDERAL EMPLOYMENT OPPORTUNITIES STUDY

SEC. 1025. (a) The Comptroller General of the United States is authorized and directed to undertake a study of part-time employment in the executive branch of the Government of the United States and to make a report of his findings, together with any recommendations he considers appropriate or desirable, to the Congress on or before July 1, 1973. Such study shall include a determination of—

(1) the extent to which part-time employment exists in the executive branch;

(2) the limitations, if any, that are imposed by Federal statutes, regulations, or administrative policies or practices on such part-time employment, and the extent to which such limitations are justified; and

(3) the measures that may be taken to increase the number of part-time positions available in the executive branch which may be filled by older persons without resulting in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits).

(b) The Comptroller General is further authorized and directed to undertake a study of the feasibility of redesigning positions in the executive branch of the Government of the United States without impairing the effectiveness or efficiency of operations of any department, agency, or independent establishment, with a view to increasing the number of positions which are available to older individuals at the subprofessional level. The Comptroller General shall make a report of his findings, together with any recommendations he considers appropriate or desirable, to the Congress on or before July 1, 1973. Such study shall include a determination of—

(1) the extent to which positions can be redesigned, resulting in an increase in the number of positions in the executive branch available to older individuals;

(2) the limitations, if any, imposed by Federal statutes, regulations, or administrative policies or practices on redesigning positions in the executive branch to increase the number of subprofessional positions available to older individuals and the extent to which such limitations are justified;

(3) the measures that may be taken to redesign positions so that the number of subprofessional positions available to older individuals may be increased; and

(4) the programs which would be needed to train older individuals to fill subprofessional positions created as a result of redesigning such position.

PART C—GENERAL PROVISIONS

DEFINITIONS

SEC. 1031. As used in this title—

(1) "middle-aged and older" means an individual who is forty-five years of age or older;

(2) "middle-aged" means an individual who is at least forty-five years of age but not older than fifty-four years of age;

(3) "older" means an individual who is at least fifty-five years of age;

(4) "Secretary" means the Secretary of Labor; and

(5) "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

ADMINISTRATION

SEC. 1032. (a) In order to carry out the purposes of this title the Secretary is authorized to—

(1) provide such rules and regulations as he deems necessary;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(3) appoint such advisory committees composed of private citizens and public officials who, by reason of their experience or training, are knowledgeable in the area of job training, are knowledgeable in the area of job opportunities for middle-aged and older individuals, as he deems desirable to advise him with respect to his functions under this Act; and

(4) utilize, with their consent, the services, personnel, information, and facilities of other Federal and State agencies, with or without reimbursement therefor.

(b) Each member of a committee appointed pursuant to clause (3) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, for each day on which he is engaged in the actual performance of his duties (including traveltime) as a member of the committee. All members shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(c) Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipients of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(d) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants, agreements, or contracts entered into under this title.

PROGRAM DEVELOPMENT AND COORDINATION

SEC. 1033. (a) In addition to any other provisions for the administration of this title, the Secretary shall designate personnel to have responsibility for program leadership, development, and coordination. The Secretary shall provide for a central office for information on and special attention to the problems of middle-aged and older workers and the programs concerning such workers.

(b) No individual, institution, organization, or agency shall evaluate any program under this title if that individual, or any member of any such institution, organization, or agency, is associated with the program as a consultant, technical adviser, or in any other capacity.

(c) (1) The Secretary is authorized and directed to require agencies, institutions, and organizations administering training and other programs and activities assisted under this title to coordinate their activities with agencies and organizations conducting related manpower and employment programs receiving assistance under this Act and under other provisions of law, such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and the Emergency Employment Act of 1971. In carrying out the provisions of this paragraph, the Secretary is authorized to make necessary arrangements to include projects and activities assisted under this title within a common agreement and a common application with projects assisted under this Act and under other provisions of law, such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, the Emergency Employment Act of 1971.

(2) The Secretary is authorized to make whatever arrangements that are necessary to carry out the programs assisted under this title as part of any general manpower legislation hereafter enacted, except that appropriations for programs assisted under this title may not be expended for programs assisted under such legislation.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 1034. (a) The amounts appropriated under the provisions of this title for any fiscal year shall be allocated by the Secretary in such manner that of such amounts—

(1) not less than 80 per centum shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the total number of unemployed middle-aged and older persons in each such State bears to the total number of such persons in all States; and

(2) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this Act.

(b) The amount apportioned to each such State under paragraph (1) of subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration the proportion which the total number of unemployed middle-aged and older persons in each such area bears to the total number of such persons, respectively, in that State.

(c) As soon as practicable after funds are apportioned to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a) (1) and (b) of this section.

LIMITATION ON TIME FOR DEBATE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time under the time agreement not begin running until tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUMPTION OF PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a resumption of the transaction of routine morning business, for not to exceed 45 minutes, with statements therein limited to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. obtained the floor.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield to the Senator.

Mr. ROBERT C. BYRD. I thank the Senator for yielding.

RURAL ELECTRIFICATION ACT OF 1936, AS AMENDED—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, having cleared this request with the distinguished assistant Republican leader, and the distinguished Senator from Nebraska (Mr. Curtis), and the distinguished Senator from Minnesota (Mr. Humphrey), I ask unanimous consent that time on S. 394, a bill to amend the Rural Electrification Act of 1936, as amended—when that bill is before the Senate—be limited to 3 hours for general debate, the time to be equally divided between the Senator from Nebraska (Mr. Curtis) and the Senator from Georgia (Mr. Talmadge); that time on any amendment thereto be limited to 30 minutes; that time on any debatable motion or appeal be limited to 20 minutes; and that the agreement be printed in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the unanimous-consent agreement is as follows:

Ordered, That, when the Senate proceeds to the consideration of the bill S. 394, to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in such year, and for other purposes, debate on any amendment shall be limited to 30 minutes, and debate on any debatable motion or appeal shall be limited to 20 minutes, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided,* That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 3 hours, to be equally divided and controlled, respectively, by the Senator from Georgia (Mr. Talmadge) and the Senator from Nebraska (Mr. Curtis): *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Virginia may proceed.

Mr. HARRY F. BYRD, JR. Mr. President——

Mr. ROBERT C. BYRD. Mr. President, may we have order while the distinguished senior Senator from Virginia is speaking. The Senator is entitled to be listened to by Senators who wish to remain in the Chamber. I ask that the time required to secure order not be charged against the Senator.

The PRESIDING OFFICER. The Senate will be in order.

The Senator may proceed.

REBUILDING INDOCHINA

Mr. HARRY F. BYRD, JR. Mr. President, the United States and North Vietnam have announced an agreement to establish a Joint Economic Commission to channel postwar American reconstruction aid to North Vietnam.

The formation of the Commission—scheduled to begin work in about a month—was announced in a communique issued jointly by Washington and Hanoi following the 4 days of talks held by Presidential Assistant Henry A. Kissinger with Premier Pham Van Dong and other North Vietnamese officials.

The communique said that the two sides "exchanged views on the manner in which the United States will contribute to healing the wounds of war and to postwar reconstruction in North Vietnam."

No dollar amount was announced. But Mr. Nixon has spoken of a $7.5 billion aid program to Indochina over 5 years, with up to $2.5 billion for North Vietnam. More recently, the administration officials have said there is no "fixed figure."

This new foreign aid program will provoke a major battle in the Congress.

Dr. Kissinger, on January 26, in a discussion with a number of Senators at the Capitol, stated that the United States, in signing the cease-fire agreement, made no commitments for economic aid to either North Vietnam or South Vietnam. A commitment for economic aid is not a part of the cease-fire agreement, Dr. Kissinger said.

The negotiators did agree, he said, to give consideration in the future to helping the two countries economically. Dr. Kissinger said it was fully explained to both countries that any such proposal would have to go through our legislative procedures.

Two vitally important questions are involved here:

One, what obligation, if any, does the United States have to pour additional billions of dollars into North Vietnam, or Indochina; namely, Laos, Cambodia, South Vietnam, and North Vietnam?

Two, considering the United States deteriorating financial position, its unabated deficit spending, its continued rate of inflation, and the devaluation of the dollar, can the United States afford to embark on such a gigantic and costly new program as rebuilding Indochina?

Although no price has yet been set, the cost over a period of years is bound to be tremendous. To get its foot in the door, the administration probably will move cautiously and not set the initial figure too high.

But once the principle is established, once a start has been made, the cost will escalate just as did the use of American troops, which started at a few thousand and ended with a cumulative total of more than 2½ million.

Does the United States have a further obligation to Laos, Cambodia, and South Vietnam? We have spent at least 10 years; we have suffered 50,000 dead and 300,000 wounded; we have spent $200 billion to try to protect those countries from Communist aggression. What further obligation do we have?

With reference to North Vietnam, we spent the same 10 years, plus the same 350,000 Americans killed or wounded, plus the same $200 billion in an effort to stem the tide of North Vietnamese aggression against its neighbors. President Nixon has stated that neither side has won. Premier Van Dong has stated that Hanoi has won.

A cease-fire has been agreed to, but today's peace in Vietnam has been described by President Nixon as "fragile." This, I feel, is an accurate description.

Considering the history of Indochina, it would seem to me quite optimistic to expect that the present peace will endure for long.

Do we really believe that the aggressive designs of North Vietnam have been abandoned? Do we believe that the Vietcong, the Pathet Lao, and the Khmer Rouge now will embrace their countrymen in peace? Three American Presidents proclaimed North Vietnam an aggressor seeking to force its will on South Vietnam. Are we now to believe that the dedicated Communist leaders in Hanoi have reversed position?

If we do not believe these things—and I most certainly do not—then what are we proposing with this huge program of aid?

I suggest that we are proposing works of peace which will be wiped out by the engines of war. Before long, it would not surprise me—if we follow this course—if we were to witness a reenactment of the struggles between India and Pakistan, with Asians killing one another with bullets supplied by American money.

Our Government has consistently stated through the years that the only bombing done in North Vietnam has been to military targets. Are we going to rebuild the military potential of North Vietnam?

Aid to North Vietnam, at whose hands we and our allies have suffered so much, seems to me difficult to justify at any time or under any circumstances—unless we feel, which I do not, that Hanoi is entitled to war reparations. If we were to embark on a major assistance program for North Vietnam, would we not be trying to achieve peace by bribery? What happens when the money runs out?

Aid to the other countries of Indochina is also hard to justify at this time, when there is no assurance that any degree of stability has been achieved in those nations.

In my view, a major aid program in Indochina today would be a structure built on sand.

Furthermore, our experience in foreign aid since World War II suggests that the United States invariably finds itself in a dilemma: If we go into another country and supervise the assistance program, we become deeply involved and stand rightly accused of intervening in that country's internal affairs; on the other hand, if we do not do this, corrupt officials of the aided government—all too often, a dictatorship in fact if not in name—divert to their own pockets funds intended to benefit their people, or they use the funds to prepare for war.

Furthermore, the United States has carried the largest portion of the burden of assistance to underdeveloped countries for far too long a period.

Now, in 1973, should we alone seek to rebuild Indochina?

What stake do we have in that part of the world greater than the stake of any other countries?

We fought the Vietnam war alone—virtually alone. We taxed our people and took their sons and expended their resources in a 10-year war in which none emerged the victor—unless it be Hanoi, as its president asserts.

Must we now tax our people and expend our resources to attempt to accomplish economically what we could not accomplish militarily?

We know from bitter experience that in Indochina, men and material disappear as in quicksand. Will not the pit be equally bottomless for American tax dollars?

The American people are compassionate people—but somewhere along the way we must show a little sense along with compassion.

During the current fiscal year, the United States will have the highest Federal funds deficit in its history, with the exception of World War II, when we had 12 million men under arms and were fighting a war in both Europe and the Pacific.

For the 4 fiscal years ending June 30, 1974, the accumulated Federal funds deficit will exceed $100 billion.

The interest charges on the national debt have reached the point where of every dollar of personal and corporate income tax paid into the Federal Treasury by the wage earners of this country, 17 cents goes for one purpose—to pay the interest on the debt.

The continued huge Government deficit is the major cause of the inflation which is eating heavily into every wage earner's check and into every housewife's grocery money.

The dollar is deteriorating in value. This has forced two formal devaluations of the American dollar, totaling approximately 20 percent, the first in December of 1971 and the second last week. I do not oppose formal devaluation, as it only recognizes what already has occurred; namely, a deterioration in the value.

Contrary to Government propagandists, devaluation does not solve any of the fundamental problems. Inevitably, it will increase the cost to the American consumer and thus further stir the fires of inflation.

How much longer can we squander American resources? How much longer can we continue these huge foreign aid programs, which now have an annual cost of more than $9 billion?

Is it logical or reasonable to expect the wage earners of this country to finance a new foreign aid program on top of all these others—the new one being to reconstruct Indochina, including North Vietnam?

Sooner or later, the American people must accept the fact that the resources of the United States are not infinite.

The Nixon doctrine seems to be moving us away from the role of world policeman. But we will have made scant progress if we abandon that role only to continue to play the role of global Santa Claus.

In summary, I fail to see the justification for any assistance to North Vietnam; as to her neighbors, I doubt the wisdom of embarking upon massive assistance to those countries at a time when they are in turmoil, and when the American taxpayer is so hard pressed to pay the bill for the obligations his Government already has incurred.

Mr. STEVENS. Mr. President, I have great respect personally for my neighbor, the Senator from Virginia, and a great respect for his opinion, but I hope that the Senate in particular and the Congress as a whole will keep an open mind on the subject of what we are to do now in Indochina.

The Senator from Virginia rightly asks what is our stake in further actions in Indochina? We have brought about peace in Indochina, and I hope it will be a lasting peace. Many of us feel we must take whatever action will be necessary to assure that the peace in Indochina will be a lasting peace.

All of us who have studied history know that in wars past there have been demands for reparation and demands for payment which have left the participants of the war in the status of economic slavery.

After World War II we showed the world a new concept in the Marshall plan, and particularly in our aid to Japan and Germany. Today Japan and Germany show the rest of the world what it means to have a firm economy, and we know that the German people and the Japanese people realize that we were interested in them as a people through the Marshall plan, and were not interested in them either as subjugated countries or as economic pawns.

We have just returned from a trip to Cambodia, Laos, and Vietnam. My own conclusion is that the one real thing we have left to export to that part of the world is our economic system. Indochina is really a blister on the economy of the world, and I think it could well become a cancer if we could not show them what it means to have a dynamic economy and what it means to have a viable alternative to war, which has been their way of life for so many years. We can do this, I believe, through demonstrating what it means to have economic self-sufficiency.

We are informed that the administration did not make a commitment, in connection with the peace negotiations, but it is now exploring what commitments should be made on the part of this Nation to assist the peoples of Indochina to reconstruct their economies.

Again I say I hope we will keep an open mind on this question. I feel we must share the burden because ours is still the greatest standard of living in the world. We do this in our own communities through our Community Chests. The United States also has the responsibility, as the greatest consumer economy in the world, to carry out its portion of the world's community chest. We have no greater stake anywhere in the world in contributing to the community chest of the world than in Indochina, because if we do not find ways to help them to restore their economy and to achieve a lasting peace. We will find a restoration of hostilities there.

Mr. President, I want to tell my friend, the Senator from the great State of Virginia, that it is not a question of disagreeing with him personally. I have great personal regard and feelings for him. However, I do believe that we should caution the country and should caution Congress to keep an open mind on what will be necessary to make this peace a lasting peace.

Mr. HARRY F. BYRD, JR. Mr. President, if the Senator will yield, the Senator from Alaska has made some very fine points. I am not in total disagreement with his remarks at all.

I have not been able to reach the conclusion, however, that by the mere expenditure of more dollars we are going to solve the problems of the world. We have been trying to do that for a long time. Including the interest, about $200 billion has been spent on foreign aid, nearly one-half of our total national debt.

We have ended up, I think, with less friends than we started with. Then when we talk about community chests and liken community chest drives in our communities to the pouring of additional funds into Indochina, I must say that I do not quite follow that theory or that logic.

When we start pouring American dollars into Indochina, we are undertaking something that is really gigantic. If we are going to do the job over there which is envisioned in the remarks of the distinguished and able Senator from Alaska, we had better be prepared, if we are going to go into it at all, to pour tens of billions of dollars into that area of the world. A little money is not going to solve the problems over there. A little money will not solve anything. It would be a gigantic undertaking.

I join with the Senator from Alaska when he says that this matter should be fully explored. And I hope it will be fully explored by the Congress and carefully pondered by the American people. This is not Europe that we are dealing with.

We are dealing with something entirely different. We are dealing with governments which do not have the same—and I want to be careful about how I say this—standards in handling the funds of their own people and, I am sure, the funds of any other country that might come to their aid. Their standards differ very sharply from the standards we have in this country for the handling of our tax funds.

If we are going to go into the program at all—and I believe along with the Senator from Alaska that it should be carefully pondered and considered—I hope some guarantees will be provided so that these funds will be used for the purpose for which they are intended and not be used to line the pockets of the government officials of the countries we are trying to help.

That is only one part of the problem, as I see it.

If we do try to tell the people and the governments of those nations how these funds should be used, we will be accused of dictating to them and involving ourselves in the affairs of those nations, as we would be.

It is a complex problem.

I share the feelings of the distinguished Senator from Alaska that, in whatever reasonable way we can, we try to be helpful to other countries of the world. But can we solve their problems by pouring out more American dollars?

I suggest that we be very careful before we go into a wholesale program in Indochina, because I think it is a bottomless pit for American dollars. If we go into it, lets go in with our eyes open.

But as to North Vietnam, that presents a different problem. I do not see how the Congress can take the tax money of the wage earners, take money out of the pockets of the wage earners, and turn that money over to North Vietnam in the form of reparations, and that is what it would be, or as a bribe to keep the peace when our Government has consistently told us that the only bombing damage done to North Vietnam was to military objectives. If someone thinks that we should rebuild the military machine of North Vietnam, the Senator from Virginia certainly does not share that view.

Mr. STEVENS. Mr. President, the Senator from Virginia used some unfortunate references to reparations. I assure the Senator that I will not support any reparations.

I am saying that the one thing that would assure the continuation of peace would be our help. The Marshall plan did stimulate the economy of Japan. However, in later years, we got ourselves involved too much in foreign aid programs. I have been one of those opposed to such things as an extended foreign aid program.

It is a little different concept when we try to restore the economy of a war torn land. That does not mean restoring military bases or a matter of reparations. It is a matter of trying to see if we can in fact bring about an improvement of the economy in that part of the world, which, to me, would be like planting a seed. And if seed money will, in fact, tide over the economy there, we should support it. If the money is meant for the purpose of extending social services and getting ourselves involved in all kinds of government programs, that would be a different matter. I would be opposed to that.

Mr. BUCKLEY. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. BUCKLEY. Mr. President, I have listened to the exchange of remarks between my friends, the Senator from Virginia and the Senator from Alaska, on this subject. It has proven to be extremely interesting. This certainly addresses itself to a different point of view. In fact, I might be, as usual, considered to be somewhere in the middle.

I think the Senator from Alaska has raised an analogy that I regard to be an appropriate one. He spoke of the enormous efforts which our country made to help the economies of Japan and Germany reestablish themselves after World War II.

Mr. President, it seems to me that historically the situation there was totally different from what we find in Southeast Asia today.

First, both Japan and Germany had been absolutely defeated and had unconditionally surrendered to the Allied forces.

Second, their economies had been totally destroyed.

Third, we had responsibilities, as the occupying powers, to see that those countries that needed to get on their feet again did so.

Fourth, there was a totally new management once they took over the management of their own affairs.

Fifth, it was totally clear that there was an abandonment of any ambition to cause trouble against their neighbors.

On the other hand, at this point in time, we have in Hanoi the same management, a management which has claimed victory, a management which has not yet explicitly, to my knowledge, rejected its theory of ultimate domination over all of Indochina. We have a different economy involved.

It seems to me that under all of these circumstances it is premature, at the very least, to begin to talk about helping that economy, the economy of North Vietnam, expand until we know that the leadership of North Vietnam has for all time abandoned its determination to subjugate its neighbors either by force or by so-called wars of national liberation.

Mr. STEVENS. I would say to the Senator from New York that I visited Yugoslavia this past year, and I noted the personal, warm feeling of the people of that country for those in the American delegation.

We have helped a country which has not foresworn communism, but as a result we have in fact brought about a buffer as far as that part of the Communist world is concerned. Again I assure the Senator from New York that what I am saying is I hope the Senate and Congress will keep an open mind. I think the President has done a magnificent job, and, as far as I am concerned, Dr. Kissinger an outstanding job, in bringing about a cessation of hostilities. All of us wanted to see that happen.

If the exportation of American know-how and some American seed money is the avenue to start an economy in that part of the world which will generate something similar to ours, I think we must explore it fully.

The PRESIDING OFFICER. The time of the Senator from Alaska has expired.

Mr. HARRY F. BYRD, JR. Mr. President, I think the Senator from New York has made a valid and important point in his discussion with the Senator from Alaska. The Senator from Alaska mentioned Germany and Japan. He did not mention Italy, but I will throw in Italy as well.

What happened in those countries at the end of World War II was that they were militarily crushed. Germany threw out nazism, Italy threw out fascism, and Japan threw out from those in power in its government the warmongers and those who brought on the war between Japan and the United States—an entirely different situation from what we have here today with North Vietnam.

Does anyone pretend that North Vietnam has changed its Communist form of government? Has it thrown out communism, as Germany threw out nazism, Italy threw out fascism, or Japan threw out those who brought about the war in 1941? Has, indeed, it ended its aggression? Has it thrown out of power those leaders who brought about the invasion of South Vietnam?

I think the able Senator from New York has raised an extremely important point in pointing out that we have a vastly different situation now from what the United States faced at the end of World War II.

Mr. BUCKLEY. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield to the Senator from New York.

Mr. BUCKLEY. I thank the Senator from Virginia for his remarks. I do want to make it clear, though, that while I am expressing views of intense skepticism, I do not intend to close my mind to the arguments which, in due course, will be voiced by the very persuasive Dr. Kissinger.

But I do feel it should be helpful to the Executive, in focusing its argument, to know how many Members of this body feel in terms of the objections which have to be overcome, and I recognize, as the Senator from Alaska has pointed out, that we have extended aid to Yugoslavia, a Communist nation, only after the pattern of Yugoslavia's external policies had become established, and only after the weighing of our own self-interest in maintaining a position of influence in that part of the world.

What I am suggesting is that we need to satisfy ourselves or to be persuaded by the President and by Dr. Kissinger that we have some firm basis for believing that in point of fact North Vietnam, if not repudiating communism, which one could not expect, had rather reliably repudiated aggression. I think this is the key point. As far as the proposal for extending aid by the economic reconstruction of the remainder of Indochina is concerned, I am certainly sympathetic to those proposals, and feel that we must provide a basis of economic self-sufficiency, although I do feel, as the Senator from Virginia has eloquently pointed out, that there are hazards and pitfalls we should make every effort to avoid.

Mr. HARRY F. BYRD, JR. I shall certainly want to ponder carefully the recommendations of Dr. Kissinger. I think he has done a meaningful job in the negotiations leading to the cease-fire, and will listen most carefully to his recommendations in regard to the reconstruction of Indochina; but there is a fundamental point involved, as I see it, over and beyond the question of whether it is desirable or undesirable to go further into the problems of Southeast Asia, and that is, where is the money coming from?

This country is in a desperate condition financially—a desperate condition. The Europeans know that far better than we do, and they forced another devaluation of the dollar just the other day. So the primary consideration, as I see it, is where is the money coming from?

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. TUNNEY. I agree wholeheartedly with what the Senator is saying. We have seen the budget proposed by the administration this year, and it cuts over $10 billion from programs which deal with our social infrastructure. As I see it, the essential point is not whether we agree with those programs. There are people in this country who feel that those housing, health, and education programs are very important. The essential point is that, even with the drastic cuts, we are going to run a substantial deficit, in excess of $12 billion this year. If we now decide to give money to North Vietnam, we will have to either increase our deficit by the amount we give North Vietnam, take more money out of existing programs or raise new revenues through tax reform. Although I do not close my mind to the possibility, at some point, of extending credit to North Vietnam and perhaps helping in a reconstruction program in Indochina, I, for one, just do not see where that money is going to come from, unless we are prepared to bite the bullet and raise taxes in this country to make the money available. I do not think the money should be made available through additional deficit spending and I do not feel that valuable social programs should be sacrificed. I agree with the point of the Senator from Virginia.

Mr. HARRY F. BYRD, JR. I think the Senator from California raises an extremely good point. If we want to go into this program, maybe the best way to handle it would be, as the Senator from California has suggested, to present the legislation to Congress and attach to it a tax bill to raise the money to pay for sending these funds to Indochina. That would draw a clean-cut issue. But just to embark on a new program, a new foreign aid program on the heels of the foreign aid program that most Members of the Senate say unequivocally has been a failure, a new program involving deficit spending, I think that is something that should be considered very carefully.

I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I say to the Senator from Virginia and the Senator from California, if we fought the war on a deficit basis, why can we not fight for peace on a deficit basis? Certainly those of us who have been in this body and supported the expenditures for war, as I have for 4 years, and I think there are other Senators who have done so for many more years, are going to have to search our consciences before we say we can fight on borrowed dollars, but cannot invest in peace on borrowed dollars.

Mr. HARRY F. BYRD, JR. I think the answer to that is the very fact that we have spent $200 billion over there, which has greatly deteriorated and devalued the American dollar, which has greatly increased inflation in this country, which has greatly eaten into the paychecks of every wage earner in this country, and which has eaten into the grocery dollar of every housewife in this country.

That is why we are faced with this problem, because we have financed the war on borrowed money. If we are going to finance another foreign aid program over there, again on borrowed money, we will further devalue our own situation at home.

Mr. ERVIN. I would appreciate the Senator's yielding to the Senator from North Carolina, as the Senator from North Carolina wants to exclude himself from the saying just used by the distinguished Senator from Alaska (Mr. STEVENS).

The Senator from North Carolina has voted against every proposal to increase the debt limit since he came to the Senate in 1954. If a majority of the Senate had voted as the Senator from North Carolina voted on that one point, we would not have had any deficit spending since 1954 and the national debt would have been exactly what it was during that period of President Eisenhower's administration.

Mr. STEVENS. If the Senator from Virginia will yield me just 30 seconds, I would say to the distinguished Senator from North Carolina that if a majority of the Senate follow him more often, the country would be much better off.

Mr. ERVIN. I thank the Senator from Alaska.

Mr. HARRY F. BYRD, JR. Mr. President, the distinguished Senator from North Carolina raised the question of a balanced budget in getting away from deficit spending, just as the Senator from California did.

That is what I thought we were trying to head toward, that we were trying to head towards putting the Government's financial house in better order.

How do we put it in better order? By embarking on a new foreign aid program to be paid for out of more and more deficit spending?

Let me elaborate on the figure given by the Senator from California. He mentioned a deficit of $12 billion. I assume he is speaking now on a unified basis.

Mr. TUNNEY. Yes, on a unified basis.

Mr. HARRY F. BYRD, JR. That means, in order to get it down to $12 billion, we have had to utilize the trust funds of the social security system. If we put it on a Federal funds basis, we will find that the Federal Government for this fiscal year will have the highest Federal funds deficit in the history of the Nation with the exception of World War II, when we had 12 million men under arms and were fighting one war in Europe and another in the Pacific. So the deficit, on a Federal funds basis for the 4-year period ending June 30, 1974, will exceed $100 billion. If we want to put that on a unified fund basis, and utilize the surplus from the trust funds, mostly social security, we find that the deficit will be a smashing $85 billion during that short time of 4 years.

So before we can go into new programs it seems to me that we must re-examine our entire financial structure. That is what I am primarily attempting to suggest in connection with the reconstruction of Indochina.

Are we in a position financially to do that?

We can do it in a sound and solid way if the suggestion made by the distinguished Senator from California is followed; namely, to tie the bill to a tax bill and let Congress vote whether it wants to raise taxes to put into Southeast Asia. That will be a clearcut issue and each Senator can vote as he thinks best. That would be the sound way to handle it. My guess is, however, that such a proposal would get very few votes.

Mr. HANSEN. Mr. President, will the Senator from Virginia yield?

Mr. HARRY F. BYRD, JR. I am happy to yield to the Senator from Wyoming.

Mr. HANSEN. I should like to say that I have been very much impressed with the colloquy here this afternoon. I shall need to learn a great deal more about it than I know now before I am able to make a decision for myself on what is best to be done. But I think a couple of observations may be in order.

One, for a long time the nations of the world placed a high value on gold because gold was the one medium of exchange which was accepted by practically all countries the world over. That is no longer true. It is becoming increasingly apparent that the nations of the world today are more interested in jobs, in the standards of living that obtain in the various countries, than in any other one thing because that is the only way we can account for the fact that Japan and Germany, through their national banks, went into the monetary markets and started shoring up the sagging value of the American dollar, simply because they knew that if we were to experience——

The PRESIDING OFFICER (Mr. CLARK). The period for the transaction of routine morning business has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent for a further extension of the period for the transaction of routine morning business, not to exceed 20 minutes, with statements therein limited to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. Is there further morning business?

Mr. HANSEN. I thank the distinguished majority whip.

May I say that what is happening now around the world is this: Many countries recognize that if they are going to maintain a standard of living which will be acceptable to their people, they have to keep their citizens employed.

Our dollars are in oversupply for a variety of reasons, one of which is continuing unbalanced budgets.

West Germany and Japan tried, by purchasing immense amounts of our currency, to keep the dollar from being devalued. They did that, not because of any desire to help us directly but rather to make it possible to continue to sell their products in America. They wanted to keep their workingmen employed. They wanted to preserve Japanese and German jobs. And they wanted to make it no easier for their citizens to import products made by American laborers.

The points raised this afternoon by the distinguished Senator from Virginia are relevant to the concern that we all should feel. I share the admiration, confirmed by many, of the distinguished Senator from North Carolina (Mr. ERVIN) because he has recognized that we cannot do everything on borrowed money. So what it means, I think, is that we must take stock of where we are now and what we propose to accomplish.

The relevant question which has been asked by the distinguished Senator from Virginia—certainly one of the most relevant, in my mind—is, Where is the money going to come from?

If we think we can continue to spend money as we have been spending it for every purpose, and if we were to single out and view individually each one of them, I expect there would not be many Senators who would find no merit in each one of them, but if we were to single them out, one at a time, it is easy to try to justify what we are doing. But in the overall, when we try to consider on the one hand what we are spending and what we have in order to provide that money on the other hand, then I think it becomes relevant to ask: Where is the money coming from? Therefore we could, with every serious and altruistic desire, overextend ourselves in Southeast Asia and then find that we could bring about a deterioration of conditions here in America that would so weaken and so undermine the basic strength of this country that we would no longer be able to discharge the role that I am certain not only most Americans, but also many other people in other countries in the world as well, hope we can continue to discharge—that sort of leadership that we have been able to exert so far. The influence that we have been able to bring to bear has many times made the difference between keeping the peace and causing a loosening up of those forces from which could easily erupt yet another world war.

So I join my colleagues in saying that I think we do need to examine our consciences, we do need to examine the motives of the nations in Indochina as well as those around the world and determine how best we can take such steps as we can afford to take which will assure reaching the objective for which we all strive.

There is no question that we all want peace. We know that basic to that peace is that people have the ability to make a decent living. There is no argument about that. But we know also that we cannot do it all ourselves. There are too many people—and I suspect there are some here in this Chamber—because of the feelings they have about our involvement in Vietnam in the first place, who may be overzealous in spending more than we can afford to spend, and spending it for purposes, perhaps, which we should not now permit our resources, because of a feeling of guilt for our involvement in the the first place.

Because of that, Mr. President, I am going to be listening very closely to the debate as it develops these coming weeks, to try to decide, as best I can, what the best course is for our Nation.

I thank the Senator.

Mr. HARRY F. BYRD, JR. Mr. President, the Senator from Wyoming is correct. I feel that the United States does have an obligation to the rest of the world. We must play an important role in world affairs. We cannot isolate ourselves. But I submit that we can only play a major role effectively over a period of time if we are soundly based financially.

As I see it, a nation can only be a progressive nation over a long period of time if it is soundly based financially, if its resources are not depleted.

I think that in assessing our worldwide role—and we have an important worldwide role—we must assess it in the light of the financial situation facing the United States today; and, whatever the reasons might be, the financial condition of our Nation, in my judgment, is very dangerous.

MONUMENT TO 1ST INFANTRY DIVISION, U.S. FORCES IN VIETNAM

Mr. ERVIN. Mr. President, I send to the desk a joint resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

> A joint resolution (S.J. Res. 66) to authorize the erection of a monument to the dead of the 1st Infantry Division, U.S. Forces in Vietnam.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate

proceeded to consider the joint resolution.

Mr. ERVIN. Mr. President, the joint resolution, which is introduced at the request of the Society of the First Division, is to give our approval to provide a monument to the dead of the 1st Infantry Division, U.S. forces in Vietnam.

I am honored to present this resolution to the Senate for approval for the erection of a memorial to the heroic dead of the 1st Infantry Division in Vietnam.

This monument will be erected at no expense to the U.S. Government, as were our monuments to the 6,000 dead of this intrepid fighting division in World War I and the 4,300 who made the supreme sacrifice in World War II. Two thousand six hundred names of the heroic dead of the Big Red One in Vietnam will be inscribed on the bronze plates of the proposed memorial.

The proposed monument will be an extension to the east of the present plaza—on grounds previously set aside for memorial purposes for the 1st Infantry Division by Congress.

The Society of the 1st Infantry Division—1st Division Memorial Committee will finance the erection of the monument by contributions of the more than 100,000 fighting men of this famous division who served with it in Vietnam; from former members of the Big Red One with World Wars I and II service; and from next-of-kin and the multitude of friends of the 1st Infantry Division throughout our land. I speak with pardonable pride of this renowned division—having served with the Big Red One in our conflict with the Imperial Powers in World War I.

Gen. John J. Pershing, who commanded the American Expeditionary Forces in the First World War, stated, in substance, that in that conflict the 1st Division displayed a pride of service and state of morale never broken by hardship or battle.

I have followed the heroic episodes of my former outfit during their incomparable feats on two continents in World War II; and then again from their landing in Vietnam throughout their outstanding accomplishments there until they finally returned to their home station at Fort Riley, Kans. Their devotion to duty and to their country—and their desire to memorialize their fallen comrades deserves our admiration and wholehearted support.

As a longtime member of the Society of the 1st Division, I give my personal assurance that their objective in erecting this monument to honor their Vietnam dead will be honorably attained and completed in a manner befitting a memorial to their deceased.

This group of fighting men from Vietnam, their former comrades and friends of the 1st Infantry Division have already accomplished through their personal efforts one of the greatest memorials to their fallen comrades of which I have ever heard. Through their 1st Division scholarship fund they have raised sufficient money to award every son and daughter of a fatal Vietnam casualty who was serving with the division a $2,000 scholarship award to be used to further their education. This will supplement the educational allowance provided by our GI bill and make it possible for the children of the Vietnam dead to enter adulthood on a equal educational basis with those who have been fortunate enough to have their fathers return from that conflict.

In urging the Senate's approval of this joint resolution, I recall the words of our 1st Infantry Division Commander in World War I, Gen. Charles P. Summerall:

> What the 1st Division has done—it can do again!

This spirit and this tradition is deeply imbued in every man who has proudly worn the shoulder patch for the Big Red 1.

The men of this illustrious organization—the 1st Infantry Division—along with their comrades in the Society of the 1st Division, and their friends wish to perpetuate the memory and names of their fallen comrades in Vietnam. They want to keep alive and shining the motto of their division: "No mission too difficult: No sacrifice too great: Duty first" and record on eternal bronze tablets the names of those men who made the supreme sacrifice for their homeland in the jungles of Vietnam that a grateful Nation can read and honor those heroes. They will, with the consent of Congress, erect this monument honoring their dead, without cost to our Government.

Mr. President, I ask the unanimous consent of this body in support of the joint resolution.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. HANSEN. Mr. President, I do not object. I do not rise to propose any amendment. I simply want to state that I have talked with the minority members—or at least some of them—on the Veterans' Affairs Committee. May I say that despite the unusualness of this request, we can find no reason at all why the resolution should not be given immediate consideration.

It is not often that a proposal is made by a group to fund entirely a project as noteworthy as is this one. I certainly wholeheartedly support it. I hope it receieves the approval of the Senate.

Mr. ERVIN. I thank the Senator.

I yield the floor.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 66) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 66

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Society of the First Infantry Division—First Division Memorial Committee is authorized to erect (at no cost to the United States or the District of Columbia) a monument to the dead of the First Infantry Division, United States Forces in Vietnam, on the public grounds of the United States in the District of Columbia previously set aside for memorial purposes of the First Infantry Division, adjacent to the monument to the dead of the First Infantry Division, American Expeditionary Forces in World War I, and adjacent to the monument to the dead of the First Infantry Division, United States Forces in World War II.

SEC. 2. The design and plans for such monument shall be subject to the approval of the Secretary of the Interior, the National Commission of Fine Arts, and the National Capital Planning Commission.

SEC. 3. The Secretary of the Interior shall be responsible for the maintenance and care of any such monument, in accordance with the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916, and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935.

NATIONAL PRIORITIES AND THEIR FINANCING

Mr. TUNNEY. Mr. President, close to a month ago, President Nixon submitted his fiscal year 1974 budget. In response, the Democratic majority in the Senate should proceed without delay to develop its own comprehensive program of national priorities and the means to finance them.

I believe such a counter-program is essential if we are to respond effectively, and to restore hope and vital Government services to virtually millions now deprived of hospital care, school lunches, legal services, and so forth.

Merely restoring the $17 billion in cuts will not do the job. This blunt approach makes neither fiscal nor common sense.

Nor does it make sense to continue to fight the President on each issue separately, with some Senators focusing on pollution cuts, while others concentrate on farm or defense cuts or whatever. This divided and piecemeal approach will inevitably result in a total budget which sharply exceeds the President's. The President will then respond, as recent history shows us so well, by stressing the inflationary consequences of Congress' actions. He will have, as recent history also shows, considerable force of public opinion on his side—despite the fact that large and vocal segments of the public may not support his choices of programs to be cut.

A number of my colleagues have proposed rather sweeping and innovative reforms, calculated to give Congress the capability to put its fiscal house in order and reclaim its constitutional power over the purse. The proposed legislation would permit Congress to set its own priorities within its own ceiling. I strongly believe that we must do that, and I feel that we have to establish procedures for setting a spending ceiling and relating individual appropriations to that ceiling. As a matter of fact, the Democratic caucus recently passed a resolution, which I introduced, urging the joint committee to review the operation of the budget to do just that.

It is unlikely, however, that these procedures or others proposed will be able to be effective for fiscal year 1974.

Therefore, in order to present a coherent counter-thrust and to do so in time to affect our decisions for fiscal year 1974 appropriations, it would seem that the Democratic majority, or a designated sub-group thereof, must immediately study the fiscal year 1974 budget and agree on the following:

First. Whether the total revenues and expenditures in the Nixon budget conform with sound policy for a strong national economy that increases employment and curtails inflation;

Second. Whether the priorities in the Nixon budget and their short- and long-term implications are a responsible allocation of Federal resources;

Third. Whether the relationship in the Nixon budget between defense and nodefense expenditures is a proper one, and, if not, what such a proper relationship should be;

Fourth. The need for tax reform, and the general outlines for such reform; and

Fifth. A statement, in broad categories, of what our spending priorities ought to be.

It would be my hope that all Democrats would use this agreement as the basis for decisions on each appropriations bill for fiscal year 1974. We would present a unified front to counter the President's budget. And, further, we would all move to enact procedural reform so that never again will Congress be forced to abdicate its rightful constitutional role in the raising and spending of revenues—and never again will promises to millions of Americans, be broken shortly after they are made.

I think this proposal is particularly pertinent in light of recent news that Congress will be requested to make a substantial contribution to the reconstruction of North Vietnam. Before we decide this matter, the Democratic majority needs to establish clear-cut guidelines as to what its priorities will be in the fiscal year 1974 budget.

Further, before we start considering individual appropriation bills, we should have some basic policy guidelines within which to work. I personally do not feel that the guidelines that the President has sent down are satisfactory. I feel strongly that the freezing of housing funds for the disadvantaged, the tremendous cuts in education, the cuts in research and development funds, the cuts in health funds, and many other cuts that have been made in programs for the social and economic infrastructure of this country are ill advised.

On the other hand, I feel that we have to have a budget ceiling, and I think the only salutary aspect of the President's budget and the impoundments that have taken place recently is that they are forcing Congress to face up to the fact that we must have our own independent procedure for establishing budget priorities. Eventually, it seems to me, whether it is a budget committee or the GAO, or some other committee, Congress must have its own and independent equivalent of the Office of Management and Budget.

But, whatever reforms we undertake for the long term, in order to deal with the fiscal year 1974 budget we, as Democrats sitting in Congress, are going to have to act together as soon as possible to establish our spending priorities. It is my hope also that the Republican side of the Senate, and those in the House of Representatives will set their priorities as well. Clearly, we all, Democrats and Republicans, have been given the power of the purse by the Constitution and as Republicans and Democrats we are going to have to reestablish our authority. Otherwise, we are going to see, through evolution, a fundamental constitutional amendment take place. In my mind, this result would be disastrous for the well-being of the Nation.

Mr. HANSEN. Mr. President, I was very much impressed by what my distinguished colleague from California just said. I am sure that he and I agree there are Members on both sides of the aisle who take all kinds of views of the proposals that have been made by the budget; there are those on his side of the aisle and mine who feel cuts should be made, even deeper than have been made, and there are others on both sides of the aisle who deplore that any cuts have been made at all.

But there is one point on which most of us can agree and that is that if Congress wants to take back from the Executive, as some believe is now indicated, the usurpation of power that many insist has been seized by the President, the best way to do that is to look first at ourselves, and if we want to set different priorities than the President is setting I think we have to determine how much money we are going to spend and to come up with an overall budget will not exceed that amount.

I am weary of people who criticize—and I say this not at all with reference to my good friend from California, I am weary of people who criticize the President for seizing power on the one hand and on the other proposing amendments to appropriation bills to spend more money, not less money for programs. It is this sort of action that has resulted in the dilemma, and, indeed, the crisis that we have in this country.

Last fall when we were debating the spending ceiling measure the House said, "Let us leave it up to the President as to where cuts should be made." The Senate took a different tack, and as I recall, some of the leadership in resisting action taken by the House came from the Republican side of the aisle. The Senator from Oregon (Mr. PACKWOOD) spoke eloquently, and the then Senator from Idaho (Mr. JORDAN) and others joined in. They all felt these decisions on the purse strings should be made by Congress. I agree. I say the way they can be made and made so meaningfully is first to devise some mechanism whereby it will be easier to say no than we have said it in the past.

We cannot spend money helter-skelter for every kind of program one can imagine and then in good conscience come out and say we are not going to approve the way the President is withholding funds.

To those who decry the President's actions, I say: Let us start saying no ourselves when we are inclined to appropriate money we do not have.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired. What is the will of the Senate?

QUORUM CALL

Mr. HANSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock meridian on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER ON RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the orders for the recognition of Senators be completed on tomorrow prior to the laying before the Senate of the unfinished business, the Older Americans Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock meridian. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. EAGLETON, Mr. BENTSEN, Mr. KENNEDY, Mr. MATHIAS, Mr. HART, Mr. HUMPHREY, Mr. MUSKIE, Mr. CASE, and Mr. ROBERT C. BYRD.

At the conclusion of the aforementioned orders for the recognition of Senators on tomorrow, there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Senate will take up the Older Americans Act, S. 50, under a time limitation of 3 hours, with a time limitation on amendments, motions, or appeals. A yea-and-nay vote will occur on S. 50 tomorrow.

Upon the disposition of S. 50, the Older Americans Act, the Senate will proceed to the consideration of S. 394, a bill to amend the Rural Electrification Act of 1936, as amended. There is a time limitation on S. 394. It is possible that the Senate will complete action on S. 394 tomorrow. However, if action is not completed on S. 394 tomorrow, the Senate will resume consideration of that bill on Wednesday.

For the further information of Senators, upon the disposition of S. 394, the Rural Electrification Act, the Senate will take up S. 39, the so-called aircraft hijacking bill.

So there will be rollcall votes tomorrow, there will also be rollcall votes very likely on Wednesday, and it might be further stated that upon the disposition of the hijacking bill, the Senate will take up the various committee money resolutions. I would assume that the Senate would get to those on Wednesday or Thursday.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian tomorrow.

The motion was agreed to; and at 5:34 p.m. the Senate adjourned until tomorrow, Tuesday, February 20, 1973, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 19, 1973:

SECURITIES AND EXCHANGE COMMISSION

The following-named persons to be members of the Securities and Exchange Commission for the terms indicated:

John R. Evans, of Utah, for the remainder of the term expiring June 5, 1973, vice James J. Needham, resigned.

Philip A. Loomis, Jr., of California, for the remainder of the term expiring June 5, 1974, vice William J. Casey.

G. Bradford Cook, of Illinois, for the term expiring June 5, 1977, vice Philip A. Loomis, term expired.

HOUSE OF REPRESENTATIVES—*Monday, February 19, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Preserve me, O God; for in Thee do I put my trust.—Psalm 16: 1.

God of our fathers, whose almighty hand has led us in the past and whose creative spirit is ever seeking to lead us in the paths of peace, along the ways of wisdom and up the steps of service, be Thous our guardian and our guide in these days of our national life.

We thank Thee for the life of him whose birthday we celebrate and whose name shines like a star in the firmament of faith and freedom. We remember his courage in adversity, his fidelity amid hardships, his willingness to preserve in spite of setbacks, and his faith in prayer which made him turn to Thee for guidance and strength in hours of need.

May the memory of his devotion to our country warm our hearts this day and may the benediction of Thy spirit abide with us as we continue to labor for the welfare of our people and the well-being of all mankind.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

GENERAL LEAVE

Mr. McFALL. Mr. Speaker, without its being considered a precedent, I ask unanimous consent that all Members who desire to do so may have permission to revise and extend their remarks and include extraneous material in the RECORD following the reading of George Washington's Farewell Address and also in that portion of the RECORD entitled "Extensions of Remarks."

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT OF CHANGE IN LEGISLATIVE PROGRAM

(Mr. McFALL asked and was given permission to address the House for 1 minute.)

Mr. McFALL. Mr. Speaker, I take this time to announce that we are postponing consideration of H.R. 3577, the interest equalization tax extension, and the postponement is at the request of the chairman. H.R. 3577 will not be considered this week.

Mr. Speaker, we will possibly have additional legislation ready by Wednesday, and we will announce that tomorrow.

I would call the Members' attention to the fact that the business of today's session consists only of the reading of George Washington's Farewell Address.

On Tuesday there are no bills to be considered on the Private Calendar. There is one bill, the American Revolution Bicentennial Commission amendment, to be scheduled on the Suspension Calendar for tomorrow.

GEORGE WASHINGTON'S FAREWELL ADDRESS

The SPEAKER. Pursuant to the order of the House of February 7, 1973, the Chair recognizes the gentleman from Virginia, Mr. ROBERT W. DANIEL, JR., to read George Washington's Farewell Address.

Mr. ROBERT W. DANIEL, JR. read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply. I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and vitrue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necesary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint, counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south* in the same intercourse, benefitting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from any apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foriegn alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical discriminations,—northern and southern—Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however, strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state it is requisite, not only, that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensible. Liberty itself will find in such a government with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

The spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional power be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indipensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it: avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinions should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations: cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest; in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessary parting with what ought to have been retained, and by exciting jealously, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence. (I conjure you to believe me fellow citizens) the jealousy of a free people ought to be *constantly* awake: since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only one one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may make such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of

permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 8, 1973.

Hon. CARL ALBERT,
The Speaker, House of Representatives.

DEAR MR. SPEAKER: Pursuant to the authority of the House granted on February 5, 1973, the Clerk received today from the Senate the following message: that the Senate agreed to the House amendment to S.J. Res. 59, entitled "Joint Resolution to extend the provisions of the Railway Labor Act and for other purposes."

With kind regards, I am
Sincerely,
W. PAT JENNINGS,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Monday, February 5, 1973, he did, on February 8, 1973, sign the following enrolled joint resolution of the Senate:

S.J. Res. 59. Joint resolution to extend the provisions of the Railway Labor Act, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 15, 1973.

Hon. CARL ALBERT,
The Speaker, House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 11:15 a.m. on Thursday, February 15, 1973, and said to contain a Message from the President transmitting the 1973 State of the Union Message on National Resources and Environment.

With kind regards, I am,
Sincerely,
W. PAT JENNINGS,
Clerk, House of Representatives.
By W. RAYMOND COLLEY.

NATURAL RESOURCES AND ENVIRONMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–47)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union, and ordered to be printed:

To the Congress of the United States:

With the opening of a new Congress and the beginning of a new Presidential term come fresh opportunities for achievement in America. To help us consider more adequately the very special challenges of this new year, I am presenting my 1973 State of the Union Message in a number of sections.

Two weeks ago I sent the first of those sections to the Congress—an overview reporting that "the basic state of our Union today is sound, and full of promise."

Today I wish to report to the Congress on the state of our natural resources and environment. It is appropriate that this topic be first of our substantive policy discussions in the State of the Union presentation, since nowhere in our national affairs do we have more gratifying progress—nor more urgent, remaining problems.

There was a time when Americans took our natural resources largely for granted. For example, President Lincoln observed in his State of the Union message for 1862 that "A nation may be said to consist of its territory, its people, and its laws. The territory is the only part which is of certain durability."

In recent years, however, we have come to realize that our "territory"—that is, our land, air, water, minerals, and the like—is not of "certain durability" after all. We have learned that these natural resources are fragile and finite, and that many have been seriously damaged or despoiled.

When we came to office in 1969, we tackled this problem with all the power at our command. Now there is encouraging evidence that the United States has moved away from the environmental crisis that could have been and toward a new era of restoration and renewal. Today, in 1973, I can report to the Congress that we are well on the way to winning the war against environmental degradation—well on the way to making our peace with nature.

YEARS OF PROGRESS

While I am disappointed that the 92nd Congress failed to act upon 19 of my key natural resources and environment proposals, I am pleased to have signed many of the proposals I supported into law during the past four years. They have included air quality legislation, strengthened water quality and pesticide control legislation, new authorities to control noise and ocean dumping, regulations to prevent oil and other spills in our ports and waterways, and legislation establishing major national recreation areas at America's Atlantic and Pacific gateways, New York and San Francisco.

On the organizational front, the National Environmental Policy Act of 1969 has reformed programs and decision-making processes in our Federal agencies and has given citizens a greater opportunity to contribute as decisions are made. In 1970 I appointed the first Council on Environmental Quality—a group which has provided active leadership in environmental policies. In the same year, I established the Environmental Protection Agency and the National Oceanic and Atmospheric Administration to provide more coordinated and vigorous environmental management. Our natural resource programs still need to be consolidated, however, and I will again submit legislation to the Congress to meet this need.

The results of these efforts are tangible and measurable. Day by day, our air is getting cleaner; in virtually every one of our major cities the levels of air pollution are declining. Month by month, our water pollution problems are also being conquered, our noise and pesticide problems are coming under control, our parklands and protected wilderness areas are increasing.

Year by year, our commitment of public funds for environmental programs continues to grow; it has increased fourfold in the last four years. In the area of water quality alone, it has grown fifteen-fold. In fact, we are now buying new facilities nearly as fast as the construction industry can build them. Spending still more money would not buy us more pollution control facilities but only more expensive ones.

In addition to what Government is doing in the battle against pollution, our private industries are assuming a steadily growing share of responsibility in this field. Last year industrial spending for pollution control jumped by 50 percent, and this year it could reach as much as $5 billion.

All nations, regardless of their economic systems, share to some extent in the environmental problem—but with vigorous United States leadership, joint efforts to solve this global problem are showing results. The United Nations has adopted the American proposal for a special U.N. environmental fund to coordinate and support international environmental programs.

Some 92 nations have concluded an international convention to control the ocean dumping of wastes. An agreement is now being forged in the Intergovernmental Maritime Consultative Organization to end the intentional discharge of oil from ships into the ocean. This objective, first recommended by my Administration, was adopted by the NATO Committee on the Challenges of Modern Society.

Representatives of almost 70 countries are meeting in Washington this week at our initiative to draft a treaty to protect endangered species of plant and animal wildlife. The U.S.–U.S.S.R. environmental cooperation agreement which I signed in Moscow last year makes two of the world's greatest industrial powers allies against pollution. Another agreement which we concluded last year with Canada will help to clean up the Great Lakes.

Domestically, we can also be proud of the steady progress being made in improving the quality of life in rural and agricultural America. We are beginning to break away from the old, rigid system of controls which eroded the farmer's freedom through Government intrusion in the marketplace. The new flexibility permitted by the Agricultural Act of 1970 has enabled us to help expand farm markets and take advantage of the opportunity to increase exports by almost 60 percent in just 3 years. Net farm income is at an all-time high, up from $16.1 billion in 1971 to $19 billion in 1972.

PRINCIPLES TO GUIDE US

A record is not something to stand on; it is something to build on. And in this field of natural resources and the environment, we intend to build diligently and well.

As we strive to transform our concern into action, our efforts will be guided by five basic principles:

The first principle is that we must strike a balance so that the protection of our irreplaceable heritage becomes as important as its use. The price of economic growth need not and will not be deterioration in the quality of our lives and our surroundings.

Second, because there are no local or State boundaries to the problems of our environment, the Federal Government must play an active, positive role. We can and will set standards and exercise leadership. We are providing necessary funding support. And we will provide encouragement and incentive for others to help with the job. But Washington must not displace State and local initiative, and we shall expect the State and local governments—along with the private sector—to play the central role in making the difficult, particular decisions which lie ahead.

Third, the costs of pollution should be more fully met in the free marketplace, not in the Federal budget. For example, the price of pollution control devices for automobiles should be borne by the owner and the user and not by the general taxpayer. The costs of eliminating pollution should be reflected in the costs of goods and services.

Fourth, we must realize that each individual must take the responsibility for looking after his own home and workplace. These daily surroundings are the environment where most Americans spend most of their time. They reflect people's pride in themselves and their consideration for their communities. A person's backyard is not the domain of the Federal Government.

Finally, we must remain confident that America's technological and economic ingenuity will be equal to our environmental challenges. We will not look upon these challenges as insurmountable obstacles.

Instead, we shall convert the so-called crisis of the environment into an opportunity for unprecedented progress.

CONTROLLING POLLUTION

We have made great progress in developing the laws and institutions to clean up pollution. We now have formidable new tools to protect against air, water and noise pollution and the special problem of pesticides. But to protect ourselves fully from harmful contaminants, we must still close several gaps in governmental authority.

I was keenly disappointed when the last Congress failed to take action on many of my legislative requests related to our natural resources and environment. In the coming weeks I shall once again send these urgently needed proposals to the Congress so that the unfinished environmental business of the 92nd Congress can become the environmental achievements of the 93rd.

Among these 19 proposals are eight whose passage would give us much greater control over the sources of pollution:

—*Toxic Substances.* Many new chemicals can pose hazards to humans and the environment and are not well regulated. Authority is now needed to provide adequate testing standards for chemical substances and to restrict or prevent their distribution if testing confirms a hazard.

—*Hazardous Wastes.* Land disposal of hazardous wastes has always been widely practiced but is now becoming more prevalent because of strict air and water pollution control programs. The disposal of the extremely hazardous wastes which endanger the health of humans and other organisms is a problem requiring direct Federal regulation. For other hazardous wastes, Federal standards should be established with guidelines for State regulatory programs to carry them out.

—*Safe Drinking Water.* Federal action is also needed to stimulate greater State and local action to ensure high standards for our drinking water. We should establish national drinking water standards, with primary enforcement and monitoring powers retained by the State and local agencies, as well as a Federal requirement that suppliers notify their customers of the quality of their water.

—*Sulfur Oxides Emissions Charge.* We now have national standards to help curtail sulfur emitted into the atmosphere from combustion, refining, smelting and other processes, but sulfur oxides continue to be among our most harmful air pollutants. For that reason, I favor legislation which would allow the Federal Government to impose a special financial charge on those who produce sulfur oxide emissions. This legislation would also help to ensure that low-sulfur fuels are allocated to areas where they are most urgently needed to protect the public health.

—*Sediment Control.* Sediment from soil erosion and runoff continues to be a pervasive pollutant of our waters. Legislation is needed to insure that the States make the control of sediment from new construction a vital part of their water quality programs.

—*Controlling Environmental Impacts of Transportation.* As we have learned in recent years, we urgently need a mass transportation system not only to relieve urban congestion but also to reduce the concentrations of pollution that are too often the result of our present methods of transportation. Thus I will continue to place high priority upon my request to permit use of the Highway Trust Fund for mass transit purposes and to help State and local governments achieve air quality, conserve energy, and meet other environmental objectives.

—*United Nations Environmental Fund.* Last year the United Nations adopted my proposal to establish a fund to coordinate and support international environmental programs. My 1974 budget includes a request for $10 million as our initial contribution toward the Fund's five-year goal of $100 million, and I recommend authorizing legislation for this purpose.

—*Ocean Dumping Convention.* Along with 91 other nations, the United States recently concluded an international convention calling for regulation of ocean dumping. I am most anxious to obtain the advice and consent of the Senate for this convention as soon as possible. Congressional action is also needed on several other international conventions and amendments to control oil pollution from ships in the oceans.

MANAGING THE LAND

As we steadily bring our pollution problems under control, more effective and sensible use of our land is rapidly emerging as among the highest of our priorities. The land is our Nation's basic natural resource, and our stewardship of this resource today will affect generations to come.

America's land once seemed inexhaustible. There was always more of it beyond the horizon. Until the twentieth century we displayed a carelessness about our land, born of our youthful innocence and desire to expand. But our land is no longer an open frontier.

Americans not only need, but also very much want to preserve diverse and beautiful landscapes, to maintain essential farm lands, to save wetlands and wildlife habitats, to keep open recreational space near crowded population centers, and to protect our shorelines and beaches. Our goal is to harmonize development with environmental quality and to add creatively to the beauty and long-term worth of land already being used.

Land use policy is a basic responsibility of State and local governments. They are closer to the problems and closer to the people. Some localities are already reforming land use regulation—a trend I hope will accelerate. But because land is a national heritage, the Federal Government must exercise leadership in land use decision processes, and I am today again proposing that we provide it. In the coming weeks, I will ask the Congress to enact a number of legislative initiatives which will help us achieve this goal:

—*National Land Use Policy.* Our greatest need is for comprehensive new legislation to stimulate State land use controls. We especially need a National Land Use Policy Act authorizing Federal assistance to encourage the States, in cooperation with local governments, to protect lands of critical environmental concern and to regulate the siting of key facilities such as airports, highways and major private developments. Appropriate Federal funds should be withheld from States that fail to act.

—*Powerplant Siting.* An open, long-range planning process is needed to help meet our power needs while also protecting the environment. We can avoid unnecessary delays with a powerplant siting law which assures that electric power facilities are constructed on a timely basis, but with early and thorough review of long-range plans and specific provisions to protect the environment.

—*Protection of Wetlands.* Our coastal wetlands are increasingly threatened by residential and commercial development. To increase their protection, I believe we should use the Federal tax laws to discourage unwise development in wetlands.

—*Historic Preservation and Rehabilitation.* An important part of our national heritage are those historic structures in our urban areas which should be rehabilitated and preserved, not demolished. To help meet this goal, our tax laws should be revised to encourage rehabilitation of older buildings, and we should provide Federal insurance of loans to restore historic buildings for residential purposes.

—*Management of Public Lands.* Approximately one-fifth of the Nation's land is considered "public domain", and lacks the protection of an overall management policy with environmental safeguards. Legislation is required to enable the Secretary of the Interior to protect our environmental interest on those lands.

—*Legacy of Parks.* Under the Legacy of Parks program which I initiated in 1971, 257 separate parcels of parklands and underused Federal lands in all 50 States have been turned over to local control for park and recreational purposes. Most of these parcels are near congested urban areas, so that millions of citizens can now have easy access to parklands. I am pleased to announce today that 16 more parcels of Federal land will soon be made available under this same program.

We must not be content, however, with just the Legacy of Parks program. New authority is needed to revise the formula for allocating grant funds to the States from the Land and Water Conservation Fund. More of these funds should be channelled to States with large urban populations.

—*Mining on Public Lands.* Under a statute now over a century old, public lands must be transferred to private ownership at the request of any person who discovers minerals on them. We thus have no effective control over mining on these properties. Because the public lands belong to all Americans, this 1872 Mining Act should be repealed and replaced with new legislation which I shall send to the Congress.

—*Mined Area Protection.* Surface and underground mining can too often cause serious air and water pollution as well as unnecessary destruction of wildlife habitats and aesthetic and recreational areas. New legislation with stringent performance standards is required to regulate abuses of surface and underground mining in a manner compatible with the environment.

AMERICAN AGRICULTURE—A BASIC NATIONAL RESOURCE

Nearly three-fifths of America's land is in the stewardship of the farmer and the rancher. We can be grateful that farmers have been among our best conservationists over the years. Farmers know better than most that sound conservation means better long-term production and improved land values. More importantly, no one respects and understands our soil and land better than those who make their living by the land.

But Americans know their farmers and ranchers best for all they have done to keep us the best-fed and best-clothed people in the history of mankind. A forward-looking agricultural economy is not only essential for environmental progress, but also to provide for our burgeoning food and fiber needs.

My Administration is not going to express its goal for farmers in confusing terms. Our goal, instead, is very simple. The farmer wants, has earned, and deserves more freedom to make his own decisions. The Nation wants and needs expanded supplies of reasonably priced goods and commodities.

These goals are complementary. Both have been advanced by the basic philosophy of the Agricultural Act of 1970. They must be further advanced by Congressional action this year.

The Agricultural Act of 1970 expires with the 1973 crop. We now face the fundamental challenge of developing legislation appropriate to the economy of the 1970's. Over the next several months, the future direction of the farm program must be discussed, debated and written into law. The outcome of this process will be crucial not only to farmers and ranchers, but to consumers and taxpayers as well.

My Administration's fundamental approach to farm policy is to build on the forward course set by the 1970 Act. These principles should guide us in enacting new farm legislation:

—Farmers must be provided with greater freedom to make production and marketing decisions. I have never known anyone in Washington who knows better than a farmer what is in his own best interest.

—Government influence in the farm commodity marketplace must be reduced. Old fashioned Federal intrusion is as inappropriate to today's farm economy as the old McCormick reaper would be on a highly sophisticated modern farm.

—We must allow farmers the opportunity to produce for expanding domestic demands and to continue our vigorous competition in export markets. We will not accomplish that goal by telling the farmer how much he can grow or the rancher how much livestock he can raise. Fidelity to this principle will have the welcome effect of encouraging both fair food prices for consumers and growing income from the marketplace for farmers.

—We must reduce the farmer's dependence on Government payments through increased returns from sales of farm products at home and abroad. Because some of our current methods of handling farm problems are outmoded, the farmer has been unfairly saddled with the unflattering image of drinking primarily at the Federal well. Let us remember that more than 93 percent of gross farm income comes directly through the marketplace. Farmers and ranchers are strong and independent businessmen; we should expand their opportunity to exercise their strength and independence.

—Finally, we need a program that will put the United States in a good posture for forthcoming trade negotiations.

In pursuing all of these goals, we will work closely through the Secretary of Agriculture with the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture to formulate and enact new legislation in areas where it is needed.

I believe, for example, that dairy support systems, wheat, feed grains and cotton allotments and bases—some established decades ago—are drastically outdated. They tend to be discriminatory for many farm operators.

It would be desirable to establish, after a reasonable transition period, a more equitable basis for production adjustment in the agricultural economy should such adjustment be needed in the years ahead. Direct Federal payments should, at the end of the transition period, be limited to the amounts necessary to compensate farmers for withholding unneeded land from crop production.

As new farm legislation is debated in the months ahead, I hope the Congress will address this important subject with a deep appreciation of the need to keep the Government off the farm as well as keeping the farmer on.

PROTECTING OUR NATURAL HERITAGE

An important measure of our true commitment to environmental quality is our dedication to protecting the wilderness and its inhabitants. We must recognize their ecological significance and preserve them as sources of inspiration and education. And we need them as places of quiet refuge and reflection.

Important progress has been made in recent years, but still further action is needed in the Congress. Specifically, I will ask the 93rd Congress to direct its attention to the following areas of concern:

—*Endangered Species.* The limited scope of existing laws requires new authority to identify and protect endangered species before they are so depleted that it is too late. New legislation must also make the taking of an endangered animal a Federal offense.

—*Predator Control.* The widespread use of highly toxic poisons to kill coyotes and other predatory animals has spread persistent poisons to range and forest lands without adequate foresight of environmental effects. I believe Federal assistance is now required so that we can find better means of controlling predators without endangering other wildlife.

—*Wilderness Areas.* Historically, Americans have always looked westward to enjoy wilderness areas. Today we realize that we must also preserve the remaining areas of wilderness in the East, if the majority of our people are to have the full benefit of our natural glories. Therefore I will ask the Congress to amend the legislation that established the Wilderness Preservation System so that more of our Eastern lands can be included.

—*Wild and Scenic Rivers.* New legislation is also needed to continue our expansion of the national system of wild and scenic rivers. Funding authorization must be increased by $20 million to complete acquisitions in seven areas, and we must extend the moratorium on Federal licensing for water resource projects on those rivers being considered for inclusion in the system.

—*Big Cypress National Fresh Water Preserve.* It is our great hope that we can create a reserve of Florida's Big Cypress Swamp in order to protect the outstanding wildlife in that area, preserve the water supply of Everglades National Park and provide the Nation with an outstanding recreation area. Prompt passage of Federal legislation would allow the Interior Department to forestall private or commercial development and inflationary pressures that will build if we delay.

—*Protecting Marine Fisheries.* Current regulation of fisheries off U.S. coasts is inadequate to conserve and manage these resources. Legislation is needed to authorize U.S. regulation of foreign fishing off U.S. coasts to the fullest extent authorized by international agreements. In addition, domestic fishing should be regulated in the U.S. fisheries zone and in the high seas beyond that zone.

—*World Heritage Trust.* The United States has endorsed an international convention for a World Heritage Trust embodying our proposals to accord special recognition and protection to areas of the world which are of such unique natural, historical, or cultural value that they are a part of the heritage of all mankind. I am hopeful that this convention will be ratified early in 1973.

—*Weather Modification.* Our capacity to affect the weather has grown considerably in sophistication and predictability, but with this advancement has also come a new potential for endangering lives and property and causing adverse environmental effects. With additional Federal regulations, I believe that we can minimize these dangers.

MEETING OUR ENERGY NEEDS

One of the highest priorities of my Administration during the coming year will be a concern for energy supplies—a concern underscored this winter by occasional fuel shortages. We must face up to a stark fact in America: we are now consuming more energy than we produce.

A year and a half ago I sent to the Congress the first Presidential message ever devoted to the energy question. I shall soon submit a new and far more comprehensive energy message containing wide-ranging initiatives to ensure necessary supplies of energy at acceptable economic and environmental costs. In the meantime, to help meet immediate needs, I have temporarily suspended import quotas on home heating oil east of the Rocky Mountains.

As we work to expand our supplies of energy, we should also recognize that we must balance those efforts with our concern to preserve our environment. In the past, as we have sought new energy sources, we have too often damaged or despoiled our land. Actions to avoid such damage will probably aggravate our energy problems to some extent and may lead to higher prices. But all development and use of energy sources carry environmental risks, and we must find ways to minimize those risks while also providing adequate supplies of energy. I am fully confident that we can satisfy both of these imperatives.

GOING FORWARD IN CONFIDENCE

The environmental awakening of recent years has triggered substantial progress in the fight to preserve and renew the great legacies of nature. Unfortunately, it has also triggered a certain tendency to despair. Some people have moved from complacency to the opposite extreme of alarmism, suggesting that our pollution problems were hopeless and predicting impending ecological disaster. Some have suggested that we could never reconcile environmental protection with continued economic growth.

I reject this doomsday mentality—and I hope the Congress will also reject it. I believe that we can meet our environmental challenges without turning our back on progress. What we must do is to stop the hand-wringing, roll up our sleeves and get on with the job.

The advocates of defeatism warn us of all that is wrong. But I believe they underestimate this Nation's genius for responsive adaptability and its enormous reservoir of spirit.

I believe there is always a sensible middle ground between the Cassandras and the Pollyannas. We must take our stand upon that ground.

I have profound respect for the enormous challenge ahead, but I have even stronger respect for the capacity and character of the American people. Many of us have heard the adage that the last letters of the word, "American," say "I can." I am confident that we can, and we will, meet our natural resource challenges.

RICHARD NIXON.

THE WHITE HOUSE, *February 15, 1973.*

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture have until midnight tonight to file a report on H.R. 1975, emergency loan legislation.

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

TODAY IS THE 500TH BIRTHDAY OF NICOLAUS COPERNICUS

The **SPEAKER.** Under a previous order of the House, the gentleman from New York (Mr. DULSKI) is recognized for 30 minutes.

Mr. DULSKI. Mr. Speaker, today, February 19, is the 500th birthday of the renowned Polish astronomer, Nicolaus Copernicus, who truly can be described as the father of modern science.

In scientific communities throughout the world, particularly in the United States and Poland, recognition is being given to the pioneering work of Copernicus whose theory corrected a centuries-old misconception of the makeup of the universe.

He challenged the age-old theory that earth was the center of the universe. Copernicus determined that it is indeed the sun that is at the center of the universe. While he won early scientific support for his theory, it was some 200 years later before it received universal acceptance.

Normally, there would be no significant conflict with today's anniversary except that under the so-called Monday holiday law, George Washington's birthday observance is now a "floating holiday," falling on the third Monday in February. This year, Washington's birthday is being observed today.

This is a cruel coincidence for those of us—and we are legion—who want to honor Copernicus on the quincentennial of his birth. At the same time, we cannot encroach upon the traditional annual observance of our Nation's first President, George Washington.

NICOLAUS COPERNICUS WEEK

On the other hand, perhaps the conflict in the birth date is working to the advantage of the many, widely separated groups who want to honor Copernicus. Instead of a birth date, many are now thinking in terms of the "Copernican Year" and spacing their events to their mutual convenience.

On the national level in the United States, events honoring Copernicus are focusing upon the week of April 23, when the Smithsonian Institution, in cooperation with the National Academy of Sciences, has scheduled a major scientific symposium centering upon the Copernican theory. Further, the Smithsonian is assembling an impressive public exhibition which will include historic items borrowed from Poland.

I have introduced legislation to request the President to designate the week of April 23 as "Nicolaus Copernicus Week." I am hopeful for early congressional action.

The U.S. Postal Service disclosed just 2 weeks ago the striking design for a special commemorative postage stamp in honor of Copernicus. Postmaster General E. T. "Ted" Klassen announced that the stamp will be issued on April 23 at a special ceremony at the Smithsonian Institution.

So it can be seen that while we are limited somewhat in our observance of Copernicus' actual birthday anniversary today, there already is excellent coordination at the highest level toward allowing both the scientific community and the general public to join in paying national honor to Nicolaus Copernicus during the week of April 23.

SCIENTIFIC COMMUNITY SPEARHEADS

It is very properly the scientific community which is spearheading the major national observance. It was the Polish Government which asked the National Academy of Sciences 2 years ago to take the leadership.

The Academy named a special committee to make recommendations. The chairman is Dr. Antoni Zygmund of the University of Chicago, with Dr. Jerzy Neyman of the University of California at Berkeley as vice chairman. Among the committee members is Dr. Stanislaw Mrozowski of State University at Buffalo, N.Y.

As a result of the committee's spadework, the Smithsonian's symposium, "The Nature of Scientific Discovery," will focus on the Copernican theory. Colleges and universities throughout the country are joining in special tributes.

I am especially pleased at the vigorous programs arranged by State University, State College, Erie Community College, Villa Maria College, and Hilbert College, as well as other educational, religious, fraternal, and social groups in my home city of Buffalo, N.Y. The coordinating chairman is Dr. Francis T. Siemankowski of State College.

Preparation for the observance of the Copernicus quincentennial this year has resulted in a significant new relationship between the scientists of the United States and Poland. A protocol was signed between the two nations last year to provide for a major expansion in scientific exchange.

PLAN RESEARCH CENTER IN WARSAW

Included in the agreement are plans for establishment near Warsaw of a Copernican Center of Fundamental Research. The initial outlay is $1 million and succeeding phases call for as much as 20 times the initial cost.

Thus, 500 years after developing the revolutionary heliocentric theory, Copernicus is providing the inspiration for new scientific achievements and cooperation. Few individuals in world history have been able to retain equal sustained prominence, in science or otherwise.

In communities like Buffalo, where there are large settlements of Americans of Polish descent, there have been efforts to place more emphasis on Copernicus' baptismal name, Mikolaj Kopernik.

I sympathize fully with the concern of my fellow Poles and their sincere desire to have everyone use the original spelling. But biographers are agreed that it was the astronomer himself who changed his name to the latinized form of Copernicus.

The name and deeds of Nicolaus Copernicus are inscribed indelibly in world history—and so is his Polish heritage. This is what counts.

MAN OF MANY PROFESSIONS

Mikolaj Kopernik was born in Torun, Poland, on February 19, 1493. Over his lifetime of 70 years, he had a most remarkable career. It involved a wide variety of professions, including not only that of a scientist, but also that of a churchman, teacher, physician, economist, and military leader.

He excelled in each of his professions. But, of course, history recognizes that his work as an astronomer in developing the heliocentric theory eclipsed all his other great contributions to mankind.

In our day, it is hard to believe that there was a time when men accepted the conclusion that the earth was the center of the universe. Yet, for centuries that had been the teaching, expressed outspokenly and adamantly by the church which would tolerate no other view.

The strong view of the church makes the work of Copernicus all the more impressive since Copernicus was a churchman all his life, becoming a doctor of canon law and some believe he also had become an ordained priest before his death.

REQUIRED INTELLECT, MORAL HEROISM

The vastness of the mathematical problem in the heliocentric system as conceived by Copernicus required an unusual intellect and moral heroism in which he dared to attack the problem and to challenge the scientific traditions of centuries.

It can properly be said that the greatness of Copernicus consists in his having developed a new theory, not simply in his having provided astronomy with new facts. It was many years before the church conceded the validity of Copernicus' conclusion, although Galileo and Kepler early accepted his view.

Mr. Speaker, at one of the first events honoring Copernicus in Buffalo, a feature was the unveiling of a plaque depicting Copernicus as a young scholar. Source for the depiction was Copernicus' own self-portrait.

The plaque was made by Louis Dlugosz of suburban Lackawanna, an internationally recognized sculptor. There is a proposal commissioning a bronze version to be a centerpiece for a memorial in Buffalo.

Mr. Speaker, Buffalo's plans for honoring Copernicus and related memorabilia have been summarized well in the excellent recent newspaper column by Anne McIlhenney Matthews. I include the text at this point in my remarks:

[From the Buffalo (N.Y.) Courier-Express, Feb. 9, 1973]

Buffalo Honoring Copernicus

(By Anne McIlhenney Matthews)

Buffalo is particularly Copernicus minded this month and rightly and remarkably so.

For one thing, this is a prideful city of people of Polish origin and Copernicus is somebody for them to strut about. Since it is the 500th anniversary of his birth, a hard-working committee planned well and in advance to mark this occasion with star-studded events. Headed by Dr. Francis T. Siemanski, a professor at Buffalo State College, 300 members worked to make this a fitting celebration for the great astronomer and mathematical genius.

Dr. Howard G. Sengbusch, professor of biology at Buffalo State assisted by the Rev. John Suplicki, pastor of Our Lady of Czestochowa Church, Cheektowaga scheduled the following speakers:

Feb. 12—Prof. James R. Orgren, planetarium director at Buffalo State, will present a program on "Copernicus Astronomy."

Feb. 19—Dr. Franklin C. MacKnight, science historian at Buffalo State will speak on "Intellectualism of Copernicus."

Feb. 26—Dr. Stillman Drake of the Institute for the History of Philosophy of Science and Technology at the University of Torum will speak on Copernicanism in Bruno, Kepler and Galileo."

The month-long celebration was opened on Feb. 2 with a formal reception held at the Edward H. Butler Library on the Buffalo State campus and was arranged by the Hospitality Committee chaired by Mrs. Emily Lubelska, president of the Polish Arts Club of Buffalo.

FEBRUARY 19 IS ANNIVERSARY

February 19 is the 500th anniversary of the birth of Nicolaus Copernicus, the Polish astronomer who developed the so-called Copernican System, a revolutionary concept contradicting 15 centuries of the general belief that the Earth was the center of the universe and that all heavenly bodies revolved around it.

Born in Torun, Poland, Nicholas Copernicus—or Mikolaj Kopernik—was a student of math and science at the University of Krakow and studied astronomy and canon law at the University of Bologna. In 1497, he returned to Poland where he was made canon of Frauenburg. That same year he entered the medical school at Padua, Italy, leaving for a time to lecture on astronomy at Rome and to take a doctorate in canon law at Ferrara. In 1505 he went back to Poland where he remained for the rest of his life, spending the greater part of his time in religious duties administering to the sick and indigent.

During his lifetime, he was best known for a coinage-reform system which he presented to the Diet in 1522. However, he devoted an enormous amount of time to astronomy, particularly to the development of the Copernican System, which was summed up in a book "De Revolutionibus Orbium Coelestium" (Concerning the Revolutions of the Heavenly Bodies) which although completed in 1530, was not published until immediately before his death.

The two chief contributions of the Copernican System are:

1. The fact that the Earth and planets revolve in orbits around the sun.
2. That the Earth is spinning on its north-south axis from west to east at a rate of one rotation per day.

He laid the groundwork for the Copernican Age of scientific discovery as a result of which his birthday is being celebrated far and wide this year, particularly by Polish-American communities of Buffalo. Chicago and other large U.S. cities and all peoples of Polish ancestry.

STORY OF PUBLICATION

Buffalo has an important part in the Copernican story. And it is a rare-book mystery which readers may solve but which we may well meanwhile treasure as a civil asset of monumental proportions not only money-wise, but world-wide in importance. Here is the step-by step account of why we have this and why everybody should go see it. It is "our heritage."

In 1540 a young visitor came to Frombork, Poland, to search out the Polish astronomer, Nicolaus Copernicus, and to learn more about the heliocentric theory of the universe that Copernicus was developing. He was George Joachim von Lauchen, professor of mathematics at the University of Wittenberg. He is best known as Rheticus.

Rheticus came to Frombork armed with five printed books to show the aging canon, Nichalas Copernicus, what a new invention, the printing press could do to revolutionize communications. Copernicus was so impressed by these printed books that he consented to have his manuscript, "De Revolutionibus Orbium Coelestium" (On the Revolutions of the Heavenly Spheres), prepared for publication.

Rheticus spent the next two years studying with Copernicus and in his spare time he made a handwritten copy of the manuscript. He later journeyed back to Germany and gave it to the noted printer, Johannes Petreius, in Nuremburg, to have it set in type.

The manuscript was printed and bound in 1543. Little did Petreius realize what a monumental book he had published. It was "De Revolutionibus" that opened a new era in the history of astronomy. The book can be considered the foundation of modern science. Without the concepts developed in the book, it would have been impossible for such men as Kepler, Galileo and Newton to make their great contributions; for how could we explain universal gravitation, the revolutions of the planets, or for that matter, launch a rocket to the moon, if we persisted in believing the Earth to be the center of the universe?

BUFFALO HAS RARE COPY

How many copies of the Nuremburg edition were printed is not known but an exhaustive search by Harvard professor, Dr. Owen Geingerich, who recently addressed the Copernicus 500th Anniversary Program Committee at Buffalo State, has uncovered 170 existing copies—40 of which are in the United States.

Oddly enough, one of the original Nuremburg editions is located in the Buffalo Museum of Science rare book collection, and this is a puzzle worth unraveling. How did our museum acquire this rare book having a market value of well over $25,000?

Preliminary investigations show that the book was acquired in the middle '30s by Dr. Albert Sy, a retired professor of biochemistry at the old University of Buffalo. On his retirement he opened a bookstore on Elmwood Avenue. His source is unknown. The book was purchased by Chauncey Hamlin and presented as a gift to the Science Museum about 1938. The amounts involved in these transactions are not known. It is doubtful, however, that the true value of the book was known at that time.

Dr. Geingerich made another observation while examining the Buffalo copy at the museum prior to his appearance at Buffalo State College on Feb. 3. The copy owned by the Kosciuszko Foundation in New York City and now in the Copernicus Exhibit in the IBM Building in that city, has several facsimile pages used to replace missing or damaged portions of that book. He identified the Buffalo Science Museum copy through a signature on the copied pages as the one used to reproduce the Kosciuszko facsimile.

A facsimile of the Copernicus autograph (handwritten copy) of "De Revolutionibus" is on exhibit during the month of February in the Edward H. Butler Library on the Buffalo State campus. The copy on exhibit is a gift to the Copernicus 500th Anniversary Program Committee by Dr. and Mrs. F. T. Siemankowski.

Mr. Speaker, a retired Buffalo public schoolteacher, Mrs. Victoria Katorski, visited Poland in 1971 and made what is known as a tour of the Copernican Trail. This has been developed as a part of Poland's observance of Copernicus' quinquecentennial.

As part of my remarks, I include Mrs. Katorski's story of her preview as published recently in Buffalo:

[From the Buffalo (N.Y.) Courier-Express, Dec. 17, 1972]

Scientist's Land Prepares Jubilee

(By Victoria B. Katorski)

Poland is promoting several noteworthy events in 1973, to honor Nicolaus Copernicus, on the 500th anniversary of his birth. One of these is the Copernican Trail. It is a tour concentrating on the cities and places associated with the famous astronomer.

The inaugural tour will originate in Crakow, in the Jagiellonian University, where he studied from 1491 to 1495. The route will proceed through certain towns and cities, making a historical stop in Torun. Here, in the city of his birth, in the ancient Gothic Town Hall, prominent representatives of civil, scientific, and educational organizations will commemorate the Copernican Year, Feb. 19, 1973.

The trail will continue to include Grudziadz, Olstyn, Elblag, and other important cities, terminating in Frombork where the great scientist resided until his death at the age of 70.

Tourists who anticipate motoring in Poland will find directions and signs set in strategic places. Travel guides have been trained in major languages to provide aid. Although Poland has few gas stations, there are considerate truck drivers willing to offer aid. A new Orbis Hotel has been built in Torun, near a lovely park, where most of the commemorative activities will be centered.

Copernicus' father resided in Crakow before the boy's birth, but moved to Torun to help in the defense against the ruthless Teutonic Knights of the Cross. Torun and the surrounding areas were under the control of the Germanic tribe until the Treaty of 1466.

Ruins of the fortifications remain as unpleasant reminders of Torun's arch enemy.

COPERNICUS' BIRTHPLACE

Situated on the banks of the Visla River, Torun is an enchanting, medieval city. The ancient Gothic Town Hall in the old section of the city, is unique in its structure. In front of the building stands a statue of the famous astronomer holding an astrolabe.

The home of his birth is restored and maintained as a museum on Kopernik St. Nearby stands St. John's Church, where Copernicus was baptized Mikolaj Kopernik.

The well-known Copernican University erected as a tribute to him, welcomes students from all parts of the world. Located near the university is St. Catherine's Church and the Town Prison. Residents jest about their proximity. Amusingly they say, "When the church fails to inspire the soul, and the university fails to enlighten, the prison takes over."

An outstanding point in the Copernican Trail is Crakow. This city had a great impact on Copernicus while he was a student in the University of Crakow.

At that time Crakow was a center of trade and education. Studying here, he was in constant association with the nobility and the erudite, attending stately events and listening to political discussions. For centuries, Market Sq. and Cloth Hall have been the core of much activity.

Today, they are a mecca for visitors seeking souvenirs or a chat with the friendly natives. Nearby is the renowned St. Mary's Church and the tower where the legendary trumpeteer was silenced by the arrow of an invading tartar. Tourists wait to listen to this re-enactment given every 30 minutes.

COPERNICUS AS ADMINISTRATOR

In the Warmia district, Copernicus assumed the duties of an administrator. He organized the first villages for independent peasants in central Poland. In Olstyn is the room where he held the meetings. It is open to the public with exhibits and sketches.

An outstanding patriotic encounter occurred here. When the aggressive knights resumed their attacks on the Poles in 1521, Copernicus showed his prowess by counter attacks which defeated the persistent enemy, at that time. Olstyn has various mementoes of that auspicious deed.

An emotional halt on this tour is a visit in Warsaw. This city is the symbol of Poland's dramatic life and history. It is a landmark of courage and resistance. The city features many meaningful monuments to its heroes and its defenders.

After World War II, a desolate scene of destruction and rubble, the survivors have painstakingly restored it brick by brick. Today, as the capital of Poland, it is the residence of government officials. The Palace of Culture and Sciences is its tallest building. The column of King Sigismund II stands in the Castle Square, the site of the destroyed ancient castle.

COMPLETED WORK IN FROMBORK

The trail will end in Frombork, Poland, where Copernicus completed his research of the heliocentric theory. His work of 40 years reversed the established belief of Ptolemy, a Greek philosopher, that had existed for 14 centuries. Educators and churchmen refused to accept it. Disappointed, Corpernicus delayed the publication of his work, "De Revolutionibus Orbium Coelestium, (The Revolution of Heavenly Bodies) until 1543.

Copernican Museum in Frombork assembled an excellent collection of his works and belongings. Scientific sessions will be held here during the year.

Architectural structures and statutes associated with the scientist have been patiently restored. Banks of the Visla River have been rearranged. Streets have been improved and repaved. Flowers have been planted in the public square to add to the festivities.

Certain buildings have been converted to hostels. Orbis Travel Service is prepared to organize suitable tours on request. Night life in Poland is cordial and pleasant. Shopping in the small shops is interesting but service is slow. Waiting for the long lines to be served requires patience. Most prices are comparable or less to those in the states.

Ambitious plans to encourage the scientific and academic sessions to succeed have been formulated. Poland has been preparing for several months for this notable vent. She hopes many will participate in the quinquecentennial celebration of Mikolaj Kopernik in 1973.

Mr. Speaker, as part of my remarks, I include the text of House Joint Resolution 5, which I introduced on January 3, requesting the President to proclaim the week of April 23 as "Nicolaus Copernicus Week":

H.J. RES. 5

Whereas the work of Nicolaus Copernicus marks the beginning of the era of modern science;

Whereas in 1973 there will have passed 500 years since the birth of Copernicus who was born, worked, and lived in Poland;

Whereas the National Academy of Sciences has accepted the invitation from the Polish Government to assure leadership for activities associated with the observance of the quinquecentennial and has named a special committee to make recommendations;

Whereas the Smithsonian Institution in cooperation with the National Academy of Sciences is conducting during the week of April 23 its Fifth International Symposium, "The Nature of Scientific Discovery," with a scientific program which focuses upon the Copernican theory, an integral part of modern science; and

Whereas scientists from the United States, Poland, and other countries will be gathered to celebrate the origins of modern science, inquire into the kinds of cultural climates which encourage the growth of scientific knowledge, and examine certain revolutionary developments in contemporary science that have grown out of the Copernican Revolution: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to issue a proclamation designating the week of April 23, 1973, as "Nicolaus Copernicus Week" and calling upon the people of the United States to join with the Nation's scientific community as well as that of Poland and other nations in observing such week with appropriate ceremonies and activities.

Mr. Speaker, today we in the United States are honoring the births of two great men in world history: George Washington, the father of our country; and Nicolaus Copernicus, the father of modern science.

The House is meeting in its traditional session today—the official national holiday, not the birth date—to pay honor to our Nation's first President.

It is entirely appropriate that we also pause in this sincere tribute to Copernicus on the occasion of the 500th anniversary of his birth date. I am delighted with the many individual events which have been and are being planned in his honor throughout the year. Of course, national attention will be focused on the week of April 23, Nicolaus Copernicus Week.

MUSIC, MAESTRO, PLEASE

(Mr. BURKE of Massachusetts asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, it is interesting to see how often difficult periods in our Nation's history, troubled times, can produce creative spirits. Witness the serious problems our economy is experiencing with our ever-increasing trade deficit, the floods of cheap foreign imports that rob our domestic workers of their own jobs. One of my constituents, Mr. James Moses, of Hyde Park, Mass., an involved, aware citizen who is concerned with the unemployment problem in the Commonwealth of Massachusetts due to foreign imports, has written a verse on this issue. Mr. Speaker, this original song is, I believe, a good indication of the rank and file support for reforming our country's trade policies to bring about an equitable arrangement whereby our Nation and others can compete on an equal basis:

MADE IN THE U.S.A.

(By James G. Moses, Hyde Park, Mass.)

Buy Goods Made in the U.S.A.
Or Bye Bye American Jobs
Buy Goods Made in the U.S.A.
We Need Those American Jobs
Whether It's Shoes, Toys, Cars or Clothes
Appliances or a garden Hose
Buy Goods Made in the U.S.A.
Or Bye Bye American Jobs.

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. CONABLE, for 30 mintues, on February 20.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 59. Joint resolution to extend the provisions of the Railway Labor Act and for other purposes.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on February 8, 1973 present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 299. Joint resolution relating to the date for the submission of the report of the Joint Economic Committee on the President's Economic Report.

ADJOURNMENT

Mr. McFALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 20, 1973, at 12 o'clock noon.

COMMITTEE EMPLOYEES

COMMITTEE ON AGRICULTURE

January 22, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946 Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from June 30 to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Christine S. Gallagher	Chief clerk	$16, 004. 82
Lacey C. Sharp	General counsel	16, 004. 82
Hyde H. Murray	Associate counsel	17, 985. 72
Louis T. Easley	Staff consultant	12, 982. 74
Betty M. Prezioso	Secretary to general counsel.	8, 558. 16
Lydia Vacin	Staff assistant	8, 558. 16
Martha S. Hannah	Subcommittee clerk	8, 558. 16
Marjorie B. Johnson	Secretary to associate counsel.	8, 558. 16
Peggy L. Pecore	Calendar clerk	8, 558. 16
George L. Misslbeck	Printing editor	9, 547. 50
Flowler C. West	Staff consultant	12, 499. 98
Investigative staff:		
Mildred Baxley	Staff assistant	8, 558. 16
Mary Perry Shaw	do	6, 960. 36
Doris Lucile Farmarco	do	6, 960. 36
Doris R. Swischer	do	6, 960. 36
Bertha W. Maginniss	do	6, 497. 40
Nancy Gail Glass	Staff assistant (June-July).	866. 66
William Phillips	Staff consultant (September).	100. 00

Funds authorized or appropriated for committee expenditures	$250, 000. 00
Amount of expenditures previously reported	127, 130. 22
Amount expended from June 30 to Dec. 31, 1972	38, 390. 20
Total amount expended from Jan. 1, 1971 to Dec. 31, 1972	165, 520. 42
Balance unexpended as of Dec. 31, 1972	84, 479. 58

W. R. POAGE, Chairman.

COMMITTEE ON APPROPRIATIONS

January 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Paul M. Wilson	Clerk and staff director.	$3, 780. 00
Keith F. Mainland	Clerk and staff director (from Oct. 1).	17, 253. 32
Jay B. Howe	Staff assistant	18, 000. 00
Robert M. Moyer	do	18, 000. 00
G. Homer Skarin	do	18, 000. 00
Eugene B. Wilhelm	do	18, 000. 00
Samuel R. Preston	do	18, 000. 00
Hunter L. Spillan	do	17, 921. 52
Henry A. Neil, Jr	do	17, 921. 52
Aubrey A. Gunnels	do	17, 605. 00
George E. Evans	do	17, 253. 32
Earl C. Silsby	do	17, 086. 66
Peter J. Murphy, Jr	do	16, 685. 02
William G. Boling	Staff assistant (to Sept. 30).	6, 804. 75
John M. Garrity	Staff assistant	13, 563. 82
Robert B. Foster	do	13, 563. 82
Milton B. Meredith	do	13, 190. 00
Thomas J. Kingfield	do	11, 385. 00
Donald E. Richbourg	do	11, 385. 00
Robert C. Nicholas III	do	11, 229. 52
George A. Urian	do	10, 598. 16
Dempsey B. Mizelle	do	10, 698. 16
Charles W. Snodgrass	do	10, 418. 66
Thayer A. Wood	Staff assistant (to Oct. 21).	$5, 269. 73
John G. Plashal	Staff assistant	8, 191. 66
Byron S. Neilson	do	7, 714. 98
Paul E. Thomson	do	8, 284. 18
J. David Willson	do	10, 972. 02
Americo S. Miconi	do	10, 999. 98
Derek J. Vander Schaaf	do	13, 650. 00
Robert L. Knisely	do	6, 950. 00
Richard Malow	Staff assistant (from Aug. 26).	8, 159. 71
Frederick Pfluger	Staff assistant (from Aug. 20).	10, 843. 87
Lawrence C. Miller	Editor	13, 609. 50
Paul V. Farmer	Assistant editor	9, 476. 34
Francis W. Sady	Administrative assistant (to July 15).	650. 58
Gerard J. Chouinard	Administrative assistant.	8, 066. 66
Austin G. Smith	Clerical assistant	7, 871. 34
Dale M. Shulaw	do	6, 593. 76
Daniel V. Gun Shows	Clerical assistant (to Sept. 2).	2, 264. 72
Gemma M. Weiblinger	Clerical assistant	4, 600. 02
Virginia M. Keyser	do	5, 642. 52
Marilyn R. Quinney	Clerical assistant (to July 15).	595. 83
Jane Ann Ferguson	Clerical assistant (from July 10).	4, 000. 02
Betty Ann Swanson	do	6, 081. 93
Eva K. Harris	Clerical assistant (from July 27).	3, 807. 24
Marcia Matts	Clerical assistant (from Aug. 28),	3, 587. 50
Helen Murphy	do	3, 587. 50
Randolph Thomas	Messenger	5, 958. 02
Harold H. Griffin	Minority clerk	14, 242. 50
Enid Morrison	Staff assistant to minority.	10, 448. 52
Mary H. Smallwood	Clerical assistant (majority).	7, 384. 98
Samuel A. Mabry	do	7, 384. 98
Leta M. Buhrman	Clerical assistant (majority) (to Sept. 30).	3, 500. 01
Catherine M. Voytko	Clerical assistant (majority).	7, 087. 74
John F. Walsh	Clerical assistant (majority) (to Oct. 31).	4, 725. 16
T. Robert Garretson	Clerical assistant (majority).	7, 087. 74
Naomi A. Rich	do	6, 719. 40
Laura C. Lineberry	do	6, 710. 16
Robert M. Walker	Clerical assistant (majority) (to Sept. 30)	3, 165. 00
Susan L. Shaw	Clerical assistant (majority).	7, 087. 74
George Allen	do	7, 384. 98
Rachel Shugars	do	3, 500. 01
Diane Dillon	do	2, 362. 58
Karen Lee Sahlin	Clerical assistant (minority) (to Aug. 31).	2, 461. 66
Peggy C. Ehringhaus	Clerical assistant (minority).	7, 087. 74
Katherine D. Coupe	Clerical assistant (minority) (to Oct. 31).	4, 725. 16
Linda Steele	Clerical assistant (minority).	7, 087. 74
David H. Kehl	do	6, 963. 00
Carolyn J. Johnston	do	6, 330. 00
Thomas H. Hardy	do	7, 384. 98
James W. Dyer	do	7, 384. 98
Mary Ann Bond	do	5, 749. 74
Barbara C. Wallace	do	5, 275. 02
Patience S. Vaccaro	do	7, 350. 00
Russell Hardin, Jr	Clerical assistant (minority), to July 31).	1, 230. 83
Anna L. Lamendola	Clerical assistant (minority).	6, 277. 26
Linwood Bolles	do	6, 154. 15
William Martin	do	4, 923. 32
Paul Imse	do	2, 362. 58

Total amount expended from July 1 to Dec. 31, 1972	$693, 312. 52

GEORGE MAHON, Chairman.

COMMITTEE ON APPROPRIATIONS

January 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Cornelius R. Anderson	Director, surveys and investigations staff.	$16, 774. 50
LeRoy R. Kirkpatrick	1st assistant director, surveys and investigative, staff.	16, 014. 66
Willie C. Law	2d assistant director, surveys and investigative staff.	14, 928. 40
Mary Alice Sauer	Administrative assistant.	7, 754. 28
Frances May	Clerk-stenographer	6, 710. 16
Beatrice V. Dew	do	5, 538. 78
Sharon K. Tinsley	do	3, 730. 54
Agriculture, Department of: Robison, John S.	Investigator	6, 941. 48
Air Force Audit Agency: Gibb, Donald J.	do	7, 761. 10
Army Audit Agency: Brockington, Solomon E.	do	6, 823. 08
Defense Contract Audit Agency: Herron, Maurice A.	do	4, 162. 86
Interior, Department of: Salisbury, Daniel.	Clerical assistant	283. 12
National Aeronautics and Space Administration: Habib, Edmund J.	Investigator	12, 917. 20
Naval Audit Service: Wyte, David M.	do	9, 464. 00
Federal Bureau of Investigation:		
Angevine, Stuart W	do	3, 519. 60
Baber, John R	do	11, 512. 80
Bennett, Carl L	do	13, 696. 80
Bennett, Willis, Jr	do	6, 085. 92
Berge, Thomas W	do	2, 584. 80
Bosko, Andrew P	do	12, 048. 00
Brummitt, Donald A	do	12, 760. 80
Carroll, Gerard C	do	13, 072. 80
Carson, Dana	do	13, 696. 80
Creedon, Dennis F., Jr.	do	15, 589. 60
Delp, Warren P	do	2, 758. 00
Fenstermacher, H. E., Jr.	do	5, 268. 00
Franklin, Robert M	do	13, 072. 80
Funkhouser, Paul K	do	2, 584. 80
Goedtel, John G	do	13, 072. 80
Geer, James H	do	2, 512. 80
Haynes, William P., Jr	do	11, 332. 80
Kamin, Russell	do	5, 712. 00
Leffler, Raymond P	do	12, 760. 80
Maher, Martin F	do	13, 384. 80
Malyniak, Joseph, Jr	do	12, 448. 80
Mansfield, James P	do	13, 072. 80
McCreight, Allen H	do	10, 888. 80
McEliece, Richard F	do	3, 519. 60
McGahey, Hugh B	do	13, 684. 80
Michalski, Joseph E	do	13, 072. 80
Morris, Earle J	do	12, 760. 80
Nash, William C	do	7, 936. 80
Radican, John J	do	2, 944. 80
Schaum, Edward V	do	13, 072. 80
Schmidt, David A	do	15, 211. 20
Schwant, C. Dale	do	1, 963. 20
Shannon, Andrew J	do	13, 696. 80
Szoka, Charles E	do	12, 820. 80
Talley, Raymond E	do	7, 468. 80
Theisen, Lyle J	do	12, 448. 80
Van Wagenen, John A	do	5, 301. 12
Welch, William H., Jr	do	13, 696. 80
Wetzel, Roy G	do	5, 800. 00
Wood, H. Branch	do	13, 696. 80
Stull, Ann K	Clerical assistant	672. 00
Oesch, Cinda Jean	do	1, 638. 00
Health benefits		3, 545. 77
Life insurance fund		1, 392. 41
Retirement fund		24, 218. 18
FICA		120. 11
Travel expenses		94, 513. 32
Miscellaneous expenses		2, 011. 68

Funds authorized or appropriated for committee expenditures	$1, 447, 500. 00
Amount expended from July 1 to Dec 31, 1972	640, 450. 27
Total amount expended from July 1 to Dec 31, 1972	640, 450. 27
Balance unexpended as of Dec 31, 1972	807, 049. 73

GEORGE MAHON, Chairman.

COMMITTEE EMPLOYEES—Con.

COMMITTEE ON ARMED SERVICES

January 12, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and to al salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Frank M. Slatinshek	Chief counsel	$18,000.00
Earl J. Morgan	Professional staff member	17,950.00
William H. Cook	Counsel	17,950.00
John J. Ford	Professional staff member.	16,879.98
Ralph Marshal	do	15,297.48
George Norris	Counsel	14,690.88
James F. Shumate, Jr	do	14,690.88
William H. Hogan Jr	do	12,132.48
H. Hollister Cantus	Professional staff member.	9,758.76
Oneta L. Stockstill	Executive secretary	13,187.52
Berniece Kalinowski	Secretary	9,626.88
L. Louise Ellis	do	9,626.88
Edna E. Johnson	do	9,626.88
Dorothy R. Britton	do	9,626.88
Innis E. McDonald	do	7,226.75
Brenda J. Gore	do	6,013.50
Ann R. Willett	do	6,013.50
Emma M. Brown	do	6,013.50
Nancy S. Jones	do	6,013.50
Sally A. Moore	do	5,011.26
William B. Short	Clerical staff assistant	7,912.50
James A. Deakins	do	7,279.56
Issiah Hardy	Messenger	5,222.28
Staff, Armed Services Investigating Subcommittee (pursuant to H. Res. 201, H. Res. 202, and H. Res. 912, 92d Cong.):		
John T. M. Reddan	Counsel	17,950.00
John F. Lally	Assistant counsel	15,297.48
Richard A. Ransom	Professional staff assistant.	14,031.48
Rose C. Beck	Secretary	7,226.76
Adeline Tolerton	Clerk	6,330.00
Joyce C. Bova	Secretary	5,037.60
Diane W. Bowman	do	5,011.26
Sanford T. Saunders	Security officer (through Aug. 31).	2,426.50
John B. Vinson	Clerical staff assistant (through Aug. 23).	1,210.91

Funds authorized or appropriated for committee expenditures, H. Res. 202 and H. Res. 912	$450,000.00
Amount of expenditures previously reported	298,278.32
Amount expended from July 1, to Dec. 31, 1972	82,750.46
Total amount expended from Jan. 3, 1971 to Dec. 31, 1972	381,028.78
Balance unexpended as of Dec. 31, 1972	68,971.22

F. EDWARD HÉBERT, Chairman.

COMMITTEE ON BANKING AND CURRENCY

January 10, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Paul Nelson	Clerk and staff director	$18,000.00
Orman S. Fink	Minority professional staff member.	18,000.00
Curtis A. Prins	Chief investigator	17,292.60
Charles B. Holstein	Professional staff member.	18,000.00
Benet D. Gellman	Counsel	18,000.00
Joseph C. Lewis	Professional staff member.	18,000.00
Graham T. Northrup	Professional staff member, minority.	18,000.00
Mary W. Layton	Secretary to minority	$11,346.12
Donald G. Vaughn	Administrative assistant.	9,809.22
Total		146,447.94
Investigative staff:		
Rose Marie Allen	Assistant clerk	6,857.52
Deborah Ann Amburgey.	Secretary	1,375.00
Richard C. Barnes	Professional staff member.	10,549.98
Eileen Cooper	Secretary, minority	6,499.98
Davis O'Connell Couch.	Counsel	9,300.82
Ralph Danheisser	Assistant clerk	6,666.56
Jane N. D'Arista	Professional staff member.	5,800.80
Dolores K. Dougherty	Research assistant	9,237.78
Michael Paul Flaherty	Assistant counsel	10,000.02
Lucia Gonzales	Secretary	3,816.68
Stuart D. Halpert	Counsel	15,825.00
Helen Hitz	Administrative assistant.	10,800.12
Linda Leah Hoff	Secretary	6,490.50
Joseph J. Jasinski	Professional staff member.	16,246.98
Mary-Helen Kesecker	Secretary	4,877.42
Mary E. Kirk	Assistant clerk	6,490.50
Miles E. MacIntyre	do	4,999.98
Kelsay Ray Meek	Professional staff member.	14,506.26
Mildred S. Mitchell	Assistant clerk	9,727.44
Clifford E. Payne	do	4,560.90
Gayle L. Peabody	Secretary	3,327.68
Margaret L. Rayhawk	Research associate	9,521.88
Yan Michael Ross	Counsel, minority	13,312.20
Merril Stevenson	Assistant clerk	1,333.33
Jeanne Carolyn Smith	Secretary	5,908.02
Barbara Ann Thompson.	do	3,941.68
Robert E. Weintraub	Staff economist	15,000.00
Jane L. Williams	Secretary	1,138.88
Donald F. Winn	Professional staff member.	7,648.74
Total		225,762.74

Funds authorized or appropriated for committee expenditures	$942,500.00
Amount of expenditures previously reported	619,004.47
Amount expended from July 1, to Dec. 31, 1972	242,961.07
Total amount expended from Jan. 3 to Dec. 31, 1972	861,965.54
Balance unexpended as of Dec. 31, 1972	80,534.46

WRIGHT PATMAN, Chairman.

SUBCOMMITTEE ON HOUSING, COMMITTEE ON BANKING AND CURRENCY

January 10, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Housing Subcommittee staff:		
Brent Barriere	Assistant clerk	$1,415.01
M. Wendell Belew	do	1,061.67
Terrence Boyle	Minority counsel	13,744.80
Marie L. Chaillet	Minority secretary	7,083.66
Wanda Jean Clarkson	Secretary	6,294.17
Patricia A. Eley	Assistant clerk	5,511.16
Jane Carey Enger	Secretary	9,727.44
David Glick	Counsel	18,000.00
George Gross	do	18,000.00
Emily M. Hightower	Secretary	8,079.17
Casey Ireland	Minority staff member	18,000.00
Benjamin B. McKeever.	Assistant Counsel	15,499.98
Gerald R. McMurray	Staff director	18,000.00
Catherine M. Smith	Minority secretary	5,308.44
Doris M. Young	Assistant clerk	9,157.97
Total		154,883.47

Funds authorized or appropriated for committee expenditures	$717,300.00
Amount of expenditures previously reported	482,157.54
Amount expended from July 1 to Dec. 31, 1972	$164,087.52
Total amount expended from Jan. 3, 1971 to Dec. 31, 1972	646,245.06
Balance unexpended as of Dec. 31, 1972	71,054.94

WRIGHT PATMAN, Chairman.

COMMITTEE ON THE DISTRICT OF COLUMBIA

December 31, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession , and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Whitney L. Turley	Investigator	$9,563.94
Margaret Hoffman	Legislative assistant	7,305.00
Irene V. Howard	Legislative assistant (terminated Aug. 20).	1,520.84
Rebecca D. Moore	Research assistant	7,305.00
Browardine R. Broyhill	Clerk assistant	6,769.56
Wanda M. Worsham	Secretary-minority	6,063.00
David D. Salmon, Jr	Clerk-typist	4,666.66
Mary E. Finklea	Clerk-typist (terminated Aug. 30).	1,000.00
Carol D. Tedards	Clerk-typist (terminated Dec. 31).	3,000.00
Elizabeth B. Mellette	Clerk-typist (terminated Aug. 30).	1,000.00
Hayden S. Garber	Counsel	14,115.54
Leonard Hilder	Investigator	11,473.38
James T. Clark	Clerk	14,977.38
Othello Steinkuller	Secretary	9,237.78
Betty C. Alexander	do	8,540.64
John E. Hogan	Minority clerk	14,115.54
Patrick E. Kelly	Assistant counsel	7,706.25
Terry D. Hill	Clerk-public relations	5,802.48
Paul Y. Little	Special consultant	11,524.98
William D. Walters, Jr	Clerk (terminated Sept. 10).	555.56
Marsha Harper	Clerk-typist (terminated Sept. 30).	583.33
Mercedes Dannenhauer	Legislative assistant to subcommittee chairman Hagan (terminated Dec. 31).	2,874.99
Patricia L. Amidon	Clerk-typist	500.00

Funds authorized or appropriated for committee expenditures	$250,000.00
Amount of expenditures previously reported	154,111.37
Amount expended from July 1, 1972 to Dec. 31, 1972	73,890.36
Total amount expended from July 1 to Dec. 31, 1972	228,001.73
Balance of unexpended as of Dec. 31, 1972	21,998.27

JOHN L. McMILLAN, Chairman
(Former chairman until Jan. 2, 1973).

COMMITTEE ON EDUCATION AND LABOR—STANDING COMMITTEE

January 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Donald M. Baker	Chief clerk and associate counsel (from July 1 to Dec. 31, 1972).	$18,000.00
Donald F. Berens	Administrative assistant (from July 1 to Dec. 31, 1972).	12,976.50

Name of employee	Profession	Total gross salary during 6-month period
Louise Maxienne Dargans.	Research director (from July 1 to Dec. 31, 1972).	$18,000.00
William F. Gaul	Associate general counsel (from July 1 to Dec. 31, 1972).	18,000.00
Hartwell D. Reed, Jr	General counsel (from July 1 to Dec. 31, 1972).	18,000.00
Benjamin F. Reeves	Assistant to chairman and assistant clerk (from July 1 to Dec. 31, 1972).	18,000.00
Austin P. Sullivan, Jr	Legislative director (from July 1 to Dec. 31, 1972).	18,000.00
Louise M. Wright	Administrative assistant (from July 1 to Dec. 31, 1972).	14,097.48
Marian R. Wyman	Special assistant to chairman (from July 1 to Dec. 31, 1972).	16,812.48
Minority staff:		
Robert C. Andringa	Minority staff director (from July 1 to Dec. 31, 1972).	18,000.00
John C. Miller	Minority associate counsel for labor (from July 1 to Sept. 30, 1972).	7,732.08
Charles W. Radcliffe	Minority counsel for education (from July 1 to Dec. 14) and minority counsel (from Dec. 15 to 31, 1972).	18,000.00

Funds authorized or appropriated for committee expenditures	Contingent
Amount of expenditures previously reported	$598,492.74
Amount expended from July 1 to Dec. 31, 1972	195,618.54
Total amount expended from Jan. 1 to Dec. 31, 1972	794,111.28
Balance unexpended as of Dec. 31, 1972	Contingent

CARL D. PERKINS, Chairman.

COMMITTEE ON EDUCATION AND LABOR—FULL COMMITTEE INVESTIGATING STAFF

January 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Louise A. Amidon	Assistant clerk (from July 1 to Sept. 1, 1972).	$915.00
Carole J. Ansheles	Assistant clerk (from July 1 to Dec. 31 1972).	3,000.00
Portia A. Battle	Assistant clerk (from July 1 to Sept. 8, 1972).	1,020.00
William H. Cable	Counsel (from July 1 to Dec. 31, 1972).	11,100.00
Tiffany L. Clement	Assistant clerk (from July 6 to Aug. 25, 1972).	1,000.00
Elizabeth A. Cornett	Administrative assistant (from July 1 to Dec. 31, 1972).	9,237.60
Lelia T. Cornwell	Administrative assistant (from July 1 to Dec. 31, 1972).	8,229.00
Carol Ann Edwards	Assistant clerk (from July 1 to Aug. 18, 1972).	800.00
Eydie Gaskins	Administrative assistant (from July 1 to Dec. 31, 1972).	8,307.50
Katherine Clark Gibbons	Research assistant (from July 1 to Dec. 31, 1972).	9,240.00
Marilyn L. Hargett	Research assistant (from July 1 to Sept. 1, 1972).	$1,016.67
Ernest B. Hillenmeyer, III.	Assistant clerk (from July 1 to Aug. 25, 1972).	916.67
Kevin Jay Jennier	Assistant clerk (from July 1 to Sept. 3, 1972).	1,050.00
Douglas Paul Katcher	Research assistant (from Oct. 2 to Dec. 31, 1972).	1,977.79
Richard Lim	Staff assistant to associate general counsel (from July 1 to Dec. 31, 1972).	4,075.00
Mattie L. Maynard	Research assistant (from July 1 to Dec. 31, 1972).	633.00
Shirley R. Mills	Secretary (from July 1 to Dec. 31, 1972).	8,229.00
Lewis D. Morris, Jr	Assistant clerk (from July 1 to Sept. 7, 1972)	1,116.76
David S. Putnam	Staff assistant (from July 1 to Dec. 31, 1972)	5,124.12
Timothy T. Reese	Assistant clerk (from July 1 to Dec. 31, 1972)	3,000.00
Peter Schott	Assistant clerk (from July 1 to Dec. 31, 1972)	4,177.80
Mary L. Shuler	Secretary (from July 1 to Dec. 31, 1972).	7,397.49
Carlton Stewart	Assistant clerk (from July 1 to Sept. 7, 1972).	1,116.67
Brian E. Sullam	Assistant clerk (from July 1 to Dec. 31, 1972).	3,600.00
Jeanne E. Thomson	Legislative assistant (from July 1 to Dec. 31, 1972).	10,072.62
Ronald F. Tucker	Research assistant (from Sept. 1 to Dec. 31, 1972).	2,000.00
Robert H. Van Meter III	Assistant clerk (from July 1 to Sept. 2, 1972).	930.00
John E. Warren	Research assistant	5,127.30
Minority:		
Cynthia Deane Banzer	Minority legislative assistant (from July 1 to Dec. 31, 1972).	7,500.00
Michael J. Bernstein	Minority counsel (from July 1 to Dec. 31, 1972).	6,504.00
Mildred S. Blumel	Receptionist (from July 1 to Nov. 30, 1972), and secretary (from Dec. 1 to Dec. 31, 1972).	3,750.02
Cecilia C. Broughton	Secretary (from July 17 to Dec. 31, 1972).	3,917.80
Louise W. Finke	Assistant to minority staff director (from July 1 to Dec. 31, 1972).	8,250.00
Cheryl Dianne Heny	Secretary (from July 1 to July 6, 1972).	148.33
Martin L. LaVor	Minority legislative associate (from July 1 to Dec. 31, 1972).	14,426.10
Jo Anne Pierson	Secretary (from July 1 to Dec. 31, 1972).	4,240.02
Silvia J. Rodriguez	Secretary (from July 1 to Dec. 31, 1972).	5,380.50
Yvonne Franklin Smith.	Minority legislative associate (from July 1 to Dec. 31, 1972).	9,000.00
Dorothy L. Strunk	Secretary (from July 1 to Dec. 31, 1972).	6,990.06
Dennis J. Taylor	Minority associate counsel (from July 1 to Dec. 31, 1972).	11,299.98

Funds authorized or appropriated for committee expenditures	$1,188,000.00
Amount of expenditures previously reported	587,541.78
Amount expended from July 1 to Dec. 31, 1972	221,459.65
Total amount expended from Jan. 3, 1971 to Dec. 31, 1972	809,001.43
Balance unexpended as of Dec. 31, 1972	378,998.57

CARL D. PERKINS, Chairman.

SPECIAL SUBCOMMITTEE ON EDUCATION, NO. 1

(Representative Edith Green, Chairman)

January 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Bland Joseph Ballard	Research director (from July 1 to Aug. 31, 1972).	$2,750.00
Suzanne L. Black	Research assistant (from July 1 to Dec. 31, 1972).	7,166.68
Maxienne L. Brown	Secretary (from July 1 to Dec. 31, 1972).	5,333.32
Sally K. Kirkgasler	Director (from July 1 to Dec. 31, 1972).	7,583.32
Kenneth L. Otto	Assistant clerk (from July 1 to Sept. 1, 1972).	933.34
James Sullivan	Special assistant (from July 1 to 31, 1972).	2,083.33

Funds authorized or appropriated for committee expenditures, 1971–72	$170,000.00
Amount of expenditures previously reported	100,869.36
Amount expended from July 1, to Dec. 31, 1972	27,052.82
Total amount expended from Jan. 3, 1971 to Dec. 31, 1972	127,922.18
Balance unexpended as of Dec. 31, 1972	42,077.82

CARL D. PERKINS, Chairman.

SPECIAL SUBCOMMITTEE ON LABOR, NO. 2

(Representative Frank Thompson, Jr., Chairman)

January 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Jeunesse M. Beaumont	Clerk (from July 1 to Dec. 31, 1972).	$8,495.40
Anne T. Dowling	Research director (from Sept. 1 to Dec. 31, 1972).	5,850.00
Hugh G. Duffy	Counsel (from July 1 to Oct. 31, 1972).	10,500.00
George A. Franklin	Research assistant (from July 1 to Dec. 31, 1972).	3,786.66
Douglas M. Husid	Research assistant (from Sept. 11 to Dec. 31, 1972).	2,708.33
Thomas C. Keeney	Research assistant (from July 1 to Sept. 15, 1972).	2,166.68
Cheryl G. Matcho	Secretary (from Sept. 1 to Dec. 31, 1972).	2,990.78
Robert E. Moss	Counsel (from Dec. 29 to Dec. 31, 1972).	136.11
Daniel H. Pollitt	Special counsel (from Sept. 1 to Dec. 31, 1972).	3,334.00
Kathleen M. Sullivan	Assistant clerk (from July 1 to Aug. 31, 1972).	1,430.84
Constance Swank	Secretary (from Aug. 1 to Aug. 31, 1972).	850.00
Thomas R. Wolanin	Research specialist (from July 1 to Aug. 15, 1972).	1,200.00
Onida C. M. Young	Secretary (from Aug. 1 to Aug. 31, 1972).	650.00

Funds authorized or appropriated for committee expenditures	$170,000.00
Amount of expenditures previously reported	117,510.39
Amount expended from July 1 to Dec. 31, 1972	45,651.76
Total amount expended from Jan. 3, 1971 to Dec. 31, 1972	163,162.15
Balance unexpended as of Dec. 31, 1972	6,837.85

CARL D. PERKINS, Chairman.

COMMITTEE EMPLOYEES—Con.

GENERAL SUBCOMMITTEE ON LABOR, NO. 3

(Representative John H. Dent, Chairman)

January 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Adrienne Fields	Clerk (from July 1 to Dec. 31, 1972).	$9,177.57
Eric Honick	Staff assistant (from Aug. 1 to Dec. 31, 1972).	4,166.65
Shirley Marsden	Research assistant (from Aug. 1 to Dec. 31, 1972).	2,100.00
W. Kenneth Miller	Assistant clerk (from Aug. 1 to Dec. 31, 1972).	2,100.00
Julie M. Nichols	Secretary (from Oct. 1 to Dec. 31, 1972).	1,875.00
Cheryl Jeanne Peck	Secretary (from July 1 to Sept. 30, 1972).	1,625.01
Gary B. Sellers	Research specialist (from Sept. 1 to Dec. 31, 1972).	6,000.00
Robert E. Vagley	Director (from July 1 to Dec. 31, 1972).	16,856.50

Funds authorized or appropriated for committee expenditures 1971–72	$170,000.00
Amount of expenditures previously reported	99,026.72
Amount expended from July 1 to Dec. 31, 1972	46,280.15
Total amount expended from Jan. 3, 1971, to Dec. 31, 1972	145,306.87
Balance unexpended as of Dec. 31, 1972	24,693.13

CARL D. PERKINS, Chairman.

GENERAL SUBCOMMITTEE ON LABOR—TASK FORCE ON WELFARE AND PENSION PLANS

(Representative John H. Dent, Chairman)

January 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Vance J. Anderson	Counsel (from July 1 to Dec. 31, 1972).	$10,500.00
Barbara A. Binuson	Secretary (from July 1 to Dec. 31, 1972).	3,625.00
Julie Domenick	Staff assistant (from July 1 to Dec. 31, 1972).	4,583.32
Thomas J. Hart	Assistant counsel (from Aug. 1 to Dec. 31, 1972).	5,416.65
Eric Honick	Staff assistant (from July 1 to July 31, 1972).	750.00
Shirley Marsdon	Research assistant (from July 1 to July 31, 1972).	300.00
W. Kenneth Miller	Assistant clerk (from July 1 to July 31, 1972).	300.00
Alan Rabin	Research assistant (from July 1 to Aug. 31, 1972).	1,800.00
John M. Smokevitch	Minority counsel (from July 1 to July 31, 1972).	2,000.00

Funds authorized or appropriated for committee expenditures	$100,000.00
Amount of expenditures previously reported	52,032.29
Amount expended from July 1 to Dec. 31, 1972	40,250.87
Total amount expended from July 1, 1971, to Dec. 31, 1972	92,283.16
Balance unexpended as of Dec. 31 1972	7,716.84

CARL D. PERKINS, Chairman.

GENERAL SUBCOMMITTEE ON EDUCATION, NO. 4

(Representative Roman C. Pucinski, Chairman)

January, 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Betty Earlene Baum	Secretary (from Aug. 28 to Oct. 21, 1972).	$1,200.01
Thomas J. Gerber	Assistant clerk (from July 1 to Dec. 31, 1972).	12,000.02
John F. Jennings	Counsel (from July 1 to Dec. 31, 1972).	14,660.70
Alexandra J. Kisla	Clerk (from July 1 to July 31, 1972) and (from Nov. 1 to Dec. 31, 1972).	5,551.00
Toni E. Painter	Secretary (from July 1 to Dec. 31, 1972).	3,871.38
Particia Ann Rugg	Secretary (from July 1 to Aug. 7, 1972).	668.06

Funds authorized or appropriated for committee expenditures, 1971–72	$170,000.00
Amount of expenditures previously reported	106,014.58
Amount expended from July 1 to Dec. 31, 1972	40,082.84
Total amount expended from Jan. 3, 1971 to Dec. 31, 1972	146,097.42
Balance unexpended as of Dec. 31, 1972	23,902.58

CARL D. PERKINS, Chairman.

SELECT SUBCOMMITTEE ON LABOR, NO. 5

January 15, 1973.

(Representative Dominick V. Daniels, Chairman)

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Loretta A. Bowen	Clerk (from July 1 to Dec. 31, 1972).	$7,681.44
Daniel H. Krivit	Counsel (from July 1 to Dec. 31, 1972).	14,045.22
Catherine Ladnier	Research assistant (from July 1 to Sept. 8, 1972).	1,594.21
Jane P. Mason	Assistant clerk (from July 1 to Aug. 11, 1972).	888.33
Catherine R. Romano	Research staff assistant (from July 1 to Dec. 31, 1972).	5,100.00
Laura Wells Stanton	Research assistant (from Oct. 16 to Dec. 31, 1972).	1,729.18
John Douglas Wagner	Assistant clerk (from July 1 to Aug. 11, 1972).	683.33
Charles R. Zappala	Assistant clerk (from July 1 to Dec. 31, 1972).	2,500.00

Funds authorized or appropriated for committee expenditures 1971–72	$170,000.00
Amount of expenditures previously reported	94,112.03
Amount expended from July 1 to Dec. 31 ,1972	38,469.21
Total amount expended from Jan. 3, 1971, to Dec. 31, 1972	132,581.24
Balance unexpended as of Dec. 31, 1972	37,418.76

CARL D. PERKINS, Chairman.

SELECT SUBCOMMITTEE ON EDUCATION, NO. 6

(Representative John Brademas, Chairman)

January 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Jack G. Duncan	Counsel (from July 1 to Dec. 31, 1972).	$14,916.68
Marianne Frederick	Secretary (from July 1 to Aug. 31, 1972 and from Dec. 1 to 31, 1972).	3,375.00
Mark K. Gillespie	Secretary (from July 1 to Dec. 31, 1972).	3,846.93
James Harvey	Deputy assistant (from July 1 to Dec. 31, 1972).	9,500.00
Linda Diane King	Clerical assistant (from Sept. 1 to Nov. 30, 1972).	1,299.99
Christine M. Orth	Staff assistant (from July 1 to Dec. 31, 1972).	6,500.00
Mary L. Vasarhely	Secretary (from July 1 to July 3, 1972).	137.50
Gladys Marie Walker	Secretary (from July 1 to Dec. 31, 1972).	6,499.65

Funds authorized or appropriated for committee expenditures, 1971–72	$170,000.00
Amount of expenditures previously reported	104,381.58
Amount expended from July 1 to Dec. 31, 1972	54,310.03
Total amount expended from Jan. 3, 1971, to Dec. 31, 1972	158,691.61
Balance unexpended as of Dec. 31, 1972	11,308.39

CARL D. PERKINS, Chairman.

SUBCOMMITTEE ON AGRICULTURAL LABOR, NO. 7

(Representative James G. O'Hara, Chairman)

January 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Rosanne Aceto	Assistant clerk (from July 1 to Dec. 31, 1972).	$4,000.00
Arthur R. Baltrym	Research Assistant (from Oct. 1 to 31, 1972).	1,275.00
Barbara A. Berstein	Assistant clerk (from July 1 to Aug. 18, 1972).	886.67
Gary L. Burke	Assistant clerk (from Aug. 30 to Oct. 21, 1972).	1,040.00
Charity Dennis	Assistant clerk (from Sept. 14 to Nov. 15, 1972).	1,085.00
William D. Diefenbach	Assistant clerk (from Aug. 21 to Oct. 31, 1972).	900.00
Hugh G. Duffy	Associate counsel (from Nov. 1 to Dec. 31, 1972).	5,250.00
Alfred Carl Franklin	Counsel (from July 1 to Dec. 31, 1972).	10,500.02
James B. Harrison	Staff director (from July 1 to Sept. 30, 1972, and (from Nov. 1 to Dec. 31, 1972).	11,558.35
Joan Marie King	Assistant clerk (from July 1 to July 31, 1972).	400.00
Elnora H. Teets	Clerk (from July 1 to Dec. 31, 1972).	6,250.00

Funds authorized or appropriated for committee expenditures, 1971–72	$170,000.00
Amount of expenditures previously reported	91,290.50
Amount expended from July 1 to Dec. 31, 1972	45,013.90
Total amount expended from Jan. 3, 1971, to Dec. 31, 1972	136,304.40
Balance unexpended as of Dec. 31, 1972	33,695.60

CARL D. PERKINS, Chairman.

COMMITTEE ON FOREIGN AFFAIRS

January 12, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Roy J. Bullock	Staff administrator	$18,000.00
Albert C. F. Westphal	Staff consultant	18,000.00
Franklin J. Schupp	do	18,000.00
Harry C. Cromer	do	18,000.00
Marian A. Czarnecki	do	18,000.00
Melvin O. Benson	do	15,694.38
Everett E. Bierman	do	14,935.98
John J. Brady, Jr	do	13,714.98
John H. Sullivan	do	13,714.98
John Chapman Chester	do	13,714.98
Robert K. Boyer	do	10,549.98
Peter Anthony Abbruzzese.	do	12,660.00
George R. Berdes	Subcommittee staff consultant.	13,187.52
Robert B. Boettcher	do	11,868.78
Goler T. Butcher	do	13,187.52
Robert Michael Finley	do	10,919.28
Clifford P. Hackett	do	13,187.52
Charles S. Levy	do	10,000.02
Henry M. Lloyd	do	13,187.52
Michael H. Van Dusen	do	10,549.98
Helen C. Mattas	Senior staff assistant	12,348.60
Mary Louise O'Brien	Staff assistant	11,019.78
Jean S. Brown	do	7,198.32
Paula L. Peak	do	9,103.98
Ray Sparks	do	9,509.40
Thelma H. Shirkey	do	5,622.11
Arlene M. Atwater	do	5,613.78
Shirley A. Furnier	do	6,857.52
Bernadette M. Kuwik	do	5,622.11
Audray Lee Clement	do	5,613.78
Donna Gail Wynn	do	4,558.74
Prudence Verby	do	4,450.02
Charles W. Snyder	do	478.27
Stephen E. Markovich	Special assistant	676.66
Andrew B. Vanyo	Clerical assistant	3,994.93
Jalayne R. Bruce	Staff assistant	833.33
Jeanne M. Salvia	do	320.83

Funds authorized or appropriated for committee expenditures	$936,662.00
Amount of expenditures previously reported	523,747.55
Amount expended from Aug. 1 to Dec. 31, 1972	212,957.38
Total amount expended from Jan. 1, 1971 to Dec. 31, 1972	736,704.93
Balance unexpended as of Dec. 31, 1972	199,957.07

THOMAS E. MORGAN, Chairman.

COMMITTEE ON GOVERNMENT OPERATIONS

January 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with tota. funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Expenses: July 1 through Dec. 31, 1972:		
Full committee		$11,163.77
Special investigative staff.		25,606.12
Legislation and Military Operations Subcommittee.		49,433.10
Government Activities Subcommittee.		49,609.65
Intergovernmental Relations Subcommittee.		54,172.14
Conservation and Natural Resources Subcommittee.		61,796.27
Legal and Monetary Affairs Subcommittee.		43,546.52
Foreign Operations and Government Information Subcommittee.		55,674.94
Special Studies Subcommittee.		46,070.74
Total		397,073.25
Salaries: Full committee, July through Dec. 31, 1972:		
Herbert Roback	Staff director	18,000.00
Elmer W. Henderson	General counsel	18,000.00
Miles Q. Romney	Counsel-administrator	18,000.00
Dolores L. Fel'Dotto	Staff member	9,237.78
Ann E. McLachlan	do	8,953.74
Catherine S. Cash	do	7,337.70
Marilyn F. Jarvis	do	7,941.72
Lilian M. Phillips	Staff member (from Aug. 15, 1972).	5,515.93
John Philip Carlson	Minority counsel	18,000.00
William H. Copenhaver.	Minority professional staff member.	15,147.78
Clara Katherine Armstrong.	Minority research assistant.	8,240.22
Expenses: July 1 through Dec. 31, 1972:		
Full committee, Hon. Chet Holifield, chairman: expenses.		11,163.77
Special investigative staff, Hon. Chet Holifield, chairman:		
Warren B. Buhler	Minority staff member	9,495.00
Susanna Dixon Herro	Minority staff secretary	4,483.74
Thomas H. Saunders	Minority staff member (through July 5, 1972).	252.37
Eileen W. Theim	Staff member (from Oct. 1, 1972).	3,125.01
Ralph T. Doty	Clerical staff	4,249.98
Paul N. Nelson	do	4,000.02
Total		25,606.12
Legislation and Military Operations Subcommittee, Hon. Chet Holifield, chairman:		
Douglas G. Dahlin	Staff attorney	12,322.80
John Paul Ridgely	Investigator	10,986.30
Joseph C. Luman	Defense analyst	11,868.78
Catherine L. Koeberlein.	Research assistant	8,456.16
Mary Rita Haga	Clerk-stenographer	5,275.02
Expenses		524.04
Total		49,433.10
Government Activities Subcommittee, Hon. Jacks Brooks, chairman:		
Ernest C. Baynard	Subcommittee staff director.	16,382.76
William M. Jones	Chief counsel (from Dec. 1, 1972).	2,333.33
C. Don Stephens	Research analyst	10,969.56
Paul A. Mutino	Counsel	9,758.76
Lynne Higginbotham	Clerk-stenographer	7,377.70
Mary G. Jones	Secretary (through Sept. 12, 1972).	1,793.50
Expenses		1,034.04
Total		49,609.65
Intergovernmental Relations Subcommittee, Hon. L. H. Fountain, chairman:		
James R. Naughton	Counsel	$16,382.76
Delphis C. Goldberg	Professional staff member.	16,382.76
Gilbert S. Goldhammer.	Consultant	10,679.40
Pamela R. Horsmon	Clerk-stenographer	5,275.02
Margaret M. Goldhammer.	Secretary	4,427.64
Expenses		1,024.56
Total		54,172.14
Conservation and Natural Resources Subcommittee, Hon. Henry S. Reuss, chairman:		
Phineas Indritz	Counsel	16,382.76
David B. Finnegan	Assistant counsel	13,426.80
David H. Baris	Legal assistant	7,995.30
Josephine Scheiber	Research analyst	8,437.38
Ruth M. Wallick	Stenographer	6,198.54
Frances B. Lee	do	4,250.28
Expenses		5,105.21
Total		61,796.27
Legal and Monetary Affairs Subcommittee, Hon. John S. Monagan, chairman:		
Richard L. Still	Subcommittee staff director.	14,506.26
Charles A. Intriago	Assistant counsel	10,910.94
Jeremiah S. Buckley	do	7,500.00
Frances M. Turk	Clerk	5,512.50
Helena A. Grady	Secretary	4,000.02
Expenses		1,116.80
Total		43,546.52
Foreign Operations and Government Information Subcommittee, Hon. William S. Moorhead, chairman:		
William G. Phillips	Subcommittee staff director.	16,382.76
Norman G. Cornish	Deputy subcommittee staff director.	16,382.76
Harold F. Whittington	Professional staff member.	12,580.68
Martha M. Doty	Clerk	4,747.50
Almeda J. Harley	Secretary	3,956.28
Expenses		1,624.96
Total		55,674.94
Special Studies Subcommittee, Hon. Wm. J. Randall, chairman:		
Erskine Stewart	Subcommittee staff director.	12,499.98
Jacob N. Wasserman	Counsel	15,068.40
James L. Gyory	Investigator	7,648.74
Wileen O. Moore	Clerk	4,567.08
Geraldine A. Fitzgerald.	Secretary (from Nov. 1, 1972).	1,333.34
Elynor H. Humber	Secretary (through Oct. 5, 1972).	2,366 [illegible]
Expenses		2,586.78
Total		46,070.74

Funds authorized or appropriated for committee expenditures (H. Res. 303 and H. Res. 911—92d Cong.)	$1,832,600.00
Amount of expenditures previously reported	1,272,724.56
Amount expended from July 1 to Dec. 31, 1972	397,073.25
Total amount expended from Jan. 3, 1972 to Dec. 31, 1972	1,669,797.82
Balance unexpended as of Dec. 31, 1972	162,802.18

CHET HOLIFIELD, Chairman.

COMMITTEE ON HOUSE ADMINISTRATION

January 2, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946,

COMMITTEE EMPLOYEES—Con.

COMMITTEE ON HOUSE ADMINISTRATION—Continued

Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John T. Walker	Staff director	$18,000.00
Frank B. Ryan	Director, information systems.	18,000.00
Louis I. Freed	Assistant clerk	17,143.74
Robert D. Gray	Chief auditor	16,776.36
Melvin M. Miller	Minority clerk	16,604.28
John G. Blair	Assistant to the staff director.	13,714.98
Ralph W. Murphy	Assistant clerk (minority).	12,174.98
Louis Silverman	Assistant clerk	10,145.34
Mary F. Stolle	do	7,382.17
Evelyn Hange Wilson	Office manager	7,370.94
Judith Leonard Vargas	Assistant clerk (minority).	4,800.00
Judith K. Holes	Accounts' assistant clerk.	2,150.00
Velma T. Youngblood	Assistant clerk	5,967.08
Thomas W. Latham	Account's clerk	8,550.00
Joseph T. Ventura	Personnel's clerk	7,500.00
John L. Boos	Library and memorials' clerk.	9,249.98
Thomas A. Tangretti	Electrical and mechanical's clerk.	9,231.24
Thomas S. Foster, Sr	Election's clerk	11,500.02
Lynne E. Pattridge	Assistant clerk	5,166.25
Rose Polito Wooden	Assistant legal clerk	9,000.00
Barbara D. Lewis	Assistant clerk	1,967.08
Colette K. Bohatch	do	923.13
John Paul Tolson	do	5,666.66
Pamela M. Bussen	Personnel's assistant clerk.	3,692.52
Norman J. Jacknis	Assistant clerk	4,220.00
Johanna Lucas	do	5,879.17
Vickie Sue Moser	do	4,999.98
William E. Sudow	Printing's clerk	9,166.67
Judith Lyris Rigby	Assistant clerk	3,958.35
Deborah K. Liggett	do	546.67
Elizabeth M. Johns	Election's assistant clerk.	1,640.00
Carol S. Eliel	Printing's assistant clerk.	600.00
Marie V. McGee	do	4,858.35
Barbara Lee Giaimo	Electrical and mechanical's assistant clerk.	4,249.98
Julie M. Nichols	do	1,625.01
Eugene W. Gleason	Assistant clerk	1,050.00
Wyatt Lee Overton	do	4,500.00
Patricia N. Lutz	do	2,083.33
Gurney S. Jaynes	do	6,593.76
Judith K. Simmons	Account's assistant clerk.	4,300.00
Cheryl J. Peck	Electrical and mechanical's assistant clerk.	1,875.00
Linda Rae Hoffman	Printing's assistant clerk.	720.83
Gerald H. Wygoda	Assistant clerk	1,055.00

Funds authorized or appropriated for committee expenditures	$615,000.00
Amount of expenditures previously reported	337,204.26
Amount expended from Jan. 1 to Dec. 31, 1972	161,062.82
Total amount expended from Jan. 3, 1971 to Dec. 31, 1972	498,267.08
Balance unexpended as of Dec. 31, 1972	116,732.92

WAYNE L. HAYS, Chairman.

COMMITTEE ON HOUSE ADMINISTRATION

(House Information systems)

January 2, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Charles E. Graham	Deputy director	$15,500.00
Philip B. Ladd	Management assistant.	859.21
Barbara A. Burda	Data preparation coordinator	$3,494.45
Daniel E. Cowgill	Head, planning and analysis division	5,200.01
Anne W. Wightman	Junior programer	4,194.43
Jimmy W. Powell	Programer analyst	6,291.67
Robert J. Mumma	Computer operations coordinator	4,999.98
Curtis L. Merrick	Senior systems programer	9,750.00
Donald L. Robinson	System factors specialist	5,233.33
Betty R. Lamb	Secretary	6,593.76
Michael Tomanio	Senior programer	5,190.60
Mary C. Frye	Executive secretary	6,000.00
Noah M. St. Clair	Senior systems programer (acting)	7,204.86
Melvin R. Mallonee	Programer	1,033.33
Timothy E. Gunter	do	5,599.98
David L. Brazeal	Programer analyst	7,238.88
William R. Hill	Systems analyst	8,197.38
Benjamin R. Candler	Programer analyst	6,444.14
Kathryn A. Smith	Communications control coordinator.	6,874.98
Betty U. Gill	Communications terminal operator.	4,248.48
Irene Morris	Data preparation coordinator.	3,730.54
Charles N. Arrowsmith	Information systems specialist.	10,022.52
Betty J. Sharp	Receptionist/secretary	4,219.98
Earl D. Watterson	Information systems specialist.	10,022.52
Antoinette P. Gauthier	Communications terminal operator.	4,070.50
Daniel J. Lasser	Manager, analysis and programing.	2,022.08
Stuart M. Robinson	Senior information systems specialist.	11,341.26
Vernon J. Walters	Programer	6,593.76
E. Jean Walker	System factors analyst	7,800.00
James L. Guthrie, Jr	Production control specialist.	4,200.00
Nancy Maxwell Jones	Secretary	3,683.33
Edward R. Mills	Information systems specialist.	10,500.00
Lynn Alcock	Communications control coordinator.	4,500.00
Jasper T. Waglardo	Senior systems analyst.	9,499.98
Harold W. Harding, Jr	Systems programer	8,625.00
Dianne L. Sisson	Secretary	3,900.00
Edmond S. Mesko	Information systems specialist.	9,499.98
Cherie C. Barnes	Communications terminal operator.	4,249.98
Dwight H. Pfaehler	Senior information systems specialist.	10,999.98
Gerald L. Barnes		4,450.00
William E. Freeman, Jr	Systems analyst	9,246.09
Don F. Anderson	Systems factors analyst.	7,733.31
Waites James Ward	Manager, data processing group.	7,125.00
Mark G. Janczewski	Intern	750.00
Norman D. Young	Manager, applications development.	8,600.02
Thomas J. Hawk	Computer operator	3,250.00
Robert Cohen	Senior systems analyst.	6,320.85
John T. Reed	Systems analyst	6,150.00
Berthine Washington	Data preparation trainee.	2,050.00
Howard G. Ulep	Technical assistant	5,652.79
Ada Taylor	Communications terminal operator.	2,213.88
Robert Klukas	Systems analyst	4,666.66
John M. Wunderlich, Jr	Systems programer	4,675.01
K. Michael Frazier	Programer	2,811.12
Paula B. Weirather	Receptionist/secretary	1,875.00
Frank L. Robertson	Head, computer services division.	5,333.33
Sheldon Grosberg	Management assistant	4,094.44
Stephen J. Stofko, Jr	Senior information systems specialist.	3,897.23
Diana Lee Yudiskas	Programer analyst	180.56
Deloris Gilliam	Data preparation trainee.	66.67
Mary Ryan Conroy	Data control specialist	38.89
Martha H. Crouse	Communications terminal operator.	44.44
Robert William Garrett	Information systems specialist.	122.22
Margaret Mary Hyland	Secretary	44.44
Marsha A. Madden	Communications terminal operator.	288.89
Frank W. Byrd	Computer operator	343.06
John A. Stiegelmair	Head, planning and analysis division.	938.89
Patricia Ann Costlow	Communications terminal operator.	666.67
Barbara Faye Pittman	Clerk/typist	483.33
Carol Lynn Rich	Communications terminal operator.	600.00
Florence D. Franklin	do	637.50

Funds authorized or appropriated for committee expenditures	$1,500,000.00
Amount of expenditures previously reported	490,173.70
Amount expended from July 1 to December 31, 1972	508,414.60
Total amount expended from January 31, 1971 to December 31, 1972	998,588.30
Balance unexpended as of December 31, 1972	501,411.70

WAYNE L. HAYS, Chairman.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

January 2, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorgan zation Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Sidney L. McFarland	Staff director and chief clerk.	$18,000.00
Lewis A. Sigler	Counsel and consultant on Indian affairs.	18,000.00
William L. Shafer	Consultant on mines and mining and public lands.	18,000.00
Charles Leppert, Jr	Minority counsel	16,879.98
Lee McElvain	Assistant counsel and consultant on national parks and recreation.	15,297.48
Jim T. Casey	Consultant on irrigation and reclamation.	16,352.52
Robert M. Gants	Assistant minority counsel (resigned Aug. 21, 1972).	3,138.63
Patricia A. Murray	Clerk	10,549.98
Patricia B. Freeman	do	9,495.00
Miriam L. Waddell	Clerk (from July 1, 1972).	7,384.98
Marsha Lane DeGon	do	7,121.28
Charles Conklin	Special counsel on public lands and environmental matters.	16,879.98
William G. Thomas	Consultant on territorial and insular affairs (resigned as of Aug. 31, 1972).	5,099.16
Inez H. Jarvis	Clerk	7,912.50
Nancy Lou Larson	Clerk	7,121.28
Marston L. Becker	Printing clerk	8,967.48
Edward Gaddis	Messenger	5,275.02
Bertha D. Drotos	Clerk (minority)	6,000.00
Edward L. Weidenfeld	Counsel on energy matters.	15,297.48
Frances J. Paris	Secretary-energy study staff (resigned as of Sept. 30, 1972).	2,874.99
Carleton Craig Smith	Staff assistant-energy study staff (resigned as of July 31, 1972).	1,833.33
Robert H. Anthony	Staff assistant-energy study staff (resigned as of Aug. 18, 1972).	[1] 2,968.33
Mary Lee Gennari	Clerk	5,250.00
Heather M. Petroni	Secretary-energy study staff (terminated as of Aug. 25, 1972).	1,222.23
Therese M. Mariner	Clerk	4,750.02
Kathy C. Loeffler	Clerk (employed July 15, 1972).	3,919.43
Adrian P. Winkel	Consultant on territorial and insular affairs (employed Sept. 1, 1972).	10,198.32

Funds authorized or appropriated for committee expenditures	$704,000.00
Amount of expenditures previously reported	362,797.83
Amount expended from July 1 to Dec. 31, 1972	[1] 124,063.32
Total amount expended from July 1, 1971 to Dec. 31, 1972	486,861.15
Balance unexpended as of Dec. 31, 1972	217,138.85

WAYNE N, ASPINALL, Chairman.

[1] Includes payment of $835.00 to Robert H. Anthony, Staff Assistant, Energy Study Staff pursuant to contract approved Mar. 20, 1972.

COMMITTEE ON INTERNAL SECURITY

January 4, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legis'ative Reorganization Act of 1946, public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee (majority):		
Donald G. Sanders (P)	Chief counsel	$18,000.00
Richard L. Schultz (P)	Associate chief counsel	14,477.86
William H. Hecht (P)	Executive staff assistant.	15,561.24
Alfred M. Nittle (P)	Legislative counsel	15,658.62
Robert M. Horner (C)	Chief investigator	12,066.00
William G. Shaw (C)	Research director	12,792.00
V. Bernice King (C)	Financial secretary	8,917.92
Mary M. Valente (C)	Administrative secretary.	9,636.60
Anniel Cunningham (C).	Chief, files and reference.	9,038.28
Standing committee minority:		
DeWitt White (P)	Legal counsel	15,658.62
Herbert Romerstein (C).	Minority chief investigator.	15,297.48
James L. Gallagher (C).	Research analyst	12,499.98
Investigative committee (majority):		
Victoria Appell	Clerk-typist (summer help—terminated Aug. 17, 1972).	705.00
Margie D. Biggerstaff	Secretary	5,324.34
Charles Bonneville	Investigator	8,390.46
Daniel Butler	Documents clerk	5,313.15
Joseph A. Cambell III	Assistant documents clerk (appointed Oct. 14, 1972).	1,390.29
S. Janice Coil	Secretary	6,047.16
Ruth Ann Crocitto	Information analyst (resigned Aug. 25, 1972).	1,229.40
Susan K. Daniels	Information analyst	4,653.66
Florence P. Doyle	Secretary	5,051.52
Elizabeth Edinger	Editor	8,174.46
Daniel R. Ferry	Assistant counsel	9,791.04
Andrea Foy	Information classifier	3,428.76
Sheila Harrison	Clerk-typist (resigned Nov. 30, 1972).	3,023.98
Helen M. Gittings	Research analyst	9,405.72
L. William Ivory, Jr	Assistant documents clerk (resigned Oct. 11, 1972).	1,831.00
Doris Jaeck	Information analyst	5,335.38
Mildred James	Clerk-typist	3,741.78
John F. Lewis	Coordinating editor	14,538.90
Norma H. Lewis	Secretary	5,429.04
Virginia Masino	Receptionist	4,481.88
Anita Maggio	Clerk	3,428.76
David E. Muffley, Jr	Documents clerk (resigned Aug. 31, 1972).	1,717.00
Maureen P. Ontrich	Information analyst	4,689.84
Alma T. Pfaff	Research analyst	5,917.62
Peggy Pixley	Editorial clerk	5,335.38
Robert Poos	Research analyst	9,832.71
Stuart Pott	Investigator	7,144.76
Audrey Rollins	Secretary	4,803.86
Karen Sue (Russell) Dring.	Information classifier	3,759.72
Richard A. Shaw	Investigator	9,256.80
Albert H. Solomon, Jr	do	10,549.98
Nancy M. Stankus	Information classifier (appointed Oct. 16, 1972).	1,354.18
Jeanne L. Spencer	Clerk-stenographer (resigned July 12, 1972).	124.55
John N. Stratton	Investigator	8,390.46
Barbara C. Sweeny	Clerk-stenographer	4,617.54
Joseph Thach, Jr	Research analyst	8,565.02
Investigative committee (minority):		
George C. Armstrong	Investigator	7,648.74
Richard Norusis	do	8,176.26
William T. Poole	Research analyst	7,261.74
Linda Spirt	Secretary	5,794.20

Funds authorized or appropriated for committee expenditures	$1,095,000.00
Amount of expenditures previously reported	820,724.37
Amount expended from July 1 to Dec. 31, 1972	259,469.56
Total amount expended from Jan. 1 to Dec. 31, 1972	1,080,193.93
Balance unexpended as of Dec. 31, 1972	14,806.07

RICHARD H. ICHORD, Chairman.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

January 2, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Clerical staff:		
W. E. Williamson	Clerk	$18,000.00
Kenneth J. Painter	1st assistant clerk	15,864.03
Marcella F. Johnson	Assistant clerk	10,120.27
Frank W. Mahon	Printing editor	10,439.28
Eleanor A. Dinkins	Clerical assistant	8,065.11
Mary Ryan	do	8,065.08
Edwin E. Thomas	Staff assistant	7,365.60
Marion M. Burson (minority).	do	15,864.03
Lewis E. Berry, Jr. (minority).	Minority counsel	18,000.00
Professional staff:		
James M. Menger	Professional staff member.	18,000.00
William J. Dixon	do	18,000.00
Robert F. Guthrie	do	18,000.00
Kurt Borchardt	do	18,000.00
Charles B. Curtis	do	18,000.00
Lee S. Hyde	do	15,000.00
Additional temporary employees under H. Res. 170, 290, and 908:		
A. Bennett Schram	Staff assistant (minority).	10,549.98
Henry Thomas Greene	do	10,549.98
Helen M. Dubino	do	15,401.76
Barbara L. Bullard	Clerical assistant (minority).	6,583.62
Darlene G. McMullen	do	4,255.86
Linda K. Lantz	Clerical assistant (minority) (through Nov. 18, 1972).	3,568.59
Diane G. Kirchenbauer	Clerical assistant	6,066.24
Joanne E. Bell	do	5,000.00
Violet M. McCarthy	do	6,606.45
Ann P. Jordan	do	4,694.76
JoAnn Robinson	Staff assistant (through Aug. 22, 1972).	1,444.44
Margaret C. Mazzone	Staff assistant (through Aug. 31, 1972).	1,200.00
Joseph T. Kelley	Messenger (through Aug. 31, 1972).	1,200.00
Troy Webb	Staff assistant (through Aug. 31, 1972).	1,200.00
William C. Barnich	Clerical assistant	5,000.00
Barbara C. Flues	do	5,802.48
Walter J. Graham, Jr	Staff assistant	13,580.52
Stephan E. Lawton	do	13,580.52
Michael R. Lemov	do	13,580.52
Richard Krolik	do	13,580.52
Special subcommittee on Investigations:		
Daniel J. Manelli	Acting chief counsel	16,879.98
William T. Druhan	Staff assistant	14,865.42
James F. Broder	do	14,242.50
James R. Connor	Special assistant	13,783.92
Benjamin J. Smethurst.	do	14,865.42
Mark J. Raabe	Staff attorney	13,714.98
Michael F. Barrett	do	13,714.98
Michael J. Parker	do	11,605.02
Albert J. McGrath	Special assistant	7,490.52
Robert J. Beatson	Staff assistant (from Aug. 18 through Nov. 15).	2,933.33
Raymond C. Cole, Jr	Special assistant (from Oct. 17).	4,111.11
Elizabeth G. Paola	Clerical assistant	8,065.08
Elizabeth A. Eastman	do	6,995.64
Judith B. Fisher	Clerical assistant (through Dec. 15).	5,318.94
Russell D. Mosher	Staff assistant	5,526.96
Special Securities Study Group:		
William Hall Painter	Special counsel (through Sept. 15).	7,500.00
Robert L. Stern	Special consultant	14,506.26
Harvey A. Rowen	Staff attorney	12,811.48
Judith Ann Quinn	Clerical assistant	4,747.50
Annette Bouchard	Clerical assistant (through Sept. 30).	2,373.75
Roy A. Schotland	Special consultant (through July 28).	1,400.00

Funds authorized or appropriated for committee expenditures	$1,474,000.00
Amount of expenditures previously reported	1,033,133.62
Amount expended from July 1, to Dec. 31, 1972	365,075.13
Total amount expended from Jan. 3, 1971, to Dec. 31, 1972	1,398,208.75
Balance unexpended as of Dec. 31, 1972	75,791.25

HARLEY O. STAGGERS, Chairman.

COMMITTEE ON THE JUDICIARY

January 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Bess E. Dick	Staff director	$18,000.00
Benjamin L. Zelenko	General counsel	18,000.00
Herbert Fuchs	Counsel	18,000.00
Garner J. Cline	do	16,382.76
William F. Shattuck	do	16,382.76
Jerome M. Zeifman	do	15,991.66
Donald G. Benn	Associate counsel	15,825.00
R. Frederick Jett	Counsel	14,935.98
Frances Christy	Clerical staff	10,633.56
Jane C. Caldwell	do	9,600.24
Gertrude Clara Burak	do	8,540.64
Carrie Lou Allen	do	8,081.10
Roberta E. Eisenberg	do	8,081.10
Frank H. Addonizio	Clerical staff (from Oct. 16, 1972).	541.67
Pearl L. Chellman	Clerical staff	5,525.02
Daniel L. Cohen	Counsel	7,868.34
George A. Dalley	Assistant counsel (through Aug. 31, 1971).	3,336.26
Howard C. Eglit	Assistant counsel	10,800.00
Arthur P. Endres, Jr	do	7,868.34
James B. Farr	Messenger-clerk	4,100.00
Mary Shea Gaffney	Clerical staff	5,328.26
Samuel A. Garrison III	Associate counsel (through Aug. 31, 1972).	3,340.84
Linda Chavez Gersten	Staff analyst (from July 26, 1972).	6,888.87
Alma B. Haardt	Clerical staff	6,719.40
Roberta L. Haeberle	Intern (from July 1, 1972, through Aug. 28, 1972).	580.00
Lindy Hayes	Intern (from July 1, 1972, through Aug. 31, 1972).	600.00
Jo Ann Hermann	Clerical staff (from Sept. 20, 1972, through Oct. 20, 1972).	645.84
Herbert E. Hoffman	Special counsel for Federal criminal law reform.	18,000.00
Alice M. Jackson	Clerical staff	4,558.74
Florence C. Johnson	Clerical staff (through Nov. 30, 1972).	4,791.65
Judith Kahn	Clerical staff (through Sept. 30, 1972).	1,125.00
Michael Kelemonick	Clerical staff	7,087.74
B. Dianne McConnell	Clerical staff (from Nov. 1, 1972).	1,083.34
Florence T. McGrady	Clerical staff	7,087.74
Thomas E. Mooney	Associate counsel	11,077.50
Ronald Palmieri	Clerical staff (from Oct. 10, 1972, through Nov. 30, 1972).	589.34
Franklin G. Polk	Associate counsel	15,825.00
Bruce K. Posey	Intern (from July 1, 1972, through Aug. 31, 1972).	600.00
Ruth T. Pratt	Clerical staff	5,802.48
Ann P. Sartori	do	5,424.99
Mary G. Sourwine	do	7,146.32
Annelie Tischbein	do	5,325.00
Louis S. Vance	Messenger-clerk	5,029.22
Minnie White	Clerical staff (from Dec. 30, 1972).	50.00

Funds authorized or appropriated for committee expenditures	$800,000.00
Amount of expenditures previously reported	498.290.09
Amount expended from July 1 to Dec. 31, 1972	172.605.43
Total amount expended from Jan. 3, 1971, to Dec. 31, 1972	670,895.52
Balance unexpended as of Dec. 31, 1972	129,104.48

Funds for preparation of United States Code, District of Columbia Code, and Revision of the Laws

A. Preparation of New Edition of United States Code (no year):	
Unexpended balance June 30, 1972	$112,792.49
Expended July 1 to Dec. 31, 1972	17,832.44
Balance Dec. 31, 1972	94,960.05
B. Preparation of New Edition of District of Columbia Code:	
Unexpended balance June 30, 1972	63,001.97
Legislative Appropriation Act, 1973	150,000.00
Subtotal	213,001.97

COMMITTEE EMPLOYEES—Con.

COMMITTEE ON THE JUDICIARY—Continued

B. Preparation of New Edition—Continued

Expended July 1 to Dec. 31, 1972	$15,365.89
Balance Dec. 31, 1972	197,636.08

C. Revision of the Laws, 1973:	
Legislative Appropriation Act, 1973	39,980.00
Expended July 1 to Dec. 31, 1972	18,000.00
Balance Dec. 31, 1972	21,980.00

EMANUEL CELLER, Chairman.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

December 31, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Ernest J. Corrado	Chief counsel	$17,812.13
Ralph E. Casey	do	900.00
Ned P. Everett	Counsel	15,917.88
Leonard L. Sutter	do	13,999.98
Robert J. McElroy	Chief clerk	17,983.14
William B. Winfield	Clerk	11,867.77
Frances P. Still	do	9,672.96
Vera A. Barker	Secretary	9,625.02
Albert J. Dennis	Investigator	11,500.02
Richard N. Sharood	Minority counsel	15,000.00
William C. Rountree	do	10,500.00
Virginia L. Noah	Secretary (minority)	9,499.98
Investigative staff:		
Francis D. Heyward	Counsel	13,714.98
Alfred Ronald Santo	do	9,666.68
Frank M. Potter, Jr	do	3,000.00
Gus Bakas	do	10,000.00
Donald A. Watt	Editor	10,108.98
Lucye L. Summers	Secretary	6,498.36
Jane C. Wojcik	do	7,792.98
Pauline M. Dickerson	Staff assistant	8,202.66
Eleanor P. Mohler	Secretary	6,250.00
Betty Ann Nevitt	do	6,250.00
Norman M. Barnes	Investigator	5,344.50
Ronald W. C. Watt	Assistant clerk	5,000.00
Ruth I. Hoffman	do	6,666.68
Carl L. Perian	Clerk, Subcommittee on Panama Canal.	13,000.00
Gwendolyn H. Lockhart.	Assistant minority clerk.	6,500.00
Carlton J. Hicks	Assistant clerk	1,366.66

Funds authorized or appropriated for committee expenditures	$519,000.00
Amount of expenditures previously reported	306,306.99
Amount expended from July 1 to Dec. 31, 1972	132,475.28
Total amount expended from Jan. 1, 1971, to Dec. 31, 1972	438,782.27
Balance unexpended as of Dec. 31, 1972	80,217.73

EDWARD A. GARMATZ, Chairman.

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

January 10, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Martiny, John H	Chief counsel	$18,000.00
Gaughan, Vincent M	Staff director and special counsel (to Nov. 19, 1972).	13,513.90
Smiroldo, Victor C	Counsel	17,749.98
Irvine, William A	Assistant staff director	$17,749.98
Kazy, Theodore J	Senior staff assistant	17,749.98
Fortune, Francis C	Coordinator	14,800.02
Lockhart, Robert E	Assistant counsel	14,941.65
Devlin, Ralph J	Staff assistant	14,599.98
Thornton, Elsie E	Chief clerk	12,750.00
Wells, Barbara M	Executive secretary	9,438.33
Simons, Blanche M	Secretary	8,755.02
Investigative staff, pursuant to H. Res. 217, 279, and 826 of the 92d Congress:		
Araneta, Louis A	Intern (to Aug. 31, 1972).	600.00
Barry, Margaret R	Secretary (minority)	5,500.02
Barton, Richard A	Staff assistant	11,710.50
Bates, Kathryn E	Secretary (minority)	6,600.00
Bethea, Barbara Faye	Secretary	3,632.49
Bracy, Raymond W	Intern (to Aug. 20, 1972).	500.00
Brown, Lorraine L	Secretary	5,225.88
Campbell, Austin B	Assistant counsel (from Dec. 11, 1972).	972.22
Ciaravella, Jo Ann	Secretary	5,280.30
Cleven, Cathy L	Intern (to Aug. 31, 1972).	600.00
Coultrap, Ray H	Staff assistant (minority).	7,525.02
Dalrymple, Elizabeth B.	Staff assistant	4,116.00
Diamond, Elaine L	Secretary (to July 23, 1972).	525.93
Fussell, Glenda J	Secretary (to Oct. 14, 1972).	2,455.54
Gabusi, John B	Staff assistant	13,198.08
Gould, George B	do	13,200.72
Gustafson, Tanya	Intern (to Aug. 6, 1972).	360.00
Hannon, Theodore	Intern (to Aug. 8, 1972).	380.00
Harding, Delois	Secretary	5,222.28
Hatcherson, Jane W	do	4,800.00
Hedglon, Peter F	Intern (to Aug. 13, 1972).	430.00
Howard, Alton M	Printing editor	10,099.98
Hugler, Edward T	Investigator	14,250.00
Kennedy, Thomas R	Staff assistant	12,892.08
Light, Lon E	Intern (from Aug. 1 to Sept. 10, 1972).	400.00
Mulholland, James S	Staff assistant (to Sept. 4, 1972).	1,688.90
Meyer, Robert James	Intern (to Aug. 20, 1972).	500.00
Moore, Robert M	Intern (to Sept. 13, 1972).	993.60
Mooser, Stephen B	Intern (to Aug. 31, 1972).	600.00
Napier, Margaret G	Assistant document clerk.	5,903.32
Neuman, Robert A	Staff assistant	11,500.02
Pendleton, Maria R	Document clerk	8,913.33
Peters, Dorothy L	Secretary	7,823.33
Pierce, Crystal D	Intern (to Aug. 13, 1972).	430.00
Raymond, Anthony J	Staff assistant (minority).	12,400.02
Scoville, Stanley E	Research assistant (from Sept. 1, 1972).	5,000.00
Snipes, Justine P	Secretary	7,523.58
Spetka, David R	Intern (to Aug. 13, 1972).	430.00
Stoner, Gordon S	do	600.00
Terry, Donald F	Staff assistant (from Aug. 28, 1972).	3,416.65
Thayer, Ted J	Research assistant (to Nov. 30, 1972).	6,270.85

Funds authorized or appropriated for committee expenditures	$1,056,000.00
Amount of expenditures previously reported	671,938.18
Amount expended from July 1 to Dec. 31, 1972	246,229.93
Total amount expended from Jan. 3, 1971, to Dec. 31, 1972	918,168.11
Balance unexpended as of Dec. 31, 1972	137,831.89

THADDEUS J. DULSKI, Chairman.

COMMITTEE ON PUBLIC WORKS

January 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Richard J. Sullivan	Chief counsel	$18,000.00
Lester Edelman	Counsel	16,879.98
Clifton W. Enfield	Minority counsel	18,000.00
Lloyd A. Rivard	Engineer consultant	16,879.98
Carl H. Schwartz, Jr	Consultant-projects and programs.	6,864.00
James L. Oberstar	Administrator	16,886.34
Dorothy A. Beam	Executive staff assistant.	11,630.34
Meriam R. Buckley	Staff assistant	9,700.20
Sterlyn B. Carroll	do	8,107.68
Erla S. Youmans	Minority executive staff assistant	9,758.76
Ruth Costello	Staff assistant	8,650.02
Richard C. Peet	Assistant minority counsel.	16,849.98
Investigating staff:		
Peggy Lynn Clements	Staff assistant	6,066.24
Robert F. Spence	Subcommittee clerk	9,103.98
Joseph A. Italiano	Editorial assistant	10,588.98
Nancy Vitali	Subcommittee clerk	6,066.24
Toby Stein	Staff assistant	3,951.00
Particia A. Hill	Minority staff assistant	5,275.02
Richard C. Barnett	do	7,000.02
Brenda G. Jones	do	4,747.50
Robert F. Loftus	Technical staff assistant.	15,297.48
Cynthia Van Sant Thompson.	Staff assistant (terminated Dec. 15, 1972).	4,110.10
William M. Corcoran	Staff assistant	4,350.00
Marie M. Lynch	Subcommittee clerk	6,596.49
Thomas R. Dougharty	Subcommittee clerk (terminated Aug. 31, 1972).	3,165.00
Steven H. Bourke	Staff assistant	9,231.24
Elizabeth H. Kiley	do	3,165.00
Machele J. Miller	do	4,357.50
Margaret F. McCarthy	do	4,357.50
Ruth Constandy	Technical consultant	11,605.02
Henry G. Edler	Project coordinator	17,407.50
Pauline L. DeCourcey	Minority staff assistant	4,999.98
Catherine A. Evans	Staff assistant	4,637.49
Gordon E. Wood	Minority professional staff.	12,750.00
Paul Sanders Francis	Staff assistant (terminated Aug. 19, 1972).	1,225.00
Allisa Deitz	Staff assistant (terminated Aug. 31, 1972).	1,000.00
Shirley L. Ruhe	Staff assistant (effective July 1, 1972).	5,500.02
Ann J. Joseph	Staff assistant (effective July 26, 1972).	3,229.17
Harry Lee Stout	Staff assistant (effective Oct. 1, 1972).	2,100.00
Karen Maria Gilbert	Staff assistant (effective Oct. 2, 1972).	2,595.83
Mary Kathryn Leonard	Staff assistant (effective Oct. 3, 1972).	2,077.77
Joseph R. Brennan	Consultant	10,000.00
Max Taher	do	3,600.00
F. Robert Edman	do	10,400.00
Peter Jutro	do	490.00
Walter R. May	Chief counsel	18,000.00
Salvatore J. D'Amico	Associate counsel	15,825.00
John P. O'Hara	do	15,825.00
Carl J. Lorenz, Jr	do	15,825.00
Robert G. Lawrence	do	16,443.24
George M. Kopecky	Chief investigator	17,629.56
Sherman S. Willse	Professional staff member.	15,825.00
Kathryn M. Keeney	Chief clerk	9,668.40
Betty Hay Wright	Administrative assistant.	8,706.24
Shirley R. Knighten	Staff assistant	6,593.76
Carol Dahlstedt	do	6,593.76
William O. Nolen	Investigator	10,549.98
George P. Karseboom	Professional staff member.	14,242.50
Agnes M. Ganun	Staff assistant	6,829.86
Charles A. Krouse	Professional staff member.	13,500.00
Sheldon Gilbert	Minority counsel	15,000.00
Paul R. S. Yates	Professional minority staff member.	16,000.02
Martha E. Downie	Minority staff assistant.	7,121.20

Funds authorized or appropriated for committee expenditures:	
H. Res. 351	$1,072,670.00
H. Res. 1000	798,890.00
Total	1,871,560.00
Amount of expenditures previously reported	1,148,595.77
Amount expended from July 1 to Dec. 31, 1972	499,853.45
Total amount expended from Jan. 3, 1971, to Dec. 31, 1972	1,148,595.77
Balance unexpended as of Dec. 31, 1972	223,110.78

JOHN A. BLATNIK, Chairman.

COMMITTEE ON RULES

January 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Laurie C. Battle	Staff director and counsel (P).	$18,000.00
Mary Spencer Forrest	Assistant counsel and research analyst (P).	11,329.98
Winifred L. Watts	Administrative assistant (P).	9,075.00
Jonna Lynne Cullen	Staff assistant (C)	8,500.02
Margaret Anne Bundick	do	6,000.00
William D. Crosby, Jr	Minority counsel (P)	10,999.98
Total		63,904.98

Funds authorized or appropriated for committee expenditures	$5,000.00
Amount of expenditures previously reported	1,030.44
Amount expended from July 1, 1972 to Dec. 31, 1972	713.74
Total amount expended from Jan. 1, 1971 to Dec. 31, 1972	1,744.18
Balance unexpended as of Dec. 31, 1972	3,255.82

RAY J. MADDEN, Chairman.

COMMITTEE ON SCIENCE AND ASTRONUATICS

January 2, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Charles F. Decander	Executive director and chief counsel.	$18,000.00
John A. Carstarphen, Jr.	Chief clerk and counsel.	18,000.00
Philip B. Yeager	Counsel	18,000.00
Frank R. Hammill, Jr	do	18,000.00
James E. Wilson, Jr	Technical consultant	17,319.72
Carl Swartz	Minority staff	11,868.78
Joseph Del Riego	do	11,605.00
Mary Ann Robert	Secretary	7,575.32
Emily Dodson	do	7,263.36
Carol F. Rodgers	do	7,087.74
June C. Stafford	do	7,087.74
Kieran U. Cashman	Secretary (to 11/23)	4,659.13
Theresa M. Gallo	Secretary	5,011.26
Investigative staff (H. Res. 274 and 824):		
Richard P. Hines	Staff consultant	17,319.72
Harold A. Gould	Technical consultant	17,319.72
Philip P. Dickinson	do	15,015.12
William G. Wells, Jr	do	15,415.02
J. Thomas Ratchford	Science consultant	15,712.26
John D. Holmfeld	Science policy consultant.	12,660.00
Frank J. Giroux	Printing clerk	9,237.78
Elizabeth S. Kernan	Scientific research assistant.	8,521.92
Martha N. Rees	Secretary	6,783.84
Denis C. Quigley	Publications clerk	7,915.93
Patricia J. Schwartz	Secretary	5,225.88
A. Patrick Nucciarone	Assistant publications clerk (to Sept. 5, 1972).	914.32
Hazel R. Justice	Secyetary (from Nov.1 1972).	1,500.00

Funds authorized or appropriated for committee expenditures	$790,000.00
Amount of expenditures previously reported	511,916.44
Amount expended from July 1 to Dec. 31, 1972	156,452.18
Total amount expended from Jan. 3, 1971, to Dec. 31, 1972	668,368.62
Balance unexpended as of Dec. 31, 1972	121,631.38

GEORGE P. MILLER, Chairman.

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

January 2, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John M. Swanner	Staff director	$18,000.00
Bennett Wolfe	Assistant staff director.	15,855.30
Robert G. Allett	Senior staff member	17,937.30
Mariann R. Mackenzie	Secretary	10,549.98
Tempie W. Whittington	Assistant clerk	5,157.80
John Lauder	Clerk (July 1, 1972 through Sept. 30, 1972).	2,250.00

Funds authorized or appropriated for committee expenditures	$25,000.00
Amount of expenditures previously reported	1,346.00
Amount expended from July 1 to Dec. 31, 1972	582.04
Total amount expended from Mar. 23, 1971, to Dec. 31, 1972	1,928.04
Balance unexpended as of Dec. 31, 1972	23,071.96

MELVIN PRICE, Chairman.

COMMITTEE ON VETERANS' AFFAIRS

January 2, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Oliver E. Meadows	Staff director	$18,000.00
John R. Holden	Professional staff member.	16,347.00
Donald C. Knapp	Counsel	18,000.00
Billy E. Kirby	Professional aide	16,347.00
George W. Fisher	Clerk	18,000.00
Helen A. Biondi	Assistant clerk	11,439.42
Alice V. Matthews	Clerk-stenographer	7,895.22
Morvie Ann Colby	do	7,672.20
Marjorie J. Kidd	do	7,337.70
Arthur M. Gottschalk	Professional aide (minority).	11,077.50
Patricia J. Wilton	Clerk-stenographer (minority).	5,782.50
Investigative staff:		
Philip E. Howard	Investigator	16,239.72
Audrey A. Powelson	Clerk-stenographer	5,782.50
Candis L. Graves	do	4,735.08
Vance L. Gilliam	Records clerk	4,572.30
Rita W. Schwall	Clerk-stenographer (minority).	2,749.98
Barbara Price Daniel	Clerk-stenographer	3,500.00
Ralph Waugh	Clerk-messenger	1,166.66
James Hight	do	933.33
Donald M. Mitchell	Intern	855.55

Funds authorized or appropiated for committee expenditures	$260,000.00
Amount of expenditures previously reported	163,052.68
Amount expended from July 1, to Dec. 31, 1972	58,871.99
Total amount expended Jan. 3, 1971, to Dec. 31, 1972	221,924.67
Balance unexpended as of Dec. 31, 1972	38,075.33

OLIN E. TEAGUE, Chairman.

COMMITTEE ON WAYS AND MEANS

December 18, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John M. Martin, Jr	Chief counsel (P)	$18,000.00
Richard C. Wilbur	Minority counsel (P)	18,000.00
John Patrick Baker	Assistant chief counsel (P).	17,749.98
Robert B. Hill	Professional staff (P)	12,604.22
William Kane	do	16,604.28
James W. Kelley	do	17,394.30
Harold T. Lamar	do	17,394.30
A. L. Singleton, Jr	do	15,371.04
Florence Burkett	Staff assistant (C)	7,801.74
Virginia Butler	do	9,273.48
William C. Byrd	do	6,290.46
Marie Crane	do	7,384.98
William Fullerton	do	17,394.30
Charles Hawkins	do	17,749.98
Grace Kagan	do	9,273.48
June Kendall	do	10,847.43
Elizabeth Lieblich	do	4,114.50
Eunice Leigh	Staff assistant (C) to July 23.	638.89
Danna Palmer	Staff assistant (C)	4,879.38
Doris Parker	do	4,479.15
Marsha Powell	Staff assistant (C) from Dec. 1.	791.67
Jean Ratliff	Staff assistant (C)	5,451.20
Karen Schwarz	do	5,749.98
Gloria Shaver	do	8,993.88
Margo Shildkret	Staff assistant (C) from Aug. 16.	3,187.49
Judith VanDerSchaaf	Staff assistant (C) to Aug. 15.	1,353.05
Carole Vazis	Staff assistant (C)	6,434.58
Kaye Anne Weinstein	do	5,891.10
Hughlon Greene	Document clerk (C)	7,801.74
Walter Little	do	7,801.74
Under H. Res. 225, 92d Congress—		
John Meagher		16,500.00
Marsha Powell (to Nov. 30)		3,166.68

Funds authorized or appropriated for committee expenditures	$75,000.00
Amount of expenditures previously reported	17,713.65
Amount expended from July 1 to Dec. 30, 1972	27,769.79
Total amount expended from Jan. 1 1971 to Dec. 30, 1972	45,483.44
Balance unexpended as of Dec. 30, 1972	29,516.56

W. D. MILLS, Chairman.

SELECT COMMITTEE ON CRIME

January 11, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Mildred Irene Appleby.	Secretary	$4.888.80

COMMITTEE EMPLOYEES—Con.

SELECT COMMITTEE ON CRIME—Continued

Name of employee	Profession	Total gross salary during 6-month period
Avanell K. Bass	Office manager	$7,500.00
Livio A. Beccaccio	Investigator	10,549.98
Leroy C. Bedell, Jr	do	10,000.02
Barry Stuart Berger	Assistant counsel (to Dec. 1, 1972).	9,227.76
Michael William Blommer	Associate chief counsel.	14,607.12
Jack R. Blumenfeld	Special counsel (to July 1, 1972).	50.00
Mary R. Boysen	Secretary to associate counsel.	6,171.78
Marian Canty	Secretary to the chairman.	7,000.02
Frederick B. Collison	Investigator	8,500.02
Martha A. Cook	Press secretary	5,047.50
James P. Donovan	Investigator (to Aug. 5, 1972).	2,051.39
Elsworth D. Dory	do	2,722.23
Miriam E. Douglass	Secretary	5,275.02
Mary Faye Downey	do	4,483.74
Lina Mabel Duran	do	6,593.76
Patti Lu Englander	Research assistant (to July 10, 1972).	133.33
Judith Brewer Fisher	Secretary (from Dec. 26, 1972).	173.61
Mary M. Goulart	Finance officer	7,912.50
Evelyn M. Grey	Researcher	6,066.24
Richard Potter Lynch	Assistant counsel (from Oct. 30, 1972).	4,066.67
Raphael J. Madden	Research assistant	3,920.94
James E. McDonald	Investigator (from Sept. 25, 1972).	5,333.34
Robert E. McKenna	Investigator	10,549.98
H. Christopher Nolde	Associate counsel	14,607.12
N. Ross Otters	Investigator	10,549.98
Michael Don Petit	Press officer	10,549.98
Joseph A. Phillips	Chief counsel	18,000.00
Andrew Radding	Assistant counsel (to Aug. 18, 1972).	2,262.48
Pauline B. Reeping	Secretary to chief counsel.	7,000.00
Theresa A. Sbarra	Secretary (to Mar. 5, 1972).	3,094.63
Margaret M. Schauer	Research assistant	6,066.24
Betty B. Seal	Secretary to Associate chief counsel.	4,999.98
Thomas K. Sullivan	Investigator	10,549.98

Funds authorized or appropriated for committee expenditures	$1,145,000.00
Amount of expenditures previously reported	745,375.94
Amount expended from July 1, to Dec. 31, 1972	347,761.46
Total amount expended from Jan. 1, to Dec. 31, 1972	1,093,137.43
Balance unexpended as of Dec. 31, 1972	51,862.57

CLAUDE PEPPER, Chairman.

SELECT COMMITTEE ON THE HOUSE RESTAURANT

January 9, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Thomas J. Campbell	Staff director	$10,072.62
Jane Hartley	Secretary (reported July 1, 1972; resigned Sept. 14, 1972).	1,630.37
Barbara E. Cousins	Secretary (reported Sept. 15, 1972).	2,335.39
Total		14,078.38

Funds authorized or appropriated for committee expenditures	$44,141.98
Amount of expenditures previously reported	14,211.49
Amount expended from July 1 to Dec. 31, 1972	14,501.88
Total amount expended from Jan. 1 to Dec. 31, 1972	28,713.37
Balance unexpended as of Dec. 31, 1972	15,428.61

JOHN C. KLUCZYNSKI, Chairman.

PERMANENT SELECT COMMITTEE ON SMALL BUSINESS

January 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Emilia E. Parrish	Secretary	$6,349.98
Brenda H. Napier	do	4,083.32
William A. Keel, Jr	Research analyst	18,000.00
Myrtle Ruth Foutch	Clerk	10,500.02
Donna M. Watson	Secretary	4,725.00
Henry A. Robinson	Counsel	16,916.66
Don M. Parkinson	Staff assistant	2,500.00
Leslie R. Pennington	Printing editor	9,900.00
Thomas G. Powers	Counsel	7,791.66
Elizabeth Turlington	Secretary	1,574.99
Justinus Gould	Counsel	16,666.68
Donald B. Roe	do	9,966.68
Mary Eileen Hohman	Secretary	3,499.98
Howard Greenberg	Staff director	18,000.00
Linda W. Kinkead	Secretary	6,349.98
Valerie Whisenhunt	do	1,300.00
Millard V. Oakley	General counsel	18,000.00
John K. Rayburn	Counsel	3,833.34
Charles E. O'Connor	do	9,492.00
Christine Stewart	Secretary	4,125.00
Bryan Jacques	Counsel	2,000.00
William G. Hughes, Jr	Staff assistant	2,741.68
Linda Louise Spakes	Secretary	5,166.66
Mona Biddle Dick	Secretary, minority	650.00
Willa C. Rawls	do	3,958.35
Bernadette O. Romanesk	do	5,550.00
James R. Phalen	Minority counsel	11,533.34
John M. Finn	do	7,394.46
Susan Pearce	Secretary, minority	791.67
Paul Kritzer	Assistant minority counsel.	1,791.67
Elmira Stewart	Secretary, minority	2,600.00

Funds authorized or appropriated for committee expenditures	$928,000.00
Amount of expenditures previously reported	658,903.38
Amount expended from July 1, to Dec. 31, 1972	226,957.40
Total amount expended from Jan. 3, 1971, to Dec. 31, 1972	885,860.78
Balance unexpended as of Dec. 31, 1972	42,139.22

JOE L. EVINS, Chairman.

JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

January 2, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Eugene F. Peters	Executive director	$18,000.00
Raymond L. Gooch	Staff counsel	14,500.02
Donald G. Tacheron	Director of research	16,875.00
George Meader	Staff counsel	10,842.00
Ann Holoka	Research assistant	7,791.68
Robert J. Kelley	Administrative officer	8,824.98
James F. McAllister	do	13,281.27
Cynthia K. Watkins	Administrative aide	6,125.00
Richard M. Bates	Placement clerk (from Sept. 27).	1,827.77
Ruth M. Doerflein	Clerk (from Dec. 7)	300.00
Susan B. Perry	Clerk (from Dec. 1)	600.00
Mooney A. Stotesbury	Clerk (from Sept. 18)	2,290.00
Gerard C. Snow	Administrative clerk	4,250.00
Lynn Gayle Zeltner	Clerk	1,729.16
James S. Machowski	Placement clerk	3,958.34
Diane Spiegel	Clerk	3,725.01
Denise A. West	Placement clerk	3,708.33
Terrell M. Tannen	do	3,624.99
March E. Dyer	do	2,863.88
Karen E. Barb	do	2,621.67
John R. Spear	Placement clerk (from Oct. 20).	1,479.17
Suzanne Bonner	Placement clerk (Sept. 14 to Dec. 23).	1,976.38
Molly McKnight Hodges.	Placement clerk (to July 21).	437.50
John W. Heron	Placement clerk (to July 19).	$369.44
Nancy C. Pennington	Clerk (to August 31)	1,250.00
Judith A. Gandy	Clerk (to Sept. 15)	1,562.50
Dennis F. Burkhart	Placement clerk (to Sept. 8).	1,375.00
George Hackler	Placement clerk (Sept. 1 to Sept. 30).	583.33
John M. Roberson	Clerk (Sept. 1 to Oct. 31).	2,333.33
Bonnie Lee Buckalew	Clerk (Sept. 14 to Sept. 21).	166.67

Funds authorized or appropriated for committee expenditures	$460,000.00
Amount of expenditures previously reported	0
Amount expended from July 1, to Dec. 31, 1972	143,297.69
Total amount expended from July 1, to Dec. 31, 1972	143,297.69
Balance unexpended as of Dec. 31, 1972	316,702.31

JACK BROOKS, Chairman.

JOINT COMMITTEE ON DEFENSE PRODUCTION

January 5, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Harold J. Warren	Staff director and counsel	$16,382.76
Charles S. Brewton	General counsel	16,096.62
Cary H. Copeland	Assistant staff director	12,268.98
Mattie I. Echols	Secretary	5,773.38
Donald L. McAlister	Staff assistant	5,000.00
Robert S. Riggs	Clerk	3,333.35
Adrienne Ann Hampton	do	3,000.00
Oliva S. Mitchell	do	1,250.00
Linda Mace McKee	do	1,150.00
Helen O. McDaniel	Clerk assistant	516.67
Stephen Caudle	Staff assistant	500.00
Billy Henry Thompson	Professional staff	500.00

Funds authorized or appropriated for committee expenditures	$139,980.00
Amount of expenditures previously reported	0.00
Amount expended from July 1, to Dec. 31, 1972	65,771.76
Total amount expended from July 1, to Dec. 31, 1972	65,771.76
Balance unexpended as of Dec. 31, 1972	74,208.24

WRIGHT PATMAN, Chairman.

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

January 11, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1972, to January 1, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Laurence N. Woodworth	Chief of staff	$19,999.98
Lincoln Arnold	Deputy chief of staff	18,000.00
Arthur Fefferman	Chief economist	18,000.00
Nicholas A. Tomasulo	Legislation counsel	17,745.48
Herbert L. Chabot	Assistant legislation counsel.	16,999.98
Harrison B. McCawley	Refund counsel	13,750.02
James H. Symons	Statistical analyst	17,250.00
John Germanis	do	14,100.00
Bernard M. Shapiro	Legislation attroney	14,749.98
Albert Buckberg	Economist	15,750.00
Michael D. Bird	do	16,000.02

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION—Continued

Name of employee	Profession	Total gross salary during 6-month period
Donald C. Evans, Jr	Legislation attorney	$11,749.98
Mark L. McConaghy	do	10,999.98
Howard J. Silverstone	do	13,500.00
Robert A. Warden	do	14,250.00
Joseph P. Spellman	Refund attorney	10,827.00
Carl E. Bates	do	10,827.00
Anastasia Connaughton	Statistical clerk	11,020.02
Joseph E. Fink	do	11,020.02
Alan Rosenbaum	Accountant (as of Aug. 1, 1972).	9,583.35
Leon W. Klud	Economist (as of July 17, 1972).	10,500.00
James Billinger	Legislation attorney (as of Aug. 1, 1972).	10,705.54
Robert A. Blum	Legislation attorney (through Oct. 5, 1972).	9,166.65
Meade Emory	Legislation attorney	8,180.55
Joanne McDermott	Secretary	8,749.98
Linda Savage	do	6,862.50
Blanche Nagro	Secretary (refund)	6,662.52
Jamie L. Daley	Secretary	6,175.02
June Matthews	do	5,650.02
Amelia Del Carmen	do	5,550.00
Marcia B. Rowzie	do	6,000.00
Sharon Malcom	Secretary (refund)	4,437.48
Jacqueline S. Pfeiffer	Secretary	6,049.98
Ellen I. Woodriff	do	4,750.02
Ann Stewart	do	5,400.00
Elaine Stairs	Secretary (through Sept. 12, 1972).	2,059.99
Alexa Gage	Secretary (as of Oct. 9, 1972).	2,346.10
Theresa Sharra	Secretary (as of Nov. 6, 1972).	1,451.40
Katherine Keller	Secretary (through Aug. 31, 1972).	866.66
Richard Eigenbrode	Clerk (through Sept. 27, 1972).	1,160.00
Sonja Shepard	Secretary (Sept. 19, 1972 to Oct. 31, 1972).	1,050.00

Funds authorized or appropriated for committee expenditures	$937,720.00
Amount of expenditures previously reported	0
Amount expended from July 1, 1972, to Jan. 1, 1973	401,680.15
Total amount expended from July 1, 1972, to Jan. 1, 1973	401,680.15
Balance unexpended as of Jan. 1, 1973	536,039.85

WILBUR D. MILLS, Chairman.

(Pursuant to H. Res. 907, 92d Congress)

SPECIAL COMMITTEE TO INVESTIGATE CAMPAIGN EXPENDITURES

February 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
David H. Bodiker	Minority counsel	$10,000.00
Joyce Ann Gustavson	Staff assistant (to Oct. 15).	3,173.34
Louise M. Hallahan	Staff assistant (from Nov. 1).	500.00
Mary Patricia Kelly	Staff assistant (from Oct. 1).	700.00
John Warren McGarry	Chief counsel	18,000.00
Daniel G. Meckley	Stenographer (to Sept. 30).	1,800.00
Kathleen V. Sandy	Stenographer (from Sept. 1).	3,935.33
Jean A. Vertner	Secretary (from Oct. 1).	2,016.67
Jeannette E. White	Secretary (from Dec. 4).	900.00

Funds authorized or appropriated for committee expenditures	$185,000.00
Amount of expenditures previously reported	29,221.03
Amount expended from July 1 to Dec. 31, 1972	92,322.17
Total amount expended from Feb. 28 to Dec. 31, 1972	121,543.20
Balance unexpended as of Dec. 31, 1972	53,456.80

THOMAS P. O'NEILL, JR., Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

397. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting a report of the estimated value, by country, of support furnished from military functions appropriations for the support of the Vietnamese and other free world forces in Vietnam and for the support of local forces in Laos, covering the second quarter of fiscal year 1973, pursuant to section 737(b) of Public Law 92–570; to the Committee on Appropriations.

398. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken for the Army Reserve, together with notice of the cancellation of three such projects of which notification had been previously given, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

399. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to eliminate or modify certain statutory reports to Congress; to the Committee on Armed Services.

400. A letter from the Acting Secretary of the Army, transmitting reports of the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on December 31, 1972, pursuant to 10 U.S.C. 3031(c); to the Committee on Armed Services.

401. A letter from the Secretary of the Navy, transmitting a report on the number of Navy and Marine Corps officers above the grade of lieutenant commander or major, by grade and age group, who are entitled to flight incentive pay, and the average monthly incentive pay authorized for those officers during the 6-month period ending October 31, 1972, pursuant to 37 U.S.C. 301(g), to the Committee on Armed Services.

402. A letter from the Secretary of the Navy, transmitting a report of the progress of the Naval Reserve Officers Training Corps flight instruction program for fiscal year 1972, pursuant to 10 U.S.C. 2110(b); to the Committee on Armed Services.

403. A letter from the Secretary of the Air Force, transmitting a report on the progress of the Air Force Reserve Officer Training Corps flight training program for calendar year 1972, pursuant to 10 U.S.C. 2110(b); to the Committee on Armed Services.

404. A letter from the Secretary of the Air Force, transmitting a report of Air Force experimental, development, test and research procurement actions in excess of $50,000, covering the 6 months ended December 31, 1972, pursuant to 10 U.S.C. 2357; to the Committee on Armed Services.

405. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Par Value Modification Act; to the Committee on Banking and Currency.

406. A letter from the Attorney General, transmitting a report on the enforcement of title I of the Consumer Credit Protection Act of 1968 for the calendar year 1972, pursuant to section 114 of the Act (Public Law 90–321); to the Committee on Banking and Currency.

407. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to define the scope of tort liability of the Government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

408. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to improve the laws relating to the regulation of insurance companies in the District of Columbia; to the Committee on the District of Columbia.

409. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to revise and modernize procedures relating to licensing by the District of Columbia of persons engaged in certain occupations, professions, businesses, trades, and callings, and for other purposes; to the Committee on the District of Columbia.

410. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, 1925, to authorize the issuance of special identification cards, and for other purposes; to the Committee on the District of Columbia.

411. A letter from the Commissioner of the District of Columbia, transmitting the Annual Report of the Office of Civil Defense of the District of Columbia for fiscal year 1972, pursuant to section 6 of Public Law 81–686; to the Committee on the District of Columbia.

412. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to provide for the continuation of programs authorized under the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

413. A letter from the Secretary of the Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to provide for the continuation of programs authorized under the Vocational Rehabilitation Act, and for other purposes; to the Committee on Education and Labor.

414. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential Determination 73–10, and the memorandum requesting it, finding that the sale of defense articles and services to countries and international organizations specified therein will strengthen the security of the United States and promote world peace, pursuant to section 3(a)(1) of the Foreign Military Sales Act, as amended; to the Committee on Foreign Affairs.

415. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a report on deliveries of excess defense articles, at acquisition cost and at the time of delivery, covering the first quarter of fiscal year 1973, pursuant to section 8(d) of the Foreign Military Sales Act Amendments of 1971 (Public Law 91–672); to the Committee on Foreign Affairs.

416. A letter from the Acting Assistant Secretary of State for Congressional Relations, Department of State, transmitting a draft of proposed legislation to provide for participation by the United States in the United Nations environment program; to the Committee on Foreign Affairs.

417. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of various international agreements, other than treaties, entered into by the United States, pursuant to Public Law 92–403; to the Committee on Foreign Affairs.

418. A letter from the Acting Administrator of General Services, transmitting a draft of proposed legislation to amend section 204 of the Federal Property and Administrative Services Act of 1949, as amended, to authorize the use of proceeds of dispositions of surplus real and related personal property for the relocation of Federal facilities, and for other purposes; to the Committee on Government Operations.

419. A letter from the Chairman, Cabinet Committee on Opportunities for Spanish-Speaking People transmitting a draft of proposed legislation to extend the authorization of appropriations for the Cabinet Com-

mittee on Opportunities for Spanish-Speaking People; to the Committee on Government Operations.

420. A letter from the Governor of the Panama Canal Zone and President of the Panama Canal Company, transmitting a report on the disposal of foreign excess property by the Panama Canal Company and the Canal Zone Government during calendar year 1972, pursuant to section 404(d) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 398); to the Committee on Government Operations.

421. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to establish a national policy encouraging States to develop and implement land use programs; to the Committee on Interior and Insular Affairs.

422. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the cooperation between the Federal Government and the States with respect to environmental regulations for mining operations, and for other purposes; to the Committee on Interior and Insular Affairs.

423. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the Land and Water Conservation Fund Act of 1965, as amended; to the Committee on Interior and Insular Affairs.

424. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the Wild and Scenic Rivers Act; to the Committee on Interior and Insular Affairs.

425. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

426. A letter from the Assistant Secretary of the Interior, transmitting a report of the activities of the Office of Water Resources Research for 1972, pursuant to the Water Resources Research Act of 1964, as amended; to the Committee on Interior and Insular Affairs.

427. A letter from the Chairman Subversive Activities Control Board, transmitting the 22d Annual Report of the Board, covering fiscal year 1972; to the Committee on Internal Security.

428. A letter from the Director, Office of Telecommunications Policy, Executive Office of the President, transmitting a draft of proposed legislation to authorize appropriations for the fiscal year 1974 for the Corporation for Public Broadcasting; to the Committee on Interstate and Foreign Commerce.

429. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

430. A letter from the Secretary of Commerce, transmitting a report of the activities of the Department of Commerce during fiscal year 1972 under the Fair Packaging and Labeling Act, pursuant to section 8 of the act (15 U.S.C. 1457); to the Committee on Interstate and Foreign Commerce.

431. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a report of the activities of the Department of Health, Education, and Welfare during fiscal year 1972 under the Fair Packaging and Labeling Act, pursuant to section 8 of the act; to the Committee on Interstate and Foreign Commerce.

432. A letter from the Secretary of Transporation, transmitting a draft of proposed legislation to ratify certain payments made by the United States under the Federal Airport Act, as amended; to the Committee on Interstate and Foreign Commerce.

433. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation relative to the control of toxic substances; to the Committee on Interstate and Foreign Commerce.

434. A letter from the Executive Director, Federal Communications Commission, transmitting a report of the backlog of pending applications and hearing cases in the Commission as of December 31, 1972, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

435. A letter from the President, National Academy of Sciences, transmitting a report by the Academy's Committee on Motor Vehicle Emissions, pursuant to section 6 of Public Law 91-604; to the Committee on Interstate and Foreign Commerce.

436. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to amend title 18 of the United States Code, to define and discourage certain criminal conduct by U.S. nationals and certain foreign nations in Antarctica; to the Committee on the Judiciary.

437. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended (8 U.S.C. 1154(d)); to the Committee on the Judiciary.

438. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a report on the financial condition of the Referees' Salary and Expense Fund under the Bankruptcy Act; to the Committee on the Judiciary.

439. A letter from the Chairman of the Executive Committee, Eleanor Roosevelt Memorial Foundation, transmitting the final report of the Foundation, pursuant to Public Law 88-11; to the Committee on the Judiciary.

440. A letter from the President, Jewish War Veterans, U.S.A., National Memorial, Inc., transmitting a copy of the annual audit for the fiscal year ended March 31, 1972, pursuant to Public Law 88-504; to the Committee on the Judiciary.

441. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to assist the States in controlling damage caused by predatory and depredating animals; to establish a program of research concerning the control and conservation of predatory and depredating animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes; to the Committee on Merchant Marine and Fisheries.

442. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are presently threatened with extinction or likely within the foreseeable future to become threatened with extinction; and for other purposes; to the Committee on Merchant Marine and Fisheries.

443. A letter from Secretary of Commerce, transmitting a draft of proposed legislation to provide for the conservation and management of fisheries and for other purposes; to the Committee on Merchant Marine and Fisheries.

444. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to require load lines on U.S. vessels engaged in foreign voyages and foreign vessels with the jurisdiction of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

445. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to implement the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties; to the Committee on Merchant Marine and Fisheries.

446. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and the 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended; and for other purposes; to the Committee on Merchant Marine and Fisheries.

447. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on scientific and professional positions in NASA during calendar year 1972, pursuant to 5 U.S.C. 3104(c); to the Committee on Post Office and Civil Service.

448. A letter from the Acting Administrator of General Services, transmitting notice of alterations proposed to be made to the Post Office and Courthouse Building at San Angelo, Tex.; to the Committee on Public Works.

449. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report proposing funding for two NASA programs at levels in excess of those authorized by the NASA Authorization Act, 1973 (86 Stat. 157); to the Committee on Science and Astronautics.

450. A letter from the Director, National Science Foundation, transmitting a proposal for adjustment in various line item authorizations for the National Science Foundation involving the C-130 Antarctic research support aircraft and computing activities; to the Committee on Science and Astronautics.

451. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to promote the care and treatment of veterans in State veterans' homes; to the Committee on Veterans' Affairs.

452. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38 of the United States Code in order to authorize an agreement with the Republic of the Philippines providing for hospital care and medical services to be furnished Commonwealth Army veterans and new Philippine Scouts for service-connected disabilities, and for other purposes; to the Committee on Veterans' Affairs.

453. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents; to the Committee on Veterans' Affairs.

454. A letter from the Secretary of Health, Education, and Welfare, transmitting a report concerning grants approved by his office, which are financed wholly with Federal funds and subject to the reporting requirements of section 1120(b) of the Social Security Act, covering the period October 1 to December 31, 1972; to the Committee on Ways and Means.

455. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to make permanent the provision in the Social Security Act for providing assistance for U.S. citizens returned from foreign countries; to the Committee on Ways and Means.

456. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to encourage the preservation of coastal wetlands, open space, and historic buildings and to encourage the preservation and rehabilitation of all structures, and for other purposes; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

457. A letter from the Comptroller General of the United States, transmitting a report that an improved management information system is needed for the Export-Import Bank's capital loan program; to the Committee on Government Operations.

458. A letter from the Comptroller General of the United States, transmitting a report that more effective U.S. participation is needed in the World Bank and the International Development Association; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. O'NEILL: Special Committee to Investigate Campaign Expenditures, 1972. Report on campaign expenditures investigation of the election of Members of the House of Representatives, 1972 (Rept. No. 93-1, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 1975. A bill to amend the emergency loan program under the Consolidated Farm and Rural Development Act, and for other purposes; with amendment (Rept. No. 93-15). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG:

H.R. 4322. A bill to amend the Judicial Code to provide for the transfer of grand jury proceedings where the convenience of parties or witnesses and the interests of justice so require; to the Committee on the Judiciary.

By Ms. ABZUG (for herself and Mr. ROYBAL):

H.R. 4323. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. BOWEN:

H.R. 4324. A bill to restore the rural water and sewer grant program under the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. GERALD R. FORD:

H.R. 4325. A bill to amend the Tariff Act of 1930 to provide for the duty-free entry of certain hollow reinforcing bars; to the Committee on Ways and Means.

By Mr. JOHNSON of California:

H.R. 4326. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a portion of the American River, Calif., for potential addition to the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. SIKES:

H.R. 4327. A bill to extend the authorization for appropriations to carry out conservation and rehabilitation programs on military reservations; to the Committee on Merchant Marine and Fisheries.

By Ms. ABZUG (for herself, Mr. KOCH, Mr. ROSENTHAL, and Mr. TIERNAN):

H. Res. 220. A resolution of inquiry with respect to a pending grand jury investigation in the Northern District of Texas; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

29. By the SPEAKER: Memorial of the Legislature of the State of Oklahoma, relative to the rural environmental assistance program; to the Committee on Agriculture.

30. Also, memorial of the Senate of the Commonwealth of Puerto Rico, relative to the use of the islands of Culebra and Vieques by the U.S. Navy, and requesting the return of the lands owned by the Navy to the Commonwealth of Puerto Rico; to the Committee on Armed Services.

31. Also, memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to the use of the islands of Culebra and Vieques by the U.S. Navy, and requesting the return of the lands owned by the Navy to the Commonwealth of Puerto Rico; to the Committee on Armed Services.

32. Also, memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to the use of the island of Culebra by the U.S. Navy; to the Committee on Armed Services.

33. Also, memorial of the Legislature of the State of California, relative to the export of logs from the United States; to the Committee on Banking and Currency.

34. Also, memorial of the Legislature of the State of South Carolina, relative to proposed assistance to Zambia for the production of tobacco; to the Committee on Banking and Currency.

35. Also, memorial of the Legislature of the State of Kansas, commending the President for the end of the war in Vietnam; to the Committee on Foreign Affairs.

36. Also, memorial of the House of Representatives of the State of Minnesota, commending the President for his role in bringing about a cease-fire in Vietnam; to the Committee on Foreign Affairs.

37. Also, memorial of the Legislature of the State of Idaho, relative to the replacement of the American Falls Dam; to the Committee on Interior and Insular Affairs.

38. Also, memorial of the Legislature of the State of Nevada, relative to the fencing of land adjacent to highways that pass through Federal land; to the Committee on Interior and Insular Affairs.

39. Also, memorial of the Legislature of the State of Oklahoma, relative to a report of the National Water Commission; to the Committee on Interior and Insular Affairs.

40. Also, memorial of the Legislature of the State of South Carolina, relative to the development of a Eutaw Springs National Battlefield; to the Committee on Interior and Insular Affairs.

41. Also, memorial of the Legislature of the State of South Dakota, ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

42. Also, memorial of the Legislature of the State of Oregon, ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

39. By the SPEAKER: Petition of the city council, Baltimore, Md., relative to the funding of subsidized low- and middle-income housing construction; to the Committee on Banking and Currency.

40. Also, petition of the executive committee, Friends of the Earth, New York, N.Y., relative to the findings of the Commission on Population Growth and the American Future; to the Committee on Government Operations.

41. Also, petition of Amado M. Yuzon, Manila, Republic of the Philippines, relative to the late Presidents Harry S. Truman and Lyndon B. Johnson; to the Committee on House Administration.

42. Also, petition of the city council, Baltimore, Md., relative to protecting the right of newsmen to keep their records and information sources confidential; to the Committee on the Judiciary.

43. Also, petition of Norman A. Murdock and other members of the Ohio House of Representatives, urging the Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States relative to the use of public funds for secular education; to the Committee on the Judiciary.

44. Also, petition of Donald A. DeNovelle and others, Denver, Colo., relative to protection for law enforcement officers sued for damages in Federal court resulting from the performance of their duties; to the Committee on the Judiciary.

45. Also, petition of Robert M. Owings, San Pedro, Calif., relative to redress of grievances; to the Committee on the Judiciary.

46. Also, petition of Leon E. and Esther M. Lofton, Inglewood, Calif., relative to redress of grievances; to the Committee on the Judiciary.

47. Also, petition of Robert Lenihan, Bridgeport, Conn., relative to redress of grievances; to the Committee on the Judiciary.

48. Also, petition of Joe Kent, Leonard, Tex., relative to requiring the preparation of all income tax returns by bonded income tax consultants; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

A MONARCH IN PERIL: CALIFORNIA'S TULE ELK

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Monday, February 19, 1973

Mr. CRANSTON. Mr. President, the Longines Symphonette Society, in cooperation with the Sierra Club, is in the process of minting and distributing its "America's Natural Legacy" in precious metals medallions.

Wisely, one of the medallions in this series depicts the legacy of California's tule elk, and is accompanied by a short informative pamphlet aptly entitled "A Monarch in Peril," describing the past and present status of this rare species of wildlife.

This booklet provides a short but accurate account of the tule elk, once the predominant animal of the semiarid California grasslands. It makes the case for the establishment of a Tule Elk National Wildlife Refuge, as would be accomplished by the enactment of my proposal, Senate Joint Resolution 6, now cosponsored by Senators TUNNEY, NELSON, MCGEE, STEVENSON, ABOUREZK, PELL, GRAVEL, HOLLINGS, HUMPHREY, and WILLIAMS.

Mr. President, I commend the Longines Symphonette Society for bestowing this much needed recognition on the beleaguered tule elk and ask unanimous consent that the text of their informative pamphlet be printed in the RECORD.

There being no objection, the text of the pamphlet was ordered to be printed in the RECORD, as follows:

A MONARCH IN PERIL

Few animals have survived so precarious, varied, colorful and tragic a past as the California tule elk.

This dwarf elk, *Cervus nannodes*, half the size of the great Roosevelt elk of the north Pacific states, and lighter in coloration, is possessed with all the dignity that marks the elk "Monarch of the Wild."

Chronicles of early explorers are filled with glowing descriptions of the little elk that was the predominant animal of the semi-arid California grasslands. Vast herds flowed in seemingly endless numbers from the central valleys to the Sierra foothills and the Pacific shores. One chronicler recorded that the stately little elk "actually darkened the plains for miles."

But with the gold rush of Forty-nine came the market hunter and the cattle baron. To them, it appeared that California was so big and so generously endowed that its pristine wonders were beyond reckoning and surely without end. Only 24 years later, in 1873, wanton slaughter had reduced the once great herds to a single tiny band.

Riding over his vast estates in Kern County, California, rancher Henry Miller spied this last pitiful remnant of the dwarf elk hiding in his tule marshes. He rejoiced at discovering the "tule elk," and became their vigilant defender as well as the originator of their common name. Giving orders for his men to protect them, he thus single-handedly saved the elk from extinction.

But the battle for survival was not yet won, for soon Miller's land began to be subdivided into smaller farms; once again the tule elk was gravely threatened. Its numbers dropped to 72 head.

In the years that followed, groups of the elk were transplanted 21 times to different sites in an attempt to establish a healthy, free-roaming herd, but each endeavor failed. The elk were so high-strung that safe capture and transport were almost impossible, and so highly specialized biologically that survival in new environments was precarious at best.

Finally, in 1933, a transfer of penned animals to freedom in the scenic Owens Valley of eastern California proved eminently successful. Here the little elk found freedom to roam and familiar surroundings. The arid grasslands and brush resembled its original habitat, while the 75 by 10-mile area, surrounded by natural barriers, provided freedom and isolation within a safely circumscribed territory.

But even here stockmen and trophy hunters marred the dwarf elk's Eden. By 1960 it appeared that once again time was running out for the tule elk.

Then a few dedicated people, rising to defend the elk, formed The Committee for the Preservation of the Tule Elk. From all over the world they came forward to save the animal.

At first the struggle was great, but by 1970 new concepts stirred in the minds of men. Earth Day was born and the voice of the '70s cried out to preserve our wildlife. In 1971 the California legislature enacted a law to restore the tule elk to the number 2,000 in its native state, before it could again be subjected to hunting. Bills were introduced to set part of the Owens Valley aside as an official tule elk national wildlife refuge.

So now, under the snowcapped Sierra to the west and barren chiseled Inyo Mountains to the east, the tule elk fulfill their traditional life cycle amid sage, saltbrush and grasses, in thunderstorms or parching drought . . . wild and free.

As the spring thaw melts the river's ice and tender shoots of new grass burst from the sod, tule elk herds of 30 to 40 animals return to the valley from wintering in the high areas. Shaggy and gaunt, with coats sun-bleached to a sandy color, the elk begin feasting on the new grasses, building up their strength after the lean winter.

Soon, in April or May, each tule elk cow gives birth to one or two tiny spotted calves. Able to stand from birth, the newborn elk totters to brushy cover where it remains hidden all day, coming out at night to follow the cow as she grazes.

Summer is a peaceful time; but the peace is shortlived. As the late-summer rutting season begins the herd grows restless. Snorting and thrashing their antlers against the ground to remove the soft velvet covering, the great bulls prepare for the thunderous battles of rut.

The oldest and largest bulls come out of velvet first, and soon the hills echo with the mighty sounds of bugled challenges. When two well-matched bulls meet, the challenge is taken up and, antlers crashing, they lock in deadly combat, struggling for balance and footing in a contest of strength. Often a bull is mortally wounded; if the antlers should fail to disengage, both elk will starve to death.

But usually one of the combatants emerges victorious, and to him goes the prize: a group of waiting cows. Herding them like a dog, the triumphant bull begins a reign which is both perilous and exhausting, for his victory is never secure. Bachelor bulls watch and wait nearby for the slightest opportunity to rush in and disrupt the herd, forcing the leader to be ever alert.

Constant vigilance eventually takes its toll, and by early fall the once-vigorous master of the herd begins to fail. Scarred from battle, weakened by hunger and lack of sleep, he is now fair game for the smaller bulls which will harass him, until finally he is driven from the herd. A younger bull then takes command, perhaps to remain for the rest of the mating season, or perhaps to be defeated and replaced several times before winter draws near and the rutting season closes.

CARS OR PEOPLE?

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 19, 1973

Ms. ABZUG. Mr. Speaker, recently I had the privilege of presenting my views on Federal operating subsidies for mass transit to the Senate Subcommittee on Housing and Urban Affairs. I would like to insert that testimony in the RECORD:

STATEMENT BY BELLA S. ABZUG

I would like to express my strong support for the bill under consideration (S386), which would authorize grants to assure adequate commuter service in urban areas. Unless a solution to the transportation crisis is found soon, our cities will become totally unlivable. As it is, the quality of life decreases each year for millions of Americans, as we spend longer and longer hours just getting to work and home again.

According to the 1970 census, 73.5 percent of Americans—about 150 million people—live in urban areas; in addition, a substantial number of the remaining 26.5 percent commute to urban areas to earn their living. These people must be moved around—from office to office as well as between home and office—and they must move either in privately-owned automobiles or in some form of public or semi-public mass transportation.

To far too great an extent, our national transportation policies have ignored the need to move people in favor of the need to move goods, and have ignored the need to move people and goods within urban areas in favor of the need to move people and goods between urban areas. The transportation situation in our urban areas is at a crisis level, and we must take giant steps to deal with it as soon as is humanly possible.

Existing mass transit facilities are, for the most part, unable to keep up with the demands made upon them. The facilities are old and subject to frequent breakdowns; the systems are uncoordinated and do not cover adequately either the central cities or the suburbs.

Our urban mass transit systems are not only unable to engage in needed construction and maintenance activities but also unable to meet their day-to-day operating costs. As a result, fares are going up and up; in New York City, for example, mass transit fares have gone from fifteen cents to thirty-five cents over the last thirteen years, and they show every likelihood of climbing still further in the near future. This money is being taken from those who can least afford it—working men and women. Our failure to give adequate financial aid to mass transit, which is as much of an essential service for working people as is police protection, takes food out of their mouths and clothing from their backs. To add insult to injury, they must endure inhuman conditions just to get to and from work each day.

As if this were not bad enough, our failure to make mass transit attractive to potential riders who *can* afford cars leaves them willing to suffer through the noise, smoke and frustration of rush hour traffic, not to mention the agony of finding parking space at a reasonable price once they get where they are going. If people are willing to travel on the Long Island Expressway during the evening rush hour on a hot summer day—and tens of thousands are—then we have failed to meet our responsibilities with regard to mass transportation.

For transportation in and around crowded urban areas, autos are extremely inefficient. Per person carried, they take up far more space, use more of our dwindling supply of gasoline, create far more air and noise pollution, and create more congestion than mass transit facilities. Unfortunately—and largely as a result of the transportation policies of the federal government—state and local governments have been doing far more building of highways than of mass transit facilities.

The Highway Trust Fund has expended about $4 billion annually on highways. Mass transit has been a poor step-child when it comes to federal help. Under the Urban Mass Transit Act, the total amount of funding authorized for both construction grants and loans is less than $3½ billion; for fiscal year 1972, only $900 million was appropriated and, believe it or not, the Administration impounded $300 million of even that paltry sum.

The message cannot be lost on anyone, and is certainly clear to state and local officials; build more highways, especially superhighways, and we in Washington will pay almost the entire bill; build mass transit facilities, and you are on your own.

It has been apparent for some time that this sort of policy, if allowed to continue, will strangle our central cities and, in the process, strangle the rest of the nation as well. Former Secretary Volpe, in speaking of his home state, Massachusetts, noted:

". . . new highways across the State allow trucks to get from the New York border to within ten miles of Boston in 2½ hours instead of 7 hours. When they get near Boston, however, it takes them an hour or more to go that additional distance because of the congestion."

My own home area, New York City, is much more crowded than Boston, and it faces a correspondingly more acute situation. The policy of encouraging long-distance highways over urban roads and/or mass transit facilities has hurt urban and suburban dwellers for many years; now, it has reached the point where it is severely injuring the long-haul truckers for whom the interstate system was designed. Thus, use of federal funds is entirely appropriate for the construction and operation of urban mass transit systems, for unless vast sums of money are spent on such systems, the traffic congestion in and around the urban centers of commerce will render the entire interstate system useless for business purposes.

I do have one specific request with respect to the bill before you, S. 386. On Page 3, at Line 13, the Secretary of Transportation would be authorized to make grants or loans for operational expenses "to any state or local public body." I take it that the intent of this language is to provide for direct grants to local transit agencies, where such agencies exist, and I fully support that intent. However, the language does not make this clear, and I would hope that either in the final version of the legislation or in the accompanying report, you will indicate that local transit agencies, if they exist, should receive their share of these operating expenses directly from the Department of Transportation.

Thank you for allowing me this opportunity to express my support.

BIRTHDAY OF GENERAL STONEWALL JACKSON

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 19, 1973

Mr. MOLLOHAN. Mr. Speaker, the military history of this country is replete with examples of great generals who have led their forces with such brilliance as to earn the everlasting acclaim of their countrymen. Few, however, have earned the respect of friend and foe alike as Thomas J. "Stonewall" Jackson.

The 21st of January marked the 148th anniversary of Old Stoney's birth in Clarksburg, W. Va. Orphaned at the age of 6, Jackson met adversity, even as a child with a perseverance and determination that was to set the pattern for his future successes as a brilliant military tactician. He consistently displayed a will to win which brushed aside the obstacles in the path to victory.

He obtained an appointment to the U.S. Military Academy at a time in the history of this country when such appointments were difficult to come by. At West Point he set a record of achievement that earned him the 17th place in his graduating class and the recognition of his leadership abilities by his classmates and instructors.

Following receipt of his commission, Jackson was honored for gallantry on the field of battle during the campaign in Mexico. After his return to the States, he resigned from the Army to accept an appointment as an instructor at the Virginia Military Institute. The outbreak of the War Between the States, however, found him back in the saddle, firm in his belief that the Almighty was clearly on the side of the Confederacy.

From that moment on his military career is legendary. Even the changes in warfare that have taken place in the last century have not dimmed the value of the study of Jackson's campaigns by students of military tactics.

Jackson is perhaps noted most for his refusal to accept defeat regardless of the odds, thus the title of "Stonewall" which originated with his determined stand at Stoney Hill during the First Battle of Manassas and has almost obliterated the fact that he was christened Thomas. From that moment on he became the nemesis of the Union forces. Four Federal armies pursued him throughout the Shenandoah Valley, in hopes of destroying him. Jackson evaded each, in turn, then reversed the field and struck them down one at a time.

Jackson, a deeply religious man, believed firmly in the right of the cause for which he was struggling and believed as well that the rightfulness of his cause gave his forces near invincibility. His life is an example of the significance of generalship to tactical victories and an inspiration to all whether they be students of military history or of human conduct.

A SALUTE TO INVENTORS

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, February 19, 1973

Mr. SCHWEIKER. Mr. President, last Sunday, February 11, inventors across the country were saluted on the birthday of Thomas Edison, an inventor who created approximately 1,100 patented inventions.

Thomas Edison and many other inventors encouraged by the U.S. patent system's protection of patent rights were given the incentive to create new products and discover better uses for old ones. They were responsible for the development of whole new industries, employing millions of people. The creative genius of these inventors has been the driving force in developing new technologies, increased productivity, and a higher standard of living.

Mr. President, our distinguished minority leader, HUGH SCOTT, at the Fifth Floyd Crews Lecture on Patent Law at New York University last November, spelled out the need for a healthy, growing American patent system. I think it would be appropriate, therefore, that Senator SCOTT's remarks be printed in the RECORD, and I ask unanimous consent to do so.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR HUGH SCOTT

We all agree on the occasion of this lecture that a declining future for our patent system and its supporting patent law is not desirable. I am sure you share my belief that patents have been and that they can and will continue to be a powerful incentive and force for the future application of science and technology in the public interest.

Our patent system cannot live in the past. We must seek to peer ahead, however uncertainly, into the future of our technological post industrial society, and into the role of patents, the patent system and patent law. I see a continuing need for reform of the legislative basis for our patent system and the procedures of the Patent Office.

Looking ahead a few months to the start of the 93rd Congress, it is no feat of forecasting to anticipate a continuing interest by many members of Congress for reform, and my continuing commitment will be for a statutory clarification of the issue of compulsory patent licensing. The coming months should see spirited interest in this issue, for the big battle at this year's meeting of the Patent Section of the American Bar Association was over the question of whether the Association should abandon its long standing opposition to compulsory licensing and support a statutory provision on that subject. Current forces of consumerism and concern about our declining position in so-called high technology international trade clearly show why compulsory licensing will receive continuing attention.

Likewise, another critical issue confronting the patent system is enforcement—that is, litigation involving patents. Over the years, various proposals have been made to improve the conduct of patent litigation by such methods as establishing a single court of patent appeals, by the appointment of masters to make technical findings of fact in patent litigation and by increasing the presumption that a patent is valid until shown otherwise. None of these proposals has commanded general support, so the underlying problem of enforcement still awaits solution. That solution will require much hard headed thought by scholars and practitioners of patent law.

These issues of compulsory licensing, and of enforcement are well known to you, and need no further elaboration from this podium. We will in due course argue them out in the proper arena.

What I would like to present now is an example of the current thinking about the relationship between science, technology and the Nation's growth. The common thread running through this example is that the ultimate benefits from the use of science and technology requires application; that application is the field of the inventor, the innovator and the promoter and an effectively operating patent system is a powerful force to accelerate such applications.

In predicting the future, it has become fashionable for some to assume that man is in control of his destiny for the first time in his history by virtue of our modern science and technology. Allow me to illustrate this assumption in terms of the population problem, which many observers place high or at the top of the list of urgent problems. For our illustration, consider an analysis of world population growth and related technical problems made by two scentists of the University of California.

The authors arrive at what is to them the obvious and important conclusion that population growth is the major problem facing the world today. They see the population approaching a level at which environmental resistance will soon become the dominant control mechanism unless some form of worldwide birth control is achieved. Time is the critical factor. They foresee a rising death rate in most parts of the world, which will not leave the developed nations unaffected, and urge that the United States establish strong, well-defined national goals to remove the pressure of internal population problems. The specific technical developments which they prescribe for achievement of this U.S. goal assume success in several areas of research and development. Parenthetically, if successful, these efforts should also give rise to many useful patents, and to policy issues concerning who will ultimately use them and for what purposes. The authors call for the following:

(1) Development of techniques for the conversion of waste products into useful forms. Most important industrial activities must be revised to minimize or eliminate waste production and to facilitate the conversion of unavoidable wastes.

(2) Establishment of a central agency for the control of the use of energy and natural resources with the overall purpose of providing a rational basis for national policies regarding growth and development.

(3) Establishment of large-scale research and development programs for effiicent harvesting of marine resources.

(4) Development, as soon as possible, of more efficient methods of energy conversion.

I present their conclusions not to endorse or oppose them but to illustrate the importance attached to that chain of human activities which begins with research and extends through development, invention, and innovation to practical application. And intertwined throughout this chain is the thread of patents, patent law and patent systems.

So for me it appears that the patent fraternity lives in an exciting time when rapidly changing technologies will make more demands than ever upon effective operation of our patent system.

I have no reservations in predicting an exciting future for our national patent system and its supporting body of patent law. The new technologies that the private and public parts of our Nation wish to bring into use and into the market place will generate a fresh new flow of invention and opportunities for innovation. How well will the patent system fulfill its constitutional responsibilities to promote the progress of science and useful arts by securing for limited times to inventors the exclusive right to their discoveries? This remains to be seen. Some of you will be prime movers for what happens.

THE INTERNAL SECURITY PROGRAM

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 19, 1973

Mr. ICHORD. Mr. Speaker, for the information of the House, I desire to insert in the RECORD a copy of a letter I have received from General Brownfield who heads the Military Order of the World Wars, together with a copy of a resolution adopted by that organization regarding a recent report of a subcommittee of the House Committee on Internal Security which had been submitted to the House, titled "The Federal Civilian Employee Loyalty Program."—House Report No. 92–1637 of January 3, 1973.

General Brownfield advises that the Military Order of the World Wars has noted with dismay and concern the present failures in the administration of the loyalty-security program regulating Federal civilian employment as reflected in the aforementioned subcommittee report. A resolution recently enacted by that organization urges support by Members of the Congress with a view toward the enactment of a comprehensive and effective program on the subject.

Indeed, I am not at all surprised that there should be a strong reaction among our patriotic groups and our citizenry to the failures in the Federal civilian employee loyalty program which the subcommittee report has pointed out. This report, prepared by the gentleman from North Carolina (Mr. PREYER), subcommittee chairman, based upon a most intensive and thorough study, is undoubtedly a monumental contribution to the subject, and I recommend it for serious consideration by all Members of the House.

The letter and resolution follow:

THE MILITARY ORDER
OF THE WORLD WARS,
Washington, D.C., February 5, 1973.

Hon. RICHARD H. ICHORD,
Internal Security Committee,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. ICHORD: The Military Order of the World Wars has noted with dismay and concern the inadequate and ineffective internal security program executed by the Federal government for its officials and employees, as described in the report, "The Federal Civilian Employee Loyalty Program," by the House Committee on Internal Security.

By resolution No. 2 herewith, the Order requests that this unsatisfactory condition be corrected by appropriate legislation and effective implementing programs.

It is requested that full and open hearings on this matter be held at an early date, with a view toward awakening public opinion and designing adequate legislation and programs properly to cope with the problem.

Sincerely,

A. R. BROWNFIELD,
Brigadier General, U.S. Army (Retired)
Chief of Staff.

THE MILITARY ORDER OF THE WORLD WARS—RESOLUTION NO. 2

Whereas, the internal security program of this nation has been found by the Congress to be inadequate and ineffective; and

Whereas, the first duty of any government is to protect itself and maintain itself as a secure and stable institution under its constitutional authority; and

Whereas, the people of this nation are constitutionally entitled to government which is dedicated in its entirety and without exception to the interests of his nation above all others:

Be it hereby resolved, by the General Staff of The Military Order of the World Wars, in midwinter conference assembled, that the United States of America is ill-served by government officials and government employees who fail in any degree to do their utmost to maintain a high degree of internal security in our government against all enemies, both foreign and domestic, as required by oath of office and lawful official responsibility.

Be it further resolved, that the President of the United States and all members of the Congress be hereby most strongly advised that a comprehensive new and thoroughly effective program of internal security, backed by federal statutes containing high standards and severe penalties, is essential to the national security and general welfare of our nation and should be put into effect at the earliest possible time.

A. R. BROWNFIELD,
Brigadier General, U.S. Army (Retired),
Chief of Staff.

NO PARALLEL BETWEEN REHABILITATION PROGRAMS FOR GERMANY AND JAPAN, AND FOR NORTH VIETNAM

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, February 19, 1973

Mr. HARRY F. BYRD, JR. Mr. President, the Rappahannock Record, published at Kilmarnock, Va., in famed Lancaster County, carried in its issue of February 8, 1973, an interesting article by Brig. Gen. Rothwell H. Brown, retired.

General Brown points out that—

> There is absolutely no parallel between our rehabilitation programs for Germany and Japan and the rehabilitation program apparently agreed to by Dr. Kissinger for North Vietnam.

General Brown's piece merits careful reading.

The editor of the Rappahannock Record is J. E. Currell, a long-time friend, as is General Brown.

I ask unanimous consent that General Brown's piece from the Rappahannock Record be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NOW LET US SEE

(By Rothwell H. Brown)

For a country which prides itself upon advertising, the United States has shown an ineptitude in advertising the justness of its cause in South Vietnam which is positively incredible.

In spite of protests by the Ralph Naders of this country, advertising has been a help and only rarely a hindrance to the housewife and to the businessman making their purchase decisions in the free capitalistic market.

It is therefore extremely difficult to understand how the righteousness of our cause in South Vietnam has never been fully advertised to the people of the United States. Somewhere along the line the communications media created the impression that the United States was the actual aggressor in South Vietnam.

Since it has been perfectly obvious right from the very beginning when the communists began to circumvent the 1954 Geneva Accords that the communists were determined upon seizing total power over all of Vietnam, it is simply incredible to read in the American press that the United States is the aggressor nation.

In looking back over this long and deadly struggle the American press and particularly American television commentators have blown up, out of all proportion, unfortunate incidents such as occurred at My Lai. At the same time, they have played down the terrible and cruel massacre of thousands of innocent people at Hue and the senseless cannonading of refugees fleeing from Quang Tri.

American bombing of strategic military areas in North Vietnam has been likened unto Hitler's murder of millions of Jews. However, the assassination of tens of thousands of innocent school teachers and village chiefs in South Vietnam by both the North Vietnamese and the Viet Cong has received almost no publicity in the liberal press in the country.

It is also quite amazing that tens of thousands of churchmen have supported the atheistic communist government of North Vietnam. Even more astounding is the number of Catholic priests who have joined in pro-atheistic propaganda in spite of the fact that millions of Catholics fled North Vietnam in 1954 and that President Thieu himself is a deeply devout Catholic.

If there was ever a cause of justice, it lay in our intervention for the preservation of freedom and a belief in God in South Vietnam. Yet somehow or other, the very advertising skills which have made this country an economic powerhouse were twisted and distorted into making us craven butchers.

Now that some sort of a peace has finally been brought about by President Nixon, this great anti-American propaganda machine is being geared up to convince the American people that they have been the chief agent of destruction of a perfectly innocent peace-loving people in North Vietnam.

Already every advertising skill hitherto devoted to the sale of American products on the free market is now being devoted to creating an atmosphere which will convince the American people that they have been morally responsible for the war in Vietnam.

The awful destruction which was inflicted upon South Vietnam by the North Vietnamese invasion forces, particularly during the Tet offensive, is totally ignored. The mining of Haiphong harbor and the Christmas bombing of North Vietnam are now being presented as forcing this country to spend billions of the American taxpayers' dollars for the rehabilitation of North Vietnam.

The liberal press now cries out through every communications and advertising media that, since the United States was the chief instrument of destruction in North Vietnam, it bears a moral responsibility to completely repair all the damage which it did. This is an absolute fallacy, but if it is not met with counter-advertising and propaganda, the American taxpayer is going to pay tribute to one of the most cruel aggressors the world has ever known.

At the end of World War II the United States instituted the Marshall Plan for Europe in order to prevent the shattered nations of Europe from becoming communist. Likewise, the economic and rehabilitation programs which were set up by General MacArthur for the rehabilitation of Japan were designed for the same purpose.

There is absolutely no parallel between our rehabilitation programs for Germany and Japan and the rehabilitation program apparently agreed to by Dr. Kissinger for North Vietnam.

There is absolutely no reason in the world why the American taxpayer, who is already struggling under a terrific burden of taxation, should be required to see his hard earned dollars spent in the rehabilitation of a communist enemy who has killed 50,000 Americans and wounded or disabled nearly a half million more. If reconstruction is required in North Vietnam, then let Soviet Russia and communist Red China, who gave them the arms with which to carry on their aggression, pay the bill. And let this country return once again to that great slogan of Charles Cotesworth Pinckney, "Millions for defense but not one cent for tribute."

THE ENERGY CRISIS

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 19, 1973

Mr. WHITEHURST. Mr. Speaker, I recently sent a newsletter to my constituents in Virginia's Second Congressional District. I would like to share the text with my colleagues at this point in the point in the RECORD:

GREETINGS FROM WASHINGTON—FEBRUARY 1973

THE ENERGY CRISIS

"The energy picnic is over for America." These words describe the current "energy crisis" that has suddenly been thrust on stage. For years there has been talk of such a development. Dire warnings were issued, then promptly disregarded as being something beyond the pale of contemporary America. Now we have lumber mills shutting down because of fuel shortages. Homeowners can't get hookups to gas lines. Farmers can't dry grain. In Tidewater there has been a severe shortage of kerosene. There is no doubt about it: the energy squeeze is here. Not surprisingly, all eyes have turned toward the government, and specifically the Congress. But passing a law isn't going to solve the energy crisis.

C. Howard Hardesty, Jr., Executive Vice President of the Continental Oil Company, who described our past policies as a "picnic," states bluntly: "The simple fact is that we are spoiled rotten. Except for our family, sacrifices don't come easy to any of us. We want low cost, low-sulphur fuel oil, but we don't want ships, pipelines, terminals or refineries on our shores.

"We want adequate supplies of domestic oil and gas, but we don't want to explore the potentiality of offshore areas. We want more imports of crude oil, but we don't want to give foreign nations a stranglehold on our economy. We want more natural gas, but we will not let market forces set real values.

"We want more coal, but we don't want surface mining and prohibit coal's use by sulphur restrictions. We demand adequate supplies of electricity but resist setting up nuclear plants. We want to use more oil more efficiently but rush out to buy 8 mile-per-gallon automobile monsters. At this point in time, our environmental concerns are more deeply rooted than our energy concerns. So far we are not willing to accept the fact that some tradeoffs, some compromises will be needed to keep these inconsistencies from destroying our way of life."

From all sides comes the message. America can no longer live "on the cheap" in terms of energy. We have been on a joyride, and now it's over. If we are to keep juice flowing into our electric fingernail files, carving knives, toothbrushes, and shoe-shine machines, we've got to pay the piper. How did we get into this mess?

During the 1930's the US Government advocated a low-cost energy policy. Prices were held down, consumption of energy pushed relentlessly by advertising and in many cases subsidy. We energized everything in sight. Now, due to sudden awakening of environmental concern, plus the realization that our current energy sources are finite, we face crisis across the land.

The January 22 issue of *Newsweek* highlighted the energy crisis and contained some startling statistics which are worth repeating here. They tell a graphic story.

We have 6% of the world's population, but burn up 33% of the world's energy, some 69,000,000,000,000,000 (quadrillion) British Thermal Units (BTU) a year. Projections are for a rapid increase, unless we level off our gadgetry and develop more efficient processes in manufacture, motoring, heating and cooling, and other energy uses.

We have on hand 52 billion barrels of oil, about 10 years' supply at today's rate of consumption. We import a lot of oil, about a quarter of what we use. But this supply is subject to the perils of radical governments abroad. By 1985, just 12 years from now, our import percentage will be well over 50%, and perhaps as much as 65%. The impact on our trade deficit is almost incalculable.

We have anywhere from 160 to 600 billion barrels of shale oil. But crude oil prices would have to rise 150% to make it economically feasible to extract this oil. The Department of Transportation has estimated that within a few years gasoline will go up to $1 per gallon. It is already 99c in energy-short Italy.

We have 1.5 trillion tons of coal, enough for 500 years' supply. But little of it is low-sulphur, and coal strip mining is under heavy attack from environmentalists. We have neglected to launch any kind of crash program to gasify or liquefy coal resources.

We have 450,000 tons of uranium, enough for 13 years. But atomic energy has barely been exploited for peacetime use. The President has asked for a stepped-up program to develop a fast-breeder reactor to move the atom into the energy gap. It produces 1% of our power today and can be expected to produce 13% by 1985. Environmental concern has delayed atomic plant siting. An experimental plant with a fast-breeder reactor at Oak Ridge, Tennessee, will be "on line" by 1980. We need 280 such plants of 1,000 megawatts each over the next 15 years, but we have only the equivalent of 10 such plants now and only 46 under construction.

We waste a lot of energy. Automobiles blow 87% of their energy intake out the tailpipe. The pilot light on a gas range consumes one-third of all the fuel the average kitchen range burns. Experts estimate that we waste 50% of the energy sources we use. We can improve on this record. Better insulation, more efficient engines, and Federal regulation can do it.

The Office of Emergency Preparedness talks of higher gasoline taxes, abandoning many short-haul air flights, regulating car engine sizes, and even rationing gas. None of these will come easy. A storm of protest was raised recently when the Environmental Protection Agency proposed rationing gasoline to ease the smog problem in Los Angeles.

The next decade will be the hardest, and the problem is that we don't really have a coordinated energy program. We shudder to contemplate an "energy czar" or an over-all Federal agency in charge of who can use what energy. But it apparently will take something drastic if we are to have a decent supply of energy while awaiting the breakthrough of the atom. We now have 64 agencies in charge of various pieces of the energy-environmental puzzle, which is about par for this city.

Within a short time of your receiving this newsletter, the President will unveil his energy program. These are some possible recommendations: (1) decontrolling natural gas prices at the wellhead which will dampen increases in demand for this clean fuel and provide the incentives, from higher prices, for producers to step up their search for new gas reserves; (2) a sweeping change in oil import controls (I have joined about 100 of my colleagues in legislation which would end oil import quotas completely); (3) faster and more extensive development of oil resources along the East Coast continental shelf and Gulf of Mexico; (4) an effort to secure a cooperative agreement with the other major oil imports and consumer nations, primarily Europe and Japan, in dealing with the oil producing nations, principally in the Middle East; (5) more determined negotiations with Canada for the development of oil resources in northern Alaska and the Canadian arctic to the mutual benefit of both countries; and (6) the funneling of additional funds into research and development of new energy sources. One interesting possibility is the construction of big nuclear plants in the ocean on floating platforms, using the electricity produced to make hydrogen from sea water through a process known as electrolysis. Production would be safe, the source of supply inexhaustible, and hydrogen fuel would be relatively cheap and entirely clean.

Whatever happens, the immediate outlook is serious. Energy will take a far larger share of our bankroll over the next 10 to 15 years. Sacrifice will be the name of the game, regulation will be tighter, and proliferation of devices to save human energy will have to be slowed.

John G. McLean, head of Continental Oil Company, is bullish on our energy prospects. But he warns, "The task will not be easy, and it will require a greater sense of urgency and commitment on the part of both industry and Government than presently exists."

We spend only 5% of our national income on fuel sources today. This is tiny. To get the energy we will need, the costs will have to go up. But even a 100% increase, as foreseen by energy experts, would still leave us well ahead of other nations, and should be absorbed by our economy without drastic disruption.

BUSING

Some of you have written to me to ask if anything is being done in the way of anti-busing legislation. Let me assure you that those of us who fought the battle in the House last year are busy lining up support for another bill this year to preserve the neighborhood school. As a parallel move, I joined Congressman Mizell (R-N.C.) and 15 other Congressmen on January 3rd in reintroducing an amendment to the Constitution which would prohibit assigning students to a particular school because of race, creed, or color. From conversation with some of my colleagues, I am optimistic about our getting a strong anti-busing bill passed in the House this year.

VIRGINIA BEACH OFFICE

Our Virginia Beach office is now open and available to my Virginia Beach constituents. We are located in Room 428 of the Pembroke One building, 281 Independence Boulevard 23462. The telephone number is: 499–1910. Please call Mrs. Boyles there if you have a problem requiring our help. My Norfolk office is unchanged at Room 201 in the Federal Building on Granby Street. Norfolk constituents who need our help should call Mrs. Wasserman there at 441–6763.

R. A. GREEN

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 19, 1973

Mr. BENNETT. Mr. Speaker, I join my colleagues here in the House in tribute to the late R. A. Green, who served Florida well here in Congress, through two decades. He was a man of the people, always anxious to serve them in every way he possibly could. And he served them diligently and with pleasure at the opportunity. He also served them and his country well in World War II as a naval officer, a duty which his age would have spared him if he had so elected. We will all miss him and his persistent good humor and progressive spirit.

His accomplishments were many. I express to his family the deep regard that we all have here; and my own deepest sympathy for their loss.

NICOLAUS COPERNICUS, 1473–1543

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, February 19, 1973

Mr. SCHWEIKER. Mr. President, today marks the 500th anniversary of the birth of the great Polish Astronomer Mikolaj Kopernik—known to the world as Nicolaus Copernicus. It is cause for pride and celebration for people of Polish descent everywhere.

Copernicus was a true renaissance man. He was an author, translater, linguist, and Polish patriot. His theory that the planets revolve around the sun and that the turning of the earth on its axis accounts for the apparent rising and setting of the stars is the basis of modern astronomy. His study of astronomy is credited with ushering in the present-day space age.

Many Polish-American organizations will hold special observances of the 500th anniversary of Copernicus' birth. One of them, the Polish Falcons of America, has published a special issue of its publication, Sokol Polski, which will be distributed nationwide.

Mr. President, the Friday, February 16, Pittsburgh Post-Gazette honored Copernicus with an editorial entitled "The Pole Who Changed History." I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE POLE WHO CHANGED HISTORY

For Americans of Polish descent the 500th anniversary on Monday of the birth of Nicolaus Copernicus is cause for pride and celebration.

This great astronomer who lived from Feb. 19, 1473, to May 24, 1543, is secure in the annals of history as one of the few whose findings changed decisively the way men looked at their universe. The recently published book, "Milestones of History," lists the Copernican discovery as one of the 100 decisive events in the history of mankind, explaining:

"Copernicus' insistence that the sun—not the earth—was the center of the universe helped usher in an epoch of broad scientific inquiry that earned the modest astronomer the title, 'Father of the Scientific Revolution.'"

Mikolaj Kopernik (the more familiar Copernicus is a Latinization of his Polish name) gained the glimmering of an idea from reading ancient Greek authors who were not satisfied with the seemingly self-evident "fact" that the earth was the center of the universe, about which the sun, the planets, and the stars revolved. A man with medical and law degrees, employed as a government administrator, he somehow found time to carry out astronomical observations which resulted in the first really new theory of planetary motion in almost two thousand years. Tradition has it that the first published copy of his manuscript on these findings were rushed to him on his deathbed.

Of course, the new theory directly contradicted the Biblical explanations of the relationships of a flat earth with the canopy of the heavens. The Copernican theory had heavy going with church officials. Also, later discoveries showed that the sun is the center of only the solar system and not of the entire universe. But the Copernican theory freed the minds of men from old preconceptions and therefore paved the way for the scientific discoveries which have changed the face of the world and the course of history.

It is no wonder that not just Poland and persons of Polish descent, but scientific societies and cities (such as Bologna and Padua in Italy) across the world are celebrating the Copernicus anniversary. (Here in Pittsburgh there will be numerous observances, including lectures, this weekend and in succeeding weeks.)

Half a millenium after his birth, it is beyond dispute that Copernicus speeded the transition from the religiosity of the Middle Ages to the rationalism of today.

NEW YORK'S TWO NEW WOMEN'S LAW FIRMS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 19, 1973

Ms. ABZUG. Mr. Speaker, I am pleased to note the founding of two new women's law firms in the city of New York. One of them, Bellamy, Blank, Goodman, Kelly, Ross & Stanley, will specialize in the fields of matrimonial law and sex discrimination in mortgages, loans, and other credit procedures. Among its members are Nancy Stanley, formerly my legislative assistant, Senator Carol Bellamy, an able new member of the New York State Legislature, and Janice Goodman, long a prominent and active figure in the women's movement.

The second firm is Lefcourt, Kraft & Libow, which will specialize in landlord-tenant law and matrimonial law. One of their projects will be an experiment in having people seeking divorces handle their own cases to some degree. Among its members are Carol Lefcourt and Veronika Kraft, formerly members of the New York Law Commune, and Carol Libow, who represented Columbia University maids in their successful lawsuit challenging sex discrimination in layoff practices.

I wish both of these new firms the best of luck, and insert in the RECORD, at this point a New York Times article on their creation:

[From the New York Times, Feb. 17, 1973]

TWO LAW FIRMS PUSH FEMINISM—AND THEIR LAWYERS ALL ARE WOMEN

(By Laurie Johnston)

The last thing any of them wants to be called is "Portia," but nine young women lawyers are about to face professionial life in two new all-women law firms that they describe as "feminist collectives."

"We're going to come in in the mornings and see all women peers instead of men, and no superiors at all," said Mary Kelly, now in a major Wall Street firm. "We don't know any major law office with more than one woman partner, and most don't have that."

Bellamy, Blank, Goodman, Kelly, Ross & Stanley will be the firm name—punctilliously alphabetical—on the office door in the Bar Building, 36 West 44th Street, beginning March 1.

In a converted loft building at 640 Broadway, the letterheads of Lefcourt, Kraft & Libow have been going into the mail since the firm opened Feb. 1. "We took the names out of a hat—well, a hand—in that order," Carol H. Lefcourt explained.

Although women have occasionally associated their individual law practices or offices, the two new groups are believed to be the first all-women legal firms incorporated here. "We never heard of any," a librarian for the Bar Association of the City of New York said.

Most of the partners come from prestigious law firms or from government posts. They plan to undertake nonprofit cases to challenge discrimination against women, while operating a private practice to pay the bills and earn what they call a "flexible" living.

"Sure we'll represent men, maybe even in a divorce case, but never in conflict with our feminist philosophy," Diane Blank said. "We would make that decision case by case."

Bellamy, Blank, Goodman, Kelly, Ross & Stanley has received a $150,000 three-year grant from the Sachem Fund of New Haven, an arm of the Mellon family fortune, to start a program of test cases in the fields of matrimonial law and of sex discrimination in mortgages, loans and other credit procedures.

Lefcourt, Kraft & Libow is already conducting an experiment in "do-it-yourself" divorce actions, in which people suing for divorce handle many of the legal aspects themselves, and a study by 300 volunteer observers in the city's Landlord-Tenant Court. Both projects are being done under contract to the Task Force for Justice of the Presbytery of New York City.

The partners in what they refuse to call "B.B.G.K.R.&S."—they prefer simply "women's law firm"—have long friendships among themselves and with members of the smaller firm that date variously from the Peace Corps, civil-rights activity in the South and legal work for the women's movement.

Carol Bellamy, a former corporation-law associate with Cravath, Swaine & Moore and a public-interest lawyer, was elected a State Senator (from Brooklyn) in November. Diane Serafin Blank is law clerk to Judge Charles H. Tenney of the Federal District Court for the Southern District of New York. Janice Goodman is staff attorney for the Center for Constitutional Rights and is an instructor in the women's litigation clinic at Rutgers University Law School.

Mary Kelly is an associate with Willkie, Farr & Gallagher, specializing in securities, Susan C. Ross is a writer on women and the law and was on the General Counsel's staff of the Equal Employment Opportunity Commission in Washington, and Nancy E. Stanley is a staff attorney with the commission's appellate division.

The downtown "sisterhood" of lawyers of Carol Lefcourt and Veronika Kraft, former members of the now-dissolved New York Law Commune, which defended the "Panther 21" and Abbie Hoffman of the "Chicago 7," among others, and Carol H. Libow, former associate with Shaw, Bernstein, Scheuer, Boyden & Sarnoff. She also worked with the Legal Aid Society. Mrs. Lefcourt is a sister-in-law of Gerald B. Lefcourt, who was also a member of the law commune.

The fourth member of their new collective is Ann Teicher, a legal paraprofessional who will be the firm's law clerk.

Seven of the nine lawyers graduated from the New York University Law School. Mrs. Stanley's degree is from the Georgetown National Law Center, and Mrs. Lefcourt's is from Brooklyn Law School.

"We're ambitious to do a good job professionally," said Mrs. Lefcourt, whose firm will also handle criminal cases. "But we love the idea of teaching legal 'self-help' in a lot of areas where a lawyer's fee isn't worth it to people."

Both groups say they want to create a firm "with a collective instead of competitive feeling" and show other women they can "do such things themselves without waiting to be invited" by men.

THE LATE FRANK T. BOW

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 19, 1973

Mr. FISHER. Mr. Speaker, the untimely death last November of Congressman Frank Bow was indeed a shock to his colleagues in the Congress. He had served in this body, with great distinction, for 22 years, and had announced his voluntary retirement. Not long before his death, Mr. Bow was named as Ambassador to the Republic of Panama, effective in January.

I have never known a more conscientious and a more dedicated Member of this body. Above all, Frank was a friend of the American taxpayer. As a member of the Appropriations Committee he was one of the more influential and effective proponent of sound fiscal policies in the operation of our Government. Always firm and articulate in his views, many Members sought his counsel and advice and were influenced by his leadership.

The entire Nation suffers from the loss of such men as Frank Bow. His example and his dedication will be remembered for generations to come.

CONCURRENT RESOLUTION BY SOUTH CAROLINA GENERAL ASSEMBLY REQUESTING CLEANUP OF PORTIONS OF LYNCHES RIVER

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, February 19, 1973

Mr. THURMOND. Mr. President, on behalf of the junior Senator from South Carolina (Mr. Hollings) and myself, I bring to the attention of the Senate a concurrent resolution passed by the South Carolina General Assembly.

On January 25, 1973, the South Carolina General Assembly passed a concurrent resolution memorializing the Congress to enact legislation that will provide for the cleanup of certain portions of the Lynches River, located in South Carolina. Senator Hollings and I jointly endorse this concurrent resolution.

Mr. President, our rivers are a valuable natural resource which provide both recreation and economic assistance to many South Carolinians. Logs, trees, and other debris blocking or obstructing our waterways create serious ecological effects.

Mr. President, on behalf of Senator Hollings and myself, I ask unanimous consent that the concurrent resolution be printed in the Extensions of Remarks.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

H. 1156

A concurrent resolution memorializing Congress to enact legislation that will provide for the cleanup of certain portions of the Lynches River located in South Carolina

Whereas, the Lynches River, for many years, has provided agricultural and recreational benefits to the citizens of South Carolina; and

Whereas, certain portions of the Lynches River from the point where such river crosses South Carolina Highways No. 41 and 51 to the point where the Lynches and the Great Pee Dee Rivers merge need to be cleaned up and cleared of such obstacles as logs, trees and other debris. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That Congress be memorialized to enact the necessary legislation that will provide for the cleanup of certain portions of the Lynches River from the point where such river crosses South Carolina Highways No. 41 and 51 to the point where the Lynches and the Great Pee Dee Rivers merge.

Be it further resolved that copies of this resolution be forwarded to Senators Strom Thurmond and Ernest F. Hollings and to Congressman Edward Young.

WILDLIFE—A BAROMETER OF MAN

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 19, 1973

Mr. WHITEHURST. Mr. Speaker, I recently had the honor and pleasure of addressing the 22d anniversary awards banquet of the Governor's conservation achievement program. The Virginia Wildlife Federation sponsors a statewide conservation achievement program which is designed to identify and recognize the Old Dominion's top conservationists. The Virginia Wildlife Federation has been encouraged and supported by Gov. Linwood Holton and his predecessors. Nominations for the award are made through local conservation clubs and government departments. Nominees may be professionals, nonprofessionals, or organizations. The winners are selected in each of 10 categories by a screening and judging committee composed of qualified conservationists, and are honored at the conservation achievement awards banquet. I include the text of my speech to this group in the Record at this point. The text follows:

Remarks of Congressman G. William Whitehurst to Virginia Wildlife Federation

The survival of wildlife in a fast-changing world serves as a barometer of the health of man. If wild creatures can thrive in their native habitat, it's a good bet that humankind will find its environment livable too.

But if the earth and air and waters are fouled—if nature's wetlands, so incredibly productive of life, are filled indiscriminately—if we overdraw on nature's credit, then man may be in deep trouble.

This utilization argument for conservation of fish and wildlife, and for protection of the areas they need for living, is one of several that people are coming to accept. Here is another: Man is at the top of the food chain; thanks to nature's complex systems, virtually every wild species on earth serves human needs in some direct or indirect way. From the smallest plankton to the biggest whale, natural systems attempt to maintain a balance that supplies both man and domestic animals with some desired or needed substance. Even the irksome mosquitoes in the swamps and wetlands serve as food for the little fish which, in turn, are fed upon by bigger fish we want for food and sport—not to mention the magnificently profuse bird life that feeds upon them all.

Research scientists may yet find keys to human survivial if we can maintain and preserve on earth its present diverse forms of life. The genes and tissues of the humblest and most obscure being could one day yield up secrets as yet unimaginable to the most inspired biochemist of the 1970's.

Secretary of the Interior Morton stated it eloquently when he said:

> A land without wild things upon it is a sterile, perhaps even a dying land. A farm must be more than a corn and beets factory: it must support quail and pheasants, rabbits and foxes. A park must be more than a picnic spot or camping area: it must have squirrels and pigeons, or bear and elk. A refuge must be more than a waterfowl area: it must have raccoons and muskrats and a whole community of other living things or it fails to live up to its potential for existence.

In the short history of our country, 47 wildlife species have been driven over the brink of extinction. More than 120 species have disappeared throughout the world since 1600 A.D. Today hundreds of others face a similiar fate. The Fish and Wildlife Service has driven hard to preserve the last options for some species. With the cooperation of Canada, it has worked to protect whooping cranes and wolves. With the cooperation of State agencies, it has studied and transplanted masked quail, blackfooted ferrets and Aleutian geese. With the cooperation of other Federal land agencies, it has worked for California condors, antelope and other species.

The Fish and Wildlife Service with an assist from the National Park Service has sharply reduced alligator poaching in the deep south. The amended Endangered Species Act has enabled the Secretary of the Interior to cut off imports of eight species of endangered great whales. Now the import controls are being used to help foreign nations maintain the survival of eight great cat species that are hunted for their skins.

But control of over-exploitation of animals is only the most obvious, and perhaps the easiest, of the many responses needed. The gravest threats come from man's alteration of the environment. Polluted waters will kill off our finest fish species and disrupt complex food chains supporting other forms of life. In the end, perhaps only zoo specimens and stuffed museum displays will remind us of our once-great wildlife heritage.

We do not need to swing the pendulum so violently that we create unneeded hardship on our own need for living space, but society needs to recogniize that other creatures' claim to existence is no less valid than our own.

Through legislation and more important, through education, that realization will come about. What could inspire more the membership of this great Federation?

HON. LYNDON B. JOHNSON

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Miss HOLTZMAN. Mr. Speaker, I wish to join my colleagues in mourning the passing of Lyndon Baines Johnson. His Presidential leadership on behalf of domestic reform must be considered one of the high watermarks in the annals of American social history. In a time when we are confronted by callous disregard for the problems of the unemployed, the ill-housed and the under-educated, we must remember his courageous efforts to better the life of all Americans and hope that it will inspire us in our own struggle to achieve meaningful social change and equal opportunity for all.

LEADERSHIP OF THE ANTIWAR GROUPS

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 19, 1973

Mr. ICHORD. Mr. Speaker, I have written a letter to the editor of the Washington Post and Times Herald outlining some facts omitted from a recent story in that newspaper concerning two so-called anti-war groups called the National Peace Action Coalition and People's Coalition for Peace and Justice

As I expected the Post, the only morning newspaper in the Nation's Capital, neither published the letter nor acknowledged receipt of it. Therefore, if there is no objection, I will enter the letter in the CONGRESSIONAL RECORD so that the Congress and the public will be aware of the full truth about the aforementioned groups:

FEBRUARY 7, 1973.

The EDITOR,
Washington Post and Times Herald,
Washington, D.C.

DEAR SIR: I assume that your article in the February 1, 1973 issue of the *Post and Times Herald* headlined "Despite Cease-Fire, Antiwar Movement to Continue" was an effort to be informative. But I think your readers would be more enlightened if they were aware of the nature of the leadership behind the two major groups mentioned in the stories, the National Peace Action Coalition (NPAC) and the People's Coalition for Peace and Justice (PCPJ).

The documentation of this guidance is readily available in various Congressional reports and hearings, including those of the House Committee on Internal Security, which I chair. But I will herewith furnish it in succinct form of the enlightenment of yourself and your readers.

The HCIS hearings document that the first major "antiwar" protest group was the "November 8 Mobilization Committee," actually established in September 1966. In late November of that year, it was transformed into "Spring Mobilization Committee." This group became the "National Mobilization Committee" in May of 1967 and then evolved into the "New Mobilization Committee To End The War" (New Mobe) in July 1969. New Mobe was the genesis for both NPAC and PCPJ.

During the summer of 1970, New Mobe split, amoeba-like into two factions, one immediately taking the name of National Peace Action Coalition and the other first calling itself the National Coalition Against War, Racism and Repression which early in 1971 took on the name of the People's Coalition for Peace and Justice.

It is interesting to study the background of just why this split took place and resulted in the evolution of two major "peace groups" that never have had much admiration for one another and co-operated only reluctantly—something that is hinted at by the fact that you found it necessary to develop two major stories rather than lump the entire "peace movement" into one article.

The hearing evidence established that NPAC is wholly a creature of the Socialist Workers Party, admittedly of Trotskyite Communist philosophy and devoted to imposing that political theory upon the government of the United States—by force if necessary.

NPAC was formed in June 1970, as a conference in Cleveland, Ohio, hosted by the Cleveland Area Peace Action Council which was dominated by members of the Socialist Workers Party and which followed to the letter the line advocated in the Trotskyite press concerning the issue of organizing mass antiwar protest marches and the withdrawal of all U.S. forces from Southeast Asia. It was developed at our Committee hearings that only two persons were authorized to sign checks for the NPAC and they were Socialist Worker Party members Sydney R. Stapleton and Patricia Grogan. The person in charge of the NPAC headquarters in Washington was Fred Halstead, a leading national officer of the Socialist Workers Party and its candidate for President during the 1968 national election.

The major action resolution of the conference which created NPAC and enunciated its objectives was submitted by none other than Jerry Gordon who has since remained as chief spokesman for NPAC and whom you cite as the authority for its future activities.

The national co-ordinators of the NPAC were, other than Gordon, James Lafferty of the Socialist Workers Party dominated "Detroit Coalition," Ruth Gage-Coliby, a longtime vocal supporter of the SWP and Don Gurewitz, a member of the Socialist Workers Party.

Jerry Gordon, incidentally, has been referred to by no less an authority of the "New Left" movement than the "Daily World," official organ of the Communist Party of the USA, as a leader of "the Trotskyite group" within the New Mobilization Committee to End the War. That reference is in the June 25, 1970, edition of the "Daily World."

Considering that, as was revealed in Senate Internal Security Subcommittee hearings of 1961, Gordon was at one time the Ohio Chairman of the Labor Youth League, a now defunct Communist Party USA youth organization, the reference in the "World" was not intended as a compliment, because the SWP is the CPUSA's main rival for leadership in the radical left.

The other major "antiwar" spokesman you cite is Sidney Peck of the People's Coalition for Peace and Justice.

It may surprise you to learn that our hearings disclosed that although there were various leftist elements within its ranks, the PCPJ appeared to have no definite ideological stand. True, Committee hearings and investigation did develop that come 35 present or former members of the Communist Party, USA, were active in the formation of PCPJ. And at least seven members of what was once PCPJ's 100-man coordinating committee were influential members or formers of the Communist Party. These included Gilbert Green and Jervis Tyner, both members of the Party's National Committee.

Pauline Rosen, who was active in the PCPJ in behalf of the Communist Party, reported to the Party's national convention in February of last year that it had failed to obtain a role of real leadership within PCPJ.

Yet Sidney Peck remains that spokesman for PCPJ and Sidney Peck has been identified in the *Congressional Record*, October 13, 1969, as former State Committee member of the Wisconsin Communist Party and Peck himself acknowledged to the *Milwaukee Journal* (in an interview of May 30, 1971) that he had joined the Communist Party in Minnesota after World War II.

I believe this background of the NPAC and the PCPJ illustrates the validity of your headlines, "Despite Cease-Fire, Antiwar Movement to Continue." The "movement" now will dedicate itself to toppling whatever non-communist regime is at the helm of South Vietnam. It will seek to reduce to absolute zero the American presence and influence in Southeast Asia in order to leave a vacuum that will be filled by another ideology. It will continue to assert that the U.S. military forces are composed of a bunch of bloodthirsty monsters in order to undermine military morale as well as public confidence in our men in uniform. All this is fairly predictable when you examine the background detailed here.

All of this was already available in the published hearings of HCIS and other Congressional Committees or from other public sources. I will acknowledge that wading through a lot of dry testimony is not nearly as thrilling as listening to the titillating rhetoric of Jerry Cordon or Sidney Peck, nor as exciting as watching a gang of rowdies rip down and burn American flags at a demonstration they have convened.

As I have said before, 98 percent of those who took to the streets in protest of the war in Vietnam were sincere, honest, patriotic citizens who simply deplore bloodshed and violence. But some were not and, unfortunately, these who were not played a dominant leadership role. It is these "Local Activities," as you term them, who will "keep operating."

That comes as no particular surprise. I agree with President Nixon's recent comment to the effect that "the most vigorous criticism, or shall we say, the least pleasure out of the peace agreement comes from those who were the most outspoken advocates of peace at any price. . . ."

To be blunt, the Sidney Pecks and Jerry Gordons and David Dellingers who were so active in the top leadership of the so-called antiwar movement in this country were not the doves of peace—they were the hawks working in behalf of the enemies of the United States and the free world.

Sincerely,

RICHARD H. ICHORD,
Chairman.

RURAL ELECTRIFICATION ADMINISTRATION

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 19, 1973

Mr. DE LA GARZA. Mr. Speaker, I am among those Members who have introduced legislation to reverse the administration's termination of the direct loan programs of the Rural Electrification Administration for rural electric and telephone systems.

This high-handed action by the administration flouts the expressed intent and will of Congress.

The integrity of the legislative body and its determination to assert its rights under the Constitution are at stake.

We have no choice but to meet this challenge.

The loanmaking authority of the Rural Electrification Act of 1936 was created to carry out a policy declared by Congress to be in the public interest. That policy is still in the public interest today.

There is a very real need for the continuation of the REA to give adequate service to meet the needs of our rural population.

This program must be reinstated and I am confident it will be reinstated by act of Congress.

NIXON AND DAY CARE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 19, 1973

Ms. ABZUG. Mr. Speaker, last week I received a letter from a constituent that epitomizes the problems that working mothers face in trying to secure adequate day care for their children. The story that this woman relates is a tragic and classic example of what will happen if the new HEW day care regulations are adopted.

We must not let this woman's plea go unanswered and unheeded.

I would like to insert this letter in the RECORD so that we can all see one real example of the need for day care in this country.

DEAR CONGRESSWOMAN ABZUG: What is happening to day care? I live in Inwood and the services are being cut back severely. I have a young daughter (4 years old). I am her and my sole support. My mother watches her at present but she is getting old and tired and my dad is quite ill. Hardly the best atmosphere for a child of any age. She has absolutely no opportunity to meet anyone her own age. Consequently I have a four year old, old lady on my hands. Seeing her 3½ year old cousin once a week is a big event. He's in school already in New Jersey and seems to to be light years ahead of her.

It's a waste and a tragedy. Yet for me to get her into Montesorri it will cost far more than I can afford. Day care prices quoted to me most frequently are from $25 to $36 a week. Since I take home $100 a week this is impossible.

I realize Mr. Nixon has ordered cut backs. He also cut my throat.

I know without funds you can do only so much. Please let me know if there is any group in my area actually engaged in trying to ameliorate this condition. I would like to add my help and support.

Keep up the good work.

Yours truly.

A VOTER.

I would also like to include at this time a copy of a report on the new HEW regulations prepared by the excellent publication, Day Care and Child Development Reports. It is a concise and clear explanation of what the regulations will mean to the States and local governments that currently are providing these services. The report also explains what the cuts will mean in services to the aged and the handicapped. I commend the article to your attention.

SPECIAL REPORT—NEW HEW DAY CARE RGULATIONS WOULD RESTRICT PROGRAMS—CHILD DEVELOPMENT DOWNGRADED, SELF-SUPPORT EMPHASIZED

The Nixon Administration plans another step away from child development services toward day care closely tied to welfare and employment.

Regulations governing day care and other social services, expected to be issued by HEW this week, follow the pattern set by the spending ceiling imposed on social services last year and the proposed Federal budget for fiscal 1974.

The regulations would severely narrow eligibility to the poorest, allow Federal reimbursement only for services leading to economic self-support or self-sufficiency, and make it more feasibly for welfare agencies to provide day care themselves than to contract with other public or private agencies.

The net effect of the new rules would be to further limit the most available source of day care funds, to reduce enrollment of children, and to eliminate many programs now funded under Title IV of the Social Security Act.

A copy of the proposed regulations obtained by *DCCD Reports* in advance of publication in the *Federal Register* indicates they would:

Shrink eligibility for services drastically and require frequent redetermination of eligibility.

Prohibit private donated funds to be used as a state's share to obtain Federal matching. (At press time, there were indications this provision might be changed.)

Make day care an optional rather than a mandatory service which state welfare agencies must provide; and eliminate the requirement in current regulations that states comply with the Federal Interagency Day Care Requirements.

Impose specific restrictions on a welfare agency's purchase of services from another public or private agency.

Impose rigid administrative controls on eligibility, services and funding.

The regulations would apply to social services under Titles I, IV, XIV and XVI of the Social Security Act, many of which call for Federal matching of state expenditures on a 75–25 basis.

They are expected to limit Federal spending for social services—once the most available source of funds—to about $1.8 billion this year. Last year Congress, with the support of the Administration, put a $2.5 billion ceiling on the previous open-ended authorization. States estimated they could have used $4.6 billion last year.

The regulations are intended to curb what critics call misuse of the funds and to bring fiscal and management controls to program administration.

The proposed regulations are scheduled for publication in the *Federal Register* Friday, Feb. 16, but there were indications that publication might be delayed and that some changes would be made.

After publication, the public will have 30 days to comment before HEW proceeds toward final regulations. Many of the provisions would be effective immediately.

The new rules are largely the work of the Office of Management and Budget, which took a knife to HEW-drafted regulations nearly published late last year (*DCCD Reports*, Nov. 27 and Dec. 11).

They were written primarily by what one HEW source called "the California Mafia," a group which Caspar Weinberger, former OMB Director and now HEW Secretary, brought from his home state to OMB and which will likely go with him to HEW.

Their view—that regulations should narrow, not expand, the law— is reflected in the bare bones rules. They would eliminate almost all that is not clearly mandated in the Social Security law.

The regulations are slated for publication during the Congressional Lincoln-Washington birthday recess, but *DCCD Reports* learned that several Congressional leaders are preparing blasts at the proposals.

State welfare administrators, who had an official advance look at the rules last week, indicated that many of the changes are welcome and necessary, but others may be administratively impossible to implement and some are of questionable legality. Some parts, they say, are unclear or imprecise.

The greatest impact would result from changes in the following areas: purpose of services, eligibility, mandatory and optional services, day care definitions and requirements, purchase of service and donated funds.

The following preliminary summary is intended to clarify these major areas and to serve as a guide for those who wish to submit comments or who are planning programs under the regulations. Further details will be contained in the next regular issue of *DCCD Reports.*

PURPOSE OF SERVICES

The new regulations stipulate that services may be provided only if they will lead to the goals of "self-support" or "self-sufficiency." These are defined as:

Self-support goal: "To achieve and maintain the feasible level of employment and economic self-sufficiency."

Self-sufficiency goal: "To achieve and maintain personal independence, self-determination and security, including for children the potential for eventual independent living."

Under current regulations, services may be provided to "maintain and strengthen family life, foster child development and achieve permanent and adequately compensated employment."

ELIGIBILITY

Past, present and potential applicants for, or recipients of, financial assistance may receive services as under current regulations, but under the new regulations these are defined much more strictly.

A past recipient, under the proposed rules, is an applicant for, or recipient of, financial assistance within the previous three months. There is a two-year permissible span under current regulations.

The new regulations would cut from five years to six months the definition of a future welfare applicant or recipient and would impose income and other compliance standards which are stiffer than those in existing regulations; that is, a recipient's income must not exceed by more than one-third of the state's financial assistance payment level, other family resources must not exceed the permissable limit and there must be a specific problem which could be corrected through the proposed services.

These requirements would eliminate group eligibility, which allows services to be provided to those in low-income neighborhoods without regard to income, and would eliminate the special need category (except for eligibles) which allows handicapped children to receive services without regard to income.

The regulations also impose strict rules on eligibility determination and require frequent and specified re-determination of eligibility by states.

MANDATORY-OPTIONAL SERVICES

Under the proposed regulations, a state is required to provide only three services to welfare recipients or applicants—family planning, foster care for children and protective services for children. These are specifically defined, but it is possible that day care for eligibles could be provided under the protective care definition.

Under current regulations, mandatory services are employment services, employment-related child care, foster care, family planning, protective services, health and legal services, educational services, homemaker services, child rearing and housing improvement.

Under the proposed regulations, day care becomes one of 10 optional services. It is a mandatory service under current rules.

Other optional services are educational services (available without cost from other community resources), employment services (non-WIN), health-related services (mainly secured, not provided), homemaker services, home management and other functional educational services, housing improvement services and transportation services.

Currently, optional services are non-employment related child care, emergency assistance, education and training services and legal services.

Despite the switch of day care from mandatory to optional, most states are expected to continue to provide day care as a work-related expense.

DAY CARE

Unlike the current regulations, the proposed rules contain no mention of "child care." All references are to "day care." This term generally indicates a protective, low-cost service, rather than the developmental service associated with the term child care.

Day care services for children are defined as "care of a child for a portion of the day, but less than 24 hours, in his own home, in a family day care home, group day care home or day care center. Such care must be for the purpose of enabling the caretaker relatives to participate in employment, training or receipt of needed services, where no other member of the child's family is able to provide adequate care and supervision.

"In-home care must meet state agency standards, that as a minimum include requirements with respect to the responsible person's age, physical and emotional health, and capacity and available time to care properly for children; minimum and maximum hours to be allowed per 24-hour day for such care, maximum number of children that may be cared for in the home at any one time and proper feeding and health care of the children."

"Day care facilities used for the care of children must be licensed by the state or approved as meeting the standards for such licensing."

This definition eliminates current requirements that homemaker services for in-home child care meet state standards in accord with those recommended by the Child Welfare League and the Homemaker Association and that out-of-home care comply with the Federal Interagency Day Care Requirements.

The latter—if part of the final regulations—will need legal interpretation based on existing laws and Congressional intent.

Also needing HEW clarification is whether day care can be provided under circumstances other than the employment reasons in the definition above, such as the incapacity of an eligible mother to care for her child. Unlike current regulations, the new regulations do not require a parent to be involved in choosing child care and do not require that more than one kind of care be available.

PURCHASE OF SERVICE

The proposed regulations impose stiff rules on Federal matching for day care and other social services purchased by state welfare agencies from public and private agencies. These include:

Contracts with outside agencies must be written in accordance with SRS requirements and must—for the first time—be subject to approval by SRS regional offices. This would be effective April 1.

Contracts must contain detailed documentation of purchased services.

Services may be purchased only if they are available without cost.

There must be a maintenance of state effort; that is, services may be purchased from another public agency only if it will mean an increase in expenditures by the recipient agency beyond the fiscal 1972 levels for the type of service and recipients covered in the agreement. This provision would be effective March 1.

Sources from which services are purchased must be licensed or otherwise meet state and Federal standards.

The new regulations make specific mention of proprietary agencies as eligible for purchase of service contracts. Although private, for-profit agencies and organizations are authorized under the current regulations, they are not specifically mentioned.

DONATED FUNDS

The regulations state that "donated private funds or in-kind contributions may not be considered as the state's share in claiming Federal reimbursement."

This provision is one of the most crucial for day care since private agencies, such as United Fund and United Way, contribute a significant portion of funds toward state match in many states. It could mean a cutback in the amount of Federal matching a state receives.

The regulation was included to comply with the intent of the Senate Finance Committee, which last year ordered the HEW Secretary to issue such regulations, to stop what it considered abuses of the law.

One HEW source indicated that a sufficient protest from the states and special interest groups could lead to change in this regulation. HEW Secretary Caspar Weinberger told the Finance Committee last month that HEW would consider the wishes of the Finance Committee and the states in this matter.

OTHER AREAS

Although there is no specific mention of community planning, as under current regulations, it appears that there is nothing in the regulations to prohibit welfare agencies from contracting with groups such as 4Cs (Community Controlled Child Care committees) for community planning.

States, however, may be reimbursed for expenditures for services not specifically listed in the regulations only if a state can prove such a service is necessary for the proper and efficient administration of programs and if the HEW Secretary approves the service.

It would be under these stipulations that 4–Cs could be funded.

It is unclear the full effect the regulations will have on child welfare services provided under Title IV B of the Act. Regulations for this are unchanged, but some of the new regulations appear to move toward a combining of Parts A and B.

There is a cutback in reimbursable health and medical services for children in day care centers.

Paternity requirements are not included. It is likely that these will await changes in the law expected to be made this year by Congress.

Revised regulations for the WIN program are also not included.

After the regulations are published, thirty days will be allowed for comment. Comments should be sent to the Administrator, SRS, Department of Health, Education, and Welfare, 330 Independence Ave. SW., Washington, D.C. 20201.

Copies of the *Federal Register* are available for 20 cents from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. or from public libraries.

For comparison and analysis, existing regulations are available in the *Federal Register*, Vol. 34, No. 18, Tuesday, Jan. 28, 1969, Part II, available from the same sources.

TEN MARYLAND POW'S RETURNING HOME

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 19, 1973

Mr. LONG of Maryland. Mr. Speaker, we have shared with the families of

Americans held prisoners in Indochina some measure of their worry and grief. We are proud of the courage with which they have endured countless hardships and disappointments. Now, we rejoice with them at the freedom finally won for their husbands, sons, brothers, and fathers.

The sacrifices these prisoners have been called upon to make and those made by their families have been made with deep respect for America. The readjustments these men will make are delicate.

I am writing to the families of 10 Maryland men who are returning from Hanoi, to let them know that I am available for any assistance I can provide in resolving problems. I commend these 10 families from Maryland, and all POW families for their courage and wish them a speedy and joyous reunion with their kin:

Maj. Bernard L. Talley, Jr., son of Mr. and Mrs. Bernard L. Talley, Baltimore; Capt. Arthur T. Hoffson, brother of Mrs. Sandra Mullen, Suitland; Comdr. Hugh A. Stafford, son of Mrs. Arnold Daane, Cambridge; Comdr. James F. Bell, son of Mr. and Mrs. Francis Bell, LaVale; Sgt. Peter E. Drabic, son of Mr. and Mrs. Peter Drabic, Union Bridge; Specialist Carroll E. Flora, husband of Mrs. JoAnn Flora, Frederick; Maj. Arthur W. Burer, husband of Mrs. Nancy Burer, Rockville; Col. William D. Burroughs, son of Mrs. Clara P. Burroughs, Indian Head; Capt. Henry P. Fowler, son of Mrs. Madeleine H. Fowler, Chevy Chase; and Lt. Col. Carlyle S. Harris, son of Mr. and Mrs. Early J. Harris, Preston.

I also hope, Mr. Speaker, that we will not forget the more than 1,300 men still missing in Southeast Asia and the continued bravery of their families.

CONGRESSMAN RINALDO REPORTS FROM WASHINGTON: A PROFILE OF THE 12TH DISTRICT OF NEW JERSEY

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 19, 1973

Mr. RINALDO. Mr. Speaker, politicians, reporters and other analysts of election results are fond of referring to Union County as a "weathervane" county, whose political behavior reflects that of the State as a whole.

And in most major elections since I can remember, it has been true that "as Union County goes, so goes New Jersey."

This is not coincidental. Most students of politics agree that people of similar social background, educational attainment, and economic circumstance generally—though not always—tend to respond to major issues in similar ways and, consequently, tend to vote accordingly.

Socially and economically, Union County does in fact greatly resemble the State of New Jersey. This conclusion emerges unmistakably from a Bureau of the Census computerized analysis of 1970 census data for each congressional district in the State. It is a fascinating document, a valuable profile of our district, and a very useful basis for assessing the potential impact of legislation and other Federal action on the people I represent.

In summary, the study shows that the 12th Congressional District—all of Union County except Hillside, Linden, and Winfield—corresponds remarkably close with the State in nearly all major categories: employment patterns, income, housing, racial composition, education, age, family size, foreign stock, veteran status and population mobility.

The chief exception is this: the 12th District is 100 percent urban, while the State is 88.9 percent urban and 11.1 percent rural.

OLDER AND RICHER

To the extent there are other differences, they reveal that our part of the State has a slightly older population and housing supply and is marginally more affluent in terms of family and per capita income, educational attainment, the value of housing units, and household equipment.

Here are some of the details:

Of the 477,887 persons in the 12th District in April, 1970, 170,557—or 35.7 percent—were under 21, while 48,548—10.2 percent—were 65 or older. The comparable figures for the State were 37.8 percent under 21 and 9.8 percent over 64. For the district, 33.4 years was the median age—meaning half of the population was older and half younger—and for the State 30.5 years.

Women, predictably, exceeded men both in number and age, in the district and in the State alike. For New Jersey, it was 3,701,634 women to 3,466,530 men and in the district 249,282 women to 228,611 men. The median age of women and men, respectively, was 34.6 and 31.9 in the district, 31.8 and 29.1 in the State.

Significantly, however, in both district and State males outnumber females in all age groups below 18, which suggests that more men than women tend to leave the State.

The average size of district families was slightly smaller than for families Statewide, 3.51 persons per family in the former and 3.56 in the latter. And in the district, 90.1 percent of families were headed by a man while in the State the comparable figure was 89.0 percent.

AND MORE STABLE

New Jersey, a "corridor" State, has long been noted for its high rate of population mobility. But our district has become somewhat more stable than the State as a whole. While 42.4 percent of persons over 5 years old in New Jersey moved between 1965 and 1970, only 39.3 percent of district residents moved during that period.

If the United States, as the saying goes, is a "nation of immigrants," that description is even more applicable to New Jersey and the 12th District. The Census Bureau defines persons of foreign stock as either foreign-born or children of parents born abroad. In this important respect, the 12th District numbered 35.3 percent—better than one out of three—of its population as being of foreign stock. For the State, the comparable figure was 30.1 percent.

Educationally, the 12th District has done somewhat better than the State. Of persons 25 or older, 58.7 percent of district residents were high school graduates, including 25.1 percent who completed some years of college. Statewide, 52.5 percent were graduated from high school and 20.7 percent attended college for at least a year. Median school years completed were 12.3 for the district and 12.1 for the State.

A LITTLE BETTER

Roughly the same proportions carried through in various categories of economic data. In the district, 61.5 percent of persons 16 and older were counted in the labor force, with 3.1 percent unemployed in April of 1970. In the State, the labor force totaled 60 percent and 3.8 percent were unemployed. Females constituted 38.5 percent of the district's labor force compared with 38 percent for the State. Unemployment among women was 4.2 percent in the district and 5 percent in the State.

Private employment vastly outnumbered public employment in both State and district. The occupational distribution was also similar in both: professional and technical workers accounted for 17.3 percent of district employment and 16.1 percent in the State, for managers and administrators, it was 9.5 percent and 8.8 percent respectively; sales workers, 8.4 percent and 7.7 percent, clerical workers, 21.2 percent and 20.2 percent, craftsmen, 12.9 percent and 13.7 percent, operatives, including transport, 17.5 percent and 18.5 percent; service workers, 8.6 percent and 9.8 percent, laborers, 3.4 percent and 3.8 percent, and for private household workers, 1.1 percent in the district, and 0.9 percent in the State.

Perhaps the best measure of affluence is income, and here too, though the figures are fairly close, the 12th District did better than the State. Median family income for the district was $12,787 and for the State $11,403, with the 12th District ranking third highest among the State's 15 districts. Also we had fewer low-income families and more high income families than the State overall.

BUT GENERALLY ALIKE

On a per capita income basis, every man, woman, and child averaged $4,241 a year in the district, and $3,665 in the State. In the 15 districts, the highest figure was $4,683 and the lowest $2,771.

Twelfth District houses were more valuable and rental units more expensive. Median value of owner-occupied housing was $28,786 in the district and $23,504 in the State. The median rental in the district was $136 a month compared with $127 in the State.

In terms of racial composition, the 12th District was again remarkably like the State. Whereas the black population was 10.7 percent of the State, blacks represented 11.5 percent of the district's population. Among the State's 15 districts, the range was extreme, from more than 50 percent in one district to less than 2 percent in another.

To the extent we can generalize, then, it would seem that the 12th District, most of Union County, is truly a microcosm of the State—reflecting and sharing most of its prospects, its strengths, its needs—not in all specifics but in the sense that New Jersey is the 12th "writ large."

CHARLES S. MOTT

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 19, 1973

Mr. CHAMBERLAIN, Mr. Speaker, it is with sadness in my heart that I rise to express a few words in honor of the memory of a most distinguished American, Mr. Charles Stewart Mott, of Flint, Mich., who passed away yesterday morning, February 18.

For the first 8 years I served the House, Genessee County, including the city of Flint, was a part of Michigan's Sixth Congressional District. During this time I was privileged to become well acquainted with Mr. C. S. Mott. The warmth, candor, and easy simplicity of his personality, his calm, clear view of society's problems and needs, and his level optimism were always a source of inspiration.

One of our Nation's foremost automotive pioneers, Charles Stewart Mott lived a very long life, just 3 years short of a century. He was, in a sense, a symbol of that earlier age, when a young man could begin his career as a bookkeeper and by ability and diligence achieve in time high position and affluence. Mr. Mott did this, to an extraordinary degree. At the same time, all who knew him can attest to his example which counteracts the critical generalizations so often made about that earlier generation of business giants.

One of his unique characteristics that has been universally recognized is that Mr. Mott remained unspoiled by his wealth and great achievements. I remember clearly seeing this remarkable old gentleman, while in his eighties, driving his own Corvair around the city of Flint. The car, being one of the smallest and lowest priced then produced by General Motors, was dwarfed by his tall frame. He was always unassuming, pleasant, and above all, always encouraging to younger people.

Indeed, encouraging and helping others became the great purpose of the later years of Mr. Mott's life. He gave generously of interest, effort, and money to innovative educational and cultural projects in the city of Flint and elsewhere. Those who benefited not merely from his wealth but equally from his concern, his imagination, and his level-headed vision number in the tens, if not the hundreds, of thousands. He was an active philanthropist in the literal and best sense of that word.

The good he has done will live on through the activities of the Mott Foundation which Mr. Mott founded some 47 years ago—in 1926. The foundation, which became his major interest, was devoted largely to education, health, and recreation programs in Flint. One of its great accomplishments was the community school concept, leading to the full-time use of the schools with more adults in the city studying at night than young people during the day.

Charles Stewart Mott was a great human being and a great citizen of Michigan and America. I feel privileged to have known him as my friend.

There are many fine tributes to Mr. Mott's memory in our Nation's newspapers today and Mr. Speaker, I insert the following editorial from the Flint Journal which indicates the devotion and affection his fellow citizens of Flint, Mich., had for this great man:

MR. MOTT GAVE MORE THAN JUST WEALTH

The obvious tribute to a man of the stature of Charles Stewart Mott at the end of a long and useful life is to praise the fact that he was generous with his wordly riches.

He gave freely to fulfill his desire to help others to a richer life and with characteristic wisdom, he provided that his community will continue to benefit from his bounties for many years to come.

In these endeavors, his success is self evident.

But there was another aspect to his giving that more truly marked the depth and breadth of his character.

It is not so difficult for a very rich man to give away millions for causes he judges worthy. To give a share of himself along with those tangible goods is not so often accomplished, but that is what marked Mr. Mott's philanthropy.

Throughout his years of "helping Flint to help itself" through the many programs he made possible with the Mott Foundation, Mr. Mott maintained a genuine and abiding interest in each project. He never rose above caring about the details of the many programs his benevolence made possible.

No group was too small, no visitor too insignificant for Mr. Mott's time. No petition for aid was denied a courteous and thoughtful consideration.

When he said "No," as was sometimes necessary, petitioners seldom went away with bitterness. They went rather with a respect for the wise and logical guidelines he had set for his giving.

Neither Mott Program staff members nor any of the thousands of persons who took advantage of its classes and activities were greatly surprised to see him appear "just to see how things are going". When called upon, he seldom declined to say a few words and never did those words sound hurried or cursory.

It was the visitors from outside—who came annually by the thousands—who were surprised to see him. Observing community school activities, they would hear local people heap tributes on Mr. Mott

For the visitors he was a legendary figure The next minute he would be standing before them, chatting from his store of humorous stories on education and economics

There are some who undoubtedly wondered why a man in Mr Mott's position didn't gather his millions and a few chosen associates and retreat from the frustrations of a troubled world

But Mr. Mott was not a retreating type. He believed the only worth while life is one lived in harmony with others and in the services of others. Money could not change that feeling.

When asked about retirement, he had a ready answer:

"I am having the time of my life right now", and he would add with a grin, "it is much more fun spending money in these things than it is to make it".

Mr. Mott applied the same acumen, the same industry, and the same down to earth principles he used in making his millions to the task of spending them.

His intention was not to make his contributions difficult to get, but, rather, to be sure that when they were given they would be used wisely.

Mr. Mott was mindful of the dangers of weakening the will of the individual or the community for self help by unwise charity. He recognized the possibility of the community developing a dependence on his generosity at the expense of losing its initiative.

He usually chose to work through established agencies, such as the schools, and with leaders chosen by the public rather than to try to impose his will upon the community. His philosophy was to "grease the wheels", to make it possible for the community to improve itself.

If the community would "ante up" for a new program, whether it be a modest one time campaign to meet a simple need or something of the magnitude of the Flint College and Cultural Development, Mr. Mott was often willing, "to fill the missing parts".

When there was a request for help, he would make a thorough investigation of the resources available outside his contributions, of the genuineness of the need and of the willingness of the sponsors to carry their share. Only when satisfied about those things would he give the initial shove to make the program possible.

Mr. Mott's philanthropy was notable for another value beyond the financial worth of his gifts. He was willing to grant the necessary leeway for persons with innovative ideas to test those ideas. He surrounded himself with people with ideas, and having ideas was the chief requisite for working on his team.

Almost any proposal for betterment of the community that sounded plausible (along with a few that at first didn't sound plausible) were put into what the Mott staff called a "pilot project."

Over the years, many of these innovations worked. The Flint Public Schools have been able to pioneer many worthwhile programs in education because they were first given Mott seed money.

Mr. Mott was happiest when a new idea proved a hit. His next step was "let's get it going and involve as many people as possible."

Mr. Mott earned a high place in the annals of the automobile pioneers who made such a gigantic contribution to our economy and our history. He earned a place in Flint's history as a public servant who did so much as Mayor to help Flint grow in an orderly way.

The College and Cultural Center, the Mott Foundation, the community school programs, the health facilities he made possible all stand as enduring monuments to Mr. Mott's special kind of caring. His memory will continue through the years because he shared so generously of his good fortune with his community and his country.

But that memory will be warmly cherished and kept green because he shared not his wealth alone, but gave of himself and did so with wisdom, humility, and humaneness.

NOBODY GETS RICH WITH $1.68 A DAY

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 19, 1973

Ms. ABZUG. Mr. Speaker, facts that we should bear in mind as we debate budget proposals in the coming months, are stated with force and clarity in a recent "Memo From COPE," a publication of the Committee on Political Education, AFL–CIO. The entire memo of February 5 follows:

WELFARE: EVERYBODY'S WHIPPING BOY

Welfare . . . it's as unloved as athlete's foot. Office-holders know they're guaranteed prime press space by attacking it. Conservative groups and leaders make careers inveighing against it. In a government administering thousands of programs, welfare is probably the least popular and most misunderstood. It's everybody's whipping-boy.

The Greeks created no more myths about their gods than we have about welfare. Time and again we are told of the welfare client who arrives in a fancy car to pick up the check that comes from taxpayers' money, and goes home to his color television and vintage champagne. He is strong, able-bodied and employable, we are told . . . but he just doesn't want to work. He's a loafer.

If the welfare client is female, we are drawn a horror picture of repeated illegitimate births for the sole purpose of increasing her welfare benefits. She's a loafer, too.

We are advised that welfare provides such opulent living its clients would be crazy to give it all up and go to work. We hear repeatedly that welfare clients are cheats and welfare programs are rampant with fraud.

We even are asked to believe that hordes of poor people scrutinize statistics that come out of federal and state agencies, locate states and communities where the highest welfare benefits are paid, and choose their spots accordingly.

We believe, too, that the majority of welfare recipients are blacks.

Perhaps the attitude of a great many Americans toward welfare was reflected in a campaign statement by President Nixon: "We are faced with the choice between the 'work ethic' that built this nation's character, and the new 'welfare ethic' that could cause that American character to weaken." The statement seems to encompass and reinforce most of the myths about welfare.

As the new Congress swings into action and may confront again, as it did last year, the welfare issue, it's a good time to look more closely at the facts, not the myths. Following are 10 key facts about welfare.

Fact No. 1—People wind up on welfare not because they are cheats, loafers or malingers, but because they are poor. They are not just poor in money, but in everything. They've had poor education, poor health care, poor chances at decent employment, and poor prospects for anything better.

Fact No. 2—But even most of the poor are not on welfare. Some 15 million Americans receive some form of welfare benefits. There are more than 25 million officially below the poverty level of $4,000 a year for a family of four. Another 30–50 million are just barely above it. And $4,000 a year, as everyone knows, does not afford extravagance.

Fact No. 3—Of the 15 million receiving welfare, about eight million are children under 16 years of age. Anyone for "work-fare" for children more than half a century after child labor laws were enacted?

Fact No. 4—Less than one percent—about 150,000—of welfare recipients are able-bodied employable males. Many of these are in their late-middle years. Most are uneducated. All are required by law to sign up for work or work training. A government study shows more than 80 percent want to work, rather than draw welfare, and among the fathers in this group one in three is enrolled in work training.

Fact No. 5—Apart from children and the relative handful of potential employables, on welfare are more than two million aged, more than one million totally and permanently disabled or blind, three million mothers. All of these are in programs roughly supported 50–50 by state and federal funds. Another group of less than one million is aided by state and local non-federally supported programs. These are single adults and childless couples, most of whom work full time but are paid less than they would be on welfare. These are the working poor.

Fact No. 6—No one is getting rich on welfare. It allows, at best, bare-bone living. In no state does the average welfare payment bring a family up to poverty level. Maximum payments for a family of four range from the $700 a year in Mississippi to $3600-plus in New York, New Jersey, Massachusetts and Connecticut. Thirty-nine states pay less than their own established standard of need.

So instead of the high living often portrayed among welfare recipients, the facts boil down to an average nationally of $1.68 per recipient per day with a range in the states from 48 cents to $2.58 per person per day. Out of this comes food, clothing, housing and other essential cost items. A survey of welfare mothers showed that if they received higher benefits, half would spend it mostly on food, 28 percent on clothing and shoes, most of the others on rent or a combination of essentials.

(Figures are based on the major federal-state matching program called Aid to Families With Dependent Children, which covers the largest percentage of welfare recipients.)

Fact No. 7—Cheating and fraud in welfare are minimal. There is, of course, some cheating and dishonesty among welfare clients. Try to imagine any program involving 15 million persons that is entirely free of fraud. But the Department of Health, Education and Welfare estimates there is cheating among fewer than one percent of welfare cases. Add to this another 2–3 percent on the rolls due to misunderstanding or technical-bureaucratic error, and there is an upper range of 4–5 percent receiving benefits who are either completely or partially ineligible. It is likely that this range of cheating, plus error, exists in income tax payments of citizens and in many other areas of activity.

No one argues that any cheating should be permitted when discovered, but the public idea of massive fraud in welfare is wrong.

As for invading hordes of welfare clients moving from state to state to achieve higher benefits, facts don't support this myth. In New York, which pays the highest benefits, less than two percent of new recipients have lived in the state less than two years; more than 85 percent of all recipients have lived there more than five years. The facts show that poor people, like the rest of us, move around mainly to find better job opportunities.

Fact No. 8—Welfare mothers are not churning out illegitimate children. Nearly 70 percent of all children in welfare families are legitimate, according to the Social and Rehabilitation Service of HEW. Thirty percent of welfare families with any children have only one child; 25 percent have two; 18 percent have three. The remainder have four or more.

Economically, anyway, the myth is nonsense, since the average payment per additional child nationaly is only $35 a month, hardly an incentive toward mass production.

Fact No. 9—More than 48 percent of welfare families are white; about 43 percent are black. Most of the remaining are American Indians, Orientals and other racial minorities. The reasons for the high percentage of blacks are self-evident; More than 34 percent of the black population in the U.S. have incomes below the poverty level, compared to 13 percent of the white population.

Fact No. 10—There is no evidence to sustain the belief that welfare is necessarily habit-forming, that is that "once on welfare, always on welfare." Half the families on welfare have been on the rolls 20 months or less; two-thirds have been on the rolls less than three years. Fewer than one in five have received welfare for five years or more. One in 16 has been on 10 years or more. About 65 percent of welfare cases at any given time are on for the first time; about one-third are repeaters.

These, then, are some of the major facts about welfare. Sad to relate, there is no fresh revelation among them. They have been printed in many places, many times. Yet, the myths about welfare, and the objections to it, persist.

A major objection, raised both by those who want to reduce it and even many of those who want to improve it, is its cost. It is true, welfare costs money—about $12 billion a year in the major programs jointly financed on about a 50–50 basis by the states and federal government. Another $100 million a year is borne by states and communities in general assistance programs not aided by Washington.

The federal share of the cost represents about 2½ percent of an over-all budget of $270 billion that President Nixon is shooting for next year.

So welfare really costs less than 2½ cents of every dollar paid into federal taxes. Indeed, closing just a few major tax loopholes for corporations and wealthy individuals alone could bring in enough additional federal revenue to cover present welfare outlays.

Buried in the emotions surrounding and misunderstandings of, welfare are some other important matters that should not be ignored:

AFDC, the major welfare program, was conceived to provide help for dependent children. As Bert Seidman, director of the AFL–CIO Social Security Department noted in a recent speech, "Our whole approach to welfare reform ought to be, therefore: What is best for these millions of disadvantaged and under-privileged children?" He called "disadvantaged" and "underprivileged" fancy words "to describe kids who are hungry and ill-clothed and living in rat-infested tenements surrounded by filth, despair, degradation and often disease."

Instead, Seidman said, "their plight is ignored and all the attention is placed on the alleged sins of the adults . . . but whatever may or may not be the sins of their parents, the guiltless children share heavily in the punishment."

It is too simple to say, as some do, "send the mothers to work." In the first place, surveys show many would like to work. But where are the jobs, and if there were jobs what do you do with the children? Who will be there when they get home from school? If they are pre-school, where are the day care centers to look after them properly? The President vetoed day care legislation a couple of years back.

If there were sufficient jobs and adequate day care facilities, what are the ethical implications of a must-work program for welfare mothers? Some welfare opponents have split personalities. In one breath they oppose day care legislation on the grounds it would weaken the family structure; in the next breath they extol "work-fare" and the "work ethic." You can't have it both ways.

Experience with non-federal must-work programs for welfare clients in several states has been a jolt, with one of the key road-blocks to any success being "the documented reluctance of employers" to hire welfare recipients, according to a congressional study.

Welfare probably will be a matter of heated controversy for years to come, and it is likely to remain massively misunderstood. The shape of any true reform was described by Seidman this way:

"In summary, any genuine welfare reform must, first and foremost, emphasize the children's welfare. It should rely primarily on non-welfare programs to develop and assure suitable jobs at decent wages supplemented by improved social insurance, health security and other programs aimed at eliminating poverty.

"With this multi-faceted approach, welfare, whatever it is called, could become a residual program providing a decent level of living to people who can't work at all or ought not to be required to work if they wish to devote themselves to their children's care. Under these circumstances, welfare would be far less costly and the 'work ethic' would be irrelevant to welfare. The nation might even turn once again to helping instead of punishing the poor."

SAVE THE WOLVES

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 19, 1973

Mr. WHITEHURST. Mr. Speaker, one of the great newspapers in the Old Dominion, the Bristol Virginia-Tennessean has eloquently expressed itself editorially on the need to preserve the natural balance of nature, and the fact that the predator is an important part of maintaining that balance. I include the editorial at this point in the RECORD:

[From the Bristol Virginia-Tennessean, Dec. 28, 1972]

SAVE THE WOLVES

We have often praised in this space the untiring efforts of Virginia's Second District Congressman William Whitehurst for responsible animal protection legislation.

During the last session of Congress, he had considerable success in a number of areas but in one especially critical area—conservation of rapidly disappearing timber wolves—he was stymied by the often tediously slow legislative process.

Thus, we are happy to report that Congressman Whitehurst has announced a plan to reintroduce in the 93rd Congress which convenes next month his bill calling for nationwide protection of the timber wolf. Last year the bill made it as far as the House Merchant Marine and Fisheries Committee.

Coupled with this, Mr. Whitehurst will introduce a resolution calling for an agreement with Canada for international conservation measures. Obviously, for conservation of the timber wolf and so many other exquisite animals facing extinction, it is essential that Canada and America reach identical agreements.

Additionally, Congressman Whitehurst has given his support to an Interior Department moratorium on the killing of eastern timber wolves. His approval is vital because, in a relatively short time, Rep. Whitehurst has emerged as the most knowledgeable, compassionate, realistic, and courageous spokesman in Congress in behalf of sane animal protection causes.

So, it is not surprising that while he supports the moratorium on the killing of eastern timber wolves, he has also voiced strong objection to a proposed wolf management policy approved by the Fish and Wildlife Service.

We absolutely agree with Congressman Whitehurst that it is inconceivable that the Fish and Wildlife Service could approve a plan calling for the killing of wolves when the animal is on the endangered species list.

Indeed, as Rep. Whitehurst points out, the wolf population is less than 1,000 according to the Interior Department—hardly enough to merit a management killing program.

But Congressman Whitehurst, for so long a lonely voice in Washington, is pleading for help from those interested in conservation of wild animals. To save the wolf, the baby seals, the polar bears, and so many others, he is going to have to elicit support next year from those of us all over the country who share his concern.

We have no choice, really, because we simply have no right to destroy the eastern timber wolf or any other species of animal. We've already driven too many precious animals from the earth and the earth is now ours alone.

AN OPPORTUNITY FOR PEACEMAKING

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 19, 1973

Mr. MILFORD. Mr. Speaker, recently the Reverend Fred W. Cassell delivered a message at the St. Andrew Presbyterian Church in Denton, Tex., on the announcement of peace in Vietnam, and the hope for continuing peace.

This sermon was well-received in Denton, and I believe it would be of interest to our colleagues. I include it at this point in the RECORD:

AN OPPORTUNITY FOR PEACEMAKING

(A sermon by the Reverend Fred W. Cassell)

For twelve years we were involved in the war in Vietnam.

During half—or more than half—of the life time of half of our nation's population, we have been preoccupied with the conflict in Indo-China.

As of six o'clock last night, that war came to an end.

We have all said: "Thank God it's over." and we *do* thank God"

Now, we move on, and that is what seems most important to me. What the world makes of the future is a far more significant subject for our consideration than a reprise of the botch we've made of the past.

A great deal has been made this week of the fact that the one man who would have rejoiced as much as, and perhaps more than, any one else to see the formal end of the war, died just 24 hours before the official announcement was made.

I would like to think that the late President knows that the war is over. I don't mean simply that I'd like to know that President Nixon said to him several weeks ago:

"Lyndon, we've finally reached a settlement we can all live with, and in a couple of weeks we'll have it all worked out."

But really, I'd like to think he knows that the papers have been penned bringing that long, bloody conflict to a close.

But as I say, what really matters now is what happens from here on.

Jesus said: "Blessed are the peacemakers, for they shall be called sons of God".

As significant a role in ending the war as Henry Kissinger played, or President Nixon, or Secretary William Rogers, or Le Duc Tho, or any others who struggled and sweated to bring about the negotiated settlement, these leaders are not the real "peacemakers" of whom Jesus spoke.

And, heaven help me, I'm not belittling the monumental and historic work done by all those who had a hand in it.

I am simply saying that there is a significant difference between being a "war ender", and being a "peace maker".

The war has ended. Thank God! Now, let's make peace. That's the task that faces the world.

That's the task that always confronts the signers of a cease fire. After every war, the job is reconciliation.

When a disastrous fire has finally been put out after man-killing work, I'd hate to think that all that would be said was: "Well, Harry, it's out; let's go home to bed," while the elements which could bring about an equally devastating fire were left unattended, awaiting only some careless match to be thrown, or spontaneous combustion to take place.

The time for fire prevention is immediately after a devastating fire.

And the time for peace making is now, immediately following the cessation of a devastating war.

Unfortunately, our past track record is not too good at taking the opportunities of making real peace once a war has ended.

We have had great opportunities in the past.

After World War I, the democracies of the world could have done anything they desired to shape the future of the world, so sweeping was their victory in that "War to end all wars".

Listen to a part of what President Woodrow Wilson said to Congress in his announcement of the Armistice in 1918:

"We know that the object of the war is attained; the object upon which all free men had set their hearts; and attained with a sweeping completeness which even now we do not realize. Armed imperialism such as the men conceived who were but yesterday the masters of Germany is at an end, its illicit ambitions engulfed in black disaster. Who will now seek to revive it? The arbitrary power of the military caste of Germany which once could secretly and of its own single choice disturb the peace of the world is discredited and destroyed. And more than that—much more than that—has been accomplished."

The war was ended, and the unparalleled opportunity to bring about a lasting peace was in our hands.

But within less than a quarter of a century the world was engulfed in a greater and more wide-spread conflict.

In the early years of that second great war, Dr. Harry Emerson Fosdick, the Minister of New York City's Riverside Church, outlined some of our failures which had helped to allow the rise to power of dictators and helped to bring about that war. He said:

My friends, a radical change in the world order has been long overdue. Our military and economic imperialisms, our subjugation of native peoples, our insane tariff barriers, our unjust division of the world's resources, have long cried out for change. We the democracies might have done it peacefully, but alas! we failed. Now the dictators come. They are to me as terrible as they are to you, but be sure of this in the retrospect of history they will not be a total loss."

He was saying that God can use evil men to shake a world awake to its responsibilities for justice, and mercy and brotherhood.

But the lessons of history are hard for the world to learn.

Just how difficult those lessons are, and how completely we have failed to learn them, is illustrated by these brief words from Winston Churchill's monumental History of the Second World War. The theme of the final volume of that great work: "Triumph and Tragedy", he wrote as being:

"How the great democracies Triumphed, and so were able to resume the follies which had so nearly cost them their life".

Now, another war has ended, and another opportunity has been given to us. We need earnestly to seek peace; to foster the conditions of good will, and to eliminate the causes of hostility.

If we do, we may deserve the title "peacemaker".

If we don't, history may very well record the calamitous consequences of our failure in some future bloody conflict.

There are innumerable reasons why wars

break out. The most common reason of the past was territorial expansion. When a country's population outgrew its territorial limits, it began looking around for other lands to conquer; lands which its people could occupy, or lands which could supply its people with the natural resources needed for their lives: oil, rubber, tin, and land for the growing of grain.

Another significant cause of war has been the desire of some people to dominate the lives of others. It is desire for power; the desire to expand one's own freedom by limiting someone else's freedom.

And still another reason for war—a reason more prevalent in today's world of interrelatedness and shrinking size—is the disease, the unrest, of the "have nots" in a world where are those who so obviously "have".

These are days when we must somehow see the plight of every man as our own plight, or suffer the consequences.

Governor Calvin Rampton of Utah, speaking at the Commencement exercises at Westminster College in Salt Lake City last May, touched on that theme. He said:

"Two-thirds of the world's people are poor and hungry, and they live in countries where a frightening increase in population is far outstripping available resources and lagging economic growth, already insufficient and strained to the utmost. Anyone who feels that in the next twenty years we Americans can continue to sit in our air-conditioned homes, watching color television, getting fat from eating too much, polluting the environment through overconsumption, and feeding our cats and dogs more than a great many starving humans have to live on, and still maintain our national security—not to mention our sense of moral uprightness—in such an unstable and anomalous world situation, has not thought the matter through. There is no way we can withdraw from the world or escape our responsibilities in regard to the world's people."

That says, it seems to me, that we better recognize our responsibilities to help solve the basic human needs of other people in the world, or suffer dire consequences in the future.

The poor, the downtrodden, the oppressed, the voiceless, the now-powerless peoples of the world, are not going to remain poor and passive and powerless.

They are not going to stay voiceless and non-violent forever.

They are going to want a better life.

They are going to want the good things of the earth.

They are going to want their share of the world's resources.

And the hard fact is that if they don't get that good life peacefully, if they don't get that share of the world's resources voluntarily, the day will come in the future when they shall try to get those things forcefully.

I shared with some of the women of the Church recently, the vast differential between our standard of living and that of most of the world's population.

For instance, the average annual per capita income varies dramatically in the world.

In America, our annual per capita income is $3520.

In Canada, it is $2240.

In Australia, it is $1840.

In the countries of Europe it averages $1140.

In Mexico, it is $470.

In Asia, it is $425.

In South America, it is $405.

And in Africa, it is $160.

There are 7 countries in Asia where the annual per capita income is less than $100.

In South America there are 13 countries with incomes of under $100.

And in Africa, 19 countries have per capita incomes of less than $100 a year.

What that means—to live like 2½ billion people of the world live—was illustrated dramatically by Robert Heilbroner in a book, "The Great Ascent".

He illustrated what it would mean to reduce an average suburban American family to the level of most of the rest of the world. He said:

"We begin by invading the house of our imaginary American family to strip it of its furniture. Every thing goes: beds, chairs, tables, television set, lamps. We will leave the family with a few old blankets, a kitchen table, a wood chair. Along with the bureaus go the clothes. Each member of the family may keep in his "wardrobe" his oldest suit or dress, a shirt or blouse. We will permit a pair of shoes to the head of the family, but none for the wife or children.

"We move into the kitchen. The appliances have already been taken out, so we turn to the cupboards and larder. The box of matches may stay, a small bag of flour, some sugar and salt. A few moldy potatoes, already in the garbage can, must be hastily rescued, for they will provide much of tonight's meal. We will leave a handful of onions, and a dish of dried beans. All the rest we take away: the meat, the fresh vegetables, the canned goods, the crackers, the candy.

"Now we have stripped the house: the bathroom has been dismantled, the running water shut off, the electric wires taken out. Next we take away the house. The family can move to the toolshed. It is crowded, but much better than the situation in Hong Kong, where 'It is not uncommon for a family of four or more to live in a bedspace, that is, on a bunk bed and the space it occupies—sometimes in two or three tiers—their only privacy provided by curtains.'

"But we have only begun. All the other houses in the neighborhood have also been removed; our suburb has become a shantytown. Still, our family is fortunate to have a shelter; 250,000 in Calcutta have none at all and simply live on the streets. Our family is now about on a par with the city of Cali in Colombia, where, an official of the World Bank writes:

" 'On one hillside alone, the slum population is estimated at 40,000—without water, sanitation, or electric light. And not all the poor of Cali are as fortunate as that. Others have built their shacks near the city on land which lies beneath the flood mark. To those people the immediate environment is the open sewer of the city, a sewer which flows through their huts when the river rises.'

"And still we have not reduced our American family to the level at which life is lived in the greatest part of the globe.

"Communication must go next. No more newspapers, magazines, books, not that they are missed, since we must take away our family's literacy as well. Instead in our shantytown we will allow one radio. In India the national average of radio ownership is one per 250 people, but since the majority of radios are owned by city dwellers, our allowance is fairly generous.

"Now government services must go. No more postmen, no more firemen. There is a school, but it is three miles away and consists of two classrooms. They are not too overcrowded since only half the children in the neighborhood go to school.

"There are, of course, no hospitals or doctors nearby. The nearest clinic is ten miles away and is tended by a midwife. It can be reached by bicycle, provided that the family has a bicycle, which is unlikely. Or one can go by bus—not always inside, but there is usually room on top.

"Finally, money. We will allow our family a cash hoard of five dollars. This will prevent our breadwinner from experiencing the tragedy of an Iranian peasant who went blind because he could not raise the $3.94 which he mistakenly thought he needed to secure admission to a hospital where he could have been cured."

What does that mean?

It means that we are privileged.

By the sheer accident of birth—and that's all it really is for most of us—none of us chose to be born free, white and American—any of us could have been born a peasant in India, or a savage in Africa—by the sheer accident of birth, We have it made!!

And we had better learn a lesson from history. The lesson is that we better share our resources with others—if not for the best of reasons—because they our our brothers—then for the worst of reasons, for the simple sake of self-preservation. It will be in our own best interests in the future if we share with them now.

We spent 200 billion dollars in a war in Vietnam, because we felt it was necessary. What would 200 billion dollars spent over the next decade mean in raising the level of the world's standard of living?

But it is unlikely that we will do that since we have failed to have the same commitment to peace that we have to war.

And what would an expenditure of that kind of money mean in helping to assure a lasting peace?

Henry Wadsworth Longfellow once wrote:

"Were half the power that fills the world with terror,
Were half the wealth bestowed on camps and courts,
Given to redeem the human mind from error,
There were no need of arsenals and forts."

I think this is included in what Jesus meant when he commended the making of peace to us.

"Blessed are the peacemakers, for they shall be called sons of God".

"Blessed are those who work to create the conditions which foster harmony and unity and good will, and who work to eliminate the causes of violence, and destruction, and war."

That is our task.

On December 10, 1964, the Nobel Prize for Peace was awarded to Dr. Martin Luther King, Jr., for his leadership in the non-violent movement for freedom and justice for minority peoples.

A part of his acceptance speech bears repeating today:

"I accept this award today with an abiding faith in America, and an audacious faith in mankind. I refuse to accept the idea that man is mere flotsam and jetsam in the river of life which surrounds him. I refuse to accept the view that mankind is so tragically bound to the starless midnight of racism and war that the bright daylight of peace and brotherhood can never become a reality."

That is a great vision.

That is the future to which Christ called us when he said:

"Blessed are the peacemakers, for they shall be called sons of God."

The opportunity again is ours.

The question, which history shall answer, is: "What did we do with it"

PRAYER OF INTERCESSION

I invite you in these moments of silence to remember: the sick, the distressed, the troubled, the family of Lyndon B. Johnson in these days of mourning, the leaders of the world in these days of flux—And now I invite you to join me in a prayer of peace.

Lord, God, we are most grateful at this moment than we can adequately express. We pause to give thanks for the cease fire achieved, for the ending of hostilities, for the promise of peace. This is certainly a time of thanksgiving when our hearts are overwhelmed by the realization that the peace we have prayed for so earnestly and hoped for so long has finally become a reality.

Our joy is tempered by a sense of sorrow and a spirit of penitence for our involvement in this conflict that brought so much devastation, so much suffering, and pain and death, that cost so much in lives as well as resources. We pray that this shall never happen again.

We remember before you the families of of all those killed in this war; grant them consolation in their grief. We remember before you all those who were wounded in this war and who must bear the scars of war forever with them; particularly we remember those who must live with disabilities incurred; grant them courage and strength.

Help us to see in them dramatic evidence of man's inhumanity to his fellow man, and thereby to dedicate ourselves to renewed efforts that war shall be no more. To that and, our Father in Heaven, help us to pledge ourselves. Help us to wage peace as energetically as we have waged war. Help us as a nation now to go about the business of binding up the wounds of war, and healing the differences that have divided us, and putting back together the broken pieces of society.

O God, our help in ages past,
  Our hope for years ahead,
Hear our thankful prayer for peace;
  and let our nation's future life by you be
    led.

In the strong name of your Son, the Prince of Peace, we pray, who taught his disciples to pray:

"Our Father, who art in heaven, hallowed be Thy name; Thy Kingdom come, Thy will be done, on earth as it is in heaven. Give us this day our daily bread and forgive us our debts as we forgive our debtors. And lead us not into temptation, but deliver us from evil, for Thine is the Kingdom, and the Power and the Glory, forever." Amen.

MIKOLAJ KOPERNIK

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 19, 1973

Mr. DERWINSKI. Mr. Speaker, I previously called the attention of the Members of the House to developments relating to nationwide observances of the 500th anniversary of the birth of Mikolaj Kopernik.

Today, February 19, is the exact date of his birth, and I will relate to the House a brief description of his background and accomplishments.

Mikolaj Kopernik, known to the world by his latinized name of Nicholaus Copernicus, was born in Torun, Poland, on Feb. 19, 1473, the son of a wealthy merchant. He spent his childhood in Torun attending St. John's parochial school.

From 1491 to 1495 Kopernik studied mathematics, astronomy, theology, and medicine at the University of Krakow, in Poland. For further study he enrolled as a student of canon law at Bologna University, Italy, but did not give up his scientific studies.

In the year 1500 Kopernik went to Rome where he lectured on mathematics and astronomy. He later studied medicine at the University of Padua, and at the same time obtained a doctor's degree in canon law at Ferrara, Italy.

From 1503 to 1510 Kopernik worked on the outline of his theory of the construction of the universe. He conducted his observations, using instruments of his own construction, from the tower found within the cathedral compound of Frombork, Poland.

It was the ambition of his life to write a work on astronomy which would give a true picture of the universe. The work was finished about the year 1530 and was published at the beginning of 1543. It was called "De Revolutionibus Orbium Coelestium, Libri Sex"—"On the Revolutions of the Celestial Spheres, Six Books."

According to legend passed down through the years, it is said that Kopernik received the first printed copy of his work on May 24, 1543, the day of his death.

It was not easy to confirm and establish the Kopernikan theory that the earth and other planets revolved around the sun. The Kopernikan theory was accepted by the majority of astronomers in the second half of the 16th century, and won universal recognition in the 18th century.

Mr. Speaker, under the spirited leadership of the Polish-American Congress and the active cooperation of Polish-American civic groups as well as academic leaders throughout the country, the quinquecentennial of the birth of Mikolaj Kopernik, one of the greatest scientists of all times, will be studied throughout the year with a thorough historical perspective. I am especially pleased that the Postal Service has seen fit to recognize the great contribution to the knowledge of mankind made by Mikolaj Kopernik by authorizing the issuance of a special stamp.

ARTWORK OF DESPAIR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 19, 1973

Mr. RANGEL. Mr. Speaker, the recently announced intention of the Nixon administration to dismantle the Office of Economic Opportunity and to cut off funding for its Community Action agencies should, I suppose, be interpreted as one brush stroke in a much larger painting. Since Mr. Nixon took office over 4 years ago, one stroke after another has been dashed off until, today, our picture is nearly complete. For the poor and helpless of America, the design is, indeed, bleak.

Under the guise of haughty rhetoric, the Nixon administration has proposed a Federal budget which clearly undermines and destroys the expectations and aspirations of America's underprivileged citizens.

Surely the most cruel effect of the budget proposed by Mr. Nixon is the destruction of the OEO programs that have brought help and hope to millions of the Nation's poor.

Clearly, Mr. Nixon's efforts can be called still life.

I submit for your attention and the attention of my colleagues a Washington Post editorial of February 13, 1973, entitled "The OEO: Dismantling Hope."

THE OEO: DISMANTLING HOPE

The Office of Economic Opportunity is going to be dismantled because the administration thinks that by and large it has been a failure. An acting director, Mr. Howard Phillips, has been appointed and this is how he expresses his (and presumably the administration's) point of view: "I think in many ways OEO has had a negative impact . . . When we spend public dollars, we have to decide not merely whether they're being spent effectively, but whether there are some ways in which they've been harmful. And to the extent that we have promoted the welfare ethic out of OEO . . . then I think OEO has done a great disservice to this country." So the office is to be spread around the federal government and its most important parts, the community action agencies around the country, are to be pretty much set adrift. There are a number of people around who think this policy is neither wise nor humane and we are among them.

So, evidently, is the OEO's own Office of Operations which seems to have taken a different view in the "Utilization Test Survey" of 591 community action agencies released just last month. After looking at whether the agencies had been doing their jobs in mobilizing resources for the poor and helping the poor to achieve self-sufficiency, the report stated that the administration's emphasis had produced "closer working relationships between CAAs and state and local governments, which offer genuine help in making the decentralization of government succeed during the next few years." The report also asserted that "even at this early stage in the project [the utilization survey], the picture clearly shows that the administration's redirection of Community Action was on target."

The report underlines the first reason for thinking the administration's new policy is wrong. Americans are an impatient people and often want instantaneous results from large and complex governmental endeavors with little or no tolerance for shakedown periods and experimentation. Premature judgments of failure are often the result. But as the OEO evaluation of the CAAs demonstrates, time was working on the side of the program and after eight years, seemed to be making steady progress toward achieving its goals. Yet, although the agency was indeed moving toward enlarging the self-sufficiency of the poor and obtaining institutional change to benefit the poor, Mr. Phillips thinks the programs have tended to "erode the kind of normal majoritarian democratic safeguards that are incident to the electoral process" and that it is wrong to "treat the poor as a class apart with interests separate and distinct from those of society as a whole."

To our way of thinking, Mr. Phillips has got it just backward. Long before OEO came along, the poor were a class apart because they were poor and powerless and because our "normal majoritarian democratic safeguards" left them that way. OEO programs, and particularly the community action program were designed to help remedy that. The programs were designed to give the poor some stake in their own destiny, and in the society, and to enlarge significantly their ability to help themselves. And that, despite Mr. Phillips' assertion that the programs have promoted the welfare ethic, is just what OEO's own evaluation says they were beginning to do well.

Anyone who has the slightest familiarity with the program knows that one of its major benefits has been what it has done for people. It has uncovered—from the ranks of the poor themselves—several new layers of leadership in communities around the country. It has given people the opportunity to develop skills that help them participate in the management of their own communities and of their own lives. It has given thousands a new sense of their own dignity and worth and some stake in the society. There clearly have been excesses, mistakes and false starts. But the gains in terms of human growth and the institutional achievements documented in the OEO study destroy both the factual and the philosophical underpinnings of Mr. Phillips' arguments.

In his cheerfully assumed task, he will be dismantling a powerful vehicle for human hope.

NEWS MEDIA AND THE FREEDOM OF INFORMATION ACT

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 19, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, the Foreign Operations and Government Information Subcommittee of the House Government Operations Committee exercises continuous oversight of the way in which Federal agencies are administering the Freedom of Information Act (5 U.S.C. 552). In the last Congress we held extensive hearings on their record over the first 5 years of the operation of the act and the Government Operations Committee issued House Report 92–1419 based on these hearings.

This report was highly critical of the way the executive bureaucracy has ignored or distorted the intent of Congress in assuring the public's "right to know" about the activities of their Government and made a series of administrative and legislative recommendations to strengthen the Freedom of Information Act and to improve its operations.

Mr. Speaker, I call to the attention of our colleagues an excellent article summarizing many of the most important aspects of the operation of the act, written by Mr. Stephen E. Nordlinger and appearing in the February 11, 1973 issue of the Baltimore Sun. His article makes a number of key points about the practical effects of the act and its many shortcomings. The text of the article follows:

MEDIA NOT AIDED BY INFORMATION ACT

(By Stephen E. Nordlinger)

WASHINGTON.—"This legislation springs from one of our most essential principles: A democracy works best when the people have all the information that the security of the nation permits. No one should be able to pull curtains of secrecy around decisions which can be revealed without injury to the public interest."

With these words, spoken on Independence Day, 1966, President Johnson signed into law the Freedom of Information Act.

This measure, born of a 10-year campaign led by the American Society of Newspaper Editors, was to assure public access to government documents, not especially of the great decisions, but of day-to-day materials concerning, for example, airport accidents or product testing or inspections.

Once secreted in filing cabinets in Washington's myriad agencies and jealously guarded by bureaucrats, these papers were to be opened to the public. This was the principle fought for by the newspaper editors' organization.

In practice, however, the act has taken an unexpected twist.

The great beneficiaries have been the nation's corporations and other commercial and resources to pursue their quests despite the private interests, with the time and financial resistance of the agencies, which unanimously fought the law from the start until it was finally enacted.

The news media, the main conduits of information from the government to the public, have found the law of considerably less value.

While there are no accurate figures for requests granted, formal refusals serve as an index of the relative use of the act, authorities say.

According to statistics compiled by the Library of Congress, covering the first four years of the law's operation starting on July 4, 1967, when it took effect a year after the signing, corporations and private law firms were initially refused information under the act 640 times, representing nearly 69 per cent of the usage.

Ninety requests filed by representatives of the media or only about 10 precent of the total of 922 were refused. Public interest groups were turned down 85 times.

As it has turned out, some of the big court cases under the act carry such names as Bristol Myers Company vs. Federal Trade Commission, Grumman Aircraft Engineering Corporation Vs. Renegotiation Board, and Sterling Drug, Inc. Vs. Federal Trade Commission.

LOOSELY DRAWN PROVISIONS

The entrenched bureaucrats with a proprietary interest in keeping their records confidential have sought refuge in the loosely drawn provisions that allow exceptions to the overall purpose of the law, which places the burden on the government to justify refusal of disclosures.

Nine categories of information are exempt from required disclosure. They include such areas as national security, trade secrets and internal government memoranda. Initial rejections can be appealed within an agency and then to the federal courts.

As a stick in the closet available to wield against a recalcitrant official, the law has probably benefited a number of reporters unrecorded in the Library of Congress survey.

But the protracted delays perpetrated by the bureaucracy have defeated a major purpose of the law in the opinion of those on both sides—the seekers and the possessors of government information.

DELAYS REPORTED

Government agencies, which complain vociferously about the manpower that must be diverted to ferreting out information, have taken on the average of more than a month to respond to a request for public records and a response to an appeal has taken an additional 50 days. Some of the cases taken to court have required more than two years to resolve.

Journalists faced with deadlines could not tolerate this unyielding performance. The fees charged to gather and reproduce the documents the Department of Agriculture planned to charge $91,000 for some material on pesticide—and the wide range of procedures adopted by the 93 agencies under the law have also come to frustrate reporters in search of information.

Some of the original framers of the measure and its main supporters foresee now, however, a changing attitude among the bureaucrats, tentative but clear, as the result of increased pressure being applied from several directions.

In Congress, the House Subcommittee on Foreign Operations and Government Information, headed by Representative William S. Moorhead (D., Pa.), is asking each agency to report what steps it has taken since extensive hearings last March to meet its responsibilities under the law.

The committee wants the agencies to adopt a "positive statement" affirming their commitment to the act, to streamline their records systems, to minimize and unify their fee schedules, to institute training seminars in Washington and regional offices on the law and to prepare a pamphlet to familiarize the public with the act.

Mr. Moorhead, the chief champion of the law in Congress, intends to introduce in the next few days a bill designed to speed up agency actions on requests for public records, requiring an answer within 10 days, an answer to an appeal within 20 days and an answer to a court suit in the same number of days.

In the federal courts, especially in Washington where many cases have been brought, judges have carved out fairly tight limits on the use of exemptions except in national security cases and to a lesser extent in those dealing with investigatory materials. In defending agency decisions, the Justice Department has fared less well in freedom of information cases than in other areas of litigation, so far losing a majority of the decisions in the 150 or so cases brought.

The number of cases is also showing a sharp rise, primarily from public interest law firms. A year ago there were 46 cases outstanding in courts; now there are 67, a 60 per cent increase.

Journalists are also showing an awakened interest in the law. The National Press Club last month joined with the Center for the Study of Responsive Law, sponsored by Ralph Nader, the consumer activist, in establishing the Press Information Center, headed by Ronald L. Plesser, who in the past brought some of the public interest cases under the information law for Mr. Nader.

Two weeks ago, the new center filed its first suit on behalf of a reporter for the National Broadcasting Company, Carl L. Stern, who has been seeking information since 1970 on alleged FBI counter-intelligence activities against the New Left.

Up until now, only two newspapers, the Nashville *Tennessean* and the Philadelphia *Inquirer*, have pursued their requests through the courts. In both cases, the papers sought the name of appraisers doing assessments for the Federal Housing Administration.

In the face of this pressure, the agencies appear to be falling in line to some extent. According to authorities who have noted some of the initial statements sought by Mr. Moorhead. The Department of Transportation and the Department of Housing and Urban Development have conducted seminars to acquaint their legal staffs with the law, and a 25-minute instructional tape has been prepared by the Food and Drug Administration.

The fee for the reproducing records is coming down from 10 cents to 40 cents a page from $1 in some cases, with an average of $4 charged for searching for materials.

The Freedom of Information Committee, under Robert Saloschin, established at the Justice Department at the end of 1969 at a low point in the administration of the program, is trying to overcome some of the doubts of the agencies concerning such issues as invasion of privacy and the setting of bad precedents by disclosure of some materials.

Despite these improvements, however, such strong proponents of the law as William G. Phillips, the staff director of the Moorhead committee, and L. James Kronfeld, the staff counsel, remain somewhat skeptical after years in which only lip service has been paid to the law, which does not apply to Congress or the judiciary.

"The agencies think that they have a legal problem, and not an informational problem," said Mr. Kronfeld. "Everything is channeled through the general counsel's office."

Both Mr. Phillips and Mr. Kronfeld named the Agriculture Department, with its 28 separate agencies and the Internal Revenue Service as the worst offenders.

Three years ago, lawyers for Mr. Nader asked the Agriculture Department for reports on the safety of handling some pesticides. The request was refused on ground that the records sought were not clearly identified. The lawyers asked for the department's indexes to obtain proper identification. They were told that the indexes were private internal memoranda exempted from the act. Finally, after a successful court case, the department said it would cost $91,840 to prepare the registration files for public viewing.

Philip Long and his wife, Susan, of Seattle, in 1970 faced an audit of their tax returns and asked the IRS for statistical reports on audits and internal materials on operating procedures involving audits. The request was refused.

"HANDS WERE TIED"

The officials "kept saying their hands were tied by the rules," Mr. Long says. "But they wouldn't let us see what rules they were talking about."

In the process of dealing with the Longs' request, the Treasury Department found some quarterly statistical report on audits in its public library. They were removed from the shelves no longer to be disclosed.

After repeated futile trips to Washington and regional offices of the IRS, the Longs sued under the Freedom of Information Act and won. Some significant insights into the government's auditing procedures are now available to the public.

NO. 1?

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 19, 1973

Ms. ABZUG. Mr. Speaker, which country in the world ranks 25th in life expectancy?

Which country ranks 14th in infant mortality?

Which country ranks 14th in literacy?

Which country ranks eighth in doctor-patient ratio?

The answer to each of these four questions is, I am sad to say, the United States of America. The information for the first three is taken from the World Data Handbook, "Issues in United States Foreign Policy," a publication of the U.S. Department of State: the statistic for the fourth comes from the United Nations Statistical Yearbook.

Mr. Speaker and my colleagues, when we consider the Nixon budget proposals, which increase military spending while slashing almost all of our domestic social programs, let us keep these questions—and their answers—in mind.

HOUSE OF REPRESENTATIVES—*Tuesday, February 20, 1973*

The House met at 12 o'clock noon.

Rev. Adolfas Stasys, assistant pastor, Holy Cross Church, Chicago, Ill., offered the following prayer:

Creator, in Your plan for creation You found a place for Lithuania, where Lithuanians for ages lived in peace, fostered education and culture, and cherished their land. Unfriendly eastern and western neighbors sought often to enslave and annihilate it.

Today we commemorate the 55-year anniversary of Lithuania's independence.

Dear God, Lithuania is again enslaved by Communist Russia. Lithuanians in their land are without rights: without free speech, free press, free elections. Religion is ruthlessly persecuted.

Lithuania is grateful to the administration of the United States for not recognizing the occupation, and to Congress for its support of the cause of Lithuania's freedom.

Christ, move the conscience of the world leaders to be guided by right and justice, hasten Lithuania's hour of freedom, bless the United States of America, bless Lithuania.

Christ, Ruler of the World, You are our hope. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 66. Joint resolution to authorize the erection of a monument to the dead of the 1st Infantry Division, U.S. Forces in Vietnam.

COMMUNICATION FROM THE CLERK OF THE HOUSE OF REPRESENTATIVES—UNITED STATES OF AMERICA AGAINST GRAND JURY INVESTIGATION

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *February 6, 1973.*

Hon. CARL ALBERT,
The Speaker, House of Representatives.

DEAR SIR: On this date, I have been served with a subpena duces tecum by a representative of the U.S. Department of Justice, that was issued and signed by the Chief United States District Judge for the U.S. District Court for the Western District of Pennsylvania. This subpena is in connection with the United States of America vs. Grand Jury Investigation.

The subpena commands me to appear in the said U.S. District Court for the Western District of Pennsylvania in Pittsburgh, Pennsylvania, on the 13th day of March 1973 and requests certain House records of employees of a former Member, Congressman J. Irving Whalley (12th Congressional District, Pennsylvania) that are outlined in the subpena itself, which is attached hereto.

House Resolution 12 of January 3, 1973, and the rules and practices of the House of Representatives indicate that no official of the House may, either voluntarily or in obedience to a subpena duces tecum, produce such papers without the consent of the House being first obtained. It is further indicated that he may not supply copies of certain of the documents and papers requested without such consent.

The subpena in question is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

[U.S. District Court for the Western District of Pennsylvania]

SUBPENA TO PRODUCE DOCUMENT OR OBJECT

United States of America v. Grand Jury Investigation.

To W. Pat Jennings or authorized representative, Clerk of the House, U.S. House of Representatives, Washington, D.C.

You are hereby commanded to appear in the United States District Court for the Western District of Pennsylvania at 708 U.S. Post Office and Courthouse in the city of Pittsburgh on the 13th day of March, 1973 at 10 o'clock A.M. to testify in the case of United States Grand Jury Investigation and bring with you the records listed on the attached sheet:

Bring with you the following records:

1. All pay records including clerk-hire allowance forms, payroll authorization forms, payroll cards, payroll confirmation sheets and any other records indicating the mailing address of U.S. Treasury Checks of the following former employees of Congressman J. Irving Whalley: Julia W. Kogut, Gilda L. Lesko, John F. Ziants, Judith Seese, Ronald K. Ence, D. Harold Troxell and James Phillips, for their employment period up to February, 1973.

2. All pay records including but not limited to buff and blue colored cards indicating the mailing address of U.S. Treasury Checks of the following employees of Congressman J. Irving Whalley: Leonard Howard, Jr., Daniel Helsel, Marjorie S. Glessner, Gene M. Hamilton and Thomas L. Rhoads.

This subpena is issued upon application of the United States of America. February 5, 1973.

J. J. Graham, Attorney for U.S. Department of Justice, Washington, D.C.

RABE F. MARSH,
Chief U.S. District Judge.

Mr. O'NEILL. Mr. Speaker, I offer a privileged resolution (H. Res. 221) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 221

Whereas in the Grand Jury Investigation pending in the United States District court for the Western District of Pennsylvania, a subpena duces tecum was issued by the said court and addressed to W. Pat Jennings, Clerk of the House of Representatives, directing him to appear as a witness before the grand jury of the said court at 10 o'clock antemeridian on the 13th day of March, 1973, and to bring with him certain papers and documents in the possession and under the control of the House of Representatives: Therefore be it

Resolved, That by the privileges of the House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

Resolved, That W. Pat Jennings, Clerk of the House, or any officer or employee in his office whom he may designate, be authorized to appear at the place and before the grand jury in the subpena duces tecum beforehand, but shall not take with him any papers or documents on file in his office or under his control or in possession of the House of Representatives; be it further

Resolved, That when the said court determines upon the materiality and the relevancy of the papers and documents called for in the subpena duces tecum, then the said court, through any of its officers or agents, be authorized to attend with all proper parties to the proceeding and then always at any place under the orders and control of this House, and take copies of those requested papers and documents which are in possession or control of the said Clerk; and the Clerk is authorized to supply certified copies of such documents or papers in his possession or control that the court has found to be material and relevant and which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said Clerk shall not be disturbed, or the same shall not be removed from their place of file or custody under the said Clerk; and be it further

Resolved, That as a respectful answer to the subpena duces tecum a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF JOINT RESOLUTION FOR FURTHER CONTINUING APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order to consider at any time after today a joint resolution making further continuing appropriations for the fiscal year 1973.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, I have just seen a copy of the report, but have not had time to read it.

How many subjects does this cover in addition to the foreign handout program otherwise known as foreign assistance?

Mr. MAHON. This continuing resolution provides further financing authority beyond the 28th of February for all agencies which are covered in the previous continuing resolution.

As our friend knows, there were two appropriation bills which were not enacted into law during the last session; one having to do with the Departments of Labor and Health, Education, and Welfare and related agencies, and the other having to do with foreign aid. Those organizations have been operating, as the gentleman from Iowa knows, under the continuing resolution since the end of the last Congress.

The period of funding for those agencies expires at midnight on the 28th day of February, so that it is proposed that we extend the effective date of the resolutions to June 30.

In other words, the availability of funds for the foreign operations programs and the programs financed under the Labor-HEW appropriation bill will expire on February 28. We have to take action. Extensions of the effective date to June 30 is the proposed action.

Mr. GROSS. Well, this goes beyond HEW and the foreign giveaway program in that it apparently includes Nicaraguan earthquake relief, desalting in Israel, and international narcotics control. Is that not correct?

Mr. MAHON. Will the gentleman yield to the gentleman from Louisiana?

Mr. GROSS. I am glad to yield to the distinguished gentleman from Louisiana.

Mr. PASSMAN. Mr. Speaker, this does not call for additional funds for the international narcotics program. If they can find $42.5 million in the funds previously appropriated for the other programs, they may fund the narcotics program, but there is no additional amount included in this continuing resolution.

The same thing is true for the $35 million for Nicaraguan earthquake relief. They will have to find the money somewhere from the funds provided for in the continuing resolution. There will be no additional funds appropriated.

Mr. GROSS. I happen to be a member of the Inter-American Subcommittee of the Committee on Foreign Affairs. We held a hearing prior to the Lincoln Day recess with respect to the earthquake in Nicaragua, and our committee was informed the U.S. Government had then made available $12 million.

Government officials were asking then for an additional $20 million, which means there is $3 million more set forth in this report than the top figure the State Department suggested be made available for reconstruction and relief. I do not understand this presentation.

Mr. PASSMAN. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. I yield further.

Mr. PASSMAN. They stated this was the amount of their needs. We said, "We will not provide additional money, but if you can find sufficient funds under the continuing resolution to be able to fund the $35 million for Nicaragua, you may proceed."

That is also true of the international narcotics item.

I am not sure they will be able to find $42.5 million for the narcotics program and $35 million for Nicaraguan relief, as requested, but whatever funds they are able to find they will have to take the money out of funds available under the continuing resolution. There will be no further appropriation.

Mr. GROSS. I do not want to debate the merits or demerits of the matter itself, but as to the content of the continuing resolution, I would like to ask the gentleman from Louisiana a question. If there is $35 million kicking around in some other program, it seems to me that program whatever it may be has been badly overfunded. It is things like this I believe we ought to know something about before we give approval to the consideration of the request.

Mr. PASSMAN. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. I yield further.

Mr. PASSMAN. We said, "You must fund the $42.5 million and the $35 million from available funds." They may not be able to find the additional funds. They can spend it on these programs provided they can take it from some other program in the bill. I am not too sure they will be able to find that amount of money, because this is a very tight bill this year. It is $1.5 billion below the budget request.

Mr. GROSS. I will say to my friend, the gentleman from Texas, the distinguished chairman of the Appropriations Committee, that the necessity for this kind of a resolution, dealing as it does with fiscal year 1973 funds for HEW and foreign assistance—I call it the foreign giveaway program—is a sad indictment of the operation of the Congress. There are only 4 months left of this fiscal year, and here we are confronted with another continuing resolution with respect to these programs which ought to have been disposed of in the last session of Congress.

Let me ask the gentleman this question: Would his resolution be subject to amendment on the floor of the House?

Mr. MAHON. Mr. Speaker, if the gentleman will yield, I would say of course the resolution will be subject to amendment when it is called before the House.

I would say, with respect to the foreign aid program, that the level of funds available under the continuing resolution is about $1.5 billion under budget request, and about a half billion dollars below the level of the bill that was passed by the House last year for this same fiscal year. So this program is being held better in hand than in previous years, in my opinion.

Mr. GROSS. But the resolution will be subject to amendment?

Mr. MAHON. Yes.

Mr. PASSMAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Louisiana.

Mr. PASSMAN. So that the record may not be misleading, in recent years the international narcotics program has been funded the same way as we propose this year; that is, out of available funds in the bill.

In addition to that, some of the Nicaraguan aid has been funded out of the President's contingency fund. That is the purpose of having a contingency fund, such as the gentleman's committee recommends, so that if something like Nicaragua comes up, they will have money available.

Mr. GROSS. I thank the gentleman from Texas and I thank the gentleman from Louisiana.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON HOUSE JOINT RESOLUTION MAKING FURTHER CONTINUING APPROPRIATIONS, 1973.

Mr. MAHON. Mr. Seaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on a House joint resolution making further continuing appropriations for the fiscal year 1973.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

RESIGNATION FROM COMMITTEE ON THE DISTRICT OF COLUMBIA

The SPEAKER laid before the House the following resignation from the Committee on the District of Columbia:

FEBRUARY 20, 1973.

Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I am hereby submitting my resignation as a member of the House District of Columbia Committee effective immediately. I make this request because I have now been placed on the Select Committee on Small Business as I desired.

Thank you for taking the necessary action to fulfill this request.

Sincerely yours,
VERNON W. THOMSON,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

ELECTION OF MEMBERS TO STANDING COMMITTEES OF THE HOUSE

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 222) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 222

Resolved, That the following-named Members be, and they are hereby elected members of the following standing committees of the House of Representatives:

Edward Young of South Carolina: Committee on Merchant Marine and Fisheries;

E. G. Shuster of Pennsylvania: Committee on the District of Columbia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

R. A. "LEX" GREEN

(Mr. FUQUA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FUQUA. Mr. Speaker, it is my sad duty to inform the House that a former Member, the Honorable R. A. "Lex" Green, has passed away.

His death came on Friday, February 9, 1973, the day before his 81st birthday.

It has been over a quarter of a century since Mr. Green completed his service in the House. He had been a Member of Congress for 20 years when he left to run for Governor of Florida in 1945.

Lex Green was something of a legend in Florida politics. With his white suit and flowing black bow tie, he could spellbind an audience as few men have ever done. Many a tale has been told me about his campaigns and his speeches by men and women who knew Mr. Green.

He was born February 10, 1892 in Lake Butler, Fla., in what is now Union County, but was then a part of Bradford County.

He began a teaching career at the age of 16 before going to Tallahassee to work in the State legislature, first as a messenger and later as chief clerk.

He graduated from the University of Florida in 1916 and moved to Live Oak, Fla., where he was principal of the high school.

He returned home and was elected to the State legislature 1918–20, and in that term served as speaker pro tempore.

Ambitious, he went to Yale to study law and was admitted to the bar in 1921. He set up a practice in Starke.

Mr. Green was elected county judge and served in that position until 1924, when he resigned, having been elected to Congress. From March 4, 1925, until his resignation on November 2, 1944, he was a colorful and well-liked Member of this body.

Mr. Green had a ready wit and a genuine concern for people. I have talked with some of the men who served with him and the one constant comment was of a man who had a sense of humor and who was never too busy to try to boost the spirits of a colleague. I know that he was that kind of friend to me, and I shall miss him.

He left the Congress to make an unsuccessful campaign for Governor and returned to Starke to practice law. He never lost his interest in politics and was a factor to be reckoned with for years after his retirement.

He was also a member of the Bradford Lodge No. 35 F. & A. M., the Shrine Morocco Temple, Woodmen of the World, and the Starke Rotary Club. He was a veteran of World War II, having served as a lieutenant commander in the Navy.

He had some lasting friends who, to him, were his most precious assets, after his family.

He is survived by his widow, Lucille Harris Green; a daughter, Mrs. Curtis Sanders, Starke; and two sons, Judge R. A. Green, Jr., Gainesville, and Dr. William Green, Arlington, Va. His five grandchildren were a source of pride to Mr. Green.

I think it interesting to note that after all of these years, only four men have surpassed his record for length of service by a Floridian in the U.S. House of Representatives.

He was a successful businessman, an outstanding elected official, a good friend and man—this is his legacy.

To his wife and family, I extend my deepest sympathy. I do so not just for myself, but for thousands of others who I know would want to be remembered. He was a good man and a great friend. We will miss him.

Mr. SIKES. Mr. Speaker, I share the sense of loss which has been suffered by the State of Florida and by our Nation in the death of Robert A. "Lex" Green who served in Congress from 1924 to 1944. His was one of the longest records of service in the history of our State and he left this body voluntarily to seek another office. He was a Member of Congress when I first came here. I already knew him well and I had been impressed by his ability. His counsel and advice, which were freely given to me as a new Member, were most helpful in my early days in Congress.

When he died on February 9, 1973, Lex left behind a reputation as a colorful and dedicated human being. His sense of the dramatic and his ability to attract to himself well deserved attention enabled him to become a strong force in the councils of the Nation during the trying days of the depression and into the tragic days of World War II.

But it was more than his flowing bow ties and dramatic manner of speech that made him an important factor in these halls. It was his inherent good sense, his love of country, and his devotion to his oath as a Member of Congress that earned for him the respect and the friendship of Members on both sides of the aisle.

At his death, he was 80 years of age. His life was one of service to his State and his Nation. He was a lifelong member of the State Democratic Executive Committee from his beloved Bradford County. He served in the Florida Legislature in 1919, was Bradford County judge from 1920 until his election to Congress in 1924, and he served the Congress with distinction for 20 years.

It could never be said of Lex Green that he was not involved. Even after his retirement from the Congress, he returned to the private practice of law and recently was honored by the Florida Bar Association for his 52 years of active membership.

All of us who knew him will miss Lex Green and our thoughts go out to his wife and family at their loss. Lex will not be forgotten—not by those of us who served with him, nor by countless others who remember him with appreciation and with esteem for his dedication and for being a very genuine human being.

GENERAL LEAVE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character, and public service of the Honorable R. A. "Lex" Green.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

SAVE THE OEO

(Ms. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Ms. ABZUG. Mr. Speaker, today we, as Members of Congress, are being visited and lobbied by people from every walk of life, united in their determination to protest the inhumane program cuts which have been projected by President Nixon.

I am glad that they are here. I think it evidences the fact that the American people will oppose any dictatorial use of power that robs the poor to give to the rich.

Mr. Speaker, the Office of Economic Opportunity brought hope to many who live in poverty and who are in need.

They are unable to fulfill their needs with the termination of the Office of Economic Opportunity.

Small children are victims of the squeeze play to scrap the child care bill. Working mothers have to come back on welfare rolls in order to qualify for child care, while our military millionaires get subsidies and military corporate producers get subsidies even for their mistakes.

The President would cut off loans to small farmers, take the milk out of the school lunch plan, cut out rent subsidies and funds for public housing while big industries often pay no taxes. Mr. Nixon will not meet the Congress' commitment toward our community development programs; he has even cut medical and health training grants.

One thing we can be sure of is that if the people continue to come to the House and the Members of this House respond to them, as I believe they will, the President will be forced, as he was forced last week, to back down from his stand and listen to the outcry from the public. I am counting on the public to remind us of our responsibility, to represent every single one of our constituents.

We do not need further military expenditures; we need help for the elderly, health care and education, and we have got to see to it in this House that we meet those needs.

AMERICAN PRISONERS OF WAR

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, we are all proud of the way in which our American prisoners of war have conducted themselves upon their return to the United States. We could all learn something from these fine Americans who have given so much for their country and have shown that love of country and pride in what you do for your Nation still has deep meaning.

I hope and pray the returning prisoners will realize that only a small minority of Americans are counted among those preachers of doom in our Nation and those who are always finding fault with America. We can all benefit from the return of our prisoners and learn from them what it means to be an American and how thankful we should be that we live in the United States.

WELCOME AND COMMENDATION TO POW'S

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am happy to join in a warm welcome to the POW's who have been privileged to come home or who are en route. And I warmly congratulate them on the good sense and the high patriotism shown in the public comments made by their members. America should be very proud of the attitudes they have expressed. The prayers of our Nation have been heard and it is indeed a time of thanksgiving for families and friends of those who are returning.

There remains the heartrending problem of the missing in action. For their families the long, lonely vigil continues, and for many of these that vigil will never end. A very determined effort is being made and must continue in order to pick up any scrap or piece of information that may help to locate the MIA's or, at least, to determine their fate.

For those who are privileged to come home, it is like the beginning of a new life. Some have been away for years. Many of them feel out of step with the new America to which they have returned. We have a serious and important responsibility to help them to adjust; to make them realize their country is proud of them and to make our country recognize its debt to them and their families. The heartless and inhuman attitude of the North Vietnamese toward American POW's and MIA's has produced one of the saddest chapters in American history. This and the perpetrators of this unhappy situation we must not forget.

WHAT THE GOOD LORD GIVETH SHOULD NOT BE TAKEN AWAY

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I want to implore the Republican side of the House—I do not see the gentleman from Michigan (Mr. RIEGLE) on the floor—however, I want to implore the Republican side of the House to try to dissuade him from switching parties. We in the majority have treated you fellows pretty nice since I have been here, so I do not see why you would want to inflict him upon us. You know, after all is said and done, we have enough troubles of our own, and I do not think you ought to send any of your troubles over on our side.

We had a couple of switches around here a few years ago, one notably from South Carolina, and somebody said at that time the Lord giveth and the Lord taketh away, blessed be the name of the Lord.

Well, this time I just hope, since the Lord has given him to you, that He keeps him over there and you do all you can to keep him there, too.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. DONOHUE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3694) to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

The Clerk read as follows:

H.R. 3694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7(a) of the joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes, approved July 4, 1966 (80 Stat. 261), as amended, is further amended by striking "until February 15, 1973" and inserting in lieu thereof "between February 16, 1973, and June 30, 1973".

The SPEAKER pro tempore (Mr. O'NEILL). Is a second demanded?

Mr. HUTCHINSON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. DONOHUE).

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. FUQUA. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 18]

Abzug
Anderson, Ill.
Arends
Ashbrook
Ashley
Badillo
Bell
Biaggi
Bingham
Blatnik
Brown, Mich.
Burke, Calif.
Carey, N.Y.
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Conyers
Cronin
Davis, S.C.
Delaney
Dellums
Dennis
Diggs
Dorn
Dulski
Edwards, Calif.
Foley
Ford, William D.
Fraser
Gettys
Goldwater
Grover
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hosmer
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jordan
Karth
Kastenmeier
Kemp
King
Kluczynski
Koch
Landrum
Lent
McEwen
McKay
Macdonald
Mailliard
Mann
Mills, Ark.
Minish
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Murphy, Ill.
Murphy, N.Y.
Myers
Nelsen
Patman
Pickle
Price, Tex.
Rees
Rooney, N.Y.
Rosenthal
Rostenkowski
Roy
Ruppe
Smith, N.Y.
Spence
St Germain
Steed
Steele
Teague, Calif.
Teague, Tex.
Vander Jagt
Vanik
Ware
Wilson, Charles, Tex.
Wyatt
Yatron
Young, S.C.

The SPEAKER. On this rollcall 343 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. DONOHUE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the authorization for appropriation for the American Revolution

Bicentennial Commission expired on February 15, 1973. This bill before the House, H.R. 3694, would merely amend existing law by providing an authorization for appropriations for the American Revolution Bicentennial Commission for the period from February 16, 1973, to June 30, 1973. Last fall the Congress authorized the amount of $3,356,000, which was one-half of the amount originally requested for the whole of fiscal year 1973, and provided that the period for the authorization would end February 15, 1973. The effect of the amendment provided for in this bill is to authorize appropriations of an amount not to exceed the same amount, first of 1973, $3,356,000. It should be noted that existing law provides that not to exceed $2,400,000 of the current appropriation is to be for the second year of a grant-in-aid program for each of the States. I understand that the States have yet to be paid half that amount, or $1,200,000.

In order to put the matter into proper perspective, it is necessary to outline the history of the present provisions of the law. In September of 1972, the staff of the Committee on the Judiciary was directed to undertake a study of the operations and functions of the American Revolution Bicentennial Commission. This study was initiated because of criticisms and problems in connection with the functioning of the Commission. In June of 1972, a bill, H.R. 13694, had been reported by the committee providing for an appropriation authorization of $6,712,000 for the Commission for fiscal year 1973—House Report No. 92–1127, 92d Congress, second session. When the bill was considered on the floor of the House on September 28, 1972, it was pointed out that the staff study was underway. Since the results of the study could have a bearing on future legislation relating to the bicentennial, the authorization for the Commission was limited to one-half of the funds requested for the fiscal year and the authorization was made effective just for the period ending February 15, 1973. This was done to give the 93d Congress the opportunity to consider legislation concerning the Commission and its operations.

The study by the staff of the Committee on the Judiciary was completed and a report was issued on December 30, 1972. The conclusions of the staff study were that the Commission had not fully accomplished its purpose and to a large degree its organization was not sufficient for its task. It was for this reason that the staff recommended the consideration of legislation providing for a reorganization. The study also considered other aspects of the Commission's activity, including its staffing procedures and the utilization of the funds provided for the Commission. The study criticized the manner in which the Commission utilized consultants and questioned certain practices concerning the selection and use of personnel and recommended that the Commission adhere to civil service procedures as required by the law and regulations. The report detailed other findings too numerous to detail here and I would invite the attention of the Members to the report itself.

At the request of the Committee on the Judiciary the General Accounting Office also reviewed the activities of the Commission. The findings of that study support the findings and conclusions of the staff of the Committee on the Judiciary.

In its report, the staff of the Committee on the Judiciary recommended the Congress consider amendments providing for a reorganization of the Commission. A suggested draft of a bill providing for such a reorganization was included as Appendix G on pages 130, 131, and 132 of the report. The staff recognized that the period ending February 15, 1973, would not provide sufficient time for adequate consideration of its recommended draft. It therefore recommended that there be an authorization for appropriation of the balance of the funds originally requested for fiscal year 1973 to enable the Commission to continue its operation during the period that legislation providing for a reorganization could be considered by the Congress. This bill would be consistent with that recommendation.

Mr. Speaker, it should be noted in this connection that the Judiciary Committee has had referred to it an executive communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of legislation providing for an American Revolution Bicentennial Administration to replace the existing Commission and the purpose of the proposed legislation was stated to be—

> To coordinate, to facilitate and to aid in the scheduling of events, activities and projects of local, State, national, and international significance sponsored by both governmental and nongovernmental entities in commemoration of the American Revolution Bicentennial.

A bill, H.R. 3695, has been introduced in accordance with that recommendation and has been referred to the Judiciary Committee. It will be scheduled for prompt consideration and hearings will be held on the measure.

Therefore, the bill, H.R. 3694, provides an authorization for appropriation of funds for the period from February 16 to June 30, which is about 4½ months. There is a limit of $3,356,000 on the amount which may be appropriated for that period and is the same figure fixed last fall for the period which ended on February 15, 1973. This period can be utilized by the Congress for a consideration of legislation providing for improvements or reorganization of the Commission that the Congress deems advisable. I urge the approval of the bill H.R. 3694 authorizing appropriations for that period.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished gentleman from Massachusetts has made clear the emergency nature of the measure before us. When the appropriation authorization for the American Revolution Bicentennial Commission was considered by this body last session, the funds requested were cut in half and the period covered extended only to February 15, 1973. This action was taken because an investigation by the staff of the House Committee on the Judiciary into the structure and operations of the Commission was then in progress. This investigation was originated by the former chairman of the committee because of the widespread criticism of the Commission and its operational record.

The staff investigation undertaken in September 1972 resulted in a report issued in December 1972 recommending a restructuring of the Commission to make more effective the carrying out of its responsibility to plan, coordinate and encourage projects in commemoration of the 200th anniversary of the American Revolution.

The Staff Report also recommended that if the proposed changes could not be effected by February 15, 1973, the Commission be authorized an additional $3.35 million to complete its business through fiscal year 1973.

On February 5, 1973, the chairman of the Committee on the Judiciary introduced at the request of the executive branch the administration bill to reorganize the Commission. I introduced an identical bill on behalf of myself and the distinguished minority leader on February 7. This legislation will be considered by the committee as early as possible with appropriate hearings and careful analysis of the proposed structural changes for an administrator designed to coordinate and facilitate the events and activities proposed by local, State, national, and international agencies.

February 15, 1973, the date on which authorizing legislation expired, is now past. Proper authorizing legislation should be enacted without delay.

The present law committed the Federal Government to a 2-year program of grants in aid to the States, in fiscal 1972 and fiscal 1973—with $2.4 million to be made available in each of those years. I understand the 1972 payment was made, but only half of the 1973 grants have been distributed, the other half awaiting an authorization of funds for the period commencing February 16.

Many of us in the 92d Congress were not satisfied with the performance of the American Revolution Bicentennial Commission. My own dissatisfaction included the grants in aid program. I anticipate a new approach in legislation which the committee will immediately undertake to consider.

In the meantime, our choice seems to be either to extend the present law to the end of this fiscal year or to bring the planning for the American Revolution bicentennial to an abrupt halt at the Federal level.

I feel that such a cessation at this time would create a most unfortunate impression throughout the world and in every one of our States. I therefore will vote for this interim extension, but in the firm conviction that before the end of this fiscal year we will have a better structure for coordinating State and local, national and international observances of our country's bicentennial.

Mr. DONOHUE. Mr. Speaker, I yield such time as he may consume to the chairman of the Committee on the Judiciary, the gentleman from New Jersey (Mr. Rodino).

Mr. RODINO. Mr. Speaker, first I want to commend my colleagues the gentleman from Massachusetts (Mr. Donohue) and the gentleman from Michigan (Mr. Hutchinson) for their role in bringing this matter before us.

Mr. Speaker, the authorization of appropriations for the American Revolution Bicentennial Commission and the funds appropriated in the last Congress for the operation of the Commission expired on February 15, 1973. Thus, we are faced with the necessity of enacting an interim measure to give us needed time to remedy the defects that exist in the present organization and operation of the Commission.

The bill, H.R. 3694, to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended, provides an authorization of that sum of money which had been subtracted last session and runs for 4½ months only—until the end of fiscal 1973.

You will recall that as a result of grave misgivings among the Members of Congress—and I include myself among those—concerning the organization and operation of the Commission, the staff of the Committee on the Judiciary at the end of the 92d Congress was ordered to complete a study of those operations and functions. This was done and the report was issued December of last year recommending a reorganization of the Commission.

The administration, as well, saw the need for reorganization and sent to Congress an executive communication proposing basic changes. I introduced the administration bill by request, as well as the instant interim bill. The Judiciary Committee will, I promise you, have intensive hearings on the comprehensive bill and will do so in very short order.

Therefore, it is necessary, as I have indicated, for us to bridge the time span between now and the enactment of an effective reorganization plan that has been thoroughly examined by Congress. Thus, if we act on the interim measure, we avoid the danger of doing great harm to the concept of an appropriate celebration of our Nation's 200th birthday.

For that reason, I have introduced H.R. 3694—the bill we are now considering under the suspension of the rules. This measure gives no added authorization of funds beyond the amount authorized in the 1973 budget submission. Instead, it merely authorizes the continued operation of the Commission for a period of 4½ months. I want to assure all of my colleagues again that under the circumstances the Committee on the Judiciary will give prompt and thorough consideration to permanent legislation providing for an effective reorganization of the Commission.

In the meantime, I urge that we, today, adopt this needed interim measure so that we will not hastily destroy the entire concept of an observance of our Nation's 200th birthday.

Mr. HUTCHINSON. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. Williams).

Mr. WILLIAMS. Mr. Speaker, today we are considering H.R. 3694, which will authorize the expenditure of funds for the remainder of this fiscal year by the American Revolution Bicentennial Commission. As one of the four Members of this House who also sits as a member of that Commission, I strongly urge my colleagues to pass this bill.

As many of you know, this Commission has been the center of a great deal of controversy in recent months. A bill has been sent up from the White House which would reorganize the bicentennial effort. It has already received close study by those of us who represent the Congress on the Commission and we recognize certain deficiencies in this bill. I assure you that shortly, we will have the opportunity to consider a bill, here on the floor, which will reorganize the Commission, remove the stumbling blocks, and make the bicentennial effort far more responsive to the needs and desires of the people of this Nation.

However, to provide for continuity until that bill reaches the floor, we must pass the bill before us today. Last year, as a result of unfavorable publicity and general dissatisfaction with the lack of progress by the Commission, we passed their authorization bill only through February 15, 1973. At the same time, studies of the Commission were ordered by the staff of the Committee on the Judiciary and the General Accounting Office. Both of those studies are now complete and will be most helpful in determining the final structure after reorganization.

Both of those reports indicated that the ARBC has major problems. They also indicate that the ARBC has gathered an extensive body of knowledge and expertise relating to the bicentennial observance. If we do not act today to continue the authorization for the current Commission for the remainder of the current fiscal year, we will lose all that has been accomplished so far.

I have served on this Commission since September 16, 1971. On that day, I took the place of our colleague, Congressman John Saylor. Since my appointment, I have been an active member of the Commission.

Many have been critical of various aspects of the bicentennial effort. I can assure you that much of the public criticism has been well deserved. The upcoming reorganization is long overdue. The current Commission has been strife-torn and problem ridden. As a member of the Commission, I am probably more aware of its problems than its critics.

At the urging of the National ARBC, every State has set up a State ARBC which looks to the National ARBC for guidance and for the $90,000 we promised them for planning money.

But the point before us today is the commemoration of the 200th anniversary of the American Revolution. Just two centuries ago, the world witnessed a struggle unique in history. A small band of determined men raised the consciousness of their fellow colonists and threw off the oppressive yoke of royal tyranny.

The American Revolution was the forerunner of the age of democracy throughout the world. Two hundred years later, historians around the globe still point to our Revolution as the catalyst for free men everywhere.

We are now only 30 months from the start of the celebration of the bicentennial. We cannot allow all of the work that has gone into planning that celebration to be wasted. To allow the ARBC to die of financial strangulation now would all but assure that there will be no meaningful commemoration on the national level.

Let us pass this bill today, and I assure you that in the near future, we will have the opportunity to debate the plan to reorganize the bicentennial organization. That will be the proper time to work the will of the Congress on the commemoration.

Mr. Speaker, I urge my colleagues to vote in favor of the bill before us.

Mr. DONOHUE. Mr. Speaker, I have no further requests for time.

Mr. HUTCHINSON. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Speaker, I have asked for this time to address a few questions to the members of the Committee on the Judiciary who have brought this legislation to the House floor.

When were hearings held on this legislation?

Mr. DONOHUE. If the gentleman from Iowa will yield, there was a brief meeting before the subcommittee within the last week.

Mr. GROSS. When did the committee vote on this bill?

Mr. DONOHUE. In view of the fact that the full committee did not meet after the subcommittee met, in lieu thereof the full committee was polled, and a majority of the full committee assented and agreed to have this matter brought before the House.

Mr. GROSS. Was this vote conducted by telephone, or something of that sort?

Mr. DONOHUE. It was done by personal approach and by telephone.

Some were personally approached, and others were reached by telephone.

Mr. GROSS. I am not acquainted with that procedure under the rules of the House. Perhaps the gentleman could explain how one votes by personal pro tem.

Mr. DONOHUE. Thinking of the situation and the need for immediate action, it was felt that this action should be taken. It was felt that it was a unique situation, and that is why we placed the matter on the suspension calendar.

Mr. GROSS. The facts of the case are that there were no hearings on this extension. The committee did not formally vote on this legislation that is before the House to expend another $3½ million of the taxpayers' money on what appears to be something of a losing cause. The fact is that there are no printed hearings in connection with the bill. This is, I would say to the gentleman, a fitting introduction of the new rule that was adopted in January which makes Tuesdays additional days for the consideration of legislation under suspension of the rules. Yes; this is a fitting introduction, I would say to the gentleman and to the distinguished Speaker of the House, for the new rule under which even more legislation can be considered and approved without proper committee consideration.

Mr. DONOHUE. I would suggest to the gentleman that, time being of the essence, it is an unusual situation. That is why we took the unusual course to bring it to the floor of the House so that the House could work its will.

Mr. GROSS. I would say to the gentleman and to the distinguished Speaker that that apparently was the reason for the adoption of additional days for consideration of bills under suspension of the rules—the probable increase of unusual situations in the 93d Congress.

Now it is proposed to expend $3½ million, even though the committee staff has produced certain recommendations, of which we are unaware here today. Even though they have produced certain recommendations which have not been acted upon, we are asked to authorize the spending of $3½ million in a period of 4 months, which is the other half of a total annual appropriation of $6,712,000. Is that not correct?

Mr. DONOHUE. That was the original request.

Mr. GROSS. Yes, and so we are going to spend—in the 4 months of what remains of this fiscal year, or will remain by the time this bill is signed by the President—as much as we would have spent in 6 months, or half of the total appropriation of $6,712,000.

Mr. WILLIAMS. Mr. Speaker, will the gentleman from Iowa yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. As the gentleman knows, I am not a member of the Committee on the Judiciary. The gentleman's proportions are right, but the reason we must spend more money is that we must pay to each State the second payment of $45,000. That is the sum which equals $1,200,000, and that is why the proportions of the money spent during the first 8 months—almost 8 months of this fiscal year—are not as great as the money we are going to spend in the last 4 months of this fiscal year.

I also want to say that I have read the report produced by the subcommittee of the Committee on the Judiciary, and I have also read the report of the General Accounting Committee. What they are recommending is exactly what we do here, and in the remaining 4 months of this fiscal year we may increase the ARBC drastically so that we can make the progress we must make so that we can have the proper celebration.

Mr. GROSS. I believe that the gentleman made that statement in the well of the House a few minutes ago.

May I ask the gentleman this question: How much has been expended by this Bicentennial Commission up to this point? The gentleman is a member of the Commission.

Mr. WILLIAMS. This gentleman is a member of the Commission as of September 16, 1971. I would say in all probability something like $8 million or $10 million has been expended, in that area.

Mr. GROSS. I am not interested in an area. I want to know what the total expenditure of the Bicentennial Commission has been since 1966 when this outfit was first authorized?

Mr. DONOHUE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Massachusetts if the gentleman can shed some light on that question.

Mr. DONOHUE. Mr. Speaker, in 1969 there was appropriated $150,000.

Mr. GROSS. Just give me the total figure.

Mr. DONOHUE. It is $7,165,000, and it is my understanding that includes the money paid to the States.

Mr. GROSS. Can the gentleman think of anything that has delivered less for that amount of money, unless it be the foreign give-away programs?

Mr. DONOHUE. I would say the gentleman from Pennsylvania, being a member of the Commission, would be more conversant with their accomplishments and achievements than I.

Mr. GROSS. The Judiciary Committee has not made available its recommendations and I have not seen the report of the staff study of the Judiciary Committee, and I would like to see that before I am called upon to vote for another $3.5 million for this outfit.

Mr. HUTCHINSON. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, I thank the gentleman from Michigan for yielding.

Mr. Speaker, I rise in support of this legislation. While this measure comes to the floor of the House in a rather hurried way, our recesses and organizational meetings and things like that serve to account for the fact that we have been prevented from the opportunity to hold hearings up to this time. This bill represents sort of interim legislation which is going to carry us through until June 30.

I cannot think of any legislation which is more important for stimulating and encouraging faith and confidence in our Nation and renewing the spirit of America than is provided by this legislation. It is too early to gauge the benefits of the Bicentennial Commission. These will be experienced in later weeks and in later years throughout the Nation as the various State and local activities are developed. The urgency of this legislation and the appropriation which will follow are vital in providing for the appropriate commemoration of our Bicentennial and for developing the many celebrations we hope to witness throughout this Nation.

Mr. Speaker, I urge an overwhelming vote in support of this bill (H.R. 3694).

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. I yield the gentleman from Pennsylvania 1 minute.

Mr. WILLIAMS. Mr. Speaker, I want to complete my answer to the gentleman from Iowa (Mr. GROSS). Since this Bicentennial Commission was started in 1966 and through 1972, a total of $4,852,500 has been appropriated. Donated funds have equaled $41,392, and with revenues from what is known as philatelic and numismatic combinations, the combination of stamps and coins has yielded revenue of $1,204,500. So all the expenditures, including the revenues, come out to $6,098,392.

I could name the gentleman many programs that have produced virtually nothing for a sum of money like that.

Ms. ABZUG. Mr. Speaker, I rise to explain briefly my reasons for voting against this bill.

I am, of course, very much in favor of celebrating the 200th anniversary of our great Nation. I see it as a time to look back to our beginnings, and from them to refresh our understanding of just what this country is all about.

Unfortunately, the Bicentennial Commission does not quite see it that way. Their record has been one of orientation almost totally toward corporate institutions and corporate projects. In addition, their partisanship in terms of hiring and other policies has sullied what should be a proud celebration for all Americans. Their attention to the role of minorities and women has been too little and too late, and I cannot vote to give them any more money until I see a marked change in the way they run their operation.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts (Mr. DONOHUE) that the House suspend the rules and pass the bill, H.R. 3694.

The question was taken.

Mr. CHARLES H. WILSON of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 286, nays 72, answered present 1, not voting 72, as follows:

[Roll No. 19]

YEAS—286

Abdnor
Adams
Addabbo
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Baker
Barrett
Bennett
Bergland
Biester
Blackburn
Boland
Bowen
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Conable
Conte

Corman
Cotter
Coughlin
Culver
Daniel, Robert W., Jr.
Daniel (Dan)
Daniels, Dominick V.
Danielson
de la Garza
Dellenback
Denholm
Dent
Derwinski
Devine
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Giaimo
Gibbons
Ginn
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Gude
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Hastings
Hays
Heinz
Helstoski
Henderson
Hicks
Hillis
Holifield
Holtzman
Horton
Howard
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kemp
Kluczynski
Kuykendall
Kyros
Landrum
Latta
Litton
Long, La.
Lott
Lujan
McClory
McCloskey
McCormack
McDade
McFall
McKinney
Madden
Madigan
Mahon
Mallary
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Mills, Md.
Mink
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
Obey
O'Neill
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Quie
Quillen
Railsback
Randall
Rangel
Reid
Rhodes
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Roush
Roybal
Runnels
Ruth
Sandman
Sarasin
Satterfield
Saylor
Schneebeli
Sebelius
Seiberling
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Iowa
Staggers
Stanton, J. William
Stanton, James V.
Steelman
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Thompson, N.J.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Veysey
Vigorito
Waggonner
Walsh
Wampler
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Young, Fla.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—72

Abzug
Alexander
Anderson, Calif.
Aspin
Badillo
Bafalis
Beard
Bevill
Brademas
Camp
Clay
Collins
Conlan
Conyers
Crane
Davis, Wis.
Dickinson
Diggs
Flynt
Froehlich
Gaydos
Gilman
Gross
Gunter
Hawkins
Hechler, W. Va.
Hinshaw
Holt
Huber
Jones, Okla.
Jones, Tenn.
Ketchum
Landgrebe
Leggett
Lehman
Long, Md.
McCollister
McSpadden
Miller
Mitchell, Md.
Moorhead, Calif.
Nichols
O'Brien
O'Hara
Owens
Powell, Ohio
Pritchard
Rarick
Regula
Reuss
Roberts
Roncalio, Wyo.
Rousselot
Ryan
Sarbanes
Scherle
Schroeder
Shipley
Shuster
Snyder
Stark
Steiger, Ariz.
Stokes
Symms
Taylor, Mo.
Teague, Calif.
Van Deerlin
Vanik
Waldie
Wilson, Charles H., Calif.
Yates
Young, Ga.

ANSWERED PRESENT—1

Thomson, Wis.

NOT VOTING—72

Anderson, Ill.
Arends
Ashbrook
Ashley
Bell
Biaggi
Bingham
Blatnik
Bolling
Brown, Mich.
Burke, Calif.
Carey, N.Y.
Chisholm
Clark
Cronin
Davis, Ga.
Davis, S.C.
Delaney
Dellums
Dennis
Dorn
Evins, Tenn.
Foley
Ford, William D.
Gettys
Goldwater
Grover
Hanrahan
Hansen, Idaho
Harvey
Hébert
Heckler, Mass.
Hogan
Hosmer
Hudnut
Johnson, Colo.
Jones, Ala.
Jordan
King
Koch
Lent
McEwen
McKay
Macdonald
Mailliard
Mann
Mills, Ark.
Minish
Minshall, Ohio
Mitchell, N.Y.
Murphy, Ill.
Myers
Price, Tex.
Rees
Rooney, N.Y.
Rostenkowski
Roy
Ruppe
St Germain
Sikes
Smith, N.Y.
Spence
Steed
Steele
Stephens
Teague, Tex.
Vander Jagt
Ware
Wilson, Charles, Tex.
Wyatt
Yatron
Young, S.C.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Arends.

Mr. Rostenkowski with Mr. Anderson of Illinois.

Mr. Carey of New York with Mr. Grover.

Mr. Biaggi with Mr. King.

Mr. Blatnik with Mr. Goldwater.

Mrs. Chisholm with Mr. William D. Ford.

Mr. Hébert with Mr. Hosmer.

Mr. Sikes with Mr. Ashbrook.

Mr. Teague of Texas with Mr. Hogan.

Mr. Yatron with Mr. Ruppe.

Mr. Minish with Mr. Vander Jagt.

Mr. Koch with Mr. Bell.

Mr. Davis of South Carolina with Mr. Dennis.

Mr. Delaney with Mr. Lent.

Mr. Macdonald of Massachusetts with Mr. Cronin.

Mr. Gettys with Mr. Hudnut.

Mr. Murphy of Illinois with Mr. Brown of Michigan.

Mr. Roy with Mr. Hanrahan.

Mr. St Germain with Mrs. Heckler of Massachusetts.

Mr. Steed with Mr. Harvey.

Mr. Stephens with Mr. Hansen of Idaho.

Mr. Ashley with Mr. Johnson of Colorado.

Mr. Bingham with Mr. McEwen.

Mr. Clark with Mr. Steele.

Mr. Dellums with Mr. Foley.

Mr. Dorn with Mr. Myers.

Mr. McKay with Mr. Smith of New York.

Mr. Mann with Mr. Mitchell of New York.

Mr. Rees with Mr. Mailliard.

Mr. Davis of Georgia with Mr. Spence.

Mr. Evins of Tennessee with Mr. Minshall of Ohio.

Mr. Mills or Arkansas with Mr. Price of Texas.

Mr. Jones of Alabama with Mr. Ware.

Mr. Young of South Carolina with Mr. Wyatt.

Mrs. Burke of California with Miss Jordan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER (Mr. McFALL). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ADDITIONAL LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of inquiring of the distinguished majority leader the program for the remainder of the week.

Mr. O'NEILL. Will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. M. Speaker, I take this time to announce that on tomorrow we plan to call up House Joint Resolution 345 making continuing appropriations for Labor-HEW and for foreign assistance, which would otherwise expire on February 28. It is a straight continuing resolution.

Mr. Speaker, I also take this time to announce that we will call up tomorrow H.R. 1975, an amendment to the emergency loan program under the Consolidated Farm and Rural Development Act, subject to a rule being granted today. The gentleman from Missouri (Mr. BOLLING) has received unanimous consent to have the bill reported.

Also, subject to rules being granted, we will consider House Resolution 182, travel and investigative authority for the Interstate and Foreign Commerce Committee; House Resolution 185, travel and investigative authority for the Armed Services Committee; and House Resolution 187, travel and investigative authority for the Merchant Marine Committee. I understand the provisions of these three resolutions are identical to last year.

As announced yesterday, we are postponing consideration of H.R. 3577, the interest equalization tax extension, at the request of the chairman. It will not come up this week.

That will be scheduled for next week.

Mr. GERALD R. FORD. Is it the anticipation that this program that has just been announced will be concluded on Wednesday and there will be no business on Thursday?

Mr. O'NEILL. At the present time it is our expectation that if we conclude the business on tomorrow, then there will be a pro forma session on Thursday.

Mr. GERALD R. FORD. I thank the distinguished majority leader.

PERSONAL EXPLANATION

Mr. HUDNUT. Mr. Speaker, on rollcall No. 19 today, I was unavoidably detained concerning business in my district. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. HOGAN. Mr. Speaker, I was walking in the Chamber as the Speaker was announcing the vote on the last rollcall. Had I been present, I would have voted "yea."

WHERE IS THE GRAND STRATEGY FOR INTERNATIONAL TRADE?

(Mr. HANNA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANNA. Mr. Speaker, the devaluation of the dollar accomplished last week is medicine we were forced to take and unfortunately is medicine which reduces the headache, but does not address itself to the basic illness. The weakness of the dollar derives from the absence of a basic, meaningful reform of the international monetary system which would take the stress off the dollar and which would call for timely adjustments both up and down of all currencies within the system. This would allow disposition in an orderly way of the excess in the $55 to $60 billion overhang in the world and would give minimum opportunity for speculative attacks against the various currencies. Unilaterally, we can only press strongly and urgently for all other nations in the IMF to join in this immediately required task.

The second weakness of our currency derives not so much from inflation, about which we hear so much, but from the lack of an energetic and effective program for international trade. Here is a place where unilateral effort is all that is available and therefore our administration should be very active in addressing itself to all phases of this problem. Mr. Speaker, I should like to describe some things not now being done which should very soon be accomplished. First: I am constrained to agree with David Steinberg, Director of the Committee for a National Trade Policy, who was quoted in the Journal of Commerce as saying that—

> President Nixon lacks a game plan to move the nation down the hazardous playing field of foreign economic policy toward an open world economy.

He suggested that what is needed is a dramatic free-trade strategy of the scope and size of the Marshall plan with an all-out Presidential commitment. In all of this I agree.

Second. I am sure that the supereconomic Cabinet headed by Secretary of Treasury Shultz, and made up of Secretary of State Rogers, Federal Reserve Chairman Burns, White House Economic Advisor Stein, and Presidential Advisor Flanigan, is primarily crisis oriented and has not worked directly and closely with President Nixon on devising and describing an overall plan and strategy for our country.

Third. Internally we must have an effective and massive program that dramatically addresses adjustment and conversion in those sectors of our domestic economy which are adversely affected by our free-trade posture. This is the only viable and intelligent alternative to quotas, surcharges, and selective tariffs. In the final analysis, each of the latter are inconsistent with free and open trade.

The obvious conclusion, Mr. Speaker, is that we must have articulated from either the President or the Congress our bifurcated aims in a total international trade strategy that makes clear and strong our position on monetary reform and at the same time expresses with equal clarity a position domestically which energizes and supports further trade efforts from our domestic producers. In this latter regard, we must give incentives and provide expanding and effective financing. While we have surpassed the efforts of our competitors in controlling our domestic inflation, our efforts in the area of international trade remain disturbingly weak. Extracting the aircraft and military components from our present trade effort would leave us with less than 2 percent of our GNP in international trade. This is not acceptable, and with the immediate present this picture must radically change. Only this will solve the basic problem. Here, Mr. Speaker and members, lies the core of our dollar problem.

Simply put, the United States must demonstrate an aggressive showing of goods and services attractive and competitive in foreign markets; then dollars held by others will begin to have attraction and value. Link this with absorption of some overhang; and the setting of new IMF reserve alternatives, and we can begin to recapture the healthy and desirable monetary conditions we experienced after World War II.

SENATE CONFIRMATION OF OMB OFFICIALS

(Mr. EVANS of Colorado asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EVANS of Colorado. Mr. Speaker, I rise to introduce a bill to require Senate confirmation of the Director and Deputy Director of the Office of Management and Budget. This bill is identical to the one that recently passed the Senate.

Mr. Speaker, I am sure that many Members of Congress share my deep concern over the manner in which the Office of Management and Budget has conducted its affairs during the last few years. In the name of efficiency and proper management, the President, through unelected officials at OMB, has effectively taken away from Congress the power of final decision of the Nation's priorities.

Determining this Nation's priorities is the function of the Congress and the President working with each other under the constitutional declaration that these are two coequal branches of Government. However, for many years, the President, through the Office of Management and Budget, has acted as the superior and final, sole word in this area, and the Congress has been merely a protesting appendage to the Office of the President.

As a consequence, the true decisionmaker in this Government has not been the 535 elected Members of the Congress and the President, but the President alone, acting through the unelected, unreviewed bureaucracy of OMB.

Now, it may be true that the Congress has not properly organized itself, that we are slow, that we are inefficient, that we are, as the bureaucratic parlance of OMB might have it, "not optimally cost effective." Yet I dare say that any sixth-grade civics student ought to know, and certainly the President and the Director of the Office of Management and Budget ought to know, that what is efficient, what is cost effective and what is quick may not be legal. Strong executives may make the trains run on time, but they cannot begin to match the efficient vision of the Founding Fathers in terms of freedom and popular sovereignty.

We have seen whole programs "terminated" by the Office of Management and Budget, in order to meet the policy priorities of the President. But these are not just "programs," these are actions required by law to carry out the ideas legislated by the Congress of the United States. We have the new Director of the Office of Management and Budget claiming that the President has the power to terminate programs which he claims to be unwise or imprudent, that the President has the responsibility, if not the authority, to pick and choose among the programs voted by Congress. In sum, we have the President and OMB claiming that the sum total of congressional appropriations are merely a set of tools handed over to the President to fashion his program according to his own set of priorities.

But who is OMB to decide whether Congress has acted "wisely" or "prudently?" Where in the Constitution or the laws of the United States does OMB or the President find the authority to wield, in effect, an item veto over the programs and funds voted on by the Congress?

Mr. Speaker, in 1969, the then Assistant Attorney General in charge of the Justice Department's Office of Legal Counsel, the "Department's lawyer," stated in a memorandum to a White House aide:

> With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that existence of such a broad power is supported by neither reason nor precedent.

Now the Nixon administration disavows that statement and that conclusion. Should it not be noted that it was made by the Honorable William H. Rehnquist, now an Associate Justice of the U.S. Supreme Court? During the recent hearings of the House Appropriations Committee, both Treasury Secretary George Shultz and OMB Director Roy Ash declined to answer inquiries as to the legal authority of the Executive to terminate entire congressionally mandated programs. Each declined on the basis that he was not an attorney. Does this mean that the officials in the Nixon administration who have acted to terminate entire governmental programs acted without regard to whether they had the legal authority to do so? I should hope not, and I think not. Rather, I think they acted less out of ignorance of their legal powers and more out of defiance of the Congress to do anything about it.

Mr. Speaker, this is neither the time nor the place for a full discussion of whether the Antideficiency Act and other legislation permits the President to impound funds to achieve his own policy goals. However, I do commend to the attention of my fellow members of the House the recent statement before the Senate Subcommittee on Separation of Powers of the Honorable Elmer B. Staats, Comptroller General of the United States. After discussing the limited authorization of impoundments by subsection (c) (2) of the Antideficiency Act, Mr. Staats told the subcommittee:

> We are not aware of any specific authority which authorizes the President to withhold funds for general economic, fiscal, or policy reasons.

As to the administration's arguments that the Economic Stabilization Act of 1970 or debt ceiling laws justify withholding of funds, Mr. Staats laid that argument to rest by stating that—

> There is nothing explicit in those laws which authorize (sic) the President to go beyond the Antideficiency Act in accomplishing the objectives of these acts.

Furthermore, the doctrine of constitutional law prohibiting unduly broad and vague delegations of power by the Congress to the Executive militates against an excessively expansive reading of those two laws so heavily relied on by the administration to carry on its impounding activities.

We are a Federal Government of limited powers. Surely a sensitive reading of the Constitution and an understanding of the positive virtues of a balance of power between coequal branches leads me to the conclusion that the President has greatly overstepped his ground.

In view of the need to restore that balance, the bill which I am introducing would subject the two leading officials of the Office of Management and Budget to Senate confirmation. I hope that the Congress will pass this bill with efficiency, with optimal efficiency. Article II, section 2 states a presumption in favor of Senate confirmation of the President's agents. This subjects the President's officers to the proper influence of the Congress, to insure that each of these officers knows that while appointed by the President, he must also faithfully execute the laws passed by the Congress. Senate confirmation is often a routine matter, but occasionally it serves as an opportunity to impress upon a nominee the fact that, while the nominee will serve the President, ultimately he serves a higher master, the laws and the Constitution of the United States.

THE 55TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

The SPEAKER pro tempore (Mr. Danielson). Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 60 minutes.

Mr. FLOOD. Mr. Speaker, again this year I take pride in being able to join with my colleagues in commemorating the independence of once-free Lithuania

It is with pride beyond all measure that we in this country are able to stand as free men in this great public forum and speak without fear of rebuke or retaliation. This pride is mixed with sorrow when we remember that so many friends and families of American citizens behind the Iron Curtain do not share this great privilege with us.

On this 55th anniversary date, I should like to recall two aspects of Lithuanian relative to this commemoration, namely, free Lithuania, and Lithuanians in my own State of Pennsylvania.

On February 16, 1918, the Lithuanian people broke a long period of Soviet domination—1795–1915—followed by a short period of German domination, and declared themselves an independent nation.

Just 21 short years later the Lithuanian people were again brought under Russian domination, and on August 3, 1940, Lithuania was declared a constituent republic of the Soviet Union—a cruel joke this country has never recognized.

Briefly occupied by the Nazi troops during World War II, the Soviets reoccupied the little country in 1944 with the help of the Red army, and to this day the Lithuanian Republic is a ward of the Kremlin colonists.

World War I cost the Lithuanian people a great deal for in 1915 they traded Russian oppression for German persecution. The Russians were finally gone, but the Lithuanian people were not free. However, within 2 years two events, as important as any in this century, led to the eventual and long-awaited freedom and independence of the Lithuanian people: The Russian Revolution and the defeat of Kaiser Germany.

With independence on the horizon 200 Lithuanian delegates formed a congress laying the groundwork for an independent Lithuania based on ethnological frontiers. Finally, on February 16, 1918, Lithuania declared itself an independent state in the family of independent nations.

As we all know, a declaration of any kind does not establish a condition in fact. For example, our own American Declaration of Independence was made in 1776, but we were not free from the British until the War for Independence ended in 1783, and we did not become the country we know today until 1789.

Before the first year of independence had run its course, the German army left the country, and immediately on their heels, the Soviet army reentered the country. There obviously is more to being independent than merely saying so, for it was not until the following year the Russian Red army was forced out of the country under the leadership of the Polish Army.

Besieged with problems at home and with that infinite patience that Communist governments seem to have, Russia decided to sign a peace treaty with Lithuania on July 12, 1920.

We know that Russia made a sham of that treaty within 20 years, but we did not know the extent of that deception until we realize exactly what the treaty included. That treaty made it clear that the Soviet Union recognized "without any reservation the sovereignty and independence of the State of Lithuania," and "voluntarily and forever renounced" all sovereign rights possessed by Russia over the Lithuanian people and territory. That would have been a treaty of splendor and hope if only the Russians had not intended it to be a farce and the most degenerate of jokes.

Following the treaty of peace with Russia, the struggling, newly independent nation immediately had a dispute of long standing with Poland on its hands involving the fate of Vilnius, the designated capital of Lithuania. When the issue reached the League of Nations, the city of Vilnius was awarded to Poland due mainly to the fact that Poles were in the majority of the city's population. This dispute wrecked Lithuanian-Polish relations until 1938.

Lithuania, which was recognized by the United States on May 31, 1921, joined the League of Nations on September 22, 1921, and thus began Lithuania's brave attempt as a free and equal independent nation in the world community.

As is the case with all new states who are not prepared by their colonial masters to assume self-government, there was some internal disruption and political discord. However, one cannot discount the great advances the country made during its brief tenure of independence in industrialization, farming and agriculture, social legislation, and in cultural pursuits. While the country struggled with itself, it did so with a dignity of which we can all be proud.

When war again engulfed Europe, little Lithuania was squeezed by both Germany and Russia, and during that conflict, was occupied by both countries, suffering terrible human and material losses. Since the end of World War II, Lithuania has been a colony of the Soviet Union.

I am especially proud, Mr. Speaker, that so many of these fine and brave people who have left Lithuania for one reason or another to come to the United States, have elected to settle in my own State of Pennsylvania and particularly in my congressional district in the northeastern part of the State.

In the last century coal mining and railroad employment drew many to Pennsylvania as well as to the steel centers around Pittsburgh and the great oil regions in the Alleghenies in northwestern Pennsylvania.

Today we find many Lithuanians and their descendants living in Wilkes-Barre and the Wyoming Valley, Scranton, Shenandoah, Mahanoy City, Pottsville, Shamokin, Mount Carmel, and many other communities in my section of the State. They have made great and important contributions to their respective communities and have bravely and patriotically served our Nation during the periods of its greatest peril.

I deeply and sincerely wish along with these Americans that some day in the near future Lithuania will once again have the opportunity to govern its own affairs and destiny with dignity and human justice.

Mr. Speaker, I include at this point a resolution from representatives of the Lithuanian ethnic community of Luzerne County in Wilkes-Barre:

RESOLUTION

On the occasion of the 55th Anniversary of the Restoration of Lithuania's Independence, we representatives of the Lithuanian ethnic community of Luzerne County, assembled here on the 11th day of February 1973, in Wilkes-Barre, Pa. to Commemorate Lithuania's Declaration of Independence proclaimed on February 16, 1918, in Vilnius whereby a sovereign Lithuania State was restored; to:

Honor, The memory of the generations of Lithuanian freedom fighters and partisans who fought to defend Lithuanian national aspirations and values against foreign oppressors; and

Whereas, Once again we emphasize our confidence that, regardless of what methods the Soviet oppressors devise, they will in the end, be unable to suppress the aspirations of the Lithuanian peoples for freedom and the exercise of their human rights. These hopes were made most evident in the successful hi-jacking of a Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, as well as in Simas Kudirka's heroic attempt at defection and Roman Kalanta's immolation;

Whereas, We do hereby protest Soviet Russian aggression and perpetration of crimes in occupied Lithuania such as; the persecution of the faithful, the restriction of religious practices such as the persecution and imprisonment of Priests that teach children religion and the closing of the houses of worship . . . the distortion of Lithuanian culture by efforts at incorporating it into Soviet Russian culture and the continuous denial of creative freedom; murder and deportation of Lithuanian citizens to slave and concentration labor camps in Siberia; and therefore be it;

Resolved, That Soviet Russia immediately withdraw its armed forces, administrative apparatus from Lithuania, thus permitting the Lithuanian nation to freely exercise sovereign rights to self-determination, and therefore be it;

Resolved, That our Senators, Congressmen and our Government of the United States raise the issue of Lithuania in the United Nations and at various international conferences, as well as to support our just requests for the condemnation of Soviet aggression against Lithuania and the Baltic States; therefore be it

Resolved, That President Richard Nixon, of these United States, once again publicly reiterate long standing United States position of the nonrecognition of the incorporation of Lithuania into the Soviet Union.

Mr. O'NEILL. Mr. Speaker, I would like to join my colleagues as well as all Americans of Lithuanian origin and descent in commemorating the 55th anniversary of the establishment of the modern Republic of Lithuania.

It is unfortunate that only in Lithuania itself will Lithuanians be unable to observe this historical event, because of the continuing domination of that country by the Soviet Union. However the hopes and aspirations of these people have not been diminished as evidenced by their continuing defiance of the Soviet regime.

As citizens of a country that was founded on the principle of independence, Americans share the fervent desire of Lithuanians that someday religious and political freedom may become a reality.

We express the hope that the forthcoming European Security Conference will act in recognizing the right of Lithuania and other Baltic peoples to freedom and self-determination.

Conflict may cease throughout the world, but peace will only occur when every individual is allowed to practice the freedoms that we Americans have come to know as inalienable rights.

We must never come to think of peace as being merely the abscence of war. The Lithuanians have known what it means to be independent and free and are now risking and sacrificing their lives in defiance of their oppressors.

It has been 32 years since Lithuanians last enjoyed freedom and independence. For 6 weeks in 1941 they were able to free themselves from the Communist regime. Though we have never known the loss of our freedom, a large number of those in Lithuania have never known the realization of theirs.

America stands proud of its citizens of Lithuanian descent and their cultural contributions to the American way of life.

It is with great honor that Americans commemorate this anniversary and we join with all Lithuanians in the hope that their rights may soon be restored.

Mr. BURKE of Massachusetts. Mr. Speaker, for those of us who hold the ideals of freedom and protection of human rights most dear, February 16 holds a special place. For on that momentous day, 55 years ago, the independent nation of Lithuania was created.

Little known to history, Lithuanian heritage traces back to the 11th century when some neighboring principalities united into a common state. In 1253 a delegate of Pope Innocent IV crowned Mindaugas first king of a united Lithuania. Mindaugas was a good, charismatic man. He began a tradition the Lithuanian people cherish, that of noble leaders who have strived to forge Lithuania into a strong, progressive nation. Vytautas the Great stood out in the Middle Ages. He strengthened both Christianity and Lithuania's ties with western Europe. Clarence Manning very eloquently describes Lithuania's role in the Middle Ages.

They furnished a power and a government behind which the Eastern Slavs could live in peace and safety with a freedom that was unknown in Moscovite Russia. They blessed their subjects with more human freedom than in neighboring countries. They encouraged education and toleration and they played their part in the general development of European civilization.

Time and time again, foreign powers attempted to replace Lithuanian language and culture but each time the Lithuanian people remained faithful. World War I was cruel to Lithuania. However, German defeat, coupled with the revolution in Russia rendered favorable conditions for Lithuania to proclaim the independence they had so longed for.

Lithuania was admitted to the League of Nations on September 22, 1921, and was a model member, continually striving for peace and understanding in all parts of the world.

Domestically, Lithuania exhibited all the traits of a free and progressive society. A permanent constitution was adopted on August 1, 1922, and it accorded to all citizens the basic human freedoms of speech, assembly, religion, and communication. The power of legislation was vested in the Seimas and the executive authority in the President and Cabinet of Ministers. Antanas Smetona was elected the first President of Lithuania and proceeded to chart a course of great social reform for his homeland. A land reform program was enacted, to revitalize Lithuania's primary occupation, agriculture. Industrialization progressed and a fine school system was established. The tremendous pride of the Lithuanians was also pronounced in great pieces of literature. Writers found inspiration in the national folklore of Lithuania and great achievements were made in opera and music.

All this wonderful development came to a tragic halt during World War II, Mr. Speaker. Lithuania suffered terribly and emerged under the tyrannical control of the Soviet Union. All freedoms were abolished, fear replaced happiness as the prevailing mood of the country. But Mr. Speaker, it is truly a tribute to the tremendous spirit of the Lithuanian people that in spite of the despotic rule by the Soviets, they have never resigned themselves to Communist domination.

On this Lithuanian Independence Day we rededicate ourselves to the cause of freedom for all men. The illegal annexation of Lithuania, suppression of all human rights and self-determination by the Soviet Union, will, in the end, fail. For the cause of the Lithuanian people is a just one. The pages of history are filled with the triumphs of captive peoples shaking off the shackles of oppression and reaching the daylight of freedom. The Lithuanian people will be free once again someday. In just a short time the European Security Conference will devote its attention to the plight of Lithuania and the other Baltic States. Hopefully, constructive formulae will emanate from this conference and the first steps will be taken toward reaching a new and lasting freedom for all captive peoples. But these steps will never be taken if we here in the United States do not reaffirm our dedication to the cause of liberty. The yoke of oppression cannot be worn long, and will not be worn long, for the ideals of freedom and human dignity will prevail.

Mr. Speaker, I salute today Mr. Joseph Kajeckis, head of the Lithuanian Legation in Washington, and Lithuanian people around the world. For the Soviet Union will not achieve its goal. The people of Lithuania have too much spirit, too much undying faith in their national destiny. It is small condolence I am sure, but on this Lithuanian Independence Day we can be sure that independence still lives in the hearts and minds of Lithuanians everywhere. And where there is life, there is hope. And where there is hope, there is destiny.

Mr. DERWINSKI. Mr. Speaker, I am especially pleased to join my respected colleague, Congressman DAN FLOOD, in commemorating the 55th anniversary of Lithuanian independence.

Lithuania lost its independence in 1940 when Soviet military forces occupied the country and it was a battleground throughout World War II, first occupied by the Nazis and then again by Communist forces.

Well over a million people of Lithuanian background live in the United States, approximately 200,000 of them in Illinois. Many of them came to America after their native land had been seized by the Soviet Union. Thousands of others fled from Lithuania to other lands and still other thousands have been sent to Siberia and elsewhere by the tyrants in the Kremlin.

Mr. Speaker, as a result of migration, deportations, and repopulation from other sections of the Soviet Union, over half of the people now living in Lithuania are unable to speak Lithuanian. What makes this so tragic is that Lithuanian is the oldest living language in all Europe. May I emphasize the point that this Russification program is continuing, and is one of the most diabolical forms of long-term genocide now in active practice.

Mr. Speaker, it was my privilege Sunday to participate in the annual Lithuanian Independence Day program sponsored by the Lithuanian American Council which was held at Maria High School in Chicago. The unquenchable spirit of the Lithuanian people is such that I am confident that the day will come when this brave nation and its steadfast people will once again enjoy the independence which they so richly deserve.

Mr. HANLEY. Mr. Speaker, each year on February 16, Lithuanians in America and throughout the world observe the occasion of Lithuania's independence—a condition that no longer exists today.

The history of Lithuania has been one of growth, development, oppression, independence, and finally domination. For many centuries Lithuania was part of the most powerful kingdom in the whole of eastern Europe. In the late 16th century this kingdom was united with that of the Poles and the union lasted more than 200 years. However, at the end of the 18th century, Poland was partitioned and ceased to exist. Lithuania sharing a similar fate, became part of the Russian Empire.

For more than 100 years the Lithuanians battled czarist oppression and worked steadfastly to keep their national spirit alive. Their faith and work were rewarded when on February 16, 1918, the birth of the Lithuanian Republic was proclaimed.

The Lithuanian Republic flourished both economically and culturally for over two decades until the dark shadows of the approaching war between Nazi Germany and the Soviet Union foreshadowed the fall of the Lithuianian independence. The Soviets occupied the territory and in July of 1940 Lithuania was dissolved into the Soviet Union.

The tragedy of this nation was a page in history—not the prologue of the Communist doctrine. The body of man can be held in bondage but his spirit is immune to the chains that enslave his body—awkward in oppression, graceful in freedom.

Let us today reassure these physically bonded members of the family of man that we in America and the free world are enslaved when one member is denied the freedom of expression, of hope, of peace. Let us hope that one day the Lithuanians will again join the ranks of the free.

Mr. CLARK. Mr. Speaker, the Republic of Lithuania was established on February 16, 1918. This is a fitting time to renew our support and encouragement to the people of Lithuania and to Americans of Lithuanian descent. We owe so much to these courageous people. Their heroic stand against oppression by Communist forces should be an example to all Americans. We must not betray their goals and hopes. I would like to join with my colleagues in the House of Representatives in extending my greetings to this nation as they commemorate the independence of a people whose courage and contributions to the betterment of our world should never be forgotten.

Mrs. GRIFFITHS. Mr. Speaker, I wish to join with my colleagues today in commemorating the 55th aniversary of Lithuania's Declaration of Independence. It is appropriate that we, as individuals who cherish the blessings of liberty, should pay tribute to a people who have never wavered in their devotion to the cause of liberty for their country. Our observance of this anniversary is much more than the marking of an historic event in the history of nations; it is a recognition of the courageous resolve with which the people of that country have steadfastly maintained their love of freedom.

Lithuania was declared an independent nation on February 16, 1918, and in the short 22 years that it enjoyed independence the country made great progress. However, the enjoyment of liberty was brutally cut off in 1940, when the Soviet Union forcefully annexed that Republic with its Union of Socialist Republics, an incorporation which has never been recognized by the United States. While we deeply sympathize with the people of Lithuania for being crudely enchained in the harsh yoke of communism, we rejoice that their physical bondage has failed to break their constant hope for sovereignty and individual freedom.

On this occasion, we should reaffirm our commitment to those Baltic nations still struggling for independence. The eventual freedom and independence of Lithuania, as well as Estonia and Latvia, must be an objective of freedom loving people throughout the world. There are about 1 million Americans of Lithuania descent, including many in my own State of Michigan. I join these Americans in their hopes and prayers for the early restoration of freedom and independence for Lithuania.

Mr. CONTE. Mr. Speaker, I am deeply honored to be able to join my distinguished colleagues in commemorating the 55th anniversary of Lithuania's Declaration of Independence.

For over 700 years, the brave people of Lithuania have suffered under foreign oppression. They have felt the wrath of the czars as well as Stalin and Hitler. During the two World Wars, Lithuania was overrun by armies of both Germany and the Soviet Union.

In 1922, the people of newly independent Lithuania adopted a permanent constitution which guaranteed freedom of speech, assembly, religion, and communication. During its brief period of independence, Lithuania made enormous progress, not only in agriculture and industry but also in education and social legislation.

With the Second World War came an end to Lithuania's cherished independence, when it once again fell under Soviet domination. Today, 33 years later, it is still being deprived of independence.

I salute the courageous people of Lithuania who know the value of freedom that we often take for granted. I join them in the hope that they may soon again enjoy that freedom.

Mr. HUNT. Mr. Speaker, February 16 marks the 55th anniversary of the establishment of the modern Republic of Lithuania. What should be a happy time, a time for celebration and thankfulness, is a time for reflection, looking back on 33 years of Soviet oppression.

But even with this intrusion on their independence, the Lithuanians who were not fortunate enough to escape this tragic fate, still maintain a great faith, a great pride and a great sense of nationalism which has fared so well for them for more than 700 years. They live with a confidence almost unparalleled anywhere on this earth of ours, that some day their great country will once again revel in its independence.

The struggle continues. Both here in our country where over 1 million Lithuanians have found, as have so many before them, a free way of life, and in their homeland, a subtle and at times a not so subtle protest goes on.

As we approach our 200th year of independence, we should not forget the peoples of the world who have no reason to rejoice. We should reaffirm our commitment to them, and to cause of freedom for people everywhere. A commitment America cannot afford to ignore.

Mr. COUGHLIN. Mr. Speaker, February always is a very special month for Americans as we honor the memory of two of our greatest leaders—Washington and Lincoln. The liberty and freedom which are synonymous with their names has taken on a more special meaning this month as our prisoners of war begin returning home from Southeast Asia.

So, it is with a sense of sadness and sympathy, that we recognize that Americans of Lithuanian descent—and Lithuanians almost everywhere except in Lithuania itself—have marked the 55th anniversary of the Declaration of Independence for Lithuania with the knowledge that the country is not free. February 16, 1973, commemorated the establishment of the modern Lithuanian Republic and the 722d anniversary of the founding of the Lithuanian State.

That Lithuania today is not free is a tragedy of immense proportions. For, if ever there were a people who yearned and deserved to be free, it is the Lithuanians. The spirit of freedom is not easily subdued as the Soviet Union has come to know in the years since 1940 when Lithuania and two sister nations were forcibly annexed.

The smoldering fires of freedom in Lithuania erupt periodically into world headlines. The most recent and forceful expression of the Lithuanian people followed the self-immolation of a Lithuanian youth, Romas Kalanta, who was protesting Soviet subjugation of his country and people.

The riots of last May effectively reminded the Soviet Government of the true feelings of the Lithuanian people. Some 17,000 Lithuanian Catholics petitioned Kurt Waldheim of the United Nations for protection of their human rights.

The spirit of liberty, exemplified by the Lithuanian people, is evident to those who have traveled or had experiences with countries in the Soviet bloc. I remember vividly my visit to the infamous Berlin wall and the stories of the lengths to which people would go in trying to escape to the West. The Soviet invasion of Czechoslovakia demonstrated the depth of the Communist commitment to impose complete control on any nation harboring illusions of achieving a degree of freedom.

The efforts of the Lithuanian-American Council and the Lithuanian-American community of the United States of America in calling attention to the continuing plight of Lithuania are commendable. They make us remember that there are peoples throughout the world who do not enjoy any freedom that we so easily take for granted. And they make us remember that unless we exercise the eternal vigilance so necessary to preserving liberty, that we risk a loss in the value of our freedom.

I would hope that some day—some day not too distant—that we may not have to speak in Congress of the loss of liberty by the Lithuanian people. Instead, we will speak of Lithuania's new-found freedom and how well the fight was fought for that freedom. Until that day, we all owe a debt to the Lithuanian people for reminding us—through their story—of how precious is freedom and how costly is the loss of that freedom.

Mr. CONABLE. Mr. Speaker, the 55th anniversary of Lithuanian Independence on February 16 again reminds us of the pursuit of independence not realized in Lithuania for more than 30 years. It is a day of sadness and rededication for Lithuanian Americans and friends of Lithuanians throughout the world who together renew the hope that Lithuania may again be freed from Soviet oppression. As we pause to mark this anniversary, we recognize also the large contribution of the more than 1 million Americans of Lithuanian descent to the development of the United States and the preservation of its ideals of freedom and liberty. But let us never forget the continuing struggle of the Lithuanian people for the fundamental human liberties long suppressed by harsh Soviet domination.

Because the Baltic people have not willingly accepted the domination of the Soviet Union, they have been removed from their homeland in an effort to destroy their unity and identity. More than one-fourth of the population has been moved, with many hardships in the process. In spite of unreasonable and continuing hardships, Lithuanians have kept alive the struggle against suppression of their independence and religious and political freedoms and have long been an example of the pursuit of liberty and world peace.

We condemn the Soviet suppression of such fundamental rights as repugnant to the principles of free world nations. The United States has consistently refused to sanction the forcible occupation of Lithuania and her Baltic neighbors. While denying official recognition, the United States has insisted on self-determination as the keystone of U.S. foreign policy. I continue to support that policy for Lithuania and her Baltic neighbors. To further the hopes and efforts of these courageous people I sincerely hope that we will implement the provisions of House Concurrent Resolution 416 and reaffirm our commitment to Lithuanians who continue to strive toward the realization of the ideals of personal liberty, independence, and human dignity long maintained by the United States.

Mr. SMITH of New York. Mr. Speaker, I am honored to have the privilege to join in observing all Americans of Lithuanian descent and Lithuanians throughout the world as they commemorate the 55th anniversary of the Declaration of Independence of Lithuania. However, this day of celebration is cloaked in sorrow for the many Lithuanians in their homeland, who are unable to show their joy, for indeed they have no reason to be joyous. They now lie captive and the lives which once were filled with purpose are now filled with despair.

I am in firm agreement with the United States policy of nonrecognition of forceful incorporation of the Baltic States into the Soviet Empire and feel that this nonrecognition policy must continue, especially in view of the Soviet proposed European Conference on Security and Cooperation. I feel that such recognition would serve only to further enslave a once free people in the darkness of totalitarian oppression.

It is fitting that we in the Congress keep alive, through this commemoration, the precious concept of freedom in the hearts of oppressed people throughout the world who look to America as a beacon of freedom.

Mr. WALSH. Mr. Speaker, no nation or people should be subjugated to the will of another unless that is their wish. They should be free to determine their own future in any way they choose. This is the essence of democracy.

And that is also why today we salute the valiant efforts of the people of Lithuania as they celebrate the 55th anniversary of their independence.

But they are not free today. They are currently under the domination of the Soviet Union against their will. This has been the case since Russia annexed them in 1940. Since then, the brave people of this land have fought to regain their fledging independence in the face of one of the most awesome military giants in all history.

They have not thus far been successful. But they have the support of millions of people and countless nations around the world. The people of Lithuania may not ever be strong enough militarily to regain their freedom, but morally and politically, if enough people and nations support them, they may one day force the Soviet Union to grant them their hard earned right to govern themselves.

What we are observing here today, Mr. Speaker, is not only an anniversary of independence, but hopefully also the beginning of a new period of freedom for that tiny nation.

It is my hope that today we can all join in reassuring the people of Lithuania, both abroad and in this country, who have fought for the cause of their nation's freedom. To that end we as a leader of world democracy must continue to lend moral support to those who must still fight against oppression. To that end we today join with the rest of the free world in saluting the nation of Lithuania on this their 55th anniversary of independence.

Mr. YATRON. Mr. Speaker, Americans of Lithuanian origin or descent and their friends in all parts of the United States will commemorate two very important anniversaries this month. First, they will observe the 722d anniversary of the founding of the Lithuanian State when Mindaugas the Great unified all Lithuanian principalities in 1251. Second, and perhaps most important, they will mark the 55th anniversary of the establishment of the modern Republic of Lithuania on February 16, 1973.

As most Americans know, the Communist dictatorship began in the Soviet Union on November 7, 1917. What must be emphasized, however, is that the spread of communism not only began during those dark days in 1917, but also continued through World Wars I and II and progresses even today.

The Communist regime did not come to power in Lithuania, or the two other Baltic States of Latvia and Estonia, by legal or democratic processes. The Soviets invaded and occupied the Baltic States in June of 1940, and the Baltic peoples have been suffering ever since. Regrettably, the Balts have had to suffer oppression for centuries due to the "accident of geography." From the West, they were invaded by Teutonic knights, and from the East by the Russians. Accordingly it has taken remarkable spiritual and ethnic strength to survive these pressures from both sides.

Just as the Balts resisted invasions throughout the centuries, they have waged an intensive fight for freedom since the very beginning of Soviet occupation. During the period from 1940 and 1952 alone, approximately 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement. The cessation of armed guerrilla warfare in 1952, however, did not spell the end of Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained new impetus.

Such passive resistance has also been exhibited by the U.S. Government since we have refused to recognize the seizure and forced "incorporation" of Lithuania by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations only with the former free governments of the Baltic States and not the Soviet dominated puppet governments in existence today.

Since June of 1940, when the Soviet Union took over Lithuania, Latvia, and Estonia, all the Presidents of the United States have stated, restated, and confirmed our policy of nonrecognition of the occupied Baltic States. Hopefully, the present generation of Americans will continue to recognize that the bonds which many U.S. citizens have with enslaved lands of their ancestry are a great asset to the struggle against communism.

The U.S. Congress has made a step in the right direction by unanimously adopting House Concurrent Resolution 416 which calls for freedom for the Baltic States. It is my hope that all freedom-loving Americans will urge the President to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations to request that the Soviets withdraw from Lithuania, Latvia, and Estonia.

Certainly, the time has come for everyone to demand that the principle of self-determination be respected and that the nations of Lithuania, Latvia, and Estonia be free to choose their own form of government. We should have a single standard for freedom. Its denial in whole or in part, anywhere in the world, is surely intolerable.

Mr. REUSS. Mr. Speaker, February 16, 1973, marked the 55th anniversary of the formation of the Republic of Lithuania. The Lithuanian people have a rich heritage, tracing their national history back to 1251. They form one of the oldest distinct national groups in Europe.

But our commemoration of this occasion is not a joyful one. Each year's anniversary is marked by sadness, for the people of Lithuania still yearn for full independence. They still yearn for the freedom to follow their own cultural, social, and economic traditions. Their brief period of independence has been followed by most difficult trials, but the Lithuanian people have maintained their spirit and courage.

As we join the more than 1 million Americans of Lithuanian descent in recalling the proud history of Lithuania, let us also renew our hope for the future. Let us rededicate ourselves to work for the time when Lithuanians and all people can share in the blessings of freedom.

Mr. BROOMFIELD. Mr. Speaker, in commemoration of the 55th anniversary of the independence of Lithuania, I rise today to pay my respects to the brave people of Lithuania and to reiterate my support for their struggle against foreign domination.

History will surely record that Lithuania has and continues to bear more than her fair share of distress as she seeks to take her rightful place among the community of free and soverign nations of the world. From 1795 until 1918, she struggled in vain against the subjugation of czarist Russia. Then in 1940, after a mere 22 years of independence, this Baltic nation was once again engulfed by the tyranny of Communist Russia.

However, during its brief experiment with liberty, the roots of democracy took hold. Despite the most determined and ruthless efforts of the U.S.S.R., those roots remain to this day. They give sustenance and hope to the courageous Lithuanians who continue to look with hope toward the day when their nation will once again be independent.

Mr. Speaker, thousands upon thousands of Lithuanians have risked and are risking their lives in order to advance the struggle against Communist oppression. They are engaged in a desperate and noble battle for their political, religious, and cultural integrity. We in the United States are aware of some of the more graphic and more moving examples of that struggle.

It was only a short time ago that Romas Kalanta, whom history will surely record as a martyr to the cause of Lithuanian freedom, gave his life in a public demonstration against the repression and tyranny of the U.S.S.R. That ultimate sacrifice on his part brought forth an eruption of national spirit and emotion that shook the Soviet Empire and the world. The intensity of the reaction was culminated by a petition signed by 17,000 Lithuanians asking for U.N. consideration of the plight of their homeland.

This was not an isolated incident. There are many, many more examples which prove beyond a doubt that Lithuania still strives for the precious freedom it once enjoyed.

In conclusion, Mr. Speaker, I would like to advise my colleagues that I have recently introduced a resolution calling upon Radio Free Europe to initiate cultural radio broadcasts to the captive Baltic countries of Lithuania, Estonia, and Latvia. I can think of no more appropriate time for Congress to give consideration to this resolution than on this 55th anniversary of Lithuanian independence.

Mr. RINALDO. Mr. Speaker, February 16 was the 55th anniversary of the independence of Lithuania. It is certainly fitting that we in the Congress take note of this most auspicious day and once again voice our feverent hope that the people of Lithuania will soon achieve their independence once again.

This nation has been the site of a continued struggle for independence by its courageous people. Held in Communist tyranny for so many years, the Lithuanians have still retained a strong sense of their lost liberty. The history of their struggle for freedom from oppression is truly an inspiration to freedom-loving people everywhere.

For 21 years, the people of Lithuania controlled their own destiny. Then Lithuania found itself in the middle of a vicious power struggle, a situation so common to European history. The battle between Fascist Germany and Communist Russia eventually took its toll on the proud people of Lithuania. In 1939, the Hitler-Stalin pact and the Polish partition exposed Lithuania to the threat of Communist invasion despite the Soviet Union's pronouncements to the contrary. On October 10, 1939, Lithuania signed an agreement with Stalin and its fate to be a cog in the wheel of Soviet domination has been sealed ever since.

Lithuania's struggle for freedom continued, however. When the Germans invaded the Soviet Union on June 22, 1941, the people of the capital city, Kaunas, rose up and drove out the Russian invaders.

Later in 1944, after suffering under 3 years of Nazi oppression, this small, proud and brave nation once again picked up their arms to fight the Soviet aggressors. History tells us that the Lithuanians lost. Their country was conquered but not their spirit.

Today these brave people cling to the hope and idea of freedom and independence. I am happy to join my colleagues today in celebration of Lithuanian Independence Day and I hope that next February 16, we will be celebrating a rebirth of that freedom and independence that sparked Lithuania 55 years ago.

Mr. Speaker, in closing my remarks today, I wish to call to the attention of my colleagues in the Congress the very spirited and moving resolution adopted by Lithuanians living in the 12th Congressional District of New Jersey and their fellow members of the Linden, N.J., branch of the Lithuanian-American Council. I ask unanimous consent that the resolution be included in today's RECORD.

RESOLUTION

We, Lithuanians residing in the city of Linden, N.J., and vicinity, gathered in Linden on February 3, 1973, to commemorate the 55th anniversary since the restoration of Lithuania's independence.

Recalling that:

1. The sovereignty and independence of the Lithuanian state restored by the act of the Lithuanian Council on February 16, 1918, won and protected by the blood sacrifice of the Lithuanian people during 1919–1920, and

recognized by the international community, was destroyed by the Soviet Union in 1940 and, repeatedly, in 1944 by military occupation and incorporation into the USSR in violation of international law.

2. The Lithuanian nation resorted to arms in 1941 and succeeded in restoring its state sovereignty in Lithuania's territory for a brief interval, only to have it suppressed by the German Nazi occupation.

3. The Lithuanian people continued the unequal struggle for freedom from 1944 to 1952, when large Soviet military and police forces finally managed to extinguish armed resistance against Bolshevik oppression.

4. The Soviet Russian occupying power has perpetuated acts of genocide in Lithuania, resulting in the deportation to Siberia and other remote areas and in physical extermination of about one million Lithuanians.

5. Soviet Russia maintains its illegal overlordship in Lithuania to this very day.

6. Following the destruction of armed guerrilla forces by the occupying power, the freedom fight of the Lithuanian nation acquired different forms, which received worldwide attention. Among the recent outstanding actions of resistance were:

(a) the defiant courtroom speech of the sailor Simas Kudirka, following his unsuccessful attempt to escape to the free world on November 23, 1970, and his condemnation in Vilnius, in May 1971, to ten years of especially severe forced labor;

(b) the self-immolation of Romas Kalanta, a young student and worker, in a public park in Kaunas on May 14, 1972, and action designed to symbolize the Lithuanian people's protest against the occupying power and their demand for freedom;

(c) the petition addressed at the juncture of 1971–1972 to the First Secretary of the Soviet Communist Party, Leonid Brezhnev, and to the Secretary General of the United Nations, Kurt Waldheim, by 17,000 Lithuanian religious believers who risked their personal freedom in protesting against the denial of religious freedom in Soviet-occupied Lithuania.

We resolve:

1. To demand that the Soviet Union withdraw its military forces and administrative apparatus from Lithuania and allow the Lithuanian people to govern themselves freely;

2. To request the President of the United States of America to instruct his delegation at the Conference on European Security and Cooperation in Helsinki that it demand the restoration to the Lithuanian people of the free exercise of their sovereign rights in their own land.

3. To ask Senators and Congressmen of the United States for their support of the above requests.

Copies of this resolution be forwarded this day to the President of the United States, Secretary of State William P. Rogers, United States Ambassador to the United Nations John Scali, United States Senators from New Jersey, Harrison A. Williams and Clifford P. Case, a member of the United States Congress from New Jersey, Matthew J. Rinaldo, and Governor of New Jersey, William T. Cahill.

Mr. PATTEN. Mr. Speaker, it is an honor for me to join my colleagues today as we commemorate the 55th anniversary of Lithuanian independence. I feel a deep sorrow that Lithuanians in their homeland cannot join us in what should be a joyful celebration similar to our Fourth of July festivities.

Mr. Speaker, I have just returned from a trip that took several of my colleagues and I behind the Iron Curtain. We felt the fear of a subjugated people afraid to even smile least the iron hand of tyranny come down on them even harder. I do not feel that any person should be forced to live under these conditions, and I hope that through our work with other nations we can bring about the freedom of suppressed people like the Lithuanians. For they indeed have expressed their desire for our way of life.

On February 16, 1918, Lithuania declared its independence. It had been a long struggle for them which was marked by Russian and German domination dating back to 1795. But now they were free, and they made the most of it. They adopted a constitution and passed social legislation; they improved their land, and their arts flourished. Then came World War II, and the might of Hitler and the Soviet Union was too great for this tiny nation.

The Soviet occupation has been fierce, because the Russians have tried to force their ways on the minds and bodies of the Lithuanians. The Lithuanians, however, remember their years of independence; and it burns like a flame inside each and every one of them. To keep this flame burning must be our responsibility, because it is a key to our own freedom.

Mr. Speaker, New Jersey is privileged to have many citizens of Lithuanian descent. Like their counterparts in Lithuania itself, these citizens are hard working and industrious. They have contributed much to our own culture over the years. In talking to them, I have come to understand the dreams they had for Lithuania and the hope they still hold that their dream might come true. I hope all who hear us today or read our words will join us in urging our Government to work for the freedom of Lithuania so that her citizens will once again have the freedom to set their own destiny.

Mr. RHODES. Mr. Speaker, last Friday, February 16, Americans of Lithuanian origin and descent, had two anniversaries. That date marked the 722d anniversary of the founding of the Lithuanian State, and the 55th anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918.

Ordinarily we would think of an annual independence celebration as synonymous with celebration and savored traditions. But, for Americans of Lithuanian descent and for free Lithuanians throughout the world, this anniversary is a sad reminder that the nation where they were born, or where their parents were born, is again captive.

Lithuania's independence lasted only until 1940 when the Red Army invaded and clamped its web of repression over the previously independent Baltic States.

Today Lithuania languishes in repression, condemned to live as part of the captive Soviet colonial empire. The occupation has been cruel yet the people carry the hope that they will someday share in the freedom found in countries such as ours.

May we never forget our blessings and remember Lithuania as a sign of the Soviet Union's oppression, and let us pray these people will someday stand together with us as free men and women.

At this point, I insert in the RECORD a copy of a resolution adopted by the Lithuanian Americans of the State of Arizona and sent to me by Vladas Miezelis, president of the Lithuanian Community of Arizona:

RESOLUTION

We, Lithuanian Americans of the State of Arizona, assembled this 11th of February, 1973 in Phoenix to commemorate the 55th anniversary of the restoration of Lithuania's independence, protest—

1. The continuation of the forcible occupation and illegal annexation of the Republic of Lithuania by the Soviet Union, which fact has been officially confirmed by the findings of the Select Committee on Communist Aggression of the House of Representatives, 83rd Congress of the United States,

2. The subjection of the Lithuanian people to alien subjugation, domination and exploitation which constitutes a denial of fundamental human rights, contrary to the Charter of the United Nations,

3. The colonization of the land by the Russians and continuation of their efforts to force to change the ethnic character of the population of Lithuania, thereby committing the offense of genocide.

4. The suppression of religious life in Lithuania by closing the churches and persecution and jailing of priests for religious instruction of youth.

We demand that the Soviet Union shall withdraw its armed forces, administrative apparatus and the imported colonists from Lithuania, thus permitting the Lithuanian people to freely exercise their sovereign rights,

We respectfully express our gratitude to the United States Government for the nonrecognition of the Soviet occupation and annexation of Lithuania.

We respectfully request President Nixon to direct the attention of world opinion at the United Nations and of the other appropriate international forums on behalf of the restoration of sovereign rights of the Baltic people which policy was recommended to the President of the United States by the House Concurrent Resolution 416 of the 89th Congress,

We urgently request our Government to make all possible efforts to have Simas Kudirka returned to this country with his family.

The copies of this resolution shall be mailed to President Richard M. Nixon, Secretary of State William P. Rogers, to both Senators and all the Members of Congress from the State of Arizona and the Press.

Mr. NEDZI. Mr. Speaker, this month we mark the 55th anniversary of Lithuania's rebirth of independence, Lithuanian Independence Day.

I do not regard this observance, or similar observances, as meaningless, pro forma exercises. I believe we should take them seriously, for each has something to teach us and real flesh and blood people are involved.

Most Americans have no personal memory of the 1939 Russian takeover of the Baltic nations. Either they were unborn then, or too young, or had but the dimmest perception of what was happening.

Let us turn to Winston Churchill's great history of World War II. In volume 1, "The Gathering Storm," he writes:

> The next step taken by Russia after partitioning Poland with Germany was to make three "Mutual Assistance Pacts" with Estonia, Latvia, and Lithuania. These Baltic States were the most vehemently anti-Bolshevist regions in Europe. They had all broken themselves free from the Soviet Government in the civil war of 1918 and 1920,

> and built up, in the harsh manner in which revolutions are conducted in those regions, a type of society and government of which the main principle was hostility to Communism and to Russia. From Riga in particular for twenty years a stream of violently anti-Bolshevki propaganda had flowed daily by radio and all other channels to the world. With the exception of Latvia, they had not, however, associated themselves with the Hitlerite Germany. The Germans had been content to throw them into their Russian deal, and the Soviet Government now advanced with pent-up hate and eager appetite upon their prey. These three states had formed a part of the Tsarist Empire, and were the old conquests of Peter the Great. They were immediately occupied by strong Russian forces against which they had no means of effectual resistance. A ferocious liquidation of all anti-Communist and anti-Russian elements was carried through by the usual methods. Great numbers of people who for twenty years had lived in freedom in their native land and had represented the dominant majority of its people disappeared. A large proportion of these were transported to Siberia. The rest went farther. This process was described as "Mutual Assistance Pacts."

Lithuania is not a make-believe nation. It has a long and frequently distinguished history, dating back to 1009 A.D. It was the first nation in Eastern Europe to embrace Christianity.

It must be particularly bitter for men and women of Lithuanian blood to see small nation after small nation recognized in the U.N. while Lithuania, with its long history, languishes almost unnoticed under Russian dominance.

The Russians have employed the techniques of deportation, execution, colonization, and sheer power to diminish the chances of Lithuania's survival as a people with a distinctive culture. It is remarkable, therefore, that Lithuanians have endured and, indeed, have given increasing evidence that the desire for their own identity remains strong.

The fact that the U.S. Congress takes cognizance of Lithuanian Independence Day gives notice to the world that we care about the painful history of this century and that we have a continuing sensitivity regarding the millions of people of Eastern Europe.

We do not seek to give false hope. But we must note that Lithuania has emerged from seemingly hopeless situations in the past.

During the 120-year Russian occupation of 1795–1915, for example, there were five insurrections. And when the chaos of World War I allowed Lithuania to break loose, its people formed a free and independent government which lasted 22 years.

The point is that during the bleakest times, somebody has to continue to "make the record," so to speak. And the record is worth making.

It is natural and desirable that men and women of good will would like the detente between the United States and Russia to grow into a long-lasting thaw. This can be done. But we should be on guard to know the history of our own times, and to proceed without illusions and without romanticizing our all-too-frequent adversaries.

Mr. BUCHANAN. Mr. Speaker, these are days when the sound of the word "freedom" warms the heart and wets the eye of every American. With great relief we have witnessed the return of our first prisoners of war to safety, home, and freedom.

The drama and emotion of their return have made it easy for us to forget that in another part of the world freedom is far from becoming a reality.

The month of February commemorates the birth of the Republic of Lithuania, 55 years ago, and the 722d anniversary of the formation of the State of Lithuania. Yet in Lithuania there will be no hearts warmed nor eyes glistened with joy, no celebrations of independence, no atmosphere of victory. There will be only the somber observance of another day in captivity; for Lithuania remains a prisoner to the rule of the Union of Soviet Socialist Republics.

By now the history of the courageous people of Lithuania is a familiar story to my colleagues, who have voiced yearly their concern over continuing Soviet oppression of the Baltic peoples.

The clash of forced rule versus individual rights is not new to Lithuania, nor to her sister countries, Latvia and Estonia. An accident of geography has made them the target of invasion from all sides. The State of Lithuania first fell to Russian control in 1795, but a determined struggle for freedom finally bore fruit in 1918, when the Republic of Lithuania regained her independence. This democracy lasted only until World War II, when first Germany and then Russia invaded the small country and wrested control of its government. A fraudulent election, offering only a slate of Communist candidates enabled Russia to claim that Lithuania had "freely" voted to join the U.S.S.R.

The United States deplores this affront to human dignity and individual rights, and has expressed its support of the Baltic peoples through continued recognition of the sovereignty of Lithuania, Latvia, and Estonia. The Congress, through House concurrent resolution of 1966, has directed world attention to the need for restoration of the rights of Baltic peoples.

With the settlement of conflict in Southeast Asia, an American dream is coming true: The possibility of global peace. We must remember, however, that peace means more than just the absence of fighting. Our President has often spoken of peace with honor, a peace which preserves not only life, but also the quality of freedom in life.

This is the true dream of peace upon which our country is built: The right of individuals and nations to direct their own destinies and to choose their own governments. Until freedom and justice are within the grasp of all oppressed nations, in all parts of the world, there will be no true peace.

The ceaseless resistance of the courageous people of Lithuania attests to this fact. In the years of Soviet oppression since World War II, the struggle for freedom has continued undaunted, even by the loss of over 50,000 freedom fighters, who have been deported or destroyed. Even now Lithuanians reared under the yoke of communism are risking and sacrificing their lives in the hope of political and religious freedom for their country. Certainly the Lithuanians have shown the world that peace without freedom is worthless, and that they will accept no less than full human rights.

The temerity and tenacity of the Baltic peoples stand as a living tribute to the value of freedom, and I join my esteemed colleagues of the 93d Congress in praise and support of the people of the Republic of Lithuania. As we give thanks for the newly regained freedom of our own countrymen, let us rededicate ourselves to the pursuit of independence for all men in all countries.

Mr. KEMP. Mr. Speaker, this month Americans of Lithuanian heritage and their friends everywhere will be commemorating two important anniversaries: The 72d anniversary of the formation of the Lithuanian State when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and the 55th anniversary of the establishment of the modern Republic of Lithuania in 1918.

Years of joyous rebuilding and growth followed Lithuanian independence, but unfortunately came to an end after World War II. The Hitler-Stalin—Molotov-Ribbentrop—Pact of August 1939, contained a secret protocol which gave Lithuania and the Baltic States of Estonia and Latvia to the Soviets, at a time when these states were still free republics. War began days later. The Soviets forced the Baltic States to sign mutual assistance pacts which exacted under duress permission for Russian military bases on Baltic soil. After the fall of France, there was a full-scale Soviet invasion, "legitimized" by these forced treaties, and by June 17, 1940, all three countries were occupied.

I am proud to say it was the Government of the United States that was first in 1940 to strongly and emphatically denounce the Soviet takeover of the Baltic States. Our Nation's statement of July 23, 1940, has become known as the Freedom Charter of the Baltic States. It reads:

> The political independence and territorial integrity of the Baltic Republics, Lithuania, Latvia and Estonia, were to be deliberately annihilated by one of their more powerful neighbors.
>
> The government and the people of the United States are opposed to predatory activities no matter whether they are carried on by those who use force or the threat of force.
>
> They are likewise opposed to any form of intervention on the part of any state, however powerful in the domestic concerns of any other sovereign state however weak.
>
> The United States will continue to stand by these principles because of the conviction of the American people that unless the doctrine in which these principles are inherent once again governs the relations between nations, the rule of reason, of justice, and of law, in other words, the basis of modern civilization itself cannot be preserved.

Through the years which have followed, the United States has continued its support of the Baltic peoples' struggle to regain their freedom. We have steadfastly refused to recognize the Baltic States' forced annexation by the Soviet Union. In the words of John Foster Dulles in 1959:

> The United States was quick to denounce this aggression, and refused to recognize the forced incorporation of the Baltic States into

the U.S.S.R. Today, over 18 years later, we wish to assure the people of Lithuania, Latvia, and Estonia once more that they are not forgotten. The United States still aspires, in the words of the Atlantic Charter, "to see sovereign rights and self-government restored to those who have been forcibly deprived of them."

In 1966, the House and Senate unanimously passed House Concurrent Resolution 416 calling for freedom for Lithuania and the Baltic States of Estonia and Latvia. That resolution reads as follows:

H. Con. Res. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropiate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

And our Nation's commitment has been expressed by President Nixon:

In committing aggression against the Baltic countries, the Soviet Union violated not only the spirit and letter of international law but offended the standards of common human decency.

We are now rejoicing at the return of our men who have been held as prisoners of war, but we must not forget that entire peoples, such as the freedom-loving Lithuanians, still remain in captivity.

Living in a free nation, we can never really understand the sufferings of the captive peoples. We can, however, offer to the brave citizens of those lands who still fight for liberty, and to their many friends and relations in the United States, the assurance that we as a people will never rest until Lithuania and the other captive nations regain their rightful heritage of freedom. We will never rest as long as there is denial of religious freedom, denial of self-determination, and denial of human rights.

I am proud to join my colleagues today in commemorating the Lithuanian Day of Independence, and by doing so, help demonstrate our continuing commitment to the Lithuanian people and to the other captive nations.

The importance of the forthcoming European Security Conference in regard to Lithuania and other captive nations cannot be overemphasized. I will urge the President to request that the question of the restoration of freedom and the exercise of self-determination by the Lithuanian people and other captive nations be raised at the conference.

The Lithuanian-American organizations and the Assembly of Captive European Nations are to be commended for their efforts in the cause of freedom. I include at this time for the information of my colleagues an appeal to the United Nations Secretary General sent by the Assembly of Captive Nations and a statement concerning the importance of the European Security Conference provided by the Lithuanian-American Community of the U.S.A., Inc.:

An Appeal to the United Nations Secretary General

The following letter, signed by Chairman Stefan Korbonski, and Secretary General Feliks Gadomski, was sent by the Assembly of Captive European Nations to His Excellency Kurt Waldheim, Secretary General of the United Nations, asking for his intervention in order to stop the wave of recent Communist persecutions in Lithuania and Czechoslovakia:

The world is witnessing a cruel violation of human rights of the peoples of two small countries perpetrated by a great power, a member of the United Nations, with a cynical disregard of its obligations arising from the United Nations Charter and the Universal Declaration of Human Rights.

The Soviet Union, having forcibly incorporated Lithuania into its Communist empire after the Second World War, is relentlessly pursuing a policy of persecution and destruction of religion in that country. This provokes a stubborn resistance of the Lithuanian people in defence of their religious and national freedom which so tragically manifested itself recently in the self-immolation of three youths and bloody clashes with police in Kaunas and other Lithuanian cities. A petition signed by seventeen thousand believers appealed in vain for freedom of religion for the oppressed people of Lithuania.

In Czechoslovakia, where the liberally inclined government of Dubcek has been crushed by Soviet armed intervention and replaced by a Moscow subservient government of Husak, we see mass unlawful political trials on trumped up charges against hundreds of former followers of Dubcek who now fill the prisons of Prague.

The Assembly of Captive European Nations, representing in the free world the inalienable rights to freedom for Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, and Rumania, deeply shocked by the victimization of innocent people by the Communist rulers in Lithuania and Czechoslovakia, appeals to you, Sir, to intervene with the government of the Soviet Union and its satellite regime in Prague to bring about their compliance with the provisions of the United Nations Charter and the Universal Declaration of Human Rights and an end to all forms of persecution for political and ideological reasons.

Your previous pronouncements concerning human sufferings give us hope that you will again raise your voice in this case which is so abhorrent to all the freedom loving people of the world.

European Security Conference and Its Possible Adverse Effects on Lithuania

On February 16, Americans of Lithuanian origin and descent will commemorate two anniversaries—the 722nd anniversary of the founding of the Lithuanian State, and the 55th anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918.

Lithuania's independence lasted only until 1940, when the Soviet Union invaded and occupied Lithuanian, Latvia, and Estonia and forcibly annexed these Baltic States into the Soviet Union. The United States and other great western powers have steadfastly maintained a policy of non-recognition of this forceful incorporation of the Baltic States into the Soviet Empire. This non-recognition policy must continue, especially, in view of the Soviet proposed 'European Conference on Security and Cooperation.' As indicated in the published preliminaries of the Conference the Soviet concept of the security of the European States has one primary prerequisite: That the territorial integrity of the states and inviolability of their frontiers be maintained.

The recognition of the territorial "status quo" in Europe would violate the right of self-determination of the peoples and the nations of Eastern Europe. It would be tantamount to world ratification of the infamous 'Molotov-Ribbentrop Pact of 1939', and would extinguish for all time the small candle of hope in the darkness of totalitarian oppression.

Today, the United States stands on the threshold of the most meaningful and potentially rewarding era in the history of mankind. For the first time in the last fifty years, global peace is attainable. However, global peace is only the first great objective of our nation, we must also seek the attainment of freedom and justice for all oppressed nations. For even if the countries of the world cease hostilities toward one another, the unresolved legacies of the Second World War must be confronted; the status of the Baltic Nations must be once and for all—equitably resolved. Furthermore, let us not be fooled that world peace can be attained by offering the inalienable rights of the people of Lithuania and the other Baltic Nations upon the altar of appeasement.

Even now, Lithuanians raised under the yoke of communism are risking and sacrificing their lives in defiance of the Soviet escape attempt of the Lithuanian sailor, Simas Kudirka, the self-immolation of Romas Kalanta, and the subsequent demonstration by thousands of young Lithuanians, and the petition of 17,000 Lithuanian Roman Catholics to Kurt Waldheim of the United Nations, demonstrates their thirst for freedom at any price.

The 89th U.S. Congress during its second session adopted House Concurring Resolution 416, urging the President to direct the question of the status of the Baltic countries in the United Nations and other international forums.

The time is now, to present to the public at large and the government of the United States the grave concern shared by Lithuanian Americans and the people of Eastern and Central Europe over the approaching Soviet proposed 'European Conference on Security and Cooperation.'

Mr. O'BRIEN. Mr. Speaker, February 16 marked the 55th anniversary of the establishment of the Republic of Lithuania. Although the Lithuanian peoples were not allowed to celebrate this meaningful occasion in their own country, it is significant that a country whose people have not been allowed to govern themselves for 33 years still has strong national ties.

So strong is their hunger for the religious and political freedom that Lithuanians are still risking their lives to gain this freedom.

We in the United States of America have long been proud of our heritage of freedom, both political and religious. And, along with this freedom for ourselves, we have long supported those who sought the same freedom.

The Lithuanians are a strong and proud people, and they must be commended for their strength in this time of trial. But this commendation is not enough. We must remind the Soviet Union of their responsibilities to the minorities under their control—such as the Lithuanians—and ask them to respect their rights to freedom and privileges of self-determination.

I am deeply moved by the valiant struggle of the Lithuanians, and I salute them on the anniversary of their Declaration of Independence.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to include their remarks on the subject of my special order.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEGISLATION TO PROVIDE ADDITIONAL OUTDOOR RECREATION FACILITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 60 minutes.

Mr. ALEXANDER. Mr. Speaker, among my happiest memories is that of the first time I went hunting with my dad. We lived near the banks of the Mississippi River. And, that is where we took our recreation.

The chemistry of a father/son relationship; the fresh air and exercise; the experience of being close to nature, were all there.

The woods and wildlife along the river banks were abundant then. Now, much of the woods has been cleared away. Much of the land is cultivated into a state of high productivity. Most of the game is gone. And, the opportunity for a boy or girl and his or her father or mother to get outdoors together—that is almost gone, too.

One of this Nation's most critical needs—one which affects the environment, resource conservation, and population distribution patterns—is in the area of outdoor recreation.

It is to this recreation need that I direct my discussion today.

During the 92d Congress, I introduced a bill which would authorize a study meant to alleviate at least part of this critical need for more recreation facilities to serve both nonmetropolitan and metropolitan areas.

My proposal, calls for the establishment of the Huckleberry Finn National Recreation Area on and along the Mississippi River from its junction with the Missouri River south to the Gulf of Mexico. This project is meant to operate in conjunction with a proposal of our former colleague, the Honorable John Kyle of Iowa.

Since Mr. Kyle is no longer a Member of the Congress, I have, after consultation with him, determined that I will also reintroduce in this Congress the bill to create a National Recreation Area on the upper Mississippi River.

As with any new—and many older projects—there is always the problem of financing it. To that end, I plan to introduce a third bill—to establish a national outdoor recreation trust. Funds for the trust which I propose would be derived from the repayment to the United States certain delinquent debts owed to us by other nations. Use of the trust funds to acquire appropriate lands for outdoor recreation would, of course, not be limited to the Huckleberry Finn National Recreation Area.

In order to keep some order in this discussion, I would first describe the aims of my proposal for a national recreation area reaching from Lake Itasca in Minnesota to the Gulf of Mexico. Calling this a national recreation area is meant to make clear that selected sites on islands in the river and on the left and right banks which would be included in the project could be used in a variety of ways.

The recreational activities would be diversified and would include fishing, hunting, marinas, boat trails, hiking trails, campsites, wilderness areas, bird sanctuaries, game refuges, and nesting grounds.

It is not my intent with these proposals to prohibit further appropriate commercial development along, or use of, the Mississippi River. Nor, is it my intent to prohibit further use of existing private or public recreation facilities compatible with the national recreation area concept. Compatible uses would certainly include private hunting and fishing clubs and modern marinas. And, I recognize and support the need for Federal cooperation with State and local governments, whose jurisdiction includes the river, in their recreation development efforts on or adjacent to the Mississippi River.

Known by many names—"The Father of Waters"; "Old Man River"; the Indians called it "Mississippi." Those who know its folklore believe it was sired by a hurricane, endured an earthquake and was born of calamity. This magnificent, legendary river is one of this Nation's most important national resources. My goal is that the greatest and best use be made of its recreation and economic potential.

I do not have available an accurate estimate of the millions of persons who would benefit from the establishment of the Huckleberry Finn National Recreation Area. But, the Bureau of Census says that 8.28 million persons live in just the 110 counties bordering the Mississippi River between Lake Itasca and the Gulf of Mexico. These are in the 10 States of Minnesota, Wisconsin, Iowa, Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi, and Louisiana. The project would serve the metropolitan areas of St. Paul, Minneapolis, Davenport, Des Moines, Springfield, Chicago, St. Louis, Memphis, Baton Rouge, and New Orleans.

A 1969 report by the Bureau of Outdoor Recreation—BOR—clearly points out the need for a project such as I am proposing. According to that report the south central region of the United States has one of the highest per capita needs for increased recreation facilities in the Nation. The north central region ranks in the second highest need category.

That report also indicates that while these areas have high recreation needs they have not been receiving a comparable share of the available Federal recreation funds and effort.

The Mississippi River can in terms of recreation, be to Mid-America what the Grand Canyon is to the West. But, its recreation potential is not yet being fully used.

Department of Interior studies show that most Americans now take part in some kind of outdoor recreation. That participation is increasing at a rate of 10 percent per year. It is estimated that, with increases in income and leisure time, the participation will increase fourfold by the year 2,000.

Establishment of a national recreation area can help relieve the visitor pressures on existing national recreation facilities. The need for such relief is evident in the Department of the Interior's efforts to reduce, stabilize or otherwise more rigidly control the use of existing facilities.

Visitors for all units of the national park system, except the National Capital Parks, rose from 33.25 million in 1950 to 72.28 million in 1960. Yet, during that decade only 30,000 acres were added to the system. By December 1971 the visitor figures had risen to 200.5 million persons. But, between 1962 and 1972 the gross acreage in the park system grew by less than 9 percent.

The 92d Congress authorized the addition of 1,519,932 acres to the national park system. Of the lands authorized for inclusion in the system, less than 6 percent of this new acreage is located in the 20 States that make up the central region of the United States. And, this is the region with among the highest per capita needs for expanded recreation outlets.

Now, I would turn to my proposal for financing acquisition of lands appropriate to recreation use—the National Outdoor Recreation Trust.

The idea for this trust has evolved, in part, from my work as a member of the House Subcommittee on Foreign Operations and Government Information. For more than 2 years the subcommittee has conducted an investigation into the problems of delinquent international debts and unpaid claims owed to the United States. The total international debt owed to our Nation now stands in excess of $46 billion.

When the subcommittee first became active in this area there was not much optimism about the prospects for collecting these debts. But, at our insistence, collection efforts have been stepped up with the result that many debts once considered virtually uncollectible and all but written off, are now being paid.

Many of these debts stem from lend-lease assistance provided other nations during and after World War II. Last year the subcommittee was responsible for spurring the actual collection or agreement to settle delinquent international debts owed the United States in excess of $142 million. This does not include the $722 million settlement with the Soviet Union initiated by the subcommittee in 1971.

Still at issue are millions of dollars owed by France in unpaid claims associated with the pullout of U.S. NATO forces 5 years ago and prospective claims which Germany would owe us when our forces are reduced in that country, depending on the outcome of current international negotiations.

Most of these repayments are finally put into the General Treasury of the Nation. I recognize that this is a somewhat erratic source of national income, that vigilant congressional oversight is required to insure collection activities are kept up, and that there are many demands on the fiscal resources of the Nation.

I believe that most of the current demands on the National Treasury must be satisfied with a continuing supply of funds from fiscal resources which have been traditionally more stable than repayment of delinquent international debts.

Further, I believe that the need for the benefits which will result in the areas of environment, resources conservation, and population pressures from expanded recreation facilities is of so critical a nature that we, as a nation must employ the repayment of international debts which have been delinquent for, say, 5 years, as I have proposed.

The National Outdoor Recreation Trust, as I envision it, would be administered by the Department of the Interior. It would be used, initially, for the acquisition of lands for recreation purposes in such high need areas as the nonmetropolitan and metropolitan regions of the central United States, as well as other areas in which serious outdoor recreation shortages have been identified.

I urge my colleagues and other interested parties to thoroughly consider the proposals I am making and solicit their support and constructive comment.

BALANCED LEGISLATION TO DEAL WITH TRADE AND BALANCE-OF-PAYMENTS PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CONABLE) is recognized for 30 minutes.

Mr. CONABLE. Mr. Speaker, we are all aware that this country faces a severe trade problem and one that can be dealt with in many ways. The imbalance of payments 2 years ago, including as the major element short-term outflows of capital, deteriorated last year when an imbalance of trade became the major aggravating factor. For this reason, there is increasing concern about the trade component in our imbalance of payments and also an increasing feeling that we must deal with the trade issue decisively and promptly.

The President, who has been considering the ingredients of a trade bill for some time, has indicated through suggestions emanating from the White House that he wants a balanced piece of legislation as the basic negotiating authority which Congress passes. Aware of the strong and active congressional advocacy of protectionist measures, centering in the Burke-Hartke bill, he evidently feels that simple extension of America's more traditional free trade posture will not be possible. He has suggested that his negotiating authority should include the power to raise as well as lower tariffs by limited amounts. He points to this exercise of Executive discretion, coupled with the recent devaluation of the dollar and floating of major world currencies, as being the kind of balanced proposal which will permit America to continue its trade outreach while protecting against the specific competitive problems which have aggravated our trade picture. He has previously shown, almost throughout his first 4 years, a willingness unique among recent Presidents to use the administrative and discretionary devices available to him under existing law for the benefit of American commercial interests beset with dumping and unfair foreign subsidy problems.

In a very interesting statement the other day the chairman of the Ways and Means Committee, the distinguished gentleman from Arkansas, WILBUR MILLS, suggested, among other things, that the trade issue might be better handled by a 15-percent surtax on imports. His proposal, as reported in the press, was not entirely clear to me, but I assume it was intended as a counterproposal to some of the suggestions emanating from the White House. There is something to be said for an import tax, because it can be quickly imposed and would have a major but predictable impact almost immediately on the competitiveness of all foreign goods in this country. Although unilateral, it would be a more urgent remedy than a negotiated solution, reflecting the seriousness of our present imbalance and the buffeting the dollar has been taking abroad. As Secretary Shultz has pointed out, it would affect imports only, while currency adjustment helps both the import and the export picture. There are other reasons to favor the administration's probable approach, but the chairman's proposal represents a possible alternative, and thus is a contribution to the dialog that is just opening. It is in this spirit I want to commend the chairman of the Ways and Means Committee for his statement.

If we should decide to go the surcharge route, at 10 or 15 percent, I personally think it should be set up to be phased out in an orderly way over a 2- or 3-year period. It should be stated, in short, in terms that will indicate that such unilateral action reflects current necessities but is not a permanent part of American trade policy. An import surtax, appropriately limited, could be a congressional substitute for the up-side tariff authority the President has suggested. If in our trade authorization legislation, we then couple such a surcharge proposal with authority to the President to reduce tariffs in limited ways as negotiated, it would signal our determination to correct the current imbalance but would permit the United States also to reassure its trading partners about our long-term intentions in trade, making it clear that Congress for the long term wants to continue trade outreach and the liberalizing leadership which has characterized this country now for many years.

I am not suggesting that this is all that need be included in a trade bill, but only that it could be an important congressional contribution, an immediate benefit for our deteriorated balance of trade, and a proposal designed to reassure rather than to signal the opening gun of a trade war. I do not believe that either the President or the chairman—or the other Members of Congress who have discussed this matter publicly—are locked into a rigid formula for dealing with trade problems in a corrective way. Our trading partners should understand that, rather than assuming that the United States is about to embark again on major unilateral action. Goodness knows, the Common Market has enough digestive problems of its own: like the Congress, the constituent forces of the Common Market may find it easier to block other initiatives and more difficult to generate positive initiatives of their own, following the recent market extension and all the internal sensitivities and problems which such an event inevitably causes. It would be too bad for our trading partners to react to proposals emanating from responsible sources here as though the trade war were already begun, when such reaction would be premature even though understandable. Reaction is always easier than the opening of dialog.

Thus, I would like to suggest that this dialog between the White House and Congress must be handled with restraint and responsibility. European and other trading partners know that Congress has an initiating authority in respect to trade legislation and that the President cannot initiate negotiations of any significance on his own authority despite his other constitutional responsibilities in foreign policy. We are caught in a cruel dilemma as Members of Congress with respect to this issue at this time.

If the White House and the Congress can work closely together without sensitivity about which branch of government does what, it is generally desirable to construct a flexible trade policy which can accommodate to changing circumstances, advancing the national interest without the rigidities implicit in legislative formulas. The issue of Presidential-congressional confrontation over fiscal and other matters just at this particular time inevitably reduces the willingness of Congress to give the President what would amount to a blank check in the form of wide discretionary authority over trade. Support of the AFL–CIO for tough trade policies, and the emotional surcharge which 5 percent unemployment places on the issue, make this a political concern as well as one of institutional confrontation.

None of us in this body is committed to irrational or extreme proposals in the trade field. Because the activism on this issue has been on the protectionist side, there is a feeling that any congressional input into a trade solution will be inevitably destructive of our leadership in the expanding world of trade. I doubt that many of my colleagues will want to approach this issue simply by reacting to Presidential leadership and initiative or by applying the simplistic rules of protectionism or free trade to a complex issue. Much dialog will be necessary over the next few months. It will be heard both in this land and abroad and it should be carried on in a spirit which will reassure America as well as our trading partners that American interests are being rationally advanced. I urge my colleagues to study the issue carefully, to participate in the dialog constructively, to respond with support for the ideas involved rather than the agencies advancing them and to consider long-term as well as short-term interests of a high priority.

THE HONORABLE EARLE CABELL OF TEXAS

The SPEAKER pro tempore (Mr. Danielson). Under a previous order of the House, the gentleman from Texas (Mr. Steelman) is recognized for 10 minutes.

Mr. STEELMAN. Mr. Speaker, I rise today to pay tribute to a former distinguished Member of this body, a distinguished citizen of my home city of Dallas, Tex.

Today I am introducing a bill, along with 20 other of my colleagues from Texas on both sides of the aisle, and I should like at this point to read into the Record the text of the bill:

H.R. 4411

A bill to name a Federal office building in Dallas, Texas, the "Earle Cabell Federal Building"

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal office building and United States court house at 1100 Commerce Street, Dallas, Texas, shall hereafter be known and designated as the "Earle Cabell Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Earle Cabell Federal Building".

Mr. Speaker, Mr. Cabell and I were opponents in the last election. We are members of different parties. However, I believe a time comes when we as Members of this body and as Americans must rise above party, and in this case we must pay tribute to a Member who has served this body and served the city of Dallas, Tex., in such a distinguished fashion.

Earle Cabell comes from a Dallas family with a tradition of public service. His father and his grandfather were mayors of Dallas.

In 1932, Mr. Cabell and his two brothers organized Cabell's, Inc.—dairies and drive-in food stores—which turned into one of Dallas' highly successful businesses. Earl Cabell served as secretary-treasurer, executive vice president, president, and chairman of the board of this organization.

He was twice elected mayor of Dallas and served in that capacity from May 1, 1961, until his resignation February 3, 1964, to become a candidate for Congress. He served in the 89th, 90th, 91st, and 92d Congresses.

Earle Cabell has contributed much to the professional, civic, and philanthropical life of Dallas. He is a former director and member of the executive committee of the Grand Avenue Bank & Trust Co., Dallas, Tex. He is a member of the Dallas Country Club, the Dallas Athletic Club, McKinney Club Lake and City Club.

His services to the people of Dallas are many and I feel that it is just and appropriate that this building be named after him, for it was largely through his efforts that it was constructed.

GENERAL LEAVE

Mr. STEELMAN. Mr. Speaker, I ask unanimous consent that all Members be granted permission to revise and extend their remarks in the Record on the life, character, and public service of the Honorable Earle Cabell.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMENDING PRESIDENT NIXON FOR HIS ACCOMPLISHMENTS REGARDING WAR IN VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. Frenzel) is recognized for 10 minutes.

Mr. FRENZEL. Mr. Speaker, on February 12 the Minnesota House of Representatives passed a house resolution commending President Nixon for his achievement in negotiating the Vietnam cease-fire agreement, and the return of our prisoners of war.

I join in the sentiments expressed by the Minnesota House, in which body I formerly served, and include, at this point in the Record, the resolution:

Resolution by the State of Minnesota Legislature

(A House resolution commending President Nixon for his accomplishments regarding the war in Vietnam)

Whereas, President Nixon has served the American people for four years as Chief Executive; and

Whereas, he has contributed to the ideal of world peace by improving communication and understanding between the powers of East and West; and

Whereas, President Nixon, with determination, has sought to effect a cease-fire in Vietnam by means of formal negotiation, an earnest dedication to peace and the return of prisoners of war: Now, therefore

Be it resolved, by the House of Representatives of the State of Minnesota, that commendation be extended to President Nixon for his achievement, and that the wholehearted support of the Members of this House, as well as the American people as a whole, be given to the President.

Be it further resolved, that the Speaker of the House of Representatives of the State of Minnesota transmit copies of this resolution to the President of the United States, the Speaker of the House of Representatives of the United States, the President of the Senate of the United States, and to the Minnesota Representatives and Senators in Congress.

Adopted by the House, State of Minnesota, February 12, 1973.

Martin Olav Sabo,
Speaker, House of Representatives.
Edward A. Burdick,
Chief Clerk, House of Representatives.

CONGRESSIONAL FAN CLUB OF JOHN VOLPE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. Heckler) is recognized for 10 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, it is safe to say that the congressional fan club of John Volpe has many members. I am certainly one and I know a great many of my colleagues are, too.

Those of us who know him and have done business with him in the various public offices he has held can afford, from the vantage point, to speak well of him and to wish him only the best as he moves on to still another critical post.

Perhaps the best measure of the regard in which John Volpe is held by his friends and constituents is the fact that he is not without honor in his own home State. As former head of the State department of public works and former Governor of the Commonwealth, he is just as popular in Massachusetts today as he ever was.

I offer for substantiation an editorial that was recently broadcast over radio station WEEI in Boston regarding John Volpe. To which I would like to add my own expression of gratitude and every good wish for the future.

Editorial

An editorial isn't a biography, and today that's a shame. Because the story of John Volpe is always worth retelling. The latest chapter in his truly remarkable life story was written in Washington recently when during the first term of the Nixon Administration, he was named Ambassador to Italy.

As White House Press Secretary Ronald Ziegler put it: John Volpe "will be retracing a journey that brought his own parents to this country as penniless immigrants at the turn of the century."

John Volpe's journey was tough, but always uphill. He formed his own construction company during the depths of the depression and built it into a multi-million dollar operation. Most Horatio Alger stories end right there, but not John Volpe's. Successful in private life, he launched a new career—one dedicated to honest public service. He rose from head of the Massachusetts Department of Public Works, to the nation's first Federal Highway Administrator, to Governor of this Commonwealth, to the Nixon Cabinet.

In Washington, they were ready to call the new Transportation Secretary a "road man," expecting him to continue the ongoing process of turning out ribbons of concrete. True, highways were built during his years at Transportation, but John Volpe could see that the nation's needs were more complex than just concrete. And soon, Secretary Volpe was a proponent of using dollars from the Highway Trust Fund for mass transit.

WEEI was proud not only to editorially endorse John Volpe for Governor, but also to support his many outstanding programs for the Commonwealth. Now John Volpe goes to Rome as the first Italian-American to serve as Ambassador to Italy. WEEI is sure his handling of this post will some day be added to Mr. Volpe's long list of successful achievements. For as an old proverb says, "Nothing succeeds like success."

PHASE III PLAN CALLS FOR CAUTION—AND ACTION BY THE CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, the 93d Congress soon will consider legislation to renew the Economic Stabilization Act. There is growing indication that this act should be amended to do more than simply extend the time for the executive department to establish wage and price controls.

I soon will introduce a legislative proposal that will amend the act to make mandatory the price guidelines of phase II for all corporations controlling assets or any sales of more than $500 million.

The administration has tried unsuccessfully to control inflation and spiraling costs affecting many areas and commodities—including food. Beginning in 1970, the administration created 2 million more unemployed in an effort to slow the rate of inflation. As we all know, this failed and the administration resorted to phase I and phase II price controls previously authorized by the Congress but scoffed at by the administration. Eight months before the President invoked price controls, I was joined by 65 of my colleagues in introducing legislation that would have led to establishment of controls on the larger corporations.

Dr. Gardiner C. Means, an eminent economist, has written a most engaging article on the subject that appeared in the Sunday, February 18, edition of the Washington Post. The legislation that I plan to introduce will embody many of the suggestions offered by Dr. Means. I wish to enter at this point in the RECORD the text of this important article:

BEWARE PHASE III—OR, HOW CONGRESS CAN FIGHT FAILURE, LOSS OF POWER AND LEARN TO LIVE WITH CONTROLS

(By Gardiner C. Means)

While Congress complains that the White House has been usurping its powers, the peril in the economic field is that Congress might give President Nixon a blank check for Phase III of his anti-inflation program—a plan that may well put more people out of work without curbing rising prices and further weaken confidence in the dollar.

The dangers in Phase III arise from a faulty diagnosis of the forces creating today's inflation. The Nixon administration, which appears ready to repeat its earlier mistake of relying heavily on monetary and fiscal policy, is still treating inflation as if it were the result or aftermath of too much money chasing to few goods, a textbook inflation stemming from excess demand. But in the past four years there has been no excess demand. Indeed, in the past 20 years, when prices rose 50 per cent, there was only a year and a half, during 1967 and 1968, when there was excess demand.

Rather, most of our price increases have come from two quite different types of inflation, both of which are operating today.

INFLATION IN RECESSION

The first, which is our major problem, arises from the exercise of market power. It can be initiated by business managers in an effort to widen profit margins. It can be caused by labor leaders seeking excessive pay increases. In either case, it is an "administrative" inflation that does not rely on classic supply-demand forces.

Such inflation can occur whether employment is full or less than full, and whether we are in a recession, as we were in 1969–70, in stagnation, as in 1971, or in a recovery. In any of these periods administrative inflation can show up in price rises for autos, steel, machinery and other products of the concentrated, less competitive industries.

The first clear case of an administrative inflation occurred in the 1950s. From 1953 to 1958, the wholesale price index climbed 8 per cent (see Chart 1 on Page B4) at the same time that manufacturers idled an increasing portion of their production capacity and joblessness became excessive. What we had, in short, was simultaneous inflation and recession, something impossible, according to the textbooks.

In is clear that the major cause of the wholesale price rise was a 36 percent boost in steel prices and substantial price increases in steel-using industries; together, these accounted for more than half of the wholesale advance. Subsequent information has also made it clear that the steel price boosts involved a considerable widening of profit margins.

REFLATION: A GOOD THING

The second inflationary force we are experiencing today is the "reflation" of prices that occurs in periods of recovery, which explains part of the recent rise in food prices.

In a recession, flexible prices such as those for food, cotton and hides tend to fall sharply. But administered prices, especially in the less competitive industries, tend to fall little. In a recovery, the reverse tends to happen: Prices for food and other flexible items tend to bounce back the most, while prices in the steel, auto and other concentrated industries tend to rise the least.

This is precisely what happened in the Depression and post-Depression period (see Chart 2), and price data collected from buyers by the National Bureau of Economic Research show that it also happened in the recession-recovery cycles of 1957–58 and 1960–61. It is similarly involved in the current recovery from the 1969–70 recession.

Reflation is a necessary part of the recovery process and should be considered a good thing that helps restore balance in both prices and employment. During the Depression, for example, joblessness hit almost entirely in the concentrated industries whose prices had fallen the least; the later job recovery also came mostly in these industries. What happened was that rising demand during the recovery lifted the more sensitive market prices while it increased employment in the concentrated industries whose prices were least sensitive, thus restoring the pre-Depression price balance and full employment.

The current reflation thus should not be interfered with. The big problem today is to prevent or minimize administrative inflation. And it is the failure to recognize that we are faced with administrative inflation, and the failure to apply the lessons of the past, that constitute the current danger.

DISMAL FAILURES

On two past occasions, the effort to treat administrative inflation by measures designed to control demand inflation resulted in dismal failures.

In 1957, the Federal Reserve Board sought to control the administrative inflation of the 1950s through a tight money policy that more than halted the growth of the nominal stock of money and produced a 10 per cent drop in the real stock of money. This precipitated the recession of 1958.

The failure of this effort arose from the fact that, while a tight money policy can control demand inflation, it cannot control an administrative inflation. This was acknowledged in 1959 by the chief economic adviser to the Federal Reserve Board, Woodlief Thomas, who noted that "Recent discussion of the influence of administered prices, stimulated by . . . the Kefauver Committee, has made a significant contribution to a better understanding of the problems of inflation and fluctuations in economic activity and employment. This contribution is in pointing out that there are unstabilizing forces in pricing actions of the private economy—on the part of both labor and management—that cannot be effectively controlled or corrected by government actions in the area of fiscal and monetary policies."

The Nixon administration's first attempt to control inflation, beginning in 1969, was also a complete failure due to faulty diagnosis.

On taking office, President Nixon announced that prices and wage rates would be left to the free market and inflation would be controlled by fiscal and monetary means. A large budget surplus, based on the Johnson surtax, was maintained throughout 1969, and so tight a money policy was adopted that expansion in the money stock was halted. There was no excess in demand. Yet in 1969 the wholesale price index rose 4.8 per cent, more than twice the rate of the years from mid-1965 to the end of 1968.

In his 1970 Economic Report, the President tried to explain this price rise by saying, "The inflation unleashed after mid-1965 had gathered powerful momentum by the time this administration took office a year ago." He called the growth of total spending "the driving force of the inflation" and outlined a program to "slow down the rapid expansion of demand."

The program was to take the heat out of the inflation by creating 2½ years of stagnation. Economic growth was to be halted by mid-1970, followed by two years in which the gross national product was, by plan, to be kept some $30 billion below the economy's estimated potential. This called for putting an additional 2 million people out of work so as to increase the unemployment rate to about 6 per cent.

ADMISSION OF FAILURE

This brutal plan was successful in creating stagnation (see Chart 3.) The continued budget surplus became a restraining force and the money stock, measured in constant purchasing power, was reduced. Real demand declined, industrial production started down in the summer of 1969, and unemployment increased as planned. By the end of 1970, the objective of 6 per cent unemployment had been achieved.

But stagnation did not prevent inflation. The reason is simple. The driving force of the inflation in 1969 was not "the growth of total spending." Rather, the President had unleashed the forces of administrative inflation by rejecting the price-wage guideline principle. The inflation in the 1969–70 recession was entirely administrative inflation, the kind of inflation that Woodlief Thomas had said could not be controlled by fiscal and monetary measures.

The administrative character of this inflation-in-recession is easily shown by examining the main sources of the rise in the wholesale price index (see Chart 4). The great bulk of the price increase during the recession was contributed by the concentrated industries. In the more competitive industries, prices went up little or went down. The only exception was the fuel and power index, which rose 11 percent, largely because of the scarcity of pollution-free fuels.

The dismal failure of this program was acknowledged by the August, 1971, price-wage freeze after it had already cost the country nearly $50 billion in lost GNP and promised more loss until reflation could restore full employment. No apology was given to the millions who suffered unnecessary unemployment or to the stockholders whose profits were reduced.

KENNEDY GUIDEPOSTS

Now, with the new emphasis on monetary and fiscal policy and with the weakening of price and wage controls in Phase III, it looks as if the Nixon administration is about to repeat these same errors. This is all the more disturbing because we have had importantly successful experiences in the control of administrative inflation, the Kennedy guideposts and the Nixon Phase I and II, which point the way toward an effective program.

The Kennedy guideposts directly faced the problem of administrative inflation. When the program was being drafted in 1961, unemployment was above 6 per cent and the problem was recognized as one of preventing administrative inflation while expanding demand through fiscal and monetary measures to achieve full employment.

The Kennedy program was both an outstanding success and a partial failure. Its success was in holding down administrative inflation while achieving full employment. By the fall of 1965, unemployment was down close to 4 per cent. Labor had adhered to the wage guideposts so closely that the labor cost per unit of manufacturing output was down 3 per cent. Management had not adhered as closely and industrial prices rose a little. This in itself was not serious and might have been corrected. Nearly full employment had been achieved with an annual rise in the wholesale price index of only 0.6 per cent.

But this goal had been achieved at the expense of a serious distortion in the relation between prices and wage rates because the guidepost program took no account of the *reflation* rise in the more competitive prices, which was appropriate to recovery. The increase in demand which reduced the unemployment rate from over 6 per cent to 4 per cent could be expected to raise the average of farm prices and other flexible market prices substantially and produce only a small increase in the most administered prices, thus bringing a moderate increase in prices and living costs. Yet the wage guidepost took no account of this appropriate rise in living costs.

NO DEMAND INFLATION

Because of the failure to include a cost-of-living factor in the wage guidepost, the program suffered a partial breakdown. By 1965, the rise in living costs had absorbed more than a third of labor's legitimate productivity gains and had significantly widened profit margins.

When this unfairness became obvious, labor refused to play ball and forced wage increases larger than the increases in productivity. Management, striving to maintain the widened profit margins, passed along the increases in labor costs. This struggle lifted the wholesale index by another 3.5 per cent from mid-1965 to mid-1967 and brought wages and profits more nearly into line with each other.

Even with the partial breakdown of the wage guidepost, full employment was maintained throughout 1966 and 1967, and the rise in the wholesale price index from mid-1961 to mid-1967 was only 6 per cent—just a little more than the reflation that could have been expected in moving from more than 6 per cent unemployed to the 3.8 per cent reached in 1967.

In no part of this period is there evidence of demand inflation. Farm and other sensitive market prices rose rapidly until relatively full employment was reached, but they were little higher in mid-1967 than in mid-1965. Most of the rise in those two years was administrative as labor sought to recover from the unfairness of the wage guidepost.

It seems likely that, with an appropriate living-cost provision in the wage guidepost, the full reflation could have been accomplished by 1965 with negligible administrative inflation, and full employment could have been maintained without further inflation.

THE NIXON PROGRAM

The Nixon guidelines program, initiated in August, 1971, after the failure of the stagnation policy, also directly faced both the need to control administered prices and the necessity of reflation.

The guidelines introduced in Phase II were a distinct improvement over the Kennedy guideposts in three respects. The wage guideline included as a factor for the cost-of-living rise that could be expected from reflation, and the price guideline focused on containing profit margins, which allowed businesses to increase profits by producing more but not by increasing prices relative to costs. Finally, Phase II was backed by authority to exercise controls.

Phases I and II were quite successful in preventing administrative inflation. In the first 15 months to November, 1972, the weighted index for the six most concentrated industrial groups of Chart IV went up only 2.2 per cent, while that for the three mixed groups went up 3 per cent, mostly because of the scarcity of pollution-free fuels. Both of those increases could be expected as a part of the reflation accompanying the partial recovery. The cost-of-living factor meant that the non-farm labor cost per unit of output increased, but by less than 1.5 per cent.

On competitive prices, special developments led to price increases exceeding those to be expected from reflation alone. A severe drought in Texas and the destructive corn blight in 1970 broke the cattle cycles so that less meat and fewer hides were available in 1972. Then drought in other parts of the world forced up grain and feed prices and, in turn, produced abnormally high prices for hogs, poultry and eggs, and also caused a further increase in beef prices.

Next summer, as the effects of these abnormal developments pass, food prices could be expected to fall if there is no further recovery. With a complete recovery to full employment, the reflation can be expected to be completed without much further rise in food prices, particularly if farm production is allowed to expand.

A FAIR DEAL

Phases I and II have also been substantially fair to both labor and capital. In the last half of 1972, the division between capital and labor of the income generated by non-financial corporations has been almost exactly the same as that in 1969 and as that in the eight years of the Eisenhower administration. While profits per unit of output have gone up faster than the compensation to labor, interest costs per unit of output have gone up less, so that the total compensation to capital and to labor have risen together.

The success of Phases I and II in preventing administrative inflation suggests the need for retaining this type of program until reflation is complete and full employment is achieved.

But instead of perfecting the controls over administrative inflation, the Nixon administration persists in returning to the myth of a momentum from demand inflation and in emphasizing fiscal and monetary restraints. Thus, the President's 1973 Economic Report, after recognizing the existence of non-classical inflation, attributes it to momentum from the preceding demand inflation, saying: "Inflationary expectations and behavior left over from the country's experience since 1966, even though reduced in 1972 from previous heights, have not been completely eliminated."

The demand inflation arising from the Vietnam war was indeed real, but it did not start until mid-1967. In calendar 1966, the federal budget was in essential balance, and in the first half of 1967 there was practically no increase in the wholesale price index. But with the economy already at full employment, rapidly increasing military needs could be expected to produce an excess in demand and a demand inflation unless other demand was restricted.

THE JOHNSON SURTAX

This danger of demand inflation was well recognized by the administration, and in January, 1967, President Johnson recommended a 6 per cent surtax to be effective by mid-1967. The Congress failed to act. The President repeated his request in the summer of 1967, raising the requested rate to 10 per cent. Again, in January, 1968, the President repeated his request.

It was not until mid-1968 that the surtax finally passed, a year and a half too late. By that time, demand inflation had carried the wholesale price index up at an annual rate of 2.2 per cent from its mid-1967 level, with the increase approximately equal for competitive and administered prices.

The surtax brought the federal budget into essential balance by the last quarter of 1968 and insured a substantial surplus in 1969. It seems probable that, if the surtax had been passed in early 1967 and the guidepost policy stressed, full employment could have been maintained without either demand inflation or serious administrative inflation. As it was, the prime source of the 1967–68 demand inflation had been removed by the end of 1968.

Actually, there was no excess demand when President Nixon took office and little momentum from the preceding year and a half of mild demand inflation. And today one cannot take seriously the claim that a year and a half of demand inflation in 1967–68 at the rate of 2.2 per cent a year could engender such a momentum that, with no excess in demand in 1969, wholesale prices would rise 4.8 per cent and that four years later, with a recession in between, momentum from the earlier inflation is still the problem.

THE DANGERS AHEAD

Because of this faulty diagnosis and the President's willingness to use unemployed workers as an instrument of policy, there are serious dangers in the Phase III program he announced last month.

The first danger is that fiscal and monetary policy will again be used in an effort to prevent an administrative inflation that it cannot control. This would create more unemployment without reducing the pressures producing administrative inflation. The appropriate level of demand in the economy will not have been reached until full employment is attained and maintained. A restrictive fiscal and monetary program can prevent demand inflation, but it cannot prevent the arbitrary lifting of prices and wage rates in the less competitive industries or achieve price reductions where costs have gone down.

The Phase III guidance program may turn out to be so weak that it will allow substantial administrative inflation, regardless of Mr.

Nixon's "big stick" in the closet. The profit margin provisions have already been weakened to the point that there would be room for considerable administrative inflation even if the guidelines were consistently adhered to. And the administrative inflation is likely to be greater still because the pressures for adherence have been greatly relaxed.

The last danger is that the employment goal will be too niggardly. Even apart from human considerations, each extra 500,000 persons employed can produce an extra $6 billion or $7 billion of production, while the resulting wages, profits and taxes can provide a corresponding market.

In the light of all this, it is vital that Congress refuse to simply renew the Economic Stabilization Act expiring April 30. A mere renewal, leaving it entirely up to Mr. Nixon to use this crucial authority as he wishes, would be an abdication by Congress of its responsibility for basic policy and another transferral of vast power to the White House.

A NECESSARY NUISANCE

Rather, Congress should make mandatory the price guidelines of Phase II for all corporations controlling assets, or having yearly sales, of more than $500 million. To enforce this policy, Congress should create an interim wage-price guidance board equivalent to the President's Cost of Living Council, thus making that unit accountable to the Congress as well as to the White House. Businesses with assets or sales below the $500 million cutoff should operate under voluntary guidelines unless the wage-price board finds that mandatory controls are necessary.

The wage guidelines should parallel those for prices: mandatory for workers in corporations with assets or yearly sales of more than $500 million, voluntary for others unless the wageprice board decides otherwise.

Nor should Congress stop there. The legislation should make Congress' intent specific and clear on several other fronts:

It should adopt 4 per cent unemployment as the interim goal for the end of 1973 and 3.8 per cent for the end of 1974.

It should recognize that some reflation is to be expected in moving from the present level of employment to the interim goals.

It should approve the principle of a full employment budget—a budget that would balance at the interim employment goal but operate with a deficit when unemployment is more than the interim goal and a surplus when unemployment is less than the interim goal.

It should direct the Federal Reserve Board to adopt a "full employment monetary policy" under which it would expand the monetary stock to that level estimated as necessary to support the interim job goal but not to an extent that would result in excess demand and demand inflation.

In passing such legislation, Congress must be aware that while controls are a nuisance to both management and labor, that nuisance would be small compared to the "nuisance" the President was willing to impose on individuals by putting 2 million people out of work in his earlier attempt to control inflation.

The Congress should also recognize that some distortions can be expected in the economy as a result of prolonged price-wage guidance (though the President's 1973 Economic Report was not able to report any significant distortions to date or any other significant costs of the guideline program). But such distortions as may develop in the next two years are likely to be insignificant compared to the distortions that would arise with administrative inflation. And the costs are likely to be insignificant compared with the advantages of a quick return to full employment.

Such an interim program should allay the fear in foreign quarters of runaway inflation in the United States and give ample time to develop a more permanent program to maintain full employment without administrative inflation.

THE FORT WORTH FIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. Abzug) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, the Fort Worth Five are a group of Irish-Americans from the New York City area who were hailed before a grand jury in—of all places—Fort Worth, Tex., last summer and jailed without bail when they sought to assert their constitutional rights under the fifth amendment.

Apparently, it is alleged that these individuals were involved with, or know something about the procurement of weapons for the Irish Republican Army. None of these five men has any criminal record. All are well-regarded in their home communities, and three are the fathers of families and own their own homes.

The five men involved—Thomas Laffey, Matthias Reilly, Kenneth Tierney, Daniel Crawford, and Paschal Morahan—were in jail for several months last summer and fall, then were admitted to bail by Mr. Justice Douglas pending the appeal of their case to the Supreme Court. Last week, the Supreme Court declined to hear the case, and so they have been rearrested and are once more confined to the Tarrant County jail in Fort Worth.

One basic question underlying this entire case is why this investigation is being carried on in Fort Worth, Tex. The witnesses are from New York, the alleged gun running was to Northern Ireland, and indictments of a related nature have been handed down in New York by another Federal grand jury. This venue, which is wholly incompatible with the rights of witnesses, was selected, according to the New York Times, "because of the high regard in which Attorney General Kleindienst holds the local U.S. attorney and district judge."

I submit that this rationale is hardly a proper basis for locating a grand jury investigation; it and the fact of the indictments in New York lead me to wonder whether the Fort Worth investigation is in fact just another administration use of the grand jury for political harassment.

Time and time again, the Department of Justice has refused to explain to Members of Congress the reasons for this rather unorthodox procedure and venue. I think that it is high time that we made a formal request for some explanation and, with my colleagues, Jonathan Bingham, Edward Koch, Benjamin Rosenthal, and Robert Tiernan, I have introduced a resolution of inquiry directed to the Attorney General. The text of this resolution is as follows:

H. Res. 220

Resolved, That the Attorney General be, and he is hereby directed to furnish the House of Representatives within ten days after the adoption of this resolution, with the following information:

1. The basis of the venue in the Northern District of Texas of the present grand jury investigation before which Kenneth Tierney, Thomas Laffey, Matthias Reilly, Paschal Morahan, and Daniel Crawford have been summoned.

2. A listing of any other districts in wnich the said grand jury investigation might have been conducted, together with the basis of venue for each such district.

3. Whether the said grand jury investigation has been completed.

Under clause 5 of the House Rule XXII, this resolution of inquiry must be reported back to the House within 7 legislative days of its introduction. It is my hope that the Judiciary Committee, to which it has been referred, will hold early hearings on it and will report it to the House with a favorable recommendation, so that we can at last get to the bottom of this case. The resolution makes no judgment on the propriety of the investigation or on the guilt or innocence of anyone. All it seeks are several simple facts: The basis of the venue in Fort Worth, a list of other districts in which the investigation might have been brought, and whether the investigation has been concluded.

I have also reintroduced, in slightly modified form, my bill of last session which would provide for the transfer of grand jury and special grand jury proceedings "for the convenience of witnesses, where the interests of justice so require." At this point, I include the text of that bill in the Record:

H.R. 4322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 215 of title 18, United States Code, is hereby amended by adding thereto the following new section:

"§ 3329. Change of venue

"(a) For the convenience of witnesses, where the interests of justice so require, a district court shall transfer any grand jury proceeding or investigation to any other district where it might properly have been convened.

"(b) As used in this section, "district court" includes the United States District Court for the District of the Canal Zone; and "district" includes the territorial jurisdiction of that court."

Sec. 2. Chapter 216 of title 18, United States Code, is hereby amended by adding thereto the following new section:

"§ 3335 Change of venue

"(a) For the convenience of witnesses, where the interests of justice so require, a district court shall transfer any special grand jury proceedings or investigation to any other district where it might properly have been convened.

"(b) As used in this section, "district court" includes the United States District Court for the District of the Canal Zone; and "district" includes the territorial jurisdiction of that court."

PRISONS IN TURMOIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Rangel) is recognized for 5 minutes.

Mr. RANGEL. Mr. Speaker, crime is costing this country billions and billions of dollars a year. Drug-related crimes alone cause incredible financial losses, not to mention human losses. A drug addict with a $50-a-day habit has to steal more than $50,000 worth of property a year to support his habits and there are more than 300,000 addicts in the United States. The addict who does not steal supports his habit by selling illegal drugs to other addicts. The high rate of recidivism among convicts indicates that our prisons have been no more than revolving doors. Inmates who are released with $40 in cash and a new suit of clothes find that society continues to punish them for their past transgressions: felons and some misdemeanants frequently lose their rights to vote, to hold appointive, and elective public office, to serve as jurors, to testify in court, to obtain professional, business, and occupational licenses, to enter into contracts, to take or transfer property, and to sue civilly. Is it then any wonder that on a nationwide basis, 80 percent of all felonies are committed by ex-inmates?

In my home State of New York, for example, former prisoners are barred from working in a place selling alcoholic beverages, in a bank, or in an insurance adjuster's office. The goal of a civil service system is to hire individuals on the basis of ability, but ex-offenders in New York are prohibited from being licensed for such occupations as auctioneer, junk dealer, pharmacist, dental hygienist, undertaker, real estate salesman, physiotherapist, or taxi driver. California can refuse or revoke licenses for 39 occupations. Well-paying jobs are not available to ex-offenders. Unemployment for former offenders is from four to five times higher than that of the general public and the salaries of working ex-offenders are less than that of the general public, with the majority of ex-inmates working in low-paid, unskilled or semiskilled jobs.

Federal legislation is needed to prohibit public and private employers from asking about arrest records on job applications, and law enforcement agencies should be prohibited from divulging arrest records unless convictions are involved. Millions of persons in our country may be hampered in finding employment because of arbitrary and capricious actions by police officers or by an exercise of an officer's judgment under duress. Of particular concern is the fact that black people have long been subjected to a disproportionate number of arrests, some of which are called investigative arrests and frequently result in early release. Nevertheless, that arrest record, no matter what its disposition, is there on the books to hinder full job potential.

According to Daniel Glaser in "The Effectiveness of a Prison and Parole System," employment is usually a major factor in a convicts reintegration into the community. A failure to obtain meaningful employment may lead an ex-offender to a return to crime. It has been demonstrated that the rate of recidivism can be cut substantially by opening new doors for employment of ex-offenders. The U.S. Department of Labor administered a bonding assistance program whereby fidelity bonds were posted in order to protect the prospective employer from loss due to theft or acts of dishonesty. The program provided bonding assistance to more than 3,400 persons, most of whom were ex-offenders. Included were inmates released after completing skill training programs conducted in correctional institutions under the Manpower Development and Training Act. Less than 2 percent defaulted over a 5-year period, and a State official administering this program declared that nationwide statistics regarding the programs' loss experience indicate that the average ex-offender was a better risk than some regular company employees. This program has become so successful that bonding assistance is now available to all institutions where skill training under the Manpower Development and Training Act is provided.

An offender should not forget what he has done; however, after he has paid his debt to society there is no value in using his record of crime to determine eligibility for employment, bonding and licensing. We must inspire wrongdoers to hope and work for a second chance. We must then give them that second chance.

Under the leadership of Chairman CLAUDE PEPPER, the Select Committee on Crime has studied the problems correlating recidivism and the lack of rehabilitation in our corrections system today. The Crime Committee held extensive hearings on the need for penal reform and determined that the bulk of correctional manpower and money is institution oriented and that real alternatives to incarceration are largely unexplored or experimental, notwithstanding the fact that many authorities indicate such alternatives could decrease the inmate population by 40 percent and, for the money spent, produce at least as good results. Chairman PEPPER discusses the need for expunging criminal records and restoring civil rights, as rehabilitation tools, in "Prisons in Turmoil," an article in the December 1972 issue of Federal Probation, a journal of correctional philosophy and practice published by the Administrative Office of the U.S. Courts in cooperation with the Bureau of Prisons of the Department of Justice. I introduce that article into the RECORD herewith:

PRISONS IN TURMOIL

(By Claude Pepper, Chairman, Select Committee on Crime, U.S. House of Representatives)

Over 100 years ago, the Nation's leading prison officials met in Cincinnati, Ohio, and in recognition of the importance of prison reform established the National Prison Association. Its Declaration of Principles has remained to this day the bible of prison reform. "Reformation," they declared, "not vindictive suffering, should be the purpose of the penal treatment of prisoners."[1] The tragedy is that what was set forth as a declaration of *goals* in 1870 still remains a declaration of *goals* in 1972. The degrading and dehumanizing conditions characteristic of our prisons over a century ago are still prevalent today. We need only look at Attica, Raiford, and other more recent prison uprisings to see what little progress reform has made.

Soaring crime rates provide further testimony to the failure of America's prison system, for recidivism is responsible for a disproportionate share of this country's crime problem. Nine out of 10 of our prisoners will one day be released and it is estimated that two-thirds of these will then commit additional crimes.[2] In fact, it is said that ex-offenders are responsible for four out of every five felonies committeed today.[3]

Footnotes at end of article.

In truth, then, it seems that our prisons are not "correctional" institutions at all but rather "crime hatcheries" which produce men and women more deviant, disturbed and finely skilled in criminal ways than when they were first admitted.

We must ask, therefore, why our prisons are failing to rehabilitate? And how we can improve them? With these questions in mind, the House Select Committee on Crime, of which I am chairman, held hearings in November and December of last year to investigate the tragic outbreaks at Attica and Raiford. If we could determine the root causes of these disturbances, we surmised that we could perhaps isolate the major problems of our correctional system as a whole and thereby find effective paths to reform. Because our committee's principal concern is the problem of crime, we were particularly interested in ideas and programs which would have an immediate impact on reducing the rate of recidivism by those who have been in such institutions. This article will discuss some of the major problems the correctional system faces today, as illuminated by these hearings, and some ideas on how we can most effectively improve the rehabilitation process.

Based on our hearings and study of the problem, we concluded that the failure of the rehabilitation process is caused by both the inprison and postprison experience. Principally, we need to phase out large "correctional institutions" and replace them with small community-based treatment facilities and programs. Also, we need to utilize those alternatives to incarceration which have shown some success in reducing recidivism rates, such as probation and parole supervision, halfway houses, and work-release programs. Finally, we must improve the postprison experience of the ex-offender by restoring his civil rights upon release and ending discriminatory job-hiring policies.

THE PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE

What is wrong with the typical inmate's prison experience? How can we improve it?

Five years ago, the President's Commission on Law Enforcement and the Administration of Justice conducted one of the most comprehensive studies ever made on the American correctional system. It concluded:

"Life in many institutions is at best barren and futile, at worst unspeakably brutal and degrading. To be sure, the offenders in such institutions are incapacitated from committing further crimes while serving their sentences, but the conditions in which they live are the poorest possible preparation for their successful reentry into society, and often merely reinforce in them a pattern of manipulation or destructiveness."[4]

It was not hard to see why. In 1967, thousands of inmates were housed in grim impersonal fortress-like structures, some of them actually built over 100 years ago. Little effort was made to separate the violent and nonviolent, the hardened criminal from the first offender. These institutions, located in remote rural locations, isolated offenders from society, both physically and psychologically. They cut off offenders from schools, jobs, families, and other support influences and provided few job training or educational programs, increasing the probability that the label of criminal would be indelibly impressed upon them.

Based on its study, the Commission set forth a model for correctional institutions. They should be small, located as close as possible to areas from where they draw inmates, probably in or near the city rather than in a remote area. Architecturally, they should resemble a normal residential center, as similar as possible to that of the real world where the offender would eventually return. Vocational and educational training would be carried on within the community. Even if initial screening and classification indicated that long-term incarceration was called for and the offender was of necessity confined in a more secure facility, the small community-based institution could serve as a halfway house or prerelease center to ease his eventual transition to community life.[5] The Commission also urged the utilization of alternatives to incarceration to keep the offender in the community, such as probation, parole, halfway houses and work release programs. It was within the context of the community that the offender first had trouble adjusting and it was to that community he would someday return. It was here, therefore, that meaningful rehabilitation could take place, not in an artificial prison environment.

Community-based programs, the Commission concluded, were by-and-large less costly than institutional incarceration and usually at least as effective in reducing recidivism, and in some cases significantly more so.

Although the Commission's recommendations were highly praised, and have been espoused by correctional authorities ever since, few of them have been implemented on any significant scale. The majority of our prisons are still massive antiquated institutions housing thousands in remote areas. And they are still ill-prepared—if not more so—to return an offender to the community.

THE ATTICA AND RAIFORD DISTURBANCES

Let us look at Attica and Raiford prisons, the subject of our hearings.

Prior to this last year's disturbances, Attica housed over 2,200[6] inmates; Raiford over 3,000.[7] Both were located in small rural towns quite remote from the homes of the majority of inmated—the ghettos of Harlem and Bedford Stuyvesant, the cities of Jacksonville and Tampa.

Repeatedly, our witnesses stressed the need for smaller facilities; that is, if we were earnestly concerned with rehabilitating rather than "warehousing" convicted criminal offenders. With more than 500 to 600 inmates, the emphasis in a correctional institution necessarily shifts from rehabilitation and treatment to security and regimentation. There is no time for personal attention—no opportunity to effect the changes in mental attitude and social outlook necessary for rehabilitation to take place.

The location of a prison is equally important. The remoteness of these institutions made it difficult for families and friends to visit the inmates, thereby depriving them of beneficial support and encouragement during the time of their incarceration. On-the-job training opportunities for offenders in communities, such as those provided by work-release programs, also suffered. There were few job opportunities in the small town of Attica, for example, and Buffalo was too far away for daily commuting.

In addition, the rural situations of Attica and Raiford made it difficult to recruit a racially balanced corrections staff. At Attica, for example, 55 percent of the prison population was black; 7 percent Puerto Rican. Yet there was only one black and only one Puerto Rican on the prison staff out of a total of 540 employees.[8] At Raiford, 60 percent of the inmates were black, while there were only three black guards.[9]

The result was that few staff members had the ability or the background to communicate with the inmates, thereby contributing to tensions behind prison walls. Most of the inmates had serious difficulty relating to the typical white guard. As one Florida prisoner put it:

"For the black person . . . there is no source of identification, there is nobody to identify with. We are never going to feel that any real rehabilitation program is going to be worthwhile until we can see more people we can identify with—which means some black people. . . ."[10]

There were other differences, too, contributing to communications problems. The typical inmate at Attica, for example, was under 25 and from the ghettos of New York City; the typical guard was middle-aged and from upstate rural New York.

Unfortunately, the situation at Attica is typical of correctional institutions nationwide. Although nearly 40 percent of the inmates in our Federal, State, and local prisons are black, only 8 percent of our correctional personnel are black. Although most inmates are in their twenties, the median age of prison guards is over 40—30 percent are over 50 years of age, and only 13 percent are under 30.[11]

Moreover, most staff members at Attica and Raiford were primarily concerned with custody not rehabilitation, further increasing communications difficulties. Inservice training programs which could improve their ability to deal with offenders in other than a security-oriented manner were also missing. The result: Our corrections personnel, perhaps the key influences in an institutionalized offender's life, were ill-prepared to help the offender. According to one of our witnesses, what was needed was training not only in offensive and defensive tactics, but also in sensitivity involvement so that corrections personnel could relate to the inmates—whether black or white, urban or rural-bred.[12]

The inmates at the institutions at the time of the disturbances required professional help because 72 percent of them had been habitually unemployed or underemployed before sentencing; 40 percent lacked marketable job skills;[13] 80 to 90 percent were underprivileged[14] educationally economically, and culturally; and a substantial number had not even completed elementary school. But professional help was extremely scarce. At Attica, there were only 11 staff members responsible for improving the inmates' academic proficiency.[15] And at Raiford there was only one psychiatrist available on a part time basis to assist the offenders with their psychological problems.[16]

Attica and Raiford are typical of too many of our so-called correctional facilities. They manifest all the deficiences pointed to 5 years ago in the President's Commission report on corrections. If we are going to reverse the trend of failure manifested by our correctional facilities, we need to eliminate these large overcrowded institutions and replace them with smaller community-oriented facilities and programs which emphasize rehabilitation rather than custody. Rather than spending over $1.5 billion a year to perpetuate a system which has clearly been a failure, we should spend our resources on developing those alternatives to incarceration which have shown some indication of success, such as probation and parole supervision, work-release and halfway house programs.

PROBATION IN LIEU OF INCARCERATION

Expanding the use of probation should be high on the list for any State seriously interested in rehabilitating offenders and cutting recidivism rates. As the President's Crime Commission pointed out, the correctional strategy that presently seems to hold the greatest promise is that of reintegrating the offender in the community. In addition, the National Council on Crime and Delinquency has stated that only a small percentage of offenders—usually estimated to be 10 to 20 percent—really need to be behind bars for the safety of the community. The rest could be treated more effectively in the communities.

Placing an offender on probation instead of incarcerating him has a number of advantages. Probation gives the offender a second chance to adjust to community life with help. At the same time the supervision of the offender affords the community a measure of protection. Probation also protects the offender, particularly the first offender, from the deleterious effects of modern day institutionalization, thus decreasing the probability that the criminal label will be indelibly impressed upon him. In addition, probation programs are far less costly than incarceration and have proved to be at least as effective in reducing recidivism, and in some cases significantly more so.

Although widely recognized to be an effective way to deal with offenders, probation is still not utilized by some of our States, particularly with persons convicted of misdemeanors. And where laws providing for probation do exist, they often exist in theory but not in practice. High caseloads for probation officers, and lack of funding and community resources have negated its potential effect. Typically, probation supervision consists of a 10 to 15 minute interview during which the probation officer queries the probationer or admonishes him for his actions. There is little time for real assistance such as vocational or psychological counseling.

Treatment in the community cannot be effective if the community lacks the services and facilities to support a meaningful rehabilitation program for each and every offender according to his particular needs. If offenders could function on their own in the community in the first place, most would not be in their present situation. These individuals need adequate help and supervision in overcoming their problems. Yet few probationers receive either.

New York City's probation system is representative of many of the problems probation programs are facing today. The system is badly strained due to excessive caseloads and too little money. Although the President's Crime Commission recommended 35 as the optimal caseload per probation officer, the average caseload in Newk York is 86 per officer. The amount of attention any of the City's 15,000 or so probationers can expect from their caseworkers, therefore, is minimal. The result: Meaningful probation work is not being carried out, and probationers are now getting rearrested, absconding, and otherwise violating their probation at higher rates than in previous years.[17]

Ironically, however, probation is far less costly than incarceration. In 1965, it is estimated to have cost about $3,600 per year to institutionalize a juvenile (a figure which is probably double today). However, it costs only one-tenth that amount to keep him on probation.[18] Even assuming a substantial improvement in salaries and personnel which would upgrade the quality of our probation services, probation would still be less costly than incarceration. The savings become more apparent when we consider the costs of welfare for families of the incarcerated, and the additional loss of taxable income on the part of the offender.

Properly administered, probation provides an excellent alternative to incarceration. California's probation subsidy program is a good example of how our States could operate their probation programs more effectively. The State of California pays its counties up to $4,000 not to send a youthful offender to a State correctional institution. Instead the offender is kept in the community and provided with intensive probation services, which are made possible with the State payment. As a result of this program, California has reduced the number of youthful commitments, lowered recidivism rates, and substantially improved the overall quality of its probation services. In addition, the probation subsidy program is far less costly than incarceration, having saved the State millions of dollars since its beginning 6 years ago.[19]

Footnotes at end of article.

Although widely acknowledged to be successful, only a few States have put similar programs into practice. *Our States should be learning from the successes of their neighbors, and expending their resources on these proven effective programs rather than on such known failures as our large correctional facilities.*

The number of criminal offenders coming before our courts is growing by leaps and bounds. This Nation simply cannot afford to incarcerate them all. The safety of our society demands that we develop effective alternatives, and a good probation program is a significant start.

PAROLE SUPERVISION

What about those who are institutionalized? How can we increase the chances that they will not return to a life of crime upon release?

Most correctional authorities agree that the critical period for a newly released prisoner in terms of his potential return to crime is the first several months to a year following release. This is the time when he must face the pressures of finding a job, renewing ties with his family and friends, finding housing, and generally adjusting to a way of life quite different from the mindless, routinized life behind bars. The stresses are frequently too great to bear, and all too often the offender falls right back into a pattern of crime.

Parole programs enhance greatly the chances that the released offender will become a law-abiding citizen, for he has the benefit of help and supervision upon his release rather than having to face the world alone. As is the case with probation, however, parole in many States exists in name only. High caseloads, inadequately trained parole officers, and lack of community resources, including job placement programs, psychological help, counseling, and other support services, negate its potential impact. Where it has been utilized properly, however, parole supervision has proved successful in helping reintegrate the offender into society, and reducing recidivism rates.[20]

HALFWAY HOUSES

In recent years, a number of experimental community programs called halfway houses have been established across the country which offer the offender even greater supervision and guidance than the usual parole routine. These are now considered important supplements to an effective parole program.

The period immediately following his release usually proves the most difficult for the ex-offender. He may have no place to live, no job, little money, and no one to turn to for advice. Can he withstand the day-to-day pressures of a community life he is not used to? Will he be able to handle his new status as an ex-offender? How he initially adjusts to his new atmosphere usually determines his success in avoiding a return to crime. The purpose of the halfway house is to help the offender make the difficult transition from institutional life to community self-sufficiency, by providing him with room and board, psychological and vocational counseling, and other support services.

A major recommendation of the President's Crime Commission called for the development of such facilities:

". . . located close to a population center, maintaining close relations with schools, employers, and universities—housing as few as 50 in each; serving as the center for various kinds of community programs and as a port of reentry to the community programs and as a port of reentry to the community for those offenders who have been exiled for a time to the penitentiary." [21]

Although the number of halfway houses throughout the Nation has increased fourfold since the Commission's recommendation,[22] few offenders actually benefit from their services. Moreover, as was the case with probation and parole, the halfway house in theory is not always one in practice. Some it seems are doing only a halfway job in trying to rehabilitate offenders. They are providing merely room and board while neglecting the crucial support services such as job placement and vocational and psychological counseling, which are considered the key ingredients to an effective halfway house program. Correctly administered and with the proper programming for offenders, however, halfway houses can be effective in reducing recidivism. Mr. Norman Carlson, Director of the Federal Bureau of Prisons, testified at the hearings of the Select Committee on Crime that recidivism among Federal offenders were reduced by 10 percent when halfway houses were utilized as a transitional step to the community.[23] In addition, halfway houses can be used in other capacities; for example, as alternatives to imprisonment for the probationer (halfway in prison) or as prerelease guidance centers for those still under sentence of imprisonment.

The chief problems halfway houses across the country are experiencing today stem from their most characteristic feature—their community-based location. In recent years, there has been growing opposition by members of our communities toward the placement of such facilities in their neighborhoods. According to a 1967 Harris poll, it was found that 80 percent of those questioned approved the idea of halfway houses. But when it came to actually placing one in their neighborhoods, about half interviewed said they would oppose it. In addition, more than two out of three thought most of their neighbors would be against establishing one.[24] This view on the part of the American public hurts our rehabilitation efforts. The public must be made to realize that the offender referred to a halfway house is only a few months away from his eventual release anyway. In a short time, like it or not he will be back among us; this time without the benefit of the help and supervision a halfway house could provide. In the long run, a few months "decompression" time in such a facility reduces, not increases, an offender's potential threat to society. We should expand our development of halfway houses, with an eye toward recruiting competent staff members and instituting worthwhile programs of assistance for the resident offender.

WORK RELEASE

Another rehabilitative tool which helps bridge the gap between the isolated prison environment and the real world is work release. Work release allows an offender who is usually nearing the completion of his sentence to leave the prison during the day to work in the community. There are many benefits to such a program.

First, participating in a work-release program gives the inmate an opportunity for job training unavailable in a prison. One of the worst features of prison life is idleness. At Attica over 60 percent of an offender's time is spent unproductively in his cell.[25] This is tragic in view of the fact that almost three-quarters of the inmates lack marketable job skills. The prison job training programs which do exist are simply too few to go around, and are often hopelessly irrelevant to the demands of today's labor market. We talked to one of the guards at Attica about that institution's training program. He informed us that although there was a metal shop at Attica in which inmates could receive job training experience, it only employed 450 men out of the total prisoner population.[26] Moreover, within the shop itself, there was not enough work to go around, so that many inmates would spend their so-called training time as onlookers rather than as participants. We asked a former correctional officer at Raiford's prison about the adequacy of its educational and training programs. In his words, they were not by any stretch of the imagination adequate:

"The thing about it is you might have 20 inmates working in a shop learning a good trade, and at the same time 100 inmates working out on the farm cleaning out ditches." [27]

Work-release programs are a good way to provide the offender with meaningful on-the-job training experience. He is out in the real world using equipment that is up to date and building good work habits under supervised and structured conditions. Work release also gives the offender the opportunity to develop and practice a new social role in the outside world, further easing his transition to community life.

Second, a prisoner can help pay for his keep in prison with work-release earnings, and contribute to the support of his dependents to help keep them off welfare rolls. His earnings also enable him to put aside a considerable sum of money against the time of his parole or discharge. In so doing the inmate is able to maintain his dignity—the importance of which cannot be overemphasized. Again and again, we have heard our rioting inmates cry for the right to be treated as human beings. The robbing of prisoners of their dignity is one of the most heinous and detrimental results of prison life—one that should be corrected now. For unless we do treat our prisoners as men by giving them an opportunity to perform worthwhile social functions—we cannot expect that they will act as men upon their return to society.

Third, one of the principal reasons for the establishment of work-release programs is to provide the offender with an opportunity to obtain a job which he might keep upon release, thus helping him overcome the difficulties of finding postprison employment.

Wisconsin began the first work-release program in 1913, when it permitted misdemeanants to take outside jobs in the community. However, it was more than 40 years later when the first State offered work release to adult felons on a large scale. In the 1960's, spurred by the recommendations of the President's Crime Commission report, the idea caught on, and it has been estimated that now approximately 37 of our States have work-release laws. However, all too often their programs are token measures rather than viable efforts to get offenders out into the community. Reports are that only 2½ percent of the total number of inmates are actually participating in work-release programs, a substantial number of whom are from the few of our States which have instituted work-release programs on any significant scale.[28] At Attica, for example, a work-release program was just started in April of last year, and only six inmates were participants at the time of the uprising.[29]

Restrictive laws are one factor which has limited the utilization of work release. For example, many State laws prohibit work release for inmates who have committed certain offenses, or who are more than 6 months away from their release date. Although under no circumstances should the jeopardy of the community be placed at high risk, indications are that a far greater number of inmates could participate in work-release programs without compromising the safety of the community.

The remote location of most of our prisons is another factor responsible for impeding the development of work release. Transportation is a major problem and cooperating employers are hard to find. In addition, the nature of work found in rural locations is rarely relevant to life in the metropolitan areas, where most offenders eventually find themselves. Consequently, work release loses one of its principal advantages—providing

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Footnotes at end of article.

offenders with an opportunity to work on jobs they can keep upon release.

There are, however, several effective work-release programs which are operating now in the United States—programs which are helping the offender maintain his sense of dignity, and which have shown some success in reducing recidivism. One such program was described to us by William Leeke, Director of the South Carolina Department of Corrections.

In South Carolina, remoteness from metropolitan areas is not a problem, for work-release participants are housed in community-based prerelease centers which are located in downtown areas or on the outskirts of town. Work-release participants, therefore, are able to commute daily to their regular jobs in the community. They are paid the minimum wage; and thus are able to pay the State of South Carolina for their keep, and contribute to the support of their families. Since 1968, when the series of community-based prerelease centers were first put into operation, less than 10 percent of the people who have successfully completed work release have returned to the South Carolina Department of Corrections for parole violations.[30]

For most offenders, incarceration is a temporary matter. They will sooner or later be back among us and they must be prepared to lead a law-abiding life if we want to see a reduction in recidivism. Alternatives to incarceration, such as probation and parole supervision, halfway houses, and work-release programs have proven themselves—to date—to be most effective means to achieve this end.

RESTORING THE EX-OFFENDER'S CIVIL RIGHTS

The failure of the rehabilitative process cannot be attributed solely to the offender's experience behind prison walls, for his experience in the community upon release is equally as damaging. When a man is convicted of a crime and is sent to prison to serve out his sentence, this is often just the start of the price he must pay. Although we claim the purpose of rehabilitation is to successfully reintegrate the offender into the community, we deny him entry by means of Federal and State laws which deprive him of many civil rights and make it extremely difficult for him to obtain postrelease employment.

In many States, a convicted offender cannot vote. He cannot hold public office. He may not bring suit, enter contracts, testify in court, or even obtain life or automobile insurance—all privileges that do not threaten the public in any way, and the lack of which deter the ex-offender's rehabilitation. An offender may also lose his home and property, or even his family. Most States make criminal conviction or imprisonment grounds for divorce; and some make it reason to deprive him of his children.[31] Yet the support of the family can often determine the success or failure of an offender's rehabilitation. There is, in fact, no better way to harm his chances for a successful life upon release than to preside over the disintegration of family ties. Yet that is what we are doing by tolerating such statutes.

A few of our States have recognized the damaging effect of such laws, and have remedied the situation by instituting expunction or annulment procedures, both of which are designed to restore to the offender his forfeited rights and exonerate him from the fact of his conviction.[32] These procedures seem to be the most successful in giving the offenders an opportunity to live down their records, and more of our States should put them into practice.

We must all ask ourselves what we gain when we deny the offender the full opportunity of citizenship—particularly once he is released. *By refusing to restore his rights, we are preventing the convicted offender from assuming his role as a responsible citizen, with a stake in the society in which he lives.* And we should not be surprised when he registers his discontent by setting his own standards which he knows he can follow.

JOBS AND HIRING

Nowhere is the public's lack of commitment toward rehabilitating the criminal offender more apparent, however, than with its job-hiring policies which so discriminate against the ex-offender.

Studies have shown conclusively that the ability of an offender to stay out of trouble after his release from prison is directly tied to his ability to obtain and hold a job.[33] Yet we have developed job hiring policies which have made it so difficult for ex-offenders to obtain a job that it is no wonder that their unemployment rate is two to three times higher than the national average.

Most offenders leave the prison confines with nothing more to their name than $40 and a suit of clothes. Their academic and vocational deficiencies together with the prejudices of many private employers close many doors to employment opportunities. Discriminatory job hiring policies take care of many of the remaining options. In the State of Florida, for example, there are 63 jobs in which an ex-offender is ineligible to perform simply because he is an ex-felon.[34]

One of the greatest barriers the offender must face in obtaining employment upon release is the necessity for an occupational license, which a growing number of occupations are requiring. To be a barber, plumber, or even a beauty operator, one must be licensed; yet many Federal, State and county laws exclude from consideration the offender convicted of a serious crime. Some of the States directly disqualify the offender from holding a license. Others are more subtle, disqualifying him, for example, by requiring "good moral character." What good will it do to train a man to become a barber in our correctional institutions, we must ask, if State law prohibits him from practicing?

Government job applications are another barrier. A recent study conducted by the Labor Department's Manpower Administration surveyed State civil service statutes and local ordinances and regulations. The survey showed that there were few clearcut standards governing the employment of a person with a criminal record. Many contained exclusionary provisions which were broadly worded and subjected to highly personal interpretation. For example, many jurisdictions authorized the exclusion of applicants "unfit" and some excluded those who had been guilty of "infamous" or "notoriously disgraceful" conduct. The study revealed only one State which did not ask applicants about arrest or criminal records.[35]

Perhaps the greatest single contribution we could make to reduce recidivism would be to increase employment opportunities for the ex-offender. First of all, we could do this by increasing the quantity and quality of job training programs in our correctional institutions so that our offenders will not be sitting idle, but learning job skills which are in demand in today's labor market.

Second, we need to eliminate the artificial barriers to employment which are posed by arbitrary licensing and registration requirements. It is difficult to see the wisdom in denying a beautician's license to a man simply because he is an ex-felon. On the contrary, such exclusionary practices not only harm the offenders chances for rehabilitation, but increase the threat to the community by heightening the likelihood that he will be forced back into crime in order to earn a living.

Third, we need to assume the responsibility of hiring the ex-offender ourselves. This must be a concerted effort undertaken by both the public and private sectors. For example, an ex-offender can obtain a Civil Service position in the Federal Government, but the procedure is drawnout and difficult, and few do. We need to improve this situation and open up more employment possibilities for the ex-offender on the Federal and State level. But the governments cannot handle the job alone. The offender must be able to take his place in the private sector as well.

The time for prejudice is passed. Unless the offender can feel part of the community again—measured by his ability to obtain and hold a job—he cannot be expected to live by its rules and standards. And it will be the private citizen who will pay the price in the end, for that offender is going to be back in the community some day and he is going to be looking for a means to support himself. It is up to us whether he goes the legitimate or illegitimate route.

CONCLUSION

As a result of the Committee's hearings on the disturbances at Attica and Raiford, we have been able to draw some conclusions on how we can best rehabilitate our criminal offenders and reduce recidivism rates.

First and foremost, it is very clear that our prisons are far too large and unmanageable for any serious effort at rehabilitation to take place. Our ultimate goal must be to eliminate these huge monstrosities and replace them with smaller correctional complexes located in or closer to the community. More immediately, we must focus our attention on alternatives to prison such as halfway houses, work-release programs, and probation and parole services. We need to expand these programs so that they will benefit a far greater proportion of our correctional population. Simultaneously, we must improve the quality of these programs' services.

Second, our rehabilitation efforts must not cease when we discharge the prisoner from custody. We must continue our efforts into the community and provide the ex-offender the greatest possible opportunity to live the remainder of his life as a law-abiding citizen. By restoring his civil rights and eliminating discriminatory job hiring policies, we can best help the ex-offender feel part of a society whose standards he would want to uphold.

Third, we need to allocate a greater proportion of our resources towards developing community-based treatment. Although about $1.7 billion is spent by the State, county, and local governments for corrections, currently about 90 percent of it goes toward institutional programs. Only 10 percent is allocated for community-based programs or alternatives to incarceration, despite the fact that two-thirds of our correctional population is in the community.[36] *In other words, we are spending 90 percent of our correctional budget on a strategy that we know has failed, and only 10 percent on a strategy which already has proved itself more effective.*

We need a reordering of our priorities. And it is in this capacity that the Federal Government has a role to play.

The major Federal program which provides financial aid to States and localities for the purpose of strengthening their crime prevention and control activities is the Law Enforcement Assistance Administration (LEAA) program, established in 1968 under the Omnibus Crime Control and Safe Streets Act. As amended in 1970, the program now provides that not less than 20 percent of the funds made available for the regular assistance program shall be allocated to correctional activities. Moreover, States wishing to receive funds for corrections programs must submit a State plan which provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including halfway houses, probation, and other supervisory release programs. The bulk of assistance, therefore, is to go

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Footnotes at end of article.

for the development of alternatives to incarceration, not institutional programs.[37]

Although the Federal Government can play a part in encouraging the States and localities to develop effective rehabilitation programs, it cannot do the job alone. The rest is up to the American people. For it is the American public who must realize that the overwhelming majority of people who go to prison will one day return. We are going to have to either put offenders away and keep them there indefinitely, or we are going to have to support more effective rehabilitation efforts. For without them we will all be forced to cope with the end results of our current prison system—recidivism, growing crime, future Atticas. The choice is up to us. A halfway house cannot exist without the support of its neighbors, a work-release program will fail without employers, and offenders will return to crime if denied legitimate participation in the American way of life.

FOOTNOTES

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[3] Ramsey Clark, *Crime in America*. New York: Simon and Schuster, 1970, p. 55.

[4] President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society*, Washington, U.S. Government Printing Office, 1967, p. 159.

[5] *Ibid.*, p. 173.

[6] U.S. Congress, House of Representatives, Select Committee on Crime, *American Prisons in Turmoil*, Part I, November 29, 30; December 1, 2, and 3, 1971, p. 4.

[7] *Ibid.*, p. 333.

[8] *Ibid.*, pp. 7–8.

[9] *Ibid.*, p. 260.

[10] *Ibid.*, p. 259.

[11] Joint Commission on Correctional Manpower and Training, *A Time To Act*, Washington, U.S. Government Printing Office, 1969, p. 12.

[12] U.S. Congress, House of Representatives, Select Committee on Crime, *op. cit.*, p. 53.

[13] *Ibid.*, p. 317.

[14] *Ibid.*, p. 418.

[15] *Ibid.*, p. 42.

[16] *Ibid.*, p. 228.

[17] Wesley Oelsner, "Rise in Crime Straining Probation System Here," *The New York Times*, December 6, 1971, p. 43.

[18] President's Commission on Law Enforcement and Administration of Justice, *op. cit.*, p. 165.

[19] U.S. Congress, House of Representatives, Select Committee on Crime, *Juvenile Justice and Corrections*, Third Report, January 2, 1971, p. 42.

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[21] National Institute of Mental Health, *Graduated Release*, Washington, U.S. Government Printing Office, 1971, p. 15.

[22] John Prestbo, "A Helping Hand," *The Wall Street Journal*, March 3, 1972, p. 1.

[23] U.S. Congress, House of Representatives, Select Committee on Crime, *American Prisons in Turmoil, op. cit.*, p. 283.

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[25] U.S. Congress, House of Representatives, Select Committee on Crime, *American Prisons in Turmoil, op. cit.*, p. 27.

[26] *Ibid.*

[27] U.S. Congress, House of Representatives, Select Committee on Crime, *American Prisons in Turmoil, op. cit.*, p. 303.

[28] Rugaber, *op. cit.*, p. 29.

[29] U.S. Congress, House of Representatives, Select Committee on Crime, *American Prisons in Turmoil, op. cit.*, p. 27.

[30] *Ibid.*, p. 397.

[31] Neil Cohen and Dean Hill Rivkin, "Civil Disabilities: The Forgotten Punishment," FEDERAL PROBATION, June 1971, p. 22.

[32] *Ibid.*, p. 24.

[33] Daniel L. Skoler, "There's More to Crime Control Than the 'Get Tough' Approach," American Academy of Political and Social Science *Annals*, September, 1971, p. 36.

[34] U.S. Congress, House of Representatives, Select Committee on Crime, *American Prisons in Turmoil*, p. 356.

[35] Patricia Marshall, "Criminal Records and Public Jobs," *Manpower*, December 1971, pp. 3–4.

[36] U.S. Congress, House of Representatives, Select Committee on Crime, *American Prisons in Turmoil*, p. 460.

[37] *Ibid.*, p. 451.

THE CONGRESS AND FOREIGN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 30 minutes.

Mr. HAMILTON. Mr. Speaker, the balance of power between the President and the Congress is out of joint and needs to be righted.

CONSTITUTIONAL CRISIS

This imbalance is the dominant theme in the opening days of the 93d Congress. A mood of anxiety about the expansion of Presidential power at the expense of the Congress dominates the speeches and the conversations of the lawmakers. The imbalance is present in practically every legislative issue before the Congress, but it is most obvious in the spending issues, with all the debate on the impoundment of funds, and foreign policy. My observations concern the imbalance in foreign policy.

Without consulting Congress, Presidents can commit American troops to Korea, Cuba, Dominican Republic, and Vietnam. Without consultation, Presidents can make commitments pledging the money and the lives of Americans. Without consultation, they can conclude a 10-year war by executive agreement.

The constitutional power of the Congress to declare war has passed to the President.

The constitutional power to ratify treaties has been nullified by the extensive use of executive agreements. And even the constitutional power to advise and consent, once intended to make the Senate a partner in policymaking, has been diminished and ignored.

Scholars once commented that in foreign policy the President proposes and the Congress disposes, but in a large number of highly important instances, Congress does not even have the opportunity to dispose.

The Senate Committee on Foreign Relations states:

> It is no longer accurate to characterize our government, in matters of foreign relations, as one of separated powers checked and balanced against each other.

There is no democracy in the making of foreign policy in the world's greatest democracy, and the Congress, in large measure by its own fault, has become a mere appendage in the foreign policymaking process.

This is not what the Founding Fathers intended. They intended for the Congress to play an important role in shaping the foreign policy of the Nation. The Constitution gives to the Congress the power—

To declare war;

To provide for the common defense;

To regulate the armed services; and

To regulate foreign commerce.

Congress is charged with making all laws "necessary and proper" for putting into effect these powers. It is given residual powers:

> All other powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By comparison, the Executive is given the executive power and serves as Commander in Chief of the Army and Navy. He is given the power to make treaties and certain appointments only with the requirement that two-thirds of the Senate concur.

Beyond any doubt, the Founding Fathers wanted to deny the President unrestrained power in matters of war and peace. In the Federalist Papers, Hamilton more than once assured the public that the powers of the Executive to make war were not nearly so sweeping as those of a monarch and that the Constitution placed severe and effective constraints on Executive prerogatives.

In a letter to James Madison in 1789, Thomas Jefferson expressed his satisfaction that the President's war powers were adequately curtailed:

> We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

Senator MATHIAS recently observed that:

> In relation to the Executive Branch of government, the Congress today has become a third- or fourth-rate power, a separate and thoroughly unequal branch of our national government.

HOW CONGRESS LOST ITS POWER

The expanded powers of the President in foreign affairs is a result not only of aggressive Presidents, but also of the acquiescence of the Congress.

In the first century of our history, Congress was an active partner in U.S. foreign policymaking.

Jefferson, Monroe, John Quincy Adams, Daniel Webster, and James Buchanan—to name a few—confirmed the warmaking powers of Congress. President Buchanan wrote:

> (The Executive) cannot legitimately resort to force without the direct authority of Congress, except in resisting and repelling hostile attacks.

In the War of 1812, the war with Mexico, and the Spanish-American War, the Congress either declared war or formally recognized the existence of war.

During the 19th century, several incidents involved the use of American forces by the President without specific congressional authorization, but they were minor undertakings for limited purposes, such as suppression of piracy and slave trade, "hot pursuit," and protection of American lives and property.

Most of these incidents involved no combat, or even its likelihood, with the forces of another state. So the experience of the 19th century left the basic authority of Congress to approve the initiation of armed conflict intact, if somewhat frayed around the edges.

The 20th century brought some changes. The President pursued aggressive policies to establish U.S. hegemony in the Western Hemisphere and in the Boxer Rebellion U.S. troops were used, for the first time, outside the hemisphere without congressional authorization.

Later, the Congress flexed its muscles and, rightly or wrongly, blocked U.S. membership in the League of Nations. The foreign policy record of the Congress between the world wars, when the Senate rejected the League of Nations and the Congress exhibited an isolationist attitude during the 1930's, was not good, and probably contributed to the Congress dependence upon the President in foreign policy.

After World War II, the flow of power from the Congress to the Executive increased. The President assumed that the power to send American troops abroad and engage them in hostilities was inherent or implied in the Constitution. Edward S. Corwin described the Constitution as "an invitation to struggle for the privilege of directing American foreign policy." In these years, Congress did not put up much of a fight.

REASONS FOR CONGRESS LOSS OF POWER

Several factors contributed to the accelerated flow of power to the President.

Following World War II, one crisis followed another:

The reconstruction of shattered countries;

The menace of an aggressive international Communist movement; and

Berlin, Korea, Greece, Iran.

During these crises, the appeal for unity was irresistable. Bipartisanship became the standard operating procedure of U.S. foreign policy. The American people tend to rally around their President in times of crisis, and neither they nor the Congress were to be bothered by constitutional niceties. Congress was mesmerized and impotent. Its power was fragmented and diffused. The President was unified and confident.

Congress had difficulty gathering, or absorbing information, and it was dependent upon whatever information the President wanted to give and when he wanted to give it. Given the mood of the period, Congress was under enormous pressure to support the President and under the threat that congressional delay could damage the national security.

Officials of the executive branch publicly declared that Congress was not a necessary and desirable element in shaping U.S. foreign policy. In 1951, Secretary of State Dean Acheson said:

> Not only has the President the authority to use the Armed Forces in carrying out the broad foreign policy of the United States and implementing treaties, but it is equally clear that this authority may not be interfered with by the Congress in the exercise of powers which it has under the Constitution.

Acheson further berated Congress for questioning the constitutionality of some executive initiatives:

> We are in a position in the world today where the argument as to who has the power to do this, that, or the other thing, is not exactly what is called for from Americans in this very crucial hour.

That kind of thinking is what got us into the mess we are in now.

This constitutional imbalance, then, was caused by—

The inability of Congress to respond to crisis and war as we responded to one crisis after another without regard to the constitutional processes;

The superior information, actual or presumed, of the President; and

The natural hesitancy of the Members of Congress to defer a judgment on difficult public issues, preferring to let the President act and then wait and see how public opinion developed.

But the events of recent years have caused many people to begin to examine the premises upon which American foreign policy operated. We found ourselves in a war we did not fully understand. We asked ourselves:

How did we ever get into it?

Why were we fighting it?

It was obvious that the Congress had sat idly by while one Presidential action after another involved us even deeper in Indochina. The constitutional concept of checks and balances and separation of powers became something more than the topic of an academic discussion in political science classrooms. Its failure to operate helped plunge us into the most tragic and useless war in our history.

RECENT CONGRESSIONAL INITIATIVES

Gradually, during the last half of the 1960's, the Congress became restive and anxious to play a role in foreign policy. By early 1966 the Senate Foreign Relations Committee was holding televised hearings on Vietnam that affected public opinion significantly.

The Congress deserves the criticism heaped upon it for its passivity during the war. But the critics sometimes fail to acknowledge that it was the Congress—specifically, the Senate Foreign Relations Committee—that served as the focal point of dissatisfaction with the war. Eventually the critics, although they never won a single vote in the Congress, succeeded in turning war policy around 180 degrees.

Other actions by the Congress show its concern in foreign policy.

In 1969 the Senate passed a resolution defining a national commitment. Under the resolution, a national commitment does not exist without "affirmative action" by both the executive and legislative branches. This resolution, while without the force of law, was a warning to the President.

In 1970 the Senate rejected the 1964 Gulf of Tonkin resolution.

During the 92d Congress both the Senate and the House passed war powers legislation to allow needed Executive flexibility to respond to emergencies, but which would require subsequent congressional approval of Executive use of U.S. Armed Forces in absence of a declaration of war by Congress. The war powers legislation was approved in a different form in each House, and did not emerge from conference to become law. New war power legislation has already been introduced this year.

The Symington Subcommittee on National Commitments unearthed several secret agreements entered into without reference to Congress—with Ethiopia, Laos, Thailand, Korea, and Spain, among others. Senator FULBRIGHT put it rather succinctly:

> We get many treaties dealing with postal affairs and so on. Recently we had an extraordinary treaty dealing with the protection of stolen art objects. These are treaties. But when we put troops and take on commitments in Spain, it is an executive agreement.

But the executive branch will no longer be able to make such commitments completely unfettered. A law passed last year provides for congressional review of executive agreements within 60 days after they come into force. At least Congress will have an opportunity to inform itself of what the executive is doing and to review such agreements.

Congressional restiveness has been evident in amendments to end the war, stop military aid to Greece, reduce troop levels in Europe.

WHAT MORE CAN BE DONE

The mood of Congress today is more assertive and aggressive than at any time since I have been in Washington. The question is not whether but what the Congress should do to retain its traditional role in foreign policy.

To revitalize the role of Congress, the essential step is for the Congress to employ the constitutional powers already available to it.

First. Congress must use with vigor its power to oversee and investigate.

The Congress must assure that—

Its legislative intent is being carried out;

Programs are being effectively administered; and

There is no misfeasance.

Professional investigators and auditors should be employed, Members of Congress should travel to the site of operations, and the Government Accounting Office should be fully used.

The executive branch must be required to state and defend its policy at every opportunity, and the congressional hearing should be employed for that purpose. Asking the right question is an important obligation of the Congress.

The House Subcommittee on National Security Policy and Scientific Developments went 11 years without a meeting. Small wonder that the Congress lost its position as a partner in policymaking.

Second. Congress has the power to confirm and deny appointments of certain officials.

This power in the past has been more a rubberstamp for Presidential actions than a vital constitutional responsibility of the Senate. Properly used, it can check unwarranted Presidential actions. It can be used as a forum to express the view of the Congress. Careful examination of the nominee should reveal how he views his job. Congress should elicit from the nominee assurance of his cooperation and his availability to the Congress, and a pledge to carry out the intent of the Congress as expressed in law.

The Congress has an obligation to offer to the President the best advice it can on foreign policy. This advice should be offered at every appropriate opportunity and in the appropriate forum and whether or not it is solicited by the President.

In the past few years the Senate rejected two Supreme Court nominees. Although that is an extreme step it is at times appropriate if the Congress is to fill its constitutional role.

Third. Congress has the power of the purse.

James Madison said the power of the purse "may be regarded as the most complete and effectual weapon with which any Constitution can arm the immediate representatives of the people."

This weapon grown rusty from disuse, is clearly its most formidable weapon. It can be utilized to pursue positive goals and to prevent actions by the President the Congress believes harmful. The efforts in the Congress to cut off funds for the Vietnam war, even though not enacted, undoubtedly put pressure on the President to end that conflict.

Fourth. Congress has the power to be informed.

The Congress must assure itself of a steady flow of information on all foreign policy concerns. Information is the key to power. The hearings on the Vietnam war before the Senate Foreign Relations Committee produced information which, in time, turned U.S. war policy around in Vietnam.

Congress has often failed to act out of fear that it did not have sufficient information to decide. The tendency has been to defer to the President who has superior information.

The Congress needs access to the best information available on foreign policy topics. It does not have that access today. A solution for this lack is not easy, but the Congress should begin now to explore ways and means for its membership to assimilate the best available information. The present assistance available to a Congressman, including personal and committee staffs, and even the Library of Congress, simply does not provide the kind of quality information that is routine for the President, but unavailable to Congressmen.

Perhaps the answer is a "think tank," or an intelligence gathering and analyzing agency, not part of the Library, staffed by highly qualified experts, responsive to the congressional leadership, immune from the trivia that inundates the Library of Congress and capable of giving the Congress independent judgments on policymaking issues.

Today the flow of information to the Congress is impeded by the excessive and indiscriminate use of executive privilege and the self-serving overclassification of executive documents. Both practices constitute an obstacle to Congress' legitimate need for information.

George Ball said,

> I think there is very little information that the Congress should ever be denied.

A flow of information is indispensable to wise participation in foreign policy. Executive privilege, which is constitutionally a dubious device, should not be invoked by the President to shield public officials from interrogation by the Congress unless the President himself makes the decision and communicates it to the Congress.

Cabinet and supra-Cabinet officers must be responsive to Congress. When administration officials refused to appear before Senator PROXMIRE's Joint Economic Committee recently, he charged, and I agree, that—

> It shows a distinct absence of understanding of the spirit of the Constitution of the United States, a lack of respect for the division of powers, and a failure to comprehend and carry out the fundamental principle that open debate and inquiry serve, better than any other instrument, the interests of a free people and a free society.

The objective of a better informed Congress is nothing more complex or less critical than that Congress be able to arrive at its own conclusions independent of the executive. If this goal is not realized, the concept of checks and balances is inoperable.

Fifth. Congress should speak on foreign affairs with a unified voice through a Joint Committee on National Security.

The making of foreign policy is so fragmented in the Congress that it defies understanding. One estimate is that more than half of the standing committees of Congress are involved in some aspect of U.S. foreign policy. No one knows who speaks for Congress in foreign policy, and one need is for coherence.

A permanent committee, operating in a manner similar to the Joint Economic Committee, could articulate the collective view, or views, of the Congress in a coherent, unified voice.

I will soon be introducing legislation to create such a committee.

Sixth. Congress should enact war powers legislation to reaffirm the constitutional role of Congress in foreign affairs.

Such a bill should spell out the specific rules governing the use of armed services by the President in an emergency. The principal bill before the Congress today would authorize the President to take appropriate military action—

To repel an attack on the United States or its armed services:

To protect the lives and property of American citizens; and

To execute a duly authorized national commitment.

The President would be obligated to report his actions to the Congress immediately and he would not be permitted to sustain the military action beyond a 30-day period unless Congress took affirmative action authorizing him to do so.

War powers legislation . . . properly written, could help preserve the constitutional role of Congress without destroying the flexibility the President needs to respond to authentic emergencies and threats to our national security.

Seventh. Finally, no substitute exists for people in the Congress and the executive branch who are sensitive to the requirements of the Constitution and the joint possession of powers it clearly provides for.

Awareness and sensitivity to this joint obligation can go a long way in resolving the difficulties of joint participation in the foreign policy process.

CONCLUSION

Someone asked Secretary of State Rusk how foreign policy was made in the United States? His reply was, "The President makes foreign policy." He was probably right. But my point is that that is not the way it ought to be. Everyone would concede that the President should play the chief role in the foreign policymaking process. The concern is simply that we have gone too far toward the concentration of the warmaking and other powers in the hands of one man.

The concern over the amount of power concentrated in the Executive cuts across party and ideological lines. Liberals and conservatives are concerned. Democrats and Republicans are concerned.

The present imbalance must be corrected. Not alone because it makes a sham of our Constitution—although that is sufficient reason—but also because a strong and independent foreign policy role for the Congress is the best hope to prevent one-man rule in the most important decisions Government makes—those of war and peace. Unrestricted Presidential power in foreign policy making is neither necessary nor tolerable in a free society.

DISMANTLING OEO: FROM WAR ON POVERTY TO WAR ON THE POOR?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 10 minutes.

Mr. MATSUNAGA. Mr. Speaker, perhaps the most shocking and almost unbelievable sentence in the fiscal year 1974 budget proposal of President Nixon was this one:

> No funds are requested for the Office of Economic Opportunity for 1974.

We have since been told that some of the OEO's programs will be "spun off" to other Federal agencies; that legal services, perhaps the most successful of OEO's programs, will be constituted a separate, independent corporation; that community action agencies—CAA's—must rely for any further funding, as the budget message euphemistically put it, on "the discretion of local communities."

Mr. Speaker, the dismantling of OEO would be a tragic mistake, and I for one, as a Member of Congress, pledge myself to do everything I can to prevent it from happening. The net effect of the President's proposal would be to wipe out the most visible sign of America's commitment to equality of economic opportunity. For some strange reason, President Nixon, by one stroke of his pen, would deny to that one citizen of every 12 who happens to be poor the newly found voice which has made his own government more meaningful to him.

In my own State of Hawaii, programs such as Headstart, Upward Bound, transportation services, and activities for youth and senior citizens have demonstrated the positive contribution that OEO can make. I would like to share with my colleagues and other readers of the RECORD excerpts from some of the scores of letters I have received on this subject.

One letter from a resident of the island of Kauai made this plea:

> Please help the people in keeping OEO active. It has helped the people of Kauai in so many ways. People who have never been out of their homes are now really active in these programs. I have seen adults and youths learn to work more together on problems through the Youth Development program and parent group.
>
> Parents who have and had children in Headstart have really seen the improvement in their children and themselves.

Another letter stated:

> Would you please fight for the life of OEO, because this is an office informing the people of assistance for their benefits. It's channel of reaching the poor people in their every day life.
>
> The young and old are really depending on the OEO assistance to (help them know how to help themselves.)

And another wrote:

> The Head Start program for four year old children is accepted as a must by the parents of the low income group. The parents are so enthused that they have been volunteering in the classroom as well as on outings for the Head Start children. When we asked the parents "Would you want President Nixon to dismantle this program?", they answered "Definitely no!"

The legal services program of OEO has been generally recognized as one of the most effective of all Federal programs. It has provided access to "the system" for millions of Americans for whom a courtroom previously meant only a place to be found guilty of a criminal charge against them.

Having sponsored legislation both in the last Congress and in this for an even more effective legal assistance program, I fully share the President's desire to insulate the legal services program from partisan politics by constituting it as an independent corporation. However, the President knows full well that a major conflict developed over the same proposal in the 92d Congress and may yet develop in this Congress. Provisions must be made. Therefore, for continuing operation of the legal services program during this transitional period.

Perhaps the most tragic aspect of President Nixon's proposed dismantling of OEO is the not-so-slow death planned for community action agencies. This action was somewhat surprising, since Mr. Nixon has frequently advocated a decentralization of Federal programs to bring decisionmaking closer to those directly affected by those decisions.

The CAA's represent the best in decentralization. Although there were early instances of friction between CAA's and local elected officials, that is no longer the case. In a report issued only last month by OEO itself, it was found that—

> CAA's are rapidly becoming very positive forces in their communities that can play significant roles in helping communities rise to the challenge of revenue sharing and other forms of government decentralization.

Mr. Speaker, it was only 6 months ago that President Nixon signed into law Public Law 92–424, extending the life of OEO through June 1974. Is the $870 million provided in that measure and considered necessary in September 1972 to help the poor suddenly not necessary in February 1973? Have those in need become somehow less worthy? Is the Federal Government's duty toward them any less? Or is the difference all a matter of viewing the issue before an election and after winning it?

It is said that revenue-sharing funds will be available to CAA's and other OEO programs. This may be so, but experience during the first year of revenue sharing has shown that such funds are much more likely to be used to balance State budgets or lighten property tax loads, rather than to fund programs for the poor, previously financed wholly by the Federal Government.

Mr. Speaker, there will be ample opportunity, through the appropriations process, in the consideration of the President's proposed reorganization plan and special revenue-sharing plans, and through direct legislation, for Members of Congress to indicate their views on OEO. I intend to take full advantage of those opportunities and I urge my colleagues to do likewise. The poor must be given a voice, an access to the system by which they are governed. For countless thousands over the past few years, OEO has provided that access. Regardless of the announced intention of the President, we of the Congress, who are closer to the people, must work toward preserving the democratic process for all concerned, including the poor. We must not allow the dismantling of OEO.

REPLY TO PRESIDENT'S ENVIRONMENT MESSAGE OF FEBRUARY 14

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 5 minutes.

Mr. O'NEILL. Mr. Speaker, last week, when the Congress was in recess, the Republican administration sent to Capitol Hill a so-called ecology package. It included one more chapter in this year's serialized State of the Union message and a laundry list of 19 bills, most of which the Congress has seen before.

The ecology package followed by 1 day the radio address in which President Nixon outlined to the Nation his program on ecology and environment. While I commend the President's initiative in these vital areas, it seems to me that he has seriously underestimated the size of the job to be done. Especially, with regard to farm programs, he has adopted a course that will be just plain ruinous. His farm policy will drive more and more family farmers out of business, force them off their land, and leave the fields to fewer and larger agribusiness producers. For city dwellers and for all of us, this course can lead only to higher food prices.

Mr. Nixon tells us that we are "well on the way to winning the war against environmental degradation." I admire his optimism, but I think we ought to face the problems of pollution with more realism.

The fouling of our environment has been a long, slow process stretching back to colonial times. Naturally, it accelerated during the 19th and 20th centuries with the expansion of the United States, the growth of its population and the development of the Nation's industrial might.

It was not until the 1960's that a Democratic administration and a Democratic Congress recognized the dimensions of the problem and the significance of it and determined finally to exert national leadership toward its solution.

Now, hardly a decade later, a Republican administration wants us to believe that the job is nearly done—that in 10 years we have stemmed or reversed a tide that has been rolling against us for more than two centuries.

Our air may be a bit cleaner, as the President says. But it is not clean enough.

Our water may be a bit clearer, as the President says. But it is not clear enough.

We may have made some progress toward ridding the landscape of junked automobiles and other debris. But we have yet to establish an effective, consistent and workable policy for the disposal or recycling of solid waste.

The achievement of the past 10 years is dwarfed by what remains to be done. It is an awesome project. And a costly project. I can understand the President's eagerness to be done with it.

But the fact remains that an enormous task still faces us. And if the President will not provide the leadership to deal with it, then the Congress will.

Hearings in both Houses already have been held or are being held on a wide range of bills dealing with environmental protection. Many of them are more constructive and substantive than the rehash of old legislation which the President has resubmitted to the Congress.

Environment is one area in which the funds we allocate have double impact. They carry on the great work of restoring our environment and refreshing our surroundings. And they create jobs, which the common man badly needs. Unemployment is still running at 5 percent, and the President is doing far too little to reduce it.

Despite the President's statements last week on the environment, I think that his actions these past few months have been more revealing. He professes concern for our surroundings, and yet he withholds the funds necessary to take care of them.

He has held up some $6 billion which is available during the next 2 years for construction of sewage treatment plants. He has refused to use some $474 million in fiscal 1972 and 1973 funds for land and water conservation.

In January he impounded $520 million of a $650 million fund earmarked for water and sewer lines construction in big cities and smaller communities throughout the Nation. In December, he cut REAP dead. The rural environmental assistance program is a dollar-for-dollar matching program. It encourages livestock feeders and dairymen to control erosion and to prevent runoff of soil nutrients.

Last week Mr. Nixon made much of sending up a bill calling for Federal standards on drinking water. Yet, by his cutbacks, he severely handicaps the States in their efforts to improve water quality.

Of course, I can understand the President's reluctance to spend more money. In the 4 years of his administration, we have amassed about one-fourth of the national debt. During those 4 years, the budgets Mr. Nixon prepared and sent to Congress have run a total of $106.2 billion in the red—more than the Eisenhower, Kennedy, and Johnson administrations put together. In each year since 1971, the President has asked Congress to authorize spending which would result in substantial budget deficits. The deficit spending of the past few years has been done upon the initiative of Mr. Nixon, not the Congress. It is his budget, and it is his deficit. Any attempt to place the blame somewhere else is mistaken.

This Congress believes that Mr. Nixon's priorities are in the wrong place. We will not let him turn his back on this Nation's pressing domestic needs.

This Congress favors responsible and constructive Federal spending policies. This Congress feels that the administration has given too little thought to the best uses of Federal funds.

We are headed for even worse economic troubles if this administration continues its shortsighted policy of cuts in domestic programs. I mean cuts in such areas as emergency employment, housing, urban renewal, and education.

By its actions, this administration could slow down the economy to such an extent that we would begin the slow slide toward recession. We are being pointed once again toward another economic crisis like the recession of 1957–58—which was also manufactured by a Republican administration.

There are disturbing similarities, for example, between the farm policies of that administration and the present one.

President Nixon says he wants to make the farmer free to plant. At the same time, he wants to reduce price supports. The combination of increased production and inadequate price supports will mean a drop of $1 billion in net farm income in 1973. That could push additional thousands of family farms into bankruptcy.

We should, instead, be giving more constructive thought to the uses of our agricultural abundance. If we are going to encourage production, we should devote our surpluses to worthy programs like food for peace. We can offer substantial food supplies to developing nations or other nations with food shortages. At the same time we must assure all farmers—not just the big ones—of a fair return for their investment and their work.

Agriculture already has suffered disproportionate cuts in its funding. Agriculture accounted for one-twenty-fifth of the Federal budget in fiscal 1973. Yet it took one-fifth of all the cuts. And now agriculture is asked to take another $2.1 billion cut in fiscal in 1974, and President Nixon has made no secret of his intention to get rid of price supports altogether. I can tell you that if we do not treat our food producers better, all of us—city dwellers and rural—are going to suffer for it.

The President had all too little to say about the energy crisis in this message. He promised to save that for another installment in his series of State of the Union messages.

He should have much to tell us. I believe that the energy crisis is much worse than we have been led to believe. Our fuel consumption has jumped alarmingly. In the past dozen years we have used as much coal, oil, natural gas and other fossil fuels as in all previous history, all the way to the caveman.

We are in danger of exhausting the world's known deposits of fossil fuels by the end of the century. Our newest and most promising source of energy—nuclear power—remains relatively undeveloped as a peacetime tool. In fact, of our present $3.3 billion budget proposed for atomic energy in fiscal 1974, only eighteen percent is devoted to peaceful uses.

The President's message on environment simply does not deal with the hard problems facing this Nation. Mr. Nixon wants to abandon the war on pollution to the industries that are responsible for a good share of this Nation's pollution in the first place. He wants to disrupt the country's food production system in a manner that would force thousands of family farms into bankruptcy. And he is playing with an economic fire that could lead to recession a few years hence.

Last week's message tells us that the President once again proposes to abdicate his leadership responsibilities. It is quite plain that Congress must assume the burden.

A DISAPPOINTING BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 15 minutes.

Mr. ADDABBO. Mr. Speaker, the fiscal 1974 budget proposals sent to the Congress by the President are disappointing and hold little hope for those of us concerned about improving the quality and equality of opportunity in our society. As a member of the House Committee on Appropriations, I cannot accept the proposed priorities which the President has offered to us.

During the next few months, various committees of the House will be reviewing in depth the budget proposals as they relate to individual programs. As this process continues and as appropriation bills are drafted, I hope that Congress will totally redirect the thrust and direction of the budget so as to establish clear and realistic priorities. It is tragic that after so many years of waiting for an end to our costly involvement in the Vietnam war, we receive a blueprint for the future which downgrades basic domestic programs.

There are many drastic changes in national commitment proposed in the budget and a further shift away from programs designed to meet human needs. Not only are several programs drastically cut but others are totally abolished. The budget has fallen on a wide range of programs in health education, housing, and the war on poverty yet military and defense programs managed to avoid the ax and come away a littler richer under the President's master plan.

COMMUNITY ACTION PROGRAMS

Perhaps the most shocking and disappointing of the proposals would eliminate funding for all community action programs. The proposed budget ends the Office of Economic Opportunity as a government agency devoted to finding ways to reduce poverty in America. While some of the Agency's programs are shifted and transferred to other Federal departments and agencies, there is no mention of community action programs in the budget. I submit that this callous action illustrates a determined effort not only to dismantle all Great Society programs but a refusal to face the real issues facing our Nation.

The continuation of poverty in the midst of plenty is disappointing in itself but the conscious decision not to try to reduce that poverty and despair is shocking and outrageous. The time has come for the Congress to speak out against executive tampering with the establishment of spending priorities and there is no clearer issue upon which to base that action than the funding of community action efforts to combat the plight of less fortunate Americans.

EDUCATION

Other areas of the budget which should produce public outcry include large reductions in spending for education. The proposed budget is particularly harsh on programs like library construction, reduced by $138 million; and aid to impact areas, reduced by $143 million. Since 1966 Congress has made clear its intention to assign a high priority to Federal aid to education by appropriating more funds for these programs, yet the proposed budget would reverse that commitment.

HEALTH

In the field of health and the improvement of our Nation's system of improving access to medical care, the proposed budget is particularly radical. Programs to aid hospital construction and modernization, improve medical research, and develop community mental health centers are abolished while funds to train health manpower are reduced. In addition the President proposes to shift some of the costs of the medicare program away from Government and onto the medicare patient by imposing a higher deductible and a 10-percent daily charge at the doorstep of the ill elderly patient. I do not believe Congress is ready to accept this kind of turnabout in our pledge to help the medicare patient meet the increasing costs of health care.

HOUSING

The proposed budget shows no funds for new projects in the areas of urban renewal, model cities, open space, neighborhood facilities, and other programs designed to erase the blight of our urban areas. New commitments for housing subsidies are also suspended by the budget, ending aid to families which have waited for an opportunity to live in a decent home.

NEW PRIORITIES NEEDED

I recognize that all existing Federal programs have not been successful. Many have failed to live up to their announced expectations. Others have proved to be wasteful and inefficient. Others have failed for lack of imaginative administration. These facts point up a need for streamlining, modernizing, and improving those programs but instead the administration has applied the ax and has shown a marked preference for abolishing programs rather than improving them.

That is the task before Congress and I am confident that we will choose the more difficult goal of improving domestic programs, not abolishing them. Millions of Americans can have better lives if we are successful but if we never try, there can be no hope.

HAZARDOUS CARGO

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, I requested a study late last fall after I contended that the best available research, including a GAO 1970 Bureau of Mines study RI–7448, indicated that a catastrophe of major proportions could result from an LNG spill.

Approximately 1 month after I had requested the GAO report, which was to include a cost-benefit analysis of so-called population remote ports for delivery of hazardous cargo such as LNG, my staff was informed that, for technical as well as financial reasons, such a report would be unfeasible. It was, therefore, agreed that, on my behalf, the General Accounting Office would solicit from the Federal agencies involved with LNG their best estimates of the hazards associated with the handling of the gas in the marine environment.

The GAO has informed me that although several agencies are involved in various aspects of LNG transport, storage, delivery, and safety, only the Coast Guard was actively engaged in research efforts. For this reason, the Coast Guard was asked to submit to the GAO a detailed assessment of LNG dangers. At this point, I would like to focus on several of the problems presented in the Coast Guard report.

First, the Coast Guard report specifically cites the unexpected finding of the Bureau of Mines study that occasionally LNG explodes without fire when it contacts water. This finding, according to the Coast Guard, has resulted in the award of a followon contract for further study of this particular hazard.

In this regard, the report also notes that it will be between 3 to 5 years before the results of the Coast Guard's study on evaluating hazardous material transport risk will be completed. The Coast Guard states:

> This is an extremely complex undertaking since it involves identifying all of the events in water transportation which may cause a significant release of cargo . . . and determining an acceptable level of risk.

The Coast Guard report, in discussing the current assessment of hazards, contends that designs for ships and barges are safe from the standpoint of normal operations. Furthermore, the report points out, preventive measures are being used to avoid the dangers of so-called cargo rollover as well as the more obvious danger of ship collisions.

Even a cursory reading of the Coast Guard's report should reveal that it is geared more closely to normal operations than to the possibility of a serious emergency. While studies that would more clearly identify risks are underway what might be viewed as experimental deliveries of LNG continue to flow into New York and Boston. The Coast Guard appears to be allaying fears about the danger of LNG while at the same time it may be laying the framework for a major disaster.

While some of the risks have been identified, it is not entirely clear what might happen under abnormal circumstances. I think that the Coast Guard's ongoing review and updating of its methods for handling hazardous cargo is essential. However, I feel that it is too dangerous to allow continued deliveries of LNG while these studies, as well as the probe of the Staten Island LNG tank disaster, are still far from complete.

Therefore, I am going to introduce legislation to suspend all LNG ship deliveries until the Coast Guard, in conjunction with other Federal agencies, provides to the Congress a complete evaluation of all foreseeable hazards in transporting LNG and a comprehensive plan for dealing with any emergency created. I feel very strongly that the unknown dangers, as well as the known potential for risk, make such a suspension imperative.

According to the American Gas Association, LNG imports account for only about two-tenth of 1 percent of our domestic gas supply. Certainly the safety of hundreds of thousands of city dwellers who might be affected by a large-scale LNG spill is worth insuring through this temporary suspension until we can assure that such accidental spills could be adequately predicted and safely contained.

The text of the bill follows:

H.R. 4430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, after the date of the enactment of this Act no liquefied natural gas (except such gas as may be in transit on such date for importation) may be imported into the customs territory of the United States and no new construction of storage facilities for liquified natural gas may be commenced within the United States until—

(1) the Commandant of the Coast Guard, in conjunction with other appropriate Federal agencies, submits to Congress—

(A) a comprehensive evaluation of all foreseeable hazards associated with the marine transportation and the delivery and storage of liquified natural gas, and

(B) a comprehensive plan (which may include suggested legislation) for preventing or minimizing the hazards indicated in such evaluation;

(2) the Commandant of the Coast Guard, under existing authority of law, by regulation prescribes such safety standards as may be required to prevent or minimize any of the hazards indicated in such evaluation; and

(3) the Congress, after reviewing such evaluation, plan, and regulations authorizes by law the resumption of importation of liquified natural gas and the construction of new storage facilities for such gas.

CRIME COMMITTEE'S WORK OUTSTANDING

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LEHMAN) is recognized for 10 minutes.

Mr. LEHMAN. Mr. Speaker, as a freshman member of the House of Representatives from a district concerned about crime in this country, I was shocked recently to read of efforts underway to end the work of the Select Committee on Crime and its chairman and my good friend, Congressman CLAUDE PEPPER.

It would be strange indeed for history to record that at a time when crime is uppermost in the minds of our citizens that one of the first acts of this body would be to strike down the only committee focusing directly on crime.

Just prior to my election to represent a constituency which was partially represented by Chairman PEPPER last year, I had the opportunity to follow 3 days of informative hearings held by his committee in July in Miami. These hearings were part of a nationwide inquiry into the effect of the drug crisis in secondary and elementary schools which the committee studied in 1972.

I recently read in the Washington Post a story by Jules Witcover of a committee report that describes the scope of a drug epidemic in our schools together with recommendations for a Federal response.

In a recent conversation with Congressman PEPPER it became apparent to me how very vital and useful this committee has become to this House.

Because Chairman PEPPER was impressed with the testimony of many witnesses during its field hearings, he arranged for Dr. Marcus A. Foster, Superintendent of the Oakland Public Schools, to testify before the Education and Labor Committee on the need for Federal funds to develop effective drug programs in schools.

Chairman PEPPER and Dr. Foster were greeted most favorably by Chairman CARL PERKINS who noted that drug education funds for the schools would receive attention this year by his committee.

It is this kind of cooperation between an invesigative committee and a legislative committee that I am sure the Members desired to see when they created the Crime Committee by a vote of 343 to 19 in May 1969.

I, for one, hope that I have the opportunity this session to cast my vote for a further extension of the committee's life so that the recommendations contained in four reports, soon to be released, can be fully debated. It would also give Chairman PEPPER and his committee the opportunity to inquire into the nature and causes of street crime, such as the senseless shooting of a U.S. Senator and the robbery at the Alexandria home of a widow of a Supreme Court Justice.

For the record I insert the following news articles to include a Miami Herald story entitled, "Pepper's Crime Committee Doomed?" by David Hess; Jules Witcover's Washington Post article entitled, "Drug Epidemic Has Hit Schools, Hill Unit Says;" Jack Anderson's story entitled, "People's Crime Committee Faces Ax From Opponents," and a selection of articles describing the Crime Committee hearings last July in my city.

PEPPER'S CRIME COMMITTEE DOOMED?

(By David Hess)

WASHINGTON.—Florida Rep. Claude Pepper's Select Committee on Crime has been mugged.

The controversial committee, which Democrat Pepper has used sporadically to spotlight the activities of organized crime, appears to be headed for oblivion—the victim of a House power struggle.

On Jan. 15, the House passed a resolution that clearly states that all select committees and their staffs will be funded through March 31.

But the head of the House Administration Committee says he cannot legally issue paychecks or other funds to the select committee staffers.

Administration chairman Wayne L. Hays (D., Ohio) concedes that the House resolution "appears to authorize payment to the select committees."

But the House parliamentarian and his own Administration Committee lawyer, Hays says, advised him not to sign the paychecks.

"Select committees," Hays explained, "are temporary bodies that die with the end of each Congress. Until they are reconstituted by the Rules Committee and approved by the House, they can't be supported."

Anxious to avoid a knock-down drag-out fight that could jeopardize continuation of the committee, Pepper says he "hopes to get this problem straightened out amicably with the Rules Committee as soon as possible."

Pepper is sixth-ranking Democrat on Rules.

His efforts, however, will be contested by Rep. Peter W. Rodino (D., N.J.), the new chairman of the Judiciary Committee. Rodino is claiming jurisdiction over crime investigations.

Hays admitted that "there seems to be a jurisdictional problem involved here." But he denied that the dispute in any way influenced his somewhat unusual interpretation of the House resolution that authorized continued support of all select committees.

"Sure, I agree that the Judiciary chairman ought to have jurisdiction over crime matters," Hays said, "but that didn't—sway me. I'm just one vote on the House floor and I don't intend to try to influence others to follow me."

Hays also said that "in my opinion," Rodino seems to be winning the power struggle.

"If I were a betting man," he said, "I'd say the Crime Committee's days are numbered."

Though Pepper has been accused by critics of running a "scattergun" attack on organized crime, most agree that his committee has at least focused public attention on some of syndicated crime's activities.

Whether a subcommittee within Judiciary could bring the same attention to bear on crime is uncertain.

Pepper believes that a select committee, with wide-ranging subpena powers and a higher profile, is a more effective tool for investigating organized crime.

Others, including Hays and Rodino, are said to feel that the powerful Judiciary Committee would bring more credence and prestige to the House's investigations.

DRUG EPIDEMIC HAS HIT SCHOOLS, HILL UNIT SAYS

(By Jules Witcover)

The House Select Committee on Crime, on the basis of a yet-unpublished staff report that says a "drug epidemic" has hit the nation's public schools, has voted to call for "massive" federal aid for inschool detection, treatment and drug-abuse education.

According to Chairman Claude Pepper (D-Fla.), the committee backed away from its staff's recommendation for a $5-billion fight against drugs in the schools over a five-year period.

Until legislative hearings can be held to determine the exact need, Pepper said, the committee's consensus favored using only the word "massive." But nobody really quarreled with the $1-billion-a-year figure, he said.

The committee staff report said the money should be raised through increased excise taxes on drugs—including alcohol and cigarettes, which are considered part of the "epidemic."

The staff report, based on a seven-month investigation in six major American cities, also had proposed a ban on drug advertising on television during hours it usually is watched by children, and specifically on children's TV shows.

But Pepper said that in light of reports that the television networks were planning an early meeting on the problem, the committee has decided only to urge the TV and drug industries to exercise "voluntary restraints" on drug advertising.

The staff report that went to the committee on Wednesday also takes school administrators to task for having "ignored their responsibility" in coping with in-school drug abuse. It says teachers are ill-trained to do so and it charged existing anti-drug education programs are a "disaster."

Calling the proposal only "a first step in a long march to provide a drug-free environment for our children," the report says:

"Drug abuse prevention and treatment must become an integral part of school life. It must be integrated into our schools with the permanence, expertise and long-range commitment accorded the highest priority."

The report calls the $1-billion-a-year figure "a modest proposal" that provides only $10 a semester for each student in an elementary or secondary school—"barely enough money to provide the first fundamental building block in any drug program, one drug specialist (a teacher-counselor) in each of the nation's schools."

Included in the report are a number of independent surveys and case histories, some of them previously reported, to justify the label "epidemic."

The National Commission on Marijuana and Drug Abuse report of last March is cited, for instance, indicating 6 per cent of high school students had used heroin, 8 per cent had tried LSD, mescaline, peyote and other hallucinogenic drugs, 5 per cent cocaine, 8 per cent methamphetamines, 7 per cent barbiturates and 5 per cent painkillers like morphine and codeine.

A 1968–1972 study of high-school student drug use in San Mateo County, Calif., is reprinted indicating slight rises in 1972 in the use of alcohol, tobacco and marijuana, a leveling-off in use of LSD and amphetamines and a slight drop in barbiturates and heroin.

Alcoholic beverages and tobacco are considered drugs in some of the surveys, but not all, and there is no indication whether beer is included in the alcoholic beverage category.

The committee took testimony from mid-June through December in New York, Miami, Chicago, San Francisco, Kansas City and Los Angeles, from more than 200 witnesses, school officials, teachers, nurses, PTA officials, students, doctors, judges and police officers.

"Our preliminary examination of the matter indicated that the problem was severe," the report says, "but our investigation demonstrated that the drug crisis in our schools greatly exceeded our worst expectations . . .

"As we delved further into the problem we discovered that drug abuse in our schools is appropriately described as an extremely deadly epidemic which is presently raging in our schools; it is infecting our youth and contaminating our schools; it has reached crisis proportions; and it is leaving a trail of devastation that will take a decade to remedy.

"Tragically, the chances are substantial that when a parent sends his child to high school each day he is sending him into a drug-filled environment. He is placing him in an atmosphere where drugs are usually bought and sold—an atmosphere where there is considerable pressure from other students to use drugs.

"Drug abuse in our schools has become so extensive and pervasive that it is only the uniquely gifted and self-possessed child who is capable of avoiding involvement with some form of drug use."

Of TV drug advertising, the report says:

"It is clear that pharmaceutical companies are not only proliferating this country with pills but they are also contaminating our airwaves with unnecessary and deleterious advertising . . . it is deleterious to children's health because it conditions them to the unnecessary use of drugs . . .

"One in every six television advertisements is a drug advertisement. Over $211 million is spent annually to indoctrinate and brainwash us with the necessity of purchasing various drugs . . ."

"In the course of our investigation we were repeatedly told by educators that television commercials had already conditioned a child's values before he enters school . . .

"In the course of our investigation we were repeatedly told by educators that television commercials had already conditioned a child's values before he enters school . . . Undoing the initial impact of these television commercials will take a lifetime of education . . .

"If one is ill and requires medication, a doctor is the most appropriate agency for prescribing drugs—not an advertising agency."

The report says schools are ideal for any attempt to reform attitudes on drugs.

"But the most imaginative and effective efforts in our schools will be undermined by the continuous barrage of TV advertising. Any national commitment to eliminate drug abuse by a preventative educational system must prohibit the proliferation of advertising of drugs on television."

The report proposed the $1 billion needed to pay one drug abuse teacher-counselor in each of the nation's 66,800 elementary and 26,300 secondary schools be raised thus:

A 25-cent tax on each bottle of liquor manufactured or distributed in the United States—$365 million; a two-cent tax on each pack of cigarettes—$536 million; a five-cent tax on each amphetamine and barbiturate—$300 million.

School administrators, the report says, must develop a clearly defined policy on how to deal with drug users and sellers and "such policy must include guidelines for harmonizing and integrating of law enforcement efforts on school campuses," with pushers the first target.

In school programs to identify users by "physical inspection, medical examination, urinalysis or interview" are needed, the committee survey says, and starting next September, "school boards should refrain from appointing any teacher who has not attended a college course" in drug education for children.

Finally, the report urges greater curbs on the manufacture of amphetamines and barbiturates.

Barbiturate manufacture, now unchecked, should be cut 50 per cent by new legislation, the report says. "We need not look for a Mafia or organized criminal element for the cause of barbiturate abuse in this country," it says. "The fault lies squarely with our pharmaceutical manufacturers, drug wholesalers and retailers."

Pepper's Crime Committee Faces Ax From Opponents

(By Jack Anderson)

The House Crime Committee is about to become the victim of its own success. Its enemies are converging on it from all directions.

The committee was set up four years ago under crusading old Claude Pepper, (D., Fla.), to expose interstate crime and drug abuse. For two years, it plugged along ineffectively.

Then Miami's Pepper installed a vigorous new staff. Seldom has a congressional committee produced such useful testimony and challenging reports in any two-year period.

It exposed mob infiltration of sports, tying Frank Sinatra to a syndicate-run race track in the process. It hauled grumbling, growling Mafia bosses Raymond Patriarcha and Carlos Marcello into the public spotlight.

Pepper infuriated Dun and Bradstreet and the dignified accounting firm of Peat, Marwick, Mitchell and Co. by showing they were used unwittingly in a nationwide phony securities scheme.

He horrified the TV industry by demanding that the pill and tonic ads, which bring in billions of dollars, be totally banned from 8 a.m. to 9 p.m. to keep children from becoming pill addicts.

So aroused are the pharmaceutical firms that they have flooded committee offices with queries about Pepper's proposal. Calls have even come from stock brokers worried about what would happen to their drug investments.

Worst of all, Pepper stepped on the toes of powerful congressmen who felt he had intruded into their jurisdiction.

With such a record against the special interests, a counterattack was inevitable. Some three weeks ago, minority leader Gerald Ford, (R., Mich.) slipped into Speaker Carl Albert's office and strongly urged him to kill the crime committee. Albert listened but made no commitment.

The White House is also unhappy with the Pepper unit. If the committee gets a new lease on life, the administration is due to get a going-over for its failure to curtail street crime. White House insiders have badmouthed the committee for years.

Shortly after it was set up, John Dean III, then a top Justice Department aide and now a Presidential counsel, was dispatched to see what the committee was up to. His negative report caused Justice to refuse to cooperate fully with Pepper. In fact, Justice denied Pepper the names of the 10 top heroin financiers even though their identities were known to Justice.

Within the committee itself, ranking Republican Charles Wiggins of California and Rep. William Keating, (R., Ohio), are working to kill it. Both have contacted the leadership of the Judiciary Committee in an attempt to get the crime unit's functions transferred there.

Significantly, Keating has two major pharmaceutical firms in his district and the committee has lambasted the industry for producing goof balls and pep pills that wind up on the black market.

Judiciary's new chairman, Peter Rodino, (D., N.J.) is also eager to see the Crime Committee die. He wants to build up his jurisdiction, even if it means gobbling up the committee of his old friend, Claude Pepper.

At present, Pepper's opponents plan to bury the committee's funds and authority in the Rules Committee without bringing the issue to a floor vote. A floor vote would put the law-and-order-minded Republicans and their Democratic allies in the uncomfortable position of assisting the Mafia and the drug interests by openly killing the only House committee now dealing exclusively with crime.

Schools Versus Narcotics

In the wake of hearings held by the Select Committee on Crime, chaired by U.S. Rep. Claude Pepper of Dade, local school officials have announced an expanded drug program for the coming school year.

The project has yet to be voted on by the Board of Public Instruction. The community should familiarize itself with the program's three approaches and relate these goals to the hearing on crime and drugs.

The panel heard about the accessibility of drugs in the schools as well as various crimes committed while young people were allegedly experiencing the effects of drugs. At the time, Rep. Pepper criticized Dade's ineffective attempts to identify and rehabilitate drug users in the schools.

The school plan has been months in the making, and will expand the present drug information approach and the process approach (where youngsters share experiences in hopes of understanding their own problems) to include the activities approach. This would provide secondary schools with funds to expand extra curriculum programs.

The logic is that if students are actively pursuing interesting and creative programs of their own choosing, much of the temptation to become involved with hard drugs can be avoided. The concept has much to offer, since many youths who suffer drug experiences often are alienated from their daily school and personal lives. Some additional form of personal stimulation might be the way to combat drug abuse.

The Drug Crisis

It is disturbing that the United States House of Representatives Select Committee on Crime has called world wide attention to drug crisis existing in our local schools.

The Committee's hearings were initiated in various cities to determine the extent to which drugs are being bought, sold and abused by school children. It was stressed, however, that the Committee was essentially questioning the abject failure of our governmental institutions—especially schools—to attack aggressively the problems of narcotic abuse.

The Congressional Committee, chaired by Claude Pepper, highlighted the fact that Dade County Public Schools, like most big-city school systems, does not have an effective program for providing remedial attention to its students with drug problems. This is an indictment which must be answered with concrete action.

Awesome facts about our local drug scene were brought out in the hearings: that 12-year olds are experimenting with heroin bought in the school yard; that young girls and boys are "popping" pills of all kinds; that 13-year olds are buying dope from their 15-year old school friends; that approximately 1 in 137 local residents is a hard core addict; that more than 450 people have died in drug related deaths over the last five years, 70 of whom were teenagers; that in the last two years school age children's drug deaths have more than doubled.

This gruesome list goes on and on.

Having had this ugly picture painted for us, Dade Countians must look now for solutions to the drug problems. All those agencies—both public and private—which can influence the development of a comprehensive action plan for Dade County must come together now so that we can begin to eradicate the menance in our midst.

We owe a sincere thank you to Florida Congressman Claude Pepper for convening his Committee in our city and allowing the true facts—however hard they might be—concerning the drug epidemic to come into the public eye.

We owe our young people all the resources we can muster to get those in need immediate help.

We must begin now.

Drug "Expert" Testifies About Hooked Daughter

"When I put Kathy in The Seed, she was 15 and had been using drugs for two years. She screamed for her lawyer."—U.S. Commissioner Edward Swann

MIAMI.—"I thought I was the top expert on drugs in Miami, then I found out my own 15-year-old daughter was hooked on cocaine," said U.S. Commissioner Edward Swann.

"I handled all kinds of drug cases, from customs, the FBI and other agencies. I knew it all.

"But I've been re-educated in the last 90 days," Swann continued. "I knew just this much." He held up his thumb and forefinger spaced close together.

Swann, father of six children, was testifying before Rep. Claude Pepper's House Select Committee on Crime late yesterday. Pepper, Miami Democrat, and four other congressmen are conducting three days of hearings, ending today, in the Miami area on the problems of drug abuse among school-age children.

Swann told his personal experiences alongside another father, Dr. E. (Jack) Taylor, vice president of student affairs at Fort Lauderdale University, who told of his 19-year-old daughter being rehabilitated after three years as a heroin addict.

THEY TRIED

Both fathers said they had the means and the drive to "try everything" to straighten out their afflicted children.

"I wasn't a bad parent," said Taylor and Swann nodded agreement that neither was he. Their daughters, they said, had both started with marijuana under pressure to stay in step with their school friends.

When none of the treatments and consultations worked, both wound up forcing their children to enroll in "The Seed," a project in Fort Lauderdale aimed at rehabilitating school-age children hooked on drugs.

"When I put Kathy in the program, she was 15 and had been using drugs for two years," Swann said. "She screamed for her lawyer.

"After two weeks, when we attended one of the meetings, she still tried to con us, whispering 'Take me home.' Her mother and I just smiled and whispered back, 'We love you.' The experience will tear your heart out."

"Love" is the big word in The Seed program, which teaches the youths 9 to 20 years old to love and respect themselves, their country and their parents and to be honest with everyone, the testimony brought out.

For Swann and Taylor there are happy endings. Both daughters are "straight" now and the families have learned new awareness, attitudes and knowledge about each other, the fathers said.

"When I tell some of my acquaintances, lawyers and professional men, that my daughter was a drug addict," Swann said, "they pat me and say, 'You poor man.'

"Funny thing is, my daughter was shooting drugs with some of their kids.

"We have a brand new beautiful daughter in our home now," Swann declared. "And I don't have to worry about the other children in my home. I have the best CIA agent in the world in my house."

The panel of congressmen listened in rapt attention yesterday as a quartet of youngsters from The Seed, along with Seed Director Art Barker, described the revolutionary drug program in Broward County.

So spellbound were they yesterday by the four youths, that the group went straight through the lunch hour as Ann, 14, told about joining a car stripping ring to support her drug habit and Larry, 18, said he skipped drugs only two days in three years before going to The Seed.

Libby, 19, insisted that going cold turkey from heroin isn't all that bad with a sympathetic group near by.

"Junkies are pretty good actors," she said. "They can make themselves as sick as they want. Alcohol is a lot worse to get off of. People have blown it (coming off junk) all out of proportion."

Libby says when she showed up at The Seed, she was on a $200 a day habit.

Barker appeared yesterday to outline The Seed program.

"We're teaching these kids a sort of primitive Christianity. We're teaching them how to love themselves, how to love others," he said.

In the past two years, 1,800 youths have gone through The Seed program. Barker told the committee. He belittled those who claim there is no drug program in the schools.

"One school security man says he knows of only 60 drug cases," Barker said, adding scornfully, "Four hundred and forty-one of those 60 cases were referred directly to The Seed."

The congressmen asked the youths what parents and teachers can do to combat drug use. The answer: very little. The answer, the youths agreed, is pressure from youths their own age.

Sally, 16, downgraded school drug programs. She complained that teachers either so overstate the dangers that no one believes them or they make the drugs sound exciting.

"You can't really scare a kid into not using drugs because fear lasts only so long. A kid has to want to stay straight," she said.

What teachers and parents can do, she said, is talk to youths and find out how they truly feel, then observe them and become familiar with the terminology and the physical signs of drug use.

Dade County Criminal Court Judge Al Sepe, who has sent several youngsters to The Seed as an alternative to prison, predicted "The government ultimately is going to have to give a single stamp of approval to one drug program."

He said he saw nothing wrong with funding other drug programs. Some day, a choice would have to be made on which program to push the hardest.

He believes that program should be something like The Seed, which uses heavy peer pressure and constant discussion sessions led by ex-junkies.

MOTHERS TELL PROBERS OF SCHOOLBOY DRUG USE

MIAMI.—Three mothers detailed for a House committe on drug abuse yesterday how the use of marijuana obtained at school put their children on the road to hard drugs and death.

One housewife, Mrs. Shirley Fletcher, suggested the death of her 21-year-old son Michael in 1971 was ordered by a crime syndicate along with two other deaths connected with his case.

"Michael died of an overdose of pure, uncut heroin and two boys dumped his body in the Mt. Sinai Hospital parking lot by the bay," Mrs. Fletcher said.

Only three months before, she said, Michael had told her the name of the man supplying him heroin. She reported the man to police, he was arrested and released on bail.

"My son was afraid he might be killed," she said.

Eight days before his death, she said he had kicked the drug habit and had gained 20 pounds.

The two youths who dumped his body pleaded guilty at their trial a year later to third-degree murder and were sentenced June 18 to two years in prison, Mrs. Fletcher said. A boy who had been slated to testify at the trial was also found dead of an overdose of pure heroin and the drug seller named by her son met a violent death.

"I can only guess that organized crime had a great deal to do with these three deaths," she said.

The mothers' testimony led off a three-day hearing of a house subcommitte on crime and drug abuse headed by Rep. Claude Pepper, D-Fla.

All three mothers said their sons started using marijuana obtained on school grounds and later switched to hard drugs.

Mrs. Fletcher, who now works at a center treating school-age drug addicts, said "it had been in the paper that alcohol is more harmful than marijuana."

"When a kid reads this, he goes out and lights up."

Mrs. Prescola Benaby, wife of a postal worker, said her son Alvin started using marijuana at junior high school when he was 16.

When he was 13 he was a heroin addict who locked himself in his room and strangled his 5-year-old sister Beverly last year.

"There he was, strangling my little baby daughter and I couldn't get in," sobbed Mrs. Benaby.

Her son is now in a Florida mental hospital.

"Where he is at now, I tried and tried to get him there," Mrs. Benaby said. She told the congressmen that probation officers had offered her little more help before the crime was committed than to put her son in the county prison stockade for a year.

"If I'd just had help. I believe it would have prevented the tragedy in my home," she said. "He tried very hard" to get off drugs.

Mrs. June Mock, a working mother, said her son began at age 13 using marijuana obtained while attending Valley High in Las Vegas, Nev., where he was living with his father. The couple is divorced.

At 16, she said, "I had no control over him." At 18, in June of 1969, Edward Mock died of an overdose of heroin.

"My 13-year-old daughter tells me that at Jefferson Junior High, where she goes to school, "nearly everyone is on pills or pot," Mrs. Mock said.

When she tried to seek help for her son, she said, "a juvenile officer told me no help was available.

Pepper's commiteee is seeking means of providing federal funds for an all-out fight, aimed at school children, against drug abuse.

The Florida congressman emphasized testimony from Dr. Marvin Burt, a research analyst, that drug abusers are stealing an estimated $28 million a year in cash and property in Dade County alone to support their drug habits.

Committee figures show more than 400 drug-related deaths in Dade County in the past five years. Burt estimated 7,000 to 12,000 heroin addicts lived in the county at the end of 1971, about one per cent of the total population of 1.2 million.

A COMMITTEE WITHOUT A PURPOSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of California. Mr. Speaker, the editors of The Daily Enterprise of Riverside, Calif., recently called for the elimination of what has long been regarded by many as the appendix of this body; namely, the Internal Security Committee.

Like the human appendix, HISC serves no purpose that anyone has yet been able to discover. And like the human appendix, HISC poses a constant danger of inflammation and eruption. The matter which builds up within the committee, in the form of dossiers and reports on organizations and individuals, is capable of doing great damage whenever this appendix releases its poison, as it has in the past.

Any doctor would urge a patient with such a condition to undergo surgery for removal of the offending organ, and any wise patient would take the advice. In the hope that this distinguished body will exercise similar good judgment in the near future, I offer this diagnosis from The Daily Enterprise:

A COMMITTEE WITHOUT A PURPOSE

No group calling itself the National Committee Against Repressive Legislation is likely to be received with much of a welcome in the halls of Congress, but a recent petition sponsored by that group and signed by 365 law professors provides a suggestion that has been made in the past by the groups with more respectable names.

The request, to eliminate the House Internal Security Committee, formerly known as the Un-American Activities Committee, is an idea that Congress should have accepted long ago. The committee's preoccupation with American communism, which has hardly been a threat in recent years, has led to most of the excesses one might fear from such a group.

Civil liberties have been breached in the name of preserving freedom, and while the members of the committee have been able to ignore the paradox, thousands injured unjustly by their actions have not.

There is a place for handling legislation on internal security, namely the House Judiciary Committee; the Senate gets along quite well without an Internal Security Committee.

The House Internal Security Committee remains as a throwback to the worst aspects of an earlier time. Even if it must be sold as part of a more general congressional reform, the committee should go. It's been around too long already.

FOREIGN ASSISTANCE ACT OF 1961

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MORGAN) is recognized for 5 minutes.

Mr. MORGAN. Mr. Speaker, I am today introducing a bill by request to amend the Foreign Assistance Act of 1961, and for other purposes.

The draft legislation on the subject was sent to the House on February 8, by the President.

Under leave to extend my remarks, I wish to place at this point in the RECORD the letter from the President to the Speaker, as well as the text of the bill:

THE WHITE HOUSE,
Washington, D.C., February 7, 1973.

Hon. CARL ALBERT,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I am forwarding herewith a draft of proposed legislation "To amend the Foreign Assistance Act of 1961, and for other purposes." This legislation would authorize appropriations for fiscal year 1973 for international security assistance and for relief assistance in Bangladesh, make appropriations available for disaster relief in the Philippines, and make our military assistance more effective. These proposals are the same as those I presented to the Congress last year.

Foreign assistance plays an indispensable role in the achievement of our foreign policy and national security goals. Because the last Congress did not take final action on the legislative proposals before it or on foreign assistance appropriations, these programs have been operating for almost seven months under a continuing resolution providing temporary appropriations. The delay in enactment of authorization and appropriation bills has created uncertainties among our friends and allies as to our resolution and willingness to provide essential economic and security assistance. Yet this is precisely the time when confidence is most needed in our commitment to continuing our efforts to build a lasting structure of peace.

In the conviction that the timely and full support of these programs on the part of the Congress is in our own national interest, I urge the Congress to give early and favorable consideration to the legislation I am transmitting today.

Sincerely,

RICHARD NIXON.

H.R. 4395

A bill to amend the Foreign Assistance Act of 1961, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 491 of Chapter 9 of part I of the Foreign Assistance Act of 1961, relating to refugee relief assistance, is amended by striking out "1972" and inserting in lieu thereof "1973"; by striking out the figure "$250,000,000" and inserting in lieu thereof "$100,000,000"; and by striking out the words "East Pakistan" wherever they appear and inserting in lieu thereof "Bangladesh".

SEC. 2. Part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new chapter:

"CHAPTER 10—PHILIPPINE DISASTER RELIEF

"SEC. 497. PHILIPPINE DISASTER RELIEF.—Notwithstanding the provisions of this or any other Act, the President is authorized to provide, on such terms and conditions as he may determine, relief, rehabilitation, and reconstruction assistance in connection with damage caused by floods in the Philippines during 1972. Of the funds provided to carry out part I, $50,000,000 shall be available only to carry out this chapter. Such assistance shall be distributed, to the extent practicable, under the auspices of or by international institutions and relief agencies or United States voluntary agencies."

SEC. 3. Chapter 2 of part II of the Foreign Assistance Act of 1961, relating to military assistance, is amended as follows:

(a) In section 504(a), relating to authorization, strike out "$500,000,000 for the fiscal year 1972" and insert in lieu thereof "$780,000,000 for the fiscal year 1973".

(b) In section 506(a), relating to special authority, strike out "1972" each place it appears and insert in lieu thereof "1973".

(c) Section 514 is hereby repealed.

SEC. 4. Section 532 of chapter 4 of part II of the Foreign Assistance Act of 1961, relating to authorization for security supporting assistance, is amended by striking out "for the fiscal year 1972 not to exceed $618,000,000, of which not less than $50,000,000 shall be available solely for Israel" and inserting in lieu thereof "for the fiscal year 1973 not to exceed $844,000,000".

SEC. 5. The Foreign Military Sales Act is amended as follows:

(a) In section 23 of chapter 2, relating to credit sales, strike out "ten" and insert in lieu thereof "twenty".

(b) In section 31(a) of chapter 3, relating to authorization, strike out "$400,000,000 for the fiscal year 1972" and insert in lieu thereof "$527,000,000 for the fiscal year 1973".

(c) In section 31(b) of chapter 3, relating to aggregate ceiling on foreign military sales credits, strike out "$550,000,000 for the fiscal year 1972, of which amount not less than $300,000,000 shall be made available to Israel only" and insert in lieu thereof "$629,000,000 for the fiscal year 1973".

(d) In section 33(a) of chapter 3, relating to aggregate regional ceilings, strike out "$100,000,000" and insert in lieu thereof $150,000,000".

(e) Section 33(c) of chapter 3, relating to aggregate regional ceilings, is amended to read as follows:

"(c) The President may waive the limitations of this section if he finds that overriding requirements of the national security of the United States justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such findings. In any case in which the limitations of this section are waived under the preceding sentence, the report required under such sentence shall set forth, in detail, the amounts of assistance, sales, credits, guarantees, and ship loans proposed to be made in excess of the geographical limitation applicable under this section".

SEC. 6. Section 8(b) of the Act of January 12, 1971, entitled "An Act to amend the Foreign Military Sales Act, and for other purposes" (84 Stat. 2053), is amended by striking out "$185,000,000" and inserting in lieu thereof "$245,000,000".

PRESENTATION OF FLAG THAT HAS FLOWN OVER THE CAPITOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HUDNUT) is recognized for 15 minutes.

Mr. HUDNUT. Mr. Speaker, during the Lincoln Day recess, I had the privilege of presenting my first flag as a Congressman. It was a thrilling and heart-warming experience to visit Public School No. 59 in Indianapolis. We recited the pledge of allegiance, we sang "The Star-Spangled Banner" and "America the Beautiful," and two children read poems about the meaning of America. A State representative presented an Indiana flag, and then I talked with the assembled children—ranging in age from first graders through sixth graders—and their teachers, about this American flag that had flown over the Capitol of the United States, about what it meant, and where it came from. The day was Lincoln's birthday and also the day that the first Vietnam POW's set foot on free soil, an emotional moment in our country's history when Capt. Jeremiah K. Denton, speaking for the released prisoners, said, "God bless America."

We have much to be grateful for in our country, and, all too often, I think we fail to express our appreciation. All too often, abrasive and irresponsible criticism is directed toward our country. All too often, people show little or no respect for the traditions and symbols of America, such as our flag. So, at an Indiana Pacer basketball game in the Indianapolis Coliseum that I attended recently with my family, two ingrates remained slouched in their seats near us while the colors were presented and "The Star-Spangled Banner" was sung. So, controversy boiled up recently over whether to play our national anthem at a sporting event in Madison Square Garden. So, when I was touring some CAAP agencies in Indianapolis recently, which the American people are funding with their hard-earned tax dollars, I saw a wall in one room plastered with pictures of Malcolm X, Angela Davis, and the Soledad brothers, as if to glorify their epithets against America and their calls for violence and revolution. So, a couple of athletes recently raised their clenched fists and bowed their heads during an Olympic award ceremeny. So, the local branch of the American Civil Liberties Union in our State has offered a prize for the best essay on the subject of desecrating the American flag.

Now I would be the last one to assert that all is right with our country and nothing needed to be changed for the better. I agree with Carl Schurz' paraphrase of Stephen Decatur's famous toast:

> Our country, right or wrong—when right, to be kept right; when wrong, to be put right.

But by the same token, it is our country, "land that I love." There is a lot that is good and fine and true and healthy and of good report about America. There is much to be grateful for. As a freshman Congressman, every time I walk through the corridors of the Capitol and into this magnificent Chamber, my heart fills with appreciation and awe. It is a rare privilege to be here, and to be a participant in the great dialog of American democracy. Would that every American could stand before the Speaker's chair and look at the stars and stripes behind it and read the words engraved in marble above it, "In God We Trust."

One day I came in here and sat alone in the quietness, lost in thought and contemplating what it all means. As I gazed at the flag behind your chair, Mr. Speaker, I was prompted to think about "the republic for which it stands, one nation under God, indivisible, with liberty and justice for all." I called to mind what a distant relative of mine, a predecessor in the pulpit of the Second Presbyterian Church of Indianapolis, which I occupied before coming to the Congress, Henry Ward Beecher, once said:

> Our flag carries American ideas, American history, and American feelings. Beginning with the colonies and coming down to our time, in its sacred heraldry, in its glorious insignia, it had gathered and stored chiefly this chief idea: divine right of liberty in man. Every color means liberty; every thread means liberty; every form of star and beam or stripe of light means liberty.

I felt a surge within as pictures and sounds from history flashed through my mind's eye and ear while I watched the flag and listened in the silence to the beat of distant drummers.

I heard an old history professor of mine at college saying in his last lecture:

> Gentlemen, the founding of America was one of the great steps in the freeing of mankind from its twin bondage to canon and feudal law.

I saw pilgrims and puritans setting their sails fearlessly toward an unknown horizon in order to establish a new world where men would be free to worship God according to the dictates of their conscience.

I saw pioneers hacking westward across the Appalachians and down the Ohio. I saw them sailing off the stern rock-ribbed New England coast in search of whale. I saw them trundling across the wind-swept plains and prairie wheatfields in covered wagons. I heard the music of axes splitting wood as log cabins sprang up in the wilderness, and the measured tempo of hammers driving spikes as railroads pushed across rocky mountains to the seacoast beyond. I watched barges and river boats moving down the "Father of Waters" to the sea. I saw pony express riders and steam engines and telegraph lines and jet airplanes spanning the continent, making it ever smaller, ever more united. I saw schools going up, and churches with their spires pointing to the sky, and homes and alabaster cities. I heard the whirring of machinery as the industrial revolution shifted into high gear. I heard the roar of 100,000 fans at a football game, and I heard the tears of millions dropping on the pavement of our largest cities and littlest hamlets on that black Friday, November 22, 1963. I saw wave upon wave of immigrants coming to our shores in search of a dream, looking for a land where self-respect and respect for others, where tolerance and brotherhood and freedom to be different, formed a meaningful part of the social fabric, where minority rights were protected and all citizens were guaranteed certain basic freedoms regardless of race, creed, color, or national origin. I heard the explosive catapulting of liftoff at Cape Kennedy, I heard the voice of an astronaut telling ground control all systems were go, and I saw a man, an American man, dressed in a space suit, walking on the surface of the moon.

I heard the distant tattoo of Yankee drums beating out their fateful call to arms as stout-hearted men and women were summoned from their homes and places of business to fight for the rights they adored, that freedom, and democracy, and rule of law instead of by tyrant, and government of the people, by the people, for the people, might not perish from the earth. I heard that faithful march of patriot's feet—men of all kinds from all walks of life, sophisticated and plain, rich and poor, black and white, educated and untutored, famous and unheralded, boys who carried out groceries in a supermarket, boys whose names were in the social register, boys from the Big Ten and the Ivy League and the West Coast Conference, boys in blue jeans, boys in coon skin caps, boys in gray flannel suits, boys from the suburbs, boys from the asphalt jungles, boys from the rural village—I heard the march of these heroes' feet echoing among the hills around Concord and Lexington, tramping across the fields near Antietam and Gettysburg, advancing through the woods of Belleau and the forest of the Argonne, stumbling across the sands of a beach called Omaha and up the rocky slopes of an island called Iwo, slogging through the snow of a Korean mountain pass and the mud of a Vietnamese rice paddy.

All this I heard, all this I saw, all this I dreamed as I sat alone in the hall of this great Congress, all this I wanted to say to the children when I presented them with the flag. What is good about America? There is lots that is good about America. I say, let us emphasize it. Let us be done with disparaging our country. Let us think more frequently about what is right with America and with our fellow citizens. Let us keep the faith by looking up, not down; by looking ahead, not back. Let us thank God for our many blessings in this great country; and with Lincoln, let us not claim God is on our side, but earnestly pray that we, as a nation, will always be on His.

RECOGNITION FOR CHARLES E. BENNETT

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, on Saturday evening, February 10, one of our colleagues, the Honorable Charles E. Bennett, from Florida's Second District, received from the Reserve Officers Association, the Minute Man Hall of Fame Award, in recognition of his outstanding work in keeping this Nation strong, safe, and secure. This award was made by Col. John T. Carlton, executive directer of ROA, at the annual National Defense Week banquet of the Jacksonville chapter of ROA, of which Comdr. Dorothy Preuss, USCGR, is president. National Defense Week is observed each year on February 12–22 to call special attention to the importance of maintaining adequate national defense.

This story, including Colonel Carlton's remarks and the response of Congressman Bennett is submitted as a matter of interest to all the Members of Congress for publication in the Record:

REPRESENTATIVE BENNETT AWARDED ROA "MINUTE MAN HALL OF FAME" CITATION AT HOME CEREMONY

Rep. Charles E. Bennett was given the rarely-bestowed "Minute Man Hall of Fame" award by the Reserve Officers Association at the annual National Defense Week banquet at the Jacksonville chapter on 10 February.

LCDR Dorothy Preuss, USCGR, Jacksonville teacher who is president of the chapter, was in charge of the program. Colonel John T. Carlton, USAR, national Executive Director of the Association which has headquarters in Washington, made the presentation.

Recalling Congressman Bennett's own service during World War II with the guerrillas' in the Philippines during the Japanese occupation, Colonel Carlton declared that Bennett fully measures up to the Churchillian definition of being "Twice the Citizen."

Bennett is a senior member of the House Armed Services Committee. He was the original sponsor of the legislation, introduced in 1965, to give permanent status to the military reserves, a bill which led to final enactment in 1968 of the Reserve Vitalization Act.

This bill rightfully could be called "The Bennett Act", Colonel Carlton said. Colonel Carlton added:

"Charley Bennett appeared in early 1965 at a hearing of the Armed Services Committee in his wheel chair, to which he has been confined from time to time because of disablement which occurred while he was serving his country overseas.

"His dramatic appearance before the committee brought an electrifying interlude to hearings which had been depressing and drab; his brief statement in typical Bennett eloquence pointed up the issue of the moment, and made it clear that to survive this nation must depend upon the tradition that every citizen owes and must be willing to give his service to his nation in time of peril.

"Chairman F. Edward Hébert said at the time that Congressman Bennett's appearance represented a stroke of genius on his part.

"The great characteristic—the inspiring aspect of Charlie Bennett's character—is that he gives the same dedication to all of his service in the Congress.

"He has set an all time record for attendance, and his 3253 consecutive roll call votes has surpassed any other member of the House for faithful and conscientous attention to his duty.

"Charlie Bennett is respected not only by his constituents in Florida's Second District, and by the entire Florida delegation, but by the leaders and rank and file of both parties in the House and in the Senate.

"If Churchill would have called him 'Twice the Citizen', as a Reserve Officer and a full time government official, we can observe that he is many times the citizen—a great friend, a doer of charitable deeds, an ardent patriot, a diligent scholar, a skilled legislator, a voter of principle, a dutiful son, a loving husband, a providential father—and a Christian throughout all his activity.

"He honors us by accepting a place in the Nation's Minute Man Hall of Fame which he so richly merits."

REMARKS OF HON. CHARLES E. BENNETT

There have been profound changes in regard to Reserve forces in recent years, changes which are perhaps insufficiently understood by the civilian population. It is important that they be better understood by our citizens because their success depends, in part, on the cooperation of business and other community leaders.

During the early years of the Vietnam War, President Johnson made the conscious policy decision to use the draft to provide the necessary manpower for that war rather than to call up Reserve forces. Following that policy resulted in criticism of the Reserve in many quarters—criticism which was unfortunate because it was not the reservists themselves or their leaders who made the decision. The Reserve was ready to go.

A new national policy has been adopted for the seventies. In August of 1970 the Secretary of Defense directed the military departments to conduct their manpower planning according to what is called the total-force concept. Part and parcel of that concept is the policy that the National Guard and Reserve will be the initial forces used to augment the active military establishment if the need arises; relying on the draft first will no longer prevail.

Even before the decision to terminate the draft and go to an all-volunteer force, the policy decision was made that the draft would be used only after the National Guard and Reserve were called up.

A second major policy decision for the seventies—which, of course, you are all aware of—is the decision to attempt to achieve an all-volunteer Armed Forces. The American people gave clear signals to the Congress that this was what they wanted, and the Congress complied. At the time our committee approved the pay legislation that was designed to attract sufficient volunteers, we said very clearly that if the country wanted an all-volunteer force, it had to be prepared to pay the price. We are paying the price now, and it is considerable. To give you an example, the active-duty strength of the Armed Forces is approximately one million less than it was in 1968. However, military personnel costs will be approximately $7 billion more in fiscal year 1974 than they were in fiscal year 1968.

With a reduced active force and with the Reserve as the first-line augmentation force, it is vital that the Reserve be adequately manned and truly combat ready. We must recognize that with the manpower costs so high there will be continued pressure for reductions in active-duty manpower. It would appear to be axiomatic that the smaller the active force becomes, the more important Reserve forces become.

Over the last several years the Congress has substantially increased the investment in Reserve readiness chiefly in terms of improved equipment procurement for the Reserve forces.

The National Guard and Reserve portions of the defense budget have increased from $2.1 billion in fiscal year 1969 to $4.1 billion in fiscal year 1973.

In the budget for the year beginning July 1, fiscal year 1974, a further increase of $431 million is contemplated for the National Guard and Reserve forces.

The Congress has mandated the service secretaries to give priority to adequately equipping Reserve forces, and by the end of the present fiscal year it is expected that most of the equipment deficiencies will be eliminated from selected Reserve units.

While the equipping of the National Guard and Reserve is approaching full readiness, there is a serious problem in the manning of our Reserve units.

As of last October, the latest month for which I have figures, the strength of the Guard and Reserve was some 51,400 below the minimum strength set by Congress. The Congress called for a combined strength in the drilling units of the Guard and Reserve of 976,559 men. The Reserve was simply not able to recruit and retain that number.

We all recognize that the existence of the draft motivated many young men to join Guard and Reserve units. Often their purpose was to avoid active military service. Such motivations adversely affected morale in the Reserves.

We can hope that all those who are recruited in the future will be better motivated toward a proper concept of Reserve service. However, at present we are unable to recruit the numbers required, and steps must be taken to change this situation.

The significant pay increases voted for the active-duty force in recent years have brought military pay to a competitive level with pay in civil service and private industry. The increases are reflected in increased Reserve pay. However, while we appear able to recruit the adequate number of personnel overall, there are areas where we are falling short in needed specialties among the active force; and additional incentives are clearly needed for the Reserve force.

The House Armed Services Committee, therefore, last year passed the Special Pay Act to provide additional bonuses for various categories of personnel where recruiting has fallen short.

The legislation passed the House last year, but—for reasons that I do not pretend to understand—received no action in the Senate.

I have, therefore, this year reintroduced the bill as the Voluntary Military Special Pay Act of 1973, and over 100 Members of the House have joined me in sponsoring the legislation. I am hopeful of early hearings before our committee. The induction authority under the draft law expires this coming June 30, and this legislation is vital if we are to achieve our goal of an all-volunteer force.

One of the most important sections of the bill will provide special bonuses for the Selected Reserve and the Ready Reserve Force. The bill would authorize an enlistment bonus of up to $1,100 for a 6-year enlistment in the Reserve of an individual without prior military service. It would also authorize a reenlistment bonus of up to $2,200 for an individual with a critical skill or $1,100 for an individual with a noncritical skill. In both cases the bonus would be for a 6-year reenlistment. Lesser amounts could be provided for shorter-term reenlistments.

The total amount of bonus any one individual could collect would be $3,300, and the legislation limits the payment of bonuses to those whose period of military service does not exceed 12 years. Those who do not complete the prescribed period of enlistment or reenlistment would have to pay back a proportionate share of the bonus.

The total cost of this legislation will be approximately $225 million in the coming fiscal year. Frankly, having voted over 95 percent of the money needed for an all-volunteer force, it simply makes sense to go ahead and provide the additional money needed that might make the concept work.

I think all citizens, and particularly our business leaders, should recognize that if we are going to recruit an adequate number of personnel into the Reserve, we must have, in addition to substantial pay incentives, a climate of acceptance in the civilian community. This involves an understanding of the importance of the Reserve on behalf of our business leaders and a willingness to cooperate by providing adequate leave for individuals to attend their Reserve active-duty training. Equally important is creating in our local communities a climate of respect for, and appreciation of, the importance of the Reserve.

The National Committee for Employer Support of the Guard and Reserve has made an outstanding contribution to improved public understanding of our Reserve forces. More efforts of this kind are needed.

The great increase in the price of manpower, which I referred to earlier, has brought about a situation where 56 percent of the defense budget now goes for personnel costs. By contrast, the Soviets spend only 20 percent of their defense budget on personnel costs. It is easy to see, therefore, that if our total defense expenditure is roughly the same, over an extended period of years they will be putting a much greater amount into improved weapons and into research and development and in time could gain a frightening technological lead over the United States.

Two examples will give some idea of the increased impact of personnel costs on the budget:

> The total spending authority requested for fiscal year 1974 is $85 billion, an increase of $4.1 billion over fiscal year 1972. Of this increase, $3.2 billion represents increases in military and civilian pay and in retired pay. The rest of the increase results from inflation; that is, the increased cost of material and services bought by the Department of Defense.

The payroll for military and civilian and retired personnel for fiscal year 1964, the last pre-Vietnam War year, totaled $16.9 billion. In the present fiscal year, fiscal 1973, the total payroll cost will be $36.2 billion, an increase of $19.3 billion even though there will be 300,000 fewer people on the payroll in the present fiscal year than in fiscal year 1964.

It is worth looking at some other facts about the defense budget since it is often misunderstood.

Actual defense expenditures in fiscal year 1974 will total $79 billion, which represents 28.4 percent of total Federal expenditures, the lowest level since 1950.

The defense budget in fiscal year 1974 represents 6 percent of the gross national product, the lowest level in 24 years.

While defense spending in straight-dollar terms appears to rise $25.7 billion from fiscal year 1964 to fiscal year 1973, in terms of constant buying power defense spending actually drops $6.6 billion. Conversely, even in constant-dollar terms, other Federal spending rose by $64 billion between fiscal year 1964 and fiscal year 1973; and state and local spending rose by approximately $70 billion in the same period.

The SALT agreements include a 5-year Interim Agreement on Offensive Weapons. We gained something in that agreement—a slowdown in the frightening rate of expansion of Soviet strategic systems. But we paid a price. The treaty limits the number of strategic systems, where the Soviets have an advantage. It institutionalizes their advantage.

One of the ways we offset the Soviet numerical advantage is by the superiority of our missiles, particularly with the MIRV (Multiple Independently-targeted Reentry Vehicle). We know the Russians have tested multiple reentry vehicles and are making an enormous effort to develop independently targeted vehicles. It is, therefore, vital that we keep our strategic systems modernized and take what steps we can to assure their invulnerability. For this reason I am happy to see the new budget calls for moving forward rapidly on development of the Trident, the follow-on to Polaris-Poseidon. The budget calls for $1.7 billion for this program in the year beginning July 1.

I am equally happy that the budget includes substantial funds ($657 million) for continued work on the CVN–70, the next nuclear carrier, a program with which I have been closely identified. No major defense program has been subjected to more scrutiny and study by the Congress, and the answer has always come out the same: we are a maritime nation that needs to be assured of use of the seas to maintain our world commercial and strategic position, and carrier forces are the backbone of our naval superiority.

In naval power as much as any other area the Soviets have made incredible advances in the last decade. They surpass us in number of submarines, in missile-firing submarine and surface ships; and in numbers of nuclear submarines operating or under construction they are ahead of us. They have surface-to-surface missile-firing ships while we are just developing a surface-to-surface missile. They have submarine-launched cruise missiles which we are not even talking about developing. The range of their submarine-launched intercontinental missiles is on a par with what we will get from Trident, which is years (at least 5) away from being operational.

Some people oppose developing carriers because the Soviets do not have any. As a matter of fact, the Soviets have one on the way now. But it makes no sense to me to stop development in this one area where we have a clear advantage when there are so many other areas where the Soviets have taken the lead.

The CVN–70 must be built.

As the new Secretary of Defense said recently, "We should not allow ourselves to be lulled by the belief that there has been a change in Soviet intentions, but we should keep our eyes firmly fixed on Soviet capabilities."

ADJUTANT GENERAL OF FLORIDA SERVES AS PRESIDENT OF THE NATIONAL GUARD ASSOCIATION

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, Florida takes great pride in the fact that our distinguished Adjutant General, Maj. Gen. Henry W. McMillan, is currently president of the National Guard Association of the United States. The Florida delegation in Congress joins me in extending our sincere congratulations to this outstanding Floridian.

General McMillan has given a lifetime of dedicated service as a citizen soldier. Few men in our State or elsewhere have earned so impressive a record of service, and that record includes both civilian and military accomplishments.

I am happy to have enjoyed General McMillan's friendship for many years. I have trained with him. I know that he is one of the Nation's ablest soldiers. And I am glad to be able to say he is one of the most respected.

I am privileged to submit for the RECORD a chronological record of General McMillan's life and a list of his significant and outstanding accomplishments.

BIOGRAPHICAL DATA, MAJ. GEN. HENRY W. McMILLAN, ADJUTANT GENERAL OF FLORIDA

He was born August 12, 1911, Osyka, Pike County, Mississippi. Moved to Tallahassee, Florida with his parents at age 10. Enlisted in the National Guard as a private in February 1929. Has served continuously in the National Guard since that time. Held all enlisted grades, and was commissioned 2d lieutenant in Februaury 1934. In 1940, when the National Guard was mobilized, was a captain, commanding the company in which he had enlisted as a private. After mobilization into the Army, was rapidly promoted to major, lieutenant colonel and colonel. Commanded an infantry company, battalion and regiment in World War II. In the latter part of World War II, was selected to organize and serve as first Chief of U.S. Military Mission to the Republic of Paraguay, South America. Was the only non-regular officer who was chief of a military mission in Latin America. Later served on the task force which drew up military phases of Inter-American Defense Treaty, which is the military part of the Organization of American States. Commissioned a colonel in Regular Army in 1946, but resigned to return to the State of Florida to live. Helped reorganize the Florida National Guard and was made Chief of Staff of the 51st Infantry Division upon its organization in late 1946. Served for five years as Division Chief of Staff and was promoted to brigadier general in November 1952. After ten years service as Assistant Division Commander, was promoted to major general on October 1, 1961 and assigned as Commanding General, 51st Infantry Division. Appointed Adjutant General of Florida, effective April 28, 1962.

Gen. McMillan has served for a longer period of time in the Florida National Guard than any other individual in the entire history of the Florida National Guard. Has been a general officer since November 1952, and a field grade officer since April, 1941.

For 25 years he was connected with the U.S. Internal Revenue Service in various capacities in the District of Florida. When he resigned from the IRS on April 27, 1962, he held the position of Chief, Collection Division, District of Florida.

Civic affiliations—Currently serving as President, National Guard Association of the United States; Ex-officio member Florida Council of 100; Chairman, Florida Medal of Honor Grove Committee; Chairman, Sister City Committee of St. Augustine; former Chairman, Army Reserve Forces Policy Committee; Past President, Adjutants General Association of the United States; former Chairman, Finance Committee, National Guard Association of the United States; and a member of the Rotary Club.

Gen. McMillan is married to the former Louise Ford of Columbus, Georgia. They have two daughters, Karen (Mrs. Thomas E. Houston) and Julie (Mrs. Bruce B. Blackwell).

NORTHWEST INDIANA HONORS LITHUANIA

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, on Sunday, February 18, the Lithuanian American Council of Lake County, Ind., commemorated the 55th Anniversary of the Declaration of Independence of Lithuania at St. Casimir Church Hall, 1390 West 15th Avenue, Gary, Ind. The chairman of the banquet and president of the Lithuanian American Council is Albert G. Vinick of East Chicago, Ind. I was present and spoke at the banquet, along with Mayor Richard Gordon Hatcher of the City of Gary, Ind., who had issued a municipal proclamation declaring a holiday in commemoration of the Lithuanian Independence.

I include in the RECORD a copy of the resolution which was unanimously adopted on this occasion:

LITHUANIAN INDEPENDENCE PROCLAMATION

Whereas, on February 16, 1918, the Lithuanian nation proclaimed the restoration of its Independence as a free democratic republic which was won and secured by the blood sacrifice of the Lithuanian people during 1919–1920, and subsequently recognized by the international community; and

Whereas, on June 15, 1940, the Soviet Union forcibly occupied and illegally annexed the independent Republic of Lithuania and maintains its illegally overlordship in Lithuania to this very day; and

Whereas, the Soviet invaders are unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their right of self-determination, as most strikingly demonstrated by riots in Kaunas on May 18, 1972, following the funeral of a Lithuanian youth, Romas Kalanta, who had self-immolated in a public square in Kaunas in a dramatic protest against the Soviet enslavement of Lithuania and by a petition to the Secretary General of the United Nations, Kurt Waldheim, signed by 17,000 Lithuanian Catholics in the occupied country charging the Soviets with religious persecution; Now, therefore be it

Resolved, That we express our sincerest gratitude to the Administration and Congress of the United States of America for the continued nonrecognition of the incorporation of Lithuania and the other Baltic States into the Soviet Union;

That we again demand that the Soviet Union withdraw its military forces and administrative apparatus from Lithuania, thus permitting the Lithuanian people to freely exercise their sovereign rights;

That we request the President of the United States of America to instruct his delegation at the European Security Conference in Helsinki to demand the restoration to the Lithuanian people of independence and self-government in their own land; and

That copies of this Resolution be forwarded to the President of the United States, to the Secretary of State, to both Senators and all the Members of Congress from our State, and to the press.

PRIME TIME—WHOSE TIME?

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, should we encourage new directions in commercial television—or are we content with the current state of this all-pervasive medium?

On the theory that some change might be for the better, the Federal Communications Commission several years ago decided to invoke something known as the prime time access rule—PTAR. This was a requirement that stations affiliated with the three major networks open up at least 30 minutes every evening for nonnetwork programing. In this fashion it was hoped that new sources of production could be encouraged, to fill the "freed" time with creative and stimulating fare.

PTAR has been fully effective for only a few months, and so far it has not worked as intended. Instead of innovative programing, we have been getting mainly warmed-over quiz and variety shows, with a leavening of inexpensive foreign imports. Admittedly there has been precious little real innovation to occupy the vacated half-hours.

It seems to me, though, that PTAR still has not had a fair trial. There are some in the broadcast industry who insist the rule has failed and would like it junked, thus tossing the programatic ball back to the networks. I am doubly pleased, therefore, that a key group within the industry, the National Association of Television Program Executives, has just given this embattled rule a ringing vote of confidence.

In a straw ballot taken at their annual convention in New Orleans last week, the men and women in charge of programming for stations across the land voted 3 to 1 in favor of keeping the prime time access rule, with or without modifications. Specifically, the count among the 350 who voted was only 24.4 percent for revoking the rule, 32.9 percent for continuing it without change, and 42.7 percent for keeping the rule but with revisions.

The message here is implicit: The men most in the know want the rule to survive because as programers they recognize its potential for the enhancement of programing. They know of the creative energies, either at their stations or elsewhere, that go untapped because there is insufficient time for them on the airwaves.

As a member of the Commerce Subcommittee with jurisdiction over broadcasting legislation, I say the program executives are right.

Let us give the prime time access rule a chance, at least a 5-year trial, before we try to kill it.

The FCC is currently considering a number of proposed changes in PTAR. If it wants, the FCC could decide the struggle is not worth it and simply erase the rule.

I am confident the Commission will take a long view over the grumblings of some inconvenienced broadcasters and opt for retaining the rule, albeit with improvements. In the long run, all those most immediately concerned—station officers and employees, program producers, the viewing public and even the great networks—will be the beneficiaries of such a farsighted policy.

WAR POWERS ACT

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, the Indochina war clearly emphasized the danger and the futility of conducting an undeclared war. This approach may be viable in a nation without a democratic form of government or tradition of liberty but it has no place in the United States of America.

In order to prevent future Vietnams or similar military operations carried on without the express consent of Congress, I have cosponsored the War Powers Act.

Clearly any national effort of a military nature must have the support of the people to achieve success. The fundamental premise of the Constitution is that warmaking decisions should be shared in by the people's representatives in Congress. In recent years this constitutional balance has been upset with a disturbing shift of authority to the President.

The War Powers Act would redress this situation while assuring that the President still retains full authority to protect this Nation, its citizens, and its troops in the case of an emergency.

I request that the full text of the War Powers Act be reprinted in the RECORD at the conclusion of my remarks. In order to facilitate study of the bill, however, I will highlight some of the important sections.

Sections 3 and 5 of the bill define the conditions under which, in the absence of a congressional declaration of war, the Armed Forces of the United States "may be introduced in hostilities or in situations where imminent involvement in hostilities is clearly indicated by the circumstances."

The first three categories are codifications of the emergency powers of the President, as intended by the Founding Fathers and as confirmed by subsequent historical practice and judicial precedent. Thus, subsections (1), (2), and (3) of section 3 delineate by statute the implied power of the President in his concurrent role as Commander in Chief.

Subsection (4) of section 3 is perhaps the most significant; while subsections (1), (2), and (3) codify emergency powers which are inherent in the independent constitutional authority of the President as Commander in Chief, subsection (4) deals with the delegation by the Congress of additional authorities which would accrue to the President as a result of statutory action by the Congress, and which he does not, or would not, possess in the absence of such statutory action. Thus, subsection (4) regulates and defines the undertaking of a "national commitment."

Section 5 provides that actions taken under the provisions of section 3 "shall not be sustained beyond 30 days from the date of the introduction of such armed forces in hostilities or in any such situation unless * * * the continued use of such armed forces in hostilities or in such situation has been authorized in specific legislation enacted for that purpose by the Congress and pursuant to the provisions thereof."

Mr. Speaker, Congress is currently attempting to reestablish its congressional role in several different areas. It is my belief, however, that in foreign and military affairs the legislative branch has lost the most ground. It is here we must reverse the trend toward a dominant Executive. It is here we must restore the system of checks and balances and the separation of powers.

The full text of the War Powers Act follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "War Powers Act".

PURPOSE AND POLICY

SEC. 2. It is the purpose of this Act to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of the Armed Forces of the United States in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces, in hostilities or in such situations. Under article I, section 8, of the Constitution, it is specifically provided that the Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof. At the same time, this Act is not intended to encroach upon the recognized powers of the President, as Commander in Chief and Chief Executive, to conduct hostilities authorized by the Congress, to respond to attacks or the imminent threat of attacks upon the United States, including its territories and possessions, to repel attacks or forestall the imminent threat of attacks against the Armed Forces of the United States, and, under proper circumstances, to rescue endangered citizens and nationals of the United States located in foreign countries.

EMERGENCY USE OF THE ARMED FORCES

SEC. 3. In the absence of a declaration of war by the Congress, the Armed Forces of the United States may be introduced in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, only—

(1) to repel an armed attack upon the United States, its territories and possessions; to take necessary and appropriate retaliatory actions in the event of such an attack; and to forestall the direct and imminent threat of such an attack;

(2) to repel an armed attack against the Armed Forces of the United States located outside of the United States, its territories and possessions, and to forestall the direct and imminent threat of such an attack;

(3) to protect while evacuating citizens and nationals of the United States, as rapidly as possible, from (A) any situation on the high seas involving a direct and imminent threat to the lives of such citizens and nationals, or (B) any country in which such citizens and nationals are present with the express or tacit consent of the government of such country and are being subjected to a direct and imminent threat to their lives, either sponsored by such government or beyond the power of such government to control; but the President shall make every effort to terminate such a threat without using the Armed Forces of the United States, and shall, where possible, obtain the consent of the government of such country before using the Armed Forces of the United States to protect citizens and nationals of the United States being evacuated from such country; or

(4) pursuant to specific statutory authorization, but authority to introduce the Armed Forces of the United States in hostilities or in any such situation shall not be inferred (A) from any provision of law hereafter enacted, including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of such Armed Forces in hostilities or in such situation and specifically exempts the introduction of such Armed Forces from compliance with the provisions of this Act, or (B) from any treaty hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction of the Armed Forces of the United States in hostilities or in such situation and specifically exempting the introduction of such Armed Forces from compliance with the provisions of this Act. Specific statutory authorization is required for the assignment of members of the Armed Forces of the United States to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such Armed Forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities. No treaty in force at the time of the enactment of this Act shall be construed as specific statutory authorization for, or a specific exemption permitting, the introduction of the Armed Forces of the United States in hostilities or in any such situation, within the meaning of this clause (4); and no provision of law in force at the time of the enactment of this Act shall be so construed unless such provision specifically authorizes the introduction of such Armed Forces in hostilities or in any such situation.

REPORTS

SEC. 4. The introduction of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances, under any of the conditions described in section 3 of this Act shall be reported promptly in writing by the President, to the Speaker of the House of Representatives and the President of the Senate, together with a full account of the circumstances under which such Armed Forces were introduced in such hostilities or in such situation, the estimated scope of such hostilities or situation, and the consistency of the introduction of such forces in such hostilities or situation with the provisions of section 3 of this Act. Whenever Armed Forces of the United States are engaged in hostilities or in any such situation outside of the United States, its territories and possessions, the President shall, so long as such Armed Forces continue to be engaged in such hostilities or in such situation, report to the Congress periodically on the status of such hostilities or situation as well as the scope and expected duration of such hostilities or situation, but in no event shall he report to the Congress less often than every six months.

THIRTY-DAY AUTHORIZATION PERIOD

SEC. 5. The use of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances, under any of the conditions described in section 3 of this Act shall not be sustained beyond thirty days from the date of the introduction of such Armed Forces in hostilities or in any such situation unless (1) the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of Armed Forces of the United States engaged pursuant to section 3(1) or 3(2) of this Act requires the continued use of such Armed Forces in the course of bringing about a prompt disengagement from such hostilities; or (2) Congress is physically unable to meet as a result of an armed attack upon the United States; or (3) the continued use of such Armed Forces in such hostilities or in such situation has been authorized in specific legislation enacted for that purpose by the Congress and pursuant to the provisions thereof.

TERMINATION WITHIN 30-DAY PERIOD

SEC. 6. The use of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances, under any of the conditions described in section 3 of this Act may be terminated prior to the thirty-day period specified in section 5 of this Act by an Act or joint resolution of Congress, except in a case where the President has determined and certified to the Congress in writing that unavoidable military necessity respecting the safety of Armed Forces of the United States engaged pursuant to section 3(1) or 3(2) of this Act requires the continued use of such Armed Forces in the course of bringing about a prompt disengagement from such hostilities.

CONGRESSIONAL PRIORITY PROVISIONS

SEC. 7. (a) Any bill or joint resolution authorizing a continuation of the use of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances, under any of the conditions described in section 3 of this Act, or any bill or joint resolution terminating the use of Armed Forces of the United States in hostilities, as provided in section 6 of this Act, shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it is introduced, be considered reported to the floor of such House no later than one day following its introduction unless the Members of such House otherwise determine by yeas and nays. Any such bill or joint resolution, after having been passed by the House of Congress in which it originated, shall be considered reported to the floor of the other House of Congress within one day after it has been passed by the House in which it originated and sent to the other House, unless the Members of the other House shall otherwise determine by yeas and nays.

(b) Any bill or joint resolution reported to the floor pursuant to subsection (a) or when placed directly on the calendar shall immediately become the pending business of the House in which such bill or joint resolution is reported or placed directly on the calendar, and shall be voted upon within three days after it has been reported or placed directly on the calendar, as the case may be, unless such House shall otherwise determine by yeas and nays.

SEPARABILITY CLAUSE

SEC. 8. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to any other person or circumstance shall not be affected thereby.

EFFECTIVE DATE AND APPLICABILITY

SEC. 9. This Act shall take effect on the date of its enactment but shall not apply to hostilities in which the Armed Forces of the United States are involved on the effective date of this Act. Nothing in section 3(4) of this Act shall be construed to require any further specific statutory authorization to permit members of the Armed Forces of the United States to participate jointly with members of the armed forces of one or more foreign countries in the headquarters operations of high-level military commands which were established prior to the date of enactment of this Act and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date.

RENT CONTROLS

(Mr. GUDE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, approximately 18 months ago, the President stood before the people of this Nation and promised a program to curb inflation; a program that would break the inflationary cycle which was overwhelming the country. However, as phase I evolved into phase II, I became concerned by the apparent fact that the benefits and burdens of the economic stabilization program were not being shared equally. Of particular concern were the phase II rent guidelines. These guidelines did not afford adequate protection to tenants. Indeed, the rent regulations institutionalized rather than curbed inflation.

With the lifting of even these controls, we are witnessing what can only be characterized as a money grab by certain landlords. An informal survey I had taken in the eighth district has revealed rent increases ranging up to 40 percent, the average hovering around 12 percent. During the past few days, I have received over 425 complaints from area residents about rent increases that are clearly above the level that can be tolerated by the average tenant.

When landlords were allowed to pass along the vast bulk, if not all, of their fixed expenses under phase II, it is questionable whether these same landlords can now justify increases of the current magnitude. Many tenants now facing these large levies received one or more increases under phase II. And I will not belabor the obvious and frequently tragic dilemma of Americans living on fixed incomes. What is happening to these individuals often amounts to nothing less than a confiscation of the recently approved rise in social security payments. Nor will I dwell on the situation of the worker who received a rent increase of 10 percent to 40 percent on the same day that his employer was explaining to him the 5.5 percent wage guideline. Under the phase III program, our goal must be the equality of sacrifice, not the sacrifice of equality.

Too many landlords are insisting on pursuing an inflationary policy. The situation in many cities in the Northeast corridor encourages this as these cities have extremely concentrated populations and low apartment vacancy rates. In the Washington Metropolitan Area where the vacancy rate is approximately 1 percent as compared to 5.6 percent nationwide, we truly have a sellers market. This leaves the tenant in a precarious position because it is extremely difficult for him to move even if an exhorbitant rent is charged.

In light of our current plight, I have instituted a number of measures in an effort to restore sanity to the panic and confusion that is running rampant in the rental housing industry. As an immediate remedy, I am this afternoon meeting with Dr. John T. Dunlop, Director of the Cost of Living Council. My purpose in seeking this meeting is to impress upon the Council the need for the prompt reinstitution of rent controls. This effort is in addition to a letter which 28 of my colleagues joined me in sending to the President urging the reimposition of rent controls.

Recognizing that neither Dr. Dunlop nor the President may be prepared at this time to take what I consider to be essential action, I have this afternoon introduced legislation which will reinstitute rent controls.

This measure will create a Rent Control Board, separate and autonomous from the Cost of Living Council. The Board will be charged with the responsibility of establishing rent controls on the basis of a cost-justified formula. Thus landlords will not be permitted to raise rents unless expenses have increased. The controls will be retroactive to January 11 when phase II was lifted. Any rent increase occurring since that date will be rolled back to the January 11 level. Before the landlord can raise fees above the level prevailing on January 11, he must seek approval of the Rent Control Board. If any increase becoming effective after January 11 is found to be excessive when compared with the cost justification formula, the landlord will be required to reduce rents to an appropriate level. The controls will remain effective until April 30, 1974. At that time controls would terminate. However, the Rent Control Board will remain in existence for an additional 6 months to monitor the rental housing market. If the Board finds that landlords are indeed using the lifting of controls as an excuse for raising rents to excessive levels, as appears to be the instant case, the Board can recommend the reinstitution of controls.

There can be no doubt about the need for swift action. If we are to break the vicious inflationary cycle that has ravaged this Nation, we must act quickly and decisively.

BANKERS IN BED WITH HOSPITAL

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in this Congress I am sponsoring three bills dealing with the accreditation of hospitals. These bills are H.R. 1898, H.R. 1899, and H.R. 1909. They are identical to measures which I introduced late in the second session of the 92d Congress.

The most recent article in the Washington Post by Ronald Kessler, on the operation of Sibley Memorial Hospital gives emphasis to the need for legislation such as I have proposed. Sibley Hospital is fully accredited under the existing structure and I doubt, though I do not know, if the inspectors for the Joint Commission on the Accreditation of Hospitals, ever inquired into the situation described by Mr. Kessler's story. I do not know, and no other Member of Congress knows, because the Joint Commission's policy is that all of its reports should be kept secret from the public. I understand their point, and so will most people who have read the story in the Washington Post.

Members should keep in mind that—

Sibley, started in 1894 by Methodists, is incorporated under District of Columbia law as a charitable institution. It receives more than a quarter of its $11.3 million annual budget from the Federal Government through the medicare and medicaid health insurance programs.

Its $8.8 million, 355-bed building that was opened in 1961 near American University was half funded by a congressional appropriation for construction of D.C. hospitals. Sibley has since received additional federal money for remodeling.

There are millions of people in this country who believe as I do that the purpose of operating a hospital is to care for those individuals who are ill and need to be in such a place. There are other reasons for the operating of a hospital, as the article which I include as part of my remarks, makes quite clear.

The article follows:

TRUSTEES' BANKS USE HOSPITAL MONEY

(By Ronald Kessler)

Bankers who are trustees of Sibley Memorial Hospital have been keeping more than $1 million of the hospital's money in interest-free amounts at their own banks without paying off a mortgage the hospital owes to the same banks, costing the hospital and its patients more than $100,000 a year in interest payments.

The balances in the interest-free accounts—which have been criticized by the hospital's independent accountants—have risen and fallen as the influence of Sibley's most dominant trustee, who is connected with the bank where the most money has been kept, has gone up and down.

These and other transactions uncovered during an investigation of Sibley appear to be conflicts of interest that are in direct violation of D.C. law.

Sibley's interest-free accounts are one of several such abuses to come to light in recent years. In each, bankers at the institutions where the funds have been kept have also been directors or trustees of the organizations keeping the accounts.

Such tie-ins are no coincidence, according to True Davis, president and chairman of National Bank of Washington, which once had an interest-free account of the United Mine Workers' pension fund.

Davis said one of the reasons bankers go on boards of nonprofit organizations is to try to get their primary accounts.

The reason the balances in the accounts soon grow is equally simple: "The reason generally for the large balances is that bankers' first responsibility is to their banks," Davis said.

Harry Huge, an Arnold & Porter lawyer who successfully sued Davis' bank over the interest-free mine workers account, said, "The public is only beginning to realize that whether bankers steal money directly from the treasury of a hospital, or take it by keeping large sums in interest-free accounts, the loss to the hospital is the same."

Sibley's audited financial statements indicate that at the end of 1971, the hospital had enough cash in checking and savings accounts and certificates of deposit—nearly all kept at banking institutions with tie-ins to the Sibley board—to pay off the mortgage and have $2.8 million left over.

The failure of Sibley trustees to pay off the mortgage costs each patient who enters Sibley $1.11 a day in interest payments on the mortgage for each day he is hospitalized. The average daily patient charge is $111, which is lower than that of most Washington area hospitals.

D.C. law prohibits trustees of charitable organizations that receive any federal money from doing business with those organizations. The law requires trustees in such situation to resign.

Sibley, started in 1894 by Methodists, is incorporated under D.C. law as a charitable institution. It receives more than a quarter of its $11.3 million annual budget from the federal government through the Medicare and Medicaid health insurance programs.

Its $8.8 million, 355-bed building that was opened in 1961 near American University was half funded by a congressional appropriation for construction of D.C. hospitals. Sibley has since received additional federal money for remodeling.

Sibley's most dominant trustee, Stacy M. Reed, a lawyer who is chairman of Sibley's board of trustees, said the hospitals' attorneys do not believe the trustees are violating the law, since, in his view, they do not gain any personal benefit from the transactions with the hospital.

Reed, who is himself involved in the apparent conflicts of interest, acknowledged that many of the bankers who are of Sibley's, board own stock in the banks where the interest-free accounts are kept and where the mortgage is owed. But he called such a benefit "remote."

If there is any benefit to trustees, Reed said, it is "overhadowed" by the benefit to the hospital of having the bankers' expert advice on financial matters. Such advice, Reed said, "cannot be reckoned in terms of money."

Reed said he did not believe that a hospital trustee whose bank does business with the hospital is in a conflict of interest, as long as the rates charged by the bank are not higher than other banks'.

Nathan Hershey, co-author of Hospital Law Manual, a standard legal reference work, and president of the American Society of Hospital Attorneys, an association of hospital lawyers, said a hospital trustee whose company does business with a hospital is in a conflict of interest, because he has responsibilities and interests on both sides of the transaction.

Reed said the balances in Sibley's checking accounts have not been improper. He said the hospital has been keeping large cash reserves in checking and savings accounts to pay for any future remodeling or expansion of the hospital.

Reed acknowledged that remodeling in the past has been paid for by the federal government, but he said such grants could not be counted on.

Reed also acknowledged that at least some of the cash reserves date back to 1961 when the hospital was opened. He said the hospital has been building up the cash because the need for eventual remodeling was recognized from the beginning.

Asked why Sibley could not pay off the mortgage and get a new one if money is required for remodeling, Reed said obtaining a new mortgage is costly and difficult.

"There is always room for a difference of opinion in the management of the complexities involved in operating a modern hospital such as Sibley," he said.

"It is our position that the members of the Sibley's interest in any and all transactions. Further, the policies adopted and adhered to by the board are sound."

Many of the practices found at Sibley parallel those reported in a recent Washington Post series that cited the financial dealings of Washington Hospital Center trustees and administrators as examples of the lack of public accountability of hospitals.

During preparation of that series, Sibley refused to disclose the identities of its trustees, saying the board had specifically ordered that their names were to be kept secret. Although the trustees' action was unusual, there is no law requiring hospitals to disclose their trustees' names on request.

After several months of prodding, Sibley relented, giving out a list of trustees but omitting their business affiliations and addresses.

One of a number of conflict-of-interest transactions uncovered at Washington Hospital Center was an interest-free account—stopped about two years ago—that was set up by the hospital's treasurer at a bank where he also was a vice president.

Sibley's bank records show that the hospital has continued to keep interest-free balances of just under $1 million as recently as last June. Reed said no material change has been made in checking account policy since then.

While the hospital center, the Washington area's largest private, nonprofit hospital, kept enough money in its checking accounts to cover its cash needs for two weeks, Sibley a medium-size hospital, has been keeping enough money in its accounts to cover its operations for more than six weeks.

Sibley's balances averaged $1.4 million in 1971 and ranged as high as $1.8 million. Its mortgage debt was $1.7 million at the end of 1971.

The hospital's primary interest-free checking account has been switched several times over the years between Security National Bank and Riggs National Bank. According to Dr. Garth L. Jarvis, who was administrator of Sibley for four years until last spring, these changes were made by Reed, Sibley's chairman, and Donald R. Ernst, who was Sibley's treasurer until he died last October.

Reed is a director and member of the executive committee of Security. Ernst appeared to be connected with Riggs, according to Charles C. Elderkin, a Sibley trustee who is an assistant vice president of Perpetual Building Association, although Elderkin said he did not know what the tie was, if any.

Ernst was chairman of Steuart Investment Co., whose majority owner is Curtis S. Steuart, a Riggs director, executive committee member and stockholder.

Dr. Jarvis and Elderkin said Ernst and Reed periodically fought for control of Sibley ever since Reed joined the board in 1956, when Hannemann Hospital, which he had headed, merged into Sibley.

As Reed got the better of these struggles, Dr. Jarvis said, the balances in the account at his bank, Security, would rise. Likewise, he said, as Ernst achieved more control, balances at Riggs would go up.

In 1968, Reed became president of Sibley as well as chairman, signifying an increase in his power. A year later, the hospital's primary checking account was switched from Riggs to Reed's bank, Security.

The balances in the Security account soon soared to more than $1 million. But Riggs was not forgotten by the hospital. A sum ranging from $100,000 to $170,000 was left in the dormant Riggs account, without drawing interest.

Around September, 1971, Elderkin said, Ernst began objecting that the balances in the Security account were too high.

"Ernst felt it was a little ridiculous," he said.

In that month, records of the hospital show, the primary account was switched back to Riggs, where the balances quickly rose to between $400,000 and $750,000. As had been done with the previously dormant Riggs account, a balance of $260,000 was left in the now-dormant Security account, also without drawing interest.

Dr. Jarvis said it was Ernst who made the decision to give the account back to Riggs.

Still another change occurred last May. In that month, Reed stepped down as president, while retaining the title of chairman. He was replaced as president by Renah F. Camalier, a former District commissioner whose cousin, Charles A. Camalier Jr., is a director and stockholder of Riggs. Renah Camalier said he is also a small stockholder in Riggs.

In the same month, the balance in the dormant Security account was reduced still further, from $260,000 to $96,000. The balance at Riggs immediately rose.

Was this all coincidence? Reed said, "We go to the banks that we know." He added that all changes were approved by Sibley's exective committee.

Four of the 11 members of the executive committee, which makes most of the major decisions at the hospital, have been tied to Security or Riggs.

Besides Reed and Camalier, these members are:

Edward K. Jones, a Sibley trustee, executive committee member, and finance committee chairman, who is a Riggs director and member of its executive committee, as well as a Riggs stockholder.

Guy T. Steuart II, a Sibley trustee and member of its executive committee, whose father, Curtis S. Steuart, is a Riggs director, executive committee member, and stockholder. The younger Steuart is president of Steuart Motor Co., a Ford dealership.

In addition, Raymond C. Briggs, who is a Sibley trustee but not a member of its executive committee, is a director of Security. Briggs is president of Briggs Ice Cream Co.

Dr. John M. Orem, Sibley's administrator and president until he died in 1968, was an advisory board member of Security. (Advisory board members give advice to a bank but have no decision-making authority.)

Camalier said he knew nothing about the hospital's finances. Jones said he had nothing to do with the decision to give the account to Riggs. Steuart said there was no relationship between his father's position at Riggs and the placement of Sibley accounts there. Briggs said he had no knowledge that Sibley's account was at Security.

Who does make the decisions? According to Reed, it is Sibley's executive committee, which includes Camalier, Jones, and Steuart.

Asked if any executive committee members had abstained from voting on bank matters, Reed said no.

In its 1971 audit report on Sibley, Millard T. Charlton & Co., the hospital's independent accountants, said, "It is suggested that management review, on a monthly basis, the cash requirements of the hospital to assure that noninterest-bearing checking accounts are not maintained at excessive levels."

Reed said that although some excess money has been transferred from the accounts into interest-bearing accounts since last June the hospital plans to remain "liquid" until final plans for remodeling and expansion are made.

"A rule of thumb has been that a balance should be equivalent to one month's average operating costs," Reed said. "This has not been strictly adhered to but the balances have been below this figure more often than above it."

Charlton's analysis indicates the balances were above that figure in all but one month during 1971 and averaged more than six weeks of Sibley's cash needs. Reed said that "over the years" the one-month standard had been followed.

Government and private financial experts say the standard and prudent business practice is to leave only enough money in an account to cover checks written on it each day. This would mean a balance of close to zero.

O. W. Chapman, vice president for operations of American Security & Trust Co., which has a minor Sibley checking account and is a substantial holder of its mortgage, has said the common practice is for businesses to overdraw their accounts, leaving a negative balance on their checkbook stubs, to take advantage of the float in the accounts.

"Float" is the excess money that accumulates in an account because of the delay between the time a check is written and the time it is presented for payment at the bank it was written on.

James R. Alubowicz, a General Accounting Office manager who supervised an investigation into interest-free accounts of Group Hospitalization, Inc., the local Blue Cross agency, said GHI previously kept two weeks' cash needs in its accounts; now it keeps a negative balance and transfers excess money from the accounts into investments twice a day, he said.

Reed said, "The suggestion that no balance need be kept, and that the float is sufficient, is unrealistic and improper. It is contrary both to approve existing bank practice and to Federal Reserve requirements.

A Federal Reserve spokesman said the board has "absolutely" no requirement governing balances in accounts.

Informed of this, Reed said bankers have told him the board would "not approve" of accounts that depend on the float.

Alubowicz called the balances in the Sibley account "unbelievable." Another accountant, Leonard M. Reamer with Elmer Fox & Co., a national accounting firm, said he had never heard of a business with that much money in its checking account.

When told of the balances in the accounts, Elderkin, the Perpetual official, said he could see no reason why the money should not go to pay off Sibley's mortgage, and he said he would propose such a move at the next trustees' meeting this spring.

The mortgage—for $3.5 million—was given in 1961. The current rate of interest is 7⅛ per cent per year. The loan was given by a combination of nine banking institutions, each of which has had ties or has ties to the Sibley board, as shown in the accompanying chart. (Chart not reproduced in the Record).

Reed said the banking institutions gave the mortgage as a civic duty. He said there was "unusual risk" involved because the new building probably could only be used as a hospital, making foreclosure impractical.

Citing the hospital's partial dependence on contributions, Reed said, "Even with the government participation, there was no guarantee that the operation would be successful."

Sibley's lawyer, Thomas M. Raysor, said he understood the mortgage had been obtained only after some "arm twisting" by the late Fred A. Smith, a former Sibley trustee and realtor, whose son, Fred W. Smith is a Sibley trustee and president and chief executive officer of Jefferson Federal Savings and Loan Association.

He said he personally had unsuccessfully tried to get a mortgage for Sibley from a Massachusetts insurance company.

Joseph W. Barr, president of American Security, which services the Sibley mortgage by collecting the monthly payments, said that although hospitals can only be used for one purpose, they are considered safe investments.

"Very few have defaulted, let's put it that way," he said.

In addition to the cash in checking accounts, Sibley keeps large sums in savings accounts and certificates of deposit bearing interest rates from under 5 per cent to 6 per cent a year.

In contrast, the value of the average stock listed on the New York Stock Exchange rose during 1971 by 12.3 per cent.

A certificate of deposit for $900,000 bearing interest of 4.875 per cent a year is kept at Riggs. The rate is lower than that of savings and loan association savings accounts that can be withdrawn at any time.

The certificate has been renewed each year at varying rates since 1961.

L. A. Jennings, chairman of Riggs, said no dealings between his bank and Sibley have been influenced by any ties between the two.

Security has a $200,000 certificate of deposit at 5 per cent, in addition to $343,000 in savings accounts. Reed, the Security director, said Sibley accounts are given to banks known to the board.

Interstate Building Association, whose chairman, Edward K. Jones, is a Sibley trustee, executive committee member and finance committee chairman, has two certificates of deposit for a total of $250,000 bearing interest of 6 per cent.

Jones said it was "natural" to go to banks where Sibley has had other business dealings.

McLachlen National Bank, whose chairman, Lanier P. McLachlen, is a Sibley trustee, has $279,000 of Sibley money in certificates of deposit at 5 per cent. McLachlen declined to comment, referring questions to Reed.

In addition to these apparent conflict transactions by bankers, George M. Ferris, Sr., a stock broker who is a Sibley trustee, was a member of its investment committee when the committee decided to give the stock brokerage business of the hospital to Ferris & Co., of which Ferris is chairman. Ferris is no longer a member of the committee but continues as a trustee.

Teunis F. Collier, a Sibley trustee and member of its executive committee, who is also a building contractor, has been given construction contracts by the hospital at various times, and he acknowledged this is generally without competitive bidding.

Reed said Ferris was requested by the hospital to act as broker and financial consultant at "prevailing established rates." He said Collier's firm has not accepted "one cent of profit" for the work it has done, and he said Collier has devoted many hours without compensation to the hospital as head of its buildings and grounds committee.

Last Nov. 20, Sibley's director of medical supplies, Thomas E. Trunzo, wrote a letter to Sibley suppliers to inform them that they are expected to give "gifts" up to and including color television sets and appliances as Christmas presents for Sibley employees.

"I hope that you bear in mind the amount of business that Sibley has carried on with you during this past year and that donations will be given in the true spirit of Christmas," he wrote.

Trunzo referred questions to Reed, who said the gifts were given to employees at a Christmas party through a raffle system. The gifts did not go to supervisors, he said.

Reed said the letter was written without the knowledge of the trustees.

"This action was wrong. It will not be repeated," he said.

SIBLEY HOSPITAL ACCOUNTS LISTED

The following table lists the nine banks and savings and loan associations that hold Sibley Memorial Hospital's mortgage, how much of the loan each institution had at the end of 1971, the total cash kept at the banking institution by Sibley in checking and savings accounts and certificates of deposit, and the Sibley trustee connected with or previously connected with the banking institution:

Bank	Mortgage	Cash	Tie[1]
American Security and Trust Co.	$474,179	$504,473	William E. Schooley, vice president; died 1962.
First National Bank of Washington	55,779	[2] 50,000	Clarence E. Kefauver, Jr., advisory board member.
Interstate Building Association	111,577	426,270	Edward K. Jones, chairman.
Jefferson Federal Savings and Loan Association	55,779	448,144	Fred W. Smith, president and chief executive officer.
McLachlen National Bank	41,839	279,211	Lanier P. McLachen, chairman.
National Bank of Washington	153,415		Leonard P. Steuart, great uncle of Guy T. Steuart II, a Sibley trustee, was a director; died 1966.
Perpetual Building Association	278,934	42,111	Charles C. Elderkin, assistant vice president.
Security National Bank	27,900	836,098	Stacy M. Reed, director; Raymond C. Briggs, director
Riggs National Bank	474,172	1,738,171	Edward K. Jones, director.

[1] Each director or officer of the bank listed is a current trustee of Sibley unless otherwise indicated.

[2] Sibley says this sum is kept in an interest-free account to compensate the bank for cashing payroll checks of Sibley employees at its branch near Sibley.

PHILADELPHIA'S MAYOR FRANK RIZZO LEADS EFFORT TO WIN BACK BUSINESS AND YOUNG EXECUTIVE TALENT TO THE CENTRAL CITY

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, the February 10 issue of Business Week magazine, the Nation's most respected journal of business and commerce, contains an article on Mayor Frank Rizzo's efforts to win back business to the central city and to encourage young executive talent to remain in the central city. His major effort has been to keep business in Philadelphia in order to establish the confidence to attract new business. The article states that a younger group of executives are moving into leadership positions in the major corporations in Philadelphia, such as Sun Oil, Rohm & Haas, Smith Kline & French, Philadelphia Electric, John Wanamaker and the commercial banking industry. Mayor Rizzo has met with these younger executives and has provided them the encouragement and initiative they claim is needed if major business enterprises are to continue to prosper in the city of Philadelphia.

In his first year in office, the mayor has run the city in a businesslike operation, which has won the praise of most of Philadelphia's business executives.

Mr. Speaker, I wish to include the article from Business Week's February 10 issue on Philadelphia's new formula to win back business following my remarks.

PHILADELPHIA'S NEW FORMULA TO WIN BACK BUSINESS

"No one ever mentions this," says the Philadelphia Planning Commission's executive director, Damon Childs, "but Philadelphia has built 30 downtown buildings of 15 or more stories in the past 10 years. Atlanta, which gets all the publicity, has built 17."

Outsiders tend to think of Philadelphia, when they think of it at all, as a good, gray place somehow overshadowed by dynamic New York and upstaged by imperious Washington. But as Childs suggests, new buildings mean business vitality. If you look at Philadelphia today, you find a tough, business-minded mayor linked in an unlikely alliance with the city's businessmen to stimulate even more vitality in its economic life.

Mayor Frank L. Rizzo, burly cop-turned-politican, now starting his second year in office, has set himself the task of arresting the city's formidable decay and pushing its economic growth. He is courting business support. "We've got to keep business here and attract new business," he says. For their part, businessmen are responding to Rizzo's appeal. "Business leaders were not early supporters of Rizzo," says Chairman John T. Gurash of INA Corp., "but his conduct of office so far has won a lot of people over. He comes across well and has demonstrated that he wants progress."

LIVING DOWN A PAST

For years, Philadelphians have fought against the image of dull respectability that dogs their city. In the past decade, though, they have had far more than an image problem. Decaying housing, high crime rates, bitter social conflict, the flight of companies to outlying areas, lack of effective political and business leadership—all have combined to make Philadelphia a prime example of what has been happening to the older cities of the Eastern Seaboard.

Currently, for instance, the city's teachers are striking for the second time in this school year. The entire school system faces bankruptcy and will probably have to close several weeks early this spring for lack of operating funds.

NEW CLIMATE

Businessmen mainly have been impressed by Rizzo's pro-business approach to the city's problems. The city has dropped a corporate net profits tax, for example, and Rizzo is trying to eliminate a tax on the earnings of Philadelphia-based companies' outside subsidiaries. "The mayor is trying to get along without any new taxes," says John R. Bunting, chairman of First Pennsylvania Banking & Trust Co., "and that's something businessmen like to see."

Bunting is typical of another hopeful augury for the city. He is a member of a younger group of executives who are moving into leadership positions, less tied to old ways of doing things. In the past five years, new presidents have taken over executive suites of such companies as Sun Oil, Rohm & Haas, Smith Kline & French, Philadelphia Electric, and John Wanamaker. These new professional managers come on the heels of a pride of young bank presidents who took command of five of the city's six largest banks before they reached the age of 50. "The old aristocracy is going. The trick is to fully embrace the new professional managers now on the scene here," notes Richard S. Ravenscroft, vice-president of the Philadelphia National Bank.

Businessmen also approve of Rizzo's appointment of Lennox L. Moak to the vital position of City Finance Director. A crusty budget expert who served in the same position under Mayor Joseph Clark 20 years ago, Moak admits freely that he works for "a city with a lot of financial problems." He adds though, "It's feasible to run this city without a tax increase with good management and a little bit of luck. And I know where all the corpses are buried."

Rizzo has looked to the business community for advice. He meets regularly with a hand-picked committee of 12 Philadelphia executives, a group quickly dubbed "the dirty dozen" that is headed by D. Herbert Lipson, publisher of *Philadelphia* magazine. Robert Harrison, a member of that group and president of John Wanamaker, says: "Rizzo and his administration know they have a sizable interest in the fundamental health and well-being of business here. The biggest single difference in this administration as against what came before is attitude."

GRIM LEGACY

Swept into office on a promise of law and order and no new taxes, Rizzo inherited a financially reeling city government and school system and a legacy of bad blood between City Hall and Philadelphia's business leaders that had built up under his predecessor, James H. J. Tate.

"We didn't expect to find what we found when we took office," says Rizzo. "There was a $130-million city budget deficit. No one knew how much land the city owned or where it was. We were starting from scratch."

What the emerging link between the new corporate establishment and the Rizzo administration will ultimately net the city in bricks, mortar, and increased tax revenue remains to be seen. "But the change in climate has helped already, and it can go a long way in keeping business here," says Creed Black, editor of the *Philadelphia Inquirer*. Recalling his days on the *Chicago Daily News*, Black adds: "Look at what Mayor Daley in Chicago has done on that score."

Rizzo admits an open admiration for Chicago's mayor, and, as in Chicago and other urban areas around the country, law and order is as much a priority in Philadelphia as is economic development.

CRACKING DOWN

One of Rizzo's first moves as mayor was to put mounted police back on the streets in Philadelphia's downtown area. Police spending in Rizzo's first year jumped more than $10-million, and plans are under way to add 2,000 policemen.

"Removing the social ills that cause people to turn to crime has got to be done," says Rizzo in a rare reflective moment. "But these problems have been around for generations, and no government can do it alone. The people, especially in the black community, have got to become aroused."

The city's black leaders remain skeptical of the new mayor. W. Wilson Goode, executive director of the Philadelphia Commission for Community Advancement, says: "Any businessman, black or white, who wants to do something for Philadelphia has a sympathetic ear in City Hall. But so far, I'm disappointed in the lack of coordinated programs for blacks. Maybe I'm expecting too much too soon."

Charles W. Bowser, executive director of the Philadelphia Urban Coalition, states flatly: "The administration has not shown any inclination to deal directly with the problems of the black community."

ECONOMIC CURES

Rizzo, who on his election day proclaimed his intention to be "mayor of all the people," insists that new development will mean economic and social gains for both blacks and whites. And, slowly, new projects are developing.

Recently, ground was broken for the first office building in the city's combined public-private $600-million Market Street East commercial, office, and transportation complex in the shadow of City Hall. A key element in the project is a tunnel, now in final design after years of delay, to link the city's commuter railroad lines.

"The tunnel will completely integrate the commuter rail system," notes James C. McConnon, chairman of the Southeastern Pennsylvania Transportation Authority. "And in so doing, it will greatly enhance the mobility of our labor force by allowing people to traverse the city and get into the suburbs by riding one train, with no transfers or changes to other means of transit."

Four city blocks now separate the Penn Central and Reading lines, which between them give the Philadelphia metropolitan area a transit web that many American cities might envy. Above and around the tunnel, a complex of eight high-rise office buildings, shops, malls, parking areas, and pedestrian walkways is scheduled to be completed by 1985.

NEW LAMPS FOR OLD

"To some extent, Market Street East will be new lamps for old, without the genie," says Louis I. Kahn, Philadelphia's world-renowned architect, "but it's a place that will generate excitement. People will want to be near it."

Already Gimbel's has announced that it will replace its tired downtown outlet with a new store in the Market Street East area, adding a new look to the city's main retail district. Later this year, groundbreaking is planned for the ambitious Franklin Town project, an impressive private commercial and residential complex planned for the central city. The project carries a $400-million price tag and solid support from its corporate sponsors: Smith Kline & French, I-T-E Imperial, Korman Corp., Butcher & Sherrerd, and Philadelphia Electric.

Area universities, in cooperation with local government, are redeveloping 19 run-down acres at a cost of $200-million to house the University City Science Center, an applied research facility that futurist Buckminster Fuller already calls home, along with IBM's Eastern regional computer research unit, wooed from New York.

On the Delaware riverfront, a stone's throw from Independence Hall, and the city's widely-acclaimed Society Hill development area, a 33-acre site will house a $110-million hotel, office, apartment, commercial, and recreational development by 1976. Recently, the Penn's Landing Corp., which oversees the city- and state-backed project, placed national ads for a developer to break ground by 1974.

THE CATALYST

Taken together, these projects will give Philadelphia a near-total urban facelift and, it is hoped, give the city the economic shot in the arm that Rizzo and other administration officials envision.

"What is indispensable for this city's economic development is the catalyst necessary to effectively pull all the necessary elements together and coordinate them," points out Jan Vagassky, the city's blond and burly European-educated Deputy Commerce Director.

Whether or not Mayor Frank Rizzo will prove to be that catalyst, the future will decide. "Potentially, I think this community has the will to actualize its plans," says *Inquirer* editor Black. "Rizzo and his leadership are an important key. There are still plenty of ifs, but Knight Newspapers has a $75-million investment here and plans to stay. And if I thought Philadelphia was going to become two Newarks, I'd be going somewhere else."

SPACE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, I would like to take this opportunity to praise our space program on the 11th anniversary of the first American being placed in orbit.

On February 20, 1962, John H. Glenn, in his Friendship 7 spacecraft, successfully completed three orbits of the earth.

Since that time, the accomplishments of our space program have grown. Spaceships have docked, men have "walked" in space, and the moon has been explored.

Our future program looks bright. Currently, Astronauts Charles Conrad, Paul Weitz, and Joseph Kerwin are preparing for the first flight in the Skylab series. The launch is scheduled for early May. This 28-day flight is the first of three missions that will dock with an orbiting laboratory where astronauts will live and work. The second two flights in the series are each scheduled to last 56 days.

I would like to express my congratulations to all the persons involved in our space program for the fine work they have done and to wish them the best of luck in their future endeavors.

LITHUANIAN INDEPENDENCE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, this week Americans of Lithuanian descent and their millions of friends across the Nation join in observing two important Lithuanian anniversaries—the 722d anniversary of the founding of the Lithuanian State and the 55th anniversary of Lithuanian independence.

It was in February 1251, that Mindaugas the Great unified all Lithuanian principalities into one kingdom. It was on February 16, 1918, that Lithuanians broke the bonds of Russian domination and German occupation and declared their nation free and independent. For 22 years, Lithuania took her rightful place in the family of free nations. In 1940, the Soviets, acting in the name of a new imperialism, moved in and annexed Lithuania, thereby destroying her precious freedom.

Although they have ruled the country, the Russians have been unable to suppress the aspiration of the Lithuanian people for freedom and the exercise of their human rights as recently demonstrated by a petition to the United Nations. This petition, signed by 17,000 Lithuanian Catholics in the occupied country, charges the Soviets with religious persecution. There were riots in Kaunas on May 18, 1972, following the funeral of a Lithuanian youth, Romas Kalanta, who had immolated himself in a public square of Kaunas in a dramatic protest against the Russian enslavement of Lithuania.

We who enjoy the blessings of liberty must encourage the spirit of independence in Lithuania and other nations held captive by the Soviets. At a time when the Western Powers have granted freedom and independence to nations in Africa and Asia, we must insist that the Soviet Union likewise extend freedom and independence to those countries which it simply incorporated into its empire.

HOW CAN WE END INDUSTRIAL DISASTERS?

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, Secretary of Labor Philip J. Brennan has expressed President Nixon's concern over the tragic death of 40 workers in a liquefied-gas storage tank in Staten Island. The men were killed during a mysterious blast within the tank, causing the roof to collapse, crushing and asphyxiating those inside.

Hopefully President Nixon will demonstrate his concern by promoting within the Labor Department and elsewhere in the Federal Government a more thorough enforcement of the standards promulgated by the Occupational Safety and Health Act of 1970. It appears, however, that this is not Mr. Nixon's intent at all. The funds requested for enforcement under the Occupational Safety and Health Administration in the President's budget represent less than $25 million. Taking into account that more than 60 million workers are covered by this act, the Government has only allotted at most $0.41 for the enforcement of the safety of each worker.

OSHA, the 2-year-old safety law, has run up against many difficulties in its early stages, most of which are directly related to poor financing and a lack of strong administration. This law is nothing less than mammoth in its scope of importance to employees and businessmen yet it is playing a back-seat role. Let us hope that the wasteful and heartbreaking death of these men will serve to underscore the value of strict enforcement of our vital safety legislation. Every worker should be guaranteed a safe and healthful place of employment.

The following is an editorial printed in the New York Times, Tuesday, February 13, 1973:

Industrial Disaster

The explosion that killed forty workers in a huge liquefied-gas storage tank on Staten Island last weekend is a reminder of the frequency with which death, disease or crippling injury haunts the job sites where millions of Americans are employed.

The tank, largest in the world, had supposedly been empty of all gas for months while undergoing repairs, and it will require weeks of study by the army of posthumous investigators now at the scene to determine what caused the mysterious blast.

But even if there is never any evidence that carelessness or skimping on safety standards were involved, the heavy toll should underscore the need for strict enforcement of the Occupational Health and Safety Act adopted by Congress more than two years ago.

We hope that Secretary of Labor Brennan, who has made two visits to Staten Island since the explosion to express President Nixon's concern, will back up that expression by insisting on much more effective Federal policing of the new safety standards than has prevailed up to now. Organized labor has had to go to court to stop the Labor Department from ducking responsibilities put upon it by law, and the Administration is still fighting to turn enforcement over to the quixotic control of the states.

Unions are understandably seeking to write into labor-management contracts more exacting requirements for ridding the work place of preventable hazards. A rare united front of environmentalists and unionists has just been formed in support of 4,000 strikers at Shell oil refineries in Texas and California. The central issue in the two-week-old walkout is a union demand for establishment of a joint labor-management committee to monitor health and safety conditions in the Shell plants.

Virtually all the other major oil companies have already agreed to the setting-up of cooperative safety and health committees. The ground rules, as proposed by the Oil, Chemical and Atomic Workers, are designed to keep these units from degenerating into instruments for indiscriminate union harassment of companies in exercising their managerial duties. To the extent that such committees can lessen the risk of disasters like the one that made an inferno of the tank alongside the Arthur Kill, they are long overdue.

CONGRESSIONAL QUARTERLY INTERVIEW WITH CONGRESSMAN HALEY, CHAIRMAN, HOUSE INTERIOR AND INSULAR AFFAIRS COMMITTEE

(Mr. BENNETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BENNETT. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following: My dear friend and colleague in the Florida delegation, Congressman JIM HALEY, the recently elected chairman of the House Interior and Insular Affairs Committee was interviewed by Congressional Quarterly recently. I believe that the interview which appeared in the January 27 issue of Congressional Quarterly gives many important insights and new viewpoints in regard to what actions the House Interior Committee may be taking in the near future. The interview is as follows:

NEW CHAIRMAN OF HOUSE INTERIOR PLANS TO SHARE POWER

Major changes in the philosophy and operations of the House Interior and Insular Affairs Committee are in the works as James A. Haley (D Fla.) takes over as chairman. The House Democratic Caucus approved his selection as chairman Jan. 23.

Haley's views on pending legislation and committee procedures, outlined in an interview with Congressional Quarterly, contrast—sometimes sharply—with those of his predecessor, Wayne N. Aspinall (D Colo.), 76. Staunchly opposed by environmentalists for his stands on conservation issues, Aspinall suffered an upset defeat in Colorado's September primary. (1972 Weekly Report p. 2337)

Haley, 73, indicated that use of public lands by industries such as mining, logging and grazing must "very definitely" be curtailed and proposed that the legislation to regulate surface or strip mining of coal considered by the committee in 1972 be broadened to include other minerals such as phosphate.

He promised to give subcommittee chairmen "more latitude" than they had enjoyed under Aspinall, who closely supervised subcommittee work and played a major role in managing the committee's bills on the House floor.

Elected to the House in 1952, Haley was assigned to the Interior Committee. For 18 years, he has served as chairman of its Indian Affairs Subcommittee, although, according to Haley, there are only two Indians in his district.

Excerpts from the interview follow:

CQ. Congressman Haley, what do you see as the role of the Interior Committee?

HALEY. I think the chief role of the Interior Committee is to more or less protect the natural resources of our nation (and) to see that they are not destroyed. . . . We've been a very wasteful nation and we thought at one time that we had rather unlimited resources, but now we find that we've used them up rather carelessly. . . . I think that people realize that we must conserve some part of this nation as we found it.

KEY LEGISLATION

CQ. With that in mind, what do you see as the key environmental bills that will be before the committee this session?

HALEY. I think one of the things that we need to do is to pass bills that will protect our public lands from such things as strip mining and destruction of land unless that land can be put back in use—reclaimed, in other words—so that when you take the minerals out you don't abandon the land . . . and absolutely destroy it. After all, there're going to be other people on this earth as we go along.

CQ. A very tough strip mining bill was reported out of the committee last year. Would you foresee a bill similar to that coming out this session?

HALEY. That was just a strip coal mining bill and members of the committee feel that it should go farther than that. For instance, in my own congressional district I have the huge phosphate mines. A good many years ago as a member of the Florida legislature I tried to point out to the people who were in the mining of phosphate that they should reclaim this land and they have. . . .

CQ. Will a revision of the Mining Act of 1872 be on the agenda?

HALEY. We need to take a look at this. After all . . . we're a different people than we were in 1872. . . . People now are more conscious of the fact that they must protect the environment and not just use these resources (without) replacing them as far as you can. . . . I understand that several members of the committee have proposed to introduce a very broad (revision).

CQ. Another very broad bill which was discussed in the last session was the land use bill. Do you share (former chairman) Wayne Aspinall's philosophy that public lands should be managed on the basis of multiple use?

HALEY. I'm not sure that I do. On the other hand, let me say this: One of the bases of wealth in this country has been the ownership and use of land, and we've allowed the owners—who have paid for it with money—to go way beyond what I think that we should. We should do something to protect the land itself. While you may hold a section of land at this particular time . . . you must think about the other people in the nation and the generations to come.

Somewhere along the line we must work out something here that's fair to everybody and I'm inclined to think that more use of land is not quite the answer.

CQ. There are a number of industries, of course, that depend on the land—the miners, the loggers, grazing. How do you think that something like this can be worked out, at least as far as the federal lands go?

HALEY. Well, that's one of the problems that we have now. You just can't go out and say we're going to shut down everything, because then you'll have a chaotic condition, you'll have people out of work. . . .

CQ. But won't some of this have to be curtailed in order to do what you were suggesting?

HALEY. Very definitely. Let's see where we can curtail without too drastically disrupting the lives of the other people of the nation.

COMMITTEE ORGANIZATION

CQ. The committee for a long time in the past has been dominated by members from western states. Do you think it's going to make any difference that, for example, of the House Democrats who were appointed recently, many of them are not from the west and are replacing members from the west and that you yourself are from the South?

HALEY. No, I don't think so. I think that all members of the Congress serving on a committee . . . look more towards what is good for the nation rather than what is good for just one particular part or community or state. . . . This committee was chaired by J. Hardin Peterson of Florida 22 years ago, so it's not always been a western committee so to speak. . . . I think, after all, as presiding officer you must be fair, you must recognize everybody's point of view and give him an opportunity to express it, whether (you) agree with it or not. . . .

CQ. You mentioned points of view. . . . As you know, Mr. Aspinall was very much opposed by a number of environmental groups. How do you think that you're going to get along with these environmental groups?

HALEY. I think that I'm going to get along with them all right. On the first day of this session, I introduced—along with the entire Florida delegation—the Big Cyprus Swamp bill which we think is very vital for the protection of our Everglades National Park, which is a very unique park and one that we must do everything we can to save.

I introduced an eastern wilderness bill yesterday (Jan. 11). I think that the people of the eastern states have to some extent been neglected—not because they haven't been interested. The land . . . in the eastern part of the nation is very valuable, it's more valuable, for instance, than a lot of the acreage in western states. It was easy to acquire lands in the western states and, so much of it was in the public domain, it didn't cost a whole lot to turn it into the wilderness when there was a justification for it.

CQ. How would you characterize the differences between your thinking and that of Mr. Aspinall?

HALEY. I don't know just how to answer that. Mr. Aspinall was one of the most knowledgable men and one of the most able chairmen of the Congress, in my opinion. He knew his subject and when he got a bill to the floor, he was able to explain it. He had the confidence and respect of people from all over the nation and both sides of the aisle. How I can perform on that, time will have to tell.

I think about the only difference between the operation of the committee between Congressman Aspinall's and my chairmanship is that I would give the subcommittees more latitude. . . . I want the chairmen of the subcommittees who hear the testimony and . . . have the responsibility of writing the bill to take it to the floor and explain it. I'll be glad to help them out when I can but I don't want to stand in the way of . . . the man who has done the work (so) I take all the bows. . . . If it's a good bill, fine, let him take the credit. If it's a bad bill, let him take that.

CQ. Will the same thing be true of subcommittee staff hiring and scheduling of hearings?

HALEY. I want to sit down with the chairmen of the subcommittees and put first things first. . . . It's a matter of judgment what should come first. . . . Somebody might not agree that the bill that you have under consideration should be the first order of business . . . but that is a matter of judgment that the chairman must make.

CQ. Will you encourage other subcommittee chairmen to do what a few have done, that is, to hire their own staff members if they want to?

Haley. If they need assistance, yes.

CQ. Have you decided whether you want to retain chairmanship of the Indian Affairs Subcommittee or are you looking perhaps to take over chairmanship of the Environmental Subcommittee?

Haley. I haven't made up my mind. I think that I will first sit down with the ranking members of the committee. . . . Politically, the Indian Affairs Subcommittee is not a very popular committee for me to continue to chair . . .

CONCERN FOR INDIANS

CQ. With only two Indians in your district, what led you to be so concerned with them?

Haley. When I first came to the Congress, the Indian Affairs Subcommittee was the last on the bottom of the totem pole, so I was chairman of a subcommittee my second term here. The only thing available was Indian Affairs. . . . I have always been interested in American history and I know of no place that you can find more of the history of the United States 150 or 100 years ago than dealing with Indians . . .

I think probably that our treatment of the American Indian is one of the blackest pages in the history of our nation. We pushed them around, we put them out on arid plains, we tried to make farmers out of hunters, and when it became valuable, regardless of the treaties we might have, we opened up their land for homesteading and so forth. In other words, we have mistreated the Indian.

And if anybody should be protesting—while I don't approve of the thing that they did down here in the Bureau of Indian Affairs building, because that's not the way to do it—I can understand why the Indians would be upset. But I can see in the last 18 years a tremendous improvement in the life of the Indians. (There are) many things that should be done and it will take many years to do it but I think that we are making progress and I think substantial progress.

CQ. Do you think that the existing federal Indian programs are adequate?

Haley. No, I've never been satisfied with them.

CQ. Is the committee going to try to do something about that?

Haley. Well, we've been trying, within the limitations that we have.

CQ. Do you have any specific legislation on the agenda that you're planning to consider?

Haley. I have . . . an Indian loan program that I want to increase and another program where an Indian will be able to borrow money and the government will be able to back him up and he can go into business—in other words, (bills) to raise the economic life of the Indians. . . .

However, you must consider that practically every Indian tribe, every reservation has different problems. . . . It's not something that you do in one full circle sweep. . . . You must take these tribes and try to study what really will be beneficial to them. . . . These things are not as simple as a lot of people think.

CQ. You held hearings in December and promised more this session on the takeover of the Bureau of Indian Affairs building. What do you hope to accomplish?

Haley. I want to find out who encouraged these people to come there and take the attitude that the federal government had to make special arrangements for their housing, for their feeding and so forth and then to go down and take over a government building and cause $2.5-million dollars worth of damage. Somebody misled them because I think I know the Indians about as well as any white man and Indians are just not that kind of people.

CQ. You're not satisfied with existing Indian programs but you've only mentioned two or three bills that you might be considering next session. What's going to happen to the Indians without any affirmative action from Congress? Won't the situation stay the same?

Haley. Yes, in many instances it will. Each one of these Indian reservations has its own peculiar problems. The Seminoles in Florida don't need water, but the Navajos . . . need water. . . . It's going to be nearly a case-by-case proposition. . . . I see no other way. . . .

THE "ENERGY CRISIS"

CQ. An Interior Committee report last September dealt with what it called the "gravity" of the fuel and energy shortage and made a number of recommendations, including more federal leasing and increased research and development of energy sources. Are you planning any legislation implementing these recommendations?

Haley. I think we must have it, because I think it's something that we must face up to. As you can see right now the severe weather we have had in the midwest and northwestern part of the country . . . (forced) schools to be closed down for lack of heat. We're just going to have to do something.

CQ. What specifically can Congress do?

Haley. That's a good question. What can they do?

CQ. For example, are you considering any legislation to deregulate wellhead prices of natural gas or that kind of thing which is a matter of law?

Haley. I haven't gone into that very much. We have plenty of natural resources, it's a matter of getting them to the proper people at the proper time and the proper way. When we wrote the Alaskan native claims bill, nobody wanted to put that pipeline in there. Maybe that's not the best way to do it but how otherwise are you going to get the material to the people who need it?

CQ. Do you think you'll be reporting anything out of your committee in 1973 dealing with the energy crisis?

Haley. Well, I hope so. . . . This is a situation that requires a lot of study. We're depending, in my opinion, entirely too much on foreign importation of oil and other things. If suddenly it's cut off, we would be in a rather critical situation.

THE ADMINISTRATION

CQ. Has the administration approached you with any bill that they are interested in in 1973?

Haley. No, they have not. I think that Congress should have its own program and the people down there don't worry me too much. I think Congress should be responsible for passing legislation and I think the executive branch of the government is responsible for . . . seeing that the laws are obeyed. . . .

CQ. President Nixon recently appointed Agriculture Secretary Earl Butz as special counselor for natural resources. . . . How do you feel about Mr. Butz being given this responsibility instead of Interior Secretary Morton?

Haley. Maybe I better not comment on that. After all, Secretary Morton is the secretary of the Interior Department. He should be responsible for its operation. I just don't like to see somebody else making decisions that probably he has no real responsibility for.

CQ. President Nixon is very concerned about holding down federal spending in fiscal 1973 and 1974. Do you think that's an important priority?

Haley. Yes, I think it's a very important priority. We now owe about $450-billion. That's more money than owed by all the rest of the governments of the world. We have in the last three years run deficit financing to over $100-billion dollars. We cannot forever keep that up. One day, the roof's going to fall in. . . . That's what the federal government's going to do unless we get a little bit of fiscal responsibility, and not only in the executive (branch) but in the Congress.

CQ. With that in mind, would you favor or would you be opposed to cutbacks in spending for environmental protection? I'm thinking particularly of Mr. Nixon's recent impoundment of the funds in the water pollution bill that were to be for the construction sewage treatment plants.

Haley. I think the President probably was misled. I think there are other places where he might have made some reductions rather than in this program which everybody realizes is a very serious one and one that must be done. . . . The President, I think, took the view that this is too much money, that you could not expend this money and get a dollar's worth of service for a dollar earned.

CQ. Do you agree with that view?

Haley. I don't know. He had the facilities to research it. . . . However, if he just did this because he thought this was a place where he could make a few savings, then I think he was wrong.

CQ. How would you characterize the Nixon record on environmental protection?

Haley. Frankly, I don't think it's been very good. There's been a lot of talk, but very little action.

SENIORITY SYSTEM

CQ. As you're about to ascend to the position of committee chairman, you are a beneficiary *par excellence* of the seniority system. Do you feel that this is the best way for selecting committee leadership?

Haley. We have tried others in the past . . . the Cannon era . . . and we elected chairmen, and it just didn't work out.

Here's what I think is beneficial as far as the seniority system is concerned. When I came to the committee, I didn't know the difference between a volt and a kilowatt hour. Now I think I know something about it. . . . Providing a man or a person has command of all his faculties, I think it's the best system we've devised. . . .

The system is not without its faults. . . . I think many chairmen of committees have abused the power they have. After all, the chairman of the committee should be a presiding officer, that's all. He shouldn't take his own will and overpower his committee. Let the committee speak, that's the democratic process.

CQ. Do you feel that's how Mr. Aspinall handled the committee?

Haley. Well, Mr. Aspinall was always nice to me. . . . But if you got two people who agreed all the time, then you've got only one mind working.

VFW WINNER'S SPEECH

(Mr. GROSS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, all too frequently over the past few years the news media has focused the public's attention on the obscene shrieks and brickbats of the long-haired anarchists among the young people of this country, ignoring the vast majority of our youth who stand steadfast in their adherence to those values that made this Nation great.

Thus, too often have the misfits been made to seem in the majority. Because of this is it is doubly gratifying to know that youngsters such as Bryon G. Tyson of Waterloo, Iowa, fully share the concerns of most of their elders for the future of their country.

Bryon is a 16-year-old student at Waterloo's East High School and he recently won the statewide Voice of Democracy contest sponsored by the Veterans of Foreign Wars.

His winning speech deserves the attention of all of us and I am pleased to include it for insertion in the RECORD at this point:

THE SPRING OF HOPE

(By Bryon G. Tyson)

It was the best of times—the worst of times—it was the age of wisdom—the age of foolishness—it was the spring of hope—the winter of despair.

From the streets of Washington to the slums of Los Angeles the fires of change are raging. The babies born just after WW II came booming into the 60's and nearly caused a national nervous breakdown. Freedom rides and civil rights demonstrations, radical politics, peace marchers, draft card burning, campus takeovers, hippies and Hell's Angels, drugs, sex, violence. That decade ranks as one of the most convulsive periods in American history.

There are those who excuse the action of these malcontents who caused such havoc, by simply excusing their behavior because they are becoming involved—involved they say in changing a sick society—Well maybe they're right. I submit that I'm sick . . . I'm sick of having policemen ridiculed and called pigs while cop killers are hailed as some kind of folk hero.

I'm sick of Black Panthers handing out coloring books to little negro children which portray blacks shooting and knifing policemen with the caption: "The only good pig is a dead one."

I'm sick of men robbing, stealing, burning buildings, threatening others with guns, and teaching others to burn and kill. How long, I ask, will we permit the tacit acceptance of criminal acts just because some thug was raised in a poor environment, or because some murderer had an unhappy childhood? There are always those who are ready to explain the "motivation" behind criminal activity . . . but are unwilling to lift a hand to protect the innocent against such acts.

I intend to exert my responsibilities to freedom by becoming involved and thereby help my country and my society rid itself of this malignant cancerous growth that allows riots, bombings and other mob temper tantrums of people incapable of working within the system. And I challenge each of you to join me in those responsibilities to freedom.

Walt Whitman, the great American philosopher and poet, said—"Everything, everything comes out of the people, the people as you find them and leave them, people, people, just people"—I am one of Whitman's people—just one little part of this vast humanity, but I don't propose to be brow beaten, humiliated, or defeated before my life has scarcely begun. The responsibilities that await me and each of you is to force a turnaround of permissiveness in the home, school, and court. We must quit coddling criminals, we must insist the courts do their jobs, but most of all we must teach respect for discipline in our homes.

I am not saying that there are not things that should be changed in our society, but take note—you will not find me throwing a rock or a bomb, you will not find me under a placard; you will not see me take to the streets; you will not find me ranting to wild-eyed mobs to right wrongs.—But you will find me upholding my responsibilities to freedom by serving in the community where I live. You will also find me expressing my anger and indignation to elected officials. But most of all, you'll find me at the polling place. There if you listen—you can hear the thunder of the common man.

Robert Frost has stated my responsibilities to freedom quite well in his poem *Stopping by the Woods on a Snowy Evening* when he said, "I have promises to keep and miles to go before I sleep—and miles to go before I sleep." My promise as a young adult is to work, and through my actions and the actions of the vast majority of Americans to transmit to other generations a clean and lawful land so that they will not be able to say that these were the worst of times—but the best of times—not the age of foolishness but the age of wisdom—not the winter of despair—but the *spring of hope*.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JOHNSON of Colorado (at the request of Mr. GERALD R. FORD), for February 20 and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DU PONT) to revise and extend their remarks and include extraneous material:)

Mr. STEELMAN, for 10 minutes, today.

Mr. FRENZEL, for 10 minutes, today.

Mrs. HECKLER of Massachusetts, for 10 minutes, today.

(The following Members (at the request of Mr. DENHOLM) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. MCFALL, for 5 minutes, today.

Ms. ABZUG, for 5 minutes, today.

Mr. RANGEL, for 5 minutes, today.

Mr. HAMILTON, for 30 minutes, today.

Mr. MATSUNAGA, for 10 minutes, today.

Mr. O'NEILL, for 5 minutes, today.

Mr. ADDABBO, for 15 minutes, today.

Mr. WOLFF, for 5 minutes, today.

Mr. LEHMAN, for 10 minutes, today.

Mr. BROWN of California, for 5 minutes, today.

Mr. MORGAN, for 5 minutes, today.

Mr. WALDIE, for 30 minutes, February 21.

(The following Member (at the request of Mr. LOTT) to revise and extend his remarks and include extraneous matter:)

Mr. HUDNUT, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HANNA.

Mr. VAN DEERLIN.

Mr. GRAY in three instances.

(The following Members (at the request of Mr. DU PONT) and to include extraneous material:)

Mr. RHODES in five instances.

Mr. ANDREWS of North Dakota.

Mr. TOWELL of Nevada.

Mr. BELL.

Mr. DERWINSKI in two instances.

Mr. GUDE.

Mr. MILLER in six instances.

Mr. COHEN.

Mr. HUDNUT.

Mr. ZWACH.

Mr. FORSYTHE in two instances.

Mr. CONABLE in two instances.

Mr. SCHERLE in 10 instances.

Mr. RINALDO in five instances.

Mr. BRAY in three instances.

Mr. FRENZEL.

Mr. BROYHILL of Virginia in three instances.

Mr. WYMAN in two instances.

Mr. COUGHLIN.

Mrs. HECKLER of Massachusetts in three instances.

Mr. ARCHER.

Mr. RAILSBACK in five instances.

Mr. LOTT in five instances.

Mr. MCCLORY in two instances.

Mr. TEAGUE of California.

Mr. COLLINS in four instances.

Mr. HUNT.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. ALEXANDER in five instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in four instances.

Miss HOLTZMAN in 10 instances.

Mr. ICHORD in two instances.

Mr. LONG of Maryland in 10 instances.

Mr. MOAKLEY in two instances.

Mr. O'NEILL in two instances.

Mrs. GRIFFITHS.

Mr. SARBANES in five instances.

Mr. EVINS of Tennessee in nine instances.

Mr. NATCHER.

Mr. BADILLO in five instances.

Mr. CARNEY of Ohio in two instances.

Mr. VANIK in two instances.

Mr. MOLLOHAN in three instances.

Mr. STOKES in five instances.

Mr. RANGEL in 10 instances.

Mr. MURPHY of New York.

Mr. ULLMAN in five instances.

Mr. CLARK in two instances.

Mr. WALDIE in four instances.

Mr. BRASCO in three instances.

Mr. SISK in two instances.

Mr. HANNA in two instances.

Mr. UDALL.

Mr. HANLEY.

Mr. WOLFF in three instances.

Mr. ANNUNZIO in 10 instances.

Mr. BINGHAM in two instances.

Mr. HOWARD.

Mr. REES in two instances.

Mr. SEIBERLING in 10 instances.

Mr. DOMINICK V. DANIELS in two instances.

Mr. HOLIFIELD.

Mr. JONES of Tennessee.

Mr. ANDERSON of California.

Mr. BEVILL.

Mr. BURKE of Massachusetts.

Mr. MADDEN.

Mr. PICKLE in five instances.

Mr. KOCH in two instances.

Mr. RODINO in five instances.

(The following Member (at the request of Mr. Lott) and to include extraneous matter:

Mr. Wydler.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 66. Joint Resolution to authorize the erection of a monument to the dead of the 1st Infantry Division, U.S. Forces in Vietnam; to the Committee on House Administration

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock p.m.), the House adjourned until Wednesday, February 21, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

459. A letter from the Deputy Secretary of Defense, transmitting a report covering the calendar year 1972 on special pay to officers holding positions of unusual responsibility and a critical nature, pursuant to 37 U.S.C. 306; to the Committee on Armed Services.

460. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to amend the Marine Protection, Research, and Sanctuaries Act of 1972, and for other purposes; to the Committee on Merchant Marine and Fisheries.

461. A letter from the Acting Administrator of General Services, transmitting a request for approval of construction of various border station facilities under the purchase contract provisions of section 5(a) of the Public Buildings Amendments of 1972; to the Committee on Public Works.

Received From the Comptroller General

462. A letter from the Comptroller General of the United States, transmitting a report on difficulties of the Labor Department's Neighborhood Youth Corps in-school program and its management problems; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Texas: Committee on Rules. House Resolution 182. Resolution authorizing the Committee on Interstate and Foreign Commerce to make studies and investigations within its jurisdiction; (Rept. No. 93–16). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 185. Resolution authorizing the Committee on Armed Services to conduct full and complete studies and investigations and make inquiries on any and all matters within its jurisdiction as set forth in clause 3, rule XI of the Rules of the House of Representatives (Rept. No. 93–17). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 187. Resolution authorizing the Committee on Merchant Marine and Fisheries to conduct certain studies and investigations. (Rept. No. 93–18). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 226. Resolution providing for the consideration of H.R. 1975, a bill to amend the emergency loan program under the Consolidated Farm and Rural Development Act, and for other purposes (Rept. No. 93–19). Referred to the House Calendar.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 345. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes (Rept. No. 93–20). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 4328. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 4329. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

H.R. 4330. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to retired policemen or firemen or their dependents, or to the widows or other survivers of deceased policemen or firemen, shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. ASHLEY:

H.R. 4331. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. BADILLO:

H.R. 4332. A bill to prohibit the impoundment of funds appropriated for the Special Action Office for Drug Abuse Prevention; to the Committee on Appropriations.

H.R. 4333. A bill to prohibit the impoundment of funds appropriated for the National Science Foundation; to the Committee on Appropriations.

H.R. 4334. A bill to prohibit the impoundment of funds appropriated for the Federal prison system; to the Committee on Appropriations.

H.R. 4335. A bill to prohibit the impoundment of funds appropriated for programs under the jurisdiction of the Secretary of Housing and Urban Development; to the Committee on Appropriations.

H.R. 4336. A bill to prohibit the impoundment of funds appropriated for grants to States for unemployment insurance and employment services; to the Committee on Appropriations.

H.R. 4337. A bill to prohibit the impoundment of funds appropriated for airport and airway programs; to the Committee on Appropriations.

H.R. 4338. A bill to prohibit the impoundment of funds appropriated for urban mass transportation; to the Committe on Appropriations.

H.R. 4339. A bill to prohibit the impoundment of funds appropriated for the Cabinet Committee on Opportunities for Spanish-Speaking Peoples; to the Committee on Appropriations.

H.R. 4340. A bill to prohibit the impoundment of funds appropriated for the National Institutes of Health, for assistance to education, or for related programs and activities under the jurisdiction of the Secretary of Health, Education, and Welfare; to the Committee on Appropriations.

H.R. 4341. A bill to prohibit the impoundment of funds appropriated to the Veterans' Administration for grants to States for extended care facilities; to the Committee on Appropriations.

H.R. 4342. A bill to prohibit the impoundment of funds appropriated for Appalachian Regional Development programs; to the Committee on Appropriations.

H.R. 4343. A bill to establish the Office of Economic Opportunity as an independent agency, and for other purposes; to the Committee on Education and Labor.

By Mr. BIAGGI:

H.R. 4344. A bill to amend the Economic Stabilization Act of 1970 to provide that rents shall not be exempted from any application of this act solely upon the ground that such rents are subject to local rent control laws; to the Committee on Banking and Currency.

H.R. 4345. A bill to prohibit Federal assistance to rental housing projects where tenants are not allowed to have dogs, or to local governments which do not permit dogs in rental housing; to the Committee on Banking and Currency.

H.R. 4346. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

H.R. 4347. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.R. 4348. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of Ohio (for himself, Mr. Powell of Ohio, Mr. Ashley, Mr. J. William Stanton, Mr. Guyer, and Mr. Whalen):

H.R. 4349. A bill to authorize the Secretary of the Interior to establish and operate a national museum and repository of black history and culture at or near Wilberforce, Ohio; to the Committee on Education and Labor.

By Mr. BROWN of Ohio (for himself, Mr. Railsback, Mr. Kemp, Mr. Frelinghuysen, Mr. Schneebeli, Mr. Derwinski, and Mr. Mallary):

H.R. 4350. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials and elected town and township officials; to the Committee on Government Operations.

By Mr. BROYHILL of Virginia:

H.R. 4351. A bill to amend the Internal Revenue Code of 1954 to liberalize the retirement income credit; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts:

H.R. 4352. A bill to amend the Internal Revenue Code of 1954 to provide that the personal exemption allowed a taxpayer for a dependent shall be available without regard to the dependent's income in the case of a dependent who is over 65 (the same as in the case of a dependent who is a child under 19); to the Committee on Ways and Means.

H.R. 4353. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

H.R. 4354. A bill to amend the Internal Revenue Code of 1954 to provide that the full amount of any annuity received under the

Civil Service Retirement Act shall be excluded from gross income; to the Committee on Ways and Means.

By Mr. BURTON:

H.R. 4355. A bill to amend the Immigration and Nationality Act to provide visas for parents of permanent resident aliens; to the Committee on the Judiciary.

H.R. 4356. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. BYRON:

H.R. 4357. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. CONABLE:

H.R. 4358. A bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the national wilderness preservation system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CONTE:

H.R. 4359. A bill to amend the Federal Water Pollution Control Act; to the Committee on Public Works.

By Mr. de la GARZA:

H.R. 4360. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. DERWINSKI:

H.R. 4361. A bill to provide for the striking of medals in commemoration of the 500th anniversary of the birth of Nicolaus Copernicus (Mikolaj Kopernik); to the Committee on Banking and Currency.

H.R. 4362. A bill to authorize appropriations to be used for the elimination of certain rail-highway grade crossings in Cook County, Ill.; to the Committee on Public Works.

By Mr. DORN (by request):

H.R. 4363. A bill to amend title 38, United States Code, to promote the care and treatment of veterans in State veterans' homes; to the Committee on Veterans' Affairs.

H.R. 4364. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents; to the Committee on Veterans' Affairs.

H.R. 4365. A bill to amend title 38 of the United States Code in order to authorize an agreement with the Republic of the Philippines providing for hospital care and medical services to be furnished Commonwealth Army veterans and new Philippine Scouts for service-connected disabilities, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4366. A bill to amend chapter 34 of title 38, United States Code, to consider as active duty service, for certain purposes and under certain circumstances, the initial period of active duty for training served by a veteran pursuant to section 511(d) of title 10, United States Code; to the Committee on Veterans' Affairs.

By Mr. EDWARDS of Alabama:

H.R. 4367. A bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes; to the Committee on Agriculture.

By Mr. ESCH:

H.R. 4368. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

By Mr. ESCH (for himself, Mr. Bell, Mr. Blackburn, Mr. Danielson, Mr. Fish, Mr. Gude, Mr. Hansen of Idaho, Mr. Leggett, Mr. Mailliard, Mr. Matsunaga, Mr. Bob Wilson, and Mr. Charles H. Wilson of California.

H.R. 4369. A bill to provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes; to the Committee on Foreign Affairs.

By Mr. EVANS of Colorado:

H.R. 4370. A bill to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate; to the Committee on Government Operations.

By Mrs. GREEN of Oregon:

H.R. 4371. A bill to amend the Education Amendments of 1972 with respect to discrimination on the basis of sex in admissions to undergraduate institutions of higher education; to the Committee on Education and Labor.

By Mrs. GRASSO:

H.R. 4372. A bill to amend the Emergency Employment Act of 1971 to provide programs for unemployed scientists and engineers to assist State and local governments; to the Committee on Education and Labor.

By Mrs. GREEN of Oregon:

H.R. 4373. A bill to establish the French Pete Creek National Woodlands Recreation Area; to the Committee on Interior and Insular Affairs.

H.R. 4374. A bill to provide for the compensation of persons injured by certain criminal acts; to the Committee on the Judiciary.

H.R. 4375. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. GROSS:

H.R. 4376. A bill to amend title 5 of the United States Code with respect to the observance of Memorial Day and Veterans Day; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 4377. A bill to amend the Economic Stabilization Act of 1970, to direct the President to establish a Rent Control Board which, through the establishment of a cost justification formula, will control the level of rent with respect to residential real property, and for other purposes; to the Committee on Banking and Currency.

H.R. 4378. A bill concerning the war powers of the Congress and the President; to the Committee on Foreign Affairs.

By Mr. GUDE (for himself and Mr. Lehman):

H.R. 4379. A bill to provide for a study and investigation to assess the extent of the damage done to the environment of South Vietnam, Laos, and Cambodia as the result of the operations of the Armed Forces of the United States in such countries, and to consider plans for effectively rectifying such damage; to the Committee on Foreign Affairs.

By Mr. GUDE:

H.R. 4380. A bill to designate certain lands as wilderness for inclusion in the National Wilderness Preservation System, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4381. A bill to provide for the study of certain lands to determine their suitability for designation as wilderness in accordance with the Wilderness Act of 1964, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HAWKINS:

H.R. 4382. A bill to confer pensionable status on veterans involved in the Brownsville, Tex. incident of August 13, 1906, and to require the Administrator of Veterans' Affairs to make certain compensatory payments to such veterans and their heirs; to the Committee on Veterans' Affairs.

By Mr. HUDNUT:

H.R. 4383. A bill to protect confidential sources of the news media; to the Committee on the Judiciary.

By Mr. JARMAN:

H.R. 4384. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Alabama:

H.R. 4385. A bill to amend the National Science Foundation Act of 1950 in order to establish a framework of national science policy and to focus the Nation's scientific talent and resources on its priority problems, and for other purposes; to the Committee on Science and Astronautics.

By Mr. KYROS:

H.R. 4386. A bill making an urgent supplemental appropriation for the national industrial reserve under the Independent Agencies Appropriation Act for the fiscal year ending June 30, 1973; to the Committee on Appropriations.

H.R. 4387. A bill to amend the act of August 3, 1956, relating to the payment of annuities to widows of judges; to the Committee on the Judiciary.

H.R. 4388. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

H.R. 4389. A bill to amend ttile II of the Social Security Act to reduce from 20 to 15 the number of quarters of coverage which an individual must generally have had within a specified 10-year period in order to qualify for disability insurance benefits and the disability freeze; to the Committee on Ways and Means.

By Mr. MAHON:

H.R. 4390. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLS of Maryland:

H.R. 4391. A bill to amend section 5 of the Act of August 18, 1894, to require the Secretary of Transportation to prescribe regulations requiring more frequent openings of the Penn Central Drawbridge across the Bush River near Aberdeen, Md.; to the Committee on Interstate and Foreign Commerce.

By Mrs. MINK:

H.R. 4392. A bill to amend title 10 of the United States Code to deem service as a member of the Women's Airforce Service Pilots during World War II to be active service for purposes of computing retirement and longevity benefits; to the Committee on Armed Services.

H.R. 4393. A bill to provide that time spent by American civilians in enemy prisoner-of-war camps and similar places shall be creditable (as though it were military service) toward pensions, annuities, or similar benefits under various Federal retirement programs; to the Committee on the Judiciary.

By Mr. MORGAN:

H.R. 4394. A bill to implement the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage; to the Committee on Foreign Affairs.

By Mr. MORGAN (by request):

H.R. 4395. A bill to amend the Foreign Assistance Act of 1961 and for other purposes; to the Committee on Foreign Affairs.

By Mr. OWENS:

H.R. 4396. A bill to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PETTIS:

H.R. 4397. A bill to amend the Communications Act of 1934 in order to prohibit the broadcasting of any advertising of alcoholic beverages between certain hours; to the Committee on Interstate and Foreign Commerce.

By Mr. PETTIS (for himself and Mr. Pepper):

H.R. 4398. A bill to amend title II of the Social Security Act to provide that an insured individual otherwise qualified may retire and receive full old-age insurance benefits, at any time after attaining age 60, if he has been forced to retire at that age by a Federal law, regulation, or order; to the Committee on Ways and Means.

By Mr. PEYSER (for himself, Mr. William D. Ford, Ms. Abzug, Mr. Anderson of Illinois, Mr. Blackburn, Mr. Cleveland, Mr. Denholm, Mrs. Heckler of Massachusetts, Mr. Horton, Mr. Lehman, Mr. Mallary, Mr. Meeds, Mr. Melcher, Mr. Moorhead of California, Mr. Nelsen, Mr. O'Hara, Mr. Price of Illinois, Mr. Riegle, Mr. Robinson of Virginia, Mr. Robison of New York, Mr. Roe, Mr. Sarasin, Mr. Steiger of Wisconsin, Mr. Talcott, and Mr. Thompson of New Jersey):

H.R. 4399. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Government Operations.

By Mr. PEYSER (for himself, Mr. William D. Ford, Mr. Veysey, Mr. Waggonner, Mr. Walsh, Mr. Whitehurst, Mr. Bob Wilson, Mr. Wolff, Mr. Won Pat, Mr. Wydler, Mr. Young of Illinois, and Mr. Heinz):

H.R. 4400. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Government Operations.

By Mr. REID (for himself, Mr. Bingham, Mr. Clay, Mr. Diggs, Mr. Edwards of California, Mr. Fauntroy, Mr. Gibbons, Mr. Hawkins, Miss Holtzman, Mr. Koch, Mr. Roy, Mrs. Schroeder, and Mr. Stokes):

H.R. 4401. A bill to implement the constitutional prerogatives and responsibilities of the legislative branch; to the Committee on Government Operations.

By Mr. REID (for himself, Mr. Matsunaga, Mr. Price of Illinois, and Mr. Yatron):

H.R. 4402. A bill to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

By Mr. REID (for himself, Mr. Martin of North Carolina, and Mr. Charles H. Wilson of California):

H.R. 4403. A bill; the Antihijacking Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. ROONEY of Pennsylvania:

H.R. 4404. A bill to amend section 1130 of the Social Security Act to repeal the provision presently limiting to 10 percent the portion of the total grants for social services paid to a State which may be paid with respect to individuals not actually recipients of or applicants for aid or assistance, and to amend the public assistance provisions of such act to specify the minimum periods within which an individual (not receiving aid or assistance) must have been or be likely to become an applicant for or recipient of aid or assistance in order for expenditures for services provided to him to qualify for Federal matching; to the Committee on Ways and Means.

By Mr. SCHNEEBELI:

H.R. 4405. A bill to amend the Internal Revenue Code of 1954 to provide that taxpayers shall not be required to reduce the amount of casualty loss deductions by the amount of reimbursement anticipated from the cancellation of certain Federal loans made in the case of certain disasters; to the Committee on Ways and Means.

By Mr. SIKES (for himself, Mr. Davis of South Carolina, Mr. Frey, Mr. Dickinson, and Mr. Don H. Clausen):

H.R. 4406. A bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest landowners, and for other purposes; to the Committee on Agriculture.

By Mr. SISK:

H.R. 4407. A resolution to make it clear that code standards prescribed for purposes of the Federal laws relating to housing and urban development do not supersede the corresponding standards embodied in local building, plumbing, electrical, fire prevention, or related codes where the local standards are higher; to the Committee on Banking and Currency.

By Mr. SISK (for himself, Mr. McFall, Mr. Ketchum, and Mr. Rhodes):

H.R. 4408. A bill to amend the National Labor Relations Act, as amended, to amend the definition of "employee" to include certain agricultural employees; to the Committee on Education and Labor.

By Mr. SLACK:

H.R. 4409. A bill to amend the tariff and trade laws of the United States to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. STAGGERS:

H.R. 4410. A bill to provide that service performed by prevailing rate employees before conversion to wage schedules under the amendments made by the act of August 19, 1972, shall be counted for all step-increases under the time in step provisions of section 5343(e)(2) of title 5, United States Code, as amended by such act; to the Committee on Post Office and Civil Service.

By Mr. STEELMAN (for himself, Mr. Teague of Texas, Mr. Wright, Mr. Roberts, Mr. Collins, Mr. Milford, Mr. Mahon, Mr. White, Mr. Price of Texas, Mr. Burleson of Texas, Mr. Fisher, Mr. Young of Texas, Mr. Eckhardt, Mr. Brooks, Mr. Kazen, Mr. Poage, Mr. Gonzalez, Mr. Archer, Mr. Casey of Texas, Mr. de la Garza, and Mr. Pickle):

H.R. 4411. A bill to name a Federal office building in Dallas, Tex., the "Earle Cabell Federal Building"; to the Committee on Public Works.

By Mr. STEIGER of Arizona:

H.R. 4412. A bill to abolish the Joint Committee on Navajo-Hopi Indian Administration; to the Committee on Interior and Insular Affairs.

By Mr. STEIGER of Arizona (for himself and Mr. Rhodes):

H.R. 4413. A bill to promote the exploration and development of geothermal resources through cooperation between the Federal Government and private enterprise; to the Committee on Interior and Insular Affairs.

By Mr. STEIGER of Arizona (for himself and Mr. Conlan):

H.R. 4414. A bill to authorize the Secretary of the Interior to purchase property located within the San Carlos mineral strip; to the Committee on Interior and Insular Affairs.

By Mr. STEPHENS:

H.R. 4415. A bill to amend the Communications Act of 1934, with respect to broadcast license renewals; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMSON of Wisconsin:

H.R. 4416. A bill to support the price of milk at 85 percent of the parity price for the period beginning April 1, 1972, and ending March 31, 1974; to the Committee on Agriculture.

By Mr. VANDER JAGT:

H.R. 4417. A bill to amend the Communications Act of 1934, to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 4418. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. VEYSEY (for himself, Mr. Bell, Mr. Brown of California, Mr. Burgener, Mrs. Burke of California, Mr. Burton, Mr. Don H. Clausen, Mr. Del Clawson, Mr. Corman, Mr. Danielson, Mr. Edwards of California, Mr. Goldwater, Mr. Gubser, Mr. Hanna, Mr. Hawkins, Mr. Hinshaw, Mr. Holifield, Mr. Hosmer, Mr. Johnson of California, Mr. Ketchum, Mr. McCloskey, Mr. Mailliard, Mr. Moorhead of California, Mr. Pettis, and Mr. Rees):

H.R. 4419. A bill to amend the Clean Air Act to clarify California's right to enforce its own stringent motor vehicle emisson standards; to the Committee on Interstate and Foreign Commerce.

By Mr. VEYSEY (for himself, Mr. Anderson of California, Mr. McFall, Mr. Mathias of California, Mr. Rousselot, Mr. Roybal, Mr. Ryan, Mr. Sisk, Mr. Stark, Mr. Talcott, Mr. Teague of California, Mr. Van Deerlin, Mr. Waldie, Mr. Wiggins, Mr. Bob Wilson, and Mr. Charles H. Wilson of California):

H.R. 4420. A bill to amend the Clean Air Act to clarify California's right to enforce its own stringent motor vehicle emission standards; to the Committee on Interstate and Foreign Commerce.

By Mr. VIGORITO:

H.R. 4421. A bill to amend the Internal Revenue Code of 1954, to encourage the use of recycled oil; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 4422. A bill to extend migrant Health Act and increase appropriation; to the Committee on Interstate and Foreign Commerce.

By Mr. WHALEN (for himself and Mr. Murphy of New York):

H.R. 4423. A bill to assure the free flow of information to the public; to the Committee on the Judiciary.

By Mr. WHITEHURST:

H.R. 4424. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

H.R. 4425. A bill; the Eastern Wilderness Areas Act; to the Committee on Interior and Insular Affairs.

By Mr. CHARLES H. WILSON of California:

H.R. 4426. A bill to amend title 13, United States Code, to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census, to provide for a mid-decade sample survey of population, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4427. A bill to amend title 13, United States Code, to authorize the Bureau of the Census to establish a program for the canvassing of the election process, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4428. A bill to amend title 39, United States Code, with respect to the financing of the cost of mailing certain matter free of postage or at reduced rates of postage, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WINN:

H.R. 4429. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business, or any business having twenty-five or less employees in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

By Mr. WOLFF:

H.R. 4430. A bill to suspend the importation of liquified natural gas and the construction of new storage facilities for such gas until such time as a thorough evaluation of the hazards associated with the marine transportation and the delivery and storage of such gas is made and other actions are taken to prevent or minimize such hazards; to the Committee on Ways and Means.

By Mr. WYATT:

H.R. 4431. A bill to repeal chapter 44 of title 18 of the United States Code (relating to gun control; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 4432. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to include in the definition of law enforcement the enforcement of laws, ordinances, and regulations in any State relative to environmental recreation, including parks; to the Committee on the Judiciary.

By Mr. ZWACH:

H.R. 4433. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. MAHON:

H.J. Res. 345. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes; to the Committee on Appropriations.

By Mr. DINGELL (for himself, Mr. Murphy of New York, Mr. Lott, Mr. Jones of North Carolina, Mr. Biaggi, and Mr. Anderson of California):

H.J. Res. 346. Joint resolution amending the Fishermen's Protective Act of 1967 to insure the safety of U.S. commercial fishing vessels, crews, and equipment against illegal harassment and seizure; to the Committee on Merchant Marine and Fisheries.

By Mr. OWENS:

H.J. Res. 347. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. PETTIS:

H.J. Res. 348. Joint resolution proposing an amendment to the Constitution of the United States with respect to the flag of the United States; to the Committee on the Judiciary.

By Mr. PEYSER:

H.J. Res. 349. Joint resolution to authorize the President to proclaim the 22d day of April of each year as Queen Isabella Day; to the Committee on the Judiciary.

By Mr. REID:

H.J. Res. 350. Joint resolution to appropriate funds for projects and actiivties under the Economic Opportunity Act of 1964, as amended; to the Committee on Appropriations.

H.J. Res. 351. Joint resolution authorizing the President to proclaim the first Sunday of June of each year as "American Youth Day"; to the Committee on the Judiciary.

By Mr. RHODES:

H.J. Res. 352. Joint resolution directing the Secretary of State and the Secretary of the Interior, through the Bureau of Reclamation, to study the economic and engineering feasibility of acquiring riparian rights from the Republic of Mexico to water in the Gulf of California for the piping and pumping of water from the Gulf of California to Arizona for irrigation purposes, and to acquire a permit to locate a desalinization plant within the territorial limits of the Republic of Mexico; to the Committee on Foreign Affairs.

By Mr. ROSTENKOWSKI (for himself, Mr. Burke of Massachusetts, Mr. Anderson of Illinois, Mr. Cleveland, and Mr. Mitchell of Maryland):

H.J. Res. 353. Joint resolution to authorize the emergency importation of oil into the United States; to the Committee on Ways and Means.

By Mr. SIKES (for himself, Mr. Roy, Mr. Conlan, and Mr. Ruppe):

H.J. Res. 354. Joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day"; to the Committee on the Judiciary.

By Mr. WHITEHURST (for himself, Mr. Robert W. Daniel, Jr., and Mr. Henderson):

H.J. Res. 355. Joint resolution calling for an immediate moratorium on the killing of the eastern timber wolf; to the Committee on Foreign Affairs.

By Ms. ABZUG (for herself and Mr. Bingham):

H. Res. 223. Resolution of inquiry with respect to a pending grand jury investigation in the Northern District of Texas; to the Committee on the Judiciary.

By Mr. HOLIFIELD:

H. Res. 224. Resolution to authorize the Committee on Government Operations to conduct studies and invsetigations with respect to matters within its jurisdiction, and for other purposes; to the Committee on Rules.

By Mr. PERKINS (for himself, Mr. Dent, Mr. Erlenborn, and Mr. Quie):

H. Res. 225. Resolution to provide additional funds to the Committee on Education and Labor to study welfare and pension plan programs; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Massachusetts:

H.R. 4434. A bill for the relief of Zivka Jovanovic; to the Committee on the Judiciary.

By Mr. BURTON:

H.R. 4435. A bill for the relief of Bernard Mark Guerrero; to the Committee on the Judiciary.

H.R. 4436. A bill for the relief of CWO Gordon C. Knight; to the Committee on the Judiciary.

H.R. 4437. A bill for the relief of Joseph Francis Smith; to the Committee on the Judiciary.

By Mr. DOWNING:

H.R. 4438. A bill for the relief of Boulos Stephan; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 4439. A bill for the relief of George W. Polk; to the Committee on the Judiciary.

By Mr. FLOOD:

H.R. 4440. A bill for the relief of Gerda D. Koziol Etzoola; to the Committee on the Judiciary.

By Mrs. GREEN of Oregon:

H.R. 4441. A bill for the relief of Mary Kay Taylor; to the Commitee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 4442. A bill for the relief of Maria Librizzi; to the Committee on the Judiciary.

By Mr. JARMAN:

H.R. 4443. A bill for the relief of Ronald K. Downie; to the Committee on the Judiciary.

By Mr. PARRIS:

H.R. 4444. A bill for the relief of Richard P. Brainard; to the Committee on the Judiciary.

By Mr. REES:

H.R. 4445. A bill for the relief of Diana L. Ortiz; to the Committee on the Judiciary.

By Mr. STEIGER of Arizona:

H.R. 4446. A bill for the relief of Armen Sahakian; to the Committee on the Judiciary.

By Mr. STEPHENS:

H.R. 4447. A bill for the relief of Dr. Jose Maria Hiceta Porquez, and his wife, Erlinda Mosqueda Porquez; to the Committee on the Judiciary.

By Mr. UDALL:

H.R. 4448. A bill for the relief of 1st Lt. John P. Dunn, Army of the United States, retired; to the Committee on the Judiciary.

H.R. 4449. A bill for the relief of Col. Charles V. Greffet; to the Committee on the Judiciary.

By Mr. VEYSEY:

H.R. 4450. A bill to clear and settle title of certain claimants to certain real property located in the vicinity of the Colorado River in Riverside County, Calif.; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

49. By the SPEAKER: Petition of Milton Mayer, New York, N.Y., relative to redress of grievances; to the Committee on the Judiciary.

50. Also, petition of AMVETS, Department of Pennsylvania, Harrisburg, relative to cuts in veterans' pensions because of increases in social security benefits; to the Committee on Veterans' Affairs.

51. Also, petition of the Mahoning County Welfare Advisory Board, Youngstown, Ohio, relative to the food stamp benefit entitlement for welfare recipients transferred to the supplemental security income program; to the Committee on Ways and Means.

52. Also, petition of Milton Mayer, New York, N.Y., relative to redress of grievances; to the Committee on Ways and Means.

SENATE—*Tuesday, February 20, 1973*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou Creator Spirit, who brought light out of darkness, shed Thy holy light upon our pathway this day. Illuminate our judgments, shine through our deliberations and make our lives incandescent with Thy Spirit. Inflame our hearts with a passion for justice and righteousness. Dispose us ever to kindness and compassion for all who suffer. Grant us wisdom to affirm what is right to reject what is wrong and so to order all our endeavors that the Nation may be well served and Thy kingdom advanced on earth.

We pray in the name of Him who is the Light of the World. Amen.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that on February 17, 1973, the President had approved and signed the joint resolution (S.J. Res. 37) to designate the Manned Spacecraft Center in Houston, Tex., as the "Lyndon B. Johnson Space Center" in honor of the late President.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Robert W. Long of California, to be an Assistant Secretary of Agriculture, which was referred to the Committee on Agriculture and Forestry.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, February 19, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of the distinguished Senator from Missouri (Mr. EAGLETON) be changed to appear at the conclusion of the various orders; and that the order for the recognition of the distinguished Senator from Michigan (Mr. HART) be vacated, as well as the order for recognition of the distinguished Senator from Maine (Mr. MUSKIE).

The PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order the distinguished Senator from Texas (Mr. BENTSEN) is now recognized for not to exceed 15 minutes.

CONGRESSIONAL SPENDING

Mr. BENTSEN. Mr. President, the debate over congressional control of spending began last October during consideration of the fiscal 1973 expenditure ceiling. Since that time, thousands of words have been spoken on the floor of both Houses of Congress on the subject. Now the daily media are sprinkled with the terms "impoundment," "budget authority," "uncontrollables," and even "constitutional crisis" and "separation of powers." Some in the most impressive of legal terms are arguing our right to be wrong.

I am not sure that the average American understands all of this verbiage, and I doubt that he is impressed by it. But I have no doubt that he does understand and he is impressed when he hears the President say:

> It is time to get big government off your back and out of your pocket.

I am equally certain that he understands the President's pledge to oppose any increase in taxes.

We may charge the President with simple overstatement, but he is making his case with the American people.

Unless we in the Congress can make our case in terms just that direct and just that relevant to the average American, we are going to lose the powers of the purse.

The President has used the mechanism of impoundment to a degree never approached by any previous President. He is using it on a massive scale to kill entire programs, to item veto, to change the whole course of Government, and to nullify the acts of Congress without resort to accepted constitutional practices.

The President obviously has seized the initiative in this struggle. He has the issue, and we have the principle. The issue is whether or not inflation will be curbed, whether we will continue deficit financing, or whether taxes will be raised. The principle is the survival of representative government.

We need to ask ourselves the question: Is there still a place in this modern, complex society for a people's branch of government? Is it still possible to have government by consensus?

We are reminded of the words of Justice Brandeis, who said:

> The doctrine of the separation of powers was adopted by the convention of 1787, not to promote efficiency, but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy.

In this distribution of governmental powers, the power to determine expenditures was properly assigned to the Congress, and the Founding Fathers understood the importance of that. Now we are in danger of losing that power because we have never developed the mechanics for controlling the budget. Only because we have been an incredibly rich Nation have we been able to survive a situation in which our income legislation had little correlation with our expenditure legislation.

I think that day has passed. We have reached the limits of our resources. Our allocation of resources must now zero in on only those programs that show a high return in the development of our human and natural resources.

Just recently, Mr. President, we voted 65 to 15 to approve the Airport and Airways Development Act of 1970 which increases the Federal participation in many development projects from 50 to 75 percent. It doubles contract expenditures from $840 million to $1.68 billion over a 5-year period, and increases airport development grants from $280 million to $420 million during each of the next 2 years.

I voted against this bill—not because we have all the airports we need in Texas, and throughout the country—we probably need more than any other State because of the vast expanse of our State—and not because we have completed modernization of all the airports in Texas or across the Nation—and certainly not because I am opposed to air travel. I voted against airport funds so that I can vote for education funds when a vocational rehabilitation bill comes to the floor shortly. I have to set my priorities according to my own sense of what we can and cannot afford.

We talk continuously about reordering the President's priorities. Apparently many believe we can approve measures such as this one and still have enough left over for everything we want to do in education, health, pollution control, and other fields which we complain the President has shortchanged in his budget.

Mr. President, I urge every Senator—and particularly those who are currently engaged in preparing or holding hearings on spending measures—to look at every dollar he proposes to spend as if it has to come out of another program which he supports. Because that is exactly where it must come from.

If consensus is to work, then it means that each of us must forego some of those priorities we deem supreme, or at least moderate them. It means we will have to vote for some cuts and accept some limitations on favorite programs.

When I introduced the Federal Aid Highway Act this year, I included almost $1 billion less in funding than the Senate approved last year; and we may well reduce even that figure in committee after we conclude our hearings. Anyone who has driven across my State knows how important highways are to my constituents. It is not a pleasant task to make reductions, but it is a necessary task, and one that takes the measure of our responsibility.

But piecemeal reductions in Federal programs provide no permanent solution to the problem of regaining and retaining Congressional control over Federal spending. We must provide Congress with the means of making an independent judgment concerning the amount of Government money which should be spent each year. We need the machinery to insure coordination among the various committees which incur obligations and make outlays.

And this coordination must be achieved without diminishing the benefits we now derive from the expertise of these committees.

This is not a simple problem. If it were, it would have been solved long ago. Members of the Joint Study Committee on Budget Control and those of us who are studying the problem know very well the difficulties in finding a workable solution.

But we must have a system to insure that when we vote additional funds for any one program, we will know exactly where we are getting those funds. Then when we walk away from here at adjournment, we will all know what we did to the total Federal budget, and why.

It is safe to say that no permanent machinery will be in operation in time to help us assert rational control over fiscal 1974 spending in the order of priorities. In the absence of such permanent machinery, I urge all committees and all Members to exercise restraint as we pass on these measures.

I supported most of the programs which have been vetoed or cut back by impoundments. But congressional power over the purse is too important to our system of government to be lost just because the President can convince the majority of Americans that the Airport and Airway Development Act, or the rural environmental assistance program, is not sufficiently important to justify a tax increase.

On that basis, we will lose. It will not be a Democratic loss or a Republican loss. It will be a loss for representative government. It will be a transfer of power from elected officials closest to the people they represent to one man in the White House and an army of executive bureaucrats.

It is not a liberal or conservative issue, nor is it a partisan issue. It is an issue which must be properly framed and put to the American people, not by Republican and Democratic Senators and Representatives, but by U.S. Senators and Representatives.

Admittedly, we face great difficulties in communicating our collective views to the electorate. We do not speak with one voice, we cannot command the networks at our whim, and whoever heard of a charismatic Congress? The public opinion surveys reflect our dilemma: A recent Harris Poll indicates that the public's positive rating of Congress has fallen in just 6 years from 64 to 26 percent.

The ox is clearly in the ditch. The American people have lost faith in their Congress, although we are supposed to be the branch closest and most responsive to them.

I believe it is not too late to restore that faith. I am convinced that people want to see Congress retain the power of the purse—if we can demonstrate that we are still capable of handling the job. Given a fair hearing, I am convinced we will win. But unless we begin to demonstrate responsibility, we are not even going to get a hearing.

We have painful decisions to make if we are to recapture the confidence of the American people—if we are to avoid one-man government by decree.

APPOINTMENT BY THE PRESIDENT OF THE SENATE—ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

The PRESIDING OFFICER (Mr. Johnson). The Chair, on behalf of the President of the Senate, pursuant to Public Law 86-380, appoints the following Senators to the Advisory Commission on Intergovernmental Relations: the Senator from Maine (Mr. Muskie), the Senator from South Carolina (Mr. Hollings), and the Senator from Illinois (Mr. Percy).

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order the Senator from Massachusetts is recognized for not to exceed 15 minutes.

SENATE RESOLUTION 67—SUBMISSION OF A RESOLUTION CALLING ON THE PRESIDENT TO PROMOTE NEGOTIATIONS FOR A COMPREHENSIVE TEST BAN TREATY

(Referred to the Committee on Foreign Relations.)

Mr. KENNEDY. Mr. President, I send to the desk a resolution on behalf of myself and Senators Mathias, Hart, Humphrey, Muskie, Case, Abourezk, Bayh, Brooke, Burdick, Church, Clark, Cranston, Fulbright, Gravel, Haskell, Hatfield, Hathaway, Hughes, Inouye, Javits, Magnuson, McGovern, Mondale, Nelson, Pell, Proxmire, Ribicoff, Stevenson, Tunney, Williams, and Biden.

The resolution reads as follows:

S. Res. 67

Whereas the United States is committed in the Partial Test Ban Treaty of 1963 and the Non-Proliferation of Nuclear Weapons Treaty of 1968 to negotiate a comprehensive test ban treaty;

Whereas the conclusion of a comprehensive test ban treaty will reinforce the Non-Proliferation of Nuclear Weapons Treaty, and will fulfill our pledge in the Partial Test Ban Treaty;

Whereas there has been significant progress in the detection and identification of underground nuclear tests by seismological and other means; and

Whereas the SALT accords of 1972 have placed quantitative limitations on offensive and defensive strategic weapons and have established important precedents for arms control verification procedures; and

Whereas early achievement of total nuclear test cessation would have many beneficial consequences; creating a more favorable international arms control climate; imposing further finite limits on the nuclear arms race; releasing resources for domestic needs; protecting our environment from growing testing dangers; making more stable existing arms limitations agreements; and complementing the on-going strategic arms limitation talks; Now, therefore, be it

Resolved, That it is the sense of the Senate that the President of the United States (1) should propose an immediate suspension on underground nuclear testing to remain in effect so long as the Soviet Union abstains from underground testing, and (2) should set forth promptly a new proposal to the Government of the Union of Soviet Socialist Republics and other nations for a permanent treaty to ban all nuclear tests.

Mr. KENNEDY. Mr. President, I am submitting today with Senators Mathias, Hart, Humphrey, Muskie, and Case, and 26 other Senators a resolution calling on the President to propose to the Soviet Union an immediate suspension of underground nuclear testing, a suspension to remain in effect so long as the Soviet Union abstains from testing.

The resolution also urges the President to present a new proposal for the conclusion of a comprehensive nuclear test ban treaty to the Soviet Union and other governments, a proposal based on today's verification capabilities and not on yesterday's dogma.

This year will mark the 10th anniversary of the Partial Test Ban Treaty of 1963, but it will also mark the 10th anniversary of our failure to achieve a permanent halt to all nuclear weapons tests.

It was 10 years ago this past December that President Kennedy and Premier Khrushchev began the final round of letters and discussions that was to conclude with the signing of a partial test ban treaty in August 1963, and its ratification by the Senate on September 24, 1963.

Between the first high-level correspondence and the final negotiations, there was strong support voiced here in the Senate by Senator Humphrey and 33 other Senators who joined on May 27 to introduce a resolution calling for a limited test ban treaty. That action offered to the President a clear statement of the firm backing of the Senate.

Today we are offering President Nixon a similar statement of support if he will act as forcefully and expeditiously as did President Kennedy in pursuing a comprehensive test ban treaty.

Addressing the Nation, the day after the partial test ban treaty was initiated in Moscow by our chief negotiator, Averill Harriman, President Kennedy reminded the Nation of civilization's efforts:

> To escape from the darkening prospects of mass destruction. Yesterday a shaft of light cut into the darkness.

It is time to direct a brighter, more lasting light into that darkness by permanently ending all nuclear testing.

This resolution is our effort to convince this administration that the Senate and the people of this Nation want and will support a comprehensive test ban treaty. And we believe that the achievement of this treaty to ban all tests should be at the top of the President's agenda in his dealings with the Soviet Union.

Our goal should be to meet the target set by the United Nations for completing the agreement to end all tests—August 5, 1973—the 10th anniversary of the partial test ban treaty.

I ask unanimous consent for the U.N. resolutions to appear at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. Mr. President, it is to further that goal that we recommend an immediate suspension of underground nuclear weapons testing, a moratorium to remain in effect so long as the Soviet Union abstains. Just as the moratorium announced by President Kennedy in his June 10, 1963, speech at American University helped create a favorable negotiating climate, so do we believe a suspension now will have a similar effect.

In the last session of the Congress, I introduced Senate Resolution 230 on this subject. Senators HART and MATHIAS introduced a similar resolution, Senate Resolution 273. Some 28 Senators cosponsored either one or both of these resolutions. We now have joined in this single resolution because it is vital for the Senate to reaffirm our support for further arms control agreements as the best path to relieve the tensions and dangers of the nuclear era.

The President deserves considerable credit for negotiating the SALT I agreements to place quantitative limits on ABM's and on offensive weapons systems.

However, approval of the SALT I agreements adds a sense of urgency to this subject, a view that has been expressed by Dr. Kissinger, by such international authorities as Sweden's ambassador to the Geneva Committee on Disarmament and by numerous private citizens who are experts in the field.

Dr. Kissinger stated on May 29 in Kiev:

> This agreement, if it is not followed on by other negotiations, will, over a period of time, permit a qualitative race . . .

Ambassador Myrdal stated the matter even more succinctly in Geneva:

> Only a ban on further testing can stop the competition for qualitative proliferation: i.e., the quest for "product improvement" which is the most dangerously destabilizing element in the arms race.

We share those views and believe that a strong endorsement by the Senate of this resolution will demonstrate our concern that there be early action to prevent any further escalation in the qualitative arms race.

Nor is the Senate acting on a tabula rasa. For the Senate, not once, but twice before, has ratified treaties pledging this Nation to achieve the discontinuance of testing for all times. In the Partial Test Ban Treaty and then again in the Nonproliferation Treaty, the Senate has committed itself and the Nation to that pursuit. In a very real sense, we are delinquent in our commitment to valid international treaty obligations.

I ask unanimous consent to include the text at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. KENNEDY. Mr. President, for, since the partial test ban treaty was signed, we have been obligated to negotiate a permanent ban on all testing. Yet the record of the past 10 years is one of flagrant disregard for that commitment. Every administration has verbally pledged its determination to negotiate a treaty; yet none has offered a single new proposal to achieve that objective. We stand with the same stale proposal at Geneva that we put forward a decade ago.

In recognition of that disappointing record, I sent a private letter to President Nixon prior to his departure for Moscow last year, urging him to raise the subject with Soviet leaders. Once again, an opportunity was lost, an opportunity that could well have produced not only a mutual moratorium on testing, but renewed negotiations for a permanent treaty.

I fervently hope that the President will immediately begin the process now of preparing a new proposal on a comprehensive test ban treaty for presentation to the Soviet Union so that the upcoming visit of the Soviet Premier might be the occasion for the signing of a CTB and the completion of a vital step in the journey toward arms control and eventual disarmament.

Hopefully, passage of this resolution will elevate the negotiations for a comprehensive test ban treaty from the forgotten level where they now seem relegated, to the highest level of priority on the President's list of arms control measures.

Since the partial test ban treaty of 1963, we have announced the conduct of over 246 underground tests of nuclear weapons and the Soviet Union has conducted over 80. In fact, on the average, there have been more nuclear tests in the 10 years since the treaty than in the 18 years that preceded it.

For those who see the unparalleled disaster that would befall mankind in the accidental or deliberate use of nuclear weapons, time is running short for a decision to halt their testing and development.

A comprehensive test ban treaty would represent both an actual and a psychological leap forward on the path toward control of the destructive might unleashed by nuclear energy.

First, a comprehensive test ban would complement the SALT I agreements by placing a sizable hurdle on the potential for qualitative improvements in nuclear armaments.

It would place an additional restraint on the ever more senseless pursuit for new weapons, bolstered by the agreement of the Soviet Union not to build an ABM network, the need for new weapons is illusory.

The ABM treaty has voided the need for further improvements of ABM warheads since the limit of 200 to each side makes it absurd to justify testing for that purpose. No improvement of the effectiveness of these warheads could hope to compensate for this confirmed vulnerability to being overwhelmed by the sheer force of numbers. And similarly, with the ABM treaty, there no longer exists the threat that a Soviet ABM shield might deny our already available second strike capability and thereby undermine our deterrent.

Now, the illusory threat of an impenetrable anti-ballistic-missile shield has been removed and the need for new offensive weapons has therefore been reduced substantially. In that situation, the need for further testing loses its major rationale. For our security is based on our capacity for deterrence and our nuclear striking force already amply fulfills that requirement.

More testing can only undermine that deterrent, which even the Defense Department acknowledges to be fully sufficient. And the past decade should be evidence enough that unfettered testing does not add to our security but rather diminishes it.

Second, a comprehensive test ban treaty would significantly strengthen the Nonproliferation Treaty, which is perhaps the most important agreement in the nuclear era for the preservation of world peace and security. Yet its full potential has never been realized.

For since 1968, more nations have declined than have ratified the agreement. And it has been mainly those nations with the capacity to develop nuclear weapons which have remained aloof from the treaty.

These nations argue convincingly that there is both hyprocisy and arrogance in the demand that they adhere to the treaty while the superpowers blithely engage in unrestrained underground testing.

And the impact of the CTB would not be felt by the smaller nations alone. Whatever hope there is of bringing France and China into the frame of arms control agreements surely would be strengthened by demonstrating the willingness of the United States and the U.S.S.R. to give up further underground weapons testing. Even if China and France fail to join now in a CTB, it still is in our security interest and would hasten the day when nuclear testing would be ended everywhere.

There are today five nations which possess the power to trigger a nuclear holocaust. Nine years ago, there were four. It was then that President Kennedy said:

> I am haunted by the feeling that by 1970, unless we are successful, there may be ten nuclear powers instead of four, and by 1975, fifteen or twenty . . . I see the possibility in the 1970's of the President of the United States having to face a world in which fifteen or twenty nations may have these weapons. I regard that as the greatest possible danger.

The specter that he foresaw is slowly being realized and today there are a half a dozen nations which stand at the threshold of entering the nuclear club.

Can anyone doubt that we as well as all nations would be far less secure were we to continue to develop modest refinements in our nuclear stockpile at the cost of seeing nuclear weapons in the hands of Germany and Japan, Israel and Egypt, or India and Pakistan?

Foregoing further nuclear testing may be the firmest and most security-minded step that we can take if it brings with it the reinforcement of the Nonproliferation Treaty.

Third, halt to underground nuclear testing would eliminate a continuing environmental hazard.

The State Department has commented that—

> The environmental issue . . . cannot by itself be an overriding reason for our adopting a moratorium.

While it may not be the overriding reason, it is an important benefit that would result from an end to testing. Thus, ACDA Deputy Director Philip Farley, testifying last May before the Senate Foreign Relations Arms Control Subcommittee listed it as one of the four important advantages of a CTB.

The Stockholm Conference on the Environment this past June reaffirmed its concern on this subject, passing a resolution calling for an end to all testing.

For despite all of the precautions and all of the safeguards devised by the Atomic Energy Commission, one of every four underground tests has vented. And there are other environmental risks as well. While the Cannikin test did not produce the earthquake and tidal wave which was thought possible by a 1968 panel of eminent scientists, the danger of this occurring in another test still remains. And the massive power unleashed by nuclear testing carries unknown risks to the environment, risks that we discover only after the tests have occurred. We are too little versed in the delicate balance of man and energy on this planet to continue to take such risks with our environment.

Finally, the conclusion of a comprehensive test ban treaty would expand and encourage the potential for additional steps toward nuclear disarmament.

It would be a clear signal to the world that the superpowers are in earnest in their determination to wind down the nuclear arms race. It would help foster a new political climate encouraging all nations to move in the direction of disarmament. And it would be a strong incentive for reaching an early agreement in the second round of the Strategic Arms Limitations Talks.

These are the substantial and compelling reasons why a comprehensive test ban treaty is in the interest of the United States and all mankind and why I believe the Senate should go on record encouraging steps leading to the attainment of that objective.

And today, the steadfast demand for on-site inspections, has lost whatever semblance of logic it ever possessed. In 1963, the U.S. bargaining position rested on the requirement for seven on-site inspections in order to deter Soviet cheating. The Soviet Union would permit a maximum of three. At that impasse of questionable significance, the negotiations for a CTB were derailed.

Now it is 10 years later. And today the technology is vastly different and the stage for negotiation with the Soviet Union is vastly different.

The most obvious signs of those changes are the SALT agreements which passed this body last session. For these treaties, the ABM Treaty, and the Interim Agreement on offensive weapons systems, represent a marked shift in the relationship between the United States and the Soviet Union and a basic affirmation of confidence in our capacity to verify adherence to them. Both of these treaties involve delicate questions of balance and in neither did the United States believe that on-site inspection was of sufficient importance to justify holding up the agreements. Every relevant U.S. official—from the Defense Department to the CIA to the State Department to Henry Kissinger has testified that national means of verification are adequate to protect the interests of the United States and to insure that cheating does not take place.

What they are saying is that based on our highly sophisticated satellite photography, and other intelligence gathering techniques, the risk of discovery of any cheating outweighs from the Soviet viewpoint any benefits they might obtain.

And they have set up a process in which both sides agree not to interfere with national means of inspection and both sides agree not to disguise or in any other way block verification. Suspicions of any sort can be brought before a standing commission and if we are not satisfied with the explanation then we have the right under the treaty to withdraw.

So it is that we have the very persuasive comments of Dr. Kissinger that—

> We are confident that national means of verification are sufficient to monitor the numerical limitations of this agreement . . . we are confident that the national means of verification are sufficient to give us the highest degree of confidence that this agreement will be lived up to, or that we will know it almost immediately if it is not lived up . . .

Dr. Kissinger was supported strongly in this by ACDA Director, Ambassador Gerard Smith, who said:

> As a matter of fact, if I had my "druthers" and could have on-site inspection instead of our present national means, there would be no question in my mind that we would be much better off with national means of verification.
>
> In addition to that, we will have commitments from the Soviets not to interfere with those national means of verification and not to take measures to conceal their operation so as to prevent the working of national means of verification . . .

These very strong statements, repeated in testimony before the Senate Foreign Relations and Armed Services Committees, emphasized the exceptional improvement in our nonseismic capabilities for determining whether the Soviets are violating agreements. For the use of satellites for intelligence gathering has become a fine art, providing closeup photos that are now capable of distinguishing details down to a matter of feet. Thus, in 1971, the Defense Department announced its conclusions concerning Soviet missile buildups by satellite photos that disclosed a change of a few feet in the diameter of Soviet missile silos.

All of these methods of intelligence gathering have been refined in the past 10 years. And all of them are applicable to monitoring compliance with a test ban treaty.

And they do not include the seismic verification capabilities which have been refined tenfold since 1963. Seismological experts have testified convincingly that present methods of detection are adequate to locate and identify all but the smallest underground events. A 1971 report on hearings held before the Foreign Relations Subcommittee on Arms Control concluded that—

> Enormous advances have been made in seismology so that it is now possible, through seismic means alone, to identify underground explosions to a degree unknown five years ago (and) even presently deployed systems are vastly supperior to those deployed a few years ago.

Also, the summary of the Woods Hole seminar of the Advanced Research Project Administration of DOD reported a consensus that the current state of the art included the ability to identify most underground explosions down to the level of 2 kilotons in hard rock.

Dr. Franklin A. Long, former Assistant Director for Science and Technology of the Arms Control and Disarmament Agency, also described the new seismological ability last year as being extremely close to the situation when we can distinguish between earthquake and nuclear explosion whenever we can detect an underground disturbance.

In that situation, on-site inspection becomes virtually meaningless as a guarantee against cheating, DOD witnesses before the Joint Atomic Energy Committee testified in 1971 that on-site inspections were only marginally effective. If the disturbance is too small to detect, then there would be no reason to ask for an inspection. And if we were able to detect it, then we also could identify it as a nuclear test without on-site inspection.

There also are new developments in the environmental field which add to our belief that on-site inspection is no longer a legitimate obstacle to concluding a test ban treaty. As part of last year's environmental agreement between the United States and the Soviet Union, earthquake measurement instruments will be installed in each country. These black boxes and the Soviet agreement for U.S. scientists to install them in the Soviet Union might provide added confidence to the United States in policing a CBT.

I ask unanimous consent that the environment agreement fact sheet and memorandum be included in the Record at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. KENNEDY. Mr. President, the results of these developments in our technology perhaps was summarized best in a statement by a Committee of the Federation of American Scientists.

The committee included Adrian Fisher, former Deputy Director of the Arms Control and Disarmament Agency; Herbert York, former Director of Defense Research and Engineering under Presidents Eisenhower and Kennedy; Morton Halperin, former Deputy Assistant Secretary for Arms Control and Policy Planning under President Johnson and senior staff member of the National Security Council under President Nixon; Herbert Scoville, Jr., former Deputy Director for Science and Technology of the Central Intelligence Agency; George Rathjens, former Deputy Director of Advanced Research Projects Administration; Franklin Long, former Assistant Director for Science and Technology of the Arms Control and Disarmament Agency; George Kistiakowsky, Science Advisor to President Eisenhower; and Marvin L. Goldberger, former chairman of the Strategic Weapons Panel of the President's Science Advisory Committee.

Advocating a treaty without requiring on-site inspection, their statement read:

> Given recent improvements in seismology and other means of detection, we believe that the United States would detect Soviet violation of a test ban treaty long before the Soviets could carry out enough tests to score a breakthrough that would threaten the stability of the nuclear balance . . . Without any on-site inspections, clandestine cheating is far less plausible now than it would have been in 1963 with on-site inspections when President Kennedy urged such a treaty.

I ask that the full statement and other articles appear at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. KENNEDY. Mr. President, these statements reflect a widely held view in the scientific community that no nation could undertake tests of more than a few kilotons with any confidence that they would go undetected.

Finally, it might be noted that nothing in the track record of the Soviet Union in its treaty relations with this Nation since 1963 would challenge the presumption that they intend to bide by their treaty obligations. Neither in the partial test ban treaty, the nonproliferation treaty, the sea-beds treaty, the outer space treaty, nor in the SALT agreements has there been a requirement for onsite inspection in the Soviet Union, yet there has been no deliberate violation reported of any of these treaties. Nor has the absence of that requirement jeopardized our security in any way.

What does exist within these treaties is a withdrawal clause and particularly within the SALT agreements, a detailed provision for the establishment of a consultative commission whose function it is to provide a forum for queries which might be raised by either side in its monitoring of adherence to an agreement.

Any question or doubt which could not be resolved would provide the rationale for invocation of the withdrawal clause. But more important, the risk to the Soviet Union, in light of our seismological satellite photography and traditional intelligence-gathering methods is immense. Even tests at the lowest possible level of strength would be liable to error and exposure, as our own incidents of venting over the past decade have shown. And the potential benefit of any individual test is so negligible that it would be outweighed a hundredfold by the reactions which would occur should the cheating be discovered.

The Soviet Union has a vested interest in the network of arms control agreements which have been erected so carefully over the past decade. They know that this carefully balanced superstructure would come tumbling at the first indication of a treaty violation. And they know that the present state of verification makes the risk of discovery enormous.

For all of these reasons, I believe that it is imperative that the issue of verification no longer stand in the way of a goal that all nations and all rational men must accept, the goal of an end to nuclear weapons testing.

It is time for the United States to take the lead in achieving that goal, in lighting once more darkness, in helping to assure that our children and our children's children have an opportunity to live free from the threat of nuclear destruction.

EXHIBIT 1

TREATY BANNING NUCLEAR WEAPONS TESTS IN ATMOSPHERE, IN OUTER SPACE AND UNDER WATER

(PARTIAL TEXT)

Preamble: The governments of the United States of America, the United Kingdom of Great Britain & Northern Ireland, and the Union of Soviet Socialist Republics, hereinafter referred to as the "original parties,"

Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control in accordance with the objectives of the United Nations, which would put an end to the armaments race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons,

Seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, and desiring to put an end to the contamination of man's environment by man's environment by radioactive substances.

Have agreed as follows:

Article I: 1. Each of the parties to this treaty undertakes to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion at any place under its jurisdiction or control:

A. In the atmosphere, beyond its limits, including outer space, or under water, including territorial waters or high seas; or

B. In any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the state under whose jurisdiction or control such explosion is conducted. It is understood in this connection that the provisions of this subparagraph are without prejudice to the conclusion of a treaty resulting in the permanent banning of all nuclear test explosions including all such explosions underground, the conclusion of which, as the parties have stated in the preamble to this treaty, they seek to achieve.

2. Each of the parties to this treaty undertakes furthermore to refrain from causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test explosion, or any other nuclear explosion, anywhere which would take place in any of the environments described, or have the effect referred to in Paragraph 1 of this article.

Article II: 1. Any party may propose amendments to this treaty. The text of any proposed amendment shall be submitted to the depositary governments which shall circulate it to all parties to this treaty. Thereafter, if requested to do so by ⅓ or more of the parties, the depositary governments shall convene a conference, to which they shall invite all the parties, to consider such amendment.

2. Any amendment to this treaty must be approved by a majority of the votes of all parties to this treaty, including the votes of all of the original parties. The amendment shall enter into force for all parties upon the deposit of instruments of ratification by a majority of all the parties, including the instruments of ratification of all the original parties.

Article III: 1. This treaty shall be open to all states for signature. Any state which does not sign this treaty before its entry into force in accordance with Paragraph 3 of this article may accede to it at any time.

2. This treaty shall be subject to ratification by signatory states. Instruments of ratification and instruments of accession shall be deposited with the governments of the original parties. . . .

3. This treaty shall enter into force after its ratification by all the original parties and the deposit of their instruments of ratification.

4. For states whose instruments of ratification or accession are deposited subsequent to the entry into force of this treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession. . . .

Article IV: This treaty shall be of unlimited duration.

Each party shall in exercising its national sovereignty have the right to withdraw from the treaty if it decides that extraordinary events, related to the subject matters of this treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other parties to the treaty 3 months in advance.

Article V: This treaty, of which the English and Russian texts are equally authentic, shall be deposited in the archives of the depositary governments. . . .

FINAL TEST OF NON-PROLIFERATION TREATY

This is the complete text of the final and approved draft of the "Treaty on the Non-Proliferation of Nuclear Weapons" (new language is indicated in italics; deletions are noted in brackets where they occur):

The states concluding this treaty, hereinafter referred to as the "parties of the treaty."

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war.

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to cooperate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their support for research, development and other efforts to further the application, within a framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

Affirming the principle that the benefits of applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon states from the development of nuclear explosive devices, should be available for *peaceful purposes to all parties to the treaty, whether* nuclear-weapon or non-nuclear-weapon states,

Convinced that, in furtherance of this principle, all parties to the treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in cooperation with other states to, the further development of the applications of atomic energy for peaceful purposes,

[One paragraph deleted]

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race *and to undertake effective measures in the direction of nuclear disarmament,*

Urging the cooperation of all states in the attainment of this objective,

Recalling the determination expressed by the parties to the 1963 treaty banning nuclear weapon tests in the atmosphere, in outer space and under water in its preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,

Desiring to further the easing of international tension and the strengthening of trust between states in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a treaty on general and complete disarmament under strict and effective international control.

[One paragraph deleted]

Recalling that, in accordance with the Charter of the United Nations, states must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources.

Have agreed as follows:

Article I. Each nuclear-weapon state party to the treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage or induce any non-nuclear-weapon state to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

Article II. Each non-nuclear-weapon state party to the treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

Article III. 1. Each non-nuclear-weapon state party to the treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfillment of its obligations assumed under this treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such state, under its jurisdiction, or carried out under its control anywhere.

2. Each state party to the treaty undertakes not to provide: (*a*) *source or special fissionable material or* (*b*) *equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon state for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this article.*

3. The safeguards required by this article shall be implemented in a manner designed to comply with article IV of this treaty, and to avoid hampering the economic or technological development of the parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment, for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this article and the principle of safeguarding set forth in the preamble.

4. on-nuclear-weapon states party to the treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this article either individually or together with other states in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this treaty. For states depositing their instruments of ratification or accession after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than 18 months after the date of initiation of negotiations.

Article IV. 1. Nothing in this treaty shall be interpreted as affecting the inalienable right of all the parties to the treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of this treaty.

2. All the parties to the treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the treaty in a position to do so shall also cooperate in contributing alone or together with other states or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon states party to the treaty, with due consideration for the needs of the developing areas of the world.

Article V. Each party to this treaty undertakes to [word "cooperate" deleted] take appropriate measures to ensure that, in accordance with this treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available [words "through appropriate international procedures" deleted] to non-nuclear-weapon states party to this treaty on a non-discriminatory basis and that the charge to such parties for the explosive devices used will be as low as possible and exclude any charge for research and development. [One sentence deleted] Non-nuclear-weapon states party to the treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon states. Negotiations on this subject shall commence as soon as possible after the treaty enters into force. Non-nuclear-weapon states party to the treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

Article VI. Each of the parties to the treaty undertakes to pursue negotiations in good faith on effective measures [word "regarding" deleted] relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

Article VII. Nothing in this treaty affects the right of any group of states to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

Article VIII [formerly Article V]. 1. Any party to the treaty may propose amendments to this treaty. The text of any proposed amendment shall be submitted to the depositary governments which shall circulate it to all parties to the treaty. Thereupon, if requested to do so by ⅓ or more of the parties to the treaty, the depositary governments shall convene a conference, to which they shall invite all the parties to the treaty, to consider such an amendment.

2. Any amendment to this treaty must be approved by a majority of the votes of all the parties to the treaty, including the votes of all nuclear-weapon states party to the treaty and all other parties which, on the date amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force [words "all parties' 'deleted] *each party that deposits its instrument of ratification of the amendment* upon the deposit of such instruments of ratification of all nuclear-weapon states party to the treaty and all other parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. *Thereafter, it shall enter into force for any other party upon the deposit of its instrument of ratification of the amendment.*

3. 5 years after the entry into force of this treaty, a conference of parties to the treaty shall be held in Geneva, Switzerland, in order to review the operation of this treaty with a view to assuring that the purposes *of the preamble* and the provisions of the treaty are being realized. *At intervals of 5 years thereafter, a majority of the parties to the treaty may obtain, by submitting a proposal to this effect to the depositary governments, the convening of further conferences with the same objective of reviewing the operation of the treaty.*

Article IX [formerly Article VI]. 1. This treaty shall be open to all states for signature. Any state which does not sign the treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This treaty shall be subject to ratification by signatory states. Instruments of ratification and instruments of accession shall be deposited with *the governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.* which are hereby designated the depositary governments.

3. This treaty shall enter into force after its ratification by [words "all nuclear-weapon states signatory to this treaty" deleted] *the states, the governments of which are designated depositaries of the treaty,* and *40* other states signatory to this treaty and the deposit of their instruments of ratification. For the purpose of this treaty, a nuclear-weapon state is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to Jan. 1, 1967.

4. For states whose instruments of ratification or accession are deposited subsequent to

the entry into force of this treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The depositary governments shall promptly inform all signatory and acceding states of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This treaty shall be registered by the depositary governments pursuant to Article 102 of the Charter of the United Nations.

Article X [formerly Article VII]. [One sentence ("This treaty shall be of unlimited duration.") deleted.] *1.* Each party shall, in exercising its national sovereignty, have the right to withdraw from the treaty if it decides that extraordinary events, related to the subject-matter of this treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other parties to the treaty and to the United Nations Security Council 3 months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

2. 25 years after the entry into force of the treaty, a conference shall be convened to decide whether the treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the parties to the treaty.

Article XI [formerly Article VIII]. This treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the depositary governments. Duly certified copies of this treaty shall be transmitted by the depositary governments to the governments of the signatory and acceding states.

In witness whereof the undersigned, duly authorized, have signed this treaty.

3. POWERS PLEDGE SECURITY OF NON-NUCLEAR NATIONS

The UN Security Council June 19 adopted a resolution welcoming pledges by the U.S., USSR and Britain to act "immediately" through the Council in the event of a nuclear attack or threat of such an attack on non-nuclear-weapon states. The vote on the resolution was 10-0 with 5 abstentions. Those abstaining were Algeria, Brazil, France, India and Pakistan. The intention of the pledge was to assure the non-nuclear-weapon states that they would not jeopardize their security by signing the treaty.

In submitting the pledge for the U.S., Amb.-to-UN Goldberg noted that the security guarantee "introduces a powerful element of deterrence against aggression with nuclear weapons" and "lay[s] a firm political, moral and legal basis for assuring the security of non-nuclear-weapon parties" to the non-proliferation treaty. Soviet First Deputy Foreign Min. Vasily V. Kuznetsov, submitting the Soviet pledge, said the guarantee was a "logical and natural" demand of the non-nuclear-weapon states since "there still remains in the world the possibility of unleashing a nuclear war against non-nuclear countries." Lord Caradon submitted the pledge for Britain and declared that it should be clear "to everyone" that any country considering nuclear aggression against a non-nuclear-weapon signatory of the treaty "would be deterred by these assurances." Caradon described the "common determination of East and West in this issue of supreme international concern" as a "development of the utmost significance and importance in world affairs."

The text of the U.S. pledge, identical to the ones submitted by the Soviet Union and Britain:

The government of the U.S. notes with appreciation the desire expressed by a large number of states to subscribe to the treaty on the non-proliferation of nuclear weapons.

We welcome the willingness of these states to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

The U.S. also notes the concern of certain of these states that, in conjunction with their adherence to the treaty on the non-proliferation of nuclear weapons, appropriate measures be undertaken to safeguard their security. Any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all states.

Exhibit 2

[United Nations General Assembly, Twenty-Seventh Session, Agenda Item 32]

Resolutions Adopted by the General Assembly

(On the Report of the First Committee (A/8906))

2934 (XXVII). Urgent need for suspension of nuclear and thermonuclear tests.

A

The General Assembly,

Recognizing the urgent need for the cessation of nuclear and thermonuclear weapon tests,

Recalling its resolution 2602 E (XXIV) of 16 December 1969, by which it declared the decade of the 1970s as a Disarmament Decade, and its resolution 2734 (XXV) of 16 December 1970, which contains the Declaration on the Strengthening of International Security,

Recalling also its resolutions 914 (X) of 16 December 1955, 1762 (XVII) of 6 November 1962, 1910 (XVIII) of 27 November 1963, 2032 (XX) of 3 December 1965, 2163 (XXI) of 5 December 1966, 2343 (XXII) of 19 December 1967, 2455 (XXIII) of 20 December 1968, 2604 (XXIV) of 16 December 1969, 2663 (XXV) of 7 December 1970 and 2828 (XXVI) of 16 December 1971,

I

Noting with regret that all States have not yet adhered to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, signed in Moscow on 5 August 1963,[1]

Expressing serious concern that testing of nuclear weapons in the atmosphere has continued in some parts of the world, including the Pacific area, in disregard of the spirit of that Treaty and of world opinion,

Noting in this connexion the statements made by the Governments of various countries in and around the Pacific area, expressing strong opposition to those tests and urging that they be halted,

1. Stresses anew the urgency of bringing to a halt all atmospheric testing of nuclear weapons in the Pacific or anywhere else in the world;

2. Urges all States that have not yet done so to adhere without further delay to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water and, meanwhile, to refrain from testing in the environments covered by that Treaty;

II

Noting that no less than nine years have elapsed since the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water came into force,

Taking into account the determination expressed by the parties to that Treaty to continue negotiations to conclude a treaty resulting in the permanent banning of all nuclear weapon test explosions,

1. Declares that a treaty banning all nuclear weapon tests is an important element in the consolidation of the progress towards disarmament and arms control made thus far and that it would greatly facilitate future progress in these fields;

2. Calls upon all nuclear-weapon States to suspend nuclear weapon tests in all environments;

3. Calls upon the Conference of the Committee on Disarmament to give urgent consideration to the question of a treaty banning all nuclear weapon tests, taking into account the views already expressed in the Conference, the opinions stated at the current session of the General Assembly and, above all, the pressing need for the early conclusion of such a treaty.

The General Assembly,

Conscious of the dangers to mankind presented by a continuation of the nuclear arms race,

Believing that a cessation of all nuclear and thermonuclear weapon tests, including those carried out underground, would contribute to a declaration of the nuclear arms race, to the promotion of further arms control and disarmament measures, and to a reduction in world tension,

Believing further that a cessation of all nuclear weapon testing would inhibit the wider dissemination of nuclear weapons,

Noting with regret that not all States have yet adhered to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, signed in Moscow on 5 August 1963.[2]

Noting with regret that, despite the determination expressed by parties to that Treaty to achieve the discontinuance of all test explosions of nuclear weapons for all time, parties to the Treaty continue to test nuclear weapons underground, and no specific proposals for an underground test ban agreement are under negotiation.

Recalling that the General Assembly has repeatedly expressed its concern regarding the continuation of nuclear and thermonuclear weapon testing, in particular in its resolutions 914 (X) of 16 December 1955, 1762 (XVII) of 6 November 1962, 1910 (XVIII) of 27 November 1963, 2032 (XX) of 3 December 1965, 2163 (XXI of 5 December 1966, 2343 (XXII) of 19 December 1967, 2455 (XXIII) of 20 December 1968, 2604 (XXIV) of 16 December 1969, 2663 (XXV) of 7 December 1970 and 2828 (XXVI) of 16 December 1971.

Having considered the report submitted on 26 September 1972 by the Conference of the Committee on Disarmament,[3] and in particular the sections thereof concerned with achieving a comprehensive test ban,

Noting with satisfaction the completion of a first set of bilateral agreements on the limitation of strategic arms and expressing the hope that the progress so far achieved will lead to further agreed limitations on nuclear arms and be conducive to the negotiation of a ban on underground nuclear weapon testing,

1. Stresses again the urgency of halting all nuclear weapon testing in all environments by all States;

2. Urges all States that have not yet done so to adhere without further delay to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, and meanwhile to refrain from testing in environments covered by that Treaty;

3. Calls upon all Governments conducting underground nuclear weapon tests, particularly those parties to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, immediately to undertake unilateral or negotiated measures that would suspend or reduce such testing, pending the early entry into force of a

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Footnotes at end of article.

ban on all nuclear weapon tests in all environments;

4. Urges Governments that have been carrying out nuclear weapon tests to take an active and constructive part in presenting and developing in the Conference of the Committee on Disarmament, or in any other appropriate body, specific proposals for a comprehensive test ban;

5. Requests the Conference of the Committee on Disarmament to give first priority to its deliberations on a treaty banning underground nuclear weapon tests, taking full account of views of experts and of technical developments bearing on the verification of such a treaty, and further requests the Conference to submit a special report to the General Assembly at its twenty-eighth session on the results of its deliberations on this matter;

6. Urges Governments to take all appropriate measures further to develop existing capabilities for detection and identification of underground nuclear tests through seismological and other technical means, and to increase international co-operation in the elaboration of relevant techniques and evaluation of seismographic data, in order to facilitate an underground nuclear weapon test ban;

7. Calls upon Governments to seek as a matter of urgency a halt to all nuclear weapon testing, and to endeavour to achieve at the earliest possible date a comprehensive test ban and to obtain universal adherence to such a ban.

C

The General Assembly,

Reaffirming its deep appreciation concerning the harmful consequences of nuclear weapon tests for the acceleration of the arms race and for the health of present and future generations of mankind.

Deploring that the General Assembly has not yet succeeded in its aim of achieving a comprehensive test ban, despite twenty-one successive resolutions on the subject,

Deploring further that the determination expressed by the original parties to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, signed in Moscow on 5 August 1963,[4] to pursue negotiations to achieve the discontinuance of all test explosions of nuclear weapons for all time has not so far produced the desired results,

Recalling its resolutions 1762 A (XVII) of 6 November 1962 and 2828 A (XXVI) of 16 December 1971, whereby all nuclear weapon tests, without exception, were condemned,

1. Reiterates once again with the utmost vigour its condemnation of all nuclear weapon tests;

2. Reaffirms its conviction that, whatever may be the differences on the question of verification, there is no valid reason for delaying the conclusion of a comprehensive test ban of the nature contemplated in the preamble to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water;

3. Urges once more the Governments of nuclear-weapon States to bring to a halt all nuclear tests at the earliest possible date, and in any case not later than 5 August 1973, either through a permanent agreement or through unilateral or agreed moratoria;

4. Requests the Secretary-General to transmit the present resolution to the nuclear-weapon States and to inform the General Assembly at its twenty-eighth session of any measures they have taken to implement it.

FOOTNOTES

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[1] United Nations, *Treaty Series,* vol. 480, No. 6964, p. 43.

[2] *Ibid.*

[3] A/8818–DC/235.

[4] United Nations, *Treaty Series,* vol. 480, No. 6964, p. 43.

Exhibit 3

(The White House Fact Sheet)

Agreement on Cooperation in the Field of Environmental Protection Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics

BACKGROUND

Prospects for environmental research cooperation began with the Agreement on Exchanges and Cooperation negotiated for 1972–1973. That Agreement was signed in Moscow by Ambassador Beam and Deputy Foreign Minister A. A. Smirnov in April, 1972 and provided for further consultation.

Though discussion of expanded cooperation in the environmental reesearch area goes back to 1971, talks were held by Dr. Gordon McDonald, a member of the President's Council on Environmental Quality and Konstantin V. Ananichev, Director of Department, State Committee of the USSR Council of Ministers for Science and Technology, earlier this month. These talks culminate in the Agreement signed by the President and President Podgorny.

OUTLINE OF THE AGREEMENT:

As suggested in Aritcle 2, the cooperation formalized by this Agreement will focus on the areas of:

Air Pollution: Including reduction of content of noxious substances in emissions and the development of new improved technology.

Water Pollution: Including purification of waste waters by chemical, biological and other methods and the development of new improved technology.

Environmental pollution associated with agricultural production:

Including methods of using mineral fertilizers, chemical and biological means of plant protection, solving the problems of soil productivity and the disposal of wastes.

Enhancement of Urban Environment: Including the problems of urban planning, transportation problems, water supply, reduction of noise levels.

Preservation of Nature: Including the preservation of natural ecological systems, species of plant and animal life.

Marine pollution: Including the prevention of contamination by oil, metals and other pollutants.

Environmental Changes on Climate: Including the study of carbon dioxide, carbon monoxide, oxygen and ozone balance.

Earthquake prediction: Including joint studies of the mechanism of earthquakes.

Arctic and subarctic ecological systems.

Legal and administrative measures for protecting environmental quality.

This technological research will be facilitated by:

—exchange of scientists, experts and research scholars;

—organization of bilateral conferences, symposia and meetings of experts;

—exchange of scientific and technical information and documentation, and the results of research on environment;

—joint development and implementation of programs and projects in the field of basic and applied sciences; and

—other forms of cooperation which may be agreed upon in the course of the implementation of this Agreement.

A U.S.-U.S.S.R. Joint Committee on Cooperation in the Field of Environmental Protection will be established under the agreement to implement the proposed measures. Meetings will be held twice a year. The Chairman of the Committee for the U.S. side will be Russell Train, Chairman of the Council on Environmental Quality.

Between sessions of the Committee, designated coordinators will supervise the implementation of the agreement.

The agreement enters into force upon signature and remains in force five years after which it will be extended for successive five year periods unless one party notifies the other of the termination before six months prior to its expiration.

Memorandum of Implementation of the Agreement Between The United States of America and the Union of Soviet Socialist Republics on Cooperation in the Field of Environmental Protection of May 23, 1972

The first meeting of the U.S.-Soviet Joint Committee on Cooperation in the Field of Environmental Protection was held in Moscow September 18 to 21, 1972. The Joint Committee was established by the Agreement on Cooperation in the Field of Environmental Protection, signed in Moscow by the President of the United States Richard Nixon and Chairman of the Presidium of the Supreme Soviet N. V. Podgorny on May 23, 1972. As provided for in the Agreement, the Joint Committee approved concrete measures and programs of cooperation, and designated the participating organizations responsible for the realization of the programs.

Agreement was reached upon specific projects in the eleven subject areas named in the Agreement. Work will begin on a number of high priority projects during 1972–1973. For each project, responsible organizations were named by each side, although it was understood that other organizations from each side may participate in agreed projects, in many cases by working groups established in the specific area. It was agreed that the respective Coordinators would verify the initiation of the agreed projects and remain in communication regarding the development of the program as a whole.

Agreement was reached upon the following initial projects:

IX. EARTHQUAKE PREDICTION

1. Earthquake prediction.

The San Andreas fault area in the U.S. and the Garm-Dushanbe region in the USSR were designated as subjects for the installation of jointly operated earthquake measurement instruments and detection equipment. Both sides will exchange visits and information with regard to earthquake prediction research, seismic risk mapping, seismicity and earthquake resistant design.

2. Integration of U.S.-USSR Tsunami (earthquake produced tidal waves) warning systems.

Both sides will exchange visits and information and will consider the possibility of the integration of the Tsunami warning systems currently being operated by the U.S. in the Hawaii area and by the USSR in the Kurile-Kamchatka area. The two systems will be integrated to provide an exchange of data produced from each one and to improve the operation of both systems.

One working group will be established. It will meet on the subject of earthquake prediction in the United States in early 1973 and later in 1973 in the USSR. The lead agencies for the United States will be the Department of the Interior for earthquake prediction activities and the National Oceanic and Atmospheric Administration of the Department of Commerce for integration of the Tsunami warning systems, and for the USSR the Academy of Sciences of the USSR.

Exhibit 4

[From the F. A. S. Newsletter, January 1972]

FAS Calls for Total Test Ban Without On-Site Inspection

We believe that the United States should now seek to negotiate a treaty banning all underground nuclear tests without requiring any on-site inspection. The risks are minimal and the gains could be very substantial.

Given recent improvements in seismology and other means of detection, we believe that the United States would detect Soviet violation of a test ban treaty long before the Soviets could carry out enough tests to score a breakthrough that would threaten the stability of the nuclear balance. Indeed, we are aware of no persuasive argument explaining how even unrestricted Soviet testing below the level easily detected by seismic means could threaten the balance. Moreover, the Soviet leaders could not be given any confidence by Soviet scientists that even a single violation would go undetected.

Without any on-site inspections, clandestine cheating is far less plausible now than it would have been in 1963 with on-site inspections when President Kennedy urged such a treaty. Indeed, we believe on-site inspection would be of only marginal significance, amongst other present methods, in monitoring Soviet test activity. We urge greater declassification of nonseismological methods (and seismological ones also) to permit the public a better appraisal of our ability to monitor a ban.

Much of the opposition to the Test Ban Treaty in the United States does not arise from fear of Soviet cheating. It springs from the desire to continue American nuclear testing in order to develop new weapons, to request existing weapons and to keep our laboratories vigorous.

We see no need to develop new weapons to maintain the reliability of the American deterrent. A SALT agreement banning ABMs, or restricting them to low levels, would eliminate the need for much planned additional testing to develop improved MIRV and ABM warheads. But even without a SALT agreement, existing warheads would be sufficient. The vigor of the weapons laboratory is not an end in itself. And we can design around any uncertainty which may be created in the future by our inability to test old or modified designs.

There are a variety of means, all consistent with American interests, of dealing with peaceful explosions; our goal should be to find the means which have the greatest international support.

The positive advantages of a Test Ban Treaty are obvious and need not be labored. The treaty could slow down the strategic arms race indirectly. It would greatly reinforce the nonproliferation treaty and decrease the probability that additional nations would seek to develop nuclear weapons. It would eliminate the ecological dangers of further testing. It would inhibit the development of cheaper weapons whose technology might spread to other nations. Finally, it would contribute to an environment in which further steps leading to nuclear disarmament would be possible.

SOME POLICY CONSIDERATIONS OF A COMPREHENSIVE TEST BAN

A Treaty banning the testing of nuclear weapons would contribute to world security and to the security of the United States by: (1) reinforcing the distinction between nuclear and non-nuclear weapons and hence reducing the likelihood that nuclear weapons would ever be used; (2) slowing down the strategic nuclear arms race and thereby contributing to the stability of the balance; and (3) contributing to prevention of the spread of nuclear weapons through the adherence of non-nuclear powers. The arguments advanced against the treaty are: (1) continued American testing is necessary to develop weapons that we need such as advanced MIRVs and ABMs and to "proof test" existing weapons; and (2) without (and even with) on-site inspection the Soviet Union could cheat and make a breakthrough that would unset the stability of the nuclear balance. An examination of these considerations follows.

The test ban treaty would greatly enhance the existing arms control measures designed to strengthen the belief that nuclear weapons are different and should not be used even when nuclear powers fight. Much has already been accomplished in this direction from the time in the late 1950's when President Eisenhower was asserting without serious contradiction that nuclear weapons were now "conventional" and would be used in a future conflict. The total test ban treaty would make a reversal of this process extremely unlikely. There is great symbolism in agreeing not to test a weapon. Military men are reluctant to rely on, or to recommend, the use of weapons which have not been tested. Overtime the military bureaucracies of these nuclear powers that adhered to the treaty would plan less and less for nuclear warfare except in defense against a nuclear attack.

A prohibition on nuclear testing would slow the strategic arms race. It is worth noting that a complete test ban five years ago would have slowed down if not prevented the installation of both MIRVs and ABM, two developments now clearly seen to be destabilizing. A test ban now would make the development of highly accurate MIRVs on either side more difficult if not impossible.

The effects of a test ban on the proliferation of nuclear weapons could be most important. Some countries which have refused to sign the NPT would find it difficult, if not impossible, to refrain from adhering to the test ban treaty. India, in particular, has long pressed for the test ban and would thus find it difficult not to join.

Of equal importance, the test ban treaty would increase the probability that adherents to the NPT would not, at some future date, renounce that treaty. The NPT is disliked in many countries because it imposes an unequal obligation. The nuclear powers give up nothing that they are doing, and simply promise to do what they had no intention of doing—sharing nuclear weapons with non-nuclear powers. The non-nuclear powers are asked, on the other hand, to give up for all time their right to make nuclear weapons or to possess them. The test ban treaty seems a more equal bargain. The nuclear powers give up what they are now doing—testing weapons—and the non-nuclear powers give up the right to decide to test in the future.

It is generally conceded that, despite the large number of tests done by both sides, more can always be learned about weapons effects, weapons design and development. But, with one possible exception, none of this seems likely to have major military consequences. For example, yield to weight ratios have improved 1,000 times since Hiroshima but could hardly go up by more than about two times more. Of far greater importance today are the changing characteristics of the weapon systems themselves—accuracy, warhead carrying capacity and so on.

The one possible exception of major importance concerns the possibility of a thermonuclear weapon which did not require a fission trigger. [See, for example, "Nuclear Weapons Technology" by J. Carson Mark in *Impact of New Technologies on the Arms Race*, MIT Press 1971.] Such a discovery would lead to very cheap powerful weapons. But this would unquestionable *undermine* the security of the United States as the secret spread. It would encourage proliferation more than any other single discovery. In general, a continuation of testing will encourage proliferation in any case as other nations decline to practice a rule that we only preach.

Validation tests

In recent testimony, the Assistant to the Secrtary of Defense for Atomic Energy, Dr. Carl Walske has put forward what may become a major new argument against halting tests—the need to validate the continued reliability of stockpiled nuclear weapons. Pressed by the Muskie Subcommittee, Dr. Walske noted that since the mid-fifties there have been "five principal cases in which a nuclear test was an integral part of a corrective program for a nuclear weapon in our stockpile." These arose because important modifications of the design of the nuclear assembly system were being made for mechanical, metallurgical or safety standard reasons.

It is significant that Dr. Walske was forced to return to the Dulles-era analysis of the test ban that the test ban is desirable only if linked to other agreements in order to keep his requirement for continued testing consistent wtih the Administration position that a "suitably verified test ban" *was* desired. He said:

"I strongly endorse, as does the Defense Department, a comprehensive test ban treaty with adequate safeguards. . . . You may wonder how that is compatible with worrying about the reliability of stockpile. . . . My view is, my personal view, that a comprehensive test ban treaty should be judged as a first step in arms control, or another step since we have already had some and beyond that point you should go into real disarmament before too long. I don't mean one month, but I mean before too long. If you have a comprehensive test ban treaty and you do not eventually follow it up with real disarmament, then you would be faced with nuclear powers with large arsenals of nuclear arms and decreased reliability, which could be destabilizing."

Further investigation is required to put on the public record the extent to which these tests were required by aging on the one hand, or by planned changes on the other (new safety standards, etc.). But Dr. Walske's argument that a failure to be able to validate the continued workability of the warheads was "destabilizing" is questionable at best.

IS UNRELIABILITY DESTABILIZING?

A destabilizing effect is one which increases the ability of an aggressor to attack. Uncertainty on each side about the workability of its own, and its opponent's weapons, does not have that character. In the first place, the aggressor must have high confidence that his planned attack will work in virtually all particulars. The defender needs only ensure a much lower weapons reliability to retaliate effectively. And the aggressor cannot be sure that the defender's weapons are not working—when even the defender does not know. A more plausible argument suggests that a roughly comparable degree of uncertainty about weapon reliability would *discourage* aggressive use of nuclear weapons.

Nor was Dr. Walske correct in suggesting that the destabilization could be removed by eliminating "large" stockpiles. Short of general and complete disarmament, questions of reliability of weapons would, all political things being equal, tend to *increase* with dimunition in weapons stockpiles. Interestingly, in contrast, to the comment quoted above, Dr. Walske's letter noted that:

"If nuclear testing were stopped, uncertainties regarding the reliability of existing stockpiles of nuclear weapons could become quite large over a period of years, an effect which might be *stabilizing or destabilizing* depending on the circumstances."

In any case, the problems of deterioration of stockpiles could be resolved in direct ways by using a previously tested method or warhead, or even by replacing the warhead completely thereby restoring whatever effectiveness it had at the time of its entry into the stockpile. The Department of Defense statement adds:

"Of course, the reliability of the stockpile will be affected by the willingness of the government to spend possibly large sums of money to work around recognized deficiencies without nuclear tests. With such funding available the loss in reliability could often be avoided or delayed, although in the absence of nuclear testing corrective measures might involve longer periods of system degradation and might involve settling for a warhead performance well off the optimum."

The question of weapon reliability must also be put in some perspective; most of the concern about weapons firing has to do with their reaction to nuclear-weapons-effects of enemy warheads rather than with anything analogous to simple mechanical or chemical failure. Thus the Defense Department recently testified:

"Since the environments in which weapons may be required to perform are complex, hard to define, and often hostile, it is almost always impossible to guarantee their reliability by actual nuclear tests of the final stockpile design in all the various required combinations of physical environments."

Thus, for example, the partial test ban treaty is already restricting the ability of weapons designers to find out, in realistic tests, how our weapons will be affected by atmospheric nuclear bursts. But this is true for both sides.

The small possibility of a systematic defect in all the weapons in a strategic system, after all U.S. testing to date, could be covered by the withdrawal clause in arms control treaties of this kind.

It should also be pointed out that the long-term apprehensions about validating weapons in stockpiles will arise in a political context that is different from this one. As the cold war wanes dramatically over periods as short as five or ten years, fears appropriate to older periods often go unmentioned later. Still more predictably, the technology of detecting Soviet tests by seismological and non-seismological methods can be expected to continue to increase dramatically as it has steadily for years. No comparable improvement in methods for hiding nuclear tests has occurred. While these political and military trends need not be relied upon, it would be foolish to consider the policy issues of the comprehensive test ban treaty in the absence of speculative judgment upon these control issues.

We have mentioned as military motivation for testing: improvements in "Yield to Weight Ratio"; reduction in radiation (Low Fission); Validation Tests; and Missile Design problems—as in ABM penetration. Other reasons for continued testing given by the Defense Department in recent testimony were: the return to the economy of now necessary special materials as plutonium, oralloy and tritium (Reduced Special Materials); smaller diameter weapons (Special Geometry); still greater weapon safety (Safety); needed improvements in lifetime of weapons (Lifetime); and improvements in a category called "Special Output"—this presumably refers to output of x-rays or other special weapons effects for special purposes. None of these latter reasons seem persuasive objections to a comprehensive test ban treaty and some seem minor indeed.

Clandestine testing

As a related article (see below) shows, clandestine testing would be limited to detonations of a few to several kilotons—with great effort warheads of a few tens of kilotons might be involved. It is a startling and important fact that no one seems to suggest a way in which even *unlimited* clandestine testing by the Soviets at this level could shift the strategic balance in any significant way. In effect, if the United States agreed to halt all tests while permitting the Soviet Union to test below the threshold of, for example, 20 kilotons—no important strategic effect is foreseen. Thus if the test ban is desirable, it is desirable without regard to the problem of cheating, or the problems of inspecting for cheating.

Moreover, the problems of cheating are substantial. They include great uncertainty about the effects of any particular explosion. They include also even the human problems of preventing scientists from revealing that the Nation has cheated. Most important, there are the problems of conventional espionage, satellite reconnaissance and so on (see page 6). It seems likely that any series of tests, perhaps even a single test, would have to be carried out with the willingness of the Soviet leadership to be exposed if necessary and to accept that exposure with all the political and arms race consequences inherent in it.

UNDERGROUND TEST DETECTION

Although inspection of underground nuclear tests is generally assumed to depend entirely on seismology, in fact the U.S. now relies on a variety of intelligence means (see page 6) to detect Soviet underground nuclear tests. Together these methods give the U.S. high confidence that it would detect Soviet cheating long before the Soviets could conduct a sufficient number of tests to affect the security of the United States in any way. This is the relevant test—not whether any single explosion might conceivably go undetected.

Seismologists measure earth tremors by measuring body have (mb) magnitudes. A body-wave magnitude of 4 (mb4) corresponds to the tremor that would result from an explosion of about 2 kilotons in solid rock. Because the scale is logarithmic, a body-wave magnitude of 5 (mb5) corresponds to an explosion of about 20 kilotons in hard rock. As the Berkner Panel observed in March, 1959, larger explosions might, in principle, give the same body-wave signature if conducted in softer material (salt, alluvium) or if detonated in large hole—thus "decoupling" the force of the explosion from the earth. Indeed, if the explosion is set off in soft, dry alluvium, the explosion might be approximately "8" times larger and give the same body-wave magnitude.

However, explosions of this kind larger than several kilotons would leave large observable (by satellite) collapse structures. Similarly decoupling for explosions larger than several kilotons requires large amounts of excavation and risks detection by other means of intelligence. (Firing during earthquakes has also been mentioned but it obviously requires involved complicated maintenance of readiness around the clock over long periods if any useful measurements are to be taken—and infrequent tests).

Part of the renewed interest in the test ban has arisen from recent advances in seismology. These have, in effect, demonstrated that criteria for discriminating between earthquakes and explosions previously established above a magnitude mb4.5 could be applied to magnitudes of mb4.0. Thus explosions of approximately 2 kilotons (i.e., two thousand tons of TNT equivalent or one-tenth the size of the Hiroshima bomb) in hard rock could be detected and identified about 90% of the time from stations outside the Soviet Union.

Foster on on-site inspection

The Defense Department has not, however, given up its insistence on on-site inspection. In recent testimony, Dr. John S. Foster testified that "we have established the need for on-site inspection":

"(a) for events 'sufficently large to detect but sufficiently small that positive identification cannot be made'

"(b) 'to establish the nuclear or non-nuclear nature of low-yield explosions'

"(c) 'to restore international confidence in any cases where earthquakes are misidentified'

"(d) 'to deter violations by increasing the chance of getting caught' ".

At the present time, the Defense Department has estimated that a seismic monitoring system could be built to identify all but two or three events per year over magnitude four and a half (five to fifty kilotons in hard or soft rock respectively). At magnitude 4, there would be about 25 identified events per year. But many, if not all, of these events could be quickly disposed of on the basis of satellite reconnaissance—for example, many would occur in the midst of an untracted wilderness. Public reports on the extraordinary resolution of satellite photography have suggested that garbage can tops can be seen from satellite altitudes.[1] DOD announced comparable variations in Soviet missile silo diameters.

According to one witness before the Joint Atomic Energy Committee many of these events would be hard to resolve seismologically because obscured by the accidental occurrence of large earthquakes elsewhere in the world at the same time. Here a judgment on the feasibility of useful clandestine testing on the basis of "waiting for earthquakes" might eliminate our concern.

More information is required to believe that there is a serious problem of confusing Soviet nuclear explosions for conventional ones. How often does the Soviet Union set off thousands of tons of TNT equivalent in conventional explosions? And are there not ways in which the Soviet Union could communicate its intention reliably without on-site inspection—perhaps to watching satellites. During the Cuban crisis we accepted a visual look at boxes of missiles leaving Cuba as a solution to a similar on-site inspection problem.

International confidence

The case for restoring "international confidence" after misidentification really means giving the Soviet Union a chance to prove its innocence after the United States has mistakenly decided that the treaty has been violated. But no treaty need embody this right. The Soviet Union could always act to avoid U.S. abrogation by offering to permit an observer to visit the scene if and when other explanations did not suffice.

Finally, a few on-site inspections will not much increase the deterrent effect on violations. The on-site inspection method can only confirm deeply felt suspicions of the inspecting party. A successful clandestine test will avoid giving out signals that would trigger inspection. And if identifiable signals of violation may be emitted, on-site inspection or not, the violator must assume that abrogation may well follow.

It is significant also that these four reasons could be used to support on-site inspection notwithstanding any possible seismological advance. There will, after all, always be the possibility—with or without on-site inspection—of clandestine tests under the threshold, and of ambiguous events and misinterpretations.

If one-site inspections are of marginal significance for the U.S., and of deeply felt importance to the Soviets, there is a prima facia case for considering closely whether the treaty can go forward without them. Persumably this is why a representative of the Arms Control and Disarmament Agency, Mr. Philip Farley contented himself in recent testimony, with saying that on-site inspection "could" play an important role in deterring violators and "could" provide parties with added confidence that the treaty was being complied with. In answer to questions he noted that he did not exclude the possibility of an agreement without on-site inspection.

It should also be mentioned that on-site inspection could be the source of misunderstanding. The U.S.-Soviet disagreement over *numbers* of permitted inspections has always masked a more complicated unresolved negotiation over the modalities of inspection. Disputes over timing, rights of movement, and so on could turn an unnecessary inspection into a world incident producing heightened and unwarranted suspicion.

Footnotes at end of article.

Nonseismological methods of verification

Eight years ago, the President of Itek Corporation, Franklin Lindsay wrote:

"Soon it may even be possible to detect clandestine underground nuclear explosions with satellite cameras that can observe subtle changes in the surface of the ground above the point of detonation."

Among the subtle and not so subtle observed events might be: drilling, general site activity, subsidence craters, dust clouds raised by the explosion, or crater subsidence, radiation sensors or radar observation of the ground.[2] These methods do not require on-site inspection.

DISARMAMENT EXPERT SUFFERS LEGAL OUTRAGES

Thomas S. Lough served five years in the Arms Control and Disarmament Agency, and another year in the U.S. Disarmament Affairs Secretariat. His sound judgment and good character is well known to many FAS specialists in this field. While teaching as a professor of sociology in Kent State University, Professor Lough became one of many innocent persons indicted as scapegoats for the Kent State killings committed through police error. Although these cases have now been dropped. Professor Lough's legal expenses left him $10,000 in debt. In view of Professor Lough's long service to FAS goals, members are advised that contributions to his defense could be sent to him through the Department of Sociology at Kent State University, Kent, Ohio 44242.

HISTORY OF TEST-BAN NEGOTIATIONS

On March 1, 1954, a U.S. thermonuclear explosion at Bikini Atoll contaminated a local Japanese vessel with radioactive fallout and produced radioactive rain over wide areas of the Pacific Ocean. From 1955 to mid-1957, the Soviet Union pressed for an agreement on nuclear tests as a separate measure while the U.S. linked such an agreement to progress in arms limitation or disarmament. When the Soviet Union began to talk in concrete terms of "control," the United States conceded the possibility of a "temporary suspension" of testing as "part of an agreement for a first step in disarmament" and proposed a Committee of Experts be convened to consider the matter.

By the beginning of 1958, the United States had completed about 110 announced tests and the Soviets had held about 30.[3] The Soviets then set off about 10 more and announced, on March 31, 1958 that they would halt but would feel free to resume testing if others did not follow suit. President Eisenhower did not accept Premier Khrushchev's moratorium offer but persuaded a reluctant Khrushchev to agree to a Geneva Conference of Experts that began in July. After the Conference, President Eisenhower agreed to halt testing for one year with a view to negotiating an agreement along the lines the experts had sketched; the year would begin when the negotiations began.

Starting a month after the Soviet moratorium proposal, the United States had performed 50 more announced tests in six months halting with the onset of negotiations on October 31, 1958. Noting that the offer of a moratorium had not been accepted, the Soviet Union claimed the right to perform as many tests as the West had since the moratorium had been announced; it proceeded to conduct 16 atmospheric tests between September 30 and November 3—two of these overlapped the onset of negotiations on October 31 by a few days. President Eisenhower announced that the U.S. was relieved of any obligation to suspend tests but would continue "for the time being." Thus began a three year stoppage of tests.

Negotiations begin

In the negotiations, in January the West dropped its link between a ban on testing and progress toward disarmament. But it introduced new evidence from recent underground tests that suggested seismic detection would be less effective than had been supposed and proposed reconsidering the conclusions agreed to at the conference of experts. A great deal of discussion followed concerning the modalities of on-site inspection: the makeup of inspection teams, the rights of movement, logistic support, staffing of control posts, and control headquarters, rights of veto, and so on.

After a special U.S. panel on Seismic Improvements (the Berkner Panel) confirmed, on March 16, 1959 that underground tests would be harder to monitor than anticipated, President Eisenhower wrote Premier Khrushchev urging a separate atmospheric ban. The Soviet Union rejected this proposal and there then ensued, among other strands of negotiation, haggling over the number of on-site inspections to be permitted. The West had asked 20 inspections and the Soviets had offered three.

Technically the unofficial and informal moratorium had come to an end on December 29, 1959 when President Eisenhower stated that "America considered itself free to resume nuclear weapons testing" subject to advance notice of such intention. (See, for example, Senate Foreign Relations Committee analysis of The Test Ban, September 3, 1963). But neither side tested until, on August 30, 1961, the Soviet Union began a two month series of about 30 atmospheric tests. With regret, President Kennedy followed suit.

In December, after the Cuban Crisis, Premier Khrushchev wrote President Kennedy and, alluding to the risks of war just passed, offered to settle the test ban problem on these terms: 2–4 on-site inspections (he noted that Ambassador Arthur Dean had used this number in discussions with First Deputy Foreign Minister V. V. Kuznetsov), and automatic seismological stations as suggested by "British" scientists. President Kennedy responded that Ambassador Dean had suggested "eight to ten" inspections that three automatic stations would not be sufficient, and that he had been informed that the automatic station notion was a "Soviet" idea, endorsed by independent scientists of other countries.

The Partial Test Ban Treaty

Finally, on June 10, 1963, President Kennedy announced in an American University speech:

"To make clear our good faith and solemn convictions on the matter, I now declare that the United States does not propose to conduct nuclear tests in the atmosphere so long as other states do not do so. We will not be the first to resume."

The Partial Test Ban Treaty negotiations followed swiftly and the draft treaty was initialed on July 25, 1963.

Hearings before the Foreign Relations Committee revealed only one official witness opposing the treaty: Dr. John S. Foster, then Director of the Lawrence Radiation Laboratory, now Director of Defense Research and Engineering (DDR&E) in the Department of Defense. Of scientific consultants to the Government, only Edward Teller opposed the treaty.

The Joint Chiefs of Staff argued that the risks of the treaty could be reduced through certain safeguards: (a) continuation of a comprehensive, aggressive, underground nuclear test program; (b) maintenance of the vitality of our nuclear laboratory facilities and weapons programs (c) the maintenance of a state of readiness to resume atmospheric nuclear testing in the event of violation or abrogation of the treaty and (d) the improvement of detection methods for Soviet and Chinese tests. President Kennedy reassured the Senate on these points in his letter of transmittal of the treaty to the Senate, and in a special letter to Senator Everett Dirksen. Supporting the treaty, the Joint Chiefs had their most serious reservations about the possibility of unwarranted "euphoria" in the West. They considered possible Soviet progress due to clandestine testing to be only a "relatively minor factor" in the overall balance and they argued that the "broader advantages" of the treaty in terms of world tension and proliferation justified the risks.

The Partial Test Ban Treaty entered into force on October 10, 1963. Since that time, both powers have overlooked violations of the other in which explosions have vented to the point where radioactivity leaked over boundaries. Each side has engaged in vigorous underground testing.

CREDENTIALS OF CO-SIGNERS

In addition to the necessary approval of the Executive Committee of the Federation, both statements released on page 1 had the explicit endorsement of certain FAS specialists in these matters. Their credentials for endorsing one or both statements appear below. Because both statements involved strategic weapons, there is some overlap in cosigners. (However, an expression of support for one statement and not the other does not in any of the present cases constitute disapproval. It simply means, that the statement in question was not circulated to that cosigner for his support.)

Marvin L. Goldberger, formerly Chairman of the Strategic Weapons Panel of the President's Science Advisory Committee, and now Chairman of the Department of Physics of Princeton University. (FAS Chairman)

Herbert Scoville, Jr., former Deputy Director for Science and Technology of the Central Intelligence Agency, former Assistant Director for Science and Technology of the Arms Control and Disarmament Agency. (FAS Secretary)

Herbert F. York, former Director of Defense Research and Engineering (under Presidents Eisenhower and Kennedy), now Chancellor of the University of California at San Diego. (FAS Chairman 1969–70)

George W. Rathjens, who has been Deputy Director of ARPA, Deputy Assistant Director for Science and Technology of ACDA, Director of the Weapons Systems Evaluation Division at IDA, and Special Assistant to the Director of ACDA, now professor of Political Science at MIT.

Morton H. Halperin, former Deputy Assistant Secretary for Arms Control and Policy Planning (under President Johnson) and Senior Staff Member of the National Security Council under President Nixon.

Leslie H. Gelb, former Acting Deputy Assistant Secretary for Arms Control and Policy Planning and Director of the Policy Planning Staff.

Eugene Skolnikoff, who has been Special Assistant to three Presidential Science Advisors and is now Chairman of the Department of Political Science at MIT.

Richard H. Ullman, Professor of Politics and International Affairs at Princeton University and a former member of the Policy Planning Staff in the Pentagon's ISA and the National Security Council in the White House.

Adrian Fisher, former Deputy Director of the Arms Control and Disarmament Agency under Presidents Kennedy and Johnson, now Dean of Georgetown Law School.

FOOTNOTES

[1] Public reports on the resolution of satellite photography have been compiled in a chapter authored by Jeremy J. Stone in "ABM," (edited by Abram Chayes and Jerome B. Wiesner, Harper & Row, 1969).

[2] This list of possibilities, and indications that these kinds of methods are being exploited in the U.S. Vela Satellite program, appears in a Swedish Peace Research Institute (SIPRI) report, "The Test Ban", October 1971.

[3] These announced tests understate the number of tests of both sides but they are probably indicative of relative numbers.

Wiesner on Test Ban

. . . as Science Advisor to President Kennedy, I participated in the decisions leading up to the Limited Test Ban Treaty. . . . Actually, there was no technical reason why we should not have concluded a comprehensive test ban treaty at that time. We now know that only political considerations on both sides prevented reconciliation of the minor differences that existed at the time.

Today, the feasibility of an undeground test ban is even greater. It was recently announced that a scientists' panel at a test detection conference of the Advanced Research Project Agency of the Defense Department concluded that progress in seismology now makes it possible to distinguish all but the smallest tests from earthquakes. A test ban agreement without on-site inspection, therefore acceptable to the Soviet Union and practical to implement would now appear possible.—Dr. Jerome B. Wiesner President of MIT, July 22, 1971, statement to Senator Edmund Muskie, on opening of hearings by the Senate Subcommittee on Arms Control on the Test Ban.

Two Treaty Commitments To Seek Total Test Ban

OCTOBER 10, 1963

Seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end. . . . —Partial Test Ban Treaty.

JULY 1, 1968

Recalling the determination expressed by the Parties to the 1963 Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end. . . . —Nonproliferation of Nuclear Weapons Treaty.

Improved Identification Versus On-Site Inspection

It does seem to me a quite reasonable estimate that a system for accomplishing distant identification can be established which will permit identification of distant nuclear explosions in rock as small as perhaps 2 or 3 kilotons. . . .

. . . as the capability for identification approaches more closely the limit for detecting, it is getting to the point where the number of suspect events detected but not identified is becoming somewhat less significant in terms of numbers. That is why I myself believe that the current capabilities and the clear indications of improvements by installing better systems and so on makes it really entirely reasonable to contemplate a comprehensive test ban treaty in which on-site inspections are not called for.—Pg. 49 Muskie Committee Hearings, July 22, 1971, Franklin A. Long, former Assistant Director for Science and Technology of the Arms Control and Disarmament Agency, 1962–63.

Seismological Identification

"For underground testing in hard rock, we can assume that the superpowers are in a position to achieve a detection threshold of about 5–10 kt. Theoretically these numbers are higher by a factor of ten for testing in alluvium and much higher still for testing in a large hole (i.e. decoupling). But taking into account technical realities we can say that underground testing above 10–20 kt can be made extremely risky for the tester, by the use of seismic monitoring alone."—SIPRI assessment, October, 1971 "The Test Ban"

Partial Test Ban Treaty Opponents Stressed "Knowledge"

To acquire more knowledge in order to know how to defend ourselves, this, I would suggest, is not quite properly called an arms race.

This treaty will not prevent the arms race. It will stimulate it. This treaty is not directed against the arms race. This treaty is directed against knowledge, our knowledge.—Edward Teller, August 20, 1963, Test Ban Hearings, Senate Foreign Relations Committee.

The proposed treaty would limit not only our knowledge of the actual state of Soviet military deployment, but would also restrict our knowledge of what may even be technically possible. Specifically, this requires that the United States explore vigorously all areas of technology critical to our security.—John S. Foster, August 21, 1963, Test Ban Hearings, Senate Foreign Relations Committee. (Dr. Foster was then Director of the Lawrence Radiation Laboratory.)

[From the Scientific American, November, 1972]

The Great Test-Ban Debate

(By Herbert F. York)

The modest but significant progress toward the control of nuclear weapons that has been made during the past nine years has brought to the fore the question that was raised in the first place: Is the time ripe for a treaty prohibiting all tests of nuclear weapons? Indeed, both the limited-test-ban treaty of 1963 and the nonproliferation treaty of 1968 contain clauses obligating the signatories to seek to achieve a treaty establishing a comprehensive ban. The issue is therefore being debated again, as it was when Jerome B. Wiesner and I discussed the subject in these pages in October, 1964. This time, however, it is possible to employ hindsight to sharpen foresight, because most of the arguments being made against a comprehensive test ban now are essentially the same as the ones that were put forward in the long debate preceding the adoption of the limited test ban. An examination of how those arguments look in the light of experience will help to supply a basis for estimating how much weight they should be given in the present debate.

The questions involved are of two general types. One type has to do with the means for monitoring a test ban to ensure that the signatories are complying with the treaty. That subject was recently reviewed in these pages [see "Extending the Nuclear-Test Ban," by Henry R. Myers; Scientific American, January]. The other types has to do with the potential effects of a test ban on the national security of the parties to a treaty or other agreement. I shall limit my discussion to questions of this type.

In the debates of a decade and more ago (from 1957 to 1963, to be more precise) the national-security matters most frequently raised by people who opposed or seriously questioned the test ban came under the following general headings: anti-ballistic-missile (ABM) systems, weapons effects, pure fusion bombs, improvement of the yield-to-weight ratio of nuclear weapons and new knowledge, possibly involving military surprises. Let us review the arguments and the subsequent developments under each heading.

In the early 1960's claims were made by Russian officials that the U.S.S.R. had solved the problem of intercepting and destroying incoming ballistic missiles. Not long afterward U.S. intelligence activity discovered that the Russians were indeed beginning to deploy an ABM system. Moreover, the extensive series of nuclear tests conducted by the Russians during 1961 and 1962 had included explosions at altitudes that would be of interest to designers of an ABM system. The U.S. had also conducted a number of high-altitude tests, leading certain scientists and military officials to assert that this country had enough knowledge to design an ABM system. Secretary of Defense Robert S. McNamara and other high officials did not agree, however, and so no ABM-system deployment was then authorized in this country.

Opponents of a test ban contended that the reason for the difference between the Russian decision to deploy and the U.S. decision not to deploy must be that the Russians knew something we did not know. They suggested that this something had been discovered during the Russian test series. Some opponents: went on to speculate that the reason the Russians were now willing to consider a test ban was that they had learned some essential secret and saw the test ban as a way of preventing the U.S. from learning it.

For example, the physicist Edward Teller said: "I think there is a disparity in knowledge, and the disparity of knowledge today means a disparity of power tomorrow. . . . I believe that, because they have acquired this knowledge, they don't need any more atmospheric tests, and I believe that is why Khrushchev is willing to sign the treaty at present." Senator Strom Thurmond said: "All it will take to put the Soviets in a dominant nuclear position is two things: one, enough time to build up a stockpile of the already perfected Red antimissile missile, which will render our huge arsenal of ICBM's [intercontinental ballistic missiles] useless, and second, ratification of the test-ban treaty that will prevent the United States from high-altitude tests necessary for completion of our own Nike X antimissile-missile program, thereby leaving America defenseless against Red missiles."

When pressed for details, the opponents of the test ban commonly referred to several matters on which, they said, insufficient information existed, at least in the U.S. One matter was the blackout phenomenon, in which a nuclear explosion at high altitude produces a large volume of ionized air that is for a time opaque to radar. There were also allusions to certain long-range "kill" mechanisms that would work against incoming warheads. Here it was argued that tests were needed in order to design defensive warheads that would produce such effects and offensive warheads that would survive the effects.

On the other side of the argument it was contended that the U.S.S.R. had not gained any special advantage due to some private knowledge about high-altitude effects. Harold Brown, who was then Director of Defense Research and Engineering, said: "I feel rather strongly that they [the Russians] are not substantially ahead of us." He added that it was not a defect in nuclear knowledge that had prevented the U.S. from deploying ABM systems but rather that "the U.S. decided not to deploy the Nike Zeus because its effectiveness was inadequate against U.S. penetration aids . . . and we assume the same would be true of the Soviet penetration-aid capability." The U.S. Joint Chiefs of Staff said that "development of the U.S. [AMB] system does not depend on atmospheric testing and hence this treaty will not significantly influence any imbalance that may exist."

What have subsequent events revealed about these claims and predictions? The Russian ABM program proceeded erratically from the base described in 1963. After several periods of delay that indicated indecision and uncertainty, the Moscow ABM system (now called the Galosh system) was reported early this year to have fewer than 100 ABM vehicles ready for launching. The system was generally judged to be quite inadequate for coping with an attack against it by U.S. missiles. Russian ABM installations that had at one time been reported around Leningrad and Tallinn either were dismantled or turned out to have a different purpose. Nothing that has happened since the test-ban debate has confirmed the notion that the U.S. did not know. Indeed, the Russian decision to deploy the Galosh system seems to have been due to a poor understanding of just how easy it is to penetrate systems of that type and size.

On the U.S. side the development of an ABM system continued through the 1960's at a level of about $500 million per year. The system slowly evolved, as did the political situation both domestically and internationally. Finally, near the end of the Johnson Administration, a decision was made to deploy an ABM system called Sentinel around certain cities. The main reason given was that it would provide protection agianst a prospective Chinese missile force.

After considerable public reaction this decision was rescinded, and a deployment of the same equipment under a new name (Safeguard) was proposed by the Nixon Administration. The Senate accepted the proposal after a long debate about the effectiveness of the system and the problems being met in developing it. In the entire debate developments in nuclear weaponry were never cited as having a crucial role in the various decisions concerning deployment. The serious questions that were raised about the feasibility of the system all had to do with such matters as the computers, the radar and the problems posed by decoys and MIRV's (multiple independently targetable reentry vehicles). When nuclear problems such as blackout were mentioned, it was only peripherally and never as constituting a major problem.

None of this proves that nuclear-weapons development and weapons-effect research are entirely irrelevant to ABM development, but it does indicate that recent research and development in this field have been far from essential. Apparently any lack of perfection in weapons can be overcome in the design of other parts of the system. Moreover, as the ABM program has shifted from Sentinel to Safeguard and now to the site-defense (sometimes called Hardsite), the emphasis has shifted from interception at great distances and high altitudes to interception near the target at relatively low altitudes, where the phenomena to be dealt with are much better known.

I turn now to weapons effects. During the years when nuclear weapons were tested aboveground, the basic effects—blast, radiation, fallout—that kill, injure and destroy were studied in great detail. These are the weapons effect that matter; the entire concept of deterrence, which all sides cite as the main reason for maintaining nuclear forces, is based wholly on the threat of unacceptable levels of death and destruction through these effects. For decades the phenomenology of these effects has been known with a precision that far exceeds the practical use of the information.

In addition to these basic phenomena one hears of a few other more exotic effects that are of technical interest in connection with certain duels between nuclear weapons. Uncertainties about such effects are sometimes raised as an issue in test-ban debates. Among the effects are "TREE" and "EMP."

TREE stands for transient radiation effects on electronics. It is an old problem that has become relatively more important as more complex devices have been introduced into nuclear-weapons systems. It is also mainly of interest in connection with duels in outer space, where there is nothing to attenuate radiation, which therefore would far outreach other effects such as blast.

EMP stands for eletromagnetic pulse. It refers to the fact that a nuclear explosion produces a large electromagnetic field, which in turn can induce large electric currents in conductors at substantial distances. Such currents, if nothing is done about them, can sometimes produce destructive effects in insufficiently protected equipment.

Some of the people who work on nuclear weapons have envisioned an attack in which an enemy explodes a series of warheads high over U.S. missile fields, producing a series of TREE and EMP phenomena (or other long-range effects) timed in such a way that the U.S. could not launch its missiles while the barrage continued. (The tactic is known as "pin-down.")

It is impossible to believe that real political or military leaders would consider such an effort in the face of the variety and dispersion of retaliatory weapons that could be employed. Even so, the claim that further research was needed on this matter was advanced in the early 1960's as an argument against the test ban. (At the time the argument was largely conducted behind the curtain of secrecy that surrounds much military activity; public discussion of the issue became possible only later.)

All the more exotic effects were observed before the partial test ban went into effect. They were not as thoroughly studied as the basic effects, however, and in addition certain new forms of interaction between these phenomena and specific weapons systems have been found since 1963. At first it was thought that it would be difficult to learn more about the exotic effects in underground explosions, and that possibility was raised as an argument against the partial test ban. Later it turned out that a good deal can be learned about the effects from underground testing and by other means. In 1968 Vice-Admiral Lloyd M. Mustin, director of the Defense Atomic Support Agency, reported to Congress: "We think we have the interaction of threats with these two systems [Minuteman and Polaris] well understood and identified and very carefully developed and sophisticated countermeasures far advanced."

In sum, no really new phenomena produced by the explosion of nuclear weapons has been discovered in about 15 years, and there is no good reason to expect that any will be forthcoming. In those years the U.S. has refined its knowledge of the effects of specific systems and in specific environmental situations. Even at that level of detail we have long since passed the point of diminishing returns. The remaining uncertainties are small compared with the other uncertainties about any nuclear attack: the kind, number, yield and accuracy of the weapons; the targets selected; the timing, the relation to other attacks or to political moves, and so on. These are the uncertainties that will dominate the thinking of any statesman who may one day be considering the use of nuclear weapons. No doubt there is more to be learned about weapons effects, but the matter is largely of interest to specialists, and concern about it should have no bearing on important political questions such as whether or not to ban further nuclear tests.

Pure-fusion bombs and bombs with a high ratio of fusion to fission (also called neutron bombs) were seen in the late 1950's as offering a number of advantages, and the need to develop them was therefore raised as an argument against a test ban. Teller, for example, was reported to have said to a Republican committee on nuclear testing in 1963: "We have started the development of clean and cheap nuclear explosives. We need more tests to complete this development. Clean and cheap nuclear explosives are needed for battlefield use, for peaceful applications and for missile defense." John A. Wheeler of Princeton University was reported as telling the same group: "As a physicist and specialist on nuclear fission I see a decisive loss to national security from a test ban. It will prevent us from developing a technology of pure hydrogen devices free of fission fallout. . . . The new technology will have important peacetime applications in mining and earth-moving and will revolutionize ground warfare. . . . It is unconscionable to renounce for the free world a revolutionary device which others will then make without our knowledge."

On the other side, William C. Foster, director of the U.S. Arms Control and Disarmament Agency, said that the expert advice he had received was that pure-fission weapons would not be of great advantage. The reason, he said, was that "they would constitute primarily a cheaper substitute for the explosive components in our already large stockpile of nuclear weapons."

How did matters turn out? The pure-fusion bomb remains undeveloped, and responsible people no longer talk much about it as being the basis of a new revolution in weaponry. When officials of the Department of Defense and the Atomic Energy Commission present arguments for continued testing now, they do not rate the need for fission-free bombs any higher than the need for other and more orthodox modifications and improvements.

A pure-fusion explosion may yet be achieved as a result of all the effort that has been expended. It would be a technological accomplishment, but the likelihood that it would have any large military or political value seems small. The basic fact is that the nuclear capability of the major nuclear powers is already supersaturated in the sense that it can produce more varieties of death, destruction and horror than anyone can seriously contemplate seeking to inflict.

It was also stated during the debate preceding the test ban of 1963 that further improvement in the yield-to-weight ratio of nuclear weapons was in prospect and that certain other improvements and modifications were both possible and necessary. Among them were decreased vulnerability to nearby nuclear explosions and increased safety of weapons. Substantial progress has indeed been made along these lines since 1963. The important question, however, is: How important and how relevant has the progress been?

The Poseidon missile provides a basis for discussion. It is more advanced than its predecessor, the Polaris A–3, in many ways. It is bigger, it can carry a larger payload a longer distance and it has improved accuracy. Moreover, its payload is of the MIRV type: each missile launches a "bus," which has on board a large number of reentry missiles, each of which can be accurately and independently targeted. None of these advances depended on nuclear tests.

M. Carl Walske, Jr., assistant to the Secretary of Defense for Atomic Energy, recently stated that the warhead for the Poseidon MIRV was developed after the limited test ban went into effect, and he argued that if the ban had been comprehensive, nothing like the present Poseidon MIRV could have been developed. I believe his statement is highly misleading. If a pre-1963 warhead such as the one for the Polaris A–3 had been adapted for the Poseidon, the Poseidon MIRV would have had either lower multiplicity (fewer independent missiles) or a shorter range, but it could have had a higher total yield.

Presumably the new Poseidon warhead has been further modified so as to reduce its vulnerability to attempts to intercept it. These modifications apparently resulted in a reduction of the yield-to-weight ratio. In any case such modifications were superfluous, since the basic multiple-warhead feature is in itself the most effective means for penetrating anti-ballistic-missile defenses of the kind that now exist. It does so simply by overwhelming the defense with larger numbers. The only requirement is that the individual warheads be hardened enough and separated enough so that one interceptor must be launched for each reentry vehicle. An A–3 warhead on a MIRV bus of the Poseidon type would easily satisfy this requirement.

Defense penetrability beyond what could be achieved in 1963 is needed only against an ABM defense consisting of very large numbers of relatively sophisticated interceptors. No such defense now exists—nor, I believe, is there any serious prospect of one in the foreseeable future. To say the least, deployment of the post-1963 Poseidon warhead is premature.

It is small wonder that the concern over surprises and new knowledge persists. One need only recall the early years of nuclear development to realize that surprises and new knowledge abounded at that time. The phenomenon of nuclear fission was discovered in 1938. The first nuclear-test device was exploded only seven years later, which was also the first (and so far the only) time that nuclear bombs were employed in warfare. In terms of energy output those bombs were 1,000 times larger than the biggest chemical bombs.

Seven years later the first thermonuclear device was exploded. It was 1,000 times as large in output of energy as the first atomic bombs. Both of these huge technological steps can be characterized as breakthroughs, and they had major political and military consequences. No such huge gains in yield were made thereafter, but during the next seven years fundamentally important factors such as yield-to-weight ratio continued to improve radically. By 1960 the yield-to-weight ratio of fission bombs was two orders of magnitude (100 times) larger than it had been at the beginning. Means also had been found for both reducing the size and increasing the yield-to-weight ratio of thermonuclear weapons, again by order-of-magnitude amounts.

As a result of such developments many people came to believe politically significant technological breakthroughs had become the norm for nuclear technology. One thus finds many leaders in the field emphasizing the likelihood and importance of further technological surprises and arguing that no bars should be raised against obtaining new knowledge. In 1963, questioning the limited-test-ban treaty, John S. Foster, Jr., then director of the Lawrence Radiation Laboratory (he is now director of defense research and engineering in the Department of Defense), said: "We are involved in a field of technology that is not fully understood, nor its applications, and hence new experiments frequently bring surprises." Teller said a ban would "prohibit future science" and was "directed against knowledge." In 1961 Representative Chet Holifield, then chairman of the Joint Committee on Atomic Energy, expressed concern about "the ultimate general effect on weapons technology of a continuing test ban," which would "inevitably stifle developments undreamed of at the present time." He added: "Concepts are now being considered by our scientists which could be as revolutionary as the H-bomb [was] in 1949." General Curtis E. LeMay, as Chief of Staff of the U.S. Air Force in 1963, said: "We are just at the beginning of our investigations into the nuclear-weapons field."

On the other side, proponents of a test ban expressed doubt about the importance of specific potential breakthroughs and saw as unlikely the possibility that any such development would upset the balance of power. William Foster of the disarmament agency, supporting the limited test ban, suggested that nuclear science was maturing. "The point of diminishing returns in improving weight-yield ratios is fast approaching," he said.

At the time of the debate on the partial test ban the issue of surprises and new knowledge was still difficult to resolve. On the one hand there was the record of a remarkable series of discoveries, technological advances and politically significant applications. On the other hand no further breakthroughs were then in sight, with the possible exception of the pure-fusion bomb, and of that many experts said it would be technologically novel but without great political or military significance.

Now, however, it seems to me that this issue has been resolved. Nuclear weapons have been further refined, and there is greater understanding of the details of certain effects, but no new knowledge or surprises remotely similar is kind or importance to those of the first two nuclear decades have been reported or claimed. Moreover, the nuclear arsenal is so large and varied that the significance of new inventions is small in any case. Compared with the danger of further proliferation of nuclear weapons, the danger that the U.S. will be overwhelmed by an unsuspected breakthrough seems vanishingly small.

Let us turn now to the arguments that were made in 1963 and earlier in support of the limited test ban. Five principal points were made and can be set forth here in quotations of participants: (1) "A nuclear test ban treaty would constitute a significant step in the direction of slackening the arms race" (Dean Rusk). (2) It would preserve for a "longer period our present nuclear advantage" (William Foster). (3) "The treaty will curb the pollution of the atmosphere" (President Kennedy). (4) It would create a political climate in which "new opportunities for further steps toward turning the arms race downward might well be more within the realm of possibility than at present" (Rusk). (5) "A nuclear test ban would constitute a significant first step in achieving control over the further spread of nuclear weapons" (Foster).

Each of the statements also amounted to a prediction. Let us see how the predictions stand up in 1972. The limited test ban probably did slow down the arms race between the U.S. and the U.S.S.R., but it cannot be considered to have been outstandingly successful in this respect. It probably has severely limited the further development of very large thermonuclear weapons, but the rate of nuclear testing has continued at about the same level—although the tests are now underground.

Similarly, the treaty does not appear to have much to preserve the "nuclear advantage" of the U.S. Since the treaty was signed, the U.S.S.R. has achieved rough parity with the U.S. in strategic weapons. In any event, the degree of "overkill" in the nuclear capability of both countries is such that further technological advances would make little political or military difference.

The treaty has been quite effective in curbing radioactive pollution of the atmosphere. Although France and China have continued to conduct nuclear tests in the atmosphere, the tests are far less frequent than was the case when the U.S. and the U.S.S.R. were conducting them. Moreover, without the treaty there would be no hope of persuading those nations and other potential nuclear powers to accept similar restraints. Meanwhile, in the absence of a comprehensive test ban such hazards as underground contamination, earthquakes and leakage of radioactive substances into the atmosphere remain possible.

The record of the treaty in creating an environment that made further moves toward arms control possible is excellent. The treaty has been followed by agreements to prohibit nuclear weapons in space (1967), make Latin America a non-nuclear zone (1967), bar further proliferation of nuclear weapons (1968), rule out the seabed for the emplacement of nuclear weapons (1971) and prohibit the use of biological weapons (1972). One might also cite the "hot line" agreements of 1963 and 1971 and the recent strategic-arms-limitation talks (SALT) that resulted in agreement by the U.S. and the U.S.S.R. to put ceilings on their offensive and defensive missiles.

One should also recognize, however, that many of the treaties are peripheral to the main problem and in effect prohibit actions that no nation particularly wanted to undertake anyway. The British disarmament expert Philip J. Noel-Baker, reviewing the results of the 1959 treaty that demilitarized Antarctica, commented that "while disarming Antarctica, we put 7,000 nuclear weapons in Europe; we should have disarmed Europe and put those weapons in Antarctica." Nonetheless, all the agreements are steps in the right direction, and collectively they add up to something significant. Moreover, they help to make arms-control and disarmament measures seem more feasible.

Probably the most important result of the limited test ban has been its contribution to inhibiting the further proliferation of nuclear weapons. Since the treaty was signed, only China has begun testing nuclear weapons, and the Chinese program to develop nuclear weapons had been set in motion long before 1963. The cause was greatly aided by the nonproliferation treaty, which now has some 70 signatories in addition to the original adherents (the U.S., the United Kingdom and the U.S.S.R.). It also seems evident that the treaty has deterred nonsigners from testing.

Indeed, the most important reason for moving now toward a comprehensive ban on testing nuclear weapons is that it would strengthen and reinforce the nonproliferation treaty. The present situation contains elements of hypocrisy and unfairness, since the two major nuclear powers are trying to persuade other nations that nuclear weapons are unnecessary while at the same time both are conducting test programs.

To sum up, a decade of hindsight on the debates preceding the limited-test-ban treaty of 1963 suggests the following main conclusions:

1. The predictions of major surprises and ominous developments were wrong. There has been no "third revolution" in nuclear weapons. The atmospheric tests before 1963 and the underground tests since then have not produced a solution to the problem of developing an ABM system that would be likely to have more than limited success.

2. On the other hand, the passage of time has confirmed the more moderate claims that there was substantial progress to be made in improving the yield-to-weight ratio, hardening weapons against interception, making better fits to new delivery systems and so on. The questions to be asked, however, are how progress in these areas has affected the nuclear balance and whether such technical progress is politically significant. The answers seem to be that, if anything, continued testing has further degraded whatever nuclear advantage the U.S. still had in 1963 and that the political significance of nuclear weapons is derived from the huge numbers of such weapons rather than from their technical sophistication.

3. The limited test ban has not done much to slow the main arms race between the two superpowers. The reason is the limited nature of the agreement. A comprehensive ban in 1963 probably would have done much more.

4. On the other hand, the limited ban has accomplished several of the most important objectives that were set for it. In ascending order of importance they are cleaner air, the establishment of a political climate conducive to much additional progress in arms control and disarmament and the distinct slowing of the spread of nuclear weapons.

On balance, therefore, the limited test ban can be described as a success. Clearly, however, it needs to be extended to prohibit underground testing. A comprehensive treaty may now be within grasp; we must reach for it while we can.

Mr. HUMPHREY. Mr. President in the fall of 1972, Congress approved the ABM Treaty and the Interim Agreement on the Limitation of Strategic Offensive Weapons. The ABM Treaty in particular was universally heralded as a great step forward for the control of armaments and the stabilization of weapons development. At last, the United States and the Soviet Union, after having attained a roughly equal ABM capability, recognized how significant ABM developments were to the whole arms race, and how marginal ABM protection of our land-based missiles was to our overall retaliatory capability. In abandoning future ABM deployments beyond a two-site limitation, both the United States and the Soviet Union have decided that their mutual security lies in their mutual vulnerability. They have recognized the virtual impossibility of ever obtaining a fail safe system of defense and that it is better to build a system of defense and trust in the form of concrete arms control agreements.

For trust to develop between the United States and the Soviet Union, they must have enough confidence in their own defense capabilities and in their own national means of verification. Because we have both of these capabilities, particularly with respect to the ABM, the United States was fully prepared to enter into another important arms control treaty with the Soviet Union. Article XII of the ABM Treaty capsulizes what I call the confidence factor. It endorses national verification capabilities as the most efficient form of enforcement for full treaty compliance.

I draw attention to this article because I think it provides an interesting departure from earlier agreements with the Soviet Union, particularly with respect to the Partial Test Ban Treaty of 1963. During the negotiations of the partial test ban, the level of sophistication we had reached in our seismic technology was not sufficient to provide for a high confidence factor, something we needed to have for a comprehensive test ban. Hence, we had to settle for something short of a comprehensive test ban—a limited test ban, and hence, the full trust on this matter which we hoped would grow between the United States and the Soviet Union never was fully nurtured.

Mr. President, I held a number of hearings on the subject of verification and seismic technology during the time I served as chairman of the Committee on Disarmament and Arms Control.

I am suggesting today that with the advent of article XII, with the advent of the ABM Treaty, the Interim Agreement, and the resumption of the SALT talks, the time has come for our Government to take a new initiative to end all nuclear testing—in the air, on the surface, under the waters of the seas, and underground. There is reason for confidence in our own means of verification, in our own defense capabilities. There is adequate precedent in other arms control agreements to move forward now on a comprehensive test ban. There are indications of a Soviet readiness to negotiate a comprehensive test ban. I, therefore, join my colleagues in introducing a sense of the Senate resolution for an immediate suspension of all underground nuclear testing in both the United States and the Soviet Union and for a new U.S. proposal for a permanent treaty to ban all nuclear tests among all nations.

The precedent for a CTB at this time would seem clear. There is the Partial Test Ban Treaty of 1963, the Non-Proliferation Treaty of 1968, the ABM Treaty of 1972, the Interim Agreement, and the Declaration of Basic Principles agreed upon in Moscow by both the United States and the Soviet Union.

In all of these matters in my experience in public service I have had some hand or played some part. I held the early hearings on the Nuclear Test Ban Treaty in the Committee on Foreign Relations, starting with my work as chairman of the special subcommittee established by a resolution of this body and seeing the culmination of our efforts in the Limited Nuclear Test Ban Treaty of 1963.

During the time I served as Vice President it was my privilege to work with our people in the State Department, the Department of Defense, and with Mr. William Foster, who was our Director of the Arms Control and Disarmament Agency, on bringing about the Nuclear Nonproliferation Treaty of 1968.

In the spring of 1967 I went to Europe as a representative of this Government to work with a number of countries involved in that treaty negotiation. During the time that I served as Vice President I was a member of the committee on principles in the field of arms control. We used to meet regularly at the State Department. There were representatives from the State Department, the Department of Defense, the Atomic Energy Commission, the President's Office on Science and Technology, and other offices. I was privileged to serve with that group working on this whole subject of arms control.

Much of my life in the vice presidency and in the Senate has been given over to arms control, so I approach this with some interest and experience, recognizing it is at the heart of national security, knowing we have to be exceedingly cautious and prudent, but at the same time I believe recognizing there is no real safety or security in an expanded arms race. Security must come in agreement, verification, and arms control.

None of these treaties are complete in the sense that none have achieved the ultimate objective: halting the arms race and reducing the level of arms deployments through general disarmament arrangements. Each agreement strengthens or weakens the other depending upon the extent of its enforcement. The partial test ban, that treaty which is directly relevant to the general underground testing issue, is the most partial. It is one of the weaker links in the whole chain and must be repaired.

The Interim Agreement on Strategic Offensive Weapons has stirred up a lot of controversy both within the United States and the Soviet Union. It, too, is a weak link but it is, nevertheless, an important link to SALT II where our hopes lie for reaching arrangements on numerical ceilings, reduction formulas, and qualitative controls on our weaponry. These are all extremely complex issues and we must, therefore, all be aware that completion of SALT II is a long way down the road, perhaps even as long as the 5-year duration of the interim agreement itself.

The partial test ban treaty, on the other hand, does not need to wait another 5 years for it to be expanded to an underground nuclear test ban. As its name indicates, it was always considered a partial treaty which would be completed with compromises in national positions, and with technological developments which would satisfy the concern for adequate enforcement of the treaty. An interim agreement is only of an interim nature; a partial test ban is only partial. Alone they signify separate, very incomplete efforts. Together, and completed, they can prevent the spread of nuclear weapons to other countries who can neither afford nor are necessarily anxious to obtain these weapons.

There is a world of difference from consideration of these agreements alone and uncompleted as opposed to being viewed together, both in a satisfactorally completed form.

When I was head of the Disarmament Subcommittee of the Senate Foreign Relations Committee in 1963, I noted the worth of the partial test ban treaty, but I expressed a certain regret that we could not obtain a comprehensive test ban. I realized that this would have been immensely hard to achieve at the time, and I, therefore, worked strenuously to achieve this limited test ban treaty. During the Senate Foreign Relations Committee hearings on the treaty in August 1963, I noted in an exchange with the well-known scientist, Dr. Kistiakowsky, that I would have preferred a comprehensive test ban. I asked Dr. Kistiakowsky whether he thought the treaty would act as a limited brake upon the arms race. His reply with which I concurred was that "It is a small beginning." He went on to say that—

> I believe that the total prohibition of nuclear weapons test, providing there would be adequate monitoring, of course, which is absolutely essential in this case, would have been far more effective in slowing down the arms race and would be in our national interest.

In his address to the General Assembly on October 15, 1963, after the United States had ratified the partial test ban, Ambassador Adlai Stevenson said:

> With the test-ban treaty, we have moved a little closer to a world governed by reason rather than by force. We are that much closer to an agreement on a comprehensive test-ban treaty. It should also improve the prospects for achieving agreement on other measures which might, in turn, lead to general and complete disarmament.
>
> In considering the benefits of the partial test ban, it is also important to note what the treaty will not do. The fact that we have a test-ban treaty must not lull any of us, especially here in the United Nations, into believing that the task that we have set for ourselves has more than just begun. As the President of the United States, (President John F. Kennedy), it is a milestone but not a millennium. The treaty does not stop underground testing, nor does it put an end to all weapons development. It does not reduce the nuclear arsenals of States. It does not eliminate the threat of war. These are serious problems, and we must continue to work toward the solution of each of them.
>
> We share emphatically the view . . . that we must work urgently toward agreement on an adequately verified comprehensive test-ban treaty ending all nuclear weapons tests. While we in this country recognize the diffi-

> culties of this task, we are nonetheless convinced that such an agreement can be reached.
>
> The United States also believes . . . that a ban on underground testing is the important next forward step in stopping the nuclear arms race.

Ambassador Stevenson went on to say that the United States would be devoting millions of dollars on advanced research to improve our knowledge of seismology and nuclear test detection. In so doing, it was the hope of American planners at the time that the American position would not have to stress the importance of onsite inspection as the only secure means of verifying fulfillment of the obligations of the treaty.

That was 1963, and yet the pledge of Ambassador Stevenson, Senator Humphrey, and President Kennedy, the preamble of the partial test ban seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, and desiring to put an end to the continuation of man's enviroment by radioactive substances has not been met.

In 1963, there were technological uncertainties, as Ambassador Stevenson pointed out in his 1963 U.N. statement, making both the United States and the Soviet Union uninclined to seek a comprehensive test ban. Now the progress in seismology has been so great as to provide us with the assurances which we originally lacked concerning the practicality of a comprehensive test ban.

We now have the capability of identifying by national means underground explosions to a degree unknown in 1963. New seismic equipment can be deployed which would provide an even more efficacious monitoring than we now have available. Few tests can now go undetected, and such undetectable tests probably would not aid significantly in the development of new nuclear weapons. These were the conclusions implicit in the Woods Hole Report of July 1970, sponsored by the Advanced Research Projects Agency of the Department of State. The report provided us with a detailed study and evaluation of the scientific breakthroughs we have all expected in order to make the CTB both practical and feasible at this time.

The confidence factor which I have already referred to is greater than it was in 1963 and with much justification. In testimony on October 27, 1971, before the Joint Committee on Atomic Energy, Dr. Stephan J. Lukasik, Director of the Advanced Research Projects Agency in the Department of Defense, discredited to a large extent the utility of onsite inspections. And just for the sake of history, I feel compelled to recall that it was our faith in the efficacy and the necessity of onsite inspections in 1963 which trimmed a potential comprehensive test ban down to a partial test ban.

In haggling over the number of onsite inspections, which according to Dr. Lukasik are of only marginal utility, we lost the chance to have a CTB in 1963. Need we lose it again by failing to recognize the great importance of our most recent seismic technological developments?

What we thought we could do in 1963 only by on-site inspections, we can now do with unmanned seismic observatories. The larger the array of observatories up to a certain point the more accurate our detection capabilities—or to put it into political terms, the higher the degree of confidence we attain. In the same set of hearings before the Joint Committee on Atomic Energy, Dr. Carl F. Romney, Director of the Geophysics Division, Air Force Technical Applications Center, stated that with a network of 25 array stations, we would have the capability of determining a magnitude of seismic events of 3.9 on the Richter scale which is, I am told, roughly 1 kiloton detonated in hard rock, or 20 kilotons in soft rock. And Dr. Romney's estimates were, as he stated, very conservative. Others say we would only need 12 array stations to have a workable network of unmanned seismic observatories to satisfactorily determine what other countries' testing programs are. With new verification capabilities, we have more assurance of full compliance in a CTB Treaty.

Despite the scientific progress and the commitment of the chief negotiators to expanding the limited test ban to underground nuclear tests, there has still been relatively little progress in this direction. Now we hear other arguments emanating from the Defense Department in defense of continued underground nuclear testing, reasons which are far astray from those provided during the original negotiations. Rather than indicate any real need to maintain an active or semi-active testing program, they show a desire to stress the utility of tactical nuclear weapons in our overall nuclear strategy, and the uncertainty which exists, and which will always exist, about the efficacy of our nuclear arsenal.

The arguments ignore the threats to our environment which continued testing presents. They ignore the threat that they present to the further ratification of the Non-Proliferation Treaty by nonnuclear countries. Every day the nuclear powers continue their testing programs, the less credibility they can offer to the nonnuclear countries about their sincerity in putting a halt to the arms race. The more testing which occurs, the greater the currency among nonnuclear powers that nuclear weapons actually can provide them with any military utility or political prestige. Nuclear testing will, if it has not already, become equated with nuclear proliferation, greater international risk, and a continuation of the arms spiral.

It almost defies human logic to imagine that the United States and the Soviet Union would seek agreement in SALT II while maintaining an active underground testing program. While a CTB could put teeth into the interim agreement, continued underground testing would give it cavities hitting the very nerves of our existence.

This inherent connection cannot be stressed enough. For this reason, and for the others to which I have already alluded today, I join with Senators Kennedy, Mathias, Hart, Muskie, and Case in offering this resolution on underground nuclear weapons testing. Ten years ago the partial test ban and the moratorium on nuclear testing which President Kennedy ordered went into effect. It was clearly this moratorium which helped to bring about the Partial Test Ban Treaty, just as we all hope that a suspension of all underground nuclear tests at this time will induce a comprehensive test ban.

The moratorium was President Kennedy's bargaining chip, and it worked. It can work again with the Senate's acceptance of this resolution. It can work if the Soviet Union also refrains from further testing. The second part of this resolution calls upon the President to make a new proposal to the Soviet Union and other nuclear and nonnuclear countries in an effort to get the negotiations for a CTB moving again. While the Disarmament Conference in Geneva has not been short on proposals, the United States appears to have been dragging its feet. And for negotiations to be successful, the added impetus of American support is a fundamental requirement.

Finally, the intent of this resolution is to round off an important phase in the negotiating process. It is logical, tenable, and it can be instrumental in the human task of achieving general and complete disarmament.

Mr. President, I am very honored to be privileged to be associated with the distinguished Senator from Massachusetts in this effort. I intend to give a good deal of my time and attention to the accomplishment of our objective. I hope the Senate will look with good favor and ultimate support on the resolution being offered today which I believe will represent a positive and constructive start toward controlling the nuclear arms race which is our most dangerous development in the last quarter of the 20th century.

Mr. KENNEDY. Mr. President, as I entered the Chamber, I was once again reminded of the extraordinary leadership that has been provided in this area by the distinguished Senator from Minnesota (Mr. Humphrey). Over the history of this country's efforts to try to bring some sense into our nuclear policy, I do not think there is anyone in the Senate who has been more aware and more sensitive about insuring that this country has adequate and full security in nuclear weaponry and who has yet spoken with such eloquence, reasoning, and understanding about the efforts that must be made between the United States and other nuclear powers to achieve an end to the arms race. So I would like, for just a few moments, to talk with my good friend the Senator from Minnesota about some of the areas which I covered in some details in my comments of today, and to try, perhaps as a result of some of these exchanges, to make the record as complete as possible, by drawing upon his wisdom and understanding in these matters.

I think it is important to understand that there is very important leadership on this issue being provided by members of the Republican Party as well as the Democratic Party, and certainly there is no issue in which less partisanship, and quite appropriately so, has been shown than on this issue.

I would like to ask my friend from Minnesota whether he does not agree with me that what we are interested in achieving by this resolution is really greater security for the United States, not less; and if this measure is actually adopted and what it provides therein becomes the national policy, what we are providing is greater security for this Nation rather than the future perils from an ever-increasing arms race.

I am interested in the comments of the Senator from Minnesota as to whether he thinks the step we are taking today is important because it provides greater security for our country to meet any potential threats from other nuclear powers. Does he not understand that the sense of this resolution recognizes this important and fundamental pillar of our proposal? I would be interested in the comments of the Senator from Minnesota on this issue.

Mr. HUMPHREY. Mr. President, it is the view of the Senator from Minnesota that this resolution goes to the very heart of what I would call genuine national security. I know of very few voices, and no responsible voices, that today believe we could have greater security out of an uncontrolled arms race. As a matter of fact, everything that has been suggested recently—the Partial Test Ban Treaty, the Nonproliferation Treaty, the ABM Treaty, the interim agreement—all of them are designed to slow down the weapons race and to put the nuclear genie back into the bottle, so to speak.

The witnesses we have had to date, in years past and at present, from the scientific community, demonstrate further that there is added national security in a total nuclear test ban. The only reason that this was not done in the past was we had doubts about monitoring the testing. Now we do not need that. We have the scientific technology which can give us the assurance of not cheating.

We do not have to trust the Soviet Union. We do not have to trust anybody. We have the unmanned seismic technology which can reveal whether or not there has been an underground test. To put it in the most simple terms, we can now differentiate the kind of movement that comes from an earthquake as compared with the kind of earth movement that comes from a nuclear test. That was the critical problem we had in the past.

I say to the Senator from Massachusetts that none of us would be here talking about a comprehensive nuclear test ban if we thought it was going to weaken our security. We are talking about it because it limits the danger to our security. The nuclear arms race merely extends the element of danger. The limitation on the nuclear arms race, particularly in our present position of nuclear power, gives us more security.

Mr. KENNEDY. I would certainly agree with the Senator from Minnesota. We have heard from the Armed Services Committee and from the Foreign Relations Committee, from those charged with defense, that we have the ability to respond to any nuclear threat by the Soviet Union. It is my understanding that if the Soviet Union and other nuclear powers were really to make a breakthrough in this area, they would have to move ahead with some kind of testing. If we are able to achieve the banning of tests, in effect we are freezing the advantage of the United States in this area, rather than taking a chance on whether our technology will exceed that of other nuclear powers.

I would agree with the Senator from Minnesota, certainly with regard to the adequacy of national means through seismic and nonseismic means.

I would be interested in the opinion of the Senator from Minnesota about the danger to our environment from the continuation of nuclear explosions. I think the record would indicate quite clearly that, with regard to underground nuclear explosions, one in four nuclear explosions actually vent and provide a threat to the human environment. I am wondering if that is not also a concern of the Senator from Minnesota in pressing forward in this area.

Mr. HUMPHREY. This matter is of concern to me. At the time I was privileged to serve as chairman of the committee on disarmament and arms control the whole subject of environment was not as prominent in our thinking as it is today. We were concerned then about monitoring, certification, to make sure there would not be any breakthroughs in testing that we could not detect.

As the Senator from Massachusetts has pointed out, one of the important elements of the resolution and the hope of getting a comprehensive nuclear test ban is that there have not been any breakthroughs in new weaponry. So it is to our interest, and it is in the interest of mankind, to have a comprehensive test ban treaty. We know there have been serious problems with underground testing, where there has been venting of radioactive debris coming up through the surface and into the air and falling upon populated centers, upon fields, upon cattle, exposing them to strontium 90 radioactive particles. We know this and that it has been a problem. Likewise, in recent days, when the test was conducted in Alaska, there was a genuine concern that we might set off a series of earth movements in that area which is prone to earthquakes because of nuclear explosions underground. But, to simplify it and come directly to the point, another argument for the comprehensive test ban treaty is the effort of the Senator from Massachusetts in this matter, along with some of the rest of us, to protect the environment.

Might I say to the Senator that none of us can ever be sure that no kind of explosion underground might not have very series effects. This is why the people out West wanted to get these tests out of their area, because they saw the danger and the threat to human life, plant life, animal life, and the threat of pollution in the atmosphere.

Mr. KENNEDY. Mr. President, does the Senator from Minnesota not agree with me as well that one of the important considerations of a comprehensive test ban treaty is to try to prevent the proliferation of nuclear weaponry to other nations?

What we have seen since the passage of the nonproliferation treaty, since 1968, is that more nations have declined to ratify that agreement than have accepted it.

And the point that is constantly made by many of these countries that are moving ahead in the development of nuclear potentials is that the United States on the one hand is trying to put a limitation on the development of weaponry and on the other hand is continuing its own testing program.

It would appear to me that we in the United States have been talking out of both sides of our mouth on this issue, trying to indicate that we are really interested in placing limitations on the proliferation of weaponry and on the other hand are moving ahead on our own nuclear weapons development.

If we are really interested, as the Senator pointed out, in putting the genie back in the bottle, does not this resolution move us in the right direction?

Mr. HUMPHREY. Mr. President, it is my judgment that the resolution which the Senator is presenting today would, if we can get through a comprehensive nuclear test ban, put some real integrity into the nuclear nonproliferation treaty.

I think the Senator has touched here on a subject which has been discussed worldwide and has not had nearly enough discussion in the United States. In other words, we are asking every nation in the world to sign a treaty which says in substance that they will not do any experimentation in nuclear weaponry, that they will forever give it up. And, in the meantime, we have already had our experimentation. We have our weapons. But that has not satisfied us up to now. We continue to test new weapons. We who sponsored the Nuclear Nonproliferation Treaty—which, I think, was a commendable effort to slow down the spread of the nuclear threat to the world on a worldwide basis—continue to test new weapons underground and improve on new weapons technology and continue to search for new weapons, as we did in MIRV, multiple independently targeted reentry vehicles.

What this test ban proposal says is, "Let us all stop the testing. Let us not have any of it in the United States, the Soviet Union, or any place else."

And I believe we are right and that we are facing up to our obligations for world peace and arms control and not merely asking others to do the job.

Mr. KENNEDY. Mr. President, if we were to move ahead on the subject of a moratorium commenced by the United States to remain in effect so long as the Soviet Union abstains, we would in this way be able to preserve our options. And we would demonstrate our firm intention to conclude a treaty permanently halting all nuclear testing.

This is an eminently reasonable, rational, and sensible program which is based on national security and environmental and economic grounds.

Would the Senator not agree that this proposal for a suspension of testing would preserve our options?

Mr. HUMPHREY. Absolutely. Let me say of course that the Senator from Massachusetts is absolutely right. We have all the options for our own security under the nonproliferation treaty. We have it under all of the treaties we have signed, any treaty we have signed. This comprehensive test ban would include the provision that if there were a violation, there would be no reason why the other country—ourselves in this instance—could not resume whatever testing we wished to protect our national interest.

But the national interest is protected in the sense of the Senate resolution. It reads:

> *Resolved,* That it is the sense of the Senate that the President of the United States (1) should propose an immediate suspension on underground nuclear testing to remain in effect so long as the Soviet Union abstains from underground testing . . .

So it is not as if it was all one way. We know this has some effect, as we knew in 1963 when President Kennedy spoke on the moral problems involved and proposed that we were prepared to stop all testing in the atmosphere and on the land providing that the Soviet Union was willing to do so.

It was this that triggered and made possible the Nuclear Test Ban Treaty.

President Eisenhower did something like this at one time.

We are in a position to do this.

Finally I would think that this gives us a chance to get on some very high moral ground where we can take the peace initiative, because that is more than an end of war. It is trying to build trust and confidence among people of all nations. Surely there is no real peace accomplishment if this arms race goes on unabated.

The Senator from Massachusetts mentioned another greater truth that security is not to be found in a mad arms race, but rather in a rational approach to the control of nuclear weapons.

By stopping the testing and limiting the arms capability, we protect the environment. We also reduce the cost and build faith and confidence. I cannot think of any better or more worthy subject than that proposed in the Senator's resolution today.

I am proud to be associated with it.

Mr. MATHIAS. Mr. President, it was in March of 1972, just a little more than a year ago, that the distinguished Senator from Michigan (Mr. HART) and I submitted S. Res. 273, calling upon the President to propose an extension of the Nuclear Test Ban Treaty of 1963 to include underground testing.

The distinguished Senator from Massachusetts (Mr. KENNEDY) had also submitted a resolution which called for the conclusion of a comprehensive test ban treaty, and hearings on both of those measures were held by the Committee on Foreign Relations.

Now—as I say, nearly a year later—in the aftermath of the SALT I accords, this issue has received a considerable amount of attention from the public and the press across the country. The sponsors of last year's resolutions, I am glad to say, have joined forces, and the legislation that we proposed today, which is being discussed in the Senate today, is a union of the two resolutions that were introduced separately by Mr. KENNEDY, Mr. HART, other Senators, and myself a year ago.

I believe this proposal merits the close examination of the Senate, for it could provide the President with the support he needs for a bold new approach in the second round of strategic arms limitation negotiations.

Under the terms of the Nuclear Test Ban Treaty which entered into force on October 10, 1963, the United States is committed to seek a comprehensive, total, and complete ban on nuclear tests. The test ban treaty provided that all parties are "seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end."

I quote because I believe it is important that we recognize exactly what was decided at that time.

This legal obligation, reaffirmed on July 1, 1968, in the preamble and article VI of the nonproliferation treaty, has not been fulfilled. Neither the United States nor the Soviet Union, or any of the signatories to the NPT has entered into meaningful negotiations to extend the partial test ban treaty to a comprehensive test ban treaty. Indeed, the negotiating positions of the two sides have remained essentially what they were in 1963. At that time, the negotiations broke down over the issue of onsite inspections and the U.S. position that seven sites were the acceptable minimum. The U.S.S.R. position was that only three sites would be required. At that time, seismic detection and satellite reconnaissance were not yet sufficiently advanced to provide adequate national means of verification.

The resolution which we introduce today is a bipartisan effort, an example of the Senate giving its advice on an important matter of foreign policy as prescribed by the Constitution. This resolution urging a reopening of negotiations for a comprehensive test ban is based upon the historical memory of the Senate and the role played by the Congress in previous negotiations such as the partial test ban, NPT, and SALT I. This effort, therefore, is consistent with the purposes of this country as expressed in the policy statements of both the executive and legislative branches over the past 30 years. It is a positive instance of the legislature joining with the executive branch in the making of foreign policy. So in this formal resolution, we in the legislature express our judgment that it is now time for the United States to take another step toward peaceful diplomatic negotiations to bring under further control the scourge of the deadly nuclear arms race.

During the 10 years which have passed since that deadlock, there have been technical advances that have negated the arguments for on-site inspection. Because seismological detection capabilities have increased substantially, underground testing above 10 or 20 kilotons can be monitored by the use of seismic means alone. At the same time, satellite reconnaissance capabilities have also improved enormously. These two verification capabilities, extremely sensitive seismic detection devices and reliable reconnaissance satellites, make it possible for the United States to be confident that it can detect any significant violation of a complete test ban. Most experts now believe that these two methods, together with other intelligence resources, can provide a firm basis for the negotiation of a suitable treaty using national means of verification alone.

The arguments against reopening negotiations for a comprehensive test ban of nuclear weapons are essentially the same as those put forward 120 years ago. The main objectives are as follows:

First, confidence tests are necessary to assure that the nuclear warheads emplaced upon our launcher systems that make up U.S. deterrent forces will function properly. This argument does not bear practical analysis for, in fact, very few if any—solely to test stockpile warheads—confidence tests have been conducted over the past 10 years. A comprehensive test ban could be entered into in phases.

The initial phase, for example, could allow a limited number of confidence tests, perhaps three annually and then confidence tests could be phased out completely as the limited utility of confidence tests becomes known, particularly when weighed against the advantages of a total test ban.

Second, if the United States and the Soviet Union entered into an agreement not to test nuclear weapons, it would be of little value unless the nuclear powers and the near nuclear powers do so as well. I find this argument a valid one but it seems to me that the answer to this view is that if we lead the way, the chances that France, Great Britain, China, India, and Japan will follow, are much greater than if we do nothing.

In essence, the comprehensive test ban is a practical assertion of two factors: First, that the great powers have as much security from their present nuclear weapons stocks as they can ever hope to get. Second, nuclear warheads technology is now at a mature stage. The refinements gained from further testing, according to experts, will be of a relatively significant magnitude to warrant the costs involved and the risks of proliferation by other nations should further testing be permitted to continue.

A treaty for a comprehensive test ban is not just simply a minor bit of unfinished business. It could be an important addition to our national security. It is conceded by most experts that it is unlikely that there will be any dramatic new developments from continued testing. In fact, continued testing will yield only marginal improvements and refinements. We would be giving up very little in the way of weapons development. We would gain a great deal by lessening the means for nuclear proliferation.

It is my hope that the United States will reopen negotiations for a comprehensive test ban and it is my belief that the administration, upon examination of the evidence, will conclude that the case is strong for reopening negotiations at the present time. There is little to be lost by making the effort, but it seems to me essential for the United States and the Soviet Union to lead the way.

If the great nuclear powers can agree to a comprehensive test ban, the likelihood of the other nuclear powers agreeing as well will increase. Further, these negotiations will certainly enhance the chances for preventing the further spread of nuclear weapons to nations of the world who do not now possess them.

Mr. President, I think that this is the time that the Senate should act. Great efforts are now being made worldwide to strengthen the peace: SALT II, MBFR, the European Security Conference, the end of hostilities in Southeast Asia and the Middle East. Reopening the negotiations on a comprehensive test ban would only help to further the noble effort being made and could only contribute to the realization of the generation of peace we all desire.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MATHIAS. I am happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. I commend the Senator from Maryland for his comments and his statement. His record in this area is most significant, his concern most real, and the logic and persuasiveness which he brings to this issue is, I think, most compelling. He handled superbly in his comments, as he has on other occasions, the issues of security and of verification, as well as the questions of environment and negotiation, and the plain sense of this resolution. I just want to commend him for his leadership in this area. Other members of his party as well have been in the forefront of the effort to bring rationality and reason to our nuclear arms policy. I want to say what a pleasure it is to join him today in the introduction of his resolution and, hopefully, we will be able to obtain some action by Congress in the very near future.

Mr. MATHIAS. Mr. President, I consider it a privilege to be associated with the distinguished Senator from Massachusetts in this effort. It is one example of the chemistry that can work within Congress, that although we started out from slightly different beginning points last year, we have now come to positions which are compatible with each other. We can now support the same legislative instrument which promoted the comprehensive test ban treaty.

I think that the Senator, in his arguments for the test ban treaty, has also helped to underscore the somewhat historic position in which we find ourselves. I suppose every generation of men has talked about the scourge of war, the horrors of war, and the potential disaster which is war; but, really, we are the first generation of men who can talk about the weapons of war as being physically capable of totally destroying the earth. That is an absolute fact as we now know it. For the first time, man has the complete and total ability to destroy life on this earth.

That is really the measure of the magnitude of the issue with which we are dealing today. Are we going to opt for getting this awesome and unprecedented power in harness, where it can be controlled, or are we going to take the risk of going on for a few more years, perhaps a few more generations, allowing this power not only to continue to grow without the kind of harness that should be imposed upon it but even allow it to get bigger and more awesome and more dangerous?

I believe that all of those who have joined in sponsoring this resolution are fully aware of the kind of historic challenge posed to the Senate. I hope that the full Senate will give this matter early attention and that it can be placed high on the list of priorities on the national agenda of the United States.

Mr. President, I ask unanimous consent that the statement on the subject of the test ban treaty by the distinguished Senator from New Jersey (Mr. CASE) may be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR CASE

I am today joining Senators Kennedy, Mathias, Hart, Humphrey, and Muskie in introducing a Senate resolution which calls upon the President to intensify negotiations on a treaty to end all underground nuclear testing.

The resolution urges the President to propose an immediate suspension of underground testing to the Soviet Union. The suspension would remain in effect so long as it is respected by the Soviet Union. The resolution further calls for a new proposal to be made to the Soviet Union and other nations for a permanent treaty to ban all nuclear tests.

The resolution does not tie our hands in any way as to the content of any proposal we might advance concerning a permanent treaty.

But the resolution does affirm Senate support for a new initative on our part.

For almost ten years, the United States and the Soviet Union have been deadlocked in the negotiation of an underground nuclear test ban treaty. For ten years, the United States has insisted upon—and the Soviets have resisted—on-site inspections as a means of verifying compliance with such a treaty.

At the beginning of this period, U.S. insistence upon on-site inspections was probably justified in view of our then-relatively primitive ability to verify compliance solely by seismic monitoring stations on our own soil or on that of countries bordering on the Soviet Union.

But since then there have been great advances in seismic monitoring techniques. The significance of these advances is that the United States may now be able safely to rely upon these monitoring techniques and drop or modify its insistence upon on-site inspections.

Despite these advances, there has been no change whatever in the U.S. position on on-site inspections:

(Acting Director of the Arms Control Agency, Philip J. Farley, on July 22, 1971): ". . . we have not had occasion to review formally the precise number and have not either introduced or determined privately a new number since we last spoke of seven, I think it was in 1963."

Some arms control experts now question whether any further improvement in our seismic monitoring capabilities is necessary. Others argue that the United States can now begin serious negotiations of a test ban without requiring on-site inspections in the Soviet Union to verify compliance.

Others, especially within the Defense Department, argue that our seismic systems will never be sufficiently reliable and sensitive to deter covert underground testing.

Whatever the outcome of this debate among the technicians, it presents no argument against revising our negotiating position in light of the unquestioned technical advances of the past decade.

There are compelling reasons to re-open this subject at the highest level:

Since the conclusion of the Limited Nuclear Test Ban Treaty in 1963, the rate of nuclear testing has actually increased.

The non-nuclear powers have become increasingly restive at the prolonged delay in ending nuclear testing. The Nuclear Non-Proliferation Treaty itself is further endangered with the passage of every day—and we have been specifically warned by nations who have not yet ratified it that time is running out.

The United States and the Soviet Union continue their inexorable competition to refine their warheads through this testing, with always the potential for a technical breakthrough by either side which would wreck our hopes for arms limitation.

As the first step in the effort to resolve the impasse in which we find ourselves, I urge my colleagues to support this resolution.

Mr. MUSKIE. Mr. President, I am pleased to join today with Senators KENNEDY, HART, MATHIAS, HUMPHREY, and CASE, and other Senators in the introduction of the resolution calling on the President to promote negotiations for a comprehensive nuclear test ban treaty. Such a treaty to cover underground as well as atmospheric explosions is necessary and long overdue. Hence, I hope that Congress will act quickly on this legislation and that the President will subsequently get on with the urgent business of negotiating a comprehensive test ban with the Soviets.

By the terms of both the Limited Test Ban Treaty of 1963 and the Nuclear Non-Proliferation Treaty of 1968, the United States committed itself to make every effort to conclude an agreement ending all nuclear testing. More recently, in March 1969, President Nixon explicitly committed his administration to work toward the conclusion of a comprehensive nuclear test ban treaty. Unfortunately, none of these commitments has yet resulted in any concrete achievement. And underground testing continues to go on unimpeded.

Official U.S. policy for many years has favored a comprehensive test ban provided it can be adequately verified to protect our security. For verification, the United States has always insisted on on-site inspections to provide assurance that unidentifiable seismic events are not clandestine explosions. The Russians have consistently claimed that such inspections are unnecessary, although they have at times consented to limited onsite inspections.

Mr. President, both in 1971 and 1972, the Arms Control Subcommittee of the Foreign Relations Committee, of which I am chairman, held hearings on a comprehensive nuclear test ban treaty. At these hearings, a host of national scientific experts documented the progress that has been made in recent years in the techniques of detection and identification of underground nuclear tests. The fact is that our seismic research during the last decade has paid off handsomely, and the administration position of supporting a test ban only with onsite inspections rests on extremely weak technical grounds.

Onsite inspections add very little to our verification capabilities. Discrimination between earthquakes and underground explosions is now possible with high reliability for energy yields of a few kilotons. Onsite inspections at best now seem useful for only a narrow yield range below this level and above the threshold at which seismic signals are detectable, that is, about one to a few kilotons. It is hard to see how cheating in this yield range could be of great security significance. Strategic weapons have yields 10 times more than these levels.

Furthermore, since last year's subcommittee hearings, this country has successfully concluded a treaty with the Soviets that limits the deployment of ABM's to two sites and a maximum of 100 missiles per site. In past years, arguments have frequently been made in favor of further nuclear weapons testing on the grounds that more advanced strategic weapons were needed to penetrate the Soviets' ABM system. Given the strict SALT I limitations on ABM deployment, this argument now makes no sense at all.

It is time, therefore, for the administration to take a new and bold initiative toward concluding a comprehensive nuclear test ban treaty. Such an accord is a natural corollary to SALT I. It would slow or perhaps terminate the arms race in the area of nuclear warhead development. It would strengthen the 1968 Non-Proliferation Treaty by imposing the same constraints on the nuclear powers that are already placed on the nonnuclear powers and thus encourage acceptance of the nonproliferation treaty by several important potential nuclear powers. It would avoid such environmental hazards as radioactive leakage and venting from underground testing. It would save this country the millions of dollars that are now spent annually on a nuclear testing program of questionable value to our national security. Finally, and perhaps most important, it would maintain the momentum after SALT I toward breaking new ground in controlling the arms race.

Congress can help to maintain this momentum by passing the comprehensive test ban resolution being introduced today. It should have our full support—for the sake of this country's security as well as for the future of world peace and stability.

The United States must move to a position of leadership, rather than passive indifference, in the area of controlling nuclear arms. Passage of the comprehensive test ban resolution by Congress would be a signal to the world that this country is serious about assuming that position of leadership.

Mr. President, I ask unanimous consent that excerpts from the 1971 Staff Report of the Arms Control Subcommittee, entitled "Prospects for a Comprehensive Nuclear Test Ban Treaty," be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

PROSPECTS FOR A COMPREHENSIVE NUCLEAR TEST BAN TREATY

INTRODUCTION

Since the signing of the Limited Test Ban Treaty in 1963—one of the most significant arms control measures of the nuclear age—the world has been spared the consequences of nuclear testing in the atmosphere by the United States, the United Kingdom and the Soviet Union. While continued testing by France and China—countries which did not sign the Treaty—has stimulated vigorous objections by many governments, nuclear testing virtually disappeared as a public issue following the Limited Test Ban. Meanwhile, the rate of nuclear testing actually increased and the arms race continued its own momentum, only marginally restrained by the inconvenience posed by having to conduct nuclear tests underground.

Recently the subject of nuclear testing has returned to the arena of public discussion. The multimegaton tests by the United States in Alaska and the U.S.S.R. in the Arctic have recalled attention to this subject and to the lack of progress since 1963 toward a comprehensive test ban (CTB) covering underground tests as well. The question has been raised with increasing frequency—what are the barriers to a ban on *all* nuclear tests? The hopes and expectations generated by the Limited Test Ban Treaty, when it seemed that we were so close to a total ban, have remained unfulfilled.

The possibilities of movement toward a CTB have always foundered on the question of on-site inspection. In 1963 the dispute focused on the *number* of permissible inspections (although there were other unresolved issues involving on-site inspection). The United States insisted on seven such inspections, while the U.S.S.R. would accept only three. Subsequently the Soviets took the position that on-site inspection was no longer necessary and that national means of verification were sufficient. In contrast, the U.S. position has remained unchanged since 1963.

In that period, however, enormous advances have been made in seismology so that it is now possible, through seismic means alone, to identify underground explosions to a degree unknown five years ago. It is now possible to deploy a new seismic monitoring network which would constitute a powerful force in the monitoring of a CTB. In addition, even presently deployed systems are vastly superior to those deployed a few years ago. These advances would seem to justify, indeed require, a reassessment of the U.S. position regarding on-site inspection. Yet there is little evidence that the United States is preparing any initiative in this area. In fact, funding for seismic programs since 1969 has been diminishing, not increasing, a trend which does not suggest a high priority for further progress in this area.

Many of the nations at the Conference of the Committee on Disarmament in Geneva are becoming increasingly impatient with the lack of progress toward a CTB and the lack of precise proposals or serious negotiations on the part of the nuclear powers. They raise the difficult question of whether the nuclear powers are taking the further steps toward disarmament which were promised the non-nuclear powers upon the signing of the Non-Proliferation Treaty. The lack of progress toward a CTB has become the focal point of attention, and the continued U.S. insistence on on-site inspection is viewed by many of those nations as an untenable position in light of seismic improvements. Most recently Canada has parted company with the United States on this issue, calling for the United States to make a determined effort to eliminate the "political difficulties" caused by its insistence on on-site inspection.

The issues involved are extraordinarily complex. The following is an analysis based on material developed in public hearings before the Subcommittee on Arms Control, International Law and Organization held on July 22 and 23, 1971. This Report may serve as a basis for further discussion of the obstacles to a comprehensive test ban and to a reassessment of the possibility of an initiative in this area, including the significance of on-site inspection as an element in the U.S. negotiating position.

Participants in the hearings

On July 22 Mr. Philip J. Farley, Acting Director of the Arms Control and Disarmament Agency (ACDA), set forth the Administration's position with respect to a CTB. On that day the Subcommittee also heard testimony from Dr. Franklin A. Long, who was Assistant Director of ACDA for Science and Technology during the period when the Limited Test Ban Treaty was concluded. Now a professor of Chemistry and Director of the Program on Science, Technology and Society at Cornell University, Dr. Long testified as to the relative risks and benefits of a CTB for the United States. On the same day, Dr. Bernard T. Feld, Professor of Physics at MIT and President of the Council for a Livable World, appeared on behalf of the Task Force for the Nuclear Test Ban and discussed the effects of a CTB on the nuclear arms competition in the non-nuclear world.

On July 23, the Subcommittee heard testimony from Senator Mike Gravel of Alaska and Mr. John Havelock, the Attorney General of Alaska, regarding the Cannikin nuclear test on Amchitka, from Dr. Carl Walske, Assistant to the Secretary of Defense for Atomic Energy, on the military effects of a CTB, and from Dr. James N. Brune, Professor of Geophysics at the Institute of Geophysics and Planetary Physics and Scripps Institution of Oceanography at the University of California, San Diego, as to the current status of seismic means of identifying earthquakes and explosions.

Policy considerations supporting a CTB

The United States has pledged, under the Limited Test Ban Treaty, to seek to achieve "the discontinuance of all test explosions of nuclear weapons for all time." This commitment was recalled in the 1968 Non-Proliferation Treaty (NPT) and provision was made for a conference in 1973 which will, among other things, review the progress made toward that end.

As indicated by many of the witnesses testifying before the Subcommittee, including Philip J. Farley, Acting Director of ACDA, speaking for the executive branch, the principal benefits to be derived from an effective comprehensive nuclear test ban include the following: First, a CTB would render significantly more difficult the development of nuclear weapons by those signatories which do not yet have them, and it would reinforce the Non-Proliferation Treaty by encouraging adherence to that Treaty by the countries which have not already done so. The purposes of the NPT are an important foreign policy objective of the United States which should not become obscured with the passage of time and the direction of attention to more pressing matters. As Franklin A. Long stated before the Subcommittee:

"It is reasonable to suppose that the longer the U.S. and the U.S.S.R. postpone active negotiations [on a CTB], the more discouraged the currently non-nuclear nations will become and the more likely it is that they will make a decision to develop their own nuclear weapons. And a world of ten or twenty nuclear weapon states is not one which I contemplate with anything but apprehension."

Furthermore, it seems likely that even if a country will not adhere to the NPT, its ability to develop an effective nuclear capability would be severely curtailed, if not entirely eliminated, if it were a party to a comprehensive nuclear test ban treaty. Japan, India, Israel and the United Arab Republic are examples of countries which are parties to the Limited Test Ban Treaty but not to the NPT. Adherence by those countries to a CTB would represent an important achievement in the pursuit of nuclear nonproliferation.

In addition, a CTB would eliminate the possibility of adverse environmental effects caused by underground nuclear testing. Finally, and most important, an effective comprehensive test ban would dampen the arms race by curtailing further improvements in nuclear warheads by the nuclear powers adhering to the Treaty, and it would be a natural supplement to agreements between the United States and the Soviet Union at SALT.

Military considerations bearing on a CTB

Although established United States policy has for many years supported the achievement of a comprehensive test ban adequately verified, the military considerations involved in that policy determination must be examined in any review of the prospects for a CTB. The factors weighing against a CTB are in essence the military corollaries of its principal advantage. One major argument advanced in opposition to a CTB is that it would preclude the improvement of our nuclear weapons stockpile which might in turn somehow hamper our ability to deter nuclear war.

Nevertheless, the weapons systems currently maintained by the United States are now adequate to deter a Soviet attack. To continue that capability, it should not be necessary to have the most efficient or sophisticated warheads theoretically available. In fact, precluding such improvements on both sides would be an effective way of insuring the continuation of that capability. In developing any new weapons systems which may become necessary, the configuration of such a system may have to be modified to fit a warhead already in the stockpile rather than using a newly developed optimum warhead which could not be relied upon without testing. Of course, all the other components of the system could be tested, a much more important matter since the basic characteristics of nuclear reactions are well known. Therefore, while a CTB may preclude the "optimum" exploitation of new military technology, there is no evidence to suggest that it would fundamentally hinder the maintenance of a sufficient deterrence capability by the United States.

It can also be argued that we cannot maintain confidence in the continuing reliability of our existing warheads without continuous testing. The potential reliability problem is, however, put into perspective by information furnished by the Department of Defense to the Subcommittee as a result of the hearings. DOD stated that—

"Validation tests of nuclear assemblies are not conducted after a warhead has entered the stockpile unless such tests are deemed necessary to determine performance degradation which is suspected because of evidence obtained in the stockpile sampling program, or to demonstrate that defects have been satisfactorily corrected."

There were only five principal cases since the mid-1950s cited by the Department of Defense where a nuclear test was an integral part of a corrective program, and the corrections involved were designed either to meet stricter safety standards or to correct a metallurgical or mechanical problem which developed after the warhead entered the stockpile. In a statement entitled "Stockpile Reliability in the Absence of Nuclear Testing" the Department of Defense added:

"[Stockpile] Reliability may be affected by decisions to incorporate seemingly acceptable improvements into nuclear assembly systems without validation from a nuclear test. Changes affecting reliability may also be made in an effort to correct a defect developing in a nuclear assembly system."

There is no question but that improvements in weaponry will be hindered by a CTB; that is, of course, one of the purposes of such a Treaty. Acceptance of a CTB necessarily entails foregoing even "seemingly acceptable" improvements to the stockpile if they present a serious threat to stockpile reliability. As to changes designed to correct a defect developing in a particular type of warhead, it would appear that if a CTB were implemented, such defects would have to be remedied by a previously tested method or by replacing the warhead *de novo*, thereby restoring whatever effectiveness it had at the time of its entry into the stockpile. The Department of Defense adds:

"Of course, the reliability of the stockpile will be affected by the willingness of the government to spend possibly large sums of money to work around recognized deficiencies without nuclear tests. With such funding available the loss in reliability could often be avoided or delayed, although in the absence of nuclear testing corrective measures might involve longer periods of system degradation and might involve settling for a warhead performance well off the optimum."

There may be significant economic costs attached to a CTB, but those costs would be minor in comparison to the benefits derived from a Treaty and the savings derived from not testing and indefinitely replacing warheads to match improvements by the Soviets.

An additional problem concerns the possibility that a potential defect would be discovered which was not the result of aging but was inherent (but unknown) in the warhead at the time it entered the stockpile. There is no doubt that it would be a very serious matter if a metallurgical or mechanical problem were discovered in one of the warheads in a strategic system, provided the problem could not be corrected by substituting a completely rebuilt warhead (i.e., if the problem were not one which had developed merely as a result of aging). At the same time, it seems inconceivable, after all the testing which has been done by the United States to date, that such a fundamental problem could now exist in warheads which are part of our strategic systems. This appears to be one of the extremely improbable risks which we can afford to take, in view of the benefits of a CTB, assuming the other problems can be worked out. Furthermore, since nuclear testing is not primarily used to determine reliability of stockpiled weapons, the probability of discovering such a weakness would not be significantly affected by a CTB.

Any diminution of confidence in the reliability of a nuclear stockpile should operate with comparable effect on all nuclear powers which are parties to the Treaty, and hence a CTB could be a stabilizing factor which would actually enhance the existing state of mutual deterrence.[1] Furthermore, since the United States has conducted approximately four times as many tests as the Soviet Union since 1963 (based on the announcements of nuclear tests by the AEC), it would seem to follow that a CTB would leave the United States in an established position of significant relative advantage, another consideration favoring a CTB from the U.S. point of view.

The verification question

Reflecting the clear preponderance of considerations favoring a CTB, the policy of the Nixon Administration, as well as of preceding Administrations, has been unequivocally in favor of a comprehensive test ban adequately verified. It is the requirement of adequate verification which has raised most of the difficult problems. This requirement is of central importance in considering whether to proceed with a CTB, since successful violations by the Soviet Union over a period of time could conceivably upset the existing military balance. The United States could not adhere to a CTB if the possibility of evasion by the Soviet Union were so great that the United States had no confidence that the Treaty's benefits were in fact being realized. In fact, wide-spread suspicion of clandestine testing, even though created by natural seismic events, could itself add to international tensions. At the same time, it is clear that no verification system can be implemented which will guarantee that no violation has occurred. There will always be a yield threshold below which the chance of detection is very low. This would be the case even if the Treaty called for on-site inspection. The concern with adequate verification is not directed to such an ambitious goal. The purpose of verification procedures are instead to deter a nation from conducting prohibited tests by rendering significant violations so likely to be discovered that a possible evader will not judge clandestine testing to be worth the risk. Therefore, an evaluation of what constitutes adequate verification is a highly inexact art since it depends on political judgments and unknown future conditions which could lead a nation to conclude that it was worth taking great risks to pursue a test program, as well as depending on the inherently uncertain capability of seismic monitoring systems (and other intelligence means) which could detect clandestine tests.

A significant portion of the current debate on verification has focused on whether it is possible to identify earthquakes and explosions down to a magnitude[2] of 4.0 on the Richter scale. Such a capability would undoubtedly increase our ability to detect clandestine violations of a Treaty and hence would have an incremental, if unquantifiable, effect on deterring such violations. Nevertheless, being able to identify earthquakes and explosions down to a magnitude of 4.0 should not be regarded in itself as a prerequisite of a comprehensive test ban or as a key which will solve all the problems inherent in the questions involved.

It should also be noted that the statement that a system has the capability of identifying earthquakes and explosions down to a given magnitude generally refers to a 90% incremental probability of identification of the stated magnitude. Just as there is no magic in the magnitude 4.0, there is no magic in the 90% probability factor. Even if there is less than 90% probability of identifying explosions at successively lower magnitudes, there will always be some prospect of identification and hence some deterrent effect on a potential evader. For example, a 50% probability, or even less, probably would be adequate for the very low magnitudes in view of the fact that a single test of small yield would have no effect on the strategic balance. The decreasing scale of probability of identification should be calculated for various yields detectable by various possible monitoring networks and should become part of the debate on a CTB.

In testimony before the Subcommittee, Professor James N. Brune pointed out that it is now theoretically possible to identify earthquakes and explosions down to a magnitude of about 4.0 on the basis of previously established discrimination criteria. He suggests that a new seismic monitoring system, using currently available instrumentation, could be constructed internationally to exploit this possibility. The executive branch's position on this issue has been articulated in a statement by Dr. Stephen Lukasik to the Conference of the Committee on Disarmament (CCD) at Geneva. The executive branch's approach is more cautious, but is not inconsistent with that of Dr. Brune as a matter of principle. The executive branch agrees that in principle the ability to identify earthquakes and explosions will continue below a magnitude of 4.5, although it does not commit itself to any specific lower limit. Dr. Lukasik also recognized that the exploitation of that capability would require a massive investment in new instrumentation:

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[1] Since China would presumably not sign a CTB at this time, it would be free to pursue a complete nuclear program. In view of the enormous U.S. lead over China, this factor poses no problem at this time. Consideration should be given to inclusion of a procedure for review of the CTB at some future time (or at periodic intervals) if all nuclear powers are not then parties to the Treaty.

[2] The size of the seismic event produced by either an explosion or an earthquake is normally described in terms of magnitude on the Richter scale which is determined by the amplitude of the seismic waves transmitted through the earth. Since magnitudes are expressed on a logarithmic scale, a change in magnitude of one represents a change in energy transmitted of 10

"Improved seismic instrumentation is clearly needed to attain further advances below magnitude 4.5 and to assess the limits of teleseimic discrimination.

"We have seen that to translate the greater scientific understanding of the identification problem into improvements in the seismic verification capability requires more sophisticated installations than currently exist; * * * expansion of the existing network of seismic arrays and individuals stations would seem highly desirable * * *

"Many of these improvements would undoubtedly require considerable time and they would represent a substantial capital investment. Much effort would have to go into determining where these additional facilities should be located in order to achieve maximum performance."

Nevertheless, the executive branch does not propose to proceed at this time with the deployment of a new seismic monitoring network. By deferring such a move, it is apparently felt that the U.S. will gain time to assess the data produced by three large seismic arrays, two of which are just now becoming operative, and a companion program involving new instruments (for measuring very long period waves) at ten stations, four of which have not yet been completed. This will permit the testing of a variety of discrimination criteria, exploration of techniques to improve the effectiveness of discrimination criteria (enhancing surface to noise ratios) and improvement of means to locate seismic events. Time is also needed for completion of the necessary site surveys and agreements. Under the executive branch's approach, after approximately two years we will have greater understanding of the best design for a new network (which will depend on the discrimination criteria chosen) and the optimum siting and distribution of instruments; and we will then have acquired useful experience in the actual operation of a large and complicated network, including experience with the automated data processing techniques which become increasingly important as lower magnitudes are approached.

It seems to be conceded by all that the capability of a seismic monitoring network can be developed to identify explosions down to somewhere in the neighborhood of magnitude 4.0. It is also clear that substantial investments in equipment will be necessary to implement that capability, although that cost, perhaps up to $200 million, is insignificant when compared to the amounts spent on arms and the value derived from a CTB.[3] Although we cannot be certain at this time that a new seismic monitoring network will attain the hoped for identification capability at magnitude 4.0, it seems highly probable that it will reach a capability near 4.0. Upon the deployment of such a system, it is clear that there would be a very powerful additional deterrent available to police a CTB.

On-site inspection

The executive branch insists that on-site inspection is indispensable to adequate verification of a CTB. On-site inspection would certainly create an additional inhibition against violations of a Treaty, but the question is how significant this would be and whether it is necessary. A factor which must weigh very heavily in the consideration of these issues is that, even without on-site inspection, a country would be inhibited from violating such a Treaty in view of the probable political and diplomatic consequences of being caught.

Furthermore, on-site inspection is useful only in dealing with a limited range of seismic events. On-site inspection is of no help in explaining events at the lower end of the magnitude range where the events cannot be detected (or in explaining events which cannot be located). And it is not necessary for events at the higher end of the range because seismic means should be adequate. To place the role of on-site inspection into proper perspective it would be helpful to have available calculations showing the numbers and magnitudes of events in which on-site inspection would be theoretically useful, assuming various seismic capabilities.

Other factors to be considered

There will always be some ambiguous events of possible significance even above the identification threshold, but their number will decrease rapidly as magnitude increases. Since the number of such events will depend on the operating efficiency of the seismic monitoring systems deployed, the extent to which the number can be lowered from its present level is not now predictable with any degree of precision.

In weighing the risks inherent in a CTB, consideration must be given to the possibility of detection of violations by other means and to the military significance of violations. Some events can be eliminated from concern through the use of other diagnostic aids and inferences from other known factors, utilizing both seismic instruments and other intelligence means. Although these means of interpretation may only help eliminate events in an unpredictable or fortuitous fashion, their potential provides an additional deterrent against evasions. At the same time, there will always be some unidentified events, especially at the lower magnitudes.

In assessing the significance of unidentified events (or events below the identification threshold) other variables must also be considered. If the event is an explosion, the magnitude of the event does not reveal the yield of the exploded device. Extrapolating the yield from the magnitude of the event requires consideration of the soil in which the device is tested and the extent, if any, to which efforts have been made to "decouple" the impact of the explosion. According to Dr. Carl Walske, an explosion recorded at a magnitude 4.0 would be equivalent to about 1½ KT if the test were in granite or 12 KT if the test were in alluvium. At magnitude 4.5 the comparable figures are approximately 6 KT and 45 KT. Although an evader could thus maximize the chance of escaping detection by testing in alluvium or comparable dry "soft" soil, such soil would be the most likely to collapse or leave a crater at the surface after a test, which renders it more susceptible to detection by other intelligence means.

Of greater theoretical concern are possibilities of evasion. These possibilities include the use of a very large cavity in which to explode the device ("decoupling"), a technique which can be enhanced by encompassing the device with a material which will absorb energy from the blast to reduce the seismic waves. In addition, it is possible to explode the device in a seismically active area concurrently with an earthquake of great magnitude so that the seismic waves generated by the explosion become mixed with those from the earthquake (known as "hiding in an earthquake"). The first of those methods requires extensive activity and a substantial period of time to prepare. The larger the explosion, the larger the hole would have to be and hence the more activity involved and time required. The activities associated with any substantial clandestine testing program present great enough risks to constitute a significant impediment against exploiting these decoupling techniques. The other technique, hiding in an earthquake, poses formidable uncertainties with regard to the location and timing of explosions. The use of a number of large arrays and sophisticated seismic analysis presents a significant possibility of detection in the use of this technique as well. The same deterrent applies to the use of a coordinated succession of nuclear tests designed to simulate an earthquake.

Furthermore, it must be noted that the possibilities of successful evasion through any of the techniques mentioned are greatest at the low yield level where the military significance of testing, from the point of view of the overall strategic balance, is of lesser significance.[4] As yields (and hence military significance) increase, the possibility of evasion falls off. The practical ceiling for these techniques may not be significantly different from that resulting from the use of soft soil for testing. While the possibilities of evasion through decoupling or hiding in an earthquake cannot be ignored, on balance they seem to pose an acceptable risk far outweighed by the benefits to be derived from a CTB. Indeed it would seem that a CTB resting on seismic verification means alone would provide a high degree of assurance that high yield violations were not occurring, a defensible objective in itself.

Since 1963 many advances have been made, particularly in seismology, which make the time auspicious for a hard look at the continuing need for on-site inspection. It is clear that the deployment of a variety of seismic stations and arrays would add considerably to the deterrent available to police a CTB. At the same time, there are a number of problems which must be explored further, including the timing and other details involved in achieving optimum results from the deployment of new instrumentation, the deterrent effects achievable by the network deployed, and the handling of peaceful nuclear explosions.

Peaceful nuclear explosions

A major impediment to a CTB is posed by the possible continuation of peaceful nuclear explosions (PNE). Since it would be possible to pursue weapons development in conjunction with a PNE program, it must be recognized that the possibilities of evasion through these means are at least as serious as the problems inherent in seismic identification. There does not appear to have been any exploration of the amenability of other nations to the idea of a total ban on all nuclear explosions, including those for peaceful purposes. Since this would seem to be inconsistent with the expectations of many nonnuclear countries, and in view of the active Soviet PNE program, it may be that a ban including peaceful explosions is impractical. On the other hand, if on-site inspection were eliminated as an issue, perhaps it would be possible to induce other states to forgo the limited potential benefits of peaceful nuclear explosions as a price required to be paid for a CTB.

If not, the most promising procedure would seem to involve supervision of peaceful nuclear explosions by the International Atomic Energy Agency or a new international body

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[3] In every year since 1963 the AEC has spent over $250 million on the nuclear test program alone.

[4] For example, warheads for the Soviet SS-9 and SS-11 produce yields measured in hundreds or thousands of kilotons.

> established for the purpose. There would be many problems such as the mechanics of supervision, control of instrumentation, supply and control of the nuclear device, timing of the explosion and composition of the decisionmaking body. Negotiation of these problems would inevitably consume a considerable period of time, during which it would be possible to acquire additional confidence in seismic identification possibilities and to assess the true capability of the entire seismic network as deployed.

Mr. HART. Mr. President, I am delighted that this year we are able to present for the consideration of Senators, and with bipartisan support, a single comprehensive test ban resolution.

It would be my hope that such a resolution would have broad appeal both in the Congress and at the White House, as a logical next step in arms control.

The ending of nuclear testing has appeal from many points of view—improvement of the international climate, safeguarding the environment, releasing resources for domestic needs, complementing the ongoing SALT talks.

There are two points on which I would like to elaborate as this resolution is introduced.

EFFECT ON MIRV WARHEADS

Although both the United States and the U.S.S.R. have nuclear weapons designs which will satisfy their requirements for a secure strategic deterrent force and for tactical nuclear weapons to inhibit a large-scale conventional war, a comprehensive test ban would nevertheless place a final cap on the continuing efforts to upgrade the nuclear arsenals A treaty would probably place greater restrictions on the Soviet Union because it is generally conceded that in most areas the United States has more sophisticated nuclear weapons designs available. In particular, a comprehensive test ban should provide added confidence to the United States that the Soviets were not procuring a first strike counter missile strategic capability. As such, it will be an important complement to the strategic arms limitations talks.

For example, a comprehensive test ban would prevent the Soviets from further development of the type of nuclear warheads which would be needed if they were to acquire a highly accurate MIRV system with sufficient warheads to threaten our Minuteman force. My understanding is that to obtain such high accuracies, the dimensions of the reentry vehicle and, accordingly, the nuclear warhead must become smaller, and in particular, narrower. All of these restrictions present problems for the nuclear weapons designer. Since in the past the Soviets have never had a missile system calling for such design, it is quite likely that further tests would be required if they were to seek to achieve it. Thus, if they were to subscribe to a comprehensive test ban, we would have greater confidence that they were not aiming at or capable of attaining this objective.

CHINA AND THE COMPREHENSIVE TEST BAN

It would, of course, be best if a comprehensive test ban were adhered to by all five nuclear powers that is, China and France in addition to the United States, U.S.S.R., and Great Britain. However, initially it seems unlikely that the Chinese and, consequently also the French, will be willing to join. Until the Chinese are confident that they have an independent nuclear deterrent of their own, they will probably wish to maintain the option to continue testing.

But this in no way negates the value of a comprehensive test ban which would be concurred in by the other three nuclear powers. Even though the Chinese have made rapid strides in developing their nuclear capabilities in the last 10 years, their forces are so limited and will remain so for many years that it is inconceivable that they could, by continued nuclear testing, accomplish any development that would call for additional tests on our part. We have developed warheads covering a wide spectrum of designs and applicable to a large number of military uses. These are considered more than adequate to deal with Soviet weapons which have been developed over a period of 20 years by hundreds of nuclear tests and with tremendous industrial backing. Unrestricted Chinese testing for 10 or even 20 years at the present rate is unlikely to develop any justification for additional U.S. testing. The answer to the developing Chinese capability must lie in the political arena and not in further nuclear developments.

A halt of all nuclear testing by the United States and the U.S.S.R. should furthermore produce increased pressure on the Chinese to eventually come to a stop themselves. As long as we continue underground tests even with the very large backlog of nuclear weapons design information, we are only providing an incentive for further work on the Chinese part. Our efforts to persuade them to forgo atmospheric tests sound hollow under the present circumstances. While early success in this effort to persuade the Chinese to adhere cannot be forecast, that day will undoubtedly be hastened by United States-Soviet action on the comprehensive test ban. It will also have important bonuses in getting such countries as Japan and India to forgo the option of acquiring nuclear weapons. It will provide useful ammunition to those groups in each of these countries who are urging a policy of restraint on their governments. On the other hand, continued testing is providing ammunition to those who seek to acquire the illusory advantages of a nuclear weapons capability.

Mr. President, I commend our resolution to the Senate Foreign Relations Committee, where I hope it will have early consideration and approval.

POSTAL SERVICE

Mr. ROBERT C. BYRD. Mr. President, I am continuing to receive many complaints from my constituents regarding the deterioration of the postal service. These complaints cover a wide range, involving virtually all classes of mail as well as parcel post. It is my understanding that many Members of the Congress are receiving such complaints.

When the Postal Reorganization Act of 1970 was enacted, it was with high hopes for a better and more modern U.S. mail service. The quasi-independent corporation which the act created, the U.S. Postal Service, it was widely believed, could do a better job than that which had been done by the old Post Office Department. Unfortunately those hopes, to date, have not been realized. Instead, almost the opposite of what was intended has occurred. The service has steadily grown worse.

It was stated that the recent Christmas holiday mailing period was to have been a showcase for displaying improvement in the service. Yet, at the very time when rosy statements were being released saying how well the mail was being handled, constituents were calling to my attention delays in the delivery of the mail such as they had never experienced before.

The dissatisfaction appears to have been widespread. Charges have been made that Christmas mail was actually delayed, hidden, and even ignored because of efforts by postal officials to save money.

Perhaps it may not be thought too important from an overall economic standpoint that Christmas cards and packages reached addressees many days late, but it is certainly highly important to all segments of our national economy that this country not only have an adequate mail service, but that it also have a dependable and swift one as well. We simply do not have such mail service at this point. On the contrary, the service as it has been operated thus far by the U.S. Postal Service can only be described as inadequate, undependable, and slow. I emphasize the word slow.

As one West Virginian said facetiously—but not without substance—communication by smoke signals would be faster.

He may have been thinking about the 3,475 mail sacks found gathering dust not long ago in the basement of the Charleston, W. Va., post office. Or perhaps he was simply hoping that the Pony Express could be resurrected, considering the devastating demonstration put on here recently of the superiority and swiftness of horseback mail compared with present methods.

Levity aside, Mr. President, something has got to be done about the poor performance of the new Postal Service in its first year and a half effort. It is for that reason that I heartily welcome the forthcoming intensive, indepth inquiry into the Postal Service's operations which is soon to be undertaken by the Senate Post Office and Civil Service Committee under the able guiding hand of the distinguished senior Senator from Wyoming, Senator McGEE.

We need to know all of the facts, and we need recommendations looking to the improvement of the mail service in the future. This is especially necessary in view of the postal rate increases which business people and other citizens are being asked to bear.

An 8-cent first-class stamp is supposed to provide first-class handling of letter mail. But the increased rate which must be paid now does not seem to insure delivery as quickly as did a 2-cent stamp when I was growing up.

It is frustrating to me—and virtually unexplainable to constituents—that letters coming to my office complaining of, and documenting, poor service should be received days late, or, in one case earlier this year, several weeks late.

It is no wonder the Postal Service now leaves out the time of cancellation. Even the post office of origin stamp has become only a faded memory. Proud local identities, many of them historic, have been obliterated by the so-called "improvements." Indeed, a great, gray anonymity and a pervading aura of mediocrity have enveloped the once-proud service which boasted that "neither snow, nor rain, nor heat, nor gloom of night" could stay "its couriers from the swift completion of their appointed rounds."

Mr. President, I voted for the Postal Reorganization Act. I was glad to see the postal service taken out of politics, an action that was long overdue. But I am disappointed, indeed, that the new Postal Service has not yet demonstrated that it can even do as good a job as was being done before.

Now, of course, any new system will have bugs in it, and it takes a little time to remove them, but the numerous bills which have been introduced to restore the old Post Office Department attest to the widespread dissatisfaction with the new setup, as have numerous editorials and other statements in the press. The General Accounting Office, which has begun a study of the overhead costs of the new service, has produced a report which says, among other things, that first-class mail service has been adversely affected by measures taken by the Postal Service, and that the first-class mail service is worse today than it was in the latter half of fiscal year 1969 under the former Post Office Department.

How could it be otherwise when pickups and deliveries have been curtailed, and when much mail must now be transported long distances to sorting and dispatching centers for processing, even though sender and receiver may be only a few miles, or a few city blocks, apart?

I spoke a moment ago of the loss of local post office identities. This has occurred because of the establishment of the processing centers to which I just referred. An example is to be found in the Virginia cities and communities across the Potomac River, the mail from each of which is now being trucked to the center at Merrifield in Fairfax County, where it is stamped simply "Northern Virginia." The extra hauling and the vast amount of sorting required at the center, I am told, has added to the delays.

But apparently, we have not seen anything yet. When the Postal Service's new bulk mail system centers—which are costing right at $1 billion—become operational in 1975 or 1976, the country will be treated to the spectacle of mail, bound for nearby destinations, being trucked hundreds of miles to processing centers and back before being delivered. On the face of it, the system which is now being set up, seems to me to defy logic.

Under the new system, I am informed, a package going from, say, Tampa, Fla., to Sarasota, a distance of about 75 miles, would be carried first to Jacksonville, then back to Tampa before going to Sarasota, a distance of 470 miles. A parcel bound from Richmond, Va., to Norfolk, a 94-mile trip, would be brought to Washington first, then taken to Norfolk, a distance of 312 miles. A Christmas gift sent from Chapel Hill, N.C., to Carrboro, N.C., a mile away, would be taken first to Greensboro, entailing a trip of 160 miles.

There are many more examples, but what really boggles the understanding are two extreme examples in the West. A package going from a small town in Colorado—Trinidad—to Raton, N. Mex., a short 24 miles, would be carried 912 miles, going through Pueblo, Denver, Albuquerque, and Las Vegas; and a parcel from Modena, Utah, bound for Panaca, Nev., only 20 miles away, would go to Provo, Utah; Salt Lake City; Denver; Los Angeles; and Las Vegas, a total incredible distance of 2,309 miles.

It seems to me that the long trucking hauls involved in such planning can only serve to further slow down deliveries and make matters even worse than they are now.

The public is already disenchanted with the Postal Service's handling of parcel post. We need look no further to see that that is true than to the fact that the privately operated United Parcel Service has now passed the U.S. Postal Service in the volume of packages it handles. That ought to tell us what the public thinks about how the Postal Service has been discharging that important part of its responsibility.

And with all of this, the threat of further rate increases hangs over users of the mails. This is especially serious in the case of second-class mail, which historically has moved at reasonable cost to newspaper and magazine publishers so as to facilitate the widest possible dissemination of the information, ideas, and opinions which are so essential to the functioning of a democratic society. Keeping mail rates for publications down has always heretofore been considered to be in the public interest. But this concept is seriously endangered by efforts to increase second-class rates, which, if successful, could help to drive more publications out of business. Already a number of mass-circulation publications have given up the ghost.

Mr. President, it is my sincere hope that the matters which I have briefly mentioned here will, indeed, be delved into deeply in the forthcoming studies of the operations of the Postal Service—and I am confident that they will be.

Senator MCGEE has assured me upon more than one occasion that a very thorough hearing and investigation in depth will be conducted, lasting over a period of perhaps several months. The people of my State, and people throughout the country, are looking to Congress to take action that will reverse the deterioration which has occurred in the Nation's mail service.

In a Nation as technologically oriented as ours—with as much know-how, and with as much ability to get things done—we should have a postal service second to none. As I have already indicated, I have more than once discussed this matter with Senator MCGEE, who shares my feeling in this regard. I hope that the hearings which his committee will conduct will point the way toward giving the Nation the efficient service it should have.

ORDER FOR CONSIDERATION OF THE FEDERAL AVIATION ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its consideration of the Rural Electrification Act (S. 394), the Senate then proceed to the consideration of S. 39, a bill to amend the Federal Aviation Act of 1958. This is in accordance with the previously expressed intention of the leadership.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, it is my understanding that the distinguished Senator from New Jersey (Mr. CASE) wishes to have his time under the order vacated. However, I shall not now ask that it be vacated, because I wish to suggest the absence of a quorum, and I ask unanimous consent that the time for the quorum come out of the order for the recognition of Mr. CASE, so as to give Mr. EAGLETON, under the next order, further time in which to reach the floor. He is on his way now.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, how much time remains under the order for Mr. CASE?

The PRESIDING OFFICER. Eight minutes.

Mr. ROBERT C. BYRD. I ask unanimous consent that that time be reserved at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Missouri (Mr. EAGLETON) is recognized for not to exeed 15 minutes.

PRIVILEGE OF THE FLOOR

Mr. EAGLETON. Mr. President, I ask unanimous consent that a staff assistant of mine, Mr. Brian Atwood, be permitted on the floor during the course of my remarks for the next 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE WAR POWERS ACT

Mr. EAGLETON. Mr. President, several Senators have asked Senator JAVITS and me whether, if enacted, the provisions of the War Powers Act (S. 440) would apply to the reintroduction of American Forces to Indochina now that a cease-fire agreement has been signed. To clarify that point we have today released the following joint statement:

Section 9 of the War Powers Act, which is entitled "Effective Date and Applicability," reads as follows:

This Act shall take effect on the date of its enactment but shall not apply to hostilities in which the armed forces of the United States are involved on the effective date of this Act.

It is our understanding that the cease-fire agreement will not be fully consummated until March 28, 1973, 60 days from the date of the signing. If on that date all other provisions of the cease-fire agreement are upheld by the signatory nations, American participation in hostilities within North and South Vietnam will terminate. At such time and in accordance with Section 9, the provisions of S. 440 would, on the date of enactment, apply in full to any reintroduction of forces to North and South Vietnam.

Section 9, as currently written, would exclude our present involvement in air support operations over Cambodia and Laos from the provisions of our bill. However, cease-fire agreements may be signed by the hostile parties within those countries in the near future. We understand that American participation will be terminated when those agreements take effect. At such time, the provisions of S. 440 would apply to the reintroduction of American forces in or over Cambodia and Laos as well.

Mr. President, this body is well aware of the great contribution Senator JOHN STENNIS has made as a principal author of this important legislation. The unfortunate and tragic event that has hospitalized him has prevented him from participating personally in the drafting of the above statement. However, the day before Senator STENNIS was wounded, I had the opportunity to discuss with him on the floor of the Senate the applicability of the war powers bill to Indochina. This statement reflects the understanding we arrived at during that discussion.

My colleagues are well aware that there is no more forceful or eloquent advocate in this body than the distinguished chairman of the Armed Services Committee. It is therefore most regrettable that he is not here today to personally lend his voice in support of the War Powers Act.

Last year at the outset of the Senate debate, Senator STENNIS explained the reason the sponsors decided to exempt hostilities in which the United States was involved on the effective date of the act. In defense of section 9 of our bill, Senator STENNIS said:

> I'm afraid that this important legislation could never be considered objectively if we attempt to make it yet another vehicle for assessing our involvement in the war in Vietnam. We must look upon this bill as a new start.

Prior to his tragic misfortune, Senator STENNIS expressed his great satisfaction that the President was able to achieve a cease-fire agreement in Vietnam. He strongly supported President Nixon, and President Johnson before him, in their conduct of the Vietnam conflict. But, as he said last year in support of the War Powers Act.

> The last decade has taught us . . . that this country must never again go to war without the full moral sanction of the American people. The only practical way for all parts of the nation to participate in such a decision is through the Congress.

Now as our involvement in Vietnam comes to a close and as, with great elation, we welcome home our POW's and our military men, we must, in the words of Senator STENNIS, "look upon this bill as a new start." American Forces must never again be committed to battle in any part of the world without the consent of Congress—the branch of Government to which the awesome responsibility to declare war is constitutionally assigned.

Mr. President, the War Powers Act represents the combined efforts of the principal sponsors. I would like today, however, to pay tribute to the great work the distinguished Senator from New York (Mr. JAVITS) has done to bring this important legislation to the attention of the American people. Senator JAVITS was the first Senator to introduce war powers legislation, and he has been a leader in the effort to help Congress regain its proper role in this important area.

Mr. President, at this time I yield to the Senator from New York.

The PRESIDING OFFICER (Mr. BIDEN). The Senator from New York is recognized.

Mr. JAVITS. Mr. President, first I wish to acknowledge the indispensable efforts of the Senator from Missouri (Mr. EAGLETON). It is a fact that I introduced the first bill, but it is also a fact that the final product as it emerged from me and then from the Committee on Foreign Relations was heavily influenced by the considerations in the bill of the Senator from Missouri (Mr. EAGLETON). Especially was this true of the protective clauses respecting previous treaties and the effect of previous legislation. This was a critically important subject, in delimiting the war powers legislation.

I cannot acknowledge enough the great contribution in that and in every other phase of the bill of the Senator from Missouri (Mr. EAGLETON).

Also, it is characteristic of him that his thoughtfulness and foresight have brought about this colloquy today. It is a fact that the cease-fire in Vietnam has created a new situation from that which prevailed last year when under the war powers bill, we expressly excluded the ongoing hostilities in Indochina. We all felt and the Senator from Mississippi (Mr. STENNIS) took the lead in this that if we did not separate the War Powers Act from the Vietnam situation we would get into serious legal problems, not to mention recriminations as to ex post facto applicability, which could have torpedoed a monumental achievement in the bill itself. The Senator from Mississippi (Mr. STENNIS) proved to be absolutely correct, as evidenced by the Senate vote. Now, the Vietnam war is at an end, so far as U.S. combat involvement is concerned.

It is a fact that the Secretary of State, testifying for the administration in 1971 in opposition to the War Powers Act, stated that the Senate should have another look at the situation after the Vietnam war. Well, this is now after the Vietnam war.

For all these reasons I think the question raised by the Senator from Missouri (Mr. EAGLETON), following his discussion with the Senator from Mississippi (Mr. STENNIS) as to the applicability of this historic measure to Indochina if we have to go back in, is extremely pertinent. I am pleased to join in the joint statement with him on the applicability on section 9 in light of the Vietnam cease-fire.

I wish to say in a considered way that, having analyzed the situation as he has presented it, and also having had reference to the fact that on the heels of the introduction of the War Powers Act the Senator from Idaho (Mr. CHURCH) and the Senator from New Jersey (Mr. CASE) introduced an amendment prohibiting reintroduction of U.S. Forces in that area without prior congressional approval, a concept which, according to the construction now placed on the war powers bill, would be comprehended in the War Powers Act, which is much better, I wish to adopt that construction, to wit, the construction that when the cease-fire is consummated the reintroduction of any forces would be fully comprehended by the War Powers Act.

The second construction is, as we presently have written the bill, we also exclude ongoing hostilities in Cambodia and Laos, and the terms of our involvement so long as that involvement is continuing. But we already have the announcement of a Laotian cease-fire to be entered into tomorrow, and when the cease-fire is entered into and American participation is terminated, the provisions of the War Powers Act shall apply. The Cambodian cease-fire is also expected shortly. Hopefully, there will be an effective cease-fire in all three of these Indochinese states by the time we pass the War Powers Act again.

The principal sponsors of the War Powers Act are together on this interpretation of the law and who hope this will make unnecessary other resolutions which might distract us from the consideration of this historic and fundamental piece of legislation.

I thank my colleague for the opportunity he has given me. I would hope that just as the administration asked us to reconsider our position, which we are in the process of doing in this colloquy, we may ask them to reconsider their position and to join with us and the American people in a resolution of this question under the Constitution. In the judgment of the Senate a fair resolution has been made in the War Powers Act. If they think otherwise let them tell us, because now is the time for the Senate to act and send our measure to the House promptly so that a new sense of consideration in the House may occur in view of all that happened in the last year, and so that we may have a law for this lacuna in the Constitution; to wit, the "undeclared" or Presidential war.

Mr. President, I ask unanimous consent to have printed in the RECORD an article by Prof. Raoul Berger, of the Harvard University Law School. It is a splendid work entitled "War-Making by the President," and represents a most impressive analysis of the constitutional roots and intent of the Founding Fathers on this issue.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WAR-MAKING BY THE PRESIDENT

(By Raoul Berger †)

I. INTRODUCTION

To a nation wracked by interminable, undeclared war in Vietnam—described by an informed English observer as "the greatest tragedy that has befallen the United States since the Civil War" [1]—the presidential power to commit it to such luckless adventures is of surpassing importance. Thirty-odd years of recurrent international crises, exploding against a background of superpower hostility such as had long been unknown to the American people, have fed swollen executive claims to war-making power, often with the acquiescence if not encouragement of Congress.[2]

It is not my purpose to conduct yet another inquest into the propriety of the presidential steps that led to our involvement in Vietnam, or whether the war received congressional sanction.[3] Instead the focus of discussion will be whether the original constitutional distribution of powers can be restored by statute in order to insure congressional participation in war-making policy. A long overdue step in that direction was recently taken by the Javits-Spong War Powers Bill, approved by a vote of 68 to 16 in the Senate,[4] which seeks to lay down rules governing the use of armed force in the absence of a declaration of war by Congress. Roughly speaking, the Bill would authorize the President in the absence of a declaration of war by Congress only "to repel an armed attack upon the United States" or upon its armed forces "located outside the United States," and to forestall the "direct and imminent threat of such an attack," such use of the armed forces not to extend beyond thirty days without congressional authorization.[5]

Secretary of State William Rogers warns that the Bill "would violate the Constitution," that it departs from an allocation of powers which is "basic to our system." [6] Rogers' statement may be heavily discounted as self-serving, just as Justice Jackson dismissed his own "self-serving press statements" as Attorney General when they were paraded before the Court.[7] The case stands differently with Professor Eugene V. Rostow's elaborate attack on the Javits Bill.[8] Although he was one of the executants of the presidential policy, his high repute as a scholar entitles his apologia to careful consideration.

For Professor Rostow, the Javits Bill constitutes a retreat into the "dangerous realm of constitutional myth," [9] a fundamental "change [in] the constitutional relationship between President and Congress," [10] a "serious attack on the Constitution" [11] which "would destroy the Presidency" and "abolish the principle of the separation of powers," no less.[12] Congress is portrayed as "drawing all power within its impetuous vortex"; [13] but that hardly squares with the fact that the Supreme Court, in rejecting President Truman's seizure of the steel plants in reliance on alleged war powers, "refus[ed]," in the words of Justice Jackson, "further to aggrandize the presidential office . . . at the expense of Congress".[14]

In truth, the Constitution *withheld* from the President the powers claimed for him by Professor Rostow. He makes a mechanical obeisance to "the document, viewed against the background of [the Framers'] words," [15] but spends precious little time on the governing constitutional provisions and none at all on the explanations of those provisions by the Framers, preferring copious generalities about constitutional purposes. His real reliance is in "182 years of opinion and practice" [16]—the "gloss of life" [17]—whereby successive Presidents have *altered* the original constitutional distribution of powers, reallocating to the President powers exclusively conferred on Congress. On this, issue must be joined, bearing in mind that Professor Rostow inveighs against the Javits Bill because "it would permit Congress to amend the Constitution without the inconvenience of consulting the people." [18] Amen! No amendment without "consulting the people." But the rule cuts both ways; it is not open to the President to amend the Constitution by *his* "practices."

Professor Rostow recognized that there is a "real crisis of our foreign policy," that there is no harmony between [the presidential] pattern of action, and widespread, and now perhaps prevailing views as to what . . . foreign policy ought to be.

The tension between public opinion and the behavior of government [read President] is much too great for safety. That tension has already destroyed the careers of two Presidents, Truman and Johnson; divided the nation. . . .[19]

A crisis of such dimensions, exhibiting such tensions and divisions, entitles one to question the wisdom of a presidential claim singlehandedly to commit the nation to such disastrous policies. But I must eschew analysis in terms of wisdom, a matter endlessly debated, and canvassed afresh by Professor Rostow. Let it be assumed that wisdom counsels solo presidential power to meet terrifying contemporary contingencies,[20] and the question remains: was such power conferred by the Constitution. "The peculiar circumstances of the moment," said Marshall, "may render a measure more or less wise, but cannot render it more or less constitutional." [21]

The cardinal index of constitutionality is the Constitution itself, not what others have said about it. In the words of the great Erskine, "a statute is ever present to speak for itself"; [22] so too, we must look at the Constitution with eyes unclouded by the opinions of others. On so great a constitutional issue, nothing less suffices than the most searching analysis of the immediately relevant text and what the Framers *stated* they meant to accomplish by it. Professor Rostow too quickly cheapens the understanding of the Framers in reliance on Justice Jackson's statement in *Youngstown Sheet & Tube Co. v. Sawyer* [23] that it "must be divined from materials almost as enigmatic as the dreams Joseph was called upon to interpret for Pharaoh." [24] Notwithstanding that rhetorical flourish, Jackson experienced no difficulty in finding the intention clear enough to lead him emphatically to reject inflated presidential claims to war powers.[25] So that the reader may readily determine for himself where the truth lies, I shall set forth the sources. The historical records will appear far removed from the "enigmatic dreams of a Pharaoh," from "constitutional myth."

Preliminarily a few words should be said about the historical background—upon which Professor Rostow lays great stress—from which the Constitution emerged. Among the colonists the prevalent belief was that "'the executive magistracy' was the natural enemy, the legislative assembly the natural friend of liberty. . . ." [26] This derived first from the fact that the House of Commons had been the cradle of liberty in the seventeenth century struggle against Stuart absolutism,[27] a period that greatly influenced colonial thinking.[28] Then too, colonial assemblies were elected by the colonists themselves whereas governors and judges were placed over them by the Crown.[29] Little wonder that in most of the early state constitutions, the governor's office was "reduced almost to the dimensions of a symbol," with all roots in the royal prerogative cut.[30]

When the colonists assembled in the Continental Congress and adopted the Articles of Confederation, they dispensed with an executive altogether; [31] and in appointing George Washington commander in chief, they made sure, as Professor Rostow remarks, that he was to be "its creature . . . in every respect." [32] Before long the excesses of the new state legislatures led to disenchantment,[33] and the Founders began to think of a genuinely tri-partite structure of government. It was against this background that Madison, in a quotation invoked by Professor Rostow,[34] said that the founders of the several states "seem never for a moment to have turned their eyes from the danger to liberty" from a king to recollect "the danger from legislative usurpations, which, by assembling all power in the same hands, must lead to the same tyranny as is threatened by executive usurpations." [35] This testifies to the need for a strengthened executive coupled with a lively fear of monarchy and of potential executive tyranny.[36] Even so, Madison stated in a subsequent issue of *The Federalist* that "[i]n republican government, the legislative authority necessarily predominates," [37] as the Constitution clearly designed in the distribution of the war powers.

To say, as does Professor Rostow, that the Framers intended to go beyond the "Executive" of the Continental Congress [38] is to leave open the scope of his function. Here once more the Framers did not leave us in doubt. Roger Sherman "considered the Executive magistracy as nothing more than an institution for carrying the will of the Legislature into effect. . . ." [39] Although James Wilson was the "leader of the 'strong executive' party," [40] the "only powers he conceived strictly executive were those of executing the laws and appointing officers. . . ." [41] Madison emphasized that preliminarily it was essential *"to fix the extent* of the Executive authority . . . as *certain* powers were in their nature executive, and *must be given* to that department. . . ." [42] He added that the executive powers "shd. be confined and defined," [43] as they were in the subsequent sparse enumeration of executive powers.

The explanation of executive power to the Ratifying Convention reaffirmed these views. The executive powers were "precisely those of the governors," said James Bowdoin in Massachusetts, as did James Iredell in North Carolina.[44] "What are his powers?" said Governor Randolph in Virginia: "To see the laws executed. Every executive in America has that power." [45] In Pennsylvania James Wilson, in order to defend the President against the charge that he "will be the tool of the Senate," pointed first to the fact that he was to be commander in chief, and then added, "[t]here is another power of no small magnitude intrusted to this officer. 'He shall take care that the laws be faithfuly executed.'" [46] Iredell likewise stressed that the "office of superintending the execution of the laws . . . is . . . of the utmost importance;" and this was likewise the view expressed in North Carolina by Archibald Maclaine.[47] Charles Pinckney, a Framer, said in South Carolina, "His duties, will be, to attend to the execution of the acts of Congress"; [48] and to ward off fears of the danger of the executive. Pinckney stressed that the President cannot "take a single step in his government, without [Senate] advice." [49] Another Framer, William Davie, told the North Carolina convention that "jealousy of executive power which has shown itself so strongly in all American governments, would not admit" of lodging the treaty powers in the President alone.[50]

When Professor Rostow relies on *The Federalist* and Madison's notes for a "pattern of shared constitutional authority in this vital area," [51] he fails to take into account Hamilton's emphasis on how small the presidential share was to be. "Calculating upon the aversion of the people to monarchy," Hamilton wrote, opponents of the Constitution "have endeavored to enlist all their jealousies and apprehensions in opposition to the intended President . . . as the full-grown progeny, of that detested parent." [52] To counter such fears he launched upon a minute analysis of each of the enumerated executive powers; in particular the commander in chief was merely to be the "first General." [53] Nothing was "to be feared" from an executive "with the confined authorities" of the President.[54]

Footnotes at end of article.

After going through the short list he stated, "The *only remaining powers* of the executive are comprehended in giving information to Congress of the state of the Union. . . ." [55]

On the specifics of the commander in chief function, Hamilton took pains to assure the people that the President's authority would be "much inferior" to that of the British King, the bulk of whose powers "would appertain to the legislature." [56] Professor Rostow's statement that the "British monarch was much more in their [the Framers'] minds as a point of departure than the revolutionary commander" [57] is therefore correct, but in a very different sense than he intends—the prerogatives of that monarch were the very thing that the Framers meant at all costs to avoid.[58]

II. THE INTENTION OF THE FRAMERS

A. The Commander in Chief clause

The commander in chief as conceived by the Framers bears slight resemblance to the role played by the President today, when, as Justice Jackson said, the clause is invoked for the "power to do anything, anywhere, that can be done with an army or navy." [59] From history the Framers had learned of the dangers of entrusting control of the military establishment to a single man who could commit the nation to war.[60] Let a single quotation suffice. James Wilson, the "most learned and profound legal scholar of his generation," second only to Madison as an architect of the Constitution,[61] who almost single-handedly carried the Constitution through to adoption by the Pennsylvania convention, told that convention that the power to "declare" war was lodged in Congress as a guard against being "hurried" into war, so that no "single man [can] . . . involve us in such distress." [62] It was for this reason that the vast bulk of the war powers was conferred on Congress, leaving to the President a very meager role. Wilson's summary of the constitutional provisions graphically illustrates the glaring disproportion between the allocations to Congress and President:

> The power of declaring war, *and the other powers naturally connected with it*, are vested in congress. To provide and maintain a navy—to make rules for its government—to grant letters of marque and reprisal—to make rules concerning captures—to raise and support armies—to establish rules for their regulation—to provide for organizing . . . the militia, and for calling them forth in the service of the Union—all these are powers naturally connected with the power of declaring war. All these powers, therefore, are vested in Congress.[63]

Congress was also empowered to "provide for the common defense" and to make appropriations for the foregoing purposes. Since all the powers "naturally connected" with that of declaring war are vested in Congress, it follows, so far as war-making goes, that they are not to be exercised by the President.[64] The President, said Wilson, "is to take care that the laws be faithfully executed; he is commander in chief of the army and navy"; like the Saxon "first executive magistrate . . . he ha[s] authority to lead the army." [65] How narrowly the function was conceived may be gathered from the *instruction* by the Continental Congress to George Washington in 1783 to arrange for the takeover from the British of occupied ports and for the liberation of prisoners.[66]

Virtually every early state constitution made the Governor "captain-general and commander-in-chief" to act under the laws of the State—which is to say, subject to governance by the legislature.[67] In the Convention, the New Jersey Plan proposed by William Paterson provided that the Executive was "to direct all military operations" but not "on any occasion [to] take command of the troops, so as personally to conduct any enterprise as General," that is, in the field.[68] In the plan Hamilton submitted to the Convention, he proposed that the Executive should "have the direction of war when authorized or begun," implying it was not for him to "begin" a war.[69] The words "commander in chief" were adopted without explanation; but it is a fair deduction that Hamilton's explanation in *The Federalist* expressed the general intention.[70] As commander in chief, said Hamilton, the President's authority would be "much inferior" to that of the British King: "It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and admiral . . . while that of the British king extends to the *declaring* of war and to the *raising* and *regulating* of fleets and armies,—all which, by the Constitution . . . would appertain to the legislature." [71] Hamilton thus deflated this and other executive functions in order to rebut attacks upon the Constitution by those who, "[c]alculating upon the aversion of the people to monarchy" portrayed the President "as the full-grown progeny of that detested parent." [72]

Corwin commented on Hamilton's explanation of the commander role: "this appears to mean that in any war . . . the President will be top general and top admiral of the forces provided by Congress, so that no one can be put over him or be authorized to give him orders in the direction of the said forces. But otherwise he will have no powers that any high military or naval commander who was not also president might not have." [73] So it appeared to Chief Justice Taney as late as 1850.[74] The severely limited role of the President was a studied response to what Madison called "an axiom that the executive is the department of power most distinguished by its propensity to war: hence it is the practice of all states, in proportion as they are free, to disarm this propensity of its influence." [75] The object, in Wilson's homelier phrase, was to prevent a "single man" from "hurrying" us into war. "Those who are to *conduct a war*," said Madison, "cannot in the nature of things, be proper or safe judges, whether *a war ought to be commenced, continued or concluded*. They are barred from the latter function by a great principle in free government, analogous to that which separates the sword from the purse, or the power of executing from the power of enacting laws." [76] All appeals to the power of the President as commander in chief must therefore proceed from the incontrovertible fact that the Framers designed the role merely for command of the army as "first General."

B. "Congress shall have power . . . to declare war"

Under the Articles of Confederation the Continental Congress had the "sole and exclusive right and power of determining on peace and war." [77] That practice influenced the Framers; thirty-five of the fifty-five Framers had been members of the Continental Congress. No reference was made to the war-making power in either the Virginia or New Jersey Plans; the former endowed Congress with the "Legislative Rights of," the latter with all powers vested in, the Continental Congress.[78] Early in the Convention Madison agreed with Wilson that "executive powers . . . do not include the Rights of war and peace. . . ." [79] The draft submitted by the Committee on Detail provided that the legislature should "make war," [80] lifting this as well as other powers specifically granted to Congress "bodily from the old Articles of Confederation." [81] It was this provision that became the subject of debate.

Charles Pinckney opposed "vesting this power in the legislature. Its proceedings were too slow"; [82] he preferred the Senate, as Hamilton had proposed in his own plan.[83] Pierce Butler, on the other hand, "was for vesting the power in the President"; but Roger Sherman considered that the Committee's provision "stood very well. The Executive shd. be able to repel and not to commence war." [84] Eldridge Gerry was astonished to hear "a motion to empower the Executive alone to declare war." George Mason also "was agst. giving the power of war to the Executive, because not (safely) to be trusted with it . . . He was for clogging rather than facilitating war." [85] The fact that no motion was made to substitute the President for Congress and that the power was left in Congress justifies the conclusion that presidential "commencement" of a war or his power "alone to declare a war" found no favor.

Any power to which the President may lay claim, apart from what he enjoys as commander in chief, derives from a joint motion by Madison and Gerry to substitute *declare* for *make* war "leaving to the Executive the power to repel sudden attacks." [86] The textual change from "make" to "declare" was approved; explanation of the change was furnished by Rufus King " 'make war' might be understood to 'conduct' it [war] which was an executive function," [87] a function reserved to the commander in chief. But in that role the President was merely to act as "first General" of the army.[88]

The shift from "make" to "declare" has elicited varied explanations; [89] for example, Professor Ratner states that the "declare" clause recognized "the war-making authority of the President, implied by his role as executive and commander-in-chief and by congressional power to declare, but not make, war." [90] No war-making power was conferred by the commander in chief clause; and Madison and Wilson agreed that "executive powers . . . do not include the rights of war and peace." [91] The grant to Congress of *all* the powers "naturally connected" with the "declare" power (except the command function) excludes any war-making power from the President's "role as executive." Only in a very limited sense—command of the armed forces plus authority to repel sudden attacks—can one accurately refer to a presidential war-making power.[92] Pretty plainly when Madison and Gerry proposed to *leave* to the President power "to repel sudden attacks" they reflected Sherman's view that the "Executive should be able to repel and not to commence war." This is the true measure of the presidential power. Certainly Gerry did not mean to repudiate his rejection of the proposition that the Executive could "alone declare war," still less propel the nation into undeclared war.[93] It is we who have replaced their blunt realism with semantic speculation.

Viewed against repudiation of royal prerogative, no more can be distilled from the Madison-Gerry remark than a limited *grant* to the President of power to repel attack when, as the very terms "sudden attack" imply, there could be no time to consult with Congress. Despite the fact, therefore, that the replaced "make" is a verbal component of "war-making," the shift to "declare" did not remove the great bulk of the war-making powers from Congress; it merely removed the power to *conduct* a war once declared, as Rufus King explained.[94] If the war-making power did not remain in Congress, the exception for presidential power "to repel sudden attacks" was superfluous.[95] Even the power to repel attacks was to some extent left subject to congressional control for, at a time when standing armies were much feared, the Constitution left it to Congress "[t]o provide for calling forth the militia to . . . repel invasions." [96]

In using "declare war," Professor Rostow argues the Framers had in mind the sharp distinction drawn by the law of nations between the law of war and law of peace. Under the latter nations enjoyed a right of "self-help," which was "subsumed under the inherent and sovereign right of self-defense."

Footnotes at end of article.

Rostow is critical of Hamilton's suggestion that the President was allocated only the power to exert "self-help in time of peace" on the ground that "[t]he constitutional pattern is, and should be, more complex than any such formula." [97] But where is the evidence that such was the understanding of the Framers? However broad the *national* power of "self-help" may be, the fact, as Justice Frankfurter pointed out, "that power exists in the Government does not vest it in the President." [98] Then too, the very careful distribution of powers by the Framers precludes any inference that they intended to grant to the President any incidents of the "nation's" war power under international law beyond the power to "repel sudden attacks" on the United States.[99] Professor Rostow would substitute unsupported speculations for concrete evidence such as Sherman's remark that the Executive should not be able to "commence war," Mason's statement that the Executive was "not safely to be trusted" with the war power, and Wilson's explanation that the power to "declare" war was lodged in Congress to prevent a "single man" from "hurrying" us into war—a "propensity" underscored by Madison.

Professor Alexander Bickel suggests that the "'sudden attack' concept of the framers . . . denotes a power to act in emergencies in order to guard against the threat of attack, as well as against the attack itself, when the threat arises, for example, in such circumstances as those of the Cuban missile crisis of 1962." [100] Gerry and Madison, however, spoke of a "power to repel sudden attacks," which connotes actual, not threatened attack; and there is reason to believe that a restricted connotation should be given to their remark. Imminent danger of attack had been expressly provided for in the antecedent Articles of Confederation. In conferring the exclusive war power upon the Continental Congress, article IX made an exception for article VI, which provided, "[n]o state shall engage in any war without the consent of the united states in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay, till the united states in congress assembled can be consulted . . ."[101] Thus resistance to invasion was limited to invasion of "such state"; it did not extend to invasion of even a contiguous sister state in the "league of friendship." Georgia was not authorized to resist the invasion of New York, let alone of Canada. And danger of imminent attack permitted reaction only if there was not time for consultation with Congress. We are apt to think that devastating surprise is peculiar to our times, forgetting that the Founders had lived through surprise massacres in frontier forts and settlements and well knew such havoc. It was that experience which led them to leave imminent danger of Indian attacks to the individual threatened state.

A provision similar to the Articles of Confederation exception for state resistance was recommended to the Convention by the Committee of Detail,[102] and was embodied in article I, section 10(3). Thus the Framers well understood the distinction between actual invasion and the imminent threat of invasion, and they expressly empowered a state to meet both. No mention whatsoever was made, however, in any of the conventions of a *presidential* power to react to such imminent danger.[103] The omission is significant against a background of strictly enumerated presidential powers and pervasive jealousy of the Executive.[104]

Asserting "it can scarcely be doubted that the President possesses the authority to take whatever action is necessary to protect the interests of the United States in a threatened emergency," McDougal and Lans cite *Martin v. Mott* [105] for the proposition that "the Supreme Court, in dealing with the powers of the President to call out the militia and employ the armed forces of the United States, concluded that he was empowered to act not only in cases of actual invasion, but also when there was 'imminent danger of invasions.' This latter contingency was held to be a question of fact to be determined by the President." [106] *Mott* presented a challenge by one called into the militia under the Act of 1795 which authorized the President to call out the militia "whenever the United States shall be invaded, or be in imminent danger of invasion." [107] Of course, it could not be left to a soldier to determine whether the emergency existed, and the Court held that the decision "whether the exigency has arisen, belongs exclusively to the President. . . ." [108] This express *statutory* authorization furnishes no foundation for a presidential claim of unlimited *constitutional* power to forestall "imminent danger of invasion."

Expansion of the "sudden attack" remark in the Convention to include "imminent threat of invasion" requires great caution because it opens the door to a whole multitude of other expansive readings of presidential power.[109] To be sure, there must be a means of meeting a Cuban missile crisis, but that means is through congressional authorization, such as the Act of 1839 exemplifies and the War Powers Bill proposes.[110] For Congress, not the President, was given virtually plenary power to deal with all facets of war-making.

This brings us to the question whether the Javits Bill impermissibly delegates to the President authority to use the armed forces "to foresall the direct and imminent threat" of an armed attack on the United States or on its armed forces located abroad.[111] Professor Rostow defends prior delegations chiefly on the basis of *Zenel v. Rusk*,[112] where the Court, citing *United States v. Curtiss-Wright Export Corp.*[113] stated that "Congress—in giving the Executive authority over matters of foreign affairs—must of necessity paint with a brush broader than that it customarily wields in domestic areas." [114] In opposition, Professor Francis Wormuth makes an extended analysis of the delegation cases and the history of prior attempts to delegate war powers.[115] From the cases he extracts the principle that Congress may determine the general policy to be pursued and then "authorize the President to determine the facts which call the Congressional policy into play." [116] Although he cites the *Zenel v. Rusk* remark that Congress cannot "grant the Executive totally unrestricted freedom of choice," [117] he recognizes that war cannot be made "perfectly automatic upon the occurrence of a future event." [118] That is, given a "direct and imminent threat" of attack, the President cannot be left with no choice but to wage war. Wormuth draws the teeth out of this concession, however, by concluding that the decision *for* war must be taken by Congress contemporaneously with the declaration of war,[119] a conclusion which amounts practically to a total ban on delegation in the premises. Generally persuaded by Professor Wormuth's analysis, I find his approach too narrow here. Because, like him, I distrust any doctrine that builds on Justice Sutherland's vulnerable *Curtiss-Wright* opinion,[120] I shall outline at least two considerations which suggest a more flexible approach.

First, having concluded that the plenary war-making power was vested in Congress rather than the President, I would be guided by John Marshall's statement in *McCulloch v. Maryland*: [121]

"It must have been the intention of those who gave these powers, to insure . . . their beneficial execution. This could not be done, by confiding the choice of means to such narrow limits as not to leave it in the power of Congress to adopt any which might be appropriate, and which were conducive to the end." [122]

McCulloch, to be sure, did not involve a delegation problem, but its principle has wide scope.

Second, the historical course of Congress, chartered in part by Professor Wormuth, has not been all one way. It will be recalled that article I, section 8(15), empowers Congress "To provide for calling forth the militia . . . to repel invasion." Instead of providing a detailed expression of policy, Congress was content by the Act of 1795 to authorize the President to call forth the militia "whenever the United States shall be invaded, or be in imminent danger of invasion," a policy no more detailed than the Javits "direct and imminent threat of an attack [on the United States]." [123] It is not a little remarkable that the delegation point was not so much as mentioned in *Martin v. Mott*. A similar course was pursued in the Act of March 3, 1839, which empowered the President "to resist any attempt on the part of Great Britain, to enforce, by arms, her claim to exclusive jurisdiction over" a disputed portion of Maine.[124]

Like Professor Wormuth, I little relish congressional issuance of a blank check to determine policy; [125] and I am aware that on the domestic front it was said in *Panama Refining Co. v. Ryan* [126] that Congress "must establish a criterion to govern the President's course." [127] A criterion, however, can be made only as explicit as the particular circumstances admit. If a tighter standard than that of the Javits Bill can be devised, so much the better; but until then I am satisfied to read the Bill's "forestall" phrase [128] as did Professor Bickel, who instanced before the Senate Foreign Relations Committee a threat like that of the Cuban missile crisis, that is "a reactive, not a self-starting affirmative power." [129] But I would add a provision akin to the early exemption for state action afforded by the Articles of Confederation for resistance when the "danger [of invasion] is so imminent as not to admit of a delay, till the . . . congress assembled can be consulted." Few, if any, recent presidential adventures were launched in circumstances so crucial as to admit of no delay until Congress could be consulted. That circumstances may occur which will render such consultation impossible must be conceded; and it will not do to foreclose *both* Congress and the President from meeting that situation. In fine, the limits on delegation, which some consider a moribund doctrine,[130] must not be so rigorously applied as to deprive Congress as well as the President of power to cope with the fearful exigencies of our contemporary world.[131]

C. Rostow's evocation of the original intention

The Legal Advisor of the State Department had little quarrel with the foregoing reading of the original intention: "In 1787 the world was a far larger place, and the framers probably had in mind attacks upon the United States." [132] Professor Ratner, whom Professor Rostow invokes as a Daniel come to judgment,[133] likewise concedes that "[i]n 1787, 'repel sudden attack' probably meant 'resist invasion or rebellion.' [134] Apparently not entirely satisfied to rely solely on the escape hatch resorted to by others—alteration of the Constitution by presidential practices—Professor Rostow intimates that an expended presidential war power is imminent in the Constitution,[135] relying on various quotations to create an atmosphere in which any other reading is presumably unthinkable.[136] Coming from so reputable a scholar, they cannot be dismissed out of hand.

The Rostow article begins with several epigraphs that resemble nothing so much as scareheads. One, Madison's "impetuous vortex" of the legislature that threatens to en-

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Footnotes at end of article.

gulf everything in sight, has been shown to be without relevance, to our problem.[137] When Madison focussed squarely on the distribution of war powers, he stated:

"Every just view that can be taken of this subject, admonishes the public of the necessity of a rigid adherence to the simple, the received, and the fundamental doctrine of the constitution, that the power to declare war, including *the power of judging the causes of war, is fully and exclusively* vested in the legislature; that the executive has no right, *in any case,* to decide the question, whether there is or is not cause for declaring war; that the right of convening and informing congress, whenever such a question seems to call for a decision, *is all the right* which the constitution has deemed requisite or proper . . . ." [138]

What better illustrates the futility of citing generalizations which are well enough in their original context to determine a specific issue, than Madison's own judgment on the President's limited war power, so remote from Professor Rostow's claim that it must be free from the "impetuous vortex" of Congress.

Another Rostow epigraph is Hamilton's statement in *The Federalist Number 23:* "The circumstances that endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed." [139] Hamilton was concerned there with the needed surrender by the states to the "federal government" of powers "essential to the common defense," not with a plea that *presidential* war powers must not be shackled.[140] Hamilton's argument for lodging power in the nation rather than the states is not convertible into an argument that power is to be vested in the President rather than in Congress. Well did he know that the presidential powers were indeed limited; [141] and even after he had moved from a narrow [142] to a broader view of the Executive power,[143] he still declared that it is the exclusive province of Congress, *when the nation is at peace,* to change that state into a state of war . . . *it belongs to Congress only, to go to war*. But when a foreign nation declares or . . . makes war upon the United States . . . any declaration on the part of Congress is . . . unnecessary.[144]

In short, but for a presidential power to defend against attack upon the United States, "it belongs to Congress only to go to war." [145]

Professor Rostow also paraphrases Chief Justice Marshall's statement that "we should never forget it is a *constitution* we are expounding—a constitution intended to endue for ages to come, and capable of adaptation to the various crises of human affairs." [146] What such "adaptation" has come to mean may be illustrated by the words of the State Department: "In the 20th century the world has grown much smaller. An attack on a country far from our shores can impinge directly on the nation's security. . . . The Constitution leaves to the President the judgment to determine whether the circumstances of a particular armed attack are so urgent and the potential consequences so threatening to the security of the United States that he should act without formally consulting the Congress." [147] That was not the view of the Framers, of Madison and of Hamilton. What portion of the Constitution confers this astonishing power? Because the world is contracting it does not follow that the President's constitutional powers are correspondingly expanding.[148]

Certainly Marshall would have been the last to distil such a proposition from his dictum in *McCulloch v. Maryland*. Too long has the dictum been reiterated without notice of the circumstances in which it was uttered. *McCulloch* presented the question whether Congress had constitutional power to establish the Bank of the United States; the issue turned on whether a bank was a proper *means* for execution of expressly granted federal powers. In granting the powers, said Marshall, the Framers intended to insure, their beneficial execution. This could not be done, by confiding the *choice of means* to such narrow limits as not tó leave it in the power of congress to adopt any which might be appropriate, and which were conducive to the end. This provision is made in a constitution, intended to endure for ages to come, and consequently, to be adapted to the various *crises* of human affairs. To have prescribed the means by which government should, in all future time, execute its powers, would have been . . . [to give the Constitution] the properties of a legal code.[149]

Manifestly this is merely a plea for some freedom in the choice of "means," not for license to create a fresh power at each new crisis. For this we need not rely on inference, because Marshall himself made this plain in a debate with Judge Spencer Roane, the discovery of which we owe to the happy enterprise of Professor Gerald Gunther.[150]

McCulloch had immediately come under attack and Marshall leapt to its defense. Speaking directly to the above-quoted passage, he stated, "it does not contain the most allusion to *any extension by construction of the powers of congress*. Its sole object is to remind us that a constitution cannot possibly enumerate the means by which the powers of government are to be carried into execution." [151]

Again and again he repudiated any intention to lay the predicate for such "extension by construction." There is "not a syllable uttered by the court," he said, that "applies to an enlargement of the powers of congress." He rejected any imputation that "those powers ought to be enlarged by construction or otherwise." [152] The Court, he stated, never intimated that construction could extend "the grant beyond the fair and usual import of the words. . . ." [153] Even the means are not to be "strained to comprehend things remote, unlikely or unusual." [154] Translated into terms of the present issue, a grant of power to "repel sudden attacks" on the United States is not to be construed as a presidential power to repel an attack by a foreign nation on Korea.[155]

Over-modestly appraising the impact of his discovery, Professor Gunther states:

"Clearly these essays give cause to be more guarded in invoking *McCulloch* to support views of congressional power now thought necessary. If virtually unlimited discretion is required to meet twentieth century needs, candid argument to that effect, rather than ritual invoking of Marshall's authority, would seem to me more clearly in accord with the Chief Justice's stance." [156]

Enough of such incantations!

Against such misinterpretations of Marshall, there is the pledge of Jefferson, after his election to the presidency, to administer the Constitution "according to the safe and honest meaning contemplated by the plain understanding of the people at the time of its adoption—a meaning to be found in the explanations of those who advocated . . . it." [157] Madison also clung "to the sense in which the Constitution was accepted and ratified by the Nation," adding, "if that be not the guide in expounding it, there can be no security for a consistent and stable government, more than for a faithful exercise of its powers." [158]

Considerations of space and the patience of the reader constrain me to content myself with one last Rostow quotation, Justice Frankfurter's statement in the *Youngstown* case:

"It is an inadmissibly narrow conception of American constitutional law to confine it to the words of the Constitution and to disregard the gloss which life has written on them. In short, a systematic, unbroken, executive practice, long pursued to the knowledge of Congress and never before questioned . . . may be treated as a gloss on the Executive Power vested in the President by § 1 of Art. II." [159]

Apparently Frankfurter was inspired by the Marshall remark in *McCulloch,* for he stated:

"The pole-star for constitutional adjudications is John Marshall's greatest judicial utterance that "it is a *constitution* we are expounding." . . . That requires . . . a spacious view in applying an instrument of government "made for an expanding future". . . .[160]

Marshall, as we have seen, repudiated a "spacious view" of *power* conferred by the Constitution; not for him enlargement of those powers "by construction or otherwise." Moreover, Frankfurter's statement was utterly gratuitous, the sheerest dictum. The setting of the case, in his own words, was that Congress had "frequently—at least 16 times since 1916—specifically provided for executive seizure . . . . In every case it has qualified this grant of power with limitations and safeguards." [161] Congress, he said, had "expressed its will to withhold this power from the President as though it had said so in so many words." [162] Thus the facts at bar were 180 degrees removed from the hypothetical facts to which his dictum was addressed. No more importance should be attached to the Frankfurter dictum, in which no other member of the court joined, than Marshall attached to his own dictum, uttered on behalf of the entire Court in *Marbury v. Madison,*[163] when it was pressed upon him in *Cohens v. Virginia*.[164] Dicta, Marshall explained, never receive the careful consideration that is given decision of the particular case.[165]

Youngstown presented the validity of presidential action in the absence of an express statutory bar; and one may question whether Frankfurter would deny to Congress exercise of power expressly conferred because the President, by a "gloss of life," had reallocated the power to himself. The Marshall who declared in the Roane debate that the Court's exercise of the power of judicial review vested in it by the Constitution "*cannot* be the assertion of a right to *change that instrument,*" [166] would hardly have concurred with Professor Rostow that the President's repeated exercise of power withheld from him and conferred upon Congress constituted a "gloss of life" which converted the usurpation into constitutional dogma.[167] It is time to cry out against the substitution of such glittering generalities for the hard analysis that each specific case demands afresh.

The underlying reality, it may be countered, is that Marshall's acts were at war with his words, that he did in fact change the Constitution. This is to condone a divorce between words and deeds, to take a cynical view of adjudication, reminiscent of the lip service paid by the Renaissance princes to the Holy Church because religion made the masses more docile. Realism, to be sure, calls on us to look behind what courts say to what they do; but then ordinary honesty requires that the American people be told in plain words, which the man in the street can grasp, that the Court has assumed the function of amending the Constitution. Continued dissimulation on this score is unworthy of bench and bar.

In sum, the transformation of the "repel sudden attacks" exception of Madison and Gerry into an alleged presidential power, without congressional authorization, to commit the armed forces to battle against invasion of Korea or Vietnam can find no warrant either in the constitutional text or in the understanding of the Framers. About this there is virtually no dispute;[168] instead the apologists for the power rest it upon "adaptation by usage."

Footnotes at end of article.

III. ADAPTION BY USAGE

"Adaptation by usage" is a label designed to render palatable the disagreeable claim that the President may by his own practices revise the Constitution, that he may disrupt the constitutional distribution of powers, considered inviolable under the separation of powers. The argument on behalf of presidential "adaptation of the Constitution by usage" was most forcefully made by McDougal and Lans who, impatiently brushing aside the "absolute artifacts of verbal archaeology," [169] "the idiosyncratic purposes of the Framers," [170] concluded that "continuance of [a] practice by successive administrations throughout our history makes its contemporary constitutionality unquestionable." [171] In plain words, usurpation of power by the President, if repeated often enough, is legitimated.[172]

We may put to one side the example of the Supreme Court as the allegedly necessary engine for "adaptation" of the Constitution to the needs of a changing society, particularly since the President's single-handed revision of the Constitution is claimed to be immune from judicial review.[173] So too, the clarification of an ambiguous grant of power to the President by resort to his long continued practice thereunder is to be differentiated. Here we have an attempted take-over by the President of war powers plainly conferred upon Congress alone, and accompanied by an unmistakable intention to withhold them from the President. It therefore constitutes a bare-faced attempt to alter the constitutional distribution of powers, and to violate the separation of powers.[174]

When McDougal and Lans charge those who demur with slavery to "words of the Constitution as timeless absolutes," to "mechanical filiopietistic theory," [175] they totally misconceive the issue. The issue is not one of words but of *power:* is the President authorized to transfer power conferred upon Congress to himself? Whence comes the mandate to the President to rewrite the Constitution?

"The people," said James Iredell, "have chosen to be governed under such and such principles. They have not chosen to be governed or promised to submit upon any other." [176] Arguing for executive agreements, McDougal and Lans said, "the crucial constitutional fact is that *the people* (Presidents, Supreme Court Justices, Senators, Congressmen *and electorate*) who have lived under the document for 150 years have interpreted it . . . [to] authorize the making of international agreements other than treaties on most of the important problems of peace and war." [177] Now the inescapable fact is that the issue has never really been explained to "the people"; much less has the judgment of "the electorate" ever been solicited.[178] Though sympathetic to amendment by usage, Reveley sapiently observes that the "general public takes a relatively blackletter view of the Constitution," and that the "subtleties" of adaptation "by usage . . . would probably be lost on the general public." [179] It is therefore idle to impute informal ratification of the presidential power take-over to "the people." The people have been told by the President that he has acted under the Constitution, by which, in their benighted way, they understand textural warrant, not long-continued violation of the Constitution. It is always hazardous to prophesy how the American people would react in any given situation, but in view of the bitter strife over presidential warmaking,[180] I venture to think that a nationwide howl of outrage would greet the disclosure that the presidential blood-letting in Vietnam is justified, not by constitutional grants of power to the President, but by a self-serving theory of boot-strap power built upon successive encroachments on exclusive congressional prerogatives.

Professor Ratner tells us that "constitutional policy for ensuing epochs is not congealed in the mold of 1787 referants." [181] Of course not; the Founders provided for change by a process of amendment. That process is cumbersome, and designedly so;[182] but it is a marvelous non-sequitur that in consequence the servants of the people may informally amend the Constitution without consulting them.[183] Indeed, Professor Rostow upbraids the Senate for attempting by the Javits Bill "to amend the Constitution without . . . consulting the people." [184] It is incongruous to insist that congressional restoration of the "original intention" respecting the constitutional allocation of powers must proceed by amendment while maintaining that the President is free unilaterally to alter the Constitution because, as his school insists, amendment is difficult.

Alexander Hamilton, that daring pioneer advocate of broadly-read presidential powers, writing with respect to the *express* treaty power (as distinguished from a power merely rested on "usage") regarded it as a fundamental maxim that a delegated authority [e.g. the President] cannot alter the constituting act, unless so expressly authorized by the constituting power. *An agent cannot new-model his own commission.* A treaty, for example, *cannot transfer* the legislative power to the executive department.[185]

Marshall, as we have seen, disclaimed judicial power to change the Constitution.[186] Now the followers of Hamilton, the citators of Marshall, would claim that the President *can* by his own "usage" "new-model his commission" and "transfer the legislative power to the executive."

To a believer in constitutional government, in the separation of powers [187] as a safeguard against dictatorship, there is no room for a take-over by the President of powers that were denied to him and, as our own times demonstrate, denied with good reason. "Ours is a government of divided authority," declared Justice Black in 1957, "on the assumption that in division there is not only strength but freedom from tyranny." [188] If present exigencies demand a redistribution of powers originally conferred upon Congress—a presidential power to commit the nation to war without congressional consultation or authorization—that decision ought candidly to be submitted to "the people" in the form of a proposed amendment, not masked by euphemisms.[189] For me Washington's advice remains the pole-star:

> "The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the Guardian of the Public Weal against invasions by the others, has been evinced. . . . To preserve them must be as necessary as to institute them. If in the opinion of the People, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an amendment in the way in which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly over-balance in permanent evil any partial or transient benefit which the use can at any time yield.[190]

A. Presidential "Usage"—The "125 Incidents"

"Since the Constitution was adopted," said the State Department, "there have been at least 125 instances in which the President has ordered the armed forces to take action or maintain positions abroad without obtaining prior Congressional authorization, starting with the 'undeclared war' with France (1798–1800)." [191] Professor Wormuth has located "the first serious discussion of the problem" in 1912, in a monograph by J. Reuben Clark, the Solicitor of the State Department, entitled *The Right to Protect Citizens in Foreign Countries.* There Clark "opined that, with the exception of our political intervention in Cuba and Samoa, all the earlier cases could be regarded as nonpolitical interposition for the protection of citizens. He suggested that they might fall within the President's constitutional power, but this opinion was 'with no thought or pretense of more than a cursory examination. It is entirely possible that a more detailed and careful study would lead to other or modified conclusions.' His tentative argument turned on the fact that the President possessed executive power. . . . Clark made no reference whatever to the commander-in-chief clause." [192]

As late as 1912, therefore, the legal theoretician of the State Department sought refuge in the Constitution rather than appeal to the President's own practices for legitimation of prior presidential nonpolitical interpositions for protection of citizens. From this frail seedling, in the short space of 38 years, grew the present over-weening executive claims. In 1950 the President committed troops to repel the sudden invasion of South Korea. Dean Acheson, then Secretary of State recommended to the President that he should not ask for a resolution of approval, but rest on his constitutional authority as Commander in Chief. . . ." Later he wrote, "There has never . . . been any serious doubt . . . of the President's constitutional authority to do what he did. The basis for this conclusion in legal theory and historical precedent," he said, was a State Department memorandum of 1950 which "listed eighty-seven instances in the past century in which [Truman's] predecessors" had exercised "presidential power to send our forces into battle. . . . And thus yet another decision was made." [193] Decisions can be made by executive fiat; but fiat cannot supply constitutional sanction.

The painstaking analysis of the "125 incidents" by Professor Wormuth cuts the ground from under the claims of Acheson and his associates.[194] Under Secretary of State Nicholas Katzenbach himself stated that "most of these [incidents] were relatively minor uses of force." [195] The "vast majority" of such cases, said Edward Corwin, "involved fights with pirates, landings of small naval contingents on barbarous or semi-barbarous coasts [to protect American citizens], the dispatch of small bodies of troops to chase bandits or cattle rustlers across the Mexican border." [196] For one reason or another such cases presented little or no possibility of armed conflict or bloodshed so there was no occasion to approach Congress for authorization to make war; [197] even so, some Presidents did seek such authorization.[198] These incidents are far from "Precedents" for sending our troops "into battle." [199]

Even were these incidents to be regarded as equivalent to executive waging of war, the last precedent would stand no better than the first; illegality is not legitimated by repetition.[200] It is one of the ironies of history that such "precedents" should be invoked for vastly greater incursions [201] at a time when "gunboat diplomacy" has been discredited and abandoned.[202] To extrapolate from a practice of landing "six sailors in a long boat to rescue a citizen" to a right to commit the nation to a Vietnam War,[203] which has cost $30 billion a year, engaged upwards of 500,000 men, resulted in some 200,000 wounded and 45,000 dead, is to make a breath-taking analogical leap across a chasm of non-equivalence.[204]

Professor Monaghan criticizes Wormuth's deflation of these "incidents" on which the State Department relies, first on the ground that "To dismiss American interventions in Latin America as 'minor' amounts to recognition of presidential power to wage war against weak opponents for limited purposes" [205] Consider, for example, the bom-

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bardment by an over-zealous navy captain of the "sovereign state of Greytown," Nicaragua, in 1854, in reprisal for some negligible "outrages" by what President Pierce described as a band of outlaws rather than an organized society, and which Secretary of State Marcy wrote was "an embarrassing affair" that could not be repudiated because of domestic political repercussions.[206] Professor Monaghan is welcome to regard this as the "waging of war"; but few would equate it with the presidential commitment of troops to resist the invasion of South Korea.

What if the "incidents" do demonstrate that "with ever-increasing frequency, presidents have employed that amount of force that they deemed necessary to accomplish their political objectives . . . Whatever the intention of the framers, the military machine has become simply an instrument for the achievement of foreign policy goals, which in turn have become a central responsibility of the presidency."[207] Monaghan's dismissal of "the intention of the framers" vastly simplifies the presidential argument; the Constitution is then merely a scrap of paper to be respected or disregarded at will. On the assumption that it remains, however, a charter of government, the hitching of the "military machine" to the "achievement of foreign policy goals" is a choice example of the tail wagging the dog. By endowing the President with authority to receive ambassadors. and, with Senate consent, to appoint ambassadors and make treaties—such are the slight sources of his claim to be the sole organ of foreign relations—the Framers hardly intended to confer upon him a power unmistakably withheld when the war powers were under consideration, the power singlehandedly to "commence" a war.

Against such dubious precedents there is the testimony of great contemporaries of the Constitution.[208] In 1801, President Jefferson was confronted by Tripoli's declaration of war; when an American naval vessel was attacked it disarmed but released the attacker. Jefferson explained to Congress, "Unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense, the vessel, being disabled from committing further hostilities, was liberated with its crew. The Legislature will doubtless consider whether, by authorizing measures of offense also, they will place our forces on an equal footing with that of its adversaries."[209] And later, in 1805, when Spain disputed the boundaries of Louisiana, President Jefferson advised Congress that Spain evidenced an "intention to advance on our possessions," adding, "Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force . . ."[210] "Imminent danger" of invasion did not deter Jefferson from consultation with Congress.

James Madison, the leading architect of the Constitution, who took a very narrow view of the presidential war power,[211] maintained that view after becoming President. In his message of June 1, 1812, he called attention to English outrages on American commerce, and to the failure of American "remonstrances," and then he referred the question whether we should oppose "force to force in defense of [our] national rights" to Congress as a "solemn question which the Constitution wisely confides to the legislative department of the Government."[212]

After adoption of the Monroe Doctrine, Colombia asked for protection against France in 1824. President James Monroe, a participant in the Virginia ratification convention, stated in a letter to Madison that "The Executive has no right to compromit the nation in any question of war"; and his Secretary of State, John Quincy Adams, replied to Colombia that "by the Constitution . . . the ultimate decision of this question belongs to the Legislative Department."[213]

Few Presidents had a more jealous regard for presidential prerogatives than Andrew Jackson; yet when faced with recognition of Texas he referred the question to Congress, stating, "It will always be consistent with the spirit of the Constitution, and most safe, that it should be exercised, when probably leading to war, with a previous understanding with that body by whom war alone can be declared, and by whom all the provisions for sustaining its perils must be furnished."[214] Can it be doubted that he would have been equally reluctant, without congressional authorization, to send troops into Texas to "defend" it against an attack by Mexico? His view was later reiterated by Secretary of State Daniel Webster when the issue was a possible attack by France on Hawaii: "the war making power . . . rests entirely with Congress . . . no power is given to the Executive to oppose an attack by one independent nation on the possessions of another."[215]

In brief, Jefferson and Madison did not regard attacks on American shipping or commerce on the high seas as dispensing with the constitutional requirement for consultation with Congress. And Monroe, Jackson, J. Q. Adams, and Webster did not view attacks on foreign nations, even though within the American sphere of influence, as a warrant to meet force without congressional authorization. Misguided as is the construction put by the State Department on the actions of Madison, Adams, and Jefferson,[216] the Department yet agrees that "Their views and actions constitute highly persuasive evidence as to the meaning and effect of the Constitution."[217] Their actions were faithful to the intention of the Framers as expressed by the constitutional text and in the records of the Convention; and were that intention in doubt, the actions of these early statesmen provide a contemporaneous construction which carries very great weight in the interpretation of the Constitution.

To the contemporaneous construction by the great statesmen who participated in the formation and adoption of the Constitution, we may add the voice of Chief Justice Marshall, himself a vigorous participant in the Virginia Ratification Convention, who stated in *Talbot v. Seeman*:[218] "The whole powers of war being, by the constitution of the United States, vested in Congress, the acts of that body can alone be resorted to as our guides in this inquiry."[219] Not even the crisis of the Civil War led the Court to depart in *The Prize Cases*[220] from the earlier view: "By the Constitution, Congress alone has the power to declare a national or foreign war." The President "has no power to initiate or declare a war either against a foreign nation or a domestic State. . . . If a war be made by invasion of a foreign nation, the President is . . . bound to resist force by force. He does not initiate the war, but is bound to accept the challenge. . . ."[221]

And so we come to Lincoln's "complete transformation in the President's role as Commander-in-Chief," by wedding it, says Corwin, to his duty to execute the laws to derive the "war power."[222] So far as the original meaning and intention are concerned, neither power taken alone conferred a "war-making power," and when nothing is added to nothing the sum remains nothing. In considering Lincoln's acts it needs to be borne in mind that they were triggered by a "sudden attack" on *American soil*, the firing upon Fort Sumter, and this when Congress was not in session,[223] exactly the situation envisioned by the Framers as the sole exception to the exclusivity of congressional war powers.[224] Congress was convened by Lincoln and met in about ten weeks;[225] in the words of Corwin, it accepted "willy-nilly"[226] when it did not expressly ratify the results of Lincoln's actions. It would be pointless to enter upon an examination of Lincoln's acts on the domestic scene, for they do not serve as a "precedent" for presidential resistance to a "sudden attack" on a *foreign* country.[227]

Such conduct had in fact been earlier condemned by Lincoln. When President Polk sent an army into territory disputed with Mexico, which engaged in battle, Congress declared war on Mexico.[228] But in 1848 the House adopted a resolution that the war had been "unconstitutionally begun by the President," and Lincoln, who voted for the resolution along with J. Q. Adams, explained to Herndon:

"Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you . . . allow him to make war at his pleasure. . . . The provision of the Constitution giving the war-making power to Congress was dictated by the [fact that] Kings had always been involving and impoverishing their people in wars . . . and they resolved so to frame the Constitution that no one man should hold the power of bringing oppression upon us."[229]

That his conduct on the domestic front during the Civil War did not spell repudiation of his 1848 view may be gathered from the fact that in his first annual message, he referred to a prior authorization by Congress to American vessels to "defend themselves against and to capture pirates," and recommended an additional authorization "to recapture any prizes which pirates may make of United States vessels and their cargoes [in the Eastern seas specially]."[230] Clearly this constitutes a disclaimer of power to employ force abroad without the consent of Congress.

It was Congress rather than the reluctant President McKinley which clamored for the Spanish-American War and issued a declaration of war.[231] The nineteenth century, in sum, offers no example of a President who plunged the nation into war in order to repel an attack on some foreign nation.[232] That remained for the twentieth century.

Although World War I proved the truth of Madison's apothegm that "War is . . . the true nurse of executive aggrandizement,"[233] this was again largely on the domestic front, a development traced by Corwin.[234] Reelected in 1916 on the slogan "He kept us out of war," Wilson asked Congress in February, 1917, for authority to arm American merchant ships for their defense. The measure was stalled in the Senate by a filibuster led by Senators Robert LaFollette and George Norris. Wilson then ordered the arming on his own,[235] though he later acknowledged that the action was "practically certain" to draw us into war.[236] Repeated attacks without warning by German submarines together with disclosure of the "Zimmerman note"[237] fueled the rising war fever as Wilson summoned Congress to a special session on April 20. Upon Wilson's request that Congress declare "the recent course of the German Government to be, in fact, nothing less than war . . .," it declared war.[238] Thus he withstood the temptation "to resist force with force," singlehandedly to commit the nation to war. Much as Wilson expanded the war power for domestic purposes, his conduct gives no comfort to the thesis that invasion of a foreign land affords an excuse for presidential war-making.

Franklin Roosevelt, more far-sighted than the nation, also took measures which might have involved us in World War II; he exchanged fifty destroyers for British bases in the Western Atlantic, and occupied Greenland and Iceland to insure the defense of America.[239] Doubts have been expressed as to the legality of the destroyer deal;[240] but it was soon ratified by Congress. While these might have involved the nation in war, they did not commit our troops to battle on foreign soil. In truth, the country, moving

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slowly from post-World War I isolationism, was sorely divided, and without the Japanese attack on Pearl Harbor, which united the nation, Roosevelt might have had to remain content with measures "short of war." [241]

The historical record therefore confirms the statement by the Senate Foreign Relations Committee that "only since 1950 have Presidents regarded themselves as having authority to commit the armed forces to full scale and sustained warfare." [242] In that year President Truman ordered our troops to repel the sudden invasion of South Korea.[243] Acheson's conversion of the "longboat" incidents into "historical precedents" for commitment to full scale warfare [244] exhibits a high order of fantasy, but to elevate it to constitutional doctrine is something else again.

Whether or not the Tonkin Gulf Resolution (1964) [245] authorized President Johnson to commit our armed forces to war in Vietnam, a hotly-debated issue, need not detain us because, like Acheson, Johnson and Under Secretary of State Nicholas Katzenbach claimed plenary power. "[W]e did not think the resolution was necessary to do what we did and what we are doing,' the President told the press; "we think we are well within the grounds of our constitutional responsibility." [246] And Katzenbach asserted that the administration could continue to fight the Vietnam War even if Congress repealed the Tonkin resolution.[247] The resolution has since been repealed; [248] and the war goes on and has indeed been extended by the President to Cambodia and Laos.[249]

In summary, the nineteenth century "incidents" mustered by the State Department for a presidential war-making power are wide of the mark; [250] the acts of Wilson and Franklin Roosevelt in the twentieth century were provocative and might have drawn the nation into war, but they were still "short of war"; neither Wilson nor Roosevelt sent combat troops to engage in actual hostilities on foreign soil until Congress declared war. So far as the Korean War is viewed against the over-blown claims of Acheson, it is a "precedent" created by the President only yesterday, and thus is far from "embedded in the Constitution."

The Senate Foreign Relations Committee has handsomely acknowledged that "Congress . . . bears a heavy responsibility for its passive acquiescence in the unwarranted expansion of Presidential power," [251] that "Congress has acquiesced in, or at the very least has failed to challenge, the transfer of the war power from itself to the executive." [252] Various explanations have been proffered for this inertia,[253] the sufficiency of which need not here come in question. Coke long since said that no "act of parliament by nonuser can be antiquated or lose [its] force . . ." [254] Even less can Congress, by passivity or otherwise, divest itself of powers conferred upon it by the Constitution and accomplish the transfer of those powers to the President. It is a necessary consequence of the separation of powers that "none of the departments may abdicate its powers to either of the others." [255] Nor can any department, as John Adams was at pains to spell out in the Massachusetts Constitution of 1780, exercise the powers of another.[256] If powers, said Justice Jackson, are "granted, they are not lost by being allowed to lie dormant, any more than nonexistent powers can be prescribed by unchallenged exercise." [257]

On the foregoing analysis, the sole presidential "war-making" powers conferred by the Framers are to serve as commander in chief of the armed forces and to repeal sudden attacks on American soil.

IV. "INHERENT" POWER AND UNITED STATES V. CURTISS-WRIGHT EXPORT CORP.

Before considering how far these two presidential functions are exclusive and beyond congressional control, it is necessary to examine the oft-invoked doctrine of "inherent" power, of which *United States v. Curtiss-Wright Export Corp.*[258] was the finest flowering. In a recent Yale memorandum,[259] the writers, after setting forth Justice Jackson's categorization of exclusive presidential power, exclusive congressional power, and a "twilight area" in which either branch can act,[260] assert that in the latter area "there is a residuum of power over and above those specifically enumerated in the constitution." [261]

Preliminarily it needs to be noted that Justice Jackson's remarks were uttered in the context of action on the *domestic* scene—President Truman's seizure of strike-bound steel plants during the Korean War—that Jackson none too obliquely cast doubt upon the legitimacy of Truman's commitment of troops to Korea, [262] and that he made no reference to a "residuum" of extraconstitutional power, but rather rejected what may be regarded as its equivalent—a claim to "inherent" power.[263]

Reliance for that "residuum" is placed by the Yale memorandum on dicta in the *Curtiss-Wright* case,[264] itself dismissed by Jackson because it "involved, not the question of the President's power to act without congressional authority, but the question of his right to act . . . in accord with an Act of Congress." [265] Justice Sutherland, it is true, threw off a dictum that in foreign affairs there are supraconstitutional powers outside the sphere of "enumerated" powers on the theory that since the states severally never possessed international powers, such powers could not have been carved from the mass of state powers but obviously were transmitted to the United States from some other source . . . the powers of external sovereignty passed from the Crown not to the colonies severally, but to the colonies in their collective and corporate capacity as the United States. . . . Sovereignty is never held in suspense. When, therefore, the external sovereignty of Great Britain in respect of the colonies ceased, it immediately passed to the Union. See *Penhallow v. Doane,* 3 Dall 54, 80–81.[266]

Sutherlaind did violence to the historical facts. [267] To the minds of the colonists, "thirteen sovereignties," as Chief Justice John Jay [268] said in 1793, "were considered as emerged from the principles of the Revolution." [269] For this we need go no further than the Articles of Confederation, agreed to by the Continental Congress on November 15, 1977, signed by all but Maryland in 1778 and 1779, and ratified March 1, 1781.[270] Article II recited, "Each State retains its sovereignty, freedom and independence, and every power . . . which is not . . . expressly delegated to the United States, in Congress assembled." [271] Article III provided, "The said states hereby severally enter into a firm league of friendship with each other for their common defense . . ." [272] They entered into a "league"; they did not purport to create a "corporate" or "sovereign" body. Article IX declared that "The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war . . . [and] entering into treaties and alliances." [273] This express grant of war and treaty powers undermines Justice Sutherland's central premise that these powers were derived from "some other source" than the several states. If the fledgling Continental Congress possessed "inherent" war and treaty powers from the outset, the express grant was superfluous.

Nor did the Framers share Justice Sutherland's views on sovereignty. More pragmatic than he, they spoke, not in terms of sovereignty, but of power; and they were quite clear that the *people,* not even the cherished states, were sovereign. Power flowed from them, not from the Crown to fill a vacuum. Hear James Iredell in North Carolina: "It is necessary to particularize the power intended *to be given* . . . as having no *existence* before. . . ." [274] The people, stated Madison in the Convention, "were in fact, the fountain of all power"; [275] a part they conferred upon the individual states. In the clause "We, the people of the United States . . . do ordain and establish this Constitution," said Chief Justice Jay, "we see the people acting as sovereign of the whole country." [276] "Sovereignty" was taken by the people to themselves.

Justice Sutherland's citation of *Penhallow v. Doane* referred solely to the opinion of Justice William Paterson,[277] ignoring the contrary majority opinions of Justices Iredell and Cushing. The case arose on a state of facts that antedated the adoption of the Articles of Confederation; and Paterson stated that the Continental Congress exercised the "rights and powers of war and peace" that "states individually did not." This does not tell the whole story. For example, Congress resolved on November 4, 1775, "That the town of Charleston ought to be defended against attempts that may be made to take possession thereof by the enemies of America, and that the convention or council of safety of the colony of South Carolina, ought to pursue such measures, as to them shall seem most efficacious for the purpose, and that they proceed immediately to erect such fortifications and batteries in or near Charleston, as will best conduce to promote its security, the expence to be paid by the said Colony." [278] Other testimony that the war-making power was thought to reside in each of the colonies is furnished by the July 12, 1776, draft of the Articles of Confederation: "The said Colonies unite themselves . . . and hereby severally enter into a firm League of Friendship . . . binding the said Colonies to assist one another against all Force offered to or attack made upon them. . . ." [279] Indeed, as Justice Chase was to mark in a cognate case, the very fact of delegation of war power by the states to the Congress demonstrates that the states must have "rightfully possessed" it.[280] In course of time the states did not "individually" exercise the power of war; but that did not spring from absence of original power but from a voluntary surrender expressed both in the article IX delegation and in article XIII of the 1776 draft Articles: "No Colony . . . shall engage in any War without the previous Consent of the United States assembled," a provision that was preserved in article VI of the Articles as adopted.[281]

Justice James Iredell, whose opinion in *Penhallow* went unnoticed by Sutherland, understood all this full well. Each province, he pointed out, had comprised "a body politic," in no wise connected with the others "than as being subject to the same common sovereign." [282] "If Congress," he continued, "previous to the articles of confederation, possessed any authority, it was an authority derived from the people of each province. . . ." [283] "[T]his authority was conveyed by each body politic separately, and not by all the people in the several . . . states jointly. . . ." [284] And he concluded that the war-making authority "was not possessed by congress, unless given by all the states." [285] In this view he was joined by Justice William Cushing; [286] and both are abundantly confirmed by the specific grants of war and treaty powers to the Congress in the Articles of Confederation.

Reliance for "inherent" war and treaty powers that antedate the Articles of Confederation also has been placed upon some remarks of Justice Chase [287] in *Ware* v. *Hylton*: [288] "The powers of Congress originated from necessity . . . ; they were revolutionary in their very nature. . . . It was absolutely and indispensably necessary that Congress should possess the power of *conducting* the war against *Great Britain,* and therefore if not expressly given by all (as it was by some [who had ratified in 1778]) of the States . . . Congress did rightfully possess *such* power." [289] A simpler and more prosaic explanation is at hand. Sitting and

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Footnotes at end of article.

working together, the delegates from the thirteen states, who as early as July, 1776, proposed in the draft Articles of Confederation to reduce to writing the necessary delegation by the states to Congress and who agreed to the Articles of Confederation in November, 1777, presumably were agreed that the conduct of the war required centralization and thus authorized the necessary "confederated" acts pending formal adoption of the proposed Articles. Roughly that view was taken by Iredell, one of the great Founders who led the struggle for adoption of the Constitution in North Carolina.

The invocation of the treaty with France signed by Benjamin Franklin and his fellow commissioners in February, 1778, and ratified by Congress in May, little advances the argument for "inherent" national power.[290] Franklin and the other commissioners had proceeded to France under express instructions to enter into a treaty with the King of France, carrying with them "letters of credence" (September, 1776), running *not* from the Congress but from "the *delegates* of the United States of New Hampshire, Massachusetts Bay" and each of the other enumerated states.[291] Doubtless the delegates from the several states believed themselves authorized to send Franklin in search of an alliance, so that again we have a power delegated by the states. The resulting treaty, it bears emphasis, was concluded with "the thirteen United States of North America, viz. New Hampshire, Massachusetts Bay" and so forth,[292] scarcely testimony that France deemed it was concluding an alliance with a "sovereign" nation. But give the "revolutionary central government" its widest scope and the question remains: what relevance do deeds resulting from "revolutionary necessity" in the absence of an existing structure have to a subsequent written document, such as the Articles of Confederation, which carefully enumerates the powers granted and reserves all powers not "expressly delegated"? John Jay wrote of the cognate treaty making power in *The Federalist Number 64*, that it "should not be *delegated* but . . . with such precautions, as will afford the highest security . . . ."[293]

Study of the constitutional records convinces that the Framers jealousy insisted on a federal government of enumerated, strictly limited powers.[294] Avowal of a supraconstitutional "residuum" of powers not granted expressly or by necessary implication [295] would have affrighted them and barred adoption of the Constitution.[296] We have the testimony of James Wilson that *all* the "powers naturally connected" with that of declaring war were conferred on the Congress.[297] And John Quincy Adams, after serving as Secretary of State and as President, stated, "in the authority given to Congress by the Constitution . . . to declare war, all the powers incidental to war are, by necessary implication, conferred upon the Government of the United States." The "war power," be continued, "is strictly constitutional." [298] To invoke an extraconstitutional "residuum" of war powers can only deepen the "twilight" gloom.[299]

V. EXCLUSIVE PRESIDENTIAL POWER OVER WARMAKING

The statement in the Yale memorandum that there is an "exclusive" war-making zone where the President "is authorized to act even against the express will of Congress," [300] requires a caveat insofar as it is rested on the scheme set forth by Justice Jackson in *Youngstown*. Jackson proferred three categories for presidential activities. First, when "the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate." The steel seizure, he said, "is eliminated from the first" category "for it is conceded that no Congressional authorization exists for this seizure." [301]

His second category "is a zone of twilight in which he the [President] may have concurrent authority, or in which its distribution is uncertain." Here again presidential authority is subject to that of Congress. The steel seizure, said Jackson, "seems clearly eliminated from that class because Congress . . . has covered [the field] by three statutory policies inconsistent with this seizure." [302] Given concurrent powers, as Chief Justice Marshall held in an early war-powers case,[303] a congressional statute must prevail.

There remains the third category: "When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter." [304] Judicial caution is required in such cases lest "by disabling the Congress from acting upon the subject . . the equilibrium established by our constitutional system" be disturbed.[305] Jackson stressed that where the Court can sustain the President only by holding that his actions were "within his domain and beyond control by Congress," the President's position was "most vulnerable to attack and in the least favorable of possible constitutional postures." [306] Jackson went on to reject the argument that Truman's commitment of troops to Korea vested him with power to seize the nation's steel mills.[307] He could find no such power under the "executive power," the "commander-in-chief power," or in an "inherent power" (presumably drawn out of the "residuum") which he preemptorily rejected.[308]

If, following Jackson's analysis, we are to speak of an "exclusive" presidential power "beyond control by Congress," we should keep in mind Jackson's warning that such claims are the most difficult to sustain. Where they are raised the "presidential power [is] most vulnerable to attack and in the least favorable of possible constitutional postures." [309]

Is the role of commander in chief altogether beyond the control on Congress? This can be confidently affirmed of one set of circumstances only: once war is commenced, Congress cannot conduct a campaign; it cannot "deprive the President of command of the army and navy." But in the words of Justice Jackson, "only Congress can provide him an army or navy to command." [310] What it gives it can take away, in whole or in part.[311]

Presidential peace-time deployment of the armed forces in troubled areas sharply focuses the problem. Testifying in 1951 on behalf of President Truman's plan to station six divisions of American soldiers in Europe, Secretary of State Acheson asserted:

"Not only has the President the authority to use the Armed Forces in carrying out the broad foreign policy of the United States and implementing treaties, but it is equally clear that this authority may not be interfered with by Congress in the exercise of powers which it has under the Constitution." [312]

Acheson spoke *ex cathedra*, disdaining the citation of authority. His claim will not withstand scrutiny. Deployment of the armed forces in "hot-spots" may invite or provoke attack, dangerously risk American involvement in war,[313] and present Congress with a *fait accompli*.

It is Congress that is to "provide for the common Defense," [314] which implies the right to decide what is requisite thereto. Congress also is "to raise and support armies," and by necessary implication it can withhold or withdraw that support.[315] In determining the size of the army it will "support" it is entitled to weigh priorities. Shall troops be stationed in Germany or deployed in Cambodia? Indeed the constitutional mandate that "no appropriation" for support of the armies "shall be for a longer term than two years" implies that it is for Congress to decide at any point whether further appropriations should be made and in what amounts.[316] The duty of Congress, in Hamilton's words, "to deliberate upon the propriety of keeping a military force on foot," [317] surely comprehends the right to insist that a portion of the military forces should not be kept "on foot" in Vietnam or Europe.[318]

With the power of appropriation goes the right to specify how appropriated moneys shall be spent. This is not a mere matter of logic but of established parliamentary practice. After 1665, states Hallam, it became "an undisputed principle" that moneys "granted by Parliament, are only to be expended for particular objects specified by itself. . . ." [319] The Framers were quite familiar with parliamentary practice; [320] and we may be sure that in reposing in Congress the power of raising revenues and of making and reviewing appropriations for support of the armies they conferred the concomitant right to "specify" the "particular objects upon which its appropriations are to be expended." [321] So an early Congress read its constitutional powers in enacting a statute that all "sums appropriated by law for each branch of expenditure in the several departments shall be solely applied to the objects for which they are respectively appropriated." [322] The 1971 Act which prohibits use of appropriated funds "to finance the introduction of United States ground combat troops into Cambodia" is in this tradition.[323] If we may safely infer that the long-established parliamentary practice was adopted by the Founders, such statutes do not constitute an invasion of the President's powers as commander in chief.[324]

There remains the congressional power "To make Rules for Government and the Regulation of the land and naval forces." [325] This was added from the existing Articles of Confederation; but the Framers omitted the phrase that followed—"and directing their operations" [326]—having in mind that the President would be commander in chief who, in the words of the New Jersey Plan, would "direct all military operations." [327] Thus the Framers separated the presidential direction of "military operations" in time of war from the congressional power to make rules "for the government and regulation of the armed forces," a plenary power enjoyed by the Continental Congress. The word "government" connotes a power to control, to administer the government of the armed forces; the word "regulate" connotes a power to dispose, order, or govern. Such powers manifestly embrace congressional restraint upon deployment of the armed forces. Since the Constitution places no limits on the power to support and to govern the armed forces and to make or withhold appropriations therefor, arguments addressed to the impracticability of regulating all deployments go to the wisdom of the exercise, not the existence, of the congressional power.

The commander in chief clause empowers the President to conduct a campaign once a war is initiated by Congress or by foreign invasion of American soil, not to create incidents which embroil the nation in war. No "first General" may provoke, extend, or persist in a war against the will of Congress.[328] The duty of the President is to "take care that the laws be faithfully executed," and nothing in the Constitution absolves him from that duty in the role of commander in chief. Indeed the early state constitutions were careful to spell out that the executive was subject to the laws in his capacity of commander in chief.[329] In fine, the constitutional distribution of powers refutes Acheson's assumption that the President may deploy the armed forces as he sees fit in disregard of congressional will. This is the logic of Jefferson's statement that "We have already given in example one effectual check

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Footnotes at end of article.

to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay."[330]

Against this background, I submit, the constitutionality of the proposed War Powers Bill is unassailable. In limiting the President's use of the armed forces "to repel an armed attack upon the United States," section 3 of the Bill is declaratory of the Madison-Gerry "sudden attacks" remark in the Convention, upon which any claim to presidential power, apart from the "first General's" direction of the military forces, ultimately rests.[331] The section 3 authorization to repel an attack on the armed forces "located outside the United States," and "to forestall the direct and imminent threat of such an attack," goes beyond the Madison-Gerry remark; but it lies within the power of Congress, and it enables the President to meet modern exigencies.

I would add a requirement that congressional authorization be had for deployment of the armed forces outside the United States, recognizing that matters of practical convenience may be left to the legislative draftsmen. My concern herein has not been with the sufficiency or wisdom of the Javits Bill, but with whether Congress is prevented by the Constitution from enacting a bill which would draw back unto itself powers conferred upon it by the Constitution and preempted by the President without constitutional warrant. Only if the "intention of the Framers" counts for little,[332] is it possible to argue on the basis of the "125 incidents" that "a practice so deeply embedded in our constitutional structure should be treated as decisive of the constitutional issue."[333]

Who would maintain that the President, by proclamation, can revise the Constitution in particulars he considers sadly wanting? Why should his progressive revision by actions rather than by writing be entitled to more respect? The fact that Congress countenanced the encroachments cannot lift them to the plane of constitutional dogma any more than the President and Congress can revise the Constitution by mutual consent without submitting an amendment to the people. At bottom the President lays claim "to set aside, not a particular clause of the Constitution, but its most fundamental characteristic, its division of powers between Congress and the President, and thereby gather into his own hands the combined power of both."[334] It cannot be that a statute which seeks to give effect to the original intention of the Framers, aptly expressed in the text of the Constitution, is unconstitutional.[335]

V. CONCLUSION

Surveying the labors of the Framers some forty years later, Joseph Story said:

"[T]he power of declaring war is . . . so critical and calamitous, that it requires the utmost deliberation, and the successive review of all the councils of the nation . . . The representatives of the people are to lay the taxes to support a war [and to draft men for combat], and therefore have a right to be consulted, as to its propriety and necessity".[336]

For this reason the Constitution conferred virtually all of the war-making powers upon the Congress, leaving to the President only the power "to repel sudden attacks" on the United States. They meant, in the words of James Wilson, to put it beyond the power of a single man to hurry us into war. Their wisdom is confirmed by recent events: the mounting frightfulness of war, its staggering costs in blood, money, disruption of the national and international economies, the wounds it inflicts on the national psyche—alienation of the young, desertion, draft evasion—all cry out for consultation before plunging into war.[337]

Some have referred to Congress' occasional lack of wisdom,[338] but that lack cannot justify a presidential take-over of power confided to Congress. Courts, for eaxmple, cannot overturn legislation merely because it is unwise the choice of options is for the grantee of the power. Then too, lack of wisdom may also be exhibited by the President, as the Vietnam conflict shows. Arthur Schlesinger, who sat close to the throne while some of the fateful commitments were being made, stated that "in retrospect, Viet Nam is a triumph of the politics of inadvertence",[339] and if we are to credit General de Gaulle, a triumph of wrongheadedness.[340] Perhaps the decisions would not have been better had they been debated in Congress, but, as George Reedy, former special assistant and then Press Secretary to President Lyndon Johnson, remarked, they could not have "been much worse."[341] Since a nation of many millions cannot be convened in a town meeting, the great arena of public debate is necessarily the Congress.[342] Debate may bring into the open risks that executive advisers have overlooked; it may deflate the supposed advantages of a recommended course of action; it substitutes the experience of the many for that of the one; and above all it may serve to secure the consent of the people.

"[W]ithin the executive branch," states Reedy, "there exists a virtual horror of public debate on issues," compounded by the complacent assumption that the executive branch "have some sort of a truth that comes out of their technical expertise and that this truth . . . is not something to be debated."[343] But executive decision itself suffers from a deep-seated malady; as Reedy points out, it lacks the benefit of "adversary discussion of issues"; the "so-called debates are really monologues in which one man is getting reflections of what he sends out."[344] That courtiers are apt to reflect the desires of the monarch needs little documentation.[345]

Of course public criticism is painful; but official pain is outweighed by public benefit. A seasoned observer, Sir Ivor Jennings, stated, "Negotiations with foreign powers are difficult to conduct when a lynx-eyed Opposition sits suspiciously on the watch. We might have a better foreign policy if we had no Parliament: but we might have a worse. . . . We are a free people because we can criticize freely. . . ."[346] It is quite likely, as Reedy concludes, that the present division in our country, the loss of confidence in the government, results in large part from the fact that the Vietnam commitments were made without consultation with the people.[347]

Whatever the merits of debate, this is a requirement of our democratic system. Those who are to bleed and die have a right to be consulted, to have the issues debated by their elected representatives.[348] Unlike the totalitarian nations, we have not placed our faith in a "Fuehrer," a "Big Brother"; a benign dictatorship is not for us.[349] It is for that reason that there is an "American propensity to substitute 'for . . . the question of the beneficial *use* of the powers of government . . . the question of their *existence*.'"[350] Events since 1936, when Corwin penned the quoted words, have demonstrated still again that "use" of power may be not only "beneficial" but "malign, fearsome, hateful and dangerous."[351]

It was because the Framers were alive to the insatiable maw of power that they contrived the separation of powers.[352] It remains a bulwark against oppression, not a hollow shibboleth.[353] "With all its defects, delays and inconveniences," said Justice Jackson, "men have discovered no technique for long preserving free government except that the Executive be under the law, and that the law be made by parliamentary deliberations."[354] That is what the Framers provided in distributing the war-powers, and to that scheme we must return.

FOOTNOTES

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[1] Buchan, *Questions About Vietnam*, in 2 THE VIETNAM WAR AND INTERNATIONAL LAW 35 (R. Falk ed. 1969). Buchan is Director of the Institute for Strategic Studies, London.

[2] *See* text accompanying notes 218–19 *infra*.

[3] *See* Reveley, *Presidential War-Making: Constitutional Prerogative or Usurpation?*, 55 VA L. REV. 1243 (1969); Rostow, *Great Cases Make Bad Law: The War Powers Act*, 50 TEXAS L. REV. 833 (1972); Wormuth, *The Nixon Theory of the War Powers: A critique*, 60 CALIF. L. REV. 623 (1972); Wormuth, *The Vietnam War: The President versus the Constitution*, in 2 THE VIETNAM WAR AND INTERNATIONAL LAW 711 (R. Falk ed. 1969). Note, *Congress, the President, and the Power to Commit Forces to Combat*, 81 HARV. L. REV. 1771 (1968) [hereinafter cited as *Power to Commit Forces*].

[4] N.Y. Times, Apr. 14, 1972, at 1, col. 3.

[5] S. 2956, 92d Cong., 2d Sess. §§ 3, 5 (1972).

[6] N.Y. Times, Mar. 30, 1972, at 10, col. 1.

[7] Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 647 (1952) (concurring opinion).

[8] Rostow, *supra* note 3.

[9] *Id.* 900.

[10] *Id.* 834.

[11] *Id.* 836.

[12] *Id.* 897, 900.

[13] *Id.* 833. *See id.* 835, 840.

[14] Yougstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 654 (1952) (concurring opinion).

[15] Rostow, *supra* note 3, at 844. This he does "because the animating principles of their project—democratic responsibility, the theory of checks and balances in the exercise of shared powers, and civilian control of the military—have retained their vitality, and must continue to do so if we hope to survive as a free and democratic society." *Id.*

[16] *Id.* 886.

[17] *Id.* 843.

[18] *Id.* 835.

[19] *Id.* 899. The Korean War, Rostow states, "became unpopular and was a decisive factor both in Truman's decision not to seek a second term and in the elections of 1952." *Id.* 871.

[20] "Of course Congress should participate," says Professor Rostow, "in decisions involving major and sustained hostilities, through processes of continuous consultation. . . . That is now the pattern of our politics, and of our constitutional usage." *Id.* 842. It is precisely because there is no such pattern that the Javits Bill went through the Senate. There was no consultation prior to the invasion of Cambodia, note 249 *infra*, or the mining of Haiphong, although the latter might have precipitated a fearful confrontation. The "pattern" was rolling dice out of sight of Congress.

[21] JOHN MARSHALL'S DEFENSE OF *McCulloch v. Maryland* 190–91 (G. Gunther ed. 1969), discussed in detail at text accompanying notes 150–56 *infra*.

[22] Trial of Horne Tooke, 25 How. St. Tr. 1, 268 (1794).

[23] 343 U.S. 579, 634 (1952) (concurring opinion).

[24] Rostow, *supra* note 3, at 849.

[25] One after another Jackson dismissed claims based on the executive power, the commander in chief clause, and inherent power. Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 640–44, 646–52) (concurring opinion). Jackson refused to "amend" the work of the Framers. *Id.* at 650.

[26] E. CORWIN, THE PRESIDENT: OFFICE AND POWERS 4 (3d ed. 1948).

[27] G. TREVELYAN, ILLUSTRATED HISTORY OF ENGLAND 391, 401 (1956).

[28] B. BAILYN, THE IDEOLOGICAL ORIGINS OF THE AMERICAN REVOLUTION viii, xi, 34–35, 53 (1967). "The 'founding fathers' owed their mental sustenance much more largely to seventeenth-century England than to the

England with which they were themselves contemporary." E. Corwin, The Twilight of the Supreme Court: A History of Our Constitutional Theory 102 (1934).

[29] 1. J. Wilson, Works 292–93 (R. McCloskey ed. 1967). Wilson felt constrained in 1791 to admonish the people that it was "high time" to regard executive officers and judges equally with the legislature as representatives of the people. *Id.* 293.

[30] E. Corwin, *supra* note 26, at 4–5. For example, the Virginia Constitution of 1776 provided that the Governor shall "exercise the executive powers of government, according to the laws of this Commonwealth and shall not, under any pretence, exercise any power or prerogative, by virtue of any law, statute or custom of England." 2 B. Poore, The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the United States 1910–11 (1878). Section 33 of the Maryland Constitution makes similar provision. 1 *id.* 825. Corwin justifiably concludes that under the pre-1787 state constitutions, " 'Executive power' . . . was cut off entirely from the resources of the common law and of English constitutional usage." E. Corwin, *supra* note 26, at 5. In the Federal Convention James Wilson stated that he "did not consider the Prerogatives of the British Monarch as a proper guide in defining the Executive powers. Some of these prerogatives were of a Legislative nature. Among others that of war & peace. . . ." 1 Records of the Federal Convention of 1787, at 65–66 (M. Farrand ed. 1911) [hereinafter cited as Records].

[31] Professor Rostow's reference to the "weakness of the Executive under the Articles of Confederation . . . ," Rostow, *supra* note 3, at 844, must therefore be taken to mean the absence of the executive.

[32] Rostow, *supra* note 3, at 840. The instructions given Washington recited that "you are . . . punctually to observe and follow such orders and directions from time to time as you shall receive from this or a future Congress. . . ." *Id.* 840 n. 14.

[33] For a collection of authorities, see R. Berger, Congress v. the Supreme Court 10–11(1969).

[34] Rostow, *supra* note 3, at 833.

[35] The Federalist No. 48, at 322 (Mod. Lib. ed. 1937) (J. Madison).

[36] 1 Records, *supra* note 30, at 66, 83, 90, 96, 101, 113, 119, 152, 425; 2 *id.* 35–36, 101, 278, 513, 632, 640. In Virginia Patrick Henry said, "Your President may easily become a king." 3 J. Elliot, Debates in the Several State Conventions on the Adoption of the Federal Constitution 58 (2d ed. 1836). *See id.* 60; 4 *id.* 311. *See also* notes 42, 72, 84 *infra;* text accompanying note 53 *infra.*

[37] The Federalist No. 51, at 338 (Mod. Lib. ed. 1937) (J. Madison). *See also* Madison's explanation of the limited nature of the President's war-making power, notes 75–76 *infra.* Justice Brandeis referred to the deep-seated conviction of the English and American people that they "must look to representative assemblies for the protection of their liberties." Myers v. United States, 272 U.S. 52, 294–95 (1926) (dissenting opinion).

[38] Note 31 *supra.*

[39] Records, *supra* note 30, at 65.

[40] E. Corwin, *supra* note 26, at 11.

[41] 1 Records, *supra* note 30, at 66.

[42] *Id.* 66–67 (emphasis added).

[43] King's notes recorded: "Mad: agrees with. Wilson in his definition [*sic*] of executive powers . . . [they] do not include the Rights of war & peace & c. but the powers shd. be confined and defined—if large we shall have the Evils of elective Monarchies. . . ." *Id.* 70.

[44] 2 J. Elliot, *supra* note 36, at 128; 4 *id.* 107. For the governors' powers, see note 30 *supra.*

[45] 3 J. Elliott, *supra* note 36, at 201.

[46] 2 *id.* 512–13 (emphasis in original).

[47] 4 *id.* 106, 136.

[48] 3 Records, *supra* note 30, at 111.

[49] 4 J. Elliot, *supra* note 36, at 258.

[50] *Id.* 120. "Fear of a return of Executive authority like that exercised by the Royal Governors or by the King had been ever present in the States from the beginning of the Revolution." C. Warren, The Making of the Constitution 173 (1947). Warren wrote:

> It is probable that Madison and Randolph in preparing the Virginia Plan had in mind the conception of Executive power which Thomas Jefferson had set forth in his Draft of a Fundamental Constitution for Virginia in 1783, as follows: "By Executive power, we mean no reference to those powers exercised under our former government by the Crown as its prerogative, nor that these shall be the standard of what may or may not be deemed the rightful powers of the Governor. We give them those powers only, which are necessary to execute the laws."

Id. 177.

[51] Rostow, *supra* note 3, at 847. For Madison, see text accompanying notes 75–76 *infra.*

[52] The Federalist No. 67, at 436 (Mod. Lib. ed. 1937) (A. Hamilton).

[53] The Federalist No. 69, at 448 (Mod. Lib. ed. 1937) (A. Hamilton), quoted at text accompanying note 71 *infra.*

[54] The Federalist No. 71, at 468 (Mod. Lib. ed. 1937) (A. Hamilton).

[55] The Federalist No. 77, at 501 (Mod. Lib. ed. 1937) (A. Hamilton) (emphasis added). In the First Congress, Thomas Hartley commented that the President's "powers, taken together, are not very numerous." 1 Annals of Cong. 482 (1789). (2d ed. 1836, print bearing running-title "History of Congress")

[56] *See* text accompanying note 71 *infra.*

[57] Rostow, *supra* note 3, at 841.

[58] See note 30 *supra.* Bagehot said that the Framers "shrank from placing sovereign powers anywhere. They feared it would generate tyranny; George III had been a tyrant to them, and come what might, they would not make a George III." W. Bagehot, The English Constitution 218 (1964). "From the American Revolution we inherited a stubborn distrust of committing power to the executive." J.W. Hurst, The Legitimacy of the Business Corporation 40 (1970).

[59] Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 642 (1952) (Jackson, J., concurring).

[60] Text accompanying notes 75–76, 84–85 *infra.*

[61] McCloskey, *Introduction* to J. Wilson, *supra* note 29, at 2.

[62] 2 J. Elliot, *supra* note 36, at 528.

[63] 1 J. Wilson, *supra* note 29, at 433 (emphasis added). The several powers are set out in U.S. Const. art. I, § 8.

[64] *See* note 93 *infra.*

[65] 1 J. Wilson, *supra* note 29, at 440. In the Virginia ratification convention George Mason "admitted the propriety of his [the President's] being commander-in-chief, so far as to give orders and have a general superintendency; but he thought it would be dangerous to let him command in person." 3 J. Elliot, *supra* note 36, at 496. *See also* the New Jersey Plan, discussed at text accompanying note 67 *infra.*

[66] 24 Journals of the Continental Congress 1774–1789, at 242–43 (1937). Distrust of executive power, of executive war-making propensities, see text accompanying notes 29–30, 36, 50, 52–56 *supra,* makes it altogether unlikely that the Framers meant to enlarge those powers beyond the conduct of operations once war was commenced by Congress or enemy invasion, as Hamilton confirms. *See* text accompanying notes 69, 71, 144 *infra,* and note 92 *infra.*

[67] Article VII of the Massachusetts Constitution of 1780 provides that the Governor shall be "commander-in-chief of the army and navy" with power to "repel, resist, expel" those who attempt the invasion of the Commonwealth, and entrusts him "with all these and other powers incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution and the laws of the land and not otherwise." 1 B. Poore, *supra* note 30, at 965–66. For similar provisions adopted by other states see *id.* 275 (Delaware), and 2 *id.* 1288 (New Hampshire).

Hamilton stated in The Federalist No. 69, at 449 (Mod. Lib. ed. 1937): "[T]he constitutions of several of the States expressly declare their governors to be commanders-in-chief . . . and it may well be a question, whether those of New Hampshire and Massachusetts in particular, do not, in this instance, confer larger powers upon their respective governors, than could be claimed by a President of the United States."

[68] 1 Records, *supra* note 30, at 244. The Virginia Plan contained no express provision on the subject, incorporating "the Legislative Rights vested in Congress by the Confederation." *Id.* 21. In North Carolina, Robert Miller demanded that "Congress ought to have power to direct the motions of the army," 4 J. Elliot, *supra* note 36, at 114.

[69] 1 Records, *supra* note 30, at 292.

[70] Corwin said of *The Federalist Number 78:* "It cannot be reasonably doubted that Hamilton was here, as at other points, endeavoring to reproduce the matured conclusions of the Convention itself." E. Corwin, The Doctrine of Judicial Review 44 (1914). For example, Richard Spaight, a delegate to the Federal Convention, said in the North Carolina ratification convention that he "was surprised that any objection should be made to giving the *command* of the *army* to one man; that it was very well known that the direction of an army could not be properly exercised by a numerous body of men." 4 J. Elliot, *supra* note 36, at 114–15 (emphasis added). Lofgren concludes that "the evidence indicates" that the Hamiltonian view with respect to " 'the President's authority as commander-in-chief' . . . accorded well with that of his contemporaries in the state debates." Lofgren, *War-Making Under the Constitution: The Original Understanding,* 81 Yale L. J. 762, 687 (1972).

[71] The Federalist No. 69, at 448 (Mod. Lib. ed. 1937) (A. Hamilton).

[72] The Federalist No. 67, at 436 (Mod. Lib. ed. 1937) (A. Hamilton). Referring to the proposal to vest appointive power in the President, John Rutledge said in the Federal Convention, "The people will think we are leaning too much towards Monarchy." 1 Records, *supra* note 30, at 119.

[73] E. Corwin, *supra* note 26, at 276.

[74] Fleming v. Page, 50 U.S. (9 How.) 603, 615.(1850). Until 1850, said Corwin, the commander in chief clause "was still . . . the forgotten clause of the constitution." E. Corwin, Total War and the Constitution 15 (1947). So it appeared to President Buchanan, as is disclosed by his message of December, 1859: "after Congress shall have declared war and provided the force necessary to carry it on, the President, as Commander in Chief . . . can alone employ this force in making war against the enemy." 5 Messages and Papers of the Presidents 1789–1897, at 569 (J. Richardson ed. 1907) [hereinafter cited as Messages]. "Without the authority of Congress," Buchanan continued, "the President can not fire a hostile gun in any case except to repel the attacks of an enemy." *Id.* 570.

[75] 6 J. Madison, *Letters of Helvidius,* in Writings 138, 174 (G. Hunt ed. 1906).

[76] *Id.* 148. *See also* text accompanying note 138 *infra.*

[77] H. Commager, Documents of American History 113 (7th ed. 1963).

[78] 1 Records, supra note 30, at 21, 243.

[79] Note 42 *supra.* Article 26 of the South Carolina Constitution of 1776 carefully spelled out that the governor "and commander-in-chief shall have no power to make war or peace, or enter into any final treaty, without the consent of the general assembly. . . ." B. Poore, *supra* note 30, at 1619. *See also* J. Wilson, *supra* note 29, to the effect that the war power is legislative.

[80] 2 Records, *supra* note 30, at 182.

[81] C. Warren, The Making of the Constitution 389 (1928).

[82] 2 Records, *supra* note 30, at 318.

[83] 1 *id.* 292.

[84] 2 *id.* 318. Butler later explained to the South Carolina legislature that the grant of the power to "make war" to the President "was objected to, as throwing into his hands the influence of a monarch, having an opportunity of involving his country in a war. . . ." J. Elliot, *supra* note 36, at 263.

[85] 2 Records, *supra* note 30, at 318–19.

[86] *Id.* at 318. The State Department distorts this interchange: "[I]t was suggested that the Senate might be a bettter repository. Madison and Gerry then moved to substitute 'to declare war' for 'to make war,' 'leaving to the Executive the power to repel sudden attacks.' It was objected that this might make it too easy for the Executive to involve the nation in war, but the motion carried with but one dissenting vote." Office of the Legal Advisor, U.S. Dep't of State, The Legality of the United States Participation in the Defense of Viet Nam, *reprinted in* 75 Yale L.J. 1085, 1101 (1966) [hereinafter cited as Legal Advisor's Memo]. From this one might infer that the Convention intended to "make it too easy for the Executive to involve the nation in war"; but in fact *no* objection was made to the Madison-Gerry motion, which merely gave effect to the Sherman-Mason-Gerry objections to the grant of war-making power to the President, except to "repel sudden attacks." *See* Wormuth, *The Vietnam War: The President versus the Constitution,* in 2 The Vietnam War and International Law 711, 713–17 (R. Falk ed. 1969).

[87] 2 Records, *supra* note 30, at 319. Story explains that the role of commander in chief gives the President "command . . . of the public force . . . to resist foreign invasion . . . and the direction of war." 2 J. Story, Commentaries on the Constitution of the United States § 1491 (5th ed. 1905).

[88] *Cf.* Ratner, *The Coordinated Warmaking Power—Legislative, Executive and Judicial Roles,* 44 S. Cal. L. Rev. 461, 462 (1971). Clinton Rossiter concludes that "the Court has refused to speak about the powers of the President as Commander in Chief in any but the most guarded terms. . . . The breathtaking estimates of their war powers announced and acted upon by Lincoln and Roosevelt have earned no blessing under the hands of the judiciary." C. Rossiter, The Supreme Court and the Commander in Chief 4–5 (1951). Since he wrote, the Court gave such claims a decided setback in Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952).

[89] *E.g., Power to Commit Forces, supra* note 3, at 1773; S. Rep. No. 797, 90th Cong., 1st Sess. 8 (1967).

[90] Ratner, *supra* note 88, at 467.

[91] Text accompanying note 79 *supra.*

[92] In the Convention Hamilton stated that the "Executive ought to have but little power." He proposed that the Senate should "have the sole power of declaring war" and that the Executive should "have the direction of war when authorized or begun." 1 Records, *supra* note 30, at 290, 292. Be it remembered that the Massachusetts Constitution, which expressly authorized the commander in chief to "repel, resist, [and] expel" those who attempted invasion of the Commonwealth (thereby implying that this was not an inherent power of the commander), made the exercise of that power subject "to the laws of the land and not otherwise." Note 67 *supra.* And Hamilton explained that the powers of the Massachusetts commander were "larger . . . than could be claimed by the President." *Id.*

[93] In the North Carolina convention, James Iredell stated, "The President has not the power of declaring war by his own authority. . . . Those powers are vested in other hands. The power of declaring war is expressly given to Congress . . . ." 4 J. Elliot, *supra* note 36, at 107–08. Charles Pinckney said in South Carolina that "the President's powers did not permit him to declare war." *Id.* 287. These men did not contemplate that he could independently *make* war, leaving to Congress the empty formality of then "declaring" war.

[94] After adoption of the Madison-Gerry motion, Pierce Butler "moved to give the Legislature power of peace, as they were to have that of war." 2 Records, *supra* note 30, at 319. His motion was adopted without objection, suggesting an understanding that the power of making war, except for "conduct" of the war, remained in Congress.

[95] Speaking of the need to "provide for the common defence," which by article I, § 8(1) is vested in Congress, Wilson said, "Defence presupposes an attack . . . We all know . . . the instruments necessary for defense when such an attack is made," and then went on to list the powers conferred upon Congress. 1 J. Wilson, *supra* note 29, at 433. This precludes an inference that the power to "repel sudden attack" was vested in the President ab initio, but rather as a result of ratification of the Madison-Gerry motion. So too, Chancellor R. R. Livingston, in the New York ratification convention, met objections that the Continental Congress did not have "the same powers" as the proposed Congress with the reply, "They have the very same . . . [including] the [exclusive] power of making war." 2 J. Elliot, *supra* note 36, at 278.

[96] *Cf.* Statement of Justice Jackson in Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 644 (1952) (concurring opinion). Governor Randolph, a Framer, told the Virginia ratification convention that "With respect to a standing army, I believe there was not a member in the federal convention who did not feel indignation at such an institution. . . . In order to . . . exclude the dangers of a standing army, the general defense . . . is left to the militia. . . ." 3 Records, *supra* note 30, at 319. *Cf* 2 *id.* 330 (statements of L. Martin and E. Gerry). *See also id.* 326 (statement of G. Mason).

[97] Rostow, *supra* note 3, 850–51.

[98] Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 604 (1952) (concurring opinion).

[99] As a delegate to the Federal Convention, Hamilton may be thought to have had a grasp of the Convention's understanding of "international law." In his attack on Jefferson's restrained response to attacks by Tripoli pirates, Hamilton stated, "it belongs to Congress only, *to go to war.* But when a foreign nation declares or openly and avowedly *makes war* upon the United States . . . any declaration on the part of Congress is . . . unnecessary." 8 A. Hamilton, *Letter No. 1 of "Lucius Crassus,"* in Works 249–50 (H. Lodge ed. 1904) (emphasis added).

"What the preponderance of the evidence suggests," states Lofgren, *supra* note 70, at 688, is that that Founders "conceived of the President's war-making role in exceptionally narrow terms." He concludes that "Congress' power 'to declare War' was not understood in a narrow technical sense but rather as meaning the power to commence war, whether declared or not." *Id.* 699.

The Lofgren article came to me as this Article was being readied for press; it is solely devoted to the "original intention" and represents the most thoroughgoing discussion of that matter. My conclusions, after having independently gone over much of the same material, coincide with his.

[100] S. Rep. No. 606, 92d Cong., 2d Sess. 4 (1972). Professor Richard B. Morris also states that "the war-making power of the President was little more than the power to defend against imminent invasion when Congress was not in session." *Id.* 15.

[101] H. Commager, *supra* note 77, at 112.

[102] The Committee of Detail recommended that no state should, without consent of Congress "engage in any War, unless it shall be actually invaded by Enemies, or the Danger of Invasion be so imminent, as not to admit of a Delay, until the Legislature of the United States can be consulted." 2 Records, *supra* note 30 at 169.

[103] The explanation, in part, may be historical reluctance to permit executive deployment of troops outside the country. In 1701 an act provided that "Englishmen were not to be involved by a foreign king in war for the defence of territory not belonging to the English crown. Henceforth William was scrupulously careful to consult Parliament at every point." C. Hill, The Century of Revolution 1603–1714, at 278 (1961). The Massachusetts Constitution of 1780, article VII, provided that the governor should not march inhabitants "out of the limits" of the Commonwealth without their consent or "the consent of the general court [legislature]." 1 B. Poore, *supra* note 30, at 966. Lofgren, *supra* note 70, at 683, states that the presence of the state invasion provision "in the Constitution at least further suggests that Americans of that day need not have envisaged that the President as Commander in Chief would have an especially broad role in repelling sudden attack."

[104] R. Berger, *supra* note 33, at 260–62.

[105] 25 U.S. (12 Wheat.) 19 (1827).

[106] McDougal & Lans, *Treaties and Congressional-Executive or Presidential Agreements: Interchangeable Instruments of National Policy: II,* 54 Yale L.J. 534, 612–13 (1945).

[107] For Professor Rostow, *Mott* involved "the President's power to call out the militia whenever he deems it desirable to do so." Rostow, *supra* note 3, at 890. The Act conferred no such carte blanche.

[108] 25 U.S. (12 Wheat.) at 30.

[109] My analysis leads me to dissent from the statement in the War Powers Report, S. Rep. No. 606, 92d Congress., 2d Sess. 4 (1972), that the authorizations contained in § 3 of the War Powers Bill to repel attacks on the United States and to forestall imminent danger of such an attack "are recognized to be authority which the President enjoys in his independent Constitutional office as President/Commander-in-Chief."

[110] For the Act of 1839, see text accompanying note 124 *infra.*

[111] S. 2956, 92d Cong., 2d Sess. § 3(1) (1972).

[112] 381 U.S. 1 (1965).

[113] 299 U.S. 304 (1936).

[114] 381 U.S. 1, 17 (1965); Rostow, *supra* note 3, at 888–89. The analogical leap from the relatively innocuous delegation of authority to embargo arms to the belligerents in the Gran Chaco (South America) war—the issue in *Curtiss-Wright*—to the delegation of authority to propel the nation into an international holocaust cannot be lightly made. Wormuth, *supra* note 86, at 789, underlines the quite different, considerations that come into play.

[115] Wormuth, *supra* note 86, at 780–99; Wormuth, *The Nixon Theory of the War Power: A Critique,* 60 Calif. L. Rev. 623, 692–97 (1972).

[116] Wormuth, *supra* note 86, at 792.

[117] Wormuth, *The Nixon Theory of the War Power: A Critique,* 60 Calif. L. Rev, 623, 695 (1972).

[118] Wormuth, *supra* note 86, at 796.

[119] *Id.*

[120] Wormuth, *supra* note 117, at 694. For a discussion of *Curtiss-Wright,* see text accompanying notes 264–86 *infra.*

[121] 17 U.S. (4 Wheat.) 316 (1819).

[122] *Id.* at 415.

[123] S. 2956, 92d Cong., 2d Sess. § 3 (1972).

[124] Act of March 3, 1839, ch. 89, § 1, 5 Stat. 355.

[125] Wormuth, *supra* note 86, at 781; *cf. id.* 789.

[126] 293 U.S. 388 (1935).

[127] *Id.* at 415, *Zemel v. Rusk* also stated that it was not true that "simply because a statute deals with foreign relations, it can grant the Executive totally unrestricted freedom of choice." 381 U.S. at 17.

[128] *See* text accompanying note 111 *supra.*

[129] S. Rep. No. 606, 92d Cong., 2d Sess. 4 (1972).

[130] *E.g.*, K. Davis, Administrative Law Text 32 (3d ed. 1972).

[131] When it concerns the powers of the *nation*, as distinguished from those of the *President*, we need to recall Hamilton's words, in *The Federalist Number 23*, respecting the "authorities essential to the common defence": "These powers ought to exist without limitation, *because it is impossible to foresee or define the extent and variety of national exigencies, or the correspondent extent and variety of the means which may be necessary to satisfy them.*" The Federalist No. 23, at 142 (Mod. Lib. ed. 1939) (A. Hamilton) (emphasis added). Any application of the delegation doctrine that would shackle the *nation* must yield to this necessity.

[132] Legal Advisor's Memo, *supra* note 86, at 1101.

[133] Rostow, *supra* note 3, at 857, finds Ratner's study one of the two "most judicious" in the field. I shall have occasion to comment on the core of this "most judicious" piece.

[134] Ratner, *The Coordinated Warmaking Power—Legislative, Executive, and Judicial Roles*, 44 S. Cal. L. Rev. 461, 467 (1971), *quoted in* Rostow, *supra* note 3, at 865.

[135] Nevertheless Rostow, *supra* note 3, at 886, is critical of those who "discover the source of their rule in what they regard as the original intent of the men who gave Congress the power 'to declare war,' despite 182 years of opinion and practice to the contrary."

[136] *Id.* 887–92. According to Rostow, *id.* 835, 843, the Javits Bill "would permit a plenipotentiary Congress to dominate the Presidency (and the courts as well) more completely than the House of Commons governs England . . ."; it "seeks to substitute parliamentary government for the tripartite constitution we have so painfully forged."

[137] The Federalist No. 48, at 322 (Mod. Lib. ed. 1937) (J. Madison), *quoted in* Rostow, *supra* note 3, at 833. *See* text accompanying notes 31–37 *supra*.

[138] 6 J. Madison, *supra* note 75, at 174 (emphasis partially added). *Cf.* Letter from Alexander Hamilton to Secretary of War James McHenry, May 17, 1798, *reprinted in* 10 A Hamilton, Works 281 (H. Lodge ed. 1904), *quoted in* note 209 *infra*.

[139] Rostow, *supra* note 3, at 833.

[140] *See* note 131 *supra*.

[141] *See* text accompanying notes 52–56, 69–71 *supra*.

[142] *See* note 92 *supra*.

[143] For Hamilton's later expansive reading of executive power in the realm of foreign relations, see E. Corwin, *supra* note 26, at 217–18. It needs to be viewed in the light of his proposal in the Convention of a permanent body of the "rich and well born" to "check the imprudence of democracy . . . their turbulent and uncontrolling disposition." 1 Records, *supra* note 30, at 290, 299. The patrician Henry Adams stated that "Hamilton considered democracy a fatal curse, and meant to stop its progress." *See* E. Samuels, Henry Adams, The Middle Years 58 (1965). He would therefore prefer to concentrate power in the executive and to short-circuit the democratic process which contemplated congressional debate. His views found no favor with the Convention.

[144] 8 A. Hamilton, *Letter No. 1 of "Lucius Crassus,"* in Works 249–50 (H. Lodge ed. 1904) (emphasis partially added). *See also* note 209 *infra*.

[145] Professor Rostow wrings from Wormuth's statement that "When a foreign country attacks the United States . . . the President . . . must . . . wage the war," a concession of broad war powers to the President, "for most Presidential uses of the armed forces" represent resistance to "the hostile act of another state . . . directed *against the security* of the United States." Rostow, *supra* note 3, at 850 n.28 (emphasis added). But it is precisely this difference between an attack on the United States and acts which are deemed by the President to menace "the security of the United States" upon which the whole debate hinges.

[146] Rostow, *supra* note 3, at 844. McDougal and Lans rely on this Marshall statement for an "adaptive or instrumental" theory, which "treats the Constitution as an 'instrument of government' rather than as a mere 'text for interpretation.' This theory received its classic statement in Chief Justice Marshall's reminder in *McCulloch v. Maryland*. . . ." McDougal & Lans, *Treaties and Congressional-Executive or Presidential Agreements: Interchangeable Instruments of National Policy*, 54 Yale L.J. 181, 213 (1945). Marshall's *McCulloch* dictum had been invoked for the theory of "adaptive interpretation" in 1926 by Corwin in *Judicial Review in Action*, 74 U. Pa. L. Rev. 639, 658–59 (1926).

[147] Legal Advisor's Memo, *supra* note 86, at 1101.

[148] In *Youngstown*, Justice Jackson said:

"The appeal . . . that we declare the existence of inherent powers *ex necessitate* to meet an emergency asks us to do what many think would be wise, although it is something the forefathers omitted. They knew what emergencies were, knew the pressures they engender for authoritative action, knew, too, how they afford a ready pretext for usurpation. . . . Aside from suspension of the privilege of the writ of habeas corpus in time of rebellion or invasion . . . they made no provision for exercise of extraordinary authority because of a crisis. I do not think we rightfully may so amend their work."

343 U.S. at 579, 649–50 (concurring opinion). Emergency powers, Jackson continued, "are consistent with free government only when their control is lodged elsewhere than in the Executive who exercises them. That is the safeguard that would be nullified by our adoption of the 'inherent powers' formula." *Id.* at 652.

The "emergency power" had been strongly advocated by Justice Clark, *id.* at 660–62 (concurring opinion), but Justice Douglas also rejected it, saying the fact that speed was essential "does not mean that the President, rather than the Congress, had the constitutional authority to act." *Id.* at 629.

[149] 17 U.S. (4 Wheat.) 315, 415–16 (1819) (emphasis partially added), *quoted in* Rostow, *supra* note 3, at 891.

[150] John Marshall's Defense of *McCulloch v. Maryland* (G. Gunther ed. 1969).

[151] *Id.* 185 (emphasis added).

[152] *Id.* 182, 184.

[153] *Id.* 92; *see id.* 185.

[154] *Id.* 168. "In no single instance does the court admit the unlimited power of congress to adopt any means whatever . . . ." *Id.* 186. Marshall emphasized that "in all the reasoning on the word 'necessary,' the court does not, in a single instance, claim the aid of a 'latitudinous,' or 'liberal' construction . . . ." *Id.* 92.

[155] "It is not pretended," said Marshall, "that this right of selection may be fraudulently used to the destruction of the fair land marks of the constitution" *Id.* 173.

[156] *Id.* 20–21.

[157] 4 J. Elliot, *supra* note 36, at 446.

[158] 9 J. Madison, *supra* note 75, at 191, 372.

[159] Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 610–11 (1952) (concurring opinion), *quoted in* Rostow, *supra* note 3, at 843.

[160] Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 596 (1952) (concurring opinion).

[161] *Id.* at 597–98.

[162] *Id.* at 602.

[163] 5 U.S. (1 Cranch) 137 (1803).

[164] 19 U.S. (6 Wheat.) 264, 399–400 (1821).

[165] *Id.* at 399–400.

[166] John Marshall's Defense of *McCulloch v. Maryland* 209 (G. Gunther ed. 1969) (emphasis added).

[167] To still fears of usurpation, James Iredell, leader in the fight for ratification in North Carolina, and later a Justice of the Supreme Court, said, "If Congress, under pretence of executing one power, should, in fact, usurp another, they will violate the Constitution." 4 J Elliott, *supra* note 36, at 179.

[168] *See* text accompanying notes 132–34 *supra*.

[169] McDougal & Lans, *supra* note 146, at 291.

[170] *Id.* 212.

[171] *Id.* 291. *Compare* their comment, "The phrase 'treaty of peace,' when bereft of the reification which makes it some mysterious, special kind of an agreement" excluded from the scope of solo presidential agreements, *id.* 286, *with* events in the Convention. Madison moved to "except treaties of peace" from the two-thirds concurrence provision. Gerry objected that treaties of peace were of special importance; and Hugh Williamson stated, "Treaties of peace should be guarded at least by requiring the same concurrence as in other Treaties." 2 Records, *supra* note 30, at 540–41. The proposed exception was rejected. For the Framers a treaty of peace was unmistakably a "special kind of agreement," for reasons which were not at all "mysterious."

[172] Monaghan, *Presidential War-Making*, 50 B.U.L. Rev. 19, 31 (1970): "A practice so deeply embedded in our governmental structure should be treated as decisive of the constitutional issue." "[H]istory has legitimated the practice of presidential war-making." *Id.* 29. For similar views, see Ratner, *supra* note 88, at 467; *cf.* Revely, *supra* note 3 at 1250–57.

[173] For a collection of authorities see Ratner, *supra* note 88, at 482-83.

[174] In *Youngstown*, Justice Douglas wrote, "If we sanctioned the present exercise of power by the President, we would be expanding Article II of the Constitution and rewriting it to suit the political conveniences of the present emergency." 343 U.S. at 632 (concurring option), *Cf.* note notes 83 & 148 *supra*.

[175] McDougal & Lans, *supra* note 146, at 212. In their defense of "executive agreements," they further stated, "[w]hether these powers are based on *interpretation* of the language of the Constitution or on *usage* is, strictly, a matter of concern only for rhetoricians . . ."*Id.* 239 no. 104.

[176] 2 G. McRee, Life and Correspondence of James Iredell 146 (1857). *See also* Berger, *supra* note 33, at 13-14.

[177] McDougal & Lans, *supra* note 146, at 216 (emphasis added). They also state that "In preferring to alter the Constitution by informal adaptation, the *American people* have also been motivated by a wise realization of the inevitable transiency of political arrangements." *Id.* 294 (emphasis added).

[178] "The principal enzymes of changes have been the emergence of a more democratic philosophy of government, leading to replacement of some of the patrician institutions devised by the statesmen of 1787 . . ." *Id.* 292. McDougal and Lans were attacking the power of a senate minority to thwart a foreign policy favored by the nation, exemplified by Senate rejection of Wilson's Versailles Treaty. Alas for result-oriented jurisprudence: an even less democratic process has been substituted—executive agreements kept secret from the Senate, foreign policy fashioned by a behind-the-scenes elitist conclave which a recent critic, R. J. Barnet, charges, is not accountable either to the people or to Congress. R. Barnet, Roots of the War (1972). McDougal and Lans have themselves made the fitting comment: "[U]ntil we are furnished with the formula for the selection of the elite, we are entitled to doubt that the minority has any unique monopoly of wisdom. Government by a self-designated elite—like that of benevolent despotism or of Plato's philosopher kings—may be a good

form of government for some people, but it is not the American way." McDougal & Lans, *supra* note 106, at 577-78.

[179] Reveley, *supra* note 3, at 1255 n.31, 1293.

[180] *See* text accompanying note 19 *supra*.

[181] Ratner, *supra* note 88, at 467.

[182] The Founders fully understood the difficulties of amendment. Thus Patrick Henry argued in the Virginia ratification convention, "[F]our of the smallest states, that do not collectively contain one tenth part of the population . . . may obstruct the most salutary and necessary amendments." 3 J. Elliot, *supra* note 36, at 49. But the prevailing view was expressed in the North Carolina convention by James Iredell: the Constitution "can be altered with as much regularity, and as little confusion, as any act of Assembly; not, indeed, quite so easily, which would be extremely impolitic . . . so that alterations can without difficulty be made, agreeable to the general sense of the people." 4 *id.* 177. Charles Jarvis said in Massachusetts, "we shall have in this article an adequate provision for all the purposes of political reformation." 2 *id.* 116.

[183] "When, as has proved to be the case in most of the American states, the process of amendment is a relatively simple political problem, adaptation frequently proceeds by way of formal change; when, as has proved to be the case in the Federal Union, the process of amendment is politically difficult, other modes of change have emerged." McDougal & Lans, *supra* note 146, at 293. Because of the "difficulty of its formal amendment process, alteration by usage has proved to be the principal means of modifying our fundamental law." Reveley, *supra* note 3, at 1252.

In the First Congress, Gerry, one of the Framers, stated, "If it is an omitted case, an attempt in the Legislature to supply the defect, will be in fact an attempt to amend the Constitution. But this can only be done in the way pointed out by the fifth article of that instrument, and an attempt to amend it in any other way may be a high crime or misdemeanor. . . ." The people, he added, have "directed a particular mode of making amendments, which we are not at liberty to depart from. . . . Such a power would render the most important clause in the Constitution nugatory." 1 Annals of Cong. 523 (1789). Willard Hurst remarked in our own time that the informal amendment approach "is a way of practically reading Article V out of the Federal Constitution. . . . [The Framers] provided a defined, regular procedure for changing or adopting it." Supreme Court and Supreme Law 74 (E. Cahn ed. 1954).

[184] Rostow, *supra* note 3, at 835. Secretary of State Rogers likewise asserts that the presidential allocation of powers "should be changed, if at all, only by Constitutional Amendment." N.Y. Times, Mar. 30, 1972, at 10, col. 3.

[185] 6 A. Hamilton, *Letters of "Camillus"* in Works 166 (H. Lodge ed. 1904) (emphasis added.)

[186] Notes 151–55, 166 *supra* & accompanying text.

[187] The executive branch clings to the separation of powers when it claims a right to withhold information from Congress under the doctrine of "executive privilege." *See Hearings on S. 1125 Before the Subcomm. on Separation of Powers of the Senate Comm. on the Judiciary*, 92d Cong., 1st Sess. 430, 473 (1971) (remarks of Secretary of State William Rogers and Assistant Attorney General William Rehnquist) [hereinafter cited as *Hearings*]. So too, Professor Rostow reminds Congress that it cannot fashion out of the necessary and proper clause "a bootstrap doctrine, empowering Congress to abolish the principle of the separation of powers." Rostow, *supra* note 3, at 897. The historical facts demonstrate that it is the President, rather than the Congress, who seeks to "abolish" the separation of powers, to preempt powers granted exclusively to Congress.

[188] Reid v. Covert, 354 U.S. 1, 40 (1957).

[189] Compare Professor Felix Frankfurter's advice to President Franklin D. Roosevelt in 1937: "the Supreme Court for about a quarter of a century has distorted the power of judicial review into a revision of legislative policy, thereby usurping powers belonging to the Congress." And "people have been taught to believe that when the Supreme Court speaks it is not they who speak but the Constitution, whereas, of course, in so many vital cases, it is *they* who speak and *not* the Constitution. And I verily believe that that is what the country needs most to understand." Roosevelt and Frankfurter: Their Correspondence, 1928–1945, at 383–84 (M. Freedman ed. 1967).

[190] 35 G. Washington, Writings 228–29 (J. Fitzpatrick ed. 1940). The Massachusetts Constitution of 1780, which was drafted by John Adams, provided that the people "have a right to require of their lawgivers and magistrates an exact and constant observance" of the "fundamental principles of the constitution" which are "absolutely necessary to preserve the advantage of liberty and to maintain a free government." 1 B. Poore, *supra* note 30, at 959.

[191] Legal Advisor's Memo, *supra* note 86 at 1101. Wormuth, *supra* note 86, at 718, justly states of the "undeclared war" with France, "This is altogether false. The fact is that President Adams took absolutely no independent action. Congress passed a series of acts [cited by Wormuth] which amounted, so the Supreme Court said, to a declaration of imperfect war; and Adams complied with these statutes." Bas v. Tingy, 4 U.S. (4 Dall.) 36 (1800), amply confirms that Adams acted under congressional authorization.

[192] Wormuth, *supra* note 117, at 663.

[193] D. Acheson, Present at the Creation 414–15 (1969). The argument had been made in 1945 by McDougal and Lans, *supra* note 106, at 612: "Now that the technology of war has made it imperative in the interests of national safety that aggressors be met with the threat of overwhelming force before they can commence their own military operations, it can scarcely be doubted that the President possesses the authority to take whatever action is necessary to protect the interests of the United States in a threatened emergency."

[194] *See* Wormuth, *supra* note 86. *See also* Wormuth, *supra* note 117, at 652–64. Reveley, *supra* note 3, at 1258, states, "[a]s precedent for Vietnam . . . the majority of the nineteenth century uses of force do not survive close scrutiny."

[195] *See* Mora v. McNamara, 389 U.S. 934 936 (1967) (Douglas, J., dissenting).

[196] Corwin, *The President's Power* in The President's Role and Powers 361 (D. Haight & L. Johnston eds, 1965). Elsewhere Corwin has written, "The vast proportion of the incidents . . . comprised . . . *efforts to protect definite rights of persons and property* against impending violence, and were defended on that ground *as not amounting to acts of war.*" E. Corwin, *supra* note 74, at 146. *See also id.* 147–48; Wormuth, *supra* note 86, at 742–43, 746–48.

[197] Reveley, *supra* note 3, at 1258; Wormuth, *supra* note 86, at 742.

[198] Text accompanying notes 209–12, 214 *infra*.

[199] Perhaps President Polk's dispatch of troops into Mexico in 1846 may be deemed an exception, although when hostilities broke out he immediately asked Congress for approval; after bitter debate over his assertions that his acts were "defensive," Congress declared war. *Power to Commit Forces, supra* note 3, at 1780. In 1848, the House of Representatives, by a resolution in which Lincoln joined, condemned Polk's action. Wormuth, *supra* note 86, at 726. *See* text accompanying notes 228–29 *infra*.

[200] Powell v. McCormack, 395 U.S. 486, 546 (1969), reminded us "That an unconstitutional action has been taken before surely does not render that same action any less unconstitutional at a later date."

[201] E. Corwin, *supra* note 26, at 241, perhaps the most influential 20th century apologist for enlarged presidential powers, states that the President has gathered "to himself powers with respect to war making which ill accord with the specific delegations in the Constitution of the war-declaring power to Congress." *Cf.* note 93 *supra*.

[202] Reveley, *supra* note 3, at 1289.

[203] *Cf.* Wormuth, *supra* note 86, at 762.

[204] Professor Bickel has said that "there comes a point when a difference of degree achieves the magnitude of a difference in kind." S. Rep. No. 606, 92d Cong., 2d Sess. 16 (1972).

[205] Monaghan, *supra* note 172, at 27.

[206] Wormuth, *supra* note 86, at 743–46.

[207] Monaghan, *supra* note 172, at 27.

[208] These and other presidential utterances were collected by Putney, *Executive Assumptions of the War Making Power,* 7 Nat'l U.L. Rev. 1 (1927).

[209] 1 Messages, *supra* note 74, at 314. In December 1790, Secretary of State Jefferson submitted a report to Congress respecting American seamen captured at Algiers, stating, "it rests with Congress to decide between war, tribute, and ransom, as the means of re-establishing our Mediterranean commerce." 1 American State Papers, Foreign Relations 105 (1832). In 1793, Jefferson, then Secretary of State, said of reprisal, "if the case were important and ripe for that step, Congress must be called upon to take it; the right of reprisal being expressly lodged with them by the Constitution, and not with the Executive." Wormuth, *supra* note 86, at 758.

Hamilton, then in private life, attacked Jefferson's Tripoli position on the ground that a declaration of war by a foreign nation unleashes the President's defensive powers so that no congressional declaration of war was required for retention of the Tripolitanian ship and crew. 8 A. Hamilton, *Letter No. 1 of "Lucius Crassus,"* in Works 246–52 (H. Lodge ed. 1904). This was a shift in position apparently dictated by political considerations, if we may credit the explanation by his sympathetic editor, Henry Cabot Lodge, that the letter "really constitutes a defence of the Federalist party and an elaborate and bitter criticism of their opponents." *Id.* 246 n.1. For, when in 1798 the French greatly endangered American shipping, Hamilton wrote Secretary of War James McHenry, "I am not ready to say that he [the President] has any other power than merely to employ ships or convoys, with authority to *repel* force by *force* (but not to capture), and to repress hostilities within our waters . . . . Anything beyond this must fall under the idea of *reprisals*, and requires the sanctions of that department which is to declare *or make war*. In so delicate a case, in one which involves so important a consequence as that of war, my opinion is that no doubtful authority ought to be exercised by the President." 10 *id.* 281–82. In 1798 he was therefore in accord with Jefferson's view, reflecting his own earlier narrow view of presidential war powers. *See* text accompanying notes 69, 71, 144 *supra*. *See also* note 67 *supra* note 209 *infra*.

[210] Messages, *supra* note 74, at 376–77.

[211] *See* text accompanying notes 26, 27, 62 *supra*.

[212] 2 Messages, *supra* note 74, at 484–85, 489.

[213] *See* Wormuth, *supra* note 86, at 738. Professor Rostow expatiates on Monroe's instructions to General Andrew Jackson "to proceed into Spanish Florida to put down the Seminoles, who were raiding settlements in Georgia from bases in Spanish Florida," on the ground of "Spain's inability to exercise effective control over her territory." Rostow, *supra* note 3, at 860. But Monroe well knew

the distinction between such policing and committing "the nation in any question of war."

[214] 4 Messages, *supra* note 74, at 1484.

[215] *See* Wormuth, *supra* note 86, at 738–39.

[216] Legal Advisor's Memo, *supra* note 86, at 106. It is a mark of the State Department Legal Advisor's careless advocacy that he could argue against this background that "James Madison . . . Presidents John Adams. and Jefferson all construed the Constitution, in their official actions during the early years of the Republic, as authorizing the United States to employ its armed forces abroad in hostilities in the absence of any Congressional declaration of war." *Id* 1106.

[217] *Id.*

[218] 5 U.S. (1 Cranch) 1 (1801).

[219] *Id.* at 28.

[220] 67 U.S. (2 Black) 635 (1862).

[221] *Id.* at 668.

[222] E. Corwin, *supra* note 26, at 275, 277.

[223] *Id.* 277.

[224] The dissenting Justices in *The Prize Cases* admitted that war had been initiated by the South in a "material sense," but maintained that it did not exist in a "legal sense" as "within the meaning of the law of nations" in the absence of a declaration of war by Congress. But the early statutes, which authorized the President to use the military and naval forces to suppress insurrection, would include a blockade as a measure of suppression. Act of Feb. 28, 1795, ch. 36, 1 Stat. 424; Act of Mar. 3, 1807, ch. 39, 2 Stat. 443. Whatever merit the dissenting argument may have is overcome by the fact that the Convention rejected the application of the law of nations to rebellion. 3 Records, *supra* note 30, at 158.

Against the background, McDougal and Lans seem to me mistaken in stating that "the logic of the Civil War *Prize Cases* leads ineluctably to the conclusion that the President may recognize the existence or imminence of a war, which threatens American interests, before there is an actual invasion of our territory . . . ." McDougal & Lans, *supra* note 106, at 613. Lincoln held to the tenet that the Union is indissoluble, that no state can secede. The firing upon Fort Sumter therefore represented an "actual invasion of our territory," and Lincoln was empowered by statute to suppress insurrection.

[225] 7 Messages, *supra* note 74, at 3214–16; E. Corwin, *supra* note 26, at 277–79.

[226] E. Corwin, *supra* note 26, at 282.

[227] *Cf. id.*, 279–80.

[228] Wormuth, *supra* note 86, at 726.

[229] *Id.* 727.

[230] 7 Messages, *supra* note 74, at 3245–48.

[231] S. Morison, The Oxford History of the American People 801 (1965).

[232] Putney, *supra* note 208, at 1–2; *Power to Commit Forces, supra* note 3, at 1790.

[233] 6 J. Madison, *supra* note 75, at 174.

[234] *See* E. Corwin, *supra* note 26, at 284–87.

[235] S. Morison, *supra* note 231, at 855, 859.

[236] 55 Cong. Rec. 103 (1917).

[237] *See* 2 H. Carman & H. Syrett, A History of the American People 415 (1955). The "Note," sent by the German foreign minister urged Mexico to consider attacking the United States.

[238] S. Morison, *supra* note 231, at 859–60; E. Corwin, The President's Control of Foreign Relations 141 (1917).

[239] E. Corwin, *supra* note 26, at 288–89; *Power to Commit Forces, supra* note 3, at 1786.

[240] E. Corwin, *supra* note 26, at 289; Kurland, *The Impotence of Reticence*, 1968 Duke L. J., 619, 623. *But see* Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 645 n.14 (1952) (Jackson, J., concurring).

[241] S. Morison, *supra* note 231, at 991, 995, 997. Justice Frankfurter "said that he had asked Byrnes (then Supreme Court Justice, later economic boss, former senator) if the President had called for a declaration of war the day before Pearl Harbor what the vote would have been. Byrnes estimated that at least two-thirds of Congress would have been in opposition." C. Sulzberger, A Long Row of Candles 200 (1969).

[242] S. Rep. No. 797, 90th Cong., 1st Sess. 24 (1967). Writing in 1951, Clinton Rositer said, it is a "canon of our constitutional system that the nation cannot be finally and constitutionally committed to a state of war without the positive approval of both houses of Congress." C. Rossiter, The Supreme Court and the Commander in Chief 66 (1951).

[243] The Senate Foreign Relations Committee observed that "President Truman committed American Armed Forces to Korea in 1950 without Congressional authorization. Congressional leaders and the press were simultaneously informed of the decision but the decision had already been made." S. Rep. No. 797, 90th Cong., 1st Sess. 16 (1967). Dean Acheson stated that Truman consulted with congressional leaders, and that at a second meeting several days later there was a "generous chorus of approval." D. Acheson, *supra* note 193, at 408–09, 413. *See also* Reveley, *supra* note 3, at 1263 n.57; J. Robinson, Congress and Foreign Policy Making 48 (1962).

[244] *See* note 193 *supra* & accompanying text.

[245] H.R.J. Res. 1145, 88th Cong., 2d Sess., 78 Stat. 384 (1964).

[246] Wormuth, *supra* note 86, at 711 n.1.

[247] Velvel, *The War in Viet Nam: Unconstitutional, Justiciable, and Jurisdictionally Attackable*, in 2 The Vietnam War and International Law 651, 654 (R. Falk ed. 1969).

[248] But the repeal did not "direct the termination of Indo-Chinese hostilities, disapprove continuing combat, or correct the President's prior interpretation." Ratner, *supra* note 88, at 474.

[249] American military forces were committed "to Cambodia in 1970, and to Laos in 1971, without the consent, or even the knowledge of Congress." S. Rep. No. 606, 92d Cong., 2d Sess. 8 (1972).

[250] It needs to be borne in mind that such statements are mere "advocacy" for a predetermined policy. Such as led Justice Jackson to dismiss as "self-serving" earlier statements he had made as Attorney General. *See* note 7 *supra* & accompanying text.

[251] S. Rep. No. 606, 92d Cong., 2d Sess. 18 (1972). Referring to the Middle East debate in 1957, the 1967 senate report on national commitments, S. Rep. No. 797, 90th Cong., 1st Sess. (1967) states, 'Senator Fulbright, whose view has changed with time and experience thought at the time that the President had power as Commander in Chief to use the armed forces to defend the 'vital interests' of the country . . ." *Id.* 18. The report concludes: "The Gulf of Tonkin resolution represents the extreme point in the process of constitutional erosion." *Id.* 20.

[522] S. Rep. No. 797, 90th Cong., 1st Sess. 14 (1967).

[253] *Id.* 14, 20–21; S. Rep. No. 606 92d Cong., 2d Sess. 10–11 (1972). Reveley, *supra* note 3, at 1263, 1265–71; Wormuth, *supra* note 86, at 806.

[254] 1 E. Coke, Commentary on Littleton § 81b (1832).

[255] *See* Panama Refining Co. v. Ryan, 293 U.S., 388, 421 (1935); *cf.* E. Corwin, *supra* note 26, at 9.

[256] The Massachusetts Constitution of 1780 provides: "In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers . . . the executive shall never exercise the legislative and judicial powers . . . the judicial shall never exercise the legislative and executive powers . . . to the end it may be a government of laws, and not of men."1 B. Poore, *supra* note at 30, at 960. The New Hampshire Constitution of 1784 is similar, 2 *Id.* 1283.

Charles Pinckney submitted to the Convention that the President "cannot be cloathed with those executive authorities the Chief Magistrate of a Government often possesses, because they are vested in the Legislature and cannot be used or delegated by them in any but the specified mode." 3 Records, *supra* note 30, at 111. In the Jay Treaty debate, Jonathan Havens "laid it down as an incontrovertible maxim, that neither of the branches of the Government could, rightly or constitutionally, divest itself of any powers . . . by a neglect to exercise those powers that were granted to it by the Constitution . . . ." 5 Annals of Cong. 486 (1797). *See also id.* 447 (remarks of John Nicholas).

Madison regarded the separation of powers as "a fundamental principle of free government." 2 Records, *supra* note 30, at 56. In 1796 President Washington, speaking to the demand of the House for information about the Jay Treaty, said, "it is essential to the due administration of the Government, that the boundaries fixed by the Constitution between the different departments should be preserved. . . ." 5 Annals of Cong. 761–62 (1797). No incident is more frequently cited by the executive branch for the separation of powers when the issue is executive privilege than this Jay incident.

[257] United States v. Morton Salt Co. 338 U.S. 632, 647 (1950).

[258] 299 U.S. 304 (1936), *cited in* United States v. Pink, 315 U.S. 203, 229 (1942). *See* E. Corwin, *supra* note 26, at 210; McDougal & Lans, *supra* note 146, at 255–58. As late as 1929, Willoughby wrote, "There can be no question as to the constitutional unsoundness, as well as of the revolutionary character of the theory" of inherent powers. 1 W. Willoughby, The Constitutional Law of the United States 92 (2d ed. 1929).

[259] The memorandum, entitled *Indochina: The Constitution Crisis*, is reprinted in two parts in the Cong. Rec., vol. 116, pt. 11, pp. 15409–15416 (Part I), and *id.* Cong. Rec., vol. 116, pt. 12, pp. 16352–16355 (Part II) [hereinafter cited as Yale Memo]. The memorandum was prepared for filing with the Senate by a group of Yale Law School students under the aegis of several eminent professors and former high government officers.

[260] Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 634 (1952) (concurring opinion).

[261] Yale Memo, *supra* note 259, at pp. 15409–10. The plenary grant to Congress and the severely limited grant of war power to the President leave little "twilight" zone in this area.

[262] When the government argued in *Youngstown*, 343 U.S. at 632, that the President "had invested himself with 'war powers' " by sending troops to Korea "by an exercise of the President's constitutional powers," Justice Jackson said, "How widely this doctrine . . . departs from the early view of presidential power is shown by a comparison" with Jefferson's message to Congress respecting the Tripoli pirates (note 209 *supra*) 343 U.S. at 642 n.10. Professor Rostow repeatedly cites this Jackson opinion but takes no account of Jackson's rejection of inflated executive claims.

Prior to *Youngstown*, Clinton Rossiter had noted, "The breath-taking estimates of their war powers announced and acted upon by Lincoln and Roosevelt have earned no blessing under the hands of the judiciary'" C. Rossiter, The Supreme Court and the Commander in Chief 5 (1951). The Court, he said, "has refused to speak about the powers of the President as commander-in-chief in any but the most guarded terms," or "to approve a challenged presidential or military order solely on authority of the commander-in-chief clause if it can find a more specific and less controversial basis," such as "any evidence of congressional approval." *Id.* 4, 6.

[263] *See* note 148 *supra*. "The United States is entirely a creature of the Constitution. Its

power and authority have no other source." Reid v. Covert, 354 U.S. 1, 5–6 (1957).

[264] Yale Memo, *supra* note 259, at p. 15410; United States v. Curtiss-Wright Export Corp., 299 U.S. 304, 315–16 n.2 (1936).

[265] Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 635–36 n.2 (1952). For a trenchant critique of the *Curtiss-Wright* dictum, see Kurland, *supra* note 240, at 622–23.

[266] United States v. Curtiss-Wright Export Corp., 299 U.S. 304, 316–17 (1936).

[267] Although they rely heavily on *Curtiss-Wright*, McDougal and Lans concede that Sutherland's analysis "unquestionably involves certain metaphorical elements and considerable differences of opinion about historical facts." McDougal & Lans, *supra* note 106, at 257–58. The Framers, as we shall see, would have no part of such metaphors. The issue is not, as McDougal and Lans suggest, merely a "quarrel about the naming of powers," *id.* 258, but a claim to powers not granted under a system of enumerated power.

[268] Jay had served as Secretary of Foreign Affairs to the Continental Congress.

[269] Chisholm v. Georgia, 2 U.S. (2 Dall.) 419, 470 (1793). The Massachusetts Constitution of 1780 provided, "The people of this commonwealth have the sole and exclusive right of governing themselves as a free, sovereign, and independent State, and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right which is not, . . . by them expressly delegated to the United States . . . ." 1 B. Poore, *supra* note 30, at 958.

[270] H. Commager, *supra* note 77, at 111.

[271] *Id.*

[272] *Id.*

[273] *Id.* 113.

[274] 4 J. Elliott, *supra* note 36, at 179 (emphasis added).

[275] 2 Records, *supra* note 30, at 476. For similar remarks by Mason, Iredell, Wilson and others, see R. Berger, *supra* note 33, at 173 n.99, 174–175. With justice, therefore, did Professor Kurland dismiss Justice Sutherland's "discovery" that "the presidential power over foreign affairs derived not at all from the Constitution but rather from the Crown of England." Kurland, *supra* note 240, at 622. *See also* note 295 *infra*.

[276] Chisholm v. Georgia, 2 U.S. (2 Dall.) 419, 470 (1793).

[277] 3 U.S. (3 Dall.) 54, 80–81 (1793).

[278] 3 Journals of the Continental Congress 1774–1789, at 326 (1937).

[279] 5 *id.* 546.

[280] "Virginia had a right, as a sovereign and independent nation, to confiscate any British property within its territory, unless she had before delegated that power to Congress. . . . [I]f she had parted with such power, it must be conceded, that she once rightfully possessed it." Ware v. Hylton, 3 U.S. (3 Dall.) 192, 231 (1796).

[281] 3 Journals of the Continental Congress 1774–1789, at 549 (1937); H. Commager, *supra* note 77, at 112.

[282] 3 U.S. (3 Dall.) at 90.

[283] *Id.* at 92.

[284] *Id.* at 94.

[285] *Id.* at 95.

[286] *Id.* at 116. Cushing stated, "I have no doubt of the sovereignty of the states, saving the powers delegated to congress . . . to carry on, unitedly, the common defense in the open war." *Id.* at 117.

[287] McDougal & Lans, *supra* note 106, at 258.

[288] 3 U.S. (3 Dall.) 199 (1796).

[289] *Id.* at 232.

[290] McDougal & Lans, *supra* note 106, at 258; 11 Journals of the Continental Congress 1774–1789, at 421, 444, 457 (1937).

[291] 5 Journals of the Continental Congress 1774–1789, at 827, 833 (1937) (emphasis added). McDougal and Lans say that "these early Congresses . . . although controlling foreign policy, essentially functioned as councils of ambassadorial delegates from a group of federated states . . .," the very point I have been making. McDougal & Lans, *supra* note 106, at 537. But this statement is at war with Sutherland's dictum that the states never had external "sovereignty."

[292] 11 Journals of the Continental Congress 1774–1789, at 421 (1937). Rufus King's remarks in the Convention exhibit ignorance of the background: "The States were not 'sovereigns' in the sense contended for by some. They did not possess the peculiar features of sovereignty. They could not make war, nor peace, nor alliances nor treaties." 1 Records, *supra* note 30, at 323.

[293] The Federalist No. 64, at 417 (Mod. Lib. ed. 1939) (John Jay) (emphasis added).

[294] For example, in the Virginia Ratification Convention, Governor Edmund Randolph, defending the Constitution against powerful onslaughts, said that the powers of government "are enumerated. Is it not, then, fairly deductible, that it has no power but what is expressly given it?—for if its powers were to be general, an enumeration would be needless." 3 J. Elliot, *supra* note 36, at 464. *See* text accompanying notes 42, 274 *supra*. Other authorities are collected in Berger, *supra* note 33, at 13–14, 377 n.52.

[295] In his 1791 lectures, James Wilson, then a Justice of the Supreme Court, referred to the executive powers granted by the Constitution and to the presidential veto as "a guard to protect his powers against their encroachment. Such powers and such a guard he ought to possess: but a just distribution of the powers of government requires that *he should possess no more.*" 1 J. Wilson, *supra* note 29, at 319 (emphasis added).

Justice Sutherland's easy assumption of supraconstitutional foreign powers contradicts Madison's statement that "The powers delegated by the proposed Constitution are few and defined. . . . [They] will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce." The Federalist No. 45, at 303 (Mod. Lib. ed. 1937).

[296] As Alexander White of Virginia stated in the First Congress, after insisting that the federal government must adhere to the limits described in the Constitution: "This was the ground on which the friends of the Government supported the Constitution . . . it could not have been supported on any other. If this principle had not been successfully maintained by its advocates in the convention of the State from which I came, the Constitution would never have been ratified." 1 Annals of Cong. 515 (1789). *Cf.* R. Berger, *supra* note 33, at 13–16.

[297] Text accompanying note 63 *supra*.

[298] 12 Cong. Deb. 4037–38 (1836). In Reid v. Covert, 354 U.S. 1, 69 (1957) (concurring opinion), Justice Harlan wrote: "Chief Justice Marshall, in *McCulloch v. Maryland*, . . . has taught us that the Necessary and Proper Clause is to be read with *all* the powers of Congress, so that 'where the law is not prohibited, and is really calculated to effect any of the objects entrusted to the government' " the Court will not " 'inquire into the degree of its necessity. . . . ' " So read, the war powers are little short of plenary.

[299] It has been said that the "executive power clause is capable of indefinite expansion," that a construction thereof "as a broad grant of residual power to the executive was given the imprimatur of judicial approval in Myers v. United States [272 U.S. 52 (1926)]." McDougal & Lans, *supra* note 146, at 252, 260. The argument, it is true, had been advanced by Chief Justice Taft, over the vigorous dissent of Justices Holmes and Brandeis, whose views were later espoused by Justices Black, Douglas, Frankfurter, and Jackson in Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952). *See* text accompanying notes 39–58 *supra; cf.* notes 256 (statement of C. Pinckney), 294, 295 *supra*. *See generally* Berger, *Executive Privilege v. Congressional Inquiry*, 12 U.C.L.A.L. Rev. 1043, 1074–76 (1965).

Justice Jackson brushed aside the claim of residual power with the query, why did the Framers expressly empower the President to "require the Opinion, in writing" of each department head, a trifling power that "would seem inherent in the executive if anything is." 343 U.S. at 640–41 (Jackson, J., concurring). Taft's view is squarely contrary to the design of the Framers to create a government of "enumerated" powers, an executive of "defined" and limited functions, and to preclude utterly any "inherent" executive prerogative.

[300] Yale Memo, *supra* note 259, at S7529.

[301] 343 U.S. at 635, 638 (Jackson, J., concurring).

[302] *Id.* at 637, 639. So far as Jackson's "concurrent authority" or "uncertain distribution" tests go, there is next to no "twilight" zone in the area of war powers. Congress cannot encroach on the President's command of the armed forces, that is, it cannot conduct a campaign. *But see* note 310 *infra* & accompanying text. The Framers left little doubt about the restricted nature of the presidential power "to repel sudden attacks."

[303] Little v. Barreme, 6 U.S. (2 Cranch) 170, 177–78 (1804).

[304] 343 U.S. at 637 (Jackson, J., concurring).

[305] *Id.* at 637.

[306] *Id.* at 640.

[307] *Id.* at 642; *see* note 61 *supra*.

[308] 343 U.S. at 641–52 (Jackson, J., concurring).

[309] Professor Rostow sets forth the three Jackson classifications in extenso, and considers that the history of our foreign affairs "matches the classification." Rostow, *supra* note 3, at 862–63. Some match! More and more the President has sought to exercise monopolistic control of military and foreign affairs, from which, by executive agreements, by resort to claims of executive privilege, and the like, Congress is virtually excluded. How does this "match" the exceedingly narrow role assigned by Jackson to exclusive presidential power?

[310] 343 U.S. at 644 (Jackson, J., concurring). Another limitation, as Madison observed, is that although the President can command, the appointment of officers requires Senate consent. 3 J. Elliot, *supra* note 36, at 394. By its power to make rules for the "Government and Regulation of land and naval Forces," Congress, said Justice Jackson "may to some unknown extent impinge upon even command functions." 343 U.S. at 644. "Presidential power, even in the exercise of the commander-in-chief power, is not autonomous. . . ." Moore, *The National Executive and the Use of the Armed Forces Abroad*, 2 The Vietnam War and International Law 808, 813 (R. Falk ed. 1969).

[311] *Cf.* United States v. Hudson & Goodwin, 11 U.S. (7 Cranch) 32, 33 (1812); "the power which congress possesses to create Courts of inferior jurisdiction, necessarily implies the power to limit the jurisdiction of those Courts to particular objects. . . ." *See also* Sheldon v. Sill, 49 U.S. (8 How.) 441, 448–49 (1850).

[312] S. Rep. No. 606, 92d Cong., 2d Sess. 17, 19 (1972). Resort to presidential power over foreign policy cannot supply any *military* power which the commander in chief lacks.

My criticism of Acheson's claim is not meant to be a covert attack on the *policy* of stationing troops in Europe, but on the presidential claim to be the sole arbiter of that policy.

[313] For example, Corwain reports that on November 28, 1941, the President and his "War Cabinet" "discussed the question: 'How shall we maneuver them [the Japanese] into the position of firing the first shot. . . .' " E. Corwin, *supra* note 74, at 32.

Reveley, *supra* note 3, at 1262, states that Wilson and "especially Roosevelt, were forced to resort to deception and flagrant disregard of Congress in military deployment decisions because they were unable to rally congressional backing for action essential to national security." This substitutes a "Great White Father" for constitutional process. *See also*

Power to Commit Forces, *supra* note 3, at 1785–87, 1796, 1798.

[314] U.S. Const. art. I, § 8(1).

[315] *Id.* § 8(12); *see* note 311 *supra*. In 1697, the Commons voted to disband the army notwithstanding that adherents of the King urged that the nation was still unsettled, and that there were fears of King James. 5 W. Cobblett, Parliamentary History of England 1167 (1809). The Commons voted in 1698–1699 to reduce the army. *Id.* 1191.

[316] U.S. Const. art I, § 8(12). When Gerry expressed fear about the absence of restrictions on the numbers of a peace-time army, Hugh Williamson "reminded him of Mr. Mason's motion for limiting the appropriation of revenue as the best guard in this case." 2 Records, *supra* note 30, at 327, 330. In the early days the President was *compelled* to come to Congress for authorizations to employ troops abroad because he had to obtain funds to raise and support troops. Only when Congress supplied a standing army was he enabled to escape from this necessity. *See* note 96 *supra*.

[317] The Federalist No. 26, at 163 (Mod. Lib. ed. 1937). The Congress "will be *obliged*, by this provision, once at least in every two years, to deliberate upon the propriety of keeping a military force on foot; to come to a new resolution on the point. . . . They are not *at liberty* to vest in the executive department permanent funds for the support of an army, if they were even incautious enough to be willing to repose in it so improper a confidence." *Id.*

[318] In his testimony before the Senate Foreign Relations Committee, Professor Alexander Bickel stated, "Congress can govern absolutely, absolutely, the deployment of our forces outside our borders and . . . Congress should undertake to review and to revise present dispositions." S. Rep. No. 606, 92d Con., 2d Sess. 29 (1972).

I would dissent from the proposition that "[t]o require congressional approval for every decision to deploy American troops is hardly either desirable or constitutionally required." *Power to Commit Forces*, *supra* note 3, at 1798. The congressional power is plenary, subject to no exceptions. It may be, as a practical matter, that Congress should leave the President free to make some peace-time deployments that cannot possibly lead to involvement in war; but that is a matter of accommodation by Congress, not "inherent" presidential power. In any event, the authors of the Note on presidential power to commit forces, *id.*, conclude that "there will be some situations, such as the rushing of troops to Lebanon . . . which, although not involving immediate commitment to combat, so clearly entail the possibility of conflict that prior approval should be sought. . . . [I]nstead of assuming that the President may deploy American forces as he sees fit and only in the exceptional case need he seek congressional approval, the presumption should be that congressional collaboration is the general rule wherever the use of the military is involved, with presidential initiative being reserved for the exceptional case." What these authors, and Moore, *supra* note 310 at 814, regard merely as the part of wisdom, seems to me to lie within the constitutional power of Congress to require.

[319] 2 H. Hallam, Constitutional History of England 357 (1884). In 1624 "The king consented that the supplies granted should be used solely for purposes designated and spent under the direction of officers accountable to the house of commons." Turner, *Parliament and Foreign Affairs 1603–1760*, 34 Eng. Hist. Rev. 172, 174 (1919). In 1701 the Act of Settlement, 12 & 13 Will. 3, c. 9, § 27, provided that appropriations were to be applied "to the several Uses and Purposes by this act directed and intended as aforesaid, and to no other Use, Intent or Purpose whatsoever." For an earlier example (1697), see 5 W. Cobett, supra note 315, at 1168. In 1711 the Commons complained to Queen Anne that the armed "service has been enlarged, and the charge of it increased beyond the bounds prescribed . . . a dangerous invasion of the rights of parliament. The Commons must ever assert it as their sole and undoubted privilege, to grant money and to adjust and limit the proportions of it." 6 *id.* 1027. Queen Anne replied that she would "give the necessary directions to redress the Grievances you complain of." *Id.* 1031. In 1697 the Commons resolved to disband the army notwithstanding opposition by royal adherents, 5 *id.* 1167. The principle remains vital in England. I. Jennings, Parliament 292, 338 (2d ed. 1957). Sir Edward Seymour was impeached for having applied appropriated funds to public purposes other than those specified, 8 How. St. Tr. 127–31 (1680). The misapplication of public moneys issued to the Earl of Ranelagh, Paymaster General of the Army, "to be applied to the use of the army and forces only, and to no other use or purpose whatsoever" was branded a "high crime and misdemeanor," and he was expelled from the Commons. 6 W. Cobett, supra note 315, at 97, 127.

[320] On a related point, Mason said in the Convention, "He considered the caution observed in Great Britain on this point as the paladium of the public liberty." 2 Records, *supra* note 30, at 327. Madison referred to British appropriation practices in The Federalist No. 41, at 265 (Mod. Lib. ed. 1937). Madison, John Marshall and others assured the Virginia convention that the provision for jury trial carried with it all its attributes under English practice, including specifically, the right to challenge jurors. 3 J. Elliot, *supra* note 36, at 531, 546, 558–59, 573.

[321] For English use of appropriations to reduce the armed forces, see Coolidge & Sharrow, *The War-Making Powers: The Intentions of the Framers in the Light of Parliamentary History*, 50 B.U.L. Rev. 5, 7 (1970).

[322] Act of March 3, 1809, ch. 28, 2 Stat. 535. The foregoing history refutes the executive argument that Congress' attempt "to command the expenditure of moneys that it appropriated for the construction" of the B–70 super-planes "would be a violation of the separation of powers, the invasion of presidential prerogative under the Constitution!" Kurland, *supra note* 240, at 630. *See also* note 324 *infra*.

[323] Special Foreign Assistance Act of 1971, Pub. L. No. 91–652 § 7, 84 Stat. 1942.

[324] *Cf.* Justice Jackson's statement: "Congress alone controls the raising of revenues and their appropriation and may determine in what manner and by what means they shall be spent for military and naval procurement." Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 643 (1952) (Jackson, J., concurring).

[325] U.S. Const. art. I, § 8(14).

[326] 2 Records, *supra* note 30, at 330; H. Commager, *supra* note 77, at 114.

[327] 1 Records, *supra* note 30, at 244.

[328] Consider also General Douglas MacArthur's crossing of the Yalu River, which drew powerful Chinese forces into the Korean War, and contributed to his removal by President Truman. D. Acheson, *supra* note 243, at 462–66. As "first General," the President must be equally responsible to Congress for expanding a war upon Korea to one on China.

[329] Note 67 *supra*.

[330] 15 The Papers of Thomas Jefferson 397 (J. P. Boyd ed. 1955), *quoted in* S. Rep. No. 797, 90th Cong., 1st Sess. 8 (1967).

[331] Text accompanying notes 77–99 *supra*.

[332] *Cf.* text accompanying note 207 *supra*.

[333] Monaghan, *supra* note 172, at 31. Monaghan questions the constitutionality of a requirement that "the president obtain authorization from Congress before making any (major?) commitment of the armed forces to hostilities" on the ground that "it is too uncertain in what it demands." "What," he said, "precisely is the President to ask of Congress?" *Id.* 29. Let him ask, as a succession of early Presidents did, an authorization for a given "commitment of the armed forces to hostilities" and leave it to Congress to determine whether the authorization should take the form of a statute, a resolution, a declaration of war, or any other form deemed by it appropriate. The Act of March 21, 1839, ch. 89, § 1, 5 Stat. 355, may serve as a guide; it authorized the President to resist any attempt by Great Britain "to enforce, by arms, her claims to exclusive jurisdiction over that part of Maine which is in dispute between the United States and Great Britain." If Congress "is too divided to act clearly," the President will not obtain his authorization. Monaghan, *supra* note 172, at 29. He should not be permitted to commit a divided nation to war or to the grave risk of war. Even the strong-willed Franklin Roosevelt had to wait for Pearl Harbor.

Monaghan also questions the "textual basis" of an authorization that falls short of a declaration of war. *Id.* 30. A power to "declare" war surely comprehends authorization of steps short of war; the greater embraces the lesser, the more so as all power "naturally connected" with the power of declaring war is vested in Congress. Congress is authorized to wage both "perfect" and "imperfect" war. Das v. Tingy, 4 U.S. (4 Dall.) 37, 40–42 (1800). *See also* Lofgren, *supra* note 70, at 699.

[334] E. Corwin, *supra* note 74, at 65.

[335] "In my considered judgment," said Professor Richard B. Morris, the "bill sets the constitutional balance true." Morris, *The Power to Make Wars*, N.Y. Times, Apr. 13, 1972, at 43, col. 6.

[336] J. Story, *supra* note 87, at § 1171.

[337] The "executive, by acquiring the authority to commit the country to war, now exercises something approaching absolute power over the life or death of every living American—to say nothing of millions of other people all over the world. . . . Plenary powers in the hands of any man or group threaten all other men with tyranny or disaster." S. Rep. No. 797, 90th Cong., 1st Sess. 26–27 (1967). Even those who take a broad view of presidential powers conclude on practical grounds that "Congress must be given an opportunity to say whether it finds the potential gains from the use of force worth the potential losses." Reveley, *supra* note 3, at 1288, 1299–301; Moore, *supra* note 301, at 814.

In the course of a tremendous effort on behalf of "executive agreements," McDougal and Lans conclude that "surely the history of the United States affords every reason to believe that powers given to permit rapid action in an emergency will be used as sparingly as possible. Except in case of imperative self-defense, it is to be assumed that no President will commit the use of American troops without prior consultation of Congress. If direct action by the President will sometimes be necessary, it is again to be assumed that, as soon as possible, the situation will be explained to Congress and its views sought." McDougal & Lans, *supra* note 106, at 615. In connection with these words consider the presidential commitment of troops in Cambodia and Laos after repeal of the Gulf of Tonkin Resolution. Note 249 *supra*.

[338] Reveley, *supra* note 3, at 1293; Monaghan, *supra* note 172, at 25 n. 33. Former Ambassador John Kenneth Galbraith stated, "Over the last half-decade Fulbright, Morse, Gruening, Kennedy, Cooper, Church, Hatfield and McGovern have surely been more sensible than the senior officials of the Department of State. On the average I think we are safer if we keep foreign policy under the influence of men who must be re-elected." Galbraith, *Book Review*, N.Y. Times, Oct. 8, 1972, § 6 (Book Reviews), at 1, 12.

[339] Buchan, *supra* note 1, at 38.

[340] Consider President Kennedy's disregard of the informed advice of President Charles de Gaulle. On the occasion of his visit to France in May, 1961, Kennedy *"made no secret of the fact that the United States was*

planning to intervene [in Indochina]." De Gaulle records that he told Kennedy "he was taking the wrong road" that would lead to "an endless entanglement. . . . We French have had experience of it. . . . You Americans . . . want to . . . revive a war which we brought to an end. I predict that you will sink step by step into a bottomless military and political quagmire. . . ." C. DE GAULLE, MEMOIRS OF HOPE, RENEWAL AND ENDEAVOR, *reprinted in* N.Y. Times, Mar. 15, 1972, at 47, col. 5. Buchan observed of our Vietnam involvement "one cannot fail to be impressed by the slapdash manner in which decisions of profound importance were taken." Buchan, *supra* note 1, at 38.

The wage-control powers presently being exercised by the President derive from a statutory grant which he did not want. *Hearings, supra* note 187, at 519.

The National Commitments Report, S. REP. No. 797, 90th Cong., 1st Sess. (1972), states that, "Congress, it seems clear, was deficient in vision during the 1920's and 1930's, but so were Presidents Harding, Coolidge and Hoover and—prior to 1938—Roosevelt. Just as no one has a monopoly on vision, no one has a monopoly on myopia either." *Id.* 14.

[341] *Hearings, supra* note 187, at 460, 464. *See also* R. DAHL, CONGRESS AND FOREIGN POLICY 245 (1950) (assessment of Roosevelt's World War II policy).

[342] *Hearings, supra* note 187, at 462. "Congressional inquiry, discussion and debate ought to serve a second function: facilitating a rational decision by the electorate *outside* the Congress." R. DAHL, *supra* note 341, at 125.

[343] *Hearings, supra* note 187, at 455, 459. The philosopher Charles Frankel, who served as an Assistant Secretary of State, shed his outsider's respect for governmental expertise: "often the government does know something that people on the outside don't, but its something that isn't so . . . . After a while I came to suspect that I might not be dealing with hard facts but rather with a world created out of hunch, hope, and collective illusion." *Id.* 480. Military reports of constant progress in Vietnam illustrate the point. As Professor Dahl said, "The more closely debate moves toward broad and basic policy, the more competent is the legislative decision likely to be, and correspondingly less competent is the expert." R. DAHL, *supra* note 341, at 244.

In the executive branch there is also an ill-concealed contempt for Congress. "People like Mr. Acheson," stated Senator Fulbright, who had occasion as a member of the Foreign Relations Committee to know at first hand, "make no bones about it. They just say they [Senators] are boobs and ought to have nothing to do with foreign policy . . . ." *Hearings, supra* note 187, at 468. Acheson himself referred to the "anguishing hours" he spent in the Senate to "suffer fools gladly." D. ACHESON, *supra* note 193, at 101. When we reflect that Truman, Kennedy, Johnson, and Nixon came to the Presidency from the Senate, we may ask by what miracle "boobs" became demi-gods.

W. W. Rostow states, "In the period 1961–69 I had the privilege of observing the process of Congressional consultation with the President [Kennedy and Johnson] on many occasions . . . . I emerged with great respect for members of Congress and have heard them make wise and helpful observations, both critical of the President's course and supportive." *Hearings, supra* note 187, at 535.

[344] *Hearings, supra* note 187, at 465–66. Reedy states of some meetings of the Cabinet and of the National Security Council that "everyone [was] trying desperately to determine just what it is that the President wants to do." *Id.* 466. Former Attorney General Ramsey Clark stated that "he had been wrong not to speak out against the Vietnam war when he was . . . Attorney General in President Johnson's cabinet while the war was expanding," and is quoted as saying, "There is too much tendency in the executive branch not to argue with policy." N.Y. Times, Aug. 16, 1972, at 7, col. 1. Of course, there is the occasional maverick, like Under Secretary of State George Ball, who persisted in opposition to Vietnam escalation in the face of an inner-circle consensus.

[345] Senator Charles Mathias said, "The more a President sits surrounded only by his own views and those of his personal advisers, the more he lives in a house of mirrors, in which all views and ideas tend to reflect and reinforce his own." *Hearings, supra* note 187, at 17.

Even worse is a situation such as that of President Eisenhower. Ambassador Douglas Dillon, according to C. SULZBERGER, *supra* note 241, at 1018, said that "Eisenhower never reads the newspapers and therefore doesn't know what goes on, and the apparatus around him sees that he doesn't know what goes on. The President's information nowadays is limited to what he is allowed to see by his entourage."

[346] J. JENNINGS, THE BRITISH CONSTITUTION 82 (3d ed. 1950).

[347] *Hearings, supra* note 187, at 455–56. "In the conduct of foreign relations, unity is one of the most important assets leadership can possess, disagreement one of the greatest liabilities." R. DAHL, *supra* note 341, at 221, 262. In addition to the examples cited by Dahl, there is the current divisiveness over Vietnam, which toppled one President, and has strewn boulders in the path of another, in no little part because the people were not really consulted.

[348] Senator Fulbright stated, "the Congressman or Senator has to respond to the wishes . . . of his electorate. This anchor in reality is the elected Representative's one indispensable credential for participation in the policymaking process." *Hearings, supra* note 187, at 23.

[349] *Cf.* Kurland, *The impotence of Reticence,* 1968 DUKE L.J. 619, 625–628. *See generally* McDougal & Lans, *supra* notes 106 & 146.

[350] Monaghan, *supra* note 172, at 19.

[351] Jaffe, *The Right of Judicial Review,* 71 HARV. L. REV. 401, 404 (1958).

[352] B. BAILYN, THE IDEOLOGICAL ORIGINS OF THE AMERICAN REVOLUTION 56–57 (1967); R. BERGER, *supra* note 33, at 9. Attorney General Rogers stated in 1958 that "The doctrine of the separation of powers was thus the very foundation stone of the Federal Government . . . the basic guarantee of the liberties of the people." *See Hearings, supra* note 187, at 562.

[353] Justice Black stated in Reid v. Covert, 354 U.S. 1, 40 (1957), "Ours is a government of divided authority on the assumption that in division there is not only strength but freedom from tyranny."

[354] Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 655 (1952) (Jackson, J., concurring).

Mr. EAGLETON. I thank the distinguished Senator from New York. This discussion has been helpful and will be important to the Members of the Senate and the 60 cosponsors of the measure. I agree that we are of one mind so far as interpretation is concerned as it would apply to Indochina.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, how much time does the Senator have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. EAGLETON. Mr. President, I reserve the remainder of my time.

Mr. JAVITS. Mr. President, if the Senator is willing, I have about 3 minutes of morning business.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Missouri yield to the Senator from New York?

Mr. EAGLETON. Mr. President, I yield my 5 minutes to the Senator from New York.

Mr. JAVITS. I thank the Senator from Missouri.

(The remarks Senator JAVITS made at this point on the introduction of S. 915, the National Health Insurance and Health Services Improvement Act, and S. 916, authorization of appropriations for the National Foundation of the Arts and Humanities, are printed in the RECORD under "Statement on Introduced Bills and Joint Resolutions.")

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be charged against the remaining time under the order for the recognition of Senator CASE; and that in the event additional time is needed for the quorum, the orders respecting Mr. HART and Mr. MUSKIE be reinstated accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESCISSION OF REMAINING SPECIAL ORDERS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that any remaining time orders be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes each.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MOURNING HOUR

Mr. McGEE. Mr. President, I would entitle this "The Mourning Hour," m-o-u-r-n-i-n-g, mourning the demise of two programs that have been unconstitutionally wiped out by the unilateral action of the executive branch of this Government. I single out two; the REA 2 percent loan fund and the REAP program, only because I have the responsibility for allocating their funds in the Appropriations Committee.

I understand the problems the President faces, and I rally around his efforts and the efforts of this body to try to tighten up the whole budget, to squeeze out the fat, to wring out the excess water, or however someone wants to describe it with whatever convenient cliche. But my protest—and this is the "mourning" in these remarks—derives from another circumstance that has really nothing to do with impoundment. It has to do with an unconstitutional process by the executive branch. That occurred when this executive branch, this President, with his Budget Bureau, came up to my Appropriations Subcommittee on Agriculture a year ago this month and said:

> We would like to have $140 million for REAP, and we would like to have $350 million for the REA two percent loan funds.

They asked for it. They did not say, "We do not like the program." They did not say, "We cannot afford it." They did not say it was inappropriate as a priority. They said, "We need it," and I made the mistake of summoning all the members of the appropriations subcommittee into session—as grown men, mature people—and said, "We have to make an honest judgment on this."

We met for I do not know how many hundred hours altogether on that request. We increased the request the President made by a good many millions of dollars, because we thought that was a more fair assessment of the requests we had received.

But that is neither here nor there. The point is that the President, having requested those funds and we having supplied them, then signed the bill into law. Not until New Year's Day did we have any inkling that there were any misgivings over the programs. When we heard of those misgivings they were expressed to us through the front page of the Washington Post.

What I am getting at is that this single action by the White House tore the Constitution asunder. It shredded that document, because we had lived up to the administration's request, we had carried out our legislative responsibility, and the President, under the Constitution, had signed it into a legal appropriation of funds. Then, after we all went home, he not only cut the programs, he terminated them, without any petition being made to change the status of the legislative enactments under the Constitution.

That is the reason, Mr. President, that I am constrained to say here that, as still the chairman of all agricultural appropriations for the Senate, I see no point in holding new hearings on appropriations. Just let the President tell the country, "I am going to spend this much money, and I am going to find it where I can." I am not willing to hold appropriations hearings. First thing you know, we will get their new budget and sit on it for hours and hours to try to make a judgment, and then we will read in the newspapers again next Christmas that now the President has decided to cut out some more programs.

Why does he not level with us, Mr. President? Why did he not say he did not want these programs one year ago? Why did he not tell us they have no basis as priority items today?

Unless we can come back under the Constitution, Mr. President—and I insist that we do—I can see no point in proceeding with hearings for new agricultural requests; because, as sure as we are standing here, come next Christmas we will find that they forgot something else to tell us this year, this February, and they will destroy additional programs.

So I say, Mr. President, that I am willing to proceed as chairman of that subcommittee in clear conscience, asking the other members of the subcommittee to convene, only if we can return under the Constitution, and not under impoundment.

Impoundment is not in issue. It is a question of wiping out two programs for which no request had been received to wipe them out. The REA loan fund and REAP. I do not need to make a case for how dear those programs are to rural America. That is not the issue here. The real issue is that we did grant the President what he asked for and then we found the programs destroyed unilaterally. I make this exception to the impoundment proceedings. This is a clear cut constitutional question and not an impoundment question about which we are attempting to find a constitutional answer.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs:

John Henry Kyl, of Iowa, to be an Assistant Secretary of the Interior.

Mr. JACKSON. Mr. President, in submitting this report of the Committee on Interior and Insular Affairs on the nomination of John H. Kyl to be Assistant Secretary of the Interior for Congressional and Public Affairs, I wish to state that this nominee has agreed and committed himself in open hearing before the Interior Committee to appear and testify at such reasonable times as the Interior Committee or any other duly constituted Senate committee might request his presence.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. EASTLAND:

S. 911. A bill to provide for a mandatory life sentence in certain cases involving the unlawful distribution of certain narcotic drugs, and for other purposes. Referred to the Committee on the Judiciary

By Mr. MOSS:

S. 912. A bill for the relief of Mahmood Shareef Suleiman. Referred to the Committee on the Judiciary.

By Mr. MOSS (for himself and Mr. Goldwater) (by request):

S. 913. A bill to amend title 5, United States Code, to provide for a change in the titles of the NASA Associate Administrator positions listed under level V of the Executive Schedule, and to add three more such positions to such schedule. Referred to the Committee on Post Office and Civil Service.

By Mr. PROXMIRE:

S. 914. A bill to amend the Truth in Lending Act to protect consumers against inaccurate and unfair billing practices, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. JAVITS:

S. 915. A bill to provide a national health insurance program by extending the benefits, enlarging the coverage, expanding the role of private carriers, and otherwise improving the health insurance program established by title XVIII of the Social Security Act, by establishing a new title XX to such act to provide comparable health insurance benefits to individuals not covered therefor under the program established by such title XVIII, by providing Federal assistance to develop local comprehensive health service systems, and by authorizing the establishment of federally chartered national health insurance corporations. Referred to the Committee on Finance.

By Mr. JAVITS (for himself, Mr. Pell, Mr. Eagleton, Mr. Mondale, and Mr. Taft):

S. 916. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965, as amended. Referred to the Committee on Labor and Public Welfare.

By Mr. ERVIN (for himself, Mr. Pearson, and Mr. Jackson):

S. 917. A bill to protect the people's right to know by regulating the testimony of newsmen. Referred to the Committee on the Judiciary.

By Mr. GURNEY (for himself, Mr. Bible, Mr. Pastore, Mr. Thurmond, and Mr. Eastland):

S. 918. A bill to require the imposition of a life sentence in connection with the unlawful distribution of certain narcotic drugs. Referred to the Committee on the Judiciary.

By Mr. GURNEY (for himself and Mr. Cranston):

S. 919. A bill to amend title XVIII of the Social Security Act to permit certain individuals, who have attained age 60 but not age 65 and who are entitled to widow's or widower's insurance benefits or are the wives or husbands of persons entitled to hospital insurance benefits, to obtain, in consideration of the payment of insurance premiums, coverage under the insurance programs established by such title. Referred to the Committee on Finance.

By Mr. JACKSON (for himself, Mr. Fannin, Mr. Gurney, and Mr. Chiles) (by request):

S. 920. A bill to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself and Mr. Fannin) (by request):

S. 921. A bill to amend the Wild and Scenic Rivers Act. Referred to the Committee on Interior and Insular Affairs.

S. 922. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended. Referred to the Committee on Interior and Insular Affairs.

S. 923. A bill to provide for the cooperation between the Federal Government and the States with respect to environmental regulations for mining operations, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

S. 924. A bill to establish a national policy encouraging States to develop and implement land use programs. Referred to the Committee on Interior and Insular Affairs.

By Mr. SPARKMAN (for himself and Mr. Tower):

S. 925. A bill to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. CRANSTON (for himself and Mr. Tunney):

S. 926. A bill to amend the Social Security Act to assure that whenever there is a general increase in social security benefits there will be a corresponding increase in the standard of payments used to determine eligibility for aid or assistance under State plans approved under title I, X, XIV, or XVI of such act. Referred to the Committee on Finance.

By Mr. METCALF:

S. 927. A bill to amend chapter 35 of title 38, United States Code, in order to permit eligible persons to pursue a course of education in a vocational or technical school in a foreign country under certain circumstances. Referred to the Committee on Veterans' Affairs.

By Mr. ROTH (for himself, Mr. Beall, Mr. Brock, Mr. Buckley, Mr. Gurney, Mr. Percy, Mr. Ribicoff, Mr. Scott of Pennsylvania, Mr. Stevenson, Mr. Taft, and Mr. Tower):

S. 928. A bill to create a catalog of Federal assistance programs, and for other purposes. Referred to the Committee on Government Operations.

By Mr. SPARKMAN (for himself and Mr. Tower):

S. 929. A bill to amend the Par Value Modification Act. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BROCK (for himself and Mr. Baker):

S. 930. A bill for the relief of Leticia Ramos. Referred to the Committee on the Judiciary.

By Mr. McCLURE:

S. 931. A bill for the relief of Jose Ramon Santa Maria. Referred to the Committee on the Judiciary.

By Mr. ABOUREZK:

S. 932. A bill to discourage experimentation on animals by elementary and secondary school children. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. EASTLAND:

S. 911. A bill to provide for a mandatory life sentence in certain cases involving the unlawful distribution of certain narcotic drugs, and for other purposes. Referred to the Committee on the Judiciary.

Mr. EASTLAND. Mr. President, I send to the desk a bill to provide for a mandatory life sentence in certain cases involving the unlawful distribution of certain narcotic drugs, and for other purposes.

I support the legislation introduced by the distinguished senior Senator from Florida. Senator Gurney's proposed legislation would adopt on the Federal level the proposal of Gov. Nelson Rockefeller that all sellers of hard drugs be given life imprisonment without parole.

The legislation I am introducing would enact this concept into law with two variations:

First. The bill I am introducing provides that if the court determines, on the basis of a recommendation by the U.S. attorney or on the basis of other information available to it, that a person convicted for selling hard drugs has, to the extent of his ability, been cooperative in disclosing information or knowledge as to the source of the narcotic drug involved in his conviction, the court, in its discretion, may reduce the sentence of life imprisonment to a sentence of a term not to exceed 20 years.

Second. My proposed legislation also provides that the Attorney General of the United States, in his discretion, is authorized to pay an amount not to exceed $30,000 for information and services concerning the distribution of hard drugs.

Mr. President, I am truly in accord with the proposition that persons who traffic in narcotics should be given severe, swift, and certain punishment. We must increase the criminal penalties for drug pushers. These people must understand that if they are caught and convicted they will face a possible life sentence without hope of probation or parole. I am firmly convinced that the prospect of swift, certain, and meaningful punishment will deter such criminal activities.

However, I believe that most of us would agree that the primary purpose of laws dealing with narcotic drugs is to dry up the ultimate sources of such drugs. The experiences of law enforcement authorities dealing with this problem are that the small street pusher is caught and sentenced, but that the large wholesale suppliers remain free to furnish these drugs to new dealers.

We must destroy the ultimate sources of this poison that is infecting so many of our citizens.

It is with this principle in mind that I offer these modifications to the Rockefeller bill.

If a street pusher is convicted of distributing a hard drug, the knowledge, prior to his being sentenced for that crime, that his mandatory life sentence could be reduced to a term not to exceed 20 years would be a powerful inducement for him to make a full and complete disclosure as to the source or sources from which he obtained these drugs. This inducement to cooperate with the authorities would also exist before conviction when the street pusher would have reason to believe that his chances of being convicted were great.

It could be said, in a sense, that the drug retailer would have the key to his jail cell. That "key" would be full cooperation with the law enforcement authorities in disclosing the sources of his drugs.

In that way, many of the large wholesale suppliers of these drugs would be implicated, charged, tried, and convicted. It might be possible to smash the large drug rings that operate in the United States and to bring this terrible problem under control.

In my judgment, this approach might well produce panic in the criminal syndicates that engage in wholesale distribution. They would know that the retailers would have little choice, if apprehended, but to inform the authorities on their overlords.

Likewise, in my judgment, it would be useful to provide for payment not to exceed $30,000 for information or services relating to the source of such narcotic drugs. This, too, could be an effective means of rooting out the ultimate source or supply. There are precedents for this type of provision in 18 United States Code, sections 1751(g), 3056, and 3059.

I hope that Congress gives careful consideration to Senator Gurney's bill, to my bill, and to any other legislation that may be introduced on this subject, so that we might enact effective legislation to deal with this problem.

By Mr. PROXMIRE:

S. 914. A bill to amend the Truth in Lending Act to protect consumers against inaccurate and unfair billing practices, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

THE FAIR CREDIT BILLING ACT

Mr. PROXMIRE. Mr. President, I introduce for the second time the Fair Credit Billing Act and ask that it be appropriately referred. The purpose of the legislation is to protect consumers against inaccurate and unfair billing practices. The bill requires creditors to resolve billing disputes promptly and fairly; it strengthens a consumer's legal defenses regarding credit and purchases; and it prohibits retroactive finance charges on revolving credit accounts. The bill also prohibits other unfair billing practices and makes a number of changes in the Truth-in-Lending Act which were recommended by the Federal Reserve Board.

Members of the Senate may recall that I introduced a similar bill in the last Congress (S. 652) on February 8, 1971. Following hearings in October of 1971 by the Subcommittee on Financial Institutions of the Senate Committee on Banking, Housing and Urban Affairs, the chairman of that committee on April 17, 1972, reported to the Senate what I considered to be a sadly watered down version of my original bill (Rept. No. 92–750). Vital consumer safeguards were stricken from the bill and others were seriously weakened. As I pointed out in my individual views in the committee report, the committee bill might be more accurately termed the "Bank Protection Act of 1972." The bill was considered by the Senate on April 17, 1972. Unfortunately, most of the attempts to strengthen the bill on the floor were defeated.

Accordingly, I and the other cosponsors of the bill voted against it on final passage. This was a difficult thing to do since I had worked long and hard on the legislation and there were still some provisions in the bill which helped consumers. On balance, however, I felt the bill was of greater benefit to the banks and other creditors than it was to consumers. Moreover, I did not want to create the illusion that substantial progress had been achieved when this was not the case. Under these circumstances, I believe and still believe that no bill was better than a bogus bill. These judgments were concurred in by the Consumer Federation of America, the AFL–CIO and other consumer groups.

Now that we have a new Congress, I am optimistic that a strong Fair Credit Billing Act can be enacted. Several recent developments lead me to this conclusion.

First, the Senate itself is composed of younger, newer members more inclined to support strong consumer protection measures;

Second, there has been a renewed interest in consumer legislation on the part of the Senate Banking Committee. For example, the chairman and ranking Republican on the committee have taken the initiative to create a new Subcommittee on Consumer Credit in order to concentrate more deeply on consumer legislation;

Third, the recent report of the National Commission on Consumer Finance gives support to some of the provisions in the Fair Credit Billing Act and particularly the provision giving consumers the right to assert the same legal defenses against credit card issuers that they have against the merchant honoring the card; and

Fourth, even responsible spokesmen in the credit industry have privately recognized the need for acting upon some of the more controversial provisions in the Fair Credit Billing Act.

THE CREDIT CARD REVOLUTION

Credit cards have been one of the fastest growing forms of consumer credit. Once an exclusive instrument of the rich, credit cards are now used by every segment of society. A recent study shows that 35 million families, or one half of all American families, use at least one credit card.[1]

While credit cards tend to be used more by those with higher incomes, the study shows that credit cards are also used extensively by middle- and low-income families. For example, 20 percent of families with incomes under $5,000 use credit cards. Nearly one-half, or 47 percent of families earning between $5,000 and $10,000 use credit cards. Of families earning between $10,000 and $20,000 a year, 69 percent use credit cards, while 82 percent of families making more than $20,000 a year use credit cards.

There are four principal types of firms which issue credit cards—retailers, banks, oil companies and travel and entertainment companies. The last category consists almost entirely of three companies—American Express, Diners Club, and Carte Blanche. There are about 12 to 15 major oil companies which have issued the vast bulk of the oil company credit cards. Two major bank interchange systems, BankAmericard and Master Charge, account for over 95 percent of the bank credit card business.

Retail cards tends to be more diversified, but the largest three national chains extend nearly 30 percent of the revolving credit offered by retailers. Thus the control of credit cards is rapidly evolving to a few firms which do business on a nationwide scale.

According to the survey mentioned above, about 35 percent of all families, or 25 million families, use retail cards; 24 million families use gasoline cards; 12 million families use bank cards; and 9 million families use travel and entertainment cards. The medium number of cards used by credit card using families is three. About 6 million families use nine or more credit cards. The 35 million families who use at least one credit card make credit card purchases of $26 billion a year; this comes to about $750 per family.

The latest figures of the Federal Reserve Board show the amount of credit outstanding on credit card accounts amounts to $14.2 billion as of December 1972, or nearly double the amount 4 years ago. These figures exclude an estimated $5 billion of additional revolving credit extended by department stores for which precise figures are not available, $1.8 billion in check credit plans offered by commercial banks; and $9 billion in miscellaneous charge accounts with utility companies, doctors, dentists, repair shops and others. Some of these charge account plans do not issue credit cards, although they are similar to credit card plans in the sense that they enable consumers to make periodic purchases without paying for them immediately.

The amount of charge account credit of all types outstanding as of December 1972 comes to $30 billion or 19 percent of all outstanding consumer debt. This total amount of debt credit card and charge account works out to an average outstanding debt of over $400 for every family in the United States. These figures are summarized as follows:

Outstanding Open End Credit December 1972

(Billions of dollars)

Type of Credit	*Amount*
Bank credit card	$5.3
Bank check credit	1.8
Oil company credit	1.8
Travel and entertainment cards	0.1
Department store revolving credit	5.0
Other retail charge accounts	7.0
Other charge accounts	9.0
Total	30.0

The ready availability of credit cards have made it more convenient for many consumers to make purchases without carrying large amounts of cash. But they have also tended to increase total consumer indebtedness. According to a recent study, 75 percent of all families said that credit cards make it too easy to buy things that they may not really want or that they really cannot afford. Among high income people, the credit card was seen mostly as a convenience instrument to facilitate transactions, while among most other groups, the card is seen largely as an instrument for incurring consumer debt.[2]

For the average family charge accounts and monthly bill paying have become a way of life.

The Fair Credit Billing Act is designed to remedy some of the problems brought on by the credit card revolution. Given the rapid expansion of charge account credit, it is perhaps inevitable that some of our consumer protection laws have lagged behind the new developments in this type of credit. Those in the credit industry who have led the credit card revolution have sometimes lost sight of the human element of their business. In their efforts to computerize and achieve maximum efficiency, the problems of the individual consumer have often been ignored.

As a result, the consumer has been harassed and intimidated by computer written dunning letters; he has been shortchanged by tricky billing practices which result in interest rates far above the legal usury ceilings; his legal rights have been eroded through the use of bank credit cards, and he has been subjected to a variety of other questionable practices.

SUMMARY OF BILL

In order to redress these and other abuses, I have prepared a 13-point program to strengthen the rights of the consumer in credit card and billing transactions. These provisions constitute a bill of rights for the consumer when he uses credit cards or charge accounts. They insure that the consumer will be dealt with fairly and equitably by the credit grantor. A summary of these provisions follows:

First. Correction of billing errors: Creditors are required to acknowledge customer billing inquiries within 30 days and to resolve those inquiries within 90 days. The creditor cannot send dunning letters, threaten the consumer with an adverse credit report, or take other collection action until the inquiry is resolved. An inquiry is resolved by either correcting the customer's bill or explaining why the original bill was correct. Creditors who fail to comply forfeit the amount in dispute up to $100, whether or not the bill was in error. (Sec. 161 and 162(a))

Second. Regulation of credit reports: If a consumer continues to dispute a bill after receiving the creditor's explanation, a creditor may not report the disputed amount as delinquent to a credit reporting agency unless the creditor so notifies the customer and tells the credit reporting agency the amount is in dispute. The creditor must also report any subsequent resolution of the dispute to the agency. (Sec. 162(b) and 162(c))

Third. Disclosures to consumers: Creditors must indicate on their monthly bills an address for handling billing disputes and disclose twice yearly the customer's right to have these disputes resolved as provided in the bill. (Sec. 104 and 105)

Fourth. Length of billing period: Creditors must mail their monthly billing statements at least 14 days before the payment is due. (Sec. 163)

Fifth. Prompt crediting of payments: Creditors cannot impose a finance charge if a customer's payment is received before it is due. (Sec. 164)

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[1] Lewis Mandell, Credit Card Use in the United States, Institute for Social Research, Ann Arbor, Michigan, 1972. (Data based on surveys conducted in 1970.)

[2] Mandell, op. cit.

Sixth. Crediting excess payments: Creditors must promptly credit excess payments or refund them if requested. (Sec. 165)

Seventh. Prompt notification of returns: Merchants honoring credit cards issued by third parties such as banks or credit card companies must promptly notify the card issuer of any return of merchandise or similar adjustment. (Sec. 166)

Eighth. Ban on retroactive finance charges: Creditors cannot impose retroactive finance charges on balances which were outstanding prior to the due date for payment. This provision would outlaw the so-called "previous-balance" billing system and other billing systems which impose retroactive finance charges. (Sec. 167)

Ninth. Ban on minimum finance charges on revolving charge accounts are prohibited. The prohibition does not cover charges imposed on all accounts to recover billing expenses or on all accounts delinquent more than 60 days. (Sec. 168)

Tenth. Discounts for cash buyers: Credit card issuers cannot prohibit merchants who honor the card from offering a discount to cash customers. (Sec. 169)

Eleventh. Prohibition of tie-in-services: Credit card issuers cannot require merchants to maintain deposits or purchase other services as a condition for participating in the credit card plan. (Sec. 170)

Twelfth. Prohibition of offsets: Financial institutions cannot offset a consumer's credit card debt against his checking or savings account unless the consumer has previously agreed and is given a 10-day period to rescind the offset. (Sec. 171)

Thirteenth. Legal defenses of credit card customers: Consumers who purchase defective merchandise with a bank credit card or similar card can withhold payment from the bank and assert the same legal claims or defenses against the bank that they have against the merchant. (Sec. 172)

In addition to the foregoing, the legislation also makes a number of procedural and technical changes in the disclosure provisions of the truth-in-lending law as recommended by the Federal Reserve Board in its annual report for 1972 or in separate correspondence. Most of these recommendations were reviewed by the Senate Banking Committee and were included in the bill which passed the Senate last year (S. 652). They are included under title II of the legislation.

Many of the provisions of the Fair Credit Billing Act appeared in a proposed trade regulation published by the FTC in October of 1970. The FTC delayed action on this regulation pending consideration of the Fair Credit Billing Act by the last Congress. However, since Congress has failed to act, the FTC has indicated it intends to reconsider a similar trade regulation in 1973. While FTC action in this area would certainly be welcome, it could have unfortunate implications for some segments of the credit card industry. It is not clear whether the FTC has sufficient authority to regulate commercial bank credit cards. If authority over banks is denied by the courts, retailers, oil companies and other creditors might find themselves under the FTC regulation while commercial banks would be exempt. Such a development would confer an unfair competitive advantage upon banks. It is therefore desirable that Congress enact a fair credit billing statute which will apply equally to all sigments of the industry.

I would now like to describe in greater detail the main provisions of the legislation.

RESOLVING BILLING ERRORS

Numerous complaints have been received by Members of Congress from consumers using credit cards who have had difficulty in resolving errors appearing on their monthly credit statements. The Federal Trade Commission has received nearly 2,000 complaints in this area. Similar complaints have been received by consumer protection agencies throughout the country. A survey taken by the Minneapolis Tribune shows that one out of every three consumers have been involved in at least one billing error problem.

Most consumer complaints about billing errors involve a common pattern. In a typical case, the consumer might discover a billing error on one of his monthly charge accounts or credit card statements. Or he might need further information about a particular item appearing on his statement. He writes to the creditor but receives no satisfactory response. In the meantime, he receives a series of computer written dunning letters. These letters may threaten the consumer with a bad credit rating or other legal action unless the amount in dispute is paid.

After literally months or years of carrying on correspondence with a computer, many consumers give up in frustration and pay the disputed amount even though they feel they do not owe such amounts. Some eventually resolve the dispute through sheer persistence although it may take many months or even years of patient letter writing. Some are able to get their billing problems corrected by writing to the president of the company or to their Congressman or Senator. A few hire attorneys to press their claim. One consumer witness testifying last year told of spending $150 in legal fees to get a $22 billing error corrected.

The bill requires that upon being notified of a billing error, the creditor must acknowledge the notification in 30 days and take positive action to resolve the error within two complete billing periods, but in no event later than 90 days. An error is resolved either by making appropriate corrections in the consumer's account or by explaining why the original amount billed was correct. In the latter case, the creditor is required to investigate the error and provide the consumer with copies of the transaction in question if requested. The requirement for an investigation is intended to preclude a creditor from making an automatic form letter response without actually looking into each billing inquiry.

While the creditor is investigating a billing inquiry, he is prohibited from reporting to a credit bureau that the amount in dispute is delinquent. He also is barred from taking action to collect the amount in dispute including threatening the consumer with an adverse credit report. Many consumers are now intimidated into paying an unjust bill because of these questionable collection tactics.

If a consumer still disputes the accuracy of a bill after it has been explained to him in accordance with the law, the creditor can begin his normal collection activity; however, if he reports the amount as delinquent to a credit bureau, he must indicate the amount that is in dispute and must notify the consumer that the amount was reported as delinquent and must give the consumer the name and address of the credit bureau involved.

Any creditor who fails to meet these requirements forfeits the amount in dispute up to a maximum of $100 whether or not the amount billed actually was in error. In other words, if a creditor fails to respond to a billing inquiry, as required by the bill, the consumer does not have to pay the disputed amount under $100, even if the creditor can later prove the bill was correct. Thus, the legislation should be largely self-enforcing and should not require a large bureaucracy to achieve compliance.

Creditors are also required to inform consumers of their rights under the Fair Credit Billing Act at least twice a year and disclose an address for receiving billing inquiries on or with their monthly billing statements.

All of these provisions are designed to establish a fair and equitable system for the resolution of billing disputes. They are fair to the consumer and workable to the credit industry. They have been carefully reviewed last year by the Senate Banking Committee and were adopted unanimously. Most of the requirements are already being met by responsible creditors and there is no reason why all creditors cannot or should not meet those same standards.

In addition to establishing a fair system for resolving disputes, I believe legislation is needed to insure that billing systems themselves are fair and equitable. Six provisions of the bill address themselves to consumer complaints in this area.

THE SHRINKING BILLING PERIOD

One typical consumer complaint involves the so-called shrinking billing period where a creditor mails his monthly statement so late that a consumer has only a few days to make payment in order to avoid a finance charge. Most credit card plans require payment within 25 to 30 days from the end of the previous billing period. However, the actual time remaining before payment is due can be considerably shortened if a creditor is late in sending out his bills. The FTC has received nearly 500 letters from consumers who have complained about the shrinking billing period. In one example, a consumer could not have avoided a finance charge even if he sent his payment back on the same day he received his bill.

There may be legitimate reasons for delays in mailing billing statements.

Nonetheless, the charge has been made that some creditors may be tempted to decrease the time available for payment after a bill is received as a method for increasing finance charge revenue. It is inevitable that more customers will fail to pay on time as the time available for payment is decreased. Some are simply too busy or may be away on travel. Others are paid twice a month and may be unable to pay their credit card bills until their next pay check is received.

The bill deals with this problem by requiring creditors to mail their billing statements at least 14 days before a payment must be made to avoid a finance charge. If a creditor fails to provide 14 days for payment, he is prohibited from collecting any finance charges on the amounts billed for that period.

PROMPT CREDITING OF PAYMENTS

Another billing complaint by consumers involves a failure to credit payments on the day they are received. A delay in crediting by the creditor can cost the consumer money. Many revolving credit plans require payment within 30 days to avoid a finance charge. If a consumer pays on the 30th day, he may still be hit with a finance charge if the creditor fails to credit the payment on the day it was actually received. This is obviously unfair to the consumer who has no control over the length of time it takes a creditor to post the payment to his books. Delays in crediting payments can also increase finance charges under average daily balance plans where the size of the finance charge varies with the amount of daily credit outstanding.

The bill would remedy this problem by requiring the prompt crediting of finance charges by creditors in accordance with regulations issued by the Federal Reserve Board. Some flexibility is needed, because of the wide variety of billing systems. However, the regulations must prevent a creditor from imposing a finance charge if the customer's payment is received on or before the due date.

CREDITING EXCESS PAYMENTS

While not a frequent complaint, some consumers have encountered difficulty in having excess payments refunded or credited to their account. The hearing record of last year contains a case of a consumer who was unable to obtain a cash refund for a $100 overpayment to an oil heating company at the end of the winter heating period. Instead, the account was credited so that the only way of getting the excess payment returned was to make additional oil purchases the following fall. In the meantime, the creditor had the use of the consumer's money until the additional oil purchases were made.

Most credit grantors will promptly credit excess payments to a customer's account or make a cash refund if requested. The bill requires all creditors to adhere to these standards.

PROMPT NOTIFICATION OF RETURNS

Another consumer complaint is that creditors sometimes fail to notify a card issuer when merchandise has been returned. For example, a consumer might use his bank credit card to purchase an item from a particular store. If he returns the item, the store does not always notify the bank of the credit to be entered in customer's account. The bank proceeds to bill the customer for the item as though it were a valid purchase. The consumer must then take the time and trouble to explain the situation to the bank in order to get his account properly adjusted. Airlines in particular have tended to be late in notifying credit card companies of a return of airline tickets, thereby causing numerous billing disputes. In other cases, the only way a consumer can get his money back is by making an equivalent purchase from the same store—something he may not be willing to do.

The bill would solve this problem by requiring creditors to promptly notify third-party credit card issuers of merchandise returns or other credits. The card issuer, in turn, would be required to promptly credit the consumer's account. These requirements should also help to cut down on the number of billing disputes.

PROHIBITION ON RETROACTIVE FINANCE CHARGES

Perhaps the most controversial provision of the bill would prohibit retroactive finance charges on revolving charge accounts where the consumer is charged interest on money he has already repaid. This provision failed to be included in last year's act by a 38-to-38-tie vote.

The most common method for assessing retroactive finance charges is the so-called "previous balance" billing system. Under this system, consumers are generally given 30 days to pay their outstanding balance before they are assessed a finance charge. However, if they make a partial payment, they are charged interest against the original balance in their account rather than the remaining balance. No credit is given for the partial payment.

For example, if a consumer has a balance of $100 in his revolving charge account and makes a partial payment of $90, he is charged interest against the original balance of $100 rather than the closing balance of $10. He thus pays 10 times the amount of interest he otherwise would have paid if the creditor charged against the closing balance.

Most creditors impose a finance charge of 1½ percent a month. Thus, in the above example, a creditor using the previous balance system would charge the consumer 1½ percent of the $100, or $1.50. On the other hand, if the creditor used the closing balance system, he would charge the consumer 1½ percent of the closing balance of $10 or 15 cents. When the previous balance system is used, the consumer is really paying $1.50 in interest for the remaining credit balance of $10. He thus pays 15 percent a month or a whopping 180 percent a year.

Another method of assessing retroactive finance charges is the so-called average daily balance system which some creditors claim is fairer to consumers. However, some varieties of the average daily balance system also impose retroactive finance charges. Under these circumstances, consumers can pay even higher finance charges than they do under the previous balance system. For example, if a consumer makes a single purchase of $100 on the first day of his billing period, he is sent a bill at the end of the month and has until the end of the next month to pay in order to avoid a finance charge. If he makes a partial payment of $90 at the end of the following month, some creditors will charge interest at the rate of 1.5 percent per month for the full 60 days on the $100 outstanding during that period. In this example, the finance charge would come to $3 or double what he would be charged under the previous balance method. Annualizing this finance charge against the $10 actually owing at the end of the grace period produces an astronomical interest rate of 360 percent a year.

The main arguments against retroactive finance charges are these:

RETROACTIVE SYSTEMS ARE DISCRIMINATORY

First, retroactive billing systems discriminate unfairly between different classes of credit customers. A customer who can afford to pay his balance in full within 30 days can obtain up to 60 days of free credit if he makes a purchase at the beginning of the previous billing period and takes the full 30 days to pay. However, these benefits are substantially reduced if the customer cannot afford to pay in full and the creditor has a retroactive billing system.

In order to appreciate this point, let us take a typical example. Assume a customer makes a purchase of $100 on March 1, the first day of his billing period. He gets his bill the following month showing a balance due on April 1 of $100 and has 30 days to pay in full to avoid a finance charge. He pays the bill in full on April 30. Result: No finance charge; 60 days of free credit from March 1 to April 30.

Now let us examine what happens under the various billing systems if he can only pay $50 on April 30 instead of the full $100.

Previous balance system—Under this system, the creditor applies a 1½ percent retroactive finance charge against the balance due on April 1, or $100. Result: A finance charge of $1.50; 30 days of free credit from March 1 to April 1.

Average daily balance system No. 1 Under this system, the creditor applies a 1½ percent per month finance charge to the average daily balance measured from the time of purchase—March 1—to the time of payment—April 30. Result: Finance charge of $3; no free credit.

Average daily balance system No. 2—Sears system: Under this system, the creditor applies a 1½ percent per month finance charge per month to the average daily balance measured from the close of the previous billing period—April 1—to the date of payment—April 30. Result: a finance charge of $1.50; 30 days of free credit from March 1 to April 1.

Adjusted balance system: Under this system, the creditor applies a 1½ percent finance charge to the amount owing—$50—at the end of the 30-day grace period. In effect, the finance charge is the cost of carrying the balance due for an additional 30 days beyond the 30-day grace period. Result: finance charge of $0.75; 60 days of free credit from March 1 to April 30.

The first three systems are retroactive systems in that they charge the customer for balances in his account which were outstanding before the April 30 due date. The only nonretroactive system is the adjusted balance system. It does not begin charging until the end of the 30-day grace period. It provides all its customers with the same amount of free credit whether they make full or partial payment. On the other hand, the three retroactive systems discriminate against their customers by offering less free credit to those who make partial payments.

It might be argued that those making partial payments should not enjoy the same benefits provided to those making full payment because the former group is more costly to the creditor.

The answer to this argument is that those who make a partial payment already pay 18 percent a year for the credit they use. There is no logical reason for reducing the grace period for these customers simply because they elect to use the credit features of the plan.

Many creditors acknowledge that the previous balance system is inequitable and are beginning to shift to the average daily balance system which they represent as fairer to the consumer. Sears has recently converted to the average daily balance system with much fanfare and rhetoric about the great benefits they are bestowing on their customers.

In reality, the average daily balance system is simply a smokescreen contrived by creditors to preserve their ill-gotten gains under the discredited previous balance system while creating the illusion of reform and progress. As I have shown, the average daily balance system has the same retroactive features as the previous balance system and imposes the same degree of discrimination on those customers who cannot pay in full. Moreover, under one variety of the average daily balance method, the credit customer will pay a higher finance charge compared to the previous balance charge compared to the previous balance method.

The average daily balance system used by Sears and other creditors is sometimes represented as the ultimate in fairness. If a bill is not paid in full within 30 days, the creditor charges the customer for the exact amount of credit in his account—exclusive of current purchases—measured from the end of the previous billing period to the day of payment. If he pays early or makes larger payment, his finance charge is correspondingly reduced. What could be fairer, creditor spokesmen say?

The hooker is that the plan only applies to those who make a partial payment. If a person pays in full within 30 days, he receives free credit within those 30 days. If he does not pay in full, he is charged for the credit he uses during that same period. Why should a benefit be given to one group and denied another? One might approve of such a plan if those who benefit were especially needy or deserving. However, just the opposite is true. Those who pay in full tend to have higher incomes compared to those who make partial payments. Thus we have a clear case of the poor subsidizing the rich.

If we compare the level of finance charges under the previous balance system and average daily balance system, the differences are not very striking. Those who are pushing the average daily balance system as a substitute for the previous balance system claim the consumer can save money by paying earlier and in larger amounts. However, as a practical matter, those consumers who make partial payments—and thus pay interest at the rate of 18 percent per year—do so because their budgets are constrained. They simply don't have the money to make full payment. Moreover, their cash balances are so low, they must wait for their next paycheck before making any payment. The option of paying earlier or in larger amounts in order to reduce the amount of the finance charge is simply not a meaningful option. To the extent that consumers continue paying towards the end of the billing period they will pay roughly the same finance charge that they would have paid under the previous balance system. This analysis might be refuted if creditors could show their net yield under the average daily balance system is appreciably lower than what it was under the previous balance system. Up to now, these figures have not been produced.

To summarize, all credit plans using retroactive finance charges discriminate between customers who pay on time and those who do not. This is accomplished by reducing the amount of free credit provided to those who make partial payments. The free credit feature of revolving credit plans is essentially a device to promote sales and should be available to all credit card customers. To some extent the free credit period itself discriminates between cash customers and credit card customers. My legislation takes no position on whether creditors should or should not offer a free credit period to credit card customers. But if they do, the same benefit should apply equally to all credit card customers. This can be achieved by prohibiting retroactive billing systems which are triggered by a failure to make full payment.

RETROACTIVE SYSTEMS ARE DECEPTIVE

A second argument against retroactive billing systems is that they are inherently deceptive. The Truth in Lending Act requires creditors to disclose how their finance charges on revolving charge accounts are computed. Despite the disclosures required under the law, most consumers do not really understand how their finance charges are figured. For example, a poll was recently taken in California of customers of creditors who used the previous balance system. These customers were asked on what amount their finance charges would be computed if they had a bill for $100 and paid $25. Only 18 percent correctly replied that the charge would be based on the $100. The rest—82 percent—were misinformed or uninformed despite Truth in Lending.

It is understandable why consumers have a hard time understanding retroactive billing systems. It is natural to assume that when a creditor gives a consumer 30 days to pay he will begin assessing a finance charge after the end of the 30-day period and not before. Most consumers do not bother to read the fine print which would tell them otherwise. Because they do not really understand the system, many consumers wind up paying finance charges which they might have avoided.

RETROACTIVE SYSTEMS ARE USURIOUS

A third criticism of retroactive billing systems is that they make it possible for creditors to charge interest rates substantially in excess of State usury ceilings. I have already shown how it is possible for creditors to charge as much as 180 or 360 percent if the interest is figured on the amount actually owing after the expiration of the 30-day grace period. Creditors reply by arguing that the 30-day grace period must be taken into account in figuring the effective interest rate paid by consumers. But there is no reason to count the grace period for credit purposes when it is really offered free to the consumer as a sales device. The creditor cannot have it both ways. He cannot claim he is offering a free 30-day grace period and then include it in computing the effective interest rate paid by the consumer. If the creditor offers a free period for avoiding finance charges, the only proper method for computing the effective rate of interest paid by the consumer is to begin the computation after the expiration of the grace period.

Even if we accept the creditor's argument that the free grace period should be included in the computation, it can be shown that rates in excess of the usury ceiling are still possible under the previous balance system. For example, assume a customer makes a $100 purchase on the last day of his billing period. He receives his bill and pays $80, 15 days after the purchase date, leaving a balance due of $20. In this example, the customer has received $100 in credit for 15 days and $20 in credit for 15 days for an average of $60 during the entire 30-day period—$100+$20÷2=$60. Although he has had the effective use of only $60 in credit, the creditor will base his finance charge on the opening balance of $100 and charge him 1½ percent of that amount or $1.50. If we measure the $1.50 finance charge against the average amount of credit outstanding of $60, the monthly rate becomes 2½ percent and the equivalent annual percentage rate becomes 30 percent, or nearly double the rate disclosed under Truth in Lending. Even higher effective rates are possible under the previous balance billing system if the customer repays a greater fraction of his bill or repays earlier than the above illustration. Thus even if we accept the creditor's argument that the free grace period should be included in calculating effective interest rates, the conclusion that the previous balance system can exceed usury ceilings is not invalidated.

Some creditors will argue that the usury problem could be overcome by shifting from the previous balance system to the average daily balance system as Sears has done. Under the average daily balance system used by Sears, it is argued that the customer would never pay an effective rate greater than 18 percent a year, assuming a nominal monthly rate of 1½ percent. This is because he would be given specific credit for early or partial payments. However, this conclusion depends upon including the 30-day grace period in the amount of credit assumed to be extended the consumer. If we exclude the grace period, as I believe we should, the effective rate can be many times higher than the 18 percent disclosed under truth in lending. On the other hand, if the grace period is included, as the creditor claims it should be, the average daily balance system becomes obviously discriminatory. Credit extended during the 30-day grace period is given away free to those who pay in full while a specific charge is made for the same credit to those who cannot afford to pay. Thus the average daily balance system is either discriminatory or potentially usurious. It cannot counter both of these criticisms at the same time.

RETROACTIVE SYSTEMS WEAKEN CONSUMER RIGHTS

A fourth argument against retroactive billing systems which are triggered by a failure to pay the full amount due is that they discourage a consumer from exercising his right to withhold payment for defective merchandise. A failure to pay for one small item on a monthly bill can result in a substantial finance charge on the entire bill. For example, suppose a consumer has an outstanding balance of $400 in his revolving charge account but has a dispute over one item costing $5. If he pays $395 and withholds $5 for the defective item, he will be assessed a finance charge against the entire $400 balance under the previous balance system. If the creditor uses the typical monthly rate of 1½ percent, the consumer's finance charge would come to $6, or more than the cost of the defective item—the finance charge under the average daily balance system would be nearly the same if the customer paid toward the end of the month, for example an average daily balance of $400 for 29 days and of $5 for 1 day averages $388.50 for the month. Moreover, if the dispute takes 3 or 4 months to settle, as is frequently the case, the finance charges paid on each monthly bill could total several times the amount of the disputed item. Consumers are thus unfairly penalized for exercising their rights to withhold payment for defective merchandise. In many cases, it is cheaper to pay a disputed amount even though it is not a legitimate debt.

RETROACTIVE SYSTEMS FRUSTRATE COMPARISON SHOPPING

A fifth argument retroactive billing systems is that they frustrate the objectives of the Truth in Lending Act. Because of the complexity and variety of different retroactive systems, the consumer is unable to shop intelligently for the best credit plan or to compare the cost of each plan. Almost all creditors impose a nominal monthly finance charge of 1½ percent on the outstanding balance in their revolving charge account plans, or an equivalent annual percentage rate of 18 percent. However, there can be considerable variance in the dollar amount of the finance charge between different plans using the same monthly and annual rate, depending upon the method used by the creditor to compute the outstanding balance against which the finance charge is assessed.

The variance in finance charges on revolving charge plans was clearly demonstrated in a study by Dr. Richard Morse, professor of family economics at Kansas State University. Professor Morse postulated a series of individual transactions involving purchases, payments and returns over a 6-month period. He applied six different billing systems to these transactions. Although each system used a monthly rate of 1½ percent, the actual finance charge over the 6 months for the same series of transactions varied from a low of $2.28 to a high of $5.44.

The prohibition of retroactive finance charges will not necessarily force each creditor to adopt the same billing system. It would be possible for creditors to use various computation methods for computing the balance due after the expiration of the free grace period. But as a practical matter, most creditors would likely choose the so-called adjusted balance method which is widely used by many creditors today. As previously explained, finance charges under this system are based on the amount owed after payments and other returns are deducted from the previous balance.

The adjusted balance method has been used by the J. C. Penney Co., by most oil companies and by many bank credit card plans. It is the plan which produces lower finance charges and is generally regarded as fair to consumers. If all creditors were to adopt the adjusted balance system, the consumer could make meaningful comparisons between different credit plans. By adopting a common billing system, the cost of each plan can be easily and quickly compared by comparing the rates charged.

It would be possible to achieve uniformity by simply requiring by law that each creditor use the adjusted balance system. The initial version of S. 652 took this approach. However, after reviewing the arguments, I feel it is sounder to prohibit the objectionable features of present billing systems without requiring the adoption of one particular system by all creditors. In so doing, we can achieve substantial uniformity without precluding experimentation and innovation in the development of future billing systems. It is the retroactive feature of many current billing systems which operates unfairly against the consumer and which should be prohibited. This is the approach I have chosen to take.

TWO HUNDRED MILLION OVERCHARGE

I have estimated that creditors are receiving at least $200 million a year in extra finance charges because of retroactive billing systems. Moreover, many creditors are switching to retroactive systems in the guise of helping the consumer. The J. C. Penney Co. has recently announced plans to change from the adjusted balance system to a retroactive average daily balance system. Further delays in enacting the Fair Credit Billing Act will thus result in ever greater overcharges to American consumers.

One of the main arguments used against Federal legislation to regulate billing systems is that the job should be left to the States. It has been argued that the regulation of billing systems affects the net yield received by a creditor and therefore falls under the category of usury or interest rate ceiling legislation, a subject traditionally left to the States. The same "States rights" arguments were made for 7 years by the opponents of truth in lending despite the lack of any significant progress by the States.

As of 1973, no State has outlawed retroactive finance charges although a few have abolished the previous balance system. In these States, creditors are permitted to use the average daily balance method with the same retroactive features as the previous balance system.

The Uniform Consumer Credit Code—UCCC—which is supposed to be the model for State regulation contains no regulation of billing systems. Creditors are permitted to charge the same rate regardless of the billing system they used. If the States have recognized that billing system regulation is closely linked with interest rate ceilings, one would think the UCCC would have established different interest rate ceilings for each particular billing system.

Even if a proposed uniform State law on the subject could be drafted, it would take many years before it could be put into effect. The UCCC has been circulating 4 years, and only a handful of States have adopted it. The Uniform Commercial Credit Code, a far less controversial model law, took 20 years to adopt.

Moreover, the national character of the charge account and credit card business argues for Federal rather than State legislation. Many creditors who issued credit cards operate in most of the 50 States. Their billing systems are set up on a national or multi-State regional basis. It would be burdensome to subject these nationwide firms to piecemeal State legislation.

For all of these reasons, when the argument for State legislation is analyzed, it really becomes an argument for no legislation at all.

BAN ON MINIMUM FINANCE CHARGES

Another controversial provision in the new Fair Credit Billing Act is the proposal to prohibit minimum finance charges. A similar provision was in the legislation last year; however, it was deleted in committee and an attempt to restore it on the floor was unsuccessful.

A minimum finance charge of up to 50 cents is imposed by some creditors on their revolving charge account customers whenever the application of the standard 1½ percent monthly rate would produce a lower charge. For example, if the unpaid balace is $40, the creditor will apply the standard 1½ percent rate, thus producing a finance charge of 60 cents. But if the balance is only $30, a 1½ percent finance charge will yield only 45 cents. In such cases, the creditor imposes a flat 50-cent charge.

The truth in lending law effectively limits minimum finance charges to 50 cents by requiring that the corresponding annual percentage be disclosed on minimum finance charges above 50 cents or less. Because of the computational difficulties involved in annualizing a flat monthly fee on standardized billing forms where the amount of credit and corresponding rate vary from month to month, creditors have generally not imposed minimum finance charges in excess of 50 cents.

Thus the Congress has already taken action to limit minimum charges to 50 cents. The remaining question is whether minimum charges are justified at all. Nine States have already prohibited minimum charges entirely. No evidence has been presented to suggest that the credit industry has been unduly disrupted in these States because of the abolition of minimum finance charges.

The main argument against minimum finance charges is that they tend to operate as a tax on low-income customers. They are primarily imposed on customers who do not pay their account in full within the 30-day grace period and whose unpaid balances are so low that a minimum finance charge applies rather than the traditional monthly charge of 1½ percent—18 percent a year. Balances below $33.33 fall in this category. For example, a minimum finance charge of 50 cents on a $10 balance is equivalent to a charge of 50 percent a month or 60 per cent a year.

Those who are most likely to have small unpaid balances are low-income consumers who cannot afford to pay their entire bill even though the amount may be modest by middle class standards. Minimum finance charges are thus a device for charging lower income customers a higher rate of interest.

One of the arguments used to justify the retention of minimum finance charges is that they compensate the creditor for the bookkeeping work involved in sending out monthly statements. This argument might be valid, if a flat minimum charge were imposed on all monthly accounts, regardless of size and manner of payment. It costs just as much to mail out a monthly statement to a rich customer living in the suburbs as to a welfare mother living in a ghetto. However, very few creditors impose a flat minimum charge on all accounts. The minimum charge is a selective charge which hits the poor for more than it hits the rich.

Another argument advanced to justify minimum charges is that they are needed as an incentive to induce the payment of small balances by recalcitrant consumers. According to this argument, a consumer might ignore repeated bills for small amounts such as $5 even if the amount is increased by a 1½ percent finance charge each month. A 1½ percent finance charge on a $5 balance amounts to only 7 cents, which is not much of a penalty on those who tend to be neglectful of their bills.

The Fair Credit Billing Act would generally prohibit minimum finance charges, but would allow them in two cases in response to the previous arguments advanced by spokesmen for the credit industry. Minimum finance charges would be permitted first if they were in the nature of a service charge imposed on all monthly accounts regardless of size or manner of payment; and second, where the customer has not made any payment into his account for two successive months. The first exception would permit creditors to impose a flat monthly charge on all their accounts as a method for recovering billing expenses provided such charges were otherwise authorized by State law. The second exception would permit creditors to use the minimum charge essentially as a collection tool. These two exceptions meet some of the specific criticisms raised against the provision last year. At the same time the general prohibition contained in the bill would still eliminate the discriminatory impact of minimum finance charges.

DISCOUNTS FOR CASH BUYERS

Another problem arising out of the use of bank or travel and entertainment crdedit cards is the restriction on merchants from offering a cash discount to customers who prefer to use cash instead of a credit card. The typical bank-merchant agreement forbids a merchant from offering a discount to cash buyers. Although this provision may not be enforced and some merchants do offer cash discounts in spite of the agreement, other merchants may feel compelled to comply with the agreement and thus refrain from offering cash discounts. The FTC has indicated that such agreements raise serious antitrust questions.

Under a typical three-party credit card plan, the merchant honoring a credit card sends a copy of each sales draft to the card issuer and receives payment at a discount which usually runs from 3 to 5 percent. This discount compensates the card issuer for the expense involved in operating the credit card plan. The merchant might be willing to offer a similar discount to his customer in return for paying cash but he is precluded by the terms of his agreement with the card issuer.

The bill would make some relief to cash customers possible by prohibiting agreements between card issuers and merchants which forbid the merchant to offer a discount to cash customers. The legislation does not require merchants to offer discounts to cash buyers, but it does give them the option of offering a discount if they so desire.

In order to facilitate the offering of cash discounts, the legislation also exempts such transactions from the disclosure provisions of the Truth in Lending Act provided the discount does not exceed 5 percent and its availability is disclosed and offered to all prospective buyers. The Federal Reserve Board has already exempted transactions involving discounts of 5 percent or less from the annual percentage rate disclosure requirements of the Truth in Lending Act. However, the other disclosure requirements of truth in lending currently apply including the disclosure of the cash price and the amount of finance charge. These additional requirements may have the unfortunate effect of discouraging cash discounts and accordingly they are waived by the legislation.

PROHIBITION OF TIE-IN ARRANGEMENTS

A related provision of the legislation prohibits credit card issuers from requiring that merchants maintain deposits or purchase other services as a condition for participating in a credit card plan. Hearings held by the House Select Committee on Small Business in 1970 revealed that some bank-merchant agreements required the merchant to open a deposit account with the issuing bank in order to join the credit card plan. These agreements raise serious antitrust questions and should be prohibited.

PROHIBITION OF OFFSETS

Another consumer complaint arises from the common practice of offsetting a credit card debt against funds held in a consumer's checking or savings account. Funds in these accounts can be attached without any recourse to the courts and in spite of any valid legal defense the cardholder may have against the bank. Banks which issue cards and also have the cardholder's funds on deposit may thus obtain a unique leverage over the consumer. Other creditors would have to apply to a court before being permitted to attach funds in a borrowers' deposit account.

The bill would prohibit any card issuer from offsetting a cardholder's debt against his deposit account unless the cardholder agreed in advance to authorize the offset and was given 10 days to rescind the offset in the case of a dispute. This will permit the continuation of consumer credit plans which call for offset such as various check credit plans but will also grant consumers the right to rescind an offset if there is a dispute about a specific transaction.

LEGAL DEFENSES OF CARDHOLDERS

Another controversial but critical provision of the Fair Credit Billing Act deals with a cardholder's legal defenses against the card issuer. This provision was deleted last year in committee by a vote of 8 to 7 and an attempt to reinstate it on the floor failed narrowly.

The prohibition would provide for a modified repeal of the so-called holder-in-due-course doctrine on credit card transactions. Under the holder-in-due-course doctrine, a consumer is required to pay a bank for shoddy merchandise purchased with a bank credit card even though he may have a legitimate claim or defense against the merchant who honored the card. The bill permits a consumer, under certain conditions, to assert the same claim or defense against the issuer of a credit card that he has against the merchant honoring the card. The consumer would thus not be required to pay for shoddy merchandise merely because it was purchased with a bank credit card or similar third-party card.

HOLDER-IN-DUE-COURSE WORKS AGAINST CONSUMER

Perhaps the best way to understand the holder-in-due-course is to take a typical example. Suppose that Mr. John Doe Consumer had a charge account at a furniture and appliance store. He uses his charge account to buy a $500 color TV set. When he gets the set at home, he finds that it does not work at all. He calls the store, but the store fails to repair or replace the defective set.

Mr. Consumer obviously has a problem. He owes $500 on a TV set that does not work. However, in this case, he has a remedy. He can simply refuse to pay for the set until the merchant repairs it or replaces it. He has some bargaining power—some leverage because he is dealing only with the merchant. If the merchant sues to collect, the consumer can raise as a defense the fact that the TV set did not work. If a court agreed that the consumer had a legitimate defense to the merchant's suit, then the consumer would not be required to pay. Knowing this in advance, the merchant would have an obvious incentive to satisfy the consumer without going to court. Mr. Consumer has thus used his leverage as a credit customer to induce the merchant to stand behind his product.

Now let us take the same transaction, but make one slight change. Instead of using his charge account with the store, suppose Mr. Consumer buys the same TV set from the same merchant with his bank credit card. What is different? There are now three parties involved—the consumer, the merchant and a bank.

Again, let us suppose the set does not work. Again, the consumer contacts the merchant for relief and again the merchant ignores him. Mr. Consumer thinks to himself "Why should I pay for this TV set that does not even work?" He tries to withhold payment on his credit card account with the bank. Then he receives a rude awakening. The collection manager in the bank tells him about an obscure provision written on the back of his credit card. He must pay the bank regardless of any claim or defense he has against the merchant. The bank manager is sympathetic, but the result is the same. He must pay the bank for the defective TV set.

After this rude awakening, the consumer then goes back to the merchant. However, this time he finds the merchant much more difficult to deal with. The merchant has already been paid for the TV set from the bank. He sent the sales slip to the bank on the same day of the transaction and the next day he received the money for the set less the bank's customary discount. The merchant is perfectly happy. He made a sale. He has his money. He tells Mr. Consumer, "if you do not like the TV set, sue me."

The bargaining situation is now reversed. The merchant has the leverage and not the consumer. The consumer must initiate a costly law suit to recover his damages. In the meantime, he must still continue paying the bank for his unworkable TV set. The consumer has clearly been shafted by the antiquated "holder in due course doctrine"—a doctrine he probably never heard of an did not understand when he accepted the bank credit card. His legal rights and protections were taken away simply because he used a bank credit card instead of his account with the merchant.

Under my bill, the consumer would be protected. He would have the same rights on three party credit card transactions that he now has on two party transactions. In the example I have given, he could withhold payment from the bank. The bank would then have two options. It could sue the consumer or it could charge the item back to the merchant. If the bank sued the consumer, the consumer could raise as a defense the fact that the TV set did not work. If the court agreed with the consumer then he would not be required to pay.

If the bank thought the consumer had a legitimate defense, it probably would not bother with a law suit. Instead, it would simply charge the item back to the merchant by deducting the money for the set from funds it otherwise owed the merchant as it can under the terms of its agreement with the merchant.

If the bank charged the TV set back to the merchant, the merchant would have the problem of collecting from the consumer. The consumer would then have the same leverage—the same bargaining power—that he would have if he had dealt directly with the merchant. The merchant could sue to compel payment. But if he thought the consumer had a legitimate defense, he probably would not do this. Instead, he would repair or replace the set.

My bill thus restores the protections and rights which consumers unknowingly surrender when they use bank credit cards or similar cards issued by third parties. It does not protect deadbeats. It does not prevent creditors from collecting legitimate debts. It does not impede the flow of commerce. It simply gives consumers the same legal protections on bank credit card transactions that they have on other credit transactions.

LEGAL IMPACT OF CREDIT CARD GROWTH

Why is such a provision needed? Because of the phenomenal growth of bank credit cards and their projected future growth. Credit outstanding on bank credit cards has grown from $1.3 billion to $5.3 billion over the last 4 years. The bank credit card business has quadrupled in 4 years when the growth of the entire consumer credit industry was lagging. Some bankers are predicting that bank credit cards will account for over half the consumer credit extended within the next few years.

It is now possible to buy practically anything on a bank credit card—TV sets, furniture, major appliances, home improvements and the like. Just a few years ago, these items were financed by installment sales contracts or by revolving charge accounts operated by the merchant. Today, more and more are being financed by bank credit cards. And if the banker projections are correct, bank credit cards will dominate the credit industry in a few years. It is only a matter of time before cars can be purchased with a bank credit card. In fact, a few banks have already experimented with financing cars through credit cards.

As bank cards begin to replace conventional forms of credit, all of the legal safeguards which consumers have acquired on two-party credit transactions will be gradually eroded because of the antiquated holder in due course doctrine. Bank credit cards were never even thought of when the holder in due course doctrine developed in case law a century or two ago. Our legal system has lagged far behind technological innovations in the credit industry. The holder in due course doctrine no longer fits our modern credit society. We need legislation to redress the imbalance in consumer rights created by the rapid growth of credit cards.

Actually, the holder in due course doctrine is already on the way out with respect to installment sales transactions. Thirty-two States have already acted to restrict the holder in due course doctrine on installment sales transactions. But these laws have a loophole. They do not apply to credit card transactions. The banks have set their credit card plans up in such a way that they are considered to be cash lenders rather than the buyers of installment contracts. By this legal device, most bank credit card plans have been able to escape the holder in due course restrictions enacted by the States.

FEDERAL LEGISLATION NEEDED

Even if the States could be persuaded to close the loophole, there are sound reasons for Federal legislation. The bank credit card business is essentially national in scope. Two systems, Mastercharge and Bankamericard, account for over 95 percent of the bank credit card business. The cards issued under these plans are accepted in all 50 States. Those in the bank credit card business operate on a nationwide scale. They think national. They are huge and powerful. It is little wonder that the States have not been able to regulate them effectively. As a matter of fact, it would be confusing and chaotic to subject these nationwide credit card plans to a hodgepodge of conflicting and inconsistent State law. A national solution is needed to a national problem. Federal regulation is in the long-term interest not only of the consumer, but of the bank credit card industry as well.

BANK OBJECTIONS WITHOUT MERIT

Let us examine some of the arguments against this provision raised by the credit industry last year.

First, it is alleged that subjecting a bank to cardholder defenses would involve the bank in a policing function over retail merchants and that it would be inappropriate for banks to exercise this function. Shoddy practices should be regulated by the Government and not the banking industry, according to this argument.

It is encouraging to note that the banking industry has suddenly become an advocate of governmental regulation of shoddy practices within the retail industry. But whatever the motivation behind the banker's sudden change of heart, their argument completely ignores the fact that bank credit card issuers already exercise a policing function over retail merchants. The typical bank-merchant agreement enables the bank to charge an item back to the merchant if the consumer has a dispute about its quality. The bank also has an unqualified right to collect from the consumer under the holder in due course doctrine. Thus the bank is in a unique position. It has the option of collecting from either the merchant or the consumer. In this situation, it is really acting as a judge. It reviews the dispute, decides who is right, and imposes liability for payment on either the merchant or on the consumer.

Although the bank is really exercising a judicial function, it does not have the impartiality of a court. As a matter of fact, the bank has a basic conflict of interest. It does business with both the merchant and the consumer. While it would like to retain the good will of both parties, its volume of business with the merchant is far more substantial than with the consumer. Is it any wonder, then, that in a close case, the bank will decide in favor of the merchant and against the consumer?

My bill would take away the bank's unilateral power to impose payment on the consumer. Instead of giving banks a new policing function over merchants, my bill would restrict the policing function which banks are already exercising over consumers.

Another argument made by the banking industry is that it would be unfair to make a bank responsible for the misdeeds of a merchant over whom it has no control. A corollary to this argument is that the consumer himself has the responsibility to determine the reputability of a merchant and if the consumer has a dispute, he should pursue it with the merchant rather than the bank which merely financed the transaction.

These arguments conveniently ignore the basic elements of bank credit card transactions.

First, banks do have control over merchants by admitting them into the credit card plan. If a merchant is continually involved in customer disputes, he can be excluded from participation in the plan by the sponsoring bank. Without my bill, banks would have an incentive to continue the participation of questionable merchants because of the business they brought in.

Second, the bank confers an implied stamp of legitimacy on a merchant by admitting him into the plan and permitting him to display the bank's decal on his window. Consumers rely upon this implied stamp of legitimacy when dealing with a merchant. If a bank wants a consumer to accept and use a bank credit card with confidence, it should be willing to stand behind the merchants who honor the card.

Third, the bank always has the option of charging a disputed item back to the merchant, thereby recovering its investment. Given this option, it is hard to see how a bank would be unfairly penalized because of a merchant's misdeeds. Moreover, my bill does not subject banks to cardholder defenses if the transaction took place out of State. Thus a bank would not be responsible for reviewing the operations of out-of-State merchants.

Fourth, the consumer has a far more difficult time in recovering from a disreputable merchant for shoddy merchandise. The merchant may have gone out of business. Or if still in business, he may use delaying tactics to impede recovery. Since the merchant has already been paid for the shoddy goods by the bank, he has less of an incentive to settle with the consumer. The holder in due course doctrine gives all of the leverage to the bank or the merchant. My bill would restore some of this leverage to the consumer.

A third argument raised by bankers is that my bill would somehow retard the development of the "cashless society," a plan which bankers have to replace currency and checks with bank credit cards. Whatever the merits of the so-called "cashless society," my bill would not affect its development. The restrictions on the holder in due course doctrine do not apply to transactions under $50. These are the typically cash transactions which the cashless society is intended to replace with credit cards. However, transactions over $50 are more likely to be credit transactions. Moreover, the profitability of bank credit cards should not be adversely affected by the legislation since a bank still has the legal power to charge a disputed item back to the merchant.

Finally, it is argued that we should leave the whole issue of holder in due course legislation to the States. This has become a recurring cry of those who are opposed to effective reform legislation. As I have already indicated, the credit card business is a national business and regulation at the Federal level is needed to insure uniformity and fair treatment.

While many of last year's arguments against the bill assumed a complete abolition of the holder in due course doctrine on credit card transactions, this is simply not the case. The bill has a number of conditions which a consumer must meet before he can assert a claim against a bank or other credit card issuer. These conditions are designed to eliminate all of the legitimate objections and fears raised by the credit industry in testifying against a complete repeal of the holder in due course doctrine. Here are the conditions:

First, the bill requires that before a consumer can assert a claim or defense against a bank credit card issuer, he must first make a good faith attempt to obtain satisfaction from the merchant. This is intended to eliminate frivolous disputes on the part of consumers who have made no attempt to get their money back from the merchant.

Second, the amount of the transaction giving rise to the claim or defense must exceed $50. As I indicated, this is intended to eliminate those transactions where a credit card is merely a substitute for a cash transaction. The legislation would thus apply primarily to those transactions where a credit card is a substitute for the merchant's own credit plan.

Third, the transaction must have occurred in the same State in which the card issuer maintained a place of business. This is intended to counter industry objections that a bank is not capable of reviewing the operations of distant merchants.

Fourth, the amount of the claim or defense cannot exceed the amount of credit originally extended if notification is made within 6 months, or the amount actually owing at the time of notification if made later than 6 months. The purpose of the 6-month period is to give consumers a reasonable opportunity to discover product defects before asserting a claim or defense. There are some who feel that the 6-month waiting period should be eliminated and that the consumer should be permitted to assert a claim or defense against a bank only for the amount actually owing at the time such notification is made. I believe this would put an unreasonable burden on consumers since an item purchased with a bank credit card can be paid for before the consumer realizes there is something wrong with the product.

The problem arises because of the common method for determining the amount owing for an individual item purchased with a credit card. Some State laws use the so-called first in-first out method or FIFO. Under the FIFO method, partial payments to a revolving charge account are allocated to individual transactions in the order of their occurrence. Thus if a consumer purchased an item for $100 with his bank credit card on the first of the month, any partial payment he made would be allocated first to that purchase. If he subsequently discovered the merchandise was defective, the chances are that he would have already paid for it, thus eliminating his right of recovery. On the other hand, if he purchased the same item towards the end of the month, the chances are that he could assert a claim for the full amount. A consumer's rights should not be arbitrarily affected by the timing of his purchases. I therefore believe it is essential that he be given a 6-month period to notify the bank or the merchant of any claim or defense before limiting his right of recovery.

In summary, the basic issue is quite clear. Consumers should not be required to pay for shoddy merchandise because of a legal technicality. It is as simple as that. We need Federal legislation to prevent a serious injustice to the American consumer.

TRUTH IN LENDING AMENDMENTS

In addition to title I, which deals with billing practices, title II of the legislation makes a number of technical and procedural changes in the existing Truth in Lending Act. The provisions contained under section 201 through 211 were recommended by the Federal Reserve Board in its annual report for 1972. Many of these provisions were already approved by the Senate last year when it passed the Fair Credit Billing Act (S. 652).

Section 212 would exempt State lending agencies from the 3-day recision provisions under section 125 of the Truth in Lending Act. Section 125 gives the consumer a 3-day opportunity to rescind a credit transaction if it involves a security interest on his home. The 3-day cooling-off period was primarily aimed at abuses fostered by unscrupulous home improvement contractors who made second mortgage loans to unsuspecting homeowners. I do not believe the Congress intended for these provisions to apply to State lending agencies such as the Wisconsin Department of Veterans Affairs which makes 3-percent second mortgage loans to eligible veterans.

Wisconsin officials have stated that the 3-day recision requirements have disrupted their program and in some cases the delays have caused veterans to lose out in the purchase of a home. This is because over 85 percent of the second mortgage loans made by the Wisconsin Department of Veterans Affairs are in connection with new home purchases. The delays involved in complying with the 3-day recision requirements have caused some sellers to shift their attention to other prospective buyers. The Federal Reserve Board has expressed sympathy for the problem, but feels it lacks administrative authority to exempt

State lending agencies from the 3-day recision requirements. Accordingly, the bill provides such an exemption, using language drafted by the Board at my request.

Mr. President, I ask unanimous consent that the Federal Reserve Board's report for 1972, the correspondence relative to the exemption for State lending agencies, and the text of the bill be printed in the RECORD at the end of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANNUAL REPORT TO CONGRESS ON TRUTH IN LENDING FOR THE YEAR 1972

This fourth Annual Report on Truth in Lending is submitted to Congress by the Board pursuant to section 114 of the Truth in Lending Act. In accordance with that requirement, this Report includes information on the Board's administration of its functions under the Truth in Lending Act, an assessment of the extent to which compliance with the requirements of Truth in Lending is being achieved, and recommendations for amendments to the Act. Each of these three topics is developed in the following sections of this Report.

ADMINISTRATIVE FUNCTIONS

Amendments and Interpretations of Regulation Z

During 1972, the Board amended Regulation Z in areas relating to disclosures on open end credit accounts and to the unsolicited issuance of credit cards and liability for their unauthorized use. The Board also issued proposed amendments for public comment dealing with the timing of disclosures and the advertising of credit.

Amendments to section 226.7 of Regulation Z relating to disclosures on open end credit accounts were adopted by the Board on November 2 and became effective on June 1, 1973.[1] They require the prospective disclosure of nominal annual percentage rates on open end billing statements, whether or not finance charges are imposed during the billing cycle. The amendments also require the disclosure on periodic billing statements of any minimum charges that may be imposed on the account. The amendments incorporate into the Regulation the provisions of two related interpretations (sections 226.702 and 226.704).[2]

A question arose whether the exemption for "extensions of credit" for business or commercial purposes in the Act applied to the prohibition against the unsolicited issuance of credit cards and to the $50 limit on liability for their unauthorized use. To clarify this matter, the Board amended section 226.13 of Regulation Z to provide that each credit card, regardless of whether issued or used for personal, family, household, agricultural, business or commercial purposes, and regardless of whether issued to a natural person, corporation, or other business entity is covered by the Act's maximum liability limit for unauthorized use as well as the restrictions on unsolicited issuance.[3] These amendments do not affect the business exemption in its application to the disclosure, rescission and advertising requirements. The validity of these amendments has been challenged in a suit against the Board.[4] The Board's recommendation for related adjustments to the Act is on page 18.

The question of proper timing of disclosures was raised in *Bissette* v. *Colonial Mortgage Corporation*.[5] The case involved disclosures made at the closing of a real estate loan for the purchase of a home, where the plaintiffs had previously entered into a prepossession agreement and had moved into the house. The court held that "Truth in Lending disclosures made only at closing frustrate the Congressional intent and basic purpose of the Act, and as such, constitutes [sic] a violation thereof." Subsequently, the Board issued a proposal for public comment to amend Regulation Z, which would have provided for a ten-day pre-settlement disclosure rule in certain real estate transactions.[6] The proposal was aimed at requiring the disclosures early enough to allow consumers ample time in a home purchase transaction, which typically is complicated and involves a large amount, to shop for the best available credit terms. However, many adverse comments were received on the proposal which pointed out problems with a rigid ten-day rule for consumers as well as creditors. The Board's staff is currently studying the comments in the light of possible Congressional action [7] and the fact that the *Bissette* case has been appealed. To be meaningful to the customer, any disclosure prior costs. The Board's recommendation in this regard is on page 19.

Late in the year, the Board issued for public comment proposed amendments to the advertising requirements of Regulation Z.[8] The proposals are aimed primarily at encouraging advertising of meaningful credit terms in open end credit so that consumers will be able to use advertising more effectively when shopping for credit. The period for public comment on the proposals expires on January 31, 1973.

During 1972 the Board also issued two new interpretations and amended one previously issued. To avoid further complication of periodic billing statements, interpretation section 226.706 was issued to provide that the creditor of an open end account is not required to disclose the method used in allocating payments on the account.[9] For example, explanation of the manner in which payments are applied to late charges, overdue balances, finance charges, insurance premiums or other portions of balances is not required. Nor is the creditor required to explain the method of allocating payments between cash advance and purchase portions of an account.

Interpretation section 226.707 provides a method of disclosure in open end credit accounts where the periodic rate may vary from time to time, *e.g.*, where periodic rate changes correspond to changes in the prime lending rate.[10]

Interpretation section 226.703 was amended to allow another method of disclosing the balance on which the finanace charge is imposed in an open end account where the creditor assesses finance charges on daily balances in the account.[11]

STATE EXEMPTIONS

Wyoming received an exemption from the disclosure and rescission requirements of the Act during the past year.[12] This brings to five (Connecticut, Maine, Massachusetts, Oklahoma and Wyoming) the number of States which have received exemptions from the Federal Act. Kansas also has applied for an exemption, and the application is currently being reviewed for completeness.

Based upon the reports received from the exempt States and the liaison maintained between the Board and the exempt States, the Board believes that the concept of State exemption is working well. The officials and the enforcement personnel of the exempt States have been diligent in attempting to assure the success of the concept. The Board is confident that each of the exempt States is effectively administering its own Truth in Lending law.

EDUCATION

Most of the Federal and the exempt State enforcement agencies report on-going educational programs which include oral presentations to creditor and consumer groups and distribution of materials relating to Truth in Lending.

The Federal Deposit Insurance Corporation is preparing a "FDIC Information and Consumer Guide" which it contemplates will include a description of consumer rights under the Truth in Lending Act. The Federal Trade Commission is preparing new consumer educational materials including radio and television spot announcements to inform the public how to make better use of disclosures, primarily the annual percentage rate, in certain major credit purchases, for example, the purchase of an automobile. Oklahoma reports that its mobile educational centers featuring audio-visual presentations on the rights, remedies and responsibilities of consumers under the Uniform Consumer Credit Code, which includes Truth in Lending, have been visited by 250,000 people in the past two years.

There still remains a demand for the educational material prepared by the Board. A total of 1.5 million informational pamphlets containing the Act and Regulation Z have been distributed. Over 3 million consumer-oriented leaflets have been issued. A new supplement to the Regulation Z pamphlet containing all amendments and interpretations of the Act and Regulation issued from September 12, 1969, to November 30, 1972, is available from the Board or any Federal Reserve Bank upon request. A list of educational and informational material released by the Board is included as Appendix A.

The most recent educational item prepared by the Board, a Spanish translation of the consumer leaflet, *What Truth in Lending Means to You,* has proved to be very popular, with almost a half million free copies distributed. In an effort to reach the Spanish-speaking consumers in Connecticut, that State reports the use of radio spot announcement in Spanish.

Currently, the Board, in conjunction with North Dakota State University, is exploring the possibility of developing teacher lesson plans for distribution nationwide in school systems. These lesson plans would relate to consumer credit and Truth in Lending and would be used primarily in high school courses. The Board believes that the inclusion of such topics in the educational curriculum is vital to the success of Truth in Lending.

ADVISORY COMMITTEE

The Board did not find it necessary to call any formal meetings of its Truth in Lending Advisory Committee during 1972. However, as in the past, Committee members were asked for individual comments and suggestions on specific topics, including the proposed amendments to the Truth in Lending Act in the Fair Credit Billing Act (S. 652) and the advertising requirements of the Act and Regulation Z. It is anticipated that the Advisory Committee will meet sometime in the Spring of 1973.

A list of Advisory Committee members is included as Appendix B.

LITIGATION

The issue of paramount importance in Truth in Lending litigation in 1972 has been a procedural one—the availability of class actions to consumer-plaintiffs. While the cases are split, the clear trend appears to be against the allowance of class actions in Truth in Lending suits.[13] In response to concern over unlimited class action exposure, a Senate-passed amendment to the Act (section 208 of S. 652) would have limited class action liability to actual damages, plus such additional amount as the court might allow, provided it did not exceed $100,000. The Board's recommendation in regard to class actions can be found on page 13. Some of the other more significant developments in Truth in Lending litigation reported during 1972 are outlined below.

On November 9, 1972, the Supreme Court heard arguments in *Mourning* v. *Family Publications Services, Inc.* on the issue of the

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validity of Regulation Z's "more-than-four-installment" rule. Under the rule, transactions are considered "consumer credit" subject to the Act, when, by agreement, they involve more than four installments, although the creditor has not specifically identified any finance charges. The Court of Appeals for the Fifth Circuit had held that the rule exceeded the Board's authority and that it created a conclusive presumption in violation of constitutional principles.[14] Other courts had split on the issue.[15] The Supreme Court's ruling is expected by Spring. The Board's recommendation on this matter appears on page 16.

The courts have also split on whether the Board exceeded its authority in sections 226.2 (z) and 226.9(a) of Regulation Z by providing that the right of rescission applies to consumer credit contracts secured by mechanic's or materialmen's liens on the customer's home, even though no mortgage or deed of trust is executed by the customer. The Court of Appeals for the District of Columbia affirmed a district court finding that the Board's regulation was valid.[16] The Second Circuit is presently considering a contrary district court decision.[17] The Board's recommendation can be found on page 16.

The constitutionality of the civil liability provisions of section 130 of the Act has been challenged in *Marcus v. Diner's Club Inc.*[18] The Board has intervened as a party in the litigation and has moved for summary judgment on the issue.

In *Richardson v. Time Premium Company*, the court held that the Board had the authority to require specific terminology for the various disclosures required by the Act and Regulation Z.[19] The Court of Appeals for the District of Columbia in *White v. Central Charge Service Inc.*, affirmed the lower court's dismissal of a complaint against a credit card issuer for failure to identify a charge imposed by a merchant for honoring the card as a "finance charge" where the card issuer had no knowledge of the additional charge.[20]

The issue was raised in *Gerlach v. Allstate Insurance Company* of whether Truth in Lending applied to the deferred payment plan of an insurance issuer.[21] The court concluded that an insurance premium installment payment plan under which the insured pays in advance for a period of coverage without any obligation to pay additional premiums does not involve "credit" which would bring the plan within the Act. The court distinguished this situation from premium financing where the insured becomes obligated to a broker, a bank, the issuing company, or other creditor to pay the premium or an indebtedness for premiums. The court also found that the McCarran Act precluded application of the Truth in Lending Act to insurance transactions to which it otherwise might be applicable.

A list of other cases reported during 1972 is attached as Appendix C.

PUBLIC UTILITY BILL EXEMPTION

Section 104(4) of the Truth in Lending Act exempts most public utility bills from its coverage, even though they may provide for a discount for early payment or a charge for a late payment. There has been some question whether such billings should be subject to some form of disclosure, particularly translation of the discount or late charge into an annual percentage rate. One suggestion has been to remove the public utility exemption from the Act. However, a recent study by a committee of the National Association of Regulatory Utility Commissioners recommends that State regulatory commissions "adopt a 'full disclosure' policy regarding utility billing." [22] This policy includes, among other disclosures, the disclosure of an effective annual rate if the bill is not paid when due.

The Board believes that the suggestion of the committee for State-required disclosures may be preferable to simply removing the utility exemption from the Federal Act for two reasons. First, even if utility bills are subject to Truth in Lending, the annual percentage rate would not be required to be disclosed on many of them, by reason of the exemption in section 128(a)(7).[23] Second, Regulation Z provides that bona fide charges assessed for delinquent payments are not finance charges subject to the disclosure requirements. It appears that the charges imposed by many utility companies would meet the "late payment charge" exemption in the Regulation and therefore would not be considered finance charges subject to annual percentage rate translation. Consequently, no specific recommendation for amendment to the Act is proposed.

COMPLIANCE

Enforcement of the Truth in Lending Act is spread among nine Federal agencies. In addition, those States that have received an exemption from the Federal Act are responsible for enforcing their own Truth in Lending statutes. The reports from these enforcement agencies indicate that substantial compliance with the Truth in Lending requirements is being achieved. This is especially true with respect to the larger creditors who have access to legal counsel and are better able to cope with the complexities of Truth in Lending.

Primarily because of these complexities, compliance by creditors with the detailed requirements is not always attained. Also, enforcement personnel themselves find it difficult to be fully knowledgeable of all the complex requirements. The Board recognizes the difficulty of the Regulation and is striving to simplify it where possible—an example is the proposed advertising amendments. In almost all cases where violations are noted, they are found to be a result of inadvertent error or misunderstanding.

Although the Federal Trade Commission, which is responsible for the bulk of the enforcement effort, has not conducted any new formal survey to determine the extent of compliance, the Commission reports its staff's impression that the pattern found in its earlier survey probably would be the same, *i.e.*, substantial compliance by the larger creditors, with lesser compliance by the smaller creditors. However, the Commission also reports some improvement in compliance by smaller creditors.

There was some doubt expressed before the Act was passed whether the multi-agency enforcement structure would be workable. The Board's experience with this arrangement has been favorable. It appears that Truth in Lending is being enforced evenhandedly and vigorously by all of the enforcement agencies in conformance with Regulation Z and the Board's interpretations of it. The predicted interagency conflicts in interpreting the law, with corresponding confusion and inequitable enforcement, have not materialized. This has been due in large part to the cooperative attitude of the various agencies involved. This is particularly true of the Federal Trade Commission which has the task of carrying the bulk of the enforcement responsibility.

RECOMMENDATIONS

The Board believes there are a number of problems in Truth in Lending which can be resolved by adjustments in the Truth in Lending Act. Suggested legislative language to implement each of the recommendations can be found in Appendix D. Many of these suggestions had been incorporated into amendments to the Truth in Lending Act, contained in the Fair Credit Billing Act, which was passed by the Senate in 1972.

CLASS ACTIONS AND CIVIL LIABILITY: CLASS ACTION LIABILITY LIMIT

The trend of the cases is away from allowing class actions for the enforcement of Truth in Lending.[24] Very likely, this trend is an outgrowth of judicial concern over the possible magnitude of recovery by a large class, given the statutory minimum of $100 per person.[25] While the Board shares this concern about possible liability, which might in some cases run into millions of dollars and may be disproportionate to any conceivable injury sustained by consumers, it also believes that potential class action liability is an important encouragement to the voluntary compliance which is so necessary to insure nationwide adherence to uniform disclosure. Consequently, it believes that any inquiry into the justification for class actions should not be restricted to whether the possible liability in such suits exceeds the actual damages incurred by the class members. Equally important, in the Board's view, is the prophylactic effect of the threat of class action exposure. That threat elevates a possible Truth in Lending law suit from the ineffective "nuisance" category to the type of suit which has enough sting in it to insure that management will strive with diligence to achieve compliance.

While the Board believes that the class action vehicle in some form should be preserved for appropriate Truth in Lending suits, it is conscious of the difficulty of formulating an equitable rule which will preserve its effectiveness without, at the same time, exposing legitimate business to unwarranted claims in frivolous law suits. In the Board's view, the best way to meet this problem is to set an upper limit on the aggregate amount of possible class action recovery (the greater of $50,000 or 1 percent of net worth is suggested in the Board's recommended amendment), while, at the same time, giving the courts the authority to set the amount of actual recovery within this limit in light of the circumstances of the particular case—for example, the severity of the violation and the size of the offender.

"GOOD FAITH RELIANCE"

One of the legitimate concerns of creditors who have attempted to comply in good faith with the requirements of Truth in Lending is that, although they have followed Regulation Z, a court may conclude that the Regulation is invalid and that different disclosures or procedures were mandated by the Truth in Lending Act itself. At present, the civil liability provisions of section 130 do not necessarily preclude a finding of liability where the creditor has followed regulatory requirements which subsequently are held invalid. In order to avoid this inequity, a "good faith reliance" provision is suggested for inclusion in the Act.

DEFINITION OF "TRANSACTION"

A final problem with section 130 of the Act is ambiguity as to the meaning of "transaction" to which the $100 minimum liability attaches where proper disclosures have not been made. While it is highly likely that the opening and use of an open end credit account or an entire credit contract would be considered a single "transaction" for purposes of this section, the Board believes that Congress should clarify this term to preclude its application to each separate extension of credit under an open end credit plan, or to each periodic statement or other single component of a consumer credit contract.

Right of Rescission: TIME LIMITATION

Section 125 of the Act, implemented by section 226.9 of Regulation Z, provides that in some consumer credit transactions in which a security interest in the customer's residence is involved, the customer has three business days in which to rescind the transaction. To start the three-day rescission period, the creditor must notify the customer of his right of rescission and provide a form which may be used in exercising that right. The law does not set any limit on the length of time that the right continues where the creditor has failed to notify the customer

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of his right. Also, even though the required notice is given, there is a question whether the rescission period may continue where the other required disclosures of credit terms are given but are incorrect. As a result, the titles to many residential real estate properties may become clouded by uncertainty regarding unexpired rights of rescission. The Board recommends that Congress amend the Act to provide a limitation on the time the right of rescission may run.

LIENS ARISING BY OPERATION OF LAW

The courts are presently considering the question whether the right of rescission is applicable to transactions in which no mortgage or deed of trust is signed by the customer, but where the transaction is nevertheless secured by lien rights in the customer's home.[26] The Board recommends that Congress amend the Act to remove any uncertainty about the coverage of these transactions under section 125.

"MORE-THAN-FOUR-INSTALLMENT" RULE

As discussed on page 7, the Supreme Court is considering the validity of the Board's "more-than-four-installment" rule in section 226.2(k) of Regulation Z. The Board is convinced that invalidation of the "more-than-four-installment" rule would seriously impair the effectiveness of the legislation and believes that Congress should amend the Act to remove any possible doubt that it includes transactions payable in more than four installments where there is no identifiable finance charge.

AGRICULTURAL CREDIT

The problems cited in the previous Annual Reports relating to the coverage of agricultural credit under the Act continue to exist. Creditors argue that the very nature of many agricultural credit transactions (which frequently involve advances and payments for which both time and amount are unknown) makes them unsuited for meaningful disclosure. Furthermore, frequently it has been argued that since agriculture is a business, it should be exempt from coverage of the Act, just as other business credit is exempt. On the other hand, associations representing agricultural interests have a diversity of views regarding continued coverage of agricultural credit.

The Board again recommends that credit primarily for agricultural purposes in excess of an appropriate amount should be exempt from the provisions of the Act, irrespective of any security interest in real property. This recommendation, if adopted by Congress, would have the effect of removing from coverage large extensions of credit, where borrowers are more sophisticated and less in need of the disclosures, while still providing the benefits of disclosure to the smaller borrowers, who presumably are more likely to benefit from such disclosures. Such an amendment would benefit creditors in reducing the number of disclosures to be made.

IDENTIFICATION OF GOODS OR SERVICES PURCHASED

Section 127(b)(2) of the Truth in Lending Act requires the creditor of an open end credit account to provide the customer with a brief identification of any purchased goods or services on the periodic billing statement, unless such identification was furnished to the customer previously, *e.g.*, on the sales slip. Regulation Z basically follows the requirements of the Act, except that it provides that such identification can be made on a slip accompanying the billing statement or by a symbol relating to an identification list printed on the statement. The statutory requirement can pose serious compliance problems for merchants whose sales for various departments are handled through a single cash register—for example, a discount store—or where a credit card may be used to purchase numerous small items, for example in drug store sales. The Board recommends that these requirements be modified through a proposed amendment, which nevertheless would not destroy the concept that consumers should be able to check the validity of charges appearing on billing statements.

CREDIT CARDS—BUSINESS OR COMMERCIAL USE

As discussed on page 2, the Board has amended Regulation Z to clarify the fact that the Act's provisions relating to credit card liability and unsolicited issuance of credit cards apply to cards used for business or commercial purposes, as well as for personal, family, household or agricultural purposes. Although the Board believes that these amendments to Regulation Z merely clarify what is already implicit in the Act, it is recommended that the Act be amended to eliminate any possible uncertainty as to the application of the credit card amendments to all cards.

DISCLOSURE OF CLOSING COSTS

Section 106(e) of the Act provides that certain typical costs involved in closing a real estate loan transaction shall not be included in the finance charge. However, there is no requirement that such charges must be itemized and disclosed to the customer in order to be eligible for the exemption from the finance charge, as there is with certain other charges listed in section 106(d) (recording fees, taxes, licenses, etc.). If the concept of early disclosure in real estate transactions is to be meaningful, it is necessary that these closing costs, which are often substantial, be revealed to the customer along with the other disclosures.[27] While the requirement for disclosure of such charges may be imposed pursuant to the Board's regulatory authority in section 105 of the Act, the Board recommends that Congress consider amending the Act to provide that the charges listed in section 106(e) must be itemized and disclosed to the customer in order to be eligible for the finance charge exemption. Some of these charges may have to be estimated, but such estimates are permitted by Regulation Z (section 266.6 (f)).

ADMINISTRATIVE ENFORCEMENT: FARM CREDIT ADMINISTRATION

The Farm Credit Administration is not specified in section 108 of the Act as one of the Federal authorities responsible for administrative enforcement, and therefore, the Federal Land Banks, Federal Land Associations, Federal Intermediate Credit Banks and Production Credit Associations are subject to administrative enforcement of the Federal Trade Commission. The Board suggests that Congress amend section 108 of the Act to delegate to the Farm Credit Administration the administrative enforcement responsibility with respect to those creditors which are chartered under Acts which that agency administers. The Farm Credit Administration and the Federal Trade Commission concur in this suggestion.

INTERSTATE COMMERCE COMMISSION

The Interstate Commerce Commission has issued regulations with respect to common carriers subject to the Acts which that agency enforces which require that freight charges be prepaid or be paid very promptly, normally four days in the case of railroads and seven days in the case of truckers. The carriers are not permitted to collect more or less than the applicable rates and charges as published in their tariffs. Presently, there are no common carriers subject to the Truth in Lending Act or Regulation Z. Consequently, the Board, with the concurrence of the Interstate Commerce Commission, recommends that the Commission's enforcement responsibilities be removed.

FOOTNOTES

[1] 37 Fed. Reg. 24337, 11/16/72.

[2] The interpretations were revoked as of June 1, 1973, the effective date of the amendments.

[3] Fed. Reg. *supra* note 1.

[4] *Universal Air Travel Plan et al. v. Board of Governors of the Federal Reserve System et al.*, U.S.D.C., D.C., Civ. No. 2485–72.

[5] U.S.D.C., D.C., Apr. 19, 1972, 4 CCH *Consumer Credit Guide* ¶ 99, 214.

[6] 37 Fed. Reg. 15522, 8/3/72.

[7] Section 905 of H.R. 16704, the omnibus housing bill which failed to clear the House Rules Committee last session, provided for disclosures at least 10 days prior to settlement.

[8] (Federal Register citation not available at time of printing.)

[9] 37 Fed. Reg. 13246, 7/16/72.

[10] 37 Fed. Reg. 24339, 11/16/72.

[11] Fed. Reg. *supra* note 6.

[12] 37 Fed. Reg. 24105, 11/14/72.

[13] Class actions have not been permitted in the following reported cases: *Ratner* v. *Chemical Bank New York Trust Company*, U.S.D.C., S.D.N.Y., Feb. 14, 1972, 4 CCH *Consumer Credit Guide* ¶99,238; *Buford* v. *American Finance Company*, U.S.D.C., N.D. Ga., Oct. 1, 1971, 4 CCH *Consumer Credit Guide* ¶99,302; *Rogers* v. *Coburn Finance Corp. of DeKalb*, U.S.D.C., N.D. Ga., Feb. 18, 1972, 4 CCH *Consumer Credit Guide* ¶99,234; *Allerton* v. *Century Credit Corporation*, U.S.D.C., S.D. Fla., Apr. 12, 1971, 4 CCH *Consumer Credit Guide* ¶99,271; *Mourning* v. *Family Publications Service, Inc.*, U.S.D.C., S.D. Fla., Nov. 27, 1970, 4 CCH *Consumer Credit Guide* ¶99,632; *Gerlach* v. *Allstate Insurance Company*, U.S.D.C., S.D. Fla., Feb. 17, 1972, 4 CCH *Consumer Credit Guide* ¶99,205; *Shields* v. *The Valley National Bank of Arizona*, U.S.D.C., D. Ar., Apr. 24, 1972, 4 CCH *Consumer Credit Guide* ¶99,195; *Shields* v. *First National Bank of Arizona*, U.S.D.C., D. Ar., June 5, 1972, 4 CCH *Consumer Credit Guide* ¶99,182; *Wilcox* v. *Commerce Bank d/b/a BankAmericard*, U.S.D.C., Ka., May 22, 1972, 4 CCH *Consumer Credit Guide* ¶99,171; *Garza* v. *Chicago Health Clubs, Inc.*, U.S.D.C., N.D. III., Oct. 25, 1972, 4 CCH *Consumer Credit Guide* ¶99,113; *Goldman* v. *The First National Bank of Chicago, U.S.D.C.*, N.D. III., Sept. 22, 1972, 4 CCH *Consumer Credit Guide* ¶99,104; *Kenney* v. *Landis Financial Group, Inc.*, U.S.D.C., N.D. Ia., Mar. 30, 1972, 4 CCH *Consumer Credit Guide* ¶99,105; *Kriger* v. *European Health Spa, Inc. of Milwaukee, Wisconsin*, U.S.D.C., E.D. Wis., July 18, 1972, 4 CCH *Consumer Credit Guide* ¶99,106. Class actions have been permitted in the following reported cases: *Le Mar* v. *H & B. Novelty & Loan Company d/b/a H & B Loan Company et al.*, U.S.D.C., D. Ore., Jan. 27, 1972, 4 CCH *Consumer Credit Guide* ¶99,239; *Smith* v. *International Magazine Service of Mid Atlantic, Inc.*, U.S.D.C., N.D.W.Va., Oct 29, 1971, 4 CCH *Consumer Credit Guide*. ¶99,249; *Martin and Alexander* v. *Family Publications Service, Inc.*, U.S.D.A., D. Vt., June 30, 1970, 4 CCH *Consumer Credit Guide* ¶99,267; *Katz* v. *Carte Blanche*, U.S.D.C., W.D. Pa., Nov. 17, 1971, 4 CCH *Consumer Credit Guide* ¶99,268; *Berkman* v. *Westinghouse Electric Corporation*, U.S.D.C., N.D. Ill., June 25, 1971, 4 CCH *Consumer Credit Guide* ¶99,270; *Richardson* v. *Time Premium Company*, U.S.D.C., S.D. Fla., Feb. 4, 1971, 4 CCH *Consumer Credit Guide* ¶99,273; *Joseph* v. *Norman's Health Club, Inc.*, U.S.D.C., E.D., Mo., Dec. 5, 1971, 4 CCH *Consumer Credit Guide* ¶99,274; *Douglas* v. *Beneficial Finance Co. of Anchorage et al.*, U.S.D.C., D. Ak., Sept. 2, 1971, 4 CCH *Consumer Credit Guide* ¶99,295.

[14] 449 F 2d 235 (5th Cir. 1971).

[15] *Strompolos v. Premium Readers Service*, 326 F. Supp. 1100 (N.D. Ill., 1971); *Castaneda v. Family Publications Service*, U.S.D.C., D. Col., Feb. 5, 1971, 4 CCH *Consumer Credit Guide* ¶99, 564.

[16] *Gardner and North Roofing and Siding Corporation v. Board of Governors of the Federal Reserve System*, D.C., Cir., July 14, 1972, 4 CCH *Consumer Credit Guide* ¶99, 159.

[17] *N.C. Feed Company Inc., et al. v. Board of Governors of the Federal Reserve System,*

U.S.D.C., W.D. N.Y., Sept. 29, 1971, 4 CCH *Consumer Credit Guide* ¶99,356. The opinion spoke only in terms of liens which may come into existence by operation of law after midnight of the third business day following the date of consummation of the credit transaction. A subsequent order date December 22, 1971, broadened the application of the opinion to all liens which may come into existence by operation of law.

[18] U.S.D.C. N.D. Ill., Ea. Div., No. 69–C–2321.

[19] U.S.D.C., S.D. Fla., Feb. 4, 1971, 4 CCH *Consumer Credit Guide* ¶ 99,273.

[20] D.C. Cir., Dec. 29, 1971, 4 CCH *Consumer Credit Guide* ¶ 99,256.

[21] U.S.D.C., S.D. Fla., Feb. 17, 1972, 4 CCH *Consumer Credit Guide* ¶ 99,205.

[22] National Association of Regulatory Utility Commissioners, 1972 Report of the Ad Hoc Committee on Utility Billing Practices, 9.

[23] Section 128(a)(7) of the Act exempts from the disclosure of the annual percentage rate those transactions in which the finance charge is $5.00 or less (or transactions in which the finance charge is $7.50 or less, when the amount financed exceeds $75). Many utility bills would probably fall within this exemption with the result that annual percentage rates would be disclosed on only a relatively few utility bills.

[24] See cases cited in note 13.

[25] Judge Frankel in *Ratner v. Chemical Bank New York Trust Company* (U.S.D.C., S.D.N.Y., Feb. 14, 1972, 4 CCH *Consumer Credit Guide* ¶99,238) found defendant's argument "cogent and persuasive" that "the proposed recovery of $100 each for some 130,000 class members would be a horrendous, possibly annihilating punishment, unrelated to any damage to the purported class or to any benefit to defendant." See also *Shields v. The Valley National Bank of Arizona*, U.S.D.C., D. Ar., Apr. 24, 1972, 4 CCH *Consumer Credit Guide* ¶99,195, *Rogers v. Coburn Finance Corp. of DeKalb*, U.S.D.C., N.D. Ga., Feb. 18, 1972, 4 CCH *Consumer Credit Guide* ¶99,234, and *Kriger v. European Health Spa Inc. of Milwaukee, Wisconsin*, U.S.D.C., E.D. Wis., July 18, 1972, 4 CCH *Consumer Credit Guide* ¶99,106.

[26] See notes 16 and 17.

[27] See the discussion of *Bissette v. Colonial Mortgage Corporation* on page 2.

Appendix A: Informational and Educational Materials on Truth in Lending[1]

What You Ought to Know About Truth in Lending—A pamphlet containing the Truth in Lending Act, Regulation Z, all amendments and interpretations issued through September 11, 1969, questions and answers, and sample disclosure forms—free.

Amendments to the Truth in Lending Act and Amendments and Interpretations of Regulation Z—Issued periodically supplementing the pamphlet above. The latest issue contains amendments and interpretations issued from September 12, 1969, to November 30, 1972—Free.

Annual Percentage Rate Tables—Volume I—For use in computing annual percentage rates in single advance transactions repayable in equal payments at equal intervals—Cost: $1.00 each or $.85 each for orders of 10 or more.

Annual Percentage Rate Tables—Volume II—For use in computing annual percentage rates in irregular transactions for which Volume I cannot be used—Cost: $1.00 each or $.85 each for orders of 10 or more.

Annual Report to Congress on Truth in Lending—For the Years 1969–1971—Reports on the Board's administrative responsibilities under the Act, the extent of compliance and recommendations—Free.

What Truth in Lending Means to You—A leaflet explaining in simple terms the basic facts about Truth in Lending—Free.

Lo Que "Truth in Lending" Significa Para Usted—A leaflet printed in Spanish explaining in simple terms the basic facts about Truth in Lending—Free.

Consumer Filmstrip—An audio-visual presentation of about 15 minutes designed to explain Truth in Lending—Cost: $10.00 each, but may be borrowed free.

Creditor Filmstrip—An audio-visual presentation of a creditor's responsibilities under Truth in Lending—Cost: $10.00 each, but may be borrowed free.

Appendix B: Advisory Committee on Truth in Lending

Chairman, Dr. Richard H. Holton, Dean, School of Business Administration, University of California, Berkeley, California.

Mr. Harry D. Allen, Assistant Credit Sales Manager, Rich's Department Store, Atlanta, Georgia.

Mr. James M. Barry, Managing Director, Texas Credit Union League, Dallas Texas.

Mr. Edwin B. Brooks, Jr., President, Security Federal Savings and Loan Association, Richmond, Virginia.

Mr. O. C. Carmichael, Jr., Chairman of the Board, Associates Corporation of North America, South Bend, Indiana.

Miss Barbara A. Curran, Senior Research Attorney, American Bar Foundation, Chicago, Illinois.

Dr. Louis F. Del Duca, Professor of Law and Director of Admissions, The Dickinson School of Law, Carlisle, Pennsylvania.

Mr. John E. Eidam, Attorney and Consultant to Cooperatives, Omaha, Nebraska.

Mr. William F. James, President, James Cadillac Company, Woodbridge, Connecticut.

Mr. Robert J. Klein, Senior Editor, MONEY, New York, New York.

Mr. Robert R. Masterton, President, Maine Savings Bank, Portland, Maine.

Mr. William F. Melville, Jr., Senior Vice President, Maryland National Bank, Baltimore, Maryland.

Mrs. Faith Prior, Extension Family Economist, University of Vermont, Burlington, Vermont.

Mr. Robert W. Pullen, Chairman, Department of Economics, Colby College, Waterville, Maine.

Mrs. Doris E. Saunders, Staff Associate, Office of the Chancellor, University of Illinois, Chicago, Illinois.

Mr. Miles C. Stanley, President, West Virginia Labor Federation, AFL-CIO, Charleston, West Virginia.

Mrs. Lynnette Taylor, Executive Director, Delta Sigma Theta Sorority, Washington, D.C.

Mr. Peter R. Thompson, President, Mid-Continent Properties, Inc., Piqua, Ohio.

Mr. Harry R. Vales, Vice President, Valas Corporation, Denver, Colorado.

Miss Barbara A. Zimmelman, Consultant, Urban and Economic Development, Houston, Texas.

Appendix C: Truth in Lending Litigation

Stefanski v. Mainway Budget Plan, Inc., 5th Cir., Feb. 23, 1972, 4 CCH *Consumer Credit Guide* ¶99,230. Dismissal of a suit claiming failure to make "credit sale" disclosures held improper where seller may have "arranged" and finance company "extended" credit.

Garza v. Chicago Health Clubs, Inc., et al. U.S.D.C., N.D. Ill., Sept. 15, 1972, 4 CCH *Consumer Credit Guide* ¶99,136. Acceleration of the balance upon default of an obligation should be considered a "charge" for purposes of the disclosures associated with charges for late payment, default or delinquency required by the Regulation.

White v. Central Charge Service, Inc., Sup. Ct. D.C., June 16, 1972, 4 CCH *Consumer Credit Guide* ¶99,170. Considering proper identification of merchandise purchased under open end credit account to comply with the Act and Regulation Z.

Garland v. Mobil Oil Corporation, U.S.D.C. N.D. Ill., Mar. 28, 1972, 4 CCH *Consumer Credit Guide* ¶99,193. A credit card issuer who imposes late payment charge not a "creditor."

Douglas v. Beneficial Finance Co. of Anchorage, et al., 9th Cir., Nov. 7, 1972, 4 CCH *Consumer Credit Guide* ¶99,112. Reversing district court holding that Alaskan confession of judgment clause is a "security interest" under Regulation Z.

Young v. Tri-City Remodeling Enterprises, Inc., City Ct. Albany, N.Y., July 18, 1972, 4 CCH *Consumer Credit Guide* ¶99,120. Right of rescission not applicable since no finance charge imposed in the transaction (following *Mourning v. Family Publications Service Inc.* at note 14).

Engle v. The Union Savings Association, U.S.D.C., N.D. Oh., Apr. 23, 1972, 4 CCH *Consumer Credit Guide* ¶99,178. Construing the disclosure required of any prepayment penalty.

Sosa v. Fite, 5th Cir., Aug. 4, 1972, 4 CCH *Consumer Credit Guide* ¶99,148. Reversing district court decision that Texas transaction was exempt from the Federal Act on the basis of there being similar State provisions and that the Federal court was without jurisdiction to hear the case.

Chrysler Credit Corporation, et al. v. Barnes, Ga. Ct. App., May 25, 1972, 4 CCH *Consumer Credit Guide* ¶99,144. Construing § 130 of the Act.

Pitkin Furniture Company v. Jackson, N.Y. Cir. Ct., Sp. term, Pt. 1, Kings County, Feb. 9, 1972, 4 CCH *Consumer Credit Guide* ¶99,231. Considering the ability of a party to raise the defenses of § 130(b) and (c) to liability.

Kenney v. Landis Financial Group Inc., U.S.D.C., N.D. Ia., Mar. 30, 1972, 4 CCH *Consumer Credit Guide* ¶99,105. Use of Rule of 78's computation under Iowa law imposes a penalty which should have been disclosed under § 226.8(b)(6) but not as a default charge under § 226.8(b)(4) of Regulation Z.

Wachtel v. West, U.S.D.C., E.D. Tenn., 4 CCH *Consumer Credit Guide* ¶99,107. The one-year statute of limitations begins to run on the date consumer credit is extended.

Appendix D: Suggested Legislative Language To Implement Recommendations for Changes in the Truth in Lending Act[1]

CLASS ACTION AND CIVIL LIABILITY

The following amendment of section 130 (a) is suggested to set a maximum liability under a class action:

§ 130(a) Except as otherwise provided in this section, any creditor who fails to comply with any requirement imposed under this chapter with respect to any person is liable to such person in an amount equal to the sum of

(1) any actual damages sustained by such person as a result of the failure; and

(2) in the case of an individual action twice the amount of any finance charge in connection with the transaction, except that the liability under this subparagraph shall not be less than $100 nor greater than $1,000; or

(3) in the case of a class action, such amount as the court may allow, except that as to each member of the class no minimum recovery shall be applicable, and the total recovery in such action shall not be more than the greater of $50,000 or 1 per centum of the net worth of the creditor; and

(4) in the case of any successful action to enforce the foregoing liability, the costs of the action, together with a reasonable attorney's fee as determined by the court.

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[1] Prepared by the Board of Governors of the Federal Reserve System. Available from the Board or any Federal Reserve Bank or branch.

[1] Where language has been added to existing provisions, it has been underlined and deletions are shown.

(b) In determining the amount of award in any class action, the court shall consider, among other relevant factors, the amount of any actual damages awarded, the frequency and persistence of failures of compliance by the creditor, the resources of the creditor, the number of persons adversely affected, and the extent to which the creditor's failure of compliance was intentional.

To provide for a "good faith" defense, it is suggested that section 130(d) be redesignated section 130(e) and a new section 130 (d) inserted as follows:

§ 130(d) No provision of this section or section 112 imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, regulation or interpretation thereof by the Board, notwithstanding that such rule, regulation or interpretation may, after such act or omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

To resolve the problem of uncertainty about the scope of the definition of "transaction" under section 130(a), to which the $100 minimum recovery of that section applies, it is suggested that the present section 130(e) should be redesignated section 130(g) and a new section 130(f) added as follows:

§ 130(f) The multiple failure to disclose to any person any information required under this chapter to be disclosed in connection with a single account under an open and consumer credit plan, other single consumer credit sale, consumer loan or other extension of consumer credit, shall entitle the person to a single recovery under this section, but continued failure to disclose after a recovery has been granted shall give rise to rights to additional recoveries.

RIGHT OF RESCISSION

The following addition to section 125 is suggested to set an outside limit on the time the right of rescission may run:

§ 125(f) An obligor's right of rescission shall expire three years after the date of consummation of the transaction or upon the sale of the property, whichever occurs earlier, notwithstanding the fact that the disclosures required under this section or any other material disclosures required under this chapter have not been delivered to the obligor.

To clarify the fact that the right of rescission is applicable to cases in which customers may lose their homes through foreclosure under lien rights as well as under mortgages or deeds of trust, the following indicated additions to the first sentences of sections 125(a) and (b) are suggested:

§ 125(a) Except as otherwise provided in this section, in the case of any consumer credit transaction in which a security interest, *including any such interest arising by operation of law,* is *or will be* retained or acquired. . ." etc.

(b) When an obligor exercises his right to rescind under subsection (a), he is not liable for any finance or other charge, and any security interest given by the obligor, *including any such interest arising by operation of law,* becomes void upon such a rescission.

"MORE-THAN-FOUR-INSTALLMENT RULE"

To clarify the Act's application to transactions involving more than four installments where no separately identifiable finance charges are shown, the following indicated amendments to sections 103(f) and 121(a) are suggested:

§ 103(f) The term "creditor" refers only to creditors who regularly extend, or arrange for the extension of credit *which is payable by agreement in more than four installments or* for which the payment of a finance charge is required, whether in connection with loans, sales of property or services, or otherwise. The provisions of this title apply to any such creditor, irrespective of his or its status as a natural person or any type of organization.

§ 121(a) Each creditor shall disclose clearly and conspicuously, in accordance with the regulations of the Board, to each person to whom consumer credit is extended the information required under this chapter, *where*

(1) a finance charge is or may be imposed, or

(2) the extension of credit is payable by agreement in more than four installments.

AGRICULTURAL CREDIT

To exempt agricultural credit over a certain amount from the Act's coverage, the Board recommends the following addition to section 104. While the Board believes an exclusion of transactions above $25,000 would alleviate the problem, it is aware that opinions legitimately may vary about the appropriate amount.

§ 104(5) Credit transactions primarily for agricultural purposes in which the total amount to be financed exceeds $25,000.

IDENTIFICATION OF GOODS OR SERVICES PURCHASED

To change the requirements relating to identification of goods and services purchased, it is suggested that section 127(b)(2) be amended as follows:

§ 127(b)(2) The amount and date of each extension of credit during the period and a brief identification on or accompanying the statement of each extension of credit in a form prescribed by regulations of the Board sufficient to enable the obligor to identify the transaction, or relate it to copies of sales vouchers or similar instruments previously furnished.

CREDIT CARDS—BUSINESS OR COMMERCIAL USE

To remove any possible uncertainty relating to the coverage of all credit cards under the Act's credit card amendments, section 135 should be added as follows:

§ 135 The provisions of section 104(1) shall not apply to sections 132, 133 and 134.

DISCLOSURE OF CLOSING COSTS

To require that certain charges involved in real estate transactions must be itemized and disclosed to the customer to be eligible for the finance charge exemption, section 106 (e) should be amended as follows:

§ 106(e) The following items, when charged in connection with any extension of credit secured by an interest in real property, and when itemized and disclosed in accordance with regulations of the Board, shall not be included in the computation of the finance charge with respect to that transaction: * * *

ADMINISTRATIVE ENFORCEMENT

To implement its recommendation for the transfer of certain enforcement jurisdiction from the Federal Trade Commission to the Farm Credit Administration, the Board suggests the following addition to section 108:

§ 108(a)(7) The Farm Credit Act of 1971, by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal intermediate credit bank, or production credit association.

To remove the enforcement responsibility of the Interstate Commerce Commission, section 108(a)(4) should be deleted and sections 108(a)(5) and (6) should be redesignated (4) and (5) respectively.

STATE OF WISCONSIN, DEPARTMENT
OF VETERAN' AFFAIRS,
January 30, 1973.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR BILL: State Representative Gervase Hephner has advised me that you have agreed to review the Truth-in-Lending Act as it applies to Wisconsin's second-mortgage home loan program for veterans.

Because delays resulting from our compliance with the rescission provisions in the act have added to our many problems in meeting the housing needs of state veterans, I would like to add my fervent plea for action to exempt our program from those rescission provisions as quickly as possible.

The Rescission Provisions of the Truth-in-Lending Act of the Federal Consumer Credit Protection Act have caused real hardship for veterans applying for loans from the State Department of Veterans Affairs because of the added delays involved.

The Department of Veterans Affairs is the only governmental agency which regularly makes second mortgage loans on housing accommodations as a regular part of its function. At 3% interest, these loans are strictly non-competitive and are a privilege available only to qualified Wisconsin veterans.

Every county in Wisconsin has a County Veterans Service Officer, and all applications for benefits from the Department of Veterans Affairs are initially processed through the County Veterans Service office of the county in which the veteran applicant resides. The veterans service officer is usually located in the Court House in the county seat.

Therefore, the Department of Veterans Affairs is a mail order lender and, as such, has special problems in fully complying with the specific requirements of the Federal Reserve Board's regulation Z pertaining to the Notice of Right of Rescission. It fully complies by sending out the Notice of Right of Rescission only after the disclosure forms have been acknowledged by both the borrower and his spouse and only after they have acknowledged that the loan transaction has been consumated.

The department has established uniform procedures for handling the Notice of Right of Rescission and, under these procedures, it is necessary for the veteran and his wife to wait 6 days from the date of signing the first rescission form until they may sign the second rescission form and return it to the department. This uniform waiting period covers cases where a Sunday and holiday intervene between the date of signing of the first rescission form and the confirmation that the loan will not be rescinded.

Veterans are never pressured to obtain loans from the department but, rather, they must complete a series of forms to establish their eligibility as veterans and to qualify themselves for such loans and have ample opportunity between the completion of these forms and the approval of their loans to reconsider their applications.

The Department of Veterans Affairs has an appreciable backlog of applications and, by the time the applications are ultimately approved, many veterans find it an extreme hardship to wait for the rescission period to elapse before the department can disburse funds or give absolute assurance to the third parties who are contacted at the request of prospective veteran borrowers that loan proceeds will be forthcoming. This additional waiting period has forced some veterans to obtain short-term, high-interest-rate loans to provide interim financing until the department's second-mortgage loans become available and has caused some veterans to lose opportunities to purchase homes.

State Department of Veterans Affairs' second mortgage loans for the purchase and construction of homes are "piggy back" loans—that is, they are an integral part of financing packages obtained by borrowers to enable them to purchase or construct homes, and they complement first mortgage loans. The first mortgage loans are usually made by banks or savings and loan associations, and these banks or savings and loan associations supervise disbursement of Department of Veterans Affairs funds at the time of the closing of the real estate transaction involving such funds. These "piggy back" loans constitute over 85% of the total mortgage loans made by the department.

Only a minority of Department of Veterans Affairs loans are made for improvements and, where improvement loans are made, department funds will be disbursed only upon receipt of bills approved for payment over the veteran borrower's signature. This means that if a veteran does not choose to complete improvements, no funds will be disbursed and no obligations will be incurred by the veteran as a result of the approval of a department's housing improvement loan.

The department has a policy under which any veteran may cancel his loan at any time after it has been approved without penalty. Further, if a veteran cancels his loan before cashing his department check and returns the department check, the return of the check is accepted in full satisfaction of his loan liability even though the department loses interest on the amount of his loan from the date his check is initially vouchered. This cancellation policy has always been and still is the policy of the department.

The Department of Veterans Affairs is not attempting to obtain exemption from the disclosure provisions of the Truth-in-Lending Act which only highlight the sizable interest break veterans are receiving with their department loans. We are, however, requesting that we be exempt from the rescission provisions of the Act in the interest of lending institutions, who give first mortgages to veteran borrowers who obtain second mortgages from the Department of Veterans Affairs to purchase or construct homes with the combination of both such mortgages, in the interest of veteran borrowers, and in the interests of cutting governmental operation costs for the state of Wisconsin.

Sincerely,

JOHN R. MOSES,
Secretary.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
Washington, D.C., November 15, 1972.

HON. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: I am responding to your letter of October 24, 1972, relating to the application of the right of rescission under the Truth in Lending Act to loans made by the State Department of Veterans Affairs in Wisconsin. Your letter transmitted the October 16 letter of Wisconsin State Representative Gervase A. Hephner who points out the difficulty encountered by the application of the right of rescission to such loans. You suggest that the Board use its authority under the Truth in Lending Act to exempt second mortgage loans made by State agencies from the rescission requirements. You indicate that if administrative exemption is not feasible, we should provide draft legislation for introduction in the 93rd Congress.

While we can sympathize with the problems created by application of the right of rescission for both the State agency and the veterans obtaining loans from the agency, we believe that the specific statutory directives in the Act relating to second mortgage loans may preclude the Board from administratively exempting such loans from the right of rescission. Consequently, it appears that your second suggestion is preferable that we provide wording to amend the Act to allow exemption from the right of rescission for loans made by State agencies. We believe this could be accomplished by amending section 125(e) of the Act to read as follows: "This section does not apply to the creation or retention of a first lien against a dwelling to finance the acquisition of that dwelling or to a consumer credit transaction in which an agency of a State is the creditor."

I hope this information will be of assistance to you.

Sincerely,

J. L. ROBERTSON

OCTOBER 24, 1972.

Hon. J. L. ROBERTSON,
Vice Chairman, Board of Governors of the Federal Reserve System, Washington, D.C.

DEAR GOVERNOR ROBERTSON: I am enclosing a letter from a member of the Wisconsin Legislature who makes a compelling case that second mortgage loans made by the State Department of Veterans Affairs in Wisconsin should be exempt from the three-day rescission requirements of the Truth-in-Lending Act. As the letter indicates, these loans are quite beneficial to homebuyers. They are made at an interest rate of 3% and the borrower has the option to repay the full amount without penalty. In my opinion, the three-day rescission requirements were never intended by the Congress to cover this type of situation.

I would hope you could use your authority under the Truth-in-Lending Act to exempt second mortgage loans made by State agencies from the three-day rescission requirements. If this administrative exemption proves infeasible, I would most appreciate your preparing draft legislation for introduction in the 93rd Congress. I hope to hear from you soon on this matter.

With best wishes, I am

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

OCTOBER 24, 1972.

Hon. GERVASE A. HEPHNER,
State Representative,
State Capitol,
Madison, Wis.

DEAR MR. HEPHNER: Thank you for your recent letter concerning the three-day rescission provisions of the Truth-in-Lending Act. This section of the Act was added as an amendment on the floor of the House of Representatives and was intended to regulate the abusive practices of home improvement contractors and similar lenders. In my opinion, it was never intended to cover the legitimate operations of State lending agencies such as the Wisconsin State Department of Veterans Affairs. As you point out in your letter, these loans are at 3% interest and the borrower may cancel them at any time without penalty.

I would be happy to sponsor legislation to exempt State agencies such as the Wisconsin State Department of Veterans Affairs from the three-day rescission requirements under Truth-in-Lending. However, the Truth-in-Lending Act does authorize the Federal Reserve Board to make exemptions to the requirements of the Act when such exemptions will facilitate compliance and are consistent with the purposes of the Act. Accordingly, I am writing to the Federal Reserve Board urging that an administrative exemption be made in the case of State lending agencies. Should this exemption prove infeasible, I will be glad to introduce a bill in the 93rd Congress to accomplish the same by legislation.

I am enclosing for your information a copy of my letter to the Federal Reserve Board requesting an exemption. I will be in further touch with you when I hear from the Board.

With best wishes, I am

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

WISCONSIN LEGISLATURE,
ASSEMBLY CHAMBER,
Madison, October 16, 1972.

Hon. WILLIAM PROXMIRE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: It has been brought to my attention that the Rescission Provisions of the Truth-in-Lending Act of the Federal Consumer Credit Protection Act have caused hardships for veterans applying for loans from the State Department of Veterans Affairs.

To my knowledge, the Department of Veterans Affairs is the only governmental agency which regularly makes second mortgage loans on housing accommodations as a regular part of its functions. At 3% interest, these loans are strictly noncompetitive and are a privilege available only to qualified Wisconsin veterans.

Every county in Wisconsin has a County Veterans Service Officer and all applications for benefits from the Department of Veterans Affairs are initially processed through the County Veterans Service office of the county in which the veteran resides. The veterans service officer is usually located in the Court House in the county seat.

Therefore, the Department of Veterans Affairs is a mail order lender and as such, has special problems in fully complying with the specific requirements of the Federal Reserve Board's regulation Z pertaining to the Notice of Right of Rescission. It fully complies by sending out the Notice of Right of Rescission only after the disclosures forms have been acknowledged by both the borrower and his spouse and only after they have acknowledged that the loan transaction has been consummated.

The department has established uniform procedures for handling the Notice of Right of Rescission and, under these procedures, it is necessary for the veteran and his wife to wait 6 days from the date of signing the first rescission form until they may sign the second rescission form and return it to the department. This uniform waiting period covers cases where a Sunday and holiday intervene between the date of signing of the first rescission form and the confirmation that the loan will not be rescinded.

Veterans are never pressured to otbain loans from the department but, rather, they must complete a series of forms to establish their eligibility as veterans and to qualify themselves for such loans and have ample opportunity between the completion of these forms and the approval of their loans to reconsider their applications.

The Department of Veterans Affairs has an appreciable backlog of applications and, by the time the applications are ultimately approved, many veterans find it an extreme hardship to wait for the rescission period to elapse before the department can disburse funds or give absolute assurance to the third parties who were contacted at the request of prospective veteran borrowers that loan proceeds will be forthcoming. I have been informed by Mr. Robert J. Veeser, County Veterans Service Officer for Calumet County, that this has forced some veterans to obtain short-term, high interest rate loans to provide interim financing until the department's second mortgage loans become available and has caused some veterans to lose opportunities to purchase homes.

State Department of Veterans Affairs' second mortgage loans for the purchase and construction of homes are "piggy back" loans—that is, they are an integral part of financing packages obtained by borrowers to enable them to purchase or construct homes and complement first mortgage loans. The first mortgage loans are usually made by banks or savings and loan associations and these banks or savings and loan associations supervise disbursement of Department of Veterans Affairs funds. These "piggy back" loans constitute over 85% of the total mortgage loans made by the Department.

Only a minority of Department of Veterans Affairs loans are made for improvements and, where improvement loans are made, department funds will be disbursed only upon receipt of bills approved for payment over the veteran borrower's signature. This means that if a veteran does not choose to complete improvements, no funds will be disbursed and no obligations will be incurred by the veteran as a result of the approval of a Department's housing improvement loan.

The department has a policy under which any veteran may cancel his loan at any time after it has been approved without penalty. Further, if a veteran cancels his loan before cashing his department's check and returns the department check, the return of the check is accepted in full satisfaction of his loan liability even though the department loses interest on the amount of his loan from the date his check is initially vouchered.

Mr. John R. Moses, Secretary of the Department of Veterans Affairs, has submitted assurance to Mr. Veeser that this cancellation policy has always been and still is the policy of the Department of Veterans Affairs.

Mr. Veeser assures me that the Department of Veterans Affairs is not attempting to obtain exemption from the disclosure provisions of the Truth-in-Lending Act which only highlight the sizable interest break veteran's are receiving with their department loans. It is, however, requesting that it be exempt from the rescission provisions of the Act in the interests of lending institutions who give first mortgages to veteran borrowers who obtained second mortgages from the Department of Veterans Affairs to purchase or construct homes with the combination of both such mortgages, in the intrests of veteran borrowers, and in the intersts of cutting government operation costs for the state of Wisconsin.

I am certain that your sponsorship of this very desirable legislation will meet with the wholehearted approval of Wisconsin County Veterans Service Officers, real estate brokers, savings and loan officials. Passages of this legislation will also benefit Wisconsin veterans and save time and money for the Department of Veterans Affairs.

Sincerely,

GERVASE A. HEPHNER,
State Representative.

P.S. This is the information that we talked about in my wheat field.

S. 914

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Truth in Lending Act Amendments of 1973".

TITLE I—FAIR CREDIT BILLING

§ 101. Short title

This title may be cited as the "Fair Credit Billing Act".

§ 102. Declaration of purpose

The last sentence of section 102 of the Truth in Lending Act (15 U.S.C. 1601) is amended by striking out the period and inserting in lieu thereof a comma and the following: "and to protect the consumer against inaccurate and unfair credit billing and credit card practices."

§ 103. Definition of creditor

Section 103(f) of the Truth in Lending Act (15 U.S.C. 1602(f)) is amended by adding at the end thereof the following: "Notwithstanding the foregoing, for the purposes of the requirements imposed under sections 127(a)(6), 127(a)(7), 127(a)(8), 127(b)(1), 127(b)(2), 127(b)(3), 127(b)(11), and chapter 4 of this title, the term 'creditor' means any person who regularly extends credit or arranges for the extension of credit in connection with loans, sales of, property or services, or otherwise."

§ 104. Disclosure of fair credit billing rights

(a) Section 127(a) of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end thereof a new paragraph as follows:

"(8) A statement, in a form prescribed by regulations of the Board, of the protection provided by section 161 to an obligor and the creditor's responsibilities under section 162. Such statement shall be provided to the obligor at least semiannually."

(b) Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended to read:

"(c) In the case of any existing account under an open-end consumer credit plan having an outstanding balance of more than $1 at or after the close of the creditor's first full billing cycle under the plan after the effective date of subsection (a) or any amendments thereto, the items described in subsection (a), to the extent applicable and not previously disclosed, shall be disclosed in a notice mailed or delivered to the obligor not later than the time of mailing the periodic billing statement required by subsection (b)."

§ 105. Disclosure of billing contact

Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end thereof a new paragraph as follows:

"(11) The address to be used by the creditor for the purpose of receiving billing inquiries from the obligor."

§ 106. Billing practices

The Truth in Lending Act (15 U.S.C. 1601–1665) is amended by adding at the end thereof a new chapter as follows:

"Chapter 4.—CREDIT BILLING

"Sec.
"161. Correction of billing errors.
"162. Regulation of credit reports.
"163. Length of billing period.
"164. Prompt crediting of payments.
"165. Crediting excess payments.
"166. Prompt notification of returns.
"167. Prohibition of retroactive finance charges.
"168. Prohibition of minimum finance charges.
"169. Use of cash discounts.
"170. Prohibition of tie-in services.
"171. Prohibition of offsets.
"172. Rights of credit card customers.
"173. Relation to State laws.

§ 161. Correction of billing errors

"(a) If a creditor, within sixty days after having transmitted to an obligor a statement of the obligor's account in connection with an extension of consumer credit, receives at the address disclosed under section 127(b)(11) a written notice (other than notice on a payment stub or other payment medium supplied by the creditor if the creditor so stipulates with the disclosure required under section 127(b)(11)) from the obligor in which the obligor—

"(1) sets forth or otherwise enables the creditor to identify the name and account number (if any) of the obligor,

"(2) indicates the obligor's belief that the statement contains a billing error and the amount of such billing errors, and

"(3) sets forth the reasons for the obligor's belief (to the extent applicable) that the statement contains a billing error,

the creditor shall, unless the obligor has, after giving such written notice and before the expiration of the time limits herein specified, agreed that the statement was correct—

"(A) not later than thirty days after receipt of the notice, send a written acknowledgement thereof to the obligor, unless the action required in subparagraph (B) is taken within such thirty-day period, and

"(B) not later than two complete billing cycles of the creditor (in no event later than ninety days) after the receipt of the notice and prior to taking any action to collect the amount, or any part thereof, indicated by the obligor under paragraph (2) either—

"(i) make appropriate corrections in the account of the obligor, including the crediting of any finance charges on accounts erroneously billed, and transmit to the obligor a notification of such corrections and the creditor's explanation of any change in the amount indicated by the obligor under paragraph (2) and, if any such change is made and the obligor so requests, copies of documentary evidence of the obligor's indebtedness; or

"(ii) send a written explanation or clarification to the obligor, after having conduced an investigation, setting forth to the extent applicable the reasons why the creditor believes the account of the obligor was correctly shown in the statement and, upon request of the obligor, provide copies of documentary evidence of the obligor's indebtedness. In the case of a billing error where where the obligor alleges that the creditor's billing statement reflects goods not delivered to the obligor or his designee in accordance with the agreement made at the time of the transaction, a creditor may not construe such amount to be correctly shown unless he determines that such goods were actually delivered, mailed, or otherwise sent to the obligor and provides the obligor with copies of documentary evidence thereof.

"(b) For the purpose of this section, a 'billing error' consists of any of the following:

"(1) A reflection on a statement of an extension of credit which was not made to the obligor or, if made, was not in the amount reflected on such statement.

"(2) A reflection on a statement of an extension of credit for which the obligor requests additional clarification including documentary evidence thereof.'

"(3) A reflection on a statement of goods or services not accepted by the obligor or his designee or not delivered to the obligor or his designee in accordance with the agreement made at the time of a transaction.

"(4) The creditors failure to reflect properly on a statement a payment made by the obligor or a credit issued to the obligor.

"(5) A computation error or similar error of an accounting nature of the creditor on a statement.

"(6) Any other error described in regulations of the Board.

"(c) For the purpose of this section, 'action to collect the amount, or any part thereof, indicated by an obligor under paragraph (2)' does not include the sending of statements of account to the obligor following written notice from the obligor as specified under subsection (a), if

"(1) the obligor's account is not restricted or closed because of the failure of the obligor to pay the amount indicated under paragraph (2) of subsection (a), and

"(2) the creditor indicates the payment of such amount is not required pending the creditor's compliance with section 161.

Nothing in this section shall be construed to prohibit any action by a creditor to collect any amount which has not been indicated by the obligor to contain a billing error.

"(d) Any creditor who fails to comply with the requirements of section 161 or 162 forfeits any right to collect from the obligor the amount indicated by the obligor under paragraph (2) of subsection (a) of section 161, and any finance charges thereon, except that the amount required to be forfeited under this subsection may not exceed $100.

"§ 162. Regulation of credit reports

"(a) After receiving a notice from an obligor as provided in section 161(a), a creditor or his agent may not directly or indirectly threaten to report to any person adversely on the obligor's credit rating or credit standing because of the obligor's failure to pay the amount indicated by the obligor under section 161(a)(2), and such amount may not be reported as delinquent to any third party until the creditor has met the requirements of section 161 and has allowed the obligor the same number of days (not less than ten) thereafter to make payment as is provided under the credit agreement with the obligor for the payment of undisputed amounts.

"(b) If a creditor receives a further written notice from an obligor that an amount is still in dispute within the time allowed for payment under subsection (a) of this section, a creditor may not report to any third party that the amount of the obligor is delinquent because the obligor has failed to pay an amount which he has indicated under section 161(a)(2), unless the creditor also reports that the amount is in dispute and, at the same time, notifies the obligor of the name and address of each party to whom the creditor is reporting information concerning the delinquency.

"(c) A creditor shall report any subsequent resolution of any delinquencies reported pursuant to subsection (b) to the parties to whom such delinquencies were initially rereported.

"§ 163. Length of billing period

"If an open-end consumer credit plan provides a time period within which an obligor may repay any portion of the credit extended without incurring an additional finance charge, such additional finance charge may not be imposed with respect to such portion of the credit extended for the billing cycle of which such period is a part unless a statement which includes the amount upon which the finance charge for that period is based was mailed at least fourteen days prior to the date specified in the statement by which payment must be made in order to avoid imposition of that finance charge.

"§ 164. Prompt crediting of payments

"Payments received from an obligor under an open-end consumer credit plan by the creditor shall be posted promptly to the obligor's account as specified in regulations of the Board. Such regulations shall prevent a finance charge from being imposed on any obligor if the creditor has received the obligor's payment prior to the time indicated by the creditor by which such payment must be received to avoid the imposition of a finance charge.

"§ 165. Crediting excess payments

"Whenever an obligor transmits funds to a creditor in excess of the total balance due on an open-end consumer credit account, the creditor shall promptly (1) upon request of the obligor refund the amount of the overpayment, or (2) credit such amount to the obligor's account.

"§ 166. Prompt notification of returns

"With respect to any sales transaction where a credit card has been used to obtain credit, where the seller is a person other than the card issuer, and where the seller accepts or allows a return of the goods or forgiveness of a debit for services which were the subject of such sale, the seller shall, unless otherwise requested by the buyer, promptly transmit to the credit card issuer a credit statement with respect thereto and the credit card issuer shall credit the account of the obligor for the amount of the transaction.

"§ 167. Prohibition of retroactive finance charges

"Any creditor who operates an open-end consumer credit plan under the terms of which the obligor has the option of avoiding the imposition of a finance charge by paying his outstanding balance in full within a specified period of time shall not retroactively assess a finance charge against any balance outstanding in the obligor's account prior to the time when such payment is due.

"§ 168. Prohibition of minimum finance charges

"(a) No creditor who operates an open-end consumer credit plan may impose a minimum finance charge on any consumer account unless such charge is—

"(1) in the nature of a fixed finance charge for the purpose of recovering billing expenses and is imposed uniformly on all accounts without regard to the amount of credit outstanding or the amount of repayment; or

"(2) imposed uniformly on all accounts in which the minimum periodic payment required by the terms of the plan has not been received during the two preceding billing periods.

"(b) The exceptions granted under paragraphs (1) and (2) of subsection (a) shall not be construed to authorize the imposition of such charges where they are not otherwise authorized under State law and no creditor imposing such charges shall state or infer that such charges are required or authorized by Federal law.

"§ 169. Use of cash discounts

"(a) With respect to a credit card which may be used for extensions of credit in sales transactions in which the seller is a person other than the card issuer, the card issuer may not, by contract or otherwise, prohibit any such seller from offering a discount to a cardholder to induce the cardholder to pay by cash, check, or similar means rather than use a credit card.

"(b) With respect to any sales transaction, any discount not in excess of 5 per centum offered by the seller for the purpose of inducing payment by cash, check, or other means not involving the use of a credit card shall not constitute a finance charge as determined under section 106, if such discount is offered to all prospective buyers and its availability is disclosed to all prospective buyers clearly and conspicuously in accordance with regulations of the Board.

"§ 170. Prohibition of tie-in services

"Notwithstanding any agreement to the contrary, no card issuer shall require a seller, as a condition to participating in a credit card plan, to open an account with or procure any other service from the card issuer or its subsidiary or agent.

"§ 171. Prohibition of offsets

"(a) A credit card issuer may not take any action to offset a cardholder's indebtedness arising in connection with a consumer credit transaction under the relevant credit card plan against funds of the cardholder held on deposit with the card issuer unless—

"(1) such action was previously authorized in writing by the cardholder, and

"(2) such action with respect to any disputed amount will be rescinded by the card issuer upon request of the cardholder made within ten days after such action is taken.

In case of any credit card account in existence on the effective date of this section, the previous written authorization referred to in clause (1) shall not be required until the date (after such effective date) when such account is renewed, but in no case later than one year after such effective date.

"(b) This section does not alter or affect the right under State law of a card issuer to attach or otherwise levy upon funds of a cardholder held on deposit with the card issuer if that remedy is constitutionally available to creditors generally.

"§ 172. Rights of credit card customers

"A card issuer who has issued a credit card to a cardholder pursuant to an open-end consumer credit plan shall be subject to all claims (other than tort claims) and defenses arising out of any transaction in which the credit card is used as a method of payment or extension of credit if (1) the obligor has made a good faith attempt to obtain satisfactory resolution of a disagreement or problem relative to the transaction from the person honoring the credit card; (2) the amount of such initial transaction exceeds $50; (3) the place where the initial transaction occurred was in the same State as the State in which the card issuer maintained a place of business; and (4) the amount of claims or defenses asserted by the cardholder does not exceed: (a) the initial amount of credit extended in connection with the initial transaction giving rise to the claim or defense provided the cardholder notifies the card issuer or person honoring the card of such claim or defense within three months from the date of such transaction; or (b) if the cardholder notifies the card issuer or person honoring the card of such claims or defense later than six months following the date of such transaction, the amount outstanding with respect to such transaction at the time of such notification. For the purpose of determining such amount outstanding in the preceding sentence, the payments and credits to the cardholder's account are deemed to have been applied, in the order indicated, to the payment of: (i) late charges in the order of their entry to the account; (ii) finance charges in order of their entry to the account; and (iii) debits to the account other than those set forth above, in the order in which each debit entry to the account was made.

"§ 173. Relation to State laws

"This chapter does not annul, alter, affect, or exempt any person subject to the provisions of this chapter from complying with the laws of any State with respect to credit billing practices, except to the extent that those laws are inconsistent with any provision of this chapter, and then only to the extent of the inconsistency. No State law which provides greater protection for consumers than the protection provided by this law shall be preempted by this law to the extent of the greater protection.

§ 108. Conforming amendments

(a) The table of chapters of the Truth in Lending Act is amended by adding immediately under item 3 the following:

"4. CREDIT BILLING.................. 161".

(b) Section 111(d) of such Act (15 U.S.C. 1610(d)) is amended by striking out "and 130" and inserting in lieu thereof a comma and the following: "130, 166, 167, and 168".

§ 109. Effective date

This title takes effect upon the expiration of one year after the date of its enactment.

TITLE II—AMENDMENTS TO THE TRUTH IN LENDING ACT

§ 201. More-than-four-installment rule

(a) The first sentence of section 103(f) of the Truth in Lending Act (15 U.S.C. 1602(f)) is amended by inserting "which is payable by agreement in more than four installments or" after "credit".

(b) Section 121(a) of the Truth in Lending Act (15 U.S.C. 1631(a)) is amended by striking out all after "extended" and inserting "the information required under this chapter, where—

"(1) a finance charge is or may be imposed, or

"(2) the extension of credit is payable by agreement in more than four installments."

§ 202. Agricultural credit exemption

Section 104 of the Truth in Lending Act (15 U.S.C. 1603) is amended by adding at the end thereof a new paragraph as follows:

"(5) Credit transactions primarily for agricultural purposes in which the total amount to be financed exceeds $25,000."

§ 203. Administrative enforcement

(a) Section 108(a) of the Truth in Lending Act (15 U.S.C. 1607(a)) is amended by striking out paragraph (4) and by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(b) Section 108(a) of the Truth in Lending Act (15 U.S.C. 1607(a)) is amended by adding at the end thereof a new paragraph as follows:

"(7) the Farm Credit Act of 1971, by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal intermediate credit bank, or production credit associaton."

§ 204. Liens arising by operation of State law

Section 125 of the Truth in Lending Act (15 U.S.C. 1635) is amended—

(1) by striking out "is" the first time it appears in the first sentence of subsection (a) and inserting in lieu thereof ", including any such interest arising by operation of law, is or will be"; and

(2) by inserting after "obligor" the second time it appears in the first sentence of subsection (b) the following: ", including any such interest arising by operation of law,".

§ 205. Time limit for right of rescission

Section 125 of the Truth in Lending Act (15 U.S.C. 1635) is amended by adding at the end thereof a new subsection as follows:

"(f) An obligor's right of rescission shall expire three years after the date of consummation of the transaction or upon the sale of the property, whichever occurs earlier, notwithstanding the fact that the disclosures required under this section or any other material disclosures required under this chapter have not been delivered to the obligor."

§ 206. Good faith compliance

Section 130 of the Truth in Lending Act (15 U.S.C. 1640) is amended by adding at the end thereof a new subsection as follows:

"(f) No provision of this section or section 112 imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, regulation, or interpretation thereof by the Board, notwithstanding that after such act or omission has occurred, such rule, regulation, or interpretation is amended, rescinded, or determined by judicial or other authority to be invalid for any reason."

§ 207. Liability for multiple disclosures

Section 130 of the Truth in Lending Act (15 U.S.C. 1640) is amended by adding at the end thereof a new subsection as follows:

"(g) The multiple failure to disclose to any person any information required under this chapter to be disclosed in connection with a single account under an open-end consumer credit plan, other single consumer credit sale, consumer loan, or other extension of consumer credit, shall entitle the person to a single recovery under this section but continued failure to disclose after a recovery has been granted shall give rise to rights to additional recoveries."

§ 208. Limitation on class action liability

(a) Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended to read as follows:

"(a) Except as otherwise provided in this section, any creditor who fails to comply with any requirement imposed under this chapter or chapter 4 of this title with respect to any person is liable to such person in an amount equal to the sum of—

"(1) any actual damages sustained by such person as a result of the failure;

"(2) in the case of an individual action twice the amount of any finance charge in connection with the transaction, except that the liability under this subparagraph shall not be less than $100 nor greater than $1,000; or

"(3) in the case of a class action, such amount as the court may allow, except that as to each member of the class no minimum recovery shall be applicable, and the total recovery in such action shall not be more than the greater of $50,000 or 1 per centum of the net worth of the creditor; and

"(4) in the case of any successful action to enforce the foregoing liability, the costs of the action, together with a reasonable attorney's fee as determined by the court.

"(b) In determining the amount of the award in any class action, the court shall consider, among other relevant factors, the amount of any actual damages awarded, the frequency and persistence of failures of compliance by the creditor, the resources of the creditor, the number of persons adversely affected, and the extent to which the creditor's failure of compliance was intentional."

(b) Section 130(b) of such Act (15 U.S.C. 1640(b)) is amended by inserting after "this section" the first place it appears the following: "for any failure to comply with any requirement imposed under this chapter,".

(c) Section 130(c) of such Act (15 U.S.C. 1640(c)) is amended by striking out "chapter" and inserting in lieu thereof "title".

(d) Section 130 of such Act (15 U.S.C. 1640) is amended by adding at the end thereof a new subsection as follows:

"(h) A person may not take any action to offset any amount for which a creditor is potentially liable to such person under subsection (a)(2) against any amount owing to such creditor by such person, unless the amount of the creditor's liability to such person has been determined by judgment of a court of competent jurisdiction in an action to which such person was a party."

(e) The amendments made by section 206, 207, and 208 shall apply in determining the liability of any person under chapter 2 or 4 of the Truth in Lending Act, unless prior to the date of enactment of this Act such liability has been determined by final judgment of a court of competent jurisdiction and no further review of such judgment may be had by appeal or otherwise.

§ 209. Disclosure of closing costs

Section 106(e) of the Truth in Lending Act (15 U.S.C. 1605(e) is amended by inserting after "real property," the following: "and when itemized and disclosed in accordance with regulations of the Board,".

§ 210. Business use of credit cards

Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631-1644) is amended by adding the following new section at the end thereof:

"§ 135. Business credit cards

"The provisions of section 104(1) shall not apply to sections 132, 133, and 134.

§ 211. Identification of transaction

Section 127(b)(2) of the Truth in Lending Act (15 U.S.C. 1637(b)(2)) is amended to read as follows:

"(2) The amount and date of each extension of credit during the period and a brief identification on or accompanying the statement of each extension of credit in a form prescribed by regulations of the Board insufficient to enable the obligor to identify the transaction, or relate it to copies of sales vouchers or similar instruments previously furnished."

§ 212. Exemption for State lending agencies

Section 125(e) of the Truth in Lending Act (15 U.S.C. 1635(e)) is amended by striking the period at the end thereof and adding the following: "or to a consumer credit transaction in which an agency of a State is the creditor."

§ 213. Effective date

This title takes effect upon the date of its enactment.

By Mr. JAVITS:

S. 915. A bill to provide a national health insurance program by extending the benefits, enlarging the coverage, expanding the role of private carriers, and otherwise improving the health insurance program established by title XVIII of the Social Security Act, by establishing a new title XX to such act to provide comparable health insurance benefits to individuals not covered therefor under the program established by such title XVIII, by providing Federal assistance to develop local comprehensive health service systems, and by authorizing the establishment of federally chartered national health insurance corporations. Referred to the Committee on Finance.

NATIONAL HEALTH INSURANCE AND HEALTH SERVICES IMPROVEMENT ACT

Mr. JAVITS. Mr. President, I introduce for appropriate reference the National Health Insurance and Health Services Improvement Act, and I refer to a number of amendments to deal with developments in the subject which I will incorporate into the bill.

My bill, and other health bills which will be introduced, mark the beginning of journeys to fulfill one of the great needs of our people—the equal right to health care, whether rich or poor. Only justice should determine whether one lives or dies, not economic circumstances, which is the situation presently. I predict that a national health care program will be enacted in this Congress.

Mr. President, we must deal with the health of all the people:

First, on an equal basis, that is a basis of opportunity for gaining equal access to our health care system;

Second, for preventive care instead of illness care;

Third, to attain the economy by the way in which that health care can be delivered; and

Fourth, to pay for the service on the insurance principle.

To achieve these objectives, I am introducing the National Health Insurance and Health Services Improvement Act. A summary of its provisions are contained in the appended comparability tables.

The bill I introduce today is essentially the national health insurance bill I introduced in the 92d Congress. It reflects a commitment to providing an acceptable form of mandatory prepaid health care for all Americans and, at the same time, to change the dangerously haphazard organization of health delivery services in America. To accomplish this desired goal, the bill is based on the following premise:

First. Different segments of our population—with a priority to the disabled and the poor—are phased into the system. A massive expansion of health insurance cannot be imposed at one time upon our present health care system. The system must be given time to gear up for the greatly increased demand and allow for the vast reorganization of health care delivery services which other parts of this bill would stimulate.

Second. The basic medicare package—parts A and B—is established as a solid minimal criterion for every person. Additional benefits are phased in, for example, annual physical examinations, prescription drugs, dental care. At the same time, we must also assure that health benefits are not limited by inappropriate and arbitrary administrative fiat, for example, increased deductibles, copayments and coinsurance—these do not actually confront the problem of overutilization of hospital services; they merely transfer the incurred costs onto already financially overburdened shoulders. It is the providers of health care who determine whether a hospital admission and length of stay is reasonable, necessary, or appropriate, and that is the point at which the matter should be attacked.

Third. Private sector—private and nonprofit—would have the first opportunity to provide the health care services by contracts with the Secretary of Health, Education, and Welfare, and if they will not and cannot do it in any region, than an autonomous U.S. Government corporation or corporations would do the job.

If the promise of adequate quality health care for all Americans is to become a reality, the various legislative proposals, including my bill, which recognize the national responsibility for the health of the people, and other ideas which seek that deserved goal need the cooperation of the professional and technical experts in the private sector.

Mr. President, an amendment to the Public Health Services Act—Public Law 91–515—directed the Secretary of the Department of Health, Education and Welfare to conduct a study which would evaluate, analyze and provide cost data on national health insurance legislative proposals.

I commend the initial report and the supplementary updating reports to all concerned with national health insurance. Because they are voluminous I will not ask to have them reprinted here. However, the summary comparison of the various bills would be helpful to all and I shall ask that it, along with the respective cost estimates, be printed in the Record at the conclusion of my remarks.

Mr. President, although I have reintroduced my national health insurance bill in the same form as originally introduced, in the 91st Congress, I believe it would be helpful to discuss at this time certain contemplated amendments:

First. The drug coverage benefit in the bill which would begin 2 years after the start of the program—maintenance drugs for the treatment of chronic diabetes, cardiovascular diseases, kidney conditions and respiratory conditions with a $1 charge per prescription and this amount adjusted in future years according to changes in the per capita cost for drugs—will be replaced with the drug coverage benefit in the Senate passed H.R. 1 which was dropped in conference.

This latter coverage would cover the costs of certain specified drugs, purchased on an outpatient basis, which are necessary in the treatment of the most common, crippling or life-threatening chronic disease conditions of the aged. Beneficiaries would pay $1 toward the cost of each prescribed drug included in the reasonable cost range for the drug involved.

Covered would be specific drugs used in the treatment of the following conditions: arthritis, cancer, chronic respiratory disease, diabetes, epilepsy, gout, glaucoma, high blood pressure, myasthenia gravis, Parkinson's disease, rheumatism, thyroid disease and tuberculosis.

The Finance Committee estimated the cost at $740 million with a $1 co-payment per prescription. There would be an offsetting of some $100 million from medicaid as a result of this drug coverage.

The costs of outpatient prescription drugs represent a major item of medical expense for many older people, especially for those suffering from chronic and serious illness conditions. The costs of such drugs are not presently covered.

Second. The benefit package would be revised in order specifically to provide coverage for prenatal and postpartum care, well-child care and family planning services. All such benefits would not be subject to deductibles or coinsurance. These are preventive services and on a long term cost benefit ratio, preventive care should be stimulated.

Within the context of the bill's "annual physical check ups" provision, there is adequate flexible authority for the Secretary to provide and emphasize such preventive care. However, I am concerned—after careful reading of the previously mentioned HEW reports—that HEW may not give its flexible authority such interpretation and, therefore, believe the bill may have to be specific on the matter of the provision of medically accepted preventive care procedures.

Third. The cost control provisions of the bill should specifically protect the patient from responsibility for payment of disallowed services—deemed unnecessary, unreasonable or inappropriate—unless the provider and patient have previously entered into a written agreement to the contrary. I can understand the concern that has been regularly brought to my attention by medicare patients that exclusive of deductibles and coinsurance, for example, when only $300 was allowed for an operation and the bill was $500, the elderly citizen with his limited finances must pay nonetheless. While I can readily understand that an individual surgeon would evaluate his services at a $500 fee, at the same time, it may exceed what is deemed reasonable, and it is unfair for the unknowing patient to bear the financial burden for the disallowed charges unless he has previously agreed to pay the higher charge.

Fourth. The recently enacted Public Law 92–603, with its establishment of Professional Standards Review Organizations—PSRO's—are complementary to the several cost control provisions of my bill. However, I believe there is a meaningful role which consumers should play in these peer and utilization review procedures and I will author amendments to assure consumers their appropriate input into PSRO's. At the same time, I will offer amendments to assure that while PSRO's consider "cost" factors, equal consideration be given to the development of quality of care assurance standards.

Fifth. As the author of the Local Comprehensive Health Services Systems Act of 1971 (S. 837 in the 92d Congress and its predecessor, S. 3712, in the 91st Congress) and the sponsor of the administration's Health Maintenance Organization Assistance Act of 1971 (S. 1182), I want my colleagues to know that my continued strong support for the development of HMO's has not abated because of failure to substitute the provisions of the Health Maintenance Organization and Resources Development Act of 1973 (S. 14) for title IV of this bill. I intend to so amend this bill to reflect my support for the stimulation and development of financially viable prepaid group practice units—now commonly known as HMO's.

Sixth. When national health insurance becomes a reality and all Americans have available to them a good basic benefits package covering most acute care problems and designed to promote early diagnosis and treatment—as contemplated by my bill—then catastrophic coverage should be provided.

Americans must be protected against the dread impact of the cost of catastrophic illness care and, although national health insurance assures that most illness does not become unbearable financially, also we must see families through the financial burden of sudden medical catastrophes. We must assure that illness does not result in bankruptcy.

To achieve that goal, I will propose catastrophic coverage that is income-related and related to a proportion of out-of-pocket expenditures for specialized services, for a catastrophe is as much economic as medical. At the same time, such legislation must assure that our health care resources are not driven toward highly expensive esoteric and "experimental" care.

My bill, and the other national health insurance bills that have been and will be introduced, mark the beginning of a journey toward the fulfillment of one of the great social needs of our people—the equal right to quality health care. I predict such a measure will be enacted in this Congress.

Mr. President, I ask unanimous consent that the text of the bill, a summary of the bill, and certain other pertinent material to which I have previously referred be printed at this point in the Record.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act, with the following table of contents, may be cited as the "National Health Insurance and Health Services Improvement Act of 1973".

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FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds and declares that:

(1) the ability to deliver basic health protection is impaired as the result of the inadequate allocation of health resources and less than optimum management and rapidly escalating health care costs. An anachronistic national health care system often operates to provide priority to patients on the basis of ability to pay rather than most pressing need for services. The inequities and hardships which result from such a system are further aggravated by duplication, waste, overlap, and poor coordination in the system at a time when health manpower and resources are in short supply.

(2) the right to quality health care has become a national objective and a right for all Americans. The removal of financial barriers to health care services, and improvement of the present system of delivery of health services, are matters of vital concern affecting the public health, safety, and welfare.

(3) every American regardless of economic status, should be enabled to obtain basic health benefits and a national system should be established which will allocate sufficient resources to bring about the needed changes in the system of health care.

(4) we should develop a system of health insurance benefits which will be financed by employer-employee contributions and from general revenues, and which will provide benefits to all Americans including the aged, the indigent, the disabled and the unemployed.

(5) we should encourage the development of a system of health care under Federal standard which utilizes a wide diversity of care and benefit mechanisms, including the valuable management skills of the commercial and nonprofit insurance industry, the nonprofit health care community and cooperative agencies and group practice units, and maximizes consumer choice between such competing mechanisms.

(6) we should encourage the development of systems of continuing and comprehensive health care which emphasize preventive, diagnostic, ambulatory, and rehabilitative services, as well as physicians' and hospital care, and which stimulate physicians and providers to enter into group practice and other arrangements and into relationships with other providers, under which the delivery of quality health care will be facilitated.

TITLE I—AMENDMENTS RELATING TO HEALTH INSURANCE PROVIDED BY TITLE XVIII OF THE SOCIAL SECURITY ACT

PART A—COVERAGE OF ALL AGED AND DISABLED; EXTENSION, WITHOUT PREMIUM, OF SUPPLEMENTARY BENEFITS TO ALL COVERED INDIVIDUALS

SEC. 101. (a) Section 226(a) of the Social Security Act is amended to read as follows:

"(a)(1) Every individual who—

"(A) has attained age 65, and

"(B) is—

"(i)(I) entitled to monthly insurance benefits under section 202, or (II) a qualified railroad retirement beneficiary, or

"(ii) a resident of the United States (as defined in section 210(i)) and—

"(I) a citizen of the United States (as so defined), or

"(II) an alien lawfully admitted for permanent residence who, after being so admitted, has resided in the United States (as so defined) continuously for a period of not less than 5 years,

shall be entitled to hospital insurance benefits under part A of title XVIII for each month for which he meets the conditions specified in subparagraph (B), beginning with the first month after June 1974 for which he meets the conditions specified in subparagraphs (A) and (B).

"(2) Every individual who—

"(A) has not attained age 65, but

"(B)(i) is entitled to disability insurance benefits under section 223, or (ii) has attained the age of 18 and is entitled to child's insurance benefits under section 202(d) and is under a disability (as defined in section 223(d)) which began before he attained age 18, or (iii) has not attained age 60 and is entitled to widow's insurance benefits, or (iv) has not attained age 62 and is entitled to widower's insurance benefits, or (v) is a qualified railroad retirement beneficiary, shall be entitled to hospital insurance benefits under part A of title XVIII for each month beginning with the later of (I) July 1974 or (II) the first month he satisfies the applicable conditions of subparagraph (B), and ending with the second month after the first month in which he ceases to meet the applicable conditions of subparagraph (B) or, if earlier, with the month before the month in which he attains age 65.

"(3) Notwithstanding clauses (iii) and (iv) of subparagraph (B) of paragraph (2)—

"(A) a widow or surviving divorced wife who has attained age 60 shall be deemed to have satisfied the applicable conditions of such subparagraph (B) in any month in which (i) she is entitled to benefits under section 202(e) (or would be entitled to benefits under section 202(e) but for paragraph (1)(E) thereof), and (ii) she would be entitled to such benefits without regard to such paragraphs (1)(E) and section 202(e)(1)(B)(i)) had the period specified in section 202(e)(5) ended in the month in which she attains age 65 instead of in the month in which she attains age 60, and had the reference to age 60 in section 202(e)(1)(B)(ii) been a reference to age 65; and the first month in which she shall be deemed not to have satisfied such applicable conditions shall be the second month following the first month in which such benefits would have been terminated on the basis of the occurrence of an event specified in section 202(e)(1); and

"(B) a widower who has attained age 62 shall be deemed to have satisfied the applicable conditions of such subparagraph (B) in any month in which (i) he is entitled to benefits under section 202(f) (or would be entitled to benefits under section 202(f) but for paragraph (1)(E) thereof, and (ii) he would be entitled to such benefits without regard to such paragraph (1)(E) and section 202(f)(1)(B)(i)) had the period specified in section 202(f)(6) ended in the month in which he attains age 62, and had the reference to age 62 in section 202(f)(B)(ii) been a reference to age 65; and the first month in which he shall be deemed not to have satisfied such applicable conditions shall be the second month following the first month in which such benefit would have been terminated on the basis of the occurrence of an event specified in section 202(f)(1)."

(b)(1) Section 226(b)(1) of such Act is amended to read as follows:

"(1) entitlement of an individual to hospital insurance benefits for a month shall consist of entitlement to the benefits provided under part A of title XVIII (subject to the limitations, conditions, and procedures provided in such title for the provision of such services) furnished to him in the United States (or outside the United States in the case of inpatient hospital services furnished under the conditions described in section 1814(f)) during such month; and".

(2) Section 226(b)(2) of such Act is amended by striking out "under section 202" and inserting in lieu thereof "under section 202 or 223".

(c) Section 226(d) of such Act is hereby repealed.

(d) Section 103 of the Social Security Amendments of 1965 is hereby repealed.

SEC. 102. (a) The heading of title XVIII of the Social Security Act is amended by striking out "FOR THE AGED".

(b) The heading of part A of title XVIII of such act is amended by striking out "FOR THE AGED".

(c) Section 1811 of such Act is amended by inserting immediately before the period at the end thereof the following: ", and for individuals who are disabled and are entitled to benefits based on disability under title II of this Act or under such system".

SEC. 103. (a) The heading of part B of title XVIII of the Social Security Act is amended by striking out "FOR THE AGED".

(b)(1) Section 1831 of such Act is amended to read as follows:

"SEC. 1831. There is hereby established an insurance program to provide medical insurance benefits in accordance with the provisions of this part for individuals who are entitled to the hospital insurance benefits provided by part A."

(2) The heading for section 1831 of such Act is amended to read as follows: "ESTABLISHMENT OF SUPPLEMENTARY MEDICAL INSURANCE PROGRAM".

(c)(1) Section 1836 of such Act is amended to read as follows:

"SEC. 1836. Every individual who is entitled to hospital insurance benefits under part A shall be entitled to the benefits provided by the insurance program established by this part."

(2) The heading to section 1836 of such Act is amended to read as follows: "ENTITLEMENT TO BENEFITS".

(d) Sections 1837, 1838, 1839, 1840, 1841, 1843, and 1844 of such Act are repealed.

(e) Section 1815 of such Act is amended by striking out "Hospital" and inserting in lieu thereof "Health".

(f)(1) The heading to section 1817 of such Act is amended by striking out "HOSPITAL" and inserting in lieu thereof "HEALTH".

(2) Section 1817(a) of such Act is amended by striking out, in the second sentence thereof, "part" and inserting in lieu thereof "title".

(3) Section 1817(h) of such Act is amended by inserting "and part B" immediately after "this part".

(4) Section 1817 of such Act is further amended by adding at the end thereof the following new subsection:

"(i) On July 1, 1974, there shall be transferred to the Trust Fund all of the assets and liabilities of the Federal Supplementary Medical Insurance Trust Fund."

(g) The last sentence of section 1861(v)(1) of such Act is amended by striking out "Hospital" and inserting in lieu thereof "Health".

(h) Section 1864(b) of such Act is amended by striking out "Hospital" and inserting in lieu thereof "Health".

(i) Section 201(g)(1)(A) of such Act is amended—

(1) by striking out "Hospital" and inserting in lieu thereof "Health", and

(2) by striking out "and the Federal Supplementary Medical Insurance Trust Fund".

(j) Section 1875(a) of such Act is amended by striking out "health care of the aged" and inserting in lieu thereof "health care of the aged and disabled".

(k) Section 1902(a)(10) of such Act is amended by striking out "the making available of supplementary medical insurance benefits under part B of title XVIII to individuals eligible therefor (either pursuant to an agreement entered into under section 1843 or by reason of the payment of premiums under such title by the State agency on behalf of such individuals), or".

(l) Section 1902(a)(15) of such Act is amended by striking out "either or both of".

(m) Section 1903(b)(2) of such Act is repealed.

Sec. 104. (a)(1) of Section 21(a) of the Railroad Retirement Act of 1937 is amended by striking out "consisting of inpatient hospital services, posthospital extended care services, posthospital home health services, and outpatient hospital diagnostic services (all hereinafter referred to as 'services')" and inserting in lieu thereof "and other benefits and services (such benefits and services (such benefits and services hereinafter being referred to as 'services')".

(b)(1) Section 21(d) of the Railroad Retirement Act of 1937 is amended by striking out "and sections 1840, 1843, and 1870" and inserting in lieu thereof "and section 1870".

(2) Section 21(e) of such Act is amended by striking out "Hospital" and inserting in lieu thereof "Health".

(c) The Railroad Retirement Act of 1937 is amended by adding after section 21 the following new section:

"HEALTH INSURANCE BENEFITS FOR THE DISABLED

"Sec. 22. Individuals under age sixty-five who are entitled to annuities under paragraph 4 of 5 of section 2(a) or are entitled to annuities under section 5(c) (or who have been or would be considered in applying the provisions of section 3(e)) and have attained the age of eighteen and have a disability (within the meaning of section (5)(1)(ii)) and who are in a 'period of disability' (as this term is described in section 3(e)) and, with respect to individuals entitled to annuities under paragraph 4 or 5 of section 2(a) are not in a 'waiting period' (as defined in section 223(c)(2) of the Social Security Act) shall be certified by the Board under section 21 in the same manner, for the same purposes, and subject to the same conditions, restrictions, and other provisions as individuals specifically described in such section 21, and also subject to the same conditions, restrictions, and other provisions as are disability beneficiaries under title II of the Social Security Act in connection with their eligibility for hospital insurance benefits and medical insurance benefits under title XVIII of such Act; and for the purposes of this Act and title XVIII of the Social Security Act, individuals certified as provided in this section shall be considered individuals described in and certified under such section 21."

Sec. 105. The amendments made by this part shall take effect July 1, 1974.

Part B—Coverage of Drugs

Sec. 110. (a)(1) Section 1861 of the Social Security Act is amended by adding after subsection (y) the following new subsection:

"(z)(1) The term 'maintenance drugs' means those drugs appearing on the list specified in paragraph (2) of this subsection.

"(2)(A) Subject to the provisions of subparagraph (C), the Secretary shall establish and publish a list of those legend and nonlegend drugs for which payment may be made subject to the conditions of section 1812(a)(4) under part A of this title. The Secretary shall distribute such list on a current basis to practitioners licensed by law to prescribe and administer drugs or to dispense drugs and shall make such other distribution as in his judgment will promote the purposes of this title. He shall from time to time (but at least once a year) review such list, and shall revise it or issue supplements thereto, as he may find necessary, so as to maintain insofar as practicable currency in the contents thereof and shall publish and distribute such revisions in accordance with the preceding sentence.

"(B) Each drug appearing on the list established under subparagraph (A) shall be designated by its established name and with respect to each such drug, the Secretary may include such other information (including trade names of such drug) as he finds necessary or appropriate in the administration of this title.

"(C) A drug shall not appear on the list established under subparagraph (A) unless—

"(i) such drug is lawfully available in interstate commerce for dispensing or administration to humans;

"(ii) it is determined by the Secretary that such drug is appropriate for the treatment of diabetes or of chronic cardiovascular diseases, kidney conditions, or respiratory conditions;

"(iii) such drug is usually used for treatment extending over a period of ninety days or more (but not necessarily consecutive); and

"(iv) (in the case of a nonlegend drug) it is a lifesaving drug, or a drug the withdrawal of which would be seriously harmful to the health of the individual, or a drug which the Secretary determines (under such standards and criteria as he may prescribe) is a satisfactory substitute for a legend drug appearing on the list.

"(D) For purposes of this subsection—

"(i) the term 'drug' means a drug as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (including those specified in section 351 of the Public Health Service Act);

"(ii) the term 'legend drug' refers to a drug specified in section 503(b) of the Federal Food, Drug, and Cosmetic Act; and

"(iii) the term 'established name' shall have the meaning assigned to such term by section 502(e)(2) of the Federal Food, Drug, and Cosmetic Act."

(2) Section 1861(t) of such Act is amended by inserting after "subsection (m)(5)" the following: "or subsection (z)".

(b) Section 1812(a) of such Act is amended by—

(1) striking out "and" at the end of paragraph (2);

(2) striking out the period at the end and inserting in lieu thereof: "; and"; and

(3) adding at the end the following new paragraph:

"(4) maintenance drugs furnished to such individual while he is not an inpatient in a hospital."

(c) Section 1813 of such Act is amended by adding at the end the following subsection:

"(c)(1) The amount payable for a maintenance drug furnished an individual shall be reduced by an amount equal to the copayment determined under paragraph (2) or, if less, the charges imposed with respect to such individual for such maintenance drug.

"(2) The copayment specified in paragraph (1) shall be $1 during the period ending December 31, 1976, and such amount as may be determined pursuant to paragraph (3) of this subsection during any period thereafter.

"(3) The Secretary shall, between July 1 and October 1 of 1976, and of each year thereafter, determine and promulgate the copayment for purposes of the preceding paragraphs of this subsection and such copayment shall be in effect for purposes of such paragraphs for the calendar year succeeding the year in which such copayment is promulgated. Such copayment shall be equal to $1 multiplied by the ratio of (A) the average per capita costs for maintenance drugs for the calendar year preceding the year in which the determination is made to (B) the average per capita costs for such maintenance drugs for the calendar year 1973. Any amount so determined, which is not a multiple of $0.10, shall be rounded to the nearest multiple of $0.10 (or, if it is midway between two multiples of $0.10, to the next higher multiple of $0.10)."

(d) Title XVIII of the Social Security Act is amended by adding after section 1817 of such Act the following new sections:

"PAYMENT FOR MAINTENANCE DRUGS; CONDITIONS AND LIMITATIONS ON SUCH PAYMENT

"Sec. 1818. (a)(1) The amount paid to any provider of drugs with respect to maintenance drugs for which payment may be made under this part shall, subject to the provisions of this section and section 1813(c), be the reasonable drug charge with respect to such drugs.

"(2)(A) The 'reasonable drug charge' for a maintenance drug shall be the acquisition allowance plus a dispensing allowance.

"(B) The Secretary shall by regulations establish the method or methods for determining the acquisition allowance of a maintenance drug, giving consideration to the cost to providers of drugs of acquiring the drug by its established name. If the source from which any maintenance drug is available charges different prices therefor to different classes of types of providers, or if a class of providers may reasonably obtain such drug from only certain types of sources, the Secretary may, in establishing the acquisition allowance, take into account these differences.

"(C) The Secretary shall by regulations establish the methods for determining a dispensing allowance for a maintenance drug, giving consideration to such factors as cost of overhead, professional services, and a fair profit. He may provide different dispensing allowances for different classes of providers.

(b) Payment for maintenance drugs furnished to an individual may be made only to a dispenser of drugs eligible therefor under subsection (c) and only if—

"(1) written request, signed by such individual, except in cases in which the Secretary finds it impracticable for the individual to do so, is filed for such payment in such form, in such manner, within such time, and by such person or persons as the Secretary may by regulation prescribe; and

"(2) (in the case of a legend drug) a written prescription, signed by a physician, was filed with such provider of drugs, or (in the case of a nonlegend drug) a physician has certified that the covered drug furnished the individual was medically required by such individual;

except that (pursuant to such regulations as the Secretary may prescribe) no payment may be made for a maintenance drug—

"(3) to the extent that the quantity of such drug furnished an individual exceeds the quantity of such drug needed for the treatment of such individual for 90 days; or

"(4) if it fails to meet such requirements as to quality and standards of manufacture as the Secretary may prescribe; or

"(5) it fails to meet such specifications as to dosage form as the Secretary may require.

"(c) For purposes of subsection (a). a provider of drugs shall be eligible for payment if—

"(1) he is licensed or authorized to compound and dispensed rugs to humans pursuant to State law;

"(2) he agrees to comply with such rules and regulations as the Secretary may issue with respect to—

"(A) submission of bills at such frequency and on such forms as may be prescribed in such rules and regulations;

"(B) availability for audit of his records relating to drugs and prescriptions;

"(C) the maintenance and retention of such records relating to the cost of drugs as may be specified in such rules and regulations;

"(3) he meets such other conditions relating to health and safety as the Secretary may find necessary;

"(4) he agrees not to charge any individual for a drug for which such individual is entitled to have payment made under this section and section 1861(z) an amount in excess of the amount which, when added to the amount of payment made under this section and section 1813(c) for such drug, exceeds the customary charge at which such dispenser of drugs sells or offers such drug to the public at the time such drug is furnished to such individual.

"USE OF ORGANIZATIONS IN ADMINISTRATION OF PROGRAM FOR FURNISHING MAINTENANCE DRUGS TO ELIGIBLE INDIVIDUALS

"SEC. 1819 (a) The Secretary is authorized to enter into contracts with organizations to perform such functions as he may find appropriate in administering a maintenance drug benefit if he finds that the utilization of one or more of such organizations will promote the effective and efficient administration of the program provided under this part for the furnishing of maintenance drugs to eligible individuals.

"(b) Contracts with organizations under subsection (a) may be entered into without regard to section 3709 of the revised statutes or any other provision of law requiring competitive bidding.

"(c) For purposes of this section, the term 'organization' means a voluntary association, corporation, partnership, or other nongovernmental organization which is lawfully engaged in providing, paying for, or reimbursing the cost of, prescription drugs under group insurance policies or contracts, medical or hospital service agreements, membership, or subscription contracts, or similar group arrangements, in consideration of premiums or other periodic charges payable to the organization, including a health benefit plan duly sponsored or underwritten by an employee organization.

"STUDY OF DRUG UTILIZATION

"SEC. 1820. The Secretary is authorized to conduct and publish studies relating to the utilization, efficiency, and costs of maintenance drugs for which payment may be made under this part in order to encourage the proper use of such drugs."

(e) Title XVIII of the Social Security Act is further amended by adding after section 1867 of such Act the following new section:

"EXPERT COMMITTEE ON DRUG COVERAGE

"SEC. 1868. (a) There is hereby created an Expert Committee on Drug Coverage which shall consist of five persons, not otherwise in the employ of the United States, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The Secretary shall from time to time appoint one of the members to serve as Chairman. The members shall include persons who are outstanding in the fields of pharmacology, geriatrics, and other branches of medicine. Members of the Expert Committee, while attending meetings or conferences thereof or otherwise serving on business of the Expert Committee shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. The Expert Committee shall meet as frequently as the Secretary deems necessary.

"(b) It shall be the function of the Expert Committee to advise the Secretary on matters of general policy in the administration of the program provided under this title for furnishing maintenance drugs to eligible individuals. The Expert Committee shall also make recommendations to the Secretary as to what drugs should be included in the list established under section 1861(z)(2) and what drugs should be deleted from such list. In making any such recommendation the Expert Committee shall submit in such detail as the Secretary may request the information and data the Expert Committee considered in making such recommendation. In carrying out its work, the Expert Committee shall consult with organizations representing the aged, pharmacists, the pharmaceutical industry, and with such other organizations or individuals as the Expert Committee finds appropriate. The Expert Committee shall make an annual report to the Secretary on the performance of its function, including any recommendations it may have with respect thereto, and such report shall be transmitted promptly by the Secretary to the Congress.

"(c) The Expert Committee is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Expert Committee such secretarial, clerical, and other assistance and such pertinent data obtained and prepared by the Department of Health, Education, and Welfare as the Expert Committee may require to carry out its functions."

(f) The heading of part A of title XVIII of such Act (as amended by section 102(b) of this Act) is further amended by striking out "INSURANCE" and inserting in lieu thereof "INSURANCE AND DRUG".

(g) Section 1811 of such Act (as amended by section 102(c)(3) of this Act) is further amended by inserting after "services" the following: "and the cost of maintenance drugs".

(h) Section 1814(c) of such Act is amended by—

(1) adding at the end of the heading the following "or Federal Provider of Drugs";

(2) inserting "(1)" after "(c)"; and

(3) adding at the end the following new paragraph:

"(2) No payment may be made under this part to any Federal provider of drugs (as provided for in section 1818), except a provider of drugs which the Secretary determines is dispensing drugs to the public generally as a community institution or agency; and no such payment may be made to any provider of drugs for any drug which such provider is obligated by a law of, or a contract with, the United States to render at public expense."

(i) Section 1815 of such Act is amended by—

(1) adding at the end of the heading the following "and Provider of Drugs";

(2) adding after "provider of services with respect to the services furnished by it": ", and each provider of drugs with respect to drugs,";

(3) inserting after "provider of services" the second time it appears "and the provider of drugs, as the case may be,".

(j) Section 1861(r)(3) of such Act is amended by adding at the end before the period the following: "and, for purposes of section 1818, only with respect to drugs he is legally authorized to prescribe by the State in which he prescribes such drugs".

(k) Section 1869(c) of such Act is amended by inserting after "provider of services" the following: "or any person dissatisfied with any determination by the Secretary that he is not a provider of drugs eligible for payment under this title,".

(l) (1) Section 1870(a) of such Act is amended by—

(A) inserting ", provider of drugs," after "provider of services"; and

(B) inserting "or drugs" after "items or services".

(2) Section 1870(b) of such Act is amended by—

(A) inserting ", or provider of drugs," after "provider of services" each time it appears;

(B) inserting "or drugs" after "items or services"; and

(C) adding at the end of paragraph (2) the following: "or any payment has been made under section 1818 to a provider of drugs for drugs furnished an individual,".

(3) Section 1870(d) of such Act is amended by inserting ", or provider of drugs," after "provider of services".

(m) (1) The heading of section 226 of such Act is amended by striking out "INSURANCE" and inserting in lieu thereof "INSURANCE AND DRUG".

(2) Section 226(a) of such Act (as amended by section 101(a) of this Act) is further amended by inserting, in paragraphs (1) and (2), "and drug" immediately after "hospital insurance".

(3) Section 226(b)(1) of such Act (as amended by section 101(b)(1) of this Act) is further amended by inserting "and drug" immediately after "hospital insurance".

SEC. 111. Section 21(e) of the Railroad Retirement Act of 1937 (as amended by section 104(b)(2) of this Act) is further amended by inserting "(other than maintenance drugs)" immediately after "services" the first place it appears therein.

SEC. 112. The amendments made by this part shall be effective with respect to drugs dispensed after June 30, 1976.

Part C—Annual Physical Checkups

SEC. 120. (a) Section 1861 of the Social Security Act is amended by adding after subsection (z) (added by section 110(a) of this Act) the following new subsection:

"Physical Checkup

"(z-1) The term 'physical checkup' means eye examinations for the purpose of prescribing, fitting, or changing eyeglasses, procedures performed (during the course of any eye examination) to determine the refractive state of the eyes, examinations of the ears for the purpose of determining the need for hearing aids, and such diagnostic X-ray tests, diagnostic laboratory tests, and other diagnostic tests, as the Secreary may by regulations specify as being the type and kind of tests which are the most likely to reveal defects, diseases, or conditions which are susceptible to effective treatment or control. Such regulations may specify different tests, as may be appropriate, for individuals on the basis of their age or sex. Such term shall also include such physicians' services as may be appropriate for the interpretation, evaluation, and analysis of such tests."

(b) Section 1861(s)(3) of such Act is amended (1) by inserting "(A)" immediately after "(3)", and (2) by inserting before the semicolon at the end thereof the following: ", and (B) physicians' services and diagnostic tests included within a physical checkup (as defined in subsection (z-1))".

(c) Section 1862(a)(1) of such Act is amended by inserting immediately before the semicolon the following: "(except physical checkups (as defined in section 1861 (z-1))".

(d) Section 1862(a)(7) of such Act is amended by striking out all after "checkups" and inserting in lieu thereof the following: "(other than physical checkups as defined in section 1861 (z–1))".

(e) Section 1833 of such Act is amended by adding at the end thereof the following new subsection:

"(g) Notwithstanding any other provisions of this part, with respect to expenses incurred by an individual in any calendar year for a physical checkup (as defined in section 1861 (z–1))—

"(1) the provisions of subsection (a) shall be applied without regard to the provisions of subsection (b);

"(2) such expenses shall be regarded as incurred expenses for purposes of subsection (a) only if such individual has not, previously during such year, incurred expenses for a physical checkup (as so defined);

"(3) such expenses shall not be taken into account for purposes of subsection (b);

"(4) there shall be considered as incurred expenses for purposes of subsection (a) only whichever of the following amounts is the smaller—

"(A) $75, or

"(B) the amount determined by the Secretary to be equal to the charge which would be imposed for such physical checkup if it had been provided by the most efficient provider of high quality physical checkups in the area wherein such physical checkup was conducted."

(f) The amendments made by the preceding provisions of this section shall apply only in the case of physical checkups performed after June 30, 1977.

PART D—DENTAL SERVICES

SEC. 130. (a) Section 1861(r)(2) of the Social Security Act is amended (1) by striking out "or" at the end of clause (A), and by inserting at the end thereof the following: "(C) dental services for children (as defined in subsection (z–2))".

(b) Section 1861 of such Act is amended by adding after subsection (z–1) (added by section 120(a) of this Act) the following new subsection:

"Dental Services for Children

"(z–2) The term 'dental services for children' means professional services rendered to children under 8 years of age by or under the direction of a doctor of dentistry or of dental or oral surgery who is legally authorized to practice dentistry by the State in which he performs such function; such term shall include oral examinations and diagnosis, oral prophylaxis, filling, and removal of teeth, but shall not include the provision of braces or prosthetic devices."

(c) Section 1862(a)(12) of such Act is amended by inserting "(unless such services consist of dental services for children, as defined in section 1861 (z–2))" immediately after "supporting teeth".

(d) Section 1833 of such Act is amended by adding after subsection (g) (added by section 120(e) of this Act) the following new subsection:

"(h) With respect to expenses incurred by an individual for dental services for children (as defined in section 1861(z–2)), the provisions of subsection (a) shall be applied without application of the provisions of subsection (b)."

(e) The amendments made by the preceding provisions of this section shall apply only in the case of dental services for children performed after June 30, 1977.

PART E—LIMITATIONS ON CERTAIN CHARGES FOR SERVICES; PHYSICIANS' QUALIFICATIONS

SEC. 140. Section 1833(a)(1) of the Social Security Act is amended, effective January 1, 1972, by striking out "reasonable charges" each place it appears therein and inserting in lieu thereof "appropriate and reasonable charges".

SEC. 141. Section 1861(r) of the Social Security Act is amended—

(1) by striking out "The" and inserting in lieu thereof "Subject to subsection (r–1), the"; and

(2) by adding immediately thereafter the following new subsection:

"(r–1) (1) Taking into consideration standards approved by appropriate professional organizations, and upon recommendation of the Health Insurance Benefits Advisory Council, the Secretary may, after public hearings, prescribe for physicians (as defined in subsection (r)) providing services under this title—

"(A) standards of continuing professional education,

"(B) national minimum standards of licensure, applicable to any individual first licensed as a physician after the effective date of such standards, or

"(C) standards of qualification for the performance of major surgery or of other specialty services designated by the Secretary.

"(2) After the effective date of standards issued under clause (A) or (B) of paragraph (1), an individual who fails to meet such standards shall not be deemed to be a physician for purposes of this title; except that a failure to meet standards issued under clause (A) of paragraph (1) shall not be found until the Secretary has notified the individual involved of the deficiency and afforded him a reasonable opportunity to correct it. After the effective date of standards issued under clause (C) of paragraph (1), an individual who fails to meet such standards shall not be deemed, for purposes of this title, to be a physician in connection with any services to which such standards are applicable.

"(3) The provisions of section 553 of title 5, United States Code, shall be applicable to the promulgation of standards under this subsection.

PART F—AGREEMENTS WITH STATES FOR ADMINISTRATION

SEC. 150. Section 1874 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(c) The Secretary may enter into an agreement with any State under which such State will administer, on behalf of the Secretary, the health insurance programs established by this title (or such part thereof as may be specified in the agreement) with respect to individuals in such State. The costs of carrying out any such agreement shall be paid to the State by the Secretary in advance or by way of reimbursement and in such installments as may be agreed upon."

PART G—IMPROVEMENT IN ORGANIZATION OF HEALTH CARE

SEC. 160. Title XVIII of the Social Security Act is amended by adding after part C thereof the following new parts:

"PART D—IMPROVEMENT IN ORGANIZATION OF HEALTH CARE

"PURPOSE

"SEC. 1881. The purpose of this part is (a) to encourage the rational organization of health care services and facilities so as to provide greater continuity and comprehensiveness of care of the individual, to provide greater consumer education and participation, and to emphasize preventive, diagnostic, and early therapeutic services, (b) to control the costs of services paid for under this title, and (c) to stimulate diversity and innovation in the provision of health insurance protection.

"USE OF CARRIERS AND OTHER AGENCIES AND ORGANIZATIONS

"SEC. 1882. No agreement or contract shall be entered into under section 1816 or section 1842, or continued in force after the effective date of this section, unless the agency, organization, or carrier agrees to use its best effort to carry out the purposes of section 1881(a), and agrees—

"(a) to make (alone or in conjunction with other appropriate public or private agencies) a continuing study of the organization and methods of delivery of health services in the geographic area in which it operates, and of potential improvement of such organization and methods with a view to the effectuation of those purposes;

"(b) to review periodically patterns of utilization of the services paid for under this title and the effectiveness of existing procedures for the control of unnecessary utilization, to develop programs for the strengthening of such procedures, and to perform the functions specified in section 1816(b)(1)(B) or section 1842(a)(2), as the case may be; and

"(c) to take such action within its own authority, and to recommend such action by the Secretary authorized by part E (or by section 402 of the Social Security Act Amendments of 1967), as it finds calculated to further the objectives of section 1881(a) and to strengthen the control of unnecessary utilization.

"CONTRACTS WITH COMPREHENSIVE HEALTH SERVICE SYSTEMS

"SEC. 1883. (a) The Secretary is authorized to contract with a comprehensive health service system which meets the conditions set forth in subsection (b), for the provision, to the members of the system, of all services for which payment may be made under this title. In lieu of payment otherwise prescribed by this title, he shall pay to such system, at its election, either (1) the reasonable cost of all such services, or (2) a periodically predetermined capitation amount for each member, equal to the estimated average reasonable cost of such services per member; and if he finds (A) that the average cost of such services in any fiscal year is less than the average cost of services (for which payment is made under this title to comparable population groups under comparable circumstances, and (B) that services provided by the system have been of high quality and adequate to the needs of its members, he may in addition make an incentive payment to the system equal to not more than two-thirds of such difference of cost per member. The amount of an incentive payment may be used by the system for any of its purposes, including application to the cost of services for which payment is not made under this title, whether or not such services are otherwise provided by the system. Expenditure of funds received as an incentive payment, for whatever purpose, shall not be deemed a cost of services under the contract.

"(b) No contract shall be made under this section with a comprehensive health service system unless—

"(1) such system assures the provision of health services to all its members by a contract or contracts with the Secretary, or by such a contract and subcontracts, entered into by one or more providers of services and other persons furnishing health services, or by a health insurance carrier or nonprofit prepayment plan, or by a combination of the foregoing;

"(2) such system is designed, to the maximum extent feasible, to make all health services readily accessible to persons residing in a specified primary service area and will pay for transportation where reasonable accessibility to persons in that area cannot otherwise be assured;

"(3) all persons, whether or not residing within the primary service area, are eligible to become members of such system, except that (A) the number of members may be limited, with or without giving preference to persons living within the primary service area, to avoid overtaxing the resources of the system, and (B) such restrictions upon enrollment may be imposed as are approved by the Secretary as necessary to prevent undue adverse selection; and the system is so designed and operated as to encourage enrollment from as broad as practicable a range of income and social groups;

"(4) all health services are provided by providers or other persons who meet the standards imposed by or pursuant to this title for the respective services;

"(5) such system encouraging increased health education of its members and the development and use of preventive health services, and provides for a group of physicians (such as a committee of a medical school faculty, of a hospital medical staff, or of a group practice organization), approved by the Secretary for this purpose, which group shall consult periodically with representatives of the membership, fix the professional policies of the system, oversee the professional aspects of the delivery of services, and review the utilization of all health services, drugs, and supplies;

"(6) such system, to the extent practicable and consistent with good medical practice, trains and employs allied health personnel and subprofessional and lay persons in the rendering of services;

"(7) any participating extended care facility under such system is affiliated with a hospital or with a group practice or similar organization, and the medical staff of the hospital or the group practice organization assumes responsibility for rendering or supervising professional services in the facility;

"(8) premiums charged by such system for services not paid for under this title are reasonable; and

"(9) the establishment of such system is consistent with any comprehensive State health plan developed pursuant to section 314(a) of the Public Health Service Act, as amended, and has been approved by the State planning agency designated or established pursuant to that section, and, where appropriate, is in accord with areawide health planning carried out pursuant to section 314(b) of that Act.

"(c) In administering this section the Secretary shall emphasize consumer and community involvement in the operation of comprehensive health service systems, and shall seek to insure prompt response to local initiative and maximum flexibility in such operation.

"(d) For the purposes of this section, 'comprehensive health service system' means a system of providing health care to an identified population in a primary service area and its environs, enrolled as members, on the basis of contractual arrangements (which embody group practice, or similar arrangements established by a medical school, a hospital medical staff or a medical center) among participating providers of services and other persons so as (1) to assure continuity of care and ready referral and transfer of patients where medically appropriate, and (2) to provide comprehensive health services, which shall include at least all services for which payment may be made under this title (such services to be provided, except as authorized by the Secretary without deductibles, coinsurance, or copayment), drugs prescribed for ambulatory patients, one hundred days of extended care services (which are not post-hospital extended care services) in any spell of illness, and necessary immunizations, and may include other health services approved by the Secretary as appropriate to the particular comprehensive health services system.

"CONTRACTS FOR EQUIVALENT HEALTH INSURANCE PROTECTION

"SEC. 1884. The Secretary is authorized to contract with any carrier (as defined in section 1842(f)(1)) to provide, to individuals electing insurance by such carrier in lieu of other rights under this title, health benefits equivalent to those for which payment would be made under this title. No such contract shall be made unless the Secretary is satisfied (a) that the carrier will make such insurance available to all individuals (or to all individuals who reside in a specified area), subject to such restrictions on enrollment as he has approved as necessary to avoid undue adverse selection, (b) that the benefits to be provided by the carrier under the contract will furnish health protection which the Secretary determines (under national standards prescribed by him) to be equivalent to, and at no greater cost than, the protection furnished by the benefits for which payment is made under this title, and (c) that premiums for any health insurance to be sold by the carrier to supplement the benefits provided under the contract will be reasonable. A contract under this section shall require the carrier to perform such of the functions specified in section 1882 as the Secretary finds appropriate.

"PROVISIONS RELATING TO CONTRACTS FOR ALTERNATIVE HEALTH SERVICE PLANS

"SEC. 1885. (a) The Secretary shall by regulation prescribe the manner of making an election (including the manner in which an election may be made on behalf of a legally incompetent individual) to become a member of a comprehensive health service system with which the Secretary has contracted under section 1883, or an election to be insured by a carrier with which the Secretary has contracted under section 1884; the manner in which the election may be revoked; and the frequency with which election and revocation may be made.

"(b) Notwithstanding other provisions of this title, an individual with respect to whom an election made in accordance with subsection (a) is in effect shall not, except in such cases and to such extent as may be provided in regulations, be entitled to have payment made to him or on his behalf for services other than those provided, or to be paid for, in accordance with such election.

"(c) Contracts under section 1883 or section 1884 may be entered into by the Secretary without regard to section 3709 of the Revised Statutes or any other provision of law requiring competitive bidding.

"(d) Each such contract shall provide that the comprehensive health service system or the carrier, as the case may be, shall—

"(1) establish and maintain procedures pursuant to which an individual, with respect to whom an election in accordance with subsection (a) is in effect, will be granted an opportunity for a fair hearing by the system or carrier when any claim by or on account of such individual is denied (in whole or in part) or not acted upon with reasonable promptness;

"(2) will furnish the Secretary such timely information and reports as he may find necessary in performing his functions under this title; and

"(3) will maintain such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of such information and reports and otherwise to carry out the purposes of this title;

and shall contain such other terms and conditions (including, in the case of contracts entered into pursuant to section 1884 or this section, provisions relating to the methods of payment to be used in paying for health services provided under any such contract) not inconsistent with this section as the Secretary may find necessary, appropriate, and practicable.

"(e) Each such contract shall be for a term of at least one year, and may be made automatically renewable from term to term in the absence of notice by either party of intention to terminate at the end of the current term; except that the Secretary may terminate any such contract at any time (after such reasonable notice and opportunity for hearing to the system or carrier involved as he may provide in regulations) if he finds that the system or carrier has failed substantially to carry out the contract.

"EMPLOYER-EMPLOYEE HEALTH PLAN OPTION

"SEC. 1886. (a) The Secretary may authorize under appropriate regulations promulgated by him agreements or arrangements with any employer who, in agreement with his employees or their representatives, provides for his employees health care benefits under a qualified plan (as specified in subsection (b)) in lieu of the benefits provided under other provisions of this title.

"(b) For purposes of subsection (a), a qualified plan is a health benefits plan—

"(1) which is provided through or in conjunction with an insurance carrier or similar organization or a union-management health or health and welfare plan;

"(2) not less than 75 per centum of the cost of which is paid by the employer offering such plan;

"(3) covers the employees of the employer offering such plan, and the dependents of such employees;

"(4) provides benefits of a type and level which, in terms of actuarial and health care considerations, is superior to the health benefits provided under other provisions of this title;

"(5) which contains provision for a fair hearing to any individual covered thereunder who is dissatisfied with the disposition of any claim he may have for benefits provided thereunder; and

"(6) which employs methods of payment determined by the Secretary to carry out the objectives of part E.

"(c) Any agreement entered into under this section with an employer shall provide that the employer shall supply to the Secretary such information and data as may be necessary to keep the Secretary currently advised as to the identification of the particular employees covered by such plan as well as such other information and data as the Secretary may reasonably require in carrying out the purposes of this title.

"(d) Any agreement entered into pursuant to this section shall be for a term of at least one year, and may be made automatically renewable from term to term in the absence of notice by either party of intention to terminate at the end of the current term; except that the Secretary may, terminate any such agreement at any time (after such reasonable notice and opportunity for hearing to the employer involved as he may provide in regulations), if he finds that the employer has substantially failed to carry out the agreement, or that the agreement is not carrying out the purpose of this title.

"(e) The Secretary shall provide to the Secretary of the Treasury such information regarding employees covered by qualified plans covered under agreements under this section as may be necessary or appropriate to enable the Secretary properly to administer the provisions of chapter 21 of the Internal Revenue Code of 1954.

"PART E—METHODS OF COMPENSATION FOR HEALTH SERVICES

"MODIFICATION OF METHODS OF COMPENSATION FOR HEALTH SERVICES

"SEC. 1891. (a) The Secretary, with the approval of the President, is authorized in accordance with this section to modify, effective July 1, 1976, the methods prescribed in this title for determining the amounts of payments to providers of services and other persons furnishing services to individuals entitled to benefits under this title. If any such action requires modification of the provisions of section 1813 or section 1833 relating to deductibles, coinsurance, and copayment, it shall contain provisions imposing equivalent requirements as nearly as may be.

"(b) The Secretary shall forthwith undertake a comprehensive study of methods of determining and paying compensation to providers of services and other persons furnishing health services, with a view to ascertaining what methods are, for the purposes of this title, best calculated to further the following objectives:

"(1) to control the cost of services paid for under this title, to reduce costs wherever possible, and to assure that costs will not in any event increase more rapidly than average wage levels;

"(2) to control the utilization of services paid for under this title, so that to the greatest extent possible unnecessary utilization will be eliminated;

"(3) to improve the organization of health services and the manner of their delivery, in order (A) to increase their accessibility to all individuals wherever resident in the United States, (B) to provide continuous and comprehensive care, and (C) to emphasize the maintenance of health as well as the treatment of illness; and

"(4) to assure, through improved organization and methods of delivery, that control of the aggregate cost of health services will not deprive providers of services and other persons furnishing health services of fair and reasonable compensation therefor.

"(c) Such study shall include (1) alternative methods of compensating hospitals and other providers of services (such as negotiated charges, capitation payments, or annual budgets), (2) alternative methods of compensating professional practitioners (such as fee schedules or unit value scales with or without proration, capitation payments, or salaries or per session allowances), (3) alternative methods of paying for drugs and other supplies, (4) the use of specific financial incentives and disincentives as means to further the objectives set forth in subsection (b), and (5) methods of compensation designed to encourage assumption of responsibility, by local or State medical societies or other professional organizations or organizations or providers of services, for maintaining and improving (through peer review and otherwise) the quality and efficiency of care provided by their members, for the avoidance of unnecessary utilization and for the continuing education of professional and paramedical personnel.

"(d) In making such study the Secretary shall solicit the widest possible expression of views from interested organizations and their members and from the public. To this end he shall appoint such advisory committees, hold such conferences and hearings, and publish such proposals, as he finds appropriate to obtain the views of providers of services and other persons furnishing health services, of health insurance carriers of qualified students of the health care system, and of users of health services.

"(e) Not later than December 1, 1975, the Secretary, with the approval of the President, shall publish in the Federal Register a proposed regulation prescribing the methods of payment for services for which payment may be made under this title. Such proposed regulation shall be subject to the provisions of title 5, section 553, United States Code.

"(f) Not later than March 1, 1976, the Secretary, with the approval of the President, shall issue and publish in the Federal Register his final regulation. Such regulation shall be effective on and after July 1, 1976, and shall supersede all inconsistent provisions of this title.

"(g) The regulations of the Secretary under this part with respect to the methods of payment for services for which payment may be made under this title may be amended or modified by the Secretary, with the approval of the President, from time to time, in accordance with the provisions of section 553 of title 5, United States Code.

"STATE AND LOCAL ADVISORY COMMITTEES

"SEC. 1892. (a) The Secretary, in carrying out the provisions of this part, shall consult with and seek the advice of the State committees representative of consumers and professional health personnel, and such local committees of like character as he may deem appropriate.

"(b) If in any State, or in any local area in which he decides to utilize such a committee, there is not in existence an appropriate State or local consumer-physician committee, the Secretary is authorized to encourage and assist in the establishment of such a committee, or appoint such a committee."

PROCEDURES REQUIRED OF SECRETARY IN ESTABLISHING STANDARDS

SEC. 161. Standards promulgated by the Secretary with respect to qualifications of institutional providers of service under section 1861(e)(8), section 1861(f) (3) and (4), section 1861 (g) (3) and (4), section 1861 (j) (10), section 1861 (p) (4) (A) (v) and (B) shall be promulgated in accordance with the provisions of section 553 of title 5, United States Code.

EFFECTIVE DATE

SEC. 162. That part of the amendments made by section 160 which, added new sections 1881 through 1885 to title XVIII of the Social Security Act shall take effect July 1, 1974.

TITLE II—HEALTH BENEFITS FOR THE GENERAL PUBLIC

SEC. 201. (a) The Social Security Act, as amended by the preceding provisions of this Act, is further amended by adding after title XIX the following new title:

"TITLE XX—HEALTH BENEFITS FOR THE GENERAL PUBLIC

"PURPOSE

"SEC. 2001. It is the purpose of this title to secure to every individual who—

(1) is a resident of the United States, and

(2) is a citizen of the United States or an alien lawfully admitted for permanent residence in the United States,

coverage for all the benefits provided under parts A and B of title XVIII of this Act.

"ENTITLEMENT TO BENEFITS

"SEC. 2002. (a) Every individual who—

"(1) is not entitled or deemed to be entitled (and upon the filing of appropriate application or applications could not become entitled or deemed to be entitled) under section 226 to hospital insurance benefits under part A of title XVIII;

"(2) is a resident of the United States (as defined in section 210(i));

"(3) is (i) a citizen of the United States, or (ii) an alien lawfully admitted for permanent residence; and

"(4) has filed application under this section in such manner and in accordance with such other requirements as may be prescribed in regulations of the Secretary,

shall be entitled to hospital insurance benefits under part A of title XVIII (and consequently to the benefits provided by part B thereof) for each month that he meets the conditions specified in paragraphs (1) through (3), beginning with the first month after June 1976 for which he has filed application for such benefits and meets the conditions specified in paragraphs (1) through (3). An individual who met the conditions specified in paragraphs (1) through (3) for any month shall be deemed to be entitled to such benefits for such month if he files application in accordance with the requirements imposed pursuant to paragraph (4) prior to the end of the twelfth month following such month.

"(b) Except as otherwise provided in this title or by regulations of the Secretary, individuals entitled to hospital insurance benefits under part A of title XVIII by reason of the provisions of this title shall receive such benefits in like manner and under the same conditions as obtained in the case of individuals who are entitled to such benefits by reason of the provisions of section 226.

"TRUST FUND ACCOUNT FOR PERSONS COVERED UNDER TITLE XX

"SEC. 2003. (a) There is hereby established in the Federal Health Insurance Trust Fund a special account to be known as the 'Special Account for Persons Covered Under Title XX' (hereinafter in this section referred to as the 'Special Account').

"(b) Notwithstanding any provision of XVIII, all benefits to which individuals are entitled under such title by reason of the provisions of this title, and all administrative expenses attributable to the providing of such benefits, shall be paid from and only from the Special Account.

"(c) Moneys in the Federal Health Insurance Trust Fund which are not transferred to the Special Account shall be regarded as being held in the General Account of such Fund and moneys in such General Account shall be available for the purposes for which moneys in such Fund were available prior to the establishment of the Special Account.

"(d) (1) The Secretary shall prior to each fiscal year, estimate the total amounts which will be necessary—

"(A) to pay the total of the benefits payable from the General Account for such fiscal year, together with the administrative expenses attributable to the payment of such benefits, and

"(B) to pay the total of the benefits payable from the Special Account for such fiscal year, together with the administrative expenses attributable to the payment of such benefits.

"(2) The Board of Trustees of the Federal Health Insurance Trust Fund, shall, on the basis of estimates of the Secretary with respect to any fiscal year, apportion moneys which will be appropriated to the Trust Fund for such year between the General Account and the Special Account; except that, if, on the basis of estimates of the Secretary of the Treasury as to the total amounts which will be so appropriated, such total amounts will be less than the aggregate of the estimates of the Secretary for the General Account and for the Special Account, there shall be apportioned to the General Account the full amount estimated under paragraph (1) for the General Account and the balance shall be apportioned to the Special Account."

TITLE III—FINANCING OF HEALTH INSURANCE

SEC. 301. (a)(1) Section 3121 of the Internal Revenue Code of 1954 (relating to definitions for purposes of the Federal Insurance Contributions Act) is amended by adding at the end thereof the following new subsection:

"(r) WAGE BASE FOR PURPOSES OF HEALTH INSURANCE.—For purposes of the tax imposed by section 3101(b) only, the term 'wages' (as defined in subsection (a)) shall have the same meaning as that set forth in such subsection, except that the amount '$7,800', wherever it appears therein, shall be deemed to be '$15,000'; and, for purposes of the tax imposed by section 3111(b) only, the term 'wages' (as defined in subsection (a)) shall have the same meaning as that set forth in such subsection, except that the provisions of paragraph (1) of such subsection shall be deemed to be inapplicable."

(2) The second sentence of section 3122 of such Code (relating to Federal service) is amended by striking out "section 3111" wherever it appears therein and inserting in lieu thereof "section 3111(a)".

(3) Section 3125 of such Code (relating to returns in case of governmental employees

in Guam, American Samoa, and the District of Columbia) is amended—

(A) by striking out (in the second sentence of subsection (a) thereof) "section 3111" and inserting in lieu thereof "section 3111(a)";

(B) by striking out (in the second sentence of subsection (b) thereof) "section 3111" and inserting in lieu thereof "section 3111(a)"; and

(C) by striking out (in the second sentence of subsection (c) thereof) "section 3111" and inserting in lieu thereof "section 3111(a)".

(4) Section 6413(c)(1)(D) of such Code (relating to special refunds) is amended—

(A) by inserting "(ii)" immediately after "(D)";

(B) by striking out "section 3101" and inserting in lieu thereof "section 3101(a)"; and

(C) by inserting immediately before the period at the end thereof the following: "; and (ii) during any calendar year after the calendar year 1973, the wages received by him during such year exceed $15,000, the employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 3101(b) and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to the first $15,000 of such wages received in such calendar year".

(5) The amendment made by paragraph (1) shall be effective only with respect to remuneration paid after December 1973; the amendments made by paragraphs (2) and (3) shall be effective only with respect to taxes imposed by chapter 21 of the Internal Revenue Code of 1954 with respect to service performed after December 1973; and the amendments made by paragraph (4) shall be effective only in the case of wages received during calendar years after the calendar year 1973.

(b)(1) Section 1402 of the Internal Revenue Code of 1954 (relating to definition for purposes of the Self-Employment Contributions Act of 1954) is amended by adding at the end thereof the following new subsection:

"(i) SELF-EMPLOYMENT INCOME BASE FOR PURPOSES OF HEALTH INSURANCE.—For purposes of the tax imposed by section 1401(b) only, the term 'self-employment income' (as defined in subsection (b)) shall have the same meaning as that set forth in such subsection, except that the amount '$7,800' contained in paragraph (1) (E) thereof shall be deemed to be '$15,000'.".

(2) The amendment made by paragraph (1) shall be effective only with respect to taxable years ending after December 1973.

SEC. 302. (a) Section 3121 of the Internal Revenue Code of 1954 (relating to definitions for purposes of the Federal Insurance Contributions Act), as amended by section 301(a)(1) of this Act, is further amended by adding after subsection (r) thereof (as added by such section 301(a)(1)) the following new subsection:

"(s) EMPLOYMENT FOR PURPOSES OF HEALTH INSURANCE.—For purposes of the tax imposed by section 3101(b) only, the term 'employment' (as defined in subsection (b)) shall have the same meaning as that set forth in such subsection, except that the provisions of paragraphs (3), (5), (6), (7), (8), (9), (10), and (17) of such subsection shall be deemed to be inapplicable; and, for purposes of the tax imposed by section 3111(b) only, the term 'employment' (as defined in subsection (b)) shall have the same meaning as that set forth in such section, except that the provisions of paragraphs (3), (5), (6), (9), (10), and (17) of such subsection shall be deemed to be inapplicable."

(b)(1)(A) Section 218(e)(1)(A) of the Social Security Act is amended by striking out "sections 3101 and 3111 of the Internal Revenue Code of 1954" and inserting in lieu thereof "sections 3101(a) and 3111(a) of the Internal Revenue Code of 1954".

(B) Section 218(e) of such Act is further amended by adding at the end thereof the following new paragraph:

"(3) Notwithstanding the provisions of any agreement entered into under this section prior to January 1, 1974, no State shall be required to pay or be under any obligation to pay to the Secretary of the Treasury, with respect to service covered under the agreement and performed after December 31, 1973, amounts equivalent to the taxes which would have been imposed by sections 3101(b) and 3111(b) of the Internal Revenue Code of 1954 if such service constituted employment as defined in section 3121 of such Code."

(2) Section 218(h)(1) of such Act is amended—

(A) by striking out "and the Federal Hospital Insurance Trust Fund", and

(B) by striking out "subsection (a)(3) of section 201, subsection (b)(1) of such section, and subsection (a)(1) of section 1817, respectively" and inserting in lieu thereof "subsection (a)(3) and (b)(1) of section 201".

(c) The amendment made by subsections (a) and (b)(2) of this section shall be applicable only with respect to service performed after December 31, 1973; and the amendment made by subsection (b)(1)(A) shall apply with respect to agreements under section 218 of the Social Security Act which are entered into after December 31, 1973, or which are entered into prior to such date but which first become effective on or after January 1, 1974.

SEC. 303. Section 3121 of the Internal Revenue Code of 1954 (relating to definitions for purposes of the Federal Insurance Contributions Act), as amended by sections 301(a)(1) and 302(a) of this Act, is further amended by adding after subsection (s) thereof (as added by such section 302(a)) the following new subsection:

"(t) EXCLUSION FROM EMPLOYMENT OF CERTAIN SERVICES FOR PURPOSES OF HEALTH INSURANCE.—For purposes of the taxes imposed by sections 3101(b) and 3111(b) only, the term 'employment' shall not include performance of service by an employee of an employer who has in effect an agreement entered into between such employer and the Secretary of Health, Education, and Welfare pursuant to section 1886 of the Social Security Act for the provision of health care benefits for the employees of such employer, if such employee is, at the time such service is performed, entitled to the health care benefits provided pursuant to such contract."

SEC. 304. (a)(1) Section 3101(b) of the Internal Revenue Code of 1954 (relating to rate of tax on employees) is amended by striking out paragraphs (1) through (5) and inserting in lieu thereof the following:

"(1) with respect to wages paid during the calendar year 1974, the rate shall be 0.7 percent;

"(2) with respect to wages paid during the calendar year 1975, the rate shall be 0.9 percent;

"(3) with respect to wages paid during the calendar year 1976, the rate shall be 2.0 percent;

"(4) with respect to wages paid during the calendar year 1977, the rate shall be 3.1 percent; and

"(5) with respect to wages paid during the calendar year 1978, or any calendar year thereafter, the rate shall be 3.3 percent."

(2) The amendment made by paragraph (1) shall be effective only with respect to remuneration paid after December 31, 1973.

(b)(1) Section 3111(b) of such Code (relating to tax on employers) is amended by striking out paragraphs (1) through (5) and inserting in lieu thereof the following:

"(1) with respect to wages paid during the calendar year 1974, the rate shall be 0.7 percent;

"(2) with respect to wages paid during the calendar year 1975, the rate shall be 0.9 percent;

"(3) with respect to wages paid during the calendar year 1976, the rate shall be 2.0 percent;

"(4) with respect to wages paid during the calendar year 1977, the rate shall be 3.1 percent; and

"(5) with respect to wages paid during the calendar year 1978, or any calendar year thereafter, the rate shall be 3.3 percent."

(2) The amendment made by paragraph (1) shall be effective only with respect to remuneration paid after December 31, 1973.

(c)(1) Section 1401(b) of such Code (relating to rate of tax on self-employment income) is amended by striking out paragraphs (1) through (5) and inserting in lieu thereof the following:

"(1) in the case of any taxable year beginning after December 31, 1973, and before January 1, 1975, the tax shall be equal to 0.7 percent of the amount of the self-employment income for such taxable year;

"(2) in the case of any taxable year beginning after December 31, 1974, and before January 1, 1976, the tax shall be equal to 0.9 percent of the amount of the self-employment income for such taxable year;

"(3) in the case of any taxable year beginning after December 31, 1975, and before January 1, 1977, the tax shall be equal to 2.0 percent of the amount of the self-employment income for such taxable year;

"(4) in the case of any taxable year beginning after December 31, 1976, and before January 1, 1978, the tax shall be equal to 3.1 percent of the amount of the self-employment income for such taxable year; and

"(5) in the case of any taxable year beginning after December 31, 1977, the tax shall be equal to 3.3 percent of the self-employment income for such taxable year."

(2) The amendment made by paragraph (1) shall apply only with respect to taxable years beginning after December 31, 1973.

SEC. 305. Section 1817 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(i) In addition to the funds appropriated for each fiscal year to the Federal Health Insurance Fund pursuant to subsection (a), there is authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1957, an amount which is equal to 50 per centum of the amount appropriated to such Fund for such year pursuant to such subsection, and such additional amount as the Secretary estimates would have been so appropriated if he had not entered into any agreements pursuant to section 1886."

TITLE IV—FEDERAL AID TO ESTABLISH LOCAL COMPREHENSIVE HEALTH SERVICES SYSTEMS

FINDINGS AND DECLARATION OF PURPOSE

SEC. 401. (a)(1) The Congress hereby finds and declares that improving the provision and the delivery of health care is of critical importance and of the highest national priority and that present programs of health services do not provide for continuing, efficient, and comprehensive health care, and lead to an unnecessary duplication of facilities, equipment, and personnel.

(2) The Congress further finds and declares that the establishment of a system of health insurance for every American must not only increase purchasing power and equalize access to quality health care but must also

bring about significant change in the health care system.

(b) It is the purpose of this title to provide financial and technical assistance through loans, grants, supplementary financing and otherwise to health service institutions and organizations which will stimulate and enable such institutions and organizations to plan, develop, and implement comprehensive systems for the delivery and provision of health care.

BASIC AUTHORITY

SEC. 402. The Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the "Secretary") is authorized to make loans and grants and to provide technical assistance, as provided by this title, to enable comprehensive health-service systems (as defined in section 407) to plan and develop comprehensive health care programs in accordance with the purpose of this title, and to assist them to become self-supporting.

ELIGIBILITY FOR ASSISTANCE

SEC. 403. (a) A comprehensive health service system (as defined in section 407 of this title) is eligible for assistance under section 405 of this title if—

(1) such system assures the provision of health services to all its members by a contract or contracts with the Secretary, or by such a contract and subcontracts, entered into by one or more providers of services (as defined in section 1861(u) of the Social Security Act) and other persons furnishing health services, or by a health insurance carrier or nonprofit prepayment plan, or by a combination of the foregoing;

(2) such system is designed, to the maximum extent feasible, to make all health services readily accessible to persons residing in the specified primary service area and will pay for transportation where reasonable accessibility to persons in that area cannot otherwise be assured;

(3) all persons, whether or not residing within the primary service area, are eligible to become members of such system, except that (A) the number of members may be limited, with or without giving preference to persons living within the primary service area, to avoid overtaxing the resources of the system, and (B) such restrictions upon enrollment may be imposed as are approved by the Secretary as necessary to prevent undue adverse selection; and the system is so designed and operated as to encourage enrollment from as broad a practicable a range of income and social groups;

(4) all health services are provided by providers or other persons who meet the standards imposed by or pursuant to title XVIII of the Social Security Act for the respective services;

(5) such system encourages increased health education of its members and the development and use of preventive health services, and provides for a group of physicians (such as a committee of medical school faculty, of a hospital medical staff, or of a group practice organization), approved by the Secretary for this purpose, consulting periodically with representatives of the membership, to fix the professional policies of the system, to oversee the professional aspects of the delivery of services, and to review the utilization of all health services, drugs, and supplies;

(6) such system shall, to the extent practicable and consistent with good medical practice, train and employ allied health personnel and subprofessional and lay persons in the rendering of services;

(7) any participating extended care facility is affiliated with a hospital or with a group practice or similar organization and the medical staff of the hospital or the group practice organization assumes responsibility for rendering or supervising professional services in the facility;

(8) premiums charged by such system for services not paid for under title XVIII of the Social Security Act are reasonable; and

(9) the establishment of such system shall be consistent with any comprehensive State health plan developed pursuant to section 314(a) of the Public Health Service Act, as amended, and shall be approved by the State planning agency designated or established pursuant to that section, and, where appropriate, shall be in accord with areawide health planning carried out pursuant to section 314(b) of that Act;

(b) In administering this title, the Secretary shall emphasize local initiative and consumer and community involvement of the planning, development, and operation of such comprehensive health service systems, and shall seek to insure prompt response to local initiative, and maximum flexibility in the planning, development, and operation of such systems. Appropriate Federal departments and agencies shall provide maximum coordination of other Federal assistance with the operation of this title.

FINANCIAL AND TECHNICAL ASSISTANCE FOR PLANNING COMPREHENSIVE HEALTH SERVICE SYSTEMS

SEC. 404. (a) The Secretary is authorized to make grants to, and to contract with, any public or nonprofit hospital, or any medical school or other institution of higher education, or any insurance carrier or nonprofit prepayment plan providing health coverage, or any nonprofit community organization, or any community group organized for this purpose in a geographically defined primary service area and representing a broad range of income and social groups, or any combination of two or more such entities, to pay 80 percent of the cost of planning and developing a plan for a comprehensive health service system (as defined in section 407) which will meet the requirements of section 403. The Secretary is also authorized to undertake such activities as he determines to be desirable to provide, either directly or by contracts or other arrangements, technical assistance to such entities for the development of plans for such comprehensive health service systems.

(b) Financial and technical assistance for planning such a system will be provided under this section only if the application for such assistance has been approved by the State health planning agency designated or established pursuant to section 314(a) of the Public Health Service Act, as amended.

FINANCIAL AND TECHNICAL ASSISTANCE FOR THE OPERATION OF APPROVED COMPREHENSIVE HEALTH SYSTEMS

SEC. 405. (a) The Secretary is authorized to approve a plan for a comprehensive health service system (as defined in section 407) if, after review of the plan, he determines that such plan satisfies the criteria set forth in section 403.

(b) The Secretary is authorized to contract, in accordance with section 403(a)(1), with a comprehensive health service system, if he has approved the plan for such system, to pay so much of the administrative, operating, and maintenance costs of such system as exceed its income for the first five years of operation after approval under this section. Any such contract shall require the system to make all reasonable efforts to enroll members, to control costs and the utilization of services, facilities, and supplies, and otherwise to maximize its income and minimize its costs. If at any time the Secretary finds that the system is not making reasonable progress toward becoming self-supporting, he may, after hearing, terminate the contract on not less than six months' notice.

(c) To assist a comprehensive health service system to carry out programs of capital development which the Secretary finds necessary for the purposes of this title, the Secretary is authorized to make a grant to such system of not to exceed 80 percent of the amount of non-Federal contribution otherwise required for the construction or modernization of hospitals and other medical facilities assisted under title VI of the Public Health Service, as amended: *Provided*, That such project has been approved by the State agency under that title and is consistent with the approved State plan, other than the provisions thereof respecting priorities.

(d) In connection with any project of an approved comprehensive health service system for the modernization, rehabilitation, or construction of ambulatory care facilities which the Secretary finds necessary for the purposes of this title, the Secretary is authorized, in lieu of assistance under any other Federal program or under subsection (c) of this section, to make a grant for up to 50 percent of the cost of such project and to make a loan, on such terms as he shall prescribe, except that the rate shall not exceed 3 percent per annum, for the remaining cost of the project.

(e) The Secretary is authorized to contract to make periodic interest reduction payments on behalf of any group practice or other ambulatory care facility, nonprofit hospital or nursing home which is operated or to be operated as part of an approved comprehensive health service system, such interest reduction to be accomplished through payments to the holder of a mortgage insured under title XI, or section 232, or section 242, of the National Housing Act. Interest reduction payments with respect to a facility shall be made during such time as the facility is operated as part of the approved comprehensive health service system. The interest reduction payments shall be in an amount not exceeding the difference between the monthly payment for principal, interest, and mortgage insurance premium which the owner of the facility is obliged to pay under the mortgage, and the monthly payment for such purposes which the owner would be obliged to pay if the mortgage bore interest at the rate of 1 per centum per annum.

(f) Of the sums appropriated pursuant to section 406 for any fiscal year, 2 per centum shall be available for grants by the Secretary to pay 100 per centum of the costs (but in no case to exceed $100,000) of projects, in areas designated by the Secretary as urban or rural poverty areas, for assessing local needs for comprehensive health service systems, obtaining local financial and professional assistance and support for local comprehensive health service systems, projects which, in his judgment, are of national significance because they will assist in meeting the needs of the disadvantaged for comprehensive health services systems or demonstrate new or particularly effective or efficient methods of delivery of health care through comprehensive health service systems.

APPROPRIATIONS

SEC. 406. There are authorized to be appropriated for the purposes of this title $——— for the fiscal year ending June 30, 1973, $——— for the fiscal years endings June 30, 1974, and June 30, 1975, $——— for each of the three fiscal years thereafter, and for succeeding fiscal years sums sufficient to carry out contracts entered into pursuant to this title.

DEFINITIONS

SEC. 407. As used in this title, the term "comprehensive service system" means a system providing health care to an identified population group in a primary service area and its environs enrolled as members, on the basis of contractual arrangements (which embody group practice, are established by a medical school, a hospital medical staff or a medical center, or similar arrangements) among participating providers of service and other persons organized so as to—

(1) assure continuity of care and the ready referral and transfer of patients where medically appropriate;

(2) provide comprehensive health services, which shall include at least all services specified in title XVIII of the Social Security Act, as amended by this Act (such services to be provided except as authorized by the Secretary, without deductibles, coinsurance, or copayment), drugs prescribed for ambulatory patients, one hundred days of extended care services (which are not post-hospital extended care services) in any spell of illness, and necessary immunization, and may include other health services which are approved by the Secretary as appropriate to the particular comprehensive health service system.

TITLE V—FEDERALLY CHARTERED HEALTH INSURANCE CORPORATIONS

SEC. 501. Title VII of the Social Security Act is amended by adding at the end thereof the following new sections:

"SEC. 708. In order to assure maximum availability of a variety of techniques for the administration of benefits and services under title XVIII, the Secretary of Health, Education, and Welfare is hereby authorized to organize and establish one or more national health insurance corporations, each of which shall be an agency of the United States under the policy guidance of the Secretary, and shall have such organization and such powers as the Secretary finds necessary for the effectuation of title XVIII.

"SEC. 709. The Secretary shall be authorized to contract with, or enter into arrangements with, the corporation or corporations organized and established under section 708 to the same extent as he is authorized to contract with carriers and other agencies and organizations under part G of title XVIII and to enter into agreements with States under part F of such title."

A STUDY OF NATIONAL HEALTH INSURANCE PROPOSALS INTRODUCED IN THE 91ST CONGRESS—A SUPPLEMENTARY REPORT TO THE CONGRESS, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, JULY 1971

TABLE 1.—NATIONAL HEALTH EXPENDITURES AFTER TAX ADJUSTMENT BY PROPOSAL, FISCAL YEAR 1974

[In billions]

		Private sector				Governmental sector		
Proposal	Total	Total	Individual direct payments	Health insurance	Other	Total	State and local	Federal
None (Health expenditure without NHI)	$105.4	$62.3	$32.0	$26.4	$3.9	$43.1	$11.1	$32.0
Javits	113.0	31.3	19.9	8.2	3.2	81.7	8.1	73.6
Burleson	110.2	62.3	21.7	36.7	3.9	47.9	8.6	39.3
Pell-Mondale	114.9	67.3	17.3	46.1	3.9	47.6	10.7	36.9
Dingell	116.8	13.9	6.9	3.1	3.9	102.9	9.6	93.3
Griffiths	115.0	11.7	9.1	.5	2.1	103.3	3.1	100.2
Kennedy	114.0	15.9	11.2	1.9	2.8	98.1	6.7	91.4
Yarborough	112.4	15.9	11.2	1.9	2.8	96.5	6.7	89.8
Fulton	107.6	52.7	30.3	18.5	3.9	54.9	9.8	45.1
Fulton-Broyhill	109.1	58.1	27.5	26.7	3.9	51.0	8.7	42.3
Fannin	107.3	53.4	29.6	19.9	3.9	53.9	12.7	41.2
Hogan	107.7	59.0	27.8	27.3	3.9	48.7	13.4	35.3
Hall	107.6	59.0	28.5	26.6	3.9	48.6	13.4	35.2
Long	106.5	60.3	30.0	26.4	3.9	46.2	11.1	35.1

NATIONAL HEALTH INSURANCE PROPOSALS

(Introduced in 92d Cong., May 1971, Office of Research and Statistics, Social Security Administration)

GENERAL CONCEPT AND APPROACH

S. 1623

Two-part national health insurance plan covering most of the population under age 65: (1) required employer plan under private insurance for employees and their families and (2) federally operated family health insurance plan (FHIP) for low-income families with children. Provisions to encourage use of health maintenance organizations. Endorsed by Nixon Administration.

H.R. 7741

Same as Bennett bill (S. 1623).

S. 1598

Two health insurance programs: (1) inpatient health care plan administered by Federal Government and financed by payroll taxes and general revenues, (2) voluntary outpatient care plan through private insurance, with Government subsidizing premiums for low-income families.

COVERAGE OF THE POPULATION

S. 1623

Employer plan.—Employers required to provide coverage for his employees and their families. Special group plans for small employers, self-employed and other individuals.

FHIP.—Low-income families with children who meet specified income levels could voluntarily enroll. Mandatory coverage for families under (proposed) Family Assistance Plan.

H.R. 7741

Same as Bennett bill (S. 1623).

S. 1598

Inpatient plan.—All U.S. residents.

Outpatient plan.—All U.S. residents on voluntary enrollment basis.

BENEFIT STRUCTURE

S. 1623

Employer plan.—Broad benefits with cost sharing of $100 annual deductible per person and 25% coinsurance for most services.

Hospital: 2-day deductible and 25% coinsurance for room and board per year. Other services subject to annual deductible and coinsurance.

Physicians: Annual deductible and coinsurance. Well-baby care up to age 5 without cost sharing.

Laboratory and X-ray: Annual deductible and coinsurance.

Medical appliances: Annual deductible and coinsurance.

FHIP.—Broad specified benefits. Some cost sharing depending on annual income, but none for lowest income group. Benefits include 30 days of hospital care; nursing home care: 3-day substitution for 1 day of hospital care; all physicians' services while receiving hospital, nursing home or home health services; 8 home or office physician visits; well-baby care up to age 5; home health services: 7-day substitution for 1 day of hospital care.

H.R. 7741

Same as Bennett bill (S. 1623).

S. 1598

Inpatient plan.—*Hospital, nursing home* and *home health services.* Benefit payments begin after family has paid an amount (family health cost ceiling), varying according to family income and size.

Outpatient plan.—*Physicians* and hospital outpatient.

Dentists: For children under 12.

Other health professional: Optometrists and podiatrists.

Laboratory and X-ray.

Medical appliances.

Prescription drugs: For chronic illnesses.

Medical benefits subject to annual deductible of $10 to $50 a year, depending on family income and size. (Additional deductible of $10 to $25 for dental benefits.)

ADMINISTRATION

S. 1623

Employer plan.—Private insurance carriers under Federal supervision.

FHIP.—Administered by DHEW, similar to Medicare program.

H.R. 7741

Same as Bennett bill (S. 1623).

S. 1598

Inpatient plan.—Administered by DHEW through regional offices.

Outpatient plan.—Private insurance carriers under supervision of DHEW.

RELATIONSHIP TO OTHER GOVERNMENT PROGRAMS

S. 1623

Medicare: Continues to operate.

Medicaid: Limited to aged, blind, and disabled.

Other programs. Most not affected.

S. 1598

Medicare: Abolished.

Medicaid: Would not pay for services under program.

Other programs: Most not affected.

FINANCING

S. 1623

Employer plan.—Financed by employee-employer premium payments. Employer pays 75% (65% for first 2½ years of program).

FHIP.—Financed in part by premiums paid by enrollees, graduated according to income; no premium for lowest income group. Balance of costs paid from Federal general revenues.

H.R. 7741

Same as Bennett bill (S. 1623). Also employers with high premium costs get subsidy payments for up to 10 employees.

S. 1598

Inpatient plan.—Medicare (hospital insurance) payroll taxes diverted to new program, plus Federal general revenues if needed.

Outpatient plan.—Premium payments by enrolled family, with premium subsidized by government for low-income families, depending on family income and size.

STANDARDS FOR PROVIDERS OF SERVICES

S. 1623

Same as Medicare. Professional Standards Review Organizations (PSRO) to review services provided under all plans.

H.R. 7741

Same as Bennett bill (S. 1623).

S. 1598

Similar to Medicare with additional requirements:

Physicians and other health personnel: Must meet standards set by DHEW and may practice in any State.

Health Services Organizations, corporations and associations: Must meet standards set by DHEW. Can be federally incorporated if incorporation prohibited by State.

Utilization review: Local, regional and national boards to review and study utilization.

REIMBURSEMENT OF PROVIDERS OF SERVICES

S. 1623

Hospitals and other institutions: Reasonable cost of services, same as Medicare.

Physicians: Reasonable charges, same as Medicare.

Health Maintenance Organizations: Per capita rate.

H.R. 7741

Same as Bennett bill (S. 1623).

S. 1598

Inpatient plan.—To be determined by regulation.

Outpatient plan. Reasonable cost as under Medicare.

DELIVERY AND RESOURCES

S. 1623

Health Maintenance Oranization: Must be made available as an option for all plans. Must provide comprehensive services efficiently and economically. Under related bill (S. 1182), grants and loans for development, construction and payment to meet initial operating costs. Under S. 1183, grants and loans to schools for education of health professionals in short supply and improvement of health delivery.

H.R. 7741

Same as Bennett bill (S. 1623).

S. 1598

Health Delivery Committee: Committee to study health needs and make recommendations.

Health Maintenance Organizations: Grants and loans for development and construction.

Health Manpower: Would liberalize PHS programs for loans to medical and nursing students and provide special grants to medical schools.

NATIONAL HEALTH INSURANCE PROPOSALS

GENERAL CONCEPT AND APPROACH

S. 836

National health insurance program, based on expansion of Medicare program to general population. Administered by Federal Government and financed by payroll taxes and Federal general revenues. Includes option for alternative coverage under private insurance plans.

H.R. 4349

Three voluntary health insurance plans to make coverage available to all U.S. residents: (1) an employee-employer plan, (2) plan for individuals, and (3) a State plan for the poor. All plans administered through private insurance and provide broad range of benefits. Endorsed by Health Insurance Association of America.

S. 703

Employers required to provide specified health benefits for their employees and families, at no cost to the employee. Authorizes creation of health services corporations to furnish comprehensive health care and operate facilities.

COVERAGE OF THE POPULATION

S. 836

All U.S. residents.

H.R. 4349

Private plans.—Employee-employer plan includes employees (and their families) of employers who voluntarily elect coverage. Individual plan includes persons who voluntarily elect.

State plans.—Voluntary enrollment for poor and uninsurable persons.

S. 703

Employees (and their families) of businesses in interstate commerce, and government agencies.

BENEFIT STRUCTURE

S. 836

Benefits same as Medicare, plus dental care, and drugs. Some services subject to present Medicare Part B cost sharing of a $50 annual deductible per person and 20% coinsurance.

Hospital: 90 days of care; with $60 deductible, $15 co-payment per day after 60th day.

Nursing home: 100 days of care; $7.50 copayment per day after 20th day.

Physicians: Part B cost sharing.

Dentists: For children under 8; 20% coinsurance.

Home health services: 100 post-hospital visits, plus 100 additional visits subject to Part B cost sharing.

Laboratory and X-ray: Part B cost sharing.

Other health professionals: Podiatrists, psychologists, physical therapy; Part B cost sharing.

Medical applicances: Part B cost sharing.

Prescription drugs: For chronic conditions. $1 charge per prescription.

H.R. 4349

Broad range of benefits, with cost sharing. Benefits phased-in over 6-year period for private plans and 4 years for State plan.

Hospital: 300 days of care; $10 co-payment for first day, then $5 per day.

Nursing home: 180 days of care; $2.50 copayment per day.

Physicians: $2 per visit.

Dentists: 1 examination each year; most other services 20% coinsurance.

Home health services: 270 days of care; $2.50 co-payment per day.

Laboratory and X-ray: No cost sharing.

Other health professionals: 20% coinsurance.

Medical appliances: 20% coinsurance.

Eyeglasses: 50% coinsurance.

Prescription drugs: $1 per prescription.

Private plans.—20% coinsurance can be substituted for dollar co-payments. For employee-employer plan, annual limit for all cost sharing of $1,000 per family.

State plan.—Amount of cost sharing limited, according to family income.

S. 703

Required benefits, with no cost sharing or limitations, except as noted:

Hospital: 12 days a year after first 2 days.

Nursing home: 10 days a year.

Physicians.

Laboratory and X-ray.

Other health professionals:

Podiatrists and chiropractors.

Medical appliances.

Prescription drugs.

Catastrophic: Coverage of medical costs of an amount that exceeds 25% of family income.

ADMINISTRATION

S. 836

Federal Government: Similar to Medicare. DHEW would have general administrative responsibility. Private insurance carriers (or quasi-governmental corporations) would handle claims and pay providers.

Employer-employee plans: Employers may elect out of the government program by establishing an approved private insurance plan providing superior benefits.

Carrier plans: Individuals may elect out by purchasing approved private insurance providing equivalent benefits.

H.R. 4349

Private plans.—Administered by private insurance carriers, under State supervision. Treasury Department determines tax status of plan.

State plan.—Administered by private carrier under State supervision. Regulations for program established by DHEW.

S. 703

Health plans: Benefits administered through prepaid health plans, health services corporations, or other approved methods.

Federal Government: DHEW established standards and regulations for program.

RELATIONSHIP TO OTHER GOVERNMENT PROGRAMS

S. 836

Medicare: Absorbed by program.

Medicaid and other assistance programs: Would not pay for services under program.

Other programs: Most not affected.

H.R. 4349

Medicare: Continues to operate.

Medicaid and other assistance programs: Would not pay for services under program.

Other programs: Most not affected.

S. 703

Medicare and Medicaid: Continue to operate.

Other programs: Most not affected.

FINANCING

S. 836

General: Tax on payroll and self-employment income, and Federal general revenues.

Tax rates: (a) 3.3% of earnings for employers, employees, and self-employed, (b) general revenue contribution equal to ½ of total tax receipts.

Earnings subject to tax: First $15,000 of earnings for employee and self-employed; total payroll for employers.

Employment subject to tax: Workers under social security, plus Federal, State and local government employees.

Employer-employee plans: Employers and employees exempt from regular insurance tax. Employer pays at least 75% of cost of private plan.

H.R. 4349

Private plans.—For employee-employer plan premium paid by employers and employees, as arranged between them. Individual plan, policyholder pays entire premium. Employees and individuals who itemize deductions can take entire premium contribution as deduction on income tax return. Employers can take their entire contribution as business expense.

State plan.—No premium contribution required for lowest income group; for others, part of premium paid by enrollees, with amount varying according to family income. Federal and State governments pay balance of costs from their general revenues.

S. 703

Employers pay for health benefits as cost of doing business. No charge to employees.

STANDARDS FOR PROVIDERS OF SERVICES

S. 836

Same as Medicare. Additional standards may be established for physicians concerning continuing education, national licensing and qualifications for major surgery and other specialists' services.

H.R. 4349

Same as Medicare.

S. 703

DHEW establishes regulations regarding facilities, quality standards, and necessity of services.

REIMBURSEMENT OF PROVIDERS OF SERVICES

S. 836

Similar to Medicare for first 2 years of program. Afterward, new payment methods may be established, based on a study required under bill. The following payment methods used in interim:

Hospitals and nursing homes: Reasonable costs of services.

Physicians, dentists, and suppliers: Appropriate and reasonable charges.

Comprehensive health service system: Reasonable cost of services or per capita rate for enrolled members.

H.R. 4349

Hospitals and other institutions: Reasonable cost of services, based on prospectively approved rates. Hospitals prepare budgets and schedule of charges which are reviewed by a State Commission responsible for establishing charges, subject to DHEW approval.

Physicians and dentists: Reasonable charges, based on customary and prevailing rates.

S. 703

As arranged by employers with providers.

DELIVERY AND RESOURCES

S. 836

Comprehensive health service systems: DHEW can contract with comprehensive systems to provide health care to enrolled population. System must provide preventive services and health education and must train paramedical health personnel. Loans, grants, and technical assistance provided for the development, operation, and construction of comprehensive systems.

H.R. 4349

Health planning: Increased funding and authority given to State and local planning agencies. Approval of planning agency required before projects can receive funds under Federal programs. Also, Presidential advisory council on health is created.

Health maintenance organizations: Must be made available as an option to persons enrolled in State plan and employee-employer plans.

Ambulatory health centers: Grants, loans, and loan guarantees to encourage construction and operation of centers.

Health manpower: Loans and grants for students and educational institutions, with priority given to shortage areas.

S. 703

Health services corporations: For-profit organizations to be established in an area to provide comprehensive health services (including required benefits), and operate health facilities and medical schools. Would purchase health facilities and/or make arrangements with providers of services. Funded mainly by sale of stock to State and local government, and health organizations and personnel affiliated with corporation. Corporation facilities and staff must meet national standards. Federal grants, loans and guarantees would be available for construction, staffing and operation.

Regional planning councils: Develop plans for comprehensive health services. Would approve the budgets of health service corporations and all projects involving Federal funds.

NATIONAL HEALTH INSURANCE PROPOSALS

GENERAL CONCEPT AND APPROACH

H.R. 48

National health insurance program providing broad benefits, administered at Federal, State, and local levels, and financed by payroll taxes.

S. 3

National health insurance program providing broad benefits, administered by Federal Government and financed by payroll taxes and Federal general revenues. Endorsed by Committee for National Health Insurance and AFL-CIO.

COVERAGE OF THE POPULATION

H.R. 48

All U.S. residents.

S. 3

All U.S. residents.

BENEFIT STRUCTURE

H.R. 48

Broad benefits with no cost sharing or limitations, except as noted:

Hospital: 60 days of care.
Nursing home: No benefit.
Physicians.
Dentists.
Home health services.
Laboratory and X-ray.
Other health professionals.
Medical appliances and eyeglasses.
Prescription drugs: Unusually expensive drugs.

Specified benefits may be delayed in a State if resources are inadequate.

S. 3

Broad benefits with no cost sharing or limitations, except as noted:

Hospital.
Nursing home: 120 days of care.
Physicians.
Dentists: For children under age 15; later extended to age 25.
Other health professionals.
Laboratory and X-ray.
Medical appliances and eyeglasses.
Prescription drugs: For chronic and other specified illness.

ADMINISTRATION

H.R. 48

Federal Government: Special board in DHEW with overall supervision of program.

State: Under contract with Federal Government, would establish State plan and arrange to operate program at the local level.

S. 3

Federal Government: Special board in DHEW, with regional and local offices to operate program.

RELATIONSHIP TO OTHER GOVERNMENT PROGRAMS

H.R. 48

Medicare: Continues to operate, but study to be made of methods of incorporating it into the national plan.

Medicaid and other assistance programs: Would not pay for services under the national plan.

Other programs: Most not affected.

S. 3

Medicare: Abolished.

Medicaid and other assistance programs: Would not pay for covered services.

Other programs: Most not affected.

FINANCING

H.R. 48

Tax on wage and self-employment income, similar to social security tax. Total tax for employers and employeees combined would be 4%.

S. 3

General: Tax on payroll, self-employed, and unearned income, and Federal general revenues.

Tax rates: (a) 1.0% on employees wages and unearned income, (b) 3.5% for employers, (c) 2.5% for self-employed, and (d) Federal general revenues equal to total receipts from taxes.

Earnings subject to tax: First $15,000 of earnings and income of individuals; total payroll for employers.

Employment subject to tax: Workers under Social Security, plus Federal, State, and local government employment. State and local governments do not pay employer tax.

STANDARDS FOR PROVIDERS OF SERVICE

H.R. 48

Must meet State standards. If no State standards, they would be established by National Board.

S. 3

Same as Medicare, with additional requirements:

Hospitals: Cannot refuse staff privileges to physicians.

Nursing homes: Must be affiliated with hospital which is responsible for medical services in home.

Physicians: National standards would be established; major surgery performed only by qualified specialists.

All providers: Records subject to review by regional office. Also, can be directed to add or reduce services, and to establish linkages.

REIMBURSEMENT OF PROVIDERS OF SERVICES

H.R. 48

Hospitals and other institutions: Reasonable cost of services, but subject to a maximum rate.

Physicians and other professionals: Fee for service (based on fee schedule), per capita (for persons enrolled with a practitioner), or salary.

S. 3

National health budget established and funds allocated, by type of service, to regions and local areas.

Hospitals and nursing homes: Would receive annual predetermined budget based on reasonable cost.

Physicians, dentists, and professionals: Methods available are: Fee-for-service based on fee schedule, per capita payment for persons enrolled, and (by agreement) full- or part-time salary. Payments for fee-for-service may be reduced if payments exceed estimates.

Comprehensive health service organizations and medical society foundations: Per capita payment for all services (or budget for institutional services). Can retain all or part of savings.

DELIVERY AND RESOURCES

H.R. 48

Grants to students and educational institutions for training in health occupations.

S. 3

Health planning: DHEW responsible for health planning, in cooperation with State planning agencies. Priority to be given to development of comprehensive care on ambulatory basis.

Health resources development fund: Will receive, ultimately 5% of total income of programs, to be used for improving delivery of health care and increasing health resources.

Comprehensive health service system: Could receive grants for development, loans for constructions, and payments to offset operating deficit.

Manpower training: Grants to schools and allowances to students for training of physicians for general practice and shortage specialties, other health occupations, and development of new kinds of health personnel.

NATIONAL HEALTH INSURANCE PROPOSALS

GENERAL CONCEPT AND APPROACH

H.R. 1283

Credits against personal income taxes would be granted to offset the premium cost of qualified private health insurance providing specified benefits.

H.R. 4960

Credits against personal income taxes would be granted to offset the premium cost of qualified private health insurance providing specified benefits. Endorsed by American Medical Association.

COVERAGE OF THE POPULATION

H.R. 1283

All U.S. residents, on voluntary basis.

H.R. 4960

All U.S. residents, on voluntary basis.

BENEFIT STRUCTURE

H.R. 1283

Tax credits of 10 to 100% of cost of qualified health insurance policy, depending on annual tax payments. Voucher certificates issued to persons with little or no tax liability. Policy must provide basic coverage and one or more supplemental benefits. Low-income families exempt from cost sharing; for others, limited to $100 annually per person.

Hospital: 60 days of care: $50 deductible per stay.

Nursing home: May be substituted for hospital days on 2 for 1; $50 deductible per stay.

Physicians: 20% coinsurance.

Dentists: No benefit.

Laboratory and X-ray: 20% coinsurance.

Other health professionals: 20% coinsurance.

Medical appliances: No benefit.

Prescription drugs: 20% coinsurance.

Catastrophic coverage: $300 deductible per family.

Other health professionals, prescription drugs, additional hospital days (beyond 60) and catastrophic coverage are the supplemental benefits available at an additional premium.

H.R. 4960

Tax credits of 10 to 100% of cost of qualified health insurance policy, depending on annual tax payments. Voucher certificates issued to persons with little or no tax liability. Policy provides basic and catastrophic benefits.

Hospital: 60 days of care: $50 deductible per stay.

Nursing home: May be substituted for hospital days on 2 for 1; $50 deductible per stay.

Physicians: 20% coinsurance.

Dentists: No benefit.

Laboratory and X-ray: 20% coinsurance.

Prescription drugs: 20% coinsurance.

Catastrophic coverage: Additional hospital days and medical appliances covered after "corridor deductible" (out-of-pocket payment) which varies according to income.

Total cost sharing for physicians, laboratory and X-ray limited to $100 per family.

ADMINISTRATION

H.R. 1283

Private insurance carriers issue policies.

State insurance departments certify carriers and qualified policies. Federal board establishes standard for program. Treasury Department processes tax credits. DHEW issue voucher certificates.

H.R. 4960

Private insurance carriers issue policies.

State insurance departments certify carriers and qualified policies.

Federal board establishes standards for program. Treasury Department processes tax credits.

DHEW issues voucher certificates.

RELATIONSHIP TO OTHER GOVERNMENT PROGRAMS

H.R. 1283

Medicare: Continues to operate.

Medicaid and other assistance programs: Would not pay for services under program.

Other programs: Most not affected.

H.R. 4960

Medicare: Continues to operate.

Medicaid and other assistance programs: Would not pay for services under program.

Other programs: Most not affected.

FINANCING

H.R. 1283

Financed from Federal general revenues.

H.R. 4960

Financed from Federal general revenues.

STANDARDS FOR PROVIDERS OF SERVICES

H.R. 1283

By contract between DHEW and State medical societies, review boards (PRO) established to review charges, utilization, and quality of services for this program and other Federal programs; provisions for hearings and appeals, disciplinary action, and recourse to courts. DHEW reviews and implements decisions.

H.R. 4960

No provision.

REIMBURSEMENT OF PROVIDERS OF SERVICES

H.R. 1283

PRO boards review charges (see above).

H.R. 4960

No provision.

DELIVERY AND RESOURCES

H.R. 1283

The Federal board is directed to develop programs for effective use of manpower and resources.

H.R. 4960

The Federal board is directed to develop programs for effective use of manpower and resources.

NATIONAL HEALTH INSURANCE PROPOSALS

GENERAL CONCEPT AND APPROACH

H.R. 18008

Program for coverage of catastrophic illness which would pay medical expenses above a specified amount, depending on family income. Administered by private insurance companies under State supervision and financed by premium payments and Federal subsidy.

H.R. 177

Two-part national health insurance program: (1) State plan of health insurance for the poor providing basic and catastrophic coverage and (2) Federal program of catastrophic protection for the rest of the population.

S. 1376

Federal program for coverage of catastrophic illness which would pay expenses for hospital and medical care above a specified amount. Program would be administered through Medicare program and financed by special payroll taxes.

COVERAGE OF THE POPULATION

H.R. 18008

All U.S. residents, on voluntary basis.

H.R. 177

Poor.—All medically indigent persons.

General population.—All persons not medically indigent.

S. 1376

Persons under age 65 insured or entitled under social security, and their families.

State and local governments may cover their employees under special arrangements.

BENEFIT STRUCTURE

H.R. 18008

All services eligible as medical expense deductions under the income tax law may be covered, after family expenses exceed a specified amount (deductible), which varies according to family income and size. There is no deductible for low income families but the deductible rises rapidly as income increases. Expenses paid by other private insurance or government programs can be counted toward the deductible.

H.R. 177

All services eligible as medical expense deductions under the income tax law may be covered.

Poor.—Insurance providing basic coverage of medical care, with value equal to average health care costs, and catastrophic protection of additional costs. No cost sharing.

General population.—Coverage of 90% of family health care costs after the first $5,000 of expenses ($1,000 for the aged). Expenses paid by private insurance or public programs can be counted toward this deductible amount.

S. 1376

Covers same types of benefits as Medicare. Hospital and nursing-home expenses covered after 60 days of hospital care; subject to copayment of $15 per day for hospital and $7.50 for nursing home. Other medical expenses covered after first $2,000 incurred by family, subject to 20% coinsurance.

ADMINISTRATION

H.R. 18008

Private insurance carriers would issue and administer the catastrophic insurance policies.

State insurance department would design and establish the plan.

Federal Government: DHEW would establish regulations for program.

H.R. 177

Poor.—Private insurance companies would issue insurance policies and administer claims. DHEW would establish plan if State does not.

General population.—Administered by DHEW, using same procedures and requirements as Medicare, if possible.

S. 1376

Federal Government: Administered through Medicare program (by DHEW) under which private carriers handle claims and pay providers of services, and State agencies determine whether providers of services meet standards.

RELATIONSHIP TO OTHER GOVERNMENT PROGRAMS

H.R. 18008

Medicare: Continues to operate.

Medicaid and other assistance programs: Would not pay for services covered under the program.

Other programs: Most not affected.

H.R. 177

Poor.—Would replace Medicaid program.

General population.—No specific reference. DHEW to report on laws that need to be changed.

S. 1376

Medicare: Not affected.

Medicaid and other government programs: Same effect as Medicare program.

FINANCING

H.R. 18008

General: Policyholders would pay premium for insurance with subsidy from Federal general revenues.

Premium rate: DHEW would determine actuarial value of policies and could establish a premium rate lower than the actuarial value, to encourage widespread enrollment. Federal Government would pay carriers, from general revenues, the difference between the actuarial value and the premium rate.

Reinsurance: Federal Government would arrange to reinsure the insurance risk; carriers would pay the reinsurance premiums.

H.R. 177

Poor.—Federal and State general revenues. Federal pays 85% of cost of basic coverage. State pays remaining costs and cost of catastrophic protection.

General population.—Financed by special tax on wages, self-employment income, and other income of individuals.

Tax rate: 0.4%.

Earnings subject to tax: Sum of an individual's wages, self-employment income, and other earned or unearned income over $2,000, up to a maximum of $7,800.

Employment subject to tax: Same as social security.

S. 1376

General: Financed by payroll taxes, similar to Medicare.

Tax rates for employers, employees, and self-employed: 0.3% initially, rising to 0.4% ultimately.

Earnings subject to tax: First $9,000 of earnings.

Employment subject to tax: Workers under social security.

STANDARDS FOR PROVIDERS OF SERVICE

H.R. 18008

No provision.

H.R. 177

Poor.—No provision.

General population.—Same as Medicare, as much as feasible.

S. 1376

Same requirements and standards as Medicare.

REIMBURSEMENT OF PROVIDERS OF SERVICES

H.R. 18008

No provisions.

H.R. 177

Poor.—No provision.

General population.—Same as Medicare, as much as feasible.

S. 1376

General: Same as Medicare.

Hospitals and other institutions: Reasonsonable costs of services.

Physicians and suppliers: Reasonable charges.

DELIVERY AND RESOURCES

H.R. 18008

No provision.

H.R. 177

No provision.

S. 1376

No provision.

By Mr. JAVITS (for himself, Mr. PELL, Mr. EAGLETON, Mr. MONDALE, and Mr. TAFT):

S. 916. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965, as amended. Referred to the Committee on Labor and Public Welfare.

EXTENSION OF THE NATIONAL FOUNDATION OF THE ARTS AND THE HUMANITIES ACT

Mr. JAVITS. Mr. President, I introduce for myself and Senators PELL, EAGLETON, MONDALE, and TAFT, my colleagues on the Subcommittee on the Arts and Humanities, the administration's bill to authorize appropriations for the National Foundation on the Arts and the Humanities for the next 3 fiscal years. This measure also provides for a number of technical changes in the present law; I ask unanimous consent that a list of these technical changes together with an analysis of the proposed bill and its text be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1, 2, and 3.)

Mr. JAVITS. Mr. President, at the beginning of our Republic, President George Washington recognized the arts as central to our national well-being. The passage of almost two centuries has not dimmed this concept and, as the 200th anniversary of our independence approaches, our Nation should now be in the position of being especially recognized for its achievements in the realm of ideas and of the arts.

There is a growing appreciation of the fact that our cultural resources are a national treasure, as much to be nurtured as our natural resources. In this the Federal Government has a vital role. As the President pointed out in an article appearing in the September 1972 issue of Equity magazine:

> The Federal Government has been a vital catalyst in supporting this Nation's unique tradition of generous private initiative in the arts. I believe the Federal Government must continue to play this role.

In each of the past 2 years, despite budgetary restrictions, Federal funding for the arts and the humanities has increased substantially. The fiscal year 1974 budget provides further increases. And progress has been made on other fronts in response to the Federal stimulus. In 1960, only 14 States had State arts councils and State arts programs; today, all 50 States have such councils and programs. A Federal dollar goes to the State, which must match it, and those $2 in turn go to the ultimate recipient who again must match. Thus, one Federal dollar results in a $4 expenditure on the arts.

But all is not sweet music and progress on the arts front. Consider, for instance, the plight of the Nation's over 1,000 symphony orchestras located in every State of the Union. Twenty-eight of these have budgets of more than $1 million annually. In the past 10 years they report an increase of 62 percent in concerts and an increase of 76 percent in attendance; they also report an increase in operating costs of 87 percent as contrasted with an increase in earned income of 60 percent. Put another way, in 1962 symphony orchestras earnings covered 58 percent of expenditures; in 1971 their earnings covered only 47 percent of expenditures, making for a $35 million gap—deficit—in 1971.

How is this deficit met? Mostly from private contributions, a source which is increasingly hard put to meet the demands upon it by deserving cultural, educational, and social service institutions. Federal, State, and local governments in 1971 contributed 9 percent of symphony costs—the Federal contribution, however, was the smaller part of this, at 3.5 percent. This is contrasted to the situation abroad where European local and national governments generally fund up to between 80 and 90 percent of symphony orchestra costs.

A final observation. With this growing governmental support is the continued recognition of the necessary limits of governmental control. The words of President Nixon symbolize this:

> Art is the most profound and ultimately the most sacred form of freedom of expression that we have. Within its depths and its mysteries is the source of new ways of looking at the world and at ourselves. Nothing we do to foster artistic creativity should tend to directly or indirectly influence artistic content; everything we do to aid the artist and his art should be done to enlarge, not restrict, the area of freedom which is the essence of the artistic experience.

The nurturing of Federal encouragement of the arts and the nurturing of such encouragement in all the States signals a Federal-State-local partnership in developing our cultural resources which must continue to be encouraged so that it might achieve its full and true growth. This bill seeks to provide that nourishment and encouragement.

EXHIBIT 1

TECHNICAL CHANGES

1. The bill would revise existing language to allow the high standards enumerated in Section 5(c) to apply equally to both "projects" and "productions" supported by the Endowment for the Arts.

2. It would authorize the Arts Endowment to provide for publications related to the purposes of its enabling legislation without regard to the provisions of 44 USC 501.

3. It would delete a requirement that the Chairman of an Endowment receive the advice of the Federal Council on the Arts and the Humanities in connection with the support of research and other programs, the award of fellowships, the interchange of information in the humanities, etc.

4. It would delete a requirement that State applications for financial assistance be received by the Arts Endowment prior to the first day of the fiscal year in which such assistance is being provided.

5. It would add a requirement that State art agencies include an advisory group which would advise the State agencies much in the same manner as the National Council on the Arts presently advises the National Endowment for the Arts.

6. It would, for purposes of updating, delete reference to the District of Columbia Recreation Board which has been succeeded by the D.C. Arts Commission.

7. It would delete a provision allowing Federal funds provided to the States to be expended for purposes of establishing State arts agencies, since all States now have State agencies.

8. It would increase the basic State arts grants authorized by the act from $65,000 to $150,000, reflecting increased authorization of appropriations, with the remainder of such appropriated funds being available to the States or Regional groups serving the States.

9. It would authorize a State to expend up to 20 per centum of its federal assistance 5(g) funds without regard to the general requirement that such dollars be matched one for one.

10. It would add a statement reflecting Congressional intent that Federal funds are intended to provide improved State arts programs, and not supplant state, local, or private funds.

11. It would authorize the National Council on the Arts to review projects proposed for financial assistance, rather than applications in every case, when it is impractical to review individual applications.

12. The National Councils are presently authorized to delegate to the Chairman authority to approve or disapprove applications without a Council recommendation in the case of an application involving $10,000 or less. The bill would raise this $10,000 maximum to $25,000.

13. The bill would provide that any loans made by the National Endowment for the Humanities shall be made in accordance with terms and conditions approved by the Secretary of the Treasury. The National Endowment for the Arts does not have loan authority.

14. The bill would be revised so as to include a complete list of current membership of the Federal Council on the Arts and the Humanities.

15. The bill would authorize the Chairmen of both Endowments to accept smaller gifts without a prior recommendation from the Council when those gifts are to be used to finance grants which the Chairmen are authorized to make without a prior Council recommendation.

16. General program funds and funds to match gifts would be authorized for the next three fiscal years in such amounts as Congress may deem necessary.

17. Two obsolete sections of the National Foundation on the Arts and the Humanities Act would be deleted and certain statutory references would be updated.

EXHIBIT 2

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ANALYSIS OF BILL TO AMEND THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965

There is set forth below an analysis of each section of the National Foundation on the Arts and the Humanities Act of 1965 which would be amended by the proposed legislation. At the end of each section analysis the section itself is quoted, with omitted material indicated by [ ] and new material indicated by italics.

SEC. 1. If Section 13 of the Act is to be deleted as provided in Sec. 7 of the draft bill, no mention of the Office of Education will remain in the body of the Act. Therefore, the reference to strengthening the responsibilities of that Office should also be deleted from the preamble. (Sec. 2, clause 7) The language of the subsection follows:

"(7) that, in order to implement these findings, it is desirable to establish a National Foundation on the Arts and the Humanities [and to strengthen the responsibilities of the Office of Education with respect to education in the arts and the humanities].

SEC. 2. The changes proposed in Section 5 relating to the National Endowment for the Arts are several and involve different purposes. First, the deletion in Section 5(c) (and in Sections 5(g) and 7(c) below) of the phrase referring to the *Federal Council on the Arts and the Humanities* appears to be appropriate. While the Federal Council does perform the important functions described in Section 9(c) of the Act, the Council does not, nor can it as a practical matter, provide the kind of guidance and assistance which appears to be called for in Sections 5(c), 5(g), and 7(c). Also, it is felt that more informed advice is in fact available from the National Councils. The relevant language of subsection 5(c) follows:

"(c) The Chairman, with the advice of the [Federal Council on the Arts and the Humanities and the] National Council on the Arts, is authorized to establish and carry out a program of contracts with, or grants-in-aid to, groups or, in appropriate cases, individuals of exceptional talent engaged in or concerned with the arts, for the purpose of enabling them to provide or support in the United States."

In Section 5(c) (1), (2), and (3) it is proposed that the word "projects", or "productions" be inserted for purposes of consistency. It would seem appropriate that the broad and high standards enumerated in this section be equally applicable to both "projects" and "productions" viz., that "projects" be required to have substantial artistic and cultural significance and give emphasis to American creativity, as is presently provided in the case of "productions."

The language of the clauses follows:

"(1) *projects and* productions which have substantial artistic and cultural significance, giving emphasis to American creativity and the maintenance and encouragement of professional excellence;

"(2) *projects and* productions, meeting professional standards or standards of authenticity, irrespective of origin, which are of significant merit and which, without such assistance, would otherwise be unavailable to our citizens in many areas of the country;

"(3) projects *and productions* that will encourage and assist artists and enable them to achieve wider distribution of their works, to work in residence at an educational or cultural institution, or to achieve standards of professional excellence:"

Section 5(c) (5) would be amended to allow the National Endowment for the Arts much needed greater flexibility and control with respect to the Agency's highly specialized printing requirements.

It should be especially noted, in this connection, that both the National Science Foundation and National Endowment for the Humanities have such authority and that neither of those agencies has responsibilities comparable to that of the Endowment with respect to Federal publications and graphics. On May 1972, the President designated the Endowment as the lead agency in the government-wide effort to achieve and reflect standards of excellence in all federal graphic and design endeavors. As a result, the Endowment is now responsible for coordinating the efforts of all executive agencies to improve their graphics and publications, and the authority requested would help to insure that the Endowment will be able to carry out these new responsibilities, and to realize the President's goals.

While most of the Endowment's printing needs are fulfilled satisfactorily by the Government Printing Office (and will continue to be), that Office is subject to the Government Printing and Binding Regulations issued by the Joint Committee on Printing. Those regulations stress economy as a basis for decisions relating to federal printing needs. While the Endowment recognizes that economy is one essential criterion, it foresees, in its newly designated role, specialized printing needs involving multicolor processes in which quality and good design are also to be considered as essential criteria, and which require esthetic judgments based on an expertise which is unique in Government to the Endowment's specially qualified staff. Accordingly, it is felt that, if the President's Federal design and graphics goals are to be realized, such authority for the Endowment is absolutely essential. The language of the clause follows:

"(5) other relevant projects, including surveys, research, planning, *and publications relating to the purposes of this section without regard to the provisions of 44 U.S.C. 501.*"

Clause (1) of subsection 5(g) should be amended to delete the phrase referring to the Federal Council on the Arts & Humanities, for the reasons given above in reference to section 5(c). The language of the clause follows:

"(g) (1) The Chairman, with the advice of the [Federal Council on the Arts and the Humanities and the] National Council on the Arts, is authorized to establish and carry out a program of grants-in-aid to assist the several States in supporting existing projects and productions which meet the standards enumerated in section 5(c) of this Act, and in developing projects and productions in the arts in such a manner as will furnish adequate programs, facilities, and services in the arts to all the people and communities in each of the several States."

Section 5(g) (2) should be revised to relieve the States of the requirement of submitting their applications for assistance with completed state plans prior to the first day of the Federal government's fiscal year for which such assistance is requested. The States' art programming schedule is not completely coincident with the Federal government's fiscal year. Also, due to exigencies and uncertainties of arts program planning on the local level, it is frequently impossible for the State arts councils to submit reliable and fully programmed plans by the date specified. Some flexibility in this regard would be extremely helpful to the States in the development of more realistic State plans which the National Endowment for the Arts could better rely on as being capable of fulfillment, with fewer changes likely to be made.

Section 5(g) (2) (A) presently provides that the States, in order to receive Federal assistance, must submit an application designating an official State agency for the administration of the State arts plan. The bill would add a requirement that the State agency include a state arts "advisory group", the role of which with respect to the State agencies would be analogous to the advisory role played by the National Council on the Arts with respect to the National Endowment for the Arts. The members of such groups would be selected in a manner that would insure broad state artistic representation in the implementation of the State's programming. The purpose of this revision would be to insure high quality in the programming of all state arts agencies. Most States already have such Councils, and it is the Endowment's view that the cultural needs of the nation would be better served if the arts programs of all states would employ and could benefit from such procedures.

Also, section 5(g) (2) (A) should be amended to delete the "except" clause, since the District of Columbia now has a duly established arts commission.

The language of the clause follows:

"(2) In order to receive such assistance in any fiscal year, a State shall submit an application for such grants [prior to the first day of such fiscal year] *by such time as shall be specified by the Chairman* and accompany such applications with a plan which the Chairman finds—

"(A) designates or provides for the establishment of a State agency (hereinafter in this section referred to as the 'State agency') as the sole agency for the administration of the State plan, *such agency to include an advisory group which (1) shall be composed of private citizens who are widely recognized for their broad knowledge of, or expertise in, or for their profound interest in, the arts; and (2) shall advise the State agency on the development of programs and projects, and on policy matters arising in the administration of the State plan, including matters relating to procedures for review of applications for financial assistance under the State's plan.* [except that in the case of the District of Columbia the Recreation Board, or any successor designated for the purpose of this Act by the Commissioner of the District of Columbia, shall be the 'State agency']

Section 5(g)(2)(B) should be amended to delete the "except" sentence. There is no longer any need for providing that $25,000 of federal money granted to the states under 5(g) to be expended to conduct studies for the development of a state agency, since all States have now duly established State arts agencies. The language of the subclause follows:

"(B) provides that funds paid to the State under this subsection will be expended solely on projects and productions approved by the State agency which carry out one or more of the objectives of subsection (c); [except that in the case of the first fiscal year in which the State is allotted funds after the enactment of this Act, a plan may provide that not to exceed $25,000 of such funds will be expended to conduct a study to plan the development of a State agency in the State and to establish such an agency;]"

It is proposed that Section 5(g)(3) be changed in several respects. First, the amount of each basic state allotment should be changed to reflect increased appropriations for the Federal-State partnership program. It is anticipated that the program will level off with a basic allotment to each state of $150,000. Second, it is felt that Guam and American Samoa, which have arts programs equal in quality to many of the States, should not be discriminated against by the statute with respect to funding in excess of the basic allotments of $150,000. Third, it is felt that the allotment of sums remaining after the basic allotments, consistent with the legislative history of the Act, should be made not only to State agencies acting independently, but also to regional interstate groups. See Senate Report No. 300, 89th Congress, First Session, p. 18, which states as follows: "... the committee believes that cooperation among the States in their activities to benefit the arts can significantly serve the purposes of the act." These supplementary grants would be made to the States or regional groups, upon application, and would be based on such factors as quality of proposed programs, and special regional or State needs. It is felt that the regional approach would better serve the cultural needs of the people in many areas by allowing the full utilization of the resources of several States to be brought to bear where special needs exist. The language of the clause follows:

"(3) From the sums appropriated to carry out the purposes of this subsection for any fiscal year, not less than [$65,000 shall be allotted to each State. That part of such sums as may remain after such allotment shall be allotted among the States in equal amounts, except that for the purposes of this sentence the term 'State' shall not include Guam and American Samoa.] *$150,000 shall be allotted to each officially designated State agency. That part of such sums as may remain after such allotment shall be available to the States or Regional groups.* If the sums appropriated for any fiscal year to carry out the purpose of this subsection are insufficient to satisfy allotments under the first sentence of this paragraph, such sums shall be allotted among the States in equal amounts."

The deletions recommended in Section 5(g)(4) should be made for reasons of consistency. The requirement that the state plan be in effect on the first day of the federal fiscal year should be deleted consistent with the proposed change recommended above for Section 5(g)(2). The clause allowing Federal funds to be used to pay 100 per centum of the costs of establishing a state agency under paragraph (2)(b) should be deleted consistent with the change proposed above with respect to Section 5(g)(2)(B). Also, new language is proposed for Section 5(g)(4), which would allow the States the same kind of flexibility with respect to the matching of 5(g) funds as the Endowment presently has with respect to the matching of 5(c) funds. Thus, in appropriate cases such as where a locality has difficulty raising funds due to adverse economic conditions or other factors, the States could utilize up to 20% of 5(g) monies on a non-matching basis to finance worthy projects, rather than to allow such projects to be cancelled and thus lost to the people who may need them most. The language of the subsection follows:

"(4) The amount of each allotment to a State for any fiscal year under this subsection shall be available to each State [,] which has a plan approved by the Chairman [in effect on the first day of such fiscal year,] to pay not more than 50 per centum of the total cost of any project or production described in paragraph (1), [and to pay up to 100 per centum of the cost of conducting a study and establishing a State agency under paragraph (2)(B) of this subsection.] *except that not more than 20 per centum of the funds allotted to each State by the National Endowment for the Arts for purposes of subsection (g) for any fiscal year may, in the discretion of the State agency, be available for programs in that fiscal year without regard to such limitation for projects or productions which otherwise would be unavailable to residents of the State.*"

A new Section 5(g)(5) is proposed, which is similar to provisions commonly found in the enabling legislation of other grant-making federal agencies, and which is designed to discourage the states from cutting back their contribution to the federal state partnership program as the federal contribution grows.

The language of the proposed new clause follows:

"(5) *Federal funds made available under this section are intended to provide improved state arts programs, and should not supplant state, local, or private funds.*"

The changes proposed for Section 5(j) are technical, and are required to bring the Act up-to-date with respect to the United States Code citations contained therein. The language of the subsection follows:

"(j) It shall be a condition of the receipt of any grant under this section that the group or individual of exceptional talent or the State or State agency receiving such grant furnish adequate assurances to the Secretary of Labor that all laborers and mechanics employed by contractors or subcontractors on construction projects assisted under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended [(40 U.S.C. 276–276a–5)]. The Secretary of Labor shall have with respect to the labor standards specified in this subsection the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 [(15 F.R. 3176; 5 U.S.C. 133z–15)] (*5 U.S.C. 913*) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)."

The changes proposed in Section 6(f) relate to the functions of the National Council on the Arts. It is proposed that Section 6(f) be revised to: (1) allow the Council, when it is impractical to review individual applications, to review "projects" rather than individual applications in every case; and (2) to raise the dollar limit on the grant amount that can be acted upon by the Chairman without prior Council recommendation on a specific application. There are two basic justifications for the first of these proposed changes: (1) increasingly, the National Council on the Arts feels that its deliberations should focus more on general policy issues, both programmatic and administrative; and (2) certain program areas (e.g. Touring) experience administrative difficulties when all relevant application information must be in the hands of Endowment staff prior to both the beginning of the touring season and the next Council meeting preceding that season. This amendment would allow the Council, in such circumstances, to review, for example, touring programs as a general project proposed by the staff based on past experience and anticipated current fiscal year needs, and to approve the general concept on a broad policy basis without having to examine in detail the financial and other arrangements to be made. Also, with the substantial increase in grant applications in recent years, the Council feels that it can depend in cases of special necessity on the Advisory Panels to review in detail each application for federal assistance that falls within approved council projects (e.g., Orchestra assistance etc.). In this way, the Council would have more time to fulfill its responsibilities with respect to recognizing the changing cultural needs and priorities of the nation.

Regarding the second proposed change in Section 6(f), it is the view of the National Council on the Arts that, in view of generally increasing costs and the fact that the amount of the average Endowment grant has grown considerably since the creation of the Foundation, the Chairman should have greater flexibility with respect to applications that may be approved prior to a recommendation by the Council and that the amount of such applications be raised to $25,000. The National Council on the Arts on August 17, 1972, strongly recommended that the Foundation request such a statutory revision. It should be noted that the National Science Foundation has, under its present statutory authority, delegated to the Director authority to make individual grants in amounts up to $500,000 for a given fiscal year. The language of the subsection follows:

"(f) The Council shall (1) advise the Chairman with respect to policies, programs, and procedures for carrying out his functions, duties, or responsibilities under this Act, and (2) review applications *or, when it is impractical to review individual applications, projects proposed* for financial assistance under this Act and make recommendations thereon to the Chairman. The Chairman shall not approve or disapprove any such application *or project* [until he has received] *for funding until receiving* the recommendation of the Council on such application *or project,* unless the Council fails to make a recommendation thereon within a reasonable time. In the case of an application involving [$10,000] *$25,000* or less, the Chairman may approve or disapprove such request if such action is taken pursuant to the terms of a delegation of authority from the Council to the Chairman, and provided that each such action by the Chairman shall be reviewed by the Council."

SEC. 4. The bill would delete the words "the Federal Council on the Arts and the Humanities and" from subsection (c) of Section 7 of the Act. Although the Act presently provides that the Federal Council advise the Chairman on grants on the establishment and administration of programs, such advice has been given in only the most general way, and it is felt that more informed advice is in fact available from the National Council on the Humanities.

Furthermore, clause (2) of subsection (c) would be amended to provide that any loans made by the Endowment shall be made in accordance with terms and conditions approved by the Secretary of the Treasury. This amendment is intended to assure that loan programs of the Endowment are in accord with the fiscal policies of the United States.

The language of the subsection follows:

"(c) The Chairman, with the advice of [the Federal Council on the Arts and the Humanities and] the National Council on the Humanities (hereinafter established), is authorized to—

"(1) develop and encourage the pursuit of a national policy for the promotion of progress and scholarship in the humanities;

"(2) initiate and support research and programs to strengthen the research and teaching potential of the United States in the humanities by making arrangements (including contracts, grants, loans, and other forms of assistance) with individuals or groups to support such activities; *any loans made by the Endowment shall be made in accordance with terms and conditions approved by the Secretary of the Treasury;*

"(3) award fellowships and grants to institutions or individuals for training and workshops in the humanities. Fellowships awarded to individuals under this authority may be for the purpose of study or research at appropriate nonprofit institutions selected by the recipient of such aid, for stated periods of time;

"(4) foster the interchange of information in the humanities;

"(5) foster, through grants or other arrangements with groups, education in, and public understanding and appreciation of the humanities; and

(6) support the publication of scholarly works in the humanities without regard to the provisions of [section 87 of the Act of January 12, 1895 (28 Stat. 622), and section 11 of the Act of March 1, 1919 (40 Stat. 1270);] 44 U.S.C. [111] *501.*"

Sec. 5. The bill would amend the Act to permit the Chairman to make grants involving $25,000 or less without first receiving a recommendation from the National Council on the Humanities. The National Foundation on the Arts and the Humanities Act of 1965 required a Council recommendation on every application, but the 1968 amendments permitted the Chairman to make grants to $10,000, under a delegation of authority from the Council, his actions being subject to subsequent review by the Council. This has been interpreted to mean that the Council, if dissatisfied might wish to withdraw its delegation to the Chairman, not that they would have authority to nullify a grant after it had actually been made. In fact, the Council has never revoked the delegation made under the 1968 amendments, and it is now considered desirable to permit the Council to delegate authority to make grants for $25,000 or less without a prior recommendation. Because of the increasing number of applications such a delegation would improve the administration of the Endowment by permitting the Council more time to carry out their important function of advising on national policies and programs.

Sec. 6. Under authority of Section 9(b) of the Act the President added a representative of the Department of the Interior to the Federal Council on the Arts and the Humanities on December 20, 1971, and on November 2, 1972, the Commissioner of the Public Buildings Service of the General Services Administration. Section 6 of the Bill would include these members in the statute so that it will contain a complete list of the current membership.

The language of the subsection follows:

"(b) The Council shall be composed of the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the United States Commissioner of Education, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, the Director of the National Gallery of Art, the Chairman of the Commission of Fine Arts, the Archivist of the United States, *the Commissioner, Public Buildings Service, General Services Administration,* [and] a member designated by the Secretary of State [.], *and a member designated by the Secretary of the Interior*. The President shall designate the Chairman of the Council from among the members. The President is authorized to change the membership of the Council from time to time as he deems necessary to meet changes in Federal programs or executive branch organization."

Sec. 7. The Bill would amend clause (2) of subsection (a) to provided that a Chairman may accept a gift without a Council recommendation in either of two circumstances:

(i) When the gift is to be used to fund an application which he can approve without prior Council action under Section 8(f) of the Act, or

(ii) When the Council fails to make a recommendation within a reasonable time. (In this case, the Chairman could accept any gift of $25,000 or less.)

The purpose of this amendment is to give a Chairman substantially the same authority with respect to a grant that is financed partly with private and partly with Federal funds that he has with a grant financed entirely with Federal funds but at the same time limit his authority to accept very large gifts because the Council has failed to act within a reasonable time.

The language of the clause follows:

"(2) in the discretion of the Chairman of an Endowment after receiving the recommendation of the National Council of that Endowment to receive money and other property donated, bequeathed, or devised to that Endowment with or without a condition or restriction including a condition that the Chairman use other funds of that Endowment for the purposes of the gift; *except that a Chairman may receive a gift without a recommendation from the Council to provide support for any application or project which can be approved without Council recommendation under the provisions of Sections 6(f) and 8(f) of this Act and may receive a gift of $25,000 or less without Council recommendation in the event the Council fails to provide such recommendation within a reasonable period of time;* and to use, sell, or otherwise dispose of such property for the purpose of carrying out Sections 5(c) and 7(c)."

Sec. 8. This amendment would omit from the current act authorizations of past appropriations which are now of historic interest only, and authorize such appropriations as Congress may deem necessary for the next three fiscal years.

The language of subsections (a) and (b) of Section 11 follow:

"(a) [For the purpose of carrying out section 5(c) there is hereby authorized to be appropriated to the National Endowment for the Arts $6,000,000 for the fiscal year ending June 30, 1969, $6,500,000 for the fiscal year ending June 30, 1970, $12,875,000 for the fiscal year ending June 30, 1971, $21,000,000 for the fiscal year ending June 30, 1972, and $28,625,000 for the fiscal year ending June 30, 1973, for the purpose of carrying out section 7(c) of this Act there is hereby authorized to be appropriated to the National Endowment for the Humanities $8,000,000 for the fiscal year ending June 30, 1969, $9,000,000 for the fiscal year ending June 30, 1970, $17,000,000 for the fiscal year ending June 30, 1971, $26,500,000 for the fiscal year ending June 30, 1972, and $35,500,000 for the fiscal year ending June 30, 1973. In addition, there is hereby authorized to be appropriated to the National Endowment for the Arts for the purposes of section 5(g) the sum of $2,000,000 for the fiscal year ending June 30, 1969, $2,500,000 for the fiscal year ending June 30, 1970, $4,125,000 for the fiscal year ending June 3, 1971, $5,500,000 for the fiscal year ending June 30, 1972, and $6,875,000 for the fiscal year ending June 30, 1973.] *There is hereby authorized to be appropriated to the National Endowment for the Arts such sums as the Congress may deem necessary to carry out the purposes of sections 5(c) and 5(g) of this act for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976. In addition, there is hereby authorized to be appropriated to the National Endowment for the Humanities such sums as the Congress may deem necessary to carry out the purposes of section 7(c), for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976.* Sums appropriated under the authority of this subsection shall remain available until expended. For each subsequent fiscal year such sums may be appropriated as the Congress may hereafter authorize by law to carry out the provisions of this subsection.

(b) In addition to the sums authorized by subsection (a), there is authorized to be appropriated to each Endowment an amount equal to the total of amounts received by that Endowment under section 10(a)(2) of this Act, [, except that the amounts so appropriated for the fiscal year ending June 30, 1969, and the amounts so appropriated for the fiscal year ending June 30, 1970, shall not aggregate more than $13,500,000, and the amounts so appropriated for the fiscal year ending June 30, 1971, shall not exceed $6,000 000, the amounts so appropriated for the fiscal year ending June 30, 1972, shall not exceed $7,000,000, and the amounts so appropriated for the fiscal year ending June 30, 1973, shall not exceed $9,000,000.]

Sec. 9. This amendment would delete two provisions of the original Act which are no longer operative. Section 13 authorizes the Commissioner of Education to arrange for teacher training institutes, but no appropriations have been authorized for this purpose since June 30, 1968. Section 14 requested the President to make certain appointments by December 29, 1965; the appointments have long since been made, and the section is of historical interest only. The language of the sections to be deleted follows:

"[Sec. 13. (a) There is authorized to be appropriated to the Commissioner of Education for the fiscal year ending June 30, 1966, and each of the two succeeding years the sum of $500,000 but for the fiscal year ending on June 30, 1969, and each subsequent fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law. Such sums shall be used to enable the Commission of Education to arrange, through grants or contracts with institutions of higher education for the operation by them within the United States of short term or regular session institutes for advanced study, including study in the use of new materials, to improve the qualification of individuals who are engaged in or preparing to engage in the teaching or supervising or training of teachers, of such subjects are will, in the judgment of the Commissioner, after consultation with the Chairman of the National Endowment for the Humanities, strengthen the teaching of the humanities and the arts in elementary and secondary schools.

(b) Each individual who attends an institute operated under the provisions of this part shall be eligible (after application therefor) to receive a stipend at the rate of $75 per week for the period of his attendance at such institute, and each such individual with one or more dependents shall receive an additional stipend at the rate of $15 per week for each such dependent.]

[Sec. 14. The President is requested to make such appointments (including any nomination) as are provided for in this Act within ninety days after the enactment of this Act.]"

The Bill would also update statutory references in Sections 7(c)(6), 10(a)(4) and 10(a)(5) of the Act.

Clause (6) of subsection 7(c) is reproduced above under the comments on Section 4 of the proposed legislation.

The language of clauses (4) and (5) of subsection 10(a) follows:

"(4) to utilize from time to time, as appropriate, experts and consultants, including panels of experts, who may be employed as authorized by [section 15 of the Administrative Expenses Act of 1946, as amended] (5 U.S.C. [55(a)]; *3109*)

(5) to accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by law (5 U.S.C. [73b–2]*5703*) for persons in the Government service employed without compensation;"

EXHIBIT 3

S. 916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

SECTION 1. Section 2, clause (7) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, is amended by inserting a period after "a National Foundation on the Arts and the Humanities" and striking out all that follows.

SEC. 2. Section 5, subsections (c), (g), and (j) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, is amended:

(a) by amending the text of subsection (c) to read as follows—

"(c) The Chairman, with the advice of the National Council on the Arts, is authorized to establish and carry out a program of contracts with, or grants-in-aid to, groups or, in appropriate cases, individuals of exceptional talent engaged in or concerned with the arts, for the purpose of enabling them to provide or support in the United States.

"(1) projects and productions which have substantial artistic and cultural significance, giving emphasis to American creativity and the maintenance and encouragement of professional excellence;

"(2) projects and productions, meeting professional standards or standards of authenticity, irrespective of origin, which are of significant merit and which, without such assistance, would otherwise be unavailable to our citizens in many areas of the country;

"(3) projects and productions that will encourage and assist artists and enable them to achieve wider distribution of their works, to work in residence at an educational or cultural institution, or to achieve standards of professional excellence;

"(4) workshops that will encourage and develop the appreciation and enjoyment of the arts by our citizens;

"(5) other relevant projects, including surveys, research, planning, and publications relating to the purposes of this section without regard to the provisions of 44 U.S.C. 501."

(b) by amending the text of subsection (g) to read as follows—

"(g) (1) The Chairman, with the advice of the National Council on the Arts, is authorized to establish and carry out a program of grants-in-aid to assist the several States in supporting existing projects and productions which meet the standards enumerated in section 5(c) of this Act, and in developing projects and productions in the arts in such a manner as will furnish adequate programs, facilities, and services in the arts to all the people and communities in each of the several States.

"(2) In order to receive such assistance in any fiscal year, a State shall submit an application for such grants by such time as shall be specified by the Chairman and accompany such application with a plan which the Chairman finds—

"(A) designates or provides for the establishment of a State agency (hereinafter in this section referred to as the 'State agency') as the sole agency for the administration of the State plan, such agency to include an advisory group which (1) shall be composed of private citizens who are widely recognized for their broad knowledge of, or expertise in, or for their profound interest in, the arts; and (2) shall advise the State agency on the development of programs and projects, and on policy matters arising in the administration of the State plan, including matters relating to procedures for review of applications for financial assistance under the State plan.

"(B) provides that funds paid to the State under this subsection will be expended solely on projects and productions approved by the State agency which carry out one or more of the objectives of subsection (c);

"(C) provides that the State agency will make such reports, in such form and containing such information, as the Chairman may from time to time require.

"(3) From the sums appropriated to carry out the purposes of this subsection for any fiscal year, not less than $150,000 shall be allotted to each officially designated State agency. That part of such sums as may remain after such allotment shall be available to the States or regional groups. If the sums appropriated for any fiscal year to carry out the purposes of this subsection are insufficient to satisfy allotments under the first sentence of this paragraph, such sums shall be allotted among the States in equal amounts.

"(4) The amount of each allotment to a State for any fiscal year under this subsection shall be available to each State which has a plan approved by the Chairman to pay not more than 50 per centum of the total cost of any project or production described in paragraph (1), except that not more than 20 per centum of the funds allotted to each State by the National Endowment for the Arts for purposes of subsection (g) for any fiscal year may, in the discretion of the State agency, be available for programs in that fiscal year without regard to such limitation for projects or productions which otherwise would be unavailable to residents of the State.

"(5) Federal funds made available under this section are intended to provide improved State arts programs, and should not supplant State, local, or private funds.

"(6) All amounts allotted under paragraph (3) for a fiscal year which are not granted to a State during such year shall be available at the end of such year to the National Endowment for the Arts for the purpose of carrying out section 5(c)."

(c) by amending the text of subsection (j) to read as follows—

"(j) It shall be a condition of the receipt of any grant under this section that the group or individual of exceptional talent or the State or State agency receiving such grant furnish adequate assurances to the Secretary of Labor that all laborers and mechanics employed by contractors or subcontractors on construction projects assisted under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Secretary of Labor shall have with respect to the labor standards specified in this subsection the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. 913) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)."

SEC. 3. Section 6, subsection (f) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, is amended to read as follows—

"(f) The Council shall (1) advise the Chairman with respect to policies, programs, and procedures for carrying out his functions, duties, or responsibilities under this Act, and (2) review applications or, when it is impractical to review individual applications, projects proposed for financial assistance under this Act and make recommendations thereon to the Chairman. The Chairman shall not approve or disapprove any such application or project for funding until receiving the recommendation of the Council on such application or project, unless the Council fails to make a recommendation thereon within a reasonable time. In the case of an application involving $25,000 or less, the Chairman may approve or disapprove such request if such action is taken pursuant to the terms of a delegation of authority from the Council to the Chairman, and provided that each such action by the Chairman shall be reviewed by the Council."

SEC. 4. Section 7, subsection (c) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, is amended as follows—

(a) The initial paragraph is amended by deleting the words "the Federal Council on the Arts and the Humanities and";

(b) Clause (2) is amended by adding at the end thereof "any loans made by the Endowment shall be made in accordance with terms and conditions approved by the Secretary of the Treasury;"

(c) Clause (6) is amended to read as follows—

"(6) support the publication of scholarly works in the humanities without regard to the provisions of 44 U.S.C. 501."

SEC. 5. Section 8, subsection (f) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, is amended by striking out "$10,000" and inserting in lieu thereof "$25,000".

SEC. 6. Section 9, subsection (b) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, is amended to read as follows:

"(b) The Council shall be composed of the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the United States Commissioner of Education, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, the Director of the National Gallery of Art, the Chairman of the Commission of Fine Arts, the Archivist of the United States, the Commissioner, Public Buildings Service, General Services Administration, a member designated by the Secretary of State, and a member designated by the Secretary of the Interior. The President shall designate the Chairman of the Council from among the members. The President is authorized to change the membership of the Council from time to time as he deems necessary to meet changes in Federal programs or executive branch organization."

SEC. 7. Section 10, subsection (a) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, is amended as follows:

(a) Clause (2) is amended by inserting between the word "gift" and the following semicolon the words "except that a Chairman may receive a gift without a recommendation from the Council to provide support for any application or project which can be approved without Council recommendation under the provisions of sections 6(f) and 8(f) of this Act, and may receive a gift of $25,000 or less without Council recommendation in the event the Council fails to provide such recommendation within a reasonable period of time".

(b) Clause (4) is amended by deleting the words "section 15 of the Administrative Expenses Act of 1946, as amended" and by substituting 3109" for "55a".

(c) Clause (5) is amended by substituting "5703" for "73b–2".

SEC. 8. Section 11, subsections (a) and (b) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, are amended to read as follows:

SEC. 11. (a) There is hereby authorized to be appropriated to the National Endowment for the Arts such sums as the Congress may deem necessary to carry out the purposes of sections 5(c) and 5(g) of this Act for each of the fiscal years ending

June 30, 1974, June 30, 1975, and June 30, 1976. In addition, there is hereby authorized to be appropriated to the National Endowment for the Humanities such sums as the Congress may deem necessary to carry out the purposes of section 7(c), for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976. Sums appropriated under the authority of this subsection shall remain available until expended. For each subsequent fiscal year such sums may be appropriated as the Congress may hereafter authorize by law to carry out the provisions of this subsection.

"(b) In addition to the sums authorized by subsection (a), there is authorized to be appropriated to each Endowment an amount equal to the total of amounts received by that Endowment under section 10(a)(2) of this Act."

Sec. 9. Sections 13 and 14 of the National Foundation on the Arts and the Humanities Act of 1965, as amended, are hereby repealed.

By Mr. ERVIN (for himself, Mr. Pearson, and Mr. Jackson):

S. 917. A bill to protect the people's right to know by regulating the testimony of newsmen. Referred to the Committee on the Judiciary.

Mr. ERVIN. Mr. President, on behalf of Mr. Pearson, Mr. Jackson, and myself, I am introducing today for appropriate reference a bill to protect the people's right to know by regulating the testimony of newsmen.

Mr. President, I ask unanimous consent that a copy of the bill be printed at this point in the body of the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Within the purview of this statute, a newsman is any person who is regularly engaged in the occupation of collecting information or making pictures for dissemination to the public by means of a newspaper, a magazine, or a radio or television broadcast.

Sec. 2. No newsman shall be compelled to testify as a witness in any criminal action, criminal proceeding, or criminal investigation before a court of the United States or a grand jury acting under its authority concerning any information collected by him or any picture or negative made by him in the exercise of his occupation, unless it affirmatively appears that he has thereby acquired actual personal knowledge which tends to prove or disprove the commission of the crime charged or being investigated. As used in the preceding sentence, the term "actual personal knowledge" includes, but is not limited to, a voluntary admission or confession of guilt made to the newsman by any person in respect to the crime alleged or being investigated.

Sec. 3. Whenever he is subpoenaed to testify as a witness in any criminal action, criminal proceeding, or criminal investigation before a court of the United States or a grand jury acting under its authority, a newsman may appear in obedience to the subpoena and invoke the provisions of section 2 of this statute by interposing an oral objection to testifying at the time he is actually called upon to testify. Instead of doing so, however, the newsman may forthwith move before the judge of the court to quash the subpoena, and the judge shall thereupon hear the motion *in camera*, and enter an order quashing the subpoena unless the party seeking the testimony of the newsman affirmatively shows that the newsman is compellable to testify under the provision of section 2 of this statute.

Sec. 4. Within the purview of this statute, the term "documentary evidence" means any memorandum, note, picture, negative, recording, tape, or other record made by a newsman in the exercise of his occupation.

Sec. 5. Neither a newsman nor any other person having the custody or control of the same shall be compelled by a subpoena *duces tecum* or order to produce in any criminal action, criminal proceeding, or criminal investigation before any court of the United States or any grand jury acting under its authority any documentary evidence, unless such documentary evidence tends to corroborate or contradict testimony actually given by the newsman pursuant to the provision of section 2 of this statute.

Sec. 6. Whenever he is ordered by subpoena *duces tecum* or order to produce any documentary evidence in any criminal action; criminal proceeding, or criminal investigation before any court of the United States or any grand jury acting under its authority, a newsman or any other person having custody or control of such documentary evidence may appear at the time designated in the subpoena or order, and invoke the provisions of section 5 of this statute by orally objecting to the production of such documentary evidence. Instead of so doing, however, the newsman or the other person having the custody or control of the documentary evidence may move to quash the subpoena *duces tecum* or nullify the order before a judge of the court; and the judge shall thereupon proceed to hear such motion *in camera* and enter an order quashing the subpoena duces tecum or nullifying the order unless the party seeking the production of the documentary evidence affirmatively shows that the documentary evidence is relevant to either of the purposes specified in section 5 of this statute.

Sec. 7. This statute shall become effective upon ratification.

By Mr. GURNEY (for himself, Mr. Bible, Mr. Pastore, Mr. Thurmond, and Mr. Eastland):

S. 918. A bill to require the imposition of a life sentence in connection with the unlawful distribution of certain narcotic drugs. Referred to the Committee on the Judiciary.

Mr. GURNEY. Mr. President, I am sending to the desk for appropriate reference a bill which will provide an effective method for dealing with one of this Nation's most serious problems—drug abuse. Joining me in sponsoring this proposal are my distinguished colleagues, Senator Bible, Pastore, Thurmond, and Eastland.

In his message to the New York State Legislature on January 3, 1973, Gov. Nelson Rockefeller addressed this problem of drug abuse:

> Frankly, all the laws we now have on the books won't work to deter the pusher of drugs.
>
> The police are frustrated by suspended sentences and plea bargaining in the courts for those they have arrested and therefore are discouraged from effectively enforcing the law.
>
> The prosecutors are overwhelmed by the backlog of cases and settle for pleas of guilty on reduced charges—rather than press for a conviction on more serious charges that would have a real deterrent effect—because the latter would result in long drawn-out jury trials.
>
> And the judges, weighed down by calendars running months and years behind, hand out suspended sentences or go along with pleas of guilty to minor offenses that result in sentences of only six months to a year.
>
> We have this choice:
>
> Either we can go on as we have been, with little real hope of changing the present trend;
>
> Or we must take those stern measures that, I have become convinced, common sense demands.
>
> We must create an effective deterrent to the pushing of the broad spectrum of hard drugs.
>
> In my opinion, society has no alternatives.

In connection with this message, Governor Rockefeller offered a strong antidrug abuse proposal, and it is this proposal upon which I have based by own bill to deal with this problem at the national level.

My bill would amend the controlled substances act to provide increased criminal penalties for the distribution of "hard drugs" and increased penalties for the commission of crimes of violence while under the influence of such drugs.

Specifically, the bill sets the penalty for distribution of hard drugs at life imprisonment for persons aged 16 or over. For those 19 or over, this sentence cannot be suspended or probated. Those 16 through 18 would be eligible for parole after serving 15 years of their life sentence. No plea of guilty to a lesser crime can be accepted in lieu of prosecution for the indicted crime.

Also, the bill makes it unlawful to commit a major, violent Federal crime after knowingly and unlawfully taking "hard drugs." For the purposes of this act, "hard drugs" are those narcotics listed under schedules I and II of the controlled substances act, which excludes such substances as marihuana and amphetamines. The violent crimes referred to are arson, murder, manslaughter, rape, kidnapping, serious robberies and burglaries, and air piracy.

The bill also provides specific procedures to be followed in ascertaining the involvement of drugs in commission of a violent crime. A person arrested within 48 hours of commission of a listed crime must undergo appropriate testing at a designated medical facility if there is reason to believe that the person had a narcotic drug in his body when the crime was committed.

There is no doubt on the part of anyone here in this Chamber, I am sure, about the serious nature of our drug abuse problems. In spite of the fact that most Americans are generally aware of the drug problem, I think a good many people would be shocked to know the extent of drug abuse, and the tragic toll it takes each year.

For example, the U.S. delegation to the Commission on Narcotic Drugs, meeting in Geneva, January 22 to February 9, 1973, stated that in 1973 over 500,000 Americans are estimated to be addicted to heroin—more than double any figure of this nature ever reported before. This same source estimates the cost of this addiction at thousands of millions of dollars. Put into a local perspective, it is estimated that in one Florida county—Dade County—hard core drug addiction may run as high as one out of every 137 residents.

Of particular concern is the ease and nonchalance with which our young people are obtaining and using drugs. The House Select Committee on Crime conducted extensive hearings last year, in six major cities, on the problem of drugs in our schools. One of those cities was Miami, Fla. According to my colleague from Florida, Congressman CLAUDE PEPPER, who chairs this select committee on crime:

> The drug abuse situation has already assumed deadly proportions in the Miami area. Over the last 5 years, more than 450 people have died of drug overdose or drug-related causes. In that period more than 70 teenagers have died as a result of drug abuse. In the last 2 years school-age children's drug deaths have more than doubled—increasing more than 200 percent.

A recent New York Times article quotes testimony before the Joint Legislative Committee on Crime in New York to the effect that some 375 board of education employees and more than 100 teachers have been arrested in the last 6½ years for possession or sale of drugs.

A survey for the National Commission on Marijuana and Drug Abuse places the number of young people who have tried heroin at 1½ million between the ages of 12 and 18, and 700,000 over 18. Is it any wonder that our schools are becoming merchandise marts for drug sales?

Equally sobering to the number of drug abusers are the tremendous costs this places on society. The addict himself spends an average of $50 per day to support a habit. This works out to an annual cost of $18,250 per addict. In view of the fact that the average annual earnings in this country in 1971 were $8,061, it is obvious that a good deal of "outside funding" is needed to pay for drugs.

Based on addiction rates and drug costs, the total annual expenditure for drugs in this country mounts to a whopping $10 billion. That is a rate of $25 million per day. And this is where the "social" cost comes in.

Much if not most heroin financing comes from illegal activity of one sort or another, ranging from petty larceny and shoplifting to armed robbery and murder. Some estimates suggest that in New York City alone, between $2 billion and $5 billion worth of property is stolen annually to support the heroin traffic. Nationally, the estimate runs as high as $8 billion.

And then there is also the direct taxpayers' cost. The estimated obligations summary for Federal drug abuse programs is placed at $532.3 million for fiscal year 1972, $783.6 million for fiscal year 1973, and $784.7 million for fiscal year 1974. These Federal funds—provided by the taxpaying public—have increased nearly 11 times over the 1969 expenditure.

These figures represent the financial costs of drug abuse—the money spent on drugs and the cost of drug-related crimes. Unfortunately, there is also a tragic human cost involved—a cost which cannot be defined in any currency. We simply cannot measure the destroyed lives and personal tragedies suffered by the addict, his family, his friends, and his fellow workers. Nor can we ignore the fear and frustration of communities threatened by crime and corruption because of drugs.

The physical effects of drug abuse are demonstrated in a table which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PART III.—APPENDIX

CHART LISTING DRUGS, MEDICAL USES, SYMPTOMS PRODUCED AND THEIR DEPENDENCE POTENTIALS

[Question marks indicate conflict of opinion]

Name	Slang name	Chemical or trade name	Source	Classification	Medical use	How taken	Usual Dose	Duration of effect	Effects sought	Long-term symptoms	Physical dependence potential	Mental dependence potential	Organic damage potential
Heroin	H., horse, scat, junk, smack, scag, stuff, harry.	Diacetylmorphine.	Semi-synthetic (from morphine).	Narcotic	Pain relief	Injected or sniffed.	Varies	4 hours	Euphoria, prevent withdrawal discomfort.	Addiction, constipation, loss of appetite.	Yes	Yes	No.
Morphine	White stuff, M.	Morphine sulphate.	Natural (from opium).	do	do	Swallowed or injected.	15 milligrams.	6 hours	do	do	Yes	Yes	No.
Codeine	Schoolboy	Methylmorphine.	Natural (from opium), semisynthetic (from morphine).	do	Ease pain and coughing.	Swallowed	30 milligrams.	4 hours	do	do	Yes	Yes	No.
Methadone	Dolly	Dolophine amidone.	Synthetic	do	Pain relief	Swallowed or injected.	10 milligrams.	4–6 hours.	Prevent withdrawal discomfort.	do	Yes	Yes	No.
Cocaine	Corrine, gold dust, coke, bernice, flake, star dust, snow.	Methylester of benzoylecgonine.	Natural (from coca, not cacao).	Stimulant, local anesthesia.	Local anesthesia.	Sniffed, injected or swallowed.	Varies	Varies, short.	Excitation, talkativeness.	Depression, convulsions.	No	Yes	Yes?.
Marihuana	Pot, grass, hashish, tea, gage, reefers.	Cannabis sativa.	Natural	Relaxant, euphoriant, in high doses hallucinogen.	None in United States.	Smoked, swallowed, or sniffed.	1–2 cigarettes.	4 hours	Relaxation, increased euphoria, perceptions, sociability.	?	No	Yes?	No.
Barbiturates	Barbs, blue devils, candy, yellow jackets, phennies, peanuts, blue heavens.	Phenoharbital nembutal, seconal, amytal.	Synthetic	Sedative-hypnotic	Sedation, relieve high blood pressure, epilepsy, hyperthyroidism.	Swallowed or injected.	50–100 milligrams.	4 hours	Anxiety reduction, Euphoria.	Addiction w/ severe withdrawal symptoms, possible convulsions, toxic psychosis.	Yes	Yes	Yes.
Amphetamines	Bennies, dexies, speed, wake-ups, lid propers, hearts, pep pills.	Benzedrine, dexedrine, desoxyn, methamphetamine, methedrine.	do	Sympathomimetic.	Relieve mild depression, control appetite and narcolepsy.	do	2.5–5 milligrams.	4 hours	Alertness, activeness.	Loss of appetite, delusions, hallucinations, toxic psychosis.	No?	Yes	Yes?.
LSD	Acid, sugar, big D, cubes, trips.	d-lysergic acid diethylamide.	Semi-synthetic (from ergot alkaloids).	Hallucinogen.	Experimental study of mental function, alcoholism.	Swallowed	100–500 micrograms.	10 hours	Insightful experiences, exhilaration, distortion of senses.	May intensify existing psychosis, panic reactions.	No	No?	No?.
DMT	AMT, businessman's high.	Dimethyltriptamine.	Synthetic	do	None	Injected	1–3 milligrams.	Less than 1 hour.	do	?	No	No?	No?.
Mescaline	Mesc	3,4,5-trimethoxyphenethylamine.	Natural (from peyote).	do	do	Swallowed	350 micrograms.	12 hours	do	?	No	No?	No?.
Psilocybin		3 (2-dimethylamino) ethylin-, dol-4-oldihydrogen phosphate.	Natural (from psilocybe).	do	do	do	25 milligrams.	6–8 hours.	do	?	No	No?	No.?

Source: Guidelines for drug abuse prevention education. BNDD.

Mr. GURNEY. Mr. President, the gravity of this problem has elicited numerous responses. At local and State levels, many organizations—both public and private—have undertaken extensive drug education and rehabilitation programs. At the Federal level, Congress and the administration have set up a number of programs to deal with drug abuse.

For example, just over a year ago, President Nixon established the Office of Drug Abuse Law Enforcement in the Department of Justice. This office serves as an information processing agent to assist law enforcement agencies in tracking drug pushers. In September of 1971, the Cabinet Committee on International Narcotics Control was established for the purpose of attacking the international trafficking of illegal drugs.

We have created the Special Action Office for Drug Abuse Prevention, and we have expanded drug treatment and rehabilitation programs in the Department of Defense and the Veterans' Administration to assist our veterans in combating drug dependence. Congress enacted the Comprehensive Drug Abuse Prevention and Control Act of 1970, and the national drug education training program.

At the interagency level, we have the Federal Drug Abuse Prevention Coordinating Committee, and a number of White House conferences on drug abuse have been conducted.

As far as information dissemination is concerned, we have set up a national clearinghouse for drug abuse information. The Federal Government has distributed nearly 26 million pieces of drug education information, in addition to setting up a special hotline number for telephone responses. Just recently I requested a general sample of available information on drug abuse from just two of the several agencies dealing with this problem. The result was a stack of bulletins, pamphlets, and booklets nearly 2 feet high.

It is only not sensible, but imperative, that our drug abuse programs be a comprehensive, balanced effort to educate those who have not become hard drug users, to rehabilitate those who have suffered from drug abuse, and to prevent those who deal in illegal drug trafficking from furthering this menace.

The fact of the matter is that in spite of measures I mentioned above—and I think these are commendable attempts to stop drug abuse—we have yet to stem the flow of illicit drugs.

The United States consumes between six and 10 tons of heroin annually—that is roughly 65 to 100 tons of crude opium. A brief look at reports from agencies charged with anti-drug abuse operations will illustrate the dimensions of this task.

For example, a summary of the 1972 record by the Justice Department Narcotics Bureau shows a 49-percent increase in Federal arrests.

The total street value of all illicit drugs removed by the Bureau is $1,720 million. The Bureau seized 29 laboratories with a production capacity of millions of dosage units. They also seized $4,425,000 in cash.

In its foreign operations it opened 12 new offices for a total of 44, assisted in establishing task forces in Germany, Italy, Thailand, and Laos, was involved in action plans in 57 host countries, and conducted training courses in 21 countries.

In its domestic assistance program on a State and local level, the Bureau trained 3,636 police officers and established prevention programs in 132 communities.

The Director's summary of 1971 for the Bureau of Narcotics reports the following statistics:

> Special agents of the bureau removed $920 million worth of narcotics and dangerous drugs from the worldwide illicit market.
>
> A record equivalent 3,784 pounds of heroin was seized with a street value in the United States of $740 million.
>
> Seizures of dangerous drugs soared 2,164 percent. Hashish seizures jumped 344 percent. Marijuana seizures registered a 200 percent increase. Cocaine seizures were up 82 percent.
>
> An additional 1,109 pounds of heroin seized at the ports and harbors was reported to the Narcotics Bureau by U.S. Customs. The illicit street value was placed at $2.7 million.
>
> Domestic arrests rose by 98 percent in 1971; cooperative arrests with state and local authorities rose 71 percent, and foreign cooperative arrests rose 110 percent.

The Treasury Department's Bureau of Customs registered a record number of drug seizures and arrests in 1972. Drug seizures totaled 18,107 for the year, a 69-percent increase. Arrests for drug and narcotic violations rose by 16 percent. The estimated street sale value of all Customs confiscated drugs in 1972 was almost $400 million.

In the United States, seizures of heroin during 1972 amounted to 470 kilos; seizures of cocaine totaled 415 kilos; and seizures of dangerous drugs—by gross weight of stimulants, depressants, and hallucinogens—amounted to 5,191 kilos.

The retail street price of these drugs varies from $5,000 to $10,000 per kilogram.

During this past year U.S. authorities made one seizure totaling 174 kilos, the largest heroin seizure in the U.S. to date.

The retail value of this seizure alone, according to the above figures, was as high as $1¾ billion.

The FBI annual report on crime in the United States, issued in August, lists an 11-percent nationwide increase over the year before on arrests for narcotic drug law violations. From 1966 to 1971, arrests increased 469 percent.

For those arrested on narcotics violations in 1971, the FBI report listed 63 percent of them as repeaters. The number of arrests for the year is placed close to 500,000 by the FBI figures. They showed an increase of over 3,000 percent for violators under 18 years of age from 1960 to 1971, and a 764-percent increase from 1966 to 1971. For those over 18, the increases were, respectively, 431 percent and 419 percent. Increases were in the cities, suburban, and rural areas.

Unfortunately, current laws have not stopped the spread of drugs into the hands of more users. Year after year, in spite of the increase in time, money, energy, talent, and laws applied to its solution, the trend continues to worsen. The weakness of this effort to bring the drug problem under control is the fact that so many violators are freed after apprehension or arrest to commit more violations. According to a report on post-arrest drug trafficking issued by the Bureau of Narcotics and Dangerous Drugs:

> Shortly after its creation in 1968, the bureau of narcotics and dangerous drugs launched a new strategic enforcement concept which sought to identify "drug trafficking organizations" and immobilize them through systematic investigation. Notable successes have been achieved; however, it was soon learned that the almost immediate release of the arrested individuals on bond made possible the organization's continued functioning. Moreover, since such investigations involve great expenditure of agent manpower and resources, it is extremely difficult to again arrest the individuals; and they are, therefore, able to resume their illicit operation. Even though they are subsequently convicted, the organization may not be disrupted since the time of their departure for prison will vary and ample opportunity will exist to incorporate new criminal associates in their place. Finally, it was suspected that a substantial number of major violators often sought to prolong the period beween arrest and conviction through legal delays or by fleeing the jurisdiction to continue their activity.

This same report shows that 71 percent of those arrested for drug trafficking were at large for 3 months to a year or more; and nearly 65 percent were repeaters. As a matter of fact, 20 percent had prior drug convictions. And 65 percent were dealing in multiple ounce quantities or above.

There has been a lot of improvement in dealing with this serious problem, but until this specific weakness is dealt with in an effective way, it will not be brought under control. What must be remembered is that the drug criminal is not the same as other law violators.

Whereas a robber, or an embezzler, or even an accused murderer might be freed on bail under the pretension that his arrest will deter him from repeating the crime, the drug dealer operates in another sphere of criminal activity. His crime is continuous: From hour to hour, day to day, and month to month. He is in the constant steady business of crime. Frequently he is himself addicted as well, and his sense of judgment by consequence may not be of the best. Like a dangerous animal, he is a menace if he remains at large.

One example from the BNDD report is indicative of this situation:

> On June 28, 1971, Albert Bennett was arrested in Gary, Indiana, after the execution of a search warrant resulted in the seizure of several ounces of 100% pure heroin, $15,000 in cash, and several weapons. The search warrant was obtained as a result of previous undercover purchases from members of Bennett's gang. Bond was originally set at $100,000, but was subsequently reduced to $25,000 which was posted several days later. BNDD continued to receive information that Bennett was selling multi-ounce quantities of heroin in the Gary area. On August 15, 1971, Bennett was arrested by U.S. Marshals in New York City while attempting to board a plane for Chicago in possession of approximately one pound of heroin. Bennett and a companion subdued the marshal, took his service revolver and theatented his life. The subjects fled with the heroin but were apprehended a short time later. He was then

> charged with assault on a Federal officer. But on August 19, posted bond of $10,000 and continued to engage in the heroin traffic, until his conviction. A Federal search warrant was executed at his residence and 178 grams of heroin, 8 loaded weapons and $11,000 in cash were seized.

The Controlled Substances Act, passed by Congress in 1970, updated all previous drug control laws. Although it has greatly improved the situation, there are two areas of criticism: Postarrest violations and sentencing. These two criticisms can be regarded as the missing links which will really make a difference in our drug control program, and it is these same two criticisms which would be answered by the bill I am offering today.

The effect of a mandatory life sentence will be twofold:

First, we will finally be able to get these pushers and violent criminals off the street—for good. As I mentioned earlier, recidivism among drug offenders is extremely high, and I am convinced that the ease with which these people avoid sentencing and continue their criminal habits is the major flaw in our present drug control efforts.

Second, I think this will provide an effective deterrent to would-be pushers and criminals. The knowledge that "beating the rap" is relatively easy is certainly no incentive to curbing illicit drug trafficking.

In reading through the Select Committee on Crime's drug hearings, I came across a most disturbing statement by one witness who stated that:

> Where once we vehemently condemned the pusher, dealer, supplier and financier, we now must pause—before the law severely condemns them, because now the pusher, dealer, supplier and financier may either be in school, a teenage drop-out, a member of the college intellectual community at the post-graduate level, or, most alarmingly, among the young professional set.

Amazing—particularly in view of the fact that this witness, the Honorable Alfonso C. Sepe, is a judge of the criminal court in Dade County, Fla. The judge goes on to infer that the justice system is torn between vigorous punishment to deter pushers and rehabilitation when often such an individual is really the fellow next door or the clean-cut high school or college graduate, the Ph. D., or master of arts student, or even the young lawyer, accountant, or doctor.

Are we to infer then, that if all drug pushers were truck drivers, or night watchmen, or poor, or uneducated, the justice system would have no hesistation about "vigorous punishment"— but that because this criminal activity involves members of certain social or economic status, we should hesitate to demand strict penalties? I hope not, because regardless of whether or not a potential defendant lived next door to me, or wore a Phi Beta Kappa key, or carried a stethoscope, he should be prosecuted to the fullest extent of the law. The fact that well respected people should take advantage of their positions to corrupt people with these insidious hard drugs makes their crime all the more despicable.

Most Americans, I am convinced, agree on that. In fact, a recent nationwide Gallup poll states that 67 percent of those interviewed favor mandatory life sentences for drug pushers. The poll was conducted in response to Governor Rockefeller's drug proposal, and I think this is a noteworthy indication of public sentiment.

Mr. President, I feel strongly that Congress must act to put an effective halt to drug abuse. The bill I am introducing today will work toward this end, and I ask unanimous consent to have the text of this legislation, as well as the recent Gallup poll article printed in the RECORD at this point.

There being no objection, the bill and article were ordered to be printed in the RECORD, as follows:

S. 918

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Controlled Substances Act (84 Stat. 1242) is amended by adding immediately after section 405 thereof the following new sections:

"DISTRIBUTION OF CERTAIN NARCOTIC DRUGS

"SEC. 405A. (a) Notwithstanding any other provision of this Act or of any other law, any person at least sixteen years of age who violates section 401(a)(1) by distributing any controlled substance classified in Schedule I or II which is a narcotic drug shall be imprisoned for life.

"(b) In the case of any person sentenced to life imprisonment under this section for a violation referred to in subsection (a) of this section, if such person, at the time of such violation, was at least nineteen years of age, imposition or execution of such sentence shall not be suspended, probation shall not be granted, and section 4202 and chapter 309 of title 18, United States Code, and the Act of July 15, 1932 (D.C. Code, secs. 24–203–24–207), shall not apply. If in the case of any person so sentenced for such violation such person was, at the time of that violation, not less than sixteen years of age or more than eighteen years of age, the foregoing provisions of this subsection shall apply to the sentence so imposed for such violation, except that such person may be eligible for parole after having served not less than fifteen years of such sentence.

"(c) In any case in which a person is indicted for a violation of section 401(a)(1) by reason of having distributed any controlled substance classified in Schedule I or II which is a narcotic drug, such person, if he was sixteen years of age or older at the time of such violation, shall not be permitted to plead guilty to a lesser offense in lieu of such violation for which he was so indicted.

"COMMISSION OF FELONY WHILE UNDER THE INFLUENCE OF CERTAIN NARCOTIC DRUGS

"SEC. 405B. (a) It shall be unlawful for any person at least sixteen years of age, after having knowingly caused any unlawfully possessed controlled substance classified in Schedule I or II which is a narcotic drug to be introduced into his body and while such substance is present in his body, to commit any offense in violation of section 81, 1111, 1112, 1114, 1201, 2031, 2032, or subsection (a), (b), (c) or (d) of section 1751, or chapter 103, of title 18, United States Code, or section 902(i) of the Federal Aviation Act of 1958 (49 U.S.C. 1472).

"(b) Any person at least sixteen years of age who violates subsection (a) of this section shall be sentenced to life imprisonment. If such person, at the time of such violation, was at least nineteen years of age, the imposition or execution of such sentence shall not be suspended, probation shall not be granted, and section 4202 and chapter 309 of title 18, United States Code, and the Act of July 15, 1932 (D.C. Code, secs. 24–202–24–207), shall not apply. If, in the case of any person so sentenced for such violation, such person was, at the time of that violation, not less than sixteen years of age or more than eighteen years of age, the foregoing provisions of this subsection shall apply to the sentence so imposed for such violation, except that such person may be eligible for parole after having served not less than fifteen years of such sentence.

"(c) The presence of any amount of a controlled substance classified in Schedule I or II which is a narcotic drug in the body of any person within forty-eight hours after such person has allegedly committed any offense referred to in subsection (a) of this section shall be presumptive evidence that such person knowingly caused such substance while unlawfully possessed to be introduced into his body and that such substance was present in his body at the time of the commission of such offense.

"(d) (1) Where there is any cause to believe that a person arrested for, and within forty-eight hours of, the alleged commission of any such offense referred to in subsection (a) of this section had present in his body at the time of the commission of that offense any such substance referred to in subsection (a) of this section, the arresting officer or appropriate attorney for the government or appropriate judicial officer, promptly after such arrest, shall require and cause such person to undergo a medical examination at such facility, and in accordance with such procedures, as shall be designated and established in accordance with subsection (e) of this section to determine whether any such substance is present in such person's body.

"(2) Where the arrest for any such offense occurs more than forty-eight hours following the alleged commission of such offense, the appropriate attorney for the government or an appropriate judicial officer, if there is any cause to believe that such person so arrested had present in his body at the time of the commission of such offense any such substance referred to in subsection (a) of this section, may require and cause the person so arrested to undergo such a medical examination.

"(3) No person who is required or ordered to undergo a medical examination pursuant to this section shall be released from custody on his own recognizance or bail within forty-eight hours of the time of his arrest unless and until he has undergone such medical examination.

"(4) Upon conclusion of any such medical examination, the person conducting such examination shall promptly transmit to the defendant, the appropriate attorney for the government, and the court a report of such medical examination, certified by such person as a report made by him or as a true copy thereof. Any communications by a person undergoing such an examination pursuant to this section to any person conducting such examination shall not be legally privileged.

"(e)(1) The Attorney General of the United States shall designate facilities and establish procedures for the conduct of medical examination required by this section and shall provide for the use in connection with such examinations of accepted medical procedures and tests, which may include, but shall not be limited to, blood tests and thin layer chromatography, as well as any necessary treatment.

"(2) Any records or observations concerning such arrested person as may have been made by law enforcement officers or other custodial personnel and as are relevant for purposes of such medical examinations shall be made available to the person conducting such examinations.".

[From the Washington Post, Feb. 11, 1973]

SIXTY-SEVEN PERCENT BACK LIFE TERMS FOR HARD DRUG SELLERS

(By George Gallup)

PRINCETON, N.J.—A large majority of persons interviewed in a recent nationwide Gallup survey support the proposal of New York Gov. Nelson Rockefeller that all sellers of hard drugs be given life imprisonment without the possibility of a parole.

Rockefeller's proposal wins majority support among both black and whites and in all levels of society.

The heavy support given Rockefeller's proposal—from 67 percent of adults interviewed—undoubtedly reflects in considerable measure the growing and widespread fear of crime in communities of all sizes across the nation and a corresponding desire for immediate solutions.

In his "State of the State" message in early January, Rockefeller asked for "drastic measures" to deal with the drug problem, calling for mandatory life imprisonment for all sellers of hard drugs. He would "'close all avenues for escaping the full force of this sentencing."

Rockefeller's proposal for mandatory life sentences for hard-drug dealers has drawn both criticism and praise from public officials. Critics have contended there would be no room in either the courts or the prisons for the great numbers of drug pushers who would have to be tried if the system went into effect.

Critics also feel that a distinction should be made between members of organized crime who control the supply of illegal drugs and the "street pusher" who is often an addict himself.

Others think Rockefeller should have made a sharp distinction between the youthful offender who may not be fully aware of the consequences of what he is doing and the criminal pusher who makes the selling of drugs a business.

The following question was asked in the survey:

"The governor of a state has proposed that all sellers of hard drugs such as heroin be given life imprisonment without the possibility of a parole. Do you approve or disapprove of this proposal?"

	Percent		
	Approve	Disapprove	No opinion
National	67	29	4
Man	68	29	3
Women	66	29	5
Whites	68	23	4
Nonwhites	59	36	5
Colleges	62	33	5
High school	69	28	3
Grade school	67	26	7
Under 30 years	62	36	2
30 to 49 years	68	28	4
50 and over	69	24	7
Community/city size:			
1,000,000 and over	73	24	3
500,000 to 999,999	64	30	6
50,000 to 499,999	70	27	3
2,500 to 49,999	62	33	5
Under 2,500	64	30	6
East	62	34	4
Midwest	70	27	3
South	68	26	6
West	70	26	4

Another of Rockefeller's proposals dealing with drugs is one to give $1,000 to persons whose confidential information to the police results in the arrest and conviction of a seller of hard drugs.

"It has been proposed that a reward of $1,000 be given to any person whose confidential information to the police results in the arrest and conviction of a seller of hard drugs. Would you favor or oppose such a reward being given in this state?"

	Percent
Favor	71
Oppose	27
No opinion	2

To obtain the results reported today, personal interviews were conducted Jan 12–15 with 1,549 adults, 18 and older, in more than 300 scientifically selected localities across the nation.

By Mr. GURNEY (for himself and Mr. CRANSTON):

S. 919. A bill to amend title XVIII of the Social Security Act to permit certain individuals, who have attained age 60 but not age 65 and who are entitled to widow's or widower's insurance benefits or are the wives or husbands of persons entitled to hospital insurance benefits, to obtain, in consideration of the payment of insurance premiums, coverage under the insurance programs established by such title. Referred to the Committee on Finance.

Mr. GURNEY. Mr. President, today my good friend, the distinguished senior Senator from California (Mr. CRANSTON), and I join in introducing a bill which will allow some 3 million people between 60 and 65 who are members of retirement families to purchase badly needed medicare coverage. These people are either the widows or widowers—aged 60–65—of social security retirees, or the spouses or persons retired under social security.

Many of these wives and widows live on limited retirement income and, as retirees, are more vulnerable than most people to economic hardship resulting from serious illness. The most reasonable solution to their problem, we feel, is to bring them under the umbrella of medicare, while adding as little cost as possible to the medicare program.

Our bill would do just that. The first group—the spouses—must have a mate over 65 already enrolled in the medicare program. The partner—who would have to be at least 60 to be eligible—could then enroll in the program and receive equivalent benefits at cost. The second group—the widows or widowers—would simply have to have social security eligibility in order to qualify for the right to purchase benefits.

The cost of the benefits to the newly eligible spouses or widows should be reasonable enough to attract enrollees, yet comprehensive enough to provide the necessary coverage. For an estimated $31 per month, spouses and widows would get the same hospital insurance and insurance to cover physicians' charges that anyone else enrolled in medicare gets.

Our bill also contains a provision to discourage people from waiting until they are sick to enroll. It provides a 10 percent per year increase in premium cost for each year they delay enrollment. Thus, the potential enrollee has an incentive to sign up when he or she is 60. Such a provision will keep the program on a sound financial basis. In summary, our bill will provide the spouse of a medicare beneficiary or his widow with adequate medical insurance at reasonable rates during a 5-year period when getting a policy from a private company is either impossible or prohibitively expensive. Once these people reach age 65, regular medicare—with its high Federal contribution—will take over and the $31 a month charge will then drop to the regular level of $5.80 or so a month.

Since the subscribers to this proposal will bear the financial burden, and since its implementation will utilize already existing administrative services, this seems to be the most efficient and economical way to reduce one of the major problems faced by retirement families. They have worked hard for their retirement and they deserve a chance to live it in peace and contentment. Senator CRANSTON and I join in the hope that our colleagues will help give these retirees that chance without depriving them of their dignity or overburdening the already hard-pressed American taxpayer.

By Mr. JACKSON (for himself, Mr. FANNIN, Mr. GURNEY, and Mr. CHILES) (by request):

S. 920. A bill to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, by request, I send to the desk on behalf of myself and the Senator from Arizona (Mr. FANNIN) and the Senators from Florida (Mr. GURNEY and Mr. CHILES) a bill to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes.

Mr. President, this draft legislation was submitted by the Secretary of the Interior and recommended by the President in his environmental program, and I ask unanimous consent that the executive communication accompanying the proposal from the Secretary be printed in the RECORD at this point in my remarks.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., Feb. 15, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a bill "To authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes", to which the President refers in his Environment and Natural Resources State of the Union Message transmitted to you today.

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The bill authorizes the Secretary of the Interior to acquire lands, waters, and interests therein within an area depicted on a map on file with the Department. The area to be acquired, consisting of not to exceed 522,000 acres of private land and approximately 48,000 acres of publicly owned land, is to be known as the Big Cypress National Fresh Water Reserve.

The reserve is to be administered by the Secretary of the Interior in accordance with the laws applicable to the National Park System. However, the bill authorizes the Secretary to enter into an agreement with the State of Florida or a local government, pursuant to which it may manage and administer the lands acquired for the reserve, subject to the provisions and limitations of the bill. The Secretary is directed to permit hunting, fishing, and trapping within the reserve in accordance with applicable State and Federal laws. Section 5 of the bill authorizes the appropriation of such sums as may be necessary, but not to exceed $156 million for the acquisition of lands and interests therein.

Everglades National Park, authorized in 1934, represents one of the most unique ecosystems in the world. The biological values of the park however depend on fresh water supplies, and considerably more than half of the 1,400,533 acres within the authorized boundaries is dependent upon the Big Cypress for its supply of fresh water.

A vital factor in the Big Cypress-Everglades ecosystem is the almost imperceptible slope of the land. This results in exceedingly slow drainage, which extends the "wet months" well beyond the period of actual rainfall. A water level change of only a few inches ofttimes affects thousands of acres, and can seriously disrupt the food chain on which the larger animals in the park depend.

The Big Cypress Watershed serves as a natural water storage area, and supplements the man-made storage areas in conservation areas one, two, and three, that are considered vital for the protection of an adequate fresh water supply for south Florida.

Aside from its water supply benefits, Big Cypress is a highly significant resource in itself. The Big Cypress is a wilderness of sloughs, tree islands (or hammocks), and bay and cypress heads. Cypress dominates, and gives the area its name. Large portions of Big Cypress have so far experienced little man-made disturbance. Nearly all the wildlife species native to semitropical Florida are contained within the watershed. Big Cypress provides important feeding, nesting, and wintering areas, as well as a resting place for migrating birds. Acquisition of the Big Cypress Swamp would preserve important habitat for at least nine species of wildlife determined by the Secretary of the Interior to be threatened with extinction. To species that have far wider ranges, Big Cypress, along with the adjacent Everglades National Park, serves as a stronghold or retreat.

We urge the Congress to take early and favorable action to authorize the Big Cypress National Fresh Water Reserve, as proposed herein.

A draft of an environmental impact statement, prepared in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, was forwarded to your Committee during the 92d Congress, by letter dated February 4, 1972.

The Office of Management and Budget has advised that the enactment of the enclosed bill would be in accord with the Administration's program.

Sincerely yours,
ROGERS C. B. MORTON,
Secretary of the Interior.

By Mr. JACKSON (for himself and Mr. FANNIN) (by request):

S. 921. A bill to amend the Wild and Scenic Rivers Act. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, by request, I send to the desk on behalf of myself and the Senator from Arizona (Mr. FANNIN) a bill to amend the Wild and Scenic Rivers Act.

Mr. President, this draft legislation was submitted by the Secretary of the Interior and recommended by the President in his environmental program, and I ask unanimous consent that the executive communication accompanying the proposal from the Secretary be printed in the RECORD at this point in my remarks.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., February 15, 1973.
Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To amend the Wild and Scenic Rivers Act", to which the President refers in his Environment and Natural Resources State of the Union Message transmitted to you today.

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The draft bill amends sections 7(b) and 16 of the Wild and Scenic Rivers Act of October 2, 1968 (82 Stat. 906, 914 and 918; 16 U.S.C. 1278(a) and 1287).

The enclosed draft bill would extend the 5-year moratorium contained in section 7(b) of the Act for an additional 5-year period, by which time we expect to complete studies on all of the 27 river areas. Completion of these studies and implementation of resulting management plans would assure the wise use of these rivers and their immediate environments for this and future generations of Americans.

The enclosed draft bill also amends section 16 of the Wild and Scenic Rivers Act. Section 16 authorizes the appropriation of not more than $17,000,000 for the acquisition of the initial components of the National Wild and Scenic Rivers System, of which some $16.9 million have been appropriated. The draft bill would raise the appropriation authorization to $37,600,000, the amount we estimate will be needed to complete acquisitions at the river areas.

Our experience with the initial authorization tends to confirm projections of the conferees on the original Act, who recognized that the ceiling imposed by section 16 might well be inadequate.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincererly yours,
ROGERS C. B. MORTON,
Secretary of the Interior.

By Mr. JACKSON (for himself and Mr. FANNIN) (by request):

S. 922. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, by request, I send to the desk on behalf of myself and the Senator from Arizona (Mr. FANNIN) a bill to amend the Land and Water Conservation Fund Act of 1965, as amended.

Mr. President, this draft legislation was submitted by the Secretary of the Interior and recommended by the President in his environmental program, and I ask unanimous consent that the executive communication accompanying the proposal from the Secretary be printed in the RECORD at this point in my remarks.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., February 15, 1973.
Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To amend the Land and Water Conservation Fund Act of 1965, as amended," to which the President refers in his Environmental and Natural Resources State of the Union Message, transmitted to you today.

We recommend that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The proposed legislation will accomplish several reforms in the administration of the Land and Water Conservation Fund, designed to increase the effectiveness of the expenditures in providing public recreation opportunities and open spaces where the unmet demands are greatest. The formula for apportionment of assistance among the States would be altered to give increased emphasis to the demands for additional recreation opportunities and open spaces in and near heavily populated urban areas. The Secretary of the Interior will be given added authority to review State implementation plans in order to assure compliance with this goal.

The bill will also authorize a State to use up to 25% of its total annual allocation to develop indoor recreation facilities within areas where the unavailability of land or climatic conditions provide no other feasible or prudent alternative to serve identified unmet demands for recreation resources.

The Office of Management and Budget has advised that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,
ROGERS C. B. MORTON,
Secretary of the Interior.

By Mr. JACKSON (for himself and Mr. FANNIN) (by request):

S. 923. A bill to provide for the cooperation between the Federal Government and the States with respect to environmental regulations for mining operations, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, by request, I send to the desk on behalf of myself and the Senator from Arizona (Mr. FANNIN) a bill to provide for the cooperation between the Federal Government and States with respect to environmental regulations for mining operations.

Mr. President, this draft legislation was submitted by the Secretary of the Interior and recommended by the President in his environmental program, and I ask unanimous consent that the executive communication accompanying the proposal from the Secretary be printed in the RECORD at this point in my remarks.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., Feb. 15, 1973.
Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft bill "To provide for the cooperation between the Federal government and the States with respect to environmental regulations for mining operations, and for other purposes".

We recommend that this bill, a part of the environmental program announced February 15, 1973, by the President in his Environment and Natural Resources State of the Union Message, be referred to the appropriate committee for consideration and that it be enacted.

The adverse environmental effects that can result from mining operations have been a subject of growing national concern in recent years. The ever increasing demand for minerals, coupled with dramatic developments in our ability to recover them has led to an increase in mining activity. These activities will continue to be an important part of the American economy.

Mining operations, however, also pose a serious threat to the environment. In varying degrees State legislatures and mining companies have responded to the problem, but this effort suffers from lack of uniformity and unanimity.

The proposed bill would require that all ongoing and future mining activities be conducted in a way as to minimize their adverse environmental effects. The legislation provides for the development of State regulations based on minimum Federal performance standards which will require environmental consideration to be built into the mining operation.

The Administration's bill recognizes that the responsibility for developing and enforcing regulations rests with the States, while also recognizing that the effort must be nationwide with minimum standards enforced to protect the environment, and to the extent possible, place industry on an equal level in every State. The bill gives the States the opportunity to develop and submit regulations, in accordance with specific minimum performance standards, for approval by the Secretary of the Interior. If the State fails to develop an acceptable program within two years after enactment or if the State fails to enforce effectively its approved program at any time, the bill authorizes the Secretary to administer and enforce a mining and reclamation program within the State.

This legislation is long overdue. The longer it is put off, the larger the ultimate cost will be.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,

Rogers C. B. Morton,
Secretary of the Interior.

By Mr. JACKSON (for himself and Mr. Fannin) (by request):

S. 924. A bill to establish a national policy encouraging States to develop and implement land use programs. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, by request, I send to the desk on behalf of myself and the Senator from Arizona (Mr. Fannin) a bill to establish a national policy encouraging States to develop and implement land use programs—land use planning.

Mr. President, this draft legislation was submitted by the Secretary of the Interior and recommended by the President in his environmental program, and I ask unanimous consent that the executive communication accompanying the proposal from the Secretary be printed in the Record at this point in my remarks.

There being no objection, the communication was ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Washington, D.C., February 15, 1973.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: The President announced today in his Environment and Natural Resources State of the Union Message to Congress his intention to propose legislation "To establish a national policy encouraging States to develop and implement land uses programs." Enclosed is that proposed bill.

We recommend that the bill be referred to the appropriate committee and that it be promptly considered and enacted.

Land use reform has received increasing public attention in recent years. President Nixon made it a keystone of his environmental program in his February 8, 1971, message to Congress in which he discussed the profound effect of land use decisions on our daily lives and "the institutional reform so badly needed."

The 92nd Congress made real progress toward developing sound Federal legislation on land use reform. Hearings held by the Interior Committees of both houses captured wide public interest and fostered extensive public debate on a variety of issues and proposals. The Senate Interior Committee reported out a bill, S. 632, which passed the Senate on September 19, 1972.

S. 632 as it passed the Senate was the product of the public debate and of a constructive dialogue between the legislative and executive branches. It incorporated, in our view, the principal features of the Administration's proposal which the President outlined in his February 8, 1971, message.

The progress which the 92nd Congress made in this field should be the springboard for the 93rd Congress, so that this important bill can be speedily enacted. The enclosed bill, therefore, is patterned on S. 632 as it passed the Senate. It incorporates the concept stressed by President Nixon two years ago that a principal thrust of the bill should be to encourage States to exercise their basic authority to deal with land use issues which spill over local jurisdictional boundaries. It leaves local jurisdictions in full control of local land use issues and carefully defines the Federal role to preserve the basic authority of the State to establish land use priorities.

The importance of the legislation forwarded herewith is to establish, at the State level, a framework within which specific programs to meet particular problems can be carried out in a fully coordinated manner and against a background of a comprehensive land use program which covers all the States' land and water resources. The point was repeatedly stressed in the hearings on this legislation that most of our present land use problems stem from a piecemeal, fragmented, and uncoordinated approach to land use decision-making. Unless we can reverse this pattern, we will not be able to meet the challenge which lies ahead of us of planning for the future growth of this country.

The Office of Management and Budget has advised that the enactment of the attached proposed legislation would be in accord with the program of the President.

Sincerely yours,

Rogers C. B. Morton,
Secretary of the Interior.

By Mr. SPARKMAN (for himself and Mr. Tower):

S. 925. A bill to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, I introduce for myself and for Senator Tower a bill to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes.

It will be recalled that a similar bill, S. 3001, was passed by the Senate during the last session of the Congress, but it was never considered by the House of Representatives although it was reported to the House by the committee having jurisdiction of the matter.

Last year our committee made some amendments to the bill as it was proposed by the administration, as well as did the House committee. It is my understanding that some of the provisions added by our committee and the House committee last year have been incorporated in the bill being introduced today.

By Mr. CRANSTON (for himself and Mr. Tunney):

S. 926. A bill to amend the Social Security Act to assure that whenever there is a general increase in social security benefits there will be a corresponding increase in the standard of payments used to determine eligibility for aid or assistance under State plans approved under title I, X, XIV, XVI of such act. Referred to the Committee on Finance.

PASSALONG OF SOCIAL SECURITY INCREASES TO AGED, BLIND, AND DISABLED ASSISTANCE RECIPIENTS

Mr. CRANSTON. Mr. President, I introduce today, along with my colleague, Senator Tunney, legislation to enable these needy individuals who are recipients of grants for the aged, blind, or disabled to receive automatic increases in this assistance commensurate with certain increases in social security or railroad retirement benefits. This would be achieved by requiring States to increase, by a rate corresponding to the rate of any social security or railroad retirement increase—including the October 1, 1972, 20-percent increase adopted last year—the standard level of payment used under these programs.

I originally introduced this measure with Senator Tunney during the last Congress as S. 3328. The bill was referred to the Senate Finance Committee during its consideration of H.R. 1, the Social Security Amendments of 1972, but was not incorporated into the Senate Finance Committee version of the bill. I then offered this legislation as a floor amendment to H.R. 1 during the lengthy Senate debate which preceded the bill's passage. The amendment was adopted and included in the Senate version of the bill. Unfortunately, this provision was deleted from the conference committee report, now Public Law 92-603.

Consequently, I am today reintroducing this measure to enable those needy individuals who are aged, blind or disabled to receive the increase in benefits intended for them by the Congress. This provision would take retroactive effect from October, 1972—the effective date of the 20-percent social and railroad retirement increases—and continue through December of 1973—when the adult assistance categories will be federalized.

As well as having been adopted by the Senate last year, this concept, in a somewhat different form, was recommended in 1970 by the Senate Finance Committee in its consideration of H.R. 17550, the proposed Social Security Amendments of 1970. The committee report (No. 91-1431, page 43) said:

Pass Along of Social Security Increases to Welfare Recipients

Under other provisions of the bill, Social Security benefits would be increased by 10 percent, with the minimum basic Social Security benefit increased to $100 from its present $64 level. If no modification were made in the present welfare law, however, many needy aged, blind and disabled persons would get no benefit from these substantial increases in Social Security since offsetting reductions would be made in their welfare grants. To assure that such individuals would enjoy at least some benefit from the Social Security increases, the Committee bill requires States to raise their standards of need for those in the aged, blind, and disabled categories by $10 per month for a single individual and $15 per month for a couple. As a result of this provision, recipients of aid to the aged, blind, or disabled, who are also Social Security beneficiaries would enjoy an increase in total monthly income of at least $10 ($15 in the case of a couple).

Mr. President, the method I am proposing to assure that the aged, blind and disabled enjoy the benefits from social security or railroad retirement benefit increases eliminates the discriminatory effect of the traditional so-called pass-along provisions, which have granted cost-of-living increases only to those public assistance recipients who are also beneficiaries of social security or railroad retirement benefits.

Mr. President, it is important to note, as well, that even those individuals benefiting from pass-along provisions almost never have been granted the full benefit of the social security, or railroad retirement increase—as evidenced by the pass-along concept contained in H.R. 1 of $4, which compares quite unfavorably with the $15 average monthly benefit increase for individuals receiving only social security or railroad retirement benefits.

Additionally, several States, including California, have a system of determining eligibility for public assistance whereby the standard of need differs from the actual payment allotted recipients. The benefit increase can, therefore, be added to the standard of need without actually affecting the amount of assistance received by an individual. The language "standard of need" was used in my bill of last year, S. 3328, and I have been advised that the use of the terminology "standard of payment" rather than "standard of need" in the bill, will preclude the possibility of a State merely increasing the standard of need used to determine eligibility in order to avoid passing on the social security or railroad retirement increase.

The original pass-along provisions, included in the 1965 and 1967 social security amendments permitted States, in determining an individual's need for public assistance payments, to exclude $5 and $7.50 per month, respectively, from any source—although these provisions were designed with the 1965 and 1967 social security increases in mind. Later pass-along provisions, however, limited their applicability to social security and railroad retirement beneficiaries.

The bill I am introducing today would rectify this situation by substituting the increases in the standard of payment concept for the pass-along concept.

It is important to point out that a $50 disregard of outside income was included in H.R. 1. This provision will not take effect, however, until the federalization of the aged, blind, and disabled assistance programs in January of 1974. Thus, the recent 20-percent increase in benefits will not be received by adult assistance recipients unless we adopt a measure to deal with this interim period. The legislation I have offered would assure that every aged, blind, and disabled person receiving social security or railroad retirement will receive the increase in benefits intended by Congress, and that those who have no other source of income other than their assistance payments—surely the most needy individuals—will also receive an increase in these benefits.

Throughout the last year I have received thousands of letters from elderly persons—persons who rely on old-age-assistance grants and social security or railroad retirement annuities for their very existence—relating to their despair upon receiving from the California State Department of Social Welfare a notice that their public assistance check would be reduced by the amount of their social security or railroad retirement increase. It is a cruel blow to deal so many of the more than 2 million recipients of old-age assistance in the United States, 60 percent of whom are also recipients of social security benefits.

In California 362,000 recipients of aid to the aged, blind, and disabled also receive social security benefits. An additional 159,000 individuals in California receive no other income than adult assistance payments.

The State legislature in California has attempted to deal responsibly with the effects of the 20-percent increase by enacting legislation raising adult assistance benefits by $12. Though the State action is to be applauded, it by no means mitigates the need for this measure nationally. In fact, in many instances the net result of the $12 California increase, and the subsequent decrease resulting from the State practice of decreasing benefits commensurate with the social security increase, is a very minimal increase in benefits for California recipients.

Mr. President, I urge my colleagues to join with me in support of this measure to assure that all social security recipients receive the full benefit increase enacted by Congress—and which mandates an increase for recipients of aid to the aged, blind, and disabled in equal proportion to the increase Congress has provided for social security and railroad retirement recipients. There is clear precedent for this legislation in the action by the Senate during the concluding days of the 92d Congress. It was a necessary action then—it is a necessary action now.

Mr. President, I ask unanimous consent that the full text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title XI of the Social Security Act is amended by adding immediately after section 1123 thereof the following new section:

"AUTOMATIC INCREASE IN STANDARDS OF NEED UNDER ADULT PUBLIC ASSISTANCE PROGRAMS

"SEC. 1124. (a) (1) In addition to the requirements imposed by other provisions of law as a condition of approval of a State plan of any State (other than the Commonwealth of Puerto Rico, Guam, or the Virgin Islands) to provide aid or assistance to individuals under title I, X, XIV, or XVI, there is hereby imposed the requirement (and the plan shall be deemed to require) that the standard of payment (as defined in paragraph (2)) applicable under any such plan shall be increased by the amounts certified in the certifications of the Secretary made pursuant to subsection (b).

"(2) For purposes of this section, the term 'standard of payment', when used in connection with any approved plan referred to in paragraph (1), means the amount payable thereunder to applicants or recipients or aid or assistance thereunder who have no income (other than income which is disregarded under the plan) other than such aid or assistance.

"(b) (1) Whenever there is enacted any provision of law providing a general increase in monthly benefits payable to individuals under title II, the Secretary shall (at the earliest practicable date after the enactment of such provision) determine the average rate of such increase, and in the determination of such average rate, the Secretary shall take into account any increase in pensions or annuities under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, which is intended to be commensurate with such general increase in monthly benefits payable to individuals under title II of this Act, and shall certify to each State agency administering or supervising the administration of any State plan approved under title I, X, XIV, or XVI, the average so determined.

"(2) Any such certification shall be effective, in the case of the standard of payment applicable under any approved State plan referred to in subsection (a), for months beginning more than 30 days after such certification is made to the State agency administering or supervising the administration of such State plan, or, if the general increase (referred to in paragraph (1)) on the basis of which such certification is made will not be effective by such date, then it shall be effective on the first month for which such general increase will be effective."

"(c) Any increase in any standard of payment required under this section shall be based on such standard of payment which was in effect for the month preceding the first month in which such increase is effective."

SEC. 2. (a) Subject to subsection (b), the amendment made by the first section of this Act shall be effective in the case of general increases in monthly benefits payable to individuals under title II of the Social Security Act resulting from the enactment of provisions of law enacted on or after July 1, 1972.

(b) (1) For purposes of section 1124 of the Social Security Act (as added by the first section of this Act), any certification under subsection (b) of such section on account of the general increase in monthly benefits payable to individuals under title II of the Social Security Act resulting from the enactment of Public Law 92–336 shall be made at the earliest practicable date after the date of enactment of this Act and shall be effective with respect to months beginning after September 1972. Any increase under such section 1124 in any standard of payment on account of the enactment of Public Law 92–336 shall be based on such standard of payment as in effect for the month of August 1972.

SEC. 3. Section 1124 of the Social Security Act is repealed effective January 1, 1974.

By Mr. ROTH (for himself, Mr. BEALL, Mr. BROCK, Mr. BUCKLEY, Mr. GURNEY, Mr. PERCY, Mr. RIBICOFF, Mr. SCOTT of Pennsylvania, Mr. STEVENSON, Mr. TAFT, and Mr. TOWER):

S. 928. A bill to create a catalog of Federal assistance, and for other purposes. Referred to the Committee on Government Operations.

THE PROGRAM INFORMATION ACT IS STILL NEEDED TO PROVIDE A LEGISLATIVE MANDATE FOR USER-ORIENTED FEDERAL DOMESTIC ASSISTANCE INFORMATION

Mr. ROTH. Mr. President, today I rise to reintroduce S. 928, the Program Information Act, which has been passed by the Senate during the last two Congresses. S. 928 is cosponsored by Senators Beall, Brock, Buckley, Gurney, Percy, Ribicoff, Scott of Pennsylvania, Stevenson, Taft, Tower.

The Program Information Act grew out of the 8-month study of the Federal domestic grant system which my staff and I conducted while I served in the House of Representatives. This project culminated in 1969 with the publication as a House document of the first comprehensive catalog of Federal domestic assistance programs.

Senators are undoubtedly aware of the Catalog of Domestic Assistance currently published by the Office of Management and Budget. Since conclusion of my 1969 study, OMB has provided a catalog much improved over the one then in existence. The 1971 and 1972 OMB reporting instructions to the agencies have sought improvements in the quality of financial information; improved accomplishment data; increased uniformity and clarity in reporting State, local, and regional office contacts; and more careful identification of those programs which are covered by OMB circulars A-95 and A-98. OMB officials during 1972 further began work on a Regional Management Information System with the intention of providing adequate program data to Federal Regional Councils.

At the beginning of this month the Office of Management and Budget circulated among the agencies its instructions for the 1973 Catalog of Federal Domestic Assistance. These instructions call for an improved compendium in the following areas: better indexing; current program status; the applicability of OMB Circular A-102, relating to standardized application forms; and whether environmental impact coordination or a statement on such is required under a particular program. Those involved in putting out the catalog at OMB are to be commended for all of these advances over the past several years.

There are, however, areas where improvements can be made to make a catalog of even greater use to program users, Congress, and the Executive. To my way of thinking it is most important that OMB update program information quarterly, rather than just twice annually; provide more precise financial data; exercise continuing vigilance in eliminating inactive programs and adding new programs to the listing; and encourage fuller reporting of program accomplishments. The provisions of S. 928 would help to affect these ends. Additionally, this legislation would help to guarantee that a single governmentwide compendium of domestic assistance programs is available at a reasonable price to State and local governments and other possible beneficiaries of the grant system. Practical experience has shown that catalog cost and the proliferation of narrow-purpose catalogs can be roadblocks in the effort to provide adequate program user oriented information.

As the Senate Committee on Government Operations last year concluded:

> It has been shown that Congressional guidelines are needed to obtain a catalog of federal domestic assistance which is both readily usable and current.

It may be that the goal set by the committee will only be truly attained when current information, especially financial information on Federal programs, is daily fed into computers at OMB and made available over the telephone to applicants. Senators may be interested to know that the National Institute of Technical Services at the Commerce Department makes computer tapes of the OMB Catalog available at a cost of $95.

The Program Information Act which I am introducing today is the same, with the exception of five relatively minor changes, as S. 718 which was approved by the Senate last year. Several of these changes resulted from suggestions made by agencies when the bill was circulated among them by the Government Operations Committee.

I do not think that I need call to the attention of my colleagues at this point in time to the importance of improving the program data available to potential program users, Congress, and the executive branch. The informational problem for the user is, of course, familiar to all of us. The case of the small town mayor attempting, with little staff assistance, to sift through a number of sewer and water programs administered by several agencies is repeated over and over.

However, I would maintain further that if we are going to make our vast and expensive Federal domestic program apparatus serve the goal it was created for, we must have improved program information here in Congress. There also needs to be increased attention given during the current Congress to other aspects of grant reform including: grant consolidation and joint funding simplification; better evaluation of accomplishments; simplification of requirements; and the proper amount of decentralization needed for a successful system of intergovernmental assistance.

In conclusion, I urge Senators to join me in cosponsoring the Program Information Act. I hope that it will pass both Houses during the 93d Congress so we can finally have the proper statutory framework for a current and easily usable Catalog of Federal Domestic Assistance.

Mr. President, I ask unanimous consent that a copy of S. 928 be printed in the Record at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 928

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Program Information Act".

DEFINITIONS

Sec. 2. For the purposes of this Act—

(a) The term "Federal domestic assistance program" means any activity of a Federal agency which provides assistance or benefits, whether in the United States or abroad, that can be requested or applied for by a State or local government, or any instrumentality thereof, any domestic profit or nonprofit corporation, institution, or individual, other than an agency of the Federal Government.

(b) A "Federal domestic assistance program" may in practice be called a program, an activity, a service, a project, or some other name regardless of whether it is identified as a separate program by statute or regulation. A program shall be identified in terms of differing legal authority, administering office, funding, financial outlays, purpose, benefits, and beneficiaries.

(c) "Assistance or benefits" include but is not limited to grants, loans, loan guarantees, scholarships, mortgage loans and insurance or other types of financial assistance; assistance in the form of provision of Federal facilities, goods, or services, donation or provision of surplus real and personal property; technical assistance and counseling; statistical and other expert information; and service activities of regulatory agencies. "Assistance or benefits" does not include conventional public information services.

(d) "Requested or applied for" means that the potential applicant or beneficiary must initiate the process which will eventually result in the provision of assistance or benefits.

(e) "Administering office" means the lowest subdivision of any Federal agency that has direct operational responsibility for managing a Federal domestic assistance program.

EXCLUSION

Sec. 3. This Act does not apply to information specifically required by law or Executive Order to be kept secret in the interest of national defense or foreign policy.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAMS

Sec. 4. The President shall transmit to Congress no later than May 1 of each regular session a catalog of Federal domestic assistance programs, referred to in this Act as "the catalog", in accordance with this Act.

PURPOSE OF CATALOG

Sec. 5. The catalog shall be designed to assist the potential beneficiary to identify all existing Federal domestic assistance programs wherever administered, and shall supply information for each program so that the potential beneficiary can determine whether particular assistance or benefits might be available to him for the purposes he wishes.

REQUIRED PROGRAM INFORMATION

Sec. 6. For each Federal domestic assistance program, the catalog shall—

(1) identify the program, including the name of the program, the authorizing statute, the specific administering office, and a brief description of the program and its objectives;

(2) describe the program structure, including eligibility requirements, formulas governing the distribution of funds, types of assistance or benefits, uses and restrictions on the use of assistance or benefits and obligations and duties of recipients or beneficiaries;

(3) provide financial information, including current authorizations and appropriations of funds, the obligations incurred for past years, the current amount of unob-

ligated balances, and other pertinent financial information;

(4) identify the appropriate administering office to contact, both in central and field offices, including address and telephone number;

(5) provide a general description of the application process, including application deadlines, coordination requirements, processing time requirements, and other pertinent procedural explanations; and

(6) identify closely related programs.

FORM OF CATALOG

SEC. 7. (a) The program information may be set forth in such form as the President may determine, and the catalog may include such other program information and data as in his opinion are necessary or desirable in order to assist the potential program beneficiary to understand and take advantage of each Federal domestic assistance program.

(b) The catalog shall contain a detailed index designed to assist the potential beneficiary to identify all Federal domestic assistance programs related to a particular need.

(c) The catalog shall be in all respects concise, clear, understandable, and such that it can be easily understood by the potential beneficiary.

QUARTERLY REVISION

SEC. 8. The President shall revise the catalog at no less than quarterly intervals. Each revision—

(1) shall reflect any changes in the program information listed in section 6;

(2) shall further reflect the addition, consolidation, reorganization, or cessation of Federal domestic assistance programs;

(3) shall include such other program information as will provide the most current information on changes in financial information, on changes in organizations administering the Federal domestic assistance programs, and on other changes of direct, immediate relevance to potential program beneficiaries as will most accurately reflect the full scope of Federal domestic assistance programs;

(4) may include such other program information and data as in the President's opinion are necessary or desirable in order to assist the potential program beneficiary to understand and take advantage of each Federal domestic assistance program.

PUBLICATION AND DISTRIBUTION OF THE CATALOG

SEC. 9. (a) The President (or an official to whom such function is delegated pursuant to section 10 of this Act) shall prepare, publish, and maintain the catalog and shall make such catalog and revisions thereof available to the public at prices approximately equal to the cost in quantities adequate to meet public demand.

(b) There is authorized to be distributed without cost to Members of Congress and Resident Commissioners not to exceed five thousand copies of catalogs and revisions.

(c) There is authorized to be distributed without cost to Federal agencies, State and local units of government and local repositories not to exceed thirty-five thousand copies of catalogs and revisions as determined by the President or his delegated representative.

(d) The catalog shall be the single authoritative, Government-wide compendium of Federal domestic assistance program information produced by the Government. Specialized catalogs for specific ad hoc purposes may be developed within the framework of, or as a supplement to, the Government-wide compendium and shall be allowed only when specifically authorized and developed within guidelines and criteria to be determined by the President. Federal departments or agencies shall not reprint or reproduce for distribution portions of the catalog without specific permission from the President or his delegate.

(e) Any existing provisions of law requiring the preparation or publication of catalogs are superseded to the extent they may be in conflict with the provisions of this Act.

DELEGATION OF FUNCTIONS

SEC. 10. The President may delegate any function conferred upon him by this Act, including preparation and distribution of the catalog, to the head of any Federal agency, with authority for redelegation as he may deem appropriate.

By Mr. SPARKMAN (for himself and Mr. TOWER):

S. 929. A bill to amend the Par Value Modification Act. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, I introduce for myself and the Senator from Texas (Mr. TOWER) a bill to amend the Par Value Modification Act.

On February 12 the Secretary of the Treasury, on behalf of the President, announced the intention to propose legislation to implement a revaluation of the dollar by 10 percent. This step was proposed in combination with other actions taken in Europe and Japan to amend the structure of exchange rates agreed at the Smithsonian Institution in December 1971.

The bill which I am introducing today proposes to give congressional approval to the change in the dollar exchange rate. It amends the Par Value Modification Act, Public Law 92–268, approved on March 31, 1972, by providing for the establishment of a new par value of $1 equals 0.828948 special drawing right, or in terms of gold, of $1 equals 0.023684 of a fine troy ounce of gold.

Since it has been indicated to us that early action on this measure is needed, I would like to announce now that hearings will be held on this matter by the Committee on Banking, Housing and Urban Affairs commencing at 10 a.m., February 27, in room 5302 in the Dirksen Building. Anyone wishing to present testimony or statements for the record concerning this matter should contact Mr. Reginal Barnes, area code 202, 225–7391, as early as possible.

By Mr. ABOUREZK:

S. 932. A bill to discourage experimentation on animals by elementary and secondary school children. Referred to the Committee on Labor and Public Welfare.

Mr. ABOUREZK. Mr. President, today I introduce a bill to discourage the experimentation on animals in elementary and secondary schools. Perhaps the best explanation for the need for this legislation can be found in excerpts from the letters of two young people to the Friends of Animals, a national humane organization.

A boy named "Bruce" wrote:

> I am writing because I am failing biology. I am failing because I have refused to disect the animals they have for me. Disection is cruel and unnecessary and I refuse to endorse the raising of thousands of animals to be killed. My school system is failing me because of this. Mind you I like biology but, I cannot understand why if man can create synthetic organs for his body; why can't he show me a plastic frog?

And a girl named "Veronica" wrote:

> This being my second year of high school my science is biology, which, among other studies, includes disection. It seems like such a waste of life. Wouldn't it be possible for schools to supply plastic models of specimens that could be taken apart—making the viewing of each organ more discernable? I've spoke to a number of sophomores, and approximately 50 agree with me.Why should we be taught in schools to treat life so cheaply? I plan on writing a few more letters and would appreciate your looking into this terrible injustice. Please help save our animals and our own by bringing to an immediate halt this cruelty.

Nothing could be more eloquent than the words of these sensitive students.

The bill I introduce today recognizes that there are other methods to teach science and kindle medical and scientific interest in our youth. It calls for the Secretary of Health, Education, and Welfare to encourage the use of illustrations, models, manuals, films, and other alternative methods to live experimentation.

At the same time this bill would encourage these alternatives, it would also withhold National Defense Education funds from science programs in elementary and secondary schools where live vertebrate animals or dead animals killed and collected for such purposes are used in surgical, scientific, quasi-scientific, medical, or quasi-medical experimentations.

For children to watch or participate in the inflicting of pain and suffering on animals, as well as their death in most cases, is brutalizing. Our youth need more examples of our love for life rather than our often misused power and control over the life or death of so many inhabitants of this earth.

As a parent of three kind and sensitive children and as an elected official who owes much to the youth who worked so long and hard for my election, I want to pledge my help to help stop the brutality which has become a way of life in this world. If we can stop the torturing of animals, maybe we can stop brutalizing our fellow men on this earth.

How will this Senate answer Bruce and Veronica? I hope, Mr. President, that the leadership and my colleagues will join with me to end this needless, senseless practice now.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 59

At the request of Mr. CRANSTON, the Senator from Idaho (Mr. MCCLURE), the Senator from Vermont (Mr. STAFFORD), and the Senator from Wyoming (Mr. HANSEN) were added as cosponsors of S. 59, a bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery.

S. 275

At the request of Mr. HARTKE, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 275, a bill to amend title 38 of the United States Code, increasing income limitations relating to payment of disability and death pension, and dependency and indemnity compensation.

S. 284

At the request of Mr. Cranston, the Senator from Idaho (Mr. McClure) was added as a cosponsor of S. 284, a bill to require the availability of comprehensive treatment and rehabilitative services and programs for certain disabled veterans suffering from alcoholism, drug dependence, or alcohol or drug abuse disabilities, and for other purposes.

S. 316

At the request of Mr. Jackson, the Senator from Florida (Mr. Gurney) was added as a cosponsor of S. 316, a bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the national wilderness preservation system, and for other purposes.

S. 394

At the request of Mr. Humphrey, the Senator from Pennsylvania (Mr. Schweiker) and the Senator from Indiana (Mr. Bayh) were added as a cosponsor of S. 394, a bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes.

S. 413

At the request of Mr. Hatfield, the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 413, a bill to permit American citizens to hold gold.

S. 458

At the request of Mr. Javits, the Senator from Minnesota (Mr. Mondale) was added as a cosponsor of S. 458, the "Bill of Rights for the Mentally Retarded."

S. 485

At the request of Mr. Gurney, the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of S. 485, the Safe Schools Act.

S. 514

At the request of Mr. Moss, the Senator from North Dakota (Mr. Burdick) was added as a cosponsor of S. 514, a bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data.

S. 548

At the request of Mr. Humphrey, the Senator from Idaho (Mr. Church) was added as a cosponsor of S. 548, a bill to provide price support for milk at not less than 85 percent of the parity price therefor.

S. 631

At the request of Mr. Church, the Senator from Delaware (Mr. Biden) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to provide for the coverage of certain drugs under part A of the health insurance program established by title XVIII of such act.

S. 632

At the request of Mr. Church, the Senator from Delaware (Mr. Biden) was added as a cosponsor of S. 632, a bill to amend title II of the Social Security Act to increase the amount which individuals may earn without suffering deductions from benefits on account of excess earnings, and for other purposes.

S. 649

At the request of Mr. Javits, the Senator from Montana (Mr. Metcalf) was added as a cosponsor of the Japan-United States Friendship Act.

S. 704

At the request of Mr. Metcalf, the Senator from Missouri (Mr. Eagleton), and the Senator from Nevada (Mr. Cannon) were added as cosponsors of S. 704, a bill to restore the independence of certain regulatory agencies of the Federal Government.

S. 749

At the request of Mr. Gurney, the Senator from Rhode Island (Mr. Pastore) and the Senator from South Dakota (Mr. Abourezk) were added as cosponsors of S. 749, the Civil Service Retirement Recomputation bill.

S. 762

At the request of Mr. Hartke, the Senator from Washington (Mr. Jackson), the Senator from Alabama (Mr. Sparkman), and the Senator from Maryland (Mr. Mathias) were added as cosponsors of S. 762, the military retirement recomputation bill.

S. 882

At the request of Mr. Hartke, the Senator from Georgia (Mr. Nunn), the Senator from Indiana (Mr. Bayh), and the Senator from Maine (Mr. Hathaway) were added as cosponsors of S. 882, a bill to amend section 355 of title 38, United States Code, relating to the authority of the Administrator of Veterans Affairs to readjust the schedule of ratings for the disabilities of veterans.

SENATE RESOLUTION 67—SUBMISSION OF A RESOLUTION CALLING ON THE PRESIDENT TO PROMOTE NEGOTIATIONS FOR A COMPREHENSIVE TEST BAN TREATY

(Referred to the Committee on Foreign Relations.)

Mr. KENNEDY (for himself, Mr. Mathias, Mr. Hart, Mr. Humphrey, Mr. Muskie, Mr. Case, Mr. Abourezk, Mr. Bayh, Mr. Brooke, Mr. Burdick, Mr. Church, Mr. Clark, Mr. Cranston, Mr. Fulbright, Mr. Gravel, Mr. Haskell, Mr. Hatfield, Mr. Hathaway, Mr. Hughes, Mr. Inouye, Mr. Javits, Mr. Magnuson, Mr. McGovern, Mr. Mondale, Mr. Nelson, Mr. Pell, Mr. Proxmire, Mr. Ribicoff, Mr. Stevenson, Mr. Tunney, Mr. Williams, and Mr. Biden) submitted the following resolution:

S. Res. 67

Whereas the United States is committed in the Partial Test Ban Treaty of 1963 and the Non-Proliferation of Nuclear Weapons Treaty of 1968 to negotiate a comprehensive test ban treaty;

Whereas the conclusion of a comprehensive test ban treaty will reinforce the Non-Proliferation of Nuclear Weapons Treaty, and will fulfill our pledge in the Partial Test Ban Treaty;

Whereas there has been signficant progress in the detection and identification of underground nuclear tests by seismological and other means; and

Whereas the SALT accords of 1972 have placed quantitative limitations on offensive and defensive strategic weapons and have established important precedents for arms control verification procedures; and

Whereas early achievement of total nuclear test cessation would have many beneficial consequences: creating a more favorable international arms control climate; imposing further finite limits on the nuclear arms race; releasing resources for domestic needs; protecting our environment from growing testing dangers; making more stable existing arms limitations agreements; and complementing the on-going strategic arms limitation talks; Now, therefore, be it

Resolved, That it is the sense of the Senate that the President of the United States (1) should propose an immediate suspension on underground nuclear testing to remain in effect so long as the Soviet Union abstains from underground testing, and (2) should set forth promptly a new proposal to the Government of the Union of Soviet Socialists Republics and other nations for a permanent treaty to ban all nuclear tests.

(The remarks of Senator Kennedy when he submitted Senate Resolution 67 and the ensuing debate are printed earlier in the Record under the appropriate heading.)

NATIONAL INSTITUTE OF MARKETING AND HEALTH ACT—AMENDMENT

AMENDMENT NO. 12

(Ordered to be printed and referred to the Committee on Commerce.)

Mr. MOSS submitted an amendment intended to be proposed by him to the bill (S. 805) to establish a National Institute of Marketing and Health.

FOREIGN ASSISTANCE AUTHORIZATION ACT—AMENDMENTS

AMENDMENTS NOS. 13, 14, AND 15

(Ordered to be printed and referred to the Committee on Foreign Relations).

Mr. KENNEDY. Mr. President, I am submitting today three amendments to S. 837, the administration's pending foreign assistance authorization bill for the current fiscal year. The amendments concern postwar assistance to Indochina and our country's continuing humanitarian responsibilities to the people and the nations of the entire area.

The amendments are similar to those which I introduced last year—and which were adopted by the Senate in its previous consideration of the current foreign aid authorization bill. The distinguished Senator from Vermont (Mr. Aiken) cosponsored two of last year's amendments. The distinguished Senator from Maryland (Mr. Mathias) cosponsored one of them.

Mr. President, with the anticipated cease-fire agreements in Laos and Cambodia, we are relieved today that the second Indochina war is at last coming to an end. We are grateful that our servicemen are coming home. And all Americans share the special joy of those families who are experiencing the homecoming of sons and husbands and fathers who were prisoners of war.

But we must temper our sense of relief and joy with the realization that many difficult problems remain—for individuals and families in this country, for our Nation as a whole, and for the people and governments of Indochina.

Many thousands of young Americans have died in the long war—and we must not forget their sacrifice, and the special sorrow it has brought to their families and friends. Many other young Americans are still missing in action—and a full accounting of their fate must be pursued with every possible effort. Meanwhile, their relatives and friends still need our help and concern. So do the thousands of young men, and their families, who chose not to participate in the war—and the tens of thousands of Vietnam veterans who have served their country, but who now find themselves shunted around by an ungrateful administration. We have an obligation to these men—and with the support of the American people, I know the Congress will help to meet it.

And let us not forget, Mr. President, that despite a cease-fire agreement in Vietnam—and the administration's current emphasis on the peaceful development of Indochina—conflict and battle and bombing continue, even in South Vietnam. Let us not forget the many young Americans who are still involved in the conflict—especially in the bombing missions over Laos and Cambodia, and in the other activities supporting the battle in these countries. For even as our prisoners are being repatriated from North and South Vietnam, additional numbers of our young men are joining the ranks of the captured or missing in other areas of Indochina. And this continuing waste of American lives and effort and funds—and the continuing violence in Indochina—should be cause for great concern on the part of all Americans.

The problems that remain in Indochina are not only the diplomatic problems in concluding or implementing cease-fire agreements, but also the people problems in really building the peace. The amendments I am introducing today are concerned with the people problems, and the kind of effort our country should make in helping to resolve them.

I shall not burden the record at this time with any lengthy discussion of the people problems in Indochina—for the devastation war has brought to all the countries of the area is painfully clear to all Americans.

But I strongly believe that our country bears a heavy responsibility in helping to resolve the crisis of people in Indochina—in helping to restore the lives of refugees and orphans and crippled thousands, who bore the brunt of mortars and bombs and battle from all sides. We cannot wash our hands of their tragic plight, simply because the last American soldiers are leaving their shores. Clearly, our major responsibility remaining in Indochina, is to the people who live there—to those who suffered so much, for so long.

The Subcommittee on Refugees, which I serve as chairman, conservatively estimates that up to 15 million war victims need some kind of relief and rehabilitation. In South Vietnam, nearly half the population of 18 million has been displaced, orphaned or maimed since the war began. Official estimates put the number of orphans at close to 1 million. Some 20,000 to 30,000 Amer-Asian children—those fathered by Americans—need a special concern—for their plight has long been neglected by Saigon and Washington. Tens of thousands of people—a good share of them children—need prosthetic devices. A large proportion of the 8 million refugees still exist in the swollen slums of Saigon and other urban areas, or in the squalid refugee camps maintained by the government—millions of people torn for years, from their homes and lands and source of livelihood. And even in the aftermath of the cease-fire agreement for Vietnam, many people still have no peace. The Agency for International Development—AID—informs me that new refugee and civilian war casualty numbers continue to mount—adding heavily to the nearly 2 million refugees and 200,000 civilian war casualties of 1972.

Similar conditions exist in Cambodia and Laos, where the battle and bombing continue, and the number of war victims escalates daily. And in North Vietnam all available indicators also suggest that humanitarian needs exist among a significant proportion of the population.

In addition to the purely human toll of the war, Mr. President, there is the physical devastation of cities and towns and hamlets—of religious shrines and markets and livestock and housing—of schools and clinics and hospitals. And there is the impact of herbicides on the land and forests—and bomb craters by the tens of thousands—and tons of mines and explosives which lie sunken in the fields and rice paddies over much of Indochina.

The human suffering and pain in Indochina staggers the imagination. It is difficult to comprehend the aggregate available statistics of war victims. It is even more difficult to comprehend the implication of these statistics on the family structure, traditions and social fabric of nations that have confronted massive upheaval and total war. But there can be no mistake, that millions of men and women and children in Indochina are crying out for relief, as the hopeful aftermath of conflict slowly approaches. And we must join with others in answering their cries for help. An international humanitarian alliance must help the people of Indochina.

Mr. President, the first amendment I introduce today, affirms the willingness of the United States to share the burden of providing for the humanitarian relief, rehabilitation, and reconstruction of the people and nations of Indochina. The amendment declares that—

> Assistance for such purposes shall be distributed to the maximum extent practicable under the auspices of and by the United Nations, other international organizations, multilateral institutions, and private voluntary agencies with a minimum presence and activity of United States Government personnel.

The amendment also urges the President to work with other governments—and to solicit their cooperation "in encouraging the United Nations Secretary General to establish immediately an autonomous United Nations fund for Indochina, or other appropriate institutional arrangements, to receive humanitarian and developmental contributions to support the humanitarian relief, rehabilitation, and reconstruction of the people and nations of Indochina under international auspices." And finally, as an expression of American support for creating an international fund, the amendment would make available to the President, from supporting assistance, the necessary funds "to make an initial humanitarian contribution" to the international effort.

The second amendment earmarks $70 million—from supporting assistance—"to provide humanitarian assistance to refugees, civilian war casualties, war orphans, and other persons disadvantaged by hostilities in South Vietnam." The third amendment earmarks $2 million for similar purposes in Cambodia. Both amendments stress the use of international organizations and private voluntary agencies for the channeling of this emergency relief—and that the assistance "shall be distributed with a minimum presence and activity of U.S. Government personnel."

Mr. President, the first amendment is the result of extensive discussion in many quarters, and with many experts—and is an effort to establish what I firmly believe broadly represents the long-term will of Congress and the American people on the issue of postwar assistance to Indochina. Very simply, the amendment recognizes our responsibility toward all the countries of Indochina, categorizes various kinds of assistance, places priority on basically humanitarian objectives, channels the bulk of American assistance through international channels, and minimizes the presence and activity of U.S. Government personnel in the implementation of assistance programs.

In terms of funding, the three amendments combined represent a very modest beginning—in the remaining quarter of the fiscal year—to help in providing for the relief, rehabilitation, and reconstruction of the people and nations of Indochina. Only $72 million is earmarked for humanitarian purposes in South Vietnam and Cambodia—and I understand that a good share of this amount has already been obligated under the continuing resolution which expires next week. The first of the three amendments, however, proposes that additional sums, for humanitarian purposes, shall be made available for South Vietnam and Cambodia—as well as for Laos and North Vietnam—from the overall total foreign military and security assistance finally made available to the President. In light of the present uncertainties over this total amount—as well as over the total assistance already obligated under the continuing resolution—it is difficult to earmark a specific sum, which the amendment calls an "initial humanitarian contribution" to an international fund for Indochina. I am extremely hopeful, nevertheless, that the appropriate committees will carefully consider this proposal—and that significant funds will be made available to the President, during the current fiscal year, from the sources and for the purposes anticipated in the amendment.

I am also hopeful, Mr. President, that the committees—and the Congress—will place priority on people concerns, on basically humanitarian objectives, and will strongly support the distribution of our aid mainly under international auspices.

An investment for peace in Indochina does not lie, first of all, in grandiose schemes for economic reconstruction. It does not lie first of all, in roads and bridges and harbors. For if we really mean what we say about healing the wounds of war, our first concern will be for the victims of war—for those millions of people scattered over the face of Indochina by powerful forces over which they had so little control.

The time is long overdue for all of us to pause and open our eyes to the plight of the children in Indochina—especially the orphans and those fathered by Americans. Year after year the problem of children, the most pitiful of war victims—has gone unattended. And so today, field reports to the Subcommittee on Refugees tell again of many appalling conditions involving malnutrition and disease and death.

The time is long overdue for a truly viable program to fit the lame with prosthetic devices. The waiting time today for a prosthetic device is many years. This is deplorable when many countries, including our own, can manufacture thousands of devices in a matter of days or weeks.

And there is the urgent need to restore the livelihood of millions of refugees by providing for their return to the villages and ancestral lands they left so long ago. Many of these villages have been destroyed. So there is need for simple housing, the rebuilding of the marketplace, of schools, and religious shrines and temples. There is a need to restore agricultural productivity.

And there is a need to renew the village health system in the countryside, and to rebuild devastated medical facilities.

And there are many other human needs that must be met to put the people back on the road to a life of health and normalcy, which they were forced to abandon during the long years of war. Surely there can never be a peace with honor if America now walks away from the human debris of the war and neglects the urgent humanitarian needs of all the people in Indochina. Only then will our country truly be building the peace.

To this end, I introduce the amendments today. Mr. President, I ask unanimous consent that the text of the amendments be printed in the RECORD at this point.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 13

Section 4 is amended—

(1) by inserting "(a)" immediately after "Sec. 4."; and

(2) by adding at the end thereof the following:

(b) Such chapter 4 is further amended by adding at the end thereof the following new section:

"SEC. 534. Humanitarian Relief, Rehabilitation, and Reconstruction in Indochina.—(a) the Congress affirms the willingness of the United States to share the burden of providing for the humanitarian relief, rehabilitation, and reconstruction of the people and nations of Indochina, including South Vietnam, North Vietnam, Laos, and the Khmer Republic.

"(b) Assistance for such purposes shall be distributed to the maximum extent practicable under the auspices of and by the United Nations, other international organizations, multilateral institutions, and private voluntary agencies with a minimum presence and activity of United States Government personnel. The Congress urges the President to solicit the cooperation of other governments to support and participate in the humanitarian relief, rehabilitation, and reconstruction of the people and nations of Indochina under international auspices.

"(c) The Congress further urges the President to solicit the cooperation of other governments in encouraging the United Nations Secretary General to establish immediately an autonomous United Nations Fund for Indochina, or other appropirate institutional arrangements, to receive humanitarian and developmental contributions to support the humanitarian relief, rehabilitation, and reconstruction of the people and nations of Indochina, or other apropriate institutional an expression of the United States support for the establishing and maintenance of a United Nations Fund for Indochina, or other appropriate institutional arrangements, any of the funds appropriated under section 532 of this Act for fiscal year 1973, are hereby made available, until expended, as the President considers appropriate, to make an initial humanitarian contribution to such Fund or pursuant to such arrangements."

AMENDMENT NO. 14

Section 4 is amended—

(1) by inserting "(a)" immediately after "Sec. 4."; and

(2) by adding at the end thereof the following:

(b) Such chapter 4 is further amended by adding at the end thereof the following new section:

"Sec. 534. Humanitarian Assistance in South Vietnam—The President is authorized to provide humanitarian assistance to refugees, civilian war casualties, war orphans, and other persons disadvantaged by hostilities or conditions related to those hostilities in South Vietnam. Of the funds appropriated pursuant to section 532 for the fiscal year 1973, not less than $70,000,000 shall be available, until expended, solely to carry out this section. Of the funds appropriated under section 532 of this Act, including any such funds made available to carry out this section, not less than $20,000,000 shall be allocated for project assistance in South Vietnam for public health services and war victims. Such assistance shall be distributed to the maximum extent practicable under the auspices of and by the United Nations and international humanitarian organizations or United States voluntary agencies, with minimum presence and activity of United States Government personnel with respect to such distributors."

AMENDMENT NO. 15

Section 4 is amended—

(1) by inserting "(a)" immediately after "Sec. 4."; and

(2) by adding at the end thereof the following:

(b) Such chapter 4 is further amended by adding at the end thereof the following new section:

"SEC. 534. Humanitarian Assistance in the Khmer Republic.—The President is authorized to provide humanitarian assistance to refugees, civilian war casualties, war orphans, and other persons disadvantaged by hostilities or conditions related to those hostilities in the Khmer Republic. Of the funds appropriated under section 532 for the fiscal year 1973, not less than $2,000,000 shall be available, until expended, solely to carry out this section. Such assistance shall be distributed to the maximum extent practicable under the auspices of and by the United Nations and international humanitarian organizations or United States voluntary agencies, with a minimum presence and activity of United States Government personnel with respect to such distribution."

NOTICE OF HEARINGS ON S. 880

Mr. MOSS. Mr. President, I wish to announce to Senators and other interested persons that the Committee on Aeronautical and Space Sciences will begin hearings on S. 880, a bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, on February 28 beginning at 9:30 a.m. in room 235. The remaining schedule of hearing dates, witnesses and subject matter are set out below. All hearings will begin at 9:30 a.m.

DATE, WITNESS, AND SUBJECT

February 28, Dr. James Fletcher, fiscal year 197x budget overview.

Astronauts from the Skylab and Apollo/Soyuz missions will also present testimony.

March 6, Dr. James Fletcher, long-term aeronautics and space objectives.

March 8, Mr. Dale Myers, Associate Administrator, Skylab, Apollo/Soyuz, Space Shuttle.

March 9, Prof. Maurice Levy, president, European Span Research Organization, European "Space Lab" project.

Mr. Dale Myers, Mr. Robert Curtin, Director of Facilities, Space Shuttle—including shuttle facilities construction.

March 12, Dr. John Naugle, Associate Administrator, space science programs.

Mr. Charles Mathews, Associate Administrator, applications programs.

March 14, Mr. Charles Mathews, applications programs—continued.

March 15, witnesses from Departments of Agriculture, Commerce, and Interior, National Science Foundation, Environmental Protection Agency, earth resources and environmental programs.

March 21, Mr. Roy Jackson, Associate Administrator, advanced science and technology programs.

Witness from Department of Transportation on NASA/DOT programs in aeronautics.

March 22, Mr. Gerald Truszynski, Associate Administrator, tracking and data acquisition.

Other NASA witnesses, Research and Program, Management Budget, Technology Utilization, International Programs Construction Budget.

April 4, additional witnesses.*

April 5, Department of Defense witness—classified session.

April 10, additional witnesses.*

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* Witness list to be released at a later date. Other persons wishing to testify or to submit statements for the record should contact the Committee. Several additional witnesses have been scheduled; others will be accommodated to the extent the schedule permits.

ANNOUNCEMENT OF HEARINGS ON TAXPAYER SERVICE ASSISTANCE

Mr. MONTOYA. Mr. President, I wish to announce that the Appropriations Subcommittee on Treasury, Post Office, and General Government, of which I have the honor to be chairman, will hold hearings on February 27, 28, and March 1 to:

First, review the Internal Revenue Service's efforts in the areas of taxpayer service assistance and compliance programs.

Second, hear public testimony concerning the scope and range of public concern with IRS efforts in these areas and to insure that the Treasury, as well as IRS, is aware of the criticism of these current programs and the recommendations being made as to how the public may be better served.

Appearing before the subcommittee to discuss these issues will be some noted authorities on the policies and procedures of IRS, including former Commissioners Sheldon Cohen, Mortimer Coplan, and Randolph Thrower. Public testimony will also be received from such tax reform advocates as Ralph Nader and Tom Stanton of the Tax Research Group; Jeff Gold, president of Community Tax Aid; and Tom Fields of Tax Analyst Advocates.

Several distinguished Members of Congress have requested time to appear and testify on the specific issue of the Freedom of Information Act as it applies to IRS.

Mr. President, I am convinced that these hearings will provide the vehicle to a better understanding for the public of current IRS practices with regard to taxpayer services, while at the same time permit the public to apprise IRS of the specific nature of their concern with IRS practices and procedures.

I ask unanimous consent to have printed after my remarks a tentative agenda and list of witnesses for the hearings, which are scheduled for 10 a.m. and 2 p.m. in room 1114 of the New Senate Office Building on the above dates.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SENATE HEARINGS BEFORE COMMITTEE ON APPROPRIATIONS: TREASURY, U.S. POSTAL SERVICE, AND GENERAL GOVERNMENT

Subject: Problems Encountered By The Internal Revenue Service In The Administration of Taxpayer Service Assistance and Compliance Programs.

TENTATIVE AGENDA FOR HEARINGS

Date: February 27, 28, March 1, 1973.

Place: NSOB 1114, First Floor (10:00 a.m.–2:00 p.m.).

Purpose of Hearings is to:

1. Review the Internal Revenue Service's efforts in the area of Taxpayer Service and Assistance programs.

2. Hear Public Testimony concerning the scope and range of the Internal Revenue Service's efforts in these areas and to make sure that the Treasury as well as the Service is aware and understands the nature of both criticism of current programs and recommendations as to how the public might be better served.

3. To communicate both to the Treasury and the Internal Revenue Service the apparent erosion of public confidence in the administration of the Tax Code and the Subcommittee's concern that efforts be made to sustain public faith in the administration of our Tax System.

I. Tuesday, February 27, 1973. Opening Statements. 10:00 a.m. to 12:00 noon.

A. Chairman Montoya—Context, scope and range of Subcommittee's purpose.

B. Deputy Secretary of the Treasury—Opening comments.

C. Commissioner of Internal Revenue Service—Inventory of Service's efforts.

D. Professor L. Hart Wright—University of Michigan Law School. 2:00 p.m. to 4:00 p.m.

E. House Subcommittee on Legal and Monetary Affairs—Testimony.

F. Ralph Nader—Opening Testimony of Public Interest Groups.

G. Mr. Jeff Gold—President of Community Tax Aid (CPA).

H. National Association of Certified Public Accountants—Mr. Yosinoff, Chairman, Tax Committee.

I. President Vincent Connery—National Association of Internal Revenue Employees.

II. Wednesday, February 28, 1973. 10:00 a.m. to 12:00 noon.

A. Professor L. Hart Wright—Testimony.

B. Chairman Moorhead (Rep.) Subcommittee on Foreign Operations and Government Information, House Government Operations Committee.

C. Mr. and Mrs. Phillip Long—Taxpayers, Bellevue, Washington. 2:00 p.m. to 4:00 p.m.

D. Mr. Thomas Field—Tax Analyst and Advocates Lawyer.

E. Mr. George Zeitlin—New York State Bar.

F. Mr. Thomas H. Stanton—Director, Tax Research Group, Lawyer.

III. Thursday, March 1, 1973. Panel of Former Internal Revenue Service Commissioners.

A. Mr. Mortimer Caplin.

B. Mr. Sheldon Cohen.

C. Mr. Randolph Thrower.

D. Mr. Johnnie Walters.

E. Mr. William H. Smith, Former Deputy Commissioner.

NOTICE OF HEARINGS ON CURRENT FUEL SHORTAGES

Mr. JACKSON. Mr. President, as many Senators are aware, in recent weeks, significant shortages have occurred in available supplies of natural gas, diesel oil, and fuel oil. There has been an apparent breakdown in our national energy system.

To date, these shortages have caused serious economic disruptions and public inconvenience. They have led to the closing of factories and schools, and the disruption of trucking and airline transportation. In light of these circumstances, it is imperative that Congress understand the dimensions of the shortage and what has caused this apparent breakdown in our energy distribution system.

The Congress needs to know why it has not been possible to anticipate and meet the demand for various fuels. The Interior Committee is particularly interested in what role Government policies have played in creating the present situation.

At the initial fuel shortage hearing on February 1, 1973, the Interior Committee received testimony from officials of the Federal Power Commission and Office of Emergency Preparedness, from representatives of independent refiners and oil jobbers, and from other major fuel users.

On Thursday, February 22, 1973, testimony will be received from selected major energy refiners and suppliers.

The hearing which will begin at 10 a.m. in room 3110 of the New Senate Office Building, is being held pursuant to the Senate's National Fuels and Energy Policy Study authorized by Senate Resolution 45, 92d Congress. The invited witnesses are:

10 a.m.: Mr. Randall Meyer, president, Exxon Co.—U.S.A., Houston, Tex.; Mr. Oscar Wyatt, chairman of the board, Coastal States Gas Producing Co., Houston, Tex.

2 p.m.: Mr. Annon Card, senior vice president, Texaco, Inc., Washington, D.C.; Mr. Robert Yancey, president, Ashland Oil, Inc., Washington, D.C.

Interested and affected parties are invited to submit statements for the record in 10 copies by March 5, 1973.

NOTICE OF HEARINGS ON THE LAND USE POLICY AND PLANNING ASSISTANCE ACT OF 1973

Mr. JACKSON. Mr. President, I wish to announce to Senators and other interested persons that the Committee on Interior and Insular Affairs—full committee—plans to continue its open hearings on S. 268—the Land Use Policy and Planning Assistance Act of 1973—on February 26 and to schedule another day of hearings on February 27.

The hearings will be held in the committee room, 3110 Dirksen Senate Office Building. The hearing on February 26 will commence at 10 a.m. and the hearing on February 27 at 10:30 a.m. Persons wishing to testify should advise the staff of the Interior Committee and submit 100 copies of their statement at least 24 hours prior to the hearing date.

ADDITIONAL STATEMENTS

MILITARY MEN TRAINED AS SERVANTS

Mr. PROXMIRE. Mr. President, I have introduced S. 850, a bill to prohibit the use of enlisted men as personal servants to certain generals and admirals. The public response has been overwhelming. It is more than clear to me that the Nation's taxpayers will not tolerate such a misuse of their tax dollars.

As further evidence of the squandering of Federal resources in this program, today I submit excerpts from the course program at U.S. Army Quartermaster School at Fort Lee, Va. As I have explained before, Fort Lee is the facility where the Army teaches volunteer enlisted men in the fine arts of general pampering.

I do not exaggerate. If there are those who doubt that there is a gross misuse of public funds in the program, let them examine the course program at Fort Lee.

PROGRAM OF INSTRUCTION FOR MILITARY SERVANTS

As of July 1972, the Quartermaster School at Fort Lee planned to provide the following hours of "formal training in the duties and responsibilities of enlisted personnel assigned to public quarters occupied by General Officers." The students receive 288 hours of instruction in academic subjects and 32 hours in nonacademic subjects for a total of 320. Of this 320 hours 173.5 hours is in practical exercise hardware with the rest being distributed among lecture, conference, demonstration, film, television, and examinations.

EXAMPLES OF SUBJECTS TAUGHT

Among the courses for the enlisted men are the following: 1 hour in personal conduct including evaluation of moral standing, sobriety, personal appearance and financial reliability; 1 hour in conduct including courtesy to family and guests and telephone courtesy; 1 hour in daily work schedule including domestic responsibilities in an officer's quarters. The enlisted aides are provided the book, "The Army Wife" as a reference; 3 hours in pet care including instruction in care of such family pets as dogs, cats, fish, and birds; 13 hours in care of officers' uniforms and equipment with a performance examination; 25 hours in care and cleaning of a general's quarters including care of private household, appliances, and serving apparatus.

Examination: 1 hour in care and use of domestic style appliances; 1 hour in insect and rodent control; 1 hour in gourmet menus and recipes; 7 hours in selection and purchase of meats, poultry, and seafood items; 1 hour in placement of flags; 8 hours in selection of table service for informal functions.

Examination: 12 hours in selection of table service for formal functions; aides are provided the book, "The Correct Waitress," for reference; 16 hours in preparation of centerpieces such as floral arrangements and ice carvings. Book supplied: "Ice Carving Made Easy."

Thirteen hours in preparation and dispensing of beverages both alcoholic and nonalcoholic served either formally or informally in general officers quarters; 16 hours in cake baking and decorating. Examination; 16 hours in danish puff and pie pastry and cookies; 7 hours in dinner rolls and quick bread. Examination; 7 hours in preparation of hot and cold appetizers ,hors d'oeuvers, and canapes. Examination; 4 hours in garnishing, cold meats and cheese trays; 34 hours in preparation of gourmet meat dishes for formal and informal occasions in the officers quarters; 10 hours in preparation and serving of brunch including choice of linen; 10 hours in preparation and serving of standup buffet including attention to color combinations and "harmonious consistency;" 11 hours in preparation and serving of informal meals and 16 hours in preparation and serving of formal meals.

Mr. President, I ask Senators: Is this necessary? Does this contribute to the national defense? Will the Nation be stronger because of this program at Fort Lee? What public official in the Department of Defense will come to the defense of this program? Let us hear in a public forum just how this program is justified. Let the American public be told by a Defense Department spokesman that taking care of a general's birds, cats, dogs, and fish is in the national interest. Why should our enlisted men be trained in gourmet meat preparation for generals and admirals when our soldiers are eating hamburger?

It is past time when good sense should have prevailed. This program must be stopped immediately.

THE HIGH COST OF THE CLEAN AIR ACT

Mr. SAXBE. Mr. President, "We have met the enemy and he is us." These words from Walt Kelly's Pogo have been used many times to describe American dilemma. However, they are most appropriate to sketch the limitless frustration we feel in regard to tempering our modern life styles to the preservation of our environment. No one wants to return to a nuts and berries existence, but at the same time most of us are deeply concerned about ecology.

Ecological frustration is not new to Americans. Many a pioneer admired the majesty of the mountains before stripping the minerals and resources from them. Rivers became convenient dumping grounds and clean air gave way to emissions from automobiles and other stationary sources of power. But, while mother nature herself emits large amounts of pollutants, it is the automobile that bore and continues to bear the brunt of the blame for air pollution. Congress must not blindly require that the driving consumer indiscriminately bow to the extra costs imposed by the noncost effective provisions of legislation passed in 1970.

Under the Clean Air Act, three individual and very complex and closely interrelated issues have been dealt with by essentially independent actions. The legislation developed ambient air quality standards. It set automotive emission standards, and, most important, it imposed time limits for the achievement of these standards. I emphasize the cost of compliance.

This fact sets the basic tone of my remarks. Increased cost is most important to the consumer and to the automotive industry. Presently, the 1973 standards require an additional expenditure of $100 per vehicle. It is estimated that this cost will increase up to $375 per vehicle to comply with the 1975 standards, and be even higher to control nitrogen oxides in 1976. The consumer must bear the cost of the installation of this pollution control equipment. And, we must look long and hard to justify this expenditure.

Air pollution caused by automobile emission is decreasing. The 1973 models, properly adjusted, are reducing automotive emission by seven times over the 1966 models. In other words, one 1966 car emits pollutants at the same rate as seven 1973 cars. If all automobiles on the road today were 1973 models, the air pollution caused by automotive emission would return to approximately that level experienced in 1943.

Increased costs to consumer will also include an estimated 15-percent hike in fuel consumption. This added fuel consumption will strike the consumer in two ways; first, fuels for the new emission controls will be higher priced because of their complicated chemical structure. And, the increased fuel consumption will expand the likelihood of an energy crisis, whether imposed by nature or fixed by collusion. This fuel cost penalty could be as much as $10 billion a year.

Another hidden cost to the consumer will result from unknown problems with driveability and maintenance on cars carrying the sophisticated emission devices While no field for experience in this area is available, automobile manufacturers have built a substantial number of vehicles that will meet the 1975 emission levels and work. However, they do not know from this grouping whether they have the capacity to make millions of cars and trucks performing precisely to the standards for 5 years or 50,000 miles.

If there is a chance of compliance with the high Federal standards it depends, according to the National Academy of Sciences, upon these three conclusions: First, catalyst replacement, second, averaging of emissions during testing and, third, general availability of unleaded gasoline. The Academy made this conclusion in January of last year. Since then, administrative actions have been taken which point to the fact that two of these conditions will be met. Late last year the Administrator of the Environmental Protection Agency decided to allow the replacement of catalysts, and last month he confirmed regulations designed to assure the general availability of gasoline by the summer of 1974 that will not poison the catalyst. The third condition is vital. And, it's significance is clear to automobile manufacturers.

The objectives of the Clean Air Act will be satisfied when the average car meets the standards. In other words, the accomplishment of the legislative intent of Congress does not require that each and every car meet the standards but that average automotive emission is below that set by the Congress.

Mr. Richard C. Gerstenberg, chairman, General Motors, explained the concept of averaging before the International Automotive Engineering Congress recently in Detroit, Mich. He said:

> The atmosphere may be considered a container. Into it are mixed the exhaust constituents from all cars. Thus the atmosphere in effect averages everything that goes into it, including the exhausts from all vehicles. This concept of the effect of exhaust emissions on ambient air quality was recognized in the early procedures which based vehicle certification on the average emission level for a particular type. The amendments of 1970 call for a 90 percent reduction in emissions from the level of the 1970 and 1971 vehicles, and the certification procedures for these vehicles recognized this averaging concept. It is clearly logical then that administration of the more stringent 1975 and 1976 levels should also recognize this concept. This is a simple matter . . . further type certification cars are individually constructed to represent the intended mean limit of the production car. The interacting effects of many variables, each controlled within close tolerances, make it impossible to obtain exactly the same emission level from each production car. These small individual component and adjustment tolerances are an inherent characteristic of mass produced products. Unnecessarily close limits add to costs without compensating value.

Further economic discussion of the problem illustrates the questionable feasibility of meeting the levels set by the act by 1976. This standard rejects 89-percent removal and penalizes a successful emission achievement at any date beyond the 1976 cutoff. This economic situation is almost as bad as the scientific phenomenon that is brought about by the act. The Clean Air Act requires that carbon monoxide and nitrogen oxides be eliminated. However, to eliminate carbon monoxide, heat is added to produce carbon dioxide which produces an increase of nitrogen oxides. At this point the problem becomes circuitous. And if the industry comes close to meeting the Federal standards the contribution to air pollution by automobiles becomes nil.

The effect of higher priced cars results in decreased demand for them. This means less employment and productivity for the country. Experts have estimated that the construction of automobiles in 1980 would be approximately 11 million automobiles rather than 15 million. Therefore, extra cars and extra expected employment would not be generated by the automobile industry.

After consideration of most points bearing on automobile emissions, the crucial questions become the danger or lack of it, to public health and the economical wisdom of imposing the 1975–76 automobile emissions control provisions of the Clean Air Act. In those terms, I am convinced that the Federal automotive emissions standards are more restrictive than necessary.

California has recommended standards which are more realistic than the Federal standards, which are tough enough to meet the requirements of a State with the worst automotive emission problem in the country. The California standard provides for a 9-percent reduction in hydrocarbons, an 81-percent reduction in carbon monoxide, and a 75-percent reduction in oxides of nitrogen.

Most citizens are convinced that simply by driving their car they contribute to an inordinate amount of pollution to the air. The fact is that each vehicle with present controls contributes extremely small amounts. And, if the 1976 standards are applied to other activities of the average American, he would be forced to cease burning fireplace logs and limit himself to three gallons of oil each day or be in violations of the statute pertaining to oxides of nitrogen.

The cost of the automotive emission standards in the Clean Air Act are much greater than the benefits. A 1972 EPA report to Congress estimated that in 1977, when all controls on motor vehicles are in effect, the annual cost of those controls will be more than $8 billion. The projected national annual benefit to material and vegetation will be less than $1 billion. Health benefits cannot be measured at the present time, because any problems which have occurred have taken place in small areas of extremely high concentrations of pollutants.

Other solutions have been posed to meet the high cost of abatement devices. One discusses forcing the American public to drive smaller cars. This solution is a complete fiction. A small engine pollutes as much or usually more than a big one because it is turning at maximum speed, forcing more pollutants into the air. Of course, the small car does conserve fuel and may have other attributes in regard to this conservation.

One viable alternative seems to be to designate high concentration areas of automobile emissions and require people driving in these areas to pay for additional pollution control devices. To penalize the entire population of the country to clean up a relatively few high density pollution areas seems unfair. It is discriminatory to ask an Ohio or midwestern farmer to pay to clean the air of New York City. In this regard, the farmer may have to be inconvenienced by parking his rural car on the perimeter of a high density urban area, but at least he would not have to bear the brunt of legislative overkill in the Federal air quality legislation.

After consideration of the progress the automobile industry has made toward meeting the standards, automotive experts made the decision that no other power source but the internal combustion engine could meet the requirements for driveability, durability, fuel consumption and cost on the schedule set by Congress. Add-on emission control devices leave a lot to be desired. Substantial steps have also been made to continue to improve the internal combustion engine. The industry has made a great deal of progress at a reasonable cost to the consumer. To require the additional cost of meeting the provisions of the Clean Air Acts 1975 and 76 requirements is unfair to auto manufacturers and to the public who must ultimately pay the bill.

The improvement made by the automotive industry seems adequately summed up by Dr. A. J. Haagen-Smit, head of California Air Resources Board, and the man who first discovered the automobile's role in photochemical smog. Dr. Haagen-Smit recently observed:

> The problem is so far over the hump that I am beginning to lose interest.

Because of remarks like Dr. Haagen-Smit's and the lack of cost effectiveness in meeting the 1975–76 standards, I feel that the effective dates of the Clean Air Act should be extended to allow a more economically viable approach to automobile emission abatement.

We have come a long way in removing most of the harmful emissions from the atmosphere. And, we in Congress feel that the act is a great stimulus to cleaner cars and cleaner air. However, we must not penalize the automotive industry for their advancement or discourage consumers from cooperating in cleaning up automotive emissions. Rather, we should allow more time to make removal of the small percentages of harmful emissions in the air cost effective. Such extensions would allow automotive engineers and manufacturers to eventually remove these pollutants but without devastating cost to the industry and the public.

If the Congress will not extend the time necessary to properly develop the existing Federal standards we should revise them to the level of the 1975 California standards. Not only are these California standards tough enough to protect the State with the most severe automobile air quality problem in the Nation, but they could save the car buyer several hundreds of dollars in original purchase cost and in operating costs. The new car buyer would not have to pay for catalytic systems, and he would not have to buy expensive replacement catalysts. He would not have to pay extra for lead-free fuel, or suffer severe mileage loss. And such a motorist would still have pollution abatement controls necessary to protect the Nation's environment.

The Clean Air Act was passed at a time when the Congress as well as their constituents feared that the country was already at a point of asphyxiation and the automobile was indeed the major source. At the time of the act, I, along with a majority of my colleagues, supported that viewpoint. However, additional facts and evidence uncovered since the passage of the act in September of 1970, have convinced me that the automobile emission standards should be revised or time extended to allow companies to meet them. There has been a marked improvement in the air quality of communities of all sizes. In my own State of Ohio, Montgomery County had about 750 tons of carbon monoxide in the air in 1967. This area includes Metropolitan Dayton, and is now down to 550 tons, and with the present controls it should drop to about 200 tons in 1980. This is well within safe limits.

Further, motor vehicles account for only 10 percent of the total problem of potentially harmful emission produced by man. Each passenger car with present controls—that is, 1973 equipment—contribute extremely small amounts of pollutants. Considering all these facts, California, the State most susceptible to air pollution problems, believes the Federal standards are more restrictive than necessary. I agree, and hope that the restrictions will be revised or more time allowed to meet the 1975–76 structure of the Clean Air Act.

SOVIET MOON VEHICLE

Mr. MOSS. Mr. President, the Soviet Union fired the imagination of millions of earth citizens with its accomplishments in space in the 1950's, and it has continued a very extensive program which contributes to an understanding of the universe.

Concurrent with our own program of manned space missions, the Soviet Union has had two successful moon landings. A release from Moscow quoted in the New York Times on February 13 gives us a short report of the activities of its robot moon vehicle Lunokhod 2 which I ask unanimous consent to have printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOVIET MOON VEHICLE HEADS TOWARD A MOUNTAIN RANGE

MOSCOW, February 12.—The Soviet Union's robot moon vehicle, Lunokhod 2, has been heading toward a nearby lunar mountain range during its latest communications sessions with ground control, Tass, the Soviet press agency, reported today.

The eight-wheeled vehicle covered more than one and a quarter miles yesterday and Saturday as it headed toward the Taurus mountain range, Tass said. Along its route, the vehicle tested the lunar soil and took television pictures.

Lunokhod 2 was landed on the moon's Sea of Serenity four weeks ago, about 120 miles north of the Taurus Littrow highlands area explored by the Apollo 17 astronauts last December.

LITHUANIAN INDEPENDENCE

Mr. CURTIS. Mr. President, today marks the 55th anniversary of the independence of the Republic of Lithuania. A small nation which lies in North Central Europe, extending from the Baltic to the Black Sea, which declared itself independent from its over 100 years of Russian domination on February 16, 1918. Lithuania adopted its permanent Constitution on August 1, 1922, a Constitution which accorded freedom of speech, freedom of assembly and freedom of communication; which vested the power of legislation with a parliament and the executive in the President and Cabinet of Ministers.

In 1976, our Nation will commemorate the 200th anniversary of its birth as a nation; a nation comprised of once fiercely independent and autonomous States which, by their own free choice, banded together to form a nation; a nation which has become the symbol and defender of freedom throughout the world; whose Constitution also guarantees freedom of speech, freedom of assembly and freedom of the press, and which vests the power of legislation with the Congress, the executive authority with the President, and the judicial authority with the Supreme Court.

The independence of Lithuania was short lived, for it again fell under Russian domination when the Red Army occupied Lithuania during World War II. One might conjecture that when the Red Army "liberated" Lithuania from German hands during the early stages of World War II, the long Russian dominance of this area had developed an "appetite for those latitudes" which the Russian Bear satiated by declaring Lithuania a "constituent republic" on August 3, 1940.

Lithuanians whose Constitution, like ours, had granted them the freedom of choice had no choice in their "constituent republic" status. Those who protested were "relocated" in Siberia—80,000 Lithuanians fled their own homeland seeking sanctuary—60,000 were found in East Germany and were deported to Siberia. During the period 1945 to 1946, 145,000 Lithuanians were deported to Siberia and in March 1949 in answer to a passive resistance to collectivization of their farmlands, 60,000 more Lithuanians were deported.

It is difficult to ascertain the specific fate of Lithuania during the time of Soviet domination, for the first Western observer was allowed into Lithuania in 1959—more than 19 years after the Russians had declared the country a "constituent republic." One could assume that because of the strategic location of Lithuania, which makes it a nearly perfect missile site, the country was kept off limits to Western observers; but is it not also possible that the Russian Bear has been hiding beneath its dark shadow something more terrible than weapons of war, an enslaved people—a captive nation?

On July 27, 1922, the United States of America recognized the independent Republic of Lithuania and has never recognized that nation's domination and engulfment by the Soviet Union.

Mr. President, I speak today not only to commemorate the 55th anniversary of a once independent nation and to pay tribute to those peoples who have declared that "we have not accepted and will never accept Soviet slavery," but to enjoin the Congress to remember carefully the lesson which we should have learned at Yalta when the time presents itself for us to ratify any treaties, resolutions, or agreements which may come before us that emanate from the European Security Conference in which we are engaged with the Soviet Union. Let us also recall that whereas security and slavery begin with the same letter of our alphabet they are not synonymous, and if one must enslave and feed off the carrion of dead nations and peoples to achieve security then the sense of direction has been lost and well may a world be lost.

We have all heard of the "Peter principle." I now want to introduce Senators to the "pebble principle." A pebble thrown into the water makes a small circle where it enters, but the shock waves which it creates make circles to infinity. So, too, the Soviet monolith thrown into the waters of today's time may produce a tidal wave that will engulf this Nation and remove for all time the last bastion of freedom.

Security and slavery, Yalta and Helsinki—will they be synonymous?

SENSE OF THE CONGRESS RESOLUTION THAT THE PRESIDENT CONTINUE OEO AND ITS ACTIVITIES OR OBTAIN APPROVAL FOR CHANGES UNDER LAW ENACTED BY THE CONGRESS

Mr. JAVITS. Mr. President, this Thursday, February 22, 1973, with the Senator from Wisconsin (Mr. Nelson), the chairman of the Subcommittee on Employment, Manpower and Poverty, I plan to submit a "Sense of the Congress" resolution that the President continue OEO and its programs, in the absence of changes made pursuant to law enacted by the Congress.

A similar resolution is to be introduced this week in the House of Representatives by Representative William Steiger, of Wisconsin, the ranking minority member of the Subcommittee on Equal Opportunity and Representative Augustus F. Hawkins, of California, chairman of the subcommittee, which is a part of the House Committee on Education and Labor.

THE RESOLUTION

The resolution calls upon the President to carry out the provisions of the Economic Opportunity Act of 1964, which provides general authority for the continuation of the Office of Economic Opportunity and its activities, including community action agencies and programs through fiscal year 1974.

The resolution, in material part, provides as follows:

> Whereas the policy of the United States established by law enacted by the Congress should be changed only by law enacted by Congress; now, therefore, be it resolved by the Senate (the House of Representatives concurring), that it is the sense of the Congress that the President should—
>
> (1) continue in operation the Office of Economic Opportunity administering and supervising the important programs and activities entrusted to the Office under the provisions of the Economic Opportunity Act of 1964 utilizing fully funds appropriated by the Congress for such purposes; and
>
> (2) submit a revised budget request for the fiscal year ending June 30, 1974, requesting appropriations for the Office of Economic Opportunity and its administration of programs and activities entrusted to it under and in accordance with the provisions of the Economic Opportunity Act of 1964.

Our purpose in seeking support for this resolution is to indicate to the President that the Congress would hold him to the law with respect to the antipoverty program, in the absence of further action by the Congress.

THE LAW

The Economic Opportunity Amendments of 1972, Public Law 92–424, signed by President Nixon on September 19, 1972, provided for a 2-year extension, through fiscal year 1974, of the authorization of appropriations for the Office of Economic Opportunity and programs conducted by the Office under the Economic Opportunity Act of 1964, first proposed and signed by the late President Lyndon B. Johnson.

The act of 1964 provides specifically for the establishment of the Office of Economic Opportunity in the Executive Office of the President to be headed by a Director appointed by the President by and with the advice and consent of the Senate and for the establishment of community action agencies and programs.

Moreover, the 1972 amendments continued through fiscal 1975 each of the duration of program authorities contained in the Economic Opportunity Act.

The duration of program authority for title II—under which community action agencies and basic programs are funded—contained in section 245, as amended, reads:

> The Director *shall* carry out the programs provided for in this title during the fiscal year ending June 30, 1967 and the eight succeeding fiscal years. For each such fiscal year only such sums may be appropriated as the Congress may authorize by law. (emphasis added.)

Similar language is now contained in each of the other titles of the act which authorize programs administered by the Office of Economic Opportunity, including that under which that office itself is established.

For programs under title II and certain other titles, the Economic Opportunity Amendments of 1972 authorized $840 million for fiscal year 1973 and $870 million for fiscal year 1974. Of these amounts the amendments expressly reserved for each fiscal year $328.9 million for community action—local-initiative—activities and $71.5 million for the legal service program conducted by OEO.

Section 3(c)(3) of the 1972 amendments then provides:

> The Director shall allocate *and make available* the remainder of the amounts appropriated for carrying out the . . . Act (emphasis added.)

On October 31, 1972, the President signed into law, Public Law 92–607, the supplemental appropriations bill, appropriating pursuant to the 1972 amendments a total of $790.2 million for fiscal year 1973, the current fiscal year, for the programs administered by the Office of Economic Opportunity under title II and the other appropriate titles of the act.

THE ADMINISTRATION'S PROPOSALS AND ACTIONS

The administration's budget submission for fiscal year 1974 contains no requests for funding of the Office of Economic Opportunity or for its conduct of programs which it currently administers under the act. The budget submission states that beginning July 1, 1973, the existence of OEO as a separate Federal agency is no longer necessary and indicates generally that programs now conducted by OEO are to be delegated or transferred to or "assumed" or funded by other agencies.

Almost simultaneously with the budget submission, board chairman and executive directors of community action agencies and other grantees received a directive from the Office of Economic Opportunity announcing phase-out grants. One such notice, dated January 29, 1973, states:

> Grantees whose current funding expires after June 30, 1973, will not receive additional phase-out grants, and should *start promptly* to adjust their affairs so as to close down all activities supported with Section 221 funds (local initiative) prior to the expenditure of currently available funds (emphasis added.)

This directive has been coupled with or followed by many programs being placed on a month-to-month funding basis, the discharge on February 12 of the acting director of the legal services program, Mr. Tetzlaff, and personnel shakeups throughout the Office of Economic Opportunity.

In short, rather than carrying out the programs during this fiscal year as directed under the statute, the Acting Director, Mr. Howard Phillips, is proceeding to liquidate them during this fiscal year in order to implement a plan for next fiscal year yet to be approved by the Congress and contrary to law previously enacted.

ALTERNATIVES UNDER THE LAW

Mr. President, on February 6, 1973, in a speech before this body, while indicating my general opposition to the administration's plan, I stated:

> I will be open-minded to any changes that may be made, we must seek better ways to progress and needs to phase in the new while we do not retreat from the responsibilities assumed by the Congress and the Executive 4½ months ago in enacting the two-year extension, and what the poor themselves have given life under the Economic Opportunity Act of 1964 and the recent amendments.
>
> The Administration's proposal at this point it only that—a proposal; it is not enacted into law and is subject to action by the Congress.
>
> It is my fervent hope—and one to which I shall give all my efforts as ranking minority member of the committee—that we will in time avoid a confrontation on this issue.

However, as I have indicated, even as I spoke those words and now apparently continuing at accelerated speed, the Acting Director of the Office of Economic Opportunity has been proceeding step by step—more like a trustee in bankruptcy—to dismantle the agency and its programs.

Mr. President, I submit that the policy of the United States established by law enacted by the Congress should be changed only by law enacted by the Congress.

If the administration has changed its policy concerning the continuation of the OEO and its programs since he signed the Economic Opportunity Act Amendments of 1972 and the appropriations bill for fiscal year 1973, then let the administration proceed under law and those of us in the Congress will give it every consideration.

Of course, he may choose to pursue again his programs for special revenue sharing and perhaps the Congress will be more receptive in this session.

Moreover, the Economic Opportunity Act of 1964, as amended, and the Executive Reorganization Act specifically permit the President of the United States to transfer or eliminate the Office of Economic Opportunity by following the procedures of the Executive Reorganization Act, under which a reorganization plan must be submitted to the Congress; however, the President has yet to come forward with a specific plan to be submitted to the Congress or even indicate that he intends to proceed in that manner.

Furthermore, the Economic Opportunity Act, as amended, specifically permits the Director of the OEO, with the exception of certain programs, to delegate all or a part of his functions to another agency; although these authorities have been relied upon in the past, for example in the case of the delegation of manpower training programs to the Department of Labor and the Head-Start program to the Department of Health, Education, and Welfare, no delegation documents have been executed.

Mr. President, what has been established as the policy of the United States by law enacted by the Congress, and extended twice with the approval of this administration since 1964, cannot be undone by executive action alone.

It is my hope that a substantial number of Members of the Congress will join with us in a further expression of our determination to have the law carried out and that hearings will be held upon this resolution soon after its introduction so that the actions of the administration can be judged in accordance with the provisions of the law.

I ask unanimous consent that there be printed at this point in the RECORD the full text of the resolution, together with the cosponsorship letter distributed to Members on Friday, an excerpt from page 122 of the administration's budget submission setting forth the administration's proposals, and the directive to community action agencies dated January 29, 1973, to which I referred earlier along with an article contained in the New York Times for February 17, 1973, entitled "Plan To Dismantle OEO Devised To Foil Congress."

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SENATE CONCURRENT RESOLUTION ——

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President, in accordance with the policy of the United States established by law, should continue the Office of Economic Opportunity administering and supervising the important activities entrusted to that Office under the provisions of the Economic Opportunity Act of 1964 and submit a revised budget request for such activities for fiscal year 1974.

Whereas the Economic Opportunity Act of 1964 declared that the policy of the United States is "to eliminate the paradox of poverty in the midst of plenty in this Nation by opening to everyone the opportunity for education and training, the opportunity to work and the opportunity to live in decency and dignity."

Whereas, in furtherance of that policy, the Economic Opportunity Act of 1964, established in the Executive Office of the President an Office of Economic Opportunity and provided specifically for the establishment of community action agencies, organizations and programs to be administered by said Office under the provisions of the Act "in order to stimulate a better focusing of all available local, State, private, and Federal resources upon the goal of enabling low-income families and individuals to secure the opportunities needed for them to become fully self-sufficient".

Whereas the Office of Economic Opportunity has served as a valuable advocate for the poor in the Federal Government, community action agencies and organizations established under that Act have been effective in mobilizing resources on behalf of the poor, and community action programs have been vital in achieving the purposes of the Economic Opportunity Act of 1964.

Whereas, on September 19, 1972, the President signed into law the Economic Opportunity Amendments of 1972 providing for an extension, through fiscal year 1974, of the Office of Economic Opportunity, community action agencies and other programs established under that Act.

Whereas the President's budget submission for fiscal year 1974 contains no requests under the Economic Opportunity Act of 1964 for federal funds for the continuation of the Office of Economic Opportunity or for its administration of the important programs and activities entrusted to it under the provision of that Act, and indicates that the functions of the Office of Economic Opportunity are to be delegated or transferred to or assumed by other agencies of the Federal Government.

Whereas 25.6 million of the Nation's citizens—more than 12 percent of the population—continue to live in poverty and many additional millions of Americans are at the edge of poverty, with resulting individual and societal hardship and costs.

Whereas the policy of the United States established by law enacted by the Congress should be changed only by law enacted by the Congress; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring) That it is the sense of the Congress that the President should—

(1) continue in operation the Office of Economic Opportunity administering and supervising the important programs and activities entrusted to that Office under the provisions of the Economic Opportunity Act of 1964 utilizing fully funds appropriated by the Congress for such purposes; and

(2) submit a revised budget request for the fiscal year ending June 30, 1974, re-

questing appropriations for the Office of Economic Opportunity and its administration of programs and activities entrusted to it under and in accordance with the provisions of the Economic Opportunity Act of 1964.

[From the New York Times, Feb. 17, 1973]

Plan To Dismantle OEO Devised To Foil Congress

Washington, Feb. 16.—The Administration has devised a detailed plan that calls for dismantling the Office of Economic Opportunity before Congress can come to its rescue, according to a paper prepared by the antipoverty agency's technical staff.

The paper, listing the arguments the Administration should use to support its case, the people in Congress it should work with and the obstacles it can expect to face, urges "completing the disagreeable business as soon as possible."

"The more delay, the more opportunity for Congressional opposition to gather and develop a legislative counter-strategy," says the paper.

Entitled "Congressional Strategy on O.E.O.," the paper advises against a clash over constitutional powers with Congress, which last year extended the agency and its many programs through the fiscal year 1974.

President Nixon's budget for the 1974 fiscal year calls for ending Federal support for Community Action—the main OEO-sponsored antipoverty program—and scattering its remaining programs among other agencies.

"A constitutional confrontation may be where the Administration is most vulnerable," the staff paper says. "The opposition can claim that there is clear law and intent that there be an O.E.O. and a Community Action Program."

Instead, the paper advises, the Administration should try to get support for cutting off poverty agency funds in the House and Senate Appropriations Committee, "whose interests most closely align with the President's, and, which have few members with strong feelings for the O.E.O."

At the same time, the paper says, the Administration should try to delay Congressional action on the over-all budget for the departments of Labor and Health, Education and Welfare, forcing them to be financed by special resolutions in which the poverty agency could be isolated.

The paper lists the Senators and Representatives who can be considered friendly to the Administration plan and suggests that Senators Bill Brock, Republican of Tennessee, or Roman L. Hruska, Republican of Nebraska, lead the effort in the Senate. Two other members of the Senate Appropriations Committee, Edward W. Brooke, Republican of Massachusetts, and Clifford P. Case, Republican of New Jersey are described as "classic Senate liberals."

OPPOSITION IS CITED

The paper warns that opposition—"highly vocal, threatening and derogatory"—can be expected from Senators Alan Cranston, Democrat of California; Jacob K. Javits, Republican of New York; Gaylord Nelson, Democrat of Wisconsin; Walter F. Mondale, Democrat of Minnesota, and Robert Taft Jr., Republican of Ohio.

"However," it adds, "the depth of expressed concerns can be questioned because primary interest lie elsewhere now."

The Administration can also expect protest demonstrations by Community Action workers and their supporters, the paper says, and should begin now to develop adverse reactions to them.

To deal with the expected criticism from such groups and Congress, the paper says, the Administration should portray Community Action that has failed to help the poor in the eight years of its existence.

"The argument would stress, instead, a picture of agitation, destructive unrest, diversion of Federal funds to support partisan political activity, administrative waste, criminal misuse of funds and a program structure which exacerbated rather than resolved racial problems," the paper says.

The authors of the paper apparently recognize that there might not be justification for such an argument, for they add: "Just as the Administration understands or should understand the hyperbole of its criticisms, it should not underestimate the strength of support acquired with local leaders."

There is one possible soft spot in the Administration's case. It is the fact that in 1969 when President Nixon disclosed his intention to transfer most O.E.O. programs to other agencies, he praised the original purpose of the agency in studying and combating the problems of the poor, and promised to preserve it.

No suggestion is offered for dealing with that problem.

Office of Economic Opportunity

In 1974 responsibility for certain programs now funded through the Office of Economic Opportunity will be assumed by other agencies, as follows: the migrant program will be delegated to the Department of Labor; Indian programs will be assumed by HEW; Community Economic Development program grantees will be funded by the Office of Minority Business Enterprise at Commerce; health projects will be transferred to HEW; research and development functions will be transferred to the agencies which have statutory responsibility in the fields of current OEO activity. In addition, legislation will be submitted to establish a Legal Services Corporation.

No funds are requested for the Office of Economic Opportunity for 1974. Effective July 1, 1973, new funding for Community Action agencies will be at the discretion of local communities. After more than 7 years of existence, Community Action has had an adequate opportunity to demonstrate its value. In addition to private funds, State and local governments may, of course, use general and special revenue sharing funds for these purposes. With Community Action concepts now incorporated into ongoing programs and local agencies, the continued existence of OEO as a separate Federal agency is no longer necessary.

U.S. Senate,
Committee on Labor and
Public Welfare,
Washington, D.C., February 16, 1973.

Dear Colleague: On Thursday, February 22, we propose to introduce a concurrent resolution that it is the sense of the Congress that the President should continue in operation the Office of Economic Opportunity and programs conducted by the agency under the Economic Opportunity Act of 1964 and submit a revised budget request for such activities for fiscal year 1974. A similar resolution is expected to be introduced in the House of Representatives.

The Economic Opportunity Amendments of 1972, P.L. 92-424, signed by the President on September 19, 1972, provides for a two-year extension, through fiscal year 1974, of the Office of Economic Opportunity and programs conducted by that Office under the Economic Opportunity Act of 1964, first proposed and signed by the late President Lyndon B. Johnson. The two year extension originally passed the Senate on June 29, 1972, by a vote of 75-13.

However, the Administration's budget submission for fiscal year 1974 contains no requests for funding of the Office of Economic Opportunity or for its conduct of programs which it currently administers under the Act. The budget submission states that beginning July 1, 1973, the "existence of OEO as a separate Federal agency is no longer necessary" and indicates generally that programs now conducted by OEO are to be delegated or transferred to or "assumed" or funded by other agencies.

Although these proposals relating to fiscal year 1974 have not been approved by the Congress, and funds for the continuation of programs during fiscal year 1973 have been appropriated under P.L. 92-607, signed by the President on October 31, 1972, we are advised that the Administration is now ordering "phase-out" actions in anticipation of implementation of the Administration's budget submission.

We submit that the policy of the United States established by law enacted by the Congress should be changed only by law enacted by the Congress.

We believe also that the Office of Economic Opportunity has served and may continue to serve a vital function within the Federal establishment in mobilizing resources on behalf of the poor.

Enclosed is a copy of the resolution. It is our hope that hearings can be held on the resolution in the near future by the Subcommittee on Employment, Manpower and Poverty.

We hope that you will join with us in cosponsoring this resolution.

If you wish to do so, or have any questions, please contact John K. Scales (57686) for Senator Javits or William Spring (53968) for Senator Nelson before the close of business, Wednesday, February 21, 1973.

Sincerely,

Jacob K. Javits.
Gaylord Nelson.

Reply to Attn. of Office of Economic Opportunity

Executive Office of the President,
Washington, D.C., January 29, 1973.

Subject: Termination of Section 221 Funding

To: Board Chairmen and Executive Directors, Community Action Agencies and Other Grantees Funded Under Section 221 of the Economic Opportunity Act

This memorandum is issued in order to give formal notice of funding changes under Section 221 of the Economic Opportunity Act. Supplemental guidance will be provided shortly regarding programs funded by Regional Offices and OEO Headquarters under other Sections of the Act.

A summary of the provisions made for OEO programs in the President's budget for Fiscal Year 1974 is attached for your information.

Section 221 funds are available to OEO, as described below, for awarding Community Action Section 221 grants during the remainder of Fiscal Year 1973 (ending June 30, 1973). Grantees which are scheduled for refunding between now and June 30, 1973, and otherwise qualified for funding, may receive phase-out grants of up to six months.

The Fiscal Year 1974 budget does not provide funds for any Section 221 grants during the Fiscal Year beginning July 1, 1973. Grantees whose current funding expires after June 30, 1973, will not receive additional phase-out grants, and should start promptly to adjust their affairs so as to close down all activities supported with Section 221 funds prior to expenditure of currently available funds.

Under either funding situation, difficult problems will be faced by grantees. We desire to be as cooperative as possible with grantees in planning and carrying out phase-down activities.

Your attention should be directed to the interests of program personnel and program beneficiaries, to provide such advance notice as is reasonably possible. Timing and foresight are the keys. Planning should begin at once to provide a smooth phase-out.

The remaining period of any current grant and any phase-out grant must be conducted with full compliance with OEO Instructions and in a manner consistent with sound fiscal and property management. OEO will not tolerate any departure from responsible management nor will it permit grantee conduct which might jeopardize an efficient close-down of activities.

Close-down procedures include the requirement of a final audit. Arrangements should be made now to provide for this in accordance with OEO audit requirements. (See OEO Instruction 6801-1 and Changes 1 and 2). Funds should be reserved sufficient to pay the costs of such final audit.

Income taxes and social security withholdings must be paid. Officers and directors have special responsibilities to assure full payment of taxes and payroll deductions. It is vital also that grantees assure that their unemployment insurance coverage is current.

Personnel should generally be progressively reduced in force. Appropriate reserves should be made for payment of all accrued leave if payable in cash and for appropriate terminal pay provided by approved personnel policies. No increases in pay, leave or terminal pay rights or other fringe benefits shall be made without written approval of persons authorized by the Director of OEO.

Provision should be made for transfer, wherever appropriate and permissible, of authorized group insurance or other authorized fringe benefits to individual policies or in other ways for the protection of the employees' interests in the best possible manner. Reasonable assistance in finding other employment should be provided to employees who are to be terminated.

Property must be inventoried and disposed of in accordance with OEO property regulations. (See OEO Instruction 7001–01). The grantee should prepare and submit to OEO for approval a plan for the disposition of all property.

Where authorized loans are outstanding, reasonable efforts should be made to liquidate them. Unliquidated loans should be reported to OEO with recommendations concerning appropriate action. The grantee's interest as creditor shall be transferred, when OEO so instructs, to an officer or agency designated by OEO as trustee to collect (or, when appropriate, to waive collection) such remaining outstanding loans and to pay over net balances collected to OEO.

Residual grant funds, including non-Federal share, and funds resulting from program income may be applied to the phase-out activity. This does not include interest earned by CAA's on deposits of grant funds prior to their employment in the program. Such interest must be returned to OEO by check made payable to the Treasurer of the United States. (See OEO Instruction 6806–03).

Profits, if any, resulting from authorized conduct of profitmaking activities and any capital investments must be accounted for and may also be applied to the phase-out activity. Economic development projects funded under Section 221 will be reported through the Regional offices to the Assistant Director for Operations for advice as to appropriate disposition.

Balances remaining, upon conclusion of the funding periods as described above, should be returned to the Controller of OEO by check made payable to OEO accompanied by an explanatory itemized statement.

Arrangement should be made for preservation of grantee records as required by OEO grant conditions and instructions. Further guidance will be provided in the near future on this.

Where the grantee does not remain in existence to carry out other activities, local law should be consulted as to the necessity or advisability of formal dissolution proceedings.

You will be informed of OEO personnel who will be assigned to carry out applicable OEO close-out procedures and to assist and guide you in complying with close-out requirements. Assistance on legal questions may be obtained from your own attorney. Regional Counsel and OEO Headquarters General Counsel will be available to furnish appropriate assistance. Regional and Headquarters Audit staffs and Controller's Offices will be available to assist on fiscal matters. Regional Office and appropriate Headquarters personnel will be available to assist on real and personal property questions, on personnel questions and other phases of the close-out activities.

The actions described in this letter are being taken as a result of general policy decisions and are not based on circumstances related to particular grants or noncompliance with OEO directives. Procedures provided for refusal to refund on such ground (45 C.F.R. 1067.2) are not applicable. These actions do not terminate or curtail assistance prior to the time that such assistance is concluded by the terms and conditions of the grant. Procedures provided for suspension and termination (45 C.F.R. 1067.1) are also not applicable.

In the event of failure by a grantee to comply with grant requirements, however, or failure to use Federal funds effectively and properly, OEO may take appropriate action in the case of the individual grantee in accordance with any applicable procedures for refusal to refund, suspension or termination, as the case may be.

Cessation of Section 221 funding rescinds your designation as a community action agency under the authority of Title II of the Economic Opportunity Act of 1964, as amended. Accordingly, you should promptly commence discussions with other Federal agencies from which you receive funding (other than Section 221 funding) under the Economic Opportunity Act in order to clarify your status as grantee.

Section 42 U.S.C. 2703 provides criminal sanctions for certain misconduct. The section reads:

"(a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any agency receiving financial assistance under the Economic Opportunity Act of 1964 embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to the Economic Opportunity Act of 1964, shall be fined not more than $10,000 or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under the Economic Opportunity Act of 1964 induces any person to give up any money or thing of any value to any person (including such grantee agency), shall be fined not more than $1,000 or imprisoned not more than one year, or both.' "

OEO Regional Office staff and appropriate Headquarters personnel will be available for discussions with grantees to assist in achieving orderly close-out. OEO is currently preparing a check-list which can help grantees assure that all essential matters are addressed. This will be supplied to you in the near future along with a requirement that individual close-out plans be submitted for OEO review.

Office of Economic Opportunity Programs

In view of the overall budgetary situation facing the President in fiscal 1974, a careful review of all Federal efforts has been undertaken. It is the desire of the Administration to return decision-making and the resources requisite to effective programing to elected officials at the local level. Enactment of an historic General Revenue Sharing bill has already resulted in $2.6 billion being distributed to State and local governments and $10.2 will be distributed in the remainder of FY 1973 and FY 1974. In addition, the Administration is developing for resubmission to Congress a number of broad Special Revenue Sharing proposals designed to replace cumbersome existing categorical programs. Pursuant to the President's desire to make government more accountable to elected officials and in accordance with the President's "New Federalism" proposals returning both responsibility and resources to States and localities, no funds will be provided to continue the Office of Economic Opportunity after June 30, 1973. Funding under Section 221 of the Economic Opportunity Act for the core Community Action activities will become a local option beginning in fiscal 1974, as will support for the Senior Opportunities and Services program and the State Economic Opportunity Offices, Senior Opportunities and Services program objectives will continue to be pursued Federally through the Administration on the Aging. Training and technical assistance previously afforded these programs will be discontinued. Other programs will be continued in fiscal 1974 under other auspices, as will certain research and demonstration efforts. New legislation to establish a Legal Services corporation independent of OEO will be transmitted to the Congress. Personnel slots associated with OEO programs which will be eligible for continuation by other agencies in fiscal 1974 will be shifted to those agencies along with appropriate support personnel currently located in other OEO offices. The following table lists the actual and current year funding for OEO programs and their disposition within the fiscal year 1974 Federal budget.

OFFICE OF ECONOMIC OPPORTUNITY

[Obligations in millions of dollars]

Program	1972	1973	1974	1974 responsibility
Research, demonstration, and evaluation.	45.0	66.7	78.0	Various agencies.
Community action operations	351.0	285.3	--------	Local option.
Health and nutrition	157.2	[1] 165.2	146.9	Department of Health, Education, and Welfare.
Community economic development.	26.8	30.7	39.3	Office of Minority Business Enterprise.
Migrant and seasonal farmworkers.	36.5	36.3	40.0	Department of Labor.
Legal services	67.7	73.8	71.5	Independent corporation.
General support	18.2	18.5	--------	
Special pilot Indian programs			32.1	Department of Health, Education, and Welfare.
Liquidation activities			33.0	General Services Administration.
	702.4	676.5	--------	
Transfers to other agencies	38.3	.2	--------	
Total	740.7	676.7	440.8	

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[1] Includes $20,000,000 1972 supplemental available for 1973 obligation.

Following is a program-by-program discussion of the fiscal year 1974 program requests for former OEO programs, along with program plans for the remainder of fiscal year 1973. In some cases, fiscal year 1973 programing will be adjusted effective immediately in anticipation of the fiscal year 1974 program decisions. The concluding section of this presentation addresses overall employment ceilings for OEO for fiscal year 1973 and lists employment allocations of other Federal agencies in fiscal year 1974 for activities formerly associated with OEO.

COMMUNITY ACTION—LOCAL INITIATIVE PROGRAMS (SECTION 221)

Effective immediately, all new OEO funding for Section 221 activities (except for Indian programs) will be for a period not to exceed December 31, 1973, with no grant to receive funding for a period greater than 6 months. Grants made after today will include closeout notifications; grantees previously funded on an interim basis for six months may receive up to an additional six months funding prior to their termination. Grantees already funded for a full program year will be notified in writing that their current grant is a terminal award from OEO. No new awards for program purposes will be made under this authority after June 30, 1973. Effective July 1, 1973 Federal support under this section of the Economic Opportunity Act will cease. (Funding for Indian programs of the Office of Economic Opportunity is discussed in a separate section below.)

TRAINING AND TECHNICAL ASSISTANCE

Training and technical assistance provided under Section 230 of the Economic Opportunity Act will be discontinued before the end of this fiscal year. Obligations for this support activity will total $6 million in fiscal year 1973.

SENIOR OPPORTUNITIES AND SERVICES

The Senior Opportunities and Services projects now funded by OEO will receive $8 million in fiscal year 1973 with full twelve-month grants being awarded during the remainder of the year. No new awards will be made by OEO for SOS programs after July 1, 1973. It is anticipated that by that date funds will be available to continue elderly nutrition efforts from the $99.6 million appropriation requested for that purpose by HEW. Other service projects for the elderly will be funded directly by the Administration on the Aging (AOA) beginning in fiscal year 1974. Although the $8 million SOS program will not be refunded, the AOA budget will expand from $44.7 million in 1972 to $195.6 million in 1974 and is expected to carry forward the purposes previously pursued through the SOS program.

STATE ECONOMIC OPPORTUNITY OFFICES

Consistent with the decision to make continued funding for Local Initiative programs a local option, funding for State Economic Opportunity Offices will not be provided by the Federal Government after June 30, 1973. No new awards will be made in fiscal year 1974. Existing offices may be continued at the option of State governments from State revenue sharing allocations. It is expected that $12 million will be obligated for this program during fiscal year 1973. Notification of termination of OEO funding effective with awards made during fiscal year 1973 will be forwarded to all grantees.

NATIONAL SUMMER YOUTH SPORTS PROGRAM

OEO will continue support for this program in the summer of 1973 under a delegation agreement with the Department of Health, Education, and Welfare. No funds are requested for this activity in fiscal year 1974.

SPECIAL INDIAN PROGRAMS

OEO programs serving Indian people will be continued by the Department of Health, Education, and Welfare in fiscal year 1974, and converted to a pilot effort funded directly to Indian tribal councils. A total of $32.1 million is requested for appropriation to that agency in fiscal year 1974, an increase of $9.7 million over the level to be obligated by OEO in fiscal 1973. The increase will fund a major expansion of efforts to assist in Indian self-determination, efforts designed to enable Indian people to gain control and direction of the institutions and programs which affect their daily lives through their own duly constituted instruments of self-government. In addition to this program expansion, funding will also be available to continue nutrition assistance previously afforded via the EFMS program, to support an expanded Indian urban center effort, and to continue and expand vital programs previously operated under the auspices of Indian Community Action Agencies.

MIGRANT AND SEASONAL FARMWORKERS PROGRAMS

Migrants and seasonal farmworkers programs previously funded by OEO will be eligible for continuation under the direction of the Department of Labor in fiscal year 1974. A total of $40 million is requested for direct appropriation to Labor, an increase over the current year OEO level of $36.3 million. The additional funding will provide a significant expansion in the High School Equivalency (HEP) program, permitting the establishment of 13 additional projects in 1974. Other Migrants programs providing nutritional assistance, farmworker housing, day care, educational and manpower support will be eligible for continuation at their current levels.

COMMUNITY ECONOMIC DEVELOPMENT

OEO plans to invest $36.7 million in Community Economic Development and related research and demonstration activities during the balance of fiscal 1973. Beginning July 1, 1973, OEO support for Community Development Corporations will cease. New legislation will be submitted to Congress which would authorize the Office of Minority Business Enterprise in the Department of Commerce to continue funding of Community Development Corporations, as well as current OEO research and demonstration activities in the area of economic development. This consolidation of effort with OMBE will increase the effectiveness of Federal programs designed to bring minority entrepreneurs into the mainstream of economic life. Approximately $39.3 million is requested for direct appropriation to OMBE in fiscal year 1974 for support of these OEO activities, an increase of $2.6 million over current levels. Most of the increase is anticipated to be utilized to permit concentration of funding on the more successful community development models to test their ability to accelerate the rate at which impact can be created, and will enable continued research and development.

LEGAL SERVICES

Estimated obligations for Legal Services programs during fiscal year 1973 will total $73.8 million, including a one-time obligation of $2.3 million available for special legal services experiments. New legislation will be submitted to establish a Legal Services corporation, independent of OEO, to be effective as of July 1, 1973. Consequently, $71.5 million is requested in the budget for HEW for fiscal year 1974 for subsequent assignment to the Legal Services program in its new location.

ALCOHOLIC COUNSELING AND RECOVERY

During fiscal year 1973, OEO will transfer $14.4 million to the National Institute for Alcoholism and Alcohol Abuse within HEW to sustain projects serving low income persons. Funds for these projects for fiscal year 1974 are requested as part of the HEW budget for NIAAA.

EMERGENCY FOOD AND MEDICAL SERVICES

During fiscal year 1973, $24 million is being obligated for Emergency Food and Medical Services projects from funds made available in a supplemental appropriation to the Agency in June of 1972 (and available for fiscal year 1973 utilization) in combination with new funding from the fiscal year 1973 appropriation. No funds are requested for this program in fiscal year 1974, except that projects serving Indians and Migrants will be continued from funds requested for direct appropriation to the Departments of Labor and Health, Education, and Welfare.

DRUG REHABILITATION ACTIVITIES

OEO is funding projects during fiscal year 1973 in the field of drug treatment and rehabilitation at an annual level of $23 million. In fiscal year 1974, $29.3 million is included in the budget of the National Institute of Mental Health (NIMH) for continuation of drug rehabilitation activities previously funded by OEO. As of July 1, 1973, all OEO activities will have been transferred to NIMH.

COMPREHENSIVE HEALTH SERVICES AND FAMILY PLANNING

Funding for the comprehensive health projects and family planning services will be included in HEW's health services delivery budget. This assures that all federally supported health centers are funded by the same agency and that Federal funds to finance the direct delivery of health services will be used to benefit the greatest number of recipients.

COMPREHENSIVE HEALTH SERVICES

OEO will obligate $85.5 million during fiscal year 1973 to permit full refunding of existing comprehensive health projects. This level provides support to approximately 60 large and small urban and rural projects distributed throughout the United States. These projects generally provide diagnostic, curative and preventive medical and dental care, and supportive services such as laboratory, x-ray, pharmacy, social/mental health services and outreach services. In addition to the health services delivery programs, health manpower development programs and several technical assistance grants and contracts are being continued. The fiscal year 1974 request for HEW includes $102.6 million to continue OEO activities to be transferred as of June 30, 1973. In addition, funding is provided within HEW for comprehensive health services projects transferred from OEO to HEW in prior years. Essential OEO health manpower activities will be supported within the Bureau of Health Manpower Education in the National Institutes of Health.

FAMILY PLANNING

During fiscal year 1973, $15 million is obligated for family planning, primarily to allow for continued support of 220 community and research and demonstration projects. Projects formerly funded by OEO may be continued during fiscal year 1974 through direct appropriation of $15 million to HEW. In addition, funding is provided within HEW for family planning projects transferred fom OEO to HEW in prior years.

RESEARCH AND DEMONSTRATION

Fiscal year 1974 funding for OEO research and demonstration activities will total $78 million, an increase of $11.3 million over the current year level of effort. Personnel will be eligible for transfer to operating agencies along with increased support funds. There they will be able to have more direct impact on operational programs than would have been the case had the function remained with OEO. Specifically, the fiscal year 1974 request for the

National Institute of Education includes $23.9 million to continue the educational voucher demonstration and other projects designed to test ways to provide equal educational opportunities;

Office of Child Development includes $12.6 million to continue experiments and studies of alternative approaches to day care and child development;

Office of the Secretary (HEW) includes $22.7 million to continue policy studies on the causes of poverty and develop ways to overcome environmental health problems which confront disadvantaged persons. Funding is also provided for a health insurance experiment to measure the cost to the Government and consumers of alternative plans and the resultant change in the health status of families;

Department of Labor includes $5.3 million to continue OEO research in the fields of manpower training and labor force participation;

Department of Housing and Urban Development includes $13.4 million to continue efforts to test ways to provide adequate housing for disadvantaged persons.

RURAL LOANS

The Title III-A rural loan program administered through delegation by the Farmers' Home Administration was discontinued in 1971. Although new loans have not been made since that date, several thousand outstanding loans still require service and collection. In fiscal year 1974, $2.5 million is requested for direct appropriation to FHA to cover ongoing administrative costs of this program.

APPROPRIATION TO GENERAL SERVICES ADMINISTRATION

Effective July 1, 1973 the General Services Administration will have funds to assume Federal responsibility for termination of all former OEO activities not specifically continued in fiscal year 1974 in other Federal agencies. Remaining OEO personnel not terminated or transferred to other Federal agencies, but required to liquidate Federal responsibilities with respect to terminated OEO programs, will be transferred to GSA. An appropriation of $33 million to GSA for liquidation of former OEO activities will be necessary. The requested appropriation will support the Federal personnel administering the program close-out as well as additional program liquidation requirements. (See following section for discussion of employment.)

EMPLOYMENT CEILING

The OEO ceiling for end-of-year employment (June 30) for fiscal year 1973 is 1,500 positions, including those position transferred to recipient agencies with delegated programs. Major reductions from current orboard strength (approximately 2,053 people) will occur in direct and support positions for programs to be terminated before the beginning of fiscal year 1974. Of the 1,500 on-board strength as of June 30, 1973, 834 slots will be transferred to the General Services Administration. A total of 666 direct and support slots will be shifted to the various Federal Departments and Independent Agencies which will be continuing former OEO activities in fiscal year 1974; this figure is expected to remain stable during fiscal year 1974. The personnel complement transferred to GSA will be reduced to 296 by June 30, 1974, as individual grantee liquidations are completed. Thus, total Federal employment for former OEO activities will be 839 as of the end of fiscal 1974, with an additional 123 employees scheduled for assignment at that date to the Legal Services corporation. Distribution of end of year ceilings by recipient agency are listed on the following page.

	June 30, 1972	June 30, 1973	June 30, 1974
Office of Economic Opportunity	2,271		
General Services Administration		834	296
Legal Services Corporation		123	123
Department of Labor		96	96
Department of Health, Education, and Welfare		362	[1] 362
Department of Housing and Urban Development		18	18
Department of Commerce		67	67
Total	2,271	1,500	962

[1] Health, Education, and Welfare distributed:

Office of the Secretary	125
National Institute of Education	40
Office of Child Development	22
Health Services and Mental Health Administration	136
National Institute of Mental Health	39
Total	362

THE QUESTION OF "MENTAL HARM" IN GENOCIDE

Mr. PROXMIRE. Mr. President, article II of the Genocide Convention includes as an act which constitutes genocide "causing serious mental harm" to members of a national, ethnical, racial, or religious group with intent to destroy it, in whole o rin part.

One argument often raised against ratification of the Genocide Convention is the purported vagueness of the phrase "serious mental harm." Visions of hostile foreign powers conjuring up supposed examples of American foreign involvement which somehow caused "mental harm" to a national group are likely to afflict opponents of the convention. But it should be made clear again, as it has been made clear before, that such reservations on the part of convention opponents are unfounded, since such liberal construction of the convention's language constitutes an abuse of its provisions, intent, and purpose.

To underscore the fact that the "serious mental harm" clause in the convention disallows such a liberal construction, the Committee on Foreign Relations in the Senate several years ago declared that:

> The U.S. Government understands and construes the words "mental harm" appearing in article II(b) to mean permanent impairment of mental faculties.

With such a stipulation, it should be clear that the fears of opponents of the convention about the supposed dangers of the "mental harm" clause are unfounded. Enemies of the U.S. Government, whether domestic or foreign, could not correctly charge a breach of the Genocide Convention because of alleged harassment of minority groups or religious intolerance. Such allegations would not constitute genocide since "permanent impairment of mental faculties" would not have occurred, and since the activities giving rise to the allegations would not have been part of a policy whose intent was to destroy a certain national, ethnical, racial, or religious group.

The Genocide Convention outlaws the deplorable acts of purposeful extinction of identifiable groups. It has nothing to do with such internal and political questions as discrimination. We must not let apprehensions about the latter areas weaken our resolve to act against genocide.

PORNOGRAPHY IN TIME MAGAZINE

Mr. YOUNG. Mr. President, the Minot, N. Dak., Daily News, is noted for its exceptionally good editorials.

A recent issue of Time magazine contained some exceptionally objectionable pornography, and the Minot Daily News editorial concerning that publication was very timely and appropriate.

Mr. President, I wholeheartedly support the views of the editorial, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editiorial was ordered to be printed in the RECORD, as follows:

TIME GOES OVERBOARD

There are people who contend that this era could appropriately be looked upon as a "sick society," that the art, music and much literature is drenched with sex.

The theater is a glowing example of what is going on. A picture that is decent when measured by any reasonable yardstick will starve for customers, it is contended.

With this there will be hearty disagreement, the thought being that tastes of patrons can be upgraded as well as downgraded. It may take longer, but it will be healthier. Part of the annual dividends may be in satisfaction of having contributed something to society.

Probably the most brazen display of violation of all the rules of decency came in a recent edition of Time magazine, which would have, were they alive, caused Henry Luce and Briton Hadden, founders, to cover their faces with shame.

It would appear that there are national advertisers who want their messages surrounded with filth. And Time seeks advertising. This is far from the voice of the people.

The News contends this is the thinking of the minority; that there are homes interested in magazines not drenched with sex; that the pendulum will swing back; that Congress and state legislatures will tighten laws on obscenity; and that courts will open new books in seeking to protect the rising generation against indecency.

While the public today calls for pure air and pure water, we think there will be an uprising against pollution of the mind.

THE 55TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

Mr. BEALL. Mr. President, on February 16 men and women around the world take time to join in spirit with the citizens of Lithuania, as well as the millions of people of Lithuanian descent in this and other nations, to commemorate the anniversary of the establishment of the Republic of Lithuania on February 16, 1918. Again, I rise in this body to pay tribute to these people and their relatively brief period of independence and urge them to continue their hopes for freedom, waiting for the day when Lithuanians can once again determine their own destiny.

The independence of Lithuania extended only until 1940 when Soviet troops invaded and occupied the Baltic States of Lithuania, Latvia, and Estonia, forcibly annexing these nations into the Soviet Union. Now, as we in the United States stand on the threshold of a new era in Soviet-American relations, we must still never forget the people of the Baltic States to whom self-determination is only an empty word.

Even in the face of this tyranny, however, the Lithuanian people continue their struggle. I commend them on their unquenchable thirst for freedom and ask my colleagues and my countrymen to remember, today and throughout the year, the constant desire of these brave people for liberty.

UTAH RESOLUTION ON FUND IMPOUNDMENTS

Mr. MOSS. Mr. President, the impoundment or reduction by the Nixon administration of funds voted by the Congress for specific grant-in-aid programs is having a shattering impact on State and local governments who had been led to expect such funds would be forthcoming.

These governments had planned their own programs on the basis of expected Federal assistance, and to have it cut off suddenly, with no time for making adjustments, is undermining social, economic, and physical developments of considerable importance.

The Advisory Council on Community Affairs to the Governor of Utah met recently and passed a resolution petitioning the President of the United States to reinstate Federal funds for programs which directly affect the continued growth and development of units of local and State government such as water and sewer grants, public facility loans, open space land program, model cities, urban renewal and subsidized housing programs, at least until such times as "viable alternative assistance programs" can be developed. I think this is a most reasonable request. I ask unanimous consent that the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution

Be it resolved by the Governor's Advisory Council on Community Affairs of the State of Utah:

Whereas, through Executive Order of the President of the United States of America, a suspension or reduction in funding has been placed on certain federal grant-in-aid programs that directly affect the continued growth and development of units of local government in the State, including water and sewer grants, public facility loans, open space land programs, Model Cities, and Urban Renewal programs, administered through the Department of Housing and Urban Development; and

Whereas, under Executive Order of the President of the United States of America, a suspension has been placed on all subsidized housing programs commonly referred to as FHA 235, interest subsidy home ownership, FHA 236 and FHA 221(d)(3) interest subsidy and rent supplement, and public rent supplement housing, administered by the Department of Housing and Urban Development, which directly benefit the State's lower and middle income citizens; and

Whereas, under Executive Order of the President of the United States of America, a suspension on all water and sewer grants, and all subsidized housing programs commonly known as 502 interest subsidy, 504 repair loans, 515 cooperative housing interest subsidy, 514–516 domestic farm labor grants and loans and disaster loans, administered through Farmer's Home Administration; and

Whereas, local units of government in the State of Utah consider these programs to be vital to providing the necessary public facilities and shelter for the continued welfare of the people and the prosperity of the State;

Now, therefore, be it resolved, that the Governor's Advisory Council on Community Affairs of the State of Utah petition the President of the United States to consider the gravity of the suspension of these federal grant-in-aid programs on the further economic, social, and physical development of the State and release these suspended funds immediately until such time as viable alternative funding assistance programs can be replaced, to soften the fiscal impact placed on local units of government by the withholding of these desperately needed funds;

Be it further resolved, that this resolution be sent to the President of the United States of America and each member of the congressional delegation from the State.

FORMER GOV. ALF M. LANDON VIEWS THE 1974 ECONOMY

Mr. DOLE. Mr. President, the Honorable Alf M. Landon recently discussed the fiscal 1974 economic outlook for America. With his usual style, good sense, and an understanding based on many years of experience, Governor Landon gave the Salina, Kans., Kiwanis Club a broad outlook for the coming 18 months.

Governor Landon's emphasis on sound spending policies on the part of the Federal Government reflects his lifelong dedication to the fundamental principle that individuals, and governments as well, should live within their means, and I commend the full text of his address to the Senate.

I ask unanimous consent that Governor Landon's speech be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

A Political View of the 1974 Economy

Business planning is based on confidence in the future. 1973 is done and budgeted. What does it leave to look forward to in 1974?

I quote from the Kansas City Star. Sixty-five leading economists of labor unions—government agencies—industrial companies—investment firms—banks—universities and research organizations answered a year-end survey.

Here is a typical response, from a bank economist.

"I do not foresee a recession in 1973 and probably not in 1974. But I do not think we have licked the business cycle. By 1974 inflationary pressures might require the Federal Reserve Board to tighten credit. This would slow down economic growth but probably would not cause a recession." End of quote.

Of course, there are numerous factors—mostly political—that can change this fairly optimistic estimate. I think there are more that support it, however.

To me, the most interesting fact is this most informed round-up of the business outlook dealt mostly with the standard business indicators. There was little mention concerning politics, except inflation—which is ranked as the free world's top domestic problem, according to a Gallup survey of leaders in 75 nations.

While there is a lot of voodooism in politics, there is also a lot of logistics. By politics, I mean the art of governing people.

I am not qualified to discuss the business outlook for 1973 projected into 1974 as an economist. My experience qualifies me to discuss it as a politician, however. That is what I am about to do.

As far as inflation is concerned, it is clear from President Nixon's record that he knows the chaos that causes in public and individual affairs unless held to a minimum, as recommended in his detailed budget submitted to the Congress.

It is also evident, from his broad outline, that our President is going to deal with our chaotic domestic problems with the courage, vigor and perspicacity that he did in changing the world.

President Nixon is rearranging priorities in our disconnected domestic problems to fit the changing times—just as he did in international relations.

While the Congress may change some details in the President's budget—which is its prerogative—there is small chance it will oppose cutting federal government expenses and no new taxes. Senate Majority Leader Mansfield—after his conference with the President on his budget—expressed the hope that the Congress would stay within the President's over all fiscal limitations.

If so, that will leave a federal budget deficit of $12 billion in the next fiscal year starting July 1st, compared with $25 billion in the present fiscal year ending June 30th. It is generally anticipated that increasing revenues because of our expanding economy will help keep down that deficit even lower.

A chief executive looks at problems from a national viewpoint. With a congressman or senator, his district and state have priority. That is the way it is. The problems all seen from the same purview—reconciling different perspective—is the job of good political leadership. This is also true between a governor and the state legislature.

If the Congress could continue over the President's opposition to increase deficit expenditures over his recommendations without new taxes to pay for those increases, the country could be in grave inflationary trouble by the end of 1973.

President Nixon's critics, including members of the Congress and state governors, say he should go ahead and spend the money approved by Congress for such projects as pollution abatement and highways. The President has held back billions of dollars from congressional appropriations and declined to propose higher taxes.

The American economy is now expanding after nearly three years in the doldrums. We are still hitting around five per cent unemployment and some plant capacity is still idle, but we are moving toward full capacity operation and fuller employment.

If the economy does not heat up too fast, we can look forward to a period of relatively non-inflationary prosperity based on rapidly expanding foreign markets lasting at least through 1974. The one factor that may push us into an intense inflationary spiral and another recession is excessive federal government spending this year. Hence, the President's determination to curb such spending.

If in 1974 our national economy needed a boost, these unspent federal appropriations could be used. That is the Keyne's theory of economic management by a powerful central government so widely hailed by modern economists—political scientists and erudite commentators.

For the last forty years, in the United States of America—along with the rest of the world—there has grown the policy that the best government is the one that governs the most.

That requires a powerful central government with a strong chief executive. The United States is no exception to that trend. It is ironical that President Nixon—in the face of some of the press and Democrats calling him a dictator—is the first president to propose to the Congress decentralizing our federal central government—as he did in his budget.

Today in America, the seat of action is in the White House—not the Congress. For 40 years, the Congress has steadily delegated its constitutional role in decision making to a president.

A most glaring example is the Gulf of Tonkin Resolution. As Senator Morse—and others—said at the time, "We are in effect giving the President war making powers."

The U.S. Attorney General advised the President in 1965 he had the legal authority for what he was doing in foreign policy—under the Tonkin Resolution.

I am for the Congress filling its constitutional role to decide responsibly the issues presented to it by the President and the people. Harassment of the President's new appointees in Senate committee hearings and the proposed and obstructive cutting of Vietnam funds disguise the fact that Congress no longer sets the course for the nation.

The final policy decisions are the President's—right or wrong. That is the prime subject for congressional discussion, along with the question of how to develop a responsible, constructive congress instead of an obstructive, free spending one.

We Americans have a dynamic president with a feel for fair and workable social legislation—and economic equity.

In his first term, the President concentrated on reversing—step by step—the dominating foreign policy of his four predecessors. He changed containment of Communism by force for a live-and-let-live policy in international relations. President Nixon is now concentrating on putting America's myriad unsolved domestic problems on a sound basis. These are linked in one way or another with international affairs.

All over the world, there are new governments—new men in governments—new military logistics and—most important of all—new means for widespread circulation of news. As a result of the last, new major policies affecting life everywhere are immediately generally known, and public sentiment is rapidly formed one way or another.

The personalities—the characteristics—the abilities—the forcefulness of these new leaders are as important as the soundness of their new policies.

They do not base their policies on the ideas of one world—a world court—the fellowship of man or the United Nations as the last great hope of mankind.

These new world leaders—Brezhnev—Chou En-lai—Willy Brandt—Tanaka—Golda Meir—Indira Ghandi—are a tough, realistic bunch, and they are finding out what they have to know—that our American president is as tough and realistic as any of them.

They are all facing opposition at home to their long range vision of the realistic adjustments that must be made in their national interests to conditions in the world we live in.

It is difficult for Americans to grasp the national differences—centuries old—affecting international regulations all over the world.

England is distracted by how it fits into the Common Market and by the tragic situation in Northern Ireland. Russia nervously watches China building up nuclear power. France is worried by the reconciliation of the two Germanys. China watches Japan building up economic power—leading to possible military strength. China and Japan are eyeing talks between the two Koreas. All Asia is intently watching the failure of the maneuvering of China and Russia thru North Vietnam to knit together Indo-China into a Communist bloc aligned with one or the other.

All Asia is agitated by the basic changes taking place with President Nixon's reversal of the policy President Johnson announced at the Manila Conference in 1964 when he assumed for the United States of America the guardianship of Asia under the Gulf of Tonkin Resolution.

President Nixon's first move was to abandon the United States protectorate of Japan—thus opening the door for its rapid economic development and also laying the groundwork for normalizing our relations with China. That in turn was followed by normalizing America's relations with Russia with one carefully calculated move after another.

Now the most recent—settlement of the Vietnam War—is dependent on the spirit and the desire and the skill of the Vietnamese leadership in meeting their complex problems.

Simultaneously, Marcos has set up a military dictatorship in the Philippines. Because of President Nixon's new foreign policies, China is in the midst of reversing its basic foreign policy. It is normalizing its relations with America and Japan and European governments—fearing an attack from Russia and Russia's penetration into Europe.

Guerrilla war is going on between Israel and the Arabs and, for that matter, among Arabs. The British Commonwealth is breaking up with growing antagonism. The Russian Communist bloc is showing serious strains. NATO is taking on new life. The European Economic Community is taking on the inevitable development of economic union into increased political cooperation. That is a check to the Soviets' getting a hand in European affairs.

It cannot be said that world peace is securely established as yet. It can be said that, while there is doubt, there is not the overhanging crisis nor fear of another world war that was prevalent four years ago.

Despite these old troubled waters, there is less tension—more relaxation and a higher standard of living. There is more trading throughout the world. Moreover, consumer demands are increasing the pressure throughout the Communist countries for more butter instead of more guns. President Nixon has reversed America's foreign policy of containment—Brezhnev has modified Lenin's dogma that Communist countries must all hang together regardless of national interests—and Chou En Lai has modified Mao's doctrine that political decisions are made at the mouth of the gun.

It can also be said that the American dollar is stronger today than it was when Mr. Nixon was first inaugurated and he intends to keep it so by his fiscal policies of cutting over-grown government expenses right and left, including the Pentagon. However, he is not for cutting our national defenses to the point of America becoming a second rate power militarily.

There is no greater contribution to the stability of the world than the stability of the American dollar. And there is no greater contribution that a government can make to business plans and fuller employment than a sound fiscal policy.

We are seeing for the first time a two-front attack on the reckless inflationary policy of the Congress by both the Nixon policy of a tighter budget and the Federal Reserve bank strategy of tighter money. Instead of an artificial base of subsidies, he is making a stride toward viable economic planning.

Yet, more important than our economic problems in the long run is that the government is becoming supreme and individuals naught.

President Nixon's first year recommendation for the Moynihan plan that fits mankind's need to correct this ultimate dire threat to our great popular form of government—the inextricable dependence of many Americans on social welfare—has been ignored for almost four years.

The handwriting on the wall is that the President is now going to use his ax on outmoded subsidies and obsolete government bureaus just as he did with containment of Communism by force.

He is working steadily and firmly to meet the multitude of problems involved in crash programs hastily drafted by the Congress and imperfectly administered, and all of which delegated more power to the President. Some of them he is simply slowing down—as with the space program. He is not abandoning another crash program—ecological improvements that had been neglected for years and now is being rushed. He is simply slowing it for better planning and better administration, thereby saving hard earned tax dollars as well.

The president of the Carnegie Corporation of New York, in his annual report for 1972, said some clean-up is necessary. The question is "how far down the path of pollution abatement do we go before the costs become an enormous burden on people and the benefit minimal."

We are now going through a demonstration of what small and weak states can do to the best laid plans of the great powers. North Vietnam, Cuba, Chile, and, on our side, Israel, are showing that they know there is a severe limitation on nuclear power. We who have it, dare not use it on minor wars and troubles. And the trouble makers are many. There is talk of Caribbean "unity," when there is NOT the slightest prospect for it, and they wouldn't know what to do with it if they had it. And our Latin American policy is in something of a shambles, through no fault of our own. Even the governments that are friendly to us are allowing their rich property owners to deposit their money in Switzerland. Thus, while complaining about America's economic dominance, they are inviting it, by depending on Americans to replace their fugitive capital. That is not a hot issue in the United States, but it is in all of the countries to the south of us, and, for that matter, in much of the rest of the world.

Chile's socialist president Allende is saying we are trying to destroy his beautiful revolution, while, actually, he means that we will not finance his own Marxist program.

This is the kind of politics our nuclear dominance, and Russia's cannot deal with.

A most impressive fact in today's world, to me, is the agricultural shortages of both Russia and China, and the prospect that it will continue, along with India's. That is not entirely a matter of weather.

This time a year ago, outside of the Communist countries, storage bins were full of surplus wheat. Now the surplus is gone, sold to Russia and China.

This is a major factor in both China's and Russia's modification of their militant, aggressive policies in Asia—Africa and the Middle East—and their normalization policies with the United States of America.

It can be well said that the United States is the food basket of the world. This is not only because of the size of our good farm lands. It is because of our scientific methods developed and taught by our agricultural universities.

The much higher wheat yields in Kansas in contrast to the Ukraine—the best wheat lands in Russia—are more than anything else the product of Kansas State University's agricultural research and their use by the good Kansas farmers.

Fifteen million acres of farm land have been idle from farmers participating in subsidies that President Nixon has cut back. At the same time, he released these 15 million acres to plant as they please, permitting increased participation in the expanding food markets.

These idle 15 million acres made no contribution to our national economy. Nor does it fit our expanding foreign trade policy. In production, they do. The farmers' dollar generates business activities four or five times.

Russia's and China's need for food and industrial supplies certainly is an economic boost in America—prospectively running into many billions of dollars. The Hesston Corporation—your neighbor—has shipped this month—and will again next month—a large order for farm machinery to Russia and has one pending with China.

President Nixon's new balanced domestic policies fit the changing times, just as his foreign policies do.

It is a new pattern of political and economic stability reducing inflation, by a joint effort:

1. Reducing over-grown Washington bureaucracies.
2. Leaving it to the good sense of Big labor and Big business to work out fair contracts for each and for the general public.
3. Impounding federal revenue funds for cities and states.
4. Instead of subsidies, farmers will profit more under the President's marketing and increased production program—along with his new balanced economic pattern.
5. Taking the ax to the maze of subbillions of dollars for other lines of business; impounding past congressional appropriations on already overdrawn accounts by deficit financing.

Under President Nixon's firm and vigorous leadership, a new balanced economic pattern is dawning in American domestic affairs, just as it is in foreign affairs.

In welfare, the Nixon-Moynihan family assistance plan is still waiting on congressional action after four years.

The President proposed helping state governments clean up their welfare programs by standardizing "unnecessary complexities and inequalities."

He also recommended transferring January first, 1974, three and a half million aged—blind and disabled eligible citizens to a new federalized social security system.

A possible aid to the President in his fight to control deficit spending and put the mess of welfare and social security legislation in workable order is a new committee of the House and Senate established by the last congress to inquire into congressional budgetary procedures.

Concerted action by the President and the Congress holding the proposed national budget deficit to $12 billion—less than five per cent inflationary—strengthens the American dollar. That, in turn, cuts the balance of payments deficit.

Instead of a temporary artificial prosperity based on continuing subsidies and ruinous inflation, America can provide the stability and confident leadership required in pushing normal stabilization in a world slowly adjusting to sixty years of war and the threats of war.

That is the true destiny of America to crystallize the lengthening days of glorious peace time in the world.

TOBACCO

Mr. MOSS. Mr. President, on Wednesday, February 7, the distinguished Senator from Kentucky (Mr. Cook) addressed the Senate on the problems of the tobacco industry. The distinguished Senator was disturbed by recent headlines which reported the publication by the Department of Health, Education, and Welfare of its annual report on the Health Consequences of Smoking. It is most fortunate that Congress has enacted legislation requiring this report, otherwise important public information might never see the light of day.

As for the Senator's attacks on Dr. Daniel Horn, director of the National Clearinghouse for Smoking and Health, I need not come to Dr. Horn's defense. It is in the scientific forum that Dr. Horn's qualifications and inclinations should be discussed. I am confident that he will remain an outstanding authority on smoking and health. Medics, not politicians, can decide on the accuracy of Dr. Horn's scientific assessments.

THE BALTIC STATES

Mr. PERCY. Mr. President, on February 15 in this Chamber, I spoke in commemoration of the 55th anniversary of Lithuanian independence, paying tribute to the people of Lithuania and to those in this country who pray that Lithuania may one day be free.

An editorial in the New York Times on February 16, marking this occasion, spoke eloquently of the desire for freedom in Lithuania, Latvia, and Estonia. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Baltic States

Free Lithuanians everywhere—and an unknown number of Lithuanians in the Soviet Union as well—will mark today the 55th anniversary of the modern Republic of Lithuania. It was on Feb. 16, 1918, that the *Lietuvos taryba* or Council of Lithuania met in Vilnius and declared the existence of an independent state free of ties to all other sovereignties.

Observance of this anniversary—like the marking of the corresponding dates by the peoples of Latvia and Estonia—may seem purely theoretical and even fanciful to the modern realists. The Baltic States were long ago occupied by the Red Army and involuntarily incorporated into the Soviet Union.

What today's "realists", ignore, however, is that the desire for freedom and independence still burns in all three of the Baltic states and among à considerable part of their inhabitants. In Lithuania alone there have been such recent manifestations as the self-immolation of Romas Kalanta, mass street demonstrations by thousands of young Lithuanians and the petition of 17,000 Lithuanian Roman Catholics directed to the Secretary General of the United Nations.

Obviously, the chances are not bright for the Baltic peoples to regain their independence. But the conquest and elimination of these once-free republics by the Soviet Union is one of those acts of injustice by a great power toward its small neighbors that the world can never forget.

THE NEW FEDERALISM

Mr. MUSKIE. Mr. President, at a time when Congress is debating the President's proposals to create an "new federalism" through such means as decentralization, budget cuts, and special revenue sharing, there have been a number of timely and thought-provoking newspaper columns and articles discussing various aspects of the proposals. Two such articles appeared today in the Washington Post and the Wall Street Journal.

David Broder's column is entitled "Political Gain: Billing It to the Poor," and discusses the impact of the administration's decisions to shelve welfare reform and legal services for the poor.

In a related article, "Putting Strings on Federal Aid," Arlen J. Large raises many questions which the Subcommittee on Intergovernmental Relations will explore in its hearings on the new federalism that begin tomorrow.

I ask unanimous consent that the two articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Political Gain: Billing It to the Poor

(By David S. Broder)

Whatever its shrewdness as a political tactic, the Nixon administration's retreat from welfare reform and its willingness to abandon or dismember the program of legal services for the poor is undercutting the moral and logical base of its own design for reshaping domestic policy.

That is a sweeping statement, I realize, but it is the only conclusion one can draw from a consideration of the contradictions between the premises of the President's program and the actions he is sanctioning today.

A convenient starting point from which to see what has happened is a paragraph of Daniel P. Moynihan's new book, "The Politics of a Guaranteed Income," in which Mr. Nixon's first-term domestic counselor discusses the three "strategies" available to the government to assist the poor in America.

One was the "services strategy," the direct provision or financing of a wide variety of programs aimed at meeting the needs or improving the opportunities of the poor. As Moynihan notes, this was "quintessentially the approach of political liberalism in the middle third of the 20th Century."

The second was the "legal strategy," the use of the courts and the legal process to end discrimination and obtain equal access to all public programs and facilities. This approach, carried out by both private organizations and the government, was embodied, among other places, in the legal services program of the anti-poverty agency, the Office of Economic Opportunity.

The third was the "income strategy," the transfer of money to the poor via the simple mechanism of taxing-in-and-paying-out, with the goal of enabling the poor to obtain, through the marketplace, the goods and services they most valued for themselves.

Given this choice of options, Mr. Nixon's domestic strategy unfolded in clear and logical terms.

In his first years as President, we saw Mr. Nixon slowing the growth rate of domestic service programs, while putting increasing reliance on the income and legal strategy. His own words are worth recalling.

In his 1969 welfare reform message, he said: "I propose a new approach that will make it more attractive to work than to go on welfare, and will establish a nationwide minimum payment to dependent families with children. I propose that the federal government pay a basic income to those American families who cannot care for themselves in whatever state they live."

In his poverty program reorganization message of that same year, Mr. Nixon proposed that "the office of legal services . . . be strengthened and elevated so that . . . it will take on central responsibility for programs which help provide advocates for the poor in their dealings with social institutions. The slugglishness of many institutions at all levels of society in responding to the needs of individual citizens is one of the central problems of our time," he said. "Disadvantaged persons in particular must be assisted so that they fully understand the lawful means of making their needs known and having those needs met."

In the light of that history, what can one say about Mr. Nixon's current domestic policy? He has carried forward his campaign against the "services strategy" full blast and in his new budget is proposing not just the slowdown, but the abolition of dozens of programs designed to provide services for the poor.

But what has happened to the other two strategies that were to substitute for it? The incomes strategy has been abandoned by Mr. Nixon. There is no welfare reform or minimum-income proposal in his budget, and none is likely to be forthcoming.

As for legal services, the outlook is equally grim. Having frustrated Congress efforts to create an independent, nonpolitical Legal Services Corporation by insisting on personal control of its board of directors, Mr. Nixon is now presiding over the destruction of the existing OEO legal services program, which has been signally successful in obtaining equal access to government benefits for its poor clients and which enjoys the strong support of the organized bar.

At the same time, he is continuing the other phases of his decentralization program by proposing to go beyond general revenue-sharing into a broad range of subsidies to local governments, for them to use as they wish.

In effect, he is telling the poor, "Don't come to Washington with your problems. Get what you need from your local government."

To do that to the poor, without giving them the financial or legal resources to wage the fight for their rights in those thousands of local communities, is not a strategy for achieving social justice and simultaneously reducing the power and influence of the central government.

It is a callous sacrifice of the minority who are poor to the political tactics of attempting to create a Republican majority from the many who are complacent and comportable.

It is a disillusioning spectacle for those of us who thought Mr. Nixon was attempting something more worthy.

PUTTING STRINGS ON FEDERAL AID

(By Arlen J. Large)

WASHINGTON.—"The answer to many of the domestic problems we face is not higher taxes and more spending," President Nixon said in his State-of-the-Union message. "It is less waste, more results and greater freedom for the individual American to earn a rightful place in his own community—and for states and localities to address their own needs in their own ways, in the light of their own priorities."

Well, the governors and mayors and local folks will drink to that. So will such good Nixon Republicans as Caspar Weinberger, the new Secretary of Health, Education and Welfare; Sen. John Tower of Texas and Sen. Edward Gurney of Florida.

But even these men, not to mention Democrats who don't like Mr. Nixon's decentralizing plans, feel the inevitable urge to use their offices to solve problems. Because they hold federal offices, their handles on the problems tend to be federal handles. So in the months ahead there's reason to expect resistance to Mr. Nixon's proposal to abolish some 70 existing Washington-controlled grant programs. (In their place would be broader "special revenue sharing" distributions for education, manpower training, law enforcement and urban development.) Mr. Nixon may or may not have the force of logic on his side, but he is confronted with a force of political nature.

It showed up when Mr. Weinberger was patiently explaining the virtues of state and local decision-making the other day to a skeptical Senate Labor Committee. The Senators were troubled because $138 million in federal grants earmarked categorically for libraries in this year's budget appears to vanish next year.

No it doesn't, really, insisted Mr. Weinberger. A lot is budgeted for special revenue sharing for education, and local decision-makers can buy all the libraries they want with that.

THE SIXTY-FOUR THOUSAND DOLLAR QUESTION

Then a Senator asked what would happen if a great many states shunned libraries and put their special revenue sharing money into other kinds of educational activities.

"If I found that were happening in a significant number of states, Senator," replied Mr. Weinberger, "I would not hesitate to recommend that we do something about it, and that might take the form of an additional categorical program."

So the priorities of those local decision-makers could be "wrong" after all, as judged by decision-makers in Washington, even by good Nixon Republicans. Lack of statehouse devotion to libraries could lead to categorical federal grants for libraries, just as it led to this federal program in the first place. By Dewey and his decimal system, the United States is going to have libraries.

This isn't to suggest that Mr. Weinberger and his Nixonian associates are a bunch of hypocrites who aren't really serious about returning power to the people. They obviously are serious. Many of the narrowly targeted parcels of federal cash are indeed going to be freed for broader use at local discretion. But there's a limit to the number of strings that can be removed. Because federal law can override state and local law, Washington's officials and lawmakers always have the power to "do something" if they're interested enough. String-tying goes with their jobs.

Sen. Tower of Texas, for example, sees a "void" in the federal effort to train non-skilled people for better-paying jobs. Spanish-speaking trainees can't always follow courses conducted in English. So the Senator is sponsoring a bill earmarking $120 million over a three-year period for bilingual job training programs. Other sponsors include such pro-administration Republicans as Barry Goldwater of Arizona, Wallace Bennett of Utah and Strom Thurmond of South Carolina, plus several liberal Democrats. The bill appears to run counter to the administration's plan to fold narrow-category training programs into a $1.3 billion special manpower revenue sharing program.

"This is a general social problem involving minority groups all over the country," says Mr. Tower, explaining why he thinks it needs visibility in its own category. He says he'd be willing to see bilingual training programs folded into special manpower revenue sharing "once we get them off the ground, but in the early stages they should be separate."

Florida's Sen. Gurney wants to do something about crime and violence in the public schools. He's sponsoring a bill creating a new category of federal aid to grade schools and high schools which develop plans for making classrooms and corridors safer. "My proposal is a direct attempt to deal with a serious and complex problem," says the conservative Republican. A co-sponsor of his bill is California's liberal Democratic Sen. Alan Cranston.

The proposed new anti-crime aid would be voluntary; only those school districts wanting it need apply. Nevertheless, local authorities tend to squirm within the narrow confines of such categorical programs.

The squirming is very evident in some 750 turn-of-the-year answers by mayors to a questionnaire from a Senate subcommittee on intergovernmental relations chaired by Democratic Sen. Edmund Muskie of Maine. The subcommittee asked whether the mayors preferred revenue sharing-type cash or the old-fashioned categorical grants. The answers were overwhelmingly in favor of revenue sharing's looser rein.

A common complaint about categorical grants was directed at the red tape, delays and changing guidelines imposed by the granting agencies, especially the Housing and Urban Development Department. "The city of St. Paul often wonders if the federal agency has misplaced the city's address and phone number," grumped Mayor Lawrence Cohen.

But then Sen. Muskie asked a follow-up question: As revenue sharing and block grants take on more of the load, would the mayors favor a cutback in the old categorical programs?

Some mayors just said "No"; Mayor Charles Bott of Stockton, Calif., put down "an emphatic NO."

For many, it clearly was a matter of taking all the federal money they could get, in any form. "The city of Austin recommends the creation of a mix of federal aid programs utilizing (A) revenue sharing for the general support of local government, (B) block grants for greater flexibility in meeting local priorities in broad functional areas and (C) a limited system of categorical grants to focus on national priorities," wrote City Manager Dan Davidson of Austin, Texas.

It's attention to "national priorities" that naturally worries national politicians like Sen. Muskie. He still supports the already-passed general revenue sharing, but thinks the way most cities are using the no-strings money they've received under it is a bad omen of what would happen if broad-purpose special revenue sharing replaces Congress' cherished categorical programs.

In their questionnaire replies, the mayors ticked off the main ways they'll spend their first slice of general revenue sharing, among them public works, parks, higher police salaries, more police radios, libraries, street repair, fire trucks, ambulances, storm drains and garbage disposal. Officials of both San Antonio and Chattanooga reported they're deliberately going for one-spot purchases instead of expanding services that would have to be cut back if revenue sharing ends someday. Dearborn, Mich., was among the few cities stressing social benefits; all of its general revenue sharing money is going for low-income apartments for the elderly.

In a recent speech to state legislators, Sen. Muskie said these findings indicate that if federal categorical programs are abolished, the local spenders of special revenue sharing won't attack the problems that worry Congress. "The money will go to the most powerful—and that means, by and large, the most privileged—elements in every local power structure," he said.

The same point was made in his questionnaire reply by Lewis Murphy, Mayor of Tucson. While praising block grants and revenue sharing, he added this argument for keeping congressionally targeted categorical programs: "An entire community may not give a high priority to an identified and documented problem of great significance, because that problem may impact on only a small segment of the community not having high visibility. This reason should continue to be the specific purpose for categorical funding.

SENATOR JAVITS' OBJECTIONS

Liberal Republican Senator Jacob Javits of New York objects to the administration proposal for giving local authorities the option of picking up the tab for community action agencies or letting them die. These agencies now are federally funded organizations of the poor, local agents of Lyndon Johnson's War on Poverty. Sen. Javits notes that they have been in so many fights with city halls over the years that "it is not reasonable to expect that states and cities will come running to the assistance of their former antagonists if the federal lifeline is cut."

Now many people in and out of the administration think the War on Poverty itself is a mistaken failure, and that the disappearance of community action groups would be wise policy. And red tape and bureaucratic hassles surrounding other narrow-category federal programs of the '60s clearly have produced a local blacklash that aids the President's drive to decentralize the decisions of government.

But it doubtless won't happen as fast and as completely as Mr. Nixon would like, regardless of the merit of his proposal. There will always be cities somewhere so starved for money that they're willing to swallow federal strings to get it. And there will always be that bill hopper in Congress, tempting lawmakers to solve the problem of anything from poverty to that unbuilt library in Prairie Dog, Nebraska.

INDUSTRY FIGHTS JOB BOREDOM IN TOPEKA

Mr. DOLE. Mr. President, a rising concern in our industrialized society is that automation and other modern production techniques have robbed many jobs of their interest, satisfaction, and challenge to the point that workers can no longer tolerate them—regardless of wages.

Assembly line rebellions, industrial sabotage, and general discontent among workers have been the source of numerous headlines and have given rise to studies by sociologists, psychologists, and the management of many companies.

I was pleased to note in the New York Times that an industrial operation in Kansas has done more than merely study these questions and has instituted one of the most innovative and positive approaches to the problems of on-the-job boredom and alienation.

General Foods Co. operates a pet food processing plant in Topeka. In addition to being one of the most modern and efficient operations of its kind, the plant is also something of a laboratory—and quite a successful one—for improving employee morale and enhancing the quality of life in industry. As the article by Agis Salpukas points out there are many uncertainties and problems involved with such a program, but it is extremely encouraging to see such efforts being made. I certainly commend General Mills for choosing their Topeka plant to launch this innovative approach to solving one of modern technology's most perplexing problems and ask unanimous consent that the article from the February 5 New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOBS ROTATED TO FIGHT BOREDOM

(By Agis Salpukas)

TOPEKA, KANS., February 3.— Steve Applehanz, dressed in dungarees and sports shirt, carefully checked over the huge panel of lights and dials that controlled the operations of the General Foods pet food plant here.

Then, satisfied that everything was in good order, he took a coffee break.

The 26-year-old production worker and his 60 "blue collar" coworkers all get a chance to do every major job in the plant, from unloading with a fork lift truck to making complex tests in the quality control laboratory.

And they all have unusual latitude in deciding—free of supervisors—how to spend their time.

The workers at the Topeka plant are part of an experimental attack on the boredom and alienation that in recent years have led to increasingly high turnover rates and even random acts of sabotage in American industry.

If Mr. Applehanz's morale is at all typical, the experiment here is approaching its goal.

"Working in this place," he said, "is like having a job and going to school at the same time. You're always learning something. You look forward to coming to work in the morning."

But such efforts as this one, in which almost every past premise on how to set up a plant has been re-examined, are still rare.

A recent study by the Department of Health, Education and Welfare estimated that only about 3,000 workers in the United States were undergoing such basic experimentation as that at General Foods. (Other companies cited were American Telephone and Telegraph, Polaroid, Texas Instruments, Corning Glass and General Electric.)

Still, a growing number of companies employing hundreds of thousands of workers, "white collar" as well as "blue," are trying to make the workday a little less dull without at the same time hurting production schedules or profits.

The changes are not made easily or without friction. As jobs for production workers are expanded they often take away from or even eliminate traditional middle management jobs such as foremen, production supervisors and technical specialists, jobs that some of the workers might hope to advance to.

Initially, the workers tend to be suspicious and uncertain, fearing that the changes will mean harder work for the same pay and will do away with hard-won seniority rights.

Unions are frequently opposed to the changes because in many plants they have led workers to identify with management and have threatened union prerogatives. At the Topeka plant, for example, the workers refused even to meet with union organizers.

Management is often unconvinced of the assumptions on which most of the experiments are based: That workers want to be challenged; that pay, good benefits and working conditions, while important, are not as crucial in motivating people as the challenge of the job itself.

To motivate workers, the supporters of the movement to change jobs argue, companies must make basic reforms that give individuals responsibilities, opportunities to learn, and autonomy—a significant voice in determining how they do their work.

The impetus for change at most companies comes from the changing attitude among workers.

Even though they may be getting good pay and benefits and working in clean, safe plants and offices, many still quit after a short time, or are absent without an excuse, or fail to do their jobs properly.

A number of managers feel that the problem may simply be the dullness of the work itself. They believe that today's better educated workers, who do not have the same fears as those who experienced the Depression, will not tolerate jobs they consider degrading and unchallenging.

Very few companies are prepared to accept the premise of the recent H.E.W. report on work in America, which held that jobs should be enhanced not only out of corporate self-interest but also for humanitarian reasons—to improve society.

RESPONSIBILITY MAINTAINED

The report argued that just as business is now expected to help pay for its effects on the environment, it is also responsible for such social costs as political alienation, aggression, alcoholism and drug abuse, mental depression and physical illnesses, which some researchers have linked to dissatisfaction with work.

Edward R. Dulworth, the manager of the General Foods plant here, agreed with the H.E.W. study.

He explained in an interview, however, that the motivation for change at his company was the hope of avoiding some of the problems experienced in its other plants.

When the plant here opened two years ago, 63 workers were hired for the three-shift operation to turn out 300 tons of dog food a day.

They were broken down into teams of about 10 workers led by a team leader. Each team had a voice in the way the plant and the work was set up, although the basic ideas came from the team leaders and the plant managers.

The team leaders have authority similar to that of supervisors at a regular plant except that most of their decisions are made in meetings with workers at which the leaders present their goals and the workers help determine how to reach them.

The team leaders are the only management representatives in the production part of the plant since workers themselves have assumed the responsibility of immediate supervision, quality control and maintenance.

"Our assumption," Mr. Dulworth said, "was that people are concerned, trustworthy and will respond to responsibility. Our aim was to create an environment that would let them use those qualities."

Every production worker was expected to learn and rotate into every major job in the plant.

In the two years that Steve Applehanz has worked there, he has spent five months each in unloading grains, salt, minerals and vitamins from boxcars; in running complex machinery that mixes the various ingredients and then forms the dog food into chunks; in operating the power plant, and in working at the control panel.

WORKS UP TO TOP PAY RATE

Each time he learned a new job, his pay was increased. Now he has reached the top rate, $4.28 an hour.

In each job he learned how to test for quality and how to repair the machinery, a task that in most plants is done by specialists.

Most workers liked the idea of having full responsibility for each job. Each team, for example, decides who will work each job, hires new workers and makes most decisions affecting their area.

Each worker, when he arrives in the morning, may take any parking space (there are none reserved for management). He does not have to punch in, he decides with his fellow workers when to take his break, and he eats in the same cafeteria as the boss, whose office door is always open.

To Mr. Dulworth, the cosmetic changes such as the window in his office through which workers can see him at his job as they pass by have not been nearly as important in improving workers' job satisfaction as the changes in responsibility.

"The guts of the thing is that each man has autonomy to decide how we're going to do things," he said. "He shares his problems with his peers."

He estimates that the plant here is up to 30 per cent more productive than a comparable one. Its absenteeism averages 1 per cent and turnover is about 5 per cent a year, considerably lower than at other plants.

Similar experiments are also being tried with white collar workers, the most extensive at American Telephone and Telegraph under Robert N. Ford, personnel director for work organization and environmental research.

During the last seven years, Mr. Ford has reorganized work for thousands of employes. In each case he took workers who performed one simple task hundreds of times a day and gave them more variety and greater responsibility.

To Mr. Ford, the most damaging thrust in American industry has been the extreme application of the theories of Frederick Taylor, a social scientist who at the turn of the century formulated a number of concepts for scientific management.

One of his key ideas was that workers like to be used efficiently. This gave birth to time-and-motion men who walked through industrial plants analyzing jobs.

In most cases their studies led to simplification—taking a job that had many operations and doling them out to a large number of workers who would have simpler tasks that they could do faster and repeat hundreds of times a day.

Another major problem, according to Mr. Ford, has been the rapid advance of technology, which pours out new machines without any thought being given to what the effects will be on a worker.

Mr. Ford pointed out what happened to elevator operators. They used to control elevators entirely. Then this was done automatically, but they still used a lever to bring the elevator into line at each floor. And finally, they faced a panel of buttons that eventually could just as easily be pushed by the riders.

He recalled that there was a similar pattern in the stock and bond division of the company's treasury department, which manages the records of nearly five million security owners, when it computerized its operations.

Mr. Ford and A. Phillip Luse, the head of the division, decided to merge seven different operations into four. Workers, instead of being in different departments, were brought together into mini-groups of 12 workers headed by a supervisor.

A whole stock transfer operation is now performed within each group.

Millicent L. Ball, who had worked on a belt system, sat at a desk among her group and said: "Things are so much quicker now. You're really touching and learning. You can never say I've learned it all."

At a nearby desk, Mrs. B. L. Rota stapled together a completed transaction and said: "There's a different atmosphere now. In the old job you could hear a pin drop. Everyone was doing the same thing."

Other workers said that some of the advantages were: They can turn to someone next to them to correct a mistake instead of sending out memos; they can see the other higher jobs and have an incentive to learn them, and they can help one another.

It is hard to compare productivity with the older operation because there has been a big jump in technology. Also, two years ago the operation was moved from Wall Street to a new glass and concrete building in New Jersey.

But management had calculated that 13 groups totaling 250 people would be needed. Instead, 10 groups of 150 workers are doing the job, even though the work load has continually increased.

The changes, Mr. Ford said, were not made without resistance from within the company and skepticism from superiors. Throughout his seven years of job revisions, Mr. Ford has had to fight off criticism from various parts of the corporation.

Usually, to carry through a project, a strong commitment is needed from the top executives in the company—a willingness to put up with higher initial costs and tensions and even a possibility of failure.

It is also often necessary to overcome suspicion of the assumptions made by the behavioral scientists from whom most of the theories about work reorganization have sprung.

They believe, for example, that if you make certain changes in the environment, people's behavior will change.

They have an optimistic view of human nature: that people want to grow psychologically, that they seek situations that stimulate and challenge them and that they get great pleasure out of doing well at a challenging job.

And they argue that these needs cannot be fulfilled merely by providing workers with a good safe place to work, good pay and benefits and adequate supervisors and tools.

EXTENSION OF MEDICARE COVERAGE TO EARLY RETIREES AND THEIR DEPENDENTS

Mr. CRANSTON. Mr. President, I am pleased to join with the distinguished Senator from Florida (Mr. GURNEY) in introducing a measure designed to enable certain individuals who have not yet reached 65 to "buy into" parts A and B of medicare by the payment of equal-to-cost premiums.

The need for this legislation stems from the fact that medicare eligibility does not begin until age 65—except for those disabled social security beneficiaries to whom medicare coverage was extended as the result of Public Law 92–603—yet many older persons lose their group health coverage when they retire before the age of 65. They are forced to enroll in high cost individual health policies reflecting extremely limited and inadequate coverage—and even those are almost never available to individuals over 60 years old or to forgo any coverage whatsoever, gambling that they will stay healthy at least until they reach 65 when they become eligible for medicare.

This is an intolerable situation, Mr. President, and I believe that we can effectively counteract it through the enactment of the measure Senator GURNEY and I are proposing today.

During the last session of Congress, Senator GURNEY and I both introduced amendments to H.R. 1, the "Social Security Amendments of 1972," which were subsequently incorporated in the Senate-passed version of the bill, directed at providing adequate health insurance to people 60 through 64. Senator GURNEY'S amendment provided that if one spouse was over 65 and enrolled in medicare, the other spouse, if at least 60 years old, could enroll in the program and receive equivalent benefits at cost. In discussing the benefits afforded by his amendment, Senator GURNEY and I agreed that, at still no cost to the American taxpayer, these benefits could be made available to an even broader range of older Americans—those already receiving social security or railroad retirement benefits. Consequently, I offered an amendment to H.R. 1, which was cosponsored by Senator GURNEY, to include, in addition to those covered by the Gurney amendment: First, social security old-age beneficiaries 62 years old and over; second, a wife or widow, regardless of her age, if she is caring for a child under 18 or disabled and the child receives payments based on the worker's record; third, a wife 60 or older or widow 60 or older; fourth, a dependent husband 60 or over, or a disabled widower who has attained age 60; or fifth, dependent parents of a deceased worker

At the time my amendment was offered, disability retirees, unless they had reached age 65, were not covered by medicare; however, since that time medicare coverage has been extended to individuals retired on social security disability, regardless of age, as the result of H.R. 1, as I stated previously. Because of this admirable extension of medicare coverage, those provisions in my proposal extending coverage to social security disability retirees have been deleted from the legislation we are offering today.

Both of these measures were adopted in committee by the Senate Finance Committee and retained in the Senate-passed version of H.R. 1. The Senate Finance Committee report on H.R. 1 (S. Rept. No. 92–1230, p. 68) stated:

> MEDICARE COVERAGE FOR SPOUSES AND SOCIAL SECURITY BENEFICIARIES UNDER AGE 65
>
> Present Law [Add Italics]
>
> Under present law, persons aged 65 and over who are insured or are deemed to be insured for cash benefits under the social security or railroad retirement programs are entitled to hospital insurance (part A). Essentially all persons aged 65 and over are eligible to enroll for medical insurance (part B) without regard to insured status. The House bill includes a provision that would permit persons aged 65 and over who are not insured or deemed insured for cash benefits to enroll in part A, at a premium rate equal to the full cost of their hospital insurance protection ($33 a month through June 1974).
>
> Problem [Add Italics]
>
> Many additional social security cash beneficiaries find it difficult to obtain adequate private health insurance at a rate which they can afford. This is particularly true if they are of an advanced age, say, age 60–64. Frequently, these older beneficiaries—retired workers, widows, mothers, dependents, parents for example—have been dependent upon their own group coverage or that of a released worker who is now deceased for health insurance protection. It is a difficult task for such older persons to find comparable protection when they no longer are connected to the labor force.
>
> Finance Committee Amendment [Add Italics]
>
> The provision makes medicare protection available at cost to spouses aged 60–64 of medicare beneficiaries and to other persons aged 60–64 (such as a beneficiary who elects early retirement at age 62) entitled to benefits under the Social Security or Railroad Retirement Acts.

Though the Senate Finance Committee clearly recognized the need for this extension of medicare coverage, and recognized that it would be a provision of important health insurance benefits at no cost to the Government, this provision was deleted from the bill by the conference committee, and not included in the final version of the "Social Security Amendments of 1972" as signed by the President.

I have been advised by the Finance Committee that the major factor in its deletion was simply, the lack of opportunity, given the time constraints—under which we were all operating—in the concluding day of the last Congress, for the House to thoroughly evaluate this Senate provision.

Given the Finance Committee's positive response to this provision last year, and the continued need of well over 3 million people. Senator GURNEY and I have joined together this year to offer a measure which incorporates the basic provision as contained in the Senate bill last year.

The "buy-in" procedure we propose today is similar to that allowing States to buy into medicare on behalf of their retired public employees 65 years or older. This extension of medicare coverage was included in Public Law 92–603. In light of this expansion of the medicare program, I believe it is only fitting that we concern ourselves, too, with the health care needs of the individuals who would be covered by our bill.

Mr. President, our proposal would allow these individuals, at an estimated cost of approximately $31 per month in the first year of operation—and perhaps as low as $22 per month thereafter—to enroll in part A of medicare—hospital insurance benefits—anytime they are or become eligible during a 90-day period following receipt of notice of eligibility from the Social Security Commissioner.

Because the enrollment period is limited to a specific number of days—a reasonable period of 90 days after the recipient receives notice of eligibility—the opportunity for adverse selection of coverage is very much reduced, thereby promising to keep premium charges to the absolute minimum.

Our amendment would allow these same eligible individuals to enroll in part B of medicare—Medical Insurance Benefits—within the same 90-day period. The premium for part B coverage would be 200 percent of the regular part B premium—one-half of which the Government presently underwrites for medicare beneficiaries—it is presently $5.60 per month—and scheduled to increase to $6.30, as the result of H.R. 1, on July 1, 1973.

Individuals may opt out of either part A or part B at anytime, but automatically cease to be eligible for part B if they drop or lose eligibility for part A. All of these beneficiaries of course, would be eligible for the regular medicare program when they reached the age of 65.

Mr. President, March 3 and 4 of last year, as ranking majority member of the Subcommittee on Aging of the Labor and Public Welfare Committee, I was privileged to preside at hearings in California on problems affecting our Nation's more than 20 million older Americans. During the March 1972, hearings I discussed with many of the witnesses present the legislation which Senator GURNEY and I had proposed last year, and all testified to the importance of and vital need for such a measure.

I might add that these March hearings were on the Research on Aging Act—legislation passed into law last session, and vetoed by the President after the conclusion of the 92d Congress.

Mr. President, adequate health care coverage is a matter of the greatest concern to Americans reaching retirement age. This legislation addresses that concern and provides a mechanism for a substantial number of particularly hard-pressed older Americans to take full advantage of the benefits under the medicare program.

Mr. President, I ask unanimous consent that the full text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. —

A bill to amend title XVIII of the Social Security Act to permit certain individuals, who have attained age 60 but not age 65 and who are entitled to widow's or widower's insurance benefits or are the wives or husbands of persons entitled to hospital insurance benefits, to obtain, in consideration of the payment of insurance premiums, (Insert title of bill here) coverage under the insurance programs established by such title

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title XVIII of the Social Security Act is amended by adding after section 1818 the following new section:

"HOSPITAL INSURANCE BENEFITS FOR CERTAIN WIVES, HUSBANDS, WIDOWS, AND WIDOWERS WHO HAVE ATTAINED AGE 60 BUT NOT AGE 65

"SEC. 1819. (a) Every individual who—

"(1) has attained the age of 60, but has not attained the age of 65;

"(2) is—

"(A) the wife or husband of an individual who is entitled (without regard to the provisions of this section) to hospital insurance benefits under this part, or

"(B) entitled to widow's insurance benefits under section 202(e) or widower's insurance benefits under section 202(f) or to widow's or widower's annuity under the Railroad Retirement Act of 1937; and

"(3) is not otherwise entitled to benefits under this part;

shall be eligible to enroll in the insurance program established by this part.

"(b)(1) An individual may enroll under this section only in such manner and form as may be prescribed by regulations, and only during an enrollment period prescribed in or under this section.

"(2) In the case of an individual who satisfies paragraph (1) of subsection (a) of this section and subparagraph (B) of paragraph (2) of such subsection, his enrollment period shall begin with whichever of the following is that latest:

"(A) April 1, 1974, or

"(B) the date such individual first meets the conditions in such paragraph (2)(B), or

"(C) the date the Secretary sends notice to such individual that he is entitled to any monthly insurance benefits as specified in subparagraph (B) of such paragraph (2) and shall end at the close of the—

"(D) 90th day thereafter, if such enrollment period begins on the date specified in subparagraph (B) or (C) of this paragraph, or

"(E) the 180th day thereafter, if such enrollment period begins on April 1, 1974.

"(3) In the case of an individual satisfying paragraph (1) and paragraph (2)(A) of subsection (a) of this section, his enrollment period shall begin on whichever of the following is the later: (A) April 1, 1974, or (B) the date such individual first meets the conditions specified in such paragraphs, and shall end at the close of the (C) 90th day thereafter, if such enrollment period begins on the date sepcified in clause (B) of this paragraph or (D) the 180th day thereafter, if such enrollment period begins on April 1, 1974.

"(c) (1) In the case of an individual who enrolls pursuant to the provisions of this section, the coverage period during which he is entitled to benefits under this part shall begin on the first day of the second month after the month in which he enrolls, or July 1, 1974, whichever is later.

"(2) An individual's coverage period shall terminate at the earlier of the following—

"(A) for failure to make timely premium payments, at such time as may be prescribed in regulations which may include a grace period in which overdue premiums may be paid and coverage continued, but such grace period shall not exceed 30 days, except that it may be extended to not to exceed 60 days in any case where the Secretary determines that there was good cause for failure to pay overdue premiums within such 30-day period; or

"(B) at the close of the month following the month in which an individual files a notice with the Secretary that he no longer desires to be enrolled under this section; or

"(C) with the month before the month he no longer meets the conditions specified in subsection (a).

Notwithstanding the preceding provisions of this paragraph, an individual's coverage period shall terminate with the month before the first month in which such individual becomes eligible for hospital insurance benefits under section 226 of this Act or section 103 of the Social Security Amendments of 1965; and upon such termination such individual shall be deemed solely for purposes of hospital insurance entitlement, to have filed in such month the application required to establish such entitlement.

"(d) (1) The monthly premium of each individual under this section for each month in his coverage period before July 1975 shall be $31.

"(2) The Secretary shall, during December of 1974 and of each year thereafter, determine and promulgate the dollar amount (whether or not such dollar amount was applicable for premiums for any prior month) which shall be applicable for premiums chargeable to individuals for months occurring in the 12-month period commencing July 1 of the next succeeding year. Such amount shall be actuarially adequate on a per capita basis to meet the estimated amounts of incurred claims and administrative expenses for individuals enrolled under this section during such period; and such amount shall take into consideration underwriting losses or gains incurred during prior years. Any amount determined under the preceding sentence which is not a multiple of $1 shall be rounded to the nearest $1, or if midway between multiples of $1, to the next higher multiple of $1.

"(e) Payment of the monthly premiums on behalf of any individual who meets the conditions of subsection (a) may be made by any public or private agency or organization under a contract or other arrangement entered into between it and the Secretary if the Secretary determines that payment of such premiums under such contract or other arrangement is administratively feasible.

"(f) (1) The provisions of section 1840 shall apply to individuals enrolled under this section if such individuals are entitled to monthly insurance benefits under section 202 or 223. The provisions of subsections (d), (e), (f), and (g) of such section 1840 shall apply to any other individuals so enrolled.

"(2) Amounts paid to the Secretary for coverage under this section shall be deposited in the Treasury to the credit of the Federal Hospital Insurance Trust Fund."

(b) Title XVIII of the Social Security Act (as amended by other provisions of this Act) is further amended by adding after section 1844 the following new section:

"ELIGIBILITY FOR SUPPLEMENTARY MEDICAL INSURANCE BENEFITS OF CERTAIN WIVES, HUSBANDS, WIDOWS, AND WIDOWERS WHO HAVE ATTAINED AGE 60 BUT NOT AGE 65

"SEC. 1845. (a) Any individual who, under section 1819, is eligible for hospital insurance benefits under part A shall be eligible to enroll in the insurance program established by this part.

"(b) The provisions of this part shall be applicable to individuals referred to in subsection (a), except that (1) the periods during which such individuals may enroll and the applicable dates for entitlement to benefits of such individuals shall be the same as those prescribed under section 1819 with respect to individuals eligible to enroll pursuant to such section, (2) the amount of the monthly premium payable by any such individual shall be equal to 200 per centum of the premium payable by an individual who have attained age 65 and is entitled to hospital insurance benefits under part A.

"(c) Premiums for coverage of such individuals under this part shall be collected in the same manner as premiums payable by other individuals enrolled under the insurance program established by this part, and all premiums collected from such individuals shall be deposited in the Treasury to the credit of the Federal Supplementary Medical Insurance Trust Fund."

FEAR IN THE DOMINICAN REPUBLIC

Mr. KENNEDY. Mr. President, I am concerned by the serious deterioration in political freedom in the Dominican Republic that has occurred in recent weeks. We have reports that political leaders of a legal opposition party in the Dominican Republic are being arrested and held without charges or accusations of any sort being filed against them. The leaders of that party, Prof. Juan Bosch and Dr. Jose Francisco Pena Gomez, are in hiding and there have been fears voiced that their lives may be in danger. The home of Professor Bosch has been ransacked, according to reports from the press, and remains under government occupation.

A curtain of fear has been dropped around this nation as all schools have been closed, several radio stations have been closed, a tight censorship has been established, and a de facto curfew apparently is in effect. Protests of these actions by the government of Dr. Joaquin Balaguer have come from various nations including the Government of Sweden as well as from four Catholic bishops located on the island.

All of these repressive actions taken by the government relate to its announcement that a single small boat had been discovered in which it was feared that guerrillas may have landed on the island. There was a denial by all of the formal political parties of any involvement with the supposed incursion and substantial question raised of whether in fact there had been any incursion.

In any case, the wholesale arrests of individuals without charges seems to be totally out of proportion to any reasonable national security concern. For anyone concerned about the progress toward achieving political freedom in the Dominican Republic, these recent acts of repression cause deep concern.

I ask unanimous consent to print in the RECORD recent press comments on this matter.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star-Daily News, Feb. 8, 1973]

DOMINICAN MINI-INVASION MAY BE MINI-THREAT

(By Jeremiah O'Leary)

The Dominican Republic is reacting to the landing on its southern coast by a band of 8 or 9 uniformed men as if it were another Normandy invasion.

But it also appears that President Joaquin Balaguer may have political reasons for being grateful to the intruders.

While his army is out beating the scrub forest and thorny hills of Azua province for the invaders, Balaguer has sent police to raid the home of his old opponent Juan Bosch and government forces have surrounded the university and the home of a new political enemy, Luis Amiama Tio.

Bosch, the excitable leader of the Dominican Revolutionary Party, slipped away before police arrived and is hiding somewhere in Santo Domingo. He already has sent communiques to radio stations declaring that he has nothing to do with the "invasion" and that it is all a Balaguer plot to exile him.

Amiama Tio, one of the two survivors of the assassination of Dictator Rafael Trujillo, once was a Balaguer aide but lately has declared his opposition to a third term for the president.

Balaguer says the rebels are trying to return the country to "1965 conditions" that exploded in civil war and led to intervention by U.S. Marines, the Associated Press said.

He said in a speech yesterday that the government will take "drastic measures" to meet the threat, but he did not give details. He added that troops and guerrillas who landed on a Dominican beach over the weekend had met in a "bloody clash."

The guerrilla action is "a diversionary tactic," he said.

Meanwhile, the U.S. is trying to assess what is known of the invaders. This much has been authoritatively reported:

Some time on Feb. 4, the small uniformed force landed and abandoned their 42-foot motorized sail boat on a beach at Caracoles on the Bay of Ocoa in Azua province about 50 miles from the capital. They were dressed in green dungaree uniforms and each man reportedly carried two weapons of unknown manufacture. They spoke Spanish but there is no information about whether they are Dominicans.

The "invaders" then proceeded generally northeast toward the town of San Jose de Ocoa. En route, they encountered peasants who live in the thinly populated region and bought some mules before disappearing into the hills. The peasants could not identify the armed force but they did report it to the nearest officials.

A search of the coast found the 42-foot vessel Black Yak or Black Jack, apparently registered in New York, abandoned. The government search of the vessel said a number of items were found on the abandoned boat including two cans of Yugoslavian sardines, nearly $2,000 in Dominican pesos, maps of the region, 260 rounds of ammunition, a guerrilla training manual and five small "subversive" books.

The government also said it found documents implicating Bosch in the "invasion" and photographs of Col. Francisco Caamano Deno, who was president of the rebel Constitutionalist government during the 1965 civil war and U.S. intervention in the Dominican Republic. Caamano, a bombastic and hard-drinking man, reportedly turned up in Cuba several years ago and was said to be in a Castro training camp for leftist Dominican guerrillas.

Officials here refuse to speculate on whether the landing forces came from Cuba but some diplomats said the landing might be viewed with a blessing by Balaguer supporters who want him to run for a third term in the May 1974 election. Balaguer already has given hints that he is considering "continuismo" (continuation) and has compared himself with the Mexican hero Benito Juarez who needed time to complete his reforms.

An "invasion" from abroad might be taken by Balaguer's Reform Party as the justification it needed to try to return the bachelor president to office.

[From the New York Times, Feb. 8, 1973]

DOMINICAN "INVASION"

Unless President Balaguer's Government is holding back significant information, there is no reason to get too excited about the "invasion" of the Dominican Republic by a small band of guerrillas said to have come from Cuba. What must be taken seriously, however, is the possibility that the military will use the incident as a pretext for trying to destroy former President Juan Bosch and his Dominican Revolutionary Party (P.R.D.).

For all his fiery oratory and foggy advocacy of a "dictatorship with popular support," Dr. Bosch has never shown a disposition to violence in a country addicted to violence. Whatever use of his name the guerrillas may have made in documents supposedly left in their invasion boat, there is no reason to doubt his denial—issued from hiding—of any knowledge of the landing.

Why then was Dr. Balaguer so hasty about ordering Dr. Bosch's arrest? His hand may have been forced by the military, even as he was evidently persuaded to ignore for months in 1971 the wholesale murder of leaders of Dr. Bosch's party and other leftist organizations by a right-wing terrorist group tolerated, if not actively encouraged, by the military.

Dr. Balaguer finally halted the 1971 killings, broke up the terrorist group and replaced the police chief who allegedly organized it. He should now take comparable steps to insure protection for Dr. Bosch and his colleagues unless solid evidence of their complicity in the "invasion" can be produced. Despite its divisions, the P.R.D. remains the most formidable Dominican opposition party; but it poses no serious threat to Dr. Balaguer's re-election if he decides to run for a third term next year.

Dr. Balaguer can best combat the P.R.D. and defeat any attempts to emulate Fidel Castro's invasion of Cuba by allowing greater freedom for all legal opposition groups while persisting in the country's economic development, particularly the land reform program he announced nearly a year ago.

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS

Mr. HARTKE. Mr. President, section 133B of the Legislative Reorganization Act of 1946, as added by section 130(a) of the Legislative Reorganization Act of 1970, requires the rules of each committee to be published in the CONGRESSIONAL RECORD not later than March 1 of each year. Accordingly, I ask unanimous consent that the rules of the Committee on Veterans' Affairs be printed in the RECORD.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS

I. GENERAL

All applicable requirements of the Standing Rules of the Senate and of the Legislative Reorganization Act of 1946, as amended, shall govern the committee and its subcommittees.

II. MEETINGS

The committee shall hold its regular meetings on the first and third Monday of each month, when Congress is in session, or at such other times as the chairman shall determine. Additional meetings may be called by the chairman as he deems necessary to expedite committee business.

III. QUORUM

Three members shall constitute a quorum for the purpose of transacting committee business: *Provided*, That one member shall constitute a quorum for the purpose of receiving testimony.

IV. VOTING

(a) Votes may be cast by proxy.

(b) There shall be a complete record kept of all committee action. Such record shall contain the vote cast by each member of the committee on any question which a "yea" or "nay" vote is requested.

V. SUBCOMMITTEES

(a) The committee chairman and the ranking minority member shall be ex-officio members of any subcommittee of the committee.

(b) Subcommittees shall be considered *de novo* whenever there is a change in the chairmanship and seniority on the particular subcommittee shall not necessarily apply.

VI. HEARINGS AND HEARING PROCEDURE

(a) The committee or any subcommittee thereof shall make public announcement of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearing unless the committee or subcommittee determines there is good cause to begin such hearing at an earlier date.

(b) The committee shall as far as practicable require each witness, who is scheduled to testify at any hearing, to file his written testimony with the committee not later than forty-eight hours prior to his scheduled appearance. Said written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony.

(c) No hearing of the committee or any subcommittee shall be scheduled outside of the District of Columbia except by the majority vote of the committee or subcommittee or by authorization of the chairman of the committee.

FREEDOM OF THE PRESS

Mr. NELSON. Mr. President, the basis for the constitutional guarantee of freedom of the press was succinctly and eloquently stated by the late Justice Hugo Black in one of his last opinions. In the June 30, 1971, decision on the "Pentagon papers" case, Justice Black said:

> (I)n the First Amendment the Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors. The Government's power to censor the press was abolished so that the press would remain forever free to censure the Government. The press was protected so that it could bare the secrets of government and inform the people. Only a free and unrestrained press can effectively expose deception in government.

Recent court decisions and governmental actions have resulted in the jailing of newsmen for refusal to disclose confidential sources of information and in other forms of intimidation. These threats to the press are more than an attack on any one newsman; they strike a blow at one of the foundations of self-government, for the stifling of the free flow of independent information and criticism is the muzzling of the democratic dialog.

In light of these recent actions against the press, Congress is currently investigating the need to legislatively bolster the public's right to know by enacting "shield" laws to protect newsmen and their sources of confidential information. This month, Congressman ROBERT W. KASTENMEIER, of Wisconsin, has been holding a series of hearings in Subcommittee No. 3 of the House Judiciary Committee to gather public testimony on the many various legislative proposals which have been advanced in that body to establish a privilege for newsmen and their confidential sources.

On February 9, 1973, State Representative Edward Nager of Madison, Wis., articulated the argument for an "unqualified Federal shield legislation embracing both Federal and State government" before Congressman KASTENMEIER's subcommittee. As the author of similar legislation introduced in the Wisconsin State Assembly, Representative NAGER made a persuasive argument in behalf of an "absolute" shield law.

I ask unanimous consent that a copy of his February 9, 1973, testimony be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NEWSMAN SHIELD LEGISLATION

(Statement of State Representative Edward Nager)

Mr. Chairman and Members of the Subcommittee, thank you for extending me the opportunity to appear.

I am Edward Nager, of Madison, Wisconsin. For the past ten years, I have served in the Wisconsin Legislature as State Representative from the city of Madison. I am the author of a shield law now pending in the Wisconsin Assembly and appear here today in support of unqualified federal shield legislation embracing both federal and state government. Of the bills referred to this Subcommittee, I endorse three which are identical or substantially so. They are H.R. 2200, H.R. 2187 and H.R. 1813.

To govern themselves, it is axiomatic that people in a democratic society must, as a right, have the broadest possible access to all available information. This proposition was well recognized by those who drafted the Bill of Rights. The freedom to publish is established in the First Amendment. Implicit in this constitutional guarantee is the freedom to gather information, free from governmental interference, harassment, or threat of retaliation by imprisonment or otherwise. Regretfully, the U.S. Supreme Court does not subscribe to this proposition.

In June of 1972, in the *Branzburg-Pappas-Caldwell* decision, the Court denied the nation constitutional protection for information it needs to have and that should be embodied in the First Amendment's mandate: "Congress shall make no law . . . abridging the freedom . . . of the press."

Since *Caldwell*, the press has been faced with governmenal interference, harassment and actual imprisonment. That decision undercut the First Amendment mandate, helped establish a climate and attitudes inimical to press freedom, created a threat to the free flow of information to the public and thereby set up the conditions which will, and already have, deprived the public of their right to know.

Efforts to enact shield legislation must be viewed in broad perspective. At both the judicial and executive levels of government there appears to be a lessening of dedication to the protection of traditional press freedoms.

Long standing beliefs regarding protection afforded by the First Amendment have been shaken by court decision. The *Caldwell* case removed any vestige of constitutional protection from news gathering. The Pentagon Papers cases firmly established the government's right to censor the free press by imposition of prior restraints under conditions as yet undefined.

Proposals and comments originating at the executive level, such as the Whitehead proposal aimed at "taming" the television networks by intimidation of local station managers, and the Buchanan comment indicating an orchestrated attempt to bring the free press to heel, should be viewed as danger signals to the future of the press in America and not be permitted to go unchecked.

Whether these events are reflections of public sentiment which have by-passed the legislative branch to surface only in the judicial and executive levels of government, or whether they are part of an effort to create public opinion antagonistic to the free press is uncertain.

These are further compelling reasons a shield, at least in the news gathering process, is essential.

Returning to the *Caldwell* case, it should be noted that one Justice attempts to mollify the impact of its decision by assuring us that:

"The solicitude repeatedly shown by this Court for First Amendment freedoms should be sufficient assurance against any such effort (to annex the news media as an investigative arm of the government), even if one seriously believed that the media—properly free and untrammeled in the fullest sense of these terms—were not able to protect themselves. Justice Powell at 33 L.E. 2d 656."

Justice Powell further assures us that:

"The Court states that no harassment of newsmen will be tolerated. . . . In short, the courts will be available to newsmen under circumstances where *legitimate* First Amendment interests require protection. Ibid." (Emphasis added)

What is being said, of course, is that the Court, rather than the Constitution, will play the role of protector of the free press on an ad hoc basis. This is basically the same approach taken by the Court in the Pentagon Papers case regarding censorship.

And we all know how the Court protected that freedom in *Caldwell*.

And we also know what has occurred since *Caldwell*. Harassment of newsmen has increased in tempo throughout the nation. Witness the Weiler case in Tennessee, the Bridge case in New Jersey, the Farr case in California, and the recent Lawrence incident in the District of Columbia.

The U.S. Attorney General may have issued his personal Guidelines regarding issuance of federal subpoenas by the Department of Justice to newsmen, but I suggest that the *Caldwell* decision signalled the beginning of an open season on newsmen, the hunters being local prosecutors, grand juries and state legislative committees.

In a further attempt to assuage the harshness of its ruling which in effect created a constitutional cleavage between the publishing of information and the gathering of information preparatory to publishing, the Court advised Congress that it: "has the freedom to determine whether a statutory newsman's privilege is necessary and desirable and to fashion standards and rules as narrow or broad as deemed necessary to address the evil discerned, and, equally important, to refashion those rules as experience from time to time may dictate." 33 L. Ed. 2d 654.

The Court also gave state legislatures the green light to act in this area.

Considering the fact that we have 50 separate jurisdictions with the federal jurisdiction superimposed within each of these 50, the argument for federal legislation blanketing the entire nation with a uniform rule becomes unassailable. Any other course would result in fragmentation of the concept which the Congress may enact. The three bills I already referred to shield the source and information from both federal and state action.

In any case, that is the *Caldwell* decision and I see little chance of its being reversed in the near future. Therefore, let us in the legislative branch of government attend to this matter and build a shield, realizing full well the inherent risks involved in embarking on this course. However, let us make that shield puncture-proof and not riddled with prefabricated holes called "qualifications" or "conditions".

The people's right to know, unfettered by governmental restraints upon information gathering would be better guaranteed by legislative act of the Congress than by reliance upon the good will of the courts or upon the Attorney General's interpretation of his Guidelines.

On January 12 of this year, I introduced into the Wisconsin Assembly, my version of an unqualified shield law. It was drafted so as to overcome loopholes found in the shield legislation of other states and those manufactured by the courts interpreting those laws. Subsequently, I received a copy of draft legislation prepared for the American Newspaper Publishers Association (ANPA). It accomplished the same purpose as my proposal and in a manner I believe to be preferable. With some minor changes, I submitted this proposal as a substitute. It has the unconditional public support of the Governor and every news media association in the state, representing both the printed and electronic media.

H.R. 2200, H.R. 2187 and H.R. 1813, bills now before this Subcommittee, are identical with the exception that they affect federal jurisdiction as well as the states.

In conclusion, I will make three observations for your consideration:

1. The public welfare will be promoted by enactment of an unqualified shield law. If the Congress fails to accept the invitation of the Supreme Court to act, newsmen's sources, now severely chilled, will go into a deep freeze and independent information, already difficult to obtain, will significantly dry up. Should this happen, the public will have lost.

2. The argument that shield laws impede law enforcement has been overstated. It should be obvious that those sources who speak to the investigative newsman will not speak to the prosecutor, Dry up the source and the information is lost, to both the public and the prosecutor.

3. Should the Congress fail to enact a shield law, we can expect to receive more and more information about government via the 'official' information officer and news release. Should this occur, what blunders will never come to light? What irregularities will be covered up? How will the public know?

It is imperative that the Congress repair the damage recently done to the First Amendment by enacting a national unqualified shield law.

POLICY TOWARD CUBA

Mr. KENNEDY. Mr. President, a year ago, President Nixon visited the People's Republic of China, thereby ending the policy of isolating that nation of 800 million.

Also a year ago, the President flew to Moscow to sign a major arms control agreement.

Those acts represent two promising signs of maturity and openness in U.S. foreign policy.

Unfortunately, the continuing rigidity of our policy toward the Republic of Cuba represents a throwback to the Cold War era.

For some time, I have urged that as part of a reevaluation of our overall lack of policy direction toward Latin America, we attempt to review and revise our current policies toward Cuba. Hopefully, the hijacking agreement will be a first step in this direction.

I am pleased now to see 12 House members, all Republicans, join together in adressing this same issue and reaching conclusions similar to my own.

The present policy of isolation has outlived whatever rationale or justification it may have had at its inception, and it is clear today that it is an anachronism in American foreign policy.

Besides the growing number of nations in the hemisphere who have individually moved to normalize their relations with Cuba, a recent event forcefully indicates the time has come for a change.

I refer to the recent speech by the distinguished President of Costa Rica, Jose Figueres in the Commonwealth of Puerto Rico.

Speaking to a gathering of Cuban exiles, President Figueres talked of today's reality and the need to understand that reality. And he called on the Cuban exiles to undertake a dialog with the current Cuban Government, offering as well to act as an intermediary.

His words more than most should convey to all, the need to reevaluate the current policy of isolation toward Cuba.

For these reasons, I believe it is worth considering the well-documented report of these 12 Congressmen, and I commend it to my colleagues.

Mr. President, I ask unanimous consent that a release and the report, entitled "A Detente With Cuba," be printed in the Record.

There being no objection, the release and report were ordered to be printed in the Record, as follows:

Release

Stating "the time is ripe for diplomatic and economic initiatives to be made" a group of twelve Congressmen called for immediate Congressional and Presidential consideration of the re-establishment of normal relations between the United States and Cuba.

In a report called "A Detente with Cuba" the Congressmen have made a number of specific recommendations designed to improve relations with Cuba. The Representatives sponsoring the report are Charles W. Whalen, Jr.—(Ohio), Alphonzo Bell—(California), Edward G. Biester—(Pennsylvania), John Dellenback—(Oregon), Marvin Esch—(Michigan), William Frenzel—(Minnesota), Orval Hansen—(Idaho), John H. Heinz III—(Pennsylvania), Paul McCloskey—(California), Stewart B. McKinney—(Connecticut), Charles S. Mosher—(Ohio), Frank Horton—(New York).

Among the initiatives recommended by the report are:

That the President make every effort to achieve an anti-hijacking accord with Cuba and that the talks on this subject be used as a starting point to discuss other issues.

That the President direct a governmental interagency review of U.S.-Cuba relations.

That the United States support the Peruvian initiative in the Organization of American States which would permit any OAS member to normalize its relations with Cuba.

That hearings be held in both the House and Senate on present U.S.-Cuba relations.

Noting that U.S.-Cuba relations have been marked by "mutual distrust, hostility, and recriminations" for over a decade, the Republican legislators stated that three major developments are responsible for a new political climate which make the normalizing of relations between the two countries "desirable and potentially attainable."

First, the President's policy of dealing realistically with all types of governments has resulted in a relaxation of tensions with the People's Republic of China and the Soviet Union.

The Congressman said a dialogue with Cuba would be in line with this philosophy and would eliminate a policy inconsistency which "strives for friendship and an increasing dialogue with Russia while concurrently condemning Cuba for harboring a Soviet pressure."

The second development cited by the Congressmen is the recent trend among Latin American countries to normalize relations with Cuba as evidence by OAS votes and independent behavior of Latin countries.

The third reason for an improvement of relations, the Congressman said, is that Cuba itself is softening its formerly intransigent foreign policy.

Cuban willingness to seek an agreement on the hijacking problem as well as their reduced efforts in spreading revolution to the rest of Latin America, was cited by the report.

The report concluded that improved hemispheric cooperation would result from such a move.

"Removing this vestigate of the Cold War," the report stated, "would significantly reduce tensions and re-direct hemispheric policy focusing attention on more urgent priorities such as trade, economic development, foreign investment, and regional integration."

A Détente With Cuba

United States-Cuba relations have been marked by over a decade of mutual distrust, hostility and recriminations. Political and strategic considerations suggest that it may be in our national interest to initiate a dialogue with Cuba that might lead to an eventual normalization of relations between the two countries.

The United States severed commercial and diplomatic ties with Cuba in 1961, as a result of a threatening Soviet military presence on the island, Cuba's subversive activities against Latin American countries and the expropriation of U.S. owned properties in Cuba. In subsequent actions the U.S. halted economic and military aid, eliminated the Cuban sugar quota and placed an embargo on exports to Cuba. The Bay of Pigs invasion and the missile crisis further exacerbated the deep cleavages and hostilities between the two governments.

Relations between other Latin American countries and Cuba were equally bad. In 1964, the Organization of American States (OAS) voted to cut off diplomatic and commercial ties with Cuba. The ban proved relatively effective until several years ago when some OAS countries began to defy the ban and to establish diplomatic relations with Cuba.

American isolation of Cuba has continued to this day. Administration officials have publicly indicated that to date two factors have dictated our present hardline policy and impede any kind of policy review: (1) the Soviet military presence in Cuba, and (2) Cuba's export of subversive revolution to the rest of Latin America.

But action which was understandable, and even right, at one time and under one set of circumstances may no longer be right or even wise at another date and under another set of circumstances.

THE POLITICAL REALITIES OF 1973: THREE DEVELOPMENTS INDICATING A NEED FOR A POLICY REVIEW

The political realities of 1973 indicate to us the need for a review of United States-Cuba relations. Specifically, during the past several months three developments have occurred which make the normalizing of relations between the two countries desirable and potentially attainable.

First, President Nixon is pursuing a pragmatic policy designed to deal realistically with all governments. This approach has resulted in relaxation of tensions between the United States and respectively, the People's Republic of China and the Soviet Union.

Our rapprochement with the Soviet Union has brought about the SALT agreements, established medical, environmental and space research contacts and increased trade and commercial ties.

The President's China visit renewed communications after more than twenty years of hostility. The recent announcement of a multi-million dollar grain sale to China further improves the favorable climate brought about by the President's initiative. Increased trade contacts with East European socialist countries have also materialized as a result of the President's policy.

In light of the Administration's efforts to negotiate and cooperate with Russia and China, a dialogue with Cuba would represent an extension of this philosophy. It would eliminate an apparent policy contradiction which strives for friendship and an increasing dialogue with Russia while concurrently condemning Cuba for harboring a Soviet presence.

Second, there has been a growing trend among Latin American countries to normalize relations with Cuba. In the past two years, an increasing number of Latin American States either have recognized the Government of Cuba or have strongly indicated a desire to do so. This development represents a significant change from the policy of isolation of Cuba followed by the nations of the OAS since 1964 when Cuba was excluded from participation in the Inter-American system and member states collectively severed diplomatic and economic relations with Fidel Castro's government.

Mexico was the only Latin American country that did not sever relations with Cuba, holding that the OAS measures against Cuba were in violation of the principles guiding the Inter-American system. In November, 1970, Chile, under the newly elected government of Salvador Allende also recognized Cuba.

Even prior to the Chilean move, Peruvian leaders indicated a disposition to change their country's policy toward Cuba. Fidel Castro on occasions had praised the Peruvian military government for its reformist policies and it can be asumed that the Peruvians were grateful for the massive earthquake relief effort extended by Cuba during the 1970 disaster.

Peruvian initiatives brought the matter of Cuban hemispheric relations to the surface and were responsible for the first OAS consideration of the issue since the 1964 ban. On May 31, 1972, the Permanent Council of the OAS held a special session to consider the draft resolution submitted by Peru which would permit any member state to normalize its relations with Cuba. The Peruvian resolution said:

"Some member states for different reasons maintain official relations with the Republic of Cuba and . . . others have expressed, on the basis of their own appreciation of the changes that are taking place in the world and inter-American circumstances, the convenience of re-establishing relations with the Republic."

By a vote of 14 to 1 with 8 abstentions, the matter was referred to the general committee of the Permanent Council for consideration. The Peruvian representative saw the agreement to debate the proposal as ". . . a representation of the current spirit of the Americas, a spirit that precisely indicates that Inter-American policies are aimed at the future."

At the conclusion of the meeting to consider the Cuba question on June 9, 1972, the OAS decided against the Peruvian resolution by a vote of 13 against, 7 for, and 8 abstaining. The Central American bloc, Brazil and the United States, voted against the resolution, as did Bolivia, Colombia, Dominican Republic, Haiti, Uruguay, and Paraguay. In favor of the resolution were Chile, Ecuador, Jamaica, Mexico, Panama, Peru, Trinidad and Tobago. Argentina, Barbados and Venezuela abstained.

In July, 1972 Peru recognized Cuba. In December 1972, Guyana, Trinidad and Tobago and Barbados announced the resumption of diplomatic relations with the Castro government. Panama and Ecuador have indicated their willingness to re-open relations. Venezuela has hinted that a change in her policy is possible.

Several factors are responsible for the trend toward recognition of Cuba. Many Latin American governments believe Castro's revolutionary fervor has waned and no longer see Cuba as a subversive threat. Furthermore, many of the states feel change toward Cuba is very much in line with the changing world situation as illustrated by the U.S. rapprochement with China and the Soviet Union.

Whether or not the United States makes overtures to Cuba, indications are that the number of Latin American governments reestablishing relations with Cuba will continue to increase.

The third reason for reviewing our Cuba policy is that Cuba itself seems to be softening its formerly intransigent foreign policy position. There is growing evidence to support this contention. Fidel Castro, for example, has hinted his willingness to cooperate on the hijacking problem.

In fact, the two most recent hijacking incidents indicate a firm willingness on the part of Cuba to reach some kind of bilateral agreement to discourage these practices. The Cuban government gave the State Department a prompt reply regarding the requested extradition of the Tuller family who hijacked an Eastern Airlines plane. Prior to this incident, Cuba failed to acknowledge any extradition requests.

On the Tuller case, the Cuban formal note relayed through the Swiss Embassy indicated that the four accused hijackers were under arrest. The Cuban government also asked the United States to provide them with detailed information of the other crimes the hijackers had committed. This unprecedented action by the Cuban government is a favorable sign that the hijackers could be returned to the U.S. to face prosecution under our laws.

The recent hijacking of a Southern Airways jet resulted in further cooperation by the Cuban government. The Castro government went out of its way to assist the thirty-one passengers and crew members after the hijacked plane finally landed. Cuba announced that the hijackers would be tried promptly and the State Department thanked the Cuban government formally for their cooperation.

In 1970–1971, there has been increased evidence that Cuba's revolutionary activities and the Soviet interest in Cuba are diminishing subversive activities throughout Latin America have reduced significantly since the Che Guevara effort in Bolivia in 1967. Both State and Defense Department officials have testified that Cuba has reduced its aid to local insurgents throughout Latin America and no longer shows the revolutionary fervor of earlier days.

During 1971 in Castro's vist to Chile, it was significant that he stated that his methods of revolution were not to be prescribed for all other nations. This is considered an acknowledgement by Castro of his unsuccessful efforts to establish his own brand of revolution throughout the hemisphere. The victorious election of Salvador Allende in Chile through a coalition of leftist parties represented a victory for the "via pacifica", a policy earlier scorned by Castro.

American officials continually have asserted that the Russian missiles in Cuba are defensive in nature and pose no offensive threat to the United States. However, some authorities contend that the Russian presence does present a security threat which could be minimized by our establishing relations with Cuba.

There have been several indications that the Soviets would welcome a detente or at least a warming of relations between the United States and Cuba. On February 13, 1969, the Wall Street Journal reported that a secret message was sent from the Soviet Union to a Western nation that might mediate a United States-Cuban settlement. The note reportedly stated that the Russians would "look favorably on anything the mediating country could do to normalize relations between Cuba and the United States."

An American reporter who recently visited Cuba reported that Soviet diplomats told him that Russia would reduce its military presence in exchange for an American withdrawal from Guantanamo. The economic burden of Cuba upon the Soviet Union, coupled with the lack of any tangible political benefits, could be motivating factors for their alleged interest in reducing their presence.

SOME NEGOTIATION ISSUES

A number of problems would have to be dealt with prior to any full restoration of diplomatic relations between the United States and Cuba. These include Cuban refugees to the United States, the American tenancy at the Guantanamo Naval Base, expropriation, and the sugar quota.

It can be anticipated that steps to normalize relations with Cuba would cause particular concern in the Cuban-American community about the problem of refugees. Currently Cuban refugees are exempted from the regular quota system. When Castro has permitted it, the State Department has arranged and paid for the airlift of refugees from Cuba to the United States. In December alone, 3,400 refugees immigrated in this fashion.

Should the special immigration status change further, Cuban immigrants would have to apply for permanent immigration status as part of the quota for the Western hemisphere. This quota permits a total of 120,000 persons to immigrate each year.

The United States presence at the Guantanamo Naval Base is certain to be an issue in negotiations. In view of the continued military presence of the Russians on the island, the United States is justified in remaining in Guantanamo. Although an American presence there does not place any significant restrictions on Soviet military activities in the area, the base does provide a convenient training center for naval ships.

Publicly, the Cuban leadership persistently demands that the U.S. evacuate the base; privately, Cuban leaders reportedly have indicated that Guantanamo would not be a major issue in negotiations.

Another issue that is certain to be raised is that of compensation for expropriated properties. In terms of expropriated properties, major corporations have already taken tax write-offs to satisfy some of their claims. Most of the remaining claims, smaller amounts in the $20,000 to $50,000 range, have already been determined by the Foreign Claims Commission, and it is hoped that a re-establishment of relations between Cuba and the United States would open the way for these claims to be negotiated and settled through Cuban administrative and judicial procedure.

In 1959, Cuba exported 3.2 million tons of sugar to the United States under the Sugar Act quota system—approximately 34% of the quota. When relations with Cuba were terminated, Cuba's allotment was redistributed among the other Latin American sugar producing countries. The major beneficiaries were the Dominican Republic and Mexico.

In the event normal relations are re-established between Cuba and the United States, the Sugar Act grants the President the discretion to reallocate the existing quotas. Many options are available to him to provide for a phased redistribution of quotas which would allow affected nations time to make the necessary readjustments.

Each of the above issues would be knotty and resolution would not be simple. But none would be impossible to resolve.

BENEFITS OF NORMALIZATION

If renewed dialogue with the Castro government eventually leads to more normalized relations between Cuba and the United States, it is our opinion that at least three significant benefits will accrue.

The first and clearly a major benefit is a probable reduction of plane hijackings to Cuba. Obviously the United States and the Cuban government are equally disturbed by this problem and are willing to cooperate in an effort to curb these criminal acts.

Almost eighty percent of planes hijacked since 1963 have gone to Cuba. In general, the Cubans have been cooperative about returning these planes. Hijackers who have sought asylum in Cuba are clearly not welcome there as has been made obvious by the punitive treatment they receive from the Cuban government.

The president of the American Air-Line Pilots Association has called for a resumption of relations between the two countries to curb hijacking. American pilots are threatening to strike unless stronger anti-hijacking measures are implemented and enforced. A normalization of relations would result in cooperation between the two nations for the return and conviction of hijackers.

It is hoped that the Swiss-moderated negotiations will produce an agreement that will discourage further hijacking. These talks should serve as a point of departure for a broader discussion of issues of mutual concern. They are clearly a first step toward normal ties between the two countries.

Second, with normalization Cuba once again could be an important trading partner for the United States. In 1958, the year before Castro came to power, the U.S. imported $527.8 million worth of goods from Cuba and exported $546.9 million worth of goods to Cuba. Cuba supplied sugar and sugar-by-products, and some minerals, principally nickel. The United States exported finished goods, grain, and automobile parts, as well as the machinery for the sugar industry. The re-opening of the Cuban market to American products could again lead to healthy and productive commercial relations between the two countries.

Now, some of our closest allies maintain strong trade ties with Cuba. Cuba presently imports British and Japanese busses and trucks, Spanish fishing boats and many other Japanese and European products. Canada and Mexico still maintain consular and diplomatic relations and have been exporting foodstuffs to Cuba. There are strong indications that the Chilean trade agreement with Cuba is just the beginning of a movement among some Latin American States to resume trade if not diplomatic relations. Trinidad and Tobago's resumption of relations is based largely on their interest in Cuba as a lucrative oil market.

Cuba has recently made two major trade commitments in an effort to improve its economic position. In November 1971, Cuba was admitted to membership in the "Group of 77", the organization of developing nations within UNCTAD (United Nations Commission for Trade and Development), with strong backing from the Latin American bloc. In 1972, Cuba joined COMECON, the Communist counterpart of the European Common Market organization, allegedly to expand its commercial ties and obtain development and technical assistance.

It seems inconsistent that we impose commercial restrictions and limitations on our OAS allies for trading with Cuba while at the same time we sell millions of tons of grain to the U.S.S.R. and China and encourage commercial relations with other Communist nations.

Third, a warmer political atmosphere and improved hemispheric relations are bound to occur if relations between the United States and Cuba normalize. Nearly every year the Cuban matter severely cripples the OAS and makes it appear ineffective, besides becoming an extremely divisive issue among Latin American countries. Any further defiance of the OAS ban by Latin American countries would continue to strain relations of member countries. Unless changes are made in view of present realities, the Cuban issue will continue to impair relations between Western Hemisphere nations.

For over a decade, American isolation of Cuba has given substance to much anti-American rhetoric and ill feeling towards the United States among various groups in Latin America. Removing this vestige of the Cold War would significantly reduce tensions and redirect hemispheric policy, focusing attention on more urgent priorities such as trade economic development, foreign investment and regional integration.

Normalization of relations and a relaxation of tensions might provide an impetus for a regional economic integration program in the Caribbean which would involve Cuba. Although such a development is not imminent, the potential is there and should be explored further.

EXECUTIVE AND LEGISLATIVE RECOMMENDATIONS

A normalization of relations with Cuba is in the United States' best interest. The time is ripe for diplomatic and economic initiatives to be made. However, much depends on the recentivity of Cuba. A willingness on their part to seriously negotiate with the United States would produce an atmosphere conducive to debate and action by the Congress.

In an effort to improve relations with Cuba, we propose recommendations for Legislative and Executive action.

It must be recognized that these proposals cannot be implemented immediately. Action as important to our hemispheric relations as a detente with Cuba must be undertaken only after the most careful review. The Congress should fully participate in the decision making process of any change in U.S.-Cuba relations.

Accordingly, we make the following recommendations:

LEGISLATIVE INITIATIVES

We urge that hearings be held in the House Inter-American Affairs Subcommittee of the House Foreign Affairs Committee and in the Subcommittee on Western Hemisphere of the Senate Foreign Relations Committee on the present state of the U.S.-Cuba relations so that the American public and Congress can evaluate the viability of our present policy towards the Republic of Cuba and thoroughly and publicly consider proposed changes therein.

After such a complete Congressional assessment of the political and economic implications of normalization for the United States, and the success of executive negotiations, the following legislative initiatives should then be considered:

The removal of the trade embargo against Cuba inherent in section 620 of the Foreign Assistance Act of 1961 (as amended).

The removal of Section 103 under Title I of the Agricultural Trade Development and Assistance Act of 1954 prohibiting sale of U.S. Agricultural commodities to countries which sell, furnish, or permit their ships or aircraft to carry any equipment, materials or commodities to or from Cuba.

The repeal of the Cuban Resolution passed by Congress in 1962 and which still describes basic U.S. initiative policy towards Cuba.

EXECUTIVE INITIATIVES

We urge the President to make every effort to achieve an effective anti-hijacking accord with the Cuban government. We should utilize maximum flexibility to obtain a solution to curb the continuing proliferation of these acts. The anti-hijacking talks should be used as an opportunity to discuss other issues of mutual concern.

We urge the President to direct an interagency review of U.S.-Cuban relations with the objective of establishing concrete steps to normalize relations with Cuba.

We urge the President to confer and consult with Latin American countries in advance of any significant policy change. This would honor the President's commitment to utilize a policy of prior consultation with our Latin allies as enunciated in his State of the World message.

We urge immediate consideration of recognition of the legitimacy of the Castro government as the representative of the Cuban nation and people. Any kind of negotiations with Cuba should be conducted in a clear, frank and positive manner exemplary of two sovereign nations.

We urge United States support for the Peruvian Resolution of 1972 to permit any member state of the Organization of American States to "normalize its relations with Cuba" should it be re-introduced in the Permanent Council of the OAS, or support for similar initiatives.

THE ILLEGAL IMPOUNDMENT OF FUNDS

Mr. HUMPHREY. Mr. President, on February 15, 1973, I had the honor of addressing the Student Legal Forum of the University of Virginia Law School in Charlottesville, Va. My remarks that evening concerned the impoundment of congressionally appropriated funds by the executive.

It is my view that the present constitutional crisis in this country is a deliberate and conscious attempt by the President of the United States to concentrate power over the purse in the executive.

Let me state again: I consider impoundment to be illegal. It can and does alter, change, or terminate programs. It revises public policy. It performs the function of an item veto—expressly prohibited by the Constitution.

On almost every count, I find the arguments advanced by the President for impoundment to be inadequate and contrary to both the spirit and letter of the Constitution.

Mr. President, I ask unanimous consent that my remarks to the University of Virginia Law School be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR HUBERT H. HUMPHREY

A Constitutional crisis is at hand is our nation, a crisis arising not from the normal pulls and tugs, checks and balances between the executive and legislative branches.

Rather, the crisis faced today is a deliberate, conscious and manufactured attempt to concentrate in the executive, power forbidden to it—power over the purse.

And, the purpose of this confrontation is not to protect the public interest, but to sanctify an ideology and protect the special interest so long identified with Richard Nixon and the Republican Party.

The political strategy of the White House is clear:

Engineer a confrontation between the legislative and Executive branches;

Begin a coordinated high pressure public relations campaign designed to picture the Congress as the "big spenders";

Draw the battle line by presenting a budget that decimates social programs in the name of holding down taxes;

Illegally impound billions of dollars of Congressionally appropriated funds—all in the name of the economy and efficiency.

And, as a result of all four tactics, the intention is to divide and overwhelm an embittered, stalemated Congress.

Article I, Section I, of the Constitution vests all legislative powers in the Congress of the United States. Section 9 of that same article says that no money shall be drawn from the Treasury, but in consequence of appropriations made by law.

Article II, Section 3, says that the President shall take care that the laws be faithfully executed.

There is a careful delineation of function here—the power of the purse belongs to Congress. The duty of implementation is the responsibility of the executive.

But reality is hardly that simple. William Howard Taft once remarked, "Let anyone make the laws of the country, if I can construe them."

There perhaps is no better case in point than the impoundment of Congressionally appropriated funds. Impoundment can and does alter, change, or even terminate programs. It can and does significantly alter, change, or revise declared public policy. It can and does perform the function of item veto which is prohibited by the Constitution.

During the history of our nation, Presidents have withheld funds from such Congressionally approved programs as bomber and Air Force groups, food programs, flood control projects, model cities, highway construction, rural electrical programs and hospital construction.

But there are impoundments—and *then there are impoundments.* First, funds may be withheld from a program to "effect savings or prevent deficiencies."

Thomas Jefferson refused to spend $50,000 for gun boats on the Mississippi—even though this money was appropriated by Congresss. Jefferson said that the money was not needed. The United Statess had just purchased the Louisiana territory, and the threat that made gunboats necessary had abated. Jefferson was saving money.

And in 1905 and 1906, the Congress enacted the Anti-Deficiency Acts to prevent Executive agencies from hastily spending its complete appropriations and then seeking additional appropriations. These acts established a budget technique of monthly allotments to prevent undue expenditures.

In 1950, a clause was added to the Anti-Deficiency Acts that provided that moneys could be withheld to bring about "greater efficiency of operation," "to take into account changes in requirements," or "subsequent developments after the approval of the Appropriations."

Though these last three phrases are vague—and in my judgment do not represent clear law, they nevertheless were never meant to be vehicles for thwarting the declared policy of Congress. The legislative history is not vague on that point—the Anti-Deficiency Acts are instruments of accounting—not of changing Congressional intent or policy purpose.

Nor were they meant to obviate the separation of powers doctrine in the guise of efficiency. Chief Justice Warren, in 1965, declared that separation of powers was "obviously not instituted with the idea that it would promote governmental efficiency. It was, to the contrary, looked to as a bulwark against tyranny."

Congressionally directed impoundment is a second type of fund withholding. In the 1968 Revenue and Expenditure Control Act, Congress fixed a spending ceiling and made about half the mandated budget cuts provided by that Act. The President was directed to make the other half of the required reductions.

Or another example: In Title VI of the 1964 Civil Rights Act, the President is directed to withhold funds from Federally financed programs in which there is evidence of discrimination.

All of these instances have these things in common: the Congress has expressly delegated to the President, in statute, and debate, and legislative history, the power to withhold funds. Congress directed the impoundment. The Executive did not automatically assume the power. In fact, the very act of Congress delegating or directing the President to impound funds was an expression of congressional authority and a recognition that the President did not have inherent power to act on his own initiative.

A third kind of impoundment I refer to as "defense impoundment." There is little question in my mind that the Constitution gives a President broad scope to exercise judgment in his capacity as Commander in Chief.

In fact, Presidents have used impoundment extensively in military matters. President Truman, in 1949, requested funds for only 48 Air Force groups. The Congress provided 58. Truman impounded the funds for the extra ten groups. But he did so upon an expression of legislative intent. The language of the Conference Committee read: "if the money is appropriated, it may not be used." President Eisenhower refused to spend money for anti-ballistic missiles until he was satisfied that the developmental tests would prove fruitful.

There is a fourth type of impoundment—an impoundment I consider to be illegal—that of *Policy Impoundment.*

Policy Impoundment is practiced by President Nixon. It is the kind of impoundment that terminates programs enacted by Congress, such as the Rural Electrification Act; or significantly alters a program by severe cuts in the funding, such as the Water Pollution Control Act of 1972, where President Nixon's withholding has had a major impact on policy and program objectives.

Policy impoundment has resulted in substantial cuts in programs such as housing, water and sewer grants, and medical hospital construction—thereby changing legislative intent.

Under policy impoundment, funds are withheld not to effect savings, not as directed by Congress, not as Commander in Chief, but because the President has unilaterally decided to impound money for programs that are not his priorities. It is a method of substituting Executive will for Congressional purpose.

Since 1970, President Nixon has consistently impounded eight to $12 billion in Congressionally appropriated funds each year.

And, until last fall when Congress passed my Impoundment Information Act, the President neither explained, reported, or justified executive impoundment. He simply did it.

Policy impoundment is executive arrogance.

It encroaches upon the constitutional prerogatives of Congress.

It violates the separation of powers.

And, it gives the President an item veto—neither sanctioned by the Constitution nor granted by Congress.

President Nixon claims that he possesses inherent Constitutional power to impound, first, to fight inflation, and second, to resolve the meaning of contradictory laws.

The President's Deputy Attorney General—Joseph Sneed—in testimony before the Separation of Powers Subcommittee, said that the President has inherent "latitude" to refuse to spend or defer spending regardless of Congressional action.

Such an assertion is to my mind a blind reading of the Constitution. An earlier Justice Department memorandum prepared by then Assistant Attorney General, now Supreme Court Justice, William H. Rehnquist, said:

"With respect to the suggestion that the President has a Constitutional power to decline to spend appropriated funds, we must conclude that existence of such a broad power is supported neither by reason nor precedent."

Those are unequivocal words.

Rehnquist is correct. There is no constitutional authority to impound funds, to terminate programs, or substitute the President's judgment for that of the Congress on domestic policy.

With respect to the inflation control argument, if impoundment is justified on the basis of fighting inflation or protecting the debt limit, then the President has picked a weak tool to combat a serious problem.

The Employment Act of 1946 places responsibility to "promote employment, production, and purchasing power" in the entire federal government—not exclusively in the Executive branch. In addition, the most powerful means to fight inflation are antitrust actions to increase competition, economic controls, cutting import restriction, increasing trade, and government fiscal and monetary policy.

Impoundment ought not to be substituted for these weapons in our fight against inflation.

The President is correct when he notes that Congress has in some instances passed contradictory laws. But, the way to resolve conflicts over contradictory laws is not to take unilateral Presidential action, but to return to the Congress and ask for a clarification. That is the responsible way—the Constitutional way—to make changes in policy.

By policy impoundment, the President of the United States is violating the comity that has so characterized Executive-Legislative relationships for two hundred years. And, despite an occasional statement that the President indeed wants cooperation with Congress, his attitude and actions speak differently.

Instead of hiding behind dubious constitutional arguments, the President and his advisers ought to level with the American people, and tell the people what they are really up to and what they really do not like.

And what they do not like is quite obvious. They do not like the fact that Congress has changed and challenged their priorities.

Congress has cut defense, military procurement, foreign aid, and space spending. It has increased funds for housing, community facilities, water and air pollution, poverty programs, education and health care.

What are the remedies to Presidential impoundment? Can Congress assert its will?

First, Congress can and has in the past established minimum levels of what must be accomplished with appropriated money. For example, in the fiscal year 1972 Veterans appropriation, Congress stipulated that the funds must provide not less than an average of 97,500 beds for Veterans Administration hospitals that year.

Second, Congress can use mandatory language such as the President is "directed," "shall," "must," "required," or "ordered" to spend appropriated funds. Congress has done so before, such as in the 1970 continuing resolution for education funds.

Congress, understandably, has been reluctant to use such language because it recognizes that conditions do change—that changes might be necessary in the spending of funds. But, until the Nixon Administration came into office, Congress and the President have always had a relationship that was informal but clearly understood on the use of funds.

That comity no longer exists. Perhaps mandatory langauge will have to become standard in all appropriation bills so that the President will clearly follow and execute the law.

Third, Congress can establish impoundment procedures to affirm or reject any fund withholding. Legislation presently before the Subcommittee on Separation of Powers would require Congress to affirm the legality of any proposed impoundment, otherwise the President would be directed to spend the funds.

Fourth, Congress could go—and some members of the Senate and I have gone—to court to force the President to use the appropriated funds. The courts have been reluctant to enter this thicket of Congressional-Executive confrontation. But it is my judgment that they can no longer stand back. The courts will have to make a decision on the impoundment question.

Finally, there must be continued political pressure on the Administration. The Administration has a practice of holding back money after an election, only to release it before the next election. The American people must mount the same kind of sustained political campaign that forced the President in 1970 to release education funds and in 1972 to release food stamps money. Public opinion is a powerful force, even on a stubborn President.

How will this constitutional crisis be resolved?

I would be less than candid if I said I knew the answer. I do know that the crisis is serious.

And, of one more thing I am certain. The President's vision of America evidenced in his illegal impoundments and his recently released budget, is not the vision of America that I see.

The President claims he knows America—and Americans. He sees the self-made man, the self-sufficient, the free market, and the virtues of private enterprise.

Surely that is part of America, but it is not all of America.

There is a second America.

There is an America of compassion for its poor, its hungry, and its sick.

There is an America of devotion to helping others help themselves.

There is an America of great wealth, capable of great deeds, if only called to do so.

There is an America that is no longer content to be publicly poor and privately rich.

This is an America not found in the Nixon budget nor well served by a deepening Constitutional crisis precipitated by impoundment.

What America is really all about was well phrased in Franklin Delano Roosevelt's 1937 Inaugural Address. Looking out on a nation he described as one third ill-housed, ill-clad, ill-nourished, he said:

"The test of our progress is not whether we add to the abundance of those who have much; it is wehther we provide enough for those who have to little."

This is an America Richard Nixon does not know or understand.

For Richard Nixon, America is in retreat. It is an America practising domestic disengagement, retrenching—not to fight again but to abandon the cause of conquering our ills and enriching the lives of mankind.

It is not my vision of America.

My vision of America is found in the words of Carl Sandberg:

"I see America, not in the setting sun of a black night of despair ahead of us. I see America in the crimson light of a rising sun fresh from the burning, creative hand of God. I see great days ahead, great days possible to men and women of will and vision. . . ."

ROBERT BALL—DEDICATED PUBLIC SERVANT

Mr. RIBICOFF. Mr. President, I wish to express my deep appreciation for the excellent Government service rendered by Robert Ball, soon to retire as Commissioner of Social Security. As Secretary of the Department of Health, Education, and Welfare in 1962, I appointed Bob as Commissioner based on his outstanding ability, competence, and dedication. I never inquired into his politics and to this day I do not know his political persuasion.

For the last decade Bob has served the American people with the highest administrative competence and social imagination.

Since I left HEW I have had a continuing opportunity to work closely with the Commissioner in my role as a member of the Senate Finance Committee. At all times he has been forthright and acted in a bipartisan manner. His personal expertise in all aspects of the social security system has enabled the Finance Committee to act expeditiously with the fullest possible knowledge of the effects of its actions.

It will be difficult to find a man of Bob's caliber to replace him—especially at this critical time when the new Federal program for the aged, blind, and disabled is being set up. I hope that the administration will be able to find a person who can give the same dedication to the job that Bob did. Until that time I look forward to working with him and hope that his invaluable services will still be available to us even after he retires.

I ask unanimous consent that the following articles be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 8, 1973]

DEFENDER OF THE AGED

In his decade as Social Security Commissioner, Robert M. Ball has demonstrated both administrative competence and social imagination of a high order. He came into the vast Federal insurance program for protection of the aged and disabled not long after its establishment in 1937. His subsequent career entitles him to rank alongside the late Arthur J. Altmeyer, the first head of the Social Security system, as an official who knew how to translate dreams into an efficient, corruption-free program.

The distinction of Mr. Ball's service makes it difficult to understand President Nixon's decision to speed his departure from Government just when massive new administrative problems are about to descend on the system in connection with the Social Security changes voted by Congress last year. We share the hope voiced by Chairman Mills of the House Ways and Means Committee that the dropping of Mr. Ball does not signify an Administration desire to "politicalize' Social Security. Perhaps his greatest contribution was keeping that multi-billion-dollar program totally free from any taint of politics.

[From the Baltimore Evening Sun, Jan. 25, 1973]

BALL SAYS SSA PROVES GOVERNMENT CAN WORK

(By Anne S. Philbin)

Robert M. Ball, retiring commissioner of Social Security who has served three presidents, hopes Americans will remember that social security "is at the very least, a big exception" to widely expressed views that government isn't working.

"There seems to be a lot of feeling today," he said in a farewell interview in his ninth floor office at Woodlawn, "that federal programs, particularly many Great Society programs, are not working well.

"If this is true, and I am not sure it is," he added, "I think Americans shouldn't forget social security is a big exception.

"It is by far the largest of federally financed programs in the area of health, education and welfare, and accounts for almost one-fourth of the country's entire budget."

Explaining this, Mr. Ball said that in 1974 the Social Security Administration, will be paying out about $70 billion, with one out of every eight Americans in the country receiving a monthly check.

The $70 billion figure includes $54.73 billion in social security cash benefits, about $10 billion for Medicare payments. $408 million in "black lung" benefits to miners and their widows and children, and an estimated $3.5 billion to be paid out under the Supplemental Security Income program effective January 1, 1974, for the needy aged, blind and disabled.

MINIMUM INCOME

SSI guarantees a uniform minimum income of at least $130 a month for an individual and $195 monthly for a couple; it is a 100 per cent federally financed and federally administered program.

Mr. Ball said he believes SSI is a "very good addition to the social security law. The federal payments will be higher than those now paid by more than half the states," he said.

"The amount is getting closer to what people need to live on," he added, "and certain onerous and restrictive features of some state welfare assistance programs such as home lien laws, will be removed."

Mr. Ball said he thinks social security cash benefits, which have increased more than 70 per cent in the last five years, have "reached a new level of adquacy."

"We now have the automatic provision which will keep benefits up to date as the cost of living goes up. Also, benefits rise as a worker's earnings rise. Medicare coverage has been broadened to include disabled persons under age 65.

"Over a hundred other changes in social security and Medicare have improved the protection of present and future workers and their families. Americans are paying more but they are getting more," he commented.

SOUNDLY FINANCED

Mr. Ball said the social security program is "completely and soundly financed, under present law, to the year 2011."

Touching upon administrative policies and leadership which have molded the Social Security Administration into what President Nixon has called a "model for other government agencies," Mr. Ball said he is very proud of a number of things that have happened during his 11-year tenure as commissioner.

"We have made a great deal of progress in training minorities for better jobs with SSA, opened up more career opportunities for women, pioneered in fair housing for our employes, sponsored a volunteer program whereby our employes respond actively to community needs, and supported a substantial education program.

"We have a strong union (American Federation of Government Employes, Local 1923) which does a good job in protecting employes; it is aggressive, but responsible," Mr. Ball said.

"And I think SSA has had a positive impact on the Baltimore area in the 19,000 jobs it presently provides here plus the 3,000 that will be needed to implement the recent legislative changes."

NEW BUILDINGS

Mr. Ball said the agency's expansion program would include new buildings "here at Woodlawn and also in downtown Baltimore."

Although he said it would be difficult to leave SSA at this particular time in history when the agency faces major problems in implementing H.R. 1's legislative changes, Mr. Ball indicated his departure was a "mutual agreement" between the President and himself.

He said he plans to write, answer questions raised by those who attack the social security system, and help in the development of long-range policy on national health insurance. On the latter, he said "the question today is not if we need it, but how we can accomplish it."

Mr. Ball began his federal career in 1939 as a field assistant in a New Jersey district office at an annual salary of $1,620. He worked his way up through the ranks and by 1954 had become deputy director of the former Bureau of Old Age and Survivors Insurance. Through government reorganization, this bureau was to become the Social Security Administration in the early sixties.

Since April, 1962 when President John F. Kennedy appointed him commissioner, Mr. Ball has been serving "at the pleasure of the President for the time being."

SHOCKED SURPRISE

Between then and now, he has submitted four pro-forma resignations to Presidents Johnson and Nixon. When the fourth was accepted by the White House early this month, the announcement was greeted in SSA and official Washington with shocked surprise, principally because Mr. Ball is as respected for his management leadership as his knowledge of social insurance.

He is also well-known and well-liked on Capitol Hill, having testified at every congressional hearing on social security since the early Fifties.

In describing the qualifications needed by his successor, Mr. Ball, in the judgment of his peers, has used the words they would use to best describe him.

"He should be someone with experience in running a large federal agency, he should be nonpolitical and a humanitarian."

During his 30 years of federal service, Robert M. Ball has placed his indelible stamp upon the social security system. Of all the schemes generated to promote the welfare of the nation's people, social security stands almost uniquely in its absence of associated scandal and accomplishment of its mission.

[From the New York Times, Jan. 25, 1973]

POLITICS, POLITICS EVERYWHERE

(By Wilbur J. Cohen)

ANN ARBOR, MICH.—The recent forced resignations of key personnel in the Department of Health, Education and Welfare is an ominous omen of worse things to come.

The termination of Dr. Robert Q. Marston, the distinguished director of the National Institutes of Health, has already been viewed by scientists as the possible politization of the institute, which no previous Republican or Democratic Administration has ever attempted. Dr. Marston has been recognized as a nonpolitical and able administrator of an important, difficult and scientific assignment. No reasons were given for his termination from a position so vital to continued expansion of our medical research capacity.

The resignation of Robert M. Ball, the outstanding commissioner of Social Security, is a further recognition that the Nixon Administration fails to understand the importance of retaining its key administrators in its key programs. The Social Security program has always been run on a nonpartisan basis. There has been up to now no political interference in the program by any Administration since it was established in 1935. Ball's superior competence has been recognized by all previous secretaries of H.E.W. His departure prior to the implementation of the massive and far-reaching legislation recently passed by Congress and approved by the President is premature and unfortunate. Next year, total expenditures under Mr. Ball's supervision will exceed $70 billion.

Certainly, changes in personnel in governmental programs are desirable and inevitable. But there is a difference between wholesale and retail changes. The Nixon Administration appears to be trying to tell employes in the various departments that they must recognize who is the boss—the White House.

Government programs such as medical research and Social Security must depend upon the professional competence and morale of the employes who administer them. This is a delicate, sensitive and precious set of elements. It may take many years to build; it can be destroyed in a moment. There is a lack of understanding in high places of the political importance of nonpolitical administration of services vital to the American people.

Prof. John R. Commons, the distinguished labor economist of the University of Wisconsin, used to tell his students that an inadequate law which was well administered was to be preferred to a good law, badly administered. The Nixon Administration appears to want to prove that it can administer good laws badly on a reduced budget without first-class administrators—a dangerous experiment.

The forced resignations of many able persons in other agencies of government—such as the Commissioner of Labor Statistics, Geoffrey Moore—tend to support this dismal conclusion. The Commissioner of Labor Statistics is a four-year-term appointment. No other Commissioner of Labor Statistics in any previous Administration has been asked to resign before his term expired. In 1969 the Nixon Administration also fired the chief of the Children's Bureau which no Administration had ever done in the 57-year, nonpolitical history of that bureau. No Administration has such a record of interference in statistical and early childhood development programs.

These personnel changes must be viewed in terms of the repeated White House interference and reversal of Secretary Richardson's recommendations, to name but two: the rejection of his compromise with Senator Ribicoff on the welfare-reform bill, and the lack of consultation on the veto of the Hill-Burton hospital construction amendments.

Coupled with the unprecedented Presidential vetoes of H.E.W. appropriation bills, and the attack by John D. Ehrlichman of the White House staff on the employes in the department prior to the election, why should competent men and women of stature and integrity take any of the jobs vacated? The health, education and welfare of all of the American people are too important to be sacrificed for political purposes.

[From the Scranton Times, Jan. 15, 1973]

NIXON MISTAKEN IN FIRING BALL

(By Bruce Biossat)

WASHINGTON.—President Nixon's dismissal of Robert M. Ball as commissioner of Social Security raises some serious questions about how to achieve and maintain skillful management in the government bureaucracy.

Since the agency has always been deemed to be off-limits politically, it would be a bad slip if the President were to name a successor whose experience suggested he was less a qualified social insurance expert and more an out-and-out political appointee.

But, actually, that is the shallow, obvious aspect of the matter, easy to judge. There is a deeper issue.

Ball has headed the Social Security Administration for nearly 11 years, and for roughly an equal time before that he was deputy commissioner of SSA's predecessor agency. His entire working career falls within the social insurance realm.

Does this kind of service make a man go stale and leave him empty of new ideas?

There is a school of thought that would say yes, automatically. The proponents of this view contend that turnover at the top level should occur fairly frequently. The argument can be guessed. Change assures regular infusion of fresh ideas, new energies, flexibility. Men of long tenure, it is suggested, cannot fill this need.

The argument has undeniable plausibility. The woods are full of executives and administrators whose energies flag and whose imagination runs thin. Rigidity and complacency often set in all too quickly. Against this very real prospect, change—even systematic change—looks like a sound rule.

Yet there is a strong counter-argument put forth steadily in the field of public affairs. Its core is that there are always men with a great capacity for self-renewal, continuing growth, and adaptibility to altered circumstances and problems. Such men not only can meet new challenges, but have a way of searching them out.

Here again, the contention has undoubted force. The corporate and government landscape is well dotted with figures whose long service in top posts is a consequence not of power but of demonstrated abilities maintained through markedly changing times.

Proponents of this point argue, incontestably, that to dispense with or shift such leadership from its proved realm is to waste human resource, to deprive a society of commanding individuals who serve its institutions as a keystone holds an arch together.

Does Robert Ball deserve such an accolade as this? There are a good many men in the U.S. Congress and many practiced observers of public service performance who believe he does.

He has presided over Social Security during its transformation from an agency of modest scale to one of enormous size and increasing complexity, and seen it hailed as the best of bureaucracy. In 1965, he laid over it the huge framework of the Medicare program, a task reasonably pictured as one of the greatest peacetime administrative assignments in history. He is a tireless innovator who knows his field as he knows the lines in his hands.

In 1972, Congress handed SSA new challenges for 1973 and 1974. Everything in the record suggests Ball was the man above all to meet them. His expertise is unmatched, and at 58 his powers and talents seem undimmed. He is a public servant of genuine distinction. In casting him out, President Nixon has made a gross error in judgment.

[From the Washington Evening Star-Daily News, Jan. 15, 1973]

OUSTER AT SOCIAL SECURITY

The word "bureaucrat," like the word "politician," has gathered a distinctly deprecatory ring to it. The public has grown more distrustful of big government, and so it has become fashionable, even in the town that lives by big government, to dismiss the man who works for government as something of a second-rater.

It is all too bad. For though second-raters, and third-raters, abound in government, as they do in private employment, the disparagement of the bureaucracy ignores the hard-working and the able in government ranks and it ignores those relatively few people who can fairly be called superb public servants.

Robert M. Ball is in that last category of bureaucrat. He will be, at least, until his successor is named and takes over as commissioner of Social Security. Whatever bothersome questions that have arisen about the legislative principles and the financing of Social Security, there is almost universal agreement that here is one government program that works: The computers whirr; the checks go out; public confidence in the system remains high. Bob Ball can take some of the credit for this.

Ball has been with Social Security since 1939, or almost since its inception. He has been commissioner for the last 10 years, a period in which the system experienced a mighty expansion in size, scope and complexity. As an administrator, keeping on top of the legislation, knowing what had to be done, and doing it in an apolitical way, Ball rode the expansion tide in admirable fashion.

All of which brings up the question: Why did President Nixon accept Ball's pro forma resignation? Ball, it is known, wanted to stay on. And he had reason to stay on, for in light of 1972 legislation further expanding the system to include all the nation's adult welfare programs, Social Security faces a challenge at least as complex as in the move eight years ago to establish Medicare within the system.

What the White House has in mind may become clearer when Ball's successor is announced. In the meantime, we believe the burden of proof is on the administration to show that it can come up with someone of Ball's stature, and someone who will not politicize this key position. Congressman Wilbur Mills, whose knowledge of the system is unequaled on Capitol Hill, says he'll be "watching carefully" the choice of a successor. That's good to hear. We hope a lot of other people, in Washington and elsewhere, will do the same.

[From the American Medical News, Jan. 15, 1973]

Ball Leaves Top SSA Post

Veteran Social Security Commissioner Robert Ball resigned under what he termed "a mutually acceptable decision" with the White House.

The 58-year-old career federal official was named commissioner of the vast Social Security Administration by President Kennedy. He was in the forefront of the fight for Medicare and other expansions of Social Security, and was regarded as one of the government's most knowledgeable officials.

No successor was announced.

Although he ran Social Security with an expert hand and generally managed to steer clear of political involvement, Ball was a firm believer in the ability of Social Security to handle larger responsibilities, such as Medicare.

His convictions clashed with those of former chief Social Security actuary Robert Myers, who resigned several years ago after accusing Ball of pushing unlimited expansion of Social Security.

In his letter to President Nixon, Ball said his "personal preference after nearly 11 years as commissioner of Social Security, has been to ask you to accept my resignation, effective at the beginning of the new term. I have refrained from doing so only because of my concern for the program and the Social Security organization during the coming period of great challenge. . . ."

Ball's resignation follows the departures—some voluntary, some not—of the entire top echelon at HEW's health department. Only Food and Drug Commissioner Charles Edwards, MD, remains. He is reported under consideration for promotion.

[From the Port Arthur (Tex.) News, Jan. 15, 1973]

Was Ball Dismissal Mistake?

President Nixon's dismissal of Robert M. Ball as commissioner of Social Security raises some serious questions about how to achieve and maintain skillful management in the government bureaucracy.

Since the agency has always been deemed to be off-limits politically, it would be a bad slip if the President were to name a successor whose experience suggested he was less a qualified social insurance expert and more an out-and-out political appointee.

But, actually, that is the shallow, obvious aspect of the matter, easy to judge. There is a deeper issue.

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Yet there is a strong counter-argument put forth steadily in the field of public affairs. Its core is that there are always men with a great capacity for self-renewal, continuing growth, and adaptability to altered circumstances and problems. Such men not only can meet new challenges, but have a way of searching them out.

Does Robert Ball deserve such an accolade as this? There are a good many men in the U.S. Congress and many practiced observers of public service performance who believe he does.

He has presided over Social Security during its transformation for an agency of modest scale to one of enormous size and increasing complexity, and seen it hailed as the best of bureaucracy. In 1965, he laid over it the huge framework of the Medicare program, a task reasonably pictured as one of the greatest peacetime administrative assignments in history. He is a tireless innovator who knows his field as he knows the lines in his hands.

In 1972, Congress handed SSA new challenges for 1973 and 1974. Everything in the record suggests Ball was the man above all to meet them. His expertise is unmatched, and at 58 his powers and talents seem undimmed. He is a public servant of genuine distinction. In casting him out, President Nixon has made a gross error in judgment.

[From the Washington Post, Jan. 14, 1973]

Rowland Evans and Robert Novak

The sacking of highly respected-civil servant Robert Ball as social security administrator fits neatly into President Nixon's overall program of attaining iron control over the federal government, but it came four years later than Mr. Nixon originally planned.

In 1969, White House aides, noting that the non-partisan Ball had first been named Administrator by President John F. Kennedy, wanted him replaced by a Nixon stalwart. But Mr. Nixon's newly designated officials at Health, Education and Welfare (HEW)—Secretary Robert Finch and Under Secretary John G. Veneman—protested they badly needed Ball's expertise. Moreover, Rep. Wilbur D. Mills, chairman of the House Ways and Means Committee, informed the White House he would be most unhappy if Ball were fired.

This time, Mr. Nixon experienced little difficulty. Elliott Richardson, outgoing secretary at HEW, told the White House Ball ought to be kept to administer changes in law, but did not press the point. His successor, Caspar Weinberger, made no protest. Mills was not consulted (though he is not happy about Ball's ouster).

A footnote: The Ball incident confirms the general expectation that Weinberger, highly competent administrator through he is, will be considerably more subservient to the White House than either Finch or Richardson.

[From the New York Times, Jan. 5, 1973]

Social Security Chief Is Believed Out

WASHINGTON, Jan. 4.—President Nixon plans to accept the resignations of Robert M. Ball, head of the Social Security System for a decade, and Phillip V. Sanchez, director of the Office of Economic Opportunity, Government sources said today.

Mr. Ball, it appeared, is being pushed out of Government. However, there were indications that Mr. Sanchez will be promoted.

The removal of Mr. Ball, who heads both the retirement benefit and Medicare programs, will all but complete the removal of the entire top management staff of the health component of the Department of Health, Education and Welfare.

Announcement of the move, which is expected Friday, is believed likely to provoke bitterness among Social Security employes, who have considered themselves to be above partisan politics.

Informed sources have indicated that Mr. Sanchez, who has made many speeches praising the President for his initiatives for promotion—perhaps to an ambassadorial post in Latin American.

His departure comes at a time when the poverty office is faced with serious morale problems, largely the result of the uncertainty of its continued existence under the President's government reorganization plan.

Mr. Ball has been an advocate of an expanded Federal role in welfare and health affairs, which the Administration is trying to de-emphasize in favor of more state control.

Mr. Ball and Mr. Sanchez are known to have requested that they be allowed to remain in their present posts.

Mr. Ball, who has spent his entire career in the Social Security Administration, joins a list of a dozen key agency officials who are leaving. His departure, however, is not expected to have any immediate impact on Federal health policy.

Mr. Sanchez, appointed in September, 1971, has been the fourth director of the poverty office since 1969. He succeeded Frank C. Carlucci, who moved to high posts at the Office of Management and Budget and has now been designated Under Secretary of H.E.W.

[From the Asheville (N.C.) Times, Jan. 6, 1973]

An Unfortunate Nixon Firing

President Nixon's shakeup of the federal bureaucracy perhaps moved a step too far when he accepted the requested resignation of Robert Ball as head of the Social Security Administration. The word out of Washington hints that Ball, who worked his way up from the civil service ranks and was named Social Security Administrator by President John F. Kennedy, had too many close contacts in Congress for the liking of the White House.

If so, it is a pity. Robert Ball served with considerable distinction as head of the vast Social Security Administration. He was one of the architects of Social Security's disability and Medicare provisions, and received the Rockefeller Public Service Award for the supervision of the vast social insurance program which now provides benefits to one of every nine Americans.

Ball can bow out with a very clear conscience. Knowledgeable observers in Washington rate the Social Security Administration as perhaps the best of all the federal agencies. There has never been a breath of scandal connected with it, and the experts hold that administratively it functions with a minimum of waste and lost motion. People who have had occasion to do business with regional Social Security offices can testify to the fine courtesy and efficiency of the staff members.

The nation owes a debt of thanks to Robert Ball. It's too bad that he had to fall victim to the Nixon pruning hook.

[From the Augusta (Ga.) Chronicle, Jan. 6, 1973]

Ball Resignation Confirmed—"New Direction" Planned in Social Security Setup

WASHINGTON.—The White House confirmed Friday that Robert Ball is stepping out as Social Security administrator and promised "there will be new direction" of the vast social insurance system.

Press Secretary Ronald L. Ziegler said Nixon has accepted Ball's resignation "with appreciation for his services and contributions" in his decade as head of Social Security.

But he refused to say whether Ball, in submitting the pro forma resignation, had expressed a desire to continue a government career which dates from the New Deal days. "The commissioner is returning to private life . . . that's all I have to say," Ziegler responded when asked why Nixon is replacing him.

Ball's successor was not announced, but Ziegler said "there will be new direction" in operation of the system which provides benefits to one of every nine Americans.

Ziegler also announced the President has accepted "with deep regret" the resignation of Andrew E. Gibson as assistant secretary of Commerce for domestic and international business. Gibson previously served as maritime administrator. He will return to private life, Ziegler said.

He would not discuss the President's plans concerning Philip Sanchez, Office of Economic Opportunity director. Sanchez' resignation from the poverty-fighting post reportedly has been accepted by Nixon.

Mills Says Congress Won't Buy Politicalized Social Security

WASHINGTON.—Congress never will allow the Social Security system to be politicalized, Rep. Wilbur D. Mills, D-Ark., said Friday.

Mills is chairman of the Ways and Means Committee which handles Social Security legislation. He commented in connection with the departure of Robert Ball as administrator of the system and the subsequent remark by White House Press Secretary Ronald Ziegler that "there will be new direction" in the operation of the system.

"I hope that did not mean the administration wants to politicalize Social Security," Mills said. "I don't believe it does because they know in advance Congress would never permit it."

Mills described Ball as "a near genius in administration" and said "I will watch his successor very carefully."

[From the Evening Star-News, Jan. 5, 1973]

Social Security Chief Dropped, 33-Year Veteran

(By Philip Shandler)

President Nixon has decided not to retain Social Security Commissioner Robert M. Ball in the second term. Ball's departure comes as the Social Security program is on the verge of what may be the biggest job ever for an agency with one of the most complex missions in government.

In a statement prepared to coincide with the impending White House announcement, Ball, 53, said recent Social Security legislation was so significant "it can be said that the program has come of age." And he added:

"It is particularly difficult for me to leave now and not be a part of these efforts . . ."

The President was expected to announce soon, possibly today, that he has accepted the resignation of Ball, a 33-year federal careerist who for more than a decade has overseen unprecedented expansion of what is now the world's biggest retirement and insurance system.

PRAISE FROM MILLS

Rep. Wilbur Mills, D-Ark., chairman of the House Ways and Means Committee, which handles Social Security legislation, said it would be "hard to find an equal to Bob Ball," whom he called "a near-genius."

Dialogues between Ball and Mills have been a familiar and instructive fixture of congressional activity for years. And Mills said he would be "watching carefully" the choice of a successor.

Social Security annuity increases, Medicare extensions and the first federalization of a welfare program—the so-called adult categories of state aid to the needy aged, blind and disabled—were voted by Congress in its last session.

This will require, Ball said, "at least as much effort and complexity for the Social Security Administration as the setting up of the Medicare program" of health insurance for the elderly eight years ago.

DEPUTY TO REMAIN

But he insisted that his resignation is a "mutually agreeable departure," and that he had "every confidence that the organization will perform well" under new direction.

There was no immediate explanation from the White House for letting Ball go, nor on a successor. His deputy, Arthur Hess—the only other political appointee at Social Security has not been told to go.

Ball said he would stay on until a successor takes over.

A spokesman for Sen. Russell Long, D-La., chairman of the Senate Finance Committee, said he hoped the White House "won't politicize the job."

This could happen, however, with what many see as a conservative mood clouding the prospect for further expansive social legislation from the Congress that convened this week, and thus minimize the need for a Social Security chief of Ball's expertise.

Ball, a native of New York, developed an interest in Social Security while a senior at Wesleyan University in 1935, from a professor who was a consultant on the newly created program.

In 1939, he took a $1,620 job as a field representative, became a protege of Wilbur J. Cohen, and rose to become deputy director of the Bureau of Old Age and Survivors Insurance in 1954.

Cohen was named secretary of the Department of Health, Education, and Welfare—Social Security's parent agency—by President John F. Kennedy, and Ball was promoted to head the Social Security program in 1962.

"SUPERB ADMINISTRATOR"

"A simply superb administrator," Cohen was quoted as describing Ball in a profile a few years ago.

At the same time, Ball was described by an anti-poverty worker as "my favorite bureaucrat . . . This guy really cares."

A husky six-footer with a quiet voice, Ball seemed at congressional hearings to have an inexhaustible supply of facts and patience.

In recent years, he has received top awards for service from both the government and the private sector.

In an interview, Ball said there was "very little different" he would like to have seen develop in his field legislatively.

"We've got about all one can say grace for now," he said.

When he leaves, Ball intends to write a book—"dosen't everyone?"—he said. It will deal with "the tendency in some quarters to see Social Security as just another government program."

[From the Evening Sun, (Md.) Jan. 8, 1973]

Letter From Nixon

President Nixon has sent a personal letter of thanks to retiring Robert M. Ball, commissioner of the Social Security Administration for the past 11 years, in which the President said SSA has become a model for other government agencies.

Mr. Nixon's letter to Mr. Ball says in part: ". . . perhaps more than any other government program, the administration of Social Security reflects upon the efficiency and responsiveness of government. It is to your great credit that the Social Security Administration has, indeed, become a model for other government agencies in discharging its responsibilities to the American public."

Mr. Nixon noted that the scope of the program has been "enlarged and enhanced many times" and that "legislative additions and amendments to the law have demanded the finest in administering the implementations and this you have given superbly."

LETTER TO THE PRESIDENT

In his letter to the President, Commissioner Ball said he had refrained from asking the President to accept his resignation effective at the beginning of a new term "because of my concern for the program and the Social Security organization during the coming period of great challenge and difficulty arising from the need to implement the major new legislation contained in H. R. 1.

"It is my understanding," Mr. Ball wrote, "that you now believe that a successor can and will be found shortly and that you wish to accept my resignation at this time with the understanding that I will be available for whatever help I can give during the period of transition. . . ."

As of late Friday, no successor had been named to replace Mr. Ball.

The retiring commissioner has said he plans to devote himself "to helping in the development of long-range policy in health insurance, welfare. Social Security, and the organization of government for dealing with social programs." He started with SSA as a field assistant in New Jersey in 1939.

[From the News American, Jan. 3, 1973]

Change at Woodlawn

The resignation of Robert M. Ball as commissioner of the Social Security Administration is regrettable.

Mr. Ball was planning to retire, but it was his hope that he could stay through the crucial period over the next few years when far-reaching provisions of House Resolution 1 are being implemented.

President Nixon, bent on replacing top federal administrators with men of his own choice, decided otherwise. The job is a presidential appointment.

Mr. Ball was supported by powerful congressmen, and a fight could have been made over his ouster, but he chose to avoid one on the sensible grounds that no one wins or loses in such circumstances.

Baltimore, the national headquarters of Social Security, has a keen interest in the person picked to run the agency. Whoever is selected will have a difficult task filling Mr. Ball's shoes. Not only was Robert M. Ball a career agency employe, he also was intimately acquainted with the changes made in H.R. 1.

This measure, enacted by the 92nd Congress, contained provisions so broad in scope that the Woodlawn headquarters will be working overtime in the months ahead to implement them. Social Security, for example, will be assuming the states' responsibility for old-age assistance, aid to the disabled and aid to the needy blind in 1974. Its responsibilities in the administration of Medicare have grown. The agency, in short, has been handed a gigantic task by Congress, and the post of commissioner is no place for a novice.

Mr. Ball's consolation is the knowledge that he presided over Social Security during a time of great change, including the creation of Medicare, and successfully led the agency through the period with a minimum of turmoil. It is unfortunate that he will be unable to remain through the final days of change.

[From the News American, Jan. 13, 1973]

Notable Quote

By President Nixon, in accepting the resignation of Robert M. Ball as commissioner of the Social Security Administration:

"Few agencies in government have as direct and profound impact on the lives of our fellow citizens as does the Social Security Administration. And perhaps more than any other government program, the administration of social security reflects upon the efficiency and responsiveness of government.

"It is to your great credit that the Social Security Administration has, indeed, become a model for other governmental agencies in discharging its responsibilities to the American people. During your service as commissioner, the scope of social security has been enlarged and enhanced many times. Legislative additions and amendments to the law have demanded the finest in administrative implementation, and this you have given superbly. You have every reason to be proud of such distinguished efforts."

[From the Baltimore (Md.) Evening Sun, Jan. 19, 1973]

Grace Hint Can Be Costly

(By Lou Panos)

Statesmen at Work:

Robert M. Ball will not exit laughing when the White House finally comes up with his successor as commissioner of Social Security, but his gentlemanly departure could be a lesson for the presidential advisory corps itself in graceful withdrawal under pressure.

Some who have known him as a dedicated 34-year-career employe above and beyond the knees-and-elbow political infighting of four Democratic and two Republican administrations are not surprised by the absence of bitterness in his farewell comments.

But they say the gushy "Dear Bob" letter of appreciation from Richard Nixon for services rendered masks the true situation.

They believe he was tapped to walk the plank partly because of his suggestion that the White House inner circle was upsetting precedent in the tone used to notify Social Security recipients of increased benefits last fall.

The Ball hope was that, as in the past, the President might be credited for his role in boosting the benefits but that the notice might be couched in terms less partisanly political.

The hope now is that he'll still be available after leaving office to offer the government the benefit of his experience as a consultant or adviser on social welfare law and administration.

[From the Federal Times, Jan. 24, 1973]

Robert Ball Leaving Social Security Post

Washington.—The White House has accepted the resignation of Robert M. Ball, commissioner of Social Security.

Ball, who presided for more than a decade over the ever expanding activities of SSA, wished to stay on. But his pro forma resignation, submitted to President Nixon along with those of all other political appointees was accepted.

In a letter to SSA employes Ball said that although he personally longed to be freed from the "pressures of a highly demanding administrative job . . . I would have felt obligated to stay on to help implement the important new legislation contained in H.R. 1 had the President felt that it was of crucial importance that I do so."

Ball revealed to SSA employes that despite the administration's drive to reduce federal employment "we have approval for the increased staffing necessary to put the new legislation into effect so that your efforts can move forward at full speed."

He noted that it was "particularly difficult" for him to leave at this time "and not be part of these efforts."

His letter to Nixon contained a similar observation. Saying that even though his personal preference was to leave SSA, "I have refrained from doing so only because of my concern for the program and the social security organization during the coming period of great challenge and difficulty arising from the need to implement the major new legislation contained in H.R. 1."

The recently enacted welfare reform amendments will federalize certain state welfare programs, change eligibility standards, and draw thousands of additional employes into SSA, mostly at the district and field levels.

Numerous SSA employes have expresed displeasure at Nixon's action because they regarded 58-year-old Ball as an able and just administrator.

Many congressmen, including Rep. Daniel J. Flood, D–Pa., are reportedly unhappy at Ball's ouster. Flood is chairman of HEW's appropriations committee.

A Capitol Hill source said: "It was unlikely that the Nixon administration would retain Ball. You've got to remember that Ball was an old-line, independent-minded administrator, not the type that could be a yes-man to anyone, or be controlled by the White House. The Nixon game plan is to appoint bureaucrats who can be directly controlled by the White House."

Ball also was highly regarded by senior citizen organizations across the nation. A spokesman for the National Council for Senior Citizens said it was "unfortunate" Ball was leaving. The spokesman said Ball "administered a complicated program with great devotion and was one of our most outstanding public servants."

An SSA spokesman said Ball plans to work privately on development of long-range policy in health insurance, welfare, social security, and the organization of government for dealing with social programs.

A federal career employe, Ball started in the ranks as a field assistant in a social security district office in New Jersey in 1939 at a salary of $1,620 a year. He devoted his entire career to social insurance.

BEFORE President Kennedy appointed him SSA commissioner, 11 years ago, Ball served as deputy director of the former Bureau of Old Age Insurance.

He is a recipient of the Rockefeller Public Service Award "for distinguished service in the field of administration," and the National Civil Service League Award citing him as a top authority on social security and also for "his notable ability to lead and inspire those who work with him."

During 1947 and 1948, Ball was staff director of the Advisory Council on Social Security to the U.S. Senate Committee on Finance. In 1952, under the sponsorship of the National Planning Association, he wrote the study, "Pensions in the United States," which was published by the Joint Committee on the Economic Report of the Congress in 1953.

Born in 1914, Ball received his M.A. in economics in 1936 from Wesleyan University.

TAX REFORM VITAL

Mr. McGOVERN. Mr. President, one of the most urgent challenges before the Nation today is the need to reform our inequitable tax system. We do not need higher taxes, but we do need to adjust some of the tax loopholes that permit some people to dump their tax responsibility onto the backs of the rest of us.

Mr. Clayton Fritchey, the noted columnist has written a provocative piece on this subject which appeared in the Washington Post of February 17, 1973. The Saturday Review of October 21, 1972, contains an excellent piece on the same subject by the distinguished tax expert, Stanley Surrey.

I ask unanimous consent that these articles by Mr. Fritchey and Mr. Surrey be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, Feb. 17, 1973]

Has the Fight Gone Out of the U.S. Tax Revolt?

(By Clayton Fritchey)

Whatever became of the hurricane of tax reform that for a time swept over the presidential campaign last year? It is gone with the wind.

In a key so low it can barely be heard, Rep. Wilbur Mills (D-Ark.), chairman of the House Ways and Means Committee, has now opened exploratory hearings on the U.S. tax structure, but none of the 1972 lions of reform (in either party) is shaking Capitol Hill with the kind of roars that made tax relief seem like such a spirited issue in last year's election, especially in the presidential primaries.

In view of the present calm, it's hard now to believe that the big tax storm was for real, yet last spring it dominated the headlines as both Gov. George Wallace of Alabama and Sen. George McGovern of South Dakota rode it to surprise primary victories.

It was really Gov. Wallace who started all the excitement. As part of his "populist" act, he developed a pitch against "taxers and spenders." Over and over, he said he was "sick and tired of the average citizen being taxed to death." It went over big.

At the same time, Sen. McGovern was pounding away against tax preferences for the wealthy. When Wallace and McGovern began to win all the early primaries, the then-favorites, Sens. Edmund Muskie of Maine and Hubert Humphrey of Minnesota, also took up the refrain.

Soon, even the conservative Wilbur Mills, himself a candidate for President, joined in, and finally Mr. Nixon fell in line with his pledge to cut the property taxes of homeowners in half.

There were a few skeptics like Rep. Henry Reuss (D-Wis.) who, foreseeing a letdown, urged Congress to strike while the iron was hot last year, but he was put off by Rep. Mills who, as chairman of Ways and Means, is a virtual czar over tax legislation.

As an earnest of his own good intentions, Mills, joined by Montana's Mike Mansfield, the majority leader of the Senate, introduced a seemingly far-reaching bill to eliminate 54 so-called loopholes in the federal tax laws unless Congress saw fit to reinstate them one-by-one.

Rep. Reuss tried to persuade Mills to offer his legislation as an amendment to the administration's debt-ceiling bill, then up for passage. "This may offer the last clear chance for veto-proof tax reform," Reuss wisely said. He also warned that Mr. Nixon "is highly likely to be re-elected," and in a second term "is highly likely to veto such a reform bill."

Mills, however, felt it should not be acted on until after the election, which led some to wonder how enthusiastic he would be for reform once his dreams of being the Democratic nominee for President or Vice President were over. We now have the answer, and the answer is—not very. It might be added that he is not being noticeably prodded by Sen. Mansfield, the co-sponsor of the fading proposal.

Events have clearly borne out Rep. Reuss' doubts over Mr. Nixon's appetite for tax reform. A few weeks before the election, the President promised tax relief for elderly homeowners would be the "first order of business in our next federal budget." But there is not a mention of it in the new budget.

As for Mills, he is now saying that he thinks his committee hearings will "make a showing" to the American people that the tax laws, as they stand at present, are not as bad as they are painted. The chairman and the President seem to agree that if there was a tax revolt last year it's over now.

They could be right. Actually, from the federal standpoint, Americans pay comparatively light taxes. Moreover, for the last decade, federal taxes have been dropping. If the tax rates of 1963 were still in effect, federal revenues would be $50 billion greater this year. The real problem is not overtaxation, but unfair taxation.

The need is for revision, rather than reduction. Only a few days ago, the Ways and Means Committee heard experts testify that the closing of tax loopholes for special interests would provide more than enough revenue to carry on the Great Society social improvements without raising taxes. It is estimated that these tax preferences, some of them legitimate, presently total $77.3 billion. It is also estimated that not much is going to be done about it by the 93d Congress.

[From the Saturday Review, Oct. 21, 1972]

Taxes Are a Moral Issue

(By Stanley Surrey)

Reform of the federal income tax is a major goal that our society must achieve. Individual and corporate-income taxes are the mainstay of our federal revenue system, providing 60 per cent of the overall receipts. As a nation, we are willing to rely so heavily on this form of taxation because we consider it the fairest revenue measure yet devised. We accept almost intuitively the concept that income is a proper measure of a person's ability to pay for and contribute to the maintenance of our society.

An income tax remains, however, only if it reaches all income, only if there are no preferences or loopholes through which some people can escape. The very integrity of the tax system is challenged today when many persons, especially those well off, are provided with readily available escapes. All wages and salaries are taxed today. But only half of profits from investments are taxed, and indeed none of the gain is taxed if an individual dies holding appreciated investments. Yet persons who make these capital gains can use them to purchase a standard of living far beyond the level most Americans will ever attain. The savings-bank interest of the teacher or clerk is taxed but not the interest earned from state and local bonds generally held by wealthy, upper-bracket investors.

Since most of us pay our taxes weekly or monthly through withholding, we tend to think the system works methodically and inexorably for everyone else. The wealthy investor knows differently, because his investment advisers guide him to "tax shelters" through which he can become still wealthier. The high-income investor can join partnerships in oil, real estate, cattle, farms, or equipment leasing—businesses that produce large "tax losses." Interestingly enough, these "losses"—such as an investor's expenses for feeding his cattle—are losses only in the eye of the tax law. In the investor's own accounts the expenses are outlays on which he hopes eventually to make money. Meanwhile, on his tax return the "losses" can be deducted to offset income from other sources, thereby making much of that other income nontaxable.

There is something terribly amiss when, in order to provide low-income housing for the shelter of the poor, we at the same time shelter tax millionaires. We permit investors an accelerated depreciation on buildings far in excess of the real decline in the buildings' values. As a result of this loophole, and others like it, persons with actual incomes in the hundreds of thousands, even millions, either pay no income tax or pay at a rate less than that of semiskilled construction workers. This is an offense to our sense of fairness and decency. Tax reform is a moral issue.

The same criticisms hold true for corporations. We know that by law the tax rate on major corporations is 48 per cent, and yet the overall rate they pay is, in effect, only 35 per cent. Indeed, for some corporations the effective rate is still lower, sometimes even zero. Many a tax-escape path can be found by companies—quick and excessive depreciation, overly generous depletion allowances, untaxed profits derived abroad, reduced taxes on income from exports.

The McGovern tax program would end these individual and corporate preferences. It would provide more than $20 billion of new federal revenue, and yet neither individuals nor corporations would pay a tax rate over 48 per cent. But the new rate would be a real rate, not today's paper rate of 70 per cent for top-bracket individuals whose actual effective rate now averages only 32 per cent.

Tax reform is not a new issue. The Kennedy and Johnson administrations believed in tax reform, and they worked hard and successfully to eliminate tax abuses neglected during the Eisenhower years. But the tax policy of the Nixon period has been a betrayal of that move toward equity. The The Nixon adminstration has not made a single tax-reform proposal on its own that would end a single tax preference or close a single loophole. The few it did make were blueprinted in studies done under President Johnson, and they were prodded from the Nixon administration by Congress in 1969. Instead of backing reform, this administration has taken the path of more tax incentives for business—indefinite deferral of taxes on half of all income from exports (DISC) and even faster tax-saving write-offs for machinery. Each incentive has created a new tax escape.

The cynical may say that tax reform is a fool's game. Ingenious lawyers will open new loopholes as fast as others are closed. But the tax experts know better. Today's loopholes are not the product of tax brains fiendishly seeking hidden escape tunnels, they are sketched in the law for all to see. They are the product of misguided attempts to use tax subsidies and incentives to reach goals that could far more efficiently and fairly be achieved by direct government expenditure programs. If our social priorities require government assistance, it should be provided straightforwardly. We should, for example, assist state and local governments to meet the interest cost on their bonds directly rather than give tax-free interest income to bond buyers.

If we were to subsidize directly those efforts the government now subsidizes through the tax system, we would quickly begin to see that in most cases the financial help given through tax preferences is neither needed nor warranted. It would be difficult to imagine, for example, that the government could justify direct payments to finance the sale of exports, or to encourage corporations to invest abroad, or to enable actors to buy cattle. But that is just what the present system does.

There are those who warn that, if ever capital gains are fully taxed like other income, individual investment and risk taking will cease. They say, too, that, if business is deprived of tax write-offs for machinery far in excess of the equipment's actual decline in value, then corporate investment will greatly decline. Yet tax economists who have long studied these matters know better. It is the maintenance of a full-employment economy—an essential part of the McGovern economic program—that is the best assurance of an appropriate level of investment. Moreover, a climate in which the government takes only half of the profit from an investment—a 48 per cent top rate—and shares equally in losses is a healthy investment climate even for risky ventures. The investment credit can be at hand as a device to prompt corporate investment whenever that stimulus may be needed.

Finally we return to the matter of morality. Our social goals will require an increasing federal budget. Rational economic growth itself will provide increased revenues, and frenetic growth is not needed. But taxes will need to remain high if we want to achieve a better environment, better education, more opportunity for all, a decent income standard in place of welfare, and other social goals. Tax reform, by keeping our income tax fair, will permit us to maintain the needed level of revenues.

When asked what tax reform has ever accomplished for a society, let us remember that nations have been undermined and governments have toppled because unfair taxation destroyed the confidence of their peoples in them. Knowing what we do about the weaknesses of our own system, we do right in making tax reform a major priority today.

VOTER REGISTRATION

Mr. McGEE. Mr. President, earlier I had informed the Senate of the meaningful meeting of the secretaries of state in New Orleans on February 1 and 2.

The import of that meeting was the fact that exclusive attention was given to problems of voter registration and elections. The meeting was a landmark meeting insofar as the 46 States represented at the meeting agreed for the first time that grave problems of uniformity in our registration laws did in fact exist. Indeed, too often many of our registration requirements serve to exclude potential voters from the system.

Early in the first day of the meeting in New Orleans, an electrifying and eloquent statement was made by the Honorable Ben W. Fortson, Jr., secretary of state of Georgia. When Mr. Fortson's remarks were finally transcribed from a tape recording, I was so impressed that I wished to share them with you.

Ben Fortson has been secretary of state in Georgia for 28 years. His experience has not only been long but instructive. Certainly if all election officials shared Mr. Fortson's determination to include all eligibles on the voting rolls, the Congress of the United States would not now have to consider attacking the problem of voter registration.

However, the fact is that we do have a hodgepodge of voter registration laws, and that too often these laws have been so restrictive and prohibitive that over 40 million Americans who are otherwise eligible are not registered.

I ask unanimous consent that Ben Fortson's statement be printed in the RECORD.

There being no objection, the address

was ordered to be printed in the RECORD, as follows:

REMARKS BY THE HONORABLE BEN W. FORTSON, JR.

Madam Chairman, I told the young ladies back there, my chief election officers, I was going to keep my mouth shut at this meeting and try to learn something. I have. But, I could not keep quiet for long after such intriguing speculations and statements have been made.

Insofar as the voter's intent in Georgia, that's all he has got to say—he says I am here, I intend to stay here, this is my home—whether he owns property or anything—he is registered to vote, provided he comes in within the 60-day period for which we are allowed for state officials and county officials. If he comes in and wants to vote for President, he can register to vote 14 days prior to the General Election. And, all he has to do is to say I'm here, I intend to stay here and he is registered. The same applies to students.

I'm not up here really for that. I'm up here to make a statement that I have said many times before, as some of my fellow secretaries of state have heard me say. We had a great controversy some years back having to do with eighteen year olds. People said we weren't going to change our constitution to let them vote. I made the statement then—they are going to vote. And they are going to qualify.

The thing is I am glad that the Lieutenant Governor from Alaska has mentioned here about searching out on some central spot all people who are registered to vote. That's why I'm saying that the Federal Government is going to have federal registration in every precinct in the United States; and you'd just as well get ready for it! And then you're going to have your central registration.

The other thing is just as certain as we are sitting here today. Every child that is born is going to get a card, and on that card is going to be a social security number and the date of their birth; and when they take this card when they get to be eighteen years old, wherever they are that day, that time, in that election, they present that card and they are going to vote. Now you all think that's crazy, and I know I am crazy (laughter); but that's going to happen and there are two reasons for it.

One is, there is no longer a stationary people in this country. We've got 60 million people in this country that travel every day—they are moving. You are not going to be able to deny them, wherever they are, to take part in the election process.

The other thing is, the election process is not for me as an official. (applause) It hasn't got anything to do with the officials! I am getting tired of the officials saying we haven't got time to do it! Take time! The thing you are trying to save is the person who has got the right to vote and have his vote counted exactly as he voted it and have it reported and tabulated. That's the purpose of the election. And although we have got many many irritants and we haven't gotten out of the woods, I tell you we are coming to it, because this is going to be one Nation and it is going to be indivisible and it is going to be united. Whether it's under God or not depends on each one of us as individuals. (laughter and applause) I speak as a Georgian. And if anything should happen of any nature, it should happen in Georgia. (laughter) I have been there now as head of elections for 28 years.

If I were to recount, I would recount some of the things you have said. I would recount some of the things you've said over and over again—we don't want them to vote! Too often, we want the rolls low and small; and on any pretense, many of them will throw every voter off that they can without getting a kickback.

We are right now in the process this year of taking off of our voters lists every person who has not voted in three years—one time in three years. All right; what's going to happen? I know what's going to happen. I'm doing everything I can to tell all these election officials you can't arbitrarily take them off. You've got to notify them at their last address. If that letter comes back, you put it in the file. If you can't get in touch with them, you take them off; but you keep that letter as your protection. The other is they're not going to notify some of them. And they are not going to notify them until we have another hot Presidential Election, then they are going to come up and want to vote and find they are off. All right—you didn't notify them; you don't have any evidence that you did. Right there, they are going to court. This is the day of going to court for everything, and most of us are responsible for that. That is what we ought to do perhaps. So, what I am saying is this whole election proposition is going to change, whether we like it or not.

One thing, I'm glad I'm an American, I'm glad I live in the United States, I'm glad I'm here today in this time and age—the most talented age that's ever occurred anywhere—in any nation. For all our problems, we are blessed. We are going to solve them.

And I am going to say this and then I am getting out and I ask your forgiveness for getting up here. (laughter) This is a serious thing; it's serious for all of us. You know we are all going to do right if we know what right is. Therefore, I have to agree with the calling of this meeting. I assure all of you I will do all I can to help work where we can each go, find out and do what the Constitution of the United States and the decisions of our Supreme Court call for—that's what I stand for.

Thank you. (Applause and standing ovation.)

THE URBAN PARKLAND HERITAGE ACT AND PHILADELPHIA

Mr. WILLIAMS. Mr. President, at the beginning of this Congress I introduced S. 12, the Urban Parkland Heritage Act of 1973. The bill would substantially increase the Federal commitment to funding parks and recreational facilities, and it is specifically designed to remedy many of the deficiencies in recreation opportunity that exist for urban dwellers.

On February 6, Mr. John M. Elliott wrote a most thoughtful letter to the editor of the Philadelphia Inquirer concerning S. 12. Mr. Elliott is chairman of the Urban Committee Citizens Advisory Council to the Pennsylvania Department of Environmental Resources and he is a member of the Philadelphia City Planning Commission. His letter outlines a number of imaginative ways in which S. 12 could benefit the Philadelphia area.

I ask unanimous consent that Mr. Elliott's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

URBAN ENVIRONMENT: BILL FOR PARKS OFFERS HOPE TO CITIES

To the Editor:

Recent Federal legislation proposed by Sen. Harrison Williams of New Jersey and Rep. Daniel Rostenkowski of Illinois offers considerable hope for America's growing metropolitan regions, which vitally need the physical and spiritual breathing room of new parks.

The "Urban Parkland Heritage Act of 1973" recognizes the need for new financial assistance to acquire urban parkland. Special consideration is appropriately given to park opportunities for low income and poverty areas.

Today, when escalating city budget deficits see vital urban services (housing, mass transit, schools, police) compete for every tax dollar, expanded and improved parks generally do not top the list of urban priorities.

Acting through a 15-member Federally funded national non-profit corporation, the "Urban Parklands Heritage Act of 1973" would allow public bodies to apply $5 billion of grant and loan contract authority ($1 billion immediately) to acquire and operate urban parkland, including vitally needed planning and maintenance costs—far more than any present "open-space" acquisition opportunities.

Philadelphia is blessed with Fairmount Park's oasis of green sanity, which offers respite to all segments of our society. The Wissahickon, Pennypack and Schuylkill watersheds are generally recognized as invaluable environmental and cultural assets which must be enhanced and preserved, and all sections of our city justifiably clamor for new parks.

Philadelphia has acted commendably to protect and expand its park system. The City Planning Commission recently announced a new 200-acre "open space" program for Upper Roxborough (which ties into another 200 park acres in Montgomery County).

Philadelphia is also participating in an environmental study of the Wissahickon watershed to ascertain what, if any, types of development can be tolerated there. Hopefully a similar study will be initiated on the Schuylkill River watershed.

Yet these hopeful initiatives are restricted by budget constraints which would be relieved by this proposed federal legislation, which can move many worthwhile projects closer to reality.

For example, center city's Schuylkill River Park linking Greys Ferry to the Art Museum; the Manayunk Canal restoration; Queen Village; new Northeast parkland; protection for historic park lanes such as Wises Mill Road and Livezy Lane; and parkland for Whitman Park and Germany Hill can all be advanced. Smaller community parks and recreational opportunities such as those called for by the Bella Vista Civic Association and by the North City Congress can also be accelerated.

Significantly, this imaginative legislation would allow local government, with full participation, to structure its own priorities. These new parks will uplift our region's spirit, and create vehicles for creativity and decency in an urban society, which is increasing bludgeoned by noise, congestion, dirt and dismay. Its early passage would be a hopeful and therapeutic asset to Philadelphia's efforts to improve the quality of our environmental, economic and cultural life.

JOHN M. ELLIOTT.

PHILADELPHIA.

ABUSE OF THE GRAND JURY IN FORT WORTH

Mr. KENNEDY. Mr. President, I have asked the Attorney General and the Department of Justice to review the circumstances involving the recent reimprisonment of five Irish Americans in the Tarrant County Jail in Fort Worth Tex.

The five men—Thomas Laffey, Matthias Reilly, Kenneth Tierney, Danial Crawford, and Patrick Morahan—are all from the New York City area. Originally, they were jailed in Fort Worth in June 1972 for contempt for refusing to answer questions before a Federal grand jury in the northern district of Texas investigating the possible shipment of arms to

Northern Ireland from this country. After several weeks in jail, the men were granted bail by Supreme Court Justice William O. Douglas last September, pending action by the Supreme Court on legal challenges involving their appearance before the grand jury. On January 22 of this year, the Supreme Court declined to hear the case, and on January 29 the men were again jailed in Fort Worth on the contempt charge. Unless steps are taken to review the case, the imprisonment may well continue throughout the life of the current grand jury, which expires in November.

My purpose in asking the Department of Justice to review the case is to determine whether the continued imprisonment of the men is justified in light of the current status of the investigation. As I have stated many times in the past, I strongly condemn the activities of extremists in Ulster. As I indicated to Prime Minister Lynch of Ireland and Prime Minister Heath of Great Britain in their recent visits to this country, I strongly support all legitimate activities, investigations and other actions to shut off the flow of any arms, or any funds for arms, from this country to Northern Ireland.

I also believe, however, that the Department of Justice has the obligation itself to obey the law in conducting any investigation it undertakes. I have a number of serious reservations about the manner in which the Fort Worth Five have been treated:

First, the circumstances under which the men were originally hauled before the Texas grand jury, far from their homes and friends and families, imposed major hardship on the witnesses for no apparent law enforcement purpose, and gave the strong appearance of an abuse of the grand jury process. Why could not the men have been subpenaed to testify before a grand jury in the New York area? It is known that grand juries in New York have been engaged in related investigations in recent months.

Second, it appears that the reimprisonment of the men may well have been at the command of the U.S. attorney in Texas, acting on his own, when the case should have had the complete review by Justice Department officials in Washington, to avoid the implication that the men have been jailed again for vindictive reasons, serving no valid law enforcement function.

Third, the Department of Justice itself has stated in the past that the five individuals were not, and are not, direct criminal suspects in the investigation.

Fourth, although the Supreme Court exercised its discretion by declining to review the case on certiorari, an earlier ruling by the Court had indicated substantial doubt as to the legality of the type of grand jury immunity grant under which the men had been asked to testify.

Fifth, it appears that the current imprisonment is being carried out under especially harsh conditions, with the men being incarcerated in a local, not Federal, jail, and being denied exercise and even contact by telephone with family or legal counsel. These conditions appear unduly punitive, partaking of solitary confinement. There can be no justification for this treatment, since the men are neither convicted offenders nor security risks.

As a result of the many questionable circumstances surrounding the investigation, and in light of the persistent reports linking the Government of Great Britain to the case, it appears that the clear effect, and most likely purpose, of the grand jury investigation is to harass Irish-American groups in this country opposed to British policy in Northern Ireland.

Last November, in Boston, the Department of Justice released Prof. Samuel Popkin of Harvard University from jail in somewhat similar circumstances. Professor Popkin had been imprisoned for contempt for refusing to testify before a grand jury investigating aspects of the Pentagon Papers case. Professor Popkin was freed on bail pending his legal challenge to the contempt citation, but he was reimprisoned when a Boston Federal judge denied the challenge. Yet, after 7 more days in jail, he was released when the Department of Justice reviewed the case and found that the grand jury was about to expire and was no longer pressing the investigation.

According to available public information on the present case, the Texas grand jury in Fort Worth has not pursued the investigation for many months, and there appears to be no possibility that the investigation will be resumed. In this posture of the case, a high price in human suffering has already been exacted from the men for no apparent purpose. Unless the Department of Justice can provide compelling reasons for the continued imprisonment of the men, they should be released from prison now and allowed to return to New York to rejoin their friends and families. It would be a travesty of justice and even-handed law enforcement for five ordinary citizens to remain in jail because their plight has not received the national notoriety and attention of Professor Popkin's case.

Unfortunately, the Fort Worth case fits the all too familiar and growing recent pattern of grand jury harassment by Justice Department officials in a variety of cases, a practice rising serious questions in Congress and the country about the Department's current operations. If Justice officials had showed the same zeal in pursuing individuals like Donald Segretti before a grand jury as they had shown in the case of the Fort Worth Five, we might know a great deal more than we know today about the Watergate affair.

THE MOOSE-LOWENSTEIN REPORT ON KOREA AND THE PHILIPPINES

Mr. SYMINGTON. Mr. President, over the weekend a staff report on Korea and the Philippines was issued by the Committee on Foreign Relations. The concluding comments in the report summarize the outlook for the future in these two countries, where there have been important internal political developments, where there are major deployments of U.S. military forces, and where the United States operates significant military and economic assistance programs. The material presented in this staff report provides a basis for informed judgments which Senators will be called upon to make regarding United States relations with Korea and the Philippines in the weeks and months ahead. I commend the staff report to the attention of the Senate and ask unanimous consent that its concluding comments be printed in the RECORD.

There being no objection, the concluding comments were ordered to be printed in the RECORD, as follows:

CONCLUDING COMMENTS

Unless some unexpected spark ignites Korean resistance (as it has on occasion in the past), the prospects for the future in Korea seem to be for a continuation of the trend toward what is, in effect, a personal dictatorship; for a continuation of the North-South talks which, although they should have some effect in reducing tensions, are unlikely to bring political reunification any closer; for increasing independence from the United States in both foreign and domestic policy; for continued pressure against any reduction of U.S. forces or military assistance levels; and for a continuation of economic growth.

In the Philippines, the future is far less clear. President Marcos probably will have a limited length of time—perhaps a year at most—to show some tangible evidence of progress toward the "New Society." His chances of success are considered no better than even; there will undoubtedly be opposition to the new constitution, a continuing threat of assassination, a resumption of insurgent activity, and increasing opposition from the oligarchy whom he will have to push hard if he is to achieve the reforms he has promised. If he does not bear down on the oligarchy and instead compromises his objectives, the people may not be willing to concede him continuing unlimited powers. President Marcos' actions thus far seem designed to reassure foreign investors so that he can obtain the additional capital inputs which will be required to produce more jobs and foreign exchange. Even so, prospects for economic progress seem less certain in the Philippines than in Korea. There will undoubtedly be Philippine pressure on the United States for more economic assistance, especially to support the new land reform program, and for continuing military assistance at least at present levels.

Whatever their motivations, the steps which Presidents Park and Marcos have taken to enhance and perpetuate their power have profoundly affected the future political outlook of their countries. In the case of Korea, President Park has now obtained the power he sought. He can be removed only by his own agreement, by death or by revolution. Those who wish to oppose his one-man rule will have virtually no option but to seek his removal by extra-legal means. While in the past it was true of the Korean political system that the consent of the governed was not always freely given, at least it was required. It is no longer even required today, for the only support which President Park needs is that of the Korean CIA and the Army.

Although President Marcos' ultimate source of support is also the Army, he lacks President Park's efficient apparatus for internal control and repression. Furthermore, he is dealing both with insurgents as well as with a populace that has long been accustomed to vigorous political activity. Thus, having restructured the Philippine Government as a vehicle for personal rule, challenged the traditional ruling classes, and countered the insurgents with a promised revolution of his own, President Marcos has created a situation in which a loss of momentum on his part could result in political and economic chaos surpassing anything the Philippines has yet experienced.

While the United States was vaguely critical of developments in Korea, it was altogether uncritical of what occurred in the Philippines. The distinction in American eyes appeared to be that while Preisdent Marcos' martial law measures were constitutional and deemed warranted (although not in terms of the alleged communist threat) those taken by President Park were unconstitutional and considered unnecessary.

We were told by U.S. officials that in neither Korea nor the Philippines was there anything the United States could have done to deter the actions taken, that at most we might have won minor concessions in the name of democratic process but at the cost of associating ourselves with the eventual authoritarian outcome and that if the United States had intervened we would have incurred added responsibility at a time when American public sentiment seems to favor a reduced U.S. role in Asia. This argument may be accurate, realistic and logical, but the fact of the matter is that, without having taken a position either for or against the preservation of democratic process, the United States is today as closely associated with both regimes in their new authoritarian forms as it was before. We saw no evidence of any diminished sense of U.S. responsibility for either government. Indeed, insofar as material aid is concerned, it would appear that in the coming year the Congress will be asked to do more for both countries.

We found few, if any, Americans who took the position that the demise of individual rights and democratic institutions would adversely affect U.S. interests. In the first place, these democratic institutions were considered to be severely deficient. In the second place, whatever U.S. interests were—or are—they apparently are not thought to be related to the preservation of democratic processes. Even in the Philippines, our own colonial step-child and "showcase of democracy" in Asia, the United States appears to have adopted a new pragmatism, perhaps because there was no other choice, turning away from the evangelical hopes and assumptions with which it has tended to look at political evolution. Thus, U.S. officials appear prepared to accept that the strengthening of presidential authority will enhance President Park's ability to negotiate with the North and enable President Marcos to introduce needed stability; that these objectives are in our interest; and that detente and stability (and more F–5's for Vietnam), in Korea, and military bases and a familiar government in the Philippines, are more important than the preservation of democratic institutions which were imperfect at best.

At the same time, there is some apprehension on the part of American officials about the future. One official in Korea, for example, expressed the belief that by his actions President Park had "sown the seeds of his own destruction." Another in the Philippines stated that if President Marcos obtained the power he sought "the only alternative his opponents will have will be to go to the hills." It would be ironic indeed if President Park's apparent effort to confront the North with a mirror image of its own authoritarian unity provoked internal disorders which the North would then be able to exploit or if the constitutional changes made possible by President Marcos' declaration of martial law produced conditions which transformed the imagined threat into a reality or brought about greater political chaos than that which he supposedly acted to correct.

There is no easy basis for judgments on such questions as the amount of military assistance Korea requires in order to deter an attack, the rate at which U.S. troops should be withdrawn from Korea, the equivalent worth in military assistance of our bases in the Philippines or the extent to which the United States should underwrite a Philippine land reform program. But, in considering our future policies in these two countries, if we need no longer be concerned with the nature of their internal political systems, perhaps we can analyze our interests on a more objective basis. To do so, certain policy assumptions regarding both Korea and the Philippines, which have been handed down intact from year to year, will have to be reexamined. Our force deployment under the Mutual Security Treaty with Korea is a case in point. The principal justification for continuing to deploy forces in Korea at present levels seems to be our treaty commitment. As a general proposition, there appears to be a certain bureaucratic inertia which makes it more convenient to invent justifications for maintaining existing commitments and present force levels than to re-examine or reduce them, if for no other reason than to avoid disturbing relations with the recipients. In the specific case of Korea, however, there is an added problem. It would appear that since 1966 our desire first to obtain, then to increase and more recently to retain Korean participation in the war in Vietnam has kept us psychologically and politically in debt to the Koreans.

With the U.S. involvement in Vietnam soon to be terminated, with the opening of North-South talks, and with the end of our illusions about Korean democracy, it should be possible to take a fresh look at our residual interest in Korea. Our basic objective would appear to be to avoid tension or conflict on the Korean peninsula which would disturb the present apparent equilibrium in the North Pacific area where the interests of the Soviet Union, China, Japan and the United States converge. To date we have sought to accomplish this objective by maintaining a military balance backed by a U.S. deterrent presence. This policy has been expensive and has carried with it the danger of an automatic U.S. involvement in another Asian war.

The North-South talks may offer the United States a way out of this expensive and potentially dangerous commitment—or at least a means of reducing the cost and the risk. Yet at the same time we seem to have no clear concept of how far the South Koreans are prepared to go in these talks, or at what speed, or indeed how far we would like to see them go. To our own calculations on this point must be added the feelings of the Japanese with regard to Korean security and possible re-unification, for developments in Korea have an important bearing on Japanese defense decisions.

If the United States is now in position to re-examine its programs and posture in Korea, basic questions such as these should be addressed: why does South Korea, with a more prosperous economy, require grant military aid while North Korea pays for most of what it receives; why is it necessary for the United States to pay operating and maintenance costs of the Korean armed forces; why does the United States have troops and advisers in the South while the Russians and Chinese have none in the North; what is the justification for having U.S. weapons systems with nuclear capabilities in Korea; why must American ground forces be retained if they are no longer necessary to maintain the military balance; are the existing interlocking U.S.-U.N.-Korean command arrangements still desirable; and should we wish to be automatically involved if another Korean war were to break out?

The examination of such questions might suggest alternatives to present policies. For example, the case for maintaining present force levels, the interlocking command structure and the "trip wire" deployment of U.S. forces in Korea for another year seems far less strong to us than the argument for maintaining some military presence. Similarly, the argument for completing a realistic modernization program would be far more appealing if there were some assurance that by a date certain there would be no further need for grant aid or for automatic U.S. involvement in Korea's defense.

In the case of the Philippines, too, there are long held assumptions which should be reconsidered. Certainly the most important of these is whether Clark Air Base and the Subic Naval Base are essential to our military posture in the Pacific area. The answer to this question depends upon the military posture and force structure which the United States chooses to maintain in the Western Pacific. It is important that this aspect of U.S. defense planning be fully explored in connection with American policy in the Philippines because virtually every program we have there is justified, at least in part, in terms of the importance of retaining the Clark and Subic bases. Yet we were told that there is as yet no basic guidance within the Executive Branch regarding our post Vietnam military posture in the Pacific.

A second important assumption with regard to the Philippines is the belief that we need the Philippines more than they need us and that if we do not provide substantial funds for military assistance the Philippine Government will restrict our use of the bases and other facilities. In the same vein, the American business community apparently believes that unless the United States increases or maintains its present aid level, our business interests in the Philippines will suffer. Yet the burden of recent evidence suggests that President Marcos is highly dependent both upon U.S. investment and the aid to which our bases are linked.

In both Korea and the Philippines, then, U.S. policy appears to be in transition from the idealism of the past—based on an assumption that American democracy could and should be adopted by others—to a new pragmatism. At the same time, in both countries we appear to be immobilized by our own presence and by commitments which Presidents Park and Marcos are able to use as leverage in obtaining from us what they want in order to pursue their own objectives, turning their weaknesses into assets in dealing with us as patron and protector.

THE FEDERAL REGULATORY PROCESS

Mr. TAFT. Mr. President, for sometime I have believed that many of our regulatory agencies are stifling competition and hurting the consumer. This has been particularly true with respect to the Interstate Commerce Commission.

On February 13, 1973, Assistant Attorney General, Thomas E. Kauper, delivered an address at the Town Hall of California, entitled "Regulation—Is Protection the Name of the Game?" Because of the incisive comments which he makes with respect to our regulatory process, I ask unanimous consent that this speech be inserted in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Regulation—Is Protection the Name of the Game?

I am delighted today to be here to speak before the Town Hall of California, both because it is always pleasant to be in California and, on some occasions at least, to be miles away from Washington. I am pleased to be here for another reason. Most of my speaking engagements are before antitrust lawyers. Without derogating the antitrust bar, I welcome the opportunity to carry the antitrust message to a different group.

It is largely through speeches that I can encourage the public to support strong antitrust enforcement, to examine very carefully proposed legislation which affects antitrust enforcement, and to take a critical look at present or proposed regulation of the economy by federal, state or local governments. Such regulation may be used to eliminate or at least impede competition in a given industry. It is this broad subject I want to talk about today.

Some may ask why we don't just stick to enforcing the antitrust laws and leave broader competitive policies to Congress or to the regulatory agencies. I am sure there are some who wish we would. But the Antitrust Division is charged with a broader and more demanding role.

Under Department of Justice regulations, the Attorney General has directed that the Division participate in regulatory proceedings requiring an accommodation of the purposes of the antitrust laws and the purposes of the regulatory statutes.

Congress, too, has also come to rely rather heavily on the presentation of our views as advocates for competition. We are continually called upon by various congressional committees to testify concerning the impact proposed legislation may have upon competition. Congress has also specifically directed that the Attorney General furnish competitive advice and reports to other government agencies or to Congress. For example, the 1966 Bank Merger Act requires that the Attorney General submit reports to particular banking agencies on the competitive factors involved in proposed bank mergers.

All in all, the Division has a particular role to play in evaluating the impact of decisions on competitive policies which are made by the courts, by the Congress, by the Executive Branch, and by state and local law-making bodies as well.

There are times, I suspect, that our advice is unappreciated; there are times also that our advice goes unheeded; there are, of course, times that competitive consideration are outweighed by other overriding legitimate public concerns. And we make no claim of infallibility—there may be times when we are wrong. Nevertheless, we feel compelled to continue to advise, in the hope that public decisions are properly made.

I

This nation teaches its children that they have a demanding civic responsibility. If democracy is to survive, our citizens must be informed and must be active participants in the democratic process. Too often, however, I think that the American citizen does not understand the role which competition plays in his daily life. And what we do not understand, we cannot support.

There is no mystique about competition. And there is no mystique about the antitrust laws which preserve competition.

Why competition? This nation's demand for more goods and services each year dictates that our productive resources be used efficiently. Competitive markets promote efficiency, both by rewarding firms which produce at low cost and by disciplining inefficient producers. In a competitive industry those who are inefficient are forced to become efficient or be driven out of the business—the latter a result the public sometimes seems unwilling to accept. A firm in a non-competitive market, such as a monopolist, does not face this same pressure to reduce costs. And costs are commonly higher with a monopolist than under truly competitive conditions.

Competition is also an important prod to the development of new products and manufacturing processes. The free market system rewards the successful innovator. Those firms which do not innovate do not survive. Only firms in non-competitive markets can dare to be lethargic in research and development.

The policy of promoting competition often dovetails with the promotion of political and social goals. The concentration of economic and political power has traditionally been seen as a threat to individual freedom. Under competitive market conditions economic power is fragmented—no one firm can control prices or supply. Political power is also decentralized with competition, because there is no need for massive government regulation if there is no monopolist. And the individual has vast freedom of action in his economic affairs—for which no government permission is required. The promotion of competition therefore supports the American ideals of both individual liberty and limited government intrusion.

So much for competition. Why the antitrust laws? Given this nation's decision to follow the path of free enterprise and competition as the principal mechanism for economic growth and innovation, government plays a very limited role. The government can be characterized as an umpire, making no decisions as to how the game is played, but insuring that it is played fairly and that there are enough players on the field so that the game goes on. The Supreme Court has referred to the antitrust laws in even more lofty terms: as "a charter of economic liberty." [1]

Under the antitrust laws, businessmen who choose to tamper with competition are punished by criminal and civil sanctions. Price-fixing, group boycotts of competitors, limitations on output, restrictions on innovation, all eliminate competition and threaten the free enterprise system.

II

From time to time we have chosen to depart from the system of free enterprise and rely instead on government regulation. The justification for this departure has often—in modern terms—been that we are dealing with a "natural monopoly" in transportation, power, communications and the like. Or the departure can be based on an assertion that competition interferes with some overriding public goal.

Also, at times, the State has determined that competition should be restricted or eliminated because it owns the favored company, or it directly subsidizes or otherwise promotes the well-being of the favored company or companies.

I do not question that occasions may arise which require that regulation replace or at least restrain free competition. But I do think we have to direct some very tough questions to those who would propose or continue regulation as a substitute for free enterprise.

As a starting point, I think we have to view such assertions in an historical context. Stated as a kind of "territorial imperative," I should imagine that from time immemorial man has considered ways in which to stop other men from intruding on his corner of the world, whether that corner was a jungle clearing or an economic market. To enjoy the quiet life of monopoly is not an unreasonable, nor even unnatural, individual viewpiont, although it may be totally unreasonable from the standpoint of the general public interest.

Historically, much economic regulation by the State, or by custom, or by private institutions sanctioned by the State, has been designed to protect favored individuals or companies from competition of outsiders. The guilds in Western society and the caste system of the East served a common purpose: They insured that some men were to be treated in the eyes of the law as more favored than others. They denied to a large class of men the right to earn a living in competing with the favored class.

Adam Smith, in criticizing the guilds, noted the effect of barriers to entry in an occupation of one's choice upon a very basic human liberty:

"The property which every man has in his own labour, as it is the original foundation of all other property, so it is the most sacred and inviolable. The patrimony of a poor man lies in the strength and dexterity of his hands; and to hinder him from employing this strength and dexterity in what manner he thinks proper without injury to his neighbour, is a plain violation of this most sacred property. It is a manifest encroachment upon the just liberty both of the workman and of those who might be disposed to employ him. Smith, *Wealth of Nations* 121–22 (Modern Library ed. 1937)."

The historical justifications for these occupational barriers vary, though their effect—protection of the favored class from competition—is the same. Apologists for protectionism have relied upon a deity, upon purity of bloodlines, upon consumer protection, and upon the public weal in general to support the need for regulation and exclusion of competitors.

Once the government has decided that it should substitute regulation for free enterprise, it is very difficult to return to a competitive system. The original premise for regulation may no longer exist, yet those who are regulated and enjoy the benefits of limited or non-existent competition, fight to keep protective regulation.

Also, when competitors outside the regulatory scheme begin to threaten the security of the protected industry, those who are under regulation seek to extend it to control unregulated competitors. As the Attorney General's report on the antitrust laws states: "[R]egulation tends to beget further regulation. For if one industry is regulated then it may be urged that its competitors should, in fairness, also be regulated." [2]

A classic example of this behavior can be found in the federal regulation of surface transportation—railroads, motor carriers, and barge lines. Regulation in this field originated with legislation enacted in 1887, when it was argued that the railroads had monopoly power on freight throughout the country which adversely affected various shippers, farmers and geographic regions.

These were the reasons given at the time for regulation. Historians have since suggested that the railroads sought federal regulation to eliminate all vestiges of competition among themselves, and that the railroads sought minimum rate regulation to maintain a profitable level of rates.

In the 1930's motor carriers, not subject to the federal scheme of regulation, made inroads on railroad traffic. The railroads and others insisted that this competition was ruinous and had to be stopped. Congress responded by extending regulation to these carriers. Thus, the original justification for regulation of the railroads—their monopoly power—was discarded and a new justification—the elimination of "destructive" competition—was adopted.

Today the scheme of transportation regulation which was formulated in 1887 is still with us, still mandated by Congress. During this period we have seen massive inefficiencies, antiquated marketing practices, freight car shortages, and unnecessarily low rates of return for the railroads leading to many bankruptcies. The way things now stand, motor carriers, for example, cannot compete on the nation's highways for freight traffic unless they have been granted a piece of paper by the Interstate Commerce Commission called a "certificate of public convenience and necessity." These certificates to compete are, needless to say, extremely valuable. But a particular certificate may not make much economic sense. As an extreme hypothetical, a motor carrier may be given

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Footnotes at end of article.

permission by the ICC to haul television tubes from Chicago to Cleveland, but the carrier cannot make stops along the way to serve intermediate shippers, the carrier cannot haul anything but television tubes from Chicago to Cleveland, and the carrier cannot haul anything back. Thus, half his time is spent driving an empty truck and the other half may be spent driving a half empty truck.

Generally, these restrictions are imposed to protect another carrier's market.

My example may seem extreme, but these kinds of regulatory "Chinese walls" have been erected all over the country. The results are equally far-reaching. As Professor James Nelson has stated:

"Empty mileage from insufficient commodity or return-haul authority, added mileage from route and gateway restrictions involving circuitous routes, and idle truck time occasioned by commodity and class-of-shipper restrictions obviously increase excess capacity and raise unit costs."

Even apart from such economic inefficiencies, reexamination is needed. At a time when this nation is trying to conserve precious fuel, to reduce the carnage on the highways, and to eliminate pollution, such regulatory policies do not seem to make much sense.

Regulatory schemes of this protective sort are reminiscent of the kind of protectionism cited by Alfred Kahn in his book on The Economics of Regulation.[3] Professor Kahn noted the lengths to which a regulator would go to protect a favored firm. In 1690, Louis XIV subsidized a theatre company that he named Comedie Francaise. The theatre company was given the exclusive right to perform plays of all deceased authors. The French people, however, possessed such a great demand for theatrical productions that a number of other companies, not sanctioned by the King, came into existence. The French Government undertook to limit this competition in a manner which may well have been the model for much of the regulation we have today.

As it is characterized by Marvin Carlson, in The Theatre of the French Revolution,[4] these competitors were allowed to operate only with an amazing series of restrictions:

"Some could let their characters faint or bleed, but not die. Some could let their performers do only acrobatics or pantomime. Two small establishments . . . were forced to hang a gauze curtain between the actors and audience. One amateur theatre in the Rue Saint Antoine could open only at seven, over an hour after the others, and so on. . . . Even with the protection of official authority, the national theatres were hard pressed by these little rivals, and they were not to enjoy that protection much longer."

The French Revolution brought an end to these restrictions. The news of the revolution caused the director of one of the little theatres, forced to operate behind a gauze curtain, to express his great delight:

"Tearing down the curtain of gauze the police had required on his stage, he threw himself on the forestage shouting 'long live liberty.' The battle for freedom was launched."

We do not have any royal monopolies in this country, but we have had over the years a rather constant stream of candidates for the role. Last year a bill was submitted to Congress which would have conferred protective regulation upon travel agents. The bill bore a remarkable resemblance to motor carrier regulation.

From time to time also, various industries seek to come under the protection of existing regulation by petition to a regulatory agency. As an example, the press reports that the Air Freight Forwarders Association is asking the Civil Aeronautics Board to discontinue the free entry policy which has existed in the industry for the past 25 years and grant permanent certification to the freight forwarding industry based on "public convenience and necessity." The rhetoric, at least, is predictable. The Air Freight Forwarders Association asserts that the free entry policy "has not only out-lived its usefulness, but has actually promoted an unsound transportation system. The floodwaters of excess competition under the existing come-one-come-all policy will continue to wash away the potential profits of the airlines from air freight, will drown out the introduction of the lowest possible air freight rates for the shipping public, and will destroy the ability of a viable forwarding industry to sustain itself."[5]

There are other recent instances of attempts by regulated firms to eliminate the competition of outsiders. The New York Stock Exchange is now engaged, in its proposals for a "central market system," in an effort to remove the competition of over-the-counter dealers who make markets in NYSE-listed stocks. These over-the-counter dealers, generally called the "third market," compete among themselves and with the NYSE specialists on the price at which stock transactions are executed and they don't charge the fixed commission on transactions set by the Stock Exchange. In an age of increasingly large institutional investors—which are very conscious of price considerations on stock transactions—the third market firms have become an increasingly important part of our securities system.

The "big board" now announces that it wants the third market legislated out of existence. The Exchange says that the third market firms execute transactions "in the dark." Yet the third market firms have publicly supported the consolidated tape, which would report third market transactions, and which is now being developed. The Stock Exchange says that the third market firms are not as extensively regulated as Stock Exchange members—an argument which the railroads made in the 1930's against motor carrier competition—and yet it does not say how they should be regulated. One may agree that aspects of securities transactions require some form of regulation without accepting the view that there must be a single market.

III

It should be noted, I think, that anti-competitive schemes have been pressed not only upon the federal government but upon state governments as well. These schemes can take various forms and are generally supported and—at times—enacted in the name of protection of the public health and safety. Certainly a state has a right to protect the well-being of its citizens. But there are instances in which regulations imposed under this banner have nothing to do with the health and safety of a state's citizens but are conceived instead to shield the financial interests of a particular industry. In these cases, a state's citizens are forced to deal with a monopoly in essential services and are taxed for that monopoly by higher prices.

A state's licensing power can be used in support of a monopolistic scheme by limiting entry in a particular trade or profession. High prices can be maintained for the benefit of the favored industry. At times some rather odd licensing proposals have been made. Jethro K. Lieberman, in his book The Tyranny of the Experts, notes that a session of the Wisconsin legislature was once subjected to an onslaught of bills sponsored by caterers, canopy and awning installers, cider makers, car dealers, dancing school instructors, egg breakers, frog dealers, labor organizers, meat cutters, music teachers, and beer coil cleaners, all seeking the umbrella of state regulation. In this instance they failed.[6]

While a case can be made for the licensing of certain professions which affect our health and safety, I would suggest that occupational licensing has gone too far. I would suggest also that the various licensing statutes may be abused by the favored occupations. Many statutes provide for licensing boards made up solely of members of the occupation to be regulated. This "fox in the hen house" approach carries with it a danger that the regulations issued by the board will be designed not to protect the public but to protect those in the industry from competition.

Aside from licensing, the state may also eliminate competition through the granting of franchises to do business. Some of these franchises may confer an absolute monopoly to a private company; others may restrict competition to a very large degree.

Some states also have banned advertising of prices of pharmaceutical drugs and the like. Without price advertising the sick may pay much more for their drugs at one establishment than they would at another. But since the public cannot make an informed judgment between druggists because of the ban on price advertising, the sick pay more.

IV

There are times when an industry is placed under a form of regulation which attempts to incorporate the benefits of competition. Where Congress elects to regulate an industry it has at times attempted to encourage rather than impede workable competition. We believe experience has shown the wisdom of this pro-competitive approach, which carries regulation no further than necessary to accomplish certain specific goals.

The regulated industry, however, has sometimes chafed under such regulation and insisted either that Congress did not intend to permit competitive considerations, or that if it did intend to do so, it should repeal the legislation. A case in point involves the Atomic Energy Commission pre-licensing antitrust review of nuclear generator applications.

In 1970, Congress instructed the Attorney General to advise the AEC whether the activities under a nuclear reactor license "would create or maintain a situation inconsistent with the antitrust laws."[7] If the Justice Department determines that antitrust dangers exist, the AEC is required to hold a hearing on the license. AEC must make an antitrust finding under the statute. If the finding is adverse to the applicant, it must accommodate antitrust objectives with electric power needs. A license could nevertheless be granted, but Congress indicated that it should be conditioned to achieve antitrust objectives.

We have recommended that the AEC hold hearings in ten cases. We have also entered into stipulations with a number of applicants which, in our view, removed anti-competitive problems which otherwise might be attached to or maintained by operation of the nuclear plant. In those cases, we advised AEC that no hearing was necessary because of the inclusion of these stipulations in the license. We believe the responsibilities imposed on us by Congress under the statute require no less.

Recently, several critics have voiced their disagreement. They say that the Department is using the AEC licensing procedure to restructure the entire electric power industry and that our advice, and stipulations entered with companies, exceeds our statutory mandate. Some say that the antitrust pre-licensing review procedure should be abandoned because of inordinate delay in AEC hearing. I think these criticisms deserve reply.

There is little doubt that Congress intended the Attorney General to advise the AEC on a broad range of antitrust problems related to the operation of the proposed facilities. We have recently been upheld in this view by two hearing boards at the AEC.

This is not to say that we regard pre-licensing antitrust review as an opportunity

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Footnotes at end of article.

to litigate any and all antitrust issues which might be raised with respect to the applicant. On the contrary, the Department has repeatedly recognized the need for a rational connection between the proposed activities of the applicant under the Commission's license and the situation which is or will be inconsistent with the antitrust laws. Those who doubt that our antitrust advice is related to activities under the license should read our letters of advice. These letters have been concerned exclusively with the competitive conduct of the various applicants vis-a-vis their actual or potential competitors at wholesale or at retail in the electric power supply business. This is far from being a total antitrust review of all aspects of the applicants' business.

As for delay, I want to state again a point which has been repeatedly emphasized by the Justice Department: that we are totally committed to the effort of making pre-licensing antitrust review work, as Congress intended that it would work, without any substantial delay in the licensing of new nuclear generating units.

Nor has the Department of Justice seized upon the AEC's pre-licensing antitrust review procedures as a convenient instrument for achieving some massive economic scheme not apparent on the face of the Attorney General's advice letters or the Department positions taken in the AEC proceedings to date. We are not, I repeat, not seeking restructuring of the electric utility industry in these proceedings. The Department of Justice has publicly outlined, both in some of its advice letters and in prehearing conferences in other cases, the kinds of relief which it believes would be necessary to remedy various situations alleged to be inconsistent with the antitrust laws. These include license conditions requiring equal access to nuclear units, power pools, wholesale power, and high voltage transmission systems where some monopoly power is involved. These also include license prohibitions to prevent the utility from controlling resale of power and applying various other types of leverage to its customers. All of our proposals amount to traditional antitrust relief aimed at restrictive practices. I cannot see how they can be regarded as a vast restructuring of the industry.

I realize that questions involving licensing of nuclear power plants are complex and to a certain extent novel. But I believe the public has a strong interest in insuring that a new and important source of energy is not employed in a manner which destroys competition. This is why I suggest that the public listen to the arguments of all concerned, for the taxpayer has made a tremendous investment in nuclear units, and it is he who will suffer if competition in this new form of energy is eliminated.

FOOTNOTES

[1] *United States* v. *Northern Pac. Rr.*, 356 U.S. 1, 4 (1958).

[2] Report of the Attorney General's National Committee to Study the Antitrust Laws, 269, (1955).

[3] Kahn, *The Economics of Regulation*, Vol. II, at 4, n. 6 (Wiley & Sons 1971).

[4] Marvin Carlson, *The Theatre of the French Revolution*, 12, 16 (Cornell Univ. Press 1966).

[5] Aviation Daily, February 5, 1973, p. 187.

[6] Lieberman, *The Tyranny of the Experts* 15 (Walker & Co. 1970).

[7] Pub. Law 91-560, 91st Cong., December 19, 1970.

FINANCIAL HEALTH OF AMERICAN RAILROADS

Mr. TAFT. Mr. President, recently I introduced S. 756, the Modern Railway Transportation Act. This bill has two purposes. The first purpose is to relieve railroads of the enormous financial burden of operating unproductive branch lines. These branch lines sap the strength of our railroads at hundreds of points. The bill would, however, provide a mechanism for retaining essential rail service to isolated communities where that service is important to the regional economy. I have spoken many times in the Senate on the importance of this type of reform.

The second purpose of the Modern Railway Transportation Act is to rationalize the rate structure in the railway industry. One consultant to the Department of Transportation has estimated that there are 43 trillion rates on file at the ICC without an index. The complexity of these rates imposes an enormous and costly burden on shippers who must engage rate auditors to determine if they are being overcharged. In addition, the present rate policy permits discrimination against Great Lakes ports. It is cheaper, for example, to ship electrical transformers from Zanesville, Ohio, to New York for export than it is to ship them from Zanesville up to Cleveland for export. One can scarcely imagine a more unworkable bureaucratic mess than the present rate structure of America's railroads. It is a burden to shippers, it is costly for consumers, and it distorts proper transportation patterns.

Recently, I received copies of two articles and a speech prepared by Arthur C. Roy, general manager—traffic—of the Pennsylvania Glass Sand Corp. Mr. Roy takes an approach which reflects many of my concerns. He advocates a simplified and sensible way of computing transportation charge. Because of the importance of this matter to America's consumers, and the urgency of reform, I commend his position to my colleagues and ask unanimous consent that his speech and articles be inserted at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

TALK AT NDTA SEMINAR, PITTSBURGH, PA., OCTOBER 16, 1972

(By Arthur C. Roy, General Manager, Traffic, Pennsylvania Glass Sand Corp.)

"A man would do nothing if he waited until he could do it so well that no one could find fault with what he had done."—Cardinal Newman.

The United States rail transportation system shows increasing weakness. Quick action seems imperative when we realize that a substantial portion of the nation's railroad system (practically all eastern railroads) are bankrupt. Improvement of the financial health of America's railroads is essential and major changes in existing policies seem necessary. With inflationary trend destined to continue well into the future and the continued need for carrier regulation, it appears that despite whatever legislative assistance carriers can secure, their relief must come from cost reductions and revenue increases. It is to this area of carrier self-help that my pricing structure recommendations are made. I may sound like an extremist, yet if so, I'm in good company, for if it weren't for extremists and their enthusiasm for causes, we would have very little progress.

The Barber report recently released by the Senate Committee on Commerce and entitled "The American Railroads: Posture, Problems and Prospects" mentions the escalation of loss and damage claims from 167 million dollars in 1967 to more than 224 million dollars in 1972; difficulty of shippers in obtaining cars; stating railroads cling to value of service rate making principles that distort the rate structure allowing many commodities to move below or far above actual cost; carriers have not been aggressive in tailoring rates to potential marketing opportunities; that railroads are heavily oriented to the transportation of bulk commodities; that they must exploit potential that lies in movements of manufactured goods and a rate and service package geared to today's needs. The House Commerce Committee report entitled "Inquiry Into Freight Car Shortages" report 92-1384 also recently released calls for rate simplification.

I recall some years ago when I was engaged in the compilation of motor carrier tariffs when that industry came under ICC regulation that the central states motor freight tariff that first came out was practically a copy of the B. T. Jones 489 tariff; with rail mileage rate base numbers, etc., the basic difference being in the list of participating carriers and rules and regulations. Now I think we have reached the other extreme where the "competitive to rail" carriers are setting the rates—not the railroads. Therefore, it appears that what has to be done is to embark on a restructuring of rail freight rates to reflect present day movements. Changed conditions in transportation call for changes in policies and it seems evident that pricing structure of the railroads have not provided the tonnage volume nor the revenues to make carriers financially healthy. New concepts or innovative pricing ideas, therefore, seem in order. The railroads used to have small shipment problems. They solved this problem by getting out of the railway express business. They used to have less than carload problems. These were solved by getting out of the less than carload business. They used to have mail and passenger problems. Solution here was by getting out of the passenger business through Amtrak so it leaves us with rail carriers now handling carload and container (TOFC) business and some rail carriers seem to be advocating wholesale abandonment of lines. The McKinsey Company, a transportation consulting company, recently advocated abandonment of 100,000 miles of railroad. Robert Nelson, formerly of the high speed ground department of D.O.T. mentioned on a profitability basis, 130,000 miles of railroad could probably be abandoned. I don't want rail carriers to solve their present ills by going out of the carload business, so why not recognize the specific type business rail carriers are handling today and price services accordingly?

In trying to analyze the railroad pricing structure and come up with as simple a solution as possible, I remembered an article I had once read (author unknown) where he advocated among other things, listing the most foolish ways one could think of to solve a problem, think of ways to achieve the opposite of what you want, also ways to antagonize the people who will be affected. Purpose, as I recall, was that fresh ideas have two common enemies: (1) logic and (2) common sense. Perhaps it was in this vein and quest for new ideas in ratemaking that I finally came up with the ultimate goal—the elimination of all tariffs. Naturally, there must be some form of a carrier price list so we have to come up short of complete elimination of tariffs as our ultimate goal.

Approximately 20 years ago I was one of

the 12 National winners in Warren Brown's inherent advantage of railways essay contest. Every winning paper stressed four things—the railroad's competitive ability over any other form of transportation to make mass transportation movements at the lowest costs; also, that although rate structure was originally soundly conceived it has been disrupted by mode of transport competition, rail rates for distance moves should be lower than truck costs to compensate for inherent advantages of trucks and rates should reflect lower rail costs disregarding so-called value of service. This, of course, was at the time rail carriers were engaged in passenger service, less than carload service, express service and mail service. Today, railroads, as mentioned, have solved these four problems and I think we have reached the point where rail carriers must again return to their position of being the rate making form of transportation by publishing their rates on the container handled (freight car, trailer or container) regardless of commodity involved with such rates high enough to reflect the fully allocated costs plus a profit. I hasten to add here that this entire premise of ratemaking is based on the fact that railroad costs are ascertainable and I hold no brief for one standard of costfinding versus another. I think that today with our sophisticated costfinding methods a basic and satisfactory cost standard can be agreed upon. Suppose it is out a dollar or two dollars per carload compared to some other costfinding method. Any excessive profits carrier might receive would show up after a year or two of operation under a cost plus program. Certainly, carriers need one or two exceptionally good years of operation to get their plant back in shape after 85 years of poor or marginal profits. I agree that railroad costing is perhaps more difficult than industrial pricing, but in any event, costs are going to continue to need be developed to a more correct and refined basis so why not gear prices to such costs? Suppose cost finding is not perfect—carriers shouldn't go broke awaiting the perfect formula which will never come, but should take advantage of the best cost figures available.

In previous days of railroad monopoly, the public had to be protected and as a result rail pricing became geographical pricing resulting in entire areas, communities and industries being subsidized, lower rates to meet low cost water movements, etc. Today, there is no need for freight pricing to subsidize areas or communities. In fact, the barber report shows a shift in manufacturing from eastern or official territory of some 15% in the last 30 years. With the trend toward industry locations closer to markets, rates should stand or fall on the basis as to whether they are profitable to carriers based on each modest transport cost advantage. Rail carriers no more than any other type carriers should not be obligated to neutralize any shipper's geographical disadvantages, but where such is absolutely essential and origins and costs are reasonably close, it can be accomplished by the same rate base point applying to competitive suppliers in a specific area. Further, mode of transport competition is no longer confined to specific movements nor specific areas; therefore, each carrier's inherent advantage must be recognized in ratemaking.

I commend and agree with the B&O–C&O that a moratorium has to be placed on general percentage freight rate increases. I think also transportation users have to recognize there is no room in carrier finances today for any economic waste and we must reduce the present transportation bill by assisting carriers to affect savings through cost reductions. They can be done in the pricing process by substituting a simplified system requiring little, if any, legislation and a minimum of regulatory commission control. Along with such simplified pricing based on the cost of moving the container (freight car, container or trailer), would come elimination of discrimination, encouragement of incentive loading, elimination of any carrier concern, other than safety, for the commodity being moved, and many other benefits. The demand is for simplicity and clarity so let's see what we can throw out for starters—or a goal to be accomplished as soon as practicable or at least a goal toward which we can all work.

Rates today are what they are because of the historical and competitive influences and the result of certain basic rate-making factors such as the value of the commodity, susceptability to damage, nature and stage of preparation, value of service, seasonal demands, density, cost of transportation and type care needed. If we can in our rail pricing eliminate or segregate such non-transportation factors as value and the risk of damage as well as car furnishing cost, it would seem the cost of transporting one unit (freight car) or one commodity would vary very little with cost of handling a unit (freight car) of another commodity. With valuation and car cost factors eliminated, carriers should then be able to more easily ascertain than they can today a close enough and acceptable transportation cost to set up a pricing system based on cost of handling the unit plus a reasonable profit to apply on all freight (or at least 95% of all movements). Today under suggested Department of transportation legislation, proposal is that rates 150% of cost of handling each commodity would be considered reasonable. This, however, is "commodity" not "unit" pricing. "Commodity" pricing promotes what should be termed "honest" description misrepresentations and "end use" arguments as well as comparisons with similar commodities which may or may not be paying their way. Imagine trying to ascertain the cost of moving each individual commodity in an industry where in 1890, 82 years ago, in Haddock V.D.L&W (41CC296) the Commission said, "the cost of transportation of any one article of commerce can never be disposed of with any accuracy. If the carriers desired to make the cost of any particular traffic look large or small, it would not be difficult to swell or lessen it by such figures as might appear plausible in each case".

For years I have heard that this or that mode of transportation is the low-cost form. Why should not each mode fully exploit whatever cost advantages they have in their overall pricing policies?

Also, for many years rail carriers have lost revenues due to car shortages. We now hear that the Russian wheat sale program is going to result in an extremely short car supply. Although railroads have since 1958 reduced this serviceable car fleet by some 300,000 cars, they do point to increase in total car capacity from 93 million to 100 million tons. Unfortunately, *a* car loaded to one-half of its potential capacity is still *one* car, so any rate structure change must be geared to encourage full utilization of car capacity. If customers need only a limited tonnage of 10, 20 or 25 tons, railroads shouldn't tie up a freight car to be partially loaded but let these shipments move by truck, utilizing car for goods and shipments that can take advantage or railroad's inherent weight and cube capacity.

To sum up—I advocate the following as a goal:

1. Carriers on other than special rates such as unit trains should base freight charges on transporting the unit (freight car) regardless of commodity. Freight charge should be based on as close to accurate fully distributed costs of transportation as can be ascertained by a properly designated agency plus a reasonable profit. Cost finding agency would be DOT or ICC controlled or a joint AAR–ICC–DOT group. Charges should be so much per car dependent on length of haul. As distance increases, the size of destination mileage block would increase with tapering principal to recognize terminal costs. Distances could be based on simplified national rate basis grouping and blocking mileages. A minimum per car charge of something like $100/200 per car could also apply.

2. From this single car base, rates could be published on a multiple car move of one up to 10 cars dependent on clerical and terminal cost savings under single car rates that such multiple moves reflect. Beyond 10 cars daily on one bill of lading to one consignee, etc., we get into what might be termed specialized or unit movements.

3. Carriers should charge a valuation charge on freight bill based on actuarial experience and shippers declared value as insurance to cover loss and damage. This may require that section 20 of the act be amended. Shippers could elect to be self-insurers. If shippers are self-insurers, they may take greater interest in damage prevention. Valuation premium collected could go to a centralized AAR insurance company who would handle all carrier loss and damage claims.

4. Carriers should charge shipper "X" dollars per car for each car furnished. Charge could depend on number miles involved in the movement up to a maximum charge per car. The car charge would be on a cost of car, plus interest and repair based on a 20-year life and would go to the carrier owning car whether or not such carrier participated in actual route. This arrangement could aid to eliminate present per diem and encourage shipper to buy or lease his own car thus possibly channeling some present short haul traffic to rails that they are today not receiving. Car cost furnishing savings plus even today's low mileage allowances should encourage user furnished cars.

5. Accessorial charges such as weighing, diversion, stop-offs, transit, etc. would be in addition to the basic transportation charge. Possibly suggested system could eliminate need for transit.

6. No commodity should be handled by carriers unless it met full cost plus profit standards. No business should be handled at a loss.

This recommended simplified system of a four-factor freight bill breakdown would mean that anyone could ascertain beforehand as well as after the shipment moves the actual charge dependent on a simplified published rate per car for easily ascertained mileage, value declared, if any, and charge, if any, for type of car furnished plus any accessorial charge applicable.

Of course, this is all too simple. There would, as anyone in transportation knows, have to be certain published rules that must be enforced such as cars not being loaded heavier than carrying capacity, being properly placarded on certain materials, prepaid stations, routing guides, etc., but the number of tariffs and guides needed could be reduced to possibly no more than ten from the present 12,000 or more rail tariffs.

Now what would all this accomplish? I can think of the following:

1. Rail carriers as well as carriers competitive to rail (some of which presently have simplified tariffs) could be assured their inherent benefits would bring them the business which they are best fitted to handle.

2. Carriers would be assured a profit on every car handled.

3. Rail carriers would save $250,000,000 per year in loss and damage claims. Carrier experienced claims personnel could be transferred to AAR insurance company suggested. Perhaps immediately a simple rule in classification or tariffs could be established giving shipper a 2% freight rate reduction if they act as self-insurers.

4. Carriers could get new revenues up to one billion dollars annually in car furnish-

ing charges. Car charges would differ on different types, capacity of cars. Savings in per diem might also result by eliminating bookkeeping, etc.

5. There would be little, if any discrimination between shippers, communities, etc. eliminating need for 99% of all tariffs, all rate negotiation bureaus, majority rate negotiation personnel, regulatory personnel, etc. at savings anticipated to be $200 million more annually.

6. By above savings, carriers would have funds available to update their deferred maintenance and to upgrade their right of way resulting in labor savings because of delays now experienced in "slow" orders, poor condition of tracks, etc. The additional speed and safety generated would eventually result in better transit time service and lower costs.

7. Shipper would have choice of buying only what transportation he wanted. He could furnish his own cars, serve as self-insurer, etc.

8. Shipper would be per car charge have incentive to load all cars as heavy or to as full cubic capacity possible thereby reducing present wasteful transportation of not fully loading cars and resultant need for carriers to provide excess cars.

9. Generate the biggest car building boom of record—allowing railroads to concentrate on the efficiency and lower costs of standardized cars. Per car charge and present mileage allowance would assure carrier or shipper owner or leasee that each car he furnishes would pay for itself over a reasonable amortization period. Also encourage building of specialized cars.

10. A lesser number of cars needed or to be built by carriers would save them the 7% or 8% interest now being paid in equipment trusts to build new cars.

11. Eliminate the need for large number rate personnel in industry traffic departments.

12. Shipments of a number of different commodities could be loaded in one car promoting more mixed cars for distribution, consolidation of smaller shipments to warehouses—distribution points, more foreign forwarder business, etc. Local or regional truckers, household goods carriers or warehouses could purchase rail cars for movement to truck terminal distribution points—or for TOFC services, user-owned cars could serve for warehouse purposes. All kinds of new and intermodal movement or coordinated transportation possibilities by using now largely unused rail right of way.

13. Save a large portion of the $75,000,000 annual damage now done to carrier furnished cars. Shipper, owner or lease company could handle their own cars more carefully. If not, they would be responsible for damage and repair to serviceable condition.

14. Time would indicate whether costs as originally ascertained were high or low. If costs are higher or lower than original base, this would be reflected in carrier earnings.

15. After one or two years of experience, transportation user and taxpayer would benefit in that carrier being regulated could hardly hide any excessive profits and a fair part of savings enumerated would accrue to transportation user and consumer.

There are other benefits such as the generation of new business and, of course, probably some detriments but every traffic man could be satisfied that he is subsidizing no other traffic and is paying no more for the transportation of his shipments than he should based on the true and natural transportation characteristics of his particular commodity. Although per car or per truck rates would be the same regardless of contents because of density, weight of material, and valuation charge, the resultant actual per cwt or per ton rates would differ on different commodities, but this, nor the commodity transported needn't be a carrier or tariff concern.

Although the elimination of section 22 of the ICC Act which section grants reduced rates on government traffic is now covered by Senate Commerce Committee Surface Transportation Act, certainly one of the legitimate reasons the military has used to support such rates is the need for secrecy on certain movements which presently the usual rate bureau procedure handling publicizes if a specific per car charge applied as suggested on all freight, it would not be necessary for the government to disclose contents of any car. The military has already negotiated many "freight, all kinds" rates.

I might also mention possible suspension. If rates are based on meeting full costs, doubt suspension petition could be sustained but perhaps ICC Act should limit suspension requests only to transportation users, not carriers nor rate making bureaus.

I am speaking of long-range goals toward rate structure simplification. There is no reason why some other method of simple pricing cannot work. Perhaps rates should be on a freight, all kinds carload or truckload basis tied to fully allocated costs for different types equipment and different rate territories. For rail carriers, costs to be used could be as spelled out in the ICC carload cost scales by territories latest statement—assuming these costs can be made as accurate as rail costing can be. I have in previous traffic world articles also suggested some other alternatives such as freight, all kinds, incentive rates based on docket 28300 mileages and varying carload minimum weights. Perhaps a simple rule in the classification stating that all cars loaded in excess of the minimum carload weights shown in classification or in tariffs subject to classification would receive a rate reduction dependent on excess loaded in car. A 5% reduction for 10,000 pounds over minimum, 10% for 20,000 pounds, etc. would encourage loading to car carrying capacities.

As you also no doubt have noticed, I have been speaking primarily about rail transportation, not to isolate this mode of transport, but because this is where simplified pricing must start. I don't want to finish without commending certain types of motor carriers and also Canadian rail carriers who already have at least started to simplify their price structure and their tariffs. We also already have "freight, all kinds" rates in TOFC service, and bulk material truck and household goods carriers have simplified rates. Also, although what I am advocating is a new set of ratemaking principles geared to stop the erosion of rail traffic, primarily to private transportation, these same principles apply to other modes. Transportation price should very between modes according to transportation unit used and mode of carrier cost. If you have a better service that the customer needs, he will buy it. You don't price a Cadillac the same as a Volkswagen.

The big question I seem to be always asked in all my talks on this subject is, how can what you advocate be accomplished?

Well, as I view it, first, this cannot be a one-man endeavor, enough transportation users must insist a price structure change is needed. This can be done individually and through trade association resolutions or actions. Rail carrier executives should be encouraged to appoint a national committee to investigate the savings and new revenue potential as well as the need for a rate structure change. Committee should study possibility of carrier industry recognition of territorial cost formulas, basing rates on full costs dependent on distance, incentive rates to encourage full utilization of cars, rates on a per car rather than commodity basis, assessment of a valuation charge or lower rates based on elimination of carrier loss and damage responsibility, setting up a central AAR insurance agency to handle loss and damage claims, more rates on a freight, all kinds basis, identical rates based on identical transportation characteristics regardless of commodity, encouragement of lower rates based on user furnished cars or the possibility of separating a car use charge from freight charges on freight bills. Such a committee should be charged to seek by hearings and otherwise and report as soon as possible on suggested rate structure innovations. I would hope this would be a carrier sponsored and not a government or regulatory commission endeavor. Pricing is a carrier and user function, not that of government. Carriers should also make this study independently so as to coordinate their findings with those of the resource management corporation who have been given an ICC contract for commission guidance in respect to the ex parte 270 rail freight rate structure investigation.

I realize that what I advocate may seem too simplistic a solution of carrier's present chaotic and complex pricing policies. As mentioned, there may be other improved methods of simplified pricing compared to what I advocate, but it seems to me that after 85 years of marginal profits, rail carriers must make a start in this direction and some type of a goal must be established.

I don't say I have the complete answer, but there should be no question on the final goal toward which we should all work. If shippers beat the drums of better pricing, carriers will hear them. As H. G. Wells said, "When it gets dark enough you can see the stars."

Here's a Possible Route to Simpler, More Sensible Rail Freight Rate Structure

(By Arthur C. Roy, General Manager—Traffic, Pennsylvania Glass Sand Corp.)

The ultimate goal of every industrial traffic manager should be the elimination of his position. As a problem solver, should his work eventually prove 100 per cent successful—all problems eliminated—there should be no further use of his services.

The ultimate consumer of a specific product is paying the transportation charges on that product and on the raw material that went into the making of the product as well as subsidizing transportation charges on other commodities where those commodities are not paying their way or where industry is equalizing rates or shipping on an "FOB: Delivered-or-Destination" basis. The larger diversified industries and so-called conglomerates today are paying different freight charges on a multitude of commodities, yet their total annual transportation bill in the final analysis is what counts. On this theory, the proper approaches toward reducing the nation's total transportation bill would be to effect savings (a) through cost reductions that can be made by the various carrier modes and (b) through the need for little regulation of rates.

In order to understand the present chaotic system of carrier rates and pricing, one should have a knowledge of types of rates, the historical and competitive influence, and the various rate-making factors, such as value of commodity, damage susceptibility, value of service, nature and stage of preparation, seasonal demands, density, competition, cost of transportation, etc. If certain of these factors can be segregated from the actual transportation factors and charged accordingly, then it would appear that the actual cost of transporting one unit of one commodity versus the cost of transporting another could be the same—the unit being the container (freight car) transported instead of the contents.

Any large shipper or receiver will admit he must have rail carrier services, and to a limited degree those services today are monopolistic and cannot be economically replaced by other modes of transport. A steel company presently pays different freight rates on iron ore, coal, limestone, or scrap that go into the making of steel and on its steel finished product. A glass producer pays different rates on raw materials such as sand, soda ash, limestone, and cullet, and on the outbound glass. Yet in these typical cases a reduction in one rate may, in order to maintain carrier revenues, make necessary an increase in another. The transportation user in a case of this kind possibly finds certain of his freight rates subsidizing others, yet his total transportation bill is added to his costs and passed along to the consumer. If all commodities were identically rated, based on carrier's cost plus a reasonable profit, the savings generated to the carrier could be passed along in the form of lower over-all user transportation costs.

One of the railroad transportation industry's greatest problems, and therefore also the problem of the industrial traffic manager, is created by the complications inherent in the present rail freight rate structure, partially as a result of precedent and partially because of the demands of price regulation. It should therefore be the goal of the transportation industry to work toward a more simplified rate structure that requires a minimum of regulation or regulatory reform, if any. What is suggested in this thesis is something that can be considered unconventional (even though previously discussed or advanced in some form), something that cannot occur overnight. For presentation purposes this suggested "something" perhaps is over-simplified, but it does pose a challenge and it could provide stimulus to the transportation industry and the transport-service user to work toward such a Utopian freight rate structure.

It should be and is recognized that there would always be a need for some exceptions from the suggested method of carrier pricing on special, volume and/or unit train movements, but it would appear that over 95 percent of rail carrier freight rates can be reasonably and profitably priced as suggested.

In a recent presentation at a University of Wisconsin Seminar on November 11, 1971 (T.W., Nov. 22, 1971 p. 23) Dr. E. Grosvenor Plowman stated:

"It is almost impossible for most business executives who are concerned with freight rates, as they are used for transportation by the common carriers of the United States, to think rationally about them. The reason is that each individual freight rate or charge has evolved to its present level and its present applicability within the environment or context of the web of inherited ideas and procedures. It is difficult to think about freight rates without taking for granted the seemingly permanent built-in constraints that have developed in the past. Yet we must free our thinking from this restraining and limiting background. Only by breaking away from tradition can we provide the railroads and other common carriers with expanding opportunities to serve industry and commerce commensurate with their economic and social value."

Dr. Plowman then went on to quote Charles Ellet, Jr. in his 1858 "report on the Tariff Toll for the Virginia Central Railroad," a part of which century-old report is as follows and is one of the basic premises of suggested simplified rates:

"First, No commodity should be carried for less than the actual cost of its conveyance, added to the cost of storage and handling, and the value of the risk which you incur in case the object transported is injured, lost, or stolen while in your care . . ."

RAIL TRANSPORTATION COSTS

Forty years of experience in the industrial traffic field have taught the writer, if nothing else, that because of variable factors there has yet evolved no method by which true rail transportation costs can be ascertained on the normal carload movement of any specific commodity. This is not, however, to say that a fairly accurate cost is not ascertainable, but simply that it cannot be precisely said that the cost of moving a certain commodity from Point A to Point B is exactly "X" cents per 100 pounds. Although controversial, since some say it is not a true reflection of costs, the publication by Interstate Commerce Commission's Bureau of Accounts title "Railroad Carload Cost Scales by Territories" probably contains what are to date the best over-all rail cost figures available.

The particular cost-oriented method of pricing suggested herein is based on the premise that by separating from actual transportation costs such factors as the kind of car furnished, the value of commodity transported, and damage susceptibility, as well as the various accessorial services that may be necessary, it costs rail carriers no more to move a carload of one commodity than to move a carload of another, and, therefore, these factors should be broken down in carrier pricing. The key to the suggested simplified pricing is a specific charge per mile or charge per car for certain mileage blocks, with a minimum carload charge; it includes recognition of the tapering principle that costs and rates should decrease as distance increases; it includes, also, a charge for use of carrier furnished cars, a charge for special services such as weighing, reconsignment, diversion, stop-offs, icing, transit, etc., and an insurance factor to cover value of the commodity and risk of handling.

In lieu of the present tariffs and classification and exceptions—publications that would no longer be necessary, except for some rules—the present National Rate Basis tariff can be carefully extended and analyzed to cover necessary grouping of origins and destinations to reflect recognized market competition. Further refinement of such situations can be covered in mileage guide publications. Here present mileages such as contained in the present class tariffs can be published with mileage blocks extended to 25-mile up to 200-mile increments for distances beyond 500 miles. Rather than a per-mile charge, a table of per-car rates dependent on miles of movement would be more simple.

With publication of specific mileages to apply from and to all points in the United States on other than TOFC, unit-train and specially-rated movements, a rate would be assessed on each carload on the transportation factor on a specific cents per-mile figure. For example, using a hypothetical figure, the charge could be $1.00 per mile, subject to a minimum carload charge of $100, with commodity valuation and damage limitation of $200 per carload when the commodity loaded to not more than the weight-carrying capacity of the car.

On the value limitation, should the shipper be content with the $200 maximum liability or prefer to act as a self-insurer, no valuation charge would be added to the freight bill. If, however, the shipper desired to declare a greater valuation on the bill of lading, a valuation charge of, for example, $5 per $100 valuation per car would be assessed, with carrier liability limited to the proven invoice value of the goods. Perhaps an AAR insurance company could be established to handle, centralize and process all carrier claims.

For the furnishing of a car, a specific per-car charge would be assessed on each freight bill; for example, $60 for a 100-ton hopper, $50 for a 70-ton hopper, $60 to $70 for a tank car or DF, refrigerated or specially-equipped car, and $40 for open hoppers, ordinary box, stock, flat or gondola cars. In order to prevent discrimination, future cars should be standardized, with higher charges assessed for cars of special size or type. Special charges could apply on bi-level, tri-level and other types of automobile cars. This car furnishing charge would accrue to the railroad owning the car, whether participating in actual movement or not, thus eliminating the need for per diem charges. The car charge would be periodically kept consistent with remaining depreciated cost based on a 20-year car life. For example, on a $20,000 car, a $50 per-car charge on a two-turnarounds-per-month average per car should more than compensate for car value, interest and repairs over a 20-year period.

A tariff schedule could be filed listing the charges for furnishing various types of cars. (See Exhibit 4.) If the user furnished his own or a leased car, there would be no per-car charge, thus practically guaranteeing to the car user no real financial loss on use of his owned or leased equipment. A new rental business might develop where car owners would lease cars for one trip, one month, one year, etc. In fact, car purchases by the user of special-type cars for favorably transporting his commodity would be encouraged, as would leases or purchases of cars by users for short-haul movements.

Accessorial charges, such as those for stop-offs, transit, refrigeration, and weighing cars when the shipper needs weight records for invoicing purposes, etc., would be in addition to mileage rates, valuation and car-furnishing charges. Shippers would thus be encouraged to build their own scales to eliminate weighing cost.

Demurrage charges on the basis that a car earns at least as much per day when standing idle at shipper's or receiver's sidings as it earns under movement would also encourage carrier investments in equipment.

A $40 car on a 14-day turnaround should be charged demurrage no less than $3 a day. Encouragement toward prompt unloading by average demurrage agreements could be continued, and perhaps an actual per dollar per car refund could be made for less than 24-hour unloading.

It has been estimated that the cost of tariff publications, carrier rate departments, negotiations, etc., amount to $8 per carload. Most, if not all, of this part of the transportation cost could be saved by the shipping public under the method of uniform pricing here suggested.

Also, along with the elimination of present tariffs and publishing thereof, rate departments, rate negotiations, personnel, tariff bureaus, etc., would be diminished, with resultant elimination of rate regulatory commission personnel. If any discrimination would exist that would have to be handled by regulatory commission and made the subject of litigation, it should be in the service area rather than in the freight rate area.

Industrial traffic departments could be cut in size, again with cost savings to industry. Individual rates need not be computerized, auditing being simply a check of tariff mileage multiplied by the mileage rate, plus specific accessorial charges.

Incentive loading would be encouraged, as transport service users would tend to load every car to its cubic or weight carrying capacity, in that manner lowering their per-unit transportation cost. The per-unit transportation cost would be of little importance to the carrier, but the suggested pricing method would recognize the commodity density factor in that a heavy material loading to the car's weight capacity would have a per-ton cost less than that of a bulky lightweight commodity.

Origin and destination mileage groupings and widening of mileage blocks as distance increases would recognize and would meet the commercial needs of transportation users. Each shipper would have the advantage of his geographical location and mileage block grouping; that's as far as the carriers should normally go, aside from recognizing the costs of transport, as the Commission and the courts have often decided that it is not carrier's duty to correct any shipper's geographical disadvantage.

Low-value commodities will receive natural rate benefits that are inherent from their transportation factor recognition, and movements would be encouraged by lack of a need for a valuation charge greater than carrier's maximum liability. Such commodities are normally heavy loading, and when loaded to weight-carrying capacity of the car, as they should be, the unit per-ton rate would be less than on bulkier, lighter-loading commodities, and a normal car being used —an open hopper, for example—will carry a charge less than the charge for the more expensive closed car. Commodities moving in open hoppers would, however, probably have to be weighed, but the shipper would have the option of providing his own scales or arranging for a per-car of weight agreement with the customer.

On higher-valued commodities the tendency would be to load to the cube capacity of the car, also lowering unit cost, and the freight rate would not subsidize other lower-value commodity movements.

The carrier also would have no need to be concerned as to commodity description. Articles of the same description may have a wide range of values, and the carrier's only interest would be his liability, dependent on the shipper's declared value. There would be no need except as carriers desired to keep commodity statistics.

This suggested method of pricing should apply to all users, eliminating section 22 rates. The interstate commerce act would have to be revised to allow carriers to limit their liability, and although possibly there would be no need for this under the suggested system, the act should be revised so that only the transportation user, not another carrier, can petition the ICC for investigation and suspension of any rate.

Some exceptions from this pricing method would be needed for special moves, unit trains, etc., but such exceptions would be minimal. The basic idea would be that no shipments would be handled by a rail carrier below carrier costs, and such costs as those of weighing, car furnishing, valuation, etc., would be segregated so that the shipper would be free to choose whatever charges he wished to assume, and the carrier could control costs in relationship to rates. As the carrier guarantees transportation without loss and damage, the insurance rate must be set high enough to compensate for the risk.

The raw-material versus finished-product rate, where it presupposes that both inbound and outbound shipments would move via the same mode of transport, is no longer valid when competitive modes of transport today share in, and compete as intensely for, the raw material move as for the finished product move. No commodity moving should cast a burden on any other commodity—each would pay its way. Regardless of value at point of origin, any commodity needed at a particular destination would have added to its destination value its own cost of transportation from point of origin.

Normal class-rate routes in effect today could be used; there would be no need for routes to apply only over short-line distances, but the carriers would hardly want to continue to compete where their routes generate excessive mileages.

If the carrier furnishes a car, he should be assured of an adequate return on such investment over a recognized and fair amortization period. After all, the carrier is in the transportation business, and this is what he would be furnishing at a fair, compensatory and reasonable, as well as profitable, price. No carrier should handle any commodity at a loss. If the commodity cannot pay its way, it has no business being considered for rail transport beyond its economic mileage range, if any.

Healthy competition would be preserved for if each commodity paid its own cost of transportation, it would be likely that the traffic would gravitate toward the more efficient mode of transport for that commodity. The per-mile theory should be welcomed by truckers whose costs are constant or definitely increase with distance of haul. If each form of transport handled the traffic for which it is best suited, then increased productivity and efficiency should also result. Shippers should, by this suggested method of rate making, be encouraged to furnish their own rail equipment for short hauls, making this traffic more profitable and competitive to present truck moves. On long hauls, with proper mileage block recognition, the carriers would be assured of adequate and profitable revenues. The shippers would by their own decision insure shipments, furnish scales, furnish own cars, etc., and buy only the transportation they desire. Further, they would know their traffic was not subsidizing other commodity movements, as there should be no rate discrimination.

It is entirely possible that should shippers or receivers be able to furnish their own cars for both long and short hauls and know that the savings of using same can fully cover all car costs, a privately owned car and private-sidings arrangement could open other doors; carloading companies, local truckers or United Parcel might purchase their own cars for loading smaller shipments into carloads for rail movement to destination point and distribution of small shipments beyond; a local trucker or distributor located on a rail line might do the same and then work out of his own or leased car without demurrage. Shippers could do likewise by leasing or purchasing destination properties on rail sidings and handling small shipments with their car used as a warehouse. Long-distance truckers could purchase flat cars for trailer moves to their various terminals with rail sidings.

From a competitive angle, rail carriers should and do recognize that except on long hauls and in trailer-on-flat-car hauls they cannot presently match the trucks from the speed standpoint. There are the higher loading and unloading charges of railroads versus trucks, the expense of sidings, etc., and savings in inventory and capital costs in purchasing lower truckload quantities. Recognizing this, rail carriers should concentrate on their inherent advantage of mass movement, private right of way and specialized services. On this basis, charging a simplified rate that covers full costs plus profit and encouraging users to furnish cars, etc., monies now put into equipment could be used for track upgrading to handle heavier per-car loads and longer trains at faster speeds and resultant lesser cost. Any carrier who owns a private right of way can properly be criticized if he does not make the most of it—building pipelines alongside, paving as a roadway for commuter buses, truck toll highway, etc.

In my traffic and transportation experience I have worked with small shipments as well as with large-movement multi-plant bulk shippers. To some, it may seem heresy to advocate a Utopian system of carrier pricing, but such a system can be attained and it is a goal for all dedicated traffic people. It can take place within a year or two, and the place to start is in the TOPC field. Here, pricing policies have already began on per-trailer rates on FAK (freight all kinds) classifications, and it would seem that a continuation of this type of pricing in that field could then carry over to cover the entire rail carload movement.

It is therefore suggested that:

An immediate program be initiated to establish and publish mileages from and to every point in the United States, using National Rate Basis groupings and present class tariffs as a basis.

(a) For distances from 500 to 750 miles, the mileages need not be exact for example, the rates could be related to distances specified in terms of 25-mile increments (525 miles, 550 etc.). From 750 to 1,000 miles increments of 50 miles could be used (750, 800, 850, etc.) From 1,000 to 1,500 miles the rates could relate to 100 mile increments, and for distances from 1,500 miles up the increments would be 200 miles. This would recognize the tapering theory and terminal cost reduction as the line haul distance increases, it would be in keeping with the old axiom that as mileages increase, costs decrease.

(b) The above mileages should be made applicable to present class and exceptions and TOFC tariffs.

TOFC rates be established on a cents-per-mile basis per trailer, loaded or empty, with no rail carrier damage liability and with valuation limited to trailer value when user-furnished, an additional charge being assessed for declared value of the contents in user-furnished or carrier-furnished trailers.

(a) The charges would be uniform as to all TOFC shippers, based on following:

Plan 1. Carrier furnishes transportation only; the rail car and trailers are furnished by the user, who might be an industrial shipper, a truck line, a freight forwarder, a shipper association, etc.

Plan 2. Car and transportation furnished by carrier. (A set figure over Plan 1.)

Plan 3. Transportation, car and trailer furnished by carrier. (A set figure over Plan 2.)

Plan 4. Transportation, car and trailer pickup delivery furnished by carrier. (A set figure over Plan 3.)

Plan 5. Transportation, car and trailer pickup and delivery furnished by carrier. (A set figure over Plan 4.)

The advantage of having a set figure is that any combination of plans could work—carrier furnishes transportation and trailer—user furnishes car, etc. Also so that cost of requested service can be kept separate.

If this mileage and FAK valuation method of pricing proves successful on TOFC, the same principles suggested above should then be carried over to all railroad movements.

In lieu of seeking another ex parte percentage increase, perhaps carriers should petition for a car-furnishing charge of approximately 50 cents per net ton based on rated capacity of car; $30 for 50-ton box, $35 for 70-ton hopper or gondola, and $40 for 100-ton cars, with car-furnishing charge to go to the car-owning carrier. This would:

Increase rail carrier revenues by some $700 million annually, dependent on the amount of the per-car charge.

Encourage shippers to lease or purchase their own cars, especially on short haul movements where present mileage allowance is inadequate.

Generate the biggest rail car building boom of record.

Encourage shippers to load fewer cars by loading each car to cubic or weight capacity. This, of course, would cut down the number of cars the carriers would need.

Eliminate need for rate-increase tariff revisions; one tariff would suffice.

Not cause the market disruptions that percentage increases cause, because the increase would be the same for all shippers using the same type car.

Allow carriers to concentrate on operations and labor cost savings by upgrading of their rights-of-way—their basic transportation tool.

Tear this pricing system apart. Why can't it work? I think it can.

A BETTER WAY OF COMPUTING TRANSPORT CHARGES

(By Arthur C. Roy, General Manager—Traffic, Pennsylvania Glass Sand Corporation)

In my experience, this country has never been as close to nationalization or the threat of nationalization of railroads as we are today, and it is time that the transportation user exhibits some statemanship to assist carriers in resolving our transportation problems, even if it requires us to recognize that we must temporarily pay more to do the job. There are various ways of doing this, but I am writing today about freight rates. I am not, however, going to advocate that we (as we are doing today) pay more and more money in rate increases for transportation services without being certain that our railroads have dispensed with the luxury of maintaining within their ranks an expensive, built-in system of pricing which, because of historical developments and geographical and commodity competition, including regulation, has allowed freight rates to evolve into the complex and chaotic situation we have today.

I make no charges against any one specific group for our present mess, be it carriers, regulatory commissions or the transportation users, for like Topsy—I suppose—the system has just grown. We in industry cannot deal with the problem with clean hands, because in our zeal to keep our delivered prices at a minimum, we tend to lose sight of what may be our best long-range interests, in favor of short-term or parochial competitive gains. We depend on the carrier to protect his own interests; meanwhile, by super-salesmanship, by use of other modes of transport or of private transportation and by promises of new tonnage we try to persuade carriers to reduce their prices to meet our particular needs. This certainly is not all bad, and it can be termed "the free enterprise system at work," but because our transportation system must serve our entire nation and all its people, we all have the same over-all obligation to make our transportation system work, and to keep it as up-to-date as we do our national defense. A successful privately owned transportation network is a basic strength of the free enterprise system.

We have what appears to be a regulatory struggle taking place today between the ICC and the Department of Transportation. These groups supposedly are 100 percent against nationalization, but their present efforts and enthusiasm to dominate regulation of the transportation industry promotes nationalization. Each future regulatory step is only another nail in the coffin. We have out bankrupt eastern railroads and their plea for government funds, we have all our rail friends pleading for government legislative assistance through the ASTRO program, the surface transportation bill (S. 2362), the transportation assistance act (S. 2841), the transportation regulatory modernization act (S. 2842), the ICC legislative package (S. 3239), various transportation labor bills, and a myriad of other bills, all designed to cure in whole or in part the difficulties besetting the transportation industry.

Well, I'm still conservative and old-fashioned enough to believe that every time an industry runs to Washington to mend its bruises, a little more government control comes with every Band-Aid.

How important are our railroads? Well, they handle 70 per cent of all our industrial sand, 70 per cent of our coal, 76 per cent of the automobiles and parts, 73 per cent of the cotton, 74 per cent of the canned and frozen foods, 86 per cent of our pulp and paper, better than 80 per cent of our lumber, and so on. For handling approximately 40 per cent of goods moving via common carriers, railroads collect some $11 billion of annual freight revenue.

I have seen total annual transportation figures quoted for all modes, including private transportation, of a hundred billion dollars, also figures broken down to a point where 20 cents out of every sales dollar is expended for transportation. Aside from the annual railroad freight revenues just quoted, I can't support these other figures, but when we compare the 1971 annual rail revenues with those of previous years and recognize the effects of inflation on railroad expenses, it's indicated that we are not presently being overcharged on an annual dollar basis for our rail transportation. Where we are being overcharged is in our paying more for a poorer service, and this has come about, at least in part, because our railroads are so hamstrung with pricing complexities and expenses that they cannot spend the revenues they do receive to acquire new equipment and to upgrade their rights of way. Where they do buy new equipment, the financing has to be done by means of equipment trusts on which they have to pay interest of 7 or 8 per cent.

There are those who advocate nationalization, so let's just briefly explore this. According to one western railroad spokesman, it certainly wouldn't mean any better service—it would mean more employes, it would mean a government expenditure of some $60 billion to take over a sick industry that requires at least $3.5 billion per year to meet capital improvement needs, plus debt financing of some $2 billion annually, plus the loss of railway taxes, which today exceed $1 billion per year.

It has been pointed out that in countries in which the railroads have been nationalized, the rail operating losses are heavy. Japan loses $1 million daily, the French lost $900 million in 1968. Every country in which the railroads are government-owned has 10 to 15 times more employes per track-mile than the United States carriers, with freight costs per ton-mile double or triple the United States figure. I don't think comparisons with other countries are important, as their situations may well be unique. Canada, for example, has an efficient, government-controlled total transportation system competing against a private enterprise carrier system.

How do we go about assuring our carriers of adequate revenues to finance new equipment and facilities, make a reasonable profit, and keep rates low and non-discriminatory? I wish I were genius enough to solve carriers problems, but this is even beyond my powers, so I can only contribute a few ideas that have also been detailed in my earlier Traffic World article, and possibly stir up enough enthusiasm for a simplified pricing system that something might be done. I am sure you all realize that the transportation industry is probably the only industry in existence in which a salesman or executive calling on a customer cannot tell the customer what his price is. He first has to find out all the specifics of a shipment as to commodity, weight, type car, from where to where, etc., get this information back to his home office by telephone, wire or letter, where his question is turned over to a green-eye-shaded, black-garter-sleeved veteran who looks into at least three or four tariff publications, checks milages, adds 20 cents, 40 cents or 60 cents under X-256, no increase or 5 per cent under X-259, 6 per cent under X-262, 6 per cent under X-265, 6, 12 or 14 per cent under X-267, plus a 2½ per cent surcharge under X-281, and then says. "I think this is the rate." Of course, this is somewhat exaggerated, but it has been estimated that published rates are in the trillions. Of that I'm not sure, but the railroads alone publish over 10,000 tariffs, each requiring one or more supplements to keep the tariff up to date. As a former ICC member says:

"Tariff reading and interpretation make logarithms and calculus child's play by comparison. Recognizing this, transportation companies and the regulatory agencies have tried to simplify them, without success. Tariffs are baffling, confusing, and complicated. A mistake can cause serious consequences, since the law places upon the shipper a definite responsibility for tariff knowledge. The monster they have to deal with today frightens them.

"As matters now stand, in addition to the direct costs of for-hire transportation, a shipper must contend with the expense of a staff of experts, clerks, office space, commerce counsel, etc. The present rail Uniform Classification alone has thousands of ratings. To these must be added other thousands of exceptions, commodity rates, special routing requirements, rules combinations, single factors, alternative applications, minimum charges, master tariffs of increases, special interpretations, and on and on, let alone the hazards they create. Under such circumstances the second-rate status of public carriers in our economy becomes understandable.

"A radical and fundamental change of technique in computing charges must be found—something which meets the needs of the second half of the twentienth century, the keynote of which is speed and efficiency. The crude methods of the nineteenth century are out of harmony.

There seems to be an unprecedented demand for simplicity and clarity, so let's see what we can throw out for starters—a goal to be accomplished as soon as practicable, or at least a goal toward which we can all work. The changes in rate making I advocate may initially cost all of us a bit more today in actual dollars per shipment, but much less in the long run, as the economics of simplified rating dictate that savings will accrue to the user. A friend of mine said, "I see you are advocating simplification of tariffs." I said, "No I'm promoting simplified rates and elimination of tariffs."

Rates today are what they are because of the historical and competitive influences; they are results of certain basic rate-making factors, such as the value of the commodity, susceptibility to damage, nature and stage of preparation, value of service, seasonal demands, density, cost of transportation, and type of car needed. Today's rates are unlike rail rates of yesterday, which applied on minimum shipments and less-than-carload shipments and which subsidized passenger services, mail and express. Today's railroads handle only freight in carloads, trailerloads or containers. If we can in our rail pricing eliminate or segregate the non-transportation factors, such as value, risk of damage and type car needed, it would seem the cost of transporting one unit (freight car) of the commodity would vary very little with cost of handling a unit (freight car) of another commodity. With valuation and car cost factors eliminated, carriers or an expert agency should then be able to easily ascertain a feasible enough and acceptable transportation cost (even if not ideal) base, to set up a pricing system on cost of handling the unit plus a reasonable profit to apply on all freight (or at least 95 per cent of all movements).

This article and much of today's legislation are based on the assumption that carrier costs are ascertainable. Today, in proposed legislation sponsored by the Department of Transportation, rates 150 per cent of costs of handling each commodity would be considered reasonable. This is, however, "commodity" instead of "unit" pricing. Commodity pricing promotes discrimination, honest-description misrepresentations and "end use" arguments.

Imagine trying to ascertain the cost of moving each individual commodity in an industry where in 1890, in Haddock 1. DL&W (4 ICC 296) the Commission said, "The cost of transportation of any one article of commerce can never be disposed of with any accuracy. If the carriers desired to make the cost of any particular traffic look large or small, it would not be difficult to swell or lessen it by such figures as might appear plausible in each case."

Here we are, 82 years later, and I can make only one safe generalization about rail carrier freight costs, and that is: There is no safe generalization that can be made about such freight costs.

Because of their complexity, there is probably no facet of knowledge in which a businessman is so weak as in knowledge and understanding of transportation rates—the way they are made, and the way that he can save money by a knowledge of transportation matters. Also, there is probably no parallel of the power comparable to that inherent in carrier freight ratemaking to create, retard or destroy a firm, region or industry. The Congress of the United States in its taxing powers does not have the power equivalent to that enjoyed by the various common carriers and the Interstate Commerce Commission in its regulatory authority. Someone has said, "Were the Congress to pass a series of tax laws that approached in scope and effect the common carrier rail and motor freight rate structures, and with the same elements of potential regional and commodity discrimination, the result would surely be an uprising of the people."

A party writing to TRAFFIC WORLD in support of my earlier article wrote, "It is almost unbelievable that the railroad industry could go 85 years under regulation of the ICC before someone within the industry said:

"Enough of this nonsense—let's publish cost-plus rates and be done with it. Starting with 10 class rates (10 ways to discriminate) the rate structure was expanded to millions of commodity rates (millions of ways to discriminate between commodities, industries, communities and even individuals). Having accepted the Robin Hood role (to steal from the rich and give to the poor), the railroads have lost their overpriced traffic, are stuck with the underpriced traffic—and with something more than a moral obligation to continue for evermore."

Well, speaking of obligations, I have an obligation to your time, so I will say that I advocate the following:

Carriers on other than special rates, such as unit trains should base freight charges on transporting the unit (freight car) regardless of commodity. Freight charge should be based on as close to accurate fully-distributed costs of transportation as can be ascertained by a proper agency, plus a reasonable profit—so much per car, dependent on length of haul. As distance increases, the size of destination mileage block would increase, with tapering principle to recognize terminal costs. Distances could be based on simplified national rate basis grouping and block mileages. A minimum per car charge of something like $100/$200 per car could also apply.

From this single car base, rates could be published on multiple-car moves of one up to 10 cars, dependent on clerical and terminal cost savings under single car rates such multiple moves reflect. Beyond 10 cars daily on one bill of lading to one consignee, etc., we get into what might be termed specialized or unit movements.

Carriers should charge a valuation charge on freight bill based on actuarial experience and shipper's declared value, as insurance to cover loss and damage. This may require that section 20 of the Act be amended. Shippers could elect to be self-insured. Valuation premium collected could go to a centralized AAR insurance company, which would handle all carrier loss damage claims.

Carriers should charge shipper "X" dollars per car for each car furnished. Charge could depend on number of miles involved in the movement, up to a maximum charge per car. The car charge would be on a cost of car, plus interest and repair based on a 20 year life, and would go to the carrier owning the car, whether or not such carrier participated in the route. This arrangement could help to eliminate present per diem and encourage shipper to buy or lease his own car, thus possibly channeling some present short-haul traffic to rails that they are today not receiving. Car cost furnishing savings plus even today's low mileage allowances should encourage user-furnished cars.

Accessorial charges such as weighing, diversion, stopoffs, transit, etc. would be added to basic transportation charge.

No commodity should be handled by carriers unless it met full cost plus profit standards. No business should be handled at a loss.

The recommended simplified system would mean that anyone could ascertain beforehand as well as after the shipment moves, the actual charge dependent on a simplified published rate per car for easily ascertained mileages, value declared, if any, charge for type of car furnished plus any accessorial charge applicable.

Of course, this is all too simple. There would, as anyone in transportation knows, have to be certain published rules that must be enforced, such as cars not being loaded heavier than carrying capacity, prepaid stations, routing guides, etc., but the number of tariffs and guides needed could be reduced to possibly no more than 10 from the present 10,000 or more.

Now what would all this accomplish? I can think of the following:

Rail carriers as well as carriers competitive to rail (some of which presently have simplified tariffs) could be assured their inherent benefits would bring them the business which they are best fitted to handle.

Carriers would be assured a profit on every car handled.

Rail carriers would save $250,000,000 per year in loss and damage claims. Carrier experienced claims personnel could be transferred to AAR insurance company suggested.

Carriers could get new revenues up to $1 billion annually in car-furnishing charges. Savings in per diem could also result by eliminating bookkeeping, etc.

There would be little, if any, discrimination between shippers, communities, etc., eliminating need for 99 per cent of all tariffs, all rate negotiation bureaus, majority rate negotiation personnel, regulatory personnel, etc., at savings anticipated to be $8 per carload or $200 million more annually.

By above savings, carriers would have funds available to upgrade their rights of way, resulting in labor savings because of delays now experienced in "slow" orders.

Shipper would have choice of buying only what transportation he wanted. He could furnish his own cars serve as self-insurer, etc.

Shipper would, by per car charge, have incentive to load all cars as heavy or to as full cubic capacity as possible, thereby reducing need for excess cars.

Generate the biggest car building boom of record, as per-car charge would assure carrier or shipper owner or lessee that each car would pay for itself over specific period of time.

A lesser number of cars needed or to be built by them would save carriers the 7 per cent or 8 per cent interest now being paid in equipment trusts to build new cars.

Eliminate the need for large number of personnel in industry traffic departments.

Shipments of a number of different commodities could be loaded in one car—to warehouses—distribution points, etc. Local truckers, household goods carriers or warehouses could purchase rail cars for movement to truck terminal distribution points—or for TOFC services—all kinds of new movement possibilities by using rail right of way.

Save a large portion of the $75,000,000 annual damage now done to carrier-furnished cars. Shipper, owner or lease company would handle their cars more carefully. If not, they would be responsible for damage and repair to serviceable condition.

Time would indicate whether costs as originally ascertained were high or low. If costs are higher or lower than original base, this would be reflected in carrier earnings.

After one or two years' experience, transportation user and taxpayer would benefit in that carrier, being regulated, could hardly hide any excessive profits and a fair part of savings enumerated would accrue to the transportation user and consumer.

There are other benefits, such as the generation of new business, and, of course, probably some detriments, but every traffic man could be satisfied that he is paying no more for the transportation of his shipments than he should, based on the natural transportation characteristics of his particular commodity. Although per-car rates would be the same, regardless of contents, because of density, valuation charge, and weight of material, the per-hundredweight of per-ton rates would differ on different commodities, but neither this nor the commodity transported need be a carrier concern.

One of my other suggestions on rate simplification deals with the elimination of section 22 of the interstate commerce act, which section grants reduced rates on government traffic. Certainly one of the legitimate reasons the military has used to support such rates is the need for secrecy on certain movements which presently the usual rate bureau procedure handling publicizes. If a specific per-car charge applied as suggested on all freight, it would not be necessary for the government to disclose contents of any car. There is no reason why the government should pay either cheaper or more expensive rates than the commercial shipper. The military has already negotiated many "freight, all kinds" rates.

Perhaps something similar to the proposals set forth in the exhibits (Nos. 1 and 2) on this page could be adopted and inaugurated immediately as maximum rates (the figures used are hypothetical, but could be 150 per cent of the present fully allocated costs as determined by the ICC) to alternate with the present rates. Thereby incentives could be provided to encourage full use of car weight-carrying capacity. The rates could insure profit for the carriers and could channel additional business to the railroads. Canadian carriers publish similar point-to-point incentive rates today. Perhaps a simple rule in the classification stating that "cars loaded to 10 per cent higher than Classification carload weight or minimum carload weight named in tariff subject to Classification would receive 5 per cent reduction in rates, on excess 20 per cent, a 10 per cent reduction, etc.," might be productive of revenue, tonnage and profit.

Also, I am writing of long-range goals toward rate simplification. There is no reason why some other simple pricing method cannot work. Perhaps rates should be on a per carload basis tied to fully allocated costs for different types of equipment and different rate territories, as spelled out in the TCC carload cost scales by territories (latest statement), assuming these costs are as accurate as rail costing can be.

As you also no doubt have noticed, I have been writing primarily about rail transportation because this is where simplified pricing must start. I don't want to end this article without commending certain types of motor carriers who already have simplified their pricing and tariffs. We also already have "freight all kinds" rates in TOFC service, bulk-material truck and household goods carriers have simplified rates.

I might suggest that you help me beat the drums for simplified freight rates. It's a goal toward which all transportation people should work.

I am not advocating change for that sake alone. "All change doesn't mean progress, but progress means change." Progress is the law of economic life; when a company ceases to progress it falls back in today's intense competition. New methods, new products, etc. must be developed every day. In the chemical field, in any given year, 30 to 40 per cent of products weren't in existence 10 years earlier. Manufacturers with 3,000 or more lines will tell you that over half of their products are less than five years old. A large glass company receives three-fourths of its income from products developed in the last 25 years. In rail carrier pricing, the "We'll make on the bananas what we lose on the oranges" philosophy hasn't resulted in a financially successful over-all railroad industry in the last 85 years, so it appears it's time for a change.

I wish I had the complete answer. I don't—but dream a bit with me.

Everyone pays for good transportation. He pays most, however, who does not have it!

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. All time for morning business has now expired.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that my aide, Mr. Mark Schneider, be permitted the privilege of the floor during consideration of S. 50, the Older Americans Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I ask unanimous consent that Mr. James Murphy, counsel to the Subcommittee on Aging, and Messrs. William Oriol, staff director, and David Affeldt, counsel, of the Special Committee on Aging, be allowed floor privileges during the debate and vote on S. 50.

The PRESIDING OFFICER. Without objection, it is so ordered.

OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS OF 1973

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Senate will now resume consideration of S. 50, which is on limited time. The clerk will report the bill.

The assistant legislative clerk read as follows:

S. 50, to strengthen and improve the Older Americans Act of 1965, and for other purposes.

Mr. EAGLETON. Mr. President, what is the allocation of time on this bill?

The PRESIDING OFFICER. On the bill there are 3 hours. On amendments, debatable motions and appeals, 30 minutes.

Mr. EAGLETON. I thank the Chair.

Mr. President, I yield myself such time as I may need.

Mr. President, S. 50 extends the authorizations contained in the Older Americans Act of 1965 for an additional 3 years, until June 30, 1975. Moreover, it substantially expands the range of programs contained in the act and provides for a reorganization of the administration of these programs at the Federal, State, and local levels.

S. 50 is substantially similar to H.R. 15657, which was passed by the Congress in October 1972, but which the President declined to sign following the adjournment of the 92d Congress. Because this was a pocket veto by the President, there was no opportunity for an override effort in the Congress.

In recommending the enactment of a bill similar to the one vetoed last year, I do not seek a confrontation with the President. I, for one, believe that a great deal more can be accomplished through cooperation between the legislative and executive branches than through conflict between the two. Nevertheless, I also believe that we, in Congress, cannot shirk our responsibility to enact programs that meet the needs of the Nation's elderly citizens—needs that have been fully documented by extensive hearings conducted by the Subcommittee on Aging of the Committee on Labor and Public Welfare, of which I am chairman; by the Senate Special Committee on Aging, chaired by the distinguished senior Senator from Idaho (Mr. CHURCH); and the Select Subcommittee on Education of the House Committee on Education and Labor chaired by Congressman BRADEMAS of Indiana.

In an effort to overcome at least some of the President's objections to this legislation, we have reduced the total amounts authorized by this bill by about 25 percent. In addition, we have made a number of technical changes from the vetoed bill, including provisions designed to aid in the transition to the new administrative structure mandated by this bill.

By way of a brief summary, Mr. President, S. 50 would:

Upgrade the Administration on Aging—AOA—in the Department of Health, Education, and Welfare by transferring it from the welfare-oriented social and rehabilitation service to the Office of the HEW Secretary.

Authorize the establishment of comprehensive and coordinated systems for the delivery of social services to the aging at the local level.

Provide improved recreation, educational, and voluntary service opportunities for the elderly.

Expand research in aging and the training of needed personnel in the field of gerontology.

Establish a community service employment program and special training and counseling programs in the Department of Labor for middle-aged and older persons.

Authorize grants for the acquisition, remodeling, and renovation of facilities for use as multipurpose senior centers and provide for mortgage insurance, interest subsidies and initial staffing grants for such centers.

The heart of the bill is in title III, which authorizes grants to States and, through them, to local communities to deliver needed social services to the aging. In the past, the bulk of the activities carried out under the Older Americans Act have been in connection with the title III programs. Last year, for example, more than 1 million older persons were served by over 1,500 projects funded under title III. These projects delivered a wide range of services including transportation, nutrition, home health, recreation, aid to the handicapped, and services for independent living designed to assist the elderly in retaining their independence and avoiding institutionalization.

Under existing legislation, these services are funded through what are essentially block grants to State aging agencies. These State agencies, in turn, make project grants to local agencies for the delivery of services.

As the program has expanded, it has become apparent that the existing delivery mechanisms are inadequate to assure the efficient delivery of needed services with a priority scheme for the allocation of scarce resources. President Nixon alluded to these conditions in his address to the White House Conference on Aging in 1971, when he said:

> In addition, I am asking that the Older Americans Act be amended to strengthen our planning and delivery systems for services to the elderly. Too often in the past, these "systems" have really been "nonsystems", badly fragmented, poorly planned and insufficiently coordinated. My proposed amendments are designed to remedy these deficiencies.

The amendments submitted on behalf of the administration to restructure the title III programs by the very able junior Senator from Maryland (Mr. BEALL), the ranking minority member of our Subcommittee on Aging, have, for the most part, been incorporated into S. 50. The revised title III will now designate the kinds of social services which may be provided by States to their older residents. Moreover, it provides that the delivery of such services shall be accomplished primarily by area planning and service agencies to be designated by the State agencies and operated in accordance with area plans approved by the State agencies. State agencies are required to designate those areas within their States which they determine to have the highest priority in terms of need. In order to concentrate limited resources, no more than 20 percent of the Federal allotment to a State may be spent outside of such designated priority areas. Moreover, the Federal share for projects in designated priority areas may be as high as 90 percent, while it may not exceed 75 percent in other areas of the State.

Limitations are placed on the direct provision of services by area agencies on aging, for it is not intended that an entirely new system of providers be established under this act. Rather, the area agencies are to act primarily to coordinate and fund existing service providers and to encourage the expansion of services by existing providers when the need for such is determined.

Only in those cases where an adequate supply of services cannot be otherwise assured may the State or area agencies provide them directly.

Title III also authorizes the Commissioner on Aging, who heads AOA, to fund directly projects conducted by any public or private, nonprofit agency when, after consultation with the appropriate State agency, he determines that such model projects will expand or improve the supply of services for the aging or will demonstrate improved methods of delivering such services.

The ultimate aim of the revised title III, Mr. President, is to stimulate the development of comprehensive and coordinated networks for the delivery of services to the aging in every community in the land—including both rural and urban areas—where there is a need for such a service network, beginning with the communities which the States determine have the greatest need.

In addition to structuring services for the aging at the State and local level, this bill, title II, also reorganizes the Administration on Aging, which administers the majority of the programs under the Older Americans Act. When the Older Americans Act was first passed in 1965, it was intended that AOA be a separate entity functioning at a high level in the Department of Health, Education, and Welfare to serve as a focus for programs dealing with problems of aging.

Over the years, however, AOA has been pushed into successively lower layers of the HEW bureaucracy, to a point where its effectiveness as a spokesman has been materially eroded. In 1967, AOA was placed within the social rehabilitation services—SRS—a welfare oriented agency with the Commissioner on Aging reporting to the Administrator of SRS. Programs under the Older Americans Act are not, and never have been, welfare programs and experience has taught us that our older citizens are often resistant to utilizing needed services when those services are viewed as part of a welfare program.

In order to restore the status and visibility of the Administration on Aging, to permit the Commissioner on Aging to act effectively as a spokesman for older persons, and to make possible coordination with other agencies conducting programs affecting the aging, title II of S. 50 moves the Administration on Aging out of SRS and into the Office of the Secretary. Moreover, the bill prohibits the delegation of the Commissioner's functions away from AOA without observing Reorganization Act provisions. These provisions are intended to avoid such situations as occurred when the AOA research and demonstration programs were transferred to the social and rehabilitation service.

I have attached a title-by-title summary of the bill to my remarks, along with a table showing the amounts authorized, Mr. President, so I will not go into detail regarding the other programs in the act. Suffice it to say that they authorize grants for research in aging and the training of needed personnel in the field of gerontology; provide for the acquisition and refurbishing of facilities to be used as multipurpose senior centers; enlarge volunteer opportunities for the aging under programs conducted by ACTION; make technical changes in the title VII nutrition program recently established by Public Law 92–258 and provide for the coordination of such nutrition programs with the delivery of other social services under title III programs; authorize special library and educational programs for older citizens; and, in title IX and X, provide new programs for community service employment for the aging and special job training and counseling services for both middle-aged and older workers.

With respect to titles IX and X, Mr. President, it is my understanding that efforts will be made on behalf of the administration to delete these two manpower titles. If that comes about, I will comment in more detail on the manpower programs contained in the bill at that time.

For the moment, I do want to point out that one of the cruelest things that a society can do to older persons is to turn them out to pasture with nothing useful to do. Title IX would permit persons aged 55 and over to perform important public service jobs on a part-time basis. Title X is concerned with those middle-aged and older workers, still members of the labor force, who are so often the ones hardest hit by layoffs and plant close-downs. A man 50 years old who has spent all his working years at one job, in many cases, finds it extremely difficult to find new employment suited to the skills he has acquired. Title X of the bill authorizes special programs in the Department of Labor to counsel and retrain such workers so that they may continue as active workers in the labor force.

Mr. President, there has been a debate in recent years over "income strategy" versus "services strategy" with respect to providing for those members of our society whose circumstances preclude complete self-sufficiency. In my judgment, there is a degree of compatibility between these two approaches that is perhaps best illustrated by the policy we have followed—largely through congressional initiatives—regarding the aging.

Over the last 4 years, Congress has enacted social security increases totaling 52 percent, with the result that retirement incomes of most older Americans have been substantially increased. The legislation we are considering here complements the income strategy embodied in those increases. An older citizen in need of home health care, or transportation to the doctor and the supermarket, or nutrition services, cannot use his increased income to purchase these services if they simply do not exist. This bill will help to provide a network of such vital services.

I am confident, Mr. President, that this bill, taken together with the social security legislation passed earlier, will help older Americans to lead fuller and richer lives, on the one hand, and permit our society to continue to reap the benefits of the contributions and accumulated wisdom of the aging, on the other.

Mr. President, I ask unanimous consent to have printed in the Record the title-by-title summary of S. 50, and the table on cost estimates to which I have referred.

There being no objection, the summary and table were ordered to be printed in the Record, as follows:

TITLE-BY-TITLE SUMMARY OF S. 50

TITLE I—DECLARATION OF OBJECTIVES

This title expands the objectives contained in the original Older Americans Act of 1965 by placing emphasis on the need to make comprehensive social service programs available to older Americans and to insure their participation in the development of these programs.

TITLE II—ADMINISTRATION ON AGING

This title establishes the Administration on Aging and places it within the Office of the Secretary of Health, Education, and Welfare. AoA is headed by a Commissioner on Aging who is appointed by the President and confirmed by the Senate. The Administration on Aging is given primary responsibility for carrying out the programs authorized under this Act. Language has also been included to restrict the authority of the Commissioner or Secretary to delegate programs away from AoA until Congress is given an opportunity to veto such delegations. AoA is transferred from the Social and Rehabilitation Service (SRS) to the Office of the Secretary and the Commissioner of AoA made to report directly to the Secretary.

Title II also creates a "National Information and Resource Clearing House for the Aging" which is designed to collect analyze, prepare and disseminate information regarding the needs and interests of older Americans.

In addition, Title II contains a provision establishing a "Federal Council on Aging" which will be composed of 15 members appointed by the President and confirmed by the Senate. The Council will assist and advise the President on matters relating to the needs of older Americans; review and evaluate the impact of federal policies and programs on the aging; serve as a spokesman on behalf of older Americans by making recommendations to the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress with respect to federal activities in the field of aging; and undertake programs designed to increase public awareness of the problems and needs of our senior citizens. The Federal Council on the Aging will also undertake various studies designed to further clarify the specific needs of the elderly and recommend solutions to them, and to evaluate the effects of the allocation formula contained in Title III by which funds are allotted by state.

Authorization—National Information & Resource Clearing House for the Aging; FY 73, $750,000; FY 74, $1 million, FY 75, $1,250,000. Administration of the Act; such sums as may be necessary.

TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

Under Title III, the Administration on Aging will work with state aging offices to develop a state-wide plan for delivering social services to senior citizens. Each state will be divided into planning and service areas which will bear the primary responsibility for developing the apparatus required to deliver social and nutritional services to the elderly. These area aging units are designed to coordinate existing governmental services, purchase services, and/or provide services where they are otherwise unavailable.

In addition, the Commissioner may undertake "model projects" within a state giving special consideration to projects involving the housing needs of older persons, transportation needs, continuing education, pre-retirement information, and special services to the handicapped. It is hoped that these model projects will expand and improve the delivery of social services to older persons.

Authorizations:

Area Planning and Social Services; FY 73,

$100 million; FY 74, $150 million; FY 75, $200 million.

Planning, Coordination, Evaluation and Administration of State Plans; FY 73 $20 million; FY 74, $20 million, FY 75, $20 million.

Model Projects; FY 73, $20 million; FY 74, $25 million; FY 75, $30 million.

TITLE IV—TRAINING AND RESEARCH

The Commissioner on Aging is authorized to make grants for research and development projects in the field of aging. He may also undertake programs designed to attract qualified persons into the field of aging and to provide training programs for personnel in this field. There is also a provision for the establishment and support of multidisciplinary centers of gerontology which will assist in the research and training programs as well as provide technical assistance for state and local aging units.

Authorizations:

Training; FY 73, $10 million; FY 74, $15 million; FY 75, $20 million.

Research; FY 73, $15 million; FY 74, $20 million; FY 75, $25 million.

Special Transportation R&D; FY 73, $7.5 million; FY 74, $15 million; FY 75, $20 million.

TITLE V—MULTIPURPOSE SENIOR CENTERS

This provision provides for the acquisition, alteration, and renovation of multipurpose senior citizen centers. Included in this section are provisions for mortgage insurance for senior citizen centers, grant authorizations for staffing of such centers, and interest subsidies for mortgages.

Authorizations:

Grants for Multipurposes Senior Centers; FY 73, $10 million; FY 74, $15 million; FY 75, $20 million.

Loan Insurance for Multipurpose Senior Centers; such sums as may be necessary.

Annual Interest Grants; FY 73, $1 million; FY 74, $3 million; FY 75, $5 million.

Personnel Staffing Grants for Senior Centers; FY 73, $10 million; FY 74, $10 million; FY 75, $10 million.

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

This title extends and expands the authorization for the Foster Grandparents program and other Older Americans Community Service programs. These programs, which were transferred to the ACTION Agency in 1971 seek to involve Older Americans in a variety of programs designed to benefit persons, both children and adults having exceptional needs.

Authorizations:

RSVP; FY 73, $20 million, FY 74, $30 million; FY 75, $40 million.

Foster Grandparents and other Senior Volunteer programs; FY 73, $41 million; FY 74, $52 million; FY 75, $63 million.

TITLE VII—NUTRITION PROGRAM

This title makes several minor conforming changes in the nutrition legislation which was passed earlier this year. The changes are primarily designed to produce greater coordination between nutrition programs and the social service programs provided in Title III.

TITLE VIII—AMENDMENTS TO OTHER ACTS

This provision amends the Library Services and Construction Act, the National Commission on Libraries and Information Science Act, the Higher Education Act, and the Adult Education Act, so as to provide expanded opportunities for older Americans to participate in programs of continuing education.

Authorizations: See table.

TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

This title is designed to provide community service jobs for low income older Americans 55 years of age and older in the fields of education, social services, recreational services, conservation, environmental restoration, economic development, etc. The programs created by Title IX are structured in such a way as to draw upon the experiences of numerous pilot and demonstration projects conducted by the Department of Labor under its Operation Mainstream program, under the names of Senior Aides and Green Thumb. It is estimated that as many as 40 to 60 thousand jobs could be created under the provisions of this title.

Authorizations:

Community Service Employment; FY 73, $100 million; FY 74, $150 million.

TITLE X—MIDDLE-AGED AND OLDER WORKERS TRAINING ACT

This title is designed to provide manpower training programs and other services to increase job opportunities for middle-aged and older persons. The Secretary of Labor will carry out the provisions of this title within the framework of existing programs during the remainder of fiscal year 1973, while new funds are authorized for fiscal year 1974.

Authorizations:

Middle-Aged and Older Workers Training: FY 74, $150 million.

COST ESTIMATES OF S. 50

	1973	1974	1975	1976	1977
Title I: Declaration of objectives					
Title II:					
National information and resource clearing house for the aging	$750, 000	$1, 000, 000	$1, 250, 000		
Administration of the act [1]					
Title III:					
Area planning and social service	100, 000, 000	150, 000, 000	200, 000, 000		
Planning, coordination, evaluation, and administration of State plan	20, 000, 000	20, 000, 000	20, 000, 000		
Model projects	20, 000, 000	25, 000, 000	30, 000, 000		
Title IV:					
Training	10, 000, 000	15, 000, 000	20, 000, 000		
Research	15, 000, 000	20, 000, 000	25, 000, 000		
Special transportation R. & D	7, 500, 000	15, 000, 000	20, 000, 000		
Title V:					
Multipurpose centers	10, 000, 000	15, 000, 000	20, 000, 000		
Loan insurance for multipurpose senior centers [1]					
Annual interest grants	1, 000, 000	3, 000, 000	5, 000, 000		
Personnel staffing grants	10, 000, 000	10, 000, 000	10, 000, 000		
Title VI:					
RSVP	20, 000, 000	30, 000, 000	40, 000, 000		
Foster grandparents and other senior volunteer programs	41, 000, 000	52, 000, 000	63, 000, 000		
Title VII: Nutrition program (authorized in Public Law 92-258)					
Title VIII:					
Older readers services	11, 700, 000	12, 300, 000	12, 900, 000	$13, 700, 000	
Special programs ((Title I, Higher Education Act)	5, 000, 000	5, 000, 000	5, 000, 000	5, 000, 000	$5, 000
Special projects (Adult Education Act)					
Senior opportunities and services	7, 000, 000	7, 000, 000			
Title IX: Community service employment	100, 000, 000	150, 000, 000			
Title X: Middle-aged and older workers training		150, 000, 000			
Total	378, 950, 000	680, 300, 000	472, 150, 000	18, 700, 000	5, 000

[1] Such sums as may be necessary.

Note: S. 50 total authorization, $1,555,100,000.

Mr. JAVITS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. I have strongly supported this bill, including titles IX and X. I will develop my reasons for that in due course, but I merely wish to state to the Senate at this time that it has twice passed both of these titles; that is, manpower training for older and middle-aged workers and community service employment for older workers, which is a continuation of the mainstream program, and an expansion of it, as it has developed under the Office of Economic Opportunity.

The Senator from Maryland (Mr. BEALL) in due course will be acting with respect to both of these titles. I know he is devoted to the bill, other than these titles. Indeed he is in the anomalous position in which I and others have found ourselves on other occasions concerning other bills, in that his tremendous creativity in respect of this bill seems to be lost in the fact that he has profound disagreement, in the interests of securing the bill itself, with titles IX and X. Therefore, unless I said it, it might be difficult to distinguish, so far as the Senator is concerned, his position on these two titles from his position on the bill generally, of which he was a principal architect.

So I would like the record to be clear that Senator BEALL, the ranking minority member of the Aging Subcommittee of the Committee on Labor and Public Welfare, of which I am the ranking minority member, has been the principal architect, on the part of the minority, of the amendments which will do much to broaden the opportunities for older Americans. I will testify to his deep devotion to this expansion of opportunity. He has a profound disagreement with the majority of the committee, which includes myself, on how much the bill will be hurt by the inclusion of the two manpower training titles, and that is his only difference. I respect it fully, though I do not agree with him, and I think the record should be very clear as to his outstanding service with respect to the proposed legislation.

I consider myself a trustee of the time assigned to the minority. So far as I know, there have been no other requests for time, and in that spirit I yield 15 minutes to the Senator from Maryland (Mr. BEALL).

Mr. BEALL. Mr. President, I thank the distinguished ranking minority member of the Committee on Labor and Public Welfare, the Senator from New York, for his very kind remarks with regard to my participation in this measure and his very accurate description of our areas of disagreement. It is not a disagreement as to the intent of the proposed legislation. I think we disagree as to how we should proceed in order to get legislation continuing and improving, the activities of the Administration on Aging on the books as part of the law of the land.

I appreciate the very kind remarks of the distinguished Senator from New York with regard to our service and our general agreement on the aims of this measure.

Mr. President, I will develop my arguments against the inclusion of the manpower titles in this measure, at a later time, when I offer my motion, dealing with this matter.

Mr. President, it is a pleasure for me to join once again the distinguished chairman of the Labor and Public Welfare Committee's Subcommittee on Aging in bringing up for Senate consideration the comprehensive older Americans services amendments. I would like to commend the junior Senator from Missouri who has diligently overseen this committee's deliberations on the amendments to the Older Americans Act of 1965. As a result of the committee's efforts, we have before us today a bill which, with two reservations, I believe is worthy of the prompt and favorable consideration of the full Senate. This bill reflects many of the ideas that were contained in the testimony of expert witnesses, the advice and guidance of the appropriate officials from the various government agencies involved, as well as inputs from Senators on both sides of the aisle.

S. 50 is basically the same legislation that was passed by the Senate last October and subsequently disapproved by the President. There are, however, several significant improvements which I think we should note. The conference report on H.R. 15657 had a total authorization level, for the 3-year life of the bill of approximately $2 billion. The President indicated in his memorandum of disapproval that these authorization levels were "far beyond what can be used effectively and responsibly." S. 50, has a 3-year authorization level of just over $1.5 billion, a reduction of $500 million or 25 percent. In addition, the bill contains various technical improvements, many recommended to us by the Department of Health, Education, and Welfare, which will serve to improve the functioning of the older Americans programs mandated by this bill. For instance, we have included in S. 50 a provision to allow for phase-in funding of existing title III programs during the period when the new State and area plans are being developed. This change should assure the smooth transition from the current program to the more ambitious one envisioned in this legislation. Another interesting addition to S. 50 is the directive to the Federal Council on Aging to carry out a comprehensive study of the functioning of the funds distribution formula contained in this bill. As all of us are aware, the controversy surrounding the distribution of funds often evokes considerable debate and disagreement between the large States and those with smaller populations. It is hoped that the study conducted by the Federal Council on Aging will give us our first comprehensive review of the functioning of this funding formula and enable Congress to more knowledgeably legislate in this area when this bill comes up for reconsideration in 3 years.

Mr. President, I believe that the older Americans portions of S. 50—the first eight titles—would make a significant contribution to the well-being of our senior citizens:

TITLE I, THE DECLARATION OF OBJECTIVES

In title I, the Congress expanded the objectives contained in the original Older Americans Act of 1965 by placing additional emphasis on the need to make comprehensive social service programs available to older Americans, giving greatest priority to those in need, and to insure the participation of senior citizens in the development of these programs.

TITLE II, THE ADMINISTRATION ON AGING

This title reestablished the Administration on Aging and places it within the Office of the Secretary of Health, Education, and Welfare. Since 1967, AOA has been located under the Administrator for Social and Rehabilitation Services. This placement within the administrative structure of the Department of Health, Education, and Welfare clearly reduced the effectiveness and visibility of AOA and severely limited its ability to carry out its assigned mandate. It was clearly the objective of Congress, with broad bipartisan support, to bring about a significant updating and strengthening of the Administration on Aging so that it can more adequately cope with the unique and pressing problems of the aging. The Administration on Aging is to be headed by a Commissioner on Aging who is to be appointed by the President with the advice and consent of the Senate. The Administration on Aging is given the primary responsibility for carrying out the programs authorized under this act.

In addition, title II creates a "National Information and Resource Clearing House for the Aging" which is designed to collect, analyze, prepare, and assimilate information regarding the needs and interests of older Americans. In addition, title II contains a provision establishing a "Federal Council on the Aging" which will be composed of 15 members appointed by the President and confirmed by the Senate. The Council will assist in advising the President on matters relating to the needs of older Americans; review and evaluate the impact of Federal policies and programs on the aging; serve as a spokesman on behalf of older Americans by making recommendations to the President, Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress with respect to Federal activities in the field of older Americans; and undertake programs designed to increase public awareness of the problems and need of our senior citizens. The Federal Council on the Aging will also undertake various studies designed to further clarify the specific needs of them, elderly, recommend solutions to them, and as I mentioned before, it will monitor the functioning of the title III formula program so as to provide Congress with the information we need to more effectively legislate in this area.

TITLE III, GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING—STATE AND LOCAL GRANTS

Undter title III, the Administration on Aging will work with State aging offices to develop statewide plans for delivering comprehensive social services to senior citizens. Most States will be divided into planning and service areas which will contain an area planning unit which will bear the primary responsibility for developing the apparatus required to deliver comprehensive social and nutritional services to the elderly within their area. These area planning units are designed to coordinate existing governmental services, purchase services, and/or provide services where they are otherwise unavailable. This effort to establish a more coherent and comprehensive approach to the delivery of social and nutritional services to our senior citizens is perhaps the most outstanding reform contained in this legislation.

Title III further authorizes the Commissioner to undertake "model projects" within the various States, giving special consideration to projects involving the housing needs of older people, transportation, continuing education, preretirement information, special services to the handicapped, and so forth. It is hoped that these model projects will enable us to substantially expand and improve the delivery of social services to older Americans.

S. 50 also places great emphasis on the need for information and referral systems on both the State and area levels. The committee believes that the vitality and resourcefulness of most of our senior citizens will enable them to successfully grapple with many of the problems confronting them if they have in their possession the proper kind of information.

TITLE IV, TRAINING AND RESEARCH

The Commissioner on Aging is authorized to make grants for research and development projects in the field of aging. He may undertake programs designed to attract qualified persons into the field of aging and to provide training programs for personnel in this field. There is also a provision for the establishment and support of multidisciplinary centers of gerontology which will assist in the research and training programs as well as provide technical assistance for State and local aging units.

TITLE V, MULTIPURPOSE SENIOR CENTERS

This provision authorizes the acquisition, alteration, and or renovation of multipurpose senior citizen centers. In addition, it includes a section which authorizes the Commissioner to insure mortgages for the acquisition, alteration, or renovation of multipurpose senior citizen centers. The Commissioner also may make grants for the staffing of these senior citizen centers at a declining Federal share of 75, 66⅔, and 50 percent.

TITLE VI, NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

This title extends and expands the authorization for the foster grandparent program and other older Americans community service programs. Most of these programs were originally authorized under the Older Americans Act, but the administration of them has subsequently been transferred to the Action Agency. It is anticipated that the Congress will consideration Action Agency legislation later this year which will probably repeal title VI of the Older Americans Act and reenact it as part of the overall action legislation.

TITLE VII, THE NUTRITION PROGRAM

This title makes several minor conforming changes in the nutrition legislation which was passed in March of 1972. The changes are primarily designed to produce greater coordination between the nutrition program and the social service program provided for in title III.

TITLE VIII, AMENDMENTS TO OTHER ACTS

This provision amends the Library Services and Construction Act, the National Commission on Library Information Science Act, the Higher Education Act of 1965, and the Adult Education Act, so as to provide expanded opportunities for older Americans to participate in programs of continuing education.

Mr. President, the two remaining titles of S. 50, titles IX and X would establish categorical manpower programs to be administered by the Department of Labor. While I am very sympathetic with the need to open new job training and employment opportunities for senior citizens, I believe that it should be clear to all of us that the inclusion of these titles will almost assuredly bring about a second Presidential veto. This is a matter, Mr. President, which I will address myself to in greater detail later in this debate.

Mr. President, it is with the first eight titles that I find myself in agreement. However, I do not agree with the inclusion of titles IX and X in this bill.

I have been joined in the presentation of supplemental views on this subject by Senators DOMINICK and TAFT, and I ask unanimous consent that the supplemental views be printed at this point in the RECORD, because I think they outline our basic objection to this bill in its present form.

There being no objection, the supplemental views were ordered to be printed in the RECORD, as follows:

SUPPLEMENTAL VIEWS OF MESSRS. BEALL, DOMINICK, AND TAFT

We support, with two reservations, the Amendments to the Older Americans Act of 1965 which were ordered reported by the Labor and Public Welfare Committee on February 7, 1973. There is no disagreement that the problems of the aging deserve attention from the Federal Government at the highest levels, and the goal of this legislation is to expand the authority of the Administration on Aging so that it can more effectively deliver social and nutritional services to older Americans. There is no constituency more deserving of assistance or more willing to help themselves than our senior citizens.

Substantial progress has been made in the past several years in bringing a higher degree of visibility and recognition, within our government, to the problems of the aging. The appointment of Doctor Arthur S. Flemming to serve as the Special Consultant to the President on Aging has brought a distinguished public servant and a vigorous advocate of senior citizen causes into a prominent position within the White House. Doctor Flemming's work, coupled with the effort of the Committee on Aging within the President's Cabinet-level Domestic Council, reflects a firm commitment to promote the interest of senior citizens at the highest level of our government. Title II of S. 50 revamps and upgrades the Administration on Aging by placing it in the Office of the Secretary of Health, Education, and Welfare. This reorganization will give the Administration on Aging a status far greater than it has ever possessed before. It will serve to guarantee that the problems of the aging will receive attention at the highest possible level.

We are, however, concerned about Titles IX and X of this bill which would create programs of Community Service Employment for Older Americans and Middle-Aged and Older Workers Training, respectively. Title IX was originally introduced in the 92nd Congress as a separate proposal (S. 555). This bill would create a two year Public Service Employment Program for senior citizens designed to create 40,000 jobs the first year and 60,000 jobs the second year. As separate legislation, this bill was approved by the Subcommittee on Aging, the Labor and Public Welfare Committee, and the Senate during the closing days of the 2nd Session of the 92nd Congress. The primary argument used to justify the inclusion of this title in the Older Americans Act was that the House of Representatives could not consider the Senate-passed bill without suspending its rules. To overcome this obstacle, the Older Americans Community Service Employment Act was added as an additional title to the Older Americans Act which was viewed as a suitable vehicle for overcoming the parliamentary obstruction in the House of Representatives. At this stage of the 93rd Congress, it is obvious that the rules of the House no longer serve as an obstacle to the consideration of Title IX as a separate legislative proposal to be weighed on its own merits.

Title X, the Middle-Aged and Older Workers Training Act, was also introduced during the 92nd Congress as a separate bill (S. 1307). This proposal would create a categorical manpower program designed to provide training for middle-aged and older workers aged 45 and over. As a separate measure, this proposal received the approval of the Subcommittee on Aging and the Labor and Public Welfare Committee last year. No report was filed, and the bill never proceeded to the consideration of the full Senate. It was subsequently added to the Older Americans Act, so as to insure its passage by the 92nd Congress.

In the Memorandum of Disapproval, President Nixon clearly indicated that the inclusion of Titles IX and X were a major factor in his decision to withhold his signature from this important legislation. In his statement dated October 30, 1972, the President said that—

> * * * the Congress added to the bill containing these provisions a range of narrow, categorical service programs which would seriously interfere with our efforts to develop coordinated services for older persons. This is particularly the case with two categorical manpower programs which were added on the floor of the Senate and were considered without regard to manpower programs already serving older persons.

Shortly after the President withheld his approval from the Older Americans Comprehensive Service Amendments of 1972, we wrote the Honorable Elliot Richardson, Secretary of Health, Education, and Welfare, the Honorable Caspar Weinberger, Director of the Office of Management and Budget, and other Administration officials in an effort to more clearly determine the nature of the President's opposition to this proposal. In a letter dated December 26, 1972, Secretary Richardson stated that—

> in addition, the new manpower programs would have duplicated existing programs aimed at identical clientele groups, using the same institution, and competing for the same jobs and training opportunities. They would therefore have added to the severe administrative difficulties which the Administration's Manpower Revenue Sharing proposal was designed to eliminate.

In a letter dated January 2, 1973, Director Weinberger stated:

> As you know, the President's Memorandum of Disapproval on H.R. 15657 called attention to the provisions of the bill which would have established a range of new narrow categorical service programs contrary to the Administration's approach of more comprehensive, coordinated local delivery of services to the elderly.

But, most important is the basic fact that S. 50, in its present form, is clearly two or perhaps three distinctly different pieces of legislation. The principal portion of this legislation is a bill designed to extend, expand, and improve the Older Americans Act of 1965. The core of federal efforts to improve the lot of our senior citizens is carried on within the Department of Health, Education, and Welfare by the Administration on Aging. The first eight titles of S. 50 address themselves to this department and programs conducted therein, with the exception of Title VI which authorizes certain Action Agency programs which had previously been established under the authority of the Older Americans Act.

The second measure contained with S. 50 is a two part manpower proposal. Titles IX and X are, in fact, separate acts designed to be administered by the Department of Labor and wedded to the Older Americans Act as a legislative and political marriage of convenience. We believe that this practice is fundamentally unsound for three basic reasons:

1. It is fundamentally unjust to unnecessarily delay the enactment and implementation of programs designed to greatly expand and improve the social and nutritional services so desperately needed by many of our senior citizens for reasons totally extraneous to the purposes of this legislation.

2. Congress has a responsibility to exercise its vast legislative powers in a responsive and responsible manner. During this period, when the Congress is seeking to fully reassert its constitutional prerogatives, we believe that it is especially important for the Senate to enact legislation that directly relates to the individual programs and problems which we

are seeking to establish or resolve without the all too frequently added riders which blur the merits of a given proposal. We believe that our constituents and the country expect the Congress and each of its Members to take forthright stands on the issues confronting our Nation, a prospect which is almost impossible when dealing with the so called "Christmas Tree" bills.

3. Recently the Congress has voiced its objections to the misuse of Executive powers in the legislative process. While some of this criticism may be justified, we believe that the practice of enacting multipurpose legislation severely limits the ability of the President to exercise his constitutional power of veto. We are asking the President to make a judgment on the "lesser of evils" rather than on the merits of the particular legislation.

We believe that the Congress should enact the first eight titles of S. 50 as the Amendments to the Older Americans Act of 1965. This essentially "clean" bill should be sent to the President and weighed on its merits. This approach would allow the Congress to responsibly demarcate between two significant areas of need, require the President to evaluate each according to its merits, and if need be, bring back to the Congress vetoed proposals which are clearly defined and upon which the Congress can further work its will.

The choice is clear, we can enact a "clean" bill that relates to the programs conducted by the Department of Health, Education, and Welfare so that our senior citizens can begin to receive the benefits and services they so rightly deserve; or we can seek to add extraneous categorical programs which will most likely bring about a second veto. In other words, Congress can seek to enact a bill or to produce an issue. The wellbeing of our senior citizens is more important to us than the political advantages, real or imagined, that might be achieved by forcing a confrontation between the Congress and the President on this issue.

J. Glenn Beall, Jr.
Peter H. Dominick.
Robert Taft, Jr.

Mr. BEALL. I point out that we disagree with the inclusion of titles IX and X for basically three reasons:

1. It is fundamentally unjust to unnecessarily delay the enactment and implementation of programs designed to greatly expand and improve the social and nutritional services so desperately needed by many of our senior citizens for reasons totally extraneous to the purposes of this legislation.

Then, we say:

2. Congress has a responsibility to exercise its vast legislative powers in a responsive and responsible manner. During this period, when the Congress is seeking to fully reassert its constitutional prerogatives, we believe that it is especially important for the Senate to enact legislation that directly relates to the individual programs and problems which we are seeking to establish or resolve without the all too frequently added riders which blur the merits of a given proposal. We believe that our constituents and the country expect the Congress and each of its Members to take forthright stands on the issues confronting our Nation, a prospect which is almost impossible when dealing with the so called "Christmas Tree" bills.

3. Recently the Congress has voiced its objections to the misuse of Executive powers in the legislative process. While some of this criticism may be justified, we believe that the practice of enacting multipurpose legislation severely limits the ability of the President to exercise his constitutional power of veto. We are asking the President to make a judgment on the "lesser of evils" rather than on the merits of the particular legislation.

I think there is no excuse, at this time, for allowing titles IX and X to be included in the bill because this legislation falls within the jurisdiction of the Subcommittee on Aging. Traditionally and according to the Rules of Procedure, manpower legislation is reviewed by the Subcommittee on Manpower. I do not believe that we should not combine, in a single bill, matters administered by the Department of Health, Education, and Welfare and matters under the jurisdiction of the Department of Labor.

It seems to me that the President made his point clear in his veto message last fall. He said one of the principal reasons he vetoed the bill was because it included titles IX and X. He said that he had some disagreement with their intent. I do not know if I agree with his analysis of title IX and X but I do agree that they do not belong in the bill. If we are interested in getting a bill to help resolve some of problems relating to aging and to give a higher degree of responsibility and visibility to the Administration on Aging, then we will do well to strike out these two titles and not give the President a bill we know he will veto. There may be enough votes here to override the veto, but then again there may not be. In the meantime we are delaying the enactment and implementation of legislation dealing with problems of the aging for a considerable period of time.

This legislation could be passed now and placed before the President. I do not know if he would sign the bill with just the first eight titles, but at least we have a better chance and we would be in a far better position as far as congressional responsibility is concerned.

So at the appropriate point in our discussion I will make a motion that will have the effect of removing titles IX and X from the bill so that they can be considered as separate legislation, I do not see any reason, this early in the session, why we should be considering manpower legislation in a bill principally devoted to reorganizing the Administration on Aging.

I am prepared to yield back whatever time I have remaining.

Mr. JAVITS. Mr. President, will the Senator yield to me for 1 minute?

Mr. BEALL. I yield.

Mr. JAVITS. Mr. President, I ask unanimous consent that John Scales, manpower specialist of the Committee on Labor and Public Welfare, be permitted on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEALL. Mr. President, I ask unanimous consent that David Rust of my staff may have the same privilege.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the name of the Senator from Tennessee (Mr. Brock) may be added as a cosponsor to S. 50.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I suggest to the Senator from Maryland (Mr. Beall) that now is the time to offer his amendment to strike titles IX and X and then we could get to a debate on the merits.

Mr. BEALL. I wanted to be sure that other Senators had an opportunity to speak on the bill.

The PRESIDING OFFICER. The question first occurs on the committee amendments, en bloc.

Mr. EAGLETON. Mr. President, I move their adoption.

Mr. JAVITS. Mr. President, if the Senator will yield, if the amendment of the Senator from Maryland (Mr. Beall) is offered, should we not get unanimous consent to consider them as original text? If the Senator will yield to me for 1 minute, will the experts tell us if this will block consideration of the proposal if we approve the amendments en bloc?

Mr. EAGLETON. Mr. President, I address that as a parliamentary inquiry to the Chair.

The PRESIDING OFFICER. If the committee amendments are agreed to, no amendments to those amendments are in order.

Mr. JAVITS. Mr. President, I ask unanimous consent that the committee amendments may be considered as original text to the bill and open to amendment in the usual way.

The PRESIDING OFFICER. Without objection, it is so ordered. Without objection, the committee amendments are agreed to en bloc.

Mr. BEALL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BEALL. Mr. President, it is my intention to make a motion to recommit the bill with instructions to the committee to report the bill back forthwith with titles IX and X deleted. If I make that motion do I understand we have one-half hour debate under the order entered into?

Mr. JAVITS. Mr. President, I yield myself 2 minutes for a parliamentary inquiry. If that is the intention of the Senator we cannot adopt the committee amendments. I wish to ask the Chair whether a motion to recommit with instructions may lie notwithstanding the fact that instructions affecting a committee amendment adopted by the Senate in the course of the debate.

Mr. President, I withdraw that inquiry. Let the matter remain where it is for a moment.

Mr. BEALL. I thank the Senator.

Mr. EAGLETON. Mr. President, then the situation is that once the motion is made by the Senator from Maryland each side would get 30 minutes.

Mr. JAVITS. Fifteen minutes on each side.

Mr. EAGLETON. Fifteen minutes on each side.

Mr. BEALL. Mr. President, I wish to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BEALL. As I understand it, we still have the opportunity to yield ourselves time on the bill should we run out of time under the one-half hour.

Mr. EAGLETON. I would prefer the Senator make his motion.

Mr. BEALL. Did I get an answer to my inquiry? Is it in the affirmative?

The PRESIDING OFFICER. Under

the unanimous-consent agreement time may be yielded as the Senator suggests.

Mr. BEALL. Mr. President, may I be recognized to make a motion?

The PRESIDING OFFICER. The Senator is recognized.

Mr. BEALL. Mr. President, I move to recommit S. 50 to the Committee on Labor and Public Welfare with instructions to report the first eight titles of the bill back to the Senate forthwith.

The PRESIDING OFFICER. Will the Senator submit his motion to the desk.

Mr. BEALL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BEALL. May I withdraw my motion and make a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BEALL. I ask unanimous consent to withdraw my motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. BEALL. Mr. President, if I were to make a motion to recommit S. 50 with instructions to report back forthwith with the first eight titles, may I further add to that motion language to the effect that we may add manpower to the bill as soon as the procedure is allowed?

The PRESIDING OFFICER. The Chair would not feel that is possible. There is a rule of germaneness.

Mr. BEALL. I did not understand the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. JAVITS. Mr. President, I ask unanimous consent that it may be charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I ask unanimous consent that floor privileges may be afforded to Mr. Robert Humphreys during the pendency of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEALL. Mr. President, will the Senator yield me some time?

Mr. JAVITS. Of course, whatever the Senator wishes. Ten minutes?

Mr. BEALL. Five minutes.

Mr. JAVITS. I yield 5 minutes to the Senator from Maryland.

Mr. BEALL. Mr. President, I had hoped that I could make a motion to recommit the bill with instructions that the committee report the first eight titles of the bill back to the Senate forthwith, and then bring back a second bill composed of titles IX and X. That cannot be done in a correct parliamentary fashion. Therefore, I am going to make a motion to recommit the bill with instructions to report it back forthwith, without titles IX and X. I should state that it is not my intention, in making this motion, to say that I am against titles IX and X, because I think these titles have a great deal of merit and should be considered by the Senate as separate legislation.

I think, however, we are jeopardizing the possibility of this legislation ever being signed into law because titles IX and X are included. I think it would be much cleaner legislative procedure to have them come up as separate pieces of legislation. So I will make a motion to recommit the legislation with instructions that the first 8 titles be reported back forthwith, with titles IX and X deleted, and I will, if this motion carries, introduce titles IX and X as a separate bill this afternoon. I want to make it perfectly clear that it is not my intention to kill titles IX and X, but it is my intention to have this bill passed with the best chance of its getting Executive approval.

I say that without having had any conversations with those who make that kind of decision, but it is obvious that if the President vetoed this basic bill last October, he is very likely to veto it again.

The PRESIDING OFFICER. Is the Senator making that motion?

Mr. BEALL. Mr. President, the Chair is correct, and I am talking on the time very generously given to me by the Senator from New York. For the purpose of making my intentions clear.

Mr. President, I move to recommit S. 50 to the Labor and Public Welfare Committee with instructions to report the first eight titles of the bill back to the Senate forthwith.

The PRESIDING OFFICER. The motion will be read by the clerk.

The assistant legislative clerk read the motion, as follows: I move to recommit S. 50 to the Labor and Public Welfare Committee with instructions to report the first eight titles of the bill back to the Senate forthwith.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Who yields time?

Mr. JAVITS. Mr. President, I yield myself 30 seconds for a parliamentary inquiry. This time is controlled by the mover, and the Senator from Missouri (Mr. EAGLETON) is the opponent. Is that correct?

The PRESIDING OFFICER. If the Senator from Missouri is opposed to the motion.

Mr. JAVITS. I gather he is.

Mr. EAGLETON. Yes.

Mr. BEALL. Mr. President, I yield myself 5 minutes.

Mr. President, 11 months ago I introduced S. 3391, the administration's proposed revisions of title III of the Older Americans Act of 1965. Under the provisions of that legislation, the Administration on Aging would have assumed a much more active role in developing State and area plans for the comprehensive delivery of services to our Nation's senior citizens. Not only would the administrative structure of our aging programs be strengthened, but it was our intention to make this structure increasingly responsive to the unique and growing problems of our senior citizens. The areawide planning agencies would seek to assess the needs of the elderly in each community and to formulate a plan to meet these needs through a coordinated, comprehensive service delivery system. I believe that it is through the provision of additional comprehensive nutritional and social services that the goals of continued independence and improved well-being for the Nation's elderly can be met.

This bill, and others introduced by various Senators, was referred to the Labor and Public Welfare Committee's Subcommittee on Aging, on which I am pleased to serve as the ranking minority member. During the remainder of the second session of the 92d Congress, our subcommittee worked to produce a bill that would achieve these goals.

As we are all aware, the ensuing bill—H.R. 15657—was passed in the closing days of the 92d Congress and pocket vetoed by the President on October 30.

Mr. President, I ask unanimous consent that the portion of the White House memorandum of disapproval relating to H.R. 15657 and letters I received from former Secretary of Health, Education, and Welfare, Elliot Richardson, and the former Director of the Office of Management and Budget, Casper Weinberger, further explaining the reasons for his veto, be printed in the RECORD at this point in my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OLDER AMERICANS COMPREHENSIVE SERVICE AMENDMENTS OF 1972 (H.R. 15657)

Last March, I submitted to the Congress a plan for strengthening and expanding service delivery programs under the Older Americans Act. This program would begin the development of more comprehensive and better coordinated systems for delivering services at the local level. In addition, I submitted a proposal to broaden the highly successful Foster Grandparents Program. The Administration will continue its vigorous pursuit of both these objectives.

However, the Congress added to the bill containing these provisions a range of narrow, categorical service programs which would seriously interfere with our effort to develop coordinated services for older persons. This is particularly the case with two categorical manpower programs which were added on the floor of the Senate and were considered without regard to manpower programs already serving older persons. Furthermore, this bill would authorize new funding of more than $2 billion between now and fiscal year 1975—far beyond what can be used effectively and responsibly.

I cannot responsibly approve H.R. 15657.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., December 26, 1972.

Hon. J. GLENN BEALL, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BEALL: Thank you for your letter of November 21 concerning the objections underlying the President's disapproval of H.R. 15657.

As you know, the President's Memorandum of Disapproval of October 30 specifically cited the categorical manpower programs and the high authorizations as provisions in the bill to which he objected.

The authorization levels in H.R. 15657 were well beyond what the Administration believed could be used effectively and would have raised false expectations among the elderly.

In addition, the new manpower programs would have duplicated existing programs aimed at identical clientele groups, using the same institutions, and competing for the same jobs and training opportunities. They would therefore have added to the severe administrative difficulties which the Administration's Manpower Revenue Sharing proposal was designed to eliminate. The bill would have authorized other new categorical programs in HEW that would have been duplicative of existing federal authority.

H.R. 15657 would also have legislated various highly undesirable organizational changes in HEW. The bill would have moved the Administration on Aging (AOA) from the Social and Rehabilitation Service component of HEW to the Office of the Secretary. It would also have placed authority for carrying out AOA's responsibilities under the Act in the Commissioner on Aging, rather than the Secretary. The Commissioner would have been prohibited from delegating any of his functions to an officer not directly responsible to him, unless he first submitted a delegation plan to Congress and neither House disapproved within 30 days.

The mandating of organizational changes in HEW would seriously impede the Secretary's authority to organize and manage the Department. The prohibition on delegation would likewise restrict the Department's managerial flexibility and would raise constitutional issues.

Among other defects, the bill also did not adopt the three year limit on Federal funding of service projects which had been proposed by the Administration. Thus the bill, in effect, would have provided permanent Federal funding rather than having States and localities assume financial responsibility for aging programs after an initial period of Federal assistance.

Finally, as you are aware, the Executive Branch is currently in the process of developing the budget and legislative proposals for fiscal year 1974. As part of this process, budget and legislative decisions relating to the Administration's proposed programs for the elderly in the next Congress are presently under consideration. These decisions will be reflected in the 1974 budget and legislative proposals which will be submitted to Congress as early in the coming session as possible.

I very much appreciate your concern and assistance in these matters.

With kindest regards,

Sincerely,

ELLIOT RICHARDSON,
Secretary.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C. January 2, 1973.

Hon. J. GLENN BEALL, JR.,
U.S. Senate
Washington, D.C.

DEAR SENATOR BEALL: Thank you for your letter of December 5 concerning the objections which impelled the President to disapprove H.R. 15657.

As you know, the President's Memorandum of Disapproval on H.R. 15657 called attention to the provisions of the bill which would have established a range of new narrow categorical service programs contrary to the Administration's approach of more comprehensive, coordinated local delivery of services to the elderly. In addition, as the Memorandum noted, the bill would have authorized funds far in excess of what can be used effectively and responsibly.

We are presently engaged in the formulation of the 1974 budget. The President's recommendations to the 93rd Congress with regard to programs for the elderly are under consideration in the context of that process. The outcome of our current considerations will be reflected in the budget which we will be submitting early in the coming session of the Congress.

I appreciate your interest in this matter.

Sincerely,

CASPAR WEINBERGER,
Director.

Mr. BEALL. Mr. President, it is obvious to all of us that the inclusion of titles IX and X were a major factor in the President's decision to withhold his signature from this important legislation. Title IX, the Community Service Employment for Older Americans Act, was originally introduced into the 92d Congress as S. 555. Under the provisions of this legislation, a 2-year public service employment program for senior citizens would have been created. As separate legislation, this bill won the approval of the Subcommittee on Aging, the Labor and Public Welfare Committee, and the Senate during the closing days of the 92d Congress. The primary argument used to justify its incorporation into the Older Americans Act was the fact that the House of Representatives could not consider the Senate-passed bill without first suspending its rules. To overcome this obstacle, the Older Americans Community Service Employment Act was added as an additional title to H.R. 15657, the amendments to the Older Americans Act. This decision was made because the Older Americans Act seemed to be a suitable vehicle for overcoming the parliamentary obstacles that existed in the House of Representatives. At this early stage in the 93d Congress, it is obvious that the House rules no longer serve to obstruct the early consideration of title IX as a separate legislative proposal to be weighed on its own merits.

Title X, the Middle-Aged and Older Workers Training Act, was originally contained in a comprehensive manpower bill which was vetoed by the President and revived during the 92d Congress as a separate legislative proposal—S. 1307. This measure would create a categorical manpower program designed to provide training for middle-aged and older workers 45 years of age and older. As a separate measure, this proposal also received the approval of the Subcommittee on Aging and the Labor and Public Welfare last year. No report was filed, and the bill was not considered by the full Senate. It was, however, subsequently added as an amendment to the Older Americans Act to insure its passage during the closing days of the second session of the 92d Congress.

It is not my intention to delve into the merits of either titles IX or X which seek to resolve pressing problems confronting our senior citizens. I, for one, am very sympathetic with the worthy goals set forth in these titles. But there are several basic, and I believe very profound, points which must be made relative to this legislative package which is pending before the Senate at the present time. S. 50, in its present form, is clearly two or perhaps three different pieces of legislation. The principal portion of this bill is designed to expand, extend, and improve the Older Americans Act of 1965. The Administration on Aging, contained within the Department of Health, Education, and Welfare, is the central agency charged with the responsibility for carrying out the Federal role in efforts to improve the lot of our senior citizens. This legislation dramatically strengthens and upgrades the Administration on Aging in an effort to increase its effectiveness in meeting these pressing problems. The first eight titles of S. 50 address themselves primarily to this Department and the programs conducted therein, with the exception of title VI which authorizes certain action agency programs which have previously been established under the authority of the Older Americans Act. I believe that a complete legislative package will come before the Senate later this year with regards to the action program. If this is in fact the case, title VI will be repealed and the action agency will no longer need to derive its authority to conduct senior citizen programs from the Older Americans Act.

The second and third measures contained within S. 50 are the two part manpower proposals discussed previously. Titles IX and X are, in fact, separate acts designed to be administered by the Department of Labor and wedded to the Older Americans Act as a legislative marriage of convenience.

My motion to recommit this legislation is based, not out of opposition to the merits of titles IX and X, but out of the firm conviction that the congressional "shotgun wedding" is a fundamentally unsound, unwise, and unfair legislative technique.

S. 50 is primarily designed to establish the necessary administrative structure needed to implement an expanded program of nutritional and social services for our senior citizens. Many of our 20 million senior citizens desperately need these vital services, and they are being denied them unnecessarily and unjustly for reasons totally extraneous to the primary purposes of this legislation. Since last June, when the title III programs expired, the Federal program for the aging has been in a state of suspended animation. This state of marking time was extended at the end of October when the President vetoed H.R. 15657—primarily because of the inclusion of titles IX and X—and I believe it is safe to assume that the same fate will befall S. 50 in its present form. I cannot justify in my own mind the continued delay in enacting and implementing this legislation, and that, Mr. President, is the fundamental issue in this debate.

A second point which I believe merits consideration, is the need for Congress to exercise its legislative powers in a responsible manner. This is a period when the Congress is seeking to fully reassert its constitutional prerogatives, an objective which I fully support. But to achieve this goal, I believe that it is important for the Senate to enact legislation that relates directly to the individual programs and problems which we are seeking to establish or resolve without the all too frequently added riders which obscure the merits of a given proposal. I believe that the enactment of so-called Christmas tree bills makes it virtually impossible for the Congress to take forthright stands on the issues confronting our Nation. I personally believe that our constituents expect more of us individually and the nations deserves more from us collectively than they are presently receiving.

The third point which I believe to be relevant to this discussion revolves around the President's use of his constitutional powers. Many voices in the Senate, as well as in the other body, have recently been raised in opposition to the misuse of Executive powers in the legislative process. While some of this criticism may well be justified, I believe that the practice of enacting multipurpose legislation severely limits the President's ability to exercise his constitutional power of approving or disapproving legislation in a responsible manner. When we confront him with conglomerate legislation, we are usually trying to force him to sign into law legislation which he clearly opposes along with something he obviously wants. In other words, we are asking the President to make a judgment on the basis of the "lesser of the evils" rather than the positive merits of the legislation before him. It is interesting to note, that many of our Governors possess the item veto which enable them to remove undesirable sections of legislation while signing the remainder of it into law. In their wisdom, our constitutional forefathers chose to deny the President that power, but they might well have seen this issue differently had they had the opportunity to observe the modern Congress in action.

In conclusion, Mr. President, I would like to stress once again that my opposition to titles IX and X has not been directed at the merits of the proposals. There is only one issue at stake as far as I am concerned. How can we expedite the enactment of legislation that will dramatically expand and improve the delivery of social and nutritional services to the senior citizens who need them. My motion to recommit this bill to the Labor and Public Welfare Committee with instructions to immediately report the first eight titles as a separate bill is based on my desire to maximize the chances of prompt enactment of this legislation, to maximize the chances that the President will sign the bill into law and enthusiastically implement it, and to maximize, if need be, the chances that the Congress can override the President's veto of a clean bill. Generating issues, forcing a confrontation with the President, and bringing about another veto are certainly not going to create jobs for senior citizens, train middle-aged workers, provide nutrition services for these senior citizens, expand a myriad of social services, et cetera. The 445,000 senior citizens in the State of Maryland deserve better than that, the 20 million senior citizens throughout our Nation deserve better than that, and that, Mr. President, is the sole reason I am seeking the Senate's concurrence in my efforts to separate titles IX and X from this bill and to submit them to the Senate as completely separate pieces of legislation. Then each of us can weigh their merits and vote accordingly, the distinguished Members of the House of Representatives will likewise have that opportunity; and after the Congress has jointly worked its will, the President will have a clear choice to make unobstructed by extraneous considerations.

Mr. President, I am going to ask for the yeas and nays. I wonder if there is a sufficient number of our colleagues present to take advantage of the opportunity to hear our stimulating debate and able to grant the yeas and nays.

Mr. JAVITS. Mr. President, if the Senator will yield, I can assure the Senator that we will grant whatever time is necessary for a quorum call in order to get the yeas and nays.

Mr. BEALL. Mr. President, I reserve the remainder of my time.

Mr. EAGLETON. Mr. President, I yield myself such time as I may require. I shall be brief, hoping that there will be 11 Senators present by the time I get finished so that we may have the yeas and nays ordered on the motion.

Mr. President, the Senator from Maryland (Mr. BEALL) has pledged his fidelity and allegiance to titles IX and X. However, again before he made the motion and after he made the motion, he said how much he loves titles IX and X. Mr. President, he loves them so much that he wants to have them stricken from the bill. He will then introduce identical provisions under his own authorship.

If he loves these provisions so much, why does he not want to leave them in the bill in their entirety instead of going about it in a circuitous manner?

I think that titles IX and X are needed now.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a six-point memorandum entitled: "Why Titles IX and X Are Needed Now."

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

Why Are Titles IX and X Needed Now?

1. By whatever barometer one would choose to use, middle-aged and older workers have been grossly under-represented in our Nation's work and training programs. Persons 45 or older account for 20 percent of the total unemployment (as of January 1973), 27 percent of the long-term joblessness (15 weeks or longer), and 31 percent of the very long-term unemployed (27 weeks or longer). Yet, the 45-plus age category constituted only 4.9 percent of all new enrollees in manpower and training programs in fiscal 1972. Even in Mainstream—which supposedly is an older worker employment program—individuals 45 or older represented less than a majority (44.1 percent) of all participants.

2. Large numbers of older workers (persons 45 to 64) are "dropping out of the labor force because of our Nation's failure to establish a comprehensive manpower policy to maximize job and training opportunities for this age group. During the past year alone (from January 1972 to January 1973), nearly 800,000 persons aged 45 to 64 withdrew from the work force. On the other hand, nearly 2 million more persons under age 45 were employed during this same period.

3. As of January 1973, 867,000 persons 45 or older were unemployed—approximately 45 percent greater than four years ago. Yet, these figures represent only the tip of the iceberg because of the substantial amount of "hidden" unemployment among mature workers. There are now more than 2.7 million men aged 45 to 64 who are not in the labor force, and 11.7 million women in this same age category who are similarly situated. Assuming that just 25 percent of these middle-aged and older men (probably a conservative estimate) and 5 percent of these women (also a conservative projection) wanted and needed employment, this would increase unemployment for persons 45 or older by nearly 1.3 million—from 867,000 to about 2.2 million.

4. Enactment of Titles IX and X could provide new training and employment opportunities for an additional 83,000 middle-aged and older workers (for fiscal 1974)—almost double the present total of 92,460. The effect of this action is that the proportion of the 45-plus enrollment could be boosted from 4.9 percent to nearly 9 percent.

5. Without specific statutory authorization, the existing neglect is likely to continue—and quite likely worsen. This point was made abundantly clear during hearings on this legislation in 1971 and 1973. In response to questions posed by Senator Edward Kennedy, Paul Fasser (Deputy Assistant Secretary of Labor and Manpower Administrator) did not hold out much hope that persons 45 or older would ever account for more than 5 percent of enrollees in manpower and training programs.

6. The typical worker today can expect to change jobs six or seven times during his working life time. Without an effective training and retraining program, the older worker can expect to find himself in a "no-man's" land: the first to be fired but the last to be hired.

Mr. EAGLETON. Mr. President, since the Senator from Maryland and I are unanimously in favor of titles IX and X, I ask the Senator from Massachusetts if he would like to affirm the need for titles IX and X and we can then have a vote.

Mr. JAVITS. Mr. President, I think the Senator misspoke himself when he said that the Senator from Maryland and he were unanimously in favor of titles IX and X.

Mr. EAGLETON. Mr. President, we are in favor of titles IX and X. I want to vote on them today. However, the Senator from Maryland wants to vote on them tomorrow.

Mr. BEALL. Mr. President, the answer is at the other end of Pennsylvania Avenue. Although we may agree with the objectives of each of these titles, the occupant of the White House has different feelings.

Mr. EAGLETON. The occupant of the White House should be persuaded by the 68 cosponsors of the bill, which includes titles IX and X.

Mr. President, I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I rise to oppose the pending motion of the Senator from Maryland to strike out titles IX and X of this extremely important measure.

I find somewhat curious the logic in the position of the Senator from Maryland who indicates from his remarks that the programs covered in titles IX and X that affects employment opportunities for the elderly people of the country are not consistent with the purposes of the Older Americans Act. Let me quote from the Older Americans Act of 1965, as amended, in the declaration of objectives. In paragraph 5 of title I, they talk about opportunities for employment with no discriminatory personnel practices because of age. In paragraph 7, they talk about its being pursuant to meaningful activity within the major range of civic opportunities. I ask unanimous consent that the declaration of objectives appear in the RECORD at this point.

There being no objection, the declaration of objectives was ordered to be printed in the RECORD, as follows:

TITLE I—DECLARATION OF OBJECTIVES: DEFINITIONS

DECLARATION OF OBJECTIVES FOR OLDER AMERICANS

SEC. 101. The Congress hereby finds and declares that, in keeping with the traditional American concept of the inherent dignity of the individual in our democratic society, the older people of our Nation are entitled to, and it is the joint and several duty and responsibility of the governments of the United States and of the several States and their political subdivisions to assist our older people to secure equal opportunity to the full and free enjoyment of the following objectives:

(1) An adequate income in retirement in accordance with the American standard of living.

(2) The best possible physical and mental health which science can make available and without regard to economic status.

(3) Suitable housing, independently selected, designed and located with reference to special needs and available at costs which older citizens can afford.

(4) Full restorative services for those who require institutional care.

(5) Opportunity for employment with no discriminatory personnel practices because of age.

(6) Retirement in health, honor, dignity—after years of contribution to the economy.

(7) Pursuit of meaningful activity within the widest range of civic, cultural, and recreational opportunities.

(8) Efficient community services which provide social assistance in a coordinated manner and which are readily available when needed.

(9) Immediate benefit from proven research knowledge which can sustain and improve health and happiness.

(10) Freedom, independence, and the free exercise of individual initiative in planning and managing their own lives.

Mr. KENNEDY. Quite clearly from the outset, the development of the Older Americans Act was intended to develop job opportunities for the elderly people of this country.

In response to the 1965 act, and the OEO Act, we have seen pilot programs of Operation Mainstream develop that included some 9,000 persons 55 and older last year. Those pilot programs such as Senior Aides and Green Thumb have been evaluated from every possible angle and have been shown to be enormously successful.

From the testimony of every elderly group and also from the department's own evaluation, these pilot programs show great promise.

The Senator from Maryland himself basically talks about the proposal being good, and he is conscious of the efforts made last year to develop coordinating language so that these titles could be integrated with other manpower programs.

In so doing, Mr. President, we instructed the drafters of the legislation—and I believe the legislation so states in section 903(b)(1) and section 903(b)(2)—that it is to be carefully coordinated with other manpower programs while retaining its particular focus on jobs for elderly persons.

Mr. President, title IX will provide $250 million to be spent over the next 2 years to create new job opportunities for persons of low income over the age of 55. In all we expect the legislation to create approximately 100,000 job opportunities.

No one, not even the President, can deny the need for such legislation. The plight of older Americans grows more desperate with each passing month. For as unemployment has been rising throughout the country over the last 4 years, so the unemployment of the elderly has been rising fastest of all.

Title IX does the following:

First, it seeks to convert the Operation Mainstream pilot programs into permanent nationwide programs.

Second, it would authorize the Secretary of Labor to enter into agreement with nonprofit private organizations and State or local governments to pay up to 90 percent of the cost of community service employment projects for low-income persons 55 and older who have or would have difficulty in locating employment. Also, 100 percent Federal funding would be authorized in economically depressed areas.

Third, it would authorize the Secretary of Labor to consult with State and local governmental units with regard to localities where community service projects are most needed, employment situation and types of skills processed by eligible individuals, and the number of eligible individuals in the local population.

Fourth, it would authorize the Secretary to encourage agencies administering community service projects to coordinate activities with agencies conducting existing programs of a related nature under the Economic Opportunity or Emergency Employment Act.

Fifth, it would require the Secretary to establish criteria designed to achieve equitable distribution of assistance among States and between urban and rural areas.

Finally, it would authorize $100 million for fiscal year 1973 and $150 million for fiscal year 1974.

In short, the bill would create an impetus for advocating manpower training and job opportunities within the Department of Labor. It would also enable the creation of a nationwide permanent program aimed at providing job opportunities for older workers in areas where they can best contribute to the life of our Nation in schools, hospitals, libraries, and other public service institutions, and organizations.

This bill is, essential to our society. It is essential if we are to build a community in which care of the aged—of those who have already made a major contribution to society—is considered important. It is essential if we are to reward rather than disdain those who spent their lives in building the Nation. It is just one part, but a very vital part of the creation of a more just society.

When we look at the record of this administration—and, I must say, that of a Democratic administration—with respect to the programs for the elderly people, we find that they have been the forgotten minority in this Nation. Whether it has been with regard to the traditional manpower programs, the poverty program, or the emergency employment program, they have been the forgotten individuals. We find that a little less than 6 percent of the emergency employment program consists of persons over 55, yet they comprise more than double that percentage of unemployed.

If you take general manpower programs, persons over 45 constitute only 4 or 5 percent of the total enrollees. For persons over 55, it is less than 2 percent.

Now, what does the administration want to do? It wants to turn all of those programs back to the States. We know the tragic record of the States on the development of programs for the elderly. This would continue the lack of priority for older workers evidenced by this administration. We have seen the reduction of the total number of people involved in Operation Mainstream from 31,000 to 27,000. We have seen how the total number of older persons involved in Operation Mainstream has been reduced in the last year. And what is even more disturbing, the administration plans to phase out—"absorb" was the word used by the Deputy Assistant Secretary of Labor for Manpower—Operation Mainstream entirely in the next 2 years. This July, the emergency employment program will be ended under administration plans.

We know that the money available for all manpower programs absolved by the manpower revenue sharing proposal will be reduced by some $70 million from $550 million to $480 million. And there is no requirement that any of those funds be spent on older workers. You and I know what the result will be, and what group will be left out. It will be the elderly people.

This measure including titles IX and X was overwhelmingly accepted by the Senate, by a vote of 89 to 0, last year. It has been introduced in the House of Representatives by Representative BRADEMAS with more than 120 cosponsors.

The need for community service employment for older workers has been debated and discussed. It has been pilot programed to death. There is a tremendous need for making it permanent and nationwide.

So why go on with one more effort to seek a delay, and a possible sidetracking of benefits which are so important and so essential for the elderly people of this country? I hope the motion of the Senator from Maryland will be defeated. The time to act is now. The elderly people have been waiting far too long.

This program, in terms of cost efficiency and in terms of good administration and all the other criteria which have been put forward by this administration, is a sound program. It reaches every one of those possible objections; and if the President is going to veto it, let us have the veto, and let the people across the country understand it, and let Congress act and respond to it, but let us not once again take a program which is of such importance to the elderly people of this country and delay its consideration by the Senate.

Mr. President, I hope the motion will be defeated.

Mr. BEALL. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. EAGLETON. Mr. President, I ask for the yeas and nays on the bill, at such time as we vote on passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time on the motion?

Mr. JAVITS. Mr. President, I will just take 2 minutes, if I may, on the bill, so as not to invade Senator Beall's time.

Mr. President, I believe the situation has been stated, interestingly enough, very accurately on both sides. There is a real need for the program, and there is real danger that the President may veto it, precisely because of the inclusion of these two titles.

Mr. President, if the President should veto the bill, because of the inclusion of these two titles, he will certainly express himself in that veto message as to whether without the two titles he would sign it. Then we can proceed, if we cannot take action over his veto, to divide the bill at that time.

I do not feel justified, myself, much as I sympathize with the view of the Senator from Maryland, in striking out these two titles at this time, simply because of the history of Senate passage with these two titles in it.

I think it would be very useful, and I will be happy to yield the time to the Senator from Maryland, if he would specify for the Senate, the Members who are listening to the debate and those who will have it reported to them, precisely why he feels this is a different situation from the previous occasions upon which we have passed the bill with these two titles in it.

As to the need for the titles, Mr. President, there is absolutely no question. Our committee handled manpower training. We are deeply concerned with the paucity of manpower training opportunities afforded to older and middle-aged citizens. We recognize the deep connection between getting employment and upgrading skills, which is compelled by modern technology and modern demand in terms of job training, and we are convinced, as I think Senator Beall himself is, that some specific measure is necessary in that regard in order to increase materially the training slots for older people.

As to the ongoing Mainstream program and the effort to expand that, I can think of no finer concept than "keeping them walking," as the saying is in respect to older people, and keeping them interested and employed.

In short, this measure will pay such huge dividends to the country that Mainstream, like Headstart, has probably been as attractive a program as we have pioneered under the war on poverty.

For all those reasons, and with greatest sympathy for the position taken by Senator BEALL, I shall be compelled to vote against his motion.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. BEALL. Mr. President, I yield myself 3 minutes.

I appreciate the feeling of the Senator from New York on this matter, but he asked that I explain how the situation is different this year than it was last year. By last year we mean September. October, when the Senate considered this legislation, and the conference report on H.R. 15657.

Mr. President, there is considerable difference. Let me point out that title IX of this bill was added in the committee during the closing days of the 92d Congress; and the reason given to justify its incorporation in the Older Americans Act was the fact that the House of Representatives could not consider the Senate-passed bill without first suspending its rules. To overcome this obstacle, the Older Americans Employment Opportunities Act, as it was entitled, was added to the Older Americans Act as an amendment. The Older Americans Act seemed to be a satisfactory vehicle for overcoming the obstacles which existed in the House of Representatives. I point out to Senators that we are now in the opening months of a new session of Congress, and those parliamentary obstacles do not now exist. Title X, had been ordered reported by the Labor and Public Welfare Committee, but the full Senate had not acted on the bill. Thus the Middle-Aged and Older Workers Training Act was similarly added as an amendment to the Older Americans Act.

We are not talking about the merits of the first eight titles, as opposed to titles IX and X. We are assuming that the merits of all 10 are worthy of consideration and passage. What we are talking about is the almost undeniable fact that the President will veto this bill if titles IX and X are in it. I am not certain he will not veto it if they are not included, but he certainly will if they are.

If we are interested in reorganizing the Administration on Aging, in increasing its visibility in the governmental hierarchy, and in continuing to expand some very important programs for our senior citizens, we will take out titles IX and X, which really belong in separate legislation, because they are under the purview of the Department of Labor. It seems to me that we are doing ourselves an injustice, early in the session, when we hold to a course of action that may have been valid to the situation last year, but which now refer to parliamentary obstacles that no longer exist. This legislation, worthy as it is, should be considered separately, so that we may have a chance to bring to passage a bill of real importance to our senior citizens, and get the benefits of these programs to those who need them as early as possible.

I think this bill ought to be considered purely on the basis of the legislation that deals specifically with amendments of the Older Americans Act. For that reason, I have proposed that we strike titles IX and X, as I have said before, not because I disagree with their intent, but because I want to see the main part of the bill become law as soon as possible, and if possible, allow the others to become law as well.

Mr. EAGLETON. Mr. President, I yield myself 5 minutes, and yield such portion thereof as he may desire to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I would like to ask the chairman of the Aging Subcommittee, who has afforded outstanding leadership in this area, whether he remembers the President's address to the White House Conference on Aging. I ask unanimous consent that the text of that address, as published in the Washington Post on December 3, 1971, be printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

YOUNGER AND OLDER AMERICANS NEED ONE ANOTHER

Following is a partial text of President Nixon's prepared address to the White House Conference on Aging:

In recent years a gulf has been opening between older Americans and the rest of our people. This gulf is the product, in large measure, of a great social revolution which has weakened the traditional bonds of family, neighborhood and community. For millions of older Americans, the result has been a growing sense of isolation and insecurity.

We must change that. Younger and older Americans need one another. We must find ways to bring the generations together again.

In addressing the challenges before us, let me begin where most of you begin: with the problem of inadequate income. If we move on this front, all the other battles will be easier. If we fail to move here, the other battles will be impossible.

That is why it is so important that the Congress approve one of the most important bills to come before it in many years—the bill which is known as H.R. 1—and approve it without delay. For this legislation would revolutionize our whole approach to income problems among the elderly.

NATIONAL FLOOR

For the first time in our history, it would put a national floor under the annual income of every older American. For the first time in our history, it would make social security benefits inflation-proof.

It would also allow social security recipients to earn more money from their own work. It would raise benefit levels, especially for widows. And I hope the Congress will also include in H.R. 1 my proposal for eliminating the $5.60 monthly fee now charged for Part B of Medicare.

H.R. 1—as it now stands—would provide some 5½ billion dollars in additional federal benefits to older Americans; 3 billion dollars in increased social security benefits—and, when it is fully effective—another 2.5 billion dollars in new benefits to persons with lower incomes. My proposal to eliminate the monthly Medicare fee would enrich this 5.5 billion dollar package by an additional 1.4 billion dollars—the equivalent of an additional 5 per cent increase in social security.

As we work to increase federal benefits for older Americans, we must also work to reduce the pressure of taxes. We are therefore supporting a series of tax reform proposals which would enable a single person age 65 or older to receive up to $5,100 of tax free income. A married couple, both of whom are 65 or older, could receive over $8,000 in tax free income if these changes take effect.

However, one of the most onerous of all taxes for older Americans is largely unrelated to income. I refer, of course, to the property tax—which keeps going right on up, even when an older person's income is going down. In fact, property tax collections have increased by some 40 per cent in the last five years alone.

Nearly 70 per cent of older Americans own their own homes. For many, these homes represent a lifetime of careful saving. And yet, because of property taxes, the same home which has been a symbol of their independence often becomes a cause of their impoverishment.

Even older persons who rent their homes often bear an unfair burden, since property tax increases are often passed along in the form of higher rents. And the inequity of the property tax is often all the greater because it takes money from those who have already educated their own children and uses it largely for the education of others.

EMPTY DREAMS

I received a letter recently from a woman whose parents brought her and five other children to this country from Switzerland many years ago. They settled in California as homesteaders, full of hope and pride. And over the years that followed they made their dreams come true.

But today—many years later—things have changed, so much so that Mrs. Ewing begins her letter to me by asking. "Was it just an empty dream after all?" Her father—at 73—is too ill and tired to work. His family is grown and scattered. And to meet his real estate taxes he is now being forced to sell the property for which he worked so hard and so long. "If this is really the country I grew up believing it to be," Mrs. Ewing continues, "these inhumane tax laws must be changed . . ."

I agree. We need a complete overhaul of our property taxes and of our whole system for financing public education. Our revenue sharing program can help relieve the pressure on property taxes and older Americans have a large stake in its enactment. But additional reform is also needed.

I am therefore preparing specific proposals to ease the crushing burden of property taxes for older Americans, and for all Americans.

The President's Commission on School Finance, which I appointed last year, has been carefully studying a range of possible remedies. It is clear that these remedies will involve large sums of money. We are prepared, however, to make the hard decisions we will have to make. The time has come to stop talking about the impact of property taxes on older Americans and to act in their behalf, and in behalf of other citizens in similar circumstances.

A second major problem affecting the income of older persons is the inadequacy of private pension plans.

I will therefore propose to the Congress a new program to reform our private pension system. This program will include measures designed to expand pension coverage and to ensure that pension funds are soundly and honestly managed. It will also recommend new laws to require the vesting of pensions—to ensure that the benefits which accumulate in a person's working years are paid to him when he is older.

COST OF LIVING

Lately, of course, we have been giving high priority to another effort that has special meaning for older Americans: the drive to curb the rise in the cost of living. When wages and prices rise unreasonably for the few, the result is an unreasonable decline in the purchasing power of the many. By holding wage increases to reasonable levels for those who are working we will help protect the incomes of those who are retired.

I have appreciated the support that older Americans have given to this effort—and I am determined that as we achieve our new prosperity, it will be a new prosperity without inflation, and therefore without the hidden tax that hits so cruelly at those on fixed incomes.

As the income position of older Americans improves, so will their ability to cope with many of the other problems you have been discussing. But even with higher income, many older persons will still face problems beyond their individual control.

Take the one million Americans who live in nursing homes, for example. Many of them—like my 91-year-old aunt in California—receive excellent care in pleasant surroundings. But many do not—and there is little they can do about it. This is why I announced last summer an 8-point program for improving our Nation's nursing homes and for cutting off funds to those which remain substandard.

Our primary objective is the upgrading of nursing homes. But we will not hesitate to cut off funds from homes which are hopelessly substandard. Furthermore, we will take the initiative in making sure that public and private resources are available to provide alternative arrangements for the victims of such homes.

But nursing homes are only one part of the picture. The greatest need is to help more older Americans to go on living in their own homes. Income programs and tax reforms can help us achieve this objective. And so can a number of additional decisions which we already have made.

We want to begin by increasing the present budget of the Administration of Aging nearly five-fold—to the $100 million level. We plan to give special emphasis to services that will help people live decent and dignified lives in their own homes—services such as home-health aides, homemaker and nutrition services, home-delivered meals and transportation assistance. Much of this new money will be used to help marshal existing and expanded resources more effectively at the local level.

Toward this end, I will direct the Social Security Administration to provide an information center in each of its 889 district and branch offices to help explain all Federal programs which aid the elderly.

We have made two additional administrative decisions which will also help older Americans to remain in their own homes. The first will make housing money more readily available to older citizens to purchase homes in a variety of settings, including condominium apartments and retirement communities. The second will require that federal grants which provide services for older persons also provide for the transportation they need to take advantage of these services.

Some of the best service programs for older Americans are those which gave older Americans a chance to serve. Thousands of older Americans have found that their work in hospitals and churches, in parks and in schools gives them a new sense of pride and purpose even as it contributes to the lives of others.

Federal programs to provide such opportunities have proven remarkably successful at the demonstration level. But now we must move beyond this demonstration phase and establish these programs on a broader, national basis. I will therefore request that the Retired Senior Volunteers Program be tripled to $15 million, so that an additional 50,000 volunteers can be involved. I will request that the Foster Grandparents programs be doubled to $25 million and will ask that this program be altered so that foster grandparents can work with older persons as well as with children.

I have also ordered that our jobs program for older persons with low incomes be doubled to $26 million. Under the program, projects such as Green Thumb and Senior Aides have demonstrated that older Americans can make valuable contributions in health, education and community service projects even as they earn additional income.

Older persons can be proud of how well they have made all these programs work in recent years. These decisions mean they will now be able to work in more places and for more people. . .

Any discussion of recommendations for dealing with the problems of the aging would not be complete without recognizing the strong support expressed at this conference for extending medicare coverage to include prescription drugs, and for accelerating the rate at which the income floor comes into effect under H.R. 1.

As you know, these proposals involve very difficult budgetary problems for the government.

However, because of the interest which conference delegates have expressed in these changes, I have directed the Domestic Council to carefully consider both proposals and to make recommendations to me at an early date.

Your work is not yet over. You have a message to take home with you from this Conference—a message which must now be heard in every community in this land.

NEW ATTITUDE

The message is simply this: We need a new national attitude toward aging in this country—one which fully recognizes what America must do for its older citizens, and one which fully appreciates what our older citizens can do for America.

A few months ago I met with a remarkable man by the name of George Black. For more than 80 years, Mr. Black has been making bricks by hand in Winston-Salem, North Carolina. George Black is 93 years old.

Recently our government sent George Black to the country of Guyana in South America, so that he could share his skills with people in that land. When he was asked about his trip, Mr. Black made this comment: "I have always asked the Lord," he said, "to let my last days be my best days. I feel like he's answering my prayers."

George Black's prayer is the prayer of millions of Americans—"to let my last days be my best days." And for them—as for him—its answer depends not only on what they are given but on what they continue to give.

Mr. KENNEDY. I wish to read just two paragraphs from that address. The President said then:

> Federal programs to provide such opportunities have proven remarkably successful at the demonstration level. But now we must move beyond this demonstration phase and establish these programs on a broader, national basis.

Then he continued:

> I have also ordered that our jobs program for older persons with low incomes be doubled to $26 million. Under the program, projects such as Green Thumb and Senior Aides have demonstrated that older Americans can make valuable contributions in health, education and community service projects even as they earn additional income.
>
> Older persons can be proud of how well they have made all these programs work in recent years. These decisions mean they will now be able to work in more places and for more people . . .

Does the Senator from Missouri remember those words, and does the Senator from Missouri really believe that we are carrying out the President's mandate in this area?

Mr. EAGLETON. Precisely, I remember that speech before the White House Conference on Aging in which he paid tribute to the Older Americans Act and how it should be extended to the same program that the Senator from Massachusetts is now talking about.

What is important about the motion of the Senator from Maryland is that President Nixon loves these provisions, the Senator from Maryland loves these provisions, and we will vote in these provisions and something will happen. If the President vetoes the provisions he loves, I just do not understand that. Yet he liked everything in the bill 100 percent in the speech he gave before the White House conference for the old folks. Yet he can veto the bill in the dark of night so we read about it in the morning newspapers.

Mr. KENNEDY. Is not the Senator from Missouri also concerned about the manpower provisions in the President's budget? Under the President's budget, it says that federally directed manpower programs will constitute a limited set of high priority national objectives, including veterans' training, reemployment, employment of welfare recipients, and rehabilitation of the physically and mentally disabled persons. But there is no mention in there about the older worker, and no mention in the President's set of priorities about older workers. This clearly conflicts with his remarks to the White House Conference on the Aging.

Does not the Senator agree with me that not only will we be carrying out the President's mandate in his statement to the White House Conference; but we will be writing in our set of Federal manpower priorities to include the older worker?

Mr. EAGLETON. The President wants further information from us as to our priorities. There is nothing more specific we can do than to pass this bill, S. 50.

Mr. KENNEDY. I thank the Senator from Missouri and I hope this motion will be rejected.

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I yield 10 minutes on the bill to the distinguished Senator from West Virginia (Mr. RANDOLPH).

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 10 minutes.

SENATOR RANDOLPH URGES SUPPORT FOR EMPLOYMENT TRAINING OF MIDDLE-AGED AND OLDER WORKERS

Mr. RANDOLPH. Mr. President, I wholeheartedly support the enactment of the pending measure. The able and knowledgeable chairman of the subcommittee on Aging and manager of S. 50, Mr. EAGLETON, is to be commended for his diligent efforts in bringing this most worthwhile proposal to the Senate.

Certainly, the improvement and refinement of legislation to aid our senior citizens is most timely and important. Although appropriations for services to older Americans have increased rapidly over the past several years, a great deal remains to be done. Millions of our aging population still do not have access to the necessary services which this measure can help provide.

As principal sponsor of title X of the pending bill I know that there is, in addition to the other services provided under S. 50, a crying need for employment training for middle-aged and older workers. This category of individuals is hardest hit by periods of high unemployment. For example, joblessness among middle-aged and older workers totaled 596,000 in January of 1969, but as of January 1973, there were 867,000 such persons out of work, for an increase of 45 percent.

It is clear from a statistical analysis that middle-aged and older workers are seriously affected by long-term unemployment. The figures show a shocking 233-percent rise in unemployed persons aged 45 and older between January 1969 and August 1972, from 115,000 to 384,000.

Very long-term unemployment figures are even more disheartening. Those without jobs for 27 weeks or longer increased from 48,000 in 1969 to 284,000 in 1972 a 346-percent rise. These depressing statistics, coupled with the fact that middle-aged and older workers comprise a very substantial part of the "dropout" population—those who have given up the search for work—shows that a very real, serious, even critical problem exists today for hundreds of thousands of middle-aged and older workers without jobs.

Mr. President, in addition to title X, I was able to obtain the support of my colleagues on the Labor and Public Welfare Committee to increase the minimum funding level for planning and administration by State agencies from $100,000 to $150,000. This will be of substantial assistance to many smaller States which would, without the increase, find themselves in severe difficulty in attempting to plan for the program envisioned in this act, as well as for the nutrition program enacted into law last year.

I believe my colleagues will agree with the statement that older Americans, who in their younger days were the very fabric of this Nation, were indispensable in building America into a strong and viable country, badly need and richly deserve whatever benefits we can provide them. S 50 is a measure which will help make those golden years a reality for our elderly.

WHY ARE TITLES IX AND X NEEDED NOW?

Now, Mr. President, we are talking about titles IX and X. I recall for the record that title X is embodied in this legislation but had previously been introduced by me as a bill in 1971, which was incorporated, as our able colleague from Maryland knows, in the legislation of 1972. That bill was vetoed by the President of the United States.

By whatever barometer we would choose to use, middle-aged and older workers have been grossly underrepresented in our Nation's work and training programs. Persons 45 or older account for 20 percent—I remind my colleagues—of the total unemployment—as of January 1973—27 percent of the long-term joblessness—15 weeks of longer, and 31 percent of the very long-term unemployed—27 weeks or longer. Yet, the 45-plus age category constituted only 4.9 percent of all new enrollees in manpower and training programs in fiscal 1972. Even in Mainstream—which supposedly is an older worker employment program—individuals 45 or older represented less than a majority—44.1 percent—of all participants.

Large numbers of older workers, persons, I call them 45 to 64—are "dropping out" of the labor force, because of our Nation's failure to establish a comprehensive manpower policy to maximize job and training opportunities for this severely hit age group. During the past year alone—from January 1972 to January 1973—nearly 800,000 persons aged 45 to 64 withdrew from the work force. On the other hand, nearly 2 million more persons under age 45 were employed during this same period. You see, Mr. President, the difference in the figures I have just given.

As of January 1973, 867,000 persons or older were unemployed—that is approximately 45 percent, I emphasize, greater than we had in our country just 4 years ago. Yet, these figures represent only the tip of the iceberg, because of the substantial amount of "hidden" unemployment among mature workers. There are now more than 2.7 million men aged 45 to 64 who are not in the labor force, and 11.7 million women in this same age category who are similarly situated. Assuming that just 25 percent of these middle-aged and older men—and that is probably a conservative estimate—and 5 percent of these women—also a conservative projection—wanted and needed employment, this would increase unemployment, I say to my colleague from Maryland, for persons 45 or older by nearly 1.3 million—from 867,000 to about 2.2 million.

Enactment of titles IX and X could provide new training and employment opportunities for an additional 83,000 middle-aged and older workers—for fiscal 1974—almost double the present total of 92,460. The effect of our action, anticipated by passage of the bill and the signature of the President, is that the proportion of the 45-plus enrollment could be boosted from 4.9 percent to nearly 9 percent.

Without specific statutory authorization—and I emphasize this fact—the existing neglect will continue. I think it will worsen. This point was made clear during hearings on this legislation in 1971 and 1973. In response to questions posed by Senator EDWARD KENNEDY, Paul Fasser—Deputy Assistant Secretary of Labor and Manpower Administrator—did not hold out much hope that persons 45 or older would ever account for more than 5 percent of enrollees in manpower and training programs.

The typical worker today can expect to change jobs six or seven times during his working lifetime. Without an effective training and retraining program, the older worker will find himself in limbo and she will find herself in limbo.

What do I mean by that, Mr. President? The first to be fired and the last to be hired.

Mr. President, I am sure that these two titles should remain in this important legislation being considered at this time.

The administration has posed a number of arguments which support the exclusion of titles IX and X from S. 50. Following is a summary of each argument, followed by my rebuttal:

ARGUMENT

If the manpower titles are retained in the bill, the President will more than likely veto the Older Americans Comprehensive Services Amendments.

REBUTTAL

First. At the urging of the minority, language was incorporated in the bill to authorize the Secretary of Labor to integrate the Older Americans Community Service Employment Act—title IX, and the Middle-Aged and Older Workers Training Act—title X—with any comprehensive manpower legislation subsequently enacted. This was adopted in response to the administration's objection to categorical programs.

Second. Additionally, the Congress reduced the funding authorization by $150 million for the Middle-Aged and Older Workers Training Act. This was another conciliatory measure to enhance the enactment of the Middle-Aged and Older Workers Training Act.

Third. As a practical matter, detaching titles IX and X would mean a long delay before these proposals could be enacted into law. In the meantime, middle-aged and older workers would continue to be overlooked or ignored under our Nation's manpower and training programs.

Fourth. It is imperative that action be taken at the earliest possible date to respond to the unique and growing unemployment problems of older workers. During the past year, nearly 800,000 persons 45 to 64 "dropped-out" of the labor force, all too often involuntarily. Unless corrective action is taken soon, this situation is likely to intensify.

Fifth. Time is not on the side of older workers. Moreover, they have been waiting for nearly 3 years for passage of this legislation. However, administration opposition and procedural arguments have thwarted these measures, although they have been enthusiastically endorsed by the Congress and overwhelmingly supported by every leading organization in the field of aging.

ARGUMENT

The manpower titles should be considered separately and not in conjunction with the Older Americans Comprehensive Services Amendments. A major reason for tacking these measures on to H.R. 15657 during the past Congress was that the House could not act separately—without suspending its rules—on the Senate manpower proposals. At this stage of the 93d Congress it is obvious that the rules of the House no longer serve as an obstacle to the consideration of titles IX and X as separate legislative proposals to be weighed on their own merits.

REBUTTAL

First. Both the House Education and Labor Committee and the Senate Labor and Public Welfare Committee have several high priority items—including legislation vetoed during the past Congress—which must be acted upon in 1973 and 1974. Hearings must be held on these proposals: Executive sessions must be scheduled; the bills must be placed on the calendar; a conference committee would have to be called to resolve the differences in the House and Senate-passed bills. All of this requires precious time, which is operating to the serious disadvantage of the mature worker.

Second. Both these measures have been enthusiastically endorsed by the Congress in the past. The Older Americans Community Service Employment Act was approved separately last year by a vote of 77 to zero. The Middle-Aged and Older Workers Training Act was adopted—without opposition in the Senate—in 1970 as an amendment to the Employment and Training Opportunities Act—the vote on final passage was 68 to 6. Support for these measures has been expressed at hearings—held in July 1971—by the National Council of Senior Citizens, National Council on the Aging, National Retired Teachers Association-American Association of Retired Persons, National Farmers Union, and AFL–CIO. Quite clearly, it is the administration—not the Congress, the national senior citizens organizations, or the elderly themselves—who is out of the "mainstream" on this issue. And, the administration simply should not be allowed to engage in obstructionist tactics which may play havoc with the lives of older workers.

Third. The painful truth is that the administration has no effective game plan to maximize job opportunities for older workers. In the fiscal 1974 budget, the administration calls for national programs to meet the special employment and training needs of veterans, criminal offenders, Spanish-speaking persons, Indians, migrant workers, and others. However, there is one notable exception: The mature worker. Yet, there are almost 31 million persons 45 and older in the civilian labor force, accounting for nearly 36 percent of the total.

ARGUMENT

Practically all of the services under titles IX and X can be provided under existing legislation—such as Operation Mainstream, the Wagner-Peyser Act, and the Manpower Development and Training Act.

REBUTTAL

First. But as a practical matter, MDTA and the employment service programs under Wagner-Peyser have simply not responded adequately to the special needs of the mature worker. This is precisely why the Middle-Aged and Older Workers Training Act was developed: to provide the wherewithal and commitment to respond to the clearly identifiable problems of the 45-plus age group.

Second. A similar commitment was developed for the Emergency Employment Act, and it has paid dividends. Nearly 16 percent of the participants—or about 36,000 persons—in the public employment program are aged 45 or older.

Third. The purpose of title IX is to convert the successful pilot projects under Mainstream—such as senior aides, green thumb, and others—into permanent, ongoing national programs. These programs have clearly proved their worth during the past 5 or 6 years. And, now they should be expanded to allow more low-income older Americans to participate. Even the administration has conceded that the Mainstream pilot projects are "good programs"—Paul Fasser at hearings on S. 50 by the Subcommittee on Aging of the Senate Labor and Public Welfare Committee, February 5, 1973.

ARGUMENT

It is fundamentally unjust to unnecessarily delay the enactment and implementation of programs designed to greatly expand and improve the social and nutritional services so desperately needed by many of our senior citizens for reasons totally extraneous to the purposes of this legislation.

REBUTTAL

First. It is not the Congress—but the Nixon administration—that has delayed the enactment of the Older Americans Comprehensive Services Amendments. During the past Congress, similar legislation passed the Senate 89 to zero. In conference committee, the House and Senate agreed to retain both of the manpower provisions in the proposal. Later the conference report was adopted by voice vote and without opposition by the House and Senate. Yet, the President chose to pocket veto this measure after the Congress adjourned, despite the overwhelming support for the legislation.

Second. The following organizations have endorsed S. 50 with both manpower titles:

AFL–CIO.

National Association of Retired Federal Employees.

National Conference of Catholic Charities.

National Council on the Aging.

National Council of Senior Citizens.

National Farmers Union.

National Jewish Welfare Board.

National Retired Teachers Association-American Association of Retired Persons.

United Auto Workers.

Urban Elderly Coalition.

Third. The manpower titles are supported by every leading aging organization. In fact, the major membership organizations—with more than 7 million members—have enthusiastically endorsed the enactment of the manpower titles as a part of S. 50.

Fourth. The President should not be allowed to kill urgently needed legislation—supported overwhelmingly by the Congress, national aging organizations, and older workers themselves—simply by the threat of the veto.

Fifth. S. 50—with titles IX and X—has received widespread bipartisan support. In fact, 67 Members of the Senate have already cosponsored S. 50—with the manpower provisions—including 19 Republicans.

The following chart graphically illustrates the plight of middle-aged and older workers in the context of existing job programs:

MANPOWER AND TRAINING PROGRAMS—NEW ENROLLMENT (FISCAL YEAR 1972)

Program	Total enrollment	45-plus enrollment	Percent	Under 21 enrollment	Percent	55-plus enrollment	Percent
1. Jobs Optional	57, 300	4, 360	7.6	18, 340	32.0	1, 090	1.9
2. Job Opportunities in the Business Sector	82, 800	4, 140	5.0	35, 000	43.0	(1)	(1)
3. On-The-Job-Training	24, 800	3, 100	12.5	8, 090	32.6	970	3.9
4. Manpower and Development Training Act (Institutional)	150, 600	11, 600	7.7	57, 080	37.9	2, 710	1.8
5. Job Corps	49, 000			49, 000	100.0		
6. Operation Mainstream	31, 400	13, 850	44.1	1, 190	3.8	9, 420	30.0
7. Work Incentive Program	120, 600	5, 790	4.8	33, 530	27.8	720	.6
8. Concentrated Employment Program	84, 700	4, 570	5.4	37. 860	44.7	1, 270	1.5
9. Public Employment Program	226, 100	35, 950	15.9	33, 010	14.6	12, 210	5.4
10. Neighborhood Youth Corps (In-School and Summer)	945, 900			945, 900	100.0		
11. Neighborhood Youth Corps (Out-of-School)	65, 000			60, 970	93.8		
12. Public Service Careers:							
Plan A [2]	10, 500	2, 250	21.4	2, 480	23.6	1, 270	12.1
Plan B [3]	11, 200	1, 860	16.6	2, 020	18.0	640	5.7
Plan C [4]	5, 300	400	7.5	1, 160	21.9	150	2.9
Plan D [5]	4, 100	630	15.3	940	23.0	(1)	(1)
Plan E [6]	32, 300	3, 550	11.0	13, 630	42.2	1, 065	3.3
13. New Careers in Employment Service	2, 500	410	16.2	190	7.5	70	2.9
Total	1, 904, 100	92, 460	4.9	1, 300, 990	68.3	[7] 31, 585	[7] 1.7

[1] Figures not available.
[2] Entry and upgrading in State and local governments.
[3] Employment and upgrading in grant-in-aid programs.
[4] New Careers in human services.
[5] Entry and upgrading in Federal service.
[6] Supplemental training and employment programs.
[7] Total enrollment and percent for 55 plus age category available for programs where information is available.

The PRESIDING OFFICER. Who yields time?

Mr. EAGLETON. Mr. President, I do not know whether I have any time remaining on the motion, but if I do I am prepared to yield it back.

Mr. BEALL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Maryland has 7 minutes.

Mr. JAVITS. If the Senator from Maryland would like to reserve his time, Senator PERCY wishes to be recognized, and I will yield him time.

Mr. BEALL. On the bill?

Mr. JAVITS. I do not know on what subject he will speak, but he wants the time.

I yield 5 minutes on the bill to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I dislike disagreeing with the distinguished Senator from Maryland, as I generally find myself in accord with him. But I feel very strongly about this particular section, and I agree very deeply with the distinguished Senators from West Virginia and Missouri.

In 2 more years, I would find myself ineligible to speak on this matter because of a conflict of interest, because I might conceivably be eligible for the community service employment program, at 55. For 2 years I can speak without that conflict.

Many times, I suppose, we make a mistake; but, on the other hand, it is sometimes a benefit for us to have personal experiences which sometimes condition our judgment.

I know that in the so-called Great Depression, in the 1930's, when 17 million people were out of work, my father, who had been a small neighborhood banker, was thrown out of work, and he was in his midforties. For a preiod of 6 or 7 years, I saw the heartbreaks that came to him as he was constantly turned down by companies that were simply unwilling to break their policy of never hiring anyone over 40.

That was in an age, 20 or 30 years ago, when job skills changed less frequently than they do today. Several decades ago, in the early 1900's, a person could take a job, walk into a factory with a bag of tools, and have the same job when he retired 30 or 40 years later. But today, the average person, with the change in technology, changes jobs an average of almost five times in his lifetime in order to hold steady employment. The difficulty of changing skills, changing jobs, and adapting to new requirements when a man is over 50 is a great deal more difficult than for a younger man.

For this reason, I express my support for retention of titles IX and X, which provide, respectively, for a community service employment program for people aged 55 and over, and for a midcareer training program in the Department of Labor for workers aged 45 and over.

Although middle-aged and older workers account for 20 percent of our Nation's total unemployment, they account for only 4.9 percent of all new participants in Labor Department manpower and training programs.

From January 1969 to August 1972, unemployment among older workers rose from 596,000 to 1,045,000, or by 73 percent.

During the same period, long-term joblessness—defined as being out of work for 15 weeks or longer—among older workers went from 115,000 to 384,000, or rose by 233 percent.

Very long term joblessness—27 weeks or more—rose from 48,000 to 284,000.

Literally every day, I receive, in some form or another, communication from older constituents—by letter, telephone, or the many listen-ins that I hold throughout the State of Illinois—discussing the problem of age discrimination in employment and its unfortunate impact upon their retirement income.

One of the most serious consequences of unemployment for the older worker is a reduced or lost income during his years of retirement. Because of serious deficiencies in many private pension plans, the end of one's job may also mean the end of one's pension coverage. The end of one's job may mean the total or near-total erosion of his lifetime savings.

Even if the older worker manages to escape the total loss of private pension coverage or his lifetime savings, he may not escape suffering from reduced social security benefits caused by unemployment during his later working years. The reason for this is that social security benefits are based on a person's lifetime earning record.

Thus, it is essential to recognize that unemployment among older workers has special, long-range consequences, which may affect adversely his entire retirement income.

We must see that the Age Discrimination in Employment Act of 1967 is more strictly enforced than it has been in recent years. But we must also zero in on the older worker's employment problems by making sure that he receives his fair share of Labor Department resources. Titles 9 and 10 of S. 50 do precisely that: They make sure that special efforts are made to alleviate the special employment problems of middle-aged and older workers.

Title 9 authorizes $250,000,000 in fiscal years 1973 and 1974 to provide community service employment for low-income persons aged 55 and over. Title 10 authorizes $150 million in fiscal year 1974 for the Secretary of Labor to set up specialized services within his Department to train and retrain persons over age 45 who want and need to upgrade their skills.

Mr. President, I support these programs to help older workers and believe we should not delay their enactment, and I must therefore declare my opposition to the motion before the Senate.

I feel very strongly about this. Congress has made remarkable progress in recent years. It has shown tremendous leadership in recognizing the deficiencies we have had in always putting emphasis upon the youth culture and the young, finding billions of dollars for their education, for the erection of beautiful dormitories, for the erection of buildings across the country, on college campuses, expanding our services magnificently in this area—all of which I support. At the same time, we have to recognize that today, in this highly skilled world, the older worker is falling further and further behind; and we must make up for this and not recede in the progress we have made.

Mr. EAGLETON. Mr. President, I am prepared to yield back the remainder of my time, not only on the motion of the Senator from Maryland, but also, so that we may have back-to-back votes, I am prepared to yield back the balance of the time on the bill.

Mr. JAVITS. Mr. President, I have had no further requests to speak, unless the Senator from Maryland wishes to speak.

Mr. BEALL. I will use 1 minute of my own time.

Mr. JAVITS. I suggest that we withhold yielding back the time on the bill until this debate is concluded.

Mr. BEALL. I am ready to vote on the motion and the bill.

I want to take a minute to say to the Senator from Illinois that I do not disagree with anything he has said. My point is that we should not be mixing apples and oranges. I want to get these measures in such a legislative position so that we have a chance to get both parts of the bill rather than not having either an employment and manpower bill or aging bill.

Mr. President, I yield back the remainder of my time.

Mr. EAGLETON. I yield back all my time on the motion and all time on the bill.

Mr. JAVITS. I yield myself 3 minutes.

Mr. President, S. 50 is virtually identical to the Senate-House conference report that was passed last year in the 92d Congress and which regrettably, was pocket-vetoed by the President last fall. While I appreciate and understand many of the concerns alluded to by the President in his veto message on this legislation, S. 50 is a very carefully drawn bipartisan bill which commands widespread support in both the Senate and the House, and I would hope that the administration would give careful consideration to the sense of priority that the Congress has attached to enacting the kind of legislation that would materially assist older people in leading lives of dignity, respect, and independence.

Older people have paid their way through the upbuilding of our country and we do not have to be ashamed or hesitant or stingy about providing them, as this bill does, with the essential framework for filling their lives with hope, confidence, and the freedom to act in their older years.

I am particularly gratified that the bill upgrades and strengthens the Administration on Aging by placing it in the office of the Secretary of the Department of Health, Education, and Welfare and assigning primary responsibility for carrying out the act to the Commissioner on Aging. This initiative will provide greater visibility and leadership capability to the Administration on Aging and will remove it from conflicting tendencies generated as a result of its present location in the Social and Rehabilitation Service. In addition, the bill directs the Commissioner to establish and operate a National Older Americans Information Clearinghouse which I believe can play a vital role in serving as a focal point for information relating to the needs and interests of older persons. Senator BEALL is to be complimented for promoting this very useful concept, and, of course, the author of the bill, the Senator from Missouri (Mr. EAGLETON), and his associates on the Democratic side.

One out of every 10 Americans is age 65 or older. By the year 2000 it is projected that more than 30 million Americans will be of age 65 or over. If we are to provide older Americans with opportunities and programs which will enable them to sustain their independence and the effectiveness of their contributions to the society, it is clear we must provide the knowldge necessary to adequately meet the physical, mental, social, and environmental problems and needs of this rapidly growing segment of our poplation. S. 50 recognizes this need by establishing a more adequate and coordinated program of research and training related to the aging processes and the diseases of aging in order that we may specially deal with the needs of the elderly. The bill will develop the leadership, technical specialists, and facilities from which to understand very thoroughly the impact of various disciplines on the aging processes, and this includes special provisions for study and demonstration projects on the transportation problems of older Americans. The current lack of effective approaches to this transportation is a serious impediment to meeting the mobility requirements of the elderly.

Finally, I applaud the intent of S. 50 to expand and improve social services for the aging by more generous formula grants to the States and for the initiating of model projects which will more fully test the best delivery system for dealing with the problems of the elderly in the areas of housing, continuing education, free retirement training, and services to the physically and mentally handicapped elderly. I also note that title VII of the Older Americans Act, which provides nutritional services for the elderly, is expanded and that the authorization for the Foster Grandparents and RSVP programs, which have continued to grow and develop since their transfer to the ACTION agency, is extended for an additional 3 years with new programs established to permit the provision of expanded services.

Mr. President, most older Americans seek from the Government only that which they cannot obtain for themselves. They want to be treated as full citizens and welcomed as participants in the mainstream of American life. S. 50 is a salutory effort to restore first class citizenship to all older Americans, by strengthening the Older Americans Act and providing adequate financial support for ongoing and future programs under the act, we will have made a great stride forward to assure that quality of life that we owe to our elderly citizens.

I would like also to offer for the RECORD a brief description of the major provisions of the bill.

First, it establishes a 15-member Federal Council on the Aging which would work actively to promote the interests of older Americans on matters relating to their special needs and to Federal programs affecting them.

Second, the Administration on Aging would be elevated by placing it in the Office of the Secretary of Health, Education, and Welfare and would make the Commissioner on Aging directly responsible to the Secretary and required to report to him on the central policy matters affecting the act.

Third, the bill adopts the existing title III formula for fiscal year 1973 except that the minimum guarantee is reduced from 1 to ½ percent for States and from ½ to ¼ percent for territories. In succeeding fiscal years the formula now contained in title VII of the Older Americans Act of 1965 is adopted, except that each State and territory is guaranteed as a minimum an amount equal to its fiscal year 1973 allotment.

Fourth, funds are authorized for direct grants by the Commissioner on Aging to support model projects which would expand or improve social services to older persons including projects dealing with such matters as housing, transportation, employment, continued education, preretirement counseling, and special services for the handicapped.

Fifth, the Commissioner is authorized to make grants and contracts to conduct research in the field of aging and for training personnel for programs for the aging, including the establishment of multidisicipline centers of gerontology. A special program of grants and contracts relating to transportation problems of the elderly is incorporated into the model projects section of the bill.

Sixth, funds are authorized to make grants for the purpose of acquisition, alteration or renovation, of multipurpose senior centers.

Seventh, authorization for the Foster Grandparents and RSVP programs conducted by the action agency is extended for an additional 3 years and broadened to permit the provision of services to individuals other than children. The present age 60 eligibility for participation in the program is retained.

In addition, the bill includes two proposals to maximize job opportunities for older workers: First, the Older Americans Comprehensive Service Employment Act which would assist in converting mainstream pilot projects into permanent ongoing national programs, and second, the Middle-Aged and Older Workers Training Act which would authorize training, counseling, and special support services for unemployed or underemployed individuals who are middle aged or older.

Mr. PACKWOOD. Mr. President, in light of the benefits that the Older Americans Comprehensive Services Amendments of 1973 would afford our Nation's senior citizens, I could do no less than support the general intent of this measure; thusly, I am cosponsoring the bill. However, such a commitment does not in any way lessen specific objections to particular titles to the bill that I may have. Because of my grave reservations concerning the possibility of the duplication of services provided by titles IX and X, and consequential increase in unnecessary cost and supportive bureaucracy, I am lending my support to the Senator from Maryland (Mr. BEALL) in voting to recommit the bill with instructions to strike titles IX and X.

Mr. CHURCH. Mr. President, as chairman of the Senate Committee on Aging, I consider the older Americans comprehensive services amendments to be one of the highest legislative priorities during the 93d Congress.

For nearly 4 months the field of aging has struggled in confusion and doubt because of President Nixon's ill-conceived pocket veto of the Older Americans Act amendments last October.

It is high time to resolve this growing uncertainty by decisively registering our strong approval for S. 50, a measure supported by every leading organization in the field of aging and millions of older Americans throughout the Nation.

First, however, I wish to compliment the chairman of the Subcommittee on Aging (Mr. Eagleton) for bringing this urgently needed proposal to the floor in a timely fashion.

This bill, which is cosponsored by 67 Senators, represents nearly 2 years of work by legislators, experts in gerontology, Government officials, program administrators, and the elderly themselves.

In 1971—the year of the White House Conference on Aging—the Senate Committee on Aging attempted to provide direction and leadership by designating an advisory committee to assess the strengths and weaknesses of our Nation's commitment in aging. And the report of this panel, I am pleased to say, provided a solid foundation for subsequent legislative proposals.

Hearings conducted by Senator Eagleton and Representative Brademas also made it abundantly clear that major organizational changes and program improvements were needed to respond to the dynamic challenges in the field of aging.

The legislation that emerged from the House and Senate committees—the older Americans comprehensive services amendment—reflected this broad consensus.

This proposal was approved overwhelmingly last July by a vote of 351 to 3 in the House. In the Senate the vote was unanimous, 89 to 0.

The net impact of this action is that 99.32 percent of the Congress expressed approval for the older Americans comprehensive services amendments. Yet, President Nixon decided to pocket veto this desperately needed legislation, despite this clearcut and unmistakable bipartisan support.

Now this legislation has been modified by the Labor and Public Welfare Committee to make it more acceptable to the President.

This new version of the older Americans comprehensive services amendments, it seems to me, is a proposal which the President should support.

It would at long last provide the elderly with the kind of advocacy and action envisioned by the authors of the Older Americans Act in 1965.

Particularly noteworthy, S. 50 would elevate the Administration on Aging from the welfare oriented social and rehabilitation service to the office of the Secretary of Health, Education, and Welfare. More importantly though, this action would help to provide the aged with a high-level spokesman with the power and prestige to formulate coherent policies and develop programs of direct usefulness to older Americans.

For far too long, AOA has been relegated to the basement of the vast HEW bureaucracy. As a consequence, its advocacy and coordinating missions have been seriously hampered.

Our Nation can ill afford a halfhearted commitment for nearly 30 million persons aged 60 or older. And the upgrading of AOA will be helpful in providing aged and aging Americans with a forceful advocate to represent them in the highest councils of Government.

One of the most important innovations in this legislation is the establishment of model programs to focus on several of the elderly's everyday problems, such as housing, transportation, and others. Housing, for example, now represents the elderly's number one expenditure—accounting for almost one-third of their income.

S. 50 would also provide the essential wherewithal to make social services available for the aged on a much more realistic scale. More than 7 years of experience under the Older Americans Act has clearly demonstrated the worth and value of services for the elderly.

For many older Americans, these services can mean the difference between living in their homes or being unnecessarily institutionalized at a much higher public cost. It should also be pointed out that if these services could shave just 1 day off the medicare national hospital average, this could produce a savings approaching $300 million.

On other important fronts, S. 50 would make major improvements and additions to the Older Americans Act. Funding would be authorized to establish multipurpose senior centers to provide a focal point for the delivery of social and nutritional services.

The foster grandparent program would also be expanded to include in-home services, as well as supportive services for children in institutional settings. This action is clearly warranted, especially because of the glowing evaluation which the foster grandparent program received from Booz, Allen Public Administration Services, Inc. That report stated very positively:

> The inescapable conclusion is that the Foster Grandparent program provides benefits that are considerably in excess of costs.

Additionally, S. 50 would establish two new manpower programs—the Older American Community Service Employment Act and the Middle-Aged and Older Workers Training Act—to maximize job opportunities for mature workers. The need for these measures, I believe, is especially urgent.

During the past year, approximately 800,000 workers aged 45 to 64 "dropped out" of the labor force. In far too many cases, this decision is made involuntarily after prolonged periods of fruitless search for employment.

However, these two new proposals would help to provide new job opportunities for older workers by:

Establishing a comprehensive mid-career development services program to authorize training, recruitment, placement and other supportive services for unemployed or underemployed persons 45 or older; and

Creation of a national senior service corps to convert green thumb, senior aides, and other successful mainstream pilot projects into permanent, ongoing national programs.

For these reasons, I reaffirm my enthusiastic support for the early enactment of S. 50, the older Americans comprehensive services amendments.

Mr. President, before concluding my remarks, I should like to make one further point. Several Senators, I am sure, received a telegram recently from the National Retired Teachers Association-American Association of Retired Persons.

The basic message is brief and powerfully presented: the provisions for community service jobs and manpower training programs for middle-aged and older workers must be retained in S. 50. Their sound and compelling advice, I firmly believe, should be heeded.

Mr. President, I ask unanimous consent that the telegram from NRTA-AARP—expressing support for S. 50 with titles IX and X—be printed at this point in the Record.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

Washington, D.C., *February 16, 1973.*

Senator Frank Church,
Washington, D.C.

The five million members of the American Association of Retired Persons and the National Retired Teachers Association urge you to support the Older Americans Comprehensive Services Amendments (S. 50) as reported by the Senate Labor and Public Welfare Committee.

We urge that you oppose any effort to weaken the legislation. Please oppose any attempt to strike or amend titles IX and X. The provisions for Community Service Jobs and Manpower Training Programs for middle aged and older workers are vitally important because they would help alleviate one of the most serious problems facing older Americans today. The problem of inadequate income. It is imperative that the Senate expedite action on this vital legislation. We are most appreciative of your continued interest in aging legislation.

Cyril F. Brickfield,
Legislative Counsel.

Mr. CLARK. Mr. President, it is a privilege for me to join the distinguished Senator from Missouri (Mr. Eagleton), and so many other Senators as a cosponsor of the older Americans comprehensive services amendments. Of all the States, Iowa has the second largest proportion of senior citizens in its population, and there will be no social legislation this year more important to Iowa or to the country than this bill.

Growing older is something that happens to all of us. Old age can be one of the very best periods of life, or it can be one of the very worst. For some people, old age means a comfortable, active, and productive retirement. For all too many others though, it means sickness, loneliness, and the feeling that the best years of life have passed by. The problems of old age do not respect race or heritage or wealth. That alone ought to encourage us to improve the quality of life for our senior citizens, and this bill would help us do it.

This country is only beginning to listen to its conscience on the problems of aging, only beginning to find ways to give older Americans the dignity, the security, and the comfort they have earned. It is not really a matter of giving, though. Older Americans have contributed to the success and the prosperity of this country, and they deserve a share of its benefits.

Senator EAGLETON and other Senators already have explained the provisions of the bill and the reasons each title is so important:

Improved recreational, educational, and voluntary services for the elderly;

Expanded research on aging and more training programs for people who will work with the elderly;

Federal funds to help communities with their senior citizen programs, including senior citizen centers;

A new community service, employment, and counseling program to enable older Americans to continue making a significant contribution to society; and

By emphasizing the importance of the Administration on Aging, indicating this country's national commitment to helping its senior citizens.

Each of the provisions of this bill is essential. Senior citizens need special library programs, and this bill would give those programs to them. Senior citizens need help in finding adequate housing, low-cost transportation, educational opportunities, and this bill would help the States and local communities give those programs to them.

The employment counseling and training programs outlined in this bill are especially important. Americans over 45 years old account for more than 20 percent of all the unemployment in this country. This legislation will help fulfill our obligation to try to find them jobs—not just for their sake, but for the country's sake as well.

I was not a Member of the Senate when this legislation first came before Congress. It passed the Senate by a vote of 89 to 0 and the House of Representatives by a vote of 351 to 3. Yet despite the overwhelming support for the bill, despite the overwhelming need for it, the President chose not to sign it into law. He said that it was inflationary, that we could not afford to spend $1.5 billion over the next few years to improve the quality of life for senior citizens. I do not think spending $19 for every person over 60 in this country will contribute to our economic problems, especially when some of the money will be used to help people find jobs.

Any time there is a proposal to spend $1.5 billion on anything, Congress had better take a hard look at it. That has been done with this bill. It is the product of a great deal of analysis and hard work by committees of the Senate and the House of Representatives on the White House Conference on Aging. It has bipartisan support in both Houses; $1.5 billion is a great deal of money, but it is worth noting that this country spent $2 billion in cost overruns on the C5A military transport. It is worth noting that the first year cost of this program is less than the cost of a single aircraft carrier. I think we can afford this bill for senior citizens. What we cannot afford is to let the President's pocket veto stand.

In the months ahead, there will be considerable debate on the President's budget proposals: on the cuts in social services, on the increases in medicare costs, on the decreases in almost everything but the military budget, and on the constitutional confrontation between the President and Congress that underlies it all. That is ahead of us, but this is the place to begin. This is the place to begin to set the priorities straight.

At the White House Conference on Aging, President Nixon really put our case quite well:

> Any action which enhances the dignity of older Americans enhances the dignity of all Americans, for unless the American dream comes true for our older generation, it cannot be complete for any generation.

If we cannot help our senior citizens, our own parents and grandparents, whom can we help?

Mr. President, it is absolutely essential for the Senate to pass the bill. I think it will.

Mr. WILLIAMS. Mr. President, I strongly support the early enactment of the older Americans comprehensive services amendments.

This proposal, in my judgment, is now the No. 1 legislative priority for older Americans.

It is gratifying, indeed, that the distinguished chairman of the Subcommittee on Aging (Mr. EAGLETON) has helped make it possible for early consideration of this measure.

Last year, a similar proposal received overwhelming bipartisan support of both the House and Senate. However, a pocket veto by the President—after the Congress adjourned—had the effect of killing this urgently needed legislation and adding to the already mounting uncertainty in the field of aging.

His veto measure, I am disappointed to say, was based upon many objections which were simply ill-founded, unsubstantiated, and totally without merit.

Shortly thereafter, I pledged that the Labor and Public Welfare Committee, of which I am chairman, would complete action on this bill by February 12. This goal has been achieved. In fact, the committee beat the deadline by 5 days. On February 7, S. 50 was ordered reported unanimously by the full committee.

The bill that has emerged should, I emphasize, be acceptable to both the executive branch and the Congress. Two-thirds of the Senate—or 67 Members of this body—have already cosponsored this proposal.

Moreover, it has received the enthusiastic endorsement of every leading organization in the field of aging and others with an interest in older Americans.

At the subcommittee and committee levels, a number of modifications were approved to make this proposal more acceptable to the President. We took these actions in a bipartisan fashion—and in many cases unanimously—to enhance the likelihood of passage of this legislation.

No one will benefit—least of all the elderly—if the administration insists on a long, bitter controversy over the Older Americans Act amendments. And the aged will be the big losers if the administration continues in its stubborn opposition to the measures in this bill.

These proposals, I want to reiterate, are strongly supported by national senior citizen organizations representing more than 7 million older Americans.

Many of these recommendations have also been endorsed by the White House Conference on Aging.

For these reasons, I am hopeful that the President will reassess his earlier position, which I believe was indefensible.

And this modified version of S. 50 provides that opportunity. It would reduce authorized funding levels for the Older Americans Act by nearly one-half billion dollars, compared with the vetoed bill. The committee version also took into account another objection of the administration: the provision for authorizing Federal funding for construction of multipurpose senior centers would be removed. However, money would still be available for acquiring, altering, or renovating existing facilities to serve as senior centers.

Additionally, the committee was mindful of the administration's opposition to categorical manpower programs for older workers. For this reason, language was included in S. 50 to authorize the Secretary of Labor to integrate programs under the proposed Older American Community Service Employment Act and the Middle-Aged and Older Workers Training Act with any comprehensive manpower legislation subsequently enacted.

These measures represent constructive steps for accommodation to resolve the intensifying problems caused by the veto.

S. 50 would provide an effective vehicle for coming to grips with the many everyday problems of the elderly. It would authorize vitally needed funding to launch a comprehensive social services program for older Americans.

These services—such as homemaker, home health, and many others—have proved to be enormously effective for the elderly. And, they should continue to be expanded because the need is so great.

Another important provision, which I sponsored with the Senator from Vermont (Mr. STAFFORD), would provide a mechanism for solving some of the aged's most serious transportation problems. Today many older Americans live under a form of "house arrest," cut off from vital services.

Only about 42 percent are even licensed to drive. In far too many cases, transportation services are inaccessible or inappropriate for their special needs.

As a result, millions of elderly are denied an equal opportunity to participate in their communities. Routine tasks for others—such as shopping, visiting friends, or going to the doctor—become a formidable obstacle to aged persons without means of transportation.

Under my proposal, funding would be available to first, establish special transportation subsystems for older persons with mobility problems; second, provide portal-to-portal services; third, demonstrate improved coordination between transportation subsystems and social service delivery systems; and fourth, authorize innovative solutions to solve some of their most pressing problems.

I would also like to call special attention to provisions which I sponsored to assist older persons who also have physical or mental impairments to maintain their own homes, live as independently as possible, participate in community social service programs for the elderly, and avoid costly institutionalization. As the committee report indicates, special effort is needed to insure that those older Americans who are handicapped are reached by programs under the Older Americans Act.

First, I would like to point to section 308(a)(1), which authorizes model projects to provide particular services to older handicapped persons. These include homemaker services, special transportation and escort services, reader and letter writing services, shopping services, and the like, which older persons who are handicapped can call upon as needed. For example, establishment of a community transportation and escort service on a volunteer or fee basis would be invaluable to assist older persons who have serious orthopedic problems or who are blind, to visit their doctors or go to senior centers. At such centers, these individuals will be able to obtain nutrition and social services and participate in normal activities.

Provision of these special services under S. 50 would be complemented for older blind and otherwise severely handicapped persons by independent living and other basic rehabilitation services authorized by S. 7, the Rehabilitation Act of 1973, which we expect to enact very soon. These basic rehabilitation and independent living services will be provided by State vocational rehabilitation agencies, and we expect those State agencies to work closely with State agencies on the aging to assure effective, coordinated programs on behalf of older handicapped persons.

Furthermore, we have included within the definition of social services in section 302(1)(e):

> Services designed to assist older persons in avoiding institutionalization, including preinstitutionalization evaluation and screening, and home health services.

Many studies of local community mental hospitals have indicated that a disproportionate number of older persons have been institutionalized because there were few other alternatives for care and treatment. As many as 40 percent of this population may only have physical health problems, but because of lack of reasonable alternatives for care and no living relatives, these individuals are initially brought to mental hospitals, and may never leave.

It is very important that we develop community based services to insure that every available alternative to institutionalization be explored before such drastic action is taken. In addition, we expect that some of the funds authorized under title IV of the Older Americans Act, as amended by S. 50, will be used for the training of specialized personnel with expertise in providing services to older persons who are handicapped and for research and development projects to improve services to these individuals.

Our intention is to insure full participation of older handicapped Americans in all programs under the Older Americans Act, not only as recipients of services but also as providers of volunteer and compensated services themselves. Some older handicapped persons have already demonstrated their capacity for giving assistance to others, and we believe that their knowledge and experience can be effectively utilized in these programs.

In addition to these particular provisions which I have mentioned, the bill would expand many of the existing successful programs under the Older Americans Act, such as research, training, RSVP and foster grandparents. Such programs, I believe, are crucial for the sound and continued development of the field of aging.

For all of these reasons, I strongly support the passage of S. 50 and urge its prompt enactment so that the benefit of its provisions may begin assisting older Americans as soon as possible.

Mr. BROCK. Mr. President, I am extremely pleased to cosponsor S. 50 which will strengthen and expand service delivery programs under the Older Americans Act to our Nation's elderly.

The first eight titles are meritorious and I support them fully. I am glad that we will, at long last, provide a "National Information and Resource Clearing House for the Aging"—a center we have long needed. It will collect, analyze, prepare, and disseminate information regarding the needs and interests of older Americans. The assistance this center will provide to both the senior citizen and those working within the field will be beyond measure.

I am also very glad to sponsor a bill which will provide grants for research and the development of projects in the field of aging. Certainly, this is a new and tremendously challenging field. With this research, we will be able to provide the best possible services for the elderly of our Nation who are so deserving of them.

I cannot, however, stand in support of titles IX and X, and I feel that I must go on record stating my discord with these last two titles of the bill. These titles provide for categorical service programs which would seriously interfere with our effort to develop coordinated services for older persons. The President vetoed this act during the last session, in large measure, due to the inclusion of these two titles. I feel that these once again threaten the approval of this act by the President. For that reason, I have sponsored their deletion today. I think that we should let these titles stand on their own merit and be placed before the Senate to deal with separately, so that we can produce prompt enactment of the Older Americans Act. I think all my colleagues will agree with me that we wish to do nothing to deter the delivery of much needed services to our Nation's elderly.

Mr. STEVENS. Mr. President, I will join with the Senator from Maryland (Mr. BEALL) today in asking that the Senate remove titles IX and X from S. 50. As a cosponsor of this legislation, I would like to see it enacted in the form approved by the Labor and Public Welfare Committee; however, I do not think that we can risk another veto of this bill.

Title X, the middle-aged and older workers training program has twice been part of legislative packages which have been vetoed. In both cases, this title was specifically mentioned in the message of disapproval.

It is true that the current manpower training programs have not been responsive to the needs of our middle-aged workers and senior citizens who have been displaced due to outmoded skills and advancing technology. As these titles are to be administered by the Department of Labor, I would hope to see them included in a comprehensive manpower program in the near future. At such time, I will lend my full and active support to obtaining passage of these needed programs. For the present, however, I do not feel that we can afford to jeopardize enactment of S. 50 by retaining these two titles.

Mr. HARTKE. Mr. President, I am pleased to lend my support today to the passage of the older Americans comprehensive services amendments. S. 50 has many similarities to legislation that I introduced in the 92d Congress and I offer my full support to quick passage and enactment of the older American comprehensive services amendments.

Millions of older American citizens, particularly those over the age of 65, are deprived of the opportunity to carry on normal lives because our society has failed to supply them with the minimal services to which they are entitled. The elderly are increasingly confronted by obstacles in their environments which prohibit them from living normal lives.

In the past we have tended to emphasize the economic obstacles to encountered by the aged. Major barriers exist, however, in the areas of health, housing, transportation and other social services. We must realize that the needs of the elderly cannot be defined merely on the basis of their budgets, but must be determined on the basis of what is essential for a life of dignity. Consequently, it is our obligation to provide community services that will raise the standard of living of our elderly citizens so that in their advancing years they can maintain their self-respect as human beings.

I believe that S. 50 establishes a series of realizable goals which, if implemented would permit the elderly of the Nation to live lives of dignity and economic security. Therefore I add my voice to the concerned Senators and Representatives who call upon the President to not delay the enactment of the older Americans comprehensive services amendments.

Mr. McGOVERN. Mr. President, we have before us today another of the bills the President vetoed after Congress adjourned last fall, the older Americans comprehensive services amendments to the Older Americans Act of 1965.

This is no spending measure hastily conceived by Democratic Members of Congress, as OMB appears to charge. Rather, it is a carefully worked out bipartisan measure which would greatly increase the quality of life and employment opportunities of older Americans. All the available evidence suggests that the manpower sections of the bill would decrease Federal expenditures for such things as welfare and medicare as well as increase tax receipts. In other words this program would ultimately pay for itself many times over.

This bill provides for a relatively small investment in the future of older Americans—$100 million in the first year of operation and $150 million in the second. The first-year amount is thus only one-tenth of the cost of one boat in the fleet of the new missile submarines the administration wants to build. In contrast, if this bill reduces the medicare national hospital average by just 1 day, the chairman of the Senate Committee on Labor and Public Welfare tells us we will have saved nearly $300 million.

Thus, in financial terms alone, this investment is well worth making. The human reasons are even more compelling.

Another aspect of the President's veto surprised me. He has said that people should ask what they can do for themselves—and yet he vetoed this measure which was designed to help older Americans stand on their own two feet in dignity.

This bill would replace the boredom of old age with educational opportunity.

It would replace loneliness with meaningful voluntary service.

It would replace television soap operas with more challenging recreational activities.

Perhaps most importantly, the job retraining provisions would help lift the more than 1 million older Americans who are currently unemployed, from the indignity of joblessness.

The Budget Director should be reminded that he has a special debt to older Americans. The recession the administration created in order to control inflation increased joblessness among older Americans by a shocking 73 percent during the period of 1969–72. The number of older Americans unemployed 27 weeks or longer soared 3½ times during the same period.

Mr. President, it is time we cast off "the young man's burden"—older Americans do not want paternalism; they want to participate. Their experience and knowledge remains one of the last great untapped resources of our society.

Let us give them a chance to participate.

Let us give them a chance to readjust to a society which has grown faster than any of us.

Mr. President, I call upon Congress to pass this measure by as wide a margin as we did last year—89 to 0 in the Senate and 351 to 3 in the House—so that the budget cutters in OMB will know we will override any veto. Perhaps then they will belatedly recognize their error, as was done in the case of the recent cuts in veterans' benefits.

Mr. DOLE. Mr. President, older Americans comprise an increasingly larger proportion of the American population. The latest census reveals that 1 out of every 10 persons in the United States today has reached the age of 65. Unfortunately, ill health, disability, retirement, or income limitation have separated many of these older Americans from the mainstream of community life. They have become isolated and unproductive long before their mental and physical abilities would impose limitations on their activities.

In recent years the Federal Government has begun to address itself to the needs of these older citizens and the problems and waste which results from their isolation. A major shift in emphasis came about during the first 4 years of the present administration when the Federal Government in the design and implementation of its programs began treating older Americans as a resource rather than as a burden. As a Nation we are beginning to realize that separation of the elderly from the community's mainstream is not an answer to their needs but on the contrary only compounds their difficulties and is a tremendous waste of human resources. The segregation of the aging not only denies many older citizens a sense of fulfillment and satisfaction they deserve for their past contributions, but it also denies the country the full value of their skills, insights and experience which have guided this country to the present day.

Today I rise in support of S. 50, the Older Americans Comprehensive Amendments of 1973. I feel the provisions of S. 50 will not only develop new programs in areas of need but also help coordinate the many existing programs and benefits for older Americans, making them more readily available to those in need of assistance. S. 50 will help older Americans return to the center of community life and the end of the senseless separation of them from their fellow citizens, and it will help put an end to the waste of this great national resource. I therefore wholeheartedly support this legislation because of its potential benefits for the elderly in Kansas and throughout America. As President Nixon stated in his address before the White House Conference on Aging:

> Any action which enhances the dignity of older Americans enhances the dignity for all Americans.

The purpose of S. 50 is to make available to our older citizens comprehensive health education and social service programs through the expansion of existing programs and the coordination and development of new State and local systems for delivering these programs and services. The goal of these programs is to provide, secure, and maintain maximum independence and dignity in a home environment for older persons capable of self-care. Appropriate supportive services would be supplied these elderly individuals in the areas of nutrition, hospitalization preretirement training, continuing education, low-cost transportation, housing, and health services.

Kansas provides an excellent example of the need for such a program for American senior citizens. My own State now has 266,201 residents over the age of 65. This is 11.8 percent of the State's population. An additional 211,555 Kansans are between the ages of 55 and 64. Although this is not a large proportion, a look at the population figures over the last 10 years shows a significant trend. While the total population of the State was increasing at a 3.2 percent rate, the population between the ages of 60 and 70 increased by 10.8 percent nationwide, the over-65 population has increased at twice the rate of the under-65 population since the turn of the century. It therefore becomes obvious that older Americans are a growing force in America, a group whose needs should be anticipated, and a resource which if properly utilized can add to the richness of all American life.

S. 50 attacks the problems of our older citizens by giving their programs a higher priority within our Federal Government structure. The bill expands the duties of the Administration on Aging and places the agency within the office of the Secretary of Health, Education, and Welfare, so it can serve the interests of the elderly at the highest departmental level. The bill also establishes the Federal Council on the Aging which will serve as an advisory body to the Commission on Aging and also actively promote the interests of older Americans throughout the whole range of Federal policies and programs.

BETTER INFORMATION

A National Information and Resource Clearinghouse for the Aging will be established to provide data on the Federal programs benefiting the elderly. Information on State and local agencies and private organizations primarily responsible for serving the needs of older Americans would thus be made accessible along with information on the complex medicare, medicard and other programs operating within the framework of the Social Security Act.

A survey taken of 5,000 elderly persons in southeast Kansas several years ago revealed that the average income from the group was $72.12 per month. Many in this group were eligible for Old Age Assistance but were not receiving it. Dr. W. D. Moreland who conducted the study concluded that, although pride was one reason those eligible and in need were not receiving public assistance, the basic reason for not participating in the programs was a lack of information on the availability of assistance. The Resource Center will provide a valuable service to these residents of Kansas and other States who are unaware of Federal programs that might offer assistance or who feel the procedure for acquiring the benefits is too complicated.

COMMUNITY PROGRAMS

Title III of the Older Americans Act provides grants for State and community programs for the aging. Funds allocated to State and local planning and service areas will be used to improve the linkage of services to the elderly into a comprehensive, coordinated network. Through this system of comprehensive services to benefit the health, education, and welfare of the aging, these programs can be more efficiently administered and made more accessible to all the elderly. The Commissioner on Aging will also have the authority to issue grants for model projects to develop new means and methods of dealing with special problems of older Americans. Special priority is to be given projects which assist in meeting these housing needs of older Americans including home repair and methods of adapting existing homes to the physical restrictions of the elderly. Other areas of priority include transportation, continuing education, and problems of the handicapped elderly.

TRANSPORTATION NEEDS

A major problem of the elderly in Kansas has been their inability to obtain necessary transportation. This problem is especially severe in rural areas where the elderly are widely dispersed and separated from the necessary community services which may also be infrequent and inadequate. Similar problems exist in the cities where elderly housing projects have been located a distance from necessary supportive services. Under the training and research title of the Older American Act, the Commissioner on Aging in conjunction with the Secretaries of Housing and Urban Development and Transportation is directed to conduct a comprehensive study of the transportation problems of older Americans. In this regard, the Commissioner is directed to establish demonstration projects to test alternative methods for meeting transportation needs of the elderly. Half of these projects are to be carried out in States predominantly rural in character in recognition of the special transportation programs of the elderly in rural areas. I am hopeful that one of these projects can be conducted in Kansas and a model developed to help meet the special transportation needs of the Kansas elderly.

EDUCATION TRAINING

Other provisions within the training and research title of S. 50 will assist State agencies and educational institutions in their effort to attract qualified persons to the field of aging and to improve the training methods and research in the field. Multidisciplinary gerontology centers are to be established to recruit and train personnel, conduct research, provide technical assistance and consultation, and act as a repository of information to advise and direct the orientation of the various State programs. The result will be better programs and more efficient utilization of resources in the field of the elderly.

SENIOR CENTERS

Satisfying and constructive use of time is a key factor in the morale and self-image of the aging individual. Older persons should be urged and helped to do what they enjoy doing. To assist in the meaningful use of time, S. 50 provides funds for the purchase, lease or repair of facilities to be used as a multipurpose senior center. Groups are encouraged to make use of schools, libraries or other neighborhood facilities to establish a hub for their activities.

The centers would not only be a recreation and leisure focus, but would also be a point for community service and volunteer work to be directed toward the elderly. Under title VI of the Older Americans Act funds are made available for the expansion of the foster grandparent program and the senior health aid and senior companion programs. Through these programs older Americans can expand and continue their contribution to the community by offering services to other elderly and the less fortunate children of that community. From this nucleus other voluntary programs can be developed to meet the specific needs of that community. By granting older Americans the opportunities to serve others while they serve themselves, these programs can be the basic ingredient for a meaningful life for millions of aging Americans.

NUTRITION PROGRAMS

Title VII of the bill absorbs the nutrition service program for the elderly into the coordinated State and local delivery system required under the State plan. These provisions will help assure that the necessary nutritional materials will be accessible to all those in need of this service.

Other provisions of S. 50 will amend existing laws to make library facilities and services more accessible to the elderly and to make library materials more responsive to the needs of the elderly in addition, title I of the Higher Education Act is amended to encourage institutions of higher education to apply their resources toward meeting needs of the elderly. Adult education courses are to be developed and made accessible to the elderly to assist them in dealing successfully with the practical problems in their everyday lives, including the making of purchases, meeting their transportation and housing needs, and complying with governmental requirements such as those for obtaining citizenship, public assistance, or social security benefits.

BETTER INCOMES

The basic provisions of the Older Americans Act establish a broad range of programs for the elderly. But these programs are not the beginning of an effort on behalf of the older American; rather, they will be following legislation enacted last year to help deal with a basic problem facing the aging—the problem of low income. Passage of the social security amendments has raised the income level for millions of older Americans and general revenue sharing has the potential of granting much needed tax relief for our senior citizens.

REVENUE SHARING

During the next 5 years general revenue sharing will channel over $30 billion to State and local communities and will thus provide a significant opportunity for property tax relief. This relief will be especially important for the elderly who must meet increasing taxes out of fixed incomes. Since Kansas ranks near the top in percentage of homeownership, property tax reduction could be an especially beneficial result of revenue sharing. Additional efforts of the administration to hold down Federal spending and thereby reduce inflation are of special concern to the elderly who have been most severly injured by inflation's past bite out of their fixed incomes.

RURAL DEVELOPMENT

The rural development program enacted last year will also be of major importance to the elderly in Kansas. Increased business and industry in rural areas will increase job opportunities for those who have retired but wish to continue in part-time employment. Income restrictions in determining Social Security eligibility were raised during the last session of Congress but should be increased even more or eliminated completely. The problems of the elderly in maintaining their incomes are sufficiently difficult without the additional hardship of Government policy which opposes self-help.

The 20-percent increase in Social Security payments and the expansion of Social Security Health and Disability benefits are also helping to alleviate the income problems of the elderly. Administrative charges are currently under consideration which would expand medicare reimbursement for home health care services with the seed money for this program to be provided under provisions of S. 50. National health insurance and measures to improve rural health care have also been introduced in Congress and if enacted will provide major sources of assistance and financial relief for the elderly.

Thus, S. 50 is not the complete solution to the problems of older Americans, but as an effort to coordinate existing programs and policies for the elderly, it is an enormous step in the right direction. I urge my colleagues to join in support of this legislation and other measures which offer assistance to older Americans.

Let me add, however, that I believe titles IX and X should be considered separately and therefore I am supporting the motion of the Senator from Maryland (Mr. BEALL). I am hopeful of some resolution of the conflict between Congress and the executive branch over these titles.

Mr. HELMS. Mr. President, I wish I could support this legislation (S. 50), and I could readily do so if the Senate in its wisdom had seen fit to delete titles IX and X.

We are in a time of great economic stress in America, Mr. President. Whether we like it or not, the Congress of the United States can no longer continue to vote to spend enormous sums of money over and above Federal income. It is time for us to face up to our responsibility, and exercise economic prudence—and begin the task, long overdue for attention, of restoring stability to our Nation's economy.

No Member of this body is more concerned than I for the welfare of the elderly. But, Mr. President, I suspect—in fact, I am quite certain—that what we are about to do is delay—delay, Mr. President—the establishment of a well-ordered program for the elderly.

President Nixon vetoed this very same

bill last year because it went too far. The President can be expected to veto it again. The same economic conditions prevail today, Mr. President, except that they are worse.

For the most part, Mr. President, the elderly of America understand that the brakes must be applied to Federal spending, and particularly in the instance of Federal programs which duplicate the very same functions being rendered by other agencies and with other Federal funds. The elderly deserve our earnest and sincere concern. They have mine. Therefore, I regret that the course on which we are headed is merely another confrontation with the President—and a delay in our getting about the business of really aiding the elderly who need and deserve our careful and considered attention.

Mr. TUNNEY. Mr. President, senior citizens are among the most neglected of all groups in our country. I am pleased, therefore, to be a cosponsor of S. 50, the older Americans comprehensive services amendments. The importance and urgency of this legislation is underlined by the fact that over two-thirds of the Members of this Senate have joined together in cosponsorship.

Modern science has enabled man to increase his lifespan by many years. We must decide today whether those years will be spent in misery and neglect or whether they can be made enjoyable and fruitful.

S. 50 is the same legislation as H.R. 15657, which passed both the House and Senate last year and which was pocket vetoed by President Nixon. It received near-unanimous support from the Congress as well as from a great number of local and national organizations concerned with the welfare of senior citizens.

S. 50 will create the Federal Council on the Aging, which will act as an advocate for the aging throughout the Federal Government, will make recommendations to the President, Congress, and heads of Federal agencies regarding policies and programs affecting the elderly, and will inform the public about the problems and needs of the aging, as well as the programs and activities designed to meet those needs. S. 50 will move the Administration of Aging from the Social and Rehabilitation Service of the Department of Health, Education, and Welfare to the Office of the Secretary of HEW. The Commissioner of the Administration on Aging is to establish and operate a National Information and Resource Clearinghouse to collect, maintain, and disseminate information relating to the needs and interests of the aging.

Under S. 50, funds will be granted to the States in order to provide social services to the aging in accordance with approved State plans. Model projects may also be funded by the Commissioner on Aging with priority consideration being given to the areas of housing, employment, transportation, continuing education, preretirement training, and services to mentally and physically handicapped senior citizens.

In addition, S. 50 will expand research in the field of aging, with special attention being given to the establishment of multidisciplinary centers of gerontology. It will make grants to help set up multipurpose senior centers. It will extend the authorization for the foster grandparent and the RSVP—retired senior volunteer program—programs for an additional 3 years. Nutrition services, which will include expansion of surplus commodities available, and special library and education programs will also be increased.

Finally, S. 50 will create programs in the Department of Labor to provide for the employment of individuals aged 55 and older and would also provide special counseling and training programs for middle-aged and older workers.

It has been said that our Nation seems to be falling behind, rather than advancing, in terms of achieving security and well-being for older Americans. Older Americans have already waited too long and have been given too little. Today we are faced with a challenge—the challenge of accepting responsibility for our obligations to America's elderly. As America begins to accept that responsibility, we in Congress must enact legislation to insure that that responsibility is carried out. The veto last year by President Nixon of the Labor-HEW appropriations, which would have funded the Comprehensive Older Americans Act, dealt a cruel blow to the hopes for expansion and improvement of services and opportunities for the elderly. The pocket veto last year of the older Americans comprehensive services amendments was another disappointment. Mr. President, this terrible trend must not be allowed to continue. I urge the immediate passage of S. 50.

I ask unanimous consent that an article by Mr. Frank Nelson of Pasadena, Calif., which was published in the Senior Citizens Sentinel, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Paging the Aging

(By Frank Nelson, Pasadena)

Will the real Mr. — ? — please stand up? It is becomingly evident that here is a surplus of speech writers in this country.

Bulwar Lytton, English racconteur, used to say, "There is no virtue in consistency." If that was true in his day in England, what would he think of the contraditions that are now rife in this country?

How is it possible for such statements as, "The American is just like a child in the family . . . If you make him completely dependent and pamper him too much, you are going to make him soft and eventually a very weak individual" match up with a remark made to some of us only a little over a year ago that, ". . . Unless the American dream comes true for our older generation, it cannot be complete for any generation," made by the same person in Washington, D.C.? This was made in all sincerity before 3,500 delegates, of which I was one, after which the speaker stated, "I join with thousands . . . in a personal commitment to make 1972 a year of action on behalf of 21 million older Americans."

What happened in between these two statements by the same man? It would be an interesting study by the most astute psychologist to find the answer to this sudden switch-over from middle-of-the-road conservatism to the fulminations of economic royalism.

Personally, I feel that speech writers have gotten out of hand; that in the turmoil of more urgent matters, some rhetoric got by unnoticed. I can't believe that such a logical mind has suddenly gone beserk and has been a victim of such inconsistency as is evidenced in these two remarks. Some subversive rhetorician has gotten his foot in the door, wreaking havoc among the "best laid plans of mice and men." * * * and help defeat the Senate measure to grant elderly home owners—as well as tentants—a $300 tax credit against oppressive taxes and rents? (Property taxes have increased 35 percent since 1969 and nothing whatever has been done about it!)

Will the same voice which promised to encourage the extension of the Senior Aides Program, all of which have proved so far to be remarkably successful be allowed to die on the vine? His statement to us was, ". . . these programs have demonstrated that older Americans can make a valuable contribution in health, education and community projects, even as they earn additional income." Why was this program projection scuttled by pocket veto? No one can explain this unexpected inconsistency.

Will the same voice that was raised in behalf of the extension of the Older Americans Act which included a national program for the provision of nutritious meals for the elderly be silenced when this innovative project is re-introduced again in the 93rd Congress as a separate measure? We hope not. The elderly have been supinely passive in their demands in the past. They have been content to "eat the crumbs from the master's table" just once too long. Now the tables are turned. Since the White House Conference on Aging, some of us have developed "clout," and we intend to use it. We do not intend to be a victim of a purportedly new social program devised, we think, by some benighted speech writers and characterized by such country words as "shucked off" and "trimmed down." These crude words have no part in the American Dream.

THE RIGHT OF OLDER AMERICANS TO A NEW SENSE OF PRIDE AND PURPOSE

Mr. HUMPHREY. Mr. President, as an original sponsor of S. 50, the Older Americans Comprehensive Services Amendments of 1973, I believe it is of the highest importance that the Senate take favorable action on this vital legislation today. It has been well said that there is no constituency more deserving of assistance or more willing to help themselves than our senior citizens. This legislation provides for the effective targeting of Federal assistance to assure that limited resources are directed at critical needs of the elderly.

This legislation builds upon extensive experience gained from programs initiated and new problems defined during the administration of the Older Americans Act of 1965. It extends and expands the services provided under this act—services both for and by the elderly themselves—and it improves the organizational structure for the delivery of these services at all levels of government.

I was deeply disturbed by the President's veto of similar legislation enacted by Congress last fall. That veto directly contradicted his earlier promise to give greater focus and priority to programs and policies on behalf of 20 million Americans over age 65. This sharpened focus and increased priority can be accomplished under provisions in the present bill for the establishment of a 15-

member Federal Council on the Aging to be a spokesman before all Federal agencies on the real needs and concerns of the elderly, and to elevate the Administration on Aging, placing it directly in the Office of the Secretary of Health, Education, and Welfare.

A further, important initiative is undertaken in this legislation to provide for the establishment of a National Information and Resource Clearinghouse for the Aging. This agency can be of great help to senior citizens in providing information on the purchase of insurance, real estate—where fraud has been an all-too-common experience—and other consumer areas which directly affect older Americans.

Community programs under title III of the Older Americans Act have been of major importance. The present bill expands and reorganizes the existing program of formula grants under this title to direct resources to high priority areas and to effectively coordinate services provided by these programs. The success of these programs is well demonstrated by the fact that last year more than one million older persons were served by over 1,500 projects funded under title III.

The present legislation adds to this formula grant program an authorization for direct grants by the Commissioner on Aging to model projects where priority is given to services in the areas of housing, employment, transportation, continuing education, preretirement training, and services to the physically and mentally handicapped elderly. All these areas represent critical needs today among older Americans which must be met without further delay.

I strongly support the further provisions in this legislation to extend the foster grandparent and RSVP programs—to whose great value in transforming lives I can personally testify from numerous firsthand encounters with these programs in Minnesota and across the country. And important initiatives and expanded efforts on behalf of the elderly are clearly evident in authorizations for grants and contracts to conduct research and training in the field of aging, to expand the range of surplus commodities available for the title VII program of nutrition services for the elderly, and to provide for grants to the States for special library and education programs for older Americans.

I strongly urge that titles IX and X remain a constituent part of this legislation. Title IX builds upon the success of the operation mainstream pilot programs that I was privileged to have a direct role in fostering. In providing for the establishment of an Older Americans program, it clearly recognizes the major role that older Americans can and should take in helping to carry out the social services that are of crucial importance to our communities. This program means jobs for individuals aged 55 or older who have a low income and who would have difficulty in securing other employment—jobs in providing community health, education, recreational, and other services; in environmental protection and natural resources conservation projects; and in economic development programs.

This title establishes a national commitment that I have long urged upon Congress: That there must be a firm Federal policy against discrimination in employment on the basis of age, and in support of the right of every older citizen to continue utilizing his or her education, experience, and skills in meaningful work at a fair wage. Everything possible must be done to maintain the direct involvement of older Americans in the life of our Nation and its communities. It was for this reason that I fought for the doubling of appropriations, to a level of $100 million, in 1971 for community service programs under the Older Americans Act. And to further these objectives, I intend to again introduce the Older Workers Conservation Corps Act, to provide for a major expansion of opportunities for older Americans to obtain paid jobs of great importance to our communities and States.

These same fundamental considerations underlie my strong support for title X of this legislation, to provide for the establishment of a comprehensive midcareer development services program in the Department of Labor to provide training, counseling, and special supportive services for persons aged 45 or older.

The unemployment crisis afflicting older workers is clearly established in the harsh statistics that joblessness for this age group increased by 73 percent, from 596,000 to 1,045,000, between January 1969 and August 1972. Long-term joblessness has risen by 233 percent. But these statistics do not include those who have dropped out of the work force altogether, often involuntarily—including an estimated 2.5 million men in the 45-to-64 age category. For those who do manage to hold on to their jobs, the pressures for early retirement have steadily increased—as indicated by a decline in work force participation for this age group while the general civilian work force has experienced a significant expansion.

It is profoundly wrong that there should be 6 million persons aged 55 and older living in poverty in America today. It is unconscionable that our federally assisted manpower programs, as presently administered, should fail to meet the serious unemployment problems of older people.

The Middle-Aged and Older Workers Employment Act, established under title X of this legislation, would redress this serious neglect in national policies and priorities.

I firmly believe that a decent respect for human dignity demands that this legislation be enacted.

Mr. CHILES. Mr. President, in Florida alone there are over 1 million persons over the age of 60—that is over 20 percent of the total population. On January 12 of this year I held a conference on the aging at Eckerd College in St. Petersburg. It was planned to provide our elderly an opportunity to voice their concerns while at the same time gain some worthwhile information from officials. And the principal conclusion of this conference—as I expect most conferences on this subject—was that this Nation's elderly retirees have few problems that cannot be minimized or eliminated with money. Those who are well-fixed financially are not complaining.

The President has cited the Older Americans Act of 1965—which S. 50 amends, as "Landmark Legislation." I believe early passage of these amendments are most desirable since the President's pocket veto of last year left the Administration on Aging operating on a day-to-day basis under a continuing resolution.

Last year in a message to the Congress on the aging the President said:

> We often hear these days about the "impatience of youth." But if we stop to think about the matter, it is the elderly who have the best reason to be impatient. As so many older Americans have candidly told me, "We simply do not have time to wait while the government procrastinates. For us, the future is now." I believe this same sense of urgency should characterize the government's response to the concerns of the elderly. I hope and trust that the Congress will join me in moving forward in that spirit.

In the closing days of the last session, Congress did move "forward in that spirit." H.R. 15657, a bill substantially identical to S. 50, was approved in the Senate by a vote of 89 to 0 and in the House by a vote of 351 to 3. And yet despite such solid bipartisan support, and despite his expression of a "sense of urgency," the President vetoed the bill—after the Congress had adjourned, making it impossible to pass the bill without the signature of the President.

I believe the President got most of what he wanted incorporated in H.R. 15657 and Congress managed to add some additional provisions which it thought appropriate. In short, the bill represented a cooperative venture by both parties working with administration representatives.

As a cosponsor of S. 50 I fully support the bill believing it is a sound effort to meet the demonstrated needs of the elderly. Since it—

Authorizes the establishment of comprehensive and coordinated systems for the delivery of social services to the aging at the local level;

Provides improved recreational, educational, and voluntary service opportunities for the elderly;

Expands research in aging and the training of needed personnel;

Establishes a community service employment program and special training and counseling programs in the Department of Labor for middle-aged and older persons.

Mr. ROBERT C. BYRD. Mr. President, I wish to express my strong support for S. 50, the Older Americans Comprehensive Services Amendments of 1973, of which I am a cosponsor.

The Older Americans Act was first enacted in 1965; however, it was amended in 1967 and 1969. Since its original enactment, in 1965, virtually all of the States and territories have created State offices on aging. The appropriations which have been made pursuant to the 1965 act as amended, reflect the tremendous interest and growth in this field. In 1966, which was the first year of operation for this program, $7,500,000 was appropriated, and since that time, this program has gained large increases every year. The 1973 budget requests $257,000,000 for this program. The principal focus of activity under this act in the past has been primarily centered in community programs conducted under the authority of title III, which provides services to older Americans. It is estimated that last year, more than 1 million older persons were served by over 1,500 projects funded under title III of the Older Americans Act. These programs assisted elderly persons in maintaining independent living arrangements and in meeting many of their daily needs. They succeeded in reaching a large number of older Americans, and these in-home and out-of-home services made it possible for the elderly to maintain a sense of dignity and independence in their own familiar community environment. Some of the other programs provided home-delivered meals and arranged for transportation to doctors' offices, clinics, grocery stores, or to food stamp offices. However, these programs have filled only a very small portion of the existing need among this large group of very deserving citizens. S. 50 is designed to further fill this void; to provide these needed services in a comprehensive fashion; and at the same time, give priority to those older persons who are in the greatest need.

This bill makes many changes in the existing act which we know are needed, through experience with the ongoing programs. Most importantly, it takes the Administration on Aging—(AOA)—out of the Social and Rehabilitation Service of the Department of Health, Education, and Welfare and places it directly under the Office of the Secretary in order that it will receive his direct attention, and in order that AOA can function, as designed, with the least possible bureaucratic layers which have, on some occasions, insulated those in decisionmaking positions from those who actually work with, and administer these programs.

This act also: Establishes a Federal Council on the Aging to actively promote the interests of older Americans throughout the whole range of Federal policies and programs affecting them;

Establishes a National Information and Resource Clearinghouse for the Aging;

Substantially revises the State grant program in order to provide for a better organizational scheme at State and local levels which will permit the targeting of limited resources to high priority areas, and authorizes grants of $150 million for fiscal year 1974, and $200 million for fiscal year 1975;

Provides for upgrading all training and research programs and, toward this objective, authorizes the Commissioner of Education to make grants for the purpose of establishing multidisciplinary centers of gerontology;

Authorizes grants to cover the cost of establishing or renovating multipurpose senior centers;

Authorizes the Secretary of Agriculture to donate commodities to older persons who are eligible grantees;

Authorizes a comprehensive library program for the elderly, including the training of persons to work with the elderly in libraries, and authorizes funds to purchase the specialized reading material and collections desired by elderly readers, including the necessary grants to carry out this title;

Establishes an older Americans community service employment program under which low-income persons 55 and over who have, or would have, difficulty in securing employment would be channeled into community service employment.

Mr. President, I firmly believe that this legislation is needed to provide comprehensive services to our older citizens, who have been neglected for too long in our society and I urge its passage.

Mr. JAVITS. Mr. President, I yield back all time on the bill, having no further requests to speak and no notice of amendments or motions by any other Member.

The PRESIDING OFFICER. All time on the motion and the bill has been yielded back.

The question is on agreeing to the motion to recommit the bill with instructions. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), and the Senator from Washington (Mr. MAGNUSON) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), and the Senator from Washington (Mr. MAGNUSON) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from Hawaii (Mr. FONG), and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

The Senator from Texas (Mr. TOWER) is absent on official business.

The Senator from Colorado (Mr. DOMINICK) is detained on official business.

The result was announced—yeas 26, nays 64, as follows:

[No. 19 Leg.]

YEAS—26

Baker
Bartlett
Beall
Bellmon
Bennett
Brock
Cotton
Curtis
Dole
Fannin
Griffin
Hansen
Helms
Hruska
McClure
Packwood
Pearson
Roth
Saxbe
Scott, Pa.
Scott, Va.
Stevens
Taft
Talmadge
Thurmond
Young

NAYS—64

Abourezk
Aiken
Allen
Bentsen
Bible
Biden
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cranston
Domenici
Eagleton
Eastland
Ervin
Fulbright
Gurney
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Sparkman
Stafford
Stevenson
Symington
Tunney
Weicker
Williams

NOT VOTING—10

Bayh
Buckley
Dominick
Fong
Goldwater
Gravel
Hughes
Magnuson
Stennis
Tower

So Mr. BEALL's motion to recommit was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), and the Senator from Washington (Mr. MAGNUSON), are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), and the Senator from Washington (Mr. MAGNUSON), would each vote "yea."

Mr. GRIFFIN. In anounce that the Senator from New York (Mr. BUCKLEY), the Senator from Hawaii (Mr. FONG), and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

The Senator from Texas (Mr. TOWER) is absent on official business.

The result was announced—yeas 82, nays 9, as follows:

[No. 20 Leg.]

YEAS—82

Abourezk
Aiken
Allen
Baker
Beall
Bentsen
Bible
Biden
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cranston
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fulbright
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—9

Bartlett
Bellmon
Bennett
Cotton
Curtis
Griffin
Helms
Hruska
Scott, Va.

NOT VOTING—9

Bayh
Buckley
Fong
Goldwater
Gravel
Hughes
Magnuson
Stennis
Tower

So the bill (S. 50) was passed.

NOTE.—The text of S. 50, as amended and passed today, is identical with the text printed in the CONGRESSIONAL RECORD of yesterday, Monday, February 19, at pages 4430 through 4443.

Mr. EAGLETON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BEALL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORITY FOR THE SECRETARY OF THE SENATE TO MAKE NECESSARY CLERICAL AND TECHNICAL CORRECTIONS

Mr. EAGLETON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make necessary clerical and technical corrections in the engrossment of the bill and that the bill (S. 50) be printed as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination reported earlier today by the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, this is being done at the specific request of the distinguished chairman of the Committee on Interior and Insular Affairs, the Senator from Washington (Mr. JACKSON), and with the approval of the distinguished Republican leader, the Senator from Pennsylvania (Mr. SCOTT).

ASSISTANT SECRETARY OF THE INTERIOR

The assistant legislative clerk read the nomination of John Henry Kyl, of Iowa, to be an Assistant Secretary of the Department of the Interior.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

RESTORATION OF RURAL ELECTRIC AND TELEPHONE DIRECT LOAN PROGRAMS

The PRESIDING OFFICER (Mr. SCOTT of Virginia). Under the previous unanimous-consent agreement, the Senate will proceed to the consideration of S. 394 under limited time. The Senate will be in order, and the bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill (S. 394) to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such Act be fully obligated in said year, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The Senate proceeded to consider the bill.

PRIVILEGE OF THE FLOOR

Mr. HUMPHREY. Mr. President, first I ask unanimous consent that the following staff members of the Committee on Agriculture and Forestry be permitted to be present on the floor during the consideration of this measure, to assist certain Senators during the debate: Mr. Bill Taggart, Mr. Jim Thornton, Mr. Mike McLeod, Mr. Forest Reese, Mr. Harker Stanton, and Mr. Jim Giltmier.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. MANSFIELD. The time to be taken from both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, the bill before us today (S. 394) is cosponsored by 54 U.S. Senators. The bill was originally introduced by myself and the Senator from Vermont (Mr. AIKEN), and there are now 52 of our colleagues who have joined with us as cosponsors. I ask unanimous consent that the names of the 52 cosponsors be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Mr. Abourezk, Mr. Allen, Mr. Bayh, Mr. Bellmon, Mr. Bentsen, Mr. Bible, Mr. Burdick, Mr. Robert C. Byrd, Mr. Cannon, Mr. Chiles, Mr. Church, Mr. Clark, Mr. Dole, Mr. Eagleton, Mr. Ervin, Mr. Fulbright, Mr. Gravel, Mr. Gurney, Mr. Hart, Mr. Hartke, Mr. Haskell, Mr. Hatfield, Mr. Hathaway, Mr. Hollings, Mr. Huddleston, Mr. Hughes, Mr. Kennedy, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mansfield, Mr Metcalf, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Nunn, Mr. Pearson, Mr. Pell, Mr. Randolph, Mr. Schweiker, Mr. Scott of Pennsylvania, Mr. Sparkman, Mr. Stennis, Mr. Stevens, Mr. Stevenson, Mr. Talmadge, Mr. Thurmond, Mr. Tunney, Mr. Williams, and Mr. Young.

Mr. HUMPHREY. Mr. President, the bill before us does not seek to enumerate any new principle. Its sole purpose is to reiterate and reaffirm the original and continuing intent of Congress—that the rural electrification and rural telephone loan authority vested in the administration by the Rural Electrification Act of 1936 is mandatory in the amount appropriated each year.

This bill will not prohibit the use of funds under the Consolidated Farm and Rural Development Act as a supplement to the amount of direct loan funds provided under the Rural Electrification Act. It does, however, prohibit them from being used in lieu of REA loan funds appropriated by Congress.

My service in the Senate goes back to 1949. It has always been my position that the President has the same constitutional obligation to execute the law contained in appropriation acts as he has with respect to any other law.

The Congress passes laws and the President may either sign them or veto them. But once a bill is approved by both the Congress and the President, the executive branch is dutybound to carry out and enforce its provisions. The President and his subordinates are then obligated to do what the law prescribes.

By no stretch of anyone's imagination can it be claimed that the executive branch has the right or power to unilaterally repeal a statute by refusing to carry out its terms. But this is precisely what the President has done with respect to the Rural Electrification Act of 1936.

With all of the formality and due process of a one-page, back-to-back, double-spaced press release, the Secretary of Agriculture unilaterally terminated a Federal program which has been operated successfully and continuously for 36 years pursuant to a specific statute enacted by the Congress. And during all of those years the Congress has continuously reviewed this program and appropriated funds in response to Presidential budget requests—sometimes in amounts above what was requested.

This action by the Secretary on December 29—the Friday before the long New Year's weekend—constitutes a great deal more than impoundment of appropriated funds. It constitutes nothing less than a refusal by the executive branch to carry out the terms of a duly enacted Federal statute. In effect and in reality the Rural Electrification Act of 1936 has been repealed by a one-page Department of Agriculture press release on mimeograph paper.

The National Rural Electric Cooperative Association, following this USDA announcement, retained the Washington law firm of Arnold and Porter to determine if it or its member systems might have a case in the courts.

I have had an opportunity to review this memorandum to the National REA Cooperative Association on the subject of the legality of the Department of Agriculture's termination of the REA Act 2-percent loan program. It is an extensive document, made available January 22, 1973, to the National REA Cooperative Association by competent counsel.

This law firm has completed a 74-page memorandum of law on the subject and the association's board of directors now has it under study.

Here is how Arnold and Porter summarizes its views with respect to the termination of the REA loan program:

> It is our view that a strong case can be made for the proposition that the Department has exceeded its legal authority in taking that action. We find no constitutional basis for the Department's action and we are of the view that Congress has not delegated to the Department the discretion to take such action.

Here, briefly, are the reasons for that view:

First. Authorization for presidential actions must stem from either an act of Congress or the Constitution, because the lawmaking power is entrusted by the Constitution to the Congress alone.

Second. The Constitution does not confer power on the Executive to terminate statutorily established programs.

Third. Congress has not expressly or impliedly delegated power to the executive branch to terminate the Rural Electrification Act program in the Rural Electrification Act, itself, in any of the appropriations requested by the Secretary and approved by the Congress under that act, or in the Anti-deficiency Act.

Fourth. The Rural Development Act of 1972 was clearly not intended by Congress as a substitute for the Rural Electrification Act of 1936, but was intended rather to provide facilities such as community centers, firehouses, industrial parks, and fire and rescue equipment, including ambulances. It therefore implied no authority to terminate the Rural Electrification Act loan program.

Fifth. The Senate, during its consideration of the public debt and expenditure limitation legislation of 1972, twice refused to grant the President authority requested by him to cut specific budget items without limit.

Sixth. It is doubtful that even under authority provided by the Reorganization Act of 1949, which was not invoked in this case, the President could initiate the complete termination of a statutory program.

Therefore, the administration's action must be viewed as an overt challenge to the constitutional lawmaking power of Congress by the Executive; a challenge in which the Executive refused to carry out certain selected statutory programs enacted through regular constitutional procedures and, by so doing, completely frustrates the power and intent of Congress.

In enacting legislation over the years, Congress has proceeded on the assumption that a law once duly enacted would be carried out in good faith by the executive branch. Its statutes, therefore, "authorizing" and "empowering" the Executive to perform certain acts, and of "making available" or "appropriating" money for specified purposes. Certainly, the Congress has not usually enacted laws in contemplation of situations created by willful refusal of the Executive to perform its constitutional responsibility.

However, because the Executive is willfully refusing to administer the Rural Electrification Act of 1936, we must reassert our constitutional authority by passing this bill and making it clear beyond a shadow of a doubt that this act is the law of the land and that it should be administered as the Congress intended.

There are several other compelling reasons why we need to act on S. 394 and act quickly.

Since December 29 there has not been a single loan approved for rural electrification, either under the Rural Electrification Act or the Rural Development Act. The fact is that the decision by the Office of Management and Budget to terminate the Rural Electrification Administration's direct loan program caught even the Department of Agriculture by surprise. As a consequence, it was not prepared then—and it is not prepared now—to make loans under the insured and guaranteed loan programs of the REA Act.

In fact, the Department's Office of General Counsel has itself raised serious questions about the legality and practicality of making rural electric and rural telephone loans under the Rural Development Act.

Mr. President, I am privileged to have in my possesssion a communique of the Department of Agriculture dated February 2, addressed to David A. Hamil, the Rural Electrification Administrator. The subject of this memo is in response to a request by the administrator for opinions of counsel with respect to the authority for making rural electric and telephone loans under the Consolidated Farm and Rural Development Act.

Mr. President, I ask unanimous consent to have this memo printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUMPHREY. Mr. President, this particular document prepared by the department's own counsel, which is some 20 pages in length, creates great doubt as to the legality of the department's action.

Let me summarize it briefly:

On January 8 of this year, REA Administrator David Hamil requested the Office of General Counsel to advise his Agency on certain legal questions concerning use of the rural development program for rural electric and telephone loans. On February 2, R. Stanley Harsh, Assistant General Counsel for Rural Development and Conservation, replied to Administrator Hamil in a 20-page opinion. Mr. President, I will summarize briefly some of the questions this opinion raises, but I ask that it be placed in the RECORD in its entirety following my remarks.

This opinion points out that before a loan under the Rural Development Act may be made, the Secretary of Agriculture must determine that an applicant is unable to obtain credit elsewhere.

This appears largely to nullify the Department's December 29 announcement that "all REA" loans would thereafter be made at 5 percent under the Rural Development Act. Under this interpretation, it would seem that the "no credit elsewhere" test would effectively prevent most rural electric systems from obtaining insured loans as contemplated earlier by USDA.

A second major and serious problem is emphasized in the opinion. Even if a loan should be made, it would be subject to the contingency that at any time over the loan period the borrower could be compelled to refinance and repay the Government loan, if the Secretary should determine: First, that private credit is available to the borrower, at then prevailing rates and terms, and second, that the borrower is reasonably able to repay such loans without seriously impairing the operation for which the loans were initially made. In other words, financing under the Rural Development Act is not really permanent, long-term financing.

Finally, the assistant general counsel points out that all loan applications must be submitted for review and comment to local multijurisdictional planning agencies and to the unit of local government having jurisdiction over the area in which the proposed project is to be located; and the Secretary must in each case make a determination "that the loan project is not inconsistent with area development planning." The potential for delays, irrelevant and frivolous controversy and added borrower burdens in these requirements is incalculable.

In summary, the changes proposed in rural electric loan programing will enable REA and its borrowers in untested, uncharted, and cumbersome procedures under a statute not designed for this kind of application.

As cumbersome and impractical as it appears in the Rural Development Act in the case of the rural electric borrower, it is even more impractical for the use of rural telephone borrowers. Although rural electric cooperatives would have to pass a stringent credit elsewhere requirement before qualifying for 5-percent loan money, and even though they would stand to lose their 5-percent loan at any time that their financial condition improved sufficiently, they would at least have some hope of receiving some help from the Rural Development Act.

For rural telephone borrowers, this is not the case.

Of the 867 telephone companies who borrow from the Rural Electrification Administration 74 percent are commercial companies. These commercial companies are specifically excluded from a 5-percent loan under section 306(a)(1) of the Consolidated Farm and Rural Development Act. This section of the act excludes from eligibility corporations that are operated for profit.

Even though these companies are operated for profit, they make very little profit. Many of these small commercial companies are small and inefficient operations with low-revenue potential. They are not inefficient because of bad management, but because they are serving very sparsely populated rural areas. They serve areas that the Bell System would not want to be bothered with. There are 262 REA borrowers with less than 1,000 subscribers. Of these 262 companies, 201 are commercial companies. Yet small commercial companies such as these would qualify only for high-interest guaranteed loans under section 310B of the Consolidated Farm and Rural Development Act. The interest rate under this section of the act would be "at such rate as may be agreed upon by the borrower and lender." Therefore, these companies which are struggling for survival would be forced to make a giant leap from 2-percent interest loans, for which they have previously qualified, to an interest rate in excess of 7 percent, because of the unusual circumstances of a few member-users of the line. That would kill the rural telephone program in vast areas of rural America. Besides that, as one of the authors of the Rural Development Act and as chairman of the Rural Development Subcommittee that held hearings throughout the country on that legislation, I can tell you that there was never any intention that the Rural Development Act was intended to do the job of providing all the needed financing required for the rural electric and telephone programs.

The rural telephone program is rather new and accommodates rural users in sparsely settled areas of this country, so it has to be a program that has some special considerations. That is why it was placed within the Rural Electrification Administration, to qualify under certain circumstances for the low interest rate loans.

Mr. President, the people who live in our cities would not tolerate the kind of telephone service that many rural Americans have, if they have any telephone service at all. The Rural Electrification Administration's most recent yearbook points out that 22.9 percent of the subscribers served by REA telephone borrowers have light-party lines. They must share their telephone line with eight other families. Another 25.6 percent of the subscribers of REA telephone borrowers have four- and five-party line service. Only about half of the subscribers of the REA telephone system have one- and two-party lines.

Congress has recognized that much needs to be done to upgrade the quality of telephone service available in rural America. It recognizes that the annual appropriations that Congress has made for REA telephone loans is not enough. For fiscal year 1973, this appropriation was $145 million.

For this reason, Congress passed and the President approved legislation which established the rural telephone bank. This bank receives $30 million of Federal capital each year, and it uses this capital to borrow additional funds from the money markets. Although the bank is only in its second year of operations, it is already a success. In the fiscal year ending June 30, 1972, the rank made 89 loans totaling $90,954,080 to REA telephone companies.

Congress realized that some telephone companies could pay more than 2-percent interest on loans. It realized that some telephone companies could pay more than 4-percent interest. Therefore, the law provides that interest rates shall be at a minimum of 2 percent and they shall be set at higher rates according to the ability of the borrower to pay. Because some borrowers can pay more than 2 percent, but less than 4-percent interest on loans, the Rural Telephone Bank Act even provides for these companies a blend of 2-percent money and 4-percent money.

The arbitrary termination by the Secretary of the REA loan program will mean that there will be no more blending of loan funds. Worse than that, it will mean that no new borrowers can qualify for a loan from the Rural Telephone Bank. The law requires that all borrowers from the Rural Telephone Bank must first be borrowers under the direct loan program of the Rural Electrification Administration. To meet this criteria, a number of applicants were granted token loans of $20,000 each from the direct loan program so that they could qualify for a bank loan.

Thus, the arbitrary termination of the REA direct loan program not only eliminates aid to small telephone companies that desperately need 2-percent loans; it cripples the operation of the Rural Telephone Bank—in fact, it practically kills it—a bank created to help borrowers who can pay higher rates of interest.

Mr. President, there is one other area I want to touch upon in relation to this bill. Since December 29, when it announced that it was terminating the REA direct-loan program, the administration has been attempting to justify this action with all sorts of wild statements about rural electrification.

Secretary of Agriculture Butz has repeatedly stated that "only" 20 percent of the consumers of REA-financed electric systems are farms. This convenient figure was arrived at by a very loose application of statistics.

USDA says that REA has made loans to finance connections to 7.1 million consumers. USDA also says that there are 2.8 million farms in the United States and that REA borrowers serve about half of these. Thus, 1.4 million of the 7.1 million consumers—about 20 percent—are farms and the rest, 80 percent, are, by their definition, "nonfarm."

Let us take a look at what that other 80 percent is made up of. First of all, nearly 500,000 of these "consumers"—7 percent of them—have yet to be hooked up. In reality, REA borrowers serve only 6.6 million consumers.

Also, REA counts every meter as a consumer. Thus, included in this 80 percent "nonfarm" is every second or third meter on a farm—crop dryers, range wells, irrigation pumps, tobacco barns, and so on.

Also included in this 80 percent is every tenant house, every second home on a farm, or every hookup for migratory workers' living quarters.

This 80 percent also includes highway lighting, billboard lighting, and many other such "consumers."

It turns out, then, that Mr. Butz is twisting statistics when he claims that 80 percent of REA consumers are "nonfarm."

But, that was only the beginning of what I call the "big lie."

Once it had been established that "80 percent of the REA loans went to nonfarm services," it was time for the next escalation.

On January 30, Treasury Secretary George Schultz appeared on national television and declared:

> Eighty percent of that money goes in nonrural areas; some of it to help country clubs and things like that.

Notice the not-so-subtle switch from "80 percent nonfarm" to "80 percent nonrural."

The next escalation came only a day later at the President's news conference. He declared:

> Now 80 percent of this 2-percent money goes for country clubs and dilettantes, for example, and others who can afford living in the country.

I submit that if decisions are being made on the basis of this kind of misinformation and misuse of the facts, then it is not hard to see why vital rural programs are being scuttled by the administration.

One North Dakota electric co-op manager, following the President's statement, started checking to see if he could find the dilettantes, country clubs, or other wealthy rural Americans in North Dakota. Here is what he found:

During 1972, his system connected 145 new services, while retiring the services of 58 abandoned farms. The 145 broke down as follows:

Service to Indians on two reservations—84; other nonfarm residences—22; lake cottages—3; farms and farm related facilities—18; small commercial, such as CTV tower, community water supply, tribal center, and so forth—18; country clubs—0.

Fourteen of the nonfarm residences were financed by Farmers Home with restrictions on income, and seven were mobile homes. These hardly meet the category of others who can afford "to live in the country." The three lake cottages might.

The big problem we have at home is that you cannot afford to live in the country because rural living is not always the choice living.

Since 80 percent of the 145 new services would be 116 and only three meet the classification of "others who can afford living in the country" and there were no country clubs served, it follows that the co-op must have extended service to 113 dilettantes.

And, since most of the new hookups were to American Indians, the sheer weight of mathematical proof seems to be that the majority of those dilettantes are Indians. As the manager of the co-op said: "They sure had us fooled."

He still has not figured out how to tell a dilettante Indian from a nondilettante Indian.

All of this may sound somewhat frivolous, but it is not. The misuse of statistics to attempt to justify an illegal action is a serious matter. When a department head or a President grossly distorts facts and discredits one of the soundest-working programs ever created by Congress, then it is time for action.

I might also remind the President and my colleagues that all of this talk about how many farms are served is irrelevant in terms of the Rural Electrification Act. The act was not passed with the idea of serving only farmers. It was passed to provide for service to rural areas—that is how the law reads—and the only place the act mentions farms is when it declares that rural areas include "both the farm and nonfarm population thereof."

So the REA act is not merely for farms but also for rural areas, for smaller communities, rural counties, and subdivisions.

I want to reiterate my strong feeling that Congress cannot continue to accept this kind of arbitrary disregard by the Executive of its plain and unambiguous constitutional duty to execute the law.

Unless Congress accepts this challenge to its constitutional power and reasserts its status as a coequal branch of the Federal Government, it will soon degenerate into little more than a society for the debate of issues already decided by someone who has assumed higher authority.

The loan-making authority of the Rural Electrification Act of 1936 was created by Congress to carry out a policy declared to be in the public interest. The act did not say to the executive branch, "Carry out this policy if you like it."

It laid down a program, and that program has been reenacted time after time by this Congress and reexamined by Congress after Congress before the committees of Congress, the legislative committees and the appropriations committees.

The issue is whether we shall continue our system of checks and balances which the Founding Fathers considered essential to preserving our system of government—or whether we shall drift into self-serving oligarchy.

I raise my voice in alarm at attempts to relegate Congress into a second-rate branch of Government. And I object to the President's actions which are designed to cripple or end programs that help those who need it the most.

I ask each of my colleagues to join with me and Senator AIKEN in voting for this bill.

The Rural Electrification Act is not subject to change by the President. That is the duty of Congress. It cannot be and it must not be changed by Executive fiat or edict. In this instance, it is not that the Department of Agriculture, acting on instructions from the OMB, is merely reducing the funds available for 2-percent loans. It is that they are terminating the program.

This veto of a program is not permitted under the system of government which we have. If the REA loan program is to be changed, terminated, or in any way altered or modified, it must be done by Congress. The purpose of the bill before us is simply stated. It simply directs that the law—the law as presently written and passed by Congress, an appropriations law that was signed by the President—be properly executed and administered.

The language of the bill substitutes for the word "empowered" the word "directed" and notes in the Consolidated Farm and Rural Development Act that the loan authority provided is not to replace existing REA loan authorities but is to be supplemental to them.

So we have a clear-cut issue as to whether or not Congress is going to see to it that the programs it has authorized—in this instance a very valuable program which has produced tremendous results, which has aided the rural areas of America and which has made possible the high productivity in many ways of our farms—whether or not that program is to be abandoned by Executive decree. I submit that the executive branch has no right to abandon programs authorized by Congress either in the law or in the Constitution.

Rural America will look upon the action of Congress, if it should fail to reassert its will in this program, as an abandonment of our responsibility. I know of no Member of this body who feels the rural electrification program has been a waste of public funds. I know of no public utility capable of going into an area where there are few customers on the line and being able to establish a system of electricity or telephone service.

If the decision to terminate the program remains as the express will of the Government, the rural telephone program is gone out the window and finished, and many of the rural electric cooperatives will suffer because many of these cooperatives have to make improvements and bring their equipment up to date. While it is true that most American farms today have electricity, there are heavier demands for electrical energy on those farms.

Before we decide to make a fundamental change in policy I submit we should do it through Congress and through the proper committees and subcommittees, with votes in the Senate and in the House. That is the way to change the law. We cannot permit the abandonment of public policy by the order of an executive officer of this Government. To do so would, for all practical purposes, violate the intent and purpose of our constitutional system.

EXHIBIT 1

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL COUNSEL,
Washington, D.C., February 2, 1973.

Subject: Request for Opinion of Counsel with Respect to Authority for Making Rural Electric and Rural Telephone Loans Under the Rural Development Act and the Consolidated Farm and Rural Development Act.

To: David A. Hamil, Administrator, Rural Electrification Administration.

This is in response to your memorandum of January 8, 1973, same subject, requesting an opinion on certain legal questions in connection with the making of rural electrification and telephone loans pursuant to the Consolidated Farm and Rural Development Act, Pub. L. No. 92–419, title I, 7 U.S.C. 1921, *et seq.* (the "Act"). Answers to your specific questions and additional related comments are as follows:

1. *Which authorities may be used for the making of loans to REA electric and telephone borrowers, distinguishing between nonprofit and profit making or commercial borrowers?*

Two authorities in the 1972 Act may be employed in making rural electric and rural telephone loans, as discussed below.

SEC. 305(a) (1)

The announcement of the changes in the rural electric and rural telephone programs indicated that henceforth guaranteed and insured loans will be made under the authority of Sec. 306(a) (1) of the Consolidated Farm and Home Development Act. That section authorizes loans for "essential community facilities". Congress did not attempt to define all of the facilities that might be included within the ambit of the term. Rather, as the House Report on the 1972 Act declared: "These facilities would include, but would not necessarily be limited to, such items as community centers, firehouses, industrial parks and fire and rescue equipment, including ambulances." H.R. Rep. No. 92–1129, 92d Cong., 2d Sess. 24 (1972). See also Senator Talmadge's comments, during debate, in the CONGRESSIONAL RECORD, August 17, 1972, vol. 118, pt. 22, p. 28802.

While Congress did not specifically indicate that rural electric or telephone systems were to be considered as "essential community facilities" for the purpose of making loans under this section, it would appear that such systems are "needed for the orderly development of rural community", a stated purpose of the Section, and are commonly understood to be essential community facilities" for the purpose of making loans under this section, it would appear that such systems are "needed for the orderly development of a rural community", a stated purpose of the Section, and are commonly understood to be "essential community facilities". Therefore, it is concluded that Sec. 306(a) (1) does authorize certain loans to be made pursuant to its terms for rural electric and rural telephone services.

Sec. 306(a) (1) explicitly authorizes loans to nonprofit associations and public agencies. A separate question is whether this section authorizes loans to profit-oriented organizations. While not entirely free from legal doubt, we are of the opinion that it does authorize loans to profit-oriented organizations.

The section expressly authorizes loans to "associations, including corporations not operated for profit . . . ." The term "association" is a generic term, having a vague legal meaning. In its broadest usages it has been held to include profit-making business, nonprofit organizations, and government as well as other bodies in the society. Literally, therefore, the statutory language of Sec. 306(a) (1) would permit loans to profit-oriented corporations, as a common type of "associations".

Additionally, the new statutory language in Sec. 307(a) and Sec. 344, which was added by the 1972 Act, supports the conclusion that Sec. 306(a) (1) authorizes loans to organizations for profit as well as nonprofit. Provisions of both of those sections apply explicitly to loans made under certain specified sections of the Act, including Sec. 306 (a) (1) "except for loans to public bodies and nonprofit associations" under that section. If Sec. 306(a) (1) were interpreted as being confined to loans to public bodies, and not to organizations for profit, then the references in Secs. 307(a) and 344 to Sec. 306 (a) (1) would be without meaning and superfluous. It is a time honored rule of statutory construction that significance should be accorded to every word, and a statute ought not be construed, if it can be prevented, to render any part or word superfluous. *Ex parte Public Bank,* 278 U.S. 101, 104. This would require that the term "associations" in Sec. 306(a) (1) be accorded a meaning beyond that of public bodies and nonprofit associations, reasonably to include organizations organized for profit.

A contrary argument can be made that Congress intended the term "associations" in Sec. 306(a) (1) to be restricted to nonprofit associations, including public bodies, when it was first employed in the Consolidated Farmers Home Administration Act of 1961. Congress made many references to loans to nonprofit associations but made no mention of the eligibility for loans of profit-making associations. The legislative history of that Act reveals further that the particular phraseology was, in effect, an enactment of the eligibility standards formulated under the Water Facilities Act, acts Aug. 28, 1937, ch. 870, 50 Stat. 869, as amended. The Committee Report on the 1961 Act stated:

"The existing authority for direct and insured loans to *nonprofit* and public organizations for soil and water development and conservation and for drainage and flood control in rural areas *would be continued* and would be made available to some developments now excluded because of the existing $250,000 limitation." (Emphasis added.) H.R. Rep. No. 754, 87th Cong., 1st Sess. 66 (1961). Similar language is found in S. Rep. No. 566, 87th Cong., 1st Sess. 65 (1961).

The Water Facilities Act itself contains no such limitation of authority with respect to soil and water conservation loans; however, the regulations issued to implement it did limit eligibility to nonprofit organizations. (See 6 C.F.C. § 351.3(c)(6) (1956).)

In 1965 Sec. 306(a)(1) of the Consolidated Farmers Home Administration Act of 1961 was amended by Pub. L. 89, 240, § 1, October 7, 1965, 79 Stat. 93, but the language under consideration reappeared unaltered in the new law. The title of the 1965 Act declared that its purpose was "to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations *not operated for profit. . . .*" (Emphasis added.) The title of an Act is useful in that it throws light on the meaning of the language in question and "in ascertaining the intention of the legislature nothing is to be rejected which will assist in the clarification of ambiguous phrases. . . ." 3 Sutherland, *Statutes & Statutory Construction*, 345 (3d ed., 1943).

The Farmers Home Administration since 1961 limited loans under Sec. 306(a)(1) to nonprofit organizations or public bodies.

The familiar rule is that administrative construction of a statute made contemporaneously with its enactment may be useful in validating controversial administrative acts, but the rule does not operate necessarily to invalidate subsequent changes in administrative regulations. *E.g., Norwegian Nitrogen Products Co.* v. *United States;* 288 U.S. 294; *Udall* v. *Tallman*, 380 U.S. 1; *Massachusetts Trustees* v. *United States*, 377 U.S. 235.

Also, the fact that an administrative program has been continued in operation through a series of Congressional reenactments of a statute does not infer that prior administrative interpretations of the statutes involved were frozen into the interpretation of the statutory provisions. As The Supreme Court stated in *Helvering* v. *Wilshire Oil Co.*, 308 U.S. 90, 100–101:

"* * * The oft-repeated statement that administrative construction receives legislative approval by reenactment of a statutory provision, without material change * * * does not mean that a regulation interpreting a provision of one act becomes frozen into another act merely by reenactment of that provision, so that administrative interpretation cannot be changed prospectively through exercise of appropriate rule-making powers * * *. Such dilution of administrative power would deprive the administrative process of some of its most valuable qualities—ease of adjustment to change, flexibility in light of experience, swiftness in meeting new or emergency situations. * * *"

See also *Helvering* v. *Reynolds*, 313 U.S. 428, 432; *National Labor Relations Board* v. *Seven-Up Bottling Co.*, 344 U.S. 344.

It may possibly be concluded that even with the original enactment of this provision in 1961, the Secretary was free to adopt regulations that would have made loans available to organizations for profit, but chose not to make such loans under the conditions existing for policy reasons. Support for that conclusion is evidenced from the fact that as originally promulgated the purposes for which the loans were made under Sec. 306 (a)(1) were largely carried out by public bodies or nonprofit organizations. But in enacting the Rural Development Act of 1972, Congress added to Sec. 306(a)(1) the authorization to make loans for the purpose of accomplishing "essential community facilities", which in certainly a greater number of instances are provided by organization for profit. Moreover, the entire Rural Development Act incorporates a broader role of federal financial assistance in improving the rural environment.

In this view, Sec. 306(a)(1) must be viewed as new legislation, albeit in a borrowed form, and the Secretary should be free to interpret it in any way that furthers the purpose of the Act with which it is associated in a manner consistent with the statutory words.

For all the above reasons, while not wholly clear of legal doubt, we believe the stronger evidence supports a conclusion that pursuant to Sec. 306(a)(1) loans may be made to organizations organized for profit or not for profit.

The interest rate to be paid by nonprofit organization borrowers of Sec. 306(a)(1) loans for essential community facilities, whether made as insured or as guaranteed loans, is "not in excess of 5%."

The interest rate for profit organization borrowers of *insured* loans under Sec. 306(a)(1) is the rate prescribed by the Secretary of Agriculture "not less than the rate prescribed by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States comparable to the average maturities of such loans, adjusted in the judgment of the Secretary of the Treasury to provide for a rate comparable to the rates prevailing in the private market for similar loans and considering the Secretary's insurance of the loans, plus an additional charge" prescribed by the Secretary of Agriculture to cover loss and cost of administration, all adjusted to the nearest one-eighth of one percent.

The interest rate for profit organization borrowers of *guaranteed* loans under Sec. 306 (a)(1) is a rate agreed upon by the lender and the borrower.

SEC. 310B

Section 310B of the 1972 Act authorizes loans to "organizations organized for profit or nonprofit . . . for the purpose of improving, developing, or financing business, industry, and employment and improving the economic and environmental climate in rural communities. . . ."

It would appear that loans to finance rural electric and rural telephone systems would clearly come within the stated purposes of this section. It may be noted that this section by its terms explicitly authorizes loans to organizations organized for profit and for nonprofit.

The interest rate for profit or nonprofit organization borrowers of *insured* loans is the cost of money formula described above for Sec. 306(a)(1) (where it applied only to profit organization borrowers).

The interest rate for profit or nonprofit organization borrowers of *guaranteed* loans under Sec. 310B is the rate agreed upon by the lender and the borrower.

2. *Do the authorities contained in the Consolidated Farm and Rural Development Act permit guaranteed loans through such private organizations as the National Rural Utilities Cooperative Finance Corporation and Farm Credit's Bank for Cooperatives?*

Yes. From a legal point of view, it is immaterial who the lender is for the purposes of Section 306(a)(1) or Section 310B guarantees. Section 343(4) requires only that the lender be a "private financial agency or other lender approved by the Secretary."

3. *May the authorities contained in this Act be delegated directly to REA by the Secretary of Agriculture in a manner that will permit REA to administer guaranteed and insured loan programs to REA borrowers?*

We have already approved as to legal matters the REA delegation for the following reasons.

Section 339 of the Consolidated Farm and Rural Development Act (7 U.S.C., 1989) expressly provides for the delegation by the Secretary of the authorities contained in the Act. This section reads as follows:

"§ 1989. Rules and regulations; delegation of powers.

"The Secretary is authorized to make such rules and regulations, prescribe the terms and conditions for making or insuring loans, security instruments and agreements, except as otherwise specified herein, and make such delegations of authority as he deems necessary to carry out this chapter. (Pub. L. 87–128, title III, § 339, Aug. 8, 1961, 75 Stat. 318.)"

There is nothing in this section nor elsewhere in the Act which would limit the Secretary's power to lodge these authorities in REA as distinguished from another agency of the Department. While your question is in terms of a "direct" delegation to REA, it is assumed that a delegation by the Secretary to an Assistant Secretary with a redelegation to REA, in a manner similar to that by which REA administers the Rural Electrification Act of 1936 under the delegation from the Assistant Secretary of December 20, 1972, is within the intent of your question.

4. *Are there any legal reasons why the existing security held by the United States on assets of REA borrowers may not be shared with other private and public credit agencies in order to facilitate the making of guaranteed and insured loans?*

Prior to the 1972 Act, Section 307(b) of the Consolidated Farmers Home Administration Act, in referring to security instruments for loans to associations under Section 306 (which would now include loans for electric and telephone systems) provided that "such security instruments shall constitute liens running to the United States, notwithstanding the fact that the notes may be held by lenders other than the United States." The 1972 Act changed the "shall" to "may."

The report of the Senate Committee on Agriculture and Forestry ("The Rural Development Act of 1972," October 3, 1972, p. 31) explained this change as follows:

"This section also makes clear that liens securing guaranteed loans may run to the lender rather than the United Statees (emphasis added).

Thus, while the amendment technically permits liens on every type of loan made under Section 306 to run to other than the United States, Congress apparently had in mind that this would occur only with respect to guaranteed loans.

It is difficult to perceive under what circumstances the security for insured loans would be held or shared by other than the United States. The purchaser of insured notes has the full faith and credit obligation of the United States backing such notes. It appears he could achieve little, if any, additional risk security by holding or sharing part of the underlying lien. Moreover, the holders of a lien normally must assume certain duties in servicing the loan, which responsibility it is doubtful that the purchaser of insured notes would want to assume.

On the other hand, a private lender whose loan is guaranteed under the 1972 Act would probably desire and need to hold or share some part of the lien. If the guarantee is executed pursuant to Section 310B, the Government will guarantee only 90% of the loan; the private lender must then look to the lien to secure his remaining risk. Additionally, while the full duties and responsibilities of a guaranteed lender have not as yet been postulated, Section 343(4) defines the federal guarantee under the 1972 Act as applying to "a loan originated, held and serviced by a private financial agency or other lender." Any private servicing of guaranteed loans will normally require the lender to hold or share the lien for such purposes as foreclosure, etc.

With this background, we turn to the specific question whether the United States may share existing securities in order to facilitate the making of a new loan under the 1972 Act. The general rule, as declared by the Comptroller General in a letter Opinion B–169930, dated June 2, 1970, a copy of which was previously furnished to you, is as follows:

". . . No officer of the Government has authority to surrender or waive contractual rights which have accrued to the United States or to modify existing contracts without a compensating benefit to the Government and in the interest thereof."

The GAO letter further indicates that each instance of surrendering or waiving an existing lien running to the United States must be individually supported by clear evidence that it is in the interest of the Government, and that any general or blanket findings applicable to all REA loans is precluded. REA has, as you know, shared existing liens in connection with most recent loans made pursuant to the 1936 Act.

In connection with the 1936 Act determinations of compensating benefits, lien sharing received legal approval where it was administratively determined that it was reasonably necessary to obtain the supplemental financing and the supplemental financing protected the security of the Government's prior loans by assuring the borrowers' continued operation. Additional justification appeared for such lien sharing from the fact that the supplemental financing it facilitated relieved the Government of providing additional funds to meet borrowers' systems' capital needs, without which the borrowers continued operation would be endangered. Such saving of Government funds would be particularly beneficial as to the 1936 Act loans because of the substantial difference between the 2% loan interest rate on such loans and the cost of money to the Government.

Presumably, some of the same justifications could apply to certain of the guaranteed loans made in the future pursuant to the 1972 Act. In light of the questionable basis for having liens run to the purchaser of insured notes, there is even greater doubt concerning the legal justification for sharing existing liens with such purchasers.

Another situation arises in connection with supplemental financing where the private lender will not have the Government guarantee or insurance, but where the Government portion of the concurrent loan is to be provided under the 1972 Act rather than the 1936 Act. This situation would appear to us to be very similar to that to which the GAO letter was addressed. For purposes of the compensating benefit determination there would be a factual difference in that there is a diminution of the saving of Government funds made possible by the lien sharing, since the 1972 Act reduces the program cost to the Government by increasing the borrower's interest rate. In our opinion, this difference would not, under present conditions, significantly affect the making of a compensating benefit determination which could otherwise be made in favor of lien sharing in this situation.

A special situation exists with respect to CFC or other private lender which may have already shared the Government's lien because of 1936 Act concurrent loans. Under the common mortgage form generally used, first mortgage lien security for 1972 Act loans may not be possible without the consent of CFC or other existing supplemental lender. The compensating benefit determination in such cases may be more easily resolved where one of the compensating benefit factors is the granting of such consent under the common mortgage by CFC or other existing supplemental lender.

5. *Are Rural Electrification Act administrative funds available to pay REA's administrative expenses in connection with REA loans made pursuant to the Rural Development Act?*

The general rule with respect to appropriation authority is stated in 37 Comp. Gen. 472, as follows:

"It is fundamental that the appropriations provided by the Congress to the Federal agencies to carry out their statutory duties and responsibilities may be used only for the objects for which they are appropriated and for no others. The statute from which this principle is derived is 36 U.S.C. 628, which reads as follows:

"'Except as otherwise provided by law, sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others.'"

"The Department of Agriculture—Environmental and Consumer Protection Appropriation Act, 1973 (P.L. 92–399) appropriates:

"RURAL ELECTRIFICATION ADMINISTRATION

"To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–924; Public Law 92–12), as follows:

* * * * *

"SALARIES AND EXPENSES

"For administrative expenses, including not to exceed $500 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 for employment under 5 U.S.C. 3109, $16,720,000."

The Committee Reports on this Act (House Report No. 92–1175, June 26, 1972, to accompany H.R. 15690; Senate Report No. 92–983, July 24, 1972, to accompany H.R. 15690; House Report No. 92–1283, August —, 1972 Conference Report on H.R. 15690) give no basis for concluding Congress had any intention other than that apparent from the express language of the Act itself. The Committee referred to REA loans under the Rural Electrification Act of 1936 without any indication that salaries and expenses for other activities of REA not based on the authority of the Rural Electrification Act of 1936 were contemplated. The Appropriations Act itself of course expressed no such intent. It provides administrative expenses only "to carry into effect the provisions of the Rural Electrification Act of 1936, as amended."

The Rural Electrification Act cannot be deemed to have been amended by the Rural Development Act, for the purpose of arguing that the implementation of the latter was a carrying out of the former Act, as amended. There is not the slightest indication that in passing the Rural Development Act Congress intended to amend or repeal the Rural Electrification Act. A long standing rule of statutory construction is that no implied amendments or repeals will be adjudged except where clearly expressed and where no other reasonable interpretation can be made. *Grimes Packing Co.* v. *Bynes*, 7 F. Supp. 43, 48. Consequently, while it is reasonable to interpret the Rural Development Act as permitting rural electrification and rural telephone loans, it is unreasonable to conclude that it does so by amending or repealing the Rural Electrification Act. Additionally, at the time of passage of the Appropriations Act, the Rural Development Act could not have been considered as an amendment to the Rural Electrification Act, since it was not enacted until after the Appropriations Act was passed. (See discussion below.)

"Where an appropriation is made for a particular object, by implication it confers authority to incur expenses which are necessary or proper or incident to the proper execution of the object unless there is another appropriation which makes more specific provision for such expenditures, or unless they are prohibited by law." 29 Comp. Gen., 419, 421. That opinion held that an Immigration and Naturalization Service appropriation for "salaries and expenses" permitted expenditures for lights, warning devices and observation towers to prevent illegal entry into the United States.

However, the making of loans for electrification and telephone systems pursuant to the Rural Development Act cannot be regarded as necessary or incidental to the "carrying into effect the provisions of the Rural Electrification Act of 1936." Hence, there is no basis for concluding that an implied authority exists for such purposes in the Appropriation Act.

Having determined that there is no legal basis for employing 1936 Act funds for administrative expenses in connection with loans made pursuant to the 1972 Act, it is appropriate to consider what appropriation authority exists for such purposes.

The 1972 Act, on the other hand, contains clear authority to utilize the Rural Development Insurance Fund (RDIF) for the administrative expenses of making loans under that Act (Sec. 309(g)(8), as well as for the loan money itself (Sec. 309(g)(1)).

The question has nonetheless been raised whether, in addition to the above enabling authority, it is necessary for Congress also to specifically appropriate funds for the carrying out of the new legislative authorities. In general it is argued that the matter is governed by the expression of law found in an unpublished opinion of the Comptroller General, B–15396, dated October 23, 1964, to the effect:

"Where the additional duty is imposed upon an agency without an appropriation specifically having been made to cover such duty, it does no violence to the cited provisions to charge the expenditures connected with the new duty to appropriations previously made if the duty involved is an 'object' within the ambit of the prior appropriation being charged. . . . But where the additional duty, function, or program is not in any way related to the objects for which the appropriation to be charged has been made, it is manifest that use of the appropriation cannot be deemed proper in the fact of [31 U.S.C. 628.]"

However, we believe that the rule stated above is *inapposite* where no specific appropriations are required by Congress to effectuate the purposes of the amendatory legislation. In setting up the RDIF Congress made it unmistakably clear that there was no requirement for further appropriations acts in order to utilize their assets. Various revolving funds have been in existence for years. However, until fiscal 1972 Congress did not specify in the annual appropriations acts any amount for lending purposes under those funds. In fiscal 1972, Congress did specify an amount for loan purposes to be made from the Agricultural Credit Insurance Fund (ACIF) and the Rural Housing Insurance Fund (RHIF). The Senate Committee on Appropriations commented on this action as follows:

"The Farmers Home Administration has been making insured loans as authorized in basic law for a number of years. For the first time the bill as passed by the House indicates specific amounts for such loans under both the Agricultural Credit Insurance Fund and the Rural Housing Insurance Fund. The *underling statutes for these Insurance Funds by their own provisions authorize loans to be made without action by Congress in the annual appropriations acts.* Therefore, the indication of specific amounts in the bill does not constitute a limitation on the amount of loans which may be made and insured by the Administration." (Emphasis supplied.) S. Rep. No. 92-253, 92d Cong., 1st Sess., 29-30 (1971).

Again in acting upon fiscal year 1973 appropriations, the Senate Appropriations Committee Report stated:

"As was pointed out in the report of the Committee last year, the basic legislation for the Agriculture Credit Insurance Fund and the Rural Housing Insurance Fund, by their own provisions, authorize loans to be made without specific action by Congress in the annual Appropriation Act. Therefore, the recommended amounts herein do not constitute a limitation on the amount of loans which may be made and insured by the Administration." S. Rep. No. 92-983, 92d Cong., 2d Sess. (1972).

While the above comments referred directly to the employment of the ACIF and the RHIF, we believe they have equal application to the Rural Development Insurance Fund, which is to be the source of funds for loans for rural electrical and rural telephone purposes. Not only was this new fund created using in part assets of the ACIF, but the essential enabling provisions of these two insurance funds are substantially identical. One difference is that the ACIF and RHIF do not have specific provision authorizing the use of their funds for administrative purposes in connection with the making of loans, whereas the RDIF, from which funds will come for rural electric and rural telephone loans, does contain an explicit provision to that effect.

Therefore, we believe that administrative funds required in fiscal 1973 in connection with loans made pursuant to the 1972 Act can and must come from the Rural Development Insurance Fund created by that Act. At the same time servicing of loans made under the 1936 Act must come from administrative funds appropriated under that Act. This necessarily will require a division of administrative expenses into two accounts.

6. Finally, your memorandum requests an identification of any specific problems that may be encountered and guidance how these might be met in the new program. Under this heading we will discuss first the operation of several provisions of the Rural Development Act as they may apply to certain of the rural electric and rural telephone loans.

No credit elsewhere requirement

Sec. 333(a), as a condition for eligibility for a loan under the Rural Development Act, requires that the applicant be unable "to obtain sufficient credit elsewhere to finance his actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time." This provision will apply to all rural electric and rural telephone loans made under the 1972 Act except guaranteed loans under Sec. 310B. A "no credit elsewhere" requirement has been in effect since passage of the Farmers Home Administration Act of 1946, Act Aug. 14, 1946, ch. 964, 60 Stat. 1064. The purpose of this predecessor requirement was stated as follows:

"It is believed that this subsection would be an effective means of preventing competition by the Corporation with other responsible lenders who are able to furnish credit for the farmers upon an reasonable basis." H.R. Rep. No. 1752, 79th Cong., 2d Sess. 13 (1946) and H.R. Rep. No 1873, 79th Cong. 2d Sess. 13 (1946).

The Farmers Home Administration Act of 1961 retained the basic "no credit elsewhere" concept but eliminated the five percent ceiling on outside rates. The purpose of the change was "to avoid a rigid position in the statute which might from time to time appear to make credit under this authority competitive with private and cooperative credit sources. For example, at any time when similar purpose loans are available at from 5½ to 6 percent, under existing law a farmer would be technically eligible for Bankhead-Jones assistance because he could not get other credit 'at a rate of not more than 5 percent,' even though the other creditor was willing to make the loan and the applicant could repay it." (S. Rep. No. 566, 87th Cong., 1st Sess. 65 (1961); H.R. Rep. No. 754, 87th Con., 1st Sess. 69 (1961).)

Prior to the Rural Development Act the law only required that the applicant certify in writing that he is unable to obtain credit elsewhere. The Rural Development Act amended section 333 to require an affirmative determination by the Secretary of Agriculture, or the official to whom this authority is delegated, that an applicant is unable to obtain credit elsewhere.

The statutory language, as well as the legislative history indicates this determination involves first a finding as to the availability to the applicant of credit from private lenders at prevailing interest rates and terms for loans for similar purposes and periods of time. Manifestly also, the prevailing interest rate is not to be limited to five percent.

But the existence of a willing private lender at commercially reasonable rates and terms is not the only criterion for adjudging whether the applicant can finance his actual needs elsewhere. The language of Sec. 333 itself indicates that the rates and terms of private loans for similar loans prevailing in the community should only be "tak[en] into consideration", which suggests that they are not necessarily controlling of the matter. Another question to be answered, as the above Senate Report indicates, is whether the applicant can repay such a loan. More specifically the question is whether the applicant can repay such a loan without injuring the project for which the federal loan is considered.

In making determinations under this section, the Farmers Home Administration has long considered not only the availability of loans at the prevailing rate structure in the community for similar loans, but also considered what the borrower can afford to pay. For present regulations see for example 7 C.F.R. § 1821 5(c) (1972). For previous regulations see for example 6 C.F.R. § § 365.1 (b)(6), (7), (10), (11), (13) and 365.3(a) (Supp. 1947); 6 C.F.R. § § 351.5(a)(6), 332.3 (a), and 341.2(a)(5), (b) and (c) (1956). The interpretation of an Act by the Agency charged with its implementation is entitled to great weight. See p. , *supra*.

We believe that a similar construction with respect to rural electric and rural telephone loans under the Act is reasonable.

Refinancing provision

Sec. 333(c) requires an agreement from the borrower that it will, upon the determination of the Secretary that the borrower may be able to obtain a loan from other sources at reasonable rates and terms, and upon the Secretary's request, obtain a loan in sufficient amount to repay the Government loan. This provision will apply to all rural electric and telephone loans under the 1972 Act except guaranteed loans under Section 310B.

The refinancing provision was also promulgated for the first time in the Farmers Home Administration Act of 1946, Aug. 14, 1946, 60 Stat. 1064. Its purpose, as stated at the time, was:

"Another safeguard against competition by the Corporation with farmers' cooperatives, such as production credit corporations, Federal land banks, and other responsible private credit sources, and a further check against persons who acquire adequate resources continuing to enjoy the liberal credit privileges of the Corporation when they are well able to obtain their financing upon customary terms and conditions." H.R. Rep. No. 1873, Cong., 2d Sess. (1946).

Not only is its purpose complementary, but the operation of the refinancing provision is similar to that of the no credit elsewhere requirement, discussed above. Thus before a determination is made to invoke such provision, there should be findings that other credit is available to the borrower at rates and terms, prevailing on similar type loans and that the borrower is reasonably able to repay such loans without seriously impairing the operation for which the loans were initially made. This is consistent with the Farmers Home Administration current interpretation of that provision. For present regulations, see for example 7 C.F.R. § 1865.3 (b).

On several occasions in past years the General Accounting Office expressed doubt whether the FHA was requiring a sufficient number of borrowers to refinance their loans pursuant to this provision. At the same time, the Chairman of the Subcommittee on Appropriations for Department of Agriculture and Related Agencies expressed the view in 1968 appropriation hearings that the Agency was requiring too many refinancings consistent with the intent of the Act. The Chairman provided an enlightening discussion of this provision, emphasizing that a loan should not be refinanced if it means a serious impairment of the borrower's operations for which the loan was made. Hearings on Department of Agriculture and Related Agencies Appropriations for 1968 Before the Subcomm. of the House Comm. on Appropriations, 90th Cong., 1st Sess., pt 3 at 452-55 (1967).

Consideration has been given to the adoption, either by regulations or in each loan contract, of a maximum interest rate which would be binding upon future refinancing, in order to provide some additional protection to the borrower and to facilitate refinancing determinations. We believe such procedure to be legally impermissible.

It may be recalled that Congress repealed a maximum outside interest rate of 5 percent provision in Sec. 333(a), for the declared purpose of requiring that the no credit elsewhere determination be based on outside interest rates prevailing at the time the loan is made. It appears equally clear that Congress intended the refinancing determination to be made based on the outside interest rates prevailing at the time of the refinancing determination.

The purpose of the refinancing provision, as indicated above is to require borrowers who subsequently "acquire adequate resources" to finance their operations upon customary terms, to do so. But in the event that a refinancing rate were fixed in an amount which was less than the interest rates prevailing on some future date, it would be impossible to require refinancing no matter what valuable resources the borrower had acquired, which is directly contrary to the central purpose of the provision.

Time intervals required to consummate loans

Sec. 306(a)(3) requires that *all* applications for loans under Sec. 306 be submitted to planning agencies and to county or municipal governments for review and comment "within a designated period of time not to exceed 30 days." Thereafter the Secretary must make a determination that the loan project is not inconsistent with area development planning.

Sec. 310B requires the Secretary of Labor to determine that any assistance derived from loans under that section will not result in the transfer of any employment or business from one area to another or result in overcapacity of goods, services, or facilities. Loans may not be made pursuant to this section "if the Secretary of Labor certifies within 60 days after the matter has been submitted to him by the Secretary of Agriculture" an adverse opinion that the loan project are contrary to the above provisions.

It appears that the above requirements cannot be met by general or blanket findings, but require an individual determination with respect to each loan made pursuant to the respective sections of the 1972 Act. This will necessarily result in an unavoidable delay before rural electric and rural telephone loans can be finally consumated and moneys dispensed.

However, it appears legally permissible for the parties to sign a loan agreement conditional upon the necessary determinations being rendered pursuant to the applicable sections above. The Comptroller General in an unpublished opinion, dated November, 1963, approved the legality of an REA loan which conditioned advances of loan funds upon the borrower's obtaining from State authorities a certificate of convenience and necessity.

Also we understand that some loan contracts have been conditioned upon the filing of a favorable environmental impact statement.

The instant loan contracts will thus be conditioned upon a future discretionary act of a federal official. In other type of contracts a private party would understandably dislike signing an agreement with the Government which was conditional upon the future discretionary act of a Government official. Whether private parties as a practical matter will object to loan agreements with the discussed conditions pursuant to the 1972 Act is unknown.

Effect on Rural Telephone Bank loans of discontinuance of Rural Electrification Act loans

Section 408 of the Rural Electrification Act authorizes loans to be made by the Rural Telephone Bank (P.L. 92–12, 7 U.S.C. 948). Recipients of such loans, however, must be "corporations and public bodies which have received a loan or loan commitment pursuant to Section 201 of this Act"; i.e., a 2% RE Act loan or loan commitment. Thus, discontinuance of 2% RE Act loans under Section 201 would prevent the Rural Telephone Bank from making loans to new borrowers, at the higher Bank interest rates.

Legislative history shows the congressional intent to have been in accord with the literal language of the statute. Senate Report 92–21, on S. 70, February 25, 1971, at page 2, states:

"C. Loans by the bank would be made to existing or approved borrowers under the 2% loan program."

Similarly, at page 9 of this Report, in the section by section analysis, the following appears:

"New Section 408. Lending power.—Section 408(a) authorizes the Governor of the Telephone Bank to make loans on behalf of the Telephone Bank, in conformance with policies approved by the Bank board, to *corporations and public bodies which have obtained a loan or loan commitment pursuant to section 201 of the act.*" (italic added)

It would be legally permissible to make a Section 201 loan in a nominal amount, if funds were available therefor, so that a borrower could qualify for a Rural Telephone Bank loan.

Further legal clearance

It is recognized that the legal interpretations included in this memorandum may present some difficulties in the administration of the new loan program. In the event that particular interpretations seriously impede the proposed implementation of that program, it would appear appropriate with respect to those matters to consult either the Comptroller General or the Attorney General, depending upon the nature of the questions involved.

In any event, before the sale of any notes evidencing insured loans under the 1972 Act can be effected, it will be necessary to obtain a statement or certification from the Attorney General that such notes are backed by the full faith and credit of the United States. This in turn will require that the Attorney General review the basic authorities in using funds of the Rural Development Act in making rural electric and rural telephone loans.

R. STANLEY HARSH,
Assistant General Counsel for Rural Development and Conservation.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. McGEE. Mr. President, I associate myself with all of the remarks of the distinguished Senator from Minnesota. I have joined him as a cosponsor of this legislation. I think it should have a high priority for Members of this body. But what I want to suggest is that even if we succeed in passing it, even if we enact it into the law again as the clear intent of this Congress, by that time the REA 2-percent program will have been effectively dismantled. They are dismantling it now.

We had the new Secretary of the Treasury, Mr. Shultz, before our committee this morning. He agrees it is dismantled now. His former office has cut it out. Therefore, I am wondering what the Senator's view would be on the approach I make in conjunction with this legislative approach, which is that as long as the decision was made to tear up the Constitution, therefore we should not hear any request for a new budget until they agree to abide by the Constitution?

I wish to review what happened. A year ago this man who is now Secretary of the Treasury, who drafted that budget, came before our Committee on Appropriations and said:

> We want $140 million for REA. We want $350 million for the REA 2-percent loan funds.

There was not a whisper that this was bad government, that this was too rich for our blood, that we could not afford it in these times. There was not a whisper to that effect, but a positive request for those funds. We spent several hundred dollars as a committee listening to them patiently and adding a substantial amount of money to both programs, and the President signed it into law. This is as the Constitution decrees. The President initiated a budget request; we acted upon it and honored it. Then, last New Year's Day, even those responsible for the hearings had to read in the morning newspapers that the President had decided not just to cut back the program, not just to impound the funds that Congress had made available, but to wipe out the program completely and that is the constitutional breach we face here. It is a sharper and clearer question than all the impoundment questions. I support them, too. I think they are desperately urgent because they reflect priority. But in terms of the Constitution, the Congress appropriates and the President can veto or recommend against.

He did none of these things. He asked for the money—$350 million. We gave it to him. He then abandoned the program by knocking it out with unilateral action. That is why it seems to me that Members of Congress must act, regardless of party, because this is a much larger issue. The REA's go into Republican areas as well as Democratic areas. This is bipartisan.

Mr. HUMPHREY. The large number of cosponsors of this measure indicate that this is a very bipartisan bill.

Mr. McGEE. Indeed, it is. The thing that concerns me is there may be those who believe that but who are afraid to stand up and be counted. Some of our colleagues are afraid this might adversely affect other projects in their States. All I can say to them is that next Christmas their project may be the one to be dropped on the front page of the newspaper, and the next year it might be someone else's program. It is time now to bite the bullet and for Congress to draw the line. Here is a clear-cut case where no petition was made to wipe out a program, but a decision made by someone upstairs to eliminate the REA 2-percent loan money.

Does the Senator from Minnesota see any particular reason in why we cannot develop rural America at 2-percent loans when we can develop lots of rural areas around the world at 2-percent loans, which I happen to support?

I am not knocking the President's efforts, but are not Americans just as important in considering who gets 2-percent loans as are the Thais or the Indians or——

Mr. HUMPHREY. The Afghans.

Mr. McGEE. Or the Afghans, or would the Senator think that there perhaps was a distinction as to who should draw such loans?

Mr. HUMPHREY. If there were to be any distinction, if we were to look at 2-percent loans as compared with gifts or charity, the old adage that charity begins at home should apply. Let me point out that 2-percent loans are only a part, a fraction, of the money borrowed under REA. The rural electrification systems, whether they are telephone or electric, have what we call blended loans. I have noted in the committee report, which was prepared with the help of the committee staff, and in the many bulletins which have been issued over the years by Mr. Hamil and other administrators, that 2-percent loan money is not available to all; 2-percent money is available to REA co-ops with a very limited number of customers on the line and that REA loans that are required for capital purposes are blended loans with 2-percent and private financing.

We should not let the word go out from this place that REA is a grab bag of 2-percent money. It is not. If the Secretary of Agriculture, or whoever else it may be, feels that we ought not to have this kind of loan program, he ought to express his intent in a message to Congress. But it is the Congress duty to dispose. It is the President's duty to propose. In this case the President has proposed and disposed.

Therefore, what I am doing, on behalf of myself and many of my colleagues, is merely restating what we have already done. It merely restates what the President asked for and what the Secretary of Agriculture testified on behalf of before the Appropriations Committee last year, and what others have been asking for over the years; namely, the continuation of the Rural Electrification Act of 1936, as amended, with different sections, 2, 3, and 4 in that act, simply to be continued until Congress has had another chance to review it.

I see present the chairman of the Subcommittee on Rural Electrification. He is going to hold more hearings. He already held hearings a year ago and 2 years ago. If there is a need for modification, we can modify it. We will listen. As a matter of fact, the rural electrification program has been modified. The supplemental program——

Mr. McGEE. The CFC, the Cooperative Finance Corporation.

Mr. HUMPHREY. The CFC program was a step toward modification.

Mr. McGEE. They still need time to get that fully implemented. To have it gutted at this stage might be fatal.

Mr. HUMPHREY. May I say that the REA has, if not the best, one of the best, records of repayment of principal and interest.

Mr. McGEE. And it is not correct to speak of them as though they have been freeloading. They are some of the best businessmen we have. They have had to operate on a marginal basis. They have not asked for any free gift. They have not asked for any handout. They are making it work in this marginal operation where there are so few users on the line that no private company can take them on or even make any pretention of doing so.

Mr. HUMPHREY. If we really mean to do something about rural development, we need to help develop our smaller communities and our nonfarm rural areas, and if we are to do that job we are going to need electric energy and rural electric cooperatives. The fact is that rural electric co-ops are of major importance in promoting and bringing about rural industrial development, rural jobs, and in creating more small industries in rural America. We need to carry out what Congress has mandated to be done in this regard and one way to do that is to fully implement the rural electrification program. I can think of nothing we can do that will benefit the rural areas more—east and west, north and south—than to provide them with a ready source of electric energy and communication or telephone service in those areas, farm and nonfarm.

Again we must make it clear, because it has been so distorted, that the REA Act of 1936, as amended, and as passed time after time in this body without exception, does not refer to farms; it refers to rural areas, farm and non-farm.

Mr. McGEE. I have one last point to make for the purpose of clarifying the record, and that is that the President's message, which disclosed his attitude about this program. He made allusion to the fact that he did not want to provide 2-percent loan money so anyone could build country clubs. How low can anyone get in striking a blow like that? The fact is that less than one-tenth of 1 percent of REA-generated energy goes for recreational purposes. I do not want to advocate building plush country clubs, but to scuttle the entire program because of a single alleged case seems to me to betray the whole philosophy behind the REA program.

I want to reinforce the Senator's efforts in trying to put back on the track a program that is paying its own way, that is not contributing to the drain of our dollars and the imbalance in our fiscal affairs at this time.

Mr. HUMPHREY. It might very well be responsible for increasing revenues. When we speak of country clubs, I do not know how many of my colleagues belong to them, but many people charge off those dues as a business expense. The Cokato Country Club has only 9 holes, but farmers are entitled to play some golf. There is nothing wrong, when Members of Congress and the rich and mighty belong to country clubs, what is wrong with a few tillers of the soil belonging to them. May I point out that most people who belong to country clubs deduct their expenses for belonging as business expenses, which is better than 2-percent interest.

Mr. McGEE. Barnyard golf is something of an American pastime, is it not?

Mr. President, I wish to make a fuller statement on this subject.

I want to join with many of my colleagues, and more particularly, the distinguished Senator from Minnesota (Mr. HUMPHREY), in urging passage of S. 394. As all of us are well aware, this bill would restore the Rural Electrification Administration's 2-percent loan program—one of the many programs several of us feel were unconstitutionally terminated by the President.

This unilateral action on the part of the President has many disturbing ramifications, not only for those of our citizens directly affected by these terminations, but also for a Congress which is being ground into impotence by the heavy boot of unchecked Executive power.

What the President has done, under the guise of governmental reorganization, is to remove the wielders of Government power from public view and public access. The abolition of the low-interest REA program is just one ramification of this so-called reorganization. We now see a group of bureaucratic czars who cannot be called before Congress to account for their actions. The fate of farm programs is now in the hands of people far removed from the farms and insulated from congressional influence. The President's new supercabinet spells doom for rural America.

In recent weeks, we have seen a parade of Presidential surrogates to the Hill justifying these Executive actions. We are told the President has a mandate from the people to carry out the terminations and program cutbacks. Well, that is nothing more than a myth. There is no mandate.

The President did not go to rural America during the 1972 campaign and ask the farmers and ranchers of this country to vote for him because he was going to put them out of business. He did not have the courage to do so. Instead, he hid behind Secretary of Agriculture Earl Butz who urged my Agriculture Appropriations Subcommittee last year to fund every program the President ended up dumping in December. The President did not propose, before my subcommittee, to terminate REA or the rural environmental assistance program, or any other agriculture program. His Secretary of Agriculture did not express any reservations whatsoever concerning the merits of these programs. Neither did the President exercise his ultimate power—the veto—in expressing his reservations over the Agriculture appropriations bill. Instead, the President chose to make a mockery of our entire constitutional process. He waited until after the election and until after the Congress had adjourned to take unilateral action. He chose the most deliberately deceitful route possible—Executive fiat—and he called it a mandate from the people.

The President, through unilateral action, has determined to dismantle every social program enacted for the little man in this country over the period of the last 30 years. He is doing so in spite of the fact that Presidents such as Franklin Roosevelt, John F. Kennedy, and Lyndon Baines Johnson went to the people and to the Congress to obtain approval for these programs. The President refused to level with the people during the last campaign, and now he is ignoring the will of the people's representatives—Congress. He has chosen to completely disregard the Constitution and our tradition as a nation.

Therefore, the mandate the President talks about was not at the ballot box in November.

While I strongly support the passage of S. 294, I have certain reservations as to whether this effort will be fruitful. In light of these reservations, I have already announced my refusal to hold hearings on the administration's fiscal 1974 budget requests for the U.S. Department of Agriculture. There are many who say this is too drastic a move, and that it will penalize many people who are now suffering because of the program terminations and cutbacks. These people say that Congress should enact laws to prevent the President from flouting our system of checks and balances, and I agree. Yet, I would ask these same people where they think the REA program originated. It did not just materialize out of thin air. REA was, and remains, the law of the land. The President has already chosen to ignore the law of the land and there is no indication that he will not continue to do so, no matter what we in Congress may do.

Therefore, it is apparent to me there is no reason for my holding hearings on the President's budget request for the U.S. Department of Agriculture if he is going to once again ignore the input of Congress and terminates REA, REAP, and other Agriculture programs.

While I strongly support this legislative effort, time is quickly running out on the "little guy"in rural America. This administration has made agribusiness more of a fact and less of a word as each day passes. Even if we should pass S. 394, there is no guarantee the President will abide by its enactment. In the meantime, the administration continues to dismantle the machinery needed to run these programs. That is why I believe that legislative efforts should coincide with the use of the only effective tool we may have left to fight the President—the power of the purse. I would hope my colleagues would join me in this effort in an attempt to get this administration to once again consult with Congress. I am sure all of us in this body agree that there is a need for setting a ceiling on Federal expenditures. But, I am also sure we agree this can be achieved in the absence of terminating programs that have been effective in dealing with problems of the people and that adjustments can be made in those programs which have not been as effective.

In the February 16, 1973, publication of the National Farmers Union Washington Newsletter, there appeared an article which very effectively sums up the critical aspects of this crisis.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRESIDENT NIXON CALLED FOR THE ABOLISHMENT OF FARM PROGRAMS

Thursday in his message to Congress on natural resources and the environment. In the vaguely worded message the President recommended that direct payments, support prices, and acreage allotments should be terminated.

Referring to farm programs as "old fashioned federal intrusion," the President said, "I believe, for example, that dairy support systems, wheat, feed grains and cotton as bases—are drastically outdated." He said that after a "reasonable transition period," direct federal payments should be "limited to the amounts necessary to compensate farmers for withholding unneeded land from crop production." USDA officials said that with the exception of land retirement payments, other "subsidies" would be phased out over a 3-year period.

Farmers Union National Director of Legislative Services Reuben Johnson said that "The President's plan is reminiscent of the Ezra Taft Benson "soil bank" proposals which have been soundly rejected on a number of occasions." He said, "Notwithstanding the strengthened prices and increasing export demand in 1972, farmers will continue to need provisions in new farm legislation to maintain a balance between supply and demand and to protect price and income. Such a program works to the advantage of the consumer as well as the farmer because of the stability it brings to farmers in the level of prices received and to the consumer in the level of prices paid."

Reaction on Capitol Hill was swift. Senate Agriculture Committee Chairman Herman Talmadge (D-Ga.) voiced the sentiment of members when he said, "I don't think I was sent to the U.S. Senate to help liquidate the farmers of the nation." Sen. Talmadge said that if the entire economy was completely free, the farmers could fare well in the open market. However, he pointed out, the rest of the economy is not free. "Congress is not about to repeal minimum wages. Congress is not about to repeal a citizen's right to collective bargaining. Congress is not about to break up large businesses. Without some aid in the way of price supports, virtually every small farmer in America would be plowed under," Talmadge said.

A preliminary injunction was granted in the emergency FmHa suit filed by four Minnesota farmers against Secretary Butz and other Administration officials. The U.S. District Court Thursday ordered that Farmers Home emergency loan applications be made available to all farmers in the 15 Minnesota counties which had been designated as disaster areas by Secretary Butz last year. It also ordered that each application must be accepted and dated by the Farmers Home Administration.

The case is believed to be the first lawsuit on the Administration's termination of federal programs to win such an injunction. If the Minnesota farmers are successful in their suit, it could set a precedent for other such actions around the country. The full trial "on the merits" is set for Feb. 27.

The devaluation of the dollar means that the farmer's production costs will rise. They will increase because the price of all imported items, such as steel and petroleum—two major elements in the farmer's cost of power and machines—will increase by 10%. The very purpose of the devaluation is to reduce the U.S. manufacturer's competition from foreign goods and services, both here and abroad. Since foreign goods will be more expensive, domestic manufacturers will tend to increase their prices to match the price of imported goods.

Contrary to statements by Secretary Butz, cheapening the dollar will not increase exports. In the short run, it is doubtful that the U.S. can even deliver fully on the contracts it has already made. The long-term effect of the devaluation on exports is "iffy" at best. The devaluation, in terms of gold and foreign currency, has the same effect as if the U.S. simply cut its price by 10%. The question is whether other countries will follow with lower export prices. Will Canada, for instance, allow itself to be priced out of the wheat market by maintaining its prices, while the U.S. becomes more competitive by lowering export prices?

The real winners of the economic juggling are the Russians. They had already saved about $500 million on the subsidized grains purchase compared to the price U.S. consumers and our regular export customers have to pay. Now the devaluation will give them an additional discount of 11.1% in gold (the equivalent of some $100 million) on all grain not yet delivered. On the other side of the trade arrangement being worked out, the U.S. will have to pay 10% more, in terms of gold value, for any oil or gas the Russians might sell to us.

The Nixon administration is out to kill farm programs permanently. That point was driven home by Farmers Union National President Tony Dechant in his remarks to the National Association of Conservation Districts in Las Vegas, Nevada, Wednesday. Dechant called on the some 2,000 members of the governing boards of conservation districts to "use the full strength of your Association to reverse the Administration's action against REAP, Water Bank, and other conservation programs."

"I can assure you," Dechant said, "that what we are witnessing is not mere short-term impoundment of funds for conservation practices; the Administration is out to kill REAP, Water Bank, and other programs permanently, unless countered with enough force to prevent it from happening." He said that decisive action must be taken now, before the closing of ASCS offices and "further actions by the Administration make a reversal of the decision to kill the programs even more difficult." Dechant's remarks were made one day prior to the President's Congressional message calling for the end of farm programs.

Green Thumb, Inc. has been asked to prepare a 10-month contract which, when signed, will assure continuance of the program at least until Dec. 31, 1973. Since Green Thumb had been operating on 30-day extensions since the Administration's budget went to Congress, there had been some concern as to how much it would be affected by the budget cuts. The Labor Department said that it had been flooded with calls and letters from Capitol Hill and around the country asking about the future of the program.

Green Thumb, which is an employment program for older, low-income rural people, is presently operating under a somewhat restricted extension which expires on Feb. 28. The program is operating in 25 states and Puerto Rico and employs some 4,000 older people in needed conservation and improvement projects.

A special survey on the 1972-crop corn, soybeans, and sorghum is being conducted by the USDA. The survey is said to be needed because poor harvest conditions beginning last fall and continuing into this year have caused uncertainties about the size of the crops. The Statistical Reporting Service will send questionnaires to farms in 20 states late this month covering acreage utilization and production. The results of the survey will be reported along with the usual March 15 Planting Intentions Report.

THE QUIET CRISIS

The somewhat higher farm income during 1972 has tended to lull many farmers into a false sense of confidence. Although the Administration has stirred up something of a revolution with its termination of REAP, REA loans and emergency loans, the countryside may not have completely awakened to what is happening to agriculture.

Although it may be clouded by relatively good prices, a crisis is at hand. Through the reduction of commodity programs, impoundments, terminations, and Congressional defiance, the Administration is building the foundation for its policies which will demolish the present system of agriculture.

If the Administration is allowed to continue on its course, price supports and supply management in the farm program will be a thing of the past. There is no question that overproduction and low prices would return in a matter of months or, at the most, a few years. When this happens, the large-scale farms, especially the corporate conglomerates, will be able to siphon dollar reserves from their auxiliary operations and use the futures market to pull themselves through the low price period. Family farmers, without these financial advantages,, will go bankrupt and out of business by the hundreds of thousands.

The trend to larger and larger farms gives a graphic illustration of what can be expected in the future unless protections for the family farmer are maintained and strengthened. A recent USDA study concludes that by 1980, farms with gross incomes of $100,000 and over will make up nearly 5% of all farms, but will account for more than 55% of receipts from marketing. While earlier studies had assured farmers that a $20,000 annual gross operation is a viable economic unit, the new studies show that this may no longer be true.

By 1980, the new study shows, even farms with $50,000 gross income may not be able to survive. Farms in the $100,000 gross category will be absorbing farms in the lower sales class, including many in the $20- to $40-thousand class. During the 70s, farms with $40- to $100-thousand gross will increase by about 16%, while farms in the $20- to $40-thousand class will decrease. But the most significant statistic in the study is that during this decade, farms with $100,000 gross will increase by 72%.

The results of this system of corporate agriculture are well known and frightening. The death of independent businesses, banks, and farms in rural America are already too obvious. Reduced concern for the land by corporate managers, as opposed to the family farmer, has been proven. The thought of continued migration into the already overcrowded cities should cause panic in the hearts of urban and suburban citizens.

But at the same time this "quiet crisis" is upon us, the Administration is attempting to get the government out of agriculture and throw the industry into the jaws of the "free market." If that occurs, agriculture would be the only industry enjoying the dubious benefits of absolutely no protection.

The dire predictions of the USDA will come true in the very near future unless farmers, as well as urbanites, recognize the dangers and reverse the trend. But it must also be recognized that this trend toward bigness and corporate agriculture is being encouraged and enhanced by the Administration from the President down through Treasury Secretary Shultz, OMB Director Ash, and Agriculture Secretary Butz.

Reversing that trend can only be accomplished through the people's representatives in Congress. As the first step, Congress must demand that all impounded funds be released and all terminated programs be reinstated. Beyond that, future agriculture legislation must demand that the Agriculture Secretary carry out the will of Congress.

Mr. HUMPHREY. Mr. President, I also ask unanimous consent that a statement by the Senator from Alaska (Mr. Gravel), who is in the Mideast on official business of the Finance Committee, be printed in the Record at this point.

The PRESIDING OFFICER (Mr. Scott of Virginia). Without objection, it is so ordered.

Emergency FmHA loans have been approved for four counties in Southern California. After terminating the 1%, $5,000 forgiveness loans for all other farmers, the President ordered these loans approved without explanation. The USDA refuses to answer inquiries about the special exception. Sen. Ag Committee Chairman Herman Talmadge (D-Ga.) said, "It is clearly an example of unequal treatment under the law." Sen. Hubert Humphrey (D-Minn.) said he would have trouble voting for aid to North Vietnam when aid is refused to most disaster victims in the U.S.

Efforts to abolish the agriculture census are behind the Presidential order to make IRS income tax returns available to the USDA. Initially, the Department will get names, addresses and size of operation from the IRS but, eventually, the Department could get enough information from the returns to carry out whatever surveys they want to terminate the ag census. Concern has also been expressed about the confidentiality of information in the returns because USDA security regulations are not nearly as strict as those at the Census Bureau.

Four railroads would take over all other lines west of the Mississippi if a recommendation by Interstate Commerce Commissioner Nathan Klitenic is approved. He says smaller railroads should merge with Burlington Northern, Union Pacific, Santa Fe, and Southern Pacific. Extinction is recommended for such lines as Rock Island, Missouri Pacific, Chicago & North Western, Milwaukee Road, Western Pacific, Frisco, and Katy.

The Russian wheat deal will get special attention by the Senate Ag Committee in its hearings on March 8. The Committee will try to determine if the USDA kept wheat export subsidies higher than necessary. The Committee has invited Comptroller General Elmer Staats, head of the General Accounting Office, to testify.

STATEMENT BY SENATOR GRAVEL

I wish to express my strong support for the Humphrey-Aiken Bill to require the REA Administrator to loan all appropriated funds. This bill is of the utmost importance to rural America and should be enacted at the earliest possible date. We in Alaska rely heavily on the REA two percent loan. REA co-ops serve over fifty percent of the Alaskan population, the highest percent in the country, and any change in the cost of the REA program, will be felt in higher prices throughout the entire State. We currently have the highest per month electric bill in the country, $25.56 compared with the national average of $11.13. If our co-ops are forced to pay higher interest rates on their loans, there will be a 15–20% price increase for 60% of the State. As you can see, this, on top of our already high cost of living, will be unbearable for much of our population.

Each one of us that has REA in our State, knows how important it is for our rural areas. In Alaska, due to our present period of rapid growth, the importance is multiplied. I therefore urge adoption of this important bill. Without it, the already high inflation ravaging our rural areas will increase as the electric rates increase, adding another burden on this segment of our population.

Mr. ABOUREZK. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. ABOUREZK. Mr. President, while waiting to get the floor from the Senator from Minnesota, I was thinking we have reached a kind of critical time in the history of America when the Congress has to pass each bill twice. That is exactly what we are doing today, and that is to pass the REA bill, which has been enacted by way of authorization every year since 1936, which was renewed last year and is really being renewed now.

I think, along with the Senator from Minnesota and the Senator from Wyoming, that if we do not pass this bill today, or tomorrow, when the vote comes, we will indeed be holding ourselves in contempt; no one will need to do it for us.

But I rise to report to the Senate that I have a letter from the Acting Administrator of the REA, E. C. Weitzell. After hearing the President's press conference in the early part of February when he said 80 percent of this money is going to country clubs and dilettantes, I wrote him asking the Administrator to furnish me the exact amount of money the REA has loaned to country clubs throughout the United States.

The letter reads in part:

> May we advise that the Rural Electrification Administration has never loaned any money to country clubs. Our loans are limited to cooperatives and utility companies providing central station electric service and modern telephone service.
>
> Undoubtedly some of our borrowers provide electric and telephone service to country clubs that are located in their service areas. However, we have no specific information regarding this matter.

Then in the second letter I received from Mr. Weitzell, he goes on to say that they have no information concerning the number of country clubs.

According to the Administrator:

> There is only one way I know to obtain such information and that would be to canvass all REA borrowers. It is my humble opinion that this would not be justified.

I hope that the Administrator would pass this information on to the President before his next news conference.

I ask unanimous consent that the documents to which I have referred be printed at this point in the Record.

There being no objection, the documents were ordered to be printed in the Record, as follows:

February 2, 1973.

Mr. David A. Hamil,
Administrator, REA,
U.S. Department of Agriculture,
Washington, D.C.

Dear Mr. Hamil: After reading the President's press conference in Thursday's Washington Post, I am writing to ask if you will please furnish me the exact amount of money the R.E.A. has loaned to country clubs throughout the United States, and I would also like to know specifically which country clubs received this money.

I would be grateful to you for an early reply with this information.

Sincerely,

James Abourezk,
U.S. Senate.

U.S. Department of Agriculture,
Washington, D.C., February 6, 1973.

Hon. James Abourezk,
U.S. Senate.

Dear Senator Abourezk: In response to your letter of February 2, may we advise that the Rural Electrification Administration has never loaned any money to country clubs. Our loans are limited to cooperatives and utility companies providing central station electric service and modern telephone service.

Undoubtedly some of our borrowers provide electric and telephone service to country clubs that are located in their service areas. However, we have no specific information regarding this matter.

Sincerely,

E. C. Weitzell,
Acting Administrator.

February 9, 1973.

Mr. E. C. Weitzell,
Acting Administrator, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C.

Dear Mr. Weitzell: Many thanks for your prompt reply to my letter of February 2nd regarding REA loans to country clubs.

I am also very much interested in learning what percentage of REA business across the country is done with country clubs. While I note that you apparently have no specific information regarding this matter, I would be very much interested in any sort of rough estimate you might be able to provide, or any suggestion you might have where I might obtain this information.

Sincerely,

James Abourezk,
U.S. Senate.

U.S. Department of Agriculture,
Washington, D.C., February 14, 1973.

Hon. James Abourezk,
U.S. Senate.

Dear Senator Abourezk: I have your letter of February 9 in which you comment and ask for information about the "percentage of REA business across the country" that is done with country clubs.

Actually REA as a Federal agency has no business whatsoever with country clubs. Furthermore, we have no information concerning the number of country clubs and other similar organizations that might be served by REA borrowers. We know there are some but whether there are a dozen or a thousand, we do not know.

There is only one way that I know to obtain such information and that would be to canvass all REA borrowers. It is my humble opinion that this would not be justified.

Sincerely,

E. C. Weitzell,
Acting Administrator.

Mr. HUMPHREY. Mr. President, I am pleased to yield to the distinguished Senator from South Dakota, the chairman of the Subcommittee on Agricultural Credit and Rural Electrification of the Committee on Agriculture and Forestry.

RESPECT FOR THE REA LAW

Mr. McGOVERN. Mr. President, the issue we are discussing today is whether or not the administration believes in law and order.

The law, in this instance, is the Rural Electrification Act of 1936. It became law on May 20 of that year. It remains law.

Yet, since December 27, 1972, the administration has chosen to ignore that law.

We have heard a great deal in recent years about the supposed right of individuals to obey those laws with which they agree, and to ignore those laws oppose. This, I submit, is the posture the administration is taking when it chooses to ignore the Rural Electrification Act of 1936.

Such a law can be repealed by Congress. But Congress has not chosen to repeal the REA Act. Instead, the Congress has, through the years, carefully and intently amended, improved, strengthened, and provided money to carry out the REA Act.

In 1944, Congress passed the Pace Act, which made REA a permanent agency within the Department of Agriculture. The act established 2 percent as the interest rate on REA loans.

In 1948, Congress again amended the REA Act, to require the Secretary of the Treasury, instead of the Reconstruction Finance Corporation, to provide funds to REA for its loans.

In 1949, Congress amended the REA Act to make loans for rural telephone systems.

In 1955, Congress changed the method for allotment of REA loan funds among the various States. Congress made clear in that amendment that most loans from that day forward would be for heavying up existing utility systems, rather than for serving unelectrified farms.

Throughout these years, the Congress has been convinced of the need for REA loan funds in amounts greater than that which the administration has sought. And in each of those last 3 years, this administration has ignored the intent of Congress and withheld parts of those appropriations.

From May 20, 1936, until December 27 of last year, this Nation had a rural electric loan program. It had a program which we in the Congress have given overwhelming support. It had a program with one of the best repayment records in the history of any lending program of this Government.

But today the rural electric program is in great peril.

The administration, by the stroke of a pen, has repealed an act of Congress. And it proposes to establish a new program which the Congress never intended.

In the civics and Government classes in our school years, we teach young people that the Executive proposes and the Congress disposes. It appears there are some in the White House who do not recall that admonition. For if we fail to enact the bill before us today, we will have to rewrite our high school Government textbooks to say that the Executive disposes and the Congress reposes.

Perhaps we should not debate the merits of the rural electrification program in this instance, because that is not the issue here today. The issue is whether the administration has a constitutional and legal right to terminate, at whim, a program created by an act of Congress.

A companion issue is whether the administration has the corollary right to create a new program which Congress never intended. In addition to the questionable legality of the administration's proposed new program, the good name of our National Government has been clouded by this action.

Publicly and privately, the Administrator of REA pledged to several cooperatives that he would approve certain of their loan applications, for funds urgently needed by those cooperatives.

The clearest case of such a pledge, one on which the administration would now renege, involves a cooperative on which the rural people of my State are dependent for their future power supply.

The Basin Electric Power Cooperative in Bismarck, N. Dak., is a power supply cooperative which provides bulk power for more than 100 cooperatives in parts of eight States, including South Dakota. Since 1965 it has been providing a part of the bulk power supply for the Upper Missouri Basin from its Leland Olds Power Station No. 1, a 216,000-kilowatt turbine-generator in the lignite coalfields of North Dakota.

In late 1968, the REA approved a loan to Basin Electric of $96 million to build a second generating unit, of 400,000 kilowatts. In addition, the distribution cooperatives which make up Basin Electric were required to contribute another $18.4 million of their own retained earnings to the cost of the second generating unit.

In the intervening 4 years, costs of construction of such a generating plant have increased astronomically. Inflation required another $51 million to complete the Basin Electric second unit.

The cooperative made application to REA for the additional $51 million in April of last year. The Administrator of REA made it obvious to Basin Electric at that time that he intended to complete the financing program with 2 percent loans.

Arthur Jones of Britton, S. Dak., a longtime trusted friend of mine, is president of Basin Electric. He tells me that the Administrator promised to make an initial loan to Basin Electric in June of last year. In June, he postponed the date of the loan until October. In October, he again postponed the date, but categorically promised a loan of $25 million on or about January 1, 1973, and the remaining $26 million on July 1, 1973.

Mr. Jones assures me that the Administrator made these commitments in complete good faith. In fact, there is some question that the Administrator of REA had any advance knowledge of the decision of the Office of Management and Budget to terminate the REA loan program.

What Congress must do, Mr. President, is to help the Administrator live up to his word—something, I am sure, he would very much like to do.

The financing need is no less critical for rural telephone cooperatives. And the need for capital for both rural telephone and rural electric cooperatives has not been eliminated by the creation of supplemental financing institutions.

The telephone cooperatives have some additional capital available through their rural telephone bank, but its considerably higher interest rates are of little solace to a cooperative such as the West River Cooperative Telephone Co. of Bison, S. Dak. That cooperative has seven-tenths of a telephone per mile of line. Some farmers and ranchers in an area adjoining the service area of West River Cooperative Telephone Co. still do not have modern telephone service—in the year 1973. The telephone cooperative hopes to provide that service. But without 2-percent loans, that hope is an idle dream.

The electric cooperatives have additional sources of capital in their own National Rural Utilities Cooperative Finance Corp. But the CFC lending program is predicated on the continuation of 2 percent financing for that portion of the rural electric cooperatives that must have it to survive. And the CFC interest rates are of little assistance to a cooperative such as FEM Electric Association of Ipswich, S. Dak., which has nearly as many idle service installations on farms which have been closed up as it has on active farms.

The central fact before this body is that there is no financing program for REA cooperatives today. When you strip away the public relations verbiage from the statements of the White House and the Department of Agriculture, what it comes down to is that most cooperatives, in urgent need for capital, have no sources of financing at all. The administration, publicly and privately, has made firm commitments for REA loans. Congress has made funds available to fulfill those commitments. Those funds should be used, and used immediately, to fulfill those commitments.

And after the administration restores respect for law in the REA program, and fulfills those immediate and pressing needs for capital in rural America, if the adminstration then desires to work out a different program for REA financing, that is the time for them to come to the Congress with their proposals.

In October of 1971, the Subcommittee on Agricultural Credit and Rural Electrification, of which I am chairman, of the Committee on Agriculture and Forestry held extensive hearings into the problems of rural electric cooperatives. Those hearings disclosed heavy capital needs, in a variety of economic circumstances, for the cooperatives of the Nation.

Our subcommittee is willing, able, and eager to work with the adminstration, or any other party, if they feel that changes are needed in the rural electrification and rural telephone program.

If the administration feels that 2 percent is too low an interest rate, let them come to the Congress with a proposal to increase it.

If the administration feels that the Government should not be in the business of lending money to rural electric utilities, let them come to the Congress with a proposal.

If the administration feels that the funds in an REA loan program should not be used to provide electric service to "country clubs" and "dilettantes" in the rural areas, let them come to the Congress with language.

But first, the administration must adhere to the law and carry out the intention, terms, and provisions of the Rural Electrification Act of 1936, as amended.

The legislation before this body today would help the administration do just that. If there is any lingering doubt in the White House that the Congress merely wishes to "authorize and empower" the making of 2-percent loans, and did not desire that it be done, this legislation will clear up that misconception.

This legislation will make that point perfectly clear.

I would like to say to the Senator from Minnesota that the Subcommittee on Agricultural Credit and Rural Electrification of the Committee on Agriculture and Forestry is now planning a series of additional hearings on the future needs of the REA program in this country.

Mr. President, I do not think any member of that subcommittee is rigidly committed to the present formula for handling REA loans. We are willing to look at the new information, new needs, and new insights into the problem. But that is not the question involved here today. The question we are deciding here this afternoon is whether or not the law of the land and the action of the Congress on one of the most honored laws ever to go on the statute books can suddenly be terminated by a stroke of the pen of the executive branch of our Government.

If we fail in that test, it seems to me, Mr. President, that there is a very gloomy prospect ahead, that Congress is going to maintain any degree of control or respect in terms of our legitimate responsibilities to the American people.

So, again I am very hopeful that the Senate will join in overwhelmingly approving the measure offered by the Senator from Minnesota.

I thank the Senator for yielding.

Mr. HUMPHREY. Mr. President, I thank the Senator from South Dakota (Mr. McGovern) for his continued support and for the proposed hearings of which he speaks.

I know that there will be those who want to present views on the matter of rural electrification. And there may very well be amendments offered here. However, those amendments offered in the hearings can have a chance to be carefully examined by us.

The Senator from South Dakota is devoting his time to this program. I know that his subcommittee will give every opportunity for a full explanation of any proposals or adjustments to the program.

Mr. CURTIS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. CURTIS. Mr. President, the Constitution is not about to be torn up. The lights in rural America are not about to go out. The REA program has an overwhelming number of friends in the Congress and in the executive branch.

Neither is there any great clash between the legislative and the executive branches of any grave consequence.

I do not think the impoundment of funds is an ideal way to achieve economy. However, it certainly is a bipartisan way. It has been used by many administrations in the past.

The cold fact is that we spend more money than we take in. The national debt is about $100 billion more than it was 4 years ago. And there come periods of time when there is not any further money. About 70 percent of the Federal budget is uncontrollable.

We have no control over it. It is determined by the acts of others, by commitments, and so on, and consequently, when this system of impounding funds is resorted to, some uncomfortable and I think even some unwise consequences ensue.

I would like to make just a few observations about rural electrification. I believe in it. I have always supported it, and I support it now.

The facts are that, under the blended system of making loans, part out of the CFC and part out of direct loans, REA's are paying now a blend rate of about 4 percent, not 2. It is true, as the distinguished Senator from Minnesota has said, that the REA does not specifically say farmers and ranchers; it talks about rural America. Yet I believe—I do not ask everyone else to accept it, but I believe—that the REA came into being to bring electricity to farms and ranches a long way out, where it was not profitable to take electricity by any other means, The interest rate was fixed at 2 percent at that time, because the Government was paying less than 2 percent on the money that it borrowed.

Even though the Government has to pay more than that on borrowing now, I want the 2-percent money to continue to be available, not only to extend lines to farmers and ranchers, but to increase the size and the power of lines, and to pay their proportionate share of the cost of generation facilities and other lines.

In other words, I believe that in the case of farmers and ranchers, because of the wide area to be served for a few customers, we should continue with this 2-percent money. However, REA serves many other people. It serves small cities and towns. It serves a great many people who are not farmers and ranchers, who choose to live in the country. It serves some industry in the country. It is going to be quite difficult to say to the wage earners, the small farmers, and the taxpayers of all kinds, "We are going to tax you to provide an interest subsidy for a part of our people, to provide them electricity, who are not in a far-removed place where a subsidy would be justified."

It would not be difficult to work out such a program. When a cooperative applies for a loan, they have to justify what they are spending it for. It is easy to determine that 30 percent of that loan is going to be to provide electricity to farmers and ranchers, and 70 percent to other people.

I would preserve a subsidized interest rate for that part that continues to provide electricity for farmers and ranchers, and let the others pay what the Government has to pay for money. That is my idea. I have freely proposed it back home in the rural areas and elsewhere. I would not say everyone agrees with it, but many people do.

I think it would have been a better procedure if we had let the distinguished Senator from South Dakota (Mr. McGovern) hold his hearings and come in with a realistic proposal to update REA, to save the 2-percent money for farmers and ranchers and to let the rest of the people borrow their money for what it cost the Government, and it would have been accepted, I believe, almost everywhere, and would have gone on.

Now, by ignoring the need for updating——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CURTIS. I yield myself 5 additional minutes.

By ignoring the need for hearings, looking at the act for some general change, and bringing this in at this time, we are not going to solve anything very much. I do not like the impounding of funds, but as I say, it is a bipartisan weapon. I do not believe that I want to stand here and say that a mayor has to spend all the money that a city government provides for him, or that a Governor has to spend all the money the legislature appropriates, or that a President of the United States has to spend all the money that Congress appropriates.

What this amounts to is that the funds have been impounded in one program, and he says, "We will use the other program." I do not like it. It may be that I, if I had to make the decision, would have suggested other types of funds to be impounded. But it is a weapon that has been used, because Congress and everyone connected with the Government have spent more money than we have had the courage to collect in taxes, and we have deficits and shortages from the standpoint of the inflow and the outflow of money.

But I do want to say that I believe that after the hearings are held, a bill can be brought in that will give to that farm and ranch family the opportunity to have electricity at a subsidized interest rate, because they are removed by distance in such a way that oftentimes it is not profitable for some other concern to bring them electricity. The very fact that Congress awhile back made possible the CFC program resulting in a blend of interest rates points to the recognition of the fact that attention needs to be given to this matter.

It is my understanding that one or two amendments will be offered. One of them will have one formula and the second another, to reach the very objective about which I have spoken: That we preserve for farmers and ranchers the historic subsidized interest rate, but that it not be extended to all other customers of rural electric cooperatives.

It might be well to call attention to the fact that out of the 7 million meters on REA lines, only 1.4 million are farm meters. Lines financed by REA in 1972 averaged 14 meters per mile. Those customers were not farmers and ranchers in Nebraska. We have lines that have to run 20 miles to reach one ranch, and that makes the subsidy all the more important.

Mr. President, again let me say that the REA program will go on, and we would better serve that program if we would be realistic, call in all the witnesses, and write a proposal that would serve all the parties involved.

Mr. DOLE. Mr. President, will the Senator yield me some time?

Mr. CURTIS. I yield the distinguished Senator from Kansas 5 minutes.

Mr. DOLE. Mr. President, I have listened with interest to a number of distinguished Senators with reference to the bill before us, of which I am a cosponsor. We may have some differing views on the needs of the program. I think the Senator from Nebraska has just pointed out that in 1936, when the original act was passed, the cost of money to the U.S. Government was about 1.9 percent, and so it was figured at a rate of 2 percent. Of course, since that time the interest rate to the Government has increased, but the act provisions have stayed the same.

It has been pointed out by the distinguished Senator from Minnesota, the distinguished Senator from Nebraska, and others, that there has been a continuing need for 2-percent loans, particularly in those areas of very low population density. I have discussed the recent Executive action with members and leaders of the REA from the State of Kansas. I do not find any great difference in view insofar as the economy is concerned and insofar as the desire of those leaders in Kansas to cooperate with the President is concerned. Loans from the REA have formed the foundation of the REA cooperatives and the rural telephone associations and independent telephone companies throughout the Nation. The farmers do have lights, power, and communications as a result of this program. Those who live in rural America know that much still remains to be done to provide all rural residents with the same service that urban dwellers enjoy. Everyone agrees that the rural residents are entitled to comparable service. There is no doubt that the direct loan program at 2-percent interest has been the basis for this service.

It is quite clear as indicated by discussion on the floor, however, I do not believe anyone stood up and said we should preserve the 2-percent program regardless of qualifying factors. Every Member of the Senate Agriculture Committee agrees that the 2-percent interest rate deserves close scrutiny and possible increase. In some cases, there is no question about the fact that the rate should be increased to those cooperatives in areas of high-population density.

I am pleased that the senior Senator from South Dakota (Mr. McGovern) has indicated we will have hearings in that committee. We will have a chance and opportunity, then, to examine the full circumstances as to how the program is being operated and how we can keep it on the track and, in some cases, be able to expand the rate of interest.

As has been said before, the present 2-percent loans by the REA are being blended with funds from the Cooperative Financial Corporation, that is, the CFC, at 7- to 8-percent interest to effect a considerably higher rate.

The amount of the higher interest loan is restricted because of the limited funds the REC's have been able to contribute to the CFC. It has been apparent, the continued growth of the CFC is dependent on the continuation of a reasonable interest rate.

The distinguished Senator from Minnesota pointed out that REA leaders across America recognize, and have for years, the need for gradual change. That was the reason for the modification. That was the reason for the CFC. It was through their initiative, after many unsuccessful attempts, I might say, on the part of responsible REA leaders across the country, that the REC's established the CFC which is similar to the telephone bank authorized by Congress and signed by the President last year.

There has been great discussion in Congress for a number of years, and not a partisan discussion, and not a discussion of urban versus rural interests, but a discussion of what can be done in the interest of rural America and, at the same time, be compatible with the overall interests of the economy and with the budget program.

As the Senator from Nebraska (Mr. Curtis) has indicated, that the REA's may have reached an average of 14 meters per mile, and that certainly does not represent a sparsity of population. But I would point out, as has been pointed out before, that that figure is an average for the Nation and not an average for the State of Kansas. The Kansas average is 1.8 meters per mile. This is also true in States like North Dakota, South Dakota, Wyoming, Montana, and many other States.

Under the present system of combined loans, only 88 rural electric cooperatives in the Nation qualify for 100-percent loans at the 2-percent interest rate, only 88—and only eight in the State of Kansas—eight out of a total of 36. There has been a responsible effort on the part of Congress and on the part of the executive branch and by the REA's themselves and the REC's themselves to adjust the program.

I do not think it comes as any surprise that those of us who represent the rural areas have been inundated with mail on this subject. I have received thousands of letters. Some of the mail is perhaps generated, but much of it comes from farmers, or the wife, who is very much concerned about the program, not attacking the President, not attacking Congress, but just concerned about preserving the program.

This is a necessary program and a worthwhile program and one that should be continued.

I do not find the REA members in my State—and I am certain this is true of other Senators—any different from other Americans. They are all concerned about fiscal responsibility and they want a balanced budget. They have to live within their income. They recognize that we cannot for long spend more than we take in without problems. I think the farmers have indicated and demonstrated that they are hard working and honest people.

So I believe that what we are faced with is, what do we do now? What action should be taken to indicate to the executive branch and to the President that we believe the program should be continued. But what do we do in the interim. What do we do now and after the action taken today?

Having served in the House on the House Agriculture Committee for 8 years, and having wrestled with the almost annual problem under every President who is trying to modify the 2-percent loan program, there is no doubt in my mind that it has brought about some change and there is also no doubt in my mind that further changes may be necessary.

I believe that Congress will act responsibly. I believe that Congress can cooperate with the executive branch and can work within the framework of compromise.

I recall that when we concluded the committee work on the bill before us, the distinguished Senator from Nebraska (Mr. Curtis) did request further action by the committee to update REA legislation. That has been directed to be considered.

It goes without saying that the farmers depend more and more upon electricity and on electric power.

In addition to the adverse effect of the termination of direct loans already referred to, the small rural telephone companies are not being afforded the same financial privilege as rural telephone cooperatives, that is, the small companies serving sparsely populated and poverty areas which have been eligible for low-interest loans under the rural telephone bank and REA program. With the recent changes, the companies must pay 7- to 8-percent interest if they can qualify for the loan. This discrimination—and there is no conflict between the small companies and the cooperatives as they get along very well—but this discrimination adds to the need to reinstate the program and provide both communication and power to rural America.

Mr. HUMPHREY. Do I correctly understand that the distinguished Senator from Kansas was the main sponsor of the rural telephone bank program?

Mr. DOLE. Yes; I had the privilege with the distinguished Representative from Texas (Mr. Poage) he being the principal sponsor of that rural telephone bank bill.

Mr. HUMPHREY. That program has been working very well, from what I understand. Under the present order relating to the terms of the REA, it would, for all practical purposes, as I indicated in my opening presentation, do away with any of the low rate loans to the small companies.

Mr. HUMPHREY. It would be 7- or 8-percent interest, rather than a modified interest between 2 and 4 percent.

Mr. DOLE. Frankly, I felt that Congress had worked out a very responsible telephone bank bill. We recognized the problem of 2-percent loans. We recognized the problem of small companies and small cooperatives. Perhaps somebody at OMB does not recognize the great struggle we have had in Congress over a great number of years—not just last year but 7 or 8 years—when some of us have been trying to come up with some proposal with reference to rural telephone service.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. I ask for 1 additional minute.

I hope we can pass the bill before the Senate, of which the distinguished Senator from Minnesota is the principal sponsor, without amendments that might delay it, and that we can indicate our urgent plea to the Executive and to others that we believe that the program should be continued.

Our farmers depend on electric power more every day. This is evident in the increasing demand. Use of electricity on the farm has doubled the past 7 years and is expected to double again the next 7 years. Many of the machines they use are now powered by electricity and it is essential that they can plan on having an adequate supply of power for the future.

Mr. President, in addition to the adverse effect of the termination of direct loans, small rural telephone companies are not being afforded the same financial privilege as the rural telephone cooperatives. The small companies serving sparsely populated and poverty areas have been eligible for low-interest loans under the REA program. With the recent change, these companies must pay 7- to 8-percent interest—if they can qualify for the loan. This discrimination adds to the need to reinstate the program to provide both communications and power to rural America.

The REA and RTA program is essential to American agriculture, and I urge my colleagues to support this legislation to reinstate this important program.

Mr. President, I ask unanimous consent to have printed in the Record information in connection with REA loans in Kansas.

There being no objection, the paper was ordered to be printed in the Record, as follows:

REA Loans to Kansas as of December 31, 1972

ELECTRIC—SEC. 4. CONSTRUCTION OF LINES, ETC.

Total Loans, $192,142,982.20.

Total principal repaid, $66,388,838.81.

Total interest paid, $36,401,578.28.

Advance payments made, $7,858,429.02.

SEC. 5 LOANS WHICH FINANCE WATER SYSTEMS, APPLIANCES, ETC.

Total loans, $414,845.32.

Total principal repaid, $89,845.32.

Total interest paid, $33,720.95.

Advance payments made, $145,420.54.

SEC. 201 TELEPHONE

Total loans, $86,980,721.07.

Total principal repaid, $15,197,575.39.

Total interest paid, $12,547,407.28.

Advance payments made, $1,276,836.23.

NUMBER OF SYSTEMS IN KANSAS ELIGIBLE FOR 100 PERCENT REA LOANS

Eight were eligible for 100 percent.

Five were eligible for 90 percent.

Seven were eligible for 80 percent.

Sixteen were eligible for 70 percent.

Number of REA loans announced, calendar 1972, 18.

Total of REA loans announced, calendar 1972, $8,239,000.

Number of borrowers qualified for 100 percent REA financing at 2 percent, 8.

Number of 10/1/72 applications pending 12/31/72, 1.

Loan needs during FY 1973, according to NRECA survey (Jan. 1972), $9,164,000.

Number of consumers per mile of line, REA borrowers, 1.8.

Number of consumers per mile of line, power companies, approximately 26.0.

Amount of revenue per mile of line, REA borrowers, approximately $591.

Amount of revenue per mile of line, power companies, approximately $9,400.

UNITED STATES

Appropriated by Congress for rural electrification loans during FY 1973, $595,000,000.

Administration budget was, $438,000,000.

Loans approved by REA during FY 1973 before cutoff of 2 percent loan program (282 loans), $228,000,000.

Amount appropriated by Congress and remaining unused at cutoff, $367,000,000.

Applications for loans on hand at REA at cutoff (159 applications), $467,633,000.

Number of borrowers wholly dependent upon REA 2 percent financing (not eligible for supplemental loans), 88.

Loan authorization under the Rural Development Act (insured loans at 5 percent), $618,000,000.

Balance available under the Rural Development Act, insured loans at 5 percent ($618,000,000 less $228,000,000), $390,000,000.

Mr. HUMPHREY. Mr. President, I extend my thanks to the distinguished Senator from Kansas for his splendid statement and for the reasonableness of his approach.

I say most respectfully to my colleagues that there is no one here who is not interested in the REA program. The distinguished Senator from Nebraska comes from a State known for its REA's and its public power. George Norris, one of the great Senators, a predecessor of the Senator from Nebraska, was the father, so to speak, of REA.

All we are trying to do is merely to state that the law that is now on the books shall continue to be the law, including the appropriation provided, which also is law until June 30, 1973. That is all we are attempting to do.

We are simply saying that the program ought to be continued in accordance with the law.

We are saying, further, that the administrator of the program, Mr. Hamil, has been conducting the program in a manner which affords a blend of moneys, as the Senator from Kansas pointed out—moneys at 2 percent interest with moneys at higher rates of interest. I believe I heard the Senator from Kansas say that out of 36 loan applications that were acted upon in his State, only eight qualified for 100 percent 2-percent money and the others were a blend of 2 percent and a higher rate of interest.

I am hopeful that we will state what we want done here. This is a very simple bill. It merely provides that we continue with what we have until such time as Congress—not the executive branch—decides to change the program.

Hearings will be held. The Senator from South Dakota (Mr. McGovern) has said here that those hearings will be open for witnesses, testimony, and any suggested amendments to the program. We will review the entire program. I think that is the way we ought to change the program, if we are going to change it. I do not think it ought to be done by somebody downtown, without regard to the will of Congress.

Mr. CURTIS. Mr. President, I yield 5 minutes to the distinguished Senator from North Dakota (Mr. Young).

Mr. YOUNG. Mr. President, I feel strongly that the bill with reference to REA loan cutoffs by the administration should be approved.

I believe most REA co-ops and the farmers they serve will agree that some modification of the present REA loan program is necessary and overdue. In fact, Mr. President, the National Association of REA co-ops for several years has proposed that the 2-percent loan program be continued only for co-ops serving low density areas, usually areas that only have one or two farmers per mile or many that have less. Two-percent loans for this kind of REA co-op are essential and fully justified. The total amount of loan money for such co-ops would be very minimal.

From listening to much of the publicity in opposition to this type of loan program, one would think that these loans represented a gift from the Federal Government. Nothing could be further from the truth. REA co-ops have a repayment record of better than 99 percent. What other loans made by the Federal Government have this kind of a repayment record? What foreign countries that we give help to have this kind of a record? They get very low interest rates and the repayment record is miserable, and most of the money they get is in the form of grants.

A great majority of REA co-ops are serving a high enough density population or are providing service in many cases to customers other than farmers and are able and very willing to accept a higher rate of interest. They do need additional funds continually, year after year, to modernize and improve their service the same as investor-owned utilities.

Mr. President, it is not easy for me to criticize my own administration, but I feel that I must in this case, especially because of the manner in which this great loan program was so abruptly wiped out. Just after Christmas when the administration, without any prior notice whatever, discontinued all loans to REA co-ops, REA had many loan applications pending for which they had made verbal commitments. For 25 years or more during the operation of this very fine REA program, most if not all applications were agreed to by verbal commitment pending the drawing up of the necessary documents to be signed later. For the administration to say that they had no commitments to these borrowers to which they had made verbal commitments is absurd. No individual, group or industry, and more particularly the Federal Government, can afford to make commitments and then summarily dismiss them.

I realize, Mr. President, that there are a few in high places in this administration who use the excuse for abolishing this program that some of the REA co-ops had occasionally provided electrical service to a country club. This was not the intention of the loan program. If loans have been made to REA co-ops who are serving a country club, then the Administrator could easily have denied loans providing for that kind of service. The Administrator had this discretionary authority. It is revolting to farmers and their friends to hear from a high-placed official of this administration that one of the reasons for wiping out the REA loan program was that some country club was provided service by an REA co-op.

Mr. President, the approval of this bill by Congress may not get the desired results, but it will express the views of the Members of Congress with respect to the unwarranted action taken by the administration in abolishing REA programs. I believe that we in Congress should write a new REA loan program along the lines I have previously discussed—that of 2 percent money for just those co-ops with a low density factor and a higher rate of interest for the co-ops in more densely populated areas or others which, because of their profitable power loads, are able to pay a higher rate of interest.

Mr. CURTIS. Mr. President, I yield 2 minutes to the distinguished Senator from Oklahoma (Mr. BELLMON).

Mr. BELLMON. I thank the Senator from Nebraska.

Mr. President, probably no program that the Federal Government has ever undertaken has done the country more good than the rural electrification program. I cannot imagine what shape American agriculture would be in today if our farms had been denied access to dependable, reasonably priced electricity. A great many city folks would have to go out and milk their cows by hand before they could have breakfast every morning, and I am afraid that that would not work too well.

I believe that the REA program has served not only the rural part of the country but also the rest of the United States as well as any program Congress ever put into action. I want to do all I can to make certain that the rural electrification program continues to be a healthy activity that can adequately and reasonably meet the needs of agriculture, because the demands on agriculture for food are growing, not decreasing. So I strongly support the continuation of the REA program.

I particularly feel that we will still need some of the low interest money available, because there are still remote areas of the United States—a good many in my State—where it is simply impracticable to provide electricity if the full cost of money is going to be charged. Many of these areas are just developing; and if we do not provide low interest loans, they simply will not develop.

Mr. President, it is my intention, when it is in order, to offer an amendment that I believe might make the continuation of low interest money possible, might get the administration to release some of these funds, so that REA's that need those loan funds would have that money available to go ahead with construction programs.

The problem is if we go ahead and act today and pass legislation that the administration will not accept there is little reason to believe they will change their minds downtown and they will continue to impound the 2 percent direct loan funds.

I would like to see us pass a bill to assure that the funds will be available so that programs that are presently held in abeyance can get funds they need for farmers that need it.

Most of agriculture has been served, but it is also a fact that some areas have not been served and some areas being served are being inadequately served. In those cases where farmers live some distance from the source of supply the only way they will get service is through low interest loans.

I strongly support that program and intend to do all I can to keep it in operation.

The PRESIDING OFFICER. Who yields time?

Mr. McCLURE. Mr. President, will the Senator from Oklahoma yield to me for 10 minutes?

Mr. BELLMON. I yield 10 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. I thank the Senator for yielding.

Mr. President, I rise at the outset as a supporter of the REA program and as a defender of the necessity for continuing a program which will provide expanded electrical service to the people of rural America. The action which I am taking today will be in the sense of trying to resolve a problem rather than to attack a program which I think has served and is serving the people of rural America well.

The recent administration cancellation of the REA 2 percent direct loan program has raised a question of critical importance to rural Americans: how do we insure the survival of those rural electric cooperatives which cannot afford an increase from a 2-percent interest rate to a 5-percent rate? The cooperatives themselves have already recognized that some can afford higher rates and, therefore, they established the National Rural Utilities Cooperative Finance Corp., known as CFC. My concern today, though, is especially with that group of cooperatives that, for various reasons, cannot generate adequate revenues necessary to provide continued, reliable electric service in their service areas without the 2 percent direct loan program.

The administration has focused its attention on only those cooperatives which can afford higher interest rates. Several of my fellow Senators, on the other hand, have focused their attention on only those cooperatives which cannot afford higher rates. The financial situation facing all of us today, including the Federal Treasury and the rural electric cooperatives, demands that we establish separate programs, distinguishing between cooperatives on the basis of their individual financial situation. This approach has already been instituted, to some degree, by the REA and CFC, in their formulas for allocating shares of loans between these two lending agencies.

What I am proposing today is that this procedure be expanded, to become the new Federal policy towards financing of the rural electrification program.

Basically, the amendment which I will offer would establish a flexible program for financing according to the need for that Federal assistance. The amendment would establish a financial criteria for borrowers in accordance with the provisions of REA Bulletin 20–14. These criteria are the time interest earned ratio, sometimes called TIER, the debt service coverage, or DSC, and the plant revenue ratio, called PRR.

If a borrower has a time interest earned ratio of less than 1.5 or a debt service coverage of less than 1.25, then that borrower would be entitled to a 2 percent direct loan in an amount equal to his approved needs.

If, however, a borrower has a TIER of 1.5 and above, and a DSC of 1.25 and above, then some portion of the loan made would be on an insured basis at 5 percent interest, based on the plant revenue ratio.

A borrower with a PRR of 9.01 and above would be entitled to a loan composed of one-half 2 percent direct funds and one-half 5 percent insured funds. A borrower with a PRR of 8.01 to 9 would be entitled to a loan composed of one-fourth 2 percent direct funds and three-fourths 5 percent insured funds. If the borrower's PRR is 8 and below then the financial criteria calls for an insured loan at 5 percent interest to meet the approved needs.

In this manner I believe that the concurrent goals of Federal fiscal responsibility and strengthening of rural America can be brought closer together. Obviously, this legislative approach will satisfy neither those who wish to completely wipe out the 2 percent program, nor those who wish to provide 2 percent loans to all cooperatives, regardless of financial position. It will, though, provide a new thrust and a stronger sense of purpose to a program initiated in 1936, to bring electric power to all rural Americans. On that basis, I urge the support of my colleagues for adoption of this amendment.

I was pleased in the colloquy earlier to note that the senior Senator from South Dakota indicated he will hold hearings on amendments to the REA Act that might encompass this and other suggestions as a means by which we might amend the basic law and conform to the very soundly held position of the Senator from Minnesota that Congress should set the policy, that Congress should enact the law, and that Congress should make the changes in the laws, rather than to have it done by Executive edict. I strongly support that position.

I am concerned, however, with one thing that seems to be running through much of the discussion this afternoon, and that is that we are anxious to confront the issue of Executive privilege without reference to whether or not there will be money available to the rural electrical cooperatives as they need it. Passage of the pending legislation without the amendment would, in my opinion throw down the gauntlet to the administration without assuring the continuation of loans below 5 percent.

Either the amendment to be offered by the Senator from Oklahoma (Mr. BELLMON) or me would go part way in assuring that some 2 percent funds would be available while this impasse between Congress and the Executive is being thrashed out. If, indeed, my amendment or the amendment of the Senator from Oklahoma is not adopted today I will do what I can through those hearings to see that there is a suitable amendment to the program that will bring some flexibility and assurance to the necessary financing of the REA's of America.

But let us not ignore the fact that there have been problems; and let us not gloss over the fact that there have been serious charges against the REA in the past for misuse of 2 percent funds. The REA's are the first to admit such abuses have occurred and there are circumstances that do not justify 2 percent financing. They have taken the lead and they recognize the need. Do you deny the opportunity for 2 percent funds where it is warranted while we fight out some kind of very grave problem between Congress and the President.

Therefore, I would hope that at the proper time when the amendments are offered that my amendment would receive the majority support of this body.

Mr. HUMPHREY. Mr. President, this matter will not be concluded this evening, but I do wish to make this rejoinder. There is not a single thing the Senator from Idaho presented that the Administrator of REA cannot do as long as he spends the full amount of funds appropriated by Congress already. I do not think we should start rewriting the law on the Senate floor without the benefit of public hearings. We have committees of Congress that are capable of undertaking this responsibility.

The first part of the Senator's amendment is already in the REA Administrator's regulations. If Senators will study the committee report, particularly page 11, starting with attachment A, "Supplemental Loan Criteria for Electric Distribution Borrowers," and continue to page 12 and into page 13 of the report, I believe they will be informed that the present Administrator of the Rural Electrification Administration program has the authority and is using his authority to make adjustments for the blending of 2-percent money with supplemental funds at a higher rate of interest. My point is that any changes in the law ought to be worked out with advice from the rural electric cooperatives and with bankers. We need to look at the amounts of funds that might be available in the open money market as well as the ability of rural electric cooperatives to pay a higher interest rate.

This is a complicated business. The administration has looked at these issues in the past and has come up with the formula printed in this document, the report, at pages 10, 11, 12, and 13. The committee report contains a very careful documentation of existing REA policy by the competent staff of the Committee on Agriculture and Forestry. I do not want to scrap the carefully considered policies of the Rural Electrification Administration. That is not what this debate is all about.

The press release announcing the termination of the REA direct loan program was not signed by the Senator from Minnesota or the Senator from North Dakota. It was signed by Mr. Butz. Every complaint that has been made about the REA direct loan program has been heard before by the Senate Appropriations Committee. After the complaints had been filed, if there were any, the Senate overwhelmingly—I believe unanimously—approved funds for the Rural Electrification Administration over and above the President's request.

The President did not just reduce REA loan funds. The Secretary, in his press release, did not say, "We are going to cut back funds to the President's level in the budget request." They terminated the program. All we are trying to say is that we should reactivate the program.

It is my judgment that if the President hears from Congress overwhelmingly, on a bipartisan basis—and this is of a bipartisan nature—he will reconsider. It is my honest judgment that the President was not even really informed. The bureaucrats in the Office of Management and Budget were the ones who were trying to cut down on REA funds.

My friend the Senator from North Dakota (Mr. YOUNG) serves on the Committee on Appropriations. He has heard the budget directors come up time after time, seeking to cut down on the program. Most of them have never been on a farm; they have never seen what takes place on a farm. Congress has listened to the principal budget directors. Many of them have made recommendations similar to the one we got in the press release of December 29. But the House and Senate both said, "No."

The Senator from Kansas spoke of the telephone bank. That did not come out of thin air; it came out of experience.

If the Secretary of Agriculture has some amendments that he believes would redesign the rural telephone bank program, let him come before the Committee on Agriculture and Forestry and make his presentation. Let him come before the Committee on Appropriations, headed by JOHN McCLELLAN, of Arkansas, a distinguished gentleman in this body, a Senator who is not known for capricious action. He is for responsible action because he is a responsible Senator. The ranking member of the committee is here, the distinguished Senator from North Dakota (Mr. YOUNG). I have known him for years. We have stood on the floor of the Senate year after year, fighting for things that we thought were right for rural America.

I do not intend to let anything stand in the way of what I believe is right for rural America. All I am saying is what we have to do is to send a message to—and I am quoting somebody—send a message to the Director of the Bureau of the Budget, send a message to the Secretary of Agriculture, and send a message to the President.

We all know what happened to the Veterans' Administration. They had some regulations that were going to take our Vietnam veterans and give them the treatment. The President heard about that. He got the message. He said—

> Just a minute. There is somebody over there who thinks he is the President. We are going to change that.

So he rescinded these regulations because somebody did it in his name.

I want to tell the President, "We are trying to say to you from this body today, we are trying to tell the people in the Office of Management and Budget, we are trying to tell the so-called budget experts, that they ought to get the facts; we are trying to tell them that the bill you signed last year for Agriculture appropriations was a good bill. We are trying to tell them that that bill would have saved money. We are trying to improve life in rural America. We are trying to save the rural electric and telephone programs."

I do not think the President was trying to stop the rural electric and telephone programs. I think the President of the United States would do better than that. I think there are some bureaucrats, some appointees, that slipped it onto his desk. My goodness, it is time we rescued the President. I want to do it in a bipartisan measure.

There is no Senator for whom I have greater affection than the distinguished Senator from North Dakota (Mr. YOUNG). I have worked with the distinguished Senator from Oklahoma (Mr. BELLMAN) over the years. I have worked for many years with the distinguished Senator from North Dakota (Mr. YOUNG). These men want to do what is right, and so do I. But I know one thing that is right, and that is not to permit someone who is in the executive branch of Government, whatever office it is, to repeal laws we pass in the Congress. We may not be the smartest people in the world, but we are elected representatives, and there is a way to take care of those of us who do not do our work well, and that is through something called elections. But there are some people who have tenure and they do not have to stand for elections. The President is concerned about matters all over the world. When the matter of rural electrification or environmental assistance comes up, I can see somebody over there in the Office of Management and Budget—with a Harvard degree—coming up and saying, "Well, I tried to get Truman, I tried to get Eisenhower, I tried to get Kennedy, I tried to get Johnson"—because those budget bureaucrats live a long time over there—"I tried to get to all of them, but someone always caught me before it went through. Now, I think I will try to get through President Nixon."

President Nixon has some staff people in the White House that just try these things. Now my colleagues on the other side may be acquainted with some of these people, but I do not get to see them myself.

I rise in the Senate today to save our President. I do not want the farmers of America to say, "Look what Mr. Nixon did to us." After all, he cannot run for reelection. I do not want to pick on him; I want him to succeed. I really want him to succeed, and the other Senators here really want him to succeed. So let us not burden this bill with a lot of amendments. Let us do what we ought to do and send him a message. That is what I think we must do. The Senator from Minnesota wants the Senate to send him a message.

And I will tell the Senate that if we put it in capital letters, without even the benefit of neon lights, that the President will get that message. And the lights will continue to burn in rural America. And the country will not go bankrupt. The loans will be repaid, the 2-percent money, the 4, 5, and 6-percent money.

I can tell the Senator from North Dakota (Mr. YOUNG) that the Basin Electric Cooperative will get its loan. That loan was promised, and that promise has now been broken.

Loans were promised in Minnesota, and those promises have been broken. If people cannot believe their own Government when a promise is made, who can they believe?

This is not a complicated bill. This is as simple as telling the truth. All we have to do is to say that the law that was passed and the funds that we appropriated shall be honored. That is all. All that we have to say is that the President shall faithfully execute the laws, which is what the Constitution provides.

I am just asking all of my distinguished associates in the Senate to join the 54 Senators who are sponsoring this legislation to send a message to the President. It is a simple message:

> Just abide by the law. Just do what you are required to do.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from North Dakota.

Mr. YOUNG. Mr. President, first, I express my appreciation to the Senator from Minnesota for his very kind comments. We have worked together for nearly a quarter of a century on these fine programs. I am very happy to see the Senator from Minnesota back on the Committee on Agriculture and Forestry.

I will have to oppose the suggested amendments, not because I do not agree with them, but because I believe that this is not an appropriate place to offer such amendments. These measures should be introduced as bills, and we should hold hearings on them and get the views of the REA, the Secretary of Agriculture and others. Then we can write the proper bill.

Mr. MONTOYA. Mr. President, much has been said here this afternoon about REA, and ample testimony has been offered as to the fine work which REA has accomplished since the program was created in 1936. There is little I can say to further embellish the record except to point briefly to what REA has done in New Mexico.

When REA was first created, only 3.3 percent of the farms in New Mexico were electrified. Today, that figure is 90 percent.

REA in New Mexico serves 87,597 rural consumers over 29,377 miles of line.

And, since 1936, REA has advanced $131,938,136 to New Mexicans, of which amount $83.4 million has been repaid.

But, Mr. President, the recent actions taken by the administration to eliminate the 2-percent REA loan program cast a shadow over the ability of REA to continue its work in the future. The administration justifies its termination of the 2-percent program with the claim that the Rural Development Act of 1972 authorized a new source of loans for rural electrification. In fact, however, the action means that no funds at all are available for REA now.

Last year, the administration failed to make a request for funds for the loan program which they now claim is to provide substitute REA money. And, so far, the procedures, field instructions, and guidelines for operating the substitute program have not been written. There is no money for this program, and there is no mechanism to administer it. Based on this record, it seems clear that there is not going to be much of REA left unless we act.

Mr. President, I am discouraged and disturbed that we should have to be debating this issue at all, because the program should still be in operation. Where did the President get the authority to unilaterally shut this program down? What law or constitutional privilege gave him the authority to do what he did? Mr. President, I believe the administration has acted improperly with regard to REA, and it is our responsibility to correct this error.

Over the past month, I have received a great deal of mail in support of the REA program. I have also been visited by a delegation of REA officials from New Mexico who indicated their approval for this bill. They also indicated that the financial status of many cooperatives is better now than it was some years ago, and that it may be time to consider replacing the 2-percent-loan program with a new program based on a sliding rate of interest. Mr. President, I am open to that suggestion, and I hope that the Agriculture Committee will consider it. But until we have time to consider alternatives carefully and thoroughly, I believe we must past this bill so that we may continue without interruption the progress we have made so far.

Mr. BURDICK. Mr. President, I wish to state my strong support for S. 394, to reaffirm that funds appropriated for the rural electrification program must be made available each fiscal year as obligated to carry out programs authorized under the Rural Electrification Act. I am proud to be a cosponsor of this bill.

Rural electric and telephone cooperatives were established in this country because privately owned utilities did not consider it profitable to extend service into thinly populated rural areas. It is only because the Rural Electrification Act made available low-interest direct loans to farmer cooperatives that North Dakota farms and small towns have been able to enjoy the labor-saving benefits of electric power and rapid communication that people in more densely populated parts of the country have taken for granted for years.

The termination of the REA direct loan program forces all electric and telephone cooperatives, regardless of their financial situation or the density of the area served, to pay higher interest rates on borrowed capital necessary to meet the needs of consumers. The increased costs will necessarily be reflected in higher rates charged to consumers. In North Dakota, where net profit from farming operations is usually quite small because of the ever-increasing costs of production, this additional expense added to others could be enough to drive some people off farms and out of rural communities.

It is estimated that cancellation of this program will cost North Dakota rural electric cooperatives $1,370,000 more per year for higher interest costs on the $65,200,000 in loan funds now required for the balance of the present fiscal year. Taken for the total 35-year term of such loans, this results in increased interest costs amounting to $47,920,000.

For North Dakota telephone cooperatives, $252,300 more per year will be required on loans of $12,010,000 for this fiscal year or a total of $8,830,000 for the 35-year period.

Mr. President, in abruptly terminating this program, apparently no consideration was given to the impact on rural cooperatives to whom the REA Administrator had given definite commitments to enable them to implement long-range operating plans.

The President of the Central Power Electric Cooperative of Minot, N. Dak., has written to me a detailed statement regarding the chaos resulting from the administration's reneging on what Central Power and their member co-ops had regarded as firm financial commitments. I want to quote briefly from this letter about Central Power's efforts to consolidate power transmission and substation facilities in their areas after a 4-year study. The letter points out that this study and plans were actively encouraged by REA and that their loan application for $9.2 million was formulated by a close association of efforts between Central, its members, and REA. Construction was to start in 1973. Mr. O'Connor, the president, states:

Since submitting the loan application to REA we have time and again been assured by the REA administrator, David Hamil, that the loan would be granted in the quarter beginning January 1, 1973. In fact, the loan was to be granted in January of this year. We, of course, felt that we could rely on these representations by the administrator inasmuch as REA fully concurred in the legitimacy of the loan request. One of the facilities which was planned for under consolidation and the 9.2 million dollar loan request was a 115 KV transmission line from Rugby to Rolette. This line is of critical importance and in recognition of this fact, on December 1, 1972, REA, by letter, gave permission to the cooperative to use $204,000 of general funds so as to permit the accomplishment of the preliminary engineering, the acquiring of right-of-way and similar first steps in advance of the actual granting of the loan so as to avoid any further delay in this urgently needed construction. Additionally, REA also gave their approval for the cooperative to advertise for bids for four large transformers. . . . In short, relying on the representations of REA that such loan funds would be forthcoming, this cooperative has substantially committed itself to a program of providing these facilities as well as other such similarly required facilities included in the loan. . . . If the President's action in permanently terminating the REA 2 percent loan program is not reconsidered and reversed, the consumers of rural electrics will be the victims of a cycle of pyramiding rates with each power supplier, in turn, forced to pass on the heavy increased costs to rural consumers already caught in a price-cost squeeze and bear the ultimate unfair burden resulting from the President's action.

Mr. President, at one point in this letter, Mr. O'Connor indicates that the rug had been pulled out from under this cooperative. I will say that the rug has been pulled out from under not only the Central Power Cooperative, but from under the Administrator of the Rural Electrification Administration, and from under the people of North Dakota who live on our farms and in our rural communities.

Mr. President, I ask unanimous consent that the entire text of this letter from Lewis O'Connor, president, Central Power Electric Cooperative, Inc., of Minot, N. Dak., be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BURDICK. Mr. President, it is unfortunate that it has become necessary for a bill such as this to be considered by the Senate. The Rural Electrification Act is the law of the land. Congress has appropriated the funds for the administration of the act. The appropriation bill was signed by the President. In spite of these facts, the President has terminated the program.

Therefore, it is our responsibility as the elected representatives of the people to reaffirm the intent of Congress that the REA program go forward by passage of S. 394.

EXHIBIT 1

CENTRAL POWER
ELECTRIC COOPERATIVE, INC.,
Minot, N. Dak., January 19, 1973.

Senator QUENTIN N. BURDICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BURDICK: By this letter we hope to communicate to you the feeling of stunned surprise and outrage relative to the terse announcement by the Administration that the Administration unilaterally and without consultation or concurrence of the Congress, was terminating as of January 1, 1973, the REA 2 percent loan program and to request and urge that you do all in your power to reverse such unwise, unwarranted and unprecedented action by the Administration. The termination of this program, if allowed to stand, will without question jeopardize the functional ability of this cooperative to adequately discharge its responsibility to the increasing needs of its members.

Since you, more than most members of the Congress, are aware of the many ways that the quality of life in Rural America has been enhanced directly or indirectly by the existence of the REA program and, in particular, the 2 percent loan program, we will not devote the time or space that would be required to fully articulate the myriad benefits that the 2 percent loan program has made possible. It is enough to say that all of us from these thinly populated rural areas are keenly conscious of what the REA program has meant to us and how vitally important it is that the 2 percent loan program be continued.

Central Power, working with its members, has as you are aware, been engaged in a four year study and endeavor intended to accomplish a consolidation program whereby Central Power would assume the existing transmission and substation facilities of our members and assume further responsibility to supply the future needs of its members in this regard. This is a heavy responsibility for Central Power and many thousands of North Dakota rural people will be directly affected by how well Central can meet this responsibility. The abrupt termination of the 2 percent loan program will have an intimate correlation to our ability to provide for the future legitimate needs of our members.

It is ironic that the announcement by the Administration of the termination of the 2 percent loan program coincided to the exact date that the consolidation program became legally effective. It is important that we point out to you that many different elements were included in the consolidation program and the reasons for striving for its accomplishment. Included would be the savings that can be realized if one organization (Central Power) was given the responsibility for the planning, engineering, construction, operation and maintenance of all of the transmission and substation facilities required to serve our members and areas.

During the four years that consolidation has been considered by Central and its members there has been a ongoing need for construction of facilities. Absent the efforts and determination to effect consolidation most of these needed facilities would have been constructed by our members or loan applications would have been submitted to REA so as to provide for their construction. This was not done because it was felt that the borrowing of the funds necessary to accomplish such construction could be better left to Central Power under consolidation so as to insure that maximum utility value could be realized from such facilities through the coordinated planning by Central Power. In many instances this actually resulted in delaying the installation of these facilities for one or more years. This accumulation of needs has resulted in a critical construction schedule for Central Power for 1973 under consolidation.

We should further point out that not only was the concept of consolidation between Central and its members actively encouraged by REA but that REA also encouraged and recommended that our members delay any applications for REA funds for such facilities until consolidation could be accomplished under Central so as to permit Central to secure REA financing for the construction of such facilities.

Directly relevant to the consolidation program is the loan application for 9.2 million dollars previously submitted to REA. This 9.2 million dollar loan was for a 3 year period of time, with 3.6 million dollars of construction planned for 1973. The 5.6 million dollar balance was to be devoted to the 1974 and 75 construction program. Again, it should be pointed out that such loan application was formulated by a close association of efforts between Central, its members and REA and was intended by all parties to meet the critical needs and responsibilities engendered by consolidation.

Since submitting the loan application to REA we have time and again been assured by the REA administrator David Hamil, that the loan would be granted in the quarter beginning January 1, 1973. In fact, the loan was to be granted in January of this year. We, of course, felt that we could rely on these representations by the administrator in as much as REA fully concurred in the legitimacy of the loan request. One of the facilities which was planned for under consolidation and under the 9.2 million dollar loan request was a 115 KV transmission line from Rugby to Rolette. This line is of critical importance and in recognition of this fact on December 1, 1972, REA, by letter, gave permission to the cooperative to use $204,000 of general funds so as to permit the accomplishment of the preliminary engineering, the acquiring of right-of-way and similar first steps in advance of the actual granting of the loan so as to avoid any further delay in this urgently needed construction. Additionally, REA also gave their approval for the cooperative to advertise for bids for four large transformers which are also in the loan application. In short, relying on the representations of REA that such loan funds would be forthcoming, this cooperative has substantially committed itself to a program of providing these facilities as well as other such similarly required facilities included in the loan.

It seems manifestly unfair that the government should be permitted to encourage a course of action on the part of this cooperative and to then suddenly pull the rug out from under this cooperative to our obvious detriment.

The foregoing is only partially illustrative of the needs of Central's members for construction of additional facilities. Our members, in reliance upon the accomplishment of consolidation and of the granting by REA of a 2 percent loan sufficient to permit the construction, delayed as is pointed out above, requesting funds for the construction of those facilities by the members. Except for the savings which can be realized under consolidation, the following represents only a sampling of the major projects which would have been started earlier by our individual members and which would have been completed if all concerned, including REA had not accepted the consolidated loan concept.

Project	*Estimated cost*
Rugby Rolette (Line & Subs)	$1,450,000
Max Sub	495,000
Mallard Sub	345,000
Jud Line & Sub	136,000
Leeds Transformer	200,000
Rolla Transformer	100,000

We have been negotiating with Otter Tail Power Company towards the end of achieving an agreement regarding joint planning investment operating, and maintaining a system to serve our joint areas of small towns and rural North Dakota. We have just about successfully completed our negotiations in this regard. Such agreement will provide for the construction of facilities needed both by Central Power and Otter Tail Power. If these facilities are not constructed, service to customers of both utilities (cooperative and investor-owned utility) will be jeopardized and we are concerned about the potential for brown outs or black outs of large areas of North Dakota. If further delay, in the 1973 construction schedule, is experienced the winter of 1973–74 and beyond could well be most hazardous. We do not exaggerate when we state and advise that if these facilities scheduled are not constructed that real danger to the safety and well being of the customers of both Central Power and Otter Tail could result. We emphasize that Otter Tail Power has similarly relied upon the fact that this loan would be granted and, in fact, has previously indicated their concurrence to REA that such loan should be granted for the use intended. We emphasize that such joint transmission planning between Central and Otter Tail has been with the full encouragement and in fact by the direction of REA.

Mr. Hamil, in a telephone conversation on January 3, 1973, expressed his regrets at not being able to fulfill his previous and unequivocal commitment to Central that the 9.2 million dollar loan would be granted at the traditional 2 percent rate. These words of regret while not unappreciated obviously do little to provide a solution to Central's problems because of its reliance upon the promises and representations of REA as made by the administrator. The consolidation program and the 9.2 million REA loan are in every sense a tandem project and are not capable of separation. All parties involved including REA so conceived and planned both.

In addition to the hardships that will result to Central's members if Central's $9.2 million dollar loan is not granted at the 2 percent level, Central's members will further experience hardships because Central purchases power from Basin Electric for resale to our members and if Basin's $51.1 million dollar loan which also was to be granted on January 1, at 2 percent, is not granted, this will obviously impair the ability of Basin to supply to us power on schedule and at feasible rates.

If the President's action in permanently terminating the REA 2 percent loan program is not reconsidered and reversed, the consumers of rural electrics will be the victims of a cycle of pyramiding rates with each power supplier, in turn, forced to pass on the heavy increased costs to rural consumers already caught in a price cost squeeze and bear the ultimate unfair burden resulting from the President's action. The emasculation of the REA program becomes even more intolerable to rural Americans when they are at the same time being forced to suffer the consequences of the abandonment of other previously regarded essential agricultural programs.

As you are aware, a delegation of Central Power and its members will be in Washington on January 22 to participate in the grass root effort to convince Congress and the Administration that the termination of the 2 percent program must be reversed. I know Gary Williamson has talked to you about this matter and the Central delegation will look forward to seeing you next week, in Washington.

We are aware of and appreciate your long-term support of the REA program. We respectfully request that you assert your position of influence in the efforts to reverse this unfortunate action by the Administration and by so doing, reflect in full measure the sense of dismay felt by us in the rural areas.

Sincerely,

LEWIS O'CONNOR,
President, Central Power Board of Directors.

Mr. FULBRIGHT. Mr. President, today's New York Times contains an article which is especially pertinent to our consideration of restoration of rural electric and telephone direct loan programs.

The article, by Roy Reed, tells how the proposed cuts in the REA program would affect some Arkansas families. Mr. Reed reports that although some rural families, particularly those who have benefitted from the REA program, may no longer be dependent on the REA, many others would remain "locked into the past" if the cutbacks are allowed to stand.

In investigating President Nixon's absurd charge that most REA loans go "for country clubs and dilettantes," Mr. Reed found that the Nation still has many families like the John Chisums in Arkansas who apparently were overlooked in Mr. Nixon's change of policy.

As Mr. Harry Oswald, general manager of the Arkansas Electric Cooperatives, told the Times:

> The President doesn't understand rural needs and the necessity of getting people away from the asphalt jungle.

As I have constantly emphasized, Mr. President, we must provide our rural areas with the amenities which will make them attractive places to live so that we can relieve the burden on our crowded and troubled urban areas.

The problem with the President's proposed changes and cutbacks is that he neglects to look at the whole picture. Because there have been some improvements and a diminished or changed need for certain programs, he proposes to abolish or drastically reduce them. The REA is but one example.

The proper procedure, of course, is for the administration to submit proposed changes to Congress for consideration. Instead the President is attempting to terminate or restructure programs by fiat.

There have been great advances in rural America, due in large part to agencies like the REA and the Farmers' Home Administration. However, the job is by no means finished. The Times article points out that half the Nation's poor people and 60 percent of its substandard housing is in rural areas. Some 45,000 communities have inadequate sewerage and water systems, although the administration would severely restrict funding for such systems.

Mr. President, I think the article in today's New York Times should be read by all who would terminate the REA 2 percent direct loan program. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW CUTS IN R.E.A. SUBSIDY AFFECT TWO FAMILIES IN ARKANSAS

(By Roy Reed)

BEN HUR, ARK., Feb. 16.—In the rugged heart of the Ozark Mountains, 80 miles northwest of Little Rock and nine miles from the last black-top, the settlement of Ben Hur crouches and survives.

The soil here is thin. The trees are insubstantial on the lonely ridges. Every living thing, including the human, is touched with wilderness.

John Chisum lives here in a wood-heated cabin that clings to a hill above a dirt road. His past is as poor as the clay hill he inhabits. He has no future, using the word the way most Americans use it.

Seventy-five miles to the west, the mountains, by some accident of history and geography, are lush and tame. There, in the prosperous community of Bethel Grove, a few miles from the state university town of Fayetteville, lives a man named A. C. Williams.

He also had seemed destined to be a leftover from the past. But his luck shifted, and he will bequeath to his children and grandchildren a farm worth hundreds of thousands of dollars.

ACTION BY PRESIDENT

President Nixon made a decision recently in faraway Washington that will affect A. C. Williams and John Chisum. It will cause Mr. Williams and his family mild annoyance. It will probably help keep Mr. Chisum and his family locked into the past.

The President ordered an end to a large part of the Federal subsidy that had maintained the Rural Electrification Administration, a cornerstone of Franklin D. Roosevelt's New Deal, a program that has built rural electric systems in 48 states since 1935.

Two per cent direct Government loans to rural electric cooperatives are to be replaced by 5 per cent federally insured loans and an as yet undetermined amount of private capital at 7 or 7.5 per cent interest.

Mr. Nixon, explaining his action at a news conference Jan. 31, said 80 per cent of the R.E.A.'s money once went for rural development and getting electricity to farmers.

"Now," he said, "80 per cent of this 2 per cent money goes for country clubs and dilettantes, for example, and others who can afford living in the country."

A week's investigation in this heavily rural state indicated there was some truth in Mr. Nixon's assertion. Not more than a handful of country clubs are tied to R.E.A. lines. But many rural Americans like A. C. Williams of Bethel Grove have become prosperous enough that they probably no longer need a Federal subsidy for their electricity.

However, the investigation also suggested that the nation still has a great many John Chisums, who apparently were overlooked in Mr. Nixon's change of policy.

"The President doesn't understand rural needs and the necessity of getting people away from the asphalt jungle," Harry L. Oswald, general manager of Arkansas Electric Cooperatives, Inc., said this week.

A COMMON FEAR

He was expressing a common fear among electric cooperative officials: that the new direction of the R.E.A., while it will not hurt the more prosperous systems, will damage those that serve the still sparsely populated back country and in so doing will make it even more difficult to keep people in the country and out of the crowded cities.

A spokesman for the National Rural Electric Cooperatives Association in Washington predicted that the new policy would have a "profound" adverse effect on the poorest 100 of the more than 900 rural electric cooperatives, especially some in the Great Plains and the Far West and in isolated parts of the Eastern mountains.

Residents of those areas are spaced so widely that it is difficult for an electric system to earn enough to repay an expensive private loan. Thus, industrial and other economic development would be crippled by high interest rates, the spokesman said.

The R.E.A. has lent $8.4-billion since 1935 and that money has built 1.7 million miles of electric lines in rural America. Those lines take power to 7 million consumers. More than 95 per cent—perhaps 98 or 99 per cent—of rural Americans are now served by electricity.

But that suggests mistakenly that the job is finished, the association spokesman said.

"In the power business," he said, "when you get the poles and lines you are just getting the system set. You've then got to provide for the growing needs. Our demands double every seven years."

He said that half the nation's poor people and 60 per cent of its substandard housing were in rural areas. Some 45,000 communities have inadequate sewerage and water systems, he said.

Even though many electric cooperative officials share that view, they are far from unanimous in condemning the Administration's new loan policy.

Several in Arkansas, including Mr. Oswald, find that in spite of their concern for undeveloped areas, they are more concerned about the availability of capital. They hope the higher interest rates will make more money available and reduce delays in getting loans.

Mr. Nixon's proposed budget coupled the rise in interest rates with a substantially larger allotment for R.E.A. loans, increasing the amount that cooperatives can borrow for electrical systems this year from $418-million to $618-million. That pleased Mr. Oswald.

Electric cooperatives had begun to borrow large amounts of expensive private money long before the President's action. Early in 1971, the R.E.A. began encouraging a mix of private and public loans to meet the accelerating needs of the rural systems.

About 37 per cent of the money borrowed by the cooperatives in 1972 was private capital obtained from banks, insurance companies and the like. The interest rate on most of it was 7.5 per cent.

One example of a rural resident who has done well with R.E.A. help is Mr. Williams. In his brick house overlooking a pasture at Bethel Grove, Mr. Williams, 58 years old, leaned back in an expensive chair. He wore blue overalls, the same kind he wore in 1935 when he and his bride got their start in dairying.

A COW TO START ON

The two of them explained how they had become prosperous dairy farmers in a part of the mountains that once was desolate and is now green and thriving.

"Her daddy give her a cow to start on," Mr. Williams said. "That was back in the Depression times, see. I worked on the W.P.A. [Works Progress Administration] then. The cows kept us in groceries, and whenever I'd get a $35 check from the W.P.A. I'd go buy another cow with it."

Their herd had grown to 18 or 20 cows by 1942. In that year their lives were changed by an outside force that they would not fully appreciate for several years. They got electricity.

"It took $10 or $15 to wire a house back then, and we didn't have the $10 or $15, I don't mind telling you," Mr. Williams said. But they scraped together the money and tied on to the new electric power line that had been installed across Washington County by the Ozarks Electric Cooperative, one of the R.E.A.'s early borrowers.

At first, electricity seemed to be merely a pleasant convenience. Incandescent bulbs took the place of kerosene lamps. Milk and butter were no longer kept cool in a spring outside, but in a new electric refrigerator.

SAW LARGER POSSIBILITIES

But Mr. Williams soon saw larger possibilities in this new source of energy. He began by installing electric lights in his milking barn. Then, using an electric pump, he piped water for cleaning into a nearby shed. After that came the first major step toward automation, electrically run milking machines that ended the slow, hard work of milking by hand.

In time, as new equipment was invented, Mr. Williams put the inexpensive R.E.A. electricity to work doing every chore in the barn.

Mr. Williams, his cattle and 400-acre farm—now worth more than half a million dollars—runs the entire dairy operation with only one other helper, his son-in-law. He estimates that without electricity he would have to have eight employes to milk and care for his 74 milk cows, aside from the work of caring for his 75 or 80 heifers and 110 head of beef cattle.

The electricity that takes the place of seven employes costs him about $60 a month. If President Nixon's increase in R.E.A. interest rates should cause his power bill to rise $3 or $4 a month, this dairyman would consider it a mere drop in the bucket.

His electricity is an obvious bargain, anyway, thanks to the Federal subsidy. The power that costs him $60 would cost $79 a month if he had to buy it from one of the nearby private power companies.

Near Ben Hur, down a clay road rutted by winter rain and across the fjord of a creek, John Chisum has a small, unkempt cabin.

Mr. Chisum is 52 but he looks younger, perhaps because of the slender body and alert thin face that seemed well adapted to these wild mountain woods. He is a man of his place, if not of his time.

But there is little employment for a 52-year-old man at Ben Hur, where the last store went out of business 25 years ago. So Mr. Chisum, once a small farmer and migratory fruit picker, now disabled by deafness and a bad back, supports his family on $236 a month in Social Security payments.

The Chisums were among the last Americans to get electricity in their home. They have had it three years.

They lighted their house with kerosene and butane lamps and preserved their meats by smoking it until 1969, when the Petit Jean Electric Cooperative, using $120,000 of a low-cost Federal loan, strung wires over the mountains and tied Ben Hur to the rest of the world. The Chisums remember the helicopters that had to be used to set poles on some of the steep ridges.

How has electricity changed their lives? Mr. Chisum, with his bad hearing, could not make out the question. He watched his wife as she pondered, her face tired and thoughtful, her hands resting on her stomach.

"I was really more tickled with the iron than anything," she said finally. "I had to use one of them white gas irons before."

With electricity, they also bought a well pump, a freezer and a refrigerator and a stereo record player, on which they listen to hymns.

Speaking of electricity, "I don't hardly know how we got along without it," she said.

The Chisums had not heard about the increase in R.E.A. interest rates. They were told that an Arkansas electric cooperative official had calculated that the increase might mean slightly higher electric bills. (He estimated that an average 1973 bill of $20 would rise to $31 by 1983 but that the higher interest would account for only $1.70 of that, with other rising costs making up the rest.)

The Chisums pay about $7 a month for electricity. What would an increase of $1 a month mean to them?

She said, "It would kind of hit us a little hard." Her voice was more apologetic than resentful.

Mr. HANSEN. Mr. President, yesterday in this Chamber when Senators were discussing various aspects of the current budget controversy, I indicated my belief that Congress has not faced up to its responsibility to set reasonable spending priorities, and that we must learn to say "no" at times when budget conditions call for spending less, rather than more money.

It is my intention to vote against S. 394, the bill to restore the 2-percent direct loan program for the rural electric co-ops across the country, and I want to comment on the reasons for my vote, which relate directly to what I said yesterday and have said many times in the past concerning Federal spending.

Let me preface my remarks by saying that there are 15 rural electric cooperatives in Wyoming, and a number of rural telephone cooperatives, whose services are absolutely essential to the residents of my State. The number of consumers per mile of line in Wyoming is less than half the national average, and Wyoming has been included in a list of several States where the change to 5 percent will be hardest to accommodate. I am keenly aware of the essential contributions made by REA's to the economic viability of rural areas like Wyoming.

Soon after the administration announced the termination of the 2-percent direct loan program, I met with a group of 20 REA officials from Wyoming, and at their urging, later met at length with REA Administrator Dave Hamil to try to determine the impact of the change in Wyoming. After these meetings, I forwarded to REA officials in Wyoming information as to the reasons given by the administration for the change, and the projected impact in Wyoming, and pledged to them my willingness to seek assistance for any co-op that could demonstrate with facts and figures its inability to survive under the 5-percent program. Mr. President, I ask that the text of my recent letter and the enclosures to Wyoming REA's be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HANSEN. Mr. President, many REA officials have candidly indicated that the majority of co-ops will be able to meet the 5-percent rate of interest. Consequently, I cannot support a bill which mandates, as S. 394 does, that direct loans at 2 percent be approved for all REA applicants, regardless of their individual condition or ability to pay a higher rate. The 2-percent loan program is a subsidy, because in today's money market, with the Treasury paying 7 to 8 percent, it represents a 5 or 6 percent direct subsidy. At a time when we face a growing rate of inflation and the possibility of a tax increase if spending is not curtailed, we cannot justify subsidies in instances where they are not required. S. 394 permits no flexibility, no authority for the Secretary to make the best use of tax dollars by approving the lower rate where it is required, but denying it where it is not required.

By contrast, as the situation now stands, it is my understanding the provision of the Rural Development Act which the administration cited in terminating the 2 percent direct loan program and announcing a 5-percent program, permits establishment of a rate of interest from as low as 1 percent to no higher than 5 percent. It is my further understanding the administration will be practical with respect to situations where REA's absolutely cannot survive under the 5-percent program.

I asked REA Administrator Dave Hamil about the possibility of assistance for REA's which find themselves in an untenable position as a result of this new program, and apprised him of my promise to Wyoming REA's to plead the cause of any co-op that can demonstrate with facts and figures its inability to operate under the new program. Mr. Hamil said:

> I have reason to believe that if there is an unusual circumstance that comes up that couldn't be remedied by some other factor like a merger, a consolidation, or elimination of cost factors that aren't absolutely necessary, that if taken to the Secretary, the matter could be handled by reconsideration of the interest factor. This won't happen in many cases, but there are some cases where it could, and if the need arises, I believe a reasonable approach would be taken.

I reiterate at this time my willingness to take up with the administration the case of any REA co-op from Wyoming that will require assistance under the new program. I believe this approach makes more sense than to pass legislation that requires the expenditure of funds that may or may not be justified at some point in the future, and denies all authority to the executive branch to allocate funds in the most efficient and economic manner.

Mr. President, a great deal has been said in recent weeks about who is or is not responsible for spending funds, and whether the President has taken from Congress its traditional and constitutional authority over the Nation's purse strings. There is more involved in the consideration of S. 394 than the question of whether or not REA's will have access to 2-percent direct loans in the future. Indeed, the Senate Agriculture Committee made it clear in its report on this legislation that it views this bill as a vehicle for serving notice to the President that Congress will not permit him to tamper with programs or impound funds. The committee noted:

> However, the Committee feels that past failures of the Congress to challenge Presidential encroachment on Congressional prerogatives has encouraged the President to arrogate even more power to himself and to further ignore the Constitutional rights of the Congress. Therefore, the Committee feels that by passing S. 394, the Congress will be reasserting its Constitutional powers. The passage of this bill will clearly indicate that the Congress intends to call a halt to continued Presidential encroachments.

Mr. President, I agree that the decisions concerning spending should be made by Congress. The problem is that Congress has approved programs left and right, and spent money left and right, with no regard for the overall effect on our national economy and on the people whose taxes pay for these programs. If Congress wishes to regain control of spending, let it exercise some control and some responsibility, so the administration does not have to step in to prevent fiscal disaster.

Even now, as Congress rushes in righteous indignation to restore terminated programs and funding reductions, it makes no attempt to examine the merits of the programs affected to see if they might be made more efficient and equitable or to consider if the reductions may be justified. Congress seems only to be concerned with showing the President he cannot cut a program approved by Congress and get away with it—not with examining programs to see whether they can be revamped and made more responsive.

Mr. President, some REA officials in my State will not be pleased by my vote on S. 394, and I regret that, because we share the same hopes and ideals for our State and we have in common the belief that steps must be taken to improve conditions in rural areas. But I have promised all of the people of my State I will do everything I can to keep Federal spending at a reasonable level so as to avert a tax increase, and that I will work for efficiency in Congress and the Government whenever possible. To be consistent, I cannot support S. 394.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., February 7, 1973.

To: Wyoming R.E.A. officials
From: Senator Cliff Hansen
Re: Changes in R.E.A. program

I appreciated the opportunity to meet recently with officials from Wyoming's Rural Electric Cooperatives about the termination of the two per cent direct loan program.

At that meeting, I indicated I would try to assist co-ops which could demonstrate their inability to meet the new five per cent interest rate, and I met at length after that with REA Administrator Dave Hamil to discuss this concern.

It is my understanding the Rural Development Act passed last year and cited as authority for the shift in the REA program permits the Administration to establish a rate of interest between one and five per cent. While the majority of REAs have indicated they will be able to get along with the five per cent interest rate, it has been pointed out there may be some whose customers could not afford rates under the new program.

I would be more than pleased to work with the Administration in behalf of any co-op that can demonstrate with facts and figures its inability to survive under the new program.

As you know, the action with respect to REA was a part of a government-wide effort to reduce federal spending—a goal I strongly support. Since the decision of REA, which followed other actions affecting agricultural programs, it has become apparent that program reductions and, in some cases, terminations have taken place in all agencies of government, including the White House, where three programs recently were terminated and an overall staff and spending reduction ordered. I indicated at the meeting with Wyoming REA officials my support for the intent of these spending reductions—to fight inflation and prevent a tax increase.

Perhaps the enclosed material will provide the answers to some questions you might have. If I can provide additional information or be of assistance, please let me know.

Thank you.

Unadvanced loan funds for all Wyoming systems as of December 31, 1972, $4,700,686.

Assumptions used

Amortization rate for 2% loan, 35-year period, 3-year deferment—$42.40 per thousand per year.

Amortization rate for 5% loan, 35-year period, 3-year deferment—$62.80 per thousand per year.

Effects of 5% interest on operations of the Lower Valley Power and Light, Inc., Afton, Wyoming, and Niobrara Electric Association, Inc., Lusk, Wyoming, for periods 1967—through 1972–1976–1981.

Year	Total plant increase	Increase in amortization payments	Increase per consumer per month	Increase per kilowatt-hour (sales)
Wyoming 11—Lincoln:				
1967–72	$1,559,978	$31,823	$0.438	
1976	3,277,465	66,860	.778	
1981	5,268,344	107,474	1.12	
Wyoming 22—Niobrara:				
1967–72	1,469,098	29,969	1.44	
1976	550,000	11,220	.518	
1981	971,726	19,823	.832	
State figures:				
1967–72	18,543,222	378,277	.90	$0.00038
1976	25,009,125	510,000	1.01	.00035
1981	58,738,269	1,198,255	1.97	.00056

It is impractical to examine the effects of a 5% interest rate on Wyoming borrowers on a per/consumer basis. While the consumer density is only 1.7 per/mile or less than half of the national average, approximately 67% of the total kWh sales within the state are for commercial and large industrial-type users. The kWh sales density per meter within the state are 27,909 kWh per meter per year as compared with 11,400 kWh per meter per year for all rural electric systems. For this reason we have also shown the effects of the higher amortization costs on a kWh sales basis. Even in 1981 this amounts to only .56 mills per kWh sales.

Unadvanced 2 percent funds for Wyoming

Riverton Valley Electric, Riverton, Wyo.	$161,067
Big Horn Rural Electric, Basin, Wyo.	0
Wyrulec Company, Lingle, Wyo.	0
Bridger Valley Electric, Mountain View, Wyo.	265,447
Wheatland Rural Electric, Wheatland, Wyo.	1,024,383
Lower Valley Power and Light, Afton, Wyo.	185,000
Garland Light and Power, Powell, Wyo.	0
Washakie Rural Electric Company, Worland, Wyo.	55,000
Rural Electric Company, Pine Bluffs, Wyo.	0
Hot Spring County Rural Electric Assn., Thermopolis, Wyo.	333,000
Carbon Power and Light, Inc., Saratoga, Wyo.	305,675
Niobrara Electric Assn., Inc., Lusk, Wyo.	113,031
Shoshone River Power, Inc., Cody, Wyo.	158,051
Sheridan-Johnson Rural Electrification, Sheridan, Wyo.	228,691
Tri-County Electric Association, Sundance, Wyo.	1,871,341
Total	4,700,686

THE REA LOAN

Question: What action has been taken concerning the Rural Electrification Program?

Answer: In December, 1972, the President issued an order terminating the government's two per cent direct loan program. Citing authority in the Rural Development Act passed in 1972 by Congress, a program was established whereby REAs will obtain financing on the open money market, with the government insuring all loans and paying interest costs in excess of five per cent.

Question: Why was this action taken?

Answer: The Administration has launched a government-wide effort to cut federal spending in order to avoid higher inflation and a tax increase. The change in the REA program was one of many actions taken to reduce federal outlays, and every agency of the government has been affected, including the White House, where three programs have been terminated and staff reductions have been ordered.

In support of its decision affecting REA, the Administration has made the following points:

1. The insured, five per cent loans of the future still involve a subsidy, since the average cost of borrowed money exceeds five per cent.

2. The change in the loan rate brings REA more in line with modern costs of credit. When REA was created 30 years ago, only 11 per cent of farms were electrified, and the two per cent rate was in line with the 1.9 per cent then charged in the money market. Now, more than 98 per cent of the farms are electrified, and the five per cent rate is more in line with current borrowing costs.

3. Of the seven million meters on REA lines, only 1.4 million are farm meters. The bulk of REA customers are non-farm rural residents, retirees, urban workers and industries, all of whom are able to pay rates to support the five per cent interest cost.

Question: Will the interest rate on loans already approved be increased to five per cent?

Answer: No. The impact of the increased rate will be as borrowers require additional loans to connect new customers or to expand their systems. Most sparsely settled farm areas already have their lines.

Question: What will happen to REAs whose loan applications were approved, but which haven't spent the funds yet?

Answer: All applications that were approved prior to the December cut-off date will be honored at the two per cent interest rate. At the present time, more than $800 million in unadvanced funds for REAs is on hand at the U.S. Treasury, and the interest rate for this money will be two per cent.

Of this amount, *$4,700,686* has been reserved for *Wyoming REA Co-ops* and will be available at *two per cent* when the Co-ops are ready to use the money. The total amount on hand at the Treasury Department is more than has ever been made available for REA in a single year.

Question: On a national basis, if the interest rate on all REA loans approved during the past five years had been five per cent instead of two per cent, how much more would the average REA consumer have had to pay?

Answer: The average cost increase above what was actually paid would have been 43¢ per consumer per month.

Question: What will be the estimated cost to REA consumers during the next five years under the five per cent interest program?

Answer: Based on a survey of future plans of 50 Co-ops nationwide (10 from each of five areas of the country), proposed expansion in the next five years using five per cent money would cost an additional 46¢ per consumer per month, and over the next 10 years, an additional $1.02 per consumer per month.

Question: In sparsely settled Wyoming, where the number of meters per mile is well below the national average and the costs are higher, how much more would the average REA consumer have had to pay during the past five years if the rate on actual loans had been five per cent?

Answer: The average cost above what was paid by Wyoming consumers during the past five years would have been 90¢ per consumer per month, or $10.80 per year.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. Mr. President, might I ask the Senator from West Virginia what is the desire of the leadership at this time?

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Minnesota for allowing me to state that there will be no additional rollcall votes today.

If any Senator wishes to offer an amendment which would require a yea-and-nay vote, that vote would go over until tomorrow, together with the final passage of the bill.

Mr. HUMPHREY. Mr. President, if the Senator would yield, might I ask my colleagues if there is an intention to offer amendments or will amendments be offered on which there will be requests for yea-and-nay votes?

Mr. BELLMON. Mr. President, I have an amendment at the desk on which I will ask for the yeas and nays.

Mr. HUMPHREY. Does the Senator from Oklahoma want to call up the amendment for a yea-and-nay vote or just for debate and then discuss whether we want a yea-and-nay vote?

Mr. BELLMON. It is my intention at this time to call up the amendment and ask for a yea-and-nay vote.

Mr. HUMPHREY. We can determine that on tomorrow.

Mr. BELLMON. Yes.

Mr. ROBERT C. BYRD. Mr. President, is the Senator from Oklahoma ready to offer it?

Mr. BELLMON. I am.

Mr. President, I have an amendment at the desk which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

AMENDMENT NO. 16

The assistant legislative clerk read as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

"That the purpose of this Act is to provide for loans to certain borrowers under the Rural Electrification Act of 1936 which shall bear interest at the rate of 2 per centum per annum.

"SEC. 2. Section 4 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 904), is amended by striking the second proviso and adding in lieu thereof the following:

" '*Provided, further,* That all such loans shall be self-liquidating within a period of not to exceed thirty-five years, and any loans which are made for the purpose of extending or upgrading distribution lines in areas where less than three customers per mile are or will be served shall bear interest at the rate of 2 per centum per annum:' ".

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Oklahoma yield?

Mr. BELLMON. I yield.

Mr. ROBERT C. BYRD. Mr. President, under the agreement there are 30 minutes on any amendment. Did the Senator from Oklahoma wish to consume any time on his amendment tonight? If not, we could by agreement not utilize any of his time on his amendment. The amendment would be the pending question before the Senate at such time as the Senate resumes consideration of the unfinished business on tomorrow; then we would have one-half hour on his amendment, following which time we could vote. Is that agreeable?

Mr. BELLMON. That is entirely agreeable.

Mr. HUMPHREY. That is agreeable to the Senator from Minnesota.

ORDER FOR TIME TO BEGIN RUNNING TOMORROW ON BELLMON AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, with that understanding I ask unanimous consent that no time be charged today under the unanimous-consent agreement on the amendment just offered by the distinguished Senator from Oklahoma (Mr. BELLMON).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stands in adjournment until 12 o'clock meridian tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD TOMORROW, FOR TRANSACTION OF ROUTINE MORNING BUSINESS, AND FOR THE CONSIDERATION OF THE UNFINISHED BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the remarks of the distinguished Senator from Minnesota (Mr. HUMPHREY) under the previous order, the junior Senator from West Virginia (Mr. ROBERT C. BYRD) be recognized for not to exceed 15 minutes; and that at the conclusion of his remarks there be a period for the transaction of routine morning business for not to exceed 30 minutes with statements therein limited to 3 minutes; at the conclusion of which the Senate resume the consideration of the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Mr. President, would the Senator from Oklahoma yield me 1 minute?

Mr. BELLMON. The Senator from Nebraska has control of the time.

Mr. CURTIS. Mr. President, I yield such time as the Senator may desire to the Senator from West Virginia.

ORDER FOR TIME AGREEMENT ON AERIAL HIJACKING BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—this request having been cleared with Senators on both sides of the aisle and with the leadership on the other side of the aisle—that the time on the bill, S. 39, the aerial hijacking bill—at such time as it is called up and made the pending business—be limited to 2 hours, with the time to be equally divided between and controlled by the distinguished Senior Senator from New Hampshire (Mr. COTTON) and the distinguished Junior Senator from Nevada (Mr. CANNON), that the time on any amendment thereto be limited to 30 minutes, that the time on any debatable motion or appeal be limited to 20 minutes, and that the agreement be printed in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the unanimous-consent agreement is as follows:

Ordered, That when the Senate proceeds to the consideration of the bill S. 39, the so-called aerial hijacking bill debate on any amendment, shall be limited to 30 minutes and debate on any debatable motion, or appeal, shall be limited to 20 minutes, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided*, That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 2 hours, to be equally divided and controlled, respectfully, by the Senator from Nevada (Mr. Cannon) and the Senator from New Hampshire (Mr COTTON): *Provided*, That the said leaders, or either of them, may, from the time under control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal,

RESTORATION OF RURAL ELECTRIC AND TELEPHONE DIRECT LOAN PROGRAMS

The Senate continued with the consideration of the bill (S. 394) to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes.

Mr. CURTIS. Mr. President, I yield such time as he desires to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, I thank the Senator from Nebraska for yielding time to me.

I take this time to give notice that I will call up my amendment tomorrow at an appropriate time.

I thank the Senator for yielding.

Mr. HUMPHREY. Mr. President, is the amendment at the desk?

Mr. McCLURE. The amendment is at the desk.

Mr. HUMPHREY. I thank the Senator.

Mr. ROBERT C. BYRD. Mr. President, has the Senator from Idaho asked that his amendment be printed in the RECORD?

Mr. McCLURE. No, I had not.

Mr. President, I ask unanimous consent that my amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 17

On Page 2, line 20—after "3", insert "(a)".

On Page 3, between lines 3 and 4—insert "(b)", as follows:

(b) Section 4 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 904) is amended by adding at the end thereof the following: "Notwithstanding any other provision of this act, all loans made under this section shall be made as follows:

(1) A qualified borrower shall be entitled to a direct loan on the total amount of the approved loan at a rate of 2 per centum per annum if, on the basis of the Time Interest Earned Ratio and the Debt Service Coverage prescribed in REA Bulletin 20–14 (as in effect in July 1972), the Time Interest Earned Ratio of such borrower is less that 1.5 or the Debt Service Coverage of such borrower is less than 1.25.

(2) A qualified borrower, if the Time Interest Earned Ratio of such borrower is 1.5 and above and the Debt Service Coverage is 1.25 and above, shall be entitled to loans in the following amounts, based on the Plant Revenue Ratio as defined in REA bulletin 20–14 (as in effect in July 1972):

(i) A direct loan at a rate of 2 per centum per annum for one-half of the amount of the approved loan and an insured loan at a rate of 5 per centum per annum for one-half of the amount of the approved loan, when the Plant Revenue Ratio is 9.01 and above;

(ii) a direct loan at a rate of 2 per centum per annum for one-fourth of the amount of the approved loan and an insured loan at a rate of 5 per centum per annum for three-fourths of the amount of the approved loan, when the Plant Revenue Ratio is 8.01 to 9;

(b) (2) (iii) an insured loan at a rate of 5 per centum per annum for the total amount of the approved loan, when the Plant Revenue Ratio is 8 and below."

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, there will be no further debate on the pending bill today. And in accordance with the previous understanding, the time on the amendment by the Senator from Oklahoma (Mr. BELLMON) will begin running tomorrow upon the resumption of the consideration of the unfinished business. I understand that a yea-and-nay vote will then occur on the amendment of the Senator from Oklahoma.

Mr. HUMPHREY. That is to be asked for tomorrow.

Mr. ROBERT C. BYRD. The Senator is correct.

The Senator from Idaho (Mr. McCLURE) has an amendment which I presume he will call up immediately upon the disposition of the amendment by the Senator from Oklahoma (Mr. BELLMON).

So, we will have at least two rollcall votes on tomorrow and possibly three before this matter is disposed of, after which the Senate will proceed to the consideration of the aerial hijacking bill on which there is a time limitation, with votes expected thereon.

Mr. CURTIS. Mr. President, for the RECORD, how much time remains to each side on the bill?

The PRESIDING OFFICER. The Senator from Nebraska has 51 minutes remaining. The Senator from Minnesota has 15 minutes remaining.

Mr. ROBERT C. BYRD. Mr. President, I have already stated for the record sufficiently, I think, the program. I will restate it briefly.

The Senate will convene at 12 o'clock meridian on tomorrow. After the two leaders have been recognized under the standing order, the distinguished Senator from Minnesota (Mr. HUMPHREY) will be recognized for not to exceed 15 minutes. He will be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business for not to exceed 30 minutes with statements therein limited to 3 minutes, at the conclusion of which the Senate will resume its consideration of the REA bill.

There will be yea-and-nay votes expected on that bill and amendments thereto on tomorrow, after which the Senate will proceed to the consideration of the aerial hijacking bill. A time limitation agreement has been entered thereon, and votes are expected.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 12 o'clock meridian tomorrow.

The motion was agreed to; and at 5:50 p.m., the Senate adjourned until tomorrow, Wednesday, February 21, 1973, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 20, 1973:

DEPARTMENT OF AGRICULTURE

Robert W. Long, of California, to be an Assistant Secretary of Agriculture, vice Thomas K. Cowden, resigned.

CONFIRMATION

Executive nomination confirmed by the Senate February 20, 1973:

DEPARTMENT OF THE INTERIOR

John Henry Kyl, of Iowa, to be an Assistant Secretary of the Interior.

(The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSIONS OF REMARKS

OWEN L. HEGGS, JR.

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. STOKES. Mr. Speaker, it was with a great feeling of pride that I recently learned the identity of the new president of the Cleveland Urban League. The man elected to that important post was none other than my former administrative assistant, Mr. Owen L. Heggs, Jr. I know that Owen's many friends on Capitol Hill will want to join me in congratulating him upon his great achievement.

Owen Heggs is a young man who is destined to become a leader in the city of Cleveland. I can think of no man more deserving of this position of leadership and I wish him and his lovely wife both great success and happiness.

The following is a description of some of Mr. Heggs' important accomplishments:

OWEN L. HEGGS, PRESIDENT-ELECT, URBAN LEAGUE OF CLEVELAND

The President-Elect of the Urban League of Cleveland for 1973 is Owen L. Heggs, Attorney-at-Law.

Heggs, Chairman of the Legal Committee of the Urban League, is a native Clevelander and attended high school in Cleveland.

Graduating from Howard University, Washington, D.C., in the Honors Program with a Bachelor of Arts degree in 1964, he continued graduate studies at Western Reserve University Law School, receiving a Juris Doctor in 1967.

Heggs was a Ranney Scholar; Associate Editor, Law Review and the Moot Court Board.

He is a member of the Ohio State Bar Association, the Cleveland Bar Association and the John Harlan Law Club.

A member of the Board of Trustees of Case Western Reserve University, Heggs serves on the visiting Committee, Case Western Reserve University School of Law; Board of Trustees, Ohio State Legal Services Association; the Board of Trustees, Community Action Against Addiction; the Board of Trustees, Citizens for Open Housing and as a Member Selective Service System, Cleveland Board No. 23.

Heggs enlisted in the Judge Advocate General's Corps, U.S. Naval Reserve in 1968, serving as trial and defense counsel at Twelfth Naval District, Treasure Island, California, and volunteered for tour at Naval Support Activity, Danang, Republic of Viet Nam. He has also served as counsel for the government, U.S. Naval Appellate Review Activity, Washington, D.C.

Honorably discharged in July, 1970 with the rank of Lieutenant, Heggs was awarded the National Defense Service Medal, Republic of Viet Nam Campaign Medal, Viet Nam Service Medal, Presidential Unit Citation and the Navy Commendation Medal.

Serving as a Clerk, Squire, Sanders and Dempsey in 1966, he became an Associate with the firm in 1968.

From 1970 to 1971, Heggs was Administrative Assistant to the Honorable Louis Stokes, Congressman. He is a partner with James, Hill, Heggs, Derrick, Douglas and Company, L.P.A.

Heggs is married to the former Brenda K. Huggins.

LYNDON JOHNSON

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. SNYDER. Mr. Speaker, reflecting on the death of Lyndon Johnson, it would be useless and disingenuous for me to praise him as someone I followed and supported in the majority of his programs or presidential endeavors. I did not. We disagreed, and—as opponents are wont to do—we often disagreed vehemently.

And, yet, I feel that I must acknowledge that his death leaves me sorrowful. He was a worthy and energetic opponent—a man who stood up to you when he thought you were in the way of something he thought was right. I still do not think that many of the things President Johnson proposed were right as solutions to the country's ills, but I have never doubted that he was sincere in proposing them—nor do I doubt that he thought they would be best for the Nation. One must admire the tireless way in which he worked to see them become reality.

He was a leader—a dynamic, vigorous, forthright leader of men. I did not follow his lead most of the time in his legislative programs, but I am proud to have followed him in seeking the best for our Nation. In his love of America, in his desire to do what was best for her, Lyndon Baines Johnson was unsurpassed.

I mourn his loss to us—and to the Republic.

MAN OF THE SOUTH AWARD TO DR. JAMES P. WESBERRY

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 20, 1973

Mr. TALMADGE. Mr. President, a close friend for many years and a great Georgian has been awarded a singular honor. I wish to call the Senate's attention to his achievement. He has led us in prayer a number of times, and many of us have had the privilege of knowing him personally.

Dr. James P. Wesberry, of Atlanta's Morningside Baptist Church, has been named by Dixie Business magazine as 1972 Man of the South. As such, he has been voted by that magazine into the South's Hall of Fame for the Living, an effort in the words of publisher Hubert Lee—

> To honor men who have contributed conspicuously to the South during their lifetime, so they personally may derive some satisfaction in knowing their work has been appreciated.

I ask unanimous consent that the announcement of the Man of the South Award to Doctor Wesberry be printed in the Extensions of Remarks.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

DR. JAMES P. WESBERRY HONORED

Dr. James P. Wesberry, who begins his thirtieth year as Pastor of Morningside Baptist Church, Atlanta, well-known nationally prominent Southern Baptist minister, is the 1972 Man of the South and elected to the "South's Hall of Fame for the Living" by *Dixie Business Magazine*, as announced by Hubert F. Lee, the founder and editor of *Dixie Business* since 1929.

Dixie Business, according to Editor Lee, "seeks to honor men who have contributed conspicuously to the South during their lifetime, so they personally may derive some satisfaction in knowing their work has been appreciated by their contemporaries."

A special citation and award will be presented to Dr. Wesberry at the Eleven O'Clock Worship Service of the Morningside Baptist Church Sunday, March 4, which marks the 29th anniversary of Dr. Wesberry's pastorate and the beginning of his thirtieth year. While many ministers have held long pastorates in Atlanta, Dr. Wesberry holds the honor of serving longer currently than any other known minister.

In announcing this Award Lee pointed out that Dr. Wesberry holds many honors. He said that as a college student at Mercer University Dr. Wesberry received the highest honor given at the hands of the Student Body and Faculty, that of Master Mercerian; that Dr. Wesberry holds four honorary doctor's degrees; that he has served for twenty years as Chairman of the State Literature Commission; was Vice Chairman and Chairman of the Editorial Committee of the Governor's Citizens Penal Reform Commission in 1968; served for six years as a member of the Executive Committee of the Southern Baptist Convention; was President of the Georgia Baptist Convention and the Southern Baptist Pastor's Conference; and served as President of the Atlanta Christian Council and Moderator of the Atlanta Baptist Association.

Lee said Dr. Wesberry is now serving for the third time as a Trustee of Mercer University and had served on the Board of Trustees and Administration Committee of the Atlanta Baptist College since its creation. He also pointed out that Dr. Wesberry is a member of the Executive Committee of the Georgia Baptist Convention and was Chairman of its Administration Committee for four years.

Dr. Wesberry's life and influence has extended, said Lee, to the far corners of our nation and world. Dr. Wesberry was Acting Chaplain of the United States House of Representatives during the summer of 1949 during the 81st Congress while his son, Jim, Jr., who later served for five years in the Georgia State Senate, was a Page. Lee said he believes that Dr. Wesberry knows intimately more Governors, Congressmen, Senators, and has known more Presidents of our nation than any preacher in the South. Dr. Wesberry's *Prayers* were published by the Congress and Sam Rayburn, Speaker of the House, said: "His daily ministrations were helpful and inspiring, lifting all who heard him to a deeper realization of their need for divine guidance."

Dr. Wesberry is also one of the Scottish Rite lecturers and holds many Masonic honors. He served as Grand Chaplain of the Grand Lodge of Georgia during the administration of Grand Master George P. Whitman. On January 17, 1973 he received the Merit Award from Yaarab Temple. Tom Slate, Past Potentate, in presenting the Award, said that Dr. Wesberry "is the first to be appointed to that position (Chaplain of Yaarab Temple) by five consecutive Potentates and that he has served for seven of the past ten years and has been recently reappointed for 1973. Dr. Wesberry is the first Christian minister to ever receive the Merit Award from Yaarab Temple since it was instituted in 1923.

Dr. Wesberry is the author of a number of books. His newest book, "Meditations for Happy Christians," has just recently been released by Broadman Press. In writing about Dr. Wesberry Broadman Press says: "Few men become living institutions, but James P. Wesberry is one of these few. In 1964 he began a pastorate at a congregation of slightly over 500 members in Atlanta, meeting in a small wooden building. That congregation today is the Morningside Baptist Church, one of the great churches of America." "His extensive writings," Broadman Press says, "includes several books and frequent contributions to secular and religious periodicals. Truly, he is an amazing man, an embodiment of the faith proclaimed in this book."

In making this award, "The Man of the South," Hubert Lee said, we also took into consideration that Dr. Wesberry is a true and patriotic citizen of the old South. Dr. Wesberry's grandfather for whom he is named "Pickett" fought in the Confederate Army. Dr. Wesberry was born in Bishopville, South Carolina, in the beautiful cotton and Bible belt section of his beloved Southland and was reared and received his early schooling in Columbia, a city which, like Atlanta, was destroyed by Sherman. From there he has gone to the far corners of the earth.

Dr. Wesberry has been on many preaching missions for the Chief of Chaplains of the United States Air Force and also traveled extensively in other lands.

Dr. Wesberry also moderated for many years the popular "This Is Your Town" interview television program and has appeared often on many other television and radio programs.

While the pulpit is his throne and he takes great pride in being a pastor who really loves people, his number one joy and honor is that of being Pastor of Morningside Baptist Church. In 1943 he was called to one of the largest and most influential city churches in America which had more members than there were people in the town where he was pastor, but Dr. Wesberry says, "The Lord called me to Morningside and to Atlanta, and if there has ever been a man who was of God to preach, I am that man; and if there has ever been a happy pastor, I am that pastor because I know I am where the Lord called and wants me. Dr. Wesberry has, across the years, led his people from a small frame building on Highland Avenue to what he refers to as his dream church, one of the most beautiful in the nation, an architectural gem located on a fourteen and a half acre wooded, hillside site overlooking Atlanta's skyline, estimated in value today at over two million dollars, one of the most influential among Southern Baptists.

Dr. Wesberry has seen the skyline of Atlanta change during the almost three decades that he has lived in Atlanta, and he and Mrs. Wesberry love Atlanta, think it is the most wonderful place on earth in which to live, love, and serve, and every day he gives thanks to God for the great and glorious privilege of seeking to magnify Jesus Christ and of serving the people.

This is the man *Dixie Business* is proud to present as "The Man of the South for 1972" and to its "Hall of Fame for the Living."

Some of the others to have received this outstanding Man of the South Award are: Bobby Jones, noted golfer; Dr. Arthur Moore, Bishop of the Methodist Church; Dr. McDowell Richards, former President of Columbia Theological Seminary; Bernard Baruch, Advisor to Presidents of the United States; James C. Self, owner of the Greenwood Mills, Greenwood, South Carolina; Robert Jemicon, Jr., Real Estate, Birmingham, Alabama; J. Craig Smith, of Sylacauga, Alabama; and Luther Hodges, former Governor of North Carolina and Secretary of Commerce.

WHAT THE CONSUMER CAN EXPECT FROM DOLLAR DEVALUATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. RARICK. Mr. Speaker, the Nixon administration is again attempting to strengthen its position in the international monetary circles at the expense of the American taxpayer and consumer.

The direct effect of the announced 10-percent devaluation of the dollar on the average citizen is to make his dollar now worth 10 cents less in buying power. Imported goods would cost more and our exports will be priced lower. The Japanese camera, German car, or other foreign made article will go up in price. Foreign oil imports will also cost more. But even if a consumer does not plan to buy imported products, it will still cost us all.

After the dollar devaluation last year, Congress was forced to appropriate $1.6 billion of taxpayer's money to maintain our obligations to international banking institutions. Now the financial experts in Washington tell us that the present 10-percent devaluation may cost as much as $2 to $2.5 billion to keep faith with our international commitments. This so-called obligatory expense benefits no American. And since we do not have the money we will have to borrow the money to pay the devaluation fee.

These same experts point to foreign trade agreements with Red China and Russia as contributory causes to the dollar drain The only profit to be made will go into the pockets of the Russian wheat dealers, the Chinese cotton buyers, and the international money manipulators.

While Americans export our goods for less, we must pay higher prices for the foreign raw materials that go into virtually all "Made in America" consumer products. What the administration advocates is giving foreign buyers a 10-percent discount on American-made products and, at the same time, slapping the taxpayer with a $2 billion plus bill for the privilege of international trading.

If a 10-percent devaluation is good for our economy, jobs and the consumer, a 50-percent devaluation should be five times more effective. Or better yet, a 90-percent devaluation nine times more beneficial. This is reverse logic.

Last year's devaluation accomplished nothing but to worsen the dollar situation. Our balance of trade deficit went from approximately $2 billion in 1971 to approximately $6 billion in 1972. Share-the-wealth programs like foreign aid, U.N. projects, and underwriting international financial institutions are the reasons why foreigners have so many of our unredeemed dollars. Devaluation is addressed to an effect, not a cause. The dollar will never again regain its strength and prestige as long as we continue these irrational programs designed to "support" the world.

LYNDON B. JOHNSON

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. SIKES. Mr. Speaker, the death of former President Lyndon B. Johnson brings shock to all America. Somehow it seems inconceivable that this stalwart and tall son of Texas could be taken from us so early in life.

History will be the final judge of President Johnson. He came to the Presidency under conditions he did not want, struggled through more than 5 years of the most trying times in American history, and left the White House under conditions other than those of his own choosing.

It has often been said that Lyndon Johnson was a big man—big in all that he undertook and all that he did. He was large in physical stature, immense in his compassion for the least of us, and he stood second to none in his love of country.

I believe it is safe to say that President Johnson's dream for America was one of justice for all people. Yet, he launched his quest for the Great Society at a time in history when its goals were not to be allowed. Instead of harmony at home and peace abroad, the President found division at home and war in Asia. He exerted every ounce of his being to ending both division and war, but as the war continued, division grew at home. Some of those for whom he did the most and risked the most were the most critical of his efforts.

Finally, in what must go down as one of the highly patriotic acts in our proud history, Lyndon Johnson stepped down from the presidency in a final effort to bring our Nation together. He was not to live to see his hopes fulfilled. At the time of his death, our Nation still is divided, although not as sharply as before, but peace at long last is at hand. It is a great pity that he was not to hear and to enjoy the official ending of the war which brought him so much personal grief.

No President in modern times has assumed office under more trying conditions, nor has a President used his own personal strength so vigorously to bind up the Nation's wounds. There were those who took advantage of his dreams and who abused his trust, and sometimes the results compounded the Nation's problems.

Now he has been taken from us, almost 4 years to the day from the time he departed this city for his beloved Texas. For only the third time in our Nation's history, we find ourselves without a living former President. President Nixon and many others have relied on the counsel and the wide experience of the former President, and I am certain that his help was gladly given to all of them for the sake of our country.

All of us who knew Lyndon Johnson grieve with his family for their loss and we grieve that our Nation must go forward without the towering patriotism and abiding love the gentleman from Texas had for America.

WEATHERMAN HARRY GEISE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. WALDIE. Mr. Speaker, for many years, California residents have been enthralled by the uncanny ability of Harry Geise to make long-range weather forecasts.

Seen over KCRA-TV in Sacramento, and heard throughout California over eight radio stations, Mr. Geise has attracted a tremendous personal following, mostly by virtue of his record of correctly predicting weather patterns months in advance. Indeed, his accuracy is such that his services have been solicited not only by commercial companies, but also by various State agencies.

Despite his success—or perhaps because of it—Mr. Geise has on occasion been refused information from the National Weather Service. Evidently there is some dispute over Mr. Geise's methods, or at least his unorthodox theories—but his results speak for themselves.

Now comes word that Harry Geise is under attack by local members of the

American Meteorological Society. He is charged with violating five sections of the society's code of ethics. What they are really saying, in my view, is "Mr. Geise: We don't like or agree with your theories, so you should either conform, or stop making weather forecasts." Unfortunately, his detractors have insisted upon remaining anonymous, a decision which the Meteorological Society has defended.

Such nameless attacks are personally repugnant to me. Certainly Mr. Geise deserves better. What is even more disturbing, however, is that actions such as these—actions to make everyone "conform or else"—are increasing at a rapid rate throughout American society. Almost every day, a Federal employee complains to my office that he has been summarily dealt with for "stepping out of line." This ever-growing premium on "team play," which allows little room for dissent of any form or nature, surely strikes at the heart of a democratic society.

I, for one, think it is very important that Mr. Geise be allowed to continue his present practice unimpeded by outside pressures.

Similar "star chamber" proceedings, for similar reasons, were used against the former head of the California Institute of Technology's Department of Meteorology, and he was forced out of the Meterological Society in 1958.

What we have here, then, appears to be a continuation of a long-standing attempt to discredit long range forecasting by those who think it is impossible.

Moreover, Mr. Speaker, it is expected that in the next few years, Congress will be asked to appropriate perhaps billions of dollars for a global atmospheric research program which would be used by the Weather Service to extend forecasts up to 14 days.

Meanwhile, we have Mr. Geise, sitting in Sacramento, apparently able to do a number of things set as goals by the global atmospheric research program, by himself. In my view, Mr. Geise deserves great credit, not only for the substantive work that he does, but also for the symbol of experimentation and courage of conviction that he represents.

Mr. Speaker, at this point, I insert a recent article from the Sacramento Union in the Record:

Weatherman Harry Geise: Caught in a Storm of Controversy

(By David Hatfield)

All involved in radio-television weatherman Harry Geise's dispute with the American Meteorological Society (AMS) agree that Geise does the impossible.

The controversy has arisen over Geise's ability to make long-range weather forecasts, sometimes two or three years in advance.

A local group of colleagues is challenging that ability in a complaint filed with the AMS saying that his prognostications are a "possible violation of the society's code of ethics."

Geise was notified of the complaint Nov. 13 but was not told the identity of his accusers. He has denied the charges.

"I'll show you what I do that is impossible and you can decide for yourself," Geise said.

He produced forecasts he sent to some of his clients last year that had predicted the weather that would occur this week.

One forecast, dated Sept. 24, 1971 and sent to a Sacramento natural gas company, said the weather for this past Tuesday, for example, would be foggy with temperatures in the mid 40s to low 50s.

The National Weather Service (NWS) in its final forecast Monday night said Tuesday's weather would be clear with the high temperature near 60 degrees.

As it turned out, it was foggy in Sacramento and the high temperature for the day was 46 degrees.

Jim Miller, head of the Sacramento NWS office, said the government does not make long-range forecasts, other than general outlooks for about a month in advance.

"The entire profession has found no way to make long-range forecasts reliably," Miller said.

One of Geise's clients, located along California's north coast, estimated that Geise's long-range forecasts had been about 83 per cent accurate.

In addition to his business clients, Geise makes daily weather forecasts over KCRA radio and television and seven other radio stations.

Irving Krick, former head of the meteorology department at California Institute of Technology, developed many of the theories from which Geise makes his forecasts.

Krick, who operates a private meteorology service in Palm Springs, had similar charges lodged against him in 1958 and was forced to resign from the AMS.

Kinsel Coulson, a meteorology professor at the University of California at Davis, agrees that there is a certain amount of validity to Krick's theory that weather follows synoptic cycles formed by weather systems.

However, Coulson strongly disagrees with Geise's belief that weather runs in six-day cycles.

"People have tried to find the statistical relationship in past weather records and can't find any proof of the theory," Coulson said.

Geise's problems have apparently come to a head since he came to Sacramento four years ago.

"I've been doing weather shows in San Francisco and Fresno for 10 years and never had any problem with the Weather Service in either city," he said.

Tom DuHain, who does weather programs on channel 3, one time was denied information from the Sacramento NWS office and had to call San Francisco for the information.

Geise said the head of the office later apologized.

Among Geise's clients are construction firms, logging companies, farmers, and a Lake Tahoe casino which gears its advertising to days when the roads will be open over the Sierra.

Ironically, the NWS is experimenting with "extended" forecasts which they hope to make up to 14 days in advance.

The experiments, called GARP (Global Atmospheric Research Program), would involve improvement of weather tracking stations in the oceans and on continents which only have limited facilities.

The NWS currently makes only specific day-by-day forecasts up to five days in advance.

"I know what their problem is," Geise said. "Can you imagine what's going to happen when Congress is asked to approve the billions of dollars this GARP will take, and I can already do more than what they hope to do?"

FREEDOM OF EMIGRATION ACT

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. LONG of Maryland. Mr. Speaker, I was proud to join in sponsoring the Freedom of Emigration Act, banning most-favored-nation status to Iron Curtain countries which arbitrarily restrict or heavily tax emigration of Jewish and other citizens.

A majority of both Houses of Congress now support this measure, clearly telling the Soviet Union and its satellites that although freer trade and improved relations may be desirable, we will not purchase them at the cost of denial of basic human rights.

In addition to supporting the Freedom of Emigration Act, I have introduced a concurrent resolution specifically condemning the Soviet Union for its treatment of citizens who wish to emigrate. This resolution and the Freedom of Emigration Act reaffirm a fundamental truth—no one owns a human being except himself. The so-called education tax being levied against individuals in the U.S.S.R. is selective and capricious. Its specific application to Soviet Jewish citizens wishing to move to Israel is obvious. Its repressiveness is beyond question. This practice deserves our direct condemnation. Restriction of emigration by any of the Soviet bloc nations deserves reciprocal restriction of trade by the United States.

We in America pride ourselves on our freedom. We are called upon in these two legislative measures to condemn a terrifying repression of human rights.

By profession, I am an economist. I recognize that free trade can and does offer numerous benefits to participating nations. But I also recognize, Mr. Speaker, that we must sometimes use trade rights as a tool, especially where injustice is blatant. Soviet citizens who want to leave their country have repaid the state for their education by long hours, hard work, low wages, and low living standards. This is a high enough price for the right to leave, especially when the desire to leave emanates from another burden—repression of religious freedom. I call upon Congress to pass the Freedom of Emigration Act and the condemnatory concurrent resolution to insure that the price of leaving is no higher.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. SCHERLE. Mr. Speaker, for more than 3 years, I have reminded my colleagues daily of the plight of our prisoners of war. Now, for most of us, the war is over. Yet despite the cease-fire agreement's provisions for the release of all prisoners, fewer than 600 of the more than 1,900 men who were lost while on active duty in Southeast Asia have been identified by the enemy as alive and captive. The remaining 1,220 men are still missing in action.

A child asks: "Where is Daddy?" A mother asks: "How is my son?" A wife wonders: "Is my husband alive or dead?" How long?

Until those men are accounted for,

their families will continue to undergo the special suffering reserved for the relatives of those who simply disappear without a trace, the living lost, the dead with graves unmarked. For their families, peace brings no respite from frustration, anxiety, and uncertainty. Some can look forward to a whole lifetime shadowed by grief.

We must make every effort to alleviate their anguish by redoubling our search for the missing servicemen. Of the incalculable debt owed to them and their families, we can at least pay that minimum. Until I am satisfied, therefore, that we are meeting our obligation, I will continue to ask, "How long?"

ADMITTING WRONG IS FIRST STEP TO PEACE, WRITES WAR WIDOW

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. UDALL. Mr. Speaker, I would like to bring to the attention of my colleagues an article that appeared recently in my hometown newspaper. The article, which deeply moved me, was written by one of my constituents—Gail James Yoakum, a young Tucson war widow who holds a degree in journalism from the University of Arizona. In the article she sets down her thoughts and opinions on the war that took her husband's life.

[From the Tucson Arizona Daily Star, Jan. 28, 1973]

ADMITTING WRONG IS FIRST STEP TO PEACE, WRITES WAR WIDOW

(By Gail James Yoakum)

Some believe that, because my husband was killed in Vietnam, I have been bequeathed a unique perspective on war, death and sorrow. David L. Yoakum was Tucson's last Vietnam fatality.

On occasions such as this cease-fire, and probably at similar times in the future, some with maudlin curiosity will ask for my opinion.

Although my husband felt the futility and the anguish of war, I cannot speak for him. The world has lost what he had to give.

As his widow, I have been asked several times to express my thoughts. I sense it may be of value to say what I feel at this time.

Many people have experienced grief and sorrow. They are universal responses to untimely death. David was 28 years old when he died June 25, 1972. These feelings are private and to intrude serves no useful purpose.

But there are other things which need to be said. I care that the healing be over a clean wound. If we do not recognize the disease, the sore will fester. And the next generation will again go to war, and again not find freedom or peace.

I am not bitter or angry. David volunteered. It was through choice that he participated in war and our extreme misfortune that he was killed.

The hurt was deeper because it was unnecessary and we all knew it was a war of politics—a waiting game.

But there were others who did not volunteer. I can imagine the intense anger felt by the families of the men who were called by the draft, shipped to war and returned home in flag-draped boxes.

I would like to think that we learned something from the deaths of David and 45,932 other Americans. We have learned nothing unless we can face the truth.

The families of the POWs and the MIAs have been used as symbols of righteous commitment and as objects of curiosity by the media. It is a most generous proposal of the Arizona Legislature to want to provide a free college education to the children of the POWs and MIAs. But shouldn't gratitude be extended to the children whose fathers will never return?

I am dismayed by the rhetoric that we have created a just and honorable peace. I am distressed to hear that honor is the ability to finish a fight, and justice is that we have not been defeated. Our past day-by-day behavior betrays our sincerity. The words have lost their meaning.

I had hoped that peace would come with a humbleness and not with arrogant pride. The words "building a lasting peace" must sound tinny reverberating off the desolate hamlet ruins, the rubble of Quang Tri, the orphanages, the hospitals. How can we be proud when we must stand in these shadows?

We are being asked to believe that the instruments of war, the pain and the destruction brought about the peace. Were the results and the sacrifices worth the waiting? No, they were not.

I cannot accept war as the road to peace.

The legacy of this war is shame and disillusionment. It was contrived and manufactured. We have saved nothing; we have created nothing. And we have destroyed a great deal. I share the guilt with every American.

I do not think we can purge our conscience of this guilt and responsibility by saying that our honor as a people has been preserved because we have endured.

That the war is ending does not mean we have begun a new era. The real end of the age of wars might begin by our admitting our wrong and changing our fundamental attitudes—but it appears we have not done so.

We need to ask: "Is this really peace, or is this merely a reshuffling of the cards? Our commitments in Thailand, Cambodia and Laos are still shrouded in secrecy. Will we ever extricate ourselves from this arena?

I am tired and I am sad. But I am also hopeful we will admit that we have accomplished nothing and that we have lost much and destroyed much. Honest recognition of this truth is necessary for us to begin to live in peace.

IN COMMEMORATION OF THE LITHUANIAN DAY OF INDEPENDENCE

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. MURPHY of New York. Mr. Speaker, Americans of Lithuanian origin and descent, on Friday, February 16, proudly commemorated two important anniversaries. The first and older of the two involves the 722d anniversary of the original Lithuanian State. The second, the 55th anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918. But these are barren memories. The world knows that Lithuania's true independence, which was established by the two acts noted above, was ruthlessly destroyed in 1940. Then the Russians forcibly invaded, occupied, and annexed Lithuania, Latvia, and Estonia into the Soviet Union. The United States has never recognized this illegal act.

Today, I again stand with my Lithuanian friends in hoping that these unresolved legacies of the Second World War will be directly confronted. Once and for all, the status of these Baltic Nations should be equitably resolved. This question should be addressed in the United Nations and other international forums, as the Congress has urged the President in the past, so that on some future anniversary, Lithuanians may again enjoy the freedom and solidarity that February 16 symbolizes.

LITHUANIA STRUGGLES TO REGAIN FREEDOM

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. HOWARD. Mr. Speaker, we Americans sometimes take our freedoms so much for granted than it is difficult for us to really comprehend the struggle of those who do not enjoy these freedoms, and who are fighting every day to obtain them.

Thus it is particularly appropriate that we take a few minutes to consider the plight of the Lithuanian people who, on the 16th of February celebrated, insofar as they were able, the 55th anniversary of the establishment of the Republic of Lithuania. I am sure we are all painfully aware of the brevity of the independence of Lithuania. But we must be encouraged by the brightness of that period of their history, and by the fact that they continue their struggle to regain their freedom, and to reestablish their independence.

Over the years, this nation has steadfastly refused to recognize the incorporation of the Baltic States into the Soviet empire. It is my view that a continuance of this policy is very important, especially to those who look to the freedoms enjoyed by our citizens as a goal to be reached at all costs. These people are risking their lives daily to obtain religious and political freedom for their country.

On the celebration of the 722d anniversary of the founding of the Lithuanian State, and the 55th anniversary of the establishment of the modern Republic of Lithuania in 1918, our hearts and our prayers go out to these brave people in support of their continuing struggle.

Mr. Speaker, I insert at this point in the RECORD, the resolution which was passed by the Lithuanians of New Jersey concerning this observance:

UNITED COMMITTEE OF LITHUANIAN-AMERICANS

RESOLUTION

We, Lithuanian-Americans of New Jersey, gathered in Newark on February 11, 1973, to commemorate the 55th anniversary since the restoration of Lithuania's independence.

Recall; That the sovereignty and independence of the Lithuanian State, which was restored by the act of the Lithuanian Council on February 16, 1918 and protected by the bloody sacrifice of the Lithuanian people, was recognized by the international community;

That in 1940 the Soviet Union occupied

and incorporated Lithuania into the USSR in violation of international law;

That this occupation resulted in acts of genocide, deportation to Siberia, and extermination of about one million Lithuanians;

That these illegal acts still continue to this present day as witnessed by the following acts which received worldwide attention:

The defiant courtroom speech of the sailor Simas Kudirka, following his unsuccessful attempt to escape to the free world on November 23, 1970, and his condemnation in May, 1971 to ten years in forced labor prison;

The self-immolation of Romas Kalanta, a young student and worker, in May 1972, which symbolized the Lithuanian people's protest against the occupying power and their demand for freedom;

The petition of 17,000 Lithuanian religious believers in 1971–1972 to Leonid Brezhnev and Kurt Waldheim, protesting the denial of religious freedom in Soviet occupied Lithuania, under the risk of their personal freedom.

We resolve: To request the President of the United States of America to instruct his delegates at the Conference on European Security and Cooperation in Helsinki to demand the withdrawal of the Soviet Union from the Baltic States of Lithuania, Latvia, and Estonia and permit these people to exercise their sovereign rights in their own lands;

To ask the Congress of the United States for their support of this request.

V. MELINIS,
President, Lithuanian Council of New Jersey.

K. JANKUNAS,
President, Lithuanian-American Community of New Jersey.

UNITING YOUTH WITH OPPORTUNITIES

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. NATCHER. Mr. Speaker, it is once again my privilege to pay tribute to the Future Farmers of America who began their national week of celebration on February 17 commemorating the 45th anniversary of this outstanding agricultural youth organization. It is no accident that the anniversary of the birth of the Father of our Country falls within FFA's national week because FFA designates their national week in honor of George Washington who, as many of us may not realize, by his own admission, stated that his first love and interest was farming and who contributed many significant and worthwhile advancements to agriculture.

The theme for FFA's national week this year is "FFA Unites Youth With Opportunities." Today, this is a topic which is very fitting and appropriate when, for America's youth, choosing a career is an extremely difficult decision. However, for FFA members this decision is made easier. During 1973, over 110,000 members will graduate from agribusiness education courses and qualify for job placement relating to the broad field of agriculture. As we all know, farming is now and always has been our Nation's largest industry and in order to cope with the ever-increasing problems of feeding an over-populated world, it is more important than ever that agriculture in America remain strong.

Nationally, the FFA is composed of 432,000 boys and girls between the ages of 14 and 21 who reside in the United States, Puerto Rico and the Virgin Islands, and study vocational agriculture in 8,000 public schools with the primary aim being the development of agricultural leadership, through a spirit of cooperation and good citizenship. By encouraging its members to assume responsibility, take the lead, speak out in public, work with others and make decisions, FFA provides an opportunity for these young people to develop personal as well as career potentials. Indeed, the Future Farmers of America unites youth with their opportunities.

Mr. Speaker, on the basis of what I have observed in my experience and association with the FFA chapters in the Second Congressional District, I feel sure that this program has been and will continue to be a success. In my opinion, FFA provides its members excellent opportunities to grow and become outstanding leaders and citizens, and through its membership, represents a dynamic youth with a purpose. As an illustration of this dynamic youth with a purpose, the Future Farmers of America established the building our American communities program which was initiated 4 years ago to involve members in activities to improve job opportunities and living conditions in rural communities. A new community park, ecological center, outdoor recreational facility, employment service for youth people—these are but a few of the activities carried out last year by members who participated in this program which was designed to improve communities across the Nation, and I am confident that the continuation of this rewarding program will prove to be even more successful during 1973.

National FFA Week affords us all an opportunity to better witness the fine work of these young men and women and to salute this splendid organization on the unlimited agricultural contributions that have been made by its membership. To all of my young friends in the Future Farmers of America, I offer them my congratulations, best wishes and continued support.

THE 100TH ANNIVERSARY OF UNITED STATES LINES

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. LOTT. Mr. Speaker, as a Member of Congress whose district is closely tied to the merchant marine, shipbuilding, and seafood industries, I am pleased to note the 100th anniversary of United States Lines, one of the world's foremost ship lines. I make particular note of this anniversary at a time when United States Lines stand in the vanguard of our Nation's efforts to maintain a competitive postion in international ocean commerce.

United States Lines has done more than keep the pace with the rest of the shipping world. Today, a full century after its birth, United States Lines is still forging new channels in ocean commerce with its vigorous promotion and improvement of services. And its fleet of 16 high-speed, high-capacity containerliners provides shippers with service to more than 50 gateways to the world's major marketplaces.

Computers, streamlined containerization techniques, high-speed transfers, and a host of other inventions are trademarks of United States Lines. This world of competition breeds new ideas each day, but this particular shipping company has its own ideas. The future with United States Lines is today—not tomorrow.

Mr. Speaker, I represent the coastal area of Mississippi, where one of the world's most streamlined, efficient, and productive shipyards is located. I grew up with ships. My father built ships. My neighbors worked in the shipyard. Ships have been a major source of income to my district for as long as I can remember. We understand ships. And we understand the importance of establishing and maintaining a competitive position in international ocean commerce.

United States Lines has firmly established itself in international competition for commerce. Because of that, and because we owe this shipping giant a debt of thanks for helping maintain our position in international competition, I salute United States Lines on its 100th anniversary.

LITHUANIAN INDEPENDENCE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. CRANE. Mr. Speaker, at a time when we hear a great deal of discussion about "detente" and an easing of tensions between East and West, the unfortunate fact is that millions of men and women continue to live under Communist tyranny and continue to see their own national life destroyed by those who have, since 1917, been practicing a brutal and ruthless form of colonialism.

On February 16, Americans of Lithuanian descent together with Lithuanians through the world commemorate the 55th anniversary of the Declaration of Independence of Lithuania, whose history dates back to the 12th century. It is an irony indeed that the only country in which Lithuanians will be unable to observe this event will be in Lithuania itself.

It was in 1251 that Mindaugas the Great unified the Lithuanian principalities into one Kingdom. For the better part of their history, the Lithuanians have been subjected to brutal attacks, from the Teutonic knights in the West and from the Russians in the East. It has taken remarkable spiritual and ethnic strength to survive these pressures.

Many Americans have forgotten the history even of our own era. After the

Nazis and Soviets destroyed Poland in September 1939, the Kremlin moved troops into the Baltic Republics and annexed them in June 1940. Thus, the independence of Lithuania was terminated on June 15, 1940, when the Soviet Union sent an army of occupation of 140,000 men into that country. With the support of the occupying force, the Soviets staged mock elections, in which only one slate of Moscow-sponsored candidates was allowed, and through this subversion of the will of the people, formally annexed Lithuania.

The Lithuanian people have shown their hostility to Soviet rule, and have paid a heavy price for such opposition. On June 22, 1941, the Lithuanian people revolted against the Soviet occupation and control and proclaimed the reestablishment of an independent state. This effort cost the Lithuanians almost 12,000 casualties. The Provisional Government, proclaimed by the leaders of the revolt, was disbanded as Lithuania was occupied by the German armies on the march into the Soviet Union.

From 1945, when the Soviet Union reimposed its rule, until approximately 1953 an armed patriotic resistance movement waged a war against the Communists with approximately 50,000 Lithuanian patriots losing their lives. The Soviet leaders, in an effort to eliminate the national resistance, deported about every sixth Lithuanian to the distant parts of the Soviet Union or to concentration camps, where a large number of them died as a result of the harsh conditions, starvation, and executions. Trials of partisans were held as late as 1955.

Lithuania, together with the other Baltic Republics, Latvia and Estonia, represent a special example of Soviet colonialism. They have been physically annexed by the Soviet Union and forcibly incorporated into its group of "socialist republics." As far as the Communists are concerned, these three countries have ceased to exist as separate entities entitled to their own national identity and independence.

During his trial Simas Kudirka, the Lithuanian seaman turned back to the Russians by the U.S. Coast Guard in a shocking reversal of America's humane treatment to all those seeking freedom, declared that:

> I have nothing to add to what I have already said, only one wish, more specifically a request to the supreme court and the government of the Soviet Union: I ask that you grant my homeland, Lithuania, independence.

The Soviet Union has been unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights. This was recently demonstrated by a petition to the United Nations, signed by 17,000 Lithuanian Catholics, charging the Soviets with religious persecution and by riots in Kaunas on May 18, 1972, following the funeral of a Lithuanian youth, Romas Kalanta, who had self-immolated in a public square in Kaunas in a dramatic protest against the Soviet occupation of his country.

As we commemorate this important anniversary today, our request should be the same as that of these Lithuanian patriots: that Lithuania be granted independence. It is a request which all Americans should share, particularly those who are most vehement in their denunciations of colonialism and imperialism when they think that those committing such acts are on the political right.

All those who deny man's freedom and dignity, and the right of peoples to self-determination should be equally condemned. We must not forget that it is the Soviet Union which has perpetrated this new colonialism across the face of Eastern Europe.

Lithuanian independence and freedom, as well as the independence and freedom of other subjugated nations and peoples, must remain an important goal for all of those in our own country who seek a world at peace. The only peace which will advance mankind is a peace based upon the respect for each man and nation to have an identity and a life of its own. The kind of peace based upon subjugation and surrender to tyranny is one which honorable men can endorse only at the price of their own integrity.

THE 55TH ANNIVERSARY OF THE REPUBLIC OF LITHUANIA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. RANGEL. Mr. Speaker, last Friday, February 16, was the 722d anniversary of the founding of the Lithuanian State and the 55th anniversary of the founding of the Republic of Lithuania. Americans of Lithuanian descent can indeed be proud of their illustrious heritage which dates back over seven centuries. This small country by the Baltic Sea has endured a great deal during those 700 years, and the courage exhibited by the Lithuanian people can only be equaled by a few.

Lithuania's independence only lasted 22 years, for in 1940 the Soviet Union forcibly occupied the country. The people of Lithuania have remained under Soviet rule since that time, but they have never lost their faith that someday they will be free to choose their own government.

It is truly tragic that the powerful countries of the world have not yet learned that their will should not be forced upon other nations whether it be their neighbors or nations on the other side of the globe.

The people of Lithuania have displayed a remarkable courage over the years that has served as a source of inspiration for all of the world's people. With the passing of this 55th anniversary of the establishment of the modern Republic of Lithuania, all Americans should pray that sometime in the near future the Republic of Lithuania will once again be a reality.

MEATCUTTERS ANSWER READER'S DIGEST

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. HOLIFIELD. Mr. Speaker, the January 1973, issue of Reader's Digest carried an article written by James E. Roper which attempted to lay the blame for high food prices solely at the door of organized labor.

As is the case in many articles written by "instant experts" these days, the Reader's Digest article failed to tell both sides of the story. The Western Federation of Butchers of California has answered Mr. Roper in an editorial published in its January 1973, newsletter, "Between Us." I wish to insert the editorial in the RECORD at this time and recommend it for reading.

READER'S DIGEST PUBLISHES ATTACK ON MEAT CUTTERS

The scouts in war, and the scouts in the world of fun and games, help form the strategy or tactics of their generals and coaches by the information they bring them after their observations in the field. This information the leaders will use in the ensuing conflict. Often the scout reports signs that put the home forces on the alert.

When the scout reports that the opposition camp is restless and he hears the sounds of marching tunes then it behooves the leadership and the tacticians to post their sentries and to see that their flanks are covered.

1973 will be a year during which we can expect the employer's strategy to come crashing down upon over 4 million workers in America with all the might and power that management can muster. The attack will come on the 4 million-plus workers who are protected under bargaining agreements which are due to expire during the next twelve months.

If we had a scout "out" at this moment he would surely observe that there is plenty of activity in the camp of our friendly adversaries in the board-rooms and directorships of many major corporations. This scout would undoubtedly see the highly visible sign posted in the January issue of Reader's Digest. He would then certainly report, with all haste, that this vicious and vitriolic anti-labor attack was published under the guise of informing the public, "Why Food Prices Keep Rising" and engineered by James E. Roper to begin to "heat-up the kitchen."

Roper irresponsibly lashes out at the Clerks, the Teamsters and the Meat Cutters on behalf of food employers, using the subterfuge that management is forced to raise prices because of the "featherbedding, make-work and greed' of the labor unions involved in food distribution. He challenges that housewives are forced to pay "hidden costs at the checkout counter" by the workers who belong to labor unions who are not providing "a day's work for a day's pay."

Nowhere in the article does the author allow that the massive profits retail chains are enjoying is a benefit derived from wages which have been frozen since August 1971 while no controls were placed on raw farm materials. No mention is included of the fact that processed foods and other supermarket commodities have been held to price "ceilings" equal to the average profit or mark-up enjoyed by the chains in the best two fiscal periods during the prior three (now extended to 2 of 4) periods before the "freeze."

Investment counselors from Wall Street to Pacific coast financial consultants now advise investment and stock purchases in retail food chain corporations with the same confidence they suggest "blue-chip" holdings, but Reader's Digest validates Roper's claim the supermarket profit structure is down. He even makes the unlikely statement, "most supermarkets today lose money on their beef sales—and compensate by raising prices on other items." Yet, the Bureau of Labor Statistics and the Department of Agriculture have published testimony showing a 33.3% gap existing between wholesale and retail food prices.

Roper's story is a fantasy wrought with fiction and conceived with the publisher's full approbation despite the obvious ommission of most of the reasons which are the chief causes of increased price rises. Primary among the "obvious" is the tremendous demand being made upon our relatively short supply of red meat, not alone in the United States but all over the World during these most affluent times. But, the age-old concept of price being established by supply and demand apparently has escaped the reasoning of this profit-oriented penman.

The meat operations in supermarket chains is, universally pretty-well agreed upon as averaging, 6% of the gross for labor costs—and in many, many places it is even less. This establishes that in the retail price paid by the housewife at the checkout counter there are only six pennies in every dollar she spends for meat items chargeable to labor. Roper representing the will of the corporate over-lords of the food industry would like to have the public believe that ALL price increases are a direct reflection of higher wages and fringe benefits accruing to the employee. This just is not so!

Under the existing collective bargaining agreement now in force in Southern California, for example Meat Cutters covered by the Retail Market contract received a $10 per week—or 25 cents per hour—raise in November of last year. The regularly scheduled increase was due under the terms of the agreement which was initiated in 1969 and amounted to less than the allowable guidelines of 5.5% established by the Cost of Living Council.

Approximately 13,000 men and women are protected by the Amalgamated Meat Cutters & Butcher Workmen of North America, AFL–CIO bargaining representation in this area and their November 1972 increase was something close to 4.4%.

Final Department of Agriculture figures for 1972 are still not available but every housewife in America knows without Reader's Digest's help that beef is costing her more and more. It also costs the butcher's wife more and more, it should be observed, unless the lords of industry have suddenly had a change of heart and are granting reduced prices to their supermarket employees.

In the absence of year-end statistics we recently surveyed the prices of one of the country's largest supermarket chains which possibly has the greatest number of store outlets in Southern California and is therefore a highly competitive and price-wise merchandiser.

During the last week of 1972 this chain carried 60 beef items in its meat-cases for retail sale. The varying cuts ranged from filet steaks at a high of $3.09 per pound to (they used to be "free") clean-bone at a low of 11 cents per pound. The average per pound price of beef in this chain, during that week, for all cuts was $1.38.

Multiply that average by the estimated 118 pounds of beef consumed by the average American in 1972 and then multiply again by the 10 million Southern Californians (a minimal population estimate according to 1970 Census standards) facing the dilemma of high beef prices. Our multiplied answer would have a dollar total in the billions.

For some reason none of that type of information got into Roper's article. Neither did the fact that the Department of Agriculture published statistics were available to confirm that during the 15 years from 1956 to 1971 the average Butcher and Meat cutter doubled his wages, but despite fewer workers in the industry, these skilled artisans increased the production of meat so tremendously that they were able to hold down the cost of one pound of meat per manhour of work to less than one-third of one cent (.031¢) per hour. (See, "Productivity Report" prepared by the Research Department of the International and the Western Federation of Butchers, 1972.)

The employer's line-of-reasoning follows through all of the Digest report and the author chooses to ignore the many U.S. agency reports available. Roper maligns working people and disregards the good citizens who personally must meet the spiraling costs of the economy without the due process of free and open collective bargaining procedures. Food workers pay is "frozen" . . . It has been throughout Phase I and Phase II—and now it is again in Phase III.

Yet food workers pay higher prices, taxes, interest and all the other "indulgences" that plague the middle income earner.

How, with any common sense can the worker then be guilty of price-gouging, as this article so unjustly colors him?

Perhaps the publishing of this slanted and unfair article was devoid of common sense?

Perhaps the scouts will be heard reporting to their strategists that the "rustling of sabres" observed in the Reader's Digest camp is merely the beginning . . . the beginning of a 1973 campaign? A campaign to place the blame for high food prices other than where it truly belongs—and that is with those food employers who are not combating the increases passed on by their suppliers, but who in turn pass it along to the consumer, while the corporations enjoy the profits of the harvest they reap from the toil of union men and women.

WITH DEVALUATION, THE DOLLAR CONTINUES TO DIMINISH

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. EVINS of Tennessee. Mr. Speaker, we have all viewed with concern the most recent devaluation of the American dollar.

Recalling when the Smithsonian devaluation was announced in December 1971, then Secretary of the Treasury John Connally hailed that agreement as one of the most significant monetary agreements in the history of the world.

As the Evening Star pointed out editorially recently, we are still awaiting the beneficial effects we were promised from the Smithsonian devaluation—and a little more than a year later, we see a second devaluation.

Because of the interest of my colleagues and the American people in this most important matter, I place in the RECORD an editorial from the Evening Star and an article by James Reston of the New York Times:

THE DIMINISHED DOLLAR

Devaluation of the dollar in some form was inevitable, given the recent facts of international economics. The flight from our currency in the world's money markets, discounting speculative shenanigans, reflected firm evidence that the dollar was overvalued with respect to some other strong currencies, notably the Japanese yen (which may now float even higher with respect to the dollar) and the West German mark. The evidence included the worsening deficits in our trade and balance of payments.

In declaring a 10 percent direct devaluation of the dollar, for international purposes, President Nixon seems to have done what was necessary to restore temporary order on the world monetary scene, in the process sparing some of our trading partners the politically complicated job of revaluing their currencies upward. The United States hopes to benefit from the change by selling more goods abroad at cheaper, more competitive prices, while holding down domestic purchases of more expensive imports. That should help our trade balance and protect American business and jobs, although the similar effect from the Smithsonian devaluation of December 1971 is still awaited.

There are unpleasant effects as well. Travel by Americans in various parts of the world will be more expensive. And while American consumers may be deterred by the higher price tags on some foreign-made goods, the rising cost of imports will push up our cost of living.

Other dangers flow from the latest currency crisis and its aftermath. The threat of more self-defeating protectionism in our trade policy may have been heightened—a problem that was not helped by the terms in which the President asked Congress for new authority in trade negotiations. He stressed the power to raise, as well as lower, tariffs in order to gain concessions for our exports, a tough line that could encourage a protectionist-minded Congress to legislate less discretionary trade barriers than Mr. Nixon wants.

One of the clearest lessons of the dollar crisis, and the stopgap devaluation measure, is that basic reform of the international monetary system is urgent. The old Bretton Woods machinery, which served the postwar world so well, has lain dismantled for a year and a half. A replacement, based on modern realities, is badly needed, and the lagging negotiations should be speeded.

MANY DEVALUATIONS IN AMERICA

(By James Reston)

Almost everybody is being very cool in Washington about the devaluation of the dollar. Secretary of the Treasury Shultz, slipping out of Alice Longworth's 89th birthday party to spring the news, suggested that we must look on the dollar crisis as an "opportunity," and since then it has been discussed almost as a blessing.

This is the new thing in Washington: No-fault government. Noble principles of balanced budgets are proclaimed and then repudiated. Disastrous policies are introduced and then reversed, but nobody's to blame. It is called the "New Pragmatism" or "facing up to realities," and in the present monetary crisis, as in the withdrawal from Vietnam there is much to be said for it.

But at best, the New Pragmatism is a recovered fumble, with a lot of lost yardage, and maybe we have to face up to the larger reality: That a lot of other things were devalued in America before the dollar, and contributed to the present monetary crisis.

In relation to Japan and Germany, the U.S. lead in science, mass production, distribution, and services was devalued in the export markets of the world long before the devaluation of the dollar. Let's face it: Over the last two decades, U.S. management-labor relations, and U.S. competitive relations with the rising industries of Japan and Western Europe have declined.

The result is that in 1971, the United States had a trade deficit of more than $2 billion for the first time in this century, and last year, the U.S. deficit was almost $7 billion. No doubt this deficit will be helped by devaluing the dollar by 10 percent, which will make the things we sell abroad cheaper and the things we buy from abroad dearer, but the chances are that it won't really deal with the devaluation of American work, or the devaluation of American products, which are often built to wear out for the affluent American market, but not to endure for the less-affluent markets abroad.

All kinds of things are being devalued in America today, beginning with the English language. Only a few months ago, President Nixon proclaimed the Smithsonian agreement on the devaluation of the dollar and the revaluation of the world's currencies as "the most significant monetary agreement in the history of the world," but now the dollar is devalued again, with official promises that maybe this time all will be well.

More important, the Democratic process in Washington is now being seriously devalued. The President and the Congress are not really talking to one another about their common problems of keeping the federal budget within noninflationary limits. They are fussing with one another about the Constitution, and who is in charge of expenditures and priorities, and playing politics with what both agree is one of the most serious questions of international economic policy since the end of the last world war.

Meanwhile, the larger questions of politics and philosophy and national purpose are being lost in this squabble over the budget, the price of gold, and the relative value of the American dollar, the Japanese yen, and the German mark.

These are obviously important questions, but they are not the main or the ultimate questions. Walter Lippmann has been in Washington this week, full of years and wisdom, and he stated the central problem many years ago.

"We are not used to a complicated civilization," he said. "We don't know how to behave when personal contact and eternal authority have disappeared. There are no precedents to guide us, no wisdom that wasn't made for a simpler age. We have changed our environment more quickly than we know how to change ourselves.

"And so we are literally an eccentric people, our emotional life is disorganized, our passions are out of kilter. Those who call themselves radical float helplessly upon a stream amidst the wreckage of old creeds and abortive new ones . . . those who make no pretensions to much theory are twisted about by fashions, crazes, at the mercy of milliners, and dressmakers, theatrical producers, advertising campaigns, and the premeditated gossip of the newspapers."

What he was saying then—and he was saying it again in private this week—was that we could not solve our problems by techniques, by monkeying with monetary rates, or arguing about the right of the President to "impound" money voted by the Congress, or by reorganizations of the White House or the Congress.

He was saying, in effect, what John Maynard Keynes said just before he died: That economic and financial questions were important but secondary to philosophic questions about the purpose of life, and that we had to get our purposes and objectives straight first. This is still the problem in Washington and the other major capitals of the non-Communist world.

COMMUNITY SUPPORTS EDUCATION PROGRAM

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. FORSYTHE. Mr. Speaker, today, in a time when more and more Americans are asking the Government to solve problems for them, a farsighted community in my district is doing its share to help provide financial assistance to its students.

The Willingboro, N.J., PTA scholarship foundation, chartered by the State of New Jersey, is working to build an education fund so that scholarship assistance can be provided to Willingboro students seeking post-high school education.

The ultimate goal of the foundation, now about 3 years old, is to provide financial aid to enable every township high school graduate who wants to continue his education to do so.

The foundation has won the support from a number of other civic organizations, including the local Rotary, Clergy Association and the Jaycees.

The idea behind the foundation is simple—amass a quantity of funds, invest it in very risk-free areas, and use the interest to send kids to college, technical, or vocational schools.

The foundation is seeking financial support from individuals, business firms, and other philanthropic entities. It is not asking for tax dollars.

The foundation is operated by a five-member board of trustees, which includes individuals of varied backgrounds—all of whom are interested in helping to promote higher education opportunities for students from their community.

Almost a year ago, the Burlington County Times, the daily newspaper which serves Willingboro, commented:

> It could take a decade or longer for the Foundation to reach its ultimate goal. Indeed, it will require a healthy sum, diligently invested, to produce enough income to aid every graduate who needs assistance.
>
> But if "a journey of a thousand miles begins with but a single step," a goal of community-wide scholarships must begin with those first dollars.
>
> The concept answers a pressing need. College costs are soaring beyond the means of many middle and low income families; taxes to support state educational institutions are also on the increase, and private colleges are in trouble due to rising costs and students discouraged by high tuitions. The idea that a community can help provide for its young people is an encouraging one, and its success could set a pattern for other towns.
>
> Continued support by Willingboro residents, organizations and industries will be necessary if the project is to achieve its goal.

Mr. Speaker, I believe we in the Congress should take a lesson from those dedicated civic leaders in Willingboro, N.J., who conceived and have initiated the Willingboro PTA scholarship foundation.

Perhaps, if it proves successful, it might serve as a model to help other communities provide similar financial assistance to their own students.

I want to take this opportunity, Mr. Speaker, to offer my sincere appreciation to Mr. John W. Kolb, Robert P. Goldy, Harry D. Ambrose, Jr., Elfriede Reitinger and Carl P. Schulze, for their untiring work in promoting this worthwhile goal.

LITHUANIAN INDEPENDENCE DAY

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. BELL. Mr. Speaker, February 16 marked the 55th anniversary of the establishment of the modern Republic of Lithuania and the 722d anniversary of the founding of the Lithuanian State. I should like to take this opportunity to salute the courageous people of that nation.

It is once again my pleasure to join in the recognition of these events. Rather than joyous celebration, however, this is a time for us to reflect upon the freedoms we enjoy in the United States that the people of Lithuania so desperately desire.

By accident of geography, Lithuania has been forced to suffer from its position on the Baltic, incurring frequent threats from the Teutonic peoples on the west and Russia on the east. It took remarkable ethnic cohesiveness and determination to survive the pressures from both sides. Unfortunately, as the Members of this body know, the Baltic States have been deprived of their independence since 1940.

At this precarious time in history, when global peace finally appears attainable, it saddens me that the only country in which Lithuanians will not be able to observe these historical anniversaries is in Lithuania itself.

The forthcoming European Security Conference should shine new light upon the question of the territory of the Baltic countries. The policy of the United States and other nations of maintaining nonrecognition of the incorporation of Lithuania, Latvia, and Estonia into the Soviet Empire must continue if any of these nations are to achieve genuine independence.

Americans of Lithuanian descent, including many of my constituents, have continued the customs of their culture to the benefit and enrichment of this Nation. The cherished tradition of liberty and the historical and familial ties that exist between the Baltic and American peoples encourages the type of congressional attention that we are able to focus on the plight of Lithuania. I join all Americans in hoping that the fundamental right of self-determination will be returned to our Baltic brethren.

THE 100TH ANNIVERSARY OF THE LOBERO THEATER

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. TEAGUE of California. Mr. Speaker, the city of Santa Barbara, one of California's early mission towns and a cultural center of southern California, will be celebrating on February 22 the 100th anniversary of the Lobero Theater. I commend the many dedicated citizens who have made this centennial possible, and I am proud to insert in the RECORD a proclamation by the mayor of the city of Santa Barbara commemorating this historic event:

PROCLAMATION

Whereas, the Lobero Theatre, one of the oldest and most important continuing theatre operations in the western United States, is celebrating its 100th anniversary season in the beautiful Spanish colonial edifice which is located on the site of the original adobe at Canon Perdido and Anacapa Streets. This event is an important milestone in the cultural history of Santa Barbara; and

Whereas, for generations a symbol of the ever-expanding artistic climate of our City, the Lobero Theatre has served its community in many ways: on its stage have appeared the great performing artists of the world in concert, the great actors and actresses of their day in plays representative of every era and style, and countless amateur and semiprofessional groups from within the community itself. While attracting world-famous performers to Santa Barbara through the years, the Lobero Theatre has at the same time encouraged the development of drama, music and dance among the citizens of the community at large by offering its facilities for widespread local use, and by generously making its Rehearsal Hall and first-class Ballet Studio available to those who would teach the lively arts, and those who would learn. The income derived from its modest charges being far less than what is required to maintain the facility and keep it in first-class condition, the difference is made up annually by a very large and generous number of local citizens, the Lobero Theatre Foundation, led by a group of some two dozen Directors, who serve entirely voluntarily and without remuneration because they are deeply interested in the Lobero Theatre and the role it continues to play in the City which has grown up around it; and

Whereas, during this Lobero Centennial Year beginning on February 22, 1973, the Lobero Theatre Foundation and Executive Director Roger A. Clarke will, as guardians of a unique theatre tradition and overseers of a wide-ranging variety of quality entertainment and instruction, continue to bring great credit and national recognition to Santa Barbara as a center of cultural distinction.

Now, therefore, I, Gerald S. Firestone, by virtue of the authority vested in me as Mayor of the City of Santa Barbara, California, do hereby proclaim the year beginning February 22, 1973, as Lobero Centennial Year in the City of Santa Barbara, and urge all Santa Barbarans and our neighbors in the south-coast communities to support and participate in the many rewarding events in connection therewith.

A MATTER OF FISCAL DISCIPLINE

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. FRENZEL. Mr. Speaker, on January 19, the Washington Post printed two articles on the so-called budget debate.

One was a presentation by Senator ERVIN which contained statements being heard frequently in the Congress about "Executive usurpation of legislative power."

The second article, by Mr. Charls E. Walker, former Assistant Secretary of Treasury, took another point of view, one that we do not hear enough of in these Halls. His point was that the question is not whether the President or the Congress is king-on-the-hill, but whether this country is to spend or not to spend. I deplore the "erosion of legislative powers," which I believe is largely self-inflicted, but I believe that ex-Secretary Walker is correct in that the real question is, or should be, one of fiscal discipline.

I commend the Walker article, which follows, to my colleagues:

A MATTER OF FISCAL DISCIPLINE

(By Charles E. Walker)

To spend or not to spend . . . that is the question. Or, at least, it should be the question, but many people insist on talking about who's in charge, Congress or the President.

When it comes to control of federal purse-strings, don't get me wrong. Who's in charge *is* important. The respective constitutional powers of the Congress and the President over spending have to be sorted out, and the sooner the better. But the "Battle of the Budget 1972" is really about something else: Can Congress put its house in order, promptly and efficiently, so that the President is not in effect forced to man the fiscal barricades alone? With budget control central in the administration's game plan to prevent a recurrence of demand inflation, the problem is urgent. The President could use some help.

The problem results from the inherent—and understandable—tendency of any Congress to overspend. Constituents like federal spending in their communities. But—also quite understandably—they do not like to pay for that spending through higher taxes.

As a non-lawyer, the constitutional issues in the spending-impoundment hassle are too deep for me. As Attorney General, Ramsey Clark said President Johnson could impound, but Bill Rehnquist, as an Assistant Attorney General, said Mr. Nixon could not. Now the new Deputy Attorney General says Mr. Nixon can impound if he wants to. Common sense tells me that the President surely cannot spend that which Congress has not appropriated. Common sense also tells that only the strictest of purists would insist that the President spend funds for purposes that are clearly dumb and unsupportable. But that's what some of the rhetoric from Capitol Hill might suggest.

The President's critics argue that the impoundments represent a sudden grab for power. There might be some weight to this argument if Congress had been taken by surprise, but it was not. Mr. Nixon fired several warning shots across Congress' bow, going back to July 1970, when he first endorsed the concept of the full employment budget and urged Congress itself to enact a tough, ironclad ceiling on federal spending—one that, in contrast to earlier efforts, would permit no exceptions.

Generally, Congress ignored these warnings. And it ignored a similar warning by President Nixon in January 1972. Many in Congress and the press seemed to believe that the President didn't mean it, and they greeted his strong reiteration of the request for a budget ceiling last July as simply an effort to create a political issue for the campaign.

The administration and its supporters had a winning issue, and knew it, for the typical voter believes strongly that he's not getting anything like his money's worth for the hard-earned tax dollars he sends to Washington. He believes that, one way or another, Uncle Sam ought to be able to struggle along on a quarter of a trillion dollars a year (the level of the proposed ceiling for this fiscal year). He also thinks Uncle Sam has probably grown too big for his britches.

But the President was serious in seeking that $250 billion ceiling. So were Wilbur Mills and other Congressional leaders who agreed with the administration, and they almost won—at least both Houses agreed that $250 billion was enough. But the administration really had something much more important than a campaign issue in mind—it wanted to force Congress, first, to discipline itself with the ceiling, and second, to reform itself by putting its shambles of a fiscal house in order.

Just a word on that shambles. At no time in any session does Congress sit down and say: Okay, we need a budget surplus because the economy is tight and overheating." Or, "A deficit because the economy is slack." Or, "A balance because the economy is in balance." Nor does Congress have any practical system for setting priorities. Bill after bill for a "good thing" comes to the floor, each very difficult for the typical congressman to oppose. When the question should be "which," our Congress (for understandable political reasons) most often says "both."

None of this is to say that pinning down constitutional responsibilities for the federal purse-strong is unimportant. It is. And there are also matters of great significance relating to the specific areas where the President has impounded funds.

But Congress was warned. The presidential budget submitted in January 1972 was a blueprint for spending (with later adjustments) within the $250 billion limit. At that time, Congress could have said that the limit was too low or, accepting the ceiling, rearranged the President's, priorities according to its own image.

Congress did neither. Now the ball is in its court. Congress can trumpet about constitutional prerogatives or it can get down to the hard work of setting its own fiscal house in order so as to regain the power that it has abdicated to the President. The work of the blue-ribbon Joint Committee on the Budget—established as a direct result of last year's fight on the spending ceiling—appears to be off to a promising start.

Admittedly, the President is trying to do something more in his impounding than restrain federal spending. He is also continuing the shift toward a New Federalism which started with general revenue sharing. But that's another issue. In this context, the issue of "To spend or not to spend" drives right to each American's pocketbook—the prices that he pays and the taxes that he bears.

Economically, the issue is clear-cut. Politically, I think Richard Nixon won the "Battle of the Budget 1973" almost before it began. The people are with him and have been for a long time.

LYNDON B. JOHNSON

HON. JOSEPH P. VIGORITO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. VIGORITO. Mr. Speaker, it was an honor and a great privilege to have served as a Congressman for 4 years under such a great President as Lyndon Johnson.

He was a man and President for all the people and he exhibited this throughout his life, especially in fighting for strong civil rights and social legislation.

The 89th and 90th Congresses, of which I was a part, will long be remembered by Americans for the many landmark measures that were passed at the prodding of President Johnson.

Many Congressmen, including myself, supported Johnson during his administration when he sent measure after measure to Capitol Hill because the time was right for legislation to improve our social and economic life.

President Johnson can best be remembered for his strong stand during the 1964 election campaign for aid to senior citizens in the form of Medicare.

At last, a segment of America which had contributed so much, were being compensated for their work in building the country. Lyndon Johnson saw the inequities in the form of poor health care for the elderly and was able to get the innovative legislation passed in the 89th Congress, of which I was a Member.

Lyndon Johnson was a great leader both in the Senate during his days as majority leader and during his 5 years as President. While in the Senate, Johnson came to know the intricacies and skills of the legislative process which made him one of the greatest legislators of our time.

This special skill became more apparent during the 4 years I was in Congress while he was President. It was one of the most productive years in terms of legislation signed into law.

Johnson will be especially remembered when he became President during a time of national tragedy and grief. He took over the reins of power of this country and brought the Nation back to normalcy after a trying period in American history. I can think of no one more qualified to take the leadership of this great country at such a critical moment.

Lyndon Johnson chose to carry on the hard work of John Kennedy and the ideas of such great men as Franklin Roosevelt and Harry Truman as he molded his administration programs for the period of the 1960's.

Many great things were accomplished during the Johnson years. Americans from every background will recall Lyndon Johnson as a man of courage and determination. He will have a place in history among our greatest leaders.

VOICE OF DEMOCRACY WINNER

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. ANDREWS of North Dakota. Mr. Speaker, I am proud to announce that Miss Valorie Ann Wade of West Fargo, N. Dak., has won the Voice of Democracy essay contest in North Dakota.

Valorie is a student at West Fargo High School and plans to enter the University of North Dakota this fall where she plans to study law.

She is the daughter of Mr. and Mrs. Wyman Wade. To maintain freedom, Miss Wade says in her essay, young Americans must educate themselves, must become involved, and must feel a sense of loyalty.

Her essay deserves public attention, and I am proud to insert it in the RECORD, as follows:

ESSAY

I am a young American. Born in a country of hope, of prosperity, of justice and of freedom. I have a very big and a very important, yet not burdensome, responsibility to maintain my freedom. Not burdensome because I have a choice. A choice to uphold my freedom or take it for granted and pass the responsibility on to someone else. Somehow the latter is a cop out to me, and the former a hard obligation to define, for the answer is not found in words but in actions.

Now and in the future, I feel there are three things that I, as a young American, must do to become a responsible citizen to maintain my freedom. First, I must educate myself. To know and understand how the law and government system works. To realize the importance of bills before Congress and what they will mean once they are put into effect. To know who is the best man for the presidency and not be swayed by public opinion. As a young American it is vital that I use my knowledge in maintaining my freedom and exercising my right to vote in the upcoming years.

Secondly, I must become involved. This does not mean that I have to travel to a large city to demonstrate, cause riots, throw rocks and shout obscenities. There are many things I can do in my own community to become involved, such as helping clean up litter in the ever constant drive against pollution. People needing people, that's what this country is all about! The government is not a machine in which buttons are pushed and decisions made by a computer. It's people, men and women, young and old, black and white, involved in their fight for freedom, working together for the good of the nation.

And thirdly, I must feel a sense of loyalty. This is my country, for better or for worse, still my country. It is up to me, as an educated, involved, loyal person, to try to make the worse, whatever it may be, better. America is a country run by the people, a democratic nation. Responsibility to freedom does not come in one big package with instructions on how to be a good neighbor. It is something that is achieved bit by bit, and piece by piece which, when accumulated, equals a large, driving force of loyal, educated involved people that cannot be put down by such things as communism, a threat of nuclear warfare or pollution.

Freedom is a struggle, a fight for something sacred and precious. It is not always an easy struggle, but as long as there is man and a planet on which for them to live, there will be a fight for freedom. And, as a young American, I will arm myself with knowledge, be involved with my country and my countrymen and I will loyally defend and uphold my freedom.

OFFENSIVE AND DEGRADING ADVERTISING

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, recently the Oldsmobile Division of the General Motors Corp. has come out with an "Il Signore" model automobile. In promoting this automobile, General Motors has employed the worst kind of racial stereotypes. This may be humorous to some but it is downright offensive to persons of Italian descent and to all Americans who find this kind of thing to be totally out of bounds.

Recently, Il Progresso, a very fine newspaper published by my good friend Fortune Pope, took issue with GM's selling campaign. I include this editorial—which expresses most effectively the view of more than 23 million persons of Italian descent, following my remarks in the RECORD.

Mr. Speaker, I would like to think that America has come beyond the point where lampooning a person because of his national heritage was considered good clean fun. However, when America's largest corporation stoops to this kind of thing one wonders just how far have we come.

The editorial follows:

OFFENSIVE AND DEGRADING ADVERTISING

Recently some local and out-of-town radio and television stations have been transmitting a commercial advertising an Oldsmobile, an "Il Signore" model.

The commercial is abusive and constitutes an insult to the intelligence of listeners and viewers of Italian origin. This commercial sets an unmistakable underworld theme. It uses words and expressions usually associated with the underworld, with phrases creating the impression that for anyone to buy this car it must have the characteristics of the "Signore", an expression which within the context of the commercial assumes the meaning of Underworld Boss or Godfather.

In the radio version the actor uses a strong southern Italian accent, the type usually associated with a gangster film character actor, who invites the people to a family feast, while the background is filled with music similar to the wedding party scene in the film "The Godfather".

The "Il Signore", the car with which one goes to the feast is also referred to as the Big Man (underworld term for the leader of a gang, with a "hood" as strong as steel and "bumpers" for "protection". The commercial ends with the words "you are either with us or we kiss you good-bye" a term used, according to testimony given by underworld figure Joe Valachi, by gangsters to indicate a killing or murder.

The television version of the commercial has slight changes in its text but maintains the same theme. Here the announcer, who no longer has the southern Italian accent, indicates that with a car such as "Il Signore" one can acquire many friends and conquer much territory. To sum up, the commercial clearly implies again that Italian is synonymous to underworld and it creates the image that an Italian-American is ready to pay $5000.00 to gain from Il Signore, the same power to make friends and conquer territory as if he had the protection of a Don Corleone (the principal in the film "The Godfather") or any other "Godfather".

The creator of this advertising gimmick probably felt that he was providing the viewers and listeners with an amusing commercial. Assuming that this is so and that he was not motivated by sinister motives, he then must be an illiterate who is afflicted by a most dangerous form of illiteracy, a type lacking in good taste and intelligence, a much more pernicious disease when it is carried by a person responsible for preparing radio and television commercials.

Is it possible that he believes he can persuade people to buy cars by insulting and humiliating them? While one is amazed that the radio and TV stations, notwithstanding their own Code of Ethics, accepted these commercials, one is much more surprised by the fact that the Oldsmobile Company allows such offensive language to be aired in its name or in fact that it resorts to utilizing the talents of such a dullminded person, insensitive to slurs which humiliate and degrade not only the sponsors but the same mass media.

Rarely have commercials utilized so low a theme as the one being used for "Il Signore", and the 23 million Americans of Italian origin should feel dutybound to make their feelings known and protest vehemently by means of telephone calls, letters and telegrams, to the Oldsmobile Division of the General Motors Corporation.

Their protest will be much more meaningful if they refrain from buying the car advertised in these commercials until the Oldsmobile Company has eliminated this shameful advertising monstrosity from the airwaves and apologizes to the Italian-American community.

This is the only persuasive recourse and it must be used to prevent other idiots from writing trash so offensive and humiliating to Americans of Italian origin.

FOUR YEARS TO WHERE?

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. STOKES. Mr. Speaker, this Nation has heard so much about President Nixon's November mandate that the phrase has become hollow. It takes a man like W. O. Walker to come along and give the phrase new life and new meaning—through careful dissection.

In the January 27, 1973 edition of the Call and Post, Mr. Walker, the newspaper's editor and publisher, did precisely that. His probing examination of the President's mandate deserves the undivided attention of my colleagues.

Particularly significant in Mr. Walker's editorial, "Four Years to Where?" was his discussion of black Americans in relation to this mandate. It is W. O. Walker's central contention that, although Mr. Nixon received a very small percentage of the black vote, his large majority should make him a bigger man—it should make him truly a President of all of the people. Mr. Walker believes that one way in which this can be accomplished is by the President calling a group of black leaders into his office and committing himself to correcting the serious denials of rights and justice to all of America's minorities.

I hereby present Mr. Walker's incisive editorial to this House:

DOWN THE BIG ROAD—FOUR YEARS TO WHERE?

(By William O. Walker)

With the inauguration last Saturday of Richard Milhouse Nixon as President of the United States of America, another four years of his administration of this nation's affairs was ushered in.

At the point of oath taking, Mr. Nixon again becomes the President of all the people, Republicans, Democrats, Independents, voters, non-voters, and any and all other segments of this nation's polyglot population.

In his second administration, Mr. Nixon carries into office one of the largest mandates of any man to hold this high office. While this mandate may be subjected to many and varied interpretations, there is no gainsaying the fact that a whole lot of people gave him a big vote of confidence.

Lopsided elections, especially in second terms, have to be interpreted by the victor as to just what it means. Unfortunately, people are not always clear as to the intent of their voting. It is the wise victor who can read between the lines, the fine and sometimes obscure intentions of the voters.

A big vote also frees the victor from being obligated to any specific group or class. For the mandate is so broad that it encompasses many desires and wishes.

Because of these facts, President Nixon is now free to pursue a course of his own choosing; to do the things he wants to do; to reward and punish as he sees fit.

This kind of a challenge and opportunity is awesome to any man. It is a temptation hard to resist. It is an opportunity few men have.

No President, whether he serves a long time or short time in office, can solve all the problems of this nation with its world-wide commitments. Therefore, he has to be selective as to the areas he wants to be active in; the things he wants to accomplish; the unfinished business he wants to complete; the new beginnings he wants to start.

Negroes did not support President Nixon last November. Yes, there were some percentage points improvement, but these do not alter the fact that Mr. Nixon enters his second term with no valid support obligations to Negroes.

This, however does not change the fact that the problems of the Negro cry out to the high heavens for redress. Righting the injustices our people have so long suffered is the greatest piece of unfinished business this and every other administration in the White House has had to face. It is a problem that cannot be shooed away, swept under the rug, ignored or forgotten. Every President since Washington has had to deal with this problem in one way or another.

Abraham Lincoln took the biggest and boldest step in abolishing slavery. This opened up new approaches to solutions. Some progress has been made since Lincoln's Emancipation Proclamation, but the goal of freedom is still elusive and the need for justice is still a challenge!

No longer is racial freedom, justice and rights, parochial to America. The narrowing of space and distance has made every nation, every race, our next-door neighbors. The staccato chant of "freedom now" is heard all over the world. The White House is concerned with racial strife not only in the United States, but in Israel, Africa, India and Ireland.

The American Indians have been the most exploited of our minorities, but, the Negro has been the most used. Our muscle and our talents have been used to build the wealth of this nation; the benefits of which we have been denied. Our cries for freedom and justice are muted by the nation's mad rush for world power.

Because our cause is just and our motives pure, we seek only that to which we are entitled. No more, no less.

Negroes did not give Abraham Lincoln much support, but President Lincoln was big enough to embrace their cause.

So it is with President Richard M. Nixon. He now has the opportunity to be big enough to embrace our cause. The cause of justice is never a liability to those who have the courage to espouse it.

The Negro is too close to his long denied freedom to continue to be stymied. The gap has narrowed since Lincoln's move. President Nixon, if he wills, can close the remaining distance.

With peace returning to the world, President Nixon can now allocate some of his busy schedule time to this too long ignored problem. The factors of solution are not so complicated that any honest intentioned, fair-minded executive can't, within a reasonable time, make appreciable progress.

It would be a sensible and practical approach to reality if, in his wisdom, President Nixon assembled a small but reputable group to his office and requested their full and continuing cooperation in a sincere effort to once and for all, correct the serious denials of rights and justice to all of America's minorities.

The most any man can aspire for, is freedom and justice. And, this is the least any government should guarantee to any of its citizens. Surely before the next four years of President's administration ends, this is a laudable goal he should seek to attain.

From the ballot box, the Negro speaks in a small voice, but, in the halls of justice, the Negro's cause lies heavy on the conscience of this great nation.

A SALUTE TO THE FFA

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. ZWACH. Mr. Speaker, the week of Washington's birthday is set aside each year to observe another anniversary, that of the Future Farmers of America, and I want to join in congratulating and showing my support for our Nation's finest and most constructive youth organization.

The program of the FFA combines the development of our youth resources with total community development, and is effectively symbolized by the theme of their national week, "FFA Unites Youth With Opportunities."

In Minnesota we have 14,000 active current members and some 70,000 alumni in 268 high school chapters. Nationally, there are over 440,000 members in 8,276 chapters.

Mr. Speaker, being a farmer myself, and representing a very farm oriented congressional district, I have had a first hand acquaintance with the Future Farmers of America and the great work they have been doing since their founding days.

I am proud to see their accomplishments. I am proud of the dedicated, unselfish, clean-cut youth who are its members.

These young people are the agricultural and environmental leaders of tomorrow. As the need for food to feed a hungry world increases, our FFA members of today will play an ever more important role in maintaining the quality of life not only in Minnesota and America, but throughout the world.

Mr. Speaker, I want to personally commend our FFA leaders and members for their tremendous accomplishments in the agricultural and environmental fields.

MIKOLAJ KOPERNIK COMMEMORATED IN POEM AND PROCLAMATION

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. ANNUNZIO. Mr. Speaker, throughout 1973 Polish-Americans in my own 11th District in Illinois and all over the Nation are celebrating the 500th anniversary of the birth of Mikolaj Kopernik—Nicolaus Copernicus—the world-famous Polish scientist and astronomer.

It is important for all Americans to be aware of the social and cultural pluralism which has made America great, and it is in this spirit that I include the quincentennial proclamation by the distinguished Governor of Illinois, Hon. Dan Walker, and a commemorative poem by Marek Gordon. The proclamation and poem follow:

STATE OF ILLINOIS, PROCLAMATION

Because a lonely man five hundred years ago gazed at the stars through a rusted tube and thought and calculated, astronomers all over the earth will this year cooperate in commemorating the quincentennial of his birth.

Because of his studies and perceptions and courage Americans have explored the moon and our National Aeronautics and Space Agency will launch a new orbiting astronomical observatory named "Copernicus" in his honor.

The Gregorian calendar by which we regulate our lives today utilized the astronomical tables founded on his heliocentric concept that the sun is the center of the universe about which the planets revolve.

Nicolaus Copernicus, or Mikolaj Kopernik, who was probably best known and loved as a canon and physician during his lifetime, was also an economist, artist, lecturer, advocate, pharmacist and surveyor.

His heliocentric theory and his conception of the universe liberated men's thoughts from centuries of bondage and fertilized the minds not only of astronomers and physicists, but also of philosophers and humanists, marking the birth of modern science.

Therefore I, Dan Walker, Governor of the State of Illinois, proclaim the anniversary of his birth, February 19, 1973, Nicolaus Copernicus Day in Illinois and urge all citizens to appropriately observe the quincentennial.

PRIEST FROM THE BORDER

(By Marek Gordon)

they are counting
from ten to zero—
closing in the
computers old time
they also open
with counting a new era
Mikolaj Kopernik
was sleeping in his grave

we are rotating, people,
around orange,
which gives us
light, love, heat . . .
that's it, that is it!

everything started
from small thinking,
in spare time . . .
but if you put
your modern dime
into the time
machine

(that will happen
in the twenty-first
century, of course),
you will listen to
the lecture, that:

"Mikolaj Kopernik
was born on the
fighting border
between Poland and
Germany . . .

(we are rotating,
don't you feel
that the globe
is going faster
than you?)

He asked for help
of Polish King
against
the Black Cross
Knights!

II

the Bishop and the Doctor
of the last resort—
proud of His knowledge,
not begging to any court.

(but, He was rotating
already in His
dreams out
of this world)

if you open the encyclopedia
(except a German one)
you will see the average priest
next to nothing in wealth
but He was counting alright
in the darkest ages
of suspicion
burning piles—
His mother tongue
was the stars,
His Country was the moon.
and soon the ruler
of the souls
and soon the father
of believing
sent Him the message
to come over
to Rome . . . to Rome . . .
but He was clever,
He stayed at home!

III

old fashioned rider
of the sky . . .
people said: "he is wrong"
but HE WAS RIGHT
and He reached heaven
before death
through
the frustrations,
through regret—

He stopped the Sun
and moved The Earth
maybe not knowing
He converted
the whole concept
of life.

HE took the stars
to his cold bed
because his wife
was The Universe!

IV

maybe the children
will be asking us
(because the Children
want to know)—
had this really
happened?
o, yes—o, yes
this happened really
FIVE HUNDRED YEARS AGO!

V

this poem breaks
the sounding bracket . . .
that the Kopernik
moves in the rockets
burning the gas or alcohol—
priest from the border
forever Pole.

SAVE MIGRANT WORKER HEALTH PROGRAM

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. WALDIE. Mr. Speaker, the passage of the Migrant Health Act in 1962, was one of the rare expressions of concern by the U.S. Congress for farmworkers and their families. Over the past decade, funds appropriated to migrant health have provided much needed, and otherwise unavailable health services to perhaps the single most cruelly exploited group of people in America.

Now we are told that the administration's proposed 1974 budget recommends the termination of the migrant health program. If this program dies, then it will just serve to confirm the already justifiable belief of most farmworkers that the Government just does not care what happens to them.

Congress should not allow this to happen. The need for a separate and distinct health program for migrants is manifestly obvious, and has been clearly demonstrated.

The health needs of farmworkers is a terrible indictment of our society's unwillingness to provide farmworkers with basic necessities which are taken for granted by most other American workers. The litany is overwhelming: Farmworkers are victimized by an incidence of disease, infant mortality, malnutrition, and other health deficiencies unsurpassed by any other sector of the population. Tuberculosis is 17 times more frequent, and infestation with worms 35 times more frequent among migrants than with the usual patient. Infant mortality and death from infectious diseases is 2½ times the national average. Epidemics of polio have recently occured in areas highly concentrated by migrants; nutritional diseases remain common. The average life expectancy for a migrant is more than 10 years less than the average American's; the average American, compared to the migrant worker, has seven times the number of medical visits per year—4.3 as opposed to 0.61 visits—even though the farmworker is obviously more in need of care. Incredibly, in affluent America, 59 percent of migrant children under age 3 have had no immunization shots whatsoever. Quite simply, health statistics for today's migrants are comparable to national averages for the year 1930—it is a national disgrace.

Because farmworkers constitute a unique segment of our society, they, therefore, require programs specifically designed to meet their unique problems. As they move around the country, picking the food for our tables, farmworkers constantly encounter language barriers, cultural differences, and, as a consequence of their mobility, are unable to meet residence requirements which then denies them medical services. Studies clearly show that only a very few farmworkers ever become eligible for medicare or medicaid.

Migrant health programs have been designed to meet the particular need of the people they serve. One hundred and seventeen single and multicounty health projects now assist farmworkers in 317 counties in 36 States. In my State of California, consumer-oriented health programs that should become prototypes for the rest of the Nation have been eminently successful. It has been exciting and gratifying to see programs developed to meet migrant workers' particular needs—it would be cruelly disheartening to see these programs lost because of a bureaucratic shuffle.

Farmworkers know from bitter experience what will happen to their health services if they become just one of many groups competing for scarce funds—farmworker programs will evaporate.

Four decades ago, John Steinbeck aroused the Nation with his accounts of the plight of farmworkers. But nothing was done. In 1960, the powerful television documentary, "A Harvest of Shame," rediscovered the problem. Still, little has been done. Now, in 1973, it appears that one of the few programs that Congress has enacted to specifically aid farmworkers is in jeopardy.

In response to the obvious needs of farmworkers, and in recognition of the lack of effectiveness of migrant health programs—despite the lack of adequate funding in the past—I am introducing a bill to extend the Migrant Health Act, and to significantly increase our financial commitment to the program. This bill would provide authorizations of $60 million for fiscal year 1974, $105 million for 1975, $120 million for 1976, and $135 million for 1977. In view of the fact that HEW officials have stated that to provide minimum standards of health care for the entire farmworker population eligible under the act would cost $600 million, it is clear that my dollar figures are a bare minimum.

Meanwhile, unless action is taken immediately, there is every chance that come this summer, health clinics will be closing in the fields of America. Gone with these centers will be whatever small commitment we have made to the betterment of health conditions for farmworkers, as well as the commitment that the community that receives the services makes when participating in the development of these services.

Mr. Speaker, I include the full text of the bill in the RECORD at this point:

A BILL TO EXTEND MIGRANT HEALTH ACT AND INCREASE APPROPRIATION

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 310 of the Public Health Service Act is amended by inserting after "June 30, 1973," the following: "not to exceed $60,000,000 for the fiscal year ending June 30, 1974, $105,000,000 for the fiscal year ending June 30, 1975, $120,000,000 for the fiscal year ending June 30, 1976, and $135,000,000 for the fiscal year ending June 30, 1977."

SEC. 2. Section 310 of the Public Health Service Act is further amended by striking "and" immediately before the clause designation "(ii)" in paragraph (1) and inserting at the end of such clause the following: "and (iii) premiums for a prepaid health care plan eligible for Federal assistance where such clinics or special projects so request. All such clinics, special projects, and prepaid health care plans shall provide outreach and follow-up services,".

SEC. 3. Section 310 of the Public Health Service Act is further amended by inserting "(a)" immediately after the section designation and by adding at the end of such subsection the following new subsection: "(b)" There are hereby authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, $25,000,000 for the fiscal year ending June 30, 1974, $35,000,000 for the fiscal year ending June 30, 1975, $40,000,000 for the fiscal year ending June 30, 1976, and $45,000,000 for the fiscal year ending June 30, 1977, to enable the Secretary to assist in the provision of necessary hospital care to domestic agricultural migratory workers and their families."

SEC. 4. Section 310 of the Public Health Service Act is further amended by adding at the end of new subsection (b) the following new subsection: "(c)" In making grants under this section the Secretary shall give priority to those applicants whose policy-making body is composed of a majority of persons who are consumers of its services, where competing applicants appear to the Secretary of Health, Education and Welfare to be equally qualified."

LYNDON B. JOHNSON

HON. JAMES A. HALEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. HALEY. Mr. Speaker, it is with a deep sense of humility I add my own remarks to the growing tribute to our late President, Lyndon Baines Johnson. Once again our country finds herself without the wisdom and advice of a living former President. Yet we can still look to the life of President Johnson for guidance in meeting the needs of this country today.

His assumption of the Presidency on one of the United States darkest days made him the first southern President in over 100 years, yet he transcended the politics of regionalism and sought first what was best for the Nation. He used his great leadership in conjunction with the Congress to lead the Nation, reaffirming the strength and vitality of our great people and the stability of our political system.

President Johnson was probably one of the most easily accessible Presidents for Members of Congress to see. He was a man of strong convictions, but he was also a man who listened to many voices. While many of his programs were controversial, he at least had the courage to present and support them.

It will take time for people to fully recognize and analyze his many good qualities, but I think history will judge him kindly.

IS PUBLIC TV UNDER THE HAMMER?

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. CONABLE. Mr. Speaker, controversy is swirling about public noncommercial television these days and a former colleague of ours seems to be in the center of it. I refer to Thomas B. Curtis, former Congressman from Missouri and presently Chairman of the Board of the Corporation for Public Broadcasting.

Tom Curtis served in this chamber for 18 years and was known here as a man of great principle, fairness and independence. Now vice president and general counsel for Encyclopedia Britannica and the Encyclopedia Britannica Educational Corp., he serves without remuneration on the Board for Public Broadcasting in the interest of improving and strengthening national noncommercial radio and television. It is clear that charges which have greeted his appointment as chairman of the corporation were not made by persons with any knowledge of the character of the man involved.

One of the Nation's eminent columnists recently discussed the public broadcasting controversy and the role of Tom Curtis in it. Roscoe Drummond, an informed commentator on national events for many years, pointed out that criticism and controversy are not likely to dissuade Mr. Curtis from trying to carry out what he believes to be responsible, equitable and beneficial for public broadcasting. I believe many of my colleagues would be interested to read Mr. Drummond's enlightened commentary and I insert in the RECORD his column, "Is Public TV Under the Hammer?" of February 9, 1973.

IS PUBLIC TV UNDER THE HAMMER?

(By Roscoe Drummond)

Now is the time for somebody to come to the defense of Thomas B. Curtis, the new and badgered Chairman of the Corporation for Public Broadcasting.

Or at least to set the record straight. Nothing more would be needed.

Here is a widely esteemed 18-year Congressman from Missouri, who is now Vice President and General Counsel of the Encyclopedia Britannica. The moment he was elected to head the instrument Congress created to develop educational radio and television—even before he had said anything, proposed anything, done anything—he was clobbered.

He was clobbered instantly, totally and

inaccurately, mostly by critics of the Nixon Administration, by many in the media who assume that nearly everything is a censorship plot and by those in television who assume that nothing could be better than the status quo.

The principal accusations aimed at Curtis before he could catch his breath—together with the facts which call them into question—are these:

Accusation—Nixon made Curtis Chairman of the CPB to enable the White House to "take over" public broadcasting.

Fact—The President couldn't make anybody Chairman of the CPB and didn't make Curtis Chairman. Curtis was unanimously elected by the fifteen members of the Board of the Corporation eight of whom were appointed by Lyndon Johnson.

Accusation—The White House wants to turn publicly financed, noncommercial TV into a propaganda arm of the Administration and expects to use Curtis to that end.

Fact—Unproved, I believe untrue and certainly unattainable. Tom Curtis can't be "used" by anybody. He is in nobody's pocket and never has been, as his colleagues in Congress know. One of his central objectives today is to make sure that public radio and television shall not be allowed to become a propaganda tool of this Administration or any future Administration. You can count on him for that.

Accusation—The White House is out to "destroy" public television and hopes the new Chairman will help.

Fact—Apparently the critics disdain logical reasoning. The Administration could hardly set out to destroy public television and at the same time expect to make it into a partisan propaganda arm. It wants to do neither—and isn't. During the first Nixon term Federal appropriations for the Corporation for Public Broadcasting rose from $5 million in 1969 to $35 million in 1972. The White House is asking Congress to increase this to $45 million for the new fiscal year and to $60 million for the next.

Accusation—The critics assume and assert that Chairman Curtis aims to wipe out public affairs programming, opposes controversial programs and wants only bland stuff.

Fact—They don't know this man Curtis. He has been a center of controversy throughout his whole political career, in Congress and out. He likes controversy; he believes in it; he sees it as a vital part of non-commercial television, a needed impetus to public awareness. He is an economic conservative and a civil libertarian and if his critics would take time to get acquainted with him, they would find him a valuable ally of public broadcasting.

During this early period of attack-first-and-get-the-facts-afterward, the aim seemed to be to immobilize the new Chairman before he could do anything. But Curtis doesn't immobilize easily and it is my conviction that in due time public television viewers will find him a boon and the public TV station directors and most producers will find him an asset.

Naturally he wants fairness and balance in controversial programs and in news commentary. He'll get it. The status quo isn't to be sacred. He would like to see more nationally produced programs, not less. He would like to see the local board members of the 223 public TV stations more active in shaping programs for local audiences. He would like to see public TV producing more that is different from commercial TV.

I suspect Tom Curtis will be around a while—and busy.

OMB PHANTOM STRIKES

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. PICKLE. Mr. Speaker, one element of the debate over the Office of Management and Budget is that too often that Agency's decisions are made without any public light being shed on those decisions whatsoever.

In my remarks to this body on OMB, I have made such a point on several occasions.

A front page article in the Saturday, February 17, edition of the Washington Post discloses vividly the truth of my past complaints. The article, by Post writer Peter Braestrup, tells the harsh story of OMB's role in trying to cut back disability payments to amputee veterans of the Vietnam war.

The most frightening aspect of this story of OMB trying to save money at the expense of those men who have sacrified so much is even President Nixon was not aware of OMB's plans. If such secrecy continues to result in political embarrassment to the administration, I would not be surprised to see the President down on this end of the avenue urging passage of the OMB control bills that have been introduced.

Also to be noted is the fact that officials of the Veterans' Administration are taking the blame for this snafu, and one official, Olney B. Owen, has been relieved of duty. Meanwhile, the backroom boys at OMB continue to scheme against fulfilling the domestic needs of this Nation.

At this time, I insert the article from the Washington Post in full in the RECORD:

OMB ORDERED VETERANS CUT

(By Peter Braestrup)

The White House Office of Management and Budget—rather than the Veterans Administration—ordered a $160 million cut in veterans disability benefits that was withdrawn amid public uproar this week.

The actual history of the plan contrasts markedly with the public version. The VA took full responsibility for the proposal when it was circulated among veterans' groups and on Capitol Hill last week, and VA Administrator Donald E. Johnson defended the scheme as a matter of "equity."

And after critics protested that the chief losers would be Vietnam amputees, it was the VA that withdrew the plan on Wednesday—saying it was doing so on orders from the White House.

An examination of how the proposal was fashioned and implemented offers some insight into the workings of the OMB and the faceless federal bureaucracy, and into who suffers when things go wrong.

The story, as garnered from congressional and Nixon Administration sources, is complex, and some of the principal characters are unavailable to discuss their roles. Johnson was unreachable at a VA senior staff meeting held at the Hunt Valley Inn outside Baltimore. OMB officials were either unreachable or refused to discuss it in detail. And the White House said Thursday the snafu was purely the VA's fault.

However, the chief players in the bureaucratic drama appear to be these:

Veterans Administrator Johnson, 48, Iowa-born feed dealer, World War II infantry officer and former national commander of the American Legion (1964-65). Johnson, by all accounts, did not contest OMB's order last December for a $160 million cut in overall disability benefits. Last week he publicly defended the proposed cuts as both economically "equitable" and medically justified.

James H. Cavenaugh, assistant director of the White House Domestic Council. According to OMB officials, veterans policy is one of his major concerns but his exact role in the VA budget process is cloudy. Cavenaugh could not be reached for comment yesterday.

Four men in the OMB, faceless to the public, who dealt with Johnson and his top aides on VA budget matters leading to the disability cuts. These are Paul O'Neill, the top policy-maker, and staff members William Fisher, James Tshiergi, and Fred Fletcher.

Olney B. Owen, 57, Kentucky-born Air Force veteran, a Republican and VA employee since 1946. He developed and sent up the proposed cuts to Congress Feb. 6, at Johnson's request, and was fired Wednesday as chief of VA's benefits department. Owen said yesterday that Johnson had given him no explanation for his dismissal from the $31,000-a-year post. The Veterans of Foreign Wars said Owen was "apparently the scapegoat" for the snafu.

As Johnson emphasized earlier this week—before the cuts were withdrawn—the law allows the administrator to make periodic revisions of disability ratings which now affect 2.3 million ex-GIs, most of them pre-Vietnam veterans.

In 1968, the VA, with the help of the Census Bureau, did a study comparing the 1967 incomes of 500,000 physically or mentally disabled veterans of all wars and 14,000 non-disabled veterans. This study was to be the basis of any change in ratings.

(Congressional sources argue that any 1967 data had to underemphasize Vietnam veterans, since most of that group came home later.)

The data indicated that it was harder for a mentally ill veteran or an epileptic to get or hold a job than for an amputee. Thus—analyzed unemotionally on economic grounds—the amputee's impairment was considered less and therefore he should get a lower disability rating. On the other hand, the mentally ill should get a higher rating.

As a VA official privately emphasized, these ratings were "standards" to be used not for budget purposes but for judging relative "impairment" among the disabled, from 10 per cent up to 100 per cent for such things as total blindness or mental incapacitation.

The changes in ratings were slowly made. The VA's Disability Policy Board, consisting of lawyers, doctors and other specialists, reviewed the new mix under the aegis of James T. Taft Jr., director of VA compensation and benefits. Preoccupied with details of several thousand changes, no one in Taft's office "grasped the real magnitude" of the impact on Vietnam veterans, one source said.

In fact, however, the ratings changes meant sizeable cuts in monthly benefits for 200,000 Vietnam veterans. Most pre-Vietnam veterans were exempt from cuts since Congress imposed a freeze on any disability rating held 20 years or more.

For example, a Vietnam veteran whose leg is amputated at the hip currently has a 90 per cent rating, and gets $275 a month. Under the changes he would get a 40 per cent rating, $106 a month, losing $169. If he happened to be married with a child, he would lose another $53 monthly. Other benefits, tied to his 90 per cent rating, would also disappear with the change.

In 1971, VA officials including Owen testified on Capitol Hill on the administration's behalf. They urged congressmen to hold off pressing for added disability benefits pending completion of the VA study.

Finally, on March 1, 1972, the proposed ratings changes—the same ones contained in a 200-page package that was sent to Capitol Hill on Feb. 6 of this year—were put together, at Johnson's urging.

Later that month, according to VA sources, Johnson was briefed on the changes by subordinates, including Owen and his deputy, Charles Peckarsky. The VA administrator was told three things:

The impact on the disabled Vietnam combat veterans—because of the drop in ratings for "bone and muscle" damage—would be considerable.

While $100 million, under present payment schedules, would be saved by reducing amputee benefits, higher payments to 350,000 mentally ill would add $286 million. Hence, the rating schedule would add $186 million to the overall benefit payout.

The public uproar—from the American Legion, Veterans of Foreign Wars and other groups—would be disastrous.

Later that Spring, Johnson and his top aides briefed Paul O'Neill and other OMB officials on estimated costs and impact.

But, at that point, it was strictly a "theoretical exercise," according to VA sources. Johnson by all accounts let the ratings change lie fallow. He ordered that outside medical consultants review the document.

In mid-December, however, as the annual tug-of-war over the next VA budget began with OMB, Johnson ordered that the ratings changes be made ready for public comment, bypassing the normal intra-agency review, under a schedule that would make the changes effective by late October instead of Jan. 1, 1974.

In early January, VA sources said, as Owen and his subordinates were readying the rating change document, Johnson told them to base it on the 1967 medical study. But he also said it would mean a $160 million saving, ordered by OMB. Warren McDonald, Johnson's executive assistant, brought Owen's group illustrative OMB charts.

Ironically, however, the final document that went up at Johnson's order to Capitol Hill on Feb. 6 was essentially the March 1972 document and did not embody a $160 million saving as had been "estimated" by OMB in the President's 1974 budget message. It embodies, according to VA sources, the same overall increase of $186 million forecast a year earlier, even though 200,000 physically handicapped Vietnam GIs would lose benefits.

As public clamor broke Feb. 9, Johnson defended the medical and technical basis of the study and the $160 million "cut." But, according to VA sources, Fletcher and other OMB officials this week "raised hell" because Owen's group had not revised the ratings to produce a $160 million cut.

It appeared to VA sources that Johnson had promised OMB more than he could ask Owen and Co. to deliver without telling them to disregard VA's own technical study.

The document sent to Capitol Hill at Johnson's order caused an uproar with its sharp slashes in benefits for physically disabled Vietnam GIs. But by VA sources accounts, the slashes were a good deal less severe than those which were calculated by OMB to produce a $160 million saving—but which never saw daylight.

Yesterday, Sen. Vance Hartke (D-Ind.) chairman of the Senate Veterans Committee, ordered preliminary investigation into Johnson's dismissal of Owen Wednesday and the sudden transfer of his deputy, Charles Peckarsky, to Johnson's office.

Johnson has already ordered an inquiry on why there was a difference between what OMB ordered and what the VA delivered to Capitol Hill—a difference which he apparently did not perceive earlier.

EUROPEAN SECURITY CONFERENCE AND ITS POSSIBLE ADVERSE EFFECTS ON LITHUANIA

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mrs. HECKLER of Massachusetts. Mr. Speaker, there are many houses in the American mansion. Not the least of them are inhabited by Lithuanian-Americans, who, last week, celebrated the 55th anniversary of their homeland's establishment as a republic.

I am happy to pay tribute to them as Americans and to join with them in marking the anniversary of their independence. Unfortunately, it has been taken from them again, and, for this, I also join them in mourning.

Here is a printed discussion of Lithuania's currently unhappy status as provided by the Lithuanian-American Community of the U.S.A., Inc:

EUROPEAN SECURITY CONFERENCE AND ITS POSSIBLE ADVERSE EFFECTS ON LITHUANIA

On February 16, Americans of Lithuanian origin and descent commemorated two anniversaries—the 722nd anniversary of the founding of the Lithuanian State, and the 55th anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918.

Lithuania's independence lasted only until 1940, when the Soviet Union invaded and occupied Lithuania, Latvia, and Estonia and forcibly annexed these Baltic States into the Soviet Union. The United States and other great western powers have steadfastly maintained a policy of non-recognition of this forceful incorporation of the Baltic States into the Soviet Empire. This non-recognition policy must continue, especially, in view of the Soviet proposed 'European Conference on Security and Cooperation'. As indicated in the published preliminaries of the Conference the Soviet concept of the security of the European States has one primary prerequisite: That the territorial integrity of the states and inviolability of their frontiers be maintained.

The recognition of the territorial "status quo" in Europe would violate the right of self-determination of the peoples and the nations of Eastern Europe. It would be tantamount to world ratification of the infamous 'Molotov-Ribbentrop Pact of 1939', and would extinguish for all time the small candle of hope in the darkness of totalitarian oppression.

Today, the United States stands on the threshold of the most meaningful and potentially rewarding era in the history of mankind. For the first time in the last fifty years, global peace is attainable. However, global peace is only the first great objective of our nation, we must also seek the attainment of freedom and justice for all oppressed nations. For even if the countries of the world cease hostilities toward one another, the unresolved legacies of the Second World War must be confronted; the status of the Baltic Nations must be once and for all—equitably resolved. Furthermore, let us not be fooled that world peace can be attained by offering the inalienable rights of the people of Lithuania and the other Baltic Nations upon the altar of appeasement.

Even now, Lithuanians raised under the yoke of communism are risking and sacrificing their lives in defiance of the Soviet regime, seeking religious and political freedom for their country. The unsuccessful escape attempt of the Lithuanian sailor, Simas Kudirka, the self-immolation of Romas Kalanta, and the subsequent demonstration by thousands of young Lithuanians, and the petition of 17,000 Lithuanian Roman Catholics to Kurt Waldheim of the United Nations, demonstrates their thirst for freedom at any price.

The 89th U.S. Congress during its second session adopted House Concurring Resolution 416, urging the President to direct the question of the status of the Baltic countries in the United Nations and other international forums.

The time is now, to present to the public at large and the government of the United States the grave concern shared by Lithuanian Americans and the people of Eastern and Central Europe over the approaching Soviet proposed 'European Conference on Security and Cooperation'.

FREEDOM CHALLENGING MARYLAND RACE EXPERIMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. RARICK. Mr. Speaker, the liberals in Maryland now complain because free people use their freedom to do what they know is necessary for the education and safety of their children.

The local free press fails to understand freedom and criticizes parents who remove their children from racially balanced Federal schools in favor of independent schools, thus recreating unbalance and upsetting the Federal judges' master plan.

The race mixers will never learn. Having destroyed any possibility of racial balance in Washington, D.C., and many large cities, they now force destruction of public education. The coup d'etat is about to occur. People refuse to be put into a bag, shook up, and realined. That is what freedom is all about. And people who are willing to pay the price of freedom will continue to flee and make their life regardless of the disgust of perfidious news media and political judges.

I include a related news clipping:

PRIVATE SCHOOLS PERIL RACIAL BALANCE

(By Charles A. Krause)

"This place is all right, but I'd rather be back in public school," said Kenneth Roberts, 14, as he unwrapped a sandwich in the lunchroom of the Riverside Baptist School in Avondale.

Roberts was one of 500 former Prince George's County public school students who attended their first day of classes yesterday at the Riverdale school's expanded campus in the former LaSalle College.

He had switched to the Baptist private school for the second semester, the youth said, "because of racial problems, I guess . . . my mother took me out of public school." Roberts, a 9th grader, went to Martin Luther King Junior High school in Beltsville.

Gina Petrillo, 11, a sixth-grader who went to Margaret Brent Elementary in New Carrollton, said she "loved" the new school but was afraid of being paddled by the school authorities "They wouldn't do it," she said, but after a moment's pause added: "Maybe they would. I'm going to be good."

The Riverdale Baptist School reflects the no-nonsense educational and religious philosophy of its founder and chief architect, the Rev. R. Herbert Fitzpatrick, who says his Riverdale Baptist Church is one of the fastest growing churches in the country. Mr. Fitzpatrick was overseeing the start of the LaSalle campus yesterday before leaving last night for a trip to Israel.

Larry Evans, 32, the school's principal, said yesterday that Riverdale Baptist had doubled its enrollment this semester and added the Avondale campus—a former Catholic seminary—as a result of a court-ordered desegregation plan for the county's public school system that went into effect Jan. 29. The plan involved the transfer of about 33,000 students, including the busing of 12,000 students who had walked to school.

"Busing was the straw that broke the camel's back," Evans said. "I think that people are just fed up with all the problems in the public schools."

"I think busing is a religious issue," Evans said. "Until the love of the Lord is in everyone's heart, you can't legislate morality."

Both Prince George's school officials and Evans agreed yesterday that the shift of 500 virtually all white students from the public schools to Riverdale may affect the makeup of some public schools and lead to additional changes in the desegregation plan next fall.

U.S. District Court Judge Frank A. Kaufman has retained jurisdiction over the county's public school system and will review the desegregation plan in early March to insure that the school system has complied with his court order.

If certain schools are not within general guidelines issued by the court—that is, no more than 50 per cent black and no less than 10 per cent black enrollment in each school—Kaufman has the right to order further changes to bring all county schools within the guidelines.

Paul M. Nussbaum, attorney for the county's school board, said yesterday he could not be sure what effect the 500 new Riverdale Baptist students would have on the public schools to which the students had been assigned.

"If they all come from one school, obviously that would throw the plan off balance," Nussbaum said. "But if they come from 10 different schools, I don't know."

Evans said that a majority of the students newly enrolled at Riverdale come from the Lanham-New Carrollton area, the center of antibusing sentiment in the county.

William Paca Elementary in Landover, formerly a virtually all-black school to which white New Carrollton students from Robert Frost and John Carroll elementary were to have been bused, may not reach its projected racial composition due to the opening of Riverdale Baptist, a school administration spokesman said yesterday.

Paca had 330 white children and 304 black children on Feb. 2 when the last countywide attendance count was taken. If 30 Riverdale students were to have gone to Paca, Nussbaum said, more white children might have to be brought into Paca next fall.

The new Riverdale Baptist school is an old, stone building on a hill overlooking 23 acres of wooded land less than a mile from the District of Columbia line. Evans said he hoped to expand to accommodate another 500 fourth through ninth-grade students next fall. The school charges $500 a year, and offers classes in kindergarten through ninth grade for its current enrollment of 1,000 students.

Evans said that Riverdale Baptist should not be blamed for throwing the desegregation plan off balance. "We've had people threaten to leave the county if they couldn't get their kids in our school," he said.

"We feel that any stability we can offer has got to be a relief to the county as a whole," Evans said.

VEYSEY LEADS DRIVE TO ENFORCE STIFFER CALIFORNIA SMOG LAWS

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. VEYSEY. Mr. Speaker, I am today introducing legislation to guarantee California's right to continue taking the lead in fighting air pollution, and to continue enforcing State pollution standards which are more stringent than Federal standards. My legislation, which is cosponsored by 39 of my colleagues from California, would simply clarify existing law to avoid administrative misinterpretation in the future.

It would prevent the Environmental Protection Agency from negating stiff California statutes in favor of weaker Federal regulations.

Mr. Speaker, Congress plainly recognized the need for California to have this option, when it passed legislation to that effect in 1967. That bill, known as the Murphy Amendment to the Air Quality Act, directed the Department of Health, Education, and Welfare to grant California a waiver from Federal regulations when California's provisions are more stringent. The statute clearly says:

> The Secretary shall, after notice and opportunity for public hearings, waive application.

It does not say:

> The Secretary may waive.

However, during the past 2 years, with the Environmental Protection Agency administering the war on pollution, this statute has been misinterpreted to allow the EPA to deny requests from California for a waiver. Requests have been denied because California wanted to be stronger against air pollution—not because our State was weaker.

To me, this does not represent the direction in which the EPA should be going. Further, the real irony in this situation lies in the fact that most of the Federal air pollution regulations are ones which were inspired by California years ago. California has plainly been the leader in the antipollution field, and rightfully so. We have had the problem the longest and the worst. And today, our problem demands treatment and sacrifice which could not be imposed on the Nation as a whole. Sweeping, general air pollution regulations, which might be practical for the Nation, are grossly insufficient for California.

Mr. Speaker, I offer a report of the Senate Public Works Committee on the Air Quality Act, which was issued on July 15, 1967. It leaves no doubt as to the legislative intent of Congress when it passed the Murphy amendment. I quote:

> On the question of preemption, representatives of the State of California were clearly opposed to displacing that State's right to set more stringent standards to meet peculiar local conditions. The auto industry conversely was adamant that the nature of their manufacturing mechanism required a single national standard in order to eliminate undue economic strain on the industry.
>
> The committee has taken cognizance of both of these points of view. Senator Murphy convinced the committee that California's unique problems and pioneering efforts justified a waiver of the preemption section to the State of California. As a result, the committee incorporated in section 202(b) a waiver amendment offered by Senator Murphy. It is true that, in the 15 years that auto emission standards have been debated and discussed, only the State of California has demonstrated compelling and extraordinary circumstances sufficiently different from the Nation as a whole to justify standards on automobile emissions which may, from time to time, need be more stringent than national standards.
>
> The situation may change. Other regions of the Nation may develop air pollution situations related to automobile emissions which will require standards different from those applicable nationally. The committee expects the Secretary to inform the Congress of any such situation in order that expansion or change in the existing waiver provision may be considered.
>
> Until such time as additional problems of this type arise it seemed appropriate that the waiver provision of subsection (b) should be limited solely to California. This approach can have several positive values:
>
> 1. Most importantly California will be able to continue its already excellent program to the benefit of the people of that State.
>
> 2. The Nation will have the benefit of California's experience with lower standards which will require new control systems and design. In fact California will continue to be the testing area for such lower standards and should those efforts to achieve lower emission level be successful it is expected that the Secretary will, if required to assure protection of the national health and welfare, give serious consideration to strengthening the Federal standards.
>
> 3. In the interim periods when California and the Federal Government have differing standards, the general consumer of the Nation will not be confronted with increased costs associated with new control systems.
>
> 4. The industry, confronted with only one potential variation, will be able to minimize economic disruption and therefore provide emission control systems at lower costs to the people of the Nation.
>
> The intent and the benefits to the Nation are clear. But today somehow the tables have been turned. The Environmental Protection Agency now places the burden on California to show cause why its new improved standards should not be disapproved.

The intent and the benefits to California and the Nation are clear. Yet, during the past 2 years, EPA has begun to challenge this statute, saying the burden should be on California to show why its stronger statutes should be allowed. And although congressional pressure forced the EPA to reverse several denials of waiver requests, we can be assured that more denials are ahead unless Congress reasserts its intention.

In California, our struggle against pollution is a struggle for survival. People are dying because of the smog, and it is imperative that State and local governmental bodies in California have the ability to prescribe and enforce remedies designed to combat our particular ills.

Our problem is unique. Our combination of topography, sunlight, atmospheric inversions, low wind speeds, and heavy concentrations of people gives us the most severe photochemical smog in the world.

One of every nine cars in the United

States, and one of every 18 cars in the world is in California. Current estimates predict that our automobile fuel consumption will be tripled in the next 30 years.

Today children in Riverside, Calif., in my congressional district, cannot safely play outside on many summer days. High school and college athletic teams in southern California often practice inside because of smog alerts.

Smog is not only killing people—it is killing our economy. Last year, smog killed over $200 million worth of California's agricultural production.

No one can argue that California does not need the strictest antipollution regulations in the country. And likewise, no one can argue that California's pioneering effort in the battle against smog has not provided the foundation for the Nation's antismog programs.

My legislation would simply assure that California continue out in front in the fight to end pollution. It would assure that California have the capability to take vitally needed measures in that fight—measures which might not be needed in other parts of the country.

We must have this kind of assurance. We must be able to take decisive action, and set rigid air quality standards, without having to wait for the Federal Government to tell us how to and when to implement our own innovations.

A BILL TO PROTECT CONFIDENTIAL SOURCES OF THE NEWS MEDIA

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. HUDNUT. Mr. Speaker, I am introducing a bill today to reinforce the absolute constitutional protection of the people's right to a free press. The legislation I am sponsoring would permit journalists to keep confidential their sources of information as well as material gathered but not used. Specifically it would prohibit Congress, Federal courts, grand juries, or Federal administrative agencies from demanding such information of journalists.

When American reporters must choose between divulging confidential information and going to jail, all American citizens lose because the flow of information is curtailed. If potential sources cannot be assured that their identities will be protected, they will not communicate with the press. In addition, reporters may choose to avoid controversial stories because they would not want to betray their source. In turn, the public would be served only favorable news derived from "handouts."

Any curtailment of a free flow of news is a first step in usurping power from the people. The basic necessity of a free people is the ability to determine the course of their government. Preservation of that power requires free dissemination of information and opinions. Our forefathers insisted upon including a Bill of Rights in our Constitution. The first amendment specifies that—

> Congress shall make no law abridging the freedom of speech or of the press.

Today, we need to reinforce this right of free speech and the press. I, therefore, urge the passage of this legislation to guarantee journalists the right to keep their sources confidential.

LOOKING BEFORE WE LEAP

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. STOKES. Mr. Speaker, the news media is under attack on several fronts—newsmen are being imprisoned, public television is shying away from "topical" subjects, Dr. Clay Whitehead wants the local stations to monitor the national networks. Many liberals are going overboard, saying that freedom of the press itself is threatened. I say that we should look before we leap, because we have never had a free press in this country as far as minority groups are concerned.

Last year, the Congressional Black Caucus held hearings on the mass communications media. In the course of these hearings, we learned that employment discrimination runs rampant throughout the news industry. Minority employment in public television dropped from 12 percent to 8 percent between 1970 and 1971; the percentage of black employees in the newspaper industry is only 4.2 percent with only 1.5 percent as professionals; and in the broadcast media, nearly half of the service workers are black while only 2 percent of the officials and managers are black.

Furthermore, the media have been deficient and discriminatory in reporting the news of the black community. The effect of this practice, on a national and long-range basis, has been to calcify prejudices and attitudes in the mind of the American people.

On January 12, 1973, an editorial in the Boston Globe gave several examples of how the media not only underwrote people's prejudices, but created them.

Freedom of the press must be defended to the limit, but first we must work to make the press free.

The Boston Globe article appears below:

AN INSENSITIVE PRESS

The tragic nightmare of murder in New Orleans last weekend has, like the Attica prison revolt, raised new doubts about the ability of the news media to report sensitive stories that involve black people and crime.

The five days of coverage have been marked by confusion, contradictory stories and unanswered questions, and, in a vacuum of evidence, the news media have disseminated a good deal of aspersion, insinuation and innuendo. What we were led to believe on Monday we were told, may not be true on Tuesday, and what was accepted as a certainty on Sunday became an impossibility by Thursday.

The sniper, Mark Essex, 23, of Kansas, was black, and that fact, it now seems, was exaggerated by the news media in their treatment of the story. The press was willing perhaps eager, to accept, without evidence, the suggestion that the shootings were part of a national conspiracy to kill policemen.

A N.Y. Times story said, for example: "The police superintendent could not say flatly that Essex was part of a national conspiracy to kill policemen, as has been asserted by other officials in Louisiana." What other officials? What evidence of national conspiracy? The story did not say.

The mere mention of an unsubstantiated charge such as that nurtures the fears of racists, and who can measure the damage to black-white relationships in Los Angeles, St. Louis, Boston or New York?

On Tuesday, the National Broadcasting Company telecast a report of the burial of a policeman, followed immediately by an interview with a southern Ku Klux Klansman who urged white people to mobilize under the Klan because law and order was breaking down in the United States. How do we know what impact that sort of drivel would have in a black-white neighborhood? NBC's insensate juxtaposition, inadvertent or not, is certain to stimulate racial antagonisms and retard racial understanding.

Similar problems occurred in coverage of the Attica prison revolt. On the basis of unsubstantiated statements by the prison administration, the news media printed and broadcast false stories that the hostages, who were white guards, had been brutally slain by the inmates, most of whom were black. Ten hostages were killed, not by the inmates, but by bullets from an all-white State Police contingent which stormed the prison. In addition to the 10 hostages killed by State Police, 29 inmates also were shot by them.

Last November, when three pirates hijacked an airliner and demanded $10 million, one headline on the story read: "Ten Blacks Hijack Airlines." In the first 13 paragraphs of the story, there were three references to the hijackers as black. The next day, in stories and in captions under pictures, the hijackers were identified as "three black fugitives," or "young black hijackers."

Not all such racist reporting is direct. Some of it is subtle, but no less invidious.

Last Spring, at Harvard University, there was a forum on national priorities, sponsored by the Congressional Black Caucus, three newspapers, and Harvard's Institute of Politics. The final report made this critical point:

"In the America seen through the lens of the white-controlled mass media, blacks are either invisible or glimpsed in distorted focus. There is widespread, long-standing and deeply entrenched racism among the entire mass media. There is a clear pattern of systematic exclusion, distortion, deliberate mishandling of black people, communities and culture.

That stands as a more serious indictment of the press than anything Spiro Agnew has proffered, and its message is unmistakable. We can no longer turn our heads and pretend that we just don't hear it.

THE FEDERAL BUREAUCRACY MYTH

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. WALDIE. Mr. Speaker, I recently received a statement from the National Federation of Federal Employees, which should be of interest to my colleagues.

The material shows that the number of Federal employees has remained relatively constant, while the number of people they serve, and the range of services they provide has greatly expanded. Statistics also show that during this same time period the number of State and municipal employees has tripled.

While Federal employees are currently undergoing a series of unsubstantiated attacks, I think it important that we always remember the great contribution that they make to our society.

Mr. Speaker, at this point I insert this letter in the Congressional Record:

NFFE News Release

The National Federation of Federal Employees charged today that "hard statistical evidence dramatically refutes slanted allegations by special interests and actions" by the Administration through the Office of Management and Budget of "bloated overstaffing" of Federal departments and agencies.

President Nathan T. Wolkomir today released the results of an NFFE study which reveals that contrary to such allegations, "repeated endlessly by various commentators and media, the Federal work force has been declining not only numerically but, even more importantly, has been scanted in the light of the huge increase in the nation's population and in the volume and extent of services rendered."

Dr. Wolkomir declared that "statistics can be dull and they can be twisted and slanted, but in the light of the present demagogic assaults on the Federal public services, these are neither. In fact, the contrary is true. While the national population has risen greatly, together with a huge increase in the volume and extent of services rendered by career employees, their numbers have either been stabilized or reduced . . . while the number of State, county, and municipal employees has soared astronomically. In other words, the increase in public employment has not come in the Federal sector but in all other jurisdictions.

"Let's examine the record, it will come as a surprise even to many presumably knowledgeable observers as, for example, the usually careful TV commentator who in a recent broadcast casually tossed off the figure of '5,000,000 Federal civilian employees,' which was literally millions off the mark.

"Here is the factual record.

"In 1952 there were 2,391,657 full-time employees of Federal departments and agencies. As of the 1950 census, the U.S. population was 150,696,361. In 1957, following the ending of the Korean conflict, Federal employment fell to 2,258,529, although our national population generally was mounting rapidly. In 1962 employment rose only slightly to 2,356,078, while the census of 1960, two years earlier, had shown that the Nation's population—and thus the need for additional services in volume—had leaped to 179,325,175.

"Largely as a result of the Vietnam war, Federal employment rose to 2,785,244 in 1967 but by 1972 harsh manpower ceilings and curtailment of certain services had reduced the total to about 2,499,000. At the same time we find that the U.S. population was soaring to the neighborhood of 210,000,000 . . . and still growing.

"Examine now some figures for the past three years, when U.S. population already was in the 200,000,000 zone. In 1970, full time Executive Branch employment was 2,552,571; in 1971 it had dropped to 2,520,318; and by 1972 was down to 2,505,745. For the same years, the Department of Defense totals were 1,159,939; 1,092,804; and now under 1,040,000. Interior, for example, went from 59,349 in 1970 to 56,892 in 1972. Agriculture shows 82,912 for 1970; 84,252 for 1971; and back down to 82,511 for 1972. Department of Health, Education, and Welfare—the particular scapegoat for the doom-sayers—had 102,297 employees in 1970; 104,283 in 1971; and a very slight rise to 105,764 in 1972.

"The Veterans Administration, predictably shows a modest increase in employment, traceable to the Vietnam conflict and the ever increasing patient loads going back to World War I days. VA employment figures are: 1970, 148,497; 1971, 158,635; and 1972, 163,179. That many VA hospitals and installations now are seriously understaffed in the light of the increasing patient and service load, is an inescapable and deplorable fact.

"As another example, just typical of many others which could be cited, take the Interior figures. Its employees have shown a constant decline, which is continuing, despite an enormous workload increase. Thus, typically, the National Parks are attracting many millions more visitors now than even a few years ago. Manpower available under the arbitrary ceilings imposed by OMB and the Administration is unrealistic in relation to the mission to be accomplished. It is being accomplished only through enormous exertions, dedication, and here as elsewhere throughout the Federal service, by a rate of productivity increase which substantially outstrips the private sector.

"The wage price control program—as a result of refusal of the Administration to provide adequate staffing—is not only admittedly ineffective in and of itself but its staffing policies have seriously impacted another vital agency, namely, the Internal Revenue Service. Several thousand highly capable and experienced IRS employees have been detached from IRS and are endeavoring to equitably administer a program affecting 210,000,000 Americans. Inevitably, IRS operations are bound to reflect the loss of those qualified employees . . . and at a time when the agency's workload will soon be at a peak and when the number of returns to be audited will be the largest in the nation's history.

"Compare the declining Federal work force, and the huge population increase, with the total number of State, county, municipal, and school district employees with whom too many observers who should know better the Federal work force statistics are indiscriminately lumped.

"In 1951 there were 3,643,000 full time local and State employees, and an additional 644,000 part-timers. By 1961, that total had jumped to 5,580,000 full-time and 1,036,000 part-time workers. And in 1971, the totals are 8,204,000 full-time and 2,240,000 part-time employees. Obviously, the big jump in 'public employment' has not come in the Federal sector—in fact the opposite is true—but in other public employees as populations have soared, suburbs have proliferated, and the public has demanded more and more services and protections.

"These typical figures are graphically instructive in many ways. They underscore the fact that the Federal service—with few exceptions—already is 'lean and productive' and that loose, undefined and undifferentiated charges of a 'bloated Federal bureaucracy' make easy headlines and resounding speeches but do not stand up under careful and reflective analysis.

"Incidentally, it might be noted in passing that of the present total full-time employment of about 2,500,000 in the Federal service, more than 650,000 are U.S. Postal Service workers. There has been a substantial decline in postal employment, with results which are too obvious to need spelling out. In applying the axe and manpower bludgeon to a new allegedly 'business-oriented' agency which handles billions of pieces of mail, the deterioration of service has become little short of a national scandal and it is not surprising that members of Congress of both parties are seriously reconsidering their action in putting that department virtually beyond its proper public jurisdiction, namely, the representatives of the taxpayers who are entitled to reasonably prompt and accurate mail service.

"The smoke-screen of a 'bloated Federal bureaucracy,' which the figures effectually refute, also can be regarded as part of a concerted campaign for a huge further increase in costly, wasteful contracting-out to private corporations and the gutting of vital public services. In fact, the contractors' lobby already has kicked-off its all-out drive for $20 billion in 'non-product' Federal services in addition to the billions the contractors already get in Federal contracts for products of all kinds, everything from pencils to aircraft . . . and often fat with cost over-runs.

"We believe the American people, who foot the bills, are entitled to know the facts . . . and to have irrefutable statistical evidence that most of the sounding-off about a 'bloated Federal bureaucracy'—is a VA nurse a bureaucrat?—is sheer demagoguery.

"The NFFE's position is clear now as in the past: we are just as opposed to overstaffing as we are to understaffing. After all, our members, and all Federal employees, pay taxes like every other wage earner. But we believe that those who talk about overstaffed agencies should cite chapter and verse . . . and relate the agencies' missions realistically both to the job to be done and the huge increase both in the nation's population and in the demands by the public for a broad range of services effectively administered.

"An outspoken lawyer from a small western town who came to Washington in a position in the present Administration—a job he still holds at this writing—recently said that when he came to Washington he figured his pay would represent 'a little raise' over what he had been earning; a fact of life which, he declared frankly, he learned was 'wrong as hell.'

"He also said he was wrong about something else. 'I had the usual citizen's view that all these bureaucrats were just sitting around.' But in his first year, according to the recently published press report, 'I never got here later than 7:30 in the morning and never left before 7:30 at night, and didn't take a vacation.' And he still comes in on Saturdays to go over the mail.

"The operative phrase in this frank interview was the appointee's admission that his 'usual citizen's view' of Federal employees—those 'bloated bureaucats'—was 'wrong as hell.'

"The NFFE does not contend that all Federal employees work those hours or that they are necessarily all models of virtue and efficiency. But we do affirm on the basis of more than 55 years of day-to-day experience that Federal workers as a group, at all levels from top to bottom, are conscientious and hard-working American citizens performing vital public services . . . and that for the most part the departments and agencies have precious little manpower 'fat' in them. It is the cheapest of cheap shots for them to be made scapegoats for demagogues, political, editorial, or any others who believe and act on the premise that it is always open season for baseless assaults on Federal workers.

"It is an irresponsible practice which in some cases can be halted by a showing of facts. But we fear that the targets are too easy and the habit too ingrained for others to renounce. But the NFFE will keep on trying.

"An important point to bear in mind in connection with the new 'revenue sharing plan' is that the placing of additional functions on States and municipalities inevitably will result in further substantial increases in employees at the State and municipal level. There will be no manpower savings to the tax-payers over-all; just Federal outlays for other personnel which, as in the past, must be met by Congressional appropriations. To a large extent 'revenue sharing' will mean the transfer of Federally-raised fiscal resources from one pocket to another; the already huge number of city, State and county workers will be further enlarged—often by inexperienced and/or politically named people—at the expense of trained and well qualified Federal employees under a merit system imbedded firmly in U.S. Government statutes."

STRUGGLE FOR HIGHER EDUCATION IN SOUTH VIETNAM

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. HUBER. Mr. Speaker, I include the following: Although a peace settlement in Vietnam has been achieved, a crisis of another kind continues, for in South Vietnam, there are not nearly enough educational institutions, especially those for higher learning. It is worth noting that South Vietnam maintains only eight universities, five of which are private and three of which are public. The public universities have a total enrollment of over 45,000 students, and the private university enrollments are going up rapidly. Obviously, there is a dire need for additional educational facilities, and there is at least one man that I know of who is trying to rectify this problem, Senator Le-Phoc-Sang of the Republic of Vietnam.

It was recently my pleasure and privilege to meet Senator Sang, who, aside from his duties as an elected official, is also Chancellor of Hoa-Hao University in An-Giang province in South Vietnam. Originally founded as a rural teachers college in 1970, Hoa-Hao University is growing rapidly. Chancellor Sang started his university with $300 and a heart filled with desire. His energy and enthusiasm has put his institution on a course of great expansion. Today, under Chancellor Sang's leadership, the still struggling Hoa-Hao University has a department of commerce and banking, a department of international relations and science management, a foreign language center, and a center for legal and public administration training. Chancellor Sang is also planning on developing a medical school and an agricultural college.

Chancellor Sang is doing much, far beyond the call of duty, to see that his people are given the opportunity to better themselves by means of higher education. We should commend Senator Sang for his efforts and I am, therefore, inserting for the consideration of my colleagues a brief history of Hoa-Hoa University and what it has meant to the people of the Republic of Vietnam.

The history of Hoa-Hao follows:

HOA-HAO UNIVERSITY AN-GIANG, SOUTH VIETNAM

DEAR SIR: The very first words I would like to say are to ask for a few minutes of your time in reading through this letter and after that, for some action you may deem desirable to take with respect to it.

The writer of this letter is a Vietnamese who is now living in his suffering country, one torn by an endless war and beset with innumerable problems. As a spokesman for nearly three million peasants of the Western Mekong Delta of South Viet Nam, I ask for your concern over a bold yet necessary educational and cultural undertaking whose purpose is to better the lot of the inarticulate masses, living in the most unfortunate area in our country. This venture is Hoa-Hao University. In Vietnamese, Hoa means peace, harmony, concord, and Hao means good. As its name implies, Hoa-Hao University is an institution dedicated to the peaceful and harmonious advancement of all people regardless of social standing.

You may wonder why, in the midst of a debilitating and ferocious war, efforts have been devoted to founding a university. With 18 million people South Viet-Nam maintains three public universities whose enrollment tops forty-five thousand students, and five private universities with a maximum student body of ten thousand. It is uncommon occurrence that even in the face of destruction and poverty so many young Vietnamese have found such a faith in their future that they will continue higher education in spite of great personal sacrifice. Yet, overflowing as existing universities are, there are countless numbers of less fortunate boys and girls to whom all opportunities for college training are denied. For example, for the five million people in the Western Mekong, Delta, there is but one public university in Can-Tho, with the result that close to 90 per cent of high school graduates in An-Giang province and in neighboring provinces of Chau-Doc, Sadec, Kien-Phong, Kien Giang and Ha-Tien, are forced to discontinue their education because their families cannot afford to send them to distant Can-Tho or Saigon Universities. Responding to that crying need, we have taken the daring move to establish Hoa-Hao University in An-Giang province.

First conceived as a rural university with only one faculty of pedagogy, "a teachers' college", an initial student enrollment of fifty, and a faculty staff of about ten foreign-educated teachers, Hoa-Hao University was to be housed in a small borrowed building, or even worse, in a wooden hut with tin roofing. Fortuately, we were able to move a number of people. About fifteen young graduates from foreign and national universities got together to work without pay for five months, establish curricula, organizing staffs, setting up departments, making up a testing program, and recruiting students. All this was done without financial backing from the government but with much faith in the meager resources of a determined population and, above all, faith in a brighter future for posterity. The Ministry of Social Welfare, impressed by our disinterested effort, loaned us a 30 meters by 8 meters two-story building and a few shacks which it had intended as a community center, to house the administrative and academic facilities. In addition, the local government also donated a 10-hectare plot of ground on which to build our future campus.

After months of preparation, Hoa-Hao University came into existence with three Departments: Commerce and Banking, International Relations and Management Science, and Letters and Pedagogy, and a Foreign Languages Center and the Center for Legal and Public Administration Training. Each was conceived for a special purpose and with the needs of national and regional development in mind. The Department of Commerce and Banking trains future business leaders and disseminates business lore among the rural population of the surrounding areas. The Department of International Relations and Management Science prepares future managers with executive skills and an insight into international politics to enter business, industry and government. The Department of Letters and Pedagogy trains teachers for an expanding secondary school population, and helps perpetuate Vietnamese cultural values. Finally the Foreign Languages Center equips all students with an adequate knowledge of languages to carry on independent reading and research in their specialized fields.

A novel rule at our university is that all students must fulfill language requirement at the end of each year to qualify for the next, and that at the close of the fourth-year they must pass a language proficiency examination as a prerequisite for conferring the B.A. degree. This regulation aims at preparing our graduates for further research and communication with foreigners. Besides those organic schools, the university, facing the most urgent needs for middle-class economic and entrepreneurial cadres of the community, has ventured to establish a Center for Legal and Public Administration Training. This Center offers basic knowledge in practical legal and public administration matters to high school students with grade 9 level. In the planning stage are two more schools: the School of Medicine and the Agricultural College. Although these will meet some of the most pressing needs of the rural population, they have to wait for trained personnel and necessary equipment.

Hoa-Hao University opened in November 1970, and now after two years of operation, has an ENROLLMENT OF TWO THOUSAND STUDENTS. There is every indication that this figure will increase each year. What this signals to us is a challenging increase in demands for more and better facilities and faculty members, an increase we have tried to meet by exploring all known and available sources of assistance within our country. The question is, in the face of these demand upon our resources and capabilities, whether we should circumscribe ourselves to known sources of aid only, or whether we should widen our search for goodwill beyond our national boundaries. We have opted for the latter.

At the inauguration ceremony two years ago, the President of Viet-Nam, who came to preside over it, donated ten million piasters "25,000 US dollars" and the ministry of education has recently granted an annual subsidy of twenty million piasters "50,000 US dollars". Other national and international agencies have indicated or pledged support. In fact, a Board of Sponsors was set up with the President of the Republic as Honorary Chairman, and with, as members, ten Cabinet ministers, and such prominent figures as judges, civic and religious leaders, about eighty representatives and senators as well as provincial councillors in the Delta area. This Board is at once our pride and our moral and material support in the formative stage, and has played a vital role in sustaining our university through very difficult times.

We have been fortunate, too, in getting additional assistance from foreign embassies. The Republic of China donated ten million piasters (US $25,000) to our venture, and the United States Agency for International Development gave 291 thousand dollars worth of excess property. Through their embassies the governments of Canada, the United Kingdom, Japan, the Philippines, Germany, Thailand, the Netherlands, Australia and New Zealand made known their willingness to contribute their aids in various amounts and forms. For example, we are receiving scholarships for faculty training from the Australian government and the Asia Foundation, and have been promised more of them from other governments. Other promised aid includes English teaching specialists from England and Fulbright lecturers from the United States, some building materials from the Thai forces and extended ties with universities in the Republic of China.

Yet in spite of these supports, Hoa-Hao University is still faced with a stupendous problem of surviving inflation, economic stagnation, and destruction which are the main staples of this war ravaged country. Among the many projects we have planned for the future, there are the construction of a campus for five thousand students with classrooms, library, offices, dormitories, language laboratory and other supporting facilities; equipping them with furniture; acquisition of books bearing on social sciences, literature, language, linguistics, education, law, economics etc; equipping the languages laboratory with electronic machinery such as tape recorders, radios, movie projectors and T.V. sets. Above all we need a steady program of faculty development without which our activities would be seriously curtailed.

We ask for your forbearance in reading this lengthy letter, but distance has made the details necessary so that you may have a clearer idea of what we are trying to do here for the toiling masses of South Viet-Nam. We cannot entirely depend on our government or any government for continuing assistance. As you must have realized, procedures for obtaining governmental support are intricate, tortuous, and often sterile. Besides, with the war raging throughout the country and most of the available resources of the nation devoted to the war effort, it is not reasonable to expect too much from our government. Even foreign governments have their own constraints in helping a private university.

We have therefore taken an audacious and unprecedented decision on behalf of the poor peasants who are longing for a brighter future for their children to knock on every door where, in our estimation, there is a throbbing heart, a willing ear, and a merciful mind. We hope to gather, bit by bit, from near and far, enough material and spiritual aid with which to keep our education enterprise viable and thriving.

As founder and chancellor of Hoa-Hao University, I merely want to do something right, something beneficial to a large number of my compatriots. When I embarked on this educational project, I knew and accepted the demands on my time, but also knew that the good of others had to take precedence over the pleasures of my personal and family life. The future of thousands of students who have entrusted themselves to our charge is putting such a heavy responsibility on us that even a lifetime of toil and devotion will prove woefully inadequate. Yet I have accepted the burden because I do not want other youngsters to go through the kind of deprivation and despair which were the scourge of my youthful days. Although I have filled various responsible positions as a judge, Secretary of State at the Prime Minister's Office, Majority Leader in the Constituent Assembly, and now Chairman of the Senate Internal Affairs Committee working with the ministries of Interior, Chieu-Hoi (open arms), Rural Development, and Ethnic Minorities, I came from a family in a remote area of the Western Mekong Delta, lost my father at age seven, and had to do the farm work until age seventeen before going to school. It is for this reason that I have felt the duty to assist those whose situation and poverty have deprived of all opportunities to rise above their present fortune, and that I have accepted the arduous task of promoting a new life style even at my personal expense.

Now that Hoa-Hao University has survived the first two years, it remains our task to see it grow and prosper as a reliable and good institution of higher learning.

In closing, we wish you and your family lasting happiness and continued success in any of your endeavors. We are waiting for the favor of your response.

WOMEN VETERANS BENEFIT

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mrs. HECKLER of Massachusetts. Mr. Speaker, in the 92d Congress, I was able to win approval of an amendment to the veterans' education and training law which extended to the dependents of female veterans the same benefits as those accorded male veterans' dependents.

Now, after implementation of this legislation, we are able to see the good it has accomplished. More than half a million women veterans in Rhode Island and southeastern Massachusetts are now eligible for these dependent benefits and their immeasurable value to the recipients.

I am pleased and proud to have sponsored this legislation because it equalizes the benefits for both men and women veterans, and, more importantly, because it can help that many more people.

I include a press release on the program recently promulgated by the VA Regional Office in Providence, R.I.:

WOMEN VETERANS BENEFIT FROM NEW BILL OF RIGHTS

Some 537,000 women veterans, including 9,000 discharged from military service during the past fiscal year, will benefit from the new "women veterans' bill of rights" in the recent veterans' education and training law, according to Leon Fields, VA's Regional Office Director for Rhode Island and southeastern Massachusetts.

Women veterans now comprise 1.9 percent of the nation's veteran population, with 307,000, or 57 percent, with World War II service.

The new "Bill of rights" equalizes VA benefits for women veterans, allowing them to receive additional GI Bill payment for their husbands and making VA dependents' educational assistance, death pension, and GI home loan available to widowers of women veterans on the same basis as for widows of men who served in the armed forces, Fields stated.

Husbands of women veterans totally and permanently disabled by service-connected conditions are eligible for educational assistance.

"THE POWERS OF CONGRESS MUST BE PRESERVED"—SPEAKER ALBERT

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. EVINS of Tennessee. Mr. Speaker, I was most impressed by your recent remarks as carried in the New York Times with respect to the importance of maintaining our three coequal branches of Government.

As you so aptly put it, Congress must never again be put in the position of, in effect, accepting a philosophy of "only the White House knows best."

With leadership like that of Speaker ALBERT, I feel that Congress will meet the challenge and, hopefully, will reverse the trend of erosion of legislative power of the Congress to the executive branch.

Because of the interest of my colleagues and the American people in your most timely remarks, I place the article from the New York Times in the RECORD herewith.

The article follows:

[From the New York Times, Feb. 13, 1973]

THE DOMESTIC BALANCE

(By CARL B. ALBERT)

WASHINGTON.—The differences separating Congress and the President go to the heart of our sustained experiment in self-government.

The historic separation of powers between the executive and the legislative branches of Government is being tested on many fronts and on four principal issues.

This country can never again accept without question the paternalistic dogma that "the White House knows best," as applied to war and peace.

Also at issue is the question of executive privilege and the power of the President to reorganize the executive departments when Congress has refused to act in this field.

Important as these matters are, the central and overwhelming issue at this time arises out of the impoundment of Congressionally appropriated funds. The great question confronting us today is, as it has always been in our Government based upon co-equal branches; where does Congressional power end and where does Presidential power begin?

No series of acts strike more directly at Congress' fundamental power over the purse than the usurpation of power by the President's impoundment of appropriated funds in the final months of the 92d Congress.

The President has interpreted his reelection as a mandate to strike down the domestic programs passed by Congress over the last thirty years. How such a mandate, if it is a mandate, is to be carried out in the Democratic 93d Congress, fresh from the people is a puzzle to me. Congress has received its own mandate—a mandate which our large and able majority will meet by safeguards and using our constitutional and exclusive power to legislate on behalf of the people.

How well are we equipped for the task of halting executive incursions?

The quality of members of Congress today, on both sides of the aisle, in both houses, is in my opinion higher than ever before in my experience. All of us are acutely aware that, to maintain its strength and vitality, Congress must continually retool and reorganize. All too often, however, our achievments in this direction are overshadowed by more dramatic events, such as the progress of the President's legislative program or the fall from grace of an individual member of Congress.

Modification of the seniority tradition, for example, actually has been under way in recent years in both houses.

In the House of Representatives we have limited the number of subcommittees senior members may chair and distributed these positions of influence among newer members. We are electing, in party caucuses, committee chairmen and ranking minority members.

Similarly, in a continuing process of adaptation, we have revitalized the caucus and strengthened the early leadership. We have opened up committee and voting procedures to provide for greater accountability.

This momentum will be sustained during the 93d Congress.

There is no reason why Congress should not do for itself what it has done for the Presidency, by providing for a transition from one Congress to another. We should authorize and fund a program that would enable the party caucuses to meet in the weeks after the election, nominate candidates for leadership and committee positions, and thus have most of this organizational work finished when a new Congress assembles on Jan. 3. We should be prepared to begin our substantive work in January, and not in March.

What the President is doing is creating a crisis that goes to the very heart of our constitutional system. This is the action which must be challenged by the other two co-equal branches. The courts should speak to the issue. The American people should insist that the balance of powers stipulated in the Constitution should be respected.

TO THE REAR, MARCH, ON HEALTH RESEARCH

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. BRASCO. Mr. Speaker, for some weeks now, the media have been carrying reports of plans by this administration to cut Government's commitment to a variety of programs, many of which have been in fruitful operation for a number of years.

In the past week, some of our worst fears have been realized. One announcement after another has been made by the administration, each more dismaying than the last. All these moves and still others not listed here are shameful witnesses to the philosophical commitment of this President and his administration to a belief disproven many years ago.

In the 1920's, it was commonly accepted that Government had no business getting involved in programs benefiting large numbers of average citizens. When the Great Depresssion struck, President Hoover stood dazed amidst the collapsing ruins of our economy, still giving voice to that sincerely held belief; Government must not become involved.

FDR arrived with a series of constructive New Deal programs, each aimed at using Government resources to getting large segments of national life moving once again. While not a complete success, many such programs worked to significant positive effect. On that foundation, succeeding administrations built still more excellent programs, the list of which is too extensive to repeat here.

Some few programs failed. Others gave birth to security-minded, hidebound bureaucracies which did more to prepetuate themselves than they ever did to aid the people of our country. Yet no administration seriously considered dismantling this cumulative commitment, until this present Government came to office.

Obsessed with power, secrecy and suspicion, this administration views large Federal undertakings on behalf of the people as works of the devil. All such works, that is, except the staggering Pentagon budget and some corporate bailouts.

Still, no reasoning, compassionate man expected what has transpired recently. And no area of the Federal budget has shocked more people, or poses more of a menace to the Nation than drastic cuts in the HEW budget. What has been done to Federal aid to education programs deserves a piece all to itself. Suffice it to say that our commitment to educational excellence is expendable insofar as this President is concerned. Phasing out of Federal aid to vocational education alone is a national disaster of the first magnitude.

Yet it is our health budget that concerns me most at this time. I must confess that the recent cynical, callous evisceration of the Federal commitment to health and health research is utterly astounding. It is a death sentence for millions of our citizens over a period of years.

The administration seeks total abolition of community mental health centers, several hundreds of which have been created in recent years. These centers have been so successful that they have resulted in a 50-percent cut in State mental hospital admissions. Yet the argument advanced by the administration is that people who have gained by access to such centers are being singled out for special treatment, which in turn discriminates against the rest of America. Therefore, according to the logic governing this administration, the remainder of the proposed network of 2,000 such centers should not be created, and all Federal aid to existing centers should be terminated forthwith. It makes as much sense as a two-legged chair.

Regional health programs brought teams of health professionals into geographically isolated areas of America with up-to-date advances in treatment, saving lives, and changing lives which never before had access to decent health care. This program too is slated for termination under the President's budget proposals.

A decade-long program of Federal aid for hospital facilities is also on the list for early termination.

No more Federal funds for programs aimed at ending manpower shortages in medical and allied fields is another prominent feature of the President's budget. In this program, qualified students were admitted to professional schools for training in health professions. Federal money defrayed costs of their education. Many such students were qualified people who otherwise would have never had any chance for these kinds of education. If the President's proposals are accepted by Congress, these efforts to end America's shortages of qualified health professionals will be brought to an end.

It is worth noting that a significant percentage of foreign health professionals are now to be found manning American health facilities. How strange that vital programs aimed at aiding young Americans from underprivileged backgrounds to gain health professional status is to be wiped out.

The same fate awaits Federal aid to those entering health research. Many young professionals have been enticed into health research rather than earn large profits in private practice because Federal assistance adds to their incomes while they engage in research. This, too, will come to an end under the Nixon budget.

All down the line, Federal aid to our National Institutes of Health is cut in order to put extra dollars to several show projects. Research is an ongoing thing. You do not invest a certain number of dollars and get back a certified or guaranteed return on a given date. The Federal commitment to research in health has yielded major results. Polio and rubella have been conquered because of such work. Several Nobel laureates have been selected in recent years from the National Institutes of Health. All these arguments and more can be advanced on behalf of the Federal commitment to health research.

Yet all this goes by the boards as accountants at the Office of Management and Budget sharpen little pencils at expense of the health of the man in the street and his family.

There is plenty of money for more and more weapons. We must make ready for the next Vietnam or the next doomsday. But we dare not spend a few dollars for health research which will inevitably and eventually benefit all Americans. Our real health budget totals several billions of dollars. How does this compare to the swollen 80-billion-dollar-plus Pentagon arms bill?

Unless a man in a white coat comes dashing out of a laboratory waving a test tube and bellowing, "Eureka!" the program is not worthwhile? Would that the same criteria were applied to military hardware programs. Either it works or we withdraw support for it. Not another dollar until it functions or flies. Unfortunately, only health research gets such treatment. Well, why should these gentlemen in the administration care anyway. The poor will feel the pinch first and most painfully, and they suffer quietly. When the real impact of these health cuts comes home to middle-class Americans, this administration will be long gone from office. But not, Mr. Speaker, from memory.

It is the duty of this Congress to see to it that the vision of men like John Fogarty of Rhode Island and Lister Hill of Alabama does not perish under an accountant's pencil. We can and must restore budget cuts in health research. I truly believe this Congress has the votes to override any Presidential veto.

MY RESPONSIBILITY TO FREEDOM

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. JONES of Tennessee. Mr. Speaker, each year the Ladies Auxiliary of the Veterans of Foreign Wars conducts its national voice of democracy contest. This year almost half a million secondary school students participated in the contest competing for the five national scholarships which are awarded as the top prizes.

The winning contestant from each state will be brought to Washington early in March for the final judging.

Tennessee's winner this year is Miss Deborah Alford of Milan, Tenn., which is located in the Seventh Congressional District. A senior at Milan High School, Deborah is the daughter of Mrs. Oreathel Alford. She is a member of the National Honor Society and of the Beta Club, and she was a National Merit Scholar semifinalist. She is active in church work and plans next year to enter Lambuth College in Jackson, Tenn.

I insert Miss Alford's speech, which was judged best in Tennessee this year, at this point in the RECORD:

MY RESPONSIBILITY TO FREEDOM

(By Debbie Alford)

Mankind today has many privileges, but to attain these privileges he acquires responsibilities. The youth of America are no different. We have many, many privileges and freedoms, yet along with them we also have responsibilities. One of our greatest responsibilities as American youth is to democracy, to freedom. You may ask, "Just what does responsibility to freedom mean?" Well, to me it means my duty to maintain a free government in this country. Just how can we accomplish this? Let's look at several different aspects. First: does the common, average, everyday American understand the constitution—and appreciate it? Though many youth of today can quote passage after passage of the constitution they still cannot tell you what rights and freedoms the constitution guarantees them. They do not appreciate the toiling and striving it took to write and enforce such a great document. They forget the many lives that were given on its behalf. Therefore, my first responsibility to freedom is to inform the American public of their constitutional rights. Though America is by far the most literate and learned nation in the world, most people are ignorant in this area. So it is our duty then, to teach the public about their country. To make sure they know of freedom of worship, of speech, of the press; as well as the articles that state no quartering of troops, the right to keep arms, and the right to trial by jury.

My second responsibility is to tell America about the duties explained in the constitution. The public, once informed of their rights, should be equally informed of their duties. Many duties, however, could be counted a privilege; such as the duty to vote, or to serve on a jury. We also have the duty to pay tax, and to obey the laws.

My third responsibility to freedom is to make sure that I know my responsibilities. Each and every person has these same responsibilities that I have previously listed. We must become aware of these so that we may perform them, in order that we ourselves may know what the constitution says, know what the Declaration of Independence stood for, and know the history of our country to appreciate it and support it.

As American youth therefore, it is our duty to keep this country free, to support the democracy and its policies, to perform our duties, but to enjoy our many privileges. We must support America and keep it alive or the greatest democracy in the world will have failed and died a premature death. Let us unite to fight against communism, socialism, and all the other forces that try to break our country down. We must be able to keep America free and say, in the words of John Paul Jones, "I have not yet begun to fight!" Life is a constant struggle, but by far the most important factor in that struggle is the fight to keep America free.

VOICE OF DEMOCRACY CONTEST

HON. DAVID TOWELL

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. TOWELL of Nevada. Mr. Speaker, I am pleased to insert into the Record a speech made by Miss Susan Mary Fitzgerald of Sparks, Nev., in the Veterans of Foreign Wars Voice of Democracy Contest. Miss Fitzgerald's speech is the winning entry for the State of Nevada:

My Responsibility to Freedom

(By Susan Fitzgerald)

Deep within each of us, there lives a reminder of the child we once were—a child of wisdom—a child of understanding—a child not unlike the hero of Antoine de Saint Exuperys novel, "The Little Prince." In one chapter, the Prince compares the only rose he has ever known to the rosebush with which he converses. He says, "To be sure, an ordinary passerby would think that my rose looked just like you. But in herself alone, she is more important than all the hundreds of you other roses . . . because it is she that I have watered . . . because it is she that I have sheltered . . . because it is for her that I have killed . . . because it is she that I have listened to, when she grumbled, or boasted, or even sometimes when she said nothing. Because she is my rose . . . and my responsibility."

Like the Prince, I, too, have something unique—something beautiful—something priceless—the only freedom I have ever known. And, because it is my freedom it is my responsibility.

In upholding this responsibility, I first must recognize this rare and valuable freedom for nothing more than its simplistic beauty. In a world of over three billion people, only two hundred million of us have been blessed with the unalienable right to become whatever we wish to become without fear of criticism—without fear of retaliation. The children of such a society, the happy, well-adjusted, productive individuals that we have allowed ourselves to become, can do nothing but reinforce this concept of the inherent beauty that only a truly liberated nation can possess.

I have seen this nation grow throughout the pages of history, and it is my responsibility to preserve and perpetuate this legacy of individual liberty and choice. Time has erased the vestiges of every so-called "free" society, with one outstanding exception—America. It is my duty to see that time will continue to strengthen the convictions that form the foundation of our country, and that our dreams for the future will be the building blocks of the monument to freedom that we call home.

But even further, I am compelled to care for and protect this heritage that my fathers have left me. True, I have seen my brothers die on the battlefields of a nation half a world away, but I am deep in my conviction that even in death, new life shall be created. The little Prince knew that some things must die, so that his rose might live. Who among us is so aware and so worldly that he can challenge a concept when he himself has never had to lay his life on the line—without question—without reservation—in order to maintain that ideal? It is neither my right nor my responsibility to challenge the choice of those who have done far more than I can ever hope to in preserving my freedom. Every treasure has its price, and such a price, we must be willing to pay.

But finally, I must learn to listen to my country and heed what it tells me to do. We see ourselves as a troubled nation, beset by violence and undermined with dissent. But such disturbance serves a useful purpose—it allows us to realize that our freedoms are more than just theories—more than just words on a piece of paper. Freedom is an idea—an idea in action—an idea subject to individual interpretation and capable of withstanding any challenge upon its strength. I must listen to the complaints of my people with an understanding heart—for only in silence is true freedom lost.

My country is so much like the little Prince's rose, and in his words, "To be sure, an ordinary passerby would think that my nation looked just like any other. But in herself alone, she is more important than all the hundreds of other nations . . . because it is she that I have sheltered . . . because it is for her that my brothers have died . . . because it is she that I have listened to, when she grumbled, or boasted, or even sometimes when she said nothing. Because she is my country . . . and her freedoms are my freedoms . . . and my responsibility."

AIR POLLUTION

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. HARRINGTON. Mr. Speaker, in Monday, February 12's Washington Post, there appeared an article regarding an unpublished Environmental Protection Agency report on the state of America's air. To say the least, the contents of this study are quite disturbing.

Obviously, when the health of our Nation's people becomes threatened by the soot and sulfur which corrupts our atmosphere, it is time to implement corrective measures. Hopefully, the task of cleaning up America's air will be a top priority issue during the coming session.

In lieu of the complete report which I trust the EPA intends to release in the very near future, I would like to insert the Post's article into the Record:

Study Finds Pollution Laws Too Lax To Protect Health

(By Thomas O'Toole)

An unpublished report of the Environmental Protection Agency has concluded that the air pollution laws of American cities are not strict enough to protect the nation's health.

The report declares that sulfur standards across the country are weak enough that a number of diseases are aggravated, expecially among the elderly.

The report's conclusion comes at a time when sulfur standards in at least six states have been relaxed to permit the burning of high-sulfur fuels during the current heating and diesel oil shortage.

The report is the unpublished verdict of a team of investigators working under a $6 million-a-year program called CHESS (Community Health and Environmental Surveillance System). The report is being circulated among EPA officials for comment on "policy implications."

The first report of the investigative team since it began work three years ago, the CHESS studies are based on work done in New York City and nearby towns of northern New Jersey, Birmingham, Ala., Charlotte, N.C., and four Rocky Mountain cities, Magna, Kearns, Ogden and Salt Lake, Utah.

One of the report's basic conclusions is that the country must undertake a program to rid the air of sulfur dioxides, sulfate particles and the soot that comes from the incineration of trash and the burning of coal and oil in factories and electric power companies.

"The yearly costs of a five-year program are modest," the study says, "far less than one-tenth of the annual direct health costs, which can reasonably be attributed to the pollutant problem."

The EPA study, a copy of which was obtained by The Washington Post, estimates that current air pollution levels cost the country from $1 billion to $3 billion a year in health care alone.

"These estimates are probably conservative," the study states "since the calculations assumed that the costs of aggravation of chronic lung and heart disease amounts to no more than $200 to $300 per case; that asthmatic attacks cost only $20 each; that the costs of acute respiratory disease have not risen in five years; and that each case of chronic bronchitis incurs an annual health cost of only $200 to $400."

The CHESS report supervised 23 separate studies, partly concentrating on long-term exposure to sulfur in the air and partly on short-term exposure to what the EPA calls "episodes" of much higher than normal sulfur levels in the air.

In four recent pollution episodes in Birmingham, healthy children suffered "significant increases" in eye and chest irritations. In one of these four episodes, "acute decreases" in lung ventilation were witnessed, and during the worst of the four an "excess of acute irritation symptoms" was observed throughout the population.

Eight to nine years of exposure to normal city sulfur levels triggered decreases in lung ventilation in children and reduced the ability of asthmatics to cope with other diseases. Six years of exposure caused increases in croup and chronic bronchitis, diseases which can lead to far more serious illness.

Normal families exposed for three or more years to urban air pollution were found to suffer from more influenza than people living outside the cities, leading the EPA investigators to conclude: "If health intelligence needed to resolve this issue is not quickly sought, it would be prudent to control ambient sulfur dioxide much more stringently than is now planned. There is consistent, coherent, biologically plausible evidence that this problem may not be solved by the present air quality standards."

THE BITTER TRUTH

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. GAYDOS. Mr. Speaker, so many conflicting opinions have been expressed in recent days concerning the second devaluation of the U.S. dollar in a period of 14 months that there is little wonder the American layman in currency matters is totally confused.

He has been told by no less a putative authority than President Nixon himself that the new 10 percent cut will not affect the dollar's value "as far as the majority of American people is concerned."

Treasury Secretary George P. Shultz has termed the devaluation a "definite benefit" to our workmen, consumers, and businessmen on the presumption that it will make U.S. products more competitive abroad and foreign imports more costly at home.

But this is an obvious attempt to gloss the situation. Fortunately, we have economists and financial writers willing to grapple with and tell us the truth. The devaluation is not a feat of monetary magic. It is, in fact, a bitter defeat for this once sound and sagacious Nation in the unceasing contest with trading nations around the globe.

Little can be gained by lulling the American people on so serious an event. We have suffered a severe setback. And we will suffer more unless we regain our senses and correct the many mistakes which have been responsible for this dilemma. We must face up knowingly and honestly to what has happened to us.

First of all, through the 10-percent devaluation, we have lost, in the world's money scales, 10 percent of the value of our savings, 10 percent of the true value of our wages, 10 percent of our pensions, 10 percent of our dividends and other forms of income.

It will take some time, the economists tell us, for this 10-percent exaction to work its way fully into our domestic economy. But we must understand that this is inevitable. Our dollars in the future are bound to buy far less than they did before the devaluation was announced, and do at this subsequent moment.

And why, it needs to be asked, considering the erstwhile financial strength and the still vaunted affluence of our country, did devaluation become necessary in the judgment of the Nixon administration? The answers are both plain and tragic as far as the people's trust in their government is concerned. And they are not confined to the demonstration that foreign interests, overloaded with our dollars, have found our money weak by comparison with the currencies of other nations, notably West Germany and Japan, our supposed vanquished enemies in World War II.

We have spent far too much abroad. We have given away too many billions of our people's hard-earned money—and still are doing so in the long discredited foreign aid program. We have allowed too great a tide of foreign-made products to flow into our home markets, many of them the work of cheap labor and their low price the result of devious subsidies by overseas governments. We have blown away far too much of our substance in foreign wars and spent it in military adventures abroad for the assumed protection of others who have shown us little appreciation for the effort.

All this now must stop—either that or our country will continue to endure the spectacle of its slide from prestige and prosperity and into the plight reserved for the profligate. It behooves all of us in Government to pledge ourselves to halt the wholesale giveaways to defend our workmen and our industries against the unfair competitors from abroad, to fold up the costly military programs overseas which serve mainly to drain us of dollars and swamp others with them, and to end the general waste and extravagance.

As a Congressman deeply concerned over conditions in a district of heavy industry, I have seen coming the consequences of an age in which too often we have placed the interests of foreign nations above those of our own. I have seen jobs vanish from our steel mills as European and Japanese imports have increased. I have noted with alarm the statistics of our union people that imported steel had taken 180,000 union jobs in this country as far back as 1971. And I have warned Congress.

Now, certainly, is the time for action—belated as it may be in view of what already has taken place.

JOHN E. HIRTEN—MAN IN THE MIDDLE AT DOT

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. VAN DEERLIN. Mr. Speaker, one of the men most responsible for enlightening our national transportation policies is John E. Hirten, who was brought to Washington by former Secretary John A. Volpe to become Assistant Secretary of Transportation for Environment and Urban Systems.

Following Mr. Volpe's departure, and a reshuffling of Transportation Department responsibilities by his successor, Mr. Hirten was given a new post, as an assistant to Secretary Claude C. Brinegar.

Is this a promotion, or demotion?

And are the functions Mr. Hirten handled so capably in the Volpe regime going to receive the same priority treatment in the reorganized department under Secretary Brinegar?

These are questions of major public concern, since the answers will provide guideposts for our urban planners. Along with a number of our colleagues, I am trying to get reassurances from Mr. Brinegar.

Mr. Hirten has spent much of his career in San Diego, my home, and the city is justly proud of his many accomplishments. I attach at this point an editorial from Saturday's Washington Post, and excerpts from an article about Mr. Hirten in the December, 1972, issue of San Diego magazine:

[From the Washington Post, Feb. 17, 1973]

SWITCHING TRACKS AT DOT

The Department of Transportation has just announced one of those internal shuffles that make people wonder what stands where any more. This month's series of moves, described as a "realignment," includes two which affect the ways in which environmental matters are handled within the department. First, the post of Assistant Secretary for Environment and Urban Systems, a job which has been performed valiantly by John E. Hirten, has been abolished. Mr. Hirten has been made an assistant to the secretary, and environmental affairs have been reassigned to the assistant secretary already in charge of safety and consumer affairs. Urban affairs have gone into another box. At the same time, the key authority for making environmental reviews of DOT-funded projects has been shifted from Mr. Hirten's old domain to such agencies as the Federal Highway Administration and the FAA, which fund the projects themselves.

The moves have understandably raised concern that the new Secretary of Transportation, Claude S. Brinegar, may be inclined to downgrade the environmental aspects of transportation policy which former Secretary John Volpe, to his lasting credit, emphasized. Such concerns were not relieved last week when Secretary Brinegar, appearing before the Senate Public Works Committee, was unable to explain very precisely what the realignment meant.

According to some DOT spokesmen, there is nothing sinister afoot at all. Someone's domain had to be broken up, they maintain, in order to free an assistant-secretary slot for congressional and intergovernmental relations. Environmental affairs just happened to be the easiest to move. More to the point, departmental loyalists assert that, thanks to the persistent work of Secretary Volpe and Mr. Hirten himself, the old-line transportation agencies have become so infused with an environmental conscience, and so tied to detailed review procedures, that a separate review office has become superfluous.

Well, we shall see. It is true that Mr. Hirten's office was established back in the dawn of environmental awareness even before enactment of the National Environmental Policy Act and long before the Nixon administration became fully committed to flexibility in transportation planning and to the systems approach to urban transportation needs. But this is no time to back off from close review of specific projects, or from the broad assessment of alternate strategies. Who does this work at DOT is less important than ensuring that the work will be done. Sen. James L. Buckley (Con. R-N.Y.) and others are right in seeking such assurances from Secretary Brinegar.

[From San Diego magazine, Dec. 1972]

Why We Ought To Listen To John Hirten, the Planning Brain

(By Herbert Fredman)

John E. Hirten, a tall, slim, 47-year-old professional planner, is the "eighth wonder of the world" in the careful estimate of a former close associate in San Diego. Another who was involved with Hirten considers him a glib promoter. Practically no one with even a passing acquaintance is neutral about the former executive vice-president of San Diegans, Inc., a private group of businessmen and land owners formed to rejuvenate the central city.

But the Hirten boosters outnumber his detractors by a large majority, and a growing Hirten fan club—in San Diego, in Washington, D.C., where he now lives and works, and in other cities—is evidence of the Hirten charisma. Many of his friends expect him to return to San Diego sooner or later.

Hirten, who is noted for his ability to produce provocative ideas, considers himself a worrier by profession. "A planner sees today's events in the light of tomorrow's problems," he says. In his present job, as assistant secretary of transportation for environment and urban systems, he worries about an astonishingly wide range of matters involving the nation's cities and the people who live in them. (By 1980, he points out, eight out of ten Americans will be living in cities and their surrounding metropolitan areas.) He tries to throw cold water on the nostalgic fantasy that so many people have, that there still exists a bucolic. Norman Rockwell-type paradise somewhere, and on the idea's dangerous corollary, that one can ignore urban problems by hiding in the suburbs.

Instead, he declares, man's ability to create a decent urban environment "will determine the cultural, social and economic character of the societies which inhabit these cities, and our future civilization will reflect our success or failure."

During 1969 and 1970, when Hirten was managing San Diegans, Inc., he was aggressive in pushing many programs to revitalize downtown San Diego.

Hirten left San Diego to take his federal appointment in April, 1971. He was first named deputy assistant secretary in the transportation department, and 14 months later was elevated to assistant secretary. He works in a huge new office building in redeveloped Southwest Washington. The building, headquarters for DOT, was erected, oddly enough, by John Volpe, secretary of transportation, in his former incarnation as a contractor. Hirten's office and his adjacent conference room are somewhat smaller than a football field, and provide a vivid contrast with the meager cubbyhole he occupied with San Diegans, Inc., when he first arrived in San Diego.

Actually Hirten was considered for the job of urban renewal coordinator in San Diego in 1958, 11 years before he received his appointment with the San Diego central city group. When he was interviewed for the city job, he was told that his attitudes were too aggressive and were not acceptable. At the time, he saw the job as an opportunity to educate San Diegans in the pressing need for urban development and in the case for accepting federal funds. Today a large number of business and civic leaders in the community support the desirability of seeking federal money for redevelopment, but not many years ago the idea was viewed with apprehension as a shocking heresy. "After being turned down for the local job in 1958, it was with some satisfaction that I came back as executive vice-president of San Diegans, Inc., in 1969," Hirten says.

Hirten has been active in planning organizations, and is a past president of the California chapter of the American Institute of Planners. He goes out of his way to avoid direct criticism of planners in San Diego. Some local planners, however, look at Hirten with a jaundiced eye. They complain that he is too oriented to action. A friend of Hirten's claims that "some bureaucrats don't like him because they are envious—he is articulate, persuasive and gets results. In addition, planners in San Diego tend to favor the suburbs in their thinking. They are less interested in the downtown area. And there is lots of negativism here—they really don't want new ideas. Newcomers have a tough time."

These days, of course, urban transportation problems and their relationship to the environment are Hirten's main concerns. He worries about San Diego's love affair with the automobile, an infatuation that is polluting the air, devouring vast amounts of land, making second-class citizens out of pedestrians and bicyclists, and causing incalculable physical, social and economic damage.

"It is no longer acceptable for the traffic syndrome to dictate our planning," he says. "We must challenge the idea that unlimited mobility is an end in itself. The private automobile is in fact a form of public transportation. It uses a public right-of-way, it is licensed by a public agency, it requires public space and public air, it makes noise which has an impact on the public and it pollutes the air which belongs to the public. The vehicle is privately owned but it would be of very limited utility without an enormous public investment."

While better transportation is the key to central city redevelopment (just as the lack of adequate transportation—along with the senseless cry that "We can't stop progress"—has been the key to decaying city cores and a wasteland of urban sprawl) Hirten stresses that outlying areas are just as dependent on good transport. "The suburbs today are like the central cities were 25 years ago," he says. "There is nothing in the future but problems for the suburbs. You see the suburban kids hitchhiking because there is no decent transit system. They want to get to the life and diversity of the city and away from the bland dullness of the suburb."

The emphasis that Hirten puts on the need for good transportation is difficult to overstate. "There is an old and very basic law of engineering which states: 'It works better if you plug it in.' That same law applies to people—they work better when they are part of the society and culture in which they live. Good transportation keeps us all plugged in," Hirten says.

What motivates Hirten?

Recently over a bowl of soup in his Washington office he talked about his approach to life. (He is a confirmed lunch-at-his-desk man; he makes up for the confinement by playing tennis as much as he can.) "I like to act as a bridge between the public and private sectors," he says. "I've tried to be the connecting link, for example, between the hard-nosed developer and the equally hard-nosed planner. I have a strong conviction that we can have economic prosperity and good planning at the same time; there is no need to sacrifice either one."

He realizes that he makes strong statements in order to get his points across, and that sometimes his way of putting things upsets people. "John certainly cant' be called mealy-mouthed and he doesn't pussy-foot around," an acquaintance points out. "But he still has a remarkable record for getting people to work together. Probably it's because people realize he isn't hungry for personal gain. His concern is with the environment and with preserving the elements of a free society. He might be called a do-gooder—but what's wrong with that?"

Some of Hirten's San Diego friends think he might return here as a consultant when he ultimately leaves the department of transportation. They think his combination of enthusiasm, optimism and articulateness, combined with his talents as a gadfly, would be useful in dealing with government, business, and other institutions. Hirten himself says only that his goal is to find a challenge. "I feel the continual need to make a contribution—to a firm, to a community, to the government," he says, "I like to get in a difficult position and accomplish the job better than anyone did before."

RESOLUTION FROM MAINE STATE LEGISLATURE

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. COHEN. Mr. Speaker, the National Oceanic and Atmosphere Agency recently announced its intention of permanently closing the National Marine Fisheries Service Facility, at Boothbay Harbor, Maine, by July 1 of this year. Because the Boothbay facility is vitally important to the continuation of both scientific services and general economic development of the Northeast, I have grave reservations about the wisdom of the agency's decision.

This concern is shared by members of the Maine State Legislature and expressed in a formal protest forwarded to me. At a time when there is a growing need for greater communication between the State and Federal Governments, particularly on such issues that involve both branches, I would like to insert this formal communication from the Maine House of Representatives and the Maine Senate into the Record for consideration by my colleagues in the House. I hope that the tradition of close cooperation on the part of all of us who have been given the responsibility of representing and protecting the interests of the people, regardless of what level of government in which one serves, will spur careful and thoughtful consideration of this resolution.

Mr. Speaker, I include this resolution in the Record:

State of Maine—Joint Resolution Protesting the Proposed Closing of the National Marine Fisheries Services at Boothbay Harbor, Maine

We, your Memorialists, the House of Representatives and Senate of the State of Maine of the One Hundred and Sixth Legislative Session assembled, most respectfully present and petition the National Oceanic and Atmospheric Administration, as follows:

Whereas, the National Oceanic and Atmospheric Agency has summarily and publicly announced the intention of permanently closing the National Marine Fisheries Services facility at Boothbay Harbor on or before July 1st of this year; and

Whereas, this incredible decision comes at a time when our commercial fisheries need the scientific capabilities that this, the only "cold water" fishery facility in the Nation can provide; and

Whereas, should budget cuts become necessary they should be planned and apportioned equally among all fisheries research centers rather than arbitrary closure and the accompanying financial burdens to the State; and

Whereas, the maintenance and development of this fishery research center at Boothbay Harbor is vital to the future overall economic development of the northeast; now, therefore, be it

Resolved: That we, your Memorialists, do hereby respectfully protest said closure and request the National Oceanic and Atmospheric Agency to cease and desist in its efforts to close the said facilities; and be it further

Resolved: That the Members of the United States Congress for the State of Maine are hereby urgently requested to use every possible means to cause the decision to close said facilities to be reversed; and be it further

Resolved: That a copy of this resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the National Oceanic and Atmospheric Administration and to the Honorable Richard M. Nixon, President of the United States; the Honorable Frederick B. Dent, Secretary of Commerce; and to the Senate and House of Representatives in Congress and to the members of the said Senate and House of Representatives from this State.

SUSAN B. ANTHONY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mrs. GRASSO. Mr. Speaker, throughout our history, this Nation has been blessed with towering figures who have left indelible marks of achievement on the quality and maturity of life in America.

Such a figure was Susan B. Anthony whose birthday we celebrated on February 15. Her lifetime of commitment to equal rights for women and for all people in our society takes on special meaning today.

With unshakable principles, rare courage and superb intellect, Susan Anthony began her years as a reformer and social activist in the temperance movement. She became an ardent supporter of the abolitionist movement, and until the end of the Civil War advocated and worked for the immediate and unconditional emanicipation of black people in this country.

Her fearless dedication to equality and opportunity for all prepared her well for the earnest campaign for women's suffrage to which she devoted the remainder of her life. A controversial woman whose views and often dramatic and militant actions were the object of scorn and criticism, Susan Anthony was determined to demonstrate strength, self-reliance, independence, intelligence, and energy in the performance of duties and responsibilites—all qualities that in her day were thought to be solely the province of men.

To those who knew her and shared her dream which was realized with the enactment of the 19th amendment to the Constitution, Susan Anthony was a woman who combined high moral standards and a quick wit, unquestionable honesty and a hearty sense of humor. She died before being able to cast a ballot, but she died firmly convinced that women would someday occupy vital decisionmaking positions in our Nation.

Susan Anthony was an American patriot in the finest sense. She worked zealously in behalf of her convictions, possessing a vision that went far beyond the goal of the right to vote for women. A true, honest comradeship between the sexes based on equality, a society in which freedom has but one definition for all citizens—these were the ideals of a pioneer activist woman. They remain the goals of all of us who continue to pursue the highest course of human development.

The contributions and wisdom of Susan Anthony are of sustaining value. They give us renewed vigor and enthusiasm for the important tasks that lie ahead.

GIVING CREDIT WHERE CREDIT IS DUE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. STOKES. Mr. Speaker, there are many reasons why 20 years have passed and the promise of Brown against Board of Education remains unfulfilled in many parts of this Nation. Perhaps the most significant of these has been the unwillingness of many governmental officials to implement this Supreme Court decision. Brown against Board of Education tried to end unlawful segregation in the schools, but many people in positions of responsibility sought and used tactics to circumvent this order.

This is what occurred, for almost 20 years, in Prince Georges County, Md. Many officials were willing to incur elaborate expense and to perform intricate manuevers so as not to have to end unlawful segregation in the county schools. Finally, the law caught up with Prince Georges County.

Many observers were then caught by surprise when students were bused to their new schools—virtually without incident. The credit for this goes not to the politicians, but to the parents and educators who worked quietly in the background, preparing the children for the transition. I would like to take this opportunity to commend and congratulate the many law-abiding citizens who came to respect the goal of equality of educational opportunity.

On January 23, 1973, Mr. Nicholas Blatchford's column in the Evening Star discussed one example of why the transition in Prince Georges County went so smoothly. He focused on the Lewisdale Elementary School and the school's administrators', teachers', and parents' willingness to make the changeover as pleasant as possible. Indeed, at this school, the entire experience for the children was one of learning, from which I am sure they will benefit enormously.

I would like to share Mr. Blatchford's column with my colleagues:

OUR TOWN: "I HAVE TO SAY IT WAS LOVELY"

(By Nicholas Blatchford)

With all the hand-wringing brought about by the massive school desegregation plan for Prince Georges County, it's good to see that a lot of parents, teachers and children are quietly preparing to make the adventure work.

It seems to me this is our country at its best.

For instance, take Lewisdale Elementary School which is getting ready to receive 99 black children bused to it from the less-prosperous community of Cedar Heights, a subdivision of Fairmont Heights.

Lewisdale is a rather relaxed and friendly development of brick ramblers, Cape Cods and split-levels near the University of Maryland and it is just old enough (23 years) to be experiencing its first real turnover, original settlers beginning to move out of their houses (the range is roughly $17,500 to $37,000) to make way for younger families with younger children. It is, in the words of Grace Head, president of the citizens association, a community that has "kept itself up well."

The maturing of Lewisdale has lead to that phenomenon which many neighborhoods like it are just beginning to experience—empty classrooms in the lower schools. And this explains why Lewisdale Elementary is going to be able to accommodate 99 apprehensive children from Cedar Heights with relative ease.

And, what's more, with warmth.

"We feel very strongly that our two communities need to be acquainted," Lewisdale Principal Mary E. Long wrote to Lewisdale parents, inviting them to an open house for the newcomers at the school, "and a warm and sincere feeling of mutual friendship must exist in the best interest of all, especially children."

She went on to mention plans for a "buddy family" program to assist the newcomers in case they might get sick, or hurt, or miss the bus, or want to stay after school to take part in Lewisdale activities, and she asked those families willing to help to say so.

Forty-six families promptly did.

"I'd be lying if I said that a few parents aren't a little uptight about this many, should I say, 'strange' children coming to our school," Mrs. Long said to me, "but I think the response at this stage of the game is very good. Lots of parents simply couldn't help out after school and told me so. But 46 were unqualified 'yes'—it was Y-E-S, with no qualification about it."

Last Friday's open house at Lewisdale was "a real nice time," Mrs. Long said. The black children arrived on two buses with about a dozen parents and several teachers. The Lewisdale student council took charge, the president gave a welcoming speech, the newcomers were presented with a pamphlet containing a floor plan of their new school, a map of the immediate neighborhood, and several friendly poems written by Lewisdale kids. Then the Lewisdale chorus sang "Let There Be Peace and Let It Begin With Me," and "Consider Yourself One of the Family" from Oliver Twist, and two other songs whose titles Mrs. Long forgets. ("We didn't do 'Getting to Know You,'" she said. "We kind of wear that one out in the fall.")

The Lewisdale kids then took their new friends on a tour of the school in small groups, followed by cookies and milk.

"I have to say to you that it was just a lovely visiting kind of experience," Mrs. Long said. "I think we are going to have a smooth transition.

She thought about this for a moment, and then she said, "I'm just as prejudiced as I can be as far as this school is concerned. This is my school. I've been with it from the start. I'm very fond of the community, and I love my work, And all I can say is we had a bright-eyed, pleasant, nice-looking bunch of kids out here on Friday. Children are children. We hope to receive them as such."

"We all feel that it's going to be strange for these youngsters coming here," Mr. Head said, "and we're not going to let them feeel like outsiders. I think we're going to take a lot of pride in making them feel welcome. After all, a friend is a friend."

LYNDON BAINES JOHNSON

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. SISK. Mr. Speaker, I join today with my colleagues in paying tribute to our 36th President, Lyndon Baines Johnson.

His loss has a deep meaning to me. I feel that the Nation as a whole mourns his death with equal depth. To me Lyndon Johnson was indeed a big man who rose up to meet the challenges which might have gone unresolved by one without his character.

This man's accomplishments were many; they have been elaborated on already. His deeds were brought about by an uncanny insight and the determination to overcome stumbling blocks, regardless of their size or stature.

My first direct contact with the legislative ability, particularly the persuasive ability of Lyndon Johnson, came when I was a member of the Select Committee on Space. Shortly after October, 1957, the initial flight of a sputnik forced this country into an emotionally charged space program. Speaker Rayburn directed the committee's effort at writing the Space Act and establishing NASA. Leo O'Brien of New York and I, added a rather substantial amendment to the proposed legislation. The amendment met with considerable opposition in the Senate, and leading the fight was the Senate majority leader, Lyndon B. Johnson.

At the suggestion of Mr. O'Brien, we arranged a luncheon with Mr. Johnson to see if we could work out our differences. We did meet. We did compromise. And, for the first of many times, I was allowed to see the great legislative ability and persuasive know-how of Lyndon Johnson.

The outcome of the meeting was predictable. Mr. Johnson's practical approach to the differences led to a compromise, which at that time moved the project forward toward the goal we were all seeking. It is this type of ability that allows progress, and Lyndon Johnson was a master of the art of compromise.

The measure of the man was again vividly shown to me in 1960 when some of my California colleagues and I attended the Democratic Convention as Johnson delegates. As a group we worked very closely with him on his campaign. We felt and saw the pressures building, on Mr. Johnson as well as ourselves. When John F. Kennedy was selected as the party nominee, Lyndon Johnson showed another one of his rare gifts. He willingly accepted the nomination as vice president, and, in my opinion, this was done for love of country and dedication to the party—the high principles in which he believed.

Needless to say many felt his position as majority leader of the Senate was more powerful than that of the Vice-Presidency, but Lyndon Johnson did his job, and he did it well.

The same was true again after he assumed the Presidency. Again, to cite an occasion, let me go back to the troubled times surrounding the passage of the Elementary and Secondary Education Act. As a member of the House Rules Committee, I and some of my colleagues were invited to the White House to discuss in broad terms the controversy surrounding the legislation. It was a great personal honor for me to be there. It was in this meeting where some of the very necessary understandings were reached in the manner in which the act was promulgated.

In this particular instance I had the experience of realizing that indeed Lyndon Johnson had a rather short fuse; but, at the same time, he had the capacity to control his temper and thereby make his point under what were sometimes very trying circumstances.

Later in his career, I watched the agony he suffered over Vietnam. But at no time could I not believe that he was carrying out the policies which he believed to be in the best interests of this country.

I became fully convinced that no man was more dedicated to bringing about peace in Vietnam than President Johnson. His entire life and full effort during the latter part of his tenure as President was devoted to that cause. He sought, as I think most of us did, peace with honor.

Lyndon Baines Johnson was a doer of great deeds. He always had a goal. He fought hard. And he fought hardest for that in which he believed and for the things which would improve the lot of all Americans. In the course of accomplishing this oftentimes difficult task he stepped on toes and he took steps which became controversial. But, I firmly believe his heart was in the right place and his singlemost objective was to serve all the people and improve the conditions of all the people.

To Lady Bird, the Johnson daughters and their husbands, and to the grandchildren I offer my deepest condolences.

WATER

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. RHODES. Mr. Speaker, today I have introduced a joint resolution directing the Secretary of State and the Secretary of the Interior to study the economic and engineering feasibility of acquiring riparian rights from the Republic of Mexico to water in the Gulf of California. This would be for the purpose of piping and pumping such water from the gulf to Arizona, and to acquire a permit to locate a desalinization plant within the territorial limits of the Republic of Mexico.

This resolution relates generally to the water and energy shortage problems of the American Southwest, and specifically to the salinity problem of the Colorado River.

The treaty between the United States and Mexico involving the Colorado River provided only that a certain quantity of water, 1,500,000 acre-feet of water per year, would be delivered at the international border. Nothing was said about the quality of water to be delivered.

Nevertheless, the desirability of lowering salt content is undeniable. In an attempt to accomplish this, the United States has constructed a ditch to take the waters which drain from the Wellton-Mohawk project in Arizona and introduce them back into the Colorado River at a point below Morelos Dam, which is the Mexican point of diversion. Actually these waters amount to a windfall to the Mexicans, since the water is not charged against the one million and a half acre-feet which Mexico obtains under the international treaty. This additional water assists in efforts to keep the mainstream water below undesirable salt levels.

In addition, President Nixon and President Echeverria of the Republic made more headway on the salinity question in their discussions early last summer. As a result, further efforts are being undertaken to dilute the water Mexico receives.

It should be emphasized that these improvements were undertaken as a matter of international comity, and not as an assumption of any legal liability on the part of the United States to provide water of any given quality at the international border.

Despite what has already been done, the Colorado River salinity question still could be an extremely delicate issue between the nations; or, it could be a means of cementing the friendship between our two Republics.

Although, as I mentioned before, the United States has no legal duty to improve the quality of water obtained by Mexico from the river, I feel it is to our own best interest to do so if we can without irreparable injury to own people.

The best manner by which to improve the quality of this water is by augmentation; introducing additional water which is better in quality than the water which flows across the international boundary. And, the best means of doing this is by the construction of a desalinization plant to be located somewhere in the littoral of the Gulf of California. Power to operate this plant would be provided by a nuclear plant built in the United States, near the Mexican border.

This scheme would provide pure water to dilute the waters of the Colorado River to the desired degree. It would also provide surplus water which could be used in the Colorado River, either by water exchange or by direct application. The surplus power which would be produced by the nuclear plant would be readily marketable, possibly in northwestern Mexico and certainly in the southwestern part of the United States, which faces imminent power shortages.

I have specified a nuclear plant, rather than a conventionally fired plant because there is no adequate supply of fossil fuel in that region. Also, I feel that the undertaking of a project of this magnitude would appeal to our friends in Mexico, not only as a source of water supply, but as a prestigious scientific undertaking. The two countries would be advancing technologies in nuclear power production, desalinization, and surely in the related areas for the protection of our environment. After all, we would want this undertaking to epitomize sound environmental planning.

As its part of the undertaking, Mexico would furnish a site or sites on or near the Gulf of California for the withdrawal of water. It would also give whatever riparian rights are necessary for the legal use of waters of the Gulf of California, and rights of way for canals, waterways, and the like. Of course, insofar as possible the United States and Mexico should be reimbursed for their expenses from the sale of excess power.

It should also be noted here that the Colorado River Basin Project Act took the burden of providing water to satisfy the entire Mexican treaty burden upon the Government of the United States. At some time in the future, the task of providing 1,500,000 acre-feet of water to satisfy this burden must be assumed. The Colorado River is far short of producing the amount of water to satisfy the needs of the States of the basin, even without regard to the Mexican burden. This, then, might be a manner in which the United States could discharge the burden it has assumed, establish better international relations with Mexico, and aid in ending a power shortage in the southwestern part of the United States.

This plan is not new to Mexico. It has been broached in numerous talks between officials of the two Governments over the last few years.

If passed my legislation would direct the Department of State and the Interior to undertake negotiations which are necessary if this plan is to be developed further. The time is right with the increased Mexican concern over the salinity problem. I hope my resolution will be given early consideration.

LEE HAMILTON'S FEBRUARY 19, 1973, WASHINGTON REPORT ON THE 1974 BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include my February 19, 1973, Washington report on the 1974 budget:

1974 BUDGET

The President's budget is the single, most important political document he submits to the Congress. It outlines his view of the needs of the country, and what the federal government should do to meet them.

President Nixon's budget for Fiscal Year 1974 estimates receipts at $256 billion, an increase of $31 billion over 1973, and budget outlays of about $268.7 billion, an increase of $19 billion over the 1973 budget. Within that fiscal framework, the President has expressed his strategy of a full employment balance, no tax hikes, reduced social programs, and the decentralization of the federal government's functions. The highlights of that budget include:

No tax increase, and a planned deficit of $12.7 billion,

A $4.2 billion increase in defense spending,

A plan to require Medicare patients to pay more than twice as much as they do now for the average hospital stay,

A dismantling of the education programs,

Increased assistance for minority businessmen, energy research, drug abuse control, law enforcement, mass transit and the arts,

The abolition or reduction of more than 100 programs, such as those for community action, hospital construction, rural conservation and electrification, mental health centers, housing and public employment.

The 1974 budget also calls for the consolidation of many functions now scattered across many departments into four new departments (community development, human resources, natural resources and economic affairs). Seventy narrow-purpose programs will be consolidated into four block programs, transferring both federal money and spending responsibility to state and local governments in such areas as education, law enforcement, manpower training and community development. The change proposed here is from specific grants, which channel funds into specific programs reflecting national concerns and priorities, to broad purpose grants, giving discretion to state and local officials to distribute and administer federal money.

Federal programs often are ineffective because they are too centralized, and corrections are needed. I have supported a combination of categorical grants and revenue sharing to give flexibility to the federal system and to promote responsibility by the states and cities. Under the President's proposal, there is likely to be fierce competition among the states and cities for federal money.

In his budget message, the President renewed his call to the Congress to join him in putting a ceiling on spending. While the Congress agrees with that objective, and apparently with the specific figure he recommends, substantial disagreement can be expected over the priorities for the use of the money.

Congress is ill-equipped to challenge the President on his national priorities until it sets its own house in order to better control its budgetary and revenue procedures. Under the present appropriations procedure, in which spending bills are shaped without reference to a total budget limit, Congress cannot handle the budget systematically or effectively. Fortunately, the Congress is beginning to make the necessary changes to improve its handling of the budget.

The defense budget of $79 billion, despite all of the explanations, strikes me as being mighty high. The Congress is obligated to scrutinize the defense requests to reduce, for example, the excessive ratio of support to combat troops and the overblown general officer class, to close unneeded bases, and reduce cost overruns on several weapons systems.

The President undoubtedly is correct in trying to end some long-overdue excesses in federal assistance programs, but several other features of the budget concern me:

Some people really do need help, and to reduce programs without proposing alternatives could work real hardships on them.

The budget abandons the long-held goal of getting unemployment down to 4 percent, and fails to propose ways of creating jobs.

Education programs, such as aid to libraries and schools, are threatened.

No changes are proposed to make income and property taxes more equitable.

FISCAL RESPONSIBILITY

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. GUDE. Mr. Speaker, the Congress of the United States must begin to exercise greater responsibility in its fiscal and budgetary operations. Our appropriations process, rather than operating within a budgetary framework, deals separately with a number of funding bills. This approach can result in an overall spending level that exceeds projected full-employment revenues.

In order to enable Congress to reassert its role in developing fiscal and budgetary policies, I have sponsored the Federal Fiscal Responsibility Act of 1973. The bill would require Congress to set an overall expenditure limitation within 45 days after the President's annual economic message. By setting such a limitation, Congress would be forced to consider the appropriation bill in the light of limited dollars and competing priorities.

The bill would also move the Federal fiscal year from July 1 to January 1, thus giving Congress more time to consider budgets properly and reducing the need for "continuing resolutions" which are now used to permit agencies to spend at their old budget levels when their new budget has not been approved by the July 1 deadline.

The Federal Fiscal Responsibility Act also deals with the matter of Presidential impoundment of funds. Once the Congress has reassumed the responsibility of relating outlays to available resources, it has the duty to preserve its constitutional prerogative to determine national priorities. The Executive must not be allowed to assume legislative responsibilities. Once the legislative branch has appropriated funds, they should be spent, unless circumstances have significantly changed in the period following passage, and the Congress agrees not to spend them.

Mr. Speaker, the time to bring order and reason to the budget process has come. We all have our personal priorities and we should all continue to fight for those priorities. We must recognize, however, the constraints of a spending framework that is determined, in part, by our revenues.

I insert the text of the Federal Fiscal Responsibility Act in the RECORD at this point:

H.R. 2672

A bill to provide greater assurance for fiscal responsibility

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Federal Fiscal Responsibility Act of 1973.

DECLARATION OF PURPOSE

The Congress declares, that in light of the increasing complexity of the Federal Government, and in light of the constitutional requirements for congressional involvement as an integral partner in the budgetary process and because of the recent modernization of the Executive departments' budgetary procedure that:

(1) the Congress should consider the Federal budget and other fiscal policies in a systematic and analytical manner;

(2) the Congress should re-establish its primary role in developing the monetary and fiscal policies of the Government of the United States;

(3) the Congress should examine alternatives to present budgeting and appropriations procedures to insure that it may consider budgetary and fiscal policies in a systematic and analytical manner;

(4) the Congress should consider the

budget in a comprehensive manner so that competing programs and departments can be considered in a unified budget strategy which recognizes the increasing demands on the Federal tax dollar; and

(5) the Congress should establish budgetary and fiscal procedures which will assure the orderly and timely channeling of funds from the Federal Government to the States.

TITLE I—MODIFICATION OF THE FISCAL YEAR

SEC. 101. Effective with the second calendar year which begins after the date of enactment of this Act, the fiscal year of all departments, agencies, and instrumentalities of the United States shall be the calendar year.

SEC. 102. The Director of the Office of Management and Budget is authorized to make provision by regulation, order, or otherwise for the orderly transition by all departments, agencies, and instrumentalities of the United States affected by the fiscal year in effect on the date of enactment of this Act to the use of the fiscal year prescribed by section 101 of this title.

TITLE II—ESTABLISHING CONGRESSIONAL EXPENDITURES LIMITATIONS

SEC. 201. Except as otherwise provided in this title, the expenditures and net lending (budget outlays) of the Federal Government during each fiscal year shall not exceed that amount which the Congress shall fix by concurrent resolution no later than forty-five legislative days, as that term is used in title II of this Act, after the latest day set by law for the budget message of the President with respect to such fiscal year. In fixing such limitation, the Congress shall consider relevant economic indicators, programs goals and budgetary considerations which will be helpful in establishing a comprehensive budget strategy.

SEC. 202. The limitation set by section 201 of this title shall be increased by an amount equal to any net increase in total expenditures and net lending (budget outlays) during such fiscal year with respect to relatively uncontrollable outlays under then existing law, open-ended programs and fixed costs.

SEC. 203. The limitation set by section 201 of this title shall also be increased by an amount equal to the net increase in receipts over the estimated receipts upon which such limitation was fixed.

SEC. 204. Not later than fifteen days after the sine die adjournment of each session of the Congress the Director of the Office of Management and Budget shall report to the President and to the Congress his estimate of the net effect of action or inaction by the Congress on total expenditures and net lending (budget outlays) recommended by the President for the fiscal year following such session. If such estimate indicates that total expenditures and net lending (budget outlays) for that fiscal year would be in excess of the limitation established by section 201 of this title, as adjusted in accordance with sections 202 and 203, the Director shall specify in such report, for each activity for which he estimates expenditures and net lending to be in excess of the amount recommended therefor by the President, the pro rata reduction in expenditures and net lending required to comply with that limitation, as adjusted. Expenditures and net lending (budget outlays) for any such activity for that fiscal year shall not exceed the amount which would have been permitted by the amount specified in the Director's report.

SEC. 205. In the administration of any activity as to which (1) the obligational authority is reduced in order to effectuate reductions in expenditures and net lending (budget outlays) required by section 204 of this title, and (2) the allocation grant, apportionment, or other distribution of funds among recipients is required to be determined by the application of a formula involving the amount appropriated or otherwise made available for distribution, the amount remaining available for obligation after such reduction shall be substituted, in the application of the formula, for the amount appropriated or otherwise made available. Neither the United States nor any of its officers shall be liable for any part of the difference between the amount appropriated or otherwise made available for any activity and the amount as so reduced.

TITLE III—ESTABLISHING A FEDERAL IMPOUNDMENT PROCEDURE

SEC. 301. (a) Whenever the President impounds any funds appropriated by law out of the Treasury for a specific purpose or project, or approves the impounding of such funds by an officer or employee of the United States, he shall, within ten days thereafter, transmit to the House of Representatives and the Senate a special message specifying:

(1) the amount of funds impounded,

(2) the specific projects or governmental functions affected thereby, and

(3) the reasons for the impounding of such funds.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each such message shall be printed as a document for each House.

SEC. 302. For purposes of this title, the impounding of funds includes—

(1) withholding or delaying the expenditure or obligation of funds (whether by establishing reserves or otherwise), appropriated for projects or activities, and the termination of authorized projects or activities for which appropriations have been made, and,

(2) any type of executive action which effectively precludes the obligation or expenditures of the appropriated funds.

SEC. 303. (a) Except as provided for in section 304(c), the President shall cease the impounding of funds specified in each special message within sixty calendar days of continuous session after the message is received if such impounding shall have been disapproved by either House of Congress by passage of a resolution stating in substance that that House does not favor the impounding.

(b) The provisions of this section and section 304 shall be considered as an exercise of rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(c) With full recognition of the constitutional right of either House to change the rules (so far relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(d) For purposes of this section and section 304, the continuity of a session is broken only by an adjournment of the Congress since die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty day period.

(e) Any resolution of disapproval as provided for in subsection (a) of this section and in subsection (c) of section 304 shall be referred to the committee in each House whose responsibility includes the authorization of appropriations for the department or agency whose funds have been impounded.

SEC. 304. (a) Except as provided in subsections (b) and (c) of this section, the President shall not impound any funds from appropriations made by the Congress for any appropriations categories of any department or agency of the Federal Government unless such impoundment is made in all appropriations categories of that department or agency on the basis of equal percentage impoundment among appropriations categories.

(b) Variations of up to 10 percentage points in the impoundment of funds between individual appropriations categories within a department or agency shall not be deemed as unequal percentage impoundment among appropriation categories for the purposes of subsection (a) of this section.

(c) In the event that the President desires to impound funds for a particular appropriations category within a department or agency without reference to the limitations established in subsections (a) and (b) of this section he shall submit a Presidential message as provided for in section 301 of this Act prior to any such impoundment. Either House of Congress shall have thirty days of continuous session, from submission of the message, to disapprove by passage of a resolution stating that that House does not favor the proposed impounding in contravention of subsections (a) and (b) of this section. After such time the President shall be allowed to impound that appropriations category without regard to provisions in that section.

(d) For the purposes of this section, the term "appropriations category" means each designation of a use or program in the acts of Congress appropriating funds.

SEC. 305. Any costs which are incurred by the receipient of Federal funds as a result of delay, in disbursing such funds, in excess of sixty days after the date on which such recipient was to receive such disbursement according to notification from the appropriate Federal authority shall be reimbursed by the Federal Government. The district courts of the United States shall have exclusive original jurisdiction to hear and determine cases brought under this section. This shall not apply to any costs incurred by the recipient of Federal funds as a result of delay consequent to the impounding of such funds under this tile.

ENRICH LIVES OF OUR OLDER AMERICANS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. YOUNG of Florida. Mr. Speaker, older Americans have contributed much to their country, and this Nation owes them more than a barren, marginal existence: Their "golden years" should be rich, meaningful, and rewarding.

In my Sixth Congressional District of Florida live more than 134,000 older Americans 65 years of age and older. I am personally familiar with their problems and am proud to represent them. They have served their Nation and society, and now they are entitled to some basic services in return.

For this reason, I have cosponsored H.R. 1483, the Older American Services bill which amends the Older Americans Act of 1965 and provides increased funds to the States for a variety of services directed to the special problems of the aged.

This bill would establish an Administration on Aging under the Secretary of Health, Education, and Welfare, headed by a Commissioner on Aging appointed by the President. The Administration would have the responsibility of carrying out the programs authorized by the bill.

Also, a National Information and Resource Clearinghouse for the Aging would be created to collect, analyze and distribute information on the needs and interests of our older Americans.

H.R. 1483 would establish a Federal Council on Aging composed of 15 members appointed by the President and confirmed by the Senate, to assist and advise the President on the needs of older Americans.

The Administration on Aging would work with the States to develop statewide plans for delivering services to older Americans. The bill authorizes $100 million for fiscal year 1973 for grants for State and community programs on aging; $200 million for fiscal 1974 and $300 million for fiscal 1975.

In addition, qualified personnel would be attracted into the field of aging and trained to help meet the needs of older Americans. For this purpose, $15 million would be appropriated for fiscal year 1973; $20 million for fiscal 1974, and $25 million for fiscal 1975.

Older Americans often cannot afford their own automobiles, or have difficulty driving, and must rely on public transportation to get about. Such transportation many times is either unavailable or inadequate. For this reason, H.R. 1483 would provide $7½ million to help meet the transportation problems of older Americans in fiscal year 1973; $15 million for fiscal 1974 and $20 million for fiscal 1975.

This legislation also would provide for senior centers to serve as a focal point for delivering social and nutritional services. Federal grants or contracts would be available for up to 75 percent of the cost of such centers, with $35 million appropriated for each fiscal year from 1973 to 1975. To staff these centers, $10 million would be appropriated for each of the same 3 years.

For older Americans who enjoy being with children, the Older Americans Community Service and Foster Grandparents program would be expanded. And for older Americans of low income, the Community Service Employment program would provide 40,000 to 60,000 jobs.

These and other programs under the Older American Services bill would provide increased opportunities for elderly, and go far toward helping enrich their lives.

NATIONWIDE SUPPORT FOR SELECT CRIME COMMITTEE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. RANGEL. Mr. Speaker, I offer, for the benefit of my colleagues, these expressions of support for the continuation of the House Select Committee on Crime.

Since the House will soon be considering H.R. 205 which extends this select committee for 2 years, it seemed appropriate that my colleagues should have some idea of the impact of the committee from the view of law enforcement officials, educators, and others interested in fighting crime in America.

It is significant that these expressions come from almost every level of the Nation's criminal justice system, as well as citizen organizations. In this era of heated debates over increased versus decreased federalism, such an outpouring of support for a Federal body must say something about that body's work.

Following are the comments:

METROPOLITAN CRIME COMMISSION.
OF NEW ORLEANS, INC.,
New Orleans, La., February 16, 1973.
Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.:

We urge your leadership in support of House Resolution 205 for two year extension of activity of the House Select Committee on Crime. At a time when crime conditions have reached proportions which make them the predominant concern of the American people, we believe it would be a serious mistake to end the factfinding processes in which this select committee has been engaged. The recent national conference on criminal justice was a valuable means of broadening understanding of the complexity of crime, its causes, and the failures of existing corrective processes.

Congressional authority and capability is looked to by the citizenry as one of the major potentials for documenting the ingredients of the crime problem and providing guidance and legislation with realism. In our opinion, the House Select Committee on Crime has made valuable contributions in the past. It needs to be continued and strengthened to assure our citizens that Congress is fulfilling its obligation to reduce the degree with which crime victimizes and terrorizes people on the streets, in their homes, and in their businesses.

Respectfully,

AARON M. KOHN,
Managing Director.

Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.:

As Sheriff of Cook County and Chief Law Enforcement Officer for more than five and a half million people I am most deeply concerned about the passage of HR 205, which would permit the continuance of the House Select Committee on Crime. May I urge your immediate affirmative action to continue the work of this committee in the vitally important areas of Narcotics Control and Street Crime.

We have been most impressed by the work of this committee and hope to continue to cooperate with it and its chairman, Representative Claude Pepper in its final investigation and report.

I am sure that I speak for all concerned citizens in Cook County when I ask you to support this endeavor. I would appreciate hearing from you as to your action in this matter.

Sincerely,

RICHARD J. ELROD,
Sheriff of Cook County.

ALBUQUERQUE, N. MEX.,
February 15, 1973.
Hon. CLAUDE PEPPER,
Chairman, House Select Committee on Crime,
Washington, D.C.

DEAR SIR: I am in receipt of your telegram addressed to Alexander F. Sceresse in regard to the Select Committee on Crime.

I am sorry to inform you that Mr. Sceresse passed away on September 5, 1972 and I have been elected District Attorney. Enclosed please find copy of the telegram which I sent to the Honorable Carl Albert. I am sure that Al would have wanted the committee to be continued for two more years and I am of the same agreement.

Very truly yours,

JAMES L. BRANDENBURG,
District Attorney.

LOS ANGELES UNIFIED SCHOOL DISTRICT,
Los Angeles, Calif., February 16, 1973.
Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.:

I have just learned of House Resolution 205 which will allow for the continuance of the House Select Committee on Crime.

Today in our schools more than at any time in my 23 years of service to the District, violence in the community poses a threat of such proportions that we are severely hampered in conducting and maintaining an educational environment conducive to learning. The present community unrest requires immediate and decisive attention.

The following figures indicate the seriousness and prevalence of crime in our community as it reflects itself in our schools:

Assaults on school personnel	30
Assaults on school personnel with weapons	37
Assaults and attempted rape of school personnel	2
Assaults on pupils	71
Assaults on pupils with weapons	57
Assault and rape of a pupil	3
Possession of weapons	37
Murder of a pupil	8
Possession or sale of narcotics	8
Arson	1

These figures are for only a part of the first semester of school year 1972–73.

In addition the Los Angeles Police Department has identified 881 hard-core gang members (these gang members are all school age youngsters). The Los Angeles Police Department has defined hard core as meaning 10 or more arrests of which 5 include felony arrests. The 881 gang members reflect 9,515 arrests. The Los Angeles Police Department made 6,412 applications for petition to the Probation Department to bring these youngsters to court.

In the first 10 months of 1972 there were 504 arrests for murder in the city of Los Angeles, 96 of which were juveniles, reflecting an increase in juvenile arrests for murder of 62.7%.

Personally, I have been impressed with and heartened by the efforts of the House Select Committee on Crime. The activities of that Committee have served as a hope for the improvement of conditions that presently confront the 700,000 young people in my District.

I sincerely hope that you will actively support the continuance of the House Select Committee on Crime.

Respectfully,

DR. WILLIAM J. JOHNSTON,
Superintendent.

SEVENTH STEP FOUNDATION,
Sacramento, Calif., February 16, 1973.
Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.:

We strongly urge your approval of House Resolution 205, which would continue for two more years the invaluable work of the House Select Committee on Crime.

You are aware that it is most difficult to legislatively respond to the many ramifications of crime in America. That, more than any other factor, makes the work of the House Select Committee on Crime an immeasurable tool that can be utilized by every Member of Congress.

JAMES TESTA,
Executive Director.

ALBUQUERQUE, N. MEX.,
February 15, 1973.
Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.:

We feel that House Resolution 205 should be adopted so that the Select Committee on Crime will be continued for two more years.

JAMES L. BRANDENBURG,
District Attorney.

ANAHEIM UNION HIGH SCHOOL DISTRICT,
Anaheim, Calif., February 16, 1973.
Hon. CLAUDE PEPPER,
House of Representatives,
Washington, D.C.:

For your information the following day letter was sent to Carl Albert, Speaker of the House of Representatives, pertaining to the interests of this district in the continuous work of the House Select Committee on Crime:

"I wish to indicate to you my concern relative to the need for the continuing function of the House Select Committee on Crime. I feel that is very important for this committee to continue for at least two more years so that its work may have some impact on the problem of street crime and narcotics traffic in America. I urge you to take whatever steps necessary to assure two more years of life to this very important committee."

ROBERT BARK,
President, Board of Trustees.

JUNEAU, ALASKA,
February 16, 1973.
Hon. CARL ALBERT,
Sepaker, House of Representatives,
Washington, D.C.:

Earnestly solicit your support for continuation of the operations of the House Select Committee on Crime. I sincerely believe it is in the best interests of the Nation to continue the work already begun by this committee.

WILLIAM A. EAGAN,
Governor of Alaska.

HUNTINGTON NARCOTICS
GUIDANCE COUNCIL,
Long Island, N.Y., February 15, 1973.
Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ALBERT: I have recently read that the House Crime Committee is up for reconstitution before the Congress and I hasten to write this letter to you for the continuation of this worthwhile organization.

The Huntington Narcotics Guidance Council has worked with the House Crime Committee for several years in an effort to reduce the output of "speed" on a nationwide basis. This combined effort has culminated in the successful effort of the House Crime Committee to date in reducing the overproduction of "speed" and other drugs.

I sincerely hope that the House Crime Committee will be permitted to continue its most worthwhile efforts on behalf of the people of the United States.

Sincerely yours,

ARTHUR GOLDSTEIN,
Chairman.

ARCHDIOCESE OF MIAMI,
Fort Lauderdale, Fla., February 17, 1973.
Representative CLAUDE PEPPER,
Chairman, House Select Committee on Crime,
Washington, D.C.:

The following is a copy of the telegram I sent to Speaker Carl Albert. "Sir, it is with strongest vigor that I support House Resolution 205. From personal experience as a drug abuse counselor it is my considered opinion that America (in this instance Congress) urgently needs to investigate street crime and narcotics traffic. To my knowledge the House Select Committee on Crime chaired by Honorable Claude Pepper is the only constituted committee with authorized jurisdiction to explore these areas of enormous public concern. I urge, implore support of House Resolution 205."

If my presence in Washington would assist in any way, please inform me and I will come at once.

Respectfully,

Sister THERESE MARGARET,
Drug Abuse Counselor.

SEED DRUG REHABILITATION PROGRAM,
Fort Lauderdale, Fla., February 17, 1973.
Re the House Select Committee on Crime.
Congressman CLAUDE PEPPER,
Washington, D.C.:

We are deeply disturbed to hear that the House Select Committee on Crime, led by the Honorable Claude Pepper is in danger of being phased out. On behalf of the 2,600 young people who have been through the seed drug rehabilitation program, and the thousands of parents and friends, I most humbly urge you to please not let this important body phase out. This is a vital key to the well being of our nation.

Respectfully yours,

ART BARKER,
President.

SALEM, OREG., *February 16, 1973.*
Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.:

House Select Committee on Crime has done commendable job in study of street crime and narcotics traffic. I urge that the life of the committee be extended for two years so it may complete its work.

Governor TOM MCCALL,
State of Oregon.

CONGRESS OF SENIOR CITIZENS,
OF GREATER NEW YORK,
New York, N.Y., February 18, 1973.
Hon. CLAUDE PEPPER,
House of Representatives,
Washington, D.C.:

Congress of Senior Citizens of Greater New York an organization of 429 affiliated senior citizens clubs in the 5 boroughs of City of New York consisting of total membership of more than 250 thousand elderly the largest organized group of senior citizens in the nation. We are deeply concerned In re House Resolution 205 destined to continue its still incomplete investigation as street crime in America. We urge you support continuance of this vital committee. While this subject concerns all victims of crime in all age groups it is of particular urgency to the elderly who being defenseless are the obvious crime targets of violence in many instances. In the interest of all and particularly of our senior citizens we urge you to continue the House Select Committee for another two years. Respectfully yours,

WALTER NEWBURGHER,
President.

MIAMI, FLA., *February 17, 1973.*
Congressman CLAUDE PEPPER,
Washington, D.C.

DEAR MR. SPEAKER: We believe that it is very urgent to continue the investigations of the street crime in America. We older people are the most who are attacked. Many are now suffering with severe pain. We hope you pass Resolution 205. That will help to eliminate these most barbaric acts of violence, etc.

ROBERT SHARP,
President, American Federation of Senior Citizens, Northgate Chapter.

RHODE ISLAND STATE POLICE,
North Scituate, R.I., February 16, 1973.
Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: This letter is to express our ardent support for and to urge the continuation of Representative Claude Pepper's Select Committee on Crime due to its tremendous impact in aiding law enforcement expose organized crime and corruption to the general public.

It was most gratifying to learn that the Rhode Island State Police was able to contribute significantly to assist the Select Committee on Crime to attain its goal by working with its investigators for months to expose organized crime as it applied to illegal gambling, and the fixing of horse races.

During my 40 year career as a police officer, I have had the opportunity of testifying before the McClellan Committee on several occasions and in 1963 I presented testimony which proved instrumental in the recognition of the existence of organized crime in New England and identifying Raymond L. S. Patriarca as its boss. Subsequently, investigations focused on the activities of these identified organized crime figures with the end result being that Raymond Patriarca and many other of his underworld associates have been and are presently incarcerated.

Therefore, I fully realize the importance of such congressional committees which have a tremendous impact on the public over and above that of state and federal grand jury investigations. I might add that the recent accomplishments and inroads gained by Chairman Pepper's Select Committee on Crime once again have proven their value to all law enforcement throughout the country. The loss of this vital committee would, in my opinion, deal a severe blow to law enforcement in its efforts to keep the public informed about such vital matters.

We are fervently hopeful that you will give the Select Committee on Crime your continued support and approval.

With warm regards and best wishes, I am

Sincerely,

WALTER E. STONE,
Colonel.

METROPOLITAN CRIME COMMISSION
OF NEW ORLEANS, INC.,
Nw Orleans, La., February 16, 1973.
Hon. CLAUDE PEPPER,
Chairman, House Select Committee on Crime,
Washington, D.C.

DEAR CONGRESSMAN PEPPER: Attached hereto is a copy of our telegram addressed today to The Honorable Carl Albert, Speaker of the House of Representatives. This is pursuant to your telegram on this date.

Unquestionably, your Committee has contributed to documentation and better understanding of diverse levels of the narcotics problem. It also made some important contributions to the record concerning organized crime, and hopefully will have an opportunity to continue to do so.

I am looking forward to receiving copies of the hearing transcript and your Committee report with reference to organized crime in sports. I am most hopeful that it will contain strong recommendations for dealing with this extremely destructive problem in our society.

With my appreciation for your courtesies and best wishes.

Cordially yours,

AARON M. KOHN,
Managing Director.

METROPOLITAN CRIME COMMISSION
OF NEW ORLEANS, INC.,
New Orleans, La., February 16, 1973.
Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.:

We urge your leadership in support of House Resolution 205 for two year extension of activity of the House Select Committee on Crime. At a time when crime conditions have reached proportions which make them the predominant concern of the American people, we believe it would be a serious mistake to end the factfinding processes in which this select committee has been engaged. The recent national conference on criminal justice was a valuable means of broadening understanding of the complexity of crime, its causes, and the failures of existing corrective processes. Congressional authority and capability is looked to by the citizenry as one of the major potentials for documenting the ingredients of the crime problem and providing guidance and legislation with realism. In our opinion, the House Select Committee on Crime has made valuable contributions in the past. It needs to be continued and strengthened to assure our citizens that Congress is fulfilling its obligation to reduce the degree with which crime victimizes and terrorizes people on the streets, in their homes, and in their businesses.

Respectfully,

Aaron M. Kohn,
Managing Director.

Wichita Council on Drug Abuse,
Wichita, Kans., February 17, 1973.

Hon. Carl Albert,
Speaker, House of Representatives,
Washington, D.C.:

We recommend House Resolution 205 be passed. We understand this resolution will continue the U.S. House Select Committee on Crime for two more years. Hearings conducted by this committee have had a significant impact on the serious apathy among school administrators regarding the problem of drugs in our schools. Continued effort against this problem is of top priority for our society as a whole and for crime in particular. Knowledge on which to base legislative actions needed in relation to drugs and crime is seriously inadequate as it is in all other areas of need for responsible actions against drug problems. The members of the House Select Committee on Crime have made progress toward becoming informed and knowledgeable about the issues involved. It would be, in our estimation, a tragic loss if this committee were to discontinue its work before adequate legislative action is formulated. Recommend passage of House Resolution 205.

Dee Hill,
Executive Director.

Jackson, Miss., *February 19, 1973.*

Congressman Claude Pepper,
Chairman, House Select Committee on Crime,
Washington, D.C.:

Respectfully urge the continuance of the House Select Committee on Crime. We feel this committee is urgently needed to perform a function unique only to Congress.

A. F. Summer,
Attorney General of State of Mississippi.

Baton Rouge, La.,
February 19, 1973.

Congressman Claude Pepper,
House Office Building,
Washington, D.C.:

We believe that House Resolution 205, continuing the House Select Committee on Crime should be adopted extending the life of this important committee so that it may continue its investigation of narcotic traffic and street crime in America. The committee urgently needs this additional time to complete its work. As you know the crimes in drugs are prime areas of concern to people of all the States today and this is the only committee with authorized jurisdiction to explore these areas.

I wish to express my deep concern in this matter and believe it will best serve the public interest for the House Select Committee on Crime to be continued for another two years.

William J. Guste, Jr.,
Attorney General, State of Louisiana.

Columbia, S.C.,
February 16, 1973.

Hon. Claude Pepper,
Washington, D.C.:

I would like to voice my support of House Resolution number 205 continuing for two more years the life of the House Select Committee on Crime. The continuance of this important investigative body is vital to primary areas of crime control in all of these States. Since crime control is of utmost importance at this time please give every consideration to the passage of this resolution.

John C. West,
Governor, State of South Carolina.

Dallas, Tex.,
February 18, 1973.

Congressman Claude Pepper,
Washington, D.C.:

H.R. 205 should be passed continuing the House Select Committee on Crime. The problems it is dealing with are at least as important as any domestic matters. This committee is nearing a point at which it will be able to propose powerful legislative solutions that will at once reduce crime to manageable proportions and reassert congressional authority as originating source of important legislation. The poor and helpless of this country will be the big losers if the committee's work now is interrupted, but it makes no sense from the standpoint of any concerned person to cut off a project with so much promise at a cost so small. Street crime will decline as organized crime is forced out of the heroin traffic and kept out.

William J. Flittie,
Professor of Law,
Southern Methodist University.

U.A.W. Retired Workers Council,
Grand Rapids, Mich., February 19, 1973.

Hon. Claude Pepper,
Capitol Hill,
Washington, D.C.:

I urge support House Resolution 205 for continuance Select Committee on Crime for 2 years.

David R. Sherwood,
Chairman.

National Council of
Senior Citizens,
Peoria, Ill., February 19, 1973.

Representative Claude Pepper,
Capitol Hill, D.C.:

We urge in the public interest that the House Select Committee on Crime be continued for another two years.

Ken Johnston,
Regional Board Member.

Biscayne Taxpayers Association,
North Miami Beach, Fla.,
February 18, 1973.

Congressman Claude Pepper,
Capitol Hill, D.C.

Dear Sir: We the Biscayne Taxpayers Association of Senior Citizens of North Miami Beach numbering approximately 500 members believe that it is important to our welfare that resolution number 205 be passed. Crime on the streets is in many cases directed against the elderly who have no defense against this type of brutality. Once again we strongly urge that Resolution number 205 be passed.

Yours truly,

Henry Nelson,
President.

H.I.D.E., Inc.,
Milwaukee Wis., February 19, 1973.

Congressman Claude Pepper,
Capitol Hill, D.C.:

I strongly encourage you to continue the House Select Committee on Crime. We need this important committee.

L. R. Hess, Ph. D.,
President.

Here's Help, Inc.,
Miami, Fla., February 19, 1973.

Congressman Claude Pepper,
House of Representatives,
Capitol Hill, D.C.:

Honorable Carl Albert I respectfully suggest that you permit Congressman Claude Peppers' Crime Commission to continue it's important services for the betterment of our community as his investigation concerning the drug scene has been invaluable to all in the rehabilitation field. Thank you.

Marian Siegel,
Executive Director.

RUSS BRIDGE BAN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. DERWINSKI. Mr. Speaker, one of the most perspicacious writers is Orv Lifka, editor of the Suburban Life. In a column of Thursday, February 15, he discusses the ban announced by the Soviet Union on contract bridge and contract groups that had developed. It is an interesting commentary of the freedoms enjoyed within the Soviet Union.

The article follows:

No Joker in Russ Bridge Ban

Contract bridge has been labeled "socially harmful" by the Soviet Union, indicating someone trumped Premier Kosygin's ace once too often.

The edict was handed down by the sports committee despite muted protests about a stacked deck. Contract clubs caught the heaviest criticism; apparently the hierarchy's taste doesn't run to this type of bridge mix.

Bridge club sponsors face the same fate as advocates of free elections. They may be sent to Siberia because it's impossible to shuffle cards while wearing mittens.

Contract bridge players are being urged to turn to more productive pastimes such as piecing together jigsaw puzzles of the ruling troika, something Western diplomats have been trying to do for several years.

Bridge is a dangerous endeavor in this country also, as many a shin-scarred husband will attest. Some ask their wives to play in their stocking feet, only to have them fail to remove the darning needles.

Non-players believe wives resort to shinwork to discipline their spouses, but this can be done by putting sand in their salad or staggering their shirt buttons so they don't match the holes. Kicking is a method of signalling, betrayed only by the recipient's look of pain or severe loss of blood.

Women's bridge clubs are notorious as gossip exchange centers, with participants bidding for attention. Top prize goes to the member with the most sensational news.

Men take their bridge more seriously than women, so much so that they have threatened to jump off another variety when the cards don't fall their way. But, as the Soviet leadership probably concluded, trouble must be anticipated in any endeavor involving tricks.

The Russian decree weakens contract bridge internationally; it was bad enough to have the Chinese turn to checkers. Tournament promoters may respond by having vodka removed from the refreshment list.

By chopping at the contract bridge the sports committee delivered a blow to its homeland. Russians adapted the game from whist almost 100 years ago and called it biritch, although losers had other descriptions for it.

Members of the royalty and bourgeoisie liked to gamble, and contract bridge filled the bill when the roulette wheel was in hock. The peasants had their own game; every night they bet two slices of blackbread and a bowl of potato soup that they wouldn't get hungry before morning.

Whether auction bridge is more acceptable to the present regime is doubtful, but a contract bridge fan would refuse to be finessed into the less challenging pastime. That would be as bad as solitaire confinement.

Contract bridge isn't the only game that's been causing mumbles in Moscow; they've also had trouble with chess.

JOE: THE JUVENILE OPPORTUNITIES ENDEAVOR OF DAYLIN, INC.

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. REES. Mr. Speaker, Daylin, Inc., a southern California-based volume retailing company, has been involved in community service activities for many years, throughout the country. Recently, Mr. Amnon Barness, chairman of the Board of Daylin, Inc., launched a new phase in community involvement by introducing JOE, Juvenile Opportunities Endeavor, a project of volunteerism which is designed to offer guidance, counseling, and attention to young people in our Nation.

JOE is the culmination of an 18-month study by Daylin which sought a means of utilizing the energies of the corporation's 16,000 employees in a significant community project. With the directional and organizational assistance of the National Council of Crime and Delinquency, JOE provides volunteers to work with both juvenile offenders and with youths in danger of becoming delinquents if not helped.

Utilizing NCCD's division, VIP, Volunteers in Probation, and other community groups of volunteers throughout the country, the JOE program aims at an extremely broad range of assistance. Services vary from one-to-one relationships serving as listening posts for troubled young persons to some 300 other job areas providing support services to help youths.

Juvenile delinquency is clearly one of the major challenges which faces our way of life today, and the efforts of all citizens will be required to encourage young people to pursue creative and useful activities in society. Therefore, I would like to acknowledge and salute the efforts of the Daylin people for their pioneer attitude in developing a means for private industry to make significant contributions toward the solution of community problems.

I would like to offer my personal congratulations to Mr. Amnon Barness, who conceived the idea of JOE and spearheaded its implementation. Serving as chairman of the Juvenile Opportunities Endeavor Foundation, he has created within his company a viable program which will serve as an example to other corporations, thereby multiplying the effectiveness of the program.

Other Daylin people who have been instrumental in setting up JOE are Mr. Max Candiotty, president of Daylin, and Mr. Dave Finkle, chairman of the Executive Committee of Daylin, both of whom gave their unwavering support and encouragement to employees on every level to participate in this program of volunteerism. Mr. Charles "Chic" Watt, senior group vice president of Daylin and current president of the JOE Foundation, has served as the coordinator of JOE at the executive level and has traveled to all parts of the country in order to stimulate volunteers for JOE. Mr. Bernard Kritzer, vice president of Daylin, has helped in organizing recruiting centers in Daylin companies throughout the country. Mrs. Lillian Candiotty, president of the women of Daylin, and Mrs. Diane Watt, senior vice president of women of Daylin in charge of JOE, have both given the strong support of their committee to this program and have served in various capacities in connection with JOE. Mr. Peter Grant, director of communications; Mr. Ronald Rieder, associate director of communications; and Mrs. Ruth Frauman, director of women of Daylin, have also been instrumental in the development and continuing implementation of the JOE program.

My congratulations go also to those selfless individual volunteers who, through their tireless devotion, have done so much to make JOE both a reality and a success.

INDEPENDENCE IN LITHUANIA

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. HELSTOSKI. Mr. Speaker, during the last weekend, the people of Lithuania, and the Americans of Lithuanian ancestry, observed the 722d anniversary of the founding of the Lithuanian State, and the 55th anniversary of the establishment of the model Republic of Lithuania on February 16, 1918.

Lithuania's independence lasted until 1940, when the Soviet Union invaded and occupied Lithuania, Latvia, and Estonia, and forcibly annexed these Baltic States to the Soviet Union.

As we celebrate that period of Lithuanian independence, it is fitting that we demonstrate once again to the world at large the feeling for independence held by the American people. For us of the free world, this is a compelling moral duty, for those less fortunate than we must keep their patriotic tributes locked within the solitary sanctuary of their grief-stricken breasts.

In the darkening days of world crisis in 1939–40, the Soviets imposed upon the Lithuanian nation an arrangement, illegal and immoral, and one that breached the sovereignty and independence of the Lithuanian people.

The entire Lithuanian nation has long since suffered with unmeasured pain and sorrow from its consequences. During the intervening years from that fateful summer of 1940 to this very hour, there has been visited upon the Lithuanian people a vast number of injustices that would make the most vigorous nation feel its enduring burden. Suppression of political freedom; unwarranted restrictions upon economic life; destruction of cultural ideals and the persecution of religion—all are a part of the cross that presses so heavily upon the Lithuanian nation. These are great burdens for a great nation of courageous people to bear. The time will come and let us hope that it is not too far off, when the Lithuanian people will once again stand upon the native soil of their great land and breathe the atmosphere of freedom.

Lithuanian Americans are to be congratulated upon the excellent work they are doing to further the Lithuanian cause. Representing more than 1 million loyal Americans of Lithuanian descent in our country, they have formed various councils who have demonstrated splendid organizational ability.

I urge this Congress to continue to do the utmost in behalf of the people of this valiant nation and to take the proper steps to bring about the formulation of a vigorous policy program for the liberation of these people.

I sincerely hope that our interest in their great and proud nation will not end in our profound expressions of sympathy and admiration. I think the Lithuanian people are entitled to more than that. I sincerely hope that we will, by positive action, demonstrate that we do not recognize those acts which deprived the people of their freedom, and that we are determined to work toward the goal of restoring the independence which they acquired on February 16, 1918.

I pay my respects to the courage, patriotism, and the love of freedom of the Lithuanian people. I share the fond hopes and prayers of those who express faith in the restoration of freedom and liberty to that gallant nation.

The United States and other great Western powers have steadfastly maintained a policy of nonrecognition of this forceful incorporation of the Baltic States into the Soviet empire. This nonrecognition policy must continue, especially in view of the Soviet proposed European Conference on Security and Cooperation. The concept of the security of the European states has one primary prerequisite: that the territorial integrity of the states and the inviolability of their frontiers be maintained.

The recognition of the territorial "status quo" in Europe would violate the rights of self-determination of the peoples and the nations of Eastern Europe, and would extinguish for all time the small candle of hope in the darkness of totalitarian oppression.

On this occasion, let us, as citizens of the greatest democracy on earth, unite in rededicating ourselves to the cause of universal peace, never forgetting that the preservation of liberty and freedom is everybody's business.

VOICE OF DEMOCRACY CONTEST WINNERS

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. LOTT. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct a Voice of Democracy Contest. This year nearly 500,000 secondary school students participated in the contest. The winning contestant from each State is brought to Washington, D.C. for final judging. This year the winning speech from my State of Mississippi was delivered by Clovice A. Lewis, Jr., of Biloxi, Miss. I am so proud of Clovice and I would like to share his views on his responsibility to freedom. As long as we have fine young men like this coming along, we do not have to worry about the future of this young Republic.

MY RESPONSIBILITY TO FREEDOM

"Who so would be a man must be a nonconformist. He who would gather immortal palms must not be hindered by the name of goodness—but must explore—if it be goodness. Nothing is at last sacred but the integrity of your own mind, absolve you to yourself and you shall have the suffrage of the world." These words were written by Ralph Waldo Emerson in his famous Self-Reliance essay, which was written over a hundred years ago. This monumental thought is one which still echoes through the corridors of time because of the profound message which it carries. That message being the importance of self-reliance in our relationships to ourselves and those around us.

Our responsibility to freedom can be directly tied in with Emerson's philosophy, which he called "Transcendentalism". First an adequate definition of the terms "Responsibility" and "Freedom" is essential to our understanding of the theme and its relationship to Emerson's Transcendentalism. Responsibility can be termed as the ability to answer or account for something under one's power of choice or control. It is also something under one's management or use. Freedom can be properly defined as personal liberty as opposed to bondage or slavery. Exemption from external control, interference, or regulation, and the power of determining one's or its own actions.

Freedom is the key word to my interpretation of this theme. The word itself cannot be specifically defined because of the many applications of its meaning. But, the basic thought behind any definition of the word is that of the ability to determine one's own actions in any given situation. Therefore, in my opinion, the best interpretation of my responsibility to freedom is to be able to answer, or account, for the ability I have to determine my own actions. I must be responsible for my actions, regardless of whether they be right or wrong.

In a society such as ours, we are stupefied by the happenings of the moment—headlines in morning newspapers and blared on radio broadcasts. As a result, many people cannot see the real world around them or the actual condition of our Nation. This is tragic because we rely so heavily on the opinions of others rather than searching for the basic truths within our own minds.

We must strive for a greater sense of independence in order to bring about a more effective society. Self-reliance strengthens our abilities to function as individuals. In our country, our Government is based on the principle that every man is a separate individual. By being so, we are all held responsible for our actions. To stress the importance of self-reliance, through individualism, is the best way to preserve our democracy. That is why I feel that we must continually question the ever-increasing trends toward socialism.

A challenge has been set before us. That challenge is, "Can we continue to survive as free men in a world that is turning more and more to its leaders than to the common people?" I believe that we can confront and conquer this challenge. However, before we do so we must be willing and able to accept everyone as a separate member in our society. We must recognize everyone's right to think and speak freely.

My responsibility to freedom is to be self-reliant, actively functioning member in my community. I must become stronger in my ability to make the right decisions concerning what is best for myself and others. Freedom is a precious thing, which I must be determined to kindle in my own conscience. I can only do this by being self-reliant, by accounting for my actions, and by striving to preserve the freedoms that I enjoy for the betterness of other people's lives.

If these responsibilities are recognized by all, then we can truly say that this Nation and our society is the best which can be produced by any democratic institution. If we all uphold the principle of self-reliance through individualism, then we can be assured that the world will continue to be open to anyone who has anything to offer it. I believe that by self-reliance through individualism our responsibilities to freedom will be fulfilled.

JUDICIAL DECISIONS AND THE IMMORALITY OF LEADERSHIP

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. RARICK. Mr. Speaker, the recent Federal judge's ruling that HEW must take steps to bring 16 States—mostly Southern—into compliance with the 1964 Civil Rights Act is classic judicial blindness.

That a judicio-politician signed such a blanket order while sitting in Washington, D.C.—site of the world's most segregated educational system is a cruel joke. In our Nation's Capital, 133,700 of the public school enrollment of 140,000 students, or 95.5 percent, are Negro. As late as 1969, 170 of the 190 Washington schools had no white children in attendance, yet the Washington court did not order HEW to cut off Federal funds to the District of Columbia school system, because of racial imbalance.

Likewise, the same Federal judge who would use HEW as the tool of judicial compliance among Southern schoolchildren was silent on the racial imbalance of HEW. HEW's employees are 22.6 percent Negro, but the Federal judges have not demanded cutting off salaries and operational funds at HEW, because of excessive desegregation.

Little wonder many Americans continue to lose confidence in those who sit in judgment in our Federal courts. They can see racial imbalance a thousand miles away, but cannot see under their noses.

I recently introduced House Congressional Resolution 13, which would make it the sense of Congress that each Federal official or employee—including judges and HEW bureaucrats—residing or living in the District of Columbia, voluntarily do unto their families what they would force on others by voluntarily placing their children in the public schools of the District of Columbia. Those who govern or judge must themselves follow their commandments.

I have received no support for this legislation and cannot even get a fair explanation of the bill from the news media.

Truth may be a stranger in our land, but hypocracy and double standards are accepted modus operandi.

I insert in the RECORD a related news article and the text of my bill:

MIXING ACTION AGAINST LOUISIANA, NINE OTHERS ORDERED

WASHINGTON.—A federal judge Friday ordered the Department of Health, Education and Welfare (HEW) to begin desegregation proceedings against all public school systems of 10 states and some school systems in six others.

U.S. District Judge John H. Pratt ruled that HEW must take steps to bring the 16 states into compliance with the 1964 Civil Rights Act.

Pratt ordered desegregation proceedings begun within four months against all public school systems in Louisiana, Mississippi, Oklahoma, North Carolina, Florida, Arkansas, Pennsylvania, Georgia, Maryland and Virginia.

He ordered similar action begun within two months against some school systems in Kentucky, South Carolina, Tennessee, Texas, West Virginia and Missouri.

The school systems involved include those of Baltimore and Kansas City, Mo.

Pratt ordered HEW to enforce provisions of Title VI of the 1964 law, which forbids use of federal funds in segregated school systems.

HEW would have to hold hearings before it cut off any federal aid.

HEW had found the school systems in the first 10 states to be segregated during the 1969–70 school year and found some school systems in the other six segregated during the 1970–71 school year.

Pratt also ordered HEW to begin desegregation proceedings against state vocational schools throughout the country "without unreasonable delay."

Under the terms of his order, HEW will have to report back to him within the stated period of time showing that the school systems have taken steps to comply with the 1964 act.

Of the 10 states found operating segregated school systems, five had submitted desegregation plans that HEW found unacceptable.

HEW declined to comment officially on the plans.

Among the other large school systems affected by Pratt's orders are Asheville, N.C., and San Antonio and Galveston in Texas.

H. CON. RES. 13

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that each public official or employee of the Federal Government who is residing and/or working in the District of Columbia and who has a child qualified to attend an elementary or secondary school should voluntarily send such child to an elementary or secondary school in the public school system of the District of Columbia.

NEWSMEN'S PRIVILEGE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. HARRINGTON. Mr. Speaker, recently, this country has been faced with growing evidence of a dangerous attitude by the present administration toward the freedom of our citizens to participate in the decisions of Government. Nowhere is that attitude more evident than in the administration's treatment of the press. Responsible participation in Government requires an informed citizenry. To be informed, our people must have a strong and independent press, free to probe into the workings of Government without fear of harassment. Constant harassment would tend to undermine the capacity of the press to publish all of the information we must have about our Government, and, more insidiously, would erode the quality of journalism which itself protects the exercise of our first amendment rights. The administration says that it recognizes the need for an independent press, yet, on occurrence after occurrence, the actions of its officials belie its words. The recent incident involving the arrest of Les Whitten is another example of the tendency to disrespect the independence of the press. I include here an editorial printed last week in the Washington Post, discussing the Whitten incident, and relevantly observing that the incident raises important questions about the administration's support of freedom guaranteed by the first amendment:

THE ARREST OF LES WHITTEN

There have been some suspicions around that the press has been too thin skinned in recent months, too quick to holler foul, when, indeed, things haven't changed all that much. Well now, consider the case of Leslie Whitten, an associate of columnist Jack Anderson. Mr. Whitten was arrested the other day by the FBI. The circumstances of his arrest are as follows:

An Indian leader named Hank Adams began some time ago to negotiate the return of some of the documents and materials stolen from the Bureau of Indian Affairs last November. Apparently he effected the return of some of the material last December because he has a receipt from the FBI saying that he did. He also notified the FBI in private that he was negotiating for the return of the material and he made a similar statement of his intentions at a press conference in January.

On January 31, Mr. Adams called Mr. Whitten—whom he knew because the Indians had made information contained in the stolen files available to the Anderson column—and told him that several cartons of documents were to be returned that day. Apparently, unknown to Mr. Adams, Dennis Hyton, the FBI agent with whom he had been dealing, was notified that Mr. Whitten would be—if not actually involved in the transfer—at least around to witness it. When Mr. Whitten met Mr. Adams, he found that Mr. Adams needed transportation—apparently because the man who had promised the use of his car was a police informer and was too busy informing the FBI of what was going on.

So, at 10:15 a.m. on the 31st of January on a public street in the District of Columbia as Mr. Whitten and Mr. Adams were loading the documents into Mr. Whitten's yellow Vega, a squad of FBI agents descended on Mr. Whitten and Mr. Adams. Mr. Whitten, ever the journalist, whipped out his note paper and his pencil to take notes on the whole thing. The first thing he knew, the note paper and pencil were out of his hands and handcuffs were on him.

Almost eight hours later, Mr. Whitten, having been formally charged with receiving, concealing and retaining three boxes of government documents with the intent to convert them to his own use, was brought before a federal magistrate and released on his own recognizance. Now, he's free and all he faces is a trial, at the end of which, he could be sentenced to ten years in prison and fined $10,000.

So what? you might ask, and here a little background may help. It happens that in addition to publishing information from the Indian papers, Mr. Anderson, with the help of his associate, Mr. Whitten, tried, during the J. Edgar Hoover regime, to help the public understand the FBI a little better, by writing extensively about it. In addition, he also published excerpts of government memos some time ago which told a good deal more about the internal workings of the mind of the United States government in the India-Pakistan dispute than the United States government was comfortable with just then. The Anderson column's contention in the face of governmental claims of secrecy is that such information belongs to the people, not solely to the government. Nevertheless, those who conduct business behind closed doors, only to find some of their quiet efforts exposed to the light of day, become discomfited and not just a little surly.

Given all of that, one might wonder whether prudence and professionalism might not have kept Mr. Whitten from taking so active and intimate a part in the transfer of boxes full of stolen documents. Even assuming, however, that Mr. Whitten should have been more cautious, we are left with a number of nagging questions. Would one of the most sophisticated reporters in town be carting around stolen documents in the street in broad daylight if he were engaged in some clandestine activity? Would Hank Adams, who had notified everybody in sight that he was going to act as an agent for the return of the property have been wandering around the streets with cartons of documents if he had some clandestine purpose to accomplish? If the undercover agent knew the documents were in Mr. Adams' apartment prior to 10:15 on that particular day, why did the FBI wait until Mr. Whitten was there to spring the trap? If Mr. Hyton had already received some of the material from Mr. Adams—more than a token earnest of Mr. Adams' good faith—why then did Mr. Hyton decide to arrest Mr. Adams and those with him on the 31st?

The fact that there are no ready answers to those questions would trouble us far less if the Whitten affair were an isolated incident. But it is not; rather, it is only the latest in a series of unhappy contretemps between the government and the press which started with the Caldwell case, and includes the Vice President's sustained campaign against the press, the calculated and spirited White House attacks on some segments of the news media and Mr. Clay Whitehead's blunderbuss accusation that television news is biased.

In this larger context, the questions raised by the performance of the FBI and the police in the Whitten affair are much harder to dismiss as circumstantial or trivial. On the contrary, the arrest of Les Whitten becomes yet one more cause for serious concern about this administration's belief in, and respect for, First Amendment freedoms.

POLITICS AND MEDICINE

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. ARCHER. Mr. Speaker, there can be no doubt we are all concerned about the current controversy surrounding the medical profession and the effects it is having on the American public.

A recent editorial in the January 8, 1973, issue of Modern Medicine magazine points to a growing concern among members of the medical profession over the increased politicizing and federalizing of medicine.

As Dr. Irvine H. Page, editor of the magazine points out in his editorial entitled, "Promises, Politics and Medicine," scientific and medical achievements should stand on the quality of those achievements, not the publicity and political influence they may generate.

I commend the editorial to my colleagues for consideration:

PROMISES, POLITICS AND MEDICINE

(By Irvine H. Page, M.D., Editor)

Few doubt that (1) the basic science content of the medical curriculum is under attack because of the desire for more practicing physicians more quickly, (2) medicine is being slowly politicized and federalized, (3) the philosophy of the research on which medical progress depends is being altered, and (4) drastic change is slated for the practice of medicine. Pressures to consummate these changes have come chiefly from the press, politicians, a minority of the public, and a few politically hungry physicians. Bewildered and frustrated, most physicians foresee the time, rightly or wrongly, when they will have given their heritage to opportunists. This, then, is a time for candor, an uncommon commodity nowadays.

Do we really need basic science taught in medical school and beyond as postgraduate continuing education? If medicine is merely diagnosis, prevention, prescribing, proscribing and "delivering health care" it could be taught in two years as a trade. But all medical progress depends upon science. Without solid understanding practice of medicine becomes arid indeed. Diagnosis and treatment could be prescribed better by a computer.

This in simple terms is why a physician's assistant is not a physician and why politicians and the public do not understand the nature of medicine or science. Medicine without science is like the ministry without a transcendent goal.

Why my deep concern for the politicizing and federalizing of medicine? Chiefly because politicians and the government want to pay for medicine, and what they pay for they control. I wish I were not so lacking in faith in bureaucratic promises, but long experience has made me so. I need look back only 30 years to see vast changes, each promised as another step toward medical Utopia. Much good has been done but the price being paid in loss of character and money is steadily rising.

If I believed that National Health Insurance would be no more than a federally administered—and therefore costly—insurance for all, I would not object, but would favor it as a part of a pluralistic approach. But judging by the words of even its more sensible proponents, it seems to be an important key to creeping federalization of medical practice.

I am equally dubious of the changes being made in the conduct and financing of research. To over-simplify, I see in the not distant future medical research being directed from on political high in a highly sophisticated manner but not unlike the Russian system in principle. Is not the cancer crusade a small beginning? And does anyone doubt that heart disease and mental disease are next? Or sickle cell anemia because of its political expediency? I am obtuse enough first to want scientific achievement to stand on its quality, not on the publicity and the political influence it may generate. Does anyone believe that the concurrent announcements made within weeks of three viruses as the causes of cancer were without any political significance?

Many view it as inevitable that medicine will be treated as a public utility, paid for and closely regulated by government. I do not recall a time when so many well-meaning people have so thoughtlessly endorsed this position in spite of the ambiguous position in which they personally would find themselves. One need not take sides on the British experiment in medical practice to know that it has not evolved into a Utopia, or anything resembling it. Discussion of such governmental controls in Sweden, England and Germany has unfortunately only obscured the core of the problem for the United States.

It has been sad to note that the contribution of the universities to government during the war was superb technically, but it left much to be desired on political grounds. When confronted wth social and political problems, academicians unknowingly turned out to be all too human. The infighting, selfishness and snobbery were fully the equal to many politicians but the latter had the saving grace of recognizing it in themselves.

So we move steadily toward all-embracing federal authority, urged on by those who seem unaware of the ultimate consequences. The extraordinary efficiency of the government's "forgettery" is impressive. The promises made today are unheard of tomorrow. For those who doubt the turns and the twists of government leadership, try to follow the peregrinations of the Regional Medical Program. To count on the durability of a government promise is to be ingenuous.

The demand for drastic and often untried ways of practicing medicine, or "delivering health care," has been stimulated by crisis psychology. Lay speakers and writers have indulged in massive hyperbole. Threats and scare tactics have made many physicians lose sight of desirable changes that could, and probably should, be brought about. The onslaught has at times been so vitriolic as to engender a closed-minded ultraconservatism in them. Many issues have, unfortunately, become so highly partisan politically that the clarifying action of thoughtful debate has been lost.

If public dialogue is rejected, then we must look to representation at the decision-making levels. There, indeed, do physicians perform badly. Within our ranks, the power struggle goes on among the American Medical Association, the American Hospital Association, and the Association of American Medical Colleges on the medical front and the National Academy of Sciences, the American Association for the Advancement of Science, and the specialty societies on the research front. There is nothing wrong with competition but out of it must come not one voice but an orderly pattern of voices providing options to be decided upon by politicians and the people in relation to all the other options of our vast society. Decisions should not be made in ignorance of the views of those with the knowledge and the experience.

It is to be hoped that the new Institute of Medicine can become sufficiently representative of medicine and of biomedical sciences to help in formulating such options. This will depend on the care with which its membership is constituted, their dedication to hard work, and the standards of quality and of relevance set. Perhaps some of the larger specialty societies will increase the institute's clout by lending a hand.

The alternatives to the building of adequate and thoughtful representation are not attractive. Unionization is one and further fragmentation caused by warring factionalism is another. Elitism has shown itself to be ineffective and outdated. The dangers of sycophancy were never greater.

It is such divisionism that is an invitation to governmental hegemony, and government has not failed to see this.

Nothing is harder than having to accept some compromise for the sake of maintaining sound principles. There is nothing glamorous about the individual who is a "middle of the roader," but if he is in the middle because facts, logic and imagination have put him there, he is a true asset to society.

However, we need as well those indomitable individuals whose adherence to the truth is usually painful. Russia does not deserve all of the beleaguered writers like Solzhenitsyn.

LITHUANIAN INDEPENDENCE DAY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. ANDERSON of California. Mr. Speaker, last Friday was a bittersweet day for persons of Lithuanian descent in America. For Friday marked the 55th anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918; but since 1940, Lithuanians have lived under Soviet rule.

It is ironic that the only Lithuanians not allowed to celebrate the historic anniversary of their Declaration of Independence were in Lithuania itself.

The persons of Lithuania may not have been able to gather in celebration, but neither have the Soviets been able to quell the Lithuanian spirit. This remarkable spirit is the source of much deserved pride in all Lithuanians.

A recent petition to the United Nations, signed by 17,000 Lithuanian Catholics living in the occupied country, charging the Soviets with religious persecution, coupled with the demonstrations in Lithuania last May, reflect the spirit of the Lithuanian people.

Ceremonies aimed at supporting Lithuanian freedom are also occurring in our country. Last Friday, Americans of Lithuania descent held a flag-raising ceremony in front of the Los Angeles City Hall to call attention to the Lithuanian's tragic plight.

The history of Lithuania tells much about her people.

Lithuania was under German occupation at the time of the Russian revolution in 1917, but, undaunted, Lithuania declared its independence on February 16, 1918.

Lithuania became a democracy with a President and a Parliament.

Under the threat of war, Lithuania signed a mutual security pact with Russia in October 1939.

In June 1940, the Russian army marched into Lithuania. The Lithuanian Government was overthrown and a Communist government was instituted. After rigged elections were conducted, Lithuania was annexed as one of the Soviet republics.

German troops invaded and occupied Lithuania in 1941, staying for 4 years. After the Soviets returned to Lithuania in 1944–45, Lithuania was again made a Soviet republic.

The United States has steadfastly maintained a policy of nonrecognition of the 1940 forceful incorporation of Lithuania, Latvia, and Estonia into the Soviet Union.

Our support of these Baltic peoples must continue.

Many citizens of the three Baltic nations of Lithuania, Latvia, and Estonia have decided that they can no longer live in a satellite Communist nation and have applied for permission to emigrate.

Soviet authorities have almost put an end to emigration by imposing an "education tax" which can amount up to $18,000 per person depending upon the level of education attained by the proposed emigrant.

To resolve the intended emigrants dilemma, I joined with over 250 of my colleagues in the House of Representatives on February 7 in introducing H.R. 3911, a bill suspending trade with the Soviet Union until such a time as that country does away with its arbitrary and discriminatory methods of limiting the right of emigration.

Mr. Speaker, as Members of the U.S. Congress, we must encourage the Lithuanians and other Baltic citizens to retain their spirit. In addition, we must help to make emigration a viable alternative for them.

NEW JUSTICE DEPARTMENT REGULATIONS TO IMPLEMENT THE FREEDOM OF INFORMATION ACT (5 U.S.C. 552)

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, as Members of the House may recall, the Committee on Government Operations last year issued a report entitled "Administration of the Freedom of Information Act." This report (92–1419) resulted from intensive hearings held by the Foreign Operations and Government Information Subcommittee, which fully explored Government information policies under the act.

As part of the report, a number of recommendations were made to the various departments and agencies in the Government. These recommendations were designed to improve the administrative efficiency of information act programs so as to increase the flow of information to the public.

Along with the administrative recommendations contained in the report, the committee outlined a number of legislative objectives which will be necessary to meet the goals of freedom of information. Legislation was introduced by me and cosponsored by 16 other Members of the House last year to meet these legislative objectives. We expect to reintroduce a revised bill shortly.

I am pleased to inform the House, however, that almost all of the Federal agencies have informed me that they will take immediate steps to implement the administrative recommendations contained in House Report 92–1419. In this connection, new Department of Justice Freedom of Information regulations were announced on February 14, 1973. These new regulations, when properly implemented, will go far to effectuate the intent of the Freedom of Information Act. Since the Department of Justice has a major role in the Government information program, it is heartening to see that it is taking the lead in the promulgation of new information regulations. I hope that each Federal department and agency will closely study these new Department of Justice regulations as a guide to the proper implementation of the Freedom of Information Act.

As I noted earlier, however, last year's hearings clearly indicated the need for legislative amendments to the Freedom of Information Act irrespective of administrative improvements. This legislation will be introduced shortly, and we will welcome the support of all Members of Congress who share our objective in strengthening this important law which helps protect the American people's right to know about the activities of their Government.

At this point, I include the text of the new Department of Justice Freedom of Information regulations:

[Title 28—Judicial Administration]

Chapter I—Department of Justice

[Order No. 502–73]

Part 16—Production or Disclosure of Material or Information

SUBPART A—PRODUCTION OR DISCLOSURE UNDER 5 U.S.C. 552(A)

This order revises the regulations of the Department of Justice which prescribe the procedures for making and acting upon requests from members of the public for access to Justice Department records under the Freedom of Information Act (5 U.S.C. 552).

By virtue of the authority vested in me by 28 U.S.C. 509, 510, 5 U.S.C. 301, 552, and 31 U.S.C. 483a, Subpart A of Part 16 of Chapter I of Title 28, Code of Federal Regulations, is revised, and its provisions renumbered, to read as follows:

Sec.
16.1 Purpose and scope.
16.2 Public reference facilities.
16.3 Requests for identifiable records and copies.
16.4 Requests referred to division primarily concerned.
16.5 Prompt response by responsible division.
16.6 Responses by division: Form and content.
16.7 Appeals to the Attorney General from initial denials.
16.8 Maintenance of files.
16.9 Fees for provision of records.
16.10 Exemptions.

Authority: 28 U.S.C. 509, 510; 5 U.S.C. 301, 552; 31 U.S.C. 483a.

§ 16.1 Purposes and scope.

(a) This subpart contains the regulations of the Department of Justice implementing 5 U.S.C. 552. The regulations of this subpart provide information concerning the procedures by which records may be obtained from all divisions within the Department of Justice. Official records of the Department of Justice made available pursuant to the requirements of 5 U.S.C. 552 shall be furnished to members of the public as prescribed by this subpart. Officers and employees of the Department may continue to furnish to the public, informally and without compliance with the procedures prescribed herein, information and records which prior to enactment of 5 U.S.C. 552 were furnished customarily in the regular performance of their duties. Persons seeking information or records of the Department of Justice may find it useful to consult with the Department's Office of Public Information before invoking the formal procedures set out below. To the extent permitted by other laws, the Department also will make available records which it is authorized to withhold under 5 U.S.C. 552 whenever it determines that such disclosure is in the public interest.

(b) The Attorney General's Memorandum on the Public Information section of the Administrative Procedure Act, which was published in June 1967 and is available from the Superintendent of Documents, may be consulted in considering questions arising under 5 U.S.C. 552. The Office of Legal Counsel after appropriate coordination is authorized from time to time to undertake training activities for Department personnel to maintain and improve the quality of administration under 5 U.S.C. 552.

§ 16.2 Public reference facilities.

Each office listed below will maintain in a public reading room or public reading area, the materials relating to that office which are required by 5 U.S.C. 552(a) (2) and 552(a) (4) to be made available for public inspection and copying:

U.S. Attorneys and U.S. Marshals—at the principal offices of the U.S. Attorneys listed in the U.S. Government Organization Manual;

Bureau of Prisons and U.S. Board of Parole—at the principal office of each of those agencies at 101 Indiana Avenue NW., Washington, D.C. 20537;

Community Relations Service—at 550 11th Street N.W., Washington, D.C. 20530;

Internal Security Division (for registrations of foreign agents and other pursuant to 26 CFR Parts 5, 10, 11, and 12)—at Room 458, Federal Triangle Building, 315 Ninth Street, N.W., Washington, D.C. 20530;

Board of Immigration Appeals—at Room 1138, 521 12th Street NW., Washington, D.C. 20530;

Immigration and Naturalization Service—*see* 8 CFR § 103.9;

Law Enforcement Assistance Administration, 683 Indiana Avenue NW., Washington, D.C. 20530, and Regional Officer as listed in the U.S. Government Organization Manual;

All other Offices, Divisions, and Bureaus of the Department of Justice—at Room 6620, Department of Justice, 10th Street and Pennsylvania Avenue NW., Washington, D.C. 20530.

Each of these public reference facilities will maintain and make available for public inspection and copying a current index of the materials available at that facility which are required to be indexed by 5 U.S.C. 552(a) (2).

§ 16.3 Requests for identifiable records and copies.

(a) *Addressed to Office of Deputy Attorney General.* A request for a record of the Department which is not customarily made available, which is not available in a public reference facility as described in § 16.2, and which is not a record maintained by the Immigration and Naturalization Service, the Bureau of Prisons, or the Board of Immigration. Appeals shall be addressed to the Office of the Deputy Attorney General, Washington, D.C. 20530. Requests for records of the Bureau of Prisons or of the Board of Immigration Appeals shall be sent directly to the Director, Bureau of Prisons, 101 Indiana Avenue NW., Washington, D.C. 20537, or the Chairman, Board of Immigration Appeals, Department of Justice, Washington, D.C. 20530, respectively. Requests for records of the Immigration and Naturalization Service, including aliens' record files temporarily in the possession of the Board of Immigration Appeals, shall be made and processed pursuant to the provisions of Part 103 of Title 8 of the Code of Federal Regulations.

(b) *Request should be in writing and for identifiable records.* A request for access to records should be submitted in writing and should sufficiently identify the records requested to enable Department personnel to locate them with a reasonable amount of effort. Where possible, specific information regarding dates, titles, file designations, and other information which may help identify the records should be supplied by the requester. If the request relates to a matter in pending litigation, the court and its location should be identified.

(c) *Form may be requested.* Where the information supplied by the requester is not sufficient to permit location of the records by Department personnel with a reasonable amount of effort, the requester may be sent and asked to fill out and return a Form D.J. 118, which is designed to elicit the necessary information.

(d) *Categorical requests*—(1) *Must meet identifiable records requirement.* A request for all records falling within a reasonably specific category shall be regarded as conforming to the statutory requirement that records be identifiable if it can reasonably be determined which particular records come within the requests, and the records can be searched for, collected, and produced without unduly burdening or interfering with Department operations because of the staff time consumed or the resulting disruption of files.

(2) *Assistance in reformulating non-conforming requests.* If it is determined that a categorical request would unduly burden or interfere with the operations of the Department under paragraph (d) (1) of this section, the response denying the request on those grounds shall specify the reasons why and the extent to which compliance would burden or interfere with Department operations, and shall extend to the requester an opportunity to confer with knowledgeable Department personnel in an attempt to reduce the request to manageable proportions by reformulation and by agreeing on an orderly procedure for the production of the records.

(e) *Requests for records of other agencies.* Many of the records in the files of the Department are obtained from other agencies for litigation or other purposes. Where it is determined that the question of the availability of requested records is primarily the responsibility of another agency, the request will be referred to the other agency for processing in accordance with its regulations, and the person submitting the request will be so notified.

§ 16.4 Requests referred to division primarily concerned.

(a) *Referral to responsible division.* The Deputy Attorney General shall, promptly upon receipt of a request for Department records, ascertain which division of the Department has primary concern with the records requested. As used in this subpart, the term "division" includes all divisions, bureaus, offices, services, administrations, and boards of the Department, the Pardon Attorney and Federal Prison Industries except as otherwise expressly provided. He shall then promptly forward the request to the responsible division and notify the requester of his action. The Deputy Attorney General shall maintain or be furnished with a file copy of each request received, and records to show the date of its receipt from the requester, the division to which it was forwarded, and the date on which it was forwarded. For all purposes under this subpart the Board of Immigration Appeals and the

Bureau of Prisons shall be considered the responsible division with respect to requests sent directly to them pursuant to § 16.3 hereof.

(b) *Deputy Attorney General shall assure timely response.* The office of the Deputy Attorney General shall periodically review the practices of the divisions in meeting the time requirements set out in § 16.5 hereof, and take such action to promote timely responses as it deems appropriate.

§ 16.5 Prompt response by responsible division.

(a) *Response within 10 days.* The head of the responsible division shall, within 10 working days of its receipt by the division and more rapidly if practicable, either comply with or deny a request for records unless additional time is required for one of the following reasons:

(1) The requested records are stored in whole or in part at other locations than the office in receipt of the request;

(2) The request requires the collection of a substantial number of specified records;

(3) The request is couched in categorical terms and requires an extensive search for the records responsive to it;

(4) The requested records have not been located in the course of a routine search and additional efforts are being made to locate them;

(5) The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are (i) exempt from disclosure under the Freedom of Information Act, and (ii) should be withheld as a matter of sound policy, or disclosed only with appropriate deletions;

(6) The requested records or some of them involve the responsibility of another agency or another division of the Department whose assistance or views are being sought in processing the request.

When additional time is required for one of the above reasons, the head of the responsible division shall acknowledge receipt of the request within the 10-day period and include a brief notation of the reason for the delay and an indication of the date on which it is expected that a determination as to disclosure will be forthcoming. A copy of each such acknowledgment shall be furnished to the Deputy Attorney General. An extended deadline adopted for one of the reasons set forth above will be considered reasonable in all cases if it does not exceed 10 additional working days. The head of the responsible division may adopt an extended deadline in excess of the 10 additional working days (i.e., a deadline in excess of 20 working days from the time of receipt) upon specific prior approval of the notice to the requester of the extension by the office of the Deputy Attorney General where special circumstances reasonably warrant the more extended deadline and they are stated in the written notice of the extension.

(b) *Petition if response not forthcoming.* If the head of the responsible division does not respond to or acknowledge a request within the 10-day period, if the head of the responsible division does not act on a request within an extended deadline adopted for one of the reasons set forth in paragraph (a) of this section, or if the requester believes that an extended deadline adopted pursuant to paragraph (a) of this section is unreasonable, the requester may petition the Deputy Attorney General to take appropriate measures to assure prompt action on the request. In order for a requester to treat a failure to respond by the head of a division as a denial and file an appeal, he must have filed a petition with the Deputy Attorney General complaining of delay under this subsection.

(c) *Action on petitions complaining of delay.*—(1) *Prompt action.* Where a petition to the Deputy Attorney General complaining of a division's failure to respond to a request or to meet an extended deadline does not elicit a response to the request from the head of the responsible division within 10 days, or where a petition complaining of a division's adoption of an unreasonable deadline fails to elicit an acknowledgement of the petition within 10 days and a response to the request from the head of the division within a reasonable time, the requester may treat the request as denied, and he may then file an appeal to the Attorney General.

(2) *Copies maintained by Deputy Attorney General.* Copies of all petitions complaining of delay, and records of all actions taken upon them shall be supplied to or maintained by the Deputy Attorney General.

(d) *Removal by Deputy Attorney General.* The Deputy Attorney General may remove any request or class of requests from the division to which it is referable under these regulations and, in such event, shall perform the functions of the head of such division with respect thereto.

§ 16.6 Responses by divisions: form and content.

(a) *Form of grant.* When a requested record has been identified and is available, the responsible division shall notify the requester as to where and when the record is available for inspection or copies will be available. The notification shall also advise the requester of any applicable fees under § 16.9 hereof.

(b) *Form of denial.* A reply denying a written request for a record shall be in writing signed by the head of the responsible division and shall include:

(1) *Exemption category.* A reference to the specific exemption under the Freedom of Information Act authorizing the withholdings of the record, to the extent consistent with the purpose of the exemption a brief explanation of how the exemption applies to the record withheld, and, if the head of the division considers it appropriate, a statement of why the exempt record is being withheld; and

(2) *Administrative appeal and judicial review.* A statement that the denial may be appealed within 30 days to the Attorney General, and that judicial review will be thereafter available either in the district in which the requester resides or has a principal place of business or in which the agency records are situated.

(c) *Record cannot be located or does not exist.* If a requested record cannot be located from the information supplied, or is known to have been destroyed or otherwise disposed of, the requester shall be so notified.

(d) *Copy of responses to Deputy Attorney General.* A copy of each grant or denial letter, and each notification under paragraph (c) of this section shall be furnished to the Deputy Attorney General.

§ 16.7 Appeals to the Attorney General from initial denials.

(a) *Appeal to Attorney General.* When the head of a division has denied a request for records in whole or in part, the requester may, within 30 days of its receipt, appeal the denial to the Attorney General, Washington, D.C. 20530. The appeal shall be in writing.

(b) *Action within 20 working days.* The Attorney General will act upon the appeal within 20 working days of its receipt, and more rapidly if practicable, unless novel and difficult questions are involved. Where such questions are involved, the Attorney General may extend the time for final action for a reasonable period beyond 20 working days upon notifying the requester of the reasons for the extended deadline and the date on which a final response may be expected.

(c) *Form of action on appeal.* The Attorney General's action on an appeal shall be in writing. A denial in whole or in part of a request on appeal shall set forth the exemption relied on, a brief explanation consistent with the purpose of the exemption of how the exemption applies to the records withheld and the reasons for asserting it.

(d) *Copies to Deputy Attorney General.* Copies of all appeals and copies of all actions on appeal shall be furnished to the Deputy Attorney General.

§ 16.8 Maintenance of files.

(a) *Complete files maintained by Deputy Attorney General.* The Deputy Attorney shall maintain files containing all material required to be retained by or furnished to him under this subpart. The material shall be filed by individual request; and shall be indexed according to the exemptions asserted; and, to the extent feasible, according to the type of records requested.

(b) *Maintenance of file open to public.* The Deputy Attorney General shall also maintain a file, open to the public, which shall contain copies of all grants or denials of appeals by the Attorney General. The material shall be indexed by the exemption asserted, and, to the extent feasible, according to the type of records requested.

(c) *Protection of privacy.* Where the identity of a requester, or other identifying details related to a request, would constitute an invasion of personal privacy if made generally available, the Deputy Attorney General shall delete identifying details from the copies of documents maintained in the public file established under paragraph (b) of this section.

§ 16.9 Fees for provision of records.

(a) *When charged.* User fees pursuant to 31 U.S.C. 483a (1970), shall be charged according to the schedule contained in paragraph (b) of this section for services rendered in responding to requests for Department records under this subpart unless the responding official of the Department determines, in conformity with the provisions of 31 U.S.C. 483a, that such charges or a portion thereof are not in the public interest. Such a determination shall ordinarily not be made unless the service to be performed will be of benefit primarily to the public as opposed to the requester, or unless the requester is an indigent individual. Fees shall not be charged where they would amount, in the aggregate, for a request or series of related requests, to less than $3. Ordinarily, fees shall not be charged if the records requested are not found, or if all of the records located are withheld as exempt. However, if the time expended in processing the request is substantial, and if the requester has been notified of the estimated cost pursuant to paragraph (c) of this section and has been specifically advised that it cannot be determined in advance whether any records will be made available, fees may be charged.

(b) *Services charged for, and amount charged.* For the services listed below expended in locating or making available records or copies thereof, the following charges shall be assessed:

(1) *Copies.* For copies of documents (maximum of 10 copies will be supplied) $.10 per copy of each page.

(2) *Clerical searches.* For each one quarter hour spent by clerical personnel in excess of the first quarter hour in searching for and producing a requested record, $1.25.

(3) *Monitoring inspection.* For each one quarter hour spent in monitoring the requester's inspection of records, $1.25.

(4) *Certification.* For certification of true copies, each, $1.

(5) *Attestation.* For attestation under the seal of the Department, $3.

(6) *Nonroutine, nonclerical searches.* Where a search cannot be performed by clerical personnel, for example, where the task of determining which records fall within a request and collecting them requires the time of professional or managerial personnel, and where the amount of time that must be expended in the search and collection of the requested records by such higher level personnel is substantial, charges for the

search may be made at a rate in excess of the clerical rate, namely for each one quarter hour spent in excess of the first quarter hour by such higher level personnel in searching for a requested record, $3.57.

(7) *Examination and related tasks in screening records.* No charge shall be made for time spent in resolving legal or policy issues affecting access to records of known contents. In addition, no charge shall ordinarily be made for the time involved in examining records in connection with determining whether they are exempt from mandatory disclosure and should be withheld as a matter of sound policy. However, where a broad request requires Department personnel to devote a substantial amount of time to examining records for the purpose of screening out certain records or portions thereof in accordance with determinations that material of such a nature is exempt and should be withheld as a matter of sound policy, a fee may be assessed for the time consumed in such examination. Where such examination can be performed by clerical personnel, time will be charged for at the rate of $1.25 per quarter hour, and where higher level personnel are required, time will be charged for at the rate of $3.75 per quarter hour.

(8) *Computerized Records.* Fees for services in processing requests maintained in whole or part in computerized form shall be in accordance with this section so far as practicable. Services of personnel in the nature of a search shall be charged for at rates prescribed in paragraph (b)(6) of this section unless the level of personnel involved permits rates in accordance with paragraph (b)(2) of this section. A charge shall be made for the computer time involved, based upon the prevailing level of costs to governmental organizations and upon the particular types of computer and associated equipments and the amounts of time on such equipments that are utilized. A charge shall also be made for any substantial amounts of special supplies or materials used to contain, present, or make available the output of computers, based upon prevailing levels of costs to governmental organizations and upon the type and amount of such supplies or materials that is used. Nothing in this paragraph shall be construed to entitle any person, as of right, to any services in connection with computerized records, other than services to which such person may be entitled under 5 U.S.C. 552 and under the provisions, not including this paragraph (b), of this subpart.

(c) *Notice of anticipated fees in excess of $25.* Where it is anticipated that the fees chargeable under this section will amount to more than $25, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In appropriate cases an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to confer with knowledgeable Department personnel in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requester. Dispatch of such a notice or request shall toll the running of the period for response by the Department until a reply is received from the requester.

(d) *Form of payment.* Payment should be made by check or money order payable to the Treasury of the United States.

§ 16.10 Exemptions.

(a) 5 U.S.C. 552 exempts from all of its publication and disclosure requirements nine categories of records which are described in subsection (b) of that section. These categories include such matters as national defense and foreign policy information; investigatory files; internal procedures and communications; materials exempted from disclosure by other statutes; information given in confidence; and matters involving personal privacy. The scope of the exemptions is discussed generally in the Attorney General's memorandum referred to in § 16.1.

(b) The Attorney General will not withhold any records of the Department over 10 years old on the ground that they are classified pursuant to Executive Order No. 11652 or its predecessors without notification from the Department review committee established in accordance with the Executive order and Subpart G of Part 17 of this chapter, by its Chairman, that continued classification is required by the Executive order.

Previous regulations superseded. This order supersedes order No. 381-67 of July 5, 1967, as amended, 28 CFR Part 16, Subpart A (1972), effective March 1, 1973.

Dated: February 9, 1973.

RICHARD G. KLEINDIENST,
Attorney General.

[FR Doc. 73-2970 Filed 2-13-73;8:45 am]

CONCERN OF MOST AMERICANS ABOUT STREET CRIME, ORGANIZED CRIME, AND NARCOTICS TRAFFIC

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. BRASCO. Mr. Speaker, in view of the present uncertainty as to the continuing existence of the House Select Committee on Crime, I wish to share with my colleagues a sampling of communications being received daily by the chairman of that committee, the Honorable CLAUDE PEPPER.

These messages, being sent by a wide variety of law enforcement officials all across the country, reflect the deep concern of most Americans about street crime, organized crime, and narcotics traffic. More importantly, the messages convey immense confidence in the manner in which the committee has spotlighted and investigated these problems during the past 4 years. Common in every text is the plea that the work of the committee not be interrupted at a time when so much progress is being made.

The messages follow:

MIAMI BEACH, FLA.,
February 16, 1973.

CLAUDE PEPPER,
House of Representatives,
Washington, D.C.:

I strong urge the continuation of the House select committee on crime through passage of House Resolution 205. The House select committee on crime has been of invaluable assistance to professional law enforcement agencies. To terminate a committee with authorized jurisdiction to explore street crime and the wide spread traffic in narcotics in America today would not appear to serve the public interest.

ROCKY POMERANCE,
Chief of Police.

BRONX, N.Y.,
February 16, 1973.

Hon. CLAUDE PEPPER,
Member of Congress,
Capitol Hill, D.C.:

I have this day sent a telegram to Honorable Carl Albert Speaker House of Representatives urging his efforts to pass your House Resolution 205 for extension of time to complete the vital essential work of the House select committee on crime.

MARIO MEROLA,
District Attorney, Bronx County.

MIAMI SHORES, FLA.,
February 16, 1973.

Congressman CLAUDE PEPPER,
Capitol Hill, D.C.:

I would like to go on message with the Miami Shores Dept. to recommend that the House Resolution No. 205 be continued for 2 more years. In our opinion they have just started with inspection and investigation on street crimes and narcotic investigation.

Chief WAYNE H. THURMAN.

CHICAGO, ILL.,
February 16, 1973.

Hon. CLAUDE PEPPER,
Washington, D.C.:

The Illinois drug abuse program supports House Resolution 205 which continues the House Select Committee on Crime for 2 more years. We believe the committee serves the public interest.

Dr. EDWARD SENAY,
Director, Illinois Drug Abuse Program and Dennis Heston Block Council, Illinois Drug Abuse Program.

PHILADELPHIA, PA.,
February 16, 1973.

CLAUDE PEPPER,
Capitol Hill, D.C.:

You are urged to extend the life of the House Select Committee on Crime for an additional 2 years so it may convene its investigation of street crime and narcotics traffic in America.

CHARLES W. BOWSER,
Philadelphia Urban Coalition.

YOUNSTOWN, OHIO,
February 17, 1973.

Senator CLAUDE PEPPER,
Capitol Hill,
Washington, D.C.:

Do not drop your fight to get HR-205 legislated, feel your committee particularly urgent for elderly who cannot defend themselves on our streets. Entire Nation should be concerned with crime as we become a nation of people afraid to walk our streets or leave a door unlocked. Even locked doors fail to stop crime against our older Americans. In this area many robbed or beaten badly because they have no money to steal.

I. H. RYAN,
President, Northeastern Ohio Senior Citizens Council.

MOORESTOWN, N.J.,
February 17, 1973.

Congressman CLAUDE PEPPER,
Washington, D.C.

DEAR MR. SPEAKER: I urge your favorable consideration of House Resolution 205 which would allow for the continuance of the House Select Committee on Crime. Having testified personally before this committee and kept abreast of its outstanding and beneficial work, I can attest that this committee of the House of Representatives has been one of the finest and most welcomed committees by all persons interested in safer streets and law enforcement. We in Florida hope that this committee will not be disbanded so that it may continue its fine work and help not only all Floridians but all Americans.

ROBERT L. SHEVIN,
Attorney General, State of Florida.

WASHINGTON, D.C.,
February 17, 1973.

Hon. CLAUDE PEPPER,
Washington, D.C.:

As a member of the D.C. Advisory Council on Aging and also a member of the Executive Board of the National Council of Senior Citizens Incorporated I urge you to use every means in support of House Resolution 205 (to continue House Select Committee on Crime) for two more years. Senior citizens are gravely concerned about street crime and completely support Senator Claude Pepper and his committee in this very important work.

Walter A. Jones.

Miami, Fla.,
February 16, 1973.

Hon. Claude Pepper,
House of Representatives,
Washington, D.C.:

I consider Congressman Claude Pepper's House Select Committee on Crime one of the most important tools available in our continuing effort against criminal elements and urge congressional authorization for its further investigative activities.

Richard E. Gerstein,
State Attorney.

Youngstown, Ohio,
February 17, 1973.

Senator Claude Pepper,
Capitol Hill, D.C.:

Crime number one problem our nation today with no apparent solution yet found. Older Americans pay heavily in loss of badly needed money, life, or health through severe beatings to get money from them. Unable defend themselves due age and also many become victims of crime artists. Urgent you continue your efforts through your H.R. 205.

Mr. and Mrs. Ervin Ryan.

Youngstown, Ohio,
February 17, 1973.

Senator Claude Pepper,
Capitol Hill, D.C.:

Urge you not to drop your efforts to continue committee on crime. Elderly crime targets in our area and throughout nation. Our senior groups always seeking to support legislators who will work for them on legislative matters.

Senior Citizens Club of Local 1307,
USWA, McDonald, Ohio.

Denver, Colo.,
February 16, 1973.

Hon. Carl Albert,
Speaker of the House of Representatives,
Washington, D.C.:

I respectfully urge the continuation for two years of the House Select Committee on Crime to allow them to continue and complete their investigation of street crime and narcotics traffic in America.

Mayor W. H. McNichols, Jr.

Martinez, Calif.,
February 15, 1973.

Hon. Carl Albert,
Speaker of the House of Representatives,
Washington, D.C.

Dear Speaker Albert: May I urge the continuance of the House Select Committee on Crime chaired by the Honorable Claude Pepper. I personally attended the sessions in San Francisco approximately three years ago. I was most impressed and have followed the committee since that time and in its recent visit to San Francisco, I was able to supply its investigators with informational material.

Because of the unique status of this committee, and its ability to air crime and narcotics problems, I strongly urge that you continue the life of this committee.

Very truly yours,

William A. O'Malley,
District Attorney.

Washington, D.C.,
February 16, 1973.

Hon. Carl Albert,
Speaker of the House,
The Capitol.

Dear Mr. Speaker: I would like to express my support for H. Res. 205, to continue the House Select Committee on Crime.

As you know, the crime problem is far from being solved. Anything you can do, therefore, to assure the continuance of this Committee would be very helpful.

Thank you very much.

Sincerely,

Edward I. Koch.

San Francisco, Calif.,
February 16, 1973.

Hon. Claude Pepper,
Member of Congress,
Washington, D.C.:

Following message sent to Hon. Carl Albert today. "The House Select Committee on Crime, under the chairmanship of the Hon. Claude Pepper is making a significant contribution to the cause of effective law enforcement through its investigation of street crime and narcotics traffic in America. Those of us engaged in law enforcement at the State and local level hope that the committee will be permitted to complete its work and I therefore urge the continuance of this important investigative body."

Evelle J. Younger,
Attorney General of California.

Providence, R.I.,
February 16, 1973.

Hon. Claude Pepper,
Member of Congress,
Chairman, House of Select Committee on Crime, Capitol Hill, D.C.:

I understand that the continuation of the House Select Committee on Crime of which Honorable Claude Pepper, Chairman, will be considered in the very near future. I consider the work of that committee to be of vital national interest.

Respectfully,

Richard J. Israel,
Attorney General, State of Rhode Island.

Trenton, N.J.,
February 16, 1973.

Hon. Claude Pepper,
House of Representatives,
Capital Hill, D.C.:

The following message was sent to Honorable Carl Albert, Speaker of the House: "I know of no more important problem in this country than street crime and narcotics and the work being done by the House Select Committee on Crime is in my view highly significant. I urge the passage of House Resolution 205 continuing that committee for two more years."

Evan William Jahos,
Director, Division of Criminal Justice Department of Law and Public Safety, State of New Jersey.

Miami, Fla.,
February 16, 1973.

Congressman Claude Pepper,
House of Representatives,
Washington, D.C.:

Continuation of House Select Committee on Crime is essential to vital national interest from my personal experience.

David T. Kennedy,
Mayor.

Westport, Conn.,
February 16, 1973.

Hon. Claude Pepper,
Capitol Hill, D.C.:

I have been advised that the leadership of the House of Representatives is currently giving consideration to H.R. 205, which would extend for 2 years the life of the House Select Committee on Crime. As a former police chief still active in the law enforcement community, I am familiar with the valuable work of this committee in exploring the critical problems of crime in America. Spectacular rise in recent years of street crime and drug abuse has placed a crushing burden on our fragile institutions of criminal justice and has contributed heavily to the atmosphere of fear and repression which now surrounds any discussion of the issue. The danger is that if our law makers fail to act for constructive solutions to the problems of crime and criminal justice, we may soon be tempted to act out of fear. And this can have only the most dire consequences for the future course of this nation. I strongly urge you and your colleagues in the House to support the continued efforts of the Select Committee on Crime during the next 2 years.

James F. Ahern,
Director, Insurance Crime Prevention Institute.

THE COSTS OF A NEW CHINA POLICY

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. HANNA. Mr. Speaker, we hail the newest diplomatic feats of Nixon's modern Metternich, Henry Kissinger. It is evident that the movement toward normalization between the United States and Mainland China took several forward strides during his latest meetings with Messrs. Mao Tse-tung and Chou En-lai. We know that a joint communique will issue soon and we welcome the revealing of details of the latest improvements. At the risk of anticipating erroneously the contents, let us here, Mr. Speaker, suggest that whereas the early indications have stressed what advantages there are for the United States, that is, in agreeing on a ministerial presence in Peking, more contacts for trade, wider acceptance for exchange in press representatives and a continuing increase in cultural missions, I have the belief that our most critical awareness should be directed to the concessions we in the United States must make and the conditions which should perhaps be attending such concessions.

Clearly, one of the priorities for the Chinese will be a request to unfreeze and make available to someone like the Bank of China the funds impounded by the United States when diplomatic relations were severed following the creation of the Peoples Republic of China in 1949. The funds belonging to the official government of China and its agencies—which in 1950 totaled in excess of $105 million—could serve much of the need the Chinese have for purchasing the new generations of industrial machinery and tooling. We believe this accommodation should be made as soon as possible. However, we would remind the Nixon administration that there are a substantial number of verified and legally approved claims of U.S. citizens for property confiscated without compensation by the present Chinese Government. Surely these claims—certified in 1972 at $196-plus million—should be urged for recognition and payment during negotiations to release Chinese impounded accounts.

Again, since trade must be a two-way street, if the United States hopes to benefit from Chinese buying, we must be prepared to make our markets available too on a competitive basis. This means including China on the most-favored nation list. My belief is that it is in our national interest for the President to propose and Congress to approve this move.

Finally, it is inevitable that the Chinese should request a change in our military commitment to Taiwan. This move should be most cautiously undertaken. We are still in the bifurcated posture of having commitments to the Republic of China even as we seek détente with the People's Republic of China. In a sense by our actions we have developed an implicit two-China policy without addressing the rhetorical explicit position that prevailed in the United Nations posture we so long followed.

It appears to me that we will be urged by Chou to take a position somewhat closer to a one-China policy which shows, for the first time, a preference for mainland China. This is a very sticky-wicket indeed. Given our oft repeated assurances to Taiwan, it will take some fancy footwork to justify a quick adjustment of our posture. I suppose that we will see a tradeoff of some kind making trade and military concessions to counterbalance the removal of our military presence from Formosa. Some special combination a la Korea would probably be the most likely policy.

At any rate, Mr. Speaker, we would like to make clear that at least some of us here in Congress are painfully aware that the Chinese are not about to invite us to a free lunch. Nor should they. However, we must look very carefully at the cheque; even as we are entranced by the items offered on the menu. Two things strike us as worthy of our constant recall during our negotiations. First, a Chinese dish always seems more filling than time proves to be the case and, second, one cannot be sure of the ingredients simply by knowing the name of the dish. The Chinese will have respect for us not only when we move where we should be moving but also when we indicate politely, but firmly, that there are price ceilings which our own interests dictates.

We in the Congress should be prepared to support legislative measures which contribute to a healthier and happier relationship with mainland China. We must do so with a constructive and responsible attitude. A generation, even a century of peace is possible if carefully plotted and painstakingly achieved. In this regard, the patience—characteristic of Asian culture—has much to offer. That which is done with care will have a greater likelihood of lasting.

COMMEMORATION OF LITHUANIAN INDEPENDENCE DAY

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. WYDLER. Mr. Speaker, February 16 was the 55th anniversary of Lithuania's Independence Day but the country's history reaches back into the 11th century. Throughout this long history Lithuanian independence was thwarted time and again. Long incorporated into the Russian czarist empire it only gained independence in modern times at the close of the First World War. The Bolsheviks invaded the newly established state but after a bitter struggle the Lithuanians drove them back and forced the Bolshevik Government to sign a peace treaty on July 19, 1920, in which it "voluntarily and forever" renounced "all sovereign rights possessed by Russia over the Lithuanian people and their territory."

During the period between the two world wars Lithuania knew peace and independence. It was a period of national revival when Lithuanian literature and culture blossomed. But the Ribbentrop-Molotov Pact and the resulting partition of Poland sealed the fate of the new Republic, now isolated and at the mercy of its traditional enemy. The Soviet Union demanded permission to put 20,000 troops in the country and established military bases on Lithuanian soil. Eight months later the Soviet Army entered the country in force and installed a puppet government. A national assembly was chosen in an election in which only Communist Party members were allowed to vote. In its first session this packed assembly voted unanimously to ask the Supreme Soviet of the U.S.S.R. to admit Lithuania into the Soviet state as one of its federated Soviet Socialist Republics. During World War II the Lithuanians exchanged one tyranny for another when the German forces overran the country, but in 1944 the Soviet occupation of the country was firmly reestablished. Since that time Lithuania has not known independence.

The undiminished longing in Lithuania for independence has been demonstrated tragically in this past year. In June 1972, a Lithuanian worker doused himself with gasoline and burned himself to death to protest the Soviet occupation, the third immolation in Lithuania in a 7-week period. In May the suicide of Roman Kalanta, a 20-year-old student, touched off 2 days of rioting by thousands of youths shouting "Freedom for Lithuania."

These tragic incidents can only reinforce our conviction that Lithuania should be free. We must take satisfaction in the fact that our Government has refused to recognize the illegal annexation of the Baltic States by the Kremlin. For the same reason I welcomed a resolution introduced into the 91st Congress which called on the President to take steps to place the question of human rights violations, including genocide, in Soviet-occupied Lithuania on the agenda of the United Nations Organization.

MICHIGAN MASONIC WEEK

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mrs. GRIFFITHS. Mr. Speaker, February 18–28 has been proclaimed by Michigan Gov. William G. Milliken as Michigan Masonic Week. Detroit Mayor Roman S. Gribbs has proclaimed February 28, 1973, as Metropolitan Detroit Masonic Day. On that date, a brotherhood celebration will be held at the Fountain Ballroom of the Detroit Masonic Temple, hosted by Craftsman Lodge No. 521 as Host Lodge, along with Perfection Lodge No. 486, Daylight Lodge No. 525, Mosaic Lodge No. 530 and Oak Park Lodge No. 591. The celebration is intended to promote not only brotherhood throughout the State but among Masons, particularly, in the metropolitan areas of Wayne, Oakland, and Macomb Counties. At this time, I would like to insert into the RECORD the proclamations of the Governor of Michigan and the Mayor of Detroit:

EXECUTIVE DECLARATION IN OBSERVANCE OF FEBRUARY 18–28, 1973, AS MICHIGAN MASONIC WEEK

Through the improvement and strengthening of the character of the individual man, Freemasonry seeks to improve the community. It impresses upon its members the principles of personal responsibility, enlightens them as to those things which make for human welfare, and inspires them to translate principle and conviction into action.

The Grand Lodge of Free and Accepted Masons of the State of Michigan is composed of 540 constituent lodges throughout Michigan whose members have dedicated themselves to the principles of truth, justice, fraternity, and liberty.

Therefore, I, William G. Milliken, Governor of the State of Michigan, declare February 18–28, 1973 as Michigan Masonic Week, and encourage all citizens to give recognition to the principles and activities of the Free and Accepted Masons of Michigan.

Given under my hand on this fourteenth day of February in the year of Our Lord one thousand nine hundred seventy-three and of the Commonwealth one hundred thirty-seventh.

WILLIAM G. MILLIKEN,
Governor.

METROPOLITAN DETROIT MASONIC DAY
WEDNESDAY, FEBRUARY 28, 1973
MASONIC BROTHERHOOD CELEBRATION

Freemasonry is a charitable, benevolent, educational and religious society which seeks to improve the community through strengthening the character of men.

It teaches and stands for the worship of God, for truth and justice, for fraternity and philanthropy, for enlightenment and orderly liberty, charging each of its members to be true and loyal to his lawful government.

Of the 540 constituent lodges comprising the Grand Lodge of Free and Accepted Masons of the State of Michigan, five: Craftsman Lodge No. 521, Perfection Lodge No. 486, Daylight Lodge No. 525, Mosaic Lodge No. 530 and Oak Park Lodge No. 591, have formed INTER-LODGE to continue Freemasonry's ideals and principles.

Therefore, I, Roman S. Gribbs, Mayor of the City of Detroit, issue this proclamation honoring and recognizing the Grand Lodge of Free and Accepted Masons of the State of Michigan, Metropolitan Detroit Masons and INTER-LODGE on the occasion of the Masonic Brotherhood Celebration.

ROMAN S. GRIBBS,
Mayor.

THE 55TH ANNIVERSARY OF THE DECLARATION OF INDEPENDENCE OF LITHUANIA

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. FORSYTHE. Mr. Speaker, today I ask each of us to join with Americans of Lithuanian descent in commemorating two important anniversaries—the 55th anniversary of the establishment of the modern Republic of Lithuania and the 722d anniversary of the founding of the Lithuanian state.

Lithuania's independence observed officially last Friday, lasted only until 1940, when the Soviet Union invaded and occupied Lithuania, Latvia, and Estonia and forcibly annexed these Baltic States into the Soviet Union. Even now, Lithuanians raised under the yoke of communism are risking and sacrificing their lives in defiance of the Soviet regime, seeking religious and political freedom for their country. The unsuccessful escape attempt of the Lithuanian sailor, Simas Kudirka, the self-immolation of Romas Kalanta, and the subsequent demonstration by thousands of young Lithuanians, and the petition of 17,000 Lithuanian Roman Catholics to Kurt Waldheim of the United Nations, demonstrates their thirst for freedom at any price.

Today, the United States stands on the threshold of the most meaningful and potentially rewarding era in the history of mankind. For the first time in many years, global peace is attainable. However, global peace is only the first great objective of our Nation, we must also seek the attainment of freedom and justice for all oppressed nations. For even if the countries of the world cease hostilities toward one another, the unresolved legacies of the Second World War must be confronted; the status of the Baltic nations must be once and for all—equitably resolved.

Let us hope that soon the Lithuanians will again witness the restoration of their great nation and enjoy once more the freedom and independence of a democracy.

The Lithuanian-American organizations deserve our support in commemorating these anniversaries.

NATIONAL INVENTORS WEEK

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. ULLMAN. Mr. Speaker, February 11, the birthday of Thomas Alva Edison, has been designated by action of the Congress and the President as National Inventors Day. In Oregon, in honor of the outstanding contributions of Oregon inventors to progress in the United States, the Governor designated the week of February 11, 1973, as Oregon Inventors Week.

It is most appropriate that all of us reflect upon the many advantages we take for granted in our daily lives. We should pay more proper tribute to the persons who, through dedication and creative genius, make our lives easier.

At this point, I insert a copy of Oregon Gov. Tom McCall's proclamation on Oregon Inventors Week in the RECORD:

STATEMENT BY GOV. TOM MCCALL

Even in our grandfathers' days American inventiveness was a topic of conversation and wonder all over the civilized world.

One of the first acts of the Congress of the United States was to establish the patent system under which American inventors have made outstanding contributions to the world's engineering, manufacturing, and scientific projects.

Both the Senate and the House of the United States Congress have now passed and the President of the United States has now signed a resolution officially designating the birthday of Thomas Edison, February 11th, as National Inventors Day.

As Governor of the State of Oregon, I do hereby proclaim the week of February 11, 1973, as "Oregon Inventors Week" in commemoration of the contribution made by the inventors of the State of Oregon to the progress of the useful arts within the United States and to the contributions made by all inventors to progress within the State of Oregon.

In this way, the State of Oregon expresses thanks to her inventor-citizens for their contributions to the economy and welfare of this State and our Nation. Additionally, we pay to the contributions made by all tribute to the United States Patent system by acknowledging and recalling the quotation of Abraham Lincoln: "The Patent System adds the fuel of interest to the fire of genius."

TOM MCCALL,
Governor of Oregon.

NAVAL UNDERWATER SYSTEMS CENTER, NEWPORT, R.I.

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mrs. HECKLER of Massachusetts. Mr. Speaker, I would like to bring to the attention of my colleagues the significant way the Naval Underwater Systems Center in Newport, R.I., is benefiting small business in my 10th Congressional District of Massachusetts.

Last year, nearly 60 percent of the prime contracts awarded by the center went to small businesses. This, together with the fact a great many residents of my district earn their living at the center, demonstrates the great value of this facility to southeastern Massachusetts.

I sincerely hope that in contemplating any so-called economies in the Defense Establishment, the Pentagon budget cutters take a very long careful look at the Newport Naval Base.

I include an Underwater Systems Center press release detailing its small business activities:

NAVAL UNDERWATER SYSTEMS CENTER PURCHASING POLICY PUMPS $4 MILLION TO SMALL BUSINESS

Small business in the Rhode Island, Connecticut and Massachusetts areas is benefiting from a program being implemented by the Naval Underwater Systems Center to encourage more Navy procurement from small concerns.

As a result of the program, NUSC has been commended by the Naval Supply Systems Command for surpassing its goal in awarding 58.8 percent of the dollar value of prime contracts to small business in 1972. NUSC's goal for this period was 45.75 percent.

In dollar value, the 58.8 percent represents slightly more than $4 million in small business procurements completed last year through actions at the center's Newport and New London laboratories. The 1972 achievement is a significant increase over the $2.3 million in small business contracts placed by the center in 1971.

In the citation, Rear Adm. K. R. Wheeler, commander, Naval Supply Systems Command, Washington, commends the center's purchasing and technical personnel for their efforts in increasing small business participation in Navy procurement, under guidelines stressed by the Department of Defense.

NUSC first received the small business performance plaque in 1970, and was cited for the award a second time in 1971.

Lt. Cdr. Alan S. Brown of 507 Middle Road, Portsmouth, NUSC supply officer, accepted the "add-on" award to the plaque. It was presented at Newport recently by Lt. Cdr. David C. Eppling, Newport assistant officer in charge, acting in behalf of Rear Adm. Wheeler.

In line with the accomplishment, letters of appreciation were presented to the following personnel of the purchasing division by Capt. Milton C. McFarland, commanding officer of the center.

Lt. Cdr. Brown, Ronald Martin, 77 President Ave., Alberta J. Robichard, 111 Cedar Ave., both of Portsmouth, Philip G. David, 60 Hazard St., New Bedford, Mass., William G. LeBlanc, 36 Taylor St., Mary L. Tyrrell, 257 Tecumseh St., both Fall River, James G. Edward, 15 Circle Drive, Carol A. Anderson, 16 Spruce Ave., both Middletown.

Arthur J. Levesque, 4 Channing St., Martha L. Merriwether, 6 Hoffman Place, both Newport, John E. Clarkin, 125 Pawtuxet Ave., Cranston, Thomas J. O'Rourke, 37 Twin Pond Road, East Greenwich.

Lt. Daniel E. Moser, assistant supply officer, Harry P. Palagi Jr., NUSC procurement officer, Josephine P. Metcalfe, Ann H. Rudyk, Henry W. Chandler, Richard S. Higham, all of the New London lab.

ALCOHOLISM

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. GUDE. Mr. Speaker, in these days of great public concern over the myriad problems of drug abuse, we all too often tend to forget that alcoholism remains one of the single most seriously abused drugs. It is estimated that there are over 9 million alcoholics in America whose lives, and the lives of their entire families are ruined by their serious disease.

In their preface to a report on an HEW symposium on alcoholism, Dr. Nancy K. Mello and Dr. Jack H. Mendelson, both with the National Center for Prevention and Control of Alcoholism, state that prior to the late 1960's, very little work involving alcoholism was supported by the Government. The Doctors observed that:

> This historical lack of Federal encouragement of the support for alcohol related research paralleled a general tendency to view alcoholism within the context of moral transgression and social deviancy.

Fortunately, and wisely, Federal policies have undergone quite a change since the 1960's, recognizing alcoholism more and more for what it is—a very serious, but treatable disease. Yet, with all of our progress, much remains to be changed, particularly in terms of the public attitude. Drs. Mello and Mendelson state that:

> Even today, general acceptance of alcoholism as a disease, a medical problem, is proceeding slowly.

It is at this point, then, when local citizen involvement can play its vital role, not only to the alcoholic and his family, important as that role may be, but also in helping to enlighten the community as to the real nature of alcoholism.

It is in this light I would like to bring to the attention of my colleagues the formation of the Alcoholism Council of Maryland Citizens of Montgomery County, Md. This group of local citizens was organized in order to meet the dual role I have just mentioned—assisting the alcoholic through promotion of adequate clinical facilities for their diagnosis and treatment and through development of a well-rounded community program to combat alcoholism and by educating the public.

At this point in my comments, I would like to include the statement of purposes of the Alcoholism Council, for they reflect the importance and value of its work:

PURPOSES

1. To promote and increase public awareness of and concern for the nature and scope of the problem of alcoholism; to establish, maintain, conduct, and operate such educational programs and/or facilities as will be conducive to and designed for greater public understanding of said problem; to engage in research and study projects to develop increased knowledge, both lay and professional, of the various aspects of the problem of alcoholism and of alcoholics; to devise, through such projects, new and improved methods of treatment for this disease and those afflicted therewith.

2. To remove the stigma of alcoholism from those so afflicted and to encourage public realization that alcoholism is a disease and must be so treated; to cooperate in every convenient and desirable manner with the medical profession and with all other persons and organizations interested in and concerned with this problem. To publish, or cause to be published, and to distribute, in any lawful manner, books, articles, magazines, tracts, pamphlets or other publications dealing with this subject and allied subjects; to solicit and accept grants, gifts, donations or other sums of money or property to further the purposes of the corporation, and to hire such persons as shall be necessary or desirable in accomplishing the purposes of the corporation.

3. To encourage and promote the establishment of adequate clinical facilities for the diagnosis and treatment of alcoholics and to further and develop coordination of all efforts in this area by other groups and organizations, and with governmental agencies and institutions, in order to achieve a well-rounded community program to combat this problem.

There is absolutely no question as to the inherent and desperate need for this type of organization. According to the National Institute of Mental Health, present estimates indicate that treatment of most of today's alcoholics, with present techniques, would fill every existing hospital bed and require the full-time service of every physician in the Nation. With such staggering facts as this in mind, it becomes clear that those involved in this important work have indeed taken on an enormous task.

It is also in the face of these facts that we must all become involved to the fullest extent possible with joining the effort to advance knowledge about the disease, and to push for only the best possible programs for its treatment.

YAF OPPOSES AMNESTY!

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. CRANE. Mr. Speaker, at a time when more and more voices are being heard urging amnesty and forgiveness for those young Americans who deserted from the armed services or who fled the country in anticipation of being called to service, other voices are being heard in opposition to such a policy.

One of these is Young Americans for Freedom, an organization of thousands of young men and women who believe that those who did not fulfill their obligation of citizenship during the Vietnam war should pay a price for their actions.

Young Americans for Freedom, which is composed of more than 60,000 young Americans in more than 600 communities and colleges, has launched a nationwide campaign in opposition to a policy of amnesty. More than 70 Members of Congress serve on the national advisory board of this organization. Discussing the campaign against amnesty one board member, my distinguished colleague from Texas (Mr. FISHER), noted that:

> Over 50,000 brave young men didn't desert this country when she called them and they paid the ultimate sacrifice for their loyalty to freedom. Their memory is an inspiration to all of us. Some 300,000 casualties who returned wounded and now face rehabilitation served their country proudly and honorably. They did not desert. Must we tarnish the memory of these patriotic Americans by granting amnesty to those radicals who have refused to serve?

Speaking before the Republican Party Platform Committee in Miami on August 16, 1972, Ronald F. Docksai, national chairman of Young Americans for Freedom, discussed the question of amnesty.

At that time he urged that the administration express its unequivocal opposition to amnesty for deserters and exiles who consciously excused themselves from the military obligations most young Americans were not afraid to face.

To further acquaint my colleagues with the views of Young Americans for Freedom on this subject, I am inserting into the RECORD that portion of Mr. Docksai's statement to the Republican Party platform committee dealing with the question of amnesty.

That statement follows:

> (2). That the administration express its unequivocal opposition to amnesty for deserters and exiles who consciously excused themselves from the military obligations most young Americans were not afraid to face. Though there are some young Americans whose parents never introduced the virtues of sacrifice and obligation until their eighteenth birthdays, all of the young men I talked with while in Vietnam and most of those I know are not of this breed.
>
> Irrespective of their views on the war, these young men donated some prime years and sometimes their lives in service of their country. And especially now, as the Vietnam conflict is fresh in their memories, unemployment remains a reality and these young men return home in search of jobs which are in many cases already filled by those who refused to serve, it would be a travesty to pardon those who willingly sought to make suckers out of those who obeyed the law. The law is not merely an option or a suggestion which we can either accept or reject with impunity. When this becomes the case, anarchy prevails and freedom and order are set off balance. We believe that no government can afford to make it profitable to disobey society's laws.

AMERICA'S POOR—DOES ANYONE CARE?

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. YOUNG of Georgia. Mr. Speaker, thousands of citizens have come to Washington today from all parts of the Nation, to register their strong disapproval of the administration's scaling down of domestic programs and to challenge Congress to redress their legitimate grievances.

Many of the people who are here today have fought for the enactment of valuable human services, such as the poverty program and its community action agencies. Many of them have worked tirelessly to bring at least some modest assistance to people in need. Many have organized in their communities to alleviate some of the suffering inflicted on the millions of poor Americans.

Is it any wonder, Mr. Speaker, that poor people are shocked and angered by the cutbacks, impoundments, and dismantling of programs duly authorized and funded by their Representatives in the Congress? Is it any wonder that they are asking if anyone cares about oppression and misery?

I think that the people who are here today are doing more than protesting against executive policies. I think they are presenting a very serious challenge to Congress, not only to restore the good programs and services which are being so callously swept away, but also to restore the rights, powers, and responsibilities of the Congress to serve all the people of America as their elected representatives. This is a challenge to reestablish representative government in the Nation.

To underscore the protest and challenge here in Washington today, many thousands of citizens who remained at home have written of their deep concern about the threatened loss of federally supported services. As examples of these expressions, I include in my remarks just a few of the letters I have received in recent days. In their own moving words, the writers of these letters tell how various programs have made life better for so many people in need.

ATLANTA, GA.,
February 14, 1973.

Hon. ANDREW YOUNG,
House of Representatives,
Washington, D.C.

DEAR MR. YOUNG: As you are doubtless aware, many anti-poverty programs now funded through the Office of Economic Opportunity are in danger of losing their financial support. Economic Opportunity Atlanta (EOA) is one such program. While I do not maintain that EOA has succeeded in its every endeavor (what program has?), I do feel that it offers special help to Atlanta's disadvantaged that would be missed if EOA discontinued its activities. To say the least, there would be painful disruption in the lives of many of our fellow citizens who look to EOA for much needed assistance.

I realize that the Congress is only one of many participants in the formulation of policies affecting the anti-poverty programs. Nevertheless, you and your Congressional colleagues have unique opportunities to influence such policies. Therefore, I respectfully solicit your favorable consideration of the reasons documented above for continuing Federal support to EOA.

Sincerely yours,

Cliff Hendrix.

Atlanta, Ga.,
February 13, 1973.

Hon. Andrew Young,
House of Representatives,
Washington, D.C.

Dear Mr. Young: This Senior Citizens Organization that is being sponsored by the EOA is one of the greatest things that has ever happened to the elderly people ranging from ages 65 on up. I am 80 years young and have become active in doing things that I never dreamed that I could do. We are a group of very happy people. My mind has become more receptive. I look forward to going to my class every week. I even feel younger than I did many years ago. This happened since I became affiliated with the Senior Citizens Activities.

I think we could surprise many people should we put on a show and present just a few of the many beautiful things that has been done by Senior Citizens in ceramics, knitting, crocheting, liquid embroidering, hat making and now we have begun making things out of leather such as belts, change purses, billfolders and bags and also upholstering.

This is indeed the greatest contribution that has ever been created for Senior Citizens. May the EOA continue to be a blessing to senior citizens. Please help us keep this great organization alive. Thanking you in advance for your efforts in helping to keep the EOA alive. I speak the sentiments of all senior citizens.

Ida L. Simon.

Atlanta, Ga.,
February 15, 1972.

Dear Sir: With a co-ordinated effort from my people and myself, I appeal to you to help save the OEO and EOA.

These agencies are needed very badly in the underprivileged areas of the United States. Our young people have had a chance to be more helpful to their community with guidance from EOA. Our elderly and people in dire need of other type of help has been assisted by the EOA. I feel as if it is every man and woman's responsibility to do all we can for those whom are less fortunate than ourselves.

Sincerely yours,

Kay F. Coe.

Atlanta, Ga.,
February 13, 1973.

Hon. Andrew Young,
Longworth House Office Building,
Washington, D.C.

Dear Congressman Young: We, The Major Family, wish to express our regret because of President Nixon's recent decision to cut back funds for the organizations which benefit poor people most. I am certain the President is not aware of the error he is making. The Economic Opportunity Atlanta, Vine City Urban Development, the Child Development Centers are very much needed. The Public Housing Authority is also needed greatly.

If it had not been for the Vine City Urban Development and the Economic Opportunity Atlanta, this family would still be living in a substandard, rat infested, unsanitary basement.

There seemed to be no hope until they negotiated with the Housing Authority. We were expecting our third child and we didn't want to bring an innocent baby home to a place unfit for grown people. They not only helped us get into the government project, but helped us get furnishing for the children and the baby after she arrived. My second child has constant upper respiratory infections and ear infections. Living in that basement caused him to stay sick quite a lot.

That wasn't so bad until our oldest child received an electrical burn from the faulty wiring. Being emotionally disturbed this set him back more. The child development center at Bethune Elementary brought him out of his shell and now he's talking. He's four years old. We are just one family, but many people have been benefited by these organizations. Please help us keep them.

Sincerely,

Mr. and Mrs. Isaac Major and Family.

College Park, Ga.,
February 10, 1973.

Dear Mr. Young: Will you please help to save the E.O.A. People will be out of jobs. These people (E.O.A.) are needed to help other people who are in great need. It has been too many laid off from jobs. So how can it be expected for poverty to end. How can it be expected for people to stop robbing banks, prostitutes to get off the streets, people to stop selling dope. Eliminating these E.O.A. centers will only make these problems and some I haven't named worse. So its up to you and all that's involved to keep these problems from happening.

Mrs. B. Gaines.

Placer Community Action Council, Inc.
Auburn, Calif., February 6, 1973.

Hon. Andy Young,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Young: This letter is to share my concern and enlist your support for the War on Poverty Program. It's patently obvious that the Administration is declaring war on the poor people. The attempt to dismantle OEO must be resisted to the end. On the same day of the signing of the cease-fire in Vietnam, the President announced his budget with a $5 billion increase in military spending and the proposed dismantling of OEO.

There is something tragic about the Administration's sense of priorities. There are between thirty-five and forty million people living in poverty in a land of plenty. Over $125 billion has been spent on Vietnam already. (It will take another $75 billion to fill the bomb holes.) To tell people to lift themselves up by their bootstraps is a hoax. Without basic tools of education, encumbered with the crushing weight of past failure, lack of opportunity, apathy and despair, the President's work ethic exhortation is like telling a man to climb Mount Everest without oxygen tanks.

Revenue sharing is a rip-off and a fraud. Six billion dollars a year is offered to local government and the responsibility of making program decisions. At the same time, the Administration is chopping off $10 billion in program monies at the other end, resulting in a $4 billion net loss in funding in Manpower, Education, Housing, Health and Agriculture programs.

It is up to Congress to reclaim its Constitutional role in legislation and appropriation. The people will respond to strong leadership. The appointment of Roy Ash to OMB is like asking the fox to guard the chicken coop. (If ever a company was on "Welfare", it was Litton Industries.) The removal of Phil Sanchez and the appointment of hatchet-man H. Phillips is an affront to Mexican-Americans and every Community Action Program in America.

There are over 1,000 CAP's in America with a constituency of thirty-five to forty million poor people. It is time to separate the men from the boys or else simply to hand over the country to King Richard. It will take vision, organization and guts to turn this country around—but it can be done.

Combatively but cordially,

The Rev. E. Gene Vosseler,
Executive Director.

A FREE PRESS HELPS DR. MILTON MARGOLES WIN PRESIDENTIAL PARDON

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. McCLORY. Mr. Speaker, at a time when fears are being raised about the vitality of the press, special tribute should be given to a small, diverse group of journalists who are testimony to the vigilance and perseverance of their profession. These men were a significant factor in finally winning justice in the bizarre tax case of Dr. Milton Margoles, through the granting of a Presidential pardon. They assisted our colleague from Iowa (Mr. Gross) and me in our own investigation of the case. Their news articles and columns raised questions about the doctor's ordeal and kept this worthy cause in the public eye until the right thing was done, and a just solution was realized.

Mr. Speaker, most prominent among these distinguished journalists are Willard Edwards, columnist of the Chicago Tribune; Clark Mollenhoff, Washington Bureau Chief of the Des Moines Register; Morton Kondracke, of the Washington Bureau of the Chicago Sun-Times; Steve Rothman, of the Waukegan News-Sun; Jerry Landauer, of the Wall Street Journal, and Dave Zweifel, of the Madison, Wis., Capital Times. Others who brought the Margoles case to national attention are Columnists James J. Kilpatrick, Jackson Anderson, Nick Thimmesch, and Washigton Post Associate Editor Merlo Pusey.

A special tribute is due our colleague, the gentleman from Iowa (Mr. Gross), who since 1966 has repeatedly called the Congress' attention to the articles written by these men and the need to correct this injustice.

Mr. Speaker, in the March 27, 1972, Congressional Record, Mr. Gross in an Extension of Remarks included several noteworthy news columns written by Willard Edwards, Morton Kondracke, and James J. Kilpatrick. In addition, he attached an index to numerous articles which had appeared in the press relating to the Dr. Margoles case. At this time, I am pleased to attach an index of subsequent articles relating to this subject, and which bring to a conclusion the long fight by Dr. Margoles, his devoted and talented son, Perry Margoles, as well as the interested, alert, and persistent newsmen who contributed in large measure to the final success of winning a full and unconditional pardon in this historic case.

Second Index to Cross Section of Recent Articles on the Margoles Case and Related Matter

(Note.—The first index to the Margoles case, with reference to newspaper articles, and entries in the Congressional Record through 1971, was published in Vol. 118, No. 47 of the Congressional Record, Monday, March 27, 1972, at E3117. These cross sections are not intended to represent a complete compilation of recent articles on the Margoles case and related subjects.)

NAMES OF NEWSPAPERS, ARTICLES, TITLES, AND DATES OF PUBLICATION

45. (Syndicated column)

a. Chicago Sun-Times, Clark Mollenhoff, "James Hoffa, the model prisoner" (1–9–72)

b. Des Moines Register, Clark Mollenhoff, "Watch on Washington: Hoffa's Assault on Court System" (1–9–72)

46. Congressional Record, H. R. Gross, "Whatever Happened to the House Judiciary Committee?" (letter to Chairman Emanuel Celler of the House Judiciary Committee from Atty. Owen W. Crumpacker about the impeachment petition against Milwaukee Federal Judge Robert E. Tehan, Sr., previously filed with the committee by the Woodmar Realty Company of Hammond, Indiana, reporting the discovery of additional patterns of judicial misconduct in the Seventh Federal Judicial Circuit) (3–23–72)

47. (U.P.I. from Washington)

a. Gary (Ind.) Post Tribune, "Area man asks probe of judges" (3–25–72)

b. Indianapolis Star, "Investigation of 2 Judges Is Requested" (3–26–72)

48. Congressional Record, H. R. Gross, "How Long Must Dr. Margoles Wait?" (3–27–72):

a. Chicago Tribune, Willard Edwards: "Capitol Views: Why Hoffa and Not Dr. Margoles?" (12–30–71)

b. Chicago Sun-Times, Morton Kondracke, "New Decade Hints an End to Dr. Margoles' Years of Woe" (12–27–70)

c. (Syndicated column) James J. Kilpatrick, "Tragic Miscarriage of Justice" (1–3–72)

d. "(First) index to cross section of recent articles on the Margoles case and related matters"

49. (Syndicated column)

a. Washington Post, Jack Anderson, "The Washington Merry-Go-Round: 2 U.S. Judges Play Musical Chairs" (4–10–72)

b. Chicago Daily News, Jack Anderson, "The political cronyism of Kerner's colleagues" (4–10–72)

c. Santa Barbara (Calif.) News-Press, Jack Anderson, "Report on court corruption" (4–10–72)

d. New York Post, Jack Anderson, "Judging From . . ." (4–10–72)

e. Detroit Free Press, Jack Anderson, "'Judicial Musical Chairs'; Federal Judges Swap Cases To Keep Lid on Scandals" (4–10–72)

f. Madison (Wis.) Capital Times, Jack Anderson, "'Odor of Corruption' Comes From Milwaukee Court" (4–11–72)

g. Nashville Tennessean, Jack Anderson, "Judicial 'Swaps' With Hot Cases" (4–11–72)

h. Albuquerque (N. Mex.) Journal, Jack Anderson, "Corruption in Federal Courthouses" (4–11–72)

i. Grand Rapids (Mich.) Press, Jack Anderson, "Two Midwest U.S. Judges Swapped 'Hot Potato' Cases" (4–10–72)

j. Baltimore News-American, Jack Anderson, "Some Judges Play 'Swamps'" (4–10–72)

k. Jackson (Miss.) Clarion-Ledger, Jack Anderson, "Midwestern Demo Judges 'Swap' Some of Most Sensitive Problems" (4–10–72)

l. Philadelphia Evening Bulletin, Jack Anderson, "Judges Play Musical Chairs" (4–10–72)

m. San Antonio (Texas) Express, Jack Anderson, "2 Judges Playing 'Swaps'" (4–10–72)

n. Denver Rocky Mountain News, Jack Anderson, "Midwest courthouse corruption smells" (4–10–72)

o. Las Vegas (Nev.) Review-Journal, Jack Anderson, Judges swap cases in 'musical chairs'" (4–10–72)

p. Atlanta Constitution, Jack Anderson, "Judges Who Play 'Swaps'" (4–10–72)

q. Indianapolis Star, Jack Anderson, "Two Judges Seen Playing Legal Musical Chairs" (4–13–72)

r. Orlando (Fla.) Sentinel, Jack Anderson, "Judges Who Play 'Swaps,'" (4–10–72)

s. Alton (Ill.) Evening Telegraph, Jack Anderson, "Courthouse stink worse than pollution" (4–10–72)

t. Mexico City (Mexico) News, Jack Anderson, "Merry-Go-Round" (4–13–72)

50. Chicago Tribune, Willard Edwards, "Faces Loss of Hospital in Tax Case" (4–17–72)

51. Congressional Record, Robert McClory, "Dramatic Review of Dr. Morgoles' Plea for Clemency" (Insertion of newspaper series) (5–8–72):

a. Waukegan (Ill.) News-Sun, Steve Rothman, "Zion doctor's story: a study in futility" (4–25–72)

b. Waukegan News-Sun, Steve Rothman, "The Margoles story: tax trouble and jail" (4–26–72)

c. Waukegan News-Sun, Steve Rothman, "The Margoles story: starting all over" (4–27–72)

d. Waukegan News-Sun, Steve Rothman, "The Margoles story: a fight for justice" (4–28–72)

52. Waukegan News-Sun, Steve Rothman, "No shortcut for Margoles: U.S. Justice Department" (5–4–72)

53. Waukegan News-Sun (5–5–72):

a. "McClory to seek pardon for doctor"

b. (letter to editor) Congressman Robert McClory, "Lauds series"

54. Waukegan News-Sun, "Ogilvie asks Nixon to pardon Margoles" (5–8–72)

55. Milwaukee Sentinel, "Nixon Asked To Pardon Margoles" (5–9–72)

56. Milwaukee Journal, "Ogilvie Asks Nixon to Aid Margoles" (5–9–72)

57. Indianapolis News, Ralph Kramer, "U.S. 7th Circuit Judge Pleased With Record" (5–9–72)

58. Waukegan News-Sun, Steve Rothman, "Hoogasian appeals for Margoles" (5–10–72)

59. Waukegan News-Sun, editorial. "Enough of the double-shuffle" (5–11–72)

60. Waukegan News-Sun, "Zion mayor asks Nixon aid in Margoles case" (5–13–72)

61. Chicago Tribune, Willard Edwards, "Capitol Views: Justice in a Presidential Year" (7–25–72)

62. Milwaukee Journal, "Reporter, Journal Co. Face Suit" (8–19–72)

63. Waukegan News-Sun, "Two staffers win AP awards" (10–2–72)

64. (Syndicated column)

a. Syracuse (N.Y.) Herald-American and Post-Standard, Jack Anderson, "Groucho 180,000 on Secret Service list" (11–26–72)

b. El Paso (Texas) Times, Jack Anderson, "Secret Service Thorough; Measures Often Excessive" (11–26–72)

c. Madison Capital Times, Jack Anderson, "Criticize the President? You May Be in the Files" (11–25–72)

d. St. Paul (Minn.) Pioneer Press, Jack Anderson, "Secret Service Sometimes Excessive in Surveillance" (11–26–72)

e. Pittsburgh (Pa.) Press, Jack Anderson, "Even Groucho's In Secret Service File As Nixon Critic" (11–26–72)

f. Atlanta Journal and Constitution, Jack Anderson, "They Eye The Unlikely Assassins" (11–26–72)

g. Denver Rocky Mountain News, Jack Anderson, "Secret Service protection sometimes overdone; Unlikely assassins under surveillance" (11–26–72)

h. Toledo (Ohio) Blade, Jack Anderson, "Secret Service Excessive At Times" (11–26–72)

65. Congressional Record, H. R. Gross, "The Case of Dr. Milton Margoles" (2–8–73):

a. Chicago Tribune, Willard Edwards, "Dr. Margoles Given Pardon by Nixon" (12–22–72)

b. Chicago Today, "President Pardons Doctor in Tax Case" (12–22–72)

c. Des Moines Register, "Nixon Gives Full Pardon to Margoles" (12–21–72)

d. Madison Capital Times, "Nixon Pardons Margoles; He's Doubtful He'll Return" (12–23–72)

e. Chicago Sun-Times, "Nixon decides to pardoning Dr. Nargoles" (12–21–72)

f. Waukegan News-Sun, Steve Rothman, "Zion doctor given pardon; Nixon pardons Margoles" (12–21–72)

g. Chicago Daily News, Robert Gruenberg, "Zion medic pardoned by Nixon" (12–22–72)

h. Chicago Tribute, Willard Edwards, "Capitol Views: Campaigns to correct injustices (12–28–72)

66. Milwaukee Sentinel, "Nixon Pardons Dr. Margoles" (12–22–72)

67. Milwaukee Journal, Dr. Margoles Gets Presidential Pardon" (12–22–72)

68. Waukegan News-Sun, "Pardon official" (12–23–72)

69. Zion-Benton (Ill.) News, "McClory wins pardon for Dr. Margoles" (1–4–73)

70. Waukegan News-Sun, (letter to editor) Congressman Robert McClory, "Praises effort" (1–10–73)

71. Congressional Record, "A Tribute to Willard Edwards" (Testimonials in the House of Representatives marking the semi-retirement of Willard Edwards as Capitol Columnist for the Chicago Tribune) (1–18–73)

72. Chicago Tribune, (letter to editor) Perry Margoles, "Willard Edwards praised" (1–19–73)

73. Waukegan News-Sun, (letter to editor) Mrs. William Bauman, "Lauds three 'others'" (1–24–73)

THE 55TH ANNIVERSARY OF THE DECLARATION OF INDEPENDENCE OF LITHUANIA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. BIAGGI. Mr. Speaker, I would like to join with my colleagues in the observance of the 55th anniversary of the Declaration of Independence of Lithuania. It is very fitting that the Congress of the United States devote time to commend the Lithuanian people and to remind the world that Lithuania and its people will continue to fight for the reestablishment of complete independence and self government.

On February 16, 1918, the Lithuanian Nation declared its independence. This is a goal for which the Lithuanian people had been striving throughout a long period of Russian domination. After only two decades of independence, Lithuania again fell under Russian domination when it was declared a constituent republic of the U.S.S.R. on August 3, 1940. Then, following the German attack on the Soviet Union 10 months later, Lithuania was in Nazi hands until reoccupied by the Soviet Army in 1944. Since that time, Lithuania has been considered by the Soviet Union as a component republic.

Propaganda from the U.S.S.R. would try to assure the West that the Lithuanian people are delighted with their satellite status and the Soviet methods of farming and industrial techniques have brought about economic growth never dreamed of in Lithuanian history. The citizens of the free world know that this is a sham. We know that the people of this proud land are struggling in bondage, yearning to be free.

The spirit of Lithuanian independence is not dead, nor does it even lie dormant. It exists as an indestructible flame in the hearts of its people. We honor and salute these brave people, with the hope that they will again know the joy of human liberty.

JAPANESE POLITICS AND U.S. TRADE

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. HANNA. Mr. Speaker, I detect the ominous rumblings of potential trade war between the United States and Japan. I deplore such developments and will vigorously oppose legislation and proposals which encourage trade restrictions. However, it will serve all concerned to air some candid observations relative to the politics which influences the decisions in both Japan and the United States.

At this moment Japan is enjoying a large surplus of incoming goods to the United States. These goods represent value added to basic resources originating here and other places outside Japan and include plyboard and steel components selling below our own comparable goods; they represent soft goods like clothing and shoes; they include manufactured consumer products like televisions and automobiles. In all these classes of imports there is direct impact on some component of U.S. labor. Granting that new labor may be associated with imports, competition by these imports for existing production in the United States does adversely affect jobs in certain sectors. These are the sectors which put political pressure on Representatives in Congress and upon the President.

In Japan the politics are quite different and we in the United States must understand this. The imports most active in Japan are of raw resources such as lumber and coal and basic foods such as grains and meat. Where we seem to have the greatest hope for increase of U.S. imports—estimated as high as $500 million—is in fresh fruits and some lightly processed foods for fast service or specialty items such as dried nuts. As clear as consumer acceptance and need are, the resistance in Japan is formidable. The reason for frustrating and exasperating obstacles lies 10 percent in bureaucratic stubborness and 90 percent in the farm-oriented politics of Japan.

Unlike the United States, Japan does not apply the one-man, one-vote rule. The distribution of Representatives in the diet in geographically described districts called prefectures gives the farmers a loaded vote advantage. When one reviews the latest election in which the Liberal Democratic Party and Mr. Tanaka retained the continuity of leadership which has been unbroken since the military government of occupation left Japan, one sees the heavy reliance on the farm vote. The Liberal Democratic Party lost in most of the metropolitan cities. What this means is that the Tanaka government is now most sensitive to the farmers. They in turn are the most reactionary to the very kind of trade increase from the United States which would serve the big blocks of consumers in the cities. Realistically then the most sensible and practical improvement Japan could offer the United States is exactly what the present leadership is least likely to do.

Mr. Speaker, I would like to urge Mr. Tanaka, Mr. Nakasone, Mr. Ogiya, and Mr. Fukuda, all leaders of the majority party, to bite the bullet and approve a limited liberalization for food products. The risk is real but not as formidable as the alternatives. Actually, Japanese farmers are far more protective than they need be. The impact of our food items in fresh citrus juice concentrates, specialty foods and convenience package foods are more apt to expand the marketability of Japanese produce and improve the Japanese choice of diet.

It is ironic that the Japanese have urged their market impact logic on us for almost 10 years in regard to manufactured goods and refuse to listen to or to apply the same logic themselves in relation to agricultural products. If the present majority party is as concerned over a possible trade war as it should be, it will seek some alternative to the present unsatisfactory pace of liberalization for food. How can they expect our Congress and our President to take the heat of our labor elements in manufacturing, when they are unwilling to face the heat of their farmers and farm labor?

A second longer range problem for Japan is the political implications of their distribution system. During all of the prewar period the Japanese have followed a policy of early retirement, that is, age 55. Since there is no social security and retirement annuities are small and subject to inflation pressure, as here in the United States, this has encouraged a plethora of "mom and pop" stores where retirees seek to augment their stipend for retirement. It takes care of a social problem but creates such a crazy fractionalized retail distribution system as to defy all attempts at efficiency. This means consumer prices are higher and consumer dollars do not go far. It also encourages small units of production particularly in the food industry and only the big cooperatives have a handle on a workable interface with the multiplicity of outlets.

Mr. Speaker, with our politics in the United States being dominated by big cities, big unions and consumers and Japanese politics being dominated by rural farmers and small distribution outlets the resolution of the present impasse is formidable. It fairly invites the conclusion that a rash of protectionist actions will come from the United States with little regard for the political dilemma faced by the present administration in Japan. But in all fairness and seeing the problem in its entirety, conditions call for a Japanese move in liberalization on food products. Our politicians have lived for too long a time under the pressures from those who feel Japanese imports unreasonably disadvantaged them. It is time Japanese politicians joined us in this exercise of pressure and heat from their agricultural sector. The ball is in the Japanese court and their giving it a good "swat" could do much to alleviate the trade tensions which currently are mounting. The alternative is the start of action the end of which is predictably undesirable, unpleasant and, for all involved, economically disastrous.

ROBERT KOCH, OUTSTANDING MARYLAND VETERAN OF THE YEAR

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. LONG of Maryland. Mr. Speaker, Robert Koch of Baltimore, Md., has been selected Outstanding Maryland Veteran of the Year.

Mr. Koch is a veteran of World War II where he served with the 29th Infantry Division and participated in the landings on Omaha Beach on D-Day. On July 15, 1944, he was seriously wounded in action during the drive on St. Lo, France, and was hospitalized for a year.

After the war, Mr. Koch continued his service to his country and his fellow man by accepting a job as a service officer for the Maryland Veterans Commission in August 1946. The Maryland Veterans Commission is a State agency where veterans can obtain guidance and assistance. The commission aids veterans and their dependents in obtaining VA benefits, furnishes information about State and Federal agencies which may provide additional services, and assists veterans with other problems they face. The commission also helps veterans appeal decisions of the Veterans' Administration concerning individual benefits. Mr. Koch has served as executive director of the commission since May 7, 1968.

Mr. Koch originated the idea of statewide service to veterans by having service officers in towns throughout the State on a weekly, biweekly, or monthly basis so that veterans could place claims for compensation and other benefits and file appeals without having to travel to Baltimore. He has also worked closely with the National Service Officers Association in suggesting revisions in compensation laws and regulations.

This Thursday, the Joint Veterans Committee of Maryland is holding a testimonial dinner-dance to honor Mr. Koch. The committee represents the 90,000 members of the American Legion, Catholic War Veterans, Disabled American Veterans, Jewish War Veterans, Marine Corps League, Veterans of Foreign Wars, and the Veterans of World War I in Maryland. The Joint Veterans Committee has made an excellent choice in selecting Robert Koch as Outstanding Maryland Veteran of the Year.

SENATE—*Wednesday, February 21, 1973*

The Senate met at 12 o'clock meridian and was called to order by Hon. DICK CLARK, a Senator from the State of Iowa.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, we thank Thee for Thy mercies which are new every morning. In reverent mood and quiet spirit we offer to Thee the devotion of our hearts and the service of our lives. In our work, make us diligent. In our pleasure, keep us pure. In our homes, make us loving. In association with our colleagues, make us courteous and kind. In our dealings with ourselves, make us honest to face the truth. If we are tempted, help us to look to Thee for grace. If we have difficult tasks, help us to turn to Thee for strength beyond ourselves. Help us, O Lord, to test everything by Thy presence so that we may come to the close of the day free from guilt and without regrets.

Through Him who is our redeemer and judge. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 21, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DICK CLARK, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. CLARK thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 3694) to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 3694) to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended, was read twice by its title and referred to the Committee on the Judiciary.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, February 20, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RABBIT MEAT INSPECTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 30, S. 43.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 43. To provide for the mandatory inspection of rabbits slaughtered for human food, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with an amendment, on page 3, line 11, after the word "to", strike out "January 1, 1972," and insert "July 1, 1973,"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That except as provided in section 2 of this Act, all the penalties, terms, and other provisions in the Poultry Products Inspection Act (71 Stat. 441; 21 U.S.C. 451–470) are hereby made applicable (1) to domestic rabbits, the carcasses of such rabbits, and parts and products thereof, and to the establishments in which domestic rabbits are slaughtered or in which the carcasses, or parts or products thereof, are processed, (2) to all persons who slaughter domestic rabbits or prepare or handle the carcasses of such rabbits or parts or products thereof, and (3) to all other persons who perform any act relating to domestic rabbits or the carcasses of such rabbits or parts or products thereof, and who would be subject to such provisions if such acts related to poultry or the carcasses of poultry, or parts or products thereof; and such provisions shall apply in the same manner and to the same extent as such provisions apply with respect to poultry and the carcasses of poultry, and parts and products thereof, and to persons who perform acts relating to poultry, the carcasses of poultry, or parts or products thereof.

SEC. 2. (a) The provisions in paragraph (a)(4) of section 9, paragraph (a)(2) of section 15, and section 29 of the Poultry Products Inspection Act shall not apply with respect to domestic rabbits or the carcasses of such rabbits, or parts or products thereof. The two-year period specified in paragraph (c)(1) of section 5 of such Act and the periods contemplated by paragraph (c)(4) of such section shall commence upon the date of enactment hereof, with respect to domestic rabbits and the carcasses of such rabbits, and parts and products thereof; and in applying the volume provisions in paragraphs (c)(3) and (c)(4) of section 15 of such Act, the volume restrictions applicable to turkeys shall apply to rabbits.

(b) For purposes of this Act—

(1) wherever the term "poultry" is used in the Poultry Products Inspection Act, such term shall be deemed to refer to domestic rabbits;

(2) wherever the term "poultry product" is used in the Poultry Products Inspection Act, such term shall be deemed to refer to rabbit product; and

(3) the reference to domesticated bird in section 4(c) of the Poultry Products Inspection Act shall be deemed to refer to domestic rabbit.

SEC. 3. This Act shall become effective upon enactment, except that no person shall be subject to the provisions of this Act prior to July 1, 1973, unless such person after enactment of this Act applies for and receives inspection for the processing for commerce (as defined in the Poultry Products Inspection Act) of domestic rabbits or the carcasses of such rabbits, or parts or products thereof, in accordance with the provisions of this Act and pursuant to regulations promulgated by the Secretary of Agriculture under this Act. Any person who voluntarily applies for and receives such inspection after enactment hereof shall be subject, on and after the date he commences to receive such inspection, to all of the provisions (including penalties) of the Poultry Products Inspection Act as applied hereby in relation to domestic rabbits, the carcasses of such rabbits, and parts and products thereof.

SEC. 4. The provisions hereof shall not in any way affect the application of the Poultry Products Inspection Act in relation to poultry, poultry carcasses, and parts and products thereof.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROGRAM FOR REMAINDER OF THE WEEK

Mr. SCOTT of Pennsylvania. Mr. President, will the distinguished majority leader yield for a question?

Mr. MANSFIELD. I am delighted to yield to the distinguished Republican leader.

Mr. SCOTT of Pennsylvania. Would the distinguished majority leader inform us of the program for today, and if possible, for the remainder of the week?

Mr. MANSFIELD. Mr. President, well, as the Senator is aware, the unfinished business is S. 394 having to do with the REA Act. There are two amendments pending on which, I understand, there well may be a vote today and a vote also on final passage.

Following that, we will take up S. 39, the aircraft hijacking bill, in which the distinguished Republican leader has indicated a great deal of interest. That should finish our work for today.

Tomorrow there will be three bills out of the Veterans' Committee, two of which, I believe, were vetoed after Congress adjourned sine die. There may well be votes on those two bills tomorrow and then we should have a number of bills out of the Committee on Rules and Administration relative to the financing of the various standing and special committees of the Senate.

Thus, it looks as though we shall have votes today and votes tomorrow and, depending on the speed or the lack of speed in the consideration of the money bills, we shall very likely be in session through Friday of this week.

Mr. SCOTT of Pennsylvania. I thank the distinguished majority leader.

JOINT MEETING OF SENATE DEMOCRATIC LEADERSHIP WITH HOUSE MAJORITY LEADERSHIP

Mr. MANSFIELD. Mr. President, the Senate Democratic leadership met yesterday morning with the House majority leadership. This was the latest in a series of joint meetings which was initiated at the outset of the current Congress. The objective of this regular contact of the two leaderships is to facilitate cooperation and coordination between the Houses and to act in concert, wherever feasible, to safeguard the prerogatives and discharge more effectively the responsibilities of the Congress.

At the meeting on yesterday, the President's state of the Union message with regard to environmental legislation was a major item of discussion. It was our joint view that the message gave a somewhat incomplete, if not distorted, picture of what had been done in this field by the last Congress although there was much in the message that I approved of. Actually the legislative record of the 92d Congress on the protection and restoration of the Nation's physical environment was outstanding. It was achieved sometimes with the cooperation of the administration but, not infrequently, in the face of the indifference or opposition of the administration. In any event, the Speaker and I agreed to issue a joint comment on this matter since it was raised in this fashion by the administration.

Mr. President, I ask unanimous consent to have printed in the RECORD the statement that was released to the press and also the message of the President of the United States covering the environment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AGENDA ITEM I: STATEMENT OF SPEAKER ALBERT AND SENATE MAJORITY LEADER MANSFIELD

On Wednesday last, the President made a radio talk to the nation dealing with the environment and natural resources. The next day, the second section of his State of the Union Message was sent to Congress. It was a report on the state of our natural resources and the environment.

We regret that the President found it necessary to emphasize his disappointment that the 92d Congress had failed to act upon 19 key natural reosurces and environmental proposals. It might have been more positive to note that in 1971 and 1972 the House and Senate passed over 150 measures dealing with the environment and natural resources and that more than 90 of these measures became public law. Many of these items were not requested by the Administration at all and others were actually opposed by the Administration, notwithstanding the urgent needs of the nation. In fact, one item he claims in his list of nineteen—the safe drinking water standards bill—was not initiated by the Administration and was opposed by the Executive Branch.

Most important of the measures passed by the 92nd Congress was a far-reaching Water Pollution Control Act which the President saw fit to veto in the last days of the Congress. The Senate and House overrode this veto, overwhelmingly, on the day of adjournment. What happened then? The funds to put this essential measure into effect were withheld on dubious Constitutional grounds by the Administration.

The 92nd Congress enacted other measures of critical importance to the environment, including landmark legislation in such fields as anti-ocean dumping, pesticide control, noise pollution control, ports and waterways safety. Two other major measures were enacted over the bitter resistance of the Administration, one dealing with Coastal Zone Management and the other with the Protection of Marine Mammals, Whales, Porpoises, Seals and so forth, which are fast headed towards extinction.

To be sure, there are certain environmental measures which were not enacted into law during the 92nd Congress. First in priority are the bills which were vetoed by the President: Flood control which has already been re-passed by the Senate this year and is now before the House; a mining and minerals policy amendment; an environmental data system; and the water pollution control act which has already been mentioned.

As far as major environmental legislation left over from the 92nd Congress, as noted by the President, in our judgment four of the nineteen measures are of particular significance; strip mining controls; toxic substances controls; land use policy; and power plant siting. All of these are once again in the legislative mill. The Congress is aware of the need for legislation in these areas. Indeed, the initiative had already been taken in the House and Senate to deal with them before the arrival of the President's message of disappointment.

PRESIDENT'S MESSAGE ON ENVIRONMENT

To the Congress of the United States:

With the opening of a new Congress and the beginning of a new Presidential term come fresh opportunities for achievement in America. To help us consider more adequately the very special challenges of this new year, I am presenting my 1973 State of the Union Message in a number of sections.

Two weeks ago I sent the first of those sections to the Congress—an overview reporting that "the basic state of our Union today is sound, and full of promise."

Today I wish to report to the Congress on the state of our natural resources and environment. It is appropriate that this topic be first of our substantive policy discussions in the State of the Union presentation, since nowhere in our national affairs do we have more gratifying progress—nor more urgent, remaining problems.

There was a time when Americans took our natural resources largely for granted. For example, President Lincoln observed in his State of the Union message for 1862 that "A nation may be said to consist of its territory, its people, and its laws. The territory is the only part which is certain durability."

In recent years, however, we have come to realize that our "territory"—that is, our land, air, water, minerals, and the like—is not of "certain durability" after all. We have learned that these natural resources are fragile and finite, and that many have been seriously damaged or despoiled.

When we came to office in 1969, we tackled this problem with all the power at our command. Now there is encouraging evidence that the United States has moved away from the environmental crisis that could have been and toward a new era of restoration and renewal. Today, in 1973, I can report to the Congress that we are well on the way to winning the war against environmental degradation—well on the way to making our peace with nature.

YEARS OF PROGRESS

While I am disappointed that the 92d Congress failed to act upon 19 of my key natural resources and environment proposals, I am pleased to have signed many of the proposals I supported into law during the past four years. They have included air quality legislation, strengthened water quality and pesticide control legislation, new authorities to control noise and ocean dumping, regulations to prevent oil and other spills in our ports and waterways, and legislation establishing major national recreation areas at America's Atlantic and Pacific gateways, New York and San Francisco.

On the organizational front, the National Environmental Policy Act of 1969 has reformed programs and decision-making processes in our Federal agencies and has given citizens a greater opportunity to contribute as decisions are made. In 1970 I appointed the first Council on Environmental Quality—a group which has provided active leadership in environmental policies. In the same year, I established the Environmental Protection Agency and the National Oceanic and Atmospheric Administration to provide more coordinated and vigorous environmental management. Our natural resource programs still need to be consolidated, however, and I will again submit legislation to the Congress to meet this need.

The results of these efforts are tangible and measurable. Day by day, our air is getting cleaner; in virtually every one of our major cities the levels of air pollution are declining. Month by month, our water pollution problems are also being conquered, our noise and pesticide problems are coming under control, our parklands and protected wilderness areas are increasing.

Year by year, our commitment of public funds for environmental programs continues to grow; it has increased four-fold in the last four years. In the area of water quality alone, it has grown fifteen-fold. In fact, we are now buying new facilities nearly as fast as the construction industry can build them. Spending still more money would not buy us more pollution control facilities but only more expensive ones.

In addition to what Government is doing in the battle against pollution, our private industries are assuming a steadily growing share of responsibility in this field. Last year industrial spending for pollution control jumped by 50 percent, and this year it could reach as much as $5 billion.

All nations, regardless of their economic systems, share to some extent in the environmental problem—but with vigorous United States leadership, joint efforts to solve this global problem are showing results. The United Nations has adopted the American proposal for a special U.N. environmental fund to coordinate and support international environmental programs.

Some 92 nations have concluded an international convention to control the ocean dumping of wastes. An agreement is now being forged in the Intergovernmenal Maritime Consultative Organization to end the intentional discharge of oil from ships into the ocean. This objective, first recommended by my Administration, was adopted by the NATO Committee on the Challenges of Modern Society.

Representatives of almost 70 countries are meeting in Washington this week at our initiative to draft a treaty to protect endangered species of plant and animal wildlife. The U.S.-USSR environmental cooperation agreement which I signed in Moscow last year makes two of the world's greatest industrial powers allies against pollution. Another agreement which we concluded last year with Canada will help to clean up the Great Lakes.

Domestically, we can also be proud of the steady progress being made in improving the quality of life in rural and agricultural America. We are beginning to break away from the old, rigid system of controls which eroded the farmer's freedom through Government intrusion in the marketplace. The new flexibility permitted by the Agricultural Act of 1970 has enabled us to help expand farm markets and take advantage of the opportunity to increase exports by almost 60 percent in just three years. Net farm income is at an all-time high, up from $16.1 billion in 1971 to $19 billion in 1972.

PRINCIPLES TO GUIDE US

A record is not something to stand on; it is something to build on. And in this field of natural resources and the environment, we intend to build diligently and well.

As we strive to transform our concern into action, our efforts will be guided by five basic principles:

The first principle is that we must strike a balance so that the protection of our irreplaceable heritage becomes as important as its use. The price of economic growth need not and will not be deterioration in the quality of our lives and our surroundings.

Second, because there are no local or State boundaries to the problems of our environment, the Federal Government must play an active, positive role. We can and will set standards and exercise leadership. We are providing necessary funding support. And we will provide encouragement and incentive for others to help with the job. But Washington must not displace State and local initiative, and we shall expect the State and local governments—along with the private sector—to play the central role in making the difficult, particular decisions which lie ahead.

Third, the costs of pollution should be more fully met in the free marketplace, not in the Federal budget. For example, the price of pollution control devices for automobiles should be borne by the owner and the user and not by the general taxpayer. The costs of eliminating pollution should be reflected in the costs of goods and services.

Fourth, we must realize that each individual must take the responsibility for looking after his own home and workplace. These daily surroundings are the environment where most Americans spend most of their time. They reflect people's pride in themselves and their consideration for their communities. A person's backyard is not the domain of the Federal Government.

Finally, we must remain confident that America's technological and economic ingenuity will be equal to our environmental challenges. We will not look upon these challenges as insurmountable obstacles.

Instead, we shall convert the so-called crisis of the environment into an opportunity for unprecedented progress.

CONTROLLING POLLUTION

We have made great progress in developing the laws and institutions to clean up pollution. We now have formidable new tools to protect against air, water and noise pollution and the special problem of pesticides. But to protect ourselves fully from harmful contaminants, we must still close several gaps in governmental authority.

I was keenly disappointed when the last Congress failed to take action on many of my legislative requests related to our natural resources and environment. In the coming weeks I shall once again send these urgently needed proposals to the Congress so that the unfinished environmental business of the 92nd Congress can become the environmental achievements of the 93rd.

Among these 19 proposals are eight whose passage would give us much greater control over the sources of pollution:

Toxic substances. Many new chemicals can pose hazards to humans and the environment and are not well regulated. Authority is now needed to provide adequate testing standards for chemical substances and to restrict or prevent their distribution if testing confirms a hazard.

Hazardous wastes. Land disposal of hazardous wastes has always been widely practiced but is now becoming more prevalent because of strict air and water pollution control programs. The disposal of the extremely hazardous wastes which endanger the health of humans and other organisms is a problem requiring direct Federal regulation. For other hazardous wastes, Federal standards should be established with guidelines for State regulatory programs to carry them out.

Safe drinking water. Federal action is also needed to stimulate greater State and local action to ensure high standards for our drinking water. We should establish national drinking water standards, with primary enforcement and monitoring powers retained by the State and local agencies, as well as a Federal requirement that suppliers notify their customers of the quality of their water.

Sulfur oxides emissions charge. We now have national standards to help curtail sulfur emitted into the atmosphere from combustion, refining, smelting and other processes, but sulfur oxides continue to be among our most harmful air pollutants. For that reason, I favor legislation which would allow the Federal Government to impose a special financial charge on those who produce sulfur oxide emissions. This legislation would also help to ensure that low-sulfur fuels are allocated to areas where they are most urgently needed to protect the public health.

Sediment control. Sediment from soil erosion and runoff continues to be a pervasive pollutant of our waters. Legislation is needed to ensure that the States make the control of sediment from new construction a vital part of their water quality programs.

Controlling environmental impacts of transportation. As we have learned in recent years, we urgently need a mass transportation system not only to relieve urban congestion but also to reduce the concentrations of pollution that are too often the result of our present methods of transportation. Thus I will continue to place high priority upon my request to permit use of the Highway Trust Fund for mass transit purposes and to help State and local governments achieve air quality, conserve energy, and meet other environmental objectives.

United Nations environmental fund. Last year the United Nations adopted my proposal to establish a fund to coordinate and support international environmental programs. My 1974 budget includes a request for $10 million as our initial contribution toward the Fund's five-year goal of $100 million, and I recommend authorizing legislation for this purpose.

Ocean dumping convention. Along with 91 other nations, the United States recently concluded an international convention calling for regulation of ocean dumping. I am most anxious to obtain the advice and consent of the Senate for this convention as soon as possible. Congressional action is also needed on several other international conventions and amendments to control oil pollution from ships in the oceans.

MANAGING THE LAND

As we steadily bring our pollution problems under control, more effective and sensible use of our land is rapidly emerging as among the highest of our priorities. The land is our Nation's basic natural resource, and our stewardship of this resource today will affect generations to come.

America's land once seemed inexhaustible. There was always more of it beyond the horizon. Until the twentieth century we displayed a carelessness about our land, born of our youthful innocence and desire to expand. But our land is no longer an open frontier.

Americans not only need, but also very much want to preserve diverse and beautiful landscapes, to maintain essential farm lands, to save wetlands and wildlife habitats, to keep open recreational space near crowded population centers, and to protect our shorelines and beaches. Our goal is to harmonize development with environmental quality and to add creatively to the beauty and long-term worth of land already being used.

Land use policy is a basic responsibility of State and local governments. They are closer to the problems and closer to the people. Some localities are already reforming land use regulation—a trend I hope will accelerate. But because land is a national heritage, the Federal Government must exercise leadership in land use decision processes, and I am today again proposing that we provide it. In the coming weeks, I will ask the Congress to enact a number of legislative initiatives which will help us achieve this goal:

National land use policy. Our greatest need is for comprehensive new legislation to stimulate State land use controls. We especially need a National Land Use Policy Act authorizing Federal assistance to encourage the States, in cooperation with local governments, to protect lands of critical environmental concern and to regulate the siting of key facilities such as airports, highways and major private developments. Appropriate Federal funds should be withheld from States that fail to act.

Powerplant siting. An open, long-range planning process is needed to help meet our power needs while also protecting the environment. We can avoid unnecessary delays with a powerplant siting law which assures that electric power facilities are constructed on a timely basis, but with early and thorough review of long-range plans and specific provisions to protect the environment.

Protection of wetlands. Our coastal wetlands are increasingly threatened by residential and commercial development. To increase their protection, I believe we should use the Federal tax laws to discourage unwise development in wetlands.

Historic preservation and rehabilitation. An important part of our national heritage are those historic structures in our urban areas which should be rehabilitated and preserved, not demolished. To help meet this goal, our tax laws should be revised to encourage rehabilitation of older buildings, and we should provide Federal insurance of loans to restore historic buildings for residential purposes.

Management of public lands. Approximately one-fifth of the Nation's land is considered "public domain", and lacks the protection of an overall management policy with environmental safeguards. Legislation is required to enable the Secretary of the Interior to protect our environmental interest on those lands.

Legacy of parks. Under the Legacy of Parks program which I initiated in 1971, 257 separate parcels of parklands and underused Federal lands in all 50 States have been turned over to local control for park and recreational purposes. Most of these parcels are near congested urban areas, so that millions of citizens can now have easy access to parklands. I am pleased to announce today that 16 more parcels of Federal land will soon be made available under this same program.

We must not be content, however, with just the Legacy of Parks program. New authority is needed to revise the formula for allocating grant funds to the States from the Land

and Water Conservation Fund. More of these funds should be channelled to States with large urban populations.

Mining on public lands. Under a statute now over a century old, public lands must be transferred to private ownership at the request of any person who discovers minerals on them. We thus have no effective control over mining on these properties. Because the public lands belong to all Americans, this 1872 Mining Act should be repealed and replaced with new legislation which I shall send to the Congress.

Mined area protection. Surface and underground mining can too often cause serious air and water pollution as well as unnecessary destruction of wildlife habitats and aesthetic and recreational areas. New legislation with stringent performance standards is required to regulate abuses of surface and underground mining in a manner compatible with the environment.

AMERICAN AGRICULTURE—A BASIC NATIONAL RESOURCE

Nearly three-fifths of America's land is in stewardship of the farmer and the rancher. We can be grateful that farmers have been among our best conservationists over the years. Farmers know better than most that sound conservation means better long-term production and improved land values. More importantly, no one respects and understands our soil and land better than those who make their living by the land.

But Americans know their farmers and ranchers best for all they have done to keep us the best-fed and best-clothed people in the history of mankind. A forward-looking agricultural economy is not only essential for environmental progress, but also to provide for our burgeoning food and fiber needs.

My Administration is not going to express its goal for farmers in confusing terms. Our goal, instead, is very simple. The farmer wants, has earned, and deserves more freedom to make his own decisions. The Nation wants and needs expanded supplies of reasonably priced goods and commodities.

These goals are complementary. Both have been advanced by the basic philosophy of the Agricultural Act of 1970. They must be further advanced by Congressional action this year.

The Agricultural Act of 1970 expires with the 1973 crop. We now face the fundamental challenge of developing legislation appropriate to the economy of the 1970's. Over the next several months, the future direction of the farm program must be discussed, debated and written into law. The outcome of this process will be crucial not only to farmers and ranchers, but to consumers and taxpayers as well.

My Administration's fundamental approach to farm policy is to build on the forward course set by the 1970 Act. These principles should guide us in enacting new farm legislation.

Farmers must be provided with greater freedom to make production and marketing decisions. I have never known anyone in Washington who knows better than a farmer what is his own best interest.

Government influence in the farm commodity marketplace must be reduced. Old fashioned Federal intrusion is as inappropriate to today's farm economy as the old McCormick reaper would be on a highly sophisticated modern farm.

We must allow farmers the opportunity to produce for expanding domestic demands and to continue our vigorous competition in export markets. We will not accomplish that goal by telling the farmer how much he can grow or the rancher how much livestock he can raise. Fidelity to this principle will have the welcome effect of encouraging both fair food prices for consumers and growing income from the marketplace for farmers.

We must reduce the farmer's dependence on Government payments through increased returns from sales of farm products at home and abroad. Because some of our current methods of handling farm problems are outmoded, the farmer has been unfairly saddled with the unflattering image of drinking primarily at the Federal well. Let us remember that more than 93 percent of gross farm income comes directly through the marketplace. Farmers and ranchers are strong and independent businessmen; we should expand their opportunity to exercise their strength and independence.

Finally, we need a program that will put the United States in a good posture for forthcoming trade negotiations.

In pursuing all of these goals, we will work closely through the Secretary of Agriculture with the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture to formulate and enact new legislation in areas where it is needed.

I believe, for example, that dairy support systems, wheat, feed grains and cotton allotments and bases—some established decades ago—are drastically outdated. They tend to be discriminatory for many farm operators.

It would be desirable to establish, after a reasonable transition period, a more equitable basis for production adjustment in the agricultural economy should such adjustment be needed in the years ahead. Direct Federal payments should, at the end of the transition period, be limited to the amounts necessary to compensate farmers for withholding unneeded land from crop production.

As new farm legislation is debated in the months ahead, I hope the Congress will address this important subject with a deep appreciation of the need to keep the Government off the farm as well as keeping the farmer on.

PROTECTING OUR NATURAL HERITAGE

An important measure of our true commitment to environmental quality is our dedication to protecting the wilderness and its inhabitants. We must recognize their ecological significance and preserve them as sources of inspiration and education. And we need them as places of quiet refuge and reflection.

Important progress has been made in recent years, but still further action is needed in the Congress. Specifically, I will ask the 93rd Congress to direct its attention to the following areas of concern:

Endangered species. The limited scope of existing laws requires new authority to identify and protect endangered species before they are so depleted that it is too late. New legislation must also make the taking of an endangered animal a Federal offense.

Predator control. The widespread use of highly toxic poisons to kill coyotes and other predatory animals has spread persistent poisons to range and forest lands without adequate foresight of environmental effects. I believe Federal assistance is now required so that we can find better means of controlling predators without endangering other wildlife.

Wilderness areas. Historically, Americans have always looked westward to enjoy wilderness areas. Today we realize that we must also preserve the remaining areas of wilderness in the East, if the majority of our people are to have the full benefit of our natural glories. Therefore I will ask the Congress to amend the legislation that established the Wilderness Preservation System so that more of our Eastern lands can be included.

Wild and scenic rivers. New legislation is also needed to continue our expansion of the national system of wild and scenic rivers. Funding authorization must be increased by $20 million to complete acquisitions in seven areas, and we must extend the moratorium on Federal licensing for water resource projects on those rivers being considered for inclusion in the system.

Big Cypress National Fresh Water Preserve. It is our great hope that we can create a reserve of Florida's Big Cypress Swamp in order to protect the outstanding wildlife in that area, preserve the water supply of Everglades National Park and provide the Nation with an outstanding recreation area. Prompt passage of Federal legislation would allow the Interior Department to forestall private or commercial development and inflationary pressures that will build if we delay.

Protecting marine fisheries. Current regulation of fisheries off U.S. coasts is inadequate to conserve and manage these resources. Legislation is needed to authorize U.S. regulation of foreign fishing off U.S. coasts to the fullest extent authorized by international agreements. In addition, domestic fishing should be regulated in the U.S. fisheries zone and in the high seas beyond that zone.

World heritage trust. The United States has endorsed an international convention for a World Heritage Trust embodying our proposals to accord special recognition and protection to areas of the world which are of such unique natural, historical, or cultural value that they are a part of the heritage of all mankind. I am hopeful that this convention will be ratified early in 1973.

Weather modification. Our capacity to affect the weather has grown considerably in sophistication and predictability, but with this advancement has also come a new potential for endangering lives and property and causing adverse environmental effects. With additional Federal regulations, I believe that we can minimize these dangers.

MEETING OUR ENERGY NEEDS

One of the highest priorities of my Administration during the coming year will be a concern for energy supplies—a concern underscored this winter by occasional fuel shortages. We must face up to a stark fact in America: we are now consuming more energy than we produce.

A year and a half ago I sent to the Congress the first Presidential message ever devoted to the energy question. I shall soon submit a new and far more comprehensive energy message containing wide-ranging initiatives to ensure necessary supplies of energy at acceptable economic and environmental costs. In the meantime, to help meet immediate needs, I have temporarily suspended import quotas on home heating oil east of the Rocky Mountains.

As we work to expand our supplies of energy, we should also recognize that we must balance those efforts with our concern to preserve our environment. In the past, as we have sought new energy sources, we have too often damaged or despoiled our land. Actions to avoid such damage will probably aggravate our energy problems to some extent and may lead to higher prices. But all development and use of energy sources carries environmental risks, and we must find ways to minimize those risks while also providing adequate supplies of energy. I am fully confident that we can satisfy both of these imperatives.

GOING FORWARD IN CONFIDENCE

The environmental awakening of recent years has triggered substantial progress in the fight to preserve and renew the great legacies of nature. Unfortunately, it has also triggered a certain tendency to despair. Some people have moved from complacency to the opposite extreme of alarmism, suggesting that our pollution problems were hopeless and predicting impending ecological disaster. Some have suggested that we could never reconcile environmental protection with continued economic growth.

I reject this doomsday mentality—and I hope the Congress will also reject it. I believe that we can meet our environmental challenges without turning our back on progress. What we must do is to stop the hand-wringing, roll up our sleeves and get on with the job.

The advocates of defeatism warn us of all that is wrong. But I believe they underestimate this Nation's genius for responsive adaptability and its enormous reservoir of spirit.

I believe there is always a sensible middle ground between the Cassandras and the Pollyannas. We must take our stand upon that ground.

I have profound respect for the enormous challenge ahead, but I have even stronger respect for the capacity and character of the American people. Many of us have heard the adage that the last letters of the word, "American," say I can." I am confident that we can, and we will, meet our natural resource challenges.

THE BUDGET

Mr. SCOTT of Pennsylvania. Mr. President, philosophically, the problem with Congress and the programs advanced by the party responsible for the legislation, reminds me at times of the treatment of a patient who, if he has a headache, would normally take one or two aspirins, but the congressional solution is to give him the whole bottle.

If it is desirable that he get more sun lamp treatment, instead of the prescribed 10 minutes or 20 minutes, he is kept under the lamp all day. It is the overprescribing for the ills—sometimes presumed ills—of the Nation which puts us in the bucket in which we find ourselves; namely, we are appropriating a lot more money than we are taking in, and we are even above the administration's deficits in its budget proposals by $11 billion for this year, and for the coming fiscal year some $27 billion. The money just is not there.

It is difficult because, as I said yesterday, we are all responsible. We voted for these things last year, and some of us will vote for them again. When they come before us after a veto, and the veto is not sustained, we go through the debt ceiling by our own legislation, and we contribute to inflation, which we collectively deplore. Then we face a congressional tax increase, which we always call "tax reform."

These are alternatives that have to be faced, and it is perfectly proper to say that we need to do some of this and some of that, for those; but if we overprescribe for the ills of the American people, we do not cure them; we simply make them a lot sicker.

This is the situation I think we ought to face.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT of Pennsylvania. I am happy to yield.

Mr. MANSFIELD. The distinguished Republican leader has just taken off on a flight into the wild blue yonder.

Mr. SCOTT of Pennsylvania. That is what I said Congress was doing.

Mr. MANSFIELD. Well, make it singular rather than plural. But I would point out that what this Congress has done—both Democrats and Republicans together—has been to reduce the President's budget request over the past 4 years by $20.2 billion. That is what Congress did to the President's budget requests. During the same 4 years, the executive branch of the Government has created a deficiency of about $104.3 billion.

So I think that what Congress has done is something for which we should give ourselves a little credit. We should not become the whipping boy or remain the whipping boy for all these allegations made about what spendthrifts we are, how we are throwing money away like a sailor, when the record will bear out the figures I have just given.

Mr. SCOTT of Pennsylvania. I thank the distinguished majority leader.

The trouble with figures is that they can be made to justify each of our arguments. The fact is that when Congress reduces the President's budget, it usually takes it out of the defense items and says we can get along with less, because we do not need as much security as we have. But the figures cannot be controverted when we see what Congress does by the end of the session. Yes, Congress reduces specific budget items here and there and in other places, but it also adds to the requests of the President many times more.

There is a theory up here that you can cure anything by throwing money at it and that if the President recommends something, the best way to convince the voters that you are for it more than he is to double the recommendation.

I can only say that when Congress appropriates $261 billion and the President's request is for $250 billion, that is $11 billion more than the President requested.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT of Pennsylvania. I yield.

Mr. MANSFIELD. The President, I think, did not want us to double him on the social security figure; but once the bill was passed, he signed it and sent out notices, I understand, under his signature, which gave the impression that it was his doing and not that of Congress.

Mr. SCOTT of Pennsylvania. I think every President has sent out notices on social security or other matters over his signature. That is the way they are signed.

The President did recommend increases in social security, but he recommended that they be geared to the cost of living; and again Congress said, "We will up the ante." Of course, in upping the ante, we have increased the social security taxes in turn, which also is reflected in the total budget.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT of Pennsylvania. I yield.

Mr. MANSFIELD. My recollection is that in addition to the 20-percent increase which Congress voted for and which the President signed, a cost-of-living factor also is included. I may be wrong about that, but that is my recollection.

Mr. SCOTT of Pennsylvania. The Senator is right. My point is that that is what the President recommended—the cost of living and some current increase in the social security payment.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I did not use my 5 minutes, so I will yield to the Senator my remaining 3 minutes.

Mr. SCOTT of Pennsylvania. I thank the distinguished majority leader.

ANTIHIJACKING AGREEMENTS

Mr. SCOTT of Pennsylvania. Mr. President, the Secretary of State this morning, in referring to the United States-Cuban hijacking agreement, indicated that this country is exploring the possibility of the same kind of agreement with Algeria.

I express the hope that wherever countries have been acting as asylum for hijackers, similar agreements be sought in order that the incentive for hijackers to grab money, endanger people, and escape to another country can be removed by leaving them nowhere to go.

THE CEASE-FIRE IN LAOS

Mr. SCOTT of Pennsylvania. Mr. President, with regard to the cease-fire in Laos tonight, I am glad that that has been achieved by the contending parties within the Government of Laos. That is the proper way to do it. I hope they can soon do that in Cambodia. The difficulty there is that it is hard to find someone to negotiate with, since the Government of Cambodia is being besieged by guerrilla movements in several different categories, and it is very difficult to find in the field anybody you can sit down and come to a cease-fire agreement with. That is a problem that is also being handled within the Cambodian Government.

In any event, the statement made by the administration that a cease-fire in Laos would come within 30 days after the cease-fire in Vietnam has proved to be accurate. The statement that a cease-fire in Cambodia would take a while longer also is accurate.

I was delighted this morning that the chairman of the Committee on Foreign Relations, in his opening statement, indicated a warm and friendly desire to cooperate with the Department of State and the administration. The Secretary of State pointed out that, with the exception of Vietnam, most of the time this cooperation had been possible; and I am delighted that we, too, have achieved a cease-fire in that regard.

APPOINTMENT BY PRESIDENT OF THE SENATE—U.S. NATIONAL COMMISSION FOR THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

The ACTING PRESIDENT pro tempore (Mr. CLARK). The Chair, on behalf of the President of the Senate, reappoints the Senator from Kansas (Mr. DOLE) to the U.S. National Commission for the United Nations Educational Scientific, and Cultural Organization.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Minnesota is recognized for not to exceed 15 minutes.

PRESIDENT NIXON'S WAR ON THE POOR

Mr. HUMPHREY. Mr. President, I want to register a very sharp protest with respect to the administration's action in summarily shutting down the Office of Economic Opportunity.

I am appalled at the Nixon administration's incredible decision to transform the war on poverty into a war against the poor themselves. Twenty-six million Americans are being left behind in the wasteland of poverty, as the Nixon administration turns its back on them in a shocking display of contempt for the laws which it has been strictly charged by Congress to administer. In sharp contrast to the President's great concern to disengage from the war in Vietnam with honor, his administration is carrying out a sweeping disengagement from meeting critical domestic needs in America that amounts to outright capitulation.

The administration intends to shut down the Office of Economic Opportunity—the only advocate for millions of Americans who are otherwise without representation in the Washington bureaucracy—by not requesting any funding for fiscal 1974. But it is not content to wait even until July 1, 1973, to write the OEO obituary, which specifically would include the transfer to other Federal agencies of migrant, Indian, community economic development, health, and research and development programs.

Instead, it is reported that already the acting OEO Director, Mr. Howard Phillips, in aggressively carrying out this dismantlement, has rescinded grant approval authority for all OEO officials, has further delayed the release of funds critical to the immediate survival of local antipoverty programs, and has even, in effect, forbade travel by OEO regional office employees to provide technical assistance to grantees and to monitor their programs. Moreover, confusion and demoralization have resulted from recent telegraphed instructions that Community Action Agency grants for the remainder of the current fiscal year should be utilized solely for the phaseout of operations, and that renewed grants, after the end of February, should be only on a 30-day basis.

This is a blatant act of Executive arrogance that violates every sensitivity of government and of our society.

Whatever may be the merits or demerits of the OEO, it deserves at least a hearing in this body and in the other body. Once again, we see action that I can only characterize as careless disregard of human beings being taken by the executive branch of this Government. I rise to protest it. I do so on behalf of my State, on behalf of the Governor of the State of Minnesota, on behalf of the community action programs of the State of Minnesota, and on behalf of the people of my country, where I live. We have a splendid community action program in Wright County, Minn., that has saved 10 times the amount of money that has been invested in that program, that has helped thousands of our people, and that has been a godsend to many of the poor people of that area.

I say to the President of the United States that I hope he will reexamine the decision he has made with respect to OEO as he did in the instance of the Veterans' Administration benefits. This kind of action just demonstrates that the budget that has been placed before this Congress by the President of the United States is one that is antipoor people, anticity, antirural areas, antiminorities, and antiyouth.

Frankly, when I looked at the medicare proposals, I was even more shocked to find that that budget would increase medicare fees of the elderly of America, a group which has the largest number of poor, by $1 billion. What in the world has come over this Government is beyond me.

The blatant and cynical actions by this administration to present Congress with a fait accompli of empty OEO offices and to hastily dismember Community Action operations—in proposing to slice actual obligations for CAA's from $351 million in fiscal 1972 to only $285.3 million in the current fiscal year, as well as to terminate altogether Federal assistance for Community Action programs in fiscal 1974—must not be allowed to stand. They are in direct violation of the law. And they represent an open disdain for the powers of Congress under the U.S. Constitution.

It should be remembered that section 245 of the Economic Opportunity Act as amended—similar to seven sections under respective other titles in this act—specifically requires the Director of OEO to carry out the programs provided for in title II, including Community Action, through June 30, 1975. Next, the Economic Opportunity Amendments of 1972, which the President signed into law last September—Public Law 92-424—provide for the continuation of economic opportunity programs administered by OEO, through June 30, 1974, with an authorization of $840 million for the current fiscal year and a further $870 million for fiscal 1974. And this law also provides explicitly that—

> The Director of the Office of Economic Opportunity shall for each such fiscal year reserve and make available not less than $328,900,000 for programs under Section 221 of the Economic Opportunity Act of 1964 (meaning Community Action operations) and not less than $71,500,000 for legal service programs under Section 222(a)(3) of such act.

Finally, subsequently enacted legislation on supplemental appropriations for fiscal 1973—Public Law 92-607—provides for $790,200,000 for expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964.

The intent of this legislative history and the letter of the law, therefore, are exceptionally clear and precise. Yet, despite significantly increased actual spending authority provided for by Congress for fiscal 1973 over the level of the previous fiscal year, the administration intends to hold back $43.6 million in funds explicitly reserved by Congress and required to be obligated for community action programs prior to June 30, 1973. Despite a fancy juggling of obligated balances, reflecting further unspent appropriations, to suggest a higher level of outlays, the fact of the matter is that a further $69.9 million will be missing from net obligations incurred for fiscal 1973 under the Economic Opportunity Act, if the administration has its way.

These unilateral actions by the administration make all the more mandatory early action on proposed legislation to provide that without affirmative action by Congress within 60 days, an impoundment of congressionally appropriated funds shall be disallowed.

Second, although a President who repeatedly has called upon the American people to respect and uphold the law should not require instructions from Congress that this same duty extends to his own administration with respect to the Economic Opportunity Act, I would strongly support a resolution explicitly requiring the retention of economic opportunity programs in accordance with the mandates of this law, to make it absolutely clear that the legislative process shall not be violated or manipulated.

And third, it may well be necessary to provide for a judicial test of the constitutionality of reported administration actions and proposed antipoverty agency and program transfers and terminations for fiscal 1974, should the administration contend that it is operating under delegation of authority provisions of the Economic Opportunity Act and that no obligation of reserved funds is required with a proposed absence of funding for community action and presently constituted legal services programs for fiscal 1974.

Finally, I would urge that action be expedited on legislation to provide for appropriations for fiscal 1974 for economic opportunity programs, to place this administration on early notice to abandon its present ill-advised course of action and to continue these programs. Only in this way can a constructive partnership be reestablished between the administration and Congress to enable effective review and deliberation of these programs and of such improvements in their operation as may be required.

It is frequently contended, however incorrect the assessment may be, that there is a limited constituency in support of programs in the war on poverty, and that, therefore, the administration will be able to proceed with its plans to close the Office of Economic Opportunity and to transfer or terminate these programs without any significant counteraction by Congress. I do not share this view. I believe there is strong public support for the funding of programs to help the poor, as well as for increased Federal expenditures for aid to education and to curb air and water pollution. A Harris survey of January 8, 1973, recorded a 2-to-1 ratio of public support for expanded Federal assistance in these areas.

I also do not concur in the view that the issue of the continuation of economic opportunity programs is the wrong battlefield for a contest of legislative versus executive branch powers, where it is suggested that Congress will be kept disunited as the administration proceeds to execute smoothly and without compunction its dismantlement of the war on poverty. Battlefields are rarely chosen; rather, they evolve as opposing forces increasingly come into collision. But if the administration has chosen the war on poverty as the site for a new war on the constitutional powers of Congress in the expectation that congressional forces will be weak and disorganized, it will be making one of the most profound miscalculations in the history of American Government.

But the strongest possible case can be made for joining this issue on its merits alone. The administration contends that "evidence is lacking that Community Action agencies are moving substantial numbers of people out of poverty on a self-sustaining basis." In this argument, the administration places the entire burden of the war on poverty on CAA's, when it is the administration's own misguided past fiscal and economic policies that have turned the Nation's advance in this war into a full-scale retreat, causing a rise in the number of poor people for the first time in a decade.

Second, this argument completely misses the whole purpose of Community Action agencies, which is to mobilize resources to help the poor achieve self-sufficiency and to foster effective efforts by State and local governments to fulfill their own responsibilities in promoting the general welfare of people.

That Community Action agencies are doing an exceptional job in achieving both these objectives has been clearly documented in a recent survey of 591 CAA's by the OEO's own Office of Operations—a survey which OEO has not permitted to be printed, in all probability because it confronts the ideology of the present OEO management with hard facts that refute arguments for the termination of CAA's.

This "utilization test survey data for 591 CAA's," dated January 1973, documents the fact that between 1965 and 1972 these agencies, with a Federal expenditure of approximately $1.1 billion in local initiative funds, have utilized this seed money to mobilize $1.3 billion in resources from State and local governments and other Federal and private sources, in behalf of the poor. And the report states emphatically that administration policies of recent years have produced "closer working relationships between CAA's and State and local governments, which offer genuine help in making the decentralization of Government succeed during the next few years."

Perhaps the best summation of the impact of this report in spelling out the accomplishments of CAA's is provided in an editorial appearing in the February 13, 1973, issue of the Washington Post, entitled "The OEO: Dismantling Hope," and which concludes:

> Anyone who has the slightest familiarity with the program knows that one of its major benefits has been what it has done for people. It has uncovered—from the ranks of the poor themselves—several new layers of leadership in communities around the country. It has given people the opportunity to develop skills that help them participate in the management of their own communities and of their own lives. It has given thousands a new sense of their own dignity and worth and some stake in society.

In documenting its conclusion that "local CAA's specifically are a valuable in-place capability for mobilizing community efforts and resources," the survey further noted that resources mobilized from institutions, industry, and other governmental units by these 591 CAA's rose in value from $115 million in 1968 to $396 million in 1972. The report's finding was that this "substantiates that there is a large, local capability as well as local commitment to problems of the poor."

What is to happen to this capability and this commitment upon the termination of Federal assistance for CAA's? The Administration suggests that "in addition to private funds, State and local governments may, of course, use general and special revenue sharing funds for these purposes."

I find such advice to be foolish at best and dangerous in its distortion of reality. For one thing, State and local governments will be hard pressed to meet even current costs of public services with revenue sharing funds. For another, it is well known that frequently it has been only the direct Federal incentive of matching assistance for employment, education, health, and other services for the poor, coordinated through CAA's, that has prodded State and local governments to include this important area of human need in their budgets and in the allocation of revenue sharing funds. Therefore, the cancellation of Federal assistance for CAA's will result either in the termination of these services, leaving tens of thousands of people in despair and anxiety, or in the raising of additional revenues through State and local taxes to meet these needs out of economic and social necessity. In either case, the administration would fulfill its promise not to increase Federal income taxes by placing a heavy burden on the residents of local communities.

In conclusion, I want to state my total opposition to the administration's plan to terminate the present legal services program and to replace it eventually with some form of legal services corporation, as yet undefined, to be funded through the Department of Health, Education, and Welfare.

Again, I find this proposal to cancel a vital ongoing program to defend the legal rights of the poor, to be in direct violation of the law—noted earlier in an express provision of the Economic Opportunity Amendments of 1972 for the specific funding of this OEO program at a level of $71.5 million in fiscal 1974. News reports indicate that the administration has in mind a legal services corporation whose board membership and activities would be subject to current political considerations, rather than be independent to uphold the justice that is above politics, as was intended in the legislation passed by the Senate in the last Congress. Other news reports make even more serious predictions that instead of proposing a new agency at all, the administration will be content to use funds as partial payment to private legal aid societies, in the hope that this will foster a more conservative approach to legal defense for the poor as well as a local fragmentation to prevent any concerted efforts for reform in the system of justice.

All of this would be hard to believe were it not for the abrupt dismissal of Mr. Ted R. Tetzlaff, acting director of OEO's legal services program, on February 12, on top of an almost unnoticed action a few days earlier to terminate an American Bar Association-sponsored advisory committee designed to protect neighborhood legal service attorneys from being subjected to political pressures in handling their cases.

Such regressive policies must be resisted at once by Congress. To this end, I fully support legislation recently introduced by the Senator from Minnesota (Mr. MONDALE), entitled the National Legal Services Corporation Act, and designed to assure that legal representation for the poor will be independent and free of politics, while also being responsive to the communities it must serve. Pending congressional action on this vital measure, it is essential that the Senate proceed without delay to take such steps as may be required to assure that current OEO programs, including legal services, are maintained in a fully operational status.

The Nixon administration must come to understand that Congress means what it says when it passes a law, and that this Congress will not stand idly by while the Office of Economic Opportunity is dismantled, leading to defeat with dishonor in the war on poverty. It must learn now that economizing at the cost of destroying human hope has no place in the American system of values.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes with statements therein limited to 3 minutes.

DAVID LAWRENCE

Mr. THURMOND. Mr. President, the death of David Lawrence on February 11, removed one of the staunchest voices for good government that this country has produced in the 20th century. He was one of the ablest and soundest writers in the United States. The policies he advocated, if followed consistently by governmental leaders, would have prevented many of our national problems through the years.

He reminded us constantly through his newspaper columns, his editorials in the U.S. News & World Report and through his personal counsel of the greatness of the American system. He also reminded us of the folly of excessive Federal spending and efforts that could lead to the dismantling of the free processes of our society. We are better for his having brought us the principles of progress through responsible conservatism.

Few people knew the political and governmental affairs of this Nation and its

Capital as well as David Lawrence. He had observed and studied the councils of Government in Washington since 1910, when William Howard Taft was President.

Not only was he an outstanding writer on world and national affairs, but he was also a leader in his community. He served with distinction some years ago on a commission that recommended the present form of government in Fairfax County, Va., and later received a civic award for his work in improving county government.

Mr. Lawrence was recognized many times for journalistic excellence, having received a variety of awards for his contributions to public service. He worked and moved among us for so many years that his views and advice were a part of the national debate on major issues. We shall miss his words of reason and responsibility.

Some years ago a Senate prayer group was organized which meets every Wednesday morning in the Vandenberg Room of the Capitol. Mr. Lawrence was the only non-Senate member of the group, which indicates the high esteem in which he was held by the Members of the Senate. The first part of these prayer meetings are for breakfast and social conversation. The remainder of the prayer meeting is for presentation by a member, followed by group discussion. Mr. Lawrence's presentations were always excellent and his response to the presentations of others were thought-provoking and profound.

Mr. Lawrence was a great man in his own right, but he was also married to a beautiful and intelligent lady from South Carolina, Ellanor Campbell Hayes Lawrence. She was born in Columbia, S.C., and grew up in Gaffney, S.C., and was a great inspiration to her husband throughout their life together of more than 50 years. Mr. Lawrence had been very close to his wife and was shocked by her death nearly 4 years ago, but he continued his noble fight for good government until his death.

I am sure my colleagues join me in extending deepest sympathy to all members of his family.

Mr. President, since the death of Mr. Lawrence there have been numerous articles and editorials paying tribute to his life of service. I ask unanimous consent that the following articles be printed in the RECORD: "Columnist David Lawrence, 84, Dies; Famed Conservative Writer," The Star and News, Washington, D.C., February 12; "Won Respect of Millions: Life Story of David Lawrence," U.S. News & World Report, Washington, D.C., February 26; "Oldest Columnist Dies," the Columbia Record, Columbia, S.C., February 13; "David Lawrence," the Evening Star and Daily News, Washington, D.C., February 13; "David Lawrence," Sarasota Herald-Tribune, Sarasota, Fla., February 13; "Lawrence: A Journalistic Giant," the St. Augustine Record, St. Augustine, Fla., February 13; "David Lawrence Left His Mark," the Sun-Journal, New Bern, N.C., February 13; "Tribute to David Lawrence," the Burlington Free Press, Burlington, Vt., February 13; "David Lawrence," Asbury Park Evening Press, Asbury Park., N.J., February 13; "Columnist David Lawrence," Schenectady Gazette, Schenectady, N.Y., February 13; "David Lawrence," the Greenville News, Greenville, S.C., February 14; "Death of a Newspaperman," the Daily Freeman, Kingston, N.Y., February 14; editorial from the Atlanta Journal, Atlanta, Ga., Febrary 14; "David Lawrence," the New York Times, New York, N.Y., February 14; "David Lawrence," the News and Courier, Charleston, S.C., February 15; "South Loses a Friend," the State, Columbia, S.C., February 16; "David Lawrence, 1888–1973," U.S. News & World Report, Washintgon, D.C., February 26; and "The Lawrence Memorial Service," U.S. News & World Report, Washington, D.C., February 26.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 12, 1973]

COLUMNIST DAVID LAWRENCE, 84, DIES

(By Martin Weil)

David Lawrence, 84, the conservative spokesman who was dean of Washington's syndicated columnists as well as founder and editor of U.S. News and World Report magazine, died yesterday at his Sarasota, Fla., winter home.

Mr. Lawrence was found dead on the floor of his bedroom at about 12:20 p.m. by a maid. Death was believed due to a heart attack. He had suffered a mild one several years ago.

A tireless worker, who neither smoked nor drank and kept a news ticker and direct telephone line to his office in the Sarasota home, Mr. Lawrence was not believed to be in ill health at the time of his death.

His most recent column in The Evening Star, where it had run since 1918, appeared on Friday. It called for bipartisanship in foreign affairs, particularly when significant international negotiations are underway.

Starting his career in Washington journalism in 1910, Mr. Lawrence came to know 11 presidents, scored many celebrated scoops, and began in 1916 one of the first of the syndicated newspaper columns.

Appearing through the years in as many as 300 papers, it was reviled as reactionary, (by opponents, often liberal Democrats) and praised as perceptive (by supporters, often conservative Republicans).

It could also be unpredictable, as the reflection of the personal philosophy of the immigrant tailor's son who worked his way through Princeton, admired Woodrow Wilson and pronounced himself a "conservative liberal."

Crediting Wilson's "New Freedom" as a major influence on his thought, Mr. Lawrence was long a committed internationalist who supported both the League of Nations and the United Nations. Yet, isolationists also took comfort from some of his writings.

In the middle 1950s, he criticized the U.N. sharply for failing to denounce the Soviet Union and "expel its gangster government" for supplying munitions used against U.N. forces in the Korean conflict.

A critic of federal spending and an admirer of American industry, he seemed for years to reserve his sternest strictures for "so-called liberals" and others who he said were "blind to the Communist menace."

Known as a supporter of Sen. Joseph R. McCarthy in some respects, he condemned the Wisconsin Republican for what he viewed as an "indefensible" slander against Gen. George C. Marshall.

A defender of the U.S. involvement in Vietnam, he took a favorable view of the recent bombing of North Vietnam, and predicted it would lead to a cease-fire.

"I write as I see it," said Mr. Lawrence. "My purpose is clarification and exposition."

While he was often viewed as a conservative Republican by ideology, he was also for many years a Democrat, by registration, in Fairfax County, where he had a farm near Centreville.

On Dec. 23, 1970, he donated the 639.8 acre Middlegate Farm to the county for park use. Title to the property, assessed at $5 million, was to pass formally to the county on his death.

In addition to the donation of the farm, Mr. Lawrence's concern for Fairfax County was demonstrated by his leadership in the campaign that led to the adoption in 1950 of the county executive form of government.

It was a battle that saw him confront and defeat powerful political opposition that included the strongly entrenched Byrd Organization.

After the voters endorsed his plan, Mr. Lawrence headed a team that put the county executive plan of government into effect over a two-year period.

With the donation of the farm in 1970 Mr. Lawrence had divested himself of almost all of his major properties.

He sold the Bureau of National Affairs, a Washington-based news service he developed, to its employees in 1946. He did the same in 1962 with U.S. News and World Report.

Associates said both sales were at bargain prices.

In one newspaper account, Mr. Lawrence was described as a man who wanted to go out of the world the same way he came in—with very little.

He was born Dec. 25, 1888, the son of Harris and Dora Lawrence, in Philadelphia. Shortly after his birth, his father, a poor tailor who had immigrated from England, took the family to Buffalo, N.Y.

The seeds of Mr. Lawrence's career were planted there. In 1902, he discovered the Congressional Record in a library and found it fascinating. The next year, at 14, he began newspaper work as a reporter on the Buffalo Express.

Money earned on the Express helped him pay his way at Princeton, where he continued to work as a reporter, covering sports and other campus activities for several newspapers.

At Princeton, he scored his first big scoop.

While Mr. Lawrence was at college, former President and Mrs. Grover Cleveland were living in the town of Princeton. Mr. Lawrence introduced himself to Mrs. Cleveland.

On June 24, 1908, Cleveland died of a heart attack. Mr. Lawrence, then a campus correspondent for the Associated Press, had remained in Princeton after the semester ended. Mrs. Cleveland sent a message to him.

"Out of a clear sky the news came," he recalled.

Mr. Lawrence sent the news to the Associated Press. There was no other correspondent in Princeton at the time.

"I had a scoop . . ." he said.

AP liked it, and Mr. Lawrence's subsequent funeral coverage, well enough to hire him as vacation relief in their Philadelphia bureau.

During Mr. Lawrence's Princeton years, the college president was Woodrow Wilson. Mr. Lawrence gave thorough coverage to Wilson's fight for educational reform and the two men became friends.

When Mr. Lawrence graduated in 1910, he was assigned to AP's Washington bureau.

After Wilson was elected President in 1912, the two men continued their friendship, with Mr. Lawrence becoming known as one of the President's chief journalistic interpreters.

One of his most famous scoops was the resignation of William Jennings Bryan as Secretary of State in 1915.

Another AP man told Mr. Lawrence that a big story existed, but that he himself was pledged to secrecy and could say no more.

It was after the sinking of the Lusitania. Mr. Lawrence decided that the feud between Bryan and Wilson had reached the boiling point.

Walking into the office of Secretary of War Lindley Garrison, he said, "Too bad about Bryan, isn't it?"

"Yes, it is," Garrison replied, "I'm sorry to see him go."

"When do you think it will be?" Mr. Lawrence asked.

"Well," said Garison, "It's supposed to be tomorrow afternoon about 2 o'clock."

Mr. Lawrence continued to make casual conversation, finally got to a phone booth, gave his office the story and, as he recalled, "stayed in the booth for 20 minutes . . . afraid to come out because I might reveal some sort of excitement to my colleagues sitting around in the press room . . ."

In 1916, he left AP for the New York Evening Post, where he started his Washington column. He quit the New York Post in 1919 to set up his own Consolidated Press Association, which offered features and financial news to major newspapers.

In 1926, he organized The United States Daily, to be devoted solely to government activities. It was superseded in 1933 by The United States News, a weekly. In 1940, the newspaper format was changed to a magazine.

After founding World Report in 1946 to concentrate on world affairs, he merged his two magazines in 1947 into a combined U.S. News and World Report.

As one of radio's earliest political commentators he gave weekly 15-minute Sunday broadcasts on "Our Government" for four years, beginning in 1929.

An intense, private man who spurned vacations, he also wrote seven books, including "The Story of Woodrow Wilson" (1924) and "Stumbling into Socialism" (1935).

In 1970, Mr. Lawrence was one of eight veteran journalists to receive Medals of Freedom from President Nixon.

He and Ellanor Campbell Hayes were married in 1918. She died in 1969. Survivors include three children, David Jr., of Washington, Mark, of New York, and Mrs. H. C. Sturhahn, of Princeton.

[From the Washington Evening Star-News, Feb. 12, 1973]

David Lawrence, 84, Dies; Famed Conservative Writer

(By Richard Slusser)

David Lawrence, 84, a general in the forces of conservatism, who sounded his battle cries for a half century through his nationally syndicated columns, died yesterday at his winter home in Sarasota, Fla. He was the founder and longtime editor of U.S. News & World Report magazine.

He was found dead on a bedroom floor by a maid shortly after noon yesterday. The cause of death is believed to have been a heart attack.

Mr. Lawrence's column, which has appeared in The Star for more than 50 years, at one time was carried in more than 300 newspapers. He reached millions of additional readers through his weekly editorial in U.S. News & World Report, which he founded in the 1940s.

"WRITER" AT 14

His long career as a newsman stretches back to Buffalo, N.Y., where he grew up. Mr. Lawrence at 14 submitted photographs of champions of various sports living in Buffalo to the Express.

The Express had one of the first rotogravure (illustrated) sections in the country in a Sunday paper, Mr. Lawrence said. "And they let me write about two inches of reading matter with it. I never looked at those pictures afterwards—I kept looking at the reading matter."

Later, while still a teenager, he was a sports reporter for several years at the paper.

He was born on Christmas Day in Philadelphia, the first American citizen born into a family of English parents and children. His father, a tailor, had a shop above their home several blocks from Independence Hall. The family moved to Buffalo in 1892.

When Mr. Lawrence entered Princeton University, Grover Cleveland was the chairman of a committee on the board of trustees, and Woodrow Wilson was the president of the university. While there he was a correspondent for the Associated Press, and, by the time he was graduated in 1910, he was writing for 17 newspapers. He also had a job in a restaurant printing menu cards.

SCOOP IN 1908

In 1908, Mrs. Cleveland, who knew Mr. Lawrence, sent him word that President Cleveland had died at his home in Princeton, enabling him to scoop the story. He also covered the funeral for the Associated Press.

The next year, while working for AP as a summer vacation relief man in the Philadelphia office, he discovered that Dr. Frederick A. Cook, who claimed to have reached the North Pole before Adm. Robert E. Peary got there in 1909, actually had not reached the Pole at all.

Moving to Washington in October, 1910, with AP, Mr. Lawrence called on Gould Lincoln, now a political columnist for The Star, then a reporter for the Washington Post. Lincoln took him to the old Press Club and gave him his introduction to some of the club's celebrities.

In those days the Press Club, then at 15th and F Streets, NW, was small and had "a fraternity about it," Mr. Lawrence said. Unmarried, he spend a great deal of time at the club.

In 1911, Mr. Lawrence was sent to Mexico to cover the Madero revolution, and again the next year to report on the Orozco revolution.

COVERED TAFT

During the presidency of William Howard Taft, Mr. Lawrence covered the President's activities at night. The President, not receiving many of the demands made on today's chief executives, spoke to practically every convention that came to town, Mr. Lawrence once recalled.

The late Adolph Ochs of the New York Times once had told Mr. Lawrence that he should charge $75 a year instead of the $5 he was charging subscribers to the U.S. Daily because of the service it provided.

In remarks delivered almost five years ago at the National Press Club, Mr. Lawrence said that it was not until he was 60 years old when he could say his financial troubles were over.

"It was a long, long hard fight," he said.

A resident of Centreville, Va., for many years, Mr. Lawrence was a leader in the reform movement of Fairfax County government about 20 years ago. In 1952 he received The Evening Star Trophy for outstanding civic service to the county for his work in the campaign to adopt the county executive form of government. He was vice chairman of a study commission which recommended the change.

Among his other honors was the 1964 journalistic Achievement Award of the American Legion, and a citation from the National Society of Southern Dames "for devotion to Americanism and constitutional government," awarded the same year.

His Americanism and anti-Communist writings also were cited by the Freedoms Foundation in 1956, the American Jewish League Against Communism in 1965, and by the American Ideals Committee of the Washington Board of Trade in 1953, as well as by countless other civic and business organizations.

Mr. Lawrence was awarded the Chancellor's Medal of the University of Buffalo in 1939, and was elected a trustee of American University in 1932.

President Nixon conferred the Medal of Freedom, the nation's highest civilian award, upon Mr. Lawrence in 1970.

Soon after that Benjamin McKelway, his longtime friend and former editor of The Star, said in a speech:

"No matter in which direction the tide may choose to flow, Dave is more inclined to buck it than float with it.

"This trait is—or at least it ought to be—a distinguished characteristic of sound and useful journalism, expressed by readiness to say, 'I doubt it' when everybody else is saying, 'It's a sure thing.' "

HALL OF FAMER

Two years ago Mr. Lawrence was named to the hall of fame set up by the Washington chapter of the journalism fraternity Sigma Delta Chi. He was one of 12 veteran correspondents who received the honor that year.

He was the last surviving charter member of the White House Correspondents Association. He said that one of the main purposes of the association's founding was to arrange press conferences with Wilson.

He was the author of "The True Story of Woodrow Wilson," published in 1924; "The Other Side of Government," 1929; "Beyond the New Deal," 1934; and "Stumbling Into Socialism," 1935. Other books included the 1942 "Dairy of a Washington Correspondent."

Mr. Lawrence belonged to the National Press Club, the Metropolitan Club, Cosmos Club, and the Princeton Club. He was a fellow of Sigma Delta Chi.

His wife, the former Ellanor Campbell Hayes, to whom he was married in 1918, died in 1969. Through her will their home, Middlegate, a 640-acre tract north of Interstate Route 66 near Centreville was donated to Fairfax County as a park. The land was valued at almost $5 million.

Mr. Lawrence leaves two sons, Mark, who lives in New York, and David Jr. of Washington, and a daughter, Mrs. H. C. Sturhahn of Princeton, N.J.

[From the U.S. News & World Report, Feb. 26, 1973]

David Lawrence 1888–1973—"Won Respect of Millions": Life Story of David Lawrence

"He has won and held the respect of millions for his perception, his judgment, his fairness, and his devotion to the principles on which America was founded."—From the citation for the Medal of Freedom, conferred on David Lawrence by President Nixon on April 22, 1970.

The man who received this tribute rose from humble beginnings to a unique place in American journalism, on which he left a deep imprint.

David Lawrence once wrote that in a troubled world there is a great need for "enlightening public opinion, steadily and persistently."

Mr. Lawrence, the founder and editor of "U.S. News & World Report," was faithful to that credo throughout a lifetime rich in achievement.

For longer than 60 years, as a reporter, a syndicated columnist whose daily dispatches appeared in more than 300 newspapers, and as an editor and publisher who built and guided "U.S. News & World Report," he was a clear and vigorous interpreter of the news.

Until almost the very moment of his sudden death from a heart attack on February 11 at his winter home in Sarasota, Fla., Mr. Lawrence remained "steady and persistent" in his mission of public enlightenment.

Mr. Lawrence not only wrote about but knew 11 Presidents, from William Howard Taft to Richard M. Nixon. He had close relationships with many of these Chief Executives, particularly with Woodrow Wilson and

Mr. Nixon, whom he had known since the future President came to Washington as a Representative in 1946. He was friend and adviser to statesmen who led America over a span including two world wars, a great depression, and the U.S. rise to world power.

No facet of government escaped Mr. Lawrence's scrutiny. It was said of him that he "personified" journalism. And it was said, too, on an occasion when he was honored by fellow newsmen:

"He has devoted his life to journalism—not merely as a means of livelihood but as a cause in which he passionately believes."

LEGENDARY CAREER

Mr. Lawrence's achievements in his profession were legendary and included notable "news beats."

But he was also a trail blazer in the application of new techniques for rapid distribution of the printed word, a pioneer in radio reporting and commenting, and, as a publisher, an innovator and dynamic force.

Mr. Lawrence was a man of quietly devout religious belief. As an employer, he inspired this comment from a man who had observed him for many years—Benjamin McKelway, former editor of "The Washington Evening Star":

"He is far ahead of his time in his attitudes and actions toward those who work for him—and whose loyalty he has won to an exceptional degree."

"I never heard anyone who worked for him speak of him except in genuine respect, admiration of his ability, and often in personal gratitude."

Mr. Lawrence was born in Philadelphia on Christmas Day, 1888, the son of Harris and Dora Lawrence. His father was a tailor who had emigrated to the United States from England. Mr. Lawrence's birthplace, as he frequently noted, was just three blocks from Independence Hall.

During David Lawrence's infancy, the family moved to Buffalo, N.Y. It was there, at the age of 14, that he became aware of the Government's workings—which he found fascinating—and experienced the lure of journalism.

In 1902, preparing for a school debate, he discovered the "Congressional Record." The speeches on national issues sparked a profound interest in public affairs which influenced the rest of his life.

AN EARLY START

In the same year, he got into the newspaper business—establishing, as a schoolboy, a connection with "The Buffalo Express." Soon after enrolling as a freshman at Princeton University in 1906, he became the Princeton correspondent for several newspapers in New York and Philadelphia, and eventually for the Associated Press. This financed his education. As he later related:

"I had exactly $25 in my pocket and a pass on the railroad given me by my newspaper when I left Buffalo."

At Princeton, Mr. Lawrence came to know and admire Woodrow Wilson, president of the university, who was to be elected President of the United States in the campaign of 1912. While a student, he also became acquainted with former President Grover Cleveland and Mrs. Cleveland, who were Princeton residents. Out of this acquaintanceship came Mr. Lawrence's first "scoop"—a flash on the death of the ex-President.

It was during the summer vacation in the year after the "panic of 1907" and Mr. Lawrence—because there were no summer jobs in Buffalo—had stayed on in Princeton, earning funds by printing menu cards for a restaurant.

More than half a century later, he reminisced about what had happened:

"Out of a clear sky the news came. Mrs. Cleveland sent me word that President Cleveland had died and I had a scoop for the Associated Press. There wasn't any correspondent then in Princeton except myself. And as a result of that scoop and the work I did for the AP during the funeral, I was given a job as vacation relief in the Philadelphia office of the AP."

Again working for the AP in Philadelphia the following summer, Mr. Lawrence, acting on a tip from a scientist he had interviewed, researched and wrote a story exposing as a fake the claim of Dr. Frederick Cook that he had gone to the North Pole.

After his graduation from Princeton in 1910, Mr. Lawrence returned to the AP office in Philadelphia, impressed his bosses and quickly won assignment to the Washington staff of the news service.

COVERING A REVOLUTION

At the university, the one course he flunked was Spanish. This caused him to concentrate on learning the language. That brought a break. When the Mexican revolution hit, he was the only AP staffman who knew Spanish, so he was sent to Juãrez to cover the fighting. His energy and ingenuity in getting the news out ahead of his competitors brought a gold watch from the AP for "exceptionally valuable services."

Back from the Mexican border, the young correspondent continued to enhance his reputation as a stellar newsman. One of his memorable "scoops" was achieved by him on the resignation of William Jennings Bryan as Secretary of State in 1915.

Having heard that a big story was about to break, but given no inkling of its nature, Mr. Lawrence used his reporter's instinct and his special knowledge of the inner workings of government. He sensed that the story might involve Mr. Bryan, who was at odds with President Wilson on how the United States should react to the torpedoing of the British liner *Lusitania* by a German U-boat.

In later years, Mr. Lawrence described the way he acted on his deduction:

"I went to the office of my friend, the Secretary of War, Lindley Garrison. When I walked in and sat down with him, I said: 'Too bad about Bryan, isn't it?' He said: 'Yes, it is, I'm sorry to see him go.' and I said: 'When do you think it will be?' He said: 'Well, it's supposed to be tomorrow afternoon about 2 o'clock.'"

Moments later, Mr. Lawrence sought to make a further check with another Government official, who warned him against printing the story.

So, he said: "I decided to go over to the White House and see what I could do there."

He tracked down his close friend, Joseph Tumulty, President Wilson's secretary, who was playing tennis. Mr. Tumulty confirmed the upcoming resignation and Mr. Lawrence lost no time in flashing the news to the world.

With his by-line already nationally known, Mr. Lawrence left the AP in 1916 to become Washington correspondent of the old "New York Evening Post," and began writing the first Washington dispatch to be syndicated all over the country by wire—a daily column he was to continue to write for nearly 57 years. His typewriter was stilled only by death.

He was almost alone among Washington political observers in predicting Mr. Wilson's re-election in 1916 over the Republican candidate, Charles Evans Hughes. The Wilson victory won Mr. Lawrence acclaim as a political prognosticator.

Having enjoyed a close association with Mr. Wilson since Princeton days, Mr. Lawrence was in good position to report in depth as a newsman accompanying the President to the Paris peace negotiations after World War I. He journeyed with Mr. Wilson to London and Rome, also.

ON HIS OWN

It was in 1919 that David Lawrence decided to launch a venture of his own. He left "The Post" and established the Consolidated Press Association, which furnished a feature and financial-news service to large daily newspapers. The financial service, which was carried by leased wire to leading dailies from coast to coast, delivered market quotations and important business news at a speed never available before.

In 1926, Mr. Lawrence pioneered a new kind of newspaper. This was "The United States Daily"—devoted solely to reporting the activities of Government.

Along with publishing "The Daily," he became one of the first political commentators to broadcast regularly on radio. From 1929 to 1933, he was on the airwaves each Sunday night with a program called "Our Government," in which—as he did in print—he explained the operations of the Government in Washington and their significance to the people of America.

In 1933, the nation was reeling under the impact of the Great Depression. Mr. Lawrence turned over the Consolidated Press Association to another organization and—with money harder and harder to come by—superseded "The Daily" with a weekly publication, in newspaper format, called "The United States News." This paper covered not only government activities but general news of national affairs as well as was broadened to include analysis and a signed editorial by David Lawrence.

At the same time the sections of "The Daily" that provided details of Government decisions, regulations and other information useful to businessmen were transformed into services put out by a new entity called "The Bureau of National Affairs." Demand for its reports grew as federal agencies multiplied under the New Deal.

In a move related to his spirit of generosity toward associates, Mr. Lawrence, in 1946, sold the successful "BNA" enterprise to its employes, who formed their own company, Bureau of National Affairs, Inc., which continues to operate as a flourishing, employee-owned firm. Another Lawrence-owned enterprise he transferred to associates and employes is the McArdle Printing Company of Silver Spring, Md.

A MAGAZINE IS BORN

The newspaper format of "The United States News" was changed to a magazine on Jan. 1, 1940. Coverage of national news was expanded and intensified during the World War II years.

In 1946, recognizing the vast scope of the global role of the United States, Mr. Lawrence founded "World Report" magazine, which reported on international affairs with the illuminative analysis characteristic of the approach to domestic issues taken by "The United States News." Soon, Mr. Lawrence became convinced that no fine line should be drawn between national and international news, and in 1948 the two magazines were merged into a single newsweekly, "U.S. News & World Report," which has grown to a circulation of 1,940,000.

The publication is characterized by such components as detailed, informative interviews with national and world leaders, five newsletters, and in-depth articles—the work of a worldwide staff. Often breaking new ground and casting new light on weighty issues, the magazine has consistently reflected the founder's concept of how to go about "enlightening public opinion."

In keeping with Mr. Lawrence's belief that he should share what he had built, he arranged in 1962 for "U.S. News & World Report" to become an employee-owned publication. He remained as editor.

FAMILY LIFE

Mr. Lawrence's wife, Ellanor Campbell Hayes Lawrence, a native of Columbia, S.C., died on June 13, 1969. They were married on July 17, 1918. Of their four children, three survive—two sons, David, Jr., of Washington, and Mark, of New York, and a daughter, Mrs.

H. C. Sturhahn, of Princeton. A sister, Mrs. Edythe L. Scheiner, of Atlantic City, N.J., also survives him.

In 1971, Mr. Lawrence gave to the people of Fairfax County, Virginia, his Middlegate Farm, a rolling expanse of land near Centreville. The 639.8-acre property—almost a square mile—is to be known as the Ellanor Campbell Hayes Lawrence Park.

On February 14, private funeral services were held for Mr. Lawrence in Princeton, the resting place of his wife.

On the same day, a memorial service was held in the Sanctuary of the Washington Hebrew Congregation.

Hundreds—including many of the capital's notables—gathered there to do honor to the memory of David Lawrence, an immigrant tailor's son who received the nation's highest civilian award, the Medal of Freedom, and who was a giant of journalism for much of the twentieth century.

[From the Columbia (S.C.) Record, Feb. 13, 1973]

Oldest Columnist Dies

The Columbia Record's oldest writer, both in age and length of service, was David Lawrence, whose columns appeared often on the editorial page. He was found dead Sunday on the floor of a bedroom at his winter home in Sarasota, Fla., the apparent victim of a heart attack.

He started writing for newspapers in 1910 and had been a contributor to The Columbia Record for decades.

Born the son of English immigrant parents in Philadelphia on Christmas Day, 1888, he was graduated from Princeton University and went to Washington as a reporter for the Associated Press 63 years ago.

After being Washington correspondent for the New York Evening Post three years, he established his own financial and feature news service. This was the first of his publishing ventures that eventually led to his founding of the U.S. News and World Report in 1948. The popular news magazine now has sales of nearly two million copies a week. He was its editor until his death.

Lawrence was a pioneer in syndicated political writing. His column was the first to be distributed by wire and was being run in more than 200 newspapers. His conservative opinions, based on Washington reporting experience under 11 Presidential administrations, will be missed by the thousands of South Carolina readers who followed his writing regularly.

[From the Washington Evening Star-News, Feb. 13, 1973]

David Lawrence

David Lawrence, who died Sunday at 84, kept busy to the end. No one at The Star-News, and probably none of his readers, was surprised that his usual Monday column was already in the office. But he did surprise us, for all that. The obituary in our early editions yesterday directed readers to Mr. Lawrence's "last column" on that day's opposite-editorial page. And then, on the wire, right on time as usual, came what indeed is his last column, written a few hours before he died. It appears in its usual spot today—lucid, crisp, informative, the product of a wise and gentle mind which never stopped asking the right questions.

This unflagging attention to duty was in all ways typical of Mr. Lawrence. He was a man of large affairs, the publisher of a major news magazine of wide circulation and influence. But, after his family, the column was always Mr. Lawrence's first love. For 50 years it appeared in this newspaper—something like 13,000 times. He wrote every word himself. And invariably, if our first edition contained a typographical error, we knew that if Mr. Lawrence was in town he would be on the phone before the ink was dry, gently making sure that the offense had been noted by someone, and that everything would be put right in time for the next edition of the paper.

He was the newsman in the classic mold. His opinions were firm, but they never overrode the reporter's instinct to get to the bottom of the story. He had the tenacity of the proverbial bulldog in his search for the facts, but withal he was the most forgiving and kindest of men. One of the best things that can be said about the profession of journalism is that, very occasionally, it produces a David Lawrence.

[From the Sarasota (Fla.) Herald-Tribune, Feb. 13, 1973]

David Lawrence

The last column by David Lawrence appears on this page today.

Written before his death here Sunday, it was hand delivered punctually Monday morning as had been the custom for years when Mr. Lawrence was in town.

Mr. Lawrence was the dean of American political columnists and the founder of U.S. News & World Report. President Nixon has called him one of the "giants" of journalism. His career spans most of this century. Even before World War I he was one of the best reporters in Washington, and it was the coverage and analysis of significant events in the nation's capital that remained the focal point of his life and his work until the day of his death.

He had for many years maintained a winter home in Sarasota and he had of late taken to spending more and more time here, away from the rigors of Washington weather but as close as his telephone to his news sources in the capital.

The achievements of David Lawrence the journalist are lengendary. They will be long remembered. We hope that history will also record his personal and fitting brand of generosity. More than ten years ago he arranged for employee-ownership of U.S. News, a prosperous magazine with a circulation of nearly two million. In 1971 he gave to the people of Fairfax County, Virginia, his "farm," a square mile of very valuable land in the burgeoning Washington suburbs.

The Washington Post said at the time, "David Lawrence should be a wealthy man. He isn't. He has given most of it away."

Most of all, he gave to his millions of readers facts, information, interpretation and analysis, designed to help them better understand the great events shaping their world and their lives.

That is his greatest legacy.

[From the St. Augustine (Fla.) Record, Feb. 13, 1973]

Lawrence: A Journalistic Giant

Employes and reporters of the St. Augustine Record have special reason to mourn the death of David Lawrence, one of America's leading journalists.

His columns "Today In National Affairs" graced our editorial page columns for several years. His stature among journalist earned him the nickname of "Mr. Conservative," a description he justly earned with his literate thoughtful columns on American and national politics. His syndicated writings bore the stamp of an intelligent, compassionate man who called for steadfast allegiance to traditional American values: individualism, self discipline, free enterprise, decency.

His labors on behalf of American journalism did much to advance the cause of conservatism in this country. He leaves a solid legacy of enlighted conservatism as reflected in his writing, his radio broadcasts in the U.S. News and World Report which he co-founded. His shining journalist career began as a boy of 14 and spanned seven decades and included 11 presidential administrations.

A spokesman for America is dead. We mourn his passing.

[From the Sun-Journal, N.C., Feb. 13, 1973]

David Lawrence Left His Mark

Death has claimed another well known journalist.

David Lawrence, columnist, writer, editor and publisher died Sunday in Florida.

Mr. Lawrence, whose column was printed in the Sun-Journal, rose to the peak of his profession by hard work and the ability to put into words his ideas and thoughts.

A conservative by conviction, he always promoted the basic principals of Americanism and good journalism.

Although he will no longer write his column, when the present supply is depleted, his work will remain as a hallmark to those who live and work in the Fourth Estate.

[From the Burlington (Vt.) Free Press, Feb. 13, 1973]

Tribute to David Lawrence

Today we mourn the passing of David Lawrence, one of the few truly great men of American journalism. His stature in our profession was enormous, and today there is no one who comes close to matching it.

The founder and editor of the magazine U.S. News & World Report, Mr. Lawrence was better known through the years as the pioneer syndicated columnist who authored five columns a week without the benefit of ghost writers. The Burlington Free Press has been carrying his columns for more than half a century, since 1919. His final column appears on this page today.

A few years ago, in an interview in Washington, Mr. Lawrence reminded us that he and Arthur Krock were the only two surviving correspondents who covered the first Presidential press conference ever held, by Woodrow Wilson in 1913. He personally knew 11 Presidents and was honored by them all, finally a couple of years ago receiving the highest civilian award this nation can bestow, the Medal of Freedom.

David Lawrence was more than a giant of American journalism. He was a leader of iron integrity, he cannot be replaced, and all of us who value truth and decency will miss him greatly.

[From the Asbury Park (N.J.) Evening Press, Feb. 13, 1973]

David Lawrence

The death of David Lawrence deprives the nation of an astute observer and sound counselor. His newspaper column, which has appeared on this page for many years, was labelled "conservative" by extremists but it was consistently constructive. Mr. Lawrence rejected "change for change's sake" and recommended retaining policies of demonstrated value until more promising programs were developed. In today's vague connotation he was neither a conservative nor a liberal but an advocate of planned progress.

As a summer resident of Spring Lake in recent years Mr. Lawrence was well acquainted with this area. In fact, his fame as an enterprising reporter and analyst began in Asbury Park. President Woodrow Wilson, whose summer home was at Shadow Lawn, now Monmouth College, established his office for the 1916 campaign in the First Merchants National Bank Building on Press Plaza in Asbury Park. On the night of the election, and for several hours into the next day, most observers proclaimed Charles Evans Hughes, Mr. Wilson's opponent, the victor. But after a coast-to-coast canvass Mr. Lawrence had concluded that despite predictions to the contrary California would deliver its 13 electoral votes to Mr. Wilson. Long after Mr. Hughes had been hailed as the next president it did so, giving Mr. Wilson his second term and establishing Mr. Lawrence as a superb political analyst.

In 1967 Mr. Lawrence participated in the dedication of a plaque on the front of the First Merchants National Bank commemorating President Wilson's use of the building as his executive office. And also in 1967 Mr. Lawrence addressed The Press Government Institute for high school students at Monmouth College.

As a reporter and later in his newspaper column and as editor of the United States News and World Report Mr. Lawrence shared his experience and his profound understanding of public affairs with millions of readers. They will be poorer for the want of his guidance in their approach to the problems that confront them.

[From the Schenectady (N.Y.) Gazette, Feb. 13, 1973]

COLUMNIST DAVID LAWRENCE

For more than 60 years columnist David Lawrence reported from Washington on government affairs and national and international problems, and for many years his column has been carried in the Gazette. At one time his column appeared in approximately 300 newspapers from coast to coast.

Mr. Lawrence, who died at his home in Sarasota, Fla. Sunday at the age of 84, could recall probably more big news events in Washington than any other prominent newsman alive today. He observed the administrations of 11 Presidents, starting with William Howard Taft. The views he expressed were consistently conservative, and he personally voted for every Republican presidential candidate since Herbert Hoover in 1932. Yet the President whom he seemed to admire most and mentioned most often was Woodrow Wilson.

Mr. Lawrence of course was not very popular with today's liberals, but his supporters were fiercely loyal. He will be missed by the many who followed his column for decades and who would heartily agree with the statement he made at the National Press Club in 1963:

"There are lessons to be learned from the past. But there is one doctrine that has emerged intermittently which I have never been able to accept. It is the doctrine that change is good for change's sake."

[From the Greenville (S.C.) News, Feb. 14, 1973]

DAVID LAWRENCE

David Lawrence was one of the giants of American journalism. His death at the age of 84 closes the career of a man who spent 60 years reporting and interpreting the Washington scene for millions of Americans.

He covered 11 presidential administrations and was on intimate—and trusted—terms with most of the Presidents and other top officials. He knew, perhaps better than any other correspondent, what was going on in the nation's capital. And he wrote about it with perception, accuracy and honesty.

Mr. Lawrence saw the need for a weekly news magazine that would report in depth on important national and international events. The result was U.S. News & World Report with its exclusive and informative interviews with key people in government and industry. He served as editor and continued to write his weekly editorial for the successful magazine until his death.

Readers of his syndicated column, which at one time appeared in 300 newspapers, found a simple and easy-to-read style which got to the point. He was sometimes termed a conservative, but, in truth, his political philosophy could not be labeled. His views were often progressive and ahead of his time.

Mr. Lawrence predicted early in the Vietnam conflict that the war would not be won or lost, but would simply fade away. This, in a very real sense, is just what has happened.

One of his favorite themes was the importance of people-to-people communication. He was convinced that world peace would not be achieved by governments, but by people getting to know and understand one another. He was a strong advocate of communications satellites and similar technological advances as the means toward reaching this end.

David Lawrence's knowledge of governmental affairs will be missed, as will his genuine concern for the plight of humanity. His passing leaves a void on The Greenville News editorial page, where he regularly appeared for more years than we can count and in the world of journalism generally that will be difficult to fill.

The country has lost a pioneer journalist whose dedication to his job made him a rare individual in a demanding profession.

[From the Daily Freeman, N.Y., Feb. 14, 1973]

DEATH OF A NEWSPAPERMAN

With the death of David Lawrence on February 11, the dispatch he wrote two days before for publication on Monday, February 12, was the last of around 15,000 he has written through the years, going back to 1916. His career as a Washington correspondent began in 1910 when he became a member of the Washington staff of The Associated Press. When he joined the old New York Evening Post Washington Bureau, his articles were the first to be syndicated nationally by wire. Until 1946, he wrote his regular dispatches six times a week, and then reduced the weekly total to five. During this entire period, he took one vacation of about two weeks. Otherwise, there has been no break in his regular production of commentaries—not even in 1968 when he was in the intensive heart-care unit in a Washington hospital for several days.

As editors of the papers which have carried his dispatch—many of them for years—know, he never took a stand because it was popular and often battled for what he called "lost causes." Ben McKelway, friend and longtime editor of the Washington Star, put it in these words at the ceremony at which David Lawrence was made a fellow of Sigma Delta Chi:

"Whatever he writes is a reflection of some deeply held conviction that he feels under real obligation to express. He has devoted his life to journalism—not merely as a means of livelihood, but as a cause in which he passionately believes."

That cause was freedom of the press and informing the public.

[From the Atlanta (Ga.) Journal, Feb. 14, 1973]

DAVID LAWRENCE

David Lawrence was the dean of the Washington Press corps. When he died he was old in years of service and his career was a succession of accomplishments.

He was the first Washington correspondent to send out a syndicated column over the wires. He was one of the first political commentators to regularly go on the air. He was founder of the United States Daily which became the United States News, and another magazine, the World Report. He merged these two journals. His conservative opinions as expressed in those editorial pages and through his syndicated columns were important in forming the political temper of this land today.

David Lawrence's column was carried at one time or another by a number of Georgia dailies including this. He was a friend of the Georgia press in other ways, appearing on the first program of the Georgia Press Institute in 1928 in order to help get the young institute established. The world of journalism joins his reading public in regretting his passing.

[From the New York Times, Feb. 14, 1973]

DAVID LAWRENCE

Throughout a career that spanned more than sixty years and ended only with his death, David Lawrence was one of the nation's most highly respected and warmly regarded newspapermen, and it is as such that he would want to be remembered.

An enterprising and energetic reporter when young, he became a world-famous commentator and influential magazine editor, but his zest for the day's news never dimmed. He hated to take a vacation; at home as well as at the office he was never far from the friendly clackety-clack of a teletype machine.

As some young liberals do, David Lawrence grew deeply conservative with the passing years. But readers of every viewpoint found that though they might disagree with him, they could always respect him for his intellectual seriousness, lucid prose, vigorous advocacy and total honesty.

Within his own profession, Mr. Lawrence was warmly regarded for many publicized acts of kindness and for his deep personal consideration for his colleagues. It was characteristic of him that he sold U.S. News & World Report, his magazine, and Bureau of National Affairs, his specialized news service, to his employes. As a publisher, he had a businessman's acumen but it is as a fellow craftsman that he will be recalled with honor and affection by his colleagues in the profession he loved so well and served so long.

[From the Charleston (S.C.) News and Courier, Feb. 15, 1973]

DAVID LAWRENCE

A sage among American journalists, David Lawrence for more than half a century brought reliable news to millions of his readers and honor to his profession. Through his syndicated column and in U.S. News & World Report, the weekly news magazine he founded and edited, Mr. Lawrence supplied sound and reasonable views of the world during a period when public confidence in the mass media began to slide. His skill, courage and integrity were beyond reproach even by those who deplored his conservatism.

Mr. Lawrence observed and reported politics and government from Washington for most of his long career. His counsel was respected in the highest places. We revered him as a friend and occasional adviser. His death at age 84, while still active in his profession, closes a fruitful career, and is an occasion of sorrow among admirers all over this country and abroad.

[From the State (S.C.) Columbia, Feb. 16, 1973]

SOUTH LOSES A FRIEND

The death Sunday of columnist David Lawrence diminished American journalism not only by stilling a staunch voice for conservatism but in ending the career of a newsman who came up through the ranks to a position of prime eminence.

Mr. Lawrence was well known in South Carolina, where many readers concurred with his political philosophy and followed his writings in *The Columbia Record* and other publications, including his own magazine, *U.S. News and World Report*.

But he has close personal links with the Palmetto State as well, for his late wife was the former Miss Ellanor Campbell Hayes of Spartanburg. They visited Spartanburg quietly from time to time before her death in 1969. And Mr. Lawrence occasionally visited his good friend and contemporary, the late James F. Byrnes, in Columbia.

He will be remembered best by many South Carolinians for his factual coverage and perceptive commentary regarding Southern race relations during the tensions of the mid-1950s. His contribution to national understanding during that period was acknowledged in the dedication of W. D. Workman's book, *The Case For the South:*

"To David Lawrence, who befriended the South by telling the truth to the Nation."

[From the U.S. News & World Report, Feb. 26 1973]

David Lawrence 1888–1973

From the President of the United States—

For more than half a century, David Lawrence wrote with clarity and conviction about the public issues of our times. At his death he was not only a dean of his profession but also one of our most distinguished patriots.

Along with millions of other Americans, I shall miss him deeply.

Richard M. Nixon,
President of the United States.

A MESSAGE FROM THE PUBLISHER

For 47 years, in this and predecessor publications, the top line of the masthead in each issue has read "David Lawrence, Editor."

Now that top line changes. Hereafter, it will read, as at left, "Founder: David Lawrence 1888–1973."

On February 11, David Lawrence died suddenly at his winter home in Sarasota, Fla.

As anyone who knew him would have expected, he was active to the end, at age 84 still absorbed in the news and in the affairs of the magazine he founded. Ten minutes before his death, he had been on the telephone in a spirited conversation about the future of "U.S. News & World Report."

We who were close to him can take comfort in the thought that he died as he would have wanted to die—vigorous, active, on the job right up to almost the moment of his death.

No one of us or group of us can replace David Lawrence. But we can look to the future with assurance, because for years before his death he was engaged in a series of measures to ease the transition and make sure that his successors would be able to carry on without him.

In 1962, under a plan worked out by Mr. Lawrence, "U.S. News & World Report" became entirely employe-owned.

Every employe who has been with the magazine as long as five years and has reached age 30 is entitled to own stock in his or her own name. The stock is distributed as a bonus on the individual's anniversary with the company each fifth year.

In addition, part of the employes' profit-sharing fund is invested in this company's stock, which means indirect ownership by employes and an added share in the growth of the magazine. Mr. Lawrence, under the ownership plan, singled himself out as the only long-term employe not eligible to own stock in the company.

At the same time he was transferring ownership from the Lawrence family to individual employes, he also was transferring authority to younger members of the staff who could be expected to survive him.

For years, thus, he planned for death with the same discernment that he has planned for life.

At his death, the board of directors elected me to take over his duties as chairman of the board.

The executive editor, Howard Flieger, became editor. Marvin L. Stone, senior associate executive editor, moved up to executive editor. John H. Adams, managing editor, was elected a member of the board.

These and other key executives are individuals whom David Lawrence selected for positions of responsibility. All of them believe in "U.S. News & World Report" and will continue it on the concepts it has always followed, improving it where possible but not altering the basic character or publishing purpose of the magazine.

Thus, we will follow the paths he laid out for us, remembering him not only with the highest professional respect but also with great personal affection and gratitude.

As "The Washington Evening Star-News" said in an editorial after his death, "One of the best things that can be said about the profession of journalism is that, very occasionally, it produces a David Lawrence."

John H. Sweet,
Publisher.

[From U.S. News & World Report, Feb. 26, 1973]

The Lawrence Memorial Service

(By Rabbi Joshua O. Haberman, Washington Hebrew Congregation)

In this very hour, the remains of David Lawrence are being laid to rest by his immediate family in Princeton at the graveside of his beloved Ellanor, with whom he shared more than 50 years of a harmonious and happy marriage.

It was his wish that upon his death those who cared, those who were his friends and colleagues, gather together for a last farewell here in Washington, the city he loved so dearly. A congregation of many faiths, we are all united in sorrow over the loss of a great man. Far greater than any tribute we can pay him from this pulpit is the unexpressed eulogy of gratitude in the hearts of countless people who were enlightened, goaded and guided by his words, by his deeds, by the example of his personal life. We may apply to him the prophetic tribute:

"The law of truth was in his mouth." (Mal. 2:6)

He conformed to the ideal of the sages of Judaism who taught that the inner man should be identical with his outward appearance.

He was a man of truth in the candor of his opinions. His words had the solidity of conviction, of moral earnestness rooted in genuine beliefs.

He was a man of truth in fidelity to principle. The son of a poor Jewish immigrant tailor, he got the finest possible education and rose to the top of his profession; he clung to the values in which he was reared, the values which made possible his own career. He deeply believed in the power of individual and national merit, in the power of knowledge and hard work.

The law of truth was in his mouth—not only in what he said but in what he felt about people, especially those with whom he worked. He knew how much he owed them and was not one to preen himself with the feathers of others. He once publicly acknowledged that the proudest day of his life was the day when his staff, in his absence, following the assassination of President Kennedy, set aside the finished copy of the magazine and, only hours before publication, prepared a completely new edition.

This unique feat of modern journalism, accomplished by his associates without his direction and help, meant more to him than any of his own, very considerable single-handed achievements.

His vicarious joy in the success of others reflected a generosity of spirit not always found among leaders.

He was a man of truth in his personal bearing, living a strictly disciplined life; a prodigious worker who would not ask of others what he was unwilling to do himself; a man whose word was his bond, faithful to friends, loyal to family; a man who did not leave behind a trail of broken promises and betrayals.

It might be a source of unending amazement to some of us why so tough-minded an observer of the struggle for power—who, from earliest childhood, had trained himself to report what he saw—never turned cynical. How could he remain, all his life, both a realist and idealist—as clear in his perception of what is, against what ought to be?

The key to this puzzle is a fundamentally religious faith which his own tradition imparted to him and which he found so much in consonance with the spiritual core of America: a supreme belief in God, by whose will, right is might! He tenaciously nurtured this religious faith not only by loyal membership in this Congregation, but by his unfailing participation in the Senate's Prayer Breakfast. He was the only non-Senator to be admitted to this weekly religious fellowship, and one of its leading spirits.

Scripture tells us: "There is a time to be silent." (Eccl. 3:7) The voice of David Lawrence has been silenced. His column, which was a pillar of principle in a world maddened by unprincipled power, no longer appears.

We may ponder the measure of good he did and how much of his influence will continue. But, if he himself could speak to us now, he might well say:

For me—to have made one soul better for my birth;

To have added but one flower to the garden of the earth;

To have struck one blow for truth in the daily fight with lies;

To have done one deed of right in the face of calumnies;

To have sown in the souls of men one thought that will not die;

To have been a link in the chain of life—shall be immortality.

By Arthur Krock, Formerly Chief of the Washington Bureau of New York Times

On Dec. 23, 1963—two days before his 75th birthday—the National Press Club gave a luncheon in honor of David Lawrence. Although we use words extravagantly in my profession, it is not extravagant to describe the occasion as "memorable."

It was memorable for several reasons, but two were outstanding. The speaker had accomplished an almost impossible feat: "I've tried to figure out," he remarked, "what it is a fellow can say about himself and . . . remain modest at the end." But he had. Moreover, a member of the audience had arisen to tell David Lawrence something about himself that applies equally to this occasion: "Do you know," he asked David, "that every person here and many more who are absent have a real affection for you?"

But, true as the statement was, on this day as well, it enumerated only one of the qualities inherent in David Lawrence that account for the noble contribution he made—as a journalist to the enlightenment of his time, and as a humanist to the store of compassion for the less fortunate that is ever in scant supply. His contribution was, substantially, professional integrity, personal honor, and courage in serving principle at risk of the loss of a fortune hardly won. For frequently articles under his by-line, involving the risk of crippling financial boycott of his magazine, were palpably written in full awareness of it.

If the personal standards David Lawrence lived by were common to us all, there would be much more evidence to sustain his faith, as he expressed it that day at the National Press Club—the faith that for mankind "there is an inspiration somewhere."

If the basic professional standard by which he was guided were common to all his contemporaries, the press would be much better armed in defending itself from those who fundamentally and knowingly—and I do not agree there are many such in office—would shackle its freedom to search out and circulate the facts the people are entitled to know.

For, as reporter, columnist, editor and publisher, David Lawrence upheld a basic professional standard. It was: in news reporting, to set down coldly the vital statistics of a happening, a condition or a situation and leave judgment of its significances to the reader. If the product were a commentary, it should be plainly so marked and the author's primary mission was to clarify the issues involved, provide pertinent information, and with due acknowledgement of the opposing point of view, modestly present his own.

I have tried to recall any column or editorial he wrote in which he turned to the pejorative to buttress his position. Although, two classes after mine, David Lawrence took the same freshman English courses I did at Princeton, under the same professors, he seemed never to have learned any of the parts of speech in the category of abuse. Nor do I recall any column or editorial in which he repaid the source of exclusive information by ornamenting subsequent mention of the name of his source with "able," "forthright," "astute" or any of the expressions by which such repayment is made by some of his colleagues.

Adhering to these standards, as David Lawrence did, does not set the river of print on fire. But it helps greatly to keep that river clean, and sustain the flow of reliable information that serves our government process.

When first I met David Lawrence he was the new boy at the Press Club, relieving me of that lowly status, which I had acquired a few months before in the year 1910.

The chief of the Associated Press bureau in Philadelphia must have had a good eye for promise when he recommended that Lawrence be transferred to Washington. It was not long before the slim, eager young man, with a most agreeable personality, was upsetting the complacent hierarchy of Washington correspondents—some of them wore silk hats then, and carried canes—with exclusive news stories written with a clarity and personal detachment that won him the highly respected position of Washington correspondent of "The New York Evening Post"—then a literate newspaper resembling the present one in name only.

To those who knew David only by his journalism it may be surprising to be told that in his youth he was filled with a spirit of merriment, and one which wasn't always "innocent," as Gilbert and Sullivan's Mikado described his own.

I learned of this trait early in our acquaintance. David, being an extra young man around town in the first Wilson Administration, often came to dine with my wife and me. One of these evenings the telephone rang while we were at dinner, and it was not until later that I recalled as an odd circumstance how quickly our guest sprang to answer it. "It's for you," he said, in a tone so lugubrious that I picked up the instrument prepared for the worst, and it was.

The caller's voice was unquestionably, I thought, that of the member of Congress from Kentucky he identified himself to be—a member, moreover, whom I knew to be resentful of a news story concerning him that I had sent to my paper, "The Courier-Journal" of Louisville. "I hereby give notice," were the statesman's opening words, uttered in a resounding shout; "that when next we meet—and I shall see this is soon—I shall disembowel you unless you have retracted that lying article."

I knew from the gentleman's record in various taverns that he was wholly capable of attempting the operation on me—unless by chance his chosen instrument was a gun. But the apprehension that my wife and guest would gather enough from my side of the conversation to conclude I was a coward, a renegade reporter yielding to threat, impelled me to make something like the following statement before banging down the receiver: "Sir, you cannot intimidate me, and I will prove this the next time our paths cross."

Suffused with a mixture of fear and personal pride, I returned to the table to find Lawrence doubled up in mirth and my wife disappointly unimpressed with my heroism. For, as it developed, Lawrence knew, and had informed my wife, that the belligerent who called up was not the Kentucky Representative at all, but Joe Tumulty, President Wilson's secretary and a close pal of David, the two having planned the joke together.

As age came upon David Lawrence, and fate inflicted on him two of the most poignant griefs in human experience, his youthful sense of merriment was subordinated to a kind of amused contemplation of the pretentiousness that is deeply woven in the fabric of Washington life.

This amusement extended to him his own ways and works; equally he would turn off compliment or complaint with banter. For, as Disraeli noted, "Those who have known grief rarely seem sad." And so I feel that we should bid farewell to David Lawrence without sadness. For he met his last deadline well in advance, as he had for 60 years, when he arose from his typewriter for the final time.

In his Press Club talk, he answered one question by saying that "the moral principles Woodrow Wilson expounded in international affairs were . . . the greatest thing I've ever known." We here today can praise in similar terms the moral principles which David Lawrence expounded in everything he did, wrote and thought.

I do not believe he ever did a petty thing. I know he never wrote a petty line.

Mr. PERCY. Mr. President, this morning I was privileged to be the leader of the Senators prayer breakfast. Since our last meeting we have lost a dear friend, David Lawrence. Had Senator JOHN STENNIS, who has attended Senate prayer breakfasts with David Lawrence for a quarter century been able to be with us at our meeting this morning, he would have spoken I know about our departed friend. In his absence I substituted as best I could.

James Russell Lowell once wrote:

> No man can produce great things who is not thoroughly sincere in dealing with himself.

That surely is one reason David Lawrence was able to do such great things in his lifetime—that and his adherence to the belief that "there is an inspiration somewhere."

David Lawrence was a part of the Senate prayer breakfast group since its inception in the early 1940's.

He was, as far as I know, the only non-Senate member of the group, and surely one of its most faithful participants.

Over a 30-year period, he saw Senate members come and go as the political tides changed, but he remained a steadfast, active member.

He recognized this group as a source of spiritual strength.

He himself, by virtue of his own lifestyle, gave strength to the other members.

His participation over the long years, indicated his realization of the need of all of us—in the Senate and out—to look to something higher than ourselves for guidance and direction in our daily lives.

David's life was a shining example of the good one can achieve when he couples his God-given talents with a high regard for his fellow men.

His own life story could have made our traditional Horatio Alger success stories pale by comparison.

He was born to poor immigrant parents.

He worked his way through Princeton by being the AP reporter in charge of university coverage.

He moved on to a variety of journalistic endeavors: first, AP correspondent in Washington; second, columnist for the New York Evening Post; third, owner of his own press association; fourth, founder of the weekly United States News and the World Report, which in 1947 he merged into U.S. News & World Report; political commentator on a radio broadcast; and author whose incisive column was syndicated in 300 newspapers.

During his rise to the top of the journalistic world, and throughout the years when he was one of the most respected writers in the United States, he never wavered in his dedication to the highest principles in his relationship with his family, friends, and coworkers or to the strictest rules of integrity in his profession.

His generosity toward his fellows can be seen in several examples: first, in 1970, he donated to Fairfax County, Va., where he lived so long, his 600-acre farm to be used as a public park; second, in 1946, he sold the Bureau of National Affairs to its employees; third, in 1962, he sold U.S. News & World Report to his employees, offering generous stock options to those who had been with the company over 5 years. It was typical of David to want to lend a hand to those who had served the magazine faithfully, to offer people the opportunity to advance themselves.

I think the words of his friend and colleague, Arthur Krock, most accurately portray David's contribution to the field of political reporting:

> Adhering to these standards (of journalistic excellence through impartial coverage), as David Lawrence did, does not set the river of print on fire. But it helps greatly to keep that river clean, and sustain the flow of reliable information that serves our government process.

It is one of life's strange coincidences that at the first prayer breakfast after his death, it was my turn to speak to the group, for David Lawrence's last column was about my proposal, cosponsored by Senator CRANSTON and Senator HARRY F. BYRD, JR., to set up budgeting committees for the Congress composed of members of the Ways and Means, Finance and Appropriations Committees, to establish our own ceiling on expenditures.

I ask unanimous consent that article together with an editorial from the Washington Evening Star, of Tuesday, February 13, 1973, be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PERCY. Mr. President, I know how much I personally shall miss David Lawrence as a friend.

I shall miss having the benefit of his fair and probing mind.

I must say that I shall miss, too, the inspiration he gave me by the unusual response he had to advancing age.

It is not unusual that he lived to be 84 years old.

But it is highly unusual that he was so active in mind and body until the moment of his death.

His final column, which I mentioned earlier, was written a few hours before his death, according to the Evening Star.

I am inclined to believe that his example is an excellent one for us to pursue—he kept active in his later years, and as he stayed active, he stayed thoughtful, insightful, accurate, and eloquent.

His fine mind stayed alert and penetrating with the passage of time because he kept the edge finely honed.

David seemed to be in agreement with Cicero who wrote:

> We must take a stand against old age, and its faults must be atoned for by activity. We must fight, as it were, against disease, and in like manner against old age. Nor, indeed, must the body alone be supported, but the mind and the soul much more; for these also, unless you drop oil on them as on a lamp, are extinguished by old age. . . . Our minds are rendered buoyant by exercise.

Justice Oliver Wendell Holmes, whose philosophy about growing old with activity, as well as grace, wrote:

> The riders in a race do not stop short when they reach the goal. There is a little finishing canter before coming to a standstill. There is time to hear the kind voices of friends, and to say to oneself: "The work is done." But just as one says that, the answer comes: "The race is over, but the work is never done while the power to work remains." The canter that brings you to a standstill need not be only a coming to rest. It cannot be, while you still live. For to live is to function. That is all there is to living.

The greatest tribute we could pay to David Lawrence is to guard against letting our own interest in life deteriorate in any way. He provides an inspiration for us all.

EXHIBIT 1

WHO SHALL BE ADMINISTRATOR?

(By David Lawrence)

Sen. Charles H. Percy, Republican of Illinois, and Sen. Alan Cranston, Democrat of California, have come forth with a proposal to set up a congressional mechanism which would establish at the start of each session of Congress a joint meeting of the senior members of the Ways and Means, the Finance and the Appropriations Committees of the two houses to limit budget outlays for the coming fiscal year.

A panel would be required to meet by March 30 and fix the top sum of expenditures in a joint resolution for the approval of the Senate and the House. The plan would stipulate that, until both approved the resolutions, neither one could pass an appropriations bill. The theory is that each appropriations committee would be compelled to operate within an over-all budget ceiling.

Percy says the bill is especially timely in view of "the potential confrontation, and even constitutional crisis, that may be posed between the Congress and the executive over the question of executive impoundment of congressionally mandated appropriations." He asserts that "reform of the congressional appropriations system is the single most important issue we must address."

It is recalled that Congress in 1946 enacted virtually identical legislation, but it was never utilized and hence repealed.

Percy believes that, because there is no definite relationship between congressional decisions to raise money and decisions to spend it, the current methods are ineffective. He points out that the congressional committees which are responsible for appropriating funds do not weigh the amounts available for spending against the amounts to be appropriated. He contends that "there is no system of spending priorities" and that the present "separate, uncoordinated and fragmented appropriations of individual subcommittees are merely added up to produce an appropriations total."

The objective of the proposal is to enable Congress to gain control over the whole spending process and thereby mitigate or eliminate the impounding problem. What is involved here, of course, is the question of how the legislative and executive branches of the government can cooperate in this field.

Clearly, Congress has the power to appropriate money, but the executive departments are compelled to interpret the purposes of the appropriations and to determine whether the sums available should or should not be spent. The situation for which the money is authorized must be thoroughly examined to decide whether public funds should be disbursed or deferred.

The problem, in a nutshell, is who shall be the executive or administrator in the government? Congress has the authority to pass laws enacting the appropriations for which it wishes money to be spent. But the officials of the executive branch have the responsibility, on the other hand, to consider carefully whether the authorizations made by Congress call for total spending or partial spending or a deferment until the circumstances are suitable. Somebody, of course, actually has to spend the money and before doing so would naturally want to know whether the authorization properly applies or should be withheld or modified.

Unquestionably Congress has the right to authorize the expenditure of funds. But the executive branch of the government must determine whether the money should or should not be spent, based upon a study of the facts and also on the discretion that should be used in giving preference to one need that has arisen rather than another.

In a large-sized private business, the treasurer of the company makes known the sums of money available for particular categories of operation. But a set of executive officers determines how much money shall be spent and whether some proposed expenditures shall be curtailed or withheld altogether. Similarly, in government the final decision really rests with the branch which actually spends the money and has full knowledge of what each situation requires.

DAVID LAWRENCE

David Lawrence, who died Sunday at 84, kept busy to the end. No one at the Star-News, and probably none of his readers, was surprised that his usual Monday column was already in the office. But he did surprise us, for all that. The obituary in our early editions yesterday directed readers to Mr. Lawrence's "last column" on that day's opposite-editorial page. And then, on the wire, right on time as usual came what indeed is his last column, written a few hours before he died. It appears in its usual spot today—lucid, crisp, informative, the product of a wise and gentle mind which never stopped asking the right questions.

This unflagging attention to duty was in all ways typical of Mr. Lawrence. He was a man of large affairs, the publisher of a major news magazine of wide circulation and influence. But, after his family, the column was always Mr. Lawrence's first love. For 50 years it appeared in this newspaper—something like 13,000 times. He wrote every word himself. And invariably, if our first edition contained a typographical error, we knew that if Mr. Lawrence was in town he would be on the phone before the ink was dry, gently making sure that the offense had been noted by someone, and that everything would be put right in time for the next edition of the paper.

He was the newsman in the classic mold. His opinions were firm, but they never overrode the reporter's instinct to get to the bottom of the story. He had the tenacity of the proverbial bulldog in his search for the facts, but withal he was the most forgiving and kindest of men. One of the best things that can be said about the profession of journalism is that, very occasionally, it produces a David Lawrence.

THE NIXON FOREIGN ASSISTANCE BUDGET AND AID TO NORTH VIETNAM

Mr. HUMPHREY. Mr. President, shortly after the President submitted his budget, I made some observations about this important document. At that time I was focusing on what might be considered the administration's domestic budget.

Today, I would like to examine and comment on several items in the international affairs portion of the budget, including the proposal to grant aid to North Vietnam.

As with the President's budget requests on the domestic side, many of the same comments can be made concerning his priorities in the area of American obligations abroad. The President's domestic budget was one of deception, deficits, neglect, big business favoritism, and domestic disengagement. His international affairs budget is topheavy from military expenditures and makes a lackluster commitment to humanitarian programs. This imbalance of priorities is totally counter to the traditional goals of American foreign assistance. It does considerable harm to American pronouncements that we seek a generation of peace.

I am aware of the intense feelings generated by any discussion of our foreign assistance programs. There are some who would like to abandon totally our entire foreign assistance program in both fields of security and economic assistance of a bilateral and multilateral nature.

I do not favor such a move. Foreign assistance can still be discussed and advocated without abandoning the following principles:

All nations should pay their fair share.

No country should be controlled, "guided," or coddled by another.

The preoccupation with military objectives and the proposal of bloated military foreign assistance budgets interferes with our ability to respond effectively to foreign development programs and provide humanitarian assistance where it is desperately needed.

I have fought too long for dignity and economic justice for Americans to be convinced now by foreign aid critics that other peoples do not deserve or do not want to achieve these same goals.

I will be one of the first to come forward and say that our priorities must be here at home, in Detroit and Los Angeles, and in rural America. But to forget that poverty, disease and suffering also exist beyond our shores and to turn our backs on people in need is to deceive ourselves that world order and international peace can be achieved through a balance of power alone.

Although it is not fashionable to say so, I do not believe that our involvement in a tragic conflict in Vietnam means that we must neglect our worldwide humanitarian commitments. If we do so, we act not only against the truly humanitarian character of America, but we exacerbate international tensions that have their roots in extreme poverty and the growing disparity between the rich nations and the poor.

I cannot forget what His Holiness Pope Paul said to us in one of his encyclicals: development is the new name for peace.

Among the wealthiest nations of the world, the United States stands far down the list in the percentage of our gross national product devoted to foreign developmental assistance. At the time of the Marshall plan, roughly 3 percent of our GNP went for foreign aid. Now, the percentage is less than one-half of 1 percent. Eleven other industrialized nations contribute a greater share of their total national wealth to foreign assistance than we do.

I am not advocating a return to the former 3-percent level. But I believe that few Americans are aware of our declining contribution to humanitarian foreign assistance efforts.

So the question is not whether to abandon our foreign assistance programs, but to ask what kind of foreign assistance do we want? What kind should we grant or offer?

The Nixon budget has asked that question and the answer is an increase over 1973 funding levels in military assistance budget requests in all categories: grant assistance, credit sales, and security supporting assistance.

In other words, the military assistance programs go up and up and the humanitarian assistance programs go down.

Although the administration would like our military aid program to be shifted from grants to credit and cash sales, the $1.8 billion price tag for these programs must be scrutinized and reduced. And this figure does not even include the military aid programs for Vietnam and Laos which are part of the Department of Defense budget.

It is estimated that the United States pays 70 percent of the cost of defending the non-Communist world. Although we derive benefits from this security shield, our assumption of this immense burden relieves other nations from paying their own way.

This situation was well described in the Appropriations Committee Report in the fiscal year 1973 Foreign Assistance bill. The report said:

> We cannot fail to provide adequate defenses for our own country, but we can and should stop trying to underwrite military costs in 67 other countries. Buying friendship produces fickle allies and provides a corrupting influence for donor and recipient; needs are exaggerated, threats are invented, and we become supporters of oppressive and brutal regimes which represent the exact opposite of every principle we hold dear. Too often our allies are more hostile to each other than those against whom our global defense efforts are directed. Too often we arm friends to fight friends, and their battles are more lethal as a consequence of our military assistance.

In the name of the Nixon doctrine, we have continued and increased an already bloated military assistance program which only helps to perpetuate the global proliferation of armaments. If this is the establishment of a system of greater security, then Mr. Nixon and the Pentagon define the word differently than most Americans.

Mr. President, I want to draw the attention of my colleagues and the Nation to a budget item which must be included in any discussion of the international affairs programs of the 1974 budget.

For fiscal year 1974 the administration has requested $2.1 billion for the Military Assistance Service Funded program for Vietnam and Laos. Is that not a magnificent title: The Military Assistance Service Funded program for Vietnam and Laos. How it does cover up many things and confuse many people. This budget request is only $635 million below the 1973 appropriation, despite the fact that we have a cease-fire in Vietnam and now today, thank goodness, in Laos.

Under the terms of the Department of Defense Appropriation Act the funds in the Military Assistance Service Funded or MASF program are to be used "to support: First, Vietnamese and other free world forces in support of Vietnamese forces; second, local forces in Laos; and for related costs in such terms and conditions as the Secretary of Defense may determine.

The Department of Defense has provided me with a general breakdown for the fiscal 1973 MASF program. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ESTIMATED AMOUNTS INCLUDED IN THE MILITARY FUNCTIONS APPROPRIATIONS FOR SUPPORT OF FREE WORLD FORCES IN SOUTHEAST ASIA, FISCAL YEAR 1973—PRESIDENT'S BUDGET

[In millions of dollars]

Appropriation	Fiscal year 1973			
	South Vietnam	Korea	Laos	Total
Military personnel:				
Army	68.8	64.0	19.0	151.8
Navy		.9		.9
Marine Corps				
Total	68.8	64.9	19.0	152.7
Operation and maintenance:				
Army	573.0	46.1	116.7	735.8
Navy	54.9	.4		55.3
Marine Corps	.9			.9
Air Force	330.0	.6	77.0	407.6
Total	958.8	47.1	193.7	1,199.6
Procurement:				
Army:				
Aircraft				
Missile	4.3			4.3
W & TCV	4.6	.1	.1	4.8
Ammunition	724.7	11.7	83.2	819.6
Other	25.9		1.2	27.1
Navy: Other	13.7			13.7
Marine Corps	.6			.6
Air Force:				
Aircraft	265.9		11.0	276.9
Other	190.4		45.3	235.7
Total	1,230.1	11.8	140.8	1,382.7
Summary:				
Army	1,401.3	121.9	220.2	1,743.4
Navy	68.6	1.3		69.9
Marine Corps	1.5			1.5
Air Force	786.3	.6	133.3	920.2
Total	2,257.7	123.8	353.5	2,735.0

Mr. HUMPHREY. Mr. President, from this information, I would like to make the following observations:

The withdrawal of Korean forces from South Vietnam will eliminate the need for funding this country's operations in Vietnam. Last year our support for Korea's efforts in Indochina accounted for $123.8 million in the 1973 appropriation.

If a cease-fire is achieved in Laos and it now appears this has been achieved and if controls are placed on weapons replacement and the introduction of armaments, there will no longer be a need for funding Laotian forces at the 1973 level of $353.5 million.

The largest share of the $2.7 billion 1973 MASF appropriation went to the South Vietnamese. And the largest share of this $2.2 billion—approximately $1.2 billion—went for the procurement of new military hardware for South Vietnam. Within the procurement category the largest portion of these funds went for ammunition—approximately $700 million was appropriated for this purpose. It does not seem possible that with a cease-fire the ARVN will require nearly three-quarters of a billion dollars for ammunition, which is included in this proposed budget.

The next largest expenditure in the MASF program is for operations and maintenance of the South Vietnamese Army with $573 million appropriated for this purpose. Again, in the eventual absence of hostilities which I hope will occur in the very near future, it does not seem possible that this funding level should be continued.

The 1973 MASF appropriation for the South Vietnamese Air Force totaled $786.3 million. I have no idea of what is contemplated for this air force in the 1974 requests. But in view of its present size, its capabilities and its strength compared to other air forces in the region, I would be strongly opposed to a continuation of American funding at this level. Sharp reductions in our assistance to this air force can and should be made.

To summarize it simply, it is replacement, one to one. In other words, if you lose one you get a replacement of one.

According to the recently signed Paris peace agreements, the following stipulations have been placed on the shipment of weapons to South Vietnam and on the transfer of military equipment and supplies to South Vietnamese military forces by departing American troops:

ARTICLE 8

a. In implementation of article 5 of the agreement, the United States and the other foreign countries referred to in article 5 of the agreement shall take with them all their armaments, munitions, and war material. Transfers of such items which would leave them in South Vietnam shall not be made subsequent to the entry into force of the agreement except for transfers of communications, transport, and other noncombat material to the Four-Party Joint Military Commission or the International Commission of Control and Supervision.

ARTICLE 9

a. In implementation of article 6 of the agreement, the United States and the other foreign countries referred to in that article shall dismantle and remove from South Vietnam or destroy all military bases in South Vietnam of the United States and of the other foreign countries referred to in that article, including weapons, mines, and other military equipment at these bases, for the purpose of making them unusable for military purposes.

PROTOCOLS TO THE AGREEMENT ON ENDING THE WAR CONCERNING THE CEASE-FIRE IN SOUTH VIETNAM AND THE JOINT MILITARY COMMISSION

ARTICLE 6

The dismantlement of all military bases in South Vietnam of the United States and of the other foreign countries mentioned in article 3(a) shall be completed within 60 days of the signing of this agreement.

ARTICLE 7

From the enforcement of the cease-fire to the formation of the government provided for in articles 9(b) and 14 of this agreement, the two South Vietnamese parties shall not accept the introduction of troops, military advisers, and military personnel including technical military personnel, armaments, munitions, and war material into South Vietnam.

The two South Vietnamese parties shall be permitted to make periodic replacement of armaments, munitions, and war material which have been destroyed, damaged, worn out, or used up after the cease-fire, on the basis of piece-for-piece, of the same characteristics and properties, under the supervision of the Joint Military Commission of the two South Vietnamese parties and of the International Commission of Control and Supervision.

AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM

In light of these restrictions, I do not see how the $2.1 billion request for the military assistance service fund can be justified.

In fact, because of the provisions of the peace terms, it seems that it will be impossible to spend the $2.1 billion MASF requests in the 1974 budget.

Even if there were no prohibitions against the supply of military weapons and material to South Vietnam, I would be opposed to such a high level of funding to equip an already well equipped—and perhaps overequipped—South Vietnamese military establishment.

Just reviewing their inventory of weapons and manpower, one wonders how this $2.1 billion budget request can be justified. South Vietnamese Armed Forces must be considered one of the most well equipped, lavishly equipped, generously equipped with modern weapons of any force in Asia or in the world.

They have a 410,000-man army composed of 11 infantry divisions, one airborne division, 27 ranger battalions and 37 artillery battalions.

Their 39,000-man navy has among other craft, seven destroyer escorts, 500 river patrol boats and 70 fast patrol boats.

They have a 13,000-man marine corps and a 35,000-man police field force.

The South Vietnamese Air Force, one of the most modern in the world, contains 41,000 men and 275 combat aircraft, including one tactical fighter squadron with F–5's, five fighter-bomber squadrons with A–37's and three fighter-bomber squadrons with Skyraider missiles.

There are approximately 500,000 South Vietnamese in the regional and provincial militia forces, all with modern weapons and having substituted inventories of replacement supplies.

This partial inventory of military capabilities is several months old. From October 1972 until the cease-fire, shipments of arms and equipment proceeded at such a rapid rate that on January 8, 1973, former Secretary of Defense Laird said that "Vietnamization—is virtually completed."

I remind Members of this body and those who study the Record, that from the fall months, starting about November, until the cease-fire, every conceivable piece of equipment we could lay our hands on was being shipped to South Vietnam to fill their warehouses and more properly equip their armed forces.

Since mid-October of last year the United States has shipped approximately 600 aircraft—including 300 helicopters—40 M–48 tanks and about a dozen long-range 175 millimeter cannons.

This item, which is so important, is so confused in that budget that, after working with the staff of the Joint Economic Committee, and after a very careful analysis, we have found that that budget item amounts to over $2 billion of moneys that are not needed and should not be appropriated.

Mr. President, the $2.1 billion in the MASF program is unneeded, unwarranted, and an exorbitant expenditure.

It cannot be justified in terms of South Vietnam's defense needs. And it certainly cannot be justified in view of the provisions of the peace accords signed in Paris.

Until the Defense Department comes to the Congress and provides us with an explanation and justification of this program, I will consider it a $2.1 billion contingency fund to be used in case the peace fails and fighting breaks out again.

And if such a tragedy occurred, there should be no such large contingency fund at the President's disposal. He should have to send his representatives to Congress, explain the situation, suggest a course of action, and ask for congressional approval.

The MASF program provides the administration with a large financial reserve which would allow the U.S. Government to fund renewed hostilities in Indochina, without obtaining congressional approval.

Yet we are cutting out program after program in this country, as for example, the OEO program, and we are piling an additional $2 billion that no one can justify. Until the Defense Department comes to Congress and provides us with a full explanation and justification for this lavish program, I will consider it a $2.1 billion contingency fund to be used at the disposal of the President in case peace fails and fighting breaks out again.

I find the proposed funding levels of such a program totally unacceptable. I am sure that my colleagues on both sides of the aisle will agree with this evaluation. I am not suggesting that the United States disarm the South Vietnamese.

On the contrary, the Government of South Vietnam has been fully and generously assisted and armed. But the continuation of a multibillion dollar military aid program to South Vietnam in the absence of hostilities in Indochina is an overcommitment of resources at a time when our needs are so great at home.

Mr. President, no statement discussing the Nixon administration foreign assistance budget is complete without an examination of the President's recent proposal to grant aid to North Vietnam.

I know this proposal was suggested by President Johnson, as well as by President Nixon, and I know there is considerable merit in it.

On February 14, I and the other Members of the Congress learned from reading the newspapers that Mr. Kissinger and North Vietnamese officials had signed a communique in Hanoi establishing a Joint Economic Commission for postwar reconstruction in North Vietnam.

I think again this is commendable. I am not being critical of that development.

Once again the Nixon administration moved unilaterally without advising Congress in making a major proposal that will need congressional approval.

It is clear from the nature of this proposal that it is an important one—and perhaps singularly important to peace in Indochina.

However, President Nixon has endangered the chances of favorable congressional approval of aid to North Vietnam in blatantly bypassing the Congress, particularly at these planning stages.

As of today, the Congress is totally uninformed as to the extent of aid the President will request or whether he will ask other nations to join us in this effort or where the funds will come from in light of his desire to impose a strict budget ceiling.

I note that the Director of the Budget, Mr. Ash, said to the Senator from Minnesota in a hearing of the Joint Economic Committee that if the President made a request for funds to aid Vietnam, those funds would come out of existing programs in the budget—in other words, a cutback on domestic programs. Fortunately, this morning, I am happy to note, the Secretary of State, Mr. Rogers, a gentleman for whom I have a high regard—and, by the way, he made an excellent presentation to the Foreign Relations Committee—when asked about the possibility of aid to North Vietnam and how it would be funded, said:

> I hope it can be done without any cuts in domestic programs.

Well, I hope so, Mr. Secretary, but the Budget Director indicated to the contrary.

Having said that, I think the time has come for the President and Mr. Kissinger to get the subject of American aid to North Vietnam out of the newspapers and into the halls of Congress.

I call upon him to consult with Democratic and Republican Members of Congress prior to his formal presentation of the aid request.

I want to make it clear that any aid request for North Vietnam should meet the following conditions:

First, the aid must be multilateral. The President must endeavor to obtain substantial assistance from other nations in this effort to rebuild a war-torn land and bring economic recovery to Indochina.

Second, American funds for the reconstruction of North Vietnam must come out of the Department of Defense appropriations or through a supplemental budget request. I will refuse to vote for such a program if funding is taken from a domestic budget already cut back to unacceptable levels.

I have been a lifetime supporter of foreign aid. I am a believer in it. But I do not believe any man in the Senate can stand up and support foreign assistance of this nature if it takes away funds for domestic education, health, and the manpower needs of the Nation.

I set these two preconditions for my vote of approval of aid to North Vietnam, because I believe that the American obligation to this effort cannot be undertaken at the cost of further depriving Americans of basic necessities to which they are entitled.

The President must realize the controversial nature of his proposal. The Congress will aid him in his humanitarian efforts in Indochina, but this humanitarianism must extend first to the people of the United States.

I want to help him. I want to support this program. But this humanitarianism must extend first to the needy people of the United States and to the critical needs here in rural America and urban America.

Mr. President, the administration's international affairs budget and the domestic budget share a common fault: military overspending to the detriment of other programs in development and human resources.

The funding increases from fiscal year 1973 to fiscal year 1974 which were so apparent in the security assistance programs are absent in the economic assistance categories. In fact, total AID economic assistance has decreased by $42.3 million.

This decrease in funding is more serious than it appears. Anyone who has been involved in making a budget realizes that when programs are increased minimally—as so many have been in the economic assistance category—the actual cuts after congressional approval could be substantial.

We all know that budget requests are often inflated by an executive department in order to survive legislative cuts which are usually forthcoming.

I believe that the administration purposefully increased by very insubstantial amounts or left funding at the same level so that the Congress would step forward and make substantial cuts.

The much touted commitment to the Alliance for Progress is represented in no increases in the Alliance for Progress loan category and an $8.6 million increase in technical assistance for the Alliance.

The budget for the American schools and hospitals abroad program was slashed by $15.5 million from only $25.5 million. This program is an outstanding one which brings modern hospitals and universities to countries where the need is great for these institutions.

I have been a longtime supporter of this program because I believe that the presence of these institutions around the world not only helps people, but does much to improve our image. It is interesting to note that American schools and hospitals, whether at home or abroad, seem to get short shrift in the President's budget.

I find it difficult to understand how we can cut programs for humanitarian assistance when study after study has told us of the human suffering endured in other parts of the world and the growing gap between the developing and the developed world.

Even in the area of multilateral economic assistance which does have advantages over bilateral assistance, the administration's commitment for fiscal 1974 can be termed lackluster with an increase of only $58.9 million for contributions to international financial institutions.

The administration seems to have forgotten that development assistance involves capital transfers which in turn affects the purchasing power of the recipients and improves market conditions for American goods. Security assistance, though providing some economic stimulus here at home, does not have this multiplier effect on world markets.

Mr. President, the end of the war in Indochina means that we will enter a new era. I believe that it must be a time of reconciliation and understanding of problems at home and abroad. In turning to meet urgent needs in America, we must not forget responsibilities beyond our shores.

I recognize that in the post-Vietnam era the tide against American developmental and humanitarian assistance to nations in need will be strong. I plan to work against this tide because I believe that an American humanitarian presence does not have to mean American interference in the affairs of other nations.

Unfortunately, the overemphasis in our foreign assistance program on security assistance has meant American foreign aid has become synonymous with the shipment of arms abroad. The Nixon budget has not changed this image. In fact, it has strengthened it.

It is up to the Congress to change the Nixon administration's foreign aid priorities. Substantial cuts in worldwide security assistance and in military assistance to Indochina must be made. We have a moral responsibility to change foreign aid priorities and to examine closely the program of reconstruction aid to North Vietnam.

If there is ever to be a new morality in American foreign policy after more than a decade of war, we must recognize that we cannot talk about seeking global peace while supplying nations for war at the expense of depriving those in need at home and abroad with the resources to help themselves.

ORDER FOR RECOGNITION OF SENATORS EASTLAND, ROBERT C. BYRD, AND McCLELLAN, TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately following the recognition of the two leaders or their designees on tomorrow, the distinguished senior Senator from Mississippi (Mr. EASTLAND) be recognized for not to exceed 15 minutes, that he be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 15 minutes, and that he be followed by the distinguished senior Senator from Arkansas (Mr. McCLELLAN) for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AID TO NORTH VIETNAM

Mr. McGOVERN. Mr. President, I had intended to deliver these remarks when other Senators were present, because there are a number of Members of the Senate who are interested in this subject, but in view of the lengthy debate scheduled for the REA bill and later the air hijacking bill, I have decided to deliver at least a portion of the remarks at this time, and perhaps later in the day, when other Senators are in the Chamber, an informal colloquy on the subject can be arranged.

Mr. President, while the Paris agreement says nothing explicit on the subject, it appears that the Nixon administration now wants the Congress to ask the American taxpayers to repair war damage in North Vietnam.

No precise figure has been set pending discussions and studies by the Joint Economic Commission which Dr. Kissinger helped set up last week, but earlier estimates went as high as $2.5 billion for North Vietnam alone, leaving out more substantial aid for the South.

The administration's concern over this issue is understandable. The bombing has ravaged vast areas of Indochina. As of December 31, 1972, that region had absorbed 7,403,613 tons of bombs—well over twice the tonnage dropped in all of World War II and the Korean war combined. That is the explosive equivalent of more than 370 nuclear devices of the size that leveled Hiroshima.

It is not often realized that most of that incredible bombardment fell not on North Vietnam but on the South—on the territory of our ally, and the greatest destructive impact of the war has been on the land and people we went in to defend.

But the accelerated bombing of the North over the past several years, culminating in the pre-Christmas raids over Hanoi, certainly had a devastating impact. I do not doubt that it will take billions of dollars and years of effort to rebuild.

Yet for all of this, I cannot be at all sympathetic now to a massive program of direct reconstruction aid—certainly not one financed as Mr. Nixon has proposed.

These aid requests will arrive at a time when needed programs for our own rural and urban areas, our older people, our schools and our veterans are being slashed to the bone, cut back or terminated in defiance of both the will of the Congress and the spirit of the Constitution.

Administration spokesmen have been vague about where the money will come from to finance aid to North Vietnam, but it is safe to assume that even greater domestic cuts will be demanded, or else higher taxes, if we are going to provide that assistance and still stay within the $268.7 billion spending ceiling.

After all these years of starving domestic programs to feed this incredible war, I cannot believe we will tell the American people that they must still go without services they need, so we can give huge sums of aid to our adversary in the war. I cannot believe the administration wants to continue depriving priorities at home, so we can send billions of dollars to a government that same administration has been instructing us to despise.

Perhaps the President has an idea where that aid money can be found in the budget. But I will not go along with the premise that we should find it by cutting our school budgets or weakening our conservation programs. I will not join in a decision to tell the poor of this country that we cannot build decent low-cost housing here, because we are rebuilding Southeast Asia instead. I certainly will not tell the veterans of Vietnam that we are neglecting their needs to pay off the north.

Yet these are the decisions involved in the aid request. The administration should come up with some better choices, before we consider the question of aid at all.

I am troubled by one other aspect of the administration's position on aid to North Vietnam.

I have read the President's recent declarations that under no circumstances will we forgive the young Americans who refused to participate in the war, even with a provision—as Senator TAFT, of Ohio, has proposed—that alternative service be required.

Amnesty is a Presidential prerogative, and it is clearly within Mr. Nixon's right to grant or withhold it.

But where is the logic in leaving in jail or exile many young Americans, who would not fight, while sending billions of dollars in aid to a country that was our enemy until a few days ago?

The President seems to be saying that we must reward our enemy, but we cannot forgive our own sons who thought the war was a mistake.

In addition, I see a sound long-range principle arguing against a program of direct aid to either North or South Vietnam.

Dr. Kissinger described the purpose of his continuing dialog with the North as "the beginning of new bilateral relations" between the United States and North Vietnam.

I would welcome normal diplomatic relations with that country. But it is an entirely different matter when we are talking about aid.

If we learn nothing else from our bitter experience in Indochina, we must at least understand the risks of unilateral involvements, either military or economic. If we cannot police the world alone, neither can we put it right by ourselves.

American weapons caused most of the damage in the war. But we are not alone in bearing a responsibility or retaining an interest. China and the Soviet Union supplied arms and various kinds of economic assistance to North Vietnam. Other countries made a very great profit from the war by selling goods to both sides. And, looking ahead, all nations in Asia, and especially Japan, together with all nations involved in commerce in that part of the world, have a future interest in its reconstruction.

So despite whatever special obligations we might feel, I think we must move now to shed the notion that there is a special bilateral relationship between the United States and Vietnam, North or South, lest we once again be dragged into an involvement in that part of the world. We should reject any proposal for direct U.S. aid, and instead seek a multilateral reconstruction program through the United Nations and other international agencies. In the process, we will strengthen the institutions which should have the primary responsibility for building a peace that will last.

For all of these reasons, I intend to oppose any request for U.S. Government aid to North Vietnam. While needs are great there, we have great needs at home which have been neglected for too long a time. I cannot justify being more sensitive to the interests of a former adversary than to the concerns of our own people. And to break the dangerous premise that Vietnam is akin to a provincial interest of the United States, we should seek international supervision of Indochina aid programs, with participation by all developed nations.

I want to make one further suggestion on what the U.S. role should be.

The war has been a source of heartache for millions of Americans who have seen it for years as a violation of this country's best ideals. Yet through their tax dollars, those same people were forced to pay for the bombing they opposed—including $500 million for the Christmastime raids alone. Is it proper now that those who opposed the raids and were not consulted, should now be asked to pay for the damage?

In his second inaugural address, President Nixon said,

> Let us encourage individuals at home and nations abroad to do more for themselves . . . In the challenges we face together, let each of us ask, not just how can government help, but how can I help?

In keeping with that spirit, I think it would be appropriate for the President to enlist private contributions for reconstruction aid to North Vietnam, instead of demanding such funds from the American taxpayers.

A number of organizations have already begun efforts of that kind. With real Presidential leadership, the base of support could be dramatically broadened. In addition to humanitarian appeals, there are groups with a special reason to help if they are encouraged by the Nation's leadership.

Between 1965 and 1970, for example, the 10 major U.S. corporations supplying the war had contracts totaling nearly $11.9 billion. It seems logical to assume that with Mr. Nixon's active inspiration, those who produced supplies for the war—at a handsome profit—would be willing to share voluntarily in its reconstruction. By the same token, American companies have been interested in developing offshore oil resources in the Tonkin Gulf region; certainly they have a stake in the reconstruction of the area.

So before he goes back to the taxpayers, or before he tries to squeeze even more out of a an already reduced domestic budget, I suggest that the President go first to those who made big profits on the war. The American people have always responded generously to appeals of this kind. With all the special circumstances involved, I think they will respond favorably in this instance not to the compulsion of the tax system, but to a sustained Presidential appeal for voluntary aid—especially from those who made a profit from the war.

Certainly that approach should be tried. Until it is, I see yet another reason to oppose the idea of robbing the budget to pay off the damage of a mistaken war.

If he wants the American poor and

the troubled to live by the rule that he spelled out in his inaugural address, "not just how can Government help, but how I can help," I think that is a doctrine the President should apply to himself with reference to the raising of funds for North Vietnam.

Mr. GRIFFIN. Mr. President, I want to comment briefly on the very statesmanlike position taken by the distinguished majority leader, Mr. MANSFIELD, when he indicated that he intends to keep an open mind—and will try to support—a proposal for assistance to rehabilitate Southeast Asia as may be forthcoming from the administration.

The Senator from Montana has emphasized that we do not have a proposal before the Senate and we do not know what the details of it will be. I think he is taking an appropriate position at this particular point.

Mr. President, the 60-day period following the signing of the Vietnam ceasefire agreement is critical, because during that period, our prisoners of war will be coming home. This is not a very good time, I would suggest, for Members of the Senate to be making statements which might, indeed, jeopardize the agreement that has been entered into.

I particularly commend the distinguished majority leader, because he speaks as the leader of the party in control of Congress. This is certainly a time when there is a great need for a spirit of bipartisanship. If we consider the difficulties presented by any proposal to provide reconstruction aid to a former enemy, I think it would be well to remember that the situation we have today is not unlike the situation we faced following World War II. It was just as unthinkable, then, for many Americans to consider the possibility that we would provide assistance to our former enemies, Japan and Germany in rehabilitating their homelands.

At that time the tables were reversed, so to speak. In those days, there was a Democratic President in the White House, Harry Truman, and he needed the support of a Republican Congress to launch the Marshall plan. Although there was opposition on both sides of the aisle, I think it was to the great credit of the Congress that there was a sense of bipartisanship prevailed which made it possible for the United States to be compassionate, and help our enemies rebuild their countries. That proved to be a very sound investment.

Although I do not have the details—neither do those who are criticizing have the details at this point—I have no doubt that the cost involved in the program that the President will ask us to support will be a very sound investment in terms of building a lasting peace.

So I think that this is a time for Members of the Senate to exercise some restraint and to wait at least until we have the details of the proposal which may eventually come out of the talks that are taking place now.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Res. 46. A resolution authorizing additional expenditures by the Committee on Government Operations for inquiries and investigations (Rept. No. 93-31);

S. Res. 33. A resolution authorizing additional expenditures by the Committee on Interior and Insular Affairs for inquiries and investigations (Rept. No. 93-32);

S. Res. 52. A resolution relating to expenditures by the Committee on Post Office and Civil Service (Rept. No. 93-33); and

S. Con. Res. 8. A concurrent resolution relating to the designation, administration, and expenses of the Joint Study Committee on Budget Control (Rept. No. 93-39).

By Mr. CANNON, from the Committee on Rules and Administration, with amendment:

S. Res. 43. A resolution authorizing additional expenditures by the Committee on Aeronautical and Space Sciences for inquiries and investigations (Rept. No. 93-27);

S. Res. 23. A resolution authorizing additional expenditures by the Committee on Agriculture and Forestry for inquiries and investigations (Rept. No. 93-28);

S. Res. 41. A resolution authorizing additional expenditures by the Committee on Banking, Housing and Urban Affairs for inquiries and investigations (Rept. No. 93-29);

S. Res. 37. A resolution authorizing additional expenditures by the Committee on the District of Columbia for inquiries and investigations (Rept. No. 93-30);

S. Res. 21. A resolution authorizing additional expenditures by the Committee on Public Works for inquiries and investigations (Rept. No. 93-34);

S. Res. 47. A resolution authorizing additional expenditures by the Committee on Veterans' Affairs for inquiries and investigations (Rept. No. 93-35);

S. Res. 49. A resolution authorizing additional expenditures by the Select Committee on Small Business (Rept. No. 93-36);

S. Res. 50. A resolution continuing, and authorizing additional expenditures by the Select Committee on Nutrition and Human Needs (Rept. No. 93-37);

S. Res. 51. A resolution continuing, and authorizing additional expenditures by the Special Committee on Aging (Rept. No. 93-38);

S. Con. Res. 2. A concurrent resolution authorizing the printing of additional copies of Senate hearings entitled "Runaway Youth" (Rept. No. 93-23);

S. Con. Res. 3. A concurrent resolution authorizing the printing of additional copies of Senate hearings entitled "Saturday Night Special Handguns, S. 2507" (Rept. No. 93-24); and

S. Con. Res. 4. A concurrent resolution authorizing the printing of additional copies of Senate hearings entitled "Juvenile Confinement Institutions and Correctional Systems" (Rept. No. 93-25).

By Mr. CANNON, from the Committee on Rules and Administration, with amendments:

S. Res. 40. A resolution to provide four additional professional staff members and four additional clerical assistants for the Committee on Finance (Rept. No. 93-26).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

John R. Evans, of Utah, Philip A. Loomis, Jr., of California, and G. Bradford Cook, of Illinois, to be members of the Securities and Exchange Commission.

The above nominations were reported, with the recommendation that the nominees be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Mr. MOSS. Mr. President, from the Committee on Commerce, I report favorably sundry nominations in the Coast Guard and National Oceanic and Atmospheric Administration which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Leon A. Murphy, and sundry other commanders of the Coast Guard Reserve, to be permanent commissioned officers in the Coast Guard Reserve, in the grade of captain;

David J. Goehler, and sundry other persons, for permanent appointment in the National Oceanic and Atmospheric Administration;

William D. Harvey, and sundry other officers, for promotion in the Coast Guard;

William P. Allen, and sundry other officers, for promotion in the Coast Guard Reserve;

Richard E. McDonald, and sundry other officers, for promotion in the Coast Guard;

Earl D. Johnson, to be a permanent commissioned officer in the Coast Guard, in the grade of lieutenant commanders, having been found fit for duty while on the temporary disability retired list;

Edward H. Bonekemper III, and sundry other Coast Guard Reserve officers, to be permanent commissioned officers in the Regular Coast Guard; and

Frederick A. Adams, and sundry other graduates of the Coast Guard Academy, to be permanent commissioned officers in the Coast Guard.

The above nominations were reported, with the recommendation that the nominees be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HUMPHREY:

S. 933. A bill for the relief of Mr. Lawrence Kiuwan Wong and Mrs. Patricia Yuet-May Wong. Referred to the Committee on the Judiciary.

S. 934. A bill to establish within the executive branch an independent board to establish guidelines for experiments involving human beings. Referred to the Committee on Government Operations.

By Mr. JACKSON (for himself and Mr. FANNIN) (by request):

S. 935. A bill to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes. Referred, by unanimous consent, to the Committee on Interior and Insular Affairs provided that the Committee on Commerce may, at its option, subsequent to reporting by the Committee on Interior and Insular Affairs, request referral of the bill for a period not to exceed 45 calendar days, excluding any lengthy period in which the Congress is not in session.

By Mr. ROBERT C. BYRD:

S. 936. A bill to amend chapter 9 of title 5 of the United States Code with respect to executive reorganizations in order to provide the Congress with an opportunity for more adequate consideration of executive reorganization plans of such chapter, and for other purposes. Referred to the Committee on Government Operations.

By Mr. THURMOND:

S. 937. A bill to amend title 37, United States Code, to provide an incentive plan for participation in the Ready Reserve. Referred to the Committee on Armed Services.

By Mr. JACKSON (for himself and Mr. Fannin) (by request):

S. 938. A bill to provide for the addition of certain eastern national forest lands to the national wilderness preservation system, to amend section 3(b) of the Wilderness Act, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. McCLURE (for himself and Mr. Church):

S. 939. A bill to amend the Admission Act for the State of Idaho to permit that State to exchange public lands and to use the proceeds derived from public lands for maintenance of those lands. Referred to the Committee on Interior and Insular Affairs.

By Mr. MONDALE:

S. 940. A bill for the relief of Isaac Einisman; wife, Dora; and daughter, Karin. Referred to the Committee on the Judiciary.

By Mr. ALLEN (for himself and Mr. Sparkman):

S. 941. A bill for the relief of Giuseppe Rosone; his wife, Rosalia Rosone; and their child Rosario Rosone. Referred to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 942. A bill to transfer and reorganize all existing law enforcement functions of the Federal Government related to trafficking in narcotics and dangerous drugs in a division of narcotics and dangerous drugs established in the Federal Bureau of Investigation. Referred to the Committee on Government Operations.

By Mr. BROOKE (for himself and Mr. Kennedy):

S. 943. A bill to provide for the establishment of an urban national park known as the Lowell Historic Canal District National Cultural Park in the city of Lowell, Mass., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BARTLETT (for himself and Mr. Bellmon):

S. 944. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Iowa Tribe of Oklahoma and the Iowa Tribe of Kansas and Nebraska and in Indian Claims Commission docket numbered 135, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. TAFT:

S. 945. A bill to authorize the Secretary of the Interior to establish and operate a National Museum and Repository of Black History and Culture at or near Wilberforce, Ohio. Referred to the Committee on Labor and Public Welfare.

By Mr. STEVENSON:

S. 946. A bill to authorize the Secretary of the Interior to enter into contracts with, or make grants to, the several States and other entities to assist them in carrying out demonstration projects involving the reclaiming of lands which have been strip mined. Referred to the Committee on Interior and Insular Affairs.

By Mr. TUNNEY:

S. 947. A bill to amend the Internal Revenue Code of 1954 to allow a business deduction under section 162 for certain ordinary and necessary expenses incurred to enable an individual to be gainfully employed. Referred to the Committee on Finance.

By Mr. MONDALE (for himself, Mr. Javits, Mr. Stafford, Mr. Pell, Mr. Kennedy, Mr. Hartke, Mr. Huddleston, Mr. Inouye, Mr. Nelson, Mr. Beall, Mr. Williams, Mr. McGovern, Mr. Jackson, Mr. Humphrey, Mr. Eagleton, and Mr. Church):

S. 948. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide for the use of excess property by certain grantees. Referred to the Committee on Government Operations.

By Mr. MONDALE (for himself, Mr. Pell, Mr. Randolph, Mr. Hathaway, and Mr. Taft):

S. 949. A bill to provide youth services grants, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. NELSON (for himself, Mr. Abourezk, Mr. Metcalf, Mr. McGee, Mr. McGovern, Mr. Hatfield, and Mr. Burdick):

S. 950. A bill to amend the Clayton Act to provide for additional regulation of certain anticompetitive developments in the agricultural industry. Referred to the Committee on the Judiciary.

By Mr. STEVENS:

S. 951. A bill to authorize the Secretary of Commerce to purchase in certain cases the catches of commercial fishermen which are prohibited from sale by restrictions imposed on domestic commercial fishing by a State or the Federal Government; and

S. 952. A bill to provide partial reimbursement for losses incurred by commercial fishermen as a result of restrictions imposed on domestic commercial fishing by a State or Federal Government. Referred to the Committee on Commerce.

By Mr. HATFIELD (for himself and Mr. Packwood):

S. 953. A bill to authorize the Secretary of Agriculture to reimburse cooperators for work performed which benefits Forest Service programs. Referred to the Committee on Agriculture and Forestry.

By Mr. NELSON:

S. 954. A bill to amend the Public Health Service Act in order to protect the public against excessively high prices for certain drugs;

S. 955. A bill to amend the Federal Food, Drug, and Cosmetic Act to require an appropriate warning on the label of any potentially dangerous drug, and for other purposes;

S. 956. A bill to amend the Federal Food, Drug, and Cosmetic Act in order to impose certain restrictions on oral representations made to physicians and pharmacists regarding drugs, and to impose certain restrictions on the written adverising of drugs;

S. 957. A bill to amend the Federal Food, Drug, and Cosmetic Act in order to require that the label of certain drugs include expiration dates regarding the effectiveness or potency of such drugs;

S. 958. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the export of any drug from the United States unless an application for approval of such drug has been obtained under section 505 of such act;

S. 959. A bill to amend the Federal Food, Drug, and Cosmetic Act, as amended, to require the submission of certain additional information by applicants for new drugs; to require the inclusion of certain additional information in drug labeling; and for other puropses;

S. 960. A bill to amend and supplement the Federal Food, Drug, and Cosmetic Act with respect to the manufacture and distribution of drugs, and for other purposes;

S. 961. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the certification of certain drugs other than insulin and antibiotics, and to provide for the submission of certain additional information on drugs by the producers of such drugs;

S. 962. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of sample drugs;

S. 963. A bill to amend the Federal Food, drug, and Cosmetic Act to make the Secretary of Health, Education, and Welfare responsible for the testing and evaluation of all drugs to determine whether such drugs meet the requirements for approval for commercial distribution, and to provide for the establishment of a national drug testing and evaluation center, and for other purposes;

S. 964. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for equality control for drugs purchased by the United States or paid for with Federal funds, and to provide for a formulary of the United States; and

S. 965. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for a Federal Drug Compendium which will list all prescription drugs by their generic names and provide reliable, complete, and readily accessible prescribing information. Referred to the Committee on Labor and Public Welfare.

S. 966. A bill to amend the Federal Food, Drug, and Cosmetic Act, as amended, to provide for the establishment of a national drug testing and evaluation center; to provide for a Federal drug compendium which lists all prescription drugs by their generic names and which provides reliable, complete, and readily accessible prescribing information; to provide for a formulary of the United States; to provide for quality control for drugs paid for with Federal funds; to provide for the registration of drugs; to provide for the certification of certain drugs other than insulin and antibiotics; to provide for the regulation of sample drugs; and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. BAKER:

S. 967. A bill to authorize appropriations for certain transportation projects in accordance with title 23 of the United States Code, and for other purposes. Referred to the Committee on Public Works.

By Mr. SPARKMAN (for himself, Mr. Tower, and Mr. Weicker):

S. 968. A bill to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HRUSKA (for himself and Mr. Ervin):

S. 969. A bill relating to the constitutional rights of Indians. Referred to the Committee on the Judiciary.

By Mr. STEVENS (for himself and Mr. Gravel):

S. 970. A bill to deal with the current energy crisis and the serious shortages of petroleum products facing the Nation and to authorize construction of the trans-Alaska pipeline. Referred to the Committee on Interior and Insular Affairs.

By Mr. BARTLETT (for himself and Mr. Bellmon):

S.J. Res. 67. Joint resolution to provide for the striking of medals in commemoration of Jim Thorpe. Referred to the Committee on Banking, Housing and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUMPHREY:

S. 934. A bill to establish within the executive branch an independent board to establish guidelines for experiments involving human beings. Referred to the Committee on Government Operations.

NATIONAL HUMAN EXPERIMENTATION STANDARDS BOARD ACT

Mr. HUMPHREY. Mr. President, I wish to commend the distinguished Senator from Massachusetts (Mr. Kennedy) and the Subcommittee on Health which he chairs for the hearings they will be conducting this week concerning human experimentation. The field of human experimentation is one in which the public is poorly informed. Yet this area involves the lives of thousands of human subjects and important medical research. Although the hearings will not devote themselves to particular legislation, they will help to provide the Congress with facts we badly need to know.

Mr. President, I am today introducing legislation to protect the rights and indeed the lives of the subjects of human experimentation. I introduced similar legislation last year. Such legislation is needed now more than ever.

The National Human Experimentation Standards Board Act would establish within the executive branch an independent board to set guidelines for experiments involving human beings.

The bill I am introducing today should in no way be interpreted as an attack on the invaluable research done or authorized by the Federal agencies capable of conducting clinical investigation using human subjects. As a result of these efforts, countless thousands of lives have been saved. However, I am concerned that we protect the rights of the human subjects of these investigations.

SHOCKING REVELATIONS

Last year the country was shocked by the revelation in the press of a barbaric syphilis study involving black men which had been conducted over a period of four decades. In Tuskegee, Ala., more than 430 men suffering from syphilis were denied treatment so Public Health Service doctors could study the damage the untreated disease did to human bodies. It was reported that at least 28, and perhaps as many as 107, of the men died from untreated syphilis.

The fact that these men volunteered for the experiment with the promise that they would receive $50 plus burial expenses demonstrates beyond any doubt that consent is a totally inadequate standard for human experimentation.

Subjects for the most dangerous experiments are almost always the poor and the uneducated. They desperately need money and do not fully comprehend the danger to which they will be exposed.

The famous medical authority Henry Knowles Beecher of Harvard University has written that:

> Lay subjects, sick or well, are not likely to understand the full implications of complicated procedures, even after careful explanation.

In some cases individuals unwittingly become test subjects, occasionally with disastrous results. Recently, associates of Ralph Nader have charged the University of Michigan with "the reckless practice of medicine" in dispensing the medication—DES—to coeds who think they may be pregnant after contraceptive failure or unprotected intercourse. DES or diethystilbestrol is a synthetic estrogen which has been linked to cancer when used for purposes other than the prevention of miscarriage in women of childbearing age.

Another experiment with DES conducted in the early 1950's on 840 women serves as a further example. These women were given the hormone diethystilbestrol and now their daughters, aged 15 to 21, are now found to have an alarmingly high rate of malignancies. One girl has died. One of the participants in the experiment in 1950 was never advised she had been part of the experiment until August 1972.

Ironically much of this experimentation has been fueled by the requirements of recent legislation. The thalidomide scandals of the early 1960's led to the passage of the Harris-Kefauver Act of 1962. This law requires pharmaceutical companies to conduct three stages of human trials before the Food and Drug Administration allows a drug to be marketed. The sponsor of a drug investigation must obtain signed statements of informed consent from each prospective participant in the experiment, but if a subject is unable to sign, the decision regarding their participation in the investigation can be left to the professional judgment of the investigator.

Federal Drug Administration records show that more than 3,000 drugs are currently being tested. In 1 year alone, 1971, human beings were the subjects of the initial, stage one, tests of more than 500 of these drugs.

The broad range of Federal programs dealing with human experimentation—from population control to cancer—make it imperative that we establish some standards to prevent the creation of human guinea pigs. Professional estimates indicate that 85 to 90 percent of all clinical investigations are Government sponsored and funded. Indeed, Government personnel, like military reserve units, and Government agencies, such as the U.S. Employment Service, are frequent sources of both subjects and information leading to subjects.

It is difficult to determine how many agencies or projects there might be since, in some instances, medical investigations are not clearly stated as involving human subjects.

The principal Federal agencies concerned are the Veterans' Administration, the Department of Defense—the Army, Air Force, and Marine Corps—and the National Institutes of Health. The Atomic Energy Commission can become involved in licensing the use of radioisotopes for experimental purposes.

Laws which make each agency ultimately responsible for the nature of its own experiments are inadequate.

NATIONAL GUIDELINES

The Congress should act now to set up national guidelines for human experimentation. There is every indication that clinical investigations will be enormously proliferated in years to come, as cancer research and other major investigative efforts are stepped up.

Mr. President, the Congress would make a serious error in adopting measures which establish informed, voluntary consent as the primary standard governing human experimentation. We have all personally experienced situations in which we were either subtly or overtly coerced into volunteering for something. For example, can anyone honestly believe that there is a total absence of pressures, including psychological pressures, in cases involving prisoners serving extended sentences who volunteer for medical projects in the belief that they might get "good time" before the parole board?

Parole boards are under no obligation whatsoever to commit themselves to reducing the sentences of those who volunteer in our prisons, indeed, established policy is to the contrary. However, we are all aware of cases such as the Leopold case, where parole has occurred accompanied by public statements indicating that the parole resulted from an exceptional voluntary contribution to the advance of medical science. However, most prisoners are not as well educated and as able to assess the risks as Mr. Leopold.

Some prison testing programs have been linked to prison drug traffic, forced homosexual encounters, injuries to inmates, and highly questionable test results. A 1968 Government study of the Holmesburg Prison in Philadelphia revealed that inmate workers for the University of Pennsylvania Medical School testing project often stole and sold drugs used on various experiments. The money paid to inmates participating in the program—more than a quarter of a million dollars each year—provided a great source of patronage to the inmate who controlled the selection of test participants. The study reports that a fraud artist who held such a position used his power to induce men to serve as his homosexual companions for fees of about $1,600 a year.

Prisoners make up almost the entire phase I stage of drug testing programs because they involve risks and pain that would not be sanctioned for student subjects. But reports indicate that behind prison walls the guidelines for human experimentation established by HEW and other agencies are easily disregarded. A recent newspaper article reports that the worst abuses of prisoners take place in exactly those prisons where psychiatrists have the most influence, such as the California Medical Center at Vacaville and the Patuxent Institution in Maryland. This happens because customary constitutional safeguards, at best flimsy in a prison, are completely shattered under the guise of "treating the patient" rather than "punishing the prisoner." The article further states that electroshock, psychosurgery, and massive drug dosing are permitted as treatments when they would be clearly "cruel and unusual" if evaluated as punishments.

While poorly informed prisoners sign up for testing programs for the money or to get away from the boredom of prison life or are unknowingly subjected to unusual medical treatments; persons outside prison walls who are critically ill are often subjected to experimentation without their consent. The same is too often true also in the cases of children, the mentally retarded, and the institutionalized.

In 1967, the late Senator Robert Kennedy discovered one reason why children at Willowbrook State School in Staten Island, N.Y., were willing participants in hepatitis experiments. Parents had been told that the school was too crowded and that their child could not get in—unless the parents would agree to let the youngster join the school's hepatitis testing program.

In a number of municipal hospitals, physicians have succumbed to financial pressures and permitted entire units of the hospitals to be devoted to evaluating new drugs. These units are maintained and staffed by drug companies. Because treatment at public hospitals and prisons is often substandard, physicians may justifiably believe that the medical benefits of testing outweigh the risks.

It appears that many of these physicians have forgotten the admonition of Hippocrates:

> Life is short, and the art long; the occasion instant, decision difficult, experiment perilous.

Despite the American Medical Association's strict codes of research ethics, a recent study found that most physicians engaged in clinical research never studied the ethics of testing while in medical school, and that a "significant minority" place personal and scientific achievement ahead of their responsibility to the test population.

Mr. President, would these physicians care more about the test population if it was composed of U.S. Congressmen? Would they be more caring if the human subject were their next-door neighbor? I submit that they would.

It is our moral responsibility to see that the poor, the uneducated, and the captive populations are not left unprotected as human guinea pigs. Prisoners must not be allowed to sell their bodies for $1 a day, not knowing the full consequences of their action. We cannot permit other persons to volunteer the mentally retarded for experiments that are not fully explained and observed. These individuals are asked to bear the burden of medical advancement for all of us. We owe them just protection.

Mr. President, I hasten to assure Members of Congress and the public that I would not hamper the legitimate research in our Nation which has saved so many lives and brought so many of us from sickness to health. Certainly, the overwhelming majority of research is conducted with the strict observance of both medical and ethical considerations. But we must act very carefully to protect our country from abuses we know exist in experiments on human beings, however rare such abuses might, in fact, be. Clearly, many test subjects are incapable of protecting themselves and have no political power to force the passage of adequate safeguards.

In 1946, the American Medical Association passed a resolution on human research. Since then there have been a number of "guiding principles" and "codes of ethics" developed by the medical profession. These promulgations were followed by FDA regulations in 1962 and the Helsinki Declaration of 1966.

All of these guides and codes are pretty much the same. They state that the "informed consent" of the subject must be obtained and that human experiments must be based on prior laboratory work and research on animals. They emphasize the grave responsibility of the investigator to the subject, and exhort him to avoid experiments that are of no scientific value or that subject humans to unnecessary pain and risk.

The principles of previous codes were incorporated in a 1972 U.S. Department of Health, Education, and Welfare publication entitled "The Institutional Guide to DHEW Policy on Protection of Human Subjects." However, despite the concern the guide expresses for captive populations; HEW does not even maintain a list of prisons in which HEW-financed research programs are in progress and has "no central source of information" on the scope of medical experiments on prisoners by drug companies according to a current Atlantic magazine article. The legislation I am introducing today would attempt to solve this information problem as well as establish national human experimentation guidelines.

THE NATIONAL HUMAN EXPERIMENTATION STANDARDS BOARD

The National Human Experimentation Standards Board would be an independent agency in the executive branch of the Government. Its members would be appointed by the President by and with the advice and consent of the Senate.

The members of the Board would be persons of demonstrated knowledge, education, and experience in the field of clinical investigations. Each member would serve for a period of 3 years and would be eligible for reappointment for one additional term.

The members of the Board would be authorized to appoint personnel, and fix the compensation of the personnel in accordance with the provisions of title 5 of the United States Code.

The Board would make the rules which would govern its functions, and have the right to delegate authority.

Experts and consultants could be made available, under the terms of section 3109 of title 5, United States Code.

The Board could appoint one or more advisory committees to be composed of such private citizens and officials of government at all levels as the Board would deem suitable.

The services and facilities of other agencies of Government would, with their consent, be called upon. Other services of a voluntary and uncompensated nature could be accepted by the Board, notwithstanding the provisions of section 3676 of the revised statutes, and unconditional gifts of services or property could be accepted as well.

The Board could enter into contracts or agreements with other public or private nonprofit entities to conduct studies as required by the provisions of this act.

The Federal agencies are authorized and directed to make available to the Board whatever services or information the Board requests, insofar as practicable.

The Chairman and members of the Board would be compensated, respectively, at levels 3 and 4 of the executive pay schedule.

The Board would have subpena powers, and the right to hold hearings. Those who conducted experiments and failed to respond to the Board could be held in contempt of court.

The Board would establish national guidelines for human experimentation in those projects financed by Federal funds. Any experiment could be reviewed in its formulative stages to insure its compliance with the guidelines.

Where experiments already underway are found not to comply with established guidelines, the Board could obtain an injunction to discontinue the experiment and could compensate any victims of the experiment.

The Board would submit an annual report to the President which would be transmitted to the Congress with recommendations regarding legislation.

By Mr. JACKSON (for himself and Mr. FANNIN) (by request):

S. 935. A bill to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes. Referred, by unanimous consent, to the Committee on Interior and Insular Affairs provided that the Committee on Commerce may, at its option, subsequent to reporting by the Committee on Interior and Insular Affairs, request referral of the bill for a period not to exceed 45 calendar days, excluding any lengthy period in which the Congress is not in session.

Mr. JACKSON. Mr. President, for myself and the senior Senator from Arizona (Mr. FANNIN), I introduce, by request, a bill submitted by the Secretary of the Interior to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes. This bill is known as the Electric Facilities Siting Act of 1973.

This bill was submitted as part of the President's program on the environment and energy.

Mr. President, I have discussed this matter with my distinguished colleague from the State of Washington (Mr. MAGNUSON), the chairman of the Committee on Commerce, and he has agreed that the Committee on Interior and Insular Affairs, which is currently conducting the Senate's study of national fuels and energy policy should begin early consideration of this legislation in connection with the Interior Committee's consideration of general energy facilities siting legislation. As the Members of the Senate will recall, under Senate Resolution 45 of the 92d Congress, the Committees on Commerce, Public Works, and the Senate members of the Joint Commitee on Atomic Energy, participate with the Committee on Interior and Insular Affairs in our study.

I ask unanimous consent that the bill be referred to the Interior Committee provided that the Commerce Committee may, at its option, subsequent to reporting by the Interior Committee, request referral of the bill for a period not to exceed 45 calendar days, excluding any lengthy period in which the Congress is not in session.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **JACKSON**. Mr. President, as Members of the Senate know, the Commerce Committee has major jurisdiction over energy matters and is actively pursuing several legislative initiatives; it is in the spirit of cooperation and coordination, and in the interest of expediting Senate consideration of critical energy matters that we have entered into this agreement.

Mr. President, I ask unanimous consent that the text of the letter from the Secretary of the Interior accompanying the proposed legislation be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., February 15, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: In accordance with today's Presidential Message on the Environment, I am enclosing our proposed Electric Facilities Siting Act of 1973, which we recommend be enacted.

The bill addresses the increasingly serious problem of accommodating protection of the environment and expanding demand for electric power. Meeting future power requirements will mean building a substantial number of major new electric generation and transmission facilities. We currently estimate, for example, that between now and 1990 more than 300 new generating plants of the size covered by the bill (300 megawatts or more) will be required to meet power demands at projected rates of development. In siting major generation or transmission facilities, significant environmental problems may occur. Experience indicates that these problems can be extremely serious unless plans are made long in advance of proposed construction and are thoroughly considered by the public and affected governmental agencies. Also needed is complete public and governmental review of the facilities themselves and related sites beginning several years in advance of construction.

The bill requires all utilities to undertake long-range (10 years) planning for electric facilities, giving the public and governmental agencies full opportunity to review and comment on the plans developed. It requires utilities to apply for approval of particular electric facility sites 3 to 5 years before construction begins. For non-Federal electric utilities, application is made to a State certifying agency, which the bill calls on each State to designate. For Federal utilities, the Secretary of the Interior serves as the certifying agency. Other necessary Federal authorizations are obtained for both Federal and non-Federal utilities by applying to the appropriate Federal agencies through a new Federal Electric Facilities Siting Panel, of which the Secretary of the Interior is chairman. The Panel is responsible for coordinating and expediting Federal reviews and for developing, with the certifying agencies, consolidated procedures and forms to be used in applying for sites.

The bill is based in substantial measure on the power plant siting legislation which the Administration proposed to the 92d Congress, but it makes a number of changes which further consideration and subsequent events indicate will improve it. It requires all governmental action on siting applications—Federal, State and local—to be completed within eighteen months of the date of application. It consolidates procedures for compliance with the National environmental Policy Act so that one—and only one—environmental impact statement is prepared. The statement would be prepared by the certifying agency with full participation by those affected, including other Federal, State and local agencies, and it would be used by all agencies in making decisions subject to their jurisdiction.

Unless we act promptly, the problems we have been facing in locating electric facilities will become much worse. Because I am convinced that it will best serve the dual purposes of protecting environmental values while assuring an adequate supply of electricity, I urge the Congress to enact the enclosed legislation.

The Office of Management and Budget advises that enactment of this legislation would be in accord with the President's program.

Sincerely yours,
ROGERS C. B. MORTON,
Secretary of the Interior.

By Mr. ROBERT C. BYRD:

S. 936. A bill to amend chapter 9 of title 5 of the United States Code with respect to executive reorganizations in order to provide the Congress with an opportunity for more adequate consideration of executive reorganization plans of such chapter, and for other purposes. Referred to the Committee on Government Operations.

Mr. **ROBERT C. BYRD**. Mr. President, during the past few weeks, I have introduced a series of bills and amendments aimed at regaining congressional power over the administrative arm of the Federal Government.

In January, when the joint resolution came over from the House extending the time for the President's submission of the 1974 budget, I offered an amendment to that resolution to require the submission of information by the executive branch concerning impoundments made during the period dating from June 30, 1972 to January 29, 1973, which amendment was further amended to extend that period to February 10, 1973.

On January 23, I introduced S. 516, a bill to require Senate reconfirmation of the Director of the Federal Bureau of Investigation every 4 years.

On February 2, I offered an amendment to S. 518, a bill requiring Senate confirmation of the Director and Deputy Director of the Office of Management and Budget, making such confirmation necessary every 4 years. My amendment was adopted and such language is in the bill that passed the Senate on February 5.

Subsequently, I introduced S. 755, a bill which would require Senate reconfirmation of the heads of the executive departments every 4 years.

All of these bills are attempts at regaining some of the leverage necessary for the Congress to exert its proper influence on the actions of the executive branch.

The legislation I offer today will open up for discussion on the floors of Congress the merits of the executive reorganizations as they occur. I feel that it is important that the Congress approve reorganization plans on the basis of their merit and after full debate, not just allow them to go into effect if either House of the Congress does not take formal action to disapprove them.

Therefore, I introduce today a bill to amend chapter 9 of title 5 of the United States Code with respect to executive reorganizations. Its purpose is to revise the present statutory scheme to insure that organizational changes proposed by the executive are examined, debated, and positively acted upon by the Congress. At present, rejection of a proposed reorganization plan is effected by way of a disapproving resolution by either House of Congress. In practical terms, this leaves the entire matter of administrative reorganization largely in the executive since inaction by Congress insures implementation of the plan. I may note that since 1963, only one of 23 plans submitted by the executive has been rejected by Congress.

Briefly, my bill would modify the current scheme in three vital respects. First, and most importantly, a proposed reorganization plan would become effective only upon a majority vote of both Houses adoptive of a concurrent resolution approving the plan. Second, the President would be required to advise the Congress at the time he submits his annual budget message of any reorganization plans then under study or consideration, however tentative. Third, not less than 30 days prior to the date on which the President is to submit a reorganization plan to the Congress, the President would have to notify the President of the Senate and the Speaker of the House that he intends to submit such a plan, together with a statement of the purpose of the plan and the substance of the proposed reorganization.

Each of these features is intended to provide the Congress with adequate time to investigate the substance of a particular reorganization plan and to insure full and open debate. Further, to prevent defeat of proposals by simple inaction by the Congress, the bill requires committee action and a report, and makes the matter privileged.

I believe that my bill is a major step toward recovering some of the initiative the legislative branch has lost to the executive. It will aid in restoring to Congress its responsibility for discharging the duty of overseeing the conduct of the executive departments. It will strengthen the authority of the Congress over the administrative bureaucracy in the face of the increasing executive encroachment on Congress's constitutional authority. And it will, through its provision for affirmative approval of plans, safeguard against ill-considered and hasty action by the executive and default approval by a busy or an apathetic Congress.

Congressional control and oversight of the executive departments and agencies constitute one of our most important functions. It is the means by which the Congress is assured that its policies are being faithfully carried out, by which it may hold executive officers to an accounting for their stewardship, and by which it learns the effects of legislative policies and is thus able to make necessary statutory revisions. I believe that the bill which I introduced today will go a long way toward accomplishment of these objectives, and I hope that it will receive early and favorable consideration by the Senate.

Mr. President, I ask unanimous consent to have the text of the bill printed in full at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Executive Reorganization Improvement Act of 1973".

SEC. 2. Section 905 of title 5, United States Code, is amended by striking out "April 1, 1973" and inserting in lieu thereof "April 1, 1975".

SEC. 3. (a) Chapter 9 of title 5, United States Code, is amended by inserting immediately after section 905 the following new section:

"§ 906. Notice of intended reorganization plans

"(a) The President shall transmit to the Congress, as part of his budget message required under section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), for the fiscal year ending June 30, 1975, and for each succeeding fiscal year, a summary of reorganization plans which the President intends to submit under this chapter during the ensuing fiscal year for which that budget is submitted, together with a general description of the areas to be affected by any such reorganization plan.

"(b) In order to provide an opportunity for the Congress to propose modifications and amendments in any reorganization plan proposed to be submitted under this chapter, not less than thirty days prior to the date on which a reorganization plan is to be submitted to the Congress under this chapter, the President shall notify the President of the Senate and the Speaker of the House of Representatives that he intends to submit such a plan, which notice shall include a statement of the purposes of that plan and the substance of the proposed reorganization."

(b) Section 903(a) of title 5, United States Code, is amended by striking out "Whenever" and inserting in lieu thereof "Subject to the provisions of section 906, whenever".

SEC. 4. Sections 906, 907, 908, 909, 910, 911, 912, and 913 of title 5, United States Code, and all references thereto, are redesignated as sections 907, 908, 909, 910, 911, 912, 913, and 914, respectively.

SEC. 5. Section 907(a) of title 5, United States Code (as redesignated by section 4 of this Act), is amended to read as follows:

"(a) Except as otherwise provided under subsection (c) of this section, a reorganization plan is effective at the end of the first period of sixty calendar days of continuous session of Congress after the date on which the plan is transmitted to it if, between the date of transmittal and the end of the sixty-day period, the two Houses pass a concurrent resolution stating in substance that the Congress favors the reorganization plan."

SEC. 6. Section 909 of title 5, United States Code (as redesignated by section 4 of this Act), is amended by striking out "Sections 909–913" and inserting in lieu thereof "Sections 910–915".

SEC. 7. Section 910 of title 5, United States Code (as redesignated by section 4 of this Act), is amended to read as follows:

"§ 910. Terms of resolution

"For the purpose of sections 909–915 of this title, 'resolution' means only a concurrent resolution, the matter after the resolving clause of which is as follows: 'That the Congress of the United States favors the reorganization plan numbered — transmitted to the Congress by the President on ______ __, 19__.' The blank spaces therein are to be appropriately filled. The term does not include a resolution which specifies more than one reorganization plan."

SEC. 8. (a) Section 912(a) of title 5, United States Code (as redesignated by section 4 of this Act), is amended by inserting: "(or, in the case of a resolution received from the other House, twenty calendar days after its receipt)," immediately after the word "introduction".

(b) Section 912 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) If, on the fiftieth day after the date on which a reorganization plan was transmitted to the Congress, the committee to which a resolution with respect to that plan has been referred has not reported it, or has not been discharged from further consideration of the resolution under subsection (a) of this section, the committee shall be automatically discharged from further consideration of that resolution, except that whenever more than one resolution with respect to a reorganization plan has been introduced, the committee shall be discharged of the resolution first introduced."

SEC. 9. Chapter 9 of title 5, United States Code, is further amended by adding at the end thereof the following new section:

"§ 915. Procedure after one House receives a resolution from the other House

"If, prior to the passage by one House of a resolution of that House with respect to a reorganization plan, such House receives from the other House a resolution with respect to the same plan, then the following procedure applies:

"(1) If no resolution of the first House with respect to such plan has been referred to committee, no other resolution with respect to the same plan may be reported or (despite the provisions of section 912(a)) be made the subject of a motion to discharge.

"(2) If a resolution of the first House with respect to such plan has been referred to committee—

"(A) the procedure with respect to that or other resolutions of such House with respect to such plan which have been referred to committee shall be the same as if no resolution from the other House with respect to such plan had been received; but

"(B) on any vote on final passage of a resolution of the first House with respect to such plan the resolution from the other House with respect to such plan shall be automatically substituted for the resolution of the first House."

SEC. 10. The analysis of chapter 9 of title 5, United States Code, is amended—

(1) inserting immediately after item "905" the following:

"906. Notice of intended reorganization plans.";

(2) by striking out "906" and inserting in lieu thereof "907";

(3) by striking out "907" and inserting in lieu thereof "908";

(4) by striking out "908" and inserting in lieu thereof "909";

(5) by striking out "909" and inserting in lieu thereof "910";

(6) by striking out "910" and inserting in lieu thereof "911";

(7) by striking out "911" and inserting in lieu thereof "912.";

(8) by striking out "912" and inserting in lieu thereof "913";

(9) by striking out "913" and inserting in lieu thereof "914"; and

(10) by adding at the end thereof the following new item:

"915. Procedure after one House receives a resolution from the other House.".

SEC. 11. The amendments made by this Act shall apply with respect to reorganization plans submitted after the date of enactment of this Act. The amendments made by sections 5, 7, 8, and 9 of this Act shall also apply to any reorganization plan which has been submitted to the Congress and has not been acted upon pursuant to chapter 9 of title 5, United States Code, prior to the date of enactment of this Act. Each such plan, if any, shall be deemed to have been submitted to the Congress on the date of enactment of this Act.

By Mr. THURMOND:

S. 937. A bill to amend title 37, United States Code, to provide an incentive plan for participation in the Ready Reserve. Referred to the Committee on Armed Services.

Mr. THURMOND. Mr. President, in a time of peace and greater dependency upon Reserve and Guard Forces it is more important than ever to enact laws which will help insure the strength of our military units.

Therefore, I am introducing today a bill which would provide bonuses to encourage participation in the Ready Reserve and National Guard. This legislation offers cash inducements for reservists who reenlist for at least 3 years following their first 6 years of reserve or guard duty. It also provides a bonus for a member of the regular forces if he elects to enlist in the reserves following his 2 years of active duty.

At present, upon reenlistment in the Regular Army, a bonus is given to those who have acquired specific skills while in the Armed Forces. This bonus serves as a realistic incentive for servicemen to remain in the Armed Forces. However, there is no such bonus offered to reservists, although recent surveys show only a small percent of enlisted Reserves reenlist after their first tour of duty. The low reenlistment rates are reflected by the latest compilations by the various reserve and guard units. Reenlistment rates of all enlisted first termers under the present 6-year service requirement are as follows:

[In percent]

Naval Reserve	15
Army National Guard	13
Air National Guard	11
Army Reserve	8
Air Force Reserve	4
Marine Corps Reserve	3

Mr. President, because the retention of high-quality enlisted personnel is of the utmost importance, I believe that unless more definite incentives are provided the Reserves and National Guard, the United States may reach a dangerously low level of personnel strength in these two vital elements of our national defense structure.

This bill would give those qualifying a $1,000 bonus upon reenlistment and $200 at the end of each of the 3 reenlistment years. The present cost of filling a vacancy with a new trainee, on the other hand, is between $2,400 and $4,000.

Thus, a reenlistment bonus such as the one proposed would not only create an incentive for Reserve reenlistments, but also effect significant savings to the Government.

As the United States moves toward a peacetime armed service, the Nation must provide more inducements if military personnel strength is to be maintained at even minimum levels. Passage of this bill is important if we are to start making a career in the armed services equivalent to a career in the other sectors of our economy.

Mr. President, I introduce this bill for appropriate reference and ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 5 of title 37, United States Code, is amended as follows:

(1) By adding the following new item at the end of the chapter analysis:

"313. Special pay: participation in Ready Reserve."

(2) By adding the following new section at the end thereof:

"§ 313. Special pay: participation in Ready Reserve

"(a) An enlisted member of a Reserve component who—

"(1) has completed a total of at least two years of active duty, or a total of at least six years of service, in one or more of the armed services;

"(2) is accepted for enlistment, reenlistment, or extension of enlistment in a Reserve component, in a pay grade above E–2, for a period of at least three years; and

"(3) agrees to remain in the Ready Reserve for a corresponding period and to perform such drills or other duty as may be prescribed;

is entitled to special pay computed under subsection (b).

"(b) The amount of special pay to which a person covered by subsection (a) is entitled is—

"(1) $1,000 upon reenlistment or extension of his enlistment;

"(2) $200 upon completing each year under that reenlistment or extension of enlistment of satisfactory participation in the program prescribed for his Reserve assignment, as determined by the Secretary concerned.

However, no member is entitled to incentive pay for any year of satisfactory performance that ends after he has completed twenty years of service computed under section 1332 of title 10.

"(c) The special pay authorized by this section is in addition to any other basic pay, special pay, incentive pay, or allowance to which the member concerned is entitled.

"(d) A member who voluntarily, or because of his misconduct, does not complete the first year of service under his reenlistment or extension of enlistment for which he was paid under subsection (b)(1) shall refund that percentage of the amount that the unexpired part of that year bears to the entire year for which the amount was paid.

"(e) This section shall be administered under regulations prescribed by the Secretary of Defense for the uniformed services under his jurisdiction, and by the Secretary of the Treasury for the Coast Guard when the Coast Guard is not operating as a service in the Navy."

By Mr. JACKSON (for himself and Mr. FANNIN) (by request):

S. 938. A bill to provide for the addition of certain eastern national forest lands to the National Wilderness Preservation System, to amend section 3(b) of the Wilderness Act, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, for myself and the senior Senator from the State of Arizona (Mr. FANNIN), I introduce by request a bill submitted by the Secretary of Agriculture to provide for the addition of certain eastern national forest lands to the National Wilderness Preservation System; to amend section 3(b) of the Wilderness Act, and for other purposes.

Mr. President, earlier this year I, along with several of my colleagues, introduced S. 316, a measure to expand the wilderness preservation system to include more areas in the Eastern United States. I am pleased that the administration has submitted their bill which I hope will be useful in preserving many of these areas for the use and benefit of the American people for generations to come.

I ask unanimous consent that the letter from the Department of Agriculture accompanying this proposed legislation be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Office of the Secretary,
Washington, D.C.

HON. SPIRO T. AGNEW,
President of the Senate.

DEAR MR. PRESIDENT: Transmitted herewith for the consideration of the Congress is a draft bill "To provide for the addition of certain eastern national forest lands to the National Wilderness Preservation System, to amend Section 3(b) of the Wilderness Act, and for other purposes."

The Department of Agriculture strongly recommends that the draft legislation be enacted by the Congress.

This proposed draft legislation, the Eastern Wilderness Amendments of 1973, would provide a means for supplementing the National Wilderness Preservation System within National Forests east of the one hundredth meridian. It would permit inclusion in the Wilderness System certain National Forest lands in the eastern United States which were once significantly affected by man's works, but where the imprint of man's work is substantially erased, and which have generally reverted to a natural appearance.

The Act would also specifically provide for the review of fifty-three listed areas for possible addition to the System. With respect to approximately one-fourth of these fifty-three "study" areas, the Forest Service has completed many of the studies and procedures needed to make specific recommendations on their suitability for inclusion in the Wilderness System. We believe analyses and interagency reviews of these areas should be at least analogous to those contemplated for National Forest Primitive Areas by the Wilderness Act. We expect to complete this review process soon and will be in a position to present further recommendations in the near future.

The Act would further provide that all National Forest System units east of the one hundredth meridian would be generally managed in accordance with the provisions of the Wilderness Act. Notable exceptions would be that the condemnation limitation of the Wilderness Act would not apply to eastern units, all Federal lands within such units would be withdrawn from appropriation or disposition under the mining and mineral leasing laws, and commercial grazing would not be permitted in such units. Although the need for acquisition of private lands in eastern National Forests results from fragmented ownership patterns, we intend to use the condemnation authority sparingly.

In his February 8, 1972, message on the environment, President Nixon highlighted the unequal distribution of wilderness units throughout the Nation. The President directed the Secretaries of Agriculture and the Interior to accelerate identification of areas in the eastern United States having wilderness potential.

In response to this directive, the Forest Service has invited public input on several alternative ways of meeting eastern needs for areas such as those included in the National Wilderness Preservation System. A series of public listening sessions was held in 21 eastern states in the summer of 1972, to discuss the issues raised by these alternatives. This proposed legislation represents an assessment of the input from those meetings and recommendations to further the President's directive.

An environmental statement is being prepared pursuant to the provisions of subsection 102(2)(c) of the National Environmental Policy Act (83 Stat. 853), and will be transmitted as soon as it is available.

A similar letter is being sent to the Speaker of the House of Representatives.

The Office of Management and Budget advises that the submission of this proposed legislation is in accord with the program of the President.

Sincerely,

EARL L. BUTZ,
Secretary of Agriculture.

By Mr. RIBICOFF:

S. 942. A bill to transfer and reorganize all existing law-enforcement functions of the Federal Government related to trafficking in narcotics and dangerous drugs in a Division of Narcotics and Dangerous Drugs established in the Federal Bureau of Investigation. Referred to the Committee on Government Operations.

THE FBI SHOULD TAKE OVER ALL FEDERAL DRUG LAW ENFORCEMENT

Mr. RIBICOFF. Mr. President, I introduce a bill for appropriate reference to transfer and reorganize the widely scattered Federal law-enforcement programs related to trafficking in narcotics and dangerous drugs into a single new division of the Federal Bureau of Investigation.

Since 1969, Federal law-enforcement efforts aimed at curbing the supply of heroin and other narcotic and dangerous drugs have mushroomed at a rate rivaling the growth of the drug crisis itself. A sevenfold increase in Federal funding, from $36 million in 1969 to $257 million proposed in 1974, has served to perpetuate, proliferate, and magnify a disorganized Federal response to the Nation's No. 1 law-enforcement problem.

As difficult as it is to come to grips with the drug crisis, it is even more difficult to get an accurate count of the number of law-enforcement programs the Federal Government has established to meet the crisis. A special analysis of the fiscal 1974 budget related to drug abuse control, prepared by the Office of Management and Budget, places the number at nine. A recent study prepared by the Library of Congress describes 13 such drug law-enforcement programs.

The number of programs would not be an issue if the end result was an efficient, well-coordinated, highly effective enforcement effort which was succeeding in eradicating the scourge of heroin and other deadly and dangerous drugs. However, the very opposite is the case. No one has stated the problem more precisely than President Nixon himself when, in a related context, he declared:

> At present, there are nine federal agencies involved in one fashion or another with the problem of drug addiction. In this manner our efforts have been fragmented through competing priorities, lack of communication, multiple authority, and limited and dispersed resources. The magnitude and severity of the present threat will no longer permit this piecemeal and bureaucratically dispersed effort at drug control.

The most disturbing element in the entire Federal drug law enforcement picture is the sharp rivalry and often bitter feuding between the Nation's two major enforcement agencies—the Bureau of Narcotics and Dangerous Drugs in the Justice Department and the narcotics component of the Customs Bureau in the Treasury Department. A recent GAO report on the heroin-smuggling problem in New York City said the problems between BNDD and Customs "include failing to share intelligence or other information, untimely notice of arrest or seizure, lack of communications, misunderstandings, and personality conflicts."

The report concluded:

> Cooperation and coordination between law enforcement agencies are vital in the government's battle against heroin trafficking. To the extent that cooperation is not fully realized, the government's effort is impeded. The mere existence of overlapping jurisdiction is always a threat to cooperative efforts. Sometimes, as has been the case with these two agencies, the threat becomes actual.

The GAO findings are supported by a task force report sponsored by the criminal law section of the American Bar Association and the Drug Abuse Council. Reporting that "friction, confusion, and jealousies" have arisen between BNDD and Custom agents, the task force concluded:

> The long-standing jurisdictional dispute between BNDD and the Bureau of Customs has not been settled. Resolution of this problem is essential to the effective planning and execution of a joint narcotics investigation involving these two agencies. Because numerous proclamations and policy statements have failed to alleviate this problem, other actions are necessary.

My own investigation of the problem—which will be further developed and fully aired during the course of hearings I will hold as chairman of the Subcommittee on Reorganization, Research, and International Organizations—reveals a situation which amounts to nothing less than a national tragedy.

The rivalry between BNDD and Customs which, under controlled circumstances, might take the form of healthy competition and better detective work by each agency, instead has often degenerated into uncontrolled bitter feuding and the actual sabotaging of each other's investigations. Major cases, involving millions of dollars in smuggled heroin and some of the biggest traffickers, are rife with reports of BNDD and Customs agents spying on one another, prematurely seizing the other's evidence, arresting the other's informants, kidnaping the other's witnesses—all for the purpose of seeking credit for the "big bust."

One high BNDD official has estimated that about 2 dozen major cases a year—or about 20 percent of the major narcotics caseload—have been adversely affected by the BNDD-Customs rivalry, with some of these cases being blown altogether.

The problem is perhaps worst in New York City, the site of some of the largest heroin convoy cases.

A convoy involves allowing an illicit drug shipment to pass into the country—rather than seizing it at the border and arresting the low-level courier, or "mule"—in the hope of following the shipment and arresting the major trafficker for whom it is destined.

The situation has required the personal intervention of President Nixon, who, in July 1971, issued detailed guidelines to BNDD and Customs agents in the hope of resolving their jurisdictional dispute. Basically, the guidelines gave BNDD primary jurisdiction in both domestic and overseas investigations—even in convoy cases as they crossed Customs lines at ports and borders—and required that jurisdictional disputes be settled by the Attorney General. But Customs was still permitted to initiate smuggling investigations, and with additional Customs agents stationed abroad under guidelines issued in July 1972 the jurisdictional lines have remained blurred.

There is no better evidence of the depth and bitterness of the BNDD-Customs rivalry than in the incredible detail and intricacy of the guidelines themselves. The document is more reminiscent of a cease-fire agreement between combatants than a working agreement between supposedly cooperative agencies. I ask unanimous consent that the guidelines be printed in the RECORD at the conclusion of my remarks.

To make matters worse, the feuding between BNDD and Customs in New York has spread to the Southern and Eastern Districts of the U.S. Attorney's office. I have been informed that Assistant Attorney General Henry E. Peterson, chief of the criminal division, is currently investigating the consequences of an apparent alliance of the southern district with BNDD and of the eastern district with Customs. Among the incidents under investigation are arrests of each other's informants and a possible shoot-out involving rival undercover agents who were uninformed of each other's participation in the same case.

The bill I introduce today—the Federal Narcotics and Drug Abuse Law Enforcement Reorganization Act of 1973—seeks to put an end to this dangerous rivalry, as well as to penetrate the bureaucratic morass that generally plagues Federal narcotics law enforcement. It seeks to assure once and for all that Federal agents and other employees will not be pushing papers while criminals remain free to push drugs.

The bill places total responsibility for enforcement of the Federal drug laws in the one agency which, incredibly, has never exercised drug jurisdiction, but which surely has the potential to handle it; namely, the Federal Bureau of Investigation.

A new Division of Narcotics and Dangerous Drugs would be established in the FBI. The division would be preeminent among the FBI's other divisions by being placed under the supervision of an associate director and two assistant directors, rather than under the supervision of a single assistant director, as is the case for the other divisions.

The Associate Director for Narcotics and Dangerous Drugs, as his title implies, would be responsible for the full spectrum of the drug enforcement problem—dealing both with trafficking in narcotics, or such "hard drugs" as heroin and cocaine, and in dangerous drugs, including such "soft drugs" as amphetamines and barbiturates which pose an increasing problem of abuse, especially among teenagers.

At present, most Federal enforcement efforts are aimed at hard drugs. To assure that soft drugs receive greater enforcement priority, the new division's operations would be geared to the jurisdictions assigned to each of the assistant directors—one with the title of Assistant Director for Narcotics, the other with the title of Assistant Director for Dangerous Drugs.

The new division would be built from the manpower and other resources of the narcotics component of the Office of Investigations of the Customs Bureau, which would be transferred from the Treasury Department to the Justice Department, and of the BNDD, jurisdiction over which would be delegated to the FBI within the Justice Department by the Attorney General. Customs would retain its investigations arm for all other forms of smuggling but drugs. The Attorney General, in consultation with the FBI Director, would establish standards and procedures for the selection of customs and BNDD agents, all of whom are civil service appointees, to be brought into the non-civil service FBI. Transferred agents would retain their present civil service status for at least 1 year, and those not selected for transfer would remain either in Treasury or Justice in the same civil service grade for at least 1 year.

The bill provides for other drug enforcement operations currently within Justice to be delegated wholly to the FBI by the Attorney General—namely, ONNI, the aforementioned intelligence unit, and DALE, the Office of Drug Abuse Law Enforcement, which has used BNDD and customs agents in a Federal assault against street-level heroin pushers. Also, the drug-related functions of LEAA, the Law Enforcement Assistance Administration—primarily in the form of block grants to State and local police for the establishment of narcotics units—would be coordinated in Justice by the Attorney General through the new drug division of the FBI.

The bill also provides for coordination by the President, after consultation with the Attorney General, of all other efforts related to drug law enforcement wherever they may be found in the Federal bureaucracy. These include such diverse efforts as the antismuggling operations of the Border Patrol—in the Immigration and Naturalization Service of Justice—

and of the Coast Guard and the Federal Aviation Administration—each in the Transportation Department—the technical assistance for better narcotics enforcement provided to foreign governments by the Agency for International Development—in the State Department—the tax investigations of major suspected drug traffickers by the Internal Revenue Service—in the Treasury Department—and information gathering on the international narcotics traffic by military intelligence—in the Defense Department—and by the Central Intelligence Agency.

Thus, for the first time all Federal activities related to combating traffic in illicit drugs would be subject to basic policy coordination by a single law enforcement agency. To facilitate such coordination, the bill would establish a Policy Committee on Narcotics and Dangerous Drugs, comprised of the heads of all departments and agencies and their subdivisions which would be subject to the policy directives in the new integrated Federal Drug Enforcement System. The Attorney General would be Chairman of the Committee, and the Director of the FBI and the Associate Director for Narcotics and Dangerous Drugs would be vice chairman and executive director respectively. The committee would replace the Cabinet Committee on International Narcotics Control, chaired by the Secretary of State.

The chaos resulting from our present efforts to enforce the laws against trafficking in narcotics poses a major threat to our national well-being. The President has called the drug problem "public enemy No. 1." I agree. I hope that he agrees with me that now is the time to assign responsibility for it to the Nation's No. 1 law enforcement agency—the FBI.

It is an anachronism for the FBI—the Nation's most highly esteemed, generously funded, and most resourceful law enforcement agency—not to be engaged in combating the most widespread and dangerous crime problem of our day. Such a situation represents an imbalance in our law enforcement priorities and has resulted in the fragmented, fractious enforcement of drug laws by other Federal agencies.

I submit that infusion into the FBI of the best in manpower and expertise from BNDD and Customs will result in a more effective and relevant FBI.

Surely the FBI already has much to bring to narcotics enforcement. Its expertise in surveillance and wiretapping, its superb laboratory and identification resources, and its vast experience in combating organized crime, well equip it to go after the major international traffickers. One prominent Federal law enforcement official has advised me that about 60 percent of the hard drugs moved in New York is controlled by organized crime. It is time that the FBI be brought into this battle.

It should be noted that FBI Director-Designate Patrick Gray III, appears to have made a first step in this direction. Last August he initiated a new procedure whereby FBI agents now specifically debrief their informants on drug matters and pass on such intelligence to BNDD, Customs, and ONNI agents. Previously, FBI agents did not actively seek narcotics intelligence from their informants. Although Mr. Gray has repeatedly asserted the FBI's lack of narcotics jurisdiction, he also has expressed a very definite interest in drug abuse. I hope now that he has been nominated Director, subject to Senate confirmation, he will advocate an active, primary role for the FBI in this field. Surely, his views on drug enforcement should be a matter of interest and concern to the Senate.

My remarks are not intended to demean the often heroic efforts of BNDD and Customs agents in their fight to bring major traffickers to justice. They have had some enormous successes, as the convictions in recent major cases attest. But their competitiveness and esprit de corps often prove counterproductive, even in these major cases, which could have been even more successful in terms of traffickers arrested and drugs seized, had the BNDD and Customs agents worked harmoniously. My bill would offer them the opportunity to make peace between themselves and to broaden the war effort against traffickers.

The hearings I plan on this bill will carefully explore the need to reorganize drug law enforcement, and I am confident that the subcommittee and the parent Committee on Government Operations will produce a reorganization bill that will not only serve the best interests of all agencies but of the American people as well.

I ask unanimous consent that the following materials be printed in the RECORD at the conclusion of my remarks: an article from the June 1972 issue of Washington Monthly magazine describing enforcement problems stemming from the BNDD-Customs rivalry; an article from the January 3, 1973 issue of New Yorker magazine describing the role of organized crime in the New York narcotics traffic; the Presidential directive and guidelines of July 2, 1971 which sought to end the BNDD-Customs dispute; followup guidelines issued in the form of a State Department telegram to numerous missions on July 26, 1972; excerpts from Special Budget Analysis R of the Office of Management and Budget describing Federal law enforcement programs, and excerpts from a Library of Congress survey of Federal drug abuse programs dealing with drug law enforcement programs.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Federal Narcotics and Drug Abuse Law Enforcement Reorganization Act of 1973."

DEFINITIONS

SEC. 2. (a) As used in this Act:

(1) The term "narcotics and dangerous drugs" means controlled substances as defined in Sections 101, 201 and 202 of the Controlled Substances Act.

(2) The term "function" means power and duty; transfer of a function, under any provision of law, of an agency or the head of a department shall also be a transfer of all functions under such law which are exercised by any office or officer of such agency or department.

FINDINGS AND DECLARATION OF POLICY

SEC. 3. (a) The Congress hereby finds and declares—

(1) that the proliferation of narcotics and dangerous drugs is the Nation's number one law enforcement problem;

(2) that the enforcement of laws related to narcotics and drug abuse is scattered widely throughout several Federal departments and agencies;

(3) that overlapping jurisdictions, failure to share intelligence and other information, general lack of communication and cooperation, and counterproductive rivalries and competitiveness among law enforcement agencies have resulted from this diffusion of efforts within the Federal government against trafficking in narcotics and dangerous drugs;

(4) that many Americans are needlessly subjected to narcotics addiction, drug abuse and to drug-related crimes because of the breakdown in coordination among Federal law enforcement agencies;

(5) that the Federal Bureau of Investigation is the preeminent Federal law enforcement agency as a result of its extensive manpower, laboratory, intelligence and investigative resources, and because of the high esteem in which it is held by many Americans for its efforts against organized crime, internal subversion and other criminal assaults against the Nation;

(6) that the Federal Bureau of Investigation has never exercised jurisdiction in the area of narcotics and drug abuse law enforcement;

(7) that effective narcotics and drug abuse law enforcement requires establishment of a new division of the Federal Bureau of Investigation with jurisdiction to integrate enforcement of all Federal narcotics and drug abuse laws which is now exercised by other agencies, and to issue policy directives governing the continued law enforcement functions of certain agencies as provided in this Reorganization Act, related to narcotics and dangerous drugs;

(8) that the Federal Bureau of Investigation, through the new division established in this Reorganization Act, integrate the best of the manpower and expertise that has been developed by other federal agencies in building its own capability to deal effectively with all aspects of the narcotics and drug enforcement problem, including combatting international and domestic trafficking, improving the quality of state and local enforcement of narcotics and dangerous drug laws, and eradicating narcotics and drug-related corruption at all enforcement levels.

TRANSFER OF FUNCTIONS FROM TREASURY DEPARTMENT

SEC. 4. (a) There are hereby transferred to the Attorney General—

(1) All functions of the Secretary of the Treasury which are administered through or with respect to the Bureau of Customs (also hereinafter referred to as the "Customs Service") and which involve investigations by its Office of Investigation (Reorganization Plan Number 1 of 1965; 30 Fed. Reg. 7035) leading to seizures and arrests for violations of any Federal law of the United States relating to trafficking in narcotics and dangerous drugs.

(2) all other functions of the Customs Service and the Commissioner of Customs determined by the Director of the Office of Management and Budget to be directly related to functions transferred by paragraph (1) of this section. Nothing in this section shall be construed (A) to preclude the Customs Service from conducting investigations,

making seizures and arrests related to smuggling of contraband other than narcotics and dangerous drugs (B) to make seizures and arrests based on chance discovery of narcotics and dangerous drugs during actual passage as undeclared merchandise or contraband, through customs lines, or (C) to make seizures and arrests related to narcotics and dangerous drugs at the direction of the Attorney General as provided in section 5(b) of this Reorganization Act.

TRANSFER OF FUNCTIONS FROM STATE DEPARTMENT

SEC. 5. (a) There is hereby transferred to the Attorney General all functions of the Secretary of State which are administered through or with respect to the Cabinet Committee on International Narcotics Control.

(b) There are hereby transferred to the Department of Justice all of the positions, personnel, property, records and other funds, available or to be made available, of the Cabinet Committee on International Narcotics Control.

(c) the Attorney General shall make such provisions as he may deem necessary with respect to terminating the affairs of the Cabinet Committee on International Narcotics Control not otherwise provided for in this Reorganization Act.

(d) the Cabinet Committee on International Narcotics Control is hereby abolished and replaced by the Policy Committee on Narcotics and Dangerous Drugs, as provided in section 13 of this Reorganization Act.

DIVISION OF NARCOTICS AND DANGEROUS DRUGS

SEC. 6. (a) There is established in the Department of Justice a new division of the Federal Bureau of Investigation which shall be known as the Division of Narcotics and Dangerous Drugs (hereinafter referred to as the "Division").

(b) All functions transferred to the Attorney General pursuant to the Act shall be delegated to the Director of the Federal Bureau of Investigation. All functions delegated to the Director of the Federal Bureau of Investigation by the Attorney General pursuant to the Act shall be administered through the Division.

(c) The Division shall be headed by an Associate Director for Narcotics and Dangerous Drugs of the Federal Bureau of Investigation who shall be appointed by the Attorney General. In addition to the functions authorized in this Reorganization Act the Associate Director of Narcotics and Dangerous Drugs shall perform such other duties as the Attorney General shall delegate.

(d) There are hereby established in the Division, in addition to the position established in subsection (c) of this section, two new positions of Assistant Director for Narcotics and Assistant Director for Dangerous Drugs of the Federal Bureau of Investigation, appointments to which shall be made by the Attorney General. Each Assistant Director shall perform such functions as the Attorney General shall delegate.

DELEGATION OF AUTHORITY WITHIN THE JUSTICE DEPARTMENT

SEC. 7. (a) The Attorney General shall delegate authority over functions performed by the Bureau of Narcotics and Dangerous Drugs under Reorganization Plan Number 1 of 1968 to the Director of the Federal Bureau of Investigation.

(b) The Attorney General shall delegate authority over functions performed by the Office of Drug Abuse Law Enforcement under Executive Order 11641 of 1972 (FR Doc. 72-1525) to the Director of the Federal Bureau of Investigation.

(c) The Attorney General shall delegate authority over functions performed by the Office of National Narcotics Intelligence under Executive Order 11676 of 1972 (FR Doc. 72-11930) to the Director of the Federal Bureau of Investigation.

(d) The Attorney General shall assign to the Director of the Federal Bureau of Investigation the positions, personnel, property, records, and unexpended balances of appropriations, allocations and other funds, available or be made available, under terms and conditions that the Attorney General shall designate, (1) of the Bureau of Narcotics and Dangerous Drugs, (2) of the Office of Drug Abuse Law Enforcement and (3) of the Office for National Narcotics Intelligence.

(e) The Bureau of Narcotics and Dangerous Drugs, the Office of Drug Abuse Law Enforcement, and the Office of National Narcotics Intelligence, including the Offices of Directors of each of these agencies, are hereby abolished. The Attorney General shall make such provision as he may deem necessary with respect to terminating the affairs of these agencies not otherwise provided for in the Act.

(f) The Attorney General shall delegate to the Director of the Federal Bureau of Investigation authority over functions performed by the Immigration and Naturalization Service, including functions performed by the Border Patrol, related to trafficking in narcotics and dangerous drugs across the borders of the United States at places other than ports of entry. The Immigration and Naturalization Service, including the Border Patrol, shall perform functions related to enforcement of any law of the United States pertaining to narcotics and dangerous drugs consistent with policy directives that shall be issued from time to time by the Director of the Federal Bureau of Investigation.

(g) The Attorney General shall delegate to the Director of the Federal Bureau of Investigation authority over functions performed by the Law Enforcement Assistance Administration related to the awarding of block grants for the planning, establishment and operation of narcotics and dangerous drug enforcement units at the state and local levels, pursuant to Parts B and C of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (PL 92-351; 82 Stat. 197). The Law Enforcement Assistance Administration shall perform such functions consistent with policy directives that shall be issued from time to time by the Attorney General after consultation with the Director of the Federal Bureau of Investigation.

(h) The Attorney General shall promulgate regulations for the purpose of delegating authority not otherwise provided in this section but necessary for achieving the objectives of this Reorganization Act.

POLICY DIRECTIVES TO THE TRANSPORTATION DEPARTMENT

SEC. 8. The President, after consultation with the Attorney General, shall direct the Secretary of Transportation with respect to the following functions related to trafficking in narcotics and dangerous drugs.

(1) Operations of the Coast Guard in the enforcement of any law of the United States relating to trafficking in narcotics and dangerous drugs.

(2) Operations of the Federal Aviation Administration in the enforcement of any law of the United States relating to trafficking in narcotics and dangerous drugs.

POLICY DIRECTIVES TO THE STATE DEPARTMENT

SEC. 9. (a) The President, after consultation with the Attorney General, shall direct the Secretary of State with respect to the following functions related to trafficking in narcotics and dangerous drugs.

(1) Operations of the Agency for International Development in supplying economic and technical assistance to foreign governments for development of narcotics control programs.

(2) Relations generally with foreign governments for the purpose of coordinating control of international narcotics traffic.

POLICY DIRECTIVES TO THE CENTRAL INTELLIGENCE AGENCY

SEC. 10. (a) The President, after consultation with the Attorney General, shall direct the Director of the Central Intelligence Agency with respect to all of the Director's functions related to trafficking in narcotics and dangerous drugs.

POLICY DIRECTIVES TO THE SECRETARY OF DEFENSE

SEC. 11. (a) The President, after consultation with the Attorney General, shall direct the Secretary of Defense with respect to all of the Secretary's functions related to trafficking in narcotics and dangerous drugs.

POLICY DIRECTIVES TO THE TREASURY DEPARTMENT

SEC. 12. (a) The President, after consultation with the Attorney General, shall direct the Secretary of the Treasury with respect to functions administered through or with respect to the Internal Revenue Service that relate to the trafficking in narcotics and dangerous drugs.

POLICY COMMITTEE ON NARCOTICS AND DANGEROUS DRUGS

SEC. 13. (a) There is established a Policy Committee on Narcotics and Dangerous Drugs.

(b) The Attorney General shall be Chairman of the Committee. The Director of the Federal Bureau of Investigation shall be Vice Chairman of the Committee. The Associate Director for Narcotics and Drug Abuse of the Federal Bureau of Investigation shall be Executive Director of the Committee.

(c) Members of the Committee shall be appointed by the President from all departments and agencies and their subdivisions, which, under the provisions of this Reorganization Act, have functions related to trafficking in narcotics and dangerous drugs and of such other departments and agencies, and their subdivisions, as the President, after consultation with the Attorney General, may subsequently designate.

(d) The Committee shall meet from time to time to expedite and coordinate the policy directives issued by the President after consultation with the Attorney General.

TRANSFER MATTERS

SEC. 14.(a). The Attorney General, in consultation with the Director of the Federal Bureau of Investigation, shall establish standards and procedures for the selection of personnel of the Bureau of Customs in the Treasury Department and of the Bureau of Narcotics and Dangerous Drugs in the Justice Department to be transferred to the Federal Bureau of Investigation in accordance with the provisions of this section. Criteria for such standards and procedures shall reflect consideration of each employee's record in meeting the responsibilities of, and possessing the skills for, effective investigation related to trafficking of narcotics and dangerous drugs. All personnel selected for transfer shall be without reduction in classification or compensation for one year after such transfer, except that the Attorney General shall have full authority to assign personnel during such one year period in order to efficiently carry out functions transferred under this Reorganization Act. After such one-year period the Attorney General, in consultation with the Director, shall establish appropriate status for all transferred personnel within the Federal Bureau of Investigation.

(b) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act by the Treasury Department and the State Department any functions of which are transferred by this Act; and (2) which are in effect at the time this Act

takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Justice Department, by any court of competent jurisdiction, or by operation of law.

(c) The provisions of this Act shall not affect any proceedings pending at the time this Act takes effect before any department or agency, functions of which are transferred by this Act; except that such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Justice Department. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Justice Department by a court of competent jurisdiction, or by operation of law.

(d) The provisions of this Act shall not affect suits commenced prior to the date this Act takes effect and in all such suits proceedings shall be had, appeals taken, or judgments rendered, in the same manner and effect as if this Act had not been enacted; except that if before the date on which this Act takes effect, any department or agency (or officer thereof in his official capacity) is a party to a suit involving functions transferred to the Justice Department, then such suit shall be continued by the Justice Department. No cause of action, and no suit, action, or other proceeding, by or against the Treasury Department and the State Department (or officer thereof in his official capacity) functions of which are transferred by this Act shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or the Justice Department as may be appropriate and, in any litigation pending when this Act takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this paragraph.

(e) Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the transfers provided in this section shall be carried out in such manner as he may direct and by such agencies as he shall designate.

[From the Washington Monthly, June 1972]

THE AMERICAN CONNECTION

(By John Rothchild and Tom Ricketts)

No matter how well organized they are, we will be better organized.—President Lyndon Johnson, on creating the Bureau of Narcotics and Dangerous Drugs.

The government has made a certain kind of progress in fighting the drug traffic. There was a time when the dope smuggler, making the deal with Frog One, had to worry that a narc might be watching. Now, the smuggler has to consider that a whole trail of narcs—from the Bureau of Narcotics and Dangerous Drugs (BNDD), the Bureau of Customs, the new Special Office of Drug Abuse Law Enforcement, the city police, and the state police—may be strung out behind him, all with steely eyes, shoulder holsters, and ham sandwiches, all ready to move in for the bust.

The dope smuggler might get scared at the prospect of so many agencies watching him, except for one detail. It is more likely that Narc One has an eye on Narc Two, who in turn is tailing Narc Three, and so on down the line. While the match of wits between the law and the drug trafficker is interesting, it is the jostling between the various government agencies along the trail which demands even more cunning, daring, and attention from the aggressive narc. It would be easy enough for a Customs agent to follow a car of junkies to a bust, except when he considers that at any corner an unmarked BNDD car might squeeze in between him and the seizure, or if he realizes that those junkies themselves might be undercover agents, believing him to be the junkie and enticing him into a trap. Such are the perils of the American connection.

Why do so many agencies follow the same drug dealers? In the genius of a multi-agency approach, each has its own reason. The treasury men from the old Bureau of Narcotics used to be there because drugs were a tax problem, while the pill people from the Food and Drug Administration were on the street because drugs were a medical problem. President Johnson abolished these agencies in 1968 and established BNDD, in the Justice Department, with jurisdiction over all drug trafficking, because drugs are primarily a law-enforcement problem. Customs agents from Treasury, meanwhile, continue to search out dope because of their special mandate to attack the drug smuggling problem. The enforcers, therefore, have divided their territory through the dictionary, while the underworld defined its turf with a map.

This means that only one junkie will be there to pick up the drugs, but several enforcers may arrive to pick up the junkie. Such a spectacle can be a show of force, in keeping with President Nixon's declaration that drugs are public enemy number one. It also increases the government's chance of stumbling onto something. Finally, the heroin dealer might wonder if he is actually a smuggler, potential prey for Customs—or a trafficker, grist for the BNDD. Customs and BNDD are wondering, too.

NARC, NARC, WHO'S THERE?

Consider a case still in the works. The BNDD, through its continental network of agents, has enough evidence to convict a major dealer in France and prepares to swoop in. The Bureau of Customs, through one of its couriers, has developed an equally strong case against the same person. Both are feverishly clawing toward him like two lovers on a single strand of spaghetti. A U.S. District Attorney agrees to prosecute both cases, but the BNDD refuses to cooperate unless its indictment is heard first. Meanwhile, the heroin smuggler drops out of sight, and nobody can find him.

In another case, BNDD has been struggling for years to gather enough evidence to bust a major trafficker in a large city. They finally get to his bank account and trace an entire network of buyers and sellers through the withdrawals and deposits. The central trafficker, however, continues to elude the BNDD. Then one day he shows up in a Customs line, coming into the country with heroin packed in picture frames. After all of BNDD's work, some Customs luggage-shaker gets the guy by pure accident. Customs is anxious to put its man together with BNDD's bank accounts, but BNDD refuses. Each side takes its piece of the evidence and goes home.

John Ingersoll, head of the BNDD, explains such common squabbles between two agencies dedicated to the same objective: "In many things, there are differences of opinion, but that does not impede our cooperation." Cooperation, however, is not something that federal drug agencies throw around loosely. Nobody can be trusted in this drug mirage, least of all another agency. Go down to any border, where Customs, the nation's first line of defense against smugglers, is watching out from behind those reflector sunglasses. Customs men are not supposed to divert their gaze. They are not going to show easy favoritism by taking their eyes off some drugs just because another federal agency, the BNDD, happens to want to bring them in.

Such BNDD requests usually involve convoy cases. A convoy takes place when an agency knows a drug shipment is coming into the country, but decides to let it pass unhindered through the border so that important buyers or dealers can be arrested farther up the line. Usually, only the lowly couriers, or mules, show up with the stuff at the border.

The danger in every BNDD convoy, as BNDD sees it, is that at some point the convoy must unavoidably permeate a border and enter the fiefdom of Customs. The BNDD worries about this, much as a heroin trafficker sweats a little when his carload has to drive through a rival's territory. Customs doesn't deliberately try to be nasty, but its agents know that sometimes it is prudent to haul in the drugs while they are within their grasp, rather than risk a later screw-up due to another agency's mistakes. BNDD, in contrast, says the reason Customs likes to stop convoys at the border is that the only way Customs ever finds any heroin is to hear in advance from BNDD that a batch is coming through. The urge to see heroin makes Customs itchy at the border when the trafficker passes by with a gloating BNDD agent following behind.

But while Customs may miss most of the illegal heroin that pours by under its nose, Customs has little trouble uncovering and busting BNDD convoys, even without prior information. Within the last year, for example, BNDD tried to sneak a boatload of marijuana into the port of Miami. BNDD failed to notify Customs of this convoy, but Customs found out about it anyway, seized the BNDD vessel, and promptly impounded it.

BUSTING JOSE GARCIA

Since the BNDD has trouble actually slipping its convoys through Customs' border, the option of cooperating with the agencies could never reach agreement on how such cooperation might actually work, the President's Advisory Council on Executive Organization came up with some proposals which were adopted by President Nixon in June, 1970, ratified by the directors of both agencies, and printed in the agent's manual. The BNDD agent can find on page three of his manual that "smuggling violations not terminated at ports and borders come within the jurisdiction of BNDD unless such jurisdiction is waived," while the Customs partisan discovers on page six of the same manual that "smuggling investigations not terminated at ports and borders . . . are considered potential joint investigations. Investigative direction of such cases . . . will remain with the initiating agency." These guidelines are not understood by the underworld, who wonder why the two agencies don't go to the mattresses and clear things up once and for all.

A source high in the BNDD recently described for Congressman John Murphy of New York (who has introduced a bill to eliminate the American connection by making the BNDD the sole drug cop) how Customs weighs the relative strength of these two mandates and decides whether to authorize the convoy, or bust at the border and hit first with a press release.

Murphy: "Did you tell me that BNDD would rather let a hundred pounds through than make the seizures. . . .?"

BNDD: "Customs doesn't prefer to make the seizures at the border as a general rule unless it's our case. And then they always prefer to make the case at the border."

Murphy: "You're saying it depends on who's in charge. . . . If it is their case they let it go through. . . ."

BNDD: "They want to follow their things through without cutting us in on it except to notify us that they are bringing a convoy through. . . . Let's take this example. Our undercover agent in Chicago has been introduced to a drug trafficker by one of our informers and it turns out this drug trafficker happens to be an informer of the Bureau of Customs who's up in Chicago soliciting purchasers. So he makes a deal for the drugs to come in and Customs convoys the damn stuff through from Mexico up to Chicago and there is a possibility that they may be delivering it to one of our undercover agents. To reduce that possibility they have agreed to tell us every time a convoy is coming through. But there is great difficulty for us to join up with that convoy, and they will not allow us to assume investigative jurisdiction in the case because they call it a smuggling violation and they do not want to bust that on the border because they say they are getting no one except Jose Jesus Garcia and the one they really want to get is the trafficker in Chicago. But when it is one of our cases they want to bust the damn thing at the border and get Jose Jesus Garcia."

BNDD is sometimes not pleased to see its convoy bounce off Customs and land on Jose Garcia, the proverbial mule. Convoys take months to develop and often involve risks to agents and informers, plus thousands of dollars to pay people off and buy the drugs. Garcia by himself they can live with—a lot of cases never get beyond the mules. But the bust at the border also puts Garcia on Customs' side of the counter—one more Customs arrest, a little more heroin sprinkled on their yearly pile, a little more ink on ther seizure charts. BNDD is rescued from having to accept this indignity by its overseas agents. Customs may hold court over the border pores of the nation, but BNDD has control over the rest of the world, where it can make arrests in conjunction with foreign police. If Customs is waiting to get Jose Garica at the border; BNDD can outflank them by busting Pierre Garcia before the case ever leaves France. BNDD calls this "going to the source" of the drug traffic.

In the LaBay case, for instance, a French businessman was arrested in Paris last October with 233 pounds of heroin stuffed into five suitcases and hidden in his car. Customs got wind of the case, and suggested that BNDD convoy the car over to New York, where the pick-up person could be hit or traced back to the higher-ups. BNDD and the French police, however, decided the car was not up to the long trip.

A few months earlier, Customs was looking out over the Mexican border, waiting for a heroin shipment. Customs planned to follow the junk to some major distributors on the American side. They kept watch, nothing was moving, and the agents began to get restless. Maybe the smugglers were tipped off, or maybe the buyers couldn't raise the money. While Customs was wondering, BNDD moved in with Mexican police to scuttle the convoy and jail the mules somewhere south of the border. A few more miles and the smugglers would have been in Customs territory.

When you add up all these differences of opinion between Customs and BNDD which have jeopardized, in the estimate of a high BNDD offiical, at least 20 per cent of all federal drug cases, you are tempted to make the quick judgment that the agencies cut off each other more than they cut off drugs. However, before you blame an agency for not cooperating, it is only fair to ask what the agency has to go through when it actually tries to cooperate on a collective bust, as prescribed in the various guidelines and memoranda of understanding. One example of such an effort is the Jaguar case, where both Customs' director Myles Ambrose and BNDD's John Ingersoll co-announced the seizure of 200 pounds of heroin and the arrest of five persons in New York last September—the second largest seizure in the city's history.

SNITCHING THE FLOUR

Before the beige Jaguar, loaded with heroin, was ever permitted to be convoyed from France on the Queen Elizabeth II, the case was in the solid grip of the BNDD. They had found the informant, paid him $50,000, set up the shipment, and discovered where the stuff was hidden in the car. BNDD was ready to bring the Jaguar to New York, secretly confiscate the heroin and replace it with white flour or milk sugar, and follow the car to the buyers.

Customs had no particular quibble with this plan, except for one detail. It was clear to them that the principals in the Jaguar case were acting much more like smugglers than like traffickers, and that called for Customs' special expertise. They would be more than glad to exempt the car from border seizure provided that they could take out the heroin and substitute Customs flour.

While the French were loading the heroin into the Jaguar with comparative ease, the dispute over whose flour would replace it began slowly rising to the top of both agencies. According to one source, the final flour decision went beyond Ambrose and Ingersoll and "got as high as Kleindienst." (Under the guidelines, the Attorney General's office is the final arbiter. Customs views this arrangement as unfortunate, since BNDD is in the Justice Department.) Sure enough, BNDD flour prevailed, and that agency would be in charge of all arrangements, although the names of both agencies would be attached to the case and it would be announced to the public as reflecting on the cooperative spirit of both bureaus.

To a Customs agent down at the port, however, Kleindienst is one thing and heroin is another. Customs has seen the Kleindiensts come and go, but it has not seen all that much heroin, having picked up, for instance, just 346 pounds in the year preceding Jaguar—while tons were flowing over, under, and across its borders. An agent wants to respect the wishes of the Advisory Commission and Reorganization Plan Number One, which created BNDD, but not when 200 pounds of smack is sitting in a car right in front of him, separated from his grasp by a memorandum. It was too much for the Customs agent to bear. He tapped into the Jaguar and pulled out just one small packet, just to get the feel, and to prove to BNDD that Customs knew how to find the stuff. (BNDD could otherwise have chided Customs for not being able to uncover the cache even though BNDD told them in advance where it was.) A Customs agent made this token snitch before BNDD could make the big flour exchange.

The token snitch would eventually provide an opportunity to jeopardize the Jaguar case once it came to trial, but before that, at least one other agency would have its chance to complicate matters. This time, it was the U.S. Army. Based on prior agreement, BNDD and the Army had installed a homing device into the electrical system of the Jaguar so it could be tailed by Army helicopters. The plan was abandoned at the last minute when somebody pointed out that Americans get nervous seeing Army helicopters over the highways. The homing unit was removed and the flour substitution effected while the car was stored at a New York garage awaiting its pick-up by hopefully unsuspecting couriers.

When the couriers arrived and drove the Jaguar out of the garage, a long procession of narcs fell in line. Unfortunately, the electrical system of the Jaguar, still recovering from the homing surgery, fizzled, leaving the Jaguar stalled and the narcs strung out behind like a funeral procession when the hearse has a blow-out.

The lead narc, wearing long hair and carrying a purse so as not to arouse suspicion, walked up to the stalled Jaguar and asked if the occupants needed any help. Could it be the wiring? The couriers, unaware of where the stuff was stored, and worried that the loosening of any bolt might result in a flood of heroin, turned down the road service. The narcs had to make the bust right there. Meanwhile, somewhere in the city, the buyers went home empty-handed, not knowing that they were saved by BNDD electricians from being arrested while receiving BNDD flour.

While the big boys were slipping through the faulty wiring, Customs, rarely outdone by the BNDD, gave the arrested couriers a potential free ticket out of court on the token heroin snitch. At the trial, the heroin packet found its way into the arguments of defense lawyers, who dug up an obscure legal precedent under which only one border search is permitted. They argued that the Customs agent's revenge constituted that single search, thus invalidating the entire flour exchange as evidence. The judge ruled against them and the traffickers were convicted.

Usually, this Kilroy-Was-Here urge of Customs agents doesn't jeopardize cases, but it does keep the BNDD on its toes. Recently, for instance, a BNDD undercover operative in a major city had talked his way into the confidence of some buyers and was preparing to sell them a little convoyed heroin. The BNDD man stood by sheepishly while the traffickers opened the packets, only to find that a Customs agent on the border had autographed the shipment and put a date on it. The BNDD's clandestine network suffered a setback, but the traffickers would at least realize that you can't fool Customs.

ARRESTING YOURSELF

This jealousy developed over convoy cases and the frustration over successful cooperative joint ventures like Jaguar would be greater if the agencies did not do so much of their work under cover. Much of the time, an agent who might get mad at a rival agent encroaching on his territory either doesn't know that the other person is an agent or that he is pursuing the same case. If a Customs informant, for example, knew that he had just sold dope to an undercover BNDD man, he might harbor resentment. Luckily, much of the time he doesn't know.

Every solution in one place creates problems in another, of course, and this ignorance lessens direct conflict only at a high cost in confusion. Because there are often four agencies working under cover, an agent has to try to guess whether the person he is tracking down is really a junkie, a police pigeon, an informant for another agency, or a combination of all three. During an episode in New York, a police informant led some narcs to a buy, and they waited in the shadows to make the arrest. The seller, however, happened to be working for another agency. He was there to sell flour and he didn't know his client was the police department.

BNDD and Customs are particularly susceptible to this confusion because the former likes to bust large purchasers, the big boys, and uses its undercover operatives to sell narcotics. Customs, on the other hand, specializes in nabbing the sellers, and uses its undercover men to buy narcotics. It is possible that the federal government has actually sold dope to itself. The same government has, on occasion, tried to arrest itself.

The most recent example occurred at a warehouse on the West coast, according to a BNDD source. BNDD has the place under surveillance and comes in with guns drawn to nab some heroin dealers with the goods. Customs is watching the same warehouse and thinks that those men with guns are a rival drug faction trying to heist the drugs. A scene is narrowly averted in which the incredulous heroin dealers walk out of the trap after watching two federal agencies gun each other down.

One wonders what all these interagency blitzes have to do with the drug traffic. Such an approach, however, inhibits understanding. In 50 years of creative organization, the narcotics agencies have had about as much luck stopping heroin as the Prohibition people had in drying up the country. The American connection tussles over seizures which in the best years represent perhaps 10 per cent of the heroin traffic, a 10 per cent that is probably replaced into the system. The addicts are well enough supplied. For them, the difference between legal and illegal heroin is the price. For the public, the difference is between the cost of maintaining clinics for legal dope and the cost of all the crime generated to buy illegal dope, plus the cost of the narcs who fail to deter it.

To the federal agency, however, there is a difference between actually stopping the drug traffic and preserving the potential to stop the drug traffic. This is why the agencies, for all their apparent confusion, have the ultimate advantage over the heroin pusher and dealer. The heroin dealer must actually deliver the goods or else go out of business. The federal agent, on the other hand, has already demonstrated his ability to survive even if he is not actually sopping up the drug flow. As a matter of fact, the more drugs that come in, the more agencies that are created to stop them—the more the traffic is rerouted, the more the agencies are reorganized. These bureaus are smart enough not to become dependent on the product itself. They are dependent on statistics. Even when there are no drugs, there will be drug statistics.

Numbers in hand, any federal agency has two roads to survival. It can attach itself to an insoluble problem, such as poverty, racism, or war. Thus, the agency becomes immortal on the grounds of potentiality. Or it can take the gradual-improvement approach, basing its existence on the fact that some condition was much worse before, is better now, and will be still better in the future. The latter approach has ultimate disadvantages, as we see in the old Bureau of Narcotics, the BNDD's predecessor.

TURNING ON THE SKI JUMP

The Bureau of Narcotics, under Harry J. Anslinger, took the gradual-improvement road when it began sliding down the ski-jump curve in 1930. The ski-jump curve, explained Alfred Lindesmith in his book, *The Addict and the Law*, was a dubious method of counting the number of addicts in the U.S., based on the notion that there was a peak somewhere between 250,000 and 2.5 million addicts between the turn of the century and World War I. By showing a slow downfall in this number from 1930 forward, the Bureau of Narcotics could continue to prove its indispensability to the public and to each successive Congress.

The ski jump was based on local and state police reports to the Bureau of Narcotics on how many addicts they had identified during a given year. Most years the Bureau said there were thousands of new addicts, but that the total number continued to decline. For this to happen, as Lindesmith says, thousands of addicts must have been miraculously recovering from their habit every year, a fact not supported by the Bureau's theories on the perils of addiction. (The Bureau had always been good with numbers. A declining drug-arrest rate meant that addiction was on the wane, while an increasing arrest rate meant the Bureau was curbing addiction by catching more dealers.)

Even during its prosperous years, however, the Bureau had not looked as healthy on the ski-jump curve as other agencies who took the dismal or insoluble crisis approach. There is always more money, and therefore security, in working against bad housing, which is always around, than against the Mediterranean fruit fly, which may not be. The Bureau of Narcotics always got praise, but almost never got budget increases, or new offices. It also had to prepare for the day when the curve would level out or fall to zero, thus dumping the entire agency out on its tail.

The successor agency to the Bureau of Narcotics, the BNDD, was rescued from this dilemma by the hippies and by the narcotics epidemic of 1968. The ski-jump curve was promptly buried in an avalanche of addicts. Nobody knew just how many addicts, but there were a lot more than the old Bureau had estimated. John Ingersoll, director of the BNDD, began saying 100,000 (this figure, of course, did not reflect on the policies of his fledgling agency). Myles Ambrose, head of Customs, was saying sometimes 250,000, sometimes 300,000 addicts. One congressman complained about a "staggering" 62,000. Recently, the BNDD put all speculation to rest with a new reporting system based not only police reports, but on interviews with addicts. Matching the accuracy of its predecessors, BNDD has discovered that there are now 559,224 addicts in the United States.

This number made it hard to continue to fall back on the gradual-improvement theory, so both Customs and BNDD quickly embraced the insoluble problem alternative, which turned the ski jump upside down. Instead of slowly sliding toward perfection, the agencies were all of a sudden blocking the nation's slide into drug oblivion. Eugene Rossides, an official at Customs, described the dynamics of the new effort:

"In my judgment President Nixon's war on drug abuse is succeeding. He has arrested the United States' incredible downward slide into drug abuse [we have done a lot] . . . but let there be no false optimism [don't expect too much]. We have a long and steep climb ahead of us just to return to the level from which we fell [we are in a crisis]. It will require the active participation of all of us [more money]. However, I am confident that the challenge will be met. [The money will be worth it.]"

A word should be said in support of the departed ski-jump curve. If there had been no curve in the first place, there could never have been an incredible downward slide into addiction for the agencies to rescue us from. Nobody can tell exactly how many new addicts have appeared in the last three years, but it is clear that these extra 500,000 didn't shoot up overnight. Thus, the addict who was left off the ski-jump curve 10 years ago for the sake of the Bureau of Narcotics, now can be put back on the rolls for the health of the new BNDD. If the old Bureau had kept reliable statistics, or no statistics we would probably see merely a slow rise in addiction which would prompt criticism of the agencies' practices and perhaps even budget cuts. Nobody, however, can be blamed for an epidemic.

THE SEIZURE CHART WAR

All this luxury does have its drawbacks. Until the agencies can come up with some way of showing another decline in addiction, they have to prove their worthiness by other means. Both the BNDD and Customs have turned to the seizure chart, once merely window dressing for the old Bureau of Narcotics when the proof was in the ski-jump curve. Now, the public depends on the seizure chart for its knowledge of whether the war against the drug traffic is succeeding or failing.

Seizure charts are in some ways superior to addict counts. They are certainly more exciting, because the numbers represent actual lumps of heroin taken from Frog One and his colleagues in dramatic episodes. Moreover, while the addict count is a direct measure, of addiction, the seizure rate is hard to connect with the actual heroin traffic. Nobody knows what effect increased seizures has on drug sales, whether more is put into the system to replace what is lost, or whether less is available for the addict. Nobody, for that matter, has any idea of how much heroin comes into the country. Customs can therefore claim a gigantic increase in heroin seizures, from 210 pounds in 1969 to 346.8 pounds in 1970 to 1,308.85 pounds in 1971, with the assurance that nobody, not even Customs, will know what that number really represents. When U.S. News and World Report recently asked Myles Ambrose, "Is the traffic in narcotics increasing?" he said: "It has been at such an inordinately high level that it would be very difficult to measure whether it is increasing or decreasing."

Seizure charts have still a third bureaucratic advantage. If the drug traffic is actually increasing, the odds are that government drug arrests and confiscations will also increase, although the narcs will still be getting the same percentage of the traffic. This means that the worse the problem gets the more the federal government will appear to be solving it. If you accept the BNDD's addiction rates, the two agencies are already making the most of these misfortunes.

Finally, seizure rates provides numerical flexibility. An addict is an addict, but a seizure can be a gram, a pound, a kilo, or a dose, depending on which looks better. In 1967, for instance, BNDD was confiscating heroin in grams (35,000), while in 1969 it was picking up pounds. In times of real drought, the agencies can switch to doses, diluting their statistics much as the traffickers dilute their heroin. The agencies also have the option, unavailable to drug pushers, of lumping everything together into one spectacular junk pile. Instead of promoting a heroin seizure figure, the agency comes out with its total hard drug haul, which includes heroin, morphine, cocaine, and others. Most important, seizures can be converted into money. This makes possible a direct comparison with the agency budget allotment. A sample seizure press release, this one from Customs, reads like this:

An unprecedented total of $617.3-million worth of illicit drugs and narcotics—approximately three times its annual budget—was seized by the Bureau of Customs in the first 10 months of the calendar year, U.S. Commissioner of Customs Myles J. Ambrose announced today.

The figure was based on the estimated street value of the drugs. It represents a 400-per-cent increase over the volume of narcotic drugs seized during the corresponding 10-month period in 1970 when the total was $119.3 million.

The number of individual seizures climbed from 7,961 to 8,806 while the aggregate quantity of all drugs rose from 124,720 to 165,281 pounds.

CONTINENTAL BLITZ

Things may be confusing to Narc One on the street, but his boss has no trouble keeping the BNDD seizure chart separate from the Customs seizure chart. Narc One is told that he should cooperate with Narc Two, he has heard the officials proclaim the historic unity between the agencies. But he also knows what happens if the junkie ends up as a Narc Two statistic. Cooperation with your rival agents, therefore, means walking arm-in-arm out of New York Attorney General Andrew Maloney's office slowly enough so the other agent won't get panicked and think you are trying to out-race him, and fast enough so you will make it to the bust first. That happened recently after Maloney advised both a Customs and a BNDD agent that a shipment was coming in. Customs got the case when BNDD's car wouldn't start.

At the start of the Nixon Administration, BNDD was safely in the lead of the cooperative war. It had the tradition of Harry Anslinger, the statisticians of the ski-jump curve, and the Justice Department. BNDD's foreign agents could blitz Customs on every continent. Customs, from its position down at the border, had never done much drug catching, and the agency hadn't gotten anywhere by approaching Congress year after year with warnings about the mound of suitcases piling on its harried inspectors from the international tourist boom. But, under bulldog Myles Ambrose, who reportedly has a "Bust a Junkie" sign on his desk, the agency began to get healthier when it could show that some of these suitcases had false bottoms and contained dope. Customs got an extra $8.75-million boost in 1969 for 915 additional narcs, and was also given enough airplanes and sensors to create a pusher's DMZ at the Mexican border. Its total budget grew from $89 million in 1968 to $189 million in 1972. BNDD, meanwhile, was expanding from an original $14.4 million for 600 agents in 1968 to $65.1 million for over 1,300 in 1971.

UP AGAINST AGENT O'HARA

There were two ways the agencies could approach this seizure war. One would be to actually bust more junkies than the other, and the second would be to concentrate on a more creative use of what was actually seized. It is in the latter area that Customs gained ground. Ambrose's men began to make historic and dramatic busts, as opposed to the run-of-the-mill busts of the BNDD. The difference between a dramatic bust and a routine bust is the difference between a human Customs inspector sniffing out some marijuana, and a pot-smelling dog doing the same thing. Ambrose had the dogs, and they made newspaper stories, while BNDD was stumbling around looking for French heroin labs.

Ingersoll also made the classic mistake of going after the Families, the 10 or so underworld systems responsible, he said, for most of the drug traffic in this country. The Families technique had been tried before, and as any narc can tell you, it never works. Some mules you get, but not the Families. "People out in White Plains may have some fascination for the big shots," says one ex-narc. "But it doesn't mean much. They want to get that pusher down the street." Going after the Families, like writing the Great American Novel, can be an excuse to sit around and do nothing. Ambrose, meanwhile, was taking the street approach, making the neighborhood safe from the old dope peddler.

Ingersoll's narcs were off on this wild goose chase while Ambrose was secretly meeting with Jack Webb and the network television people. Both Customs and BNDD had hoped to get their own TV shows, but "O'Hara, U.S. Treasury" beat BNDD to the living rooms, and by the time Ingersoll got to the networks, according to John Finlator, former BNDD deputy director, "the anti-violence thing had taken over" and the BNDD show was turned down. O'Hara put the double screw on BNDD; even as real Customs agents were outmaneuvering BNDD at the street level, its television agent, O'Hara, was busting the major pushers. Every week, Customs' high-quality detective would crush another Big Family on ABC, while its luggage-shakers were getting a high-quantity seizure record by mopping up all the little busts. BNDD was squeezed out somewhere between O'Hara and the border.

BNDD, not easily outdone, retaliated with the open files and the incredible lump. Opening the files to reporters finally got the BNDD into the newspaper, where Ambrose's pot-sniffing dogs and computer narcs and heroin-DMZ had been all along. (*Newsweek* recently ran a big feature on BNDD's South America work.) And the BNDD surfaced with the incredible lump in its January, 1972, seizure press release, when it heaped all its seizures of narcotics and dangerous drugs from an entire world-wide illicit market into one, unprecedented, $920-million pile. This total included heroin, morphine base, and opium—domestic and foreign hauls—and pushed the BNDD chart to 3,784 pounds, far beyond anything previously claimed. The fact that some of these ingredients might not have been destined for U.S. consumption, or that many of these seizures, as one Customs official charged, "were made entirely by foreign police," was obscured by the numerical heft of the composite bust.

Customs, meanwhile, aware of the growing benefits of this go-to-the-source technique, asked Congress for more of its own overseas agents, so as not to be "blindfolded at the border." This would provide the chance for cooperation with BNDD abroad as well as at home. BNDD complained that the guidelines would prohibit this, but Customs offered to help write new guidelines.

While both agencies wrestled over international coordination, Ambrose outflanked both his friends at Treasury and his rivals at BNDD. What the drug way really needed, he convinced President Nixon, was a totally new agency, able to integrate its attack with all the other agencies. The others were doing a pretty good job, but they did not have the promise of a Special Office of Drug Abuse Law Enforcement—the President's arm—especially if that Office were headed by Myles Ambrose. Some reorganization would be needed, since Ambrose planned to take 250 agents, or about 20 per cent of the entire drug force, away from BNDD, and would also draw from other government narc pools. Ingersoll assured everybody that this would be no problem for BNDD. His agents might be working for Ambrose, but he would retain, as he put it, "administrative jurisdiction."

The new agency would also demand a revolutionary approach—an all-out blitz on the street-level heroin pusher, reminiscent of the traditional clean-up campaigns. (Carl Perrian, of Rep. Murphy's staff, notes that before a big drug hearing in San Diego in 1965, Customs boasted that its men had just "cleaned up" Tijuana. Perrian left the meeting, took $190 into Tijuana and returned a few hours later to lay a pocketful of drugs on the committee table). Ambrose's clean-up, carefully timed over the next few months, will be national in scope.

With Narc Six sneaking up at the rear of the long line of agents behind the drug smuggler, some new problems might arise. Is the BNDD narc on loan to the new agency supposed to bust for Ambrose or for Ingersoll three federal agencies might try to sell flour to each other, and there might be some uncertainty about the triple convoys. But the magnitude of the drug crisis is great enough to override such limitations, and the only thing that remains is to explain why another agency is necessary. President Nixon did:

> At present, there are nine federal agencies involved in one fashion or another with the problem of drug addiction. In this manner our efforts have been fragmented through competing priorities, lack of communication, multiple authority, and limited and dispersed resources. The magnitude and severity of the present threat will no longer permit this piecemeal and bureaucratically-dispersed effort at drug control.

Anatomy of the Drug War

(By Nicholas Pileggi)

After a series of secret meetings in August, the city's Mafia leaders decided to end their ten-year self-imposed prohibition and reenter the narcotics business. It was a decision based on the fact that the profits in drugs today are greater and the risks more remote than ever. Long before the public was aware that the police department property clerk's office served as a major drug supply center, Mafiosi knew that law enforcement in the area had broken down. It was the Mafiosi, after all who were buying back much of the same heroin and cocaine that was being seized from them by narcotics agents.

The decision, aside from its probable social consequences, is expected to escalate further what is already open warfare among the independent junk dealers who now control the importation and distribution of drugs in the city. In the last two years, for instance, there have been more than 250 murders of middle-level non-addict pushers. There has been, in fact, even without the Mafia's heavy hand, an exotic orgy of violence among the city's free-wheeling dealers, wholesalers, smugglers, importers, corrupt cops, double agents and street-corner pushers. There are parts of Bedford-Stuyvesant in which black heroin dealers control so many killers that even state legislators and local political leaders admit privately that they are terrified to speak out against specific individuals.

There are streets in Harlem, the South Bronx, and around the Sunset Park area of predominantly white working-class South Brooklyn where pushers openly argue over choice sidewalk locations, like chestnut vendors outside Radio City. In upper Manhattan's Washington Heights area where Cuban dealers have established themselves in some of the bars along Broadway, from 138th Street north, daily shootouts have paralyzed police action with sheer volume. In the Bronx, wholesale junk markets on Walton Avenue off the Grand Concourse continue to proliferate even though police records show repeated arrests and harassment.

The drug world seems to gain strength from adversity. It is an environment of thoughtless, mechanical, clockwork violence. Since many of the deaths occur in black, Puerto Rican and Cuban neighborhoods, however, the media and the public have missed most of the fireworks, Occasionally, a murder involving middle-class whites, an undercover cop or a Mafia soldier makes the papers and the *Six O'Clock News*. On November 1, 1972, for instance, there was a front-page story in *The New York Times* about an N.Y.U. senior and his roommate, a suspected drug dealer, being murdered in their apartment across the street from the school's uptown campus. On the same day, a typical day, the following drug-related homicides and assaults also took place in the city, but without any mention in the press (the list does not include addict street crimes such as muggings and holdups):

John Spann, 35, shot and killed at 111th Street and Fifth Avenue by an unknown man hiding in a doorway; Ronald Lucas, 24, stabbed to death in front of 590 East 21st Street, Brooklyn; Luis Rivas, 28, shot and killed while standing in front of 54 Jesup Place, the Bronx; Bartolo Courasco, shot and critically wounded by two men from a passing car while standing on Columbus Avenue, near West 82d Street; Clark Jackson, shot and seriously injured at Eighth Avenue and 114th Street; Robert Smith, shot and seriously injured while standing in front of 19 West 126th Street; Hector Santiago and Guillermo Rodriques, shot and critically injured by two men in a passing car at the corner of Graham and Seigel Streets, Brooklyn; Israel Ortiz and James Delgado, shot and critically injured while standing in front of 1228 Morris Avenue, the Bronx; Eliot Roman, shot while standing on the corner of Vyse Avenue and East 179th Street, the Bronx.

The real danger for the city's drug dealers, quite obviously, does not come from the law. As the center of the nation's drug traffickers, New York has become Junk City, a predatory scene of unrivaled violence, official corruption and Byzantine plots. No army of anthropologists could ever have constructed a laboratory habitat better suited to the enrichment of the Mafia's style. The very chaos of the city's drug business has made it a temptation to the mob.

When the Mafia abandoned the narcotics business in the early 1960s it was because too many bosses suddenly found themselves going to jail for drug conspiracies hatched by their underlings. Carmine Galente, John Ormento and Vito Genovese were all top men who were jailed during that period. A few Mafiosi had continued dealing in narcotics, even during the boss-imposed ban, and today increasing numbers of the mob's aggressive and avaricious young Turks refuse to accept the timidity of rich godfathers as enough reason to stay out of narcotics. The profits are simply too great. Dealers in the United States who paid $18,000 for a kilo (2.2 pounds) of 80 to 90 per cent Turkish heroin in 1971 are now offering $40,000 for a kilo of Asian heroin that is only 25 per cent pure. An investment of $500,000 in Corsica, São Paulo or Saigon can return $10 million on the city's streets.

Compared with other illicit Mafia businesses, importing and distributing drugs is administratively painless. Junk deals are consummated once or twice a year, and exposure to the public, corrupt cops and underworld employees is minimal compared with such vulnerable day-to-day operations as bookmaking, policy and loansharking. Someone has to take those bets, count the money, deal with the telephone installers, to say nothing of paying off the winners, cops, landlords, bail bondsmen and disgruntled Mafia employees. In the drug business, there is very little exposure and thus a minimum of vulnerability. In addition, there are now very few hoods around who do not know how easy it can be to smuggle contraband into the United States. Along the 1,200-mile Canadian border between Erie, Pennsylvania, and the Maine coast, for instance, there are two Great Lakes (Erie and Ontario), Niagara Falls, Lake Champlain, the St. Lawrence Seaway, scores of small waterways, 100 unguarded border roads and 1,000 rural airstrips upon which a small plane can land undetected. This entire stretch is patrolled by 100 border guards, with never more than twenty of them on duty at one time.

Just as the Mafiosi had replaced the Jewish racketeers who controlled the narcotics business before the end of World War II ("smack" as slang for heroin is derived from the Yiddish word *schmeck*, or smell), a loose amalgam of multi-racial and multi-ethnic entrepreneurs took the Italians' place in the early sixties. Blacks, Puerto Ricans, Cubans, Argentinians, Brazilians and, lately, Chinese distributors moved in on the wholesale and importation level. Independent black junk dealers like Julian St. Harrison, Gerald Hartley, Leroy Barnes, and Robert Stepney have developed their own Latin-American connections. Harrison, at 53, is known to police as a ten-kilo man who specializes in supplying out-of-towners from his East 215th Street headquarters in the Bronx. Hartley and Barnes are both considered major traffickers, Barnes having been a front for the East Harlem Mafiosi before they got out. Stepney, who police say commutes from Teaneck, New Jersey, to Bedford-Stuyvesant every day, is another of the city's top dealers.

The money being made by black racketeers in narcotics, of course, is finding its way into other illegitimate enterprises. Blacks are not only running their own policy and loanshark operations in areas that were once Mafia controlled, but they have begun moving into legitimate businesses as well. Bar-and-grills, drycleaning shops, liquor stores, even ghetto tenements are being swallowed up by black racketeers in payment for gambling and loanshark debts, a pattern of upward criminal mobility ominously familiar to the Mafiosi themselves.

One of the biggest Cuban operators in the city today is Rene Texeira, who lives in the Bronx but controls, along with Regilio Fernandez, another Cuban, most of the trafficking in northern Manhattan and New Jersey. The Mafia's greatest problem in retaking their netherworld interests will undoubtedly come from the Cuban racketeers. In West New York, Union City and Hoboken, New Jersey, as well as Washington Heights and much of upper Manhattan, junk has been controlled by Cuban gangs since the Mafia families of Simone Rizzo (Sam the Plumber) DeCavalcante and Joseph (Bayonne Joe) Zicarelli were decimated by continuous Federal harassment and jail. The Cubans, meanwhile—some with a paramilitary training left over from their Batista, anti-guerrilla days—have become a powerful criminal group as well organized, some say, as the Mafia itself. The Cubans' greatest enemies at present, however, are the city's Puerto Rican racketeers, who are in direct competition for the Latin junk market and for gambling and loan-shark operations.

On Manhattan's Upper West Side, with his base of operation around Broadway and 110th Street, Anthony Angelet, a 54-year-old Puerto Rican racket boss, is holding the fort for Raymond (Spanish Raymond) Marquez, who is in jail. Lionel Gonzalez, another of the city's powerful Puerto Rican dealers, concentrates his activities in the South Bronx, more specifically from his headquarters along Southern Boulevard between 149th and 150th Streets. In Brooklyn, the top Puerto Rican dealer has been identified as Jose Rosa, whose connections along Fourth Avenue in South Brooklyn are as good as his connections on the island of Puerto Rico. He is, in fact, the island's key supplier. These top dealers are so carefully insulated from their day-to-day operations that it is extremely difficult, despite almost daily harassment and questioning by the police, to land any of these men in court.

Further complicating the Mafia's takeover plans are the Chinese. Ten years ago, when the Italian-American Mafiosi left Junk City, the main suppliers were Sicilian, French and Corsican. By controlling these suppliers, the Mafiosi controlled the amount of drugs that entered the United States. During the middle sixties, however, increasing numbers of Chinese seamen began jumping ship in the United States with as much as ten kilos of heroin strapped to their backs. Suddenly, the poppy farms of Turkey, the smuggling routes through Sicily and Corsica, and the refineries in Marseilles were no longer the only sources. Today, it is estimated that more than half the heroin used in the United States comes from the Far East, much of it smuggled into the country by ship-jumping Chinese seamen. Customs and immigration officials say it is impossible to deal with the problem effectively. The relaxation of immigration rules has recently filled America's Chinatowns with new inhabitants, and it is comparatively simple for a seaman with $50,000 forth of pure heroin to disappear in these communities. On April 11, seven Chinese were arrested in New York with eleven pounds of heroin, and six of the seven turned out to be ship-jumpers. The heroin was part of a 100-pound batch brought into the country by a European diplomat. On June 30, four Chinese were arrested in a Sunnyside, Queens, apartment trying to extricate eighteen pounds of heroin from behind a baseboard where two other Chinese had hidden it earlier in the year at the time of their arrest. And, on August 21, as the godfathers made up their minds to get back into the junk business, Federal agents arrested 60-year-old Kan Kit Huie, the unofficial mayor of Chinatown, in a $200,000 deal involving twenty pounds of heroin, two Chinese businessmen, a Chinese ship-jumper, two Chinese-American undercover cops, 40 Federal agents using twelve unmarked cars, and a seven-hour circuitous tour led by cautious Huie that took the entire entourage through the alleys, factory buildings and streets of the Lower East Side.

The Mafiosi explored a return to the drug trade about a year ago. Key men were given permission to make buys, and a few have been caught.

On January 18, Louis Cirillo, a Lucchese family associate, was indicted in Miami in a 1,500-pound multi-million-dollar heroin-smuggling conspiracy. On April 29, while searching through Cirillo's Bronx home, Federal agents found nearly $1.1 million buried in the backyard and the basement. On February 4, another Lucchese family associate, Vincent Papa, was arrested in the Bronx with $967,500 in a green suitcase destined for a 200-pound heroin buy. Papa had once served five years for selling narcotics and had a record of 26 arrests. On May 10, Joseph (JoJo) Manfredi, a Gambino family captain, was arrested along with two nephews and fourteen other men in a $25-million-a-year heroin operation that specialized in supplying several midwestern cities. On July 15, Michael Papa, Vincent Papa's 24-year-old nephew, was arrested with another man for selling eleven pounds of cocaine to an undercover agent.

In addition to the unusual rash of Mafia-associated drug arrests, police began hearing rumors that a number of gangland killings were directly related to the mob's re-entry into drugs. On August 10, for instance, the bodies of two of Joseph Manfredi's nephews, one of whom had been arrested with him on May 10, were found in the deserted Clason's Point section of the Bronx. The killing was apparently intended to insure silence in the drug case involving their uncle.

On July 16, when acting Genovese family boss Thomas (Tommy Ryan) Eboli was shot and killed on a Brooklyn street corner, it was at first suspected that his death had something to do with the Gallo-Colombo war. He had just walked out of his girl friend Elvira (Dolly) Lenzo's Lefferts Avenue apartment, shortly after midnight, when two men stepped out of a yellow panel truck and opened fire, hitting Eboli five times in the head and neck. Since the killing, Federal agents suspect that Eboli was killed not because of a Mafia family feud, but because he was involved in a $4-million narcotics scheme in which he tried to withhold more than a million dollars. On April 29, when Federal agents dug up Louis Cirillo's backyard in the Bronx and found $1,078,100, Eboli's fate was sealed. It is now suspected that Eboli had withheld that sum from his peers, the very top-level Mafia financiers who had originally bankrolled Cirillo's heroin-smuggling plan. As is customary in such cases, underlings like Cirillo are not held responsible for the greed of their bosses and are, therefore, spared. Eboli, however, knew better. "They had to blow him away," an informer explained, "because he had held out on bosses. He had made fools of his own kind. The only thing that took them so long [Eboli was killed two months and seventeen days after the money was uncovered] was that they were probably trying to get him to replace the million so he could live."

Other signs of the mob's re-entry into junk were apparent when top Mafia bosses like Santo Trafficante of New Orleans suddenly took trips to the Far East. Federal narcotics agents, who have spotted both men in Saigon, Hong Kong, Singapore and Thailand, are almost certain that Asian connections were being established to supplement the mob's traditional French and Corsican suppliers. Another indication was the appearance in New York late last year of Thomas Buscetta, a Sicilian-born man of many passports and the Mafia's main South American connection. Buscetta was arrested in front of the United Nations as an illegal alien, but left the country after posing $40,000 bail. He was wanted at the time by Sicilian police for masterminding a 1963 massacre in which seven policemen and three civilians died. Today, Buscetta lives in Sao Paulo, Brazil, under the name of Robert V. Cavalaro, and owns a fleet of 275 taxicabs and a string of luncheonettes. Slipping in and out of the United States almost at will, Buscetta was recently caught coming through the Canadian border at Champlain, New York, with an American, three Italians, and two Argentinian passports. While customs officials marveled at the fact that each of the passports bore a different name under his photograph, and as they searched his car, finding a Playboy Club credit card slip, a booklet of lottery tickets and a reel of obscene film, Buscetta disappeared from the border patrol station.

Buscetta's importance to the Mafiosi is twofold. He is not only their man in South America, but he also represents, at 44 years of age, just the kind of potential Mafia boss that old-world dons like Carlo Gambino would like to see take over the secret society. Gambino has been importing foreign-born Mafiosi like Buscetta for several years, and police intelligence officers suspect that much of the pressure being applied to organized crime leaders to return to narcotics has been exerted by these old-world imports.

"Greasers are taking over the whole operation," one Federal informant explained. "Carlos Marcello has spread them through the South and the Southwest. They are in upstate New York. Gambino and Marcello and Magaddino are bringing Sicilians over. Right here, in downtown New York, the numbers are all theirs. Joe Mush had a gigantic policy operation, but the greasers told him 'bow or you're dead.' First they started by just hanging around, but pretty soon they were bringing over their buddies, until today, on Mulberry Street, the American wise guys are scared of them.

"These guys are bringing everybody into line. They've got the old man's okay, and when they move it's going to be a bloody mess."

On August 4, in Trinchi's Restaurant in Yonkers, the first of the mob's meetings took place. Despite the fact that it was held in public on a busy Friday night, it was not until months later that the New York City police found out that it had taken place. (Inexplicably, the NYPD, to the mob's delight, has decided to cut back the kind of surveillance work needed to fight organized crime.) The FBI had apparently missed the meeting as well, and, if it had not been for an IRS agent in search of an acquaintance of one of those who attended the meeting, no law enforcement unit would have known of the meeting. Those attending included Carmine Tramunti, acting head of the Lucchese family, long known for its drug operations. Based in East Harlem, it had a virtual monopoly in supplying drugs to black and Puerto Rican ghettos before the Mafia-imposed ban. While Tramunti has no personal involvement with narcotics (his interests are almost exclusively gambling), as the family's titular head his approval was not only expected but required. Philip Rastelli, acting boss of the Bonanno family, was also present. The Bonannos have been well known as a drug family since the early 1930s, when Joseph Bonanno first put the Sicily-Marseilles-Montreal-New York route together. The Bonanno Mafia family has always been evenly divided between Montreal and New York, and it has specialized in smuggling of all kinds. Rastelli, who has taken over the Bonanno mob and moved into a racket vacuum in New Jersey, is expected to be the first Mafia boss to make a move in solidifying the drug business. Bonanno soldiers, perhaps more than those of any other family, have been most debilitated by internal wars, jail, and a loss of illicit income. Bookmaking, loanshark concessions, labor union infiltration, waterfront pilfering franchises—all of the fringe benefits and income that accompany a thriving Mafia family—were denied the Bonanno crew as a result of their leadership vacuum after Joseph Bonanno was kidnapped and his heir was rejected by the Mafia's commission. As a result, it is the remnants of the old Bonanno family who are most in need of the drug trade, and it will therefore fall to Rastelli in New Jersey to take on the well-organized and deeply entrenched Cuban gangs. He is expected to go about it, according to various police informants, by systematically killing off top Cuban importers until eventually the entire Cuban operation is under control. With Rastelli at all of the meetings was another Bonanno boss, Natale Evola, an older and highly respected don. It is Evola who often serves as a voice of moderation when Rastelli, who has a volatile nature, explodes.

Also present at the meeting was Michael Papa, the 24-year-old nephew of Vincent Papa the Lucchese family associate arrested last February with the cash-filled green suitcase. It is suspected that Michael, who was on bail at the time of the dinner, was representing his uncle's interests. The last and most mysterious of the Mafia dinner companions was Francesco Salamone, an illegal Sicilian alien who has a long history of international narcotics smuggling and many Corsican friends.

A second meeting took place on August 11, the day after the two Manfredi nephews were shot and killed, and it was held at the Staten Island home of John (Johnny Dee) D'Alessio, a Carlo Gambino captain. At this meeting, Evola, Rastelli and Salamone their European connection, apparently presented their plans to the bosses and acting bosses of other Mafia families. Present were acting Genovese boss Alphonse (Funzie) Tieri; septuagenarian, gum-chewing Michele Miranda, a highly respected Genovese family consigliere; Aniello DellaCroce, Carlo Gambino's most likely successor; Alphonse (Allie Boy) Persico representing his brother Carmine (Junior) Persico, a Colombo family captain, and Joseph N. Gallo, a man unrelated to the Brooklyn Gallos, who often represents the interests of the New Orleans and Tampa Mafia families in New York. (Trafficante and Marcello both refused to attend the meetings according to police, since their last dinner with friends in New York resulted in their seizure in La Stella Restaurant on Queens Boulevard.) Gallo's presence at the meeting, therefore, was significant since it is through the Far-Eastern connections established by the bosses of the two southern Mafia families that so much of the heroin brought into the United States originates. Also attending the second meeting was Luciano Leggio—another illegal Sicilian alien wanted for murder in Palermo and an old-world Mafioso with excellent Corsican connections.

The third meeting, at which Evola and Rastelli once again presided, is expected to be the last. It took place on August 17, in Gargiulo's Restaurant on West 15th Street, off Mermaid Avenue, in Coney Island. The acting Genovese boss, Alphonse Tieri, and the Luchese boss Carmine Tramunti were present as was Joseph N. Gallo. The five men met on a Thursday evening and sat down to dinner unnoticed by the rest of the customers. They were, after all, five neatly dressed, soft-spoken businessmen who were discussing with varying degrees of enthusiasm the problems inherent in any new business venture.

AGENTS MANUAL—BUREAU OF NARCOTICS AND DANGEROUS DRUGS

(Presidential Directive and Guidelines, dated July 2, 1971, pertaining to BNDD-Customs liaison, as they appear in BNDD Agents Manual)

CHAPTER 66 ENFORCEMENT PROCEDURES

Subchapter 668 special enforcement programs

6685 Liaison BNDD/Customs Agency Service

6685.1 General.

It is the policy of BNDD that every agent will extend the fullest possible cooperation with the United States Bureau of Customs on matters of mutual concern in accordance with the following policy and procedural directives.

6685.2 Presidential Directive.

The following is the text of the President's directive to the Attorney General on February 5, 1970:

"A difference of opinion has existed between the Justice and Treasury Departments as to the responsibility for dealing with the international traffic in narcotics.

"This issue was referred to the Advisory Council on Executive Organization for study and submission of proposed recommendations for a solution. I have reviewed the Advisory Council's report and have approved its recommendations as follows:

"1. Representatives of BNDD should continue to be accredited to represent the United States Government in dealing with foreign law enforcement officials on narcotics questions. Customs should not represent the United States in this area, except when authorized by BNDD.

"2. BNDD should be designated the agency to control the narcotics area. Customs should support BNDD's efforts to reduce and eliminate the flow of narcotics into the United States and its intelligence network should be used to assist in the overall effort.

"3. Consistent with the recommendations made in this paper, the Attorney General should be designated to pass on disagreements that cannot be resolved by the bureaus concerned.

"The Attorney General is requested to prepare guidelines to implement these recommendations and to submit them to me for approval by February 15, 1970."

6685.3 Presidential Approval of the BNDD/Customs Guidelines.

On May 5, 1970, the President approved the guidelines prepared by the Attorney General. On June 22, 1970, the President directed the following memorandum to the Attorney General and the Secretary of Treasury:

"In my directive of February 5, 1970, I approved the recommendations of the Advisory Council on Executive Organization outlining responsibility for dealing with the international traffic in narcotics.

"Pursuant to my directive, the Attorney General has submitted the attached proposed guidelines to implement the recommendations of the Advisory Council on Executive Organization. It is my conviction that these guidelines provide a basis for a clearly directed effort to curtail the traffic in narcotics, marijuana and dangerous drugs.

"I have reviewed these guidelines and approved them for immediate implementation."

6685.4 BNDD/Customs Guidelines.

The approved BNDD/Customs Guidelines are quoted below:

"1. BNDD's Responsibilities:

"A. BNDD controls all investigations involving violations of the laws of the United States relating to narcotics, marihuana, and dangerous drugs, both within the United States and beyond its borders except as set forth in the first sentence of 2A below. BNDD has primary jurisdiction over all investigations originated by officers of that Bureau either within or outside the United States, including smuggling of narcotics, marihuana, and dangerous drugs into the United States.

"B. In foreign areas, BNDD is the accredited United States agency for contact with foreign law enforcement officers on narcotics, marihuana, and dangerous drug matters. To insure unity of purpose, Customs personnel shall communicate on narcotics, marihuana, or dangerous drug matters with foreign law enforcement officials only after prior approval (in writing, if possible) of the Director of BNDD or his designee. If BNDD does not give approval, BNDD will communicate with foreign officials with respect to the particular matter requested by Customs and will expeditiously advise Customs of the results of the communication.

"C. BNDD has as one of its principal missions the detection of persons in foreign countries who may transport contraband drugs to the United States. BNDD also has the responsibility for fully advising Customs of all information (in writing, if possible) regarding the identity and circumstances of the probable movement into the United States of smugglers and/or contraband.

"D. In order to promote greater efficiency and to minimize risks, in those BNDD investigations where smuggling of narcotics, marihuana, or dangerous drugs is probable, BNDD shall fully and promptly advise Customs. When it is in the best interests of overall enforcement objectives to have controlled passage of contraband drugs into the United States to be delivered to the intended recipient, BNDD shall request Customs assistance for this purpose. Customs shall be invited to participate in the controlled passage of the smuggled contraband to the intended recipient.

"E. The Director, BNDD, will assign such officers of BNDD as he deems necessary to any foreign country with which arrangements may be made in consultation with the Department of State. BNDD officers will work with enforcement officers of that country in developing information and evidence against international narcotics, marihuana, and dangerous drug traffickers. They will pursue illicit producers of opium, marihuana, and other dangerous drugs and endeavor to immobilize illicit manufacturers and distributors of dangerous substances destined for the United States.

"F. BNDD has jurisdiction and authority to investigate and coordinate with foreign personnel in all narcotics, marihuana, and dangerous drug matters in those Foreign countries where both BNDD and the Bureau of Customs have assigned personnel.

"G. BNDD may establish offices in border cities where necessary and conduct investigations in other border locations to achieve its mission and objectives. BNDD shall inform Customs as soon as possible of all investigative activities in the Mexican and Canadian border areas of the United States which have a smuggling aspect to insure maximum safety, cooperation, and coordination.

"2. Bureau of Customs Responsibilities:

"A. The Bureau of Customs, because of its responsibility to suppress smuggling into the United States, has primary jurisdiction at ports and borders for all smuggling investigations, including those involving narcotics, marihuana, and dangerous drugs, except those initiated by BNDD. For this purpose, smuggling is understood to mean the actual passage of undeclared merchandise, or contraband, through the Customs lines. It does not include preparatory acts prior to bringing the articles within the boundaries of the United States. Smuggling violations not terminated at ports or BNDD unless such jurisdiction is waived (in writing if possible) by the Director of BNDD or his designee.

"B. Customs shall promptly make available to BNDD information or investigative leads relating to the illicit production, possession, trafficking, or transportation of narcotics, marihuana, or dangerous drugs. The direction of subsequent activity with respect to such production, possession, trafficking, or transportation is the responsibility of BNDD.

"C. Customs officers with the advanced concurrence (in writing, if possible) of the Director of BNDD or his designee, may convoy narcotics, marihuana, or dangerous drug investigations to their destination from the point of entry into the United States. To insure proper coordination, BNDD may assign Special Agents to accompany the controlled delivery.

"D. In the vicinity of the borders, Customs officers may communicate with Mexican and Canadian officials on narcotics, marihuana, and dangerous drug matters. In this regard, the Bureau of Customs will support BNDD's efforts to eliminate the flow into the United States of narcotics, marihuana, and dangerous drugs, and shall inform BNDD with respect to the nature and extent of such contacts involving narcotics, marihuana, and dangerous drug smuggling, and all information derived therefrom shall be transmitted to BNDD upon request.

"3. Interagency Cooperation.

"A. The President of the United States has directed that there be the fullest possible cooperation and exchange of information between BNDD and the Bureau of Customs in the investigations of violations relating to narcotics, marihuana, and dangerous drugs. To this end, employees of each agency are directed to transmit promptly to the other agency any information which would be of value in discharging that agency's responsibilities more effectively. If there is a question if the information would be of value to the other agency, the question should always be resolved by transmitting the information.

"B. To insure the fullest cooperation, the Director of BNDD and the Commissioner of Customs shall each designate a person charged with the responsibility of investigating alleged breaches and for liaison with his counterpart with regard to all matters falling under these guidelines.

"C. Information relating to narcotics, marihuana, or dangerous drugs in those countries where the Bureau of Customs has personnel and BNDD does not, shall be reported immediately (in writing, if possible) to the Director of BNDD or his designee, who may send agents into those countries to develop any necessary investigation. In any such case, unless the BNDD specifically directs otherwise, the Bureau of Customs may take such action as it deems necessary, pending the arrival of representatives of the BNDD. Bureau of Customs representatives are required to take further action only in cases in which their assistance is specifically requested by the BNDD and approved by the Commissioner of Customs.

"D. An expedited system of communication of information from abroad will be initiated and its mechanics will be set up in such a way that information will be conveyed to the appropriate agency with the least possible delay. The information shall be transmitted directly to responsible field offices, except as otherwise specified, of the appropriate agency and information copies will be transmitted promptly to both Bureau headquarters.

"4. Border Patrol Seizures.

"The Border Patrol of the Immigration and Naturalization Service when making a seizure of narcotics, marihuana, or dangerous drugs incident to their primary duties, will follow this procedure:

"a. If it can be established or it seems likely that the violator smuggled the illicit drugs into the United States, the matter shall be referred to the Bureau of Customs.

"b. In all other situations, the matter shall be referred to BNDD.

"5. Resolution of Disagreements between BNDD and Customs.

"In event of disagreement between BNDD and Customs with respect to the application, effect, and/or interpretation of the foregoing guidelines, such disagreement shall be resolved in writing by the Attorney General."

6685.5 Joint Implementation Agreement.

A joint agreement has been signed by the Director of the Bureau of Narcotics and Dangerous Drugs and the Commissioner of Customs to implement the guidelines. The Joint Implementation Agreement is set out below:

"Joint Implementation Agreement BNDD/ Customs Guidelines, May 5, 1970

Pursuant to Presidential Directives of February 5, 1970 and June 23, 1970.

In order to enable the Bureau of Narcotics and Dangerous Drugs (BNDD) and the Bureau of Customs (Customs) to most effectively implement the approved guidelines it is agreed that:

"1. Customs Agents will be assigned to BNDD offices at Paris, Rome, Montreal, Mexico City, Bangkok, and Hong Kong.

"2. BNDD Special Agents will be assigned at Customs offices at San Ysidro, Calexico, Nogales, El Paso, Laredo, and McAllen.

"3. For the purpose of assuring expeditious Customs preclearance, Customs representatives at Toronto, Vancouver, Ottawa, Montreal, Bermuda, and Nassau may coordinate a drug matter of mutual interest directly with law enforcement officials at those locations.

"4. BNDD will concur in Customs convoy investigations unless the intended result will seriously jeopardize an active BNDD investigation or will not be consistent with the objectives of both Bureaus.

"5. Smuggling investigations not terminated at ports or borders involving narcotics, marihuana, and dangerous drugs are considered potential joint investigations. Investigative direction of such cases within the United States will remain with the initiating agency providing:

"a. It has consulted with the other to determine that the same matter is not already under active investigation.

"b. It does not involve a third law enforcement agency within the United States without mutual concurrence.

"c. It keeps the other fully informed via reports of the progress of the case.

"6. Press Releases.

"Upon conclusion of successful joint investigation by Customs and BNDD, information will be released to the press on a local or national level as the circumstances may warrant. All releases shall reflect the cooperative effort of both Bureaus.

"7. Joint Statistics.

"Arrest and seizure statistics reflecting the combined efforts of both services shall be reported individually by both agencies as cooperative efforts. These statistics will include the results of joint foreign investigation efforts when applicable as well as joint smuggling investigations.

"8. Joint Participation in Significant Cases.

"All joint case reports submitted to the U.S. Attorney will be reviewed and signed by both BNDD and Customs cases agents.

"9. Cooperation with Local Authorities.

"In all instances BNDD and Customs will portray a united narcotics enforcement effort to all County, State, and municipal enforcement agencies. Both agencies will decline to participate in any investigative case presented by local authorities under single agency conditions which could serve to divide the unified effort.

"10. Review of Operations.

"Customs (Office of Security) and BNDD (Office of Inspection) will be charged with jointly investigating and reporting any allegations of non-cooperation that cannot first be resolved at the lowest level of field supervision.

"JOHN E. INGERSOLL,
"Director, Bureau of Narcotics and Dangerous Drugs, U.S. Justice Department.

"MYLES J. AMBROSE,
"Commissioner, Bureau of Customs, U.S. Treasury Department."

6685.6 Instructions for BNDD Special Agents to Implement the BNDD/Customs Guidelines.

6685.61 Delegation of Authority.

The following instructions will be complied with in applying the approved guidelines to BNDD/Customs activities. Where the guidelines refer to "the Director of BNDD or his designee," the following BNDD officials are designated to act for the Director:

A. The Assistant Director for Enforcement.

B. The Chief of Operations.

C. All Regional Directors in their assigned Regions.

D. BNDD Special Agents stationed at Customs border offices for concurrence in Customs convoy cases.

E. Regional Directors for Regions 11, 12, and 14 at U.S./Mexican border areas in coordination with the Regional Director, Region 15.

F. Regional Directors in Regions 1, 6, 7, 10, 12, and 13 at U.S./Canadian border areas in coordination with the Regional Director, Region 2.

Questions that cannot be resolved at the Regional level will be referred to the Assistant Director for Enforcement or the Chief of Operations for resolution.

6685.62 Exchange of Personnel.

BNDD and Customs agents may be stationed at offices of the other agency in strategic cities where agreed.

The purpose of this personnel exchange will be to expedite the exchange of intelligence information, coordinate joint investigations, and insure that information of interest to the other agency is obtained promptly and disseminated for action.

Special Agents of BNDD assigned to the Customs border offices will be directly responsible to the Regional Director in whose jurisdiction the office is located.

6685.63 BNDD/Customs Liaison.

Specific individuals will be designated responsibility by Regional Directors for Customs/BNDD liaison in New York, Miami, Chicago, Los Angeles, San Francisco, Houston, and other offices where sufficient interagency activity warrants the assignment of a liaison officer. In offices where a specific individual is not designated, the Regional Director or agent-in-charge will be responsible for BNDD/Customs liaison. In each office a backup individual will be designated to act in the absence of the primary liaison officer.

6685.64 Open Files.

BNDD will maintain an open file policy in regard to investigative files. Any investigative file containing information of interest to Customs will be open for review of the appropriate Customs agent.

6685.65 Exchange of Reports.

Copies of investigative reports will be furnished to Customs on a local level on matters pertaining to that agency's specific responsibility. Paragraph 1C of the guidelines gives BNDD the responsibility for advising Customs of all information regarding the identity and circumstance of the probable movement into the United States of smugglers and/or contraband. BNDD will immediately (without regard to normal duty hours) refer to Customs any information which has a smuggling aspect even though there is no specific information as to the time or place of such suspected smuggling.

Included in the report, if appropriate, will be BNDD's interest and proposed course of action with regard to the information and any appropriate action desired by BNDD. If limited time requires that the information be forwarded orally it will be documented when time permits. This documentation can be in the form of a memorandum to the appropriate Customs agent-in-charge or can be accomplished through the transmittal of BNDD investigative reports.

If the information is a part of an investigative file, a copy of the memorandum will be placed in the case file as well as the Customs cooperation files both in the Region and at Headquarters. Paragraphs 1D and 1G of the Guidelines generally require BNDD to inform Customs of all investigative activities which have a smuggling aspect. Paragraph 1G specifically requires BNDD to inform Customs as soon as possible of all investigative activities in border areas of Canada and Mexico which have a smuggling aspect.

All information of this nature will be reported immediately (without regard to normal duty hours) even though it has not been fully developed. In any investigation where BNDD contemplates activity which might develop into a smuggling situation, Customs will be advised in advance that the activity may be of interest so they can prepare to react in cooperation with BNDD if necessary. This notification will be accomplished through the BNDD agents assigned to the Customs border offices and/or the appropriate BNDD liaison representative.

Where the guidelines indicate "in writing if possible" this is interpreted to mean that the writing may follow the required action when absolutely necessary; however, all actions will be confirmed in writing.

Where BNDD is required to concur in an action by Customs the written concurrence will be in the form of a memorandum from the BNDD official to the appropriate Customs official with an information copy forwarded to Headquarters.

6685.66 Procedures for Communication of Information or Requests for Investigation Between the Customs Agency Service and BNDD Foreign Regions.

The following procedures apply to all forms of communication.

A. Any transmittal of information or request for investigation by a domestic Customs office to a foreign BNDD Region will be routed to the domestic BNDD Regional Director in whose jurisdiction the originating Customs office is located. The originating Customs office will also:

1. Transmit an information copy of the communication to the Bureau of Customs, Office of Investigations.

2. Forward an information only copy to the Customs liaison officer in the concerned foreign BNDD office.

3. Make additional distribution to other interested domestic Customs offices.

The domestic BNDD Regional Director will:

1. Forward the communication to the foreign Regional Director of BNDD for action.

2. Make additional distribution to BNDD Headquarters and other concerned offices within BNDD.

B. In responding to Customs requests for investigation or transmitting information of interest to domestic Customs Agency Service Offices, the foreign Regional Director will:

1. Transmit the information to the domestic Regional Director of BNDD in whose jurisdiction the requesting or interested Customs office is located. The domestic Regional Director is then responsible for dissemination of the information to the concerned Customs office.

2. Provide a copy to BNDD Headquarters.

3. Provide a copy to the Customs liaison officer located in the foreign office of BNDD. The Customs liaison officer is then responsible for expeditious dissemination of the information to Customs Headquarters.

C. Domestic BNDD Regional Directors will forward classified correspondence to the foreign Regions following established BNDD procedures. (See subchapter 823, Inspection Manual.) Until the domestic Regions are provided with teletype equipment capable of sending classified or sensitive messages through BNDD Headquarters to the foreign Regions, information of this nature will be transmitted to BNDD Headquarters following currently established procedures for transmission to the foreign Regions. Classified correspondence originated in the foreign Regions will be transmitted to the concerned domestic Regional Director for referral to Customs domestically following established procedures. Classified or sensitive teletype messages originated in foreign Regions will be routed to BNDD Headquarters. BNDD Headquarters will in turn disseminate the information to the concerned domestic BNDD Regional Director for transmittal to the concerned Customs office located in his jurisdiction following current procedures for domestic dissemination of such material. BNDD Headquarters will also provide Customs Headquarters with copies of these classified or sensitive messages from the foreign Regional Directors.

D. Under emergency conditions the originating Customs office will:

1. Attempt to communicate following procedures as set out in A above.

2. In the rare instance that the Customs originator is unable to obtain a response from the domestic Regional Director of BNDD, the Customs originator will communicate directly with the Bureau of Customs Headquarters which will transmit the information to BNDD Headquarters for referral to the foreign Regional Director concerned. The Customs originator may also notify the Customs liaison officer in the foreign Region that an official request for action in the foreign Region has been made through BNDD Headquarters. The Customs originator will notify as soon as possible the domestic BNDD Regional Director in whose jurisdiction he is located that a direct request was made through BNDD Headquarters.

6685.67 Convoys.

BNDD has been given responsibility to concur with Customs prior to the advance of convoy cases from the border point of seizure to the recipient. (See 6685.4 2c.) This concurrence is required to avoid any possible conflict between the two agencies at the point of delivery and also to avoid any compromise of enforcement objectives. Since convoy investigations are an effective enforcement technique, Customs may properly expect that BNDD will concur in these cases as a general rule. When a convoy is related to a BNDD investigation, consideration should be given to utilizing the convoy in furtherance of the BNDD investigation whenever possible. A convoy should not proceed if it will seriously jeopardize an active BNDD investigation. There must be significant reasons established which show that the convoy will be detrimental to the investigation.

There may be other circumstances in which it may not be advantageous to proceed with a convoy investigation. Such situations would be limited and each must be evaluated on individual circumstances. Examples might be where the defendant is determined to be a BNDD fugitive or where the BNDD files establish that the person arrested at the border is of greater stature in the traffic than the intended recipient. Also where no effort has been made to determine the intended recipient's involvement in the traffic it may be appropriate to request such an effort before permitting the convoy to proceed. An opinion from the appropriate U.S. attorney as to the legality of the proposed convoy will be obtained by Customs.

It is imperative that BNDD react immediately when notified by Customs that a convoy is possible. Customs will notify the BNDD agent assigned to the border offices or the Customs liaison officer in other offices nearest the point of seizure, who will obtain complete details of the investigation. This person will then communicate with the BNDD office at the point of destination to determine if there is any conflict with current BNDD operations. The BNDD agents stationed at the Customs border offices or, where the crossing is not at the Mexican or Canadian border, the BNDD liaison officer nearest the point of seizure will transmit BNDD's concurrence to Customs after conferring with the appropriate BNDD offices involved. The Regions through which a convoy will pass enroute to its destination shall be notified that a convoy is proceeding through their jurisdiction. The agents assigned to Customs border officers or the liaison officer at the point of seizure will be responsible for this notification.

6685.68 Mexican/Canadian border areas.

In the vicinity of the border areas Customs officers may communicate with Mexican and Canadian officials on narcotic, marihuana and dangerous drug matters in support of BNDD efforts to eliminate the flow of drugs into the United States. Customs may develop and maintain sources of information in these border areas and work directly with Mexican/Canadian officials in intelligence gathering functions at the borders.

All operational activities developed as a result of these intelligence gathering functions which are directed toward the arrest of individuals or seizure of contraband drugs will be coordinated and worked jointly with BNDD and border authorities of Mexico and Canada. (See paragraph 5, Joint Implementation Agreement.)

6685.69 Reporting of Investigation.

If action is taken by BNDD on investigative information received from Customs, a file number will be assigned and normal investigative reporting procedures will be followed. A copy of the information received from Customs will be filed in the Customs cooperation files both in the Region and at Headquarters. All pertinent subjects will be indexed.

6685.7 Resolution of disputes.

In the event of a dispute, the circumstances of disagreement will be submitted by memorandum to the Assistant Director for Enforcement for referral to the Chief Inspector, BNDD. The Chief Inspector will immediately provide a copy of the memorandum to the Customs Office of Internal Security and arrange for joint investigation of the matter.

Any statements included in the investigation file explaining the conduct of the investigation that relate to the jurisdictional guidelines will be placed on an Administrative Page attached to the pertinent report and not in the body of the report itself.

COPY OF STATE DEPARTMENT TELEGRAM

(From: Secretary of State to numerous Missions dated July 28, 1972.)

Following is joint White House/State/CIA/Treasury/Justice Message:

Subject: Relationship of Customs and BNDD agents overseas engaged in narcotics control work.

Reference: State 230669.

1. As of this date, 18 Customs special agents have been ordered on assignment to the posts listed below in the numbers indicated: Madrid (1), Barcelona (1), Hamburg (1), Munich (1), Monterey (1), Quito (1), Buenos Aires (1), Panama City (1), Bogotá (1), Asuncion (1), Bangkok (1), Saigon (1), Tokyo (1), Ottawa (1).

2. These assignments will be carried out under the following arrangements which will supersede prior directives concerning the relationship of Customs and BNDD agents engaged in narcotics control work. This cable sets forth these arrangements.

3. The chief of mission is the official accredited directly by the President to deal with the host government on narcotics matters. As with other mission elements, the chief of mission has full authority and responsibility for the direction of all the elements of the mission dealing with the international problem in narcotics and dangerous drugs. This authority and responsibility is consistent with the President's letter to all chiefs of mission of December 9, 1969.

4. The Commissioner of Customs and Director of the Bureau of Narcotics and Dangerous Drugs agree that representatives of each of the agencies can best contribute to the total country team effort to suppress the movement of narcotics and dangerous drugs by working cooperatively but maintaining agency identity and focusing efforts according to their respective domestic statutory responsibilities. This will be carried out under the technical direction of their respective agencies. The senior representatives of both Customs and BNDD will be members of the country team.

5. Customs is to concentrate on the development of intelligence concerning people and transportation means used to facilitate smuggling (routes of travel, methods of transportation, and places of concealment). BNDD is to concentrate on producers, refiners, and distribution organizations. Each customs and BNDD representative is expected to cooperate wholeheartedly in matters of mutual concern under the general policy requirements of the chief of mission.

6. Customs will appoint coordinators to work with BNDD regional directors in Paris, Bangkok, Manila, Mexico City, and Buenos Aires to insure intra- and inter-regional cooperation and coordination among customs and BNDD personnel assigned to specific missions. Each agency will contribute information for analysis, dissemination and action to all mission elements involved in the U.S. Government anti-narcotic activities. Each agency will input and use the central source registry. The CIA's role in international narcotics control is to remain as defined in REFTEL.

7. The commissioner of customs and director of BNDD have agreed that there will be the fullest possible cooperation and exchange of information between their agents. To this end, customs and BNDD personnel will be located in the same or adjacent office space if at all possible.

8. The chief of mission has authority and responsibility to ensure that the requisite cooperation and exchange of information between the two agencies is effected within his mission and in their communications with their regional and Washington headquarters.

9. The chief of mission has the authority to review all outgoing communications and will receive copies of all incoming traffic. In operational matters the chief of mission must be kept fully informed by representatives of each agency and contacts with the host government must be conducted with his knowledge and concurrence.

10. Information on customs use of the NAROP channel or an equivalent communications capability will be forthcoming as soon as details are resolved. Until that time, no change will be effected concerning existing usages.

11. Action taken in response to this cable should be reported not later than August 3, 1972. Rogers.

[Excerpt from Office of Management and Budget]

SPECIAL ANALYSIS R: FEDERAL PROGRAMS FOR THE CONTROL OF DRUG ABUSE

Overview.—Spending for Federal drug abuse prevention and drug law enforcement programs has increased from $150 million to $719 million since 1971, a fivefold increase in 3 years.

TABLE R–1. *Estimated spending for drug abuse prevention and drug law enforcement programs*

[In millions of dollars]

Fiscal year:	*Outlays*
1971	150.2
1972	413.2
1973	654.8
1974	719.0

Federal *drug law enforcement programs* are designed to reduce the *supply* of illicit narcotics and dangerous drugs available in the United States. Federal obligations for such programs will rise in 1974 to $257 million from $36 million in 1969, a sevenfold increase. These programs include such activities as international law enforcement cooperation and cooperative Federal-State-local law enforcement efforts to identify and arrest street-level pushers.

Drug law enforcement program activities are closely linked to drug abuse prevention. Law enforcement efforts that reduce the supply of drugs also serve to lower drug potency and drive up the price of drugs, thus reducing experimental usage. Together, higher prices combined with lower potency and scarcity can motivate abusers to seek treatment.

Federal *drug abuse prevention programs* are designed to reduce the *demand* for illicit narcotics and dangerous drugs. Activities funded include: treatment programs for addicts; drug abuse education; research; and training. Total estimated Federal obligations for drug abuse prevention programs will rise in 1974 to $528 million from $46 million in 1969. These activities account for 67% of the total Federal funds for drug abuse programs in 1974.

Highlights of the drug law enforcement effort include:

Substantial increases in funding and manpower for both the Bureau of Narcotics and Dangerous Drugs and the Bureau of Customs. These funds support concentrated attacks on smuggling and increased domestic and international investigation of major drug traffickers. In 1972, the Departments of Justice and Treasury removed from the U.S. market or seized overseas:

5,613 pounds of heroin,
887 pounds of cocaine,
451,800 pounds of marihuana, and
220 million dosage units of dangerous drugs.

Initiation of a coordinated attack on drug trafficking in over 40 target cities by teams of narcotics agents from Federal, State, and local law enforcement agencies. The Office of Drug Abuse Law Enforcement was responsible for 4,245 arrests since the spring of 1972.

An intensified investigation of the income tax returns of middle and upper level narcotics traffickers aimed at reducing the amount of working capital available for illegal drug operations by assessing and collecting taxes and penalties on unreported income.

Development of a national narcotics intelligence system to assure proper analysis and distribution of trafficking intelligence information.

Activation in 1972 of the ban on cultivation of the opium poppy in Turkey and formulation of narcotics control action plans in 59 foreign countries to secure international cooperation in the global war on heroin.

Preparation and release in 1972 of The World Opium Survey, presenting a comprehensive picture of the location and quantity of opium poppy cultivation.

Establishment of special narcotics courts in New York City with Federal assistance to assure rapid prosecution of narcotics offenders.

Development of the Treatment Alternatives to Street Crime program (TASC), linking the criminal justice system to the treatment system. Under this program, drug abusers who are arrested can be placed in treatment to reduce street crime and improve social adjustment.

Highlights of the drug abuse prevention effort include:

An expansion of federally funded treatment facilities, providing the capacity to treat 100,000 addicts annually. Funds will be available to expand the capacity for addict treatment to over 250,000 addicts by mid-1974, if necessary. More federally funded treatment facilities were created in 1972 than in the previous 50 years.

A nationwide review of all methadone maintenance programs. As a result of that review, new methadone regulations were issued on December 15, 1972, designed to assure high quality treatment for addicts and to prevent illicit diversion of this synthetic narcotic substance.

A worldwide treatment and rehabilitation program for military servicemen, including a large scale screening and early intervention program to identify and treat drug abusers before they become dependent. From June 17, 1971 to September 30, 1972, 250 drug treatment and rehabilitation facilities were activated. During this period, an average of 8,500 servicemen were receiving treatment.

A newly developed Veterans Administration treatment system that offered care to more than 20,000 veterans in 1972.

Total estimated obligations for drug law enforcement will rise in 1974 to $257 million from $228 million in 1973 and $164 million in 1972. Drug law enforcement programs account for 33% of the total funds available in 1974 for drug abuse. Detailed obligations by both program category and agency are shown in a table at the end of this analysis.

TABLE R-2.—DRUG LAW ENFORCEMENT OBLIGATIONS

[In millions of dollars]

Agency	1972	1973	1974
Justice:			
LEAA	19.6	36.3	44.1
BNDD	63.3	70.5	74.1
Other Justice		2.2	6.7
State	1.0	1.5	1.5
Agency for International Development	20.7	42.7	42.7
Treasury:			
IRS	10.1	18.9	19.7
Customs	46.9	54.3	66.2
Agriculture	2.1	1.8	1.8
Transportation	.1	.1	.1
Total	163.8	228.3	256.9

This increase reflects an intensified effort to deny narcotics to abusers and addicts by halting production and trafficking from abroad, interdicting narcotics smuggling at national borders, and preventing the sale of drugs on city streets.

The *Office for Drug Abuse Law Enforcement* (DALE) in the Department of Justice conducts operations against street pushers with criminal investigators from BNDD and Customs and with special U.S. Attorneys. These groups serve on task forces with State and local enforcement personnel in over 40 target cities. Special grand juries expedite consideration of cases. In its first 8 months of operation, DALE arrested 4,245 alleged heroin pushers and convicted 470.

The *Office of National Narcotics Intelligence* (ONNI) in the Department of Justice was created to bring together all information regarding production, smugglers, trafficking, and sale of drugs. ONNI brings together intelligence information, coordinates and analyzes the information, and disseminates combined reports to Federal and State and local enforcement agencies for their use.

The *Bureau of Narcotics and Dangerous Drugs* (BNDD) in the Justice Department increased its agents and compliance officers in the United States and overseas from 808 in 1969 to 1,652 in 1973. Its principal activities include the investigation of major drug traffickers; enforcement of Federal antidrug laws; the conduct of research and specialized drug training programs for foreign law enforcement agents; and the provision of technical assistance to Federal, State, and local personnel. BNDD supported foreign governments in seizing 4,342 pounds of hard drugs and 115,000 pounds of marihuana from illicit foreign markets in 1972 compared to 3,173 pounds of hard drugs and 40,000 pounds of marihuana in 1971.

The *Law Enforcement Assistance Administration* (LEAA) in the Department of Justice provides financial support for State and local drug law enforcement efforts.

The *Bureau of Customs* in the Department of the Treasury is responsible for the interdiction of illicit drugs at U.S. borders. Over the past 4 years, Customs has increased its personnel in order to expand its efforts to monitor traffic at points of entry, police borders, and conduct research into drug detection techniques. The Bureau seized 1,077 pounds of hard narcotics and 218,500 pounds of marihuana in 1972.

The *Internal Revenue Service* (IRS), also within the Treasury Department, attacks mid-level and top-ranking traffickers through intensive investigations of incomes and tax returns. An estimated $10.1 million has been spent on IRS activities in 1972. In 17 months, IRS has assessed $82.5 million in taxes, collected $15.8 million in currency and property, and obtained 44 indictments and 20 convictions.

The *Department of State* is responsible for mobilizing the efforts of foreign governments aganist the overseas production and distribution of narcotics and dangerous drugs, and for coordinating the narcotics programs of all Federal agencies abroad. The *Agency for International Development* (AID) in the Department of State assists other countries in stopping the illicit production, processing, and traffic in narcotics. AID provides equipment, training in narcotics control techniques, and assistance for development of alternative crops or other income-producing activities.

The *Department of Agriculture* supports research projects to develop means of eradicating the opium poppy and develop suitable substitute crops.

The Department of Transportation enforces narcotics laws through the *Federal Aviation Administration* (FAA) and the *Coast Guard*. FAA supports Federal, State, and local authorities in their efforts to combat use of commercial planes in smuggling, and the Coast Guard polices coastal waterways and ports.

DRUG ABUSE PREVENTION PROGRAMS

Drug abuse prevention programs support: the treatment of addicts; activities designed to prevent drug addiction; the education and training of individuals; and research into all medical aspects of drug abuse treatment and rehabilitation.

Total estimated Federal obligations for drug abuse prevention will rise in 1974 to $528 million. Prevention programs may be subdivided into:

Directed programs specifically earmarked for drug abuse purposes and generally funded directly by a Federal agency.

Bloc grant and financing programs over which the Federal Government exercises minimal direct control, e.g., public assistance and Federal bloc grant programs.

The following table summarizes aggregate Federal obligations for drug abuse prevention programs for selected years from 1969.

TABLE R-7.—DRUG LAW ENFORCEMENT FUNDING

[In millions of dollars]

Agency	Law enforcement	Education/information	Training	Research	Evaluation	Plan/coordination/support	Total
1972 OBLIGATIONS							
Justice:							
Law Enforcement Assistance Administration	16.6			3.0			19.6
Bureau of Narcotics and Dangerous Drugs	49.5		2.7	1.5		9.6	63.3
State	1.0						1.0
Agency for International Development	20.7						20.7
Treasury:							
Internal Revenue Service	10.1						10.1
Bureau of Customs	42.8			.5	0.2	3.4	46.9
Transportation	.1						.1
Agriculture				2.1			2.1
Total	140.8		2.7	7.1	.2	13.0	163.8
1973 OBLIGATIONS							
Justice:							
Law Enforcement Assistance Administration	30.3			6.0			36.3
Bureau of Narcotics and Dangerous Drugs	57.7		2.8	1.6		8.4	70.5
Drug Abuse Law Enforcement	.2						.2
National Narcotic Intelligence	2.0						2.0
State	1.4	.1					1.5
Agency for International Development	42.7						42.7
Treasury:							
Internal Revenue Service	18.9						18.9
Bureau of Customs	49.0			0.8	0.2	4.3	54.3
Transportation	.1						.1
Agriculture				1.8			1.8
Total	202.3	0.1	2.8	10.2	.2	12.7	228.3
1974 OBLIGATIONS							
Justice:							
Law Enforcement Assistance Administration	34.1			10.0			44.1
Bureau of Narcotics and Dangerous Drugs	60.0		2.9	2.0		9.2	74.1
Drug Abuse Law Enforcement	3.7						3.7
National Narcotic Intelligence	3.0						3.0
State	1.4	.1					1.5
Agency for International Development	42.7						42.7
Treasury:							
Internal Revenue Service	19.7						19.7
Bureau of Customs	58.1			2.6	.2	5.3	66.2
Transportation	.1						.1
Agriculture				1.8			1.8
Total	222.8	.1	2.9	16.4	.2	14.5	256.9

EXCERPTS FROM FEDERAL PROGRAMS RELATING TO THE CONTROL OF DRUG ABUSE

(By Barbara Puls, Education and Public Welfare Division, Congressional Research Service, Library of Congress)

INTRODUCTION

In June of 1971, President Nixon identified drug abuse as "America's public enemy number 1." The statistics relating to drug abuse indicate how widespread and costly the problem has become. The Bureau of Narcotics and Dangerous Drugs has estimated that as of December 31, 1971, there were about 559,000 narcotic addicts in the United States. A report released in October 1972, by a New York State commission on education found that 45% of the high school students in New York City are using hard or soft drugs. Up to 50% of all metropolitan area property crime is believed to stem from the addict's need to support his habit. A study conducted by psychologists at UCLA for the Bureau of Narcotics estimated that drug addiction is costing the U.S. more than 4.7 billion dollars annually in crime, enforcement, treatment and research expenses—to say nothing of the tragic human loss.

In response to the increasing number of problems related to drug abuse, the Federal government has been expanding its efforts significantly over the past several years to prevent drug addiction and to treat and rehabilitate those who have become drug dependent. New programs have been developed, existing programs have been expanded, and appropriations have been sharply increased (see chart, "Federal Drug Abuse Programs—Estimated Obligations Summary"). More than 30 agencies, departments, offices, and commissions now operate programs which in some way attack the problem of drug abuse.

As more and more agencies became involved in drug abuse prevention activities, the need arose for coordination of the Federal effort. Therefore, in June 1971, the President created by Executive Order the Special Office for Drug Abuse Prevention (SAODAP) in the Executive Office of the President. In March of 1972, Congress established SAODAP as an independent office with passage of the Drug Abuse Office and Treatment Act of 1972. The primary function of SAODAP is to coordinate all major Federal drug abuse prevention programs relating to education, training, treatment, rehabilitation, and research. The Special Action Office is charged with setting goals, establishing priorities, evaluating performance, and specifying how Federal resources of funds, programs, services and facilities shall be used to combat drug abuse in the United States.

LAW ENFORCEMENT

I. Department of Justice

A. Bureau of Narcotics and Dangerous Drugs (BNDD)

The Bureau of Narcotics and Dangerous Drugs was established in the Justice Department by Reorganization Plan No. 1 of 1968. Its primary mission—to prevent narcotic and dangerous drug abuse through law enforcement—is accomplished through (1) controlling legally manufactured drugs, and (2) through suppressing the illicit drug traffic. BNDD's activities include working with officials of foreign governments to halt the international drug trade, intimidating domestic illicit drug distribution networks, preparing cases for prosecuting drug law violators, and seizing drugs subject to Federal control. BNDD also provides technical assistance to States and local governments in the form of drug evidence analysis, testimony in court, advisory services and counseling, and dissemination of technical information concerning narcotics and other abused drugs. The Bureau assists States in drafting enforcement and regulatory legislation relating to controlled substances, and it offers training programs to acquaint appropriate professional and enforcement personnel with techniques of investigation, analysis, and other aspects of drug abuse law enforcement.

B. Law Enforcement Assistance Administration (LEAA)

Under Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (see "Treatment and Rehabilitation" section), States can receive block grants for the planning, establishment and operation of narcotic and dangerous drug enforcement units. Under the discretionary fund program, cities and counties may be granted supplemental support for projects directly addressing law enforcement and crime control needs, including rehabiltation, education and enforcement programs.

C. Office of Drug Abuse Law Enforcement (DALE)

DALE was created by Executive Order No. 11641 on January 28, 1972, to develop and implement a concentrated program for enforcement of laws relating to drug abuse control. DALE task forces, which are investigation-prosecution teams consisting of Federal investigators, attorneys, Assistant U.S. Attorneys, and State and local police officers, operated in 34 target cities in 1972. These task forces are designed to maximize the campaign to stamp out the illegal drug traffic through effective law enforcement. DALE also operates the "Heroin Hotline" through which citizens may report information regarding alleged narcotics law violators in strict confidence.

D. Office of National Narcotics Intelligence

The office of National Narcotics Intelligence was created by Executive Order No. 11676 on July 27, 1972, to serve as a clearinghouse for Federal, State and local law enforcement agencies to collect and disseminate intelligence on the illegal drug traffic and traffickers. The office is not given independent authority to collect information or investigate drug-related cases; all information is supplied to the office by existing agencies.

E. Criminal Division

The Narcotic and Dangerous Drug Section of the Justice Department's Criminal Division was established as part of the 1968 reorganization plan. This section supervises all Federal prosecutions for criminal violations of the laws relating to narcotics and dangerous drugs. It is also responsible for litigation to commit addicts under the authority of the Narcotic Addict Rehabilitation Act.

F. Immigration and Naturalization Service

The Service's Border Patrol is responsible for cooperating in preventing the smuggling of narcotics and dangerous drugs across the U.S. border at places other than ports of entry.

II. Department of the Treasury

A. Bureau of Customs

The Bureau of Customs is responsible for preventing the illegal entry of drugs into the country by seizing such substances at border points and ports of entry. The Bureau makes use of the Customs Automated Data Processing Intelligence Network (CADPIN) which contains the records of known and suspected smugglers and related data. The Detector Dog Program, which was initiated in August 1970, is directed mainly against the smuggling of marihuana and hashish. "Operation Cooperation," which is a joint U.S.-Mexican effort, is a Custom's operation designed to reduce the flow of illegal drugs into the United States from over the Mexican border.

B. Internal Revenue Service

IRS is involved in a systematic drive against middle and upper echelon distributors and financiers involved in narcotic trafficking for possible civil and/or criminal violations of the Internal Revenue Code. Traffickers are identified by BNDD, and local law enforcement agencies, and they are then investigated for possible prosecution on income tax evasion charges.

III. Department of State

A. Office of the Senior Advisor to the Secretary for International Narcotics Matters

This office has primary responsibility within the State Department for mobilizing and coordinating foreign and U.S. efforts to control the international narcotics traffic. Also, narcotics control coordinators have been assigned to all American embassies in countries affected by the narcotics problem either as narcotics-producing or narcotics-transit countries.

B. Agency for International Development (AID)

Economic assistance required by foreign countries to develop narcotics control programs is supplied by AID. In addition, the Agency trains foreign local officials, provides them with technical assistance, and procures equipment required for the narcotics programs approved by the Agency and the involved country.

IV. Department of Transportation

A. Coast Guard

The Coast Guard cooperates with Customs and BNDD by providing assistance to these agencies when they require the use of Coast Guard equipment or personnel during an investigation.

B. Federal Aviation Administration

The Federal Aviation Administration provides radar coverage for U.S. borders and flight information on aircraft when requested by agencies such as Customs and BNDD.

V. Cabinet Committee on International Narcotics Control

This Cabinet level committee, chaired by the Secretary of State, was established by the President on September 7, 1971. The committee is charged with formulating and coordinating all policies of the Federal government relating to the goal of eliminating the flow of illegal narcotics and dangerous drugs into the U.S. from abroad. In July of 1972, the committee issued its first report, "World Opium Survey 1972."

By Mr. BROOKE (for himself and Mr. KENNEDY):

S. 943. A bill to provide for the establishment of an urban national park known as the Lowell Historic Canal District National Cultural Park in the city of Lowell, Mass., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. BROOKE. Mr. President, it is with great pleasure that I reintroduce with Senator KENNEDY a bill to provide for the establishment of the Lowell Historic Canal District National Cultural Park. As I told this Chamber last May, the creation of an urban national park in Lowell, Mass., would represent an innovative means of grappling with the problems not uncommon to cities which have a rich historical tradition, but a declining industrial base.

This bill was first introduced before the 92d Congress by one of Massachusetts' most distinguished Congressmen, Representative Brad Morse, now Undersecretary General of the United Nations. His very able successor, Representative PAUL CRONIN has reintroduced the bill in the House with cosponsorship from every Representative in the Massachusetts delegation. Behind this measure lies the steady, dedicated work of the citizens of Lowell who have worked so closely with Representative Morse and now Representative CRONIN in making this idea a reality.

This legislation proposes that the historic mill section of Lowell be included within the national park system, under The Natural Cultural Park category. Lowell is uniquely qualified for this honor. Established over 150 years ago, this great city was the first in America planned entirely for industry. It has over 5 miles of canals which once were the lifeblood of the most productive textile mills in America. To these mills came people with wonderfully divergent ethnic backgrounds blessing Lowell with a unique cultural heritage.

However, modern technology has initiated a new industrial revolution and the city of Lowell has suffered unfortunate consequences. The once proud mills now lie silent. A booming economy now recoils with one of the highest unemployment rates in the Nation. Yet, far from despairing, the citizenry has banned together to come to grips with the difficult task of constructing a new economic and cultural base from the remains of the past.

Herein lies the beauty of this bill. Rather than disturbing or disbanding its past, this bill would build on it, bringing a fresh approach to the revival of Lowell's economy. The program includes proposals for the restoration and beautification of the canal system; the reactivation of one of the mills, complete with 18th-century looms; technological exhibits and museums; and the re-creation of an early settlement and/or Indian village.

Mr. President, I suggest that, under the Interior Department's program to bring the parks "closer to the people," the city of Lowell more than meets the National Park Service's criteria for the preservation of national cultural sites and ways of life. Proposals are judged on factors such as the significance of the parks to the heritage of the United States, as well as the site's suitability to the preservation and interpretation of American history. And, most importantly, a proposed park should not cause undue intrusion or disruption to the city.

The possibility of an urban national park is indeed exciting. Last May, I read into the Record an editorial from the Lowell Sun which captured the enthusiasm throughout Lowell for this project. I share their enthusiasm and I hope the Congress will bestow upon this great city the unique and challenging honor of developing an urban national park.

I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 943

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of preserving and interpreting for the educational and inspirational benefit of present and future generations the unique and significant contribution to our national heritage of certain historic and cultural lands, waterways, and edifices in the city of Lowell, Masachusetts, the cradle of the industrial revolution in America as well as America's first planned industrial city, with emphasis on harnessing this unique urban environment for learning as well as recreation, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Lowell Historic Canal District National Cultural Park (hereinafter referred to as the "park"), as herinafter set forth.

Sec. 2. In furtherance of the purposes of this Act, the Secretary is authorized, with the concurrence of the Lowell Historic Canal District Commission established by section 4 of this Act, to designate certain properties in the city of Lowell, Massachusetts, for establishment as the park. Such designation shall include the historic mill section of the city, bounded by the Pawtucket, Hamilton, and Eastern Canals and the Merrimack and Concord Rivers, which includes the Lowell Model Cities are know as the Acre, together with such additional property as may be necessary or desirable for the interpretation, administration, and public use of the park.

Sec. 3. Within the area designated pursuant to section 2, the Secretary is authorized to acquire lands and interest therein and personal property related thereto by donation, purchase with donated or appropriated funds, or exchange, except that property owned by the State of Massachusetts or any political subdivision thereof may be acquired only with the concurrence of the owner.

Sec. 4. (a) There is hereby established the Lowell Historic Canal District Commission. The Commision shall consist of the Secretary and the Director of the National Park Service, ex officio, and the following:

(1) one member to be appointed by the Secretary;

(2) three members to be appointed by the mayor of the city of Lowell, Massachusetts;

(3) one member to be appointed by the Governor of the State of Massachusetts; and

(4) one member to be appointed by the Secretary of Housing and Urban Development.

(b) The initial terms of the members of the Commission shall be staggered, as determined by the Secretary, in order to assure continuity in the administration of the Commission. Thereafter the term shall be six years unless a successor is chosen to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, in which event the successor may be appointed only for the remainder of the term. A member of the Commission may serve after the expiration of his term until his successor has taken office.

(c) The Secretary shall be the Chairman of the Commission and the Director of the National Park Service shall be the Secretary of the Commission. The Commission shall elect other officers, as appropriate, from among its members.

(d) The Commission shall act and advise by affirmative vote of a majority of the members thereof.

(e) A member of the Commission shall serve without compensation, as such, but the Secretary is authorized to pay the expenses reasonably incurred by members of the Commission in carrying out their responsibilities under this Act.

Sec. 5. The functions of the Commission shall be to prepare a plan for all educational and recreational uses and interpretive activities within the park, to establish standards for the design, construction, reconstruction and restoration, and operation of facilities necessary for such uses, and to advise and consult with the Secretary concerning the execution of the plan and adherence to the standards.

Sec. 6. The park shall be developed, interpreted, administered, and maintained by the Lowell Historic Canal District Commission, through the Secretary. The Secretary is authorized to develop, interpret, administer, and maintain real and personal property within the park, whether or not title thereto is in the United States, in accordance with the laws applicable to the national park system, and in accordance with the plan standards applicable to the park established by the Commission.

Sec. 7. (a) Within the park the Secretary is authorized to cooperate and enter into agreements with the Commission, State and local public bodies, and private interests relating to the acquisition, planning, development, or use of real and personal property or interests therein for educational, cultural historic, or recreational purposes, pursuant to which the Secretary may provide all technical assistance (including that relating to planning, designing, and operating of integral facilities), advice, construction supervision, and training of personnel in regard thereto.

(b) When any private individual, partnership, corporation, or other nonpublic body shall enter into an agreement with the Secretary to construct, maintain, and operate a public use facility in accordance with the plan and standards established by the Commission then, any other provision of law notwithstanding, the Secretary may agree, on behalf of the United States, to indemnify such person from tort liability arising out of the public use of such facilities: *Provided,* That such indemnification shall be effective only during such times as any facility is operated in accordance with the plan and standards established by the Commission.

Sec. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. TAFT:

S. 945. A bill to authorize the Secretary of the Interior to establish and operate a National Museum and Repository of Black History and Culture at or near Wilberforce, Ohio. Referred to the Committee on Labor and Public Welfare.

Mr. TAFT. Mr. President, on March 4, 1971, I introduced S. 1122, a bill to establish a national museum in Wilberforce, Ohio, devoted to the great contributions which black Americans have made to our national life. Regrettably, no action was taken on that measure in the 92d Congress and I reintroduce that bill today.

A companion measure, H.R. 3785, was introduced in the House of Representatives by Congressman Clarence Brown of Ohio on February 6, 1973.

There are hundreds, if not thousands, of museums in the United States recognizing various facets of American life. However, to my knowledge, there is no national museum containing representative samples of the broad contributions which blacks have made to American arts, letters, science, technology, religion, politics, education, and entertainment. This bill would authorize the Secretary of the Interior to establish a museum and acquire the necessary facilities. Funds would come from private gifts and appropriations from the Federal Government.

I believe that Wilberforce is a particularly appropriate area for this museum because it was a center for the abolition movement and was a part of the "underground railroad" which assisted slaves fleeing to the North in their quest for freedom during the 1800's.

Today, Wilberforce is the home of Central State University and Wilberforce University which are both predominantly black institutions. Officials from these instituitons have urged the creation of this museum and I hope that the 93d Congress will enact this bill so that we can at long last undertake this appropriate recognition of the great and growing contribution of blacks in the development of American society.

By Mr. STEVENSON:

S. 946. A bill to authorize the Secretary of the Interior to enter into contracts with, or make grants to, the several States and other entities to assist them in carrying out demonstration projects involving the reclaiming of lands which have been strip mined. Referred to the Committee on Interior and Insular Affairs.

Mr. STEVENSON. Mr. President, I am today introducing a bill to authorize the Secretary of the Interior to make Federal grants to assist demonstration projects to reclaim strip-mined land through the use of solid and liquid residues from sewage treatment processes. The bill would authorize $20 million for this purpose.

It would be hard to find projects in the environmental field as exciting and as potentially rewarding. Solid and liquid residues from the waste treatment process—primarily sludge, which sewage districts have a difficult time disposing of—can be used to reclaim lands ravaged by strip mining. Sludge is rich in organic and inorganic solids and is similar to fertilizer or rich soil. By application of these wastes, otherwise useless lands are made useful, and otherwise useless materials are used for productive purposes—reclamation and recycling.

Such a concept is not a dream or on a drawing board. I have seen the beginnings of such a project in Fulton County, Ill. The Metropolitan Sanitary District of Chicago is disposing of its wastes efficiently and economically and at the same time reclaiming thousands of acres of strip-mined land. The sludge is shipped by barge from Chicago to basins constructed along the Illinois River in Fulton County. There the sludge is mixed with water and "spray-irrigated" over the strip-mined lands.

The process is working. In fact, the results thus far have been amazing. The growth of corn on untreated land was stunted—about 3 feet. But on treated land, the corn grew fully to 8 feet. There are also indications that even on the most acidic soil trees can be made to grow—and the strip-mined land reclaimed for recreational and forestry purposes.

The Illinois projects—another smaller project is underway in the Shawnee National Forest—have shown great promise. They are only a portent of things to come:

Sewage districts in California and New York have become interested in the Illinois projects;

Large cities along our coasts which henceforth will be banned from dumping sludge into the oceans because of the recently enacted ocean-dumping law are searching for new ways to dispose of their wastes;

The U.S. Forest Service is closely watching the Illinois projects because of the prospect of making forests out of virtual deserts.

Unfortunately, such projects cost money. Although this process promises to be cheaper and more effective than presently used methods of disposing of sludge—in addition to utilizing a heretofore wasted resource and reclaiming wasted lands—it is still in the demonstration stage. Only portions of such projects would be eligible for waste treatment grants under existing water pollution legislation, and the inadequacy of money from this source is compounded by the President's announcement that he intends to impound over half of the funds authorized by the Congress for waste treatment plants. But even if all the authorized funds were obligated, most if not all of the money provided under the waste treatment programs, and would not be available for demonstration programs. Other funding sources must be found.

This bill can provide such a source. It cannot begin to pay the total costs of such demonstration projects, but it can help make such projects possible. I am hopeful that Congress will act on this measure quickly, for it can provide much-needed funding for important and truly innovative projects.

I ask unanimous consent that at the end of my remarks the text of the bill be printed.

I also ask unanimous consent that three articles be placed in the RECORD at the conclusion of the printing of the bill—an editorial from the Chicago Daily News of Monday, February 5, 1973, praising the Fulton County, Ill., reclamation project; an article entitled "The Value of Sludge," from the September 27, 1971 issue of Time; and a cover story entitled "Chicago Reclaiming Strip Mines With Sewage Sludge," from the September, 1972 issue of Civil Engineering. The Time article discusses the Fulton County project in terms the layman can understand, while the Civil Engineering story is more detailed and technical and aims at the professional engineer. Both articles, however, discuss the project in glowing terms.

There being no objection, the bill and articles were ordered to be printed in the RECORD, as follows:

S. 946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior is authorized to enter into contracts with, and make grants to, the several States (including political subdivisions thereof), institutions, agencies, and organizations to assist such States, subdivisions, institutions, agencies, and organizations in carrying out demonstration projects involving the reclaiming, through the use of solid and liquid residues from sewage treatment processes, of land which, as a result of the operation of any surface or underground mine, have been strip mined.

(b) Such contracts shall be entered into, and such grants shall be made, in such manner and subject to such conditions as the Secretary may determine.

(c) As used in this Act, the term "States" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam.

SEC. 2. There is authorized to be appropriated $20,000,000 to carry out the provisions of this Act.

Sludge's Bountiful Harvest

In these days of recycling to improve the environment, few experiments are more interesting than the Chicago Sanitary District's "Prairie Plan" in Fulton County, some 150 miles southwest of the metropolis. This is the locale of Edgar Lee Masters' "Spoon River Anthology," but years of strip mining for coal have left much of the land ravaged and scarred—offensive to the eye and incapable of sustaining crops.

But in co-operation with the Fulton County Board, the Sanitary District has converted 800 of the 28,000 mutilated acres into highly profitable farmland. This is but a small demonstration project, and the elixir that wrought the miracle is "liquid fertilizer"—the watery residue of the district's sewage treatment process. More often called sludge, it consists of human and industrial wastes that have been separated, treated and stabilized—freed of harmful bacteria and other offensive properties.

Feed corn planted in the infertile mined-out strips and laced with generous applications of the nutrient-rich sludge produced huge stalks, with ears nearly three times the size of those grown on untreated land. District President John P. Egan has just finished totting up last year's harvest—44,800 bushels of corn that fetched $52,241 for the district on the open market. In the growing season this year, the district will plant most of the 11,000 acres it owns, not only in corn but in soybeans and other feed crops. And there will be sludge for the asking for farmers who want to join in the experiment.

The fastidious may have some qualms about sludge, but Milwaukee has been drying out its own for years and selling it profitably to home gardners throughout the country under the trade name Milorganite. The Sanitary District's liquid fertilizer is simply Chicorgonite that hasn't been put through the wringer.

If it takes hold in Fulton County, it offers a logical recycling solution for the quick ecological restoration of more than 150,000 acres of strip mining land in Illinois. And in Spoon River country it could be that the descendants of Master's Lucinda Matlock may ramble again as she once did "over fields where sang the lark," gathering "many a flower and medicinal weed—Shouting to the wooded hills, singing to the green valleys."

The Value of Sludge

Day after day, residents and industries in the Chicago area flush 1.5 billion gallons of raw wastes into the city's sewers—out of sight and mind. The flushings become the metropolitan sanitary district's Sisyphean task; the engineers must not only treat the ceaseless torrents of raw sewage but also find some place to put the day's residues—and space for such byproducts is limited. Yet Chicago now seems to have solved the dilemma with such practical and ecological wisdom that its program may well become a model for other cities while incidentally and fortuitously reclaiming some of the U.S.'s most ravaged land.

DESPISED ORIGINS

Like several other cities, Chicago purifies sewage with a combination of mechanical and chemical processes. One product is clean water. The other is "sludge," a black goo that smells like tar and has the consistency of pea soup. The sanitary district's problem has been what to do with the sludge. In the past, Chicago sold tons of dried sludge to Florida citrus growers as fertilizer. But drying the waste caused massive amounts of air pollution and was expensive ($59 a ton).

Trying to use it undried to fertilize farms in nearby Kankakee County proved a flop, because sanitation men ran up against a basic American prejudice. Though U.S. farmers have never hesitated to use animal manure, they quailed at the thought of sludge, which is basically purified human manure. Public outcry effectively banned sludge from the county. In desperation, the sanitary district dumped the goo into man-made "lagoons" that it had bulldozed years before into 450 acres of the potentially best industrial land around Chicago.

As the lagoons slowly filled, district engineers, aided by technicians from the University of Illinois, tested sludge in demonstration projects. The results were startling. The soupy product was easy to spray where needed with standard irrigation equipment and did not smell bad—both distinct advantages over animal manure. Better yet, used as a soil nutrient, it caused clay and even silicate sand to bloom. Still, nobody wanted sludge because of its despised origins. "We flew thousands of miles looking for people to take it," says Ben Sosewitz, general superintendent of the district. "Some people laughed at us. Though we had developed economical, beneficial methods of disposal, we were always frustrated by lack of public acceptance."

A year ago, officials from downstate Fulton County heard about sludge's marvels and thought it might help solve their major problem. Blessed with abundant reserves of coal, the county was cursed with strip mining. Each year 2,500 acres of topsoil was peeled back, the coal gouged out, and the land rendered unfit for any use but as poor pasturages. In total, 40,000 acres of Fulton County had been ripped and scarred so completely that any remedy was welcome. Even sludge. Would the sanitary district like some of the land?

GOO SPRAY

District officials did not need to be asked twice. After buying 7,000 acres they set up a small test project. "It was amazing," says Bart T. Lyman, chief of maintenance and operations. "Corn planted on three acres of land treated with sludge grew eight feet tall. By comparison, the stalks on two acres of untreated land were stunted, only three feet high."

Barges now carry the sludge down the Chicago Sanitary and Ship Canal to Fulton County where it is stored in huge reservoirs. Next spring the goo will be sprayed over the torn, acidic land. If the sludge works as well as anticipated, the acreage will return to productivity, and the district expects to lease it for recreation and farming (corn, soybeans, hay). No air or water pollution attends the process, and disposal costs will in time be cut to $25 per ton.

Eventually the sanitary district expects to buy up to 50,000 acres of stripped land—enough to use all the sludge Chicago can produce. Since the U.S. already contains about 2,000,000 acres of similarly ruined land, lowly sewage may yet turn out to be a prized commodity, the salvation of landscapes of desolation.

Chicago Reclaiming Strip Mines With Sewage Sludge

(Note.—Figures and exhibits referred to are not printed in the Record.)

Early in the 1960's Sanitary District engineers recognized the need for better methods of sludge disposal. At that time, half the sludge from treating 1.5 billion gal/day (5.7 billion 1/day) of sewage—500 dry tons/day (454,000 kg/day)—was heat dried to 95% solids and the resultant fertilizer-base sold to a broker. But this drying operation created an air-pollution problem, odors and gases billowing out the stacks. Another problem was that much valuable urban land was still being used for long-term sludge lagooning.

To reduce the air-pollution problem, engineers installed scrubbers and precipitators switched from coal to gas for fuel, and added afterburners. Result? Stack emissions were cut from 200 to 5 tons/day (181,000 to 4540 kg/day). Long exposed to the unpleasant pollution, the public appreciated these pollution abatement measures. But the high cost of this process, and the fact that the dump site for air-dried Imhoff sludge was nearly filled, led to a Sanitary District search for less expensive alternatives.

ALTERNATIVES

So district engineers began to ponder the idea of shutting down the heat drying plant. But if they opted for that course, what would they do with all the liquid sludge? Lagoon it? With daily sludge volumes continuously mounting, the District was already pressing hard to find space for additional lagoons. But public objections ruled out constructing additional lagoons near the West-Southwest treatment works, where there were already some 400 acres (1.62 million m^2) of lagoons—storing sludge accumulated over 20 years. Nearby residents objected to the odors they thought additional lagoons would bring and felt such valuable urban land could be put to a better use.

Incineration, dewatering, drying, improving existing sludge-disposal operations. These were other alternatives studied by Chicago engineers. Then, several years ago, MSD decided—following an intensive research program—the most attractive alternative was land reclamation.

The plan was to digest sludge and transport it to rural land beyond city limits. Spraying digested sludge on abandoned stripmined land, or on other areas with poor soils (e.g. low-grade pastures), would have several unique advantages: it would eliminate land, air, and water pollution stemming from sludge processing in the urban area; it would cost less than other sludge disposal methods; it would solve the problem once and for all—no more hunting for lagoon space in urban areas; and it would make beneficial use of the organic materials, nutrients, and water making up sludge.

Additionally, land reclamation was a proven method. For decades, many small cities around the world had spread sludge on crop lands—with beneficial results. The only thing new about the MSD sludge disposal scheme would be its size: whereas other cities had done it on a small scale, Chicago would now be reclaiming land on a large scale.

Since summer of 1971, the Metropolitan Sanitary District has been barging sludge to Fulton County, Illinois, about 200 miles (322 km) from Chicago (see Fig. 1). Currently about 7500 wet tons/day (6.8 million kg)—the equivalent of 410 dry tons/day (372,000 kg/day)—is being shipped. This is about 50% of the daily sludge production in the Metropolitan Sanitary District. In Fulton County the sludge is being stored in large holding basins. Just two months ago the District began spraying some of this sludge on a 400 acre (1.62 million m^2) site in Fulton County. So far, daily applications are less than 1% of the sludge generated daily in the MSD.

WHAT'S THE SLUDGE LIKE?

Though referred to as a "solid" byproduct of sewage treatment, digested sludge is a dark gray liquid with 4 to 8% solids by weight—MSD engineers call it "liquid fertilizer." Sludge coming out of the high-rate digesters at the West Southwest treatment plant (see box 1) is 2.7% solids. This sludge is then mixed with higher-solids-content sludge, either from Imhoff facilities or filter cake, resulting in a sludge of 4% solids. It is this sludge that is now being barged to Fulton County. The district is currently experimenting with mixing thicker sludge from existing lagoons (15% solids) in the Chicago area. Hopefully, it will be able to transport much of this sludge to the land-reclamation site, recovering the lagoon space for higher priority uses.

Digested sludge contains nitrogen, phosphorus, and some potassium—the three basic elements needed for plant growth. The liquid portion contains about half of the nitrogen and a small amount of phosphorus. On the other hand, the solids contain the remaining half of the nitrogen and a large amount of the phosphorus. In contrast to inorganic commercial fertilizers, digested sludge is high in organic materials, high in humus content; this improves soil fertility and soil structure. The advantage of applying solids and water together is this: water not only irrigates but serves as a fertilizer, since it contains nutrients. This advantage is lost when fertilizing with just dried sludge. The solids in the digested sludge are similar to the dried-sludge fertilizer (see box 2).

SELECTING A RECLAMATION SITE

By far the biggest problem in implementing a land-reclamation project is finding suitable acreage for sludge application. Starting about two years ago, MSD looked for suitable sites within 50 miles (80.5 km) of Chicago. Their encounter in Kankakee County is revealing. When the District offered to purchase private marginal land, county citizens resisted. The reaction of some citizens was: "Chicago's not going to dump its waste out here." This public opposition forced the District to stop looking for land in that county. Up till that time, the MSD had eminent domain rights throughout the state. While some say it was a mere coincidence, the District shortly thereafter lost its eminent domain rights, except for in Cook County.

How did MSD finally get Fulton County, then? A low-density area, mainly with farmers and small towns, Fulton County had much disturbed stripmined land, where soft coal had been removed without significant land restoration for over 20 years. Farsighted Fulton County officials had been trying to return this land to a more productive state, to expand the economic base of the community and provide for continued growth. Because of the compatibility of their needs, District and Fulton County officials got together. Result? MSD purchased 7000 acres (28.4 million m^2) from private landowners. In a key element of the agreement, the District, in spite of the fact it is a public agency, agreed to pay existing real estate taxes. Though farther from Chicago than originally hoped—about 200 miles (321 km)—the site was near both rail and water transportation and had good balance between agricultural and stripmined lands.

If *all* of MSD's sludge is to be spread on land, by the year 2000 it will need over 28,000 acres (113 million m^2) of sludge-usable land. Thus, Chicago still needs much more land, which it is now actively looking for. To cut transportation costs, MSD hopes to build a pipeline from Chicago to the reclamation site. To be economical, though, the pipeline would have to go to only one site. So it is desirable to have future acreage either in the Fulton County area or along the pipeline route. Only half of the district's 7,000 acres (28.4 million m^2) is suitable for cropland. (Cropland will absorb most of the sludge. Forest land is not a large consumer of sludge; unlike crops, trees are not cut down every year; thus, forests have a much lower nutrient uptake). The other half is lakes, forest land, or areas too steep to regrade economically. MSD's 7,000-acre (28.4 million m^2) site will solve only 12.5% of MSD's sludge disposal problem.

Why did MSD *purchase* land rather than work with private farmers? MSD feels that for a large-scale project they need total control over the land. This is essential, to effectively manage application rates. The problem with working through farmers is that they control their application rates, times, etc. And according to one mid western agronomist, many farmers wouldn't use sludge even if you gave it to them. Pressed for time between plowing and planting, the farmer hasn't got much time to experiment around. Such farmers much prefer an inexpensive, high-concentration inorganic fertilizer like anhydrous ammonia (82% nitrogen) to the low-concentration sludge (only 5% nitrogen in the dry solids). But the sludge is highly suitable, says the agronomist, for stripmined lands and for areas that have poor soils, such as low-grade pasture lands. There, the organic content of the sludge is ideal for building up the humus content of the soil.

Beyond this, if MSD did not completely control the reclamation area, it would be unable to develop it into a multi-purpose—recreation, conservation, education, crop production, sludge utilization—area (see box 3). MSD, however, does use private farmers to work district-owned land.

Even after MSD had purchased the Fulton County site, winning the support of the citizens there was crucial. To do this, MSD involved county officials in developing the land-use plan (see box 3). And in a co-operative gesture, MSD leased—for one dollar—600 acres (2.44 million m^2) of their land to the county for recreation.

SITE PREPARATION

Last year, the sanitary district began to prepare the Fulton County site for sludge application. Of 1200 acres (4.87 million m^2) now under cultivation, about half had been disturbed by strip mining operations. Before crops could be planted, the surface was first leveled to a maximum 5% grade—to prevent rapid runoff of sludge. Next, earth berms were constructed around fields to direct runoff to natural containment reservoirs for monitoring and control. These reservoirs did not have to be constructed separately. They are the depressions resulting from strip mining.

Corn is now growing on 900 acres (3.64 million m^2) of regarded strip-mined land. This land was not fertilized with liquid sludge prior to planting. Early in July the District began spraying sludge on the crops. MSD is also starting to cultivate another 400 acres (1.62 million m^2).

Surface runoff resulting from rainfall or sludge application, after collecting in containment reservoirs, is automatically sampled. If not polluted, a gate is opened or a pump turned on, emptying water in the reservoir to a nearby stream. If polluted, though, water is recycled to the corn fields.

SLUDGE TRANSPORTATION

After leaving the high-rate digesters at the West Southwest treatment plant (see box 1), sludge is pipelined to storage tanks at a nearby loading dock. There, it is soon pumped aboard barges, which travel down a water channel to the Illinois River, and then down the Illinois 180 miles (290 km) to Fulton County. Each barge holds from 1600 to 3100 wet tons (1.4 to 2.8 million kg) of sludge. In a typical week there may be four tows, with each tow of four carges carrying 8500 to 10,500 wet tons (7.7 to 9.5 million kg) of sludge.

In the future, MSD hopes to build a pipeline to carry sludge from the WSW plant to Fulton County. This would cut transportation cost by an estimated 70% (see Fig. 2). New treatment plants being designed for northwest Cook County might pipe their sludge to the WSW plant. From there, it might be pumped through the common pipeline to Fulton County.

The barges tie up at Liverpool, Illinois, and the sludge is pumped to a nearby forced pumping station. Its 300 h.p. (224,000 W) Allis-Chalmers pump is sufficient to pump the sludge through a 20 in. (508 mm) pipeline to holding basins some 10.8 miles (17 km) away. The holding basins are 230 ft (70 m) above the pump station. Maximum flow through the pipeline is 3,000 gpm (0.19 m^3-s). With no surge tank between the barges and the big pump station, flow to the pumping station varies, decreasing as the liquid level in the barges drops. Automatic controls adjust the pumping rate of the 300-h.p. pump to the pumping rate from the barges. The pumping system accommodates sludges up to 10% solids.

Since sludge is a non-newtonian fluid (i.e. viscosity decreases with rate of movement), there are no special problems in pumping. Solids do not settle out. The only tricky problem is in pumping sludge out of the barges (see Photo A). During the two-day trip from Chicago, solids settled out on the bottom of the barge.

FULTON COUNTY HOLDING BASINS

In August 1971, MSD started filling the first of three giant holding basins in Fulton County. The three basins, each separate from one another, have a total capacity of 8 million yd^3 (6 million m^3).

Why these basins? Their main function is to hold sludge until ready for land application. Land-application rates depend on rainfall, seasonal conditions, soil conditions, etc. Sludge is applied only 8 months of the year; distribution lines would freeze up in winter. Another purpose is to allow time for the sludge to age; it will be held a minimum of six months. Though it could be applied immediately, aging guards against objectionable odors. Finally, holding sludge may reduce its nitrogen content. In applying sludge to soil, it is important not to add more nitrogen than crops can assimilate. Otherwise, runoff will be polluted. But if the nitrogen in the sludge can be reduced, sludge application rates could be increased—a desirable goal. Presently, MSD is using mechanical aerators to stir air into its lagoons. Hopefully, this will stir the ammonia-laden sludge near the bottom to the surface, where the ammonia will evaporate. Will this sharply reduce sludge nitrogen? It's too soon to tell.

The sludge holding basins are built on tight clay soil. The bottom and sides of each lagoon are lined with a 24-in. (610 m)-thick packed clay blanket (95 Procter). Nearby, continuous monitors sample well water, providing immediate information on any changes in groundwater quality.

The lagooned sludge settles into two layers: a bottom layer of 10% solids (entering sludge has 6% solids); and a top layer (supernatant) of mostly water but with considerable nitrogen. This supernatant is a headache. What to do with it? Three possibilities: treat and discharge to a stream—but this appears too costly; pump to a nearby lagoon, aerate, then discharge to a stream; or spray the supernatant on forestland. Unfortunately, forestland doesn't assimilate a high volume of nutrients; unlike crops, trees are not cut down every year. Supernatant disposal remains a problem but MSD is pressing for a solution.

It is the settled layer—not the supernatant—that is pumped to croplands. A dredge floating on the lagoon sucks up sludge and pumps it to an on-shore holding tank. From here, sludge is pumped to a field distribution system and sprayed on cropland with conventional irrigation equipment.

SLUDGE DISTRIBUTION AND APPLICATION

The distribution system is made up of modular units, each consisting of pumps, an above-ground header system, and a "big gun" spray vehicle. The rotating spray gun is mounted on a carriage. In a typical field, the carriage may take all day to travel down a 1320 ft (402 m) path. Sweeping out an arc, the gun sprays up to 300 ft (91 m) (see cover). With the cable remaining in place, gun and carriage are then moved to another field. Three or four passes like this a year can apply the required volume of sludge.

Application rates in the first several years will be higher than in later years—to build up the barren stripmined soil. During the first year, at least 75 dry tons/acre (16.8 kg/m^2) can be safely applied—without causing pollution. This will be tapered to 20 dry tons/yr (18,100 kg/yr) within five years (based on sludge with total nitrogen of 50 lbs/dry ton (25 kg/mt)).

Irrigation equipment can successfully apply sludge with less than 6% solids. Spray-gun nozzles of 2 in. (51 mm) diam. are used to minimize clogging.

Sprayed in a way that simulates natural rainfall, sludge falls on crop leaves, blackening them. Sun will dry this off in a few days—if rainfall doesn't wash it off sooner. From an esthetics viewpoint, flooding (ditch) irrigation is preferable. But land contours usually don't permit its use.

As the sludge filters downward through crop roots, bacteria transform sludge nutrients into a form usable by plants. The remaining liquid moves downward through the soil until diverted by impervious strata. It then moves horizontally through the ground until reaching a stream. Horizontal movement further filters the liquid. Eventually, the roots from a series of hedge rows surrounding farm fields will serve as an additional pollution barrier, as will heavily wooded stretches along stream banks. This natural filtering system should insure that water reaching the stream is of high quality.

At the present time, MSD has monitoring wells around cultivated fields, to check for ground water pollution. Since land currently under cultivation is removed from streams, hedge rows haven't been planted around fields or along streams.

By Mr. TUNNEY:

S. 947. A bill to amend the Internal Revenue Code of 1954 to allow a business deduction under section 162 for certain ordinary and necessary expenses incurred to enable an individual to be gainfully employed. Referred to the Committee on Finance.

Mr. TUNNEY. Mr. President, I am introducing a bill today, which is simultaneously being introduced by Congressman CORMAN in the House, to amend the Internal Revenue Code to allow a business deduction for household and child-care expenses incurred by working mothers and certain other individuals to enable them to be gainfully employed.

The basic principle of this bill—allowing this deduction as a business rather than a personal expense—has already received overwhelming support in the Senate. On November 12, 1971, the Senate adopted my amendment to the Revenue Act of 1971 to create the business deduction by a vote of 74 to 1, but the amendment was eliminated in conference.

A clean bill plus an amendment to H.R. 1 were then introduced at the beginning of last year. On October 5, 1972, my amendment passed the Senate by an overwhelming majority. In conference, however, the amendment was again eliminated. This new bill would reaffirm the Senate's prior action in support of the business deduction.

It is my belief that the time has come to remove the inequity in our tax laws which enables businessmen to deduct "ordinary and necessary" business expenses, yet denies to working mothers a deduction for the most "ordinary and necessary" business expense they incur—the cost of maintaining their households and assuring safe and responsible care for their children while they work.

If a businessman can deduct the cost of hiring a secretary to improve his effectiveness in working, if he can treat his entertainment expenses as a tax deduction, how is it just that a working mother should not be allowed the same sort of deduction for expenses which are even more vitally related to her work? What can be more of a business expense than one which basically enables her to work, or enables her to work to the full extent of her capacities?

These are not personal expenses, like doctors' bills. They should not be classified, as they are now, with charitable contributions. They are ordinary and necessary expenses incurred to enable an individual to be gainfully employed.

In 1971, 42 percent of the Nation's mothers worked outside the home. Of the approximately 12.5 million mothers with children under 6, more than one in every three is working today. That means there were more than 4.3 million mothers with children under 6 who were in the labor force last year.

These are the people who simply cannot avoid paying for the care of their children and for other household expenses. Very often they have to lose a substantial proportion of their income to secure these services. Yet they are not allowed to take these considerable costs as a business deduction.

There are many reasons why mothers go out to work. At the lower income levels it is a matter of compelling financial necessity. Whether or not, they prefer to be full-time mothers, devoting all their care and attention to the family and the home, they do not really have the choice. They must work, they must produce a second income to keep their family out of poverty and provide even the basic necessities.

Others want to go out and earn some money so their families can live a better life, so their children can have access to wider opportunities, so they can more easily withstand the impact of rising costs and rising prices.

Others again want to work as a matter of self-fulfillment, to use their capabilities to take an individual's place in the community in the way that a man can, and is expected to, without any special obstacle.

Whatever the motivation for working, their problem in this area is the same. To be able to take employment and receive an income they must step over a much higher threshold than other people who want to enter the labor market. Not only do they have to find a suitable job. They must also obtain and pay for the care of their children and of their houses while they are away earning the income. These expenses are clearly work related.

In 1971, of all mothers of children under six, 10 percent—1.3 million of them—were single parents bringing up children without a husband. Half of these mothers held down a job.

For these women, and for many widowers or divorced men with families to care for, the fundamental character of these outlays as a business expense is even more explicit. There may be doubts about many of the expenses which businessmen run up in the name of business, and consequently take as tax deductions. But the expenses with which this bill deals are not for entertainment or for country club subscriptions. They are payments which are necessary for those families to be viable, self-supporting economic units.

There are many other income earners, both men and women, whose earning capacity depends on their ability to provide suitable care of a spouse or other dependent who is incapable of caring for himself.

Their situation is particularly difficult and demanding, physically and emotionally as well as financially. They have enough to handle without the additional difficulty of tax laws which limit the availability of a legitimate deduction for expenses involved in bringing in their family income.

All these groups are taxpayers, producing taxable income, but at present the tax laws fail to recognize the reality of the direct link between the expenses they incur and the income which is generated.

The main burden of the failure to allow a business deduction for such expenses as child care has, of course, fallen mainly on women. It places an unnecessary and unjustifiable obstacle in the path of women who wish to enter the employment market, and once they are in the market, it constitutes a built-in economic disadvantage to their efforts. It is not the result of any positive attempt to discriminate against women. It is rather the relic of a time when it was not the normal or accepted thing for mothers to go out to work. But times have changed. The proportion of mothers now working outside the home is more than double that of 25 years ago. In 1948, 18 percent went out to work. Now 42 percent do. The trend is continuing. Tax provisions should reflect the realities of the society to which they apply.

In the name of equity for working mothers now and in the future, the current situation should be changed.

It is true that the law as it stands at present, including the amendments of December 1971, provides some relief in this area, by allowing these expenses as a personal income tax deduction.

However, apart from the objection of principle that genuine business deductions should be treated as business deductions and not as personal deductions, there is a much more practical objection to leaving the existing provisions as they are.

This arises from the fact that some 68 percent of the families with earnings of $10,000 or less use the standard deduction form and do not itemize their personal deductions. As a result they do not get the benefit of the child care deduction. Yet these are often the people who most need and most deserve assistance from tax relief. They are people with modest to moderate incomes. They are people who are doing their best to be self-reliant and to improve their lot. They are often people who need a second income in the family to ward off the effects of inflation which others can bear with greater ease. They are people who need help and support, not discrimination against their efforts in the tax structure.

The bill allows a deduction for expenses paid or incurred during the taxable year for household services and for the care of one or more dependents of the taxpayer, but only if such expenses are "ordinary and necessary to enable the taxpayer to be gainfully employed." The deduction will be available on the same basis as any other business expense deduction subject to such rules and regulations as the Internal Revenue Service may prescribe.

It does not create another loophole in the income tax code. It is not a soft subsidy for those who do not need it. It simply is a correction of a basic inequity whose burden often falls heavily on those who have small capacity to bear it.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 947

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Section 162 of the Internal Revenue Code of 1954 (relating to trade or business expenses) is amended by redesignating subsection (h) as (i), and by inserting after subsection (g) the following new subsection:

"(h) Certain Expenses Necessary for Gainful Employment.—

"(1) *In General.*—In the case of an individual who maintains a household which includes as a member one or more of the following qualifying individuals—

"(A) a child or stepchild of the taxpayer (within the meaning of section 152) who is under the age of 15,

"(B) a dependent of the taxpayer who is under the age of 15 or who is physically or mentally incapable of caring for himself or herself, or

"(C) the spouse of the taxpayer, if he or she is physically or mentally incapable of caring for himself or herself,

the deduction allowed by subsection (a) shall include the reasonable expenses paid or incurred during the taxable year for household services and for the care of one or more individuals described in subparagraph (A), (B), or (C), but only if such expenses are ordinary and necessary to enable the taxpayer to be gainfully employed.

"(2) Maintaining a Household.—For purposes of paragraph (1), an individual shall be treated as maintaining a household for any taxable year only if over half of the cost of maintaining the household during such period is furnished by such individual (or if such individual is married during such period, if furnished by such individual and his or her spouse).

"(3) Special Rules.—For purposes of this subsection—

"(A) Married Couples Must File Joint Return.—If the taxpayer is married at the close of the taxable year, the deduction provided by subsection (a) shall be allowed only if the taxpayer and his spouse file a single return jointly for the taxable year.

"(B) Gainful Employment Requirement.—If the taxpayer is married for any period during the taxable year, there shall be taken into account employment-related expenses incurred during any month of such period only if—

"(i) both spouses are gainfully employed, or

"(ii) the spouse is a qualifying individual described in paragraph (1) (C) of this subsection.

"(C) Certain Married Individuals Living Apart.—An individual who for the taxable year would be treated as not married under section 143 (b) if paragraph (1) of such section referred to any dependent, shall be treated as not married for such taxable year.

"(D) Payments to Related Individuals.—No deduction shall be allowed under subsection (a) for any amount paid by the taxpayer to an individual bearing a relationship to the taxpayer described in paragraphs (1) through (8) of section 152(a) (relating to definition of dependent) or to a dependent described in paragraph (9) of such section.

"(E) Resolution for Certain Payments.—In the case of employment-related expenses incurred during any taxable year solely with respect to a qualifying individual (other than an individual who is also described in subparagraph (A) or (B) of paragraph (1) of this subsection and who is under the age of 15) the amount of such expenses which may be taken into account for purposes of this section shall be reduced—

"(i) if such individual is 15 or older and is described in subparagraph (B) of paragraph (1) of this subsection, by the amount by which the sum of—

"(I) such individual's adjusted gross income for such taxable year, and

"(II) the disability payments received by such individual during such year, exceeds $750, or

"(ii) in the case of a qualifying individual described in subparagraph (C) of paragraph (1) of this subsection, by the amount of disability payments received by such individual during the taxable year.

For purposes of this subparagraph, the term 'disability payment' means a payment (other than a gift) which is made on account of the physical or mental condition of an individual and which is not included in gross income."

(b) Section 62(c) of the Internal Revenue Code of 1954 (relating to trade and business deductions of employes) is amended by adding at the end thereof the following new subparagraph:

"(E) Certain Expenses Necessary for Gainful Employment.—The deductions allowed under section 162 which consist of expenses allowable by reason of the application of subsection (h) thereof, paid or incurred by the taxpayer in connection with the performance by him or by her of services as an employee."

(c) Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended—

(1) by striking out section 214 (relating to expenses for household and dependent care services necessary for gainful employment), and

(2) by striking out the item relating to section 214 in the table of sections for such part.

(d) The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. MONDALE (for himself, Mr. JAVITS, Mr. STAFFORD, Mr. PELL, Mr. KENNEDY, Mr. HARTKE, Mr. HUDDLESTON, Mr. INOUYE, Mr. NELSON, Mr. BEALL, Mr. WILLIAMS, Mr. MCGOVERN, Mr. JACKSON, Mr. HUMPHREY, Mr. EAGLETON, and Mr. CHURCH):

S. 948. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide for the use of excess property by certain grantees. Referred to the Committee on Government Operations.

EXCESS PROPERTY

Mr. MONDALE. Mr. President, I would like at this time to inform my colleagues that I am introducing today a bill which would provide a permanent authorization for the excess property program for Federal grantees.

The bill is identical to S. 3882, which I introduced in August of last year. I believe that the need for this legislation is just as great now as it was several months ago.

Last August, I introduced S. 3882 in an attempt to prevent the General Services Administration from its announced intention of discontinuing the excess property program for grantees. On November 14, GSA announced in the Federal Register that the program—

> Will continue unchanged and a study will be conducted and a determination made as to the desirability for modification of this policy.

I ask unanimous consent to have printed in the RECORD a copy of a letter from M. S. Meeker, Commissioner of the Federal Supply Service, informing me of GSA's decision.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., November 10, 1972.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: On June 1, 1972, the General Services Administration (GSA) published in the Federal Register a proposed amendment to the Federal Property Management Regulations (FPMR) which, if adopted, would discontinue the use of GSA sources of supply and services, including excess property, by Federal grantees. Interested parties were invited to comment on this proposal within 30 days. The deadline for comments was extended to July 31, 1972, to accommodate numerous requests for an extension.

Comments on the proposed amendment have been evaluated. Based on this evaluation it has been determined, in concert with the Office of Management and Budget, that the interests of the country would best be served by discontinuing this grantee program with respect to the use of GSA sources of supply and services. On the basis of this decision, an appropriate amendment to the FPMR is being published in the Federal Register on November 14, 1972. The policy on acquisition and use of excess property, however, will continue unchanged and a study will be conducted and a determination made as to the desirability for modification of this policy.

This study will also review the regulations governing the donation of surplus property for the purpose of extending those benefits to all grantees who may be authorized as eligible donees under the Federal Property Act. Cost-reimbursement type contractors may continue to be authorized to use GSA sources of supply pursuant to Subparts 1–5.5 and 1–5.9 of the Federal Procurement Regulations.

Your comments and suggestions have been of great help to us in reaching these decisions, and the personal interest you have shown is appreciated.

Sincerely,

M. S. MEEKER,
Commissioner.

Mr. MONDALE. Mr. President, this administrative decision, however, does not guarantee that the colleges and universities, vocational schools, antipoverty programs and other Federal grantees will be able to continue to use the excess property program indefinitely. For example, in July, the Department of Health, Education, and Welfare unilaterally terminated its own program. Since then, HEW grantees have been prohibited from acquiring excess property.

I ask unanimous consent to insert in the RECORD at this time an exchange of correspondence between myself and HEW Secretary Elliot Richardson explaining the current position of the Department on excess property.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NOVEMBER 15, 1972.

Hon. ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: I have been informed that yesterday the General Services Administration announced its decision to allow government policy on acquisition and use of excess property to "continue unchanged and a study will be continued and a determination made as to the desirability for modification of this policy".

In the interest of fair treatment of HEW grantees and of conformity of HEW with the government-wide policy on excess property, I strongly urge you to rescind your July 14 order terminating HEW's excess property program for grantees. Such a decision on your part would be respective to the needs of educational institutions and other grantees for excess property as outlined by former Commissioner of Education, Sidney Marland; and to the thousands of letters received by members of Congress and the GSA urging continuation of the program.

Sincerely,

WALTER F. MONDALE.

WASHINGTON, D.C.,
December 14, 1972.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: The Secretary has requested that I respond to your letter of November 15 in which you urged the recission of the Department regulation that terminated on July 14, 1972 the eligibility of HEW grantees to acquire excess property by loan from the Federal Government.

Please be advised that the Secretary, as a result of an appeal by Commissioner of Education, Dr. Sidney Marland, to rescind HEW's position on this matter, reviewed the current status of the Department's program regarding the loan of excess property to grantees. The Secretary on November 21, 1972 decided that the present policy would be continued until HEW completes its participation in the Interagency Study Group proposed by GSA, as outlined in 37 Federal Register 24113.

Please pardon our delay in responding, and let us know if we may be of further assistance to you.

Sincerely,

NORMAN B. HOUSTON,
Deputy Assistant Secretary for Administration.

Mr. MONDALE. Mr. President, I hope that the bill I introduce today will be a vehicle for establishing a permanent authorization that will guarantee the continuation of this worthwhile program.

Because the question of the future of the excess property program is an extremely complex one, I would like at this time to recount the series of events which precipitated my introduction of the legislation.

First, I ask unanimous consent that a memorandum prepared for me by the Library of Congress be printed in the RECORD. It provides a clear, unprejudiced definition of the term "excess property"—which is often mistakenly confused with "surplus property"—and of the authority for the existing program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE GSA PROGRAM ON EXCESS PROPERTY

1. The legislative basis for the GSA excess property program is the Federal Property and Administrative Services Act of 1949, as amended. Implementing instructions are delineated in the Federal Property Management Regulations. The salient features of the Federal Property and Administrative Services Act of 1949, are the following:

a. The Act makes a distinction between *"excess property"* and *"surplus property"*. The former is any property under the control of a Federal agency which is no longer needed by *that* agency. Surplus property is any excess property not needed by *any* Federal agency, as determined by the Administrator of General Services.

b. The *Administrator* (GSA), to minimize expenditures for property, is given responsibility to prescribe policies and methods to promote the maximum utilization of excess property by Federal agencies. He makes provision for the *transfer of excess property* among Federal agencies. With the approval of the Directors, Office of Management and Budget, he prescribes the extent of reimbursement for such transfers.

c. *Federal executive agencies* are responsible for surveying the property under their control to determine which is excess, reporting such property to the Administrator, GSA, and disposing of such property to the Administrator, GSA, and disposing of such property as promptly as possible, in accordance with GSA regulations.

d. Generally speaking, when excess property becomes *surplus property*, the Administrator, GSA, exercises supervision and direction over its disposition. Any agency authorized by the Administrator to dispose of surplus property may do so by sale, exchange, lease, permit, or transfer—for cash, credit or other property. Usually, disposals made or authorized by the Administrator are made after publicly *advertising* for bids. However, disposals may be *negotiated* under regulations prescribed by the Administrator, GSA. Among the conditions which permit negotiation are the following: because such action may be necessary for the public interest in an emergency, promotion of the public health, safety or national security, because bid prices after advertising are not reasonable.

e. The Administrator is authorized to *donate surplus property without cost* (except for care and handling), for use in any State for educational, public health or research purposes. For surplus property under the control of the Department of Defense, the Secretary, DOD, determines whether it is usable for educational purposes which are of special interest to the armed forces (e.g., military preparatory schools). If found usable, he allocates it for transfer by the Administrator, GSA, to State agencies for distribution. If not usable for military education, the surplus property may be examined by Department of Health, Education and Welfare of Civil Defense for possible utilization by these activities.

f. Determination as to whether surplus property is usable for education, health or research is made by the Secretary of HEW, who allocates such property on the basis of needs for transfer by GSA to the States for distribution. The Civil Defense Administrator takes similar action for surplus property determined to be useful for Civil Defense purposes.

h. The Administrator, GSA, is authorized to assign to the Secretary, HEW, for disposal, such surplus *real* property that HEW recommends as needed for *education, health or research purposes.*

h. The administrator, GSA, is authorized to assign to the Secretary of the Interior, for disposal, such surplus *real* property needed for use as public parks or recreation area.

Mr. MONDALE. Mr. President, on May 16, 1972, Frank Carlucci, Associate Director of the Office of Management and Budget, wrote a letter to Rod Kreger, Acting Administrator of the General Services Administration, calling on GSA to "discontinue all authorizations and practices which now permit the use of Federal sources of supply or services by Federal grantees including depots, stores, warehouses, contracts excess personal property or other such sources."

At this point, I ask unanimous consent to have printed in the RECORD the letter from Mr. Carlucci to Mr. Kreger.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., May 16, 1972.

Hon. ROD KREGER,
Acting Administrator,
General Services Administration,
Washington, D.C.

DEAR MR. KREGER: As you know, there has been increasing concern in the business community, the Congress and the executive branch regarding an authorization of the General Services Administration which permits Federal grantees to buy supplies and services directly from GSA and from other Federal sources of supply.

The provision at issue, as set forth in the Federal Property Management Regulations 41 CFR Sec. 101–33, authorizes other Government agencies to, in turn, authorize grantees of such agencies, to buy from GSA inventories and stores, and to order directly from manufacturers via Government contracts. Additionally, the authorization has been extended to the practice of allowing grantees to place orders with GSA regions or buying centers for direct purchase, and also allows grantees access to Federal sources of excess personal property.

The above authorizations are not consistent with the purpose of the Administration's policy of reliance on the private enterprise system and is particularly objectionable in this sense because the burden of GSA competition falls more heavily on small businesses throughout the country. To the extent that grantees are components of State or local governments, the authorizations are also not consistent with the intent of Congress as expressed in the Intergovernmental Cooperation Act and implementing regulations (Circular A–97) of OMB.

It is our conclusion, in view of the above, that GSA should discontinue all authorizations and practices which now permit the use of Federal sources of supply or services by Federal grantees.

I am requesting, therefore, that immediate steps be taken to propose an amendment to GSA regulations that would rescind all authorizations of GSA under which Federal grantees are permitted to use Federal sources of supply. The proposed regulation should, of course, be made available under OMB Circular No. A–85 for comment by State and local governments prior to issuance.

Upon issuance of the amendment, action should be taken to notify the agencies of the determination and request that they immediately advise their grantees that access to Federal sources, i.e., depots, stores, warehouses, contracts, excess personal property, or other such sources is no longer authorized. Appropriate action consistent with the above should also be taken with respect to existing arrangements and unfilled requisitions.

As you know, studies of the Commission on Government Procurement have extended to all phases of supply support and the Commission's final report may include recommendations concerning grantee use of Federal supply sources. We will, of course, review the above conclusion in the light of any such recommendation which the Commission may propose.

Your cooperation and assistance in accomplishing the foregoing will be appreciated. Should you have any questions regarding this matter, we would be happy to discuss it further.

Sincerely,

FRANK CARLUCCI,
Associate Director.

Mr. MONDALE. Mr. President, in the Federal Register dated June 1, 1972, the following announcement appeared:

(General Services Administration—[41 CFR Parts 101–2, 101–33, 101–43])

USE OF GOVERNMENT SUPPLY SOURCES BY GRANTEES

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the General Services Administration (GSA) is considering the adoption of revised rules prohibiting the use of GSA and other Government sources of supply by recipients of Federal grants.

The Office of Management and Budget has directed GSA to propose discontinuance of the authorization permitting Federal grantees to use Federal supply sources. Therefore, appropriate amendments to the Federal Property Management Regulations to accomplish this have been developed. However, cost-reimbursement type contractors will continue to be permitted to use GSA supply sources under the provisions of Subparts 1–5.5 and 1–5.9 of the Federal Procurement Regulations.

This notice is published pursuant to section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Interested persons are invited to submit written data, views, or arguments regarding the proposed revision to the Commissioner, Federal Supply Service, General Services Administration, Washington, D.C. 20406, within 30 days after the date of publication of this notice in the Federal Register.

Dated: May 31, 1972.

M. S. MEEKER,
Commissioner.

I became aware of the appearance of this announcement more than a week later, when Minnesota grantees notified me that they stood to lose valuable and much-needed excess property if the rule change went into effect. Among the institutions and agencies in Minnesota alone which have since taken the trouble to inform me that they oppose the termination of the program are the following:

LIST OF INSTITUTIONS AND AGENCIES

Bemidji State College.
Bi-County Community Action Council, Bemidji, Minn.
Community Action Program, White Earth, Minn.
Dakota County Area—Vocational-Technical School.
Detroit Lakes Area Vocational-Technical School.
Gustavus Adolphus College, University of Minnesota.
Inter-County Community Council, Inc., Erskine, Minn.
Inter-County Community Council, Inc., Oklee, Minn.
Law offices of Legal Services Project, Case Lake, Minn.
Legal Aid Society of Minneapolis.
Mankato Area Vocational-Technical Institute.
Meeker-Wright Community Action, Inc., Waverly, Minn.
Minnesota Private College Council.
Minnesota State Advisory Council for Vocational Education.
Northwest Community Action Council, Badger, Minn.
Red Wing Public Schools.
Rural Minnesota CEP and CO PO.
St. Cloud State College.
St. Mary's Junior College.
South Central Community Action Council, Jackson, Minn.
Southeastern Minnesota Citizens Action Council.
Southeastern Vocational Center.

Suburban Hennepin County Area Vocational-Technical School.

Technical Education Center, Willmar State Junior College.

After learning of the intention of GSA to terminate the excess property program, I wrote the following letter to GSA requesting information about the impact of the proposed change.

The letter follows:

June 15, 1972.

Mr. Rod Kreger,
Acting Administrator, General Services Administration, Washington, D.C.

Dear Mr. Kreger: It has recently come to my attention that GSA is considering the adoption of revised rules prohibiting the use of GSA and other government sources of supply by recipients of Federal grants.

I am most distressed to hear that such a policy change is under consideration. It is apparent that a wide variety of institutions in Minnesota, including vocational and technical schools and the University, would be adversely affected by the proposed change.

To my knowledge these institutions have received no explanation from GSA of the reasons for the proposed change. My staff has secured a copy of the letter from Frank Carlucci, Associate Director of the Office of Management and Budget, notifying you of the proposed change in regulations. This letter states that existing policy is not consistent with the purpose of the Administration policy of reliance on the private enterprise system and is particularly objectionable in this sense because the burden of GSA competition falls more heavily on small businesses throughout the country. This letter offers no documentation of the so-called "administration policy" referred to or any explanation as to what extent the present policy places a burden on small businesses throughout the country.

"In addition, my staff has been unable to secure from your agency an explanation of the potential impact of the policy change either nationally or in Minnesota.

I am very concerned about the possible effects of a change in the regulation on the quality of educational and other human service programs in Minnesota. But it is impossible for me to address the substance of this issue without adequate information. For this reason, I request that complete answers to the following questions be forwarded to my office by the close of business on Thursday, June 20th:

1. Please list all Minnesota institutions which received excess property in FY 1971 and 1972, the value of the property acquired and which of these institutions would become ineligible under the proposed change.

2. Please indicate the dollar value of excess and surplus property received by each of the following types of institutions in each of the last five years:

(a) Minnesota institutions,

(b) Minnesota colleges and universities,

(c) Minnesota vocational and technical education institutions,

(d) all vocational education institutions nationally,

(e) all colleges and universities nationally.

3. Please list the dollar value of excess property disposed of throughout the United States in FY 1971 and 1972.

4. Please explain the difference between excess property and surplus property.

5. What agencies or other recipients will acquire or be eligible for acquisition of the excess property that would be unavailable to grantees under the proposed rule change? Please provide a general answer on the national situation and the specific list of eligible recipients in Minnesota.

6. Please explain in full "the Administration policy of reliance on the private enterprise system" with documentation of its origin and existence.

7. Please explain Mr. Carlucci's assertion that "the burden of GSA competition falls more heavily on small businesses throughout the country."

I am looking forward to your speedy reply.

Sincerely,

Walter F. Mondale.

Despite the repeated attempts of my staff to receive answers to these questions from GSA, none had been received by my office on June 29. The deadline for comments to GSA was imminent and I feared that the program would be terminated before Congress even had the chance to express its interest and concern. For these reasons, on June 29, I introduced an amendment to the legislation authorizing continuation of the excess property and supply sources programs for grantees.

The Senate approved the amendment. At this point, I ask unanimous consent to have printed in the Record a copy of the letter received in my office from GSA—after the amendment had already been approved by the Senate. I hope you will take note of the failure of GSA to answer directly virtually all of the questions I had submitted.

There being no objection, the letter was ordered to be printed in the Record, as follows:

General Services Administration,
Washington, D.C., June 29, 1972.

Hon. Walter F. Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: Thank you for your letter concerning the proposal that the Federal Property Management Regulations (FPMR) be amended to discontinue the General Services Administration (GSA) grantee program.

Your interest is appreciated and we are answering your questions in the same order as in your letter.

1 & 2: The information required to answer these two questions is not available within GSA. Transfers of excess property are made to Federal agencies, some of which, in turn, make it available for use by their grantees and cost-reimbursement type contractors. After such property is transferred, the extent to which it is used within the acquiring agencies, either directly or by their grantees, is not known by GSA.

By way of information, with the expansion of Federal grant programs, several years ago certain agencies started acquiring excess property not only for direct use but also for use in Federal grant programs and on cost-reimbursement type contracts. The principal recipient agencies have been the Office of Economic Opportunity; National Science Foundation; Office of Education, Department of Health, Education, and Welfare; Manpower Administration, Department of Labor; Department of Commerce; Defense Civil Preparedness Agency (former Office of Civil Defense); and, more recently, the Department of the Interior; Environmental Protection Agency; and the Law Enforcement Assistance Administration, Department of Justice. These agencies keep accountability records and information on the amount of property in the hands of their grantees and such information would be available only from them.

In the event the proposed regulation is issued, Federal grantees in the State of Minnesota will no longer be able to acquire excess property. While we do not have available the names of these grantees, they are generally involved in programs concerned with education, manpower training and development, community action, antipoverty, local police training, and civil defense.

With respect to surplus property, it is allocated among the States by the Department of Health, Education, and Welfare, and approved by the General Services Administration for transfer to the States for donation for education, public health, and civil defense purposes. By law, distribution to eligible donees within the States is made by an agency established by each State for that purpose. In Minnesota, that agency is under the direction of Mr. Harold W. Shattuck, Supervisor, Surplus Property Section, Department of Administration, 5420 Highway 8, Arden Hills, New Brighton, Minnesota 55112. Therefore, data on the amounts donated to specific donees within Minnesota would be available only from the State agency.

3. In terms of original acquisition cost, during FY 1971 $751.2 million of excess property was transferred to other Federal agencies; for FY 1972 through May the amount was approximately $858.0 million.

4. The term "excess property" means any property under the control of any Federal agency which is not required for its needs and the discharge of its responsibilities, as determined by the head thereof. While in excess status, this property is only available for use by the Federal Government.

The term "surplus property" means any excess property not required for the needs and discharge of the responsibilities of all Federal agencies, as determined by the Administrator of General Services. After being determined surplus, such property is made available first for donation to use within the States, after which any remainder is sold.

5. All agencies within the Federal Government which currently acquire excess property would continue to be eligible. However, the property would have to be acquired only for direct use or for use by their cost-reimbursement type contractors.

Since grantees would no longer be eligible, much of the excess property which Federal agencies acquire for such use would probably become surplus and donated for education, public health, and civil defense purposes. Consequently, grantees engaged in activities for other than those purposes would not be eligible for the donation of surplus property.

6 & 7: Since the quoted terms are extracted from the Office of Management and Budget letter of May 16, 1972, to GSA, we feel that OMB is better qualified to define their usage. Any such explanation should be obtained from the Office of Management and Budget.

Please let us know if we can be of further assistance.

Sincerely,

Rod Kreger,
Acting Administrator.

Mr. Mondale. Mr. President, the amendment approved by the Senate was considered by the conference committee on the OEO bill. It was not included in the conference report, because the parliamentarian of the House of Representatives ruled that the amendment was not germane to the bill.

Apparently because of the high public interest and the volume of mail being received in response to the request for comments, GSA extended the comment period until July 31. In the meantime, Secretary of Health, Education, and Welfare Elliot Richardson unilaterally terminated the HEW excess property program on July 14. I ask unanimous consent to have printed in the Record here a copy of the document stating that the HEW program has been terminated.

There being no objection, the document was ordered to be printed in the Record, as follows:

MANUAL CIRCULAR—MATERIEL MANAGEMENT: USE OF EXCESS PROPERTY ON GRANTS

1. *Purpose.*—This circular provides Department policy regarding the use of excess personal property by grantees.

2. *Background.*—It has been determined that the use of excess personal property by grantees will be discontinued inasmuch as the majority of HEW grantees are eligible for donation of personal property under the

Department's surplus property donation program.

3. *Policy.*—It is the policy of HEW that the use of excess personal property by grantees not be authorized. Section 103—43.320 of the HEW Materiel Management Manual is in the process of being revised to reflect this policy.

4. *Accountability.*—Federally-owned personal property presently in the possession of grantees will continue to be accounted for in accordance with current regulations.

5. *Effective Date.*—This circular is effective immediately.

On July 28, I and 22 other Senators signed and sent a letter to M. S. Meeker, Commissioner of the Federal Supply Service, expressing our concern about GSA's intention to terminate the excess property and supply source programs without providing adequate documentation of the reason for the decision and without providing a hearing to those who would be affected by the change. A copy of the letter follows:

JULY 28, 1972.

Hon. M. S. MEEKER,
Commissioner, Federal Supply Service, General Services Administration, Washington, D.C.

DEAR MR. MEEKER: Please consider this letter a formal response to GSA's solicitation of comments on the proposed "adoption of revised rules prohibiting the use of GSA and other Government sources of supply by recipients of Federal grants", which appeared in the Federal Register on June 1, 1972.

We are deeply concerned to learn that GSA is considering terminating the excess property and GSA supply source programs for grantees. We believe that these programs are of considerable importance in keeping down the cost of government-supported projects to the taxpayers; and in maintaining the quality of service offered by many of these programs.

We have further been concerned to observe that GSA has not provided the Congress with a comprehensive analysis of the pros and cons of these programs as they exist; and of the specific reasons for the proposal to terminate them.

Any decision on the future of the grantee programs should be made only after complete information on its implications has been developed and provided to Congress and to affected parties. Further, we believe that GSA should make a decision only after calling a public hearing and receiving testimony from those affected parties who wish to testify.

In addition, we believe that GSA should notify HEW—which has unilaterally terminated its own program even before the period for comments has expired—and other executive agencies that they should continue to operate their programs until a general policy decision has been made.

We thank you for your serious consideration of these points and urge that you immediately announce a date for a hearing and provide the Congress with the documentation required to fully understand the implications of the proposed rule change.

Sincerely,

Walter F. Mondale, George McGovern, Vance Hartke, Fred Harris, Philip A. Hart, Claiborne Pell, Thomas Eagleton, Clifford P. Case, Edward W. Brooke, Robert Stafford, William Proxmire, Mike Gravel, Harold E. Hughes, Daniel Inouye, Harrison Williams, Hubert H. Humphrey, Frank Church, Gaylord Nelson, John Tunney, Robert Taft, Jr., Nelson, John Tunney, Robert Taft, Jr., and Jacob Javits.

Mr. MONDALE. Mr. President, I ask unanimous consent that a copy of the bill I am introducing be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 483), is amended by adding at the end thereof the following new subsection:

"(i) Each executive agency shall furnish excess property to any grantee under a program established by law and for which funds are appropriated by the Congress if the head of that executive agency determines that the use of excess property by that grantee will (1) expand the ability of that grantee to carry out the purpose for which the grant was made, (2) result in a reduction in the cost to the Government of the grant, or (3) result in an enhancement in the product or benefit from the grant. Any determination under the preceding sentence shall be reduced to writing and furnished to the grantee involved. The Administrator shall prescribe regulations governing the use, maintenance, consumption, and redelivery to Government custody of excess property furnished to grantees under this subsection."

By Mr. MONDALE (for himself, Mr. PELL, Mr. RANDOLPH, Mr. HATHAWAY, and Mr. TAFT):

S. 949. A bill to provide youth services grants, and for other purposes. Referred to the Committee on Labor and Public Welfare.

YOUTH PROGRAMS ACT

Mr. MONDALE. Mr. President, last year the Subcommittee on Children and Youth, of which I am chairman, held a hearing on youth crisis services. The witnesses who testified, and the many young people who wrote to me after the hearing, eloquently described the important services being offered by young people to young people in need.

Since the subcommittee began its study of youth services, we have learned that hundreds of hotlines, medical services, and other informal institutions are providing sorely needed assistance to young people with medical, legal, and family problems. Some of the indices of these problems are the 200-fold increase in the suicide rate for American females between ages 10 and 19 in the last 5 years; and the tripling of the suicide rate for young men in the last 10 years; and the increase in the number of young runaways to an estimated 1 million per year.

We have also learned that many youth crisis services have existed on a shoestring and that they can no longer secure the limited funds needed to operate from private, local sources.

A related concern of the subcommittee has been the role of young people in determining government policy on matters which affect them. In August 1971, the subcommittee held a hearing on the recommendations of the White House Conference on Youth. From this hearing and subsequent correspondence with Federal officials, I concluded that the Federal Government provides almost no opportunities for young people to contribute to policymaking.

In August 1972, I introduced S. 2909, the Youth Programs Act.

This legislation had two main purposes. One was to provide small grants to be used for the operation of youth crisis services. The other was to try to attack the problem of alienation of young people from Government and the political process by offering them a significant role in the administration of this grant program.

I am pleased to announce today I am reintroducing the Youth Programs Act.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Youth Programs Act".

STATEMENT OF FINDINGS

SEC. 2. (a) The Congress hereby finds that—

(1) nearly one million young Americans run away from home each year and often become the victims of an unhealthy and criminal environment;

(2) an increasingly large number of young Americans have experimented with drugs and subsequently suffered damaging physical and psychological effects from the use of such drugs;

(3) within the last ten years the suicide rate for young American males between ten and nineteen years of age has tripled, and within the last five years the suicide rate for young American females between ten and nineteen years of age has increased 200-fold; and

(4) an increasing social and cultural change together with geographical and social mobility has contributed to the alienation of many young Americans from society and established institutions, leading them to create their own institutions.

(b) It is therefore the purpose of this Act to provide youth services grants and to establish in the Department of Health, Education, and Welfare an Office of Youth Programs.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. In order to carry out the provisions of this Act, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1974, and for each of the two succeeding fiscal years.

ESTABLISHMENT OF THE OFFICE OF YOUTH PROGRAMS

SEC. 4. (a) There is established in the Department of Health, Education, and Welfare the Office of Youth Programs. The Office shall be headed by a Director who shall be appointed by the Secretary within ninety days of enactment of this Act; and shall perform such duties as are delegated to him by the Secretary.

(b) To the extent practicable, the Secretary shall employ personnel in the Office so that at least 50 per centum of such personnel are individuals who have not attained twenty-five years of age and at least one-half of such per centum are individuals who have not attained twenty-one years of age.

(c) The Secretary shall carry out the provisions of this Act through the Office of Youth Programs.

GRANTS AUTHORIZED

SEC. 5. (a) The Secretary is authorized to make grants to pay the Federal share of the cost of youth service projects conducted by nonprofit private organizations, particularly organizations engaged in furnishing emergency telephone counseling, general counseling, medical service, and services for runaways.

(b) Grants under this section may be used for—

(1) training volunteers and for providing compensation for workers in such projects;

(2) monitoring the effectiveness of the services provided by such organizations;

(3) compiling, improving, and distributing lists of youth organizations within appropriate geographic areas; and

(4) operating expenses for such organizations.

(c) (1) No grant may be made under this section except upon application made therefor in accordance with regulations prescribed by the Secretary.

(2) No grant may be made under this section to any individual organization or project in an amount in excess of $10,000 in any fiscal year.

(d) (1) The Secretary shall pay to each applicant which has an application approved under section 5 an amount equal to the Federal share of the cost of the application. The Federal share for each fiscal year shall not exceed 75 per centum of the cost of such application, except that for applications from organizations located in areas of high concentration of poor people, pursuant to regulations established by the Secretary, the Federal share may be increased to an amount not to exceed 90 per centum of the cost of such application.

(2) Payments under this section to any nonprofit organization may be made in installments, and in advance, or by way of reimbursement, and with necessary adjustments on account of underpayments or overpayments.

(e) The Secretary is authorized to establish whatever procedures he determines necessary to assure that whenever possible, applications under this section will be processed to completion within a period not to exceed ninety days from the date on which any such application is recieved.

THE NATIONAL CLEARINGHOUSE ON YOUTH SERVICES

SEC. 6. (a) The Secretary is authorized to establish and operate a National Clearinghouse on Youth Services which shall—

(1) collect, analyze, and disseminate research materials relating to the services assisted under the provisions of this Act with particular emphasis upon such materials as are developed by nonprofit organizations receiving financial assistance under this Act;

(2) conduct a thorough evaluation of the programs assisted pursuant to section 5 of this Act; and

(3) develop recommendations for a long-term approach, by the Federal Government, to the problems of young Americans.

(b) The Secretary, through the National Clearinghouse on Youth Services, may carry out the functions under this section directly, or by way of contract, grant, or other arrangement.

YOUTH ADVISORY BOARD

SEC. 7. (a) There shall be established a Youth Advisory Board within ninety days of enactment of this Act. The Board shall consist of fifteen members, at least 50 per centum of whom are individuals who have not attained twenty-five years of age and at least one-half of such per centum who have not attained twenty-one years of age. The Board shall be appointed by the Director of the Office of Youth Programs after consultation with youth who have experience in youth programs, either as providers or as recipients of such services. The Board shall—

(A) Assist in the establishment of priorities for the award of grants under this Act.

(B) Recommend general poliices for, and review the conduct of, the Office.

(C) Advise the Director of the Office on development of programs to be carried out by the Office.

(D) Conduct such studies as may be necessary to fulfill its functions under this section.

(E) Prepare an annual report to the Secretary on the current status and needs of youth programs in the United States.

(F) Submit an annual report to the Congress on the activities of the Office, and on youth programs in the United States.

(G) Meet at the call of the Chairman, except that it shall meet (i) at least four times during each fiscal year, or (ii) whenever one-third of the members request in writing that a meeting be held.

REPORT

SEC. 8 The Secretary is authorized and directed to prepare and furnish to the President and the Congress not later than July 1, 1975, a report on his activities under this Act, together with an evaluation of financial assistance provided under this Act and recommendations, including legislative recommendations, for long-term solution to the problems of young Americans.

DEFINITIONS

SEC. 9. As used in this Act, the term—

(1) "nonprofit private organization" means and organization, including unincorporated associations of individuals which the Secretary determines is capable of carrying out a program to be assisted under this Act;

(2) "Secretary" means the Secretary of Health, Education, and Welfare; and

(3) "young American" means any individual who has attained ten years of age but not twenty-six years of age.

By Mr. NELSON (for himself, Mr. ABOUREZK, Mr. METCALF, Mr. MCGEE, Mr. MCGOVERN, Mr. HATFIELD, and Mr. BURDICK):

S. 950. A bill to amend the Clayton Act to provide for additional regulation of certain anticompetitive developments in the agricultural industry. Referred to the Committee on the Judiciary.

Mr. NELSON. Mr. President, I wish at this time to introduce on behalf of myself and the junior Senator from South Dakota (Mr. ABOUREZK) the Family Farm Antitrust Act of 1973. Other cosponsors are: Mr. METCALF, Mr. MCGEE, Mr. MCGOVERN, Mr. HATFIELD, and Mr. BURDICK.

A nearly identical bill to this was introduced by myself in the 92d Congress, and by Mr. ABOUREZK, who was then a Member of the House of Representatives. Hearings were not held on this legislation in the Senate but were in the House.

As a result of the House hearings, we have made one substantial change in the proposed act. Under the terms of the bill, with the aim of preserving the family farm and preventing monopoly, this legislation would force corporations and/or conglomerates to divest themselves of their farm holdings. In the House hearings criticisms developed because no mechanism for achieving the required divestiture was included in this legislation.

To meet this criticism we have added this year a section which establishes authority for the Farmers Home Administration to acquire at fair market value any holdings which would be divested because of this act. In turn the Farmers Home Administration would be required to sell such acquisitions as soon as possible, but in no less than 2 years. This would assure due process for those presently holding assets which would be made illegal.

It is with a sense of special urgency that this legislation is introduced. Increasingly for the last 20 years, managers of large corporations and conglomerates have moved into agriculture. From their carpeted offices far from the land they control, and armed with favorable depreciation rates on machinery and equipment, tax writeoffs and long term capital gains advantages, these managers can manipulate losses on the farm into profits for the absentee investors and still expand land holdings. The Internal Revenue Service tells us that of the 17,578 corporations reporting farming as their principal business in 1965, only 9,244 reported a profit for tax purposes. Of their gross receipts of $4.3 billion, only $199 million was considered taxable income—a mere 4.5 percent tax rate. For the family farmer who remains on the land, the losses remain a loss. And with the artificial market created by the corporation, the losses to the resident farmer have become greater and more frequent.

The optimum size family farm is the most efficient farm operation and it affords an opportunity for individual enterprise.

It is in the interest of the country that the family farm be preserved.

Combined with other incentives for bigness, the family farmer has found himself in an unfair competitive position. That there has been a large-scale exodus from the farm to the city has been amply documented, discussed, debated—and grieved. Since 1950, more than 15 million Americans have left the farm in hopes of salvaging a livelihood in the great metropolitan centers.

For many, however, the promise of security in the city proved a delusion. Even those who were successful in the transition only left others without work—overcrowding, unemployment, soaring relief rolls, tension and frustration.

The opening pages of the 1967 President's National Advisory Commission on Rural Poverty reports:

> The urban riots during 1967 had their roots in considerable part in rural poverty.

The McCone Commission report on the Watts riot in Los Angeles and the Kerner report on civil disorders reinforced that report.

Rural outmigration is not a problem confined to the rural areas. It is a national problem—and a critical one—that affects every economic and social sector.

The displacement of rural Americans did not manifest itself in sagging economies and poverty in the cities alone. Seven percent of this country's people live on farms, while 16 percent of the poor in America live on farms and 32 percent of the poor in America are rural nonfarmers.

But the economic, social and cultural consequences of the trend to big corporate farms is more insidious than the cold statistics of poverty.

Such businesses as implement dealers, hardware stores, lumberyards, and feedstores must have a good number of prosperous farmer-customers to stay in business. The number of farm families in a trade area also is an important factor because of its direct effect on such businesses as grocery stores, drugstores, newspapers, and filling stations.

It is also easy to see the effect a sharp cutback in farm family numbers would have on obtaining, or retaining, such professionals as doctors, dentists, pharmacists, and lawyers.

Experience shows, in areas where corporations have moved in, that one of the first moves made by farm managers is to tear down farm buildings to cut real estate taxes. Then they truck in seed, fertilizer, and other inputs purchased direct from manufacturers to avoid buying locally at retail; they import migrant farm laborers on an intermittent basis to cut labor costs, and they bypass the local farm supply and marketing cooperatives.

The surviving farmers and small town merchants are left to pay the social costs.

Probably the best exising study of this problem was published in 1946—"Small Business and the Community Effects of Scale of Farm Operations," December 1946, Senate Committee on Small Business.

Although 25 years old, this study probably reflects, better than anything published before or since, the kind of problems that is involved.

The study, by Walter Goldschmidt, involved the social organization of two towns in California in land areas of equal productivity. The only difference in the two communities was in the type of agriculture in the areas they served.

Arvin, Calif., served a corporate farming area worked predominantly by hired labor. It was a town of honky-tonks, poor housing, a few weak service clubs, shaky businesses, a single elementary school, and one playground loaned by a local industry.

Dinuba, Calif., served an area of family farms. It was a town of attractive residential streets, permanent churches, three parks, three elementary schools and a high school, strong service clubs, lodges and veterans organizations, furniture and household furnishings stores, implement dealers, and hardware and clothing stores.

The town serving the family farm area had twice as many business establishments, nearly twice as much annual trade—$4.4 million versus $2.5 million for Arvin—and three times the volume of trade in household supplies and building materials and equipment.

Goldschmidt's summary of findings added:

> The investigation disclosed other vast differences in the economic and social life of the two communities and affords strong support for the belief that small farms provide the basis for a richer community life and greater sum of those values for which America stands, than do industrialized farms of the usual type.

The social and cultural consequences of the trend to big corporate farms is easily recognized. The rural towns suffer a population loss that is in almost direct proportion to the loss of farm families from the community.

Churches, schools, and other social service groups wither and disappear for lack of people to use their services and for inability to hold the type of community leaders needed to make them effective.

The Goldschmidt study of the California towns provides some data in the people-oriented aspect, too, of differences between communities in trade areas with family farms and those with corporate farms.

More than one-half of the breadwinners in the small farm community are independent businessmen, persons in white-collar employment or farmers; in the corporate farm community the proportion is less than one-fifth.

Less than one-third of the breadwinners in the small farm community are agricultural wage laborers—characteristically landless and with low and insecure income—while the proportion of persons in this position in the corporation farm community is about two-thirds.

Schools are more plentiful and offer broader services in the small farm community.

The small farm community has more than twice the number of organizations for civic improvement and social recreation than its corporation farm counterpart.

Provision for public recreation centers, Boy Scout troops, and similar facilities for enrichment of people is much greater in the small farm community.

The small town community supports two newspapers, each with many times the news space carried in the single paper of the corporate farm community.

Facilities for making decisions on community welfare through local popular elections are available to people in the small farm community while the corporate farm community's decisions are made through a county government setup.

Goldschmidt's study sums up the relationships and what they mean in this way:

> The small farm community is a population of middle-class persons with a high degree of stability in income and tenure, and a strong economic and social interest in their community. Differences in wealth among them are not great and the people generally associate together in those organizations which serve the community.
>
> Where farms are large, on the other hand, the population consists of relatively few persons with economic stability, and of large numbers whose only tie to the community is their uncertain and relatively low-income job. Differences in wealth are great among members of this community and social contacts between them are rare.
>
> Indeed, even the operators of large scale farms are frequently absentees; and if they do live in Arvin, they as often seek their recreation in the nearby city. Their interest in the social life of the community is hardly greater than that of the laborer whose tenure is transitory.
>
> Even the businessmen of the large farm community frequently express their own feelings of impermanence; and their financial investment in the community, kept usually at a minimum, reflects the same view.
>
> Attitudes such as these are not conducive to stability and the rich kind of rural community life which is properly associated with the traditional family farm.

All that was 25 years ago. Yet, the invasion of agriculture by large, absentee corporate interests continues unabated. All of which is aided by the U.S. Department of Agriculture which often finances research with taxpayer dollars that is aimed at ways to make small farms sustain families who can compete economically in dignity and reasonable living standards.

Nick Kotz, in his excellent series in the Washington Post, emphasizes this point. He tells us that the Department apparently would rather finance development of a new, tough strawberry that can be harvested by machine than a strawberry that tastes better or is more nutritious. This is the same department, according to Mr. Kontz, that has given little or no comfort and aid to a small, new cooperative organized by former migrant laborers to get into the strawberry cultivation business themselves.

But the mere entry of corporations into agriculture has not been enough, especially for the conglomerates that have honed their managerial prowess into widely diversified interests that control a broad spectrum of agriculturally related businesses.

They buy seed from one of their own subsidiaries to plant with machinery manufactured by another to plant on the land owned by another to be tended by laborers with pesticides, fertilizers, and machinery manufactured by still others within the same corporate structure. The produce is shipped in trucks owned by yet another subsidiary, packed in cartons manufactured by another and marketed by still another.

Now, some conglomerates reportedly are beginning to enter the restaurant and supermarket business to complete the vertical chain from seed to supermarket.

Mr. President, not long ago the proud products of rural America were good food and fiber, free men and women, and healthy children with happy futures on the land cared by their fathers and forefathers. There were exceptions, of course. But the ideal and in large measure the attainment were there: to raise all those products on the American land—the food, the fiber and the strong, free people.

Tragic changes have occurred, and there are many and complex causes for this tragedy which is still building and even accelerating.

But the largest cause, I think, is the development of public policies that have equated goodness with bigness, quality with size. These policies have led to the emergency of giant corporations as the dominant force in manufacturing.

Dominance of the few at the expense of the many who have been unable to compete against the preferential treatment this country accords big money. Unless the policies are dramatically reevaluated and changed, they will lead to like dominance of agriculture.

The Family Farm Antitrust Act of 1973 provides the Congress with the means to preserve free, private enterprise, to protect small business and prevent insidious monopolistic tendencies in agriculture.

Mr. President, I ask unanimous consent that the Family Farm Antitrust Act of 1973 be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Family Farm Antitrust Act of 1973".

FINDINGS; DECLARATION OF POLICY

SEC. 2. (a) The Congress finds that—

(1) in order to nurture the private enterprise system, it is desirable to protect consumers and small businesses, and to provide for the continued existence of the family farm, by protecting family farms against the monopolization of the agricultural industry;

(2) vertical integration of the agricultural industry by corporations engaged in the processing, distributing, and retail industries, and other conglomerate corporations, tends to create monopolies in the agricultural industry, to foster anticompetitive trade practices in that industry, and to product unfair competition for family farms; and

(3) the anticompetitive forces at work within the agricultural industry, by threatening the existence of the family farm, are causing population shifts from rural areas to urban areas which rob the rural areas of productive population and increase the problems of already overcrowded urban areas.

(b) The Congress declares that it is the policy of the United States, and the purpose of this Act, to restore competition to the agricultural industry and to provide for the continued existence of the family farm.

AMENDMENT OF THE CLAYTON ACT

SEC. 3. (a) The Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (38 Stat. 730; 15 U.S.C. 12–27) is amended by inserting after section 8 the following new section:

"SEC. 8A (a) Except as provided in subsection (b), no person engaged in commerce (or affecting commerce) in a business other than farming, whose nonfarming business assets exceed $3,000,000, shall—

"(1) engage, directly or indirectly, in farming or the production of agricultural products,

"(2) control, or attempt to control, agricultural production through the ownership or leasing of land for agricultural purposes, or

"(3) participate in farming through corporate integration or merger, or by any other means of acquisition or control of another person who is engaged in farming.

"(b) The provisions of subsection (a) shall not apply to—

"(1) any organization described in section 501(c) or (d) of the Internal Revenue Code of 1954 exempt from tax under section 501 (a) of such Code to the extent that the farming activities of that organization do not result in unrelated business income taxable under part III of subchapter F of chapter 1 of such Code; or

"(2) any farmer owned and controlled cooperative, corporation, or association which meets the requirements of the Act entitled "An Act to authorized association of producers of agricultural products," approved February 18, 1922 (42 Stat. 388; 7 U.S.C. 291–292 (the Capper-Volstead Act)), or as defined in section 15(a) of the Agricultural Marketing Act of 1929 (49 Stat. 317; 12 U.S.C. 1141).

"(c) Any person to whom subsection (a) applies, who was engaged in activities on the day before the date of enactment of the Family Farm Antitrust Act of 1973, which on the day after such date would (but for the provisions of this subsection) be in violation of subsection (a), shall not be considered to be acting in violation of the provisions of that subsection during the five years following the date of enactment of that Act if he—

"(1) does not undertake any new, or increase or expand any existing, activity or interest in violation of that subsection during those years, and

"(2) divests himself, within 5 years after the date of enactment of that Act, of any property or other interest held by him in violation of the provisions of that subsection.

"(d) It shall not be a violation of the provisions of subsection (a) for any creditor, beneficiary, or intestate successor to acquire, pursuant to forfeiture, devise, or the laws of intestate succession, and hold for not more than two years any property or other interest, which acquisition and holding would violate such provisions but for this subsection."

(b) Section 11 of such Act (15 U.S.C. 21) is amended by—

(1) striking "sections 2, 3, 7, and 8" where it appears in subsection (a) and (b) and inserting in lieu thereof "sections 2, 3, 7, 8, and 8A"; and

(2) striking "sections 7 and 8" where it appears in subsection (b) and inserting in lieu thereof "sections 7, 8, and 8A".

ASSISTANCE TO THE SECRETARY OF AGRICULTURE

SEC. 4. (a) The Secretary of Agriculture, acting through the Farmers Home Administration, is authorized and directed to acquire at fair market value any property or interest of which a person is required to divest himself under subsection (c) or (d) of section 8A of the Act of October 15, 1914 (38 Stat. 730; 15 U.S.C. 12–27), as amended by this Act, if that person establishes to the satisfaction of the Secretary that he is otherwise unable to divest himself of such property or interest in accordance with requirements of that subsection.

(b) The Secretary shall sell at the then prevailing market value any property acquired under subsection (a) as soon as practicable, but in no event later than 2 years after the date on which such property was acquired by him under that subsection.

(c) The Secretary shall prescribe such rules and regulations as may be necessary to carry out the provisions of this section.

(d) There are authorized to be appropriated to the Secretary of Agriculture such sums as may be necessary to carry out the provisions of this section.

Mr. ABOUREZK. Mr. President, today I am pleased to join Senator NELSON in introducing the Family Farm Act.

It is, in a word, a bill to stop the growing corporate invasion of agriculture.

Too much tired rhetoric about family farmers has been bantered around these halls. Too often those of us from farm States have allowed our attentions to focus into narrow channels when farm legislation is the subject.

And so today, begging your indulgence, I shall attempt to share with you a broader perspective about America, where it is going, and where this bill fits into the scheme of things. Instead of talking rural economics today, I want to talk social policy.

Let us begin with a picture of rural America today.

It is not all lush, green Shenandoahs, white picket fences, ivy-covered cottages, and prosperous Americana as shown in the movies. It is not all country clubs and diletantes. There is some of that, but it is not the true picture.

Rural America is also 44 percent of this Nation's poor.

It is 60 percent of this Nation's substandard housing.

It is tens of thousands of towns without water or sewer systems.

It is the place left behind. It is dying on the vine, a victim of strangulation by social, political, and economic neglect. That neglect is propelling us, gradually but powerfully, toward national human disaster.

There are now on the landscape thousands of dead small towns.

There are now on the landscape more thousands of towns inhabited almost exclusively by senior citizens. These people are living out of range of America's full prosperity. They may be scores of miles from the nearest hospital and 10 decades removed from an adequate supply of decent housing or water.

To project current trends forward a few decades is to find rural America a vast wasteland in human terms. About the only inhabitants on the land would be a scattering of corporate managers and employees who fill in for absentee owners. They would be serviced by a scattered, limited number of our present larger rural cities.

It is happening right now. It is a visible as the nose on my own face.

The patterns of population shift show a congregating in the larger cities on either end of my State while small towns on the land in the vast middle of my State are literally drying up and blowing away.

In human terms, this is a tragedy. We are denying a viable alternative to the people piled on top of each other in boxes in the city while destroying the dream and the labor of love of rural people.

Go into one of those dying towns. The oldtimers will tell you about how it used to be when the town was a going concern, about the hopes they had for it, and about their fears that what they had worked all their lives to build is about to crumble into dust.

As the smallest towns become unlivable, so do the largest cities. The picture there is well known.

I turn now to the idea of a nation of shopkeepers and Tom Jefferson's notion of agrarian democracy.

We serve up rhetorical overdoses of those notions every day. We talk about self-determination, about the virtues of independent men, about individual control of individual destiny in a free democratic society. Only now I notice a new twist. We no longer preach these things as a day-to-day reality. We speak of the opportunity for them in America. Certainly there are many, many people who are able to capitalize on that opportunity. But for growing tens of millions of our people, the notion of a Nation of independent men and women truly in control of their own destiny is emptying of reality.

Instead we are descending headlong into a state of corporate feudalism which will be inadequately policed by a mushrooming big government bureaucracy which strangles itself as it grows.

The coupling of massive, unresponsive and impotent government with a corporate feudal state spells doom for those characteristics of human independence, initiative, self-reliance and self-determination which we cherish most.

As regards Government, these observations are vital: In 1950 all units of government employed 13 percent of the nonagricultural labor force. By 1970 it had grown to 18 percent. At the same time the tax gouge cost more and bought less.

As regards the corporate feudal state, these observations are vital: In 1950 the 200 largest corporations controlled about 50 percent of all industrial assets. By 1970 it had shrunk to less than 100 corporations.

These facts also illustrate the growing threat of feudalism: 1.6 percent of the population owns 82 percent of all stocks, 88 percent of the corporate bonds and at least 32 percent of all assets. Meanwhile, in the last 20 years, the gap between the richest fifth of the population and the poorest fifth doubled.

The threat to our people, to our vitality as a Nation, is real.

Feudalism's twin sister is serfdom. Now if that word has a remote, bizarre and extreme ring to it these days, I would submit that the beast may be wearing new clothes in a highly technological industrial society but it is possible for him to be there just the same.

The advance guard of that feudalism is marching across rural America right now, and has been for some time.

We see the ownership and control of land being transferred to absentee, corporate hands. The individual entrepreneurs, the family farmers, are abandoning ship at the rate of 39,000 a year. Landholdings are being consolidated into huge chunks. Contract farming is making inroads across the board. The little guys are paying the penalty for the emphasis on bigness. As they go, so go the cherished institutions which are the bedrock of American society. Among those institutions is individual competition.

On millions of acres it was once possible for a man to say, "This is mine, for better or for worse. My father broke this soil. It is my place in the world and it shapes my destiny."

On millions of acres that is no longer possible. The man standing there is a hired manager or an employee. A man's land is his property. A man's job is not.

The advance guard is also arriving in the cities.

It is reflected by the despair, the boredom and the indifference of millions of people who work for faceless, huge corporations.

They are treated as tenants of the earth, not part owners. Their fate is determined by forces they cannot fight.

They are in debt and afraid of losing their jobs. They cling desperately to those few things they do own and hope that someone else somewhere is working on the big problems. They are generally plagued by dark insecurities, gnawing doubts about their self-worth and a dangerous sense of futility.

Those feelings are reflected in nearly every letter that comes into my office, but it is rarely overtly expressed. The process is very nearly too subtle to perceive, yet there is a widespread awareness that somehow something basic is just not right.

All of this argues for a fundamental examination of the very basic assumptions which guide the shaping of American life.

It argues for a policy that factors in more than just numbers and dollar signs. It suggests that we must fight to retain those few institutions that still give real meaning to the lives of their members, as well as to create newly meaningful ones for the millions who have been cut adrift.

I submit to you that family unit farming is an occupation that satisfies those who practice it. It is an occupation which ties the farmer closely to nature. It is hard work, but it is personally rewarding in a very direct and fundamental way.

In the larger context I have set, the preservation of family farming is but a stopgap, rearguard action.

But I believe that for America to actually succeed in preserving something of value from destruction by the headlong descent into computerized bigness would be a fundamentally important first.

It would show that we as a nation can make a choice in favor of a quality life for our people and can make that decision stick against the power of the corporate-bureaucratic combine.

The tool I propose to help achieve that goal in the agricultural area is the Family Farm Act.

The Department of Agriculture's response to the depopulation of rural America and the encroachment of corporations upon the domain of the family farm can be summarized in three acid words: "So it goes."

A similar indifference prevails in most levels of Government and our urban-minded society.

Those of us from rural areas have some consciousness-raising to do.

Among other things, we should alert the Nation that oligopolist control of the Nation's food supply is a very real possibility.

We should alert the Nation that the very quality, taste, and texture of food—to say nothing of the price—can be subordinated to conglomerate profitmaking expediency.

The Family Farm Act speaks to those possibilities as well as the grim prospect of rural America becoming a nearly vacant wasteland.

The Family Farm Act is an antitrust bill which prohibits corporations with more than $3 million in nonfarm assets from engaging in farming. It requires divestiture within 5 years for those operations presently over the $3 million limit.

Antitrust laws on the books have not had a record of smashing success. The large corporations continue to expand their dominance over American affairs, continue to gather ever larger pieces of the pie into fewer hands and continue to collude against the market forces which were intended to be the consumer's main protection in a free enterprise economy. Their position, of course, is that these directions are natural and necessary to survival; I would not accuse anyone of malicious motives.

The Government, for the most part, has been a cooperative partner in the process. It often cannot see the forest for the trees, has not regulated particularly well or effectively, and has provided the convenience of such ambiguities as the phrase "in restraint of trade."

This bill seeks to establish the precedent of stripping away certain of those ambiguities by defining restraint of trade in dollar terms. I am open to discussion about precisely where that dollar limit best be set but I remain committed to the principle.

In a sense what this bill says is that Government ought to be structured toward less bureaucracy and toward more direction action.

In introducing this bill today, I am also saying, in a sense, that we ought to begin considering legislation, and rural legislation in particular, more in terms of broad social policy and less in parochial terms.

I fully believe that we have created horrid mishmash of often contradictory social policies, and that we ought to begin to put things in sensible order.

The 39,000 farmers who are forced off the land every year not only compound the crises of our cities, they are, as well, a signal symptom of something gone fundamentally wrong for all of America.

Thank you.

By Mr. STEVENS:

S. 951. A bill to authorize the Secretary of Commerce to purchase in certain cases the catches of commercial fishermen which are prohibited from sale by restrictions imposed on domestic commercial fishing by a State or the Federal Government; and

S. 952. A bill to provide partial reimbursement for losses incurred by commercial fishermen as a result of restrictions imposed on domestic commercial fishing by a State or Federal Government. Referred to the Committee on Commerce.

Mr. STEVENS. Mr. President, today I am introducing two bills designed to assist Alaska fishermen who are faced with economic ruin as a result of restrictions imposed upon them in their domestic commercial fishing by prohibitive Federal or State restrictions.

These bills are specifically designed to pose two alternative solutions to a problem facing many fishermen in Southeast Alaska. This is the result of mercury pollution levels found in halibut by the Food and Drug Administration. This finding has resulted in a determination that halibut above a certain size caught in certain areas may be dangerous and unfit for human consumption. Because of this finding, the industry has been unable to sell halibut over a certain size, such size varying depending upon the area of the ocean in which the halibut were caught. This problem has had devastating economic effects throughout Southeast Alaska.

On October 8, 1971, the Subcommittee on Oceans and Atmosphere of the Senate Commerce Committee held hearings in Petersburg, Alaska, on this subject. At these hearings, the chairman of the subcommittee, the distinguished Senator from South Carolina (Mr. HOLLINGS) and I were present. A large number of representatives from various fishing groups and governmental agencies were also present and testified before us. A report of these hearings is contained in Senate Report No. 92–41. I believe that the need for this legislation is amply demonstrated by the testimony of the many witnesses who appeared and described in detail their personal accounts of the economic devastation they faced as a result of this FDA determination.

For example, the situation facing the Petersburg Cold Storage Co. is typical. The Petersburg Cold Storage Co. is owned by 170 individual stockholders. It serves one of the small southeast Alaska towns which are directly affected. It was founded in 1926 by a local group of fishermen and merchants handling fish products, primarily halibut. It has operated successfully and has produced roughly 125 million pounds of halibut, a yearly average of 3 million pounds. Yearly ranges have been from 1 to 5 million pounds. The replacement value of the plant alone is $1,500,000 and it has an insurable depreciated value of $1,029,000. It employs 20 to 60 people per season. The average employment for a 12-month period is 28. The annual payroll runs about $400,000. Normally, they would have 20 to 30 halibut vessels outfitting in Petersburg at times other than the normal seining season. However, as a result of the FDA ruling, in 1971 only two vessels fished for halibut in the area immediately surrounding Petersburg.

In a poll of 13 fishermen in nearby Kake, Alaska, in 1971 not a single fisherman felt he could economically fish for halibut, given the present restrictions. They felt they would not be able to fish in 1972 either.

Other areas of the country will also benefit from the introduction of legislation to solve the problems faced by owners prohibited from selling their catch as a result of Federal and State restrictions. The Great Lakes, the Chesapeake Bay, and other areas of the Pacific pose environmental problems that have resulted in such restrictions. This legislation is not limited to the mercury in halibut problem but will also assist other fishermen in other areas of the country.

The first bill authorizes the Secretary of Commerce to purchase these fish from any legal entity which, first, owns fishing equipment, and second, engages in domestic fishing as its usual occupation. The catches of fish which may be purchased are those which the owner is prevented from selling by restrictions related to a deterioration in the quality of the aquatic environment which were imposed on or after January 1, 1970, by any State or Federal agency and which, in the judgment of the Secretary, impair the economic feasibility of any type of domestic fishing.

The Secretary is authorized to buy such fish at the fair market price in the area at the time of purchase. The "fair market price" is a term of art widely used in the law and easily determinable. Such fair market price must be evaluated in the specific locality, that is, the specific town or city at which the catch is sold. The price must be determined as of the specific date of sale. Thus defined, these terms will provide the Secretary with practical guidelines for enforcement.

The total amount of such purchases in any calendar year from any one eligible owner may not exceed 50 percent of its gross earnings from domestic fishing operations. The Secretary is then authorized to dispose of these fish in any legal manner he deems appropriate. Any such purchase must be subject to the condition that the eligible owner assign to the Secretary any right he may have to recover damages for the act or commission resulting in the imposition of such Federal or State restrictions. The Secretary is also empowered to prescribe rules and regulations necessary to carry out the provisions of the act.

Finally, amounts not to exceed $4,000,000 for fiscal year 1973 and $5,000,000 for fiscal year 1974 are authorized.

This bill has been amended to permit the Secretary of Commerce to require repayment with interest and other appropriate penalties if he finds that he has made an overpayment as the result of the fault or negligence of the owner. It also requires recordkeeping and permits auditing by the Secretary of Commerce and Comptroller General if they so desire. These amendments were added to meet possible objections by the General Accounting Office.

Mr. President, the second bill offers another solution to this problem. This bill is similar to S. 875, a bill I introduced a little over 2 years ago. It provides partial reimbursement for losses incurred by commercial fishermen as the result of prohibitive Federal or State restrictions imposed on domestic commercial fishing. It also authorizes grants from the Secretary of Commerce to enable any eligible owner to meet the usual business expenses he was prevented from meeting as a result of these restrictions. Under the bill, if a fisherman accepts reimbursement, he automatically authorizes the Federal Government to file suit in his behalf against those who polluted the waters. Any amount collected in excess of the initial reimbursement and court costs would be turned over to the aggrieved fisherman by the Government which initiated the suit. Although it is reasonable to expect this method of reimbursement will ultimately be self-supporting, such a status will probably not be achieved for several years. Accordingly, my bill appropriates $4 million for operation of the program during the first year and $5 million for each of the 4 succeeding years.

This bill has been amended to make the effective date January 1, 1970, rather than January 1, 1971, for imposition of the prohibitive Federal or State restrictions. This clarifies that I intend the mercury level which was determined and announced in a press release in March 1970 and the effects thereof to be covered. I am aware that this new mercury level was not specifically applied to halibut until early 1971. This amendment will clarify that my bill is to apply to this mercury level announced in March 1970.

I have also amended this bill to cover fishermen suffering from restrictions which in fact caused them losses although the market value of the commercial catch in the affected area may not have decreased. Nevertheless, they may not be able to catch any fish of a certain size or from a certain area. The scarcity of fish will of course tend to drive the market value up. Nonetheless, their income would have dropped significantly and this is the key point.

Another amendment inserts a new subsection 3(c) to permit grants to owners of fishery products for the purposes of recovering losses incurred in the disposition of inventory declared unsalable because of the prohibitive restrictions.

I have similarly amended this bill at the suggestion of the General Accounting Office to permit the Secretary of Commerce to require repayment of the grants with interest or other appropriate penalties if he finds that he has made overpayment due to the fault or negligence of the grantee. I have also added a provision to require appropriate recordkeeping and permit auditing of the books of the grantees. These suggestions by the General Accounting Office are well taken and I appreciate their care in suggesting them.

The second bill, in the form of an amendment, passed the Senate last year. Unfortunately the joint Senate-House conference committee in discussions on the parent bill, H.R. 7117, which amended the Fishermen's Protective Act, could not agree to accept this amendment or several others added on the Senate floor. The leadership of both the Senate and House committees have, however, agreed to hold hearings on this subject early in the 93d Congress. I will suggest that both of these bills be considered at these hearings.

Solutions other than these bills are also being sought to solve the mercury in halibut problem. It is not at all certain that a level as low as 0.5 parts per million of mercury in the fish is necessary or even practical to assure human health. These bills do propose two alternative workable solutions.

I ask unanimous consent that these two bills be printed in their entirety in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 951

A bill to authorize the Secretary of Commerce to purchase in certain cases the catches of commercial fishermen which are prohibited from sale by restrictions imposed on domestic commercial fishing by a State or the Federal Government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Domestic Fishermen's Emergency Fish Purchase Act of 1972".

SEC. 2. As used in this Act—

(1) The term "Secretary" means the Secretary of Commerce.

(2) The term "domestic fishing" means commercial fishing which is subject to regulation or restriction under the laws of any State.

(3) The term "prohibitive Federal or State restrictions" means restrictions related to a deterioration in the quality of the aquatic environment and imposed on or after January 1, 1970, by any State or by any department or agency of the Federal Government which, in the judgment of the Secretary impair the economic feasibility of any type of domestic fishing.

(4) The term "eligible owner" means any legal entity which—

(A) is the owner of fishing equipment, and

(B) is engaged in domestic fishing as its usual occupation.

SEC. 3. (a) The Secretary is authorized to purchase from any eligible owner, at the fair market price in the area at the time of purchase, any catch of fish which such owner is prevented from selling by prohibitive Federal or State restrictions.

(b) Any such purchase shall be subject to the condition that the eligible owner assign to the Secretary any rights he may have to recover damages for the commission of or failure to commit acts which resulted in the imposition of such prohibitive Federal or State restrictions.

(c) The total amount of purchases in any calendar year pursuant to this Act from any eligible owner shall not exceed an amount equal to 50 per centum of such owner's gross earnings from domestic fishing operations.

SEC. 4. The Secretary is authorized to dispose of fish purchased pursuant to this Act in such manner as he may prescribe.

SEC. 5. The Secretary shall prescribe such rules and regulations as are necessary to carry out the provisions of this Act. He shall attach such conditions and limitations with respect to a purchase made under Section 3 of this Act as he deems necessary or appropriate to protect the interests of the United States. If the Secretary determines that an overpurchase was made because of the fault or negligence of the applicant, he may prescribe repayment plus interest or other appropriate penalty.

SEC. 6. (a) Each owner selling fish to the federal government may prescribe including under this Act shall keep such records as the Secretary may prescribe including records which can be used to support fully the amount of the purchase, and such records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers and records of the owner which are pertinent to such purchase.

SEC. 7. There is authorized to be appropriated to carry out the provisions of this Act an amount not to exceed $4,000,000 for the fiscal year ending June 30, 1973, and an amount not to exceed $5,000,000 for the fiscal year ending June 30, 1974.

S. 952

A bill to provide partial reimbursement for losses incurred by commercial fishermen as a result of restrictions imposed on domestic commercial fishing by a State or Federal Government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Domestic Fishermen's Emergency Assistance Act".

SEC. 2. As used in this Act—

(a) The term "Secretary" means the Secretary of Commerce.

(b) The term "domestic fishing" means commercial fishing which is subject to regulation or restriction under the laws of any State.

(c) The term "fishing equipment" includes nets, equipment, and vessels used in domestic fishing.

(d) The term "prohibitive Federal or State restrictions"—

(1) means restrictions related to a deterioration in the quality of the aquatic environment and imposed on or after January 1, 1970, by any State or by any department or agency of the Federal Government which, in the judgment of the Secretary, impair the economic feasibility of any type of domestic fishing to such an extent as to reduce (i) by 50 per centum or more the fair market value, in the affected area, of fishing equipment principally useful for that type of fishing, or (ii) by 20 per centum or more the market value of the commercial catch in the affected area which would have been realized in the calendar year concerned but for the imposition of such restrictions; or

(2) means restrictions imposed or enforced on or after January 1, 1970, by any State, local government agency, or by any agency or department of the Federal Government which prohibits marketing of fishery products in this country because of a determination that the product is unfit for human consumption when the cause of such determination is change, either natural or man made, in environmental conditions, or a newly discovered hazardous condition, including but not limited to, the presence of toxic or potentially toxic constituents or contaminants.

(3) The term "eligible owner" means any legal entity which—

(1) is the owner of fishing equipment, and

(2) was engaged in domestic fishing as its usual occupation for one month or more prior to the imposition of prohibitive Federal or State restrictions thereon.

SEC. 3. (a) Any eligible owner of fishing equipment adversely affected by the imposition of prohibitive Federal and State restrictions in any calendar year may apply to the Secretary for a grant under this section for the purpose of enabling such owner to meet the usual business expenses which, but for the economic loss caused him by the imposition of such restrictions, such owner would ordinarily be able to meet.

(b)(1) In any case in which paragraph (2) does not apply, a grant made by the Secretary under this section may not exceed an amount equal to 70 per centum of the yearly gross earnings from domestic fishing operations which the eligible owner lost in the calendar year as a result of the imposition of such Federal or State restrictions. In determining lost gross earnings from domestic fishing operations for an eligible owner under this paragraph, the Secretary shall subtract the amount of actual or estimated gross earnings from such operations in the year in which such Federal or State restrictions were imposed from the yearly gross earnings from domestic fishing operations made by such eligible owner in the last calendar year in which no prohibitive Federal or State restrictions affected such owner's operations.

(2) In the case of an eligible owner who substantially increased his investment in fishing equipment for use in the calendar year in which such restrictions are imposed, as compared with his investment in fishing equipment in the calendar year immediately preceding such calendar year, a grant made under this section may not exceed an amount equal to 70 per centum of the estimated yearly gross earnings from domestic fishing operations which the eligible owner lost in the calendar year as a result of the imposition of such Federal or State restrictions. In estimating lost gross earnings under this paragraph, the Secretary shall take into account the size, type, and number of fishnets owned by the eligible owner and in use by him at the time of, or intended to be so used by him before, such Federal or State restrictions were imposed and the expected income per fishnet for that calendar year.

(c) Any eligible owner of fishery products adversely affected by the imposition of prohibitive Federal, State or local restrictions during the period specified, may apply to the Secretary for a grant under this section for the purposes of recovering losses incurred in the disposition of inventory declared unsalable because of those restrictions.

(d) No grant may be made under this section unless application therefor is made before the close of the calendar year after the calendar year in which the prohibitive Federal or State restrictions concerned are imposed.

SEC. 4. The Secretary shall attach such conditions and limitations with respect to a grant made under section 3 of this Act as he deems necessary or appropriate to protect the interests of the United States. Where there has been overpayment by the Secretary due to default or negligence of the applicants, the Secretary may require repayment plus interest or other appropriate penalty. The acceptance of a grant made under section 3 of this Act shall operate as an assignment to the Secretary of all rights of the eligible person receiving the grant to recover damages against any party for committing or failing to commit acts which resulted in the imposition of the prohibitive Federal or State restrictions on the basis of which the eligible person obtained such grant. If the Secretary recovers damages by exercising any right assigned to him under this section, any amount so recovered in excess of the amount of the grant made under this Act and the administrative expenses incurred in exercising such right shall be paid to the eligible person concerned.

SEC. 5 (a) Each recipient of a grant under this Act shall keep such records as the Secretary may prescribe, including records which can be used to support fully the amount of his grant, and such records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers and records of the recipient of any grant under this Act which are pertinent to such grant.

SEC. 6. There is authorized to be appropriated to carry out the purposes of the Act not to exceed $4,000,000 for the fiscal year ending June 30, 1973, and not to exceed $5,000,000 for each of the four succeeding fiscal years.

By Mr. NELSON:

S. 966. A bill to amend the Federal Food, Drug, and Cosmetic Act, as amended, to provide for the establishment of a national drug testing and evaluation center; to provide for a Federal drug compendium which lists all prescription drugs by their generic names and which provides reliable, complete, and readily accessible prescribing information; to provide for a formulary of the United States; to provide for quality control for drugs paid for with Federal funds; to provide for the registration of drugs; to provide for the certification of certain drugs other than insulin and antibiotics; to provide for the regulation of sample drugs; and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. NELSON. Mr. President, I am today reintroducing for appropirate reference a comprehensive bill to amend the Federal Food, Drug, and Cosmetic Act. This bill, which in slightly different form, was introduced originally in 1971, has seven titles and is designed to remedy many of the deficiencies of the present law in order to protect the American people against poorly tested, unsafe, ineffective, improperly used, and monopolistically priced drugs.

To accomplish this end, the bill seeks to assure: that the drugs on the market will be properly tested for safety and efficacy and will meet the highest standards of quality and purity; that important drugs will be available to the public at the lowest possible cost; that the prescriber will have ready access to complete and objective information about drugs to enable him to prescribe in a rational manner; that potentially dangerous drugs will be clearly labeled with an appropriate warning; and that the manufacturers will advertise their products only for the conditions of use for which the drug was approved. To assist in the consideration of this bill I am also introducing each title as a separate bill.

When this legislation was originally proposed I submitted extensive explanations indicating why these proposals are urgently required to protect the public. I should like to review a few of the most significant features of the proposed legislation.

DRUG TESTING

The FDA has the grave responsibility of assuring that the drugs on the market are both safe and effective as demonstrated by adequate and well-controlled studies. It appears that a large number of people have faith in these drugs because it is believed that they have been tested for safety and effectiveness by the Federal Government. The decision to allow a drug on the market is based upon the evidence submitted by the very companies which seek to market the drug. The FDA determines the safety and efficacy of a drug solely on the basis of information supplied by the drug company which has a financial interest in getting the drug on the market.

The dangers involved in the dependence on these firms to perform, direct, and select the drug investigations is obvious. There is an inevitable tendency to emphasize the positive features and deemphasize the negative. In case after case, firms have been guilty of misrepresenting, distorting, and/or withholding vital information developed in their testing of drugs which might in any way retard or prevent marketing approval. Among such drugs, fortunately no longer on the market, are MER/29, Dornwall, Flexin, Thalidomide, Serc, Panalba, and others.

FDA since 1966 has been outspoken in its criticism of the poor quality of the material submitted to support drug marketing applications. Dr. John Jennings, FDA's Assistant Commissioner for Medical Affairs on September 16, 1970, stated that:

> The primary cause of the much touted delay in FDA decision-making is beyond all question the poor quality of the data, particularly that of the clinical investigations, submitted to us. Although this has improved over recent years, some sponsors still do not accept that a few well-conducted studies are much more persuasive than a mass of poorly documented case studies or even carefully documented random clinical reports.

The then-FDA Commissioner Ley said that out of 406 drug marketing applications received by the FDA in 1967, only 59 were approved. The reason given was the poor quality of the clinical studies as well as other inadequacies.

This bill, which provides for the establishment of a National Drug Testing and Evaluation Center, will reduce the possibility of bias in drug testing reduce the cost of drug testing by eliminating reliance on testimonials and impressions; and to reduce the time of drug testing thus enabling meritorious drugs to be marketed promptly.

Another important feature of the bill is that affirmative action on the part of the FDA is required before manufacturers may proceed to test new drugs in human beings. In many cases, according to the FDA, drug testing has been performed on human beings even before toxicity studies on animals have been completed. Since drugs have to be tested, it is imperative that proper protection be afforded to the test subjects.

Medical experts agree that the proliferation of drugs on the market make rational prescribing and usage of drugs extremely difficult. Many drugs coming on the market are either duplicative drugs sold under different trade names or drugs which are inferior to drugs already on the market. According to the Medical Letter of October 6, 1967, for example, Ponstel, an analgesic, was approved for marketing although it meets no medical need and should not be used.

The present law permits the marketing of drugs—even very hazardous drugs—if they are more effective than a placebo—a dummy pill—and if they can be labeled in such a way as to reveal the benefit to risk ratio—even though more effective and less hazardous drugs are available.

This bill provides that the Secretary of Health, Education, and Welfare shall refuse to approve a new drug application unless the tests or investigations conducted show that the safety or effectiveness of a new drug is significantly greater than the safety or effectiveness of any other drug or drugs on the market which are used for the same purpose or purposes as the new drug.

DRUG ADVERTISING

Another significant provision seeks to mitigate the influence of advertising on the prescription and use of drugs by requiring preclearance of drug advertising. Various studies have shown that as high as 68 percent of doctors specified detail men, 32 percent journal advertisements, 25 percent direct mail advertisements, and 22 percent drug samples as the two or three most important sources for familiarization with new drugs.[1] Another study showed that 46 percent of general practitioners believed that they were able to decide whether to use a new drug solely on the basis of seeing a drug salesman.[2]

Dr. Charles Edwards, the Commissioner of the Food and Drug Administration, in a speech to the Pharmaceutical Manufacturers Association on April 28, 1972, stated that:

> Despite the contention that advertising is education, most of the drug promotion we see is designed only to sell—to motivate the physician to prescribe and the consumer to buy. Are your current promotional efforts creating artificial needs? The answer to this question is unfortunately found in the very distressing story of the amphetamines, the tranquilizers, the barbiturates—all of which are part of one of the nation's most serious social problems—drug abuse.

The profound effect of drug promotion, especially the detail men, on medical practice, and our attitude and use of drugs is shown by a study done in California for the Social Security Administration.

According to this study, there was a dramatic difference in attitude toward the use of drugs when physicians preferring detailmen as a source of information were compared with those who preferred medical journals. The former were more likely to accept the use of mood-altering drugs in social situations as being legitimate "and were more likely to feel that the use of drugs in response to mood disturbances should not be a last resort. On the other hand, those physicians indicating preferences for medical journals were more reluctant to accept the use of drugs as a legitimate means for handling mood disturbances that may result from the stresses of everyday living and less likely to feel that the specific use of Librium—tranquilizers—or Dexedrine—amphetamine—for example, in such everyday living situations was legitimate."[3] In an article in the Annals of Internal Medicine, April 1971, Dr. George Edison wrote that:

> Amphetamines are among the most dangerous of currently psychoactive drugs. They cause dependence, behavioral toxicity, and physical damage.

An article in the September 25, 1972, issue of the Journal of the American Medical Association states that:

> . . . a relaxed attitude toward abusable drugs has established the medical profession as a prime community source for these materials.
>
> Beyond this, and of greater significance is the physician's unwitting role in creating drug dependence among his own patients. . . . A review of clinic charts showed that many patients were regularly receiving tranquilizer prescriptions for no apparent reason.

According to the latest figures, the prescription drug industry in 1971 spent more than $1 billion on advertising and promotion. It is estimated that of this sum "more than 85 percent must be classified as an economic waste."[4] Since the sales of drug manufacturers amount to about $4 billion, the advertising amounts to about 25 percent of sales.

This should be compared with the drug industry's expenditures on research and development which amount to roughly 6.2 percent of sales.[5] In other words, as percentage of sales the pharmaceutical industry spends about four times as much on advertising and promotion as on research and development.

This great disparity becomes even greater when we consider the quality of the research conducted by the drug industry. According to HEW's Task Force on Prescription Drugs:

> Since important new chemical entities represent only a fraction—perhaps 10 to 20 percent—of all new products introduced each year, and the remainder consists merely of minor modifications or combination products, then much of the industry's research and development activities would appear to

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[1] Percentages add up to more than 100 because each doctor named more than one source.

[2] Harry F. Dowling: Medicines for Man, 1970, p. 274–5.

[3] Final Report: Patterns of Influence Among Pharmacists, Physicians and Patients by Milton S. Davis & Lawrence S. Linn Study financed by HEW–SSA, pp. 19–20.

[4] "Economic Problems in Drug Distribution"—Presented by T. Donald Rucker, Chief, Drug Studies Branch, DHIS/ORS, U.S. Social Security Administration at the Annual Meeting of the Pharmaceutical Wholesalers Association, Las Vegas, Nevada, March 8, 1972.

[5] Research and Development in Industry 1970, NSF 72–309, p. 76.

provide only minor contributions to medical progress.

The task force finds that to the extent the industry directs a share of its research program to duplicative, noncontributory products, there is a waste of skilled research manpower and research facilities, a waste of clinical facilities needed to test the products, a further confusing proliferation of drug products which are promoted to physicians and a further burden on the patient or taxpayer who, in the long run, must pay the costs."[6]

In other words, the great efforts of the pharmaceutical industry in persuading doctors to use drugs can be fully appreciated especially when compared with the relatively small efforts to provide important contributions to medical progress. Moreover, the number of people who decide which and how many drugs should be used and what must be reached by drug manufacturers is relatively small. The purchase of prescription drugs by 200 million people in the United States can be controlled by efforts directed at only 200,000 physicians. This means that at least $5,000 is being spent per year on each doctor to persuade him to prescribe drugs.

Does the large amount of advertising provide unbiased information to make wise prescribing decisions?

Or does excessive drug promotion, often represented as physician "education" or independent journalism, lead to irrational prescribing and over-medication?

In other words, is drug advertising the best way, that is, the most objective and economical way—of conveying drug information to physicians?

If not, are there appropriate remedial policies that can improve both the quality of information and the economic formation to efficiency with which it is provided?

In my judgment, drug advertising by its very nature cannot provide unbiased information to physicians. As the London Observer stated in its comments on the Sainsbury committees report on the pharmaceutical industry:[7]

PUBLIC HEALTH PRICE PROTECTION

Another significant provision in this proposed legislation seeks to reduce drug prices through opening patents on a reasonable royalty basis when monopolistic prices excesses occur.

On September 29 of last year we pointed out that the American drug industry is discriminating against the American people by charging higher prices for drugs in the United States than it charges for the same drug, by the same manufacturer, under the same brand name in foreign countries. I also supplied a number of specific examples to support the charges. In the meantime, numerous other examples have been revealed by the Department of Justice showing that the price discrimination against the American people is even worse than the previous examples indicated. The Department of Justice figures show that the American drug companies sell drugs to domestic wholesalers at different prices depending on where the drug is to be used. If the domestic wholesaler states that the drug will be shipped overseas, his price may be a third to a half lower than if he were to sell it to domestic users.

Differences in the prices charged for use abroad and within the United States can be seen in the following list:[8]

	Wholesale price when used—	
	Overseas	In United States
BRISTOL-MYERS		
Polycillin caps, 250 mg., 100's	$12.00	$18.20
Polycillin caps, 250 mg., 100's	10.50	18.20
Polycillin caps, 500 mg., 100's	17.00	35.16
Polycillin oral, 125 mg., 60 cc's	1.25	1.58
Polycillin oral, 125 mg., 80 cc's	1.40	2.10
Polycillin oral, 250 mg., 80 cc's	1.95	3.23
Salutensin tabs, 1000's	35.00	65.16
TRAVENOL		
Synthroid, 0.1 mg. tabs (yellow), 500's	1.75	4.47
Synthroid, 0.2 mg. tabs (pink), 500's	2.44	6.28
NORWICH PHARMACEUTICAL CO.		
Furadantin tabs, 50 mg., 100's	8.37	12.08
Furadantin tabs, 50 mg., 500's	38.98	56.25
Furadantin tabs, 100 mg., 100's	16.74	24.17
PFIZER		
Antivert tabs, 500's	12.40	16.96
Diabinese tabs, 1,000's	42.75	67.64
Diabinese tabs, 250's	10.60	17.28
AYERST LABORATORIES		
Penbritin, 250 mg., 100's	11.50	18.18
ORTHO PHARMACEUTICAL CO.		
Ortho-novum, 2 mg., dialpak	54.72	86.40
Ortho-novum, 1 mg	51.21	77.04
AMERICAN HOECHST		
Lasix tabs, 40 mg., 3,000	25.57	31.37
LAKESIDE LABORATORIES		
Mercuhydrin, 10 cc., vials, 100's	63.24	96.80
Norpramin, 25 m g., 500's	11.40	28.80
Norpramin, 50 mg., 500's	17.50	47.50
AMERICAN ROCHE		
Librium, 5 mg., 500's	16.65	20.66
Librium, 10 mg., 500's	18.50	26.78
Librium, 10 mg., 500's	17.50	26.78
Librium, 10 mg., 500's	19.50	26.78
Valium, 2 mg., 500's	18.00	26.69
Valium, 5 mg., 500's	21.00	32.30
Valium, 5 mg., 500's	22.00	32.30
Gantrisin tabs	12.50	20.24
MALLINKRODT		
Dintensin and Dintensin–R	20.00	32.85
DORSEY		
Triaminic tabs	10.21	13.80
A. H. ROBINS		
Quinidex Extentabs, 250's	22.18	26.67
Dimetapp Extentabs, 500's	25.99	31.25
Robaxin-750 tabs, 500's	33.61	40.42
Robaxisal tabs, 500's	19.40	23.34
Donnatal Extentabs, 500's	12.61	15.17
Sulla, 500's	35.34	42.50
Robaxisal P–H, 500's	19.40	23.34
Robinal P–H	12.82	15.42
Donnatal caps, 1,000's	12.13	14.58
Donnazyme, 500's	$12.65	$16.17
Robaxin	22.87	27.50
Dimetone Ext., 12 mg., 500's	18.02	21.76
Robinal	11.43	13.75
LEDERLE		
Declomycin caps, 150 mg., 100's	13.19	15.99
Aristocort, 4 mg., 100's	7.82	14.45

Nobody has any objection to any industry making reasonable or relatively high profits, but there are innumerable examples of unconscionably excess profits being made because of monopolistic practices and price discrimination against American buyers in favor of foreign purchasers of American manufactured drugs.

One of the most outrageous examples of price gouging is the tranquilizer meprobamate, a widely prescribed drug sold under the trade names of Miltown and Equanil. The holder of the patent on this drug is Carter-Wallace, Inc., a pharmaceutical manufacturer based in New York City. Although this firm sells meprobamate under the trade name, Miltown, it does not and never has produced its own meprobamate either in bulk or in final dosage form. Carter-Wallace buys the bulk material from foreign manufacturers for resale to U.S. manufacturers and for use in the meprobamate tablets it sells under its own name. When I first brought this situation to the attention of the Senate and the public on October 7, 1970, Carter-Wallace was buying this drug in bulk at 87 cents a pound and selling it to domestic manufacturers at $23.80 a pound, a markup of about 2,600 percent.

Carter-Wallace's cost of meprobamate in final dosage form made by another manufacturer was about 36.6 cents per bottle of 50 tablets, 400 miligrams, but was able to sell it at $3.60 to domestic wholesalers, a markup of 1,640 percent. Carter-Wallace was able to secure these fantastic markups because of its patent on this product. On the other hand, by purchasing from foreign competitive sources in the 9-year period 1960–68, the Defense Department bought for $1.6 million what would have cost $10.3 million, thus saving the taxpayers about $8.9 million on this drug alone.

The Defense Department and other Federal agencies can accomplish these great savings because they are not bound by law to observe patents or licensing agreements and may purchase at the lowest price from any manufacturer in the world. However, the American consumer does not have such a right and thus must pay whatever price the holder of the patent monopoly decides to charge. The ultimate irony, however, is that the District Court in February 1972 found that the patent was invalid. In November 1972, when the patent would have expired, the Court of Appeals for the 2d Circuit affirmed the decision of the District Court. Under an arrangement of mandatory licensing at a reasonable royalty, as proposed in this bill, the public would not have been gouged for 17 years.

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[6] Task Force on Prescription Drugs: Final Report, February 7, 1969, Department of HEW, p. 8.

[7] *London Observer*, October 1, 1967.

[8] It is interesting to note that these price differences were revealed by the Department of Justice in connection with a criminal indictment of a number of wholesalers who bought the drugs at the lower prices, representing that they would be used overseas. Instead, according to the indictment, they were purchased for use in the United States.

A summary of the significant provisions of the bill follows:

Title I: Sets up a National Drug Testing and Evaluation Center which will be responsible for the testing of all drugs, both prescription and over-the-counter, that are now or will be marketed in the United States. The FDA must give approval prior to testing drugs on human beings, and the results and conclusions of all tests will be made public. In order for a new drug to be approved, it must be demonstrated that the new drug is safer or more effective than a drug already on the market. As it has been the manufacturer's responsibility in the past to bear the expense of a drug's testing, he will continue to bear the expense. However, there will be channels open for appeal if the manufacturer is dissatisfied with the testing procedure.

Title II: Provides for the publication of a compendium which will list all drugs available in the United States by both generic and brand names. Such a compendium would include, for each drug, the drug's purpose, side effects, dosages available, cost, as well as other relevant information. As such a compendium could eliminate the need for inserts with full prescribing information now required, the cost of the compendium would be borne by the drug industry. Supplements will be issued from time to time to keep the compendium as up-to-date as possible, and it is also provided that all drug labeling and advertising must conform with the information found in the compendium.

Title III: Establishes a committee which will compile a formulary of drugs necessary for good medical practice, for purposes of direct procurement by the Federal Government and reimbursement for all Government financed programs, indicating the best drug available for each therapeutic category, in order to assist the physician in his prescribing of medication.

Title IV: Gives the Secretary of Health, Education and Welfare the authority to require batch-by-batch certification of all drugs—when needed—which will include provisions prescribing standards and identity of strength, quality and purity, tests and methods to determine compliance with such standards, and other measures necessary for the public good.

Title V: Prohibits the distribution of sample drugs without the written request of the physician. Furthermore, the sale of sample drugs, either directly or indirectly, is prohibited.

Title VI: Is a general section providing that (1) potentially dangerous drugs will be labeled with the appropriate warning; (2) labeling of drugs will be required so that all active ingredients will be clearly labeled; (3) no drug salesman shall make any oral presentation regarding any drug until he has placed before the physician or pharmacist an FDA approved document about the drug; and (4) the Secretary of HEW shall approve all advertising in advance that appears in either the electronic media, or in any publication or advertising circular, for any drug. The Secretary will approve only advertising which does not mislead or misrepresent the product, either in text or layout.

Title VII: Is designed to protect the American public against excessively high and discriminatory prices for drugs through mandatory licensing of drug patents at a reasonable royalty.

By Mr. BAKER:

S. 967. A bill to authorize appropriations for certain transportation projects in accordance with title 23 of the United States Code, and for other purposes. Referred to the Committee on Public Works.

ADMINISTRATION HIGHWAY BILL

Mr. BAKER. Mr. President, I send to the desk the administration's proposal to continue and broaden the Federal-aid highway program, entitled the "Federal-aid Highway and Public Transportation Act of 1973," and ask that it be appropriately referred. The bill will, I know, be received by the Committee on Public Works as both timely and helpful in its deliberations on the scope of new highway legislation.

This bill is timely because the Subcommittee on Roads, chaired by the distinguished Senator from Texas (Mr. BENTSEN), begins its markup tomorrow on S. 502 and other proposals for new highway legislation.

This bill does not come to the Senate unexpectedly. Secretary Brinegar of the Department of Transportation testified before the Subcommittee on Roads earlier this month, on February 15. During that testimony, he laid out the principles that are incorporated in this new legislation. He spoke, for example, most persuasively on the need to broaden the concept of the highway trust fund so as to allow metropolitan areas the flexibility they need in meeting urban transportation requirements.

With this bill now in hand, and with 4 days of hearings behind us, I am confident that the Committee on Public Works will act expeditiously to bring new highway legislation before the Senate. This is vital. Each day of delay means that we are likely to miss another day of the spring and summer construction season in many areas of the Nation.

I would point out that the administration also supports passage of Senate Concurrent Resolution 6, which I introduced on January 23, and which is cosponsored by the distinguished chairman of the Committee on Public Works (Mr. RANDOLPH) and several other Senators.

This resolution would allow apportionment of fiscal 1974 funds already authorized for the Interstate Highway System, without having to await final passage of a more comprehensive highway bill.

As Secretary Brinegar said in his testimony before the Roads Subcommittee:

> We believe that Senate Concurrent Resolution 6 is not a substitute for a comprehensive bill. Its purpose is simply that of alleviating the situation in those States where highway authorizations are curently running short. It will permit the continuation, without unneeded interruption, of Interstate construction, and at the same time will allow Congress to develop comprehensive highway and public transportation legislation.

Mr. President, I ask unanimous consent that a copy of the "Federal-Aid Highway and Public Transportation Act of 1973" be printed at this point in the RECORD, together with a section-by-section analysis of the bill.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SEC. 101. This act may be cited as the "Federal-Aid Highway and Public Transportation Act of 1973".

REVISION OF AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM

SEC. 102. Section 108(b) of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1975, and the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1976" and inserting in lieu thereof the following: "the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1974, the additional sum of $3,150,000,000 for the fiscal year ending June 30, 1975, the additional sum of $3,000,000,000 for the fiscal year ending June 30, 1976, the additional sum of $3,000,000,000 for the fiscal year ending June 30, 1977, the additional sum of $3,000,000,000 for the fiscal year ending June 30, 1978, the additional sum of $3,000,000,000 for the fiscal year ending June 30, 1979, and the additional sum of $1,357,000,000 for the fiscal year ending June 30, 1980".

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation is authorized to make the apportionment for fiscal years 1974, 1975, and 1976 of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of House Public Works Committee Print Number 92–29.

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

SEC. 104. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "twenty years'" and inserting in lieu thereof "twenty-four years'" and by striking out "June 30, 1976" and inserting in lieu thereof "June 30, 1980".

(b)(1) The introductory phrase and the second and third sentences of section 104(b)(5) of title 23, United States Code, are amended by striking out "1976" each place it appears and inserting in lieu thereof at each such place "1980".

(2) Section 104(b)(5) is further amended by striking out the sentence preceding the last three sentences and inserting in lieu thereof the following: "Upon the approval of the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for fiscal years 1974, 1975 and 1976. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1975. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for fiscal years 1977 and 1978. The Secretary shall make a final revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1977. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for fiscal years 1979 and 1980. Whenever the Secretary, pursuant to this subsection, requests and receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives."

AUTHORIZATIONS

SEC. 105. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, out of the Highway Trust Fund, $1,000,000,000 for each of the fiscal years 1974, 1975, and 1976.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, $1,100,000,000 for fiscal year 1974, $1,200,000,000 for fiscal year 1975, and $1,350,000,000 for fiscal year 1976.

(3) For forest highways, out of the Highway Trust Fund, $33,000,000 for each of the fiscal years 1975 and 1976.

(4) For public lands highways, out of the Highway Trust Fund, $16,000,000 for each of the fiscal years 1975 and 1976.

(5) For the Federal-aid Indian reservation road and bridge system, out of the Highway Trust Fund, $60,000,000 for the fiscal year 1974, and $75,000,000 for each of the fiscal years 1975 and 1976.

(6) For carrying out section 215(a) of title 23, United States Code—

(A) for the Virgin Islands, not to exceed $1,500,000 for fiscal year 1974, and not to exceed $2,000,000 for each of the years 1975 and 1976.

(B) for Guam, not to exceed $1,500,000 for fiscal year 1974, and not to exceed $2,000,000 for each of the fiscal years 1975 and 1976.

(C) for American Samoa, not to exceed $500,000 for fiscal year 1974, and not to exceed $1,000,000 for each of the fiscal years 1975 and 1976.

Sums authorized by this paragraph shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(7) For carrying out section 319(b) of title 23, United States Code (relating to landscaping and scenic enhancement), out of the Highway Trust Fund $3,000,000 for each of the fiscal years 1975 and 1976.

(8) For necessary administrative expenses in carrying out section 131, section 136, and section 319(b) of title 23, United States Code, out of the Highway Trust Fund, $1,300,000 for each of the fiscal years 1974, 1975, and 1976.

(9) Nothing in the first six paragraphs of this section shall be construed to authorize the appropriation of any sums to carry out section 131, 136, 319(b), or chapter 4 of title 23, United States Code.

(b) Any State which has not completed Federal funding of the Interstate System within its boundaries shall receive at least one-half of one percentum of the total apportionment for each of the fiscal years 1974, 1975, and 1976 under section 104(b)(5) of title 23, United States Code, or an amount equal to the actual cost of completing such funding, whichever amount is less.

DEFINITIONS

SEC. 106. Section 101(a) of title 23, United States Code, is amended as follows:

(1) The definition of the term "construction" is amended by striking out "Coast and Geodetic Survey" and by inserting in lieu thereof: "National Oceanic and Atmospheric Administration".

(2) The definition of "rural areas" is amended to read:

"The term 'rural areas' means all areas of a State not included in urbanized areas."

(3) The definition of "urbanized areas" is amended to read:

"The term 'urbanized area' means an area so designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urbanized area designated by the Bureau of the Census."

(4) The definition of the term "urban area" is amended by inserting immediately after "State highway department" the following: "and appropriate local officials in cooperation with each other".

FEDERAL-AID SYSTEMS

SEC. 107. (a) Section 103(b) of title 23, United States Code, is redesignated as section 103(b)(1) and a new section 103(b)(2) is added to read as follows:

"(b)(2) After June 30, 1975, the Federal-aid primary system shall consist of an adequate system of arterial routes in rural areas important to interstate, statewide, or regional travel. The Federal-aid primary system shall be designated by each State, subject to the approval of the Secretary as provided in subsection (f) of this section."

(b) Section 103(c) of title 23, United States Code, is redesignated as section 103(c)(1) and a new section 103(c)(2) is added to read as follows:

"(c)(2) After June 30, 1975, the Federal-aid secondary system shall consist of major collector routes in rural areas. The Federal-aid secondary system shall be designated by each State and appropriate local officials in cooperation with each other, subject to the approval of the Secretary as provided in subsection (f) of this section."

(c) Section 103(d) of title 23, United States Code, is amended to read as follows:

"(d) The Federal-aid urban system shall be located in urbanized areas and consist of arterial and collector routes, and other significant local routes. The routes on the Federal-aid urban system shall be designated by the appropriate local officials, after consultation with the State, and in accordance with section 134 of this title. Designation of the system shall be subject to the approval of the Secretary as provided in subsection (f) of this section. If a State does not have an urbanized area, or part thereof, it may designate routes on the Federal-aid urban system for its largest urban area, based upon a continuing planning process developed cooperatively by State and local officials and approved by the Secretary. Funds authorized to be appropriated for the Federal-aid urban system are eligible for expenditure on any Federal-aid highway route within an urbanized area."

(d) Section 103(e) of title 23, United States Code, is amended by adding at the end thereof the following:

"(4) In addition to the provisions of paragraph (2) of the subsection, the Secretary may, at any time prior to July 1, 1974, upon the joint request of a State and the local governments concerned, withdraw his approval of any route or portion thereof on the Interstate System within that State selected and approved in accordance with this title prior to the enactment of this paragraph, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by such route or portion thereof. After the Secretary has withdrawn his approval of any such route or portion thereof, a sum equal to the Federal share of the cost of such route or portions thereof, based upon the 1972 Interstate cost estimate, shall be available for projects on any Federal-aid system within that State, including projects authorized by section 142 of this title. The Federal share for projects substituted under this paragraph shall be determined in accordance with the provisions of section 120 of this title applicable to the Federal-aid system of which the substitute project is a part.

(e) Section 103(g) of title 23, United States Code, is amended to read as follows:

"(g) The Secretary, on July 1, 1974, shall remove from designation as a part of the Interstate System any segment of the System for which a State has not established a schedule for the expenditure of funds for completion of construction of such segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System, and with respect to which the State has not satisfied the Secretary that such schedule will be met. The Secretary, on July 1, 1976, shall remove from designation as a part of the Interstate System any segment of the System with respect to which a State has not submitted plans, specifications, and estimates for approval. No segment of the Interstate System removed under authority of this subsection shall thereafter be designated as a part of the Interstate System.

APPORTIONMENT

SEC. 108. Section 104 of title 23, United States Code, is amended as follows:

(1) The introductory part of subsection (b) is amended by striking out "deduction authorized by subsection (a) of this section" and inserting in lieu thereof "deductions authorized by subsections (a) and (d) of this section".

(2) Subsection (b)(1) is amended to read as follows:

"(1) For the Federal-aid primary system:

"One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the total population of each State outside of urbanized areas, or parts thereof, bears to the total population of all the States outside of urbanized areas, or parts thereof, as shown by the latest available Federal census; one-third in the ratio which the mileage in each State of rural delivery routes and intercity mail routes where service is performed by motor vehicles bears to the total mileage in all the States of such rural delivery and intercity mail routes at the close of the next preceding calendar year, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary. No State shall receive less than one-half of one percent of each year's apportionment. If a State does not have an urbanized area, or part thereof, the population of its largest urban area shall be excluded from the population totals computed under this paragraph."

(3) Subsection (b)(2) is amended to read as follows:

"(2) For the Federal-aid secondary system:

"In accordance with the needs of such system as determined by each State from funds apportioned to the State under paragraph (1) of this subsection, but not less than 10 per centum nor more than 30 per centum of those funds."

(4) Subsection (b)(6) is amended to read as follows:

"(6) For the Federal-aid urban system:

"In the ratio which the population in urbanized areas, or parts thereof, in each State bears to the total population in urbanized areas, or parts thereof in all the States as shown by the latest available Federal census. If a State does not have an urbanized area, or part thereof, the population of its largest urban area shall be included in the population totals computed under this paragraph."

(5) Subsections (c), (d), and (f) are repealed; subsection (e) is redesignated as subsection (c); and a new subsection (d) is added as follows:

"(d) On or before January 1 next preceding the commencement of each fiscal year, the Secretary shall set aside not to exceed one-half per centum of the funds authorized to be appropriated for expenditure upon the Federal-aid systems for that fiscal year for the purpose of carrying out the requirements of section 134 of this title, and apportion that amount to the States in the manner provided by subsection (b)(6) of this section. The funds apportioned to a State under this paragraph shall be allocated within the State to the agencies responsible for carrying out the provisions of section 134 of this title according to a formula developed by the State and approved by the Secretary. In deriving a formula under this paragraph, the State shall take into consideration such factors as population, status of planning, and metropolitan area transportation needs. Funds made available to a State under this paragraph shall be matched by the State in accordance with section 120(a) of this title unless the Secretary determines that the interests of Federal transportation programs would be served better without such matching."

PROGRAM APPROVAL

SEC. 109. Section 105(d) of title 23, United States Code, is amended to read as follows:

"(d) In approving programs for projects on the Federal-aid urban system, the Secretary shall require that such projects be selected by the appropriate local officials, after consultation with the State, in accordance with section 134 of this title. Urban area traffic operations improvement programs and fringe and corridor parking facilities authorized by sections 135 and 137, respectively, of title 23, United States Code, shall be given full consideration in the selection of projects on the Federal-aid urban system."

ADVANCE ACQUISITION OF RIGHTS-OF-WAY

SEC. 110. (a) The last sentence of section 108(a) of title 23, United States Code, is amended by striking out "seven years" and inserting in lieu thereof "ten years".

(b) The first sentence of section 108(c)(3) of title 23, United States Code, is amended by striking out "seven years" and inserting in lieu thereof "ten years".

SIGNS ON PROJECT SITE

SEC. 111. The last sentence of section 114(a) of title 23, United States Code, is amended to read as follows: "After July 1, 1973, the State highway department shall not erect on any project where actual construction is in progress and visible to highway users any informational signs other than official traffic control devices conforming with standards developed by the Secretary."

CERTIFICATION ACCEPTANCE

SEC. 112. (a) Section 117 of title 23, United States Code, is amended to read as follows:

§ 117. Certification acceptance

"(a) The Secretary may discharge any of his responsibilities under this title relative to projects on the Federal-aid systems, except the Interstate System, upon the request of any State, by accepting a certification of its capability to perform such responsibilities, if he finds that such projects will be carried out in accordance with State laws, regulations, directives, and standards establishing requirements at least equivalent to those contained in, or issued pursuant to, this title.

"(b) The Secretary shall make a final inspection of each such project upon its completion and shall require an adequate report of the estimated and actual cost of construction as well as such other information as he determines necessary.

"(c) The procedure authorized by this section shall be an alternative to that otherwise prescribed in this title. The Secretary shall promulgate such guidelines and regulations as may be necessary to carry out this section.

"(d) Acceptance by the Secretary of a State's certification under this section may be rescinded by the Secretary within his discretion.

"(e) Nothing in this section shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d), et seq.), title VIII of the Act of April 11, 1968 (P.L. 90–284, 42 U.S.C. 3601 et. seq.), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601, et seq.), other than this title.

(b) The analysis of chapter 1 of title 23, United States Code, is amended by striking out

"117. Secondary road responsibilities."

and inserting in lieu thereof the following:

"117. Certification acceptance.".

PUBLIC HEARINGS

SEC. 113. Section 128(a) of title 23, United States Code, is amended by adding the following at the end thereof:

"The Secretary shall also require with the submission of plans for a Federal-aid project an assurance that all steps have been taken as required pursuant to guidelines issued by the Secretary to foster and ensure public participation in the planning of the project before and after the public hearings required by this subsection."

FERRIES

SEC. 114. The last subsection of section 129 of title 23, United States Code, is redesignated as subsection (g) and paragraph (5) of that subsection is amended to read as follows:

"(5) Such ferry may be operated only within the State (including among the islands which comprise the State of Hawaii) or between adjoining States. Except with respect to operations between the islands which comprise the State of Hawaii and operations solely between the States of Alaska and Washington, no part of such a ferry operation shall be in any foreign or international waters."

CONTROL OF OUTDOOR ADVERTISING

SEC. 115. (a) The first sentence of section 131(b) of title 23, United States Code, is amended by inserting after "main traveled way of the system," the following: "and Federal-aid highway funds apportioned after the date of enactment of the Federal-Aid Highway and Public Transportation Act of 1973 to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are six hundred and sixty feet or more from the nearest edge of the right-of-way, outside of incorporated cities and villages, and visible from the main traveled way of the system".

(b) Section 131(c) of title 23, United States Code, is amended to read as follows:

"(c) Effective control means that such signs, displays, or devices, shall after January 1, 1968, if located within six hundred and sixty feet of the right-of-way, and after July 1, 1974, or after the expiration of the next regular session of the State legislature, whichever is later, if located six hundred and sixty feet or more from the right-of-way, be limited to (1) directional and official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section, (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, and (3) signs, displays, and devices advertising activities conducted on the property on which they are located."

(c) Section 131(e) of title 23, United States Code, is amended to read as follows:

"(e) Any nonconforming sign under State law enacted to comply with this section shall be removed no later than the end of the fifth year after it becomes nonconforming, except as determined by the Secretary."

(d) Section 131(f) of title 23, United States Code, is amended by inserting the following after the first sentence:

"The Secretary shall also, in consultation with the States, provide within the rights-of-way of other roads on the Federal-aid highway system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained."

(e) Section 131(g) of title 23, United States Code, is amended by striking out the first sentence and inserting the following in lieu thereof:

"Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law prior to the date of enactment of the Federal-Aid Highway and Public Transportation Act of 1973."

(f) Section 131(m) of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury, not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $2,000,000 for fiscal year 1970, not to exceed $27,000,000 for fiscal year 1971, not to exceed $20,500,000 for fiscal year 1972, and not to exceed $50,000,000 for fiscal year 1973, and, out of the Highway Trust Fund, $55,000,000 for each of the fiscal years 1975 and 1976. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

TRANSPORTATION PLANNING IN CERTAIN URBANIZED AREAS

SEC. 116. Section 134(a) of title 23, United States Code, is amended by striking the second and third sentences and inserting in lieu thereof the following:

"To accomplish this objective the Secretary shall cooperate with the States as authorized in this title, in the development of transportation plans and programs which are formulated with due consideration to their probable effect on the future development of urbanized areas. The Secretary shall not approve under section 105 of this title any program for projects in any urbanized area unless he finds (1) that such projects result from a continuing comprehensive transportation planning and programing process conducted by the local governments with consultation and participation by the State, and (2) that all reasonable measures have been taken to permit, encourage, and assist public participation in the planning and programing process. This process shall serve as the basis for assigning priorities and allocating funds for projects on the Federal-aid urban system. A project may not be constructed or implemented in any urbanized area unless the responsible public officials of the area in which the project is located have been consulted and their views considered with respect to the corridor, the location, and the design of the project."

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 117. Section 135(c) of title 23, United States Code, is repealed and section 135(d) is relettered as subsection (c), including any references thereto.

CONTROL OF JUNKYARDS

SEC. 118. (a) Section 136(j) of title 23, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "Just compensation shall be paid by the owner for the relocation, removal, or disposal of junkyards lawfully established under State law prior to the date of enactment of the Federal-Aid Highway and Public Transportation Act of 1973."

(b) Section 136(m) of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $3,000,000 for each of the fiscal years 1970, 1971, and 1972, not to exceed $5,000,000 for fiscal year 1973, and out of the Highway Trust Fund, not to exceed $7,000,000 for each of the fiscal years 1975 and 1976. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

PRESERVATION OF PARKLANDS

SEC. 119. Section 138 of title 23, United States Code, is amended (1) by striking out "lands" in the first sentence and inserting in lieu thereof "areas (including water)", and (2) by striking out "lands" and "land" whereever thereafter appearing therein and inserting in lieu thereof "areas" and "area", respectively.

TRAINING PROGRAMS

SEC. 120. Section 140(b) of title 23, United States Code, is amended by striking out in the second sentence "and 1973" and inserting in lieu thereof", 1973, 1974, and 1975".

PUBLIC TRANSPORTATION

SEC. 121. (a) Section 142 of title 23, United States Code, is amended to read as follows:

"§ 142. Public mass transportation

"(a) To encourage the development, improvement, and use of public mass transportation systems for the transportation of passengers within urbanized areas, so as to increase the efficiency of the Federal-aid systems, sums apportioned in accordance with section 104(b)(6) of this title shall be available to finance the Federal share of the cost of construction and acquisition of facilities and equipment for public mass transportation projects. For purposes of this subsection, the term 'public mass transportation' means ground transportation which provides general or special service (excluding schoolbus, charter, and sightseeing service) to the public on a regular and continuing basis, and includes activities designed to coordinate such service with other transportation. Projects which may be financed under this subsection include, but are not limited to, exclusive or preferential bus lanes, highway traffic control devices, passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities to serve bus, rail, and other public mass transportation passengers, the construction of fixed rail facilities, and the purchase of passenger equipment, including rolling stock for fixed rail facilities. Projects financed under this subsection may also include exclusive or preferential truck and emergency vehicle routes or lanes.

"(b) To encourage the development, improvement, and use of public transportation systems for the transportation of passengers in urban areas and rural areas designated by the States and approved by the Secretary on the basis of local transportation need, so as to increase the efficiency of the Federal-aid systems, sums apportioned in accordance with paragraphs (1) and (2) of section 104(b) of this title shall be available to finance the Federal share of the costs of projects for highway traffic control devices, passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities to serve bus and other public transportation passengers, and for the purchase of passenger equipment other than rolling stock for fixed rail facilities.

"(c) To encourage the development, improvement, and use of public transportation systems for the transportation of passengers in such urban areas and rural areas as may be designated by the States and approved by the Secretary on the basis of local transportation need, so as to increase the efficiency of the Federal-aid systems, sums apportioned in accordance with section 104(b)(5) of this title shall be available to finance the Federal share of the costs of projects for the construction of exclusive or preferential bus lanes, highway traffic control devices, passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers. Projects financed under this subsection may also include exclusive or preferential truck and emergency vehicle routes or lanes. Routes constructed under this subsection shall not be subject to the third sentence of section 109(b) of this title.

"(d) The establishment of routes and schedules of such public mass transportation systems in urbanized areas shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of title 23, United States Code.

"(e) For the purpose of this title, a project authorized by subsections (a), (b), or (c) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be determined in accordance with the provisions of section 120 of this title applicable to the Federal-aid system involved.

"(f) No public mass transportation project authorized by this section shall be approved unless the Secretary of Transportation is satisfied that public mass transportation systems will have adequate capability to utilize fully the proposed project and to maintain and operate properly any equipment acquired under this section.

"(g) In the acquisition of equipment pursuant to subsections (a) and (b) of this section, the Secretary shall require that such equipment meet the standards prescribed by the Administrator of the Environmental Protection Agency under section 202 of the Clean Air Act, as amended, and shall authorize, whenever practicable, that such equipment meet the special criteria for low-emission vehicles set forth in section 212 of the Clean Air Act, as amended.

"(h) The provisions of chapters 1 and 3 of title 23, United States Code, shall apply in carrying out the provisions of this section except with respect to projects within urban areas as to which the Secretary determines the provisions of the Urban Mass Transportation Act of 1964, as amended, are more appropriately applicable."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by striking out

"142. Urban highway public transportation."

and inserting in lieu thereof

"142. Public Mass Transportation."

AVAILABILITY OF URBAN SYSTEM FUNDS

SEC. 122. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 145. Availability of urban system funds

"(a) Funds apportioned to a State under section 104(b)(6) of this title which are attributable to urbanized areas having a population of 400,000 or more, or parts thereof, shall be allocated among such urbanized areas, or parts thereof, within the State in the ratio that the population of the State within each such urbanized area, or part thereof, bears to the population of all such urbanized areas, or parts thereof, within the State. However, such funds shall be available for expenditure in another urbanized area within such State if the responsible public officials in both urbanized areas agree to such availability.

"(b) In any case where an agency is created for an urbanized area having a population of 400,000 or more, funds allocated to the urbanized area under this section shall be available to that agency. An agency shall be considered to exist for an urbanized area if (1) it has been created (A) under State law by the local unit or units of general purpose governments within the urbanized area which represent at least 75 per centum of the total population of the area and includes the political subdivision with the largest population in the urbanized area, or (B) by the State or States involved; and (2) it has adequate powers and is suitably equipped and organized to plan and carry out projects on the Federal-aid urban system. The agency may delegate the authority to carry out projects to appropriate State, metropolitan, or local agencies.

"(c) In the event that cooperation between the States is necessary in order to realize the full benefit of provisions of this section, the consent of Congress is given to the States to enter into agreements."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by inserting at the end thereof the following:

"145. Availability of urban system funds."

BICYCLE TRANSPORTATION, PEDESTRIAN WALKWAYS, AND EQUESTRIAN TRAILS

SEC. 123. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 146. Bicycle transportation, pedestrian walkways, and equestrian trails

"(a) Sums apportioned in accordance with section 104(b) of this title shall be available to finance the Federal share of the cost of projects for the acquisition or construction of separate or preferential bicycle lanes, pedestrian walkways, and equestrian trails on or in conjunction with highway and other rights-of-way, including overpasses and underpasses, traffic control devices, shelters, and bicycle parking facilities. Projects authorized under this section shall be located and designed pursuant to an overall plan which provides due consideration for safety and contiguous routes.

"(b) For purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be that provided in section 120(a) of this title.

"(c) Funds authorized and appropriated for forest highways, forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the Department charged with the administration of such funds, for the construction of bicycles, pedestrian, and equestrian routes in conjunction with such trails, roads, highways, and parkways.

"(d) Except for maintenance or emergency purposes, no motorized vehicles shall be permitted on paths, trails, or walkways authorized under this section."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by inserting at the end thereof the following:

"146. Bicycle transportation, pedestrian walkways, and equestrian trails."

FEDERAL-AID INDIAN RESERVATION ROAD AND BRIDGE SYSTEM

SEC. 124. (a) Section 208 of title 23, United States Code, is amended to read as follows:

"Sec. 208. Federal-aid Indian reservation road and bridge system

"(a) The Federal-aid Indian reservation road and bridge system shall consist of roads and bridges that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government on which Indians reside whom the Secretary of the Interior has determined to be eligible for services generally available to Indians under Federal laws specifically applicable to Indians. The Federal-aid Indian reservation road and bridge system shall be designated by the Secretary and the Secretary of the Interior in conformity with regulations jointly developed. No road or bridge on the Federal-aid Indian reservation road and bridge system shall also be a route on any other Federal-aid system.

"(b) Funds available for the Federal-aid Indian reservation road and bridge system shall be used for the cost of construction and improvement thereof. In connection therewith, the Secretary may enter into construction contracts and such other contracts with a State or civil subdivision thereof as he deems advisable.

"(c) All appropriations for the Federal-aid Indian reservation road and bridge system shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

"(d) The Secretary shall transfer to the Secretary of the Interior from appropriations for the Federal-aid Indian reservation road and bridge system such amounts as may be needed to cover necessary administrative expenses of the Bureau of Indian Affairs in connection with the Federal-aid Indian reservation road and bridge program.

"(e) Construction estimated to cost $15,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than $15,000 per mile, or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary on his own account. For such purposes, the Secretary may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help in connection with such work, Provided, That the Secretary shall employ Indian labor to the greatest extent possible in carrying out work done on his own account.

"(f) Indian labor may be employed in such construction and improvement under such rules and regulations as may be prescribed by the Secretary of the Interior.

"(g) Cooperation of States, counties, or other local subdivisions may be accepted in such construction and improvement, and any funds, received from a State, county, or local subdivision shall be credited to appropriations available for the Federal-aid Indian reservation road and bridge system."

(b) The analysis of chapter 2 of title 23, United States Code, is amended by striking out "208. Indian reservation roads" and inserting in lieu thereof the following:

"208. Federal-aid Indian reservation road and bridge system."

(c) Section 202 of title 23, United States Code, is amended by adding a new subsection (d) as follows:

"(d) Sums authorized to be appropriated for the Federal-aid Indian reservation road and bridge system shall be allocated by the Secretary of the Interior."

(d) Subsection (a) of section 101 of tile 23, U.S.C., is amended as follows:

(1) After the definition of the term "Federal-aid urban system" add the following new paragraph: "The term 'Federal-aid Indian reservation road and bridge system' means the Federal-aid highway system described in section 208 of this title."

(2) The definition of the term "Federal-aid highways" is amended to read as follows: "The term 'Federal-aid highways' means highways located on one of the Federal-aid systems described in sections 103 and 208 of this title."

(e) The Secretary, in cooperation with the Secretary of the Interior, the States, counties and Tribal Councils, shall conduct a full and complete investigation and study of the Federal-aid Indian reservation road and bridge system including, but not limited to, a functional highway classification study of such routes and reports to Congress his recommendations resulting from such investigation and study not later than July 1, 1974, including an estimate of the cost of such a program. Funds authorized to carry out section 307 of this title are authorized to be used to carry out the investigation and study required by this subsection.

PUBLIC TRANSPORTATION IN NATIONAL FORESTS AND PARKS

SEC. 125. (a) Section 204(f) of title 23, United States Code, is amended to read as follows:

"(f) Funds available for forest highways shall be available for adjacent vehicular parking areas, for sanitary, water, and fire control facilities, and for passenger loading areas and facilities and the purchase of buses to provide interpretive or shuttle transportation services as an alternative means of transportation."

(b) Section 206 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) Funds available for park roads and trails shall be available for adjacent vehicular parking areas and for passenger loading areas and facilities and the purchase of buses to provide interpretive or shuttle transportation services as an alternative means of transportation."

RESEARCH AND PLANNING

SEC. 126. Section 307(c) of title 23, United States Code, is amended to read as follows:

"(c)(1) One and one-half per centum of the sums apportioned for each fiscal year beginning with fiscal year 1974 to any State under section 104(b) of this title shall be available to the State with the approval of the Secretary for expenditure only for engineering and economic surveys and investigations; for the planning of transportation programs and the financing thereof, including associated land use planning; for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof; and for research and development necessary in connection with the planning, design, construction, and maintenance of highways and transportation systems, and the regulation and taxation of their use.

"(c)(2) In addition to the percentage provided in paragraph (1) of this subsection, not to exceed one-half of one per centum of the sums apportioned for each fiscal year beginning with fiscal year 1974 to any State under section 104(b) of this title shall be available to the State upon its request for the purposes enumerated in paragraph (1) of this subsection, including demonstration projects in connection with such purposes.

"(c)(3) Sums made available under this subsection shall be matched by the State in accordance with section 120 of this title unless the Secretary determines that the interests of the Federal-aid highway program would be served better without such matching."

DEMONSTRATION PROJECT—RAIL CROSSINGS

SEC. 127. (a) Section 322(c) of title 23, United States Code, is amended to read as follows:

"(c)(1) If the highway involved is on any Federal-aid system, the Federal share of the cost of such work shall be 100 per centum.

"(2) If the highway involved is not on any Federal-aid system, the Federal share of the cost of such work shall be 90 per centum and the remaining 10 per centum of such cost shall be paid by the State in which such crossing is located."

(b) Section 322(f) of title 23, United States Code, is amended by striking out "$9,000,000" and "$22,000,000" and inserting in lieu thereof "$20,000,000" and "$32,000,000." respectively.

(c) The amendments made by this section shall take effect with respect to all obligations incurred after January 1, 1971.

TECHNICAL AMENDMENTS

SEC. 128. Title 23, United States Code, is amended as follows:

(a) Section 101(a) is amended by striking out "Secretary of Commerce" and inserting in lieu thereof "Secretary of Transportation".

(b) Section 109(g) is amended by striking out "Rct" and inserting in lieu thereof "Act".

(c) Section 126(a) and 310 are amended by striking out "Commerce" each place it appears and inserting in lieu thereof "Transportation".

(d) The heading of section 303 is amended to read: "Administration organization".

(e) Sections 308(b), 312, and 314 are amended by striking out "Bureau of Public Roads" each place it appears and inserting in lieu thereof "Federal Highway Administration".

(f) Section 309 is amended by striking out "Bureau of Public Roads" and inserting in lieu thereof "Department of Transportation".

(g) Sections 312 and 314 are amended by striking out "Commerce" each place it appears and inserting in lieu thereof "Transportation".

INCREASED FEDERAL SHARE—EFFECTIVE DATE

SEC. 129. Section 108(b) of the Federal-Aid Highway Act of 1970 is amended to read as follows:

"(b) The amendments made by subsection (a) of this section shall take effect with respect to all obligations incurred after June 30, 1973, except for projects on which Federal funds were obligated on or before that date."

SECTION-BY-SECTION ANALYSIS

Section 101. Short title.

This section provides that the bill may be cited as the "Federal-Aid Highway and Public Transportation Act of 1973".

Section 102. Revision of authorization of appropriations for interstate system.

This section provides authorizations for the Interstate highway program through fiscal year 1980 in the following amounts: for fiscal year 1974, $3.25 billion; for fiscal year 1975, $3.15 billion; for each of the fiscal years 1976 through 1979, $3 billion; and for fiscal year 1980, $1.047 billion.

Section 103. Authorization of use of cost estimate for apportionment of interestate funds.

This section provides for the use of the apportionment factors contained in revised table 5 of the 1972 Interstate System Cost Estimate (House Public Works Committee Print No. 92–29) for the apportionment of Interstate System funds authorized to be appropriated for fiscal years 1974, 1975, and 1976.

Section 104. Extension of time for completion of system.

This section extends the time for completion of the Interstate System until June 30, 1980, and directs the Secretary to submit to Congress a revised Interstate System Cost Estimate in January 1975 for apportionment of Interstate System funds for fiscal years 1977 and 1978, and a final Interstate System Cost Estimate in January of 1977 for apportionment of Interstate System funds for fiscal years 1979 and 1980.

Section 105. Authorizations.

This section authorizes the appropriations out of the Highway Trust Fund of the following sums: for each of the fiscal years 1974, 1975, and 1976, for the Federal-aid primary system in rural areas, $1 billion; for the Federal-aid urban system, $1.1 billion for fiscal year 1974, $1.2 billion for fiscal year 1975, and $1.35 billion for fiscal year 1976. There is no separate authorization for the Federal-aid secondary system in rural areas. However, section 108 of the bill revises the apportionment formula in 23 U.S.C. 104(b) to provide for meeting the needs of that system out of monies for the primary system.

In addition to the authorizations for the Federal-aid systems, the bill also continues funds for forest highways, public lands highways, and Indian reservation roads and bridges. For the first tie, the funds for Indian reservation roads and bridges will come out of the Highway Trust Fund. Funds for forest highways and public lands highways will come from the trust fund in accordance with the practice established in the 1970 Federal-Aid Highway Act. The authorizations for these highways are as follows:

[In millions]

Category	1974	1975	1976
Forest highways		33	33
Public lands highways		16	16
Federal-aid Indian reservation road and bridge system	60	75	75

This section also authorizes $3 million for each of the fiscal years 1975 and 1976 for landscaping and scenic enhancement; $1.3 million for each of the fiscal years 1974, 1975, and 1976 for the administrative expenses of the beautification program; and continues the territorial highway program established in the 1970 Act with authorizations to the territories in the following amounts:

[In millions]

Category	1974	1975	1976
Virgin Islands	1.5	2	2
Guam	1.5	2	2
American Samoa	.5	1	1

Funds authorized for the Federal-aid primary system, the urban system, and other purposes specified in the first six paragraphs of this section could not be used to carry out highway beautification programs under sections 131, 136, and 319(b) of title 23 or safety programs under Chapter 4 of title 23. Those programs are financed under separate authorizations.

Each State which has not completed Federal funding of the Interstate System within its boundaries would receive at least one-half of one percent of the total apportionment for the Interstate System for each of the fiscal years 1974, 1975 and 1976, or an amount equal to the actual cost of completing such funding, whichever amount is less.

Section 106. Definitions.

This section contains a number of changes to the definitions in 23 U.S.C. 101(a). First, it makes a conforming amendment to the definitions of the term "construction" to change the reference to the "Coast and Geodetic Survey" to its current name "National Oceanic and Atmospheric Administration."

The definition of "rural areas" would be changed to mean all areas of a State not included in urbanized areas.

The definition of "urbanized area" would be changed to allow responsible State and local officials, in cooperation with each other, and subject to approval by the Secretary to fix urbanized area boundaries which, as a minimum, are required to encompass the entire urbanized area designated by the Bureau of the Census.

The term "urban area" is amended to require the participation of appropriate local officials in the establishment of the boundaries of an urban area.

Section 107. Federal-aid systems.

This section contains a number of amendments to the provisions of Federal-aid systems contained in 23 U.S.C. 103. It requires the realignment by June 30, 1975, of the Federal-aid primary and secondary systems. The primary system would be redefined to consist of an adequate system of arterial routes in rural areas important to interstate, statewide, or regional travel. The system would be designated by each State subject to the Secretary's approval. The secondary system would consist of major collector routes in rural areas and be designated by each State and appropriate local officials in cooperation with each other, subject to the Secretary's approval. Effective on the date the bill is enacted, the urban system is redefined to consist of arterial and collector routes, and other significant local routes within urbanized areas. They would be designated by appropriate local officials after consulting with the State, subject to the Secretary's approval. Selection of urban routes shall be in accordance with the planning process of 23 U.S.C. 134. It a State does not have an urbanized area, or part thereof, it could designate routes on the urban system for its largest urban area. Funds authorized for the urban system would be eligible for expenditure on any Federal-aid highway route within an urbanized area.

Section 107 would also amend section 103 (e) of title 23 to provide that at any time prior to July 1, 1974, upon the joint request of a State and the local government concerned, the Secretary could withdraw his approval of any controversial Interstate segment if he determines that it is not essential to the completion of a unified and connected Interstate System. However, the Secretary must receive assurances that the State does not intend to construct a toll road in the traffic corridor which the removed segment would have served. After the Secretary withdraws his approval of any controversial Interstate segment within a State, dollar-for-dollar substitution of Interstate mileage based on the 1972 Interstate cost estimate would be permitted for any project on any Federal-aid system within that State, including Interstate substitution and also mass transportation projects authorized by proposed new section 142 of title 23. Any sums made available by this amendment would have to be matched in accordance with the provision of 23 U.S.C. 120 applicable to the particular Federal-aid system involved. This amendment to section 103(e) would provide authority in addition to that authority respecting the transfer of Interstate routes already contained in section 103(e)(2) of title 23.

Section 107 also amends section 103 to require the Secretary on July 1, 1974, to remove Interstate segments from designation as a part of the Interstate System where a State has not established a construction schedule urban system would be eligible for expenditure on any Federal-aid highway route within an urbanized area.

Section 107 would also amend section 103 (e) of title 23 to provide that at any time prior to July 1, 1974, upon the joint request of a State and the local government concerned, the Secretary could withdraw his approval of any controversial Interstate segment if he determines that it is not essential to the completion of a unified and connected Interstate System. However, the Secretary must receive assurances that the State does not intend to construct a toll road in the traffic corridor which the removed segment would have served. After the Secretary withdraws his approval of any controversial Interstate segment within a State, dollar-for-dollar substitution of Interstate mileage based on the 1972 Interstate cost estimate would be permitted for any project on any Federal-aid system within that State, including Interstate substitutions and also mass transportation projects authorized by proposed new section 142 of title 23. Any sums made available by this amendment would have to be matched in accordance with the provision of 23 U.S.C. 120 applicable to the particular Federal-aid system involved. This amendment to section 103(e) would provide authority in addition to that authority respecting the transfer of Interstate routes already contained in section 103(e)(2) of title 23.

Section 107 also amends section 103 to require the Secretary on July 1, 1974, to remove Interstate segments from designation as a part of the Interstate System where a State has not established a construction schedule within the period of availability of funds authorized to be appropriated for completion of the Interstate System and where the Secretary has not received assurances that such schedule will be met. Further, it would require the Secretary to remove any Interstate segment for which plans and specifications have not been submitted for approval by July 1, 1976. No segment removed under these provisions could thereafter be designated as a part of the Interstate System.

Section 108. Apportionment.

This section would amend the Federal-aid primary apportionment formula in section 104(b) of title 23 to substitute the total population outside of urbanized areas for general population. It also amends the formula to reflect the fact that the Postal Service no longer uses star routes; the mileage of rural delivery routes and inter-city mail routes where service is performed by motor vehicles is substituted in lieu of the star routes. Also, the population of the largest urban area in a State not having an ubranized area is excluded from the population totals computed in connection with the primary apportionment formula.

This section also amends the Federal-aid secondary formula to permit States to meet the needs of that system from funds apportioned for the Federal-aid primary system. However, not less than 10 percent nor more than 30 percent of the funds apportioned to a State for the primary system would be available to the State for the secondary system.

The Federal-aid urban formula is amended to provide for the inclusion in the population totals of the largest population center of each State that does not have an urbanized area.

This section repeals subsections (c), (d), and (f) of section 104 respecting the use of apportionments for one Federal-aid system for projects on another system, and adds a new subsection which would make funds available to agencies responsible for carrying out the planning provisions of 23 U.S.C. 134. Each year, the Secretary shall set aside for this purpose not to exceed one-half of one percent of the funds authorized to be appropriated for expenditure on the Federal-aid systems for that fiscal year. The funds would be apportioned to the States according to the formula for the apportionment of Federal-aid urban system funds under 23 U.S.C. 104(b)(6). The distribution of planning funds within a State would be based on a formula developed by each State and approved by the Secretary.

Section 109. Program approval.

This section modifies 23 U.S.C. 105(d) to require that projects on the Federal-aid urban system be selected by appropriate local officials after consultation with the State and in accordance with the 23 U.S.C. 134 planning process. Presently projects must be selected by the appropriate local officials and the State highway department in cooperation with each other. Further, in approving Federal-aid urban system projects

TOPICS and fringe and corridor parking projects (23 U.S.C. 135 and 137) shall be given full consideration in selecting projects on the urban system.

Section 110. Advance acquisition of rights-of-way.

This section amends 23 U.S.C. 108(a) to extend from seven to ten years the allowable time period within which highway construction must begin following the advance purchase of rights-of-way.

Section 111. Signs on project sites.

This amendment to 23 U.S.C. 114(a) would, after July 1, 1973, prohibit any informational signs, other than official traffic control devices, from being erected on any highway projects where actual construction is in progress and where visible to highway users.

Section 112. Certification acceptance.

This section amends section 117 of title 23, United States Code, by broadening its scope to cover all Federal-aid systems except the Interstate System. Upon the request of a State, the Secretary may discharge his responsibilities under title 23 relative to projects by accepting a certification of the capability of the State to perform such responsibilities, if he finds that projects will be carried out in accordance with State laws, regulations, directives and standards establishing requirements at least equivalent to those required under title 23. The Secretary would be required to make a final inspection of such projects upon their completion and require an adequate report of the estimated and actual cost of construction and such other information as he determines necessary. The acceptance of the State's certification by the Secretary could be rescinded by him at any time. The procedure provided by this section is an alternative to that otherwise prescribed in title 23 and the Secretary is required to promulgate such guidelines and regulations as may be necessary to carry out the section. Nothing in the amendment affects or discharges the responsibility or obligation of the Secretary under the National Environmental Policy Act of 1969, section 4(f) of the Department of Transportation Act, title VI of the Civil Rights Act of 1964, title VIII of P.L. 90–284 relating to fair housing, and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970.

Section 113. Public hearings.

This section amends 23 U.S.C. 128(a) to require that when plans are submitted for a Federal-aid project, assurance be given that all steps have been taken under guidelines issued by the Secretary to foster and ensure public participation in the planning of the project before and after the required public hearings.

Section 114. Ferries.

This section amends 23 U.S.C. 129 to allow ferries financed under title 23 to travel in international waters when operating between the islands which comprise the State of Hawaii and when operating solely between the States of Alaska and Washington. Existing law provides that such ferries shall be operated only within a State or between adjoining States, and that no part of its operation may be in any foreign or international waters.

Section 115. Control of outdoor advertising.

This section would make a number of changes in the provisions on the control of outdoor advertising in 23 U.S.C. 131. The present 660-foot limit on the control of signs along the Interstate and primary systems would be eliminated. After the date of enactment of the bill, the 10 percent penalty provision in section 131 could be imposed on States which do not remove signs beyond 660 feet which are outside of incorporated cities and villages and "visible from the main traveled way".

Unless determined otherwise by the Secretary, signs that are not in conformity with State law would have to be removed no later than five years after they become nonconforming.

The present authority of the Secretary to provide standards for the erection along the Interstate System of signs providing specific information for the traveling public would be expanded to cover other Federal-aid highway systems.

Just compensation would be paid for the removal of all outdoor advertising signs which have been lawfully erected under State law prior to the date of enactment of the bill.

Not to exceed $55,000,000 is authorized to be appropriated from the Highway Trust Fund for each of the fiscal years 1975 and 1976 for purposes of outdoor advertising control.

Section 116. Transportation planning in certain urbanized areas.

This section amends 23 U.S.C. 134, relating to comprehensive planning, to require the Secretary to cooperate with the States in the development of transportation plans and programs which are formulated with due consideration to their probable effect on the future development of urbanized areas. No projects could be approved under section 105 of title 23 in any urbanized area unless the Secretary finds (1) that such projects result from a continuing comprehensive transportation planning and programming process conducted by local governments with consultation and participation by the State, and (2) that all reasonable measures have been taken to permit public participation in the planning and programming process. The assignment of priorities and allocation of funds for urban system projects shall be based on this process. Responsible public officials in an area of a project must be consulted and their views considered with respect to the corridor, location, and design of a project before it may be constructed or implemented in any urbanized area.

Section 117. Urban area traffic operations improvement program.

This section repeals section 23 U.S.C. 135(c) (apportionment of sums for the Urban Area Traffic Operations Improvement Program).

Section 118. Control of junkyards.

This section amends 23 U.S.C. 136(j) to require that just compensation be paid for removing, relocating, or disposing of junkyards lawfully established under State law prior to the date of enactment of the bill. It also authorizes $7 million out of the Highway Trust Fund for each of the fiscal years 1975 and 1976 for junkyard control.

Section 119. Preservation of parklands.

This section amends section 23 U.S.C. 138, regarding parkland preservation, to protect publicly owned water recreation areas and historic water areas of national, State or local significance, as well as pubic lands.

Section 120. Training programs.

This section amends 23 U.S.C. 140(b) to extend authorizations for the highway construction training program for two years through fiscal year 1975. Five million dollars would be provided for each of the fiscal years 1974 and 1975.

Section 121. Public transportation.

This section inserts a new section 142 to title 23 requesting public transportation projects. In order to encourage the development of public mass transportation systems in urbanized areas and to increase the efficiency of the Federal-aid systems, this section would authorize the use of funds apportioned to each State for the Federal-aid urban system to finance the Federal share of the costs of public mass transportation projects, defined to mean ground transportation providing general or special service (excluding school bus, charter, and sightseeing service) to the public on a regular and continuing basis. Included within the scope of the projects are exclusive or preferential bus lanes, highway traffic control devices, passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities to serve bus, rail, and other public mass transportation passengers; the construction of fixed rail facilities; and the purchase of passenger equipment, including rolling stock for fixed rail facilities.

To encourage the development of public transportation systems for the transportation of passengers in urban and rural areas, the section also authorizes the use of funds apportioned to each State for the Federal-aid primary and secondary systems to finance the Federal share of the costs of projects for highway traffic control devices, passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities to serve bus and other public transportation passengers, and for the purchase of passenger equipment other than rolling stock for fixed rail facilities.

Also, funds apportioned to each State for the Interstate System are authorized to finance the Federal share of projects for the construction of exclusive or preferential bus lanes, highway traffic control devices, passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities to serve bus and other public transportation passengers.

Any project authorized by this section would be deemed to be a highway project with the Federal share payable according to the provision of 23 U.S.C. 120 applicable to the Federal-aid system involved.

The Secretary could not approve any public mass transportation projects under this section unless he is satisfied that public mass transportation systems will have adequate capability to utilize fully the proposed project and to maintain and operate properly any equipment acquired.

Buses purchased under this section would have to meet emission standards prescribed by the Environmental Protection Agency under section 202 of the Clean Air Act and, wherever practicable, special criteria for low emission vehicles set forth in section 212 of that Act. The provisions of chapters 1 and 3 of title 23 would apply in carrying out the provisions of this section except where the Secretary determines that the provisions of the Urban Mass Transportation Act of 1964, as amended, are more appropriately applicable.

Section 122. Availability of urban system funds.

This section adds a new section 145 to title 23 respecting the availability of urban system funds for urbanized areas having a population of 400,000 or more. Urban system funds apportioned to any State attributable to these urbanized areas would be allocated among such urbanized areas within the State in the ratio that the population of the State within each such area bears to the population of all such urbanized areas within the State. Such funds would be available for expenditure within such urbanized areas for projects on the urban system including public mass transportation projects authorized by revised section 142. Computations under this provision for a State are to include funds and population attributable to its portion of urbanized areas overlapping State boundaries.

In any case where an agency is created for such an urbanized area for the purpose of planning and carrying out projects on the urban system, funds allocated to the urbanized area under this section would be made available to that agency. The bill does not require such agencies to be formed.

For purposes of this section, an "agency" would be considered to exist for an urbanized area (including those comprised of territory in more than one State) if (1) it was created (A) under State law by the local unit or units of general purpose government within the urbanized area which represent at least 75 percent of the total urbanized area population, and includes the political subdivision with the largest population in the urbanized area, or (B) by the State or States involved; and (2) it is suitably empowered, equipped, or organized to plan and carry out projects on the urban system. Projects could be implemented through delegation of authority to appropriate agencies at the State, metropolitan, or local level.

Section 123. Bicycle transportation, pedestrian walkways, and equestrian trials.

This section adds a new section 146 to title 23 respecting the development of routes for bicycles, pedestrians, and equestrians. Sums appropriated for the Federal-aid highway systems would be available for the acquisition or construction of such routes located on or in conjunction with highway or other appropriate rights-of-way. Funds could also be used to finance the construction of traffic control devices, shelters, and bicycle parking facilities. Projects authorized under this program would have to be located and designed according to an overall plan providing for safety and for contiguous routes.

Funds authorized and appropriated for forest highways, forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads and public lands highways would also be available for such projects at the discretion of the Department charged with the administration of such programs.

Except for maintenance or emergency purposes, no motorized vehicle would be permitted on trails and walkways authorized under this section.

Section 124. Federal-aid Indian reservation road and bridge system.

This section revises 23 U.S.C. 208 to establish a new Federal-aid highway system. Routes eligible for inclusion on that system would be limited to roads on Indian reservations which are not on any other Federal-aid highway system. The system would be designated jointed by the Secretary of Transportation and the Secretary of the Interior under regulations they would develop jointly. Sums authorized for the new Federal-aid system would be allocated by the Secretary of the Interior in a manner consistent with the exercise of his trust responsibility to the Indians. This section also requires the Secretary of Transportation, in cooperation with the Secretary of the Interior, the States, counties, and the Indian tribal councils to conduct a study and investigation of this new Federal-aid system, including a functional highway classification study and a cost estimate, by July 1, 1974.

Section 125. Public transportation in national forests and parks.

This section amends 23 U.S.C. 204 and 206 to permit funds authorized for forest highways and park roads and trials to be made available for the purchase of buses to provide interpretive and shuttle transportation services in national parks and forests as an alternative to private automobile transportation, and for the construction of passenger loading facilities and parking areas.

Section 126. Research and planning.

This section amends 23 U.S.C. 307(c) to permit the financing of research and planning for transportation programs. As presently drafted, section 307(c) is limited to research and planning for highway programs. Beginning with fiscal year 1974, one and one-half percent of the sums apportioned for each fiscal year to a State under section 104 (b) would be available only for such research and planning.

In addition, not to exceed one-half of one percent of such sums would be available upon the request of a State for such purposes, including demonstration projects in connection therewith.

Section 127. Demonstration project—rail crossings.

This section would eliminate the requirement in 23 U.S.C. 322 for ten per centum participation by the railroads involved in the demonstration projects authorized by that section, and it would increase the authorization of funds for the section. The section contains a provision making the resulting higher Federal share applicable retroactively to all agreements entered into by a State or railroad on or after January 1, 1971, so that contribution already agreed to or made by the individual States and railroads would be eligible for reimbursement with Federal funds.

Section 128. Technical amendments.

Several minor technical amendments are made throughout title 23 to conform language to previous organizational changes and to correct a typographical error.

Section 129. Increased Federal share—Effective date.

This section amends section 108(b) of the Federal-Aid Highway Act of 1970 to increase the Federal share payable on account of any non-Interstate project from 50 percent to 70 percent with respect to all obligations incurred after June 30, 1973, except for projects for which Federal funds were obligated on or before that date.

By Mr. SPARKMAN (for himself,
Mr. Tower, and Mr. Weicker):

S. 968. A bill to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, I am today introducing for myself and Senators Tower and Weicker, a bill to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations.

A similar provision was included as an amendment to S. 3248, the Housing and Urban Development Act of 1972 which passed the Senate on March 2, 1972. Unfortunately, action was not completed.

Section 1 of this bill declares the findings of Congress to be that Federal savings and loan associations and national banks need authority to help finance State housing corporations established under State law. The purpose of the bill is to supply the means for private financial institutions to provide housing, particularly for low- and moderate-income families. It would empower Federal savings and loan associations and national banks to purchase stock of and to invest in loans to State housing corporations situated in the same State as the investing institutions.

Section 2 of this bill would amend the Homeowner's Loan Act of 1933 to authorize Federal savings and loan associations to invest in or make loans and loan commitments to State-chartered housing corporations on conditions similar to their present authority to perform these functions with reference to State-chartered business development credit corporations. An example of the type of State housing corporation that could benefit from the provisions of this amendment is one contemplated under a legislative proposal passed by the Florida Legislature. Aimed at producing housing for primarily low- and moderate-income families, the initial capital would be supplied by stock purchases by financial institutions in the State.

Under this amendment only Federal savings and loan associations having general reserves, surplus and undivided profits in excess of 5 percent of their savings accounts would be permitted to make use of this investment and loan authority. The limit on their stock investments in all such corporations would be one-fourth of 1 percent of their assets. The limit on their uninsured loan investment—including commitments—in all such corporations would be 1 percent of their loans.

Section 3 of this bill would amend section 24 of the National Bank Act—Revised Statutes, section 5136—to authorize any national bank to purchase for its own account stock issued by State housing corporations incorporated in the State where the national bank is located and to invest in loans or commitments for loans to such corporations, in an aggregate amount at any one time not exceeding 5 percent of the bank's capital stock actually paid in and unimpaired, plus 5 percent of the bank's unimpaired surplus fund.

An example of the type of State housing corporation that could benefit from the provisions of this section is one being formed under legislation recently passed by the Florida Legislature. The purpose of that corporation is to provide capital to be furnished by commercial banks, savings and loan associations, and insurance companies in the State of Florida.

This section is patterned after section 911 of the HUD Act of 1968, which authorizes national banks to purchase for their own account shares of stock issued by the National Corporation for Housing Partnerships and to invest in any partnership, limited partnership, or joint venture formed with the corporation under applicable State or local law for the purpose of engaging in low- and moderate-income housing developments.

The importance of this section would be to provide additional means of providing housing for low- and middle-income families in a particular State by use of private capital supplied by financial institutions in that State.

Mr. President, we are all aware of the tremendous need in our Nation for housing for low- and moderate-income families. We are also mindful that the primary holdup to providing decent housing for these families is basically a matter of providing an adequate supply of financing. These amendments would provide one more tool for tackling the problems of additional financing for adequate housing for our people of low and moderate incomes by pooling the vast resources of private financial institutions. The President's recently imposed moratorium on funds for housing subsidy programs for low- and moderate-income families is based on the theory that these programs are inadequate and too costly to the Government. Alternate means are available, he says, to lower the economic impact of these programs. I believe this proposal is one method of financing which, if used, will decrease the need for direct expenditures for housing purposes by the Government.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD at this point in my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND PURPOSE

SECTION. 1. The Congress finds that Federal savings and loan associations and national banks should have the authority to assist in financing the organization and operation of any State housing corporation established under the laws of the State in which the corporation will carry on its operations. It is the purpose of this Act to provide a means whereby private financial institutions can assist in providing housing, particularly for families of low or moderate income, by purchasing stock of and investing in loans to any such State housing corporation situated in the particular State in which the Federal savings and loan association or national bank involved is located.

FEDERAL SAVINGS AND LOAN ASSOCIATIONS

SEC. 2. Section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) is amended by adding at the end thereof the following new paragraph:

"Without regard to any other provisions of this subsection, any such association whose general reserves, surplus and undivided profits aggregate a sum in excess of 5 per centum of its withdrawable accounts is authorized to invest in, to lend to, or to commit itself to lend to any State housing corporation incorporated in the State in which the head office of such association is situated, in the same manner and to the same extent as the statutes of such State authorize a savings and loan association organized under the laws of such State to invest in, to lend to, or commit itself to lend to such State housing corporation, but the aggregate amount of such investments, other than loans and loan commitments, of any such association outstanding at any time shall not exceed one-fourth of 1 per centum of the total assets of such association, and uninsured loans and commitments of any such association outstanding at any time shall not exceed 1 per centum of the total outstanding loans made or purchased by such association."

NATIONAL BANKS

SEC. 3. Paragraph Seventh of section 5136 of the Revised Statutes (12 U.S.C. 24) is amended by adding at the end thereof the following: "Notwithstanding any other provision of this paragraph, the association may purchase for its own account shares of stock issued by any State housing corporation incorporated in the State in which the association is located and may make investments in loans and commitments for loans to any such corporation: *Provided*, That in no event shall the total amount of such stock held for its own account and such investments in loans and commitments made by the association exceed at any time 5 per centum of its capital stock actually paid in and unimpaired plus 5 per centum of its unimpaired surplus fund."

By Mr. HRUSKA (for himself and Mr. ERVIN):

S. 969. A bill relating to the constitutional rights of Indians. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, for myself and for the senior Senator from North Carolina (Mr. ERVIN), I send to the desk a bill relating to the constitutional rights of Indians. This bill would amend section 1341 of title 25, United States Code, to authorize the appropriation of funds for the printing of several items relating to the constitutional rights of American Indians. Section 1341, part of the Civil Rights Act of 1968, authorized and directed the Secretary of the Interior to revise and update a document entitled "Indian Affairs, Laws, and Treaties" and to have the revised document printed at the Government Printing Office; to revise and republish the treaties entitled "Federal Indian Law"; to have prepared a compilation of official opinions of the Solicitor of the Department of the Interior concerning Indian affairs and to have this compilation printed as a Government publication at the Government Printing Office.

Section 1341 contained an authorization for appropriation of necessary sums "with respect to the preparation, but not including printing" of these three items. The bill I submit now would authorize the printing of these items.

After several years of work and operating under congressional appropriation of about $100,000, the Solicitor's office of the Department of the Interior is now nearing completion of the preparation for printing of "Indian Affairs, Laws, and Treaties." There will be a total of seven volumes, including two entirely new ones. These are, for all intents and purposes, ready to go to the printer. The compilation of Solicitor's opinions also is about ready to go to the printer. I am convinced that the printing of these items would be of great benefit to Indians.

Furthermore, work on the revision of the treaties, "Federal Indian Law," has begun. The 1968 Civil Rights Act also authorized and directed the Secretary of Interior to recommend to the Congress a model code governing the administration of justice by courts on Indian reservations. With regard to both of these items, drafts will be prepared and circulated among Indians and other interested parties for comment and advice during the coming fiscal year. This printing also would be authorized by the change in the 1968 act which this bill would effectuate.

The Department of Interior estimates that the total cost of printing all of this material will be about $310,000 for fiscal 1974. This amount is included in the Department's fiscal 1974 budget. The Department of the Interior supports this legislation. The Department of Justice has no objection to enactment of this legislation and the Office of Management of Budget has advised that there is no objection from the standpoint of the administration's program.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 969

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 701 of title VII of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes", approved April 11, 1968, is amended to read as follows:

"(c) There is authorized to be appropriated for carrying out the provisions of this title such sum as may be necessary.".

By Mr. STEVENS (for himself and Mr. GRAVEL):

S. 970. A bill to deal with the current energy crisis and the serious shortages of petroleum products facing the Nation and to authorize construction of the trans-Alaska pipeline. Referred to the Committee on Interior and Insular Affairs.

THE TRANS-ALASKA PIPELINE AUTHORIZATION ACT OF 1973

Mr. STEVENS. Mr. President, today I am introducing a bill on behalf of myself and my colleague from Alaska (Mr. GRAVEL) that will permit the construction of the trans-Alaska pipeline. This extremely important project for the Nation will require congressional authorization if it is to be started this year.

Unfortunately, the project has been mired in litigation for several years. The project has been pending before the executive branch since 1969. Over $400 million has been expended on it thus far. The environmental impact statement alone has cost the American taxpayers $10 million.

The adverse ruling by the U.S. Court of Appeals for the District of Columbia Circuit on Friday, February 9, will have disastrous effects on the project unless Congress acts now. Because that decision was based on the narrowest technical grounds of section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), the earliest a final decision could be reached by the courts is probably over a year away. And that is over a year after Congress acts to satisfy the technical portion of the decision. Additionally, construction on the pipeline will take 3 years. If construction is begun this year, the cost will be approximately $3 billion. The annual rise in cost will be $200 to $300 million per year for each year the project is delayed.

These costs, as most such costs, must unfortunately be borne by consumers across the country. The demand for energy is projected to increase nationwide twofold by 1985. Consumers in many States are already feeling the pinch. Several States have already experienced serious fuel oil shortages. State governments across the country have called on Congress to solve the crisis.

Our bill will do that. Section 3 of the Trans-Alaska Pipeline Authorization Act of 1973, which we are introducing, will authorize the construction of the pipeline and all related facilities. It declares all permit applications and related documents to be in accordance with applicable Federal laws. It further authorizes and directs the Secretary of the Interior to issue all the necessary documents and grant the necessary real property interests for the pipeline and related facilities.

Section 4 of the bill declares that the environmental impact statement is in accord with the National Environmental Policy Act of 1969.

Section 5 declares that any Federal administrative decision on actions under this legislation shall not be subject to judicial review. The Federal courts would be divested of jurisdiction over the trans-Alaska pipeline.

Mr. President, the critical shortage of petroleum today, coupled with the uncertainty of foreign supplies, and the fact that other power sources, such as nuclear power and oil shale are possibilities only in the distant future, make congressional approval of the pipeline an immediate necessity. I intend to urge congressional enactment of this bill as quickly as possible.

Mr. President, we realize full well that this is a bill which goes to the extreme. It goes to the extreme to meet an extreme necessity—one that will bring to the United States domestic oil for domestic markets, and eliminate the problem of the continual deficit in our balance of payments caused by purchasing ever-increasing amounts of foreign oil.

I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Trans-Alaskan Pipeline Authorization Act of 1973."

SEC. 2. The Congress hereby finds that:

(a) The United States is currently experiencing a critical shortage of petroleum supplies;

(b) This shortage has resulted in the closure of schools and factories, created unemployment in many regions of the country, and disrupted truck, rail, and air transportation systems;

(c) reliance upon imported oil products to fill the growing gap between domestic supply and increasing demand is not in the best interests of the United States and is creating a serious national security problem and a critical imbalance in the Nation's balance of payments;

(d) the action of Canada in restricting crude oil imports into the United States and the announced policy of other exporting nations to limit oil production makes clear that the United States must take immediate action to increase domestic petroleum sources and provide the necessary transportation systems to bring domestic oil to the American consumer.

SEC. 3. Notwithstanding any other provision of law, the trans-Alaska pipeline (as set forth in the right-of-way permit application or applications submitted to the Secretary of the Interior by Alyeska Pipeline Corporation and all related documents) is hereby authorized, and such permit application and related documents are deemed to be in accordance with applicable federal law. The Secretary of the Interior is authorized and directed to issue, in accordance with such permit application or applications, a right-of-way permit granting such easements, rights, and interests as are necessary for the construction of the trans-Alaska pipeline.

SEC. 4. The Congress finds and declares that the statement prepared by the Secretary of the Interior pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 with respect to the granting of a permit for the trans-Alaska pipeline meets the requirements of such Act.

SEC. 5. Any finding, determination, or decision of the Secretary of the Interior, or any other Federal official of any agency, with respect to the legal authority to permit the construction of the trans-Alaska pipeline, shall be final and shall not be subject to review in any court of the United States.

SEC. 6. The Secretary of the Interior is authorized to issue such regulations as he may determine necessary to enable him to carry out the provisions of this Act.

By Mr. BARTLETT (for himself and Mr. BELLMON):

S.J. Res. 67. Joint resolution to provide for the striking of medals in commemoration of Jim Thorpe. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BARTLETT. Mr. President, today I have introduced a joint resolution to authorize the U.S. Mint to strike medals in commemoration of the outstanding achievements of Jim Thorpe—the world's greatest athlete.

Jim Thorpe is a legend not only in Oklahoma, his birthplace, or in America, his homeland, but throughout the world. His prowess in baseball, football, track, and field go unsurpassed today.

The Jim Thorpe Memorial Athletic Hall of Fame Commission annually presents an award to the outstanding young athlete in Oklahoma. The sale of the medals authorized by this bill will enable this commission to make the award nationally and aid in the construction of a permanent Jim Thorpe museum. The commission will fully reimburse the Government for any cost in striking the medals.

I ask unanimous consent that the joint resolution be printed in full in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 67

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the outstanding achievements of Jim Thorpe as an athlete and as a great American the Secretary of the Treasury is authorized and directed to strike and furnish to the Jim Thorpe Memorial—Oklahoma Athletic Hall of Fame Commission not more than one hundred thousand medals with suitable emblems, devices, and inscriptions to be determined by the Secretary after consultation with the Commission. The medals, which may be disposed of by the Commission at a premium, shall be delivered at such times as may be required by the Commission in quantities of not less two thousand. The medals are national medals within the meaning of Section 3551 of the Revised Status (31 U.S.C. 368).

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such costs.

SEC. 3. The medals authorized to be struck and delivered under this Act shall be of such size or sizes and of such various metals as shall be determined by the Secretary of the Treasury in consultation with the Commission.

SEC. 4. No medals shall be made under the authority of this Act after December 31, 1974.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 7

At the request of Mr. RANDOLPH, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 7, a bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes.

S. 39

At the request of Mr. CANNON, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 39, to amend the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy, and for other purposes.

S. 198

At the request of Mr. HANSEN, the Senator from Alaska (Mr. STEVENS), the Senator from Arizona (Mr. FANNIN), the Senator from Utah (Mr. BENNETT), the Senator from Utah (Mr. MOSS), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 198, to amend the Internal Revenue Code to encourage an increase in the production of coal.

S. 199

At the request of Mr. HANSEN, the Senator from Alaska (Mr. STEVENS), the Senator from Arizona (Mr. FANNIN), the Senator from Utah (Mr. BENNETT), the Senator from Utah (Mr. MOSS), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 199, to amend the Internal Revenue Code to encourage the development and utilization of methods and devices to convert coal and oil shale to low pollutant synthetic fuels by allowing rapid amortization of expenditures incurred in construction facilities for such purposes.

S. 316

At the request of Mr. JACKSON, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 316, a bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the national wilderness preservation system, and for other purposes.

S. 394

At the request of Mr. HUMPHREY, the Senator from Missouri (Mr. SYMINGTON) was added as a cosponsor of S. 394, to amend the Rural Electrification Act to reaffirm that such funds be made available for each fiscal year to carry out the programs provided for in such acts be fully obligated in said year, and for other purposes.

S. 416

At the request of Mr. ALLEN, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 416, the Equal Educational Opportunities Act of 1973.

S. 418

At the request of Mr. BELLMON, the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), and the Senator from Arkansas (Mr. FULBRIGHT) were added as cosponsors of S. 418, to amend the Consolidated Farm and Rural Development Act of 1972.

S. 499

At the request of Mr. FANNIN, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 499, to amend the National Labor Relations Act to guarantee the right of employers to an election without requiring proof of lack of majority.

S. 500

At the request of Mr. FANNIN, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 500, to amend the National Labor Relations Act to achieve reform of the provisions against recognition picketing, and for other purposes.

S. 501

At the request of Mr. FANNIN, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 501, to amend the National Labor Relations Act with respect to election of representatives.

S. 608

At the request of Mr. KENNEDY, the Senator from Idaho (Mr. CHURCH), and the Senator from Delaware (Mr. BIDEN), were added as cosponsors of S. 608, a bill to provide certain retirement and pay allowances to members of the Armed Forces and Federal employees who were in a missing status for any period during the Vietnam conflict.

S. 619

At the request of Mr. ALLEN, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 619, the Uniform Criteria Act of 1973.

S. 653

At the request of Mr. BELLMON, the Senator from Montana (Mr. METCALF) was added as a cosponsor of S. 653, to insure the separation of powers by prohibiting the impoundment of funds from the Highway Trust Fund.

S. 710

At the request of Mr. FANNIN, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 710, to prohibit fines for crossing unlawful picket lines.

S. 711

At the request of Mr. FANNIN, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 711, to amend the National Labor Relations Act with respect to election of representatives.

S. 712

At the request of Mr. FANNIN, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 712, to amend the national emergency provisions of the Labor-Management Relations Act, 1947, so as to provide for dissolution of injunctions thereunder only upon settlement of disputes.

S. 713

At the request of Mr. FANNIN, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 713, to provide for strike ballots in certain cases.

S. 783

At the request of Mr. CHILES, the Senator from South Dakota (Mr. McGOVERN), the Senator from Montana (Mr. MANSFIELD), the Senator from Illinois (Mr. STEVENSON), the Senator from Oregon (Mr. PACKWOOD), the Senator from Utah (Mr. MOSS), the Senator from New York (Mr. JAVITS), and the Senator from Wyoming (Mr. McGEE) were added as cosponsors of S. 783, to establish the Everglades-Big Cypress National Recreation Area in the State of Florida.

S. 798

At the request of Mr. BURDICK, the Senator from Indiana (Mr. BAYH) and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of S. 798, a bill to reduce recidivism by providing community-centered programs of supervision and services for persons charged with offenses against the United States, and for other purposes.

S. 800

At the request of Mr. HUMPHREY, he was added as a cosponsor of S. 800, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the compensation of innocent victims of violent crime in financial stress; to make grants to the States for the payment of such compensation; to authorize an insurance program and death benefits to dependent survivors of public safety officers; to strengthen the civil remedies available to victims of racketeering activity and theft; and for other purposes.

S. 835

At the request of Mr. HUMPHREY, the Senator from New Hampshire (Mr. McINTYRE) and the Senator from Alaska (Mr. GRAVEL) were added as cosponsors of S. 835 a bill entitled "Full Social Security Benefit Act of 1973."

S.J. RES. 13

At the request of Mr. HARRY F. BYRD, JR., the name of the Senator from Georgia (Mr. TALMADGE) was added as a cosponsor of Senate Joint Resolution 13, proposing an amendment to the Constitution of the United States with respect to the reconfirmation of judges after a term of 8 years.

S.J. RES. 27

At the request of Mr. TALMADGE, the Senator from North Carolina (Mr. ERVIN) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of Senate Joint Resolution 27, proposing an amendment to the Constitution of the United States to provide that, in except in time of war or economic emergency declared by the Congress, expenditures of the Government may not exceed the revenues of the Government during any fiscal year.

S.J. RES. 28

At the request of Mr. ALLEN, the Senator from Nevada (Mr. BIBLE) and the Senator from Georgia (Mr. NUNN) were added as cosponsors of Senate Joint Resolution 28, proposing an amendment to the Constitution to prohibit the assignment of children to public schools on the basis of race, creed, or color.

S.J. RES. 54

At the request of Mr. HATFIELD, the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Illinois (Mr. STEVENSON), the Senator from California (Mr. CRANSTON), the Senator from South Dakota (Mr. ABOUREZK), and the Senator from Alaska (Mr. GRAVEL) were added as cosponsors of Senate Joint Resolution 54.

SENATE RESOLUTION 68—SUBMISSION OF A RESOLUTION RELATING TO ESTABLISHMENT OF DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND THE PEOPLE'S REPUBLIC OF CHINA

(Referred to the Committee on Foreign Relations.)

Mr. KENNEDY. Mr. President, I send to the desk for appropriate reference a Senate Resolution calling for the prompt establishment of full diplomatic relations between the United States and the People's Republic of China.

At this time of so much hopeful progress in official and private contacts and discussions between our two Governments, on the eve of the anticipated announcement of Dr. Kissinger's progress report on the results of his most recent visit to Peking, it is especially appropriate for the Senate and the Congress to go on record as favoring the largest possible forward step in American policy toward China while the opportunity is so ripe—the establishment of full diplomatic relations between our two nations, allowing the exchange of ambassadors to take place immediately.

To me, a policy of the sort that is widely rumored to be in the wind at this time—the formation of a semi-official U.S. trade mission in China, or even the establishment of relations at the consular level—would be too little and too slow.

Perhaps, it will be argued, since progress is so clearly taking place in the ongoing relations between our two Nations, it is enough for now to be content with lesser official arrangements, on the view that they will blossom over time into full diplomatic relations. But I do not think we can afford to take that gamble. The time to establish full diplomatic relations is now, when we have at hand the right atmosphere and conditions to take this giant step.

No one can predict the events and developments in Asia and the world that may arise in coming months and years to disrupt the optimistic atmosphere that exists today between Peking and Washington. Now that the Vietnam war is clearly over, at least for the United States, the current rapid withdrawal of America's presence from Vietnam is removing what China has always seen as a serious threat to her own security and a serious intrusion by the United States into the affairs of Asia.

The current rumors that America will be winding down its military presence on Taiwan in conjunction with the Vietnam withdrawal is another real and immensely symbolic step toward peaceful relations with China. In many other ways, the growing accord at the present time between China and the United States indicates that the time is ripe for the establishment of full diplomatic relations. The rumored expected release of two American fliers whose planes strayed over China during the Vietnam war; the candid recent statement by President Nixon admitting that another American, imprisoned in China since 1950, was actually a CIA agent caught during the Korean war, and not the innocent civilian official we have pretended he was for two decades; the mushrooming trade contacts with China and visits by private citizens to China—all these developments demonstrate that we now have the best opportunity we have ever had to send an American Ambassador to Peking. The opportunity should not pass, and President Nixon, known above all for his bold steps in foreign policy, should not let it pass.

Why, then, do we hang back, and thereby jeopardize this golden opportunity? The answer is Taiwan. The problem, of course, centers upon the future of the government of Chiang Kai-shek and the island he controls. Today, more than 20 years after he left the mainland, the Chiang government still claims to be the government of mainland China. That claim is patently a fiction. The time is long overdue for the United States to accept the reality that Peking is here to stay, that it is a genuinely Chinese government and not a Soviet satellite, and that it, and it alone, controls the 800 million people of mainland China.

Yet, since 1950, the United States has always called the Chiang Kai-shek government on Taiwan the government of China for diplomatic purposes. We have pursued a one China policy—but always it was the wrong China. Now, at last, when we are within reach of our goal of fully embracing a one China policy that has the right China, we cannot allow ourselves to be lured astray by the foolish fiction or the siren call that Taiwan is really the government of China.

To me, the administration has it backward. We ought to have an Ambassador in Peking and be talking about possible lower level official contracts on Taiwan, instead of keeping an Ambassador to a fictitious China in Taiwan and talking about lower level contacts in Peking.

Instead of allowing the dilemma over Taiwan to bar relations with Peking, we should take a more imaginative approach, an approach that gives ample protection to the legitimate interests of the people of Taiwan, yet allows us to establish full relations with Peking. In this way, we can carry out the true spirit of President Nixon's pledge last year, that our action in seeking a new relationship with the People's Republic of China will not be at the expense of our old friends.

The resolution I am introducing today will achieve that purpose. It contains two principal provisions:

First, it calls on our Government to take immediate steps to establish full diplomatic relations with Peking.

Second, as the basis for negotiating such relations, the resolution calls on our Government to adopt four basic principles:

First. We should accept the Government of the People's Republic of China as the sole legitimate government of China.

Second. We should reaffirm the commitments contained in the Cairo Declaration of 1943 and the Potsdam Proclamation of 1945 that the island of Taiwan shall be restored to China.

Third. We should reaffirm the interest of the United States in the peaceful reunification of Taiwan with mainland China.

Fourth. And, we should make a unilateral guarantee of the security of the people on Taiwan until peaceful reunification has been achieved. In this way, we will be able to carry out our defense commitment to the people of Taiwan, even though our specific Mutual Defense Treaty of 1954 with Taiwan as the Republic of China would necessarily lapse, when U.S. relations are established with Peking as the government of China.

Necessarily, of course, the establishment of diplomatic relations with Peking will involve the end of diplomatic relations between the United States and Taiwan. We cannot maintain the fiction of a Two China policy in our own relations with the Chinese people, any more than we could foist such a Two China policy on the United Nations in 1971.

For too long, we have allowed our policy toward Taiwan to be dictated by ephemeral and shadowy symbols, rather than by the reality of conditions in the world. Taiwan will not collapse because our American Ambassador says farewell, any more than Taiwan collapsed because Peking was admitted to the United Nations. No, Taiwan is too strong, especially in the economic area, to be affected by the end of American diplomatic relations. The reality of American policy toward Taiwan is guided now, as it should be for the future, by the fixed star of America's firm commitment to prevent a forcible takeover of Taiwan against the wishes of her people. That is all our policy has to be, and that is all it ought to be.

I wish the facts were otherwise. In our optimism, we always hope that a reasonable solution can be found for every problem, an accommodation for every antagonism. It would be a happy occasion if, by hard work and good will, we could persuade the parties to a civil war that has been raging in one form or another in China for half a century to harmonize their differences.

Yet, our policy cannot be based on wishes and hopes. It must cope with reality. We cannot be naive enough to expect that the complex problems arising from the Chinese Civil War, World War II, the Korean war, and the Vietnam war can all be solved at once, or that America can ever hope to dictate the terms of an accommodation between Peking and Taiwan. The question of the status of Taiwan will take years to clarify. We cannot predict what the future holds in store, but we know that Washington does not have the answer. In the meantime, let us take the steps we can.

One more point should be made. We know that other nations are lining up to establish relations with Peking. Long after the American ping pong visit and Dr. Kissinger's dramatic trip in 1971 broke the ice for many of our allies, Japan began to move toward the establishment of diplomatic relations, and a Japanese Ambassador is now about to arrive in Peking. Other nations have also taken that dramatic step, including many of our closest friends among the democracies of the Western World. Why should America go slow, while other nations pass us by?

Mr. President, I ask unanimous consent that the text of the resolution may be printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Senate Resolution 68

Resolved, That the Senate declares:

1. That the United States should take immediate steps to establish full diplomatic relations with the People's Republic of China;

2. That, as the basis for negotiations to establish such diplomatic relations, the United States should make clear it is prepared:

(a) to recognize the Government of the People's Republic of China as the sole legitimate government of China;

(b) to reaffirm the commitment contained in the Cairo Declaration of 1943 and the Potsdam Proclamation of 1945 that Taiwan shall be restored to China;

(c) to reaffirm the interest of the United States in a peaceful reunification of Taiwan with mainland China; and

(d) to maintain a unilateral guarantee of the security of the people of Taiwan until peaceful reunification has been achieved by the Chinese people themselves.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 11

At the request of Mr. Eastland, the Senator from Virginia (Mr. Scott) and the Senator from Maryland (Mr. Mathias) were added as cosponsors of Senate Congressional Resolution 11, relating to the U.S. fishing industry.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 22

At the request of Mr. Humphrey, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of Senate Resolution 22, a resolution to establish a new Senate rule governing opening meetings of committees and subcommittees.

SENATE RESOLUTION 67

Mr. KENNEDY. Mr. President, I ask unanimous consent that the distinguished Senator from Utah (Mr. Moss) be considered as an original cosponsor of Senate Resolution 67, calling on the President to promote negotiations for a comprehensive test ban treaty. He had indicated his desire to be so listed prior to the original submission of this resolution and was incorrectly left off the list of cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

RATES AND CHARGES OF THE NATURAL GAS ACT—AMENDMENT

AMENDMENT NO. 18

(Ordered to be printed, and referred to the Committee on Commerce.)

Mr. HANSEN. Mr. President, on behalf of the Senator from Texas (Mr. Tower), I submit a technical amendment to S. 371, a bill which the Senator from Texas introduced with cosponsors on January 16, 1973.

The following cosponsors of S. 371, being all of the present cosponsors, have agreed to the amendment:

Mr. BARTLETT, Mr. BELLMON, Mr. DOMENICI, Mr. FANNIN, Mr. HANSEN, Mr. STEVENS, Mr. DOLE, Mr. BENNETT, and Mr. GRAVEL.

I ask unanimous consent that the amendment be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 18

On page 3, lines 8 and 9, delete the following: " . . . if such person is not engaged in (or affiliated with any person engaged in) . . ." and add the following: "whether or not such person is affiliated with any person engaged in".

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 6

At the request of Mr. SCHWEIKER, the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Nevada (Mr. BIBLE), the Senator from Arizona (Mr. FANNIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Montana (Mr. METCALF), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of amendment No. 6 intended to be proposed to the bill (S. 800), the Victims of Crime Act of 1973.

NOTICE OF HEARINGS ON OMNIBUS DISTRICT COURT JUDGESHIPS

Mr. BURDICK. Mr. President, I wish to announce that a continuation of open public hearings have been scheduled before the Subcommittee on Improvements in Judicial Machinery relating to the recommendations made by the Judicial Conference of the United States (S. 597) that an additional 51 judgeships be created in selected judicial districts in the United States.

The hearings will be held in room 2228, Dirksen Office Building, commencing at 10 a.m. on February 27 and 28, 1973.

On February 27, testimony will be received from the chief judges of the Eastern District of Texas, Northern District of Oklahoma and the Eastern District of Tennessee.

On February 28, testimony will be received from the chief judges of the Northern and Southern Districts of Indiana and New Jersey.

Communications relative to these hearings should be directed to the subcommittee staff, 6306 Dirksen Office Building, extension 5-3618.

NOTICE OF HEARING ON A NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing by the full committee has been scheduled for Wednesday, February 28, 1973, at 10:30 a.m., in room 2228, Dirksen Office Building, on the following nomination:

Louis Patrick Gray III, of Connecticut, to be Director, Federal Bureau of Investigation.

Notice is hereby given to all persons requesting to testify on this nomination to file with the committee, in writing, on or before Tuesday, February 27, 1973, any representations or objections they may wish to present.

ANNOUNCEMENT OF HEARINGS ON ISSUES RAISED BY THE OPERATIONS OF MULTINATIONAL CORPORATIONS

Mr. RIBICOFF. Mr. President, I would like to announce that the Subcommittee on International Trade of the Senate Finance Committee will hold hearings on the issues raised by the operations of multinational corporations beginning Monday, February 26, 1973.

The schedule of witnesses is as follows:

SCHEDULE OF WITNESSES

Monday, February 26, Peter M. Flanigan, Executive Director, Council on International Economic Policy and Special Assistant to the President.

Donald M. Kendall, Chairman of the Board of Pepsi Co. Inc., and Chairman, Emergency Committee for Foreign Trade.

Tuesday, February 27, Thomas A. Murphy, Vice Chairman of the Board, General Motors Corporation.

Wednesday, February 28, Frederick Dent, Secretary of Commerce.

Sam Pissar, International lawyer and author.

Thursday, March 1, Gilbert E. Jones, Chairman of the Board, IBM World Trade Corporation.

Leonard Woodcock, President, United Auto Workers Union of America.

Tuesday, March 6, George Meany, President, AFL-CIO.

Perry Wilson, Chairman of the Board, Union Carbide Corporation.

Mr. RIBICOFF. Mr. President, the United States international economic position is undergoing profound change—the devaluation of the dollar, our almost $7 billion past year trade deficit, and our continuing high rate of unemployment demonstrate that new approaches are needed to deal with this new situation.

Of special interest is the emergence of the multinational corporation as a major factor in international production and trade. The production of these companies already accounts for about one-sixth of the gross world product and is growing at a faster rate than total world production.

The multinational firms' unique ability to combine capital, technology, and management from one country, with labor and raw materials from others, has truly internationalized the production process. But grave doubts have been voiced over the nature of these operations and the vast power at the command of these firms. Proponents of the multinational corporation argue that these firms create jobs, expand exports and markets, and help our balance of payments while contributing to the economic development of host countries.

Critics maintain that the operations of the multinational companies pose a threat to the American standard of living, jobs and the industrial base of the United States by transferring technology and production overseas. They point out that capital, management and technology are internationally mobile, while labor clearly is not. They argue that the deterioration of the U.S. position in world trade and our current high rate of unemployment is due, in large measure, to the operation of our multinational firms.

To better understand this matter and what measures should be taken to deal with it, the subcommittee will be seeking answers to the following questions during the hearings:

First. What can be done to improve the competitive position of U.S. industry in world markets and to create additional employment in the United States, and what contributions can multinational companies make to this end?

Two. To what extent do foreign trade barriers and the actions of foreign governments encourage the shift of American productive facilities and technology to other countries, and how should these problems be treated?

Third. What will be the competitive position of our basic manufacturing industries 10 or 20 years from now if our present tax, trade, and antitrust laws continue to be essentially unchanged? What policies should the United States adopt to ease the effects of economic dislocations while seeking improvements in our competitive position in world trade?

Four. Are there realistic alternatives to the solutions embodied in the Hartke-Burke legislation?

NOTICE OF HEARING ON CERTAIN NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, February 28, 1973, at 10:30 a.m., in room 2228 Dirksen Office Building, on the following nominations:

Herbert A. Fogel, of Pennsylvania, to by U.S. district judge, Eastern District of Pennsylvania, vice Ralph C. Body, retired.

Joseph F. Weis, Jr., of Pennsylvania, to be U.S. circuit judge, Third Circuit, vice Abraham L. Freedman, deceased.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN); the Senator from Nebraska (Mr. HRUSKA) and myself as chairman.

NOTICE OF HEARING ON A NOMINATION

Mr. TALMADGE. Mr. President, the Committee on Agriculture and Forestry has scheduled a hearing March 6 on the nomination of Robert W. Long, of California, to be an Assistant Secretary of Agriculture in charge of conservation, research, and education. The hearing will be in room 324 Russell Office Building, beginning at 10 a.m. Anyone wishing to testify should contact the committee clerk as soon as possible.

ADDITIONAL STATEMENTS

THE BUDGET—ADDRESS BY SENATOR HUMPHREY TO WOMEN'S NATIONAL DEMOCRATIC CLUB

Mr. HUMPHREY. Mr. President, on February 15, I spoke to the Women's National Democratic Club, regarding the President's 1974 budget proposal. As I note in my remarks, the more I analyze this budget, the more I find in the way of deception, disengagement, and abandonment of the idea that the purpose of government is to lead the Nation in finding solutions to our problems.

Mr. President, I ask unanimous consent that these remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR HUMPHREY TO WOMEN'S NATIONAL DEMOCRATIC CLUB, ON THE PRESIDENT'S BUDGET

My fellow Democrats, we are hearing a lot these days about the conflict between the President and the Congress. Today, I want to talk about a chief cause of that conflict—unilateral assertion of Presidential will and power, without consultation with the Congress.

Nowhere is such an unconsitutional assertion of Presidential will more evident than in the President's 1974 budget proposal, in which he cuts back and cuts out dozens of programs without asking consent of the Congress.

The more I look at this budget, the more I am convinced that it represents a policy of irresponsibility, deception and disengagement by the Federal government from the critical problems of urban decay and rural poverty.

This policy of disengagement is wrapped, of course, in the rhetorical sheep's clothing of decentralization and local self-determination.

But underneath this jargon is the most cogent expression of Republican do-nothingism that we have seen in recent years. One would not expect to see such an elaborate ideology hidden between the covers of such a tedious document as the budget. But there it is:

Endless rhetoric about spending reform, and none about tax reform.

Endless talk about Congressional overspending—and "a father-knows-best" demand for a budget ceiling of exactly $268.7 billion. (No more, no less, now don't ask any questions, junior.) But no mention of the fact that Congress has consistently reduced President Nixon's budgets.

Lots of talk about federal programs not working, but no data on how effective or ineffective programs actually are.

Lots of talk about self-reliance—but a wholesale dismantling of programs designed to help people become self-reliant—in job training, education, health.

Lots of double talk about increasing funds when programs are actually being phased out, and saving funds when nothing was saved. Look at some of these deceptions in the budget:

Mental health. The administration says it is doubling the funds for Mental Health. And, if you look at the dollar amounts, they are: $604,500,000 for 1973 and $1.2 billion for 1974. What we aren't told is that the President is phasing out Community Mental Health Centers and that all the money for the eight-year phase-out is included in this year's budget. $472 million dollars is supposed to last for eight years. That's deceptive budgeting.

Social services. The administration claims it is saving $2.7 billion from not spending social service money. But Congress enacted that ceiling last year. The extra money Nixon claims he is saving simply does not exist. It is a State "wish list": Never programmed, never allocated.

Pollution control. President Nixon claims he is putting more money into pollution control. But in fact what he is really doing is paying States back for the money they put into pollution control—water and sewer grants. There are no new water and sewer construction grants in this budget.

Human resources. The administration claims it is putting 47% of the new budget into Human Resources. But what they don't tell you is that Social Security trust funds are figured into that 47%.

So if you take out the Social Security trust funds, the actual amount devoted to human as well as housing, pollution and transportation is less than 25%.

Underneath all this talk, all this deception, what's going on is as simple as ABC—or IT&T.

The President is doing his level best to protect the interests of corporate business and the affluent, and is asking the broad spectrum of Americans who are not so fortunate to pay the price of that protection.

What makes this strategy so dangerous is that the President knows that the number of Americans who need help is no longer an absolute majority.

Add up the disabled, the elderly, the unemployed, the rural poor, low-income students, welfare recipients, and the mentally ill.

You get a huge number of people who cannot become self-reliant without some assistance.

You get millions of people. But the President knows that you do not get a political majority.

His interest is in developing this kind of majority for the long-term health of the Republican party.

The President's budget program divides this country into the haves and the have-nots with a vengeance.

But he will not succeed.

He will not succeed, because the American taxpayer knows that the problems that the President is throwing back at State and local governments will cost money to solve.

The taxpayer knows that sales and property taxes will have to go up, as a result of the President's decision to disengage from our national domestic problems.

The taxpayer knows, that some corporations and a privileged few are getting away with tax murder.

Look at the facts:

Only 16 percent of federal revenues comes from corporations today, compared to 30 percent two decades ago.

The government collects twice as much from regressive payroll taxes. And it collects three times as much from personal income taxes as it does from corporations.

Every reasonable person knows we need tax reform. But it's not mentioned once in the budget message.

The President couldn't care less about the inequities of these tax breaks to business—he couldn't care less about the tens of billions of revenue dollars lost in his own recession. Because he firmly believes that more revenues would mean more government, and to him more government is bad.

The President's 1974 budget is Republican vintage, brought to us in a shiny new bottle—packaged by the White House's Madison Avenue staff. Take off the shiny 1974 wrappings, and what's new?

Republican leaders, and in particular, President Nixon, have a long history of opposition to federal aid to education, to Medicare, to low and moderate income housing, to programs that help the poor to get out of poverty, to tax justice for all Americans.

President Nixon apparently believes that the American public can buy solutions to our public problems in the private marketplaces.

He does not seem to understand that our urgent human and community problems require the vigorous and concerted action of government at all levels, in partnership with the private sector.

He does not seem to understand the meaning of national priorities. He talks about human resources, but as an abstraction, as a budget item.

He lumps in Social Security trust funds with funds for education, health, environment, and proudly points to the total.

The fact is that these social security trust funds are funded by individuals for themselves and cannot be used to forge public tools to deal with public problems, except of course, the important problem of modest income and health care in old age.

The fact is that less than one quarter of the President's budget goes for developing public tools to solve such massive national problems as urban decay, crime, drugs, health, mental illness, low-income housing, job training, transportation, and pollution.

Does the President know that there are 18 million disabled people in this country, as he cuts back on training programs that could make some of them self-supporting?

Has he ever visited a vocational rehabilitation center or a community mental health center—programs his budget phrases out.

What the President has laid forth in this budget is his political philosophy. He has flung down the gauntlet, and the next move is up to us.

The first thing we must do is to go back to the wellsprings of Democratic philosophy.

The text for today—the text for the coming days of the 93rd Congress—is found in the 1937 Inaugural Address of President Roosevelt when he said, "The test of our progress is not whether we add to the abundance of those who have much; it is whether we provide enough for those who have too little."

Where does the Nixon budget come out on this test? You tell me.

Where does the President come out on President Roosevelt's vision of a world founded upon four essential freedoms? We must recall them, and re-dedicate ourselves to them:

The first is freedom of speech and expression, everywhere in the world.

Does his Administration understand this? Does he understand that the most unique aspect of the American system is the extraordinary latitude given to the press—the constitutional assertion in the first amendment that "no law" shall abridge the freedom of the Press? Does he understand this as he moves to increase government secrecy, intimidate television networks, deny journalists the right to confidential news sources, and threaten loss of licenses for local TV stations who fail to censor "elitist gossip" from network news programs?

The second is freedom of every person to worship God in his own way—everywhere in the world.

I am happy to report that the President seems to understand this particular freedom.

The third is freedom from want. For this, the President would substitute self-reliance.

People want to be self-reliant but we also know that before you can be self-reliant you need education, you need to be healthy, you need to have a job skill. We know that the federal government has helped to provide these things because in the past local and state governments did not or could not.

The fourth freedom is freedom from fear.

This the President understands all too well. He knows that many Americans are afraid—afraid to go out at night; afraid of busing; afraid of economic and social change.

The President knows full well that fear paralyzes. His strategy seems to be to play on those fears.

So the first thing we must do is to reassert the values of the Democratic Party against the Nixon ideology of domestic disengagement, retreat and defeat.

The second thing we must do is to take a fresh look at how these Democratic values are to be implemented. There is no better place to start than with Congress.

Clearly, the Congress has already been taking some steps to implement these values. We have cut defense spending, space and foreign aid and increased social programs. And this is why the President is angry.

But Congress must do much more. It must take the initiative—set priorities, reevaluate and update existing programs.

It must create new mechanisms to put its house in order: An Office of Budget Analysis and Program Evaluation; a realignment of committee jurisdictions.

It must take a hard look at the tax laws and pass tax reform measures.

And, most important, it must assert the people's will as to national priorities—not the will of anonymous OMB bureaucrats and an isolated President.

We need a whole new way of looking at national priorities.

We need to think bigger about the long-term growth of this vast nation. What will be our needs ten, twenty years from now? Change has accelerated so fast that we can no longer afford to plan only one or two years ahead.

Many of the programs that are on the books are geared to present needs only. They are potentialy obsolete.

The answer is not Nixon's—to scrap them, without developing new answers—and to simply depend on underfinanced local government to develop local solutions to national problems—problems which are unmanageable if attacked only on the local level.

The answer is to think in fresh terms about solutions.

We need to think about a Balanced National Growth and Development Policy, so that we can plan for the future, and spend our money wisely. We will not be able to deal with the energy crisis or the transportation crisis without such planning. The lack of such planning is, in fact, why we now face such crises.

So we need brainpower for planning. We also need manpower for financing our plans. We need to think about a Domestic Development Bank, to deal with the financial crisis of our cities, and the economic disintegration of our rural areas.

These are mechanisms. Maybe they're not perfect ones. The point is that the Democratic party must vigorously examine what mechanisms must be developed to assure the economic and social health of our nation.

The health of children, and their right to a childhood which nurtures rather than warps.

The health of adult men and women, and their right to live in a decent neighborhood and have productive employment.

The health of the elderly, and their right to an old age with dignity and security.

And we must start thinking about how to make government more responsive to people at the neighborhood level.

Simply dumping problems back into the laps of state and local government, as the President proposes, does not mean that the average person is going to get more for his tax money. Given the almost certain increase in regressive local and state taxes that is sure to follow he will undoubtedly get less.

Let's have some fresh thinking about the relationship between government and neighborhoods.

Perhaps we should have neighborhood revenue sharing, to assure that people can get their money's worth back in services.

Perhaps we should create incentives in the tax system so that Americans can get some tax credit for the time they put in on public-service work—just as the affluent get credit for cash contributions—thus stimulating a new dimension of public service activity, at the neighborhood level and beyond.

Such a tax mechanism, combined with neighborhood revenue sharing—and even computer-matching—could lead to a revitalization and rehumanization of neighborhoods through exchange of services—and cut down spawning government bureaucracy; non working mothers providing child-care to children of working mothers; teenage youth tutoring younger youth; neighbors providing car transportation for the elderly.

Some such means is needed to match up our unused human resources with the vast unmet needs of people who need help—or just friendship. There are literally millions of women, youth, and others who would take advantage of such a tax incentive to help rehabilitate mental hospital inmates, prisoners, the elderly, the disabled.

Perhaps we also need to establish productivity guidelines for public municipal services, as is being done in New York.

Perhaps we should create a new role for working people—steelworkers as well as doctors and lawyers—in our schools, to give desperately needed vocational guidance to our children.

Perhaps we need new incentives for neighborhoods to share cars, electric lawnmowers, and snowplows, to cut down noise and air pollution, and meet the impending energy crisis.

These are just some small ideas—people-level, neighborhood-level ideas. They should be explored. We must try. Again, we must remember what F. D. R. said: "The country needs . . . bold, persistent experimentation. It is common sense to take a method and try it. If it fails, admit it frankly and try another. But above all, try something."

But President Nixon has put a freeze on experimentation, on thinking fresh in big ways or small ways—about the nation as a whole or your neighborhood in particular. His is an attempt to recapture some imaginary past, where technological and economic and social change did not require new, vigorous governmental mechanisms at both national and local levels.

To me, the challenge to the Democratic Party is clear. There is a vacuum of national domestic leadership in the nation. The Democratic Party and the Congress must fill it.

LETTER TO A COLLEGE YOUTH AND A REPLY

Mr. BELLMON. Mr. President, a lot has been said in recent years about the "generation gap" that supposedly exists between the youth of our country and their elders. While I generally abhor labels of this kind because they tend to oversimplify a situation, it will have to be conceded that events of the past few years have demonstrated some rather sharp conflicts of views between parents and children.

Through the courtesy of a good friend, W. T. "Bill" Payne of Oklahoma City, I have recently read two very thoughtful and articulate expressions to today's society, as viewed by a middle-aged father and a high school senior.

One is a widely printed "Letter to a College Youth" written by William F. McCurdy, vice president, public relations, Sears, Roebuck & Co. Mr. Payne sent a copy of this letter to his grandniece, Julie Darling of Burwell, Nebr. Julie sat down and wrote a response, and as Mr. Payne says,

> It was so full of common sense and such good analysis of thinking of some of our youth I wanted to share it with you.

Mr. President, I feel that Members of the Senate would benefit greatly from these observations and therefore I ask unanimous consent that these two letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Letter to a College Youth

(By William F. McCurdy)

I am 54 years old and I classify this as middle-aged. I have lived through a depression; I have lost four years to war; I am invested with sweat and I am absolutely sick of some of the younger generation: the hippies, the yippies, the dippies, the militants and all of their nonsense.

I am tired, as a member of my generation, of being blamed, maimed and contrite. I contend that we, my generation, have spent too much time telling the younger generation that they are a different breed—how wonderful they are. I submit to you that youth has always been wonderful. We were wonderful when we were young but that didn't give us any license to tear up the place.

The younger generation tells us today that they're up-tight about a lot of things. I'd like to tell you about some things that I'm up-tight about. I'm disturbed that on few college compuses in the United States today the President of the United States, the Vice-President, a member of the Cabinet can come to talk to the students without disruption, physical abuse or intimidation. Yet at the same time, a convicted murderer, a dope peddler or one committed to overthrow our government cannot only get a respectful hearing, but be paid a handsome honorarium to boot.

Recently I sent a son to college. And when I stuffed in his pocketbook the check for his tuition and his room and board and his books and his activity fees and on and on, I also took the time out to write a little letter in the hope that he would read it. I don't know whether it will do him any good, but here's what I said:

Dear Son: So you're off to college! Your mother and I hope that it will be a worthwhile experience for you. I'm not sure about this, I have a friend who's had a son in college two or three years and I asked him not long ago: "Has going to college been a worthwhile experience for your son?" He said, "Well, I think so, it sure has cured his mother from bragging on him." And I know another young man who has been in college a couple of years and I asked him: "What do you think of college? Has it been worthwhile for you?" "Well," he said, "I'm not sure." He said, "When I am at college I'm a liberal, when I'm home I'm a conservative and when I'm alone I'm confused." Now we don't want you, my son, to be confused. We like you the way you are right now. We think you think straight about things, but you're going to undergo a new experience and I'd like to talk to you about it a little bit.

It occurs to me that there are many things about you, your actions and about your country that I should have discussed with you already. Now it may come as a shock to you to know this, but I was young once too. And I'd like to tell you that I know more about being young than you know about being old. You are fortunate to be a citizen by birth of the greatest country on this earth.

Your generation has been freed of the nagging worries of food, clothing and shelter. You're the product of an affluency, which has been created for you by your parents. Today's generation is able to afford a hypersensitivity to social problems. I would like you to know this, my son: sensitivity is not the property of the young, nor was it invented in 1950. Your generation didn't invent it, you don't own it and what you seek to attain all mankind has sought to attain throughout the ages.

Society, or as your generation sometimes refers to it, "the establishment," is not a foreign thing that we seek to impose on the young. We know that our generation has been far from perfect, but I would remind you that we didn't make it, we have only sought to make it better, and the fact that we have not been 100 per cent successful is the story of all generations, just as it will be the story of your generation.

Society hangs together by the stitching of many threads. No 18-year-old is the product just of his 18 years. He is the product of 3000 years of the development of mankind and I would remind you, my son, that throughout those years injustice has existed and it has been fought. Rules have been outmoded and they have been changed. Doom has hung over man and somehow it has been avoided. Unjust wars have occurred and pain has been the cost of progress. Need I remind you too, that man has always persevered? And so, when your generation says that we must solve all of the country's problems by next Wednesday morning at 9 o'clock or you'll huff and puff and blow our house down, I could only characterize this as stupid, unthinking, irrational immaturity. Mankind can never hope for anything better on earth than to leave this world just a little bit better than he found it.

"All right," you say to me, "What has your generation done?" Let's come to grips with this one right now. When you get to college you're going to hear a lot of anti-establishment talk. Now first let's examine just who is the establishment. To begin with it's your mother and your father and your aunts and your uncles and your adult friends that you always seem to think so much of. We're the establishment. We're not perfect but we're rather proud of what we've done. And when you think of the establishment, I'd like you to think of us in this way: We are the people who have increased, in our generation, the life expectancy in this country by more than 50 per cent. We are the people who have eradicated plagues. We are the people who developed the Salk vaccine. It came along too late for us, but without it many of you and your generation would either be dead or crippled today.

We are the people who have reduced the working day by one-third and at the same time more than doubled per capita output. We're the people who have built thousands and thousands of high schools and colleges and have spent billions of dollars on higher education thereby making it available to the millions, when at one time it was the province of the very few. We're the people who, without any bloodshed, back in the 1930s effected a social revolution so humane in its consequences that it tends to make the famous French Revolution look like a mere outburst of savagery and the famous Russian Revolution a down-right political retrogression.

We're the people who defeated Hitler, contained Stalin and made Khrushchev back down. There is today a flag and a plaque on the moon attesting to the fact that my generation put the first man there. We're the people who split the atom, for good or evil, thereby releasing the primal energy of the cosmos for all mankind. And in my judgment during all of this time we have created a great literature, exciting architecture and have conducted extensive experimentation in all of the arts. And I'm going to restrain my enthusiasm, perhaps, for pointing out to you that we also developed the automatic transmission and maybe that's why so many of your generation are so shiftless.

LIKE AN INQUISITION

Your generation has been most articulate in saying what's wrong with my generation. Our generation, on the other hand, has had no voice, no announcers, no press, that which is right with us has been buried in silence and we tend to lose by default. So my son, in this letter I'm invoking the first amendment in behalf of my generation. My generation was a creature of the depression.

Not long ago I was invited to a major university in our country to speak to the business college—1800 kids there. They called it a "symposium,"—they should have called it a Spanish Inquisition. This is the way it worked: Every morning at 8:30 I would make a statement for 30 minutes on behalf of the establishment, on the free enterprise system. For the rest of the day, including luncheon, I was attacked by the younger generation.

I'll never forget the first morning. I got through at 9 o'clock and I got the first questioner immediately. The young man stood up with a Custer hair-cut, a Fu-Manchu mustache, naked from the waist up, barefooted . . . they dress casually there. You've heard of the "Rambling Wreck from Georgia Tech." This kid looked like the "Total Loss from Holy Cross." And he pointed his finger at me and he said, "I charge you and your generation with being materialistic. I say that every thought and every deed of your generation is prompted by the profit motive; would you care to comment on that?" I said, "I don't think everything we do is dedicated to profit." I said, "Of all the profitable investments I've ever known in my life, raising kids is right at the bottom of the list. And if all of your parents ever thought about was profit, they would have drowned you before you ever got your eyes open."

But I think there is something to what you say; I think we're materialistic, yes, I'll admit to it. We're all creatures of our own environment and we came along during the depression days. Things weren't very good back in the depression days; you don't know anything about that, but they weren't very good. Things were so bad that hitch-hikers were asking for rides going in either direction, they didn't care; that's how bad it was.

But how, how can we explain those times to you, my son, you don't know anything about them. You're leaving for college in a car that cost your mother and me three times more than I made the first year I ever worked for Sears, Roebuck and Co. And it wasn't because your car is that big, it's because my salary was that little. That wasn't Sears fault, that was the ball game, that was the ball park, and that was the way that we played it in those days. Sure I had a car, in my junior year when I went to school it was a stripped-down-Model-T, I needed in order to pick up laundry and cleaning and pressing. I was trying to work my way through school.

TOO MUCH—TOO SOON

In those days I never invited a girl for a date unless she was strong enough to carry 50 pounds of dirty laundry. And this may sound strange to you, but I think that we were fortunate in those days because all of our luxuries and most of our necessities came to us a little bit at a time, we savored them and we enjoyed them and we appreciated them and we were thus motivated to work harder to get more. In those days a job was a thing of beauty and a joy forever. But your generation has had too much, too soon.

Let me talk to you just a second about what I think your mother and I owe you. I think that we owe you food and clothing and shelter and an education, and all the love and respect that you're able to earn for yourself.

Now let me talk to you about something I think we don't owe you. I think we don't owe you our souls, our privacy, our whole lives, our immunity; not only from our mistakes or from your own. These are what we don't owe you.

Bob Hope, one of the country's great entertainers and a great citizen, was asked last spring if he would speak to a graduating class in the United States and give them a few words of advice on going out into the world. His message was very brief, he said, "Don't go!"

Well I'm not sure this is exactly right. I think when you graduate from college you'll enjoy testing your wings. I think you'll enjoy a pride of authorship, I think you'll enjoy making a contribution to society, and I want you to know right now, my son, there are many things that you and your generation can do. I readily admit that everything that my generation has done is not right. In solving an economic problem of the '30s, I know very well that we created social problems for the '60s and the '70s, and you are concerned about them and you should be. And we're proud of you.

But I think you ought to know that it takes time to get these things done. The technology that we've delivered to you and your generation today has caused some problems and every action, as you've learned in physics, brings about a reaction. And today we've got more automobiles than any country on earth, and some people say we've got more polluted air. We've got more TV sets today than any country on earth and some people say we've got more polluted minds. We've got more food today than any country on earth and more people are dying of obesity.

My research also pointed out we have more bathtubs than any other country on earth, too, for whatever that's worth. But we hope you could keep the benefits and minimize the risks, we hope that your generation can keep the cars and solve the pollution problem, we hope you can keep the TV and solve the programming problem, we hope you can keep the food and solve the weight problem.

Above all else we hope that you will not destroy the private enterprise system in America. We hope rather that you will understand it, appreciate it, learn to cherish it, because if you don't, my son, I predict that 20 years from now you're going to have a son driving off to school during another generation gap and you're going to be defending your generation against his generation and he's going to be saying that your generation turned out to be a bunch of sociological weirdos who were the residual legatees of an economic Garden of Eden and had neither the good sense nor strength to preserve it.

Sincerely,

YOUR DAD.

DECEMBER 24, 1972.

DEAR GREAT-UNCLE BILL: I have just read "Letter to a College Youth." Perhaps I'm still too young—not being a college youth yet—to discuss the letter as an intelligent writer, so I must discuss it using my somewhat naive mind.

Mr. McCurdy pointed out the really great things his generation has accomplished. And indeed, I'm awed at the defeat of crippling diseases, reorganized educational system, the automatic doo-dads that make life so much easier. In fact, he didn't name half of all the wonders his generation has created. Remember that my utmost respect goes to the older generation in the following discussional.

Mr. Mc says he is "tired, as a member of (his) generation, of being blamed, maimed and contrite." As an 18-year-old, I am tired of being bracketted with the hippies and militants and 'wierdos'. I am only one of the millions of conservative, common-sensed kids who will soon be going out and finding his niche in the world. What I mean to say, is that for all the news and headlines and wild stories that are flung around nowadays, the vast majority of youth is *not* a group of protesters, draft-evaders and bra-burners, but level-headed individuals with eyes that can see the truth, ears that hear what's going on, and educated minds that can digest it all.

We are not going to destroy the capitalistic society. We are not out to make life one big commune. For heaven's sake, grant us with at least enough common sense that we know what a good thing we've got going for us. It's just that this "good thing" needs to be polished, and it needs to be polished with some urgency in mind. Pollution is spreading, a futile war kills thousands every year, our resource supply is rapidly diminishing, our wild-life is being hunted to extinction, all the while our population is tripling.

Wouldn't it be wonderful if we had all the time we needed to sit and ponder these problems and make slow, sure steps to solve them. But we don't have that much time. With acceleration hitting every facet of life, maybe it's affected us also in regarding these problems. We won't rest easy until they are solved.

But now let me criticize some of my militant contemporaries. I know, Uncle Bill, I can see how idiotic these violent protests and extreme actions are. Look at what a mess they have already made of the world. But these rebels do not represent the younger generation. They represent themselves—their own insecurities and failures that have overcome them.

Let's take a closer look at them. How did they come to be this way? I think that the parents of these poor, "twisted in the head" kids must have failed in bringing up their children. Yes, it's true, they gave their kids the Salk vaccine, automation and money. But they blindly left out the most important factor of life—love and the expression of love. Worshipping pills and alcohol instead of God, they have raised their children. And now the kids are turning out all wrong, and everyone wants to know the reason. Well, monkey see, monkey do. These kids are confused, and expression is coming out in a burning chaos. The needles they jab into their veins are no worse—but the reasons for getting high are the same. It's an escape. They can't take life. Disillusionment has come on too strong. They weren't brought up with mental strength or the security of love. Material things took their place. And what's to pay? Look at the headlines . . .

Once again I stop. The "older" generation is no more one big lot of alcoholics than the younger generation is a mass of drug-sniffin' hippies. In fact, this world of people can not be divided into two generations—the Archie Bunkers in one group and rebels in the other. The majority of people are somewhere in between the two extremes. They are the ones who will control the future.

I am optimistic. Haven't you noticed already how different things are now—compared with the late 60's? Rousseau said something: "There was never a time when civilization was in need of spiritual awakening that it did not arrive." Well, it has arrived. It came on in the late 60's and what a rude awakening it was! This eye-opening shock attacked the mistakes that Mr. McCurdy so readily admitted. But look at past history. Every revolution that has come about was started by a small few who were declared lunatics. Stop and look at the outcomes of these revolutions. They nearly always turned out for the best, and certainly didn't change the majority of people to extremists. The rebels made their impact, the majority considered these new ideas, and the outcome was a compromised generation. Because of these revolutions there is not now a strict class system, and the United States of America can sustain a strong democratic government, and wars are (I hope) coming to an end.

It's unfortunate that the rebels have to come on so strong and knock everything out of kilter, but life always settles back down. Like I said, look around you now. People aren't turning to massive protests (as much) but instead are turning to conscientious awareness.

Rap sessions are developing where people can talk things out honestly. It's the compromise I was talking about. Life will change, but not to anything extreme.

The most unfortunate part of the emphasized generation gap is that it leaves you and me feeling as if we had to choose a side. I know that you're no Archie Bunker, and I hope you know that I am not one of the kids in the headlines. We are two of the intelligent persons who belong to the majority. It is up to us, not the rebels, to decide about the future. Once again, I'm optimistic.

Here is something that I noticed about Mr. McCurdy's letter to his son. I think he was already expecting a protest from his son; therefore, he wrote almost defensively. This will immediately make his son feel offensively, and Bingo, the gap spreads another inch. If he would have done a little more intelligent discussing and a little less finger-pointing, I think he would have made a better impression on his son.

Just one more point I'd like to discuss (well, I might as well say "argue"!). Nothing makes me madder than to hear, as Mr. McCurdy stated so colorfully, about this young generation with their "Custer haircuts, barefeet," and different ways of dressing. Maybe he was trying to be humorous, but I thought his words were drenched with criticism. If we are to be judged by the clothes we wear and the cut of our hair, then heaven help us all. Because no problems are going to be solved if physical looks stand in the way. I am not one of the kids who wears sloppy clothes, no shoes, and love beads. But it is not because I feel that it's wrong. If they want to dress that way, ok. I don't. But I certainly don't condemn them for it. Please! Listen to them—the things that come out of their minds—don't prejudge them when you see their "Manchu mustaches."

I can only feel great pity for the model Archie Bunkers. I also feel compassion for the militants and hippies. When I look at my own life—showered with blessings of security, love, a super family, and strong friends and relations—and compare it with the above, I can see how much they've both missed out on. It makes me count my blessings twice.

Love,

JULIE DARLING.

REPORT ON UNITED STATES-PHILIPPINES RELATIONS BY THE SECRETARY OF THE SENATE

Mr. MANSFIELD. Mr. President during the adjournment of the Congress, I requested the Secretary of the Senate, Frank Valeo, to undertake a brief journey to the Far East. In particular, I asked him to visit Manila and to discuss recent developments there with persons closely associated with the situation. Because of the long-standing and unique relationship between the Philippines and the United States and the diversified legal base on which it rests, it seemed to me useful to have an up-to-date evaluation of the situation from the legislative point of view.

The Secretary gave me his report in confidence last December. A plebiscite on the new Constitution of the Philippines was expected on January 15. Hence, these observations were not made public in order to avoid any implication of interference in that internal Philippine matter. In view of what transpired last month in the Philippines, however, it seems to me that the report can now be made available and will be of interest to the Senate. There is no reference in the report to developments which have taken place in the Philippines after mid-December when the report was transmitted to me. Nevertheless, most of the observations seem to me still to be pertinent since they cast recent events in terms of implications for U.S. policies and especially in terms of the Senate's potential legislative concern in the Philippine situation. I note, in particular, the report's reference to the fact that:

> President Marcos has given strong indication that he believes the time is approaching for a new look at treaties, agreements and other arrangements between the two countries. These ties encompass the military bases, trade preferences, veterans benefits and even recruitment of Filipinos by the U.S. Navy for various duties. It would be prudent to anticipate the emergence of the issue of renegotiation, probably shortly after the new Constitution goes into effect.

The Constitution has now gone into effect and recent press reports suggest that the issue appears to be gaining momentum.

In connection with renegotiation, the Secretary recommends in his concluding comments that:

> Senate committee staffs should be fully prepared in regard to the background of all U.S.-Philippine questions by the time they are presented in the form of proposed treaties or requests for new legislation. In view of the special historic relationship between the United States and the Philippines, it may be desirable to consider the formulation of a U.S. Commission on the Philippines, including members of the Senate, to examine the range of existing relationships between the two countries with a view to proposing to the President and the Congress such modifications, as may be suitable a quarter of a century after independence. Alternatively, the Commission on the Organization of the Government for the Conduct of Foreign Policy might look in great detail into this matter.
>
> Some such consolidated examination would be valuable because of the great diversity of relationships which have been carried over from the pre-independence period. There would also be some value in a consolidated examination of this kind which took place prior to the establishment of executive positions. In that fashion there could be a legislative input into the formulation of any new arrangements and thus the subsequent adoption of these arrangements by the Congress would be facilitated. Moreover, largely because of its role in bringing about Philippine independence, the U.S. Congress is held in high esteem in the Philippines. It would seem immensely desirable to build on this base by providing an active role for the Senate and the Congress in recasting the entire relationship. The alternative is a unilateral Executive Branch approach which would probably result in a piece-meal presentation of any newly negotiated arrangements to the various committees of Congress, without any attempt at a consolidated approach to a new relationship.

I ask unanimous consent, Mr. President, that the Secretary's heretofore confidential report on the Philippines to the leadership be included at this point in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., December 18, 1972.

Hon. Mike Mansfield,
Majority Leader, U.S. Senate, Washington, D.C.

Dear Senator Mansfield: Pursuant to your instructions, I left for the Republic of the Philippines on November 20, 1972. Ten days later, I returned to Washington, D.C., having stopped briefly enroute in Hong Kong and Tokyo for conversations on developments in the People's Republic of China and the policies of Japan after the Tanaka-Chou meetings.

In Hong Kong, discussions were held with the U.S. Consul-General and his associates and with informal local residents. In Tokyo, I met with the U.S. Ambassador and members of his staff and with members of the Japanese Foreign Office.

My conversations in the Philippines were spread over several days and included meetings with President Marcos and Mrs. Marcos, as well as with members of the Presidential entourage. In addition, I talked with officers of the armed services and technicians of the Marcos Administration. I also met with Ambassador Byrode and senior officers of the U.S. Embassy in Manila and with various American and foreign residents in the Philippines.

The report which follows is an estimate of the current situation in the Philippines which is based on the sources mentioned above, supplemented by a study of recent documentation. It contains conclusions and recommendations directed to questions of policy which may confront not only the President of the United States, but also the Senate and the Policy Committee in the coming Congress.

In the pursuit of the study, I received excellent cooperation from the Department of State as well as from the U.S. Embassies in Manila and Tokyo and the Consulate-General in Hong Kong.

Sincerely,

Francis R. Valeo,
Secretary of the Senate.

Martial Law in the Philippines

(Report of Frank Valeo)

THE SITUATION IN THE PHILIPPINES

I. The Nature of Martial Law

In outward appearance, the Philippine Republic has rarely been more serene. The armed services are conspicuous in their absence. Except between the hours of midnight and 4:00 a.m. when a curfew is in effect, there are few signs of martial law.

Manila is a city of normal activity. People go about the business of daily living with no signs of fear or anxiety. The back streets of Manila are rich with the characteristic human bustle of Asian cities. Traffic along Rojas Boulevard moves vigorously, but, seemingly, with greater discipline than in the past. The city is in the midst of an enthusiastic cleanup-beautification campaign, one of a number of civic projects to which Mrs. Marcos is lending her talents and energy at the present time.

It is said that when martial law was decreed there was a near universal sigh of relief in the Philippines. Thereafter, the popularity of the Marcos Administration is reported to have risen precipitously. Whatever the case, there are few outward signs of restlessness with the present situation.

Except in Mindanao, not a single death has been attributed to the enforcement of martial law or the decrees issued thereunder by the President. While death penalties have been established for certain offenses, none has been applied. Except in Mindanao, the private armies which once flourished under the patronage of provincial and local jéfés have been dissolved. In response to Presidential edict, about half-a-million weapons have been turned over to the authorities. The collection ranges from pistols to artillery pieces, most of them of U.S. or Japanese manufacture and many dating from World War II.

About 5,000 civil servants out of a total of several hundred thousand government employees have been dismissed. Profiteering, smuggling and gun-running have fallen off in the wake of the jailing of a number of political figures and businessmen who were said to be involved in these practices.

Basic commodities are in good supply and the price of food is down. The peso is stable in international exchange. Foreign business is operating freely and with less uncertainty and harassment than in the past.

Coincident with the declaring of martial law, the press and other media were shut down abruptly. News dissemination was confined at the time to one newspaper, one TV channel and radio station. A number of columnists were taken into custody. Many journalists and reporters were thrown out of work. This situation has now been eased so that, currently, several papers were published with "temporary" government subsidy and a number of TV and radio stations are on the air. Some journalists have been released and many are being re-employed.

The media remain subject to censorship and reveal a sharp change of tone in comparison with the past. Prior to martial law, the press was full of vitriolic comment on Marcos and his policies. What is communicated at present is free of abusive personal hostility. The reporting and commentary are either non-political or supportive of current policies. Nevertheless, the press cannot be said to have been converted into an instrument of personal glorification. There is little fawning over the President or his family.

Martial law is maintained by the Philippine Constabulary, under the command of General Videl Ramos, with the regular armed services standing in reserve. The latter are directly and heavily engaged only in the southern islands against the Moros. These tribal Moslems provide the principal resistance to the edict calling for a turn-in of weapons.

The Secretary of Defense is a civilian, Juan Ponce Enrile. Both Secretary Enrile and General Ramos are Marcos appointees as are many of the principal military figures. It is primarily through these associations and through the tradition of and training in civilian supremacy that the President maintains control over the military. It is also significant in this connection that the public spotlight does not fall on any particular military figure. President Marcos alone is the man-in-charge under martial law and his is a civilian image even though he is also the most celebrated Philippine soldier-hero of World War II.

II. Background to Martial Law

President Marcos and Martial Law

The reporting of recent events gives the impression that martial law is designed for the sole purpose of perpetuating the rule of President Marcos. The legal fact is that it is the proposed new Constitution which opens the way for the President to remain legally in power indefinitely. The new Constitution provides that the President will continue to hold office during a transition of indeterminate length. Thereafter, he could run for the proposed one-house Parliament and, if elected, be selected by that body to the key position of Premier. Under the old Constitution, the President would be ineligible for a third term and, legally, would have to step-down at the end of 1973.

Underlying Causes

Whatever the validity of the speculation on the personal motives of President Marcos there are other specific considerations which clearly underlay the declaration of martial law. The fact is that conditions had reached a sorry state in the Philippines. Indeed, the most frequently expressed criticism of the President's maneuver is, "why did he wait so long?"

The reference is to years of ineffectual government and deepening corruption, a process which had continued unchecked through successive administrations and Congresses. Furthermore, a situation had developed in Manila in which organized crime was growing at an astounding rate. Gambling and prostitution had become a massive 24-hour business. The streets were completely unsafe. Bank robberies, kidnappings, and gun-running were commonplace. Finally, with new restrictions coming into effect in Turkey, international drug operators had shifted operations to the Philippines. Perhaps as many as 20 factories had been set up to process crude opium smuggled in from Indochina.

Intermeshed with this flourishing vice, were several militant political groupings seeking an overthrow of the government by revolution or political coup. In the southern archipelago, the long-standing hostility of the Moros had been heated to a new intensity by increased Christian encroachments on tribal lands.

Assassination Plots

Finally, there were the plots for violent uprisings, assassinations and kidnappings directed primarily at the President and his family. The personal danger was and remains authentic, as witness the recent attack on Mrs. Marcos and the tight security at Malacanan Palace. The assassination plots (at least four attempts against the life of President Marcos have been delineated) derive from various sources and it is still unclear what relationship exists among them. It may well be that they were independent of one another, with each stemming from a separate set of grievances or personal animosities. However, the possibility of the extreme right financing the activities of the extreme left in order to intensify the chaos and make possible a military overthrow of the Marcos Administration cannot be overlooked.

Whatever the case, the principal plot is now described by the Marcos Administration as involving "rightest oligarchs" conspiring with defeated political opponents and retired and active military officers.

III. Objectives of Martial Law

The immediate purposes of marital law have been achieved in that a violent opposition has been silenced and a measure of order and discipline has been introduced into Philippine affairs. It is becoming apparent, however, that there were purposes other than the immediate which underlay the declaration of martial law. These purposes have to do with bringing about fundamental changes in Philippine society.

Once declared, martial law not only brought out the military to maintain order, it also opened the way for the President to initiate by decree the social reforms which, for many years, have been widely recognized as essential to the survival of a free system in the Philippines. Although they had been debated and discussed at length, many never saw the light of day in the form of legislation. Others were adopted as law but in so watered down a form as to be ineffectual. Still others were enacted but lost their substance in a maize of bureaucratic incompetence and corruption.

Constitutional Change

The fundamental reform involves the new Constitution. Whatever the differences in Philippine politics, there has been wide agreement that the present Constitution is unsuited to the solution of the nation's problems. It is modeled closely after the U.S. Constitution and U.S. Constitutional practices *prior* to the Great Depression. This system was married to a Philippine social structure with strong Hispanic-Colonial overtones set on a Moslem-Malay-Chinese base. The combination created an ineffectual government even as it opened the doors to an unabashed official corruption.

No one can say whether the new Constitution, if it is adopted, will meet the basic needs of the Philippines. There is wide agreement, however, that under the present Constitution, it is impossible to do so.

In the middle of January, it has been announced that the new Constitution will be put to the test of a plebiscite. Thereafter, an interim government consisting of the President and members of the Constitutional Convention will function pending regular parliamentary elections. The date of the regular parliamentary elections is not yet fixed but it could come toward the close of 1973.

Doubts have been expressed in some quarters that this scenario will be followed. It is suggested, rather, that Marcos will continue indefinitely to rule as interim President. On the other hand, it should be noted that the new Constitution should be agreeable to the President in that he is reported to have written significant portions of the final draft. For two years, he has supported the work of the Constitutional Convention in which his bankers have been the dominant faction. It would seem somewhat far-fetched to anticipate that he will now reject what, for all practical purposes, is his own handiwork. By temperament and training, moreover, Mr. Marcos is a lawyer and legislator and he would have no personal difficulty in functioning in a parliamentary setting. Finally, the new Constitution will permit a continuance of the kind of government initiative which has characterized his leadership under martial law.

Land Reform

In the end, the success of the present Marcos maneuvers is generally believed to rest heavily on the outcome of the land reform. This problem is, at once, the most pressing and most intractable which confronts Manila. Both the Congress and the President have been grappling without success for years to devise an effective formula for land-redistribution, especially for the island of Luzon where tenancy is widespread and oppressive.

A legal basis has now been provided by Presidential decree for a broad redistribution of land-ownership to the tenants. The program is already underway and so far is reported to be moving well. The large estates have been scheduled for expropriation with compensation, with few difficulties being encountered in this connection. Problems are arising in preempting the land of small absentee holders. Many of these owners live in the cities and towns where they are government employees, tradesmen and other members of the small modern middle class. As a group, they have been a source of political strength for the President and among the staunchest supporters of martial law. They are reluctant to relinquish their lands which have cultural significance as well as economic worth. If they are not liberally compensated for the expropriations, their support for the President and martial law could evaporate very quickly. There are indications that requests for financial aid from this nation may be forthcoming in this connection. Heretofore, however, the only U.S. assistance of any consequence in this connection has involved aid in land surveying and registration, the establishment of new credit facilities in the rural areas and similar technical undertakings.

To sum up then, beyond the ostensible objective of restoring law and order, martial law has paved the way for a reordering of the basic social structure of the Philippines. President Marcos has been prompt and surefooted in using the power of Presidential decree under martial law for this purpose. He has zeroed in on the areas which have been widely recognized as prime sources of the nation's difficulties—land tenancy, official corruption, tax evasion, and the abuse of oligarchic economic power. Clearly he knows the targets. What is not yet certain is how accurate have been his shots. Nevertheless, there is marked public support for his leadership and tangible alternatives have not been forthcoming. That would suggest that he may not be striking too far from the mark.

IV. U.S. Responses to the Situation

U.S. Business Community

The U.S. business community in Manila seems to have been reassured by recent developments. The trend of court decisions prior to martial law had raised serious questions as to whether or not U.S. businessmen could continue to operate at all in the Philippines. Henceforth, they hope for and expect more equitable treatment.

President Marcos has given assurances to foreign businessmen regarding their continued participation in Philippine economic development. These assurances are of significance not only to the U.S. nationals who hold the largest share of the foreign investments but to others as well, notably the Japanese. Japan's business holdings are much less conspicuous than those of the United States but are believed to run a close second in value.

The special economic and military arrangements which have existed between the United States and the Philippines remain intact. These include not only the unique privileges of American investors under the old Constitution but trade preferences, notably the sugar quota, and the rent-free military base agreements involving tens of thousands of acres of land at Subic Bay and Clark Field. President Marcos has expressed the view that the time is approaching for an up-dating of all arrangements between the United States and the Philippines. At least a restatement of these arrangements, will be necessary, in any event, both in connection with the new Constitution and the expiration of the trade preference in 1974.

U.S. Aid

For the present, U.S. aid continues unchanged. On the non-military side, it consists largely of a technical assistance program and P.L. 480 and, most recently, the U.S. flood relief program. Based in large part on the Senate's initiative, the latter program can be regarded as having been immensely helpful to the Philippines at a time of a great natural disaster. There is genuine Philippine awareness of the value of the prompt and effective administration of this program.

V. Concluding Comments and Recommendations

Nature of Martial Law

Martial law was declared and is being administered at this time on a Constitutional basis in the Philippines. The military carries out the orders but it is the President who gives them. In this respect, the principle of civilian supremacy remains in the saddle. Barring the assassination of President Marcos, there is little likelihood of its being unseated.

A temporary respite in the social deterioration has been provided by martial law. It should last long enough to initiate a long-delayed re-ordering of Philippine society. In the end, however, durable change cannot be brought about in a setting of expediency. It must be reiterated, therefore, that the respite is temporary. Unless the momentum of change is maintained and transferred into a new and more effective Constitutional setting, the existing tranquility will only be the lull before the storm.

Today, with political extremism on the defensive, with official corruption taking cover and with the people reassured as to the stability of their government and the effectiveness of its leadership, it is relatively easy to maintain order under martial law. The cost is small. The returns are great. That will not be the case tomorrow, if the reforms fail to take permanent root.

Philippine Leadership Under Martial Law

To a great extent the success or failure of the Marcos manoeuvre rests on the shoulders of the President and his immediate associates, in all, perhaps thirty or forty men. For the most part, those who are managing the transition are well-trained technicians, modern-minded and energetic and imbued with enthusiasm. They share with the President an apparent determination to use the power to act under martial law to begin the building of a "new society" in the Philippines.

President Marcos alone, however, is the political leader. He will set the pace and direction of change. He will make the critical decisions. In short, he is the critical factor in the present situation. The Philippine Republic may or may not make the transition to an effective and responsive system which will contain a recognizable degree of individual freedom. Almost certainly, however, the transition cannot be made without President Marcos.

Implications of Assassination

In the circumstances, President Marcos remains the natural target of the political assassin. If he is removed from the scene before the new Constitutional structure is firmly established, the legal succession will be thrown into complete chaos. The military forces, now led by Marcos-appointed officers. are not likely to acquiesce in the orders of a dubious civilian successor to Marcos. However, any attempt by a successor government to check the momentum of change would set in motion, again, a swelling demand for violent change.

The assassination of President Marcos, in short, would most likely set the stage for a military dictatorship and possibly a subsequent civil war. In that case, the United States with two great military bases and a long association with the Philippine armed forces, would be pressed to become increasingly involved in the situation.

Vietnamese Parallels

To be sure, there are many non-parallels in the Philippine and Vietnamese situations but, from the above, it can be seen that there are also disturbing similarities. President Marcos, himself, is fully aware of them. Indeed, he has made clear that the steady accretion of the elements of another Vietnamese-type tragedy was a critical consideration in prompting him to declare martial law.

Requests for U.S. Aid

As the reforms progress, it may be that additional requests for U.S. aid will be forthcoming. Each such request should be considered on its merit, even as this nation continues to restrain its involvement in the internal political developments under martial law. These matters are essentially the concern not of the United States but of the Philippine nation. To the extent that we may be called on to respond to aid-requests, it would be well, not only to weigh each separately on its merit, but also to consider each carefully in terms of whether it increases or decreases the likelihood of an eventual U.S. military involvement.

Whether the response is positive or negative, above all, it should not be gratuitous. We are dealing with a new generation of Philippine leaders who no longer see themselves as this nation's dependents. They are intensely nationalistic. Their personal memories of past U.S.-Philippine ties are either non-existent or dimming into amiable or hostile generalities. The present political leaders of the Philippines are not pro-American, pro-Spanish, pro-Japanese or pro-anything other than pro-Philippine. After that, if there is any favorable inclination at all, it is generally towards the United States. In any event, that is the tone which has been set by President Marcos.

The tie of acculturization with the Philippines can be encouraged by this nation as a long-range asset if there is public understanding of the problems of the Philippines, a sympathetic diplomacy and great restraint in official involvement in the internal affairs of the Philippines. However, any tendency to exploit the ties or to corrupt them into new and ambiguous forms of dependency will yield only liabilities. An aid-effort, deliberate or clumsy, which operates at cross-purposes with the transition in the Philippines would fall into the latter category.

Future of U.S. Business

We should also be aware that changes may be coming in the special position which American nationals, as compared with other foreigners, have carried over from the colonial era in the Philippines. The American business community in Manila, in general, seems alert to this likelihod and does not seem dug in against change although there is, clearly, an understandable desire to preserve as much as possible of their present advantage. The Marcos Administration is likely to be understanding of this situation if we are similarly inclined. We should bear in mind that quite apart from this special position, which affects only a handful of U.S. nationals, the U.S. business stake in trade with respect to the Philippines is large and can become larger if a general climate of cooperation can be preserved. We should bear in mind, too, that the international economic interests of the Philippines are diversifying. Japan, for example, already has great significance in the Philippine economy with which there are natural lines of commerce. The likelihood of Mainland China establishing ties should also be anticipated. In this connection, it might be noted that not only did Taiwan contribute to Philippine flood relief, so, too, did Peking.

The Philippines and the U.S. Senate

While U.S. official responses to the Philippines will be set by the President and the Secretary of State, it is also likely that the Senate will be confronted with major issues of policy in this connection. In the first place, as noted, President Marcos has given strong indication that he believes the time is approaching for a new look at treaties, agreements and other arrangements between the two countries. These ties encompass the military bases, trade preferences, veterans' benefits, and even recruitment of Filipinos by the U.S. Navy for various duties. It would be prudent to anticipate the emergence of the issue of renegotiation, probably shortly after the new Constitution goes into effect.

Relevant Senate committee staffs should be fully prepared in regard to the background of all U.S.-Philippine questions by the time they are presented in the form of proposed treaties or requests for new legislation. In view of the special historic relationship between the United States and the Philippines, it may be desirable to consider the formulation of a U.S. Commission on the Philippines, including members of the Senate, to examine the range of existing relationships between the two countries with a view to proposing to the President and the Congress such modifications, as may be suitable a quarter of a century after independence. Alternatively, the Commission on the Organization of the Government for the Conduct of Foreign Policy might look in great detail into this matter.

Some such consolidated examination would be valuable because of the great diversity of relationships which have been carried over from the pre-independence period. There would also be some value in a consolidated examination of this kind which took place *prior* to the establishment of executive positions. In that fashion there could be a legislative input into the formulation of any new arrangements and thus the subsequent adoption of these arrangements by the Congress would be facilitated. Moreover, largely because of its role in bringing about Philippine independence, the U.S. Congress is held in high esteem in the Philippines. It would seem immensely desirable to build on this base by providing an active role for the Senate and the Congress in recasting the entire relationship. The alternative is a unilateral Executive Branch approach which would probably result in a piece-meal presentation of any newly negotiated arrangements to the various committees of Congress, without any attempt at a consolidated approach to a new relationship.

DEVELOPMENTAL DISABILITIES

Mr. BEALL. Mr. President, on Thursday, February 8, one of my constituents, Mrs. Joan M. Rupp, presented testimony on S. 427, the extension of the Developmental Disabilities Act before the Subcommittee on the Handicapped.

Mrs. Rupp is president of the Maryland Association for Children with Learning Disabilities and in her testimony before the committee stresses the need for the renewal of S. 427 as well as the need for a revised definition of "developmental disability." I recommend Mrs. Rupp's testimony to my colleagues and ask unanimous consent that it be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

The Developmental Disabilities Act

My name is Joan Rupp. As a parent and an educator, I am speaking on behalf of the National Association for Children with Learning Disabilities (ACLD). ACLD is a federated organization with affiliates in 41 states and the District of Columbia. The representation is 75% parent and 25% professional. It is parent oriented and parent directed. While the percentage of persons afflicted with the handicap which ACLD represents is quite significant, it is felt that only a small percentage of that group, probably under 1%, is severely enough handicapped to fall under the provisions of the Developmental Disabilities Act. However, we are vitally concerned with the needs of this group, albeit small. The interest of ACLD is in preventing, by means of proper diagnosis and remedial measures, the strong possibility that, whether by behavioral, psychological, or educational mismanagement, this small group may end up with a substantial enough handicap to result in needs which would require continuous and serious intervention of various kinds.

On behalf of this group, and in the interest of meeting their needs, ACLD is fully behind the renewal of S. 427. The renewal, at the present level of funding, would be most significant in meeting large and still unmet needs of these individuals. ACLD is particularly in favor of the recommended revision of the present definition, supported by the Administration, the National Advisory Council on Developmental Disabilities, and the Ad Hoc Coalition, as follows: "Developmental Disabilities means a disability which 1) is attributable to a medically determinable physical or mental impairment, 2) originates before the individual attains the age eighteen and has continued or can be expected to continue indefinitely, and 3) constitutes a severe handicap to substantial gainful activity (or in the case of a child under age eighteen a handicap of comparable severity)", for the following reasons.

First, this is a generic definition, whereas the existing definition depends on labels. The children who are of concern in this instance may, because of the limitations of testing mechanisms, lack of adequate professional personnel, and overlapping physical and/or emotional problems, be labeled mentally retarded, emotionally disturbed, etc. These are children who, research has shown may be identified at an early age, due to their inability to develop a proper body image without help. Development of the concept of body image is an essential awareness of one's own body as it relates to various positions in space. This concept is related to the development, in the child, of the concepts of right, left, up, down, in front of, and behind. The "normal" child very early develops such concepts, and as a consequence is able to easily accommodate himself/herself with respect to spatial orientation.

A significant finding of research with brain-dysfunctioning children is their inability, without substantial intervention, to develop these concepts, and so to behaviorally locate upness, downess, in front of, and in back of, as these concepts relate to their own bodies in space. Such a child is literally overwhelmed by the multitude of sensory data by which he/she is confronted on every hand at every waking moment; and so becomes, at a very early age, tense and disorganized, and anxiety-ridden—all of which contributes toward the development of a low self-concept. Since other children grasp these concepts quite early in life, and the children herein referred to require intervention of various sorts in order to learn them, there is not much doubt that a substantial neurological dysfunction exists. The following list of references clearly points out the neurological aspects of learning disabilities. While not a complete bibliography, this list constitutes sufficient evidence to establish the existence, in these children, of a substantial neurological impairment:

Chalfant, J.C., and Scheffelin, M.A., *Central Processing Dysfunctions in Children: A review of Research, NINDS Monograph No. 9, Washington, D.C., 1969.*

Clements, S.D., *Minimal Brain Dysfunction in Children, NINDB Monograph Number 3,* Public Health Serivec Publication No. 1415, Washington, D.C. 1966.

Crawford, J.E., *Children with Subtle Perceptual Motor Difficulties,* Pittsburgh, Stanwix House, 1966.

Denhoff, Eric, and Robinault, Isabel, *Cerebral Palsy and Related Disorders, A developmental approach to dysfunction,* New York, McGraw, 1960.

Myklebust, H.R. *Progress in Learning Disabilities,* New York, Grune and Stratton 1968.

Strauss, A.A., and Lehtinen, L. E., *Psychopathology and Education of the Brain-Injured Child,* New York, Grune and Stratton, 1947.

Wender, Paul H., *Minimal Brain Dysfunction in Children,* New York, Wiley-Interscience, 1971.

Labeling also tends to result in a self-fulfilling prophecy: i.e. because the child is so labeled, everyone expects too little and/or the wrong thing from him/her thereby creating a larger problem. A proper diagnosis in this area is difficult, but not impossible. It does however, require a multi-disciplinary approach, which at the present time is not available except at great cost, and which might be made available through existing or planned mental health facilities. Such an approach would utilize such specialists as pediatricians, neurologists, speech and hearing specialists, diagnostic teachers, opthalmologists and optometrists, and others.

The thrust of current research, and current educational practice is toward an emphasis on identifying needs, and working toward remediation of those specific needs, rather than pinning a label on a child. This is due to recognition of the fact that present means of identification are inadequate, that some children represent multi-handicaps, and that each child is an individual who represents unique needs, and so needs a highly individualized approach. It might be noted here that the U.S. Office of Education last year announced, as one of its priorities, programs for the handicapped, with a stress on needs rather than labels.

In addition to diagonstic needs, physical development programs, which such mental health centers as those just mentioned, could provide, are desperately needed. Most of these children are handicapped, if not by problems in fine and gross motor coordination, then by difficulties of balance or inability to maintain equilibrium relative to gravity. Achieving adequate balance is essential to the more complex skills of many sports, such as throwing and catching a ball. At the present time, physical education programs in the public schools are not geared to helping these children. The personnel employed in such programs are not trained to meet these needs, and the result is that the children, if they are not totally excluded from the program, in this area, as in others, experience failure. The idea of regional residential summer camps with trained personnel deserves particular consideration, since they would not only help the children to develop to their fullest potential physically, but would provide valuable socialization opportunities.

Since the substantial handicapped child will not be able to function in a regular educational program, vocational programs realistically geared toward helping them to enter society as taxpayers rather than becoming tax burdens, need to be developed. Vocational programs do exist in the public schools, but for the most part, they are implemented in such a way that they require a higher level of functioning than these children can achieve. For instance, the above mentioned problems in fine and gross motor coordination present difficulties, not only in reading and writing, but in doing work which requires great coordination, such as would be needed to become an automobile mechanic, or an operator of complicated machines.

These individuals enter adolescence with an inability, due to their handicap, to generalize from experience. This means that the child is unaware of the impact which he has on others, and this in turn leads to a lowered self-concept (already lowered by repeated failure), and a lack of friends. Counseling help is desperately needed by these adolescents in order to help them learn to relate and to get along with others—in other words, to socialize. This is important in relation to obtaining a job and keeping it, as well as functioning in school and social life.

What will be the cost to society of not providing for these individuals' needs? The cost to society of ignoring these problems may well be enormous, both in monetary terms and human resources. The need for a priority on meeting the global needs of these children now that they have been recognized can no longer be denied. Research tells us that the great majority of these children do possess the capacity to enter society as functioning responsible adults. But help is needed, and the time is now.

In summary, we are asking for 1) renewal of S. 427, with 2) the revised definition, and 3) the recognition that some of our children need the help which this Act would provide.

SATELLITES SPOT FISH AND MINERALS

Mr. MOSS. Mr. President, one of the basic mandates of our U.S. space program is to make the benefits available to all mankind. This mission to share our research and our technology with others has been continuously fulfilled in many ways. An article of February 10 by Don Shannon in the Los Angeles Times identifies just one more such activity as it describes the United Nations programs studying information obtained from the Earth Resources Technology Satellite—ERTS–1—space platform launched by NASA in July of 1972. I ask unanimous consent that this informative article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.N. STUDIES SATELLITES—THEY EVEN SPOT FISH

(By Don Shannon)

UNITED NATIONS.—A 23-nation working group on "remote sensing of the earth by satellite" reported Friday a list of successful uses of space observation ranging from the mapping of minerals to the locating of fish.

The group concluded after a 10-day session that observation from space will "very seldom be a single source of information and data for planning purposes" but will probably serve mostly in conjunction with ground-based methods.

Among the demonstrated practical uses of satellites listed was the identification of soil types, vegetation and trees—an application which has already been put to work in surveys of the Mekong River Basin, where a U.N.-sponsored project is under way.

ACCURATE MAPS

Other accomplishments of U.S. and Soviet satellite programs have been the charting of geological features associated with mineral deposits and the production of highly accurate" maps in areas poorly or incompletely mapped by conventional methods.

The group suggested that satellites may eventually be able to detect underground water and record snowfalls when observations can be made on a permanent basis. Valuable information about the oceans has already been obtained but is still incomplete, the group said.

"Chlorophyll, which is usually associated with the presence of fish, can be detected from space but not to the levels low enough to be significant for fisheries," the report said. "Observation of waste dumping has been demonstrated but the periodicity of such observation for practical monitoring purposes is still inadequate."

PRIORITY RESEARCH

The report urged priority research to develop methods to measure carbon dioxide and ozone in the atmosphere so that satellites can monitor air pollution. A proposal for putting an automatic system on the moon to monitor the earth's atmosphere was mentioned.

Operational remote sensing from space is still needed, the group said, defining this as "service on a continuous and permanent basis, coupled with a commitment by interested users to use such a service on the same basis."

Data until now has come largely from the Earth Resources Technology Satellite (ERTS) I space platform launched by the United States last July. It orbits the earth every 100 minutes at an altitude of 560 miles.

SOVIET PLATFORMS

The older U.S. Nimbus satellite is primarily for meteorological observation. The Soviet manned space platforms, Soyuz and Salut, were also cited as having provided "promising" results during their periods of operation.

Postponement by the United States of the launching of a second ERTS until 1976 and lack of earlier plans by other nations were cited by the group in estimating that "operational" remote sensing is unlikely before 1980.

Alan Shepard and Stu Roosa had flown their own planes here and were in the air holding over the Hughes Terminal for over 20 minutes until all the school buses arrived. No kid was going to be left out of this adventure and this is what made my day at the side of Ed Mitchell so thrilling and memorable.

Maybe that is the left-over child in a middle aged man just as Alan Shepard's golf shot on the moon or Ed Mitchell's ESP experiments on Apollo 14's nine-day mission.

When two tiny specks finally showed on the horizon Ed Mitchell told the crowd his partners in moon flight were 90 seconds away and to the second, they landed to cheers and handclapping from the kids assembled to greet them.

Childhood is an adventurous time of life and the appeal of the unknown, the mysterious and exotic was mirrored in the faces of the youngsters as they watched the astronauts.

Here were three men they could idolize for good cause. They represented everything that is thrilling to a child . . . adventure, courage and excitement. They had spanned the miles to the moon and two of them had walked on its surface. They had traveled far and fast. They are the Magellans, the Columbus', the Marco Polos, Kit Carson, Lindbergh and Admiral Byrd all rolled into man's most exhilarating adventure into a last frontier—the universe.

Dressed in ordinary suits they hardly seemed as giant as they do in their space garb. But after talking and visiting with them there is instant recognition that these are good men, brave men and what is even more important, men just like us.

That fact has a lot of implication at a time when it is stylish to put down the human race as hopeless, confused and dwarfed in comparison to the great heroes of the past. Still, I think Christopher Columbus got just as big a thrill out of leading his voyage after disappointment and frustration as Alan Shepard did coming back to pass his physicals and qualify to lead the Apollo 14 mission. He did more for middle aged Americans than even he might realize.

FARM PRICES

Mr. TAFT. Mr. President, Secretary of Agriculture Earl L. Butz did the country a real service yesterday. At the annual Agricultural Outlook Conference at the Department of Agriculture he criticized the tendency of some people, and some members of the urban press, to "annualize" monthly changes in farm prices.

Last Friday morning in a front page article in the Washington Post, the newspaper wrote about a 4.8-percent rise in the January wholesale farm price index as being "at an annual rate of 57.6 percent"—as if that kind of statistics had any validity.

Secretary Butz, is an able economist himself, having headed up the Agricultural Economics Department at Purdue University, one of the outstanding agricultural economics departments in the Nation. Furthermore, the economics work of the Department of Agriculture is headed up by Dr. Don Paarlberg, who was at one time economics adviser to President Eisenhower.

These gentlemen can point out very well the folly of "annualizing" 1-month changes in farm prices. At the outlook conference yesterday Secretary Butz pointed out that farm prices—unlike most retail prices—fluctuate widely from month to month due to weather and seasonal factors. This, I am sorry to say, is not very well understood by urban people, and when the press, unwittingly I am sure, "annualizes" these monthly changes in farm prices they do a disservice to a better understanding of agriculture on the part of urban people.

Secretary Butz pointed out that the Department of Agriculture economists predicted yesterday that retail food prices probably would rise about 6 percent in 1973. The staff of able economists had warned him that they would not be surprised, however, if the January Consumer Price Index, which is due out this week, would show a rise of 2 to 3 percent for the month of January.

Further addressing the point that some of the press tends to "annualize," changes in farm and food prices, which are volatile and which vary widely from month to month, Secretary Butz went on to say that some of the press probably would annualize the Consumer Price Index figures this week as a "24- to 36-percent annual increase."

The point that Secretary Butz was making was sound and it is high time that an able agricultural leader and economist such as Secretary Butz brought this to attention of the press and the Nation.

We are now at a time in our history when fewer than 5 percent of our population are engaged in agriculture. They feed us all better than any other people in the world, at the lowest percentage of our take home pay than anywhere else. Our farmers are increasing their productivity at twice the rate of increases per man-hour in industry. Farm food output in 1972, and right now, is the highest in history.

Consumers need to know that no economic group has done more than farmers to keep down the inflationary cost rise in this country. It is the enormous economic demand that is exerting an upward pressure on food prices. That kind of demand is the result of a growing, healthy economy; and the result of people with good paying jobs working to bring home a paycheck.

This is a sign of a strong economic situation. In 1972, the Nation's consumers received their food in unprecedented quantity and quality, with unprecedented services built into it, and after more meals than ever were eaten out of the home where the service costs more than the food. Consumers were able to get this food for about 15.7 percent of their take home pay. And in 1973, even with a 6-percent increase in retail food prices—which, by the way, includes the costs of marketing, which account for 60 percent of what people pay for food—consumers will still get their food in 1973 for a lesser percent of their take home pay than in 1972.

At this point, I would like to include in the RECORD a copy of a press release from the Department of Agriculture which further explains the remarks made by Secretary of Agriculture Butz yesterday.

I am also inserting in the RECORD the front-page article from the Washington Post of Friday, February 16, 1973, which in one article "annualizes" monthly changes eight different times. I ask unanimous consent to have the release and article printed in the RECORD.

There being no objection, the release and article were ordered to be printed in the RECORD, as follows:

BUTZ SAYS FOOD PRICE STORY DISTORTED

WASHINGTON, February 20.—"Consumers are being misled about farm prices by big city newspapers and the urban press," Secretary of Agriculture Earl L. Butz said today.

"During the last two months we had seasonal winter-time rises in farm prices, largely due to weather and transportation shortages. Newspapers and press stories have blown these seasonal monthly rises into preposterous annual increases. For instance, a 4.8 percent rise in wholesale farm prices in January was treated by the urban press as if there would be a 57.6 percent rise in wholesale farm prices over the next year," Secretary Butz explained.

"That use of statistics is like saying that if you have a cold this week it is at the annual rate of 52 colds a year. This kind of arithmetic is preposterous, and the urban newspapers ought to know better," Secretary Butz commented.

"The newspapers who write about a 57.6 percent annual increase in wholesale farm prices ought to get out beyond the city limits and learn the facts of life about volatile farm prices," Secretary Butz suggested. "They will find that farm prices—unlike most retail prices—fluctuate widely from month to month, season to season, and year to year.

"This week the Department of Agriculture is predicting that consumer food prices will increase about 6 percent in 1973, some of which has already occurred. That price rise includes the increases in processing and retailing costs," which account for 60 percent of total food costs," Secretary Butz explained. "Still, I suppose that if retail food prices go up 2 or 3 percent in some month due to seasonal factors some reporter will write that this is a 24 or 36 percent annual increase. Reporters have a responsibility to be realistic and editors have a responsibility to edit with a little horse sense," Secretary Butz concluded.

[From the Washington Post, Feb. 16, 1973]

FARM PRICES LEAD 1.1 PERCENT RISE IN JANUARY WHOLESALE PRICES

(By James L. Rowe, Jr.)

Wholesale prices, paced by farm product prices, rose 1.1 percent on an adjusted basis last month. That would work out to a yearly rate of 13.2 per cent.

Prices of farm products climbed 4.8 per cent, or at an annual rate of 57.6 per cent, compared with an annual rate of 68.4 per cent in December—which was a 26-year record.

The wholesale price index, which is a precursor of consumer prices, stood at 124.5 per cent of its 1967 average and 7.1 per cent higher than a year ago, the Bureau of Labor Statistics reported yesterday.

The large December increase in farm prices has begun to show up at the supermarket. The Labor Department said yesterday that the food component of its product group known as consumer finished goods—bascially the food purchased at supermarkets—increased 3.3 per cent last month, an annual rate of 39.6 per cent. Labor Department officials said that it was the highest rise in this index in 22 years.

The January rise in the wholesale price index was slower than December's 1.6 per cent increase, a 19.2 per cent annual rate, but well above the 6.5 per cent increase in the index for all of 1972. In 1972, the consumer price index rose 3.4 per cent.

In January, 1972, wholesale prices rose 0.4 per cent, or an anual rate of 4.8 per cent.

The January index is expected to add fuel to critics of the President's new "self-administered" economic controls system. Congressional critics of Phase III, including Sen. William Proxmire (D-Wisc.), have called for a much tougher mechanism than the President now has in effect.

The Senate Banking Committee just completed hearings on the President's request to extend his authority to impose wage and price restraints beyond April 30—when that authority expires—and Patman, chairman of the House Banking and Currency Committee, announced that his committee would wait to take up the request until more evidence on Phase III is in.

The data used to compile the January wholesale price index were gathered before the Phase III controls were put into effect on Jan. 11.

Officials for the Cost of Living Council said they were concerned by the January price increases and said they expected to continue to have "trouble" with farm prices for the next few months.

The administration has announced a variety of stops to increase food supplies this year in an attempt to stabilize price increases. But, as a Treasury official noted, the steps are more intermediate or long term and will be felt in 6 to 12 months, not immediately.

The official said that consumer food prices will continue to rise for the next few months, as the wholesale price increases work their way through the system.

But he pointed to other wholesale prices, such as industrial commodities. These increased 0.3 per cent in January for an annual rate of 3.6 per cent in January, for an annual rate of 3.6 per cent. The Treasury official said that performance was "acceptable" though administration officials hope industrial prices will slow further.

The President has set a goal of slowing price increases to a rate of 2.5 per cent by the end of this year.

Farm products, which caused most of the increase in the wholesale price index, account for 11.6 per cent of the total index. Processed foods and feeds, which rose 1.7 per cent last month, make up 17.2 per cent of the index, and industrial commodities account for 71.2 per cent.

Consumer finished goods, excluding food, rose 0.3 per cent, or at a 3.6 per cent annual rate, in the January index.

The consumer price index for January will be released next week.

TESTIMONY OF WILLARD WIRTZ BEFORE THE JOINT ECONOMIC COMMITTEE

Mr. HUMPHREY. Mr. President, last week, the Honorable Willard Wirtz, former Secretary of Labor and now president of the Manpower Institution, testified before the Joint Economic Committee.

Mr. Wirtz' testimony is especially

instructive because it represents, I believe, the best of idealism, the best of innovation, and the best of practicality.

Mr. Wirtz examines the President's new budget with a critical eye. He notes:

> One question is whether the President will succeed in what is an obvious effort to subordinate the issue of national priorities to the question of our over-all capacity—so that his priorities will prevail.

The point that Mr. Wirtz makes is telling: And, the challenge he possesses is equally telling:

> Whether those of us who believe in a different order of priorities from the President's will respond to his essential negativism—about what we can't do—with equally tough-minded but bold and new initiative regarding what we can and want to do.

Willard Wirtz sums up the President's budget and his budget cuts in one word: "Disgraceful." That echoes the thought of many of us here on Capitol Hill and around the country.

Yet, Wirtz is not content to be the critic. He is also the proposer. He suggests, for example, that the United States develop new measures of employment and unemployment, that we proceed with a sound public service program, that we concentrate on counseling and guidance, and that we begin to face rationally technological displacement.

Mr. President, I have found Mr. Wirtz' testimony to be exceptionally creative and challenging. I commend it to the Senate. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY WILLARD WIRTZ

Mr. Chairman, and Members of the Joint Committee: you have requested my brief comment on the implications of the President's Budget Message and Economic Message, particularly so far as the national "manpower policy" is concerned.

The short of it is that the President proposes that the present "manpower" programs be cut back by about a third (approximately $1.4 billion in appropriation terms) on the ground that this is necessary to stay within the over-all ceiling he has set and because only four million people will be left unemployed by the end of the year anyway.

These Messages seem to me to present two basic questions, both reflected clearly in the manpower proposals:

One question is whether the President will succeed in what is an obvious effort to subordinate the issues of national priorities to the question of our over-all capacity—so that his priorities will prevail.

The President proposes to lead by saying what we can't do as a Nation. What he is really saying is that we shouldn't, as a matter of policy and choice, move ahead in the areas of social concern. The issue is the same as it was when those who opposed social advance first condemned it as "communism," and then turned to the argument that it couldn't be made because there were wars to be fought and paid for first. Only the strategy has shifted: to the effort now to so concentrate attention on costs . . ., taxes . . . that there will be no recognition of values; to such emphasis on the price of the whole that there won't be consideration of the worth of any of its parts.

It seems right to me that the budget processes of the Congress should provide a self-imposed limitation on the total of the funds appropriated for a particular year. Within whatever that over-all limitation may be, however, the vital questions of priorities will remain: whether the long awaited "peace dividend" is to be plowed back now into the military establishment (as the President proposes) or whether it is to go to improving the common lot; and how much of the bill for whatever we decide to do is to be charged to those who can afford to pay it and how much to those who cannot. I assume that in the days and weeks ahead the Congress will draw on its mandate to re-assert these issues of the priorities of our national purpose and the allocation of fiscal responsibility.

The second question is whether those of us who believe in a different order of priorities from the President's will respond to his essential negativism—about what we can't do—with an equally tough-minded but bold and new initiative regarding what we can and want to do.

A strong defense isn't worth a nickel in today's politics, especially in the play-offs—which is where we are now. I draw on an expired license to recognize that "liberalism's" old agenda got adopted without our coming up with an enlightened but reliable new map of the horizons or even the frontiers of current and prospective human purpose. What used to be "liberalism," with enough excitement of promise and hope in it to carry the day, has become so commonplace (and made so many more people substantial taxpayers) that you think of Bret Harte's observing that no one will give up his life to defend a boarding house. Neither will he, or she, pay higher taxes to support yesterday's idea of a great society. The only thing that will work, or should, is a *new* Idealism.

So, recognizing this Committee's particularly designated concern in the "economics" of all this, I want to try to suggest—after summarizing the effect of these Messages in the present manpower programs—the broader policy they seem to me only prelude to; with the thought that it is the economics of our *purpose* that is most important.

* * * * *

The President's Budget Message actually says comparatively little of manpower policies and programs as such. There is a general reference to proposed 1974 outlays of $12 billion "for education and manpower, including those for veterans," and another to "revenue sharing" of $1.3 billion for "manpower training." It is stated that the 1974 budget provides for "continued emphasis on training disadvantaged veterans" and for "an increase in the work incentive program to help welfare recipients get jobs." The only direct suggestion on the face of the Budget Message of any intended cutback of present manpower programs is the mention of a proposed "phasedown of the temporary Emergency Employment Assistance program," but this is accompanied by the sedative assurance that this will be "consistent with the increase of new jobs in the private sector." In the context of some 22 references in the first section of the "message to full employment," this all appears to offer reasonable assurance that at least on this front."human resource" priorities are to be adequately recognized.

The fine, but operative, print tells a drastically different story.

There is a question of what should be considered "manpower" programs. There is, depending on what combination of programs is taken, a proposed reduction of recommended appropriations here of between $1.25 billion and $1.5 billion. This would be, taking the grouping of programs most commonly considered "manpower training" programs, from a FY 1973 level of $3.7 billion to a recommended $2.3 billion for FY 1974.

The largest item in this cut—referred to in the Budget Message as a "phasedown"—involves what is in fact the proposed total elimination of the public employment (or Emergency Employment Assistance) program, for which the 1973 budget authorization was $1.25 billion. Under this program State and local governments have received Federal funds permitting their providing jobs to some 150,000 men and women. The proposal is that this program be continued for several months, while previously appropriated funds last, then cut out entirely. The principal explanations for this are that the State and local governments are better off than they used to be and that, according to the Economic Report, unemployment will go down to 4.5% by the end of 1973. (This would mean 4 million people out of work.)

Depending on what other items are included, the cut (in addition to the 100% reduction in the EEAA) is about 15% in the rest of the manpower program.

No appropriation is proposed, at least specifically, for the summer youth employment program, under which more than 500,000 boys and girls have been given work opportunities each year.

The President recommends a cut in manpower research and development funds from $32 million for FY 1973 to $20 million for FY 1974, and a reduction for evaluation from $7 million to $6 million.

It is illustrative that despite the Congress' enactment of P.L. 92–540 last October, with its provision (among others) for establishing Veterans' Employment Representatives in each State—and despite the repeated references in the President's Message to veterans' special equities—the Budget proposes no appropriation for these positions.

As nearly as I can follow the arithmetic of the proposed Budget, the total which the President proposes for "revenue sharing" for manpower programs in Fiscal Year 1974 is $1.3 billion. This would be $230 million (15%) *less* than the funds which were originally proposed for these same programs for 1973.

The surest test of the inner quality of a budget is to check to see whether anybody thought of that special constituency we call "the handicapped," those whom nature or accident or sickness or war have put at physical or mental disadvantage.

They were not overlooked this time.

Three programs under the Vocational Rehabilitation Act, affecting particularly the rehabilitation facilities program are marked for cuts—of, respectively (comparing FY 1974 appropriations with those for FY 1972; the 1973 figures are complicated), 22% 31%, and 100%. Senator Cranston and Congressman Brademas and others have been pressing strongly against this course of action (of which these particular cuts are only the most recent part). Senator Cranston, presiding last week at hearings before the Sub-Committee on the Handicapped, and referring to the proposed reductions of $30 million for FY 1974 in the Vocational Rehabilitation innovation and expansion grants and research and training grants budgets (compared with FY 1973 original request figures) summed it all up in one word: "Disgraceful."

The always gnawing sense that our talk about billions, or even millions, of dollars is actually beyond our real comprehension prompted my checking—with the people at Goodwill Industries—to see whether all of this will really make much difference. It already has. It drives home the real effect of this proposed carving that the State rehabilitation agencies in three States—with more almost certainly coming—have in the past few days advised the Goodwill Industries offices that no more handicapped people will be referred to them now because the President's budget proposal indicates that the accompanying support funds won't be forthcoming.

Add the fact—important only for what it reflects—that the budget proposal is that two staff positions be cut from the President's Committee on Employment of the Handicapped.

Proposed outlays by the Office of Education for education of the handicapped have been cut.

It is proposed that there be no new starts under the Community Mental Health Center program.

You wonder just what kind of budget it is we are balancing.

* * * * *

There are two necessary bases for evaluating these proposals: in terms of the worth of each program in itself, and in comparative terms.

The most objective evidence I can find is that the present manpower programs have proven a good investment—increasingly well administered and increasingly effective.

I know of material improvements made in the office of Secretary of Labor.

It is relevant that the present Administration has thought highly enough of these programs to enlarge them substantially beyond what they were in 1968.

The Joint Committee has before it the excellent Staff Study prepared for its Subcommittee on Fiscal Policy (Paper No. 3; November 20, 1972) regarding The Effectiveness of Manpower Training Programs. I would agree with the conclusions of that report: that preliminary evaluations of these programs show "relatively large internal social rates of return," that most of them much more than pay for themselves; but that a number of significant changes are indicated by these preliminary evaluations; and that there should be a good deal more careful appraisal made. The recent report by the National Manpower Policy Task Force, is to similar effect, suggesting certain changes in these programs but giving them what are in general high marks for "substantial increases in employability and income for enrollees."

There would be general agreement, I think, that the first two years' experience with the manpower programs commends strongly that certain changes be made—particularly in connection with the distribution of administrative responsibility for them and with their still unmet identity crisis, whether they are to be training or employment or income maintenance programs. But I had thought, until two weeks ago, that there was general recognition that unemployment is one kind of waste we cannot afford to accept; that reducing unemployment means increased government revenues; and that one necessary way to move toward full employment—by whatever definition—with the least inflationary effect is to reduce "structural" unemployment, to improve the training of people for jobs that need doing. I still think these things are true—and that the President's proposed slashing of these programs—instead of insisting that improvements be made in them—is wrong . . . in his own dollars-and-cents terms.

There had also appeared to be, until two weeks ago, general and widely expressed concurrence that in terms of comparative priorities the allocation of between one and two percent of a national budget of over $250 billion to these "manpower" purposes represents less than minimal recognition of their comparative importance. To suggest cutting these programs—but increasing military procurement expenditures and leaving six loopholes—seems to me bad business, misguided government, misplaced human concern.

This priorities issue, assuming any given over-all budget figure, whether it is right to cut the manpower programs by over $1 billion when that same amount could be saved by closing the tax loopholes which are provided by the oil depletion allowance, the "fast depreciation" advantage given the owners of certain types of buildings, and the capital gains shelter provided for timbering operations. This seems to me not right, but wrong.

The issue is whether it is right to propose not to fund the Veteran Employment Representatives positions just established by the Congress, but to maintain the number of Generals and Admirals in the Army and Navy at World War II levels even though the troop strength has been cut by 80%. That isn't right.

The issue is whether it is right to put 150,000 disadvantaged men and women out of their jobs under the public employment program, and 500,000 boys and girls out of their summer employment, and handicapped people out of their places with Goodwill Industries when three times the cost involved could be saved by conservative reductions in military procurement. That is wrong.

The issue is priorities.

* * * * *

Returning now to the point that even if all of this is so, the case for preserving . . . and improving . . . the position of manpower programs on the agenda of national priorities will depend on revitalizing present policies with new and greatly enlarged purpose:

The debate may, from present indications, center on the public employment program. I would urge strongly the renewal and expansion of this program—along the new lines Senator Humphrey and Congressman Reuss and others are advocating.

But winning that particular point alone won't be enough. It will be necessary to mark out bold new frontiers of immediate purpose, and beyond that the horizons of eventual hope, for a manpower policy.

This isn't the place and there isn't the time here for detailed programming of a new Idealism in manpower policy; but I have a few suggestions.

The place to start is by making it clear that full employment means what it says, and by establishing new methods of measuring employment and unemployment. For we do whatever we measure.

Instead of claiming a foul in the President's use of "full employment," it would be better to say: "All right, Mr. President, you have adopted the phrase. Now let's live up to it. We don't mean by 'full employment' the four or five percent unemployment your economic advisers say is necessary to avoid inflationary pressures. We are opposed to inflation, but we mean to take care of that in other ways than by pushing the bottom two million people into the street. We mean by 'full employment' what Senator Proxmire said so simply and rightly at this Committee's hearings last October: 'a decent job for everyone who is willing to work.'

"We know that in an economy changing as fast as this one is, two or three people out of every hundred will at any particular time be moving from one job to another, or finding their first job. We got down close to that minimal level—to 3.3%—in 1968. We can do it again—whenever we make up our minds to, and put full employment in the first place instead of someplace else on down the line."

We need new measurements, going beyond what we have been calling "employment" and "unemployment" and designed particularly to provide the architects and administrators of both manpower and education-manpower policy with more information about the where's and who's and why's of people being out of work, out of school, out of kilter one way or another.

One aspect of this need is emphasized in the recent succinct and invaluable report of Senator Nelson's staff study for the Employment, Manpower, and Poverty Sub-Committee, which redirects attention—as we tried to in the Department of Labor in 1966—to the implications of a "sub-employment" which persists in particular identifiable areas at a rate far in excess of the "unemployment" rate.

Then suppose we were to start trying to determine the rate of non-use or under-use of the whole human potential for productive, creative, or service activity. Without pressing the point, there is obviously a good deal more which can and should be done in the development of "social indicators." Knowing and respecting the differences of viewpoint within the Joint Economic Committee on the proposed Full Opportunity and National Goals and Priorities Act (S. 5; introduced by Senator Mondale and cosponsored by Senator Javits), regarding particularly the establishment of a Council of Social Advisers, I express the strong personal persuasion that such legislation is of vital importance and should, in some form, be enacted.

We aren't measuring today, in the area affected by manpower policy, all we should and could be finding out—especially about our potential.

In a more programmatic sense, I mention really only by way of illustration two specific frontiers of manpower policy:

Over a quarter of our unemployment, as we now describe and measure it, is in the 16-to-19 year age group. The unemployment rate in this group is about 15%, and almost twice that among those who are both young and black. This is an inexcusable disgrace. No other comparable country suffers anything like it. It is a form of infantile paralysis, leaving lifetime debilities.

The Administration's proposal to meet this situation by establishing a lower minimum wage for younger workers is the emptiest gesture. It is wrong. It wouldn't work. It won't pass.

We have to get at the real nature and at the causes of "youth unemployment."

We probably make a serious initial mistake, which affects all of our thinking about it, by putting these young people down in the book as simply "unemployed"—out of work. In a good many cases, although not all, the more significant fact is that they are out of school—without the preparation they need for jobs which machines can't do better. This is a special "transition problem," but with roots reaching down into the educational system, and still deeper down into the environmental circumstances of a good many of those boys and girls.

We need an "education-manpower" policy.

The administration of such a policy would start most immediately—for the needs and opportunities are largest here—by setting up a vastly more extensive counseling and guidance and placement program—to provide at least as much assistance of this kind for young men and women who leave high school to go to work as we provide those who are going on to college. We are developing plans at The Manpower Institute for what we are calling Career Information Boards—largely privately supported and administered in significant part by volunteers. But if we were willing to spend $100 per young person—age 16-to-19 and out of work and out of school—just to give that boy or girl the guidance he or she needs to get into one or the other we would get every cent returned to us in reduced costs of juvenile delinquency. We could pay the cost in the meantime by closing up just the tax loophole we now provide those who make capital gains on timbering operations.

The "work-study," "cooperative education" and community college programs warrant close attention and broader support.

Part of the holding in *Serrano* v. *Priest* and other cases like it is that equality of work opportunity traces directly to equality of educational opportunity.

Assistant HEW Secretary Sidney P. Marland's proposal for "career education" illuminates a vital dimension of what ought to be an "education-manpower policy."

This country will be willing to do whatever it takes to stop the present incalculable drain on our resources, our finances and our morals, of a million teen-agers adrift. And they are not just "unemployed."

Another frontier of manpower policy involves recognizing fully—as we have only a little so far—the basic importance to manpower policy . . . and to unemployment . . . of the ceaseless competition between people and machines. You think of Thorstein Veblen's prescient reminder, eighty years ago now, that the free society's most serious testing will be in the handling of the "potentially suicidal stresses between scientific invention and the human purpose."

I hazard the guess—yet really without hazard, for we don't keep these figures—that half of the adult unemployment in this country is traceable either directly or indirectly to technological displacement or the development of new processes.

There is even less basis—but similar immunity from disproof—for the estimate that between three and five million people whom we list as "employed" are doing and being paid for work . . . or time . . . which is useless both to their employers and to themselves. They hold sinecures, as the alternative to being unemployed. The price is inestimable. It was one, although only one, of the factors which bankrupted the Penn Central. It caused last week's strike there. Its cost is probably largest in its corruption of whatever the "work ethic" ought to mean—and I'm not talking Puritanism.

This issue of how to deal with technological displacement has caused more "national emergency labor disputes" in this country in the past fifteen years than any other issue, including wages. Collective bargaining isn't, by its nature, able to cope at all fully with this issue. New technology means, in my understanding of it, more—not fewer—jobs, at least at the present stage of things. But the new jobs are often in other plants, belonging to other companies, often in other industries—not within the jurisdiction of the company and union representatives at a particular collective bargaining table where the question of the displacement of a particular person by a particular machine comes up. So those bargainors either don't meet the problem or they come up with answers which are usually wrong, or only half right.

This problem must be met, at least in part, by the community as a whole.

If change, which is in the public interest, requires taking a person's job, he or she is as fully entitled to compensation for it as when change involving the public's need for a new school or highway requires taking somebody's property. We should extend the principle of "eminent domain" to jobs.

The practical form of this is probably to provide fully paid leaves of absence—from the work force—to anybody about to be replaced by a robot; so that he or she could take a year or two, or whatever is required, of training for some other kind of work. This should be at full pay—to come partly out of the employer's increased profit from that new machine (half, perhaps, of the special tax advantage we give him for buying it) and partly out of the unemployment insurance fund. Visionary? Fine. Impractical? West Germany has had a similar leave-of-absence law for four years now, and it is reportedly working well.

Then we might go on (unless this is "chauvinism") to provide free education for every mother when she reaches forty or when her youngest child goes off to school; so she can catch up with what has happened while she was so busy and can get ready again for something else. Then we could move on from there, to consider sabbaticals for everybody in the work force—or perhaps first a two-year refresher course at age 60 or 65: in rejection of habit's absurdity of treating retirement—"the best for which the rest was made"—or "leisure" more generally, as an unskilled occupation.

The most significant recent document in the manpower policy area is Work in America, a report just issued (apparently having been held up until after the election) on a study made by the W. E. Upjohn Institute for the Department of Health, Education and Welfare. Emphasizing the human values in Work, it will take its place besides the Club of Rome's Limits to Growth (which I find less persuasive), the National Urban Coalition's Counterbudget) and Christopher Jenck's Inequality as a mind stretcher important to our shifting our thinking about the ultimate priorities—which are those between the individual and the system.

We got a fleeting glimpse of this last Fall when Senator Mansfield and Senator Aiken proposed a Human Resources Depletion Allowance—to provide aging human beings with a tax exemption of up to 23%, which they identified—with what must have been wryness—as one percent more than the oil well depletion allowance.

Someplace along the line—sooner now than we realize—we will identify the elements of a "manpower" policy which will mock the baptismal blunder we made ten years ago when we gave it that title. For the dictionary defines "manpower" as "a unit of energy generally considered equivalent to $\frac{1}{10}$ horsepower." We will redefine "manpower" to mean the power that lies within every human being—and the purpose of manpower policy as being to provide full opportunity for every individual's making the highest and best use of the life experience. And we will probably throw away the "manpower" phrase—as deriving too directly from "horsepower"—and substitute for it, as the President virtually has already, "human resources." We'll stop talking about the "labor market."

We have recognized fully and traditionally the importance of Labor as an element of production—essential to the system.

We are only beginning to recognize the importance of work as a human value—essential to wholeness of the individual.

Yes, I commend to the Committee the recognition of the present manpower programs as being wise and already high yield investments. I think it would be a tragic mistake to cut them back. I think, at the same time, that they should as a matter of policy, and can as a matter of practical politics, be preserved and enlarged only as they are imbued with new initiative, yes, with a new Idealism—not apologetic or timid, but proud of itself and confident that it is the authentic American spirit.

So I make as strongly as I can the case for evaluating present manpower policies and programs, proposing new ones, by checking the stars of our reasonable purpose instead of by using lanterns to try to light the path immediately ahead.

We are all taxpayers. But most of us are taxpayers only second, and citizens . . . of each other . . . first—no less so in time of peace than in time of war. We need and will respond to a leadership which summons and draws upon the courage of our deeper convictions and our desire to do, together . . . for ourselves and each other . . . all we can do, and to be all we can be.

This Committee, and the Congress, will know—as it considers these "economc" questions—that both behind and beyond them is the critical truth that a working majority of people in this country still care greatly.

Else we would be nothing.

PRAYERS FOR CONGRESS BY THE LATE DAVID LAWRENCE

Mr. THURMOND. Mr. President, one of the last columns authored by the late and distinguished journalist, David Lawrence, took note of the fact that Congress has allowed prayer sessions to be limited in the public schools while continuing them in public institutions such as the U.S. Congress and House of Representatives.

Certainly, there is justification for allowing voluntary prayer meetings in the Senate and House and there should be no legal hurdles for students who wish to do the same in elementary, junior, and senior high schools.

Mr. President, I ask unanimous consent that this editorial which appeared in the February 9, 1973, issue of the Augusta Chronicle newspaper in Augusta, Ga., be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Prayers for Congress, Not for Pupils

(By David Lawrence)

For several years there has been a controversy about prayers in the public schools. It has been definitely ruled by the Supreme Court that no governmental body can prescribe prayers. The effort now, therefore, is to obtain for students the privilege to have voluntary-prayer services conducted by themselves at a recess permitted for the purpose.

The argument against prayer in schools has been that there must be a separation of Church and state, as provided by the Constitution, and that there can be no involvement of government in religious matters. But people in governmental agencies today hold their own sessions of prayer. Members of the House of Representatives have a prayer breakfast each week, and so do senators. Participation is voluntary.

Just a few days ago the President of the United States attended the 21st annual National Prayer Breakfast in Washington. The guests included not only members of Congress but officials from other parts of the government.

Mr. Nixon made a brief address about peace inside and outside our country. He referred to the recent agreement to end the Vietnam War, and declared:

"It will mean peace only to the extent that both sides and the leaders of both sides have the will to keep the agreement. . . .

"We will keep the agreement. We expect others to keep the agreement. That is the way peace can be kept abroad. Only, in other words, by the will of the individuals involved—and you must change the man or you must change the woman if the agreement is to be kept.

"And so it is at home. We are concerned about conflict at home. We are concerned, for example, about the problems that divide us. They talk about the divisions between the generations, divisions between the races, the divisions between the religions in the country—and we have them.

"So we can legislate about some of those divisions. For example, we pass laws, laws providing and guaranteeing rights to equal opportunity. But there is no law that can legislate compassion. There is no law that can legislate understanding. There is no law that can legislate an end to prejudice. That only comes by changing the man and changing the woman. That is what all religion is about, however we may worship."

The President closed with the plea that, abroad and at home, our prayer should be:

"Let there be peace on earth and let it

begin with each and every one of us in his own heart."

Mr. Nixon recalled the first national prayer breakfast in 1953, when President Eisenhower made the principal address, and that he himself had met with the House Prayer Breakfast group and later with the Senate group.

Prayer breakfasts have been established throughout this country in federal and state government offices and also among businessmen and other groups in cities. The movement has spread to many foreign capitals. The concept is one of services which are not in any way connected with a particular church or organization. The meetings are informal and are devoted to recitation of prayers and short talks and discussions of the relations of individuals to one another in modern life.

The Constitution says that "Church and state" shall be separate, and certainly the Prayer-Breakfast movement throughout the United States in the last 25 years has adhered to that doctrine. But members of various governmental agencies attend regular prayer breakfast sessions once a week at which individual life and the lessons derived from religious principles are analyzed. These meetings have a profound effect on the persons who participate in them and on their everyday relations with their colleagues and friends.

The Prayer Breakfast movement has won widespread approval because it is nondenominational. It seeks solely to stimulate the thinking of individuals as they face the problems that arise not only in their own field but in the communities where decisions have to be made each day that affect many other citizens.

It might well be wondered, if members of the House and Senate can participate regularly in such gatherings once a week in government buildings just before their official proceedings begin, just why students in elementary schools or high schools couldn't organize similar prayer meetings without legal objection.

DISASTER AREAS IN SOUTH CAROLINA

Mr. HOLLINGS. Mr. President, on behalf of Senator THURMOND and myself, I bring to the attention of the Senate a concurrent resolution passed by the South Carolina General Assembly on February 16, 1973.

The South Carolina General Assembly passed a concurrent resolution memorializing the President of the United States to declare 32 counties in South Carolina as disaster areas due to the recent unprecedented snowfall.

Senator THURMOND and I have done all we can to encourage the President on this matter. Having inspected several counties I found this major snow and ice storm had left the State in a genuine emergency condition.

On behalf of Senator THURMOND and myself, I ask unanimous consent that the concurrent resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A CONCURRENT RESOLUTION

Whereas, a thirty-two county area in eastern and southern South Carolina was smitten by a record snowfall which commenced on Friday, February ninth, and continued through the following day, leaving over two feet of snow in many areas; and

Whereas, the Governor declared these counties as disaster areas on Monday, February twelfth, as more than sixteen thousand stranded motorists were housed in emergency quarters following their rescue from snow-clogged highways; and

Whereas, this storm was judged to be the worst to hit South Carolina in the 20th Century, causing millions of dollars in damages, and today, February fourteenth, some main thoroughfares of this State remain impassible. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the President of the United States is hereby memorialized to declare immediately the following counties as disaster areas and to assist these counties in every way possible: Abbeville, Aiken, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Chesterfield, Clarendon, Collection, Darlington, Dillon, Dorchester, Edgefield, Florence, Georgetown, Greenwood, Hampton, Horry, Jasper, Lee, Lexington, Marlboro, McCormick, Marion, Orangeburg, Richland, Saluda, Sumter, and Williamsburg.

Be it further resolved that copies of this resolution be forwarded to the President of the United States and to each member of Congress from South Carolina.

TIMBER ECONOMY THREATENED

Mr. McCLURE. Mr. President, there is a worsening crisis in the availability and pricing of timber raw materials and forest products. The following articles describe some of the several reasons why this unfortunate situation exists. I ask unanimous consent that the articles from the Coeur d'Alene Press, the Lewiston Morning Tribune, Marple's Business Roundup, and a speech by Bruce E. Colwell be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Coeur d'Alene (Idaho) Press, Jan. 4, 1973]

TIMBER ECONOMY THREATENED

(By Terry Schick)

There's a real threat to the supply of timber and to the economic wellbeing of most of North Idaho.

John M. Richards, general manager of the Wood Products Group, Potlatch Forests, Inc., made that statement today as he spoke here before the Coeur d'Alene Chamber of Commerce.

"Timber Supply—and Impending Crisis," was the topic of Richards' speech, in which he discussed the outlook for timber supplies for Coeur d'Alene's largest industry, lumbering.

While the Coeur d'Alene National Forest has done "an excellent job in its timber sale program," said Richards, "unfortunately your mills in Coeur d'Alene cannot survive on timber from this forest alone."

He said many of the logs used by Cd'A mills are from the St. Joe National Forest, "a forest that has cut its sales program back dramatically."

Richards said that "with the Federal government being the major timber owner in this area it has a major responsibility to see that its share of timber is made available for processing.

"This is particularly true for the smaller mills which are usually even more dependent on public timber than are the larger ones such as PFI."

Richards listed three reasons for the reductions in timber sales:

Restrictions placed on the Forest Service (USFS) by the National Environmental Policy Act of 1970.

"This act greatly complicates," Richards said, "the process of preparing timber sales because of the necessity for work by soil scientists, geologists, wildlife biologists, hydrologists, landscape architects, and others, all who combine to make the required environmental impact statements necessary before a timber sale can be finalized."

The USFS is operating under severe budget restrictions. These restrictions, said Richards, "would make their job difficult even without the environmental problems. The environmental requirements compound the budget problems because not only are the dollars reduced but each dollar buys less because it must be spread thinner."

The tieup of millions of acres of commercial timberland for possible inclusion in single use classifications.

This tieup, Richards explained, has been by "preservationists (not conservationists). In Idaho alone undeveloped roadless areas tied up by the recent Sierra Club lawsuit contain over 8-million acres, much of which is classed as productive land."

While the lawsuit has been settled, the timber sales in this area have been set back at least one or two years, he said.

"These are real and complicated problems facing the Forest Service and ones that we can easily sympathize with," Richards said, adding:

"Unfortunately in the opinion of most of our industry these problems have been even further and needlessly complicated by what can only be called overreaction.

"This overreaction to the environmentalists seems to have caused almost total dismissal of concern for the economic wellbeing of the communities of North Idaho and of the entire country.

"Without this overreaction it is entirely possible that both the economic and environmental problems can be met and overcome."

Allowable cut reductions, particularly in the St. Joe and Clearwater Forests, have been a factor in the closure of six small mills, Richards said.

More curtailments would have occurred, Richards said, except that the state has done an exceptional job with its timber sales program and that mills have chosen to operate at capacity "and let their backlog of timber under contract suffer."

Richards said "something has to give—either we restore our forests to their full allowable cut or we begin shutting down more mills."

More shutdowns, he forecast, would mean unemployment for thousands of North Idaho families, loss of income and employment for firms relying on the forest products industry for sales of their services and products, and a reduction in Forest Service receipts that go into the operating budgets of counties and school districts.

"You know we have a unique opportunity here—one that very few communities are blessed with," Richards said.

"We have an asset in these renewable timberlands," he continued, "that can and should be used to the benefit of generations to come.

"This will only happen if we convince the public and our elected officials that the emotional pleas of stop cutting trees need to be replaced by sound and productive forest management, and we ask your assistance in this worthwhile effort."

[From the Lewiston (Idaho) Morning Tribune, Jan. 28, 1973]

MORE TREES DYING THAN BEING CUT, FORESTER CLAIMS

(By Hal Hollister)

A retired supervisor of national forests in north Idaho charged yesterday that more timber in that part of the state is dying from disease and insect damage than is being cut, thus supporting the claims of logging industry spokesmen and adding fuel to a dispute which has raged for more than a year in Northwest logging circles.

In stating his views in a telephone interview with the Lewiston Morning Tribune, Ray Hilding of Coeur d'Alene was in substantial agreement with spokesmen of the wood products industry who contend that the U.S. Forest Service in combination with pressure from environmentalists, are starving the logging industry and causing many small logging firms into bankruptcy.

But he contended that the role of the Forest Service is dictated by a reduction of funds provided by the Nixon administration, not by service policy.

"Sure there's a shortage of timber from national forests in this area, just as there's a shortage from state and privately owned timberlands," said Hilding, a former supervisor of the St. Joe and Coeur d'Alene national forests who retired July 1. "Millions of board feet of timber is dying unharvested in north Idaho, and the total adds up to more than is being cut. And there are two primary reasons for this: the inability of the Forest Service to put up the allowable cut because it lacks the necessary manpower, and restrictions enacted under pressure from environmental groups."

Between the two, Hilding said, huge areas of timber are going to waste simply because it can't be gotten to market.

"Lack of manpower makes it impossible for the Forest Service to go in and salvage a lot of dying timber in areas with access roads," he said. "And restrictions imposed as a result of pressure exerted by environmentalists has slowed sales in areas lacking roads. As a result, the timber's going to waste. It's true that logging dying timber is more expensive because it's usually scattered and it takes more manpower to get it out. But the value is there, and the timber should be used."

In supporting the contention that there is a shortage of federal timber, Hilding disagrees sharply with Richard J. Pfilf, former supervisor of the Clearwater National Forest, and Thomas B. Farbo, the forest's timber staff officer.

Pfilf said last fall that the volume of timber available to loggers on the forest had actually increased during the preceding year, and he provided figures to support his claim. He granted that several small mills in the Lewiston area had gone out of business, but he attributed this to economic factors and to inefficient methods of operation.

Farbo agreed. "I can't speak for other forests," he said. "But I do say—clearly and unequivocally—that there's no shortage of merchantable timber on the Clearwater National Forest."

The conflict between the two views couldn't be sharper. Where, then, does the truth lie?

Hilding gave testimony that could provide a clue.

"The supervisor of a national forest is given considerable leeway to formulate his own forest sales program," he said. "A supervisor determines how much timber he will sell, and he also has considerable latitude in interpreting environmental rules and regulations.

"In the absence of hard and fast rules it's inescapable that the decisions a supervisor makes and the positions he adopts will be strongly influenced by his philosophy."

And this, it may be assumed, includes his attitude toward logging versus the environment.

[From the Marple's Business Roundup, Dec. 20, 1972]

GOLDEN LOGS

Pressure is building up for new restraints on export of logs, which topped 2.3-billion bd. ft. in the first 10 months and may reach 3.0-billion for the year. Exports from Washington and Oregon now take something over 22% of all the timber cut in these 2 states west of the Cascades. The only restrictions now apply to timber from federal lands; there recent sales permit export up to about half of the total harvest.

Japan is the main buyer, taking about 90%. But exports to British Columbia have risen, the results of a woods strike earlier in the year and the ability of B.C. mills to buy U.S. logs (which carry no price controls), cut them into lumber and sell the output in the U.S. free of mill ceilings.

With log supply short, exports send prices even higher. One mill representative, citing charges by a major forest company that doubled the price of hemlock in 6 months, says: "Prices seem to be going up by the hour". The evidence grows.

A sale of Oregon state timber in the Astoria area, appraised at $590,000, brought $1,040,000. A Forest Service offering east of Everett, carrying the seller's appraised price of $379,793, brought $765,515. In this sale hemlock and other white woods appraised at $39.67 a thousand bd. ft. brought $103.

The highest yet (except for Port Orford cedar, a minor species) came this month in the Gifford Pinchot forest of the Washington Cascades. One parcel appraised at $386,725 went for $1,284,031 and saw hemlock bid at $215 a thousand bd. ft. A week later 12 firms bidding on 14-million bd. ft. pushed the price of hemlock, appraised at $65.65, to a whopping $328.20. In the same stand Douglas fir, appraised at $88.49, brought $110. The Japanese prefer hemlock and other white woods, which normally sell substantially below Douglas fir.

The manager of the mill that was beaten out on that sale, said simply: "No mill in the country can afford to buy at that price" and pointed to a neighboring mill closed for lack of timber. A veteran in the lumber business shook his head: "The high bidding appears to reflect concern by the Japanese over the possible shutting off of log exports. If this continues a lot of small and medium-size mills are going to disappear."

IMPACT OF ENVIRONMENTAL REQUIREMENTS ON LOGGING OPERATIONS

(By Bruce E. Colwell)

In order to better understand the impact of environmental requirements on logging operations it might be well for your understanding to briefly review the characteristics of the commercial timber growing country in the Inland Empire area as they relate to environmental requirements.

Elevations in general range from 2,000 feet above sea level to an altitude approaching 7,000 feet with the ideal timber growing range between 2,000 and 5,000 feet or perhaps slightly less. In general the terrain is from moderate to steep with many of the side hills ranging typically from 50 to 70 percent which by some Coast standards may not seem too steep.

Logging methods vary throughout the region with a substantial amount of line skidding which we commonly refer to as "Jammer" logging, and ground skidding accomplished with tractors or rubber-tired skidders, skidding log length and tree length. There is a small amount of long line skidding in our region.

Road building in our region runs the gamut from highly erodible soils and unstable ground to excellent road building on highly stable soils. In general most of our region would be classed as lending itself to good to excellent construction on stable ground conditions. It should be recognized that there are always exceptions to this general condition.

Size of logs is highly variable but in comparisons with other regions our average log would be small—ranging in size on our own operation from 12 to 16 inches. There are many stud log and small log mills in the region that utilize logs much smaller than the diameters I refer to.

The major problem areas in our region are many in number but perhaps in order of priority I would list the raw material crisis as being the most critical one. In our region which I will consider as being synonymous with Region I of the Forest Service, there has been a six hundred million board foot reduction in the amount of timber sold in the fiscal year ending June 30, 1972. This is a reduction from an original allowable cut of 1.6 billion board feet to 1 billion board feet last year. It is anticipated that the programmed sell will be 1.17 billion board feet in the fiscal year we are now in. Reductions of this magnitude will create serious economic problems in our area.

We are very much aware of the concern for environmental quality but feel there must be a balance between environmental quality and the economic needs of people. There is a very real need for selling the full allowable cut. There has obviously been an overreaction by the timber managing agencies to the requirements of the National Environmental Policy Act. This overreaction is not subsiding and actually may be growing more intense. And when you see regulations becoming so restrictive as to prevent the sale of timber or seriously delay the harvesting of timber that needs to be harvested and eventually stifle the economy of a specific area, it is time that we become concerned.

The Chief of the Forest Service has indicated an apparent need for additional specialists and other personnel to enable them to sell the allowable cut. I can place no credence in a program that employs specialists that by their very actions will substantially reduce the volume of timber sold.

To illustrate this point we now have hydrologists and soil scientists in the field who note channel damage on certain drainages in our area and even though this damage occurred annually long before logging ever took place in the area, they are holding up sales until they can determine the cause of such damage. Where these specialists are making subjective judgments and are not responsible for the sale of timber, there is no need for them to allow timber to be sold.

I therefore would question the need for employing soil scientists, geologists, wild life biologists, hydrologists and landscape architects to assist in sales preparation work. Initially specialists might be necessary to a limited degree for training purposes only. I would expect that a Forester with a minimum amount of study in these disciplines could adequately handle the job in a specific area and the overall results would be substantially better due to his understanding of the broad picture of resource management. Certainly our need is not for specialists—we need competent men who can wear many hats. This would reduce man power in this area and permit the employment of personnel to strengthen the timber sale program.

The Chief has also indicated his desire to more efficiently utilize available funds and people and has solicited industry for help in this regard. In considering this need and the voluminous amount of reports that are generated by the Forest Service on such projects as Roadless Area Studies, Multiple Use Plans, Action Plans, and so many other projects, I often wonder if any time remains for such things as timber sale preparation and the field work required. These reports take the time and effort of perhaps thousands of people whose efforts could be channeled into more productive areas.

The Chief of the Forest Service at the semi-annual meeting of the Western Wood Products Association in Seattle in September of this year made reference to the need for the cleaning up of forest residues. The problem in our area, particularly in our Pine stands, is that the Forest Service has been so concerned with intensive utilization that we are busy logging small diameters and shall tops when we should be pushing into virgin stands that are rapidly going out of the picture as a result of old age, insects and disease. When you eventually get into one of these areas there may be as much as 50% of the volume that is no longer merchantable due to mortality. And, of course, a lot this volume remains on the ground after logging. It disturbs me considerably when we argue over landscaping a road or some other minor matter while trees are dying due to the lack of concern of Forest Service sales administrators. And if you want to get specific as to where this is occurring, it is happening in alarming proportions in certain tributaries of the Upper St. Joe and North Fork of the Clearwater River in North Idaho as well as to lesser degrees on other forests. There is a need for extensive management that opens up all commercial forest stands as opposed to intensive management that attempts to utilize every merchantable piece of timber on the ground regardless of size.

To carry this matter of the utilization of forest residues further, in our operation we have a whole log chipping plant capable of utilizing logs from five inches to forty inches in diameter with a capacity of 100,000 log scale per shift.

This plant at first was quite successful because we utilized a substantial volume of raw material from Company lands and to some extent subsidized the removal of chippable logs by the volume of sawlogs recovered in the harvesting process. We felt we did an excellent job in placing our lands back into production. However, at the rate our plant consumed logs we soon ran out of Company logs and had to rely on Forest Service and State sales and in combination with a poor demand from Hemlock chips a year ago we suspended operations.

With a pick up in demand for pulp chips this summer we resumed operations but due to a lack of pulp log sales we would not be chipping on a full time basis if it were not for custom chipping other companies' logs.

All Forest Service officials agree that they should remove this cull Hemlock material from the forest but are reluctant to put sales up with marginal returns to them even though the management alternate might by the slashing and burning of the area.

I could go on and on about the problems related to salvaging cull material but the point I would like to emphasize is that there are ways and means to accomplish the removal of this material and convert it to a saleable commodity. We do it on Company lands but are unable to do it on other lands.

Road building has become a major problem in our area requiring substantially greater expenditures of capital to meet present day requirements. These requirements involve such items as fully designed road layouts, 100 percent disposal of clearing slash in many instances, machine compaction of culverts, and crushed rock running surfaces on all main roads. The timber selling agencies are now proposing 100 percent disposal of clearing slash on extremely narrow spur road rights-of-way, the removal of culverts following logging, the outsloping and scarification of roads to be put to rest.

All of these requirements increase costs substantially by requiring additional items of equipment, and more supervision. Our Company is using crawler mounted cranes with long booms and grapples for clearing road rights-of-way. We have used dozers with brush blades on less severe terrain and have used rubber tired skidders with grapples although we feel this method is extremely expensive. We constructed a sled mounted burning tank with a blower that is pulled behind our crane and in some cases has worked well although it too is very costly. In all cases allowances for clearing have been inadequate. In many cases clearing is unnecessary where we normally have comparatively light (as compared to the Coast) right-of-way slash following clearing of merchantable trees.

There is an opportunity for the timber selling agencies to alter clearing methods and reduce costs in many cases without creating any measurable impact on the quality of the environment. It would appear at this time that this will require action direct from Washington, D.C. rather than from the local level but it is something we must bear in mind and take the appropriate action with our congressional representatives.

There is a trend toward long line skidding in our Inland area that due to log size and volume per acre could prove to be very inefficient and therefore costly. This procedure is not compatible with the selective cutting of timber that since the passage of the National Environmental Protection Act is coming back in our area. It has been our experience that various types of ground skidding with adequate supervision is far superior to line skidding on partial cuts even on relatively steep terrain. In addition, the scarification caused by tractor skidding does an excellent job of providing a seed bed for natural regeneration of seedlings in partial cuttings.

In the original Action Plan produced by the Forest Service there is a plan to phase out "Jammer" logging in our area due to the concern for the amount of roads needed for this type of logging. The Forest Service should remove this from their action plan because roads, in and of themselves, are not problems. Even on extremely steep terrain it is possible to put the roads to rest after logging in a manner that will prevent travel on them, minimize the erosion potential, and will actually produce an excellent site for natural regeneration. This action, coupled with others set forth previously, could increase our total logging costs as much as 40 to 60 percent and eventually in times of normal markets, could force many companies out of business.

In conclusion, this is the picture of the problems I see in our region. Our number one problem is timber supply but obviously we have many other problems related primarily to the Action Plan of the Forest Service and I refer specifically to the Second Priority set forth by the Forest Service on pages 2 and 3 of their Action Plan which states that the Second Priority will be to consider those Actions which will prevent recurring or new environmental damages. Included among such Actions are—

1. Those to identify and postpone cutting in those areas where there is no suitable alternative to clear cutting and environmental impacts make clear cutting unacceptable, or where we do not have adequate assurance an area given a harvest can be satisfactorily restocked within five years after logging;

2. Close supervision and tightened enforcement of timber sale and road building contracts;

3. Phasing out of the present "jammer" system of logging;

4. Multi-functional review of proposed type conversion projects.

Strict implementation of certain items in this Second Priority could actually force many companies out of business. It is apparent that to a great degree this Second Priority was developed by a group of idealists rather than realists. We must take a positive approach to our problems and say we MUST devise ways and means to log our commercial forest lands rather than say if we have a problem—stop logging!

PRESIDENT NIXON'S ENVIRONMENTAL MESSAGE

Mr. MUSKIE. Mr. President, last Sunday in an editorial titled "A False Middle Way," the New York Times shed some harsh light on the President's environmental message to Congress. As the Times suggested, the state of our environment is not nearly as rosy as the President has proclaimed; nor does the "rhetorical middle ground" which the President has adopted hold much promise of a cleaner environment in the future. The Times said:

> To seek a middle ground between saving the environment and not saving it, is as sensible as going halfway over a precipice.

The editorial is a realistic appraisal of the state of the environment and the President's record in protecting it, and I ask that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A False Middle Way

In his brief radio address on Tuesday and again in the more detailed message he sent to Congress, President Nixon made this astonishing assertion: "I can report that America is well on the way to winning the war against environmental degradation; well on the way to making our peace with nature."

That statement is totally at variance with the facts. The harsh truth is that this country—and every other country in the world—has barely begun to comprehend the complexity and severity of the ecological danger. The small, timid steps which the United States has taken in recent years under this Administration and its predecessor are only the beginning of the necessary response. Instead of inane chatter about "winning the war against environmental degradation," President Nixon ought to be explaining to the nation how serious the issues are and how painful the choices inevitably must be.

The air over the nation's cities is getting only marginally cleaner, if at all. Every major river system in the country is badly polluted. Great portions of the Atlantic Ocean are in danger of becoming a dead sea. Plastics, detergents, chemicals and metals are putting on insupportable burden on the biosphere. The land itself is being eroded, blighted, poisoned, raped.

Mr. Nixon has carved out a large rhetorical middle ground and invited all men of reason to join him there. But in some human situations, there is no middle ground. There is none between life and death, between war and peace, between truth and falsehood. To seek a middle ground between saving the environment and not saving it is as sensible as going halfway over a precipice.

To turn from the President's rhetoric to the actual substance of his legislative program is a considerable relief. That program is inadequate because it is constricted by the Administration's fundamental unwillingness to face the environmental realities; but at least it is drawn from recommendations—after being bureaucratically mangled—of conservation experts and enforcement officials who are in touch with the real issues.

The list of problems for which Mr. Nixon submits recommendations is a catalogue of the environment's peril points—land use, wetlands protection, strip mining, toxic substances, disposal of hazardous wastes, safe drinking water, sulfur oxides emissions, sediment control, endangered species, wilderness, ocean dumping, protection of marine fisheries.

Several of these proposals are well conceived. Reform of the outmoded 1872 law on mining and mineral leasing on public lands is long overdue. It has been blocked in the past by former Representative Wayne Aspinall, long-time chairman of the House Interior Committee. With his defeat for renomination last year, the way is now cleared for Congressional action on this issue.

Tighter Federal control of new chemicals and other toxic substances is desirable as well as stricter regulation of the disposal of hazardous wastes. Last May, the Senate passed a bill covering both these subjects; a somewhat different measure passed the House but too late to arrange a compromise version. Similarly, bills on land use policy and on national standards for safe drinking water passed the Senate but not the House last fall. A revised version of the land use bill is already under consideration in the Senate Interior Committee.

Several items on the President's list are relatively noncontroversial such as approval of the international convention on ocean dumping. Others provoke as much strife in Congress as they apparently do inside the Administration. There are, for example, conflicting reports on whether the Administration's strip mining bill is to be the strong measure which some officials favor or the toothless imposter put forward by other officials.

On certain specific environmental decisions this Administration has a good record. But its good deeds are too often offset by legislative sellouts, budgetary cutbacks and administrative sleight-of-hand. The President's own rhetoric bears much of the responsibility. A successful program requires a frank commitment to ecological values. That cannot be forthcoming as long as the Administration searches for a politically safe and inexpensive middle way between doing nothing and doing what the facts require.

THE RAIL CAR SHORTAGE

Mr. HATFIELD. Mr. President, due to illness, I was unable to vote on Monday on the resolution regarding the freight car shortage. As my colleagues are aware, the thrust of this resolution dealt with the grain shipping problems in the Midwest, due to several factors set out in the debate.

I was positioned against this resolution, for several reasons. Foremost, I hate to see pressures for passage of a real boxcar bill relieved. While serving as a member of the Commerce Committee and its Rail Car Shortage Subcommittee, I participated in several hearings on this subject. Under the leadership of the Senator from Indiana (Mr. Hartke) and the Senator from Kansas, we reported a good bill to the floor of the Senate, and it passed the Senate. Mr. President, we should repass that bill as soon as possible.

That bill, Mr. President, does not single out any segment of industry for special treatment—it would help all the facets of American industry facing car shortages, not just one. I point this out, because I fear that the impact of the resolution just passed may be to injure broader segments of our country than is helped.

I ask unanimous consent that a statement I solicited from Oregon's Public Utilities Commissioner, Richard Sabin, along with two recent news articles from Oregon papers, appear at the end of my remarks.

I am reluctant to move in a direction that would help meet the increased needs of one segment of industry hurt by freight car shortages. While it may appear to free more cars for use by competing industries, I think that a broader review leads to the feeling that any cars freed by the freeze on CCC sales would be used by grain shippers. This would not solve car shortages plaguing my part of the country.

In the name of solving one problem, we might actually be taking cars away from those who ship products used in new home construction. Wood products from the Northwest are used throughout the country. Without cars to ship these products, inflationary pressures increase. We are aware of the increasing costs of new home construction, and I think a good case could be made of the freight car crisis in this industry. With enough cars to carry out supply of wood products, perhaps price increases could be forestalled. I believe that we should act on broad legislation to correct the freight car shortage. I cosponsored S. 1729 in the last Congress—as my colleagues may recall, I had a rather lengthy speech in its support during the floor debate. I am cosponsoring the new bill. I hope it can be passed by both Houses of Congress as soon as is possible, so that long-range help can be provided the shippers of this country.

There being no objection, the items were ordered to be printed in the Record, as follows:

Statement of R. W. Sabin

At the present time Oregon is experiencing extreme shortages of rail freight cars.

Oregon is a year-round user of rail cars and is heavily dependent on rail transportation to move its primary commodities—forest products and agricultural products to market.

At this moment Oregon is short some 2,000 wide door box cars and is seriously short of flat cars as well.

Late last week I urged the ICC to examine its policy of favoring grain shipments—a seasonal requirement—over year round shipments such as forest products.

It is our position that the supply of rail cars—admittedly short—should be distributed nationally on a fair basis.

Any effort to divert more rail cars to the movement of grain is unfair and will only intensify Oregon's already serious problem.

While Oregon shippers do not use the same type of box car as grain shippers do, the forced movement of cars usable for grain shipping away from other commodities creates a demand for substitute cars for shipments that normally move in grain-type cars.

If shortages of box cars continue in Oregon, I will demand that the ICC use its powers to require cars owned by railroads operating in Oregon to be returned to the West Coast.

In view of the situation as it exists, coupled with the already inequitable diversion of cars for grain shipments, I object vehemently to any additional diversion of rail cars to the movement of grain.

Let's use our inadequate rail car fleet fairly and with consideration for the economic health of all of the country, not just part of it.

[From the Portland (Oreg.) Journal, Feb. 16, 1973]

Unusual Rail Car Shortage Puts Squeeze on Lumbermen

(By Phil Adamsak)

Oregon's most important industry, lumber, is choking on its own success.

It can't get enough freight cars to deliver its plywood and window frames and bridge timbers to customers.

In Riddle, a small mill and mine town near Roseburg, the D.R. Johnson Co. could have loaded "13 or 14 cars of specially cut lumber in the last 2½ weeks," says sales manager George Cook.

But they only were allotted four cars by Southern Pacific.

Also in Riddle, Bob Norton, manager of Herbert Lumber Co., needed six cars over the past two weeks and got two.

"Rail cars of any sort would do," said Norton. "But we got none today, and there's none in sight for tonight."

He says there are five carloads in his yard, bound for New Jersey, Michigan, Los Angeles and Europe. Mainly, they're heavy fir timbers.

Oregon's Public Utility Commissioner, Richard W. Sabin, recognized the problem Wednesday by firing off a demand to the Interstate Commerce Commission that it apply more pressure on Eastern railroads to return the wide-door boxcars that Oregon especially needs for lumber shipment.

Sabin also asked the ICC to find out how many cars are taken from the lumber trade during the peak of the grain season.

At first glance, industry observers were ready to blame the unique, heavy traffic of grain for shipment to Russia and China. Thousands of box cars have been pressed into grain service, and then stalled in the clogged seaport freight yards of the Gulf Coast.

But the problem is bigger than that, they now say.

There's just more shipping business this year than the nation's rail fleet can handle.

Burlington Northern last week decided one morning to spend $18 million more on 1,000 new grain cars and that afternoon chose Gunderson to do the job.

Union Pacific has also decided to buy 600 more cars this year—in a decision that hasn't been announced before.

All the Western railroads are running full-length trains of empty cars back to the Northwest from the East.

Union Pacific is using cattle cars to carry its own freight, so that all box cars can be used for customers' goods.

And still, the unusual shortage is growing.

Pope & Talbot ordered 47 cars for its hard board mill at Oakridge last week and got 21.

U.S. Plywood's Neal Creek mill, near Hood River, has 20 carloads of 2x4s stacked in its "very small" yard. They don't need wide-door cars, will gladly settle for flat cars, but can't get them and are preparing to cut back production.

This isn't the annual March shortage, when the combination of seasonal grain-shipment peaks, and California inventory-tax dodging regularly sucks up most of the loose rolling stock on the West Coast.

"It's a tremendous market that's been with us at least three months," says Don Garrison, regional transport director for Burlington Northern.

"We're actually loading 325 cars a day in this region, and there could be probably 500 a day if we had the equipment."

[From the Roseburg News Review, Feb. 15, 1973]

Area Mills Face Rail Car Shortage

Douglas County's forest products industries are faced with an almost certain curtailment of production unless some relief can be found in the number of rail cars made available to this area.

Lee Stewart, traffic manager and executive secretary of the Southwest Oregon Shippers Traffic Association, Inc., said a check reveals county mills are getting about 45 per cent of the needed box cars and 80 per cent of flat cars.

"And there's no relief in sight," said Stewart.

Rail cars are loaded and shipped out almost immediately upon their delivery here, but at the current rate of car arrivals, local producers can't hold out more than about seven days without feeling severe effects on their operations.

Little relief can be expected before April, but from the looks of things the pinch may be felt all of this year, according to Stewart.

Public Utility Commissioner Richard W. Sabin has notified the Interstate Commerce Commission that Oregon is again experiencing a costly shortage of rail cars, particularly for loading of forest products.

"Oregon's economy is vitally dependent on the ability of basic industries to ship via rail to major market places," said Sabin, "and continuation of rail car shortages will work a severe hardship in Oregon's economy."

Sabin is asking the ICC to look into the extraordinary impact of the seasonal shipment of grain on the general supply of rail cars in the United States.

According to the PUC staff, this movement of grain seems to be working to the disadvantage of year-round shippers of other commodities. "In notifying the ICC of the shortage, I am also requesting action to equalize the supply of rail cars on a national basis," Sabin said.

The current rail shortages are continuing with little relief in sight despite the effort of Oregon's major railroads to acquire a satisfactory supply, according to Sabin.

Southern Pacific reports a shortage of 1,118 boxcars and 119 flatcars, Burlington Northern is short 295 boxcars and 40 flatcars, and Union Pacific needs 40 boxcars and nine flatcars.

Stewart, commenting on the car shortage, said he has been in touch with county legislators and with Congressman John Dellenback and Senators Hatfield and Packwood, urging pressure on the ICC to regulate rail traffic to relieve the shortage.

Heavy shipments of grain to Russia was pointed to by Stewart as a major factor in the current rail shortage. Cars are being loaded with grain at the storage centers and shipped to ports, regardless of whether there are ships in port waiting to load the grain. The result is that the grain-laden cars wait on sidings to be unloaded.

Another problem causing the car shortage is the California inventory tax. California merchants are not accepting merchandise shipments until after April 1 so they will not have to pay inventory taxes. Thus, loaded rail cars that could otherwise be released to the Pacific Northwest are waiting on rail sidings.

While some forest products are shipped out of Douglas County by truck, the bulk of it, especially shipments to the central and eastern states, is by rail. There has been an increasing number of applications by truckers for permits to haul, but many have not been acted upon. A few trucks used in transporting are company owned. Others are what is referred to as private "truck buys" on a small scale.

Stewart said the car situation has been good during the past year, but the sudden demand and diversion of cars for grain shipments has produced a tremendous impact on local industry. Every effort will be made to get additional cars diverted to this area to relieve the situation, he said.

HARRY S TRUMAN—A GREAT MAN

Mr. RIBICOFF. Mr. President, the many words of tribute paid to President Truman upon his passing cannot do justice to this great man. His accomplishments were so numerous and his leadership so bold that it will be up to future generations to place his Presidency in proper perspective.

As I listened to my colleagues' eulogies, each seemed to dwell on yet another display of President Truman's remarkable strength of character. So many courageous decisions are associated with this great man that any brief listing is necessarily incomplete.

The Truman doctrine and the Marshall plan put Western Europe back on its economic feet and saved it from the specter of foreign domination. The creation of NATO and the unification of our armed services served as the basis for our foreign and defense policies up to the present day. President Truman's decision in 1948 to recognize the State of Israel was an act of great statesmanship.

Domestically President Truman paved the way for many of the worthwhile social programs which we take for granted today, but which were novel in their time and bitterly opposed by powerful interests. Hospital and airport construction, expanded social security benefits, higher minimum wages, aid to education and leadership in civil rights all made up President Truman's Fair Deal for the American people.

In everything he sought to do, President Truman's compassion for ordinary people and his determination to do the right thing, regardless of the consequences, guided his hand.

Those of us who had the privilege of serving in the Congress during his Presidency will always treasure our own personal recollections of Harry Truman.

I recall the 1948 election campaign when I first ran for the Congress. Along with other Connecticut Democrats, I had joined the Presidential campaign train in Springfield, Mass., on its way to Hartford where a big rally was scheduled. This was at a time when President Truman was at his lowest point in the polls.

I visited with the President in his private quarters and was struck by the confidence he exuded. I questioned him about this in the light of all the dire predictions of the pollsters. President Truman looked me straight in the eye and said:

> Young man, you're entering the big time now. Let me tell you one thing. Once you start your campaign, forget what the polls say, and what the papers say—just listen to what the people say. That's what I've always done—and the people are telling me I'm going to win.

Needless to say, the rally in Hartford was one of the greatest expressions of support in the history of the State, and the 1948 presidential election is in the history books.

Harry S Truman, more than any other man, had confidence in himself—and in the American people. Perhaps that is why, when he passed away, so many people paused to remember all the good he had done, and so many could recall how much like all of us this great man really was.

LITHUANIA

Mr. FANNIN. Mr. President, I wish to add my voice to those of my colleagues who have called attention to the continued subjugation of Lithuania and the repression of the Lithuanian people by the Soviet Union.

Last Friday marked the 55th anniversary of the declaration of independence. This also is the time when the Lithuanian people commemorate the 721st anniversary of the formation of the Lithuanian state.

In a free nation the anniversary of a declaration of independence is an occasion for celebration. But the Lithuanians were unable to enjoy or observe this historical occasion, because the nation remains under the harsh fist of the Soviet Union.

Despite this repression, the Soviets have been unable to kill the dreams of the Lithuanian people for freedom and the exercise of their human rights. This was demonstrated recently by a petition to the United Nations signed by 17,000 Lithuanian Catholics charging the Soviets with religious persecution. There also were demonstrations in Kaunas last May following the funeral of a Lithuanian youth who had self-immolated as a protest against the Soviet enslavement of Lithuania.

These are courageous acts by the Lithuanian people, and they demonstrate that the spirit of independence is still alive within Lithuania.

PRESIDENT'S ENVIRONMENTAL AGENDA: ORATION WITHOUT IMPLEMENTATION

Mr. MOSS. Mr. President, the President's recent environmental message gives the appearance of dealing in a progressive fashion with the diverse problems of natural resource protection and environmental preservation. The pronouncements, however, are unmatched by performance.

The President is like a tide. He comes rushing upon any issue with a great roar, and everyone hears and knows he is there. Then almost as suddenly he quietly withdraws, leaving things pretty much as they were. The administration's effort to produce budget money is not commensurate with its effort to appear progressive on environmental issues.

National parks will not be established by wishing for them.

Water will not become clean by regal decree.

"We will save the Everglades," cries the President, but he refuses to buy the lifeline needed.

To test the sincerity of the program proposed by President Nixon, we must examine the budget proposals he has made to implement these plans. At first blush, the President's environmental message appears to be forward looking. Many of the early public reactions on the message reflect such a cursory analysis. But, when one examines the financial commitments standing behind the proposals, the credibility of the pronouncements vanishes.

The President who claims credit for cleaning up America's waterways is the same President who vetoed the water pollution bill, and froze most of the funds needed to construct waste treatment plants once Congress overrode his veto. Our rivers and lakes will become good for swimming and recreation only if we stop dumping sewage into them. This will happen only when we build treatment plants—plants that will not be built now because the President has locked up the money.

If we want additional recreation, parks and wilderness areas, we must apply our national wealth to each of these objectives, and we will need presidential leadership in that endeavor. At present, the White House holds out promises in one hand, and an empty purse in the other.

PRESERVING NATURAL RESOURCES

The President's stated commitment to protecting natural resources and creating recreational facilities sounds great. But when we examine the plans for implementing these proposals, the commitment is little more than rhetoric. How can we create recreational facilities when the Land and Water Conservation Fund, the prime financial resource for the purchase of recreation lands, is cut $245 million in the present budget? To this amount, he will add a carry-over level of $128.2 million from previous years. This will allow continuation of some projects now underway, but a great gap will occur if we cannot feed into the pipeline additional projects.

If we make no new initiatives in purchasing recreation resources, there will come a time a few years down the line when such projects dry up. Start-up costs for new endeavors will be much more expensive at that date than if initiated in the next few years. Interestingly, the Special Analysis of the Budget, page 277, and the Budget Appendix pages 542–6, give no reason for these cuts. Apparently, they are sacrificed in a meat axe approach to cutting the Federal budget.

The goal of creating national parks near urban areas is certainly worthwhile, but it cannot be achieved without a commitment of money, and the President has committed no funds in his budget—only in his press releases.

In fact, the President has severely restricted funds for the management of natural resources in recreation areas presently held by the Federal Government. At a time when the Nation is turning more and more to forest lands for recreation as an escape from the daily pace of urbanized America, the President has chosen to cut back the funds for the agencies that have the primary responsibility for managing such resources.

Funds for protecting and utilizing national forest lands have been cut over $56 million, from $384 million in fiscal year 1973 to $327.4 in fiscal year 1974. Construction and land acquisition funds for the Forest Service have been cut $23 million, from $48.5 million in fiscal year 1973 to $25.5 million in fiscal year 1974. This line item in the budget also contains the Forest Service funds for pollution abatement. Though the President claims to be making an effort to abate pollution, the Forest Service will certainly not be able to do much of it with a $25 million cut in its funding for such programs.

What does this mean to the general public? It means they will find campgrounds in worse repair when they take their vacations in the mountains. They will find no new roads opening up recreational areas. They will find fewer personnel available to direct them or to enforce the regulations and rules that enable the most efficient use of such recreational facilities. For skiers, it means that there will be fewer snow rangers to guard against avalanches and control the use of slopes in the public interest. It means fewer personnel to make studies for watershed management—water that is vitally needed for the growth of many communities across the land. And in a few short years, it will mean less and less available space for outdoor recreation because of the increased density caused by the lack of new sites.

What kind of commitment has the President really given to the creation of further recreational opportunities? The present budget proposes $20 million for planning and construction of park facilities under the National Park Service. For fiscal year 1972, this figure was $81.2 million; for fiscal year 1973, it was $51 million. Fiscal year 1974 should at least return to the fiscal year 1972 level. The President's cut is false economy. It means saving now and facing a crisis later. We will eventually pay more, because increased usage pressure will demand more facilities and the costs will have increased significantly by the time that crisis occurs.

The President's environmental message is shadow, not substance. It is not backed up by the essential lifeblood of any program—the willingness of putting hard cash on the line for the principles espoused in public statements.

EVERGLADES AND BIG CYPRUS

The Nixon administration has continually presented itself as the savior of the Everglades. Yet few projects illuminate the deceit of the administration's statements more than this one. The administration knows that the congressional committees responsible for passing legislation to acquire the Big Cyprus watershed area have consistently refused to pass authorization legislation for such projects until a firm, specific plan for a definite acquisition timetable is presented by the administration. This is proper public policy, for to enact a vague authorization bill with no specific timetable would simply invite the big money speculators to move in and make a killing from real estate manipulation before the land could actually be purchased by the Federal Government.

I am told the administration had a specific plan with a timetable circulating internally in the Department of the Interior, but it has never made the plan public and has never sent it to Congress. Instead, it has proposed a vague bill, knowing that the congressional committees ought to reject such inadequate legislation. This approach is evidently based on the hope that public innocence about such maneuvers will allow the President eventually to blame Congress for losing the Everglades.

Even if the administration should propose a specific plan, the present budget does not provide funds to back up such a plan. The administration has slashed the land and water conservation fund—the fund that could provide the dollars to purchase the 500,000 acres necessary to preserve the Everglades.

The administration has not been forthright on this issue. The best estimates available conclude that $170 million would be necessary to purchase the Big Cyprus watershed. One half of the surface waters that flow into the Everglades National Park come from this watershed. All this land is in private holding. If the administration does not want to go forward with this program, it should admit that. If it does want to, as it says it does, then it should commit funds directly to the purchase of this land and submit a specific plan to Congress. Otherwise, the administration will kill this project while pretending to save it. It is false economy to delay now and act later. The land speculators will not wait for the Office of Management and Budget to move. The entire Florida delegation, as well as the Governor of that State, supports immediate Federal purchasing. The chairman of both the Senate and House Interior Committees back the proposal. It is unfortunate that the President apparently supports his own program less enthusiastically than does the Congress.

COASTAL ZONE MANAGEMENT

Congress passed the Coastal Zone Management Act of 1972 and authorized $30 million in State grants for fiscal year 1974 to finance activities that would allow the States, under Federal guidelines, to manage properly coastal land and water resources. The President, however, has not asked for one penny to implement this act. Is this a commitment to the preservation of natural resources? Is this a commitment to environmental protection? The rhetoric and the dollars, again, do not match.

ENDANGERED SPECIES

The President has said that new authority is necessary to protect endangered species before they are so depleted that it is too late. If the pending amendments to the endangered species act are passed, the list of endangered species will more than triple. Yet the resource management program of the Bureau of Sport Fisheries and Wildlife, which administers this program, will be virtually unchanged; it is funded at $76.5 million for fiscal year 1973 and $79 million for fiscal year 1974. This increase barely takes care of inflation; it certainly cannot take care of the tripling of the number of species that are regarded as endangered and in need of protection.

Nor is the President willing to construct the facilities that will be necessary to implement this program; $9.6 million in construction funds was appropriated in fiscal year 1972; $2.3 million appropriated in fiscal year 1973; and $9.2 million has been requested for fiscal year 1974. This program makes a very small dent in the actual need. There is a backlog of at least $49 million in construction funds needed for facilities in the Bureau of Sport Fisheries and Wildlife right now.

We can talk forever about the importance of protecting the environment, preserving fish and wildlife, and enhancing national resources, but if we do not commit money to hire people to administer the laws we enact and give them the funds for needed facilities, it is all just so much chatter. To defer our spending is to defer our hopes.

POLLUTION CONTROL

A commitment to clean up the waters of America requires a commitment to control the discharge of waste into the streams of America. The President has impounded more than half of the contract authority—$6 billion—available for the construction of water pollution control facilities. Without the level of funding demanded by the water pollution law enacted last fall by Congress, we will be unable to meet the objectives outlined in that law. The fault for this will lie with the President, not Congress.

A second ingredient of a firm pollution control strategy is the willingness to enforce tough regulatory programs. The President's environmental message carries precious little language to indicate that the administration is prepared to enforce sternly the Clean Air Act or the Water Pollution Act.

The President gives us absolutely no indication of his willingness to hold cities and automobile manufacturers to the deadlines created by the Clean Air Act Amendments of 1970. We have reached a point where the administration's support of these standards will be very crucial as the States negotiate with the Environmental Protection Agency for approval of their proposals. A weak hand in these negotiations will lead to failure—a failure that Congress warned of and that the President bears responsibility to avoid.

Bills to deal with solid waste disposal problems are now being drafted in Congress. Will we have the help of the President? The answer appears to be no. The refuse of society mounts even more rapidly than administration rhetoric; yet on the subject of solid waste disposal, the President is virtually silent. National packaging, created by national concerns to meet national needs has brought about a massive problem that may be the most difficult of all our pollution control problems. What has the White House said? "This is a local problem." Therefore, funds will be cut. The administration will not attempt to come up with innovative ideas via the demonstration programs grants authorized in the Resource Recovery Act of 1970. These grants, funded at a level of $30 million in fiscal year 1973, are scheduled to be cut back to $5.2 million in fiscal year 1974. This issue demonstrates the absence of real initiatives in the President's environmental message.

The President speaks gallantly of the need for stringent performance standards to regulate abuses of surface and underground mining. Yet the surface mining bill which the administration sent to Congress allows 2 years for States to adopt regulations and for ongoing mining operations and up to 2 additional years—or more depending upon the administrative speed with which the Secretary of the Interior acts—after approval of the regulations by the Secretary for strip miners to comply.

As the people of Appalachia well know, it does not take much time to flood out a hollow with a land and mud slide from surface mining operations. And the people of Ohio know how fast it takes the mountain-eating, Gem of Egypt, mechanical monster to consume a wide swath of their countryside.

Such delays in surface mining regulations are unconscionable and fly in the face of the need.

INTERNATIONAL EFFORTS

The President has proposed $10 million to assist the United Nations new environmental program. Nowhere does he indicate that his own advisory committee recommended more than twice the level of funding proposed by the President. As a member of the U.S. delegation to the U.N. Conference on the Human Environment held in Stockholm, Sweden, last June, I felt the sting of comments from many countries who greatly resented our unwillingness to make any substantial commitment of our resources to problems of an international nature. This low commitment comes at a time when the National Academy of Sciences has just issued a very troubling report documenting the extent of pollution existing in the oceans of the world. Globs of oil, floating plastics, and all sorts of toxic materials were found to have spread throughout the world in much greater abundance than anyone had previously estimated. Yet, the United States has refused to commit itself to the strong kind of international controls and financial arrangements that would make a truly meaningful contribution to international pollution control.

ENERGY

The President's attempt to separate the energy issue from environmental matters as a whole either indicates a lack of understanding of the problem or an unwillingness to attack the energy and environmental issues on a combined front. The President is to be commended for placing a new commitment to energy solutions in his budget, but it is deplorable that this commitment is funded at a mere level of $25 million. This $25 million is to be assigned to the Secretary of the Interior for new energy ventures.

Though the shape of this proposal is still unknown, its depth can be measured by the size of this fund, for the President has said that any new programs must come out of the present budget. While the President has created this special fund, he has reduced funds for mineral resource development from $50.3 million in fiscal year 1973 to $46 million in fiscal year 1974. He has reduced the AEC applied energy technology program from $14.2 million in fiscal year 1973 to $8 million in fiscal year 1974. Though funds for coal gasification, geothermal fusion and other energy research do gain increases in his budget, the dimensions of these increases are not commensurate with the crisis that is now pending in the energy field. A more comprehensive study of these problems has been conducted in Congress, than in the executive branch, as a result of the special three-committee study authorized by the Senate in 1971.

CONCLUSIONS

Congress will continue to take the lead in environmental areas even when the President absents himself from such concerns. Most of the landmark pieces of environmental legislation were initiatives of Congress, either passed over Presidential vetoes or created with Presidential indifference. In the past the President has often chastized Congress for inaction on environmental matters, while at the same time he has deliberately and wittingly serving the special interest that stall these measures. I would welcome his constructive assistance in the creation of a broadly based environmental program. Such an approach is in the best public interest and will create a shorter timetable for the enactment of these proposals. If the President will actually support his promises with budget commitments and the resolve firmly to implement legislation, Congress will gladly join hands with him in his endeavors. If he will not, Congress must go it alone.

ARTIFICIAL TIMBER FAMINE

Mr. HATFIELD. Mr. President, we are all aware of the serious shortage of lumber for housing in this country and of its increasing cost. Far too often, however, we do not relate housing costs to timber supply, which is a major factor in determining such costs.

Mr. W. D. Hagenstein, executive vice president of the Industrial Forestry Association, has written an article which appeared in the December 15, 1972, issue of Southern Lumberman on the causes of our lumber shortage. He points out the responsibility of the Federal Government, along with State governments and private owners, to manage our forests in a manner which will provide the lumber we need, as well as recreation and other multiple uses.

Mr. President, I feel that Mr. Hagenstein's article should be brought to the attention of all Senators and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

ARTIFICIAL TIMBER FAMINE

(By W. D. Hagenstein)

When I was first a forestry student nearly 40 years ago, the prophets of gloom and doom were preaching and predicting timber famine. They really saw the United States running out of trees. They held up the South as the most horrible example and said that my own Douglas Fir Region wasn't far behind.

The forecasters, like most other dopesters, didn't understand some of the in-puts they needed to plug into their crystal balls so that their out-puts would be somewhere within the ball-park.

Not many of them knew much about timber growth. In fact, some of them didn't really believe that trees grew. They knew little about fire, except that they didn't like it. They didn't understand that in time public opinion would force improved prevention and control of the Red Demon.

Another thing they didn't understand was changing consumer appetities and a changing population pattern in the United States which sent people scurrying from the boondocks to town where most of them would be satisfied with smaller living quarters, which would have a profound effect upon consumption of forest products. Best indicator of this is the continuous decline of *per capita* lumber consumption for the last 65 years. Of course, we've got a lot more *per capitas* now, so total lumber consumption is still rather high, so *per capita* figures aren't really much of an indicator of absolute consumption or demand trends.

Of course, some of the timber famine prophets had an ulterior motive, just like advocates of some religions who are always predicting the end of the world. This kind of prophet always wants to run things, so if enough people could be made to believe a timber famine was imminent, then public opinion would demand imposition of controls of the kind the New Dealers were seeking in the early '30's by which the Federal Government would be telling the private timber-land owners how to run their business.

These guys, however, were never able to convince a majority of the Congress that Uncle Sam knew more about John Smith's woods than he did himself, even though we were then in a period when most of our forest practices didn't measure up. However, we were beginning to see the light that the country couldn't stand to continue burning over 25 to 30 million acres of forest-land each year.

The educational value alone of the Civilian Conservation Corps probably had more to do in making Americans aware of their opportunities in forestry than any other single act in our time. The CCC provided the impetus for thousands of young men to make forestry their life's work, including this writer.

Neither did any of the forecasters have any clear understanding that when timber went from $1 to 5 a thousand the best incentive of all was provided private landowners to use their capital, brains and energy to manage their lands to perpetuate the timber crop. When timber went from $5 to $10 a thousand that many more converts would be brought into the fold. And now, with timber selling for $50 to $60 per thousand, he who owns the land and doesn't expend his utmost efforts to manage it within its full capacity for growing trees, is not only a poor businessman, but a plain damned fool.

That brings me around to the theme of this article—artificial timber famine.

AT LEAST 500,000,000 ACRES OF LAND

The United States has at least 500 million acres of land whose clearly highest use to society is the perpetual growing and harvesting of trees under multiple-use forest management. About a fifth is owned by Uncle Sam, about five per cent by the states and the balance by millions of individuals and several thousand corporations.

If the United States Government itself would practice the kind of forest management it has learned how to do from its own half billion dollars worth of forestry research during the last half century, it could provide at least 20 billion feet of timber a year to help satisfy the housing, packaging and communication needs of the people of the United States, the owners of these far-flung citizen forests. The states could provide another two billion feet and the private owners somewhere between 65 and 80 billion feet. Of course, the strong ownerships—the United States, the state governments and the industrial owners—are those which have the best chance to perform, because of their long-term tenure.

However, for the short run it looks as though the strongest ownership of all, the United States Government, will not allow its own professional managers to do the kind of job they know how and want to do to serve the American people fully through top-notch management of their own forests. Somehow, the "Board of Directors," the Congress, responding to some of their own pronouncements in law, such as the National Environmental Protection Act, the Multiple-Use and Sustained Yield Act, the Wilderness Act and the statute which created the Council on Environmental Quality, seem hell-bent on creating a completely unnecessary and unwarranted artificial timber famine in the United States. There is plenty of evidence everywhere in the country that trees can be grown, harvested and grown again, while maintaining and enhancing the environment. But, somehow, because of carefully dished up propaganda, largely through our public educational system and the public media, the man in the street who is so dependent upon forests for his daily essentials, comforts and conveniences, doesn't think that trees can be harvested without adversely affecting his environment. In fact, he's been hit so hard so often by the same bunk that he doesn't really understand or believe any more (and he once did) that trees are renewable through forestry.

Therefore, if the United States fails to live up to its pledge to provide every family with a decent home—and this has been our national policy since the Housing Act of 1968—it will be due primarily to an absolutely unnecessary artificial timber famine which should never occur because of the inherent ability of our 500 million acres of multiple-use forests to provide all the wood we need and then some forever. It's up to us. We can prevent a timber famine or create it. If we do help create it, it's because the forestry profession has yielded to extraneous pressures rather than living up to the spirit of its founders to serve mankind through better forestry.

The early-day timber famine predictions never came to pass because forestry got started in earnest in the United States before there was any real danger of running out of trees. Through protection against fire and insects, through planting trees, through better utilization, through manufacturing technology which has vastly extended our timber supply, the United States at this point in history is in better shape for a forest future than any nation has ever been.

WARNING SIGNAL

But the warning signal of the last five years that we may reverse this trend—by not wanting to practice forestry, by practicing half-hearted forestry, by making it impossible to practice forestry—is the greatest threat we have to an adequate and bountiful timber supply.

When attending the VII World Forestry Congress at Buenos Aires in October, the writer was appalled to find the same artificial timber faminests active around the world as has been evident in the United States in the past decade. Representatives of countries where wood in short and, consequently, the standard of living low, were recommending more "parks for the poor," "wilderness for the weary," etc. They said little about intensifying forestry to provide the sinews of a strong economy that can only come from more jobs, better homes, more food and better education. It was only the representatives of a few new African countries, and a few of the rest of us, who spoke out strongly for the need of homes, jobs and food and for better forestry to bring them about.

The anti-Christs of forest conservation are more vocal than those of us who believe in forestry and who believe in what it can do for people. Isn't it strange that for a generation in the United States the detractors of forestry—and some of them members of the federal bureaucracy—and a few elected officials, hollered at the private owners to practice forestry? Now that the time is here for the strong Federal ownership of forestlands, principally the National Forests, to play their part in providing their rightful share of the wood needs of the United States, these people and their "successors in interest" have become the "inactivists" in forestry. What we need are strong, vigorous, activists in forestry who believe in it, who not only want to but will practice it, because this is the only way that an artificial timber famine can be prevented. It is the only way that the 11 million families with inadequate housing can be provided with what everyone wants for them, all without diminishing in any way either the long-term timber resource or the environment for future Americans.

This writer, privileged to live through the Golden Age of American Forestry and to have known personally most of forestry's pioneers, believes implicitly in the future of American forestry. We foresters will do the job. We foresters will provide the wood for America. We foresters will keep the country green and growing. We foresters will maintain our forests and watersheds. We foresters will rotate our wildlife habitat. We foresters will protect and enhance America's forest scenery. And, we will do it all because there is no way for America to survive without a never-ending supply of renewable trees which will always serve us well if we want them. Otherwise, the future of America will be mortgaged beyond its ability to pay by an artificial timber famine of our making and an artificial timber famine future generations just can't stand.

TRANS-CANADIAN PIPELINE—A SUPERIOR ALTERNATIVE TO THE TRANS-ALASKAN ROUTE

Mr. PROXMIRE. Mr. President, the U.S. court of appeals decision blocking construction of the trans-Alaskan pipeline eliminates the only justification advanced by the Department of the Interior in support of this route for transporting Alaskan oil to American markets.

The crux of Interior Secretary Morton's decision to approve the Alaskan route has been that only the trans-Alaskan pipeline could meet the "urgent need to bring North Slope oil and gas into the American marketplace as rapidly as possible." The recent court decision assures that there will be no rapid development of the trans-Alaskan route. Thus we must consider the alternative of a trans-Canadian route.

The arguments in favor of the trans-Canadian route are even stronger now. The Senate must recognize the superiority of a trans-Canadian pipeline to bring Alaskan oil to the part of the country that needs it most—the Midwest. The crude oil situation in the Midwest is getting to the desperate stage. Just last week a refinery in Cushing, Okla., owned by the Midland Cooperative which supplied significant amounts of home heating oil to Wisconsin and Minnesota closed because the major oil companies did not have enough crude oil to sell to them. This situation would not exist if we had the trans-Canadian line. It would supply enough oil to the northern tier refineries so that crude would be available to these independent refineries. We cannot afford to let refineries go idle when we are facing such a shortage of home heating oil and will face a shortage of gasoline if the President does not act quickly to eliminate the oil import quota.

The final choice between the Alaskan

and Canadian routes will have major consequences for the regional balance of domestic crude oil supplies for decades to come. It is increasingly apparent that the gap between domestic production and demand for crude oil will continue to grow for the next two decades. The oil import quota system has prevented us from constructing the domestic refining capacity we need to meet our energy demands. Since 1959, when quotas on the importation of oil became mandatory, there has not been one new refinery built on the east coast of the United States and eight have closed. We have exported about 2 million barrels a day of refinery capacity because, under the oil import quota system, it is more economical to produce residual oil from cheap foreign oil and ship it to the United States than it is to produce the same product here from expensive domestic crude.

The resulting gap between domestic supply and domestic demand poses a major challenge for national policy. A wise energy policy is clearly one which carefully balances environmental, economic, national security and other social demands while encouraging the development of new techniques to expand our usable base and establishing a regional balance of domestic crude oil supplies. A decision in favor of the trans-Canadian route for transporting the Alaskan oil to the "lower 48" would be the best long-term solution.

The trans-American route would cross the worst earthquake zones in North America. It would require the use of supertankers to transport the oil through treacherous waters from southern Alaska to west coast ports. The enevitable oil spills could dump 140,000 barrels into the Pacific ocean each year. The potential damage to the environment caused by earthquake is tremendous. A trans-Canadian route would avoid both of these environmental objections.

A pipeline across Canada through the Mackenzie Valley avoids the intense Alaskan earthquake zones. It would be routed totally overland and would eliminate the danger of oil spills in the Pacific.

We must also consider the fact that a pipeline to transport Alaskan natural gas to the "lower 48" will have to be built across Canada. It is uneconomic to liquify the gas for tanker transportation from Alaska to the west coast. When we examine the question of oil and natural gas together, as we must, then it is clear that putting gas and oil lines across Canada on the same right-of-way will cause far less damage to the environment and be more economic than the trans-Alaskan route.

The Canadian route would transport Alaskan oil at a lower cost than the Alaskan route to markets in the Midwest and East where it is most needed. Recent studies by Mackenzie Valley Pipe Line Research, Ltd., indicate that the total capital costs of the trans-Canadian alternative would be approximately $4.2 billion. This is less than the Interior Department's estimates of a $4.5 billion outlay for the Alaskan line and much less than their estimates of a $6 billion outlay for the trans-Canadian route.

When one considers the fact that Alaskan oil fields contain over 25% of our oil reserves and represent a significant addition to our gas reserves, it becomes extremely important where these supplies are to be shipped. There is no question that they should be shipped to those areas which need them the most—the Midwest and east coast. Oil is much more expensive in these regions than it is in the West. A trans-Alaskan route would ship the oil to the west coast and thus further decrease their prices in comparison to eastern and midwestern prices. On the other hand, utilization of a trans-Canadian route would virtually eliminate this regional differential and save millions of dollars in fuel costs for midwest and east coast consumers. It would result in savings of over $1 per barrel for consumers in the Midwest. This represents a 33⅓ percent reduction in the prices they currently pay.

Supporters of the trans-Alaskan pipeline have consistently argued that only its development would bring North Slope oil and gas into the American marketplace as rapidly as national security demands.

Mr. President, this is at best a questionable assumption. It is far more important to get the vitally needed Alaska oil to the right place in the United States than just to pump it out of the ground as soon as possible. Because the East and Midwest lack adequate alternative sources of supply, they are even more dependent on relatively insecure foreign imports than the West. Construction of a trans-Canada pipeline would be more responsive to the demands of national security than the trans-Alaskan alternative. In the long run, construction of a route through the Mackenzie Valley would encourage the exploration and development of the vast petroleum resources in Canada, a friendly government, and thus further lessen our reliance on far less secure imports from the Middle East.

Mr. President, a consortium of 16 major oil and pipeline companies has very recently released an exhaustive study of the feasibility of a trans-Canadian pipeline. Since it is apparent that the selection of the transportation route for Alaskan oil will be decided in the Congress, I ask unanimous consent that the summary findings of Mackenzie Valley Pipe Line Research, Ltd., be printed at this point in the Record.

There being no objection, the summary findings were ordered to be printed in the Record, as follows:

Findings of the Mackenzie Valley Pipe Line Research, Ltd.

CHAPTER 1—INTRODUCTION

Mackenzie Valley Pipe Line Research Limited was formed early in 1969 to study and seek solutions to the problems of designing, building, operating and maintaining a safe efficient oil pipeline system in the arctic and sub-arctic. A pipeline route through Canada was first contemplated to link the major oil discoveries on the north slope of Alaska with Canadian and United States energy markets. The intensive exploration for oil and gas in the Mackenzie River Delta and the arctic coastal plains in Alaska and Canada provided further incentive to investigate such a route.

The problems of pipelining in the arctic are related to an extreme climate, a remote location, limited transportation and communication facilities, permafrost soils susceptible to thermal degradation, and the impact on such an area of large-scale construction activities. A program of feasibility studies, research, investigation and engineering assessment was undertaken to establish technical and environmental feasibility and to develop reliable capital and operating cost estimates.

The most significant factor that complicates arctic pipeline construction is permafrost—the term applied to any soil material, from fine sand to solid rock, that is frozen for more than a year. Permafrost is found in varying thicknesses throughout the arctic. Building a pipeline in fine-grained, high ice-content permafrost to transport warm crude oil presents complex problems. Any thawing that results, either from the heat of the oil or from disturbance of the protective organic surface cover, could cause undesirable movement of the pipeline and disturbance of the terrain.

Crude oil comes out of the ground warm, at temperatures up to 170°F depending on well depth. While some of this heat is lost to the atmosphere, heat is added by the pumping equipment and the friction of travel through the pipeline. Cooling large volumes of crude oil quickly to 32°F or lower is not considered practical. Therefore, new pipeline construction techniques had to be developed to deal with permafrost terrains.

As part of the investigation, a full-scale experimental pipeline loop was constructed above ground near Inuvik, N.W.T. In addition, a short section of pipe was buried so that the behaviour of thawed permafrost could be observed. The results provided a sound engineering basis for determining the type of construction to be used. The feasibility study also incorporated results from other research into the design, construction and operating requirements.

For the study, a route was selected from Prudhoe Bay, Alaska to Edmonton, Alberta, a major crude oil distribution centre. Pipe of 48-inch diameter was selected as most suitable for the range of throughput volumes anticipated. The characteristics of Prudhoe Bay crude were used to establish hydraulic and thermodynamic behaviour.

The work was directed by representatives of the associated companies and was carried out by company specialists assisted by government agencies, universities, consulting firms, contractors and supply and service firms. The assistance of the various outside groups and their enthusiastic support is acknowledged in this report.

I. ROUTE SELECTION

The 1,738-mile route selected for the study traverses the region from Prudhoe Bay, Alaska through the Brooks Range and Richardson Mountains, and follows the Mackenzie River valley to Edmonton, Alberta. Over the northern 500 miles, a second route from Prudhoe Bay, east along the arctic coast and up the west side of the Mackenzie River delta to the vicinity of Fort McPherson, was also investigated. Since over half of the line would be through predominantly permafrost regions, most of the study and research has been aimed at developing design criteria that would ensure a safe and stable pipeline under these conditions. Additional research that would be undertaken before actual construction might modify some of the study criteria, but the basic logic and techniques are considered to be established.

Some modifications in both concepts and route would probably be made before actual construction. They would, however, be mainly refinements and optimizations arrived at through further research development and investigation. The result should be an even better and more economical installation.

Although the present study was directed specifically to the transportation of crude from Prudhoe Bay, most of the information developed applies equally to any arctic oil pipeline. Supplemental geotechnical work and an economic evaluation of an oil pipeline from the Mackenzie Delta area are now in progress and will be completed early in 1973.

II. FEASIBILITY STUDIES

The detailed studies covered in the report include environmental and sociological considerations; soils and terrain; pipeline hydraulics; thermodynamics and stress analysis; station design; construction material and techniques; transportation and housing (men and materials); communications; operations and maintenance; and economics.

Application of the pipeline design criteria resulted in 360 miles of line being planned for above-ground construction. Construction methods for pump stations utilized well-established arctic building concepts with due allowance for remoteness. A sophisticated communications system, coupled with computer control, was developed for coordinating the pipeline operation. During the 3 years that it would take to construct these facilities, some 8,000 to 10,000 people would be required at peak employment. When in full operation the pipeline would employ more than 600 operating and maintenance personnel. Continuous preventive maintenance would be planned and the technicians for this program would be located at maintenance bases along the pipeline route.

Base Case economics were developed on the assumption that crude transportation could start in 1977 at a rate of 800,000 barrels per day, increasing by 200,000 barrels per day each year to a maximum of 1,800,000 barrels per day. The capital investment to achieve this level of throughput was estimated to be $3.4 billion. By applying appropriate return, debt, and depreciation factors, a tariff schedule averaging $1.15/bbl. over a 30-year life was calculated.

III. CONCLUSIONS

The engineering and research efforts of Mackenzie Valley Pipe Line Research Limited over the past four years have shown that:

1. Construction and operation of a 48-inch diameter crude oil pipeline from the arctic coasts of Alaska or Canada to Edmonton, Alberta, is technically feasible.

2. Such a pipeline can be built and operated without major or irreparable damage to the arctic environment.

3. It can be designed, built, and in operation within a period of four years after a final decision to proceed, providing final governmental approvals are granted within the first year.

4. Northern residents should benefit from economic development in their region. The size of the project is such that training and employment can be offered to all northern residents who wish it.

5. The 1738 mile pipeline, with pump stations and terminal facilities, can be built for about $3,400 million on the basis of the construction timetable shown in Exhibit 6–4.

6. At a volume of 1.8 million barrels per day, crude oil can be transported from Prudhoe Bay to Edmonton on a 7 percent flow-through net income basis at a 30-year average tariff of $1.15 per barrel. It can be delivered from Prudhoe Bay to the Chicago area for an approximately average tariff of $1.55 per barrel, and to Puget Sound at about $1.40.

7. A feasible route, compatible with the concept of a transportation corridor and having minimum effect on the environment, can be established. A general route that meets these conditions has been selected on the basis of aerial and ground reconnaissance and soil borings in permafrost areas.

8. The pipeline can be designed to withstand the moderate seismic ground accelerations to be expected along its route. Further research may reveal areas of potential fault displacement that the route should avoid or for which special design would be required.

OREGON NEWSPAPER COMMENTS ON CONFIRMATION NEED FOR DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET

Mr. HATFIELD. Mr. President, one of my State's respected newspaper editors, Mr. Eric Allen, Jr., of the Medford Mail Tribune, recently wrote a thoughtful editorial on the question of whether the Senate should confirm the Director of the Office of Management and Budget. It is a fine editorial, and I call it to the attention of all my colleagues.

Mr. Allen, as is true with so many people in our smaller towns around the country, is involved in the many activities of his community. He knows firsthand about the Applegate project—where funds have been impounded. He knows about REAP—where funds have been cut off. He knows about wise utilization of our renewable natural resource of our forests—and how funds for reforestation have been impounded. He knows about solid-waste disposal—and how funds I added for a pilot project for turning wood waste into low-sulfur oil have been impounded. Yes, here is a man who knows just what the impact in his town and his State occurs when projects are scrapped because of OMB actions.

I call attention to a particular sentence in the Allen editorial, where the power of the OMB Director is noted:

> He is probably the most powerful figure in government, save only for the President himself—far more powerful than the cabinet members who, as department heads, do require confirmation.

I note that the Director is called the second most powerful person in the Government, and I know of many Oregon residents who would echo those thoughts.

Mr. President, I ask unanimous consent that this fine editorial from the February 11, 1973, Medford Mail Tribune, be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE OMB AND THE POWER STRUGGLE

The Senate has passed, and the House probably will pass, legislation to require that the director and deputy director of the Office of Management and Budget (OMB) be confirmed by the Senate.

The measure faces a probable veto by President Nixon.

In today's organization of the federal establishment, we can think of no official who needs the probing and examining that goes with confirmation hearings more than the OMB director.

He is probably the most powerful figure in government, save only for the President himself—far more powerful than the cabinet members who, as department heads, do require confirmation.

He is, of course, "the President's man" (as are Cabinet members, for that matter), and the executive might well prefer to be free to select a man without let or hindrance, and one who can more readily invoke "executive privilege" against Congressional questioning than can one who needs no confirmation.

But the OMB, particularly in these days of fund impoundments and shifting organization patterns, wields a bigger stick than anyone else except his boss. And the coequal responsibilities of the three branches of government, and the checks and balances that go with them, argue powerfully for making his office somewhat more open to public inspection, via Congress.

The person of Roy Ash, who is now head of OMB, adds fuel to the controversy, for he is the recently-resigned president of Litton industries, which has huge governmental contracts, some of which are open to serious question.

How much—if any—conflict of interest arises out of that association? Only a confirmation hearing would be able to bring out the facts.

The fact that the President evidently trusts him is not reason enough for the Congress to bow politely and accede to the President's selection. Too many unanswered questions remain.

This contest is only part of the power struggle now going on in the Capital, between Congress which has allowed many of its powers to be frittered away and is now striving to regain them, and the President, who has not been at all loath to pick up the powers the Congress has, in effect, abdicated.

In the center of this struggle is the budget and the director of the office responsible for it. No wonder the President wants no restraints; no wonder Congress wants its say in the choice of important government functionaries.

We side with the Congress on this one.—E. A.

EARTH'S RESOURCES IDENTIFIED FROM SPACE

Mr. MOSS. Mr. President, the remarkable accomplishments of our space programs have been almost unbelievable. In some parts of the world, people do not believe them, and the comment can be heard that "they really aren't on the moon, the whole thing is done in a television studio."

Well, our astronauts have been to the moon, and our scientists are continuing with outstanding research through NASA which should also be recognized. One such program is the Earth Resources Technology Satellite which represents one of the most widely anticipated events in space applications.

A recent article by John Noble Wilford in the New York Times presents a very enlightening discussion of some of the satellite activities and their impact on our greater understanding and identification of the earth's resources.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SATELLITE GIVES SCIENTISTS A PICTURE OF THE EARTH

(By John Noble Wilford)

GREENBELT, MD.—Dr. Nicholas M. Short, a geologist at the Goddard Space Flight Center here, bent over the light table and squinted through an eight-power magnifying glass at a large color transparency of western Nevada.

To the unpracticed eye the photograph seemed unrevealing, a strange panorama of unreal reds and pinks, grays and blues and indigos. But to Dr. Short and many other scientists, it was one more reason to proclaim the Earth Resources Technology Satellite (ERTS–1) "a success beyond our wildest dreams."

The photograph was made from data transmitted from 570 miles out in space, one of some 125,000 pictures that have been produced by ERTS–1 during its first seven months of orbiting the earth.

The one-ton spacecraft's mission is to determine the feasibility of exploring earth from space, surveying its resources and monitoring such changing processes as the growth of crops, advances of glaciers and spread of pollution and people.

"This one's got a story to tell," Dr. Short said, examining the Nevada picture and explaining its many potential uses.

There was Reno in blue and blue-gray; cities and other works of man were made to show up in those and even lighter colors in the ERTS pictures to enhance contrasts. There were the suburbs in pink and the farmlands in red, the color signatures of vegetation.

TRENDS DISCERNED

These are the kinds of patterns that land-use planners, cartographers and agricultural experts look for in the ERTS pictures. They enable them to spot trends in urban sprawl, revise maps, make timber inventories and chart the various uses to which land is put, even distinguishing between pastures and croplands, vineyards and orchards.

Along the spine of the Sierra Nevada it was possible to plot the white mantle of snow on its peaks. Elsewhere in the picture, shallow lakes showed light blue and deeper lakes dark blue to indigo. Where the Truckee River emptied into Pyramid Lake there was a patch of red, the telltale sign of thick algae growing in the nutrients from pollution.

Hydrologists scrutinize such features to make water-supply forecasts, chart drainage patterns, map flood plains, patrol irrigation canals for leaks and detect pollution.

And to the north of Reno it was possible to make out a ring of low hills forming an almost perfect circle. It was probably an eroded volcanic formation that had heretofore escaped the attention of geologists on foot and in airplanes—a discovery illustrating how ERTS photographs provide a new perspective of earth.

"These photographs are flags to geologists that say, there's something interesting here, go out in the field and find out what it is," Dr. Short explained.

SCIENTISTS ARE PLEASED

Dr. Short is one of some 300 scientists, American and foreign, who are poring over ERTS photographs. In nearly every case, the scientists report that the spacecraft's results are exceeding expectations.

ERTS–1 was launched last July 23 by the National Aeronautics and Space Administration. Other agencies supporting the project include the Departments of Agriculture, Commerce and the Interior, the Environmental Protection Agency and the Army Corps of Engineers.

The butterfly-shaped satellite went into a near-circular, near-polar orbit that was sun-synchronous.

Having a near-circular orbit, the satellite views everything under its track from the same altitude, an advantage in mapping. Having it near-polar, the satellite crosses near the North and South Poles on each orbit, but because the earth is rotating beneath its fixed orbit, it surveys a different swath of the rest of the globe each time. In 18 days, ERTS–1 can thus cover the entire globe, except for the cone around the poles.

Since the orbit is sun-synchronous, it means that the sun angle over any scene on the ground will be the same each time the satellite passes overhead. For example, ERTS–1 always crosses the Equator on its north-to-south track when it is 9:30 A.M. local time.

The eyes of the satellite are a set of three television cameras and a multispectral scanner with four channels.

The TV cameras were designed to take simultaneous pictures of the same 115-by-115-mile section of the earth in different portions of the spectrum—one in green, one in red and the third in the near infrared. But a minor electrical problem forced the flight controllers to turn off the cameras early in the mission.

But the scanner, with its detectors measuring reflected light in two visible and two near infrared bands of the spectrum, proved sufficient to demonstrate the potential of remote sensing from space.

With ERTS-1, it takes 500 pictures to cover the United States, compared with 500,000 from high-altitude aircraft.

On the wall in the office of Dr. William Nordberg, the chief project scientist, there is a mosaic of 11 photographs. They show a strip of land 115 miles wide, running from Quebec down to North Carolina. It took ERTS–1 only 25 seconds to record such a panorama.

Some of the most valuable results, however, come only after hours of painstaking analysis of the images through magnification, color filters and other manipulations.

FRACTURES DETECTED

The following are some of the highlights:

In geology, Dr. Paul D. Lowman of Goddard has discovered many previously unmapped fractures branching off the San Andreas fault in California.

University of Wyoming geologists are preparing the first detailed map of the many cracks and other structural features of the Wind River Mountains, a job that would have taken five years with conventional means. Areas of faulting and cracking are usually promising places for ore prospecting.

Other scientists believe that they can trace the linear terrain features where India must have slammed into Asia millions of years ago. Under the continental drift theory, it is thought that India broke off from Antarctica and migrated to its present location.

In hydrology, Dr. Vincent V. Salomonson, another ERTS investigator at Goddard, said that the satellite pictures were making it possible to chart the gradual shifts in glaciers—and may lead to an understanding of why the shifts occur, and whether glacier ice, which contains 75 per cent of the world's fresh water, is on the decrease.

Scientists also report using ERTS pictures to measure sedimentation in coastal regions, detect erosion, examine changes in wetlands and tidal marshes and monitor the biological productivity of the deep ocean.

United States Geological Survey scientists have used infrared images from ERTS–1 to detect shallow subsurface water-bearing rocks in Nebraska, Illinois and New York State. As a result, they expect to produce more accurate maps of the nation's underground water supply.

TOOL FOR MAPMAKERS

Dr. A. P. Colvocoresses, a cartographer for the Geological Survey, doubts that spacecraft will take the place of conventional aerial photography in mapping. But he sees ERTS-type imagery as a "new tool that promises much to the mapmaker," particularly in recording changes that "are occurring faster than the mapmaker can possibly record them by conventional techniques."

One such example is land-use mapping.

Dr. Robert N. Colwell of the University of California at Berkeley has taken ERTS photographs of northern California and identified the general types of crops in the fields 20 acres or larger. He reports that he was right 83 per cent of the time.

In one of the first ERTS experiments, Purdue University scientists took imaging data from parts of Texas and Oklahoma and determined that the area included the following: 4.1 million acres of range and pasture; 2.7 million acres of cropland; 1.5 million acres of forest, and 190,000 acres of water, which in turn could be categorized according to quality.

A "ground-truth" survey largely confirmed the findings.

Although ERTS-1 has aimed its sensors mostly at the United States, investigators from 31 other countries are participating.

Mali, for example, is beginning to use ERTS data to make maps of remote areas, for guiding water exploration efforts and for choosing routes of new roads. From the photographs Iran has located several lakes that did not appear on its maps.

Dr. Fernando de Mendonca, director-general of Brazil's space agency, reports that ERTS photographs show how poorly the Amazon basin is understood. The positions of some of the river's tributaries were off by 12 miles or more and the direction of their flow was "sometimes off by 90 degrees."

If the Brazilians had had ERTS photography before, according to a NASA scientist, they could have saved millions of dollars in building the Trans-Amazon Highway. Just by knowing where the small rivers were, they could have avoided building many bridges.

AN L. B. J. MEMORIAL

Mr. BENTSEN. Mr. President, in this city, there will always be debate about memorials and monuments to Presidents and other Government leaders. The Washington Star, in a recent editorial, very succinctly and very plausibly, I believe, put this issue in focus as it relates to the late President Johnson. I concur with the writer's conclusion, that President Johnson is totally deserving of this type of living tribute.

Further, the Star makes a very telling point—When Mrs. Lyndon Johnson does something, the public can depend on it being done in taste and in proper perspective.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AN L. B. J. MEMORIAL

No subject under the sun is capable of producing more dissension, and more agonizing debate and more bureaucratic spinning of wheels than memorials to our former presidents. Remember, for example, the furor over those giant slabs of stone proposed in West Potomac Park to memorialize Franklin Delano Roosevelt?

So, too, in the natural order of things, such controversy may well up in regard to the most recently deceased of our chief executives, Lyndon B. Johnson.

But perhaps not.

At the very least, in the proposal unveiled the other day, we are off to a good start. The idea, as initiated by Laurance Rockefeller, involves a grove of trees—possibly encompassing a scultpure of the late President—within the park area already named for Lady Bird Johnson on the Virginia side of the Potomac River between the Memorial and 14th Street Bridges.

Nash Castro, a former director of National Capital Parks who is working to advance the proposal, says he already has discussed it with Mrs. Johnson, and quotes the former First Lady as being "touched and moved" by the concept.

Well, we are, too. This city owes an immense debt of gratitude to Mrs. Johnson for the areas of annual flowering beauty which she initiated here—as indeed the nation is indebted to Lyndon Johnson for his own efforts in the fields of beautification. The 150-acre Lady Bird Johnson Park is itself a lovely setting, which could be made more so by an attractive grove of trees.

One more thing is to be said in the idea's behalf: With Mrs. Johnson's personal involvement, there is a good chance that the job would be done right.

It is not our position that a memorial in Washington to every deceased president, especially in view of many of the grandiose proposals that have been advanced in the past, is a necessity. But we think this one would be fitting to the man, and an asset to the city.

REMARKS OF SENATOR HERMAN TALMADGE, OF GEORGIA, BEFORE THE 1973 WOMEN'S FORUM ON NATIONAL SECURITY, FEBRUARY 20, 1973

Mr. NUNN. Mr. President, I am very pleased to draw the attention of this body to an excellent speech delivered by my colleague, Senator HERMAN TALMADGE, to the 1973 Women's Forum on National Security, February 20, 1973.

I was particularly impressed by his strong stand on this country's obligation to maintain the disability benefits due our returning Vietnam veterans.

In addition, Senator TALMADGE has made some very pertinent comments on the necessity of maintaining a strong defense posture, and has included his stand against reparations to North Vietnam.

I ask unanimous consent that this thought-provoking speech be printed in its entirety in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF U.S. SENATOR HERMAN E. TALMADGE AT THE 1973 WOMEN'S FORUM ON NATIONAL SECURITY, WASHINGTON, D.C.

It is a great pleasure and high honor to have this opportunity to address the Women's Forum on National Security. I appreciate your most generous invitation.

It is my understanding that Senator John Stennis had been scheduled to address this meeting. I share with you deep concern over the tragic shooting of Senator Stennis. I know of no finer gentleman, I know of no other member of the United States Senate more dedicated to the security of our nation than John Stennis.

It is indeed a sad commentary of the times in which we live when a highly effective and respected member of the United States Senate cannot walk the streets in front of his own home in the nation's capital without being shot down in cold blood by wanton criminals.

John Stennis is a valuable member of the Senate. He is a faithful ally in our fight to maintain a strong and ready defense establishment—and that is something of an up hill battle these days, I am sad to say. We need him, and we need more men like him in the Senate. I know you share our prayers for his full and speedy recovery.

I am especially glad to be with you today. I welcome every opportunity to participate in the activities of organizations which are dedicated to loyalty to country and national security, such as the ones you represent.

I congratulate all of you. Loyalty and dedication are qualities we need desperately in our nation today.

By that I mean old-fashioned loyalty.

Loyalty to the United States of America and all that it stands for.

Loyalty to the American flag.

Loyalty to the American heritage, that has been handed down to us by generation after generation of hard-working, God-fearing, and patriotic men and women.

Loyalty to the men and women who wear the uniforms of the armed services of our country and the veterans who have served the cause of freedom in times of war and peace.

Considering the state of the world and the United States today, I submit that we need more people like you, more organizations like your own, who are not afraid to stand up and be counted. By this, I do not mean sunshine patriots or fair weather friends. I mean people who are ready and willing to speak out for the American way of life, in good times and bad, and to always be ready to defend it against its enemies—whether they be foreign or domestic.

I salute all of you for your good work. In your efforts to maintain always a strong and free America, count me as your friend and supporter.

First of all, let me report to you that I am very pleased with the work that has been done in recent years in the area of veterans affairs. In the 91st Congress, as you may know, I was chairman of a special Veterans Subcommittee of the Senate Finance Committee. We succeeded in the adoption of significant legislation to benefit veterans and their widows and children.

At the beginning of the 92nd Congress in 1971, the Senate created a new Standing Committee on Veterans Affairs—demonstrating at long last the full measure of Congressional concern for veterans and their social and economic problems. It was a major step toward repaying the debt we all owe to American veterans who have served their country with distinction. This in the final analysis is a debt which cannot ever truly be repaid.

As Vice Chairman of the new Committee on Veterans Affairs, I take great pride in the fact that we were active in the last Congress in securing additional legislation to provide for cost of living increases for widows, children, and needy parents of deceased veterans, increases in pension payments, including protection against reductions because of the raises in social security, a 10 percent increase in compensation rates for disabled veterans, a comprehensive drug and alcoholic rehabilitation program, and we greatly expanded the Vietnam era G.I. Bill program.

In short, we have been very busy. I pledge to you that we are going to maintain the momentum we have already gained, and endeavor to write the kind of legislation demanded by the needs of veterans and the conscience of the American people.

You have come to Washington for your meeting in the wake of probably one of the most fantastic fiascos in the field of veterans affairs to occur in the 16 years I have been in the Senate. You probably read about it in the papers.

Apparently taking leave of its senses, the Veterans Administration or the Budget Bureau or the White House, or a combination of all three, decided to propound a program for rescheduling and drastically reducing the rates of disability for veterans. The net effect of the proposal would have been to deny disabled Vietnam veterans of compensation presently being paid veterans of the World Wars and even the Korean conflict.

It would, in effect, have told men who served in Vietnam and who were disabled there, that they were second-class veterans in the eyes of the law.

It all came about in a bizarre set of circumstances.

The President's appointee to head the Office of Management and Budget came to Capitol Hill to implore Congress to make further cuts in our domestic programs, and to try to sell us on the idea of paying reparations to North Vietnam.

Then, the nation cheered and cried over the return of American prisoners of war, some of whom had been imprisoned as long as seven or eight years, and some of whom came back halt and lame and even in litters.

While all this was going on, while Mr. Ash was on Capitol Hill, and while formal preparations were being made for receiving our returned prisoners, a new disability compensation plan was being unveiled.

That plan would have brought about severe cuts in disability payments—primarily against Vietnam veterans, including some of the brave men that the nation and the world watched step to freedom over the weekend at Clark Field in the Philippines.

I want to make it clear how I feel about those events. I applaud the Administration's efforts to balance the budget and restore fiscal responsibility. In fact, such action is long overdue.

I hope we can continue to work toward this goal. I fully realize that some cuts in our domestic spending will be required and that almost everyone will be required to tighten their belts to some degree.

But, I also submit that the hatchet men at the Budget Bureau have been somewhat brutal and careless in cutting expenditures in some areas—and not nearly vigorous enough in reducing spending in other extremely costly areas, such as foreign military and economic aid that has had the United States playing Santa Claus, banker, and policeman for the whole world since 1945.

However . . . it is outrageous to come to Congress preaching economy and extolling the virtues of saving the taxpayers' money, and then to turn around and send that tax money to the Communist regime in Hanoi.

If offering tribute to our enemies of 10 long years in North Vietnam is part of the price we had to pay for peace, then whoever made that deal failed to reckon with a majority of the American people, and I hope a majority of the Congress.

I cannot speak for all of Congress. But I can speak for Herman Talmadge. I want no part of any aid to Hanoi program. I do not intend to vote to give them so much as one cancelled postage stamp.

We thank God that the war in Vietnam has been brought to a close, and that American troops are being disengaged and prisoners freed. It is my earnest hope and prayer that the United States will never again let itself get involved in any kind of shooting war with a fourth rate power or any other nation, anywhere in the world, unless our own vital interests and national security are threatened.

I defer to no one in my respect for budgetary control. I have, in fact, introduced a proposed Constitutional amendment to strictly prohibit the federal government from spending more money than it takes in, except in cases of national emergency.

But I was appalled by the callousness of sharply reducing compensation to disabled veterans for service-connected injuries. In my judgment, the greatest debt of honor this country can owe to anyone is to a disabled American serviceman.

It was shocking enough to bring forth such a plan. It was preposterous to the extreme to apply it against Vietnam veterans. Compensation to young men whose bodies have been broken and disfigured in this thankless, unholy war should be extended with a glad hand and a warm heart by a grateful nation.

Finally, late last week, the President rescinded the new program. Now, there is a great deal of passing the buck. Nobody wants to assume responsibility for offering the plan. I am not too much concerned about who should be blamed—and I have an idea that the Veterans Administration may have fallen victim to some of the faceless bureaucrats who make up the Budget Bureau. I am just sorry that the idea was ever put forth in the first place.

I have become fed up, as I know all of you have, with growing criticism of the defense establishment and the Armed Forces of the United States. It has greatly demoralized the military. It has weakened its effectiveness. It has generated strife and disorder within our ranks of the services.

This is not only a tragic insult to our valiant servicemen. It is extremely dangerous. People seem to be ignorant of the fact that these are men on whom we depend for defense and, in fact. our very freedom.

If there are people around who don't know what defense means, they are not in touch with the world today. If they don't know the meaning of totalitarian tyranny, they have forgotten the lessons of World War II, and, more recently, Budapest and Czechoslovakia.

We seem to be moving toward the concept of a volunteer army. We all know that no one likes the draft. No one wants to have his education or career interrupted.

But at the same time, I was brought up to believe that a man has a duty to serve his country, and he should be proud to do so.

I cannot be optimistic about prospects for a volunteer army unless and until the importance of national defense is restored to its proper perspective. If we want to make it attractive enough for young men to enter the Armed Forces voluntarily, we have a lot of fence-mending to do.

The morale of and respect for the United States serviceman is lower today than ever before. This is a disgrace. We must build a new respect for the Armed Forces. We need a resurgence throughout America of the integrity of the fighting man.

I cannot say how long it will take to correct the situation. But when we have done so, ours will be a stronger and safer nation.

We cannot ignore the lessons of history. It has taught us that peace has almost always resulted from strength, while war has come from weakness. A strong nation is a secure nation. The highways of history are littered with the wrecks of nations that relied on the good intentions of countries stronger than they.

Under present conditions, the idea of unilateral disarmament is wishful thinking. We all look forward to the time when defense spending can be safely reduced and more resources channeled into critical domestic social and economic problems, such as education, job training, better housing, and pollution.

That is a day we all eagerly await. But unfortunately that day has not yet arrived.

That is why I am proud to be here today, in these perilous times when defense is a dirty word to too many people and when security doesn't mean much more than government handout.

I am gratified to know that there are Americans in great numbers who do more than just pay lip service to freedom, national security, and the American way of life.

Again, I congratulate you. I salute you, and I thank you for your support.

MISS DIANA COE OF GERMANTOWN, TENN.

Mr. **BAKER**. Mr. President, yesterday I had the pleasure of meeting with Miss Diana Coe of Germantown, Tenn., the first-place winner in the annual Guideposts magazine youth writing contest.

As a volunteer at a Memphis charity hospital, Diana has taken advantage of the opportunity to live her faith and evidence her concern for others. Out of her experience at the hospital in assisting a handicapped migrant worker, she wrote the essay on "The Day My Faith Meant Most to Me."

Diana's article was chosen as the most outstanding of the more than 1,300 entries in the Guidepost contest. The daughter of Mr. and Mrs. Gene Coe, Diana is a senior at the Hutchison School in Memphis. She was presented with a $3,000 college scholarship by Dr. and Mrs. Norman Vincent Peale at a Capitol luncheon.

It is, I think, typical of this dedicated young woman that she intends to use her newly won scholarship to obtain an education which will enable her to continue to help others through a career in physical therapy. I ask unanimous consent that Diana's inspirational article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARTICLE BY MISS DIANA COE

It all began one hot June day last summer. A doctor stuck his head into the department of the Memphis charity hospital where I worked as a candy striper, and asked if anyone could speak Spanish. When no one answered him, I meekly admitted that I had studied three years of Spanish.

The doctor then grabbed my arm and led me to the fifth floor where his non-English-speaking patient lay. My first glimpse of this man filled me with pity and horror. One of his legs was amputated below the knee. I gulped hard, and then introduced myself to this 34-year-old man, Luis Hernandez, little knowing that the humble Mexican migrant would play a role in strengthening my faith in God.

After three hours of conversation, I became deeply interested in Luis. Two weeks, previously, after his corn crop failed, Luis had illegally crossed the Mexican border to earn enough money to feed his four young children and wife. Unable to find a job in Texas, Luis had moved on to Florida where Spanish is prevalent. By hitching rides on freight trains, he had arrived at the Memphis terminal.

It was there the accident happened. While running alongside a moving boxcar he had grabbed the handle. However, because he had not eaten in eight days and was weak, Luis fell. The train crushed his leg beyond recognition. When I met him, he was alone in a hospital in a foreign country; he could speak no English; one of his legs was gone; and he had lost his faith in God.

Driving home, I thought about Luis. What was his future? He earned $300 a year and lived in a one-room shack with a dirt floor and no electricity or plumbing. I knew that in Mexico there was no welfare system to take care of him. Over and over again I asked myself, "How can I help Luis?"

That night I turned to God and prayed as I had never prayed before, asking Him to guide me in helping this man who was so much in need of a friend.

The next day I gave Luis some stationery, and he began to write his wife about his accident. As he wrote, tears of overwhelming grief streamed down his face. While sitting at his bedside, I suddenly knew how I could help him: I would get Luis an artificial leg! If he did not get this leg in the United States, he would never get it, because artificial limbs are rarely used in Mexico.

That afternoon I went to the hospital's physical therapy department and excitedly told the therapists my idea. Giving many valid arguments, they all said it was impossible. First, Luis would be ineligible for welfare because he was an alien, and an artificial leg would cost about $500. Secondly, I would not have enough time to order the leg because as soon as he recovered, Luis would be deported. Thirdly, I did not have a place where Luis could stay for two months while his stump healed. Finally, they reasoned, if I were found helping him, I would be charged with aiding a criminal.

"No!" they repeated. "It's absolutely impossible!"

Convinced that my plan was indeed impossible, I went home and cried myself to sleep. However, the next morning, instead of simply crying about the situation, I prayed. I asked God to guide me in helping Luis. After praying, I felt assured that Luis would get the leg. Although I didn't know how he'd get it, I knew he would. From that moment on, my faith never wavered. No matter how impossible the situation appeared, I knew that God would help me to over come it.

For the next month I visited Luis every day and made contacts for money. Each of the clubs and churches that I went to turned me down because they had "other charity projects." After each refusal, all the therapists, my family, and even Luis, told me to give up, insisting that my plans were impossible.

Yet, I kept praying, knowing that God would let Luis get that artificial leg. Two weeks passed without any response from my contacts. Then one day when I arrived at the hospital, I found a minister with Luis. The minister listened intently while I told him about my ideas for the artificial leg. A week later he gave us our first contribution—$100 which his church had raised. At last, three weeks after I had met Luis, God had begun to answer our prayers!

The same week, several other churches that I had previously contacted began to contribute money, fruit baskets and Spanish Bibles. By the end of that week, I had collected $400. Clutching this money, I went to a prosthesis shop in Memphis and told my story. Before knowing how much money I had collected, the owner of the shop offered me the artificial leg for $375—a reduction of over $100.

After this eventful week, Luis' faith in God became very real. His whole outlook on life changed. His eyes changed from those of a scared, nervous animal to those of a confident, trusting person at peace with himself and God. He no longer had trouble sleeping, or thoughts of suicide.

The day that Luis had to leave the hospital arrived. Although I didn't have a place for him to stay, Luis and I both knew that God would provide. While checking Luis out of the hospital, a social worker informed me of a boarding house that cost $75 a month. I called the landlady of this house and, knowing that God would somehow furnish the money for the rent, I asked her to hold the room for two days.

That night Luis stayed at our house. Never having been inside an American home before, he was astonished at the dishwasher, the air conditioning and the toilets. Before dinner, I taught him how to use a knife and fork. While we were eating, the president of a church youth group called to contribute exactly $75. God *had* provided the money for the rent!

His stump healed beautifully and the big day finally arrived. Luis and I excitedly went to pick up his artificial leg. Never will I forget that moment in the doctor's office when he stood on his artificial leg for the first time and stared into the mirror. Then, without uttering a word we looked at each other, and with tears rolling down our faces, we lowered our heads and thanked the Lord for giving Luis "the impossible".

THE CEASE-FIRE IN VIETNAM

Mr. **BAKER**. Mr. President, the successful effort by President Nixon to bring an honorable conclusion to the conflict in Southeast Asia has won acclaim from throughout this Nation and around the world.

One of the most eloquent statements on the President's announcement of a ceasefire agreement in Vietnam came from Mayor Kyle C. Testerman of Knoxville, Tenn. I ask unanimous consent that Mayor Testerman's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF MAYOR KYLE C. TESTERMAN

This is indeed a momentous occasion in the annals of diplomacy.

President Nixon has achieved the dream of our time . . . peace in our time. Let us unite in our hope for a lasting settlement to this devastating conflict. Let our prayers reflect the wish of all sane men—that our children never endure another such internecine struggle.

To paraphrase the words of one of the genuises of our age; those who ignore the lessons of history are doomed to repeat the mistakes of history. Hope that we have been wise enough to have learned our lesson well.

If we have done this, then all will not have been for naught, and the tireless efforts of President Nixon will produce the generation of peace for all men he has so earnestly sought.

Together with this generation of peace, President Nixon is generating a strengthened trust for America around the world. He has accomplished the seemingly impossible task of bringing an end to a nightmare in a way that will redeem the sacrifices that have been made, not insult them; in a way in which our Nation can achieve a just and lasting peace both at home and with all nations.

I know I speak for all Knoxvillians when I say: "Mr. President, thank you. Our Long Day's Journey Into Night is over."

THE NOMINATION OF L. PATRICK GRAY TO BE DIRECTOR OF THE FBI

Mr. HRUSKA. Mr. President, on Saturday, February 17, 1973, President Nixon made what I consider one of his more important appointments—in fact he is the first President ever to have the opportunity to appoint a Director of the Federal Bureau of Investigation.

The President's choice for this most important position, this job with such awesome responsibilitites, is L. Patrick Gray III. The choice was not unexpected. After all, Pat Gray is the only man alive with any experience for the job—he has been running the FBI as its Acting Director for almost 10 months.

It is my good fortune to have known Pat Gray officially for over 2 years. He served as head of the Civil Division in the Department of Justice commencing in December 1970. In February 1972 he was designated Acting Deputy Attorney General, performing the duties of that post in addition to those duties of the Civil Division until in May 1972 when he was appointed as Acting Director of the Federal Bureau of Investigation.

Some months before the Honorable J. Edgar Hoover passed away, I had accepted an invitation which I received from him to address the spring graduating class of the FBI National Academy. That event took place on June 7, 1972, about a month after Mr. Hoover died.

Pat Gray presided over the graduation ceremonies on that occasion. The keen loss which the men and the women of the FBI and the members of the graduating class felt on the death of Mr. Hoover was still very much apparent. It was an occasion I will always remember.

Pat Gray impressed me very much as he presided over those ceremonies. He has impressed me very much since that time, also, by the fashion by which he has discharged the duties of Acting Director. His record likewise as head of the Civil Division of the Department of Justice showed him to be of high professional attainment and skill.

In my opinion, he is a man of substance, a man of feeling, a man of determination, and most of all a man of dedication to principles, the principles which are the cornerstone of the FBI's greatness.

It is not my intention today to praise Pat Gray or to defend him from his critics, and he has some. What man who follows a J. Edgar Hoover would not have some critics? In fact, what man can take on any important position in law enforcement without drawing some criticism? Any who did not would be highly suspect.

For the first time in history this body will have a say in selecting the man who will run the FBI. That is an important task, one which we must not take lightly. Nor should we be inclined to make snap decisions and close our minds before the facts are known. There has been much information circulated about Pat Gray and how he has run the FBI for almost 10 months. Some of it I frankly do not believe, and I look forward with great expectations to the opportunity of helping establish the facts as a member of the Committee on the Judiciary.

We will get the facts and report them to this body in due course so that a just and proper decision can be made. In the meantime, I ask that all Senators keep an open mind and avoid being swayed in their judgment by rumors and false reports.

Two days before Pat Gray was named by President Nixon to be Director of the FBI, Pat Gray, the Acting Director of the FBI, spoke before the Eighteenth Student Conference on National Affairs at Texas A. & M. University, College Station, Tex., on "The FBI in a Free Society." His words give a good insight into how this man views the outstanding agency he has been running for almost 10 months. I think this speech is a good starting point for all of us to begin making our decision on whether or not we want Pat Gray to be the next Director of the FBI, so I ask that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, another address delivered by Mr. Gray was on May 17, 1972, before the Thomas More Society of Washington, D.C. It was only a short time in days after President Nixon had designated him as Acting Director.

This speech is significant, Mr. President, because in it Mr. Gray undertook to state some of the principles by which he was guided and of which he was possessed in the field of government and in the field of citizenship. The philosophy he states there at the inception of his work with the FBI was a spontaneous recitation uttered at a time when the solemnity of the new status assumed was still quite new.

His remarks are worthy of consideration in this context. I ask unanimous consent that the text of this speech also be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

THE FBI IN A FREE SOCIETY

(An address by the Honorable L. Patrick Gray III, Acting Director, Federal Bureau of Investigation, February 15, 1973)

May I congratulate SCONA 18 for the excellence . . . and contemporary relevance . . . of your 1973 theme, "The Controlled Society." This is a subject of great interest to our Nation today as it was in the earliest days of our history. We the American people have continually sought ways and means to preserve that *delicate balance* between the security of the community and the freedom of the individual.

In late 1786 Shays' Rebellion erupted in Western Massachusetts. General Henry Knox, worried about the possibility of anarchy, wrote his good friend, George Washington:

"What is to afford us security against the violence of lawless men?"

The answer came a few months later in the Miracle of Philadelphia . . . our Constitution . . . a document creating a government of law . . . a document creating a government to provide both security and freedom . . . not the one or the other, but both together . . . and to all the people, not to some of the people.

Today, almost 200 years later, General Knox's question remains germane to the changing, challenging world in which we live:

Can we control crime in a free society?

Can we have security against "lawless men" . . . the rapist, the thief, the sniper, the hijacker, the terrorist, yet *not* forfeit the precious freedoms which give dignity and decency to our way of life?

Can we protect our citizens, our homes, our campuses, our streets and yet *not* become a "controlled society"?

My answer to each of these questions is YES provided that our people maintain a lively interest in our free society, in the great issues facing us, and make determined efforts to become well informed and aware of the FACTS involved in each issue.

There is no principle that is more important than that government should remain close to the people and that the dispersion of power in our Federal system is one of the great safeguards of the liberties of a free people. But the people must be informed of the facts. . . . not the fiction . . . in order to exercise that power wisely in the national interest.

As Acting Director of the FBI . . . an institution vitally concerned with the ultimate answer to these questions . . . I welcome this opportunity to tell you something about the service performed by the dedicated men and women of the FBI *to preserve both our security and our liberties.*

I want to share with you my impressions after being appointed to my present position . . . how I went about *evaluating* this distinguished agency . . . and what *verdict* I have reached . . . especially relating to the FBI's role in fighting crime and thereby making more secure our personal freedoms.

As you know, I was appointed Acting Director of the FBI in May of 1972. I approached this assignment with a feeling of respect and admiration . . . bordering almost on awe . . . for the organization that John Edgar Hoover had built, and for the men and women who had shared with him in that creation.

I approached this assignment with an open mind. I wanted to see what made this great organization tick . . . what were the sinews, muscles, and nerves that held it together. Every American is a shareholder in the FBI. I wanted to see how good our investment actually was.

Since that time, now approaching ten months, I have been privileged . . . as no outsider had ever before been so privileged . . . *to observe the performance* of this American original at first hand . . . *to direct its performance . . . to question its performance* . . . and *to evaluate its performance.*

My approach was that of the inquiring mind. I posed questions . . . questions of all types to the senior executives of the FBI . . . questions touching every aspect of the work of the Bureau. Why this priority? Why this procedure? Why these files? Why this utilization of resources? And once all the stock answers had been served up, they were asked to dig deeper and come up with still more answers . . . to provide rationale and jurisdiction for every brick and stone that went into the edifice of this 64-year-old human institution.

It is a rare tribute to Mr. Hoover . . . and to the men and women who built the FBI with him . . . for me to be able to stand before you today and tell you that this magnificent organization responded with a zest, an enthusiasm, and with an all-consuming fidelity to perfection that is unparalleled in my experience.

This process is continuing, but my own personal evaluation is clear. The Nation can be proud of the high-quality performance of the FBI and its effectiveness in protecting our security, yet at the same time respecting the rights of the individual. *The FBI is responsive to the public interest in accordance with the law.*

I have found that the men and women of the FBI are complete professionals. Their prime . . . and overriding . . . characteristic is a sustained pursuit of excellence, an all-consuming dedication to perfection. I have also found that they possess an innate sense of decency, dignity, and courtesy.

I set forth this background because I know there have been fears and allegations on the college campus . . . and elsewhere . . . that the FBI is a "Big Brother," hovering about, in Orwellian style, looking over the shoulders of citizens, checking on their every move, maintaining secret dossiers and undermining academic freedom.

These allegations simply are not true.

My experience as Acting Director of the FBI has convinced me of a number of things.

The performance of the men and women of the FBI is based on genuine respect for civil liberties.

The FBI observes strict conformity with constitutional requirements.

The performance of the FBI rests in standards of public service and dedication to duty which are impervious to corruption.

On occasion it seems to me that there are those in our land who would like to abolish the FBI . . . or at least abolish the files of the FBI.

Obviously, the FBI has files. There are the so-called general files and the investigative files.

When we start an investigation we open up an investigative file. There can be any number of reasons for the opening of an investigation. But there will be *a reason within our jurisdiction.* I have found no evidence at all that the FBI has gone out and investigated beyond its jurisdictional perimeters . . . or taken the law into its own hands to move in a dictatorial manner across our landscape.

Actually, *jurisdiction is our ground zero.* Here is where it all starts and where it all comes together. And as you would expect, here is the fertile area for those who study the operations of the FBI. In some cases there is room for difference of opinion as to whether or not FBI jurisdiction is present. Whenever in doubt, guidance is requested from the Department of Justice. This is standard operating procedure . . . because the FBI will not investigate unless we have the required jurisdictional authority.

In discussing the FBI, it helps to know exactly what we are and what we are not.

We are the principal investigative arm of the Department of Justice. We are not policy makers. Even though we investigate . . . we do not prosecute the alleged violators. We do submit reports of our findings during the conduct of an investigation to attorneys of the Department of Justice . . . but we do not submit any recommendations as to disposition of the particular case involved in the investigation.

Be careful of the language gap. Too often I read that the FBI prosecutes or that the FBI convicts. We do not recommend . . . we do not prosecute . . . we do not convict . . . but we do investigate and we do report our results to attorneys of the Department of Justice.

The myths and legends being circulated about the FBI . . . that it is a national police force . . . that it has an eye in every bedroom . . . that it is an enemy of civil rights . . . need to be laid to rest.

In fact, the FBI, because of the training of its personnel, its guidelines for conducting investigations, tis scrupulous respect for the rights of every citizen, *is a vital force working against the type of controlled society we all so deeply detest.*

Let me illustrate.

The FBI's Handbook for Special Agents . . . which lays down the guidelines of our investigative policies . . . on the very first page stresses the absolute necessity of protecting the constittuional rights of our citizenry.

"Fundamental to all investigations by the FBI," it says, "is the need to protect the constitutional rights of any individual while still thoroughly and expeditiously discharging those responsibiltiies with which it is charged by statutes and Directives of the President and the Attorney General."

The FBI's training program is aimed at teaching Special Agents their obligations as officers of the law. The new Agent, for example, during the course of his training, receives 60 hours of instruction in legal matters with special emphasis on Constitutional law and the Bill of Rights. He studies Federal criminal procedure and is carefully instructed on the law of searches and seizures, interviews and confessions and the need at all times to fully honor and protect the rights of the individual. The rules of evidence are thoroughly explained and the statutes over which the FBI has jurisdiction analyzed.

Just recently Judge Jack B. Weinstein of the Federal bench in New York made these revealing comments:

"Local representatives of the FBI and other Federal law enforcement forces are, with rare exception, meticulous in their enforcement of civil rights, including those involving search and seizure."

In this connection, and in August of last year, we established a *new FBI policy* to insure *complete fairness* regarding civil rights investigations. In cases involving complaints against police officers we do not assign Agents to make these investigations if they have worked with these officers in the normal course of business. This policy is in the interests of all . . . our Agents, the police, and the public we serve.

The best protection of civil liberties is a well-trained, intelligent, and honest law enforcement profession. That's why . . . time after time . . . the FBI's thorough and unbiased investigations not only secure evidence used by Federal prosecutors to persuade the jury to convict the guilty but also we often unearth the facts *to exonerate the falsely accused.* This is a facet of our work so frequently overlooked.

Part of the myth that the FBI is a Big Brother or a national police force comes from misunderstandings about the National Crime Information Center (NCIC) and our use of electronic surveillances.

Proponents of this myth say that these crime-fighting techniques invade personal privacy and contribute to the growth of a "controlled society."

I think their assumptions are wrong . . . and I want to tell you why.

As you know, FBI agents . . . and their brother and sister law enforcement officers . . . must grapple on a daily basis with the tough, sweaty realities of a demanding yet ambiguous world. They are called upon to make fast judgments, to weigh and balance competing values, without the luxury of quiet reflection.

They need effective, up-to-date tools to fight the "lawless men" mentioned by General Knox . . . men who would and do take away your privacy, your rights, your property . . . and even your lives.

The National Crime Information Center . . . started in 1967 . . . represents one of the law enforcement profession's most progressive . . . most effective . . . tools against the criminal. It is the computer in action against "lawless men." This is not the computer in action against noble citizens or just average citizens . . . but it is the computer in action against those of our fellow citizens who choose to do violence to our criminal laws.

The NCIC's computer, located in Washington, with terminals across the Nation, stores information—subject to instantaneous retrieval for the use of criminal justice agencies—about wanted criminals; criminal histories; and stolen property, including automobiles, guns, securities and other identifiable items of criminal loot.

By no stretch of the imagination is the NCIC a Big Brother data bank . . . nor is the NCIC a stratagem designed to invade your personal privacy.

As you well know, our Constitution is not a suicide pact. Free men and free women living in a free society and governing themselves have, as one of their first duties, the protection and preservation of the Constitutional democracy under which they live and thrive.

NCIC helps us to protect and preserve the interests of our free society by bringing technology to bear on the side of law and law-abiding Americans.

NCIC is directed exclusively against the criminal and is a *cooperative venture* linking local, state and Federal law enforcement agencies into an effective crime-fighting team.

Court-approved wiretaps represent still another highly important tool in the fight against the hard-core forces of crime.

On last Sunday the lead paragraph of an Associated Press story from Boston, Massachusetts, told it like it really is:

"Armed with search warrants, computers, electronic surveillance and a coordinated approach, lawmen are hitting organized crime in New England where it hurts—jailing its leaders and harassing its bookies."

I want to emphasize that in its tightly limited and controlled use of electronic equipment, the FBI conforms strictly with a law given to us by the Congress to facilitate an all-out effort against organized crime. This technique is employed not only with the approval of the Attorney General but with the specific authorization, in each instance, of a Federal judge.

This law was drafted by the Congress using language designed to afford the fullest protection of individual liberties while, at the same time, enhancing society's ability to protect itself against the ravages of organized crime.

Again, let me emphasize that the fundamental right of any free society is to preserve itself and to maintain its government as a functioning and effective entity. This concept is basic to our Constitution and laws.

Listen to the words of Charles Evans Hughes, Chief Justice of the United States Supreme Court and a noted civil libertarian, speaking for the Court in a decision handed down over 30 years ago:

"Civil liberties, as guaranteed by the Constitution, imply the existence of an organized society maintaining public order without which liberty itself would be lost in the excesses of unrestrained abuses. . ." Why do I share these thoughts . . . these comments . . . with you?

Not, believe me, because I want you to conclude that this is an exercise in self-justification. It is simply an attempt to set forth some of the FACTS about the operations of the FBI in our free society.

Nor do I tell you this story to blunt your probing . . . your analyzing the FBI or the entire law enforcement profession. We know that our actions will sometimes engender criticism. We do not pretend to be infallible. We continually evaluate and re-evaluate our performance to insure that it is relevant to the needs of a constantly changing society. We particularly count on the support of thoughtful and responsible young people—such as you here today at SCONA 18.

We want you to judge us harshly . . . but fairly . . . and on the facts, not on the fiction.

We want you to judge us on our merits . . . not on misinformed viewpoints. We want you to weigh the rhetoric against the FACTS.

We want you to judge us because we are the servants of many masters . . . the whole body of citizens in this free land, the Judiciary, the Congress, the Department of Justice, and the President of the United States.

We in the FBI are proud of our record of achievement . . . both in the fight against crime and in the fight on behalf of individual liberties.

Our image will take on the nuance of new times and new mores. The style will change, as of course it must. But, my friends, the *substance* will not change, and the continuity of mission will remain unbroken.

That is my pledge to you today.

EXHIBIT 2

ADDRESS OF HON. L. PATRICK GRAY III, MAY 17, 1972

When Harry Truman was notified, on the death of Franklin D. Roosevelt, that he was now President of the United States, he said, "I felt like the moon, the stars, and all the planets had fallen on me."

While I don't actually feel that way, I now understand more than ever how Mr. Truman could have said it.

I assure you that when Acting Attorney General Richard Kleindienst, first told me that I was to be appointed as head of the Federal Bureau of Investigation, I was stunned. My name had not been among those prominently mentioned as the possible successor to J. Edgar Hoover, and the thought had, frankly, not even occurred to me. After all, the President had only recently honored me by sending my name to the United States Senate as his nominee for Deputy Attorney General.

I say this because there has been some speculation that my appointment is somehow part of a scheme for the President to gain political control of the FBI.

I am not a political advisor or counsellor to President Nixon. I have never run for political office. I am not a political crony of President Nixon's. Upon retiring from the Navy in 1960 I served for approximately seven months on Mr. Nixon's staff when he was Vice-President. Since 1969 I have served in positions in HEW and the Department of Justice—positions that were not political in nature, but required professional administrative, managerial, and legal skills. As the President himself has put it, our relationship has not been political or social, but professional.

In fact, when I met with the President he gave me only one instruction—that the FBI and its Director continue to be absolutely non-political. I am honored and humbled that the President should place me in this position of great trust and responsibility, and would emphasize to me that I must exercise the highest degree of professional competence in the interest of the American people. I believe it is important at this time for me to express what I truly feel—that I will meet this most solemn and the challenging responsibility.

It is important to state this because I follow a man in this office of legendary stature. John Edgar Hoover founded and built the finest investigative agency in the world. For nearly half a century his name and that of the FBI have been almost synonymous. Its efficiency, its integrity, and its esprit de corps have earned it the long-standing respect and appreciation of the American people.

There is another side to Mr. Hoover's legacy that is little known outside the FBI.

His critics try to give the impression that his power was a threat to American freedom. J. Edgar Hoover scrupulously observed the restrictions of Federal law and insisted upon the same by every FBI agent. He favored the separation of various Federal investigative responsibilities among a number of individual agencies in order to diffuse the power that could accompany such responsibilities. He steadfastly opposed any proposal to concentrate all investigative duties in any one agency. He strongly resisted any effort to establish a national police force.

Far from fearing J. Edgar Hoover as a threat to freedom, the American people had every reason to be profoundly satisfied that this position was occupied by a man of his self-restraint and his understanding of democratic principles.

I wish to say that I am deeply committed to this same policy. As long as I am head of the FBI, it will not take the first small step which might lead to the formation of a national police force. As long as I head the FBI, it will not come under political influence nor will it ever try to exert political influence.

Let me move now from the subject of policy, in which I do not anticipate what I would call substantive changes, to the area of style, in which I have already begun to make changes.

By "style" I refer to the means by which an administrator implements policy. In doing so I must be myself, and I will not try to be someone else. Further, in making certain changes in the style of operation, I impute no impropriety or fault to my distinguished predecessor, although this may be so interpreted in some quarters. On the contrary, there is a Pat Gray style because that is the only way I know how to operate, or at least operate comfortably. And this new job of mine has enough monumental responsibilities and demands without making things difficult for myself by trying to operate in a mode that is foreign to me.

As I have met with the top officials of the Department of Justice, including the FBI, I have had two immediate concerns: first, maintaining the integrity and effectiveness of the FBI during this transitional period; and second, meeting the challenge that this moment presents to the new Acting Director by making certain changes that seem appropriate.

As for the first concern, I am satisfied and wish to assure you that the transition has been made without any loss whatsoever in the FBI's integrity and effectiveness. Its operations against Federal crimes and against attempts to subvert our form of Government have continued without the least interruption.

As for the second concern, I would like to mention a few decisions or inquiries made regarding possible changes. These would fall into two categories—changes already decided upon, and areas still being explored.

The most important changes already determined are in the hiring of agents.

It has been said that there are not enough Blacks, Asian-Americans, Spanish-speaking Americans, or American Indians among FBI agents. I would point out that the Bureau's overall record in this connection is good, and that while it has made special efforts to recruit agents from these groups, it has proven difficult to attract people qualified to meet the standards for FBI agents. Reduction of standards has been suggested in the past, but this we will not do, and I do not believe that members of these groups would want us to do so. Yet I feel strongly that they are a most significant and integral part of our society, and they have a role to play in agencies such as the FBI. We must and will redouble our efforts to reach out and attract applicants from these groups. I say this not only because it is right and fair and socially desirable, but because it will truly enhance still further the effectiveness of the FBI.

Second, the FBI is the last major Federal investigative agency that does not hire women agents. Within the Department of Justice this step has been taken recently by both the Immigration and Naturalization Service and the Bureau of Narcotics and Dangerous Drugs. In the past such a step has been resisted on the argument that women should not be placed in occupations involving physical danger. I am told, however, that many women consider such protective impulses to be a clear case of male chauvinism, and are perfectly willing to take their chances with the men. While it may prove a difficult mental adjustment for some of us, this step must and will be taken. And again, I believe it will enhance the total capabilities of the Bureau.

One of the first inquiries I made of top FBI officials was about the possible existence of files that might be called secret files or political dossiers. Both of these phrases have a sinister connotation. I have been informed, as a result of my preliminary inquiries, that there are no secret files or political dossiers. Without having any in-depth knowledge of the Bureau's files as of this moment, I will simply state that the matter of files and communications is one of the serious avenues of inquiry I am pursuing with the top officials of the FBI as I continue to acquire the knowledge necessary to discharge my responsibilities.

Another area in which I am still looking for answers is the frequent criticism that the head of an investigative bureau of this importance has too much potential power. It has been suggested that his actions should be subject to review by a blue-ribbon commission over and above the Bureau. I am concerned that such a device might seriously impair the effectiveness of the FBI. However, I do have an open mind with regard to the establishment of a Director's Advisory Committee or a Director's Consulting Group, composed of recognized authorities in certain relevant fields. Certainly the Federal Bureau of Investigation already has more than ample expertise among the dedicated men and women who serve in this elite investigatory agency. But I believe that, working together with a group such as I have described, my top associates in the Bureau and I may be assisted in the discharge of our responsibilities as we look to the future role of the Federal Bureau of Investigation in our society.

Let me add that I do not, at this present time and on the basis of information now available to me, believe that any full-scale investigation of the FBI is indicated. I have the feeling that many of the criticisms leveled are unfounded, simply because the critics did not have the factual information regarding the operations and the performance of the men and women of the Federal Bureau of Investigation.

These, then, are some of the questions of style that may give a new look, but not new substance, to the FBI.

Finally, at this historic changing of the guard—the first in nearly half a century—it is important for me to give some assurances of faith.

I believe in the United States of America, not only as a nation and a people, but as an ideal that has helped to re-shape the world.

I believe in the democratic form of government, and in the sovereignty of the people.

I believe in a government of law, enacted by the people through their representatives, and not in a government of men. I believe that where this kind of law ends, tyranny begins, and I believe that the people have the right and the duty to oppose such tyranny.

I believe that individual Constitutional rights are basic to our society and our form of Government, and I include not only the rights of the accused to the full protection of the law, but also the rights of all citizens to have that same protection.

I believe that it is possible for popular government to protect itself from overthrow without denying basic freedoms, and I consider that one of the principal responsibilities of the FBI and its Director is to prove that this can be done.

I believe in the FBI as a vital American institution. When it is criticized I will look into the the charges to determine whether they have any validity. If so, I will make the changes necessary to maintain the FBI's posture as the finest investigatory agency in the world. If they are not valid, I will defend the FBI with all of the personal energies and capabilities at my command.

THE ROLE OF THE INTERNATIONAL COURT IN GENOCIDE DISPUTES

Mr. PROXMIRE. Mr. President, there has been much confusion and many unfounded charges regarding the role of the International Court of Justice in the settlement of disputes arising under the Genocide Convention.

The easiest charge to dismiss is the contention that U.S. citizens might be hailed before an international court on charges of violating the convention. This is impossible since the International Court of Justice has no penal or criminal jurisdiction.

There is, however, a role for the World Court in adjudicating disputes relating to the interpretation, application or fulfillment of the convention, including the assessment of responsibility of a state for genocide. It is important to remember, though, that the role of the court is limited to interpretation, and does not include actual judgment of specific cases. Similar provisions for interpretation by the World Court are included in many multilateral and bilateral convention to which the United States is a party. Furthermore, many signatories to the convention, notably Communist-bloc countries, have ratified the treaty while stipulating that they are not subject to article IX, which provides for World Court adjudication. The United States could invoke this reservation in its own behalf in cases brought against it.

It is indeed probable, however, that concern over the role of the World Court is groundless because the problem will never arise. Very few disputes of any nature, and none relating to the Genocide Convention, have been brought before the Court in its history. And even if the United States were charged with a breach of the treaty and found in default of its obligation, there would be no consequent penalty, since the Court has no enforcement powers.

It is well to echo the conclusions of the report of the Committee on Foreign Relations in this matter:

> The fears expressed about the role of moribund court in genocide matters appear very far fetched.

HARRY S TRUMAN

Mr. BROOKE. Mr. President, Harry Truman was a common man with extraordinary talent. He made no pretensions to wealth, sophistication, or power. He was a country boy who went to the city to match wits with the best of the city politicans. He would live to match wits with the world's great statesmen.

Born and raised in the lovely State of Missouri, Truman gained a deep appreciation for the goals and aspirations of America's common man. Like many Americans at the time, he had to forego college because there simply was not enough money. So he educated himself. His Secretary of State, Dean Acheson, used to tell of the time that the President, responding to a query on the Middle East, lectured the startled Secretary on the very complicated history of that area, leaving the knowledgeable Mr. Acheson quite breathless over the breadth of his expertise.

After serving honorably as a captain in the First World War, Truman married his childhood sweetheart, Bess, who later became known as "the Boss" around the Truman household. He sunk his life earnings into a haberdashery only to suffer the agony of the depression. Although he went bankrupt, he proudly pointed out that he paid back every creditor. Honesty would be a hallmark of his rich, amazing life.

His political career was launched with his election to be a county judge and by 1934 he was serving in the U.S. Senate. As a Senator, Truman distinguished himself as an independent man, always putting the interests of the people first. He never shunned the weight of difficult decisions. He never waivered from what he thought right to do. Rarely have Americans been gifted with such a courageous man, and it was this courage that would manifest itself when Harry Truman went to the White House.

Taking the reins from a giant among Presidents, Truman proved indomitable. Few men have faced decisions of such magnitude and scope; few men have met them with such verve. Analysts often single out the decision to drop the atomic bomb, and indeed, who amongst us would wish to decide such an issue? Yet, he never flinched; new to the office, he never tried to shirk the responsibility.

The atomic explosions brought an end to the war and the end of the war brought to America new problems, new complexities, new roles. The decisions were as hard as they were many: reconstruction of Europe and Japan; defense of Greece and Turkey; the building of NATO; the creation of the United Nations; the Berlin airlift; the Korean war; the dismissal of General MacArthur. Many men would buckle under such weight but not Mr. Truman. "Captain Harry"—as he loved to be called—rose to each occasion, judiciously leading us through those difficult days. Many have come to regard those days as among our Nation's finest.

And let us not forget his bold initiatives in domestic policies. As President, he put before the Congress legislative ideas which took the American public 15 years to grasp and accept. He knew in his heart that health care for our citizens and civil rights of all Americans were "the right thing." I well remember those days—days of hope, days of enthusiasm. And though it would take years for his ideals to manifest themselves, the man from Independence had broken the ground.

As I look back over the dizzying succession of events in the Truman years, I am awed by the personal stamp he left both here in America and throughout the world.

He was instrumental in restoring peace to a shattered world and dignity to a doubting mankind. He fought against injustice; for freedom. Against ignorance and deceit; for truth. He was healer in wounded times. An inspiration. A leader.

Most men would relish the thought of leaving such a legacy but it would be incomplete in Mr. Truman's case. I have always felt that he was more than his many magnificent achievements, greater than his incisive decisions. I think his greatness lies in his love of life itself, his joy in action, his delight in friends. These are qualities which have been recognized throughout the ages as fundamental to a good and noble life. Harry Truman was a man to whom such marvelous traits came naturally. And in a country whose system of government is based on unbridled faith in the wisdom of the individual citizen, I think no kinder words can be said, no greater tribute paid.

If Harry Truman was anything, he was "plain folk" as he once described himself to old friends visiting the White House. A haberdasher leading America into an entirely new area of international relations. A country farm boy about whom Winston Churchill said:

> You, more than any man, have saved Western civilization.

In a time when politics is increasingly frowned upon and politicians increasingly scorned, we forget that there were men like Harry Truman who possessed a truly genuine rapport with the people. A great campaigner, he naturally drew people to him with his vibrant personality. And despite all the trappings of office, all the power and the glory, Harry Truman remained true to these people and true to their values and beliefs.

No one can measure the love Americans had for this great man just as no words can express the true measure of his contribution to our country. But in a land so dedicated to the people, I think the words of Edward Folliard captured the essence of Harry S Truman when he described the reaction of the people to Mr. Truman as the President barnstormed the continent during his stunning 1948 presidential campaign. Wrote Folliard:

> They like "Harry", those people who have been gathering along the railroad tracks all across the continent and down the Pacific coast. They like him a lot. You can see it in their faces as they look up at him there on the rear platform of the Ferdinand Magellan, smiling and waiting for the high school band to finish Hail to the Chief and the Missouri Waltz.

We will miss this man. Americans have lost a gifted servant and a treasured friend. To his lovely widow and devoted daughter, my family and I express our sincere condolences, grieving at his loss, rejoicing in his life.

CODE OF BILLING AND COLLECTION PRACTICES

Mr. SAXBE. Mr. President, it is in the interest of the public that the consumer loan industry maintain a high degree of self-regulation and the highest standards in the conduct of its business. I was gratified, therefore, to note that the National Consumer Finance Association, recently, recommended to all member companies that they adopt a code of billing and collection practices promulgated by the Sub-Council on Credit and Related Terms of Sale.

The National Business Council for Consumer Affairs was created by President Nixon by Executive order dated August 5, 1971. The National Consumer Finance Association, organized in 1916, is the national trade association of companies engaged in the consumer installment credit industry. NCFA represents nearly 1,000 member companies operating approximately 18,000 loan and finance offices. Essentially, the business of these companies is primarily direct credit lending to consumers and the purchase of sales finance paper on consumer goods. However, some members have retail subsidiaries, other are subsidiaries of manufacturers, others are subsidiaries of highly diversified corporations and a growing number are subsidiaries of bank holding companies.

A summary of the code of billing and collection practices follows:

First. Creditors should fully explain to their customers the terms of any loan or other credit transaction.

Second. Creditors who mail bills to customers should do so as soon as possible after the billing cycle ends—at least 2 weeks before the next payment is due.

Third. Calls or correspondence from a customer claiming an error in billing should be acknowledged promptly.

Fourth. Consumer credit collection practices should be based on the presumption that every debtor intends to repay, or would repay if able.

Fifth. Late charges should be assessed only to the extent necessary to recover overall expenses caused by the delinquency.

Sixth. Customer complaints concerning collection practices should be investigated immediately.

Seventh. Collectors should be instructed to attempt to initially determine the cause of the delinquency and to indicate willingness to arrange a mutually satisfactory repayment schedule, when appropriate.

Eighth. Customers who show a sincere desire to repay their debt should be offered, if necessary, extended repayment schedules, refinancing arrangements, or similar methods that would help reestablish their solvency.

Ninth. If the customer does not respond to an offer to help make alternative arrangements, the collector should explain the seriousness of continuing delinquency and advise the customer of the courses of action open under the contract and under the law.

Tenth. While collectors have an obligation to disclose honestly to debtors and endorsers the remedies that may be invoked against them, legal action should not be cited unless it can and will be used.

Eleventh. Telephone calls should be placed between the hours of 8 a.m. and 8 p.m. unless other times are more convenient for the customer.

Twelfth. Outside collection agencies, attorneys, process servers, and other agents employed to collect delinquent accounts should be furnished with written instructions on how customers are to be approached, which practices are sanctioned and which are not.

Thirteenth. Credit grantors should be particularly careful in handling delinquencies due to a customer's dissatisfaction with the goods or services financed.

This code was endorsed by the NCFA board of directors in response to the growing concern of its membership to counteract past abuses in collection problems and improve the creditor-debtor relationship in the business community. The board believed that the endorsement of this code would engender greater confidence on the part of the consuming public in the extension of consumer credit and in the fairness with which just debts are collected.

WIRETAP STATUTE UPHELD

Mr. McCLELLAN. Mr. President, in 1968, the Senate overwhelmingly approved the use of court authorized and stringently supervised wiretaps in the investigation of certain Federal offenses. By a record vote of 68 to 12, this Body resoundingly defeated a motion to strike title III of the Omnibus Crime Control and Safe Streets Act of 1968, which contained the surveillance provisions.

It was argued in 1968, both in and out of Congress, that these provisions were inconsistent with our cherished traditions of privacy under the fourth amendment. I argued here on the Senate floor that title III was carefully drawn to meet the requirements the Supreme Court laid down in *Berger* v. *New York,* 388 U.S. 41 (1967) and *Katz* v. *United States,* 389 U.S. 347 (1967) and that if title III was challenged in the courts, I believed it would be sustained.

I am pleased to report that the Senate's judgment in passing title III is now being vindicated in the courts. Two U.S. Courts of Appeal have already sustained the statute. In *United States* v. *Cox,* 449 F. 2d 679 (10th Cir. 1971), *cert. denied,* 406 U.S. 934 (1972), the Tenth Circuit upheld title III. In *United States* v. *Cox,* 462 F. 2d 1293 (8th Cir. 1972), the Eighth Circuit upheld the statute. Numerous district courts have also found the statute constitutional. Indeed, only one district court judge to date has found the statute defective. In *United States* v. *Whitaker,* 343 F. Supp. 358 (E.D. Pa. 1972), Chief Judge Joseph S. Lord III held that title III did not meet the tests of *Berger* and *Katz.*

I am pleased to report now, however, that the third circuit has just rejected the reasoning of Whitaker. In *United States* v. *Cafero,* No. 72–1577, decided January 30, 1973, the court of appeals, in a masterful opinion by Circuit Judge Ruggero Aldisert, took up each of the points in Judge Lord's opinion and demonstrated their fallacious character. Since Judge Lord's district lies in the third circuit, the Cafero opinion deprives Whitaker of all force and effect.

Mr. President, I welcome the Cafero opinion and extend my congratulations to the Justice Department—particularly to Mr. Sidney M. Glazer and John J. Robinson of the Criminal Division, the attorneys who have had to carry the burden of much of the appellate litigation in the surveillance field. If the Congress, the Department of Justice, and the courts can work together, consistent with the Constitution, I believe that we can stem the tide of crime that has risen in our country in recent years. I, therefore, welcome the signs now beginning to emerge which indicate there will be greater harmony and cooperation between the three separate but equal branches of our Government in battling crime and thus making safe again our homes, our streets, and our places of business from the invasion and assaults of this aggressive and persistent enemy of civilized society.

I ask unanimous consent to have the Cafero opinion printed at this point in the RECORD as a part of my remarks.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT—NOS. 72–1577 AND 72–1578

(United States of America *v.* Joseph E. Cafero, also known as Ernie; Dominick Vinciguerra also known as Dom; Adam Di Lauro, also known as Tommy; Peter Maleno, also known as Pete; Elvera Auferio, also known as Mary; Florence Griffin; Joseph Ferringo, also known as Joe; Donna Teti; Josephine Amarose, also known as Josie; John Cancelli; Joseph E. Cafero, also known as Ernie, *Appellant in No. 72–1577;* Dominick Vinciguerra, also known as Dom, *Appellant in No. 72–1578*)

(D.C. Criminal No. 70–445)

[Appeal From the United States District Court For the Eastern District of Pennsylvania]

OPINION OF THE COURT

ALDISERT, *Circuit Judge.*

Appellants were tried in the district court on multicount indictments charging conspiracy and use of interstate facilities in aid of an illegal gambling enterprise in violation of 18 U.S.C. § 1952. Cafero was found guilty on both counts; Vinciguerra, on the conspiracy count. The questions presented for review in these appeals are: whether Title III, Omnibus Crime Control and Safe Streets Act of 1968, 18 U.S.C. §§ 2510–20, offends the Fourth Amendment and is therefore unconstitutional; whether, assuming constitutionality, there was compliance with the statutory requirements of Title III; whether the indictment was sufficient; and whether the trial court improperly admitted certain evidence.

The government's proof demonstrated that Cafero was a principal in an illegal numbers lottery operating in Philadelphia. Bets were placed on a daily three-digit number which was computed from the parimutuel results of specified races at Florida race tracks. The results of these races were telephoned to Cafero. This transmittal was made within a half-hour after the completion of each race. The origin of the calls to Cafero was not placed into evidence, but because of the time factor between the end of the race and the communication of the results, the government relied on the permissible inference that the calls originated in Florida and terminated in Pennsylvania.[1] After receiving the telephonic information, Cafero would call Vinciguerra and others, informing them of the winning digits. Evidence of this operation was received from a government telephone tap placed on Cafero's telephone following court authorization under Title III.

Application for the court-ordered telephonic interception was made by the FBI and supported by affidavits of two informers, one of whom had been providing information to the FBI "for a period exceeding four years, such information resulting in two Federal convictions in the gambling field and 20 local gambling arrests." It was averred that the second informant had consistently provided Philadelphia police with trustworthy information, and that both informants obtained their information from personal observations and from Cafero himself.[2] The court order authorized interception for fifteen days subject to earlier termination if the objectives were attained. The wiretap began on January 17, 1970, and terminated seven days later on January 24, 1970. Within ninety days of this termination, the government requested a postponement of the filing of the inventory required by 18 U.S.C. § 2518(8)(d). On April 21, 1970, a court order authorized such a postponement for thirty days. The inventory was filed on May 12, 1970, within the authorized postponement period.[3] At trial, appellants made appropriate motions to suppress the evidence on grounds properly noticed in these appeals.

I.

Before this court, appellants have the advantage of the thoughtful opinion of Chief Judge Joseph S. Lord, III, in *United States v. Whitaker,* 343 F. Supp. 358 (E.D. Pa. 1972), in which Title III was held unconstitutional. Appellants rely heavily upon this opinion in mounting their constitutional attack. Bound by pronouncements of the Supreme Court, the *Whitaker* court accepted as bedrock the principles enunciated in *Lopez v. United States,* 373 U.S. 427 (1963); *Osborn v. United States,* 385 U.S. 323 (1966); *Berger v. New York,* 388 U.S. 41 (1967); and *Katz v. United States,* 389 U.S. 347 (1967). Thus, *Whitaker* does not accept *in ipshis verbis* the theory that there may never be constitutionally permissible eavesdropping.[4] Rather, *Whitaker* holds that the statutory procedures of Title III do not comport with the rigid requirements for constitutionally permissible court-supervised interceptions as formulated by the Supreme Court.

This formulation was perhaps best expressed by Justice Stewart in *Katz, supra,* 389 U.S. at 355:

> [U]nder sufficiently "precise and discriminate circumstances," a federal court may empower government agents to employ a concealed electronic device "for the narrow and particularized purpose of ascertaining the truth of the . . . allegations" of a "detailed factual affidavit alleging the commission of a specific criminal offense." *Osborne v. United States,* 385 U.S. 323, 329–330."

Although dissenting in *Lopez v. United States, supra,* Justice Brennan acknowledged that lawful electronic surveillance was possible: "The requirements of the Fourth Amendment are not inflexible, or obtusely unyielding to the legitimate needs of law enforcement. It is at least clear that the procedure of antecedent justification before a magistrate that is central to the Fourth Amendment' . . . could be made a condition of lawful electronic surveillance." 373 U.S. at 464.

Thus, prior to embarking upon an analysis of appellants' *Whitaker*-based argument, we reject their contention that the Fourth and Fifth Amendments preclude *any* electronic surveillance. Their suggestion that such a conclusion is commanded by *Boyd v. United States,* 116 U.S. 616 (1886), which reviewed the celebrated English case of *Entick v. Carrington and Three Other King's Messengers,* 19 HOWELL'S STATE TRIALS 1029 (1765), was rejected in *Berger, supra,* 388 U.S. at 49–53.

II.

Whitaker found Title III constitutionally deficient in three respects:

1. Section 2518(5), which permits interception for up to a thirty-day period, and allows for court-authorized extensions, was found to present "the constitutional objection to lenthy continuous surveillance expressed in Berger. Title III's intrusion is not 'precise' nor carefully circumscribed' nor 'very limited.' The fact that it permits 30-day continuous searches which are only half as long as those condemned in Berger is a distinction without constitutional significance. This aspect of Title III alone renders the Act unconstitutional." 343 F. Supp. at 365–66.

2. Title III was found to lack specific guidelines restricting the executing officer's discretion. "It is left to the executing officers to determine when they have learned enough details concerning enough people about the offense in question so that they should and must stop their interception because the authorized objective has been attained. . . . While Title III is a significant improvement from the New York statute found unconstitutional in Berger, it still lodges too much discretion in the executing officers to comply with the Constitution." 343 F. Supp. at 367.

3. Finally, *Whitaker* found that Title III "provides for unreasonable searches and seizures by not requiring prompt notice after authorized surveillance has been completed to those people whose conversations have been intercepted." 343 F. Supp. at 368.

1.

Initially, we do not agree with the *Whitaker* court's observation that "Title III's intusion is not 'precise' nor carefully circumscribed' nor 'very limited.'" 343 F. Supp. at 365. Section 2518(1)(b) provides that the application must contain "a full and complete statement of the facts and circumstances . . . of the type of communications sought to be intercepted." The application must contain details of the particular offense, and "a particular description of the nature and location of the facilities" where the interception is to be made. 18 U.S.C. § 2518(1)(b). Moreover, after considering the application, the judge may issue an intercept authorization only after making the specific findings required by section 2518(3), including the existence of probable cause, and must include in the authorization:

"(a) the identity of the person, if known, whose communications are to be intercepted;

"(b) the nature and location of the communications facilities as to which, or the place where, authority to intercept is granted;

"(c) a particular description of the type of communication sought to be intercepted, and a statement of the paticular offense to which it relates;

"(d) the identity of the agency authorized to intercept the communications, and of the person authorizing the application; and

"(e) the period of time during which such inteception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communicaion has been first obtained."

18 U.S.C. § 2518(4).

Confronted with the argument that the intrusion authorized by Title III is not sufficiently "precise," "circumscribed" or "limited," the Tenth Circuit responded succinctly and, in our view, properly: "As we view it, Congress was seeking to deal realistically with highly complex problems in accordance with the demands of the Constitution. We are unable to say that the product fails to satisfy the Constitution. Every effort has been made to comply with the requirements of *Berger* and *Katz.* Section 2518(4) of Title III is as precise and discriminate in its approach as are the demands of *Berger* and *Katz." United States v. Cox,* 449 F.2d 679, 687 (10th Cir. 1971), *cert. denied,* 406 U.S. 934 (1972).

Implicit in Judge Lord's rejection of the thirty-day maximum requirement of section 2518(5) is an unspoken premise that a shorter time might have passed constitutional muster. A good case can be presented, however, that a fifteen-day period would also not have been sufficiently restrictive in his view, for the order in *Whitaker* was for a fifteen-day search with reports on the fifth and tenth days. 343 F. Supp. at 366, n. 10. This day-counting approach to constitutional acceptability, however, misses the mark because it overlooks what we perceive to be the clear Congressional intent that: (1) the length of interception in each case be determined by judicial decision on a case-by-case basis,[5] (2) the interception be terminated automatically, not necessarily on a predetermined calendar date, but when the objective of the authorization is achieved, 18 U.S.C. § 2518(5); and (3) while there is a maximum statutory life span of thirty days for each approval order, each interception has the very real potential of earlier extinction, 18 U.S.C. § 2518(6).

The thirty-day period contemplated by Title III is a statutory *maximum,* not an automatic authorization for continuous interceptions for thirty days. *Whitaker* construed 18 U.S.C. § 2518(4)(e) as making auto-

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Footnotes at end of article.

matic termination discretionary with the issuing judge, thus permitting continued interception without a showing of probable cause after the first sought communication has been obtained. In this respect, Judge Lord observed:

"If a judge exercised certain discretionary powers which the Act gives him, the order may not violate the Fourth Amendment. The difficulty, though, is precisely that those powers are discretionary and not mandated. It follows that the Act does not command a constitutional order; it permits an unconstitutional one."

343 F. Supp. at 363.

We do not agree with this interpretation of the Act. Section 2518(4)(e) must be interpreted in light of section 2518(5) which provides:

"No order entered under this section may authorize or approve the interception of any wire or oral communication for any period longer than is necessary to achieve the objective of the authorization, nor in any event longer than thirty days. . . . Every order and extension thereof shall contain a provision that the authorization to intercept . . . must terminate upon attainment of the authorized objective, or in any event in thirty days."

We do not read this section as providing for automatic termination upon attainment of the objective of the authorization only if a statement to this effect is included in the authorization pursuant to section 2518(4)(e) and, in the absence of such a statement, as permitting continuous surveillance for a period of up to thirty days. Rather, we interpret section 2518(5) as requiring automatic termination upon attainment of the objective of the authorization irrespective of whether a statement to this effect has been included by the authorizing judge. Thus, the thirty-day period provided in the statute does not represent the statutory life of all authorizations not containing a statement requiring termination upon attainment of the objective. Instead, the thirty-day period is merely a statutory limitation on the life of any authorization, which terminates every authorization at the end of thirty days regardless of whether the objective of the authorization has been achieved. We find support for this position in the language of section 2518(1)(d) which requires that where automatic termination is not desired upon obtaining the described communication, the application must specifically set forth facts establishing probable cause to believe that additional communications of the same type will be received. We conclude, therefore, that section 2518(4)(e) must be construed as requiring automatic termination upon interception of the first sought communication or the achievement of the interception's objective unless the judge finds probable cause to justify continued surveillance.

Thus, the offensive autocracy of the calendar condemned in *Berger* has been supplanted by judicial authority in the first instance, by the right of *sua sponte* judicial review at any time, and by the expiration of statutory authority to continue the interception once the objective has been achieved. Carte blanche is given no one. Executing officers are not free to interpret beyond attainment of their objective for an hour, a day, seven days, or twenty-nine days. They are allotted time to achieve an objective, period. Should they intercept beyond this time, they have violated the Act.

We find nothing in this statutory schema to offend the standards previously expressed by the Supreme Court regarding the temporal aspects of the authorization. Accordingly, we reject the *Whitaker* rationale and align this court squarely with the other circuits which have addressed this issue. In *United States v. Cox*, 462 F.2d 1293, 1303 (8th Cir. 1972), the court said:

"We do not, however, read *Osborn, Katz* and *Berger* as holding that only "rifle shot" eavesdrops are constitutionally permissible.

"Obviously an electronic search extending over a period of time will encompass overhearing irrelevant conversations, but the search of a building will likewise involve seeing and hearing irrelevant objects and conversations. [See *Berger, supra*, 388 U.S. at 108.] We therefore reject the assertion that only single-conversation interceptions are constitutionally permissible, and we agree with the Tenth Circuit [*United States v. Cox, supra*, 449 F.2d 679] that *Berger, Katz*, and *Osborn* do not indicate the contrary. We read those opinions as saying that "adequate judicial supervision or protective procedures" [*Berger, supra*, 388 U.S. at 60] such as are required by this Act provide the reasonableness which the Fourth Amendment requires."

Conceding that Title III as construed by this court requires mandatory termination and therefore minimizes interceptions, appellants nevertheless urge that the mandatory termination aspects of the Act are illusory.[6] It is claimed that once probable cause exists to justify the initial interception, the actual interception of a described communication will a *fortiori* establish probable cause for continued surveillance. This argument prompts numerous observations. First, it ignores the statutory requirement that continued interceptions require a new showing of probable cause, 18 U.S.C. § 2518(1), (3), (5), and any such additional surveillance is subject to effective judicial supervision. That is, the statutory schema requires the judicial officer to be aware of the on-going nature of the surveillance; in his discretion, he may order periodic reports or interpose any other appropriate safeguards. 18 U.S.C. § 2518(6). More important, the demonstration of probable cause for continued surveillance and the application for such surveillance are also subject to section 2518(3)(c) which requires that the authorizing judge find that "normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous." We are not so naive as to assume that the possibility of abuse does not inhere. "Bootstrapping," the phenomenon of one interception begetting another in the guise of probable cause, may occur. However, this possibility does not render Title III facially unconstitutional. Rather, alleged departures from the strictures of the statute are best dealt with on a case-by-case basis.

2.

The Whitaker court found "too much discretion in the executing officers to comply with the Constitution." 343 F. Supp. at 367. This conclusion is closely related to that court's prior conclusion that Title III permits continuous extended interceptions of the type held unconstitutional in Berger. However, [t]he dragnet nature of the New York law [in Berger] resulted not only from the duration of the warrant, but also from the failure to confine the investigator's latitude with . . . various safeguards. . . ." United States v. Cox, supra, 462 F.2d at 1303. Thus, it appears that this conclusion was prompted by the Whitaker court's interpretation of section 2518(4)(e) as subjecting automatic termination to the authorizing judge's discretion under section 2518(5), rather than making it mandatory. As heretofore discussed, we have concluded otherwise. Title III allows the executing officer considerably less discretion that the New York statute in Berger. No longer can the officer continue surveillance without effective judicial supervision. If surveillance is improperly continued after the authorization has terminated, such surveillance is unlawful and subject to suppression. 18 U.S.C. § 2518 (10)(a).

Footnotes at end of article.

Moreover, a comparison is invited to the judicial supervision involved in typical searches for tangible objects, where the possibility exists that the executing officer may search beyond the scope of his warrant. The traditional means of curbing such conduct has been indirect judicial supervision through suppression of unlawfully seized evidence. This marks a critical difference between the condemned New York law and Title III. By terminating interception upon attainment of the objective, Title III has made it possible for courts to exclude evidence obtained through continuation of the interception after the authorization has terminated. Under Title III, the time at which the authorization terminated is an ascertainable fact. Such a determination could not be made under the New York law which contained no automatic termination provision. Thus, under Title III suppression provides a realistic remedy—unavailable in Berger—for abuse of discretion by the executing officer.

Whitaker refers to an alleged inability to describe with particularity the nature of the information to be intercepted. Because the court concluded that "more specific guidelines" must be given the executing officers, too much discretion is vested in the officers, and therefore, the Act is unconstitutional. However, Whitaker never indicates what these guidelines should be, and intimates that it is impossible to fashion them. 343 F. Supp. at 366. Thus postured, this argument is but a paraphrase of the thesis that the very nature of the search for oral communication by the use of electronic devices is flatly proscribed by the Constitution. See Justice Douglas' dissent from the denial of certiorari, Cox v. United States, 406 U.S. 934 (1972). This approach was explicitly rejected by Osborn, Berger and Katz.

Moreover, Title III contains a noteworthy emphasis on particularities. "[A] particular description of the type of communication sought to be intercepted" is required. 18 U.S.C. § 2518(1)(b)(iii), and (4)(c). The application must contain a full and complete statement of facts, including details of the particular offense, and a particular description of the nature and location of the facilities where the interception is to be made. 18 U.S.C. § 2518(1)(b). The judge may even require the applicant to furnish additional evidence. 18 U.S.C. § 2518(2). The judge must make specific findings of fact prior to authorizing interception of a communication. 18 U.S.C. § 2518(3). Additionally, provision is made for relief in the event that "the order of authorization . . . is insufficient on its face," "the interception was not made in conformity with the order of authorization," or for any other reason "the communication was unlawfully intercepted." 18 U.S.C. § 2518(10)(a). We reject, therefore, the contention that Title III vests too much discretion in the executing officer because of an unavoidable lack of precision in describing the proposed object of the interception. Suppression remains the appropriate remedy when imprecisions in an application or a warrant attain constitutional dimension, or when execution of the warrant is improper.

3.

Finally, the *Whitaker* court found Title III deficient "by not requiring prompt notice after authorization surveillance has been completed to those people whose conversations have been intercepted." 343 F. Supp. at 368. "While the question of post-search notice is admittedly a novel question under the Fourth Amendment, considering a heritage which does not include secret searches, we find a violation because '[t]he Amendment is to be liberally construed and all owe the duty of vigilance for its effective enforcement lest there shall be impairment of the rights for the protection of which it was adopted.' Go-Bart Importing Company v. United States, 282 U.S. 344, 357, 51 S.Ct. 153, 158, 75 L.Ed. 374 (1931)." 343 F. Supp. at 369.

For support of this novel proposition, the court did not rely on *Berger* or its progeny. Instead, it reasoned: "Secret searches by definition reach the outer limits of what is permissible under the Fourth Amendment, but then to delay notice to the subject of the search for a substantial period of time because it might hamper an investigation is in our view well beyond the bounds of the Constitution." 343 F.Supp. at 369.

There is superficial appeal to this contention, especially the dangers of extending this concept to the area of traditional searches, and the observation that while Title III requires a notice to the person named in the order, 18 U.S.C. § 2518(8)(d), it does not guarantee disclosure to him of the inventory, nor does it provide mandatory notice to persons not named in the order, although the issuing judge may so direct. But the "secret search" argument is quite another thing. Indeed, the Supreme Court has already ruled that a secret electronic surveillance may comport with the Fourth Amendment. *Lopez, Osborn, Berger and Katz, supra.*

We find it difficult to accept the proposition that a search may be deemed reasonable, and therefore constitutional, during the various stages of application for authorization, execution, supervision of the interception, and termination, only to be invalidated *ab initio* because of the operation of some condition subsequent, to-wit, a failure to give notice of the items seized. In the context of traditional search warrants, a failure to comply with certain procedural requirements of F.R.Cr.P. 41 has been held not to amount to deprivation of Fourth Amendment rights necessitating suppression. Thus, failure to deliver a copy of the warrant to the party whose premises were searched until the day after the search does not render the search "unreasonable" in terms of the Fourth Amendment. *United States v. McKenzie,* 446 F.2d 949 (6th Cir. 1971).[7] Similarly, delay in execution of the warrant does not render inadmissible evidence seized, absent a showing of prejudice to the defendants resulting from the delay. *United States v. Harper,* 450 F.2d 1032 (5th Cir. 1971). Finally, the return of a warrant has been held to be a ministerial task, and failure to include an item in the inventory attached to the return does not require suppression of the particular item. *United States v. Moore,* 452 F.2d 569 (6th Cir. 1971), *cert. denied,* 407 U.S. 910 (1972).

In the context of electronic surveillance, we are aware that this court has held that a "complete and deliberate failure to file any inventory" is not merely a failure in a "ministeral" aspect of the surveillance. *United States v. Eastman,* 465 F.2d 1057 (3d Cir. 1972). In suppressing evidence in *Eastman,* we pointed out that "(t)he touchstone of our decision on this aspect of the case at bar is not one in which an inventory was delayed but rather is one in which specific provisions of Title III were deliberately and advertently not followed." 465 F.2d at 1062. Suppression was mandated by 18 U.S.C. § 2515 which "imposes an evidentiary sanction to compel compliance with the other prohibitions of the chapter." 1968 U.S. Code Cong. and Admin. News, 2184. In *United States v. LaGorga,* 336 F. Supp. 190 (W.D.Pa. 1971), Judge Weis distinguished the case of delay in filing notice after the surveillance had been completed from the facts of *Eastman.* We believe this distinction is relevant here for it points out that in *Eastman* the failure to comply with the provisions of Title III was begun in the authorization stages of that surveillance and persisted throughout the entire procedure. The authorizing judge in *Eastman* expressly "waived" the post search notice provisions of Title III at the time he authorized the interception. *LaGorga* and *Eastman* make it clear, therefore, that the suppression in *Eastman* was statutorily mandated by its peculiar facts. Furthermore, any Fourth Amendment overtones of *Eastman* result not from post-search ministerial delay or error, but from a deliberate attempt initiated prior to the search to avoid procedures mandated following the search.

It would appear that in the literal context of the Fourth Amendment, post-search notice of an electronic interception may properly relate only to the issue of "reasonableness" in the conduct of "searches and seizures." It is established federal practice that a traditional search warrant be returned to the issuing magistrate, F.R.Cr.P. 41(c), that the warrant may be executed and returned only within ten days after its date, that the person from whom or from whose premises the property was taken be given a copy of the warrant and a receipt, that an inventory be made which accompanies the return, and that the issuing authority upon request deliver a copy of the inventory to the person from whom the property was taken. F.R.Cr.P. 41(d). The unique nature of oral surveillance precludes utilization of identical procedures. Title III requires that an inventory be filed within a reasonable time but not later than ninety days after the filing of the application for an order. This inventory must include notice of the (1) fact of the entry of the order, (2) the period of interception, and (3) whether actual interception took place. Upon motion, the issuing court may make available such portions of intercepted communications "as the judge determines to be in the interest of justice." 18 U.S.C. § 2518(8)(d).

We do not share the *Whitaker* court view that this procedure lacks the degree of promptness required by the Constitution. As we have observed, the constitutional standard for searches and seizures relating to both tangible objects and communications is the reasonableness of the governmental action. Only unreasonable searches and seizures are beyond the constitutional pale. A statute which requires an inventory to be filed within "a reasonable time" cannot, without more, be said to offend this test. If, in a given case, there is undue delay, that contention may be pressed in an appropriate averment alleging non-compliance with the statute. The vice of unreasonable delay is a factor to be measured within the contours of the statute, and should not be used to shape those contours into an unconstitutional form. Simply stated, the Congressional mandate places a premium on reasonable notice of the inventory. If this is found lacking, then there has been no compliance. Clearly, however, courts should exercise great care in granting extensions beyond the ninety-day period for the filing of inventories.

The same analysis should apply to inspection of the contents of the interception, which Title III leaves to the discretion of the issuing court "as the judge determines to be in the interest of justice." Where there has been an improper denial of an appropriate motion for inspection, traditional safeguards of due process and orderly trial procedures exist to afford sufficient protection. As an abstract proposition, it may be desirable to mandate the inspection in all instances, but where there are oval interceptions there must be fealty to the concept of privacy.[8] Because any inspection is a publication, there must be concern for, if not concession to, the rights of those parties who figure or participate in the intercepted conversations, but who were not named in the order. It was the Congressional wisdom to entrust the inspection, and therefore publication, to the courts as the subject of judicial decision. The parameters of "the interest of justice" within the statutory schema and the Federal Constitution remain to be fashioned on a case-by-case basis. For our immediate purposes we decide only that the Congressional decision to entrust this inspection to the judicial process is not offensive to the Fourth Amendment. The New York procedure condemned in *Berger* did not "provide for a return on the warrant thereby leaving full discretion in the officer as to the use of seized conversations of innocent as well as guilty parties." *Berger v. New York, supra,* 388 U.S. at 60. We conclude that this objection has been adequately negated by the provisions of Title III.

For these reasons, we reject the holding of *United States v. Whitaker* that Title III is unconstitutional, and thereby place ourselves in agreement with courts of appeals and district courts which have adjudicated the constitutionality of Title III.[9]

III.

Alternatively, appellants argue that the government failed to comply with section 2516(1), concerning who within the Department of Justice may authorize an application for electronic surveillance. This argument is premised on the fact that the Attorney General personally authorized the application, and indicated his approval by initialing a memorandum addressed to Deputy Attorney General Will Wilson which authorized him to perform the ministerial task of informing the particular trial attorney to submit the authorized application to the court. The applicant was sent a letter over Will Wilson's signature which was in fact signed by Henry E. Petersen, then Deputy Assistant Attorney General.[10] Whatever uncertainty previously attended the propriety of this specific procedure has now been resolved by this court adversely to appellants' contentions. *United States* v. *Ceraso,* 467 F.2d 647 (3d Cir. 1972); *United States* v. *Ceraso,* 467 F.2d 653 (3d Cir. 1972).[11]

IV.

Appellants contend that the indictment listed 19 overt acts involving telephone calls none of which were specifically stated to be interstate. Proof at trial showed that 6 of the telephone calls in which Cafero received the "number" were transmitted within thirty minutes of the availability of the race results from Florida.[12] From this evidence, the government requested the jury to draw the inference that these calls were interstate. The jury was repeatedly instructed that they must find an interstate telephone call by a member of the conspiracy in order to convict. We are satisfied that the jury properly weighed the evidence and drew the appropriate inference. Moreover, we are satisfied with the disposition of this point by Judge Fullam.[13]

V.

We have examined appellants' other contentions, including those relating to the reception of evidence, and find them to be without merit. We have concluded that the language of the intercept order, "intercept wire communications of Joseph E. Cafero, and unknown others, *from* the telephone facilities" (emphasis supplied), includes incoming as well as outgoing telephone calls. Evidence of bribery of local police officials was properly introduced not to show a mere propensity of disposition to commit a crime, but for purposes of identification and to prove the conspiracy. The evidence was admissible under the law of this circuit for such a limited purpose. See Judge Biggs' authoritative analysis in *United States v. Hines,* — F. 2d — (No. 72-1312, 3d Cir. 1972). We hold further there was no abuse of the trial court's discretion in admitting newspaper clippings, in allowing testimony based on racing information contained in those clippings and the "Daily Racing Form," and in

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Footnotes at end of article.

permitting an FBI agent to testify as an expert witness on gambling matters.

The judgments of conviction will be affirmed.

A True Copy:

Teste:

Clerk of the United States Court of Appeals for the Third Circuit.

FOOTNOTES

[1] Florida law prohibits the dissemination of race results less than one-half hour after the completion of each race except for the feature race. 16 FLA. STAT. ANNO. 550:35 (1) (2).

[2] We find that the issuing judge made proper findings of probable cause, 18 U.S.C. § 2518(3), meeting the requirements of *Aquilar* v. *Texas,* 378 U.S. 108 (1964); *Spinelli* v. *United States,* 393 U.S. 1410 (1969); and *United States* v. *Singleton,* 439 F. 2d 381, 383–85 (3d Cir. 1971).

[3] Upon review of the record we find that the issuing judge did not abuse his discretion in finding good cause for the extension of time. Because the inventory was in fact filed, the doctrine of *United States* v. *Eastman,* 465 F. 2d 1057 (3d Cir. 1972), is not applicable. See pp. 17–18, *infra.*

[4] Professor Ralph S. Spritzer is an articulate advocate of this theory: "Electronic Surveillance by Leave of the Magistrate: The Case in Opposition," 118 U. Pa. L. Rev. 169 (1969). The article adopts the major premise of Justice Douglas' dissent in *Osborn* v. *United States, supra,* 385 U.S. at 352: "I would adhere to *Gouled* [v. *United States,* 255 U.S. 298 (1921)] and bar the use of all testimonial evidence obtained by wiretapping or by an electronic device."

[5] "A wiretap can take up to several days or longer to install. Other forms or devices may take even longer. The provision [§ 2518 (5)] is intended to recognize that each case must rest on its own facts." Senate Report, 1968 U.S. Code Cong. and Admin. News, at 2192.

[6] See Schwartz, "The Legitimation of Electronic Eavesdropping: The Politics of 'Law and Order'." 67 Mich. L. Rev. 455 (1969).

[7] See also *United States v. Averell,* 296 F. Supp. 1004 (E.D. N.Y. 1969) (two and one-half year delay in filing warrant return and inventory).

[8] Title III has as its dual purpose (1) protecting the privacy of wire and oral communications, and (2) delineating on a uniform basis the circumstances and conditions under which the interception of wire and oral communications may be authorized. To assure the privacy of oral and wire communications, title III prohibits all wiretapping and electronic surveillance by persons other than duly authorized law enforcement officers engaged in the investigation or prevention of specified types of serious crimes, and only after authorization of a court order obtained after a showing and finding of probable cause.

Senate Report, 1968 U.S. Code Cong. and Admin. News, at 2153.

[9] In accord with our holding are *United States v. Cox,* 462 F.2d 1293 (8th Cir. 1972); *United States v. Cox,* 449 F.2d 679 (10th Cir. 1971). All of the other district court cases hold that Title III is constitutional. *United States v. Focarile,* 340 F. Supp. 1033 (D. Md. 1972); *United States v. LaGorga,* 336 F. Supp. 190 (W.D. Pa. 1971); *United States v. King,* 335 F. Supp. 523 (S.D. Cal. 1971); *United States v. Lawson,* 334 F. Supp. 612 (E.D. Pa. 1971); *United States v. Becker,* 334 F. Supp. 546 (S.D. N.Y. 1971); *United States v. Perillo,* 333 F. Supp. 914 (D. Del. 1971); *United States v. Leta,* 332 F. Supp. 1357 (M.D. Pa. 1971); *United States v. Scott,* 331 F. Supp. 233, 238–41 (D.D.C. 1971); *United States v. Cantor,* 328 F. Supp. 561 (E.D. Pa. 1971); *United States v. Sklaroff,* 323 F. Supp. 296 (S.D. Fla. 1971); *United States v. Escandar,* 319 F. Supp. 295 (S.D. Fla. 1970), reversed on other grounds *sub nom. United States v. Robinson,* 40 U.S.L.W. 2454 (5th Cir., Jan. 12, 1972), rehearing *en banc* granted, 11 Cr. L. Rep. 2505 (5th Cir., July 21, 1972).

The Supreme Court has discussed Title III, but has not yet passed on the constitutionality of the Act. See *Alderman v. United States, supra,* 394 U.S. at 175 (1969); *Gelbard v. United States,* 408 U.S. 41 (1972); *United States v. United States District Court for the Eastern District of Michigan,* 407 U.S. 297 (1972).

[10] Not included in these circumstances is the procedure by which Sol Lindenbaum acted for the Attorney General in authorizing the application which is now *sub judice* before this court in *United States v. Cihal,* No. 72–1201, *en banc.*

[11] Section 2518(1) (e) requires that each application for an order authorizing telephone interception include:

> A full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any judge for authorization to intercept, or for approval of interceptions of, wire or oral communicatins involving any of the same persons, facilities or places specified in the application, and the action taken by the judge on each such application; . . .

In his application to Judge Lord, Mr. Henderson stated:

> No other application for authorization to intercept wire or oral communications from the above-described or any other facility has been made in connection with the instant investigation.

The affidavit of an FBI agent, which was incorporated by reference into the application, indicated that information relevant to this investigation had been obtained from a prior wiretap authorized as part of a separate investigation on a different telephone used by another individual, Monzelli.

Because certain information relevant to the Cafero investigation was acquired from the Monzelli wiretap, appellant argues that the applicant's statement to the issuing court violated the Act, and hence the intercepted material should be suppressed as a violation of S 2518(1) (e). The Monzelli wiretap did not relate to the same facilities and could be considered a separate investigation. Irrespective of Mr. Henderson's oral statement, however, the supporting affidavit disclosed the Monzelli wiretap. Therefore, even if the statement by Mr. Henderson were technically incorrect, any possible error was cured by the disclosure of the other wiretap by the affidavit incorporated in the application.

[12] See note 1, *supra.*

[13] Unquestionably, the indictment is poorly drawn, in that while charging specifically some 19 telephone calls as constituting overt acts in carrying out the conspiracy charged, the indictment does not allege that any of these telephone calls were interstate. It can be argued that the indictment may have been drawn on the theory that any use of the telephone, even for purely local calls, would make out the offense charged, since the telephone is a facility used in interstate commerce since the telephone is a facility used in interstate commerce. *United States v. De Sapio,* 299 F. Supp. 436 (S.D. N.Y. 1969), holds that an actual interstate communication must be found, rather than merely local use of a facility which is sometimes used in interstate commerce; and the present case was submitted to the jury in recognition of this principle

While, again, the issue is not entirely free from doubt, I have concluded that the indictment does adequately charge the crimes defined by the statutes in question. The pertinent language of Court 1 reads, "it was a purpose of the conspiracy that the defendants did use and cause to be used a facility in interstate commerce, namely the telephone, with the intent to carry on and facilitate the carrying on of an unlawful activity, to wit: a business enterprise involving gambling (in violation of state law)." The second Count charges that the defendants "used or caused to be used facilities in interstate commerce, namely the telephone . . . " with the same intent. I believe the langue of the indictment can properly be interpreted as containing all of the elements of the crimes charged. It is, of course, entirely clear that all of the defendants, in the course of the extensive pretrial proceedings, were fully apprised of the precise nature of the government's case, and of the factual issues they would be required to meet.

HOW ONE STATE VIEWS OUR FEDERAL GOVERNMENT

Mr. DOMENICI. Mr. President, during the period of time between my election and the convening of the 93d Congress, I held a series of informal hearings in 23 towns and cities in my State.

The purpose of the tour was to give me some clear feeling, before I came to Washington, of how New Mexico's elected officials and civic leaders really feel about our Federal Government.

Actually, I asked them to share with me their views on two topics: the value of existing or proposed Federal programs, and the kinds of legislation they think are necessary to meet their area's needs.

The response was enthusiastic. Officials, from city and county commissioners through school board members, shared their opinions with directness and candor. Based on their views, I have prepared a report, which I believe can serve this body by reminding it of certain things.

Perhaps the most dramatic of these is that communication between all branches of our government is weak. I believe that the report which I prepared at the conclusion of my tour shows two things very sharply.

The first is that the Federal Government does a sometimes woefully inadequate job of transmitting its aims to State, county, and local governments—even in areas as important as revenue sharing, which may be justly described as a totally new concept in Government relations.

The second is that communications the other way may be at least as bad. My experience showed clearly that there is, in those engaged in government at other levels, a hunger to be heard by us.

It is not my intention to lecture my fellow Senators, but I cannot let this occasion pass without observing that, far from fearing such communications, we must do everything in our power to improve them—both ways, to our fellow citizens and from them.

It is my hope that the report I have prepared may contribute something to ameliorate this failure in communications. It is my further hope that others here will be moved to make something of the same sort of exploratory tour of their own constituents.

If they do, I hope they return from their tours as refreshed as I have been by the quality of our citizens' interest in bettering our Government. I can almost guarantee that they will find, as I have, a depth of wit and wisdom and a willingness to grapple with the practical problems of everyday government which can serve as a stimulus to us all.

In that spirit, Mr. President, I ask unanimous consent that the report from my tour be included in the Record as part of these remarks.

There being no objection, the report was ordered to be printed in the Record, as follows:

How One State Views Our Federal Government—A Report to New Mexicans

(By Pete V. Domenici)

FOREWORD

Between the time I was elected to the United States Senate and the time I was sworn in, I made a tour of 22 towns and cities in New Mexico.

My purpose was to find out, before I went to Washington, how elected officials and civic leaders felt about their federal government and its programs.

The letter of invitation I sent them, attached to this report as Appendix A, shows what I was seeking: their views on existing or proposed federal programs, and their opinions on legislative needs.

The response to this tour was so enthusiastic and the ideas expressed so candid and refreshing that I promised to prepare a report which would attempt to summarize them.

This is that report.

* * * * *

For a long time, it has been my strong feeling that the gap between the federal government and its citizens was a wide one—and growing wider.

My tour was a small effort to narrow that gap by giving city councilmen, county commissioners, and other officials a chance to speak and to be heard.

This report is an effort to spread that hearing further, by circulating the opinions expressed in each town to all other towns, so participants lose that feeling of "aloneness" which so many seem to have when approaching a gargantuan federal establishment.

It also is an effort to communicate those views to others, including perhaps some of my colleagues in Congress, who have most to do with the subject matter to which the hearings were addressed.

* * * * *

New Mexico is a large but sparsely settled state, with a population of just over a million. From Farmington, in its northwest corner, to Hobbs, in the southeast, is about 397 air miles.

The views expressed here are equally widespread, as you will see.

I have chosen (out of some 20,000 words of written notes and 36 hours of tapes made on the tour[1]) those which I thought best typified the tone or tenor of comments which were often repeated. In quoting them, therefore, I have identified the source by his or her official title, rather than by name, to indicate that the view, rather than the individual, is what matters.

The material in the report is admittedly "raw", in the sense that it has not been evaluated. By including it, I do not mean to indicate my agreement with its accuracy; I only want to pass on what people believe to be true, because such subjective states of mind are often as important as provable, objective reality, especially in the realm of government.

I have attempted to impose some order and organization on the material in my method of presentation, but it is possible that the best view of it all may be a kind of impressionistic one. Where opinions are expressed in such a fragmentary way, the end impression may be a synergistic one: the total may actually be greater than the sum of the parts.

* * * * *

Obviously, I am grateful to all those who shared their ideas so frankly with me, as well as to my staff members who helped to preserve those views.

I hope the information the report contains will be used by, as well as useful to, our legislators and other members of our government.

Pete V. Domenici,
U.S. Senator from New Mexico.

SECTION 1. RELATIONS WITH THE FEDERAL GOVERNMENT—SOME POSITIVE ASPECTS

Hagerman school superintendents: *"Federal funds actually make local schools possible."*

Tucumcari school superintendents: *"We want any and all federal dollars."*

As later pages in this report make clear, New Mexico's officials see many things wrong with federal programs. They see many things right, too.

Let's begin on the positive note.

There were several of the present grant-in-aid type programs which counties and municipalities spoke highly of.

In Roswell, for example, they discussed an application of the Public Works Improvement Program which set up a program to hire 50 unemployed men in the community to repair and upgrade buildings at the former Walker Air Force Base, which the city had taken over. Because many of those under the program went on to permanent jobs while it was in progress, a total of 150 men were employed at one time or another during the course of the program. The city also got maintenance and repair of facilities which could not have been accomplished otherwise under its budget. "A thoroughly successful program" was the consensus of city commissioners describing it.

Carlsbad also had experience with a PWIP project—this one employing 22 people on a one-project sewer program. Since Carlsbad's employees bargain collectively with the city, all participants in the program, though they were temporary help only, built up seniority on the city's payroll. Here too officials were more than satisfied with the program.[2]

On our tour, we also heard much praise for the Public Employment Program under the Emergency Employment Act. Many officials, such as the Hagerman school superintendent quoted above, called it "a totally good program."

Dona Ana County, for example, had 26 PEP positions, which were filled in time by a total of 52 persons.

Almost the only point raised against this particular federal program was an observation by the mayor of Questa that EEA was so good there should be no limitation on it, such as one which requires the hiring of veterans.

In Taos County, we heard considerable praise for the Community Action Program, and especially for its Headstart Program.

In Espanola, the comment was made that Urban Renewal, though often misunderstood, had been of considerable assistance to small as well as larger cities.

This seemed to be the point of view also in Artesia, where officials told us they would spend some of their revenue sharing money to complete an Urban Renewal project if HUD funds were not forthcoming for it.

From school men around the state, there was considerable praise for federal programs to their institutions.

The superintendent in Taos said, "Federal programs make the difference between mediocre and adequate programs in our schools."

The president of Eastern New Mexico University in Portales was equally sweeping. He said, "The federal government has actually saved higher education in recent years."

Other comments which singled out individual programs were these:

From Penasco school superintendent: "Without Title I, schools would be ten years behind where they are today."

From Bloomfield school superintendent: "P.L. 874, which provides non-categorical funds for impacted areas, is the best piece of legislation ever for schools."

From representatives of the Las Cruces schools: "Title VII [ESEA, 1965] provides bilingual education we would never otherwise have had."

Perhaps the most dramatic comment of this kind came from another superintendent, from Gadsden, who said, "Paraprofessional teacher aides are so helpful in the classrooms that my teachers say they would take cuts in their own salaries rather than lose them."

We also heard much praise from all university and college representatives who shared their views with us for the many programs which make funds available to students for tuition. Especially highly praised was the work-study program, which, as representatives of New Mexico State University in Las Cruces pointed out, is especially desirable because it provides the double benefit of making higher education possible while also providing valuable work experience. New Mexico Institute of Mining and Technology has some suggestions on how this valuable program could be used more effectively.[3]

At Gallup, we heard an interesting observation from a city official, who said, "The funding, no matter what program it comes from, is not what is really important. It's the attitude of the community toward it which makes the difference. That's what really decides whether or not you will get anything done."

* * * * *

Naturally, on such an extensive tour, we heard many positive comments made about federal programs of all kinds. The comments quoted here, however, make up a representative sampling.

I came away from the tour with these conclusions about these aspects of federal funding:

Officials at all levels of government recognize their value; indeed, most recognize that they could not function successfully without them.

But the kind of funding officials appreciate most is the kind where they are able to make direct application of the funds to a specific local problem, rather than having to define an essentially local situation in terms which might be applicable in Portland, Maine, or Portland, Oregon, but do not really describe the way things are in their area of jurisdiction.

Perhaps the reason for that second conclusion will become clearer as you read the next section.

SECTION 2. RELATIONS WITH THE FEDERAL GOVERNMENT—SOME PROBLEM AREAS

Executive director, McKinley Area Council of Governments, Gallup: *"Categorical grants*

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[1] A list of the towns in which hearings were held, as well as the dates of hearings, will be found in Appendix B.

[2] Interestingly enough, though many city and county officials, when discussing revenue sharing, seemed reluctant to take on employees "who might be temporary" (see Section 5, below). In these instances, they simply told the personnel they hired that they were not permanent and reported that this caused no real problem at all.

[3] See Section 4, below.

give us 39,000 governments, all separate, all different, often competing for the same grants. The result is that people competitively apply for money they don't really need and can't use properly."

Portales school superintendent: *"What we have today is a fragmented system of fragmented funding."*

To simplify and clarify this section, in which those in attendance at our hearings list their grievances, I have grouped complaints under headings, with a brief summary statement of my own at the conclusion of each section. My major observations will be found at the end of the section.

1. *Generating government grant-in-aid funds is expensive—in both time and money.*

From the mayor of Raton: It is difficult for city officials, normally in office for relatively short terms, to complete grant applications and paper work and see funds granted on a single project during their term in office. The sentence used was, "They wear you out." The mayor expanded this to say he meant, not that these projects fatigue an official, but that the federal government outlasts him.

From city officials in Grants, Silver City and other areas: To obtain funds, a city needs special assistance—a kind of "lobbyist" for money—which small towns can ill afford.

From the mayor of Grants: This small city reports that it has spent a minimum of $20,000 over the last six years in preparing applications for HUD. In every instance, they say, the sequence has gone like this: when the application is submitted, it is tabled because funds are temporarily exhausted; when funds become available, the applications are declared to be outdated and to require updating.

As a specific example, Grants cited an occasion on which a telegram came from HUD saying funds had become available. On inquiry as to what must be done, they were told to update the application immediately. A large number of staff members worked over the weekend complying with the request and then delivering it to Dallas. The end of the story was sad: another telegram from HUD, this one to say, "All funds have been allotted."

From the city commissioner in Springer: "While all the paper work for Operation Breakthrough has been prepared, almost every cost in connection with housing has risen significantly. That means the same basic number of dollars will buy less and less housing, as the paper work goes on and on."

Even after funds are granted, officials point out, there are problems.

From the school superintendent in Santa Fe: Too large a portion of almost every grant-in-aid program goes, not to the program, but to administrative costs.

From the Raton school superintendent: "Just handling funds awarded us under the program to aid children of migrants requires half the time of the man in charge of handling our federal forms."

And from the superintendent of Bloomfield schools came a somewhat wry comment: "I would like to spend some time talking to other superintendents—but they're all too busy filling out forms."

I would conclude that *despite some understandable exaggeration, there are legitimate complaints about investment in time and money required to obtain federal grant funds.*

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2. *Many federal grant programs do not seem to be tailorable to our real needs. Sometimes they miss the point entirely.*

From a city offical in Tucumcari: Continued emphasis on agricultural education is no longer realistic. Why does Washington keep on pushing it?

From the superintendent of a vocational there seems to be plenty of money for recreational facilities, there is none to build clean industrial installations, which are what we really need.

From the superintendent of a vocational school at El Rito: Many of the laws governing funding for post-secondary education specifically require college credit for student aid. By no means all post-secondary education is collegiate, and the non-collegiate type may be even more necessary in some areas than that which provides college credit.

From the city manager in Tucumcari: Programs are not always carefully named or adequately described. Urban Renewal is an example. "Our people were led by the title to expect something the program didn't offer. Because they had the wrong impression, they were disappointed with what they got—though what they got was both good and helpful."

Again, I would conclude that *many officials, especially those in smaller cities, have reason to feel their input on program planning is neither called for nor respected.*

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3. *We are frustrated in dealing with existing programs.*

Many smaller towns complained that LEAA funds go almost exclusively to larger cities—partly, perhaps, as a result of decisions at the state level, but possibly as a result of suggestions from higher up. One official in Silver City said, "We get penalized because we're not a 'high-crime' area. Of course, if we don't get thse funds now, when our crime rate is low, we'll gradually become a high-crime area. Then they'll *have* to give us some."

The mayor of Logan complained that it took his city two years to get funds for a sewer project. He was convinced this was because "the central cities get all the benefits."

The superintendent of the Chama school system pointed out a sharp need: for educational specialists who understand the problems and needs of isolated rural areas, which are considerably different from those in urban systems.

And from the Dulce school system, another specific complaint on educators: they need a clearer understanding of the very special needs of Indian children, and a systematic approach to them.

From the Economic Development Agency in Tucumcari: "EDA indexes seem to us to be very strange. We were told that we were 'too rich', when our county is one of the least affluent in the State."

Does it do any good to complain about these things? The Santa Fe school superintendent said no. "You never are allowed to talk to those who can really make changes. The only people you can reach are those who want to perpetuate their own jobs."

From these remarks I would conclude, in addition to my observations under point 2, above, that *some better input apparatus than we presently have is badly needed, both for its real value in hearing what people who work with the programs observe and for the value they place on a sense that they have been heard.*

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4. *Many federal programs are simply overregulated.*

Everyone has heard this complaint.

Not all of our hearing participants were as pointed as the Artesia man who cited the fact that OSHA already has a pile of regulations 50 feet high, but the plaint naturally arose with great frequency.

Basic to an understanding of officials' point of view are remarks like those of the superintendent of schools from Tucumcari, which indicate a reasonableness which almost everyone shared. He said, "We don't expect 'no-strings' money. But what we are trying to avoid is 'too-many-strings' money."

But some of the examples given establish clearly how vexing over-regulation can be.

The mayor of San Jon said his small community, a one-clerk, non-paid-mayor town, had to adopt and publish an eight-page ordinance to qualify for funds for a sewer project. After this had been done, they were notified that agency lawyer had now determined that the ordinance they had prepared was not sufficient and that a revised version would be forthcoming. Meanwhile, the project waits. The mayor expressed his reaction as, "It's plumb disgusting."

(Tucumcari officials said in their case the ordinance they were told to pass for a single sewer project ran to 15 full pages.)

In school programs, the complaint was especially sharp.

The superintendent of the Dexter schools told us he had cases in which two or more children from the same family were being funded under entirely different programs. The Penasco schools have only two employees under PEP, but because they are funded under separate Titles, two complete sets of books must be maintained, one for each employee. And the Las Cruces school system said teachers' aides hired to help children under Title VII funding were forbidden to help other children in the same classroom.

In Las Vegas, a school official predicted that no New Mexico school system would ask for funding under the Emergency School Assistance Act of 1972 because it is so full of overdemanding regulations.

Officials of the community college in Roswell complained that it was simply regulations, not logic, which demand that veterans in a technical-vocational school be treated, in matters of sick leave and vacation time, as though they were industrial employees, while those in colleges are treated like students.

"Rigid and inflexible" were the words the Santa Fe school superintendent used to describe guidelines. He added that "they make no provision anywhere for local experience."

A major example was funding under Title I of ESEA of 1965, which requires a "proper" number of economically deprived children enrolled in a single school building before it can become a "target school" under the Act. Thus, educators pointed out, many children get no financial assistance, though their family meet all the other criteria, simply through circumstances over which they have no control. (In Gallup, we were told that parents have gone to the trouble and expense of moving to the area of a "target school" just so their children could have the benefit of this program.)

In Roswell, school personnel complained that when you ask, for example, why you can't move children from one school to another to build a proper mix to qualify under the Act, you are simply told, "That's the way the guidelines are."

There were other observations in this general area.

The Floyd school superintendent said, "Title III funds are for innovative programs. So why do the regulations forbid differential staffing and performance contracting?"

And the Gallup school superintendent was even more sweeping: "'Accountability,' under these regulations, seems to mean accountability, not to parents or students, but simply to the auditors. Why can't they understand that pre- and post-testing measurements alone are not enough—that self-image and other aspects are at least as important as these considerations?"

Other observations pointed to what the commentators at least viewed as inconsistency in application of the regulations governing actions permitted under various governmental programs.

Farmers in Clovis, for instance, complained that they were told they could, under the regulations, allow their stock to graze out their harvested wheat fields. Then, after they had done so, they were told this was not permitted.

Others who testified gave more general complaints, rather than such specific examples. In Tucumcari, we were told, with some heat, that "federal guidelines change almost every week." In Las Cruces, the same idea was put this way: "Auditing rules change in midstream."

Some other observers felt that many federal regulations are wasteful.

The Dexter school people said, "Some accountability practices are so difficult, the majority of time must go into reporting, rather than into instruction." The same people said they felt they could accomplish "20 per cent more in the way of results if we really had the control over the money."

A few practitioners under government programs made very penetrating comments.

The man in charge of Roswell's schools said, "The way I see it, under the present system, the men and women who interpret the guidelines become, in practical fact, equal to the makers of the law."

A Hagerman school representative said, "You end up saying, 'I can see the Office of Education people are interested in the rules. But are they interested in the *students?*' "

Finally, the Dexter school superintendent told us, "When five principals I know were recently told their schools had been cut off from funding under a specific program, they actually admitted they rejoiced at the news."

What can one conclude from all this? At least this much: *that many officials operating under federal grants, among whom the school representatives are at least the most vocal, actually feel the guidelines under which they are asked to operate are captious and capricious. When so many feel that way, we should at least suspect that this might be so.*

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5. *The constant uncertainty over funding under federal programs is hard to bear with.*

One official, the mayor of Las Cruces, reacted with asperity to a question. "LEAA?" he said. "We're sorry you mentioned it." He went on to say, By the time their money comes, seven months or more after your program has been approved, the law enforcement problem has already begun to change."

Or, as the Dexter school superintendent said, "Poor planning makes for poor operations. The present funding system makes poor planning inevitable."

A New Mexico state legislator put it this way: "What we have is a system of roller-coaster budgeting, especially for our schools."

All this causes real problems for the political entities concerned.

Time after time, we heard school boards and their representatives say that they budget in the Spring, don't know what funds they will get until after the start of the new fiscal year, and then don't receive funds till long after the start of the school year. Meanwhile, their operating revenues from other sources evaporate.

One school man said, "We're in the second year of our Right to Read program—a good one, but it started in September. As of today, we have not received a single dollar for this scholastic year."

The superintendent of the East Las Vegas schools told us that they had established a bilingual program using Title VII funds which called for a yearly expansion. Then, without warning, at the start of the school year, their funding was abolished.

Another school man complained that the last funds to come were always the money for supplies, and "you need those from the start of the school year."

There was considerable exasperation on the part of the Santa Fe school superintendent, who asked, "How would you like to be told, 'Cut $54,000 from this program—but don't fire anybody'?"

Complaints were most numerous about rumors and programs operating under continuing resolutions.

The Gallup schools said, "The federal people throw around words like 'curtail' and 'cut'. They use some sort of shotgun approach—and they just let the people concerned hang."

Or, as Roswell put it, "When you're under a continuing resolution, 'fear' is the word for everyone concerned."

Grants city officials said they were hiring six people under PEP. As a result of the trepidation under continuing-resolution funding, combined with the federal government's freeze on hiring, they ended up with only two on the job.

As another school official put it, "We'd settle for less money—20 per cent less at least—if only we could know where we stand."

Again, in the face of this preponderance of evidence, I am forced to conclude that *such uncertainty is difficult to live with on a day-to-day basis; if Congress and the Administration can do anything to ameliorate it, they should do so. To accomplish that would improve the return on each tax dollar by an appreciable degree.*

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6. *Sometimes there are even more serious problems than the ones cited above.*

We also heard some more horrendous stories about the way federal programs actually work in practise.

Tucumari, its city manager told us, wanted to build only 20 units of housing for the elderly in a new HUD-financed housing area, with the remainder going to family dwelling units. But HUD insisted on 40 units for the elderly as the proper proportion in the "mix". Now, the city says, most of the 40 units for older citizens stand empty, and they have a grave need for more family-sized units.

While we were there, Santa Fe was extremely disturbed that Model Cities funds, held up for an audit but for the restoration of which they had been given what they felt was a firm promise, had not been restored, while the program lay dormant.

In Las Cruces, we were asked about the hot-lunch program, "Whoever decided that only the children of low-income families are undernourished?"

The Chama school superintendent complained that some school programs are obviously aimed at providing funds for minority groups who are educationally underprivileged only where there is *de facto* segregation. "Do we get penalized," he mused, "just because we've been integrated here in New Mexico for hundreds of years?"

Another charge which merits some serious consideration came from the school superintendent at Floyd, who charged that bilingual programs, as presently constituted, tend to separate both students and cultures, rather than using the cultures to cross-fertilize one another.

Other questions raised by educators implied some additional confusion in delineating the original programs.

A Tucumcari professional asked, "Should not educational deprivation, not economic deprivation, be the basic criterion in setting up special-assistance programs?"

He added that many parents in his district felt the application of Title I funds was actually discriminatory. (The head of the Gadsden schools commented on that charge: "Yes, it's discriminatory—but not in a *bad* way.")

The Penasco school superintendent, in a philosophical mood, put it like this: "To deprive the privileged while we help only the underprivileged turns the privileged into underprivileged."

Finally, we heard many remarks which can almost be classified as "sighs":

From Gadsden: "The 'Big Brother' spirit is already all-pervasive."

From Las Cruces: The EPA says to use "clean fuels for the dirty-air areas and dirty fuels for the clean-air areas. Under that rule, we'll all eventually be equally dirty."

And one last "sigh": the mayor of Tucumcari said, "The only good thing I can think of to say about the federal bureaucracy is that at least it isn't as bad as the state's bureaucracy."

From all this, I conclude that, at the very least, *many good, well-meaning people, most of them trying to do a good job, with only a minimum of self-interest involved, are frustrated, disturbed and distraught by what they see in their relations with the super-government at the federal level.*

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It is not the purpose of this paper to propose cures for the ills these hearings were designed to isolate.

But as a result of the points raised, of which these are only a sampling, I would be willing to make at least these observations:

The grant-in-aid system may in fact raise more problems than it cures;

Programs need more analysis, and possibly more experimentation, before they are encapsulated into law;

Efficiency and simplicity must, wherever possible, be built into every such program at its inception, and it must be continually checked to see that they are not precluded by an accretion of administrative procedures;

The human end or aim of every program must be clearly stated from the beginning and never lost sight of in its administration.

Intelligent, understanding and imaginative personnel, charged with its implementation, are a major factor in the success of any government program. They should be sought for and charged with its responsibility, even if the cost is great.

SECTION 3: SOME SPECIALIZED PROBLEMS AS NEW MEXICANS SEE THEM

City commissioner from Springer: *"We don't really have too many problems—but they're coming, they're coming."*

Most of the general problems New Mexico has are shared with the rest of the nation, but some of them are heightened by special circumstances of geography and culture.

For instance, citizens of Artesia told us one of their deep worries was a declining tax base brought about by a decline in population; their immediate area has had a population drop of 18 per cent in the last ten years.

Even more dramatic as an element affecting tax revenue is the large portion of the state which is essentially untaxable land. To cite only a few examples which were quoted to us at our hearings:

The Kirtland school district is 97 per cent federally impacted land;

In Otero County, a relatively prosperous area, only 12 per cent of the land yields tax revenue, which gives the county a true tax base equal to one of the state's poorest counties;

In Taos County, at least 60 per cent of the land yields no taxes; and

The Grants municipal school district, which is 4800 square miles in size, is composed of 50 per cent federal land.

Obviously, therefore, school districts depend on P.L. 874 funds, given to areas of federal impact to replace other tax revenues they lose, to an especially dramatic degree. Participants cited statistics like these:

Out of 5300 children in the Grants school system, 1887 are Indian children who live on reservation lands;

In Alamogordo, 65 per cent of the pupils are technically from federally impacted circumstances; and

In Los Alamos 99 per cent of the student body are under the 874 formula, and that funding makes up 50 per cent of the system's total annual budget.

As in many parts of the country, a dramatic demonstration of the need for tax revenues is the extent to which governmental entities are bonded, in proportion to their capacity. Almost every school system we talked to said they were at or near their capacity to carry bonds; one, in Penasco, said it was actually bonded to 102 per cent of capacity. Since bonding is almost the only way schools can obtain adequate supplies of money for capital improvements, these expansions are in fact at or near a standstill.

This is especially regrettable, since, as the Bloomfield superintendent of schools observed, "Bond funds are the only really 'extra' funds we have. All the others get 'equalized' somehow in figuring what we will be given each year."

Combined with the situation of declining or severely tightened revenue is the fact that, in New Mexico, as elsewhere, the demand for and the cost of services continue to rise.

Espanola, for instance, which is bisected by a river, has only one bridge. It carries over 20,000 crossings a day. Two more bridges are badly needed, and were to have been started by 1974, but to date there are neither funds nor plans for either of them.

Santa Fe County has only six law enforcement officers—and two of those are funded under an emergency appropriation, we were told.

In that same county, which includes the capital city of our state, a county commissioner said there are still communities which use river or ditch water for drinking and other purposes.

That county has a total annual budget of only $1.8 million. One bridge, which is badly needed, would cost $125,000—almost 10 per cent of the total annual budget. As the commissioners said, it would end the isolation for a small community of only 100 families; but to them, in their present situation, the bridge is as necessary as if several thousand people were residents there.

Inflation, of course, rears its ugly head in as unpleasant a manner in government as it does in private affairs. In Raton, the police budget has tripled in ten years, due to increased costs of equipment and legal limitations on the use of manpower. Grants reports that as recently as five years ago only 45 per cent of its total budget went for salaries; this year the figure has risen to 65 per cent of the total.

Almost all of these problems seem to be intensified somewhat in a state which is still largely rural and agricultural. San Miguel County, for example, is 75 per cent grazing land. (Its county seat is appropriately named Las Vegas, which means "the meadows".) In the state as a whole, 45,000 miles of roads, about 80 per cent of the total highway system, are by definition rural.

Other problems are also considerably dramatized by these facts.

In Rosewell, we were told that one sheep rancher had lost as many as 3,000 head of young lambs to coyotes because of anti-poison rulings of the federal establishment.

In Clovis, the observation was made that agricultural operations need special understanding. The thought was expressed like this: "Laws can't treat us like other industries, because livestock people, unlike General Motors, can't increase their production just by deciding to do so."

Rural areas also have other problems—like that in Tucumcari, not one of the state's smaller towns, where we were asked if it was unethical to "trade" with physicians to obtain the doctors the city badly needs.

Always and everywhere, the educators had special problems. In Socorro, 33 per cent of the pupils come from homes at or below the poverty level. (That may be why so many New Mexico school districts said they would like to be part of an experiment to provide free hot lunches for 100 per cent of their student body.) In Grants, explaining why more vocational education is so badly needed, the superintendent said 70 per cent of his students end their education at the twelfth grade. And in Socorro, as outlined below, we heard an elaborate plan to help those from culturally and financially deprived homes who do go on to college.

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If all the problems touched on above are among those shared with the nation as a whole, New Mexico also has unique or very specialized problems of its own.

One, not surprisingly, is water.

In Raton, the problem is finding new sources of water. The city is presently bearing the cost of extensive studies leading to a new water supply, which it will then share with other towns in the surrounding area.

What may be surprising to some is that in many parts of the state the problem is too much water, not too little. Unfortunately, the water in question is not the kind which is usable, but the kind which comes in a flood.

In cities as far apart as Grants-Milan, Silver City and Carlsbad, we heard pleas—often elaborate, and supported by all sorts of evidence, including pictorial—for funds for flood control. Carlsbad, for example, is holding its breath till revenue becomes available to build Brantley Dam and prevent periodic flooding which has gone on as long as the city has been in existence.

Another water problem which leaves many New Mexicans worried is that of the legal standing of agreements which give Indians prior rights to the water in areas they occupy. Both Indians and non-Indian residents express interest in learning exactly what the practical ramifications of this position will be—though one group may look forward to clarification with enthusiasm and the other with trepidation.

New Mexico is unique in its position in our atomic-energy culture, and that too leads to special problems.

Grants, in the nation's major uranium-producing area, is ranked by some as a one-industry town. That results in investors and others being hesitant to fund things there when they do not know what the future holds for the use of uranium.

That is even more dramatically true of Los Alamos, where the observation was put like this: "We can't get new money into this town, which depends almost entirely on Los Alamos Scientific Laboratory, because we can get no prediction of long-range plans from the AEC. The AEC, in turn, says they cannot make such plans because their funding depends entirely on Congress. "The end result is a kind of economic stagnation in what could be a bustling community.

To cover quickly some specialized problems which arise from having a large proportion of Indians in the state, a major factor is unemployment. Among the Navajo it may run as high as 65 per cent—more than ten times as high as the national average. Among other tribes it is also considerably minimally acceptable levels.

Santa Fe County is unique because it has five Indian pueblos within the county boundaries, including one in the city limits of Santa Fe itself. Here the problem has become one of what governmental body has regulatory powers over the establishment of leased subdivisions on Indian land.

The presence of large Indian groups has even given rise to what some public school figures clearly think of as "competing" school systems. The Gallup school superintendent says BIA schools on the reservation have a higher pay scale than he can provide for teachers, and they have empty classrooms, in contrast to his own shortage.

Many of New Mexico's citizens are of Hispanic origin and were settled in the territory when Anglo-Saxons began to move across it from the east. Spanish land-use practices make obtaining clear title under American law often a practical impossibility. This, in turn, leads to insoluble problems, especially in northern New Mexico, when there is a desire to sell or mortgage land holdings.

Another aspect of Hispanic culture which has specialized application in New Mexico is an attitude toward land and home. Thus Project Breakthrough, to provide new low-cost housing, has met considerable resistance because, as one official of Spanish background put it, "People would rather improve the homes they have than have a new one."

The rapidly approaching energy crisis is already dramatically exemplified in New Mexico, where an Artesia oilman observed that "we're sitting on top of a good supply of gas here, but because of the fact that it's all being exported, we're already facing our own energy crisis."

Quizzically enough, even New Mexico's natural beauty, one of its most outstanding features, also leads to problems. The mayor of Taos told us his town serves one and a half million tourists a year. "We have to provide all essential city services for them while they're here," he said, "yet for purposes of revenue sharing we only get credited with the small number of our permanent residents."

Finally, like other Western states, New Mexico is beginning to face up more and more clearly to the growth/no growth dilemma.

Perhaps the mayor of the village of Questa put it most cogently when he said, "We don't really want to grow—but we sure do want to take good care of the people we have."

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From the testimony which led to the observations above, I would reach certain conclusions:

That, as long as municipalities and other governments must provide certain minimum services for their residents, they may need help to supplement the revenue they can generate locally.

That these people, who are on the scene, by and large have a greater grasp of the unique aspects of their problem than government-at-a-distance can ever have.

That the problems of small towns and sparsely settled areas are at least as real to the people who live there as the perhaps less easily ignored problems of urban areas, which have gotten so much of our attention in the last decade.

I would also add this observation:

It is clear that the major thrust of far too many on-going programs is to solve problems which are peculiar to urban areas. To do only this is to neglect the nation's rural heartland. In all federal programs, including both general and special revenue sharing, lawmakers must exercise caution to see that this error is not perpetuated.

SECTION 4: NEW MEXICO'S GREATEST NEED—MORE JOBS

The previous section lists and describes many of New Mexico's problems.

But there is one of such obvious preeminence that it deserves a special discussion of its own.

That is the state's need for economic development—or to put it more simply, for more jobs for its citizens.

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Because we knew before we began the hearings summarized here that this was indeed the state's major problem, we made special efforts to find out, wherever possible, what was being done about it. In every hearing, we asked for information from the local Chamber of Commerce or industrial development agency, to see what was being done on local initiative to supplement efforts of the federal government and of the state's Department of Development.

No very clear pattern emerges. Where towns are in fact making an effort in this direction, the methods used are very various. Raton, for instance, raises $25,000 a year through a room tax on hotel and motel guests and allows its Chamber to use 75 per cent of the revenue to finance industrial development. Grants' Chamber also handles this effort, though it does it on a volunteer basis, revenue. But Red River, a summer and winter resort area, uses all its room tax revenue for tourist-type promotion, because it feels that is the best way to expand its base of jobs.

That a genuine industrial development effort is often a discouraging experience was made very clear to us in Deming. The Chamber of Commerce there prepared a special brochure on what the city had to offer light industry, based on their experience in bringing in two such installations in the past. Five thousand of the brochures were circulated to small companies. They generated about 50 responses—which is by no means bad for a "blind" mailing of this kind. So far, however, there have been no real prospects generated of a kind which could be considered a major addition to the city's economic base.

Eagle-Picher, a small industrial plant already operating in Socorro, participated in the JOBS programs to the extent of $14,500. Unfortunately, here too there is an unhappy ending to the story. At the time of our hearing there the total number of participants in the training program still employed was one.

But New Mexicans are determined to solve the problem somehow. In Raton we heard serious proposals for coordinating industrial development between all the towns in the area. In Santa Fe we were told that their group aimed at becoming the industrial development service for a three- or four-county area.

Cities are also using federal funds for this purpose, wherever they are available, and looking for them where they do not have them now. In Santa Fe, participants reported that their Model Cities program had made finding jobs one of its top priorities. In Grants and Socorro, there were discussions of how they might initiate Economic Development Commissions for their regions. And in Las Vegas the executive director of a three-county CAP said if the law permitted, he would use some of those funds for industrial development.

Other areas have specialized pushes. Santa Fe told us that 80 per cent of their ID effort goes toward helping already existing businesses, especially with an eye toward providing second jobs for local families. They also said they were working as hard to solve the problems of the under-employed as they were those of the unemployed. Roswell showed considerable imagination. Residents there are working hard to expand their quarter-horse industry, as a complement to other agricultural pursuits. They also have proposed establishment of a specialized vocational rehabilitation complex, for which they have 400 units of housing and a potential staff of professionals.

New Mexico Institute of Mining and Technology has instituted a program which, while it is aimed at providing an education for those of differing cultural backgrounds, also provides them with jobs while they learn. Over $630,000 a year presently goes to students in payroll—20 per cent of the institution's annual expenditure for personnel—and 60 per cent of their employees are students. This work-study program not only provides two services, as pointed out above, but wherever possible New Mexico Tech tries to match the nature of the job with the student employee's major field of study, so that he learns more of his own field while he works.

Others suggested some very tentative ways in which the state's nuclear energy complex might be utilized in ways which are better for the nation and might also aid the local economy. At Los Alamos an official suggested that the Lab should be moving more aggressively into solving the nation's energy crisis, since such a solution or solutions might involve from 20 to 30 years of lead time. In Las Cruces it was suggested that our atomic and space installations need input from marketing men who might suggest further uses for their facilities from private enterprise.

In Socorro we heard probably the most basic suggestion. It called for a skills-and-ability inventory of the state, to be matched with a jobs inventory to determine what are the real needs for retraining programs to fit existing people to existing jobs.

Some people in Taos predicted that such an inventory would provide an interesting conclusion: that there are more New Mexicans already prepared for jobs than some observers suspect. As evidence of that fact they pointed out that a jeans manufacturing plant which had surveyed Taos expecting to find 200 to 500 qualified potential employees located, to their own amazement, 2,000 in Taos County.

Unfortunately, that story, too, has a sad ending: the plant eventually located elsewhere.

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Certain conclusions seem very clear here: *New Mexicans clearly perceive what their state needs most. In fact, the unanimity on the subject, from all corners of the state, is remarkable. What they want now is sound, practical advise and assistance to get the job done—bringing their state to a fair position in America's economic mainstream.*

SECTION 5: HOW NEW MEXICANS VIEWED REVENUE SHARING AT ITS INCEPTION

Grants mayor: *"Revenue sharing is the federal program most appreciated by local governments."*

Las Vegas school superintendent: *"Special revenue sharing may be the schools' only answer if the Rodriguez case ends our dependence on ad valorem taxes."*

The time span of these hearings took us to some cities when they were in a state of great expectation, awaiting their first check from revenue sharing. It also took us to others, somewhat sadder and wiser, after the first checks had been delivered.

Thus we heard both rosy comments and an oft-repeated "What happened?"

But what we were attempting to elicit from those who appeared was slightly more basic. We wanted to define how those empowered to make expenditures under it actually felt about the whole program.

What we heard was not entirely encouraging, but it was illuminating.

* * * * *

The major question we asked, obviously, was how officials planned to use the money this federal program provides.

A McKinley County commissioner was very frank; he said they simply hadn't decided how to spend it, partly because they were still confused over exactly the amount they would eventually receive. "It's hard to budget," he said, "when you don't have exact figures."

The phrase we heard repeated most often in answer to the question was some version or other of "capital outlay." That may be because, as a Roswell city commissioner explained, capital outlay is easy to establish and the need easy to measure. He added that "other needs are hard to measure—though no less real."

The idea surfaced often. In Grants, city officials said the money would go to purchase "things," before, as they said, "it gets cut off." Quay county officials had the same view; they planned to use their share for "something you can still see ten years from now." Santa Fe city commissioners said the money would go for "non-recurring expenses, but on a balanced basis." Las Vegas added another note; the funds would largely be spent on capital outlay, but the money they had been spending to repair their old equipment would now be freed to hire more and better personnel.

Other areas had better and sometimes more concrete uses in mind.

Taos County said most of its funds would probably be used to hire a badly needed county manager for whom money was not presently available.

Artesia said it might use its money to complete what it sees as a model Urban Renewal project if HUD did not continue funding it directly.

Tucumcari said public safety and recreational facilities had top priority on their list, with new equipment to come only after these needs had been met.

And Alamogordo said law enforcement had first call on their share, with road and street maintenance coming second.

Those were concrete observations, from a wide variety of sources. But how did those responsible for expending these funds *feel* about the program?

The long-time mayor of Las Cruces observed that "the whole program was very hastily put together." Almost everyone who commented found the formula for distribution difficult, if not impossible, to understand. (This was especially true as between Carlsbad and Artesia, two cities in the same county, where the latter, a town with less population and a smaller tax base, got appreciably more money than its larger neighbor.)

Skepticism was a not uncommon attitude, of course. The mayor of San Jon said he could not believe there were no strings attached to revenue sharing money; "There will be, there will be," he added pessimistically. Chaves county commissioners were also less than jubilant. "We view the whole thing with mixed emotions," was their attitude. "Under revenue sharing, we have to be the bad guys who say 'no' to those who have pet projects."

Others were more questioning than skeptical. In both Colfax and Dona Ana Counties there was considerable questioning about which existing programs would disappear when revenue sharing moved into full gear. In Los Alamos, this worry was made into a statement: "If revenue sharing cuts other funding sources, we're against it." Santa Fe County was even more specific; they said they will lose $140,000 in PEP payroll when that program ends and get only $170,000 in revenue sharing.

There were also other warnings from other sources. A Las Cruces official said, "The trouble is that the general public looks on this whole program as a bonanza." And the city manager in Tucumcari said, "We will be subject to many local pressure groups, most of them made up of the 'haves,' who will be looking for handouts for their favorite projects."

And then there were the hesitaters. In Quay County, they put it like this: "We don't want to give somebody something and then have to take it back again." This seems to have been a common attitude toward use of this additional revenue—that it is somehow dangerous to use it to hire people unless there is almost a certainty that the jobs they fill will be permanent ones. The fact that there is some failure of logic in this position has already been pointed out in Section One of this paper. It was also recognized by the mayor of Espanola, who told us with great force, "To say, 'Don't use the money for people, because they may be cut off,' is wrong."

One last note on revenue sharing. The mayor of Roswell told us he happened to be reviewing year-end figures for his city and noted that, by an interesting coincidence, the amount his city was to get in general revenue sharing funds was almost exactly the sum which had been withheld from employees' paychecks for federal income tax in the course of that year.

* * * * *

I gave my conclusions on these hesitant attitudes, these doubts and indecisions, in two speeches I made during the course of our tour. I will paraphrase them as a close to these observations:

The effort to return power from the District of Columbia to our states, our counties and our cities—where I think it really belongs—will not succeed unless they stop going to Washington with hat in hand and begin to say, "Look, this is our job—and we'll do it."

Revenue sharing is one of the most important attempts in our time to return power to local government. But it could totter on the brink of failure if those local governments do not respond to its challenges with courage and clear thinking.

If it fails and the pendulum swings again toward Washington as the source of every solution, we may move to the most centralized—and unwieldy—government in world history.

APPENDIX A: LETTER OF INVITATION

This is the text of the letter inviting participants to the hearings covered in this report.

It was sent to all mayors and city councilmen, or their equivalent; to all county commissioners, both incumbents and those to take office shortly after the meetings were held; to all school board members and school superintendents; to presidents of Chambers of Commerce or equivalent organizations; and to all college and university presidents.

DEAR ——: Before I go to Washington to be sworn in as Senator, I plan a series of fact-finding trips throughout the state to prepare me to serve New Mexico better.

[There follows a paragraph giving time and place of the hearing in their locale, and inviting them to participate.]

I am especially interested in hearing your views on these points:

Federal legislation you feel your area needs;

Federal programs presently operating in your area, their accomplishments and their shortcomings;

Federal programs you feel should be proposed which could be of benefit to your area.

To be sure I have an accurate record of your views, I ask you to prepare a brief written statement covering these points for presentation.

A member of my staff will be in town a few days in advance of this formal "hearing," and he will contact you to settle a time at which it is convenient for you to appear.

I invite you to join us after your presentation for a general discussion of the points raised, if time permits, as well as for a brief press conference with media in your area.

I thank you in advance for taking the time to prepare your views and share them with me. I am sure they will be of great help to me in Washington.

Very truly yours,
PETE V. DOMENICI,
U.S. Senator-Elect.

APPENDIX B: LOCATION AND ORDER OF HEARINGS

This is a schedule of the towns in New Mexico in which the hearings which provide the material for this report were held.

All dates shown are 1972.

Wednesday, November 29—Grants, morning; Socorro, afternoon.

Thursday, November 30—Silver City, morning; Deming, afternoon.

Saturday, December 2—Belen.

Monday, December 4—Raton, morning; Las Vegas, afternoon.

Tuesday, December 5—Santa Fe.

Wednesday, December 6—Tucumcari, morning; Roswell, afternoon.

Thursday, December 7—Roswell (continued), morning; Alamogordo, afternoon.

Friday, December 8—Las Cruces.

Monday, December 11—Los Alamos, morning; Farmington, afternoon.

Wednesday, December 13—Portales, morning; Clovis, afternoon.

Thursday, December 14—Hobbs, morning see note below; Carlsbad, afternoon.

Friday, December 15—Artesia, morning; Gullup, afternoon.

Saturday, December 16—Espanola, morning; Taos, afternoon.

The Hobbs hearing referred to above was not actually held because bad weather prevented an air trip there. Many of those who planned to participate, however, filed the written reports they had prepared; their views are represented here, based on a public hearing subsequently held there, to fulfill the promise we had made them.

In the text of the complete report, some names of towns and school districts appear which are not on this list. At almost every hearing, officials from nearby towns and counties were present to make their presentations. They are identified in the report by the area for which they spoke.

APPENDIX C: RECOMMEND LEGISLATION

This is a compilation of all recommendations on legislation which were proposed for consideration during the tour of New Mexico discussed in this report.

Inclusion of the suggestions here does not imply that every idea listed is viewed as having special merit. The list is included only to give some notion of the extent and kinds of concerns those citizens who met with us have.

* * * * *

Grants: H. R. 14141; introduced by Runnels in last session, would designate Malpais outside Grants as National Monument.

Raton: Policemen and firemen are not presently covered by Social Security. They should be.

Many Sources: P.L. 874 (educational impact funds) should be funded at 100 per cent level, at least for A students.

Las Vegas, Tucumcari, Las Cruces: Concern about adequate funding for Bicentennial Commission (to be followed by fight among respective towns for funds).

Santa Fe, Deming: Want major share of funds for airport improvements to be provided by federal government.

Santa Fe: Federal highway funds, matching basis, should be provided for rural roads.

Santa Fe: More federal funds should be provided for concreting ditches, to save water.

Grants, Gallup, Santa Fe, Carlsbad: Increase available federal funds for flood controls.

Santa Fe: Restructure CAP funding method to allow for greater flexibility in use.

Many Sources: Increase funding for PEP program, EEA program.

Santa Fe: (from privately funded college): Support concept of Basic Opportunity Grant "entitlement" as proposed in 1972 Higher Education Amendments.

Santa Fe, Tucumcari, Gallup: Want federal funds, at least in part, for speculative shell buildings for industrial parks, as way to attract industry.

Roswell, Alamogordo: Want Four Corners Economic Development Agency expanded to include their area.

Santa Fe, Gallup: Want increased funds for Indian Health Service personnel and installations.

Tucumcari: Want federal government involved in solving medical problems of small towns, since most medical education is subsidized by government.

Many Sources: School people want, at the very least, an extensive test of 100 per cent free lunchs for all school children.

Roswell: Continue support for even expansion of saline water plant.

Clovis, Portales, Alamogordo, Las Cruces: Want Highway 70 included in Interstate System.

Roswell: Want changes in law to allow for killing of coyotes and other predators which prey on sheep.

Many Sources: School personnel favor a phasing-out of categorical grants and a shift to special revenue sharing, with funds to go into operating budget.

Roswell: Recommendation that any special revenue sharing by schools be managed at State level.

Dexter: Funds needed for rural, small-town housing, to keep people home.

Roswell: Distribution of funds under GI Bill unfair to veterans at technical-vocational post-secondary level; they should be treated like those in colleges and universities.

Hagerman: Public domain lands should count toward 874 funds, even if parents don't work on it 50 per cent of working time.

Alamogordo: Want programs which must be extended on continuing basis to be handled on 90-day increments, rather than month-by-month.

Many Sources: Raise in minimum wage will cause hardship to lower-range workers (e.g., teachers' aides, teenagers); if enacted, there should be six to eight months before effective date, to allow for proper budgeting.

Many Sources: 815 funding for schools' capital outlays should be restored; badly needed in areas already bonded to capacity.

Alamogordo: Want Title I educational funds to be distributed on formula different from present one, which is essentially discriminating.

Many Sources: Educational appropriations especially should be made on a multi-year basis—say, five years at a time.

Las Cruces: Consolidate overlapping categorical grants—e.g., in education, manpower training—and fix a single accounting and auditing method.

Las Cruces: If minimum wage rises, so should permissible cost for school lunches.

Las Cruces: Favor H.R. 14896 provisions allowing snack bars in schools.

Las Cruces: Voucher system might be useful for solving funding problems for rural housing.

Las Cruces: Older Americans Act should be revised to allow money to be spent for nutrition.

Las Cruces: Legislation needed to allow NMSU to purchase ranch.

Las Cruces (from publicly funded university): Opposes concept of Basic Opportunity Grant "entitlement".

Los Alamos: Want national equalization formula for school funding.

Farmington: Increased pace of Navajo Indian Irrigation Project needed; original schedule called for water in 1970, but presently it will be lucky if it flows in 1975.

Farmington: Want special appropriation to supplement BIA budget squeezed by Alaska claim.

Farmington: Educational categorical grants should provide for setting of program goals at the local level.

Farmington: Need funding for proposed Animas-La Plata Dam, drainage, and irrigation project.

Portales: Legislation should provide for PWA-CCC-type workfare.

Portales: Educational categorical grants should go to schools and be distributed according to statewide formula.

Portales: ENMU wants funding for educational television system.

Socorro, Portales: Funding for university students for related work-study should be increased.

Clovis: Want funds for Running Water Draw Dams.

Clovis: Farmers support anti-strike legislation for longshoremen, railroads, etc.

Clovis: Farmers Union opposes use of five-month marketing period in setting wheat support levels; want return to language of 1965 Agricultural Act.

Clovis: Farmers want legislation to subsidize handling of manure by feed-lots, other large-volume producers.

Carlsbad: Need funding for Brantley Dam project, as authorized.

Carlsbad: Want matching-fund formula for rural areas (including cities under 50,000 population) to provide for less than 50 per cent participation from local sources.

Carlsbad: Wants to be site of experimental atomic waste disposal installation.

Carlsbad: Want certification and security requirements on small-town airports lightened to be proportionate to their capabilities.

Carlsbad: Want protective legislation to favor domestic potash.

Carlsbad: Cotton farmers oppose limitation of payments to agriculturalists; cut to $20,000 (from present $55,000) would affect 140,000 farms. ($30,000 might be acceptable.)

Carlsbad: Farmers oppose policing use of wetbacks by requiring job card.

Carlsbad: Extension of REAP (formerly ACT program) recommended.

Artesia: Federal government should fund airports in same manner as highways.

Artesia: Support Brock's bill, S. 893, to evaluate budget as a whole, provide reevaluation on regular basis and expansion of programs only after successful test programs.

Artesia: Educational acts need to be codified.

Artesia, Gallup: Opposes use of highway funds for urban mass transit. Prefer alternative under which states could exercise option on use of funds, including right to apply them to secondary roads.

Gallup: Federal government should provide funds to construct teacherages.

Gallup: Navajos will need legislation to implement Ten-Year Plan for schools, roads, utilities.

Espanola: Food stamps should be allowed for use only to purchase basic and staple items.

Taos: Revenue sharing legislation should be adjusted to take into account total number of persons served by a government unit, not merely those who reside there.

Red River: Legislation should allow towns and cities to acquire federal land (in national forest, for example) for recreational use where the land adjoins town limits.

Questa: More funds should be provided for sewer and water systems for towns under 2,000 population.

Questa: EEP, a good program, should be broadened to allow for employment of nonveterans.

Questa: More funds, more stringent controls on drugs are needed.

Highway Department: Special exemptions needed in laws requiring beautification to take care of arid states; we are required to plant, but nothing can make the plants grow.

Highway Department: Number of environmental impact studies (presently required: review by 36 agencies) should be reduced to speed up construction start.

Middle Rio Grande Conservancy District: Legislation, a la that once introduced by Anderson-Lujan, needed to give small tracks of useless public domain land to District.

Middle Rio Grande Conservancy District: Laws should allow use of Urban Renewal funds to fence or cover open ditches.

School Food Services Division: Opposes present amendment allowing vending machines in schools.

All Indian Pueblo Council: Funding for revolving loan fund needed.

All Indian Pueblo Council: Changes needed in system giving federal government jurisdiction over major crimes, because federal district attorneys do not prosecute assiduously when crime is not against a non-Indian.

THE BALTIC STATES

Mr. CASE. Mr. President, at this time of the year we are reminded by important anniversaries of the lack of freedom in Lithuania, Latvia, and Estonia. For many years, I have supported the right of self-determination of these states, and I can only hope that the aspirations of the Baltic peoples will soon be realized.

Mr. President, the New York Times published an editorial on February 16, 1973 marking the anniversary of Lithuanian independence. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE BALTIC STATES

Free Lithuanians everywhere—and an unknown number of Lithuanians in the Soviet Union as well—will mark today the 55th anniversary of the modern Republic of Lithuania. It was on Feb. 16, 1918, that the *Lietuvos taryba* or Council of Lithuania met in Vilnius and declared the existence of an independent state free of ties to all other sovereignties.

Observance of this anniversary—like the marking of the corresponding dates by the peoples of Latvia and Estonia—may seem purely theoretical and even fanciful to the modern realists. The Baltic States were long ago occupied by the Red Army and involuntarily incorporated into the Soviet Union.

What today's "realists", ignore, however, is that the desire for freedom and independence still burns in all three of the Baltic states and among a considerable part of their inhabitants. In Lithuania alone there have been such recent manifestations as the self-immolation of Romas Kalanta, mass street demonstrations by thousands of young Lithuanians and the petition of 17,000 Lithuanian Roman Catholics directed to the Secretary General of the United Nations.

Obviously, the chances are not bright for the Baltic peoples to regain their independence. But the conquest and elimination of these once-free republics by the Soviet Union is one of those acts of injustice by a great power toward its small neighbors that the world can never forget.

COUSTEAU AND NASA

Mr. MOSS. Mr. President, the benefits of space to mankind have been illustrated to us in the past week by the newspaper stories telling of oceanographer Jacques Cousteau's dramatic use of NASA's ATS–1 satellite to communicate knowledge of the damage to his research ship off Antarctica. The ship was able to radio information via the satellite to the Ames Research Center.

Cousteau is engaged in an experiment to learn from outer space exactly how to monitor the biological productivity of the oceans.

On November 8, 1971, Captain Cousteau testified before the Senate Commerce Committee. Among other things, he talked about the value of NASA's projects—projects for the control of the environment in particular.

I am sure from his experiences in the last week he will have a great deal more to say about the value of NASA's programs, but I ask unanimous consent that his statement on the control of the environment be printed in the RECORD as particularly apt.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY JACQUES COUSTEAU

There is a great hope inside for the control of the environment, and that is NASA's project Sky Lab, for the following reason: The high sea outside the national waters is out-law country. Anybody can do anything or almost. The regulations about oil spills from tankers are or are not applied. God knows what happens when night comes. The chief engineers don't know what they are doing, because it is easier for them. Not all harbors are equipped.

So, I find hopes in the role of Sky Lab. You know that NASA has not found an adequate public support, probably because the man in the street dreams about the moon, about Mars, about Outer Space, to a degree, and he does not see in the long run what good it makes to him. People tell him that there are technological by-products. He couldn't care less. The man in the street wants NASA to be more in himself, and that is exactly what Sky Lab is going to do.

At long last space research is going to turn their eyes from outward to inward, and to look at our planet and to control and monitor it. Sky Lab to me is able, I know and I have discussed it with them, I know they have developed tools that enable them to measure from space the quality of productivity and pollution, temperature and currents. This is one thing, but productivity and pollution to such an extent that even a minute molecular hair on the surface of the ocean, left the night before by a ship, can be identified by a satellite * * *."

NEWS PROTECTION LEGISLATION

Mr. SCHWEIKER. Mr. President, today, I had the privilege of testifying before the Senate Subcommittee on Constitutional Rights, chaired by the distinguished Senator from North Carolina (Mr. ERVIN) on the subject of Federal legislation to protect news sources and news information from forced disclosure.

My concern for protecting the full freedom of the press guarantees of the first amendment in the face of increased news subpenas by governmental agencies, and the shock of newsmen being led to jail, led me to introduce a news protection bill.

I request that my testimony today, on behalf of my bill and on behalf of the principle of Federal legislation in this area, be printed at this point in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY BY U.S. SENATOR RICHARD S. SCHWEIKER

My personal shock over the recent sight of reporters being led to jail for refusal to disclose news confidences led me to make drafting of a strong newsman's protection bill one of my first legislative initiatives of this Congress. My bill, S. 36, the "Protection of News Sources and News Information Act of 1973," was introduced on January 4, the first day of the new Congress.

Whatever specific language is finally adopted by this subcommittee, I feel deeply that news protection legislation should reflect four important principles:

(1) The news media must be protected

from being utilized in any way as agents of the government.

(2) The strongest possible federal law must be enacted quickly to lay to rest my possible doubt of the ability and right of newsmen to protect confidences obtained in their news gathering.

(3) Freedom of the press guarantees of the First Amendment must be reaffirmed as the basic foundation of our form of government, entitled to paramount protection.

(4) Congress must fill the statutory gap alluded to by the U.S. Supreme Court last year when it rejected an inherent Constitutional newsman's privilege but specifically referred to the power of Congress to enact a statutory newsman's privilege.

The freedom of the press of the First Amendment is a right of the people of this country, not just the press. Our Congressional duty demands that we enact strong statutory language on behalf of the people if this right is being threatened. Since the Supreme Court ruled against an inherent Constitutional newsman's privilege, local, state, and federal governmental bodies have been turning to newsmen in alarming numbers for information. This is a threat which contradicts the very nature of an independent, vigorous press. Without statutory relief, the First Amendment could be seriously eroded.

My bill addresses itself particularly to the danger of the media being pressed into service as an investigative arm of the government through subpoenas. My bill provides for an absolute privilege against any forced disclosure of confidential news sources, or information, by any investigative body, such as grand juries, governmental agencies, or even Congress. Under no circumstances should we dilute the independent role of the media by requiring the use of media sources and information by investigating officials. The media must be free to develop sources and information, and must be able to insure confidentiality to sources who otherwise would remain silent. It is ironic that government has no problem allowing the identity of police informers to remain secret, for fear of "drying up" police information, but refuses to apply this same principle to the media.

Even though the use of governmental subpoena power is generally limited to investigative reporting situations, we must not forget that the right and duty of the media to protect sources and confidential information should apply to all reporting situations. Without assurance from newsmen that *any* confidences can be maintained, many persons will no longer provide valuable information to the media, on many subjects, for fear of reprisals, unwanted publicity, loss of jobs, or other public interference with their families and their private lives. Once again the public's basic right to know is the loser.

Our entire governmental system, however, is made up of checks and balances. In weighing newsmen's privilege legislation, we must not lose sight of another Constitutional Amendment—the Sixth Amendment right to a fair trial. The historic right of the public to "everyman's testimony" must be evaluated, and is often cited as a principle reason for a qualified rather than an absolute newsman's privilege.

Once again, in my bill, I have recommended that consideration of any less than absolute privilege be confined to the actual trial of a specific case, after investigative work has been done. This insures that the news media can never be used for governmental "fishing expeditions."

In addition, I feel standards must be set by Congress to limit any required testimony of newsmen to only a narrow set of circumstances. It can be dangerous for Congress to be too specific in outlining conditions that must be applied by the courts, and thus the language of a qualified privilege may have to be general. But the statutory language and legislative history combined should show Congressional intent to seek a nearly absolute newsmen's privilege, with exceptions being permissible only under relatively unique circumstances.

In my bill, a key condition before any testimony could be required is "a compelling and overriding national interest in the information." This type of language, coupled with requirements of (1) clearly evidenced relevance of the information sought, and (2) no alternative means to obtain the information, can provide a buffer to protect national interests. But the courts will be on notice that only rare and unusual circumstances would justify the use of these conditions. In addition, a heavy burden of proof must rest totally on the governmental body seeking news information in the rare case when a court should even consider such a "clear and compelling" national interest to be at stake.

My bill was limited to federal bodies. However, I want to indicate my support for enactment of newsmen's privilege legislation at the national and state levels. If it is Constitutionally permissible for Congress to impose such requirements on the States, I will support inclusion of States in our legislation. However, if we cannot legislate for the States, I hope our legislation will be strong enough to be a model for the States to follow suit.

In conclusion, I must confess I was surprised last year to discover that the freedom of the press of the First Amendment did *not* provide protection from disclosure of news sources and information. I had assumed these freedoms were protected.

Two court opinions indicate the challenge ahead of us. Associate Justice White in the Branzburg case denying the basic Constitutional news protection privilege last summer said we had the power to provide a statutory privilege. In a subsequent case, a 2nd Circuit Court of Appeals judge wrote, "It suffices to state that federal law on the question of compelled disclosure by journalists of their confidential sources is at best ambiguous." It is our duty to clear up that ambiguity—on the side of the First Amendment, and a vigorous, strong freedom of the press.

DEATH OF DICK EVANS

Mr. BAKER. Mr. President, the recent and untimely death of Dick Evans, one of the most dedicated and competent figures of contemporary Tennessee journalism, brought sadness to his many friends throughout the Nation.

As editor of Commerce Today, the national publication of the Department of Commerce, and as a long-time city and managing editor of the Knoxville Journal, Dick Evans helped train many of this country's most outstanding newsmen.

One such newsman is Bill Anderson, Washington columnist for the Chicago Tribune. His recent column is perhaps the most fitting tribute to Dick Evans by a man who knew him well and had an even deeper appreciation of his journalistic talents.

I ask unanimous consent that this tribute be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

About Newsman Who Helped Others

Washington.—The night of Jan. 19, this correspondent encountered two long-time friends, Mr. and Mrs. C. Richard Evans, at a reception being given for Sen. Howard Baker (R., Tenn.).

It was a social occasion, with Tennessee Republicans celebrating the reelection of Baker and of President Nixon. You would have expected to see Mr. and Mrs. Evans there because they have been Republicans for many years and have been instrumental in turning Tennessee into a two-party state.

They are not famous either nationally or in Tennessee. Dick was a newspaperman for most of his adult life. Like his wife, Ruth, he came from a background that was financially modest. He served in the army during World War II and attended the University of Tennessee under the GI Bill of Rights afterwards.

In those days, the newlywed couple lived in a trailer. They named their first daughter Gaye, which was appropriate. I can remember she was a very happy child when I used to bounce her on my knee.

I can also remember how the Evans family used to scrimp and save, renting old houses far from town and buying day-old bread and powdered milk.

Then came the three other children, two boys and a girl, and life was even tougher financially for this family of six. Evans had to quit his job as a reporter for The Knoxville Journal and take a better paying one with the Associated Press. He hated to leave because his second love was The Journal, and he always tried to improve it.

The Journal presently came to its senses, hired Evans back from the AP, and made him the city editor. He was a real charger. He whipped inexperienced reporters into doing work beyond their average ability and managed to get 12 hours' work out of them for eight hours' pay. His loyalty to the editor, the late Guy Lincoln Smith, was unlimited.

Smith for years was Mr. Republican in Tennessee, serving as chairman of the party as well as editor of a financially creaky newspaper, and his goal was to see the G.O.P. elect more congressmen and senators—and carry Tennessee for Presidential candidates. A lot of the news in The Journal was therefore about Republicans.

But Evans was fair-minded. He liked to say that it was just as much fun putting crooked Republicans in jail as it was crooked Democrats. He tended to look at more than one side of a picture and encouraged his kids to do the same.

The house that the Evanses finally owned was always open to underfed reporters. You could get a drink and spend the night if that was necessary.

However, the management of the paper changed after Smith died. Evans came to Washington, taking over as the editor of Commerce Today, a publication of the Commerce Department. The magazine under the leadership of Evans became one of the best in the federal government. The articles had a ring of credibility and were not the standard government puffs.

Evans drove 44 miles a day to and from the suburbs so the children could have more living space and a better home than would have been possible in the city. His days were just as long as they had been when he was a city editor.

Still, he never forgot Guy Lincoln Smith. The night of the party Evans suggested that I should write a column about Smith—and the role he played in the lawsuit that led to the "one man, one vote" ruling of the Supreme Court.

"Too many other people have gotten the credit for that effort," Evans said. "I think people ought to know that a Republican like Smith had a lot to do with it."

Dick died at home the other night of a heart attack, at the age of 52. The reason I am writing this column is that I thought a few people might like to know he made a lot of contributions to good causes, too—helping to get a new hospital in Knoxville and other things like that. "He did so much for so many of us," cried Gaye. He did, too. It should be noted that many of his reporters carried the casket from the church.

POSTCARD REGISTRATION SYSTEM

Mr. McGEE. Mr. President, as the Senate might well recall, during the debate over the voter registration bill in the 92d Congress, the opponents to a postcard registration system were loud and vociferous about the straw man of fraud should a postcard system be adopted for Federal elections.

It was my conviction then and it continues to be my conviction that fraud opportunities under a postcard system are practically nonexistent. The real issue in the debate last year and the real issue now is whether we are going to open our system or are we going to continue to put roadblocks in the way of voters so that our participation rate is one of the most dismal in the world.

In hearings before the Senate Post Office and Civil Service Committee February 8 on S. 352, Mr. Randall B. Wood, former director for elections for the State of Texas, made it clear that the postcard and the coupon system used in Texas for many years has resulted in no fraud. Indeed, if there is fraud in the elections system, according to Mr. Wood, it occurs at the election officials' level. His testimony was so striking and so to the point about voter registration problems and, particularly, the irrelevance of the fraud argument that I ask, Mr. President, unanimous consent to include his testimony before my committee on February 8 in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

TESTIMONY

The Chairman. We worry about how some group or somebody is going to vote. Maybe he is not very well informed Welcome to the club. If that becomes criteria, I would only trust myself to vote. And I am not sure I trust you, because you are doing other things, and you have not really analyzed these particular voters. You do not dare to permit that to be injected as a factor, if you really believe in what we have held up to the rest of the world as our example on "free elections" which is the thing we have invented for use in other parts of the world in our rhetoric, but we do not always apply it here at home.

Sometimes we seem to be deliberate in bypassing it here at home. So I think it is time we take this very small step, and indeed it is a small step, to keep pushing us toward an ultimate participation.

I would like to see that day when that particular participation is at least as important as paying your taxes. I think it is more important, but at least as important.

Mr. Biemiller. I could not agree more.

The Chairman. Thank you very much. We will be back again picking your brains over the variety of experiences that you have had.

Mr. Biemiller. We will be happy to confer with you and your staff at any time.

The Chairman. The next witness is Mr. Randall B. Wood, former director of elections for the State of Texas.

We are specially interested this morning in what you can tell us, Mr. Wood, in regard to the experiences in Texas. Texas at any time is always a controversial issue in whatever question you are exploring. Somehow we always manage to involve Texas in it, and usually Texas is involved in it. So we will be doubly interested in your comments.

STATEMENT OF RANDALL B. WOOD, FORMER DIRECTOR OF ELECTRONICS FOR THE STATE OF TEXAS

Mr. Wood. First of all I would like to thank the Committee for the opportunity of appearing before it.

My name is Randall B. Wood. I was director of elections for the office of secretary of the State of Texas until last October. During my tenure as director of elections I was responsible for the administration of Texas election laws, including voter registration.

I would like to make it clear that although my principal purpose here is to give you some information concerning the Texas system, which is almost identical to S. 352 in some respects, I want to give you a little background of the Texas experience with voter registration, and then go into the operational aspects of a voter registration system by mail, which I understand is one of the principal objections to your legislation.

First of all, Texas began voter registration in the form of a poll tax. Many states had a poll tax and they had a separate registration system. Texas started out in about 1909 with a poll tax system that many southern states had.

The Chairman. What you are telling us is that it was to prevent some voting, rather than to encourage voting?

Mr. Wood. Yes. In the Texas constitution the poll tax was actually intended to be a head tax. It did not have anything to do with voting, but about 1909 I think they started making it a requirement to pay the poll tax in order to vote.

This obviously limited participation by certain groups. It was only about 75 cents at the time, but that was extremely expensive in those days.

In 1941 the pressure of the public had built up—prior to 1941, you had to pay your poll tax by going to the county seat of your county and paying the poll tax. In 1941 it was amended to allow you to mail in your poll tax on a form which was really nothing more than a voter registration application. This is the root of the Texas voter registration system by mail.

What happened was that the system continued until about 1966—in fact in 1965 there was a federal court case, U.S. versus Texas, in which the Fifth Circuit Court of Appeals struck down the poll tax, which was later affirmed by the United States Supreme Court.

This resulted in Texas having a registration system by mail, which was an annual system. The poll tax was paid annually. You had an annual registration system. You had to reregister every year.

When the poll tax was struck down in 1965, the legislature met in special session in 1966—I was involved in this legislation—and enacted a voter registration system, without the poll tax, but it was actually like the poll tax system, but it was an annual system by mail.

I will go into detail in a moment.

In 1970 the whole annual system of voter registration was challenged in court and a three judge federal panel finally ended our annual voter registration system in Texas. The time had come to end it anyway. I think the legislature was about on the verge of ending the annual system itself.

The annual system was blatantly continued to reduce voter participation, and it did so to a great extent. Even with the voter registration by mail, our participation in Texas elections, by percentage of eligible voters over 21, was the lowest among the ten metropolitan states. In fact it was one of the lowest in the nation. Even some of the other southern states, which in the past had discouraged voter registration, had better records than Texas did.

The Chairman. To reemphasize the point you made, the reason for the low participation was because it was done by mail, because it was a poll tax device——

Mr. Wood. It would have been absolutely impossible on an annual system if it had not been done by mail. If you had to reregister every year, it had to be done by mail. We did not have any roving deputies in Texas, it was all by mail.

We were forced into registration by mail system because of annual voter registration requirements. In 1971 the legislature met and passed a more or less permanent or continuing voter registration system that is comparable to most states, California, and so forth, where you must reregister by voting. In that law, we once again carried over the registration by mail. The reason we did was that Texas has had experience from 1941 to 1971 with registration by mail system, and the old bugaboo of fraud simply could not be raised in Texas very well because the experience over those 30 years had generally disproved that registration by mail was anymore susceptible to fraud than any other registration system.

I would say this, we have fraud in Texas elections. In fact Texas does not have a particularly good record insofar as election fraud. I want to make it clear that that is not due to the registration system. Fraud is induced into the election system by election officials, and that can happen as easily with personal registration systems as it can with registration by mail.

Let me give you a little background on how the voter registration by mail system is worked in Texas. After it was allowed in 1941, the voter registration forms at that time were poll tax forms, were rather complicated and required a lot of information.

Through the years the amount of information that was required by the voter registration application which was to be mailed to the registrar was reduced continuously until the present voter registration form, which can easily be placed on a postcard, the name, address, sex, short statement and so forth.

The Chairman. Carried in coupon form?

Mr. Wood. Well, I was interested in Mr. Biemiller's statements. In Texas, of course, under annual registration system, it forced you to become very ingenious in your methods of getting this distributed. Therefore, voter registration application forms are run in newspapers, are carried around in people's pockets on the street.

You mentioned supermarkets a while ago. In almost any supermarket you can pick up a form, since you can mail it in, you can do it at any hour of the day or night. This was really a necessity because of the annual voter registration requirement.

Since you had to reregister every year, it would have continuously decreased the voter registration if we had not had voter registration by mail.

The system we have in Texas is sort of an accident, but it is an accident that works. I do not think there is any doubt about it. It is beginning to work much better now since we have a reregistration by voting system instead of an annual system. But the problems with fraud and so forth have actually been reduced under a permanent system with registration by mail——

The Chairman. Say that again. Reduced in what way?

Mr. Wood. Well, first of all voter registration fraud or fraud induced voter registration system is successful only insofar as the election official or registrar, either is unaware, or simply because he does not choose to check his voter registration—in other words, purges his rolls periodically.

The Chairman. If the registrar does the

job properly, is given the amount of money he needs and the amount of time that he needs, voter registration fraud can be held to a minimum. It makes no difference whether it is by mail or in person or whether you have to go to the court house. One of the suggestions made to this Committee last year was in the Dallas Morning News that if you can register by coupon, you can also register by a form handed out on a street corner, then you are aiding and abetting the chances for fraud.

However, your point is, as I understand it, if you dropped them from airplanes and let them fall on everybody's front yard, it is still irrelevant. The real check is by the appropriate office or official when the complicated form is received by mail.

Mr. WOOD. I would go even further to suggest that how the form is distributed and who fills it out and so forth is almost irrelevant to fraud in the election system. I am sure that many states who have never experienced this type of system—I am sure you can dream up a lot of horribles by voter registration by mail. I have heard some of them by reading some former reports out of this committee. They simply do not occur. They do not happen.

The CHAIRMAN. They happen only in the floor of the Senate in rhetoric.

Mr. WOOD. I am not saying that we have not had some instances of voter registration fraud. I think a couple years ago I was in the position of director of elections, someone got out of the state hospital and got him about 50 forms and filled them out with different names and different addresses and mailed them in. That was discovered in a couple weeks. But those types of thing are few and far between.

The voter does not induce fraud into the election system. Fraud is induced into the election system, and I believe this is the case anywhere, is induced into the election system by election officials and those persons responsible for voter registration system. You do not affect that whether you do it by mail, whether you do it in person or so on. If the election officials are involved or interested in inducing fraud into the system, they will do it.

The CHAIRMAN. They already do it. You do not have to vote by mail if you are going to have that kind of circumstance, if you are going to introduce fraud.

Mr. WOOD. In Texas, like I say, we have some voter irregularities, as we are used to calling them, which amount to nothing more than voter fraud. They are not a result of our registration by mail system. They are not a result of any registration violations. They are the result of collusion of election officials, either at the polling place or by the registrar himself.

The whole idea is that—well you mentioned a person would be aiding or abetting a fraud by handing out a voter registration certificate, and there is nothing magic about that piece of paper. There is nothing whatsoever magic about it, and in Texas the whole way we look at it is obviously different than other states. We do not sign the thing under oath.

I can take this piece of paper, and I can put the relevant information that is required. I have the Texas election law that would give you what is required, name, age, sex and so forth and sign it and mail it in. It would not have to be a form necessarily. It is not generally done, but it is possible under Texas law, and it would be acceptable as voter registration.

The whole idea that somehow if you are not watched over when this is mailed in is going to prevent fraud is ludicrous. The person that mails this—incidentally this is something that I agree with you that the fraud involved in Texas generally is through the control of voter registration, not allowing everybody to register, or controlling it to a certain group or in a certain manner so that it can be utilized effectively on election day. It does not have anything to do with the fact that more people who are registered, the more difficult it is to really induce fraud in an election.

The CHAIRMAN. That is a good point.

Mr. WOOD. The more broad based your electorate, the less likely that a collusion among certain group of election officials are going to have the ability to change the outcome of any one election. The larger your turnout, the more difficult fraud is—actually it is a deterrent to fraud, because it makes the possibility of your being able to change the outcome of an election much less.

The CHAIRMAN. Good point.

Mr. WOOD. This is extremely obvious in some elections in Texas where until recently you had—say, the chances of running in multiple districts, trying to induce change of outcome in any election, where there are 200,000 voters voting on one person is much more difficult if there are only 10,000 people voting for that individual.

I could go into detail in how our system works. S. 352 if enacted would not even be noticed in Texas as far as I can tell. I was familiar with the legislation introduced last term, last year. We have absentee registration and we have absentee voting up to four days before the election. Actually I can say the registrar in Texas would never know that the bill had been enacted.

The CHAIRMAN. He would not blink his eye?

Mr. WOOD. He would never even realize it. The only thing is it would not have an impact in Texas because where a person registers, he registers for all offices not federal offices only, and he does it in the same manner of this legislation, and for all practical purposes we have been registering this way for 30 years.

The CHAIRMAN. You used to cut off registration much earlier, like in January, as early as that before?

Mr. WOOD. Yes.

The CHAIRMAN. Which again was another crime. But that is no longer the case in Texas?

Mr. WOOD. No. Just since 1970 we have gone from one of the more archaic systems to I suppose one of the more open systems in the country. I do not know of any system that is as easy to register as it is in Texas. Now we have a problem which I think I would like to mention here, which I think is relevant to your whole case.

Registering and voting is a habit. People who are not in the habit of registering, for whatever reason, and voting, are less likely to register and vote in the future. It is like tradition.

In Texas we prevented for such a long period of time many people from registering, that it is going to take a long time for us to instill that habit into large numbers of our citizens, especially low income, because of the poll tax and so forth, low income and minority groups. They were prevented or suppressed for such a long period of time that the whole idea of voter registration was foreign. Once voter registration is made easier even mandatory, et cetera, as you mentioned, the person intends to vote more because he is registered, not because he simply has the opportunity to go to vote. Something gets in his mind that he feels like he ought to do, that he is in the habit of doing. It is one reason why certain groups in Texas have long opposed bringing them into the franchise. When they were in the habit, they turned out, they always turned out. But for the other people the impediments were placed in their way, and they did not register regularly and they never really got in the habit. Even though Texas has changed from an annual system to a reregistration by voting in the last two years, and even though our voter registration jumped tremendously since 1971 by a factor of a third, we still are not getting the type of turnout and registration that we should get, simply because in the past we have placed so many impediments on the voters that it is doing to take a long time to build that habit up. It will take us a while to get to where we feel like we ought to be, which is somewhere around 80 per cent registered, which I feel like——

The CHAIRMAN. Let me ask you an obvious question there. Would your Secretary of State or whoever will be in charge blink his eye if we had a mandatory ballot casting with penalty for failure, much like the income tax? What problems would that pose in other words?

Mr. WOOD. First of all, I could not comment for the Secretary of State that is in office at the present time.

The CHAIRMAN. Whoever is in charge.

Mr. WOOD. I am a little confused if you mean mandatory registration, where a person would be automatically registered—well it can be done many ways. I think Mr. Biemiller mentioned the Idaho registration is considered to be a function of the state, not a function of the individual.

It is the responsibility of the state to make sure the person is registered. This is quite common in Western Europe and some other places where the state takes it on itself to see that you are registered. I am sure there has been much testimony before this committee that concerning southern states it was not enacted originally to prevent fraud. In some northern metropolitan states I am sure that was a factor involved. In the southern states registration was linked to the poll tax, was almost always a method to reduce voter participation. Fraud was really not a consideration.

The history is quite clear, especially in Texas, that fraud was never really considered. Up until 1966 in Texas, if you were over 65, you did not have to register at all. You could go down and vote. That was just an aberration in the law, if you were over 65 you went down and voted, and we in many cases voted more than 100 per cent on the rolls, of course. We did not find that fraud was induced in the over 65 vote.

I lobbied before the Texas legislature. My legislation many times gets caught up in all the horribles that can be imagined. It is difficult to prove in many instances, I am sure from your point of view, that these horribles will not come through. Thirty years of experience in Texas of voter registration by mail indicates that those horribles simply do not occur.

I am sure we have many intelligent people in Texas who would like to reduce fraud in the election system as in any other state. Where we have fraud, it is always traceable to the election official and collusion of election officials. I could point to hundreds of places, but it is not due to the fact of voter registration by mail, and even—I think probably more importantly—it would not be prevented or restricted seriously or any at all as far as I can tell by abolishing voter registration system by mail in Texas.

The CHAIRMAN. I gather your conclusion is that whatever the device, if we had mandatory registration in federal election, with a penalty, just registration, that that would have a material effect on increasing the percentage of voter participation?

Mr. WOOD. Any time that a person is capable of walking in a polling place, he is more likely to exercise that right. The more he exercises it, the more times he votes, the more likely he is to continue voting.

There have been some studies in this particular area. There is no doubt that once a person starts voting, gets in the habit, that he goes and votes year in and year out more than the people who vote infrequently. In fact people who have voted consistently between the ages of 21 and 35 continue a voting history completely throughout their life that is relatively consistent. Those people who do not vote between the ages of 21 and 35 have a sporadic voting history throughout their career.

It is completely related to the habit of participating in the electoral process.

I do not want to get philosophical about it, but this is, I consider, an extremely important function of government, to try to involve as many people as it can in the electoral process. If they are not involved, they do not vote. If they vote, they tend to become more involved.

The CHAIRMAN. How serious is the problem of mail registration because of illegible handwriting?

Mr. WOOD. We do have some problems with it; but after working with it for 30 years, with registrars, and we have 254 counties in Texas—I am sure that no other state has any sort of county units approaching that number——

The CHAIRMAN. We have that problem with some presidents, illegible handwriting.

Mr. WOOD. Yes. What I was going to say is that in all those county units there is a registrar and so forth, and those problems of illegible handwriting coming in on the voter registration forms, generally you can make out an address, and if it is so illegible that you cannot read it or something, the registrar will turn around and mail that form back and it says to have this form filled out and do a better job.

But it is an insignificant problem. It is not one which causes any problem. I have never had a registrar complain to me because he was severely hampered, because he had too many people that could not write well.

If the people want to bring up horribles, we have an even stranger law on the books in Texas that allows someone else to register you. I am sure you can dream up all sorts of horribles for that. You can have an agent register for you. Your mother, father, sister, brother, so forth, can mail in the registration form for you. This also grew out of the poll tax idea. If people lived at home in rural areas, if the father sat down and filled it out and registered the family, that was the idea of it. Although I do not think it is particularly good practice, it has not caused us any problems as far as fraud is concerned. We do have some problems with a son registering in college and the mother registering him at home. But that is usually quickly cleared up.

The CHAIRMAN. I think that is all the questions I have at this time. The kind of experience that you have been through in Texas reflects the sort of experiences that do constitute specters in the mind of people up here in the Senate, who do conjure up these horrors, they probably watch TV too much. They went to see Deliverance or whatever it was.

Mr. WOOD. Let me say in closing that I have a sincere doubt that any other state is going to be in really different position than Texas. We are a metropolitan state. We are a rural state.

The CHAIRMAN. You have got the sweep of all kinds of problems that could arise plus the fact that it is Texas, which is a unique problem all of its own.

Mr. WOOD. We have that large minority population, and we have the election problems. I would suggest to you that our voter registration fraud problems are probably much less than some other states that I have had the opportunity of studying.

The CHAIRMAN. Nobody ever really discovered Texas, but I always have to confess, I have spoken of 104 different Texas town, so in a very small way that does not begin to cover the counties of Texas, to get a sense of what Texas is all about. You have made a very constructive contribution.

Mr. WOOD. I thank you. If you have any other questions, I will be glad to answer them.

The CHAIRMAN. We will have more questions, and we will pick your brains on them.

Mr. WOOD. Thank you.

The CHAIRMAN. Thank you very much.

The next witness is Mr. Penn Kimball, Professor of Graduate School of Journalism, Columbia University.

CRISIS THREATENS PACIFIC COMMERCIAL FISHING FLEET

Mr. STEVENS. Mr. President, I have spoken many times in the Senate on the fishing crisis facing us on the west coast, particularly in Alaska. During the 92d Congress, I made a regular practice of reporting the number of foreign fishing vessels sighted off the Alaskan coast. I intend to continue to keep the Senate informed on this subject in the 93d Congress.

The lack of fish generally is now receiving national publicity. On Sunday, October 22, the Washington Post published an article indicating the depth of the problem.

This article sets forth the facts facing our Pacific coast fishermen. It poses a possible quandary. While fishermen of coastal stocks and fishermen of anadromous species, such as salmon, want a 200-mile limit plus total protection of anadromous species spawning in American waters, high-seas fishermen, such as the California tuna industry, seek less protection by the coastal nations.

However, the U.S. position at the Law of the Seas Conference seeks to establish different guidelines for the conservation of high-seas fish than for coastal and anadromous species. With the establishment of an international regime, high-seas species such as tuna would receive the protection our tuna fishermen seek. We are fully aware of the problems attendant upon the institution of such a regime. However, I firmly believe that by our supporting this three-tiered approach will these three widely divergent fish groups be best protected.

Mr. President, I request unanimous consent that the Washington Post article be inserted in the RECORD in its entirety at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CRISIS THREATENS PACIFIC COMMERCIAL FISHING FLEET

(By Lee Dye)

LOS ANGELES.—A crisis is gripping the U.S. Pacific commercial fishing fleet from South America to the Bering Sea.

The crisis is so great that the survival of the fleet in its present form seems highly unlikely.

For consumers, it adds up to higher prices and a growing scarcity of fish. For fishermen, it adds up to economic stagnation for many and prosperity for a few who survive. And for the ever-dwindling marine life off the shore it may well add up to disaster.

A Los Angeles Times survey of the Pacific Coast reveals:

There are too many fishermen and not enough fish.

With the exception of Southern California's tuna fleet, foreign fishing fleets are bigger, faster and more sophisticated than their U.S. counterparts, and each year they command a bigger share of the Pacific catch.

The average U.S. fisherman is so far behind the times that he is unable to compete on an international level.

While the tuna seiners along the Pacific Coast are better than foreign competitors, that has led to its own crisis. The new seiners are so expensive that they must land huge catches to break even, creating a greater drain on the resource. Smaller, older boats do not stand a chance.

Depletion of tuna stocks has been so severe that it has been necessary for some Southern California boat owners to relocate their vessels in such far away places as Africa.

While there have been some successes in the area of international control (such as the Inter-American Tropical Tuna Commission), the demand for cooperation on a world-wide basis in the years ahead will be on a level that is virtually without precedent. The chances for success, most experts predict, are slim.

The U.S. government officially maintains a low-key stance, possibly because of the foreign conflicts that would result from efforts to meet the crisis.

Up and down the Pacific Coast, fishermen in every port tell the same story.

Melio Barbardo, San Francisco crab fisherman for 47 years: "We used to go out, catch a load, keep the best and throw the rest back. But today there's less crab—75 per cent less, maybe even less. It wasn't that way when I first came here. Every day we went out into the back yard (San Francisco Bay), caught a few dozen crab, brought them back, and everything was all right. Just like going to the bank."

At Port Angeles, Wash., and an old-timer summed it up in a phrase heard all the way from Juneau, Alaska, to San Diego. "The fish," he said, shaking his head, "the fish. There's no fish any more."

The lament of the Port Angeles fisherman is, of course, an overstatement. Biologically, at least.

The Pacific still abounds with fish, but what may be an "acceptable biomass" to the marine biologist may yield starvation wages to a commercial fisherman.

Experience has shown that it is extremely difficult to calculate the population of marine organisms. The problem is evidenced by wild fluctuations in fish landings.

About three decades ago, Monterey was one of the principal fishing capitals on the West Coast, and if you had told fishermen in those days that within a few years no one would be fishing for sardines they would have questioned your sanity. But the simple fact is that sardines were killed off by overfishing, and Monterey's cannery row has been converted into a series of fish restaurants that offer, mainly, imported fish.

The Pacific mackerel and the Pacific Ocean perch off the coast of Washington and Oregon have gone the way of the sardine. Perch were wiped out by Russian and Japanese fishermen before U.S. fishermen even got around to developing their harvest.

A. T. Pruter, deputy director of the federal government's Northwest Fisheries Center at Seattle, put it this way:

"Pacific Ocean perch has been overfished, primarily by the Russians, to the extent that it is no longer economically feasible to develop that resource."

The danger signs were there long before the Russians depleted the perch, but nothing was done to stop it.

Why?

Because under the present framework of international law, no one has the authority to tell the Russians what they can or cannot do beyond the 12-mile fisheries limit recognized by the United States.

And therein lies the U.S. fishing fleet's most vexing problem. The way that problem is resolved will almost surely determine whether the American fleet will survive, and quite possibly, whether the oceans will continue to provide a valuable source of food for the peoples of the world.

All fishermen agree the question of jurisdiction over the seas must be resolved, but they disagree over what that resolution should be.

The tuna industry—possibly America's most valuable single fishery—is based mainly in Southern California. However, nearly all commercial tuna fishing is done off foreign shores, mainly off South America and Mexico. For that reason, tuna fishermen are strongly opposed to any attempt to extend national boundaries beyond the 12-mile limit or to recognize the 200-mile limits already claimed by several South American countries.

Off the coast of Washington and Oregon, where the continental shelf generally extends less than 20 miles to sea, a 200-mile territorial limit would encompass nearly all the fishing grounds in that region.

Seattle's pruter predicts that the establishment of a 200-mile limit may be the only way to save U.S. fishermen in Oregon, and Washington from economic disaster.

Further north, however, fishery experts sharply disagree. They predict that a 200-mile limit would wipe out Alaska's most valuable fishery—salmon.

Salmon begin life in a stream or river and must return to spawn and die. During the five or six years after leaving an Alaskan spawning ground, a salmon may travel across the Pacific to the coast of Japan before returning to spawn and die.

In order to manage the salmon fishery, harvesting must be restricted to waters near that same stream or river in the mouth of the river leading the famous ritual of spawning to the spawning grounds. That way a certain percentage of salmon may be allowed to "escape" up the river to spawn and others may be harvested. If the harvesting were done in the open sea, it would be possible to unknowningly wipe out entire runs of salmon.

As Alaskans see it, since thier salmon are born in Alaska and must eventually return to Alaska to spawn, the salmon really belong to the United States, regardless of how far they roam in the open sea. They would be like U.S. fishermen to have the exclusive right to harvest U.S. salmon. That would mean fishing for salmon would have to be restricted internationally to areas near the spawning grounds, which is the only way to manage the resource anyway.

Thus, Pacific Coast fishermen are on a collision course: Alaskans want greater restrictions against foreign fishermen, and extended fishing zones; fishermen in Oregon and Washington want a strict 200-mile limit, and Southern California's tuna fishermen want less nationalism in the seas and no extensions of fishery zones.

OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS OF 1973

Mr. DOMENICI. Mr. President, yesterday I voted with a majority of this body to pass S. 50, the Older Americans Comprehensive Services Amendments of 1973, and I also voted with the majority against the motion to recommit that bill with instructions to delete titles IX and X. In view of past statements I have made urging congressional fiscal responsibility and opposing legislation which increases funding programs in a piecemeal fashion, particularly categorical manpower training programs, I feel that some explanation of my votes on S. 50 would be in order.

As strong as my conviction is that we must create and maintain a system for establishing spending priorities within a specific ceiling, my concern for the plight of older Americans is even greater. My concern extends to gainful and useful employment opportunities for that segment of our population which I feel has been long neglected in that regard.

Finally, this is an authorization bill, not an appropriations bill. I will have another opportunity, which I fully intend to exercise, to judge whether appropriations for this bill can be accomplished within a framework of congressional fiscal responsibility which I find acceptable. For the sake of our older Americans, and others, I again urge that we move forward quickly to build that framework.

HEARINGS BEGIN ON NEW FEDERALISM POLICIES

Mr. METCALF. Mr. President, the Subcommittee on Intergovernmental Relations today opened the Washington hearings on President Nixon's policy of "New Federalism" and the impact of that policy on the performance of State and local governments.

Many distinguished city officials took this opportunity to testify on their problems with categorical aid programs and their plans to use general revenue-sharing funds. These hearings will continue, with Governors and other State and local government officials providing their views on this subject.

The subcommittee's very able and distinguished chairman, Mr. MUSKIE, opened today's hearing with an illuminating and incisive statement of the issues under consideration. He said:

> The Hobson's choice offered to all Americans is between higher property and sales taxes or the starvation and eventual death of worthwhile social initiatives.

Full understanding of this issue is critical if we are to act rationally and decisively in this area, and I therefore ask that Senator MUSKIE's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

OPENING STATEMENT OF SENATOR EDMUND S. MUSKIE, FEBRUARY 21, 1973

The hearings we begin today in the Subcommittee on Intergovernmental Relations will examine the policy the President calls the New Federalism and the impact of that policy on the performance of State and local governments.

In such a setting, we should expect that the issues raised will be immediate and intensely political. There will be forceful debate on the priorities set in the Federal Budget for Fiscal 1974. We will hear painful questions asked about the elimination or drastic reduction of important and popular programs of Federal assistance. We will explore the danger that diminished national expenditures in many vital areas, will force heavier, not lighter, tax burdens.

I welcome such argument. And I do not shrink from the idea that the controversy will be political. It is through such contests between partisans of differing ideas that America shapes its purpose and identifies its goals.

But at the outset, I want to define the broad framework in which these hearings are held. When Americans passed from a shaky Confederation to a strong Federal republic, they did so, as the Preamble to the Constitution said, "in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty . . ." And they gave the Congress the power, in Article 1, Section 8 of their Constitution to "provide for the common defense and general welfare of the United States."

Ever since 1788 when the Constitution was ratified, a creative tension has persisted over the interpretation of those words, over the relative responsibilities of the National and State legislatures to act decisively for the general welfare. Still the most durable standard for cooperative Federalism in 1973 is the one set out by Alexander Hamilton in 1791, when he said:

"It is . . . of necessity left to the discretion of the National Legislature to pronounce upon the objects which concern the general welfare and for which, under that description, an appropriation of money is requisite and proper. And there seems to be no room for doubt that whatever concerns the general interests of learning, of agriculture, of manufactures, and of commerce are within the sphere of the national councils as far as regards an application of money."

We have amplified Hamilton's interpretation to match the growth of the society he helped to found. "The general interests of learning" now extend to Federal aid for disadvantaged children, handicapped by illness, by race or by poverty. "The general interests of agriculture" have been read to cover the need for conservation programs, disaster loans and the electrification that makes isolated rural communities working parts of the whole nation. "The general interests of manufactures" now mean tax incentives for industrial investment on one hand and consumer protection on the other. "The general interests of commerce" extend to the battle to restore an endangered environment as well as to the regulation of interstate transport.

To "establish justice" we have enacted Federal civil rights laws and provided for their enforcement. To "insure domestic tranquility" we have worked to aid cities renew their most battered neighborhoods and deprive crime of its breeding grounds. To "promote the general welfare" we have sought to guarantee hope in childhood, broad opportunity in the working years, medical care in illness and dignity in old age. To "secure the blessings of liberty" we established systems to assure legal counsel to the poor and to obtain equal treatment under the law for all.

Over the last 40 years the States and cities, the Congress and the President have established a cooperative Federalism that takes the Constitutional mandates of government as obligations to all Americans, goals that transcend State lines and purposes that are blind, to distinctions of class or wealth or race or sex or religion. Pressed by competing, pluralistic interests, we have used the Federal setting to define "the general welfare" and to match national resources against overall needs.

But now we face a revival of the old slogans of selfish interest, masquerading this time under the banner of government economy, smokescreened by sallies against bureaucratic waste and trumpeted as streamlined efficiency. The rhetoric of the New Federalism is clever, but the substance is the long-discredited belief which, in the words of Alexander Pope, ordains "self love and social be the same."

Sadly, perhaps, they are not the same. "Social evils pile up," Adlai Stevenson wrote a dozen years ago at the end of another period of government by apathy, "when little beyond unchecked private interests determines the pattern of society."

Now, in 1973, the Administration is telling us that governmental efforts to determine the pattern of society have, by and large, been failures. On the basis of this highly arguable diagnosis, the President is moving to dismantle those parts of the Federal apparatus which were constructed out of concern for the public interest.

He is acting like a doctor treating an infected thumb by recommending amputation of the whole arm. The patient's health is of less concern than the chance to perform radical surgery.

I do not doubt that the infection is serious. But the cure seems worse than the disease.

In the course of these hearings we will look at some of the remedies the President has ignored. We will ask why defense expenditures should rise $4.7 billion in this year of peace and international detente. We will ask why, subtracting the costs of Vietnam from the budgets this year and last, spending for other defense and military assistance programs should increase $7.5 billion. Further, we will ask why immediate reform of our tax laws could not produce both greater equity for all and new revenues from those who now pay less than their fair share.

Finally, these hearings will investigate ways to correct the problems of delay and duplication, frustration and waste of resources that now hinder the effective operation of many categorical grant programs. The problems are there. A survey of cities by this Subcommittee, being distributed in preliminary summary at the opening of the hearings, details the extent of the breakdown in the delivery of Federal assistance. But the responses we have received from concerned city officials spell out a cry for reform, not a mandate for mutilation.

For there must be no mistaking the truth; the President's proposals amount to a radical reversal of the concept of Federal responsibility for "the general welfare" as that concept has developed through our history. The New Federalism says that the Federal Government can slash its contributions to meeting national educational, medical, environmental, urban and employment needs and assign primary responsibility for those areas to State and local authorities.

Such an abdication of national commitment means that these enduring obligations will have to be met in the future by local financial structures that are already ill-equipped to handle existing burdens . . . or not met at all. Taxes will not be saved. They will be shifted. Self-reliance will mean that State government or local government or those least able to bear the costs will have to pay the bills.

The Hobson's choice offered to all Americans is between higher property and sales taxes or the starvation and eventual death of worthwhile social initiatives. Cooperative Federalism with its generous insight into national needs gave birth to these programs. A narrow definition of economy is now intent on strangling them before they can bear full fruit.

And the claim of economy is a false one. What savings can result from terminating the Public Employment Program that will not be outmatched by higher unemployment insurance costs? What thrift is there in ending Neighborhood Youth Corps when such a move propels idle youngsters into crime and forces higher expenditures for police protection? What logic can there be in closing day care centers—or in failing to establish needed ones—which would permit welfare recipients to become working citizens?

The President will claim that the special revenue sharing he has proposed will redeem the Federal obligation while putting the responsibility for successful execution of social programs at the level nearest the real needs. But the Budget figures belie that assertion. The funds requested for grants-in-aid and special revenue sharing combined for Fiscal 1974 represent a net drop of $3.6 Billion under the outlays for programs that were carefully targeted last year. And the removal of the features that matched Federal money to local efforts further harms the development of private philanthropy as an extension of governmental endeavor.

General revenue sharing, our survey of cities indicates, has gone for many of the purposes it was intended to serve. The first year's allocations are being targeted on the capital construction needs, improved official salaries and better public safety which many cities could not have undertaken without the supplementary help general revenue sharing provides.

One area, however, has obviously been neglected. Only a small proportion of these first funds are being spent by the cities on social services for the elderly and the poor, even though such essential expenditures were one of the law's priorities.

And now the assistance given with one hand is being withdrawn with another—in total contempt of the promise implicit in last year's commitment of Federal help to hard-pressed local governments. Revenue sharing was not considered when it was passed—and must not be considered now—as an excuse to cut back Federal funding of social programs. Speaking two years ago to the very group of Mayors who will appear as the Subcommittee's first witnesses today, I said:

"We can never get maximum benefit from the war against poverty, from the Model Cities Program, and from the air and water pollution control programs so long as the streets of our cities are strewn with garbage for lack of money to collect it or so long as our cities remain hotbeds of crime and violence because they cannot afford police to prevent it.

"What the cities need now is financial assistance they can use to pay the operating costs of government. They need money to pay for police and fire protection, schools, and garbage collection. They need, in short, general revenue sharing."

What the cities and States do not need—and cannot afford—is a betrayal of the promise of general revenue sharing. What they do need is a reform in the bureaucracy which now obstructs the efficient delivery of Federal assistance. These hearings will seek to determine the most appropriate reforms.

But the Congress is not ready to pass sentence of death on the concept of Federalism that has grown to meet the needs of a growing nation. We are not prepared to accept something called the new Federalism without understanding that it is a profound retreat back to the reactionary view of government as a necessary evil. We remain committed to the belief that through cooperative Federalism we can make government again an instrument for the general welfare, a weapon to restore our sense of shared purpose and of great national enterprise.

VOTE OF THE 18- TO 21-YEAR AGE GROUP IN NOVEMBER ELECTION

Mr. **BROCK**. Mr. President, recent statistics released by the Census Bureau give a breakdown, by age group, of percentages of the population who voted in the elections of last November.

The breakdown shows that persons in the 18- to 21-year-old group had the lowest percentage voting, compared to the total population of that age. This statistic has been widely commented upon, and has been interpreted in some circles as reflecting poorly on the young adults of the Nation.

In fact, I believe that, all things considered, young people did very well in accepting the new responsibilities which they derived from the 26th amendment to the Constitution.

One statistic that was overlooked by many commentators was that of those registered to vote, the 18- to 21-year-olds voted in a higher percentage than any other age group.

Clearly the problem was one of registration, not voting.

Registration is not easy, in spite of the many programs that have been established to assist registrants. It becomes particularly difficult when you consider the highly mobile nature of this segment of the population.

A great many persons in the age group are attending college, often far from their parents' homes. Registration procedures for them were particularly difficult, and there was a clear lack of uniformity from State to State, and even from county to county within a State.

Other young people are in the armed services, and registration for them presented peculiar problems of its own. It must be remembered too, that service personnel, divorced as they are from their communities, do not receive the stimuli of local elections of others who are more directly affected by such offices as Governor, State legislator, or county official. Moreover, they were not subjected to the intensive campaign activities of those living in the precincts.

Even aside from these factors, it should be remembered that these young citizens have had only a year or two in which to register, whereas their seniors have often had more years than they care to remember. That fact alone accounts for a large percentage of the unregistered.

It is regrettable that more citizens of all ages do not exercise their franchise. But I do not believe that our young people deserve to be singled out in this regard.

On the contrary, I believe that they fully justified the wisdom of those who supported the 26th amendment. They accepted their duties as citizens and performed them with intelligence and dignity.

I congratulate them for that achievement.

MAYORS PLEAD FOR SOCIAL PROGRAMS

Mr. **MUSKIE**. Mr. President, this morning the Subcommittee on Intergovernmental Relations held hearings on the impact of the President's proposed budget on the Nation's cities. Twelve deeply concerned mayors—representing the legislative action committee of the National League of Cities-U.S. Conference of Mayors—painted a deeply disturbing picture of the disastrous impact which the proposed cutbacks in social and human resource programs will mean to the people of our cities.

The mayors who testified this morning were Mayor Moon Landrieu of New Orleans, chairman of the committee, Mayor Joseph Alioto of San Francisco, Mayor Lee Alexander of Syracuse, Mayor Stanley Cmich of Canton, Ohio, Mayor Peter Flaherty of Pittsburgh, Mayor Roman Gribbs of Detroit, Mayor Richard Hatcher of Gary, Mayor John Lindsay of New York City, Mayor Henry Maier of Milwaukee, Mayor Norman Mineta of San Jose, Calif., Mayor Patricia Sheehan of New Brunswick, N.J., and Mayor Wesley Uhlman of Seattle. Mayor Kenneth Gibson of Newark was prevented from appearing personally, but submitted a written statement.

Mr. President, because the testimony of the mayors has such relevance to the ongoing national debate about the President's budget proposals, I ask uanimous consent that these statements and a statement on manpower programs submitted by the U.S. Conference of Mayors be printed in the Record at this point. I urge my colleagues to heed the pleas of the mayors.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Statement of Moon Landrieu, Mayor of New Orleans, La., and Chairman, Legislative Action Committee of the U.S. Conference of Mayors

Mr. Chairman, as Chairman of the Legislative Action Committee on the United States Conference of Mayors, I wish to express our individual and collective appreciation to you for inviting us here. We are grateful for this early opportunity to officially set before the Congress our views on the Administration's proposed Fiscal 1974 Budget.

In order to deal with such a massive document in a single morning as fully as possible and with a maximum of dispatch and a minimum of duplication, each of my fellow Mayors will confine his statement to a single problem raised by the proposed Budget or to the major impacts of the Budget on his city. My role as opening witness is, first, to present an overview of what we as Mayors foresee in our cities if Congress adopts the Administration's proposed budget and, second, to recommend some alternative courses of action.

And let me assure you that we have not come here to wage an all out defense of every categorical grant program devised in the previous decade. Many, if not most, of those programs were effective . . . others have not been. Many, if not most, were needed and appropriate at the time, but their time may have passed.

We generally support the Administration's ultimate goal of consolidating various grant-in-aid programs provided the new system is adequately funded. Grant consolidation is a logical and progressive step for the Federal Government to take in meeting the varied needs of local governments as diverse as Houston and New Orleans.

Yet between now and that program's opening volley in July of 1974 the battle may be lost. For the Administration in its budget plans for FY '73 and '74, has brought the center city to its knees with crippling cutbacks and reductions and the frequent suggestion from the Executive branch that these urban losses be made up with general revenue sharing is the most curious irony of all [for it may represent a failure by the Administration to even accurately measure the enormity of the budget cuts and their effect upon urban areas.]

From the perspective of Mayors, what does this Budget mean?

It means shifting more of the tax burden of this nation from the progressive federal income tax to regressive local sales and property taxes.

It means reducing not only the federal government's role, but also its basic commitment to advancing the general welfare.

It means an end to the Emergency Employment Program, a dismantling of OEO, and a cutback of Model Cities—all of which have been used by many Mayors to bring minorities into the mainstream of government service.

It means a six to twelve-month break in our already-inadequate pace in renewing our blighted neighborhoods.

It means that low-income housing and sewage treatment plants and hospitals and new towns will not be built.

It means suddenly being informed that "a legacy of parks" is a local, rather than a national, responsibility.

It means a 4% increase in funds for Criminal Justice purposes with details to be supplied later as to the nature and extent of a role for City Governments.

It means the status quo in Urban Mass Transportation funding and a 24% increase in highway funds for an Urban Transportation Program to operate within a framework which is yet to be ironed out.

The proposed budget means all of this, Mr. Chairman; and to those Mayors who have constitutional or statutory responsibilities in the fields of public education, welfare, and health it has additional meanings. Each of these meanings will be addressed in the statements of my fellow-Mayors—in statements borne out of frustration, desperation, anguish and outrage.

We feel so strongly, Mr. Chairman, because we trusted in assurances by the Administration that the enactment of General Revenue Sharing would not mean a cutback in funds for categorical grants-in-aid. Our understanding that General Revenue Sharing was to be "new" money goes back at least to July 8, 1969, when a meeting was held at the White House attended by Governors, County Executives, and four Mayors accompanied by the Executive Vice President of the National Leagues of Cities. Our understanding was given support in the State of the Union Message of January 22, 1971, in which President Nixon proposed going beyond General Revenue Sharing to what he later called "special revenue sharing". The President said:

"I propose that the Congress make a $16 billion investment in renewing State and local government. $5 billion of this will be new and unrestricted funds, to be used as the States and localities see fit. The other $11 billion will be provided by allocating $1 billion of new funds and converting one-third of the money going to the present narrow-purpose aid programs into Federal revenue sharing funds for six broad purposes—"

In other words, The President not only confirmed our understanding that the unrestricted general revenue sharing funds were to be all new funds, he offered still another $1 billion of new money to be added to the six broad purpose programs which he would create by conversion of one-third of categorical grant programs.

Secretary of the Treasury, Connally, was quite explicit about revenue sharing in his statement before the House Ways and Means Committee on June 2 and 3, 1971. Secretary Connally said:

"As the money will be in addition to existing programs, each State, city, and county will benefit directly: Each will receive revenue sharing money in addition to any benefits, services, or money it is now obtaining from the Federal Government."

The U.S. Conference of Mayors, Legislative Action Committee, testified before Ways and Means the week following Secretary Connally's testimony. We stressed two points in our testimony:

First, that as Mayors we had raised local taxes to our legal or economic limits. Second, that mostly we needed this new federal fiscal assistance for basic services such as fire, police, and garbage which were beyond the scope of the categorical grants. The President understood the kinds of basic services which cities were being forced to cut. The example he had used in the State of the Union Message was the cutbacks in "trash collections" in San Diego and Cleveland.

Sixteen months after our appearance before the Ways and Means Committee the State and Local Fiscal Assistance Act of 1972 became law. We knew that the Administration remained committed to our understanding that general revenue sharing was new money and was to be used primarily for basic services. We knew this because the Department of the Treasury issued a booklet entitled "What General Revenue Sharing Is All About." It contains the following question and answer:

"Question: Will any programs be terminated because general Revenue Sharing has begun?

"Answer: No Revenue Sharing does not mandate any cuts in existing Programs. The purpose of the Revenue Sharing law is to allocate additional funds to state and local governments to augment existing programs and certain capital expenditures."

As late as January 19, 1973, many of the Mayors in this room received verbal assurances at the White House by Democratic Affairs Council staff that even though the Budget would assume the expiration of the Emergency Employment Act that the Mayors would like what the Budget provided for other urban programs.

Imagine our shock, our dismay, our confusion when the Budget was released calling for no money for Model Cities, a token amount for Urban Renewal, an end to numerous categorical programs. Our shock was further compounded when we saw that the section of the Budget providing for the dismantling of OEO also contains the following language:

"If constituencies of individual communities desire to continue providing financial support to local community action agencies, general and special revenue sharing funds could be used."

This is directly contrary to Secretary Connally's response to Congressman Landrum in the Ways and Means hearing in which the Secretary said, ". . . there will be no Federal bureaucrats to tell the cities or States how they can spend it."

But enough of history. We must deal with the situation that now confronts us. In the weeks and months ahead we will be calling upon the Congress to join with us in dealing with the situation. We will be calling for:

1. A modified Emergency Employment Program targeted for areas of hardcore unemployment. (Mayors Sheehan and Cmich will speak to this.)

2. A proper role for cities in both Law Enforcement Assistance and in the proposed Urban Transportation Program.

3. Adequate FY '74 appropriations, especially in the fields of housing and urban development and employment. (This will immediately confront both us and the Congress with issues of spending ceilings, impoundments, inflation, and the role of elected officials at all levels in the reordering of national priorities. Mayor Lindsay has a statement addressing these issues.)

4. When the appropriate Congressional Committees take up the question of block grants we will be seeking opportunities to insure that any such legislation properly deals with our concerns about "Hold Harmless", a growth factor, and a planning and management resources. (Mayor Mineta's statement will deal with the issues raised by a block grant for Community Development.)

In conclusion, Mr. Chairman, we as Mayors simply cannot accept a philosophy emanating from Washington which says that programs which have not met expectations are to be eliminated and programs which have met expectations are now local responsibilities (without federal resources). Eliminating programs does not eliminate the problems those programs were designed to cope with.

Thank you, Mr. Chairman.

Testimony of Wes Uhlman, Mayor, City of Seattle

Senator Edmund Muskie, Chairman: Honorable Chairman and Committee Members, I am very grateful for this opportunity to address you on an issue which is of the utmost concern to the city whose people I serve and to myself personally.

As much as I might wish, I cannot change or soften the gravity of the crisis before us. The proposed Executive Budget for 1974 poses a direct and serious threat to the life of Seattle and its people, and to every urban center in the nation. Its recommendations endanger the viability of municipal government, the stability of the urban economy, the quality of the physical environment, and the individual lives of citizens. In short, the whole fabric of urban community in America is threatened.

This is not hyperbole. Rhetorical embellishments are not necessary. The figures speak plainly for themselves.

The Presidential impoundments and the proposed Executive Budget represent a loss of $97.8 million in projects serving Seattle. In terms of 1972 funding levels for programs directly administered by the city government, over $25 million would be lost, and another $52 million placed in jeopardy. Under this budget, the city government could lose a sum equal to its General Fund for 1973, well over half of the federal funding it is currently receiving.

These dollars, despite the opinion expressed in the White House, represent programs which have held real benefit for individuals and for the total community.

For an aging blind man, the President's budget will mean no more new braille books . . . and back to loneliness and isolation.

For a black mother finally off of welware and into a job, the President's budget will mean no day care center for her children . . . and back to welfare.

For a youngster who has dropped out of school, the President's budget will mean no possibility of a job from Neighborhood Youth Corps . . . and back to the streets.

For an elderly person unable to leave his room, the President's budget will mean no one to come and help cook a meal . . . and back to a life of unending monotony, without dignity.

For an Indian family, the President's budget will mean no public health hospital to turn to in an emergency . . . and back to the precarious existence in the shadows of a white society which does not care.

For all of the people in Seattle's inner city, the President's budget will mean an end to the progress which it has enjoyed for the past five years. It will mean no more Model City Programs. It will mean that a steadily declining crime rate could begin again to climb. It means no more development of needed parks. It means no hope of initiating a program of long overdue housing rehabilitation and development.

For the city's minorities, it means the end of programs which have recruited and trained them for jobs in city government, and thereby raised minority employment on the City's payroll from 3% to over 13% in less than five years.

For all the city, the President's budget could represent a loss in direct and indirect employment and business of a quarter of a billion dollars. It will force unemployment back up, and negate two years of effort to lower unemployment from a high of 12% to a current 9%.

This is what the President's budget will or could mean just on the face of it, without trying to compute the loss of many state, regional, and county programs affecting the city, without trying to calculate the impact of the transfers of program authority from the city to other levels, without trying to figure out the changes in funding formulas, and without trying to anticipate future freezes and impoundments.

The President has offered three basic justifications for his proposed budget. He has said that it will combat inflation, that it will eliminate programs that have failed, and that it will revolutionize the delivery of social services under the banner of the new federalism. For my own part, I must challenge all three of these premises.

First, and very simply, I cannot accept the sacrifice of social programs in the name of preventing inflation, when there is at the same time proposed a $4 billion increase in the Defense budget, particularly coming at the conclusion of a war. I cannot accept this rationale, when the President refuses to recommend the reform of the inequities and privileges of the Federal tax system which help to promote inflationary business activity.

I agree with the President that some of the programs initiated as experiments under the New Frontier and the Great Society have not met expectations. I cannot condone, however, throwing the baby out with the bath water, nor can I understand why the Administration has not acted to apply the lessons of these programs in instituting new and better approaches to meet social needs.

Above all, I cannot accept this explanation when military programs which fail year after year to meet their objectives or exceed their budget by billions of dollars are not treated with the same severity as social programs. In all conscience, I must ask you how many years sooner might our prisoners have come home if this criterion of failure had been applied as forcefully to our commitment in Vietnam as it is to our commitment to America's cities.

Finally, on the issue of new federalism, I can only respond with confusion and dismay.

I, like most of us in this room, I am sure, applauded the President's call for a new American revolution, for the transfer of responsibility from a burgeoning national bureaucracy to the state and local governments.

In this spirit, we accepted general revenue sharing. Its intent was simple: give the cities back a portion of the funds which they have paid out so that they could avoid bankruptcy. Many of the mayors in this room, including myself, came to Washington again and again to lobby for general revenue sharing because we knew that without it, our governments could not fill the growing breach between the demand for additional city services, let alone new ones, and the local revenues available to us. In essence, we turned to the world's largest and most efficient tax collector for the same consideration afforded an ailing defense contractor.

But general revenue sharing has not turned out to be the savior we had hoped for. Even with revenue sharing, the City of Seattle faces a possible deficit next year of almost $7 million, solely because of inflation and higher labor costs and with no expansion of services or employment.

Special revenue sharing presents even dimmer prospects. Of the anticipated program losses I described earlier and itemized in the attachments to this testimony, special revenue sharing would make up barely half.

If these revenue sharing proposals and the Executive Budget are the new federalism, then I must say that cities have been deceived. We have been given greater responsibilities, but we have been denied the resources and the tools needed to fulfill them.

The new federalism has turned out to be a Trojan horse for America's cities. A gift left behind by an administration retreating from its basic responsibilities to the citizens. A hollow gift filled, not with enemy troops as in ancient Troy, but with impoundments and program freezes, with lopsided funding formulas, with broken promises and cynical pretexts, and with an Executive Budget that will spell disaster for human services and community development in every city in the nation.

Just before I left Seattle, I told a forum of over 300 citizens concerned about revenue sharing and the President's budget that the situation was not hopeless because there is still a Congress in this country. You, gentlemen, and your colleagues in the Senate and in the House of Representatives, are truly our only hope.

Statement on Manpower Programs

(Submitted on behalf of the U.S. Conference of Mayors)

The Administration's Fiscal Year 1974 Budget proposes a drastic reduction of Federal support for job creation and manpower training services. This stark impact is not obscured by the proposed expansion of authority of State and local governments over manpower programs. Nor can the reduction be hidden by the decision to stretch out expenditure of funds for the Public Employment Program through Fiscal Year 1974 or by the decision to reduce Fiscal Year 1973 expenditures for manpower training by recissions of existing appropriations.

In simplest terms, the Administration's Budget proposes to eliminate more than 50 percent of the funds presently available for job creation and manpower training.

It proposes to terminate the Public Employment Program (PEP). While this is to be accomplished by phasing out the program through Fiscal Year 1974, such a phase-out process does not conceal the fact that there will be some 180,000 less job opportunities in the public sector than there will be if PEP is continued.

It proposes no monies for summer programs for youth—no funds for jobs for young people, no support for recreation or transportation programs. Thus, nearly three-quarters of a million young people will not have a job this summer that did last year. It means that there will not be recreation and cultural programs for some two million young people. And it means that approximately a million young people will not have access to employment, recreational or cultural activities because there will be no funds for transportation support.

It proposes to reduce training services provided to the nation's unemployed and disadvantaged by over 35 percent.

PUBLIC EMPLOYMENT PROGRAM—PEP

The Budget proposed by the Administration makes no request for the continuation of the Emergency Employment Act of 1971. It proposes that the full $2.25 billion authorized for FY 1972 and FY 1973 be appropriated and spent. However, these funds will be used to phase out the program through Fiscal 1974.

This extended period for phasing out the program would ease the burden which Program Agents—State, County and City governments—will face in placing participants in unsubsidized employment or laying off does not change the fact that there will be no funds to continue the jobs created under PEP and that there is no alternative offered to help meet the public service needs of State and local governments.

PEP, to date, has had some 234,000 participants nationally. These participants have worked in some 181,000 jobs created under this program. Two hundred and twelve (212) cities of a population of 75,000 or more have served as Program Agents under the program. One-third of the jobs are administered by these cities. Countless more cities, of less than 75,000 population, employ PEP participants in their role as subagent to County or State governments.

The impact of the elimination of PEP is staggering. At the simplest level, it means that 181,000 employment opportunities which existed this year will be gone next.

It means that 181,000 man years of public service in State and local governments which has provided this year must be eliminated or will require additional local revenues to continue. No time extension without additional funds can obscure that fact.

Who are these people that PEP's elimination will throw back into a still glutted labor market? These are not, as has been too frequently implied, the temporarily displaced or the readily employable. Over 50 percent of the PEP participants of city Program Agents are members of minority groups and over 40 percent are disadavtanged. They are 40 percent veterans, nearly three-quarters of whom are veterans of the Vietnam era. Some 25 percent are under age 22. Twenty-five (25) percent have less than a high school education. These are not the characteristics of the readily employed.

What will be the impact on public services in our cities and States? The real toll that will be taken can only be measured city-by-city. We do not have the time to do that here. But let me give you some examples. In Canton, PEP meant that we were able to maintain the existence of the municipal transit system which otherwise would have closed. In Shreveport, the addition of Fire Department personnel resulted in an improved insurance rating for the city with the result that the average homeowner saves up to $20 per year on fire insurance premiums. In Denver, the response time for emergency medical services was cut in half. In Rochester, New York, PEP's elimination will result in the closing of six recreation centers and will wipe out the 40 percent increases in maintenance and repair of municipal property.

These are but several examples of the expanded public services which PEP made possible. In addition, over 60 percent of the city Program Agents utilized PEP to provide new and long needed public services. Drug abuse and rehabilitation clinics were initiated in Jersey City, Honolulu, Long Beach, Duluth, and Hayward, California, among others. Environmental protection programs were initiated such as recycling centers, riverbank stabilization, conduct of environmental impact studies, emissions inventories and pollution surveillance and compliance units. Consumer affairs units, programs for the elderly, paramedical services, security guards for housing and educational facilities—all of these were among the innovative and new programs which PEP enabled cities to undertake.

The statement of Dr. Jon Lindlof, Assistant Professor of Education at the University of Maine testifies to one more aspect of PEP's impact. Dr. Lindolf conducted training sessions for participants hired to fill the 90 teacher aide positions created with PEP funds in Maine. In expressing his feeling that the program had important effects on the public school systems in Maine, he noted—

"The introduction of aides, who in many cases are more truly representative of the socioeconomic status of students in the community, effectively improves communications between students and teachers. Secondly, the notion that education is best conducted with a pupil-teacher ratio of 1 to 30 has increasingly been recognized as a notion that places impossible burdens on teachers. The introduction of extra personnel with varying degrees of training effectively reduces the student-teacher ratio by half or more and makes possible successful individualization in the educational process."

If PEP is eliminated, what will happen to these teacher aides in the State of Maine?

The legitimate demand for increased public service is a constant in our cities. Every study conducted in the last 7 years, including a survey undertaken recently by the Senate Subcommittee on Employment, Manpower, and Poverty, reveals that States and local government could effectively use three to five times the number of employees that are now employed under PEP. And PEP's implementation has proven that the use of the word "effective" is valid.

SUMMER YOUTH PROGRAMS

The Administration's Budget proposes *no* summer program funds, be it for employment through the Neighborhood Youth Corps Program or assistance for recreational and cultural programs through the Recreation Support Program (RSP) and the Summer Youth Transportation Program (SYTP).

What the Budget offers is a cruel choice. If we want to undertake summer youth programs, we must either take funds from the already reduced monies available for manpower training services or we may be given the option to use some of the PEP monies for summer employment opportunities. In effect, the option is to prevent a parent from receiving needed training or eliminate a parent's PEP job in order to provide a summer job to their children.

The consequences of the elimination of these programs are made apparent by the results of the programs in the summer of 1972.

Funds for Summer Neighborhood Youth Corps provided 740,000 jobs for young people.

Funds for Recreation Support ($15 million) provided recreational and cultural programs which served over 2 million young people.

Funds for Summer Youth Transportation ($1.5 million) made transportation available to some one million young people for the purpose of employment, and recreational and cultural activities.

This is what will not happen this summer, under this Administration's proposed Budget.

And it should be noted that the need is even greater than the past summer's program could meet. A survey was conducted by the National League of Cities and U. S. Conference of Mayors of the cities' 1973 needs for summer youth program support. A copy of the results of that survey is submitted with this statement.

In summary, it indicates that the present real needs are some one million summer employment opportunities, nearly $25 million for recreation support and over $3.5 million for transportation support.

MANPOWER TRAINING SERVICES

In the area of manpower training services (those authorized under the Manpower Development and Training Act and the Economic Opportunity Act), the Administration proposes a budget authority of $1.340 billion for FY 1974. And it must be noted that this total includes $40 million transferred from OEO to the Department of Labor for migrant programs. Thus, comparisons with prior years' funding levels means that the figure for manpower training services for FY 1974 would be only $1.300 billion.

This figure compares to a Fiscal Year 1972 appropriation of $1.682 billion and a Fiscal 1973 anticipated budget of $1.549 billion, or reductions of 28 percent and 16 percent respectively.

We use the word "anticipated" for the FY 1973 budget authority with a purpose. The Administration, as part of its Fiscal Year 1974 budget proposes to reduce the Fiscal Year 1973 budget by some $375 billion. Thus, they now show an appropriation for Fiscal 1973 of $1.174 billion. This $375 million reduction is to be accomplished by rescinding $284 million of the already approved EOA appropriation and a revised request for appropriations under MDTA which is $91 million less than had initially been requested and included in the vetoed DoL-HEW appropriations bill.

This means a nearly 25 percent reduction during the present Fiscal Year. And this reduction is being accomplished with or without the benefit of Congressional action by means of budget cutbacks and enrollment freezes which were initiated administratively in December and which still continue.

By the Department of Labor's own statistics, this means there will be a reduction, in this Fiscal Year, of 25 percent in the number of man-years of training provided under MDTA and EOA programs. Again, using the Department's own figures, there will be a reduction of over 50 percent in the number of new enrollees in manpower training programs between Fiscal 1972 and Fiscal 1973. More than 700,000 potential enrollees will not be served this year. More than 130,000 man-years of training will be unavailable.

And that is within this Fiscal Year only. The Department's statistics project another decrease of 11 percent, or over 40,000 man-years of training in Fiscal Year 1974, compared to Fiscal Year 1973.

The Administration's budget states that they will move administratively to decategorize and decentralize manpower programs. This is a goal which we have long sought and continue to support, although we believe that its achievement would be better realized through comprehensive reform legislation. But while we support the goal, its accomplishment at the funding level proposed in the Budget will be a pyric victory.

SUMMER NEIGHBORHOOD YOUTH CORPS

City (rank in size)	Population	Slots				Dollars [2]
		1972 need	1972 actual [1]		1973 need	1973 need
Region I:						
Boston (16)	641,000	5,000	5,213	(4,692)	6,400	2,995,200
Region II:						
Buffalo (28)	463,000	4,268	2,238	(2,014)	6,834	3,198,312
Newark (35)	382,000	14,563	7,000	(6,300)	14,563	6,815,484
New York (1)	7,868,000	77,500	54,800	(49,320)	77,500	36,270,000
Rochester (49)	296,000	4,650	1,030	(927)	4,650	2,176,100
Region III:						
Baltimore (7)	906,000	9,420	7,712	(6,941)	9,420	4,408,560
Norfolk (47)	308,000	2,625	2,200	(1,980)	3,500	1,638,000
Philadelphia (4)	1,949,000	12,500	8,571	(7,714)	15,000	7,020,000
Pittsburgh (24)	520,000	9,265	5,670	(5,103)	9,265	4,336,000
District of Columbia (9)	757,000	36,000	3,999	(3,599)	20,000	9,360,000
Region IV:						
Atlanta (27)	497,000	3,408	4,680	(4,212)	5,388	2,521,584
Birmingham (48)	301,000	2,135	2,757	(2,481)	2,774	1,298,232
Jacksonville (23)	529,000	1,735	637	(573)	2,500	1,170,000
Louisville (38)	361,000	3,500	2,250	(2,025)	3,500	1,638,000
Memphis (17)	624,000	2,394	1,935	(1,741)	2,394	1,120,392
Miami (Dade county) (42).	335,000	8,226	5,429	(4,886)	8,226	3,849,768
Nashville (30)	448,000	2,000	1,700	(1,530)	2,000	936,000
Tampa (50)	278,000	6,515	2,649	(2,384)	6,515	3,049,020
Region V:						
Chicago (2)	3,376,000	40,000	31,617	(28,455)	40,000	18,720,000
Cincinnati (29)	452,000	3,000	3,592	(3,233)	5,000	2,340,000

SUMMER NEIGHBORHOOD YOUTH CORPS—Continued

City (rank in size)	Population	Slots: 1972 need	Slots: 1972 actual[1]		Slots: 1973 need	Dollars[2] 1973 need
Region V—Continued						
Cleveland (10)	751,000	11,100	12,457	(11,211)	12,500	5,850,000
Columbus (21)	540,000	2,000	1,650	(1,485)	1,800	842,400
Detroit (5)	1,511,000	25,000	18,488	(16,639)	25,000	11,700,000
Indianapolis (11)	745,000	2,500	2,100	(1,890)	3,000	1,404,000
Milwaukee (12)	717,000	3,000	3,379	(3,041)	3,379	1,581,372
Minneapolis (32)	434,000	2,735	1,800	(1,620)	3,080	1,441,440
St. Paul (46)	310,000	1,025	1,210	(1,008)	1,300	608,400
Toledo (34)	384,000	990	1,400	(1,260)	1,400	655,200
Region VI:						
Dallas (8)	944,000	2,280	1,505	(1,355)	2,280	1,067,040
El Paso (45)	322,000	3,000	1,168	(1,051)	4,672	2,186,496
Fort Worth (33)	393,000	1,507	155	(140)	1,507	705,276
Houston (6)	1,233,000	3,560	5,284	(4,756)	5,664	2,650,752
New Orleans (19)	593,000	5,000	3,085	(2,776)	5,000	2,340,000
Oklahoma City (37)	366,000	1,530	1,010	(909)	1,530	716,040
San Antonio (15)	654,000	5,514	5,080	(4,572)	6,000	2,808,000
Tulsa (43)	332,000	1,011	771	(693)	1,011	473,148
Region VII:						
Kansas City (26)	507,000	4,000	3,580	(3,222)	4,000	1,872,000
Omaha (41)	347,000	1,670	867	(780)	1,670	781,560
St. Louis (18)	622,000	5,910	8,060	(7,254)	9,000	4,212,000
Region VIII:						
Denver (25)	515,000	2,100	2,038	(1,834)	2,100	982,800
Region IX:						
Honolulu (44)	325,000	2,800	791	(711)	2,800	1,310,400
Long Beach (40)	358,000	432	384	(345)	432	202,176
Los Angeles (3)	2,813,000	24,568	25,319	(22,787)	27,491	11,700,000
Oakland (39)	362,000	5,850	2,050	(1,845)	5,850	2,737,800
Phoenix (20)	582,000	17,000	3,964	(3,567)	17,000	7,956,000
San Diego (14)	697,000	4,510	4,733	(4,259)	5,500	2,574,000
San Francisco (13)	716,000	8,000	4,000	(3,600)	8,000	3,744,000
San Jose (31)	446,000	3,535	1,910	(1,719)	3,535	1,654,380
Region X:						
Portland (36)	382,000	5,000	2,500	(2,250)	5,000	2,340,000
Seattle (22)	581,000	5,000	2,163	(1,947)	5,000	2,340,000

SAMPLING OF CITIES OTHER THAN 50 LARGEST

City	Population	Slots: 1972 need	Slots: 1972 actual[1]		Slots: 1973 need	Dollars[2] 1973 need
Akron, Ohio	275,425	1,216	1,190	(1,071)	1,351	632,268
Albany, N.Y	114,873	540	449	(404)	600	280,000
Albuquerque, N. Mex	243,751	1,000	815	(733)	1,000	468,000
Amarillo, Tex	127,010	1,092	820	(738)	1,200	561,600
Baton Rouge, La	165,963	225	150	(135)	250	117,000
Columbia, S.C	113,542	1,825	2,030	(1,827)	2,030	950,040
Columbus, Ga	154,168	1,820	1,720	(1,548)	2,000	936,000
Dayton, Ohio	243,601	1,500	1,320	(1,188)	2,500	1,170,000
Des Moines, Iowa	200,587	750	750	(675)	750	351,000
Erie, Pa	129,231	950	950	(855)	950	444,600
Flint, Mich	193,317	1,800	920	(828)	2,000	936,000
Ft. Lauderdale, Fla	139,590	540	600	(540)	600	280,800
Gary, Ind	175,415	4,447	3,500	(3,150)	4,447	2,081,196
Greensboro, N.C	144,076	871	880	(792)	968	453,028
Hartford, Conn	158,017	2,730	2,495	(2,245)	3,000	1,404,000
Jackson, Miss	153,968	757	403	(363)	757	354,276
Knoxville, Tenn	174,587	1,520	1,520	(1,368)	1,520	711,360
Lansing, Mich	131,546	900	460	(414)	1,000	468,000
Lincoln, Nebr	149,518	350	386	(347)	400	187,200
Little Rock, Ark	132,483	1,320	72	(65)	1,320	617,760
Mobile, Ala	190,026	900	756	(680)	950	444,600
Montgomery, Ala	133,386	500	557	(501)	570	266,760
Riverside, Calif	140,089	150	75	(67)	150	70,200
Santa Ana, Calif	156,601	2,550	1,900	(1,710)	2,800	1,310,400
Savannah, Ga	118,349	600	550	(450)	650	304,200
Shreveport, La	182,064	637	628	(565)	700	327,600
Syracuse, N.Y	197,208	1,365	1,200	(1,080)	1,500	702,000
Tacoma, Wash	154,581	600	588	(529)	600	280,800
Wichita, Kans	276,554	980	1,075	(967)	1,075	503,100
Winston-Salem, N.C	132,913	850	750	(675)	850	397,800
Worcester, Mass	176,572	825	705	(634)	900	421,200
50 largest total		410,831	278,490	(250,641)	421,930	197,463,240
Balance of cities		537,893	461,732	(415,559)	597,061	279,424,548
Total		948,724	740,222	(666,200)	1,018,991	476,887,788

[1] All figures in the above chart represent 10-week slots except the 1st column under 1972 actual which are 9-week slots.

[2] Dollar figures represent 10-week, 26-hour slots at $1.65 per hour.

SUMMER RECREATION SUPPORT PROGRAM (RSP)

	1972 need	1972 actual	1973 need
Region I:			
Boston	$180,000	$168,000	$350,000
Region II:			
Buffalo	120,000	123,000	125,000
Newark	140,000	100,000	200,000
New York	2,934,000	2,336,000	2,934,000
Rochester	95,000	68,000	136,000
Region III:			
Baltimore	335,000	302,910	335,000
Norfolk	180,000	132,000	201,500
Philadelphia	700,000	543,000	1,000,000
Pittsburgh	165,000	168,000	203,000
District of Columbia	364,000	245,000	364,000
Region IV:			
Atlanta	180,000	143,000	180,000
Birmingham	170,000	120,000	170,000
Jacksonville	175,000	150,000	250,000
Louisville	130,000	96,000	130,000
Memphis	305,000	264,000	305,000
Miami (Dade County)	192,000	126,000	192,000
Nashville	150,000	150,000	200,000
Tampa	175,000	132,000	175,000
Region V:			
Chicago	2,100,000	913,000	2,100,000
Cincinnati	175,000	135,000	175,000
Cleveland	205,000	230,000	380,000
Columbus	211,000	132,000	211,000
Detroit	897,000	399,000	897,000
Indianapolis	195,000	130,000	260,000
Milwaukee	155,000	144,000	160,000
Minneapolis	96,000	63,000	130,000
St. Paul	58,000	36,000	58,000
Toledo	120,000	84,000	120,000
Region VI:			
Dallas	$285,000	$228,000	$285,000
El Paso	200,000	194,000	250,000
Fort Worth	173,000	108,000	175,000
Houston	440,000	350,000	440,000
New Orleans	300,000	306,000	500,000
San Antonio	400,000	324,000	500,000
Tulsa	115,000	92,000	200,000
Oklahoma City	170,000	108,000	170,000
Region VII:			
Kansas City	130,000	118,000	200,000
Omaha	96,000	61,000	96,000
St. Louis	384,000	254,000	405,000
Region VIII:			
Denver	170,000	126,400	170,000
Region IX:			
Honolulu	99,000	70,000	140,000
Long Beach	125,000	72,000	125,000
Los Angeles	650,000	552,000	650,000
Oakland	125,000	104,000	125,000
Phoenix	200,000	144,000	288,000
San Diego	200,000	164,000	825,000
San Francisco	250,000	180,000	250,000
San Jose	100,000	85,000	100,000
Region X:			
Portland	135,000	89,000	135,000
Seattle	129,000	89,000	129,000
50 largest total	15,928,000	11,451,310	18,096,500
Balance of cities	6,030,000	3,548,690	6,850,080
Total	21,958,000	15,000,000	24,946,580

SUMMER YOUTH TRANSPORTATION PROGRAM (SYTP)

	1972 need	1972 actual	1973 need
Region I:			
Boston	$20,000	$10,700	$20,000
Region II:			
Buffalo	13,000	7,500	13,000
Newark	39,500	23,437	69,300
New York	251,400	149,130	500,000
Rochester	12,000	7,500	15,000
Region III:			
Baltimore	35,000	21,100	35,000
Norfolk	12,000	7,500	25,600
Philadelphia	24,360	24,360	100,000
Pittsburgh	22,000	12,650	22,000
Washington, D.C	38,700	22,960	100,000
Region IV:			
Atlanta	$30,000	$12,080	$30,000
Birmingham	24,000	13,790	24,000
Jacksonville	14,000	6,300	14,000
Louisville	12,500	7,500	12,500
Memphis	18,000	11,860	18,000
Miami (Dade County)	23,000	12,000	23,000
Nashville	12,000	7,000	12,000
Tampa	17,000	7,500	0
Region V:			
Chicago	70,000	42,240	70,000
Cincinnati	15,000	7,920	15,000
Cleveland	35,000	19,310	35,000

	1972 need	1972 actual	1973 need
Region V—Continued			
Columbia	$17,000	$8,640	$17,000
Detroit	75,000	36,560	75,500
Indianapolis	15,000	8,480	15,000
Milwaukee	65,000	47,280	66,192
Minneapolis	20,000	12,380	75,000
St. Paul	12,500	7,500	12,500
Toledo	15,750	7,990	20,000
Region VI:			
Dallas	23,990	19,340	23,990
El Paso	58,900	38,900	77,800
Forth Worth	15,000	8,130	15,000
Houston	45,000	25,060	0
New Orleans	25,000	14,790	25,000
Oklahoma City	25,000	14,000	25,000
San Antonio	26,570	14,570	26,570
Tulsa	12,500	7,500	20,000
Region VII:			
Kansas City	50,000	13,970	50,000
Omaha	15,000	13,500	16,000
St. Louis	43,500	25,790	43,500
Region VIII:			
Denver	$29,000	$18,320	$29,000
Region IX:			
Honolulu	15,000	7,500	15,000
Long Beach	16,000	7,500	16,000
Los Angeles	82,870	82,870	164,000
Oakland	28,000	15,000	28,000
Phoenix	23,000	11,740	25,000
San Diego	30,000	14,360	30,000
San Francisco	25,000	11,970	25,000
San Jose	8,160	7,500	9,000
Region X:			
Portland	13,000	25,000	25,000
Seattle	32,100	19,060	32,100
50 largest total	1,608,940	979,487	2,155,552
Balance of cities	1,141,060	520,513	1,527,879
Total	2,750,000	1,500,000	3,683,431

Testimony of the Honorable Roman S. Gribbs, Mayor of the City of Detroit and President of the National League of Cities

Thank you for inviting the Mayors of America's major cities to be heard on the proposed Federal Budget for Fiscal 1973–74.

In expressing my profound concern over the direction of his budget, I speak not only for my city, Detroit . . . where the effect may well be paralytic . . . but, as President of the National League of Cities, I speak for all urban centers in this country, struggling against poverty, disease, poor housing, unemployment and crime.

The President's budget for 1974, the financial vehicle for national priorities, would decimate many of the programs designed to contain and combat the social evils that plague our cities. These budget cuts will most drastically affect minority groups, the poor, the aged, and the ill. These cuts will give impetus to a new cycle of decay in American cities. If the cities decay, it will be a betrayal of this country's expressed commitment to its people. And this Nation cannot long endure without vital cities.

The President made a major point in his inaugural address, his State of the Union Address, and again in his budget message, of his philosophy that, both the power to decide issues and the responsibility for those decisions must be returned to the American people . . . to the local level. I share this view. However, I vigorously dissent with his statement that local governments are not maintaining their fair share of the burden of government.

In his Inaugural address, the President said:

"Let us encourage the individuals at home to do more for themselves, to decide more for themselves. Let us locate responsibility in more places, and let us measure what we will do for others by what they will do for themselves."

I submit that the central cities of this country are doing just that . . . they are doing much for themselves.

What we have done for ourselves in Detroit is to impose a utility users tax and a 2% city income tax, at maximum statutory levels, on the already heavy burdens of federal and state taxes—an income tax which is paid mainly by the city resident with only token payment by the commuter. Thus those people who can least afford it are shouldering the major burden of support for a local government which is hard pressed to keep its head above the flood of poverty, unemployment and other ills endemic to the big city.

The President in his Inaugural speech also says:

"General Revenue Sharing and Special Revenue sharing programs can help considerably in Achieving this goal (of local decisionmaking and local responsibility.) They provide for State and communities with financial assistance—in a way that allows them the freedom and the responsibility necessary to use those funds most effectively."

Let me give you my reaction to his proposals for these two types of revenue sharing separately.

The whole intent and philosophy behind the passage of General Revenue Sharing was a recognition of the stark fact that the basic needs of American cities had outstripped their financial resources, General Revenue Sharing was the Congress' and the President's answer to the cities' plea for outside *additional* help.

If the President terminates, and phases out many of the categorical federal programs which provide the cities with assistance in the vital areas of health and community Redevelopment, and says it is to be replaced with General Revenue Sharing, what will be the City's gain? All the *extra*, let me repeat, *extra*, financial support we expected from General Revenue Sharing, will be wiped out if these funds must be substituted for lost programs. The use of this substitution logic is completely contrary to the expressed intent of General Revenue Sharing . . . and a personal commitment the President made to us.

Special Revenue Sharing *should* be a good idea. I welcome the responsibility of making my own decisions about where the funds should go in Detroit. I welcome being held responsible for those decisions. I agree with President Nixon that:

"Federal programs to assist state and local governments have become a confusing maze, understood only by members of a new, highly-specialized occupation—the grantsmen."

However, I cannot condone the dual purpose here—Special Revenue Sharing is being promised, but only after phasing down and in some cases phasing out vital programs which have taken years to build to their present level of service. The President is not only condemning our cities to flounder next year, but his budget will adversely affect them in the years beyond as program momentum is lost.

In justifying an impoundment of urban renewal program funds, the President has said:

"Federally-assisted housing programs have been plagued with problems, and their intended beneficiaries have thus been shortchanged."

I am not so naive as to suggest that nothing can be done to improve our housing and urban development programs.

These programs do exist. They affect human lives. They do alleviate real human miseries. Can I tell Detroiters to wait three years for safe, warm homes, while the President irons out his program flaws?

In other areas, especially those of hospital construction, and unemployment, the President's generalizations ignore urgent needs in Detroit and other urban centers. He has condemned the Hill-Burton construction act as having outlived its usefulness, claiming that a shortage of hospital beds no longer exists. I invite the President to tour our Detroit General Hospital, with its crowded, ill-equipped, outmoded facilities. Without Federal aid, the City will not be able to build a new Detroit General Hospital, and consequently will be unable to provide its residents with adequate health care.

Speaking to the issue of unemployment, the President has said:

"During the past two years, the Federal budget has provided the fiscal stimulus that moved the economy toward full employment . . . Now, however, instead of operating as a stimulus, the budget must guard against inflation."

With this thought, he has apparently doomed the Emergency Employment Act Program.

While it is true that unemployment nationally has fallen from 6.4% to 5.5% in the past year, Detroit's employment picture is not so optimistic. Last year, Detroit's unemployment averaged 10.67%. This January, the figure is still high—8.2% in terms of people, this means that 54,000 Detroiters are still unemployed. If the public employment program is discontinued, over 2,500 city and board of education workers would be back among the unemployed. In addition, the 18,000 young people employed last summer under the neighborhood youth corps programs could not be hired. The O.E.O. cuts would mean a staff reduction of 600 in Detroit's Community Action Programs—not to mention the much needed services they provide the community.

Assistant Labor Secretary Michale H. Moshow, has suggested using General Revenue Sharing to retain those programs. Let me again emphasize that General Revenue Sharing was allocated to the cities of America in recognition of a need for *Extra* revenue, not re replace funding for *on-going* Federal programs.

The 20% Federal cut in other manpower programs would also cut the staff of Detroit's Office of Manpower Planning which is funded on a *CAMPS* grant. This reduction would impede our capability to respond to the severe unemployment problem which will arise, especially if the public employment program is allowed to end, and H.E.W. and H.U.D. programs are phased out.

In the category of Manpower Programs we estimate that if the Public Employment Program is phased out, and other manpower Programs are reduced as the President has proposed, Detroit will lose $7 million next year.

The President has ordered the Environmental Protection Agency to allocate only $5 billion out of an available $11 billion for fiscal years 1973 and 1974 for the construction of municipal water pollution control facilities. Over the next 16 months, this will mean the loss of $123 million to Detroit in Federal support, an action which will cripple Detroit's plan to meet the Federal Environmental Protection Agency's Pollution Control Standards.

Detroit's Lead Poisoning Control Program has been highly successful in combating a serious problem in our City with its large number of older homes. The President has proposed constricting and eventually phasing out this program.

The PRESCAD Program in Wayne County has already been limited by funds to reach only 25,000 of the 80,000 young people in our area who should receive their services. Both PRESCAD and the Detroit Maternal Health and Infant Care Programs are being cut by 40% to a total 1974 funding level in Detroit of $1.5 million as compared to $2.5 million in 1973.

PRESCAD provided the only significant program of dental care for indigents and the greatest part of our medical care programs for children and adolescents. This cut will be felt deeply.

Public housing operation subsidies have been frozen. As you are aware, subsidies for the operation of existing public housing have been limited to a 3% annual increase, based on 1971–72 spending levels. Expenditures, primarily in the area of salaries and employee benefits, have grown at a rate higher than 3%. Through careful use of operating reserves built up in past years, the Detroit Housing Commission may be able to maintain its current level of services for a limited period. A City subsidy of $1.5–$2 million or an equivalent cut in services will then be required. I am informed that several cities have already begun suits against H.U.D. over such unrealistic funding limitations.

In housing, Urban Renewal and Neighborhood Development Programs, the President has set aside no new money, and has killed all new programs. If these reductions are allowed to take place, Detroit's Community Development and Urban Renewal efforts will be set back by at least two years—given the lead time necessary for such programs to show results.

The President intends to dismantle O.E.O., killing the Community Action Program entirely. This would translate into a loss of $6,100,000 for Detroit. It could deal a tragic blow to what little faith the minorities and disadvantaged had in the system and its concern for them.

Our Model Cities Programs, just now gaining momentum and chalking up results, will be cut 45%, or 13 million dollars.

Reductions in other sensitive human resources programs including Parent and Child, Concentrated Employment Program and the Neighborhood Youth Corps Summer Program will mean a $5,490,000 loss to us in Detroit.

I believe the President is making a grave mistake in his wholesale cut in human resources and Community development activities. Special Revenue Sharing must be used to conceal total revenue cuts. The money he saves in 1974 will exact a tremendous cost in human misery. I predict there will not really be any savings at all because these problems will not cure themselves. As they are left uncured, they will increase and treatment of them will become even more expensive in the years ahead.

We in Detroit have worked long and hard to preserve and enhance our cities' human and economic resources. The proposed budget cuts would be a giant step backward for Detroit and America's cities. We urge Congress to take positive action to continue and strengthen the real federalism—by providing the funds and the programs so urgently needed by our urban centers.

TESTIMONY OF NORMAN Y. MINETA, MAYOR OF SAN JOSE, CALIF., AND CHAIRMAN OF THE THE U.S. CONFERENCE OF MAYORS COMMUNITY DEVELOPMENT COMMITTEE

Senator Muskie, Members of the Committee, I am Norman Mineta, Mayor of the City of San Jose, California and Chairman of the U.S. Conference of Mayors Community Development Committee.

In my testimony today I would like to address three items which are in President's budget, or should I say in some instances are noticeably not in the budget, which are of vital concern to the cities.

They are (1) the issue of the Administration's so-called Community Development Special Revenue Sharing which is proposed by the Administration to commence in Fiscal 1975; (2) the budget or lack of one to fund community development activities during the FY '74 transition period, during which time the Administration indicates that cities are supposed to prepare for the advent of the so-called Special Revenue Sharing measure, and; (3) the Administration's unfortunate freeze of the federally assisted housing programs for which the budget seems to suggest no concrete remedies.

I. THE ISSUE OF DO CITIES SUPPORT COMMUNITY DEVELOPMENT SPECIAL REVENUE SHARING/COMMUNITY DEVELOPMENT GRANT CONSOLIDATION

Let me begin by clarifying one very important semantic issue. It is that the so-called Special Revenue Sharing measure which was proposed by the Administration two years ago and is once again called for in the President's current budget is not revenue sharing in the sense that we have been using that term in connection with the general revenue sharing measure which passed Congress last year.

Instead it is a concept of grant consolidation which would provide for the merging of several existing categorical grants-in-aid into a single block grant to be allocated to the units of local general purpose government on a formula basis. An application would be required and funds would be used by those governments for the defined, consolidated and eligible activities enumerated in the Act, in accordance with local priorities.

As to whether we favor the Block Grant method of allocating funds to cities for Community Development purposes, let me point out that the U.S. Conference of Mayors has repeatedly acknowledged the difficulties that the continual creation of separate, narrow categorical programs has posed for cities.

It was the stated policy of the USCM as early as 1967 to seek grant consolidation legislation. In terms of the specifics of the Community Development Block Grant legislation which almost passed Congress last session, I have to point out that over two years ago—in November, 1970, to be exact—our USCM legislative staff was already assisting the House and Senate Housing Committees in the drafting of their own community development block grant bill. That effort was joined by the Administration when the President's bill was sent to Congress in March of 1971.

As to the President's specific proposal, we of course, have not seen what the Administration will propose in this year's version of their bill. But the specifics of the yet to be introduced Administration measure are not the issue. For we are confident that through the fine cooperation we have had in the past with the substantive committees of both Houses, we will be able to fashion Community Development Block Grant legislation which will be responsive to cities' needs.

Returning to the point then of our position, as to the President's so-called Community Development Special Revenue Sharing proposal, our position is that we are not only grateful for the support we have so far received from the Congress, but we are delighted that the Administration has once again chosen to support the Mayors' proposition that Community Development grant consolidation should take place. We did not support the President's original bill in many of its details when it was first put forth two years ago. I would not be surprised to find that we will not support all of the key details of his resubmitted bill this year. But what is important is the President's continued support for our concept that there be Grant Consolidation. Within the context of the Congressional process, we are confident that we can work out the details of a satisfactory piece of legislation.

Senator Muskie, I would like to add at this point that I find myself in basic agreement with most of the points you raised in your address before the Intergovernmental Relations Committee of the National Legislative Conference and your remarks in introducing S. 834 earlier this month.

As you know San Jose is participating in and is attempting to positively influence the development of such efforts as planned variations, the use of Chief Executive Review and Comment, and annual arrangements.

We also share your concerns over the difficulties involved in focusing General Revenue Sharing funds on relevant local problems. In fact, a member of my staff has written management guidelines dealing with the issues you raise as they relate to Annual Arrangements and General Revenue Sharing, which have been published by ICMA for use by the City Managers throughout the nation, which I will submit for your review.

But the point I agree with you most heartily on is when you said, "when faced with the legitimate call for a more efficient Federal structure, and for greater attention to the capacities of local government to judge and meet local needs . . . my own response . . . is to reform the grant process, not junk it."

The Community Development Block Grant, in our judgment, would be such a reform.

I believe it would be useful to remind the committee of the salient elements we feel should be in such legislation. They are:

1. That the allocation and distribution of funds be made directly to units of general purpose local governments;

2. That the consolidated activities include at least HUD's major Community Development programs of urban renewal, neighborhood facilities, open space land, basic water and sewer facilities, and model cities;

3. That the authorization and appropriation for the Consolidated Community Development Block Grant Program be adequate to cover the pressing needs cities have to carry out the activities being consolidated. I should point out that the President's budget calls for a $2.3 billion appropriation commencing in FY 1975. That figure is close to the recent annual program levels for the programs the President's budget proposed to consolidate. May I suggest that we in no way agree that the current appropriation levels for the present programs of urban renewal, open space land, etc., are adequate to meet America's domestic needs.

4. That adequate provision be provided to insure a minimum funding guarantee ("hold harmless") to those cities currently involved in federally funded community development activities so as to enable such cities to maintain their existing capacity and momentum if they wish to do so;

5. That the definitions in the list of eligible activities describe a broad, flexible physical development instrument which can and should include necessary supportive social services and on-going executive planning and management activities;

6. That there be a requirement that each

community, prior to funding, file an application setting forth evidence of a locally determined comprehensive community development plan which demonstrates that the community has addressed its slums and blight problems, its low and moderate income housing problems, and its needs to improve the delivery of social services in conjunction with its basic community development program;

7. That the federal grant should equal 100% of the project cost and that there be no local share requirement;

8. And that the measure provide a programmatic link between the allocation of community development block grant funds and the distribution of federally assisted housing resources.

II. THE ISSUE OF TRANSITION

We have said that we support not only the concept of the Community Development Block Grant, but that it is *our* concept. Further, with continuing Congressional support the prognosis for a successful legislative effort which would implement this concept of providing aid to local governments seems to be favorable. Therefore, assuming the development and ultimate passage of such a measure, we must focus our attention on the period of transition required to move from the present use of the collection of categorical grants affecting Community Development to the simpler block grant.

The President's budget proposes that the Block Grant begin on July 1, 1974, some 16 months from now. As the Committee of course knows, this legislation has yet to be introduced into the 93rd Congress let alone enacted. Given that fact together with the manner in which the national funding mechanism for the block grant will function in that it will require local communities to develop and submit an acceptable plan for the utilization of these funds prior to the receipt of funds, the contemplation of a 16 month transition period may constitute a reasonable and realistic schedule.

Keep in mind that what is involved here is a shifting in the way we have been addressing our community development problems for the past several years. Under the present categorical grant in aid system we address our community development needs in part by filing hosts of applications for Federal assistance, each drawn up within the narrow terms of the specific categorical programs guidelines and drawn against the vicissitudes of specific congressional appropriations and administrative allocations. In each instance the federally assisted community development action involved is dependent upon the separate favorable approval of each specific application. Under such a system the potential for fragmentation or dilution in impact of our local community development effort through the favorable funding of some programs and not others is very high. This provides overwhelming obstacles to our ability to deal with our community's development requirements in a comprehensive fashion.

While the block grant will eliminate the potential of piecemeal funding of an overall community development effort, it will bring with it a whole new set of "problems" that locally we will have to face.

Principal among these is that each local government will now have to carry out some rather sophisticated priority planning as to which of its host of community problems will receive priority attention. The block grant, irrespective of the authorization/appropriation level, will not provide adequate funding to cure our community development problems in the first year—or for many years. As an example, under the community development block grant legislation which passed the Senate last year, assuming a $2.3 billion national appropriation San Jose would have received an annualized block grant of some $6,385,000. But in San Jose we have for some time identified some $656,000,000 in needed community improvement for which these funds could be addressed.

The point is that locally it will be incumbent upon us to rationalize a total program of community development in order to effectively utilize the sparse block grant funds. It will probably mean shifts in personnel, reassignment of duties, and a host of local actions. We welcome the responsibility to be held accountable for our community's development priorities; and we will welcome the removal of the narrow guidelines which have sometimes hamstrung us when we wanted to move boldly, and often protected us when the people in our communities asked us why we were proceeding in a particular fashion. But the point is also that the block agent is not a panacea and for some of us the local transition actions which will be required are going to be tough.

Does the President and his Administration seek to help us with the task of transition which lies before us? Have they been trying to help stabilize as many of the community development variables as possible? Absolutely not! In a most insensitive and perhaps even inhuman fashion they have compounded our task of transition by callously freezing, curtailing, abolishing, and repudiating many of the essential elements of our community development effort.

On January 5, 1973 they brought to a halt—froze—the open space, water and sewer program, public facility loan, and all federally assisted housing programs.

On February 1, 1973 by administrative fiat, without so much as a phone call to a single mayor, let alone Congress, they administered a disastrous halfing of the Model Cities program by reducing the national program level for that program by some 45%.

The President's budget essentially calls for no new monies for any of HUD's Community Development programs in FY 1974, with the minor exception of a token amount needed in order to close out a number of urban renewal projects.

Further, the budget in terms of the language itself, goes on to repudiate the merits and usefulness of some of our most effective community development programs. . . . the very programs which we and *they* are proposing to consolidate into the block grant.

In short, rather than trying to help the nation's cities in making the transition from the categorical grant system to the block grant, they have compounded our effort by cutting the new program commitments for the programs I have just mentioned from $2.9 billion to a token $500 million, and questioning the wisdom of some of the principal components of the block grant itself.

[In thousands]

	Fiscal year 1973 new program commitment level prior to the freeze	Administration proposed fiscal year 1974 new program commitment level
Community development categorical programs:		
Urban renewal	1,000	137
Model cities	620	0
Rehabilitation loans	70	0
Neighborhood facilities	40	0
Water and sewer	200	0
Public facility loans	40	0
Open space	100	0
Subtotal	2,070	137
Federally assisted housing:		
Public housing	473	350
235	150	0
236	170	0
Rent supplements	48	0
Subtotal	841	350
Grand total	2,911	487

The Administration has apparently made two assumptions, each equally invalid. The first is that we mayors want the Block Grant so desperately that we will endure anything to get it. I can tell you, Senator, that under these circumstances imposed by the administration's concept of transition, I would rather fight than switch.

The second equally invalid assumption implicit in the impoundments, freezes, and the President's budget is that the nation can survive a year and one-half of no programs. To that let me suggest a truth that every mayor knows first hand—and that is that America's problems cannot be postponed any more than they can be ignored.

Our position is simple. There must be provision for the full funding of the categorical grant/community development program during the transition period . . . . right up to the commencement of the Block Grant.

We, therefore. urge this committee to make its feeling in that regard known to the members of the Appropriations Committee.

III. THE ISSUE OF THE FEDERALLY ASSISTED HOUSING PROGRAMS

Let's turn now to our position on the federally assisted housing programs, which is one of utter amazement and disbelief.

1. As you know the President, in a unilateral action, without any prior consultation with the Congress, terminated the assisted housing programs on January 5, 1973. The Administration's budget released several weeks later reaffirmed the January 5 moratorium, and gave the details of the size of the impoundments resulting from the freeze. The budget shows *no* funds to be available during the next 16 months for new commitments, although the Administration has indicated that some low level of new commitments would be permitted "to meet statutory or other specific program commitments."

I am not a constitutional lawyer but let me say that if the unilateral action terminating these housing programs was not unconstitutional, it most certainly was unethical and immoral. By such action the Administration is reneging on our nation's commitment to try and provide a decent home in a suitable living environment for every American family.

2. In terms of understanding the devastating impact of this action, you must look beyond the mere budgetary impact of the federal dollars that now will not be spent and look at local impact in terms of the housing efforts which now will not happen.

Because of the housing moratorium, the level of new commitments for HUD assisted housing programs in FY 1974 will drop by 93% from the FY 1972 level.

[FY 1972—426,924; FY 1974 anticipated level is 29,800]

The level of new commitments in FY 1973 will drop by 62% from their originally anticipated level.

[500,800 units in the original FY 1973 budget; 195,000 units in the adjusted budget.]

Because there were housing units already committed to contract or approved before the January 5, 1973 freeze, there will be a continuing level of new construction starts in FY 1974. While this FY 1974 level only represents a slight reduction in construction starts from the anticipated FY 1973 level, it represents a 27% reduction from the level of new housing starts in FY 1972. Construction will drop off drastically in FY 1975 because of no new commitments in FY 1974.

[FY 1974—232,400 projected; FY 1973—259,100 originally anticipated; FY 1972—322,025 actual new starts.]

The moratorium on new commitments will leave unused substantial amounts of existing contract authorization for the rent supplement, Section 235 and 236 programs. The total for these three programs, $531.1 million, could produce some 485,500 new housing units for low and moderate income families.

All of this tends to make a mockery of the ten year national housing goals established in 1968, and will by the end of FY 1974 place our national housing effort some 45% behind schedule.

The President's decision not to spend these housing program funds and not use the contract authority available under the Section 235 and 236 programs will have a profoundly adverse economic impact locally. Not making good on the anticipated new housing starts which would have been spread over FY '73, '74, and '75 will result in a loss locally of $7.5 billion in new housing construction activity, with a total economic impact including related facilities and services of $19.3 billion. We estimate the employment loss at 2.2 million man-years.

3. I have previously indicated our commitment to the concept of comprehensive community development and our support for legislation to provide a block grant in this regard. The President's pronouncement would also indicate his concurrence with such an objective. What the President's action relative to the housing programs ignores is the fact that a significant part of the requirement for the effective use of the Community Development Block Grant will be predicated upon the local community's ability to address their housing needs. In most major communities this will require the provision of low and moderate income housing. I am not referring solely to the absolute necessity for using such housing programs as relocation resources in order to facilitate efforts such as urban renewal. Rather I am suggesting that the provision of housing for persons of all income levels including low and moderate income has become an integral part of the business of providing for the quality of urban life; a factor in industrial location; and part of the whole issue of comprehensive community development. We simply cannot meet our contemporary urban needs without the subsidized housing programs.

4. We acknowledge that some existing housing programs may not have functioned as well as they should have. In some areas we ourselves have pointed out the difficulties with them. One of the key issues for example which causes us problems has been the very minimum amount of impact we mayors have been able to exercise over the utilization of these programs, which at present depend primarily on the relationship between the developers and HUD.

Notwithstanding these problems, it would seem that the appropriate way for a civilized nation to conduct responsible government would be to not truncate these vital, but perhaps imperfect, existing programs until viable alternatives had been created.

We are prepared to support and participate actively in the development of legislation which would modify as necessary the federally assisted housing programs so that they might be of greater benefit to the people they were designed to serve . . . namely the people of our cities.

IV. THE ISSUE OF THE IMPACT OF ALL THIS ON OUR NATIONAL URBAN POLICY

I would like to close my testimony with a brief caveat regarding the long term consequences of what has been proposed by the administration and what we are proposing as it relates to our National Urban Policy.

I have been focusing on our immediate concerns over the budget slashes in the programs for housing, model cities, water & sewer, parks and the like. These matters get our priority attention because they affect the immediate issue of our survival. But as mayors, we have become increasingly aware of the enormous consequences that other federal policies are having in undermining our efforts to restore and revitalize urban areas.

I will not presume further on the committee's time to discuss this point other than to say that we now realize that there is a wide but identifiable array of federal policies beyond those we have been discussing, which taken together constitute an inadvertent national urban policy, a policy which in many instances is counterproductive to our community development efforts. Elements of this inadvertent policy include our national tax policy which both encourages depreciation of old center city structures and, aided by federal housing policy, encourages home ownership in the suburbs. We now recognize that the impact of national monetary policy, patterns of military procurement, highway policy, welfare policy, etc., when taken together have had effects far more profound in terms of the contemporary design of urban America than have our specific urban programs. Therefore, as we attempt to deal with the budget crisis we have at hand, we will also be working to increase the public awareness of the nature of our inadvertent national urban policy, and to focus national attention on the need for Congress and the Executive to take remedial action to alter the harmful consequences of these existing policies.

TESTIMONY OF MAYOR HENRY W. MAIER, MAYOR OF MILWAUKEE

Senator Muskie, and members of the committee.

The budget document before you contains a series of broken promises to the Mayors of America. Those who will suffer most from those broken promises will be the poor, the elderly, the untrained, the unemployed, the sick, the school drop-outs and other victims of poverty who are concentrated in our cities. Those who will pay for them will be the local property taxpayers.

The last time a group of mayors lined up jointly at a congressional witness table, we were testifying on behalf of the general revenue-sharing bill enacted by Congress in the last session.

The mayors were united behind that witness table, and behind the bill, because we had been assured, not in general terms, but explicitly, that general revenue-sharing was not to be a substitute for on-going Federal categorical programs. That explicit assurance was given by the President himself at a meeting held at the White House with the governors, mayors and county officials.

Consistent with this understanding, the President in his budget message cites revenue-sharing as something that "will help state and local governments avoid higher taxes."

But when we read the budget itself, we find that the rhetoric of the message has not been reconciled with the reality of the reductions.

Or, to put it more bluntly, the President is breaking the promise he made to us at the White House.

Explaining the termination of grants for local community action programs, the budget states:

"If communities desire to continue providing financial support to local community action agencies, general revenue-sharing funds could be used."

In phasing out open space land programs, the budget reads:

"Provision of local open space is a low priority use of Federal resources. Local communities may continue to provide public open space through the use of Federal shared revenues."

In cutting off grants for public libraries, the budget declares:

"With the increasing availability of general revenue funds, states and localities will be able to continue programs formerly supported by Federal categorical assistance programs."

Gentlemen, when you add up the effects of the Presidential impoundments of funds already appropriated by Congress, the freezing of HUD programs announced by outgoing Secretary Romney, and the deep slashes in the Presidential budget before you, we find the cities to be worse off financially than before general revenue-sharing was enacted. I shall demonstrate that specifically when I later discuss how the cutbacks will affect my own city's programs.

On top of this, we find the President's budget saying to the people whose programs were not administered by the city government, such as the school board, county government, and social development commission in the case of my city—if you want these programs continued, go to city hall and have them financed out of general revenue-sharing funds.

Milwaukee received about $11 million in general revenue-sharing funds the first year. The social programs administered by agencies other than the city are slashed by more than $20 million by the President.

The attempt to substitute general revenue-sharing funds for categorical aid programs represents a gigantic double-cross of the rural poor and city poor of America. General revenue-sharing funds were distributed across the board to every municipality in America—the gold coasts of suburbia as well as the bankrupt inner cities and rural townships. Through general revenue-sharing, the rich suburbs get richer, through categorical cuts, the inner cities and rural townships get poorer.

The mayors who campaigned across the country for revenue-sharing are the victims of a cruel hoax if these cuts are allowed to stand.

But this is not the only hoax. Before the election, President Nixon had promised relief for local property taxpayers by having the Federal Government take over some of the costs of education now borne by the local property tax. That promise has now been forgotten.

Now another hoax is being perpetrated. President Nixon is creating the impression—and a lot of our citizens, particularly businessmen, are buying it—that all he is proposing is a ceiling on national expenditures to avoid inflation and prevent a tax increase; and that within that ceiling the money can be spent on domestic priorities if Congress so chooses. But, as you gentlemen know, President Nixon declared at a press conference following submission of the budget that if Congress were to restore these cuts in city programs, he would veto them; and if Congress passed them over his veto, he would impound the funds.

The final and inevitable result of these reductions in city programs through the freezing of funds and the deep slashes in the budget, will be to transfer the burden onto the back of the already over-burdened local property taxpayer.

The President says the budget must be cut to prevent inflation and avoid a tax increase. We do not quarrel with him on that score. We do quarrel with him on where he thinks the cuts should be made.

What should be the number one priority in domestic needs—the problems of urban America—becomes the lowest priority in the President's budget.

Programs for cities were slashed from $4.2 billion to $2.7 billion. Programs affecting the poor, the elderly, the unemployed, the untrained, the sick and the young were slashed by $7 billion.

At the same time, the total budget was being increased by $11 billion including an increase of $4.7 billion for the second biggest Pentagon budget in history even after the withdrawal from Vietnam.

Let me tell you how these cuts will affect one city—the City of Milwaukee. The figures for New York, or Detroit or Chicago would be much more dramatic and overwhelming, but if you look at the Milwaukee figures, you get some measure of the magnitude of the impact in our cities generally.

The city of Milwaukee itself will lose $75 million next year. That's the equivalent of $425 for every family in the city.

The social programs administered by other agencies were slashed by another $20 million.

That's a total of $95 million which will be taken out of our local economy next year. Can you imagine the outcry if the President had closed 20 defense plants in Milwaukee which were generating $95 million in our economy?

In health services, we lose more than $700,000.

In anti-pollution and other funds to improve the environment, we will lose more than $20 million.

In funds for job training, we would lose almost $5 million.

In funds for economic development, we would lose more than $400,000.

For housing and neighborhood renewal, we lose almost $49 million. Part of that is represented by the loss of 840 units of low income housing which our housing authority was ready to put under contract this year. As you know, Secretary Romney placed an 18-month moratorium on all subsidized housing. As a result, we will not be able to build this or any other low income housing for the next 18 months, and we have no indication from the administration as to what we can do about low and moderate income housing after the 18-month period of freeze. During that 18 months, we should be building, not only these 840 units which have been snatched away from us, but another 6,000 units of low and moderate income housing lost to freeway construction, to take care of people uprooted by other public actions and to reduce the heavy backlog at our public housing authority.

How much of these losses will we recover if the special revenue-sharing block grants are passed? Next year, not a penny, because as you gentlemen know, but which unfortunately the country as a whole does not understand, special revenue-sharing legislation is not due to take effect until July, 1974.

None of the cuts I have outlined would be affected by the education, manpower or law enforcement special revenue-sharing measures. The community development special revenue-sharing bill would provide us only $10.5 million out of the $49 million lost, because as you know, the community development bill does not provide any funds for housing assistance programs which former Secretary Romney put under freeze.

But more than money, the cutting off of these funds affect the people of my city—the kinds of neighborhoods they live in, the cleanliness of their rivers and our lakes, housing for our elderly, health, jobs, economic vitality, indeed the very quality of our life.

General revenue-sharing was not intended to replace categorical aids, special revenue-sharing will not replace the loss the cities will suffer, and the presidential freezing of funds makes a mockery of Congress and an unwanted stepchild out of our cities.

By all rights, our cities deserve to be our nation's number one priority. Our cities deserve more, not less, if this Nation is to grow in greatness—if we are to preserve the domestic tranquillity and improve our quality of life.

Testimony of Mayor John V. Lindsay

The Administration has taken the unprecedented step of unilaterally imposing levels of federal expenditures through impoundment and other techniques, enforcing on the Nation's cities and suburbs its own arbitrary choices of programs to be funded or cut.

We have seen this policy at work in the steady, deepening failure, beyond prudence, beyond economy and efficiency, to release funds appropriated by Congress to meet even minimal national priorities.

We have thankfully passed through a tragic and dreary decade of war abroad and want at home. Now many Americans in city and suburb, middle class and poor alike, legitimately expect a new thrust toward domestic solutions. But, instead, we see shrinkage, retraction, and abandonment of vital programs: a freeze on public employment programs; a moratorium on housing; a recision of veterans benefits; a cutback on legal services; a slashing of day-care centers, and more. Finally, we see the ultimate conclusion: a take-it-or-leave-it budget that may be enforced, whatever Congress decides.

Let me tell you what this perverse policy means to my City in real programs and hard numbers:

HOUSING

In the past three years, New York City has broken all records for tax-assisted housing starts—averaging 25,000 units a year. This year we are ready to start another 30,000 units of low and moderate income housing. The federal moratorium on housing funds has stopped that massive housing construction program—and it has destroyed the financing for 6,000 units, now in construction.

WATER POLLUTION CONTROL

New York City is moving forward with the Nation's largest water pollution control program to clean our waterways well ahead of every other city in the Nation. Our comprehensive secondary treatment program costing $2 billion is now hindered only by a failure of federal financing—by the decision of the President to allot $664 million *less* to New York State and its localities than Congress required in the Water Pollution Control Act Amendments of 1972. Instead of 55 percent federal funding, we are only receiving 5 percent. Although we are proceeding, our City will be penalized for its rapid management and massive commitment and my City has felt compelled to institute legal action in the Federal Courts to order compliance with the 1972 statute.

MANPOWER

Under the Emergency Employment Act, New York City has provided 3,300 jobs for those in need, many of whom are Viet Nam veterans. The 1974 Federal Budget proposes to eliminate that vital program entirely. At the same time, the Department of Labor has just frozen enrollment in the City's other manpower programs—the Job Corps, New Careers, On-the-Job Training, and the Concentrated Employment Program. And, make no mistake, freeze means *kill* when the City is receiving approval for contracts totalling only $1.5 million out of total requests of $9.4 million. There is no worse breach of faith than to deny jobs and training to those eager to work.

HIGHER EDUCATION

Our free-tuition City University System—the only one in the Nation—which pioneered open enrollment for all high school graduates, to the greatest benefit of the sons and daughters of our blue collar working families, has anticipated $4 million in aid for veterans under Section 420 of the Higher Education Act—except that now there's a request for recision of the appropriation that would have provided this vitally needed assistance.

And there are a host of other program reductions which will affect the daily lives of millions of New Yorkers. We have been told that these cuts are necessary for responsible economic policy.

But is it responsible to cut child nutrition programs for ghetto youth, compensatory education for the disadvantaged, Model Cities and Community Action for those who want to rebuild their neighborhoods?

We are proud of what we have accomplished in New York City with available Federal funds:

Unprecedented levels of new housing production;

Dynamic Community Action and Model Cities self-help programs that have revitalized forgotten areas;

The Nation's largest and fastest growing day-care program for children of working mothers who want to stay off welfare; and

A summer employment, education and recreation program that provides an outlet for tens of thousands of otherwise idle teenagers.

That's what we have done with these funds, and we are prepared to demonstrate in my City—as in countless other cities across the Nation—that our management and delivery systems are as good as those of any Federal program—from Defense to Agriculture to Space.

Any objective standard of performance under Federal programs will find that urban programs stand up well in comparison to the other contracts and direct operations of the Federal Government that will continue to receive funds, while local budgets are cut back. And unlike these expenditures, urban programs directly help people in cities and towns across the Nation.

In sum, the impact of these cuts is intolerable. This is not the way to fight inflation or devaluation, the rising cost of living or the declining quality of life. No one can claim to be concerned about fighting crime when funds are cut for jobs and schools in our cities.

In fact, there are in our gold-plated, bloated military budget alone more than enough dollars to fund our most vital domestic programs without the slightest danger to our national security.

The future of these programs should not be a question of partisanship or party loyalty. We Mayors who have joined together in this fight are Republican, Democratic, and nonpartisan politicians who have learned the hard way that urban solutions begin where partisanship stops. In New York City, we have already formed an Ad Hoc Coalition of 60 business, labor and civic groups to fight the housing freeze—and they are appealing to our entire Congressional Delegation and the Governor and State leadership to support this bi-partisan effort.

Understand us: we strongly assert the need for rational limits on national spending. But we also assert the mutual responsibility of the President and the Congress for setting those limits. Now, Congress must act to reclaim its responsibility.

We urge the Congress, therefore, to develop the machinery to identify the sum of national needs and compare them with the sum of available resources—and thereby set our Nation's priorities.

We urge you to use that machinery to determine what is urgent and what can wait, what is crucial and what is frivolous.

We urge you to enforce those determinations, to change the shape of proposed federal spending, for we are confident you will find the highest priorities are here in the neighborhoods of our cities and suburbs.

Statement of Mayor Stanley Cmich, Canton, Ohio

Senate Subcommittee on Intergovernmental Relations of the Committee on Government Operations, Jan. 21, 1971.

Mr. Chairman and members of the Subcommittee. I am Stanley Cmich, Mayor of Canton, Ohio. One of the most important issues considered by the Conference of Mayors' Human Resources Committee, of which I am Co-Chairman, is the manpower program.

It is on this subject that both my colleague Mayor Sheehan and I wish to address today.

The Administration's FY 74 Budget proposes restructuring federal support for job creation and manpower training services. The impact of this restructuring is characterized by the proposed transfer of authority to state and local governments over manpower programs.

In simplest terms, the Administration's Budget proposes to eliminate more than 50 per cent of the funds now available for job creation and manpower training. For example . . . . it proposes to phase down over a period of time the Public Employment Program and it proposes to reduce federal funds for training services.

We are submitting for the record a detailed statement on the proposed Budget for manpower as interpreted based on present known plans. But, for the moment, I would like to express our concern regarding summer youth programs.

Any specific reference to summer programs such as Neighborhood Youth Corps is absent from the language. Many cities have relied heavily on this and have had good success . . . Canton included. In our city, 20 Neighborhood Youth Corps participants are now in permanent city positions.

The Budget calls on cities to decide between taking from other programs which might be reduced in funding—in the final analysis—or possibly use PEP funds if some are made available for summer employment as was the case in some instances last summer.

May I say a bit more on the matter of summer jobs. Last summer's appropriation provided 740,000 nine-week jobs for young people, mostly disadvantaged youth; recreational and cultural programs which served over two million young people. Transportation was available to another million young people to take advantage of both jobs and recreational activities.

Neighborhood Youth Corps has been the single largest youth employment program available in the summer. The need is even greater now. We are submitting a survey documenting the need for slightly more than a million jobs this summer. This survey represents effective needs and is on the conservative side.

Despite the record Neighborhood Youth Corps effort, many young people will still not find work, many are not old enough to work . . . thus a variety of additional services must be provided.

In partnership with the cities, the federal government has provided these services through Recreation Support and Summer Youth Transportation. They have been successful and the increased need for continuing this same type of approach to our needs has been documented.

I would be remiss if I did not extend a word of appreciation to Senator Javits for his annual leadership in supporting the program.

Testimony of Hon. Kenneth A. Gibson, Mayor of Newark, N.J.

Gentlemen: While it is always a pleasure to meet with you, I regret that our purpose here today binds us to matters which if not resolved will have a most regressive effect on the lives of Americans.

I will submit a more comprehensive narrative with supporting facts and figures for the record, along with my reply to the questionnaire forwarded by your chairman, Senator Muskie, within two weeks. I will be available for whatever questions you may ask after I complete my statement.

We are here in response to your expressed concern about the effects of the new Federal budget. I will confine my remarks to what I know to be the most worrisome effect, the effect on human life.

Since the announcement of the HUD moratorium and public disclosure of the administration budget requests, my analysis indicates the following where information is readily available in terms of dollar loss, and the impact in terms of persons employed or citizens serviced in five major areas for the City of Newark, N.J. Keeping in mind the uncertainty of future funding levels, as compared to current levels, pending passage and implementation of special revenue sharing or whatever is ultimately agreed to by the Executive and the Congress:

O.E.O.: Loss in FY '74 of $2,547,080 affecting 409 employees and several thousand citizens.

Manpower: Loss in FY '74 of $12,353,723, loss of more than 9,000 slots.

Health: Loss in FY '73 & '74 of $6,127,390.

Education: Loss in FY '74 title I only $7,000,000.

H.U.D.: Moratorium (18 months effective Dec. 1972):

Construction, $160,700,000.

Rehab, $46,120,000.

Jobs, materials, and service, $145,474,000.

For a total of $352,294,000.

Model cities loss in FY '74, $2,600,000.

Planned variations loss in FY '74, $7,000,000; totaling $361,894,000.

Total loss, Federal cuts plus HUD moratorium, $389,922,193.

Clearly, our resources will be reduced. Our current rate of 14% unemployment, nearly three times the national average will increase. Our present service rendering capacity will be disrupted. And our total economic base, in an already hard pressed urban center, will be seriously jeopardized.

At this moment in time, I cannot deal with the broader constitutional questions; I cannot deal with the matter of executive prerogatives; nor can I deal with lengthy debate. Because the effect is so devastating, and because it comes when the need is the greatest, I have no choice, and I hasten to say *we* have no choice, other than to deal with those persons who are unemployed (14% in Newark); those persons who live in substandard housing (35 to 40% in Newark); and with all the residents of Newark who in one form or another contribute to property taxes which by now are nationally known to be confiscatory. Because of these prevailing conditions of a history of poverty which glaringly exist in Newark today, February 21, 1973; and because each of us knows full well that the physical and psychological effects of hard core poverty have been in evidence for generations and that we are nationally at a very early stage in dealing with it, we have no choice but to render rational thought and care to any and all decisions aimed at dealing with these realities.

While some are of the conviction that the amounts of money spent are secondary in importance to the sophistication of the mechanisms used to scrutinize the spending of that money, we cannot pretend that the effects of poverty, the poor themselves, and the needs of people are abstractions which bend and mold with every newly conceived administrative or political approach. The reshuffling of the entire domestic government and our resources is too delicate a task to occur as it might under the present scheme. A scheme which is, without a doubt, sweeping in dimension, but not in the same fashion as the New Deal—the Great Society—the War on Poverty and the like.

Because the funding levels will be reduced, because adequate notice and consultation did not take place, and because interim provisions containing hold harmless guarantees are not included, the notion of giving localities greater discretion is a sham as are the predictions of rational effective results.

The fact that 1,315 families in Newark will be without a paycheck with the expiration of EEA; another 11,000 young people will be unemployed with the discontinuation of Neighborhood Youth Corps funds; millions of housing construction and subsidy dollars are frozen with the HUD moratorium; and just this week three legal service projects were shut down can be cited as a few of the immediate measurable effects. Many other immeasurable effects in a city like Newark, where much of our economy is service and consumer oriented, must be cited: Marginal businesses will be forced to close—more homes will deteriorate and be abandoned, the supermarkets and clothing stores will sell fewer products, more jobs will be lost—more public assistance will be required—crime will more likely increase—and the entire fabric of social well being will begin to crumble.

Many people who for a variety of reasons are removed from these concerns on a day to day basis may view our testimony here today as part of an exercise we either enjoy or are conditioned to perform every year at budget time. We've gone through the starting up and the winding down before but never before have we been confronted with so wide ranging and open ended a predicament. If there is a certain inevitability to all of this let us do it with people—not procedures in mind. If we put aside the desire to score political points and form a cohesive alliance where there is candor, flexibility and human concern in evidence, we can come up with improved conditions and approaches—none of us—including the victims of poverty in America—invented it—our actions should in no way make us a party to perpetuating it.

OEO

Total current funding, $6,200,000.

Total loss in dollars fiscal year 1974, $2,547,080 (Number of Projects lost. 9 (all in Community Action) Remaining Projects to be Housed after transfer to other Federal Agencies. At present there is no indication as to percentage of dollar loss.)

Total loss in employees, 409 persons.

MANPOWER

Total current funding, $24,510,051.

Total loss in dollars fiscal year 1974, $12,353,723 (Indicates loss of all EEA, NYC and CEP money plus 15% cut in all remaining DOL money under present plan for Executive order Special Manpower Revenue Sharing.)

Current manpower slots served, 17,916.

Estimated reduction slots, 9,000.

HEALTH

Current funding for 15 projects, $9,035,441.

Fiscal year 1973 net loss, 7 lost projects (includes $1.2 million in Hill Burton Hospital Construction) $2,580,568.

Fiscal year 1974 net loss, 44 lost projects, $3,546,822.

Total loss, 11 projects, $6,127,390.

Loss in service affecting 75,000 persons.

HOUSING

(A) Moratorium proposed under 236 but not in pipeline:

Construction units, 5,390; totaling $160,700,000.

Rehab units, 2,306; totaling $46,120,000.

Total units, 7,696; for a total of $206,820,000.

Estimated loss in jobs materials and service dollars, $145,474,000.

Total for housing, $352,294,000.

(B) model cities:

Current Funding (third year), $5,600,000.

Fiscal year 1974 loss at 55 percent spending authorization, $2,600,000.

(C) planned variations:

Current funding, $7,000,000.

Fiscal year 1974 loss, $7,000,000.

Education: title I (only), $7,000,000.

Other losses in Federal Education money to be detailed in Follow-up Summary.

At present there are 229 Federal Funded Programs in the City of Newark. The total Federal Share of these programs is approximately $210 million actual loss for FY '74 based on above estimate of $38 million-plus does not include non-Federal share (local matching) or $352 million due to HUD Moratorium.

FISCAL YEAR 1974—PROJECTED EFFECT OF BUDGETARY CUTS ON NEWARK'S COMMUNITY ACTION AGENCY (UNITED COMMUNITY CORP.)

Program	Fiscal year 1973 authorized program levels		Fiscal year 1974 net loss	
	Manpower	Funds	Manpower	Funds
General services	7	$30,943	7	$30,943
General services to senior citizens	94	214,908	94	214,908
Neighborhood centers	41	275,000	41	275,000
Neighborhood service centers	69	589,926	69	589,926
Newark legal services	32	[1] 343,171	32	343,171
F.O.C.U.S	67	48,858	67	48,858
Prevocational and vocational training	21	$325,671	21	$325,671
School age education	32	71,215	32	71,215
Central administration	46	647,388	46	647,388
Totals	409	2,547,080	409	2,547,080

[1] With additional funds from: Schumann Foundation ($22,000), Essex County Bar Association ($9,500), New Jersey State Department of Community Affairs ($34,000).

FISCAL YEAR 1974—PROJECTED EFFECT OF BUDGETARY CUTS ON NEWARK, N.J. DOL MANPOWER PROGRAMS

Program	Fiscal year 1973, authorized program levels		Fiscal year 1974, net loss—funds
	Slots	Funds	
C.A.M.P.S		$107,500	$16,125
T.E.A.M	2,800	3,560,000	534,000
N.Y.C.—In school	509	379,205	56,881
N.Y.C.—Out of school	194	700,000	105,000
N.Y.C.—Summer	9,000	2,540,440	381,066
P.E.P	1,106	6,518,200	6,518,200
C.O.P.E.:			
In school	74	382,500	
Out of school	104	55,130	87,167
Summer	680	143,480	
Newark Street Academy	300	210,000	210,000
Welfare demonstration project	496	$2,299,758	$2,299,758
O.J.T	300	257,000	257,000
Chamber of Commerce (NAB)	944	3,012,000	1,163,404
NAB—Administration		77,358	
MDTA Skill Center	1,200	3,032,000	454,800
North Jersey community miscellaneous manpower and employment	209	600,000	90,000
JOPS		535,480	80,322
Recreation support program		100,000	100,000
Total	17,916	24,510,051	12,353,723

FISCAL YEAR 1974—PROJECTED EFFECTS OF BUDGETARY CUTS ON NEWARK'S HEALTH PROGRAMS

Program	Fiscal year 1972, authorized program levels, funds	Fiscal year 1973, net loss, funds	Fiscal year 1974, net loss, funds
Columbus Homes health centers:			
HEW	$100,000	$100,000	
HUD	100,000	100,000	
Home management and training program (HEW)	34,193	34,193	
Health services management course (HEW)	16,375	16,375	
Nonemergency transportation (HUD)	30,000	30,000	
Martland Family health care center (OEO)	275,000	275,000	
NJCU health center	825,000	825,000	
Maternal and infant care—college (HEW)	599,157		$599,157
Family planning—college (HEW)	547,665		547,665
Mental Health—College (HEW)	$900,000		$900,000
Lead poisoning and prevention (HEW)	350,000		
Health services delivery (HEW)	200,000		
Urban rodent and pest control (HEW)	520,000		
Mental health—Mount Carmel Guild (HEW)	1,500,000		1,500,000
Drug abuse—college (HEW)	1,238,051		
Construction of (3) neighborhood health centers (HEW)	1,800,000	$1,200,000	
Total	9,035,441	2,580,568	3,546,822
Total, net loss			6,127,390

IMPACT OF MORATORIUM ON NEWARK—PROPOSED HOUSING PROJECTS IN NEWARK UNDER 236 PROGRAM AND NOT UNDER COMMITMENT BY FHA-HUD OR NEW JERSEY HOUSING FINANCE AGENCY—SUMMARY

Projects and number of DU's	Number	Construction costs	Loss of potential jobs, materials, and services to Newark community
I—New construction:			
A	944	$28,320,000	$19,824,000
B	350	10,500,000	7,350,000
C	4,096	122,880,000	86,016,000
Subtotal	5,390	161,700,000	113,190,000
II—Rehab:			
A	1,894	$37,880,000	$26,516,000
B	412	8,240,000	5,768,000
Subtotal	2,306	46,120,000	32,284,000
Grand total, new and rehab housing units	7,696	207,820,000	145,474,000
Effect of HUD budget cuts:			
Model Cities, fiscal year 1974 at 55 percent funding			2,600,000
Planned variation cut after fiscal year 1973			7,000,000
Subtotal			9,600,000
Total			451,894,000

STATEMENT OF MAYOR RICHARD GORDON HATCHER

Mr. Chairman, and other members of the subcommittee, I want to thank you for the opportunity to speak here this morning, I wish this appearance were entirely unnecessary. But in view of the proposed action of the Federal Government with respect to our Nation's cities, it is crucial that the Congress and the country realize what is happening, and I appreciate the timely invitation of this committee to bring about that realization.

I had the privilege to testify before you in late June of last year at a time when your sub-committee was inquiring into the administration of local property taxes across the country. It is reassuring to know that the senate sub-committee on intergovernmental relations, under the leadership of its very capable chairman, retains its deep interest in the plight of our local communities.

My purpose here today is three-fold: To tell you of the total financial impact to my city of Gary, Indiana as a result of impoundments, the so-called housing moratorium, and the proposed budgetary cutbacks; to share some highlights of that impact in programmatic and human terms; and to point up additional, equally important ramifications of that proposed Federal action.

Gary, Indiana has been fortunate in the relative amount of Federal financial assistaance it has received in the past five years, a period embracing two National Administrations. Since I first assumed office as mayor in 1968, that assistance has risen steadily to the point that, on a per capita basis, Gary, Indiana may have fared as well in 1972 as any other American city.

Given the fact that there have never been adequate resources to meet the needs of our cities, Gary has been pleased and is appreciative of the consideration extended us. At the same time, it should be noted that our needs and problems have been great; and we have aggressively sought Federal assistance; and for the most part, we have used it wisely. Gary has been able to pioneer a number of innovative and successful programs and has achieved national prominence in several important areas.

On the basis of existing programs and new plans, Gary had anticipated receiving approximately $30,629,900 in Federal monies in 1973, including about $3 million which would have gone directly to our public school system.

As best as we can estimate items, the overall impact of the three-pronged Federal budgetary action will reduce that $30.6 million figure by more than $21,175,000—to less than $9.45 million. That is about 30% of what we had expected to receive in 1973.

Even if an estimated $3.5 million in special revenue sharing materializes for Gary, we will have about 42% of what we had previously expected—and less than 40% of what we received in 1972.

Beyond those dollar terms, allow me to point up some of the activities which will be affected.

Gary may be forced to eliminate or severely curtail the operations of its family health center, funded through our model cities program, which currently provides sorely needed health care for 561 low-income families for whom such care is inaccessible or otherwise beyond their means. The same sword of Damocles hangs over the educational development of 86 three-year olds in our "child's world of discovery" program; 266 four-year olds in our early learning center; 137 seventh- and eighth-graders who benefit from the special attention provided them in our advancement school; and 134 high school dropouts who are now progressing through our Martin Luther King Academy. And our Latin American family education program, a highly successful venture benefitting our Spanish-speaking population, is seriously jeopardized. In the past year alone, it has taught "survival English" to 208 adults and 388 children of Latin heritage.

We are faced with the prospect of slicing almost in half our Emerson code enforcement program which is geared to the improvement and stabilization of an ethnically-mixed neighborhood composed of about 7,500 poor-to-moderate income level persons, including a high percentage of elderly persons. Many of the latter are widows and widowers who desire the proximity to our downtown area they currently possess, but who need desperately the long-term, low-interest loan monies they anticipated in order to make their housing standard again. Home inspections have been made, residents have been integrally involved in the planning process, appointments have been made to launch the financial arrangements necessary for improvements and rehabilitation. Now much of the program hangs in the balance and the future for the residents of Emerson has perceptibly dimmed.

The immediate future is equally bleak for 5,000 poor youths, aged 14 to 18, who were to have worked in our neighborhood youth corps program this summer. We simply do not have employment alternatives for them in Gary. While they only received $400 for 10 summer weeks of work and job training, those youths frequently utilized those funds to enable their families to get their children ready for school in the fall. Anyone sensitive to the human condition must agonize with me over the fate of such young people who on occasion carry a final payment notice from the utility company when they receive their paycheck.

We are faced with the termination of our public employment program which has provided jobs and real opportunities for nearly 500 unemployed persons in Gary—and moved 215 of them into non-subsidized positions. What of the future of the 281 current program participants, nearly one-third of whom are Vietnam veterans and 80 to 90% of whom will need some form of continued assistance until they develop marketable job skills?

We will be forced to close down our loaves and fishes program funded through our community action agency which, in the past nine months alone, provided adequate meals to 3,153 low-income senior citizens. The same fate is in store for the agency's youth development program which provided more than 60,000 lunches last summer for young people involved in our recreation and job training projects.

Also, we must abandon plans for about 600 units of new housing—just as that many families and individuals must forego their hopes to live in standard, decent dwellings.

Those, then, are some of the human losses which we will experience in Gary, Indiana as a result of cutbacks in Federal monies through proposed budgetary reductions, impoundment and spending moratoriums.

They are severe and in many ways obviously tragic—but no moreso, perhaps, than the symbolic and psychological ramifications of proposed Federal action.

Gary, Indiana, in most ways, epitomizes a medium-sized American city—sorely neglected in the past—which currently has majority Black population and a combined Black and Latin population which has been estimated as high as 65%. The national trend toward majority central city populations comprised of Blacks and other minorities has been well-documented and is clear for all to see. In my judgment, our metropolitan areas and the nation as a whole cannot long endure without cities such as Gary remaining vital. But they cannot survive, let alone aspire for vitality, without strong federal assistance.

Beyond that, Gary has taken on national significance in recent years as a black center. It was one of the first two major American cities to elect black mayors; it has become a focal point of sorts for black arts and culture; it was the site of the historic national black political convention; it is the continuing subject of research by scholars in black studies; it now has a black majority on its city council, a black municipal judge and a black delegation to the Indiana general assembly; it has the only black-owned cable television corporation in the nation; and it has developed opportunities for blacks at all levels within the housing industry—from design to financing to construction. We are justly proud of our city and our accomplishments in recent years in other areas and on the basis of other considerations, too—but it is a fact that Gary, Indiana has become a focal point for the hopes and dreams and activities and achievements of black people in this nation.

Our city is also, on several counts, at the crossroads of our revitalization effort. We had approached the point, based on federal commitments, of catching up on our previous shortage in the supply of standard housing. Many of our manpower and job training efforts had shown tangible results. Our midtown area, which abounds our downtown business district, is seeing the first new construction there in several decades. And despite having to fight an influx of hard drugs with few resources, we have recently observed the ninth consecutive month of decreased criminal activity in our city.

So we have a city which in certain ways embodies black aspirations throughout this nation having scored certain breakthroughs and being on the threshold of more important ones. And at this very juncture comes the federal government with impoundments, a housing moratorium and proposed spending cutbacks which are severe on all counts.

That Gary, Indiana should be especially hurt by the federal action is not surprising: a cursory review of the federal budgetary actions indicates clearly that urban dwellers and therefore black Americans are expected to bear a disproportionate burden.

I understand as well as anyone that the climate and conditions in this nation are such that it will be difficult to generate the widespread opposition which this federal action merits. The cities are increasingly viewed as repositories for the poor, the black, the Latin, the elderly—those who are relatively powerless against the interests of stronger and more affluent elements of our society.

But I realize also, and I hope that the national administration and the Congress do, that as a moral and practical matter our society cannot raise the expectations of the downtrodden in this Nation and then dash those expectations. For no amount of rhetoric changes the fact that in so doing this society would be daring an understandably desperate people. It would be inviting them to abandon what little hope they have in our system of laws. It would be taking a reckless gamble with the stability of this Nation. It would be inflaming and compounding the indignities which the have-nots are systematically subjected to.

We cannot, in my judgment, afford any of that in the interests of this society.

We stand here in February, 1973 having recently terminated a long and costly war which has robbed us of some of our outstanding young men, stripped us of much of the respect we had in the eyes of our fellow citizens of the world, and sapped us of our resources. That war never should have existed, and it continued much longer than necessary, but I rejoice with others that it is, at long last, terminated. My fellow mayors and I had hoped that this Nation would begin the long-deferred task of rebuilding our urban areas so that the promise of equality of opportunity could become a reality. My fellow mayors and I had hoped to see this Nation's resources funneled into our cities where they belong. My fellow mayors and I have been told on numerous occasions that the Federal commitment to the cities would not be reduced.

And yet, as you can see clearly and as I have tried to translate in terms of impact upon my city, the urban communities of America are being severely hurt. It seems we have ended an international conflict only to renew a national one with greater intensity than before.

We look to this sub-committee of the United States Senate and to the Congress as a whole to check this action to prevent greater urban disaster before it becomes a reality.

The Congress most certainly can and, in my judgment, should act with all the force at its command to direct a course of action in the greater interest of this Nation and all its citizens.

Agencies/program	1972 actual appropriation	1973 original anticipation	1973 amount/ percent cutback
Housing and community development:			
Airport:			
Runway strengthening	$453,000		
Consultants	45,000		
Beautification open space	50,000	$205,000	$105,000/50
Community renewal program	200,000	200,000	
Emerson code enforcement	400,000	1,600,000	625,000/40
Gary housing authority	4,318,000	6,700,000	6,700,000/100
Gary neighborhood services:			
Senior employment	101,670	101,670	20,000/20
Day care	64,000	64,000	
Metro corps	450,000	450,000	450,000/100
Model cities	2,600,000	2,600,000	1,560,000/60
Park department neighborhood facilities	350,000	350,000	350,000/100
Redevelopment:			
Model neighborhood Phase I and II	1,802,000	2,000,000	2,000,000/100
Small farms	6,255,800	5,000,000	2,500,000/50
Senior opportunities	40,000	40,000	4,000/10
Manpower:			
Cep	1,850,000	1,850,000	360,000/20
Camp's/Mapc	75,000	97,000	25,000/25
NYC (in school)	159,430	159,430	32,000/20
NYC (out of school)	613,970	613,970	122,000/20
NYC (summer program)	1,554,000	1,750,000	1,750,000/100
On-the job-training (urban league)	149,860	150,000	30,000/20
MDTA institutional training	154,750	154,750	31,000/20
Summer transportation	7,200	7,200	7,200/100
PEP	1,790,000	1,900,000	1,900,000/100
Health:			
Venereal disease control	48,000	79,927	12,000/15
Gonorrhea control	60,000	204,000	30,600/15
Maternal childcare		161,468	161,468/100
Education:			
Adult education	45,000		
Bilingual education	162,200		
Higher education	$2,200		
Higher education equipment	14,100		
Higher education talent	86,550		
Youth development	49,080		
Title I GT. mobile unit	51,900		
Career opportunity	300,500		
Title III, parent cons	44,800		
Title III, guidance and reading	29,300		
Title IV, deaf learning	11,000		
Title I, early learning	1,200,000		
Preschool handicapped	110,000		
Sickle cell grant	95,000		
Library grant	47,000		
Headstart	230,000		
Air and water pollution:			
Air pollution control	4,000	$200,000	$100,000/50
Water pollution control	4,000,000		2,000,000/50
Sewage installation	2,000,000		
Miscellaneous:			
Criminal justice planning:			
Budget	448,300	350,000	
Criminal impact		385,000	
Legal aid society	151,485	151,485	
Data processing	105,000	105,000	
Totals:			
Housing and community development	17,129,515	19,310,670	14,314,000
Education	2,478,630	3,000,000	300,000
Air and water pollution	6,004,000	200,000	2,100,000
Manpower	6,354,210	6,682,350	4,257,200
Health	108,000	445,395	204,068
Miscellaneous	704,785	991,485	
Total	32,779,140	30,629,900	21,175,268

STATEMENT OF MAYOR JOSEPH L. ALIOTO

Earlier this month, in his written "State of the Union" message, the President asked Congress to accept his new budget policies as a "pragmatic rededication to social compassion and national excellence."

The pragmatic reality of this budget is that it shows little dedication to America's cities and even less compassion for their people.

Instead of national excellence, it will bring us national shame because it will mark a moment in history when the United States decided to turn its back on the less fortunate among us.

We will have made a decision that our cities are not worth saving. Yet history—recent and ancient—should have taught us that abandonment of a nation's cities previews collapse of the nation itself.

In my own San Francisco, where we have made real progress in dealing with the truly human needs of our city, this proposed budget will deliver a demoralizing, destructive blow.

It offers us only $40 million for social programs now funded at $88 million and for which our recognizable and practical need is $118 million.

These are the very programs that have helped so much in closing the gap among the races, that have started our ghettos rebuilding into neighborhoods, that have started our poor on the long journey to realizing the full benefits of citizenship in this great country.

It is absolutely imperative that the funding for these projects not be suspended. We have established a momentum in our drive to restore our neighborhoods and to provide decent housing for our poor and elderly. We cannot allow this momentum to be stalled and turn our backs on this moral commitment to those who ask only a chance at sharing in the abundance of our country.

Yet, at the same time this Administration is refusing to rebuild America's cities, it is pledging every financial assistance to restoring the cities of North Vietnam. In fact, it may very well have already made secret commitments to that effect without consulting Congress.

North Vietnam deserves no super-priority over American cities.

Before we start rebuilding Hanoi and Haiphong, we must complete the rebuilding of New York, Chicago, Houston, San Francisco, and all our brother cities involved in no less a struggle for survival.

Any other course of conduct by this government represents a moral bankruptcy which will be rejected by the American people.

If the priorities reflected in this budget go unchallenged, this nation will surely face a revival of the discouragement and despair so evident in the 1960's.

Where is the compassion in a budget that strikes most severely at the poor, the elderly, the already unemployed, our school children?

Where is the dedication in a budget that strips us of the funds needed to rebuild our aging neighborhoods, that will force us to fire 2,000 people from their jobs, that will kill programs to help our educationally handicapped children, that will stop us mid-way in training our unemployed?

Where is the excellence in a decision to turn our backs on our own people in favor of spending billions on a country 9,000 miles away?

The President's proposed budget cuts come with the explanation that many urban programs are wasteful, that the reductions are necessary to control inflation, that it is all part of a vital new move to return more local control to the cities.

Every Mayor in this hearing room supports responsible actions to control inflation.

Every Mayor in this room acknowledges some waste and inefficiency in a number of these programs, but certainly no more than is evident in the Defense budget and many other governmental programs.

We pledge our fullest efforts to trim every ounce of fat from the urban programs. We ask the Administration to do the same with the rest of its budget.

Every Mayor in this room supports a ceiling on the total national budget, but with some sensible structuring of priorities under that ceiling.

Frankly, a ceiling on the national budget could be meaningless if the cities are forced to raise property taxes to save the programs killed by Washington.

And deliberately creating unemployment in our cities is a strange choice of weapons in the war on inflation.

From its budget, we can only conclude that this Administration seems intent on forcing the American public to choose between the "work ethic" and the "welfare ethic."

We all believe very strongly in the "work ethic" and much of this nation's greatness derives from its willingness over the span of history to embrace that belief.

But the soul and spirit of our Nation are founded also on our belief in the "Christian ethic", which asks only that from our abundance we provide for the poor among us.

If we lose that spirit in this country, we have nothing.

Finally, as we review the Administration's budget, we cannot divorce it from the unconstitutional arrogation of power evidenced by the Presidential impoundment of funds and killing of programs over the clear will and intent of Congress.

Over the objections of our Legislative branch, the Administration says it is phasing out programs to tighten up the Federal budget.

What it is really doing is phasing in programs—right into the cities' budgets and on to the backs of the property tax payers who can afford them least of all.

ESTIMATED EFFECTS IN FISCAL YEAR 1974 OF FEDERAL CUTBACKS ON COMMUNITY DEVELOPMENT AND HOUSING, SAN FRANCISCO

TABLE 1.—ESTIMATED AMOUNT OF FEDERAL FUNDING

[In millions of dollars]

Programs	Current, fiscal year 1973	Fiscal year 1974 Needed	Fiscal year 1974 Expected	Fiscal year 1974 Difference
Community development:				
FACE	2.10	1.75	0	1.75
Redevelopment	[1] 18.00	[2] 35.10	0	35.10
Neighborhood facilities		2.33	0	2.33
Open space	.14			
Model cities	7.35	7.35	[3] 2.00	5.35
Total	27.59	46.53	2.00	44.53
Housing subsidies:				
Sec. 312 rehabilitation loans	3.00	8.03	0	8.03
Sec. 236 private housing	1.29	1.80	0	1.80
Rent supplements	1.65	[4] .76	0	.76
Public housing	3.66	[5] 8.50	3.95	4.55
Total	9.60	19.09	3.95	15.14
Grand total	37.19	65.62	5.95	59.67

[1] Includes $4,900,000 which became available in fiscal year 1973 but was allocated out of HUD's fiscal year 1972 budget.

[2] Includes $13,000,000 for land writedown in Western Addition A–2.

[3] Does not include $2,500,000 carryover from current funding.

[4] Rent supplement funds generally lag 1 year behind sec. 236 funds. This figure does not include subsequent need for $800,000 to apply to fiscal year 1974 needs for sec. 236.

[5] Includes $1,900,000 as the annual subsidy contribution for the capital cost of $19,650,000 for 750 new units.

TABLE 2.—NUMBER OF HOUSING UNITS

Programs	Fiscal year 1974 Program need	Fiscal year 1974 Expected	Fiscal year 1974 Difference
Sec. 312 rehabilitation loans	1,319	0	1,319
Sec. 236 private housing	1,504	0	1,504
Public housing	1,750	0	1,750
Totals	4,573	0	4,573

NOTES

1. Above does not include 582 units programed for receiving sec. 236 funds in fiscal year 1973 and for receiving rent supplements in fiscal year 1974.

2. An additional 2,115 units, for which HUD reserved funds prior to the moratorium, may also be affected by the moratorium due to normal construction cost inflation and HUD's unwillingness to increase subsidies or extend feasibility letters, thus causing the involuntary abandonment of housing plans by sponsors.

ESTIMATED EFFECTS IN FISCAL YEAR 1974 OF FEDERAL CUTBACKS ON SOCIAL PROGRAMS—ESTIMATED AMOUNT OF FEDERAL FUNDING

[In millions of dollars]

Programs	Fiscal year 1973	Fiscal year 1974 Needed	Fiscal year 1974 Expected	Fiscal year 1974 Difference
Manpower:				
EEA	6.40	6.40	3.50	2.90
Other	23.60	24.80	21.20	3.60
Economic opportunity	15.00	15.00	10.00	5.00
Education:				
Title I (ESEA)	5.20	5.20	0	5.20
Public Law 874	.68	.68	0	.68
Totals	50.88	52.08	34.70	17.38

ESTIMATED EMPLOYEE CUTBACKS

Program employment	Fiscal year 1974 Present level	Fiscal year 1974 Estimated reductions
Community development and housing	1,402	−350
Manpower training	2,565	−965
Economic opportunity	1,025	−346
Education (Title I)	450	−450
Totals	5,442	−2,111

STATEMENT OF LEE ALEXANDER, MAYOR OF SYRACUSE, N.Y.

Mr. Chairman, I am Lee Alexander, Mayor of Syracuse, New York. I am honored today to join my colleagues on the Legislative Action Committee of the U.S. Conference of Mayors in discussing with you the probable impact on localities of the proposed federal budget. In addition to my membership on the LAC, I am also a member of the Advisory Boards of the Conference of Mayors and the National League of Cities, and I serve as chairman of the Community Development NLC.

The Conference of Mayors and the NLC were early supporters of reform current categorical aid system. We recognized the need to reorganize the federal bureaucracy and we have urged that responsibility for federal programs be vested at the local level.

Syracuse is a city of nearly 200,000 people. It is a strong city economically. Throughout the last decade, our unemployment rate has remained below the New York State average. Syracuse city government has never reported a deficit, and we have begun several programs, with federal assistance, to improve our City.

However, with my colleagues, I am concerned about the impact that some of the Administration's proposals will have in the neighborhoods of my city and on the general economy of a middle-sized city like Syracuse.

I am concerned most by the way in which the federal budget will affect the young people, the senior citizens and the veterans who live in my city.

The termination on July 1, 1973 of the Emergency Employment program will reduce the number of jobs available to service veterans at a time when our remaining Vietnam Servicemen are returning home. More than 700 men and women are employed through the Emergency Employment Act in our metropolitan area. Three hundred of them are employed by the City and nearly fifty per cent of these are veterans. The City of Syracuse has provided employment for 270 veterans through this program. We have put these people to work providing basic, essential services in our police and fire department, in our schools, in consumer protection, in parks and recreation.

Twenty-five per cent of the persons we employ through this program were receiving welfare assistance before they were hired. The job market in our private sector will not provide jobs for most of them. It is more likely that they will again turn to welfare.

The proposed budget will eliminate 1,500 summer jobs for students in Syracuse that are financed through the Emergency Employment, Model City and Neighborhood Youth Corps programs. The loss of these jobs will also reduce several neighborhood-oriented recreation programs operated by the City. In addition, a number of youth-oriented programs are in jeopardy. For example, a tutorial program for potential school drop-outs now operated by a Black fraternal organization through the YMCA has been responsible for improving the learning abilities of hundreds of youngsters in City junior high schools will face elimination.

I submit, Mr. Chairman, that jobs for veterans, summer jobs for students, recreation programs and youth-oriented educational programs are essential tools in our community's effort to reduce crime and drug use among young people.

One thousand, seven hundred and forty-three units of subsidized housing and an additional 318 units of public housing are in jeopardy as a result of the Administration's proposals to cut back support for low and middle income housing construction. Six hundred and sixty-seven of these units are planned for the elderly. As of February 1, 1973, the Syracuse Housing Authority had a waiting list of more than 1200 persons and families seeking adequate housing. If federal support for these projects is withdrawn, we will not meet the housing needs of our senior citizens.

Seven hundred and fifty of these housing units are rehabilitated housing. I am particularly disappointed in the Administration's decision to eliminate all funds for rehabilitation after July 1, 1973. Our housing rehabilitation programs are essential to our city's total efforts at neighborhood preservation and neighborhood development. We have recently completed a neighborhood rehabilitation program in one area of our city and had wished to develop similar programs.

In the past three years Syracuse has committed several million dollars of local property and sales taxes to improve our neighborhoods—toward new school construction, new firehouse construction, the development of crime control teams, and the improvement of our parks system. Housing rehabilitation is an essential part of this effort.

We recognize that the nation may no longer be able to afford all of the separate categorical programs that have been established in the last thirty years. But we cannot accept decisions which reduce the opportunities available for our senior citizens, for our young people and for those who have served our country.

Within a spending ceiling of $268 billion in Fiscal Year 1974 and without increasing federal taxes, we feel the nation can and must try to meet the employment and housing needs of its people.

CHARLES STEWART MOTT

Mr. GRIFFIN. Mr. President, the people of Michigan and many thousands of other Americans mourn the death of Charles Stewart Mott. Mr. Mott was buried today in Flint, Mich.—the city he loved and the city to which he devoted great energy and personal fortune.

Michigan has lost one of its most distinguished sons, and the Nation has lost a real pioneer.

Mr. President, I ask an article which appeared in the Detroit Free Press regarding the life of Mr. Mott be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Flint Mourns Mott Amid Tributes to GM Pioneer

(By Tim McNulty)

Charles Stewart Mott, Flint industrialist, philanthropist and one of the world's wealthiest men, will be buried Wednesday amid tributes from the city and corporation he helped build.

Mr. Mott, once the largest individual stockholder in the General Motors Corp. and founder of the world's fifth largest philanthropic foundation, died early Sunday morning in St. Joseph Hospital in Flint. He was 97.

Within hours of his death, Francis Limmer, mayor of Flint, declared a seven-day period of mourning in the city and ordered all flags flown at half staff in honor of Mr Mott, who earned the title of "Mr. Flint" for his donations to the city and its schools.

In Detroit, Richard C. Gerstenberg, chairman of the board of GM, which Mr. Mott helped found, said of Mr. Mott: "Few men deserve the title 'pioneer' more than he.

"Our sense of loss over his death is in some measure compensated for by memories of his long and full life of service to his country, his city and our corporation."

In Lansing, Gov. Milliken said: "His name will be etched in Michigan history and his works will be a lasting monument to the compassion he had for others."

Mr. Mott's death inspired other tributes from educational and business leaders across the state.

The body will lie in state at St. Paul's Episcopal Church in Flint from 10 a.m. to 9 p.m. Tuesday, according to his family.

Funeral services will be at the church at 11 a.m. Wednesday, with burial in the Mott family mausoleum in Glenwood Cemetery, Flint.

At 3 p.m. Wednesday, there will be a community memorial service at the Writing Auditorium in Flint.

The family is asking that memorial contributions be made in Mr. Mott's name to the Mott Children's Health Center in Flint, or the Mott Memorial Scholarship Fund, care of the Flint Board of Education.

Mr. Mott had entered the hospital Jan. 28 with a cold.

Mr. Mott was an imposing, craggy-featured man who was known for his generosity with millions of dollars and his frugality with nickels and dimes.

Mr. Mott was a friend of many of the pioneers of the auto world. He was one of the last survivors of the turn-of-the-century businessmen who put the nation and the world on wheels.

Dean of GM's board of directors, on which he served from 1913 until his death, Mr. Mott was also a former vice-president of the corporation and was chairman of the board of the U.S. Sugar Corporation.

He became well known for his gifts, especially in Flint, to education and cultural life. His pride was the Mott Foundation, which he formed in 1926 with 2,000 shares of GM stock. The assets of that foundation have been listed recently at almost $300 million.

The recipients of Mr. Mott's personal and foundation generosity dot the Flint map including the $1.5 million Mott Community Center of Science and Applied Arts, the $2.6 million C. S. Mott Foundation Children's Health Center and the Charles Stewart Mott Library.

His personal fortune has been estimated at up to $500 million, making him one of the 15 richest men in the world.

In 1963, he contributed $129 million worth of GM stock to the Mott Foundation and a year later gave $6 million to the University of Michigan Medical Center for a children's hospital in Ann Arbor.

At the time of his death he still owned, or held in trust over 700,000 shares of GM stock.

Despite his willingness to part with millions of dollars for a good cause, Mr. Mott was known as a string saver, a man who never bought a paper clip because he saved the ones sent to him and one who was glad to use the back of envelopes for scratch paper.

Although he refused to play poker for more than a dime stake, he was willing to cut the cards for thousands of dollars if whoever won would contribute the winnings to charity. Few took him up on the offer.

Born in 1875 in Newark, N.J., Mr. Mott later joined his father and uncle in two business ventures, one a company that manufactured soda fountain carbonating machinery and the other, the Weston-Mott Co. in Utica, N.Y., which made wire wheels.

In 1902, the shift to artillery wood wheels shut Weston-Mott and Mr. Mott traveled throughout the country seeking new business.

He found that fledging auto companies needed axles and he took $250,000 worth of orders without ever having made one. He returned to Utica and worked on the design and manufacture of the axles and filled the orders.

In 1905, at the invitation of W. C. Durant, father of GM, Mr. Mott visited Flint and then moved his business there. Soon it became the largest axle company in the world.

When General Motors was incorporated in 1908, Mr. Mott persuaded the company to buy 49 percent of Weston-Mott in return for GM Stock. In 1913 GM bought out the remaining 51 percent, again for GM stock.

Mr. Mott left a $25,000-a-year post three times to serve in the $300-a year post as mayor of Flint, in 1912, 1913, and 1918. He was a candidate for the Republican nomination for governor in 1920, but finished third in a field of nine.

Mott served twice in the armed forces. In the Spanish-American War in 1898 he was a Navy gunner's mate during the Cuban blockade. During World War I as an Army major in charge of motor production in Michigan and Indiana.

A man of immense energy, Mr. Mott drove his own car until he was in his early 90s. He was once an expert horseman and began playing tennis when he was 50 but reluctantly gave it up when he turned 75.

Mr. Mott lived in an 18-room, slate-roofed Georgian house in Flint. The house, dated 1916 in the stonework, was named "Applewood."

From his office on the fifth floor of the 16-story Mott Foundation building and from his back porch at Applewood, he could see many of the buildings that resulted from his generosity.

"Some people may think it's a crazy bird who does that sort of thing," he once said, "but I get more fun out of it than anything else. It's a lot more rewarding than taking trips around the world."

A pipe smoker, Mr. Mott was a charter member of the Arrowhead Pipe Club of Flint and readily served as a timekeeper at pipesmoking contests. After 1902, he refrained from drinking except for trying a single mint julep in 1924 which convinced him, he said, that he was allergic to alcohol.

Although he never boasted about his gifts, he said he created the Mott Foundation "because I had observed how many well intended ideas and plans went astray after a man's death."

Mr. Mott married Ethel Culbert Harding in 1900. She died in 1926. They had three children, Aimee Mott Butler of St. Paul, Minn., Elsa Beatrice Mott Ives of New York and Charles Stewart Harding Mott of Flint.

In 1927, Mr. Mott married Mittief Butterfield Rathbun. She died in 1928 and a year later Mr. Mott married Dee Van Balkom Furey. That marriage ended in divorce the same year.

In 1934 Mr. Mott married a distant cousin, Ruth Mott Rawlings, who survives him. They too had three children, Suzan Elizabeth Mott Webb of Birmingham, Ala., Maryanne Turnbull Mott Meynet of Santa Barbara, Calif., and Stewart Rawlings Mott of New York.

Mr. Mott had 11 grandchildren and 15 great-grandchildren.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Biden) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 345) making further continuing appropriations for the fiscal year 1973, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 345) making further continuing appropriations for the fiscal year 1973, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

RESTORATION OF RURAL ELECTRIC AND TELEPHONE DIRECT LOAN PROGRAMS

The PRESIDING OFFICER. Under the previous order, the Chair now lays before the Senate the unfinished business, S. 394, which will be stated by title.

The legislative clerk read as follows:

> A bill (S. 394) to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such Act be fully obligated in said year, and for other purposes.

The PRESIDING OFFICER. The clerk will report the pending Bellmon amendment.

The legislative clerk read as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

That the purpose of this Act is to provide for loans to certain borrowers under the Rural Electrification Act of 1936 which shall bear interest at the rate of 2 per centum per annum.

SEC. 2. Section 4 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 904), is amended by striking the second proviso and adding in lieu thereof the following: "*Provided further*, That all such loans shall be self-liquidating within a period of not to exceed thirty-five years, and any loans which are made for the purpose of extending or upgrading distribution lines in areas where less than three customers per mile are or will be served shall bear interest at the rate of 2 per centum per annum:".

The **PRESIDING OFFICER**. Time is under control. Who yields time?

Mr. **BELLMON**. I yield myself 5 minutes.

Mr. President, the amendment I propose is very brief and clear. It simply says that 2-percent REA loan funds shall be available to REA co-ops that need these funds to build lines to provide services to areas where the number of customers is 3 per mile or less.

Yesterday, the distinguished Senator from Minnesota (Mr. HUMPHREY) pointed out that one purpose of this bill is to send a message to the President, and I agree with this purpose, because I feel that the REA program is vitally needed. I feel that the 2-percent money is needed in certain circumstances.

But I am concerned about a different kind of message that this Congress, this Senate, may be sending out as we act on this bill. I am concerned that we are giving the impression to many American people that farmers are greedy, that we are trying to take advantage of the taxpayer. I am afraid that in the long run we are going to do far more damage if we pass this bill as it now stands than if we amend it so that it conforms to the original purpose of the REA Act.

I also would agree with the Senator from Minnesota that he is probably right in saying that the President had no direct knowledge of the action taken in ending these low interest REA loans.

I also agree with him in some of the comments he made about the OMB bureaucrats. There probably are people down there who have been trying to do damage to this program for a long time. But I hope I can get the Senator from Minnesota to see this bill as I do, and perhaps he will decide to agree to my amendment.

In the first place, we should all be reminded that this was initially intended to be a rural electrification act. It was never intended to be a suburban electrification act. Yet, the most recent figures we have been able to get show that during calendar year 1972, the number of customers per mile of new line—I am talking about line just now being constructed—averaged 14. Fourteen customers are served for each new mile of REA line that has been built.

In my State of Oklahoma, which is still basically an agricultural State, the estimated number of customers per mile of new lines in 1972 was 7.26. Mr. President, in our State the average farm is 500 acres, and you just cannot jam 7.26 500-acre farms into 1 mile. It takes almost a square mile to contain 500 acres. Therefore, the number of farmers per mile would average approximately one, except that they do tend to build their homes along the highways and in the areas that are served by rural water districts and rural electric services.

So the problem here is that we seem to have gotten away from the original intent of the act, which was to serve agriculture and the rural areas; and we now seem to be serving largely suburbia. This, to me, endangers the act and shows that there is reason for some review of the operation of this vitally important law.

I have no objection to seeing the REA co-ops serve the types of customers that are indicated when the number goes up to 14 per mile. But these are not farm customers. They are suburban people who have decided to move to the countryside to make their homes; they are commercial operations of one kind or another; they may be some kind of small industry. The point is that they are grouped together closely enough so that there is no reason for making low-cost loans for the simple purpose of building the lines necessary to serve them.

Initially, when REA started, it was necessary to build long lines to reach from one farmhouse to another. But now we see that the REA serves these types of customers, and I invite the attention of the Senator from Minnesota to the fact that the latest figures show that there are 14 customers per mile of new REA lines.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **BELLMON**. Mr. President, I yield myself 5 additional minutes.

As I say, I have no objection to seeing this kind of customer served with REA electric power. They need it, and I am glad to see them in the countryside. Most groups can certainly pay cost of money for the loans that REA has to make to provide that service.

I believe that we ought to recognize the fact that when we ask for special concessions for this kind of customer, we are simply making it more and more difficult for Congress to grant low interest loans to the legitimate customer, the agricultural type of customer, who does live in more sparsely populated areas and does have to pay for it.

The Senator from Minnesota (Mr. HUMPHREY) is much more experienced, to begin with, than is the Senator from Oklahoma. I have been here only a short time, but I have noticed one thing especially, and that is that Congress tends to be long-suffering, tends to be, very often, tolerant of a certain amount of inefficiency. But suddenly we become aware of the need for action, and we spring to life. Then we act almost with a vengeance. Now we pass every environmental bill that any Senator can think up. We are concerned now with a cure for cancer and with public health and safety.

When I first came to the Senate, I was amazed at the low esteem in which the energy industry was held. I have served as chairman of the Interstate Oil Compact Commission. I was appalled at the action Congress took to cripple the industry at the very time it needed a helping hand.

I call the attention of the Senate to recent stories in the newspapers. I will read the headlines:

Food Prices at 20-Year Record.

Another one reads:

Farm Prices Rise 7 Percent. Costliest Month in 26 Years.

In this country, farmers and rural Americans once had a bright image, but now that image is becoming tarnished. There seems to be a feeling that farmers have been feeding at the public trough for a long time and that now they are getting fat and greedy. I believe Senators who are friends of the farmer, as I consider both the Senator from Minnesota and myself to be, should begin to face up to the responsibility of getting agriculture's house in order. If we do not, the entire Congress will.

The farm act expires this year. I can sense a lot of resistance to renewing it. I believe it will be a tremendous catastrophe for the whole country if farmers go bankrupt. We need to show responsibility.

My amendment does absolutely no violence to this bill; it actually strengthens the bill, so far as agricultural America is concerned.

Mr. President, REA was a rural electrification act. I will read the language which appears on page 25 of the original bill. It states that the purpose of the bill is to provide rural electrification and the furnishing of electrical energy to persons in rural areas who are not receiving central station service and for the purpose of receiving telephone service in rural areas.

This amendment will not deny that service to the original customers provided in the Rural Electrification Act. This amendment would help assure the continued service of REA to American agriculture and lessen the chances of the day coming when perhaps the entire program would be repealed by a hostile Congress.

Yesterday the distinguished Senator from Minnesota (Mr. HUMPHREY) said he wanted to send the President a message. I agree. Obviously somebody down there needs a message, particularly about agriculture. But I am concerned now with consumers ultrasensitive about food prices. That message might cost agriculture not only the REA program but other vitally important programs.

Mr. President, my amendment takes care of the legitimate needs of American agriculture. It also says that farmers are fair and reasonable citizens who do not want or need or expect special favors.

Mr. President, I urge adoption of the amendment.

Mr. **CURTIS**. Mr. President, does the Senator from Oklahoma have time remaining?

Mr. **BELLMON**. Mr. President, how much time do I have remaining?

Mr. **CURTIS**. Mr. President, I yield myself 5 minutes on the bill.

The **PRESIDING OFFICER**. The Senator from Nebraska is recognized.

Mr. CURTIS. Mr. President, I rise in support of the amendment offered by the Senator from Oklahoma.

I feel there are certain basic problems with the present Rural Electrification Act and if REA is to remain a viable force, these matters need attention now. It is regrettable that such drastic action as the President has taken was necessary to bring these problems to the attention of the Congress.

In my opinion, the purpose of the Rural Electrification Act was to bring electricity to farmers and ranchers who were not being served by private power companies, and to carry out that historic purpose I support continuation of the 2-percent loan program. This means I favor 2-percent loans to build and upgrade distribution lines to farmers and ranchers and for that portion of generating equipment that is allocated for the purpose of providing electric power to farmers and ranchers.

I do not favor the subsidization of rural electric customers who are not farmers and ranchers. Of the 7 million meters on REA loans, only 1.4 million serve farms or ranches. Lines financed by REA in 1972 averaged 14 meters per mile. This does not indicate to me that a great many lines are being extended to farflung ranches and farms.

The substitute we are now considering does not go as far in providing 2-percent funds as I would prefer, but it is a move in the right direction. I am pleased that Chairman TALMADGE has asked our Subcommittee on Agricultural Credit and Rural Electrification, under the chairmanship of the Senator from South Dakota (Mr. MCGOVERN) to make an intensive study of REA legislation and come up with some recommendations for updating the act.

I am also pleased with a letter to Chairman TALMADGE dated February 6, 1973, from Mr. Robert Partridge, executive vice president of the National Rural Electric Cooperative Association, in which he stated:

> Our organization . . . by recent decision of our Board, is now intensively studying possible amendments to the Rural Electrification Act in the light of Federal budget and outlay strictures, the national economic situation, and the financial conditions of the individual rural electric systems. We shall try to have our recommendations ready whenever the Committee wishes to hear from us.

Mr. President, I believe the substitute offered by the Senator from Oklahoma (Mr. BELLMON) is the appropriate step at this time. I agree with him that if we allow the situation to go unresolved and to drift, and permit politics to be played between Congress and the Executive we may find ourselves without an REA program with the lower interest rates to serve farmers and ranchers. I believe that the proposal of the Senator from Oklahoma is sound and fair. I believe it will be acceptable to the rural people of the United States. I urge its adoption.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. Mr. President. am I correct that there is 15 minutes on this amendment for me?

The PRESIDING OFFICER. The Senator is correct.

Mr. HUMPHREY. Mr. President, this is a rather difficult assignment for me to challenge the amendment of my esteemed and good friend from Oklahoma (Mr. BELLMON), but I rise in opposition to this amendment because I frankly believe it would add nothing constructive to the present bill. On the contrary, it might well serve to confuse the issue and completely frustrate the purpose that the Committee on Agriculture and Forestry had in mind when it reported S. 394.

For example, the amendment of the Senator from Oklahoma would not compel or instruct the Administrator of the Rural Electrification Administration to reinstate and carry out a 2-percent loan program. In fact, it would not compel the Administrator to do anything. Thus, it would completely negate the purpose of S. 394—to require the Administrator of the Rural Electrification Administration to honor the law and carry out an REA direct loan program in the full amount appropriated by Congress.

Mr. President, the amendment offered by my friend from Oklahoma would only permit the Administrator of REA to make 2-percent loans for the purpose of extending or upgrading lines in areas where less than three customers per mile are or will be served.

It would, therefore, be an exercise in futility for Congress to pass a law giving the Administrator of the REA such permissive authority and which would grant authority the Secretary of Agriculture which he already has terminated. It would be futile because at present there is no REA 2-percent loan program. It is as dead as McNamara's goat. There would still be no REA 2-percent loan program if we modify the eligibility requirements for 2-percent loans, because the issue before the Senate is whether there is going to be a 2-percent loan program, whether it is three to a mile, four to a mile, or 10 to a mile.

The amendment of the Senator from Oklahoma would modify what is called the criteria. There is great flexibility under the present program. The Administrator, as I pointed out yesterday in the debate, can lay down rules and regulations for what we call the mix of 2-percent loans and loans for supplemental financing at higher rates of interest.

By the way, the Senator's amendment still leaves the rural telephone bank inoperative. The rural telephone bank requires a mix of 2-percent money and 4-percent money. The Secretary of Agriculture action has also all but abolished that program as well. For us to stand here in this body and to amend the program, without actually requiring that it be reestablished will accomplish nothing.

Moreover, I am opposed to making these changes in basic law here on the floor of the Senate. The committee has not had an opportunity to really examine the substantive impact of this amendment on the program itself.

We have not talked to REA users. We have not talked to legal counsel. We have not had a chance in committee to examine the full ramifications of the amendment. We do not know how rural electric and rural telephone borrowers would be affected by this amendment.

We have a disagreement on that. The National Rural Electrification Cooperative Association says the average meter per mile is 4.4. The distinguished Senator from Oklahoma says it is 14. However, I must point out that meters do not necessarily relate to number of farmers or customers per mile.

I live 39 miles out of Minneapolis. I have four meters on our 29 acres. One man pays the bill. So there are four meters, but one customer. So we need to get a lot more information on this question than we now have.

The American farmer has no greater friend than the senior Senator from Oklahoma. He knows I am sincere. He and I have worked hand in hand on programs that would benefit rural America. He is a cosponsor of the pending bill.

I would hope he would permit the proposal he has to go back to committee. I have said repeatedly that all these matters need to be examined, because that is why we have the Subcommittee on Rural Credit and REA, which is headed by the Senator from South Dakota (Mr. MCGOVERN), who has indicated that hearings will soon be held on all of these questions. I believe that is what the Senator from Oklahoma should be doing.

Finally, I have just been looking at the REA Act again. Listen to this language. This is the law we are trying to restore now:

> The Administrator is authorized and empowered—

The bill before us changes the word "empowered" to the word "directed"—

> to make loans in the several States and Territories of the United States for rural electrification and the furnishing of electrical energy to persons in rural areas who are not receiving central service stations and for the purpose of furnishing and improving telephone service in rural areas. . . .

and so forth.

Rural areas includes what? I can speak with knowledge on what we mean by such areas. I live in a rural area. My town is Waverly, Minn., with a population of 600. The next town is Howard Lake, Minn., population 900. That is a rural area.

Then the next town is Waconia, population 1,100. That is a rural area. Then there is another town called Watertown, Minn., population 800. That is a rural area. Some of these areas are are served by Northern States Power. Frankly, I buy my power from Northern States Power. That is the line that serves my cause. REA does not come down that far. The REA line serves farmers to the north of me and to the west, and serves rural areas. It even serves a little gun club over there. I hope that will not upset anybody. We have a few people who belong to a little gun club there, where we go skeet shooting once in a while, and we have to turn on the lights and have a little electricity from an REA line. Northern States Power is not ready to put that line in there to give a few people a little light to do some shooting. We go there and turn on the lights and have a little discussion about who the best shot is.

We are talking about the best program this country has ever had—REA. Why tinker with it? When did the Secretary of Agriculture get a revelation from on high that REA ought to stop? When did they discover that 2-percent loans are the worst thing that ever happened? As a matter of fact, Mr. President, 2-percent money is still needed for the rebuilding of many lines. Two percent money is needed for modernization. The REA program, even with a certain amount of continued subsidization will result in bringing more money into the Federal Treasury than anything the Secretary of Agriculture can do to modernize agriculture, because it reduces the cost of production. That is one way to reduce food prices. I hope we do not decide that we are going to have to jack interest rates up to a high level just because of somebody's ideology. Few people obect to this program. Now they say we have to have some restrictions.

I simply say the administrator of this program has the power under existing law to make the mix between 2-percent money and higher interest rates.

The one argument is, Are you going to have any program at all? The other argument is, Is the credit under the Rural Development Act program going to supplant REA? That is the big issue.

The Secretary has said money can be gotten under the Rural Development Act. No rules or regulations have yet been promulgated under the Rural Development Act. The Department of Agriculture is not prepared as yet to provide any loans under that act. No such loans are being made. We are being stalled. The Rural Development Act was not designed to provide credit as a substitute for credit under the REA Act, Rural Development Act credit is to be made available as a supplement, not as a replacement of REA Act credit.

The point that I tried to emphasize yesterday was that even the General Counsel of the Department of Agriculture, in his opinion to the Administrator of REA, seriously questioned the legality of trying to use rural development funds or guarantees for rural electrification.

I just conclude by saying that we provide credit and money all over the world at 1 percent and 2 percent in grants and loans, and I think if we are going to do any more of that, we had better start taking a look at what we are doing at home.

I really appeal to my good friend from Oklahoma, because I want his amendment to be considered in committee. I really believe, and I say this most respectfully, that we have the votes to defeat this amendment. I would prefer to have it considered by the committee. I wish I could privately, try to convince him, to withdraw his amendment.

I would like the Senator, now that he has made his case, to take that amendment to committee. He knows he will get an early hearing. He knows I like to bend over and give him the benefit of the doubt, even when I think he is wrong. I like the Senator from Oklahoma. We recognize that he has made a valiant effort and has brought us some valuable information, but I wish he would withdraw the amendment and submit it to the committee. It is only a few months before we will have to review the whole REA program, because we are going to run out of funds in June. The Committee on Agriculture and Forestry and the Appropriations Committee will have to look at the whole program very soon.

Mr. BELLMON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. BELLMON. Mr. President, let me begin by expressing my deep appreciation to my friend, the Senator from Minnesota, and I know he pleads with great sincerity when he gives me the fatherly advice that we should not have a vote on this amendment. I realize there are other issues involved than just what we are going to do with 2-percent money.

At any rate, let me say that some of the points the Senator raised need to be clarified slightly. One is the statement that the average was four customers per mile. That is right, but in recent years the new connections are averaging 14 per mile, which shows that the character of the program has changed.

Mr. HUMPHREY. Mr. President, did the Senator refer to customers or meters? That has been a problem. I am not sure whether he is referring to customers or meters.

Mr. BELLMON. I cannot say in this case. However, my experience with the REA has been that not many people pay for two meters if they can get away from it. There is a minimum on meters. And if a farmer can have just one meter, that is the number he pays for. It is extraneous as to whether it is meters or customers. There may be occasions when a farmer would have more than one meter. However, that is not normally the case.

The character of the program has changed. The national average is 3.9 per mile. However, there were 14 per mile of new line constructed in 1972. The need for 2-percent money is not as great as it was when it served the agricultural type customer.

I would say that the question has been: What is a rural area? It is indefinite. We included, I believe, 50,000 as being rural in a bill last year, and I agree with that. But that was not the intention here. If we do not take steps to limit this act to its original intention, we may wind up losing the whole thing, and that is where we differ.

It is one of the finest acts ever passed by Congress. And I hope it will not be changed.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUMPHREY. Mr. President, I yield 1 additional minute to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 1 additional minute.

Mr. BELLMON. Mr. President, I would like to point out that the REA is now in the process of closing loans to three locations. One is the Colorado Co-op, and the other two are telephone companies. The new program is in operation. And 5-percent money is available. Some of these loans will be closed very quickly—some of them perhaps even tomorrow.

Mr. McGOVERN. Mr. President, the amendment suggested by the Senator from Oklahoma (Mr. BELLMON) has a great deal of merit. It is one of the approaches which we should consider in solving the problems of rural electric financing.

But this is not the time or the place to consider this amendment. We made it clear yesterday that, upon the restoration of the REA 2-percent loan program mandated by Congress, my Subcommittee on Agricultural Credit and Rural Electrification will begin exhaustive hearings on this matter.

The spur of the moment is not the proper time to consider a substantive amendment to an act which has served this country well for 38 years. Such an amendment requires careful study.

The gentleman from Idaho (Mr. McCLURE) said yesterday that there have been abuses of the rural electric loan program. He does not cite specific abuses, but the strongest backers of the program would concede that there may have been, in a tiny fraction of the program, a very few abuses.

But I submit, Mr. President, that what abuses may have occurred in the past are insignificant compared to what may occur if this amendment is adopted hastily.

To make 2-percent money available to every cooperative with a density of less than three consumers per mile of line would be ideal for my State. Every one of the 32 distribution cooperatives in South Dakota has a density of less than three customers per mile.

It would be good for my State, but it may not be good for other States.

There may well be instances in the Senator's home State of Oklahoma in which a cooperative may serve fewer than three customers per mile, but many of those customers may be oil pumping wells with near 100 percent load factor and very little cost of service to the cooperative.

If an electric cooperative has only one customer per mile, but one of those customers is an aluminum plant with a quarter of a million dollars in annual electric bills, the Congress may not wish to provide that cooperative 2-percent money.

I wonder if the Senator from Oklahoma can tell us how many cooperatives in the United States would qualify for 2-percent money under his amendment. I wonder further if he could tell us how many of those cooperatives are financially sound enough to pay higher rates of interest without raising retail rates to the consumer.

And I wonder how this provision would affect generation and transmission cooperatives. There is no specific mention of them in the amendment, and in many instances in Oklahoma, South Dakota, and other States, the G & T's need 2-percent money every bit as badly as do the distribution cooperatives.

What I am saying, Mr. President, is that there is merit in the amendment, but it needs to be examined in much more detail than is possible on the floor today.

I urge the defeat of the amendment.

Mr. HUMPHREY. Mr. President, I yield back the remainder of my time.

Mr. BELLMON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), and the Senator from Washington (Mr. MAGNUSON) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Alaska (Mr. GRAVEL), and the Senator from Indiana (Mr. BAYH) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from New York (Mr. JAVITS) are necessarily absent.

The Senator from Texas (Mr. TOWER) is absent on official business.

The Senator from Tennessee (Mr. BAKER) is detained on official business.

If present and voting, the Senator from New York (Mr. JAVITS) would vote "nay."

The result was announced—yeas 29, nays 60, as follows:

[No. 21 Leg.]

YEAS—29

Bartlett
Beall
Bellmon
Bennett
Brock
Buckley
Byrd,
  Harry F., Jr.
Case
Cook
Cotton
Curtis
Domenici
Dominick
Fannin
Fong
Griffin
Gurney
Hansen
Helms
Hruska
Mathias
McClure
Packwood
Percy
Ribicoff
Roth
Saxbe
Scott, Va.
Taft

NAYS—60

Abourezk
Aiken
Allen
Bentsen
Bible
Biden
Brooke
Burdick
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Dole
Eagleton
Eastland
Ervin
Fulbright
Hart
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Johnston
Kennedy
Long
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Proxmire
Randolph
Schweiker
Scott, Pa.
Sparkman
Stafford
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NOT VOTING—11

Baker
Bayh
Cranston
Goldwater
Gravel
Hartke
Hughes
Javits
Magnuson
Stennis
Tower

So Mr. BELLMON's amendment was rejected.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JACKSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MONDALE. Mr. President, as a cosponsor of S. 394, I would like to urge its prompt approval by the Senate. This measure, introduced by Senator HUMPHREY, is designed to restore the Federal rural electric and telephone direct loan programs.

On December 29, 1972, the Department of Agriculture announced that it was abandoning the REA low-interest direct loan program. In place, the administration announced it was substituting a program of 5-percent interest insured or guaranteed loans. This action, taken without prior warning to the Congress or affected borrowers, effectively nullifies the provisions of the Rural Electrification Act of 1936, the Pace amendment of 1944, and subsequent legislation appropriating money for the program. The Department of Agriculture and the White House have claimed that the Rural Development Act of 1972 provides the authority for cancellation of the REA direct loan program. But in drawing upon the Rural Development Act, the administration moved far beyond any reasonable interpretation of congressional intent. The 1972 act in no way authorizes, permits, or even alludes to a shift away from REA direct loans.

Soon after the December 29 announcement, I wired Mr. Caspar Weinberger, than Director of the Office of Management and Budget, and Agriculture Secretary Butz, urging that the decision to cancel the REA loan program be rescinded immediately. In that message I pointed out the serious constitutional questions raised by the program's termination, the lack of notice and opportunity for comment, and the strong doubts concerning the adequacy of the 5-percent insured or guaranteed loan program.

I received a reply from the White House under the signature of Mr. William L. Gifford on January 12, 1973. I ask unanimous consent that the full text of this letter be printed in the RECORD following my remarks. With it, I ask that an analysis of that reply prepared for me by the National Rural Electric Cooperative Association be printed for my colleagues in the Senate to read.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. MONDALE. Mr. President, in his letter Mr. Gifford attempts to justify the cancellation of the REA direct loan program, stating:

> Reform of these REA loan programs will achieve multiple objectives. It eliminated direct Federal loans, thereby providing an opportunity to private lenders to finance the credit needs of REA borrowers through the use of Federal guarantees.

Had the Congress wished to create a program to assist private lenders, I submit that such a law would have been passed. However, the Congress—in the case of the Rural Electrification Act—was seeking to provide opportunities for rural communities to finance essential electric and telephone service.

One-third of the population of the United States live in nonmetropolitan areas. But half of the families below the poverty level live there. The average per capita income for all persons in rural areas is below the national level—and far below the average in urban areas. For people living in counties serviced by rural electric systems, the average per capita income is even lower.

According to figures supplied by the National Rural Electric Cooperative Association, consumers on the lines of the nonprofit rural electric systems would have to pay to commercial lenders $18.5 million next year and every year in added costs under the administration's 5 percent formula.

Mr. Gifford also writes:

> Increased lending under these programs is designed to facilitate more rapid growth in the financing that will be provided by the National Rural Utilities Cooperative Finance Corporation, the Rural Telephone Bank, and other private lenders.

But again, as NRECA points out—

> The National Rural Utilities Cooperative Finance Corporation was the creation of the rural electric cooperatives themselves to provide supplementary non-government financing on an orderly and expanded basis. The Administration's unexpected termination of the REA direct loan program pulls the rug out from under C.F.C.'s concurrent loan program with the REA and raises a host of legal problems in connection with the substitution of insured loans under the Rural Development Act.

In sparsely populated rural areas, the loss of 2-percent direct loans under the REA program jeopardizes vital electric and telephone service. Where population densities are lowest, struggling cooperatives may be unable to survive under the new 5-percent loan program. Communities in Minnesota and many other States are dependent upon these cooperatives for essential service to their residents and businesses. At stake is their immediate economic well-being and the prospects for future growth and development.

But regardless of the problem created by the administration's termination of this particular program, a much deeper and more fundamental issue is involved. If the executive branch can unilaterally cast aside the Rural Electrification Act, then which of our laws is secure?

In recent weeks, we have seen impoundments of fiscal 1973 appropriations for rural programs mount to nearly $1.5 billion. Not only the Rural Electrification Act, but also the Water Bank Act, the rural environmental assistance program, rural water, community waste disposal, subsidized housing and emergency disaster loans—all of these laws and programs have been abandoned by the executive branch without the consent of the Congress.

These actions pose a grave threat to the integrity of our laws and to the system of checks and balances against the abuse of power as provided in the Constitution.

By passing S. 394, the Congress can respond firmly to the usurpation of power rightfully vested in the Senate and House of Representatives. This measure requires that the provisions of the Rural Electrification Act be carried out. It reaffirms the clearly expressed intent of the Congress that insured or guaranteed loan authority under the Rural Development Act may be utilized as a supplement—but not a replacement—for the REA 2-percent direct loan program.

Mr. President, I urge my colleagues in the Senate to swiftly approve this important measure.

EXHIBIT 1

THE WHITE HOUSE,
Washington, D.C., January 12, 1973.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: This is in reply to your recent telegram concerning 1973 funding for direct Government loans at 2% interest to rural electric enterprises.

On December 29, 1972, the Department of Agriculture announced that the REA electric and telephone 2% direct Federal loan programs are being converted to insured and guaranteed loan programs at somewhat higher interest rates effective January 1, 1973. This action was made possible by the enactment of the Rural Development Act of 1972 which provided very broad authorities to make guaranteed and insured loans to finance all types of community development programs.

These programs are among those selected for consideration for termination, reduction, or reform as part of the continuing review of Federal programs to identify those that are no longer needed, are relatively ineffective, are excessively costly in terms of their results, are of relatively low priority, or are unnecessary as direct Federal activities because their objectives can be well served by private or State/local action. This review was intensified as part of the effort to hold 1973 Federal budget outlays to $250 billion and keep the outstanding public debt within the statutory limit of $465 billion through June 30, 1973.

Reform of these REA loan programs will achieve multiple objectives:

It eliminates direct Federal loans, thereby providing an opportunity to private lenders to finance the credit needs of REA borrowers through the use of Federal guarantees.

It substitutes interest rates more attuned to today's lending rates for the outmoded 2% rate which was established in the mid 1930's when the corresponding Treasury borrowing rate was less than 2%.

Since insured and guaranteed loans will not have a substantial impact on the budget and on the public debt, it will be possible to provide increased loan resources for REA borrowers within the President's $250 billion spending goal for FY 1973, and budgetary stringencies in future years need no longer restrict the availability of capital for these cooperatives.

Increased lending under these programs is designed to facilitate more rapid growth in the financing that will be provided by the National Rural Utilities Cooperative Finance Corporation (CFC), the Rural Telephone Bank, and other private lenders.

Effective January 1, 1973, all REA loans will be made as guaranteed and insured loans under the authority of Section 104 of the Rural Development Act. In order to meet more fully the needs of REA borrowers, an additional $200 million in loan authority will be made available over and above current allocations. This will provide a total loan authority of $618 million for rural electric loans and $145 million for rural telephone loans in fiscal year 1973. These funds are in addition to loans available to REA borrowers from private sources.

Loans to electric and telephone cooperatives will be made on an insured basis at 5 percent interest. (Guaranteed loans also will be available to electric cooperatives where private capital is available on advantageous terms.) This rate is still substantially lower than the comparable yield on long-term Treasury securities, and even lower than commercial credit rates. Loans to commercial power companies and commercial telephone companies will be guaranteed at market rates of interest. Guaranteed and insured loans under the Rural Development Act will supplement the availability of credit from the private electric bank—"CFC", the Rural Telephone Bank, and other private lenders.

Many details of this transition from the authorities of the Rural Electrification Act of 1936, as amended, to the authorities of the Rural Development Act will require time to work out. Borrowers and other interested parties will be advised of the necessary changes in loan requirements and loan processing as rapidly as possible. Every effort will be made to expedite these new programs in order to meet the expanding needs of REA borrowers.

I hope that the foregoing satisfactorily explains the reasons for the actions being taken on these programs.

Sincerely,

WILLIAM L. GIFFORD,
Special Assistant to the President.

NATIONAL RURAL ELECTRIC
COOPERATIVE ASSOCIATION,
Washington, D.C.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: I hope the enclosed analysis of points raised in Mr. William L. Gifford's letter of January 12, 1973, concerning termination of the REA direct loan program for rural electric borrowers, will be helpful. Please give me a call if you find additional information is needed.

Sincerely,

ROBERT D. PARTRIDGE,
Executive Vice President.

Enclosure.

ANALYSIS OF POINTS CONTAINED IN LETTER DATED JANUARY 12, 1973, AND DIRECTED TO SENATOR WALTER F. MONDALE BY WILLIAM L. GIFFORD, SPECIAL ASSISTANT TO THE PRESIDENT

Page 1, paragraph 5: "It eliminates direct Federal loans, thereby providing an opportunity to private lenders to finance the credit needs of REA borrowers through the use of Federal guarantees."

The Administration's concern in "providing an opportunity to private lenders" is duly noted, but in this period of high interest rates the money lenders seem to be doing very well for themselves without more opportunities being funneled to them by the White House. The Congress has been interested in reserving some opportunities for people who live and work in the rural areas of America, where the need for economic backing continues to be critical.

Census returns demonstrate that although only about one-third of the population live in non-metropolitan areas, half of the families below the poverty level live there. The average per capita income for all persons in rural areas is below the national level and far below the average in urban areas. The average per capita income for all persons living in counties served by rural electric systems (REA borrowers) is even lower.

The Administration's "opportunity to private lenders" simply means that consumers on the lines of the nonprofit rural electric systems will dig out of their pockets $18½ million more next year and every year to pay the commercial moneylenders. This is the difference between the REA 2% interest rate which goes into the U.S. Treasury and the Administration's 5% rate under the Rural Development Act which goes to the "private lenders," based on the announced $618 million program. If that loan level and interest rate should be maintained, then rural users of electricity will have similar increments of additional interest added to their electric bills each year so that ten years from now the additional levy for the benefit of Wall Street amounts to more than $185 million per year.

Page 1, paragraph 6: "It substitutes interest rates more attuned to today's lending rates for the outmoded 2% rate which was established in the mid 1930's when the corresponding Treasury borrowing rate was less than 2%."

Aside from the merits of a 2% interest rate—that the Office of Management and Budget chooses to overlook—the REA loans program and the 2% interest rate on those loans was determined by the Congress and has been maintained by the Congress on the basis of careful and detailed annual review of the program and its capital needs. Neither the White House staff nor the President himself has the prerogative of setting aside those laws and programs it chooses not to administer. Under the historic balance of powers provided in the Constitution, the proper course of action would be for the President to recommend to the Congress "interest rates more attuned to today's lending rates."

Page 1, paragraph 7: "Since insured and guaranteed loans will not have a substantial impact on the budget and on the public debt, it will be possible to provide increased loan resources for REA borrowers within the President's $250 billion spending goal for FY 1973, and budgetary stringencies in future years need no longer restrict the availability of capital for these cooperatives."

Somebody on the White House staff is engaged in some cloudy thinking. The insured 5% interest loans program announced by the Administration has about the same impact on the budget and on the public debt that the REA 2% direct loan program had. The chief difference is that the benefit goes to the "private lenders" instead of to rural consumers of electric service.

The difference between 5% interest charged to the nonprofit electric systems and the market rate which lenders will charge will have to come out of the U.S. Treasury, and it will be every bit as great as the difference between the 2% interest rate on REA direct loans and the cost of money to the U.S. Treasury. If there is a subsidy involved in interest rate differentials, this is now a subsidy for Wall Street instead of for rural people.

Page 2, paragraph 1: "Increased lending under these programs is designed to facilitate more rapid growth in the financing that will be provided by the National Rural Utilities Coperative Finance Corporation (CFC), the Rural Telephone Bank, and other private lenders."

The National Rural Utilities Cooperative Finance Corporation was the creation of the rural electric cooperatives themselves to provide supplementary non-Government financing on an orderly and expanding basis. The Administration's unexpected termination of the REA direct loans program pulls the rug out from under CFC's concurrent loan program with REA, and raises a host of legal problems in connection with the substitution of insured loans under the totally different Rural Development Act which was not created in Congress for this purpose.

If the Administration sincerely desired "to facilitate more rapid growth in the financing that will be provided by . . . (CFC)," then it needed only to implement the advisory language on the use of deferred repayment of principal on REA loans, contained in every Agricultural Appropriations Committee report since 1970:

"The conference on the 1971 appropriation bill also provided the following language in its report:

" 'The Conferees have considered the differences in the language contained in the House and Senate Committee reports recommending that the REA Administrator defer repayments of principal on certain rural electrification loans. After careful consideration of the Comptroller General's letter, dated September 28, 1970, addressed to the Secretary of Agriculture, the Conferees are in agreement that there is authority in Sections 4 and 12 of the Rural Electrification Act to follow both the House and Senate Committee recommendations, and that the Administrator, where he finds the financial condition of a borrower is sound and where the Government's interest is adequately safeguarded, may, in exercising such authority, proceed as follows: (a) by deferment of repayments of principal on outstanding loans for a period of three years in addition to any previous periods of deferment: and (b) by deferment period normally granted on new loans made after the date of this report for a period of three years in addition to the deferment period normally gratned on new loans under pre-existing practice. Such deferments may be made to meet local needs or where desired by REA electrification borrowers to voluntarily invest amounts equivalent to the amounts of principal to be so deferred in securities of the National Rural Utilities Cooperative Finance Corporation. It is expected by the Conferees that the REA Administrator will report to the House and Senate Committees actions taken by the REA Administrator pursuant hereto when he appears before the Committees to be heard on appropriations for REA for fiscal year 1972.' "

Page 2, in paragraph 2: "In order to meet more fully the needs of REA borrowers, an additional $200 million loan authority will be made available over and above current allocations. This will provide a total loan authority of $618 million for rural electric loans . . ."

Congress already had appropriated $595 million for REA direct loans in fiscal year 1973. The difference between that figure and the one announced by the White House is $23 million, not $200 million. In any event, the delay in the loan-making process brought about by the Administration's abrupt termination of loans under the Rural Electrification Act makes full use of $618 million by June 30 unlikely.

AMENDMENT NO. 17

Mr. McCLURE. Mr. President, I call up my amendment No. 17.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CURTIS. Mr. President, may we have order?

Mr. McCLURE. I ask unanimous consent——

Mr. CURTIS. Mr. President, the Senate is not in order. There are conversations taking place in many parts of the Chamber. The distinguished Senator from Idaho is entitled to be heard on his amendment.

The PRESIDING OFFICER. The Senator's point is well taken. Senators will please take their seats, and let us have order in the Chamber.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment he dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McClure's amendment (No. 17) is as follows:

On page 2, line 20, after "3", insert "(a)".

On page 3, between lines 3 and 4, insert "(b)", as follows:

"(b) Section 4 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 904), is amended by adding at the end thereof the following: 'Notwithstanding any other provision of this Act, all loans made under this section shall be made as follows:

" '(1) A qualified borrower shall be entitled to a direct loan on the total amount of the approved loan at a rate of 2 per centum per annum if, on the basis of the time interest earned ratio and the debt service coverage prescribed in REA Bulletin 20–14 (as in effect in July 1972), the time interest earned ratio of such borrower is less than 1.5 or the debt service coverage of such borrower is less than 1.25.

" '(2) A qualified borrower, if the time interest earned ratio of such borrower is 1.5 and above and the debt service coverage is 1.25 and above, shall be entitled to loans in the following amounts, based on the plant revenue ratio as defined in REA Bulletin 20–14 (as in effect in July 1972):

" '(i) a direct loan at a rate of 2 per centum per annum for one-half of the amount of the approved loan and an insured loan at a rate of 5 per centum per annum for one-half of the amount of the approved loan, when the plant revenue ratio is 9.01 and above;

" '(ii) a direct loan at a rate of 2 per centum per annum for one-fourth of the amount of the approved loan and an insured loan at a rate of 5 per centum per annum for three-fourths of the amount of the approved loan, when the plant revenue ratio is 8.01 to 9;

" '(iii) an insured loan at a rate of 5 per centum per annum for the total amount of the approved loan, when the plant revenue ratio is 8 and below.' "

Mr. McCLURE. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. McCLURE. Mr. President, I shall be very brief. I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Idaho may proceed.

Mr. McCLURE. The purposes of this amendment were stated by me in general debate on the bill yesterday, and I shall take very little time to explain it further, but, just as the Senator from Oklahoma, by the amendment just defeated, was seeking a means by which we can guarantee to the people of this country the extension and not the end of an REA loan program, so my amendment seeks to do the same thing, but in a different way. It seeks to find a formula by which we can guarantee that the Federal taxpayers' money in the 2-percent loan fund is used only where it is necessary to meet the needs of the Rural Electric cooperatives that seek this kind of financing, and to provide a flexible formula for the blending of the 2-percent loan and the 5-percent loan funds up to the point where the REA is sufficiently strong financially to be able to pay the market interest rate.

If there has been criticism of the REA loan program as we know there has been, it has been in the area where we have granted loans that were not justified by the necessity and need of the REA. There are some REA's and some 6 percent of them, about 88 in the United States, that are in such financial condition that they desperately need this assistance, and it should be made available to them. There are others that do not need it. We should not ask the taxpayers to pay the bill to give all those who are in those groups that do not need the assistance and all those that fit between the two extremes that have the degree of need which is measurable and which the formula contained in my amendment seeks to measure and to guarantee. The purpose of the amendment is to guarantee that they will not be deprived of the funds while Congress and the administration debate the question of constitutional jurisdiction, a question which by necessity would end up before the Supreme Court.

Without my proposed amendment, I believe that S. 394 will be vetoed. Assuming, even after long debate, requiring considerable time, that the veto could be overridden, can Congress guarantee that funds will become available?

My amendment is offered based on two assumptions. One, that it will meet the desire for necessary budget expenditures, thereby guaranteeing executive support. Two, that the 5-percent insured loans promised by the administration will indeed exist at the time they are required.

If either of the two assumptions is proved incorrect, then Congress will have, in my opinion, no choice but to engage in a necessarily protracted debate with the administration, with the rural electric cooperatives being hurt in the meantime.

For that reason, I urge support for this amendment so that we can meet both the need to fight inflation and the need to fight inflation and the need to strengthen rural America.

Mr. HANSEN. Mr. President, will the Senator from Idaho yield?

Mr. McCLURE. I yield.

Mr. HANSEN. I thank my distinguished colleague from Idaho. I am pleased indeed to offer my support to his amendment. I think it should be understood by everyone in this Chamber that if we are really concerned for what this bill strives to do for the REA cooperatives, there is every reason to support the amendment of the junior Senator from Idaho (Mr. McClure).

I say that because his amendment provides that for those REA cooperatives able to demonstrate an inability to pay 5 percent and remain in business, they will be assured that 2-percent money will be made available to them, as it has been for 30-some-odd years.

It was back in the early 1930's when the 2-percent interest rate on REA loans became effective. At that time, the prime rate was about 1.9 percent. There has been no change over the period of more than three decades in that interest rate.

With the size of the imbalance in the budget, with the enormous demands placed on the taxpayer's dollar for many programs throughout America, there is no longer any valid reason to think that this interest rate should continue for REA cooperatives that have the ability to pay 5 percent. That is still a great rate, and it is a far lower rate than is available in the common market for any ordinary kind of business. It does face up to the problem that is so much not only on the mind of the President of the United States, but also on the minds of countless millions of American taxpayers who know perfectly well what uncontrolled inflation means.

If we are going to get a "handle" on our spending and be able to exercise some discernment on priorities that the public now demands, I think there is every reason to support the amendment offered by the distinguished Senator from Idaho.

I say that as one who happens to own one share of REA stock. My little town in western Wyoming is serviced by the Lower Valley Power & Light. Less than 3 weeks ago, as I recall, there were a number of people in my office from all over Wyoming representing various cooperatives, and I told them then that I would support any effort to assure assistance for the cooperatives in my State and throughout the country that are unable to pay 5 percent on the moneys available to them through the loan program. That is precisely what the pending amendment would seek to do.

I suspect there will be some votes—I hope not many—but undoubtedly some will be cast against this amendment, not because it is without merit, not because it does not answer the tough problem that is being posed by the REA cooperatives in this country, but rather by those who seek a confrontation between Congress and the President of the United States.

There are those who place politics ahead of national need. I do not think there is any question, in this instance, but that the pattern seems to be developing, as I read the newspapers, that there are those who seek a showdown with the President, who want to insist that it shall be the responsibility of the executive branch of the Government to spend all of the moneys appropriated by Congress.

Let me say to those persons who cling to this point of view that they do not read correctly the feelings and the sentiments of the average taxpaying citizen of this country.

I think there is no doubt at all, Mr. President, that the majority of Americans are solidly behind the President of the United States in his tough fight to bring down spending to a sizable proportion so as to halt or slow down the wild fires of inflation.

I therefore hope that we can rise above politics. I hope that we will be able, this afternoon, on this vote now, to address ourselves to the larger problem that concerns all 208 million Americans, in taking all such steps as now are afforded to us to see that we act in a responsible manner, to see that we make certain that the fine programs implemented by the REA over the years shall not be slowed down, to insure that they shall be properly funded, but not to require the President by mandate to regardless of need spend all of the money that is made available to him as this bill unamended would. I think that this bill, with the McClure amendment in it, will be a step in the direction that most Americans will say will serve the highest public interest.

I urge my colleagues to give the McClure amendment their support.

Mr. McCLURE. I thank the distinguished Senator from Wyoming for his remarks.

I now yield to the senior Senator from Colorado (Mr. DOMINICK).

Mr. DOMINICK. I thank my friend from Idaho. My colleagues, some years ago, in my State, and I am sure it is true in other States, there was a considerable battle going on between the REA's and the public utility companies, the so-called private investment companies.

It was a distressing thing to me because what was creating this fight was the fact that areas which the private investment companies had not been willing to serve before, because of a low-population ratio, was being filled with people, at which point they wanted to get in, and that was an area where the REA's had served before.

In order to try to bring this thing to a head, I had the audacity—I suppose one would say—to introduce a bill which would have abolished all 2-percent interest money. The REA's, predictably, gave me a real blast. I went to the State meeting and reported on the bill, pointing out to them that the American people were providing 2-percent money out of their tax money, for which the Government was borrowing at a rate of more than 6 percent, and a private citizen could not get a loan for less than 8 percent; that over a period of years there was little or no doubt in my mind that the 2-percent money was eventually going to be killed off.

I recommended to them at that time that they start looking into the methods of setting up a bank such as the Farmers Loan Bank and that they start doing other things of this nature to find alternative sources of funding for the REA, as opposed to just the 2-percent money. To my surprise, I found that at least 50 percent of the membership of the REA's who were present at this meeting were in agreement with me.

Recently, following the proposed cutbacks in the loan funds, I had a meeting with my own State REA people. I reported again that we were going to have problems with the 2-percent money, and I pointed out to them what I hope other States have done—I do not know how many have done so. In our State we have created, under our public utilities commission, franchise areas. The State, in other words, is growing sufficiently strong so that each of the REA's has its own area to work in, and a private utility company has its own area; and if one of them wants to expand into another area, it has to go through the State commission in order to get permission to do so.

This has cut down very largely on the fights between the REA and the private investment companies. But it has not—if I may say so—cut down on the degree of disagreement that has existed, as has been pointed out so ably by the Senator from Wyoming, on the use of 2 percent money at a time when the Government is paying a great deal more than that in order to get the funds together just to provide the necessary resources for the rest of the governmental structure.

The present head of the administration of the REA, Mr. Hamil, is from my home State. He is a very fine administrator. He has been working for years to try to find a method of distribution of funds which would be of assistance to those REA's which need 2 percent money and which would provide other sources of funding for those which do not.

It is my understanding that the present formula that is being used down there—and this is what I wanted to make sure of from the Senator from Idaho—is substantially along the lines of the amendment presented here. Is that correct?

The PRESIDING OFFICER. The time of the Senator from Idaho has expired.

Mr. CURTIS. Mr. President, I yield the distinguished Senator from Colorado 5 minutes on the bill.

Mr. McCLURE. I thank the Senator for yielding.

I say to the Senator from Colorado that the formula used here uses the same three criteria in the same way that has been worked out between the REA and CFC. The CFC funds are not directly involved in this amendment; but the blend which was created in the formula between REA and CFC is blended between REA 2 percent and 5 percent moneys upon exactly the same criteria.

Mr. DOMINICK. So, in effect, what the Senator is doing is using a formula which has worked quite adequately between CFC and REA, and using it in terms of 2 percent and 5 percent money.

Mr. McCLURE. That is correct. It was a formula worked out between REA and CFC, and it has the support of the Rural Electric Cooperatives.

Mr. DOMINICK. I think that is important, and I think it ought to be emphasized—namely, the formula has the support of the REA cooperatives.

It is a formula which is not new. It is a formula which has been used before. It is a formula which does take into account the demands on the tax funds which people are paying into this Government day by day and month by month.

It seems to me perfect nonsense for us to be putting up a debt limit and then raising it every year, and sometimes twice a year—and it then does not become a debt limit; and in order to finance that debt, we go out and borrow from our own taxpayers at a rate which is far higher than that at which we are giving money away. It does not seem to me that we ought to be doing that any longer, particular when we do not absolutely need to do so.

I am happy to support this amendment.

Mr. HUMPHREY. Mr. President, I yield to the senior Senator from Minnesota.

Mr. MONDALE. Mr. President, I asked for a minute or two of my distinguished colleague's time to join, in the strongest possible terms, in support of the Humphrey measure.

I do not know of any program in our State that enjoys a broader or a deeper bipartisan support than our Rural Electrification Program. As a result of it, Minnesota was privileged—as most States have been—to have modern, low-cost electrical service into areas which were not served before. The need for our rural electrification assistance 2 percent loan program is just as important today as it was the day the program was created. Because of the increased demand for electricity, the increased demand for modernization of electrical service is just as compelling and as necessary in rural America as it was 30 years ago.

If this program is damaged, if the 2 percent money is largely denied or eliminated, it means that the areas that need it the most—virtually all the rural areas of Minnesota and most States—will not be served in the way they must be served if family farming and rural America are to have a chance to survive and to prosper.

This is a modest program. It is a small program. It does not bulk large in the budget at all. If rural electrification as we have known it is destroyed, I think that, more than anything else Congress or the Executive can do, it will be an eloquent, unquestioned statement by the American Government that we have decided, finally and officially, to turn our back on rural America. I will not stand for it. I intend to do all I can to support the Humphrey measure.

The second point is that the manner in which it was done raises the profoundest constitutional issue. If the President of the United States possesses power which permits him to deal with congressional enactments as though they were simply advisory in character, if he can eliminate, alter, delete, or obliterate a program at his option, unilaterally, as though he has some sort of imperial power which exceeds those found in the Constitution, then we have a different system of government, a presidential system of government, not a representative system of government, as I have thought, and as I think a plain and clear reading of the Constitution suggests.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUMPHREY. I yield 1 additional minute to the Senator.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. MONDALE. So it is not only a question of blocking an attempt to turn this Nation's back on rural America, but it is a more fundamental principle of whether we have a representative system of government.

For that reason, I hope the resolution will be adopted without change.

Mr. HUMPHREY. Mr. President, I yield to the Senator from Vermont, who is a cosponsor of the bill.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, when we vote in the Senate we base our decision on what would be the effect of the proposal on the people of our own States.

In this case, I have to report that the REA members in my State have an investment in their plant and system which is far, far in excess of the investment of the average person who buys power from a private utility company. That was the original reason for the lower rate of interest, that is the reason now, and that is the reason I voted against the Bellmon amendment, although I realized it would be applicable in some parts of the country; it would not be helpful to the REA people of my State who are doing such good work in the rural areas. So for the same reason I will support them and not vote for the McClure amendment. But I realize that would be applicable in some areas, also.

I think there is serious defect in the bill before us. Section 5 of the legislation is good. The President or the administration was wrong in basing its decision to raise the interest rate by using the Rural Development Act of 1972 which was not intended for any such purpose at all. However, I shall ask the chief sponsor of this measure, the Senator from Minnesota, for an explanation of another part of the bill when the proper time comes.

In the meantime, I am supporting the REA subscribers in my own State who have invested, I guess, at least 50 percent more than the average person who purchases power from private utility companies.

So I just wish to say why I am voting against the amendment. I will ask the chief sponsor of the measure to explain another section of the bill later.

Mr. HUMPHREY. Mr. President, I thank the distinguished Senator from Vermont for his expression of support and his expression of interest in the bill. Of course, it is weighed very carefully and it has a very solid impact on the thinking of the Members of this body.

It is my judgment that the amendment before us is highly undesirable and I address myself to that amendment. I thank the Senator from Vermont for his statement relating to the amendment of the distinguished Senator from Idaho and the opposition to it.

I rise in opposition to the amendment of my distinguished colleague, the Senator from Idaho (Mr. McClure). This amendment would first make borrower eligibility for supplemental financing a matter of statutory requirement instead of administrative requirement, thereby removing any flexibility the Administrator now has with respect to establishing such requirements.

It should be noted here that the present law permits the Administrator of Rural Electrification to provide for what we call the mix between 2-percent money and supplemental financing. That is being done and it will be done in the future if this program is preserved. The simple truth of the matter is that the action of the Department of Agriculture is to kill off, to terminate, to obliterate, to put a cease-and-desist order upon 2-percent money. So what we are really talking about here is whether or not we are going to continue a program that will afford us a so-called interest rate furnishing moneys between 2-percent money and money in the conventional money markets; as is now provided, for example, through the Cooperative Financial Corporation. That is set up entirely by REA cooperatives themselves. CFC goes into the private money market and gets substantial amounts of money to provide borrowers with the means to continue development and modernization of REA services and facilities. That money was purchased at conventional or market rates of interest, mixed with the 2-percent money. The report of the committee on pages 11, 12, and 13 describes the present regulations. Those regulations are within the intent and purpose of the law on the statute books.

Mr. Hamil, the Administrator, administers those regulations.

Also the amendment of the Senator from Idaho presumes that 5-percent loans under the Rural Development Act will become available, a matter which even the Department of Agriculture's own legal counsel questions at this point. As the Senator from Vermont made clear, credit under that set whether insured on guarantees, was not designed to replace credit made available under the REA Act.

It was designed for other purposes. Section 5 of the bill before us makes it very clear that rural development funds are supplemental, in addition, to REA funds, rather than in lieu of or in place of REA funds.

Furthermore, the McClure amendment would substantially reduce the amount of 2 percent loan money that could be made available to various classes of borrowers. Borrowers with a plant revenue ratio—PRR—of 9.01 and above would be eligible for only 50 percent of 2 percent money, as opposed to a current level of 90 percent. That group of clients consists of one or two customers per mile. If we are going to impose 50 percent of rural development funds on that group, we are going to put them out of business. Obviously, the Administrator thought so, because he promulgated the present regulation, which shows 90 percent of 2 percent money and 10 percent of what we call supplemental or outside financing. So the McClure amendment would basically alter that provision.

Let us look at another group. Borrowers with a blend of 8.1 to 9 would be eligible for only 25 percent of 2 percent money as opposed to a present level of 80 percent, and those with a PRR of 8 or below would not be eligible for any 2 percent loan money at all. Applying that rule to this class of borrowers would mean that 54 percent of all present REA borrowers would be denied access to any 2 percent money. No private utility can operate with any 4 or 5 customers per mile. That is why we have been able to come to some understanding between private utilities and the REA. In my State, we have a very good working relationship.

What is would be done by this amendment would be to put into statutory law a total revision of present regulations. We would put into statutory law a mix of interest rates on money without giving the administrator any flexibility to deal with particular situations which may come before him. To do that would be most unfortunate. A matter of this complicated nature requires more than a few minutes of debate in the Senate. It requires extensive hearings. We should hear the General Counsel of the Department; the finance officers of the Rural

Electrification Administration; we should hear from the rural electrics and rural telephone borrowers themselves.

Again, this amendment does not correct any of the current problems being created by the Administration's action with respect to the rural telephone program. The rural telephone program is now dead, unless we pass the bill before us. I do not care what kind of case is made; the rural telephone program is dead. The law already says there has to be a mix of 2 percent and 4 percent money for rural telephones, 4 percent through the telephone bank and 2 percent from REA funds. This amendment does not address itself to that problem at all.

I would hope that we would not debate an amendment of this consequence, this importance, at this juncture in the deliberations on the bill.

THE PRESIDING OFFICER. All time on the amendment has expired.

Mr. DOLE. Mr. President, will the Senator yield me a minute on the bill?

Mr. HUMPHREY. I yield to the Senator from Kansas 1 minute on the bill.

Mr. DOLE. I wish to say, in response to the Senator from Minnesota, that I think the amendment offered by the Senator from Idaho has great merit.

I think the best course has been suggested, and that is that we will be considering new legislation in this field; that the effort of the proposal by the Senator from Minnesota and other cosponsors—some 54 cosponsors—is to demonstrate that we believe the program should go forward as is. I have no quarrel with the admendment, but I believe it is in our best interest to pass the measure before us without amendment.

Mr. McGOVERN. Mr. President, the amendment suggested by the Senator from Idaho (Mr. McClure) would accomplish some of the same objectives as sought by the earlier amendment. It would do so in a much more complicated manner.

I wonder whether the Senator from Idaho can tell us how many cooperatives, under his formula, would qualify for full 2-percent funding, how many would qualify for half 2 percent and half 5 percent, how many would qualify for the 75–25 split, and how many would have to pay the full 5 percent.

It may be that the proposal is meritorious, but it should be studied in depth. That is what I propose to do in my Subcommittee on Agricultural Credit and Rural Electrification.

We would be most pleased to have the Senator from Idaho bring this proposal to our subcommittee, buttressed by hard facts and an explanation of how it would work.

But the amendment should be defeated today, both because we have had insufficient time and opportunity to examine it, and because it is peripheral to the central issue before us today. That issue, I remind my colleagues, is whether the administration can abrogate an act of Congress in the manner in which it has killed the rural electric and telephone loan program.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho. On this question the yeas and nays have been ordered.

Mr. CURTIS. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 48 minutes on the bill.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. CURTIS. Mr. President, I beg the Chair's pardon. Was the request for the vote on the amendment?

THE PRESIDING OFFICER. Yes.

Mr. CURTIS. I withdraw my suggestion of the absence of a quorum.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from California (Mr. Cranston), the Senator from Indiana (Mr. Hartke), the Senator from Iowa (Mr. Hughes), the Senator from Washington (Mr. Magnuson), the Senator from Wyoming (Mr. McGee), and the Senator from Louisiana (Mr. Long) are necessarily absent.

I further announce that the Senator from Alaska (Mr. Gravel) is absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel), the Senator from Washington (Mr. Magnuson), and the Senator from Indiana (Mr. Bayh) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Goldwater) and the Senator from New York (Mr. Javits) are necessarily absent.

The Senator from Texas (Mr. Tower) is absent on official business.

The Senator from Tennessee (Mr. Baker) is detained on official business.

If present and voting, the Senator from New York (Mr. Javits) would vote "nay."

The result was announced—yeas 24, nays 63, as follows:

[No. 22 Leg.]

YEAS—24

Bartlett
Bennett
Brock
Byrd,
  Harry F., Jr.
Case
Cook
Cotton
Curtis
Domenici
Dominick
Fannin
Fong
Griffin
Hansen
Helms
Hruska
McClure
Packwood
Percy
Ribicoff
Roth
Saxbe
Scott, Va.
Taft

NAYS—63

Abourezk
Aiken
Allen
Beall
Bellmon
Bentsen
Bible
Biden
Brooke
Buckley
Burdick
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Dole
Eagleton
Eastland
Ervin
Fulbright
Gurney
Hart
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Johnston
Kennedy
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Proxmire
Randolph
Schweiker
Scott, Pa.
Sparkman
Stafford
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NOT VOTING—13

Baker
Bayh
Cranston
Goldwater
Gravel
Hartke
Hughes
Javits
Long
Magnuson
McGee
Stennis
Tower

So Mr. McClure's amendment was rejected.

Mr. HUMPHREY. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. CURTIS. Mr. President, I yield 15 minutes to the distinguished Senator from North Carolina (Mr. Helms).

Mr. HELMS. Mr. President, the question before the Senate today is not one of who favors rural electrification. We all do, and certainly the junior Senator from North Carolina does.

The real question, and a great many taxpayers are raising it, is whether the Congress can really justify, in this time of great economic crisis, 2-percent Federal loans to cooperatives at a time when the Federal Government is paying three times that much on the money it will have to borrow in order to turn around and lend it to the cooperatives.

Much has been said about the national need for rural electrification. So that the record may be clear, Mr. President, let me reiterate—as emphatically as I can—that I favor taking electricity to every farm that yet needs it. At the same time, Mr. President, I feel that we should be realistic, and not be misled about the situation as it exists today. In 1936, only 10 percent of U.S. farms had the benefit of electricity; today 98 percent of the United States has been electrified. This is a job well done, in which all Americans can take pride. The face of America has been changed; there is no doubt about the record. But the same record also shows that the job has been completed, for all practical purposes.

We are living in changing times, and REA has become part of those changing times. As recently as 1950, 80 percent of all electric connections made by REA-financed co-ops were for farms. By the end of 1971, only about 19 percent of all electrical connections were for farms. Nonfarm residential connections accounted for 71.6 percent—close to three-quarters of REA-financed co-op customers. Commercial and industrial connections accounted for 6.6 percent of the customers. Irrigation took 1.3 percent of the connections, and other uses, such as churches, schools, and so forth accounted for the other 1.4 percent.

The pattern which is emerging is clear: Rural America is becoming suburban America. It is true that many co-ops still serve communities overwhelmingly devoted to farming. But more and more the need for expansion is generated by the outreach of suburbia, and the flight of urbanites from the crime-ridden cities into the relative peace of rural America. Nobody likes to pay more money for anything, particularly when they have been getting a free ride. However, I think that suburbanites are proud enough to pay their own way.

Now there has been much talk emphasizing that the REA Act was for rural electrification, and was not intended only to service farms. The implication is that the burgeoning record of new suburban customers of rural electric cooperatives is perfectly justified. This interpretation simply does not fit with the original intent of Congress in passing the act.

If anyone takes the trouble to look up the original Senate report of February 17, 1936, the intention of the lawmakers was spread upon the record. I quote:

> Experience shows that nothing can be more beneficial to the farmer and that nothing will add more to the comfort, satisfaction, and happiness of the rural population than the electrification of farm homes. As a matter of fact, the farmer should become, and undoubtedly will become, a much better consumer of electricity than the dweller in the city. The farm home has use for all the electrical appliances which can be used by the city dweller, but, in addition thereto, he has many uses for electric power which the city dweller does not have. In fact, these special uses constitute one of the chief reasons why electrification on the farm brings more satisfaction than the electrification of the city home. If the price of electric current is made reasonable, the farmer will use much more electricity than will the city dweller.

Mr. President, I remind Senators that this is the language of the 1936 report, and I emphasize the continuous and repeated use of the word "farmer" in connection with this act.

I continue to read:

> There are numerous uses to which the farmer can apply this power which have no application in the city. In addition to all the uses which are applicable to the city home, the farmer uses electric power for grinding feed, pumping water, and performing a hundred other services, thus avoiding the drudgery and labor which so often makes life in the farm home undesirable, as compared with life in the city.

Mr. President, the REA Act did not contemplate suburban electrification for the simple reason that suburbia is a modern phenomenon.

The purpose of the REA Act was straightforwardly to get electricity on the farm. I submit that we have already put electricity on the farm. The REA co-ops are now adding customers at the high-density rate of 14 per mile. This quite strongly supports my contention that the area of maximum potential for co-op expansion lies in the drift toward suburbia, and is in fact being accomplished there.

Nor is this the only fact we learn from looking up the intention of the lawmakers of 1936. Much is being made today of the need to subsidize the REA co-ops with low-interest rates. It is even said that some co-ops will go bankrupt or into the red if 2-percent loans can no longer be made. At the present time, the annual Federal subsidy amounts to over $240 million. We are told that there are some 88 co-ops that are in such shaky financial condition that they can not even qualify for outside loans and rely wholly on REA.

I will go into this problem in a moment, but first, I want to touch upon the congressional intent as to subsidies. To be blunt, it was never intended that REA should operate its loan program upon a subsidy basis. The House report said flatly:

> No grant or subsidy is provided for in the bill.

In the congressional debate of 1936 the Senate bill provided that the rate of interest be not more than 3 percent per year; the House bill provided that the rate of interest be not less than 3 percent per year. The conference report provided a compromise in which the interest rate would be equal to the average rate of interest payable by the United States of America on its obligations, having a maturity of 10 or more years after the dates thereof, issued during the last preceding fiscal year in which any such obligations were issued. In other words, the original intent was that the interest rate be roughly comparable to the cost of money borrowed by the Federal Government.

Mr. President, the financial picture of the United States has changed somewhat since the depression years of the thirties. There is no longer much 2-percent money going around. There is no need to continue a subsidy long after the need for a subsidy has passed, and certainly when no subsidy was intended in the first place.

Nor can it be said that money will be unavailable for electrification purposes. The effect of the present annual $240 million subsidy was actually to make less credit available from Federal sources, because of the crisis of the budget situation. By channeling Federal funds through the Rural Development Act, the administration has actually expanded the amount of credit available to rural electric cooperatives. RDA provides for insured and guaranteed loans, financed by private lenders, thereby enlarging the credit pool. Total Federal loans for electric and telephone co-ops will be $200 million larger than earlier planned by the President for both 1973 and 1974. The loans will total about $760 million, since Federal costs are lower.

Of course, Mr. President, a 5-percent loan is not as favorable as a 2-percent loan. But, Mr. President, there are millions of American taxpayers—the people who pick up the tab for all Federal subsidies—who would be delighted to be able to borrow at 5 percent. The question, then, is whether rural electric cooperatives need—and the proper word may very well be deserve—the favoritism of 2-percent loans.

I am aware of all the arguments. I know that one can always find exceptions—cases of mismanagement, extreme economic conditions, fluctuating power costs. Yet even on the official record, only 88 co-ops have been cited as not strong enough to obtain non-REA financing under present regulations. This is 88 co-ops out of 1,094 active REA borrowers. At the other end of the extreme you find affluent co-ops that actually subscribed their surplus funds to the Rural Utilities Cooperative Finance Corporation to be lent out again at 7¾-percent interest.

During the subcommittee hearings on this bill, I asked Mr. Robert D. Partridge, executive vice president of the National Rural Electric Cooperative Association, to submit to me examples of financial statements of co-ops whose solvency was endangered by the loss of future—I emphasize the word "future"—2-percent loans. Mr. Partridge declined to back up such claims. In a letter to me he wrote as follows:

> Rural electric systems share with all other business enterprises an abhorrence of any prediction of their bankruptcy. Hence, it would not be appropriate—even if possible—for me to supply a list of endangered rural electric enterprises.

Mr. President, I can see why any co-op would be reluctant to have the spotlight of publicity turned upon itself in such a context. Nevertheless, co-ops are public institutions. If the industry claims that some of its members are endangered by the administration's actions, then certainly there must be some co-ops whose management is so flawless and whose circumstances are so much the result of outside circumstances that this claim be substantiated.

However, I was able to get a few financial statements on my own initiative, although not in time to do an exhaustive analysis of them all. Choosing one at random, however, I note that its quality of management is not remarkable. In 1972, it budgeted a deficit of over $28,000. This strikes me as a rather unusual procedure—to budget a deficit. This co-ops' cost of purchased power as a percentage of total expenses increased from 39 percent to 46 percent from 1971 to 1972. Since the power companies that sold the power were under price controls and could not have increased the cost per unit, this increased percentage is not easily explainable.

I also note that 13 percent of the co-ops' hookups were idle during 1972. This is awfully poor planning, or bad luck, one or the other. Another problem with this co-op—a major problem—was its extremely high rate of capital investment—over 10 percent of the total investment in the utility plant was made during 1972. Furthermore, maintenance, renewal, and replacement deficit was extremely high during 1972, indicating poor planning for future potential. Finally, this co-op has made long-term investments out of short-term financial sources. It is no wonder that they have problems.

I bring this forward for the light it sheds as a specific example. I do not generalize, nor have I had the time to do more than a hasty examination. At the same time, I wonder about the quality of management these marginal co-ops are getting. The average manager's salary for the dozen co-ops I examined was nearly $18,000. Some ran in excess of $21,000.

At any rate, I can hardly believe that a rise in the interest rate for a portion of new obligations will make or break our co-ops at this stage of rural electrification. Electric loan funds are currently being advanced by REA at a rate of about $450 million per year. It is evident that on an overall basis the average interest rate on outstanding REA loans will increase very slowly. For the individual co-op, interest expense is a somewhat minor part of the total cost of operating rural electric distribution systems. The interest expense as a percent of operating revenue has been steadily declining since 1967. In 1971, it amounted to 4.3 percent of the operating revenue of electric distribution systems. This may be compared with the cost of purchased power, which amounted to 44.2 percent of operating revenue. Certainly the cost of interest is not the most serious financial challenge facing electric distribution borrowers.

The fact also demonstrates that an increase in the interest rate from 2 to 5 percent would not appreciably increase the electric bill per meter, as has been suggested. On the average, if future REA loans were to carry 5-percent interest, 5 years from now this would represent an additional cost of less than 50 cents per customer per month. That is what we are talking about, Mr. President. Thus, cries that a 5-percent interest rate on future loans would cause rate increases beyond the ability of subscribers to pay are simply unfounded. If any co-op should suffer financial failure, it is most likely to result from other problems than an increase in the loan rate.

Now let us look at what this 2-percent money that S. 394 proposes to retain would really cost the taxpayer. Let us assume that the Government has to pay 6 percent for the money it has to borrow to finance future REA loans. And let us further assume that the 2-percent money is loaned to the co-ops for the usual 35-year period. Under these circumstances, the taxpayer will be asked to pick up the tab—to pay a subsidy to the co-ops of $389.45 for each $1,000 they borrow.

Since when is it good business for the Federal Government to charge the Nation's taxpayer $398.45 for each $1,000 it lends to local rural electric cooperatives—for no justifiable purpose except to subsidize the co-ops' customers a few cents each per month?

And when one considers that USDA estimates that it will lend $3,440,000,000 to electric and telephone borrowers over the next 6 years, this interest subsidy—the difference between the 5-percent and 2-percent money—would amount to $2,245,632,000. That is a lot of money. I do not think we should make that kind of a commitment under the circumstances.

Finally, I would like to address one additional problem that has been raised by many critics; namely, the usurpation of congressional prerogative. It has been claimed that the President has acted without consulting Congress and has summarily put an end to a program of the greatest importance.

I find it difficult to follow this argument. If anything, the President has brought to a graceful close a policy which has long since served its purpose, while providing for a continuation of its purposes in an efficient manner. Nevertheless, few of the stanch defenders of congressional prerogative have alluded to the fact that the REA itself is a symbol or the abrogation of congressional prerogative. The REA was not established under legislative enactment. It was established by President Franklin D. Roosevelt by Executive order signed May 11, 1935. This was more than 1 year before REA was legitimized by the REA Act of 1936. I see no anomaly in a program which was, in effect, started by Presidential decision being concluded by Presidential decision. Some of my colleagues may wish to have the documentary record of Presidential usurpation completed. Therefore, Mr. President, I ask unanimous consent that President Roosevelt's Executive Order 7037 of May 11, 1935, be printed in the RECORD.

There being no objection, the executive order was ordered to be printed in the RECORD, as follows:

EXECUTIVE ORDER NO. 7037

ESTABLISHMENT OF THE RURAL ELECTRIFICATION ADMINISTRATION

By virtue of and pursuant to the authority vested in me under the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (Public Resolution No. 11, 74th Congress), I hereby establish an agency within the Government to be known as the "Rural Electrification Administration", the head thereof to be known as the Administrator.

I hereby prescribe the following duties and functions of the said Rural Electrification Administration to be exercised and performed by the Administrator thereof to be hereafter appointed:

To initiate, formulate, administer, and supervise a program of approved projects with respect to the generation, transmission, and distribution of electric energy in rural areas.

In the performance of such duties and functions, expenditures are hereby authorized for necessary supplies and equipment; law books and books of reference, directories, periodicals, newspapers and press clippings; travel expenses, including the expense of attendance at meetings when specifically authorized by the Administrator; rental at the seat of Government and elsewhere; purchase, operation and maintenance of passenger-carrying vehicles; printing and binding; and incidental expenses; and I hereby authorize the Administrator to accept and utilize such voluntary and uncompensated services and, with the consent of the State, such State and local officers and employees, and appoint, without regard to the provisions of the civil service laws, such officers and employees, as may be necessary, prescribe their duties and responsibilities and, without regard to the Classification Act of 1923, as amended, fix their compensation: *Provided*, That in so far as practicable, the persons employed under the authority of this Executive Order shall be selected from those receiving relief.

To the extent necessary to carry out the provisions of this Executive Order the Administrator is authorized to acquire, by purchase or by the power of eminent domain, any real property or any interest therein and improve, develop, grant, sell, lease (with or without the privilege of purchasing), or otherwise dispose of any such property or interest therein.

For the administrative expenses of the Rural Electrification Administration there is hereby allocated to the Administration from the appropriation made by the Emergency Relief Appropriation Act of 1935 the sum of $75,000. Allocations will be made hereafter for authorized projects.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *May 11, 1935*.

Mr. HUMPHREY. Mr. President, I now yield 6 minutes to the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.).

The PRESIDING OFFICER (Mr. BARTLETT). The Senator from Virginia is recognized for 6 minutes.

Mr. HARRY F. BYRD, JR. Mr. President, the issue which is represented by the bill before us today—S. 394, the restoration of rural electric and telephone direct loan programs—is one which is of great interest to me and of great importance to rural America.

The Rural Electrification Act has been, in my judgment, one of the most beneficial Government programs. It has brought electric power—utilities and utensils—within the reach of virtually all of the residents of the rural areas of our great country. Many of these areas are isolated to an extent where private power cannot be made available because of the prohibitive cost.

While Virginia now is considered an urban State, it has many areas which are basically rural and agrarian. Most States are more rural than is Virginia.

As electric power has been transmitted throughout the far reaches of the Commonwealth through the development of rural electric cooperatives, her citizens have enjoyed an improvement in their standard of living and a growth in their economy.

This same thing has occurred across our great Nation. The Rural Electrification Administration has played an important, major role in rural development.

Rural development should continue to have a high priority. A rural electrification program, including telephone, still is needed. There is additional work to be done, additional needs to be served.

I favor a change in the existing direct loan program. The President's proposal for guaranteed loans—as contrasted with direct loans—with interest payments above 5 percent subsidized appears to me to have merit.

I support the President in his effort to control runaway Federal spending. I also support the rural electric cooperatives as they strive to become less dependent upon the financial resources of the U.S. Government and to rely more upon commercial financing for their operations.

It is my view that Congress would be best serving the American taxpayer and the interests of members of rural cooperatives if we would institute a program of guaranteed loans on a graduated scale, based upon the needs of each individual cooperative.

There are some cooperatives, which, because of their unique situations, are in need of 2 percent interest to continue their operations.

There are many others, however, which, because of their fortunate situations, are able to continue their operations through capital loans at commercial interest rates.

And, there is that large group of cooperatives whose operations require Federal interest subsidies which would provide them interest rates between those available on the commercial market and the 2-percent level of which we are speaking today.

For the future, rather than the present direct loans, I hope the Congress will head in the direction of guaranteed loans on a graduating scale based on the needs of the individual cooperatives. It is difficult to continue to justify the 2-percent direct loan.

Congress must reappraise the current program when the new fiscal year begins July 1. I shall vote for S. 394, because first, the program envisioned in this bill was requested by President Nixon last year and deemed to be essential by him and by the Congress; second, it was approved by the Congress, and the electric cooperatives throughout the Nation have a right to expect that the legislation deemed essential by the President, granted by Congress, and signed by the President, is a valid instrument on which to base their programs for the current year.

S. 394 applies to the remaining 4 months of the current fiscal year. Two-thirds of the year already has gone by. I do not deem it fair to change the law until the year ends.

I believe, however, that the Congress must give careful consideration, prior to appropriating funds for the fiscal year beginning July 1, to instituting a program of graduated, guaranteed loans and interest subsidies based on need.

President Nixon is right in asserting that the present program needs to be tightened. But the time to do it is the new fiscal year and not near the end of a year for which the cooperatives have planned their programs based on existing law.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Eight minutes.

Mr. HUMPHREY. I yield to the distinguished Senator from Vermont.

Mr. AIKEN. Mr. President, as I stated earlier today, I am very strongly in favor of section V of this bill because, as one of the principal sponsors of the rural development bill, I can say that that act was never intended to supplant the REA but simply to supplement it.

There is, however, one part of this bill which has concerned me considerably. In three places in the bill it states:

> The Administrator is authorized and directed to make loans each fiscal year in the full amount determined to be necessary by the Congress or appropriated by the Congress.

My question is this: If Congress appropriates $515 million for REA loans, is the Administrator then required to lend $515 million to the cooperatives?

Mr. HUMPHREY. Mr. President, obviously, the reason why the language, which is so explicit, is in this bill is that the word in the previous legislation was "empowered"; and this has been interpreted by the Secretary of Agriculture and the Office of Management and Budget as giving leeway to the President to cut off the program rather than to carry it forward. The only word that has been changed, really, is the word "empowered."

Congress, in each session, through the appropriations process, takes testimony as to what is needed in amounts of loan funds. We know what the process is. The administration comes in each time and makes its recommendation. The committee takes testimony, and in most instances it has increased the loan funds for REA.

The funds appropriated in 1973 were far below the requirements of rural telephone and rural electricity borrowers. In fact, the information I have is that the amount of money Congress made available for 2 percent loans would be less than half of what was really requested or needed according to the testimony—at least, what was assumed to be needed. Therefore, the funds here would be made available to be loaned—and I want to make this clear to the Senator—in the amounts appropriated for each fiscal year to meet the needs of those applications that have been filed and that qualify as eligible under the provisions of the REA Act.

Mr. AIKEN. And have been approved.

Mr. HUMPHREY. And that have been approved. If the loan applications fall within the criteria for approval, then the full amount shall be used, if there are enough loan requests to use the full amount.

Second, there is what we call the Antideficiency Acts of 1905–06, as amended in 1951.

The chairman of the Committee on Agriculture, the Senator from Georgia (Mr. TALMADGE), in opening hearings on February 1 on the reduction and termination of vital farm and rural programs, noted:

> There is no law which gives the executive branch power to impound funds except in certain limited circumstances.

Some of those limited circumstances he cited are described within the terms of the Anti-Deficiency Act. Then he went on to point out:

> Savings can be affected because the requirements of the object of the appropriation act have changed, because the efficiency of program operations have inceased, or when other such developments occur that make it possible for the Congressional objective to be achieved with the expenditure of less funds.

These developments must occur within the appropriation period.

So, while the language is direct, I think we can say this: First, the funds available shall be available in full amount, provided that the loan applications are approved, and those applications must be approved under the criteria set by the Administrator and under the terms of the law. Second, it is possible that where there have been substantial changes—for example, as has been indicated in the debate here, where there are more users on a line than has been the previous regulation—such standards could change; and therefore, all funds as appropriated might not be used. But the purpose here is to give a sense of direction, and I believe it is a valid purpose.

Mr. AIKEN. Then, it is the intent of the chief sponsor of this bill, the Senator from Minnesota, that the President would be directed only to lend the full amount if the full amount has been approved for pending applications.

Mr. HUMPHREY. Eligible applications that are in accordance with the terms and provisions of the REA Act.

Mr. AIKEN. With that understanding, I can vote for the bill, all right. But if there is any question about the wording, I hope that, if and when this bill is taken up by the House, it will be in proper language to convey what we mean, and not be subject to interpretation of some lawyer in an agency somewhere; because that is what has caused our trouble is a legal interpretation given to the administration, that the Rural Development Act of 1972 gave the President authority to do away with the REA 2-percent loan money. I do not think we will find many people who agree with that lawyer.

But nevertheless he gave the administration the interpretation it wanted.

Mr. HUMPHREY. Mr. President, yesterday as I was concluding the debate for the evening, I said I was trying to do two things: One, I cannot believe the President wants this program terminated. I mean that sincerely. This action today is not designed to put a pin in the skin of the President. I do not think he wants to kill this program. I think he was given bad advice, just as he was in the instance of reducing benefits for our veterans by the Veterans' Administration; and two, as one very prominent American said in a recent campaign, "Send them a message, send them a message." We are sending him a message with the rollcall vote which will be taken shortly.

Mr. AIKEN. Mr. President, is the Senator willing to make his offer retroactive to last May?

Mr. HUMPHREY. That goes pretty far, I would say to the Senator from Vermont. I would have to negotiate that with the Senator.

Mr. President, I would like to take this opportunity to also express my thanks and appreciation to the staff of our Senate Agriculture Committee for their help on this important bill, particularly Mr. Mike McLeod, Mr. Jim Thornton, and Mr. John Baker.

Mr. CURTIS. Mr. President, I yield 5 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. HANSEN. I thank my distinguished colleague from Nebraska.

Mr. President, I find great merit in the observations made by the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.). As the RECORD will disclose, I supported the Bellmon amendment, for which I was less enthusiastic than for the McClure amendment. I supported the McClure amendment. It seemed to me the formula in the McClure amendment provided a workable structure within which help for the REA cooperatives that needed it could be assured at the same ongoing 2 percent rate of interest that has been available for the last 30 years.

It is unfortunate that those amendments, particularly the McClure amendment, were rejected because it seems to me that we could have done what I believe most sincerely most people in this country want done, and that is to try to bring more nearly in balance the amount of money that will be spent this fiscal year and the amount of money that will be available for expenditure in this fiscal year.

I want to serve notice now that I believe the legislation ought to be revised and overhauled, and that for the coming fiscal year there must be found a better way of serving the needs of rural America through assistance in the REA programs than this bill provides.

Also, it should not go unnoticed that if we want a confrontation, as some do, between the legislative branch and the executive branch the way to achieve that result is to mandate these laws so as to afford the Presidency no latitude, no opportunity at all to try to exercise what any businessman would say constitutes good judgment. There would not be any opportunity for the President to exercise judgment in discharging responsibilities that are his in administering the laws as best reflects the will of the people.

Nevertheless, I do recognize that with the passage of the bill last year we said to cooperatives throughout the United States that help would be available to them. I think it is, as pointed out by the distinguished Senator from Virginia (Mr. Harry F. Byrd, Jr.). rather late in the day to say we are not going to do anything for them. There is no doubt that the bill before us will be passed, despite my vote.

Mr. President, yesterday I spoke at length on this subject. I called attention to the desire of some members to bring about a confrontation with the President. Additionally, I called attention to the assurance given me by Dave Hamil, REA administrator, that money would be made available at 2 percent for those cooperatives unable to pay more.

Mr. CHILES. Mr. President, I have very serious reservations about the constitutionality of the Executive's recent impoundments. I do not believe this administration, or any other, has the right to subvert congressional intent, terminate an ongoing, statutorily authorized program, and move into the area of legislation.

I am a cosponsor of S. 394, which would amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated.

I recently cochaired 5 days of hearings on the general issue of impoundment and repeatedly asked officials appearing before our committee to point out where the Constitution gave the President the right to repeal a statute by refusing to carry out its terms. Their answers to me were unsatisfactory.

REAP, REA, water bank, and other programs I support are not all that is at stake. It is, rather, the larger issue of whether or not the Congress will put a halt at last to this President's blatant abuse of impounding and respond positively to the contempt he has shown for the Congress.

The termination of the direct loan programs of the REA for rural electric and telephone system is a congressional—not an Executive prerogative. I support S. 394 because it is an expression of Congress' unwillingness to allow the President's unauthorized power to be exercised.

Mr. CLARK. Mr. President, there are at least 10 rural electric cooperatives in my State of Iowa which are depending on the REA funds for their operations this year. There are two, one in Wilton, Iowa, and one in Pocahontas, Iowa, who depend 100 percent on Government financing to run their operations. The others only depend partially on the Government aid and get the remainder of their operating capital from the private money market.

More significantly, all of these cooperatives were depending on this Government program in some degree to help finance their operations this year, and without consultation with Congress or public warning, this program was ended, leaving them in a financially precarious position.

I want this program reinstated so that these cooperatives can continue providing services for rural Americans. Then, let us deal with needed changes in the REA program.

In addition, I want to take this opportunity to emphasize the insensitivity rural America has been shown by this administration. The President demonstrated his own lack of knowledge about rural America and this particular program when he claimed that some 80 percent of the REA loans went to country clubs and dilettantes. Even his own Agriculture Secretary admitted the President was wrong in claiming that this is where the majority of the money goes.

Following is an article on this admission by Agriculture Secretary Earl Butz in hearings before the Senate Agriculture Committee.

There being no objection, I ask unanimous consent to insert this article which appeared in the Wall Street Journal into the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Feb. 7, 1973]

Butz Says Nixon Erred in Remarks on Misuse of Rural Electric Plan

Washington.—Agriculture Secretary Earl Butz said President Nixon was wrong in claiming that Uncle Sam's rural-electrification money mostly has gone to keep the lights on for "country clubs and dilettantes, and others who can afford living in the country."

At his news conference on Wednesday, Mr. Nixon justified his decision to terminate 2% federal loans to rural electric cooperatives by saying that 80% of the funds was going to such purposes, rather than "for rural development and getting electricity to farms."

But in testimony on Capitol Hill yesterday, Secretary Butz said only "some" of the funds disbursed by the Rural Electrification Administration have been used for the purposes criticized by Mr. Nixon, the President's choice of words was "unfortunate and probably not premeditated," added Mr. Butz, who as natural resources counselor to the President holds one of four newly created "supercabinet" posts.

The Nixon observations came under scrutiny at a Senate Agriculture Committee inquiry into whether the chief executive exceeded his constitutional authority in abolishing the 2% REA financing (offering 5% government-guaranteed bank loans in its place), the Rural Environmental Assistance Program, conservation payments, to farmers, rural water and sewer aid and other long-established rural assistance programs.

HEAVY CUTS IN FARM AID

Most of the committee members said they sympathized with the need for government economies. But the complaint that too heavy a share of the Nixon-ordered cutbacks is falling on rural residents was broadly bipartisan.

Republican Sen. Robert Dole of Kansas, who isn't quite the down-the-line Nixon partisan he had been when he was GOP national chairman, cited a meeting with irate farmers in his state and suggested that administration loyalists will be forced to defy the White House and seek to cancel the cuts if they "want to be reelected in 1974." (Although it didn't come up at the hearing, Sen. Dole previously had expressed unhappiness over both his eviction by Mr. Nixon from the party chairman's post and the President's failure to campaign for beleaguered Senate Republicans last fall.)

Mr. Butz's testimony began with an 11-page defense of the Nixon cutbacks. Relying mainly on arguments he had used before, the Secretary told the Senators that because farm income is up, farmers don't need government aid to finance land-conservation practices, and that without reduced government spending the nation faces rising inflation, heavier taxation, or "strict price and wage controls across the board, including controls on farm products."

STILL A SUBSIDIZED RATE

Defending the elimination of the 2% REA loans, Mr. Butz said that even though the new 5% rate on guaranteed loans "brings REA more in line with present day costs of borrowing . . . this is still a subsidized rate." In 1936, when the REA was created, he said, only about 11% of farms were electrified and the 2% interest rate was in line with the 1.9% commercial rate then in effect. Today, by comparison, 98% of all farms are electrified, and of the seven million meters on REA lines, only 1.4 million are farm meters, he said.

As for the typical REA customers, the "bulk" of them are "rural residents, retirees, urban workers and industries," Mr. Butz stated.

In an exchange with Sen. George McGovern (D., S.D.) on the REA question, the Agriculture Secretary found himself in a second, more oblique collision with the President's news-conference comments. Going back to his days as a Congressman from Southern California, Mr. Nixon recalled that his old district was "primarily agricultural, orange groves" and "I naturally had a great interest in this matter of REA and the rest, and supported it."

Sen. McGovern, alluding to the President's remarks, challenged the Nixon voting record, citing research by the National Rural Electric Cooperative Association showing that while in Congress, Mr. Nixon voted "wrong" 13 times in 16 votes on REA matters.

Responded Mr. Butz: "Those votes came early when the President was representing a district that was completely electrified."

Mr. TUNNEY. Mr. President, what is now before us is a showdown over the administration's meat ax approach to the budget which strikes not at the "fat," but instead at the heart of rural America.

The administration has substituted insured loans made possible by the 1972 Rural Development Act as a replacement for REA direct loans. That was not what Congress intended by the Rural Development Act. Furthermore, if we had seen fit to alter REA we would have done so.

I have stated repeatedly that I support and encourage fiscal responsibility. But it is not responsible to let the President sit in solitary judgment over the future of programs which the Congress has determined to be in America's best interest.

On December 29, when the President abruptly told rural Americans they could no longer rely on the REA credit system for loans, he told them that they could no longer rely on congressional legislation.

The Congress is not necessarily wedded to the present REA formula. The Senate Agriculture Committee is already planning hearings to determine the future needs of the REA program. This is the way changes in the statute should be made.

The question, therefore, is whether the process of hearings and subsequent congressional evaluation can be preempted by a single White House press release.

I contend that it cannot.

Mr. HATFIELD. Mr. President, representing, as I do, a State which is predominantly agricultural, I am keenly aware of the importance of the REA direct loan program for electric and telephone services. This program has made a phenomenal difference to Oregonians.

As of July 1, 1972, REA loans to telephone borrowers in Oregon provided telephone service for an estimated 39,190 rural subscribers over 5,939 miles of line. When the REA telephone loan program was authorized by Congress in 1949, 50.3 percent of the farms in Oregon had telephones, and much of this was obsolete. Today 92 percent of the State's 39,500 farms, as well as many rural homes and businesses have telephone service.

REA loans to rural electric systems in Oregon provide service to an estimated 59,199 rural consumers over 16,444 miles of line. Ninety-nine percent of Oregon's farms are receiving electric service, compared with only 17,839 or 27.5 percent when REA was created in 1935.

Today the question is whether this service will be maintained in areas that are often difficult to reach, and almost impossible to service. Will the removal of this program's benefits mean that another incentive to remain in rural environments is hurt while futher propelling additional, and unwanted, people into cities where such services are more readily available.

There is legitimacy to the point that the interest rates for these loans should be higher, especially in certain areas. But, that is a decision for Congress to make about a program that Congress created.

Which brings us to the heart of this problem. Can the executive branch impound funds or eliminate programs that have been authorized and appropriated by Congress? Does not this clearly overstep the constitutional responsibilities entrusted to the Executive? So large does this problem loom that those who might never represent people living in isolated areas far from public telephone companies and public utilities must share a sense of dismay and frustration over this abrupt action. We must decide, not just whether the REA shall survive, but whether the constitutional prerogatives of the Congress shall be preserved.

We can revise the REA direct loan program to meet legitimate complaints, but first we must establish that the program is ours to revise.

Mr. President, hundreds of letters have poured into my office about this situation and I would like to share just a few with you now. I ask unanimous consent that they be inserted with my remarks in RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

VERNONIA, OREG.,
February 10, 1973.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: With twenty-seven years past service and at times president of the West Oregon Electric Co-op-R.E.A., I can speak with experience when I say this utility can hardly continue in business with the proposed higher interest rate.

Due to the heavy stands of timber and brush, hard winds and heavy snow, and other unusual handicaps, including the small number of customers to the mile, makes our system very expensive to maintain.

We wish you a successful and peaceful second term as one of our Senators.

Respectfully yours,
NOBLE and NELLIE DUNLAP.

SEASIDE, OREG.,
February 12, 1973.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR HATFIELD: I have recently read of the Executive Order to terminate the 2% REA Loan Program effective December 31, 1972, and would like very much if you would spend a minute of your time to let me vent my feelings of it to you.

We moved to the beautiful state of Oregon in the year 1951. At that time, the location to which we moved had no electricity but was fed power through "power plants" which consisted of a small motor in each individual's garage. A few years later we were furnished power by West Oregon Electric Cooperative, Inc., and you have no idea how grateful we were to them, even though we pay for this service. I can't tell you, though, how efficient and thoughtful our service is. We frequently are without power during bad winter storms which bring high winds, downing trees, or heavy snowfall which breaks the lines, and there has never been a time that our company has not been immediately or as soon as possible to our area to repair the damage and restore service.

When the original Act was passed for the 2% REA Loan Program in 1936 it was passed with the provision that all rural consumers would be served. This program has brought electric service to many homes and farms that would not have had electricity without these companies. In terminating this program it could mean that area coverage could not be guaranteed and that new construction, major repairs, and new services would be curtailed or even terminated.

We, as taxpayers, and citizens of the United States, urge you to not permit the President to usurp our power and that Congress rescind this outrageous act of the President.

Sincerely,
Mr. and Mrs. CHARLES LANNIGAN.

SEASIDE, OREG.,
February 12, 1973.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR HATFIELD: Upon hearing the news of the termination of the 2% REA Loan Program I decided to write and let you know my feelings in hopes that it will have some effect on the action taken.

We have been serviced by a rural electric coop for some 18 years, which is the length of time we have had electricity in our area. We had tried, unsuccessfully, to obtain electricity from one of the larger electric companies in our area; however, we were told that for the amount of customers that would be served it just wasn't worth the time and effort of installing. Yet after a meeting with the electric coop they decided that they would and could install electricity for us and did so within the year.

During the time we were without electricity, which was for several years, we went without many conveniences that the normal family takes for granted, i.e., stove, refrigerator, iron, radio, heat (except for wood), and t.v. Since we have been serviced by the rural electric co-op we have found that service is even better than those living near town, or in town, and when we report any type of trouble to the electric company the company is right there to make repairs.

I am a retired senior citizen living on just my social security as income, which amounts to about $210. per month. As it is, I have trouble just making ends meet, paying my taxes on my property, buying food, medicine and essential clothing which is required, and I really don't know how I would allot for any extra money for the electric bill and as I understand it, this is what the termination of the 2% REA Loan Program would mean.

I, then, urge you stop the President from making this drastic mistake and for once considering the average working man, the retired, and the poor, and let the rich begin paying their share. I've given mine!

Sincerely,
WILLIAM A. PAINTER.

RUFUS GRANGE,
Moro, Oreg., February 15, 1973.

Hon. MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.

DEAR SIR: Rufus Grange No. 826 meeting in regular session tonight expressed the deepest concern over the Administration's move to curtail the 2% interest loans to the Rural Electrification Administration as established by the Pace Act of 1944. We are concerned both over the curtailment of the loans at present interest rates and the fact that a President seems to be able to rescind an Act of Congress at will.

The REA is an important element in the life of Rural America and to cripple it as this action will will certainly be a blow to the continued development of better life for those who live there. Hundreds of communities all across the nation would not enjoy the benefits of electric power today were it not for REA which has met the needs that private power could not, or would not, assume. To terminate the Pace Act would mean that rural electric rates, which are of necessity higher than those of private companies would have to be raised considerably, and in all probability, further expansion of power would have to be delayed or curtailed permanently.

We therefore ask you to support the bill introduced by Senator Humphrey on January 16, 1973 and co-sponsored by 27 other Senators the following day. If Rural America is to continue to thrive and be attractive to our young people REA must be saved.

Of equal concern to us is the fact that the President seems to have the power to nullify an Act of Congress at will. If this is true, what then is happening to our Republican form of government. It seems to us that the time has come to take a long, hard look at where we are heading. Such actions as that taken December 29, 1972, do not seem to us to be in the best interests of the country. After all the rural area of America is still important and this action is a definite blow at that area.

Sincerely,

Mary M. Brackett,
Secretary, Rufus Grange No. 826.

Mr. PEARSON. Mr. President, I wish to indicate my full support for S. 394.

I agree with the report of the Agriculture Committee that more than the issue of impoundment is involved here. The Department of Agriculture did not simply say that it was impounding funds in order to stay within an overall spending ceiling, it said more than this. It said in its judgment this program is no longer needed and, therefore, it is terminated.

This, of course, raises the most serious kind of challenge to our constitutional system. There will always be differences of opinions within the Congress about the merits and demerits of a program and there will be differences between the Congress and the President, but once a program is duly enacted and signed into law, the obligation to execute it is clear. Certainly if the administration believes that the continuation of a program is no longer desirable or needed, it is perfectly within its rights not to ask for new budgetary authority to fund it. And if the Congress goes ahead and appropriates money for this program the President has the full right to veto it. But to simply kill a duly enacted ongoing program without even a token effort at prior consultation, raises critical constitutional and political issues.

Aside from the constitutional issue involved here I am convinced that a continuation of the 2 percent loan program is needed and desirable. I recognize that this need is not as great today as it was in the past. Certainly this is recognized by the rural electric systems themselves. Increasingly in recent years they have gone into the private market for their new capital needs. The principal instrument for this credit has been the Rural Utilities Cooperative Finance Corporation, created and operated by the rural co-ops themselves. Thus most rural electric systems now use a blend of private and Government money. Some of these systems rely almost entirely on private financing, but there are still a number of systems for which the 2 percent direct loan program is essential to their survival. As I understand it, there are 88 rural electric systems which due to their financial status are eligible for full financing at the 2-percent rate. Eight of those are in Kansas. In addition, 28 other systems in Kansas are dependent upon 2 percent loans for a significant source of their needed capital.

Mr. President, no one denies that 2-percent direct loans constitute a very generous program, but we need to be reminded that the problems that the rural electric systems face are unique and difficult. For example, in Kansas the rural electric systems have an average of 1.8 customers per mile of line built. Whereas the investor-owned utilities have approximately 26 customers per mile of line. The revenue on an average basis per mile of line for rural electric systems in Kansas is $591, whereas the revenue for investor-owned utilities is $9,500 per mile. Customers of rural electric systems Kansas already pay more on the average for electricity than urban users. This is not due to a difference in efficiency but due to the fact that the electric cooperatives serve sparsely populated areas, thereby making the investment cost per customer extremely high. Thus, despite the higher prices that most farmers must pay for electricity, the rate of return on all the electric cooperatives in Kansas in 1971 was 3.68 percent. The termination of the 2-percent loan program will place many of the rural electric cooperatives in serious financial difficulty and will certainly mean that they will be obligated to charge their customers higher rates, thus accelerating the already sharp increase in costs that the farmer has encountered in all his areas of production.

This is a good bill. It deserves our support.

Mr. BROCK. Mr. President, most of the people in this country object loudly to inflation, deficit spending and higher taxes. The President is making a valiant effort to do something about it—yet, each program he has cut is somebody's favorite. So Congress continues to refuse to accept the responsibility for fiscal integrity which it has long since abdicated.

The REA program was initiated several decades ago when the private power companies felt it was too unprofitable to extend electricity to rural areas. The Government had to help. But now, only about 20 percent of the rural electric co-op customers are farmers and nearly all of the new customers are nonfarmers, mostly suburban.

Furthermore, when the interest rate was set at 2 percent during the depression, the cost of money was 1.69 percent. Now the cost of money is somewhere around 6 or 7 percent, but the REA interest rate remained the same.

REA has done a fantastic job for which I applaud them, but I cannot agree that the future of REA is threatened by an increased interest rate. The Production Credit Associations and the Federal land banks have emerged stronger than ever from their recent shift to the private money markets, and I believe REA can do the same.

What is regrettable to me is that Congress neglected its duties in reevaluating the program and recognizing the need for revision before the Executive was forced to take action.

I have made a commitment to do everything in my power to hold down spending and in this case I can see no justification for continuing the direct subsidy. I cannot support S. 394.

Mr. HUMPHREY. Mr. President, I yield back the remainder of our time.

Mr. CURTIS. I yield back the remainder of our time.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from California (Mr. Cranston), the Senator from Indiana (Mr. Hartke), the Senator from Iowa (Mr. Hughes), and the Senator from Washington (Mr. Magnuson) are necessarily absent.

I further announce that the Senator from Alaska (Mr. Gravel) is absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from Iowa (Mr. Hughes), the Senator from Mississippi (Mr. Stennis), the Senator from Washington (Mr. Magnuson), and the Senator from Indiana (Mr. Bayh) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Goldwater) and the Senator from New York (Mr. Javits) are necessarily absent.

The Senator from Texas (Mr. Tower) is absent on official business.

The Senator from Oregon (Mr. Hatfield) has stated his reason for not voting.

If present and voting, the Senator from New York (Mr. Javits) and the Senator from Oregon (Mr. Hatfield) would each vote "yea."

The result was announced—yeas 69, nays 20, as follows:

[No. 23 Leg.]

YEAS—69

Abourezk
Aiken
Allen
Baker
Bellmon
Bentsen
Bible
Biden
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cook
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fong
Fulbright
Gurney
Hart
Haskell
Hathaway
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Johnston
Kennedy
Long
Mansfield
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Schweiker
Sparkman
Stafford
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Williams
Young

NAYS—20

Bartlett
Beall
Bennett
Brock
Buckley
Case
Cotton
Fannin
Griffin
Hansen
Helms
Mathias
Packwood
Ribicoff
Roth
Saxbe
Scott, Pa.
Scott, Va.
Taft
Weicker

NOT VOTING—11

Bayh
Cranston
Goldwater
Gravel
Hartke
Hatfield
Hughes
Javits
Magnuson
Stennis
Tower

So the bill (S. 394) was passed, as follows:

S. 394

An Act to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such Act be fully obligated in said year, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the purpose of this Act is to reaffirm the original intent of Congress that funds made available under authority of the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) are to be loaned for the purposes prescribed in such Act during the fiscal year and in the full amount for which such funds are made available.

SEC. 2. Section 2 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 902), is amended to read as follows:

"SEC. 2. The Administrator is authorized and directed to make loans each fiscal year in the full amount determined to be necessary by the Congress or appropriated by the Congress pursuant to section 3 of this Act in the several States and territories of the United States for rural electrification and the furnishing of electric energy to persons in rural areas who are not receiving central station service and for the purpose of furnishing and improving telephone service in rural areas, as hereinafter provided; to make, or cause to be made, studies, investigations, and reports concerning the condition and progress of the electrification of and the furnishing of adequate telephone service in rural areas in the several States and territories; and to publish and disseminate information with respect thereto."

SEC. 3. The first sentence of section 4 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 904), is amended by striking out at the beginning thereof "The Administrator is authorized and empowered, from the sums hereinbefore authorized, to make loans" and inserting in lieu thereof the following: "The Administrator is authorized and directed to make loans each fiscal year in the full amount determined to be necessary by the Congress or appropriated by the Congress pursuant to section 3 of this Act."

SEC. 4. The first sentence of section 201 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 922), is amended to read as follows: "From such sums as are from time to time made available by the Congress to the Administrator for such purpose, pursuant to section 3 of this Act, the Administrator is authorized and directed to make loans each fiscal year in the full amount determined to be necessary by the Congress or appropriated by the Congress pursuant to section 3 of this Act to persons now providing or who may hereafter provide telephone service in rural areas, to public bodies now providing telephone service in rural areas, and to cooperative, nonprofit, limited dividend, or mutual associations."

SEC. 5. Section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926) is amended by inserting immediately after the first sentence thereof a new sentence as follows: "The authority contained herein to make and insure loans shall be in addition to and not in lieu of any authority contained in the Rural Electrification Act of 1936, as amended."

Mr. HUMPHREY. Mr. President, I move that the vote by which the bill passed be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD subsequently said: Mr. President, I have just arrived on the floor after having spent 10 harrowing minutes in an elevator that was stuck. I ask unanimous consent that I be permitted to cast my vote in favor of the bill (S. 394) just passed by the Senate.

The PRESIDING OFFICER. Under the rule, the Presiding Officer is prohibited from even entertaining such a unanimous-consent request.

Mr. HATFIELD. Mr. President, I wish to register my explanation of why I just missed the vote on final passage of the REA bill. My position on this issue is clear: I am in firm support of the proposal.

I left my office to come to the floor to vote, and stepped into an automatic elevator in the corner of the Old Senate Office Building closest to my office.

Due to some mechanical mistake, this elevator has been going up and down for over 10 minutes, bypassing floor after floor. I missed the vote, but not without a struggle. I called the Superintendent's office on the phones that are in all the elevators. Still, our elevator continued on its crazy up-and-down course, with no relief.

Therefore, I wish to register my position as being in full support of the proposal—I am sorry that forces far beyond the control of any of us kept me from appearing to cast my vote.

As long as this Senator-capturing elevator remains, my advice to my colleagues is: Walk, do not ride.

EXTENSION OF TIME FOR COMMITTEE ON RULES AND ADMINISTRATION TO FILE REPORTS

Mr. CANNON. Mr. President, I ask unanimous consent that the Committee on Rules and Administration may be permitted to file certain reports up to 12 p.m. tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL AVIATION ACT

The PRESIDING OFFICER (Mr. BARTLETT). Under the previous unanimous-consent agreement, the Chair lays before the Senate S. 39 which the clerk will report.

The legislative clerk read as follows:

A bill (S. 39) to amend the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Commerce with amendments on page 3, line 15, after the word "punished", insert "by imprisonment for not less than twenty years or for more than life"; after line 16, strike out:

"(A) by death if the verdict of the jury shall so recommend, or, in the case of a plea of guilty, or a plea of not guilty where the defendant has waived a trial by jury, if the court in its discretion shall so order; or

"(B) by imprisonment for not less than twenty years, if the death penalty is not imposed."

On page 9, line 20, after the word "prescribe", insert "reasonable"; on page 10, line 14, after the word "carriers", where it appears the first time, strike out the comma and insert "and"; in the same line, after the word "carriers", where it appears the second time, insert a comma and "at domestic and foreign airports,"; in line 15, after the word "and", insert "for"; in the same line, after the word "carriers", insert "for use"; on page 11, line 16, after the word "transportation", insert a colon and "*Provided, however,* That notwithstanding any other provision of law to the contrary, the Administrator may not require, by regulation or otherwise, the presence at airports in the United States of State or local law enforcement personnel to assist in or support the screening of passengers and property prior to boarding, or to enforce, or to act as a deterrent against acts which are prohibited by, United States statutes other than as authorized by this subsection"; on page 12, line 8, after the word "substance", insert a colon and "*Provided however,* That no person shall be frisked or searched unless he has been identified by a weapons detection device as a person who is reasonably likely to be carrying, unlawfully, a concealed weapon and before he has been given an opportunity to remove from his person or clothing, objects which could have evoked a positive response from the weapons detection device, and unless he consents to such search. If consent for such search is denied, such person shall be denied boarding and shall forfeit his opportunity to be transported in air transportation, intrastate air transportation, and foreign air transportation;"; on page 13, line 13, after the word "may", strike out "designate and"; in line 14, after the word "personnel", strike out "to exercise the authority conveyed in this subsection" and insert "whose services may be made available by their employers, on a cost-reimbursable basis, to exercise the authority conveyed in this subsection"; on page 14, line 24, after the word "substance", insert "as prescribed in section 316(a) of this Act"; on page 16, line 25, after the word "transportation", insert a semicolon and "nor shall it apply to persons transporting weapons for hunting or other sporting activities if the presence of such weapons is publicly declared prior to the time of boarding, checked as baggage which may not be opened within the airport confines, and not transported with such person in the passenger compartment of the aircraft."; on page 17, line 10, after the word "fiscal", strike out "year" and insert "years"; in the same line, after "1973", insert "and 1974"; and, in line 11, after "$35,000,000", strike out "and for each succeeding fiscal year such amounts not to exceed "$35,000,000".

Mr. CANNON. Mr. President, for the benefit of Senators present, I may say that the time limitation that has been agreed on is 2 hours, 1 hour to each side. I do not anticipate using all of the hour allocated to me. I do anticipate a rollcall vote on final passage.

I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. CANNON. Mr. President, I yield myself such time as I may require.

Mr. President, I suggest the absence of a quorum on my own time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CANNON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, will the Senator from Nevada yield me 1 minute?

Mr. CANNON. I yield 1 minute to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I ask unanimous consent that Arthur Pamkopf and John Kirtland, members of the Commerce Committee staff, be authorized to be present on the floor during the consideration of the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, I ask unanimous consent that Mr. Robert E. Ginther and Mr. Harold I. Baynton, members of the Commerce Committee staff, be permitted to be on the floor during the consideration of the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, I am pleased to present to the Senate for consideration today a proposal dealing with the aircraft hijacking problem which has been developed by the Commerce Committee as an alternative to the administration's latest program which was announced December 5, 1972.

The bill, S. 39, is in most aspects identical to S. 2280, the measure passed last September 21 in the Senate by a vote of 75 to 1.

Mr. President, S. 39 has been developed by the committee over the past 12 months in response to a worsening aircraft piracy situation and was developed over strenuous administration opposition during a period when the administration was doing virtually nothing about the problem.

After this legislation was approved by the Senate last fall, administration lobbyists began quietly seeking to have the measure buried in the House.

I regret to say that they were successful. The House passed half-a-hijacking bill—it approved the international provisions written here in the Senate, but completely ignored the domestic features which we devised to increase security at airports and deter would-be sky pirates.

After two very difficult conference meetings with the House, the conferees concluded they were hopelessly deadlocked. The House members would agree to none of the Senate provisions relating to domestic security at airports and refused to let those provisions go to the House floor for a vote. The Senate bill was then effectively killed in conference.

Following congressional adjournment and after two particularly desperate and heinous hijacking incidents in October and November of 1972, the administration was spurred to action.

On December 5, 1972, after Congress had adjourned and without prior notice or consultation with Congress or the aviation community, the Secretary of Transportation called a news conference and announced "emergency regulations" to deal with aircraft piracy which were to become effective within 60 days. The regulations required the universal screening of airline passengers and carry-on possessions effective January 5, 1973, as provided for in last year's Senate bill and as included in S. 39 this year. The second part of the regulations required that State and local government bodies, who own and operate the Nation's 531 airline-served airports, furnish uniformed, armed, law enforcement officers at each airport boarding gate for each airline flight beginning February 6, 1973. Both those requirements are now in effect.

What the Secretary's announcement did not say was that the administration was abandoning the Federal Government's role and responsibility in the enforcement of U.S. statutes regarding criminal acts committed against the air transportation system and, in so doing, it was turning over this responsibility to local government at 531 different locations throughout the United States. In addition, the announcement did not say that the administration had already begun the phaseout of the Federal law enforcement presence at the major airports because of the fact that the President no longer wanted to budget Federal funds to pay for the air transportation security program. However, the announcement pointed out that the local policemen would replace Federal officers.

Needless to say, the announcement astonished the Nation's airport operations, cities, counties, and State governments. They had no opportunity to review the proposal, to comment, to testify in public hearings or to otherwise participate in the rulemaking process. Normal rulemaking procedure, which is provided for under law, was abandoned because of the "emergency" which existed at the time. Curiously, the "emergency" did not affect the administration's plan of phasing out Federal law enforcement officers at the airports—the phaseout continued without interruption despite the hijackings of October and November which resulted in death and serious injury to innocent victims and terror to scores of airlines passengers.

Had the administration chosen to check with our committee or with the Nation's airport operators or with practically anyone who knew anything about law enforcement training and hiring requirements, it would have determined that the regulations were totally impractical, given the deadlines that had to be met. Indeed, that has now proven to be the case.

Many U.S. airports have been simply unable to meet time requirements. Many airport officials do not have the authority to hire local law enforcement personnel since they are supplied by other departments of local government, or to empower private airport guards with full peace officer authority.

Even if all the manpower were immediately available for hire at airports, it has been impossible to train the necessary number of law enforcement officers and have them in place within the 60 days required by the order. Careful training of persons vested with the authority to carry a loaded weapon in crowded airport terminals is essential. Reflecting this responsibility, one major airport, for example, requires security checks for officers, each of which normally takes 8 weeks. This time requirement is not uncommon. In some cases, State law requires 210 hours—6 weeks—of training for police officers. Some airports have training programs of up to 6 months which officers must complete before they are authorized to carry firearms.

Four small airports in rural parts of America incurred fines of $1,000 per day beginning January 6 because they had failed to inform the Department of how they planned to implement the February 6 regulations. In at least two instances, the airport operators simply did not have funds to hire, train, and equip local policemen to patrol these tiny airports.

Other very serious problems facing local governments involve local law and local finance. In many States, perhaps 18 or 20, State and local officers have no statutory authority to enforce U.S. statutes and to make arrests for violations of them.

The administration has yet to fashion an acceptable solution to this dilemma.

The other very difficult problem facing the Nation's cities and towns is how to pay for the armed guards required by the Federal regulations. The committee has received estimates from responsible sources indicating that the increased financial burden at all airline airports in the United States will be more than $56 million a year.

Perhaps at the largest airports in the United States this requirement will not impose an impossible burden, but certainly at most of the smaller airports local funds are simply not available to hire policemen to patrol airports. Most smaller airports operate at a deficit and this additional and unwarranted requirement will simply add to the already unacceptable situation.

Many communities have been forced to reduce their regular police force so as to comply with the regulations. Policemen have been taken from other vital law-enforcement functions to perform the role of Federal policemen at the airport. This has created a worsening law-enforcement situation in many of the Nation's municipalities.

While the impracticalities of the administration's antihijacking program are apparent, it is also clear, ignoring for the moment the principle involved, that the program will be largely ineffective.

Aircraft piracy, extortion, and violence in air transportation are violations of Federal law and the incidents themselves, when they occur, are carried out over large parts of the globe. A program established on 531 separate plans of action, 531 differing standards for peace officers, and 531 bodies of government will prove to be chaotic to administer from Washington. Worse yet, it will be ineffective in properly protecting the American traveling public from a very threatening and ominous situation. Prior to the order to phase out the Federal officer force in 1972, the Government's antihijacking force was less than effective because three separate U.S. agencies were involved.

Aside from the convincing evidence that the administration's program is impractical, and will be ineffective, it is bad policy.

It is wrong for the Government of the United States to force, with threat of exorbitant fines, State and local government to accept the responsibility for the safety and security of the national and international air transportation system. This is not a local or a State problem, it is not regional in character, it is a national problem and the United States must accept its responsibility just as it does for a national postal service or for the National Customs and Immigration Inspection Service.

It would seem the administration is seeking to force this responsibility on someone else because of the financial costs involved. Within the last several days, the committee has learned that the Department of Transportation has told local airport operators who were unable to have local policemen in place on February 6 that they may "hire" the remaining Federal officers in the security program.

In participating in this Federal rent-a-policeman scheme, the local airport operator must pay the salaries and expenses of Federal officers. Fortunately, this scheme was struck down in court just last week.

It is ironic, indeed, that the funds to pay for the Federal force of officers has already been appropriated by Congress with the view that these officers are critically needed to protect the American traveling public from the threat of death and violence. And yet the administration tried to force local governmental bodies to pay the U.S. Government for the protection already provided by the Congress.

Mr. President, quite recently the Nation's major airport authorities, acting within their trade organization, the Airport Operators Council International, sued the Department of Transportation alleging that the U.S. Government had acted contrary to law in imposing the "emergency antihijacking regulations" on December 5.

The U.S. Court of Appeals for the District of Columbia Circuit, in a decision on February 15, found that the Government in promulgating the emergency regulations had violated terms of the Federal Aviation Act which require that affected parties be given the opportunity for hearing even in an emergency rulemaking. The court, apparently taking cognizance of the impracticality of the Government's regulations, ordered that no fines should be levied against airport operators who could not comply on the deadline date provided that a good-faith effort to comply was made.

So, Mr. President, the Government in imposing its hijacking program has ignored the views of many in Congress and, more seriously, ignored the law without ever bothering to consult with or listen to the views of the local governmental officials upon whose shoulders the entire aircraft piracy protection program has been placed.

This cavalier and heavy-handed attitude by the U.S. Government instills little confidence in the administration's expressed goal of cooperation with local and State government.

Mr. President, these are the issues with which the bill before us today deals. S. 39 is a national anti-hijacking program and places the responsibility for preventing aircraft piracy where it belongs, with the U.S. Government. It will esstablish a balanced, effective, and workable program aimed at protecting the traveling public.

Let me now briefly outline the major features of our legislation.

As its title indicates, the bill is designed to provide a more effective program to prevent aircraft piracy.

Title I of S. 39 provides the legislation necessary for the United States to implement the convention for the suppression of unlawful seizure of aircraft—(the anti-hijacking convention or Hague convention—to which the United States is a party, and which came into effect on October 14, 1971. Title I also provides the President authority to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Hague treaty and to suspend foreign air carrier service between the United States and any nation which continues to provide for or accept air service from any nation which the President has determined is encouraging hijacking. Finally, title I provides the Secretary of Transportation authority to withhold, revoke, or limit the operating authority of any foreign air carrier whose government does not effectively maintain and administer security measures equal to or above the minimum standards established pursuant to the convention of international civil aviation.

Title II of S. 39 requires the Administrator to provide regulations requiring that at least for the next year all airline passengers and all carry-on possessions be screened by weapons detecting devices prior to their being boarded on aircraft for transportation in the air transportation system.

Title II would also establish, under the Administrator of the Federal Aviation Administration, an air transportation security force adequate in size to provide a Federal law enforcement presence at the Nation's major airports to insure the safety of passengers from violence and air piracy.

At the Nation's smaller airports the Administrator would be authorized to enter into agreements with airport operators under which the airport operator would supply local law enforcement personnel to supervise passenger boarding of airline aircraft subject to reimbursement, by the Federal Government, for the costs incurred in so doing. The bill would specifically prohibit the Federal Government from requiring that local airport authorities provided law enforcement officers to assist in carrying out the Federal air transportation security program. Such a requirement has been imposed on 531 airport operating authorities by regulations of the Department of Transportation, Federal Aviation Administration.

Mr. President, S. 39 represents more than a full year of consideration, hearings, and discussion of the aircraft hijacking problem in the Committee on Commerce. We believe it is a strong bill and will provide an effective program to deter hijacking.

However, I must add that the program we have developed will not bring an end to hijacking. In my opinion, no legislation will do that. Hijacking will only end when all nations of the world adopt a policy of closing their doors to hijackers and terrorists and make it clear that there will be no safe havens for hijackers anywhere on the globe. If and when that occurs I believe we will see an end to aircraft piracy.

But until that day is reached, if indeed it ever is, the provisions of S. 39 will at least provide a level of protection for the traveling public commensurate with the threat facing our air transport system.

Mr. President, I recommend this bill to the Senate and urge its unanimous approval.

Mr. COTTON. Mr. President, I yield myself such time as I may require to make a brief statement.

Mr. President, I wish to make a few observations concerning S. 39—the proposed Anti-Hijacking Act of 1973—which was reported by our Committee on Commerce without objection.

First, as the senior Republican member on the Commerce Committee, I would like to briefly set forth the position of the administration as conveyed to the committee by former Secretary of Transportation Volpe at the hearing on January 9. At that hearing former Secretary Volpe stressed "strong support for provisions in S. 39 which would implement the Convention for the Unlawful Seizure of Aircraft for the United States—the Hague Convention." Such support was previously evidenced by the administration with respect to similar provisions in the bill, S. 2280, of the 92d Congress which was introduced by the distinguished chairman of our committee (Mr. MAGNUSON) at the request of the Department of Transportation by letter of June 1971. These are essentially the provisions to be found in sections 2 and 3 of title I of S. 39. The remaining sections of title I are supported by the administration with some minor reservations.

The basic disagreement lodged by the administration with respect to S. 39 is to be found in title II establishing a new air transportation security force in the Federal Aviation Administration—FAA. Former Secretary Volpe expressed the belief that this represented "an unnecessary and unwarranted intrusion of the Federal police power into the jurisdictions and responsibilities of State and local governments."

This position was supported also by the Attorney General by letter of January 18 to the distinguished chairman of the Subcommittee on Aviation (Mr. CANNON). However, the feeling prevalent among the members of the Committee on Commerce was that this was a Federal function involving as it does interstate commerce, and that a new Federal police force established within the Federal Aviation Administration was a logical solution. It is this concept which is carried forth by the provisions of Title II of S. 39.

I also would hasten to point out that the position as represented in title II of S. 39 does appear to be consistent with the position of the Honorable Secor D. Browne, Chairman of the Civil Aeronautics Board, set forth on June 9, 1972 in a speech before the Aero Club of New England annual award luncheon when he observed the following:

> To me, it is economic nonsense to suggest that carriers or the airport operators are capable of policing the system. The burden should not, and cannot properly, be placed on the airlines, airport operators or local authorities.
>
> The protection and security of the airports and the airways must be a total national responsibility.
>
> The responsibility for dealing with hijacking rests with governments and world organizations. Let there be no mistake.

Therefore, Mr. President, there does appear to be strong sentiment favoring the position that air transportation security is a Federal responsibility, and with this, I agree. As for the issue of whether this should result in the creation of a new Federal police force, there does exist some reservation. However, I believe that this issue will be thoroughly aired before the House Committee on Interstate and Foreign Commerce to which the bill, S. 39, will no doubt be referred after passage by the Senate. I express this belief since the issue was raised before our Committee on Commerce by a member of that House committee, Congressman ROBERT ECKHARDT, Democrat of Texas, in January, when he referred to his bill, H.R. 1800. At that time Congressman ECKHARDT observed the following:

> I would respectfully suggest that the use of the FBI would be superior to the creation of an additional and alternate police presence.
>
> I would not extend Federal police authority any more than as absolutely necessary.

Mr. President, my second observation concerns section 24 of S. 39 providing for a new section 316 to the Federal Aviation Act of 1958 as amended. This section mandates that the Administrator of the FAA "shall establish and maintain an air transportation and security force at airports in the United States." Since Washington National and Dulles International Airports serving the National Capital area are federally owned, I made an informal inquiry of the FAA whether the terminology "airports in the United States" would, in fact, be construed to include these two airports. I made this inquiry in view of the fact that a former constituent of mine raised the issue and the report of the Commerce Committee appears to be silent on this point. Therefore, as a matter of legislative history I would like to take this opportunity to note that the response to my inquiry was in the affirmative—both Washington National and Dulles International Airports would be included within this security force requirement. I, therefore, would presume that any such force would utilize the presently available security force at these two airports now under the FAA in the establishment of the security program provided for in S. 39.

Mr. President, the third and final observation I would like to make also concerns the proposed new section 316 and the authority of the Administrator of the FAA to deputize State and local law enforcement personnel which is to be found at the end of subsection (a). Our committee—and I believe most appropriately so—amended this provision to make this authority permissive with the employers of such State and local law enforcement personnel and most important, "on a cost-reimbursable basis". Mr. President, representing a rural State such as New Hampshire which has small airports and is constantly confronted with the problem of raising revenue to meet operating expenses at airports, I am particularly sensitive to adding to their cost burden. I, therefore, believe this provision to be very significant and one which I feel will be of interest to those of my colleagues who have airports in States which are similarly situated. It is for this reason that I draw the attention of the Members of the Senate to it.

In conclusion, Mr. President, I wish to congratulate the distinguished chairman of our Commerce Committee (Mr. MAGNUSON) and the distinguished chairman of our Subcommittee on Aviation (Mr. CANNON) in acting so expeditiously on S. 39. It seeks to address a problem which is of vital concern to each and every citizen of the United States using our air transportation system.

I therefore agree with the statement of the able Chairman of the Subcommittee on Aviation, the distinguished Senator from Nevada (Mr. CANNON), insofar as concerns the effect of this bill, if passed. It will help, although much more will be needed in the form of international agreements and cooperation, to bring this horrible aircraft hijacking menace under control.

The bill, S. 39, is a major remedial step. It has the unanimous support of the Commerce Committee. And, I cannot commend too highly the activities of the Senator from Nevada (Mr. CANNON) in bringing it before the Senate. I therefore hope that this bill will have the unanimous approval of the Senate.

Mr. CANNON. I yield myself 3 minutes.

Mr. President, first, I commend the distinguished Senator from New Hampshire for the tremendous part he has played in developing this measure and for the great help he has been on the subcommittee and the full committee.

One of the committee amendments is a result of his suggestion, which I think is a very good one. The amendment would permit the Administrator to contract with local Government agencies so that they could provide local police presence at many of the smaller airports on a cost reimbursable basis, thus eliminating a requirement for a Federal officer presence at each of the 531 airports. Of course at the major airports Federal officers will supervise boarding of aircraft and provide the police deterrence to prevent sky piracy.

Another committee amendment involves a change made in respect to criminal penalties. As introduced, and as originally requested by the administration, S. 39 provided that the death penalty could be imposed upon persons convicted of air piracy for commission of such an act outside the special aircraft jurisdiction of the United States if the person thereafter was found in the United States.

The Supreme Court has since struck down a similar death penalty provision as unconstitutional. Thereafter, at the recommendation of the Department of Justice, the committee amended the bill to provide for a maximum penalty of life imprisonment for offenders convicted of aircraft piracy outside U.S. jurisdiction but apprehended and tried within the United States.

Third, the committee adopted an amendment to section 24 relating to the search authority conferred on personnel of the air transportation security force, greatly restricting the right to frisk and search passengers traveling in the air transportation system. The amendment states that—

> No person shall be frisked or searched unless he has been identified by a weapons detection device as a person who is reasonably likely to be carrying, unlawfully, a concealed weapon and before he has been given an opportunity to remove from his person or clothing, objects which would have evoked a positive response from the weapons detection device, and unless he consents to such search. If consent for such search is denied, such person shall be denied boarding and shall forfeit his opportunity to be transported in air transportation, instrastate air transportation, and foreign air transportation.

Fourth, the committee has amended section 26 of the bill to expressly permit persons to carry, in air transportation, weapons for hunting or other sporting purposes if the presence of such weapons is publicly declared prior to boarding, checked as baggage which may not be opened within the airport confines, and not transported with such person in the passenger compartment of the aircraft.

Finally, the committee has amended section 27 by providing that the authorization for appropriations to establish, administer, and maintain the air transportation security force shall not exceed $35 million for the 2 fiscal years 1973 and 1974. The Federal Aviation Administration has informally advised the committee that such an authorization is adequate to carry out the provisions of this bill during the period between February 1, 1973, and July 1, 1974.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

Mr. ABOUREZK. Mr. President, will the Senator yield?

Mr. CANNON. How much time does the Senator desire?

Mr. ABOUREZK. Is the bill open to amendment at this point?

The PRESIDING OFFICER. The bill is open to amendment.

Mr. ABOUREZK. I ask for 6 minutes, in order to offer an amendment.

Mr. CANNON. I yield to the distinguished Senator.

Mr. ABOUREZK. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 9, strike line 11.
>
> On page 11, in line 7 strike the word "Force" and insert "Program."
>
> On page 11, beginning on line 11 after "security program" strike through line 2 on page 12 and insert "is authorized to empower state and local law enforcement personnel who have successfully completed a training program pursuant to subsection (b) of this section to:"
>
> On page 13, in line 9 strike "; and" and insert "Such authority shall be concurrent with that of Federal law enforcement personnel.".
>
> On page 13, beginning on line 10 strike through line 6 on page 14 and insert "Training and Assistance
>
> "(b) In administering the air transportation security program, the Administrator may provide training for State and local law enforcement personnel whose services may be made available by their employers to assist in carrying out the air transportation security program."
>
> On page 14, beginning on line 10 strike ", and security force functions specifically set forth in this section,".
>
> On page 17, in line 8 strike "force" and insert "program".
>
> On page 18, in the titles following line 7 strike "force" and insert "program".

The PRESIDING OFFICER. The Chair observes that the Senator from South Dakota has 15 minutes of his own time.

Mr. ABOUREZK. I will not require 15 minutes.

First, I commend the Senator from Nevada (Mr. CANNON) for reporting an excellent bill. The safeguards in it so far as civil liberties are concerned are adequate, with one exception, and that is the exception to which I invite attention with this amendment.

While the problem of airline hijacking does require strong action, I do not believe that we should attempt to solve this problem by establishing a new Federal police force.

I, therefore, am proposing that S. 39 be amended to authorize the FAA to use State and local law enforcement officials who would be federally trained. The major amendment would appear in section 24 of the bill—pages 11–12. In lieu of the proposed Federal force, it would authorize the FAA Administrator to "empower State and local law enforcement personnel who have successfully completed a program of training pursuant to subsection (b) of this section" to conduct the searches thereafter authorized by the bill.

The whole thrust of Federal involvement in law enforcement, under this and past administrations, has been to confine the Federal role in law enforcement to one of financial and technical aid. In enacting the 1968 Omnibus Crime Control and Safe Streets Act, the Congress was sensitive to the need to insure against Federal police forces. The Law Enforcement Assistance Administration, which was set up under the Safe Streets Act, has been deliberately structured to preserve, not supplant, local law enforcement. Administrators of LEAA have repeatedly stated their opposition to Federal police forces or to Federal domination of law enforcement.

A number of Federal commissions, such as the 1967 Commission on Law Enforcement and Administration of Justice, have stressed the need for a Federal role which supports local law enforcement. Public officials from former Attorney General Ramsey Clark to the late J. Edgar Hoover have repeatedly warned against the federalization of police.

The committee report on S. 39 recognizes that the creation of new Federal police forces is to be viewed with suspicion. It states that while this is a new police force within the Federal Government in one sense, its duties and responsibilities are narrowly circumscribed by the bill.

Narrowly circumscribed activities, however, are not an adequate safeguard against the potential dangers of another Federal police which will become another Federal bureaucracy, with employees who will have a definite stake in preserving their jobs. Also, once the bureaucracy exists, there will be pressure to find other police functions for these officers to perform once their original task is completed.

Departure from the tradition which places law enforcement authority in State and local authorities runs counter to the two basic reasons which have been offered over the years in support of this longstanding policy. It would further alter the relationship between States and the Federal Government powers which have traditionally belonged to the States. Further, it would lower the barriers we have created against federalization of police, in recognition of the fact that diffusion of police authority is the best defense against a too powerful central State police such as we have seen in totalitarian countries.

The Federal Aviation Administration has already, by regulation, established an airport security program consisting primarily of State and local law enforcement officials. Creation of a Federal force which would ultimately replace these officers would be duplicative and wasteful.

The FAA has indicated that 483 of the 504 airports covered by these regulations were already in compliance with the regulations as of February 5, 1973. This means that adequate numbers of law enforcement officials already are on hand to begin the airport security program.

Recruitment and training of a new Federal force which the FAA estimates will exceed 4,500 officers could well take over a year to accomplish. Officials presently scheduled to conduct the airport searches have already received FAA-supervised training under two programs. One program has provided technical instructions to airline personnel and law enforcement personnel on pre-board screening under the Federal program.

The second program provides instruction for local law enforcement supervisors to equip them to conduct aviation security training for the personnel of their local organizations, including aspects of law enforcement support, legal issues, and mechanics of carry-on baggage inspection.

Establishment of a Federal force would require that Federal funds be expended to recruit and train officials to do a job already underway under the FAA regulations.

Mr. President, I yield back the remainder of my time.

Mr. COTTON. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, I find myself a little surprised by the amendment offered by the distinguished Senator from South Dakota (Mr. ABOUREZK). In a sense he might be said to be representing the administration's position, and I am sure it would welcome such assistance.

Mr. ABOUREZK. Mr. President, will the Senator yield briefly?

Mr. COTTON. I yield.

Mr. ABOUREZK. I do not want the Senator from New Hampshire to be mistaken in the viewpoint I represent. I especially today do not want to be associated with the views of the administration on this particular question. I might say that there is distinction that can be made between my position and that of the administration. I would like to see Federal funding of the local police force; and the administration indicated its desire to have the local authorities fund that police force.

I thank the Senator for yielding.

Mr. COTTON. I understand the distinction. I did not intend to misrepresent the position of the Senator from South Dakota (Mr. ABOUREZK). I did not seriously expect he would look upon himself as an administration spokesman.

However, to clear up this matter, it is perfectly true, as I stated earlier, that at hearings held by our Commerce Committee former Secretary of Transportation Volpe, on behalf of the administration, objected to the creation of a new Federal police force. However, as far as I know, I do not believe the administration objects to financing and administration of the air transportation security program by the Federal Government, since this very grave situation is a matter involving interstate commerce.

As a matter of fact, no one, acting on behalf of the administration, has suggested to me that, as the ranking Republican member on the Commerce Committee, this issue be raised in the Senate. Quite frankly, I think this represents one of those controversial issues which may be raised in the other body. For example, as I stated earlier, some members of the House Committee on Interstate and Foreign Commerce would prefer to have the FBI handle it, rather than create a new Federal police force.

But, I thank the Senator from Nevada (Mr. CANNON), who is the chairman of the Aviation Subcommittee, and who guided this bill, handled the matter well and fairly. Here I wish to emphasize what I said earlier that, while the bill does create a new Federal police force within the FAA to enforce the act, it also authorizes the Administrator of the FAA to deputize State and local law enforcement personnel on a reimbursable basis, as well as to provide training for such personnel, so States that have problems maintaining small rural airports will be protected.

Now, it may well be that the House may decide to place this enforcement authority in the FBI, but keep this authority to deputize State and local police. But, it did not seem to those of us on the minority side of the committee that it would do anything except cause delay to raise this issue in the Senate.

The Senate already has addressed itself very definitely as favoring the enforcement provisions in this bill. It did so in the last Congress on S. 2280. I therefore think I can speak for my colleagues when I say we felt it was desirable, in the interest of expediting consideration of this bill, to report it in a form like S. 2280 of the 92d Congress which the Senate passed so overwhelmingly by a vote of 75 to 1 on September 21, 1972.

I again wish to thank the chairman of the committee (Mr. Magnuson) and the subcommittee chairman, the Senator from Nevada (Mr. Cannon). They put latitude in this bill so that State and local police officers may be used and they also provided for their training, which I am sure is the laudable intention of the distinguished Senator from South Dakota (Mr. Abourezk). I therefore find myself in sympathy with his position, since I think we are all reluctant to create new Federal police forces because of the great danger involved. Frankly, it might be better if the FBI did handle Federal enforcement at the large airports; and properly trained State and local police, at the small airports.

But, this bill, S. 39, is in accord with the earlier bill, S. 2280, passed by the Senate in the last Congress. And it would only delay matters to raise this issue here in the Senate after it has so definitely expressed its will in similar legislation. Thus, while I have a great deal of sympathy for the attitude of the Senator from South Dakota (Mr. Abourezk) as one who generally is in support of the administration, as a member of the Commerce Committee I would hope that the amendment would be rejected and that the Senate would pass the bill.

Mr. CANNON. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. CANNON. Mr. President, we have considered this matter thoroughly. This is a basic difference between the administration position and those of us who drafted the bill as it is. We have heard testimony from many municipalities and representatives of municipalities, from airport authorities, and also from local law enforcement agencies, none of whom want the responsibility which the Senator from South Dakota would give under his amendment.

This is an attempt to give local government something they do not want and is not properly within the scope of their responsibilities. They feel prevention of air piracy is a Federal responsibility and the Fedreal Government is in a better position to carry out the responsibility, as it does in immigration and customs matters, and matters regarding postal inspection and so on.

I hope the amendment is rejected.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. I yield back the remainder of my time.

Mr. COTTON. I yield back the remainder of my time.

Mr. ABOUREZK. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. PEARSON. Mr. President, I rise in support of the Antihijacking Act of 1973. This legislation is the product of months of labor by the Aviation Subcommittee and the Commerce Committee. It reflects the deep concern of the committee with respect to air safety and security.

More than 180 million persons will be transported by U.S. air carriers this year. Each passenger must have effective protection against the threat of air piracy. In view of the number of citizens subjected to potential disaster in the event of illegal acts against civil aviation, the cost of the committee bill is modest indeed. The committee has reported a balanced and thoughtful response to the profoundly challenging problem of structuring an appropriate governmental role in combating air piracy.

Let me say at the outset that the recently announced executive agreement with Cuba on air piracy is of transcending importance in our overall effort to deter hijacking. The clear understanding that air piracy will be viewed by our neighbors as a serious criminal offense eliminates the hope of safe haven or sanctuary in this hemisphere. The administration is to be commended for the successful negotiation of an understanding on air piracy with Cuba. This agreement is evidence that governments with radically different ideologies can find common ground in thwarting serious criminal activity.

Mr. President, the Antihijacking Act of 1973 contains the needed language to implement the Convention for the Suppression of Unlawful Seizure of Aircraft—the Hague convention. This portion of the act was requested by the administration, and is noncontroversial. The Hague convention closes a gap in the international law of air piracy by requiring signatory states to establish jurisdiction over hijacking and to extradite or subject to prosecution all hijackers in custody.

The committee bill extends to the President authority to impose unilaterally primary or secondary air transportation boycotts against those Nations which ignore their responsibilities under the terms of the Hague convention. Because the Hague convention reflects the weight of international law in respect of air piracy, the President would be authorized to impose boycotts against offending nations which are not signatories to the convention.

It is my view that the President should not use the secondary boycott authority except under the most compelling and unusual circumstances. This authority should be invoked only after the total breakdown of intensive negotiations at the highest levels between the United States and the offending nation. The primary utility of the secondary boycott, in my judgment, is the strong commitment on the part of the United States to effective international measures against air piracy which its enactment would reflect.

Adoption of the committee bill would also give the President immediate authority to impose secondary boycotts against those nations which continue to serve air piracy sanctuary states in the event of multilateral agreement to impose such boycotts.

Mr. President, I am gratified and pleased that the committee has retained in its bill my amendment to authorize the executive to limit or revoke the operating authority of foreign air carriers from those nations which fail to meet minimum ICAO standards for physical security of passengers in air transportation. This discretionary authority, as in the case of the secondary boycott, would only be invoked in circumstances which afford no effective alternative remedy.

These provisions dealing with security in international air transportation, taken together, should strengthen the President's hand in negotiations of a bilateral or multilateral nature. The President has demonstrated his deep commitment to the development of international law of air piracy. He has demonstrated a high degree of competence in this area with the successful negotiation of the Hague convention, IACO adoption of the U.S.-sponsored Resolution on the Protection of Aircraft and Passengers, and the U.S.-Cuba bilateral on air piracy. The adoption of S. 39 will enhance the already strong bargaining position of the United States in further discussions with foreign nations on air piracy controls and sanctions.

Mr. President, the effort to establish an effective domestic program of airport security has precipitated a serious difference between the committee and the administration. Both the administration and the committee have concluded that armed guards should be posted at the boarding gates of all 531 U.S. airports serving certificated air carriers. But the administration believes this law enforcement presence should be provided by local authorities. The committee believes that the Federal Government has primary responsibility for enforcing Federal criminal statutes. Therefore, the committee believes that the Federal Government should provide a force of Federal officers to carry out this function.

The committee bill establishes within the Federal Aviation Administration an

Air Security Force which will serve at those large airports requiring a law enforcement presence on a full-time basis. The bill authorizes the deputization of local officers at smaller airports, with Federal compensation to the localities for the services actually performed by these officers.

Then Secretary of Transportation John Volpe announced on December 5, 1972, the issuance of emergency regulations requiring a local law enforcement presence at all airports. These regulations are in effect today. But in many instances local peace officers have no statutory authority to arrest without warrant for suspected violation of Federal criminal statutes—felony or misdemeanor. The committee has received evidence which suggests that State or local officers have no authority to arrest for Federal felony in the following States: Connecticut, Hawaii, Illinois, Indiana, Maine, Massachusetts, Missouri, Montana, Nevada, North Carolina and Vermont. The evidence suggests that local officers have no authority to arrest for Federal misdemeanor not committed in the officer's presence in the following States: Georgia, Idaho, Ohio, Oklahoma, Tennessee, Texas, Washington and Wyoming.

Mr. President, airport operators do not favor the questionable use of "general purpose" law enforcement authority, for example, disorderly conduct, assault, and so forth, to attempt to detain a suspect until the FBI can be summoned to arrest for the Federal offense. Any arrest or detention by local police officials without probable cause would likely be overturned by the courts as an unconstitutional arrest.

Therefore, Mr. President, the question of cost of the law enforcement presence aside, I believe the administration's program suffers from a serious disability. There is little sense in stationing officers at boarding gates to prevent offenses for which they have no authority to arrest. The proper consultation with Congress could have resulted in legislation authorizing the deputization of local peace officers engaged at airports—or at least serious consideration of such legislation. But such consultation has not been forthcoming, and the better course, it seems to me, is to approve the committee bill.

I hope the time may come when the elimination of safe havens will diminish the threat of air piracy. Piracy on the high seas was eliminated when offenders no longer could find sanctuary within the territorial waters of a friendly power.

Until air piracy becomes an offense of purely historical significance, I believe we have a responsibility to structure and implement a comprehensive air security program for the protection of the traveling public. I have had the honor to serve as ranking member of my party on the Aviation Subcommittee throughout the formative stages of the Antihijacking Act of 1973. I believe this bill contains an air security program which will meet the legitimate requirements of the public. I urge its prompt passage by the Senate.

Mr. SCHWEIKER. Mr. President, as the author of the provision in the pending bill requiring the mandatory screening of all airline passengers boarding a commercial aircraft, I urge the adoption of S. 39, the Antihijacking Act of 1973.

The provision I refer to specifically requires the FAA Administrator to issue regulations, as soon as practicable, requiring for at least the next 12 months, that all passengers and their carry-on property carried in air transportation involving large aircraft be screened by weapons detecting devices, operated by employees of air carriers, before the passengers and their baggage are boarded. The bill also authorizes the Administrator to acquire and furnish metal detector devices for this purpose with funds from the airport and airway trust fund.

During the 92d Congress, the Senate adopted an antihijacking bill only to see it die in the House in the closing days of the session. The screening requirement was contained in that bill. It was not a difference of opinion on this provision which contributed to the lack of action in the other body.

Mr. President, the FAA has issued regulations calling for the electronic screening of airline passengers. I commend the agency for its action and I trust it will be vigorous in its enforcement of the regulation.

Although it preceeded the issuance of the FAA regulation, the voluntary screening by some airlines caused me to fail to pass the test on one occasion. A metal shaving mirror in my briefcase triggered an alarm on an electronic screening device. I considered it reassuring that this procedure was capable of detecting a metal object, although in this instance it was not a weapon. It was not an inconvenience and in my judgment the vast majority of the traveling public is pleased with this precautionary procedure.

Mr. President, I urge my colleagues to make mandatory screening a matter of law, not just regulation. The spector of airline hijacking will hang over our heads until we legislate mandatory screening with electronic detection devices. Screening by regulatory action is a step in the right direction, but I am afraid it will not be universal in its application.

For example, the recent court-ordered delays involving the use of security guards at boarding gates illustrates how administrative action can often be less effective than legislation. Until screening is a matter of law, loopholes can continue to exist. Only one loophole in airport screening procedures is needed to precipitate a major skyjacking tragedy.

Clearly, the most critical element in any security program is the screening of passengers prior to their embarkation. Every passenger must be screened.

We must insure that every person who boards an airplane can be assured that none of his fellow passengers is carrying the equipment necessary to hijack that aircraft. The way to do that, obviously, is to require as a matter of law that all passengers be screened by electronic screening devices capable of detecting weapons necessary to threaten the lives of the crew and passengers.

As a matter of public policy we should make it clear that the Nation's airways are secure for the travel of the American public and for the maintenance of commercial air traffic free from the death and destruction which a hijacker can cause.

Mr. PERCY. Mr. President, in 1972, at least 25 airplanes from 13 countries were successfully hijacked, and 26 other attempts were frustrated. In that year alone, 140 airplane passengers and crew were killed, and 97 were wounded, in acts of terrorism. The faltering response of the international community has been largely ineffective. Strong action is urged; weak action is taken. S. 39 is a bill which finally will put some steel into our response to the problem of airplane hijacking.

On December 16, 1970, the United States along with 49 other countries signed the Hague convention, formally known as the Convention for the Suppression of Unlawful Seizure of Aircraft. That Convention imposed certain responsibilities on the parties who signed, and in this bill, the United States meets those responsibilities. Specifically, the bill has three provisions which implement the Hague convention. First, the special aircraft jurisdiction of the United States is expanded to cover situations where the aircraft lands in the United States with the hijacker still on board, and where an aircraft is leased without a crew to someone who is a resident of the United States or whose principal place of business is in the United States.

The second, and perhaps the most important implementing section is that which provides for "universal jurisdiction" over a hijacker so that he truly becomes a man without a country. If a hijacker is found in the United States, even though his actual crime did not involve the United States, he can still be tried in the courts of the United States. When other countries implement this section of the Convention, there will be fewer and fewer countries where a hijacker can safely set foot. He will become an international outlaw who will find no refuge, no safety, no sanctuary in any country in the world.

The third provision specifies the penalty for such an international outlaw. If he is found in the United States and is convicted, he can be imprisoned for up to 20 years.

In addition to implementing the convention which is geared toward an international response to the threat of hijacking, this legislation also gives to the President an extra tool he may use to force those countries who harbor hijackers to stop this practice. If a country continues to allow these international outlaws to find safe harbor within their borders, the President will be authorized to take unilateral action and order a primary boycott of all U.S. air service with that country. In addition, he can order a secondary boycott by suspending all U.S. air service with any other country which continues to maintain air service between itself and a nation which the President has determined is not living up to its international responsibilities under the Hague convention. I realize that the administration does not consider this a necessary approach because it favors international action. I, too, favor such action. However, when such action is not forthcoming, and when countries continue to flout international law in the face of the nations of the world, then the President should have the option to use this admittedly very tough method of forcing an end to such practices.

In addition, the Secretary of Transportation is given the authority to restrict, limit, or revoke the operating authority of foreign air carriers to the United States when traveling Americans are put in jeopardy due to a lack of necessary security safeguards by these airlines. This is yet another method which the United States can utilize to bring safety and security to international air travel.

I believe that these measures will have a dramatic effect on the international scene with regard to detering hijackers. But nonetheless, action is also called for on the domestic front. Our experience with the Sky Marshall program has taught us the lesson that the best place to stop a hijacker is before he gets aboard an aircraft. Consequently, this legislation sets up strict requirements that must be taken by each of the 531 commercially served airports in this country. All passengers and their carry-on possessions must be subjected to an unobtrusive but effective weapons-detecting device before boarding any aircraft. Should the device be activated, the person would have the opportunity to remove any objects which might have set off the device. If the device still registers the presence of a potential weapon, then the person may be searched, but only if he agrees to the search. He cannot be coerced. He retains the option to refuse to be searched, but he then loses his privilege to fly on that particular aircraft. This provision strikes that delicate balance between the safety of the passengers and the rights of the individual. It seems to me that these provisions meet the "reasonable" test imposed by the fourth amendment.

The enforcement of these security measures is currently slated to be taken over by the local authorities. However, three major problems have arisen over the newly imposed FAA "Emergency Regulations." First, there was not enough time given to local authorities to implement the far-reaching regulations that were issued last December 5. This problem was temporarily alleviated by court order which delayed the regulation from going into effect on February 6, however, that court order has now been lifted.

Second, the ability of local officials to enforce a Federal law has been very haphazardly approached by the FAA. It is extraordinary that though local authorities are supposed to enforce the Federal law under the recent FAA regulations, Illinois authorities and those in at least 10 other States lack the authority to make arrests for Federal felonies.

The third problem is the cost of throwing the security involved into the laps of local authorities. I have been in contact with many local groups in Illinois who strongly favor strict security measures at airports. But they are simply unable to meet the sometimes staggering costs of these measures. For instance, the extra cost to O'Hare Airport in Chicago, is estimated to be $2.5 million—for that one airport alone. The cost to a smaller airport like the one at Moline, Ill., is estimated at around $60,000. The local governments and the local airport operators just cannot come up with that type of money. Let me just refer to a resolution that I received from the Illinois Public Airports Association. I ask unanimous consent that it be printed in the RECORD at the conclusion of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PERCY. That resolution calls on the Illinois congressional delegation to find some financial help as soon as possible for all publicly owned airports which have to comply with the FAA security requirements. This is just one example of the many organizations and individuals who have appealed to me to try and help lift this financial burden off their backs.

Mr. President, I do not believe that this is one of those areas where local governments are anxious to "go it alone" and be free of Federal interference. This is a case where local authorities desperately need Federal guidance and Federal funding. That is why I support this legislation which provides that the financial burden of implementing Federal law that has been enacted to meet a national problem will not be borne by local governments. The bill provides that the cost of purchasing the necessary weapons-detecting devices be funded from the Airport and Airway Trust Fund. Thus the $5.5 million necessary for these purchases will not be coming out of the general revenue since they are essentially airport equipment like any other such equipment which is financed by the trust fund.

The cost of providing the required security forces is greater than that of providing the equipment. Since local authorities are inappropriate for enforcing Federal law, it seems only logical that the enforcement of this legislation be coordinated in one Federal agency. The Air Transportation Security Force, under the direction of the Federal Aviation Administrator, wil lbe the agency to do the job. The cost of providing this national security should be borne not by the local governments, but by the Federal Government. I would hope that as much as possible, the funds for this security force could come out of the trust fund. However, what cannot be covered by the trust fund should be covered by Federal appropriations.

Mr. President, this bill is a very significant step in the fight against hijacking. By this legislation, the Federal Government finally faces up to its responsibilities by enacting legislation which deals with both the international and the national aspects of the problem presented by airline hijacking. It rightly places the primary burden of enforcing and paying for the enforcement of the Federal laws on the Federal Government. I support S. 39 and I hope that it will be speedily enacted and signed into law, for the safety and security of all who travel by air is only jeopardized by delay.

The resolution follows:

EXHIBIT 1

RESOLUTION OF ILLINOIS PUBLIC AIRPORTS ASSOCIATION

To Members of the Illinois Congressional Delegation:

Whereas, the Illinois Public Airports Association was established in 1954 as a Not-For-Profit agency by the members of governing boards and commissions of publicly-owned airports for the following purposes:

(1) Promote and maintain the Illinois Department of Aeronautics as a separate division of State government engaged in professional planning and adequate development of all public aviation facilities; and

(2) Obtain essential counsel and financial support from the Federal Government and appropriate agencies in the construction, maintenance and development of a network of publicly-owned airports in Illinois and other states in the public interest; and

(3) Cooperate with the Congress of the United States, Governor of Illinois, and the Illinois General Assembly in furtherance of a bipartisan and non-political approach to and solution of all ongoing aviation problems; and

Whereas, the Federal Aviation Administration (FAA) and related Federal agencies have presently promulgated specific security procedures at all publicly-owned airports providing scheduled air carrier service for the public with a major portion of the cost of such essential facilities and manpower assumed by local airports; and

Whereas, inasmuch as all publicly-owned airports in Illinois are financially hard-pressed and limited in the amount of local funds available for payment of security personnel, equipment and facilities; and

Whereas, imposition of mandatory security procedures by the Federal Aviation Administration has compelled the governing bodies of publicly-owned airports to divert or transfer funds from current and restricted budgets originally earmarked for normal operations; now therefore be it

Resolved by the Board of Directors of the Illinois Public Airports Association and the members thereof—business men, professional and civic leaders in their respective communities, as well as consulting engineers and suppliers listed as associate members—do hereby respectfully urge all members of the Illinois Congressional delegation to initiate and gain approval without delay of legislation to allocate needed financial assistance to all publicly-owned airports in the State of Illinois complying with FAA security requirements.

Mr. BEALL. Mr. President, as a member of the Senate Aviation Subcommittee, the growing frequency of air hijackings that have confronted our Nation in the last few years has been of great concern to me, as it has been to all of my fellow colleagues. We in the Congress have offered many remedies, the administration has tried numerous suggestions and regulations to halt this heinous crime, and private air carriers have continually sought solutions to this critical problem. Yet, the sword of terrorism continues to hang over the air passengers of this country and the world.

Last year, we in the Senate passed legislation by an overwhelming vote of 75 to 1 that would have served as a major step in combating air piracy. Unfortunately, the other body failed to complete consideration on this priority measure, and the bill died. Thus, no congressional action was taken on aircraft hijacking in 1972. Less than a month after the Congress adjourned, the Nation and the world was horrified as it followed with disbelief the bizarre and dangerous odyssey of a hijacked Southern Airways DC–9 in its zigzag flight across North America.

Mr. President, the time for action is now. S. 39, now being considered by this body, offers the best approach yet to stop hijacking. Its basic premise is to keep potential hijackers off the plane in the first place by a comprehensive system of surveillance and examination by both trained personnel and effective equipment. It also provides the legislation necessary for the United States to implement the provisions of the Convention for the Suppression of Unlawful Seizure of Aircraft, sometimes known as the Anti-Hijacking Convention. In this regard, it authorizes the President to suspend foreign air carrier service between the United States and any nation which the President has determined is encouraging hijacking and gives the Secretary of Transportation the power to withhold, revoke or limit the operating authority of any foreign air carrier whose government does not administer adequate antihijacking procedures. In short, S. 39 is legislation which can halt the rising incidence of air piracy in this country and internationally, and I urge its favorable consideration.

The most visible section of this bill for the average traveler will probably revolve around the screening procedures included in this bill. Clearly, the major failure in our antihijacking program in the past has been the lack of an effective and thorough screening process designed to keep would-be hijackers off airplanes in the first place. Our "sky-marshal" programs have not worked, and the recent imposition of the so-called hijacker behavioral profile has been ineffectively and inconsistently applied.

Now, I think all parties to this issue—the Congress, the administration, the air carrier and the passenger himself—recognizes the overwhelming need for comprehensive and effective screening of all persons and carry-on luggage. I support the administration's announced policy of such screenings, and I am pleased to note that early reports indicate that the vast majority of passengers are more than willing to accept the slight inconvenience that is necessary to insure a safe and routine flight. S. 39 provides the statutory authority for such security procedures. Additionally, it outlines in clear fashion the limits and procedures of any search in order to make certain that the individual's constitutional right to be free of unreasonable searches is protected to the utmost degree.

The most controversial area of this bill, as was brought out in the committee hearings, regards the ultimate responsibility of who shall enforce our Federal laws relative to this question. On December 5 the Secretary of Transportation announced new regulations requiring the search or screening of persons and luggage for security purposes. As I have pointed out, such procedures are a major part of S. 39. But the Department further ordered that each of America's 531 airports accommodating air carriers be required to furnish armed law enforcement officers to supervise boarding at each gate at all airports. In other words, the Federal Government told the local authorities that they would now be responsible for enforcing Federal regulations—and paying for them, too.

Mr. President, if there ever was an interstate issue, air hijacking is it. The problem almost always crosses State lines; and therefore, I believe the solution must do likewise. S. 39 clearly recognizes the responsibility of the Federal Government to provide airline safety and establishes a coordinated approach to a situation which requires uniform standards on the ground and quick and coordinated efforts if a hijacking does occur. The testimony of Southern Airways officials at our hearings on the bill highlight the dangerous and confused atmosphere which occurs when many authorities are working, often on different courses, to terminate the flight. Under this bill, we will be providing Federal presence at most of our major airports, as well as setting up reasonable procedures where smaller hubs are equally protected by the reimbursement on a cost basis of part-time services of local law officials on their regular rounds. With the kind of investment that we are making for equipment, it seems to me wise to insure that we make the best possible use of it.

Finally, the bill puts strong weapons in the hands of the Administration to make sure that other nations uphold their international responsibility to fight air hijacking. These international provisions will go hand-in-hand with our domestic efforts to insure that the American, and world, traveler can proceed on his way without the constant fear that his flight will be diverted and his life endangered.

S. 39 does not offer any easy panaceas for a difficult problem. It does, however, offer realistic and tough solutions to this situation which threatens all of us. I urge its passage.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), and the Senator from Washington (Mr. MAGNUSON) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from Iowa (Mr. HUGHES) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from New York (Mr. JAVITS) are necessarily absent.

The Senator from Texas (Mr. TOWER) is absent on official business.

The Senator from New Mexico (Mr. DOMENICI) is absent on official business.

If present and voting, the Senator from New Mexico (Mr. DOMENICI) and the Senator from New York (Mr. JAVITS) would each vote "yea."

The result was announced—yeas 89, nays 0, as follows:

[No. 24 Leg.]

YEAS—89

Abourezk
Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Bentsen
Bible
Biden
Brock
Brooke
Buckley
Burdick
Byrd,
 Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Hart
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Johnston
Kennedy
Long
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—11

Bayh
Cranston
Domenici
Goldwater
Gravel
Hartke
Hughes
Javits
Magnuson
Stennis
Tower

So the bill (S. 39) was passed, as follows:

S. 39

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ANTIHIJACKING ACT OF 1973

SECTION 1. This title may be cited as the "Antihijacking Act of 1973".

SEC. 2. Section 101(32) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(32)), is amended to read as follows:

"(32) The term 'special aircraft jurisdiction of the United States' includes—

"(a) civil aircraft of the United States;

"(b) aircraft of the national defense forces of the United States;

"(c) any other aircraft within the United States;

"(d) any other aircraft outside the United States—

"(i) that has its next scheduled destination or last point of departure in the United States, if that aircraft next actually lands in the United States; or

"(ii) having 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, committed aboard, if that aircraft lands in the United States with the alleged offender still aboard; and

"(e) other aircraft leased without crew to a lessee who has his principal place of business in the United States, or if none, who has his permanent residence in the United States;

while that aircraft is in flight, which is from the moment when all the external doors are closed following embarkation until the moment when one such door is opened for disembarkation, or, in the case of a forced landing, until the competent authorities take over the responsibility for the aircraft and for the persons and property aboard."

SEC. 3. Section 902 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472), is amended as follows:

(a) By striking out the words "violence and" in subsection (i) (2) thereof, and by inserting the words "violence, or by any other form of intimidation, and" in place thereof.

(b) By redesignating subsections (n) and (o) thereof as "(o)" and "(p)", respectively, and by adding the following new subsection:

"AIRCRAFT PIRACY OUTSIDE SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES

"(n) (1) Whoever aboard an aircraft in flight outside the special aircraft jurisdiction of the United States commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, and is afterward found in the United States shall be punished by imprisonment for not less than twenty years or for more than life.

"(2) A person commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, when, while aboard an aircraft in flight, he—

"(A) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes, or exercises control of that aircraft, or attempts to perform any such act; or

"(B) is an accomplice of a person who performs or attempts to perform any such act.

"(3) This subsection shall only be applicable if the place of takeoff or the place of actual landing of the aircraft on board which the offense as defined in paragraph 2 of this subsection is committed is situated outside the territory of the State of registration of that aircraft.

"(4) For purposes of this subsection an aircraft is considered to be in flight from the moment when all the external doors are closed following embarkation until the moment when one such door is opened for disembarkation, or, in the case of a forced landing, until the competent authorities take over responsibility for the aircraft and for the persons and property aboard."

(c) By amending redesignated subsection (o) thereof by striking out the reference "(m)", and by inserting the reference "(n)" in place thereof.

Sec. 4. (a) Title XI of the Federal Aviation Act of 1958 is amended by adding a new section 1114 as follows:

"SUSPENSION OF AIR SERVICES

"Sec. 1114. (a) Whenever the President determines that a foreign nation is acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft, or if he determines that a foreign nation is used as a base of operations or training or as a sanctuary or which arms, aids or abets in any way terrorist organizations which knowingly use the illegal seizure of aircraft or the threat thereof as an instrument of policy, he may, without notice or hearing and for as long as he determines necessary to assure the security of aircraft against unlawful seizure, suspend (1) the right of any air carrier and foreign air carrier to engage in foreign air transportation, and any persons to operate aircraft in foreign air commerce, to and from that foreign nation, and (2) the right of any foreign air carrier to engage in foreign air transportation, and any foreign person to operate aircraft in foreign air commerce, between the United States and any foreign nation which maintains air service between itself and that foreign nation. Notwithstanding section 1102 of the Act, the President's authority to suspend rights in this manner shall be deemed to be a condition to any certificate of public convenience and necessity or foreign air carrier or foreign aircraft permit issued by the Civil Aeronautics Board and any air carrier operating certificate or foreign air carrier operating specification issued by the Secretary of Transportation.

"(b) It shall be unlawful for any air carrier or foreign air carrier to engage in foreign air transportation, or any person to operate aircraft in foreign air commece, in violation of the suspension of rights by the President under this section.".

(b) Title XI of the Federal Aviation Act of 1958 is amended by adding a new section 1115 as follows:

"SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION

"Sec. 1115. (a) Not later than thirty days after the date of enactment of this Act the Secretary of State shall notify each nation with which the United States has a bilateral air transport agreement or, in the absence of such agreement, each nation whose airline or airlines hold a foreign air carrier permit or permits issued pursuant to section 402 of the Federal Aviation Act of 1958, of the provisions of subsection (b) of this section.

"(b) In any case where the Secretary of Transportation, after consultation with the competent aeronautical authorities of a foreign nation with which the United States has a bilateral air transport agreement and in accordance with the provisions of that agreement or, in the absence of such agreement, of a nation whose airline or airlines hold a foreign air carrier permit or permits issued pursuant to such section 402, finds that such nation does not effectively maintain and administer security measures relating to transportation of persons or property or mail in foreign air transportation that are equal to or above the minimum standards which are established pursuant to the Convention on International Civil Aviation or, prior to a date when such standards are adopted and enter into force pursuant to such convention, the specifications and practices set out in appendix A to Resolution A17–10 of the 17th Assembly of the International Civil Aviation Organization, he shall notify that nation of such finding and the steps considered necessary to bring the security measures of that nation to standards at least equal to the minimum standards of such convenion or such specifications and practices of such resolution. In the event of failure of that nation to take such steps, the Secretary of Transportation, with the approval of the Secretary of State, may withhold, revoke, or impose conditions on the operating authority of the airline or airlines of that nation."

Sec. 5. Section 901(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1471(a)) is amended by inserting the words "or section 1114" before the words "of this Act" when those words first appear in this section.

Sec. 6. Section 1007(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1487(a)) is amended by inserting the words "or, in the case of a violation of section 1114 of this Act, the Attorney General," after the words "duly authorized agents,".

Sec. 7. That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading

"Sec. 902. Criminal penalties.",

is amended by striking out the following items:

"(n) Investigations by Federal Bureau of Investigation.

"(o) Interference with aircraft accident investigation.";

and by inserting the following items in place thereof:

"(n) Aircraft piracy outside special aircraft jurisdiction of the United States.

"(o) Investigations by Federal Bureau of Investigation.

"(p) Interference with aircraft accident investigation.";

and that portion which appears under the heading

"Title XI—Miscellaneous"

is amended by adding at the end thereof the following:

"Sec. 1114. Suspension of air services.

"Sec. 115. Security standards in foreign air transportation.".

TITLE II—AIR TRANSPORTATION SECURITY ACT OF 1973

Sec. 21. This title may be cited as the "Air Transportation Security Act of 1973".

Sec. 22. The Congress hereby finds and declares that—

(1) the United States air transportation system which is vital to the citizens of the United States is threatened by acts of criminal violence and air piracy;

(2) the United States air transportation system continues to be vulnerable to violence and air piracy because of inadequate security and a continuing failure to properly identify and arrest persons attempting to violate Federal law relating to crimes against air transportation;

(3) the United States Government has the primary responsibility to guarantee and insure safety to the millions of passengers who use air transportation and intrastate air transportation and to enforce the laws of the United States relating to air transportation security; and

(4) the United States Government must establish and maintain an air transportation security program and an air transportation security-law enforcement force under the direction of the Administrator of the Federal Aviation Administration in order to adequately assure the safety of passengers in air transportation.

Sec. 23. (a) Title III of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

"SCREENING OF PASSENGERS IN AIR TRANSPORTATION

"Sec. 315. (a) The Administrator shall as soon as practicable prescribe reasonable regulations requiring that all passengers and all property intended to be carried in the aircraft cabin in air transportation or intrastate air transportation be screened by weapon-detecting devices operated by employees of the air carrier, intrastate air carrier, or foreign air carrier prior to boarding the aircraft for such transportation. One year after the effective date of such regulation the Administrator may alter or amend such regulations, requiring a continuation of such screening by weapon-detecting devices only to the extent deemed necessary to assure security against acts of criminal violence and air piracy in air transportation and intrastate air transportation. The Administrator shall submit semiannual reports to the Congress concerning the effectiveness of this screening program and shall advise the Congress of any regulations or amendments thereto to be prescribed pursuant to this subsection at least thirty days in advance of their effective date.

"(b) The Administrator shall acquire and furnish for the use by air carriers and intrastate air carriers, at domestic and foreign airports, and for foreign air carriers for use at airports within the United States, sufficient devices necessary for the purpose of subsection (a) of this section, which devices shall remain the property of the United States.

"(c) The Administrator may exempt, from provisions of this section, air transportation operations performed by air carriers operating pursuant to part 135, title 14 of the Code of Federal Regulations."

(b) Notwithstanding any other provision of law, there are authorized to be appropriated from the Airport and Airway Trust Fund established by the Airport and Airway Revenue Act of 1970 such amounts, not to exceed $5,500,000, to acquire the devices required by the amendment made by this section.

Sec. 24. Title III of the Federal Aviation Act of 1958 is further amended bv adding at the end thereof the following additional new section:

"Air Transportation Security Force

"POWERS AND RESPONSIBILITIES

"Sec. 316. (a) The Administrator of the Federal Aviation Administration in administering the air transportation security program shall establish and maintain an air transportation security force of sufficient size to provide a law enforcement presence and capability at airports in the United States adequate to insure the safety from criminal violence and air piracy of persons traveling in air transportation or intrastate air transportation: *Provided, however,* That notwithstanding any other provision of law to the contrary, the Administrator may not require, by regulation or otherwise, the presence at airports in the United States of State or local law enforcement personnel to assist in or support the screening of passengers and property prior to boarding, or to enforce, or to act as a deterrent against acts which are prohibited by, United States statutes other than as authorized by this subsection. He shall be empowered, and designate each employee of the force who shall be empowered, pursuant to this title, to—

"(1) detain and search any person aboard, or any person attempting to board, any aircraft in, or intended for operation in, air transportation or intrastate air transportation to determine whether such person is unlawfully carrying a dangerous weapon, explosive, or other destructive substance: *Provided, however,* That no person shall be frisked or searched unless he has been identified by a weapons detection device as a person who is reasonably likely to be carrying, unlawfully, a concealed weapon and before he has been given an opportunity to remove from his person or clothing, objects which could have evoked a positive response from the weapons detection device, and unless he consents to such search. If consent for such search is denied, such person shall be denied boarding and shall forfeit his opportunity to be transported in air transportation, intrastate air transportation, and foreign air transportation;

"(2) search or inspect any property, at any airport, which is aboard, or which is intended to be placed aboard, any aircraft in, or intended for operation in, air transportation or intrastate air transportation to determine whether such property unlawfully contains any dangerous weapon, explosive, or other destructive substance;

"(3) arrest any person whom he has reasonable cause to believe has (A) violated or has attempted to violate section 902 (i), (j), (k), (l), or (m) of the Federal Aviation Act of 1958, as amended, or (B) violated, or has attempted to violate, section 32, title 18, United States Code, relating to crimes against aircraft or aircraft facilities; and

"(4) carry firearms when deemed by the Administrator to be necessary to carry out the provisions of this section,

and, at his discretion, he may deputize State and local law enforcement personnel whose services may be made available by their employers, on a cost-reimbursable basis, to exercise the authority conveyed in this subsection.

"TRAINING AND ASSISTANCE

"(b) In administering the air transportation security program, the Administrator may—

"(1) provide training for State and local law enforcement personnel whose services may be made available by their employers to assist in carrying out the air transportation security program, and

"(2) utilize the air transportation security force to furnish assistance to an airport operator, or any air carrier, intrastate air carrier, or foreign air carrier engaged in air transportation or intrastate air transportation to carry out the purposes of the air transportation security program.

"OVERALL RESPONSIBILITY

"(c) Except as otherwise expressly provided by law, the responsibility for the administration of the air transportation security program, and security force functions specifically set forth in this section, shall be vested exclusively in the Administrator of the Federal Aviation Administration and shall not be assigned or transferred to any other department or agency."

Sec. 25. Section 1111 of the Federal Aviation Act of 1958 is amended to read as follows:

"AUTHORITY TO REFUSE TRANSPORTATION

"(a) The Administrator shall, by regulation, require any air carrier, intrastate air carrier, or foreign air carrier to refuse to transport—

"(1) any person who does not consent to a search of his person to determine whether he is unlawfully carrying a dangerous weapon, explosive, or other destructive substance as prescribed in section 316(a) of this Act, or

"(2) any property of any person who does not consent to a search or inspection of such property to determine whether it unlawfully contains a dangerous weapon, explosive, or other destructive substance.

Subject to reasonable rules and regulations prescribed by the Administrator, any such carrier may also refuse transportation of a passenger or property when, in the opinion of the carrier, such transportation would or might be inimical to safety of flight.

"(b) Any agreement for the carriage of persons or property in air transportation or intrastate air transportation by an air carrier, intrastate air carirer, or foreign air carrier for compensation or hire shall be deemed to include an agreement that such carriage shall be refused when consent to search persons or inspect such property for the purposes enumerated in subsection (a) of this section is not given."

Sec. 26. Section 902(l) of the Federal Aviation Act of 1958 is amended to read as follows:

"CARRYING WEAPONS ABOARD AIRCRAFT

"(l)(1) Whoever, while aboard, or while attempting to board, any aircraft in or intended for operation in air transportation or intrastate air transportation, has on or about his person or his property a concealed deadly or dangerous weapon, explosive, or other destructive substance, or has placed, attempted to place, or attempted to have placed aboard such aircraft any property containing a concealed deadly or dangerous weapon explosive, or other destructive substance, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(2) Whoever willfully and without regard for the safety of human life or with reckless disregard for the safety of human life, while aboard, or while attempting to board, any aircraft in or intended for operation in air transportation or intrastate air transportation, has on or about his person or his property a concealed deadly or dangerous weapon, explosive, or other destructive substance, or has placed, attempted to place, or attempted to have placed aboard such aircraft any property containing a concealed deadly or dangerous weapon, explosive, or other destructive substance shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"(3) This subsection shall not apply to law enforcement officers of any municipal or State government, or the Federal Government, while acting within their official capacities and who are authorized or required within their official capacities, to carry arms, or to persons who may be authorized, under regulations issued by the Administrator, to carry concealed deadly or dangerous weapons in air transportation or intrastate air transportation; nor shall it apply to persons transporting weapons for hunting or other sporting activities if the presence of such weapons is publicly declared prior to the time of boarding, checked as baggage which may not be opened within the airport confines, and not transported with such person in the passenger compartment of the aircraft."

Sec. 27. To establish, administer, and maintain the air transportation security force provided in section 316 of the Federal Aviation Act of 1958, there is hereby authorized to be appropriated for fiscal years 1973 and 1974 the sum of $35,000,000.

Sec. 28. Section 101 of the Federal Aviation Act of 1958, as amended, is amended by adding after paragraph (21) the following:

"(22) 'Intrastate air carrier' means any citizen of the United States who undertakes, whether directly or indirectly or by a lease or any other arrangement, solely to engage in intrastate air transportation.

"(23) 'Intrastate air transportation' means the carriage of persons or property as a common carrier for compensation or hire, by turbojet-powered aircraft capable of carrying thirty or more persons, wholly within the same State of the United States."

and is further amended by redesignating paragraph (22) as paragraph (24) and redesignating the remaining paragraphs accordingly.

Sec. 29. That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading:

"Title III—Organization of Agency and Powers and Duties of Administrator"

is amended by adding at the end thereof the following:

"Sec. 315. Screening of passengers in air transportation.
"Sec. 316. Air transportation security force.
  "(a) Powers and responsibilities.
  "(b) Training and assistance.
  "(c) Overall responsibility.".

Mr. CANNON. Mr. President, I move to reconsider the vote by which the bill passed the Senate.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECONFIRMATION OF FEDERAL JUDGES

Mr. HARRY F. BYRD, JR. Mr. President, on January 9, 1973, I introduced for myself, the Senator from Alabama (Mr. Allen), the Senator from Georgia (Mr. Nunn), and the Senator from South Carolina (Mr. Thurmond) Senate Joint Resolution 13, proposing an amendment to the Constitution with respect to the reconfirmation of Federal judges after a term of 8 years.

Mr. President, I ask unanimous consent that Senate Joint Resolution 13 be reprinted and that the name of the distinguished senior Senator from Georgia (Mr. Talmadge) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the joint resolution (S.J. Res. 13) be printed at this point in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 13

Mr. Harry F. Byrd, Jr. (for himself, Mr. Allen, Mr. Nunn, Mr. Thurmond, and Mr. Talmadge) introduced the following joint resolution:

Joint resolution proposing an amendment to the Constitution of the United States with respect to the reconfirmaion of judges after a term of eight years

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Notwithstanding the provisions of the second sentence of section 1 of article III of the Constitution, each judge of the Supreme Court and each judge of an inferior court established by Congress under section 1 of article III shall hold his office during good behavior for terms of eight years. During the eighth year of each term of office of any such judge, his nomination for an additional term of office for the judgeship which he holds shall be placed before the Senate in the manner provided by the law, for the advice and consent of the Senate to such additional term, unless that judge requests that his nomination not be so placed. Any judge whose nomination for an additional term of office is so placed before the Senate may remain in office until the Senate gives its advice and consent to, or rejects, such nomination. If the Senate gives its advice and consent to an additional term of office, that term shall commence from the date of such advice and consent, or the day immediately following the last day of his prior term of office, whichever is later.

"SEC. 2. The terms of office established by section 1 of this article shall apply to any individual whose nomination for a judgeship is submitted after the ratification of this article to the Senate for its advice and consent."

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the speech I made in the Senate on January 9, 1973, captioned "Reconfirmation of Federal Judges," be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

RECONFIRMATION OF FEDERAL JUDGES

This resolution is identical to S.J. Res. 106 of the 92nd Congress, which was the subject of a hearing on May 19, 1972, before the Subcommittee on Constitutional Amendments of the Committee on the Judiciary. My proposal is cosponsored by Senators Allen and Thurmond.

As more and more power is centralized in the federal government, we need to appraise more critically the justification for life appointment of federal judges.

There is widespread dissatisfaction with the existing system, under which some judges are exercising dictatorial powers. I believe that a full and open discussion of the questions involved will be healthy and valuable.

Let me begin this discussion by outlining what my proposed amendment would do, and what it would not do.

I want to emphasize at the outset that I fully support the concept of an independent judiciary. The amendment I have introduced simply provides a method by which the courts might be made more accountable.

The philosophy of this proposal I am making was perhaps best expressed by Thomas Jefferson, when he said:

"In questions of power, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution."

My amendment provides that federal judges serve in office for a term of eight years, at the end of which term they would be automatically nominated for reconfirmation by the Senate, unless they requested otherwise. If reconfirmed by the Senate, the judges would serve for an additional eight years.

During the period of consideration by the Senate as to whether or not to give its advice and consent to the reconfirmation of any judge, that judge would continue in office. Moreover his new, eight-year term of office would commence from the day after the date that the Senate approved the reconfirmation—or from the day after the expiration of his earlier term, whichever date is later.

The amendment would not affect any judge sitting prior to its ratification.

This, then is the basic mechanism which I am suggesting.

The question arises at once: Is this a radical proposal, out of keeping with American tradition, or is it rather a reasonable means of achieving accountability of judges without destroying their basic independence? I submit that it is the latter.

In the first place, 47 of the 50 states now have fixed terms for their own judiciary. Of the 3 states that have no such provision, only Rhode Island has life tenure for judges. Massachusetts and New Hampshire provide for mandatory retirement at age 70.

The experience of Virginia may be of significance. Originally the state constitution provided for life tenure. In 1850, a revised constitution established the practice of popular election of judges. Twenty years later, Virginia converted to the present method of election by the General Assembly for specific terms of years.

The present Virginia system, which is directly parallel to the method which I have proposed for the federal judiciary, has worked well. Even though elected by the General Assembly, the Virginia judiciary never has hesitated to assert its independence. The Virginia Supreme Court has exercised its long-established power to strike down legislative enactments.

Information furnished by the Executive Secretary of the Supreme Court of Virginia reveals that in no case has a justice of the court been denied a second term after he has once been elected by the legislature.

The experience of Virginia indicates that any fears of lack of independence on the part of judges who are subject to legislative reconfirmation are without foundation.

Indeed, I know of no documented assertion that the independence or integrity of the judiciary has been compromised in any state as a result of fixed tenure.

When we stop to think about it, why should any official in a democracy have lifetime tenure? In the modern world, only kings, queens, emperors, maharajahs—and United States federal judges—hold office for life.

I say again—why should any public official in a democracy have lifetime tenure?

I do not conceive this to be a liberal-vs.-conservative issue. Senator Robert M. LaFollette, Sr., of Wisconsin, perhaps one of the leading progressives of this century, in 1920, denounced "the alarming usurpation of power by the federal courts." He called for constitutional and statutory changes to end life-time tenure for federal judges.

Certainly I see no reason why the question of lifetime appointment for judges, as opposed to a reasonable system of reconfirmation, should not be submitted to the people of this nation.

For well over a century after the creation of this nation, the unwritten canon of judicial restraint, as expressed by such eminent justices as Holmes, Brandeis, Stone, Hughes, and Frankfurter, was one of our most hallowed legal principles.

But in this century, and particularly since the 1950's, first the Supreme Court and later the lower federal courts have cast aside much of the doctrine of restraint. In all too many instances the federal courts have gone well beyond the sphere of *interpreting* the law, and into the domain of *making* the law.

Under these circumstances, we are faced with a dilemma. Judges who are accountable to no one are invading the sphere of the elected representatives of the people, handing down decisions which have great impact on the lives of the citizenry. This situation is basically inequitable and contrary to the spirit of democracy.

Under existing law, no real solution is available for the present dilemma. It is not possible to legislate resurrection of the doctrine of judicial restraint.

The Constitution established a subtle system of checks and balances; the question is whether the checks upon the mid-20th Century Judiciary are not entirely too subtle.

Impeachment has not provided a very useful means of policing the judges. Thomas Jefferson referred to the impeachment process as "a bungling way of removing judges . . . an impractical thing—a mere scarecrow."

Lord Bryce, in his observations of our government, said: "Impeachment is the heaviest piece of artillery in the Congressional arsenal, but because it is so heavy it is unfit for ordinary use."

Characterizing congressional lethargy in this area, Woodrow Wilson said of impeachment:

"It requires something like passion to set them a-going; and nothing short of the grossest offenses against the plain law of the land will suffice to give them speed and effectiveness."

For lasting reform, aimed at setting the judiciary within the same restrictions on power and authority that are applicable to the legislative and judicial branches, some change in the law will be necessary.

Really basic reform could best be achieved through a system automatically applicable to all members of the federal judiciary, as I have proposed. It is nondiscriminatory in its approach and would serve to guard the interests of the people, through the representatives in the Senate, without compromising the fundamental independence of the judges who would be subject to reconfirmation.

In connection with the issue of independence, we already have seen that the experience of the states indicates no jeopardy of the judiciary's independence need be feared from a fixed-tenure system. But we need to look further into this question of independence. We need to consider what is the real purpose of judicial independence.

I think the true purpose of independence never was better stated than by Professor Philip Kurland of the University of Chicago Law School. In a discussion of the proposal by former Senator Tydings of Maryland to create a commission of judges to police the judiciary, Professor Kurland stated.

"It should be kept in mind that the provisions for securing the independence of the judiciary were not created for the benefit of the judges, but for the benefit of the judged."

I believe this to be a cardinal principle. Judicial independence should not be regarded as a fortress for the members of the Judiciary, whether or not one believes that some judges are actual or potential oligarchs; on the contrary, it is supposed to be a shelter for the true rights of the people.

It is my contention that a uniform, reasonable system of fixed tenure and reconfirmation, such as I am proposing in my resolution, would enhance the rights of the people. Therefore it is, in its main thrust and intent, in line—not in conflict—with the real purpose of judicial independence.

There is no need to provide any official in a democracy with the prerogatives of a medieval baron in order to safeguard his independence of judgment. Indeed, to insulate a judge—or any other public official—from all accountability for his actions is to invite arbitrary action contrary to the will and welfare of the people.

Life tenure, devoid of restraint and accountability, is not consistent with the movement of this nation toward a greater voice for the people in the operations of their government. I think it is time that we abolished it.

I submit that basic questions about the nature of our democracy are involved in the issue of judicial tenure. Such basic questions are best decided at the level closest to the people themselves. Therefore, I hope that the Congress will conduct a full debate and give final approval to this proposal, and that the question will be taken to the people through their elected representatives in the several state legislatures.

ADDITIONAL PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the resumption of routine morning business for not to exceed 1 hour with statements limited therein to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska is recognized.

(The remarks Mr. STEVENS made at this point on the introduction of S. 970, on the construction of a trans-Alaska pipeline, are printed in the routine morning business section of the RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ORDER FOR ADJOURNMENT UNTIL 11:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAIVER OF LIMITATION ON SPEECHES UNDER RULE VIII DURING CONSIDERATION OF RESOLUTIONS FOR FUNDING OF SENATE ACTIVITIES TOMORROW

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator from Nevada (Mr. CANNON), chairman of the Committee on Rules and Administration, earlier today sought and secured permission for that committee to have until midnight tonight to submit committee reports with respect to various money resolutions. Those resolutions will be reported tonight and will be on the calendar tomorrow morning.

There is presently no other business on the calendar that could be conducted tomorrow. I therefore ask unanimous consent that at the conclusion of routine morning business tomorrow, the Senate proceed to the call of the calendar with respect to the various committee money resolutions, and that the 5-minute limitation on speeches under rule VIII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR TAFT TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the remarks of the distinguished Senator from Mississippi (Mr. EASTLAND), the distinguished Senator from Ohio (Mr. TAFT) be recognized for not to exceed 15 minutes, prior to the recognition of the junior Senator from West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, at the conclusion of the orders for the recognition of Senators, there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11:30 a.m.

After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Mr. EASTLAND, Mr. TAFT, Mr. ROBERT C. BYRD, and Mr. MCCLELLAN.

At the conclusion of the aforementioned orders for the recognition of Senators, there will be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Following the close of routine morning business, the Senate will proceed to the call of the Calendar with respect to various committee money resolutions which are being reported today.

It is anticipated that there will be perhaps more than one yea-and-nay vote, on tomorrow with respect to the various money resolutions. I would anticipate that we would be able to complete the action on those resolutions, tomorrow afternoon. But Senators should be aware of the likelihood of at least one yea-and-nay vote and possibly more yea-and-nay votes tomorrow.

ADJOURNMENT TO 11:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11:30 a.m. tomorrow.

The motion was agreed to; and at 5:15 p.m. the Senate adjourned until tomorrow, Thursday, February 22, 1973, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 21, 1973:

U.S. DISTRICT COURTS

Vincent P. Biunno, of New Jersey, to be a U. S. district judge for the district of New Jersey, vice Robert Shaw, deceased.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

David Luke Norman, of the District of Columbia, to be an associate judge, Superior Court of the District of Columbia, for the term of 15 years vice Stanley S. Harris, elevated.

FEDERAL BUREAU OF INVESTIGATION

Louis Patrick Gray III, of Connecticut, to be Director of the Federal Bureau of Investigation, new position.

HOUSE OF REPRESENTATIVES—*Wednesday, February 21, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Be not conformed to this world, but be ye transformed by the renewing of your mind, that ye may prove what is that good, and acceptable, and perfect will of God.—Romans 12: 2.

Almighty God, our Heavenly Father, we lift our hearts unto Thee in prayer renewing our devotion to Thee and our dedication to the service of our beloved country. Especially do we pray that Thy spirit may move within our hearts as we face the duties of this day. Guide us with Thy wisdom, direct us by Thy power, strengthen us amid temptations, keep us humble in spirit, and lift us all to loftier levels of living—that we be "not slothful in business, fervent in spirit, serving the Lord."

We thank Thee for the return of our prisoners of war—for their courage in adversity, their strength in weakness, their patience in confinement, and their faith in Thee and in America which held them up and kept them steadfast. As we welcome them home may we also remember those who came not back, paying the last full measure of devotion. Grant that the sacrifices made by these men not be in vain. May peace rule in the hearts of all people and all nations for all time.

In the spirit of the Prince of Peace we offer this our morning prayer. Amen and amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

RESIGNATION FROM COMMISSION ON HIGHWAY BEAUTIFICATION

The SPEAKER laid before the House the following resignation from the Commission on Highway Beautification:

FEBRUARY 9, 1973.

Hon. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby submit my resignation as a member of the Commission on Highway Beautification, effective immediately.

Your consideration of this request will be greatly appreciated.

Sincerely yours,
M. GENE SNYDER.

APPOINTMENT AS MEMBER OF COMMISSION ON HIGHWAY BEAUTIFICATION

The SPEAKER. Pursuant to the provisions of section 123(a), Public Law 91–605. The Chair appoints as a member of the Commission on Highway Beautification the gentleman from North Carolina (Mr. MIZELL) to fill the existing vacancy thereon.

A JOINT SESSION FOR OUR RETURNING POW'S IS NEEDED

(Mr. HUBER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HUBER. Mr. Speaker, I rise today with a suggestion that the distinguished Speaker of this body, the distinguished majority leader and the distinguished minority leader consult with the President of the United States to the end that a joint session of the Congress be held to pay tribute to a representative group of our incredibly brave POW's who are now returning home. While Members of both bodies have held many differing views on the war in Vietnam, nearly everyone has been united in the view that a precondition of any settlement require that our POW's be returned and our MIA's be accounted for. These men were held prisoner longer than any of our fighting men in recent history and they have borne this captivity with bravery, dignity, and in the best traditions of our military services.

In my view, and some may disagree, this would also serve to reestablish some of the unity this country needs. Therefore, I rise today to call on the leadership of this House to explore the possibility of a joint session at some future date, when all our POW's have returned, which would honor these men, after they have had sufficient time to rest and visit their loved ones.

ADDITIONAL LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time to ask the distinguished majority leader what the program is for today and the schedule for tomorrow.

Mr. O'NEILL. Will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. It is at the present time the intent to take up the continuing resolution to be offered by the gentleman from Texas (Mr. MAHON) immediately after our colloquy followed by the three committee investigative resolutions.

The one piece of legislation we talked about yesterday we thought we would probably bring up today was H.R. 1975, to amend the emergency loan program under the Consolidated Farm and Rural Development Act. That rule has been reported with 1 hour of debate to be held on it. That will be on the calendar for tomorrow. Other than that there will be no changes.

VERMONT RATIFIES EQUAL RIGHTS AMENDMENT

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. GRIFFITHS. Mr. Speaker, I know you will be happy to learn that Vermont, the 28th State, has just ratified the equal rights amendment.

I expect we will be equal sooner than you think.

FURTHER CONTINUING APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, pursuant to the order of the House granted on yesterday, I call up the joint resolution (H.J. Res. 345) making further continuing appropriations for the fiscal year 1973, and for other purposes, and I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 345

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 and that section 108 of the joint resolution of July 1, 1972 (Public Law 92–334), as amended, are hereby amended by striking out "February 28, 1973" and inserting in lieu thereof "June 30, 1973" in both instances.

SEC. 2. This joint resolution shall be effective March 1, 1973.

Mr. MAHON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the House is familiar with the fact that last year the Congress passed and sent to the President two appropriation bills for the Department of Labor and the Department of Health, Education, and Welfare. These bills were both vetoed by the President. So, late in the session, last October, Congress passed a continuing resolution providing first for those activities financed in the Labor-HEW appropriation bill, and second for the foreign aid programs. As Members will recall a foreign aid authorization bill cleared both the House and the Senate, but did not become law. We had no authorization since we were not able to enact an appropriation bill for foreign aid. So the continuing resolution of last October covered both the Labor-HEW and the foreign aid programs.

Mr. Speaker, after full and very careful exploration of all the possibilities the Committee on Appropriations determined that the only practical and responsible thing to do about this at this time was to extend the continuing resolution for these purposes from the present expiration date of February 28 until the end of the current fiscal year, June 30, 1973. This nine-line House Joint Resolution 345 simply does that. It changes the date and the administration will proceed under the same legislative authority that it has been proceeding under since last July 1. It is a straightforward continuing resolution. Nothing is changed except the date.

We have provided continuing resolutions for an entire fiscal year on some previous occasions, but this has been very rare. It is regrettable that we have to do it this year, but there seems to be no other adequate way to handle the situation.

So, Mr. Speaker, I urge that the House approve the continuing resolution which is presented today.

Mr. PERKINS. Mr. Speaker, will the distinguished Chairman yield?

Mr. MAHON. I yield to the distinguished chairman of the Committee on Education and Labor.

Mr. PERKINS. First, Mr. Speaker, let me compliment the distinguished chairman, the gentleman from Texas (Mr. MAHON) for bringing this resolution to the floor, because it is something that needs to be taken care of at the earliest possible date, and it would seem that this is the most feasible way to finance the various school programs administered by the Office of Education for the remainder of this fiscal year.

As I understand, under the general rule one determines the amount appropriated by reference to the two versions of the first Labor-HEW Appropriations Bill for fiscal year 1973. One does not refer to either the fiscal year 1972 appropriation or the fiscal year 1973 budget estimate.

Am I correct that with respect to title I of the Elementary and Secondary Education Act—even though the fiscal year 1972 level was $1,597,500,000, and the budget request was $1,597,500,000, the continuing resolution being considered now appropriates $1,810,000,000 for title I?

Mr. MAHON. The gentleman's question relates to the availability of funds under this continuing resolution. The continuing resolution provides that the executive branch will proceed under the lowest version of the bill which passed the House and the Senate in June of last year. The figure given by the gentleman of $1,810,000,000 for fiscal year 1973 in the gentleman's question is correct.

Mr. PERKINS. All right. I have another question.

Following the same analysis, am I correct that the appropriation for title III of the Elementary and Secondary Education Act is $171,393,000 for fiscal year 1973 and the appropriation for Public Law 874 is $635,495,000 and for Public Law 815 $25,910,000?

Mr. MAHON. Those figures are correct. The answer to the gentleman's question is "Yes."

The SPEAKER. The time of the gentleman from Texas has expired.

(By unanimous consent Mr. MAHON was allowed to proceed for 5 additional minutes.)

Mr. MAHON. Mr. Speaker, I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, I have another question.

With respect to vocational education, am I correct that $426,682,000 is being appropriated for the basic grant program to the States, and that the total amount appropriated for our vocational and adult education programs is $643,460,000?

Mr. MAHON. The gentleman is correct. The total appropriation would be $643,460,000.

Mr. PERKINS. I have one final question, Mr. Speaker.

Am I correct that subsection (d) of section 101 of Public Law 92-334 provides for title III of the National Defense Education Act, and that the action we will be taking here today will in fact appropriate $50 million for title III equipment grants to local school districts, and is it the intention of the Appropriations Committee that all of the funds appropriated in this resolution for all of the titles just read will be expended by the executive branch of the Government?

Mr. MAHON. The continuing resolution provides for the continued availability of $50 million for the title III program to which reference is made. The funds are available to the administration for expenditure. Of course, the Congress is now engaged in a controversy with the Executive as to the impoundment of funds, but the availability of the funds for expenditure for that purpose, in response to the gentleman's question, is $50 million, as stated by the gentleman.

Mr. PERKINS. The amount appropriated by the Appropriations Committee is the amount that the Chairman deems necessary to officially operate these programs, and it is the gentleman's intention that these amounts be expended?

Mr. MAHON. This is what the Congress intended, no doubt, because these are the amounts that the Congress is providing. It must be recognized, of course, that the executive branch has certain flexibility in the programing and expenditure of funds under the Antideficiencies Act.

Mr. LANDRUM. Mr. Speaker, will the distinguished gentleman yield?

Mr. MAHON. I yield to the gentleman from Georgia.

Mr. LANDRUM. Mr. Speaker, is this one continuing resolution appropriating for Labor, Health, Education, and Welfare, and for the foreign assistance program?

Mr. MAHON. That is right.

Mr. LANDRUM. Can the gentleman provide us with any explanation as to why it is necessary to bring in one continuing resolution? Why can't the two subject matters be separated, and the foreign assistance appropriation brought in on one continuing resolution, and Labor, Health, Education, and Welfare in another?

Mr. MAHON. The Congress in recent years has not been able to complete work on all appropriation bills by the beginning of the fiscal year, July 1.

Mr. LANDRUM. We understand that.

Mr. MAHON. Will the gentleman let me respond further to his question?

Therefore we pass a continuing resolution covering all branches of the Government where final action has not been taken on appropriation bills. We do not bring forward a separate continuing resolution for the Department of Defense or the Department of Interior or foreign aid or the Department of State or Justice. We have one continuing resolution for all departments and agencies requiring further financing authority. This is the same pattern that we are following here. This is a further continuing resolution for those appropriation bills which have not been enacted into law, and it seems to be the logical way to do it.

Mr. LANDRUM. I believe that is well understood by the Members, Mr. Speaker, but I wonder why at this particular time at this late hour we have two such subject matters as we have joined in this one resolution. Are there other continuing resolutions to come?

Mr. MAHON. No; this takes care of all that remains to be covered.

Mr. LANDRUM. If the Committee on Appropriations had so decreed, it could just as well have brought in a continuing resolution appropriating for Foreign Assistance separately from the Health, Education, and Welfare and Labor Departments; is that right?

Mr. MAHON. It would be breaking precedent, but we could bring in a continuing resolution for each and every agency. However, we did not choose to do it as it did not seem to be the logical way to proceed. We thought the policy followed in the past was the policy we should continue since there did not seem to be any good reason to change it.

Mr. LANDRUM. If the gentleman will yield further, what I am driving at and what I feel many Members of the House would be concerned about is that a vote on these two subjects has got to go up or down, yes or no, and when we vote for HEW we vote for foreign assistance, and when we vote for foreign assistance we vote for HEW. That is the only choice that is available in this instance; is that right?

Mr. MAHON. This is an extension of the continuing resolution we passed last October.

Mr. LANDRUM. But that is the only choice that is available now. If we do not wish to vote for foreign aid, we have to vote against the appropriation for education.

Mr. MAHON. That is the only choice that is available.

Mr. DON H. CLAUSEN. Mr. Speaker, I was extremely chagrined recently to learn that while the administration has refused to say that it is impounding funds earmarked for assistance under Public Law 874 for class B students, the truth of the matter is that school districts throughout the country are not receiving the assistance to which they are entitled.

While this problem would be serious at any time, it is now disastrous since this impoundment is being made more than halfway through the school year.

Budgets for the 1972-73 school year were prepared nearly a year ago and were based upon the reasonable expectation that the Public Law 874 assistance was to be forthcoming. Nothing to the contrary was ever heard either from the Congress or the executive branch.

This state of affairs held true throughout the congressional debate on the appropriations bill for the Departments of Labor and HEW which was not concluded until the continuing resolution was enacted on October 18 of last year. The continuing resolution clearly spells out that the Congress expected the program to be funded at the 73 percent level.

Over a month into the school year, there was still no indication to any reasonable school administrator that the Federal Government might devastate completely his carefully developed budget.

Today, with just a little over 3 months to go in the school year that same administrator may be facing a fiscal crisis which defies solution and that raises problems which, if not resolved, will mean literal public bankruptcy for the district.

I am not going to claim that Public Law 874 assistance is not without serious problems and inequities of its own. Many of the richest areas in the country receive the highest level of funding under the program.

On the other hand, many areas which have a heavy Federal impact are dependent upon these funds for their ability to provide quality education. To ask them to give up a year's entitlement in only a little over three months with no warning whatsoever is to ask the impossible.

If the Congress is going to revamp Pubic Law 874 funding to make certain it gets to needy areas it must do so with some warning so that school budgeting officials can reasonably and responsibly plan for the future. In the meantime, we must see that the past commitments we have made are fulfilled.

It is my understanding that this continuing resolution will provide the congressional authority and funding level consistent with the fiscal year 1972 appropriations level. I hope my colleagues will join in conveying to those administering the Public Law 874 program the difficulties our school administrators face.

Mrs. GRASSO. Mr. Speaker, I will support House Joint Resolution 345, a resolution making continuing appropriations available for the Departments of Labor and Health, Education, and Welfare.

I will, however, support this resolution reluctantly and with a great deal of apprehension about the future.

We are now nearly 8 full months into fiscal 1973. Neither the Department of Labor nor the Department of Health, Education, and Welfare has a regular appropriations bill. On two separate occasions the Congress passed a Labor-HEW appropriations bill. Indeed, on October 13, 1972, the House approved the conference report on H.R. 16654, the second of these bills, by a vote of 289 to 41. Despite this action, both appropriations bills were vetoed.

The President's refusal to sign a bill which received such overwhelming support has crippled many important programs. Some of these are receiving painfully inadequate funding in fiscal 1973. For example, the budget submitted by the administration requested $1.25 billion for the Emergency Employment Act. This request, representing an increase of $250 million over the fiscal 1972 level, received the firm approval of both Houses. However, under the continuing resolution, EEA must operate with $1 billion, and thousands of unemployed individuals who might have received temporary public employment have been denied jobs they need.

Furthermore, certain newly authorized programs have not received any funds during fiscal 1973. In the last Congress, I gave my strong support to legislation establishing a nutrition program for the elderly. This program, established by Public Law 92–258, authorized $100 million in fiscal 1973 to help serve low-cost, nutritionally sound meals to the elderly. The authorization was approved by the President who then followed this action by vetoing the essential funding. In fact, thousands of elderly Americans have been unable to receive decent meals because two appropriations bills containing the $100 million for the nutritional program were vetoed.

Now, for the time being we must be content with funding both Departments on a continuing basis. At the same time, to obtain a true picture of Federal support in many areas, we must take account of the administration's recent blatant disregard for congressional authority by impounding funds and further reducing fiscal 1973 assistance.

Let me cite a few examples.

To keep mental health obligations down to $543.7 million in fiscal 1973, the administration is withholding $200 million from the continuing level. General mental health and alcoholism grants will suffer, and thousands of Americans—citizens who need the assistance of these highly successful programs that have proven their worth over and over again—are the losers.

To keep health manpower obligations down to $440.6 million, the administration is decreasing its original fiscal 1973 request by $93 million. This represents an actual decrease of $298 million from the continuing level. Somebody in the Office of Management and Budget apparently believes that, contrary to documented reports, this country does not need additional trained medical and nursing personnel which these funds would provide to meet the health problems of today.

Other programs—especially within the National Institutes of Health—face reduction. While the dollar figures may seem small, these decreases could detrimentally affect vital scientific research. The National Institute of Child Health and Human Development is one example. In fiscal 1972 the Institute received $116.5 million, and the administration requested $127.2 million in fiscal 1973. Among the Institute's responsibilities is research on sudden infant death syndrome, or "crib death." In its report on H.R. 15417, the Appropriations Committee stated that research on SIDS—the major cause of infant deaths between 1 month and 1 year of age—should be vigorously pursued. Yet, the administration, which is impounding $19.4 million this year, has lowered its budget request to only $106.7 million in fiscal 1974.

Mr. Speaker, throughout the appendix of the fiscal 1974 budget there are many more examples of impoundment—in the Office of Education, the National Institutes of Health, the Manpower Administration, and other programs.

To make matters worse, the budget itself shows the American people that health, education, employment, and other progams have been devalued significantly by this administration.

Mr. Speaker, House Joint Resolution 345 does provide funds for the continuation of all current programs under the Departments of Labor and Health, Education, and Welfare. Therefore, although I am less than pleased with recent actions and current proposals of the administration in these areas, this resolution must be approved. At the same time, for the good of the Nation, we must pledge that the Congress will now assume its rightful position as a coequal branch of Government. We must work to insure that the will of the Congress is obeyed.

Mr. FLOOD. Mr. Speaker, the Congress has twice tried, and failed, to enact a Labor-HEW appropriation bill for fiscal year 1973. The President was unwilling to sign either of the bills which Congress sent to him.

Two-thirds of the 1973 fiscal year has expired. Frankly, our committee believes that an attempt to enact a third bill would be wasted effort. It seems very unlikely that a bill which would be acceptable to a majority of the Congress would also be acceptable to the President.

As far as the Labor-HEW programs are concerned, this resolution is simply an extension of the continuing resolution—Public Law 92–334—which we enacted last July 1, and which has been extended three times since then. Most of the Labor-HEW programs are covered by section 101(a)(3) of that resolution, which means that they are authorized to operate at the rate provided in either the House or Senate bill, whichever is lower.

Mr. Speaker, I think there are a number of very good reasons for extending this resolution to the end of the fiscal year:

First, as I have already said, the prospects of writing a third Labor-HEW appropriation bill which would be acceptable both to a majority of the Congress and the President are very, very dim.

Second, the resolution is in line with congressional priorities, since it is based on the appropriation bill which passed both the House and the Senate last June.

Third, there is at present a great deal of uncertainty as to what Congress is going to do about the 1973 Labor-HEW appropriation bill. Extending the resolution for the full fiscal year will remove this uncertainty.

Fourth, any 1973 budget requests for which the continuing resolution does not make provision will be considered in connection with the 1973 second supplemental appropriation bill.

Fifth, it is time to get started with consideration of the 1974 budget. We should settle 1973 before we start talking about 1974.

Finally, Mr. Speaker, the point should be made that the continuing resolution has the full force and effect of an appropriation act. There is no reason to believe that the President's powers to withhold or impound funds appropriated by this continuing resolution are any different than they would be if the funds were appropriated in a regular appropriation bill. Furthermore, it is very clear that while the continuing resolution does not authorize the President to start new programs, it also most certainly does not authorize him to eliminate or make drastic cutbacks in ongoing programs.

Mr. Speaker, I urge the adoption of the resolution.

Mr. SHRIVER. Mr. Speaker, the House is today faced with an unfortunate dilemma—to accept this continuing resolution for the remainder of the fiscal year for the programs of the Departments of Labor and Health, Education, and Welfare and for foreign assistance—or to postpone further the final decision on these funding levels in the hope that the regular appropriations bills will be passed.

I serve on both of the subcommittees concerned here today, and I can assure you that both of these alternatives were carefully and extensively considered. In the end, I would say that timing was the most important element in our recommendation to go with the continuing resolution for the rest of the fiscal year.

We are already 8 months into fiscal 1973. Spending and program decisions regarding these funds have largely been made, both at the Federal and local levels. Since it is unlikely that acceptable compromises on these two bills will be attained easily or shortly, further delay does no service to the participants of these programs.

The Labor-HEW and the Foreign Operations Subcommittees, on which I serve, began considerations of these two measures nearly 1 year ago. We have been through two vetoes of the Labor-HEW bill, which were sustained. We have been stymied by an impasse at the authorization level on the foreign aid bill. A year of unsuccessful attempts is long enough.

Any continuing resolution for appropriations has great limitations. It is for this reason that our committee works long and hard to avoid this alternative.

The resolution, by necessity, is simple—slightly more than six lines. It does not attempt, nor can it, to open questions about specific programs.

The Office of Management and Budget—and many of our constituents, I might add—have pointed out to the committee more than a dozen programs on which further action will be necessary for fiscal 1973. We are aware of these problems and will deal with them soon in a supplemental appropriations bill, a procedure which has been used many times in the past.

To open this continuing resolution to deal specifically with these items would be to open it to further delay and a possible veto. A supplemental bill is a better vehicle.

As the ranking Republican on the Foreign Operations Subcommittee, I can assure you along with the chairman that there are no funds in this resolution for economic assistance to North Vietnam. A small amount—$940,000—from the security supporting assistance will be used to provide support required by the Peace Agreement for the International Control Commission.

Dr. Hannah, AID Administrator, has assured our subcommittee in writing that neither existing "pipeline" authority nor authority provided by the extension of the continuing resolution will be used in North Vietnam.

As mentioned on page 5 of the committee report, it is the intent of the committee that existing AID funds can be used for emergency relief to the city of Managua, Nicaragua, because of earthquake damage. Funds can also be used for initial implementation of the desalting plant in Israel and for international narcotics control.

For comparison, this continuing resolution provides for spending approximately $1 billion more for the human resources programs than the fiscal 1973 budget requested, and it provides for a decrease of $1.5 billion in foreign assistance than the budget.

As I said at the outset, the committee does not like to go to the continuing resolution route, but we have little choice 8 months into the fiscal year. It is perhaps significant that the two most volatile areas of Federal spending—human resources and foreign operations—are the two on which agreement is most difficult to reach.

We will, no doubt, continue to have controversy concerning the spending levels for these programs, but it is time to dispose of the fiscal 1973 bill. I urge adoption of the continuing resolution.

Mr. ROGERS. Mr. Speaker, I have just had a conversation with Chairman MAHON with respect to the effect of the pending resolution on certain actions of the Department of Health, Education, and Welfare. I believe it is extremely important to report that conversation to my colleagues.

Mr. Speaker, I asked the distinguished chairman two critical questions. Those questions, and Chairman MAHON's response are included in the RECORD at this point:

1. Mr. Chairman, my reading of the Committee report is such that it is clear that this resolution has the full force and effect of an appropriations bill. Is that the intention of the Committee?

Chairman MAHON. Yes.

2. Mr. Chairman, it is no secret that the Administration, without the consent of Congress, seeks to dismantle many of the health programs carefully developed by the Congress over the years. I insert in the RECORD at this point a copy of a telegram recently sent to all Directors of Regional Medical Programs by the Director, Regional Medical Programs Service, DHEW:

"ROCKVILLE, MD.

"The President has submitted his budget proposals to the Congress. While the amount for fiscal year 1973 for RMPs grants and contracts is shown as $125,100,000, the actual amount available to the program for grants and contracts during the present fiscal year is $55,358,000. The actual reduction in the amount available is detailed on page 384 of the appendix to the official submission.

"You are aware that we have been operating under a continuing resolution. Early in the fiscal year, 17 RMPs were funded for another year with start dates of September 1, 1972. This was followed by awards at the end of December to 18 RMPs with start dates of January 1, 1973.

"There remain 21 RMPs with May 1, 1973, start dates.

"By telegram on December 29, 1972, I advised the 18 RMPs with January 1 start dates that because of the limited funds available, their awards were authorized only through June 30, 1973, funded at only half the amount established for one year. Similarly with the limited funds available we have determined that the 21 remaining awards with May 1 start dates can be extended only through June 30, 1973.

"No grant funds are included in the President's budget request for RMP in fiscal year 1974. Therefore, with no additional funds proposed to be made available in fiscal year 1974, and with the limited funds available this year, the above funding decisions were made to avoid the possibility of overobligating fiscal year 1973 funds. Further, in order to treat all 56 RMPs as equitably as possible and attempt to provide funds for the most critical situations, all of fiscal year 1973 grant awards will terminate on June 30, 1973. It follows, then, that the 17 grants awarded as of September 1, 1972, will receive amended awards, reducing the budget period by two months with appropriate prorated funds. As stated above, all RMP grants will be terminated on June 30, 1973.

"It is our intention to permit grant extensions beyond June 30 but to no later than February 15, 1974. Additional funds will not be awarded except as determined necessary to adhere to the principle of equitable treatment. This would be to accommodate only those activities and program staff identified by the RMPs as requiring support beyond June 30, 1973 that cannot be terminated by that date due to need to finalize necessary reports, publish findings, etc. Upon receipt of your plans by March 15, 1973, for terminating grant support, we will announce on April 15, decisions regarding redistribution of any grant funds available through adjustment of awards which can be used to phaseout RMPs support. It may well be that we will not be able to support much of what is considered essential by you because of the limited funds available. Your plan, then, for beginning an immediate phaseout of RMPs support to be completed no later than February 15, 1974, should be devloped and submitted to us no later than March 15, 1973. The plan should reflect the following requirements:

"1. Do not enter into any new contracts or agreements for activities or personnel which commit RMPS funds.

"2. Request continued support for only those activities requiring RMPS funds that will produce a predictable result justifying the Federal investment, or

"3. Request continued support for those essential activities where a mechanism has been established to continue without interruption support of the activity from other resources.

"It is requested that your plan be submitted in writing, accompanied by pages 1, 6, 15 and 16 of the application form 34–1, for phasing out all RMPS support by June 30, 1973, and a separate plan and set of forms for activities proposed for continuation beyond June 30, 1973, but in no event beyond February 15, 1974.

"May I also remind you that your plan for phasing out operations must involve the grantee official and the rag in accordance with their responsibilities delineated in RMPS–NID dated August 30, 1972. Staff in the division of operations and development are available to consult with you in the preparation of your plan.

"It is expected that all expenditure reports under the procedure will be received in RMPS by no later than June 15, 1974.

"I am sure each of you recognize that in the light of the President's recommendations we need to proceed with the development of phaseout preparations in an orderly and prompt manner.

"Harold Margulies, M.D.,
"Director, Regional Medical Programs Service."

The entire tenor of this telegram, Mr. Chairman, is that regional medical programs are to be stopped. The telegram states, Mr. Chairman, that RMP directors are to submit plans calling for "an *immediate* phaseout of RMPs support". The telegram goes on to say that "we need to proceed with the development of phaseout preparations in an orderly and prompt manner".

Now, Mr. Chairman, on the bottom of page 2 of the Committee report, it is stated that "(t)he Continuing Resolution appropriates funds for the continuation of ongoing programs. It does not authorize the Executive Branch either to start new programs or to stop ongoing ones." Thus this resolution does not sanction or make it legal for HEW officials to proceed with such a plan. Am I correct?

Chairman Mahon. Correct.

Mr. MICHEL. Mr. Speaker, first may I say that here we are, two-thirds of the way through the fiscal year, and have not yet finalized appropriations bills for the Departments of Labor, Health, Education, and Welfare and in the field of foreign aid. Aside from the fact that our Labor-HEW bill has been vetoed twice we have had a tendency in the past several years to fall further and further behind resorting to continuing resolutions to tide us over, so to speak, and this has become a very common practice.

It is really not a good way to do business, but today we are in a box and after considering the alternatives, have no other recourse but to pass this continuing resolution to provide for funds during the balance of this fiscal year, for the Departments of Labor, HEW, and our foreign operations.

The language of this resolution is very simple, and makes reference to previous continuing resolutions having to do with this fiscal year, with only a change of date to extend this authority until June 30, 1973.

We have said before in the longer-winded resolutions that the emphasis here is "on the continuation of existing projects and activities, at the lowest of one of three rates, namely the current fiscal year 1972 rate; the budget request for 1973, where no action has been taken by either House; or the more restricted amount adopted by either of the two Houses."

I mention this because the interim plan that has been followed by HEW in recent months is to spend at the lowest level called for in either fiscal year 1972 or the revised budget for 1973. While there may be a relaxing of this restraint on spending, I cannot conceive that at this late date in the fiscal year we want to all of a sudden open up the floodgates and spend at the higher rates called for in the two vetoed bills. That, my friends, was what this argument was all about in the first place and you will recall that there was not a sufficient number of votes in this House to override a Presidential veto.

I listened to the exchange between our chairman, Mr. Mahon, and the chairman of the Education and Labor Committee, Mr. Perkins, and should say that I personally do not feel this resolution binds the President or the administration to the specific spending levels they were talking about, because as a very practical matter, we are currently in a new Congress. Passage of the old House and Senate bills were vetoed and in my opinion, subsequently died with the adjournment of the 92d Congress.

What I am concerned about here is that we do not endorse in any way a level of spending that could lead to an additional $2 billion of spending over the President's budget and $600 million over a bill he vetoed last fall. Certainly the House does not intend to increase appropriations above the level that resulted in a Presidential veto, or we will have to face the prospects of this continuing resolution being vetoed.

Let me very briefly give you several specific figures as to what we are talking about here.

The spending level established by the President's original budget submitted in January of 1973 is $26.8 billion.

The spending level proposed in the 1973 column of the 1974 budget, which includes budget amendments proposed by the President, comes to $26.1 billion.

If we were to interpret the spending level in this resolution to mean the lower of either the House or Senate bills as they stood on July 1, 1972, the spending level would be $28 billion.

The excess spending over the President's revised budget would therefore be $1.9 billion.

Traditionally, Mr. Speaker, continuing resolutions have been interpreted as "holding on-going activities in place—maintaining the lower of either the prior year, the President's budget, or congressional action, until such time as a permanent bill becomes law." The term "continuing resolution" by its own words connotes a continuation and not an enlargement. I would hope we would hold fast to this principle.

And finally, Mr. Speaker, I should say that we are going to have an urgent supplemental appropriations bill before us very soon for a number of items. As a matter of fact, I think the requests to date by the administration aggregate better than $800 million, so if there are some serious problems that do crop up along the way, we are free to exercise our option to deal with those problems in one of those supplemental appropriations bills.

We are running up against a time barrier, Mr. Speaker, in view of the February 28 deadline for the current resolution under which we are operating, so I hope the House will give speedy approval of this resolution here today.

Mr. VEYSEY. Mr. Speaker, today we find ourselves in a dilemma for which we—as the Congress—are partially to blame. There is no legitimate excuse and there is no right solution.

As of 1 week from today, Federal funding for education, as well as for numerous HEW programs, will end unless we take immediate action. This situation exists because the 92d Congress, and the executive branch, bent on election year political gamesmanship, refused to consider the public interest ahead of political interests during the last half of 1972.

Twice we sat down to develop a new appropriations bill for education and the other needs contained within this legislation. Twice we had access to the thinking of the administration, the concepts of educational leaders, the legitimate needs of our educational institutions and the political realities of the situation. And twice we put together legislative proposals which we had been forewarned, would be vetoed by the President. It seemed that we were more concerned with looking good and making our political rivals look bad, than we were concerned about educating our children, and funding vital functions of the Government.

This continuing resolution would give us a reasonable basis for operation during the balance of this fiscal year. It is the only practical course for us to take at this time. Although this action will allow no new programs, may ignore needed remedial measures, and though it limits funding to 1972 levels, it at least gives our schools a basis to work from—funding upon which they can rely.

I urge that we pass this resolution today. However, I am inherently opposed to continuing resolutions. They invariably result in poor efficiency and in bad fiscal control.

I hope that this body will now set upon a course to expedite a timely, constructive legislative solution to these appropriations measures and avoid the need for this bandaid, patchwork approach to funding in the future.

Mr. GROSS. Mr. Speaker, here we are today, within 4 months of the end of the fiscal year, being called upon to approve or reject two major appropriation bills that ought to have been disposed of at the beginning of the fiscal year last July 1, or shortly thereafter.

Moreover, and as the gentleman from Georgia (Mr. Landrum) has well pointed out, these two appropriation measures should never have been combined in one package, thus forcing House Members to approve both or neither of them.

This borders on legislative travesty and it is a sad, sad commentary on the leadership of both the House and the other body. I cannot and will not vote for a continuation of the foreign giveaway program under any guise and, therefore, I am compelled to vote against both measures.

Mr. ROBINSON of Virginia. Mr. Speaker, we find it necessary, today, to set about applying another patch to the leaky, wheezing appropriation process.

It serves little, at this point, to review the circumstances which have brought us to the present circumstances, but it certainly should be alarmingly evident that the patchwork approach of recent years not only has become a glaring embarrassment to the Congress, but has brought us onto the quicksands of fiscal irresponsibility and misfeasance.

I shall support the continuing resolution—not because I approve of it, but because I recognize that, at this point in the fiscal year, it represents the only realistic course open to us.

There are Federal programs which must be funded in some manner over the balance of the fiscal year. The budget for the next fiscal year, which begins July 1, 1973, is before us, demanding early analysis and evaluation. Whatever the differences between the views some here hold and those held by the Executive as to the appropriate levels of funding for the programs covered by the continuing resolution, we must come now to an accommodation giving a reasonable prospect of clearing the slate of the regular appropriation measures of fiscal year 1973.

As a member of the Committee on Appropriations, I venture the hope that all Members of this House may be impelled to think seriously about the urgent need for constructive reform of the appropriations process—and participate actively in the reform effort. We are all in this mess together, and I sense an increasing impatience among the people over our evident inability, or disinclination, to exert the effort necessary to extricate ourselves.

On the first day of the session, I offered legislation—H.R. 975—intended to establish an orderly approach to the annual Federal budget. The bill now has 30 cosponsors. Its chief elements are these:

First. Establishment of a permanent Joint Congressional Committee on the Budget, with membership drawn from the Committee on Appropriations and Ways and Means and the Appropriations and Finance Committees of the other body. The committee would establish, not later than May 31 of each calendar year, an overall spending limit, and limits for major program categories, for the ensuing fiscal year.

Second. Budget data submitted by the President would be required to include projections for a 5-year period.

Third. Congressional spending authorizations would be limited to a 3-year period, and appropriation of funds would be subject to annual determinations by the Congress.

Fourth. Major new Federal programs would be required to be initiated on a limited "pilot" basis.

Additionally, I have joined in sponsorship of a bill to make the fiscal year coincide with the calendar year, in order that our appropriating have a reasonable chance of completion before the start of the fiscal year to which it is directed.

I am not wedded to the approaches I have mentioned, and I certainly am prepared to consider openmindedly modifications of these proposals, or, for that matter, entirely different approaches.

My chief point, Mr. Speaker, is that it behooves us to heed the warning implicit in the situation in which we find ourselves today—appropriating by continuing resolution in the eighth month of the fiscal year.

If, in January or February 1974, we find ourselves similarly situated, we will deserve the indictment of mishandling the public purse.

Mr. RARICK. Mr. Speaker, the measure before us, while entitled "Further Continuing Appropriations, 1973," contains more. The report lists $35 million to the Nicaraguan earthquake victims and $20 million for a prestige water treatment and desalinization plant in Israel.

It so happens that it was the fate of Mrs. Rarick and me to be in Managua, Nicaragua, on December 23 at the time the earthquake devastated that city. Few Americans really understand the loss and suffering of those people better than I do. However, I question a blank check from the Federal Treasury in the amount of $35 million, especially since the administration saw fit to impound the funds of the disaster loan program passed by this Congress. People in my State of Louisiana and other areas of our country who suffered loss, injury, and damage because of hurricane and flooding, are denied any Federal help because of the President's new austerity program. In fact, consideration of legislation to restore the emergency disaster loan program to Americans will be taken up by us tomorrow.

Earlier this week the Agriculture Committee, of which I am a member, passed out a bill with mandatory language to require the President to restore water and waste disposal grants under FHA to rural farm communities. This program had been terminated by the President's action in December. While Americans are denied return of their own tax dollars to help them develop water and waste disposal facilities in rural communities, I find it unconscionable that we are asked to give $20 million to develop water treatment plants in Israel.

The bill also authorizes an international narcotic control program for which $5 million was earmarked in the budget request as a voluntary U.S. contribution to the U.N. fund for drug abuse control. While the assessed contributions to the United Nations have now been reduced to 25 percent, there has been no similar limitation placed upon voluntary contributions. The United States contributed 78 percent of all U.N. funds for drug abuse control in 1972. We continue to give above our fair share but only to foreigners.

The foreign assistance title indicates another $105 million to the President for international organizations and programs with no limitation as to percentage of participation in voluntary contributions to U.N. organizations—the 25-percent limitation is apparently only confined to assessed "contributions."

And I further note the continuation of our policy of bankrolling international banks, making easy dollars available to nations around the world so that when the devaluation payoff comes, it will be necessary for us to increase our international banking contributions to keep faith with our commitments.

Somewhere along the line the American people still do not come into top priority and no one ever seems concerned about commitments to our taxpayers.

We hear a lot of talk these days about priorities, but I continue to feel that our top priority must be that Americans benefit first from their tax money.

We will never end the money problem facing our people by continuing the same old giveaway practices. The well is already dry.

I intend to cast my people's vote against the continuing appropriations bill.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 311, nays 73, not voting 47, as follows:

[Roll No. 20]

YEAS—311

Abdnor
Abzug
Adams
Addabbo
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Armstrong
Ashley
Aspin
Barrett
Beard
Bell
Bennett
Bergland
Biester
Bingham
Blatnik
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Cohen
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Fascell
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gaydos
Giaimo
Gilman
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Gude
Guyer
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Wash.
Harrington
Harsha
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks

Hillis
Hinshaw
Hogan
Holifield
Holtzman
Horton
Howard
Huber
Hudnut
Hungate
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kazen
Keating
Kemp
Ketchum
Kluczynski
Kuykendall
Kyros
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
McCollister
McCormack
McDade
McEwen
McFall
McKay
McSpadden
Madden
Madigan
Mahon
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Poage
Podell
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Randall
Rangel
Regula
Reid
Reuss
Rhodes
Rinaldo
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Roush
Roy
Ruth
Sarasin
Sarbanes
Saylor
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shriver
Sikes
Slack
Smith, Iowa
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wylie
Wyman
Yates
Yatron
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—73

Alexander
Anderson, Calif.
Archer
Ashbrook
Bafalis
Baker
Bevill
Blackburn
Brinkley
Burke, Fla.
Byron
Clancy
Clawson, Del
Cochran
Collins
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Devine
Dickinson
Esch
Flynt
Froehlich
Gibbons
Ginn
Goodling
Gross
Grover
Gunter
Haley
Holt
Hunt
Hutchinson
Ichord
Kastenmeier
Landgrebe
Landrum
Latta
Lott
Lujan
Mathis, Ga.
Mills, Md.
Mizell
Montgomery
Moorhead, Calif.
Myers
Nichols
Pike
Powell, Ohio
Quillen
Rarick
Roberts
Roncalio, Wyo.
Rousselot
Runnels
Ryan
Satterfield
Shoup
Shuster
Skubitz
Snyder
Spence
Stephens
Stuckey
Symms
Teague, Tex.
Towell, Nev.
Whitten
Wilson, Charles H., Calif.
Young, Fla.
Young, S.C.

NOT VOTING—47

Anderson, Ill.
Arends
Badillo
Biaggi
Brown, Mich.
Chamberlain
Collier
Delaney
Evins, Tenn.
Findley
Fisher
Gettys
Goldwater
Gray
Hansen, Idaho
Harvey
Hosmer
Johnson, Colo.
King
Koch
McClory
McCloskey
McKinney
Macdonald
Mailliard
Martin, Nebr.
Mills, Ark.
Mitchell, N.Y.
O'Brien
Price, Tex.
Rees
Riegle
Rooney, N.Y.
Rostenkowski
Roybal
Ruppe
St Germain
Sandman
Scherle
Sisk
Smith, N.Y.
Steed
Ware
Wilson, Charles, Tex.
Wyatt
Wydler
Young, Ga.

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Anderson of Illinois.
Mr. St Germain with Mr. Arends.
Mr. Rostenkowski with Mr. Hosmer.
Mr. Koch with Mr. Brown of Michigan.
Mr. Sisk with Mr. Findley.
Mr. Delaney with Mr. Chamberlain.
Mr. Badillo with Mr. Martin of Nebraska.
Mr. Steed with Mr. Collier.
Mr. Evins of Tennessee with Mr. McClory.
Mr. Biaggi with Mr. Mitchell of New York.
Mr. Gettys with Mr. McCloskey.
Mr. Gray with Mr. O'Brien.
Mr. Macdonald with Mr. McKinney.
Mr. Mills of Arkansas with Mr. Price of Texas.
Mr. Rees with Mr. Ruppe
Mr. Roybal with Mr. Sandman.
Mr. Fisher with Mr. Goldwater.
Mr. Young of Georgia with Mr. Wydler.
Mr. Harvey with Mr. Hansen of Idaho.
Mr. Mailliard with Mr. Riegle.
Mr. Scherle with Mr. Charles Wilson of Texas.
Mr. Smith of New York with Mr. Wyatt.
Mr. Johnson of Colorado with Mr. King.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD regarding the House joint resolution just passed and that I may be permitted to revise and extend my remarks and insert certain tables and include extraneous matter on the same joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING COMMITTEE ON MERCHANT MARINE AND FISHERIES TO CONDUCT STUDIES AND INVESTIGATIONS

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 187 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 187

Resolved, That, effective January 3, 1973, the Committee on Merchant Marine and Fisheries, acting as a whole or by subcommittee, is authorized to conduct full and complete studies and investigations and make inquiries within its jurisdiction as set forth in clause 14 of rule XI of the Rules of the House of Representatives. However, the committee shall not undertake any investigation of any subject which is being investigated for the same purpose by any other committee of the House.

SEC. 2. (a) For the purpose of making such investigations and studies, the committee or any subcommittee thereof is authorized to sit and act, subject to clause 31 of rule XI of the Rules of the House of Representatives, during the present Congress at such times and places within or without the United States, whether the House is meeting, has recessed, or has adjourned, and to hold such hearings and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued over the signature of the chairman of the committee or any member designated by him and may be served by any person designated by such chairman or member. The chairman of the committee, or any member designated by him, may administer oaths to any witness.

(b) Pursuant to clause 28 of rule XI of the Rules of the House of Representatives, the committee shall submit to the House, not later than January 2, 1975, a report on the activities of that committee during the Congress ending at noon on January 3, 1975.

SEC. 3. (a) Funds authorized are for expenses incurred in the committee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee on Merchant Marine and Fisheries of the House of Representatives and employees engaged in carrying out their official duties for the purposes of carrying out the committee's authority, as set forth in this resolution, to travel outside the United States. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members and employees of the committee, the following conditions shall apply with respect to their use of such currencies:

(1) No member or employee of such committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(2) No member or employee of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee or its employees in any country where local currencies are available for this purpose.

(4) Each member or employee of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

(b) Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of difference in time zones.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 187 is exactly the same as House Resolution 21—92d Congress. The committee has the jurisdiction to conduct full and complete studies and investigations and make inquiries as set forth in clause 14 of rule XI of the Rules of the House of Representatives. The committee is authorized to sit and act both within and without the United States, subject to clause 31 of rule XI of the Rules of the House of Representatives—5-minute rule.

Pursuant to clause 28 of rule XI of the Rules of the House of Representatives, the committee must submit its report of activities of the committee not later than January 2, 1975.

Any expenses incurred outside the United States shall be paid for with counterpart funds.

House Resolution 187 also contains the usual limitations on per diem and expenses.

Mr. Speaker, I urge the adoption of House Resolution 187.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Texas. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would ask the gentleman from Texas as to the representations that were made to the Committee on Rules by the Merchant Marine and Fisheries Committee as to the nature of the investigations the members propose to conduct overseas.

Mr. YOUNG of Texas. Mr. Speaker, in reply to the inquiry of the gentleman from Iowa I would state that the chairman of that committee is here, the gentlewoman from Missouri (Mrs. SULLIVAN) and I will be glad to yield to her. But before doing so I would say that this is the usual general provision, and one that is usually adopted at the beginning of each Congress.

I now yield to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Speaker, I would state to the gentleman from Iowa that the only reason that our committee possibly would have to do any investigating in foreign areas would be on oil pollution, on shipbuilding, on the investigations that may be needed in the conferences that are set up on seapower and the seabed, and the laws of the sea conference for which we are partly responsible.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, I am sure the gentlewoman from Missouri is aware of the fact that there has been a 10-percent devaluation of the dollar, and that the emphasis on the devaluation was to the effect that this would serve to stop some of the outflow of U.S. dollars to foreign countries. I cannot believe that the committee is going to travel in countries that have a liberal amount of counterpart funds because they are diminishing over most of the world. India is one of the few that still has a sufficient amount to accommodate the junketeers that supposedly travel in behalf of the Congress, but the devaluation was for the purpose of keeping dollars in this country. I am going to be quite interested in which Members of House committees travel and how much is expended in contravention of the stated purpose of the devaluation. There are some 80 billion of our dollars floating around and held in foreign countries. Many, many of those billions are surplus to the needs of the foreign countries, and we are not going to be doing a very good job of recapturing those dollars if the Congress is going to take the lead in spending money on junkets to foreign lands.

Yes, I will be very interested in how these junkets are carried out, where, and for what purpose.

Mrs. SULLIVAN. Will the gentleman yield further?

Mr. YOUNG of Texas. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. I should just like to answer the gentleman from Iowa that the record shows that our committee travels less than, I think, any other committee in this House. I can assure the gentleman that I agree with his ideas on holding down the dollars pouring from this country. The main thing is that if it is necessary to have people go over to meetings that are being held in Brussels and London, we want to have permission to send the proper representation.

Mr. YOUNG of Texas. Mr. Speaker, I yield to the gentleman from Tennessee (Mr. QUILLEN).

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of House Resolution 187 is to authorize the Committee on Merchant Marine and Fisheries to study and investigate subjects within their jurisdiction. This resolution does include travel authority and is identical to the committee's resolution of the 92d Congress.

Mr. Speaker, I urge the adoption of House Resolution 187.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING COMMITTEE ON ARMED SERVICES TO CONDUCT INVESTIGATIONS

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 185 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 185

Resolved, That, effective January 3, 1973, the Committee on Armed Services, acting as a whole or by subcommittee, is authorized to conduct full and complete studies and investigations and make inquiries within its jurisdiction as set forth in clause 3 of rule XI of the Rules of the House of Representatives. However, the committee shall not undertake any investigation of any subject which is being investigated for the same purpose by any other committee of the House.

SEC. 2. (a) For the purpose of making such investigations and studies, the committee or any subcommittee thereof is authorized to sit and act, subject to clause 31 of rule XI of the Rules of the House of Representatives, during the present Congress at such times and places within or without the United States, whether the House is meeting, has recessed, or has adjourned, and to hold such hearings and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued over the signature of the chairman of the committee or any member designated by him and may be served by any person designated by such chairman or member. The chairman of the committee, or any member designated by him, may administer oaths to any witness.

(b) Pursuant to clause 28 of rule XI of the Rules of the House of Representatives, the committee shall submit to the House, not later than January 2, 1975, a report on the activities of that committee during the Congress ending at noon on January 3, 1975.

SEC. 3. (a) Funds authorized are for expenses incurred in the committee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee on Armed Services of the House of Representatives and employees engaged in carrying out their official duties for the purposes of carrying out the committee's authority, as set forth in this resolution, to travel outside the United States. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members and employees of the committee, the following conditions shall apply with respect to their use of such currencies:

(2) No member or employee of such committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(2) No member or employees of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee or its employees in any country where local currencies are available for this purpose.

(4) Each member or employee of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or, if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

(b) Amounts of per diem shall be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of differences in time zones.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 185 is exactly the same as House Resolution 201—92d Congress. The committee has the jurisdiction to conduct full and complete studies and investigations and make inquiries as set forth in clause 3 of rule XI of the Rules of the House of Representatives. The committee is authorized to sit and act both within and without the United States, subject to clause 31 of rule XI of the Rules of the House of Representatives—5-minute rule.

Pursuant to clause 28 of rule XI of the Rules of the House of Representatives, the committee must submit its report of activities of the committee not later than January 2, 1975.

Any expenses incurred outside the United States shall be paid for with counterpart funds.

House Resolution 185 also contains the usual limitations on per diem and expenses.

Mr. Speaker, I urge the adoption of House Resolution 185.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Texas. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman from Texas for yielding.

The gentleman says this is exactly the same resolution as was approved in the 92d Congress. I take it, without putting words in the gentleman's mouth, that he is saying it is business as usual at the old stand on junketing. I wonder if we ought to be continuing this business of congressional travel around the world as usual in view of the sacrifices that the people of this country are being called upon to make with respect to conservation of the dollar.

It seems to me there ought to be some changes from time to time and that we should not necessarily continue the same authorization every year. I wondered if there were any representations made to the committee for instance about the travel of "lameduck" Members of Congress to various and assorted waypoints around the world. Was anything said to the Rules Committee about the "lameduck" Members who take off after an election, between the adjourning of one Congress and the convening of another, who travel at Government expense? And where does the Committee on Armed Services expect to carry on investigations?

Mr. YOUNG of Texas. Mr. Speaker, I will yield to the distinguished gentleman from Louisiana, the chairman of the Armed Services Committee, with respect to that question.

Mr. HÉBERT. Mr. Speaker, I am very glad my dear friend, the gentleman from Iowa, has brought up the question which he has because it gives me an opportunity to set the record straight and to say no committee in the Congress on either side of the Capitol has saved more money over the last years since 1952 than this particular committee of the House, the Armed Services Committee. It was organized in the days when Mr. Vinson was chairman of the committee and I was named when the committee was organized at that time, and we have saved millions of dollars in several categories. We have saved money from General Motors and from Ford Motor Co. for overcharges.

As a matter of fact this committee was in business on waste, years before some people who now scream about waste had heard about the word. We have been in this business for years. Our record speaks for itself. It is a laudable record and one I am personally very proud of. I can say, in answer to my dear friend, who asked the question, "Do I intend to carry on a business as usual?" or he asked, "Does the committee intend to carry on business as usual?" my answer is "Yes, certainly we do." We are going to carry on in the usual and same efficient manner and save this Government money and eliminate waste and examine every penny that is spent.

As related to the trips the gentleman referred to, perhaps the Armed Services Committee has fewer trips than any other committee in the House and yet it would be justified to have double the amount of travel that any other committee has. We do not believe in operating on any basis except the national security and defense of this country, on a nonpartisan basis. As Members have heard me say many times in the committee and in the House, we do not have Republicans or Democrats on the Committee on Armed Services, we have only Americans, and that is the way it is going to continue to be.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Texas. I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I do not know how the subject of the catalog got mixed up in foreign travel, but perhaps it belongs there.

I could say something, too, about the common catalog. It works sometimes and does not work at other times. I take it that my good friend from Louisiana understands that I am talking about foreign junketing, that is, travel by Members of Congress to foreign countries and the cost to the taxpayer of this junketing.

All I want is that it be completely and thoroughly justified. That is all.

Mr. HÉBERT. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Texas. I yield to the distinguished gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, I recognize the fact that in my enthusiasm for joining the gentleman from Iowa in saving Government money I forgot to distinguish between travel and how the money is raised. We do not owe that money; we do not owe that money. It is an arrangement between our Government and other governments. That is enough to be said on that subject.

There is not a single trip authorized by me as chairman of the House Committee on Armed Services which is not fully and completed justified. There is not a single trip, domestic or abroad, that costs the American taxpayer one cent of money that is not justified.

As far as the catalog is concerned, I am amazed at the gentleman's lack of knowledge because, as the fountain of all knowledge, the fountain of all wisdom, he does not know that the unified catalog is the very basis of saving millions of dollars by this Government in procurement of military equipment. Until this committee got into this and passed it under the sponsorship of Mr. ANDERSON of California, there was nothing done about it. It is not a perfect thing now. There is a lot more to be done, but if we had not done these things, there would be a lot more money wasted.

Mr. GROSS. Mr. Speaker, I recall that a few years ago millions of dollars worth of ammunition was ordered by one of the military services when all it had to do was pick up a telephone and contact another branch of the service to learn the ammunition was already available and surplus.

I do not know if that was the fault of the telephone service in the Pentagon or the common purchasing catalog. I know that it was long after the establishment of the Defense Department that the catalog was established and put to any kind of use.

Mr. HÉBERT. In this colloquy between my dear friend from Iowa and myself, it is the most refreshing thing today to stand up and say, "I do not know."

Mr. Speaker, may I add this further explanation for the information of the gentleman from Iowa.

House Resolution 185 would authorize the Committee on Armed Services to conduct studies and investigations of all matters within the committee's jurisdiction.

Similar authority was originally passed by the 82d Congress. Since that time each succeeding Congress has passed a resolution granting that authority to the committee.

A special subcommittee to conduct studies and investigations was established by Chairman Carl Vinson pursuant to the initial resolution. That same format has been followed in each of the Congresses since that time.

Throughout its existence the membership and staff of the subcommittee have endeavored to conduct its activities on a nonpartisan basis. I believe that its unbroken record of unanimous reports is a tribute to their objectivity.

During the 92d Congress the subcommittee conducted seven major studies which resulted in hearings and/or formal reports. Briefly, they were as follows:

First. Review of Department of Defense Worldwide Communications: That investigation found that fragmented and overlapping responsibilities for communications within the Department of Defense resulted in inefficient and ineffective management of those facilities. As a result of a report issued by the subcommittee, the Secretary of Defense initiated several actions directed toward improving systems management and the responsiveness of the Department's communications facilities. Since the cost of these communications operations approximate $6 billion annually, it is anticipated that the improvements will result in significant dollar savings.

Second. Marine Corps Procurement Practices—Conflicts of Interest: That investigation revealed that certain Marine Corps procurement officials maintained very close social and business relationships with representatives of contractors. The evidence established that those contractors were able to obtain favored treatment in their dealings with the Marine Corps procurement office and had sold the Corps more than 4,000 faulty generators which the Government was forced to repair at a cost of $1.6 million.

As a result of the subcommittee's work, the Government is considering criminal prosecutions.

Third. Crash of the F-14A: That inquiry found that the Navy's design review and testing procedures were inadequate and had permitted defects to pass unnoticed through several stages of development of the aircraft. As a result of our report, these testing procedures have been changed.

Fourth. Cuban plane incident at New Orleans: That subcommittee examination disclosed the inadequate nature of our air defense along our entire southern border. As a result, our detection and intercept capabilities in this area have been vastly improved.

Fifth. Relocation of the U.S. Army Intelligence School: In that investigation the subcommittee found that the Army had relocated its intelligence school and planned to establish an intelligence center at Fort Huachuca, Ariz., although its Engineer Corps advised that there were insufficient water resources at that post to support such an establishment. It further determined that the center could have been established at another post for at least $70 million less than at Fort Huachuca.

Sixth. Army procurement of the M561 Gama Goat: That investigation found that the Army had ordered production and deployment of this vehicle despite serious deficiencies which were found to exist at each stage of its development and production. It also found that the production vehicles failed to satisfy the requirements which had been established. Such premature production of systems will receive the particular attention of the subcommittee this year.

Seventh. Unauthorized bombing of military targets in North Vietnam: The subcommittee found that the rules of engagement for protective reaction strikes had been made obsolete by the improved North Vietnam air defense system. It further found that the superiors of General Lavelle had failed to take the necessary action to meet the additional danger that the enemy's improved system imposed on U.S. pilots and aircraft until after General Lavelle was relieved of command.

ADDITIONAL FUNCTIONS

The subcommittee staff, in addition to preparing the inquiries, hearings and reports which I have just described, also responded to the requirements of members on a continuing basis. During the 92d Congress the staff processed 113 cases in response to requests of members for assistance. They also examined and evaluated 108 reports of the General Accounting Office falling under the jurisdiction of the subcommittee.

I intend to continue the vigorous and aggressive nature of the activities of the subcommittee.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 185 is the investigatory resolution for the Committee on Armed Services. The purpose of this resolution is to authorize the committee to conduct full studies and investigations within its jurisdiction, in compliance with clause 3, rule XI of the Rules of the House.

This resolution is identical to the committee's resolution of the 92d Congress, and I urge its adoption.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO MAKE STUDIES AND INVESTIGATIONS

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 182 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 182

Resolved, That, effective January 3, 1973, the Committee on Interstate and Foreign Commerce, acting as a whole or by subcommittee, is authorized to conduct full and complete studies and investigations and make inquiries within its jurisdiction as set forth in clause 12 of rule XI of the Rules of the House of Representatives. However, the committee shall not undertake any investigation of any subject which is being investigated for the same purpose by any other committee of the House.

SEC. 2. (a) For the purpose of making such investigations and studies, the committee or any subcommittee thereof is authorized to sit and act, subject to clause 31 of rule XI of the Rules of the House of Representatives, during the present Congress at such times and places within or without the United States, whether the House is meeting, has recessed, or has adjourned, and to hold such hearings and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued over the signature of the chairman of the committee or any member designated by him and may be served by any person designated by such chairman or members. The chairman of the committee, or any member designated by him, may administer oaths to any witness.

(b) Pursuant to clause 28 of rule XI of the Rules of the House of Representatives, the committee shall submit to the House, not later than January 2, 1975, a report on the activities of that committee during the Congress ending at noon on January 3, 1975.

SEC. 3. (a) Funds authorized are for expenses incurred in the committee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee on Interstate and Foreign Commerce of the House of Representatives and employees engaged in carrying out their official duties for the purposes of carrying out the committee's authority, as set forth in this resolution, to travel outside the United States. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members and employees of the committee, the following conditions shall apply with respect to their use of such currencies:

(1) No member or employee of such committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(2) No member or employee of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee or its employees in any country where local currencies are available for this purpose.

(4) Each member or employee of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

(b) Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of differences in time zones.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to my good and distinguished colleague from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 182 is exactly the same as House Resolution 170 (92d Congress). The Committee has the jurisdiction to conduct full and complete studies and investigations and make inquiries as set forth in clause 12 of rule XI of the Rules of the House of Representatives. The committee is authorized to sit and act both within and without the United States, subject to clause 31 of rule XI of the Rules of the House of Representatives (5-minute rule).

Pursuant to clause 28 of rule XI of the Rules of the House of Representatives, the committee must submit its report of activities of the committee not later than January 2, 1975.

Any expenses incurred outside the United States shall be paid for with counterpart funds.

House Resolution 182 also contains the usual limitations on per diem and expenses.

Mr. Speaker, I urge the adoption of House Resolution 182.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Texas. I yield to the distinguished gentleman from Iowa (Mr. GROSS).

Mr. GROSS. I thank the gentleman for yielding to me again.

I assume that this resolution will take good care of the annual trip by members of Congress to the Paris Air Show?

Mr. YOUNG of Texas. Mr. Speaker, I yield to the distinguished chairman of the Committee on Interstate and Foreign Commerce.

Mr. STAGGERS. Mr. Speaker, I might say to my distinguished colleague from Iowa that the chairman has never been to the Paris Air Show. He might go this year, if it is permitted.

I have never been outside the United States, and I have never spent one penny for travel outside the United States at public expense since I have been chairman of the Interstate and Foreign Commerce Committee. I believe perhaps I may have been derelict in my duty, in not going to some places to see what is going on and how we are spending money and how we compare with others.

I do say to the gentleman from Iowa that perhaps I have been derelict in my duty in not doing so. We have been very frugal in what we have done as to everything, including airline transportation and things that we need to do.

Mr. GROSS. Mr. Speaker, if the gentleman from Texas will yield further, it is not necessarily a question of what the chairman does. This is an authorization for a committee. I realize that a chairman must approve the junkets that are taken in the name of any committee.

But the chairman did say this would take care of the annual trip to the Paris Air Show, among other junkets contemplated by members of the committee?

Mr. STAGGERS. Mr. Speaker, I would say to the gentleman from Iowa that very few members will go to the Paris Air Show from our committee, but I am not sure but what it is one of the good things we should go to in order to see what the rest of the world will do and in order that we can see what they are doing, and I believe we should do something to try to maintain our position with the countries of the rest of the world as it should be.

I am not arguing with the gentleman from Iowa on the merits, but I do think it is good that some of them did go.

I would suggest that some of them go again this year. I believe that the experiences that they had in 1972 were good for our committee and for the people of the United States, because in that way they could find out what kind of improvements were made and what could be anticipated in the future.

Mr. Speaker, I think we are getting off the subject. I do believe the trips that have been authorized have been good trips, and they reported on those trips and gave to the chairman a report of what they did on the trip.

Mr. GROSS. Well, the gentleman understands, I am sure, that the whole thrust of the devaluation of the dollar was to keep American dollars from going overseas. The gentleman understands that, does he not?

Mr. STAGGERS. The gentleman is correct. However, I——

Mr. GROSS. I am sure the gentleman does understand that.

Mr. Speaker, this should be the year when Congress sets the example for the rest of the country. It should set the example for the conservation of dollars and keeping them in this country rather than shipping them abroad, either through the pockets of junketing Members of Congress or in any other way.

Mr. STAGGERS. Well, I would say to the gentleman that the executive branch of the Government does an awful lot in this respect, and they might take over where we stop and say, "The Congress is not taking the responsibility to see what is going on in the world, and, therefore, we will do it for them."

Mr. Speaker, I will say again to the gentleman that since becoming chairman in 1966, I have not made the trip, either at the expense of the U.S. taxpayers or in any other way, and I feel now in certain instances I may have been derelict, after reading some of the reports the members have brought back concerning things that have happened.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Texas. I will be glad to yield to the distinguished gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I would just like to state that I have never taken one of these junkets to the Paris Air Show, but I do feel that it is an education. I do feel as a member of the Committee on Interstate and Foreign Commerce, which has purview over civil aeronautics and also Federal aviation, that we must keep informed about advances in aviation.

Mr. Speaker, I think it would be very informative and very helpful. I realize that we are in a desperate strait as far as finances are concerned, and that perhaps we should limit the number who go, but I think it is necessary for some members of this committee to make this trip.

I thank the distinguished gentleman for yielding.

Mr. QUILLEN. Mr. Speaker, House Resolution 182 authorizes the Committee on Interstate and Foreign Commerce to make full and complete studies and investigations within their jurisdiction. The resolution authorizes travel within and without the United States, and is identical to their resolution of the previous Congress. Therefore, I urge adoption of this resolution.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE ROLE OF DIRECT INVESTMENT ABROAD IN INTERNATIONAL TRADE

(Mr. HANNA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANNA. Mr. Speaker, as you have so appropriately noted in recent weeks, a major aspect of the formulation and direction of governmental policy is debate in the legislative arena. As a follower of our posture and performance in the international economy, I am hopeful of contributing in some modest way to the consideration by this body of the various proposals and even demands that we are receiving from an interesting variety of sources. For, only through careful and extensive open discussion of the merits and costs of these suggested policy directions can we react responsibly to the true needs of our Nation, needs which must be defined both on a national and an international basis.

I will, therefore, as I have in the immediate past, from time to time offer my views and analyses of where we have been, where we are, and where we must be as a major actor in the international economy. I will also try to suggest some reasons as to "why."

I recently received a copy of a statement by Mr. John J. Powers, Jr., of Pfizer, Inc., in which he addressed the impact on the U.S. balance of payments resulting from direct investment overseas by American companies. As a believer in the necessity of such investment but yet somewhat concerned as to claims by respectable and responsible prominent people that such investment activities were a major eroding factor of the value of our dollar especially as regards our balance of payments. I was encouraged to note that the statistics belie these complaints. Quite clearly, such investment has in the past served our country well.

To give a good approximation of the full value of direct investment abroad to the American balance of payments and the national economy, we can look at the total cash flow resulting from such investments. Taking the 2 years, 1960 and 1971, Mr. Powers shows that the total net inflow attributable to direct investment abroad in the first instance was $4.1 billion and in the second $9.1 billion.

Now, to look at it another way, subtracting from the U.S. trade balances in those same years, 1960 and 1971, the surplus attributable to direct investments as well as Government-financed exports under Public Law 480 and other nonmilitary aid—an appropriate reduction as neither of these latter two efforts add to the cash flow from trade—the U.S. trade surplus of $4.9 billion in 1960 becomes a surplus in name only, being a mere $11 million. Similarly, in 1971, the trade deficit of $2.9 billion balloons to a frightening figure of $10.5 billion. Thus, to quote Mr. Powers:

> The glamour item in the makeup of our balance of payments is not the traditional trade surplus, but the net cash inflow attributable to U.S. direct investment abroad.

This vital component in our economy may well have even a more important role to play in our immediate future. We are on the verge of a major energy crisis, indeed, we are most likely seeing the opening rounds right now in certain areas of the country. There is little doubt that our imports of fuel sources and various minerals must be dramatically expanded and soon. Our economy must continue to grow and expand to be able to afford these purchases and international trade must be supported and encouraged to maintain both our access to these world markets as well as insuring the ability of these markets to respond to our needs. Direct investment abroad provides a viable vehicle for this interaction and I suggest to you that we approach with measured steps and great caution any dramatic changes in this area.

TARIFF AND TRADE LAWS

(Mr. DUNCAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DUNCAN. Mr. Speaker, I, together with Mr. SAYLOR, have today introduced a bill to amend the tariff and trade laws of the United States to encourage the growth of international trade on a fair and equitable basis.

It is the purpose of the bill to assure a healthy growth of foreign trade while establishing conditions that will prevent the ill effects of unduly rapid increases in imports and unduly deep penetration of our market from disrupting and even halting normal economic growth in the United States.

To this end it seeks restoration of the competitive conditions that fostered the development of the world industrial leadership achieved by this country in the past 75 years. The system of production and distribution developed in this country represented a sharp departure, not only from our own past, but also from our economic forebears in Europe. While the industrial revolution which brought such great industrial changes to England predated our industrial development, our subsequent adoption of mass production in the 20th century as an offspring of a dynamic technology, soon moved as far afield from our earlier industrial heritage.

Particularly noteworthy among the basic supporting factors in our great departure were: First, a recognition of competition as an incitement to effort by producers to merit consumer favor as a condition of producer reward; second, perception of the dependence of mass production on mass purchasing power; and third, appreciation of the role of employee compensation as the predominant ingredient of the buying power of the marketplace.

Pursuit of production in this framework, guarded by laws against monopoly, by laws designed to prevent erosion of purchasing power through low-wage competition such as outlawing of child labor and sweatshop operation, plus minimum wage laws, and laws in support of collective bargaining, led to an amazing proliferation of production of a vast variety of consumer goods far beyond the level of necessities—propelled by the profit motive.

Because of dependence of production on consumption, and the propensity of consumers to respond to the condition or anticipated condition of their pocketbook, the system, so highly geared to the production of nonessentials, became sensitive to any factors that might be expected to affect the market, either favorably or unfavorably. Such factors might be visible and stubborn and therefore directly influential with consumers, or anticipatory or suspected and therefore psychologically operative in either a negative or positive fashion on both producers and consumers. The antennae of producers were sensitized to both actual and anticipatory movements that might affect the market; that is, consumers, inclination to purchase more or less.

Negative factors led to producer hesitation or outright retrenchment while positive factors or interpretations fostered expansion.

Although imports and exports each represent only approximately 4 percent of the gross national product, different products partake in widely varying degrees above and below the average. In other words, both imports or exports may be important in particular industries.

In combination the effect of imports may produce a depressing effect on domestic production beyond the positive displacement of workers in domestic plants because of repercussions of the market outlook thus induced and entertained by domestic producers. If imports increase rapidly because of a decided market advantage the domestic producer may cancel any current plans to expand his operations, and await developments. He will not hire any part of the increasing work force that appears on the labor market each month and each year.

If he is a producer of a new and developing product such as historically in this century have expanded into great industries or even into smaller ones and have thus employed in the aggregate millions of workers in newly generated jobs, he will not commit his capital nor will his enterprise attract risk capital very copiously, if he cannot have reasonable assurance that the market will be his if he develops it; or if it seems quite clear that despite his patents he will face competition from abroad that will rob his patent of all meaning.

It is not necessary that his product be a wholly new one. Thousands of existing products are constantly undergoing improvement through invention and research, in efforts to reduce costs and to gain a march on competitors who are in the field, similarly motivated. At home a productive innovation may be protected by patents, and the producer can feel reasonably assured—patent infringement aside—of the fruits of his labors for a reasonable period of time. He willingly undertakes projects that may require several years to mature.

If, however, he knows that he may be outflanked from abroad his outlook is clouded. He may even decide to move a substantial part of his own operations overseas because of wage differentials, particularly if the export of his product beckons as a source of additional profit. Because he finds that by employing workers abroad he can produce at a lower cost, he will forgo his efforts to export from this country or he will supplement his exports by producing abroad, thus hedging his future. Alternatively, he may license foreign producers to use his patents.

Meantime the increased employment that he would have provided in this country is curtailed or set aside completely. If unemployment in this country is not to increase, someone else must then hire the additional workers that come on the scene by population increase. The workers he employs abroad do not absorb the new workers in this country.

Thus is subverted the formula by which this country rose to world industrial leadership in this century. New products or radically improved products can no longer be put on the market in this country with the assurance that the great national consumer potential might be tapped through progressive cost reductions aimed at an elastic demand, because of the danger and the overt evidence of outflanking possibilities from abroad.

Even if the producer protects himself by going abroad, American employment is outflanked.

PROVISIONS OF THE BILL

The bill is designed, not to reduce our foreign trade, but to bring its growth under control in such fashion that the American producer can operate under the same assurance that he had during the years before the American technology had been adopted and so energetically pursued by other industrial countries. Under present conditions he can no longer do so for the simple reason that foreign products may virtually preempt the market growth that he could formerly claim confidently as his own.

The bill provides for import limitations under specified circumstances, with well defined exceptions. At least 10 percent market penetration must have occurred during the two immediately preceding years to qualify for a quota. Also there must have been an upward trend in the past few years in the imports of any given product before eligibility can be established.

The base year for the quota is the average imports during the 3-year period of 1969–71. If imports have increased rather sharply during the past several years a moderate cutback in imports may be made from the base period.

Items on the free list will not be subject to quotas, nor items that are now under quota limitation so long as they remain so limited.

Imports once under a quota may increase or decrease in proportion as domestic consumption of the article increases or declines in this country.

The bill makes no effort to discourage foreign investments.

However, it seeks to prevent the objectionable effects that are imputed to foreign investments: First, by limiting imports to a defined share of our market if the penetration is over 10 percent, and then restricting import growth to that recorded by our domestic market; and second, by fixing limits on the share of the market that may be supplied by imports of products that have patent protection. During the first 5 years of a patent's life imports may not rise above 5 percent of our market for the same article. During the second 5 years not over 10 percent of our market for the article may be supplied by imports in any one year. In the next 5-year period the limit is 15 percent, and this will be the final limit.

Once the patent expires the imports will be governed by the other provisions of the legislation.

By thus controlling imports of patented products the usurpation of our market by imports will be inhibited. Domestic patentholders are then assured of a market that will enable them to proceed in full confidence that they will not be prevented by cost-advantaged imports for reaping the benefits of their efforts to establish a national market.

The domestic investment climate will

be restored to the conditions under which this country developed the world's most productive economy. Expansion of production, the opening of new facilities and the hiring of additional workers to meet rising production schedules, will be sparked by the vision of a mass market as costs are cut to a level low enough to tap the mass pocketbook. Under these conditions assuming elasticity of demand, consumption will rise sufficiently to call for rising employment in this country. Imports, limited as provided in the bill, will not remain a hovering threat as they are now, poised to despoil the market for domestic producers; nor, on the other hand, will they be discouraged insensibly or unreasonably.

Any article may be produced abroad by domestic or foreign capital without limitation. The domestic market will not be closed to such products produced abroad, but it cannot be ruined as a source of employment or as a source of profit for domestic capital invested in the home market by unimpeded imports of products from low-wage, low unit-cost areas of the world.

ESTABLISHMENT OF NATIONAL TOBACCO MARKETING STUDY COMMITTEE

(Mr. LEHMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LEHMAN. Mr. Speaker, in the Federal Register of February 15, there appeared a notice by the Office of the Secretary of Agriculture of the establishment of a National Tobacco Marketing Study Committee to "assist producers in increasing their income through modernization of marketing methods."

According to the Secretary's Office, the study committee will consist of approximately 15 to 20 members. Three meetings are planned, as well as a trip to Canada. Although committee members will not be salaried, the expected outlay of funds connected with travel expenses is $15,000.

My question is this: Why is the Federal Government spending $15,000 to promote a commodity that has been proven a health danger?

A Public Health Service publication states:

> There are 280,000 more persons who report having a heart condition than there would be if all people had the same rate as those who never smoked.
>
> In all, there are over 1 million more cases of chronic bronchitis and/or emphysema in the Nation than there would be if all people had the same rate as those who never smoked.
>
> There are 1 million more cases of peptic ulcers each year in this country than there would be if all people had the same rate as those who never smoked.

Government waste is nothing new. But when only last year the Congress appropriated half a billion dollars to combat cancer, why does the executive branch decide that a prime cancer-causing agent is a good target for Federal Government aid as well?

GUESS WHO IS IN THE WOODWORK AT GOOD OLD BURNING TREE

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, one of the most delightful gentlemen in this body is our distinguished and witty friend from Ohio, Congressman Bud Brown, I, for one, would follow Bud most everywhere, stopping short of the campaign trail.

According to the morning paper, our friend had a news conference yesterday to outline some strategy for wresting control of the House from us Democrats in the 1974 elections. The report is that Bud and his colleagues on the Republican Congressional Campaign Committee will zero in on older incumbents in their effort to pick up 26 seats for what would be the first GOP majority in more than two decades.

Although Bud's basic premise, pitting youth against age, makes sense, he runs into trouble when he gets into details.

Take his statement that a certain type of over-the-hill Democrat "may decide to pick up his retirement benefits and play golf at Burning Tree full time instead of part time," when confronted by a young and vigorous GOP challenger.

Alas, Bud, you are crediting Democrats with more social and financial clout than we claim in our headiest moments. Everyone knows that Burning Tree is a redoubt and watering spot for those among us who are more richly endowed. Usually, that means Republicans.

Seeking a foundation for my suspicion, I had an aide check the Burning Tree Club for a partisan breakdown of its congressional membership. After some throat clearing, a club spokesman conceded that Republican Congressmen outnumber Democrats by at least 4 to 1 on the Burning Tree roster—on which one finds such eminent colleagues as the House minority leader, the minority whip and the chairman of the Republican Policy Committee.

It is to be hoped that many among us who have earned retirement will be able to enjoy it on the manicured links of Burning Tree. Others must more likely settle for a starting time at the Old Soldier's Home.

The Washington Post account of Mr. Brown's ambitious plans follow:

[From the Washington Post, February 21, 1973]

GOP "Talent Hunt" Beginning for '74

(By David S. Broder)

Stung by its failure to cash in on President's Nixon landslide in 1972, the Republican Congressional Campaign Committee is launching an early "talent hunt" designed to produce better challengers for Democratic seats in 1974.

A particular goal is to confront a number of senior House Democrats with the prospect of such a tough campaign that they may be nudged into retirement.

The strategy, devised with White House backing, is to be formally announced at a press conference today by Rep. Bob Wilson (R-Calif.), the committee chairman, and Rep. Clarence J. Brown (R-Ohio), the man who will be running the recruitment drive.

Brown said yesterday that he plans to send a dozen teams of Republican House members, acting as "talent scouts," into somewhere between 65 and 80 Democratic districts this spring, in an effort to identify the best potential GOP candidates.

The hope is that those districts will produce 26 Republican winners in 1974 twice the number of House seats the GOP picked up last November, when Mr. Nixon's coattails were available, and enough to give the GOP a majority.

Brown acknowledged that the historical odds were against such a mid-term election gain for the party in power, but said that increased independence in voting made him skeptical of the notion that Republicans were "bound to lose strength" in 1974.

In picking the Democratic "target" districts. Brown said he would abandon the past practice of concentrating primarily on those where the incumbent had received less than 55 per cent of the vote in the previous election.

Instead, he said, he will broaden his sights to include districts where the incumbent Democratic congressman may have won easily, but where Mr. Nixon and statewide GOP candidates were able to carry the same territory.

Particularly, he said, he would focus in on districts with aging Democrats who had not faced a serious challenge for many years.

As an example, Brown cited Texas, where, he said, Sen. John G. Tower (R) last November had carried 10 districts which reelected Democratic representatives, most of them by wide margins and some of them without opposition. "Six of those 10 Democrats will be over 65 in 1974," Brown noted.

"My feeling is that seniority is not the advantage it once was to such men," he continued. "Some of 'em feel a bit emasculated by the reforms that have taken away their power. Some of 'em aren't very comfortable with the direction their national party has gone or the direction the majority of the Democrats on their committees want to go."

"I think," Brown said, "that if we let that kind of fellow know early that there's a hard-charging, young Republican who's going to take him on if he runs again, he may decide to pick up his retirement benefits and play golf at Burning Tree full-time instead of part-time."

Seeking clues to the kind of candidates to recruit, Brown has profiled the freshman Republican representatives and found that the GOP winners averaged 43 years in age, had achieved some visible success in private careers and had "some—but not too much—political background, enough to seem knowledgeable without being typed as hacks."

THE ADMINISTRATION'S ANSWER TO GREAT LAKES FLOODING DISASTER

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, on January 10, 1973, I sent the following letter to the Director of the Office of Management and Budget concerning the critical high water levels on the Great Lakes which could result in extensive loss of life and property:

January 10, 1973.

Hon. Caspar W. Weinberger,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

Dear Mr. Weinberger: For some time, I have been endeavoring to alert the Administration to the impending crisis that will occur on large sections of the Lake Erie shoreline—resulting from extraordinarily high water levels which have already flooded large portions of the coastline and which are predicted to cause further extensive flooding during the coming spring storms.

In this period, Lake Erie water levels, already eighteen inches above normal, may well rise in excess of an additional twelve inches over present and unprecedented levels. The flood areas under storm conditions may involve hundreds of thousands of urbanized acres in the Great Lakes Basin.

It is incredible to me that the Federal government can stand by in callous disregard, in the face of obvious and impending disaster which is likely to occur during this spring's thaw. It seems to me that there are many steps that could be taken to reduce the level of the Lake and protect the shoreline with even this short period of lead time over the impending disaster.

If the Federal government is unable to come up with an immediate program of help in this crisis, I must advise your office to set aside adequate financial allocations in the hundreds of millions of dollars to provide for the disaster relief which will be needed.

To my knowledge, this is the first time in American history that we have received such a stern and clear warning of impending disaster.

Sincerely yours,
CHARLES A. VANIK,
Member of Congress.

Following is a reply which I received today from Roy L. Ash, Director of OMB:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., February 15, 1973.
Hon. CHARLES A. VANIK,
House of Representatives,
Washington, D.C.

DEAR MR. VANIK: This is in reply to your letter of January 10, 1973, concerning the possibility of heavy damages on sections of the Lake Erie shoreline from high water levels.

We have been following the serious problems created by high water levels on the middle Great Lakes, and are aware of the predictions that record highs will be reached later this year. Your desire to find ways of reducing these levels is, therefore, fully understood.

Steps were taken recently, through the International Joint Commission, to increase water storage in Lake Superior, where levels are closer to normal, to help reduce the levels of the middle lakes. We believe this action will help meet the problem.

Thank you for your timely letter.

Sincerely,
ROY L. ASH,
Director.

This is the first time in my knowledge that the Federal Government has been notified of and acknowledged an impending disaster so far in advance, and I am appalled at the casual and callous indifference of the administration to this problem.

It is my sincere hope, on behalf of thousands of families who will be directly affected, that the administration will develop more tangible and visible efforts with which to meet this impending disaster, so as to prevent the loss of life and property.

THE FREE FLOW OF INFORMATION

The SPEAKER pro tempore (Mr. ASPIN). Under a previous order of the House, the gentleman from California (Mr. WALDIE) is recognized for 30 minutes.

Mr. WALDIE. Mr. Speaker, the most historic and sensitive task which will confront Congress this year deals with the necessity and method of implementing the first amendment protections afforded the freedom of the press.

We confront this issue not by choice but by necessity. The recent interpretations of the Supreme Court, the wholesale use of the subpena process to hail newsmen before grand juries, and the jailing of newsmen, have all combined to present this issue to us in terms we are not permitted to ignore.

The type of legislation we enact will have a crucial bearing on the health and vitality of all of our other freedoms for generations and thus begs of us a seriousness, sensitivity, thoroughness and wisdom in dealing with this complex question beyond the standards of our normal consideration of legislation.

One proposed remedy is legislation I have introduced, H.R. 2187, to enact an absolute, unqualified and all-inclusive shield for the protection of confidential sources of news and related newsgathering activities in order to guarantee the continued free flow of information to the public.

It is against that test, I submit, that all proposed legislation ought to be weighed. Those proposals which would give the public less than a full guarantee of continuing to receive such information ought to be found deficient.

I say "continue to receive" because though, in the eyes of the Supreme Court, a privilege of exemption before Federal grand juries for the purpose of protecting and honoring the confidential nature of news sources and news gathering activities has not been held to exist as a corollary of the first amendment, it is only recently that we have officially, and with any regularity of earnestness, adopted public and legal practices in anticipation or implementation of this interpretation of the first amendment.

Prior to this, both in widespread public belief and in official conduct, we acted on the assumption that, in fact, the ability to guarantee the confidentiality of news sources was so integral and vital a part of the functions of the press in informing society that it held a de facto status as a corollary to the general and established right of society to freedom of the press, and it was not an area invaded often by grand juries, public prosecutors and other officials.

The public as a matter of course, therefore, has been able until recently to depend on access to information so obtained. As a basic and regular part of their professional function, newsmen have been able to provide such information by being able to make, and to honor, commitments of confidentiality to sources of public information.

Given the general recognition of the importance to the public of this function, it was not an aspect of the public's right to know that was subject to assault in practice. District attorneys did not, as a matter of course, demand that confidential sources be revealed. Grand juries did not subpena newsmen in droves to demand that pledges of confidentiality be broken. Judges did not routinely jail newsmen for the act of honoring these professional pledges of protection given to sources. Providers of information to the public in confidence had no reason to believe those pledges would not be honored.

The effect of the Supreme Court decision in the Branzburg and Caldwell cases and the chain of events related to this issue has thus been to invite under that interpretation of the first amendment, a wave of official assaults by prosecutors, grand juries, judges, and others, against this aspect of the public's right to know. This recent development runs counter to the established practice in our society by which information of this kind has been guaranteed to it in the past, on which it is crucially dependent, and by which it has unarguably benefited as a free society. The measure of that benefit perhaps may never be fully defined unless, frighteningly, that right of the public as it has existed in practice is one day eliminated and irretrievably lost, as it very nearly is under Branzburg and by the current spree of jailings of newsmen which our society is now undergoing while Congress considers possible remedies.

The question before Congress, it ought to be clear, is thus not whether we ought legislatively to introduce a protection in this instance of the aspect of confidentiality which has not heretofore appeared, thereby marking some new expansion in the role of the free press, possibly unbalancing the historic juxtaposition of freedom of the press on one hand and the "right to every man's testimony" by society on the other.

Rather, the question is whether we ought to preserve the sanctity of confidential news relationship and newsgathering activities which, officially and unofficially, have been respected in fact even by most law enforcement officials and agencies and courts in the past. I think it is fair to say that while attempts to compel newsmen in the fashion now contemplated by Branzburg have occasionally and sporadically cropped up from time to time, these occurrences have usually been shortlived and frequently officials, having strayed into this area, have later retreated. Most officials and agencies did not think it wise to stray into this area and have not, until recently.

Nor, it is fundamental to note, has the Congress enacted legislation to the present moment to compel newsmen to disclose confidential sources in any circumstance, to the best of our knowledge.

As the U.S. Court of Appeals for the Second Circuit noted last December 7 in deciding *Baker* v. *F. & F. Investment* (Docket No. 72–1413), Federal law on this question is at best ambiguous:

> Although it is safe to conclude, particularly after the Supreme Court's decision in *Branzburg* . . . that federal law does not recognize an absolute or conditional journalist's testimonial "privilege", *neither does federal law require disclosure of confidential sources in each and every case, both civil and criminal, in which the issue is raised.*

To the extent the Congress established areas of qualification to a testimonial privilege, therefore, to the extent it would be introducing into law and with all the force of statute a requirement of disclosure which has never been clearly imposed by statute before in our history. It would be difficult to interpret such a step as representing anything other than a diminution of press freedom.

The value and importance of confidential newsgathering relationships remains recognized, despite Branzburg, with wide unanimity as a vital component of the public's right to know. That recognition cuts across partisan lines. Certainly the actual impact on newsgathering of any failure by Congress to enact less than a full protection is widely recognized as portending an absolute impairment of one vital source of public knowledge.

Were the Congress to enact a less than absolute protection, and enact a merely qualified protection instead, the effect would mark a clear curtailment of the public's right to know as it has evolved in practice—the more qualifications added causing a correspondingly greater curtailment.

It is dangerous business—dangerous to a free society. For how can Congress, in writing qualifications, know the extent of their accumulated weight in practice, or know when we will have passed the "fail safe" point for liberty of the press and for a free society itself?

At the extreme, by failing to act at all, thus allowing the Branzburg and Caldwell decisions to stand, we allow the virtual elimination of that existing newsgathering practice, which is perhaps the most crucial of all in terms of the democratic function of a free press and the public's need to know—that portion of newsgathering not dependent on, nor controlled nor influenced by, nor susceptible to, government itself.

Enactment of a merely qualified privilege on one hand, or failure to act at all on the other hand, would be inconsistent, I submit, with the absolute need to preserve a free flow of information to the public, and with the spirit—if not the recent 5-to-4 interpretation by the Court—of the first amendment.

In laying out what I believe to be a demanding and compelling case in behalf of the enactment of absolute and unqualified legislation, there are a number of points which perhaps ought to be made by way of preface in order that the general question and problem may be viewed in the broader social context as well as in the legal and constitutional framework.

QUESTION OF CONSCIENCE

The first—and what may quite possibly prove to be the most important—consideration that ought not to escape us should be the sober realization that we really cannot, in reality and actual practice, compel newsmen to reveal the sources of their information.

It is within the power of the Congress to prescribe punishment, including the punishment of imprisonment, for their failure to do so.

But so long as newsmen are willing to go to jail as an act of conscience, there is no law we may pass or fail to pass which can force them to reveal confidential sources.

This is true even where exceptions to the testimonial privilege might be created. It might be thought desirable to make an exception for any number of plausible objectives, whether in the area of national security, civil suits, murder cases, or any number of other areas. But no exception could guarantee in actuality that newsmen could be successfully compelled to reveal that which they felt bound deeply by conscience to protect.

Our protection in such areas where we might entertain the thought of creating exceptions must still rest where it has rested in the past—with the voluntary willingness of newsmen to reveal a source if he finds the overriding public need to do so, whether to spare another human life or for some other reason, clearly outweighs the requirement to maintain confidentiality.

We would still be dependent upon that willingness whatever kind of law we passed if the newsman conscientiously felt in a given instance that the public need was clearly not overriding nor that it superseded his pledge of confidentiality to a source.

We may well send them to jail. In the less enlightened past of the earlier years of this century, we did so for other groups whose members, out of conscience, could not perform certain acts thought at that time to be properly required on a universal basis, which failure of performance was thought to provide sufficient and ample grounds for imprisonment. Seventh Day Adventists, observing a Saturday Sabbath, were consigned to prison road gangs for the illegal act of breaking the Sunday Sabbath of non-Adventists. We filled the jails with Quakers unalterably opposed by reason of conscience and religious training to service in the armed forces, along with other legitimate conscientious objectors opposed to war, until gradually we began to understand the importance to society as a whole of the function of the individual conscience in this free land.

We may now send newsmen to jail—but we cannot compel newsmen to reveal that which their conscience forbids them to reveal.

The code of ethics for newsmen, if not protected in English common law nor by the Court in Branzburg, has nevertheless been observed by newsmen for centuries, and in modern times has for the most part been universally respected. That article of conscience has perhaps deeper roots in our own country than anywhere else where freedom of the press itself is more fundamentally rooted, and in a rare way is integrated vitally with the tone and meaning of all else we hold dear in our free society.

Indeed, the very question comes to the attention of the Congress at this time not as the result of some abstract consideration of the issue or as a merely academic legislative exercise in the wake of the Branzburg decision, but because newsmen have, in fact, been going to jail rather than violate their canon of ethics by disclosing confidential sources and information.

A large and significant enough portion of newsmen will be unable to honor any legislative commandment to violate the ethics of their profession, just as they are proving unable in good conscience to honor the judicial commandments to do so.

It is the view, indeed, of several of my liberal colleagues, and of at least one powerful, liberal publishing enterprise in the country, that the only effective immediate recourse is for newsmen in large droves to go to jail. This influential publishing enterprise, and perhaps some others in the media, prefer that Congress not act, fearing that the inevitable legislative compromises which are the distinctive feature of our process can produce nothing less than a weak bill, full of qualifications and loopholes, that would render it worse than no legislation at all.

I think that view is wrong.

I think it is wrong, first of all, because I think it underestimates the concern of Members with the possible impairment of the public's right to know. Practically speaking, it underestimates the responsiveness of Members in general. It is perhaps a poor example, but it ought to provide some confidence to recall the size of the vote in each body for enactment of legislation granting certain newspapers immunity from the antitrust laws under the Failing Newspapers Act. I cannot believe that we in the Congress will do less by way of protecting the public's right to information, by a similar overwhelming margin, than we did for protecting the publisher's right to enter into certain otherwise illegal commercial ventures, which indeed had, as one aspect of our motive, the preservation of a variety of information available to the public.

Finally, I think the public now understands the issue posed as a result of the willingness of newsmen to go to jail rather than violate their professional conscience, if one places faith in the findings of the Gallup poll last December which showed that 57 percent of the national sample believed a reporter ought not to be required to reveal to a court his confidential sources of information. Of college graduates, 68 percent believed it. I confess I was one of those in the period leading up to the recent presidential election who had no faith in the findings of Dr. Gallup. In the wake of that election, I find I am able to give a great deal of credence to the December poll on the right of newsmen to protect confidential sources.

One needs only to review the scope and variety of cases involving newsmen now under subpena by various courts, grand juries, and other bodies to appreciate the futility of enacting a qualified bill that would not continue to result in significant numbers of newsmen finding it necessary to go to jail rather than violate their ethics by providing information in those areas where we might establish qualifications.

Predictably, as I will seek to demonstrate in a later portion of this statement, those qualifications will be further stretched by time and practice and judicial interpretation, if not by the Congress itself initially, until the number of newsmen so compelled and so imprisoned will increase, and until, ultimately, after much bitterness and social strife, and much impairment to the public, the controversy and the problem will be back with us and we will again find oursleves where we are today; namely, faced with the necessity of enacting absolute and unqualified legislation.

For in making a qualification of any kind, Congress will have placed a lessened value on that which we desire to protect. And the courts will search out their own parallels to our qualifications once we establish in law that exceptions and qualifications are meritorious in one instance, or two instances, or three, even though we were seeking overall by the total legislation to protect so fundamental a value as the right of the public to obtain information from a free press.

If one hopes to minimize the occurrence of newsmen going to jail through providing a qualified bill as opposed to no bill at all, I submit it is a forlorn hope. For such qualifications to achieve their intended purposes relating to law enforcement or some other function, they must of necessity have sufficient effect and be sufficiently broad and varied so as to almost invariably invite prosecution and imprisonment of the same type we witness now.

Moreover, one plausible exemption begets others, and both practically and philosophically, it is difficult to find a rationale which would summon one or two exceptions of narrow or little effect but exclude others of equal merit which would have so great an effect as to destroy the meaning of the protection. If we are to include only exceptions in a qualified bill which would be so minor as to preserve the privilege without defeating its purpose, why include such ineffectual exceptions? If we are to include major exceptions, why have a bill?

The list of plausible exceptions becomes too long. If we are to except where a newsman has information about a murder, why not for information about heroin pushers? If an exception is to be made for civil suits, why not for cases where a reporter has information relating to "national security?" Or information relating to any other vital function of society? And once we have excepted from the bill those areas where society or government or the courts or legislatures plausibly might have reasonable interest in obtaining confidential newsgathering information, there is no longer any area vital to the public's right to know where a reporter can function in a free and unfettered atmosphere, and there is no longer a function even worth trying to protect by legislation of this kind.

Each person who brings thought to bear on this legislation can offer his own plausible exception to the protection. Each exception has surface merit. The rationale which would justify one equally justifies a dozen others. But we lose sight of that which we have set out to preserve and protect—which is the free flow of information to the public. If that is worth protecting and as critical and fundamental as we believe it to be in a free society, we must resist those exceptions which, though plausible when weighed in a vacuum, have not seemed required in our past experience in all the years when we assumed a de facto protection of confidentiality existed already, and which would weight the bill without necessarily accomplishing the purpose of the exceptions, and which, in any event, I do not believe an understanding of reality and sense of balance would lead us to believe are really required.

However carefully drawn or intentionally limited, such a qualified bill will in fact increase the number of such imprisonments. For just as an army of zealous prosecutors, grand juries, judges, and other officials poured forth from the open floodgates of Branzburg, suddenly aware of their powers in relation to the press, so, too, qualified legislation would represent a legislative invitation to vigorously proceed without reservation against those newsmen falling within the necessarily broad categories of qualification. The number of cases would multiply. The number of newsmen imprisoned would increase.

SOCIAL IMPLICATIONS

But perhaps the greater casualty to the public at large would be the continuing warfare and strife over this issue involving the news profession and those on whom they report as public officials, creating in the country at large the appearance, aura, and climate of a war of repression against the media; if not in law or by law, at least in chilling belief. The strife and agonized confusion would continue until this question of confidentiality would again have to be put back into the perspective in which it originally existed, back in the time when we proceeded as a society to act as if such an exemption and right already did exist in practice.

The confrontation will plague us bitterly under a qualified privilege no less than in the absence of any legislation at all; it will plague our society as bitterly as it will affect those newsmen actually sent behind the prison walls; and it will plague us in the Congress. More importantly, that confrontation would itself impair and restrict the right of the public to information until resolved, and shake our public faith and confidence in our own liberties in ways which we, as a society, and particularly right now, can well do without after these last 10 years of national discord, dissension, and strife. Thus, permitting the emergence of a class of media martyrs, as the large publishing enterprise earlier referred to suggests as the only acceptable remedy, allowing newsmen to go to jail in droves, has scarcely more merit for society than for the newsman, and certainly not as a gesture of anticipation that we in the Congress will prove unwilling to find a more secure and meaningful remedy.

As the ultimate recourse of a free press attempting to serve a free society, it may have great merit. And I sadly have no doubt it will come to pass if the Congress either fails to act or enacts only a statute that is qualified and not absolute. For whatever the qualifications written, the problem of conscience for the newsman remains. Little, still, is to be gained at this point from the standpoint of the news profession itself by using the last resort of a free press as its first resort. What is it that cannot be attempted legislatively now that martyrdom will achieve later? And where would such a campaign of arousing public concern lead but back to the Congress where the issue is already presented? And is either the Congress or the media really ready yet to consign the distinguished former majority leader of the U.S. Senate, the Honorable William F. Knowland, now publisher of the Oakland Tribune, to prison for refusal to identify sources of information should he be compelled to do so, and as he has indicated he would not do?

I, at least, am not prepared to conclude that Congress is not yet ready to fulfill its responsibilities to the public by preserving its right to the free flow of information. Should I misjudge the Congress in this respect, and should a qualified bill emerge as the only legislative possibility, the media still has the option of collectively requesting a presidential veto. Should the bill still be enacted, it retains the final option of doing what it wishes to do now—allow its reporters to go to jail in droves, something, clearly, they are individually prepared to do in any case—hoping that as a consequence the public might better understand the issue and bring its weight to bear in behalf of its own right of access to information.

THE DIVIDED COURT

There is a corollary view to the scenario envisaged by those who believe no bill at all and widespread jailing of newsmen might be preferable to enactment of a qualified statute. It is that the Court is so closely divided on the issue, by a 5-to-4 vote, that the arousal of passions over a threat to press liberty which might result from widespread imprisonment of newsmen might change the climate in which the Court might then have occasion to reconsider its opinion. Justice Powell is thought of as the swing justice in this long-range hope. It is imagined that the result on a reconsideration of the issue might be different.

This is a view I think those who entertain it would do well not to entertain, and which a careful reading of the dissenting as well as the majority opinions in Branzburg ought to quickly dispel. The dissenting opinion written by Justice Stewart and joined in by Justices Brennan and Marshall offers no more hope of an early construction of the first amendment to permit an absolute exemption for the purpose of preserving confidentiality of news sources than does the majority opinion written by Justice White.

The division in the Court, broadly stated, is between those in the majority who believe not even a qualified privilege exists in the instant cases by virtue of the first amendment, and those in the minority who believe a qualified—but not an absolute—exemption should be recognized, with Justice Douglas alone arguing for the existence of an absolute privilege as being required by the first amendment.

In terms of affording an absolute privilege, the division on the Court is in actuality, therefore, eight to one—not five to four.

Moreover, the type of qualified privilege urged by Justices Stewart, Brennan and Marshall as spelled out in the dissenting opinion, provides no grounds for encouragement to those who hope for an early or even eventual shift in opinion on the Court and prefer to await such an eventuality rather than trust the will of Congress in this matter.

For the qualifications those in the dissent on the Court would impose would require the Government to show "there is probable cause to believe that the newsman has information which is clearly relevant to a specific probable violation of law," that it "demonstrate that the information sought cannot be obtained by alternative means less destructive of first amendment rights," and that it "demonstrate a compelling and overriding interest in the information."

These were the very tests applied by the Court of Appeals for the Ninth Circuit in Caldwell and overturned in the majority opinion of the Supreme Court. They are the same tests applied in some of the qualified legislation pending in Congress to which the media rightfully exhibits gross apprehension. Even in the Supreme Court dissent, the caveat is added: "This is not to say that a grand jury could not issue a subpoena until such a showing were made . . ."

Thus, for the news profession, even the minority's test, if adopted by the majority of the Court and implemented, offers no comfort. For in any serious inquiry by a grand jury, public prosecutor or other agency which is not merely frivolous or designed to harass, the elements required by the test might reasonably be found to be virtually always present and therefore applicable to the cases involving newsmen which are the cause of our consideration of legislation in the first place, and which cases have already sorely demonstrated the crying need for action to preserve the free flow of information to the public.

The criteria of the qualifications that even those in the minority on the Court would impose are in reality so broad as to be almost self-fulfilling. Assuming a newsman, relying on a confidential source, writes a story bringing to light a previously unknown illegal activity, the knowledge of which is limited to perhaps the confidential source and those persons perpetrating the illegality, the fulfillment of the minority's test would almost flow from mere publication itself of the news story under the reporter's by-line.

Thus, publication of the story would be sufficient to demonstrate the reporter "has information which is clearly relevant to a specific probable violation of the law." Existence of only a single, unidentified confidential source as the initial basis for the story pointing to wrongdoing might be sufficient to warrant the conclusion that the information sought by the government "cannot be obtained by alternative means." And the possible illegality suggested in the news story itself surely is sufficient, as the Court held it to be in Caldwell, to "demonstrate a compelling and overriding interest in the information" on the part of law enforcement agencies.

Moreover, and of critical importance, only the Government can really know what "alternative means" might or might not be available to it, or whether it is acting out of genuine necessity or mere convenience. The reporter, moving to quash, is in the dark. The judge is in the dark.

That the continuation or even exacerbation of the problem we are considering with respect to confidentiality would remain inherent and unresolved, even with the granting of a conditional privilege such as spelled out in the dissent, was well recognized and stated by Justice White in the majority opinion, as follows:

> Presumably, such a rule would reduce the instances in which reporters could be required to appear, but predicting in advance when and in what circumstances they could be compelled to do so would be difficult. Such a rule would also have implications for the issuance of compulsory process to reporters at civil and criminal trials and at legislative hearings. If newsmen's confidential sources are as sensitive as they are claimed to be, the prospect of being unmasked whenever a judge determines the situation justifies it is hardly a satisfactory solution to the problem. For them, it would appear that only an absolute privilege would suffice.
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> * * * * *
>
> In each instance where a reporter is subpoenaed to testify, the courts would also be embroiled in preliminary factual and legal determinations with respect to whether the proper predicate had been laid for the reporters' appearance: Is there probable cause to believe a crime has been committed? Is it likely the reporter has useful information gained in confidence? Could the grand jury obtain the information elsewhere? Is the official interest sufficient to outweigh the claimed privilege?
>
> Thus, in the end, by considering whether enforcement of a particular law served a "compelling" governmental interest, the courts would be inextricably involved in distinguishing between the value of enforcing different criminal laws. By requiring testimony from a reporter in investigations involving some crimes but not others, they would be making a value judgment which a legislature has declined to make, since in each case the criminal law involved would represent a considered legislative judgment, not constitutionally suspect, of what conduct is liable to criminal prosecution. The task of judges, like other officials outside the legislative branch, is not to make the law but to uphold it in accordance with their oaths.

What the concurring opinion of Justice Powell offers, considered in the light of a 5-to-4 opinion, is an expression that some first amendment right attaches to the gathering of news and that State and Federal authorities are not free to "annex" the news media as "an investigative arm of government." But as the concurring opinion would seem to make clear, Justice Powell awaits cases involving wholesale "harassment of newsmen" or grand jury investigations that are being conducted in "bad faith" to move any further. The sentiment, while offering something, really does not address the present situation or offer any remedy. For the cases which have raised the issue to our attention almost exclusively involve those in which public officials have proceeded in good faith and, quite legitimately from their viewpoint and the ends of law enforcement to be served, to seek such information from news sources.

It is worth pausing to reflect that in the one case of notoriety in which such harrassment may have occurred and such "bad faith" been present, that of the Caldwell case, Justice Powell did not see it, and the majority found no bar to an open-ended fishing expedition among Caldwell's notes and tapes, in the process striking down the test urged in the dissent and which in fact had been applied by the appellate court which ruled in Caldwell's favor.

In sum, those who prefer to hope that a changed climate might produce a reverse decision by the Supreme Court, and those in the media who therefore wish to forego the risk of a qualified privilege emerging from the Congress instead of an absolute one, have little to look forward to, in my opinion. At best, after a decade of public dissension and the jailing of innumerable reporters, they might obtain from the Court, at most, the same qualified privilege they are fearful of obtaining from Congress.

CONGRESS IS ONLY RECOURSE

If there is to be an absolute privilege, as I believe there must be and as the news profession obviously feels there must be, it is only from this Congress, and not from the Court, I submit, that an absolute privilege can practically be obtained, whether now or later. Moreover, I believe it can be obtained now, because I believe the public necessity for it can be overwhelmingly demonstrated, and because I have some faith in my colleagues on issues of overriding bipartisan concern involving the structure itself of our free society and its balances.

It should be equally apparent that the view held by some that Congress ought not to enact legislation because, "What Congress gives, Congress can later take away," is not a view that offers any constructive hope of remedy for the situation that presently exists, either now or at any point in the determinable future given the 8-to-1 character of the opinions which were handed down by the Court on the question of an absolute privilege.

To argue that Congress ought not to be invited now to enact even an absolute privilege because it may at some point in the future qualify it is a futile and self-defeating exercise, it seems to me, which leaves us with no constructive solution at all to the problem that exists. It may well be that it will take "eternal vigilance" to preserve an absolute privilege if it is enacted now. But I suggest that what may be lacking now is "present vigilance."

At the same time, the fact that Congress can later modify and alter its work is an argument, I believe, for Congress to begin initially in legislating on this historic question by enacting the strongest, not the weakest protection. To enact an absolute protection now would be most in keeping with the spirit of the first amendment we have so zealously safeguarded historically. If experience proves there really is a need to include exceptions to the privilege which have not appeared to be required in the past even when a protection of confidentiality was honored in practice, we can later amend. But why begin the effort to preserve a free flow of information, now threatened, by enacting the most feeble protection in consequence of our concern over the assault on the spirit of the first amendment? To enact less than clear and firm protection while maintaining that we can always, later, restore more freedom and more of what was lost in Branzburg if we wish, is to fundamentally misunderstand freedom itself I believe.

The future is never the time to insure freedom.

Past experience with honoring confidential newsgathering relationships has given no such compelling grounds for apprehension as seems to suddenly exist, nor does it fulfill the more creative fears now summoned by imaginative hypotheses that unless we make innumerable exceptions to a privilege, reporters will not tell us about imminent nuclear attack as learned from a confidential source; that innocent men will go to the gas chamber while reporters stay silent; that Mafia chieftains will begin writing books to obtain the privilege from testifying—in addition to the fifth amendment privilege—and that all other manner of horror to society will occur. Experience has been the opposite. An unfettered press has, instead, functioned to positively preserve and safeguard all the other values of our society.

In approaching its historic work, Congress should err on the side of preserving that which we have known and that which has worked, and err on the side of preserving liberty—not on the side of diminishing it in ways that could represent a loss forever.

This is perhaps the appropriate place to clearly indicate that it is a problem for Congress to face as much or more than the media. It is obviously understandable that with the imprisonment of reporters, the media is immediately concerned and affected in the most extreme way. As professional newsmen concerned professionally with getting information to the public, it is equally understandable that the media wishes to find appropriate means to continue to guarantee their capacity to do so.

But, in the final analysis, it is not, as they recognize their rights individually that are of paramount public interest, but the right of the public itself to the continued free flow of information. It is therefore peculiarly up to those of us in the Congress, as constitutional guarantors of liberty, to act in behalf of the public right to information whether certain elements in the press think it to be untimely in a political sense misguided in a legislative sense, unnecessary in a constitutional sense, or in any specific form, undesirable in a substantive sense.

The same answer addresses itself, I believe, to the reservation expressed by some Members of Congress that we ought not to act when the media itself is divided over the desirability of legislation and when a consensus as to the particular form of legislation among those who do favor it has not yet emerged.

In the last month, I believe a consensus has in fact begun to emerge and that it is behind the effort to enact absolute, unqualified legislation. The American Society of Newspaper Editors, which had previously regarded the prospect dubiously, has now moved to support enactment of an unqualified privilege. Similarly, Sigma Delta Chi, along with spokesmen for the electronic news media and Dr. Frank Stanton of CBS, and many others, have now called for enactment of the strongest bill possible. I believe this shift will continue and that the consensus will become even greater.

But whether it does or not, the answer must still be that such a consensus is not relevant to the fulfillment of our responsibilities in the Congress, on whom falls the requirement of moving now to protect the right of the public to the free flow of information. That is the compelling and transcendent need we must now act to guarantee as coequal custodians of liberty, whether certain large publishers rise to the challenge threatening this public right as quickly and clearly as one might wish or not. And I am not persuaded that certain large publishing ventures and media corporations have responded, at least initially, as courageously as we might have wished or expected, or even as have those individual newsmen who chose jail rather than violate their conscience and canon of ethics.

It is perhaps understandable that the attorneys in the Branzburg and Caldwell cases before the Supreme Court did not even raise the issue of an absolute protection afforded by the first amendment, though briefs filed by the American Society of Newspaper Editors and others did make the case. It is understandably incumbent on an attorney, nevertheless, to raise that defense which best accommodates itself to those areas of case law offering hope for the most favorable possible verdict on behalf of clients who are threatened with imprisonment. Less understandable has been the appalling timidity with which the editorial boards of certain large newspapers have reacted, a timidity exhibited, oddly, by some of our most powerful, most wealthy and most ostensibly liberal publishing ventures, rather than by the countless medium-sized, less powerful and presumably less liberal of our daily and weekly newspapers throughout the country.

Whatever the explanation may be for the diverse response on the part of the media, it is similarly irrelevant to our responsibilities. It is for us in the Congress to preserve and protect the free flow of information and the liberties of our people whether those in the media are slow or quick to move to protect those same liberties, whether they are divided or together in pursuit of the remedy.

In fully understanding our responsibility and the public need that impels enactment of an absolute privilege, I think we would do well to ask the significance to be attached in the event we do not do so and the practical result proves to be other than the fears to which I have given voice.

Alternative possibilities do exist to the prospect that large numbers of our newsmen might face the threat of imprisonment.

DIMINISHED NEWS

One alternative is that they will not in fact end up in prison. Perhaps large numbers may comply with the mandates of the law and public agencies and reveal confidential news sources which, in time, will dry up, cease to exist, or otherwise become unavailable for the enlightenment of the public. Or newsmen may simply avoid the choice imposed between their conscience and the law by no longer undertaking the vigorous and robust investigative role they have in the past. Or sources themselves may determine the issue by no longer making information available to the press. Most likely, all these eventualities will occur in combination.

Under any of these alternatives, the public loses—perhaps far more than if our prisons, in fact, became filled with newsmen who, at least, performed the function of continuing to get information to the public on their way to jail, and even as their yet unjailed fellow reporters continued to perform this vital function, if in ever-dwindling numbers.

If the prospect of filling our jails with newsmen is properly thought to have a "chilling effect" on freedom of the press, the absence of newsmen from those same jails in compliance with wholesale summonses to produce confidential information might properly mark a permeating narcosis in the stream of information consciousness to the public, a pall and slumber that would pose a danger to our liberties of immeasurable extent.

For we in the public would no longer know, after a time, what and how much we did not know. It is sufficient to illustrate the case to note how little we in the Congress knew for years about our growing involvement in Southeast Asia, and still do not know. Not until publication of the Pentagon papers did we begin to suspect the extent of the official misinformation that had been given us and the extent of our own ignorance, step by step, as we helped contribute blindly toward the creation of that tragedy. The result of wholesale termination of investigative reporting would be, domestically, to plunge us all into the same dark ignorance over our own public affairs at home, be it in the Nation's capital or in the small towns and villages across this country; while those in power and with official responsibilities retreated further and further from accountability; and public policies, increasingly forged by a few, unknown to the many, profoundly shaped and determined our lives at home and shaded the future of liberty for generations.

As long as newsmen continue to go to jail, we will at least know what we would have lost had they not done so. At the moment they, in compliance with our failure to enact anything less than an absolute privilege, stop going to jail—either because their sources no longer exist or because they choose the law over their conscience—at that moment we begin to descend together as a society into the vacuum of powerlessness at home to match the powerlessness we have experienced in trying to extricate ourselves abroad.

While some newsmen might comply with the mandates of the law, there is little doubt that many others will, in fact, go to jail. The canon of ethics enacted by the American Newspaper Guild in 1934 reads as follows:

> That newspapermen shall refuse to reveal confidences or disclose sources of confidential information in court or before other judicial or investigatory bodies, and that the newspaperman's duty to keep confidences shall include those he shared with one employer after he has changed his employment.

The final remaining alternative is perhaps the most fearful of all. It is that, in any event, we will prove not to care.

TYPES OF INFORMATION

It is necessary, I think, that we all fully understand the scope of the kind of public information we are talking about which is at stake in our consideration of legislative remedies, as well as in our appreciation of the broader social implications which would result from our failure to enact absolute protection of confidential newsgathering relationships and activities.

The following summary, compiled through the energetic and exhaustive efforts of my distinguished colleague in the other body, Senator ALAN CRANSTON, is worth inserting even in this already lengthy statement at this point because of its extreme importance and direct bearing on these questions. Senator CRANSTON, who has sponsored in the Senate the same legislation I have introduced in the House in behalf of an absolute privilege, has compiled the information in an effort to illustrate the kinds of stories investigative reporters write or broadcast, the results of those stories, and the true beneficiaries—the public. The summary follows:

> KNX Radio in Los Angeles, explaining that both their news and editorial departments rely on confidential sources, lists some recent editorials which they say would not have happened without a confidential tip to start with. These editorials included:
>
> An illegal appointment to the City Planning Commission.
>
> An alleged financial flim-flam behind the Los Angeles Convention Center.
>
> The details of a land swap that suggested a secret deal between city hall and an oil company.
>
> The unfair and illegal destruction of a park.
>
> The exploitation of a tribe of Indians by some judges, lawyers and a major bank.
>
> The parking ticket mess that jails innocent people in Los Angeles.
>
> The beating up of a student editor by the UCLA student body president.
>
> The threats made against police officers by a group of professors.
>
> The attempt by an Assemblyman to create a new Assembly district for one of his friends.
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> In its first full year of operation, the Boston *Globe's* four-man investigative team published reports that resulted, among other things, in: 119 indictments against 27 people, including three former city mayors and a city auditor; Passage of legislation requiring the State Turnpike Authority to put all projects out for competitive bidding; A probe of scandalous land speculation in another Massachusetts city by the District Attorney's office.
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> *Newsday* conducted a three-year investigation and exposé of secret land deals in eastern Long Island which led to a series of criminal convictions, discharges and resignations among public and political officeholders in the area.
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> The recent CBS Special, "The Mexican Connection," revealed narcotics smuggling practices which enabled the government to more effectively curtail those practices.
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> Two reporters and a photographer for the Philadelphia *Bulletin* exposed collusion between police and numbers racket operators.
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> * * * * *
>
> David Burnham of the New York *Times* exposed widespread police corruption in that city and initiated the present department-wide cleansing of criminal influences.
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> * * * * *
>
> It was newspaper stories that produced the clues that led to arrests in the Yablonski murder case.
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> * * * * *
>
> The Riverside (Calif.) *Press-Enterprise* won the Pulitzer Prize a few years ago when it exposed corruption in the courts in connection with the handling of property and estates of a local Indian tribe.
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> And here is a five-year record of revelations of widespread corruption in government by the Los Angeles *Times* revelations which, in the editors' own words, "depended heavily on the trust placed in *Times* reporters by hundreds of news sources":
>
> "In 1967, an investigation of a proposed World Trade Center on Terminal Island led to a grand jury inquiry and the indictment of four commissioners.
>
> "In 1968, an investigation of the Recreation and Parks Commission resulted in the indictment and conviction of a commissioner.
>
> "In 1968, an investigation of the Rapid Transit District led to the indictment of two men who had arranged the sale of surplus equipment at a cut-rate price.
>
> "In 1969, an investigation disclosed that a Los Angeles city planning commissioner and the city planning director had joined a group of developers and had bought land for speculative purposes on the site of a proposed airport at Palmdale.
>
> "In 1969, an investigation disclosed irregularities in the Beverly Ridge Estates development financed by Teamster Union pension funds in the Santa Monica Mountains.
>
> "In 1971, an investigation disclosed waste and mismanagement in the development of the Queen Mary as a maritime museum.
>
> "And last June, an investigation disclosed speculative land investments based on inside information by Anaheim's city manager and public works director who played key roles in planning public works that boosted the value of their property."

EFFECT ON SOURCES

Similarly, it is vital to understand the chilling effect on the ability of newsmen to obtain such stories which is already resulting from the absence of any guarantee of confidentiality.

William Thomas, Editor of the Los Angeles Times, cited just one such instance in a recent speech reprinted in the newspaper December 24, 1972:

> After literally years of trying to find a businessman willing to tell in detail how he did business with a public agency, we persuaded one to do so as a public service. Anonymously, of course, for he wanted to continue to be a businessman.
>
> Two weeks ago, long after this story was published, he called me and asked if these stories about the judges and newsmen's sources meant he faced the danger of retroactive identification. He was serious, and he was afraid.
>
> Do you think this respectable man, and others like him and others not so respectable, will ever tell what they know to a newspaper again? And if they don't, do you think that you will ever hear through any other avenue what it is that they have to tell you?
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> * * * * *
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> At the time of the riots, can you imagine the people of Watts talking frankly with us about their troubles with the police, or educators talking candidly about the schools there, to mention only a few, if they knew we might be forced to publicly identify them?

The following example was cited in an article by Mark R. Arnold carried in the National Observer of December 30, 1972:

> CBS wanted to interview a "cheating" welfare mother in Atlanta for a network White Paper on public assistance. Producer Ike Kleinerman agreed to disguise her voice and appearance. But the woman, fearing prosecution, demanded a pledge that the network not divulge her name if subpoenaed to do so. Kleinerman called CBS' legal counsel in New York and was told the network couldn't guarantee to protect the woman's identity. The interview was cancelled.

As Pulitzer Prize-winning reporter William Jones of the Chicago Tribune notes:

> Anonymity is essential. It is frequently the first question asked by a potential confidential source in the first telephone conversation. If you can't guarantee it you will probably never hear from the source again.

From just the foregoing, minor sampling, it takes little imagination to realize and appreciate that the variety and scope of public information subject to loss in a climate where confidential sources can no longer be protected cuts across virtually every other interest of a free society, in all of its activities, and in which the need to know and to possess this kind of information is an absolute requirement to remain functioning as a free society.

There is no way selectively to qualify which kinds of information must remain free to reach the public under pledges of confidentiality, and which may be dispensed with in order to serve some other public purpose. To even attempt to draw such distinctions, judicially or legislatively, is to bring down the whole structure, which, antithetically, is exactly what the phrase "free flow of information" means, and what it is.

It is for this same reason that Harvard Law Professor Paul Freund was moved to observe that: "It is impossible to write a qualified newsman's privilege. Any qualification creates loopholes which will destroy the privilege."

The ambiguities of interpretation and application alone would prove endless and destroy the privilege.

As Senator CRANSTON noted in his previous testimony before the subcommittee:

> A pending Senate bill would deny the protection in cases where there is "a threat to human life" . . . But what constitutes a threat to human life? Is bad meat sold to the public a threat to human life?

The erosion alone of successive judicial interpretations would prove sufficient to erase the meaning of any privilege.

It was stated well, I think, by Justice Douglas in his dissent in the Branzburg-Caldwell decision:

> Sooner or later any test which provides less than blanket protection to beliefs and associations will be twisted and relaxed so as to provide virtually no protection at all.

> As Justice Holmes noted in *Abrams* v. *United States*, such was the fate of the "clear and present danger" test which he had coined in *Schenck* v. *United States*. Eventually, that formula was so watered down that the danger had to be neither clear nor present but merely "not improbable".

Given all this, one might still not press the case for enactment of an absolute privilege if it could be convincingly shown that some equivalent gain in some other aspect of the public good might be served through compelling newsmen to reveal their confidential sources of information and newsgathering activities.

But it has yet to be shown what other right might be protected, or what public gain might be achieved, that would not also disappear in proportion to the speed which news sources disappeared under threat of exposure and as the press ceased to have access to them.

It is important to note at this point that the effect of eliminating the confidentiality of sources on the ability to procure information has not been seriously contested, and was not contested in the Caldwell or Branzburg cases. The Government has not argued that the imminence of sources drying up claimed by the news profession is erroneous. There is no contention this will not occur or is not occurring. Rather, the Government in these cases has, in effect, merely asserted it wants the information, anyway, so long as it is available, however short a time that may be, simply because it is entitled to it. It is further content to rest on the simple insistence that newsmen, like other citizens, are required to provide information on criminal misdeeds before Federal grand juries just like other citizens, the view also preferred by the majority of the Court.

The public policy implications of the Government's position—and of the opinion of Justice White, in writing for the majority—defy comprehension. For the limited period of time in which the prosecution of some offenders might be enhanced through the forced testimony of newsmen before that value disappears as the newsman's confidential sources disappear, we are asked to permanently give up the value to society as a whole that comes from the free flow of information. In the end, we are left with neither the benefit of the confidential news sources we force reporters to identify, nor the news stories which previously would have resulted by permitting that relationship of confidentiality to continue.

It is axiomatic that if confidential news sources dry up, newsmen no longer have either the investigative brand of reporting which contributes so basically to a free society, nor the testimony to contribute to grand juries which resulted from their reliance on confidential relationships. Law enforcement is no longer enhanced—and a vital component of public knowledge and dialog is obliterated.

LAW ENFORCEMENT

The inescapable conclusions at this point is that both the objective of law enforcement and the necessity of preserving a free flow of information to the public are no longer met and that we are poorer on all counts than had we preserved the confidentiality of news sources. For presumably, even prosecutors, police departments, grand juries and judges, as part of the public, need to know and remain aware of those cross-currents of information and discourse affecting all aspects of the public life of the community which it is the peculiar function of investigative reporting, based on use of confidential sources and independent newsgathering activity, to provide. It is to the advantage of law enforcement officials, also, to remain free to read newspaper articles describing the inner workings, motivations, plans, and personalities associated with, for example, the Black Panthers.

Absent the general flow of such information to them as to the rest of the public, can it be seriously suggested that the overall competence and ability of law enforcement is anything but diminished by lack of such regular knowledge? Can it be seriously maintained that a random use of reporters' testimony in a given case, or a dozen cases, prior to the disappearance of reporting based on pledges of confidentiality, could ever be weighed favorably against the general loss of all those various kinds of information which perhaps led in the first place to the very case in which the newsman's testimony was compelled, and to scores of others where it was not?

As Senator CRANSTON persuasively observed:

> Once you make an exception (to the privilege), say an exception for murder, then it is highly improbable that any informant having information about a murder will talk to a newsman—or to anyone else—if that informant wants to remain anonymous.
>
> But if the protection of anonymity is absolute, then people who have confidential information about a murder will continue to come forward and will continue to provide useful information leading to the prosecution and conviction of murderers.

Again, one has only to review the scope and variety of the kinds of investigative stories which regularly appear exposing illegality, corruption and criminal wrongdoing in places both high and low, in the variety of our institutions, public and private, and affecting society across the board in relation to almost any pursuit, to appreciate the quite possibly irreplaceable aid to law enforcement provided by a free and unfettered press. To restrict this flow of information would be to leave law enforcement officials no less than the rest of us increasingly ignorant and uninformed about what is taking place in society and in our communities and, specifically, ignorant of the wide range of illegal activities regularly brought to our attention not by police departments in the first instance, but by the press.

To obliterate this irreplaceable aid to the general objectives of law enforcement in order to secure, for a short time, random testimony from newsmen in a few isolated cases, would be a loss to law enforcement in general for which it would appear impossible to compensate.

We cannot, quite obviously, predict the full effect of a failure by the Congress to act, or of the enactment of a merely qualified statute which would, in its effect on confidentiality of sources, be equivalent to inaction. But we know the effect can be nothing other than great and, most importantly, that if we wait to act until the pall is upon us and the damage done, some portion of our loss will prove irretrievable, and for possibly a very long or permanent length of time.

As Justices Stewart, Brennan, and Marshall noted in their dissent:

> The deterrence may not occur in every confidential relationship between a reporter and his source. But it will certainly occur in certain types of relationships involving sensitive and controversial matters. *And such relationships are vital to the free flow of information.*
>
> To require any greater burden of proof is to shirk our duty to protect values securely embedded in the Constitution. We cannot await an unequivocal—and therefore unattainable—imprimatur from empirical studies. We can and must accept the evidence developed in the record, and elsewhere, that *overwhelmingly supports the premise that deterrence will occur with regularity in important types of newsgathering relationships.*
>
> Thus, we cannot escape the conclusion that when neither the reporter nor his source can rely on the shield of confidentiality against unrestrained use of the grand jury's subpoena power, *valuable information will not be published and the public dialogue will inevitably be impoverished.* (Italic supplied in all cases.)

Despite these findings, it is nonetheless argued by some, apparently with seriousness, that, even so, reporters ought to be compelled to testify simply to make them subject in this instance to the same requirements imposed on all citizens. Some, perhaps understandably, might find a sort of perverse, Puritan, or even political satisfaction merely in insisting that reporters be made to behave just like everybody else, and regardless of the broader social consequences that might result from a sharp diminution of the free flow of information to the public. I suggest we cannot afford the indulgence of such feelings if we find any serious merit in the preservation of a free and democratic society.

There are others who make this same argument, minus such perverse motives, and who genuinely find it objectionable to permit an exemption for confidentiality of sources. They note that the right to freedom of the press is not "absolute" and properly note the requirements of balancing conflicting rights. This in essence is what the majority of the Court in Branzburg held when it stated:

> The public has a right to every man's evidence.

GRAND JURIES

But if freedom of the press is not an absolute, in conflict with other rights held by the people, neither, as Justices Stewart, Brennan, and Marshall pointed out, is the power of the public, through the grand jury, absolute to compel, "every man's evidence." As they stated it:

> Yet the longstanding rule making every person's evidence available to the grand jury is not absolute. The rule has been limited by the Fifth Amendment, the Fourth Amendment, and the evidentiary privileges of the common law. So it was that in *Blair*, after recognizing that the right against compulsory self-incrimination prohibited certain inquiries, the Court noted that "some confidential matters are shielded from considerations of policy, and perhaps *in other cases for special reasons a witness may be excused from telling all he knows.* (Italics supplied.)

* * * * *

> This Court has erected such safeguards when government, by legislative investigation or other investigative means, has attempted to pierce the shield of privacy inherent in freedom of association.
>
> * * * * *
>
> Similarly, the associational rights of private individuals, which have been the prime focus of our First Amendment decisions in the investigative sphere, are hardly more important than the First Amendment rights of mass circulation newspapers and electronic media to disseminate ideas and information, and of the general public to receive them.

Moreover, as the majority opinion itself noted:

> The public through its elected and appointed law enforcement officers regularly utilizes informers, and in proper circumstances may assert a privilege against disclosing the identity of these informers.

The distinction the majority finds between the protection of the confidentiality of police informers, apart from the fact it is only a qualified and discretionary privilege, and between the protection of confidential news sources, is that—

> The purpose of the privilege (for police informers) is the furtherance of the public interest in effective law enforcement. The privilege recognizes the obligation of citizens to communicate their knowledge of the commission of crimes to law enforcement officials and, by preserving their anonymity, encourages them to perform that obligation. (*Roviaro* v. *United States*, 1957)

And:

> There is little before us indicating that informants whose interest in avoiding exposure is that it may threaten job security, personal safety, or peace of mind, would in fact be in a worse position, or would think they would be, if they risked placing their trust in public officials as well as reporters. We doubt if the informer who prefers anonymity but is sincerely interested in furnishing evidence of crime will always or very often be deterred by the prospect of dealing with those public authorities characteristically charged with the duty to protect the public interest as well as his.

I wish I could find this view anything other than naive and insensitive to the realities of our society as its exists and to how the press actually functions in a free society, because it is frightening, at least to me, that this naivete could exist on the level of the Supreme Court of the United States. I confess to reacting with a sort of freedom of speechlessness to the view enunciated.

Of course, one would always prefer to imagine, as the Court does, our public officials and law enforcement agencies cast in a role as sensitive protector of the fate of confidential sources of wrongdoing, fully as able as the press to safeguard them and, also, as elected or appointed officials, able to act as the true agents of the public in determining the balance that ought to exist in any given instance between the right of the public to depend on confidential information from informants for its flow of information and the other rights of society against which that right is to be balanced.

But what of the example of, let us say, the young patrolman with knowledge of widespread corruption in his precinct or department and who, being fearful for his job and possibly for his life, turns to a newspaper reporter to make that corruption known in return for a pledge of anonymity? How many articles have we all read by investigative reporters exposing burglary rings operating in some of our major metropolitan police departments, or large-scale pay-offs reaching even to higher ups in the police department, or into a district attorneys office, or a mayor's office? If we are that patrolman, uncertain of the honesty perhaps even of his superiors, and certain of retaliation by other officers, perhaps some not even known to him, to whom does he carry his story, knowing that in safety and anonymity, he can make the existence of this corruption known to the public?

I am afraid he does not, in Justice White's antiseptic view, "risk placing his trust in public officials" of whose honesty he may be gravely apprehensive. He goes to the press. At least, he does so now. In the absence of the press, I think he goes to no one.

This is the second aspect in which the free flow of information provided by the press serves law enforcement, I think—as a check and balance within our society against the abuses by law enforcement officials themselves and by others holding public trust.

It cannot be thought that the public administration of justice would have been served had not sources within police departments over the years, under a pledge of confidentiality, provided the basic information by which newspapers have exposed widespread corruption in major metropolitan departments with all to frequent and frightening regularity.

The effect achieved by those who would have us cease to guarantee the confidentiality of sources of news would be to terminate also that check and balance on the administration of justice, when there is every evidence we need desperately to preserve it.

Moreover, either in law or in practice, we have recognized for good reason and sound purposes of public policy other exceptions to the rule that—

> The public has a right to every man's evidence.

And despite an overriding and compelling public need that demonstrably and unquestionably justfies compulsion of citizens in other ways, if considered only in a limited context, we have nonetheless recognized the value of exemptions to otherwise-universal requirements of the law.

Thus, considered alone and only in its own context, the public indeed superficially might appear to have an overriding need and right to certain information which may be in the possession of newsmen.

Yet, to take an example of a completely different context, perhaps no greater need or national interest existed in World War II than to compel every able-bodied man to come to the defense of the country, under mortal attack. Even in that critical hour, however, when the Nation labored for its very existence, we recognized the validity and importance of an exemption from combat for conscientious objectors—an exemption provided not so much for their benefit as for the importance in a larger way to our own society, even under attack, of preserving and respecting the quality of individual conscience and the broader substance of liberty.

Surely, in some cases, it might be said an overriding public interest would justify compelling a wife to testify against her husband, a priest against the penitent, the lawyer against his client, the doctor against his patient, or the defendant against himself—and I note that the Supreme Court is at least remaining consistent by its issuance of the revised rules governing Federal courtroom procedure in which some of these ancient privileges also appear destined to be wiped away unless Congress acts. These privileges may have been variously founded and thereby variously applied. But there is no question but that there is attached to these relationships a special character even within the functioning of the processes of justice, to one degree or another, ranging from the absolute mandated by the Constitution to the dispensation merely observed in usual practice. The point remains that, however founded, and with whatever degree of observance, we recognize in principle the value and importance to society of certain exemptions for the benefit of other and broader social values. They involve the very texture and fabric of the kind of society to which we aspire and presume, and we weigh these considerations apart from the immediately pressing requirements of law enforcement or judicial process.

Certainly the public interest in preserving the free flow of information is of sufficient importance to place a privilege involving the confidentiality of newsgathering and sources of information into this category. Neither is the concern insubstantial in contemplating the effect on society and on the free flow of information by futilely attempting to use the law to compel a regular violation of the professional canon of ethics and the individual conscience of newsmen, on a wholesale basis, in order to serve an altogether new function for the purposes of law enforcement, which until 1960 did not seem to be required to fulfill its objectives. To use the machinery of the judicial and law enforcement processes now in these new and uncharted directions, impinging on the functioning of confidential newsgathering relationships and activities, is to inject into our society a requirement at odds with newsmen's conscience, pitting that exercise of conscience by newsmen against the requirements and power of law and government, with no rational expectation of public gain and with the certainty of immeasurable public loss.

If it is said that law enforcement will crumble unless we compel newsmen to violate their conscience by providing information sought by the state, it was also maintained during World War II that this country would succumb unless conscientious objectors were made to fight. But we did come to recognize the genuine demands of conscience of certain objectors. The country did not succumb.

Neither will law enforcement in our country crumble if it cannot have access to confidential newsgathering information on a scale it has never either required or had in the past, or unless it can routinely jail reporters who, by reason of their canon of ethics and as an act of conscience exercised on behalf, not of themselves, but of the public, refuse to betray their sources of information or the integrity of their function as newsmen.

There are two remaining areas in considering an absolute privilege which trouble even some sympathetic with the purposes of such a statute, and these involve the impact on the laws of libel and on the rights of criminal defendants.

AREA OF LIBEL

Considering the area of libel first, I think we need to separate in our consideration those libel actions arising out of cases involving nonpublic figures from those arising out of cases involving public figures, and where the Supreme Court decision in New York Times against Sullivan stretched the permissible limits of published comment involving public figures and correspondingly laid down a requirement that "actual malice" be proven by the plaintiff as the requirement for a favorable verdict.

It seems to me in the first instance that the question involving the proposed privilege does not arise, or, if it arises, that it does so to the detriment of the newsman who might find himself the defendant in a libel action brought by a nonpublic figure and where the tests of Sullivan are inapplicable. Where his defense still rests with a showing he acted truthfully, with good motives and for justifiable ends, the reliance his defense may need to place on confidential sources remains a matter for his own conscience and possibly his instinct for a favorable defense verdict.

In the cases to which New York Times against Sullivan would be applicable, however the example is raised in which a public figure is burdened as a plaintiff by the necessity of demonstrating actual malice by a newsman, and that the only means of proving that actual malice may be to require the disclosure of confidential sources and/or to subpena newsgathering materials. The issue was directly raised most recently in *Cervantes* v. *Time, Inc.*, 464 F. 2d 986 (8th Cir. 1972, cert. den. Jan. 15, 1973.) The point is made that it might be extremely difficult for a plaintiff to obtain a favorable verdict in the absence of an ability to compel disclosure. In some cases, this might be true.

Yet I think it is important not to lose sight of the basic fact that the very purpose in Sullivan intended by the Court was to make it more difficult for public figures to obtain relief, the justification being the regarding those who, by virtue of being public figures and willingly accepting the burdens of office or other social responsibility, function in a democratic dimension which requires greater subjection to the vagaries of exposure, speculation, commentary, and public judgment.

Those who feel enactment of an absolute, unqualified privilege for newsmen would place an impossible or unfair burden on plaintiffs in the Sullivan-type case overlook the present state of the law in such libel actions involving newsmen. That state is ambiguous at best. But under the ruling in Cervantes, it is clear that even at present and without the proposed absolute, unqualified shield bill that a plaintiff does not necessarily have a right to obtain confidential information from the newsman against whom the suit is brought in an effort to meet his burden of showing actual malice unless he can make "a concrete demonstration that the identity of defense news sources will lead to persuasive evidence on the issue of malice."

The reasoning of the Court was that—

> To compel a newsman to breach a confidential relationship merely because a libel suit has been filed against him would seem inevitably to lead to an excessive restraint on the scope of legitimate newsgathering activity.

However much the plight of public figures might arouse the empathy, sensitive concern and sympathetic regard of those of us who are Congressmen, the concern expressed in this area does not seem to me to have such validity as to overweigh, either in scale or principle, the compelling need to preserve the public's right to the free flow of information and which requires enactment of an absolute privilege.

I suggest, in fact, that much of the concern over enacting an absolute and unqualified shield law which does not carry an exception for the libel area really reflects a concern with the consequences of the various court decisions in Sullivan and in Cervantes, together with perhaps a lack of appreciation also of the current state of libel law, which well insulates under Cervantes the newsman from whom information would be compelled; for the burden the plaintiff must meet under Cervantes in the effort to compel such disclosure is really as difficult and arduous as the need to show actual malice in that he must first show by substantial evidence that—

> There are strong reasons to doubt the veracity of the (undisclosed) defense informant or the accuracy of his reports." 464 F2d at 994.

We ought not to use this legislation as the vehicle to respond to our concern, if it exists, with the complex issues growing out of the specific decisions reached by the courts in the libel area where newsmen are involved. It seems well agreed among legal experts on libel that if we do not include a provision dealing with libel in this bill, the present libel laws as interpreted and applied still pertain and the newsman still must answer to the suit brought alleging libel, and the current court findings applicable to disclosure still apply. Congress ought particularly to be wary of including language which could have the effect of making confidential sources even more open to compelled disclosure than the courts presently would do in light of the constitutionally protected function attached to newsgathering. Our intrusion in this area at all would very likely, in my judgment, have that effect, and I would think that would not be our intent.

If it is correct, as many maintain, that the definition of public figure is now so broad as to include just about anyone whose name appears in print, the remedy, I suggest, lies in altering the laws dealing with libel or by some action, through changing the burden or standards of proof required or other means, narrow the applicability of the Sullivan tests to those who legitimately ought to have to make a greater showing by virtue of being public figures in the genuine and originally intended sense.

To attempt to deal with the question, instead, in this legislation, designed to respond to a particular problem, and designed to preserve the ability of the press to provide a free flow of information to the public, would be as undesirable as it would unwieldy, very likely defeating the purpose of the legislation itself.

For to grant an exemption in this bill for cases of libel would do far greater damage even than the fact it would, for the first time, and again with all the force of statute, lay down a requirement that confidential sources be disclosed more absolute and unrecognizant of the newsgathering function to be protected than even the court in Cervantes has done.

It would, in addition and instead, invite any public figure embarrassed by an exposé, perhaps, of his official conduct and anxious to find out who provided the information exposing him, to simply bring a libel suit and thereupon demand the identity of the confidential source. Thus an exception for the libel area perhaps more than in any other area in which exceptions are proposed would effectively wipe out, with the broadest possible stroke, the meaning of any legislation. It would destroy—not preserve—the confidentiality of newsgathering relationships as would nothing else. Its impact would be more adverse than Branzburg. It would go further than Congress has ever gone and in a negative way. Because, as the U.S. Court of Appeals for the Second Circuit recognized in Baker against F & F Investment, supra, in denying a motion to compel disclosure by a journalist in a civil action, an absolute positive requirement of disclosure does not presently exist in Federal law. With the enactment of an exception in this legislation for such civil areas, in my judgment, such a positive requirement would, for the first time, then exist.

I do not believe that is what even those concerned with the impact on libel cases intend. But I believe that would be the result of making such an exception.

Moreover, grave doubt as to constitutionality would exist, I believe, were the Congress to compel disclosure in any qualifications it included in ways beyond what the courts have already held might be compelled by virtue of the first amendment nature that attaches to newsgathering and which affords it special protection, including, as indicated in Cervantes, protection under some circumstances for confidentiality.

Congress, therefore, confronts complex

constitutional questions wherever it might seek to limit the shield or specifically delineate exceptions. They are questions, in my judgment, Congress need not confront, and ought not to confront, in this legislation. What it ought to confront is the clear constitutional suitability, as the majority found it to exist in Branzburg, to enact a shield law for the purpose of protecting the free flow of information.

I would urge that we are better on all grounds to adhere to the simplest bill possible if it is to meet the objectives which with the variety of contemplations such consideration provokes which do not try to deal in this bill with the variety of contemplations such consideration provokes which do not need to be dealt with in existing practice or law and would remain unaffected, or because the apprehensions which provoke some of the proposed apprehensions are unfounded in law or fact.

Another major area, however, needs to be discussed.

IMPACT ON DEFENDANTS

The rights of defendants and hypothetical negation of them asserted by some persons who, I believe, misjudge the meaning and effect of the proposed absolute shield bill, nevertheless troubles many and perhaps some liberals the most.

In the hypothetical extreme used to illustrate, an innocent man is about to be convicted of murder and sentenced to death and actually executed. Only forcing a newsman to reveal confidential sources and/or producing confidential newsgathering materials can save him. Enactment of an absolute privilege, ergo, would doom the innocent man to death.

It seems to me there are several reassuring answers to this.

One is that it stretches the imagination, I think, almost to the breaking point to conceive of a newsman so conscientious and dedicated to the ethics of his profession and the society he serves that he will, in one instance, go to jail rather than betray his oath of confidentiality to a news source; but who, in the hypothetical example, is suddenly so absent of conscience that he will knowingly allow an innocent man to die rather than voluntarily, having weighed the respective rights of all concerned, make information available that will spare our hypothetical example the fate of undeserved execution.

Nothing in the enactment of an absolute statute, it must be stressed, bars the voluntary disclosure of sources by newsmen where the need is overriding and compelling, whether in this hypothetical instance or in any other instance, nonhypothetical.

A second answer is that one has to weigh against the hypothetical example the quite-clearly unhypothetical example of hundreds, or perhaps even thousands, of instances in which a free investigative press, relying on confidential sources, has in fact saved innocent persons convicted by the State for a variety of offenses of which they were, in fact, innocent, and who might not have been spared absent the ability of the press to rely on confidential sources. I submit it takes far less imagination to picture the future innocent person convicted of murder and his fate once the confidential sources on which the press relies no longer exist.

Finally, the hypothetical innocent defendant is not without legal recourse in the eventuality that testimony thought to have substantial bearing on the question of guilt or innocence was excluded by invocation of a privilege. The same legal processes remain open to him as in all other cases where a privilege against disclosure is invoked and which prevents testimony thought to be crucial, such as in the recent cases in which the Government elected to drop charges rather than disclose confidential security information in its possession, or where a motion for directed acquittal or declaration of mistrial is in order.

CONSIDERATIONS IN DRAFTING

The task remains of considering the specific language and scope of legislation to enact an absolute and unqualified privilege, and of some of the pragmatic considerations which weigh on us as legislators who must address the general question of the degree to which refinement of any statute we draft ought to be left to the courts, and the degree to which we can safely depend on the use of legislative history to assure compliance with the statute as intended, and the degree to which we cannot so depend.

I suggested we ought not, in the light of recent experience, leave much to the legislative history that is really properly substantive, but that we ought to make the provisions of the statute itself unmistakably clear in its applications.

It came as some surprise, I know, to my distinguished colleague from California who authored the Freedom of Information Act, Congressman Moss, and who has always been clear that the exemptions provided in that act insofar as secrecy classifications are concerned were open to citizens' challenge and subject to judicial review, to read the recent Supreme Court decision judging them beyond the scope of review because of the Court's peculiarly unique reading of the legislative history. The result of that particular decision has been, in large effect, to turn what was initially a Freedom of Information Act into a Freedom From Information Act; and a piece of legislation drawn to open the doors of the executive branch to the light of public scrutiny, is transformed into a vehicle for shrouding it ever deeper in the darkness of secrecy.

We ought not, in this awesomely vital and particularly sensitive task, to make the mistake in this instance and with this particular Court of relying on legislative history in the place of clear statutory language.

In the judicial area, I concur with the majority in Branzburg that presiding judges in trials and grand jury proceedings ought not to be asked to make finite value judgments and applications case by case. Enactment of an absolute statute would virtually remove this cause of apprehension. But in addressing the question generally as we weigh the matter of legislation, I think there are additional reasons not to leave these fine distinctions and areas of interpretation to trial judges, and one of those reasons lies in the despairing account carried in a lengthy Los Angeles Times editorial of November 29, 1972, of some of those fine distinctions drawn by presiding judges in the area of the first amendment already:

A Monterey County judge not only restricted the release of information to the media but removed the press and the public from the courtroom while the censorship order was argued. Furthermore, he forbade public complaints about the order.

A New York justice barred the public from a criminal trial.

The secret proceedings ordered in a court in Ventura County were so bizarre that an appellate court commented:

> In the present case, it is startling to see the evils of secret proceedings so proliferating in seven short weeks that the court could reach the astonishing result of committing a citizen to jail in secret proceedings, could contemplate inquisitorial proceedings against the newspaper reporter for reporting this commitment, and could adopt the position that the district attorney, the chief law enforcement officer in the country, was prohibited on pain of contempt from advising the public that someone had been sent secretly to jail . . .

A superior court judge in Los Angeles County attempted last August to enforce direct censorship. He ordered the media, an order that was appealed, not to print or broadcast anything relating to a murder case except proceedings in court, over which, of course, he exercises direct control.

A superior court judge in Los Angeles prohibited any comment on a pending case by the county, its sheriff and district attorney, the city of Los Angeles, its chief of police, and board of police commissioners. His assertion of power was so broad that a writer on legal affairs stated:

> Thus a single judge in a single community felt it appropriate to . . . assume the role of the Legislature, the Supreme Court, the executive head of local government, the promulgator of rules of professional conduct, and, most importantly, a censor of speech.

Another judge, in a flight of imagination, named the district attorney, the sheriff, the chief of police and the police commissioners of Los Angeles as "ministers of justice," and declared, as such, that their speech is peculiarly subject to judicial control."

A Baton Rouge, La., judge ordered newspapers not to publish news about the trial of a civil rights case.

An Arkansas judge ordered newspapers not to publish news on the verdict of a rape trial.

The State court of appeal waived aside a California law that protects the confidentiality of news sources—in the Farr case—and said it regarded such laws as "an unconstitutional interference by the legislative branch with an inherent and vital power of the court to control its own proceedings and officers."

And finally, a San Andreas, Calif., judge cited a local newspaper publisher for contempt for writing an editorial critical of the fact the judge had personally filed a complaint against his neighbor for allowing a black laborador retriever to stray into his garden—and then presided over the owner's pretrial hearing. Such newspaper editorials, said the district attorney in support of the judge's contempt action, "tend to embarrass the administration of justice and bring discredit upon the court."

I would counsel the appropriateness of recalling these incidents in each and every instance where proponents of legislation affecting newsmen suggest to the Congress that certain ambiguities of scope, coverage, application or definition be "left to the courts to work out."

STATE PREEMPTION

The question of State preemption poses a separate issue even if agreement exists on the desirability of a Federal statute. The question involves two parts: Can the Congress extend a testimonial privilege to the States? And should it as a matter of public policy.

The weight of opinion seems to be clear that Congress does possess clear and ample authority in this area, either under the commerce clause, or under the authority of the powers given it under the first amendment and under the privilege and immunities, due process and enforcement clauses of the 14th amendment.

But in addition, I believe it is sound policy. News gathering has unquestionably become interstate in dimension. To require reporters crossing State lines to learn the varying protections offered or not offered in each instance by State statutes and restrict their reliance on sources accordingly is to place a burden on newsgathering which I think would be severe in impinging on the public's right to know.

The case is conclusively made, it seems to me, when one considers the situation that would obtain if a Federal statute, designed to preserve the free flow of information and confidentiality of sources, is enacted but not extended to the States. Such a dichotomy would have the same effect to a large extent as failure to pass a Federal statute. For it would place an impossible burden on newsmen and confidential sources alike to determine when and if and how a protection or an exception might be applied in a given instance. To impose the need on a newsman to inform sources he might safeguard their anonymity under one circumstance but not another could scarcely have any other effect than to chill those relationships and diminish the willingness of sources to provide information.

Again, as Justice White recognized:

> If newsmen's confidential sources are as sensitive as they are claimed to be, the prospect of being unmasked whenever a judge determines the situation justifies it is hardly a satisfactory solution to the problem. For them, it would appear that only an absolute privilege would suffice.

It is the certainty of protection that makes the relationship possible and brings the information to light. To protect those relationships if the result of a newspaper exposé leads to a Federal proceeding, but not in a State proceeding, is really to render any supposed "protection" problematical in the extreme.

Thus, the purpose of a Federal statute could be defeated by the failure to extend to the States. If Congress may act on the Federal level to guarantee an overriding public interest to the free flow of information, it cannot be seriously held that Congress cannot also move to protect that Federal interest where failure at the State level would negate the Federal interest and render it ineffectual or meaningless. To do so would be to argue that the States may veto and annul overriding Federal interests which are undisputed.

EXCEPTING CONGRESS

The same logic and reasoning applies to the question of granting an exception for congressional committees as to any other major exception. It would render the protection meaningless in that neither newsmen nor sources could safely predict when anonymity would be guaranteed.

It could not, in fact, be guaranteed.

Moreover, in none of the States which have enacted some form of shield law—an absolute law in a dozen of them—are legislatures excepted.

The Congress ought not to prove more retarded than the States in this regard in moving to preserve the free flow of information to the public.

To do so would be an invitation to the remaining States which have not yet acted, and to some which have, to extend a similar exception to the protection to State legislatures.

The privilege, for all practical purposes, ceases to exist when such vast areas of inapplicability are created.

SCOPE OF COVERAGE

Finally, there remains to be considered the central questions of who ought to be covered by a statute and whether the privilege ought to attach to confidential information gathered, in addition to the protection of sources, and to what extent.

In addressing the first question, I believe we are not altogether free in writing legislation to make our own determination as to whom the privilege will apply, or in our definitions of those in the newsgathering profession, but that we are constrained by already-established constitutional boundaries.

While it is argued that Congress would be enacting a testimonial privilege within its discretion and can make it as "narrow or broad" as it deems appropriate, and that it is not dealing directly with the first amendment or attempting to define newsmen in those terms, the connotation of the majority in Branzburg should remain clear.

It employed the phrase "as narrow or broad" in reference to the permissability of fashioning "standards and rules"—not with specific reference to the fashioning of any definition of "press." Justice White earlier suggests, in fact, that doing so is "a questionable procedure . . ." Moreover, the majority later makes reference to "First Amendment limits" in discussing even the fashioning of "standards."

The essential point for the Congress in defining the scope of coverage, therefore, is that by precedent the Court has already historically ruled time and again as to whom, in effect, is "press" and therefore falls within the scope of certain first amendment protections which put them beyond the reach of the Congress, the executive branch, or the States, in fashioning legislation.

For Congress to extend a testimonial privilege, the obvious legislative purpose of which is to affect the press function and to promote, as we say, "the free flow of information," but to exclude from such legislation and such a privilege any the Supreme Court has time and again ruled are entitled to the general press protections afforded by the first amendment, would appear an exercise of obvious constitutional dubiousness. For in fashioning a privilege for "press," Congress would be in the position if it writes exclusions to the privilege of saying some are not press whom the Supreme Court has already held are constitutionally protected as such. There would seem to me to be the gravest question of the power of the Congress to do so. Moreover, I do not believe it is required where the Supreme Court has, in effect, by precedent, determined the constitutional areas of protection under the first amendment right of freedom of the press. The definitions, I submit, have already been made, and with a constitutional force the Congress in writing statutory language is not free to ignore.

In discussing the difficulties of enacting Federal shield legislation, Justice White noted:

> Sooner or later, it would be necessary to define those categories of newsmen who qualified for the privilege, *a questionable procedure* in light of the traditional doctrine that liberty of the press is the right of the lonely pamphleteer who uses carbon paper or a mimeograph just as much as of the large metropolitan publisher who utilizes the latest photochemical methods.

But it is later, I submit, and it is necessary to extend protection to those to whom the privilege will apply. I find it a questionable procedure, however, only if we attempt to make the exclusions Justice White seems to assume quite naturally have to be attempted from purely a pragmatic standpoint. And it is a puzzle for me that he apparently feels such difficulty exists when that assumption seems to me to run thoroughly counter to the very words he goes on to recite:

> Freedom of the press is "fundamental personal right" which "is not confined to newspapers and periodicals. It necessarily embraces pamphlets and leaflets . . . The press in its historic connotation comprehends every sort of publication which affords a vehicle of information and opinion." (Lovell v. City of Griffin, 1938). The informative function asserted by representatives of the organized press in the present cases is also performed by lecturers, political pollsters, novelists, academic researchers and dramatists. Almost any author may quite accurately assert that he is contributing to the flow of information to the public, that he relies on confidential sources of information, and that these sources will be silenced if he is forced to make disclosures before a grand jury.

Unlike Justice White, I am not alarmed at the prospect of an all-inclusive application of the privilege, possibly because I do not foresee a national spectacle of poets, dramatists, pamphleteers or streetcorner mimeograph machine operators appearing in waves to invoke the privilege before grand juries anxious to unmask the confidential sources of Tennessee Williams, the mystical inspirational sources behind the poetry of James Dickey, or the faceless housewives who talk to Dr. Gallup.

Moreover, should we reach the day when grand juries do start probing the confidential sources of Dr. Gallup, Tennessee Williams or James Dickey, my conclusion is that I would want them to have that privilege to invoke.

I do not know how many lonely pamphleteers there are passing out their mimeographed handouts on streetcorners who rely on confidential sources of information or perhaps other voices unheard by the rest of us. But I think if a grand jury in all sobriety summons them before the bar of that tribunal to identify those voices, we ought to include those lonely pamphleteers in the protection extended by the privilege.

The point of the proposed statute is to protect the confidentiality of news sources and news gathering as it exists in experience and this is where the impact of any such statute is required and will apply.

If, in experience, it applies on occasion to those Justice White might conclude ought not to be deemed part of the respectable press, as he thinks of the press, and even though he recognizes them as press under the first amendment, I could only refer Justice White back to his own words:

> Liberty of the press is the right of the lonely pamphleteer who uses carbon paper or a mimeograph just as much as of the largest metropolitan publisher who utilizes the latest photochemical methods.

The question of whether the privilege ought to attach to information gathered as well as to the confidential source is a separate question in drafting legislation. But there is no way from either a rational standpoint or a practical one that I am able to separate them under a privilege. One inevitably leads to the other, and in modern times "confidentiality" in effect may embrace, in its vital contribution to newsgathering, even the refusal to appear before a grand jury, as in the case of Caldwell—given a need related to the requirements of a specific set of confidential relationships and a given story—to the necessity of a TV film crew to know they can film unharmed in a neighborhood because the residents understand they are not functioning as an annex to law-enforcement agencies, which is the same reason we have successfully discouraged the practice of FBI agents posing as newsmen.

I am perhaps most disturbed by those who suggest such a separation can be made and ought to be made, and that we should limit the scope of the privilege to only those instances involving protection of confidential sources and where the explicit promise of confidentiality was made—and to no other aspect of newsgathering.

To do this would be to open the door, under sanction of Federal statute, to an all-out assault against all the remainder of newsgathering activities we would be leaving unprotected and which have even been mostly respected and sanctified, by experience at least, in the past.

One suggestion has been that the test of who is entitled to the privilege should be whether the person involved, the lecturer or author, is a person to whom somebody with information is apt to go. If he is not, the Court will rule that he is not entitled to the privilege.

I would suggest that the test is whether the person involved under the broad definition of the press is someone to whom somebody with information does go.

For what we are attempting to protect is the transmittal to society of the information, and it is the source, and it is the free flow of information broadly to the public by whatever means of published or broadcast communications, not the "newsman" as such. And the purposes of preserving the free flow of information are served no less when an author, lecturer, or a pamphleteer makes that information public, relying on a confidential source, than if it is done in the largest newspaper or on the wave of the most powerful television signal.

In the end, as Senator CRANSTON suggested, actual experience sorts it out. Those with information to give really go to those they think have professional reasons to receive it. But the privilege ought to—and I believe constitutionally must—extend to the event of the confidential information as transmitted to anyone lying within the broad definition of "press" under the first amendment and not be left vague to impose upon the courts the burden of deciding the "aptness" of the newsman receiving it on some imagined hierarchy of journalistic power or respectability.

And if the privilege also embraces the newsgathering activities of the lonely streetcorner pamphleteer no less than of our publishing empires, I think the country might survive that expression of freedom of the press, and perhaps even profit by it. Because, as Justice White himself suggested, that is what freedom of the press is all about, and the lonely pamphleteer can serve the public right to know in a given instance no less than CBS.

SUMMARY

It is an easy exercise for imagination and fancy to conjure up even the most grotesque hypotheses which really, boiled down, symbolize a fear of freedom. It is not new. It is the ageless question. It is a normal human and legislative instinct. Potential abuses of freedom may always be summoned to mind. They will always, in reality, exist. But I thought we had learned in this country, of all countries, that if we consult only our fears and apprehensions that those apprehensions exist in every area of liberty and can be used to end liberty itself on the most plausible and convincing grounds at any time we wish to succumb to an instinct that regards freedom more suspiciously than we do government.

There is little in the way of possible abuse I can conjure up if we enact an absolute, unqualified, all-inclusive statute beyond what has existed potentially in all our past history of actual experience, when newsgathering was treated with the sanctity we are seeking merely to restore. Rather, our experience to date does not provide reason for apprehension, but confidence.

If we wish to consult only our imagination and our fears, we may find any number of exceptions to the privilege and which will destroy the privilege.

If we wish, instead, to consult our history and the evidence of our own free society to date, we cannot act other than to reaffirm the freedom that is our only meaning and our only real strength as a society.

If we cannot feel that spirit within us anymore in drafting this legislation, then let us quit.

It is not a partisan concern. It seems at some times partisan in tone because the particular issues raised by initiating the practice of subpenaing newsmen have occurred under this administration, but they might as easily have occurred under any other. And if the spokesmen for the administration defend that practice, others in that same party, including the Governor of my own State of California, Governor Reagan, do appreciate the threat to the free flow of information to the public inherent in removing the protection of confidentiality.

The move to provide a remedy is bipartisan and not partisan. The issue is skeletal in terms of basic liberties, relating to the structure of balances that exist and the threats to them that can arise under any administration and in any political or social circumstance. It is in the recognition of this fact that the remedy will be found and will rest. But it is worthwhile, nonetheless, to appreciate the particular responsibility that now falls to us as a result of these events: The Supreme Court has shown it does not understand freedom. The executive branch has shown itself antagonistic to freedom. We in the Congress must show we are not afraid of freedom.

FEDERAL EMPLOYEES FREEDOM OF CHOICE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, today, it is my pleasure to reintroduce the Federal Employees Freedom of Choice Act which will preserve the right of Federal employees to form, join, or assist a labor organization or to refrain from such activities. Twenty-two Members have joined me in cosponsoring this legislation.

When a person decides to work for the Federal Government, his primary obligation is to his department or agency. It is wrong if his first obligation is to a union over that to the government for which he works simply because he must belong to this union in order to hold his job.

Both Presidents Kennedy and Nixon reaffirmed the principle of "freedom of choice" by issuing Executive orders proclaiming this right. This House, during the debate on the Postal Reform Act of 1970, added language which specifically guaranteed the right of Federal employees to refrain from joining a Government employees' union. The language of my bill is identical to that which was added by this House.

One of the many organizations supporting the concept behind the Federal Employees Freedom of Choice Act is the National Federation of Independent Business. This organization currently represents more than 290,000 small and independent businessmen throughout the country.

During the 91st Congress, the federation was one of those organizations which helped the fight for inclusion of a freedom-of-choice amendment to the Postal Reform Act.

In addition, 3 years ago the federation polled its entire membership on legislation similar to my bill, and found that an overwhelming majority, a national average of 90 percent, of its members supported the freedom-of-choice concept.

Mr. Speaker, I am heartened to see the Nation's Small business community react in such a fashion. Their overwhelming degree of support becomes extremely significant when we consider the fact that this legislation, when enacted, will prove of no economic benefit to these millions of small businessmen in their day-to-day operations. This legislation is limited to employees of the Federal Government and does not apply to those employed in the private sector.

It is abundantly clear that these small businessmen are supporting a principle they hold dear, that principle which holds that no man desiring to serve his country as an employee of its Central Government should be placed in a position of either having to join a labor union, or pay dues to a labor union, as a condition of employment by his own Government.

I would like this House to go on record as being in favor of the concept of freedom of choice for all Government employees. I call upon all of my colleagues at this time to join with me in cosponsoring this legislation to protect the freedom of choice of Federal employees.

LOWELL HISTORIC CANAL DISTRICT NATIONAL CULTURAL PARK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. CRONIN) is recognized for 5 minutes.

Mr. CRONIN. Mr. Speaker, I am introducing today a bill to provide for the establishment of the Lowell Historic Canal District National Cultural Park in Lowell, Mass.

The legislation provides specifically that the historic mill section of Lowell, which was once the site of the most productive textile mills in the United States, be included within the national park system.

Lowell, Mass., lies at the juncture of the Merrimack and Concord Rivers, 30 miles northwest of Boston and midway along an early trade route which connected Massachusetts with New Hampshire. The historic section of the city is distinguished by over 5 miles of canals, locks, and gatehouses which were once used to power the textile mills that played a dramatic role as the beginning of the industrial revolution of our Nation. Lowell is typical of many urban situations across the country. Modern technology and industrial change have led us to often neglect those sites and structures of the historic past. As a result, many of our cities have become cultural wastelands rather than the centers of cultural enrichment which they have the potential to be.

The legislation which I have introduced includes programs for the following: The complete restoration and beautification of the canal system; the restoration and reactivation of one of the mills, which contains 18th-century looms; technological exhibits and museums; and the re-creation of an early settlement or Indian village. This legislation is of special importance to the people of Lowell because it represents a realistic way toward economic revival consistent with the city's deep cultural heritage. It is a blueprint for the future which builds on the past.

A similar bill was introduced in the 92d Congress by my predecessor, F. Bradford Morse, and was cosponsored by the entire Massachusetts House delegation. Former Representative Morse conducted a thorough study which involved detailed consultation with Lowell community leaders and interested citizens before submitting his legislation. As a member of former Representative Morse's staff, I shared his keen interest in the early development of the Lowell project. Now, as Representative from Massachusetts Fifth Congressional District, I am even more convinced of the need for this important legislation to become public law.

The Department of the Interior has adopted new criteria for the preservation of national cultural sites. These criteria include such considerations as the significance of the park to the heritage of the United States and the site's suitability to the preservation and interpretation of American history.

I firmly believe that Lowell Cultural Park unquestionably meets these criteria. The city of Lowell, established nearly a century and a half ago, was the first American city planned and settled entirely for industrial purposes. Its historic significance is well known. The establishment of industry in Lowell by a group of Boston capitalists led to an eventual end to reliance on England for the manufacturing of cotton cloth—needed by the early settlers for clothing materials. The history and rich culture which is revered by the citizens of Lowell belongs to every American.

Finally, the Lowell Cultural Park represents a project wholly consistent with President Nixon's much acclaimed plan to bring the parks closer to the people. In Lowell, we will be bringing the park into the city itself—where the people live and work. The park will stand as dramatic evidence that our efforts to preserve and protect the environment can be entirely consistent with our efforts to increase industrial output and advance our technological capacity. The Lowell Cultural Park is also of national significance in that it will represent the Nation's first urban national park.

The city of Lowell, Mass., was selected as an all-American city for 1971 because its citizens had made such substantial progress in the fields of education, the drug program, and urban renewal. It is a city in which the people are involved and committed toward the goal of creating an increasingly better environment for themselves and for their children. The citizens of Lowell have stimulated wide community interest and demonstrated their willingness to expend private funds for this project. The Lowell Historic Canal District National Cultural Park will help them in their on-going endeavor and will serve as a permanent illustration of our Nation's heritage and culture for all Americans to enjoy and I am confident that plans for its implementation can be swiftly initiated.

U.S. DIPLOMATIC MOVES IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 5 minutes.

Mr. HAMILTON. Mr. Speaker, the era of negotiations and peace and reconciliation that has begun to reshape the diplomatic face of the Far East has not, to date, had any significant spillover effect in the Middle East where the Arab-Israeli conflict remains a major source of tension and a constant threat to world peace.

Now is an appropriate time for the United States to make some new, careful diplomatic moves in the Middle East in the hope of bringing the parties involved in the conflict together in meaningful negotiations for either an interim settlement or a final agreement.

Such an American diplomatic effort in the Middle East would not be the first, nor necessarily the last, but it might be the most opportune. The successes of our first post-1967 peace initiative in the area are well known and not insubstantial. U.N. Resolution 242 was agreed to by all parties except Syria and it provides a framework for peace, and the cease-fire of August 1970 remains in effect along the Suez Canal despite minor violations. But we were unable in 1971 or 1972 to build upon that cease-fire and bring Egypt and Israel into proximity talks or indirect negotiations. The mission of Dr. Gunnar Jarring, pursuant to U.N. Resolution 242, reached a similar impasse.

The time seems most propitious now for further American diplomatic initiatives. Our European allies are not the only ones talking with renewed interest in breaking out of the present no war, no peace stalemate. Some of the parties themselves are expressing a rekindled desire in some movement toward peace in the Middle East. Such sentiments were clearly visible during King Hussein's visit here 2 weeks ago. The Jordan monarch is now being followed here by Hafiz Ismail, Egyptian President Sadat's adviser on national security affairs, who will be in Washington the end of the week. And next week, Prime Minister Golda Meir of Israel will be a White House visitor.

The State Department, in particular, worked hard and long hours in 1971 to bring the parties together in some kind of a dialog. Its lack of success then should not be viewed as a failure of the whole American initiative but rather evidence that a temporary plateau in progress toward peace was reached.

I hope that the renewed interest of some of the parties in some American diplomatic moves—an interest exemplified by the visits of Middle East leaders to Washington—will encourage the State Department and the White House to proceed. Any diplomatic move will face obvious, and not minor, obstacles, given the stated positions of the parties. But no diplomatic moves now could mean that nothing of substance will be started and the Middle East could continue to simmer with the grave consequences that might accompany renewed hostilities.

If peace is to continue to elude the Middle East, it should not happen because of any deficiency of American will for, interest in, or commitment to a just and lasting peace.

COTTER MOVES TO ASSIST SYRIAN AND IRAQI JEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, today I am introducing legislation with a number of my colleagues to assist small Jewish populations in Iraq and Syria. According to recent reports, Jews in these nations are increasingly being subject to persecution. In the case of Iraq, it is reported that nine or 10 members of the most prominent Jewish family have been murdered.

The legislation I am introducing calls for President Nixon to use appropriate diplomatic channels to seek an end to this harassment and persecution. The legislation also directs the Attorney General to offer, in effect, free emigration visas to Iraqi and Syrian Jews who are fleeing persecution.

I am hopeful that this legislation will place the Syrian and Iraqi governments on notice that these crimes must stop and will direct the Nixon administration to a more constructive course of action in this area.

DOLLAR DEVALUATION—AGAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, the world was startled when President Nixon introduced his new economic policy in August 1971. It was a momentous event, because among other things, it made the devaluation of the dollar inevitable. In December that year, the Group of Ten met here in Washington to establish new monetary values. This amounted to a negotiation of exactly how much the devaluation would be. The resulting agreement, known as the Smithsonian Agreement, was called by the President the most important monetary agreement of all time. It was far from that—it was in fact only an aspirin tablet being administered to a patient in need of some serious surgery.

Then, last year, Congress gave its seal of approval to the dollar devaluation. We were told that this was just so much bookkeeping, and that all would soon be well.

Mr. Speaker, knowledgeable people knew that all was not well—though few had the courage to speak out. And dramatic evidence of how bad the situation was, even after that so-called historic Smithsonian Agreement, came when the United States unilaterally devalued the dollar by 10 percent on February 12.

Devaluation could not solve our trade and monetary woes, unless it was accompanied by reform in the whole international monetary system. Without such reform, devaluation was—and is—only a temporary solution to recurring monetary crises.

I hope that this time around, more of my colleagues will be willing to listen to the true facts, and they are simple: we have tried devaluation, and it has failed; we need monetary reform; and we ought not approve devaluation until we see solid evidence of the reform which is essential to solving the problem.

Let me remind you of my comments on this.

On December 17, 1971, as the Group of Ten gathered here in Washington to devalue the dollar for the first time since the Great Depression, I said:

> There is nothing in sight now that indicates anything like the action required to solve the fundamental difficulties of the world monetary system, is being taken today or even contemplated.

And I went on to say that if the conference resulted in a devaluation of the dollar, this might not be the best thing, for it would remove some of the pressure for the necessary reform. These were my exact words:

> Once currency realinement takes place there will be immense changes in the political climate, changes which will take the pressure off for fundamental reform.

But apparently not many people were listening. Nor were very many people interested in reading the fine print in the devaluation bill that the House approved the following March.

The committee on which I have the privilege to serve did not insist on any signs of progress toward reform, as a condition to approval of the devaluation bill. It chose to treat the whole thing as a mechanical thing, a bookkeeping transaction that was necessary to complete the deal that had been made at the Smithsonian meetings. But I could not support that view, and I cast the sole dissenting vote against the devaluation bill.

I said then that—

> The basic problems that brought us to grief last August are with us still. Our trade deficit is high and rising; our domestic economic performance is not good; and speculation against the dollar is persistent and rising in markets all over the world . . . we may soon be faced with yet another devaluation.

I felt so strongly about this that I filed a dissenting view to the committee report of the devaluation bill. It is pertinent enough to reproduce in whole here:

[From the CONGRESSIONAL RECORD, Mar. 13, 1972]

VIEWS OF HENRY B. GONZALEZ

I am opposed to this bill.

Every member of the House has received from the Treasury a letter explaining the gold bill. At the end of a very long explanatory statement, the Treasury warns us:

> "Changes in the monetary system alone will not solve problems of balance of payments adjustment . . . No international financial arrangement can achieve and maintain a satisfactory pattern of world payments . . . without effective domestic economic performance."

Therefore, in reviewing this bill, we are forewarned that unless this nation's economy recovers and performs up to some reasonable level, we can expect to have continued world economic instability, and we can expect continued assaults on the value of the dollar. Indeed, at the closing of the world monetary markets on March 9th, the dollar was under strong assault in Zurich, Frankfurt, Paris, Amsterdam, Tokyo, London and Madrid. In Amsterdam the dollar reached the lower limit that had been set just last December, and the central bank had to buy more than $300 million in U.S. currency to keep the dollar from plunging under the permissible floor. The Dutch government has had to impose controls to prevent further flooding of their country with speculative dollars. The Spanish central bank had to intervene also, and bought $14 million in dollars. In London, the price of gold, responding to the plunge of the dollar, went up to $48.45 an ounce—an increase of 32.5 cents in one day of trading. In Brussels, the dollar was at its lower limits.

These and similar grim events, including flat predications that the United States will be forced to devalue again, ought to be a clear warning to all of us that the dollar and the United States economy remain in very great trouble. The future of the dollar is very much uncertain, for there is no sign that our huge, unprecedented trade deficit is improving. During the last twelve months the United States registered a fall of better than $7 billion in our international balance on goods and services. There has been no great tide of dollars coming back to this country, as the Treasury predicted when the United States set out on its "new economic policy" last August 15th. If there were such a reflow, the Netherlands and Spain—and a host of other countries—would not be erecting barriers against the flood of dollars they are fighting against every day.

In addition to the sorry condition of our international payments, the domestic economy is not performing as had been predicted. No one at the Treasury talks much anymore about the half million new jobs that devaluation would create. Lowering the rate of unemployment to four per cent is now talked of as an impossible goal, because it is said the unemployment figures are misleading. I don't know who is being misled, but if anything the unemployment figures are understated. We are now told that an inflation rate of 2.5 per cent is a little too good to expect, and in fact the inflation rate is still running at better than four per cent. We are warned now not to expect a boom, because one was never promised. The rate of unemployment and the general uncertainty of affairs is reflected in a broad reluctance of the people to spend—Americans are salting their money away against hard times, because our citizens have no more confidence than the overseas speculators that the new economic policy is any more effective than the old, once glorified and now forgotten game plan.

The Committee received no satisfactory assurance that the economy is returning to good health. We should know from the warnings of the Treasury itself, and from the continued gyrations in the international monetary markets, that a second devaluation is very much a possibility unless the United States economy performs much better than it has during these last three years. There is little sign that any significant improvement has taken place or is even in the offing. Instead, previously set high goals and exuberant predictions are being fuzzed over, revised and generally washed out. Negotiations for improved trading arrangements with Canada have gotten nowhere. Things are promising with Japan, but not very. There has been no real progress at all in improving our trade arrangements with the European trading area. Nevertheless, the men from the Treasury assure us that all is well, that is, except for the "meaningless" continued speculation against the dollar and the pesky facts of economic reality.

In short, the basic problems that brought us to grief last August are with us still. Our trade deficit is high and rising; our domestic economic performance is not good; and speculation against the dollar is persistent and rising in markets all over the world. It may be too much to expect miracles, but it is not unreasonable for us to expect some solid evidence that the new economic policies are working.

After all, if our economy does not emerge from this slough of despond, we may soon be faced with yet another devaluation.

The test of this bill must be economic performance. We are told that the bill is a meaningless gesture. It is in fact a sort of surrender ceremony, demanded of us as the price of obtaining revaluation of world currencies against the dollar. It is a sort of humiliating gesture exacted by the French, who today are warning one and all that it is not enough, and that the United States can hardly expect such generous treatment in the future as we received last year.

The devaluation of the dollar assured, and this bill guarantees, substantial profits to those who speculated against the dollar last summer. Those same forces are gathering for a new assault, and we might as well recognize here and now that devaluation has brought us neither improvement, advantage nor stability.

We are nowhere near obtaining even a promise or a hint of progress in reforming the world monetary system. Trade reforms have not taken place. Progress has not been made either at home or abroad. The Conditions that created instability, and which brought the dollar to grief, are essentially unchanged.

It may be the opinion of the Treasury that this bill is meaningless. We are assured that is the case. If that is so, then we have no need of enacting it.

Finally, if the bill really does have meaning and significance, we would do well to heed the well hidden warning of the Treasury, and demand proofs of progress before we enact this legislation, lest we be confronted with a similar bill later this year or early next. There is absolutely no assurance that this is the final word in the devaluation game—and we have much reason to fear that another devaluation is on its way.

Well, here we are, with devaluation again an accomplished fact.

Once again, we will be told that a devaluation bill is just a little change of numbers in the books.

I think it is time we learned our lesson. We ought to insist on some progress toward monetary reform, before we approve the legislation to complete this latest devaluation. We ought to insist that the Treasury level with us on what progress has been made or not been made, since the first devaluation. I think we will find that no progress at all has been made.

I think that we ought to recognize that devaluation is expensive. It cost us a billion dollars the last time around, to balance up all the books. It will cost more this time. A great many of my colleagues were surprised to learn about this little facet of devaluations. Now, of course we will be told that the money we will appropriate to cover the necessary adjustments is not really being taken out of the taxpayer's pockets—it is just taking the profit created by devaluation and applying it against some debts that the action created. It is nothing to worry about, just a little quick shuffle. But too many of my colleagues were not aware of the shuffle the last time around. They ought to be more aware this time.

And I think that we should be aware of the real difficulties that we are going to have in adjusting our trade balance.

We have to recognize just how much our Government is spending abroad, and how much multinational corporations are spending abroad, and how this affects the balance of our international accounts. We ought to recognize how tough it is to control these capital flows. I wish that more members could appreciate how fast money moves—how $6 billion went into Germany alone in a matter of days, all the funds of speculators moving in for the kill.

We ought to recognize how little progress has been made toward controlling inflation and getting our own economy moving—for despite the monthly figures that are always so "encouraging," the inflationary charts are still going up—the food wholesale price index has just gone up by the biggest amount in 25 years—and at the same time the unemployment rate remains too high. We still have a hangover from that wonderful inflationary recession presented us by the first economic game plan. Must we forget so soon?

Devaluation was no miracle. We have plenty of reason to know that now.

And we know that phase I, II and now phase III, were no miracles, either, any more than the old "game plan."

Knowing all that, and having been burned twice, we ought to act a little more carefully this time when we revisit the devaluation of the dollar.

INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MORGAN) is recognized for 5 minutes.

Mr. MORGAN. Mr. Speaker, draft legislation to implement the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage was sent to the House by the Acting Assistant Secretary for Congressional Relations on January 31, 1973, and referred to the Committee on Foreign Affairs.

This bill was introduced late in the session last year and I am reintroducing it in this Congress.

Under leave to extend my remarks, I wish to place at this point in the RECORD the letter from the President to the Speaker, as well as the text of the bill:

DEPARTMENT OF STATE,
Washington, D.C., January 31, 1973.

Hon. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: There is transmitted herewith a draft of a proposed act,

"To implement the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage."

This act was first transmitted to the Congress on September 8, 1972. The proposed act would incorporate in domestic law, provisions embodied in the two Conventions establishing a regime for prevention of and compensation for oil pollution damage from tankers. The International Convention on Civil Liability for Oil Pollution Damage, which was negotiated in 1969 at a conference convened by the Inter-Governmental Maritime Consultative Organization (IMCO), has been favorably reported to the Senate by the Senate Foreign Relations Committee. Action by the Senate is pending. The International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, also an IMCO Convention, has been transmitted to the Senate for advice and consent. The submission of draft legislation at this time is in accord with Executive Branch intention of seeking legislative implementation at the earliest possible time.

Title I of the proposed act implements provisions of the Civil Liability Convention making a tanker owner strictly liable to governments and private persons for oil pollution damage in the territory, including the territorial sea, of the United States or any other country party to the Civil Liability Convention, and for preventive measures, wherever taken, in respect of such damage. An owner may limit his liability to the lesser of $144* per ton or $15,120,000* by constituting appropriate court. The act also requires that the owner of a vessel capable of or actually carrying more than 2,000 tons of oil in bulk as cargo carry insurance or another guarantee of financial security in the amount of the limit which may be applied to his liability.

Title II of the act implements the provisions of the Compensation Fund Convention making the Compensation Fund (an international entity) strictly liable up to $32,400,000 per incident for oil pollution damage insofar as that amount exceeds applicable limits in the Civil Liability Convention and for the entire amount in respect of certain incidents of damage where the owner may avail himself of a defense under that Convention. The Compensation Fund will be financed by contributions levied on receivers of oil importing more than 150,000 tons of contributing oil on the basis of a fixed sum per ton of oil, set on the basis of need from time to time.

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*Throughout this letter and the attached sectional analysis, dollar figures are expressed in terms of U.S. dollar taking account of P.L. 92-268, the Par Value Modification Act. The messages from the President transmitting the Conventions to the Senate (Exec. G, 91st Cong., 2d Sess., May 20, 1970; Exec. K, 91st Cong., 2d Sess., May 5, 1972) have expressed dollar figures in terms of 1970 U.S. dollars. The Conventions and the act themselves provide that the limit is the national currency equivalent of specified amounts of Poincare francs.

Title II also implements the provisions of the Compensation Fund Convention which provides for the indemnification by the Fund of a portion of the liability of the owner or his guarantor under the Liability Convention. The amount which may be indemnified is that portion of liability which exceeds $108 per ton or $9,000,000, whichever is the less, and which does not exceed $144 per ton or $15,120,000, whichever is the less. The obligation to indemnify is subject to defeat if the incident causing the pollution damage arose from the willful misconduct of the owner or, to the proportionate extent the incident, through the actual fault or privity of the owner, was caused by the ship's failure at the time of the incident to comply with the provisions of named IMCO Conventions which operate to have a pollution prevention effect.

Title III of the act gathers the provisions of law required by both Conventions regarding subrogation and apportionment of claims where applicable liability limits may be exceeded. It also includes a provision (Section 302(b)) empowering a District Court of the United States to adopt a plan for prompt and equitable distribution of monies in such cases.

The provisions of the act are explained in greater detail in the attached sectional analysis. The act would supersede that part of the Federal Water Pollution Control Act as amended relating to money damages for oil pollution and financial security, but only insofar as a given oil pollution incident is within the scope of the Conventions. No express language of supersession has been provided, however, pending review of recent changes to that Act.

Prompt consideration and early enactment of this legislation are respectfully urged.

The Office of Management and Budget has advised that the enactment of this legislation is consistent with the objectives of the Administration.

Sincerely,

MARSHALL WRIGHT,
Acting Assistant Secretary for Congressional Relations.

H.R. —

An act to implement the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Oil Pollution Compensation Act of 1972."

"TITLE I—INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE

"SEC. 101. For the purposes of this Title, the term—

"(a) 'Ship' means any sea-going vessel and any seaborne craft of any type whatsoever, actually carrying oil in bulk as cargo.

"(b) 'Person' means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency, or instrumentality, any State, or any political subdivision of, or any political entity within a State, any foreign government or country, or any political subdivision of any such government or country, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing.

"(c) 'Owner' means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship. However in the case of a ship owned by a country and operated by a company which in that country is registered as the ship's operator, 'owner' shall mean such company.

"(d) 'State of the ship's registry' and other references to registration of a ship in a State mean in relation to registered ships the country of registration of the ship, and in relation to unregistered ships the country whose flag the ship is flying. Registration of a ship in the United States includes the licensing or enrollment of a ship.

"(e) 'Oil' means any persistent oil, such as crude oil, fuel oil, heavy diesel oil, lubricating oil and whale oil, whether carried on board a ship as cargo or in the bunkers of such a ship.

"(f) 'Pollution damage' means loss or damage caused outside the ship carrying oil by contamination resulting from the escape or discharge of oil from the ship, wherever such escape or discharge may occur, and includes the costs of preventive measures (including the actual cost of removal of the oil) and further loss or damage caused by preventive measures. In the preceding sentence, 'contamination' includes, but is not limited to, contamination which is the escape or discharge of any quantity of oil, at such times and locations or under such circumstances and conditions, as are determined, pursuant to paragraph (3) of Sec. 11(b) of the Federal Water Pollution Control Act, as amended, to be harmful to the public health or welfare of the United States.

"(g) 'Preventive measures' means any reasonable measures taken by any person after an incident has occurred to prevent or minimize pollution damage.

"(h) 'Incident' means any occurrence, or series of occurrences having the same origin, which causes pollution damage.

"(i) 'Liability Convention' means the International Convention on Civil Liability for Oil Pollution Damage, 1969.

"(j) 'Escape' or 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"(k) 'United States,' when used in a geographic sense, means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and all other territories or possessions of the United States.

"(l) 'Franc' means a unit consisting of sixty-five and a half milligrams of gold of millesimal fineness nine hundred.

"(m) 'Ton' means 2240 pounds.

"(n) 'Guarantor' means any person providing insurance or other financial security pursuant to the provisions of Section 103 of this Title or of Article VII, paragraph 1 of the Liability Convention.

"(o) 'Ship's tonnage' means the net tonnage of the ship with the addition of the amount deducted from the gross tonnage on account of engine room space for the purpose of ascertaining the net tonnage. In the case of a ship which cannot be measured in accordance with the normal rules of tonnage measurement, the ship's tonnage shall be deemed to be 40% of the weight in tons of oil which the ship is capable of carrying.

"(p) 'District Court of the United States' includes the courts enumerated in Title 28, Section 460, United States Code.

"SEC. 102. (a) Except as provided in subsections (b) and (c) of this section, the owner of a ship at the time of the incident, or where the incident consists of a series of occurrences, at the time of the first such occurrence, shall be liable for any pollution damage caused as a result of the incident.

"(b) The owner shall not be liable for pollution damage if he proves that the damage

(1) resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character, or

(2) was wholly caused by an act or omission done with intent to cause damage by a third party, or

(3) was wholly caused by the negligence or wrongful act of any government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function.

"(c) If the owner proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage or from negligence of that person, the owner may be exonerated to the same extent from his liability to such person.

"(d) This section applies exclusively to pollution damage (other than preventive measures) caused on the territory, including the territorial sea, of the United States or of any foreign country which is party to the Liability Convention, and to preventive measures, wherever taken, to prevent or minimize such damage.

"(e) Nothing in this Act shall prejudice any right of recourse of the owner against third parties.

"(f) When oil has escaped or has been discharged from two or more ships, and pollution damage results therefrom, the owners of all the ships concerned, unless exonerated under subsection (b), and, to the extent not exonerated under subsection (c), shall be jointly and severally liable for all such damage which is not reasonably separable.

"(g) (1) Subject to paragraph (2) of this subsection, the owner of a ship shall be entitled to limit his liability under this Act in respect of any one incident to an aggregate amount equal to the dollar equivalent of 2,000 francs for each ton of the ship's tonnage; provided that the aggregate amount of an owner's liability in respect of any one incident shall not exceed the dollar equivalent of 210 million francs. The dollar equivalent of a franc shall in any action brought pursuant to this Title be calculated as of the date the fund referred to in paragraph (3) of this subsection is constituted.

(2) If the incident occurred as a result of the actual fault or privity of the owner, he shall not be entitled to avail himself of the limitation provided in paragraph (1) of this subsection.

(3) For the purpose of availing himself of the benefit of limitation provided for in paragraph (1) of this subsection the owner shall constitute a fund in an amount equal to the limit of his liability under this Title in a Court in which an action is brought under subsection 104(b) of this Title, or the owner shall constitute a fund in such amount in accordance with Article V of the Liability Convention in any court of a foreign country having jurisdiction as provided in Article IX of the Liability Convention in which an action under that Convention is brought or with another competent authority of such a country. A fund constituted in the United States may be constituted either by depositing the sum or producing a bank guarantee or other guarantee considered to be adequate by the Court.

(4) A guarantor shall be entitled to constitute a fund in accordance with this subsection on the same conditions and having the same effect as if it were constituted by the owner. Such a fund may be constituted even in the event of actual fault or privity of the owner but its constitution shall in that case not prejudice the rights of any claimant against the owner.

"(h) (1) Where the owner, after an incident, has constituted a fund in accordance with subsection (g) of this section and is entitled to limit his liability,

(A) no person having a claim for pollution damage arising out of that incident shall be entitled to exercise any right against any other assets of the owner in respect of such claim;

(B) a District Court of the United States shall order the release of any ship or other property belonging to the owner which has been arrested in respect of a claim for pollution damage arising out of that incident, and shall similarly release any bail or other security furnished to avoid arrest.

(2) Paragraph (1) of this subsection shall apply only if the claimant has access to the Court administering the fund and the fund is actually available in respect of his claim.

"(i) Any claim for compensation for pollution damage may be brought directly against the guarantor of the owner's liability for pollution damage. In such case, the defendant may, irrespective of the actual fault or privity of the owner, avail himself of the limits of liability prescribed in subsection (g)(1) of this section. He may further avail himself of the defenses (other than the bankruptcy or winding up of the owner) which the owner himself would have been entitled to invoke. Furthermore, the defendant may avail himself of the defense that the pollution damage resulted from the willful misconduct of the owner himself, but the defendant shall not avail himself of any other defense which he might have been entitled to invoke in proceedings brought by the owner against him. The defendant shall in any event have the right to require the owner to be joined in the action.

"SEC. 103. (a) The owner of a ship registered in the United States which is capable of carrying more than 2,000 tons of oil in bulk as cargo shall maintain insurance or other financial security in the sums fixed by applying the limits of liability prescribed in subsection (g)(1) of Section 102 of this Title. Any sums provided by insurance or by other financial security maintained in accordance with the preceding sentence shall be available exclusively for the satisfaction of claims under this Title.

"(b) After determining that insurance or other financial security in the sums fixed by applying the limits of subsection (g)(1) of Section 102 has been obtained, the President shall issue a certificate to each ship registered in the United States which is capable of carrying more than 2,000 tons of oil in bulk as cargo attesting that such insurance or other financial security has been obtained. After making such a determination, the President may also issue a certificate to a ship capable of carrying more than 2,000 tons of oil in bulk as cargo which is registered in a State not party to the Liability Convention. The certificate shall be in the form annexed to the Liability Convention and shall contain:

(1) name of the ship and port of registration;

(2) name and principal place of business of owner;

(3) type of security;

(4) name and principal place of business of insurer or other person giving security, and where appropriate, place of business where the insurance or security is established;

(5) period of validity of certificate which shall not be longer than the period of validity of the insurance or other security.

"(c) The certificates shall be carried on board all ships to which the certificates are issued and a copy shall be retained by the President.

"(d) No certificate shall be issued if the insurance or other financial security can cease, for reasons other than the expiration of the period of validity of the insurance or security specified in the certificate, before three months have elapsed from the date on which notice of its termination is given to the President. The President shall determine such othe requirements related to the financial capability of the owner's guarantor as may be desirable to carry out the purposes of this Act for the issuance of the certificate or the termination of its validity.

"(e) Certificates issued or certified under the authority of another State party to the Convention shall have the same force as certificates issued pursuant to this subsection. The Secretary of State shall request consultation with the State of a ship's registry if the President seeks to determine whether the guarantor named in the ship's certificate is financially capable for the purposes of this Act. If the President determines that such guarantor is not financially capable for the purposes of this Act, he may take such lawful action as he deems appropriate, including but not limited to the barring of the ship from any or all ports of the United States.

"(f) No ship registered in the United States to which this section applies shall engage in trade unless a certificate has been issued pursuant to this section.

"(g) No ship registered in the United States which is capable of carrying more than 2,000 tons of oil in bulk as cargo, and no other ship, wherever registered, actually carrying more than 2,000 tons of oil in bulk as cargo, shall enter or leave a port in the United States, or be permitted to arrive at or leave an offshore terminal in the territorial waters of the United States unless the ship has on board a valid certificate issued by the United States or a foreign country party to the Convention. Any ship required by the preceding sentence to have such a valid certificate on board which enters the territorial waters or the contiguous zone of the United States en route to a port or terminal installation (as defined in subsection 201(e) of Title II) in the United States, and which fails to have such valid certificate on board, shall for each such failure be liable for a civil penalty of not more than 10,000 dollars. The President may assess and compromise such penalty. No penalty shall be assessed until notice and an opportunity for hearing on the charge has been given. In determining the amount of the penalty or the amount agreed upon in compromise, the demonstrated good faith of the owner shall be considered by the President.

"(h) Any ship owned by the United States or any foreign country which carries a certificate issued by the President, or, if a ship owned by a foreign country, by the country owning the ship, stating the ownership of the ship and that the ship's liability is covered to the limit prescribed by subsection (g) (1) of Section 102 shall be deemed to have complied with the foregoing requirements of this section. The certificate shall resemble as closely as possible the model described in subsection (b) of this section.

"(i) The President is authorized to delegate the administration of this section, including the powers to make determinations and to make and revise regulations, and to redelegate such powers, to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate.

"SEC. 104. (a) Rights of compensation under this Title shall be extinguished unless an action is brought thereunder within three years from the date when the damage occurred. However, in no case shall an action be brought later than six years from the date of the incident which caused the damage. Where the incident consists of a series of occurrences, the six years' period shall run from the date of the first occurrence.

"(b)(1) Subject to paragraph 2 of this subsection, the several District Courts of the United States shall have jurisdiction over any actions arising under this Act if the action is brought in respect of an incident which has caused all or part of the pollution damage (other than preventive measures) on the territory, including the territorial sea, of the United States or in respect of preventive measures, wherever taken, to prevent or minimize such damage.

(2) Actions authorized under the above subsection may be brought in any judicial district in which one of the plaintiffs or one of the defendants resides or in which pollution damage, including preventive measures taken to prevent or minimize such damage, has occurred or could reasonably be expected to have occurred if such preventive measures had not been taken. For the purpose of this Act, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii and the Trust Territory of the Pacific Islands shall be included within the judicial districts of both the District Court of the United States for the District of Hawaii and the District Court of Guam.

(3) If the fund referred to in subsection (g)(3) of Section 102 has been constituted in a District Court of the United States or in a competent court of a foreign country party to the Liability Convention, that court shall have exclusive jurisdiction regarding all matters relating to the apportionment and distribution of the fund.

"(c) Subject to the provisions of Section 302 of Title III of this Act, any judgment given by a foreign court with jurisdiction in accordance with Article IX of the Liability Convention which is enforceable in the country of origin and which is no longer subject to ordinary forms of review therein, shall be enforceable in the courts of the United States except:

(1) where the judgment was obtained by fraud; or

(2) where the defendant was not given reasonable notice and a fair opportunity to present his case.

"(d)(1) The provisions of this Title shall not apply to warships or other ships owned or operated by a country and used, for the time being, only on Government non-commercial service.

(2) With respect to ships owned by the United States and used for commercial purposes, the United States, in actions brought against it in the United States and in other jurisdictions identified in Article IX of the Liability Convention waives all defenses based on its status as a sovereign state.

"TITLE II—INTERNATIONAL CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR COMPENSATION FOR OIL POLLUTION DAMAGE

"SEC. 201. For the purposes of this Title, the term—

"(a) 'Convention' means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971.

"(b) 'The Fund' means 'International Oil Pollution Fund' established by the Convention.

"(c) 'Liability Convention,' 'ship,' 'State of the ship's registry' and other references to registration of a ship in a State, 'person,' 'owner,' 'oil,' 'pollution damage,' 'preventive measures,' 'incident,' 'franc,' 'ship's tonnage,' 'escape,' 'discharge,' 'United States' when used in a geographic sense, 'ton,' 'guarantor,' and 'District Court of the United States' have the same meaning as in Title I of this Act, except that (1) 'oil' shall be confined to persistent hydrocarbon mineral oils for the purposes of this Title, and (2) 'ton' in relation to oil means a metric ton.

"(d) 'Contributing oil' means crude oil and fuel oil as defined in subparagraphs (1) and (2) below:

(1) 'Crude oil' means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation, and includes crude oils from which certain distillate fractions have been removed ('topped crudes')

and to which certain distillate fractions have been added ('spiked' or 'reconstituted' crudes).

(2) 'Fuel oil' means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to 'American Society for Testing Materials Specification for Number Four Fuel Oil' (Designation D 396–69) or heavier.

"(e) 'Terminal installation' means any site for the storage of oil in bulk which is capable of receiving oil from waterborne transportation, including any facility situated off-shore and linked to such site.

"SEC. 202. (a) Contributions to the Fund shall be made by any person who has received, in total quantities exceeding 150,000 tons in the calendar year preceding the year in which his contribution is calculated,

(1) in the ports or terminal installations in the territory of the United States, contributing oil carried by sea to such ports or terminal installations;

(2) in any installations situated in the territory of the United States, contributing oil which has been carried by sea and discharged in a port or terminal installation of a country not party to the Convention, provided that contribution in respect of contributing oil so carried and discharged shall be made only by the first receiver in the United States.

"(b) Any person

(1) who is a subsidiary of or an entity commonly controlled by a person or related group of persons required under subsection (a) of this section to make contributions to the Fund and who receives contributing oil as provided in subsection (a) of this section in any amount in the same calendar year as such person or related group of persons, or

(2) who is one of two or more subsidiaries of or entities commonly controlled by a person or related group of persons and such subsidiaries or entities receive, as provided in subsection (a) of this section an amount of contributing oil exceeding 150,000 tons in the aggregate in the same calendar year,

shall also make contributions to the Fund. The President shall by regulation determine which persons shall be deemed to be subsidiaries, commonly controlled entities and related groups of persons for the purposes of this subsection.

"(c) Any person required by subsection (a) or (b) of this section to contribute to the Fund shall, upon notification by the Director of the Fund, be liable to pay the Fund the amount of his initial and annual contribution calculated pursuant to Article 11 and Article 12 of the Convention, as specified by the Director. Such person shall pay the Fund such portion thereof in cash as may from time to time be requested by the Director, and shall give such security for the remaining portions thereof, including amounts in arrears, as the Director may require pursuant to regulations of the Fund. Such person shall be liable to pay interest to the Fund in respect of amounts in arrears at a rate determined by the Fund.

"(d) Any person liable to contribute to the Fund and who fails to make a payment or to provide security to the Fund as required by the preceding subsection within three months from the date such payment is due or the provision of security is required, shall for each such failure be liable for a civil penalty of not more than 5,000 dollars. The President may assess and compromise such penalty. No penalty shall be assessed until the person has been given notice and an opportunity for a hearing on such charges. In determining the amount of such penalty or the amount agreed upon in compromise, the demonstrated good faith of the persons and the amount of the contribution due shall be considered by the President.

"(e) (1) Subject to paragraph (2) of this subsection, any person liable to contribute to the Fund and who fails to make a payment or to provide security to the Fund as required by subsection (c) of this section shall be liable in an action brought in the several District Courts of the United States by the Director of the Fund for the amount due or to provide such other relief as the court may determine is appropriate.

(2) Upon a determination of the President that a person to which the judicial power of the United States does not extend in the circumstances set forth in Amendment XI to the Constitution of the United States is liable to contribute an amount to the Fund, and that such person has failed to make payment of that amount or any part thereof for more than three months from the date the payment was due, the President shall take such measures as he deems appropriate to collect such unpaid amount and any interest (as provided in subsection (c) of this section) on behalf of the Fund, including the prosecution of an action therefor against such person in a court of the United States. Upon receipt of the sums collected, the President shall forthwith pay such sums to the Fund.

"(f) The Fund shall have capacity under the laws of the United States to contract, to acquire and dispose of real and personal property, and to institute and be party to legal proceedings. The Director of the Fund shall be the legal representative of the Fund. The Director shall be deemed irrevocably to have appointed the Secretary of State his agent for service of process in any action against the Fund in any court of the United States.

"(g) The President shall communicate to the Director of the Fund the name and address of any person who is liable to contribute to the Fund under subsection (b) of this section and data regarding the relevant quantities of contributing oil received by such person during the preceding calendar year. The President may require any person who may be liable to contribute to the Fund to furnish such information as he may from time to time deem appropriate for purposes of the preceding sentence. Communications by the President to the Director shall, in any civil action or administrative proceeding arising out of alleged failure to contribute or provide security to the Fund as required herein, be prima facie evidence of the facts stated therein.

"(h) The President is authorized to delegate the administration of this section, including the powers to make determinations, and to make and revise regulations, and to redelegate such powers, to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate.

"SEC. 203. Sections 204 and 205 of this Title respectively apply exclusively to pollution damage (other than preventive measures) caused on the territory, including the territorial sea, of the United States and any foreign country which is party to the Convention and to preventive measures, wherever taken to prevent or minimize such damage, and, with regard to indemnification of owners and guarantors, to pollution damage (other than preventive measures) caused on the territory, including the territorial sea, of the United States and any foreign country party to the Liability Convention by a ship registered in a State party to the Convention, and to preventive measures, wherever taken, to prevent or minimize such damage.

"SEC. 204. (a) Any person suffering pollution damage arising out of an incident occurring more than one hundred and twenty days after the entry into force of the Convention shall be entitled to compensation from the fund if that person has been unable to obtain full and adequate compensation for the damage under the terms of Title I or the Liability Convention either

(1) because no liability for the damage arises under Title I or the Liability Convention; or

(2) because the owner liable for the damage under Title I or the Liability Convention is financially incapable of meeting his obligations in full and any financial security that may be provided under section 103 of Title I or Article VII of the Liability Convention does not cover or is insufficient to satisfy the claims for compensation for the damage, provided that an owner shall be deemed to be financially incapable of meeting his obligations and financial security shall be deemed to be insufficient if the person suffering damage has been unable to obtain full satisfaction of the amount due him under Title I or the Liability Convention after having taken all reasonable steps to pursue the legal remedies available to him; or

(3) because the damages exceed the owner's liability under the Liability Convention as limited pursuant to subsection 102(g) of Title I or Article V, paragraph 1 of the Liability Convention or under the terms of any other international convention in force or open for signature, ratification or accession on December 18, 1971.

Expenses reasonably incurred or sacrifices reasonably made by the owner voluntarily for preventive measures shall be treated as pollution damage for purposes of this section.

"(b) The Fund shall incur no obligation under the preceding subsection if:

(1) it proves that the pollution damage resulted from an act of war, hostilities, civil war or insurrection or was caused by oil which has escaped or been discharged from a warship or other ship owned or operated by the United States or a foreign country and used at the time of the incident only on government non-commercial service; or

(2) the claimant cannot prove that the damage resulted from an incident involving one or more ships.

"(c) If the Fund proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered damage or from the negligence of that person, the Fund may be exonerated to the same extent from its obligation to pay compensation to such person. The Fund shall in any event be exonerated to the extent that the owner may have been exonerated under subsection 102(c) of Title I or Article III, paragraph 3 of the Liability Convention. Notwithstanding any other provision of this Act, the Fund shall not to any extent be exonerated with regard to pollution damage resulting from the taking of preventive measures compensable under subsection (a) of this section.

"(d) The aggregate amount of compensation payable by the Fund under this Act shall in respect of any one incident be limited, so that the total sum of that amount and the amount of compensation actually paid under Title I or the Liability Convention for pollution damage, including any sums in respect of which the Fund is under an obligation to indemnify the owner pursuant to Section 205 of this Title shall not exceed the dollar equivalent of 450 million francs; provided, however, that if the Fund shall decide to change the figure 450 million francs, such total sum shall, with respect to incidents occurring after the date of such change, in no case exceed the dollar equivalent of the amount decided on by the Fund, and *further provided,* That all pollution damage resulting from a single natural phenomenon of an exceptional, inevitable, and irresistible character in every case shall be deemed to have arisen out of a single incident.

"SEC. 205. (a) An owner or his guarantor shall be entitled to reimbursement from the Fund, for that portion of the aggregate amount of liability for pollution damage under Title I or the Liability Convention arising out of an incident occurring more than one hundred and twenty days after the entry into force of the Convention which:

(1) is in excess of an amount equal to the dollar equivalent of 1500 francs for each ton of the ship's tonnage or of an amount equal to the dollar equivalent of 125 million francs, whichever is less; and,

(2) is not in excess of an amount equal to the dollar equivalent of 2,000 francs for each ton of the ship's tonnage or an amount equal to the dollar equivalent of 210 million francs, whichever is the less;

provided, however, That the Fund shall incur no obligation under this paragraph where the pollution damage resulted from the willful misconduct of the owner himself.

"(b) If the Fund proves that

(1) as a result of the actual fault or privity of the owner, the ship from which the oil causing pollution damage (including preventive measures) escaped or was discharged did not comply with the requirements laid down in (A) the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended in 1962; or (B) the International Convention for the Safety of Life at Sea, 1960; or (C) the International Convention on Load Lines, 1966; or (D) the International Regulations for Preventing Collisions at Sea, 1960; or any amendment which has been determined to be of an important nature under Article XVI(5) of the Convention mentioned in (A), under Article IX(e) of the Convention mentioned in (B) or under Article 29(3)(d) or (4)(d) of the Convention mentioned in (C); provided, however, that any such amendment has been in force for at least twelve months at the time of the incident; and,

(2) the incident or damage was wholly or partially caused by such non-compliance;

the Fund shall, to the same extent, be exonerated from its obligations under the preceding subsection, without regard to whether the ship was bound by the law of the State of the ship's registry to comply with such requirements.

"(c) If the Fund decides that a new convention shall replace an instrument or a part thereof for the purpose of paragraph 3 of Article 5 of the Convention, the ship shall on the effective date of such replacement be required to comply with the requirements of the new convention for the purposes of the preceding subsection; provided, however, that any ship registered at the time of an incident in any State party to the Convention (including the United States) which is not a party to the new convention and which has declared to the Director of the Fund that it does not accept such replacement and has not terminated such declaration shall be required for the purposes of the preceding subsection to comply only with the requirements referred to in that subsection until such declaration is withdrawn or the State becomes party to the new convention.

"(d) Any ship complying with the requirements in an amendment to an instrument specified in subsection (b) or with the requirements in a new convention, where the amendment or the convention is designed to replace in whole or in part such instrument, shall be considered as complying with the requirements of subsection (b).

"(e) If the Fund shall have assumed the obligations of a guarantor of part of an owner's liability, the owner shall, upon proof of such assumption, be deemed to have complied with Section 103 of Title I of this Act and Article VII of the Liability Convention with respect to that part of his liability. Where the Fund acting as a guarantor, has paid compensation for pollution damage in accordance with Title I of this Act or the Liability Convention, it shall have a right of recovery from the owner to the extent that the Fund would have been exonerated pursuant to subsection (b) of this section from its obligations under subsection (a) of this section to indemnify the owner or his guarantor.

"(f) Expenses reasonably incurred and sacrifices reasonably made by the owner voluntarily to prevent or minimize pollution damage shall be treated as included in the owner's liability for the purposes of this Section.

"SEC. 206. (a) The several District Courts of the United States shall have jurisdiction over actions against the Fund for compensation or indemnification under Sections 204 or 205 of this Title. Such actions may be brought no sooner than 240 days after entry into force of the Convention and shall be brought only before a court competent under Section 104(b) of Title I of this Act.

"(b) Subject to the provisions for consolidation of the Federal Rules of Civil Procedure, where an action for compensation for pollution damage has been brought before a District Court of the United States or a court of another country competent under Article IX of the Liability Convention, against the owner or his guarantor, such court or courts shall have exclusive jurisdiction over actions against the Fund for compensation or indemnification under Section 204 or 205 of this Title in respect of pollution damage arising out of the same incident and involving the same defendant or his guarantor. However, where an action for compensation for pollution damage under the Liability Convention has been brought before a court of a country party to the Liability Convention but not to the Convention, any action against the Fund for such compensation or indemnification may be brought before any District Court of the United States having jurisdiction under Section 104(b) of Title I.

"(c) The Fund may intervene of right as a party in any legal proceedings instituted against an owner or his guarantor under Title I of this Act.

"(d) Subject to subsection (e) of this section, the Fund shall not be bound by any judgment or decision in proceedings to which it has not been a party or by any settlement to which it is not a party.

"(e) Where an action under Title I for compensation for pollution damage has been brought against an owner or his guarantor in a District Court of the United States, each party to the proceedings shall be entitled to notify the Fund of the proceedings. Where such notification has been timely made and in accordance with the practice of the Federal Courts, any judgment rendered by the court in such proceedings shall, after it has become final and enforceable in the United States, become binding upon the Fund in the sense that the facts and findings in that judgment may not be disputed by the Fund even if the Fund has not actually intervened in the proceedings.

"(f) Rights to compensation under Section 204 of this Title or to indemnification under Section 205 of this Title shall be extinguished unless an action is brought thereunder or notification has been made pursuant to the preceding subsection within three years from the date when the pollution damage occurred, provided that no action shall be brought more than six years after the date of the incident which caused the pollution damage.

"(g) Notwithstanding the provisions of the preceding subsection, the right of an owner or guarantor to seek indemnification from the Fund pursuant to Section 205(a) shall in no case be extinguished sooner than six months from the date the owner or his guarantor acquired knowledge of the commencement of an action against him under Title I of this Act or under the Liability Convention.

"(h) Subject to the provisions of Section 302 of Title III of this Act, any judgment given against the Fund by a court having jurisdiction as provided in Article 7, paragraphs (1) or (3) of the Convention shall, when it is enforceable in the country of origin, and which is no longer subject to ordinary forms of review therein, be enforceable in the courts of the United States except on the same conditions as are prescribed in Section 104 of Title I.

"SEC. 207. The Fund, its assets and income, including contributions, shall be exempt from all direct taxation in the United States.

TITLE III—APPORTIONMENT OF CLAIMS AND SUBROGATION; EXCLUSIVE REMEDY; EFFECTIVE DATE

"SEC. 301. For the purposes of this Title, the term—

"(a) 'Owner's fund' means a fund constituted as provided in Section 102 of Title I of this Act.

"(b) 'Compensation Fund' means the Fund as defined in Section 201 of Title II of this Act.

"(c) 'Owner,' 'guarantor,' 'person,' 'pollution damage,' 'preventive measures,' 'Liability Convention,' and 'District Court of the United States' have the same meaning as in Title I of this Act.

"(d) 'Convention' has the same meaning as in Title II of this Act.

"SEC. 302. (a) Subject to Section 303 of this Title—

(1) An owner's fund shall be distributed among the claimants in proportion to their established claims. Claims in respect of preventive measures taken by the owner shall rank equally with other claims against the owner's fund.

(2) Where the aggregate amount of damage arising out of any one incident exceeds the amount referred to in Section 204(d) of Title II of this Act, the amount available thereunder for compensation of such damage under this Act shall be distributed in such a manner that the proportion between any established claim and the amount of compensation actually recovered by the claimant under the Liability Convention and this Act shall be the same for all claimants.

"(b) On the petition of any claimant, owner, guarantor, the Compensation Fund, or any other interested person, any District Court of the United States in which an owner's fund is constituted pursuant to Section 102 of Title I of this Act or if no fund is constituted, any District Court having jurisdiction of an action against the Compensation Fund may determine that liability arising from an incident may exceed the limit of liability under this Act. Whenever such determination is made:

(1) Total payments made by or for all claimants as a result of such incident shall not exceed 20 per centum of such limit of liability without the prior approval of the court;

(2) The court shall not authorize payments in excess of 20 per centum of such limit of liability unless the court determines that such payments are or will be in accordance with a plan of distribution which has been approved by the court or such payments are not likely to prejudice the subsequent adoption and implementation by the court of a plan of distribution pursuant to subsection (a) of this Section; and

(3) Any other interested person may submit to such District Court a plan for the disposition of pending claims and for the distribution of remaining moneys available. Such a plan shall include an allocation of appropriate amounts for claims which may not be made until a later time. Such court shall have all power necessary to approve, disapprove, or modify plans proposed, or to adopt another plan; and to determine the

proportionate share of moneys available for each claimant. Any person compensated or indemnified shall be entitled to such orders as may be appropriate to implement and enforce the provisions of this subsection, including orders limiting the liability of the persons indemnified, orders approving or modifying the plan, orders staying the payment of claims and the execution of court judgments, orders apportioning the payments to be made to claimants, and orders permitting partial payments to be made before final determination of the total claims. The orders of such court shall be effective throughout the United States.

"Sec. 303. (a) If, before an owner's fund is distributed, the owner, any of his servants or agents, the owner's guarantor, or the Compensation Fund has as a result of the incident in question, paid compensation for pollution damage, such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Act.

"(b) The right of subrogation provided for in subsection (a) of this section may also be exercised by a person other than those mentioned therein in respect of any amount of compensation for pollution damage which he may have paid but only to the extent that such subrogation is otherwise permitted under law.

"(c) Subject to the provisions of Section 205 of Title II, the Compensation Fund shall, in respect of any amount of compensation for pollution damage paid by the Compensation Fund in accordance with Section 204 of Title II, acquire by subrogation the rights that the person so compensated may enjoy under Title I or the Liability Convention against the owner liable for the damage or his guarantor.

"(d) Nothing in this Act shall prejudice any right of recourse or subrogation of the Compensation Fund against persons other than those referred to in the preceding subsection. In any event the right of the Compensation Fund to subrogation to the rights of persons referred to in the preceding paragraph shall be no less favorable than that of an insurer of a person to whom compensation or indemnification has been paid.

"(e) Without prejudice to any other rights of subrogation or recourse against the Compensation Fund which may exist, the United States or any foreign country party to the Convention, or any agency thereof, shall acquire by subrogation the rights which a person it has compensated for pollution damage in accordance with the provisions of national law would have enjoyed under the Convention.

"Sec. 304. No action for compensation for such damage or preventive measures shall be maintained in the United States against an owner, a guarantor, or the Compensation Fund, otherwise than in accordance with this Act. No action for such damage or preventive measures shall be maintained in the United States against an owner's servants or agents.

"Sec. 305. This Act shall be effective upon the later of the date of its enactment or the date of the entry into force of the Convention."

IMPORT QUOTAS AND PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Clark) is recognized for 5 minutes.

Mr. CLARK. Mr. Speaker, some myths, as we all know, stay with us long after they have been refuted by hard facts.

There is one such myth that has outlived its usefulness but it raises its head almost every time that import quotas are mentioned. The liberal trade elements immediately caution us that import quotas lead to higher prices.

Mr. Speaker, I have received a paper on this subject furnished me by O. R. Strackbein, who is head of the Nation-Wide Committee on Import-Export Policy.

Mr. Strackbein has examined the price trends of all the major products on which we have import quotas or similar restrictions having the effect of import quotas, such as the steel agreement with exporting countries that supply us most of our steel imports.

The paper demonstrates conclusively that import quotas do not lead to prices higher than the general price level, or the level of prices on products similar to or closely related to those on which we do have quotas.

As Mr. Strackbein points out, one of the prime purposes of quotas is to prevent prices from falling to disastrous levels rather than to raise prices. He examines the price trends on agricultural products, such as wheat, wheat flour, sugar, cotton, dairy products, beef and peanuts; as well as those on cotton textiles, petroleum, and steel, providing comparisons with the prices in similar products on which there are no import quotas.

Anyone who is inclined to do so can check Mr. Strackbein's statistics since he provides references to the source of his information. I offer the paper at this point in the Record:

Import Quotas and Prices

(By O. R. Strackbein, president, the Nation-Wide Committee on Import-Export Policy)

During the great debate on a national trade policy there is one note that comes through unmistakably from those who oppose the imposition of import quotas.

This note is to the effect that import quotas raise prices and feed the fires of inflation.

After a detailed examination of available data on this question it becomes clear that there is no substance to the claim of a cause and effect relationship between import quotas and rising prices. In order to support this assertion the evidence on the subject will be set forth herein, and it can be verified or refuted by anyone who is sufficiently interested in the subject to make the effort.

I shall trace price trends on the products on which we have import quotas, compared to the price trends in general and on non-quota products that are closely related to the products on which such quotas are in effect. An example will be the comparative price trends on beef, on the one hand, and the prices on pork and poultry, on the other. Beef has been subject to a quota since 1964, until 1972 when the quota was lifted. Pork and poultry have not been subject to an import quota.

Also, petroleum and petroleum products have been subject to import quotas while coal, another, and competing fuel, has not. Steel is the beneficiary of an arrangement under which other countries restrict their exports to this country. Other metal products have no such import restrictions. Sugar is subject to an import quota while many other food products are not. The same is true of wheat and wheat flour, raw cotton and peanuts, on which imports are in effect. Textiles are subject to export restrictions by foreign countries somewhat similar to the steel restrictions.

We can make comparisons of price trends relating to these products and reach conclusions about the effect of import quotas on prices.

The quotas of longest standing are those imposed on imports of agricultural products. They are usually an outgrowth of Section 22 of the Agricultural Adjustment Act.

It may be noted right here that the purpose of these quotas, such as those on wheat flour, raw cotton, dairy products and peanuts, was not, as is so glibly charged, to raise prices but to prevent the prices from falling to ruinously low levels, which they would unquestionably have done if the import restrictions had not held the line. Our price support of agricultural products would have collapsed had these restrictions not been put into effect. Import restrictions on cheese were established when imported cheese, coming in at relatively low prices caused a heavy accumulation of domestic cheese in our warehouses because of its higher price.

The price trends on the various products that are or for a period of time have been subject to an import quota and a comparison with the trend of prices on other products are set forth under product headings below:

WHEAT AND WHEAT FLOUR

The importation of wheat and wheat flour is severely restricted in pursuance of a limitation imposed under Sec. 22 of the Agricultural Adjustment Act, in 1941. Imports are limited to a quantity that is less than 1% of our production.

Nevertheless the price of wheat (hard winter No. 2, Kansas City) has had rises and falls quite independently of the import restriction. In 1950 the price per bushel was $2.22. In 1955 the price was $2.25, or little changed from 1950. By 1960, however, the price had dropped to $2.00. If the purpose of the quota restriction was to raise the price it was singularly ineffective. By 1968 the price had shrunk to $1,46 per bushel. Then there was a turnabout, and in January 1972 the price was back up to $1.62, but still far short of the $2.25 of 1955.

These price trends may be compared with those of corn which is not subject to an import quota. The 1950 price (yellow, No. 2, Chicago) was $1.50 per bushel. By 1955 the price was down to $1.41.

The price decline continued as it did in the case of wheat. In 1960 it was down to $1.15 and in 1968 to $1.14. This was followed by a rise to $1.33 in 1970 and a decline to $1.06 in 1971. If we compare the wheat and corn prices since 1950 we find that from 1950 to January 1972 the price of wheat *dropped* 27% while that of corn dropped only 23%. *Yet it was wheat rather than corn that was under an import quota.*

From 1960 to May 1970 the price of wheat dropped from $2.00 per bushel to $1.53. This was a 23% decline. The price of corn *rose* from $1.15 per bushel to $1.30, an increase of 13%.

In 1972, of course, in response to the heavy purchase of wheat by Russia from the United States the price of wheat rose sharply. It rose from the low point of the year at $1.53 in June to $2.18 in October 1972. The price of corn (No. 3, yellow, Chicago) went from a low of $1.21 in February 1972 to only $1.31 in October 1972, after reaching $1,36 in September. Russia was buying wheat, not corn.

The rapid rise in the price of wheat cannot, however, be attributed to the existence of an import quota, but to the large Russian purchase.

(See Statistical Abstract of the United States, 1969, Table 504, p. 343; and Survey of Current Business, November 1972, pp. S–27–8.)

There is nothing in the price trends of wheat and corn that would sustain the oft-asserted view that import quotas lead to higher prices.

MEAT-BOVINE AND PORCINE

In 1964 a ceiling on imports of beef was set by law. If imports were to breach the ceiling an import quota would be triggered. In 1970 when a breach was imminent the ceiling was raised slightly. In 1971 after another breach of the ceiling a quantitative import quota was put into effect. In June 1972 the quota was set aside and it is still inoperative.

In 1964, the year the ceiling was established the price of beef, i.e., stocker and feeder steers, Kansas City, averaged $19.79 per cwt. The price rose to $25.41 in 1966, fell to $24.67 in 1967, rose to $25.90 in 1968, up to $29.30 in 1969, to $30.15 in 1970, $32.09 in 1971 and then turned sharply upward late in 1971, reaching $38.81 in July 1972 and $41.29 in September.

The 1964 price of hogs, average wholesale, all grades, Chicago, was $14.92 per cent. In 1966 the price averaged much higher, at $22.61, followed by a drop to $18.95 in 1967. The price held at $18.65 in 1968. It rose to $23.65 in 1969, fell to $22.11 in 1970 and on down to $18.41 in 1971. As in the case of beef, the prices began rising toward the end of 1971, reaching $24.02 in January 1972 and $28.41 in September 1972. It will be noted that this was also the high point in the 1972 price of beef.

The increase in the price of beef from 1964 to September 1972 was 109%; that of pork, 90%. However, during the first two years of the ceiling on beef imports, i.e., through 1966, the price of beef rose 28% compared with a rise of 51% in the price of hogs. Beef rose from $19.79 per cwt in 1964 to $25.41 in 1966. The price of hogs rose nearly twice as much, moving from $14.92 in 1964 to $22.61 in 1966. Yet, again, beef was under an import ceiling, not pork. Moreover, the import quota on beef was lifted in June 1972, so that imports might rise and stop the price increase, but prices continued to rise, or from $37.72 in May to $41.29 in September. Hog prices went from $24.76 to $28.41 in the same period. In other words, other factors than the import quota on beef were in operation. The rise in beef was 9.4% and that of hogs 14.8% from May to September 1972. At that time both were without an import quota. Beef obviously did not respond to the removal of the quota by turning downward in price.

PETROLEUM

Petroleum and petroleum products became the subject of an import quota on a voluntary basis in 1958 and then on a mandatory basis in March 1959.

One more there is nothing to suggest, much less prove, that the price of refined petroleum products increased more rapidly than the price of products that were not under an import quota.

Where 1967 equals 100 the wholesale petroleum price in 1969, which was the year the mandatory import quota went into effect, stood at 99.6. It rose to 101.1 in 1970, to 106.8 in 1971 and to 111.5 by October 1972. However, the All-Commodities index had risen to 120.0. That of Industrial Commodities had risen a little less sharply, or to 118.8. Thus, the price of refined petroleum products, wholesale, lagged distinctly behind the general wholesale price level.

If we compare the petroleum price increase with that of a competing fuel, namely, coal, which is not and has not been under an import quota, we encounter a great contrast. Again on the basis of 1967 the wholesale price of coal had risen to 192.4 by October 1972, compared with 111.5 for refined petroleum. Once more it may be remarked that if it is the purpose of import quotas to raise prices, something evidently went awry in another instance of an import quota.

As for petroleum prices at the wells (Oklahoma) it was $3.18 per barrel in 1969, $3.23 in 1970, $3.41 in 1971 and $3.51 in October 1972. (See Survey of Current Business, April 1970, p. S–8 and S–35; November 1972, p. S–8 and S–35). The increase was only 10.4%, or a little less than the increase in the price of the refined product.

COTTON TEXTILES AND APPAREL

An arrangement was made with Japan whereby that country undertook to restrict its exports of cotton textiles to this country, beginning January 1, 1957. In 1961 this arrangement was superseded by the so-called Long-Term Arrangement negotiated under GATT. This Arrangement covered some 30 countries and about 90% of our total cotton textile imports. In 1972 manmade fiber textile products and wool products were brought under similar quota restrictions.

Indeed, the price of wool products had fallen well below the level of 100, going as low as 91.5 in December 1971, compared with 115.4 for all commodities. This was an instance of imposing a quota limitation on imports in an effort to prevent the price from falling to disastrous levels. It had fallen 23.9 points below the general level of commodity prices and 7.9 points below its own level in 1971. When it is said that the purpose of import quotas is to raise prices this case can be cited as a specific instance of an effort to prevent further price declines when the current price is already abnormally low.

The wholesale price of cotton products did rise after 1967, but not as rapidly as the wholesale price of All Commodities. The latter had risen to 106.5 by 1969, that of cotton products, to 104.5. In 1970 the All-Commodities index was 110.4, that of cotton products, 105.6 By October 1972 the All-Commodities index was 120.0 while that of cotton products had indeed reached higher, to 124.0. The upward trend in this price began late in 1971, when it was still below the All-Commodities level.

A heavy component of the textile products classification is apparel, including the manmade fiber and woolen apparel. In October 1972 this price still lagged at 114.8, or behind the general level of 120.0 for all Commodities. (Survey of Current Business, Apr. 1971, and Nov. 1972).

Once more we find no evidence that supports the claim that import quotas feed the fires of inflation, or indeed, lead to higher prices out of line with the price level of other goods.

SUGAR

Sugar is another product that is subject to an import quota. The quota antedates World War II.

The *retail price* of sugar in 1955 was 10.4¢ per lb. Ten years later (1965) the price was 11.8¢, an increase of 10% in ten years—not a very exciting increment for a price-raising venture. In 1969 the price was 12.4¢; and in September 1972 it reached 13.9¢. The increase since 1955 was therefore 33.6%. (Ref. Same). Yet retail prices for *all food* in selected urban areas rose from an index of 81.6 in 1955 to 118.4 in 1971, or 45%. (Statistical Abstracts of the United States, 1972, Table 571, p. 352).

Obviously the price of sugar did not outrun the price of other food products. Quite the contrary.

DAIRY PRODUCTS

Import quotas were imposed on dairy products under Sec. 22 of the Agricultural Adjustment Act in 1953. Since 1967 the price index of dairy products had risen to 120.0 by October 1972. This is the same increase recorded by the All-Commodities index, which also rose to 120.0 by October 1972. However, the index of "farm products, processed foods and feeds" had risen 123.3, or 3.3 points more than the dairy products index.

Thus, while the price of dairy products rose as much as the All-Commodities index it rose less than some other farm products and processed foods. Once more we find that the import quota on dairy products did not lead to a price increase beyond the average since 1967, i.e., within the past five years. (Ref: Survey of Current Business, November 1972, p. S–8). Why then the quota? The answer is once more—to prevent a sharp price decline or to avoid falling too far behind other prices that dairy farmers have to pay.

RAW COTTON

Raw cotton imports have been severely restricted (to less than 5% of domestic production) for many years under Sec. 22 of the Agricultural Adjustment Act. Yet, the price dropped sharply during the greater part of the years from 1951 to 1970. The average price during the 1950–55 period was 34¢ per lb. The 1959 price was still 33.2¢; in 1962 the price held at the same level exactly. In 1965 it was down to 29.6¢, followed by a sharp decline that reached 22.0¢ in August 1966. An upward trend brought the price back to 27.0¢ by December 1967. In 1968 the average price was down again, to 22.9¢. There was little recovery until 1971 when an upward trend set in carrying to 30.1¢ by December of that year. In May 1972 the price reached 35.0¢, but then fell again, sharply, reaching 24.9¢ in October 1972. The prices quoted are those for middling 1-inch, average in 12 markets of the United States. (Ref: Survey of Current Business, pertinent monthly issues).

From these price trends it is obvious that the import quota did not succeed in keeping prices up. Only in 1971 did the price go above that prevailing as far back as 1959. Surely the quota as a price-raising mechanism did poorly enough. No doubt it prevented ruin of the cotton-growing industry by preventing a total price collapse and consequent ruin of the cotton farmers.

PEANUTS

Peanuts are under price support of the Department of Agriculture. An import quota was established in 1953 under Sec. 22. The price of peanuts has had little variation, following a slow upward trend that raised the 1953 price from 11.1 cents per lb. to 13.6 cents by December 1971 (est). This was an increase of 22½%, or much less than the general wholesale price level or that on food products.

STEEL

An international arrangement was achieved in 1968 under the provisions of which the principal exporting countries of steel to this country was to be limited, beginning in January 1969.

According to the Survey of Current Business for July 1970 the wholesale iron and steel price index, where 1967 equals 100, stood at 106.1 in December 1968, or immediately before the "arrangement" limiting exports to this country took effect. The price had advanced to 115.1 in 1970, but that of nonferrous metals (copper, lead and zinc, aluminum, etc.) had risen to 125, where 1967 equals 100. Yet the nonferrous metals were not subject to import quotas or foreign export limitations. In 1971 the price of the latter classification dropped to 116.0 while that of iron and steel rose to 121.8. By October 1972, however, the iron and steel prices reached 128.9 while nonferrous metals had reached only 117.3. The price of steel had also outrun the durable goods index which had reached only 121.7.

If we compare iron and steel prices with those of lumber we find the latter far outstripping the iron and steel level. Lumber prices reached 166.1 in October 1972, representing a rise more than twice that of iron and steel since 1967. Leather prices had reached 153.3, hides and skins, 270.8. Nonmetallic mineral product prices almost kept pace with iron and steel, i.e., 127.3 compared with 128.2. Concrete products reached 127.2. Yet none of these products, lumber, leather, hides and skins, nonmetallic mineral products or concrete products were under import quotas or were parties to an arrangement such as iron or steel under which foreign countries limited their exports to this country.

The iron and steel industry had not shown a profit increase since the increase in prices through 1971. Indeed the profits were well below those of previous years and below those of the durable goods industries. In 1968 the durable goods industries had a profit of 5.1% of sales (after taxes), the steel industry 4.6%. In 1970, the durables profit was 4.0%, iron and steel, 2.5%. In 1971 the two percentages were respectively 4.2% and 2.5%. Profits on the basis of stockholders equity in 1970 and 1971 were less than half those of all durable goods, or 9.3% and 9.7% in 1970 and 1971 for the durable and 4.3% and 4.5% for iron and steel. (Statistical Abstract, 1972, Table 777, p. 483). The data were derived by the Federal Trade Commission and the Securities and Exchange Commission.

Similarly profits of the textile mill products industry have been less than half of those of the nondurable goods industries.

Thus it can be seen that import limitations under which these industries have operated did not lead to exorbitant profits, nor indeed to normal profits. To say that their price rises fed the fires of inflation are therefore unfounded.

CONCLUSION

This review completely dispels the cry so frequently heard that import quotas give rise to inflation. There is simply no ascertainable relation between import quotas and higher prices. All fair comparisons demonstrate the contrary.

OBSCENE RADIO BROADCASTING—V

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (JAMES V. STANTON) is recognized for 5 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, pursuant to the issue I first raised in this Chamber on February 5, I would like to insert in the RECORD at this point some materials that will bring my colleagues up to date on developments that have occurred since that time.

First, it should be known that on February 8, Mr. Paul Neuhoff, vice president and general manager of station WERE in Cleveland—in accord with a request made by him—came to my office in the Longworth Building for the purpose of discussing this situation. Accompanying him were Howard Lund, a member of his staff, and Michael Bader, a Washington attorney. The conversation lasted about an hour, and it was conducted in the presence of Mr. William Treon, Washington correspondent for the Cleveland Plain Dealer, who had been notified by me about the meeting.

The highlights were as follows: Mr. Neuhoff made an exposition of what he termed the public service projects attributable to his station. I said in reply that, so far as I was concerned, there was no need for Mr. Neuhoff to justify his operation to me. I pointed out it was not I who must be satisfied that the station is being operated within the law and in the public interest but rather that the officials who must be persuaded, should they need persuading, are the U.S. attorney in Cleveland and the members of the Federal Communications Commission. I continued that my role was to relay to these officials complaints I had been receiving from my constituents, and to ask them to take appropriate action. I added that I would not undertake in any way an attempt to dictate—or even to suggest—what ought to be, or what ought not to be, broadcast by station WERE. Mr. Neuhoff asked me why I had acted publicly without first conferring with him privately about the complaints I had been receiving from my constituents. The reply was that I was being completely open about this situation because I regard it as a public matter, not a private matter. I explained that I must insist that there be no in camera proceedings in this controversy. I added it would be highly inappropriate for anyone holding the office of U.S. Congressman to influence programing by a public radio station through action behind the scenes, as it were. In my view, as I told Mr. Neuhoff, this would be tantamount not only to attempted censorship but, what is even worse, exercising the powers of this office out of view of the public.

Second, it should be known that, on February 20, Mr. Bader, the attorney who accompanied Mr. Neuhoff, telephoned my office. He asked that I grant an appointment in my office to Mr. Ralph Guild, president of ASI Communications, the parent corporation of radio station WERE. When I learned that Mr. Guild had in mind an informal discussion of the controversy regarding station WERE, I politely declined to schedule such an appointment because, as I saw it, the same ground had been covered in my discussion with Mr. Neuhoff, and I felt that I had nothing further to add.

Again, for the information of my colleagues sitting here, I would like to insert in the RECORD two items. One is a second letter I have written to the U.S. attorney in Cleveland. The second is a newspaper column that appeared last Sunday in the Cleveland Plain Dealer. Mr. William Hickey, the television-radio editor of that excellent newspaper, raises many points that are not necessarily germane to the questions I have raised, but I feel that the column nonetheless is of considerable interest. I am mailing a copy of it to Mr. Dean Burch, Chairman of the Federal Communications Commission. In addition, for background purposes, I might add that my previous insertions in the RECORD on this matter were on February 5, 6, 7, and 8. The aforesaid letter and the newspaper column read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 9, 1973.

MR. FREDERICK M. COLEMAN,
U.S. Attorney, Northeast District,
Cleveland, Ohio

DEAR MR. COLEMAN: As an addendum to my January 30 letter to you regarding the Station WERE matter, I would like to call your attention to:

1. Your December 6 letter to me, in which you said: "The recordings of other broadcasts by Gary Dee were missing and could not be located."

2. My February 1 letter to Chairman Dean Burch of the Federal Communications Commission, a copy of which was sent to you, in which I refer, on Page 7, to this same problem.

In your reply to my January 30 letter, which I assume is in the process of preparation by you, I would appreciate your informing me as to whether all the tapes you requested of the January 17 broadcasts by Station WERE were made available to you by the station.

Whatever difficulties you may have had in this connection, either with respect to the November 1 or January 17 broadcast days, would be of interest to me, since it is conceivable that legislation might be required to correct these problems.

Therefore, it would be very helpful to me if you could send me a complete report on this aspect of the situation—again, as an addendum to the information I have already requested from you.

Kindest personal regards.

Sincerely,

JAMES V. STANTON,
Member of Congress.

"PEOPLE POWER RADIO"—A CLASSIC RIP-OFF

(By William Hickey)

In the razzle-dazzle world of broadcasting, catchy phrase words are commonplace and misnomers are all too conspicuous by their presence.

It is doubtful, however, that any phrase has been so deviously used as "People Power Radio," the current slogan of WERE Radio, 1300 on your dial.

At its best, talk radio is a questionable format, for by its very structure, a democratic or even exchange between caller and host is a rare and many-splendored thing, because all the power to control the ebb and flow of words lies in the hands of the man at the radio station.

At its worst, as in the case of WERE, it is everyday a sham and on many a day, a very dangerous thing. If ever a group of men proved that they had no right to retain a license to broadcast, it is those who front the local outlet of ASI Communications.

It is not enough they spew racist matter over the air, or mindless appeals to class hatreds, or even that their constant thrust is to the lowest common denominator of mankind; their electronic sin lies in the fact that they simply do not care what the consequences are, as long as their current controversy stirs interest, morbid or otherwise, and attracts listeners.

This is not to say that they do not play the game well, for they do. If U.S. Rep. James V. Stanton writes letters condemning their broadcast fare, they hie themselves down to Washington and plead their case adroitly.

At other times, the management team, including the station's community service director, are running about explaining the glories of "People Power Radio" and the pure intentions of the men who introduced it to WERE.

WERE is comprised for the most part of transient types, both in management and in the talent end of the business, the kind of people you pencil in one day and erase the next. In fact, the programming genius who devised the "People Power Radio" format is long gone.

It is an old story in radio, a group of broadcast carpetbaggers hit town, do their thing for a year or so and take their leave before the stunned citizenry knows what hit them, or how badly they were taken.

The management of WERE chose as their hit man, a loudmouth, rabblerousing type named Gary D. Gilbert, who learned some years back that a boy from Arkansas can make good money screaming invectives into a radio microphone.

Gilbert, who uses the professional handle of Gary Dee, is the perfect example of a broadcast personality who misuses the public's air waves. There is simply no dialogue on his show, merely monologue—his. It doesn't even matter in most cases if the caller agrees with him or not, Dee cuts them off before they can utter more than a few words, all the while yelling a boorish litany of slogans into the microphone.

Dee has great appeal to those rather strange members of our society, who either like to yell at others (back at him) or take his abuse. He also appeals to the less gifted and disadvantaged, because in his phony anger, they sense one of their own crying out against the many injustices of society.

What is so patently cruel about Dee representing a fellow sufferer is that he often forgets what role he is playing on any given day—one moment he's a Bible-quoting tower of righteousness and the next a sniggering semi-swinger, making pathetic attempts to question listeners about their sex habits.

Recently, Dee debased himself by posing for a picture with another WERE personality standing with his foot on his chest. This was after an "on-air" fist-fight, which by the way made headlines in a local newspaper, the exact intent of it all.

If Dee is not engaged in imaginary fistfights he is staging imaginary strikes, squabbles with management and heaven only knows what else.

All of Dee's and the WERE management's protestations aside, you can imagine how much good is being done for area citizens, especially those who have the temerity to call the station with the purpose of expressing an opinion.

Being inexperienced at this sort of thing, they are nervous to begin with, and usually, when they have had to wait any length of time, doubly so. To heighten their state of anxiety, they know that a professional mouth waits at the other end of the phone to insult them or embarrass them in some other way, even if only by cutting them off.

This then is WERE is great "People Power Radio," the average person's only recourse to speak his mind on issues of the day, the last bastion of democratic exchange of views, the ultimate in enabling citizens to control their destinies.

Even when men of the utmost civility served as hosts on local talk shows, they still played the game of one-upmanship, leaving the caller at a decided disadvantage. What shred of hope does the caller to WERE personalities have of being given a respectful hearing of his views? Not a snowball's chance in hell.

It is one thing to stage hokey radio formats for fun and profit and I have absolutely no objection to anyone in the business doing it. However, when the abovementioned is done by men ostensibly under the cloak of self-righteousness, it is more than any intelligent person can bear.

THE PUBLIC EMPLOYMENT PROGRAM (PEP) MUST CONTINUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, I wish to join my colleagues, Representative CARL D. PERKINS, chairman of the Education and Labor Committee, and Representative DOMINICK V. DANIELS, chairman of the Select Subcommittee on Labor, in cosponsoring legislation that will provide for funding the Emergency Employment Act of 1971 for 2 additional years.

The public employment program—PEP—is a well-designed program that most Members of the Congress can support. The purpose of Public Law 92–54 is to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services.

The administration plans massive cutbacks of employment in many of our Federal agencies, plans to eliminate the Economic Development Administration which has done so much to stimulate employment, plans other far-reaching actions that will have serious impact on the future unemployment and welfare rolls. To terminate the PEP program at this time can only lead to a serious increase in welfare and unemployment. It follows that when unemployment rates increase, welfare rolls also increase.

I believe the present act is a well thought-out plan to meet the needs of local governments and at the same time concentrate assistance in areas of high unemployment. Much of my own congressional district is classified by the Department of Labor as having "substantial and persistent" unemployment. Under the Emergency Employment Act, 1,126 public jobs have been established to assist communities in my own congressional district in their efforts to provide much-needed services. It is a well designed program that works.

I am glad to give my unqualified support for this legislation and urge early action by this body of the Congress.

At a later date I believe this act should be expanded to assist the private sector of our economy and I plan to introduce a bill soon that will accomplish this purpose.

LOUIS DREYFUS CORP., THE CLOSED-BOOKS COMPANY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. MELCHER) is recognized for 5 minutes.

Mr. MELCHER. Mr. Speaker, my mail reflects a continuing interest among people in the country about the great Russian grain deal, which some people prefer to characterize as a sale and others regard as a bargain that would be a horse trader's dream.

In any event, our transportation facilities in this country are clogged with wheat worth at least $2.50 per bushel at the gulf, based on current U.S. prices, which we are delivering under contract to the astute Russian purchasers at $1.63 per bushel less the 10 percent we recently devalued the dollars with which the Russians are paying for it.

Last fall, I asked the General Accounting Office to look into this grain sale. In an interim report during the fall, the GAO advised that the Department of Agriculture's method of administering the export subsidy program was haphazard and unbusinesslike, with no check or audit of the recipients to verify the accuracy of their claims on the Government. Without getting into the question of favoritism, proprieties, misfeasance, malfeasance or nonfeasance, the GAO said the administration of export subsidies require reform.

As a part of its investigation, the GAO has been examining the books of five of the six big grain firms which made the supersale to the Russians.

Five of them have cooperated with GAO in conducting the study which I requested that the GAO make—Cargill, Continental, Bunge, Cook and Garnac.

Just one, Louis Dreyfus Corp., has declined access to its books. Dreyfus Corp. has sold 19 percent of the 400 million bushels the Russians contracted to buy.

Interestingly, although Cargill Corp. early made a public announcement that it would take a small loss on the Russian transaction, the Louis Dreyfus Corp. declares that it is not possible for their company nor, in their view, any other company in the grain export business, to accurately segregate the final results of a particular transaction.

The other five companies have pointed out that an appraisal of the results of the sale, as of last September 30, can only approximate the final results. But they have given the GAO access to records to make such an approximation. Only Louis Dreyfus Corp. is holding out.

Beyond their objection to the pinpoint accuracy of any study of their experience in this sale, the Dreyfus Corp. also has made the point that the GAO study is being made at my request—the request of an individual Congressman. They obviously do not think that amounts to very much.

I agree, but I think this single Congressman's desire to have an agency independent of the administration which engineered the big deal, sale or giveaway, look into it has the backing of other Congressmen and a great many citizens and taxpayers in the Nation. They would like to know what is being done with the hundreds of millions of dollars being paid out under the export subsidy program, whether it is being administered wisely, how the books are kept, and many other things.

Because I believe public business should be public, I also believe that citizens and taxpayers are entitled to know that Louis Dreyfus Corp. alone has said "No" to the GAO's request for a look at their records on this deal.

MAURICE H. THATCHER: MEMORY HONORED IN CANAL ZONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD), is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, in an address to the House of Representatives on January 24, 1973, I eulogized our former colleague, the late Hon. Maurice H. Thatcher of Louisville, Ky., who died on January 6 at the age of 102 after a dedicated career of 80 years of public service in the law and politics.

Since he was the last surviving member of the Isthmian Canal Commission that supervised the construction of the Panama Canal during peak construction, 1910–13, Gov. David S. Parker of the Canal Zone by official proclamation designated January 9, 1973, the day of the Governor's funeral in Washington, as the occasion to honor his memory in the zone.

The Panama Canal Spillway, official publication of the Panama Canal Company, Balboa Heights, Canal Zone, in a newsstory in the January 12 issue, quoted Governor Parker's proclamation. The newsstory follows:

DEATH TAKES FRIEND OF CANAL EMPLOYEES

The Honorable Maurice H. Thatcher, the last surviving member of the Isthmian Canal

Commission and one of the outstanding men of the construction day era, died January 6 at the age of 102.

His life spanned more than half the years the United States has been in existence as a republic but his mind remained sharp to the end.

Born in Chicago, Ill., and reared in Kentucky, Governor Thatcher dedicated 80 years to public service through law and politics. His Canal involvement went back to 1910 when he began his service as a member of the ICC. His avid interest in the Panama Canal continued throughout the years and during his long association with the waterway, he accumulated probably more surveys, books and mementoes relating to the building and operation of the Canal than any other individual. He was believed to have been directly involved in the Canal enterprise longer than any other person.

Governor Thatcher served as a member of Congress from the Louisville District of Kentucky from 1923–33 and as a member of the House Committee on Appropriations, he rendered important services to his district, state and nation, and the Panama Canal and its employees, promoting various pieces of legislation in their favor. In recent years, he encouraged action by Congress which provided retirement pay for non-U.S.-citizen employees of the Canal. He was instrumental in amending the Canal Zone Code to provide cost-of-living adjustments in cash relief payments to certain former employees.

While serving in Congress, Governor Thatcher made several visits to the Canal Zone and made several more after World War II. He came in October 1962 for the dedication of the bridge that bears his name. His last visit to the Isthmus was in 1964 when he participated in the celebration of the 50th anniversary of the opening of the Panama Canal.

Governor Thatcher was the author of legislation for the establishment, maintenance and operation of the Gorgas Memorial Laboratory in Panama dedicated to the research of tropical diseases and which has become one of the outstanding institutions of its kind in the world.

Governor Thatcher was honored by the Government of Panama which bestowed upon him the medal and plaque of the Order of Vasco Núñez de Balboa. Venezuela and Ecuador also honored him for his services to tropical America.

In memory of Governor Thatcher, Gov. David S. Parker has issued the following Proclamation which reads as follows:

Whereas the Honorable Maurice H. Thatcher, last surviving member of the Isthmian Canal Commission, dedicated his long and distinguished career to the service of mankind, and

Whereas his work was of particular benefit to the Canal Zone community and to the peoples of Panama and the United States who have been associated with the Canal enterprise, and

Whereas funeral services for Mr. Thatcher are being held on Tuesday, January 9, 1973:

Now Therefore, I, David S. Parker, Governor of the Canal Zone, call upon the Canal Zone community to reflect upon the exemplary life of this great man and to honor his memory on this day.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Canal Zone to be affixed at Balboa Heights this eighth day of January in the year nineteen hundred and seventy-three.

DAVID S. PARKER.

INTRODUCTION OF BILL TO CORRECT "OVERSIGHT" IN SOCIAL SECURITY HIKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 15 minutes.

Mr. WOLFF. Mr. Speaker, today I am introducing legislation designed to correct an oversight created by the Congress when it enacted the 20-percent social security increase last year. Virtually every Member in the House and Senate has heard from constituents in his or her district who have experienced a loss in other Federal benefits because of the increase. Veterans, for example, have found their pensions reduced, and in some cases totally eliminated, because the increase has to be counted as income for purposes of determining pension eligibility. The same holds true for other Federal benefits programs which use "income" as a criterion for participation. The major areas in which social security recipients stand to lose all or some of their benefits, and thus not receive the full effect of the 20-percent increase, are: Federally assisted welfare payments, such as old-age assistance, food stamps, low-rent public housing, medicaid and, of course, veterans' pensions and benefits.

In enacting the social security increase, Congress inadvertently created a "give with the one hand, take with the other" situation by not taking into account the effect which the increase would have on these Federal assistance programs where outside income is an all-important eligibility factor. In addition, this oversight defeats the purpose of the 20-percent increase for many social security recipients who find their other benefits reduced precisely because of the increase. I feel that Congress must, in good conscience, act quickly to correct this situation and restore to these recipients the full benefits of the 20-percent increase and the other Federal benefits to which they are entitled without penalty from the increase. The significant, bipartisan support which the bill I am introducing today has generated indicates that a good many Members feel as I do and would like to see corrective action taken.

Very simply, my bill is designed to keep the 20-percent increase from being counted as part of an individual's income for purposes of participating in Federal programs, including all of the major assistance programs mentioned above. The measure will also insure that all social security recipients will receive the full benefit of the 20-percent increase, as Congress intended when it enacted the increase. This bill is identical to a measure originally introduced last session by Congressman Dow, which I cosponsored and which also received considerable support from Members of both sides of the aisle.

Although there have been several bills introduced this session to deal with the adverse effect created by the 20-percent increase on other Federal benefits, many of them overlap, and some areas of concern have not been dealt with at all. I feel that my bill offers a comprehensive means of insuring that all social security recipients will receive the full effect of the increase, and I urge favorable consideration for it at the earliest possible time.

The text of my bill follows, along with the names of those Members who have joined me as cosponsors:

LIST OF COSPONSORS

Mr. Broomfield, Mr. McSpadden, Mr. Pepper, Mr. Biaggi, Mr. Jones of Alabama, Ms. Jordan, Mr. Rosenthal, Mr. Conyers, Mr. Meeds, Mr. Tiernan, Mr. De Lugo.

Mr. Brasco, Mr. Ken Hechler, Mr. Won Pat, Mr. Podell, Mr. Harrington, Mr. Drinan, Mr. Murphy of Illinois, Mr. Yatron, Mr. Wilson of Texas.

Mr. Melcher, Mr. Rodino, Mr. Roy, Mr. Eilberg, Mr. Waldie, Mr. Price of Illinois, Mr. Wm. Green of Pennsylvania, Mr. Sarbanes, Mr. Gude, Mr. Young of Florida.

Ms. Holtzman, Mr. Riegle, Mr. Stuckey, Mr. Roncalio of Wyoming, Mr. Roe, Ms. Schroeder, Ms. Chisholm, Mr. Moakley, Mr. Mitchell of Maryland, Mr. Culver, Mr. Rangel.

H.R. 4570

A bill to require States to pass along to individuals who are recipients of aid or assistance under the Federal-State public assistance programs or under certain other Federal programs, and who are entitled to social security benefits, the full amount of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the requirements imposed by law as a condition of approval of a State plan to provide aid or assistance to individuals under title I, X, XIV, or XVI, or part A of title IV, of the Social Security Act, there is hereby imposed the requirement (and the plan shall be deemed to require) that, in the case of any individual found eligible (as a result of the requirement imposed by this Act or otherwise) for aid or assistance for any month after August 1972 who also receives in such month a monthly insurance benefit under title II of such Act which is increased (or is greater than it would otherwise be) by reason of the enactment of section 201 of Public Law 92–336, the sum of the aid or assistance received by him for such month, plus the monthly insurance benefit received by him in such month, shall not be less than the sum of—

(1) the aid or assistance which would have been received by him for such month under the State plan as in effect for August 1972, plus

(2) the monthly insurance benefit which was or would have been received by him for August 1972, plus the amount by which such benefit (effective for months after August 1972) was or would have been increased by section 201,

whether this requirement is satisfied by disregarding a portion of his monthly insurance benefit or otherwise.

SEC. 2. (a) Subsection (g) of section 415 of title 38, United States Code, is amended by adding at the end thereof the following new paragraph:

"(4) Notwithstanding the preceding provisions of this subsection, in the case of any individual who for any month after August 1972 is entitled both to—

"(A) a monthly insurance benefit payable under section 202 or 223 of the Social Security Act, and

"(B) compensation under the provisions of this section,

there shall not be counted, in determining the annual income of such individual, so much of the insurance benefit referred to in subparagraph (A) for such month as is equal to the amount by which such insurance benefit was increased by reason of (or would not be payable but for) the enactment of section 201 of Public Law 92–336."

(b) Section 503 of title 38, United States

Code, is amended by adding at the end thereof the following new subsection:

"(d) In the case of any individual who for any month after August 1972 is entitled both to—

"(1) a monthly insurance benefit payable under section 202 or 223 of the Social Security Act, and

"(2) payment of pension under the provisions of this chapter, or under the first sentence of section 9(b) of the Veterans' Pension Act of 1959,

there shall not be counted, in determining the annual income for such individual, so much of the insurance benefit referred to in clause (1) for such month as is equal to the amount by which such insurance benefit was increased by reason of (or would not be payable but for) the enactment of section 201 of Public Law 92–336."

SEC. 3. Notwithstanding any other provision of law, in the case of any individual who is entitled for any month after August 1972 to a monthly insurance benefit payable under section 202 or 223 of the Social Security Act, any part of such benefit which results from (and would not be payable but for) the general increase in benefits under such sections provided by section 201 of Public Law 92–336, shall not be considered as income or resources or otherwise taken into account for purposes of determining the eligibility of such individual or his or her family or the household in which he or she lives for participation in the food stamp program under the Food Stamp Act of 1964, for admission to or occupancy of low-rent public housing under the United States Housing Act of 1937, or for benefits, aid, or assistance in any form under any other Federal program, or any State or local program financed in whole or in part with Federal funds, which conditions such eligibility to any extent upon the income or resources of such individual, family, or household.

SEC. 4. The amendments made by the first section of this Act shall be effective with respect to calendar quarters ending on or after September 30, 1972. The amendments made by section 2 of this Act shall apply with respect to annual income determinations made pursuant to sections 415(g) and 503 (as in effect both on and after June 30, 1960) of title 38, United States Code, for calendar years after 1971. Section 3 of this Act shall be effective with respect to benefits, aid, or assistance furnished after August 1972.

ADMINISTRATION'S ECONOMIC RECORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 5 minutes.

Mr. O'NEILL. Mr. Speaker, the President of the United States was going on radio at noon today to talk about the economic policies of his administration. As long as we are discussing economic records, let us talk about the one the administration set last month.

Retail food prices—that is, the price the American housewife pays each week to feed her children and husband—went up some 2 to 3 percent. That would be the highest jump for a single month in the past 20 or 25 years. The Secretary of Agriculture was obviously nettled and upset about having to break such bad news to Mr. and Mrs. Consumer. His solution to the problem of rising prices was to blame the press for making a big fuss about it. Mr. Butz' friend, Arthur Burns, has little better to offer. In a land of agricultural abundance, Mr. Burns suggests that we substitute cheese for meat and endure 1 meatless day a week, as in the lean days of the depression.

Secretary Butz said the press was going to project last month's jump into a 24- to 36-percent annual rate of increase in grocery prices. Mr. Speaker, it was not the press that raised food prices. It is the Government, as the largest single shareholder in the Nation's economy, that plays the single most important role in guiding this Nation's economic destinies.

And in the case of food prices, I would like to point out that this administration's farm policies, as reflected in the administration's fiscal 1974 budget, point to even more expensive groceries in the future. The withdrawal of price supports and the "freedom to plant" policies of this administration will mean economic death for thousands of farms. In the long run, that will mean fewer producers and higher food prices in supermarkets in every city and community in the Nation.

I understand that the increase in food prices, as reflected in the Consumer Price Index, is scheduled for official announcement by the Bureau of Labor Statistics in a few days. I am a bit worried about the official who is going to make that announcement. I remember well that what happened to the official, now departed and of fond memory, who kept giving the President all that bad news about unemployment last year.

CONGRESSIONAL SELF-EXAMINATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 15 minutes.

Mr. ADDABBO. Mr. Speaker, I have taken this time to address the House because I believe we have reached the point where it is imperative that Congress seriously devote itself to self-examination.

The Congress has recently been criticized, and I believe, justifiably so, for being unable to respond quickly to the needs of the Nation. I believe this inability stems not from any lack of commitment on behalf of the Members, but from the outdated procedures under which we have labored so long.

Certainly, in the last two Congresses we have taken large strides to update our operating rules, and to provide a beginning for a sophisticated computer information system. But these actions remain only the frosting on the cake. We are still left with an information gap of outrageous proportions in any comparison with the executive branch.

All of us know just how much information is available in today's world. Our primary problem, as I see it, is to get that information in our hands, in a simple, direct method that does not tie up either office or committee staff indefinitely.

I serve on the House Appropriations Committee, and I am deeply proud of that. We work extremely hard there. But it is through the work on that committee, that I have come to realize how greatly we in the Congress lack the needed facilities to provide us with detailed information quickly.

We all understand the all-but-impossible task of absorbing any large-scale agency budget. The Defense Department budget is nearly unfathomable because of its massiveness and complexity.

It is almost an impossible task for any individual Member, or a committee itself, to go through such a massive budget item by item to cull the bad from the good, the fat from the lean. We must often rely on the Department involved or the Office of Management and Budget to make the justification for us on occasion.

Certainly, on the average, several specific programs get most of the attention and most of the time, and even those of us who are specifically charged with oversight on spending must occasionally compromise our curiosity with the demands of time and other responsibilities.

And, so I say, that if the Congress is truly to seek equal status with the Presidency, our first step in that direction must be to provide ourselves with the technical equipment necessary to give us the information we need when we need it.

I would urge the Congress to expand our computer system and to go beyond the present thinking as to its ultimate capability. Let the system be so expanded that any Member may seek the detailed budget information he desires by hooking into the central computer. Let us staff that office with the best accountants, statisticians, and other specialized occupations available so that the computer system can service all our needs.

Let the information gathered from all available sources, official and otherwise, be programed in, as well, so that we can gain a multisided view of any particular agency's operation.

And I would urge the House leadership to continue the search for newer and better ways of operating the House of Representatives.

Today is the 52d day of the new year and the House is still not ready for any serious business. I applaud and fully endorse the suggestion made by the Speaker several weeks ago that in the future, the new Congress organize itself after the November elections, so that when January comes, the House is ready to go to work immediately.

Though it has long been urged, I would again propose that the Congress consider making appropriations on a calendar-year basis. This, I believe, would have a stabilizing effect on programs to be funded, and would allow the House more time for budget analysis, as well as the consideration of new programs or the improvement of existing programs.

I would urge the leadership of both parties to confer together and devise a system for designating programs of priority status, so that those important legislative bills could be moved quickly through the House.

In summary, I believe this House to be filled with Members determined to do the best possible job for the Nation. I believe that we have failed to keep pace with the technological advances which have allowed the White House to surpass the Congress in information-gathering facilities. In any confrontation with the

White House today, the Congress is sorely lacking in the ability to use available information, simply because we have not provided ourselves with the equipment to "put it all together."

In the end, any action by Congress is a collective judgment of its Members. I, for one, want to make those judgments based on every scrap of information I can get my hands on. I believe other Members feel the same, and I would hope the House would act soon to provide itself with the equipment capable of doing just that.

PRESIDENT NIXON ADDRESSES SOUTH CAROLINA GENERAL ASSEMBLY

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, we were honored that President Nixon spoke in our historic State Capitol Building to a joint session of the South Carolina General Assembly. This was the President's first major address since the cease-fire. South Carolinians were thrilled and proud the President chose this occasion to thank the American people for standing firm for a peace with dignity and honor. Gov. John Carl West introduced the President, delivering a very timely, appropriate, and superb introduction. Each Member of the South Carolina delegation to the Congress attended, and among the special guests of the joint assembly were Mrs. James F. Byrnes, Secretary of Commerce Fred Dent, Gen. William C. Westmoreland, and other distinguished South Carolinians.

Mr. Speaker, we call to the attention of our colleagues and of people the world over who revere peace and justice the following address by the President of the United States and the introduction by Governor West:

[From the Columbia (S.C.) State, Feb. 21, 1973]

INTRODUCTION OF PRESIDENT NIXON BY GOVERNOR WEST

Mr. President, Mr. Speaker, distinguished guests, members of the General Assembly, ladies and gentlemen:

On this special occasion for South Carolinians, it is my great pleasure to share with the citizens of our state a moment of truly historical significance. Never before in our 200 years has a President of this nation ever addressed the General Assembly of South Carolina. The honor paid our state today is one which belongs to all the people, because in addressing this legislature, Mr. President, you are addressing what I consider to be the most effective, and the most truly representative governing body in our nation today.

I am aware that in presenting our distinguished guest, an introduction is unnecessary and almost improper. His great presence with us is occasion instead for me to use these few moments to extend on behalf of our state the warmest of welcomes and an expression of gratitude which transcends people, places or politics.

There is no greater tribute which can be paid an individual than to identify him simply as "a man of peace." Mr. President, this is the designation which fully and properly belongs to you, and one for which you shall richly earn your place in history. If our state has played a role in that achievement, we are proud; and if our state has somehow assisted your efforts to bring about a meaningful peace, then we are honored. Most of all, if our state can continue to be a part of the new stability which you are creating in this world, we stand more than ready to do our part.

The motto of the State of South Carolina is told in the Latin words, "Dum Spiro, Spero"—"While I breathe, I hope." Mr. President, for all the thousands of American fighting men in Southeast Asia, and most especially for all the hundreds of brave men who were taken captive by the enemy, you have given a special meaning to those words. On behalf of two and one half million South Carolinians—who are proud to be Americans—who are proud of what you have done on our behalf—and who are proud of what you have helped us to do for ourselves—I say, "Thank you," and welcome to the heart of American patriotism. It is an honor for me now to present to the people of South Carolina the President of the United States.

[From the Columbia (S.C.) State, Feb. 21, 1973]

TEXT OF PRESIDENT NIXON'S ADDRESS TO SOUTH CAROLINA GENERAL ASSEMBLY

Governor West, Mr. Speaker, Mr. President, Sen. Thurmond, Sen. Hollings, my colleagues from the House of Representatives in Washington, D.C., all of the distinguished members of the Senate and the House of Representatives of the State of South Carolina:

I had not realized until the governor had introduced me so eloquently that this is the first time that a President of the United States has stood in this place. I am honored to be here for that reason, and I am also honored to be here because this is the first state legislature in the nation which passed a resolution supporting a peace settlement in Vietnam.

Before speaking of that settlement, I would like to refer briefly to some of the distinguished people who are here in this chamber today, and first, to one of the truly great first ladies of America, Mrs. James Byrnes.

All of you know of the friendship that I was privileged to have with Gov. Byrnes. You will remember that I mentioned the fact on his death that no man in the whole history of this country had both more offices and more high offices at both the state and federal level than he had held during his long and distinguished career. He was also a very wise and farsighted man who was willing to give good counsel on occasions when he was asked.

I remembered when I was defeated when I ran for president in 1960, I asked Gov. Byrnes whether I should run for governor of California. He thought a moment and said, "Yes, you should." I ran for governor. I lost, but the advice was very farsighted because if I had not run for governor and had not lost, I wouldn't be standing here today.

I also want to pay tribute on this occasion to Speaker Blatt. It was interesting for me to note, and I note it now for the whole nation, that he has been speaker in this House longer than any man has held that position in the whole history of America, and I pay tribute to him for having that high position today.

I am also very proud today that Secretary Dent, secretary of commerce, is present with us. He is the first man from South Carolina to serve in a President's Cabinet since James Byrnes was secretary of state.

And then, too, I wish to pay my respects on this occasion to the delegation from Washington, D.C. I could say much about them in terms of their very strong support of policies that we believe are best for America. I will simply say that on this occasion, under the very strong leadership of Sen. Strom Thurmond, there is no delegation from any state in the union that has given more firm support to the policies that made the achievement of a peace settlement possible.

It is interesting to note that the delegation in the Senate is half and half, Republican and Democratic. The delegation in the House of Representatives is about half and half, Republican and Democratic. But as the late Mendel Rivers used to say, when the defense of America and the honor of America is involved, we are not Republicans, we are not Democrats, we are Americans, and that is the spirit which has motivated the delegation from South Carolina always in the House of Representatives and the U.S. Senate.

Now I would like to turn to the settlement which has been discussed at considerable length, and also throughout the country since that settlement was announced. I should like to speak to you quite candidly about the settlement in terms of what it really means—what it means to America, what it means to the people of South Vietnam, and what it means to the world.

In referring to that settlement, I think it is important for us to note that I have often used the term "peace with honor." What does peace with honor mean? And here we go back into the long history of this terribly difficult war, the longest in this nation's history.

Because the war has been so long, and because it has been so difficult, there is a tendency for us to forget how the United States became involved, and why. It would be very easy now, looking back, to point out the mistakes that were made in the conduct of the war, to even question whether or not the United States should have become involved in the first place. But let us get one thing very clear: when, during the course of President Kennedy's administration, the first men were sent to Vietnam for combat, when, during the course of President Johnson's administration others were sent there to continue the activities in the military area, they were sent there for the most selfless purpose that any nation has ever fought a war.

We did not go to South Vietnam, and our men did not go there, for the purpose of conquering North Vietnam. Our men did not go to South Vietnam for the purpose of getting bases in South Vietnam or acquiring territory or domination over that part of the world. They went for a very high purpose, and that purpose can never be taken away from them or this country. It was very simply, to prevent the imposition by force of a Communist government on the 17 million people of South Vietnam. That was our goal and we achieved that goal, and we can be proud that we stuck it out until we did reach that goal.

Now the question, of course, will be raised by historians, the instant historians of the present and those who look at it in the future and attempt to evaluate this long and difficult war.

Was the purpose worth it? Was the sacrifice worth it? Only historians in the future, perhaps, will be able to judge that accurately, but we, at this time, and you, as you passed your resolution, must have considered the alternatives.

We had alternatives. I recall when I first became President there were those of my own party who suggested that after all, I had not made the decision that involved the United States with combat troops in Vietnam in the first place and, therefore, from a political and partisan standpoint, the better course of action and the easy course of action was to get out of Vietnam, to bring our men home, and to get our prisoners of war back regardless of what happened to South Vietnam.

That would have been a rather easy position, politically, to take. On the other hand, when we examine it for what it really meant and, could have meant to the United States, we can see why I had to reject it and why the people of the United States have supported that rejection during the four years which finally ended with the peace settlement.

If, for example, the North Vietnamese would have accepted the proposition of returning our prisoners of war simply for our getting out our own troops from Vietnam, and that is a highly doubtful proposition, but if they had, let us see what it would have meant.

We would have fought a long war. We would have lost tens of thousands of Americans who were killed in action and we would have fought it for what purpose? Only to get our prisoners of war back. If you wonder whether or not that purpose would have been adequate, let me say that a letter that I received from a mother in California perhaps will answer the question.

"As a mother of a young man who gave his life in this war, I felt very strongly about wanting an honorable peace agreement. Had you agreed to anything less, you would have let down not only the boys remaining in Vietnam, but also those who died in this war. It was difficult enough to accept our son's death, but to know it was all in vain would have been even more a tragedy. We feel that our son James would have felt as we do, and would have supported your policy."

I say to the members of this assembly gathered here that James did not die in vain, that the men who went to Vietnam and have served there with honor did not serve in vain, and that our POWs, as they return, did not make the sacrifices they made in vain, and I say it because of what we did in Vietnam.

It is my firm conviction that the United States can now exercise more effective leadership in the cause of world peace which the governor has so eloquently described a moment ago. On this occasion, I think it is well for us to think of a number of people whom we should honor today. We, of course, should honor our prisoners of war who have come back after their great ordeal standing tall, proud of their country, proud of their service.

We should honor also those who have died, and in honoring them, let's honor some of the bravest women this nation has ever seen, the wives, the mothers, not only of the POW's, but of those who died, the mother of a boy like James.

And finally, let us honor the two and half million men who served, who did not desert America, but who served, served in a difficult war, came back, often not with honor in terms of what they found from their neighbors and friends, but came back to what could have been a rather discouraging reception.

Now that we have brought an end to the war, let us honor them all, and the way to honor them, I say, is for us to work together to build a lasting peace in the world, a peace that can last not only in Southeast Asia, but a peace that the United States can help to build for this whole world in which we live.

Ending a war is not usual or unusual for the United States. After all, in this century we ended World War I, we ended World War II, we ended Korea, and now we have ended the American involvement in Vietnam. The critical question is: how do we end a war and then go from there to build a peace? And I address that question in relationship to this war for just a moment.

The year 1972 saw some historic breakthroughs in terms of America's search for peace, along with other nations: the opening of the dialogue with the People's Republic of China, with leaders who represent one-fourth of all the people who live on the face of the globe; the discussions that took place in Moscow last May and early June, discussions which led to a number of agreements, but particularly an agreement between the two superpowers to limit nuclear arms, the first step toward arms limitation, and, of course, more talks will take place this year with the leaders of the Soviet Union.

Now, when we consider those great events, combined with the end of the war in Vietnam, there could be a tendency for us to sit back and assume that we are going to have peace, instant peace, because of these new developments. What we must recognize is that we would not have had the kind of fruitful and constructive discussions that we had with the Soviet Union, and in my view we would not have had the opening of the dialogue with the People's Republic of China unless the United States had been strong—strong not only in its arms, but also unless the United States had been strong in terms of its will, it determination.

A nation which is strong militarily and yet is not respected is not a nation that is worth talking to. America is strong militarily, and America has demonstrated by its willingness to stand by a small, weak country, until we achieved an honorable peace, that we deserve, first, the trust of our allies and the respect of our potential adversaries in the world. And that, again, gives us a reason why we can look back on this long and difficult war and say that American men sacrificed—some their lives, some long imprisonment, and some away from home in a land which most of them did not know—that Americans have made that sacrifice in a cause that was important not just for Vietnam, but for America's position of leadership in the whole world.

Had we taken another course, had we, for example, followed the advice of some of the well-intentioned people who said, "Peace at any price. Get our prisoners of war back in exchange for withdrawing," had we taken that course, then respect for America, not only among our allies but particularly among those who might be our potential adversaries, would have been eroded, perhaps fatally.

So I say to you here today as we look to the future, the chances for us to build a peace that will last are better than they have been at any time since the end of World War II. We will continue the dialogue with the Soviet leaders; we will continue the dialogue with the People's Republic of China, and in this year ahead, we will renew discussions that we have been having in the past with our friends in Europe and in other parts of the world, because as we talk to those who have been our adversaries in the past, we must not overlook the vital necessity of strengthening the bonds we have with our allies and our friends around the world.

But as we conduct those discussions, I would urge upon this legislative body what I have often urged upon the Congress of the United States: let us be sure that as the President of the United States and his representatives negotiate with great powers in the world, let us be sure that he never goes to the negotiating table representing the second strongest nation in the world.

Because America is strong and has been strong, we have been able to negotiate successfully. We must maintain our strength and, of course, we will reduce it, but it must be on a mutual basis and not on a unilateral basis, because reducing unilaterally would remove any incentive for others in the world to reduce their strength at the same time.

Having spoken of military strength, let me also speak briefly of other kinds of strength that we need if we are going to build a world of peace and if America is going to continue the great role that we are destined to play as we near our 200th birthday as a nation.

It is essential that government—and here in this legislative chamber all of us are participants in the role of government—it is essential that government in America be strengthened in terms of being more responsive to the people.

By that I mean that government must get closer to the grass roots, and by getting closer to the grass roots, what I am very simply suggesting is this: for much too long, power has been flowing from the people, from the cities, from the counties, from the states, to Washington, D. C. And that is why, beginning with an historic move on revenue-sharing, and in other areas, I feel firmly we must turn it around, and that power should flow away from the concentration in Washington back to the states and the people. That is where it belongs and that is where it should stay.

Let us also remember that if America is to play the kind of a role that it must play and we want it to play, we need to be a united country. By being a united country, that doesn't mean that we agree on everything. It means that we have disagreements between parties, disagreements on a number of issues. That is the very essence of a free society.

But let the time be gone when this country is divided region against region, North versus South, race against race, black versus white, one economic group against another, labor versus management, simply because they are members of different groups. Let the time be gone when we divide Americans by age, the old against the young; in terms of what they produce, the cities against the farms.

It does not mean that we all have the same interest. It does not mean that we do not have areas where we disagree. But what it does mean is that this nation, when the great issues are involved—the security of America, the honor of America—let us speak of those issues and speak to those issues as one united people.

In that connection, as I speak for the first time as President of the United States to a legislature in the South, one of the things I am most proud of during the time I have served as President, and during the three times I have had the great honor to run for President, is that I have never divided this country North against South, East against West, one region against the other.

I believe this is one country, and let us all work to make it one country, because it is one United States of America that can lead the world to peace, the kind of peace that all of us want in the years ahead.

Finally, today, if we are to play the role that we are destined to play, we need faith. I think that the faith of all Americans was restored by what we have seen in the past few days as our prisoners of war came down the ramp of those planes and set foot for the first time on American soil, some of them after six, seven years of imprisonment.

You wonder how this nation, or any nation, could have brought into life men who would be so strong, men who could endure so much. And the important thing is, as we saw them come down those stairs, they came down with their heads high, proud of their country, proud of what they had done, and that is another reason why peace with honor was so vitally important. Because if this war, long and difficult as it was, had been ended solely for the basis of obtaining their release, you can see that for them it would have been the greatest disappointment.

I close with a message from one of them. When he sent this cable to me a few days ago, he did not know, and could not have known, that I would be addressing the South Carolina State Legislature today. The cable was to me, but as you can see as I read it, it is to all of you as well.

It is from Robert N. Daughtrey, Major, United States Air Force.

"My faith in our fellow Americans never faltered. Thank you for returning us with honor. I assure you we returned filled with pride and faith in the future.

"God bless you. God bless America."

THE U.S. PRESS MUST REMAIN FREE

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BINGHAM. Mr. Speaker, today I am introducing legislation aimed at preserving freedom of the press in this Nation. This bill is identical to S. 158, introduced in the Senate by the distinguished gentleman from California, Senator CRANSTON.

This proposal guarantees an absolute privilege to the working press of this country which would protect it from judicial attempts to force disclosure of information and confidential sources.

Last June, the Supreme Court ruled in the *Earl Caldwell* case that under existing law the press does not have an absolute right to protect its news sources against compulsory disclosure. Since then, in case after case, Government prosecutors have threatened reporters with contempt of court for refusal to disclose the sources of their news tips or additional information which they did not include in their original stories. Several reporters have actually been jailed.

This pattern of growing encroachment upon the liberty of the press is a highly dangerous one. If allowed to continue, the result will be the muzzling of the watchdog of our free society. Thomas Jefferson warned that—

> When the press is free and every man able to read, all is safe. No government ought to be without censors, and where the press is free, none ever will be.

The proposal which I am introducing has the support of the American Newspaper Publishers Association. It would protect journalists serving all the communications media, including newspapers, magazines, periodicals, news services, pamphlets, books, radio, and television. The proposal explicitly provides that no journalist could be required to disclose in any Federal or State proceeding his news sources or unpublished information. This would be an absolute privilege, and no cracks in the foundation of the law would remain into which prosecutors could seek to drive wedges which threaten a free press and a free society.

The Virginia statesman George Mason wrote at the birth of our Nation that—

> The freedom of the press is one of the great bulwarks of liberty, and it can never be restrained except by despots.

That maxim is as true today as it was two centuries ago, and in the hope that freedom of the press shall remain unfettered, I am introducing this bill.

ASSISTANCE TO RESIDENTS OF NORTHERN IRELAND

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BINGHAM. Mr. Speaker, on February 8, I introduced legislation to help alleviate the situation of the residents of war-torn Northern Ireland. Bombings, murders, reprisals, arrests, and searches have created an atmosphere of terror which many residents of that area wish to escape. However, present immigration laws sharply restrict the number of Northern Irish who are permitted to enter the United States as immigrants.

The bill which I introduced, H.R. 4195, would authorize the issuance of 25,000 special immigrant visas to residents of Northern Ireland who are seeking admission to the United States in order to escape the consequences of the civil war or religious, political, or economic persecution. These persons would not be subjected to the labor certification restrictions which currently impede residents of Northern Ireland who seek to emigate to the United States. In addition, my proposal would permit those residents of Northern Ireland who have entered the United States on nonimmigrant visas to adjust their status to that of special immigrants while they are in this country.

Our Nation has benefited enormously from the contributions made by generations of Irish-Americans. In all walks of life, including politics, law, medicine, the military, industry, and the clergy, Irish-Americans have distinguished themselves as outstanding citizens.

The people of Northern Ireland are now turning to this country in their hour of need and seeking entry into the United States to escape the violence and tragedy of civil war. In 1903, the immortal words of Emma Lazarus were engraved upon the Statue of Liberty in New York Harbor:

> Give me your tired, your poor,
> Your huddled masses yearning to breathe free . . .
> Send these, the homeless, tempest-tossed to me:
> I lift my lamp beside the golden door.

The national sentiment which inspired those lines is as strong today as it was at the turn of the century, and it is the responsibility of the Congress to enact the legislation necessary to respond to the needs of the war-weary residents of Northern Ireland. I have introduced H.R. 4195 in the hope that the sanctuary of our shores can be offered to them.

L. PATRICK GRAY—FBI

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, President Nixon has nominated Acting FBI Director L. Patrick Gray III, to become the Director and I trust the Senate confirms his nomination at an early date.

Meanwhile, Mr. Gray recently made a speech entitled "Law Enforcement and Social Progress," which I commend to the attention of all Members as well as the general public:

LAW ENFORCEMENT AND SOCIAL PROGRESS

(By L. Patrick Gray III)

We are hearing much today, even from prominent people who should know better, that law enforcement is not compatible with social progress and what is good for the individual citizen.

A FALSE ALLEGATION

This is a serious and false allegation which, if accepted by our people, could not only damage the professionalism and effectiveness of the police, but could undermine the legal basis of our society.

Recently, for example, former Attorney General Ramsey Clark, speaking in Washington, D.C., charged that American police departments, by obtaining new technical equipment and other resources to carry out their responsibilities, were in fact engaged in a program "to control blacks and other minorities instead of protecting them against the crime that often wracks their neighborhoods."

Mr. Clark then went on to say, in his words, "If we seek to use the police simply to make people keep their places . . . then we will know violence, and we should."

Others have echoed the refrain that law enforcement today is helping bring about a "repressive society" and thereby impeding legitimate social reform.

When I read such utterances about law enforcement in this country, reactions swell so fast within me that I have difficulty deciding which to speak of first. Above all, I feel strongly that those in law enforcement and investigative work should discuss this subject from a professional standpoint, and not in political terms. I intend to stay strictly within that framework as I answer Mr. Clark.

IGNORE MAGNITUDE OF CRIME

The first point to be made is that the viewpoint expressed by these critics ignores the magnitude of the crime problem in the United States.

It ignores the fact that serious crime increased 147 percent in the decade of the 1960's.

It ignores the feeling by many if not most city dwellers, white and black, that they could not venture in the streets at night without risking injury or death.

It ignores the obvious corollary that a society with this level of lawlessness is losing the very freedom that it is supposed to secure.

Under these circumstances, law enforcement personnel should be congratulated, not shamed, in the pursuance of their duty. For today, after a redoubled crusade against crime, we are beginning to see a turning of the tide.

In 1966, crime rose in the United States by 11 percent. In 1967, the rate of increase was 16 percent and in the following year 17 percent.

Then the rate of increase began to decline. In 1969, it dropped to 12 percent, in 1970 to 11 percent, and in 1971 to seven percent. During the first six months of the current year, the rate of increase of crime arose only one percent over the first half of 1971.

Let's look at some other pertinent statistics. During the first half of this year, a total of 72 of the Nation's major cities reported an absolute decrease in serious crimes compared with 34 cities showing a decrease in 1970 and 53 in 1971.

We all admit that any increase in crime is a matter of concern. There is still much work to be done by every citizen. Now is not the time to relax.

However, the very fact that the rate of increase has declined so appreciably is a tribute not only to the increasing effectiveness of a better trained and more highly professional police force but also to an aroused and concerned citizenry—a citizenry which says, "Yes, something positive can be done about the problem of crime."

Let's take another area of national concern—organized crime. For years this Nation has been plagued by criminal mobs which extorted, bribed, or otherwise illegally obtained millions of dollars from the public.

HIT ORGANIZED CRIME

In fiscal year 1972, the FBI's drive against organized crime hit an all-time high with a continuing series of major gambling raids, and the conviction of more than 800 racket figures, including some of the country's ranking syndicate leaders.

The lifeblood of the organized criminal element stems from illegal funds acquired in its tremendous illegal gambling combines and narcotics throughout the country. This investment capital enables representatives of the underworld to involve themselves in schemes of corruption, as well as fraudulent activities in legitimate business and industry.

Similar progress is being made in the war against narcotics. In 1971, Federal agents removed five times as much heroin and equivalent opium derivatives from the world market as in the year 1968. For the first time the United States has won the genuine cooperation of foreign countries that have been sources of narcotics, and they are cracking down on the traffic. Early in 1972, all this effort achieved, for the first time in history, a noticeable shortage of heroin in some major cities, including New York and Washington, D.C.

This drive against crime by agencies at all levels of government benefits all Americans. It certainly benefits those Americans who live in the inner cities where so much crime occurs.

These are the people who can least afford the cost of crime. They are the principal victims of the criminal. Their homes, offices and places of business are constant targets of the thief and the robber.

HURTS GHETTO DWELLERS

Crime brings serious economic consequences for the ghetto dweller. Businesses are closed, insurance rates soar, tax revenues decline. Individuals hoping to start or expand a business are discouraged.

Fear supplants hope. Residents move from the crime-infected areas. Vacant dwellings become the object of vandalism.

Other crimes, especially the drug traffic, flourish and debilitate a portion of the young people.

The ravages of crime are one of the most serious penalties inflicted upon inner city neighborhoods. And the battle against crime is, among other things, a battle to remove this scourge from those neighborhoods.

Yet, what the critics are really saying is that law enforcement is somehow anti-social. Ignoring the fact that crime impacts most heavily against the disadvantaged, and ignoring the alarming rise in crime for the past dozen years, they interpret society's efforts to combat crime as being repressive. In an article in *The New Yorker*, Richard Harris claims that programs to control crime are really programs to keep Negroes in their place."

On behalf of all law enforcement agencies throughout the country, I simply cannot overstate the outrage with which I reject these monstrous accusations. Those of us charged with investigating lawlessness and enforcing the law have a sober duty to live by our Nation's constitutional principles. We perform that duty. We enforce, and we investigate possible violations of, specific statutes. We do so regardless of the race, color, or political creed of persons suspected of the violation.

To depart from the law and enforce our personal ideas of right and wrong would be an utter default of our duty.

To pick and choose which laws to enforce and which to ignore would also be a flagrant dereliction of duty.

Unfortunately, there are a very few in our honored profession who do on occasions breach the law and bring dishonor to their fellow officers. Every effort is made to investigate and bring these individuals before the bar of justice.

NO FREEDOM IN ANARCHY

However, to equate law enforcement with repression is one of the most dangerous threats to a free society. Because freedom is not possible in a state of anarchy, where the heaviest club decides the issue, Lord Mansfield, a great English jurist, put it well when he said, "To be free is to live under a government by law."

What is the alternative to law enforcement in dealing with crime? Those who would degrade law enforcement answer that the true response to crime is to remove its causes—disadvantage and discrimination. This is assuredly a national goal. It has been and is being undertaken by administrations of both parties. This long-term approach gives no relief to those who are the victims of crime today.

And if we were, again, to follow this argument to its logical conclusion, we could strip most of the funds from our law enforcement agencies and direct this money into social channels. It is not an either-or proposition. Our task is the allocation of national resources into parallel channels dealing with crime itself and its social causes.

Those who equate enforcement with repression are hurling a ghastly insult at the very people they purport to defend. Their inference is that crime is simply an expression of discontent, and they attempt to legitimize this expression by discrediting our efforts to curb it. The disadvantaged communities do not need friends of this stripe. For the vast majority are law-abiding. They deplore crime —first, because it is wrong, and second, because they themselves are the principal victimes of the criminal.

A SOURCE OF RESENTMENT

There is no greater source of resentment in these communities than the feeling that they are being deprived of adequate police protection.

Government is respected in communities where the presence of a *bona fide* law enforcement effort guarantees equal protection under the law.

Still another misconception is the failure to distinguish between peaceful demonstrations and violent disorders. The difference is vital. If we blur the two and try to justify them both, we end by losing both our peace and our freedom.

Referring to the 1971 May Day activities in Washington, D.C., Professor Alan M. Dershowitz of the Harvard Law School states that, "The First Amendment's 'right of the people peaceably to assemble and to petition' was emasculated last year when the government indiscriminately rounded up more than 10,000 war protestors, most of whom—as the courts later held—were engaging in entirely legal behavior."

I do not know whether Professor Dershowitz was in Washington during the May Day riots. But no one observing the protest activities on that day could possibly call them peaceful—unless the burning and overturning of automobiles, the physical obstruction of motorists, and countless other acts of arson and vandalism may be called peaceful.

DERSHOWITZ' CLAIMS WRONG

I do not know whether Professor Dershowitz has read the rulings of the Washington judges in the May Day cases. His claim that "the government indiscriminately rounded up" the protestors is wrong on several counts. It was the Metropolitan Police Department of Washington, D.C., and not "the government" that made the arrests. The arrests were not indiscriminate. In the vast majority of cases, convictions were not possible only because there was insufficient evidence. The reason why convictable evidence was not secured was that the police were necessarily preoccupied with the essential task of preventing 20,000 disrupters from carrying out their publicly announced intention of stopping the government.

The Chief Judge of the Superior Court of the District of Columbia commented: "The fact is that thousands of persons were arrested under circumstances which in many instances would not permit the gathering of evidence. This court has no criticism of that procedure."

The truth is that the great majority of rulings by the Washington judges did not declare, as Professor Dershowitz claims they did, that the protestors "were engaging in entirely legal behavior."

The generalization made by Professor Dershowitz does nothing but urge Americans to ignore the difference between peaceful dissent and mob violence.

But this difference is crucial to our preservation as a free people. Peaceful dissent is guaranteed by the Constitution. Violence as a political weapon is anathema to freedom.

Unwarranted attacks upon law enforcement, and the effort to characterize the repression of crime as the repression of liberty, invite more crime and more violence.

When law enforcement is equated with the police state, then crime is equated with liberation.

I'm reminded of the observation that if depriving a man of his freedom to speak or move, or almost depriving him of his life, is a political activity—and hence unpunishable—then rape is a social event and sticking up a gas station a financial transaction.

In a society with built-in means of redress through the courtroom and the ballot box, there is no excuse for violence in any cause, bad or good.

BLACK LEADERS AGREE

Among those who have expressed agreement with this concept are some 60 leaders of the black community in Washington, D.C. According to press reports, they recently stated publicly that for years, war protestors have been coming to Washington to stage demonstrations without regard for the tax dollar cost to black residents in police and other expenses. And they expressed the view that such efforts would be used better in the electoral process in the communities.

The dedicated men and women who serve their fellow citizens in law enforcement and investigative professions in this country are not and must not be put on the defensive.

If there is any repression, it is the repression of crime.

And the truth is that law enforcement—far from being anti-social—is in reality the foundation—the cornerstone of a free society.

As the people of our inner cities are able to throw off the shackles of organized crime, they take the decisive step toward a community life of pride and achievement.

As the Nation defeats the threat of narcotics, it will assure the continuing health and vitality of the youth who are the masters of the future.

And as that Nation controls all crime and violence, it brings to itself that state of security, trust, and confidence out of which all other accomplishments are born.

DISTRESSING QUESTIONS RAISED BY MANPOWER BUDGET

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, the President's budget for manpower is a disturbing document. The Labor Department appropriations for manpower training and employment programs under the Manpower Development and Training Act, the Economic Opportunity Act, and the Emergency Employment Act are being cut in half—from $2.6 billion in fiscal 1972 to $1.3

billion in fiscal 1974. That can only be considered shocking at a time when we have not solved the problems of unemployment and poverty to which these programs are directed.

While I fully acknowledge the President's right to propose a budget no matter how inadequate, I also recognize the duty of the Congress to assess that budget and to raise the amounts that are inadequate to meet our pressing human problems.

But, Mr. Speaker, I do not recognize any right of the President to amend or disregard existing law in his proposed implementation of the budget. The manpower budget raises disturbing questions as to whether the Labor Department intends to comply with existing manpower statutes. I posed these questions in a letter to Secretary of Labor Brennan on February 5 and I have received no answer to my letter. For the information of Members who may not realize the implications of the "manpower revenue sharing" proposals in the budget, I ask unanimous consent that the text of my letter be inserted at the close of my remarks. It is the glory of this country that this is a government of laws and not of men, but it will not remain so if a mere budget submission is used as an excuse to violate the laws duly enacted by the Congress.

The text of the letter follows:

Congress of the United States,
Washington, D.C., February 5, 1973.

Hon. Peter J. Brennan,
Secretary of Labor,
Washington, D.C.

Dear Mr. Secretary: I was most disturbed to see in the President's Budget for 1974 that the Department of Labor proposes to implement manpower revenue-sharing without seeking legislative authorization for that program. This is particularly disturbing when one recalls that a bill to establish manpower revenue-sharing was decisively *defeated* in the last Congress. (See Congressional Record, vol. 117, pt. 13, p. 17488.) Is this consistent with the views of an Administration that has always subscribed to the view that "law and order is the first business of government?"

Before discussing the issues raised by this revenue-sharing proposal, I want to make clear that I am not opposed—in fact, I strongly favor—the decategorization and decentralization of certain manpower programs. (See my bill, H.R. 11167, 92nd Congress). I am also aware that the 1967 amendments to the Economic Opportunity Act and the 1968 amendments to the Manpower Development and Training Act provided legislative mandates for decategorization and decentralization which have not been followed by the Department of Labor in its administration of manpower programs. If the Department intends no more than to follow the requirements of Section 123(b) of the Economic Opportunity Act, requiring the consolidation of all work and training programs into a comprehensive work and training program funded through a single prime sponsor, and the requirements of Section 301(b) of the Manpower Development and Training Act authorizing state agencies to approve project applications consistent with a plan approved by the Secretaries of Labor and Health, Education and Welfare—I commend the initiative. My only comments would be that it has taken the Department of Labor a long time to come into compliance with the law, and that it is regrettable that such compliance should be given the misleading name of "manpower revenue-sharing."

But "manpower revenue-sharing" as presented to—and rejected by—the Congress contained two principles besides decategorization and decentralization which are inconsistent with existing law and which I strenuously oppose. First, it provided grants to state and local governments without the *prior* approval of a state or local plan. Second, it abdicated the supervisory responsibility of the Secretary of Labor for insuring the proper administration of manpower programs. Manpower revenue-sharing relied on the local electorate to correct maladministration of manpower programs.

I find no clear statement in the Budget Message whether the proposed manpower revenue-sharing is intended to incorporate these two principles, and I urgently request that you inform me whether or not the proposal is so intended.

There is one other matter in the Budget relating to manpower that raises a serious question: whether the Executive Branch intends to comply with the law as duly enacted by the Congress and approved by the President. Under the Budget submission, it appears that the Department is planning to stretch out the Budget authority under the Emergency Employment Act to fund 82,000 man-years of employment in Fiscal 1974. At the specific request of the Administration, the Emergency Employment Act was limited to a two-year program beginning in July 1971 and ending in June 1973. Funds for the program were to be used to subsidize jobs in that period and the proposed stretch-out, in effect, reduces the number of man-years of employment that can be provided in Fiscal 1973. I am confident that the Congress will extend the Emergency Employment Act and provide funds for 1974, and I believe it is inconsistent with the legislative history of that Act to use the funds intended to provide jobs this year for financing a transition to its abolition. I also request your urgent attention to this matter so that the Department of Labor can fund immediately the urgently needed jobs that should be provided in this Fiscal Year.

Mr. Secretary, I recognize that you have only recently assumed your office and that there must be many matters claiming your attention. As Chairman of the Subcommittee having jurisdiction over manpower legislation, it is, however, essential that I have a prompt indication of your views on these matters so that the Subcommittee may proceed with the development of appropriate legislation. I have also sent a copy of this letter to the Chairman of the Labor-HEW Appropriations Subcommittee so that he may be aware of these issues during the consideration of the Department's Manpower Budget.

There are also a number of more technical questions raised by the Budget proposal which I have listed on the attachment to this letter. I would appreciate your forwarding these questions to your Solicitor or other appropriate official and requesting him to submit a prompt response.

Sincerely,

Dominick V. Daniels,
Chairman.

Supplemental Questions Raised by Dominick V. Daniels, Chairman of the House Select Subcommittee on Labor, Concerning Manpower Revenue Sharing as Proposed in the Budget of the United States for Fiscal Year 1974

1. If funds are not separately identified as MDTA and EOA. how will you comply with the apportionment provisions of Section 301 (a) of the MDTA and Section 166 of the EOA?

2. How will states and localities determine which trainees are eligible for allowances under Section 203(a) of the MDTA?

3. How will the duties of the Secretary of HEW under Section 231 of the MDTA be carried out if EOA and MDTA funds are not segregated?

4. How will the different eligibility requirements of the MDTA and EOA be applied by states and localities if they receive funds unsegregated by statutory source?

5. Will local prime sponsors receive only EOA funds? If not, how will the requirements of Section 301(b) of the MDTA be met?

6. Will the JOBS Program be funded as a national program?

7. What level of funding do you propose for the various national programs listed on Page 633 of the Budget Appendix? Please compare the proposed level with the 1972 and 1973 figures.

8. You favor decentralization of manpower programs, but the only manpower program that receives a budget increase is the WIN Program which is not decentralized to Governors and Mayors. Why?

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. du Pont) to revise and extend their remarks and include extraneous matter:)

Mr. Duncan, for 30 minutes, today.

Mr. Blackburn, for 5 minutes, today.

Mr. Cronin, for 5 minutes, today.

(The following Members (at the request of Mr. Bowen) to revise and extend their remarks and include extraneous matter:)

Mr. Hamilton, for 5 minutes, today.

Mr. Cotter, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Morgan, for 5 minutes, today.

Mr. Clark, for 5 minutes, today.

Mr. James V. Stanton, for 5 minutes, today.

Mr. McFall, for 5 minutes, today.

Mr. Melcher, for 5 minutes, today.

Mr. Flood, for 5 minutes, today.

Mr. Wolff, for 15 minutes, today.

Mr. O'Neill, for 5 minutes, today.

Mr. Addabbo, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Fraser and to include extraneous matter notwithstanding the fact that it exceed two pages of the Congressional Record and is estimated by the Public Printer to cost $637.50.

Mr. Bennett to revise and extend his remarks in three instances.

(The following Members (at the request of Mr. du Pont) and to include extraneous matter:)

Mr. Cohen in two instances.

Mr. O'Brien in two instances.

Mr. Hastings.

Mr. Peyser in five instances.

Mr. Robison of New York in two instances.

Mr. du Pont.

Mr. Duncan.

Mr. Erlenborn.

Mr. Winn.

Mr. Young of Florida in five instances.

Mr. Kemp in three instances.
Mr. Thomson of Wisconsin.
Mr. Bob Wilson in two instances.
Mr. Brotzman.
Mr. Frelinghuysen.
Mr. Miller.
Mr. Ashbrook in three instances.
Mr. Hogan in three instances.
Mr. Broomfield in three instances.
Mr. Heinz.

(The following Members (at the request of Mr. Bowen) and to include extraneous matter:)

Mr. Eilberg in 10 instances.
Mr. Lehman.
Mr. Gonzalez in three instances.
Mr. Rarick in three instances.
Mr. Bingham in two instances.
Mr. Delaney.
Mr. Giaimo in three instances.
Mr. Murphy of New York.
Mrs. Grasso in five instances.
Mr. Dingell in two instances.
Mr. de Lugo in two instances.
Mr. James V. Stanton.
Mr. Steed.
Mr. Brown of California in 10 instances.
Mr. Minish.
Mr. Karth.
Mr. Charles H. Wilson of California.
Mr. Cotter.
Mr. Culver.
Mr. Roncalio of Wyoming.
Mr. St Germain.
Mr. Hungate.
Mr. Downing.
Mr. Hawkins.
Mr. Reid.
Mr. Andrews of North Carolina.
Mr. Biaggi in five instances.
Mr. Koch in four instances.
Mr. Waldie in 10 instances.
Mr. Dominick V. Daniels in three instances.
Mr. Anderson of California in three instances.
Mr. Barrett.

ADJOURNMENT

Mr. BOWEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Thursday, February 22, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

463. A letter from the Secretary of Defense, transmitting a report covering calendar year 1972 on the disposal of Government-owned communications facilities in Alaska, pursuant to section 206 of Public Law 90-135; to the Committee on Armed Services.

RECEIVED FROM THE COMPTROLLER GENERAL

464. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in the collection of data for the U.S. Postal Service's revenue and cost analysis system; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 4451. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period; to the Committee on Public Works.

By Mr. ANNUNZIO:

H.R. 4452. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

Mr. BADILLO:

H.R. 4453. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

H.R. 4454. A bill to permit officers and employees of the Federal Government to elect coverage under the old age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. BIESTER:

H.R. 4455. A bill to provide for a procedure to investigate and render decisions and recommendations with respect to grievances and appeals of employees of the Foreign Service; to the Committee on Foreign Affairs.

By Mr. BINGHAM:

H.R. 4456. A bill to insure the free flow of information to the public; to the Committee on the Judiciary.

H.R. 4457. A bill to permit officers and employees of the Federal Government to elect coverage under the old age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. BLACKBURN (for himself, Mr. Young of Florida, Mr. Baker, Mr. Fisher, Mr. Eshleman, Mr. Sebelius, Mr. Stephens, Mr. Archer, Mr. Parris, Mr. Martin of North Carolina, Mr. Erlenborn, Mr. Buchanan, Mr. Dennis, Mr. Steiger of Arizona, Mr. Collins, Mr. Camp, Mr. Robinson of Virginia, Mr. Robert W. Daniel, Jr., Mr. Rarick, Mr. Dickinson, Mr. Whitehurst, Mr. Steelman, and Mr. Ketchum):

H.R. 4458. A bill to protect the freedom of choice of Federal employees in employee-management relations; to the Committee on Post Office and Civil Service.

By Mr. BURKE of Florida:

H.R. 4459. A bill to amend the act of March 4, 1909, as amended, to obtain information for agricultural estimates from county extension agents; to the Committee on Agriculture.

H.R. 4460. A bill to equalize the retired pay of members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

H.R. 4461. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

H.R. 4462. A bill to establish nondiscriminatory school systems and to preserve the rights of elementary and secondary students to attend their neighborhood schools, and for other purposes; to the Committee on Education and Labor.

H.R. 4463. A bill to provide training and employment opportunities for those individuals whose lack of skills and education acts as a barrier to their employment at or above the Federal minimum wage, by means of subsidies to employers on a decreasing scale in order to compensate such employers for the risk of hiring the poor and unskilled in their local communities; to the Committee on Education and Labor.

H.R. 4464. A bill to require the suspension of Federal financial assistance to colleges and universities which are experiencing campus disorders and fail to take appropriate corrective measures forthwith, and to require the suspension of Federal financial assistance to teachers participating in such disorders; to the Committee on Education and Labor.

H.R. 4465. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

H.R. 4466. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

H.R. 4467. A bill to establish the Commission for the Improvement of Government Management and Organization; to the Committee on Government Operations.

H.R. 4468. A bill to prohibit the furnishing of mailing lists and other lists of names and addresses by Government agencies to the public; to the Committee on Government Operations.

H.R. 4469. A bill to provide for study of a certain segment of the Oklawaha River for potential addition to the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

H.R. 4470. A bill to amend the Interstate Commerce Act to provide increased fines for violation of the motor carrier safety regulations, to extend the application of civil penalties to all violations of the motor carrier safety regulations, to permit suspension or revocation of operating rights for violation of safety regulations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4471. A bill to provide additional Federal assistance for State programs of treatment and rehabilitation of drug addicts; to the Committee on Interstate and Foreign Commerce.

H.R. 4472. A bill to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry; to the Committee on Interstate and Foreign Commerce.

H.R. 4473. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize design standards for schoolbuses, to require certain standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4474. A bill to amend the Federal Aviation Act of 1958 in order to establish certain requirements with respect to air traffic controllers; to the Committee on Interstate and Foreign Commerce.

H.R. 4475. A bill to assist in the effective and suitable disposal of passenger cars at the time of the discontinuance of their use on the highways by encouraging the disposal of such cars through persons licensed by the Secretary of Transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4476. A bill to amend title 18 of the United States Code to provide a penalty for persons who interfere with the conduct of judicial proceedings, and for other purposes; to the Committee on the Judiciary.

H.R. 4477. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances, and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

H.R. 4478. A bill to amend section 245 of title 18, United States Code, to make it a crime to deny any person the benefits of any educational program or activity where such program or activity is receiving Federal financial assistance, and to provide for injunctive relief; to the Committee on the Judiciary.

H.R. 4479. A bill to make any alien who becomes a public charge within 24 months of his arrival in the United States subject to deportation, and for other purposes; to the Committee on the Judiciary.

H.R. 4480. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

H.R. 4481. A bill to provide for the appointment of additional U.S. district judges; to the Committee on the Judiciary.

H.R. 4482. A bill to provide increased annuities under the civil service retirement program; to the Committee on Post Office and Civil Service.

H.R. 4483. A bill to provide for the issuance of a commemorative postage stamp in honor of the first enlisted women in the U.S. Armed Forces; to the Committee on Post Office and Civil Service.

H.R. 4484. A bill to provide for the issuance of a commemorative postage stamp in honor of the veterans of World War I; to the Committee on Post Office and Civil Service.

H.R. 4485. A bill to provide for the issuance of a commemorative postage stamp in honor of the veterans of World War II; to the Committee on Post Office and Civil Service.

H.R. 4486. A bill to provide for the issuance of a commemorative postage stamp in honor of the veterans of the Spanish-American War; to the Committee on Post Office and Civil Service.

H.R. 4487. A bill to amend the Act of August 13, 1946, to increase the Federal contribution to 90 percent of the cost of shore restoration and protection projects; to the Committee on Public Works.

H.R. 4488. A bill limiting the use for demonstration purposes of any federally owned property in the District of Columbia, requiring the posting of a bond, and for other purposes; to the Committee on Public Works.

H.R. 4489. A bill to permit the release of certain veterans from liability to the United States arising out of loans made, guaranteed, or insured under chapter 37 of title 38, United States Code; to the Committee on Veterans' Affairs.

H.R. 4490. A bill to amend title 38 of the United States Code to provide that travel allowances paid to veterans traveling to and from Veterans' Administration facilities shall in no event be less than those paid to employees of the Federal Government traveling on official business; to the Committee on Veterans' Affairs.

H.R. 4491. A bill to liberalize the granting of assistance for certain Vietnam disabled veterans requiring specially equipped automobiles; to the Committee on Veterans' Affairs.

H.R. 4492. A bill to provide for the establishment of a national cemetery in Florida; to the Committee on Veterans' Affairs.

H.R. 4493. A bill to provide for a national cemetery in the area of Broward County or Dade County, Fla.; to the Committee on Veterans' Affairs.

H.R. 4494. A bill to amend the Internal Revenue Code of 1954 to increase the penalties for the unlawful transportation of narcotic drugs, and to make it unlawful to solicit the assistance of or use of a person under the age of 18 in the unlawful trafficking of any such drug; to the Committee on Ways and Means.

H.R. 4495. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

H.R. 4496. A bill to amend title II of the Social Security Act to permit an individual receiving benefits thereunder to earn outside income without losing any of such benefits; to the Committee on Ways and Means.

H.R. 4497. A bill to amend the Internal Revenue Code of 1954 to permit individuals to deduct all expenses for their medical care, and for other purposes; to the Committee on Ways and Means.

H.R. 4498. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

H.R. 4499. A bill to amend the Internal Revenue Code of 1954 to permit individuals to deduct all expenses for their medical and dental care, and for other purposes; to the Committee on Ways and Means.

H.R. 4500. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

H.R. 4501. A bill to amend the Internal Revenue Code of 1954, to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

H.R. 4502. A bill to amend the Internal Revenue Code of 1954, by imposing a tax on the transfer of explosives to persons who may lawfully possess them and to prohibit possession of explosives by certain persons; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.R. 4503. A bill establishing a Council on Energy Policy; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of North Carolina:

H.R. 4504. A bill to amend the Small Business Act to provide loans to small businesses for certain expenditures incurred as a result of complying with the Consumer Product Safety Act, the Flammable Fabrics Act, the Federal Hazardous Substances Act, and the Poison Prevention Packaging Act of 1970; to the Commission on Banking and Currency.

By Mr. BROYHILL of Virginia (for himself, Mr. HOGAN, Mr. HICKS, Mr. WHITE, Mr. HUDNUT, Mr. PARRIS, Mrs. HOLT, Mr. DICKINSON, Mr. BOB WILSON, Mr. WHITEHURST, Mr. KETCHUM, Mr. EILBERG, Mr. STEELE, and Mr. BRINKLEY):

H.R. 4505. A bill to provide for payments in lieu of real property taxes, with respect to certain real property owned by the Federal Government; to the Committee on Interior and Insular Affairs.

By Mr. CARTER:

H.R. 4506. A bill to authorize the U.S. District Court for the Eastern District of Kentucky to hold court at Pineville, Ky.; to the Committee on the Judiciary.

By Mr. CAMP (for himself, Mr. JARMAN, Mr. JONES of Oklahoma, Mr. MCSPADDEN, and Mr. STEED):

H.R. 4507. A bill to provide for the striking of medals in commemoration of Jim Thorpe; to the Committee on Banking and Currency.

H.R. 4508. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Iowa Tribe of Oklahoma and the Iowa Tribe of Kansas and Nebraska and in Indian Claims Commission docket No. 135 and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. COLLIER:

H.R. 4509. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 4510. A bill to amend the Internal Revenue Code of 1954, to tax cigarettes on the basis of their tar and nicotine content; to the Committee on Ways and Means.

H.R. 4511. A bill to amend the Internal Revenue Code of 1954, to allow a business deduction under section 162 for certain ordinary and necessary expenses incurred to enable an individual to be gainfully employed; to the Committee on Ways and Means.

H.R. 4512. A bill to amend the Internal Revenue Code of 1954, to provide a 5-year carryforward for unused medical expenses; to the Committee on Ways and Means.

H.R. 4513. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. CRONIN (for himself, Mr. BOLAND, Mr. BURKE of Massachusetts, Mr. CONTE, Mr. DONOHUE, Mr. DRINAN, Mr. HARRINGTON, Mrs. HECKLER of Massachusetts, Mr. MACDONALD, Mr. MOAKLEY, Mr. O'NEILL, and Mr. STUDDS):

H.R. 4514. A bill to provide for the establishment of an urban national park known as the Lowell Historic Canal District National Cultural Park in the city of Lowell, Mass., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DUNCAN (for himself and Mr. SAYLOR):

H.R. 4515. A bill to amend the tariff and trade laws of the United States to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. WILLIAM D. FORD:

H.R. 4516. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. FRELINGHUYSEN:

H.R. 4517. A bill to amend title 5, United States Code, to provide for the granting of college scholarships by the Federal Government to Federal employees' sons and daughters having superior scholastic attainments; to the Committee on Post Office and Civil Service.

H.R. 4518. A bill to amend the Internal Revenue Code of 1954, to provide a 30-percent credit against the individual income tax for amounts paid as tuition or fees to certain public and private institutions of higher education; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN (for himself, Mr. RHODES, and Mr. MAZZOLI):

H.R. 4519. A bill to amend the Federal Election Campaign Act of 1971, with respect to expenditures made for the use of communications media in order to oppose the candidacy of a legally qualified candidate for Federal elective office; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON:

H.R. 4520. A bill to amend section 832(e) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. HANNA:

H.R. 4521. A bill to amend the Communications Act of 1934, in order to prohibit the broadcasting of any advertising of alcoholic beverages; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWKINS:

H.R. 4522. A bill to amend the provisions of law providing compensation for work injuries suffered by Federal employees with respect to the entitlement of firefighters in certain cases; to the Committee on Education and Labor.

H.R. 4523. A bill to enforce the Treaty of Guadalupe-Hidalgo as a treaty made pursuant to article VI of the Constitution in regard to lands rightfully belonging to descendants of former Mexican citizens, to recognize the municipal status of the community land grants, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4524. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. HELSTOSKI:

H.R. 4525. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. HILLIS:

H.R. 4526. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

H.R. 4527. A bill to amend title 18 of the United States Code, to provide certain tort indemnity for officers and employees of the Bureau of Prisons; to the Committee on the Judiciary.

H.R. 4528. A bill to authorize the contribution of Federal funds for the establishment and operation of a National Commission on Accreditation for Corrections; to the Committee on the Judiciary.

By Mr. HOWARD:

H.R. 4529. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

H.R. 4530. A bill to prohibit the importation into the United States of commercially produced domestic dog and cat animal products; and to prohibit dog and cat animal products moving in interstate commerce; to the Committee on Ways and Means.

By Mr. KASTENMEIER (for himself, Mr. ASPIN, Mr. BERGLAND, Mr. BURLISON of Missouri, Mr. BURTON, Mr. HARRINGTON, Mr. OBEY, Mr. ROSENTHAL, Mr. SEIBERLING, and Mr. ZWACH):

H.R. 4531. A bill to amend the Clayton Act to provide for additional regulation of certain anticompetitive developments in the agricultural industry; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 4532. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. LEGGETT:

H.R. 4533. A bill to amend title II of the Social Security Act to permit a State, under its section 218 agreement, to terminate social security coverage for State or local policemen or firemen without affecting the coverage of other public employees who may be members of the same coverage group (and to permit the reinstatement of coverage for such other employees in certain cases where the group's coverage has previously been terminated); to the Committee on Ways and Means.

By Mr. LEHMAN:

H.R. 4534. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. McDADE:

H.R. 4535. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4536. A bill to amend title II of the Social Security Act to provide monthly insurance benefits for qualified dependent brothers and sisters of certain insured individuals; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 4537. A bill to provide for funding the Emergency Employment Act of 1971 for 2 additional years, and for other purposes; to the Committee on Education and Labor.

By Mr. McSPADDEN:

H.R. 4538. A bill to amend USCA 16 section 460(i)–6a, subsection (b); to the Committee on Interior and Insular Affairs.

By Mr. MARAZITI:

H.R. 4539. A bill to amend title 38, United States Code, to stabilize and "freeze" as of January 1, 1973, the Veterans' Administration Schedule for Rating Disabilities, 1945 edition, and the extensions thereto; to the Committee on Veterans' Affairs.

By Mr. MINSHALL of Ohio:

H.R. 4540. A bill to reserve a site for the use of the Smithsonian Institution; to the Committee on House Administration.

H.R. 4541. A bill to authorize the Smithsonian Institution to plan museum support facilities; to the Committee on House Administration.

By Mr. MOORHEAD of Pennsylvania:

H.R. 4542. A bill to amend section 1130 of the Social Security Act to make inapplicable to the aged, blind, and disabled the existing provision limiting to 10 percent the portion of the total amounts paid to a State as grants for social services which may be paid with respect to individuals who are not actually recipients of or applicants for aid or assistance; to the Committee on Ways and Means.

By Mr. NELSEN:

H.R. 4543. A bill to amend chapter 4 of title 23 of the United States Code, relating to highway safety, to provide a standard distress symbol for physically handicapped drivers; to the Committee on Public Works.

H.R. 4544. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. PATMAN:

H.R. 4545. A bill to amend the National Housing Act concerning primary and secondary reserves; to the Committee on Banking and Currency.

By Mr. PATMAN (for himself and Mr. WIDNALL):

H.R. 4546. A bill to amend the Par Value Modification Act; to the Committee on Banking and Currency.

By Mr. PATTEN:

H.R. 4547. A bill to amend the Communications Act of 1934, to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 4548. A bill to amend title 38, United States Code, to stabilize and "freeze" as of January 1, 1973, the Veterans' Administration Schedule for Rating Disabilities, 1945 edition, and the extensions thereto; to the Committee on Veterans' Affairs.

By Mr. PEPPER:

H.R. 4549. A bill to amend the Federal Aviation Act of 1958, to provide for an evidentiary hearing before a mandatory retirement age is prescribed for pilots; to the Committee on Interstate and Foreign Commerce.

By Mr. PODELL:

H.R. 4550. A bill to amend the Legislative Reorganization Act of 1946, to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

By Mr. QUILLEN:

H.R. 4551. A bill to protect hobbyists against the reproduction or manufacture of imitation hobby items and to provide additional protections for American hobbyists; to the Committee on Interstate and Foreign Commerce.

By Mr. RODINO:

H.R. 4552. A bill to provide that appointments to the Office of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate; to the Committee on Government Operations.

By Mr. ROGERS:

H.R. 4553. A bill to amend section 4171 of the Revised Statutes to allow the endorsement on certificates of registry of alternate masters; to the Committee on Merchant Marine and Fisheries.

H.R. 4554. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 4555. A bill to provide that, after January 1, 1973, Memorial Day be observed on May 30 of each year and Veterans Day be observed on the 11th of November of each year; to the Committee on the Judiciary.

By Mr. RONCALLO of New York:

H.R. 4556. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROY:

H.R. 4557. A bill to amend title 5, United States Code, to correct inequities in connection with the loss by employees of entitlement to travel and transportation expenses under travel agreements which have expired while the employees remained on duty outside the continental United States, and for other purposes; to the Committee on Government Operations.

By Mr. SATTERFIELD:

H.R. 4558. A bill to amend the Internal Revenue Code of 1954, to permit taxpayers to elect to deduct certain disaster losses in the taxable year immediately succeeding the taxable year in which the disaster occurred; to the Committee on Ways and Means.

By Mr. SEBELIUS:

H.R. 4559. A bill to provide for the mandatory inspection of rabbits slaughtered for human food, and for other purposes; to the Committee on Agriculture.

By Mr. STAGGERS (for himself and Mr. DEVINE):

H.R. 4560. A bill to authorize appropriations for the fiscal year 1974, for the Corporation for Public Broadcasting; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS:

H.R. 4561. A bill to provide that the recent action taken by the Federal Housing Commissioner in abolishing the adjusted premium charge imposed by section 203(c) of the National Housing Act shall be effective with respect to certain mortgage prepayments occurring on or after March 1, 1972; to the Committee on Banking and Currency.

H.R. 4562. A bill to provide for adjustments in the lands or interests therein acquired for the Clark Hill Reservoir, Ga., by the reconveyance of certain lands or interests therein to former owners thereof; to the Committee on Public Works.

By Mr. STOKES (for himself, Ms. Abzug, Mr. Badillo, Mr. Bingham, Mrs. Burke of California, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Dominick V. Daniels, Mr. Danielson, Mr. de Lugo, Mr. Denholm, Mr. Diggs, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mr. Fascell, Mr. Flood, Mr. Fraser, Mr. Gude, Mr. Harrington, Mr. Hawkins. Mr. Hechler of West Virginia, Mr. Helstoski, and Mr. Hicks):

H.R. 4563. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has enough quarters of coverage to be fully insured for old-age benefit purposes, regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. STOKES (for himself, Miss Holtzman, Mr. Koch, Mr. Lehman, Mr. Matsunaga, Mr. Metcalfe, Mrs. Mink, Mr. Moakley, Mr. Mollohan, Mr. Moss, Mr. Nix, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Riegle, Mr. Rosenthal, Mr. Roy, Mr. Roybal, Mr. St Germain, Mr. Sarbanes, Mr. Seiberling, Mr. Tiernan, Mr. Charles H. Wilson of California, Mr. Won Pat, and Mr. Yatron):

H.R. 4564. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has enough quarters of coverage to be fully insured for old-age benefit purposes, regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. STUCKEY:

H.R. 4565. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. TEAGUE of Texas:

H.R. 4566. A bill to repeal the taxes which go into the highway trust fund; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (for himself and Mr. Mosher):

H.R. 4567. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Science and Astronautics.

By Mr. WALDIE:

H.R. 4568. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WALDIE (for himself, Mr. Mailliard, Mr. Teague of California, Mr. Bell, Mr. McCloskey, Mr. Pettis, Mr. Roybal, Mr. Rees, Mr. Leggett, Mr. Stark, Mr. Hawkins, Mr. Burton, Mr. Corman, Mr. Brown of California, Mr. Edwards of California, Mr. Danielson, Mr. Veysey, Mr. Moss, Mr. Ryan, and Mr. Dellums):

H.R. 4569. A bill to designate the San Joaquin Wilderness, Sierra National Forest, and Inyo National Forest in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. WOLFF (for himself, Mr. Broomfield, Mr. McSpadden, Mr. Pepper, Mr. Biaggi, Mr. Jones of Alabama, Mr. Conyers, Mr. Meeds, Mr. Tiernan, Mr. de Lugo, Mr. Brasco, Mr. Hechler of West Virginia, Miss Jordan, Mr. Rosenthal, Mr. Won Pat, Mr. Podell, Mr. Harrington, Mr. Drinan, Mr. Murphy of Illinois, Mr. Yatron, Mr. Charles Wilson of Texas, Mr. Melcher, Mr. Rodino, Mr. Roy, and Mr. Eilberg):

H.R. 4570. A bill to require States to pass along to individuals who are recipients of aid or assistance under the Federal-State public assistance programs or under certain other Federal programs, and who are entitled to social security benefits, the full amount of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. WOLFF (for himself, Mr. Waldie, Mr. Price of Illinois, Mr. Green of Pennsylvania, Mr. Sarbanes, Mr. Gude, Mr. Young of Florida, Miss Holtzman, Mr. Riegle, Mr. Stuckey, Mr. Roncalio of Wyoming, Mr. Roe, Mrs. Schroeder, Mrs. Chisholm, Mr. Moakley, Mr. Mitchell of Maryland, Mr. Culver, Mr. Rangel, and Mr. Addabbo):

H.R. 4571. A bill to require States to pass along to individuals who are recipients of aid or assistance under the Federal-State public assistance programs or under certain other Federal programs, and who are entitled to social security benefits, the full amount of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. WYMAN:

H.R. 4572. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Florida:

H.R. 4573. A bill to amend chapter 55, title 38, United States Code, so as to increase the amount of benefits payable to certain hospitalized veterans; to the Committee on Veterans' Affairs.

By Mr. BURKE of Florida:

H.J. Res. 356. Joint resolution expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes; to the Committee on Foreign Affairs.

H.J. Res. 357. Joint resolution Stable Purchasing Power Resolution of 1973; to the Committee on Government Operations.

H.J. Res. 358. Joint resolution providing for the display in the Capitol Building of a portion of the moon; to the Committee on House Administration.

H.J. Res. 359. Joint resolution providing for the establishment of the Astronauts Memorial Commission to construct and erect with funds a memorial in the John F. Kennedy Space Center, Fla., or the immediate vicinity, to honor and commemorate the men who serve as astronauts in the U.S. space program; to the Committee on House Administration.

H.J. Res. 360. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

H.J. Res. 361. Joint resolution proposing an amendment to the Constitution of the United States relating to the busing or involuntary assignment of students; to the Committee on the Judiciary.

H.J. Res. 362. Joint resolution to redesignate the area in the State of Florida known as Cape Kennedy as Cape Canaveral; to the Committee on Science and Astronautics.

By Mr. EDWARDS of Alabama:

H.J. Res. 363. Joint resolution authorizing the President to proclaim the week of May 27 through June 2, 1973, as "National Stamp Collecting Week", and to proclaim June 1, 1973, as "National Stamp Collectors' Day"; to the Committee on the Judiciary.

By Mr. ERLENBORN:

H.J. Res. 364. Joint resolution proposing an amendment to the Constitution of the United States to insure that due process and equal protection are afforded to an individual from conception; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.J. Res. 365. Joint resolution relating to sudden infant death syndrome; to the Committee on Interstate and Foreign Commerce.

By Mr. O'HARA:

H.J. Res. 366. Joint resolution to authorize the President to proclaim the period from March 11 through March 17, 1973, as "National Learning Disability Week"; to the Committee on the Judiciary.

By Mr. SIKES (for himself and Mr. Mizell):

H.J. Res. 367. Joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day"; to the Committee on the Judiciary.

By Mr. BURKE of Florida:

H. Con. Res. 118. Concurrent resolution expressing the sense of the Congress regarding steps to strengthen the foreign policy of the United States through measures relating to the domestic economy; to the Committee on Foreign Affairs.

H. Con. Res. 119. Concurrent resolution expressing the sense of the House of Representatives objecting to the eligibility of the Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic for membership in the United Nations; to the Committee on Foreign Affairs.

H. Con. Res. 120. Concurrent resolution creating a Joint Committee to Investigate Crime; to the Committee on Rules.

H. Con. Res. 121. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. DICKINSON:

H. Con. Res. 122. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Ms. Abzug, Mr. Brown of California, Mr. Buchanan, Mr. Burton, Mr. Byron, Mr. Conte, Mr. Cotter, Mr. Derwinski, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mr. Fascell, Mr. Fish, Mr. Forsythe, Mr. Harrington, Miss Holtzman, Mr. Moakley, Mr. Podell, Mr. Riegle, Mr. Rodino, Mr. Rosenthal, Mr. Sarbanes, and Mrs. Schroeder):

H. Con. Res. 123. Concurrent resolution expressing the sense of the Congress with respect to the treatment of Jews in Iraq and Syria; to the Committee on Foreign Affairs.

By Mr. BLACKBURN (for himself, Mr. Wylie, Mr. Derwinski, Mr. Dickinson, Mr. Zwach, Mr. Frenzel, Mr. Cronin, Mr. Robinson of Virginia, Mr. Archer, Mr. Cleveland, Mr. Ketchum, Mr. Winn, Mr. Pritchard, Mr. McKinney, Mr. Butler, and Mr. Dennis):

H. Res. 227. Resolution to amend the Rules of the House of Representatives to provide for the efficient operation of congressional committees and to insure the rights of all committee members to have equal voice in committee business; to the Committee on Rules.

By Mr. BLATNIK:

H. Res. 228. Resolution authorizing the Committee on Public Works to conduct studies and investigations within the jurisdiction of such committee; to the Committee on Rules.

By Mr. BURKE of Florida:

H. Res. 229. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

H. Res. 230. Resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

H. Res. 231. Resolution calling upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry; to the Committee on Foreign Affairs.

H. Res. 232. Resolution to provide for equitable and effective minority staffing on House standing committees; to the Committee on Rules.

By Mr. EDWARDS of California (for himself and Mr. Reuss):

H. Res. 233. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. HOWARD:

H. Res. 234. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on Transportation, and for other purposes; to the Committee on Rules.

By Mr. STAGGERS:

H. Res. 235. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 182; to the Committee on House Administration.

By Mr. WALDIE (for himself, Mr. Seiberling, Mr. Lehman, Mr. Corman, Mr. Reid, Mrs. Chisholm, Mr. Wolff, Mr. Badillo, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Riegle, Mr. Forsythe, Mr. Moss, Mr. Roybal, Mr. Moakley, Mr. Podell, Mr. Rangel, Mr. Culver, Mr. Bergland, Miss Jordan, Mr. Stokes, Mr. Pritchard, Mr. Young of Georgia, Mrs. Schroeder, and Mr. Yates):

H. Res. 236. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. WALDIE (for himself, Miss Holtzman, Mr. Leggett, Mr. Clay, Mr. Evans of Colorado, Mr. Fauntroy, Mr. Tiernan, Mr. Fraser, Mr. Eilberg, Mr. Thompson of New Jersey, Mr. Danielson, Mr. Eckhardt, Mr. Aspin, Mr. Drinan, Mr. Owens, Mr. Gude, Mr. Ashley, Mr. Brasco, Mr. Meeds, Mr. Conyers, Mr. Stark, Mr. Rosenthal, Mr. Howard, Mr. Rees, and Mr. McCloskey):

H. Res. 237. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. WALDIE (for himself, Mrs. Burke of California, and Mr. Carey of New York):

H. Res. 238. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. CHARLES H. WILSON of California:

H. Res. 239. Resolution Canal Zone Sovereignty and Jurisdiction Resolution; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

43. The SPEAKER presented a memorial of the Legislature of the State of South Carolina, relative to exempting prisoners of war returning from Southeast Asia from the payment of Federal income tax; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIESTER:

H.R. 4574. A bill for the relief of the Newtown Presbyterian Church; to the Committee on the Judiciary.

By Mr. CLEVELAND:

H.R. 4575. A bill for the relief of Filippo Sardo; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 4576. A bill for the relief of Rodolfo S. Guadiana; to the Committee on the Judiciary.

H.R. 4577. A bill for the relief of Mrs. Rosita I. Ines; to the Committee on the Judiciary.

H.R. 4578. A bill for the relief of Alfredo Angulo-Rocha; to the Committee on the Judiciary.

H.R. 4579. A bill for the relief of Meyer Weinger and Fay Weinger; to the Committee on the Judiciary.

By Mr. DICKINSON:

H.R. 4580. A bill for the relief of Mrs. Modesta Ugalino; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 4581. A bill for the relief of Victor Conte; to the Committee on the Judiciary.

By Mr. FULTON:

H.R. 4582. A bill for the relief of the Andrew Jackson Lodge No. 5, Fraternal Order of Police, of Nashville, Tenn.; to the Committee on Public Works.

By Mr. KASTENMEIER:

H.R. 4583. A bill to provide for the free entry of five carillon bells for the use of the University of Wisconsin, Madison, Wis.; to the Committee on Ways and Means.

By Mr. KAZEN (by request):

H.R. 4584. A bill for the relief of Peter M. Spanner; to the Committee on the Judiciary,

By Mr. MARAZITI:

H.R. 4585. A bill for the relief of Tai Kwon Jang and Man Kwon Jang; to the Committee on the Judiciary.

By Mr. NELSEN:

H.R. 4586. A bill to incorporate in the District of Columbia the National Inconvenienced Sportsmen's Association; to the Committee on the District of Columbia.

By Mr. NIX:

H.R. 4587. A bill for the relief of Maria La Valle Arrigo; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 4588. A bill for the relief of Maria Giovanna Loyero; to the Committee on the Judiciary.

H.R. 4589. A bill for the relief of Roger Stanley, and the successor partnership, Roger Stanley and Hal Irwin, doing business as the Roger Stanley Orchestra; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 4590. A bill for the relief of Melissa Catambay Gutierrez; to the Committee on the Judiciary.

H.R. 4591. A bill for the relief of Milagros Catambay Gutierrez; to the Committee on the Judiciary.

By Mr. THOMSON of Wisconsin:

H.R. 4592. A bill for the relief of Abbey Ogolo; to the Committee on the Judiciary.

By Mr. NELSEN:

H. Res. 240. Resolution to refer the bill (H.R. 3539) entitled "A bill for the relief of Robert A. Carleton" to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, as amended; to the Committee on the Judiciary.

By Mr. STEPHENS:

H. Res. 241. Resolution for the relief of William H. Spratling; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

53. The SPEAKER presented the petition of the city council, San Leandro, Calif., relative to dissatisfaction with the U.S. Postal Service; to the Committee on Post Office and Civil Service.

EXTENSIONS OF REMARKS

JIM LYNCH, BROOKLINE'S POPULAR RECREATION DIRECTOR, RETIRES AFTER 48 YEARS

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. O'NEILL. Mr. Speaker, it is somewhat of a painful duty that has evolved upon me today as I afford myself the privilege of announcing through Congressional Record columns the formal retirement of my good friend, James J. "Jim" Lynch, as director of recreation in the town of Brookline, Mass. This distinguished and popular recreational leader is a lifetime citizen of that great township which is virtually bounded by the city of Boston. He will long be remembered as part of Brookline's glorious history, especially the progressive chapters he wrote in its physical fitness and recreational endeavors. But he will also be more easily recalled as a man of deep compassion and understanding—a man whose generous heart and humanitarian spirit hails him as one of the most remarkable examples of true charity that was ever evidenced.

I felt a keen personal loss when the town of Brookline was removed as part of my congressional district in the 1972 Massachusetts reapportionments. But be assured that nothing in such a geographical constituency shift caused me to lose my many fine friends there. It goes without saying that foremost amongst the many friendships I boast in that town, one of the most cherished is that which I enjoy with Jim Lynch.

I recollect the happy experience when meeting with his wonderful family for the first time. I met his 10 splendid children and his beautiful and devoted wife, May, enjoying a huge outdoor party on a lovely summer's Sunday in 1970. It was a typical Brookline get-together—wholesome and carefree. At that time it was so becoming of Jim Lynch to make everybody in attendance feel warmly greeted and made comfortably right at home—like a guest of honor. My invitation—a pleasant surprise—and my participation at this affair will ever be cataloged in my memory of wonderful and joyous celebrations as long as I live. It is my distinct recollection that I never met so many fun-loving and friendly people at a gathering of neighbors and families in my entire career.

One might ask, What is there so unusual about this recreational director and community leader in his selective profession of working with so many people? My answer is the clear evidence that he has always been in the forefront of initiating lively interest in projects for the young and the not-so-young. To chronicle some of the important—

His early manhood is remembered by his intimates as always endeavoring to develop organizations and associations that fostered friendly athletic competition in the neighborhoods of the town. From this personal initiative the great Athenian Athletic Club was begun.

His athletic career at Brookline High was notably memorable by outstanding performances in all of its sports programs, and truly climaxed when he starred in the backfield as Brookline High won its first Suburban League football championship in 1926. On the strength of this great all-round career, he was tapped by many friends to attend colleges and universities of their selection. Following a couple of memorable years at Swarthmore (Pa.) Preparatory School, he decided that he would attend Brown University, in Providence, R.I., where he enrolled in the fall of 1929. After a few short years at that great institution, family circumstances compelled him to curtail his education, so he could not graduate with his class of '33. I simply mention this excellent demonstration of typical self-sacrifice as he now returned home to Brookline to assume family responsibilities which had been brought about through the untimely illness of his loving father, James J. Lynch, Esq., for whom Jim was named. His father, at that time, had been one of the most celebrated and able lawyers in Boston. About his wonderful and devoted mother, Mary L. Lynch, she did not wish for her son to make this choice. But both these parents were soon to be sustained and satisfied in the knowledge that Jim would never interrupt his burning desire to study and improve himself. He continued physical-education courses at Boston University even after he accepted full-time employment in the town's recreational system.

It was the starting point of his life's professional career. Actually, he had served since 1925 in some capacity of this great community's recreational division. He was employed during his high school summer months at its public swimming pool, and later as a playground leader. He filled in also as a physical instructor in the evening gymnasium programs. So, history clearly depicts 48 years' tenure in the town's athletic and recreational service—42 of them in full-time capacity. It developed clearly that this had to be his original decision; driven by an inspired ambition to go into full-time recreational service, and to continue his college education by undertaking the career that has now brought him to this high point that we celebrate March 4. As his hundreds of friends gather to pay him heartfelt tribute and extend their best wishes for a deserving and full life of future happiness with his beautiful wife, they clearly understand and recognize that when they honor May and Jim they are honoring themselves.

I am informed that you will see photos of May and her fine family portrayed later in this program. I am sure they will all look proud and beautiful—truly sources of happy memories to this exemplary couple. It goes without saying that tonight's souvenir brochure will conclude with the loving countenances of May and Jim "smiling through" as always—life's companions.

THE PROBLEMS OF PEACE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 21, 1973

Mr. THURMOND. Mr. President, an excellent editorial entitled, "The Problems of Peace," appeared in the February 1973 issue of Sea Power magazine.

This editorial points out that, while the Vietnam conflict fades into the background, our Nation is still faced with critical problems such as maintaining a strong Defense Establishment.

Key points are made as to the importance of rebuilding and modernizing our Navy, strengthening the American merchant marine forces, coping with the energy crisis and taking steps to reduce our balance-of-payments deficit.

The fact that foreign ships carry the majority of materials to and from our shores and the fact that we are now importing large quantities of oil both impact very unfavorably on our balance-of-payments equation. Adm. Hyman G. Rickover warns that, if the current trends continue, "we will run out of oil in less than 60 years."

Mr. President, this is an outstanding editorial and I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE PROBLEMS OF PEACE

Now it is almost over. At the end of the long, dark tunnel of Vietnam the nation finally has found peace—a just and enduring peace, let us all hope—and our men, our prisoners of war and some of those previously listed as missing in action, are coming back to the blinding light of freedom.

Freedom. After what for some have been agonizingly long years of captivity. For these men and their families there still looms ahead another long ordeal of rehabilitation and reconciliation as they build their lives anew. The rest of us can help, slightly, by kindness, understanding, sympathy. But the bulk of the struggle belongs to them and to their parents, wives, and children.

There are many who will not return, others who return maimed and scarred—and some of their emotional scars are far worse than any physical disfigurations they may also have suffered.

The nation at large also has been a prisoner of war in a very real sense, and must pass through a similar period of rehabilitation in the months and years ahead. Because, just as the longest-term prisoners are returning from Vietnam to a country far different from that they left, the nation as a whole is returning to a post-Vietnam world considerably different from that of the early 1960s. It is sad that two of our stronger Cold War Presidents—whom history will, we believe, treat more generously than did their contemporaries—should have died within a month of each other, and before the cease fire in Vietnam. But their passing may be symbolic of the changes that have taken place in the world since their days of power.

We are, the President tells us, moving from an era of confrontation to an era of negotiation. But the Cold War is not yet over. We must maintain our strength and particularly, we would say, considering the long-range implications of the Nixon Doctrine, our strength at sea.

U.S. naval and military forces are battle-tested, but weary. While fighting a long, debilitating, and frustrating strange kind of war in a faraway place they have also been subjected to unrelenting attack on the home front from much of the press and many influential members of the legislative branch—whose vitriolic and enervating assaults on the U.S. defense establishment have not, in our opinion, reflected the general attitude of the American public. For our Armed Forces the war in Southeast Asia may indeed be over, but the battle on Capitol Hill and in the mass media is, sad to report, likely to continue for the foreseeable future. Such is the legacy of Vietnam.

But it's a battle which must be endured, and won. Because over the last decade the Soviet Union has improved its relative position vis-a-vis the United States in virtually every quantifiable area of naval and military strength. Russian ships, merchant as well as naval, now circumnavigate the globe on an equal footing with American vessels. Thanks to the accidents of geography, Soviet undersea missiles off the east, west, and Gulf coasts are closer to most U.S. cities than U.S. missiles are to the great cities of the U.S.S.R.

But let us assume that we *have* learned from history and do maintain our naval and military strength, thus assuring that the present uneasy period of peace will, indeed, endure for a generation or more. The nation, and the world, will still face numerous other complex problems of terrifying magnitude. The U.S. balance-of-payments situation and economic interrelationships with other world powers, for example, will be complicated and aggravated immensely by the fact that what should be the major U.S. economic weapon—the American merchant marine—is largely encased in rust. New and better ships are coming, but they are few in number and, although highly productive, will be unable to keep pace with the expanding trade requirements of a nation much more heavily dependent on imports and exports than most of the citizenry realizes. If many more U.S. ships are not built, and soon, it will be a loss not only to the U.S. domestic shipbuilding industry but to the U.S. economy as a whole, as foreign bottoms continue to carry the bulk of materials to and from U.S. ports, thus worsening an already serious balance-of-payments deficit.

And let us not forget the energy crisis, which in its embryonic stages already has meant the rationing of fuel in some areas, the closing of schools and factories in others. Be assured that the worst is yet to come. Department of the Interior studies indicate that by 1985 the United States will have to import 14.9 million barrels of oil per day—at a balance-of-payments cost, according to former Interior Secretary Walter J. Hickel, of $25 billion per year.

That's the good news, relatively speaking. The bad news is that, even if U.S. ships (or foreign ships, for that matter) are there ready to carry it, and even if the U.S. economy is able and willing to pay for it, there soon may be no oil available in any case—if current trends continue, according to Vice

Admiral Hyman G. Rickover, "we will run out of oil in less than 60 years."

We could continue with a much longer list of problems: overpopulation, the ecology, world malnutrition, rapidly diminishing natural resources, to name a few. But to do so might seem alarmist. Besides, the point has been made, we think. We welcome this new age of peace, fragile though it may be. We hope and pray it will not also become an age of complacency.

CONVICTED CRIMINAL TREATED BETTER THAN ONE NOT CONVICTED

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. WOLFF. Mr. Speaker, I have spoken out here in this Chamber on many occasions over the past several months on behalf of the basic rights of a constituent of mine, Thomas Laffey of Williston Park who is currently incarcerated in the Tarrant County Jail in Fort Worth, Tex.

Mr. Laffey is being jailed under a civil contempt of court charge for refusing to answer certain questions posed by a grand jury sitting in the northern district of Texas. Of late, I have received disturbing letters from him and concerned inquiries from his wife and family about certain privileges being restricted to him such as work details, telephone calls and letter-writing.

Having visited Mr. Laffey in Fort Worth last July, I have personal knowledge that he is being held in facilities that are designed for short rather than lengthy stays. Thus, he is confined to a very small area and is greatly hampered by inadequate facilities.

Once again I feel compelled to protest this type of treatment in the case of a man who is charged with no crime. I have stated previously that convicted Federal prisoners receive better treatment than Mr. Laffey has.

I have asked the Attorney General to intercede in order to secure a transfer to a Federal facility. However, through one of his deputies, he has advised me that he is unable to affect the transfer, suggesting that Mr. Laffey's attorneys must request such an action from the court which has jurisdiction.

At this point in the RECORD, Mr. Speaker, I insert an article from a recent issue of Parade magazine concerning the Fort Worth Federal Correctional Institute. I wonder why it is possible to extend such excellent treatment to convicted criminals while Mr. Laffey, who has been charged with no crime let alone be convicted of one, remains confined to the cramped cell of a short-term holding facility.

[From Parade magazine, Feb. 11, 1973]

A COED PRISON WITHOUT BARS

(By Carlton Stowers)

FORT WORTH, TEX.—They sat in the crowded cafeteria, laughing, eating lunch and talking as soul music poured from a transistor radio. There was Jim, 41, dressed in khakis and a sport shirt, telling 28-year-old Janet, a pixie blonde in jeans and sweatshirt, about his recent visit with his family. Charlie and Hilda, young husband and wife, held hands at a nearby table.

Nothing remarkable, except that the four are inmates at the Fort Worth Federal Correctional Institute, the nation's only coeducational prison for adults; a dramatic year-old experiment in what Warden Charles F. Campbell calls "a search for better ways to make corrections work."

The prison operates in a low-pressure atmosphere, geared to rehabilitation and to preparing the 359 men and 81 women "residents," as they are called, for their eventual return to the outside world.

The main gate is always open, unattended, and only a 12-foot-high chain-link fence separates the 200-acre prison from the nearby residential and industrial neighborhood.

There are no prison-style uniforms. Rather, men wear slacks and sport shirts and women are taken to a department store upon arrival and allowed to purchase a wardrobe that ranges from shorts and miniskirts to pants suits and jeans. Residents live in private or semiprivate rooms and carry their own keys. Special weekend furloughs are granted many prisoners; there is color television in the recreation room, and no guns or nightsticks are carried by prison officers or other employees.

The prison is energetically involved in the community. There are 60 inmates who qualify for work release and study release programs, laboring at various jobs in Fort Worth or attending classes at nearby Tarrant County Junior College, Texas Christian University or several business colleges.

CONTACTS OUTSIDE PRISON

Also, the program has attracted the help of volunteers from the city. Forty members of Alcoholics Anonymous counsel prisoners with drinking problems, taking them to AA meetings. There are religious volunteers, others who donate their time to teach piano and handicrafts or just come to talk with the inmates.

"The relationship with people from the free world," insists Campbell, "is one of the most worthwhile aspects of our program."

"Men and women need each other," Campbell says. "Allowing members of the opposite sex to associate, to talk and relate to each other creates a wholesome, natural atmosphere."

The prisoners are allowed to dine together, go to weekend movies in the auditorium, stroll hand in hand across the quadrangle or just sit and chat outside at the tables and benches shaded by brightly colored umbrellas. Sexual intercourse, however, is forbidden, even for the three married couples currently confined at the institution.

"We tell those who come here," says Campbell, "that they have to buy that part of the contract or forget the whole thing." A veteran of 18 years with the Federal Bureau of Prisons, Campbell admits there are occasional infractions of the no-sex rule. To date, five women inmates have been transferred because they attempted to get sexually involved with men and 10 men have been moved elsewhere for various reasons, including inability to adjust to being around women.

STAY ABOUT 15 MONTHS

And since the October, 1971, opening of the prison there have been no cases of homosexuality, a major problem in many of the nation's federal and state prisons.

"When we opened the facility," Campbell says, "we were looking for offenders who were within two years of being released, who would not be serious escape risks, were not considered 'predatory', and were willing to accept the restrictions of the coeducational concept and participate in intensive training and programming." The average stay of inmates is from 14 to 16 months.

IT'S ONLY "BRAGGING"

The prison and its revolutionary methods have drawn both praise and criticism during its first year of operation.

"Stories get back to us," says Campbell, "of prisoners who have been released, bragging about wild sex orgies. And, of course, there are those willing to accept such blatantly false statements as fact."

Recently the husband of an inmate filed a $1,500,000 damage suit alleging that "an atmosphere of free love" exists within the prison and that the federal government had jeopardized his marriage and caused him needless mental anguish when it sent his wife to the coed prison.

While the prison has been derisively called a "country club for felons," Campbell is quick to insist that it is an unfair tag. "I believe in running a tough prison and we have strict rules here," he says. "We don't, however, deprive people of basic human dignity.

"We have a lot of the same problems that other correctional institutions have—theft, drugs, fights and keeping order—but our cases are on a far smaller scale. And, yes, we have had a few take advantage of the relaxed security and walk off."

Judy, convicted of transporting stolen goods across the state line talks about life in the coed prison:

"There is not the hate here that you find in other prisons. Here, people are allowed to still be human beings and learn respect for themselves and each other. Sure, we have a lot of freedom and things that other prisoners elsewhere aren't allowed, but this is no country club. Every privilege one gets here is earned.

"Prison is prison, no matter how much freedom you are allowed. Most of those here, however, are aware that they have it better than those elsewhere, so you won't find many willing to risk breaking the rules and getting sent back to some other prison."

Kathy, in prison for mail theft, says, "They told us when we came here that if we acted like ladies we would be treated like ladies. They have kept their word."

Jim has spent most of his adult life behind bars in various prisons for narcotic convictions. "I've been here nine months and have made some difficult personal adjustments. I'm more at ease now. You can't begin to imagine what it means to be able to feel free to walk into the administration building without a guard accompanying you or to stop the warden out on the grounds and just rap for a minute—about something important or maybe just the weather."

BETTER FAMILY LIFE

He points out that he has been able to reestablish a strong relationship with his family since arriving at Fort Worth. "At Leavenworth," he says, "you were allowed four hours of visits a month. Here, we can have visitors five days a week and we can sit out in the visiting area and have a picnic or just talk without guards standing around.

"The people here care about you. They have helped me learn to like myself again."

The 26-building facility includes four units for male prisoners (one for heroin addicts, one for those who have used other drugs, one for alcoholics and one for those with chronic medical problems) and one—which is locked at night—for women inmates.

VARIED COURSES

There is also a 25-bed hospital and buildings housing classrooms where subjects ranging from simple arithmetic to college-level courses are taught in addition to such vocational subjects as carpentry and iron-working. A cosmetology course for the women will soon be offered.

While the program is still undergoing alterations, Campbell and his staff of 236 are encouraged by the positive results they have seen in the last 15 months.

"We aren't ready to stand up and beat our chests and say, 'Hey, look at us, we're a success.' That remains to be seen. But we do feel we are making headway.

"I would like to think that this program will one day be looked back on as the pilot experiment that led to similar institutions throughout the country.

"The basic theory on which we operate is a simple one. We believe that people are people first and prisoners second. There is more about them with which we can identify than condemn."

FACING UP TO THE CHALLENGE TO OUR CITIES

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. BADILLO. Mr. Speaker, President Nixon has stripped off the velvet glove and is threatening our cities with a mailed fist. His unprecedented impoundment of congressionally approved funds for vital social programs, his freeze on housing subsidies, his totally inadequate budget, and his disavowal of welfare reform represent key elements in a calculated, callous program to abandon urban America. This is a program which challenges our cities, and it is a program which challenges our entire constitutional system, for it is based on the premise that the Congress is not a full partner in establishing national priorities or budget policies.

How effectively Congress meets this threat will determine the future of our federal system for generations to come. And it will determine whether the cancer of urban decay which afflicts so much of our Nation will be allowed to spread unchecked, or whether we will, at long last, face up to those real human needs which have been met ineptly, or not at all.

I am introducing today legislation designed to give the Congress an opportunity to meet two serious aspects of the Nixon assault on urban America.

First, I am offering a package of 11 bills requiring that funds impounded by the President be spent according to the terms of the legislation which authorized and appropriated them. These bills cover the Departments of Housing and Urban Development, Commerce, Transportation, Health, Education, and Welfare, Labor, and Justice. They also cover the Veterans' Administration, the National Science Foundation, the Cabinet Committee on Opportunities for Spanish-Speaking Peoples.

I offer these bills as more than a symbolic gesture of opposition to the President's impoundment policy. I offer them as a means for the Congress to test Richard Nixon's respect for the laws of our land. For should these bills be enacted, the President could no longer assume to himself the power to impound funds without clearly and flagrantly breaking the law.

A companion measure to these bills is legislation I have drafted establishing the Office of Economic Opportunity as an independent agency and removing it from the Executive Office of the President. This bill is a response to the very immediate threat that OEO is about to be dismantled.

This step, which apparently is to be taken in the absence of a reorganization plan on which Congress would have an opportunity to vote, undoubtedly has been in the works for some time. It was heralded by SPIRO AGNEW's attacks on the legal services program and the spinoffs of OEO programs to other Federal agencies. It would now strike at the heart of OEO by killing the community action program, which was designed to give the poor some stake in their own destiny and in their society, and to increase their ability to help themselves. It has succeeded in this effort to a significant extent, and that success probably underlies the real rationale for Nixon's attack on OEO.

Today marks the start of a national effort to protect the OEO and other basic domestic programs. Delegates from community action agencies across the Nation have come to Washington to meet with their Congressmen. We cannot help but be impressed with their dedication to helping their fellow man and with their commitment to providing new hope to those who have despaired of ever breaking out of the vicious cycle of poverty which traps so many of our citizens.

I call upon my colleagues in the Congress to accept the challenge.

REDUCTIONS-IN-FORCE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. WALDIE. Mr. Speaker, there is great speculation today over prospective reductions-in-force—RIF—for Federal Government employees. It is becoming more apparent everyday, however, that the only question remaining is not whether major reductions will occur, but of what magnitude they will be.

It is incumbent upon the Congress to do whatever it can legislatively to mitigate the very serious dislocation and disruptive effects of any reduction-in-force upon the families and economies of many local communities across this land.

Therefore, I am introducing a bill which will permit certain Federal employees, at their option, to retire with an immediate annuity once a major reductions-in-force has been announced by a Federal agency.

Under current law, an employee who has 25 years of service or who has 20 years of service and has reached age 50, may retire on a reduced civil service annuity, if he is involuntarily separated from his job—usually because of a reductions-in-force by his agency.

But presently, an older employee cannot volunteer to retire under the circumstances indicated above—an employee is eligible for retirement only after a RIF has resulted in his termination.

Because of the seniority system, RIF's oftentimes never reach the older employee. This bill is designed to save the jobs of younger workers, by giving senior employees who have 25 years of service, or 20 years and have reached age 50, the option to voluntarily retire once a RIF is announced, but before it is actually effected.

If an eligible employee chose to retire under these conditions, his annuity would be reduced by 2 percent for each full year he is less than 55 years of age at the time of his retirement. The Civil Service Commission would be authorized to determine what constitutes a major reductions-in-force and to designate which geographic areas of Federal employment shall be included within the purview of the RIF.

Mr. Speaker, I think that it is essential that this legislation be passed immediately and be enacted into law—before major RIF's begin to be effected. I will continue to work for more generous retirement provisions for Federal employees, but under the pressure of time, certainly this is one bill with which few can disagree. At this point, I insert the text of the bill in the RECORD:

A bill to permit immediate retirement of certain Federal employees

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8336(d) of title 5, United States Code, is amended to read as follows:

"(d) An employee who is separated from the service—

"(1) involuntarily, except by removal for cause on charges of misconduct or delinquency; or

"(2) during a period when the agency in which he is employed is undergoing a major reduction in force, as determined by the Commission, and who is serving in such geographic areas as may be designated by the Commission:

after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to a reduced annuity.".

NEW WAYS TO RESOLVE COMMUNITY DISPUTES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. RANGEL. Mr. Speaker, one of the problems that confronts us in our cities today is the resolution of community disputes. As our society has grown more complex and intricate in recent years, it has become increasingly important that differences between groups within a community be resolved as quickly and peacefully as possible. We are all aware of what can result when conflicts between two parties go unsettled.

Basil A. Paterson, a former State senator in New York, has devoted a great deal of his life to the resolution of these conflicts. Living all his life in Harlem, he learned of the problems that can exist within our communities at a very early age. His leadership in the State senate between 1965 and 1970 resulted in his being named one of the two outstanding legislators in New York State by the Eagleton Institute of Politics. He is a member of the National Panel of Arbitrators and the American Arbitration Association. In 1970, he became president of the Institute for Mediation and Conflict Resolution.

As president of the institute, he has continued his worthwhile efforts in the field of community mediation. In a New York Law Journal article, which he coauthored with Henrietta Schilit, Mr. Paterson examines the special problems that exist for the mediation of community disputes.

I am inserting in the CONGRESSIONAL RECORD for the benefit of those interested in this relatively new approach to solving some of the conflicts that occur in our cities. Basil Patersons' article merits the attention and careful consideration of each Member of this body:

[From the New York Law Journal, Jan. 24, 1973]

COMMUNITY DISPUTES: A WAY TO RESOLVE THEM

(By Basil A. Paterson and Henrietta Schilit)

When the Institute for Mediation and Conflict Resolution and the National Center for Dispute Settlement began to mediate community disputes some three years ago, both acknowledged their debt to labor-management experience and the conflict resolution systems which that experience had evolved.

Both the Institute and the National Center are funded by the Ford Foundation. The Institute was founded by Theodore Kheel perhaps the country's foremost labor mediator, while the National Center was begun through the efforts of the American Arbitration Association, a recognized impartial labor management organization.

Since their beginnings both organizations have not only become acutely aware of the great differences between labor-management disputes and community disputes, but have also begun to sense some of the lessons that the older arena might learn from the newer. This article is an attempt to set down some of the differences and similarities of the arenas and to suggest those lessons.

THE BACKGROUND

In the riot-scarred 1960's conflict erupted between racial or minority groups and established institutions, between tenant groups and landlords, between students and colleges, between consumers and providers of services. As the 60's came to an end, concerted action by organized groups became almost routine, with many groups employing the techniques utilized in labor-management disputes—picketing, boycotts, sit-ins and strikes—to achieve their ends. When police and military force were employed to suppress conflict even such nonviolent techniques often led to bloodshed and rancor. Parallels were drawn with the strife-ridden period of the early labor movement and many began to look to American labor history for a mechanism through which such violence could be reduced and organized into more constructive channels.

Social scientists Indik and Smith expressed the thinking of many theorists and practitioners that an alternative to force lay in the institutionalization of conflict—"the development of a social mechanism which permits free expression of hostile points of view, allows for a non-violent test of strength, provides channels for negotiating an accommodation acceptable to both sides and establishes an apparatus for enforcing the resulting agreement and adjudicating disputes over its interpretation."[1] Such an alternative, they observed, evolved thirty years ago on the battlefield of industrial conflict.

SETTLING DISPUTES

Violent conflict between labor and management today is, for the most part, resolved at the bargaining table. In the more than thirty-five years since the passage of the National Labor Relations Act, labor and management have developed and improved an impressive system of dispute settlement. National policy charges both labor and management with the responsibility for finding solutions to labor disputes and for maintaining industrial peace. The government defines the base lines and makes available facilities for recognizing differences.

Many questioned to what extent industrial relations experience with collective bargaining and mediation was transferrable and useful in community disputes. One person who did not question the analogy was Theodore Kheel. Then head of the Institute of Collective Bargaining and Group Relations, Mr. Kheel expressed the connection this way:

"Collective bargaining," he said, is particularly designed for the reconciliation of group differences that are not susceptible to solution through the dictates of law. Although law can set guidelines, it cannot resolve the claims of competing groups that fall within the framework of these legal standards. In such circumstances, the conflicting demands can be resolved only by an accommodation that is mutually acceptable. The alternative is total defeat for one side or the other; hardly a desirable outcome where claims are legal and interests are legitimate."[2]

He reasoned that the accommodation process was equally applicable in both fields.

FUNDED BY FOUNDATION

At the same time that Mr. Kheel was outlining his views, the American Arbitration Association was sponsoring the formation of the National Center for Dispute Settlement in Washington, D.C. Shortly thereafter, both the National Center and the Institute were funded by the Ford Foundation to determine whether industrial relations experience was adaptable to the community disputes field.

Has experience proved the impartial conflict resolution procedures that evolved in labor-management relations to be applicable to the complex and volatile area of community and campus disputes? How does the community disputes mediator differ from his labor-management counterpart? Are there any lessons which labor-management can learn from recent experiences in community disputes resolution? The authors will draw on the experience of the Institute for Mediation and Conflict Resolution and its predecessor organization, the Board of Mediation for Community Disputes, to explore these questions.

In both fields, mediation does not replace negotiations between two parties. Rather, mediation supplies the assistance which is often necessary to ensure that the parties do negotiate. A mediator is a third party, who assists them in reaching a mutually acceptable settlement of their difficulties. The transferability of negotiation and mediation experience from labor-management to community dispute situations has been tested in a variety of community disputes throughout the nation. Success has been varied, but experience has demonstrated its potential.

THE DIFFERENCES

Labor-management disputes in settled, well-organized industries differ radically from community disputes. In the former, bargaining relationships are governed by law and thirty-five years of practice. Most private sector labor management disputes are highly structured, involve established parties with exclusive jurisdiction, and a clearly defined and jointly accepted framework of legislation and tradition. The labor-management agreement, enforceable for a specific period of time, also provides a quasi-judicial process for the settlement of other disputes arising out of that agreement.[3]

Community disputes are likely to feature multiple parties, without legislation to guide them, without exclusive jurisdiction and often without prior relationships. Lack of power to impose sanctions for non-compliance in honoring an agreement further limits the acceptability of the negotiating process.

COMMUNICATION BREAKDOWN

To understand why community disputes frequently reach an impasse and necessitate mediation or third-party intervention, one must also recognize that the bargaining resources employed by community and racial groups to bring established organizations, are mainly coercive. Once coercive pressure is employed, communication is likely to break down. Since community or minority groups have little in the way of positive inducement to offer in return for concessions, their attempts to apply pressure will usually be of a negative nature. Rather than offering to do something for them they will agree not to do something or to discontinue actions such as demonstrations, boycotts, disruptive confrontations.

Although either threatened or actual violence and disruption are likely to create a situation in which the superordinate power agrees to negotiate, the use of coercive bargaining resources frequently makes communication between the parties difficult once the negotiations begin. The different life styles of the parties and inexperience of the participants further complicate communications. Mediation may therefore play a more important role in community disputes than in typical labor-management disputes where coercive pressures are usually employed as a threat to be imposed when positions become irreconcilable and negotiations break down.

NEUTRALITY AND THE ADVOCATE MEDIATOR

The mediator of community disputes is much more of an advocate than his present-day industrial relations counterpart. He is, of course, not an advocate for either side, but he is not, strictly speaking, a neutral, for by his very presence and his support of group bargaining, he advocates a radical departure from the standard process of social allocation. The analogy therefore, is not with the present labor scene.

The two factors which determine bargainability are the relative power of each side as perceived by the other, and the goals of the contending groups. If the goal is revolution or repression, then bargaining will not take place because neither goal is negotiable. If the power equation is such that one side's power is overwhelming in relation to the other, the dispute will terminate not in a negotiated settlement, but in defeat or repression of the challengers or capitulation of the challenged.

Bargaining has a chance only if the power equation is right and the goal of a community group is non-revolutionary, i.e., the redistribution of decisionmaking authority or the re-allocation of resources. In such a conflict (assuming that the goal of the Institution is not repression), termination is likely to be a mutually acceptable accommodation—a bargain or compromise representing less than 100 per cent of either side's objectives or demands.[4]

Footnotes at end of article.

Mediators of community disputes must not only be advocates, in the sense stated above, because of the special circumstances of the community disputes environment, it is often that environment which necessitates their assuming the advocate role. Mediation in labor-management disputes is generally required by statute, leaving mediation agencies with no choice but to intervene.

VOLUNTARY MEDIATION

The situation in community disputes is quite different. Mediation is not required and must, therefore, be completely voluntary. By the same token, the lack of compulsion also means that the mediator can refuse to intervene. If the dispute is not ripe for mediation, if the parties' goals are something other than settlement, if the dispute can be more effectively resolved in another forum, if the mediator is really being asked to act as an "agent-of-defeat," he can refuse to go in. Extensive pre-entry data-gathering gives him the basis to make these judgments and helps formulate a picture of the issues and actors and the extent to which the parties must be "educated" in the negotiating process.

MULTIPLE ROLES OF COMMUNITY MEDIATOR

The effective community disputes mediator does not attempt a wholesale transfer of his labor relations experience. Knowing both fields, being aware of the differences between them, and being sensitive to the limitations of the labor-management analogy is what makes him particularly useful, for while the environments may differ, the skills and techniques remain the same. Precisely the same interpersonal skills and techniques of mediation are used in community disputes as are used in labor-management disputes. It is now evident however, that the narrow role of the mediator in the classic labor relations model fails to explain the many services and inputs that the community disputes mediator is required to provide.

A mediator, by assuming a degree of responsibility for a community protest organization, may be able to reassure an established institution as to the group's "rationality" and its willingness to halt overt actions and abide by agreements reached. The willingness of a third party, a mediator, to talk with and vouch for a protest organization confers, in the eyes of the establishment, a degree of stature it may not have perceived before. Even where an institution is willing to recognize the community's right to participate, it may be uncertain as to which organization has the greater interest or power. A knowledgeable community-disputes mediator may be able to assist in sorting this out.

Where the parties are not talking to each other for other reasons (emotional heat, hostile actions, etc.), the mediator, through his intervention, often opens the channels and begins to get the parties talking.

Sometimes the parties are talking but not understanding each other. They might not only come from different backgrounds or different cultures, but might also have a "differential perception" of the problem. Here, the mediator can act as a *translator* between the groups as well as a transmitter of information.

Often, although the parties are talking, their talk is nothing more than a procedural wrangle—a neutral meeting place or turf question, when the meeting should take place, who should be there, etc. Here, the mediator acts as a *facilitator*—providing a neutral ground, offering to chair the meetings, helping to shape the agenda, etc.

CHANGING ENVIRONMENT IN LABOR RELATIONS LESSONS FOR MEDIATOR

Having highlighted the differences between community disputes and labor-management disputes and the consequent differences in the mediator's role, it is nevertheless my contention that labor-management disputes are becoming more like community disputes and that labor mediators must behave more like their community disputes counterpart.

Collective bargaining in the labor-management arena, like community disputes, relies on "group talk," the technique of communicating through a spokesman. While the National Labor Relations Act outlines procedures for the periodic election of a single bargaining unit with exclusive rights to speak for the employee group, with selected representatives then having the responsibility for bargaining for the best deal and making sure that the union or association is satisfied, the flexibility of a leader at the bargaining table is often dependent on his security within his own organization.

The process is further complicated by the need to communicate the results of the bargaining to the larger group and, when necessary, to gain their acceptance. Group communications tend to be more difficult when the leadership is inexperienced or insecure. This has been perceived to be a major problem in community-dispute negotiations where leaders are usually newly emerged and others are eager to replace them. There is growing evidence, however that leader-constituent relationships in unions and associations are experiencing some of the instability commonly associated with community groups.

It is our personal observation that community leaders despite their transience may be more representative of their group than present union leadership. The failure rate of ratification votes and the proliferation of rank and file law suits are indicators of division in union ranks. Though most unions don't follow a strict seniority system in selecting leadership, most spokesmen are older, experienced men who have been around long enough to prove themselves. Their values, however, may differ from their membership. As homogeneity in union ranks breaks down, collective bargaining in the interest of total membership begins to take on some of the complexities of community disputes, and established leaders may no longer be representative.

Labor relations mediators have been reluctant to spell out what they do. Generally they tend to view mediation as an art rather than a science.[5] Considering the complexities of human interaction in mediated collective bargaining, this is understandable. Working in a new environment with a commitment to effecting economic and social change rather than promoting the status quo, has made community disputes mediators far more self-conscious. Analysis and documentation of the process is necessary to monitor and assess the value of intervention, to train parties naive to the negotiation and mediation process and to sell the idea of mediation to institutions and community groups.

What we are suggesting, of course, is that the labor-management field is becoming more and more similar to the community disputes field—more volatile than it has been, more concerned with value conflicts, more generational and more cross-cultural. As a result, today's standard labor-management mediator may no longer be adequate to the task. The new mediator in the field, and he will surely come, must be more sensitive, more culturally aware, perhaps even from a different culture, and above all, more an advocate of change. Without the new mediator, we will see a deterioration of the collective bargaining process in the labor-management arena where, until recently, it held the most promise.

FOOTNOTE

[1] Bernard P. Indik and Georgina M. Smith, "Resolution of Social Conflict Through Collective Bargaining: An Alternative to Violence?" George Washington Law Review. Vol. 37, No. 4, May, 1969.

[2] Theodore W. Kheel "Collective Bargaining and Community Disputes," Monthly Labor Review, January, 1969.

[3] George Nicolau and Gerald W. Cormick. "Community Disputes and the Resolution of Conflict: Another View," Arbitration Journal, Vol. 27, No. 2, 1972. (George Nicolau is Vice President of the Institute for Mediation and Conflict Resolution, Gerald Cormick, the Institute's former Research Director, is now with Washington University in St. Louis).

[4] Gerald W. Cormick, "Power, Strategy and the Process of Community Conflict: A Theoretical Framework," Doctoral Dissertation, University of Michigan, 1971.

[5] Business Week, "Trouble Plagues the House of Labor," Special Report, Oct. 28, 1972.

WELCOME HOME, PRISONERS OF WAR

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. EVINS of Tennessee. Mr. Speaker, certainly we are all pleased and relieved by the return of our American prisoners of war from North and South Vietnam.

I want to take these means of paying tribute to the valor, courage, and patience of these patriotic Americans who have endured the rigors of prison camps and have still maintained their dignity, their loyalty, and their dedication to the United States of America.

We commend these prisoners of war for their courage and we wish them the very best of good luck and success as they return to their homes and families.

In this connection I place in the RECORD herewith an excellent editorial from the Tennessean in Nashville, describing the release of the prisoners of war as a memorable day in American history.

The editorial follows:

[From the Tennessean, Feb. 13, 1973]

POW RELEASE MEMORABLE DAY IN AMERICAN HISTORY

The first POWs released under the Vietnam ceasefire agreement arrived at Clark Air Base in the Philippines yesterday to an enthusiastic but low-key welcome by U.S. civilians and military personnel.

Those released in Hanoi were flown directly to Clark base in three planes. Those freed by the Viet Cong in the South were sent by a more indirect route through Saigon.

Those from the North were picked up in Hanoi by three Air Force hospital planes. They were escorted on their flight to freedom by U.S. military personnel including Lt. Col. Richard Abel, an information officer who later furnished newsmen with details on the men's initial reaction to their release.

Colonel Abel said that on the 2½ hour flight from Hanoi to Clark Air Base the men talked of food, politics, women's fashions and sports.

As the men stepped from the planes at Clark, the emotional charge was unconcealable, even though authorities had tried to keep the welcoming ceremony as subdued and free of fanfare as possible.

The first man off each plane was an officer who had been designated as spokesman for the men on his plane. Each stepped forward to respond to the welcome.

Each spokesman thanked "the President" or "our commander-in-chief" and the American people for bringing the POWs out to freedom. One included the families of the POWs in the expression of gratitude. Two

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Footnotes at end of article.

said it had been a privilege to serve America during their years of captivity.

"During this time our faith in God, our country and our families never wavered," said one. Another ended his speech by saying, "God bless America."

It was a dramatic hour in American history and a gratifying one for the entire nation.

Most of the prisoners appeared fit and healthy. Some were limping or on crutches, but all seemed in good spirits. Four were on stretchers.

The prisoners and those still to be released have a long way to go before they will be able to return to normal life. The society has changed since they have been gone. The wives and girl friends of a few have given up hope, parents have become old and young children have grown up.

If the men are to travel the road back with a minimum of grief and frustration, they will need much help and patience. But it is good that they have made the start.

ENDANGERED SPECIES ARE PART OF NATURE'S BALANCE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. ANNUNZIO. Mr. Speaker, early in this session I joined with over 70 other Members of the House in the introduction of the Endangered Species Act of 1973.

H.R. 470 is a proposal to strengthen and clarify existing acts and extends protection to species and subspecies of fish and wildlife not only threatened with extinction, but also those likely to be threatened within the near future.

The bill provides for civil and criminal penalties for violations of the act and prohibits not only the importation of listed endangered species, but also for their exportation.

I should point out that 47 wildlife species have been driven to extinction only since our country was founded, and more than 120 species have vanished throughout the world since 1600 A.D.

We now know that all of nature is a delicately balanced system. If one species of plant or animal ceases to exist, strains are brought to bear on other species. Even such physically unattractive members of the system as snakes or amphibians have their part in keeping this balance because they contribute to control of rodents and disease-carrying insects.

Man is at the top of what is called the food chain. As past events have shown, it is hard for civilized man to consider himself a part of nature's balance and fit himself and his inventions into the overall framework. If wild animals, fish, or birds have trouble surviving because of man's fashion, sports, or factories, it is evident that humans eventually will have trouble.

The general health of our environment reflects directly on the general health of humankind. This bill is an important step in restoring nature's ecological balance.

Mr. Speaker, the consideration in Congress of the Endangered Species Act of 1973 coincides with an international conference scheduled by the State Department this month. An editorial from the Washington Post, February 19, 1973, entitled "Saving the World's Wildlife," follows. Unfortunately, this is not only a national problem but a world problem and I request my colleagues most urgently to consider this bill favorably and promptly:

SAVING THE WORLD'S WILDLIFE

An important and needed international conference aimed at protecting wildlife in danger of extinction is now in progress in Washington. Long preparations have gone into the three-week meeting—to be held at the State Department until March 3—and some 60 nations have sent delegations. That such a large number have come for such a long meeting is itself an impressive fact; for years, many governments, including our own, have cared little or not at all for the protection of wildlife. As a result, more than 900 bird, fish and mammal species are now in danger of extinction. According to Russell E. Train, head of the U.S. delegation, more than half of the total number of animals exterminated since we began recording history have vanished in the last 50 years. The rate of loss is increasing today faster than ever. In America, nearly 15 per cent of our mammals and birds are considered rare or endangered. The only consolation—a grim one—this country may have is that other nations have been equally destructive and careless.

The goal of the conference is to negotiate and sign a treaty to regulate international trade in endangered animals and plants. Reports from the conference already indicate that quibbles, stalls and evasions have surfaced. This is disappointing but not surprising. Big money is at stake for many nations that trade in wild animal skins, in whale oil for cosmetics, in supplying wildlife for zoos, pets and medical research. To its credit, Kenya is taking a position of leadership at the conference; evidently, the Kenyans realize that wildlife is a valuable national and cultural asset.

It is desirable that the conference produce a strong, no-loophole agreement. Public sentiment is clearly on the side of rigid controls for protecting endangered species. Opponents should not be allowed to have their way, especially when that way has proven so obviously destructive and cruel to so many species of wildlife. The most irrevocable law of nature is that once a species is extinct, there is no getting it back.

MRS. ANNIE L. WALKER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. STOKES. Mr. Speaker, the city of Cleveland has recently lost a true and dear friend: Mrs. Annie L. Walker. Mrs. Walker passed away on January 29, 1973, at over 100 years of age. This cheerful, kind, and generous lady will be sorely missed by all those who were fortunate enough to know her and to love her.

Mrs. Annie Walker was born shortly after the Civil War in Greensboro, Ala. Some years later, she moved to Selma, Ala. where she met and married Alex Walker. Mr. Walker was a prominent businessman who operated Walker's Cafe in Selma until his death in 1939.

It was Selma's loss and Cleveland's great gain when Annie Walker decided to settle in Cleveland, Ohio. In Cleveland, she became known for her wide-ranging activities at the Mount Zion Congregational Church. She will always be remembered as a woman who gave quietly of herself to countless important causes. This fine gentlewoman, whose memory will live on, will be deeply missed.

Surviving Mrs. Walker are two of her seven children, Mr. William O. Walker and Mrs. Josie Waller; one daughter-in-law, Mrs. Naomi Walker; one son-in-law, Mr. George Waller; one sister, Mrs. Mamie Gray of Chicago; seven grandchildren: Mrs. Alice Reagin, George Waller, Jr., Mrs. Alexenia Mynatt, Mrs. Janet Thomas, Mrs. Renee Marshall, Mrs. Vivian Marshall, Mrs. Cynthia Henderson; and 15 great-grandchildren.

CHASE MANHATTAN DIVERSIFIES WITH RUBLES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. RARICK. Mr. Speaker, the day before the second devaluation of the dollar, the news was out that Chase Manhattan Bank of New York City had opened an office in Moscow. No mere coincidence, since its chairman, Mr. Rockefeller, has been soliciting Communist support in Yugoslavia and Poland like a magazine salesman working his way through college.

Or, it could be that the instability and uncertainty of the U.S. dollar has now forced the "one worlders" to diversify their holdings by investing in what they feel is the stable Soviet ruble.

I include in the RECORD a related news clipping:

SOVIET-AMERICAN TRADE

The third largest bank in the U.S.—Chase Manhattan—whose chairman is David Rockefeller—has become the first bank in more than 50 years to receive permission from the Soviet Union to establish an office in Moscow.

Alfred R. Wentworth, a senior vice president, will become Chase Manhattan's representative in the Soviet Union.

Following President Nixon's summit conference in Moscow last May, the Soviet Union and the United States signed a comprehensive trade agreement. But to date, relatively few deals have gone through.

In addition to the sale of U.S. wheat to the Soviets, a necessity for them, there have been the Swindell-Dressler Company's deal to supply $10 million worth of foundry equipment for the Soviet Kama River truck plant and International Harvester's $40 million sale of specialized tractors for laying pipelines.

Donald Kendall, head of Pepsi-Cola and one of President Nixon's most ardent political backers, was awarded the right to sell Pepsi-Cola in the Soviet Union in exchange for selling vodka in the U.S. But to date that's been the extent of the new trade deals.

The tremendous potential in swapping U.S. know-how for unlocking the vast natural resources in Siberia has not as yet been realized—most probably because the Soviets were compelled politically to reassess their basic relationship with the U.S. after Nixon renewed the bombing of Hanoi and Haiphong in December.

The U.S. Department of Commerce, however, has set up an East-West trade bureau, and our government plans to establish a commercial office in Moscow some time this year.

The Soviet Union is in desperate need of Western technology in order to increase its labor productivity and provide its citizens with a minimum of creature comforts. It is short of dollars, however, and needs liberal credit to finance purchase of American goods. It is selling some of its gold through Swiss banks, a share of which business Chase Manhattan hopes to capture.

VAN WATTS: FATHER OF THE NAVY'S SAILOR OF THE WEEK, MONTH, AND YEAR PROGRAMS

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. REES. Mr. Speaker, I would like to call to the attention of my colleagues the fine work done by my constitutent, Van Watts, "The Father of the Navy's Sailor of the Week, Month, and Year Programs."

These morale programs which Van Watts created have won accolades from admirals throughout the Navy for their contributions to incentive, leadership, and recruiting, and frequently to Navy-community relations.

The idea of involving homeports and hometowns in honoring outstanding Navymen occurred to Watts while he was a teenage sailor. While he found the Navy uninterested at first, he was encouraged by editors in Navy towns who were publishing his writings, and thus never lost belief in the potential of his idea.

Watts chose to come up through the enlisted ranks, and as the youngest warrant officer in the Navy, he remained linked with the enlisted men whose morale had preoccupied his thoughts to such an extent that he became a consultant regarding morale matters to commanding officers on virtually every ship on which he served.

Twelve years after the idea had occurred, Watts, now an officer stationed in Norfolk, devoted his evenings and weekends to produce, with the help of the press, radio, and television, the Navy's first Sailor of the Week program. Basically, the idea behind these programs is to involve—through the timing of leave with press releases—media, city chambers, and other activities in hometowns and homeports in honoring outstanding Navy men. Many have been honored and welcomed to town with big picture posters, and other flattering gestures.

The Navy Department gave the program Navy-wide coverage. Today there is scarcely a command which does not have a Sailor of the Week, Month, or Year program.

Although Watts retired in 1962 after 25 years of active service, he continued from Hollywood his drive to expand the now worldwide programs. The Army and Air Force requested copies of the "blueprints" of these highly successful programs, and in 1972, commander in chief, Pacific, Adm. Noel Gaylor, wrote that he was aware these Navy programs sparked developments of benefit to all the services.

Acclaimed "the father of an important part of today's people-oriented Navy," and made an honorary life member by the Alumni Association of the Navy Supply Corps, he was recently advised by the Chief of Naval Operations, Adm. E. R. Zumwalt, that the Navy plans to commemorate, in 1977, the program's 25th silver anniversary. Watts' contribution to a happier, stronger Navy can be assessed further by the fact that the Navy Recruiting Command is currently contemplating a documentary film, while the Navy Department looks forward to honoring, in 1973, its first All-Navy Sailor of the Year.

RODINO DEPLORES IMPACT OF BUDGET CUTS ON NEW JERSEY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. RODINO. Mr. Speaker, I do not personally quarrel with the notion that we—the Congress and the President—have to demonstrate greater fiscal discipline and responsibility in preparing the Federal budget so that over some extended period of time a sufficient amount of resources is generated to fund legislated programs. However, what I do object to strenuously is the President's self-asserted right to pick and choose which congressionally approved programs he will release moneys for and which funds he intends simply to impound. The thesis underlying this practice is the President's belief that he knows better than the Congress and the American people what is best for America. What we have here is not only a constitutional issue, but also a practical political issue: In what direction America is going to move in the decade of the seventies. In his scheme of priorities, the President has no room for programs for the people. The majority of the Members of Congress, on the other hand, are imbued with the tradition and objectives of the New Deal of Franklin Delano Roosevelt, the New Frontier of J. F. Kennedy, and the Great Society programs of Lyndon B. Johnson. I for one do not intend to sit by passively while the President attempts to impose his priorities on the Congress.

Accordingly I have joined my colleagues in the Congress in introducing legislation which will require the President to notify Congress whenever he authorizes the impoundment of funds appropriated by the Congress. If at the end of 60 days the Congress has not approved such impoundment, the President would be required to cease the withholding of those funds.

While the President is busy impounding congressionally authorized funds, there is a grave problem in this country of unemployment and underemployment. Some estimates run as high as 25.6 million people. There is also a serious lack of adequate public services at the State and local levels. In order to deal with these two problems jointly, the Congress in 1971 passed an Emergency Employment Act permitting the federally funded employment of over 130,000 workers in public-sector jobs. Now, the President's proposed budget threatens to cut off this source of employment and public service relief. In my home city of Newark, N.J., alone where the effects of unemployment and underemployment are severe, some 12,000 federally assisted jobs are threatened by the President's budget cuts. For a city which already has 30 percent of its population on the welfare rolls, the President's program will only serve to further inflate that number. This is all the more ironic in that the President rationalizes his budget cuts as a step in the direction of greater local initiative and responsibility at the local level.

The response of Congress to this action will also be clear. Already, my colleagues and I in the Congress have introduced legislation which will not only extend such public service employment for another 2 years, but will also expand it to permit the employment of 1.15 million people in public sector jobs. A special feature of my bill is the establishment of a SEED program which would reserve 25 percent of the funds provided for areas with unemployment of greater than 6 percent. This legislation would also provide special preferences in job-hiring for Vietnam era veterans, aerospace workers, those on the welfare rolls, older persons, and those of limited English-speaking ability.

Vietnam era veterans, as well as the many other poverty segments of our Nation will be hard hit by the administration's projected cutbacks in fiscal 1974. Currently, some 61,000 veterans are employed in the Federal public service employment program. The President's fiscal 1974 budget cuts this program from 1.36 billion in fiscal year 1973 to 407 million in fiscal year 1974.

The recent congressional uproar over the Veterans' Administration proposal to cut $160 million from physical disability payments primarily affecting Vietnam veterans, including amputees, has now resulted in a White House decision to rescind the move. Other cuts, however, in the area of veterans educational and health benefits are still anticipated by the administration. To meet this growing crisis of helping to put Vietnam era veterans back on their feet, I have introduced legislation to establish a National Commission on Veterans Benefits which will review the entire structure of our level of commitment to these brave men who have sacrificed so much for their country. The commission is to report to the Congress on its proposals for overhauling the benefits and the mechinery of the VA in order to assure adequate aid to returning Vietnam veterans.

Lastly, I am shocked at the President's budget proposal to terminate the Office of Economic Opportunity. The net effect of this meat ax approach is to allow OEO programs to rely on State and local governments for their survival—the very levels of Government that most need help from the Federal Government. UCC, the Newark delegate office in the war on poverty, will be out of business in 6 months if something is not done to counteract the administration. This means that senior citizens will lose the very programs they rely on to help themselves. This means that Neighborhood Legal Service programs will dry up and the poor will be deprived of the protection of legal advice and aid. This means that OEO-sponsored health services in poverty areas will be stopped—transferred to another agency with the future of such services in grave doubt. This means that work training, youth development programs, and all the social services provided by neighborhood centers will be lost. Clearly, the Congress must move to head off these inhumane budget cuts that tear into the fabric of social and economic programs built up over the years by hard legislative effort. I pledge my best efforts in the days ahead when we in the Congress will be called on to meet the challenges forced by this administration's insensitivity to the needs of the poor.

TRIBUTE TO THE LATE EUGENE L. WYMAN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. ANDERSON of California. Mr. Speaker, on occasion, there lives among us individuals who are loved and respected by all who come to know them. Such an individual was the late Eugene L. Wyman.

A personal friend of our family for many years, Gene was a constant source of inspiration, wise counsel, and support.

Both he and his wife "Roz" were our valued coworkers over the years; and their children—Betty, Bobby, and Brad—are also a delight.

His keen insight, decisive manner, and sincere empathy for the less fortunate, were assets that brought him fame as an attorney, and that attracted others to him for his knowledge.

Gene served the Democratic Party with dedication, devotion, and competence. He worked efficiently as chairman of the California Democratic Central Committee, and as a Democratic national committeeman.

But Mr. Wyman's credits extend beyond his law practice and political endeavors. He spearheaded a drive which raised millions of dollars for the Bonds for Israel campaign, the Hebrew University; and other philanthropic and cultural projects.

Included among Mr. and Mrs. Wyman's many honors and awards are B'nai B'rith's Mr. and Mrs. American Citizen Award, the Mt. Scopus Award of Jersusalem's Hebrew University this past December, and the naming of the university's political science building for Roz and him.

A native of Du Quoin, Ill., Gene never forgot the importance of the average man. Much of Gene's joy in living came from his being able to help man or mankind. And much of our joy comes from having known Eugene Wyman.

He was a great man primarily because he cared. He cared about the underprivileged, the sick, the oppressed, the problems which confront the average family, the problems which face America, and the problems which plague the community of nations.

Our Nation needs more Eugene Wymans and the kind of spirit he brought to our society.

We shall all miss him, but, the world is, indeed, a richer place today because of the efforts and contributions of Eugene Wyman.

PROPOSED MASSIVE ECONOMIC ASSISTANCE TO NORTH VIETNAM

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 21, 1973

Mr. HARRY F. BYRD, JR. Mr. President, the February 17 edition of the Northern Virginia Daily included an excellent editorial on the subject of the proposal to extend massive economic assistance to North Vietnam.

The editorial sets forth in a concise way the heart of the argument against undertaking a major program of assistance to Hanoi. It points out that—

> Peace that can be secured by an input of American dollars is tenuous at best and is likely to last only so long as the input of dollars continues.

The editor of the Northern Virginia Daily is J. J. Crawford. In my view, Mr. Crawford is one of the ablest editorial writers in Virginia. He presents his arguments clearly, effectively, and with conviction.

I ask unanimous consent that the text of the editorial, "It Will Take Some Selling," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IT WILL TAKE SOME SELLING

The Nixon Administration may have trouble selling Congress on extending massive economic aid to North Vietnam. Many congressmen have already expressed themselves as being opposed to a rapid-fire economic aid and rehabilitation program for an enemy aggressor which, up to the signing of the cease-fire, resisted several years of serious efforts on the part of the U.S. to arrive at peace terms.

Many Americans feel that much of the damage which has been inflicted on the North Vietnamese was done in the same period during which North Vietnamese troops wrecked equally grievous damage on South Vietnam, troops which, even now, Hanoi has refused to admit were ever present south of the dmilitarized zone.

Yesterday, at his news conference, Secretary of State William P. Rogers attempted to make a case for the Administration's plan to pump approximately $7 billion into the rebuilding of North Vietnam. The secretary made this plea:

"In view of the tremendous investment in resources and lives that we have made since 1965 and before . . . we think that the small investment that Congress will be called upon to make to help reconstruct and rehabilitate and provide cement for the agreement, the continuation of the cease-fire, and eventual settlement by peaceful means in Vietnam, is a very good investment."

What the secretary is saying in effect is that the best way, perhaps the only way, to keep peace in Vietnam is to buy it by placating Hanoi with a massive aid program. He may be right. But, a peace that can be secured by an input of American dollars is tenuous at best and is likely to last only so long as the input of dollars continues.

The thing that bothers Americans most is the fact that at the same time the Administration is asking for large-scale aid for rebuilding and rehabilitating North Vietnam it also plans to terminate or slash over a hundred social service and public service programs here at home all in the name of budget cutting. Programs that are designed primarily for low-income families.

Congress, listening to the rumbling back home, is understandably troubled by this conflict of aims and will probably not rush in too fast with economic aid for North Vietnam.

RIGHT TO KNOW AND RIGHT TO PROTECT SOURCES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. WALDIE. Mr. Speaker, in light of the current hearings of the Judiciary Committee on the various newsmen's privilege bills before the House of Representatives, I would like to take this opportunity to call the attention of my colleagues to Mr. Dick Turpin's second inaugural speech presented last week as President of the Greater Los Angeles Press Club.

Mr. Turpin's remarks not only refer to the issue of newsmen's privilege, but also to the more overriding issues of the role of the press in society, the current actions of the administration toward curbing the freedom of broadcasting, and the entire question of the public's right to know.

I urge my colleagues to take careful note of these remarks.

The speech follows:

REMARKS BY MR. TURPIN

Bill Farr may be temporarily out of jail but he is not out of jeopardy and he must never be out of our minds so long as the threat of further punishment hangs over him and until; the principle has emerged victorious that professional journalists have the absolute right to protect the confidentiality of their sources.

Bill's courageous defense of journalistic integrity did much to bring about the passage of a new law by the California Legislature, plugging the legal loophole by which Judge Older justified his jailing. This is the Bagley bill, and credit must go to its author, Assemblyman Bagley, to the other members of the Legislature who voted for it, and to Governor Reagan for signing it.

The Farr case also brought new impetus for the efforts of Senator Alan Cranston and

Congressman Jerome Waldie to establish the absolute right of news professionals to protect their confidential sources so far as the Federal jurisdictions are concerned.

The Press Club recently urged every member of the California delegation to Congress to support the Cranston and Waldie bills, which are identical, and suggested to other professional organizations that they do likewise.

Meantime, there is a new and perhaps even more sinister cloud drifting over the right of Americans to know the truth and to freely express their views, even if they are critical of government and of society.

Whether we like it or not, those of us who work in the print media must acknowledge that today most people derive their information and their views from broadcasting. This was demonstrated rather shockingly in the selection of the Ellsberg jury here in Federal court recently.

Only two of the jurors said they read newspapers. And this jury, at least so far as the court is concerned, is capable of deciding one of the most important cases in our history. It is a jury of our peers. But most of the jurors do not read newspapers.

I do not cite this as a failure of the press, although it does pose a question and a challenge to those who specialize in the use of the printed word. Rather, it shows what tremendous and fateful influence our sister media in electronic journalism have achieved in today's America.

But broadcasting, with its newfound power, is peculiarly vulnerable to political control. Stations must be licensed to use the public airways, and their licenses must be renewed periodically by the Federal Communications Commission, which is appointed by the President.

This broadcasters' heel of Achilles is well known and understood by those members of the White House staff whose dedicated duty is to preserve and build the image and the power of the President they serve. This includes at the highest level men who have made careers in the advertising profession, in the use of controlled item and space to sell products and ideas. They are trained and accustomed to the manipulation of media to eliminate the negative and accentuate the positive.

With this background, it must be galling to them to witness the uncontrolled flood of words conveying information and impressions to the public about the office and the actions of the Presidency and the administration, some of it chillingly penetrating and critical.

This frustration of the powerless opinion molder is understandable. Those of us who were brought up in the editorial end of the newspaper business know it very well. We respect and like our brothers on the advertising side. After all, they help pay our salaries. But we are fierce and unyielding in our determination to control the news columns assigned to us, to use our training and to respect the grave responsibility we have accepted toward our readers. News space on a respectable publication is simply not for sale. Advertisers and their agents must learn to respect this.

The sensitivity of those in power to criticism and even to advice is not new. Presidential resentment of questioners and critics is as old as the Republic. But never before has there existed such a tempting opportunity to do something about it—to destroy the probing gnats of public inquiry, to free the Presidency from the restraints of public accountablity, to control the thoughts of the nation.

This comes about because of the sudden and contemporary confluence of the electronic mass audience and the new power of the Presidency, fed by a trusting and confused Congress.

Sadly, there are signs that the present administration may be yielding to this temptation to seize a power never before achieved in a Republic.

Two recent moves are alarming and of great urgency. I believe they call for action by this Press Club and by all others who believe in freedom of inquiry and expression, in the public's right to the truth.

Both are blunt declarations by appointees of the White House, assigned to communications. One is the unvarnished announcement of Thomas Curtis and Henry Loomis of the Corporation for Public Broadcasting that they are taking over the programming of the nation's non-profit network of 230 public broadcasting stations, including Channel 28 here.

Particular targets of these Presidential hatchet men are two programs of news reporting and interpretation, William Buckley's "Firing Line" and the panel show of Washington correspondents called "Washington Week in Review".

Both of these public network programs have gained wide audiences because they are independent and expert. By the same token, at times they no doubt have infuriated those in the White House who do not believe in uncontrolled media and fiercely defend the President's image and power. In President Truman's words, they can't stand the heat. They are not used to the political kitchen.

Leaders of these 230 public broadcasting stations are vigorously resisting this attempted takeover, but it will be a losing battle unless the American public reacts strongly and now. There will have to be a tremendous upsurge of public and Congressional protest to prevent it. I recommend that the Press Club join this chorus of opposition immediately.

It is inconsistent with democracy that young zealots of the executive branch of our government should be permitted to tell 200 million Americans what news and discussion programs they shall be permitted to hear and witness over their own public TV stations.

The other current move against the freedom of broadcasting came with equally harsh candor directly from Clay T. Whitehead, director of the White House Office of Telecommunications Policy, last December 18.

He proposed that individual stations be made specifically responsible for the content of the network newscasts they carry, when they appear before the Federal Communications Commission petitioning for renewal of their licenses. I quote Mr. Whitehead:

"Station managers and network officials who fail to act to correct imbalance or consistent bias in the network, or who acquiesce by silence, can only be considered willing participants, to be held fully accountable at license-renewal time."

There it is. Right on the line. Conform to the administration's notion of balance in reporting or you have had it. Please the President and his censors or you lose your license to broadcast.

Nothing could be plainer. Nor could there be a louder call to arms by all those who believe that freedom of inquiry and of expression are the root of American liberty.

Whitehead's bid for power must come before the Congress, fortunately. It is to be couched in the seductive language of an administration bill. But this is not a measure for partisan consideration. It is a challenge to the survival of a republic built upon the Bill of Rights, on the public's right to know the truth about their government.

Which side shall the Press Club be on? I think there is only one answer to that question.

The bridle of thought control has been forged in the smithy of the White House basement.

We will not wear it.

MANDATORY SENTENCING BILL TO STOP CRIMINAL USE OF GUNS

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 21, 1973

Mr. SCHWEIKER. Mr. President, I am pleased to be a cosponsor of S. 576, a bill to require mandatory consecutive sentences for criminals who use firearms in the commission of a felony. This is the kind of legislation we need to protect the rights of law-abiding citizens and to crack down on the criminal uses of firearms.

The premise of this legislation is quite simple. Carrying of a gun during commission of a crime would automatically require an additional separate sentence. No prison term imposed under this provision may be suspended. Probation may not be granted. No discretion is left to the courts.

I believe that if this bill becomes law, we will see a significant decline in the use of guns in the commission of crimes. I am strongly opposed to licensing and registration legislation which unfairly restricts legitimate uses of guns by law-abiding citizens and sportsmen. However, I believe mandatory sentencing legislation like S. 576 can get to the root of the crime problem by cracking down hard on criminals using guns to commit their crimes. This is the direction we should take to stop criminal use of firearms.

Mr. President, I request that the text of S. 576, introduced January 26 by the Senator from Colorado (Mr. Dominck), be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 924(c) of the Gun Control Act of 1968 (Public Law 90–618; 18 U.S.C. 924(c)) is amended to read as follows:

"(c) Whoever—

"(1) uses a firearm to commit any felony for which he may be prosecuted in a court of the United States; or

"(2) carries a firearm during the commission of any felony for which he may be prosecuted in a court of the United States, shall, in addition to the punishment provided for the commission of such felony, be sentenced for the additional offense defined in this subsection to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than two nor more than twenty-five years.

"The execution or imposition of any term of imprisonment imposed under this subsection may not be suspended, and probation may not be granted. Any term or imprisonment imposed under this subsection may not be imposed to run concurrently with any term or imprisonment imposed for the commission of such felony."

OUT-OF-STATE ABORTIONS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. HOGAN. Mr. Speaker, since the Supreme Court decision on abortion of January 22, 1973, the Nation has been shocked into the realization of what has been happening across our land the past few years.

I have introduced an amendment to the Constitution, House Joint Resolution 261, which would guarantee the right to life to the unborn, the ill, the aged, and the incapacitated.

Proponents of abortion are fond of citing so-called back alley abortions as an argument in favor of legalized abortion. They contend that when abortion is legalized it can be handled in a strictly professional and ethical manner.

The facts contradict this argument sharply. The Arizona Republic carried a most informative editorial regarding this very question in its August 6, 1972, issue.

The editorial raises some very serious questions about what happened in States where abortion has been legalized. I think all of us should be aware of the facts.

Following is the editorial from August 6:

OUT-OF-STATE ABORTIONS

Local abortion referral from Arizona to California has become big business for many so-called counseling services. Planned Parenthood of Phoenix and Tucson, Tellus, Problem Pregnancy Information Service, and other agencies are sending hundreds of women to California each month for abortions, referring them either directly or indirectly to doctors or hospitals in that state.

In return, the Arizona agencies allegedly receive kickbacks of between $30 and $50 per patient for their referrals.

Los Angeles' Avalon Memorial Hospital is one to which many Arizona women are referred. Doctors at the 22-bed facility perform about 10 per cent of all abortions in California, or more than 1,000 abortions a month. But Avalon has recently come under fire from the Los Angeles County Health Department, which has charged that it is excessively overcrowded, unsanitary, and that its doctors have performed operations illegally on minors.

Marvin Brandon, the health department's supervising hospital inspector, recently had to seek a permanent superior court injunction to permit inspections of the facility because Avalon officials threw his inspectors out of the hospital last February. But before they left, Brandon told reporters, his team had uncovered at least 34 violations of hospital licensing laws resulting from the small facility's bustling abortion business.

Proponents of liberalized abortion laws in Arizona could conceivably argue that only Arizona's reluctance to follow California's enlightened lead has resulted in the need to refer women to out-of-state abortion mills like Avalon. But the evidence shows that such mills come into being wherever abortion laws are relaxed. Indeed, the New York state legislature recently repealed its own liberal abortion statute (a repeal later vetoed by Gov. Nelson Rockefeller) because of this and other terrifying results of such laws.

This happens because some doctors are tempted to allow the lucrative abortion trade to become a racket that makes them wealthy. Dr. Edward Allred, resident surgeon at Avalon Hospital, recently told newsmen that he performs about 50 per cent of that hospital's abortions (about 500 a month). It is estimated that he made $270,000 in the first six months of 1971 from these operations.

Dr. Allred is currently involved in litigation in which he and his hospital have been charged with questionable professional practices. He has declared under oath in depositions filed last March with Orange County Superior Court Judge J. E. T. Rutter that he paid $7,500 in kickbacks to Planned Parenthood of Phoenix and Tucson for their referrals from October 1970 to October 1971, and more than $45,395 to Problem Pregnancy Information Service affiliates from November 1970 to August 1971. (Joe Davis, executive director of Phoenix Planned Parenthood, denied any kickbacks had been made to his organization.)

If Arizona agencies have directly or indirectly referred women to Avalon and other hospitals guilty of overcrowding and unsanitary conditions, they are guilty of the worst form of negligence. Hopefully a full understanding of the true relationship between these local agencies and doctors involved in the mercenary out-of-state abortion business will result in some type of local action to protect Arizona citizens.

VOTE OF APPRECIATION TO MR. EDWARD D. FITZGERALD

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, Mr. Edward D. Fitzgerald of Arlington, Va., retired last June from his position as Chief of the Production division of the Publications and Document Office of the General Secretariat, Organization of American States.

Mr. Fitzgerald had served the OAS for 49 years at the time of his retirement, and the Permanent Council of the Organization paid tribute to his many years of devoted duty in a resolution expressing appreciation to him. As I believe this tribute will be of interest not only to Mr. Fitzgerald's friends but to all who would be interested to know of the loyal service of this fine man to the inter-American system, I insert the text of the resolution at this point in the RECORD:

VOTE OF APPRECIATION TO MR. EDWARD D. FITZGERALD

Whereas, As this Council has been informed by the Secretary General. Mr. Edward D. Fitzgerald, Chief of the Production Division of the Publications and Documents office of the General Secretariat, will soon retire, and he is an employee who has distinguished himself by his efficiency, competence, integrity, and dedication, and especially by the exceptional fact that he has served the inter-American system for almost fifty years, which period covers most of the course of the evolution of the inter-American movement of today; and

In the performance of his duties Mr. Fitzgerald has been responsible for the printing of the documents of the deliberative organs of the Organization and of its General Secretariat, many of which are of singular importance to the inter-American system,

The Permanent Council of the Organization of American States resolves:

1. To express its appreciation to Mr. Edward D. Fitzgerald for his exemplary and valuable work, done during many years of service to the inter-American system.

2. To request the Secretary General to transmit the text of this resolution to Mr. Fitzgerald.

THE POSTMASTER OF EHRENBERG

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. WALDIE. Mr. Speaker, an excellent article written by Mr. Norman J. Pope, Postmaster, New Almaden, Calif. has recently been brought to my attention.

In his article, Mr. Pope contrasts our highly complex and regulated postal delivery system with the highly unorthodox practices of a small town Arizona postmaster in the late 1880's.

Though it is difficult to imagine postal service without long lines, computers, and the zip code, I respectfully submit this article for the attention of the Members.

The article follows:

THE POSTMASTER OF EHRENBERG

(By Norman J. Pope)

Ehrenberg, Arizona, now a ghost town, prospered in the 1880's as a shipping terminal on the lower Colorado River. About 125 miles north of Yuma, it received the steamboat freight for the scattered mining areas in western Arizona.

Into this frontier town arrived a hardrock miner named Jesus ("Hay-soos") Daniel, whose vocation—and avocation—was searching for gold. A big brusque man, Daniel was known to be a hardheaded individual. He believed a reasonable compromise was to state bluntly.

"We'll do it my way."

In 1883, Daniel was in the Plomosa mountains searching in vain for the elusive yellow metal. A roaming miner rode into his camp one day, and as custom dictated, Daniel invited him to stand down and have some grub.

The garrulous guest spilled over with news. When he volunteered that Postmaster James Burns of Ehrenberg had died, Daniel decided to break camp and head straightaway for Ehrenberg.

Burns, appointed postmaster by President Chester A. Arthur on March 20, 1883, served less than a year.

"I'm agoin' to git that there job," Daniel promised himself, "no one deserves it more'n me. I voted fer the 'Gentleman Boss' four times in 1880 and I worked hard to git him elected. Hadda beat up half a dozen of them barflies in the saloon at Fort Caspar fore I convinced 'em they should vote fer ole Chester."

Returned to Ehrenberg, Daniel did the necessary politicking and soon found himself installed as postmaster.

And so, on May 9, 1884 begins our story of Mr. Daniel's career in the Postal Service.

A MEMORABLE POSTMASTER

Let is be stated unequivocally that Mr. Jesus ("Hay-soos") Daniel has long been regarded as the most astonishing postmaster ever known to the Postal Service.

Tens of thousands of postmasters have passed this way since Daniel's term in office. Not one of the multitude comes close to challenging his unique status.

Now, it is true there are some snide souls in the Service who would infer Mr. Daniel has had some close competition. But let us ignore these canards and get on with our story.

Research discloses that Mr. Daniel's term of office extended from 1884 to 1894, but his term as postmaster should have ended in 1891. He continued on in his job for an extra three years by employing a simple expedient.

Thomas Hamilton was appointed postmaster of Ehrenberg on November 6, 1891, by President Benjamin Harrison. But, unfortunately for Mr. Hamilton, Postmaster Daniel was not ready to relinquish his job.

Knowing that Hamilton's commission from Washington, D.C., would be sent to Hamilton via registered mail through his office, Daniel kept watch for it. When a fat registered letter arrived in the mail for Mr. Hamilton, Mr. Daniel simply did not deliver it. He "lost" it behind a large wooden box of undelivered letters and there it reposed until 1894 when Postal Inspector Waterbury arrived from Denver.

OUT OF SIGHT—OUT OF MIND

Not much attention had been paid to the Ehrenberg postoffice by the postal officials at Denver. It was a case of "out of sight, out of mind." Mr. Daniel had not bothered the home office and the home office reciprocated by not bothering him. In fact, some disagreement arose amongst the postal officials in Denver. Doubt was expressed that a postoffice existed at Ehrenberg. To settle the question, Mr. Waterbury was dispatched forthwith.

Arriving, Mr. Waterbury did indeed find a postoffice. Locked. The front door bore a sign stating the hours the post office was open for business. This was required by postal regulations. Mr. Daniel circumvented the intent of this regulation, which would have tied him down to definite hours, by stating on the door sign,—

> "This office is open when
> it is open and closed when
> it is closed."

AN INSPECTOR'S NIGHTMARE

Mr. Waterbury peeked through the windows. What he saw would bring tears to the eyes of any Postal Inspector of any era.

A large wooden box spilled over with letters. On the floor, two unopened bulging sacks of mail slumped against the box of letters. The post office safe hung open.

Mr. Waterbury hunted around town for the postmaster. Townfolk told him Mr. Daniel had taken to the hills to work his claim.

"Post office ain't open on weekdays," they informed him. "Dan'l usually gits in from his diggins' on Sataday. Opens fer a while in the afternoon, effen he ain't too t'ard. Opens on Sundays, too, effen he ain't too drunk."

Fortunately for Mr. Waterbury, Mr. Daniel did show up on the following Saturday. Starting his investigation of the office, Mr. Waterbury asked to count the cash on hand. "Ain't none," Mr. Daniel said.

To the request to see and count the stamp stock, he was informed, "Stamps run out in 1886."

Asked how he could run a post office without stamps, Mr. Daniel explained, "Found out I didn't need 'em. Just sent the mail down to Yuma without stamps. Marked the letters, 'Collect on the other end.' Worked fine. Less trouble, too."

"Why didn't you order more stamps when you ran out in 1886?" Mr. Waterbury asked.

"Dammit to hell," Mr. Daniel exploded, "you ask me whyn't I order more stamps? Lemme tell you this, mister, it's impossible. Would take a Philadelphia lawyer to figger out how to do it. When I run outta stamps, I tried to order more from Denver, Sent 'em a postcard and told 'em. 'Send more stamps.'

TOO MANY FORMS

"They tole me I hadda order stamps on the right forms. I tried again and told 'em I didn't have no forms. Then they tole me I could order the right forms on another special form which I didn't have, neither. They tole me I hadda order small amounts of stamps from Yuma. But if I wanted middlin' amounts, I should order from Denver. And if I wanted a big passel of the durn things, I should order from Washington. Damn if I didn't have to use a different form on a different day in a different month for the different amounts I wanted.

"Then I tried to order envelopes from Denver. Sent 'em another postcard tellin' 'em I wanted 'large and small envelopes.' But I got this'n right back tellin' me they didn't know what I wanted. Did I want 6 and ¾'s or Number 10's? What the hell did they mean, Waterbury?"

Mr. Waterbury did not answer the question. He felt a surge of sympathy for Mr. Daniel, but he plunged onward.

No quarterly reports had been received from Ehrenberg in over three years. Why not, Mr. Waterbury asked.

"Easy question," Mr. Daniel retorted, "didn't sell no stamps. Didn't rent no boxes. All the keys are lost. Didn't take in no money. Weren't nothin' to report."

Asked about the large wooden box of undelivered letters, Daniel explained this was the easiest method of distribution. When he first began as postmaster, he stacked the mail alphabetically on his counter. Invariably his customers mixed it up. This made him mad, so he dumped all the incoming mail in the wooden box. Now, when anyone called for his mail, he was told to look through the box.

UNOPENED MAIL

Next, Mr. Waterbury showed Mr. Daniel fifty-six pieces of official government mail, all addressed to the postmaster, and all unopened. Some of them had been mailed three years before. How come, Mr. Waterbury wanted to know.

"Course I don't open that there mail," Mr. Daniel told him, "the only one I open got my paycheck in it. I kin allus tell that'n. I usta open them but the last one I opened had nineteen pages of instructions tellin' me how to sort and stack mail on a riverboat going down the Mississippi. Why, the first sentence was one page long. I'll bet the varmint that wrote it don't know what he said. Read that there mail? I should say not. Think I'm crazy?"

Visibly shaken, Mr. Waterbury went on to the next item on his list of irregularities.

"Mr. Daniel, you have two full sacks of mail you haven't yet opened. This mail comes from Yuma by horseback and is many months old according to the postmarks. Why haven't you attempted to distribute and deliver this mail?"

"Good Gawdamighty, feller, you want I shoulda opened them there sacks? Can't you see the box of mail I got awready is full up? Want I should spill it all over the floor?"

"All right, let's get on with it," Mr. Waterbury sighed, "now here are seven registered letters I found behind your big box of mail. Tell me why they were there."

"Not 'sposed to mix up registers with ordinary mail," Mr. Daniel answered triumphantly.

"Well; tell me about this one. You received it three years ago and it is addressed to Thomas Hamilton, your legitimate successor. It's from Washington, D.C. and it probably contains his commission from President Harrison. Why wasn't this letter delivered to Mr. Hamilton three years ago?"

"Spector, you know damn well the answer to that'n," Mr. Daniel replied. "F I'da gave that there letter to Hamilton in 1891, you know he woulda taken right over as postmaster. He woulda had the papers he needed right in that there register, wouldn't he? I wouldn'ta been postmaster no more, would I?"

WHICH WAY IS BETTER?

"No, you wouldn't," Mr. Waterbury sat gazing out the window. The thought went through his mind. He's nearly got me convinced his way was better.

"And see here, Mr. Waterbury," Mr. Daniel said, "effen you ain't satisfied with the way I been runnin' this post office. you can git some'un else. I don't take kindly to this here criticism of how I been doin' things. I'm gettin' a hankerin' to mosey along. I'm gettin' tired of Arizona. Im gettin' tired of bein' postmaster. And I'm already tired of you. G'bye."

This ends the story of the postmaster of Ehrenberg. Mr. Waterbury personally delivered the mail contained in the wooden box. He searched for and found Thomas Hamilton and delivered President Harrison's commission to him, and three years late, swore him in as postmaster of Ehrenberg on May 17, 1894.

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THE HONORABLE GEORGE COLLINS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. HELSTOSKI. Mr. Speaker, in times that often seem beset with tragedy, the untimely death of the Honorable George Collins, of Illinois, is particularly saddening.

In just 2 short years as our colleague in the House of Representatives, Mr. Collins distinguished himself as a very capable legislator and representative of his constituents.

His dedication to his district and his country is clearly illustrated by his remaining on Capitol Hill long after the close of the last Congress. There were many Congressmen who had returned home much earlier for a long vacation, but Mr. Collins remained hard at work behind his desk in the Longworth House Office Building.

Indeed, the circumstances surrounding his passing are illustrative of the kind of man George Collins was. When the plane he was on crashed, Mr. Collins was returning home to his district to be present at a Christmas party for needy children which he had arranged. He had caught an early plane out of Washington, so that he could personally take a hand in selecting the presents.

These circumstances provide for us a concise biography of this fine man: Generous, dedicated, deeply concerned, loyal to his constituents, and more.

We will miss the kind, ever-smiling man from Chicago. I offer my deepest and most heartfelt sympathies to his courageous wife and son.

COUNCIL ON ENERGY POLICY

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. BROTZMAN. Mr. Speaker, our country is currently in the midst of an energy crisis the like of which it has never seen before. America has never before had to curtail sales and service of energy to its citizens, and yet that is what we are faced with today.

The Midwest has suffered a winter much more severe than most and this in turn has served to aggravate the energy crisis even more, as people turn up their thermostats and spend less time away from home. Schools have even had to be closed because the primary source of their energy, the power companies, are forced to cut back to service more essential customers. The schools' secondary source, fuel oil, is also in short supply.

How can we best deal with this situation? How did it develop? What will the energy supply look like in 10 or 20 years? These are all questions which must be answered soon if we are to avoid a recurrence of this situation for winters yet to come.

As a member of the Republican Task Force on Energy and Resources and formerly a member of the Subcommittee on Communications and Power in the House Interstate and Foreign Commerce Committee, I have had an opportunity to see firsthand how the Federal Government has operated in its approach to guaranteeing the American people an adequate supply of energy. I must say that I was most struck by the disorganization, the diffusion, and the disorientation of our national effort in this field. In the executive branch there are more than 60 separate agencies concerned with some aspect of the energy problem. In the legislative branch more than a dozen committees have claimed jurisdiction.

Accordingly, I am today reintroducing legislation that I sponsored in the last Congress to create a Council on Energy Policy to formulate answers to the critical questions concerning the supply of American energy resources and to provide the Nation with a unified, comprehensive policy for the best solution of this problem. It would be a policy that would give an overview of the energy situation in the United States, what it can be expected to be in the near and distant future, and how best to provide for the needs of the country and deal with this situation.

Briefly, the Council would be composed of a group of three experts in the energy field directed to be chief adviser to the Congress and the President on all matters dealing with energy production, transportation, importation, and consumption. It would be directed to formulate a national policy with regard to all these matters. Its members would be appointed by the President with the advice and consent of the Senate.

The council would not assume the responsibilities of any of the other existing agencies. What it would do, however, is to gather all the requisite information in one place and suggest to the President and the Congress the best way to go about solving the problem at hand. It would formulate, in effect, the general guidelines under which the existing agencies would be better able to carry out their tasks.

Finally, the Council would be responsible for transmitting a message to Congress at the beginning of each new fiscal year outlining the legislation it will propose, the energy fuel supply domestically and abroad, the availability of the supply to U.S. consumers, and projections for future demand and how best to meet it.

Mr. Speaker, I believe that it is long past due for the American Government to begin thinking in terms of long-range goals and policy matters with respect to our critical resources. Not only energy, but all our natural resources have come to be threatened by man's constant desire for new goods and services. Hopefully, this legislation, if enacted, will reverse the trend of waiting until it is too late. Hopefully, the bill I am introducing today will take the first step toward guaranteeing the American people the energy they will need in the next 50 years to continue to build a prosperous and successful society.

We need this energy policy now. Schools are indeed being closed. I, therefore, urge the Committee on Interstate and Foreign Commerce to hold hearings on this proposal as swiftly as possible and to report a viable and effective piece of legislation to the floor of the House for its consideration.

CONGRESSMAN DANIELS HAILS MONTE IRVIN'S SELECTION TO THE BASEBALL HALL OF FAME

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, recently, the Baseball Writers Association of America voted Monte Irvin, a son of New Jersey, into the Hall of Fame at Cooperstown, N.Y. All of us in Jersey City have a special affection for Monte Irvin because before he became a regular at the Polo Grounds, he starred with the Jersey City Giants of the old International League at Roosevelt Stadium in Jersey City.

Mr. Speaker, Monte Irvin came to the major leagues at the advanced age—for a ballplayer and not a Congressman—of 30. This was because Mr. Irvin is a black American and blacks were not permitted to play in organized baseball until the late and great Jackie Robinson broke the color barrier in 1946 with the Montreal Royals, and years later became the first representative of his race to play in the majors.

Mr. Speaker, on this great occasion I salute Monte Irvin, one of New Jersey's greatest all-time athletes on his selection to the Hall of Fame. The people of the 14th District join with me in honoring a fine gentleman and gifted athlete.

LYNDON BAINES JOHNSON

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. HAMMERSCHMIDT. Mr. Speaker, I am burdened with great grief that the flag of our Nation again flies at half-mast on the loss of one of America's outstanding leaders—Lyndon Baines Johnson. As I join with citizens from coast to coast in rejoicing that a peace agreement has been signed to end hostilities in Vietnam and our prisoners of war are heading homeward, I am saddened that our former Chief Executive who had so sincerely endeavored for peace could not be with us to see the culmination of this goal.

If Mr. Johnson could not be among us to rejoice this long-sought peace, it is heartening to me to realize that he has left the United States and the world with a legacy of accomplishment in establishing the principle of equality of mankind and equal opportunity for all. From his early days in the U.S. Congress, Lyndon Johnson fought with complete dedication and determination to remove social and economic barriers to make way for an open chance at a better way of life for all citizens.

Those who never met with Mr. Johnson and were not deeply touched with his personal charm will still profit from his landmark programs to move America toward a truly Great Society. I am among the fortunate many who have lasting impressions of personal experience with L. B. J.

I recall my first trip to the White House to see the President. I had received an appointment to talk with him about impoundment of highway funds and to tell him of adverse effects involving deterioration of roadbeds in the state of Arkansas.

Being the first Republican since Reconstruction from Arkansas ever to make that trip down to the White House, I had apprehensive feelings about the reception I would receive. It was then that I learned of the President's real political and governmental understanding. I immediately felt the warmth of his personality and deep concern for problems we discussed. Incidentally, probably not because of my visit, substantial funds which had been impounded were restored within the week for continuation of the interstate system.

I am confident that history, in an objective or analytical treatment of the Johnson administration, will proclaim Mr. Johnson as an outstanding President with extraordinary vision and leadership ability. Despite criticism of many Great Society and war on poverty legislation, these programs were launched toward common national goals and constituted a major step in meeting our critical needs.

The Civil Rights Act of 1964 set a precedent which, for years to come, will continue to unlock doors to progress for our country's disadvantaged and minority groups. Enactment of the Elementary and Secondary Education Act of 1965 marked the first time that Congress had approved legislation which authorized funds for general use in elementary and secondary schools. I have seen, during my tenure in Congress, this act enable major achievements in strengthening education and upgrading instruction throughout the Third District and the State of Arkansas.

As President, Johnson expressed strong convictions on the Government's obligation to insure that our older citizens are able to live a full and useful life in their later years. In this regard, he sought and received congressional passage of The Older Americans Act.

The elderly and the disabled throughout the Nation are now more adequately cared for due to the medicare program. The passage of the Social Security Amendments of 1965 climaxed a 20-year fight for a Federal health insurance program for the aged.

In addition to contributions for social programs, we must also attribute Johnson's leadership to enactment of economic development, water pollution, highway beautification, and veterans' legislation—all of which constitute a base for our current legislative activities.

My colleagues in Congress found that Mr. Johnson had an understanding and receptive ear, although he did not always agree. He was, however, a man with true and deep concern over the welfare of his fellow man. I consider it an honor to have had the opportunity to come into Congress during the Johnson years and learn his great depth of understanding and dedication to make this Nation a better place for us all.

A BILL TO AMEND THE FEDERAL FOOD, DRUG, AND COSMETIC ACT TO INCLUDE A DEFINITION OF FOOD SUPPLEMENTS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. WALDIE. Mr. Speaker, today I am introducing a bill providing for the definition of food supplements, and specifically regulations involving the marketing of vitamins and minerals. I am concerned about reports that the FDA will release regulations which would restrict the manufacturng and marketing of vitamins and food supplements. I strongly believe that it is not within the Government's right to limit the amount of vitamins and food supplements that a person takes. Every citizen should have the right to decide that for himself, as long as the substances he requires are not intrinsically injurious to health.

I ask you, Mr. Speaker, do you think that an individual should be required to have a prescription in order to take vitamin C? Is it not his right to take 5 milligrams, or 50 milligrams,or 500 milligrams of vitamin C, as he sees fit as long as the product itself is not harmful, and as long as the product label accurately reflects the contents? We should have this right, and the Government should not be allowed to infringe upon it. For this reason, I am introducing this legislation today, so that, first, food supplements are properly defined, and second, so that any nonharmful natural or synthetic vitamin, or minerals can be obtained without formal prescription or Government limitation.

H.R. 4568

A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food Supplement Amendment of 1971".

SEC. 2. (a) Paragraph (f) of section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(f) is amended by (1) redesignating clauses (1) and (2) as clauses "(A)" and "(B)", respectively, (2) inserting "(1)" immediately after "(f)", and (3) adding at the end thereof the following:

"(2) The term 'food supplement' means food for special dietary uses.

"(3) The term 'special dietary uses', as applied to food for man, means particular (as distinguished from general uses of food, as follows:

"(A) Uses of supplying particular dietary needs which exist by reason of a physical, physiological, pathological, or other conditions, including but not limited to conditions of disease, convalescence, pregnancy, lactation, allegic hypersensitivity to food, underweight and overweight;

"(B) Uses for supplying particular dietary needs which exist by reason of age, including but not limited to the ages of infancy and childhood;

"(C) Uses for supplementing or fortifying the ordinary or usual diet with any vitamin, mineral, or other dietary property.

Any such particular use of a food is a special dietary use, regardless of whether such food also purports to be or is represented for general use."

(b) Paragraph (g)(3) of such section 201 is amended by striking out "(other than food)" and inserting in lieu thereof "(other than food or food supplements)".

SEC. 3. Title VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371–377) is amended by adding at the end thereof the following new section:

"LIMITATION OF AUTHORITY

"SEC. 708. In administering this Act the Secretary—

"(1) shall not limit the potency, number, combination, amount, or variety of any synthetic or natural vitamin, mineral, substance, or ingredient of any food supplement unless such article is intrinsically injurious to health in the recommended dosage, and

"(2) shall not require a warning label on any food supplement unless such article is intrinsically injurious to health in the recommended dosage."

THE "OLD CHINA HANDS" OF THE STATE DEPARTMENT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. FRASER. Mr. Speaker, an event of major importance took place at the State Department January 30. At a luncheon sponsored by the American Foreign Service Association, members of the Foreign Service paid tribute to their colleagues who suffered so much abuse during the late 1940's and early 1950's for having the integrity to write honest reports on what they saw happening in China during World War II. In our national hysteria over the Communist takeover of China we found scapegoats in the "China hands" of the Foreign Service who consistently warned Washington from posts throughout China that the Chiang Kai-shek regime was losing to the Communists under Mao Tse-tung, and recommended that—at the least—the United States should reexamine carefully its continued commitment to the dying Kuomintang. The fact that this tribute took place at the State Department—the agency which drove the "China hands" out of the Foreign Service—is in itself significant. As one old China hand was quoted on Tuesday as saying:

> I never thought I'd live to see the day.

In visits to foreign countries as a member of the Committee on Foreign Affairs, I have been deeply impressed by the high quality of so many Foreign Service officers serving at our embassies. They represent the best qualities of the American people and feel an obligation to report back to Washington the truth as they see it from keen observation of the situation at their posts. We should expect nothing less of them, and if they were to tell us only what we want to hear in order to please us, they would be performing a disservice to our country. That is why I regard yesterday's tribute to the "China hands" as a reaffirmation of the integrity of the American Foreign Service.

I am placing in the RECORD remarks made at the luncheon by William Harrop, Barbara Tuchman, and John S. Service. Mr. Service, one of the most outstanding and most villified of the "China hands," received a standing ovation from the hundreds of his former Foreign Service colleagues assembled.

The remarks follow:

WHY POLICY MAKERS DO NOT LISTEN

(By Barbara Tuchman)

We have gathered to honor a group of foreign service officers—represented in the person of Jack Service—whom history has recognized as having been right; and not only history, but even, by act if not by acknowledgment, the present Administration. Can there be anyone among that group who reported from China during World War II who, watching an American president journey in person to Communist China in 1971, was not conscious of an irony so acute as to make him shiver? Could anyone remembering past attitudes, look at that picture of President

Nixon and Chairman Mao in twin armchairs, with slightly queasy smiles bravely worn to conceal their mutual discomfort, and not feel a stunned sense that truth is indeed wierder than fiction? When I was young the magazine *Vanity Fair* used to publish a series called Impossible Interviews by the artist-cartoonist Covarubbias in which he confronted Calvin Coolidge with Greta Garbo and John D. Rockefeller Sr. with Stalin, but last year's meeting in Peking outdid Covarubbias.

Yet it could have happened 25 years earlier, sparing us and Asia immeasurable, and to some degree irreparable, harm, if American policy had been guided by the information and recommendations of the staff of the Chungking Embassy, then acknowledged to be the best informed service group in China. It included the Ambassador, Clarence Gauss, the Counselor, George Atcheson, both deceased, and among the secretaries and consuls stationed all over China, besides Mr. Service, such men as John Paton Davies, Edward Rice, Arthur Ringwalt, Philip Sprouse, and alternately in the field and on the China Desk, Edmond Clubb and the late John Carter Vincent. Several had been born in China, many were Chinese-speaking, and some are happily here with us today.

For having been right many of them were persecuted, dismissed, or slowed or blocked in their careers, with whatever damage done to them personally outweighed by damage done to the Foreign Service of the United States. No spectacle, Macaulay said, was so ridiculous as the British public in one of its periodic fits of morality—and none, one might add, so mean and so self-destructive as the American public in one of its periodic witch-hunts. Your colleagues and predecessors were hounded because able and honest performance of their profession collided with the hysterics of the cold war manipulated by a man so absolutely without principles as to be sinister like the man without a shadow. I shall not pursue the story of what happened to them, however important it is to you and to every citizen, because what I want to get at is a problem perhaps more abiding, and that is, why these men were not listened to even before they were persecuted.

The burden of their reports at the time, though not always explicit, was that Chiang Kai-shek was on the way out and the Communists on the way in and that American policy, rather than cling in paralyzed attachment to the former, might be well advised to take this trend into account. This was implicit in reports from Chungking and the south which were united in describing the deterioration of the Kuomintang. It was made explicit by those who saw the Communists at first hand like Service in his remarkable reports from Yenan, and Ludden who journeyed into the interior to observe the functioning of Communist rule, and Davies whose ear was everywhere. They were unequivocal in judging the Communists to be the dynamic party in the country; in Davies' words, "China's destiny was not Chiang's but theirs." This was not subversion as our Red-hunters were to claim, but merely observation.

Any government that does not want to walk open-eyed into a quagmire, leading its country with it, would presumably reexamine its choices at such a point. That after all, is what we employ foreign service officers *for*: to advise policy-makers of actual conditions on which to base a realistic policy. The agonising question is, why are their reports ignored, why is there a persistent gap between observers in the field and policy-makers in the capital? While I cannot speak from experience, I would like to try to offer some answers as an outside assessor.

In the first place, policy is formed by preconceptions, by long-implanted biases. When information is relayed to policy-makers they respond in terms of what is already inside their heads and consequently make policy less to fit the facts than to fit the notions and intentions formed out of the mental baggage that has accumulated in their minds since childhood. When President McKinley had to decide whether to annex the Phillippines in 1898, he went down on his knees at midnight, according to his own account, and "prayed to Almight God for light and guidance." He was accordingly guided to conclude "that there was nothing left for us to do but to take them all, and to educate the Filipinos, and uplift and civilize and Christianize them, and by God's grace to the very best we could by them, as our fellowmen for whom Christ died."

Actually the main impulse at work was the pressure of the "manifest destiny" school for stepping stone across the Pacific but the mental baggage of a President in the 1890's required him to act in terms of Almighty God and the White Man's Burden just as the mental fix of his successors in our time has required them to react in terms of anti-communism. Closer observers than Almighty God could have informed McKinley that the Filipinos had no strong desire to be Christianized or civilized or exchange Spanish rule for American, but rather to gain their independence. This being overlooked, we soon found ourselves engaged not in civilizing but in a cruel and bloody war of repression much to our embarrassment. Failure to take into account the nature of the other party often has this awkward result.

The same failure afflicted President Wilson who had a mental fix opposite from McKinley's, in favor of progressivism, reform and the New Freedom. So fixed was his mind that when the reactionary General Huerta carried out a coup in Mexico in 1913, Wilson became obsessed by the idea that it devolved upon him to tear the usurper off the backs of the Mexican people so that Mexico might be ruled by the consent of the governed. "My passion is for the submerged 85 percent who are struggling to be free" he said, but the reality was the submerged 85 percent were cowering in their huts unable to distinguish a difference between Huerta and his rival Carranza. Wilson however sent in the Marines to seize Vera Cruz, an intervention that not only appalled him by costing American lives, but succeeded only in deepening the turmoil in Mexico and drawing the United States into further intervention two years later against that man of the people, Pancho Villa. Political passion is a good thing but even better if it is an *informed* passion.

Roosevelt's bias too was in favor of the progressive. George Kennan has told how, when the Embassy staff in Moscow began reporting the facts of the Stalinist purges of the 1930s, revealing a tyranny as terrible as the Czars', the President discounted the reports as the product of what he considered typical State Department stripped-pants mentality. It was not only inconvenient but disturbing to be in receipt of reports that would have required a change of attitude toward the Soviet Union—(foreign policy obeys Newton's law of Inertia: it keeps on doing what it is doing unless acted on by an irresistible force). Rather than be discomfited by these disclosures, which Roosevelt's own bias caused him to believe were biased, the Russian Division was closed down, its library scattered and its chief re-assigned. This desire not to listen to unhappy truths—"Don't confuse me with the facts"—is only human and widely shared by chiefs of state. Was not the bearer of bad news often killed by ancient kings? Chiang Kai-shek's vindictive reaction to unpleasant news as such that his ministers ceased to bring him any with the result that he lived in a fantasy.

Your reports must also pass through a screen of psychological factors at the receiving end: temperament, or private ambitions, or the fear of not appearing masterful, or a ruler's inner sense that his manhood is at stake. (This is a male problem that fortunately does not trouble women—which might be one advantage of having a woman in high office. Whatever inner inadequacy may gnaw at a woman's vitals, it does not compel her to compensate by showing how tough she is.) You may cite Golda Meir in objection, but one gets the impression that her toughness is natural rather than neurotic, besides required by the circumstances.

Proving his manhood was, I imagine, a factor pushing President Nasser of Egypt into provoking war with Israel in 1967 so that he could not be accused of weakness or appear less militant than the Syrians. One senses it as a factor in the personalities of Johnson and Nixon in regard to withdrawing from Vietnam; there was that horrid doubt, "Shall I look soft?" It was clearly present in Kennedy too; on the other hand it does not seem to have bothered Eisenhower, Truman or FDR.

A classic case of man's temperament obscuring the evidence is brought out by John Davies in his recent book, "Dragon by the Tail." Stalin's greatest error, he points out, was to underestimate Chinese Communism. He was deceived by his own cynicism. He did not think Mao could make it because, astonishingly enough, of his own too little faith in the power of a people's war.

Of all the barriers that reports from the field must beat against, the most impenetrable is the capacity of policy-makers to disbelieve what they do not want to believe. All the evidence of a German right-wing thrust obtained by the French General Staff in the years immediately preceding 1914, including authentic documents sold to them by a German officer, could not divert them from their own fatal plan of attack through the center or persuade them to prepare a defense on the left. In 1941 when the double agent Richard Sorge in Tokyo reported to Moscow the exact dates of the coming German invasion, his warning was ignored because the Russians' very fear of this event caused them not to believe it. Examples from military affairs are particularly distinct but the principle operates equally in the diplomatic field, in fact dominated Washington's reception of the reports from China in the 1940s. No matter how much evidence was reported indicating that the collapse of the Kuomintang was only a matter of time, nothing could induce Washington to loosen the silver cord tying us to Chiang Kai-shek nor rouse the policy-makers from what John Service in a courageous report accurately called their "indolent short-term expediency."

National myths are another obstacle in the way of realism. The American instinct of activism, the Can Do myth, has lately led us into evil that was not necessary and has blotted the American record beyond the power of time to whiten. I notice that Stewart Alsop made the interesting point yesterday in the New York Times book review that American Presidents since Roosevelt have disliked the State Department and leaned heavily on the military because the military tend to be brisk can-do problem-solvers while senior foreign service officers tend to be "skeptical examiners of the difficulties;" and they worried uncertain presidents will prefer positive to negative advice. You will remark that Mr. Alsop's phenomenon coincides with the era of air power and has much to do, I think, with the enormous attraction of the easy solution—the idea that a horrid problem can be solved by fiat from the air, without contact, without getting mixed up in a long dirty business on the ground. The influence of air power on policy-making would make an interesting study.

Activism in the past, the impulse to improve a bad situation, to seek a better land, to move on to a new frontier, has been a great force, *the* great force in our history, with positive results when it operates in a sphere we can control. In Asia that is not the case, and the result has been disaster. Disregarding local realities, and depth of motivation, disregarding such a lesson as Dien Bien Phu, we feel impelled to take action rather than stay out of trouble. It would help if we could learn occasionally to leave things alone and let them seek an indigenous solution.

The most baneful myth of our time has been the myth of the Communist monolith. We now discover happily if belatedly that the supposed Sino-Soviet unity is in fact a bitter antagonism of two rivals wrapped in hate, fear, and mutual suspicion. The error has been the costliest since the myth that appeasement could contain Hitler. It never had much to do with facts but was rather a reflection of fears and prejudices. Knee-jerk reactions to fear and prejudice are not the best guide to a useful foreign policy, which I would define as the conduct of relations and exercise of influence in the service of an enlightened self-interest.

The question remains, what can be done to narrow the gap between information from the field and policy-making at home. First, it remains essential to maintain the integrity of foreign service reporting, not only for the sake of what may get through, but to provide the basis for a change of policy when the demand becomes imperative. Second, some means must be found to require that preconceived motions and emotional fixations be periodically tested against the evidence. Perhaps legislation could be enacted to enforce a regular pause for rethinking, for questioning the wisdom of an accepted course of action, for cutting one's losses if necessary.

Failing that, I pass to a final suggestion which is not proposed as a joke: it is to abolish the presidency, because it seems to me that too much power and therefore too much risk is now subject to the idiosyncrasies of a single individual at the top whoever he may be. I would substitute a committee of five to be elected as a slate put forward by each party, and to have a single five-year term with a rotating chairman, each to serve for one year. The idea needs a little working out which I leave for the moment to anyone here who may want to consider it.

By a circuitous route I come to Jack Service, the focus of this meeting.

Mr. Service was born in China in the Province of Szechuan, the son of missionary parents serving with the YMCA. His youth was spent in China until he returned to the United States to attend Overland College from which he graduated in 1932. He also acquired a classmate as wife. Anyone who knows Caroline Service will recognize this as an early example of Jack's good judgement. After passing the Foreign Service exams, he returned to China because no openings were available during the Depression, and entered the Foreign Service by way of a clerk's job in Kunming. Commissioned as a Foreign Service officer in 1935, he served in Peking and Shanghai, and joined the Embassy in Chungking in 1941. During the war years he served half his time in the field, seeing realities outside the miasma of the capitol. This opportunity culminated when after being attached to Stilwell's staff, he served as political officer with the American Military Observers Mission to Yenan, the first official American contact with the Communists. His series of conversations with Mao, Chou En Lai, Chu Teh, Lin Piao, and other leaders, embodied in his vivid almost verbatim reports and perceptive comments, are a historical source of prime and unique importance. Equally impressive are the examples that show Service passionately trying to persuade and convince the policy makers, as in the brief prepared for Vice President Wallace in June 1944 and the famous Acheson telegram to the Department, largely drafted by Service—a desperate effort by the Embassy staff to halt the Hurley drift down the rapids with Chiang Kai-shek. If there was passion in this it was at least informed passion.

Following arrests in the Amerasia affair in 1945, Service was exonerated and cleared, and promoted in 1948 to Class 2 officer—only to be plunged back under all the old charges of 1949 when the Communist victory in China set off our national hysteria, and put Senator McCarthy, in strange alliance with the China Lobby, in charge of the American soul. If Chiang Kai-shek were to keep American support it was imperative that the "loss" of China so called, should be seen as no failure from inside but work of some outside subversive conspiracy. That spectre exactly fitted certain native American needs. Along with others, Service suffered the consequences. Despite a series of acquittals, he was pinned with a doubt of loyalty and dismissed from the Foreign Service by Secretary Acheson in 1951, as Davies and Vincent were subsequently dismissed by Secretary Dulles. Six years of pursuing redress through the courts finally brought a unanimous verdict in his favor by the Supreme Court of the United States in 1957. He rejoined the Foreign Service but was kept out of any assignment that would use his knowledge and experience of China. When it was clear that the Kennedy Administration would offer no better, Service resigned in 1962 and has since served with the Center for Chinese Studies at the University of California in Berkeley.

Fortunately for the record and the reputation of the Foreign Service, the reports of Service and his colleagues from China in the 1940s are now where anyone can consult them—in the published volumes of *U.S. Foreign Relations, China Series*. Under the inflexible verdict of history, they stand up.

I am honored to present to you Mr. John Service.

Opening Remarks by William C. Harrop, Chairman, American Foreign Service Association

I am pleased to welcome all of you on behalf of the seven thousand members of the American Foreign Service Association. We are indeed honored that so many distinguished Americans wished to participate in this occasion.

For 55 years, this Association has helped build and maintain a strong operating arm of United States foreign policy. Foreign Service Officers and supporting Foreign Service staff personnel man our 250 diplomatic and consular missions. We are commissioned by the President. The Foreign Service of the United States is responsible for the conduct of the international programs of the entire government, We serve the Secretary of State, but we also serve and help staff other federal agencies and 'departments. The President may take advantage of our expertise in whatever way he finds most useful. We are proud of our record, of our service to our country, of our dedication to the constitution of the United States.

I believe that over the years the Foreign Service has consistently demonstrated that greatest loyalty a political leader can demand from a career service: complete and honest professionalism.

One of the best examples of this kind of loyalty was the performance of so many Foreign Service Officers in China during World War II, and of others concerned with Chinese matters back in Washington.

I believe we have much to learn from the example of these men and from the history of their era. I am delighted to see a number of them in this room—Edmund Clubb, Robert Barnett, Fulton Freeman, John Service, Arthur Ringwalt, Walton Butterworth, and others. I am especially pleased that Mrs. John Carter Vincent could be with us. I wish others such as John Paton Davies, Edward Rice, Raymond Ludden, John Melby, James Penfield, and Philip Sprouse could have joined us also.

President Nixon has opened a new and hopeful phase in the relations between the United States and China. This is a fitting moment to honor a generation of Foreign Service Officers whose dedication and professional honesty was ill-paid by many of their countrymen.

To help us learn from the lessons of history, we are greatly honored to hear today from Barbara Tuchman and John Service. Mrs. Tuchman, as you all know, has twice won the Pulitzer Prize for her brilliant books, *The Guns of August* and *Stilwell and the American Experience in China. (1911–45)*. She will introduce Mr. Service.

Let me close by telling you what one of our honored guests, one of the China hands, said to me in response to our invitation to this luncheon: "I never thought I'd live to see the day".

The American Foreign Service Association is pleased that we have been able to make this day possible.

Ladies and Gentlemen, Mrs. Barbara Tuchman.

Remarks by John S. Service

Let me, first of all, say simply that my family and I appreciate your invitation to be here.

In a sense, though, I'm here in the wrong role. As an old and continuing member of this Association, I should be introducing Barbara Tuchman.

There have been some very kind remarks about us "old China hands." I particularly appreciate the mention of John Carter Vincent. We all knew him as a staunch friend, and as a capable, courageous and loyal chief. He was the man who should be standing here today.

The group of officers you are remembering today have some things in common—beyond shared experiences in China and in post-China. One of these is that in China we were primarily political reporting officers. But another is that we are all strong-minded individuals. To pretend to speak for this group would be foolhardy—and presumptuous. I speak, then, for myself alone.

If, by some miracle, the clock could be turned back and I had my life to relive, I would still wish to be a Foreign Service officer. But if denied that choice, my second wish would be a career as a foreign correspondent. The link, of course, is the absorbing quest to observe, understand, and report in depth what is really happening in a foreign society: to get beneath the superficial, pick up the important, underlying trends—and from that basis to try to look into the future.

Classified policy matters aside, this common reporting goal often makes natural allies of the FSO and press abroad. Many of the best brains I've picked have been those of newspapermen: American, Chinese, and foreign. A junior officer, nebulously assigned to the American Army in Chungking, would be told to "get lost" if he sought interviews with august figures such as T. V. Soong or Generalissimo Chiang. The same questions might just as well—or even better—be put by a representative of the world press, who *could* get a private interview. It was my good fortune that we had a remarkably able group of correspondents in Chungking during the war: my debt to them, as friends and colleagues, is immense.

Obviously, reporting is not merely a glamorous, exicting pastime. It is utterly basic to the intelligent formulation of a realistic foreign policy. And to keeping it up-to-date. Without facts, and an understanding of those facts (which may often be tenuous and largely intangible because they involve people and attitudes rather than quantifiable items in the national balance sheet), our policy makers are flying blind. And even being hard-nosed in a condition of blindness is not to be recommended.

Of course, the Foreign Service officer has many functions other than political reporting: you can name them as well as I. I submit, though, that none is more vital to the country, or more rewarding to the individual, than reporting. It was the best, most satisfying part of my own career. But, again, I was fortunate in having some unusual opportunities.

Twenty-three hundred years ago, a Chinese scholar of strategy said: Know your enemy, know yourself; a hundred battles without danger. Much of our policy toward China and Vietnam since World War II has been a negative example of Sun Tzu's wisdom. Of course, the other side has also had some problems knowing us.

But the value of reporting is far broader than "knowing the enemy." We must also know and understand the problems and attitudes of friends, and neutrals—if we are to continue to have cooperative friends and non-antagonistic neutrals.

Reporting obviously varies. From some countries (such as the developed, free press countries of Western Europe), the flow of information is so great that Foreign Service reporting may play a relatively unimportant role. Elsewhere, reporting may have to be done from a distance, or under severe limitations. Kremlinology, refugee interviews, the piecing together of rumors try to fill the gap. History and social science research can make a contribution, but may often apply more to the past than the present.

Foreign Service reporting becomes vital as we move toward countries that may be small, less developed, non-white, or with cultures and institutions drastically different from our own.

I have yet to learn of a computerized prediction that Mao's people-based forces would defeat the vastly larger, better-equipped, American-trained armies of Chiang Kai-shek; or that Mao would turn against his party and carry the country with him in the astonishing Cultural Revolution. There is a limit but also much truth in Mao's idea that man and his spirit are more important than machines.

I recently heard a talk by a man who has spent many years, up to the present, as a China-watcher in Hong Kong. His gist was that all the recent American visitors to China since ping-pong diplomacy and the President's visit had learned little that was not already known to his craft in Hong Kong. When the chance came for questions, I had two: Had he applied for a visa to China? And, if granted, would he go? The answer to both was an unqualified affirmative.

Confucius seems *not* to have said: "One picture is worth a thousand words." But perhaps one can coin another phrase: One close look is worth a thousand distant guesses. There is no real substitute for being on the ground. The briefings and lectures I listened to during my recent trip to China meant less than being able freely to walk city streets and country paths and to travel some 6500 miles—with eyes and ears open.

Political reporting, if worthy of the name, is nonpolitical. My two chiefs, Ambassador Gauss and General Stilwell, both anathema to the China Lobby, were both—so far as I know—staunch, life-long Republicans. But their views and reports of the facts in China were inseparable from those of their subordinates whose inclination in American affairs might be Democratic or plain liberal.

We who served in China during the 1940s have awaited—for what has seemed an excessively long time—the publication of the annual China volumes in the fat, red-bound series, *Foreign Relations of the United States*. They have just reached 1947. The product has been worth a wait. These are an admirable, objective, and complete presentation of the historical record. There has been no attempt, so far as I can see, to doctor that record, to make it look better than it actually was. Everything is there: Including reports and views that pointed in directions other than the policy finally adopted. Perhaps I may be bold here with a collective "old China hands" word of appreciation for the uncompromising honesty and high professional quality of these works of the Historical Office. Personnally, I shall also look forward with anticipation—hopefully before 1990—to reading what Foreign Service officers on the ground in Vietnam were actually reporting in 1963, 1964, and 1965.

One notable thing about the record shown in the *Foreign Relations* volumes is the broad unanimity in the Foreign Service political reporting from China. A few of us (like John Davies, Ray Ludden, and myself) may have been more ready to propose policy conclusions and recommendations. But in substance, our reports, though they received publicity and unmerited notoriety, were not different from those of the many other Foreign Service officers reporting from the Embassy and all over the country. I say this, of course, not to spread the onus; but to suggest that any credit for being "right" must be widely shared.

Successive volumes extend the picture. When the "first generation" of reporters became unacceptable to the fixed ideas of Ambassador Hurley, new men were brought in: Men with "fresh minds"—supposedly without "bias" or "preconceptions." To meet these standards, it was obviously necessary to assign men who had not been recently in China. Many were assigned without any previous experience in the country. But very soon the reports of all these men came to sound very much like those of the men they had replaced. The "truth" of China did not change.

There's more to reporting, of course, than merely being on the ground. In October 1946 I arrived in Wellington, New Zealand, as Deputy Chief of Mission. It was just before a national election. Ambassador Avra Warren, an old professional, had assigned a young, new-minted third secretary the task of making an analysis and electoral prediction. Pouch day was upon us—our last chance to get a prediction to Washington. The Ambassador thought the third secretary a capable young man—"likely to do well in the Service"—but had grave reservations about his prognosis. The third secretary conceded that the election would be close, but firmly concluded that Labour (the incumbents) would win by certainly three, and probably four seats. "Hell", said the Ambassador, "almost all the press supports the Tories; everyone I know outside the government is going to vote Tory; and everyone tells me the Tories are going to win." Furthermore, the Ambassador had a theory (call it history *or* political science) that democracies change parties after a long war. The Democrats, he pointed out, lost in 1920; and Winston Churchill in 1945.

My *immediate* task was to read the report and advise whether it should go forward. I knew nothing about New Zealand politics. Having transferred direct from Tokyo, there had not even been the chance for a briefing by the country desk. So I talked to the understandably up-tight third secretary about his sources, and how he had gone about collecting the information for what appeared to be a superbly documented, realistic analysis. On this basis, I told the Ambassador that I thought we should send it. In contrast to at least one other Ambassador I have known, he took my advice.

The wait seemed long but election day finally came. Labour did win by four seats, but one seat was so close that for a while it seemed that the margin might be only three.

A few comments. Most important, the report was right—right on the button. That's what the game is all about. But more. The officer had a talent for developing contact among the right people—though in this case the right people were clearly to the left of the Ambassador's circle. Furthermore, those contacts led to the development of useful information; we've all seen high-powered social types who "know everybody" but somehow lack a nose for news. And finally, he knew what to do with the information. Some officers accumulate a terrific amount of data in their heads or personal files; but it doesn't mean a thing in the Department if they can't organize it to produce a cogent and timely report.

Also the reporting officer had done his work so well that he had the courage of his conclusions—despite the intimidating effect (even if not intended) of the Ambassador's doubts. The Ambassador deserves credit, too, for a broad concept of reporting, and for willingness to trust the judgment of the reporting officer.

Incidentally, the young third secretary was Marshall Green. The Ambassador's early judgment, that he was a man of promise, was indeed correct.

We have been looking at reporting from the American angle. Perhaps a New Zealand echo of this story may not be irrelevant. In 1948, as some of us will recall, everyone (and I mean everyone) was sure that Truman was going to lose. In a conversation with an officer from New Zealand External Affairs a few weeks before the election, I was surprised to have him say: "What are you chaps so excited about? Our Embassy in Washington tells us that Truman is going to win."

Obviously, to be most effective, the reporting officer needs some freedoms. If his reporting is to get beyond clipping newspapers and collecting published statistics, he should not be overly tied to a desk. If he is going to be able to travel about the countryside and succeed in getting close to people, he may need time, encouragement, and facilities for intensive country specialization and language training—and some assurance that the time committed to gaining such in-depth specialization will not penalize him in the competitive rat-race for promotion. Finally, he needs freedom in his contacts in order to get beyond the local elites and the particular party that, for the time being, may be holding (or monopolizing) power.

My assignment at the Embassy in Chungking and later for two years with the Army gave me these freedoms in what—for the Foreign Service—was perhaps an almost unprecedented degree. Without those freedoms, my reporting would have been much more limited—and you probably would not have invited me here today.

It is interesting, though, to recall that when I first suggested in January 1943 that the Kuomintang-Communist struggle for power was going to engulf all policy considerations in China, and that the only adequate way to inform ourselves on the attitudes and strength of the Communists was to send Foreign Service reporting officers to Yenan, my proposal was met in the top echelons of FE with much tongue-clucking and grave head-shaking—in a negative direction. I and others did, of course, eventually get to Yenan. But only because there was a change of guard in FE (with men recently in touch with the actual situation in China—such as John Carter Vincent—taking over). And also because, while State approved and desired our going there, it could be done under the convenient guise of our working for the U.S. Army.

There are still countries—in Latin America, Africa, and parts of Asia—where the situation is not unlike that in China during the 1940's. If we keep ourselves in ignorance and out of touch with new popular movements and potentially revolutionary situations, we may find ourselves again missing the boat. The proper measure of such reporting should not be popular sentiment in the United States as reflected in some segments of the press, or by some Congressional committees not charged with foreign relations. The legacy of Senator Joe McCarthy still needs, in some respects, to be shed.

Sometimes, of course, the reporting is in vain. It may, for various reasons be ignored—or, in effect, rejected—by the President and policy-makers in Washington. This has been well discussed by Barbara Tuchman. But, from the viewpoint of the Department, this should not reduce the value of reporting.

There are many countries, as I have noted, where—despite the information explosion of modern news media and academic research—the Foreign Service reporter is still in a position to be the best, most current, and only steadily available source of reliable information. For State to reduce its flow of sound, reliable reporting from the field is, I suggest, a sure method of slow suicide.

Where does the reporting officer stand in all this? First of all, he has his responsibility to State and the American government. That responsibility is to report the facts conscientiously as he finds them. If the government dislikes or ignores his reports, that does not relieve him from his responsibility as a reporting officer. When Ambassador Hurley resigned in 1945 with strong charges against the reporting of some of us in China, Secretary of State Byrnes replied:

"I should be profoundly unhappy to learn that an officer of the Department of State, within or without the Foreign Service, might feel bound to refrain from submitting through proper channels an honest report or recommendation for fear of offending me or anyone else in the Department. If that day should arrive, I will have lost the very essence of the assistance and guidance I require for the successful discharge of the heavy responsibilities of my office."

But the reporter is also in a sense, writing for himself—for his own conception of what good reporting should be, and for his own integrity. Most definitions of good reporting would suggest that it involves more than a mere recital of facts: it also means an ability and willingness to draw conclusions from those facts. If one shirks from having to write reports that may lead to unpopular conclusions, then perhaps reporting is not your line.

The reporter owes something, too, to history. He watches history being made, wherever he is. It may be a relatively quiet backwater. Or he may be very close to momentous events—as I was to the World-changing revolution of a half a billion peole—that make insignificant his role as an individual. But whatever the magnitude of the events he observes, or his distance from their vortex, the reports he writes today will be part of the history of tomorrow. And if he writes them when he is young enough, he may see that tomorrow come.

I wish I could say, after all this, that the Foreign Service itself has always supported the value of reporting and area expertise. I imagine we can all think of negative examples: they have not been few. Let me take an example from my own branch of the service.

When the Sino-Japanese War commenced and the Japanese occupied Shantung in 1937 and 1938, our consul in Tsingtao was Samuel Sokobin. He was a capable, conscientious officer—a China specialist of long experience. As often the case, he had come to have a genuine liking and respect for the Chinese. Eventually, Chinese guerrillas began to be active in Shantung. Soon the Chinese press was carrying dramatic accounts of heroic exploits in crippling the Japanese-held railways and denying the Japanese the important agricultural and mineral resources of the province. In his post at the main port, and making intelligent use of excellent contacts in shipping and business circles, Sokobin came to realize the gross exaggeration in these claims. The Japanese were maintaining and even increasing the flow of these strategic materials to Japan.

Sokobin did not consider that a responsible officer needed to be told when (or what) to report. He commenced a series of reports thoroughly documenting the success of the Japanese in countering the guerrillas and in exploiting the resources of their occupied territory. He should, of course, have been commended; but the reaction his reports received was very different. He was upsetting the picture, then the accepted line, of a Chinese resistance not only brave but also effective. Sokobin's reports were harshly depreciated. He was cruelly and ridiculously accused of being "pro-Japanese." And, with a perverted idea of justice, his transfer was arranged to Kobe, Japan. He was never, thereafter, returned to service in China.

Sokobin's career might never have reached the heights—one can never know. But in 1947 he finished 33½ years of loyal service as Class 3 and consul in Birmingham.

This was long before McCarthy had become a senator. The United States was neutral in the Sino-Japanese War, and there was no outside high level pressure. It was entirely an internal State Department affair: in fact, it was done by the China branch to one of their own. Perhaps, in this mater of valuing the integrity and honesty of field reporting, few of us are beyond reproach.

THE 55TH ANNIVERSARY OF LITHUANIAN STATE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, Americans of Lithuanian descent who observed the 722d anniversary of the founding of the Lithuanian state and the 55th anniversary of the modern Republic of Lithuania on February 16, can take hope that a new thrust for freedom will emerge from the promised generation of peace that lies ahead.

Lithuanians have fought for freedom and justice since the founding of their Republic. They have fought for it in America—for Americans and free people everywhere. They have fought for it for those restricted in their homeland under the steel boot of communism.

Lithuanian Americans will never cease in the fight for freedom. We who know freedom well will fight beside them until final victory. Mankind will settle for no less; this Congress of the United States should and must affirm that it will stand for no less—total freedom for those denied it today.

LEGISLATION CALLING FOR THE INVESTIGATION OF PRICE INCREASES IN LUMBER AND PLYWOOD

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. WALDIE. Mr. Speaker, at this time I would seek permission to enter a resolution in the House of Representatives calling for an immediate investigation into the continued increase of lumber and plywood for domestic use. Lumber and plywood prices increased despite the controls of phase II; and under the controls of phase III these same prices have soared to limits without regard to quality, fairness, or equity. Furthermore, Mr. Speaker, the domestic market balance is being upset by the tremendous demand that is being exerted by foreign buyers upon the lumber production in our country.

In the past 6 months the average price of homes in our country has risen an additional $1,200 on an average scale. I ask who is to bear this burden, and the answer is quite simple. The prospective homebuyers in our country, who must bear this additional cost in purchasing homes, can ill afford to bear the effects of the continued rate of price increase that is prevalent in the construction industry for the price of lumber and plywood.

Due in large part to the volume of lumber exports to foreign nations, lumber prices have and will continue to soar at unchecked rates. Mr. Speaker, the great increase in lumber prices in the last year, and in particular the last few months, threatens the homebuilding industry and the homebuilding public. The problem, Mr. Speaker, is quite clear and requires our immediate attention. The ramifications that may occur to our Nation require that we achieve a solution to this problem quickly.

For this reason, I wish to insert a resolution calling for immediate investigations into the disastrous state of affairs of the lumber and plywood market.

The resolution reads as follows:

H. RES. —

Resolved, That the Committee on Banking and Currency, acting as a whole or by subcommittee, is authorized and requested to conduct a full and complete investigation and study of the high price of lumber and plywood.

For the purpose of carrying out this resolution the committee or subcommittee is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary; except that neither the committee nor any subcommittee thereof may sit while the House is meeting unless special leave to sit shall have been obtained from the House. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by him, and may be served by any person designated by such chairman or member.

The committee shall report to the House on or before June 1973 the results of its investigation and study, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

NEWSLETTERS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. BENNETT. Mr. Speaker, I am inserting in the Extensions of Remarks my March 1, 1973, Newsletter, which is mailed on a monthly basis to constituents in Florida's Third Congressional District:

MARCH 1, 1973.

DEAR FRIENDS: The figures are now in on the amount of federal aid that has come to our area in the last fiscal year. During Fiscal Year 1972, federal money came to Duval County through 28 federal agencies, in the amount of $556,878,554, an increase of $82,818,230 over the money obtained in Fiscal Year 1971. The per capita return of federal dollars to Duval County during the last fiscal year was $1053. Seventy-two per cent of all funds received was from the Department of Defense and the Department of Health, Education, and Welfare.

Nassau County received a total of $25,708,262 in federal money during Fiscal Year 1972 from 14 agencies. This is an increase of $6,398,205 over the previous fiscal year. Eighty-three per cent of all federal funds received in Nassau County came from the Department of Health, Education, and Welfare and the Department of Transportation. The per capita return of federal dollars to Nassau County during the last fiscal year was $1246.

MY MAJOR LEGISLATIVE THRUSTS

Fiscal reform—My bill, H.R. 302 will require that both the Houes and Senate prepare their own budget recommendations to be compared with the President's budget request. Presently, we can only whittle away at the President's budget with information supplied largely by the White House. I believe a legislative budget could force the Congress to hold spending to available receipts, thereby saving billions of dollars.

Volunteer Army—More than 125 Members of Congress are now co-sponsoring my bill, H.R. 2644, the Voluntary Military Special Pay Act. This bill will provide incentives encouraging top quality men, working in critical areas, to make careers in the active military and reserves. The program will help insure a strong national defense and will save money by eliminating current ineffective military retention programs.

Lobbying reform—I have already requested reports and hearings on my bill H.R. 303. This bill would require more careful reporting by lobbyists and provide stiff penalties for inaccurate reporting.

Environment—More than 100 Members of Congress have joined me in my archeological preservation bill, H.R. 3582. The bill sets aside limited amounts of money for studying the past of an area before a federal project disrupts the terrain.

Votes by your Congressman since the beginning of the 93rd Congress: for Carl Albert, for Speaker of the House; for the new Rules of the House; against considering the creation of a new committee to study House committees; against the R.E.A.P. agriculture bill; for an amendment that would have reduced the money in that bill to current expected needs and for restricting that bill to low income farmers.

Gratefully,

CHARLES E. BENNETT,
Member of Congress.

"MY RESPONSIBILITY TO FREEDOM," 26TH ANNUAL VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. DU PONT. Mr. Speaker, the voice of democracy scholarship program sponsored by the VFW and its ladies auxiliary is conducted annually in our Nation's secondary schools during the fall term. It is a national broadcast scriptwriting program which provides an opportunity for 10th-, 11th- and 12th-grade students in our public, private, and parochial schools to think, write and speak up for freedom and democracy.

"My Responsibility to Freedom," theme for the VFW's 26th annual voice of democracy scholarship program, focuses the attention of youth on the principle that freedom is a responsibility and not a license. It calls upon the youth of America to make a personal evaluation of their responsibility in preserving our freedom heritage.

Participating students prepare and transcribe on magnetic tape a 3- to 5-minute broadcast script addressing their remarks to the theme "My Responsibility to Freedom." At each level of judging—school, community, district, State, and national—winners are selected from the evaluation of the judges using three basic criteria. These criteria and the maximum point value assigned to each are: content, 45; originality, 35; and delivery, 20.

Upward of 500,000 students from over 7,000 secondary schools participated in this year's 26th annual voice of democracy program.

Each State winner receives an all-expense-paid trip to Washington, D.C., March 2–7, 1973, and competes for one of five national scholarship awards provided by the VFW. The first-place winner receives a $10,000 scholarship to the school of his or her choice; second place, $5,000; third place, $3,500; fourth place, $2,500; and fifth place, $1,500. In addition, the monetary value of scholarships and awards presented by the VFW and its ladies auxiliary to the winners at the post, county, district, and department levels will be in excess of $300,000 this year.

During the 5 days in Washington, D.C., the State winners have an opportunity to meet their U.S. Senators and Representatives, visit the shrines and monuments in our Nation's Capital, and observe firsthand the workings of our Federal Government.

The voice of democracy program was originated by the broadcasting industry and the U.S. Office of Education 26 years ago, and for over a quarter of a century now it has had the continuing support of the National and State associations of broadcasters and secondary school principals. Broadcasters and educators alike have been enthusiastic in their endorsement of the voice of democracy program and have contributed generously of their time and expertise in the program's development.

This year's winner in Delaware is Sheila McBride, of Wilmington. She is a senior at the Ursiline Academy and hopes to continue her studies at the Immaculata College. I think her winning essay shows a deep understanding and appreciation of democracy. At this point in the RECORD I would like to insert her comments because I think they eloquently remind us of our precious heritage.

MY RESPONSIBILITY TO FREEDOM

My responsibility to freedom is similar to the creation of a flame. A small twig placed in the darkness is lit, casting forth a minute but definite light. After a brief glistening, it flickers and blackness slowly creeps in. Again an attempt is tried—and a single twig is lit. Yet this time, it is set afire along with many others. Working as one, the twigs create a strong and blinding flame that shatters the darkness to radiate light and warmth. As twigs are supplied as kindle, the flame grows stronger and stronger—but if it is neglected, the once brilliant flame will diminish and only a charred gray pile of ashes remain.

Freedom is similar to that flame. For if it is to flourish and shine forth in America, responsibility is the essential fuel for its life. Like each small twig, each individual has a responsibility to that freedom.

As an individual, I must do my part in order for freedom to survive. To do this, I must first consider my freedom a privilege and not something that can be taken for granted. In the past years of our United State's history, some men have gone to battle and lost their lives in order that freedom may be insured. Although I won't be an infantryman, fighting in a far away land, I can do my share while remaining in my own country.

My responsibility to freedom begins at home and in the community. Involvement is the key for freedom to exist. Like all Americans, I realize the problems that have arisen and I must become involved in their solving. If freedom is to glow in our country, all Americans must follow through in their responsibilities. For, if any person, including myself, turns his back in neglect, our country will change into a pile of charred gray ashes.

Responsibility to freedom includes the spreading of equality and abolishing of injustice; the working towards world harmony, and the aiming toward the insured freedoms of speech, press, and religious worship. Besides this responsibility to the human race, we have a responsibility to our environment. We must clean up our lands and waters in order to insure the continuation of life.

I cannot accomplish all of this throughout the entire world, but I can do it on a smaller scale while working in my community. I am able to treat men as equals and I am capable of controlling the litter in my community. Finally, I can preserve my freedoms of speech, press, and religion by choosing to use them maturely and respectfully.

If I can accomplish this in my lifetime, then freedom can be passed on to our next generation. Like the flame, freedom will illuminate America's way, and if all Americans work together, that freedom will become blinding in force.

"MY RESPONSIBILITY TO FREEDOM"

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. THOMSON of Wisconsin. Mr. Speaker, for the 26th consecutive year, the Veterans of Foreign Wars and its ladies auxiliary with the support of the National Association of Broadcasters and secondary school administrators throughout the Nation, have conducted the voice of democracy scholarship program. More than half a million 10th, 11th and 12th grade students in public, private and parochial schools in every State have participated in this year's program by preparing short speeches on the subject of "My Responsibility to Freedom."

This year's Wisconsin State winner is Debra Hartkemeyer, daughter of Mr. and Mrs. Lester A. Hartkemeyer, 1503 Fairway Street, Eau Claire. Debra is a senior at Eau Claire Memorial High School and will be attending the University of Wisconsin-Eau Claire next fall to prepare for a career in special education. She has been active as a board member of the youth association for retarded children and won awards for her musical and forensic talents.

Debra's prize-winning entry demonstrates her personal commitment to extending to others the personal freedom which she has so appreciated in her life. I commend her special thoughts to the Members of the House and to all Americans concerned about the present and future health of democracy and freedom in the United States. Our cherished ideals and institutions for which many have sacrificed so much are in safe hands with Debra Hartkemeyer and the youth of our country today.

VOICE OF DEMOCRACY—"MY RESPONSIBILITY TO FREEDOM"

(By Debra Hartkemeyer)

I had a dream, and in my dream I found myself standing before a little girl with tears in her eyes, crying out for help. I was told she had been in a traffic accident and had lost a large quantity of blood. But, she was a rare blood type and I was the type she needed. Her little hand reached out to me and she beckoned me, calling, "Please, take my hand, help me." But, I was afraid, so afraid that I awoke leaving the dream unfinished. And I realized that what I dreamt held a deeper meaning.

I had been reading just the day before the words of the late John F. Kennedy, when he told us, "Ask not what your country can do for you, but what you can do for your country." and I thought to myself, "What am I doing here? What is the purpose of my life in America?" I knew that the conception of this country had been brought about for one reason, and that reason was freedom. Then I realized what the dream meant.

Freedom is the lifeblood of America. If we cut off that blood America will die, just as the little girl in my dream needed blood to live; and it was up to me to give her blood, just as it is up to me and everyone else like me to see that the blood of America, freedom, is kept flowing.

But, this is not where my responsibility ends, for I am only one link in the chain. My life is only one cycle of a never ending circle. I must help everyone realize their responsibility and make sure this responsibility to freedom does not die with me. I hold the key, the key to open the door of hope and faith for all those people who do not know freedom. Just as Moses led his people to the land of milk and honey, it is up to each of us to lead the others to the land of freedom. We must keep freedom a reality for all time, for all people, not just for one short lifespan. The authors of the Constitution recognized this when they set the guidelines for governing our country. And we recognize our responsibility today, for there is a new individualism sweeping the country. We are standing up to be counted in the move toward the new realization. Collectively, as one large mass, we are telling the world, we want to keep our country alive with the same basic principles that America was born with—freedom. If this means defending our country we will do so, and with the great emphasis put on women and their rights in the world today we are now able to have a greater share of this responsibility as women.

Charles Reicht, in the Greening of America, summed up this new awareness. "There is a revolution coming. It will not be like revolutions of the past. It will not require violence to succeed. Its ultimate creation will be a new and enduring wholeness and beauty, a renewed relationship of man to himself, to other men, to society." We recognize our responsibility and are willing to accept it.

I never knew exactly why I was afraid to take that little girl's hand. Perhaps I've grown up a little since then, perhaps I've finally come to realize part of an ideal I've always had but could never before voice, but I had that dream again. The little girl called out to me, "Please, take my hand, help me." And I took her hand.

WHY NOT WOMEN?

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, I would like to pay tribute to the late Dr. Alice Hamilton, a great American that dedicated her life to improving the standards of occupational health safety. Frank Wallick, Washington Report editor, stated concerning President Nixon's "token" women appointment:

The late Dr. Alice Hamilton was the founder of the occupational health movement in this nation, and there are many outstanding women scientists, lawyers, trade union leaders, and government officials who could make the Occupational Safety and Health Act of 1970 work for the good of the working people.

The number of women presently holding top level administrative positions within the administration is far less than acceptable for today's standards. Within the Labor Department, only 10 out of 146 top civil service positions are held by women. One can no longer assume that there are not qualified women, who easily handle administrative responsibility. Educational institutions all over the Nation are awarding graduate degrees to women in areas ranging from electrical engineering to biophysics, and more and more women are gaining experience in a broad range of American and foreign industries.

Within the field of occupational safety, it is especially appalling that the women who worked so hard for protective legislation are now found unacceptable to fill positions in the safety administration. Dr. Alice Hamilton is a prime example. From 1910 to 1919, she was an investigator of industrial poisons for the U.S. Department of Labor. Her work included industrial toxicology in many dangerous industries, such as lead smelting, painting, printing, the manufacture of white and red lead, storage batteries, pottery, rubber goods, aniline dyes, as well as the mining of copper and mercury.

Dr. Hamilton was involved in numerous other government-oriented safety and health work directed toward promoting legislation; yet during that period her position remained nonsalaried. To this day, there is not one woman in a grade over a GS-15 within the Occupational Safety and Health Administration.

Women make up a tremendously large portion of America's work force. Many of them are not only well educated but equally as qualified for high level private and Government positions as their male counterparts.

KOREANS: THE INVISIBLE AMERICANS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. WALDIE. Mr. Speaker, recently I received a rather eloquent article written by Mr. Ken Wong, a widely respected journalist for the San Francisco Examiner. The article deals with the problems that many Korean-Americans face in the course of being assimilated into the American way of life and still retaining a sense of cultural identity.

It is a paradoxical situation in which Korean-Americans find themselves due to the image that many Americans have of Japanese or Chinese-Americans. Many of our citizens automatically assume upon viewing a person with predominant oriental features that he or she is of Japanese or Chinese lineage. What happens is that many of our Korean Americans find themselves isolated from other segments of our society due to the principal fact that they are of Korean lineage.

Yet, Mr. Speaker in the last 5 years many advances have been made to ease the problem of assimilation, yet retaining the sense of ethnicity that has played such an important role in the history of the settlement of our country. I urge that my colleagues peruse the article, while referring to comments that I made in the RECORD of February 1 relating that a specific need existed that should be fulfilled in the creation of a Cabinet Committee on Asian-American Affairs. The creation of such a committee will enable citizens of all oriental backgrounds to realize their full potential as human beings and as citizens of our great Nation.

The article reads as follows:

[From the San Francisco Examiner, Dec. 18, 1972]

KOREANS: THE INVISIBLE AMERICANS

(By Ken Wong)

The rain must fall before the bamboo grows—a line from a Korean folk song. Really the blues.

Quick, name three Koreans.

Okay, the Kim Sisters.

After the dynamic musical trio, the names come harder.

Dr. Henry Moon, head of the pathology department at the University of California Medical Center, is one of 3000 Koreans in San Francisco. He has been chief pathologist at the Coroner's Office for 25 years.

Yet a police reporter on the beat for 26 years was under the impression, all this time, that Dr. Moon is Chinese. And that's the way the tanso (a bamboo flute) blows. No one knows the Koreans are around.

If the Japanese are the quiet Americans, the Koreans, who have resided here since the turn of the century, must be the invisible Americans.

Yet significant changes have come to the Korean community in the past five years. Its population has climbed dramatically. Korean-owned businesses have proliferated. Korean activities are growing.

Tom Kim, a 30 year old third generation Korean-American, is one of several persons trying to bring the community together.

"Koreans in America have always been loners, relying on personal strength," says Kim. "But to get things done nowadays, you need group action."

The emerging Koreans face an identity problem. Classified by the census as "other non-whites" along with Eskimos and Samoans and others, fragmented as a community and isolated as individuals, the Koreans are generally strangers to others and among themselves.

Many, because of their looks, are taken to be Japanese. Or because of their monosyllabic names—Whang, Chung, Choy, Kim—others are mistaken for Chinese.

There are 120,000 Koreans in the United States, according to Korean Consul General Chan Yoon.

The breakdown: Honolulu, 40,000; Los Angeles, 40,000; New York, 8000; Washington, D.C., 8000; Chicago, 6000; the Bay Area, 6000.

The early Korean immigrants here came mostly from Pyongan and Hwangchae provinces (north of the 38th parallel). Encouraged by missionaries to emigrate, a group of 93 contracted laborers went to Hawaii to work on sugar plantations in 1903. By 1910 some 11,000 were working there for 75 cents a day.

Later, those who had the $28 steerage fare went to the mainland, where they worked on the railroads. They were paid $1.20 to $1.50 per day. Others worked on farms in Dinuba and Reedley in the San Joaquin Valley.

Anti-Asian feelings, always smouldering, flared in 1913 at Hemet Valley in Southern California. A local mob herded 100 or so Koreans and railroaded them out of town.

They were chased out because they were thought to be Japanese. A wry shot of irony. When the Russo-Japanese war ended in 1905, Korea became a protectorate of Japan and in 1910 was annexed outright. Koreans were cut off from their homeland.

Exiled intellectuals and patriots who managed to flee the country came here to organize their countrymen at home. They worked by day as hotel, restaurant and factory workers and at night plotted the overthrow of Japanese rule.

Then, as now, the Koreans in this country were small in numbers and disorganized. No Koreatown, no family associations, no lodges. The center of social life was the Korean Methodist Church, founded in 1906 with 50 members—total population of Koreans in The City at the time.

The church on California Street served as a clandestine headquarters for the Korean independence movement. Money was raised and sent home. Demonstrations drew attention to their struggle for freedom. The protest included violence.

On March 24, 1908, The Examiner headlined, "Durham W. Stevens, American Diplomat, Shot by Assassin."

Stevens, an American adviser appointed by the Japanese to the Korean court, was in The City. In an interview he praised the Japanese rule as "benevolent and in the best interest of the Koreans who are unable to govern themselves."

At the Ferry Building, Stevens was approached by Ming Woon Chun, a Korean student, who poked a revolver in front of the diplomat's face. The would-be assassin pulled the trigger. Nothing happened. He smashed the gun against his victim's head.

Stevens, a stout man, struck Chun, who began to run. Stevens grabbed his assailant.

From behind the crowd, In Whan Chang, another Korean student, fired a shot. The bullet struck Chun. Chang fired two more shots and hit Stevens in the back.

More bitter irony. The two Koreans were taken to be Japanese, by the crowd, with shouts of, "Lynch the Japs! They've killed a white man."

Chun recovered, but Stevens died two days later. Chang was found guilty of second degree murder and sentenced to prison for 25 years—but released in 1919. His case was a cause celebre for Koreans in the U.S. and Hawaii.

The Korean National Association (Kung Min Hoe) was organized in 1913 to unite diverse groups throughout the U.S. to join the independence movement.

There were other political and military moves. Men like Syngman Rhee and Ahn Chang-ho jockeyed for leadership. Guerrilla units were trained to link with those in Korea, but little happened.

On August 15, 1945, at the end of World War II, a divided Korea gained her independence, only to be plunged in 1950 into a civil war. It split the country near the 38th parallel after three years of bloodshed involving U.S. and Chinese armies.

Until 1960 only 300 Koreans were living in San Francisco. Like other Asians, they lived quietly, making no waves. Immigration laws were relaxed in 1967, and the influx began. Last year 14,000 Koreans entered the U.S.

One man who keeps track of the newcomers is the Rev. Charles C. Song, pastor of the Korean Methodist Church. Today it stands at 1123 Powell St. next to the Chinatown Public Library.

"Most of the newcomers head for New York. And many are students. We are proud of one thing. Over 70 percent of our people are college graduates," the Rev. Mr. Song said.

He finds the problem of adjustment the biggest for the newcomers. "Many suffer a loss of dignity. Here they are, educated and trained to be professionals, and they are selling kimchee in a grocery store," he said.

"It takes about two years for adjustment," he figured. "By and large, within five years most are able to establish themselves. There are few failures."

South Korea is the most Christian nation in Asia with 2 million Protestants and 600,000 Catholics.

Song's Methodist Church is the largest Korean church in The City, with 300 members. Next are the Presbyterians at 1074 Guerrero St. with about a hundred.

There are some 50 Korean Catholics attending the St. Francis Xavier Mission for Japanese and Koreans at Pine and Octavia Streets. Here mass is said in Korean on the last Sunday of the month.

Among the parishioners at St. Francis Xavier is Mrs. Corona Shinn, the sister-in-law of Richie Shinn, a former lightweight boxer.

Shinn fought his way up from The Examiner's Golden Gloves in 1939 to the pro ranks and met the best of his time. A classmate of lightweight Ray Lunny at Commerce High School, he was Lunny's sparring partner before joining the Army in World War II.

Shinn retired shortly after a TKO loss to Art Aragon in 1948. Today, he is a mail carrier and teaches boxing to CYO youngsters.

There is Dolly Rhee, who was former San Francisco Chronicle editor Scott Newhall's personal secretary for 30 years. Her brother is Dr. Sammy Lee, the former Olympic diving champ and now a Santa Ana eye-ear-nose specialist. They are related to Syngman Rhee, the late Republic of Korea president.

Miss Rhee admitted, "Most of my friends are Caucasians."

Likewise Jason Har's friends are mostly non-Koreans. The secretary-treasurer for S & C Motors spends most of his spare time with fellow Shriners. He lives in St. Francis Wood.

On the other side of the tracks are some 50 students, aged 20 to 30 at the Alemany Adult School. They work nights and weekends to support themselves. Most hope to go on to college. Their command of English is at a fourth grade level.

One student is Chan Woo Song, 26, a custodian at the San Francisco Baptist Theological Seminary. He hopes to teach Christian history. He has a fiancee at home in Seoul.

Great changes have occurred in the local Korean community the past five years.

The Korean House on Post Street was the only Korean restaurant in the Bay Area in 1965. Today there are 22. In 1965 there were only 50 Korean-owned businesses. Today there are some 300.

It is the newcomers who keep Korean tradition and culture going. Most local-born Koreans do not speak their parents' native tongue.

The new immigrants boosted the circulation of the Korea Times (Hankook Il Bo) to 12,000.

There is little contact between the American-born Koreans and the newcomers. Tom Kim, staff worker with the Development Project for Asian Americans, a government funded agency, tries to bridge the gap.

Kim's first move calls for a Bay Area Korean Coalition. Out of the coalition, Kim hopes, will come a Korean Service Center, including a day care center.

The day care center is mostly for the Korean War brides.

"I don't have figures. But they do have problems with an inability to deal with the system. It's a matter of acculturation. They come here and find they are not accepted by the husband's parents. Next thing, the marriage blows up," Kim said.

The coalition supported Mrs. Lenore (Ock Soon Kim) Blank's successful bid for a regular teaching position with the San Francisco Unified School District. She has been a substitute teacher for two years. Substitutes are paid less. She became the first Korean teacher in the school district.

MR. DOUGLAS K. RAMSEY RETURNS FROM CAPTIVITY

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. FRELINGHUYSEN. Mr. Speaker, the following article by Peter Arnett, which appeared in the New York Times on February 14, should be of general interest. It concerns the recent release by the Vietcong of Mr. Douglas K. Ramsey, a foreign service officer. Mr. Ramsey was captured by the Vietcong more than 7 years ago, while on a mission consistent with his concern about the civilian side of the conflict in South Vietnam. It is good to know that his protracted ordeal is now over.

CIVILIAN PRISONER, OBJECT OF BIG SEARCH, SHUFFLES BACK TO FREEDOM

(By Peter Arnett)

CLARK AIR BASE, THE PHILIPPINES, February 13.—He came off the plane shyly like most of the 26 other Americans released by the Vietcong yesterday.

He blinked in the glare of the television lights. His tall frame was slightly stooped and his face hollow and he walked a little unsteadily. But a small, happy smile came to his face when an American official clasped his shoulders to help him along the red carpet to a waiting hospital bus.

This was Douglas K. Ramsey of Boulder City, Nev., and the many other addresses, including Washington and Saigon, befitting a career officer in the United States State Department. The 38-year-old Mr. Ramsey's address for seven years has been somewhere in the jungles of South Vietnam.

The shy smile he revealed as he reached freedom late last night hid an inner fortitude and endurance that sustained him through the most terrible years of the Vietnam war.

Some spectators thought he was almost obsequious in his manner, particularly when he seemed to bow to the line of American officials. Doug Ramsey was always a polite, gentle man. His stoop could be attributed to the cruel existence in the jungles, living in tunnels and forever on the run with his captors.

It was Mr. Ramsey's fate to be captured by the Vietcong on the lonely road to a ranger training camp at Trung Lap, northwest of Saigon, on Jan. 5, 1966. As a reporter covering the war then, I had come to know and respect Mr. Ramsey for his quiet confidence, his proficiency in the Vietnamese language and his success in winning the people's confidence.

Just the day before his capture Mr. Ramsey, then an area development officer with the United States aid mission, had expressed concern about the increasing use of firepower by the American infantry then pouring into Vietnam.

It was this concern that took Mr. Ramsey up the lonely dirt road to Trung Lap. He wanted to urge the American bridgade commander using it as a command post for a major field operation to be more cautious with his artillery because of the population density.

FRIENDS PURSUED SEARCH

Mr. Ramsey never did reach the camp. His pickup truck was stopped by a guerrilla roadblock and he was led into the jungle.

He disappeared, but his friends did not. In fact, the search for him became one of the legends of the Vietnam war.

Mr. Ramsey was blessed with the friendship of most of the brilliant American Government field operatives attracted to Vietnam then. His closest friendship was with the late John Paul Vann, the energetic, volatile former military officer who was to rise to fame as the war grew longer.

Mr. Vann had been Mr. Ramsey's boss in Hau Ngia Province. They day he disappeared Mr. Vann rounded up several other Americans, and they began a week-long search of every hamlet in the province.

"We rode with grenades on our laps," Mr. Vann related. "We drove over paths that had not seen a vehicle in 10 years. We found Vietcong lazing on roadsides. We were shot at. But we did not get a hint of Doug's whereabouts."

As the months rolled on and the war widened, Mr. Vann became almost obsessed with the search for his protégé.

"He's like a son to me," Mr. Vann said, explaining why he was offering tens of thousands of dollars as a reward.

By late 1966 Mr. Vann had learned that Mr. Ramsey was in the hands of a battalion operating along the Saigon River. Later he learned that the Vietcong were using Mr. Ramsey as a teacher. Then there was solid information that he was seriously ill.

An effort to buy his release, in which the captured wife of a Vietcong province leader was to be used as an intermediary, failed.

Until Mr. Vann's death last June in a helicopter crash, he never lost hope. When Mr. Ramsey's name appeared on the prisoner list provided by the Vietcong, my heart and, I know, that of many others jumped at the thought that Mr. Vann's faith had been justified.

When Mr. Ramsey stepped out of that hospital plane and the harsh lights picked up his gaunt features, his shuffle and his shy smile, I felt that at last the war might finally be over and that decent things could survive the worst kind of travail.

LITHUANIA

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. PRICE of Illinois. Mr. Speaker, it is a privilege to join my colleagues in observance of the 55th anniversary of Lithuanian independence.

Since the 13th century, Lithuania has had a record of identity as a sovereign state. Her people have resisted all efforts to force them into a cultural and political mold that is foreign to them.

Invaded, fought over, conquered by brute force and larger numbers on many occasions, they nevertheless have always kept alive the memory of freedom.

They seized their chance for independence again when the czar's armies disintegrated, and on February 16, 1918, they proclaimed their republic. It was not their good fortune to be given many years of freedom. In 1939, they became a pawn of the grim struggle between the Nazi and Soviet empires. They were fought over in the savage years that followed. They have not yet been able to reestablish their independent government, but they have established their right to freedom.

The first land-reform law of modern Europe was a Lithuanian law. An education program was launched which reduced illiteracy to 15 percent after generations of foreign rule had left two-thirds of the people unable to read and write.

Unfortunately, it is not possible for the Lithuanians on their farms and in their cities to celebrate this anniversary day, thanks to the Soviets. But it is with good cause that our State Department has refused, all through these years, to recognize as legal and right the Kremlin's claim that Lithuania has been swallowed up and extinguished, incorporated into the vast Communist empire.

Nations do not die merely because some other nation decimates or drives out their leaders and puts quislings and puppets in their stead. The love of freedom is powerful and enduring; the spark of liberty is not easily put out. Wherever the children of the Lithuanian people dwell today, they have the right to work in all proper ways toward independence for us to recognize this day of commemo- for the land of their fathers. It is proper ration.

ABOUT WHAT IS RIGHT WITH AMERICA

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. YOUNG of Florida. Mr. Speaker, Americans are continually barraged by complaints about what is wrong with this Nation. This constant carping and endless criticism—aimed not at improving but rather at destroying—dominate our airwaves and take up much of our newspaper space.

Most of us know that it is easier to knock than to praise, and if a politician wants a cheap headline, the wilder his accusation the better play the story will receive.

So the time is long overdue that we started reminding ourselves what is good about America, what has made this the greatest Nation in the history of the world.

Native Americans sometimes tend to take for granted the freedoms and other great benefits that make this Nation what it is. They need to be reminded of what is right about America—by those who are Americans not by birth but by choice.

This was brought home to me in a recent article in my hometown paper, the St. Petersburg Times. The article was written by a naturalized American, and carries a message that should be etched in the hearts of all Americans. Here is what he had to say:

ABOUT WHAT IS RIGHT WITH AMERICA

(By Arpad Kadarkay)

In recent weeks we have lost two presidents, but apparently won a peace, however fragile and uncertain. At once we weep with joy and sadness, and wonder what the future holds.

In his inaugural address, President Nixon noted that the time has come for all Americans to "renew our faith in ourselves and in America." As a naturalized citizen, such renewal of faith is a privilege for me.

I am American, not by birth, but by heart, by choice. I am in debt to America. To repay my debt, partly in small coin, I would like to speak to those who find so very much wrong with America and so very little that is right.

Of late, America, Europe's child—her Cinderella brought to bloom by a kindly magic—has been declared ugly. The pathology of American society fills the pens of our best writers with paradox, irony, pathos, even poetry. They find the American illness so great that the most high-minded doctors have been called to diagnose and write the death certificate.

I want to speak on behalf of Cinderella.

Her mourners say that America is dead, her dream a patchwork of racial-urban strife, poisoned by self-interest, rotted by surfeit and indifference, maimed by violence. I am told that the great aspiration is spent; America is only another crowded nation, not even able to maintain order. America is only a power, not a society, not a culture. We have gone, I am advised, from primitiveness, from childhood and innocence, to decadence—a far poorer record than that of Rome.

These gloomy soothsayers are as old as the nation. They thundered in Jefferson's time, in Lincoln's time, in Roosevelt's time, in Truman's time. Every society has its share of doomsday prophets who convince themselves that they sit at the edge of Babylon and thus must cry that judgment day is at hand.

Well, this is not it. Not yet. Rather, this country is a vast experimental laboratory of human relations for the 20th Century. We are, in a sense, defining and creating the 20th Century for much of the world.

Unless seen in this light, America cannot be understood at all. It is not a sick society, but merely a bewildered society. And rightly so. For we are the first mass society where three revolutions have converged simultaneously, the industrial-scientific revolution, jamming us together and thus increasing the tension of daily living; the communication revolution, bringing us face-to-face contact; and the educational revolution, raising our level of expectations and demand for freedom and mobility.

Just consider the impact of these revolutions. For generations Europe had sharpened its appreciation of beautiful things and trained itself to reflect on the meaning of human existence. The result? A thin layer of Europeans achieved a cultured leisure—the old world "douceur de vivre." The American way is different.

We are not becoming less democratic, but more democratic. Perhaps there are too many people—too many untrained cooks in the kitchen. Yet Americans are the most natural workers-together in the world. We claim to live by the system of private enterprise, while in fact we are the supreme cooperative society. The Communist countries, founded on cooperation, have to coerce their people to work.

Our standards of expectancy have risen. But since Americans are perfectionists, dissatisfaction will continue, as well it should. We have lifted the massive center of ordinary people. Mass society, so often abused, and widespread affluence, so often mocked, are living examples of this. Yet no one pretends to be fully satisfied—a sure sign of health.

Our common health hinges on the complex chemistry of individual freedom. I am unable to understand the thrust of the sufferings and strivings of western man over the last centuries save in terms of this kind of achievement. We have not managed to journey all this way for nearly three centuries—across oceans and continents and, more recently, through space—because we are made of sugar candy.

I am a teacher. Loudly and persistently I am told that American education is in crisis. What a compliment! To me this is the unique character of free education—not in the money sense but in the real sense. It enables us to measure progress by enumerating short-comings and by drawing critical attention to failures.

Its very purpose and subject matter are crisis-prone. This is part of the creative process. Crisis in education is an unbroken western tradition—the root of its strength. Since creativity proceeds from the known to the unknown, education will always be in crisis until the well runs dry.

Some say that America has pursued a tragic course, having tried in vain to realize the dream of a free society. But in so vast an undertaking, success cannot be measured in absolutes. We are only mortal, not gods.

As mortals, we are always shackled by our own failures. One glaring mistake has been Vietnam, but it was not typical of America—and now we have gotten out from under its yoke. Another failure has been racism—much more difficult to overcome. But I believe it will be, for the simple reason that whereas most of the older generation regarded racial equality as only logical, the younger one considers it perfectly natural.

SUDDEN INFANT DEATH SYNDROME

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. GONZALEZ. Mr. Speaker, today I put before the House of Representatives a resolution which takes a clear stand on the problem of sudden infant death. My resolution provides for a broadly based but concentrated attack upon the phenomenon of sudden infant death.

Known in medical terms as the sudden infant death syndrome—SIDS—it is said to be the leading cause of death in infants from the age of 1 month to a year. According to the Congressional Research Service of the Library of Congress, the syndrome is second only to accidents as the largest cause of death to children under the age of 15. But exactly what its cause is is not known, much less its cure.

The resolution I propose is needed legislation. I feel it is up to the Congress to provide the leadership and establish directions which will insure that top priority attention is given and will continue to be given to research into the cause and prevention of sudden infant death. Congress also needs to affirm other essential directives associated with the very meaning and scope of this "thing" which, without warning, kills our children, some 10,000 a year, in the dead of night.

The sudden infant death measure received strong support in the Senate last year, where it was introduced as Senate Joint Resolution 206 by Senator MONDALE and cosponsors and approved by the Senate. However, no action was taken upon the resolution in the House. Interest in the measure and in the testimony before the Senate Subcommittee on Children and Youth sparked much public comment and even kindled interest in spending more money than ever before at NIH to tackle this specific problem. Approximately $3.5 million has been set aside for 1973 for the SIDS program at NIH. But if sudden infant death is the No. 1 killer of infants from the age of 1 month to a year, is this enough? If autopsies are not being preformed on children suspected of dying from SIDS because of lack of funds, is this enough? Should we not as a Congress indicate that we regard the cure of SIDS, or at this point, even its cause, a priority which cannot be overlooked? We call it "crib death," know it exists, but until it strikes someone near us, we do not realize how little is known about the syndrome.

As I have said, among other things we need to see that prompt autopsies are performed, not put aside by municipalities because of lack of funds and inconclusive results reached because SIDS is not recognized as a disease, and hence a cause of death. These autopsies must be performed when SIDS is suspected, regardless of the socioeconomic status of the parents. If SIDS is the killer of the child, it should be listed as such and the parents must, in their grief, be treated with kindness and understanding. They must not be subject to inquests and "foul play" questions which sometimes arise from ignorance about sudden infant death, even on the part of those as close as the family doctor.

Two such examples were outlined last year at Senate hearings by the fathers of children who had died of SIDS. One father recounted the experience of having to attend a coroner's jury inquest which had to decide whether or not the child had met with "foul play." The father testified that he felt a medical examiner's system should be instituted in place of an elected coroner, as is the case in his home city of Chicago. He stated he thought such an examiner's system, incorporating qualified and knowledgeable pathologists, would save hundreds of parents from "unnecessary and unwarranted criminal investigations."

Another father testified that he and his wife had waited 10 agonizing months for the autopsy report on their child which, in the end, listed an obscure and inconclusive cause of death with the words "sudden, unexpected death" in parentheses.

Dr. Abraham B. Bergman, president of the National Foundation for Sudden Infant Death, testified that he receives hundreds of letters every month from such parents, asking for help. One woman, he explained to those at the hearing, told him her own doctor refused to speak to her and, she told him, her baby's death certificate also had listed an obscure and inconclusive cause of death. Dr. Bergman stated—

> Such letters break my heart because it is all so needless. The fact that survivors of crib death victims in the United States are treated like criminals is a national disgrace.

We readily see that specific research into the cause, cure, and prevention of the sudden infant death syndrome is needed, at top priority. But further, my resolution directs the Secretary of Health, Education, and Welfare to develop, publish, and distribute literature to be used in educating and counseling coroners, medical examiners, nurses, social workers and similar personnel, parents, future parents, and families whose children die, to the nature of the sudden infant death syndrome and to the needs of the families affected by it.

In addition, HEW is directed to work toward the institution of statistical reporting procedures that will provide a reliable index to the incidence and distribution of sudden infant death cases throughout the Nation.

Further, my resolution calls for working toward the availability of autopsies of children who apparently die of sudden infant death syndrome and for prompt releasing of the results to parents.

Lastly, the resolution calls for the adding of the sudden infant death syndrome to the International Classification of Diseases. I have been told by a spokesman at NIH that it is expected that SIDS will appear as a disease in the ninth edition of the International Classification of Diseases due in 1975, but my resolution surely will add the pressure and the interest of Congress to those pushing for this end.

The sudden infant death syndrome is a serious problem, one which needs the attention of Congress, the continued and renewed attention of HEW and NIH, and the attention of the Nation.

Saul Golberg, president of the International Guild for Infant Survival, Inc., of Baltimore, Md., summed it up last year as he spoke before the Senate Subcommittee on Children and Youth:

> We cannot keep silent and watch more children die in vain without lifting a finger. We cannot ignore what is happening before our very eyes seeing these lovable babies slip through our hearts and homes. We cannot stick our heads in the sand in the mistaken belief that somehow all this tragedy will disappear. And America can no longer afford to sit idly by while millions of hours of manpower and talent which could be put to peaceful and productive purposes are buried forever.

GUN CONTROLS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, Mr. Raleigh M. Neville, 302 North Lincoln Street, Arlington, Va., recently sent me a copy of a letter he had addressed to WMAL radio in response to a number of editorials that station had broadcast urging passage of gun control legislation by the Congress. As Mr. Neville hopes that all our colleagues who have heard these editorials will also consider his point of view, he has asked that I insert the text of his letter in the RECORD.

His letter reads as follows:

ARLINGTON, VA.,
January 31, 1973.

EDITORIAL RESPONSE,
WMAL Radio,
Washington, D.C.

DEAR SIR: I share your outrage over the tragic shooting of Senator John Stennis. However, I do question the propriety of your using this and similar incidents to bludgeon Congress into enacting posthaste the gun control legislation you so ardently favor. As you should know, good laws are not made in angry reaction to events, nor are they made as a result of pressure, nor should they be made in response to a radio station's hysterical editorials.

In your most recent statement on the subject, you stressed the point that "poll after poll indicates that the majority of the American public wants stronger gun control legislation." I feel very certain (from the polls I have seen), that this is just not true and that in fact, the majority of the American public wants fewer restrictions, more intelligently applied. Would you, by any chance, be able to produce some of these polls you allude to or is this just another calculated ploy to get your way? If such polls exist, I challenge you to produce them.

I have absolutely no connection with any gun lobby, but I am vitally concerned about the way in which the media exercises its awesome power to influence, mold, and frequently create "public opinion." Irresponsible use of this power poses a far greater threat to our society than do guns.

Sincerely yours,

RALEIGH M. NEVILLE.

SALUTE TO FFA

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. MILLER. Mr. Speaker, it is with a great deal of pleasure that I commend the Future Farmers of America—FFA—on the occasion of National FFA Week, February 17–24.

As one who has worked closely with the FFA chapters throughout the 13 counties of Ohio's 10th Congressional District, I can appreciate the fine work and agricultural contributions these young people have made to our way of life.

On this occasion, I would like to bring an editorial appearing in the Noble County, Ohio. Journal-Leader—published in Caldwell, Ohio—to the attention of my colleagues:

FUTURE FARMERS OF AMERICA

The 1973 observance of National FFA Week will fall during the period of February 17–24. The theme this year is, "FFA Unites Youth With Opportunities."

In coming years, young people will find agricultural careers more personally satisfying and more rewarding and productive in terms of providing the food and fiber for the nation than ever before. In FFA, young people gain experience in modern agricultural techniques and prepare themselves to explore and take advantage of the vast, varied and exciting career opportunities in agriculture today. Within the national FFA organization, 432,000 students study vocational agriculture in 8,000 public schools. FFA members learn by doing, and they are encouraged to develop their individual potentials, interests and skills in agricultural work. From this experience, they are able to choose their courses of study and activity to best prepare themselves to be the agricultural leaders of tomorrow.

The United States has the most productive agricultural system in the world—the work of the Future Farmers of America helps assure that it will stay that way.

CONFERENCE ON CAREER EDUCATION IMPLICATIONS FOR CHINESE-AMERICANS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. WALDIE. Mr. Speaker, recently here in Washington a conference was held on career education implications for Chinese-Americans. The culmination of the conference was a resolution which, at this time, I would like to place in the RECORD. The resolution, which was sent to me by Prof. Francis Shieh of Prince George's Community College, calls for the implementation of programs and goals that will enable the great segment of our society that is of oriental background to realize the opportunities and dreams that many have not been able to achieve because of the cultural and linguistic barriers that presently exist. I urge that my fellow colleagues take note of the resolution and the prime necessity of its proposed actions.

The resolution reads as follows:

CONFERENCE ON CAREER EDUCATION IMPLICATIONS FOR CHINESE-AMERICAN MINORITIES

Historically, Chinese-Americans have been a traditional people, conservative in outlook and law-abiding in nature. Because Chinese-Americans have abhorred militancy and advocated self-help, we have been denied equal participation in the rights and privileges accorded other minority groups. In fact, a myth has evolved that Chinese-Americans do not need help.

However, with the revision of the immigration law in 1965, Chinatowns are experiencing a heavy influx of Chinese immigrants, men, women, and children who do not know the language or understand the culture and who are completely cut-off from the mainstream of American life. Chinese-American communities find themselves taxed beyond their capacity to help their own. Chinese-American communities need help.

CHINESE-AMERICAN CAUCUS RESOLUTION

Whereas, Chinese-Americans have historically been responsible citizens who have by tradition been law abiding in nature and who have abhorred militancy while following a non-violent approach in solving our problems through self reliance, and

Whereas, a heavy influx of Chinese immigrants have resulted from the revision of the immigration laws of 1965, and

Whereas, these new immigrants because of language barriers in English and a lack of familiarity with American customs and culture are compelled to congregate in Chinatown communities thereby cutting themselves off from the American mainstream; and

Whereas, this heavy concentration of Chinese young and old have caused a multiplicity of new social, economic and cultural problems far beyond the capabilities of the Chinese-American community to resolve independently as it previously could accomplish,

Now, therefore, be it resolved that the Chinese-American Caucus of the National Conference of Career Education; Implications for Minorities requests that all future minority legislation in every area shall statutorily define "minority" to include "oriental" similar to that found in Public Law 92–318 passed by the 92nd Congress on June 23, 1972 as "Education Amendments of 1972"; and

Be it further resolved that the Chinese-

Americans support the concept of Career education and the objectives and goals it seeks to achieve; and

Be it further resolved that to insure the successful operation of Career Education we deem it essential that the maximum use of qualified Chinese-American personnel be utilized at every level of decision making positions including but not limited to planning, development, operation, administration, funding and evaluation of said Career Education programs; and

Be it further resolved that Career Education programs shall include English As A Second Language, bilingual and bicultural programs so that Chinese having English language and cultural barriers will maximize their potential in availing themselves of Career Education opportunities; and

Be it further resolved that programs to train bilingual Chinese in health, technical and social services skills be implemented through scholarship and funding to meet the Chinese-American community needs; and

Be it further resolved that training programs be established in business and industry where Chinese may become Career Education candidates; and

Be it resolved that we encourage equal employment opportunity for the hiring and utilization of Chinese-Americans in all high level policy and decision making echelons in Government, Private Industry, and labor including the Office of Education and the National Institute of Education for example to open job opportunities to those qualified who can contribute their services to the continued growth of America.

THE 55TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, February 16, 1973, marked the 55th anniversary of the establishment of the modern Republic of Lithuania and the 722d anniversary of the founding of the Lithuanian state. I join with the Americans of Lithuanian descent in the commemoration of this day and would like to express my deep concern over the plight of the Lithuanian people today in striving for freedom from Soviet suppression.

It is surprising that the only country in which Lithuanians will be unable to observe this historical event will be in Lithuania itself, because of the continuing occupation and subjugation of that country by the Soviet Union. However, the Soviets are unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights as recently demonstrated by a petition to the United Nations, signed by 17,000 Lithuanian Catholics in the occupied country. As a concerned American, I recognize my duty to protest this infringement of religious freedom and human rights.

With admiration for the aspirations and strength of the Lithuanian people, I share in commemorating their independence day and call for all Americans to denounce the suppression of human rights which has no place in a world striving for peace.

DR. WARREN M. ANGELL

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. STEED. Mr. Speaker, in Shawnee, Okla., today, one of our country's truly dedicated musician-educators, Dr. Warren M. Angell, is being duly honored.

At the end of the current academic year Dr. Angell will retire as dean of the Oklahoma Baptist University College of Fine Arts, a position he has held for 37 years. The special events in his honor are on OBU Founders Day.

Under his leadership the college of fine arts has grown from modest beginnings to its present enrollment of some 300 students with 29 music faculty members. The Bison Glee Club and other musical groups have performed throughout the country. Less than 2 years ago the college moved into its outstanding new facilities in the Mabee Fine Arts Center on the bottom floor of Raley Chapel.

I have counted Dean Angell as a friend during most of those 37 years he has spent at OBU. His inspirational qualities as a teacher are great. Shawnee and Oklahoma are proud of him and his talented wife, Evelyn Wells Angell, who have contributed to the community as well as the university.

It is impossible to think of Warren Angell in quiet retirement, and it is good to know he plans to continue his career in music and in teaching.

The article that follows, by John Parrish of the Oklahoma Baptist University news service, gives some of the highlights of his career:

DR. WARREN M. ANGELL

(By John Parrish)

If Dr. Warren M. Angell had followed "his own" ambition in life, he might have been the world's greatest engineer.

Instead, he followed his talent for music which has led him to become one of the best-known personalities in the music world and dean of Oklahoma Baptist University's College of Fine Arts.

After serving as dean since 1936, Dr. Angell will retire in May after almost 37 years of service to the university. The OBU board of trustees has designated OBU's 1973 Founders Day, Feb. 21, as a time to honor Dr. Angell. Although he will remain with the university on a part-time teaching basis, Dr. Angell will be honored upon his retirement at this time by a variety of activities which will also coincide with the founding of the university.

The decision to study music was a turning point in the life of Angell who was destined to become the third dean of the College of Fine Arts at OBU. Born in Brooklyn as the son of an architect-engineer, Angell fully intended to follow the trade of his father. But the elder Angell was also a musician and this is where young Warren found his lifestyle.

Although an accomplished pianist by the time he graduated from high school in 1925, Angell still was determined to be an engineer. It was not until the late summer before entering college that he decided to study music.

"I made the final decision to study music in August," he recalls. "I just decided that the Lord had given me this talent for some purpose and I should use it. I gave myself one semester to find out if this was what I truly wanted, and by Christmas I was sure.

Before his appearance on the OBU campus, however, Angell gained the experience of playing in a traveling orchestra, teaching private piano, and teaching college music. While at Syracuse University he was a member of a traveling orchestra which toured Europe several times. After graduating from Syracuse in 1929, Dr. Angell taught about 35 private students in piano while working on his masters degree, which he received in 1933.

Following his marriage to Evalyn Wells in September, 1934, he accepted a position as head of the piano department at Murray State Teachers College in Murray, Ky.

The college teaching position prepared Dr. Angell to become dean of fine arts at OBU in 1935 when he was contacted about the position by OBU vice-president Dr. J. W. Jent. "As Dr. Jent talked of OBU and its possibilities, especially in the music department, I was won over," Dr. Angell recalls. "This seemed to offer what I wanted—a chance to settle somewhere and grow with the school."

The new dean made his professional debut in Oklahoma shortly after his arrival when he was presented in concert with the Oklahoma City Symphony in Shawnee's Municipal Auditorium. According to various accounts of the concert it "marked a new day for fine arts at OBU."

Angell's energetic talents were expressed more fully in his organization of a university singing group which would eventually spread the name of OBU around the world—The Bison Glee Club. Organized by Angell in 1938, the club made its first big appearance at the 1940 OBU commencement singing for the program which included the late FBI chief J. Edgar Hoover as speaker.

In 1942–44 Dean Angell took a leave of absence from the university to work on his doctorate at Columbia University Teachers College in New York. During this time he polished his professional career by singing top tenor in Fred Waring's Pennsylvanians and the Robert Shaw Chorale.

Returning to OBU in 1944, he perfected his work with the Bison Glee Club which soon skyrocketed in popularity by performing for Southern Baptist Convention meetings, national auditions, nationwide tours, and various radio and television programs.

The College of Fine Arts also experienced tremendous growth under Angell's direction. From meager beginnings in 1936, the College of Fine Arts now has a total enrollment of 282 students with 29 faculty members. In 1971, the college made the move into the new $600,000 Mabee Fine Arts Center on the lower level of Raley Chapel.

Dr. Angell calls the new facility the "culminating climax" of his career at OBU. He notes that many music authorities rank the OBU center as one of the finest in the Nation.

On the occasion of Angell's 30th anniversary as dean in 1966 the City of Shawnee presented him with a citation for his contribution to the university and to Shawnee by proclaming Warren Angell Day in his honor. Among the festivities was the presentation of a program of Angell's compostions presented by his former students.

A leader of music conferences at Ridgecrest and Glorieta Baptist assemblies for many years, Dean Angell is still in demand for similar music and choral conferences in many States. He has written five books on vocal and choral techniques and has more than 60 published compositions in the choral and piano field. There are many more published hymn tunes as well as unpublished vocal and instrumental compositions.

After the presentation of one of his most recent compositions, "This is the Gospel," he received statewide acclaim. The cantata, a first in the Angell repertoire, was presented in March, 1971, and resulted in the adoption of a resolution by the Oklahoma State Senate in his honor. The resolution, presented by two state senators on the premiere performance of the composition, expressed "great admiration for Dr. Warren M. Angell, the man, and for his many and varied accomplishments in the music world, and especially in the field of music."

For the past six years the OBU dean has been given the American Society of Composers, Authors, and Publishers Award. Other honors include listing in "Who's Who in America," "Who's Who Among Deans and Presidents of American Colleges," and "Who's Who in Music." He is also included in the International Directory of Music and Musicians, Directory of American Scholars, and Directory of Outstanding Americans. He is also a fellow of the National Association of Teachers of Singing.

Dr. Angell holds membership in Phi Mu Alpha Sinfornia, national men's music fraternity, Music Educators National Conference, American Society of Composers, Authors, and Publishers, and the National Association of Teachers of Singing. He is a charter member of American Choral Directors Association and is on the advisory board of "Who's Who in America."

Although Dr. Angell plans to retire from his position as dean, he has no plans to retire from his music. "I plan to do some teaching and composing and get rid of all this paper work. This will give me more time to devote to music workshops and festivals."

The Angell years on the OBU campus, however, are not to be forgotten. In addition to the College of Fine Arts which bears his name, there are hundreds of OBU graduates in the world of music which are a living tribute to the OBU dean—Dr. Warren M. Angell.

INCREASING ACCURACY OF ICBM'S

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 21, 1973

Mr. THURMOND. Mr. President, the February 10, 1973, edition of the Augusta Chronicle newspaper in Augusta, Ga., contained an interesting column on new problems which will be faced by the world as improvements in the accuracy of intercontinental ballistic missiles became a reality.

Authored by Columnist Ray Cromley, this article points to issues which will be the subject of public debate in the years ahead.

Mr. President, I ask unanimous consent that this column be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INCREDIBLE ICBM ACCURACY IS NEAR

(By Ray Cromley)

Incredible increases in intercontinental missile accuracy will soon be possible.

This new accuracy will inevitably be incorporated into Soviet and U.S. weapons. The improvement in ICBM accuracy will be so great in both the U.S. and Russia that regardless of the ceilings now in effect on missile numbers, no fixed-site missile, such as the Minuteman, will be safe.

This imbalance would make a Soviet preventive nuclear strike tempting in time of grave international crisis.

For this accuracy would disrupt the delicate stability which depends on knowledge in the United States and the Soviet Union that, regardless of who strikes first, the nation being hit would have sufficient power left to destroy the attacker. This balance depends on the defending country having enough missiles sufficiently protected so that the attacker could not possibly knock out an overly-great percentage.

That is, this accuracy (combined with the quantity development of multiple independently targeted warheads) will make it possible to destroy such a high percentage of the defender's missiles no credible retaliatory missile force would remain—except for submarine launchers.

Today, Polaris-type submarines are virtually undetectable at a distance—and so provide considerable safety for the defender. But sub tracking and detection are making great strides, and, in any event, a Polaris-Poseidon fleet alone is not considered a sufficient deterrent for an attacker able to knock out a defender's land-based static striking force.

The preventive strike is a part of accepted Soviet military doctrine. It is not U.S. doctrine. But the Russians basing judgment on their own myths, believe that it is. Therefore, even in the unlikely event that the Soviet Union should change its ways, consider this.

A totalitarian country in a severe crisis (believing that its opponent could and would jump the gun and believing that the opponent's first strike would leave it helpless and unable to retaliate effectively) would have a difficult time resisting the temptation to strike first.

The super-accuracy outlined above, measured in feet, is no far-out dream. New satellite-laser technology will make possible the location of objects (such as missile sites) 10,000 miles away with an accuracy measured in fractions of an inch. This measuring ability, in turn, will make possible far more accurate targeting than has been possible in the past.

ANNIVERSARY OF THE LITHUANIAN REPUBLIC

HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. BIESTER. Mr. Speaker, as we observe the return home of our fellow citizens who have been imprisoned in Indochina, we can better appreciate those aspects of life in America to which they are returning and which we all too often take for granted.

The release of the POW's coincides with the 55th anniversary of the establishment of the Lithuanian Republic. Seeing this return from imprisonment to freedom, our friends of Lithuanian origin and descent living in the United States are reminded of the stark contrast between the exercise of their own freedoms here and the suppression of their countrymen's freedoms by the Soviet Union.

Throughout their long history—from the founding of the Lithuanian State in 1251 to its short-lived existence as a modern republic and down to the present—the people of this Baltic land have displayed courage and perserverance in their quest for liberty.

American life has been enriched through the contributions of its Lithuanian descendants. The United States owes a large measure of thanks for its own freedom to a Lithuanian-born patriot—Thaddeus Kosciuszko—who contributed his considerable talents and efforts in our Revolutionary War. We now honor this outstanding leader with the establishment of the Kosciuszko Home National Historic Site in Philadelphia where he lived for several months after the war prior to his leadership in Poland's fight for freedom.

The Lithuanian people continue their struggle to realize their heritage of independence. The names of Simas Kudirka and Romas Kalanta are serving to inspire their countrymen in their struggle to gain the freedom they once knew. They are an example to all people everywhere who value human liberty and cherish the exercise of human rights.

Positive signs in the movement toward improved international understanding and cooperation are manifesting themselves. As we remove the walls of division and hostility which have separated nations in the past, we must actively pursue those constructive avenues that would help realize the freedoms of subjected peoples in Lithuania and elsewhere in the world.

THE 55TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. SARASIN. Mr. Speaker, February 16 marked the 55th anniversary of the Declaration of Independence by Lithuania in 1918. This country is blessed with fertile farmlands, wide rivers, and white sand beaches along the Baltic Sea, yet its people are not free to enjoy their homeland in peace and prosperity. The country is caught in the suffocating grip of the Soviet Union, which exerts tyrannical control over all of Lithuania.

The events leading to the present mockery of independence can be described as one act of subjugation after another. Since 1009 Lithuania has been accorded recognition as a nation-state but usually under the watchful eye of a neighboring overseer, as Lithuania has been annexed intermittently by Poland and the Union of Soviet Socialist Republics. After several revolts in the late 1800's, Lithuania managed to retain its language, traditions and religion despite Russian dominance.

Although World War I saw Lithuania besieged by invading troops, the defeat of Germany and the revolution in Russia provided an encouraging situation for Lithuanian independence. The German Government authorized a Lithuanian conference in 1917 which proclaimed Lithuania an independent state. This independence was short lived, as 1 year later the Russian Army entered Vilnius, the capital city, and instituted a Communist Government. The Polish Army drove the Russians out 1 year later in 1920, at which time Russia signed a peace treaty renouncing all rights of sovereignty over Lithuania.

For almost 20 years a period of economic and cultural prosperity was enjoyed in Lithuania. Land reform programs were highly successful, industrialization increased, educational facilities were expanded, and the arts flourished. World War II hindered this advancement, as Germany and then Russia forced their superior military strength upon Lithuania. In 1939 Lithuania was required, through a forced treaty, to admit Soviet garrisons and to grant air bases to the Soviet Union. The next year a rigged election resulted in a government friendly to the Soviet Union, which proceeded to request Lithuania's incorporation into the Soviet Union. Lithuania was subsequently overrun by German troops, then as the war ended, by Soviet military forces. Communist control has become firmly entrenched in Lithuania today.

The United States has refused to recognize Soviet incorporation of Lithuania, preferring to regard Lithuania as an independent state. We respect the courage of the 4 million Lithuanians now under Russian rule, and the determination of the 1 million persons of Lithuanian descent in America who seek true independence for their native land. Lithuanians have great pride in their accomplishments, and rightly so. Personalities of Lithuanian descent are prominent in our time, including football great Johnny Unitas and movie actors Laurence Harvey and Charles Bronson.

To encourage Lithuanian progress toward full independence, Mr. Speaker, we observe the 55th anniversary with hope for eventual self-determination. Perhaps we will evidence overtures toward this end as a result of the Conference on European Security and Cooperation, which is meeting in Helsinki, Finland. This gathering of representatives from the United States, Canada, and 32 European States may provide the impetus to Lithuanian independence.

I join the Lithuanian American Council and those of Lithuanian descent in my own State of Connecticut in their celebration of independence.

MY RESPONSIBILITY TO FREEDOM

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. HUNGATE. Mr. Speaker, I am indeed pleased to call to the attention of my colleagues an award-winning speech by one of my young constituents, Juanita Madden, daughter of Mr. and Mrs. Otis G. Madden of Eolia, Mo., in my congressional district.

Miss Madden is the winning contestant from the State of Missouri in the Veterans of Foreign Wars of the United States Voice of Democracy Contest, and will be competing in Washington, D.C., on March 6 for national scholarship awards.

Juanita is a credit to her family, community, and country, and her inspiring speech follows:

MY RESPONSIBILITY TO FREEDOM

(By Juanita Madden)

In these times of uncertainty over both national and foreign policies, I believe it's important for each of us, especially the young, to give some thought to what we believe and stand for. Personally, I find the present state of affairs very confusing, but I have set down some principles which outline what I believe thus far to be my responsibility to freedom. At least this is a start on which to build the ideas and beliefs that will govern my life.

First, we must realize that freedom isn't free. It must be bought and paid for with a price. And it doesn't sell cheaply. Our forefathers paid dearly for it in the Revolutionary War, and we have been paying premiums on it for years. Each war, each conflict, has really been a premium toward the maintenance of freedom. That may be hard to visualize on the spur of the moment; but think about it: We fought for freedom of the seas in the War of 1812. We fought for freedom in Europe in the First World War. We fought for freedom in both Europe and Asia in the Second World War.

Surely we have paid dearly for what was accomplished toward freedom; and surely we shall continue to pay dearly. Only as "one nation, under God, indivisible" shall we stop tyranny in the world. It would be wonderful to think that we could eliminate tyranny and bondage. That is our dream, but I fear it is only a dream. Therefore we cannot afford to allow ourselves to see that dream as reality. In that case, we might even come to believe "life so dear and peace so sweet as to be purchased at the price of chains and slavery." Forbid it Almighty God!

We, as free Americans, have a responsibility to the rest of the world: to influence them so that, ultimately, all men everywhere will be free. I don't mean "influence" in terms of applying pressure to reach that goal, for in the applying of pressures we take away freedom of choice; but influencing them in the sense of presenting them with an example of how a democracy works.

However, we all know that a democracy has its problems too. But if we stand united, those problems can be worked out. In a letter to Horace Greeley, President Abraham Lincoln explained his purpose, his official goal in the conflict between the states: "I would save the Union." He realized that only a nation united under a central government could save itself from inevitable destruction. I agree with Mr. Lincoln. Therefore, I feel that it is my responsibility to freedom to back the government of the United States, not only when I agree with its policies, but also in times when I may personally disagree.

I have another very prominent responsibility to freedom. This responsibility concerns the freedom of future Americans. Possibly my greatest contribution, as an individual, toward freedom will be educating, instructing, and instilling in my children ideas of freedom, democracy, and patriotism. Each successive generation of Americans owes a great deal to the previous generation for not allowing the principles of freedom to become extinct from non-use and abuse. I think its important that we remember that each generation has had its problems, but through the skillful use of the principles of freedom, it has somehow overcome these problems and left to the future generation a rich legacy: that generation has the privilege of making its own problems, and then choosing a manner in which to deal with them. That, truly, is freedom.

Maybe its all a question of involvement. Once we realize that we do have a responsibility to freedom, we will become involved, not only in preserving our great nation, but in making it better.

THE POSTWAR ECONOMIC RECONSTRUCTION OF UNITED STATES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. WALDIE. Mr. Speaker, I have been looking in vain the past several weeks for signs of any plan emerging from the administration to foster the postwar economic reconstruction of the United States.

Ever since it was leaked to us in the Congress, by the press, that such postwar economic construction plans are already well advanced within the administration for North Vietnam, I have wondered whether similar attention is being given to the rebuilding of American cities which have been economically decimated by neglect and indifference. Much of that neglect is due to the Nation's concentration on the Vietnam war. In that sense, American cities are as surely a casualty of that war as have been North Vietnamese cities.

The budgetary actions of the administration during this same period, led to the unfortunate conclusion that there are no well-contrived contingency plans to feed our hungry, house our elderly, rebuild our slums, repatriate our aerospace workers, restore our economy, or assist the return to normal life of our own people.

At the same time the administration reports having clamped tight spending controls over payments to welfare recipients and needy citizens in our own country and has cut Federal welfare payments to the States below the $1.7 billion expended in the last fiscal year, it is also reported fashioning a $2.5 billion welfare program for North Vietnam.

The administration is speaking in the range of $7.5 billion in welfare for North Vietnam, South Vietnam, Laos, and Cambodia. Yet it is unable to find money with which to fund $500 million of the health programs for the American people for which the administration asked funds last year.

Perhaps the most bitterly ironic contrast is found in the fact that the administration is ambitiously planning its $2.5 billion reconstruction plan for North Vietnam, at the same time it has been unable to find $103 million to finance expanded health care for our own returning Vietnam war veterans. Legislation which would have provided enlarged VA hospital staffs, given free care to dependents of totally disabled veterans and increased care for black GI's suffering from sickle cell anemia was vetoed last October 27 by the President.

At the same time the administration and its surrogates have been going about the country castigating Congress for failing to hold the line on domestic expenditures, it has been quietly mapping its vast $7.5 billion program for the economic reconstruction of Indochina.

When the Congress, this fiscal year, approved a $25 million fund to aid lagging private universities to admit and train Vietnam GI's, the administration, in its new budget proposals, urged this program be cancelled.

When the Congress approved $50 million to help provide jobs for Vietnam veterans enrolled in school, the administration could find no funds to implement the program and in the budget submitted has asked for no funds.

Nor can it find $200 million for manpower training programs for 3,000 returning Vietnam veterans.

Nor can it scrape up $9.6 million a year to continue to fund the OEO legal service agencies in California, including California Rural Legal Assistance, which have handled some 60,000 individual cases in behalf of the poor people of my State in the past year.

But the administration finds no difficulty in coming up with $7.5 billion for welfare for Indochina.

The exact figure and the total amount of money we are expected to appropriate is a figure which has not yet been shared with the Congress. At the appropriate time, I imagine Dr. Kissinger will be dispatched to the House and Senate by helicopter from the launching pad behind the Executive Mansion to inform us of the extent of the private commitments the administration has made and which we in the Congress will be instructed to ratify.

Presumably, the form in which we will be expected to provide that assistance will also be revealed to us.

The same administration that has indicated it couldn't be less interested in healing our divisions and wounds at home is nonetheless committing, without prior consultation with the Congress, the United States to spend billions of dollars to heal all the wounds of Indochina.

This surely must mark the first time we have been asked to pay reparations to a country we have not defeated.

It has been the traditional American custom, and it is a custom I support, to aid our defeated enemies to get back on their feet after a war in which the United States is victorious. It is a generosity of spirit I fully support and share insofar as the impulse and motivation are concerned.

However, it seems somewhat curious that we are also asked to pay reparations to those we have not defeated and that we must pay extra for the privilege of not winning a war.

At the extreme, if we are to comprehend the press reports of what Secretary of State Rogers said at his press conference last Thursday, we must give this aid to North Vietnam on its own terms in order to persuade it to accept such aid.

Secretary Rogers, according to the press reports, "prefers to be part of an international effort." But, the report continues:

> Secretary Rogers acknowledged that North Vietnam may not want such a program under the United Nations or any other international mechanism with all the strings of control over the use of aid attached.

Therefore, he implied, the United States might have to do it alone.

The establishment at the same time of a two-party economic commission by Hanoi and Washington to deal with the postwar economic reconstruction of North Vietnam confirms that this will likely be the ultimate approach.

It would seem to me that when we are talking about as massive a sum as $2½ billion we ought to impose as a central requirement that any country receiving such a sum should, at a minimum, have agreed to lose the war.

Mr. Speaker, I suggest that since the administration has been feverishly mapping plans to spend $7½ billion of our money without consulting the Congress that it look elsewhere for those funds to meet those commitments, if in fact such commitments exist.

I recommend that instead of dispatching Dr. Kissinger to Capitol Hill that it dispatch him on the first plane available to Moscow and Peking.

There, he will have the chance to test his amazing diplomatic skills of persuasion by obtaining an agreement from the Soviet Union and China to provide $7.5 billion for the reconstruction of American cities and to meet the economic, health, and medical needs of our returning GI's, as well as toward meeting all the other needs of the American people after such a decade of neglect of our own urgent domestic problems and human needs.

Or, given the administration's distaste for unilateral action and fondness for bilateral exchange agreements which culminate from "tough" bargaining at "the poker table" using "big chips," perhaps Dr. Kissinger could secure an agreement which would permit China and the Soviet Union to do the reconstructing of North Vietnam while the Government of the United States employs that $2.5 billion it would otherwise have expended toward meeting the needs of its own people.

Mr. Speaker, I will not support reparations for North Vietnam nor a massive welfare program for President Thieu's regime in South Vietnam nor economic redevelopment at U.S. expense of all of Southeast Asia until and unless the long-neglected domestic and human needs of our own people and our own cities are met by this administration.

CONGRESS IS NOT POWERLESS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, yesterday I met with more than 100 of my constitutents who came to Washington to protest Presidential impoundments, rescissions, cutbacks, and 1974 budget proposals which gut programs that deliver needed services to the poor.

They did not come to beg. They merely wanted to know what the President had against these programs and them. I could offer few answers, but I did manage to dispell the thought that all of the action taken against them and the social service programs was an accident.

The fact is that there are rapidly becoming fewer and fewer such programs.

In my city of Pittsburgh alone, more than $5 million in Federal day care, social service, and other programs assisting the poor are in jeopardy because of proposed new HEW regulations which were printed in Friday's Federal Register.

The regulations, in addition to cutting back on those eligible for assistance, would prohibit the use of private or donated funds, or in-kind services to qualify for Federal matching grants.

In practical terms, in my district this means that the Allegheny County United Fund cannot provide the 25-percent funding that generates $2 million in family service programs for welfare recipients; or that the Pittsburgh Board of Education will not be able to carry out its 40 separate day care operations because, in lieu of its 25-percent contribution, the board contributes in-kind services including the professional and semiprofessional staff, the buildings, the maintenance, and other items necessary to operate the day care program.

How many of you have Federal programs funded by your local united fund, or any charity for that matter? Under the new rules, they will be lost. Yet, there has been scant attention paid to this fact.

So, in addition to impounding money for the poor, making budget proposals that eviscerate programs which the Congress authorized to serve those who need help, the President now will legislate through administrative regulations and get at a few more programs which have, to date, escaped the axes wielded by OMB.

In January, HUD was ordered to put a moratorium on all federally assisted housing programs.

The outgoing Secretary of HUD told us that all projects which had not received a feasibility letter from HUD before January 5, 1973, would be frozen in the pipeline forever or until HUD could unscramble the mess it has made of our Nation's housing programs.

Between December 15, 1972, and January 5, 1973, HUD area offices sent out more than 8,000 letters to individuals and groups seeking 235 and 236 housing commitments telling them that their projects were feasible.

These "feasibility letters" usually precede a firm commitment from HUD.

How many of my colleagues realize that last week HUD sent a new missal to its minions and warned them to reevaluate all of those projects with an eye toward taking back two-thirds of those letters and naturally taking back the preliminary commitments? There are 20 such projects in my district.

It seems that the HUD area offices in processing these applications obligated HUD to investing more money in housing than the OMB wanted. I repeat they obligated them to investing more money in housing than OMB wanted, not more money than the Congress said they could spend. For in fact, the obligations pushed them nowhere near the amount this body said they could use to house your constituents and mine.

Two more instances where housing and services are being denied your people and mine, because the President would rather rebuild Hanoi than put houses in Pittsburgh, Cleveland, Kansas City, or a thousand other cities and towns in our country.

But we know there are programs coming up that he wants, and wants badly.

And the only way that we will get back the programs is to hold them ransom for the programs we need.

Recently, we had an opportunity to vote on refunding the REA loan program.

I am an urban Congressman, with urban and suburban constituents. I have no farms or farmers in my district and quite frankly I could sleep soundly tonight if there was no REA program. But I voted for it because I was voting on the principle involved and because I expect many of you with no urban constituents to vote with me and others on those programs which traditionally help city residents.

I repeat, we know there are programs Nixon wants and he needs us to get them.

It is here where we can exercise our leverage.

I, for one, will not vote one penny for aid to North Vietnam as long as my constituents in Pittsburgh cannot get housing, community mental health centers, and job training. And I expect to scrutinize the military budget and funds to operate the executive branch in the same manner.

What justice is there in telling an old man that the nutrition program which daily serves him his only hot meal cannot be funded but we do have millions to rebuild bridges and roads we blew to blazes just 2 months ago?

The people in Pittsburgh need jobs and job training much more than the Navy needs a new aircraft carrier.

Clean rivers and streams will benefit our citizens far more than trying to rekindle development of the supersonic transport.

I, for one, am not ready to concede that Congress is powerless in the face of the administration juggernaut.

I would like to include a copy of the letter I sent last week to President Nixon concerning the new HEW regulations:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 12, 1973.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing to you concerning the promulgation of proposed new regulations by the Department of Health, Education, and Welfare which would virtually kill millions of dollars worth of activity on behalf of the poor and needy across the entire country.

The new regulations proposed to prohibit the use of private and donated funds as a match for federal funding of social service programs. In many areas, including my own city of Pittsburgh, large charitable organizations contribute to a myriad of programs which locally serve those who need help. It is preposterous for you to challenge the people to explore new resources on the local level and to develop initiative in their own communities and then to allow the issuance of regulations which would destroy the very effort you demand.

You must realize that these new regulations if promulgated will cripple local efforts to help the elderly, persons receiving public assistance, and children.

Last year in Allegheny County, the Community Chest through United Family Services of Pittsburgh, Inc., generated more than two million dollars in services for these groups. Most of this was subcontracted to neighborhood organizations who worked on the problems of housing, health, and nutrition.

Under the proposed regulations, much of this activity would be lost—never to be assumed by over burdened State Agencies.

I cannot fathom the reasoning behind these suggestions. But I sincerely hope you will re-examine the matter before allowing the proposed new regulations to prevail.

I am writing to the Chairmen of various House Committees seeking their assistance in stopping what surely must be the most heartless budget saving idea yet to be developed by the Office of Management and Budget.

Sincerely,

OUR RETURNING PRISONERS OF WAR

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. BOB WILSON. Mr. Speaker, there is, of course, no welcome adequate enough for our returning prisoners of war. None of us can begin to appreciate their sacrifices nor their courage. Many have spent years in the shadow of death. Yet they return with "God Bless America" on their lips and words of deepest gratitude for our Commander in Chief, the President who brought them home. The President who has been shamefully attacked by some who spent the recent years living in comfort in the nation they reviled while these servicemen were imprisoned.

One hopes the words and the example of our returning prisoners will teach them a lesson.

In my own judgment, these men have a lesson to teach us all, particularly our young people. For them it can be the greatest lesson in patriotism they can learn. It was an American playwright, I believe, who said the only men who are worth their time on earth are those willing to die for the freedom of their fellow men. Our prisoners of war took that risk. They have earned the eternal gratitude, not only of Americans, but of freemen everywhere. For freedom was the issue in Vietnam, just as freedom has been the issue in every war this country has fought.

We who live in San Diego are especially happy to welcome these men home. Many of them were pilots who flew with squadrons, based in this area.

For these and other returnees, I sincerely hope and trust, that Americans, who owe them so much, will give them a welcome that goes beyond words, military bands, television interviews and all the rest.

It would seem only appropriate that the Government guarantees that these men do not suffer from financial insecurity. Unions and employers as well as government should do all in their power to help these men resume old careers or begin new ones.

But beyond all this, it is America's obligation to show these men that we are grateful, that their sacrifice was meaningful, that they did indeed help their country achieve peace with honor.

One of the most moving speeches ever heard was the brief but eloquent statement uttered by Capt. James Bond Stockdale, U.S. Navy senior officer of the Vietnam prisoners of war when he returned to his home in San Diego. His joyful return was beautifully described in a column by feature writer Lew Scarr in the February 16 San Diego Union. I include Lew Scarr's column as a portion of my remarks:

JOY MINGLES WITH PRIDE AS STOCKDALE COMES HOME

(By Lew Scarr)

It had been raining and cold, but as the jet rolled slowly closer, its engines now a muted whine, the sun broke through and it was suddenly warm.

Mrs. Sybil Stockdale stood for a moment alone, watching the silver airplane move toward her. Then she was joined by her son, James Stockdale II, 21, who placed one arm across his mother's shoulders.

Mrs. Stockdale's husband, Capt. James Bond Stockdale, 49, as senior officer aboard, would be the first to step from the airplane.

SENIOR POW

For 7½ years he had been senior naval prisoner of war held in North Vietnam. His wife had been a leader of a nationwide program to help free the POWs.

And now Jim Stockdale was home. Almost.

The airplane had stopped on the apron now. Mrs. Stockdale, in a lemon yellow blouse and tan skirt, waved at the airplane. She couldn't see anything through the tiny windows, but she waved.

The door was opened and the stairway fell out. And there he was.

He walked down the steps deliberately, reaching out only with his right foot. Two Navy officers, one at each elbow, supported him as he made his way, dragging his left leg slightly, through the rain puddles toward a soggy strip of red carpet.

Young Jim held up a thumb. His mother gave that sign to her husband that has come to stand both for victory and peace.

WE'RE SO GLAD

Jim Stockdale smiled at them, but first he had something to say. He alone, of all the eight returning POWs, would make a public statement.

"We're so glad to be home," he said in a deep, firm voice. "Our thoughts have been with you ever since we left.

"For just an instant permit me to let my thoughts turn inward, inward to these wonderful Americans with whom I've been involved.

"I'm proud of their performance, proud of their patriotism, proud of their unity. I'm proud of their trust in each other, their trust in you people here at home, their trust in our commander-in-chief.

"We've fought together, we've laughed together, we've cried together and we've prayed together. Sometimes the words were words which may be familiar to some in this Navy crowd. (He then quoted this old Navy prayer.)

"'If I am tempted, make me strong to resist. If I should miss the mark, give me the courage to try again.

"'May I so live that I can stand unashamed and unafraid before my shipmates, my loved ones and Thee.'

"I think God answered that prayer."

Jim Stockdale then turned and embraced his wife. Then he hugged his son. Then all three hugged each other, weeping openly, proudly.

The grown man of a son kissed his father and the father kissed his son in a frank display of utter affection that is seen too little anymore.

Two other sons (a fourth, Sidney, 18, was not there), Stanford, 13, and Taylor, 10, ran from a waiting car and threw their arms around their father, too, burying their faces in the folds of his his tan uniform jacket.

Taylor's right arm had been broken in a roller skating tumble, and on the cast he had printed, "Welcome Home Dad."

But there would be time to talk about that later. There would be time to talk about everything.

After 7½ years, finally there was plenty of time.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. SCHERLE. Mr. Speaker, for more than 3 years, I have reminded my colleagues daily of the plight of our prisoners of war. Now, for most of us, the war is over. Yet despite the cease-fire agreement's provisions for the release of all prisoners fewer than 600 of the more than 1,900 men who were lost while on active duty in Southeast Asia have been identified by the enemy as alive and captive. The remaining 1,220 men are still missing in action.

A child asks: "Where is Daddy?" A mother asks: "How is my son?"

A wife wonders: "Is my husband alive or dead?" How long?

Until those men are accounted for, their families will continue to undergo the special suffering reserved for the relatives of those who simply disappear without a trace, the living lost, the dead with graves unmarked. For their families, peace brings no respite from frustration, anxiety, and uncertainty. Some can look forward to a whole lifetime shadowed by grief.

We must make every effort to alleviate their anguish by redoubling our search for the missing servicemen. Of the incalculable debt owed to them and their families, we can at least pay that minimum. Until I am satisfied, therefore, that we are meeting our obligation, I will continue to ask, "How long?"

THE RIGHT TO LIFE

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. ERLENBORN. Mr. Speaker, our Constitution in almost 200 years has been amended only 26 times. This is so because we have amended it only to right grievous wrongs, wrongs that diminish our rights as individuals in a free society or that diminish our respect for life and for one another. In the belief that the abortion decision handed down January 22 by the Supreme Court of the United States denies the right to life and the protection of our laws to the unborn and consequently, meets these tests, I am today proposing an amendment to our Constitution.

There are those, of course, who welcomed the Court's willingness to give the convenience of the pregnant woman more weight than the morality of taking a human life. Some welcomed this decision because, to them, the unborn are not human beings. Following this line of reasoning the rights of women take precedence over the rights of the unborn, precedence over the rights of the fetus in a woman's womb.

If the fetus's rights are to be subordinated to a woman's rights, then we should be able to look to the Supreme Court decision for an answer to the age-old question, when does human life begin? But, if we do that, if we examine the decision, the question remains unanswered. In fact, the opinion delivered by Mr. Justice Blackmun in Roe against Wade tells us that we may not even look to medicine, to philosophy, or to theology for a consensus. Yet, in spite of this gap in our knowledge, the Court takes it upon itself to resolve the question in favor of the pregnant woman and goes on to deny the Congress and the States, and thus the people, any judgment.

The Court does not point to history and say without qualification that the preponderance of law on the subject of abortion led them to this decision. Instead, the Court relates that historical judgment is divided.

"Ancient attitudes," the Court opinion states, "are not capable of precise determination." The Persian Empire, as noted in the opinion, severly punished criminal abortions, although Greek and Roman law afforded little protection to the unborn.

Referring still to the Court opinion, we are told that, in the common law, "abortion performed before 'quickening' "—that is, before the pregnant woman first recognizes movement of the fetus in her womb—"was not an indictable offense."

As to the Hippocratic Oath which our physicians take, the Court opinion states the intent of the oath is clear in any translation: "I will not give to a woman a pessary to produce abortion," or "Similarly, I will not give a woman an abortive remedy." The oath, of course, as the Court points out, is not uncontested.

Both English law and American law, again according to the Court recitation, historically have vacillated in degree between a ban on abortion and restricted abortion, with English law currently being more liberal than a century ago and American law—until January 22—being generally more restrictive than it was 100 years ago.

Similarly, our courts, so we are told by the highest court of the land, have been divided. Then, without elaboration, the Supreme Court concludes:

> Although the results are divided, most of these courts have agreed that the right of privacy, however based, is broad enough to cover the abortion decision; that the right, nonetheless, is not absolute and is subject to some limitations; and that at some point the state interests as to protection of health, medical standards, and prenatal life, become dominant. We agree with this approach.

To its credit, the Court does not try to convince anyone that the word "person" as it is used in our Constitution does not extend to the unborn. Instead, based upon divided judgments in history, in law, and in the judiciary, it is persuaded "that the word 'person' as used in the 14th amendment does not include the unborn."

With these flimsy premises as its foundation, the Court's ruling ignores the moral issue completely and embraces a woman's right to privacy as the only issue for overriding most existing State abortion laws. In other words, without a clear constitutional warrant, the result of the Court's ruling as defined by Mr. Justice White in his dissent:

> Is that the people and the legislatures of the 50 States are constitutionally disentitled to weigh the relative importance of the continued existence and development of the fetus on the one hand against a spectrum of possible impacts on the mother on the other hand.

In my view, human life begins at conception; and millions of Americans share this conviction. We do not believe society can accept the destruction of human life for the comfort or convenience of individuals within society. Our concern for the quality of life must include a respect for life—indeed, respect for life should be paramount.

Without unequivocal support in fact, in law, or in our Constitution, the Court has arbitrarily decided when life begins. Without unequivocal support in fact, in law, or in our Constitution, the Court has denied to Congress and the States—and thus to the people—authority to define due process of law. Without unequivocal support in fact, in law, or in our Constitution, the Court has brought us perilously near to justifying infanticide, perilously near to justifying the killing of the aged, the ailing, and the incapacitated.

Our only recourse is to restore these judgments to the people. This is the purpose of the Constitutional amendment I am proposing. With its adoption, we will improve the quality of life.

My proposal follows:

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States to insure that due process and equal protection are afforded to an individual from conception.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by Congress:

"ARTICLE —

"SECTION 1. Neither the United States nor any State shall deprive any human being, from conception, of life without due process of law; nor deny to any human being, from conception, within its jurisdiction, the equal protection of the laws.

"SEC. 2. Neither the United States nor any State shall deprive any human being of life on account of age, illness, or incapacity.

"SEC. 3. Congress and the several States shall have power to enforce this article by appropriate legislation."

IOWA HISTORIAN RETIRES

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. CULVER. Mr. Speaker, some people today may not appreciate the important role that America's great rivers have played in our historical development. This year, the residents who live along our greatest river, the Mississippi, hope to enlarge public awareness of our heritage by celebrating the tricentennial of the discovery of the Mississippi River by Marquette and Joliet.

One man who may know more about the historical lore of the great Mississippi than any other is Iowa's William J. "Steamboat Bill" Petersen. Dr. Petersen recently retired as superintendent and editor of the State Historical Society of Iowa.

Like Marquette and Joliet before him, Bill Petersen has been a modern-day explorer of the Mississippi River. While riding up and down on the river, he gathered information for a doctorate degree on the history of steamboating on the Upper Mississippi River. He received his Ph. D. from the University of Iowa in 1930. He has served as superintendent of the State Historical Society of Iowa since 1947.

Over the years, Dr. Petersen has been a gifted writer on the historical lore and significance of our great rivers. He is a prolific historian of Iowa subjects. No one has made a greater contribution in his area of study. He loves the rivers and boats about which he has written so much. I hope the reenactment of the Joliet-Marquette voyage later this year by the Mississippi River Tricentennial Committee will enlarge others', love and appreciation of this great river.

Mr. Speaker, I know Bill Petersen and I am glad to be able to honor him upon his retirement. I insert in the RECORD an article from the Cedar Rapids Gazette on the retirement of Dr. William J. Petersen:

[From the Cedar Rapids Gazette]

IOWA'S STEAMBOAT BILL IS BACK ON THE RIVER

(By Art Hough)

IOWA CITY.—"Steamboat Bill" Petersen, Iowa's most prolific writer and expounder of historical lore, retired last Tuesday on his 72nd birthday.

Retired, that is, as superintendent and editor of the State Historical Society of Iowa.

But, the researching, writing and speechmaking of this former Dubuque lad who gathered material for his university doctorate while hitchhiking up and down the Mississippi river more than 40 years ago, is continuing apace. Perhaps at a faster pace, now that he is freed of administrative duties.

We dubbed the project, or projects, he is on now his "doctorate plus." He started on the river and he is back on the river now.

Dr. William J. Petersen credits Dr. Louis Pelzer, professor of history at the University of Iowa, with re-routing his career from teaching and coaching to Iowa history and river lore.

GIVEN ULTIMATUM

In 1927 he was discussing his master's thesis with the professor and talking about his boyhood on the Mississippi when Pelzer gave him the following ultimatum:

"Petersen, do you mean to tell me that your father was associated with the Diamond Jo Line Steamers and that a considerable amount of manuscript material is available on the subject? Petersen, I personally will pull the rope that hangs you to yonder tree if you don't start working on the history of steamboating on the Upper Mississippi for your doctorate."

The rest is history.

Bill got his Ph.D. from the university in 1930. From 1930-47 he was research associate for the State Historical Society of Iowa, became superintendent in 1947. He has also been a lecturer and associate professor, participated in many summer sessions, written 10 books, one of which, "Steamboating on the Upper Mississippi", first published in 1937, was reprinted and enlarged in 1968; edited and given historical introduction to a score of books on rare Americana, history and biography, and almanacs.

Petersen wrote so many articles for the "Palimpsest," that some editors found it almost unbelievable in the space of time he had to put out the popular publication. For instance, between 1948 and 1970 he contributed 392 articles.

Bill never has been afraid of work and he is proud that "interlarded between subjects like Indians, pioneers, railroads, wolves, doctors, earthquakes, patent medicines, explorations, etc., I could always come back and do some phase of a river story."

Even before his doctorate, he had published two articles on "Minnesota History", the "Missouri Magazine of History"; 26 pages in the "Mississippi Valley Historical Review", two in the "Palimpsest", and one in the "Iowa Journal of History".

The contributions he has made to various periodicals and the honors he has won make a list so long that this writer, for want of space, can only refer the reader to "Who's Who in America", "Who's Who in the Midwest", "Who's Who in Education", "Who's Who in Iowa", the "Biographical Directory of American Scholars", and "The Authors and Writers Who's Who" for further details.

RIDING THE RIVERS

Petersen is already embarked on an ambitious project which has him riding the rivers of America on tow boats and barges with his wife, Bessie.

A publisher wants to sign him to a single volume on Iowa history (the publisher wants it in two years, Bill thinks he can do it in four, and they'll probably compromise on three) and he is also commissioned to do a book on "Steamboating on the Rivers of America".

'That's why I'm taking these trips. For joy rides to a degree, but, boy, you should see the stuff I write on it. It's fun. It's different."

Referring to increased river traffic, he says, "They dreamed of a grain traffic back in the 20s and today it's the third largest. Think what's happened this year with the river all of a sudden clamping its jaws down there. (The ice blockade.)"

"Meanwhile, Bessie and I get down to New Orleans and lo and behold a large number of boats are anchored in the middle of the Mississippi, Russian and others, waiting for the grain to come down.

"So there we have Iowa farmers losing millions because they can't get the soybeans out of the ground, compounded by railroad cars filled and barges held up by ice.

"I'm having my fun right now with the boats."

Petersen admits he is several years behind on his book about the rivers, but this is understandable. He helped build the historical society to over 10,000 members, second highest in the country, mainly through his editing and writing for "The Palimpsest", and the "Iowa Journal of History".

Paul Angle, co-author of a series of essays on "Doorways to American Culture", said that "states older than Iowa may have larger historical literatures, but no state has had its past so thoroughly explored and so widely disseminated by its own historical society."

Talking about his forthcoming book, Petersen agreed "It's a tough one, as I get into it, a highly-illustrated book entitled 'Steamboating on the Rivers of America,' but it may be divided into two parts to include tow boating.

"There will be 500 pictures on all the rivers of America, from the Hudson to the Sacramento, not only the Mississippi Valley.

"Right now I'm trying to lay the ground work by taking these trips with Bessie," he said, marveling at sometimes seeing 30 barges or more with 1,200 feet of tow ahead of them.

RIVER PROBLEMS

"You don't begin to appreciate the situations of what these pilots go through, running bridges and locks, etc., and circumstances like that. The lower river doesn't have bridges or locks, but it has problems of its own.

"About the only way to travel any distance these days is on barges," Peterson pointed out, noting that exception for the Delta Queen, "the excursion boats are all localized—15 or 20 miles, maybe. There are about 15 of them between St. Louis and New Orleans."

Last fall, the Petersens went from Burlington to Cairo and back to St. Louis and then had to get off because he had a date to speak at the Iowa State Bankers convention.

Bill says "It's nice to have been able to write something for a doctorate . . . You take 99 out of 100 doctorates and they gather dust on library shelves, but this I've been able to work on it all the way.

"If I could have 10 years of good active life I could have the most productive period of my career—just concentrating, no worries about administration or getting other things out.

"People say the steamboat is my doctorate. Well, a part of it is, but my doctorate was 313 typewritten pages and the steamboat book was 850 typewritten pages."

Add to this the 1968 reprint which added 160 pages of pictures, plus four sets of maps.

BIGGER BOATS

Mr. and Mrs. Petersen spent Christmas week on the Mississippi, aboard the "Mava Kelso," going upriver from New Orleans. The tow boats make about two round trips a month.

"These boats are so much bigger now," Bill said. "When I hitch-hiked before 1930, while I was working on my doctorate, you'd sleep in a bunk above the captain or pilot. This time we had a room with twin beds, shower, etc., with television."

The guest accommodations are usually used by company officials.

Yes, you might say that Bill and Bessie are finally free to do the things they like best.

When Msgr. Lugi Gino Ligutti, one-time executive secretary of the National Catholic Rural Life Conference, a former Iowa priest, and now residing in the Vatican in Rome, heard of Bill's approaching retirement, he wrote:

"You'll always be on 'deck'. I am sure Old Man Charon will give you a reserved seat when you cross the river Styx."

RESOLUTION TO ABOLISH THE COMMITTEE ON INTERNAL SECURITY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. WALDIE. Mr. Speaker, today I am introducing a resolution with the cosponsorship of 50 colleagues which provides for the dissolution of the House Committee on Internal Security.

When I first became a Member of Congress in 1966, I was among those who supported the continuance of the House Un-American Activities Committee.

At that time, I felt that the committee had a legitimate legislative function, but that the controversies that involved the committee stemmed from a leadership problem that resulted in abuses of private dignity and the rights of those who appeared before it.

Mr. Speaker, the leadership of the committee has changed along with the name of the committee and greater attention is now directed to a semblance of dignity and concern for individual rights.

However, Mr. Speaker, the problem involving this committee is much deeper than my initial superficial analysis.

Since 1945 the committee has issued 174 contempt citations. Of these, 142 have failed in the courts. In that same period, a total of 14 contempt citations were issued by all the other committees of the House combined.

The committee all too frequently is engaged in constitutional battles in the courts, the last of which involved the 1970 case where a blacklist of campus speakers was prohibited from being published by the committee.

In the 91st Congress, the committee spent more money than the Armed Services, Foreign Affairs, Judiciary, and Ways and Means Committees. Surely, the legislative product of the House Internal Security Committee is not commensurate with that huge expenditure.

But of greatest concern to me, Mr. Speaker, and indicative of the basic problem inherent in such a "thought-monitoring" committee, is the huge number of secret files and dossiers it maintains on thousands of individuals and organizations. I am advised there are over 754,000 cards containing unverified information on individual Americans. I am also advised that there is a special highly secret file wherein are kept the dossiers of Members of Congress.

Mr. Speaker, I do not like this "Big Brother" apparatus. I would like to point out that this resolution does not evolve from any disagreement with the integrity of the chairman or the members of the committee.

I am motivated by the fear of "Big Government," of "secret files," and "thought control," concepts that are embraced by the committee.

I further believe that the legitimate legislative objective of curtailing activities of those disloyal to our Nation can and should be performed by the House Committee on the Judiciary. That responsibility can be carried out without the trappings of totalitarianism that have historically had such appeal to HUAC and its successor, the Committee on Internal Security.

SMALL BUSINESSMEN ARE OVERWHELMED WITH GOVERNMENT FORMS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. VANIK. Mr. Speaker, the following is a copy of a letter which I sent today to Mr. Joseph Wright, Acting Director of the Census Bureau, concerning the heavy burden of paperwork imposed on small businessmen during the first 2 months of this year. It is very untimely to request census forms from these businessmen when they are already faced with the enormous task of completing literally dozens of Federal, State, and local tax forms.

I would like to enter this letter and the supporting documentation in the RECORD since I believe it will be of interest to other Members and to the Nation.

It is my hope that during the Ways and Means Committee meetings on tax reform, we will at least be able to eliminate some of the filings required of small businessmen by the Internal Revenue Service.

The letter follows:

FEBRUARY 21, 1973.

Mr. JOSEPH WRIGHT,
Acting Director, Bureau of the Census, U.S. Department of Commerce, Washington, D.C.

DEAR MR. WRIGHT: On December 27, 1972, your office issued a release concerning the commencement of the 1972 Economic Census.

Many small businesses in my district received their census packets after January 20, 1973, with a note that the forms were to be filled out and mailed back by February 15, 1973.

Many small firms have one accountant, or the owner serves as both the president and the accountant. For these firms the months of January and February are the heavy months for IRS and other government forms.

One small sporting goods operation received the census form, which requested information that he will not have until his tax data is completed, which he expects will be in early April. Yet he has to have it mailed by February 15th.

If information is not available, Census asks the firm to estimate the data. Some small businessmen in my district have notified me that they filled out the form with imaginary figures just to meet the February 15th deadline. In anger over the volume of forms and the pressure of the deadlines, my office was informed that some of these firms may even purposely distort their figures.

As an example of the staggering variety and volume of forms which businessmen must fill out for the Internal Revenue Service alone, I am enclosing a copy of a letter which I have received from a concerned constituent listing the various tax forms due in the Spring. This list does not include the additional forms sent out by the Census Bureau.

As a result, small firms are overwhelmed for a short period of time while the workload for the rest of the year is substantially lower.

If this is a problem on a national scale, and I expect it is, the poorly chosen time and haste demanded in this economic census will undermine both its intent and purpose.

It is my hope, under the circumstances, that the due date of the economic census forms be extended to May 15, 1973, for those who have not as yet met the February 15th deadline, so that the accountants may spend the proper amount of time to thoughtfully fill out the forms with more adequate and accurate data.

In the future, it would be advisable to coordinate the issuing of forms with IRS and other bureaus so that unnecessary pressure is not placed on citizens. Coordination will also insure the intent of the survey.

While I recognize the need and value of census information, it appears that the complex and comprehensive demand which you are currently making on small business will produce erroneous data and constitute the final blow to a large segment of small business which needs only one more form to collapse. Certainly a considerable amount of the information which you requested can be coordinated with the preparation of income tax information and the date on which such material is filed.

Sincerely yours,
CHARLES A. VANIK,
Member of Congress.

A. A. VOSEN,
Public Accountant,
Solon, Ohio, February 15, 1973.

Hon. CHARLES A. VANIK,
House of Representatives,
Washington, D.C.

SIR: In accordance with our recent telephone conversation, concerning the Census Reports required to be filed by February 15 with the United States Department of Commerce, I am listing the various Federal, State, County, and City tax returns that Public Accountants must complete for their clients.

FORM NUMBER, TITLE OF RETURN, AND DUE DATE

Federal

940: Federal Unemployment Tax Return, January 31.

941: Employer's Quarterly Federal Tax Return, January 31.

W-2: Wage and Tax Statement (one for each employee), January 31.

W-3: Transmittal of Wage and Tax Statements, January 31.

1099: U.S. Information Return on Commissions, Dividends, and Interests, January 31.

1096: Transmittal Return for Form 1099, February 28.

1120, 1120S: Corporation Income Tax Return, March 15.

1165: Partnership Income Tax Return, April 15.

1040: Individual Income Tax Return, April 15.

State

IT-941: State Return of Income Tax Withheld, January 31.

IT-3: Reconciliation of Ohio Income Tax; Withheld and Transmittal of Wage and Tax Statement, January 31.

UCO2: Employer's Contribution Report (State Unemployment Tax Report), January 31.

DP21: State Workmen's Compensation Report, January 31.

FT-1120: Corporation Franchise Tax Report, January 31.

IT-1040: Ohio Individual Income Tax Return, April 15.

938-939: Security Valuation and Investor's List, March 31.

ST-10: Semi-Annual Sales Tax Return, February 28.

County

Tangible and Intangible Personal Property Tax Returns for Individuals, Proprietorships, and Corporations, April 30.

City

Employer's Quarterly Withheld Municipal Tax Return, January 31.

Reconciliation of Municipal Income Tax Withheld and Transmittal of Wage and Tax Statement, January 31.

City Business Returns and City Individual Income Tax Returns, April 30.

If these various tax returns are not filed by the due date, the small businessman or taxpayer is assessed a penalty plus interest by the various governmental agencies. Having to complete the long and involved Census Reports by February 15 places an undue burden upon the small independent accountant.

Your reply to my telephone call was greatly appreciated.

Very truly yours,

A. A. VOSEN,
Public Accountant.

PERSECUTION OF IRAQI AND SYRIAN JEWS MUST CEASE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. KOCH. Mr. Speaker, I am introducing a resolution today expressing the outrage of Congress over the persecution by the Syrian and Iraqi Governments of their Jewish population. This resolution also calls upon the President to issue a public U.S. policy statement condemning the Iraqi and Syrian Governments' treatment of the Jews. Furthermore, it requests the Attorney General to announce that he will use his parole authority for any Syrian and Iraqi Jew fleeing persecution to enter the United States.

This resolution is being cosponsored by Ms. ABZUG, Mr. GEORGE BROWN, Mr. BUCHANAN, Mr. BURTON, Mr. BYRON, Mr. CONTE, Mr. COTTER, Mr. DERWINSKI, Mr. DRINAN, Mr. DON EDWARDS, Mr. EILBERG, Mr. FISH, Mr. FORSYTHE, Mr. FASCELL, Mr. HARRINGTON, Miss HOLTZMAN, Mr. MOAKLEY, Mr. PODELL, Mr. RIEGLE, Mr. ROSENTHAL, Mr. RODINO, Mr. SARBANES, Mrs. SCHROEDER, Mr. STARK, Mr. BRASCO, Mrs. GRASSO, Mr. PIKE, and Mr. PEPPER.

The plight of the Syrian and Iraqi Jewish community is desperate. During the last few weeks in Iraq nine or 10 prominent members of the Jewish community were executed, their families harassed, and their property confiscated. The Jewish community in Syria is being denied their basic rights and can attempt to leave Syria only at great peril to themselves and their families. As Members of Congress, we must do all we can to mobilize public opinion around the world and take action to prevent such atrocities from occurring again.

An article from the New York Times of February 18 tells a heartrending story of an individual who had to flee Iraq because of the harassment and it gives his own testimony of what happened to his friends in the Jewish community. I am appending the article for the information of our colleagues:

HALF BAGHDAD'S JEWS SAID TO APPLY TO LEAVE

Half the members of the tiny Jewish community in Baghdad have applied for passports to leave Iraq in recent weeks in the face of a crackdown by Iraqi authorities, according to a first-hand account.

The description of the wave of arrests and intimidation of the Jewish community was provided in an interview last week with a 54-year-old shopkeeper from Baghdad, the Iraqi capital.

Along with his wife and seven children, Mussa Einy—that is not his real name—fled Iraq in late January. Neither his name nor his present whereabouts can be disclosed for fear of reprisals against his relatives remaining in Iraq.

ABOUT 700 JEWS LEFT

Mr. Einy confirmed previous diplomatic reports that 10 prominent members of the community were seized by Iraqi security men in September and taken away. None has been heard from since, and Baghdad's Jews assume, Mr. Einy said, that all or most of them have been executed in prison.

Mr. Einy said that there were approximately 700 Jews still in Baghdad—nearly twice the number reported by Western intelligence sources.

Although they cannot prove it, Mr. Einy said, the Jews of Baghdad believe that the campaign of arrests and suspected executions is the result of collusion between the Iraqi security services and the ruling Baath party that is aimed at taking oevr the extensive properties the Jewish community still holds communally in Baghdad.

PROPERTY SEIZED

These holdings, which date back to the period before 1948 when there were more than 200,000 Jews living in Iraq, include enormous school and hospital complexes, apartment and office buildings, movie theaters, clinics, extensive athletic fields and parks in the center of Baghdad. Mr. Einy estimated that the communal holdings totaled some 200 buildings in all, with a value he put at between $150 million and $200 million.

The objective of the current campaign, he said, is to frighten the remnants of the once-large Jewish community into fleeing Iraq and leaving their property behind.

He added that the property of the men arrested last September—some of it very considerable—had all been seized by Baath party officials. In addition, strict laws have been passed forbidding Jews to sell any property or withdraw more than 100 dinars, or $280, from a bank in any month.

To a large extent, Mr. Einy said, the policy of intimidation is succeeding.

"Life has become impossible for the Jews since September," he said. "They are constantly afraid now. No one goes anywhere alone any more for fear of being arrested."

The first man to be arrested, Mr. Einy said, was Yaacov Abdul Aziz, a prominent and wealthy lawyer.

SEIZED BEFORE YOM KIPPUR

Mr. Einy said: "It was about 6:30 in the evening, three days before Yom Kippur. He had just left the synagogue when some men from one of the security services caught him alone in a narrow alley. They blindfolded him and took him away."

"When his family went to the police they denied knowing anything about the arrest. Later the security men claimed he had left the country and came and took all his property."

The pattern of the subsequent arrests was the same, Mr. Einy said. "The security men would wait until they got them alone, usually coming home from the synagogue or their shops at night. They would grab them, blindfold them and take them away.

"Each time the security men would claim that the missing man had left the country. Then they would come and take the furniture and everything that would move and sell it at auction. Later we say party officials driving around in their cars."

Another event shocked and frightened the Jewish community even more than the arrests, Mr. Einy said. It was the brutal murder of Abraham el-Sayegh, one of the wealthiest Jews in Baghdad, a few days after the arrest of the lawyer.

BEATEN TO DEATH

Mr. Einy said: "His body was found in his home sprawled on the floor. He had been beaten to death with an iron bar. A few days later they came and took over all his property. He was a very rich man. He owned apartment houses, office buildings and many shops in the market."

Mr. Einy made his own decision to leave on Dec. 20—a day he says he will never forget. He said: "I was driving on a road on the far side of the Tigris, about an hour from home, when a tire went flat. I found the spare was flat also, and I had to walk half an hour to find someone to fix it.

"My family had expected me home by 1 o'clock. When I arrived at 2:30, the house was full of neighbors, my wife was hysterical and my children upset. They were all sure I had been caught and taken away. I knew we couldn't live like that any more. I made up my mind to leave."

A month later, Mr. Einy and his family boarded a Middle East Airlines plane for Beirut, Lebanon, on the way to a new life. "I had to leave everything behind," he said. "I closed up the house and drove my car to the school and parked it in the back with the keys in the ignition."

Although half the Jewish community in Baghdad was making active plans to leave by the time he left, Mr. Einy doubts that the other 300 to 350 persons will ever leave. "Baghdad is their home," he said, "just as it was mine. That's where they have their property and that's where they will stay."

COMMUNITY LAND GRANT ACT OF 1973

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. HAWKINS. Mr. Speaker, last Congress I introduced legislation entitled the "Community Land Grant Act of 1971" (H.R. 9422). Today I am reintroducing that legislation.

While hearings were not held last year on the proposed law, I am hopeful that this year a full inquiry and legislative action will take place in regard to the land grant matter. As you know, Mr. Speaker, over 100 million acres of land is involved, stretching from Texas to California; and the proposed legislation would affect nearly 10 million of our citizens of Mexican descent, today often termed "chicanos."

The bill purports to do a very simple and humane deed. Its singular, most important purpose is to right a 123-year-old wrong which has been perpetuated by the imperfect and/or nonimplementation of the Guadalupe-Hidalgo Treaty by which this Nation acquired from Mexico the entire Southwest. That 100-year-old wrong has resulted in the systematic theft of

Mexican-Americans' land and property. Unfortunately, the Federal Government shares in the dubious distinction of helping to take land from its own citizens. Though millions of acres are involved, much of the original land grants still remain under the Federal Government's auspices, held by the National Park Service and the Bureau of Land Management.

In terms of today's concerns and imperatives, the bill would also encourage the traditional Mexican-American practices of ecology and good land management for the total environment. Furthermore, the proposal's restoration and revival of dying or dead Mexican-American rural communities would provide a needed boost to rural life and values in a large area of the Nation.

This long neglected question of justice for our Nation's Mexican-American citizens needs the prompt and full attention of the Congress. I trust that it will receive that attention this year.

A DECADE ON THE ECOLOGY BATTLEFRONT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. WALDIE. Mr. Speaker, within the last decade, America has undergone a reawakening of thought and concern over the environmental effects of many of its actions. During this decade we have witnessed an increased dependence upon conservationists to be vanguards of the environmental crusade. This campaign has become a rallying point for many of our citizens and has instilled within them an element of concern about the probable effects of human actions upon the environment in which we live.

Furthermore, Mr. Speaker, we have arrived at a point where commonsense has come to play a larger role than ever before in decisions that concern possible detrimental action to the environment. Our realization that progress is indispensable to our future growth has attained a new interpretation. Progress is no longer synonymous with growth, but has been equated with the extent to which we can achieve an environmental setting that will provide for the continued existence of man.

In addition, Mr. Speaker, I submit that we have only seen the beginning of the environmental age. Environmental activity has only begun to address itself to to surface problems. The problems that await a solution will have an impact that will inevitably cause us to rearrange our lifestyle. To what extent and at what costs are only to be answered in speculation that is immeasurable at the present time. If we view our lifestyle with a contempt for nature then we only shorten the period of time that the earth will survive. If, however, we consistently work for implementation and growth of the attitude that has developed over the past decade, then we assure ourselves of a continued and healthy existence.

At this time, Mr. Speaker, I would like to place in the RECORD an article written by Harold Gilliam and carried in the San Francisco Examiner and Chronicle on January 7 reflecting that period which has given birth to the ecological movement. The past decade is eloquently described with an added emphasis upon what the future portends for the ecological movement and for our Nation.

The article follows:

A DECADE ON THE ECOLOGY BATTLEFRONT

(By Harold Gilliam)

It is an immemorial custom at this annual time of endings and beginnings to look back at the past year and try to sum up its events and significance. Instead, this year in "This Land" we are going to look back at the past decade. It has been about ten years since this column began—a decade that has marked the beginning of a revolutionary turn in the 350-year affair between Americans and nature—from conquest to cooperation.

At the beginning of the decade, conservationists were an obscure minority waging losing fights on innumerable fronts to preserve valuable areas of natural America. By the end of the decade they were in the vanguard of an environmental movement that had enlisted millions, had swept through the communications media with a speed and thoroughness that has few parallels in American history, had become a political force across the nation, had turned many elements of business and industry to such ecologically constructive activities as recycling, pollution control and preservation of the natural landscape.

It has been the purpose of "This Land" to chronicle environmental action during these tumultuous years and to evaluate it, as my fellow critics in these pages evaluate the current doings in art, music and literature.

I am grateful for the opportunity to be at the scene of the greatest action. The San Francisco region is to the environment what Paris has historically been—and New York currently is—to music and art. It is the acknowledged leader, the place that sets the standards, fosters the traditions and gives birth to the innovations. This is the environmental capital of the United States—and to some degree of the world, as was evident at Stockholm last summer when Bay Area environmentalists played leading roles at the United Nations Conference on the Human Environment.

The first major environmental controversy that appeared on this page was the effort to create the Point Reyes National Seashore, the first national park area within a metropolitan region (along with Cape Cod). During the decade Point Reyes confronted more perils than Pauline, but the story climaxed happily this year with the creation of the magnificent Golden Gate National Recreation Area, adjoining and protecting Point Reyes along its vulnerable eastern flank. The story is not over, however, for both parks face the threat of overcrowding and overdevelopment.

Next was the battle of Bodega Head, immediately north of Point Reyes, where PG&E planned a nuclear power plant but gave up when earthquake faults were found at the site by the U.S. Geologic Survey. A similar struggle is now taking place over PG&E's proposed nuclear plant farther north at Point Arena in Mendocino county.

The safety of nuclear plants, particularly in earthquake areas, has been frequently debated on this page, and the Atomic Energy Commission is currently holding nuclear safety hearings in Washington. We have also written here about the promising discoveries of geothermal energy in the Imperial Valley as an alternative to nuclear power, but the energy establishment seems so committed to nuclear fission that there is still no money for a large-scale geothermal program.

The great San Francisco freeway revolt was chronicled here in the early 1960's, when Golden Gate Park and the northern waterfront were saved from the bulldozers by mass action—non-violent, but otherwise in the best tradition of Lexington and Concord. From here a chain reaction of freeway insurrections spread across the country. As a result, the highway engineers no longer reign supreme over U.S. cities and countryside.

When an article appeared in this space in 1964 entitled "Why Not Bring Back the Ferries?", one reaction was: "Sure, and bring back the horse and buggy, too." But now the new ferries of the Golden Gate Bridge District carry growing numbers of people to and from Marin, and we may hope that in the future ferries will be used to the East Bay and up and down the bay as well. Greater reliance on this relaxing means of travel, in preference to freeway driving, would doubtless diminish appreciably the Bay Area ulcer rate.

The bay itself was the focus of one of the great environmental battles of the decade. The "housewives campaign" to save it from destruction by filling has been widely written up as a model for citizen action elsewhere. The effort resulted in the creation of the highly successful Bay Conservation and Development Commission, which itself was a model for the new Coastal Conservation Commissions established by law when California voters approved of the coastal initiative in the last election.

A good many words on this page have been devoted to the parallel efforts to save open space and limit the growth of communities. The most notable developments have been in Livermore and Pleasanton, which have voted conditionally to withhold building permits; Petaluma, which set limits to its own growth; Napa county, which saved its vineyards by a 20-acre zoning law; and Marin, where the county's western hills and valley are being zoned in parcels as large as 60 acres. The Association of Bay Area Governments' open space plan points out what can be saved in other counties, and ABAG itself has shattered precedent by adopting a policy of limiting population growth in the entire region. It should be noted that these are not attempts to stop all growth but simply to put it under control.

It appears at long last that growth and progress are no longer synonymous—at least in the suburbs. In the city, the growth myth has not died, and the process of Manhattanization continues, abated only slightly by the new Urban Design Plan.

A subject that has recurrently appeared on this page, to little avail, is the great earthquake scandal: the appalling failure of California cities to forestall earthquake casualties by building-safety regulations, San Francisco has not even taken the minimum step of enforcing a parapet ordinance.

Beyond the Bay Area, other struggles have moved across this page during the decade: the battles to keep dams out of the Grand Canyon, to create a Redwood National Park (which is still far too small for adequate protection), to recycle solid waste and sewage, to limit urbanization at Tahoe and along the coast, to preserve ntaural streams and rivers (the Corps of Engineers, partly as a result of Bay Areas initiatives is taking innovative approaches).

Nationally as well as locally, there have been environmental achievements that would have been undreamed of even five years ago—the two-year delay in the mammoth Alaska pipeline project for ecological reasons, the cancellation of the cross-Florida barge canal, the defeat of the SST, the huge industry investment in pollution control, the leveling off of the U.S. birth rate, the new laws enabling citizens to haul government officials into court for failing to account for the environmental impact of their activities.

I would like to offer my very grateful thanks to the hundreds of generous people who have supplied information for this page, my regrets to those whose favorite environmental cause has not appeared here, my apologies to those (dismayingly many!) whose communications remain unanswered, my gratitude to the editors who make it all possible.

I would predict that all of the environmental activity we have seen so far is only a beginning. The biggest questions have not yet been answered. Perhaps they have not even been asked. The future of man on the planet remains uncertain. But the new era of the environment opens before us, revealing whole new ranges of opportunity. No one can anticipate the profound changes it will bring in our modes of living and our relation to the earth.

FHA INSURED COOPERATIVE HOUSING: THROWING OUT THE BABY WITH THE BATH WATER

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. FULTON. Mr. Speaker, among the many good programs to meet human needs which the administration so unwisely is attempting to cripple or destroy through insensitive and unwise budget cuts are the Federal Housing Administration's programs to insure housing cooperatives.

Since the enactment of the Housing Act of 1950, which authorized the Federal Housing Administration to insure housing cooperatives, thousands of low, moderate and middle income families have obtained home ownership which, in many cases, would otherwise have been beyond their reach.

Most of the cooperatives financed through both assisted and nonassisted FHA programs are townhouse communities which provide their residents with not only good shelter, but also open green areas, recreational and meeting facilities, maintenance and social activities. Since they operate on a democratic basis, wherein residents elect their own board of directors and vote on important community issues, co-ops also train their members to be better, more active citizens of the larger community.

Figures compiled by the Urban Institute of Management and Research and released on December 31, 1971, confirm that cooperatives offer marked environmental and financial advantages as compared with other types of FHA-insured housing.

The Urban Institute study revealed that cooperatives, on the average, have a decidedly lower unit density than do comparable rental properties. It also noted that the co-ops consisted, for the most part, of townhouses, whereas rental properties consisted primarily of stacked apartment units.

The study found, too, that cooperatives enjoy a better default rate than even single family dwellings and considerably lower maintenance, operating and administrative costs than most rental properties.

The 221(d)(3) below-market-interest-rate program and its successor, section 236, have served in recent years to bring these benefits to low-income families. Many of these families have come from unstable, low standard rental or public housing environments; others are elderly or young couples struggling to maintain a decent standard of living on very limited incomes. The success of their cooperatives—no section 236 cooperative has been foreclosed—has demonstrated that these people can meet their financial responsibilities and contribute to the life of a healthy community.

In the following letter, a member testifies to the benefits he and his family have enjoyed as members of an assisted cooperative:

INDEPENDENCE, MO.,
November 1, 1972.

Mr. CHARLES PARLEE,
U.S. Department of Housing and Urban Development, Washington, D.C.

DEAR MR. PARLEE: The wisdom of experience only comes in full measure to those who have undergone the particular activity. As an active and concerned member of Highleah Townhouses in the Kansas City area I therefore feel qualified to comment for the record.

If one researches the true meaning of a housing cooperative he finds that it constitutes a collection of family and single tenant residences, organized on the basis of economic cooperation, acting and willing to act with others. Inherent within its structure is the pride of ownership and the simultaneous security of sharing responsibility collectively.

My wife and I are parents of two small children. We both work but due to my full-time responsibility as a medical student our income is limited. Neither of our parents can afford to help us to any extent but we manage. The daily struggle is often more than we anticipated but we share a common dream in graduation.

Our home here at Highleah is one of our few precious possessions for which we are both thankful and proud. We enjoy the comfort and space of our three bedroom townhouse and monthly give thanks for its nominal cost, but to us Highleah is much more. We treasure its brotherhood. The occupants of our particular circle share everything from evening meals to babysitters and we find common ground in our struggle to survive without sufficient money.

Mr. Parlee, not only will I endorse cooperative living, I would seriously question the integrity of any individual or organization that might question the need for its existence. Stand fast on your enthusiasm for housing cooperatives and feel free to call upon those of us here in mid-America to help continue its necessary expansion.

Sincerely,

ROBERT L. SHEPLER.

SALUTE TO LITHUANIAN INDEPENDENCE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. DULSKI. Mr. Speaker, it is appropriate, at a time when our Nation is thankful for a peace settlement in a far corner of the world, for us to turn our thoughts to another peace-loving country. I join my colleagues and the 1 million and more Americans of Lithuanian descent in the United States in commemorating the 722d anniversary of the founding of the Lithuanian State and the 55th anniversary of the establishment of the modern Republic of Lithuania.

Dominated by czarist Russia from 1795, this proud country declared its independence February 16, 1918. The United States recognized the Republic of Lithuania May 31, 1921; admission to the League of Nations was obtained September 22, 1921; and a permanent constitution adopted August 1, 1922. Basic human dignities were reasserted, and remarkable achievements in land reform, social progress, educational improvements, and encouragement of the arts were made under the elected President.

But in June 1940, these brave people were once again enslaved when the Soviet Union took over the Baltic States. The war that ravaged Europe took its toll in Lithuania, and independence has never been regained.

Since 1940, with the statement of the Freedom Charter of the Baltic States, each administration in the United States has opposed subjugation of Lithuania, Latvia, and Estonia. In 1966 the U.S. Congress unanimously passed House Concurrent Resolution 416, calling for freedom for these countries.

I strongly urge President Nixon to continue our tradition of support for the oppressed by requesting self-determination of the Baltic States as a top priority consideration at the upcoming European Security Conference.

The gallant Lithuanians have suffered greatly, with battles waged on their soil and minds, and humiliations inflicted on their bodies and souls.

Yet these indomitable people, through centuries of conquest and servitude, have never ceased striving for the freedom and justice that are our birthright. Lithuania is, tragically, a captive nation. Lithuanians are, astonishingly, not captive spirits. I respectfully salute the Republic of Lithuania.

ADDRESS BY THE HONORABLE COLGATE W. DARDEN, JR.

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. DOWNING. Mr. Speaker, all of us in public life have occasion to hear many speeches—some good, some not so good, and occasionally a truly great one.

It was my privilege to hear just such a speech on February 10 at a significant ceremony celebrating the granting of the Royal Charter to the College of William and Mary in Williamsburg, Va.

The speaker was the Honorable Colgate W. Darden, Jr., former Member of the U.S. House of Representatives, former Governor of Virginia, former president of the University of Virginia, to mention just a few of his notable achievements in life. Governor Darden is a man of impressive credentials and even the most casual remark from him is worth remembering.

His remarks on that occasion should be made accessible to every American interested in the future of our Government and our country. But more importantly, his words should be heeded by those of us in public office who are diligently and conscientiously trying to serve our country and our constituencies at the same time.

He very wisely opines:

> The one indispensible element in our government, and the one that is presently sorely lacking is self-discipline. Without self-discipline we cannot achieve the restraint necessary to manage properly our affairs, and no amount of money, no amount of good intentions, and no amount of beguiling political oratory can save from grave difficulties what Lord Bryce described, not too many years ago, as a superb political system.

There are other thoughts expressed by him which I think will be found interesting and informative; so I insert his entire remarks in this issue of the RECORD:

ADDRESS BY HON. COLGATE W. DARDEN, JR.

Mr. Rector, Ladies and Gentlemen: You were kind to invite me to join you for this important celebration and I am very glad to be with you again. My association with William and Mary goes back more years than I like to remember. As a boy in public school, with teachers from this college, and then through schoolmates who found their way here, I came to know it well.

I was among those in Norfolk who in the late twenties enlisted the support of Dr. J. A. C. Chandler in the establishment of a branch of the College in that city. We could not have encountered a more willing nor a more effective helper. It was this branch which became in the fullness of time, Old Dominion University.

A few years ago it was my good fortune to serve with President Paschall on the Virginia Commission on Constitutional Revision. Owing to the kindness of Pat, a sub-committee of which we were members met here. Our assignment involved sections of our Constitution having to do with the Bill of Rights and with public education. Since Mr. Mason had drafted the Bill of Rights and Mr. Jefferson had laid the solid foundations for an effective school system, although our Constitution was singularly silent on the subject until 1870, our work was not onerous.

We were able, among other things, to produce a provision that aimed at uniformly good schools throughout the Commonwealth. It is, I believe a valuable addition to our basic law. Pat's encyclopedic knowledge of the Virginia school system, its strengths and its weaknesses, and the unfailing help of his staff, enabled us to arrive at the suggestions which we made. Our work here was done under unusually pleasant conditions, so you can readily understand my devotion to William and Mary.

An interesting study concerning unemployment among college graduates came my way near the close of last year. While the study dealt particularly with the problems confronting those attempting to improve their chances in business and industry, it suggested other aspects of higher education which are of interest.

The writer referred to the great American Dream. It was based, he said, on the widely held assumption that by means of education "successive generations will advance from blue collar to white collar to executive pin stripe." And this is true but only to a limited extent. One of the problems presently confronting us is that the opportunities for advancement along this rather narrow road are limited even in a country as large and prosperous as is ours.

It might be noted that this observation as to the American Dream has its roots deep in American history. Alexis de Tocqueville, in his perceptive work "Democracy in America" (1835), described the Americans "as having a lively faith in the perfectibility of man; they are of opinion that the effects of the diffusion of knowledge must necessarily be advantageous and the consequence of ignorance fatal."

The study stressed the fact that unemployment was beginning to appear in the professions. Chemists, engineers, lawyers, and teachers were listed as among those having difficulty in finding positions. This imbalance had its origin, according to the author, in the legislation providing for the education of World War II veterans.

I think it more likely the real thrust came from quite another direction. The mighty effort which lifted the total spending on higher education from 4.2 billion dollars in 1956 to 28 billion dollars last year, most of it for science and technology, in my opinion flowed directly from the cold fear which the launching of Sputnik in 1957, engendered in the United States. This event frightened our government almost to the point of panic. From the President down there was grave concern because it gave notice to us that Russia, already deeply engaged in the cold war, was moving at an alarming pace toward overtaking the superiority in nuclear weapons behind which we were sleeping.

Certainly it cannot be said that we failed to bestir ourselves once we grasped the gravity of the situation. We plunged full speed into science and technology and I am sure there is not one among us who was not deeply moved by the great scientific capacity demonstrated in the Apollo Missions concluded last year. However, with this new emphasis we tended to neglect what for want of a better description we refer to as general education. We misread the times in this and we are only beginning now to realize it. As a result we are examining again our educational needs and we are reassessing those institutions which undergird a free society. We must spare no effort to this end.

This miscalculation occurred probably because the USSR so startled us by the successful launching of the satellite that, thrown off balance, we hastened to revamp our educational system to make it more closely resemble that of the nation which had so shocked us by producing this scientific marvel. Whatever the cause it was a mistake of the first order.

The Russian educational system, with its emphasis on science and technology, was designed to serve a rigid authoritarian order, and this it does quite well. However, it is not able to nourish and sustain the relatively free political institutions which constitute the framework of our society. By diminishing the vigorous support of general education which is, in truth, the life blood of our political institutions, we gravely impair the structure of our government.

It is not too much to say, I believe, that this aberration made some contribution to the violence and bigotry which swept many of our institutions of higher learning in the 1960s. I believe the fragmentation of learning which followed the waning confidence in the value of the Liberal Arts caused much of the restlessness and rootlessness which marked the sixties, and these in turn contributed directly to the violence which was so dismaying. This violence made it appear, at least for a time, that the long struggle to substitute reason for force, which is why colleges and universities were founded, had ended in failure.

We must take care therefore that in the future we do not neglect the support of good general education for all who are found competent, because there can be no over supply of those who can profit from this, and who will in turn be more useful citizens.

One does not have to be an especially acute observer to understand the terrific stresses under which our political institutions are attempting to operate. Nor does one have to be a pessimist to conclude that unless substantial improvements can be made in our present system of government it will have difficulty in surviving.

The one indispensable element in our government, and the one that is presently sorely lacking is self-discipline. Without self-discipline we cannot achieve the restraint necessary to manage properly our affairs, and no amount of money, no amount of good intentions, and no amount of beguiling political oratory can save from grave difficulties what Lord Bryce described, not too many years ago, as a superb political system. Interestingly enough De Tocqueville, to whom I have just referred, pointed out that self-indulgence, such as we are now experiencing, could put an end to our government which he considered one of the most promising experiments ever undertaken.

This self-indulgence, which always produces internal difficulties and a decline in national will, underlies the somber conclusion reached by General Maxwell Taylor, in "Swords and Ploughshares", published last year. General Taylor who held at one time or another the highest positions in our army and who served as trusted military and civil advisor to Presidents Kennedy and Johnson, in commenting on the difficulties that now afflict us, observed: "Unless we can learn to exercise some degree of self-discipline, to accept and enforce some reasonable standard of responsible civic conduct—we will be unable to meet the hard competition awaiting us in the decade of the 1970s.

Our difficulty was put in a more down to earth manner a few months back by a commentator writing from Washington, who stated that our national representatives had managed "to divorce the joys of spending from the miseries of taxing." And so it seems they have. Under our system of government it has been the necessity to tax in order to raise money for the operation of the government that has served as a reasonably effective counterbalance to excessive spending. But both of our major political parties now appear to be committed to printing money as a means of supplying the funds required to operate the government. As a result no candidate for national office seems to have any chance of election unless he is prepared to promise greater and greater benefits to those who he aspires to represent, and to do this, of course, without raising taxes. This he can do only by deficit spending; in short by printed money.

It is futile to blame the candidates for this alarming state of affairs. They are the victims, although infrequently not unwilling victims, of the system upon which we, the voters, appear to have put our stamp of approval. Unless all experience is in error this resort to uncontrolled deficit spending will end, as former experiments with paper money have ended, in misery and violence. We shall destroy our currency and we shall begger the most substantial class of our citizens, those who over the years have put aside in savings some of their earnings. And having impoverished these people we shall have laid the foundation for a destruction of our political institutions.

It would be unfair to leave this bleak observation without some qualification. Many things have happened since I entered the U.S. House of Representatives some forty years ago, but the most profound change has been the great enlargement of the responsibilities of government for the welfare of the people.

All in all this concern for the ordinary citizen has been good. Notwithstanding the costly mistakes which have been made, there is little doubt but that this enlargement of federal and state responsibility is an inescapable obligation of the modern industrial state. We shall make mistakes as we go along, but these can be corrected. However, we cannot offer any valid excuse for failing to make the effort to come to grips with problems that are part and parcel of a rapidly expanding industrial population. We do not live any longer in an agrarian economy, and industrialization has brought many problems along with its benefits.

It is the willingness to experiment, to attempt to repair our errors while not losing sight of the substantial objectives which we have set for ourselves that gives encouragement to those of us who believe that men have the capacity to govern themselves. It is our refusal to pay the costs of these needed social services which are within our means, and our recourse more and more to questionable financial schemes that give thoughtful people deep concern. It is self-indulgence at its worse.

When you divorce the "joys of spending from the miseries of taxing", to use the expression of the commentator, you remove the governor from an incredibly powerful and effective engine for economic and social advancement. As we forego the compulsion to tax in order provide funds for proliferating programs we abandon the only sure means we have to compel the elimination of those agencies of government found to be lacking in effectiveness.

The means whereby we can achieve the self-discipline which we require are not easy to develop, but certainly they do not lie beyond our reach. Some of you will remember hearing President Roosevelt many years ago refer to the United States as the "arsenal of democracy" and so it was when we were moving toward World War II, and the West was depending more and more on the vast industrial plants of this country. The United States remains the "arsenal of democracy" but in a far broader and a far deeper sense. Now our colleges and universities constitute the powerful defenses that guard our civilization. It is in these institutions that our people can and must be trained.

Self-government, more than any form of government contrived by man, requires an informed and intellectually disciplined citizenry. Lack of such a citizenry has resulted in the destruction of no end of governments in the past, and if we fail to achieve a reasonable level of competence among our people and to instill in them an understanding of the necessity of participating in government, there is no reason to believe we shall fare any better. As we enlarge the electorate by lowering the age at which our citizens can vote and by striking down literacy tests, we are enlarging substantially the number of those who must be instructed if they are to make a meaningful contribution to government. However, we need not despair because of the troubles that plague us if we can summon to meet them the wit and courage which in the past have been found, and which in my opinion exist still in ample supply, in our land. We are a young and virile people, inhabiting a rich area blessed with a good climate and protected on two sides by great sea barriers. Certainly we should be able to achieve that restraint and moderation which self-government demands and without which it will surely fail.

We must drill into the minds of those who are assuming the awesome burden of citizenship the necessity of achieving a balance between freedom and responsibility. What I have in mind was well put by a distinguished group of Harvard Scholars in a report entitled "General Education in a Free Society" which appeared at the close of World War II, when they stated:

"It is important to realize that the ideal of a free society involves a twofold balance, the value of freedom and that of society. Democracy is a community of free men. We are apt sometime to stress freedom—the power of individual choice and the right to think for oneself—without taking sufficient account of the obligations to co-operate with our fellow men; democracy must represent an adjustment between the value of freedom and social living." The Committee goes on to say, "Of course when union is stressed to the exclusion of freedom we, fall into totalitarianism; but when freedom is stressed exclusively we fall into chaos."

Throughout the whole study runs the theme of balanced thinking—of self-discipline. As President Conant, who appointed the Committee, stated in his introduction to the report; "The heart of the problem of a general education is the continuance of the liberal and humane tradition. Neither the mere acquisition of information nor the development of special skills and talents can give the broad basis of understanding which is essential if our civilization is to be preserved."

And long before this Woodrow Wilson, in his heroic struggle to revitalize the curriculum of Princeton University was pointing out the kind of education needed by young America. As his distinguished biographer, Dr. Arthur Link stated at Hampden Sydney College last year: "Liberal Education, Wilson said many times, seeks to impart discipline. Modern life is of all things changeable, and because changeable demands minds that are changeable. The discipline, therefore, that the modern man needs is the discipline of general preparation for the difficult task of our own day."

Shortly after the turn of the century Mr. Wilson discussing the responsibility of the colleges observed: "For the college is now bound, in times of confused counsel, to supply the country not merely with men, in the ordinary popular sense of the word—but also with men who can perceive, men who have something more than skill and aptitude and knowledge, men whose attention is not wholly centered upon making their own living, but is spent also upon the very exigent matter of lifting all the counsels of the country to a higher plane and place and opportunity of vision." Unfortunately the faculty or some powerful members of the faculty, allied with influential alumni blocked Mr. Wilson's plan for Princeton. However, they did succeed in making him President of the United States—the rank and file of Americans being somewhat more perceptive than those who labored in that academic vineyard.

Dr. Link went on to say in his admirable advocacy of liberal education, "Mr. Wilson believed universities which trained men to consider contemporary problems without carefully establishing the connection of their thought with that of the past were instruments of social destruction, for the worst possible enemy of society was the man who, with a strong faculty for reasoning and action, was cut loose in his standards of judgment from the past." There has never been a time in the history of our country when these words were more pertinent than they are today, and I find myself in complete accord with them.

I have long believed that all government, regardless of the name by which it is known, tends to tyranny, and unless carefully watched is quite apt to end there. As I grow older I am surer than ever that the people themselves are the only reliable guardians of their affairs, and that our great responsibility is to educate them for this important task, since each generation must demonstrate anew its capacity to govern.

We could do no better, I believe, in meeting this responsibility than to follow the advice of the University of Virginia's most distinguished alumnus. Mr. Wilson, more than seventy-five years ago wrote that good education required "courses of instruction in that literature which contains the ideals of its race and all the nice proofs and subtle inspirations of the character, spirit and thought of the nation which it serves; and besides that, instruction in the history and leading conceptions of those institutions which have served the nation's energies in the preservation of order and the maintenance of just standards of civic virture and public purpose. These should constitute the common training of all students, as the only means of schooling their spirits for their common life as citizens."

I spoke earlier of violence in our colleges and universities. This hostility to traditional values, disturbing though it be, should not be taken as a sure sign of decay. The unhappy events may be a by-product of growth. Machiavelli thought such to be the case with the disorders in the Roman Republic and so stated in his "Discourses." However, one need not agree with Machiavelli's appraisal of the Roman tumults to understand that hostility to tradition, unpleasant though it be, is in the long run far less dangerous to our social order than hostility to change, for change is at once inevitable and desirable.

I shall close these random remarks with an observation as to this which you may find of interest.

"Laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy, as civilized society, to remain ever under the regimen of their ancestors." This wise statement which is especially applicable now was made toward the close of his life by an old William and Mary boy who is the patron saint of many of us, and one who believed until the end of his life that broad education was the only safeguard of the liberties of his fellow citizens. He graduated in the class of 1762. According to some of his contemporaries he was given, in the early days of his stay here, to fiddle playing and frolicking activities or reasonable variations of them, not unknown in these times, I understand. Be that as it may he did reasonably well. During a long and useful life he found time to take the lead in drafting the American Declaration of Independence, to author the legislation for Religious Freedom in Virginia, to serve as Governor of Virginia, during which time he was elected to the Board of Visitors of this College. He served as Minister to France was Washington's Secretary of State, Vice President with Adams and President of the United States for two terms. Finally in his old age he addressed himself to the establishment of the University of Virginia, over the opening of which he presided the year before his death.

Among the great figures from the past who look down upon us today as we celebrate the granting of the Charter of this venerable institution it would not be possible to find one who saw more clearly her limitless possibilities, nor one who treasured for her a deeper affection than did this distinguished alumnus. He never forgot the rewarding days spent in Williamsburg. And I am sure, Mr. Jefferson would view with complete understanding and approval the youthful spirit and dedication to speculative thinking which obtains here. For these are the beacon lights of the great humanist tradition to which William and Mary has adhered tenaciously over the years, and which set it apart as one of America's distinguished centers of learning.

CONGRESSMAN DINGELL PARTICIPATES IN DETROIT AREA LITHUANIAN INDEPENDENCE RESTORATION CEREMONY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. DINGELL. Mr. Speaker, I was highly honored to participate February 18, 1973 with the Lithuanian-Americans of the Detroit, Mich., area in a ceremony to mark the 55th anniversary of the establishment of the Republic of Lithuania—which today is a Soviet-dominated land.

The country of Lithuania, which was independent from the end of World War I until 1941, was conquered by the Russians at the beginning of World War II. This Baltic nation, whose people proudly and bravely resisted Russian takeover, was absorbed into the realm of the U.S.S.R. after World War II.

The president of the Lithuanian National Council, Dr. Kazys Bobelis, spoke at the commemorative event in Detroit on Sunday telling of the resistance fighting by Lithuanians against the Russians. Dr. Bobelis was one of the freedom fighters.

I call for the President of the United States to request that the American delegation to the forthcoming European Security Conference state the strong desire of Lithuanian-Americans and the United States for the restoration of the right of freedom for Lithuania.

I include the following:

RESOLUTION

We, the Lithuanians of Metropolitan Detroit, gathered on February 18, 1973, to commemorate the 55th anniversary since the restoration of Lithuania's independence.

RECALLING THAT

1. The sovereignty and independence of the Lithuanian state, restored by the act of the Lithuanian Council on February 16th, 1918, won and protected by the blood sacrifice of the Lithuanian people during 1918–1920, and recognized by the international community was destroyed by the Soviet Union in 1940 by military occupation and incorporation into the U.S.S.R.

2. The Lithuanian people continued the unequal struggle for freedom from 1944–1952, when large Soviet military and police forces finally managed to extinguish armed resistance.

3. The Soviet Russian occupying power has perpetuated acts of genocide in Lithuania, resulting in the deportation to Siberia and other remote areas, and in the physical extermination of about one million Lithuanians, which constitutes one-third of the nation.

4. The freedom fight of the Lithuanian nation has now acquired different forms, which have received worldwide attention. Among the recent outstanding acts of resistance are these:

(a) The defiant courtroom speech of the sailor Simas Kudirka, following his unsuccessful attempt to escape to the free world on November 23, 1970, and his condemnation in Vilnius, in May, 1971, to ten years of especially forced labor;

(b) The self-immolation of Romas Kalanta, a young student and worker, in a public park in Kaunas on May 14, 1972, of V. Stonys on May 18, 1972, and K. Andriuskevicius on June 4, 1972—actions designed to symbolize the Lithuanian people's protest against the occupying power, and their demand for freedom.

(c) The petition addressed at the juncture of 1971–1972 to the First Secretary of the Soviet Communist Party, Leonid Brezhnev, and to the Secretary General of the United Nations, Kurt Waldheim, by 17,000 Lithuanian religious believers who risked their personal freedom in protesting against the denial of religious freedom in Soviet-occupied Lithuania.

WE RESOLVE

1. To demand that the Soviet Union withdraw its military forces and administrative apparatus from Lithuania and allow the Lithuanian people to govern themselves.

2. To request the President of the United States of America to instruct his delegation at the Conference on European Security and Cooperation in Helsinki that it demand the restoration of the sovereignity and of the independence of Lithuania.

3. To ask Senators and Congressmen of the United States for their support of the above requests.

MY RESPONSIBILITY TO FREEDOM: JOEL BERLINER, HAWAII'S WINNER IN VFW "VOICE OF DEMOCRACY" CONTEST, MAKES ELOQUENT PLEA

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. MATSUNAGA. Mr. Speaker, each year the Veterans of Foreign Wars and its ladies auxiliary sponsor a nationwide "Voice of Democracy" scholarship competition. High school students from every area of America participate in the speech contest—which was won last year, incidentally, by a young man from Hawaii. The final results of the 1973 competition will be decided here in Washington during the first week of March.

This year's winner in my State of Hawaii, who is now competing for the national scholarship prizes, is Joel Berliner, a junior at Radford High School in Honolulu, and the son of Mr. and Mrs. Orval S. Berliner. I take this opportunity to congratulate Joel, his parents, and the VFW. In his winning speech, Joel eloquently emphasizes the theme of this year's contest, "My Responsibility to Freedom." His speech follows:

MY RESPONSIBILITY TO FREEDOM

The old religious hymn, "Lay my burden down," usually brings to mind an elderly negro working in a cotton or tobacco field, asking the Lord to allow him to die so that he might be relieved of his burdens on this earth. Burdens of oppression, prejudice, and years of unyielding work.

In nations controlled by communism—Bulgaria, East Germany, Cuba—when a child is born he doesn't know the meaning of the words communism or dictatorship. Yet from the moment of his birth, that child will bear heavy burdens; the burdens of living under a communist regime, under total state control, and under the strong arm of oppression.

I, too, was born with a burden to bear. But I carry my burden with pride and dignity. For unlike the child in East Berlin or the negro slave, I am free. Perhaps another word, synonomous to burden could be used—responsibility. I have a responsibility to freedom; and I cannot lay my burden down until the child born under communism is free from his. For while the burden of freedom is great, the burden of oppression is far greater.

My responsibility to freedom encompasses a large circle of actions and ideals. First and foremost, I must perpetuate the basic ideals of democracy. Freedom of the press, freedom of speech, freedom to choose one's own government—these are ideals which must be held dear. If these cease to exist, then we move one step further towards the burdens of the man in Czechoslovakia. I must strive to uphold the constitution, and defend the honor of the United States. But there's much more to freedom than this, and my responsibility is to meet the demands that freedom makes. For while the burden of freedom is great, the burden of oppression is even greater.

As an individual, I can do much to keep freedom strong. By helping in the campaign of political figures, I reinforce the democratic process. By expressing my views openly, I encourage others to do the same. The right to freedom of speech is one long recognized. As Voltaire once said, "I may not agree with what you say, but I defend to the death your right to say it." To fail to use this right is to misuse it, and to misuse it weakens the foundations of freedom.

I strengthen freedom when I express my views in letters to Congressional representatives, and work within the legal system to bring about changes and revisions which I feel necessary. I strengthen freedom by reading books and newspapers of my choice and by keeping myself informed on local, national and international affairs. I strengthen freedom by submitting articles to my school newspaper, participating in plays, debates and helping in community activities, I fulfill my responsibility to freedom by remaining free to myself and to my beliefs.

I cannot abuse freedom, for to abuse it would mean to lose it and once lost, freedom can rarely be returned; and while the burden of freedom is great, the burden of oppression is even greater.

An American once said, "freedom is the right of all, and the privilege of none." To allow one man to put a valve on another's freedom is to wipe out all that the word stands for.

The perpetuation of democracy and freedom is my duty, my burden, my responsibility. If I see that I am free, and am capable of furthering the cause of freedom, yet do not, then I am cheating myself, cheating my nation, and cheating freedom. For I was born free, and freedom is my burden which I bear with pride. The child born in a communist nation must carry the burden of living under the strong arm of oppression, and in the name of freedom I cannot and will not lay my burden down until the child born in communism is free from his.

I have a responsibility to freedom. I am free, and the responsibility I hold lies within myself. For while the responsibility of freedom is great, the burden of oppression is far greater.

THE 55TH LITHUANIAN ANNIVERSARY

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. COHEN. Mr. Speaker, I would like to join my House colleagues in commemorating the 55th anniversary of the Declaration of Independence of Lithuania, a nation whose proud and noble heritage continues to be blighted by Soviet occupation of the country.

I would like to express deep admiration to those Lithuanians who have taken courageous risks and sacrifices to protest the Soviet Union's continuing denials of political and religious freedom to Lithuanian citizens. Recent news articles abound with accounts of such courage; including the young Lithuanian, Romas Kalanta, who self-immolated in a public square in a bold protest against Soviet occupation as well as the 17,000 Lithuanian Catholics who protested religious persecution in a petition to the United Nations.

Americans must continue to support Lithuanians in their struggle to regain the cherished human principles of political and religious freedom. One way that we can do so is to raise the question of restoring freedom and self-determination of Lithuania and other Baltic States at the forthcoming European Security Conference.

As we embark on our lofty goal of a generation of peace, Americans must not overlook the sacrifices for freedom continually being made by the dedicated Lithuanian people. Until there is a restoration of their basic human rights, there will be no true world peace.

CLINT BUEHLMAN, BUFFALO'S BROADCASTER FOR ALL SEASONS AND WORTHWHILE COMMUNITY SERVICE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. KEMP. Mr. Speaker, by coincidence, at a time when the attention of Congress is concerned with legislative proposals regarding licensing procedures for radio and television stations, it is with great pride that I commend the attention of my colleagues to the outstanding programming and public service record of Mr. Clint Buehlman of radio station WBEN in Buffalo, N.Y.

On Thursday, March 1, Mr. Buehlman will complete 30 years of broadcasting a consistent and positive blend of entertainment and useful communications to morning radio listeners throughout my 38th Congressional District and other portions of western New York State.

Year-in and year-out, many thousands of school children, their parents, workers and other listeners have relied upon Clint's time advisories and his accurate and helpful information on the weather, school closings, and road conditions.

Clint is our unofficial and dependable "waker-upper" and he can take justifiable pride for many an outstanding school and employment attendance record.

He has, since March 1, 1943, helped to make many civic endeavors, such as the Red Cross Bloodmobile and Blood Bank and a variety of other worthwhile community service activities tremendous successes.

For these contributions, all of us in western New York owe Clint our gratitude.

Just as important, he has cheerfully and consistently extolled Buffalo and western New York in the manner which I view our community—as a great place to live, to work, to play, and be a good neighbor and citizen.

ENERGY CRISIS

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. RHODES. Mr. Speaker, there can be no doubt that our Nation faces an energy crisis. There are many components of this crisis including: a lack of understanding toward many of the basic issues, administrative and coordinating problems, and the complexities of assuring sound technological and resource development.

Nevertheless, it is obvious that the Nation urgently needs new energy sources. We need energy sources which are not only efficient and economically feasible, we need sources of clean energy.

With this in mind one of the most exciting possibilities lies in the heat beneath the crust of the earth.

In one sense our earth is a giant furnace, and it is possible to tap that furnace to meet the needs of people. The natural heat of the earth is thought to be derived from the natural decay of radioactive core materials and frictional forces resulting from solar and lunar tides as well as the relative motion of crustal plates. Temperature measurements in drillholes, mines and the like, confirm that on the average temperatures increase with increasing depth, reaching values in excess of 1,000° C. or 1,832° F. in the molten interior of the earth.

When looked at as a power source, this heat is referred to as geothermal energy. It is an energy source which should be given a high priority by both government and private industry.

Geothermal power is known to be efficient, available, clean and abundant. It has tremendous potential to be part of the answer to the national energy crisis. It promises to be perhaps the most acceptable of all new energy sources from an environmental standpoint.

Geothermal development is unique in that all activities related to the power production cycle are localized to the immediate vicinity of the power plant. Support operations such as mining, fuel processing, transportation, and other handling facilities do not exist. For this reason, the environmental effects are site dependent in origin. This is not to say that geothermal energy will produce no adverse environmental considerations. However, there is evidence that it could be a very clean energy source.

Furthermore, it would be a mistake to look to electric power alone as the sole benefit from our geothermal resources. Electricity, fresh water, minerals, natural gas are all there. There is great potential for contributing to the Nation's supply of fresh water.

For these reasons I have joined in sponsoring H.R. 4413, "a bill to promote the exploration and development of geothermal resources through cooperation between the Federal Government and private enterprise."

This bill is designed to pick up where the Geothermal Steam Act of 1970 left off. The 1970 act provided for the development of Federal lands that have potential for geothermal energy. H.R. 4413 sees as the next objective the expansion of our knowledge about the occurrence of promising geothermal areas, and the improvement of exploratory and developmental methods. The basic contention in this bill is that if geothermal energy is to be tapped, joint public and private research must show the way.

The bill proposes a 5-year program which would basically consist of the present program expanded sufficiently to meet the urgent needs of today's energy and environmental crisis. The goals are: First, to assess the geothermal energy resources of the public domain; second, to establish a reliable body of knowledge of the principles that determine the occurrence and characteristics of geothermal reservoirs; third, to help develop the technology of power generation; and fourth, to help develop the technology of byproduct recovery, largely fresh water and mineral products.

The bill would establish an immediate revolving fund of $20 million and an amount not to exceed $5 million in each succeeding year. The total amount in the fund could never exceed the original $20 million. Federal loans could be made to cover up to 75 percent of the cost involved in the exploration of ground steam or hot steams. The bill would allow the loans to be made for exploration on both private and public lands.

It appears that the potentials of geothermal resources are vast. At the same time it is clear that advanced research is necessary. H.R. 4413 is designed to promote this research and I therefore urge early consideration of this bill.

THE LID IS OFF

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. HOGAN. Mr. Speaker, the Supreme Court decision of January 22, 1973, which in effect, struck down antiabortion laws in 31 States regarding abortion and will require significant revision of laws in another 15 States has prompted an outcry from concerned citizens all over the country.

I was particularly impressed with two editorials on the subject which appeared in the Indianapolis News on January 26 and 29 of this year.

The proabortion ruling by the U.S. Supreme Court defies all the logic, fact, and legal history and requires vigorous counteraction by the Congress.

I urge Congress to amend the Constitution to insure the right to life of the unborn. I have introduced an amendment to this effect, House Joint Resolution 261.

The editorials in the Indianapolis News emphasize the urgency of the situation. I include them at this point for the serious consideration of my colleagues:

THE LID IS OFF

A likely result of the U.S. Supreme Court's startling decision on abortion will be a stepped up propaganda campaign by the Federal government to encourage abortion.

Although the national government has been supporting the liberalization of state abortion laws for years, there has been a degree of circumspection—for example, the burying of an abortion information service in a Housing and Urban Development school program in Kentucky where abortion was forbidden by law. Also, a film advocating legalization of abortion has reportedly been held up from distribution to public schools because of pressure from the White House. The film is a visual version of the report of a Federal commission on population growth which the President rejected because of its free-abortion recommendation.

The Federal government has quietly promoted abortion by the funding of private organizations—such as Planned Parenthood—to proselytize for abortion and offer referral services.

Thus far we have been spared blatant radio or television pitches for abortion which, given the edict of the Federal Communications Commission that broadcasters air "public service" messages, may now be forthcoming under the sponsorship of the Federal Department of Health, Education and Welfare, Housing and Urban Department, the Office of the Education or some other U.S. agency.

Now that the Supreme Court has brushed aside the wishes of the electorate as demonstrated in recent referenda, and the authority of state legislatures to exercise police power within their borders, the lid is off on abortion and the full power of the Federal government public relations mill can be exerted to bring about its social as well as legal acceptance.

THE EXTERMINATORS

Monday's pro-abortion ruling by the Supreme Court is a shocking inversion of fact and logic which calls for vigorous counteraction.

Reading over the majority opinion, one is struck by its grim Orwellian reversal of the simplest ethical values. In this decision the major issues of life and death are blandly ignored or handled in parentheses, while secondary considerations of utility are pushed forward as crucial matters of discussion. If this opinion were all there was to go on, you would scarcely know that what is being talked about is the cold and deliberate extermination of life.

On the majority ruling, the issue at stake in abortion is the danger of the operation to the mother, period. When restrictive abortion laws were drafted, says the court, the operation was considered especially hazardous. Now medical science has made it less so. After three months, however, the mortality rate from abortion (for the mother) is as high or higher than the mortality rate from childbirth, so after this point the state can regulate abortions "to the extent that the regulation reasonably relates to the preservation and protection of the mother's health."

The health and life of child in embryo, on this showing, has nothing to do with anything—it is simply dismissed from consideration. The child may be killed on demand up to three months and under certain regulations thereafter to serve the health and/or convenience of the mother—and the moral obtuseness of the court. The whole question of whether the child has any rights is settled out of hand without the slightest effort, on the record, to grapple with any of the complexities presented by the issue.

Referring to this question, the court simply says the drafters of the 14th amendment didn't believe the child in embryo was a "person" and that therefore the protection of this amendment doesn't extend to the fetus. But even if true and applicable this is obvious nonsense, because the result of that interpretation would simply be that the Federal government would not be empowered to override liberalized abortion laws. Restrictive laws would not be affected, since they simply confer or recognize this right on the initiative of the states.

There is impressive medical and legal evidence that genetically separable human life begins at conception and unless this life is to be extinguished by an orgy of permissive abortions concerned citizens must demand redress. Removal of such matters from the appellate jurisdiction of the Federal courts and/or a constitutional amendment protecting the unborn would seem to be the answer.

THE 55TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE DAY

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. ST GERMAIN. Mr. Speaker, on February 16, 1918, the Lithuanian people declared their independence after 120 years of foreign domination, first by Russia and then by Germany. This year on the 55th anniversary of that occasion I am proud and honored once again to join in the celebration of Lithuanian Independence Day.

With all my friends of Lithuanian ancestry it is my hope that Lithuania will someday regain its independent status, and that the Lithuanian people will once again enjoy self-determination, religious freedom, and the fundamental human rights of a free people.

The people of Lithuania, as a result of the occupation and annexation of that country by Russia, cannot observe this anniversary. It is being commemorated, however, by Lithuanian people who today live in many lands.

It is fitting that this occasion be remembered in the United States. Lithuanian-Americans have contributed much to our country. Drawing on the long and proud history of their people, men and women of Lithuanian stock have enriched our culture and strengthened the spirit of freedom which is found among us.

Lithuania has a proud history going back to the 12th century. During the Middle Ages the Lithuanians helped preserve Western civilization by protecting Europe from the Mongols and Tartars. The Lithuanians were in the forefront in developing a society in which human freedoms were enjoyed and encouraged. They frequently suffered, however, from the oppression of less enlightened, but powerful aggressor nations.

When Russian domination came in 1795, despite continued harassment and opposing pressures, the Lithuanian people were successful in retaining their own language, religion, and traditions. Today the Lithuanian people are again going through an even more dangerous struggle to maintain their own identity. Under that earlier oppression the Lithuanians made numerous attempts to throw off the yoke of their captors, but it was not until World War I, with the invasion of the German armies, that the Russians were driven out. In 1917, the German Government was prevailed upon to authorize a congress of Lithuanian delegates. This led to the proclamation on February 16, 1918, of an independent Lithuanian state based on democratic principles.

During the 1920's and 1930's, as an independent nation, Lithuania showed extraordinary capability in developing a vital and prosperous modern society. The new nation's great promise was interrupted when Soviet troops occupied the country in 1940 and the Supreme Soviet declared the incorporation of Lithuania into the Communist empire. When war broke out between Germany and the Soviet Union, Nazi occupation troops replaced Russian soldiers in 1941 until the Soviet Army regained control in July of 1944. Since that time the Lithuanian people have not experienced a day of freedom.

The United States has never recognized the forced absorption of Lithuania into the Soviet Union. Americans must continue to insist on the inalienable rights of the Lithuanian people to national independence and individual freedom. It is my hope that the issue of freedom and self-determination for Lithuania and the other Baltic peoples will be raised at the European Security Conference. Free men must continue to speak out until the Lithuanian dream of self-determination becomes a reality.

DEMOCRATS HONOR FARLEY

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. MURPHY of New York. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

[From the San Antonio Light, Jan. 14, 1973]

DEMOCRATS HONOR FARLEY

(By James L. Kilgallen)

NEW YORK.—It was an appropriate setting and a fitting occasion as James A. Farley arose to address a very special group here last week.

"Genial Jim"—former postmaster general, one-time national Democratic chairman and a party stalwart all his adult life—was the star attraction as the National Democratic Club made an affectionate farewell to the headquarters at 233 Madison Ave., which it has occupied just a year short of half a century.

The dinner to Farley, known to many of his fellow members as "Mr. Democrat," was a nostalgic affair. It marked the last hurrah at the closing of the sumptuous six-story granite structure. Close to 200 men and women attended.

CLUB MOVING

The club is moving temporarily into the quarters of the Advertising Club until a permanent suite is selected.

As Farley rose to speak, he was given a

standing ovation. Former New York Mayor Robert W. Wagner presented him with a scroll certifying him as a lifetime honorary member of the club.

"I'm deeply grateful to all of you—my friends," Farley said. "I have had many pleasant years in politics and have many happy memories. I have been fortunate in knowing seven presidents."

Paying a special tribute to Franklin D. Roosevelt, whom he twice master-minded into the presidency, Farley added:

FDR was the greatest political leader I ever knew. I think his first two terms as president were the two greatest terms in the history of the country because, by his leadership, he restored and saved the capitalistic system."

THIRD TERM

Farley said that although he broke with Roosevelt over the third term issue this difference of opinion did not impair their warm friendship.

Touching on current politics, Farley recalled that prior to the 1972 presidential election he predicted to a reporter for the Hearst Newspapers that Sen. George McGovern "would suffer the worst defeat since Gov. Al Smith's defeat by Herbert Hoover in 1928."

The 6-foot-2 Farley, now 84 years old and chairman of the board of Coca-Cola Export Corporation, appeared to be in good health although he seemed somewhat lighter than his normal 210 pounds. Last April he was hospitalized for a month with a heart attack. He is widower and lives at the Waldorf-Astoria. He has 10 grandchildren.

In the audience were his daughter, Mrs. Betty Farley Montgomery, and one of her daughters, 19-year-old Carole, and her husband, Glenn Montgomery, an executive of A.T. & T., who live in Scarsdale, N.Y. Another daughter, (Ann), Mrs. Edward Hickey of Grosse Point, Mich., was not present. His son, James A. Farley Jr., president of the Central State Bank, was present, however, and Farley related a story about him.

"When Jimmy was a boy," said Farley, he asked me: 'Dad, do you think you will ever be a great man?' I replied: "No, I don't think I'm a great man.' 'Neither did I', young Jimmie replied."

WARM TRIBUTES

A dozen speakers at the affair paid warm tributes to Farley as a friend, a master politician, and as a loyal party man whose word was as good as his bond.

Among his friends at the dinner were Gene Tunney, former heavyweight champion, Harry Hershfield, the cartoonist, Arthur Levitt, state controller, Abe Beame, city controller, Louis Lefkowitz, state attorney general, Frank Hogan, district attorney of Manhattan, attorney Paul O'Dwyer, and Stanley Steingut, minority leader in the state legislature.

The walls of the club, which was founded in 1834, the time of Andrew Jackson, are adorned with paintings of celebrities, including Thomas Jefferson, Grover Cleveland, Woodrow Wilson, Franklin D. Roosevelt, Harry S Truman, John F. Kennedy, Lyndon B. Johnson, Al Smith and Jimmy Walker.

It was a great night for Jim Farley. The honor bestowed on him was reserved in the past for Democratic presidents such as FDR, Truman and Johnson.

NIXON ADMINISTRATION'S ATTACK ON THE PRESS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. REID. Mr. Speaker, last week our colleague, the gentleman from Pennsylvania (Mr. MOORHEAD), chairman of the Foreign Operations and Government Information Subcommittee of the House Government Operations Committee, addressed a seminar of the Pennsylvania Society of Newspaper Editors in Harrisburg, Pa. The seminar on "Public, Press, and Government" was directed at the serious problems facing the public media as a result of the concerted attack on newsmen by Nixon administration officials.

Mr. MOORHEAD's hard-hitting speech details the ominous sequence of events over the past several years that reveal this pattern of harassment, intimidation, and persecution of reporters and others in the news media. I commend the speech to other Members who share our concern over the increasing threat to fundamental first amendment rights of freedom of the press. The text of the speech follows:

PUBLIC, PRESS, AND GOVERNMENT

(Speech by Representative WILLIAM S. MOORHEAD)

Mr. Chairman, ladies and gentlemen of the press, honored guests, I appreciate your kind invitation to participate in this important seminar.

I'm sure I don't have to tell you that we are in a grave era as a Nation with regard to the relationship between the press and the White House, the Congress and the White House, and indeed the view of all three in the eyes of our Nation's citizens.

Twin gauntlets have been thrown by the White House at both the press and Congress. The Congress is being told, in no uncertain terms, that it can take its Constitutional prerogatives and stick them in their respective caucuses. And the press is being dared to run afoul of the party line as laid down by Richard the Second.

Only the naive could think the license challenge to the Washington Post-owned television stations by officials of CREEP—the Committee to Re-Elect the President—is anything less than White House revenge for the Post's day-to-day coverage of Administration activities.

Although we have always had rude public figures, I'm sure the Frank Sinatra-Maxine Chesire incident was set in motion by the oft-expressed Agnew attitude toward the working press.

As menacing as the Agnews, the Colsons, the Whiteheads, and others may appear—their obvious attempt at intimidation can only succeed if you and your colleagues allow it. I believe that no man, or group of men, is more mighty than this Nation's free press.

I know, like Congress, there is seldom unity throughout the industry or among the various media. Yet as a group, newsmen have responded admirably to the challenge. It is, I'm sure, because you well realize that if you don't hang together, you will hang separately.

I have little doubt, as Peter Lisagor said, newsmen were here before the Nixon Administration and they will be here long after the Nixon minions leave.

During the past two years, my vantage point in these struggles has been the studies, hearings and other investigative work conducted by the Foreign Operations and Government Information Subcommittee. In the last Congress we held more than 40 days of intensive hearings probing U.S. Government information policies and practices.

We reviewed the controversy surrounding publication of the so-called "Pentagon Papers" in June, 1971.

We investigated the way in which the Freedom of Information Act has been administered over the first five years since its enactment.

We delved into the complex maze of the Nation's security classification system and the bureaucratic information curtain that has been hung over the operations of many hundreds of advisory committees, commissions, and boards of Executive departments and agencies.

We took a long hard look at the ways in which the Executive has used its powers to withhold from Congress vital information that is needed by Congress to fulfill its Constitutional responsibilities.

From the first days of the establishment of our subcommittee in 1955, the Society of Newspaper Editors and other segments of the news and broadcast media have played an important role in our activities. Your support and encouragement were instrumental in the enactment of the Freedom of Information law in 1966. Consultation between news media representatives, our Members and staff has been close and frequent over the years. In many cases, we have acted as unofficial "ombudsmen" in assisting reporters and editors in their efforts to obtain access to information from Federal agencies. We appreciate the help which your organization has provided to our subcommittee, the excellent testimony presented by news media witnesses at our hearings, and the constant vigil which you exercise to help preserve First Amendment rights for all Americans.

But today, the challenge which we face is a more difficult and awesome one. We are witnessing a relentless attack on freedom of the press by the present Administration that threatens to engulf the basic free institutions of our social and political system and to submerge them in a tidal wave of secrecy. Consider some of the ominous sequence of events that have taken place during the past four years:

Secrecy-minded bureaucrats in both the White House and other Executive agencies have systematically hidden basic facts about important policies and programs—domestic and foreign—from the press, the American public, and from their elected representatives in the Congress.

The daily barrage of statements and releases from the Administration's propaganda and news manipulation teams has confused and virtually excluded the public from any meaningful understanding or voice in the decision-making process of this government.

In his November 13, 1969, speech in Des Moines, Iowa, Vice President Agnew launched an all-out criticism of the broadcast media's commentaries on President Nixon's speeches, warning that they enjoyed "a monopoly sanctioned and licensed by government." A week later in Montgomery, Alabama, he singled out the New York Times and Washington Post as symbols of what he called "the trend toward the monopolization of the great public information vehicles."

Soon after, Mr. Dean Burch, President Nixon's newly appointed Chairman of the Federal Communications Commission, began requesting from television networks transcripts of commentaries on Mr. Nixon's speeches. Federal investigators also began to subpoena files of photos from news magazines that had covered student demonstrations.

These and similar examples of heavy-handed governmental actions, with their blatant attempts at news censorship and intimidation were followed by the Administration's effort to enforce prior restraint of publication in the "Pentagon Papers" cases in June of 1971.

Court rulings have upset the delicate balances that heretofore existed between the people's right to know and the government's need for information to prosecute. Some five newsmen have already been jailed for refusing to divulge their confidential sources while more than a half dozen others face possible jail terms.

The FBI was directed to conduct an investigation of a prominent Washington commentator who had criticized Administration policies, and when it came to public attention, the flimsy excuse offered was that he was being considered for some unidentified Federal job.

Last year, interim FBI Director Gray publicly attacked what he said were "American journalists (who) are becoming too much a part of the culture of disparagement which threatens to destroy all respect for established institutions." A Deputy Assistant Attorney General told ASNE convention delegates in Washington that newsmen would face the threat of criminal prosecution if they dared publish what he called "government secrets." Brought before our subcommittee to testify on the incident, he then denied that he had meant to intimidate anyone.

Also last year, the Justice Department filed antitrust suits against the three major networks involving the production of programs for prime time viewing. White House speech writer Buchanan warned networks of possible anti-trust legislation if they did not "move conservatives and people with a viewpoint of Middle America onto the networks."

Meanwhile, our subcommittee's hearings underscored repeated refusals of the Executive to provide Congress with vital information it requires to carry out its duties as a co-equal branch of government. We discovered massive abuses of the security classification system that has created a mountain of more than 450 million classified documents dating back to World War II. The Subcommittee's hearings and subsequent report on the administration of the Freedom of Information Act pinpointed widespread patterns of illegal withholding of government-generated information that the law intended to be made available to the public. Our subcommittee will soon commence hearings on my bill to strengthen and improve the operation of this milestone law.

Last December, Clay T. Whitehead, head of the White House Office of Telecommunications Policy, told a newsmen's audience in Indianapolis, Indiana, that legislation was being drafted to make television stations responsible for all network material they carry, referring to what he called "the imbalance or consistent bias" of network news commentators. The club he brandished was the Government's control over applications for license renewal.

Scandals involving the highest levels of government, such as full details of the ITT anti-trust settlement, the infamous "Watergate Bugging" case and other examples of widespread Administration political espionage, receipt of illegal campaign contributions, and other obvious conflicts of interest, have been hidden from the press, the public, and the Congress or whitewashed by phony in-house Administration investigations.

Two weeks ago, a news reporter, while in the course of covering a story, was arrested in Washington by the FBI and hauled off in handcuffs to the lockup at the U.S. Courthouse for five hours. I can't at the moment think of anything more chilling on freedom of the press in this country.

This constant chipping away at the first amendment has got to halt! What reporter is going to look at any Government document which might embarrass the Government if he faces the threat of arrest, fines and possible imprisonment?

These and other examples of Administration intimidation, harassment, and the use naked legal power of government to prosecute newspapers and reporters constitute the most serious threats to the free press since the dark days of the Alien and Sedition Acts of 1798.

These ominous developments are likewise compounded by the aspect of the Constitutional crisis affecting the erosion of power in the Congress as a co-equal branch and the growing trend toward the all-powerful Executive.

Congress has permitted three Presidents to wage war without any Constitutional declaration required by the Constitution.

Congress has delegated away much of its authority under the commerce clause to the Executive, dating way back to the late 1800's when the Interstate Commerce Commission was established to regulate railroads and rate structures. Congress has since created additional regulatory commissions such as the Federal Communications Commission, the Federal Trade Commission, the Federal Power Commission, and many others. But the membership of these commissions, which have vast powers over matters of vital concern to the American consumers, are appointed by the President. While they are also responsible to the Congress, they are subject to Executive control over their budgets. Too often such commissions have been more interested in advancing the cause of the industries they are supposed to regulate than protecting the public at large from economic exploitation.

Our historic system of checks and balances as conceived by the Founding Fathers has become dangerously distorted as power, influence and public attention has flowed to the Executive branch of government—away from the Legislative branch, which represents the American people.

Only two persons in the whole vast bureaucracy of the Executive branch have been elected by the American people. But the thousands of appointed bureaucrats often forget they are the servants of the people—not their masters.

It is a truism that information is essential to knowledge and knowledge is essential to the exercise of power. When information is withheld or distorted by the Executive, when basic First Amendment rights are subverted, the Congress, the news media, and thus, the public, is denied information from the Executive to which it is legitimately entitled and upon which our free system depends for its life.

It then follows that the electorate is deprived of the facts needed to make intelligent, informed judgments at the ballot box and our entire system is then corrupted and the seeds of dictatorship are sown.

There is no "one-shot" solution to the multiple aspects of this complex crisis situation. Many of us in the Congress sponsored various types of "newsmen's shield" or "newsmen's privilege" legislation in the last Congress and again this year. Hearings have been held in the House and will soon commence in the Senate on these bills. It is vitally important for us to enact a strong and workable bill this year to blunt this Administration's encroachment on basic First Amendment rights. And, if necessary, we must muster the votes in the House and the Senate to override any Presidential veto of such legislation.

There are encouraging signs in Congress that serious efforts are being made to recapture power delegated or usurped by the Executive.

So-called "war powers" legislation has been introduced to avoid the commitment of American military power in "undeclared wars" such as the tragic Vietnamese conflict.

Efforts are being made to require testimony from Executive officials before Congressional Committees and to curb the abuses of so-called "Executive Privilege," which the President has used to withhold vital information from the Congress.

Legislation has been introduced to strengthen the powers of the congressional "watch-dog" over the Executive—the General Accounting Office.

My bill, to enact a tight security classification law to replace the present Executive Order system, would also strengthen the hand of Congress and the public in obtaining information from the Executive branch.

Legal action has been taken by a number of Senators to test the power of the President to order the impoundment of funds authorized and appropriated by the Congress for specific programs.

Other confrontations between the two branches are also shaping up in other areas affecting selected foreign and domestic programs that involve budgetary priorities.

Among the key areas of concern in dealing with the present crisis is the need to strengthen the Freedom of Information Act itself. In 1966 Congress enacted this milestone law to guarantee the right of individual citizens to know about the business of their government. Subject to narrow exemptions to protect legitimate national defense and foreign policy secrets, internal governmental policy consultations, and certain basic rights of other citizens, the law said that anyone should be entitled to access to Government documents or other information that they could reasonably identify. Decisions by Government to withhold could be taken to Federal court and the burden of proof in such cases of denial was placed on the Government.

Our hearings on the administration of the law last year produced disturbing evidence that the Federal bureaucracy was, by and large, withholding vast amounts of information from our people by distorted interpretations of its provisions, delay and stalling tactics, exorbitant search and copying fees, and other devices.

Contrary to general opinion, vast amounts of information hidden by Government agencies have little to do with hydrogen bombs, weapons systems, state secrets, or other sensitive classified data that requires safeguarding to protect our national defense and foreign policy interests. Our subcommittee's studies showed that the large number of governmental denials of information requested under the Freedom of Information Act involve matters connected with the day-to-day activities of the Federal bureaucracy in their handling of various domestic programs financed out of our tax dollars.

We uncovered cases of maladministration of Federal programs by appointed bureaucrats who blatantly ignored the mandate of Congress in establishing and funding such programs. Much information has been withheld to avoid public scrutiny of blunders, scandal, or to prevent embarrassment to the Administration or one of its top officials.

In our report, the Government Operations Committee urged a number of significant administrative actions by Executive agencies to improve the day-to-day handling of Freedom of Information Act requests from the public. Many of them are now in the process of adoption and implementation.

We also urged that a number of the loopholes in the law that are being used to withhold information be plugged by amendments to the law itself. I have introduced such a bill based on these findings. Hearings will be held this spring, and I am hopeful that it will be favorably acted upon by the Congress before it adjourns, overriding—if necessary—any Presidential veto that might be exercised.

What can be done to reverse this dangerous trend of government behind closed doors that threatens our free press, free society, and our representative system?

How can Truth in Government—integrity in our governmental processes at all levels be restored?

How can we regain the confidence of all Americans in our government and our leaders?

No amount of pious rhetoric, slogans, or platitudes can gloss over the vital need to restore Truth in Government in America. It is the foundation upon which all human progress eventually rests, whether involving governmental actions or those of our economic, social, and educational systems.

We must take all steps necessary to restore the faith and confidence of the American public in our governmental and private institutions.

We must choose our governmental leaders and leaders of our powerful socio-economic institutions of the private sector on the basis of their honesty, integrity, their dedication to candor and forthrightness, and their fundamental belief in the right of all Americans to participate fully in all aspects of human endeavor in this great land of opportunity and abundance.

We must fully protect the rights of a free press under the First Amendment to the Constitution, ending the administration's policies of intimidation, legal harassment and prosecution of newsmen, the use of propaganda and news manipulation, censorship, and secret dealings behind closed doors.

We must act promptly to halt the usurpation of power by the Executive branch of government, so that the people's representatives in Congress may again exercise their proper co-equal Constitutional role in the policy-making functions.

We must rid ourselves of the idiotic notion that our country, with our heritage of intellectual and personal freedom, can or should engage in the secrecy game with the closed societies of competing world powers.

This Administration's obsession with secrecy and closed government that bars maximum participation of our citizens in governmental affairs must be ended.

Government secrecy is the enemy of democracy. It subverts and will eventually destroy any representative system, just as it is essential to the maintenance of a totalitarian dictatorship.

Muscle flexing, intimidation, and flat-out seizing of authority were not invented by the Administration, although they may have carried it to a new dimension. I plan to deal with it—and expect the Congress to deal with it—and expect you to deal with it—the same way you would handle any bully . . . look him square in the eye and let him know that one more encroachment, one more violation, one more threat will only stiffen your resolve not to be violated, trespassed or threatened.

In the past, the Congress has, in some respects, made it too easy for the Administration to steal our prerogatives. No more.

The press, in some respects, has made it easy for the White House to paint you black and to lean on your Constitutional rights. No more.

How we resolve these conflicts, indeed if we resolve them, will test our mettle as a Nation of laws, not men.

No man, or group of men, is above the law of the Nation. And those who would subvert rights protected by the Constitution damage the Nation in addition to the objects of their attack.

I know that when this brawl is over, I'll be on my feet. And my bet is that you will be too.

LITHUANIA

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. COLLIER. Mr. Speaker, during the month of February we have observed the birthdays of George Washington, the "Father of His Country," and Abraham Lincoln, the "Savior of the Union." We have also noted the 500th anniversary of the versatile son of Poland, Mikolaj Kopernik, better known as Nicholaus Copernicus.

While commemorating these great men, whose fame cannot be confined by national boundaries, we must not overlook other significant occasions. One of these is the 55th anniversary of the declaration of independence of Lithuania, now one of the numerous colonies of the gargantuan Soviet empire.

Although it had been a member of the family of nations for centuries, Lithuania lost its independence to the expanding empire of the Romanoffs. When World War I ended with ancient dynasties overthrown, it emerged as one of the three new Baltic Republics.

Unfortunately its rebirth of freedom was short lived. During World War II it was occupied in turn by National-Socialist Germany and Communist Russia. Since the end of that conflict the Kremlin has been firmly in control as far as Lithuania and its sister republics are concerned.

Mr. Speaker, although Lithuania has groaned under the heel of totalitarianism for more than a third of a century, its people have never given up hope. Neither must we in America, which has given asylum to so many of Lithuania's sons and daughters. Indeed, history teaches us to hope and not to despair.

DAVID ZINKOFF

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. EILBERG. Mr. Speaker, I have known David Zinkoff for many years. Everyone in the Philadelphia area knows his voice.

He has been the announcer at sporting events in Philadelphia for many years. His distinctive voice and manner are as much a part of the sports scene in the city as the games themselves. Dave Zinkoff is probably the only man in the country who can make a routine layup in a basketball game or the awarding of a salami as a door prize sound like events of national importance.

But, Dave Zinkoff is also known throughout Philadelphia as a man who will put his time and talent into making a charitable event twice as much fun for the participants and the audience.

Recently the President sent "The Zink" a letter of commendation for just one of his activities, the entertainment programs he has been putting on at military hospitals in the Philadelphia area for the past 25 years.

At this time I enter that letter into the RECORD:

THE WHITE HOUSE,
Washington, D.C., January 9, 1973.

MR. DAVID ZINKOFF,
Care of Philadelphia 76ers Basketball Club, Philadelphia, Pa.

DEAR MR. ZINKOFF: Recently I read a news account about the entertainment programs which you have been staging at military hospitals in the Philadelphia area for the past twenty-five years. I know how these shows must brighten the lives of the recuperating veterans and that these men look forward eagerly to your periodic visits to their wards.

You are to be commended for the splendid work which you are doing, and I want you to know of my admiration for your outstanding dedication and concern for these most deserving Americans.

With every good wish,
Sincerely,
RICHARD NIXON.

REVEREND KITTERER HONORED FOR SERVICE TO DEACONESS HOSPITAL

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. JAMES V. STANTON. Mr. Speaker, on March 1, the people of the greater Cleveland area will pay tribute to Rev. Armin Kitterer, who will mark on that day 48 years of service to Deaconess Hospital. It is appropriate that at the ceremony to be held then, one of the towers of Deaconess will be renamed the Kitterer Tower, in recognition of this man who did so much to build Deaconess over the past half century. While this tower will be a lasting tribute to Reverend Kitterer, he is additionally honored by the lasting gratitude of the many people who have been served by the facilities of Deaconess.

In further tribute to Reverend Kitterer, I insert in the RECORD a column which appeared in the Cleveland Press at the time he stepped down from administrator after 42 years in that capacity, and assumed his present role of director of professional relations and administrator emeritus:

STILL WORKING FOR DEACONESS

(By Bob Seltzer)

When the Rev. Armin A. Kitterer, 78, retired a year ago after 42 years as administrator of Evangelical Deaconess Hospital, he actually moved into another job in the same executive suite.

"As associate administrator in charge of professional and public relations, I will stay as long as I can be of service to the institution to which I gave much of my life," said Kitterer, ordained in the Evangelical Church in 1911, and named Deaconess' first full-time administrator Mar. 1, 1925.

Kitterer simply exchanged offices with Casimir M. Nikel, who had been his assistant for 16 years and succeeded him as administrator Apr. 1, 1967. Both Kitterer and Nikel are working like yeomen on the Deaconess expansion fund campaign for $1,500,000 from industry and the community.

"Total cost of the capital improvement will be $4,150,000 for a five-story addition, increasing bed capacity to 270, providing a new emergency department, medical education facilities, a lecture hall and improved outpatient facilities," said Kitterer.

"This will be the third capital building fund on which I have worked for Deaconess. When I took over in 1925, the hospital was in a frame house—the old Johnson mansion. It was opened in 1923 and had 22 beds and six bassinets. We now have 232 beds and 36 bassinets, 250 physicians and 360 nurses.

"In the current expansion, we will do some deficit financing, seek a federal grant, and use funds on hand to add to the $1,150,000 we hope to raise. Our first capital fund campaign was in 1928. We raised $175,000, and built a two-story brick building. The second drive, in 1952, netted $696,380. From our own funds in 1958 we built a $500,000 annex."

Kitterer, pink-cheeked, mustached, gregarious, said the only department of Deaconess Hosptial at 4229 Pearl Rd. not crowded to capactly is the maternity.

Oldest of 11 children of an Evangelical pastor, Kitterer was born at Parkville, Mo. He attended an Elmhurst College and Eden Seminary in St. Louis. He learned to play golf as a caddy, and his earnings helped defray expenses at the seminary. During three years at Heidelberg College, he had his first pastorate at Fostoria and commuted by interurban cars and horse and buggy.

At Heidelberg, he was a three-letter man in football and captained the baseball team. After graduation, he managed a piano store in Tiffin for two years to earn funds for a year's graduate study at Princeton. There he earned his bachelor Princeton.

Kitterer was pastor of Zion Evangelical Church at Kansas City, Kans., when he received a call from Deaconess Hospital for a clergyman with business sense as an administrator.

He is a member of the American College of Hospital Administrators, a past president and director of the Cleveland Hospital Council, former trustee of the Ohio Hospital Assn., and was on the board of Blue Cross of Northeastern Ohio from its inception in 1934 to 1960.

Kitterer acquired permanent possession of the American Hospital Assn. golf trophy by winning three successive tournaments. Two of his brothers are retired ministers. Kitterer and his wife Margaret live at 6495 Denison Blvd., Parma Heights.

ST. PHILIP NERI LEISURE TIME CLUB

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. BIAGGI. Mr. Speaker, the St. Philip Neri Leisure Time Club is a group of concerned citizens in my district who have been offering special services to 400 senior citizens in the North Bronx area. The majority of these citizens are ambulatory, with the remainder being confined to their homes. Services to the ambulatory citizens include a weekly meeting, and a variety of trips, luncheons, games, group discussions, and guest lectures.

The club's services to the confined members of the North Bronx senior citizen community is conducted entirely by a dedicated staff of volunteers. Their services include such vital tasks as escorting elderly patients to the doctor, running a chore service, and providing a car pool service for a monthly social event held by the club.

At the present time, the St. Philip Neri group has an application for increased funds pending with the New York City Human Resources Administration for title XVI moneys. Some of the goals they hope to achieve include a "Meals on Wheels" for shut-ins, and the establishment of a 5-day-a-week senior citizen center.

Mr. Speaker, the St. Philip Neri group, headed by their dedicated director, Sister Annunciata Bethell, are to be commended for their selfless contribution to the elderly of their community. Their hopes to expand these services should be looked on favorably by the Human Resources Administration. As one deeply involved in the fight for the rights of older Americans, it is my fervent hope that the St. Philip Neri Club succeeds in this venture. The time has come for other communities in the United States to follow their excellent example, and begin to offer their senior citizens the type of programs and services they so richly deserve.

TWIN CITIES METRO COUNCIL OPPOSES HOUSING MORATORIUM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. FRASER. Mr. Speaker, my colleagues and I continue to voice our concern about the President's attitude toward the budget. We think Congress ought to set priorities for spending and he thinks he should spend as he sees fit. He claims the American people support his actions. But any Member who reads his mail these days is aware of the concern back home. Mr. Nixon errs in believing that people are acclaiming his methods and his priorities.

I recently received a resolution adopted by the metropolitan council of the Twin Cities area. I submit this resolution and a copy of the letter sent by the metro council to former Housing and Urban Development Secretary George Romney for inclusion in the Record:

Resolution No. 73-2—Relating to Federal Moratorium on Subsidized Housing, Sewer and Water, and Parks and Open Space Grants

Whereas, the Metropolitan Council since its creation in 1967 has undertaken a positive housing program with the objective of creating increased housing choice for low and moderate income families throughout the Metropolitan Area; and

Whereas, this program has resulted in substantial increases in housing locational opportunities for such families; and

Whereas, the need for low and moderate income housing is critical in this Metropolitan Area requiring an annual production of 9,600 units through 1980; and

Whereas, the federally-subsidized housing programs which, in the past have been able to meet less than one-half of these needs, nevertheless offer the only available production tools to meet this need; and

Whereas, the Council in the housing section of its Metropolitan Development Guide has encouraged new and innovative approaches such as housing allotments and planned unit development concepts to provide a mix of housing as to design and economic levels served; and

Whereas the executive branch of the federal government has imposed a moratorium on new commitments for public housing and interest-subsidy programs and grants for sewer and water and parks and open space facilities, administered by the Department of Housing and Urban Development; and

Whereas, such moratorium will have an adverse effect in carrying out the objectives of the Council's Metropolitan Development Guide on housing, parks and open space and sanitary sewers; and

Whereas, such a moratorium will have an adverse effect on improving the living conditions of citizens of low and moderate income, and will severely affect related industry and employment in this Metropolitan Area, and any extended moratorium will set back the accomplishment of this Metropolitan Area in providing housing locational choice to low and moderate income families throughout the Metropolitan Area;

Now, therefore be it resolved that the Metropolitan Council urge the President, the Minnesota Congressional delegation, and the Secretary of HUD to support legislation that will increase the supply of low and moderate income housing to meet the critical need of the Metropolitan Area and urge that the current moratorium on the issuance of new commitments for subsidized housing and grants for sewer and water and parks and open space be terminated at the earliest possible time.

Metropolitan Council of the
Twin Cities Area,
Saint Paul, Minn, January 19, 1973.

Mr. George Romney,
Secretary, Department of Housing and Urban Development, Washington, D.C.

Dear Secretary Romney: The Metropolitan Council is deeply concerned as to the immediate and particularly the long-range impact of the moratorium that has been instituted by HUD on federal programs for housing, sewer and water, and parks and open space programs. While the Council supports a review of these programs to explore new and innovative approaches that would more effectively meet program objectives, and extended moratorium could have an extremely adverse effect on the capability of this metropolitan area to carry forward critical programs that have been initiated in accord with adopted Metropolitan Development Guide policies.

Attached is a copy of a resolution adopted by the Metropolitan Council. The Council will review and support new and innovative approaches designed to more effectively meet these program needs. In the interim period, however, we would urge that immediate steps be taken to ensure that current programs can be continued. This is particularly true in the field of housing where the Council has been successful in accomplishing the production of housing on a metropolitan area-wide basis providing housing locational opportunities for low and moderate income families throughout the Metropolitan Area. This is a most difficult objective to accomplish and the curtailment of the housing program for any substantial period of time could set back this metropolitan effort for several years.

We would hope that the financing support for these programs could actually be increased and that provisions could be made for packaging of funding of sewer and water, open space and housing programs to permit innovative large-scale developments in both suburban and central city areas. Such a program should also permit direct subsidies to the families. Such an approach would encourage planned unit development approaches to large-scale suburban development permitting a mixture of housing both as to design type and economic levels served. In this way, low and moderate income families would have free choice options to compete in the housing market and would provide a greater production of housing for such families in a quality living environment.

The Council would support legislation that would aid in carrying these housing concepts forward. At the same time, we believe that these principles can be carried forward within existing legislation and current housing efforts should not be curtailed as we improve our programs to meet these needs.

To illustrate the kinds of programs we have been carrying out in this metropolitan area, I am enclosing a copy of our Metropolitan Housing Development Guide and a copy of a proposed housing demonstration program for which we have been attempting to secure federal support.

Sincerely,

ALBERT J. HOFSTEDE, *Chairman.*

LITHUANIAN INDEPENDENCE

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. MINISH. Mr. Speaker, it is a privilege for me to join my colleagues today in commemorating the 55th anniversary of Lithuanian independence.

Lithuania traces its existence as a unified state to the year 1253 when a delegate of Pope Innocent IV crowned Mindaugas king of all Lithuania. In 1795, Lithuania was annexed by Russia, but despite fierce attempts to eliminate the native culture, the Lithuanians remained faithful to their religion, language, and tradition.

During World War I, Lithuania was conquered by the Germans. However, the defeat of Germany and the Russian revolution made conditions favorable for Lithuanian independence.

On February 16, 1918, a congress composed of 200 Lithuanian delegates proclaimed an independent Lithuanian state based on democratic principles.

Independence was short-lived, however, on January 15, 1919, the Red Army invaded the Lithuanian capitol of Vilnius and installed a Communist government. In turn, the Russians were driven out by Polish and Lithuanian fighting units in 1920. On July 12 of the same year, Russia signed a peace treaty with Lithuania recognizing it as an independent nation and pledging itself to renounce forever all rights of sovereignty.

A permanent Lithuanian constitution was adopted on August 1, 1922, according to Lithuanian citizens freedom of speech, assembly, religion, and communication. The power of legislation was vested in a parliament known as the Seimas, and the executive authority in the president and a cabinet of ministers.

During the period of independence, which lasted until World War II, great progress was made by Lithuania on many fronts. A land reform program was instituted, industrialization began, social legislation was enacted, and Lithuanian literature flourished.

On June 15, 1940, however, the Soviets occupied Lithuania and on August 3, Lithuania was declared a constituent republic of the U.S.S.R. by the Supreme Soviet in Moscow.

Since World War II, the Communists have pressed forward to subjugate Lithuania and to destroy the nation's proud cultural heritage Soviet policy resulted in deportation and extermination of more than 1 million Lithuanians.

Despite Moscow's brutal treatment, the Lithuanians have persevered in their desire for freedom and independence. That the spirit of democracy still shines bright in Lithuania has been demonstrated in recent years by events such as the riots in Kaunas on May 18, 1972, following the funeral of a Lithuanian youth, Roman Kalanta, who had self-immolated in a public square in a dramatic protest against the Soviet enslavement of his country.

Mr. Speaker, let us all pray that the brave Lithuanian people will not be compelled to wait much longer for their true independence. We in the United States, so blessed with liberty and democracy, must never lose sight of the struggle for sovereignty which continues daily in Lithuania.

ENERGY CRISIS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. PICKLE. Mr. Speaker, we are constantly being bombarded by dire warnings of the impending energy crisis. At the same time, we hear cries from the public for government and industry to "do something" about it. It is the same old problem: Everyone complains about the energy crisis, but not everyone is doing his part to improve it.

The Government and industry are working toward solutions to the energy problems we face, but there are steps which every American can take to conserve energy, and in the process, save some money.

A recent article in the Austin Statesman outlined some simple, practical measures we can all implement in our homes and offices to conserve this country's vital energy reserves.

It will take more than experts to cope with the world's growing energy shortage. But just as each individual vote counts in a democracy, so the individual efforts of millions of Americans can have a significant impact on the problem we face.

At this time, Mr. Speaker, I include the article from the January 30 Austin Statesman in the RECORD:

ENERGY CRISIS

(By Peter Tonge)

When David Rose fitted radial tires to his 1958 Aston Martin, he calculated he would save a significant amount of gasoline. He did. It came to something better than $30 worth of fuel a year as reduced road friction cut consumption by 10 per cent.

Dr. Rose is a professor at the Massachusetts Institute of Technology (MIT). His specialty is energy conservation. Hence his interest in radials, in flourescent lighting, and in storm windows, among other items, and in such things as shade trees and windbreaks.

They all save energy to a degree that makes economic sense. They can also contribute substantially, when practiced on a wide scale, to holding back what many see as an approaching energy crisis.

They represent practical measures individuals can take to help prevent this crisis from developing. The old-fashioned familiarity of some of these things, such as storm windows, shouldn't hide their relevance as important energy-savers.

The United States and Europe particularly appear vulnerable to energy shortages in the decades ahead. In fact, outside of the Middle East and the Soviet Union, few nations have satisfactory energy reserves, Professor Rose contends.

Known oil reserves, according to Lawrence Rocks and Richard P. Runyan ("The Energy Crisis," Crown Publishers), will last some 20 years at 1970 consumption rates) 15 years at the present growth rate. Natural gas is put at 40 and 30 years respectively. Only coal, among the fossil fuels, is relatively abundant and could last 300 years.

The U.S. energy bill, including transportation of fuels, now stands at $100 billion. That's one-tenth of the gross national product. Overall energy demands will double in the next 18 years while the population grows 80 per cent, says Professor Rose. Pure industrial energy consumption is rising at a considerably faster rate, according to Rocks and Runyon—7 to 1.1 in relation to population growth.

Half of everything transported in the U.S. today is fuel. More petroleum has been consumed here since the mid 1950's than in all history up to that point. Electric power consumption, now twice what it was 10 years ago, could rise to between four and six times its present level by the turn of the century, according to some projections.

Total rate of energy use in the U.S. now is about 10 kilowatts for each man, woman, and child according to Professor Rose. This is not just electricity, but also gas, gasoline, heating oil, and so forth. It includes not only what each one uses personally, but also his or her share of the coke in the steel mills, of jet transport fuel, and the like. The total is prodigious. It amounts to more than one third of all the power consumed in the world today. Put another way, 6 percent of the world's population expends 33 per cent of its power output.

That so much energy is spent, much of it in cavalier fashion, suggests that much can be conserved by plugging the leaks.

A study, "The Potential for Energy Conservation," put out by the President's Office of Emergency Preparedness suggests that by 1980 the U.S. could save the equivalent of 7.3 millions barrels of oil a day by steadily implementing such measures as:

Improved insulation in homes; adoption of more efficient air-conditioning systems; shifting intercity freight from highway to rail, "short-haul" passengers from air to ground travel, and urban passengers from automobiles to introduction of more efficient industrial processes.

The average man on the street can help in many ways too, and help his pocket book at the same time, say the experts.

The radial tires mentioned earlier are a case in point. Their greater expense tends to be balanced by longer life (40,000 miles). From Professor Rose's point of view their improved traction, coupled with reduced surface friction on the road, is the important thing.

Tests he has carried out show the reduced friction improves gasoline mileage by 10 per cent. That is an important factor in view of the anticipated 12 per cent increase in gas consumption brought about by higher exhaust emission standards.

Buildings, too, are prolific wasters of energy. Nearly every home in the U.S. spills heat needlessly into the winter air just as it fails to keep out unwanted heat in summer.

Better housing designs and optimum insulation of buildings would cut energy consumed for heating and air-conditioning by more than 25 per cent.

The cost of this additional insulation during construction of a medium-sized house, Professor Rose estimates, would come to $200. It is a small sum compared to the annual heating cost of around $400 a year for the same home inadequately insulated.

Tests at MIT suggest that the cost of storm windows can be recouped through a saving in heating costs in six years. The double glazing creates a dead-air space, reducing heat loss.

Other significant savings result from having blinds or drapes, or both, at every window. Draw them the moment the sun goes down. The more dead-air spaces between room and outside window the better the heat retention.

Weather stripping around all doors is important too. Hold your hand an inch from the keyhole of an outside door to realize the importance of blocking every little leak. The constant flow of cold air coming through the keyhole is balanced by an equivalent outflow of warm air—air your oil or gas bill shows you have paid good money to heat.

Another tip: If you have a fireplace, keep the damper shut whenever there's no fire in the grate. Warm, invisible air billows out of an open chimney just as smoke does.

Humidity can also be important. A home that's too dry must be kept warmer than one with the proper humidity level to give the same degree of comfort, according to the Virginia Polytechnic Institute and State University at Blacksburg, Va. The Institute suggests a humidifier may be a worthwhile investment in those areas where the winter air gets very dry.

Never turn down a thermostat in home or office more than about five degrees for short periods such as overnight. Otherwise, it may take more energy to restore heat to the home than was saved by the reduction.

A protective row of conifers down the side of the house exposed to the prevailing winds can cut down quite significantly on heat loss. A building, says Professor Rose, is subject to the chill factor, just as people are. In contrast, deciduous trees on the sunny side of the house provide shelter from summer sun. They shed their leaves in winter, allowing the warm rays through when they're most needed.

Savings on electrical power consumption in a home can be considerable. As anti-pollution needs place increasing strictures on power generation and as fuel supplies decrease to push up the price to consumers, the practicality of such savings will become obvious.

Says a spokesman for the electrical appliance industry, "Turning off the light when you leave the room will become a meaningful thing to do. Penny-wise today it will become nickel-wise tomorrow."

Many little things can bring further energy-money savings. Here are some suggestions:

Refrigeration: If your freezer isn't self-defrosting, defrost it when the ice becomes a quarter-inch think. A greater ice thickness cuts down on the cooling power of the coils. A self-defrosting refrigerator, by the way, consumes up to 50 per cent more electrical current than the standard model.

Keep your freezer full. The costly cold is retained by the food whereas 80 percent of the cold air spills out every time you open the refrigerator door.

Cooking: Never boil more water than is necessary to cook with. Use pots and pans that fully cover the elements. Use plug-in appliances such as skillets where possible. They are generally fitted with thermostats and can be set for exactly the amount of heat you need.

Prepare double quantities of such things as soups or stews which take a long time to cook. Then freeze the unused portion for future use. It is less power-consuming to hold the food in refrigeration and warm it up when needed than to cook up a new batch. Plan your meals. Several dishes can be baked in an oven as economically as one food item. Remember, too, every time you open your oven door you lose at least 20 per cent of its heat. For some dishes a pressure cooker cuts down considerably on cooking time and therefore on the amount of energy used.

Bathing: A shower generally uses a lot less water than bathing in a tub. To be really economical try the Navy method. Soap yourself thoroughly. Then step into the shower for a quick rinse down.

Remember, hot water left in the pipes represents wasted heat. When installing a new heater have it located as close to your bathroom or kitchen sink as possible. Sometime in the future, waste hot water from bath or sink will be made to pass over the inlet pipes, in such systems, thus pre-warming the water before it reaches the heater.

Air Conditioning, Heating, and Refrigeration News states that gas is generally more economical than electricity for heating water.

Washing: Always wash full loads. It saves time, hot water, and electricity. Use cold water and cold-water detergents whenever they can do the job.

Drying: Don't overdry clothes. It is costly in heat and puts wrinkles in the garments.

Lighting: Fluorescent tubes use one sixth of the power of your electric iron in a 110-volt circuit. On the other hand, you use a lot more lights and burn them longer than you use irons. So it pays to turn off unneeded lights, and the television set nobody is watching.

Contrary to popular belief, turning a light on and off does not use more electricity than leaving it on.

Air conditioning: An efficient air conditioner will use as little as half the current of an inefficient one to give the same cooling effect. A simple test when buying a new one is to divide the number of watts into the BTU's per hour. Both have to be listed by law. The quotient will vary from 3 to 11. The higher the number, the greater the efficiency of the unit. From 7 on up is considered good.

Put the conditioner in a window on the shady side of the house. See, too, that it is not surrounded by shrubs, bushes or other dense growth outside the window. This will prevent efficient discharge of the heat.

These are simple measures. Yet, in saving energy, they could have a mighty impact.

BEST IN THE NATION?

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. EILBERG. Mr. Speaker, one of Philadelphia's proudest boasts has always been that the city's fire department is the best in the Nation.

Once again that statement has proved to be correct. The National Fire Protection Association has awarded Philadelphia's fire department first place in its annual fire prevention contest for cities with populations of 500,000 or more.

At this time I enter into the RECORD the city's announcement of this award:

> Philadelphia's nationally acclaimed and award-winning Fire Department has added another citation to its list of distinguished honors.
>
> Fire Commissioner Joseph R. Rizzo announced today that Philadelphia has once again won first place in the annual National Fire Protection Association's fire prevention contest for cities with population of 500,000 or more.
>
> Rizzo was notified of the award in a telegram from Charles Morgan, president of the NFPA, who praised the Philadelphia Fire Department for its outstanding record and innovative planning in teaching the message of fire safety.
>
> This marks the 15th time in the last 20 years that Philadelphia has placed first in this national competition. The City has also won from the NFPA four Grand Awards symbolic of the finest fire service record of any city in the nation.
>
> The Fire Department's fire prevention program has gained national prominence through its year-round efforts in educating every segment of the community in the value of fire safety and prevention in the home and school and in business and industry.
>
> Rizzo said, "Fire prevention in Philadelphia is a full time commitment every day of the year. The success of our programs stems from the fine cooperation we get from our schools, businesses and industries in the Philadelphia area."
>
> Over 1,700 cities competed in this contest, which yearly recognizes the best efforts in fire prevention and safety programs throughout the country.
>
> The NFPA is the only world-wide organization with the express purpose of advancing through science and education the protection of lives and property from fire. The nonprofit agency founded in 1896 with headquarters in Boston, Mass., seeks to stimulate universal fire safety consciousness and encourage wider use of modern techniques in fire prevention efforts.

OLIVER PAYNE BOLTON

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, the death of Oliver Payne Bolton in the midyears of his life was a great personal loss to me, not only because he was a former colleague in the House but because he was, as well, a close and much-admired friend.

Born into a historic family and in a great State, Oliver Bolton served his Nation both in war and in peace with distinction and devotion. He was a soldier, newspaper publisher, Congressman, State official and an investment banker during his career. But most of all he was a gentleman and a friend of everyone he met whatever their own station in life or the cut of their political beliefs.

We knew him in Congress but a short time in comparison to the length of service of many of us. But it was long enough to be touched by the depth of his concern and live for his country and the people he represented while he was here. It was a love and respect from his birthright, nurtured by devoted parents and a high sense of history and patriotism.

Intense as he was about his country's future, he tempered it all with a constant sense of humor and the personal touch of friendship that leavened his life with grace and patience.

I admired him all of the days I knew him and am saddened to see the likes of him depart when we need men of his character and strength so badly at this moment in our history. His loss is more than that suffered by a loving family. It is a national loss. I share it most sorrowfully because he was a friend as well as a colleague.

THE URGENT NEED FOR STRONGER PURE FOOD LEGISLATION

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. BINGHAM. Mr. Speaker, on the first day of this 93d Congress, I introduced H.R. 323, a bill which would strengthen the powers of the Food and Drug Administration and enable that agency to guarantee a higher standard of food hygiene and sanitation to the American consumer. Hopefully, the Subcommittee on Public Health and Environment of the House Committee on Interstate and Foreign Commerce, under the leadership of the distinguished subcommittee chairman, the gentleman from Florida (Mr. ROGERS) will hold hearings on this bill at the earliest possible opportunity.

Once again, the urgency of this problem and the pressing need for improved nationwide food processing sanitation has been brought to public attention by the recent discovery of deadly botulism in mushrooms packed for institutional consumption. Contamination in a can of its mushrooms has been discovered by the Ohio food processor which distributes the product. Unfortunately, 3,954 cans from the same lot have already been distributed in five States, including my home State of New York as well as Pennsylvania, Ohio, Wisconsin, and Illinois. Hopefully there will be no victims of the deadly botulism which has been located, but this situation underscores the need for speedy enactment of tougher food processing and inspection legislation.

A full account of this case was reported in the New York Times and in the New York Post on February 19, 1973. I am attaching those articles to my statement:

[From the New York Times, Feb. 19, 1973]

CANS OF MUSHROOMS RECALLED BY FDA FOR BOTULISM CHECK

WASHINGTON, Feb. 17.—The Food and Drug Administration reported Saturday night that an institutional-size can of mushrooms produced in Ohio had been found to contain the poison that produces botulism and that 29,500 cans of the product were being recalled.

The F.D.A. cautioned users of large cans of mushrooms, such as restaurants and pizza parlors, to be alert to the brand names and codes of the lots being recalled. The mushrooms were distributed in New York, Pennsylvania, Ohio, Wisconsin and Illinois, the F.D.A. said.

The agency said that the United Canning Company of East Palestine, Ohio, had discovered a swollen 6-pound 9-ounce No. 10 can on its warehouse shelves and that laboratory tests had shown that it contained deadly botulinum Type B toxin, which produces botulism.

None of 534 other cans of the lot still in the warehouse showed botulinum contamination, the F.D.A. said, but the remainder—3,954—were being recalled from distributors. Ten other lots packed at the same time on Jan. 26 were also being recalled.

The lot from which the contaminated can came bears the code CJ3SA, stamped on the top and bottom of the cans. They were sold under various labels by a number of distributors.

The F.D.A. said the codes of the 10 other lots processed at the same time as CJ3SA and being recalled "as a precaution" were CE3SA.

Botulism poisoning attacks the nervous system and is usually fatal. The poison forms when canned food is undercooked after sealing, permitting botulin bacteria to multiply in the absence of air.

[From the New York Post, Feb. 19, 1973]

HUNT POISONED MUSHROOMS

WASHINGTON.—A search for canned mushrooms tainted by deadly botulism poison continued in New York State and three other heavily populated states today.

The Food and Drug Administration announced a recall of the mushrooms after the often-fatal poison was discovered in cans still in one Ohio factory on Saturday.

Yesterday, other tainted cans were found during the recall effort, but the FDA did not say where they had been located.

NOT YET SOLD

The agency said there was no evidence to indicate that any of the suspect canned goods had yet reached the public.

The agency said Saturday night a recall order had been issued for 30,000 cans of mushrooms which were processed in late January by the United Canning Co. of East Palestine, Ohio.

Earlier, 200 investigators were dispatched to four states to see if pizza parlors, wholesalers and other subdistributors had any of the cans in stock. But the spokesman said most of the cans have been accounted for and stopped from distribution.

The cans of mushrooms, distributed in New York State, Pennsylvania, Ohio, and Illinois normally would be sold through wholesale distributors or restaurants rather than for home use.

The FDA spokesman said Sunday: "We feel at this time encouraged by our findings that indicate most of the 11 suspect (identification) codes are under some sort of controls short of the customer level."

The most intensive checks have been in Pittsburgh, Buffalo and Cleveland, where a significant supply had moved beyond the wholesale level.

Botulism is an often-fatal food poisoning caused by bacteria and characterized by vomiting, addominal pain, coughing, muscular weakness and eye disturbrance. The recall was the first regarding possible botulism since 1971.

The Type B botulism toxin in the contaminated cans is relatively low in potency. It is identified easily by a strong smell.

The FDA said United Canning Co. found swollen and putrid-smelling cans in its plant Thursday and called in American Can Co. scientists for help. The scientists then called the FDA.

WARN RESTAURANTS

The FDA urged restaurants and other potential buyers to return the mushrooms to the distributor.

The first contaminated mushroom lot has the identification CJ3SA. The code on the 4500 cans identified yesterday is CG5A.

Cans recalled as a precaution have the following codes: CT3SA, CS3SA, CQ3SA, CN3SA, SM3SA, CL3SA, CI3SA, CF3SA and CE3SA.

The FDA said the contaminated mushrooms were distributed under the following labels:

Snow-top, stems and pieces, distributed by Folino Brothers, East Keesport, Pa.; Master, distributed by Delilo Supermarkets, Jeannette, Pa.; Veterans and Unico, distributed by Veterans Distributing Co., Chicago; Chicago Style Mushrooms, distributed by Battiglia Distributing Co., Chicago; and Frankie's and Central States, distributed by United Canning.

Stouffers Food Co., Solon, Ohio, a large food manufacturer, also received some of the contaminated mushrooms "and has taken steps to prevent all distribution of its products which may contain mushrooms" from the contaminated lot, the FDA said.

THE DAY MY FAITH MEANT MOST TO ME

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mrs. GRASSO. Mr. Speaker, it is an honor for me to report to my colleagues that Noreen Todd, of Watertown in my congressional district, has received fourth prize in the 1973 Guideposts youth writing contest.

The Guideposts youth writing contest is sponsored by Guideposts magazine. To win Guideposts' annual contest, contestants must have written their own true stories about "The Day My Faith Meant Most to Me." This year, some 1,300 essays were submitted from contestants across the country.

Noreen, who is a senior at Norwich Senior High School, and four other finalists were honored at a luncheon in the Capitol on Tuesday, during which they learned the order in which they placed for the top $7,500 in scholarship prizes.

I wish to share with my colleagues the text of Noreen's prize-winning essay. We all have anxious moments of doubt and uncertainty during which the strength and vitality of our faith helps sustain us, comfort us, and show us the way. The beautifully simple and moving essay by Noreen Todd, of Watertown, is a wonderful example of how faith and trust in God can help in a young girl's search for peace and understanding.

THE DAY MY FAITH MEANT MOST TO ME

(By Noreen Todd, Watertown, Conn., senior, Watertown High School, Watertown, Conn.)

"Where're you going?"

"Out!" I shouted back trying to block out the sound of my mother's voice. I had to get out and be by myself and I rushed out the door before she had a chance to call me back.

It was cold and the first snow of November had fallen. I pulled my sweater down over my hands because I'd left my mittens home. Nobody else was on the street so I let out a sigh of relief at finally being able to think by myself. I felt so confused.

When had it all started? The fights, the nagging and finally last night the hit across the face. Why did she hate me and I her? But did I really hate her?

I kicked through a small drift of snow and turned the corner. The next street was empty except for a little dog. I called to him, and he ran up and sniffed my hands. I petted his wet icy fur and tickled him under his chin. Someone up the street whistled, and my little friend scampered off. I stood looking after him, enveloped in the white smoke my breath made. Feeling the cold, I moved on.

We had moved that summer from a town I loved. My mother had gotten a job and it tired her out. Coming home exhausted at night, she'd notice only the wrong things. She didn't notice the dinner I'd made but the laundry I'd forgotten. I had problems adjusting to a new school, but she wouldn't listen, so I'd just cry at night. She asked me why was I so moody. I didn't know.

I was startled when I felt something cold and wet on my hand. The little dog was back at my side. He wagged his tail furiously and danced around my feet. I picked up a stick and threw it for him. He ran and proudly returned to me. I threw it again and again until we both tired of the game.

"Let's go, boy," I called and began jogging down the street, the little dog running at my side.

It hadn't been so bad at first. I could understand that everybody feels grouchy at times. I didn't do everything she wanted me to, but I was in a new school and I wanted to belong. I felt I needed to spend more time away from home until I'd made friends. Wasn't my happiness more important than dishes?

We had reached the end of the street and it was so cold my fingers were turning blue. I didn't want to go back home, but it was too late to go visit a friend. The church bells rang ten times, and I thought of going to see my minister. But suddenly I felt embarrassed. It was my problem and I had to solve it. I turned around and slowly walked back home.

Ten chimes from the church bells made me think of the ten commandments. "Honor your mother and father," they said. What if your parents didn't honor you? Wasn't there anything in the Bible about that? I wished then that I had taken time to read the Bible. It probably held the answer to my problem.

Lately I had been doubting whether there was a God. My world was so blue, and what had God done to make it better? I was standing there cold and alone in the middle of the street, afraid to go home. I wanted it to be home again so badly. I wanted to feel warmth and happiness there.

The wind howled and blew snow in my face. I looked up and around at my surroundings. The black, bare trees were silhouetted against the white snow of the hill behind my house. I caught a glimpse of moving deer at the ridge of the hill. The little dog barked as a couple of birds fluttered out of the woods next to me. The whole street was a scene of quiet, winter peace. I'd never noticed how pretty my neighborhood was. I thought how nice it must be in the spring with the wild flowers, and birds. God hadn't forgotten me here as He was creating His beauty.

Suddenly I didn't feel so cold anymore I no longer felt the sting where my mother had hit me. Maybe the loss of dignity had hurt more. It was my problem and I had to do something. I couldn't wait around holding a grudge. That wouldn't help anything. What was it they said in church about forgiving those who wronged you? Why hadn't I paid attention before? I'd hear it Sunday after Sunday but I'd never really listened. I'm listening now.

I rushed up the street and, hesitating slightly at the door, went into my house. My mother was downstairs and I went down to her. She looked up with a cold expression on her face, but it warmed up when she saw my smile. She asked me where I had been?

"I was out walking and thinking," I answered. "How was your day at work?"

"Tiring," she said wearily.

I realized then that I'd never even asked her how her job was or how anything was with her. Suddenly I felt the wall between us crumbling.

"You just rest," I smiled. "I'll take care of everything."

EASTERN AIRLINES SHOULD ACQUIRE CARIBAIR

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. DE LUGO. Mr. Speaker, I have today written a letter to President Nixon concerning the critical necessity for the Civil Aeronautics Board's approval of the acquisition of Caribair by Eastern Airlines. In view of the fact that this issue is so crucial to the future economic and social well-being of the Virgin Islands, I am inserting it into the RECORD at this point for the information of my colleagues, and am requesting their support for the islands' endeavors in this matter:

CONGRESS OF THE UNITED STATES,
Washington, D.C., February 2, 1973.

The PRESIDENT,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: As the Virgin Islands' first elected Delegate to the Congress of the United States, I am writing to urge your immediate rejection of the Civil Aeronautics Board's disapproval of Eastern Airlines' plan to purchase Caribair. At the same time, I strongly request that this application be remanded to the CAB with a recommendation for approval on the merits which I believe to be of compelling necessity to the interests of the people of the Virgin Islands.

We are the farthest extension of United States territory into the Atlantic toward Africa and northeastern South America, and the only bearer of the United States flag, other than Puerto Rico, in the Caribbean. By virtue of our strategic location we hold important long-range Space and Defense implications.

For many years St. Thomas has been the most popular and most visited of any island in the Caribbean area by American citizens. Partially because of political risks elsewhere in the Caribbean area by American citizens. dollars have been invested in land, tourist, and commercial development in St. Thomas, St. Croix, and St. John, and these investments are continuing to increase.

In spite of our binding ties to the United States and the critical importance of commercial air routes to our economy, the Civil Aeronautics Board has not provided us with adequate air service. At the present time we have non-stop service from only New York and Miami, and even this consists of a limited number of flights. St. Croix has only one non-stop flight from the mainland, while the others come through St. Thomas. Pan American is not operating its Miami-Virgin Islands route at all, and Eastern is not allowed to continue its flight from the Virgin Islands up from Miami to any of the main east coast cities.

Because of this existing situation, practically all of our travel to the mainland requires the inconvenience and delay of stopover connections. The majority of these are made in San Juan where there are between thirty and forty flights every day from the United States serving some ten different cities. Proof that this enormous disparity between the number of flights serving San Juan and those serving St. Thomas is inconsistent with the demands of the market is shown by the growth of the air taxi industry to approximately one hundred flights in each direction every day between San Juan and St. Thomas.

The air taxis are valuable to us, and as local industries we are very proud of their success. Thus, if I considered that competition from Eastern Airlines was a serious risk I would be urging that ways be found to protect them while still approving Caribair's acquisition by Eastern. However, we have seen no evidence that Eastern wishes to operate light aircraft in competition, and the remaining point would turn on whether Eastern would operate so many flights through San Juan from the mainland that they would make heavy inroads in the taxi companies' passenger loads. Caribair now operates about ten roundtrips in this market every day with DC-9 aircraft seating approximately 100 people. All that would happen is that these flights would be replaced by Eastern flights. Assuming that most of the Eastern flights would be through-service, it does not seem likely that Eastern would operate more flights in total than Caribair does and it is even possible that it might operate somewhat fewer. At the same time, this combination would give us the benefit of having both the local service and the through-service, and the total competition between air taxi and scheduled airlines would probably be in roughly the same balance that exists today.

In view of the fact that air taxis provide a specialized high-frequency service that large airlines do not duplicate, they will always have a strong and viable position in the transportation systems of the Caribbean. There are probably more air taxi companies and service in this area than any other place in the world. Only if too many of them enter the market will the smallest and least efficient be unable to compete. This will be independent of the completely different type of service provided by the large commercial airlines, and such service should ultimately bring the air taxis more business.

The first Section of the Declaration of Policy to guide the Civil Aeronautics Board in the Federal Aviation Act states:

"In the exercise and performance of its powers and duties under this Act, the Board shall consider the following . . . as being in the public interest . . . (a) The encouragement and development of an air transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense;" (Section 102(a)—Federal Aviation Act of 1958)

In appearing to ignore this Section, the Board is not encouraging or developing our transportation system; it is not designing a system consistent with our present needs; it cannot serve the needs of the commerce of this area merely with air taxis; and it is proposing to deprive us altogether of specific services Caribair provides to foreign destinations.

The Civil Aeronautics Board has failed to recognize the service needs that have existed in the Caribbean for many years. On the mainland the agency has continuously promoted the development of good one-carrier service, then through-plane service, then non-stop service. In contrast, it has actually blocked this normal step-by-step progress for the Virgin Islands and would now reject the only proposal which can provide us with the mainland service that we need. At the same time the Board has established a number of new routes to Jamaica, and as a result that island's growth in visitors has been the greatest of any island in the Caribbean in 1971 and 1972. The Civil Aeronautics Board, therefore, has given foreign areas a strong, preferential advantage over the Virgin Islands, and we now ask that this inequity to United States territory be corrected.

We also face the same problem in terms of foreign islands to the south of us, because many airlines operate more non-stop flights from New York to such islands as Guadeloupe, Barbados, and Curacao, every year, thereby by-passing both the Virgin Islands and San Juan. These airlines also fly directly to those islands from Europe, so that the Virgin Islands are being avoided both from the United States and Europe. I firmly believe that unless decisive action is taken to permit effective competition with these kinds of services there will be, within five years, a serious decline in the status of the United States areas, compared to the more southerly islands. The tourist industry, land development, capital investment, Caribbean commercial enterprises, and the development of financial and banking centers will be drawn south of the Virgin Islands. The only available alternative to such a detrimental trend is to permit Eastern to extend its Puerto Rico flights, which come from a variety of mainland cities, through San Juan over the Caribair system to the Virgin Islands.

In addition to preventing the almost certain immediate bankruptcy of Caribair, Eastern Airlines anticipates acquisition will make possible substantial savings by eliminating duplicate facilities and the economies which would result from Eastern's ability to purchase supplies in large volume at lower prices.

Mr. President, on behalf of the 600 employees of Caribair, the residents of the Virgin Islands, and the economic and social well-being of this United States territory, I respectfully implore your rejection of the action taken by the Civil Aeronautics Board, and ask that you do all in your power to facilitate the acquisition of Caribair by Eastern Airlines.

Respectfully,

RON DE LUGO,
Member of Congress.

AMERICAN HEART MONTH

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. ANDERSON of California. Mr. Speaker, today, cardiovascular disease is the Nation's No. 1 killer. Tomorrow, cardiovascular disease will remain the killer it is today unless research provides us with knowledge of the causes of heart disease and ways to reduce death and disability due to cardiovascular disease.

During American Heart Month, the month of February, it is particularly appropriate that we recognize the scientists who are working toward ending heart disease which affects one-eighth of our population—more than 27 million citizens.

Many of the Nation's leaders in cardiovascular research are located in Los Angeles. We are proud of the work emanating from our home area which may save some of the more than 1 million lives expected to be lost to cardiovascular disease in 1973 alone.

Research now being conducted in the Los Angeles area includes studies on the effect of maternal exercise on the fetus and the effect of circulation on fat storage—which might lead to ending obesity.

The Los Angeles County Heart Association is doing much to be supportive of these local heart researchers.

In 1972–73, the Los Angeles County Heart Association in conjunction with the American Heart Association awarded $410,603 to area investigators and institutions in the area. Six fellowships and 10 grants-in-aid were awarded to Los Angeles area scientists working in cardiovascular research by the heart associations.

But, in addition to the associations' aid to research, the group informs the public of danger signs of heart disease, and instructs them in preventive and emergency action steps.

Our Los Angeles County Heart Association is ably lead by an outstanding group of officers, Advisory Council members, and Board of Directors members. Heading up the fine work of the local organization is Arthur V. Holmlund, the chairman of the board; and Dr. Irwin Hoffman, president.

The incoming leaders Lloyd Sugaski, chairman of the board-elect; and Dr. Morton Lee Pearce, president-elect; are certain to capably follow in the footsteps of their predecessors.

Other officers presently serving our local group are Dr. Eugene E. Berman, medical vice president; John G. Peetz, nonmedical vice president; Mrs. Fenton Taylor, Jr., treasurer; Dr. Glenn A. Langer, secretary, and Raymond L. Eden executive director.

Under this group's able leadership, an important program to save lives, "The First Hour," has begun operation. The program provides a list of hospital emergency rooms committed to emergency medical care of heart patients in accordance with criteria established by the Los Angeles County Heart Association. The lists are distributed through neighborhood pharmacies.

The list is included in a brochure which describes the early warning signals of a heart attack and provides directions for quick actions that must be taken by the victim and those around him.

Innovative programing such as "The First Hour" reflect the dedication and commitment of the leaders of the Los Angeles County Heart Association.

During February, American Heart Month, it is only just that we express our gratitude to those persons active in cardiovascular disease research and to those who make that research possible.

CATHOLIC BISHOPS PASTORAL MESSAGE ON ABORTION

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. DELANEY. Mr. Speaker, the U.S. Supreme Court's recent extraordinary decision authorizing abortion on demand has prompted a great many citizens to ponder deeply on our current system of values.

In this connection, I would like to call attention to a highly significant pastoral message on this subject issued by the Administrative Committee of the National Conference of Catholic Bishops.

The full text of the bishop's statement follows:

PASTORAL MESSAGE

Almighty God, the Creator of the world, has imprinted in the heart of man a law which calls him to do good and avoid evil. To obey this law is the dignity of man; according to it he will be judged (cf *Constitution on the Church in the Modern World*, No. 16). In the encyclical letter, *Peace on Earth*, Pope John XXIII spoke of how nations can achieve justice and order by adhering to God's law:

Any human society, if it is to be well-ordered and productive, must lay down as a foundation this principle, namely, that every human being is a person, that is, his nature is endowed with intelligence and free will. By virtue of this, he has rights and duties of his own, flowing directly and simultaneously from his very nature. These rights are therefore universal, inviolable and inalienable (*Peace on Earth*, No. 9).

. . . Every man has the right to life, to bodily integrity, and to the means which are necessary and suitable for the proper development of life (*Peace on Earth*, No. 11).

The Supreme Court, in its recent decision striking down the laws of Texas and Georgia regulating abortion, has stated that the unborn child is not a person in the terms of the Fourteenth Amendment. Moreover, the Court held that the right of privacy encompasses a woman's decision to terminate a pregnancy, although the right of privacy is not an absolute right, and is not explicitly mentioned in the Constitution. In effect, the Court is saying that the right of privacy takes precedence over the right to life. This opinion of the Court fails to protect the most basic human right—the right to life. Therefore, we reject this decision of the Court because, as John XXIII says, "if any government does not acknowledge the rights of man or violates them, . . . its orders completely lack juridical force" (*Peace on Earth*, No. 61).

The Court has apparently failed to understand the scientific evidence clearly showing that the fetus is an individual human being whose pre-natal development is but the first phase of the long and continuous process of human development that begins at conception and terminates at death. Thus, the seven judge majority went on to declare that the life of the unborn child is not to be considered of any compelling value prior to viability, i.e., during the first six or seven months of pregnancy, and of only questionable value during the remaining months. Ultimately this means that the fetus, that is, the unborn child, belongs to an inferior class of human beings whose God-given rights will no longer be protected under the Constitution of the United States.

We find that this majority opinion of the Court is wrong and is entirely contrary to the fundamental principles of morality. Catholic teaching holds that, regardless of the circumstances of its origin, human life is valuable from conception to death because God is the Creator of each human being, and because mankind has been redeemed by Jesus Christ (cf. *Peace on Earth*, No. 9 and No. 10). No court, no legislative body, no leader of government, can legitimately assign less value to some human life. Thus, the laws that conform to the opinion of the Court are immoral laws, in opposition to God's plan of creation and to the Divine Law which prohibits the destruction of human life at any point of its existence. Whenever a conflict arises between the law of God and any human law, we are held to follow God's law.

Furthermore, we believe, with millions of our fellow Americans, that our American law and way of life comprise an obvious and certain recognition of the law of God, and that our legal system is both based in it, and must conform to it. The Declaration of Independence holds that all men are endowed by "their Creator with certain unalienable rights," among which are "life, liberty and the pursuit of happiness." The Preamble to the Constitution establishes as one goal of the people of the United States "to secure the blessing of liberty to ourselves and to our posterity." Without the right to life, no true liberty is possible.

The basic human rights guaranteed by our American laws are, therefore, unalienable because their source is not man-made legislation but the Creator of all mankind, Almighty God. No right is more fundamental than the right to life itself and no innocent human life already begun can be deliberately terminated without offense to the Author of all life. Thus, there can be no moral acceptance of the recent United States Supreme Court decision which professes to legalize abortion.

In light of these reasons, we reject the opinion of the U.S. Supreme Court as erroneous, unjust, and immoral. Because of our responsibilities as authentic religious leaders and teachers, we make the following pastoral applications:

(1) Catholics must oppose abortion as an immoral act. No one is obliged to obey any civil law that may require abortion.

(2) Abortion is and has always been considered a serious violation of God's law. Those who obtain an abortion, those who persuade others to have an abortion, and those who perform the abortion procedure are guilty of breaking God's law. Moreover, in order to emphasize the special evil of abortion, under Church law, those who undergo or perform an abortion place themselves in a state of excommunication

(3) As tragic and sweeping as the Supreme Court decision is, it is still possible to create a pro-life atmosphere in which all, and notably physicians and health care personnel, will influence their peers to see a value in all human life, including that of the unborn child during the entire course of pregnancy. We hope that doctors will retain an ethical concern for the welfare of both the mother and the unborn child, and will not succumb to social pressure in performing abortions.

(4) We urge the legal profession to articulate and safeguard the rights of fathers of unborn children, rights that have not been upset by this Supreme Court opinion.

(5) We praise the efforts of pro-life groups and many other concerned Americans and encourage them to:

(a) Offer positive alternatives to abortion for distressed pregnant women;

(b) Pursue protection for institutions and individuals to refuse on the basis of conscience to engage in abortion procedures;

(c) Combat the general permissiveness legislation can engender;

(d) Assure the most restrictive interpretation of the Court's opinion at the state legislative level;

(e) Set in motion the machinery needed to assure legal and constitutional conformity to the basic truth that the unborn child is a "person" in every sense of the term from the time of conception.

Bringing about a reversal of the Supreme Court's decision and achieving respect for unborn human life in our society will require unified and persistent efforts. But we must begin now—in our churches, schools and homes, as well as in the larger civic community—to instill reverence for life at all stages. We take as our mandate the words of the Book of Deuteronomy:

I set before you life or death . . . Choose life, then, that you and your descendants may live . . .

MARGARET PANG RECORDS ORIENTAL SONGS FOR YOUNG CHILDREN

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. MATSUNAGA. Mr. Speaker, Hawaii is a storehouse of rich and diverse cultures, a crossroads of East and West where people and cultures intermingle and attempt to bridge vast cultural gaps.

A great degree of success has been attained in bridging such gaps by providing young children with a broad educational and varied cultural experience. One person who is making a unique contribution in this respect is Mrs. Margaret Young Pang, a kindergarten teacher and mother of three in Honolulu.

Combining a rich Chinese cultural background, 22 years of experience as a teacher, and a master's degree in Asian studies, Mrs. Pang has just produced three albums of music for children with accompanying dance instructions. Two of the albums, "Marn-Ling Sees the Chinese Lion Dance," and Marn-Ling and the Chinese Musical Instruments" feature Chinese children's stories and music. The other, "Hawaiian Rainbows" includes Hawaiian, Japanese, Samoan, and Maori music, along with some of Mrs. Pang's original compositions for children.

While she wrote most of the songs and music and does the singing on the albums, her family members also contributed to the production. Her husband, Raymond, played the Chinese instruments, including the flute, butterfly harp, lute, and zither on "Marn-Ling and the Chinese Musical Instruments," and their daughter, Lisa, did the illustrations for "Marn-Ling Sees the Chinese Lion Dance."

It is with pride that I share with my able colleagues the story of these wonderful record albums and the woman who created them, as written by Vickie Ong in the Honolulu Advertiser of February 1, 1973:

RECORD ALBUMS TEACH: ALL ABOUT CHINA—THE FUN WAY

(By Vickie Ong)

Once upon a time, a six-year-old girl, Lisa Marn-Ling Pang, and her mother, Margaret Young Pang, were in Chinatown when the child said, "Mommy, tell me a story."

Mrs. Pang told her daughter about a girl, who was also named Marn-Ling, who sees the ferocious Chinese lion and the pretty Narcissus queens at the Chinese New Year Festival.

Upon returning home, Mrs. Pang, a kindergarten teacher at Lincoln School, thought, "Hey, that's not a bad story" and jotted it down.

The tale, "Marn-Ling Sees the Chinese Lion Dance," later became a book and has just been recorded.

The album released in January with two others, "Marn-Ling and the Chinese Musical Instruments" and "Hawaiian Rainbows," features the voice of Mrs. Pang who narrates the story and sings Chinese songs for children.

After school in her classroom, Mrs. Pang said her children—both her young students and her three offsprings—have been the inspiration for the three albums.

"Without them, I wouldn't have been able to do it," said Mrs. Pang, a teacher for 22 years.

Last year, while ordering albums for classroom use, Mrs. Pang wrote International Telecomm Inc., "Would you be interested in Island material?"

The answer was yes, and she sent them Hawaiian, Japanese, Samoan and Maori songs and some original compositions which she was later to record for the album, "Hawaiian Rainbows."

She included background information on Aloha Week, poi, the ukulele and Boys' Day and suggested finger plays and dances for the songs so teachers can give a fun but informative cultural lesson on Hawaii with the record.

"I did this on an educational level. It's an attempt to bring together new songs for children. This is especially for the new teachers.

"Then, too, I (as a teacher) would want to know what to do with these songs and how to use this information with the children," she said.

Then the record company wrote Mrs. Pang, "By the way, do you have anything on China?"

Did she? Mrs. Pang only had a lifetime of Chinese cultural experiences, a Master's degree in Asian Studies, and scholarly interest in Chinese music and dance.

"My father loved Chinese opera and he used to take us when we were small," said Mrs. Pang. "And my grandmother, who was blind, said she'd pay us 25 cents to play Chinese music on the victrola."

"I said I'd do it and I just got exposed to the music. I'd follow along and mimic. You've got to be dumb not to learn the songs after hearing them everyday."

"Her interest in Chinese culture continued to grow as she performed with Chinese theater troupes passing up Chinese opera singing, she at first mimicked singers, then learned to read Chinese on her own.

"I've sung at benefits for the last 20 years. Since I sang Chinese songs, everyone thought I knew all about Chinese music."

In 1960, Mrs. Pang went to Taiwan to research and collect material on Chinese music for teachers. She was disappointed to find that the people were singing Chinese words to American tunes.

To supplement the information she got from books, Mrs. Pang kept a short wave radio tuned to China's wavelength to pick up its music and anthems.

From this experience, Mrs. Pang put together the material for "Marn-Ling Sees the Chinese Lion Dance" and "Marn-Ling and Chinese Musical Instruments."

The first album includes Chinese songs, Chinese lyrics written out phonetically, and instructions for dances.

For the second record, her husband, Raymond, plays Chinese instruments—flute, butterfly harp, lute and zither—as Mrs. Pang describes each one.

Pang also shot the album's color photographs of instruments.

Even Lisa Marn-Ling Pang helped in the family project.

After the book, "Marn-Ling Sees the Chinese Lion Dance," Mrs. Pang asked Lisa, then 13 years old, to draw new pictures for the book in case it should be published.

"I thought maybe she might come up with something delightful. And the pictures were! I was very happy with them."

Lisa's black and white drawings capture the excitement of the Chinese New Year Festival and spotlight the Chinese lion, the parade, the food specialties and the Narcissus queens.

"When I did the drawings, I was looking through the eyes of a child. Chinese New

Year's to me was lots of lights, things that smell good. I thought, 'Wow! This is really neat!'" said Lisa, who is 19 years old and a sophomore at the University of Hawaii.

"I kept the drawings all these years," said Mrs. Pang. "I thought the termites would get to them."

But the termites spared the 12 pictures, which now are a part of Mrs. Pang's album, "Marn-Ling Sees the Chinese Lion Dance."

In August, Mrs. Pang, her husband and 12 Chinese instruments went to Maryland to cut the three albums. The recording sessions were completed in three and a half days.

After receiving the albums last week, Mrs. Pang classroom-tested the records with her children in Room 35. Since Chinese New Year's was approaching, she played "Marn-Ling Sees the Chinese Lion Dance."

The children listened spellbound. When it was over, they said excitedly, "Play it again! Play it again!"

DOUGLAS PATTEN SPEAKS ON RESPONSIBILITY TO FREEDOM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. RARICK. Mr. Speaker, it is gratifying to hear young people speak out in the cause of Americanism. This is the purpose of the Veterans of Foreign Wars' annual Voice of Democracy Contest. It gives young Americans from nearly 500,000 secondary schools across the Nation an opportunity to compete for five national scholarships, and at the same time express the pride they feel in their country.

I am honored and pleased that the winning speech from Louisiana was delivered by a resident of my district, Douglas Warren Patten, of Bogalusa. He is the son of Mr. and Mrs. Hershel Vaughn Patten.

The text of Mr. Patten's winning speech follows:

My Responsibility to Freedom

(By Douglas Patten)

"Free people, remember this maxim: we may acquire liberty but it is never recovered if it is once lost."

These are the words of Jean Jacques Rousseau, a French political philosopher whose ideas inspired the leaders of the French Revolution. Somehow it seems these words hold particular emphasis for us. For in only three years we will celebrate the 200th anniversary of the revolution which acquired our freedom. And it now appears that unless a drastic turn of national sentiment comes about, the liberties which we have come to take for granted will continue on the one-way road to demise.

Does this sound a bit pessimistic coming from a youthfully idealistic mind? It is instead a cry for the return of our nation to the basic principles of a democratic system.

Perhaps now the question becomes, "How do we, as individual citizens, secure the assurance that a democracy will be maintained?"

Speaking in general terms, there are occasions when all citizens have the opportunity to contribute to democracy. Voting intelligently and responsibly is, of course, the most common of these occasions.

It is indicative, however, that each citizen take it upon himself to display individual initiative in paying the price of freedom. Each must seek out what he can contribute.

This is of prime importance to young people today. It is extremely advantageous for them to decide exactly what they can contribute while they are young. For while they are young, they possess the energy and resourcefulness to accomplish the most for their country.

Today as never before young people have the capacity to "re-revolutionize" this country and return it to the democratic form intended at its conception. By becoming involved in the governmental system that so many have come to distrust, a young person can combat the two major deterrents in the American system.

The first of these is corruption, which destroys. Far too long have the legislatures on all levels been controlled by the "power bosses"—often men not even members of these legislatures. It is now time for the lobbyists who have misrepresented the people's interest to step down or be struck down. For example, the labor union heads and their lobbyists have become so powerful and corrupt that, according to recent polls, significant portions—often majorities—of many major unions disagree with the policies and standard of their own unions.

Apathy, the second major deterrent, is equally dangerous, for its end is stagnation. It is rather frustrating to hear the vast majority of Americans be referred to as "silent," though they certainly deserve the title. The most accurate measure of their "silence" is the voter turnout. Public officials are often elected and important issues are often decided by less than thirty per cent.

The problems are immense. Those who contend that there is nothing wrong with America serve only to pacify the apathetic.

So what can we do to stop the decline of our free system?

First let us not neglect the privileges given all Americans, such as voting. But go one step further. Become involved. Let those who represent you know your sentiments. Fight the things you see wrong in your government.

In the words of John F. Kennedy:

"Now the trumpet summons us again—not as a call to bear arms, though arms we need—not as a call to battle, though embattled we are—but a call to bear the burden of a long twilight struggle year in and year out, 'rejoicing in hope, patient in tribulation,'—a struggle against the common enemies of man: tyranny, poverty, disease, and war itself."

LYNDON BAINES JOHNSON

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. COLLIER. Mr. Speaker, it is hard to realize that Lyndon B. Johnson has left us, barely 9 years after that tragic afternoon when he suddenly assumed the heavy burdens of the greatest office on earth.

Having spent almost his entire adult life in the service of the legislative establishment, first as an employee, then as a Member of this great body, later as a Member of the other body, and finally as Vice President he entered the White House well qualified to lead the Nation through some of its most difficult years. A broad acquaintanceship with those who serve in the Congress, a great familiarity with the legislative process, and a detailed knowledge of what he was convinced were the needs of the people all combined to make him one of the greatest practitioners of the legislator's art. There has never been a greater lobbyist for the causes in which he believed than Lyndon Baines Johnson.

It is regrettable that, having laid down the burdens of high office while still in the prime of life, he was destined to enjoy but a short retirement. During his 64 years he lived life to the full, striving mightily, first on behalf of his community, later as his horizons broadened, on behalf of Texas, the Nation, and the world.

Mr. Speaker, Lyndon Johnson was devoted to his family, to the political philosophy to which he subscribed, and to the country which he served well during war and peace. May he rest in peace and may God comfort his loved ones.

AN ANTIDOTE TO LAW REVIEWS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Ms. ABZUG. Mr. Speaker, the Passaic County Bar Association, with headquarters in Paterson, N.J., publishes each month a remarkable journal called The Reporter.

Its editor, Daniel Crystal, who is a very old and dear friend of mine, calls it "an antidote to law reviews." Its pages are filled with scholarly articles discussing current developments in the law and in society, humorous articles, news, and views. It is always educational and entertaining to read, and I commend the Passaic County Bar Association and Dan Crystal for their excellent and thoughtful work.

Mr. Speaker, I include in the Record at this point a number of worthwhile articles from the latest issue of The Reporter and commend them to all of my colleagues:

. . . Lest Ye Be Judged

After all, a judge is merely a lawyer hired by the State to conduct trials or to hear appeals; what justification is there for him to be arrogant? The conduct of a trial or the argument of an appeal is no easy matter at the best for counsel, witnesses, and jurors. The judge's business is to make their arduous task as effective as possible. Any exhibition of ill-temper or lack of interest in the proceedings will frustrate the satisfactory exercise of the judicial function and is not to be tolerated.—Arthur T. Vanderbilt.

Those who speak most of progress measure it by quantity and not by quality; how many people read and write, or how many people there are, or what is the annual value of their trade; whereas true progress would rather lie in reading and writing fewer and better things, and even fewer and better men, and enjoying life more.—George Santayana.

We must not forget that the role of the courts is not merely to define the right. It is also to administer the remedy. Unless the remedy is actually applied to persons and things, the right is a mere pious idea.—Chief Justice Earl Warren

What, after all, is the law? At its best, at least as laymen see it, isn't it an attempt to methodize the madness of mankind? Isn't it a high-minded endeavor to create group sanity out of individual surrender to folly, and to regulate personal impulse so that it becomes a social order? Doesn't it seek to superimpose a pattern of reason on a world of passion and to offer a guarantee of continuity by relating the precedents of the past with the dilemma of the present?—JOHN MASON BROWN

BILL OF RIGHTS DAY, 1972

Our distinguished local publication, The Paterson News, scooped The Reporter on December 15 by printing an eloquent editorial, entitled Bill of Rights Day. The News advised its readers that that day was one that all Americans should celebrate in the grand manner for it was the one on which in 1791, the Bill of Rights, "that bulwark of individual liberties," became effective. As the News pointed out, these first 10 amendments to the U.S. Constitution, guaranteeing freedom of religion, speech, the press, assembly, petition and the right to a fair trial, were not included in the original Constitution on the grounds that the document contained no grant of power to Congress to legislate on any of the subjects with which a bill of rights would deal. Supporters of these protections finally succeeded in getting them adopted three years after the Constitution was approved.

We pass on to those of our readers who missed the News editorial its warning that the Bill of Rights is in great danger today:

"A decade or two ago, civil libertarians feared that the Bill of Rights was being dangerously weakened by legislative excesses. Today, they are more worried about what the executive branch is doing. While President Nixon has affirmed his 'strong adherence to basic values that the nation believes in and the people believe in,' his critics charge that the administration has used 'law and order' and 'national security' to justify governmental inroads on the Bill of Rights. These critics cite administration actions in arresting demonstrators, attempting to bar newspaper publication of the Pentagon Papers and requiring reporters to testify in court about their confidential sources of information. They also accuse the administration of violating the individual's right to privacy through widespread use of wiretapping and the advocacy of 'no-knock' laws and preventive detention.

"While the Bill of Rights remains a theoretical sacred cow, there is some indication that many Americans support the administration's actions despite the complaints of some constitutional scholars. It might be well for these Americans to ponder the words of Supreme Court Justice William O. Douglas: 'Each surrender of liberty to the demands of the moment makes easier another, larger surrender. The battle over the Bill of Rights is a never-ending one'."

Sobering words these with which we could not agree more. The News spoke for all of us in this splendid editorial on Bill of Rights Day.

ILLITERATE WASHINGTON

(By Lance Mann)

The thought came to our mind the other day that there's something of a daffy relationship between the gloriously inept Brooklyn Dodgers of yesteryear and the recent bombing of North Vietnam.

There was one never-to-be-forgotten moment when three confused Dodgers landed on the same base at the same time, and the immortal Casey Stengel asked the heavens imploringly, "Don't nobody around here know how to play this game?"

Our paraphrased question is "Doesn't anybody in Washington know how to read?" Specifically, regardless of what game plan the President may have, hasn't anybody—President Nixon, Mr. Kissinger, or whoever—read the Pentagon Papers?

At p. 494, Document No. 110, comprising excerpts from a memorandum to Secretary of Defense McNamara, by the Assistant Secretary of Defense McNaughton, it states unequivocally that, "Bombing has failed to reduce the limit on the capacity of the DRV (Democratic Republic of Vietnam) to aid the VC (Viet Cong) to a point below VC needs," and, "Future bombing of North Vietnam cannot be expected physically to limit the military support given the VC by the DRV to a point below VC needs." And the same memo continues:

"C. Future of a bombing strategy:

"Although bombings of North Vietnam improve GVN morale and provide a counter in eventual negotiations (should they take place) there is no evidence that they meaningfully reduce either the capacity or the will for the DRV to support the VC. The DRV knows that we cannot force them to stop by bombing and that we cannot, without an unacceptable risk of major war with China or Russia or both, force them to stop by conquering them or 'blotting them out.' Knowing that if they are not influenced, we cannot stop them, the DRV will remain difficult to influence. With continuing DRV support, victory in the South may remain forever beyond our reach."

There's more in the Pentagon Papers along the same lines. On August 29, 1966, there was submitted Pentagon Paper No. 117. This was a report by the Institute of Defense Analysis on the effects of U.S. bombings on North Vietnam's ability to support military operations in South Vietnam. It speaks for itself:

"The aspects of the basic situation that have enabled Hanoi to continue its support of military operations in the South and to neutralize the impact of U.S. bombing by passing the economic costs to other Communist countries are not likely to be altered by reducing the present geographic constraints, mining Haiphong and the principal harbors in North Vietnam, increasing the number of armed reconnaisance sorties and otherwise expanding the U.S. air offensive along the lines now contemplated in military recommendations and planning studies. * * * Furthermore there would appear to be no basis for assuming that the damage that could be inflicted by an intensified air offense would impose such demands on the North Vietnamese labor force that Hanoi would be unable to continue and expand its recruitment and training of military forces for the insurgency in the South."

To paraphrase the great statesman, Casey Stengel, "Don't nobody in Washington know how to play this game."

VIEWS ON RETURN OF PRISONERS OF WAR

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. BROWN of California. Mr. Speaker, Dr. Bernard Sklar, a sociologist and assistant professor in the School of Education of the University of Southern California, recently expressed some views regarding the return of our prisoners of war that are in rather sharp contrast to the administration's viewpoint. Some of our colleagues may find Dr. Sklar's statements to be of interest, and I am therefore inserting into the RECORD the following articles by Dr. Sklar, one from the Los Angeles Times and the other from Commonweal:

[From The Los Angeles Times "Opinion" Section, Feb. 4, 1973]

POW'S: QUICK WILL RETURN TOO SLOWLY FROM THE DEAD

(By Bernard Sklar)

The war is over, at least one part of it, and in the next couple of weeks we will witness what promises to be another American conundrum—the return, reintegration and rehabilitation of the slightly over 550 men who were prisoners of war in Indochina.

This spectacle will not be without an important message: that we can be a nation of enormous goodwill and concurrent ill service. For if anything is evident as one examines the headlines and the complex plan for the prisoners' return—originally called Operation Egress Recap, but recently retitled Operation Homecoming by the Pentagon—it is this:

1—That these men will not come home as quickly or as directly as we would hope.

2—That everything will be done to delay them from seeing or hearing anything about America as long as possible and then only under the most controlled circumstances.

3—That the treatment planned for the POWs is insensitive to them as human beings, whether one regards that psychologically, socially or politically.

4—All of these efforts have been and will continue to be orchestrated for their maximum public impact.

But first let us review what is involved in Operation Homecoming.

Research and planning for this has been going on for eight years. It is being coordinated at the highest levels and one cannot doubt that some of the best minds in government have applied themselves to it. Teams (6,000 men in all) have been deployed to pick up the men as they are released, to fly them to Clark Air Base in the Philippines (in "specially configured medical evacuation C-141 aircraft").

At Clark, teams of doctors, nurses and other service personnel wait to give them medical attention, new uniforms, and personal packets with information and photos from their families.

Arrangements have been made for the first phone calls home, for motion pictures, tape recordings and other media to bring them up to date, for back pay, and ultimately for counseling and help to resume other careers or improve their station in the military.

What more could one ask for? A lot of things.

For one thing, they should come home to their loved ones sooner.

Although somewhat obscured by official statements made when the matter was investigated, the facts are, as POW families were told in the information pamphlet they all got from the Department of Defense, "this period (overseas and before reunions) could be as long as 10 days to two weeks." There are several reasons put forward for this delay—which could prove even longer unless public opinion is mustered—but most of them revolve around a simple and mistaken premise.

In the words of the Defense Department, "Egress Recap is founded on the basic premise that all returnees will require medical attention, some more than others."

By raising the specter of their ill health, which by implication must have resulted from their inadequate, if not willfully harmful, treatment by "the enemy," we are expected to believe that the POWs will require painstaking physical examinations and extensive medical care.

Obviously, some of the men will be ill, some will still be suffering from wounds, and some of them may have incurred some kind of injury while in captivity. Such men will need quick and complete medical treatment.

But it does not seem that all, or even most, of the men are in that category. All the evidence we have indicates that the men appear to have been generally well treated.

The government points out that debriefing must take place and that it will be crucial to families still awaiting word about the fate of their loved ones. As Dr. Roger E. Shields, who heads the Defense Department POW and MIA Task Group, put it before the House Armed Services Committee last October:

"I am certain you can appreciate the urgency families of our missing men attach to this information (about those missing). We find from experience that returned men are eager and anxious to give us this information immediately upon release—before their memory is confused by the influence of the many activities that will occur after release."

But we learn from Mrs. Iris R. Powers, chairman of the National League of Families of American Prisoners and Missing in Southeast Asia, that "70% of all missing and captured men have entered or soon will enter their fourth, fifth, sixth, seventh, eighth, and ninth years in POW/MIA status."

Of course, that was said last October, before additional U.S. Air Force personnel were lost over Hanoi, but nevertheless one wonders how much such men will be able to recall after all that time and how much, in reality, they will be able to add to what is already known.

Of course, we want to learn everything we possibly can about the possible fate of the men classified as missing in action—but at the same time, it seems to me, we need to be realistic about how much more we can learn. More importantly, we must be fair to those who have actually been spared to come home, and we must keep them behind hospital walls for as short a time as possible.

Another rationale for the delayed return of the POWs is the "mental stress" thesis developed by Navy psychiatrists that "a sudden plunge back into the nerve-rasping stimuli of routine American life could do the men lasting damage."

As a sociologist I would say this is the most patently false thesis of the lot. There is no evidence for this either in theory or in history.

Surely there is a shock involved in returning to one's culture after captivity, but is it made much easier by stretching the time btween the release of the prisoners and their reunions with their families and this society?

Eventually, of course, the POWs will be flown home—that is, to military hospitals near their homes—but not for immediate reunions with or receptions by families, the public or the press. Rather, reunions will take place "as soon as possible after the returnees arrive at the hospital."

Furthermore, "the precise manner and timing of the reunion and those in attendance will be determined by mdical advice and the desires of the returnee and his family."

Although this again sounds like sensitivity for the POWs' and their families' right to privacy, something none of us would wish to deny them, it is also an unmistakable move in the direction of controlling access by the press—and as a result, the public—to their hearts and minds.

Of course, it remains to be seen whether the Pentagon can keep the press at bay for that long, but it is clear that it aims to try. For the last thing the Pentagon wants is the inevitable necessity of the public—via its surrogate, the press—confronting these men and discussing, in however imperfect form, the war they wasted their years upon.

Some—perhaps those who were imprisoned longest—may still carry a vestige of belief in the rightness or nobility of that cause. But there are few Americans today who do so, and these men will soon discover that. Yet they fought for us and may be angry for the way we treated them and this war.

They deserve the chance to say so and hear why we have done so—not to a psychiatrist, I maintain, but to us.

We are going to great lengths to give the illusion of concern by pouring money, equipment and personnel into what appears to be a humane process of bringing these men home while in reality keeping them away from those they love and the associations they need for as long as is possible.

It should be apparent why this is being done. First, because it accentuates the barbarity of those we fought ("see how much these men have suffered; see how long it takes us to restore them to their normal condition"); second, because it defuses the effect of their encounter with the nation and the press by giving the government the maximum amount of time to coach the men and control the circumstances under which they will be exposed to the world; and finally, because it makes more difficult an honest and open dialog concerning the ultimate meaning of this war.

If these men were free to come home and to talk—I am certain that they would want to do so—we might have some bitter questions to consider. What was this war really for? Why, if it had so little support, did we not end it sooner? These are questions that embarrass our leaders and force them to manipulate the POWs in order to serve their own purposes.

A harsh judgment perhaps, but the next few weeks will demonstrate how valid it is. Yet hope remains that we will raise our voices and see to it that these plans are amnded to take into consideration the real needs of these men, their families, and the nation.

Mr. Speaker, just for contrast, here are some remarks by the President, as reported in the same issue of the Los Angeles Times:

THE PRESIDENT ON THE POW'S

President Nixon had the following comment on the prisoners of war at his White House press conference last week:

I have noted some speculation in the press, and it isn't speculation, I should say, that is justified because I understand there was a Defense Department report to this effect, that I was going out to Travis Air Force Base to meet the first POWs when they came in.

I do not intend to do so. I have the greatest admiration for the prisoners of war, for their stamina and their courage and the rest, and also for their wives and their parents and their children who have been so strong during this long period of vigil.

This is a time that we should not grandstand it; we should not exploit it. We should remember that it is not like astronauts coming back from the moon after what is, of course, shall we say, a very spectacular and dangerous journey, but these are men who have been away sometimes for years. They have a right to have privacy, they have a right to be home with their families just as quickly as they possibly can, and I am going to respect that right, of course, to the extent that any of them or their families desiring to visit the White House can be sure that they will be very high on the list.

And here, Mr. Speaker, is the other article by Dr. Sklar:

[From Commonweal magazine, Jan. 5, 1973]

RETURN OF THE POW

(By Bernard Sklar)

In what looks like a matter of weeks or months, depending on how the Paris negotiations fare, we will be seeing the return of slightly over 500 American prisoners of war from somewhere in Indochina. For reasons that should be apparent to everyone, not the least of which is their symbolic importance as victims of the enormous conflict we ourselves have had as a nation over this war, the return, reintegration and rehabilitation of these men take on enormous significance. To accomplish this the Pentagon has set up what purports to be an "all contingencies" plan, euphemistically dubbed Operation Egress Recap. Nothing could be more clearly calculated to frustrate the return of these men to their country and their families in a sensitive, humane way nor to provide the basis for a national reconciliation amongst us on why we have fought so long and so hard for such a futile if not erroneous cause.

For if they are victims, as they surely are, it is equally true that we have been victims and in no way will it be possible, under the clearly circumscribed and tightly controlled plans of the Pentagon, for a truly meaningful encounter between these men and this nation to occur. But that is not the only problem insofar as Operation Egress Recap is concerned. Another failing, and one that we should concern ourselves with to as great an extent as our efforts at reconciliation, is the way in which these men themselves will be handled by the machinery of the Services on their way back to the arms of their families and loved ones.

To understand what is involved in all this, one must first confront the conflict that exists between standard bureaucratic practice and normal social or cultural practice. Every society known to us has what Murdock has called "hospitality," that is the greeting of those who are strange to us as well as those who are near and dear but who for one reason or another have been absent from our midst for some time. Depending on the culture, of course, the practice may vary from one in which the visitor or returnee is elaborately feted in a tribal, public fashion to those which are more solemn, simple and essentially private affairs. Americans, being a polyglot culture, have used both forms as anyone knows who was around to witness the return of veterans to the United States after World War II. Ethnic groups such as the Italians, Mexicans, Poles and, to some extent, blacks have typically tended to produce elaborate fiesta-like occasions complete with music and dancing while the Protestant groups as well as Jews and others have tended to have small family gatherings suffice as their way of celebrating such occasions.

I would venture to say that, because of the decline in ethnic isolation in America and the overwhelmingly negative feeling that this war has engendered, few if any open, largely tribal occasions would be held for these individual POW's after their return; that is even if it were possible for some families to do so. For even a superficial glance at the outline provided by Dr. Roger E. Shields of the Defense Department, chairman of the Prisoner of War and Missing in Action Task Group, will disabuse anyone who might have had such a notion about these forthcoming reunions. It is from beginning to end a formalized, rationalized and depersonalized attempt to do something which is, or should, by its very nature be spontaneous, informal and essentially human. It is also calculated, whether consciously or unconsciously, to abort any attempt by anyone outside the military establishment from having a direct encounter with these men about the war they fought and why they fought it.

I suspect that most Americans learning the details of Operation Egress Recap will be impressed by the concern which normally bureaucratic agencies, not known in our society for their warmth or concern for the human dimension, have taken in regard to these men. Indeed, as will be apparent in a moment when we discuss these arrangements, every normal human need has been anticipated, be that back pay, notification of deaths or serious illness in the POW's family, or vocational counseling for a new or non-military career. At the same time one must say, after examining these procedures, particularly in terms of what they fail to do, or fail to provide for, that Operation Egress Recap probably is the most meticulously staged homecoming for a set of warriors ever recorded but perhaps the least human or understanding one.

But let us see what is involved in this long-researched (it took years of preparation, according to Dr. Shields), high level (flag and general officers together with "experts in pertinent fields" were involved), comprehensive (one journalist has described it as providing for "every imaginable problem of a POW returnee") plan. In doing so I think it will be apparent that there is unmistakably involved in all this an underlying concern, one might say even a fear, for the real needs—medical, physical, political and psychological—of the individuals concerned but a blindness to the way these socially-engineered plans fail to meet those needs, particularly the last two, in anything like a predictably successful manner.

THE PROCESS

To begin with, the men will be picked up by reception teams (including a physician) at whatever release points there are and immediately flown to the nearest military hospital for medical treatment, if severely ill, or other overseas military hospitals designated as "Joint Central Processing Centers." It seems that no quarrel can be raised about such procedure, except to point out the obvious; that they will not be flown directly home to the United States and to those who really care for them (their families) or those who want very much to hear what they have to say (the public and the press). But it must also be pointed out that this procedure also implies that (1) these men have not had the medical attention specified in the Geneva Convention or (2) that there may be something grievously wrong medically with them as a result of their imprisonment. The concern for the "medical condition," in fact, is something that pervades this report. Given what we know about these men from the many unofficial as well as official (via exchanged prisoners) reports we have of their relatively good condition, one can only surmise that "medical condition" is a code word for many other things, including psychological rehabilitation and preparation for the ultimate encounters these men will have with the press.

Upon arrival at such hospitals they will find waiting for them, in addition to kits of personal items (toiletries, etc.) and uniforms complete with "appropriate rank, insignia and up-to-date decorations," an individual brochure. What these brochures contain is information concerning such matters as pay, savings and promotions earned while in captivity and details concerning the death or illness of family members, the latter being told to the individual in a manner and by a person designated by the family. It should be pointed out that over 2,000 family members have been involved and informed of these procedures by Pentagon officials. The kits will also contain personal messages and photographs supplied by the family. Lest one get the impression that there is something wrong with any or all of these matters let me point out that while each of the items mentioned—the photos, the messages, the uniforms—may in themselves be "good," the fact that they are delivered by non-family members, on military premises, in a foreign country only accentuates the ritual aspects of concern while leaving unfulfilled the normal, urgent need these men will have for contact with those who can provide these things with great meaning, sensitivity and human understanding.

At this time, we are told, the returnee will be able to make a telephone call to his family. After the physical examination, the personal orientation and the phone call comes the first debriefing. We are assured by Dr. Shields, who recently testified before the House Armed Services Committee, that this will only take place after the man has gotten his medical clearance. We are also informed that this "is for the sole purpose of securing information on men missing and men not returned." There follows in the testimony before this committee one of those statements by an honest man that can only be the result of mistaken judgment concerning the credulity of others or sheer confusion in face of conflicting pressures.

I am certain you can appreciate the urgency that the families of our missing men attach to this information. We find from experience that returned men are eager and anxious to give us this information immediately upon release—before their memory is confused by the influence of the many activities that will occur after release. As an example of how valuable the men are as sources for this type of information, and the importance that the men themselves attach to it, one former returnee from Southeast Asia had memorized the names of 350 men and much information about their condition."

This information, we are told, will be "collected and assessed by computer so that it can be compared with all known information on a particular man and provided to the families as quickly as possible." Although, on the surface this appears to be a humane gesture, the emphasis it is given should not blind us to the fact that it delays the return of these men for what, in all probability, will be little new, or for that matter, very hopeful information to the families concerned.

Presumably, at least several days will have have passed before all of this has been accomplished; surely an agonizing period for those who have waited so long for their return and suffered so much by their imprisonment. Then the men will be flown in specially designed airplanes (C–141's that have been adapted for this purpose) to a military hospital closer to their home. Each returnee, we are told, will have both a bed and a seat on the plane and be accompanied by a service escort. Aboard the plane there will be a complete medical team; once again stressing the medical and physical aspects of their return and not the psychological and political we have been emphasizing.

One would imagine that once in the United States it would be possible for the reunions to take place immediately but this is not the case. Rather reunions will take place "as soon as possible after the returnees arrive at the hospital." The precise manner and timing of the reunion and those in attendance to be determined by "medical advice and the desires of the returnee and his family." Everything will be done, as it should be, to see to it that the families involved are transported and housed near these facilities, or overseas in the case of those too ill to travel, at government expense. They, like the returnee, will find themselves provided with an escort and will be kept informed of what is happening to the returnee at every step of the way.

At this point Dr. Shields assures us that the actual reunions can take place, but rather than acknowledging that they are unmistakably political as well as personal events, he implies that they can only be successful if carried out without the intrusion of the press or the public. "We prefer," he tells us, "and the families agree that these reunions should take place privately." He goes on to note that "large crowds and fanfare may hinder the reunion that the men have envisioned." How he can say just what these men envision is of course an open question, but the point is that the public, or its nominal representatives, the press, will not be around when these first encounters take place.

At the first blush one might want to acknowledge that this is indeed the decent thing to do; particularly in view of the kind of reputation American reporters have for pushing the limits of civility in their encounters with individuals who have just suffered some great crisis or personal trial. But we must recall that it is already several days since these men have been released from captivity, that they have already had some occasion to gather their thoughts and perhaps even been coached in regard to them, and taken stock of the situation they are in. It is also possible that they might want to say something or want to hear something from the representatives of that nation that sent them off to fight this dreadful and meaningless war. Dr. Shields acknowledges that, but in a manner that betrays his bias concerning the demands of a free society and the rights of the press: "Every man," he tells us, "who returns from captivity urgently needs to tell his story—*not publicly but privately to someone who will listen, not critically or with sympathy, but with empathy and understanding*." (emphasis mine)

Continuing their hospitalization, the men will have a number of opportunities to catch up with the society they left behind. Resumés have been prepared of major national and international events. Through films, recordings and written materials they will be able to learn the details of much that has happened right down to the scores of their favorite ball team. They will also be able to get back pay, arrange other administrative matters and deal directly with their vocational futures. A specialized career-counseling program has been designed to guide these men back into various civilian pursuits, including further education, or a continuation of their previous military careers. At this time, we are told by Dr. Shields, the military will complete their debriefing of the man. "We are eager," he tells us, "to learn of this experience so that we can gain an insight into the captivity environment and better prepare others who might be so unfortunate as to be captured by the enemy in the future." Given the state of knowledge in regard to such matters, one can only remark that this is a rather ingenuous statement, once again by a somewhat over extended official. Nevertheless, there is an element of truth to what Dr. Shields says, for at another point he stresses the fact that the returning POW is "eager to tell his story." It is, he says, "important to the man." Indeed, but whom he should tell it to and under what circumstances is another question entirely.

Throughout this period, which can go on for a matter of weeks it seems, depending on how the various military hospitals define the returnee's medical condition, the man has been prevented from encountering anyone but military personnel or the members of his immediate family. It is only then, with hospitalization over that the returnee may, if he wishes, tell his story at a press conference. Press conferences, as everyone knows, are rather elaborate, ritualized events. One can hardly expect great candor or genuine insights to flow from them, although I am sure the press will try hard to learn how the men feel, what they have experienced since their release as well as before, and what they hope to do now they are back home. All of this is predictable and will be eagerly awaited, I'm sure. We can count on the fact that one journalist or another will arrange an interview under quieter conditions and that we will give various profiles of individual men and their reactions to the experience of being back in America again. Nevertheless, the impression remains that an elaborate effort is being made not simply to delay the inevitable engagement which these men will have with the society, about which they must have some ambivalence, but to prevent and in some respects neutralize it as well. After all, being the prisoner in a war that no one, including many who sent you out to fight, wants, can leave one with a number of questions, some anger and perhaps even a desire for redress. How this can be accomplished is of course a difficult question but it seems to me Operation Egress Recap is an elaborate attempt to sterilize the entire process. It keeps the men out of range, even from those they love, for a period, under physical and psychological conditions, and for purposes that are to say the least questionable if not wrong.

Dressing up these events with the various medical, physical and so-called social programs I have described only obscures the fact that the men are not prisoners-of-war-now-free but prisoners of war who will continue to be, so long as it can be managed, prisoners-of-state. For American citizens to conscience this is to conscience another dishonorable, deceitful and immoral act on top of a heap of such acts committed over the past nearly 12 years. Nothing that this government does will, of course, prevent a kind of cleansing of the American spirit that must eventually occur. Inevitably this will involve those who fought and in this case suffered the worst kind of punishment for their part in it. For the government to try to abort that process is typical of the kind of shortsightedness of those who have guided us throughout this debacle and who would now hope to prevent us from putting to rest the last great myth that exists in the public mind—that to have fought in this war was somehow honorable or just. One can only pray that something like an outcry from the American people will halt or at least alter these plans so that something like a less sanitized, less deceptive and more honest reintegration can take place between these men, their families and the nation they served.

NIXON ADMINISTRATION PROPOSES WEAK SURFACE MINING BILL DESPITE PLEAS OF ENVIRONMENTAL PROTECTION AGENCY TO SUBMIT STRONGER BILL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. DINGELL. Mr. Speaker, last week President Nixon sent his natural resources and the environment message to Congress. In that message, he recommended several legislative proposals. One of these is the Mined Area Protection Act—CONGRESSIONAL RECORD, February 15, 1973, pages 4326–4329. In commenting on that legislation, he said:

> Surface and underground mining can too often cause serious air and water pollution as well as unnecessary destruction of wildlife habitats and aesthetic and recreational areas. New legislation with stringent performance standards is required to regulate abuses of surface and underground mining in a manner compatible with the environment.

On the day of the message, February 15, the Interior Department sent to Congress its version of the President's proposal. Upon reading it, I can only conclude that the drafter of the President's message failed to communicate the President's desire for a strong bill "with stringent performance standards" to the people at the Interior and Commerce Departments and the Office of Management and Budget who drafted the bill. Interior's proposal is weak, riddled with loopholes, and does not contain the "stringent" performance standards that the President said are "required". For example:

First. It expressly excludes from its scope "prospecting" for "evidence of mineralization," although it appears to cover some related activities such as the construction of access roads and semipermanent camp facilities and mechanical trenching. This exclusion was recommended by the Commerce Department in a letter from its General Counsel, Mr. Letson, to the then Director of the OMB, Mr. Caspar W. Weinberger, who is now Secretary of the Department of Health, Education, and Welfare.

Second. It gives the States up to 2 years to submit for approval or disapproval proposed State environmental regulations. In the interim, the mine operators can continue to destroy our landscape without meaningful controls. The mining interests, not the environmentally concerned, seek this long delay.

Third. It provides that State regulations developed to meet Interior's proposed performance standards "should consider" in addition to "relative" degrees of environmental protection, the "relative costs involved." The latter phrase is quite vague. It could be interpreted as meaning social costs or costs to our environment; or it could be interpreted as applying only to the costs incurred by the mine operator in reclaiming the mined land. If the latter interpretation is applied to this ambiguous phrase—which, incidentally, was not included in Interior's earlier draft of February 7—which was circulated among Federal agencies, this phrase could become a significant loophole.

Fourth. It provides that the State regulations shall not apply to Federal and Indian lands. Regulation of these lands is left to the discretion of the appropriate Federal agencies. Their zeal to protect the land is illustrated by the fact that the Forest Service has not yet published for public comment mining regulations it prepared nearly 2 years ago to implement an 1897 statute.

Fifth. It requires that Interior approve or reject the proposed State regulations within 180 days after they are filed. It is silent on what happens if Interior fails to act within this time. This silence may result in court rulings that the regulations either automatically died and the State's efforts were wasted, or automatically became effective when the 180-day period ended. Both alternatives are undesirable from the public's standpoint.

Sixth. It does not require or authorize any opportunity for the public to participate in Interior's review and approval or disapproval of the proposed State regulations. This is incredible. Obviously, these mining interest agencies do not trust the public.

Seventh. It provides for judicial review, in the U.S. courts of appeal of Interior's approval or disapproval of any State's regulations within 90 days after the Secretary acts. But it provides no standard for the court to apply in reviewing Interior's action. Without such standard, it is unlikely that the court would scrutinize the adequacy and effectiveness of the State's regulations. Instead, the court review will probably be based on the narrow standard of whether the action was "arbitrary, capricious, or an abuse of discretion."

Eighth. It provides that the State regulations must require active mining operations to "obtain" permits "within 1 year" after the regulations are approved. However, it states that each permit "may allow" the operator up to 2 years from the approval date "to come into compliance with performance standards," and if the operator is producing less than 10,000 tons of minerals annually, the permit may exempt him from the performance standards for up to 5 years after approval of the regulations.

This means that, for example, if Congress enacts the administration bill on October 1, 1973, and a State takes the full 2 years—until September 30, 1975—to submit its proposed regulation, and if the Interior Department takes 6 months to approve them, coal operators in that State who produce 10,000 tons or more annually will be allowed to surface mine free of all performance standards until March 1978, and those who produce less than 10,000 tons annually may be exempt until March 1981. During this immunity period the "abuses" or surface and underground mining will, under the administration proposal, continue unabated. During this period, we will see, I feel certain, an acceleration of surface mining resulting in severe devastation to our environment. We cannot accept such an outlandish timetable. If we cannot obtain total regulatory control of surface mining within 18 months, then we had better look to other alternatives than regulation.

Ninth. It provides that State regulatory agencies must have authority to carry out the purposes of the legislation, including "authority" to obtain cessation of mining where a violation occurs. However, the language of this provision is weaker than that contained in Interior's February 7 draft, which specified that the States should be capable of halting such operations where violations occur through the use of an "administrative order" or by "civil and criminal actions." By deleting any reference to such specific enforcement procedures, Interior has the flexibility to interpret the word "authority" quite broadly and thereby approve enforcement procedures that will not insure prompt "cessation" of mining operations when violations occur.

Tenth. It requires that each State's regulations must be "compatible to the maximum extent practicable" with those of neighboring States. This would make it difficult, if not impossible, for one State to ban certain types of mining where the neighboring States do not do so.

Eleventh. It directs that Interior promulgate within 6 months after enactment "performance standards" for the reclamation of surface and open pit mining areas. It allows Interior up to 1 year to adopt such standards for underground operations.

These are not the "stringent" performance standards called for by the President last week. They are too vague and allow unfettered discretion to Interior to determine what standards should be adopted.

But most importantly, this provision is preceded by a general statement that in "choosing" among specifications which "satisfy" such standards, Interior must "consider" in addition to the "relative" degrees of environmental protection, the "relative costs involved." If this vague phrase means the "relative costs" of reclamation to the operator, these weak standards will be weakened even further by this giant loophole.

Twelfth. Although it requires a Federal regulatory program if a State fails to submit its regulations or if they are disapproved, no date is established for Interior to publish and finally adopt such a program in each State. It merely says that Interior should act "promptly." Years could pass under that admonition before an effective land protection program is in fact established in each State.

Thirteenth. It quite properly requires that interior recover the full cost of its regulatory program from fees charged operators for permits. But it does not specify that the fees will be deposited into miscellaneous receipts at the treasury. Without such a provision, Interior might successfully argue that the fees go to Interior for its use. Those fees would then govern the level of enforcement. If the fees are inadequate, enforcement also would be inadequate.

Fourteenth. It does not provide for the restoration of abandoned mined areas. Thus, much of the surface mining problem is ignored by Interior.

Fifteenth. It does not give a citizen the right to sue violators of the Federal or State regulations, as well as Interior, when it fails to perform a nondiscretionary act. Such suits are authorized in the air and water pollution laws. This is just another example of Interior's disregard for the interests of the public.

Any legislation passed by Congress on this subject must, as a minimum, have such a citizen suit provision.

Sixteenth. At the request of Commerce, a provision requiring that the States control or prevent the "waste of mineral resources" was deleted from Interior's proposal. If our energy crisis is as severe as the administration states, such a provision would seem essential.

Seventeenth. It does not provide for Federal inspectors to enforce the law, or for suits for damages against mine operators who fail to comply with the law, or for protection of workers who testify or otherwise inform the Government of law violations by their employers.

Last month the Administrator of the Environmental Protection Agency, Mr. Ruckelshaus, in a January 31 letter to the Director of the Office of Management and Budget, urged extensive revisions in the proposed legislation. He said:

> In response to the Office of Management and Budget's request to review the Administration's position on the proposed "Mined Area Protection Act" the Environmental Protection Agency recommended extensive revisions to the bill.
>
> The primary reason for these revisions was the development of several excellent provisions during extensive hearings in the 92nd Congress, which we believe should be incorporated into any national legislation to control the adverse environmental effects of mining.
>
> The Administration's bill did not receive serious consideration by the Congress, primarily because of its failure to specify the performance requirements in greater detail and to provide for a program to restore abandoned mined areas.
>
> I am concerned with the direction in which the Administration appears to be going as a result of recent OMB-interagency staff meetings on these issues. It is clear that Congress will again set aside the Administration's bill if we fail to take a stronger stance than that which was taken in the earlier proposal. A strong Administration position will demonstrate our commitment to solving this problem which is so highly visible. This can be accomplished with minimal Federal costs.
>
> * * * * *
>
> I urge that the Administration move aggressively to provide the strongest program to deal with this serious environmental problem and that full consideration be given to the points which I have outlined above and which are detailed in the EPA proposal.

Mr. Ruckelshaus then recommended that the administration proposal:

First. Provide adequate State or Federal requirements "in the shortest possible time. Mining is presently affecting between 4,000 to 5,000 acres per week, and most operations do not incorporate adequate safeguards for the environment. To delay controls for 2 years or more as was the case in the administration's previous bill is needlessly long."

Second. Establish an interim Federal program effective within 9 months after enactment. Such a program would continue until States receive final approval of their regulations.

Third. Provide that Interior "designate by regulation mining and reclamation techniques, which the advances of technology have made available." Once designated, State-permitting agencies would have to consider them "in imposing appropriate performance requirements."

Fourth. Provide that mine operators restore an area of land affected by mining operations to a condition at least equivalent to its original uses prior to mining. The EPA proposal does not specify that Interior consider economics in requiring that lands devastated by surface mining be restored. Clearly, this provision is far closer to the House-passed bill of the 92d Congress than that which has been proposed by the Interior Department.

Fifth. Provide for restoration of past mined areas at least Federal cost and minimum risk of windfall profits to private landowners.

Sixth. Provide Federal authority to review State-issued permits "where the mining activities to be permitted would have substantial adverse environmental impact of more than local or regional significance." The Government "should have authority in those cases to require appropriate conditions for such a permit if it determines that the State-issued permit is inadequate."

OMB, Interior, and Commerce paid scant attention to Mr. Ruckelshaus' suggestions. For example, he offered 14 specific minimum provisions that all mine operations would have to comply with as follows:

> (1) conduct mining operations so as to maximize the utilization and conservation of the mineral or solid fuel resource being recovered;
>
> (2) where feasible, remove the top soil from the land in a separate layer and store it in a stable stock pile so that it will be available for replacement during reclamation;
>
> (3) backfill the operation so that the approximate original contour of the mined area is restored without depression or to hold water except where the retention of water is required or desirable for reclamation purposes, or as otherwise approved by the Secretary;
>
> (4) bury under appropriate cover any pyritic shale, sulfides, or other material determined by the Secretary to have adverse effects on the environment;
>
> (5) refrain from mining operations within one hundred feet of any permanet stream, lake, or other water impoundment, unless otherwise authorized by the Secretary;
>
> (6) refrain from the construction of roads or other accessways up a stream bed or drainage channel or in such proximity to such channel so as to seriously alter the normal flow of water;
>
> (7) grade, backfill, revegetate or implement other appropriate reclamation requirements so as to keep current with the mining operation and complete such reclamation within six months following completion of mining operations or completion of mining operations in any section of the mined area, unless otherwise authorized by the Secretary;
>
> (8) revegetate immediately after grading in accordance with methods designated by the Secretary and as a minimum afford equal ground stability and cover to the original;
>
> (9) identify and correct or eliminate continuous polluting discharges, seepages, mine and refuse fires and other conditions that resulted from past mining operation and that present an imminent hazard to the health and safety of the public;
>
> (10) correct any off-site damages that may result from his mining operations and shall institute immediate efforts to correct such conditions;
>
> (11) with respect to disposal of mine waste, tailings, slimes, and other waste in areas other than the mine workings or excavations, incorporate the latest available engineering practices for the design and construction of waste retention facilities and construct such facilities to ensure (A) that the location will not endanger health and safety of the public should failure occur, (B) that construction will be so designed to achieve necessary stability with an adequate margin of safety to ensure against failure, (C) that leachate will not pollute surface or ground water, (D) that final contour of the waste accumulation will be compatible to the extent feasible with natural surroundings, and (E) that the site can and will be stabilized and revegetated when abandoned;
>
> (12) with respect to disposal of combustible waste such as coal refuse and culm, ensure against spontaneous combustion and sustaining burning; and
>
> (13) refrain from mining within fifty feet

> of active or abandoned underground mine openings unless otherwise authorized by the Secretary; and
>
> (14) auger to the dip of the resource. All auger holes will be filled to a depth of a minimum of three times the diameter with an impervious and noncombustible material.

He also recommended additional performance criteria for surface mining or slopes greater than 20 degrees. This criteria places the burden on the operator to "reasonably demonstrate" that his operations and reclamation activities "will not result in: First, the permanent placement of overburden or other waste materials on the natural slope above, below, or adjacent to the excavation; second, slides and excessive erosion; third, impoundments, either temporary or permanent, of water except for the intermittent retention of water for flood or sediment control purposes; fourth, the exposure of the high wall; and fifth, a vegetative cover less than what is necessary to stabilize and cover the mine area to an equivalent or better condition than what existed prior to mining."

These are some of the "stringent" performance standards the President referred to in his message last week. But the OMB, Interior, and Commerce Department drafters rejected them in favor of weak and ambiguous provisions.

After learning of EPA's suggestions and that the other agencies had rejected them, I called this to the attention of the Chairman of the Council on Environmental Quality. I said:

> It is apparent that OMB is listening to the mining interest agencies of Interior and Commerce, but not to the environmentally concerned agencies, such as EPA.
>
> That is what happened in the last Congress, and as Mr. Ruckelshaus noted, the Administration's proposal was not given much weight in Congress.
>
> Surface mining is rapidly increasing in the east and the west. As the scale of mining increases, so will the cumulative damage. The Administration should realize this. But there is little evidence that it has as yet or, if it has, that it really wants to turn the tide and halt this devastation.
>
> I urge that the Administration pay less attention to the mining interests, and more attention to the public's interest in enhancing the quality of our environment. I urge that the Administration discard Interior's weak and ineffective version of a proposed surface mining bill, and support Congressional legislation that will effectively prevent further environmental damage caused by surface coal mining and, most importantly, will encourage, not discourage, public participation in the program. EPA's recommendations which also cover Federal and Indian lands, will go a long way toward that goal.

My urgings, like those of Mr. Ruckelshaus, were obviously rejected by the administration. The die was cast. The mine interests, not the public, seemed to be winning their way no matter what we said.

It is true that the administration bill requires that Interior "obtain" EPA's "concurrence" in those "aspects of each State's regulations which affect air or water quality." But this is very vague language. No criteria exists to guide EPA or the States. The public cannot participate in EPA's concurrent role. Moreover, once EPA acts on the State regulations, its role in the program ceases. EPA has no role—not even one of "concurrence"—where Interior regulates the mining operations. Permits can be issued by the States or Interior without EPA's concurrence. In short, the bill provides only a token gesture to EPA to participate. Such tokenism is hardly worth the effort.

The Congress should set aside and pay little attention to the administration's bill. We should study carefully EPA's proposals and give consideration to a very basic question; namely, is the Interior Department the proper agency to administer this program? I now think it is not.

In 1969 the Interior Department promulgated regulations designed to control surface mining on Federal and Indian lands. Those regulations only apply to leases and permits issued after the date of the regulation, despite efforts by many to cover earlier permits and regulations. As a result, a great number of permits and leases in existence today are not covered by even these mild regulations.

In August of last year and in June of this year the General Accounting Office reported to the House Conservation and Natural Resources Subcommittee, headed by Congressman HENRY S. REUSS of Wisconsin, that the Interior Department has failed to properly and effectively administer and enforce these regulations in order to protect our environment. That same Department proposed the legislation which I have just discussed, which is weak and which is riddled with loopholes.

The evidence is clear. The Interior Department is not anxious, even with stringent requirements, to regulate the mining industry in such a way as to insure that the public's interest in environmental protection and enhancement will receive the attention it deserves. We must enact legislation which will insure that the agency responsible for administering it will act vigorously in enforcing the law. It is doubtful that the Interior Department would do this. I urge the Congress and all concerned citizens to consider this fact as we begin the process of considering this important matter in this session of the 93d Congress.

NICOLAUS COPERNICUS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mrs. GRASSO. Mr. Speaker, Nicolaus Copernicus, Poland's greatest scientist, was one of the world's great pioneers. We honor his birth 500 years ago for the gift of understanding he gave all of us concerning man's place in the universe, and for his thoughts and theories that revolutionized the scientific work of the men who followed him.

Born in Cracow on February 19, 1473, Copernicus achieved enduring fame in many fields. He was a physician and mapmaker, and above all a remarkable astronomer. The Copernican theory recognized that the earth rotates on its own axis, which accounts for day and night, and that it revolves around the sun, which accounts for the seasons of the year. This great man was the first to understand that we live in a heliocentric world.

From Copernicus' studies came his book, "On the Revolution of Heavenly Bodies," which established the groundwork for all of the celestial studies that followed, and most important, changed the emphasis of how man viewed his world. It has been pointed out that psychologically this great scientist's contribution to man's self-image was far more important than his essential correction of ideas in the field of astronomy. Earlier, men had thought that their home planet was the center of the universe. Copernicus' work showed up the folly of human arrogance in bold relief.

Mr. Speaker, in commemorating the 500th anniversary of the birth of Nicolaus Copernicus, a proud son of Poland, we remember the story of a life of genius and dedication which will continue to inspire the hearts and minds of succeeding generations throughout the world.

WYOMING'S VOICE OF DEMOCRACY WINNER

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. RONCALIO of Wyoming. Mr. Speaker, the Voice of Democracy Scholarship program, annually sponsored by the Veterans of Foreign Wars of the United States and its ladies auxiliary, has again chosen the winning essays from each State, and is in preparation for the national judging in March.

The theme this year was "My Responsibility to Freedom," and it served to focus attention on the principle that freedom is a responsibility that all citizens must strive to preserve.

Wyoming's winner, Miss Susan Marie Mitchelson, is from Farson, a small town of about 50 people. Susan has been active in athletics, music, and speech in her high school, and has proven to be an outstanding student and leader.

I congratulate Susan Mitchelson, and I would like to insert her winning essay at this time:

> THE ANSWER
>
> (By Susan M. Mitchelson)
>
> Babylon flourished as one of the most spectacular civilizations between 3000–2000 B.C. It was the center of the world in Biblical times, but fell in 331 B.C. This is due to the fact that people practiced idolatry and religion became a factor of little importance.
>
> Greece practiced a new religious system which after a period of time failed, causing a disintegration of its civilization. Greece fell in 246 B.C.
>
> The next center of the world, Rome, fell due to similar reasons in 476 A.D.
>
> Civilizations have fallen accordingly. This process begins when the spiritual life of the people falls. The morals of these people fall next, whereas the government falls last, bringing about the collapse of the civilization.
>
> On her deathbed, Gertrude Stein is said

to have asked, "What is the answer?" She paused, then asked, "But what is the question?"

Let me ask American citizens this question: "Is something going on that we cannot see?"

It is a difficult to observe the slow process of a decaying country, yet it *is* happening!

Everyone is involved in the obvious movements to make our country a better place in which to live. Slogans such as, "Keep America Beautiful!" "Help Stop Pollution!" "Help Stop Drug Abuse!" and other similar ones are heard repeatedly. But has it ever occurred to anyone that very little is ever said about keeping religion alive?

Church attendance has decreased. Altizer is saying, "God is dead!" No one seems to make an effort to preserve religion.

The previous slogans that I have mentioned *are* important factors, but doesn't anyone see that our civilization may be doomed as many others were in the past?

"The fight against communism," J. Edgar Hoover said at Valley Forge, Pennsylvania on February 22, 1962, ". . . is economic, social, psychological, diplomatic and strategic—but above all it is spiritual."

Our forefathers left their European countries and came to the New World to be released from a dictatorship and to have freedom of religion. They fought the Revolutionary War in order to have our country declared a free and independent one. Freedom of Religion was fought for.

I feel then, that it is my responsibility, my obligation to keep religion alive, to maintain freedom of religion in order to forego dictatorship.

How? By exercising my freedom of religion and respecting the fact that I have this freedom, a spiritual life, set morals, and an outstanding, strong government.

Let us refrain from losing our freedom due to a needless cause. Keep religion alive! Exercise freedom of religion to sustain an everlasting, free country! If religion should die, OUR country, OUR civilization may be doomed as others have been in the past.

"What is the Question?" "Will our civilization deteriorate and collapse?"

"What is the Answer?" "Keep religion alive! Uphold our spiritual, moral, and governmental standings so that OUR country may be an everlasting and free one!"

"AND THEN THERE WAS ONE"—GEN. FOSTER C. LaHUE

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. CHARLES H. WILSON of California. Mr. Speaker, the February issue of Marine Corps Gazette features a very interesting article, "* * * And Then There Was One," on Lt. Gen. Foster C. LaHue, Chief of Staff of the Marine Corps, who is, ironically, the last of his officer class to remain on active duty. This article is a fascinating study of the course of military officers' careers as well as a fine salute to General LaHue.

I hereby present this article:

. . . AND THEN THERE WAS ONE

(By Lt. Col. Harry W. Edwards, USMC (Ret.))

In a civilian context it would probably be difficult to imagine a business where 325 young executives start out together and in a period of 30 years only one is left still in the business.

In service life this is not unusual. However when that one, who is still in the business, happens to be the Chief of Staff of the Marine Corps, and his 324 contemporaries are those classmates who were commissioned with him, it makes an interesting study.

Lt. Gen. Foster C. LaHue pinned on his third star and took office as the Chief of Staff of the Marine Corps on 1 August 1972. He thereby became the first member of his class to attain three-star rank and the last to remain on active duty. The class represented by Gen. LaHue was the Fifth Reserve Officers Class, whose members were commissioned as officers in the Marine Corps on 29 May 1941.

Events leading up to WWII caused all services to inaugurate accelerated officer training programs. To supplement its input of officers from the Naval Academy and the platoon leaders classes, the Marine Corps adopted a program involving a three-month candidates' class for college graduates. They began their military training as privates first class. Those who succeeded were commissioned second lieutenants and assigned to a Reserve Officers' class for an additional three-month training program.

Gen. LaHue was one of 368 young college graduates who assembled in Quantico, Virginia, on a wintry day in March 1941 as a member of the Second Candidates' Class. All members of the class were formed into military units, commanded by officers and NCO's of the regular establishment, and given a rigorous training program to determine who had the necessary potential for leadership as Marine officers.

Their number was reduced by 43 in the course of training as candidates. The remainder received commissions as second lieutenants on 29 May 1941 and became members of the Fifth Reserve Officers' Class, or 5th ROC, as it was more popularly designated.

Being an officer rather than a PFC naturally brought more pay and certain amenities but the training was none the less rigorous. An addiitonal 21 were dropped from the ROC, so that, on 10 September 1941, a total of 304 graduates remained to be assigned to active duty. Most were in the status of reserve officers, however, 25 were awarded regular commissions and an additional 25 were designated as alternates. Practically all of the class was sent to the Fleet Marine Force to become platoon leaders for newly-forming units. A small number were sent to various specialist schools, including aviation, for additional training, and subsequently to the FMF.

By 7 December 1941, when those first shots were fired in anger, nearly all Marine combat units had a quota of officers from the 5th ROC. Their performance of duty was to be a good measure of the quality of the accelerated instruction provided by the Marine Corps Schools system.

The timing would seem to indicate that this particular group of officers could anticipate heavy casualties. However, it turned out differently. It was to be a fortunate class in many respects. Few of its members would serve long as second lieutenants, and therefore platoon leaders. Accelerated promotions in the early days of WWII brought the 5th ROC to company grade within a year. Instead of leading platoons into battle most of them had been promoted to captain and thereby became company commanders. This fact had a significant bearing on the total casualties suffered during the war as compared with other classes whose members served as platoon leaders for relatively long periods of combat.

In spite of the fact that nearly all members of the 5th ROC served in the Pacific action for two years or more, only 16 were killed in combat. Of these 16, the Saipan action claimed four; Guadalcanal three; Tarawa two; the Marshalls, Guam and Okinawa each one. Two others were killed in airplane accidents and one aboard ship.

By the end of WWII, a total of 62 members of the class had integrated into the regular establishment. However a majority of those who went inactive at war's end stayed in the reserve component. One of them, Arthur Hanson, went on to become a major general in the reserve; another, Harold Oppenheimer, became a brigadier general. An additional 60 members of the class attained the rank of colonel in the reserve.

Many of those who entered the reserve were assigned to organized units. When the reserve was mobilized for service in the Korean conflict, nine of these officers returned to active duty with their units, and rejoined their former colleagues who had integrated as regulars during the war. Once again, many FMF units were led by officers of the 5th ROC. However, this time most of them carried the rank of lieutenant colonel, leading battalion-size units, rather than the captains with companies of WWII. It is noteworthy that at one period during the fall of 1951, six of the nine infantry battalions of the 1st Marine Division, which was then engaged in combat in the east-central sector of Korea, were commanded by classmates of the 5th ROC.

Once again, this higher rank status apparently had its beneficial effect on the casualty rate sustained by members of the class during the Korean campaign. Only one classmate was killed in action and this happened at Koto-ri in North Korea during a bitter action of November 1950.

However, the selection board would have its effect. What battlefield attrition had failed to do was compensated for in the next promotion.

The rank of lieutenant colonel was the end of the line for 28 members of the class, but the remaining 43 regular officers were promoted. Those not promoted took their 20-year retirement and returned to civilian life in 1961 and 1962. Most of the others stayed on, at least for 26 years, which gave them an opportunity to see who would be selected for general officer.

As might be expected attrition took a heavy toll on the promotion to brigadier general, and only six members of the 5th ROC pinned on their star. These were: Ed Wheeler, Webb Sawyer, James Herbold Jr., George Webster, Foster LaHue and Ed Doyle. Of this group only Wheeler and LaHue were subsequently advanced to the rank of major general.

The recent retirement of Maj Gen Wheeler, left Lt Gen LaHue alone to occupy the place in the Marine Corps that once was served by 304 second lieutenants as members of the 5th ROC. Such are the inexorable effects of time and the selection process.

Thanks to the diligent efforts of one historically-minded member of that class, Col Winston Jewson, now retired, all members of the 5th ROC have been traced and located. They are widely scattered and engaged in all manner of businesses and professions. At least one, who is remembered as one of the most colorful members of the group, is now in the minisetry. Another, who attained legendary prowess as a swinger and party man is now a staunch member of Alcoholics Anonymous. There are teachers and lawyers and a few in the medical profession. With rare exception most have made a smooth transition back to civilian life and many are highly successful.

Col Jewson's investigation revealed that an additional 19 class members had died since the war. This brought the total to 36, which represents about 12 per cent of those 325 who accepted their original commissions in 1941. Insurance actuaries may well be encouraged at this rate of survival over two wars and 30 years of rather hectic existence.

The remaining members of the 5th ROC, many of whom had been holding reunions down through the years, were inspired in 1970 to erect a plaque at The Basic School in Quantico. It commemorates the 17 officers who were killed in action, along with the other 19 classmates who have subsequently died of other causes. The plaque is appropriately inscribed "In memory of the members of the Fifth ROC whose lives were dedicated to the service of their Country and their Corps."

JUDGE US BY OUR DEEDS, NOT OUR WORDS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. RANGEL. Mr. Speaker, the U.S. Commission on Civil Rights has issued its third report since the Nixon administration took office on Federal civil rights enforcement. Since its inception in 1957, the Commission has played a very important role in protecting the civil rights of minorities in our society. Almost 90 percent of its recommendations have been signed into law.

From voting rights to fair housing, from employment to education, the Commission has consistently pursued the goal of equal rights for all throughout its long history. It has had disagreements with every administration, for just as it has acknowledged accomplishments, it has also recognized failures. It is the Commission's unblemished reputation of impartiality that makes the issuance of this latest report on Federal civil rights enforcement policies the most important assessment yet made of the Nixon administration commitment to progress in the field of civil rights.

I would like to insert into the RECORD at this point an editorial from the Washington Post praising the Commission's report and challenging the administration toward constructive change:

CIVIL RIGHTS ENFORCEMENT: "HIGHLY INADEQUATE"

In its new report on federal civil rights enforcement, the United States Commission on Civil Rights has painted a doubly dismal picture. In this, its third such report since the beginning of the first Nixon administration, the commission concludes that "the federal effort is highly inadequate." But it might just as well have said that the effort is *still* highly inadequate. And, therein lies the deep disappointment and the great sadness.

It has been five years since the publication of the Kerner report which painted a grim picture of where our society was headed unless urgent remedial steps were taken. Yet, we are still worrying about the essential commitment of the federal government in this crucial area. When the Kerner Commission told us how much trouble we were in, our greatest asset, as a society, was the array of civil rights laws and regulations already on the books and the broad ways in which those laws in conjunction with the activities of the federal government touch the country.

But in 1973 the Civil Rights Commission is telling us that despite a few bright spots, HEW is failing in its obligation to provide equal educational opportunity, the Federal Power Commission refuses to enforce equal hearing standards in the power industry, the Labor Department has downgraded the Office of Federal Contract Compliance, and on and on throughout the government.

The Commission noted that its earlier reports had been discouraging and said of the current report, "Our findings are dismayingly similar to those in our earlier reports." The report also contains a poignant appeal to the President to put energy and muscle into the program. Almost two and a half years ago, on the issuance of the first of these reports on the Nixon administration's efforts we tried to point out that the Commission's work was not a spear in the chest of this particular administration, but rather, a continuation of the valuable contributions the Commission had been making over the years and, at least in part, a reflection of the legacy which the administration had inherited. We said, "In this particular report the commission has handed Mr. Nixon an invaluable case study of what has gone wrong in civil rights enforcement and how it can be set right. We hope he will receive it that way."

Well, from this report, we can see he didn't. There is no question that we are now seeing Nixon administration policies at work. And that is the most disappointing thing of all, for the commission is not, as it points out, dealing with abstractions, but rather with the grainy texture of American life. It is talking about the education of American children, the access to the employment market of American workers and the access to the housing market of American families. And thus, for all his glittering successes in the international field, Mr. Nixon is failing the country if, because of a failure of will on the part of his administration we are asked to tolerate human misery which, in some measure, we have the tools to alleviate.

In the last analysis, we believe that Mr. Nixon and his administration will be judged by the standard laid down by President Johnson in his last major public appearance: ". . . the essence of government lies with unceasing concern for the welfare, dignity, decency and innate integrity of life for every individual, regardless of color, creed, ancestry; sex or age." It is a high standard, but it is fair and President Nixon has clearly failed to meet it.

CONSUMERISM, GOVERNMENT, AND HIGH PRICES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. CRANE. Mr. Speaker, much of the discussion which in recent days has been called consumerism has led many Americans to the conclusion that, more and more, businessmen are attempting to sell them shoddy merchandise at increasingly higher prices.

Such spokesmen frequently call for Government intervention in the economy to correct such evils, which they believe is caused by competition in the market place.

The real facts of life with regard to the American economy are far different. In many areas where prices have increased dramatically the cause of such increase has been government itself, and not the free market. One example of this state of affairs, of course, is food prices, which directly relate to huge government subsidies paid to farmers and similar government subsidies to trade in farm goods with the Soviet Union.

How many "consumer advocates" tell the American people about those areas where prices are lower than they were in the past? Unfortunately, there are very few.

The Wall Street Journal recently noted that:

> Air travel is cheaper, faster and more convenient than ever. Refrigerators and freezers are vastly improved. Durable new fabrics have increased the life span of many clothes, thereby in effect making them cheaper to own. Motor oils last far longer today. House paints are more convenient, and they cover better and last longer. Those bulky, expensive portable radios of a decade or two ago have been replaced by small inexpensive transistors.

Many products are more expensive than they have been in the past, and some are not built as well as they once were. The best remedy for such a situation, however, is competition, not Government regulation. When Government enters an area, as in the farm field, what we observe is not a better situation for the consumer, but an advantageous situation only for the producer. Government involves itself in transportation not in behalf of the consumer, but in behalf of the industries involved. The same is true in almost every area of the economy.

The Journal concludes that:

> Competition, while not guaranteeing perfect products at bargain basement prices, does guarantee the search for newer and better products. The economic marketplace, in which consumers conduct millions of plebiscites every single day, remains the most competitive chamber of all.

The consumer is supreme not when industry is regulated, but when it is free. Only then is he able to vote in the marketplace with his dollars for the kinds of products he wishes to purchase.

I wish to share the following editorial from the Wall Street Journal of February 13, 1973 with my colleagues, and insert it into the RECORD at this time:

PRICES, VALUES AND SUPERMAN

No one entrusted with the family budget needs to be reminded that the nickel cigar, dime beer, 15 cent hot dog and 25 cent hamburger are largely things of the past. Mr. & Ms. Householder don't need the consumer price index to remind them that prices—are like the old Superman rallying cry now repeated in popular music and slick commercial—Up, Up and Away.

Granted all that, some items are actually cheaper now than they've ever been. As a recent article in this newspaper noted, the price of mini-calculators has dropped by one-half in only two years and is expected to drop by a total of two-thirds before the year is out.

True, mini-calculators fall somewhere into the luxury or nonessential class. But so did the ordinary ball point pen not too long ago, when it sold for as high as five dollars. And it wasn't too long ago that TV sets were luxuries, so expensive that few families could afford them. The sets they could afford—black-and-white only—came with postage-sized screens in which every production, from Dante's "Inferno" to South Seas sagas, were played out against snowy backgrounds.

Air travel is cheaper, faster and more convenient than ever. Refrigerators and freezers are vastly improved. Durable new fabrics have increased the life span of many clothes, thereby in effect making them cheaper to own. Motor oils last far longer today. House paints are more convenient, and they cover better and last longer. Those bulky, expensive portable radios of a decade or two ago have been replaced by small inexpensive transistors.

Don't get us wrong—not all the modern inconveniences are cheaper. And there are still so many overpriced and undervalued goods waiting to lure the unwary customer. But the emphasis on consumerism in recent years, an emphasis that on the whole is laudable, has tended to create the impression that all merchandise is shoddy and expensive, that commercial exchange is one big con game.

On the contrary, competition, while not guaranteeing perfect products at bargain basement prices, does guarantee the search for newer and better products. The economic marketplace, in which consumers conduct millions of plebiscites every single day, remains the most competitive chamber of all.

A reasonable amount of skepticism is probably a good thing in a commercial climate not too far removed from the philosophy of caveat emptor. But the key word is reasonable, not a stubborn refusal to admit that even amid higher prices there remains an abundance of values. Yet some consumer spokesmen do deny it, thereby lapsing into the sort of cynicism described by Oscar Wilde, that of knowing the price of everything but the value of nothing.

MEDICAID ABUSES IN NEW YORK CITY

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. KOCH. Mr. Speaker, I would like to call to the attention of my colleagues an excellent series of articles in the New York Daily News detailing the very disgraceful abuses of the present medicaid system in New York City. The articles speak for themselves in pointing out the enormous profits that may be made from wholly inadequate medical services. The following is the first of several articles which I will be inserting here for the interest of my colleagues:

THE CITY'S MEDICAID SYSTEM: STILL SICK, SICK, SICK

Exactly one year ago, a Manhattan grand jury made headlines with its finding that "50% of the money spent on the medicaid program—or almost $1 billion—went down the drain."

What has happened in the past year to change things? To find out, The News assigned an undercover reporter-photographer team to dig into medicaid in New York City.

Working closely with officials of the city's Health Department and of the Human Resources Administration, two agencies that have been fighting hard to stem abuse of the medicaid system, this newspaper's investigation included not only a lengthy field inquiry, but an exhaustive examination of city records and candid interviews with public officials.

Here are a few of the highlights of The News' medicaid probe, which will be detailed and documented in this continuing series of articles:

Ping-ponging of patients from doctor to doctor in several privately owned group medical centers where the poor are rammed through an often needless, but costly, labyrinth of X-ray exams, lab tests and dental care.

Cases in which doctors insisted that the patient fill prescriptions at a specific pharmacy even though medicaid regulations demand that all patients be given a completely free choice of pharmacies.

A voluntary hospital that was paid $457,000 for care that city health officials later discovered centered on the use of drugs that were never approved by the federal government for human experimentation, much less for actual clinical treatment.

A deal in which optometrists and an optical company collaborated in charging medicaid about $800,000 for eye examinations and eyeglasses even though most of the glasses were declared to be unsatisfactory by the Department of Health.

Psychiatrists who billed the city for more hours than there are in a day—one for as much as 35 hours of consultations in a single day.

A dentist who billed the city $800,000 in two years for treatment given 10,000 patients in his seven-chair East Harlem office. He is now under indictment, but is still billing medicaid for his practice.

A doctor who maintains he treated 300 patients—half of them medicaid—in a single day; and others who double-billed for services or billed for patients they never saw, for treatment never dispensed.

Several pharmacies that gave short counts on prescriptions and unprofessionally preprinted them for doctors.

Doctors who send all of their laboratory test work—tests often found to be unnecessary—to a particular lab that, in return, pays them up to $3,000 a month for "rent."

Doctors who fail to take patient's past histories or fail to thoroughly examine patients, but jot down only medicaid card numbers (for billing purposes).

CAUGHT A COLD? TAKE THREE DOCTORS EVERY HOUR

(By William Sherman)

(*First of a series*)

Disguised as a welfare client complaining of a cold, a reporter with a medicaid card wandered into a group medical office in Ozone Park, Queens, one day last week and asked to see a doctor.

The patient was first sent to a foot doctor, then twice to an internist with instructions to come back a third time, and then to a psychiatrist who arranged for weekly visits. On his second visit the patient was given an electrocardiogram, three blood tests, two urine tests and a chest X-ray.

He was handed six prescriptions in one day and doctors directed him to a pharmacy on the second floor of the center to have them filled. He walked out that day with a mixture of foot powders, a mild foot cream, a vial of sleeping pills, a bottle of powerful tranquilizers, penicillin tablets, and a bottle of cough medicine—all in response to his initial complaint of a cold—a feigned cold, at that.

AGENCIES COOPERATED

The visit to the medical offices in Queens was part of an intensive investigation by THE NEWS into medicaid and its abuses. The inquiry was conducted with close co-operation of the city's Human Resources Administration and of the Department of Health, which monitored the probe every step of the way.

These agencies agreed to issue the temporary medical card to the reporter, who was in sound health when he visited several group practices in Manhattan, the Bronx and Queens. The Health Department then audited his treatment at the various centers and analyzed the drugs he received during the investigation.

Accompanied by a news photographer who posed as the patient's cousin, the reporter strolled into the Park Community Medical Building at 131–12 Rockaway Blvd., where he joined 25 other patients nervously waiting to receive medical care. At that moment the reporter was, in effect if not in fact, just another ailing welfare client with a cold. He tried to act and talk like those around him.

WHITE TAPE

At the reception area, a woman in white Xeroxed his medicaid card several times and asked, "Your first name, please, your date of birth, and do you have a phone?"

She entered the information on a medicaid invoice, which would follow the patient, along with additional bills, throughout the center. Then she asked, "Why are you here?"

"I have a cold, I think, and I'd like to see a doctor."

"Well, the medical doctor is busy right now; first you should see the podiatrist to have your feet checked. He's not busy."

"Why? I just have a cold."

"You should have your feet checked."

"Okay," said the patient, and with his "cousin" in tow he was ushered into the office of podiatrist S. David Geller, a mild-mannered man who directed the cold victim to lie down on a couch and "relax.'

TOE TO HEAD

Socks and shoes were removed and the podiatrist squeezed both feet, looked up and asked, "Ever have any trouble with these feet?"

"Nope, I have this cold. How come I'm seeing a foot doctor?"

"Well, here we examine everybody from the ground up and we're starting with your feet. We'll get to the rest of you later."

A light rash on the patient's left foot was noted, and Geller asked, 'How long have you had this?"

"A couple of days," said the patient.

"I'll write you out some prescriptions; you get them filled upstairs. Rub the cream on and it will be all better."

"Why should I get them filled upstairs? I have a drugstore in my neighborhood."

"The pharmacist here knows what the doctors write for and they stock accordingly," said the foot specialist.

MUST HAVE A CHOICE

Medicaid regulations specifically require that doctors give patients complete freedom of choice in choosing a pharmacy to fill prescriptions.

Geller wrote out the prescriptions for a combination of foot powders and the cream and told the patient his rash was a "fungus growth." (A Health Department podiatrist said later that for such a reading, a culture should have been taken. This was not done.)

The Park Community podiatrist completed his examination in five minutes, reminded the patient "not to worry" and beckoned for the receptionist. She promptly whisked the patient into another office—this time a 4-by-8-foot examination room manned by Dr. Henry Wilkins, an internist.

"What's your trouble?" asked Wilkins, reaching for a stethoscope.

"A cold."

"How long have you had it?"

"A couple of days. Since I caught it I haven't been sleeping so good."

USUAL PROCEDURE

Wilkins then examined the patient's throat with the usual "say ah" procedure, thumped the patient's forehead with a finger asking if it hurt, listened to the patient's chest with the stethoscope, took a blood pressure reading, asked if there was a fever or muscular aches and then began to open a package containing a disposable syringe.

All this took four minutes, and the patient said he didn't know if he had a fever. The doctor never took his temperature, but he noted a "slightly red throat" and then abruptly announced, "You have the London flu. Roll up your sleeve. I'm going to give you a shot of penicillin." (Influenza is caused by a virus that is not affected by penicillin.)

"Hey, I don't want any shots!" the patient yelped.

"It won't hurt, it'll make you better," said Wilkins.

"I don't want it, I don't need it, needles make me nervous," said the patient.

AN RX INSTEAD

Wilkins looked up with a frown, made a note of the patient's refusal, and left the disposable syringe lying on the piece of cotton on his desk.

"All right," he said. "I'm writing you a prescription for penicillin, a cough medicine, and some pills to take twice a day that will relax you." Then, on a blue sheet of paper he wrote that the patient should have an electrocardiogram, blood tests, X-rays and a urine test.

When the patient balked at all but the urine specimen, the doctor explained that "the tests will determine if there is anything more seriously wrong."

Wilkins walked out into the hall and beckoned to the receptionist. The patient was led into a similar adjacent examining room by the woman, who said, "Another doctor wants to see you."

Seconds later, a stocky man in a beige sport jacket walked in and sat down. He looked at the patient's chart, introduced himself as Dr. Samuel Kramer and said softly, "How do you feel?"

ENTER SEX

"I have a cold and I'm not sleeping so good."

"You look depressed. Are you always this depressed?"

"No."

"Do you have a girl friend."

"Do you?" the reporter retorted, wondering why a cold complaint was transposed into an investigation of a patient's sex life.

After questions on the patient's family background and job history Kramer leaned forward, looked very seriously into the patient's eyes and said, "You seem afraid."

"I'm not."

"Well, you shouldn't worry about injections . . . I'm going to write you a prescription for some pills that will let you sleep better; you'll feel more relaxed."

"Come in Monday," he added. "I'd like to see you one day a week to work out your problems."

NO RECORD FOUND

The interview with Dr. Kramer was finished in about 15 minutes. During this period the doctor took no notes and made no references on the patient's chart, not even a mention of the tranquilizer prescribed.

Later, the Health Department's senior medical auditor, Dr. Howard Katz, inspected the center's records and reported that there was no objective indication for a psychiatric examination. In fact, no record of the examination was found at the center, he said.

On the way out of the psychiatrist's office, Wilkins, the internist, reminded the patient, "Come back Wednesday, no matter how well you're feeling; I have to check you out again."

The patient nodded assent and followed the podiatrist's instructions to get the prescriptions filled upstairs. With his "cousin" still in tow, he walked to a room on the second floor blocked by a Dutch door with a counter on top. A sign read "Rakal Pharmacy—medicaid accepted."

SHORT COUNT

The patient handed his prescriptions to a young man behind the counter who identified himself as Howard Feder. Moments later Feder delivered the six various tubes and vials to the patient, and the reporter and his "cousin" then left for the day.

One hour later, at the Health Department, pharmacist Eli Gorelik counted and identified the drugs. A photograph had been taken of the prescriptions before they were filled, and Gorelik stated that four ounces of Benylin expectorant, a cough medicine, had been prescribed. The patient was given the cough medicine in a three-ounce bottle.

INEFFECTIVE POWDERS

Later, Dr. Katz noted that penicillin is not an effective cure for the patient's complaint, a cold, nor is it effective in treating influenza, the internist's diagnosis. He added that three of the drugs were contra-indicated—they are dangerous when taken in combination—and that the sleeping pills, tranquilizers and cough medicine were enough to keep the patient in a daze for a week if taken as prescribed.

A Health Department podiatrist said that the foot powders, which the druggist inexplicably put in a bottle with a Tetracyclin label, were so mild and nonspecific that they would have no effect on a fungus.

The costs of the patient's first day of care for his "cold" at the center, based on the city's medicaid fee schedule, were $5.20 for the podiatrist's exam, $15 for the internist, $20 for the psychiatrist and $2 for the urine specimen, a total of $42.20.

Health Department pharmacist Gorelik, referring to the 1973 Drug Topics Redbook used for medicaid billing, determined that the six prescriptions would cost $21.60.

The total potential bill was $63.80. Katz said that if the center had only handled the patient's complaint, a cold, the bill would have been about $10, for time spent in an examination and for the prescription for cough medicine.

Nobody knows how much the doctors at the center will actually charge for the services performed for the News reporter. Since he was a "medicaid patient" the bills will be forwarded to the Department of Health, where experts will decide which charges are allowable. Any cost determined to be legitimate will be paid to the Health Department by the News.

Meanwhile, the cold treatment at the center was far from over.

THE BIG WORD: JOBS

HON. WILLIAM A. BARRETT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. BARRETT. Mr. Speaker, the attached article from the Philadelphia Bulletin shows why Ed Toohey works so hard in COPE, AFL–CIO. I would like at this time to have this article inserted in the CONGRESSIONAL RECORD:

GETTING PHILADELPHIA MOVING AGAIN—THE BIG WORD: JOBS

(By Edward F. Toohey)

Ask the working man what's wrong with Philadelphia, and he'll tell you in a word: Jobs.

The jobs are disappearing, he'll say, and the statistics bear him out. Since 1969, according to the Federal Bureau of Labor Statistics, Philadelphia has lost 53,100 jobs.

It's not that the working man is unaware of the other massive problems that face the city—deteriorating housing, an inadequate school system, a shrinking tax base, polluted air, etc.—but just that he feels if there were enough work for everybody, including the minorities, the rest would take care of itself.

Where are the jobs going, why, and what can be done about it?

First, we must realize that a good portion of the problem is national in scope. New York City has lost 184,300 jobs since 1969, and the figures are similar in our other large cities.

There is little wrong with Philadelphia that is not also wrong with other large, industrial cities, paritcularly in the crowded northeastern United States.

NATIONAL POLICIES

Much of the job loss can only be cut by changing national economic policies. Foreign competition, particularly in the apparel and electronics industries, is putting thousands of Philadelphians out of work.

That is why one of the top priorities of the AFL–CIO in this session of Congress will be passage of the Burke-Hartke Bill to help wipe out the unfair advantages of multi-national corporations that are, in effect, exporting American jobs.

We can't expect all of Philadelphia's problems to be solved at the federal level. Several years ago, labor cooperated with the Southeastern Pennsylvania Economic Development Corporation in a study aimed at improving the competitive position of metal industries in the Delaware Valley.

Based in part on interviews with several hundred employers, the study found most of them rated the area "high" on difficult-to-change environmental factors, such as transportation, the living environment, and the marketplace.

The area was rated "low" on the more easily changed human factors, such as supply of skilled labor, labor-management relations, and tax policies.

Interestingly, however, the study found that the area's poor labor-management relations reputation was unjustified. Most of the employers who said they thought the labor climate was bad admitted that their own experience in labor relations was good.

The latest statistics bear this out. In terms of time lost due to work stoppages and union wage scales, Philadelphia is competitive with the other large, industrial cities.

The conclusion of the study: "Reputation lags performance" in labor-management relations in Philadelphia.

Unfortunately, it is not the facts but what businessmen may believe are the facts that often affect their investment decisions.

Speaking for the Philadelphia AFL–CIO Council, I pledge that our unions will attempt to reach accommodations whenever necessary to save jobs. But the impetus for such accommodation must come from the city and from business.

We also are willing to participate in programs to increase the supply of skilled workers here, if there are assurances there will be jobs for them. The need for training and retraining programs will increase with improved technology and the continuing trend, nationally and in Philadelphia, from an industrial to a service-based economy.

A prerequisite to such programs, however, is a more effective school system. It is difficult to train young men and women who cannot read.

VOCATIONAL TRAINING

Also needed is increasing emphasis in our public schools on vocational training and a conscious upgrading, by the media and the business community, of the status of the blue-collar worker. He is "the forgotten Philadelphian" who pays the bulk of the taxes to keep the city and schools operating.

I urge the creation of a city-business-labor committee to meet on a continuing basis to coordinate and publicize the efforts of Philadelphia to brighten its employment picture and regain its once well-deserved reputation as "a workingman's town."

CONCURRENT MEMORIAL

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. HOGAN. Mr. Speaker, I was happy to note recently that a concurrent memorial had been introduced in the Arizona House of Representatives establishing that human life with local personality begins at the time of conception and that the unborn have equal right to due process and all other constitutional rights.

The memorial, introduced by Jim Skelly, of Phoenix, calls on the Congress to take appropriate action to amend the Constitution of the United States to insure that these rights are given to the unborn.

On January 30 I introduced into the House of Representatives, House Joint Resolution 261, which proposes to amend the Constitution guaranteeing the right to life to the unborn, the ill, the aged, or the incapacitated.

Following is a copy of Representative Skelly's memorial and his remarks on the floor of the Arizona House, January 29:

A concurrent memorial urging an amendment to the Constitution of the United States establishing that human life with legal personality begins at the time of conception and that all constitutional rights, including due process of law, apply to the unborn in the same manner and to the same extent as to all other citizens of the United States

To the Congress of the United States of America:

Your memoralist respectfully represents:

Whereas, medically and scientifically a human embryo or fetus exists as a living and growing human individual from the time of conception; and

Whereas, the moment of birth represents merely an identifiable point along the course of human development and not the beginning of human life; and

Whereas, respect for human life has been a hallmark of civilized society for millennia; and

Whereas, respect for and protection of unborn human life has been traditional with the medical profession since long before the beginning of the Christian era regardless of prevailing political, religious or social ideologies or dogmata; and

Whereas, a legal threat to the right to life of any individual member of a society imperils the right to life of every other member of that society; and

Whereas, in states in which abortion laws have recently been relaxed or repealed, professional medical ethics and respect for unborn human life has proved to be wholly inadequate for the reasonable protection of the lives of the unborn; and

Whereas, the United States Supreme Court has withdrawn all legal protection from an entire class of human beings, namely, the unborn. Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress of the United States take appropriate action to amend the Constitution of the United States establishing that human life with legal personality begins at the time of conception, and that all constitutional rights, including due process of law, apply to the unborn in the same manner and to the same extent as to all other citizens of the United States.

2. That the Secretary of State of Arizona is directed to transmit a copy of this Concurrent Memorial to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States and to each member of the Arizona Congressional delegation.

Statement by Representative Jim Skelly on the House Floor, January 29, 1973, Announcing That He Would Introduce a House Concurrent Memorial

The memorial would petition Congress to propose an amendment to the Constitution establishing that human life with legal personality begins at the time of conception, and that all constitutional rights, including due process of law, apply to the unborn in the same manner and to the same extent as to all other citizens of the United States.

One week ago today, on January 22nd, the Constitution of the United States, the very cornerstone of our republic, was violently altered. In effect, the court ruled that the destruction of human life without due process is now the law of the land.

On that day, literally millions of unborn innocent babies were sentenced to a violent death, and I say violent deliberately. Dr. Albert W. Liley, who is known as the father of fetology and who perfected interuterine transfusions for RH babies, has said that a baby in the womb suffers the same pain as a baby in the crib.

What crime are these unborn innocents guilty of? Absolutely none, of course.

The ramifications of this decision are frightening. In 1971 there were 262,807 induced abortions officially reported to the New York State Health Department. And this is the result of abortion on demand in one State only.

It has often been said that those who do not learn from history are doomed to repeat it. Forty years ago, in the dying days of the Wiemar Republic in Germany, permissive abortion statutes were enacted and abortion on demand became an accepted public policy.

A few years later, in 1938, the Nuremberg decree was published. It said very simply, "Life unworthy to be lived shall be eliminated." And that is just what happened.

The mentally retarded, both young and old were the first to feel the results. Those suffering from physical diseases such as multiple sclerosis, cerebral palsy and the like were next. By actual body count, 500,000 Germans were exterminated because they were "useless eaters". Of course, we all know that by 1939 the pro-death mentality which existed in Nazi Germany arrived at the ultimate Jewish solution, and names like Dachau and Auschwitz became part of our vocabulary.

The point I am trying to make is simply this. A legal threat to the right to life of any individual member of a society imperils the right to life of every member of that society. And the proof of what I am saying is the fact that in a couple of State legislatures there have been bills introduced during the past two years which would have permitted euthanasia had they been passed into law. It is simply a matter of time.

In his book, "A Handbook on Abortion", Dr. J. C. Willke says this: "For two millenia in our western culture, written into our Constitution and Bill of Rights, specifically protected by our laws, and deeply imprinted into the hearts of all men, has existed the absolute value of honoring and protecting the right of each person to live. This has been an inalienable, and unequivocal right. The only exceptions have been that of balancing a life for a life in certain situations or by due process of law."

Dr. Willke continues, "yet our newly enacted permissive abortion laws . . . represent a complete about face, a total rejection of one of the core values of western man, and an acceptance of a new ethic in which life has only a relative value. No longer will every human have an absolute right to live simply because he exists. Man will now be allowed to exist only if he measures up to certain standards of independence, physical perfection, or utilitarian usefulness to others. This is a momentous change that strikes at the root of western civilization.

It makes no difference to vaguely assume that human life is more human post-born than pre-born. What is critical is to judge it to be, or not to be, human life. By a measure of 'more' or 'less' human, one can easily and logically justify infanticide and euthanasia. By the measure of economic and/or social usefulness, the ghastly atrocities of Hitlerian mass murders came to be. One cannot help but be reminded of the anguished comment of a condemned Nazi judge who said to an American judge after the Nuremberg trials: 'I never knew it would come to this.' The American judge answered simply: 'It came to this the first time you condemned an innocent life.' "

I respectfully urge that every member of the Arizona House of Representatives join with me in sponsoring a memorial, which is now on my desk, urging the United States Congress to propose an amendment to the Constitution establishing that human life with legal personality begins at the time of conception, and that all constitutional rights, including due process of law, apply to the unborn in the same manner and to the same extent as to all other citizens of the United States.

I will introduce this house concurrent memorial this afternoon.

At stake is not only the destruction of unborn innocent babies but the destruction of Judeo-Christian civilization as we know it.

RECOGNITION GROWS FOR NONSMOKERS' RIGHTS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. YOUNG of Florida. Mr. Speaker, more and more, the public is recognizing that the nonsmokers of America have rights too. For too long, nonsmokers have been forced to inhale the noxious fumes of others' tobacco—fumes that cause severe distress to the nonsmoker and endanger his health.

To protect the neglected rights and health of the nonsmoker, I introduced H.R. 1309, the Nonsmokers Relief Act which would require seating areas for nonsmokers aboard airlines, trains, and buses. While this bill in no way infringes on the rights of those who choose to smoke, it does protect the rights of those who do not want to be forced to breathe polluted air when travling. Since the bill was first introduced in the 92d Congress, many of America's leading airlines have voluntarily agreed to provide separate seating.

As further evidence of the growing recognition that the vast majority of Americans who choose not to smoke have that right, I note that the Marriott hotels in the Washington, D.C., area are now providing separate floors where smoking is not allowed.

The Marriott chain is to be commended for its consideration and foresightedness. An account of the Marriott program, as outlined in the February 13, 1973, edition of the Washintgon Star, follows:

New Motel Policy: No-Smoking Floors

(By John Holusha)

"It is a custome loathsome to the eye, hateful to the nose, harmful to the braine, dangerous to the lungs and in the black stinking fume thereof, nearest resembling the horrible stygian smoke of the pit which is bottomless"—King James I of England in his 1604 "counterblaste" on the use to tobacco.

Well, there'll be none of that going on in Room 1102 of the Crystal City Marriott Hotel. Nor in any other of the 35 rooms of the 11th floor; the 19 on the 5th floor of the Key Bridge facility or the 15 in one section of the Twin Bridge Motel.

Since Monday these rooms have been reserved for nonsmokers only. All the ashtrays and matches have been removed; all the curtains, rugs and bedding thoroughly cleaned; and nonsmoking maids and housemen have been assigned.

The motive, apparently, has nothing to do with the principles of the Mormon Marriott family. Profit is the lure.

Executives of the Marriott hotel division hope to increase occupancy rates by attracting nonsmokers who have been gagged by the lingering tobacco smell in motel and hotel rooms. The experiment is now confined to the three Washington area facilities, but will be expanded to all 24 hotels and inns if successful, they said.

In doing so, Marriott is following something of a trend. Airlines and passengers trains have long limited smokers to certain areas. The Department of Health, Education and Welfare is trying to keep smokers from large gathering areas in the HEW office building and some school districts have attempted to ban both students and teachers from smoking on school grounds.

As well as increasing occupancy, Marriott officials figure they'll be able to cut costs significantly. According to Crystal City hotel general manager Rick Manzari, there will be less frequent cleaning of smoke-catching drapes, less outlay on ashtrays and matches and a sizable savings on the replacement of furniture and carpeting damaged by burning cigarettes.

"Maybe we'll even get reduced insurance," he says.

The no-smoking floors are Manzari's project. The original idea, he says, came from a customer on one of the questionnaire cards left in each room.

The official kickoff of the program is set for today with former Surgeon General Jesse Stinfeld and other members of the anti-smoking establishment scheduled to attend.

The Marriott experiment should prove attractive to those concerned by a report released by Steinfeld just over a year ago. Titled "The Health Consequences of Smoking," the report found that concentrations of exhaled smoke are dangerous to nonsmokers in the area.

Manzari finds it easy to sympathize with the effect of stale tobacco smoke on the abstainer. "I quit about a year ago."

"Since I've quit, I realize how even the slightest bit of smoke coming from a nearby room can be highly offensive."

FEDERAL ACTION NEEDED TO LESSEN EARTHQUAKE HAZARD

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. ANDERSON of California. Mr. Speaker, this morning, at approximately 6:45 o'clock—Pacific standard time—an earthquake again rocked the southern California area leaving damage in its wake.

While current reports from the scene are sketchy, we can only hope that its effects were minimal.

Yet, this points up the great need for a Federal program aimed at first, accurately predicting earthquake occurrence; second, minimizing the death and destruction such as occurred February 9, 1971, in California; and third, providing efficient, effective relief to those involved in the tragedy.

And, on all three fronts, the Federal Government is not performing adequately.

EARTHQUAKE PREDICTION

First, the Federal Government has not provided adequate funds to develop a system to predict earthquakes so that lifesaving precautions can be taken.

According to Dean Richard Jahns of Stanford University:

> During the next 25 years we can expect, in various parts of the United States, at least one great earthquake, several major earthquakes, and numerous lesser damaging shocks.

Despite warnings of Dean Jahns and other scientists, there does not exist the capability in the United States to predict the occurrence of such earthquakes. The possibility to make such predictions exists because of tremendous breakthroughs in seismology in the past few years. For instance, Japanese scientists were able to give warnings at Matsushiro in 1966 and Russia is claiming equipment to predict the location and magnitude of an earthquake 5 days in advance.

The administration has chosen the crucial area of earthquake research in which to impound funds. In fiscal year 1973, Congress appropriated $8.65 million—more than $7 million greater than the funding level for the preceding year. The administration impounded the entire increase, which was urgently needed if the U.S. Geological Survey was to make any headway in its efforts to predict earthquakes. Only recently, part of the impounded funds were released. However, funding is still below Congressional appropriations, and there is no guarantee that fiscal year 1974 funds will not be similarly impounded.

PREVENTIVE MEASURES

Second, the cost of preventive measures, while substantial, must be measured against the casualties and losses that otherwise will occur in future major earthquakes.

Without the proper planning and preventive measures, such an earthquake, as Dr. Jahns predicts, will completely devastate an area.

Again, Dr. Jahns states:

> A single earthquake of Richter magnitude eight or more, were it to occur in a metropolitan area under unfavorable conditions of weather, time of day, and human response, could cause damage of billions to tens of billions of dollars, and the loss of hundreds to tens of thousands of lives.

Rather than hide our heads in the sand and pretend that earthquakes will not occur, we must face the prospect of future earthquakes, and take affirmative action to minimize the kind of death and destruction that occurred February 9, 1971, in California.

The Federal Government should insure the use of proper earthquake-resistant design and construction standards for both public and privately owned facilities.

Vigorous Federal leadership is essential to provide information and research programs designed to map earthquake geologic hazards, and to test in laboratories the current theories on this topic.

In addition, the Federal Government should help communities evaluate their seismic hazard levels, encourage the States to strengthen their roles in hazard reduction, and take responsibility for a realistic overall plan for earthquake-disaster response.

EARTHQUAKE INSURANCE

Third, the Federal Government should provide a system of earthquake insurance, similar to that currently provided for floods. Where rates are extremely high or insurance is difficult to purchase, the Federal Government should ease the financial strain on the homeowner and the businessman by assisting the private insurance industry in pooling risks, minimizing costs, and distributing burdens equitably among those who will be protected and the general public.

Mr. Speaker, the likelihood of another major earthquake is not an unfounded doom-saying prophecy; it is going to happen. Refusing to acknowledge that fact and not attempting to do whatever we can to minimize the results is an exercise for those living in a fantasy. We are prisoners of the inevitable, and we must take affirmative action.

THE SAN JOAQUIN WILDERNESS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. WALDIE. Mr. Speaker, today I am introducing a very important bill along with a sizable number of my colleagues from the California congressional delegation.

This bill provides for the creation of the last linking chain of wilderness areas along the crest of the High Sierras.

This new wilderness area, to be called the San Joaquin Wilderness, closes the existing gap between the John Muir Wilderness and the Minarets Wilderness.

Mr. Speaker, this bill will protect the John Muir Trail, a most unique hiking trail from Yosemite National Park to the Sequoia National Park, from being broken by roads or further development.

I am pleased to say that the Governor of the State of California has offered his support of legislation to create a wilderness in this area and that the wilderness area enjoys widespread support from throughout the State.

I am aware, Mr. Speaker, of the objections of some in our State. The basis of these objections is that it would effectively stop a proposed all-weather highway from crossing the Sierra in the vicinity of Minarets Summit.

Mr. Speaker, I would like to make quite clear my own views, and those of the cosponsors, that this legislation should not be interpreted as intended to block anything that will help residents of the San Joaquin Valley.

Rather, we think that every possible assistance should be given to helping residents of the area in overcoming any transportation problems.

I do think, though, that the Trans-Sierra Highway proposed for the Minarets Summit area is not the answer.

The State of California and the Department of Transportation have both indicated that highway development in the area is not feasible.

The heavy winter snows in this area preclude an all-weather highway in that snow removal costs would far outweigh the economic advantage any highway at this point would bring.

With more sophisticated air, rail, and trucking technology, crops from the valley now reach eastern markets with a minimum of delay.

Highway travel has been improved from the valley to the east with the construction of Interstate 5 and work on Interstate 80 in the northern part of the State and east-west routes in the southern part of the State.

Mr. Speaker, I am hopeful that this legislation will be acted upon this session. It merits the support of the Congress and will do much to preserve the natural resources of the Nation.

RARICK REPORTS TO HIS PEOPLE ON AID TO NORTH VIETNAM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. RARICK. Mr. Speaker, today I reported to the people of my district on the proposed post-war aid program to North Vietnam. I insert the following text of that report:

Daily, our Prisoners of War are returning safely to American soil. We are all deeply touched by their patriotic gestures, and a new sense of national pride is growing. But we cannot lose sight of the fact that the war in Vietnam was not fought to gain release of the POW's. We must not delude ourselves into believing that we have won the war.

We are now being led to believe it's time to "kiss and make up" with North Vietnam, to shower our enemy who just a few short weeks ago was killing our American fighting men, with billions of tax payers dollars—an investment in peace. Some editorial writers would tell us, we must rebuild the factories, power plants and communication lines our bombers so effectively destroyed just a few months ago. They cite as historical precedent, our rebuilding of Germany and Japan following their defeat in World War Two and call this our "humane duty."

But comparing the crushed Axis Powers to North Vietnam today is false and misleading.

When World War II ended, the Allied Nations had succeeded in their goal—to destroy the warring capabilities of Germany and Japan and to rid these countries of the tyrants who began the distruction. The victory was total and unconditional.

Victory is a word unspoken today, except in North Vietnam. There, the cease-fire is considered a victory for Communism. After all, the North Vietnamese and the Viet Cong have achieved many of their avowed goals, if not on the battlefields, through negotiations and their so called "Peoples Struggle" continues.

Now the American public is expected to bail the Communists out, to reconstruct their war machine to give them time to reorganize an "investment in peace."

Let's put the President's pledge of giving up to two and one half billion dollars in post-war-aid to North Vietnam into perspective. This amount is more money than the U.S. gave to Japan in six years after World War II. And Japan, with more than three times as many people as North Vietnam, was devastated by two atomic bombings.

Hanoi's aid from its Red Chinese neighbors at the four peak years of the war is almost insignificant compared to the sum that the Administration now plans give them. Our proposed contribution is a half a billion dollars more than Russia provided its ally during the same period.

Serious questions are now being raised by the American people. Why is the U.S. offering to bail out a country so recently a bitter enemy, when nothing has changed in warlike attitude of that country's leaders? How did we get ourselves into this situation in the first place?

As far back as eight years ago financial foreign aid to the North entanglement began. In April of 1965, President Johnson proposed to include North Vietnam in a 1-billion-dollar postwar-aid program for Southeast Asia. In January of last year, a "major reconstruction program" for Indo-China, including North Vietnam, was disclosed by the White House as part of the secret negotiations with the Communists. And now the figure has swollen to seven and one-half billion dollars, five billion for South Vietnam, Laos, and Cambodia and two and one-half billion for North Vietnam.

But whatever the final figure amounts to, and you can expect it to rise, I shall, as your voice in Congress, oppose any and all moves to give aid-money to North Vietnam. I believe this position reflects the feelings of not only the people of the sixth district, but of the American people as a whole. Daily, I receive letters urging me to stand fast against the massive give-away of tax money to aid Communist North Vietnam. These letters don't represent some planned effort by any lobby group. They are the sincere feelings of average citizens who have made the sacrifices to pay for this long and tragic war, not only with their tax money, but some with the lives of their sons and loved ones.

They recognize that pouring tax dollars into North Vietnam is little more than "bribe money" to a renegade country, with the expectation that it will "behave" a little while. There is no guarantee that these dollars will encourage the North Vietnamese to toe the mark in honoring the terms of the truce. There is no peace—at most a shaky cease-fire. The same leaders remain in control in Hanoi, unrepentant and undefeated, the Communist armies remain armed just biding time until a Communist takeover of all Vietnam looks thoroughly safe. And we cannot expect a few pieces of paper they signed to cause the Vietnamese Communists to abandon their long-range goal of bringing all of Indo-China under Communist domination.

Can the North Vietnamese expect their Red allies to come to their financial assistance now that the fighting with the U.S. has ended? If past performances by Reds are any indication, Hanoi had better not spend our U.S. money yet. Hanoi still owes the Russians millions for the Mig fighters, SAM missiles, machineguns and munitions they bought on credit during the war. As long as the money was going to kill American fighting men, the Russians were ready with a loan, but neither Russia nor China has offered any hint of the amount of money (in any), they will spend to aid North Vietnam or the other Indo-Chinese nations—including their moral duty to help South Vietnam.

Red China, who found the money to help continue the killing, is itself so underdeveloped that it cannot properly feed its masses let alone be expected to aid the North. Unless Russian foreign policy changes, Moscow cannot be expected to join any international fund to help rehabilitate the North. Certainly the North needs aid to crawl out of the destruction. Experts estimate that the wreckage in North Vietnam totals between 300 and 400 million dollars, but let those countries who supplied the weapons of war to North Vietnam, and prolonged the conflict now supply them with materials to rebuild.

In all the propaganda hoopla about aiding our enemies, there are several things we have lost sight of.

Our country's national priorities need to be brought into sharp perspective. What about the war damage done at home to the American people. Who can we look to to reunify our people and mend our damage?

The polarization of the American people is pulling the nation apart from within. For the first time in more than a decade since the war began, it is time for the American people to come first in priority in all considerations.

President Nixon's "New Federalism" program of returning tax money and power to the state and local governments is good in principle. This is something I have stood for since you first sent me to Congress. But what people would vote to tax themselves in order to send the money to the murderers of their sons? Certainly not the people of the sixth District.

We should turn our attention homeward, to heal the wounds that this war has cut into the national character. Our national concern should be focused on the problems that now lie ahead.

We cannot bury and forget the 46,000 men who gave up their lives on the battlefields of Indo-China. Nor can we forget the families of those fightingmen who has inquired as to how they feel about rewarding the murderers of their sons and loved ones by sending them billions of our tax dollars?

Nor can we forget the 153,000 men who returned wounded—thousands disabled for life. Or the 60 to 100,000 men who came home addicted to drugs. Nor can we forget the men who just served honorably and returned home quietly without fanfare. These are the people who deserve top priority in our compassion and assistance.

We cannot allow our joy at the return of our POW's to overshadow the problems facing the other men and women who served our country in Vietnam.

In the same week as the first Prisoners of War returned, the Veterans' Administration announced plans to cut the disability benefits for Vietnam veterans. And it was only after an enraged public outcry that the President rescinded the order.

Sixteen major U.S. companies have announced that they would do anything they could to find jobs for the POW's, if they decided to leave the service. This is of course commendable. But what about the thousands of other Vietnam veterans who can't find a job, whose unemployment rate is much higher compared to men in the same age bracket? These men deserve a higher priority than our former North Vietnamese enemy or some draft dodger or deserter?

I opposed from the very beginning the committing of American fighting men in an Asian land war. But once our men were committed, I always felt that the reasons for their sacrifice justified victory. Our officials deserted them on the field of battle, with a diplomatic no-win policy, but we Americans cannot desert them or what they were sacrificed for now.

And pouring billions of dollars of aid into North Vietnam, like granting amnesty to those men who chose not to serve their country, would indeed be a betrayal of our soldiers' sacrifice.

How does the returning Vietnam veteran feel when he is told that tax money from his paycheck will now be given to the very people he fought against a short time ago—and at the expense of short-changing himself and other returned veterans?

President Nixon has said publicly that this country will not grant amnesty to draft dodgers and deserters. The same bleeding hearts who created and propagandized for the no-win military strategy in Vietnam, are now telling us that we must "forgive and forget" and welcome home with open arms the men who fled rather than serve or deserted under fire.

These people had the choice to make, and their decision should be theirs to live with. They had the opportunity to serve the country of their birth, which is a legal as well as moral responsibility, yet they elected to run from that obligation.

The only amnesty I feel they deserve is to be allowed to remain in the foreign sanctuary or if they choose to return, to pay the penalty for the crime they committed.

And as we talk of amnesty for cowards and deserters, and of foreign aid for North Vietnam, and as our POW's are released from Communist camps, let us all remember that our U.S. POW, Lt. Calley still remains a Prisoner of War right in our own country. A scapegoat to the end.

THE CONTINUING TRAGEDY OF JEWS IN IRAQ

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. BADILLO. Mr. Speaker, as the world views with continued concern the struggle for the balance of power in the Middle East and the constant harassment of Israel by her Arab neighbors, we frequently tend to forget about the plight of those Jews who continue to live in Arab lands and the suffering they have been forced to endure, particularly in the aftermath of the Six-Day War. It is only after some tragic event has occurred that world attention is briefly focused on the problem and, regrettably, is often forgotten by the free world's leaders a short time later.

However, we cannot—we must not—ignore the violations of basic human rights which are being perpetrated on the Jews in countries such as Iraq. The small but vital Iraqi Jewish community has been subjected to the cruelest forms of discrimination, restriction and arbitrary arrest. These men, women and children are denied those basic human rights and civil liberties protected by international conventions and subscribed to by most civilized nations. They have become the victims of political, economic, social and cultural oppression and are denied the opportunity to openly observe their religion. The Jewish community of Baghdad has dwindled from approximately 4,000 persons to less than 400 in just 6 years.

Last fall I began to receive reports that certain members of the Iraqi Jewish community had been arbitrarily arrested, imprisoned, and threatened with execution. Although information from Iraq is sketchy, I was later informed that some of these persons had been released, only to be rearrested a short time later.

Finally, earlier this month we received the news that nine or 10 prominent Iraqi Jews had been executed. With its typical cavalier and uncooperative attitude, the Government of Iraq has refused to furnish any information on this subject and has callously rebuffed various international humanitarian organizations who have sought information on the status of the Jewish community and imprisoned Jews.

Mr. Speaker, we cannot afford to permit this cruel and unspeakable act to go unnoticed and we must rally world public opinion against the inhumane and ill-conceived policies which Iraq, Syria, and certain other Arab States are pursuing vis-a-vis their Jewish citizens. We must make it clear to these nations that we will not tolerate the continued persecution of the Jews and that countries such as Iraq stand condemned before the family of nations for the illegal execution of Jewish citizens on unfounded and trumped-up charges and without even the semblance of a trial. Not since the dark days of the great holocaust of the 1930's and early 1940's in Germany has the world witnessed such a vicious campaign of harassment and persecution against a minority. The actions of the Iraqi Government makes a mockery of its membership in the United Nations and its supposed adherence to the Universal Declaration of Human Rights.

A man is born free, whether in the United States or Iraq, and his individual freedom cannot be capriciously restricted or otherwise violated simply because he may belong to a minority. We must make clear our position and take steps to alleviate the suffering of these unfortunate victims of bigotry and hatred.

In order that our colleagues may be better informed of this situation, I insert herewith, for inclusion in the RECORD, a letter I received earlier this month from the World Union of Jewish Students and a well-written article which appeared in the February 11 issue of New York Times. I urge that our colleagues give this matter their fullest and most careful attention and join in the public outcry against these loathesome policies:

WORLD UNION OF JEWISH STUDENTS,
London, February 7, 1973.

Hon. HERMAN BADILLO,
American Congress,
Washington, D.C.

DEAR SIR: Some time ago we wrote to you in regard to reports of discrimination and cruelty to the Jewish population domiciled in Syria. You were of great help on this prior occasion and appreciated it very much. The situation in Iraq is getting worse and worse so we are again taking the liberty of approaching you on this particular matter.

In order to make things more clear I am articulating the situation as it is now, as accurately as possible, and hopefully these details will be of help.

The situation in Baghdad, Iraq, is as follows:

The Jewish community numbers only 350.

These people are not allowed to have any contact of any sort with the outside world.

Community institutions have been closed down.

They are forbidden to sell or mortgage immovable property, to give it away or dispose of it in any way.

All Jews employed in public service have been dismissed. No company or institution may make payments to Jews without governmental authority. Banks are authorized to make only minimal monthly payments to Jews from their own credit account.

Some four months ago the following eight Jews were arbitrarily arrested and held without trial in Baghdad gaols after Mr. Abraham Sayeg was murdered in his home in the ghetto.

1. Abdul Aziz Jacub.
2. Shaul Rajwan.
3. Jacob Rajwan.
4. Dr. Ezra Khazzam.
5. Shaul Shamash.
6. Victor Ezra David.
7. Azuri Shamash.
8. Selim Sedaka (as at January 1973 for the above 8 and as at February 1973 for the following two names plus the above).
9. Naji Sytiat.
10. Ezra Shamtov.

Hoping that you will be able to help stress the right factors in order to better, if possible, the situation of the people concerned.

Yours faithfully,

YONA YAHAV,
Secretary-General.

[From the New York Times, Feb. 11, 1973]

"GONE," SAID THE RED PAINT

(By Terence Smith)

JERUSALEM.—For the once large and flourishing Jewish community in Iraq, the years since the Arab-Israeli war of 1967 have brought uncertainty and dread. Their treatment by the Baghdad authorities has fluctuated from month to month, from relative tolerance to outright persecution. The darkest period was in January, 1969, when the militant Iraqi regime that had seized power six months earlier convicted 14 persons, including nine Jews of spying for Israel and hanged them in public squares.

The executions set off an international outcry and the situation of the Jewish commounity improved. Jews imprisoned without trial were freed. Emigration was permitted, first unofficialy and then officially, and thousand seized the oportunity to leave. From the 1967 total of about 4,000 Jews, the community in Baghdad has dwindled in about 400, most of them prosperous professionals and merchants reluctant to leave their considerable property behind.

In the last few months, the plight of this remaining group has abruptly worsened. Acording to reports reaching Israel last week, nine or 10 prominent members of the community have been executed in recent weeks in the Qasr el Nihaya prison in Baghdad.

The victims were said to have been arrested last September and December as part of an unexplained crackdown. According to the reports, which a senior Israeli official here described as 99 per cent certain, their property has been confiscated, their families have been driven away and their homes have been boarded up, with the word "gone", smeared in red paint on the front doors. The reported victims include a number of prominent businesmen, a lawyer, and a well-known Baghdad doctor who had treated a number of Iraqi leaders in the past.

The Iraqis have refused to explicitly confirm or deny the reported executions, which were publicly denounced last week by humanitarian groups in Denmark and France. The only official response has been a statement issued by the Iraqi Embassy in Paris last week denying that any Iraqi Jew was in prison for religious or political reasons. It attributed the execution reports to "Zionist propaganda."

If the Israeli reports are correct, what explains the change in the Iraqi attitude? What is the motiavtion behind the sudden crackdown on a tiny community that has already been stripped of its political rights?

Although the intelligence from Iraq is sketchy, the Israelis believe the current repression is probably the result of a bitter political struggle among Iraq's four competing security services, each of which backs a different political faction of the fractured national leadership. They are the Internal Security Service, the Baathist party intelligence, the Iraqi Army intelligence and an over-all military intelligence organization.

When the domestic political atmosphere is unsettled, as it currently seems to be in Iraq, the most militant of these groups tends to assert itself. Repression of the Jewish community and strained relations with the powerful Kurdish minority are often the result. "There is probably a mixture of rational and unrational reasons behind it," a senior specialist in the Israeli Foreign Ministry said, "most of which will not become clear for several months."

In the meantime, the Israelis are launching a major campaign to focus international attention on the plight of the remaining 400. Appeals have been made to the United Nations, foreign governments and private humanitarian groups to do everything possible to persuade the Iraqis to give an accounting of the arrested men and protect the others in the community.

"The fate of the Jews in Iraq's prisons is still unknown," Premier Golda Meir said last week. "The best we can do is pray for them."

COMMEMORATION OF LITHUANIAN INDEPENDENCE DAY

HON. CHARLES J. CARNEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. CARNEY of Ohio. Mr. Speaker, I rise to commemorate Lithuanian Independence Day. I speak of a nation whose history reaches back to the 11th century. Lithuania has been thwarted time and again from functioning as an independent state. Finally breaking the czarist shackles on February 16, 1918 at the close of World War I, the Lithuanian people proclaimed their independence and established a free government. This independence was directly challenged by the Bolsheviks, who invaded the newly established state. There were many bitter battles but finally the Lithuanian people emerged triumphant. On July 19, 1920, the Soviet Government signed a treaty of peace. It declared in this treaty—mark these words well—that it "voluntarily and forever renounces all sovereign rights possessed by Russia over the Lithuanian people and their territory."

For 20 years Lithuania knew peace and independence. During this period there was a great renaissance of national literature and culture. But then came the Hitler-Stalin Pact and the partition of Poland between Germany and the Soviet Union. Shortly thereafter the Soviet Union moved against Lithuania by demanding permission to place 20,000 troops in the country and establishing military bases there. Eight months later Moscow delivered an ultimatum calling for the installation of a government friendly to the Soviet Union and the Red Army entered the country in force. Subjugation followed quickly. Three weeks later the Kremlin ordered the dissolution of all non-Communist parties and the arrest of their leaders.

On July 14 to 15 the people were compelled to vote in national elections with only the Communist Party represented. Two days later the legislature chosen in these rigged elections convened its first session and in less than 1 hour without debate voted unanimously to ask the Supreme Soviet of the U.S.S.R. to admit Lithuania into the Soviet state as one of its federated Soviet Socialist republics. Following the brutal fighting on Lithuanian soil during World War II, Soviet reoccupation of Lithuania was firmly established in 1944. Since that time Lithuania has not known independence.

I deplore this tragic history. And I am proud, Mr. Speaker, that our Government to this day has refused to recognize the illegal annexation of the Baltic States by the Kremlin. We must never forget the fight urged by the Lithuanian people to reestablish their complete independence.

HOUSE OF REPRESENTATIVES—*Thursday, February 22, 1973*

The House met at 12 o'clock noon.

Rev. Valdeko Kangro, pastor of the Estonian Evangelical Lutheran Congregation, Manchester, Conn., offered the following prayer:

Almighty God, may Thy Spirit lift us into Thy presence as we seek to glorify Thy name.

We beseech Thy guidance to our Nation, our President, and to the Members of this House, that divine order might manifest itself in our lives and country.

We commemorate the 55th anniversary of the Republic of Estonia, and pray that her freedom, likewise the freedom in Christ, in thought and movement might be restored for all peoples in distress, knowing that Thy Word still stands:

If My people, which are called by My name, shall humble themselves, and pray, and seek My face, and turn from their wicked ways; then I will hear from heaven, and will forgive their sin, and will heal their land.—II Chronicles 7: 14.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 39. An act to amend the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy, and for other purposes;

S. 43. An act to provide for the mandatory inspection of rabbits slaughtered for human food, and for other purposes;

S. 50. An act to strengthen and improve the Older Americans Act of 1965, and for other purposes; and

S. 394. An act to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes.

The message also announced that the President of the Senate, pursuant to Public Law 86–380, appointed Mr. MUSKIE, Mr. HOLLINGS, and Mr. PERCY as members, on the part of the Senate, of the Advisory Commission on Intergovernmental Relations.

NATIONAL LITTLE LEAGUE DAY

(Mr. ROUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSH. Mr. Speaker, I am today introducing a House joint resolution which I believe to be of interest to many of my colleagues.

This resolution calls upon the President to proclaim the third Monday in June of each year as "National Little League Day" and it calls upon the people of the United States to observe such day with appropriate ceremonies and activities. I believe both goals very worthwhile.

The importance of such a proclamation was brought to my attention by the manager of a Dana Corp. Little League, Ivan D. Standiford of Fort Wayne, Ind. There are many other Little League teams throughout the Fourth Congressional District of Indiana, which I am honored to serve as Representative.

I believe that many of us here are aware of the varied activities of Little Leagues throughout the country, since most of us have children who have participated in the baseball teams that function as Little League teams. Some of us may even remember belonging ourselves.

Either way we are aware of the unique value this kind of activity has for our own children and those of our neighbors. By means of the Little League, children are taught the values of sportsmanship, of cooperation, of wholesome competition, of personal achievement, of athletic and physical excellence. A direction and an interest is given the lives of the children who are fortunate enough to participate in the Little League activities.

I am sure that many a Congressman here today could recount stories of just what being in the Little League has meant to a member of his or her family.

So I believe that it is time we recognize a successful and valuable nationwide movement, a movement which has now spread to some 30 nations throughout the world. And how can we do this? By setting aside 1 day yearly to commemorate and celebrate the national and personal values of the Little League teams. That is the purpose of the legislation I am introducing and I hope it will secure passage rapidly so that we can begin that celebration this year.

A NEW PUBLICATION

(Mr. MATHIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MATHIS of Georgia. Mr. Speaker, my attention has been called to the first issue of a brandnew newspaper being published in the area. It is the Fairfax News & Advertiser.

During an age when we hear of various magazines and newspapers closing their doors and calling it quits, I think it is a healthy sign for the country when we realize the weekly newspaper is still alive and doing well.

The inaugural issue of the Fairfax News & Advertiser went to press on February 8, 1973. Its publisher is Edward Alfriend. While I have not had the opportunity to meet him, I have heard of his outstanding record of community service. He has varied business interests in Virginia and in his native State of Georgia, but he has always found time for humanitarian projects and has been a national leader in the fight against multiple sclerosis.

There was an abundance of news in the first issue:

> One of the city's finest historical landmarks, Earp's Ordinary on Main Street now the home of Mrs. Charles Pozer, has been placed on the Virginia Landmarks Register and nominated to the National Register of Historic Places—William F. "Bud" Roeder is named as a candidate for ten outstanding young men of America—Larry White appointed postmaster of Fairfax—George Mason Junior Women's Club held annual banquet—Fairfax Council heard proposals from residents on how to spend its 1972 federal revenue share.

There was feature material about Fairfax Mayor John Russell, along with birth announcements, some advertising, want ads, photographs and much, much more—the things that make a neighborhood weekly so popular.

Mr. Speaker, I am glad to have a copy of volume 1, No. 1, of the Fairfax News and I hope the paper will have a long and distinguished career.

TOWARD CONTROL OF MOOD DRUG ADVERTISING ON TV

(Mr. ROGERS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, I am very pleased to bring to the attention of the House a matter which I think is of great importance to the American people.

After several meetings with the National Association of Broadcasters, at which time I expressed my concern and the concern of the Congress about the advertising of mood drugs on television, the National Association of Broadcasters has proposed a TV code for such advertising.

I am very pleased that the broadcasting industry has taken the course of self-regulation in the area of mood drug advertising. I consider the guidelines as a public service of the first magnitude.

The most critical one, I believe, is the one which says that ads will avoid depicting someone who has taken a pill in one mood rapidly and handsomely changed after taking the pills.

I hope that this will result in an end to the Cinderella syndrome which over-the-counter drugs have created on television.

I am sure the pharmaceutical industry will cooperate fully with the broadcasting industry in making these changes for the benefit of the public.

I am sure that Members of Congress commend the National Association of Broadcasters for this self-regulation. Certainly this is a preferable way to handle matters, to let industry regulate itself where possible. I join in commending them, and I am glad they have responded to the urgings of those on our committee to do something about advertising of mood drugs to the American people.

EMERGENCY LOAN PROGRAM

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 226 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 226

> *Resolved*, That upon the adoption of this resolution it shal be in order to move, clause 27(d)(4) of rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the Senate of the Union for the consideration of the bill (H.R. 1975) to amend the emergency loan program under the Consolidated Farm and Rural Development Act, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to my distinguished colleague, the gentleman from Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. Speaker, this rule provides for an open rule with 1 hour of general debate on H.R. 1975, which is a bill to provide a source of emergency loan funds for those farmers and ranchers in disaster areas.

The Department of Agriculture greatly curtailed the existing emergency loan program in December of 1972, because the demands for forgiveness were so great that it felt the program was much too costly. The Department of Agriculture now supports H.R. 1975 because this bill eliminates the forgiveness provision and provides that an applicant establish a definite need for the loan. It also raises the interest rate to 6 percent.

Mr. Speaker, I urge adoption of the resolution, and I yield to the gentleman from Tennessee.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution reported by the Rules Committee, House Resolution 226, provides for a 1-hour open rule, waiving points of order for failure to comply with the 3-day rule. The bill made in order by the rule is H.R. 1975 dealing with the emergency loan program.

The purpose of H.R. 1975 is to provide a workable emergency loan program. This bill is necessary because the existing emergency loan program became too expensive to operate, and as a result, was curtailed in many areas on Dec. 27, 1972.

In the 1960's the Farmers Home Administration emergency loan program provided loans at a 3-percent interest rate to people in disaster areas who could certify that credit was unobtainable from a conventional source. Then the Disaster Relief Act of 1970 provided forgiveness up to $2,500 on loans over $500, where disaster losses were not insured. Finally, Public Law 92–385 signed on August 16, 1972, following the Rapid City disaster and Hurricane Agnes, provided emergency disaster loans at 1-percent interest with a $5,000 forgiveness provision. This special assistance was to cover the period between January 1, 1972, and July 1, 1973.

However, demands for forgiveness were greater than expected. The emergency loans that were actually made in the first 6 months of fiscal year 1973 were more than double any previous loaning period. The administration estimates that $1 billion in loans might have been made by the end of fiscal year 1973. It is also estimated that the $5,000 forgiveness figure would cause as much as 70 to 75 percent of these loans to be forgiven. On December 27, the Department of Agriculture announced that the emergency loan would be curtailed.

This bill, H.R. 1975, is designed to set up a workable emergency loan program. It eliminates the loan forgiveness provisions in existing law. This bill sets interest rates at a level not to exceed 6 percent, and would require that successful applicants be unable to obtain credit elsewhere at reasonable rates and terms.

If H.R. 1975 is enacted the Department of Agriculture estimates that $50 million in loans would be made during the remainder of fiscal year 1973. It is anticipated that the average yearly loan volume over the next 5 years will be approximately $100 million per year.

The administration favors enactment of this bill.

The Agriculture Committee reported the bill favorably by a vote of 22 to 3.

Mr. Speaker, I urge adoption of the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. POAGE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1975) to amend the emergency loan program under the Consolidated Farm and Rural Development Act, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 1975, with Mr. Roush in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. Poage) will be recognized for 30 minutes, and the gentleman from California (Mr. Teague) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POAGE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this bill is one of a series of bills which it is hoped will restore some degree of responsibility to the Department of Agriculture for the development of the rural areas of this country. This House before the recess passed lgeislation restoring the REAP program, next week this House will be confronted with legislation which has already come out of our committee restoring the rural water and waste disposal systems, and the committee will next week consider the restoration of the rural electric and rural telephone programs.

The bill before us today has very little if any opposition. I do not mean that the individuals opposing it are not of great importance, but I am sure there will be very few of them who will oppose this legislation because it does not restore the emergency disaster loan program in the form in which it has existed for the last 6 months, but rather it approaches the problem in a form which we understand to be acceptable to practically everyone concerned about this matter. We have eliminated the questional forgiveness provision. We have raised the interest to current rates or at least to 6 percent, which seems to be about current. We believe that with those changes there should be very few opposing this legislation.

The Department has approved the bill as it stands. It has the approval of the committee by a vote of 22 to 3, and we believe that it should not take an undue amount of the time of this House, and I am not going to try to burden the Members with any lengthy explanation of it.

Mr. Chairman, I reserve the balance of my time.

Mr. TEAGUE of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there is no purpose in my taking up the time of the House in furthering the explanation given by the gentleman from Texas (Mr. Poage). He adequately explained the purpose of the bill. It has my support and the support of the administration and I urge my colleagues to vote in favor of its final passage. I consider any amendments—those I know of—which may be offered, as unnecessary.

Mr. Chairman, I reserve the balance of my time.

Mr. POAGE. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas (Mr. Alexander).

Mr. ALEXANDER. Mr. Chairman, I am the author of the bill.

Mr. Chairman, at this moment there are farmers in this land of plenty who do not know whether they are finished or whether they will till the soil another year. Thousands of farm families are enduring the winter on hope and determination.

H.R. 1975 is a bill to provide a source of emergency loan funds for farmers and ranchers whose credit has been impaired because of natural disaster.

The speed with which the Committee on Agriculture has acted on this legislation is clear evidence of the grave concern for insuring that our farmers are able to continue their critically important work of producing food and fiber for this Nation.

Last November, 17 of 21 counties in the First Congressional District of Arkansas, sustained an estimated $80 million in agricultural crop losses resulting from flooding caused by heavy, unseasonable rains.

The interest generated among our colleagues in this proposal clearly indicates that the losses to farmers from natural disasters during 1972 were also felt in many other States.

The existing emergency loan program was curtailed by the Secretary of Agriculture on December 27, 1972, which action left thousands of farmers with their backs against the wall.

The principal reason stated by the Secretary for his action was the high cost of administering emergency loans providing for a 1-percent interest rate and a $5,000 forgiveness clause. The Secretary estimated that full application of these provisions to those who were eligible would cost in the range of $1 billion.

This bill repeals the $5,000 forgiveness clause and provides that loans shall be made at costs not to exceed 6 percent per annum. The maker of a note would pay a rate of interest that would be equivalent to the cost of money to the Government.

The Farmers Home Administration has been beset with a multiple of problems during the past several years. One common complaint among taxpayers is the lack of sufficient personnel needed to administer the wide range of duties that have been assigned to it by the Congress.

To compound this problem, Agriculture officials have indicated that further personnel cuts are anticipated. Taking these facts into consideration it is the clear and unequivocal intent of this legislation that special attention shall be given to the use of the guaranteed loan approach of providing credit.

There is no way that the USDA can hope to achieve the goals of this legislation without using the guaranteed loan method. It is the committee's intent that in the administration of the disaster loan program, full use of guaranteed loans be made. The committee intends that private lenders, including the agencies of the farm credit system, should actually make these loans with the guarantee of the Federal Government.

The employees of the Farmers Home Administration are already overburdened, and certainly the future will bring on new responsibilities, particularly as a result of enactment of the Rural Development Act. It would be sound to utilize the expertise and experience of private financial institutions in making and servicing emergency loans. This certainly would lessen the burden on the county FHA offices. The utilization of guaranteed loans should make assistance available to more persons while reducing administrative costs.

The hearings on this bill revealed that in the past emergency loans have been made under terms which eventually become too burdensome to the borrower. It is the intent of this legislation to liberalize credit to farmers in disaster areas. Evidence during the hearing revealed that there were many occasions when a farmer was given a 1-year loan only to discover that there was no possible way he could recover within a 1-year period. The committee intends that loans shall be made of longer duration to give the farmer every opportunity to recover from his losses. Consideration shall be given by the Farmers Home Administration to consolidation of loans, and particularly the length of time within which one could reasonably amortize a debt.

One of the reasons for the existence of the Farmers Home Administration is to provide a helping hand to farmers and ranchers who are faced with hard times because of natural disasters. It is intended that the USDA should consider the human factor and that it should not pursue a cold, heartless policy that has in the past been a factor in the depopulation of rural areas wherein thousands of farm families have migrated to the rot and ruin of the urban ghetto.

I include the following:

COUNTIES DESIGNATED BY THE SECRETARY OF AGRICULTURE AS DISASTER AREAS DURING 1972

Arizona: Apache, Cochise, Coconino, Gila, Graham, Greenlee, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai.

California: El Dorado, Fresno, Kern, Kings, Madera, Merced, Nevada, Placer, San Benito, San Joaquin, San Luis Obispo, Santa Cruz, Stanislaus, Tehama, Tulare, Santa Barbara, Santa Clara.

Colorado: Delta, Mesa, Montrose.

Connecticut: Fairfield, Hartford, Litchfield, Middlesex, New Haven, New London, Tolland, Windham.

Delaware: Kent, New Castle, Sussex.

Florida: Gulf.

Georgia: Baker, Baldwin, Effingham, Emanuel, Jefferson, Jenkins, Johnson, Laurens, Miller, Mitchell, Montgomery, Screven, Telfair, Treutlen, Washington, Wheeler.

Iowa: Harrison, Humboldt, Pocahontas, Webster, Chickasaw, Delaware, Dubuque, Fayette, Floyd, Hamilton, Jones, Linn, Wayne, Wright.

Maryland: Allegany, Garrett.

Massachusetts: Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, Worcester.

Michigan: Allegan, Berrien, Cass, Kent, Muskegon, Newaygo, Oceana, Ottawa, Van Buren, Menominee.

Minnesota: Big Stone, Chippewa, Douglas, Grant, Kandiyohi, Lac qui Parle, Meeker, Pope, Renville, Stevens, Swift, Traverse, Wilkin, Yellow Medicine, Stearns.

Nebraska: Lincoln.

New Hampshire: Belknap, Carroll, Cheshire, Coos, Grafton, Hillsborough, Marrimack, Rockingham, Strafford, Sullivan.

New Jersey: Bergen, Essex, Hudson, Hunterdon, Morris, Ocean, Passaic, Sussex, Union, Warren, Atlantic, Gloucester, Salem.

New Mexico: Bernalillo, Catron, Chaves, Colfax, Curry, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Luna, McKinley, Mora, Oterb, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union, Valencia.

New York: Cortland, Erie, Franklin, Genesee, Jefferson, Lewis, Niagara, Orleans, Sullivan.

North Carolina: Davidson, Davie, Forsyth, Rockingham, Stokes, Surry, Yadkin.

Ohio: Defiance, Henry, Paulding.

Oklahoma: Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Choctaw, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Grady, Grant, Greer, Harper, Harmon, Jackson, Jefferson, Kingfisher, Kiowa, Logan, Major, McClain, Roger Mills, Stephens, Texas, Tillman, Washita, Woods, Woodward.

Oregon: Lake, Jackson.

Puerto Rico: Adjuntas, Arroyo, Barranquitas, Cayey, Ciales, Corozal, Juana Diaz, Morovis, Orocovis, San German, Yauco.

Rhode Island: Bristol, Kent, Newport, Providence, Washington.

South Dakota: Beadle, Brookings, Brown, Clark, Codington, Davison, Day, Deuel, Grant, Hamlin, Hanson, Kingsbury, Miner, Roberts, Sanborn, Spink, Yankton.

Tennessee: Benton, Carroll, Chester, Crockett, Dyer, Gibson, Haywood, Henderson, Madison, McNairy.

Texas: Andrews, Anderson, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnett, Caldwell, Calhoun, Callahan, Cameron, Carson, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin.

Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, DeWitt, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman.

Hardin, Harris, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kenedy, Kent, Kerr, Kimble, King, Kinney, Kleberg, Knox, LaMar, Lamb, Lampasas, LaSalle, Lavaca, Lee, Leon, Liberty, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, McCulloch, McLennan.

McMullen, Madison, Martin, Mason, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Motley, Nacogdoches, Navarro, Newton, Nolan, Nueces, Ochiltree, Oldham, Orange, Palo Pinto, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Reagan, Real, Red River, Reeves, Refugio, Roberts, Robertson, Rockwall, Runnels, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackleford, Shelby, Sherman, Smith, Somervell, Starr.

Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Trinity, Tyler, Upton, Uvalde, Val Verde, Van Zandt, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Winkler, Wise, Yoakum, Young, Zapata, Zavala.

Utah: Box Elder, Davis, Salt Lake, Utah, Washington, Weber, Beaver, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Piute, San Juan, Sanpete, Sevier.

Vermont: Addison, Bennington, Caledonia, Chittenden, Essex, Franklin, Grand Isle, Lamoille, Orange, Orleans, Rutland, Washington, Windham, Windsor.

Virginia: Essex, Lancaster, Mathews, Middlesex, Northumberland, Richmond, Westmoreland.

Wisconsin: Buffalo, Grant, Pepin.

Wyoming: Park.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, is it my understanding that there is no more forgiveness money in this bill?

Mr. ALEXANDER. The gentleman is correct. If you will recall, last year the House with the approval of the Senate passed the Agnes-Rapid City Act wherein a 1-percent-interest loan and the $5,000 forgiveness clause was extended to designated disaster areas.

On December 27, the Secretary of Agriculture announced that the expense of administering this law precluded him from carrying it out. This bill repeals the $5,000 forgiveness clause together with the 1-percent-loan provision and obviates the opposition of the Department.

Mr. KAZEN. It is my understanding that before we passed that bill, the law stated that there would be a $2,500 forgiveness feature. We came along with the Agnes-Rapid City Act and raised it to $5,000.

Why did the committee take out the original $2,500 feature?

Mr. ALEXANDER. Because the Department of Agriculture, in effect, proclaimed that it would not administer the law.

Mr. KAZEN. Well, does not the Congress have the right to tell them how to administer these programs?

Mr. ALEXANDER. I agree with the gentleman from Texas. I have on numerous occasions stood up for this body and attempted to assert the position of the legislative branch.

In this particular case, we are literally dealing with an emergency situation where we have got thousands of people out here who are uncertain whether they are going to farm another year or not.

Farmers are sitting on the sidelines, without needed help, while our debate rages in Congress and in the courts on this question of separation of powers. Our people need assistance now. Not next year. We are merely being practical about the need for that assistance. We are repealing those provisions that are objectionable in order to provide help to people who need help now. We can fight the battle of Constitution on less urgent legislation.

Mr. KAZEN. Is it the intention of the gentleman or anybody else on the Committee on Agriculture to debate, or at least to introduce a bill, which would add this type of feature in it?

I represent a district which has been hit by three disasters in 6 years, and I have a lot of small farmers who just cannot afford to get money from banks, to borrow money from banks. They have seen all of their assets destroyed. They do not have the capacity of repaying back loans at 6 percent.

Mr. ALEXANDER. I am in complete sympathy and understanding with the gentleman. I have a number of people who fit within his description. One of the provisions of this bill is to order the Secretary of Agriculture in administrating this bill to liberalize terms of credit for small farmers.

In the past, as was testified to during the hearings on this bill, the Secretary said, in effect, that the Department does not extend credit now under present law to anyone who cannot repay. We say in the report, if the gentleman would examine it, that it is the intent of Congress and we direct the Secretary of Agriculture to liberalize the terms of credit in cases where it is needed. I will refer the gentleman to the report.

Mr. KAZEN. There is one question in my mind, that there ought to be some type of flexibility to be able to extend credit to people who cannot pay back, but you are marking these people in at 6 percent, which is going to make it very difficult for these people.

Mr. ALEXANDER. I would like to point out to the gentleman that the 6-percent provision is a maximum. The law requires that no more than 6 percent would be charged to anyone who received a loan under this act.

The reason for the 6 percent is to allow credit to be extended at the cost to the Government, and that this cost, whatever it may be, which may be less than 6 percent.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. YOUNG of Texas. Mr. Chairman, I yield 1 additional minute to the gentleman from Arkansas.

Mr. ALEXANDER. I thank the gentleman for yielding.

The cost would be passed on to the borrower. We feel in the committee that by using this procedure whereby the front-in cost to the Government could be passed on to the borrower we could encourage—we have in fact directed—the Secretary of Agriculture to liberalize the terms of credit in receiving applications so that credit could be extended to more people and it would cover a wider range of people than now.

Mr. KAZEN. Did I correctly understand the gentleman to say that 6 percent is the maximum, and they could charge less than 6 percent?

Mr. ALEXANDER. The gentleman is correct. The provision as it is now says, the Secretary shall make loans in any such area at a rate of interest not to exceed 6 percent per annum.

Mr. KAZEN. I thank the gentleman.

Mr. FLOOD. Mr. Chairman, there is no need to state to this body what my position is with regard to the restoration of the emergency rural loan program. My views are well known on the subject. I have supported this program in the past, I support it now, and I will support it in the future; and I speak from vast experience.

Besides destroying over 80 percent of the urban areas in my congressional district, Hurricane Agnes had enormous impact upon rural and farm lands. The farmers lost not only many homes and outbuildings, but their standing crops and in many, many cases the very soil itself. These men—just as deserving of equitable compensation and low interest loans as are city dwellers—were in desperate need of a helping hand from their Government as a first step toward recovery, and they got that helping hand, and to deny it to them in the future would be to turn the Government's back on them and ignore their needs in a time of virtual catastrophic disaster. This we cannot do.

What we must do instead is to restore the emergency rural loan program whereby low interest loans would be made available at a rate not to exceed 3 percent. This is a bare minimum of aid I can assure you. We must encourage individuals to utilize their own resources as the path toward recovery from a natural or other disaster; however this does not mean that we should forget the grave consequences of allowing farmers to make that journey without the aid of their Government. Those consequences would be the delay of a return to normalcy, and in the case of many small farmers, of forced bankruptcy and an end to their productivity and the productivity of the Nation.

To say that the Farmers Home Administration loan program is adequate to meet emergency needs is to miss the meaning of what an "emergency" is. In times of disaster, and in the many excruciatingly long months which follow total ruin, a farmer must react quickly if he is to in any way recover. Emergency repair work must be done on the farm; in many cases a new crop must be sown so as to avoid the loss of topsoil; equipment, often lost in a disaster, must be replaced—all of these problems faced by farmers result in a huge financial headache. The cure for that massive headache is almost always an infusion of money through a loan. Barring the availability of loans at a suitable interest rate from private institutions, the only hope for the survival of these men and their families is a low interest FHA disaster loan.

Whenever the Secretary of Agriculture or the President find that conditions exist which warrant the provision of such loans, they shall declare such areas to be disaster areas and make, guarantee, and insure loans to such areas. Is this too much to ask? Loans. Loans, which will be repaid by hard working and diligent American farmers whose only sin was to be in the path of a tornado, in the torrent of a river, or in the merciless dust of a drought. Is this too much to ask? Mr. Chairman, I think not. The farmers of this Nation think not, and I urge each and every one of you to well consider the serious failure or our Government if we turn our backs on such a meager and well deserved request.

Mr. HAMMERSCHMIDT. Mr. Chairman, as cosponsor of H.R. 3342, which is an identical measure to H.R. 1975 introduced by my distinguished colleague from Arkansas, I strongly urge favorable consideration of this legislation to restore the emergency loan program.

I concur with the goal of the administration in holding down the level of Federal spending in an effort to reverse the trend in the rising deficit and contain our economy's inflationary spiral. However, I have strong reservations about the abrupt termination of numerous programs which pose undue hardships on the agricultural sector of our national economy.

The emergency loan program was one such program which was halted without an alternative proposal. H.R. 1975 offers a compromise which retains a reasonable method of loan assistance for disaster relief and removes the costly portions of the program terminated.

H.R. 1975 removes the "forgiveness" clause which mandated up to $5,000 in loan forgiveness where disaster losses were not insured in a disaster area. This 1972 amendment to the Disaster Relief Act of 1970 exceeded tremendously the expectations for cost of the clause. H.R. 1975, in the long-term view, will place the emergency loan program on a self-funding basis. The bill will furthermore place the program on a realistic level, in line with current Government lending practices, by establishing interest at 6 percent maximum and requiring that applicants be unable to acquire credit from private enterprise sources at reasonable rates and terms.

Also consistent with the trend in current Government financing, loans would be insured and not on a direct basis as previously provided for in Disaster Relief Act provisions. The proposed program in H.R. 1975 would still provide significant assistant to rural America in the event of disaster, but I cannot see how it would contribute appreciably to either the rising deficit or pose an inflationary stimulus.

H.R. 1975 is a step in the direction of fiscal responsibility. It is sound legislation incorporating reasonable monetary policy, strong regulations against abuse, and extension of Federal aid in cases of need which cannot be met from the private sector of the economy.

This legislation will greatly benefit the Federal Government's interest in safeguarding taxpayers in vital agricultural production areas when natural disaster strikes and there are no other resources for relief to restore economic health. It is my understanding that an amendment might be offered that would restore the forgiveness feature and lower the interest rate back to 1 percent in disaster areas. This makes the bill more costly by $350 million. Should this prevail I'm afraid that goes against the original intent of the legislation and I would have to withdraw my support.

I urge my colleagues to cast their votes in favor of H.R. 1975. If it remains unamended.

Mr. McDADE. Mr. Chairman, on August 16 of last year the President signed the Agnes Disaster Act which was the most comprehensive disaster assistance act ever passed in America.

Among other things, it zeroed in on the Agnes disaster to provide a $5,000 forgiveness clause with no provision that any part of this must be considered a loan, and for the payment of 1-percent interest on that portion of the loan above $5,000. The act very clearly made the FHA and SBA equal in the administration of this loan program with the forgiveness clause and the act clearly was retroactive.

To date the act has not been administered that way by the Department of Agriculture.

In the wake of Hurricane Agnes it was clear that the law had to be changed to provide assistance for those who were struck by this greatest natural disaster in the history of America.

To begin the recovery instantaneously, the Federal Government sent messengers into the disaster area to urge that applications be filed for assistance and made it perfectly plain that new legislation was being written in the Congress which would be retroactive and which would provide even greater assistance than the Disaster Act of 1970. Those who were struck by the disaster set about filing their applications and when the law was signed by the President on August 16, it was indeed retroactive to cover all applications which had been submitted to both FHA and SBA.

I am delighted to inform the Congress that SBA has administered this law correctly. They set about converting all disaster loans so as to include the $5,000 foregiveness clause and the 1-percent interest. This took care of the urban areas in the disaster region. Unfortunately, however, the FHA issued no directives on converting those loans for which application was made between the day of the disaster and the day the bill was signed into law. In effect, the failure to issue directives for this conversion was penalizing those who had done precisely what they were asked to do—to make an immediate assessment of the damage and to make the application forthwith. It represents a discrimination against the rural portion of the Agnes disaster area whereas the SBA had done precisely what the law intended in doing everything possible under this act to get the wheels of industry turning once more.

I am now delighted to report that the Department of Agriculture in the person of Assistant Secretary Roger Knapp, Acting Administrator of FHA Mr. Dunn, and General Counsel Jack Kanabel have authorized me to state that regulations and directives are being prepared at this moment and will be issued in the immediate future to convert all of those loans made between the date of the Agnes hurricane and August 16 so as to provide the full benefits of the disaster act.

This was the intent of Congress in writing the law and the intention of the President when he signed the law. It is the proper thing for the Secretary of Agriculture to do so that the Department may be in conformity with the law. It is essential to insure that rural America will be treated the same as urban American.

Mr. STEIGER of Wisconsin. Mr. Chairman, I strongly support the provisions of H.R. 1975 as reported by the Committee on Agriculture.

This legislation reinstates the emergency loan program as it was originally intended when first enacted by the Congress. It provides needed credit sources to farmers who lose a substantial amount of their production for causes beyond their control. The program is designed to help those family farmers who are unable to get credit from conventional sources at reasonable rates and terms.

In my own State of Wisconsin, excessive rains in both the spring and fall have prohibited good cultivation, reduced crop yield, inhibited harvesting, and in some cases, restricted preparation for this year's crops. These farmers need a helping hand to get them back on their feet and keep them in business. Bad weather affects all farmers and increases costs. If no relief is available, as is the case today, many good farmers will opt to leave farming for more secure professions. We cannot afford this, and therefore we cannot afford not to make this loan program available to distressed farmers.

Mr. Chairman, although I am in sympathy with the intentions of the amendment offered by the gentleman from Minnesota (Mr. BERGLAND) I feel that adoption of this amendment would be a disservice to American farmers. The principal reason the administration terminated the disaster program, is that the forgiveness provision and low interest were simply too costly and frankly did not meet the problem faced by farmers.

Although we all could use a free $5,000, farmers now need credit which is not available. The forgiveness feature simply reinstates a terminated program and invites a presidential veto on the same grounds; it is too costly. In the meantime, throughout our debating with the administration, our distressed farmers are no better off than they are today; without a program to help them over the hump.

Mr. Chairman, the bill as reported by the Committee on Agriculture has administration approval and returns to a program meeting the basic need for farm credit in natural emergencies. Farmers in my district and across the country need help now and this bill fills their needs. I urge my colleagues to exercise restraint and pass this measure as reported.

Mr. BOWEN. Mr. Chairman, I believe this bill is vitally important in helping maintain a sound agricultural economy and providing our rural communities with the resources to recover from heavy losses due to natural disasters.

This legislation would restore about $50 million in critically needed emergency loan funds for our rural communities and hard-pressed farmers in disaster-stricken areas for the remainder of this fiscal year and would make available up to $100 million annually for the next 5 years.

This bill replaces a similar rural emergency disaster loan program which the White House halted 2 months ago with its harsh and precipitate impoundment action. I feel, along with many of my colleagues in the Congress, that our rural areas and farmers desperately need an emergency loan fund in times of natural disaster such as storms, floods, freezes, or drought, especially those who are unable to obtain credit at reasonable rates from regular commercial sources.

The people in my district and my State know full well the disaster which can strike swiftly, suddenly and with a terrible economic impact, wiping out farms, livestock, crops and homes.

Since the President has shut down the present disaster loan program, the only assistance available is the operating loan program of the Farmers Home Administration. This is available only for family-sized farms.

I feel that the farmers of Mississippi would rather have disaster loan funds available at 5 or 6 percent interest than no funds at 1 percent interest.

Although no counties in my State have been designated so far under the program which the President has abruptly terminated, many have suffered severe losses through the disastrously wet fall and winter and would welcome the opportunity to be considered for designation and an opportunity to seek assistance.

I strongly urge the Members of the House to vote favorably on this vital piece of legislation to help our farmers and rural communities recoup during time of crisis due to natural disasters.

Mr. STUCKEY. Mr. Chairman, we have seen the administration cut rural program after rural program, many of which have operated successfully for a number of years. The emergency loan program operated by the Farmers Home Administration is one such program.

The administration says it curtailed the funds for this program because it is too costly. If the program had been allowed to continue in its present form until it expired June 30, the cost would have been $800 million. I do agree that the program has become too expensive as a result of changes made in the law last year. But I think the way to correct this situation is not to completely eliminate a basically very good program but to revise it. Thus, I strongly support the bill before the House today to do just that.

My district is predominately a rural one that often suffers the effects of hurricanes and other natural disasters. During my 6 years in office, it has been declared a natural disaster area several times. The more lucrative farmer and homeowner usually is covered by insurance or can get a loan to cover his damages. But a number of small farmers, and I have many in my district, will not have any credit at all if the emergency loan program does not continue.

Shall we force people to go on welfare of some form of Federal assistance if the means is denied them to cope with natural disasters? The farmer and rural homeowner definitely needs the protection offered by the emergency loan program.

Mr. MIZELL. Mr. Chairman, I rise at this time to express my support for the emergency disaster loan legislation reported by the Committee on Agriculture with the amendment offered by my distinguished colleague from Georgia (Mr. MATHIS).

The committee bill, H.R. 1975, repeals the emergency disaster legislation passed by the Congress last fall, and reinstates with certain modifications the emergency loan program established by the Consolidated Farm and Rural Development Act of 1961.

As reported by the committee, H.R. 1975 contains the following major provisions.

First. It repeals the "forgiveness" clause for emergency disaster loans, which allowed for loans of up to $5,000 to be forgiven—not repaid—making the loans actually Federal grants.

Second. It reinstates the disaster designation for areas previously designated by the Secretary of Agriculture for disaster assistance eligibility, making it possible for farmers in these areas to apply once again for the special disaster loans. This eligibility had been terminated by the administration as a means of terminating the "forgiveness" clause which might well have cost the Government $1 billion this year.

Third. It provides for an interest rate of 6 percent for disaster loans. The Mathis amendment reduces the rate to 5 percent, and as I noted, I support his amendment.

Fourth. It provides that disaster loans may not be approved unless credit cannot be obtained elsewhere. This provision repeals the "first-come, first-served" policy enacted with last year's Hurricane Agnes-Rapid City bill, and replaces it with a formula based on actual, documented need.

These are good and necessary provisions, Mr. Chairman, designed to help farmers in distress in a reasonable and effective way, and I would be happy to support legislation in this form.

But my support does not extend to the amendment being proposed today by the gentleman from Minnesota (Mr. BERGLAND) which provides for an 18-day extension of the present program—complete with its forgiveness clause—which would cost the Government an additional $300 million by best estimates.

I do not believe this to be the wisest course for the Congress to follow, to provoke a Presidential veto with the Bergland amendment and thus jeopardize the entire emergency loan program.

The preferable course, in my opinion, would be to enact H.R. 1975 with the Mathis amendment and without the Bergland amendment. Legislation in this form would enjoy the support of both the Congress and the administration, and it would insure an immediate and responsible means of relief for the disaster-stricken farmers of America.

Mr. RANDALL. Mr. Chairman, I support H.R. 1975—the emergency loan program—because I regard it as a needed source for emergency loan funds for those farmers or ranchers in areas now or hereafter to be determined to be disaster areas by either the Secretary of Agriculture or the President of the United States. I support the bill because this program was curtailed by action of the Department of Agricuture on December 27, 1972, on which date the Farmers Home Administration offices were instructed to cease receiving and processing applications for emergency aid for farm owners or rural homeowners in counties which had been theretofore carried on an emergency designation by the Secretary of Agriculture for 60 days or more.

Mr. Chairman, I support this bill without knowing whether or not there happens to be any counties in the State of Missouri or our congressional district among the 555 counties enumerated which were excluded by the Secretary of Agriculture on December 27. Of course, Missouri was not included in the Agnes/Rapid City Act, but, notwithstanding, I know that as a result of the ice storms in our district in November and December some of the counties in our congressional district were very close to being eligible to be within the declaration of a disaster county.

To fail to support either H.R. 1975 or the Bergland amendment simply because some county in our congressional district may not have been included is to be too completely provincial or too entirely parochial. For my part, I recognize the merit of this bill from a humanitarian standpoint. I am privileged to support it for that reason.

There must be some merit to H.R. 1975 because it was reported from the committee by a vote of 22 to 3. The only reason the Bergland amendment was not adopted in committee was because it was technically defeated as a result of a tie vote, 16–16. It should be pointed out that all the Bergland amendment does is to reopen eligibility for 1-percent loans with the forgiveness feature for 18 days in the 555 counties that have been heretofore declared disaster areas by the Secretary of Agriculture. It should be recalled that the decision of December 27, 1972, contained the 18-day grace period for victims of Hurricane Agnes in 358 counties declared eligible under the Presidential order but made no similar provisions for the farmers in the 555 counties declared disaster areas by the Secretary of Agriculture.

The reason the Bergland amendment becomes so necessary is that it is needed to redress a major inequity contained in the President's December 27 decision. His action on that date, in the judgment of many, was a breach of trust. The U.S. Department of Agriculture had assured applicants—farmers—that there was no use to speed applications, and even encouraged farmers to delay applications to permit clearing of administrative backlogs.

Mr. Chairman, perhaps a few words should be expressed in comment upon the potential impact, not only of H.R. 1975, but also the Bergland amendment to H.R. 1975. Such an expression is necessary not only because we are here dealing with a new piece of legislation, H.R. 1975, but also because we are concerned with its effect on both the Disaster Relief Act of 1970 as well as the Agnes/Rapid City Act. Then in the background is the permanent 1961 Disaster Relief Act, which underlies both.

To thread through the complexities of the situation, we should first assume that H.R. 1975 goes to the President with the Bergland amendment and is approved by the President which means accepting the Bergland amendment. This would mean that we would then have a law requiring proof of need before granting a loan with 6-percent interest.

As a second possibility the President could veto H.R. 1975. This would still leave the 1970 act intact and also the Agnes/Rapid City Act where only the President could designate disaster areas. In the event the President should declare a disaster area prior to June 30, 1973, then those areas would fall under the forgiveness feature and also the 1-percent feature of the Agnes/Rapid City Act.

Third, if the President vetoes H.R. 1975 and Congress takes any action, then the permanent 1961 Disaster Relief Act would again become effective, with a requirement to show or certify need of aid to receive a loan with interest of 3 percent.

Because there is a very complicated series of alternatives involved, the question could properly be asked why the administration did not substitute the 1961 law on December 27, 1972. The answer is that the administration believes that the Agnes/Rapid City Act supersedes the 1961 law and to attempt the substitution of the 1961 law would involve law suits which could prove embarrassing and very costly. The fact of the matter is that the administration needs H.R. 1975, both to replace the Agnes/Rapid City law and later to replace the 1961 law.

Mr. Chairman, the choices here are so complex that I spread these remarks on the record in an effort to explain the alternatives involved. In my judgment, the farmers not only of my area, but nationwide are aware of the 1961 law. They prefer its provisions over H.R. 1975. I was convinced that there was no way to prevent the passage of H.R. 1975, I also became convinced that the President might veto the bill if the Bergland amendment were attached. This would provide a way to kill H.R. 1975 by Presidential veto. Finally, if the President does not veto the bill, there is a clear need for the Bergland amendment to give those needy farmers a fair chance furnished by the 18-day extension to file for the emergency aid provided under H.R. 1975.

Mr. Chairman, the foregoing comments may seem to be intricate, legalistic, and difficult to follow. Put in a few words, H.R. 1975 is inadequate without the Bergland amendment. If because of that amendment H.R. 1975 should be vetoed and the veto sustained, then we will revert to the 1961 disaster law which is accepted and even preferred by the farmers of our area to any or all subsequent legislation. For the foregoing reasons, I support H.R. 1975 with the Bergland amendment.

Mr. RARICK. Mr. Chairman, I rise in support of H.R. 1975 to provide an emergency loan program for disaster victims and rehabilitation of American agriculture.

In my State of Louisiana, I have often witnessed the effects of emergency loan provisions to those in agriculture who have been literally wiped out by the ravages of hurricanes and flooding. I am unimpressed by the urging of fiscal responsibility as the motivating force behind the administration's decision to terminate the existing program because of budgetary curtailment. Especially is this true when earlier this same week this body passed the continuing appropriations bill—which contained $35 million on a loan or grant basis for the disaster victims of earthquake devastated Managua, Nicaragua, $20 million for a water treatment and prototype desalting plant in Israel, $81 million operating expenses to the Peace Corps, $145 million for assistance to Cuban refugees in the United States, and $50 million for assistance to refugees from the Soviet Union.

With such overwhelmingly generous international programs to aid refugees around the world, American farmers are entitled to similar assistance in their time of need.

I am well aware that one of the criticisms successfully used to underline the program, which had been passed by Congress to assist farmers, was the $5,000 forgiveness feature and the 1-percent interest rate. I think most Americans are tired of giveaways, but why should we stop forgiving Americans while at the same time failing to apply the same hard-nosed policy to foreign governments.

Perhaps the most classic example of forgiveness by the American taxpayers and our national leaders was the recent agreement to settle the Russian war debt of $11.1 billion for $722 million—this amounts to a little over 6 cents on the dollar and the complete forgiveness of any interest charges on the principle over a period of about 28 years.

Interest at 7 percent on $11.1 billion for 1 year would amount to $777 million, which means that we forgave the Russion debt and 28 years of interest for an agreed amount less than 1 year's interest at 7 percent. And if this was not enough, the settlement agreement gave the Soviets 30 years, or until the year 2001, to complete the compromise settlement. The American taxpayer has paid interest on the Russian loan of $11.1 billion and will continue to pay it as a part of the national debt, there is no forgiveness to the American taxpayer.

I feel that our first obligation as Members of this body is to the farmers of our country who produced the food and fiber which was used in Moscow, Peking, Hanoi, and Paris as the leverage to negotiate any peace that has been obtained. The same farmers are overlooked by the administration in its desire to provide food and fiber to the world. Under the recent announced devaluation of the dollar, foreigners will now be able to buy American food, fiber, and goods at a 10-percent discount as a theoretical solution to the balance-of-payments deficits.

I intend to support this measure—legislation which extends the same courtesies to our American farmers that we extend to foreigners, including those in the Communist bloc.

Mr. TEAGUE of California. Mr. Chairman, I have no further requests for time.

Mr. POAGE. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 328(a) of the Consolidated Farm and Rural Development Act is repealed.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

COMMITTEE AMENDMENT

Committee amendment: On page 1, line 3, strike out:

"SECTION 1. Section 328(a) of the Consolidated Farm and Rural Development Act is repealed."

And insert: "That subsections (a), (b), (c), (d),(e), and (f) of Section 328 of the Consolidated Farm and Rural Development Act, as amended by Public Law 92–385, are repealed."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. Subsection (a) of section 321 of the Consolidated Farm and Rural Development Act is amended by striking out all of the language within the parentheses and inserting the following: "(including loans the Secretary is authorized to make or insure under subtitles A and B of this title or any other Act of Congress)".

SEC. 3. Subsection (b) of section 321 of the Consolidated Farm and Rural Development Act is amended by deleting said subsection in its entirety and substituting in lieu thereof:

"(b) The Secretary shall make loans in any such area designated by the Secretary in accordance with subsection (a) hereof and in any area designated as a major disaster by the President pursuant to the provisions of the Disaster Relief Act of 1970, as amended, (1) to established farmers, ranchers, or oyster planters who are citizens of the United States and (2) to private domestic corporations or partnerships engaged primarily in farming, ranching, or oyster planting: *Provided,* That they have experience and resources necessary to assure a reasonable prospect for successful operation with the assistance of such loan, and are unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time."

SEC. 4. Section 324 of the Consolidated Farm and Rural Development Act is amended by striking out "3 per centum" and inserting in lieu thereof "6 per centum".

SEC 5. Section 328 of the Consolidated Farm and Rural Development Act, amended by striking out "$100,000,000" and inserting "$500,000,000".

SEC. 6. Section 321(a) of the Consolidated Farm and Rural Development Act is amended by striking the word "may" and inserting in lieu thereof the word "shall".

SEC. 7. Section 232 of Public Law 91–606 is repealed.

Mr. POAGE (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 2, after the word "Act," insert "as amended by Public Law 92–173,"

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 3, after the word "is" insert the word "further".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. MATHIS OF GEORGIA

Mr. MATHIS of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MATHIS of Georgia: Page 2, line 25, strike out the words "6 percentum" and insert in lieu thereof the words "5 per centum"

Mr. MATHIS of Georgia. Mr. Chairman, the amendment I have offered to the bill will do one thing. It will make a little more of a reality out of the title of this legislation.

My committee reported the bill to this House as what we call a disaster relief loan bill. In fact, as it is drawn, it provides very little relief to the farmers and ranchers we are proposing to aid.

The interest rate, as the gentleman from Arkansas pointed out, to be charged to those who avail themselves of this program, shall be a maximum of 6 percent as provided under the terms of this bill, which is 5 percent more, as pointed out, than under the old program.

My amendment would fix the interest rate at a maximum of 5 percent, and therefore make this really more an emergency disaster loan available to farmers.

The normal operating loans available to farmers now under the Farmers Home Administration are available at a lesser rate at the present time than under the terms of this bill. If it is the intention of this House to provide relief to these farmers and ranchers who in many instances have been wiped out by natural disasters, then let us take positive action at this time to provide meaningful relief.

This House in its wisdom yesterday passed a continuing resolution which provides for millions of dollars for aid to foreign nations, apparently including some disaster relief for citizens of those countries. Mr. Chairman, I do not see how we can propose to do less for American farmers.

I believe this amendment will go a long way toward doing that.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. MATHIS of Georgia. I am happy to yield to the chairman.

Mr. POAGE. In an effort to get this compromised, and speaking only for myself as the chairman of the committee, I accept the amendment.

Mr. MATHIS of Georgia. Mr. Chairman, I appreciate the chairman of the committee accepting the amendment, and I am delighted.

Mr. TEAGUE of California. Mr. Chairman, let me put my statement this way: I shall not oppose it.

Mr. MATHIS of Georgia. Mr. Chairman, I appreciate the remarks of the distinguished ranking minority member of the committee.

Mr. Chairman, I yield back the balance of my time and urge the adoption of my amendment.

Mr. LEGGETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to use my 5 minutes to ask the chairman of the full committee some questions about H.R. 1975.

Now, as I understand it, we did adopt an agriculture disaster relief bill in the last Congress which provided for 1 percent loans and $5,000 forgiveness, which was at the recommendation of the President and was written into law, and we had that law complementing the disaster legislation for business which came out of the Banking and Currency Committee, as I recall.

Mr. Chairman, under the provisions of that legislation, as I understand it, some of the loans have been committed and are still pending, and the legislation will continue in effect as long as the legislation lasts, I presume, until the end of the current fiscal year.

And I presume the President could implement that legislation by executive order any time he chooses to do so.

Now, when we enact H.R. 1975, particularly the section 7, do we not repeal the authority to consummate the existing commitments that have been made by the Farmers Home Administration? And may I ask, do we not also repeal the authority of the President to use some discretion to open up this loan program to help out some of the farmers in some of their disaster relief in the event that the President's action taken just a few weeks ago is deemed premature?

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. Yes, I will yield to the gentleman.

Mr. POAGE. Mr. Chairman, we do repeal the existing law, which does repeal the President's authority to declare more of these counties to be emergency areas. I presume the gentleman is referring to the fact that the President just a few days ago declared four counties in the State of California Presidential disaster areas.

Mr. Chairman, this bill would repeal his authority to declare any more disaster areas with the existing relief provisions. He had a legal right to declare those four counties disaster areas. Even though he had already announced he was cutting off the whole program, he changed his mind again and declared those four counties disaster areas, subject to all of the provisions of the existing law, that is subject to the 1 percent interest and subject to the $5,000 forgiveness.

If this bill is enacted into law, he will have no authority to declare any more counties disaster areas with the privileges granted to these counties. He will still have the right to declare a disaster area, but they will only get loans on the terms granted here, but this bill will not invalidate the loans made in those counties prior to the adoption of this bill.

All the loans made in those counties prior to the adoption of this bill will still be valid loans, and will be payable and forgivable according to the terms of the existing legislation. This includes the 1 percent interest and the right to $5,000 forgiveness.

Mr. LEGGETT. Mr. Chairman, if I could expand on my question, one of our big disasters in California was the Isleton flood on Sherman and Andreas Island.

We just got a bathtub full of water, and we have only been able to get it out in the last 4 months. The farmers have only been able to determine their damages in the last 4 months, and a number of them still have applications pending on which they may or may not have commitments.

But what I am concerned about is—if we enact legislation here which actually repeals Public Law 91-606 does this not repeal the residual discretion of the Farmers Home Administration to consummate the pending applications for the pending disaster loans.

Mr. BERGLAND. Will the gentleman yield for just one moment?

Mr. LEGGETT. I yield to the gentleman.

Mr. BERGLAND. At the proper time, I will inform the gentleman, I have an amendment prepared that would remedy what I regard as an inequity of that nature in the pending amendment.

Mr. LEGGETT. I will be very pleased to support that amendment if there is any question about the coverage.

I am concerned also about this: If we enact this legislation, then as regards the new four counties we have in California the Farmers Home Administration will only be allowed to extend credit for 25 or 30 years or whatever the term is at 5 percent, but theoretically the Small Business Administration will be able to extend credit at 1 percent with the forgiveness features under the Banking and Currency legislation that is current law. Does that not exacerbate the inequities that are currently present between rural America and the small business communities in those same areas?

Mr. POAGE. If the gentleman will yield?

Mr. LEGGETT. I yield to the chairman.

Mr. POAGE. There are no loans being made except in those four counties in California. Of course, I recognize that the gentleman has a very natural and very proper interest in those counties, but the rest of the Nation is getting no loans at all and apparently will not get any loans of any kind at any rate of interest of this kind, so it is our hope to pass this legislation as quickly as possible.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. LEGGETT was allowed to proceed for 2 additional minutes.)

Mr. LEGGETT. I have one other question. I would like to pose this question publicly, because I have talked to the chairman of the committee about this situation.

Under the existing law when we were given loans under the Small Business Administration provisions we did have a clause that allowed a small business to obtain a consolidated loan to refinance his destroyed stock in trade and actually to get a new loan so that he could get new stock in trade at the 1 percent rate with the $5,000 forgiveness feature. We never had anything like that in Agriculture.

I have a number of farms in the Central Valley of California which have production loans where those production loans are in default because the crop has been destroyed. We can get a loan on a new crop, but there is no way to pay off the old crop loan, which is the first lien on that property.

As of right now—and I posed this to you before—we do not have parity between business and agriculture, even in agricultural communities. I hope we can keep this hiatus in mind as we move ahead with legislation of this type and hopefully between the House and the Senate that we can provide further equity between small agriculture and small business in the exact same communities. That does not require an answer, I will say to the gentleman as it appears to restate the current administration of the law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. MATHIS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BERGLAND

Mr. BERGLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BERGLAND: Page 3, following line 8, add a new section as follows:

"SEC. 8. Notwithstanding the repeal herein of Section 5 of Public Law 92-385, and notwithstanding any other provision of law, the Secretary of Agriculture shall make loans in accordance with the provisions of Section 5 of Public Law 92-385 to eligible applicants in natural disaster areas determined or designated by the Secretary of Agriculture where such determination or designation had been made after January 1, 1972, and prior to December 27, 1972. The authority to accept applications for such loans shall expire 18 days after the effective date of this Act."

Mr. BERGLAND. Mr. Chairman and members of the committee, on the 17th day of July last year President Nixon requested Congress to act in response to the needs that arose as a consequence of Hurricane Agnes and recommended that the Disaster Relief Act be amended so as to provide for 1-percent loans to those victims with up to $5,000 to be forgiven.

On the 14th of August this House by a vote of 359 to 1 accepted the conference committee's report to implement the President's request, and expand coverage to all persons who suffered similar damages from disaster during the period January 1, 1972, to June 30, 1973. The President signed this into law.

On November 15 of last year 358 counties in 21 States had been designated as eligible for assistance by the authority given to the President of the United States; 555 counties in 28 States had been designated for emergency aid by the authority conferred upon the Secretary of Agriculture by this act.

Now, the farmers in my State and in other States of this country who had their backs to the wall, who had lost their crop because of a severe disaster, due to the weather, were told to wait to file their applications, and in my State they were told to wait because they still had some little crops in the field and were advised that they should not file their applications until what little crops they had had been salvaged.

Other farmers in 28 counties in my State had been told by the local authorities of the Government, the local directing supervisor of FHA, to not file their applications in November or December because of the backlog of work, and appointments were made for these farmers to come back to the local offices of the Department of Agriculture some time during the winter time, and promises had been made that if they would come back in February that the backlog would be cleared up, and that they could then process their applications in accordance with the law. The farmers did wait, thousands of them acting upon the good faith of the Department, postponed the filing of their applications for the assistance to which they were entitled on the advice of an agent of the Government of the United States.

Then on the 27th day of December, without warning, the Secretary of Agriculture, Mr. Earl Butz, cut off this assistance relief, even though they were qualified and in that same pronouncement announced that those counties which had been designated by the President of the United States would have until the 15th day of January of 1973 in which to file their applications for assistance.

Mr. Chairman and members of this Committee I submit a public trust has been broken. Since the founding of this Republic 200 years ago our social landscape has been strewn with scores of broken treaties and broken promises. Is there any reason that the American people doubt the credibility of politicians and leaders in Government?

My amendment, Mr. Chairman and members of the Committee, would repair one broken promise. My amendment calls for a grandfather clause to continue the program for 18 days in 555 counties that had been designated by the Secretary of Agriculture so that all persons in these counties would be treated alike.

The bill as presented today states that the farmers who were able to get in under the wire before the abrupt cutoff would have their loan approved for 1 percent with up to $5,000 forgiven, but those same farmers who suffered identically or who in some cases suffered even worse, would not be granted these same credit terms.

Mr. Chairman, I along with my friend and colleague, the gentleman from Minnesota (Mr. ZWACH) offered an amendment that provided for a grandfather clause for these 555 counties and for an additional 18-day period for these farmers, and it lost in committee on a tie vote of 16 to 16.

Mr. Chairman and Members of the Committee, I submit there should be a lesson learned from this sorry episode. I think that we in the Congress and the administration should be more careful to study the consequences of any proposition until we are sure that we can finish what we start. Anything less is a really cruel deception. Therefore, Mr. Chairman, I urge support for my amendment.

Mr. TEAGUE of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it seems to me that the gentleman from Minnesota (Mr. BERGLAND) is inviting upon the farmers of America and upon his own constituents a terrible risk.

Now, I will be the first to concede that this whole matter could have been handled in a better fashion by the Department of Agriculture and by the executive branch of this Government, but if this bill does pass, your constituents and mine, and those of all of us, will be helped under the new program for loans at 5 percent or less.

If the gentleman's amendment is adopted at a cost of about $350 million, and the program goes back to the $5,000 forgiveness figure and 1 percent interest rate, we are inviting and we are almost sure to have a veto. We will have no program to take care of these people who suffer in the case of future emergencies, future disasters.

So that is my message, my colleagues. As appealing as this amendment might be, it would cost $350 million and is almost sure, in my judgment, to result in a veto, with the distinct possibility that no future funds will be available for the Members' constituents or any of mine in the case of such emergencies as may occur.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman from California yield?

Mr. TEAGUE of California. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. If this bill were not to pass in any form, what would be the net result?

Mr. TEAGUE of California. If this bill were not to pass in any form, I assume the executive department would continue its present policy, and loans and grants would be very much limited.

Mr. GERALD R. FORD. In other words, if the bill did not pass at all in any form, the executive branch would not continue the forgiveness and would not make loans under the 1-percent rate; is that it?

Mr. TEAGUE of California. Yes, that is my opinion.

Mr. GERALD R. FORD. That is what they are doing at the present time?

Mr. TEAGUE of California. Yes, because had they continued, that would have cost an estimated $1 billion, and with the attempt to bring about some sense of financial stability in this country, the action was taken. As I said before, I think it should have been done a lot differently, but that is water over the dam and left behind us.

We are faced right now with passing this bill with the one amendment, which we have in effect accepted, lowering the interest rate to 5 percent, and go below that, if possible. That is one alternative. If we do not pass this bill, I think we will have no funds available for emergency loans.

Mr. GERALD R. FORD. Will the gentleman yield again?

Mr. TEAGUE of California. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. It seems to me we have three alternatives. If no legislation is passed, there will be no money available, either in the forgiveness area or at 1 percent.

The second alternative is to pass the bill as recommended by the committee, as amended by the Mathis amendment, and there will be money available with an interest rate of up to 5 percent.

Mr. TEAGUE of California. Maximum, and it could be less.

Mr. GERALD R. FORD. The third alternative is to pass the bill with the Bergland amendment, which in effect invites a veto because of the anticipated extra cost during this period of $350 million.

Mr. TEAGUE of California. That is correct.

Mr. GERALD R. FORD. I just hope that the Bergland amendment is defeated. I think we have to take a broader view and to the best of our ability help agriculture generally, admitting that perhaps the Department of Agriculture might not have handled this administratively as well as the gentleman or I or many others might like to have had it done.

I hope the Bergland amendment is defeated.

Mr. TEAGUE of California. I agree with the gentleman, and I thank the gentleman.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentleman from Texas.

Mr. KAZEN. What is the situation with regard to the four counties that the President has just declared disaster areas within the last week?

Mr. TEAGUE of California. Those in California the gentleman is referring to?

Mr. KAZEN. Yes, sir.

Mr. TEAGUE of California. That is a very fair question, and let me answer it. I did not know about it until I read in the newspapers that it had happened. I had nothing to do with bringing it about, and one of the counties is in my district. I called just before noon, and they have not received one application there. This leads me to the belief that probably the disaster was declared so that the Corps of Engineers could come in and help repair a harbor that was very badly damaged and some bridges that were washed out.

Mr. POAGE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I cannot hold the feeling of distrust which some of our colleagues have expressed as to the fairness of our President. I cannot believe the President of the United States is going to be so inequitable in his treatment of the people in the areas which were declared disaster areas by his Secretary of Agriculture and those who live in areas which the President himself declared to be disaster areas. The President of the United States declared 358, I believe, counties as disaster areas. The Secretary of Agriculture declared 555 counties as disaster areas. When the President issued this order stopping forgiveness, on December 27, 1972, he gave everybody in the Presidentially declared areas 18 days in which to come in and file applications after they had notice.

All the Bergland amendment asks is to extend exactly the same treatment to those who sustained similar losses in the other 555 counties. It asks that we do in those counties declared by the Secretary exactly what the President already has done in the areas he personally declared disaster areas.

I cannot believe, as the gentleman from Michigan does, that my President is going to be so unfair as to deny to the sufferers of 555 counties that which he has already accorded to those similarly situated in 358 counties. On the contrary, I believe President Nixon to be a fair and honorable man, and I reject the threats of the gentleman on my left that their President and mine would be so unfair. All this amendment asks is equal treatment for all. On December 27, the President gave the people of 354 counties 18 days in which to fill applications. On February 13 of this year the President declared four counties in California as disaster areas and gave them unlimited time. In this case the announcement specifically reads that up to $5,000 on farm housing loans may be canceled when losses are not compensated by insurance or otherwise. That is in the President's order of February 13. I cannot believe that the President is going to say it is all right to give $5,000 to the people in one district in California, or elsewhere, and then say he is not going to give those fellows in somebody else's district even so much as a chance to come in and sign up.

I just do not believe that of the President of the United States. All the Members who think our President is that kind of two-faced operator—please stand up. I want their names. I do not believe it of President Nixon. I believe the President is a better man than that. I believe the President is a fairer man than that, even though his spokesmen on this floor represent him as unwilling to do equity.

All we are asking here is that there be a little fairness. The gentleman from California has said there is not a soul in his district who has come in and asked for forgiveness—they do not have to hurry. The President put no limit on the time in which they can apply. I cannot believe he is going to object to giving others just 18 days—exactly, the time the President said was fair for the people in 354 counties.

Why does the gentleman from California feel that $300 million will be lost in those 555 counties which were declared disaster areas by the President's Secretary of Agriculture. Does he consider the Secretary untrustworthy? I do not. There were some 354 counties which the President had declared disaster areas before the 26th day of December. That is about five-eighths as many as the Secretary declared. It did not cost any five-eighths of $300 million to take care of those counties, although the farmers in them had 18 days notice and that amount of time in which to apply. They had exactly what Mr. BERGLAND asks for the farmers of the other 555 counties, and it did not cost any such amount for those 354 counties. Now why and from what source do we get any information that it is going to cost $300 million to give these people the same kind of treatment the President has given other people? All we are asking is that we treat everybody alike.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from California.

Mr. TEAGUE of California. Mr. Chairman, I got this information from the gentleman from Minnesota (Mr. BERGLAND) himself. He told me earlier this afternoon it was $350 million, so I did not dream it up.

Mr. POAGE. I do not understand that. The gentleman from Minnesota (Mr. BERGLAND) gave us that information, but I understood that he was passing on information or guesses from the Department of Agriculture.

Mr. BERGLAND. Mr. Chairman, if the gentleman will yield, that was received from the Department of Agriculture. It was their own estimate.

Mr. POAGE. That is right, and I want to know on what basis the Department of Agriculture makes any such estimate as that, since the figures show it did not cost any such amount as that when 18 days was given to the people in the Presidentially declared areas.

I challenged the figures of the Department of Agriculture. I ask unanimous consent that anyone who can read and write and figure to the seventh multiplication table, tell me how they can substantiate any such estimate of $300 million. And, if they can substantiate it, how do they then justify the President's action of December 27 in granting 18 days to the people of 354 counties and his action of February 13 in granting unlimited time to the people of four California counties?

Maybe what is good and fair in California is good and fair in the rest of the country. I would, therefore, urge that you vote for the Bergland amendment.

Mr. ZWACH. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. ZWACH. Mr. Chairman and members of the Commitee, it is imperative that I speak out in support of this amendment and to discuss this bill, because it creates a very grave injustice to some producers in America; a very, very grave injustice.

I have here the figures for Hurricane Agnes and Rapid City. They each had their disaster in 1 day; immediately applied for SBA loans and FHA loans and collected them to the tune of $3,176,652,000 in loans and forgiveness. In all Presidentially designated areas folks had their forgiveness and their 1-percent interest, but the farmers in my district in areas designated by the Secretary were cut off without notice on December 27.

Now, in our area of the United States, in South Dakota, Minnesota, part of North Dakota, we had the disaster of the century. Never since that ground was plowed have we had such a disaster. So many folks got a crop planted 2 months late, and they did not know what they were going to harvest until around Christmas time. The FHA said, "Come in January, come in February." They were dated then to make these applications. On December 27 they blew the whistle, so to speak; blew the whistle on this program, and it left hundreds of our very worthy producers with more losses, more severe losses suffered, and waiting to harvest crops when they were cut off entirely. That was unfair.

Second, in my district there are eight counties that have been designated by the Secretary of Agriculture as disaster areas and there are a number of counties designated by the President as disaster areas. The Presidential disaster areas, ladies and gentlemen, had until January 15 when the December 27 date was given. The secretarial disaster areas were cut off right there.

The Government must give what is due to its people. The Government must keep its faith with its people.

Third, this bill, and I can see what the author tries to do, makes a rank discrimination against rural America because it continues the loans at 1 percent, $5,000 forgiveness, for SBA and every other agency except FHA which deals with producers and rural communities in this country. It keeps it for every other one.

This law cuts them out. It was at 6 percent, and now puts that to 5 percent. It is really some emergency program to offer them that kind of deal and to discriminate against rural America in favor of SBA, HUD, and all the other areas.

It is therefore imperative that we pass this amendment in justice and equity. I hope—I sincerely hope that we strengthen this legislation, and in so doing eliminate the looseness of it that gives money to the undeserving, but we must not deny the hundreds of deserving people who have been automatically and arbitrarily cut off by their Government

There is no Government that can conduct its business in that type of manner.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. ZWACH. I am glad to yield to the gentleman from California.

Mr. TEAGUE of California. I thank my good friend.

I want to make it clear that if this amendment is adopted, I hereby rescind, revoke, and take back my previous commitment or statement that I would vote for the bill. I certainly could not if this amendment were adopted.

Mr. ZWACH. Certainly the gentleman is entitled to his position. But in equity we must adopt this amendment.

Mr. YOUNG of South Carolina. Mr. Chairman, I move to strike the last word in the amendment before this body.

Mr. Chairman, if this amendment is included today and the President vetoes this measure, many of the farmers in my area will not be able to get a loan to get fertilizer and go to the fields for the spring planting.

This has been before us in the Committee on Agriculture. It was decided there and voted out and sent to this body.

Only this morning a man, who is a broiler grower in our area, who had his buildings collapse after our recent snowstorm, which cost him some $80,000, said:

> Do not give me anything. Do not give me a $5,000 forgiveness. What I want is a chance to recover, to build my houses back, but, at the present time, with the Farmers Home Administration not making any loans to anybody, I am losing money every day. My chickens are trapped beneath these buildings, and they are dead. I have a health hazard in my area. I need something done and I need it done immediately.

Gentlemen, we are fooling around with the farmers in our area who need some help to get started back in the business of farming for the coming year.

I speak as a farmer. I know what it is not to be able to pay a fertilizer bill. I have been to the Farmers Home Administration, to the Production Credit Association, to the land banks. I know what it is to meet a crisis on the farm.

When we are talking today about the forgiveness feature of this bill and when we are talking about increasing it from 3 percent to 5 percent, let me say that the man who borrows $10,000 is talking about an additional $200 interest per year.

When drowning, a man on the farm does not care whether he is saved by a pole or by a boat. What he wants is help now.

This is what we are talking about in this bill today. I believe we are toying around with the future of some farmers who simply will not survive unless we pass the legislation without this amendment as quickly as we possibly can.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. BERGLAND).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TEAGUE of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 196, nays 160, not voting 75, as follows:

[Roll No. 21]

YEAS—196

Abdnor
Abzug
Alexander
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Bennett
Bergland
Bevill
Bingham
Blatnik
Boland
Bolling
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brooks
Brown, Calif.
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Chappell
Clark
Clausen, Don H.
Clay
Conte
Conyers
Corman
Cotter
Culver
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Dellums
Denholm
Diggs
Downing
Edwards, Calif.
Eilberg
Esch

Evans, Colo.
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Fraser
Fulton
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gunter
Guyer
Haley
Hamilton
Hanley
Hansen, Wash.
Harrington
Hawkins
Hays
Hébert
Hechler, W. Va.
Helstoski
Henderson
Hicks
Holifield
Holtzman
Horton
Howard
Hutchinson
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Landrum
Latta
Lehman
Long, Md.
McEwen
McFall
McKay
McSpadden
Madden
Madigan
Mahon
Martin, N.C.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Murphy, Ill.
Murphy, N.Y.
Natcher
Nichols
Obey
O'Neill
Owens
Passman
Patman
Patten
Perkins
Pickle
Poage
Podell
Preyer
Price, Ill.
Randall
Rangel
Rarick
Reid
Reuss
Riegle
Roberts
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Roush
Roy
Runnels
Ryan
Sandman
Sarbanes
Schroeder
Seiberling
Shipley
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steele
Stephens
Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, N.C.
Thornton
Tiernan
Udall
Van Deerlin
Vigorito
Waldie
Whalen
White
Whitten
Wilson, Charles H., Calif.
Wright
Young, Ga.
Young, Tex.
Zablocki
Zwach

NAYS—160

Archer
Arends
Armstrong
Ashbrook
Bafalis
Beard
Bell
Biester
Blackburn
Broomfield
Brotzman
Brown, Ohio
Broyhill, Va.
Buchanan
Burgener
Butler
Byron
Camp
Carter
Cederberg
Chamberlain
Clancy
Clawson, Del
Cleveland
Cochran
Cohen
Collins
Conable
Conlan
Coughlin
Crane
Cronin
Daniel, Robert W., Jr.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Fish
Ford, Gerald R.
Forsythe
Frelinghuysen
Frey
Froehlich
Goodling
Grover
Gude
Gross
Hammerschmidt
Hanna
Hanrahan
Harsha
Heinz
Hillis
Hinshaw
Hogan
Holt
Huber
Hudnut
Hungate
Hunt
Ichord
Jarman
Johnson, Pa.
Jones, Okla.
Keating
Kemp
Ketchum
Kuykendall
Landgrebe
Lent
Litton
Lott
Lujan
McClory
McCollister
McDade
McKinney
Mallary
Mann
Martin, Nebr.
Mathias, Calif.
Mayne
Michel
Miller
Mills, Md.
Minshall, Ohio
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Mosher
Nedzi
Nelsen
O'Brien
O'Hara
Parris
Pettis
Peyser
Pike
Powell, Ohio
Quie
Quillen
Regula
Rhodes
Rinaldo
Robinson, Va.
Rogers
Roncallo, N.Y.
Rousselot
Ruppe
Ruth
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Sikes
Snyder
Spence
Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Stratton
Symms
Talcott
Taylor, Mo.
Teague, Calif.
Thomson, Wis.
Thone
Treen
Vanik
Veysey
Walsh
Wampler
Ware
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wylie
Wyman
Yates
Young, Fla.
Young, Ill.
Young, S.C.
Zion

NOT VOTING—75

Adams
Addabbo
Anderson, Ill.
Andrews, N.C.
Badillo
Baker
Barrett
Biaggi
Brasco
Bray
Brown, Mich.
Broyhill, N.C.
Chisholm
Collier
Delaney
Dent
Dingell
Donohue
Dorn
Eckhardt
Erlenborn
Eshleman
Findley
Fountain
Frenzel
Fuqua
Gettys
Goldwater
Gubser
Hansen, Idaho
Harvey
Hastings
Heckler, Mass.
Hosmer
Johnson, Colo.
King
Koch
Kyros
Leggett
Long, La.
McCloskey
McCormack
Macdonald
Mailliard
Maraziti
Milford
Mills, Ark.
Moss
Myers
Nix
Pepper
Price, Tex.
Pritchard
Railsback
Rees
Robison, N.Y.
Rooney, N.Y.
Rostenkowski
Roybal
St Germain
Skubitz
Smith, N.Y.
Steed
Steelman
Stokes
Teague, Tex.
Thompson, N.J.
Towell, Nev.
Ullman
Vander Jagt
Waggonner
Wilson, Charles, Tex.
Wyatt
Wydler
Yatron

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. BURLISON of Missouri. Mr. Chairman, I move to strike the last word.

Mr. Chairman, H.R. 1975, providing for emergency farm loans, is absolutely essential for farmers in my district who have been inundated with flood waters of the Castor, Black, Saint Francis, and Mississippi Rivers.

I rise in support of the legislation and wish to take this opportunity to commend my neighbor from the First Congressional District of Arkansas (Mr. ALEXANDER) for the great leadership he has shown in guiding this legislation through the Committee on Agriculture, and his great contribution in final passage here on the floor, which I am confident is imminent.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROUSH, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee having had under consideration the bill (H.R. 1975) to amend the emergency loan program under the Consolidated Farm and Rural Development Act, and for other purposes, pursuant to House Resolution 226, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 269, nays 95, not voting 67, as follows:

[Roll No. 22]

YEAS—269

Abdnor
Abzug
Adams
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Bafalis
Beard
Bell
Bennett
Bergland
Bevill
Biester
Bingham
Blatnik
Boland
Bolling
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brooks
Brown, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Conlan
Conte
Conyers
Corman
Cotter
Culver
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Dellums
Denholm
Diggs
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Foley
Fraser
Froehlich
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hillis
Hogan
Holifield
Holtzman
Horton
Howard
Hungate
Hunt
Hutchinson
Ichord
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kyros
Landrum
Latta
Lehman
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCormack
McEwen
McFall
McKay
McKinney
McSpadden
Madden
Mahon
Mallary
Mann
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Neill
Owens
Passman
Patman
Patten
Perkins
Peyser
Pickle
Poage
Podell
Preyer
Price, Ill.
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Reid
Reuss
Rhodes
Riegle
Roberts
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Roush
Roy
Runnels
Ruppe
Ryan
Sandman
Sarbanes
Satterfield
Scherle
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Tiernan
Udall
Van Deerlin
Vanik
Veysey
Vigorito
Waldie
Walsh
Wampler
Whalen
White
Whitten
Widnall
Wilson, Charles H., Calif.
Wright
Wyman
Yates
Young, Ga.
Young, Tex.
Zablocki
Zwach

NAYS—95

Archer
Arends
Armstrong
Ashbrook
Blackburn
Broomfield
Brotzman
Brown, Ohio
Broyhill, Va.
Buchanan
Burgener
Camp
Cederberg
Chamberlain
Clancy
Clawson, Del
Cohen
Collins
Conable
Coughlin
Crane
Cronin
Daniel, Robert W., Jr.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Edwards, Ala.
Ford, Gerald R.
Forsythe
Frelinghuysen
Frey
Goodling
Gross
Grover
Hammerschmidt
Hanrahan
Heinz
Hinshaw
Holt
Huber
Hudnut
Jarman
Johnson, Pa.
Keating
Kemp
Ketchum
Kuykendall
Landgrebe
Lent
McCollister
McDade
Martin, Nebr.
Mayne
Michel
Mills, Md.
Minshall, Ohio
Mizell
Moorhead, Calif.
O'Brien
Parris
Pettis
Powell, Ohio
Pritchard
Regula
Rinaldo
Robinson, Va.
Roncallo, N.Y.
Rousselot
Ruth
Sarasin
Saylor
Schneebeli
Shriver
Shuster
Snyder
Spence
Symms
Taylor, Mo.
Teague, Calif.
Treen
Ware
Whitehurst
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wylie
Young, Fla.
Young, Ill.
Young, S.C.
Zion

NOT VOTING—67

Addabbo
Anderson, Ill.
Badillo
Baker
Barrett
Biaggi
Brasco
Bray
Brown, Mich.
Broyhill, N.C.
Burke, Calif.
Collier
Delaney
Dent
Dingell
Donohue
Dorn
Erlenborn
Eshleman
Findley
Ford, William D.
Fountain
Frenzel
Gettys
Goldwater
Gubser
Hansen, Idaho
Harvey
Hastings
Hosmer
Johnson, Colo.
King
Kluczynski
Koch
Leggett
McCloskey
Macdonald
Madigan
Mailliard
Maraziti
Milford
Mills, Ark.
Moss
Myers
Nix
Pepper
Pike
Price, Tex.
Rees
Robison, N.Y.
Rooney, N.Y.
Rostenkowski
Roybal
St Germain
Smith, N.Y.
Steed
Steelman
Stokes
Thompson, N.J.
Towell, Nev.
Ullman
Vander Jagt
Waggonner
Wilson, Charles, Tex.
Wyatt
Wydler
Yatron

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Frenzel for, with Mr. Collier against.

Until further notice:

Mr. Rooney of New York with Mr. Anderson of Illinois.
Mr. Rostenkowski with Mr. Erlenborn.
Mr. Addabbo with Mr. Gubser.
Mr. Brasco with Mr. Maraziti.
Mr. Donohue with Mr. McCloskey.
Mr. Fountain with Mr. Towell of Nevada.
Mr. Gettys with Mr. Baker.
Mr. Kluczynski with Mr. Mailliard.
Mr. Macdonald with Mr. King.
Mr. Moss with Mrs. Burke of California.
Mr. Koch with Mr. Johnson of Colorado.
Mr. Biaggi with Mr. Robison of New York.
Mr. Delaney with Mr. Myers.
Mr. Dingell with Mr. Brown of Michigan.
Mr. St Germain with Mr. Goldwater.
Mr. Thompson of New Jersey with Mr. Vander Jagt.
Mr. Waggonner with Mr. Bray.
Mr. Yatron with Mr. Price of Texas.
Mr. Pike with Mr. Hastings.
Mr. Leggett with Mr. Wydler.
Mr. Mills of Arkansas with Mr. Broyhill of North Carolina.
Mr. Nix with Mr. William D. Ford.
Mr. Pepper with Mr. Hansen of Idaho.
Mr. Dorn with Mr. Milford.
Mr. Dent with Mr. Steelman.
Mr. Barrett with Mr. Eshleman.
Mr. Badillo with Mr. Smith of New York.
Mr. Rees with Mr. Hosmer.
Mr. Roybal with Mr. Stokes.
Mr. Steed with Mr. Harvey.
Mr. Ullman with Mr. Findley.
Mr. Wyatt with Mr. Charles Wilson of Texas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on February 16, 1973, the President approved and signed a joint resolution of the House of the following title:

H.J. Res. 299. Joint resolution relating to the date for the submission of the report of the Joint Economic Committee on the President's Economic Report.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT ON H.R. 3298 UNTIL MIDNIGHT TOMORROW

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight tomorrow night to file a report on the bill H.R. 3298.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

STATE OF THE ECONOMY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–48)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

Today, in this third section of my 1973 State of the Union Message, I wish to report on the state of our economy and to urge the Congress to join with me in building the foundations for a new era of prosperity in the United States.

The state of our Union depends fundamentally on the state of our economy. I am pleased to report that our economic prospects are very bright. For the first time in nearly 20 years, we can look forward to a period of genuine prosperity in a time of peace. We can, in fact, achieve the most bountiful prosperity that this Nation has ever known.

That goal can only be attained, however, if we discipline ourselves and unite on certain basic policies:

- —We must be restrained in Federal spending.
- —We must show reasonableness in labor-management relations.
- —We must comply fully with the new Phase III requirements of our economic stabilization program.
- —We must continue our battle to hold down the price of food.
- —And we must vigorously meet the challenge of foreign trading competition.

It is clear to me that the American people stand firmly together in support of these policies. Their President stands with them. And as Members of the 93d Congress consider the alternatives before us this year, I am confident that they, too, will join in this great endeavor.

IMPACT OF THE ECONOMY ON PEOPLE'S LIVES

This message will present my basic economic recommendations and priorities and will indicate some areas in which further detailed plans will be submitted later.

But I also want to discuss our economic situation in less formal terms: how do statistical measurements, comparisons and projections affect the daily lives of individual Americans and their families?

We build our economy, after all, not to create cold, impersonal statistics for the record books but to better the lives of our people.

Basically, the economy affects people in three ways.

First, it affects their jobs—how plentiful they are, how secure they are, how good they are.

Second, it affects what people are paid on their jobs—and how much they can buy with that income.

Finally, it affects how much people have to pay back to the Government in taxes.

JOB PICTURE ENCOURAGING

To begin with, the job picture today is very encouraging.

The number of people at work in this country rose by 2.3 million during 1972—the largest increase in 25 years. Unemployment fell from the 6 percent level in 1971 to 5 percent last month.

The reason jobs have grown so rapidly is that the economy grew in real terms by 6½ percent last year, one of the best performances in the past quarter century. Our economic advisers expect a growth rate of nearly 7 percent in 1973. That would bring unemployment down to around the 4½ percent level by the end of the year.

Five percent unemployment is too high. Nevertheless, it is instructive to examine that 5 percent figure more closely.

For example:

- —Only 40 percent of those now counted as unemployed are in that status because they lost their last job. The rate of layoffs at the end of last year was lower than it has been since the Korean War.
- —The other 60 percent either left their last job voluntarily, are seeking jobs for the first time or are re-entering the labor force after being out of it for a period of time.

- —About 45 percent of the unemployed have been unemployed for less than five weeks.
- —As compared with earlier periods when the overall unemployment rate was about what it is now, the unemployment rate is significantly lower for adult males, household heads and married men. Among married men it is only 2.4 percent. Unemployment among these groups should decline even further during 1973.

This employment gain is even more remarkable since so many more people have been seeking jobs than usual. For example, nearly three million Americans have been released from defense-related jobs since 1969—including over one million veterans.

The unemployment rate for veterans of the Vietnam War now stands at 5.9 percent, above the general rate of unemployment but slightly below the rate for other males in the 20-to-29-year-old age bracket. While much better than the 8.5 percent of a year ago, this 5.9 percent rate is still too high. The employment problems of veterans, who have given so much for their country, will remain high on my list of concerns for the coming year.

Women and young people have also been seeking work in record numbers. Yet, as in the case of veterans, jobs for these groups have been increasing even faster. Unemployment among women and young people has thus declined—but it is also much too high and constitutes a great waste for our Nation.

As we move into a new era of peacetime prosperity, our economic system is going to have room—indeed, is going to have need—for nearly every available hand.

The role of women in our economy thus is bound to grow. And it should—not only because the expansion of opportunities for women is right, but also because America will not be able to achieve its full economic potential unless every woman who wants to work can find a job that provides fair compensation and equal opportunity for advancement.

This Administration is committed to the promotion of this goal. We support the Equal Rights Amendment. We have opened the doors of employment to qualified women in the Federal service. We have called for similar efforts in businesses and institutions which receive Federal contracts or assistance.

Just last year, we established the Advisory Committee on the Economic Role of Women. This Committee will provide leadership in helping to identify economic problems facing women and helping to change the attitudes which create unjust and illogical barriers to their employment.

PAY AND PURCHASING POWER

The second great question is what people are paid on their jobs and how much it will be for them.

Here the news is also good. Not only are more people working, but they are getting more for their work. Average per capita income rose by 7.7 percent during 1972, well above the average gain during the previous 10 years.

The most important thing, however, is that these gains were not wiped out by rising prices—as they often were in the 1960's. The Federal Government spent too much, too fast in that period and the result was runaway inflation.

While wages may have climbed very rapidly during those years, purchasing power did not. Instead, purchasing power stalled, or even moved backward. Inflation created an economic treadmill that sometimes required a person to achieve a 6-percent salary increase every year just to stay even.

Now that has changed. The inflation rate last year was cut nearly in half from what it was 4 years ago. The purchasing power of the average worker's take-home pay rose more last year than in any year since 1955; it went up by 4.3 percent—the equivalent of two extra weekly paychecks.

We expect inflation to be reduced even further in 1973—for several reasons.

A fundamental reason is the Nation's growing opposition to runaway Federal spending. The public increasingly perceives what such spending does to prices and taxes. As a result, we have a good chance now, the best in years, to curb the growth of the Federal budget. That will do more than anything else to protect the family budget.

Other forces are working for us too.

Productivity increased sharply last year—which means the average worker is producing more and can therefore earn more without driving prices higher. In addition, the fact that real spendable earnings rose so substantially last year will encourage reasonable wage demands this year. Workers will not have to catch up from an earlier slump in earnings.

Finally, we now have a new system of wage and price controls—one that is the right kind of system for 1973.

FIRM CONTROLS IN FORCE; FOOD PRICES FOUGHT

Any idea that controls have virtually been ended is totally wrong. We still have firm controls. We are still enforcing them firmly. All that has changed is our method of enforcing them.

The old system depended on a Washington bureaucracy to approve major wage and price increases in advance. Although it was effective while it lasted, this system was beginning to produce inequities and to get tangled in red tape. The new system will avoid these dangers. Like most of our laws, it relies largely on self-administration, on the voluntary cooperation of the American people.

But if some people should fail to cooperate, we still have the will and the means to crack down on them.

To any economic interests which might feel that the new system will permit them, openly or covertly, to achieve gains beyond the safety limits we shall prescribe, let me deliver this message in clear and unmistakable terms:

We will regard any flouting of our anti-inflationary rules and standards as nothing less than attempted economic arson threatening our national economic stability—and we shall act accordingly.

We would like Phase III to be as voluntary as possible. But we will make it as mandatory as necessary.

Our new system of controls has broad support from business and labor—the keystone for any successful program. It will prepare us for the day when we no longer need controls. It will allow us to concentrate on those areas where inflation has been most troublesome—construction, health care and especially food prices.

We are focusing particular attention and action on the tough problem of food prices. These prices have risen sharply at the wholesale level in recent months, so that figures for retail prices in January and February will inevitably show sharp increases. In fact, we will probably see increases in food prices for some months to come.

The underlying cause of this problem is that food supplies have not risen fast enough to keep up with the rapidly rising demand.

But we must not accept rising food prices as a permanent feature of American life. We must halt this inflationary spiral by attacking the causes of rising food prices on all fronts. Our first priority must be to increase supplies of food to meet the increasing demand.

We are moving vigorously to expand our food supplies:

- —We are encouraging farmers to put more acreage into production of both crops and livestock.
- —We are allowing more meat and dried milk to come in from abroad.
- —We have ended subsidies for agricultural exports.
- —And we are reducing the Government's agricultural stockpiles and encouraging farmers to sell the stock they own.

Measures such as these will stop the rise of wholesale food prices and will slow the rise of retail food prices. Unfortunately, nothing we can do will have a decisive effect in the next few months. But the steps I have taken will have a powerful effect in the second half of the year.

These steps will also help our farmers to improve their incomes by producing more without corresponding price increases. We anticipate that farm prices will be no higher at the end of this year than they were at the beginning.

For all of these reasons, we have a good chance to reduce the overall inflation rate to 2½ percent by the end of 1973.

HOLDING THE LINE ON TAXES

The third important economic question concerns how much money people pay out in taxes and how much they have left to control themselves. Here, too, the picture is promising.

Since 1950, the share of the average family's income taken for taxes in the United States has nearly doubled—to more than 20 percent. The average person worked less than one hour out of each eight-hour day to pay his taxes in 1950; today he works nearly two hours each day for the tax collector.

In fact, if tax cut proposals had not been adopted during our first term, the average worker's pay increase last year would have been wiped out completely by an additional $25 billion in personal income taxes this year.

The only way to hold the line on taxes is to hold the line on Federal spending.

This is why we are cutting back, eliminating or reforming Federal programs that waste the taxpayers' money.

My Administration has now had four years of experience with all of our Federal programs. We have conducted detailed studies comparing their costs and results. On the basis of that experience, I am convinced that the cost of many Federal programs can no longer be justified. Among them are:

—housing programs that benefit the well-to-do but short-change the poor;

—health programs that build more hospitals when hospital beds are now in surplus;

—educational fellowships designed to attract more people into teaching when tens of thousands of teachers already cannot find teaching jobs;

—programs that subsidize education for the children of Federal employees who already pay enough local taxes to support their local schools;

—programs that blindly continue welfare payments to those who are ineligible or overpaid.

Such programs may have appealing names; they may sound like good causes. But behind a fancy label can lie a dismal failure. And unless we cut back now on the programs that have failed, we will soon run out of money for the programs that succeed.

It has been charged that our budget cuts show a lack of compassion for the disadvantaged. The best answer to this charge is to look at the facts. We are budgeting 66 percent more to help the poor next year than was the case four years ago; 67 percent more to help the sick; 71 percent more to help older Americans and 242 percent more to help the hungry and malnourished. Altogether, our human resources budget is a record $125 billion—nearly double that of four years ago when I came into office.

We have already shifted our spending priorities from defense programs to human resource programs. Now we must also switch our spending priorities from programs which give us a bad return on the dollar to programs that pay off. That is how to show we truly care about the needy.

The question is not whether we help but how we help. By eliminating programs that are wasteful, we can concentrate on programs that work.

Our recent round of budget cuts can save $11 billion in this fiscal year, $19 billion next fiscal year, and $24 billion the year after. That means an average saving of $700 over the next three years for each of America's 75 million taxpayers.

Without the savings I have achieved through program reductions and reforms, those spending totals respectively would be $261 billion, $288 billion and $312 billion—figures which would spell either higher taxes, a new surge of crippling inflation, or both.

To hold the line on Federal spending, it is absolutely vital that we have the full cooperation of the Congress. I urge the Congress, as one of its most pressing responsibilities, to adopt an overall spending ceiling for each fiscal year. I also ask that it establish a regular procedure for ensuring that the ceiling is maintained.

THE INTERNATIONAL CHALLENGE

In recent years, the attention of Americans has increasingly turned to the serious questions confronting us in international trade and in the monetary arena.

This is no longer the era in which the United States, preeminent in science, marketing and services, can dominate world markets with the advanced products of our technology and our advanced means of production.

This is no longer the era in which the United States can automatically sell more abroad than we purchase from foreign countries.

We face new challenges in international competition and are thus in a period of substantial adjustment in our relations with our trading partners.

One consequence of these developments was the step we took last week to change the relative value of the dollar in trading abroad.

We took this step because of a serious trade imbalance which could threaten the mounting prosperity of our people. America has been buying more from other countries than they have been buying from us. And just as a family or a company cannot go on indefinitely buying more than it sells, neither can a country.

Changing the exchange rates will help us change this picture. It means our exports will be priced more competitively in the international marketplace and should therefore sell better. Our imports on the other hand, will not grow as fast.

But this step must now be followed by reforms which are more basic.

First, we need a more flexible international monetary system, one that will lead to imbalance without crisis. The United States set forth fundamental proposals for such a system last September. It is time for other nations to join us in getting action on these proposals.

Secondly, American products must get a fairer shake in a more open world trading system—so that we can extend American markets and expand American jobs. If other countries make it harder for our products to be sold abroad, then our trade imbalance can only grow worse.

RESPONSIBILITY OF THE CONGRESS

America is assuredly on the road to a new era of prosperity. The roadsigns are clear, and we are gathering more momentum with each passing month. But we can easily lose our way unless the Congress is on board, helping to steer the course.

As we face 1973, in fact, we may be sure that the state of our economy in the future will very much depend upon the decisions made this year on Capitol Hill.

Over the course of the next few months, I will urge prompt Congressional action on a variety of economic proposals. Together, these proposals will constitute one of the most important packages of economic initiatives ever considered by any Congress in our history. I hope—as do all of our people—that the Congress will act with both discipline and dispatch.

Among the items included in my 1973 economic package are:

—*Extension of the Economic Stabilization Program.* Present authority will soon expire, and I have asked the Congress to extend the law for one year to April 30, 1974. I hope this will be done without adding general mandatory standards or prescribing rigid advance decisions—steps that would only hamper sound administration of the program. A highly complex economy simply cannot be regulated effectively for extended periods in that way.

—*Tax Program.* I shall recommend a tax program that builds further reforms on those we achieved in 1969 and 1971.

—*Property Tax Relief.* I shall also submit recommendations for alleviating the crushing burdens which property taxes now create for older Americans.

—*Tax Credit for Nonpublic Schools.* I shall propose legislation which would provide for income tax credit for tuition paid to nonpublic elementary and secondary schools. These institutions are a valuable national resource, relieving the public school system of enrollment pressures, injecting a welcome variety into our educational process, and expanding the options of millions of parents.

—*Trade Legislation.* Another item high on our agenda will be new trade proposals which I will soon send to the Congress. They would make it easier for us not only to lower our trade barriers when other countries lower theirs but also to raise our barriers when that is necessary to keep things fair.

—*Other Reforms.* To modernize and make them more equitable and beneficial, I shall also later submit recommendations for improving the performance of our private pension system, our unemployment compensation program, our minimum wage laws and the manner in which we deal with our transportation systems.

—*Spending Limits.* Finally, but most importantly, I ask the Congress to act this year to impose strict limits on Federal spending.

The cuts I have suggested in this year's budget did not come easily. Thus I can well understand that it may not be easy for the Congress to sustain them, as every special interest group lobbies with its own special Congressional committees for its own special legislation. But the Congress should serve more than the special interest; its first allegiance must always be to the public interest.

We must also recognize that no one in the Congress is now charged with adding all of our Federal expenditures together—and considering their total impact on taxes and prices. It is as if each member of a family went shopping on his own, without knowing how much money was available in the overall family budget or how much other members of the family were spending or charging on various credit accounts.

To overcome these problems, I urge prompt adoption by the Congress of an overall spending ceiling for each fiscal year. This action would allow the Congress to work jointly with me in holding spending to $250 billion in the current fiscal year, $269 billion next year, and $288 billion in fiscal year 1975. Beyond the adoption of an annual ceiling, I also recommend that the Congress consider internal reforms which would establish a regular mechanism for deciding how to maintain the ceiling.

I have no economic recommendation to make the Congress which is more important to the economic well-being of our people.

I believe that most members of the House and Senate want to hold down spending. Most Congressmen voted for a spending ceiling in principle when the Senate and House approved a ceiling last fall. Unfortunately the two bodies could not get together on a final version. I believe they must get together soon—so that the Congress can proceed this year with a firm sense of budget discipline.

The stakes are high. If we do not restrain spending and if my recommended cuts are reversed, it would take a 15 percent increase in income taxes to pay for the additional expenditures.

The separation of powers between the President and the Congress has become a favorite topic of discussion in recent weeks. We should never, of course, lose our sharp concern for maintaining Constitutional balances.

But we should never overlook the fact we have joint responsibilities as well as separate powers.

There are many areas in which the President and the Congress should and must work together in behalf of all the people—and the level of spending, since it directly affects the pocketbooks of every family in the land, is one of the most critical.

I have fulfilled my pledge that I would not recommend any programs that would require a general tax increase or would create inflationary pressures.

Now it is up to the Congress to match these efforts with a spending ceiling of its own.

MAKING A CHOICE

We stand on the threshold of a new era of prolonged and growing prosperity for the United States.

Unlike past booms, this new prosperity will not depend on the stimulus of war.

It will not be eaten away by the blight of inflation.

It will be solid; it will be steady; and it will be sustainable.

If we act responsibly, this new prosperity can be ours for many years to come. If we don't, then, as Franklin Roosevelt once warned, we could be "wrecked on (the) rocks of loose fiscal policy."

The choice is ours. Let us choose responsible prosperity.

RICHARD NIXON.

THE WHITE HOUSE, *February 22, 1973.*

PRESIDENT'S MESSAGE ON THE ECONOMY

Mr. GERALD R. FORD. Mr. Speaker, Congress should respond with the greatest sense of urgency to the President's recommendations concerning the economy.

This means the Congress should act promptly to impose strict limits on Federal spending, to reform our tax structure, to provide tax relief for older Americans, to provide parents of nonpublic schoolchildren with income tax credits for a portion of the nonpublic school tuition they pay, and to enact trade legislation giving the President the bargaining power he needs in negotiations with other nations.

We have made excellent economic gains but we have much work to do to achieve genuine prosperity in peacetime. Our greatest effort must go into the fight against inflation. We must, therefore, hold down Federal spending and cooperate to make phase III of price and wage controls a success.

There is no aspect of our national concerns that rates a higher priority than keeping our economy healthy. Hopefully the Congress will join hands with the President in this endeavor.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute for the purpose of asking the distinguished majority leader the program for the rest of this week, if any, and the schedule for next week.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, there is no further legislative business for today, and upon the announcement of the program for next week, I will ask unanimous consent to go over until Monday next.

The program for the House of Representatives for the week of February 26, 1973, is as follows:

Monday is District day, and we have no bills.

For Tuesday and the balance of the week: the interest equalization tax extension, under an open rule, with 2 hours of debate.

Then we have the following committee travel and investigative resolutions, not necessarily in this order, but all subject to being reported by the Rules Committee:

House Resolution 18, Banking and Currency; House Resolution 72, Agriculture; House Resolution 74, Judiciary; House Resolution 134, Veterans' Affairs; House Resolution 162, District of Columbia; House Resolution 163, Interior and Insular Affairs; House Resolution 175, Education and Labor; House Resolution 180, Post Office and Civil Service; and House Resolution 224, Government Operations.

Then we will have the following legislation: H.R. 3298, rural water-sewer grant program, subject to a rule being granted.

Conference reports may be brought up at any time, and any further program will be announced later.

Mr. GERALD R. FORD. Mr. Speaker, does the gentleman have any information on what the possibility might be or what the prospects are as far as a conference report for a vote on a continuing resolution for the appropriations bill?

Mr. O'NEILL. We have no information at this time, Mr. Speaker.

Mr. GERALD R. FORD. The last I had heard, it had not come back from the other body.

Mr. O'NEILL. The gentleman is correct.

Mr. GERALD R. FORD. And the likelihood is it would not come to a vote in any case on Monday; is that correct?

Mr. O'NEILL. The gentleman is correct.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I will yield to the gentleman.

Mr. GROSS. Does the gentleman from Massachusetts mean that rules will be necessary to bring these travel and investigative reports or resolutions before the House?

Mr. O'NEILL. They are all privileged resolutions.

Mr. GROSS. That is what I thought. Then the gentleman does not mean, as he stated, that in the event rules are granted, they will be brought up?

Mr. O'NEILL. I did not mean to make that statement if I did. The gentleman is correct. The rural water and sewer grant program was subject to a rule being granted.

Mr. GROSS. Well, surely, but the resolutions are not.

ADJOURNMENT OVER TO MONDAY, FEBRUARY 26, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

TOWARD RESTORING PUBLIC CONFIDENCE IN GOVERNMENT

(Mr. FREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FREY. Mr. Speaker, I am reintroducing with 64 cosponsors today a bill requiring annual public financial disclosures to be made by each Member of the House of Representatives, the Senate, and congressional employees paid more than $22,000 each year.

The provisions of my bill, I must admit, are repugnant to me.

Indeed, I resent being subjected to rules and provisions of this bill—rules and provisions which other citizens are not required to follow.

At the same time, however, I understand and firmly believe such extraordinary steps as those contained in my bill are necessary if the electorate is to regain its confidence in government.

We should all be gravely concerned about the suspicion with which far too many citizens have toward Members of Congress.

Lou Harris, the national pollster, found during a 6-year period ending in 1971 that the percentage of the public giving a positive rating to Congressmen and Senators plunged from an already depressing 64 percent to an appalling 26 percent.

Conflicts of interest, in which a very few of our colleagues have been engaged over the years, have led to this suspicion, this cynicism by the public toward public officials.

My bill presently only provides for public disclosures to be made by Members of Congress and certain of their employees but I would hope, after Congress sets itself in order, we can extend the provisions to members of the executive branch as well.

The financial disclosure bill which has been endorsed by the National Committee for an Effective Congress, requires annual reports to be filed with the Comptroller General and made available to the public.

The reports require the listing of the amount and source of each item of income, reimbursement for any expenditure and any gift or aggregate of gifts from the same source received by him or by him and his spouse jointly during the year.

The reports also require the listing of any fee or other honorarium for speaking or writing and the "monetary value of subsistence, entertainment, travel and other facilities received my him."

Additionally, the bill calls for the itemization of each asset held by him and by him jointly with his spouse if the value is $5,000 or greater.

Furthermore, the bill requires the reporting of each liability of $5,000 or more.

The public reports will also include "any business transaction, including the sale, purchase or transfer of securities of any business entity, commodity, real property or any other asset or any interest therein by him or by him and his spouse jointly or by any person acting on his behalf . . . if the aggregate amount involved in each transaction exceeds $5,000."

As I have said, the provisions of my bill are alien to my own beliefs but the rules must be applied and must be followed if we are to restore the public's confidence in its Government.

I am tired of the suspicion, of the snide remarks, and of the jabs at congressional integrity which have become a part of the American scene in the past few years.

It is time to restore the public's confidence in its Government and this bill is a good beginning.

DEATH OF THE HONORABLE WINTHROP ROCKEFELLER, FORMER GOVERNOR OF THE STATE OF ARKANSAS

(Mr. HAMMERSCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, it saddens me deeply to bring to my colleagues in the House of Representatives news of the death of former Gov. Winthrop Rockefeller of Arkansas. He passed away this morning at Desert Hospital in Palm Springs, Calif.

Mr. Speaker, I know he is more than just the ex-Governor of the State of Arkansas; he is an international figure and a philanthropist, whose good works probably touched every district of those Members serving here in the House.

Mr. Speaker, I plan to have a special order at a later date to give those many Members who knew Win an opportunity to express themselves in the RECORD.

FEDERAL MEAT INSPECTION ACT

(Mr. CHAMBERLAIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CHAMBERLAIN. Mr. Speaker, on the opening day of this 93d Congress, I introduced H.R. 372 to amend the Federal Meat Inspection Act so that products are considered adulterated when they contain such as lips, snouts, spleens, stomachs, ears, eyes, spinal cords, udders, melts, lungs, livers, crackling or crackling meal, and tongues.

I believe, Mr. Speaker, that the consumer, anywhere in the country, deserves to be able to buy quality comparable to Michigan's outstanding meat products, products which do not contain such animal offal.

During the course of discussions concerning eliminating such byproducts from hot dogs, those supporting existing lower standards argued that eliminating such byproducts could only result in increased cost to the consumer.

Mr. Speaker, I would like to call attention to a survey conducted by the Michigan Department of Agriculture on February 8th and 9th, at which time prices for comminuted meat products were surveyed in Indiana, Illinois, Wisconsin, Ohio, and Michigan.

The prices for hot dogs made to Michigan's strict standards averaged 2 cents a pound cheaper than hot dogs containing animal byproducts. The average price for hot dogs made to Michigan standards and containing only pure skeletal meat was 87.1 cents per pound. The average price in neighboring States for hot dogs containing animal byproducts was 89.2 cents per pound.

I include Mr. Speaker, the statement made by Mr. B. Dale Ball, director of the Michigan Department of Agriculture, detailing the results of his staff's survey, to be printed in the RECORD so that my distinguished colleagues may have the benefit of these significant facts which would tend to refute the argument that raising Federal standards to that of Michigan's high standards would increase the costs to consumers:

CONSUMER PROTECTION NEWS,
MICHIGAN DEPARTMENT OF ARGICULTURE,
Lansing, Mich.

B. Dale Ball, director of the Michigan Department of Agriculture, today branded as "false and misleading" the claims by opponents in the hot dog war that comminuted meat products made to Michigan standards cost more than those which contain animal by-products,

Ball based his charge on information obtained last weekend in a two-day survey of comminuted meat products and prices in 58 stores in Michigan and neighboring states.

"Our inspectors found that prices for hot dogs made to Michigan's strict standards were actually averaging two cents a pound cheaper than for those containing animal by-products, such as tripe, beef lips, pork stomachs and other offal. Average price for hot dogs made to Michigan standards and containing only pure skeletal meat was 87.1 cents per pound. Average price in neighboring states for hot dogs containing animal by-products was 89.2 cents per pound.

"Our survey was designed to avoid any stores which had special sales, and it covered comparable stores in cities of comparable size," Ball said, "so our comparisons are valid."

A total of 47 stores in Indiana, Illinois, Wisconsin and Ohio were visited, along with 11 in Michigan.

"Inspectors brought back samples from five stores in Gary, four in South Bend, Indiana; eight suburban Chicago stores—in Harvey, Riverdale and Calumet Park, Illinois; 17 stores in Green Bay and Marinette, Wisconsin; five in Findlay, Ohio, eight in Lima, Ohio.

"The Michigan samples came from four Benton Harbor area stores, two in Taylor, three in Kalamazoo, one in Menominee, and one in East Lansing," Ball reported.

"Price distortions designed to alarm and mislead consumers cannot be allowed to go unchallenged. USDA has released information which indicates consumers are writing to ask that these unsavory by-products, illegal in Michigan, be permitted. These consumers mistakenly believe this will insure lower prices.

"Not true—and don't you believe a word of it," Ball declared. "Our survey shows you can have comminuted meats made with pure skeletal meat only, without increasing prices.

"Our opponents are spoon-feeding false information to the public in a futile attempt to win through distortion and innuendo what they can't win in the courts and the Congress. I find that contemptible," he said.

"Here's what's really happening to prices. Our inspectors bought Serve 'n Save hot dogs, packed by Inter-American Foods, Inc., of Cincinnati, Ohio, at a Kroger store in Taylor, Michigan. The hot dogs were made to Michigan's strict standards, and the price was 69 cents a pound.

"Serve 'n Save hot dogs, made by the same company, were also being sold in the Kroger store at South Bend, Indiana. But these hot dogs contained beef lips, pork stomachs, beef tripe, pork spleens, and cereal (all illegal in Michigan) and the price was eighty-nine cents a pound.

"Exactly the same product, made by the same company, was available in a Kroger store in Harvey, Illinois. It contained all the by-products, and again the price was eighty-nine cents a pound."

Ball cited another example:

Serve 'n Save bologna, manufactured by Inter-American Foods, Inc., of Cincinnati, Ohio:

Made to Michigan standards and purchased at Kroger's in East Lansing, price 89 cents a pound.

Made to federal standards and containing beef lips, pork stomachs, beef tripe, pork spleens, and cereal (all illegal in Michigan), purchased at Kroger's in Lima, Ohio for 89 cents a pound, and purchased at Kroger's in Harvey, Illinois, for 89 cents a pound.

"Consumers aren't stupid. Any housewife, given the facts of this case, can figure it out for herself. Comminuted meats containing all that offal are selling for just as high prices, or higher, than comminuted meats made to Michigan's stricter standards," the director continued.

"Some of the big national packers have made noises about how they don't really use all those undesirable animal by-products. And that's a lot of baloney.

"In Harvey, Illinois, you can buy hot dogs that contain beef lips, beef tripe, pork salivary glands, lymph nodes and fat, and soy protein concentrate. That's what it says right on the label and the price is 89.5 cents per pound. That's a pretty high price for offal. I know you can buy it—our inspector did, just last Friday, and we have the sample.

"I am shocked that USDA chose to release information on its proposed administrative rule change before the February 21 deadline for filing responses. I can't recall another time when such information was released before all the comments had been received.

"It looks to me as though USDA was sending up a trial balloon, suspiciously like a hot dog made to federal standards—stuffed with unsavory ingredients, listed in fine print," Ball said.

"USDA has been reported as stating that about half the letters received support the use of such by-products. If it's true, consumers who take that position are not fully and accurately informed about the subject.

"Michigan consumers who are writing to USDA in support of the Michigan Department of Agriculture position are educated consumers. They have the facts, and I think they understand the issue. I don't believe they can be misled by such tactics."

RECONFIRMATION OF JUDGES

(Mr. PARRIS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PARRIS. Mr. Speaker, I am today introducing a joint resolution proposing a constitutional amendment to require the reconfirmation of all Federal judges by the U.S. Senate every 8 years. I believe that this resolution, if approved by the Congress and ratified by three-fourths of the States, would achieve a reasonable degree of accountability for Federal judges, without endangering the concept of the independent judiciary.

In recent years we have witnessed an alarming number of Federal judges who are casting aside the traditional principle of judicial restraint. These judges appear to consider their lifetime appointment to the Federal bench tantamount to a mandate to remake the world according to their own moral and philosophical beliefs. Their decisions are not based on existing legal precedent; rather, these judges seem determined to create legal precedents of their own. Their decisions smack of judicial legislation; they infringe on the rightful authority of the elected representatives of the people, and threaten the constitutional principles of the separation of powers.

A classic example of such a judicial legislator is Judge Robert R. Merhige, Jr., who serves on the U.S. District Court for the Eastern District of Virginia. Judge Merhige has so far overstepped his judicial authority that several members of the Virginia General Assembly have introduced a resolution calling for his impeachment. This judge has handed down the only court-ordered busing plan in the Nation which calls for the forced busing of schoolchildren across county lines. Even more unbelievable, and totally without precedent, is a recent decision which, on the basis of uncorroborated evidence, held an administrative official of a prison facility personally liable for the loss of wages of three inmates kept in solitary confinement. The prison administrator was actually ordered to pay damages to the inmates in the sum of $21,265.45.

Mr. Speaker, I have never believed that judicial decisions are necessarily valid moral judgments. Furthermore, I refuse to believe that the simple act of donning a black robe and mounting the bench endows a man with instant divine guidance. But the awesome and complete authority of a judicial office, subject only to a slow, expensive, and difficult appellate process, creates by its very nature an atmosphere conducive to social experimentation. Judges who dabble in this area are in no way subject to the approval of the general public through the elective process, or to the approval of some higher authority for the conduct of their offices.

Irresponsible Federal judges are turning back the clock on the cause of law and order by destroying the peoples respect for the judicial process. I would not mean to imply a blanket indictment of the conduct of responsibility of all Federal judges, most of whom are reasonable, responsible, diligent, and dedicated in their work. Yet it must be acknowledged that the guaranteed lifetime tenure of a Federal judgeship lends itself in some instances to the abuse of judicial powers; the proposed constitutional amendment I am introducing today would eliminate this possibility by creating a reasonable means of accountability for Federal judges for the review of the conduct of their offices.

Mr. Speaker, I urge that the Congress take early action and give final approval to this resolution so that the people themselves, through their State legislatures, will have the opportunity to make the final decision on this question.

RESPONSE TO THE PRESIDENT'S STATEMENT ON THE ECONOMY

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, I have had an advance look at the statement you are issuing today in response to yesterday's radio message by the President on the economy. You wisely point out that the economic policies of this administration have little regard for the common man, for the people hit hardest by the current steep rise in food prices. I also take note of your prudent warning that this administration's attempt to slow the economy in such an abrupt fashion could easily point this Nation toward recession.

I admire the statement and I should like to associate myself with your remarks and read your statement into the Record.

Response to the President's Statement on the Economy

(Statement of Representative Carl Albert)

As we have seen, the Republican Administration has been having trouble with its economic policies these past few years. So it was with great expectation that I tuned in on the radio yesterday to hear the President talk about the economy. Now, that is a very complex subject, but I was glad to hear that Mr. Nixon would make it simple so that we could all understand it.

I came away with a somewhat rosy and indeed simplified picture of the economic forecast for the next year. Mr. Nixon said that unemployment would go down—if the economy continues to grow. He said that he expects to have inflation down to two and a half percent by December. That is optimistic indeed. His own chief advisers testifying these past few weeks here on Capitol Hill have told us they expect inflation to get down no farther than three and a half percent. Mr. Nixon said that we are going to have more spending power—at least those of us who have jobs. And he said that food prices are going to go down—after they go up.

Well, I am for good sound economic growth, which is what the President said he was talking about. I am for a peacetime prosperity that is genuine and lasting, which is also what the President said he was talking about.

I hope only that he has not built too much conjecture into his rosy projections. I hope the economy does grow at the rate of seven and a half percent as he said it would, and I hope that it is real growth, not inflation.

I think we can assure the President of this Congress' close interest in the economic policies of his Administration. We will be monitoring these policies very closely during the coming year. And in several areas, where the Congress feels his efforts are deficient, we will not hesitate to take the initiative.

Already the Congress is quite concerned about the steep rise in food prices. Groceries went up two to three percent in January, but I think that is hardly news to the American housewife who was sharply aware of that increase every time she lined up at the checkout counter. And now Mr. Nixon is telling us that we can expect even more increases for the next several months. He said that we have little hope of a decline in supermarket prices before the second half of the year.

In other words, at the very best, we can expect a fifteen to twenty percent increase in food prices during 1973. That is not a tolerable increase even for Americans of average income, to say nothing of the poorest and weakest of us who will be hit hardest.

Secondly, the Congress is wondering whether Mr. Nixon might not have been premature in lifting the compulsory wage-price controls. He also seems to be having second thoughts about his action. And well he should, given the startling increases in food prices which I have mentioned and the increases in rents in some urban areas and the rise in the costs of some key industrial materials. Mr. Nixon indicated that he might want to return mandatory controls if things get worse. It was Congress, of course, that on its own initiative gave him wage-price control authority in the first place. It was Congress that urged him to use it a full year before he took advantage of it. In the event of another necessity arising this year, Congress again would stand ready to act in whatever manner it deems best for the nation.

In the international field, the President pointed out the difficulties in our trade position and in the instability of the dollar. He has said that he will apply soon to the Congress for trade negotiating authority, and again I am sure that we can work out, jointly with the Executive Branch, the trade posture that is best for this nation. I would remind the American people, however, that we have just witnessed the second devaluation of the dollar in fourteen months. This constitutes an international vote of no confidence in the President's economic policies. He is the first American President to be so judged.

So, altogether, although I want to take an optimistic view of the economic picture for 1973, I cannot be quite so sure that things are as much under control as the President says.

And even if the economy does improve as much as the President says it will, I am still much concerned about the cost of this economic refurbishing upon the common man and the poor and the weak.

Even if the President does get the jobless figure down to four and a half percent by the end of the year, that still means that four million Americans—householders, heads of families, common people—must go without jobs. Four and a half percent unemployment is still fifty percent above the rate we had when Mr. Nixon took office four years ago. This continuing, persistent, nagging unemployment problem reflects the vestiges of Mr. Nixon's policy of using unemployment as a brake on the economy.

We cannot permit him to turn his back on these remaining unemployed. His fiscal 1974 budget still slights jobless Americans. That budget cuts back on a number of job-training and manpower-demand programs that would give vital assistance to Americans who want to get a job but cannot.

We cannot permit the President to make all his budget decisions strictly on a financial basis. We must also take into account the human costs and injury that this kind of budget-cutting inflicts on the individual.

There are real dangers in tightening up this nation's economy as Mr. Nixon is trying to do.

Right now, we are already seeing a slow squeeze on money. Arthur Burns of the Federal Reserve Board is keeping a tight rein on credit, and that means that the interest rate will keep rising. In many areas it already costs nine to twelve percent to finance a car loan.

Mr. Nixon's attempt to expand the food supply by encouraging farmers to plant may result in lower food prices after the next harvest. But in the longer run, we may face higher prices because fewer and fewer producers will be controlling our food supply. Freedom to plant ultimately will drive thousands more family farms out of business. In an open market, they simply cannot compete with agri-business. The plight is not the small farmer's alone; it affects every consumer, every family in this nation.

I'd like to point out once again that it was Mr. Nixon's budgets during his first term that fueled inflation, that pushed us to the economic crisis we now face. The budgets that he requested, that he prepared and sent to the Congress during the past four years, called for deficit spending of $106.2 billion. Yesterday afternoon the President condemned "loose fiscal policy." Well, his own policy of the past four years has been a pretty good example of that. And again, I note that this new budget postulates Mr. Nixon's fifth fat deficit in a row—between $12.7 billion and $27.1 billion, depending upon unemployment.

What concerns me perhaps most of all is Mr. Nixon's frantic effort to retrieve his economic policy after the instabilities of his first few years in office. He is applying the brakes to the economy, and he is tromping down hard. I am concerned that he might succeed too well, that he might put this economy into a slow stall. And if that happens, despite all Mr. Nixon's optimistic predictions of February, 1973, a year from now we could be facing recession.

Let us recognize this Administration's economic mess for what it is. President Nixon's economic record has been a tragic mixture of nonfeasance and malfeasance. That record has been the product of antiquated economic nostrums insensitively and indiscriminately applied by this Administration. These fallacious theories caused the simultaneous recession and inflation of 1969–1970. Present trends would seem to foretell a repetition of that unmitigated disaster if Administration policies are not changed.

The role of Congress here is to monitor Mr. Nixon's activities, to judge carefully and to act prudently to assure that we do indeed pursue the wisest possible economic course—away not only from inflation but from recession as well.

CONSUMERS, JOBS, AND U.S. TRADE POLICIES

(Mr. BINGHAM asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, today I am introducing a comprehensive international trade bill aimed at providing increased protection for the American consumer public and the American worker.

I first introduced this bill in October of last year. I have revised it, and I am honored that the distinguished gentleman from Indiana (Mr. BRADEMAS) is cosponsoring it with me today. The bill draws on proposals made in the 92d Congress by the gentleman from Ohio (Mr. SEIBERLING) as well as on certain provisions of the Burke-Hartke bill. I want to acknowledge my indebtedness to the very thoughtful report entitled "Trade Adjustment Assistance," submitted by the Subcommittee on Foreign Economic Policy under the able chairmanship of the gentleman from Iowa (Mr. CULVER).

The subject matter of this bill is U.S. international trade policy, a topic in the forefront of current news. Recent international economic events have once again stunned the American public. Our record trade deficit, exceeding $6 billion annually, and last week's new devaluation of the dollar underscore the urgent necessity for congressional action to improve this country's weakened trade position. Many factors have contributed to our decline, and a prominent cause of our present problems is the shocking waste of our national resources over the last decade in Indochina which hopefully has been terminated.

Disturbed by foreign barriers to U.S. exports, President Nixon has proposed that he be given greatly increased discretion to raise and lower tariffs in response to other nations' positions on U.S. exports. Although he has not yet submitted a specific legislative proposal to Congress, it is reported that the President is seeking a system whereby he would have broad authority to grant tariff concessions or impose tariff restrictions, subject to the right of Congress to veto such actions within 90 days.

On the other hand, the distinguished chairman of the House Ways and Means Committee, Mr. MILLS, has proposed a flat 15-percent surcharge on all imports as a method of improving this country's trade position. Numerous other suggestions are being articulated by representatives of industry, labor, and consumers, and all will have to be carefully analyzed in our search for equitable solutions to this Nation's economic problems.

American consumer organizations and some industries are demanding liberal import trade policies while some major labor organizations are convinced that those same liberal trade policies have caused increased unemployment in the United States. Consumers see free trade policies as an anti-inflationary method of obtaining an increased selection of available goods at lower prices. Certain labor organizations, on the other hand, insist that "cheap labor" imports put Americans out of work by decreasing the demand for American products and that American investment abroad "exports" jobs out of the United States, resulting in a direct loss of one American job for every job created overseas.

We must bear in mind that in an already tight job market, the American worker perceives the rising tide of imports as a serious threat to his security. Concern about jobs lost to imports has provoked calls for a review of our foreign trade policies and for a reversal of the open trade philosophy which guided these policies through the last three decades.

For most of the period since World War II, these policies have worked well. This period has seen a phenomenal growth in world trade and in the economy of the United States. However, the very success of our international trade and investment policies, together with certain negative factors, including the Vietnam war and enormous military budgets, have led to a basic shift in America's competitive position.

Today, those who advocate freezing imports and restricting the export of American capital do so out of a legitimate concern for the welfare of the American worker. It is a concern which is shared by many of those who have misgivings about the imposition of such controls on trade. The dislocation of any worker is a personal tragedy and a loss to the community and the Nation. Loss of employment means more than just the loss of current income. The problem of adjustment to foreign competition is also a social problem which involves the loss of seniority rights, health insurance, and pension benefits. The psychological shock of unemployment and the breaking of strong ties to one's community if relocation is required are blows which we must strive to prevent.

At the time I became a Member of Congress, hundreds of workers in my congressional district were unemployed. Hundreds of them are still unemployed.

Many more live in fear of losing their jobs. To say that I am concerned about their situation is putting it mildly. Since being in this House, I have spent a great deal of time attempting to get a clear understanding of the causes of unemployment and possible legislative action to remedy the situation.

This bill seeks to achieve a middle ground between the positions of consumers and labor, protecting the interests of both groups. But it must be emphatically stressed that, in America, all workers are consumers and most consumers are workers. Hence, policies which benefit the one "group" do not disadvantage the other "group," for the two "groups" are essentially one and the same.

As the cost of living and the rates of unemployment continue to rise in this country, hard-pressed consumers and workers turn to their elected representatives in Congress for assistance. The purpose of this bill is to respond to that urgent public appeal for solutions to economic woes which confront our Nation. This bill includes elements of tax reform, stimulation of the economy, increased employment, consumer protection, and unemployment benefits all aimed at preserving the advantages of foreign trade and relieving the hardships it might impose on Americans.

The bill which I am proposing would do five basic things:

First, it would insure that Federal tax advantages and incentives to U.S. corporations investing abroad would be granted only if those overseas operations stimulate the U.S. economy, improve the U.S. balance of payments, and benefit the overall employment picture in the United States. Tax incentives would no longer be granted for those U.S. corporate investments overseas which produce a net drain on the U.S. economy.

Second it would help prevent foreign trade practices which give to foreign producers an unfair advantage over American products on the U.S. market. Imported products would then carry prices which reflect actual production costs.

Third existing adjustment assistance programs would be revised to facilitate and insure the provision of Federal financial assistance and retraining for American workers who have lost their jobs due to the purchase of foreign imports by U.S. consumers. Adjustment assistance would also be made available to the communities in which these workers live.

Fourth it would guarantee that the U.S. consumer public would receive the vital advantage of maximum fair competition between American and foreign products. This competition would result in higher quality consumer products at more reasonable and affordable prices. The "laws of the marketplace"—natural economic forces—would weed out inferior or overpriced products. Both United States and foreign producers would be given the impetus to strive for improved productivity and quality all to the benefit of the U.S. consumer.

Fifth, full and clear disclosure of the origin of foreign-made products and components would be required in advertising and packaging. This would aid U.S. consumers in making informed purchasing decisions. Those who want to "buy American" would be able to do so.

A more detailed discussion of the elements of this legislation follows:

TAX REFORM

The present Internal Revenue Code tax structure permits U.S. corporations which invest in overseas subsidiaries producing or assembling consumer goods to defer U.S. income tax on the profits earned by those subsidiaries until the profits are repatriated to the United States. "Repatriation" is the term applied when a foreign subsidiary returns earned profits to its U.S. parent corporation in the form of dividend payments.

In contrast to this, all U.S. parent corporations and their U.S.-based subsidiaries must pay U.S. Federal income tax on their profits in the year in which those profits are earned within the United States. Income tax is paid by a U.S.-based subsidiary even if it retains its earned profits instead of paying them at once to its parent corporation.

Thus, foreign subsidiaries of U.S. corporations presently enjoy the considerable advantage of using their profits, free of U.S. income tax, as long as those profits remain abroad. This tax advantage and incentive for overseas investment is not an evil in itself, but the indiscriminate application of the incentive to all foreign subsidiaries has led, in certain cases, to results which are detrimental to the U.S. economy.

This bill would insure that these tax incentives for U.S. corporate investment abroad would be retained when the overseas investment and production is necessary for the United States to remain competitive with foreign products abroad or here at home, or to gain a foothold in foreign markets. This situation arises when domestic U.S. production, assembly, or transportation costs would be too high to permit a U.S. product to remain competitively priced in world markets, necessitating actual production abroad in order to take advantage of less expensive foreign labor and transportation rates. In this manner, a U.S. corporation can justifiably utilize an overseas subsidiary in order to retain or obtain a share of the world sales market for its product. In this case, no jobs are exported from the United States and no U.S. workers are put out of their jobs.

Various foreign countries presently grant their own producers tax deferrals and incentives on income earned outside their homelands. In certain instances, unless the U.S. Government grants similar tax advantages to U.S. corporations with foreign-based production or assembly subsidiaries, goods produced or assembled by those foreign subsidiaries will not be competitively priced and will be unsalable.

Tax revenues are generated only when foreign source profits exist which can be repatriated. Tax revenues, even if they are delayed until some time after the foreign profits are earned, are certainly better than no tax revenues at all. Consequently, it is desirable that this particular "tax break," which is merely a deferral rather than a forgiveness of a tax liability, be retained where needed to maintain the competitiveness of certain American products manufactured or assembled abroad.

However, in other instances these tax deferral privileges may tend to encourage U.S. firms to shut down operations in the United States and open plants abroad without producing any real benefit for the American economy. This situation arises when foreign production is not necessary for a U.S. product to be competitive, but U.S. companies are seeking even greater profits through cheaper overseas production or assembly costs than they are already earning with competitive American-based production.

American workers are then, indeed, thrown out of work merely to increase corporate profits at the expense of American society as a whole. In these cases, my bill would deny the tax advantage of deferral of U.S. corporate income tax on the overseas income. This step would serve to discourage U.S. corporations from making unnecessary or marginal investments abroad, and would discourage the needless "export" of U.S. jobs and resulting unemployment here at home.

The responsibility for the administration of this program would be placed in the U.S. Tariff Commission, which would make the decisions as to which American overseas investments are, on balance, beneficial to the U.S. economy. American corporations seeking deferral of taxes on their subsidiaries' earnings would have to make application to the Tariff Commission for that privilege. The burden of proving that the foreign investment is neecssary to maintain a U.S. competitive position would rest with the corporations seeking the tax deferral.

The purpose of this tax reform is to encourage a rational and defensible national policy on U.S. investment abroad. Unfortunately, the evolution of our tax laws in the international arena has not kept pace with the changing realities of world economic development and foreign trade. The goals of our present tax laws, which date back to the turbulent post-World War II years during which American investment abroad was encouraged in order to bring financial stability and economic rehabilitation to a war-ravaged Europe and parts of Asia have long since been fulfilled with the economic rebuilding of those areas.

Those goals are now outdated and require fresh analysis and reformulation. This bill aims to retain those tax incentives which benefit the U.S. economy through strengthening the U.S. balance of payments which maintaining maximum possible U.S. employment. It also aims to deny tax incentives to those overseas investments of U.S. capital which, on balance, are no longer in the national interest.

To advocate a blanket abolition of all U.S. tax incentives for foreign-source income would be to "throw out the baby with the bath water," a step which must be avoided if the United States is to maintain a strong position in international commerce.

ANTIDUMPING AND COUNTERVAILING DUTY PROCEDURES

The greater the freedom to trade, the more necessary it is to have effective means of insuring fair trade. There are foreign firms which seek to gain an unfair competitive advantage by "dumping" their goods on the American market at artificially low prices, attempting to wipe out their American competitors in the process in order to gain a monopolistic control of the market.

Furthermore, some foreign governments seek to subsidize their export industries by picking up the tab for losses which those foreign firms sustain by selling their goods below cost on the American market. The danger inherent to the U.S. consumer in this process is that U.S. domestic industries will be dealt a crippling blow which will drive them out of business, and, when the smoke has cleared, foreign interests will have control of the U.S. market and can demand excessive prices for their goods because of the absence of domestic U.S. competition.

At present, the United States has certain antidumping and countervailing duty laws on the books aimed at preventing such unfair trade tactics. An "antidumping duty" is a special tax collected from the importer of a product which is being priced for sale in the United States below its fair market value. The tax assessed is the sum which represents the difference between the product's U.S. sale price and its fair foreign market value. Antidumping duties are charged when the foreign producer of the imported goods takes the initiative in cutting prices below a fair market value.

"Countervailing duties," on the other hand, are charged when a foreign government pays an export grant or subsidy to one of its own producers in order to enable that producer to cut its sales costs on the American market. The countervailing duty assessed against such goods represents the amount of the subsidy paid to the foreign manufacturer by its own government.

In practice, administrative procedures have made the present antidumping and countervailing duty laws difficult to invoke. This bill would simplify and accelerate the pace of those procedures. Workers and management of industries affected by dumping or foreign subsidiaries could appeal directly to the U.S. Tariff Commission, seeking an investigation of the alleged trade offenses. Present law does not set a time limit on the Commission's deliberations, but this bill would remedy that by setting a time limit of 3 months from date of complaint to the handing down of a Commission decision. The Commission would be empowered to order the Secretary of the Treasury to impose antidumping duties and countervailing duties where appropriate.

These changes would assure U.S. manufacturers and workers timely relief in the event of unfair foreign competition. Furthermore, U.S. consumers would be guaranteed that all producers, foreign and domestic alike, would have an equal opportunity to compete in the U.S. marketplace with products which reflect true costs and actual competitiveness. Unfair trade practices which could force genuine competition out of the marketplace, leading to foreign monopolistic exploitation of the U.S. consumer, would be prevented.

Also in the field of tariffs, this bill would reform the present preferential treatment of products assembled abroad from component parts made in the United States. Reduced tariffs would be permitted only if foreign assembly is necessary to maintain the U.S. competitive position and does not negatively affect the U.S. economy. The U.S. Tariff Commission would have the responsibility for making that determination, and imported products made from U.S. components which do not qualify would be subject to the same tariffs as goods made from foreign components. This step would discourage the unnecessary "export" of American jobs out of this country and reduce unemployment here at home.

ADJUSTMENT ASSISTANCE FOR AMERICAN WORKERS

The free flow of foreign products to the U.S. market, given conditions of fair competition, will result in a greater variety of products available to the U.S. consumer at lower prices. Domestic and foreign producers will be spurred to increase their productivity and to seek technological developments, all to the consumer's benefit.

However, these free market conditions will inevitably lead to situations in which U.S. consumers may prefer certain foreign products over their domestic U.S. counterparts because of better quality or more favorable pricing. U.S. workers involved in the production of these American goods which fall out of favor with U.S. consumers will lose their jobs. It is the responsibility of this Nation to shoulder the task of assisting those workers whose jobs are phased out due to the increased consumer benefits of free international trade.

This bill provides that full adjustment benefits would be made available to those U.S. workers who become unemployed because their companies' production has suffered from the competition of increased foreign imports or transferral of U.S. production or assembly facilities to overseas locations. To qualify for benefits on grounds of increased imports, American workers would only need to show that a decline in their firm's output was accompanied by an adverse change in that industry's trading position, either an increase in imports or a decrease in exports, or that a decrease in their employer's production was due to reduced sales to customers who had made increased purchases of the product from foreign competitors. Workers whose "multinational" U.S. employers transfer production or assembly facilities abroad would be eligible for these benefits as well.

Existing law on adjustment assistance frequently shortchanges American workers. Presently, it is extremely difficult for an unemployed worker to establish eligibility for benefits. First, he must show that increased imports are a "major factor" contributing to an industry's decline. Second, he must demonstrate that these imports resulted in "major part" from trade concessions. In arriving at these highly subjective and often arbitrary decisions, the U.S. Tariff Commission has repeatedly decided against workers.

The new criteria which I am proposing would link the determination of a worker's eligibility for adjustment assistance to specific, readily available economic data and statistics. The U.S. Tariff Commission would no longer have broad discretion which could be utilized to the disadvantage of American workers.

The increased financial benefits proposed by this bill would compensate unemployed workers at the rate of 80 percent of their old wages until they are able to locate suitable replacement work. If the replacement work pays less than the job lost because of foreign imports, the Federal Government will pay the difference so that the worker receives the same income he originally was earning.

Workers who had been employed for less than a year before losing their jobs would be eligible to receive these adjustment benefits for 1 year. Workers who had been on the job for more than 1 year but less than 11 years would be entitled to benefits for 1 year, plus 4 weeks of benefits for every year worked in excess of the first year. Those senior workers who had been with a firm for more than 11 years would be entitled to the benefits described for more junior workers, plus 8 additional weeks of benefits for every year worked in excess of 10 years. These financial benefits are a much-needed improvement over existing law, which only allows a worker assistance payments for a maximum of 1 year, at a rate amounting to merely 65 percent of the national average manufacturing wage.

Job retraining and relocation assistance would be furnished by the Federal Government. Eligibility for adjustment assistance would be contingent upon a worker's making a good faith effort in the job retraining programs offered him by the Government. The adjustment assistance program would be administered by a separate Office of Adjustment Benefits within the Department of Labor.

In addition, the communities in which these workers live could be eligible for adjustment assistance programs administered by the Department of Commerce. This will enable the communities to maintain public services and to develop new employment opportunities for their residents, thus helping to avoid the general decline which strikes towns and cities where industrial activity has been reduced.

IDENTIFICATION OF FOREIGN PRODUCTS

In order for American consumers to make informed purchasing decisions, they must be aware of the country of origin of imported products. This bill would introduce a strong provision, a form of truth-in-packaging law, which would require that the packaging of imported products or of U.S.-made products containing foreign components conspicuously indicate the names of the foreign countries of origin. It would ensure to the American consumer that if he desires to purchase an American product, he will not be misled into buying a foreign substitute. This is in no way a discriminatory provision against foreign goods, but rather it is a method of insuring the fair and honest packaging and competition to which the American consumer is entitled.

I have adopted this provision from a similar section of the Burke-Hartke bill. There are many people in this country who wish to "buy American," and it is entirely fair that they be given every opportunity to do so. Some people "buy American" because they feel that American goods are superior in quality to imported products. Others "buy American" as a patriotic gesture. Whatever their motivations, this provision will guarantee that foreign products or U.S. products containing foreign components will be packaged in such a manner as to clearly indicate, in English, the foreign origins of the items in question.

Mr. Speaker, the proposals contained in my bill are intended to be suggestive trade problems. They do not purport to be exhaustive. Other actions may be desirable, especially in emergency situations. Certainly the Burke-Hartke bill and the proposals offered by the President and by Mr. Mills deserve careful study and analysis. There may well be cases where import quotas and tariffs limited in extent and in duration, and intended not to reduce particular imports but to hold them at a certain level, become necessary. America's role in world trade and the effect of trade upon the American economy and the U.S. consumer require extensive consideration, analysis, and deliberation, and one cannot be rigidly bound by what may be outdated concepts of the past.

Our goal should be to develop an overall policy which best balances the interests of all Americans—consumers, labor, management, and investors. I hope that the legislation which I am offering will serve as food for thought, stimulating further suggestions and revisions from other Members of Congress as well as the American public. As a member of the House Committee on Foreign Affairs, I feel that the American public must be made aware of all the issues in this area of foreign policy. The interests of the American consumer and workingman are of paramount importance in our formulation of national legislation.

THE IMPORTANCE OF MINIMIZING TRADE BARRIERS

The present economic problems and attendant unemployment in this country have given rise to various proposals which, if put into effect, would in my judgment operate against the overall, long-term interest both of the American workingman and of the American consumer. Two of the approaches suggested are particularly troubling.

In the first category are proposals to institute widespread restrictive quotas and high tariffs on imports. The second concept is to attempt to restrain all or virtually all overseas investment by U.S. corporations. These proposals have been offered with the best intentions of improving the U.S. balance of payments and cutting down on unemployment here at home. However, careful analysis reveals that their long-range effects would not be salutary, and would in fact be diametrically opposed to the interests of the American worker and consumer. Consequently, I have not included any such provisions in the bill which I am introducing today.

It is true that restrictions, quotas, and higher tariffs on foreign imports would result in increased purchasing of U.S.-made products, thus temporarily providing extra employment in the United States. However, history has shown that unilateral trade actions of this type soon draw retaliatory responses from other nations which trigger trade wars, resulting in increased unemployment everywhere. For example, the disastrous results of the 1930 Smoot-Hawley tariff were a major factor contributing to the great depression.

During that period of time, American exports fell more than $3.5 billion, a loss of almost 50 percent of pre-depression exports. Many American jobs today depend upon the export of U.S.-made products, as well as on the importation of goods from abroad. Jobs for American factory workers, clerks, truckers, merchant marine personnel, longshoremen, railway workers, and a long list of other occupations can be traced directly to American exports and foreign imports.

Unless we buy goods from abroad, foreign countries will not possess the U.S. dollars needed to finance their purchases of our exports, demand for U.S. goods will drop, and many American workers will find themselves on the unemployment rolls. Similarly, those Americans who owe their jobs to the import trade would find that import restrictions and reductions would spell unemployment for them. Department of Labor statistics reveal that more than 2.5 million Americans across the land are directly dependent on imports into the United States for their jobs.

Thus, the short-lived employment gains resulting from drastic restrictions on foreign trade would soon vanish as foreign retaliatory quotas on American exports were introduced, available dollars to purchase U.S. goods on world markets dried up, and both imports and exports decreased. An unemployment picture far worse than the present one would emerge. This effect might well be more severe in the New York City area, with its great seaport, air cargo, railway, trucking facilities, and its thousands of importing firms, than in any other part of the country.

On this topic the U.S. Department of Commerce has reported in an April 1971 bulletin that:

> As the leading U.S. port in terms of the value of goods moving to foreign markets, New York City has a strong economic interest in exports. The shipment of goods through the port provides considerable income and employment from financing, insurance, forwarding, warehousing, transport, loading, and trade-related services.

The Commerce Department went on to note that:

> In the field of actual production for export, New York State was the Nation's leading exporter of products of the printing and publishing industry, that New York exports of manufactured products, notably of both electrical and non-electrical machinery, amounted to over $2.3 billion annually, that $40 million of New York State's agricultural products were exported each year, and that the state's economy benefits from goods produced not only for direct export but also for ultimate export through other states, such indirect exports being of particular importance in industries whose products require further processing or constitute components and parts for assembly into machinery or transport equipment.

The import business is also essential to employment in the New York City area. For example, plans were recently unveiled to construct a $37-million refrigerated warehouse and pier facility for imported meats in Bronx County, part of which I am privileged to represent in Congress. The purpose of this facility is to maintain New York's position as America's leading meat import center. Located in an economically depressed area, this facility will provide 2,000 new jobs with an annual payroll of over a million dollars. Through this installation will be funneled a major part of the 526 million pounds imported annually through New York Harbor, as well as of the 15.4 million pounds of meat exported through New York each year. The much-needed economic impact of a facility of this type upon the Bronx and upon residents of the New York metropolitan area is clear. Restrictive economic legislation would spell disaster for this and similar projects.

Writing to me on the subject of the impact of foreign trade on employment in the New York area, the chairman of the Port of New York-New Jersey Authority, Mr. James C. Kellogg III, stated that:

> As the nation's premier gateway for goods moving in international commerce the bi-state Port of New York-New Jersey would be among the foremost to feel the impact of constriction of world trade. Here an estimated one out of every four residents depends on the flow of international trade for the economic basis of his livelihood. There are approximately 23,500 longshoremen handling waterborne export-import cargoes at the port. Some 51,000 truckers and railroad workers transport oceanborne freight to and from the port district. Another 6,500 employees of local motor carriers are engaged in delivering to or picking up freight from marine terminals. Some 55,000 persons are employed by export-import wholesaling organizations, export management companies, combination export managers and the like. Institutions financing international transactions and marine insurance firms provide employment for at least 25,000 persons; ocean freight forwarders, customs brokers, warehousemen, and export packing firms employ another 16,000. There are over 16,000 steamship company employees including headquarters staff, crews, ship brokers, and agents. Nearly 12,000 workers earn their paychecks through maritime equipment supply and service.
>
> "These are but a few examples, for as a result of the current flow of international commerce between this nation and its trading partners there is work for thousands of others who provide essential services to shippers and traders. Moreover, a recently re-

> leased report by the U.S. Department of Commerce estimates that 67,500 persons in New York and 28,700 persons in New Jersey are engaged in manufacturing for export.

The thrust of these reports is clear: continued high levels of imports and exports are essential to the economic health of the United States, especially in the New York metropolitan area.

As for Federal tax incentives for U.S. overseas investment, blanket removal of such incentives would result in increased unemployment here at home. The National Association of Manufacturers places at 200,000 the number of people who would be put out of work if tax incentives for overseas investment were abolished. High U.S. costs of labor, transportation, and raw materials make some American products uncompetitive abroad.

In order to sell those particular goods in foreign markets, it is necessary for U.S. corporations to produce them abroad. Their overseas sale results in more jobs for American workers, increased income for U.S. investors, and greater taxes collected by the U.S. Treasury—provided reasonable tax policies are followed.

An example of this can be found with American citrus products, whose high domestic prices prevented their export to Europe. Ten years ago, Florida orange growers began planting groves in Brazil to capture the European export market. Today, juice from those Brazilian oranges is shipped to the United States, where it is repackaged for sale in Europe. That processing and packaging in Florida provides jobs for Americans. The Florida Citrus Commission has acknowledged that the Brazilian juice has helped Florida exporters to maintain a share of the European market, the cost of Brazilian orange juice being less than half that of Florida juice.

A second example is that of a major Midwest manufacturer of farm machinery with principal production facilities in Iowa and Illinois, employing over 38,000 people. In 1956, that corporation exported $30 million worth of its products. In the same year, the company began its first overseas investments. Fifteen years later, in 1971, the company reported $91 million in exports of its U.S. production. That corporation attributes the $61 million increase in exports directly to its foreign investments. It has stated that, as a result of its overseas production and greater visibility in foreign sales markets, foreign customers increased orders of spare parts as well as of machinery manufactured in this country.

Furthermore, that same corporation now exports over $13 million worth of U.S.-made components to its overseas production facilities for integration into machinery produced abroad. The manufacture of these component parts, spare parts, and whole farm machines for export means increased employment here in the United States. This foreign investment has not brought about the "export" of jobs out of America, but has instead had the effect of creating—one might even say "importing"—new job positions for American workers.

As a third example, a major New Jersey-based producer of industrial machinery has increased its exports by 150 percent since it began investing overseas 10 years ago. It now states that 4,000 U.S. employees owe their jobs directly to the export of the firm's products. To illustrate this position, the company reported that following its commencement of production of industrial condensers in Spain, the export of U.S.-made pumps needed for those condensers increased by 158 percent.

Its 1971 annual corporate financial statement revealed that 37 percent of the firm's total sales was of products manufactured abroad, but it also showed that 45 percent of those foreign sales represented component parts manufactured in America and exported to foreign production facilities. Were restrictive foreign investment legislation to be enacted, the corporation estimates that 1,815 workers at plants in New Jersey and Pennsylvania and 836 employees in New York State would lose their jobs.

In the last decade, domestic U.S. employment in "multinational" U.S. corporations with overseas operations rose by 27 percent, while total U.S. manufacturing employment grew by the lower figure of 17 percent. This suggests that jobs here at home may indeed be generated by necessary production abroad. Fears of a massive flight of U.S. capital out of the country, resulting in widescale domestic unemployment, are unfounded, according to the Commerce Department. It estimated that expenditures for plants and equipment by foreign affiliates of U.S. concerns would rise by only 4 percent in 1972 and 6 percent in 1973. Where capital exporting is abused, let us discourage it, but where it produces overall gains for the U.S. economy, it deserves our support.

American consumer organizations and others have warned against restrictive trade and foreign investment policies because of their effect on prices. For example, the League of Women Voters of the United States has pointed out that "protectionist" legislation would mean that:

> Prices in this country would tend to go up, reducing the real income of Americans, affecting particularly those who can least afford it. The consequences of higher prices and a more limited choice of goods would fall especially on the lower income families who are the major buyers of less costly imports of clothing, footwear, and other consumer necessities.

The American Consumer Education Council on World Trade echoes that warning, stating that:

> Tariffs and quotas reduce the competitive pressures on domestic industries, permitting them to charge higher prices and reduce the quality of their products.

Virginia Knauer, Special Assistant to the President for Consumer Affairs, cautions that:

> The imposition of import quotas will hurt virtually every consumer in the U.S., particularly lower income consumers. Higher prices, fewer product choices, reduced competition and a limited supply of imported products are the probable result of proposed import legislation.

Consumer advocate Ralph Nader strikes a key nerve when he warns that:

> Imports are the only real competition for many American firms. The consumer benefits from this competition in price and quality. The American firms gain because they are motivated to increase their productivity for markets both at home and abroad.

In the light of all the evidence and informed opinion available to me, I am convinced that the solution to unemployment does not lie in widespread trade quotas, high tariffs, or excessive overseas investment restrictions. Better answers, I believe, are along the lines of the approaches I have suggested, as well as in increased productivity and technological advances, and a complete overhaul of our national spending priorities.

I do not pretend to have all the answers to the questions and problems raised in this broad area of foreign trade policy and the American worker and consumer. However, I do hope that Congress can soon apply its collective energies, drawing upon the intellectual resources of the American public, to devise a rational, progressive national policy on foreign trade. In that hope, I offer this legislation for consideration.

SECTION-BY-SECTION ANALYSIS

TITLE I—TAX LAW AMENDMENTS

Section 101 indicates that these tax law amendments pertain to the Internal Revenue Code of 1954.

Section 102 provides for the taxation of earnings and profits of controlled foreign corporations.

Section 991 requires that earnings and profits from foreign investment be reported with a breakdown as to the source of the income (i.e.—from each country) for the year in which profits were earned; and that reported earnings and profits follow generally the rules now applied to corporations within the U.S., with adjustments for prior year's deficits, and exemptions for reporting of income where foreign legal restrictions make such reporting unrealistic or U.S. laws make such reporting unfair.

Sec. 992 defines the U.S. corporation as one with 10% or more of the foreign company's stock and defines "control" as ownership of more than 50% of the stock. It defines the foreign corporation with provisions for assuring that indirect control shall be included.

Sec. 993 establishes the mechanism for determining what is considered stock ownership, either direct or indirect.

Sec. 994 provides against double taxation by exempting income that has already been reported for taxes in the U.S. or abroad through a chain of relationships which would be taxed anyway. Proof is required for this exemption, so that information on relationships will be available.

Sec. 995 makes provision so that the U.S. stock has a taxable value related to the new provisions. The basis or the taxable value of the corporate stock will be adjusted by whatever amount is included or excluded in the gross income of the U.S. corporation. This assures that U.S. income abroad does not escape proper capital gains or other revenue collection. The adjustment in the "basis" may be upward for inclusions or downward for exclusions.

Sec. 996 provides that the U.S. Tariff Commission may grant an exemption from the provisions of sections 991–995 to any U.S. firm with respect to its foreign-source earnings, if it finds that the firm's foreign investments and operations do not adversely affect the U.S. balances of trade and payments, or U.S. domestic employment, and that the firm could not domestically produce the articles it is producing in whole or in part abroad and market them abroad competitively with like or similar articles produced by foreign-owned firms.

TITLE II—ANTIDUMPING ACT, COUNTERVAILING DUTY LAW, TARIFF SCHEDULES AMENDMENTS AND OTHER PROVISIONS

Sections 201 and 202 amend the Antidumping Act and countervailing duty statutes of the Tariff Act to expedite antidumping and countervailing duty procedures by placing their administration in one agency and setting a time limit of three months for the processing of a complaint.

Section 203 amends the U.S. Tariff Code to provide that those items permitting the importation of articles assembled abroad from U.S.-made components at reduced tariffs (items 806.30 and 807.00) shall apply only in cases where the U.S. Tariff Commission finds that the importation of such articles will not adversely affect U.S. exports, the U.S. balance of payments, or domestic employment, and that the importer could not produce the article domestically and market it competitively with like or similar articles produced by foreign-owned firms.

TITLE III—ADJUSTMENT ASSISTANCE AND TRADE

Section 301 is a short title.

Section 302 contains definitions.

Section 303 establishes a separate Office of Adjustment Benefits in the Department of Labor to administer the Adjustment Benefits Program.

Section 304 establishes the criteria for determining workers' eligibility for benefits under this Act. The criteria tie eligibility to easily obtained and readily correlated objective, economic data, assuring that eligibility determinations under this Act will be fair and equitable.

Section 305 establishes the amount and duration of cash benefits under this Act. The benefit levels established are higher than those available under the present Adjustment Assistance Program. Unemployed workers would receive 80% of their own former weekly wages. Eligible workers taking new jobs at reduced wages would receive compensation to bring them up to 100% of their old earning levels, giving workers an incentive to seek new employment as quickly as possible. Workers deemed eligible for Adjustment Benefits would receive them for at least one year, and longer depending on their previous length of service with the firm which lays them off.

Section 306 provides for job retraining for workers deemed eligible for Adjustment Benefits.

Section 307 provides for assistance for eligible workers in relocating within the United States, if such relocation is necessary to obtain suitable employment.

Section 308 authorizes the Director of the Office of Adjustment Benefits to contract for health insurance coverage in behalf of workers deemed eligible for Adjustment Benefits.

Section 309 requires U.S. employers engaged in interstate and foreign commerce to give their employees at least three weeks advance notice of any impending lay-offs or reductions in working hours. Failure to give such notice under this section would be punishable by a $5,000 fine.

Section 310 provides adjustment assistance for communities whose workers are eligible for adjustment assistance. Communities would be entitled to this assistance if their economic base was seriously injured or threatened by reductions in industrial operations due to increased import competition or by the relocation abroad of plant facilities. Upon certification of community eligibility by the Director of the Office of Adjustment Benefits in the Department of Labor, the Secretary of Commerce would administer technical and financial assistance which would contribute to community economic adjustment.

TITLE IV—LABELING OF FOREIGN PRODUCTS

Section 401 requires that all foreign products or goods containing foreign components, even if those goods are assembled in the U.S., must bear labeling which clearly indicates, in English, the country of origin of the foreign products or foreign components.

Section 402 empowers the Secretary of Commerce to issue regulations necessary to effectuate this policy.

Section 403 provides for fines ranging up to $10,000 for willful violation of this title.

TAX RELIEF FOR THE VICTIMS OF BUFFALO CREEK, W. VA., FLOOD

The SPEAKER pro tempore (Mr. McFall). Under a previous order of the House, the gentleman from West Virginia (Mr. Hechler) is recognized for 10 minutes.

(Mr. HECHLER of West Virginia asked and was given permission to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, on February 26, 1972, at Buffalo Creek, W. Va., 125 men, women, and children were killed, 4,000 were left homeless, and hundreds of homes were destroyed as the result of a wall of water 30 feet high which descended on Buffalo Creek Valley like a giant, greasy fist, sweeping everything in its path.

This disaster came as the result of the Buffalo-Pittston Coal Co. failure to properly engineer, inspect, and maintain a slag pile back of which water had backed up, and which ruptured, causing the death of 125 people.

Subsequent to this disaster the Pittston Coal Co. made settlements with the residents of the valley for the damage done to their homes and property. Many of these individuals utilizing this money for the repair of their homes and establishments are now in a situation of extreme hardship, and they are being taxed for the money which has already been expended for these repairs.

Mr. Speaker, I am introducing legislation to relieve these residents of Buffalo Creek Valley who have suffered this disaster from tax liability for 1972.

AT 10 A.M. YESTERDAY THE WAR ENDED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. Heckler) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, for many, the war in Vietnam has been a remote, objective thing, a headline, an issue, a concept.

For others, it has been very real and personal and subjective. That is the way it was for Gretchen Wanat of Foxboro, Mass. in my congressional district. Her husband, George, an Army captain, fought in the war, and was captured by the Vietcong, and was then released in the first batch of prisoners.

Jeremiah Murphy in the Boston Globe has captured something of this emotional watershed for the Wanats in his February 14 piece on George Wanat's release. I would like to share it with my colleagues.

These small personal things, I think, point the way to greater understanding of the larger issues with which we grapple.

The article follows:

At 10 A.M. Yesterday, the War Ended

(By Jeremiah Murphy)

Foxboro.—The long ordeal of Gretchen Wanat began a new phase Sunday night when she sat in front of the television set and waited and prayed for a glimpse of her returning husband.

Gretchen Wanat was nervous because Army Capt. George Wanat Jr. had been a Viet Cong prisoner for one year. She didn't know he was alive until last month.

Now he was coming home from the awful jungle heat and the fish and rice diet, home after almost always moving from hamlet to hamlet and the constant fear of death. Now he was coming home to Gretchen Wanat.

She is a slender and pretty 26-year-old, and she looks like a teenager, because her brown hair is long and she wore black slacks and a white sweater over a blue blouse.

Gretchen grew up in nearby Stoughton, where she met and later married George Wanat of Waterbury, Conn. He is a Norwich University graduate and was commissioned a lieutenant and then sent to Vietnam in 1971. They had been married 10 months and have no children.

He was an American adviser with a South Vietnam army unit which was overrun by the Viet Cong at Loc Ninh. Wanat escaped and for one month wandered and hid in the jungle and then he was captured.

Now Gretchen lives and waits in an apartment at 4 Fuller dr. in this pretty little company town. She worked for a Providence insurance agency but took a leave of absence Friday, because her husband was coming home. He will decide their next move.

There is a wall-to-wall gold rug on the apartment floor, and a photograph of Captain and Mrs. George Wanat on a bookcase beneath the white painted walls.

The Viet Cong release of American prisoners was delayed 11 hours, but Gretchen sat there and waited in front of the television set. She knew she couldn't sleep.

Ellen Hausmann is her 19-year-old sister, and they stayed up all night, and they cried with happiness when they saw the first prisoners return from Hanoi.

Navy Capt. Jeremiah Denton was the first off the plane, and the sight brought sudden tears to my eyes. He struggled successfully to control his voice and said: "We are honored at the opportunity to serve our country under difficult circumstances—God Bless America."

Some people may say it was melodramatic and perhaps cornball by our current cynical standards, but I say it was so beautiful. Capt. Denton and his words personified brave and strong men and now they are coming home at last.

Now it was morning in that little apartment in Foxboro and the TV announcer said the Viet Cong prisoners were on their way to Clark Air Force Base in the Phillippines, and two hours later it happened.

He was the third man out of the plane and he wore those baggy pajamas and Ellen spotted him and screamed "George! There's George!" Gretchen and her sister hugged each other and laughed and cried and yelled.

Then the longest wait began. Gretchen knew he would telephone her when he could, so she tried to sleep for a few hours but it wasn't any good, so she got up again. Early Tuesday night there was still no phone call and her eyes were heavy. She had not slept for a long time.

So she sat there again in front of the television and watched and waited . . . and waited.

Gretchen sat there through the second long night and watched the film clips over and over, and each time she watched tears filled her eyes and for a little while she couldn't speak.

She didn't see her husband again because apparently that brief section had been clipped out, and after a while she said, "Oh, I wish he would call! He just has to call!"

That second night went on for a long time, and then it was dawn again, and she tried to sleep but it wouldn't come. Then it was 10:15 yesterday morning and the depression and worry were settling in, and she tried to close her eyes and sleep . . . and then the phone rang!

It was the Clark Air Base calling and Gretchen stood there and waited and prayed and then after a while she was saying: "George. I love you! . . . I love you!"

That is how the long ordeal of Gretchen Wanat ended. That is how the Vietnam War ended for Captain and Mrs. George Wanat Jr.

AMENDMENTS TO REVENUE SHARING ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. HEINZ) is recognized for 5 minutes.

Mr. HEINZ. Mr. Speaker, today I am reintroducing with cosponsors, H.R. 3819, legislation I first introduced on February 6. This bill would correct the serious adverse impact of amendments to last year's Revenue Sharing Act, amendments which clamped an overall ceiling of $2.5 billion on Federal spending for social services under the public assistance programs in the Social Security Act. A further stipulation required that 90 percent of these limited funds finance services only for those actually receiving welfare benefits.

One of the most immediate and serious impacts of last year's revenue sharing amendments was the suspension of many ancillary service programs that are badly needed by citizens who are not on welfare even though they are eligible for such assistance. Transportation, nutrition, recreation, personal care, and other services were all either terminated or drastically cut back for elderly, blind, and disabled citizens who had come to depend on them in their struggle to stay off welfare.

We believe that these people are entitled to a life of independence and dignity. To demand that they apply for welfare in order to receive needed social services, which is the effect of the existing law, is both unwise and inhumane. It also runs counter to joint congressional and administration efforts to trim the welfare rolls and to assure that all Americans have the greatest opportunity to remain self-sufficient.

The legislation which I drafted, and which I reintroduce today in a bipartisan effort, stipulates that the 90–10 limitation will not apply to service programs for the elderly, the blind, and the disabled. However, it recognizes the need for a continued limitation on the total amount of Federal support for all service programs. Therefore, this proposal will not lift the $2.5 billion ceiling imposed by earlier congressional action.

The important effect of this legislation will be to allow States to continue funding ancillary service programs for Americans who are elderly or handicapped but who refuse to go on welfare. We urge immediate action on this legislation since many States will soon exhaust the 10 percent of their allotment reserved for social services for nonwelfare recipients.

I ask that the text of the amendment be printed at this point in the RECORD.

H.R. 4636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1130(a)(2) of the Social Security Act is amended—

(1) by striking out "of the amounts paid (under all of such sections)" and inserting in lieu thereof "of the amounts paid under such section 403(a)(3)"; and

(2) by striking out "under State plans approved under titles I, X, XIV, XVI, or part A of title IV" and inserting in lieu thereof "under the State plan approved under part A of title IV".

CORRECT CON EDISON'S DEFICIENCIES NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, following the devastating interruptions in electrical service in New York City from July 17 to 29, 1972, the Chairman of the Public Service Commission directed the staff of the Commission to investigate the matter thoroughly. Instead, however, the Commission engaged a private consulting firm, Power Technologies, Inc., to provide an assessment of the power failures.

It probably came as quite a shock to most residents of New York to learn that the staff of the Public Service Commission had neither the resources nor the expertise to make its own report. As the regulatory agency having jurisdiction over electrical power in New York, the PSC would be expected to have both the authority and the facilities to protect the general public in this important area where one corporation has a monopoly granted by the State. However, when I wrote to the director of the power division regarding the PSC's authority in the matter of maintenance, his reply contained this rather remarkable statement:

> State regulatory commissions do not, to my knowledge, promulgate detailed rules regarding maintenance of all utility equipment, although some may have issued general statements.

On the local level, the mayor's interdepartmental committee on public utilities made its own study of the electric cable failures, and reported that, with the present lack of safeguards, it is possible for a feeder branch to become overloaded, without detection, until it fails. The local study also suggested that, since the present underground cable networks were not built to carry the present summer electric load, excessive overloading may occur on branch cables. Why was this inadequate and outmoded system allowed to go unchallenged until it caused a catastrophe in New York City?

The question, I believe, is one of accountability. The PSC is simply not the watchdog it is supposed to be. Its recommendations after last summer's unprecedented failures were both brief and vague. Its report stated, for example, that—

> The frequency and effect of outages can be controlled through design and maintenance practices.

And that—

> Repairs . . . should be as prompt as possible, at least during times of heavy load.

This report seems characteristic of the indifference of the Public Service Commission toward its public trust.

The people of New York are entitled to an aggressive, active, and protective Public Service Commission, which will truly represent the public interest in its regulation of Consolidated Edison. In view of the fact that most outages can be traced directly to poor maintenance, I have today written to Joseph C. Swidler, chairman of the Public Service Commission, to demand that the PSC promulgate specific regulations requiring strict maintenance of all generating and distributing facilities in the State, so as to provide the public with a safe, continuous supply of power. It is outrageous that such standards do not already exist, and that Con Edison is permitted to operate with no meaningful maintenance regulations.

Another summer will soon be upon us, and it would be better for everyone if Con Edison's deficiencies were corrected now, through compliance with a set of compulsory standards, rather than waiting until after another disaster has occurred in July.

ILLEGAL ALIEN HEARINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. EILBERG) is recognized for 5 minutes.

Mr. EILBERG. Mr. Speaker, I wish to announce that Subcommittee No. 1 of the Committee on the Judiciary will hold 2 days of public hearings on March 7, and 8, 1973, to consider H.R. 982, a bill to impose penalties upon employers who knowingly hire illegal aliens. The hearings will be held in room 2237, Rayburn House Office Building and will begin each day at 10 a.m.

An identical bill (H.R. 16188) passed the House of Representatives on September 12, 1972, but was not considered in the Senate.

This legislation is the product of extensive hearings conducted by Subcommittee No. 1 on the subject of illegal aliens during the 92d Congress. The purpose of these additional hearings will be to review and update the testimony which the subcommittee has received on the illegal alien problem, and to ascertain what recent efforts have been made by the Immigration and Naturalization Service to bring this problem under control.

Testimony will be received from Members of Congress who wish to appear and from representatives of the Department of Justice, organized labor, and the Social Security Administration.

CIGARETTE ADVERTISING SHOULD NOT BE A TAX DEDUCTIBLE BUSINESS EXPENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 15 minutes.

Mr. KASTENMEIER. Mr. Speaker, cigarette smoking is one of the major contributors to premature death and disease in this country. As research into smoking and health continues and widens, the significance of smoking as a public health problem becomes more apparent. Medical evidence showing a link between tobacco smoke and cancer, heart disease, and emphysema is overwhelming and cannot be disputed.

The 1972 Report of the Surgeon General entitled "The Health Consequences of Smoking" has reviewed the research reports, which have become available in the past year, on how cigarette smoking affects biological functions to produce disease. The following statements from the report are brief summaries and 1972 highlights of the statement of knowledge in several areas, including research into three areas which have not been reviewed previously, allergy, public exposure to air pollution from tobacco smoke, and the harmful constituents of cigarette smoke:

STATEMENTS OF THE REPORT

SUMMARY: CORONARY HEART DISEASE

Cigarette smokers have higher death rates from coronary heart disease (CHD) than nonsmokers. This relationship is stronger for men than women. Cigarette smoking markedly increases an individual's susceptibility to earlier death from CHD. Cigarette smoking, hypertension, and elevated serum cholesterol are major risk factors contributing to the development of CHD; cigarette smoking acts both independently and conjointly with these other factors to increase the risk of developing CHD. Cigarette smoking may contribute both to the development of CHD and to the exacerbation of preexistent CHD; both nicotine and carbon monoxide are thought to contribute to these abnormal processes. Cigarette smoking is associated with a significant increase in atherosclerosis of the aorta and coronary arteries. Cessation of smoking is associated with a decreased risk of death from CHD. The risk of CHD incurred by pipe and cigar smokers is appreciably less than that incurred by cigarette smokers.

Highlights of 1972 Report: Coronary Heart Disease

1. Recent epidemiological studies from several countries confirm that cigarette smoking is one of the major risk factors contributing to the development of CHD. Avoidance of cigarette smoking is of importance in the primary prevention of CHD.

2. Studies in man and animals have shown a greater myocardial arteriole wall thickness in smokers than nonsmokers.

3. Experimental and epidemiological investigations implicate the elevation of carboxyhemoglobin levels in smokers as a contributor to the development of CHD and arteriosclerotic peripheral vascular disease.

4. Cigarette smoking is considered to be the major cause of pulmonary heart disease (cor pulmonale) in the United States in that it is the most important cause of chronic nonneoplastic bronchopulmonary diseases. Avoidance of cigarette smoking is of importance in the primary prevention of pulmonary heart disease.

SUMMARY: CEREBROVASCULAR DISEASE

Cigarette smokers have higher death rates from cerebrovascular disease than nonsmokers.

SUMMARY: NONSYPHILITIC AORTIC ANEURYSM [1]

Cigarette smokers have higher death rates from nonsyphilitic aortic aneurysm than nonsmokers.

SUMMARY: PERIPHERAL VASCULAR DISEASE

Cigarette smoking is a likely risk factor in the development of peripheral vascular disease. Cigarette smoking appears to aggravate preexistent peripheral vascular disease.

SUMMARY: NON-NEOPLASTIC BRONCHOPULMONARY DISEASES

Cigarette smoking is the most important cause of chronic obstructive bronchopulmonary disease (COPD) in the United States. Cigarette smokers have higher death rates from pulmonary emphysema and chronic bronchitis and more frequently have impaired pulmonary function and pulmonary symptoms than nonsmokers. Ex-cigarette smokers have lower death rates from COPD than do continuing smokers. Cessation of smoking is associated with improved ventilatory function and decreased pulmonary symptom prevalence. For most of the United States population, cigarette smoking is a more important cause of COPD than air pollution or occupational exposure; cigarette smoking may also act conjointly with occupation or environmental exposure to produce gerater COPD morbidity and mortality. An infrequent genetic error, homozygous alhpa$_1$-antitrypsin deficiency, has been commonly associated with the early development of severe, panacinar emphysema. Whether or not cigarette smoking acts together with the homozygous or heterozygous deficiency states to increase the risk of developing either panacinar emphysema or the more common forms of COPD has not been adequately studied. Cigarette smoking exerts an adverse effect on the pulmonary clearance mechanism. Respiratory infections are more prevalent and severe among cigarette smokers, particularly among heavy smokers, than among nonsmokers. The risk of developing or dying from COPD among pipe or cigar smokers is probably higher than that among nonsmokers but is clearly less than that among cigarette smokers.

Highlights of the 1972 report: Non-neoplastic bronchopulmonary diseases

1. Recent epidemiological and clinical studies from several countries conform that men and women cigarette smokers have an increased prevalence of respiratory symptoms and have diminished pulmonary function compared to nonsmokers.

2. Investigations of high school students have demonstrated that abnormal pulmonary function and pulmonary symptoms are more common in smokers than nonsmokers.

3. Recent occupational studies confirm that cigarette smoking is an important cause of COPD, acting both independently and in combination with occupational exposure.

4. Recent experimental studies confirm that cigarette smoking exerts an adverse effect on pulmonary clearance and macrophage function.

5. Pulmonary macrophages obtained from cigarette smokers exhibit characteristic morphologic differences when compared to those obtained from nonsmokers.

SUMMARY: CANCER

Cigarette smoking is the major cause of lung cancer in men and a significant cause of lung cancer in women. The risk of developing lung cancer in both men and women is directly related to an individual's exposure as measured by the number of cigarettes smoked, duration of smoking, earlier initiation, depth of inhalation, and the amount of "tar" produced by the cigarette. The risk of developing lung cancer diminishes with cessation of smoking. Smokers of pipes or cigars have a lower risk of developing lung cancer than cigarette smokers. Certainly occupations are associated with an increased risk of developing lung cancer. In these occupational settings cigarette smoking appears to exert an effect that produces much higher lung cancer rates than those resulting either from the occupational exposure alone or from smoking alone. Factors associated with urban living result in an increase in the risk of developing lung cancer; this effect, however, is minor compared to the overriding effect of cigarette smoking.

The smoking of cigarettes, pipes, and cigars is a significant factor in the development of cancers of the larynx and oral cavity. Pipe smoking is causally related to cancer of the lip. The significant association between smoking and the development of cancer of the esophagus is somewhat stronger for cigarettes than for pipes or cigars and the combined exposure to alcohol and cigarettes is associated with especially high rates of cancer of the esophagus. Cigarette smoking is associated with cancer of the urinary bladder in men. There is also an association between cigarette smoking and cancer of the pancreas.

Highlights of the 1972 report: Cancer

1. Preliminary results from a major prospective epidemiological study in Japan demonstrate a strong association between cigarette smoking and lung cancer. A dose-response relationship was demonstrated for the number of cigarettes smoked. These findings in an Asian population with distinct genetic and cultural characteristics confirm the major importance of cigarette smoking in the causation of lung cancer, a conclusion which up to now has been based largely on studies of Caucasian populations in the United States, Canada, and Europe.

2. Ex-smokers have significantly lower death rates for lung cancer than continuing smokers. The decline in risk following cessation appears to be rapid both for those who have smoked for long periods of time and for those with a shorter smoking history, with the sharpest reductions taking place after the first two years of cessation.

3. The risk of developing lung cancer appears to be higher for smokers who have chronic bronchitis. Though both conditions are directly related to the amount and duration of smoking, an additional risk for lung cancer appears to exist for cigarette smokers with chronic bronchitis which is independent of age and number of cigarettes consumed.

4. Experimental studies on animals have demonstrated that the particulate phase of tobacco smoke contains certain chemical compounds which can act as complete carcinogens, tumor initiators, or tumor promoters. Recently, other compounds have been described that have no independent activity in two-stage carcinogenesis but *accelerate* the carcinogenic effects of polynuclear aromatic hydrocarbons in the initiator-promoter system.

5. Additional epidemiological evidence confirms a significant association between the combined use of cigarettes and alcohol, and cancer of the esophagus.

6. Epidemiological studies have demon-

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[1] This summary statement is the same as that appearing in previous reports, because new studies adding to the understanding of this area have not appeared. Consequently, the literature in this area is not reviewed and the statement is only included to complete this summary chapter.

strated a significant association between cigarette smoking and cancer of the urinary bladder in both men and women. These studies demonstrate that the risk of developing bladder cancer increases with inhalation and the number of cigarettes smoked.

7. Epidemiological evidence demonstrates a significant association between cigarette smoking and cancer of the pancreas.

SUMMARY: PREGNANCY

Maternal smoking during pregnancy exerts a retarding influence on fetal growth as manifested by decreased infant birth weight and an increased incidence of prematurity, defined by weight. There is increasing evidence to support the view that women who smoke during pregnancy have a significantly greater risk of an unsuccessful pregnancy than those who do not.

SUMMARY: GASTROINTESTINAL DISORDERS

Cigarette smoking males have an increased prevalence of peptic ulcer disease as compared to nonsmoking males and a greater peptic ulcer mortality ratio. These relationships are stronger for gastric ulcer than for duodenal ulcer. Smoking appears to reduce the effectiveness of standard peptic ulcer treatment and to slow the rate of ulcer healing.

Highlights of the 1972 Report: Gastrointestinal Disorders

1. A possible link between cigarette smoking and peptic ulcer has been demonstrated in dogs in which nicotine was found to inhibit pancreatic and hepatic bicarbonate secretion. This could lead to peptic disease by depriving the duodenum of sufficient alkaline secretion to neutralize gastric acidity.

2. An investigation in human volunteers has suggested that cigarette smoking decreases the effectiveness of the lower-esophageal sphincter as a barrier against gastroesophageal reflux.

SUMMARY: TOBACCO AMBLYOPIA [2]

Tobacco amblyopia is presently a rare disorder in the United States. The evidence suggests that this disorder is related to nutritional or idiopathic deficiencies in certain detoxification mechanisms, particularly in the metabolism of the cyanide component of tobacco smoke.

SUMMARY: NON-NEOPLASTIC ORAL DISEASE [2]

Ulceromembranous gingivitis, alveolar bone loss, and stomatitis nicotina are more commonly found among smokers than among nonsmokers. The influence of smoking on periodontal disease and gingivitis probably operates in conjunction with poor oral hygiene. In addition, there is evidence that smoking may be associated with edentulism and delayed socket healing. While further experimental and clinical studies are indicated, it would appear that nonsmokers have an advantage over smokers in terms of their oral health.

(The information contained in the following three summary statements: Allergy, Public Exposure to Air Pollution from Tobacco Smoke, and Harmful Constituents of Cigarette Smoke, is new and appears for the first time.)

SUMMARY OF THE 1972 REPORT: ALLERGY

1. Tobacco leaf, tobacco pollen, and tobacco smoke are antigenic in man and animals.

2. (a) Skin sensitizing antibodies specific for tobacco antigens have been found frequently in smokers and nonsmokers. They appear to occur more often in allergic individuals. Precipitating antibodies specific for tobacco antigens have also been found in both smokers and nonsmokers.

(b) A delayed type of hypersensitivity to tobacco has been demonstrated in man.

(c) Tobacco may exert an adverse effect on protective mechanisms of the immune system in man and animals.

3. (a) Tobacco smoke can contribute to the discomfort of many individuals. It exerts complex pharmacologic, irritative, and allergic effects, the clinical manifestations of which may be indistinguishable from one another.

(b) Exposure to tobacco smoke may produce exacerbation of allergic symptoms in nonsmokers who are suffering from allergies of diverse causes.

4. Little is known about the pathogenesis of tobacco allergy and its possible relationship to other smoking-related diseases.

SUMMARY OF THE 1972 REPORT: PUBLIC EXPOSURE TO AIR POLLUTION FROM TOBACCO SMOKE

1. An atmosphere contaminated with tobacco smoke can contribute to the discomfort of many individuals.

2. The level of carbon monoxide attained in experiments using rooms filled with tobacco smoke has been shown to equal, and at times to exceed, the legal limits for maximum air pollution permitted for ambient air quality in several localities and can also exceed the occupational Threshold Limit Value for a normal work period presently in effect for the United States as a whole. The presence of such levels indicates that the effect of exposure to carbon monoxide may on occasion, depending upon the length of exposure, be sufficient to be harmful to the health of an exposed person. This would be particularly significant for people who are already suffering from chronic bronchopulmonary disease and coronary heart disease.

3. Other components of tobacco smoke, such as particulate matter and the oxides of nitrogen, have been shown in various concentrations to affect adversely animal pulmonary and cardiac structure and function. The extent of the contributions of these substances to illness in humans exposed to the concentrations present in an atmosphere contaminated with tobacco smoke is not presently known.

SUMMARY OF THE 1972 REPORT: HARMFUL CONSTITUENTS OF CIGARETTE SMOKE

A number of substances or classes of substances found in cigarette smoke are identified as those which are judged to be contributors to the health hazards of smoking. These constituents are further divided into the *most likely* contributors to these health hazards (carbon monoxide, nicotine, and tobacco "tar"), substances which are *probable* contributors, and those which are *suspected* contributors. The recommendations for control in this area are to seek progressive reduction of all harmful constituents in cigarette smoke with priority being given first to the most likely contributors named and second to the probable contributors to the health hazards of smoking. These judgments represent the consensus of experts based on current knowledge and are subject to modification and further elaboration as more knowledge becomes available.

Alarmed by the relationships between cigarette smoking and certain diseases, millions of Americans have stopped smoking. Congress moved to limit the power appeal of cigarette smoking by requiring cigarette packs to carry the health warning label and by banning cigarette advertisements from radio and television. Yet, the cigarette industry, persisting in its efforts to push cigarette sales, has rechanneled as much as 75 percent of the $225 million a year that once poured into television into newspapers, magazines, billboards and point-of-sales promotions. Tobacco companies also are blitzing the country with premium offers and cigarette sponsored sporting events, ranging from auto racing, bowling, rodeos, golf, and balloon racing.

American ingenuity and salesmanship have the reputation of being able to sell anything. However, I do not believe the cigarette industry should be left totally free to sell ill health and early death to the American people. While the advertising dollar tax exemption is extended to all businesses in the country, I feel the harmful and deadly effects of the product which cigarette manufacturers market should prevent these industrialists from enjoying this otherwise universal privilege.

Mr. Speaker, the time has come for our society and Government to place a higher priority on protecting the health of the public than on promoting and peddling, through advertising tax exemptions, products which are a major cause of death and disease. Thus, in order to minimize the promotion of hazards to the health of the American people, particularly young people, I have introduced legislation today to amend the Internal Revenue Code of 1954 by removing cigarette advertising as a deductible business expense.

STATUS OF U.S. CIVIL SERVICE RETIREMENT SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. DULSKI) is recognized for 10 minutes.

Mr. DULSKI. Mr. Speaker, I have just received a report on the current financial status of the civil service retirement system as prepared by the Chairman of the U.S. Civil Service Commission.

The report by Chairman Robert Hampton is detailed, explaining both the current breakdown of income and outgo, plus projections for the future.

During the 91st Congress, the House Committee on Post Office and Civil Service studied the system carefully and enacted Public Law 91–93 which was intended to place the retirement system on an improved financial basis.

Chairman Hampton's report indicates to me that our committee needs to take another look at the financial integrity of the retirement system at this time.

It is vital that we monitor this program periodically to see that we do not fall back to the precarious financial condition that existed prior to the 1969 act.

I am asking for further background information in preparation for an indepth review by our Subcommittee on Investigations.

The civil service retirement program directly affects millions of present and retired Federal employees. The rapidly changing economic conditions of today make it imperative that we keep the system in close perspective.

Mr. Speaker, as part of my remarks,

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[2] This summary statement is the same as that appearing in previous reports, because new studies adding to the understanding of this area have not appeared. Consequently, the literature in this area is not reviewed and the statement is only included to complete this summary chapter.

I include the text of Chairman Hampton's report and a related table for the information of all Members, present and retired employees, and the American public:

FEBRUARY 21, 1973.

Hon. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service, House of Representatives.

DEAR MR. CHAIRMAN: For the past several years I have reported annually to the Committee on Post Office and Civil Service the current status of the Civil Service Retirement System with respect to its financing and with particular emphasis on the effect of Public Law 91–93 enacted October 20, 1969. As reported previously, the improved retirement system financing established by Public Law 91–93 continues to work well and the system is basically in a sound financial position. The year 1972 marked several significant events related to the financing of the retirement system, and I want to use this report to comment on them and on their implications for the future.

First, a brief review of some of the background leading up to the passage of Public Law 91–93 may be helpful to set this in perspective. This law was passed as a result of several years of intense study and concern by your Committee, this Commission, and other interested parties. Our concern at that time was to: (1) identify and recognize the full costs of retirement benefits; (2) make orderly advance preparation to meet these costs; (3) control growth of the unfunded liability, and (4) keep a Fund balance on hand high enough to assure prompt payment of benefits as they become due in the future. A major concern was to base the Fund on a more solid financial footing. A serious financing weakness had arisen over the years because, although employees have always paid their assessed contributions, the Government had not always paid the remaining portion of the cost.

In the process of developing legislation which culminated in Public Law 91–93, agreement was reached on these features which were reflected in the law:

1. Employees and agencies will share equally the full normal cost of present benefits and of all future liberalizations authorized by Congress.

2. Future legislation which creates additional unfunded liability will include authorization for appropriations to the Fund to finance the newly created liability, in equal annual installments over a thirty year period. Liability created by legislation enacted after October 20, 1969 for pay increases, new or liberalized benefits, or extension of retirement coverage to new groups is funded under this provision.

3. The Government assumes full responsibility for unfunded liability attributable to legislation already enacted. It will meet this obligation by making interest payments on unfunded liability by transfer payments from the Treasury to the Fund in progressive increments, beginning with 10 percent in 1971; 20 percent in 1972; and an additional 10 percent each following year until for Fiscal Year 1980 and each year thereafter, the amount transferred will be the full equivalent of interest on the unfunded liability. This provision finances, without funding, (a) the liability already existing when the new financing method was enacted, and also (b) the liability created by future cost of living annuity increases occurring automatically under laws enacted before October 20, 1969.

Since passage of this law, the financing of the retirement system has clearly been strengthened. One indication of this occurred during 1972 when, for the first time since 1920, the cumulative total of Government contributions to the Fund ($24.4 billion) surpassed the cumulative total of employee contributions ($24.1 billion).

On November 2, 1972, I sent to the Congress the Fiftieth Annual Report of the Board of Actuaries of the Civil Service Retirement System, including the Board's valuation of the system as of June 30, 1970. The Board found the normal cost to be 12.95 percent of payroll, but recommended that employee deductions and agency contributions not be reduced below the present combined level of 14.00 percent of payroll because of two issues. The issues are: (1) continuing growth of unfunded liability resulting primarily from cost-of-living increases in annuities; and (2) the effect on the normal cost of the retirement system of a trend toward earlier retirement by increasing numbers of employees.

The first issue is discussed on page 13 of the report printed as House Document No. 93–37, where the Board points out that the cost-of-living increases are not funded. Each such increase adds to the unfunded liability and the interest payments. Assuming that the economy continues to change in the future as it did in 1972, the unfunded liability will increase by $38.4 billion in the next ten years, primarily because of cost-of-living increases in annuities.

The Board suggests that proper funding of these increases could be accomplished either by recognizing the future increases as a part of normal cost in the actuarial valuation, or by including them in the items to be funded by 30-year payments. We find the first alternative unattractive for several reasons. For one thing the legislative history of Public Law 91–93 indicates that the Congress never intended normal cost computations to include provision for financing annuity cost-of-living increases, which result from an earlier law. Furthermore, if normal cost were defined to include possible future cost-of-living increases then logically all economic trends should be recognized in the valuation. We believe this would result in an unrealistic relation to current pay levels, as employees would be asked to pay for tomorrow's inflation from today's pay. There would be a significant increase in normal cost, requiring increased contributions from both agencies and employees.

The second approach, of funding each increase as it occurs through 30-year payments accomplishes the objective sought by the Board without inflating employee or agency contributions. Of the two methods, we believe this one is clearly preferable, but we are not at this time recommending adoption of either alternative suggested by the Board.

The other key issue raised in the Board's report concerns the increasing number of employees who are retiring at an early age. As more and more people tend to retire early, the normal cost of the retirement system is increased accordingly. The early retirement rates published in the 1970 report sent to you last fall show that the rates have increased substantially over the rates in the previous study, published in the 1963 report. If the rates of early retirement continue to increase, the normal cost determination of 12.95 percent of payroll made in the Board's recent report will prove to be too low.

We concur with the Board's suggestion that no action be taken on changing agency and employee contributions until more experience on the early retirement rate is known. We are now studying the experience of the past three years and the early retirement rates seem to be continuing to increase. We will make this data available to the Board as soon as possible for its consideration, and for any further recommendations to the Congress which may be appropriate.

It should be noted that since the Board's valuation, actions taken by the Congress during calendar year 1972 have served to increase normal cost to 13.10 percent of payroll. This resulted from benefit liberalizations enacted for air traffic controllers (Public Law 92–297) and firefighters (Public Law 92–382).

Aside from the Board's report, there is another financing issue still unresolved in connection with additional unfunded liability resulting from pay increases granted by the U.S. Postal Service. Since its establishment, the Postal Service has given five separate pay increases. The Act establishing the Postal Service is not clear as to its liability for reimbursing the Retirement Fund for the unfunded liability created by these pay increases. During 1972 we proposed legislation to require the Postal Service to make reimbursement to the Fund for such unfunded liability through 30-year amortization payments.

Our proposal was not enacted, and we are actively seeking the necessary clearances to include it as part of our legislative program for the 93rd Congress. We note that you have introduced a virtually identical bill, H.R. 29, and we have been asked to report on it. In the meantime, our appropriations requests for Fiscal Year 1972 and Fiscal Year 1973 were reduced by almost $168 million pending decision as to the liability of the Postal Service. Together with interest, the Fund has lost over $179 million in this two year period. We hope that this issue can be resolved through favorable action on our legislative proposal to avoid further departure from the financing method adopted by the 1969 amendments to the retirement law.

A comprehensive picture of retirement system financing may be gained by reference to the table in Attachment A. This table reflects the three sources of Government payments to the Fund (interest payments on unfunded liability; 30-year amortization payments to finance benefit liberalizations; and agency contributions of 7 percent of payroll) as well as employee contributions. In virtually every category, we are dealing with billions of dollars.

This table shows data projections at five years and ten years from now. For the sake of illustration, two sets of projections are shown—Projection A shows figures assuming no changes beyond Fiscal Year 1972 in work force, pay, benefits, and cost-of-living; Projection B shows figures assuming changes each year in work force, pay, benefits, and cost-of-living at the same rate experienced in calendar year 1972. These projections show that Government contributions to the Fund could double or triple over the next ten years, as could benefits paid to annuitants. They also show that unfunded liability could approach the 100 billion dollar mark within ten years.

We continue to believe strongly that any further proposals for retirement program changes should be considered in the light of policy in all other areas for compensation for Federal employees, and with full recognition of the burden being placed on the budget and the taxpayer.

With approximate comparability achieved between overall Government and industry compensation, and with the continuing level of strain on the Federal budget and degree of burden on taxpayers, we urge that any proposal for changing the retirement system be considered in the light of the total compensation package rather than in isolation. This broader scope of consideration will, in our judgment, best serve the public interest.

Sincerely yours,

ROBERT E. HAMPTON,
Chairman, U.S. Civil Service Commission.

ATTACHMENT A.—RETIREMENT FINANCING

[In billions of dollars]

	Actual fiscal year 1972	Projection A—Assumes no changes beyond fiscal year 1972 in work force, pay, benefits, and cost-of-living		Projection B—Assumes changes each year in work force, pay, benefits, and cost-of-living at the same rate experienced in calendar year 1972	
		Fiscal year 1977	Fiscal year 1982	Fiscal year 1977	Fiscal year 1982
1. Treasury transfers for interest on unfunded liability and for military service credits	0.6	2.6	3.8	2.9	5.2
2. Appropriations for 30-year amortization of liberalizations	.5	.7	.7	1.8	3.2
3. Agency contributions	2.1	2.1	2.1	2.7	3.5
4. Total Government cost	3.2	5.4	6.6	7.4	11.9
5. Employee contributions	2.1	2.1	2.1	2.7	3.5
6. Annuity payments	3.6	5.4	6.8	6.8	11.1
7. Retirement fund (June 30)	27.7	46.1	71.5	49.5	86.3
8. Unfunded liability (June 30)	63.5	70.1	68.9	82.9	101.9

MANDATORY RETIREMENT

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SEIBERLING. Mr. Speaker, today I am reintroducing a bill that would prohibit any Member of Congress from taking office after his 65th year. If adopted, it would mean that eventually no Member of the House would be 68 years of age or older and no Member of the Senate would be 72 years of age or older. The amendment would, however, permit any older Member of Congress to complete the term of office he or she held at the time the amendment is ratified.

Finally, the amendment would require all Federal judges, including Justices of the Supreme Court, to retire before the end of their 70th year of age, but would allow them to continue to serve in an advisory capacity.

At a time when we are all concerned with the need to breathe new life into the legislative branch of our Government, this amendment is particularly important. In the last month and a half, we have made significant reforms in House procedures and the committee system which I believe will go a long way toward reestablishing the Congress as a branch of government of equal stature with the executive.

However, in spite of all the important strides we have taken in reforming the legislative machinery of the House and the Senate, we have not touched on one aspect of Congress, which, perhaps more than any other, will ultimately determine whether the proper balance of powers within our Government can be restored—its membership.

In my first term in office, I discovered how difficult and physically taxing a job in Congress can be. The hours are long; the problems are complicated. This is a job for mature men and women, but not for the aged. Yet those in the most important positions in Congress tend to be the oldest as well. In this session, for example, the average age of the chairman of the House standing committees is 65, while the average age of all House Members is 10 years less.

It is no coincidence that practically every U.S. business corporation concerned with its institutional health has adopted mandatory retirement for its officers and employees. The retirement age is usually 65 years. Business has found that without mandatory retirement of older employees, it is extremely difficult to attract and hold the able, younger men and women needed to keep a firm vigorous and progressive.

If Congress is to check the dangerous growth of executive power and resume its proper role as this Government's chief lawmaking body, in short if it is to maintain its health as an institution of Government, it must have a vigorous and forceful membership, in touch with the needs of our people and open to new ideas. Like any other institution seeking to maintain its vitality, Congress needs a continuous flow of new blood. The only way to insure this is through mandatory retirement.

Congress long ago acknowledged the wisdom of mandatory retirement when it established a retirement age for those in Government civil service. It is time that Congress applied this principle to itself.

The same basic considerations that indicate the desirability of mandatory retirement for Members of Congress do likewise for the Judiciary. Many States, including my own State of Ohio, require judges to retire when they reach their 70th year. Mandatory retirement should be applied to the Federal judiciary as well as to Congress.

A MOVE TOWARD ENDING DISCRIMINATION IN FEDERAL TAX SYSTEM

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SEIBERLING. Mr. Speaker, today I am reintroducing a bill to permit single people and married women to produce 100 gallons of wine a year for personal consumption without paying the Federal excise tax.

This bill would simply extend to single adults, married women, widows, and widowers this tax privilege now enjoyed only by married "heads of household."

I introduced a similar bill last year which was reported by the House Ways and Means Committee, but never acted on by the House. I am hopeful that this year, with tax reform the subject of congressional attention in both Houses, this small, but symbolically significant change can be made in the law.

This inequity was brought to my attention by a constituent, Mrs. Caroline Firth of Akron, Ohio. Mrs. Firth, a widow with several grown children who enjoys making wine at home, applied to the Internal Revenue Service several years ago for a winemaking permit. IRS denied the permit on the grounds that she was not a "head of household."

The bill I introduced in the last Congress amended the law to include single adults, widows, and widowers. Not until after the bill had been introduced did I realize that it continued to perpetuate discrimination against the married woman, living with her husband, who wants to hold a winemaking permit. Under IRS regulations, she is not a head of household, and therefore is not eligible. This inequity has been removed in the bill introduced today.

This is admittedly a minor issue which will not affect a great many citizens, although home winemaking is becoming very popular and I suspect that there are a great many people making wine at home who are breaking the law by not having a permit.

But it has significant symbolic value because it would correct a kind of discrimination which pervades our tax laws: discrimination against people simply because they are not married, and discrimination against women.

Clearly it makes no sense to extend this privilege according to one's sex, marital status, or number of dependents.

Therefore, its speedy passage would be a symbolic gesture that the Congress is ready to end this kind of discrimination, and make the Federal tax system truly equitable.

THE CONGRESSIONAL BLACK CAUCUS' TRUE STATE OF THE UNION

(Mr. STOKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STOKES. Mr. Speaker, a few days ago the members of the Congressional Black Caucus spoke in this Chamber on the matter of the true state of the Union. Many of our colleagues in the House have expressed their concern in being provided with a copy of the full document which we produced. It is for that reason that we hereby present to our colleagues the "Congressional Black Caucus' True State of the Union":

U.S. HOUSE OF REPRESENTATIVES, CONGRESSIONAL BLACK CAUCUS: "THE TRUE STATE OF THE UNION"

OVERVIEW

(Hon. LOUIS STOKES)

On March 25, 1971, the Congressional Black Caucus met with President Nixon in the White House. At that meeting, we presented 60 recommendations to the President and we told him that—

"Our people are no longer asking for equality as a rhetorical promise. They are demanding from the national Administration and from elected officials without regard to party affiliation, the only kind of equality that ultimately has any real meaning—equality of *results*."

The President's reply to our document

came to us two days after the deadline date which we had set for his response. His document consisted of 115 pages—took two months to prepare—and according to his own admission, was compiled by 200 people. The man-hour cost of 200 people working 600 days on this document was well over a million dollars.

Yet the document said nothing. It amounted to a recodification of his Administration's policies and goals, which were after all, the reason we went to see him in the first place. And yet, it had been the President himself who, at our meeting said to us, ". . . I appreciate the candor with which you gentlemen have spoken here this afternoon. If I were in your shoes—if I were seated in your places at this table, I would speak with the same deep commitment and concern with which you have spoken." And then, unsolicited, the President added, "Your people have not gotten a fair shake in this country. . . ." Unfortunately, the President's printed document did not reflect his spoken sentiments. In addition, subsequent statements and programs have shown us that the President carries an extremely low and distorted estimate of the real needs of minority, poor and disadvantaged Americans.

On January 20, 1973, in a perverted twist on the message of John F. Kennedy, President Nixon callously exhorted the American people: "In our own lives, let each of us ask—not just what will government do for me, but what can I do for myself?" The question is a dangerous one in an era when people's ability to help themselves is dwindling and when a federal commitment to humanity is needed more than ever before.

People are helpless when they are uneducated; or poor; or sick; when they are at the mercy of drug addicts and pushers; when they are out of work; when living costs spiral upward beyond their reach; when they live in unsanitary and indecent housing; when they are a minority in a racist nation; and when they are victims of a foreign policy that few believe in. The number of people who lack the tools to become self-reliant is on the rise in the United States today. The fact that this Administration intends to keep those necessary tools locked away—and will award the key only to the privileged and the powerful—was signalled to us in both the Inaugural Address and the 1974 Budget.

The Congressional Black Caucus does not intend to sit idly on the sidelines while corporate and vested interests take bread from the mouths of the poor. Over the past four years we have learned that self-reliance is a virtue which is demanded only from minorities, the poor and the disadvantaged; no one told Lockheed and Penn Central to pull themselves up by their bootstraps. That is the central fallacy in Mr. Nixon's exhortation. It is one which the Congressional Black Caucus intends to expose and to combat—with legislative programs and Congressional action.

We, too, would like to believe in self-reliance, but we see it as a goal. It is not, as Mr. Nixon would have us believe, a means. The means to the end of self-reliance lie in a federal commitment to the fulfillment of human and social needs. The legislative package which we intend to produce would meet the needs of minority, poor and disadvantaged Americans. It would give people the tools they need to lift themselves out of the quagmire of despair and helplessness.

AN ALTERNATIVE

Today, the members of the Congressional Black Caucus stand together in this Chamber to present an alternative to what the President has to offer. The President perceives our society and the solutions to our problems in one way; we have a different perception. We are not afraid to see inequality and injustice—problems that are crying out for solutions. We do not shy away from the challenge of completing a task. We do not take a pollyanna view of our country's situation but, still, we do not despair. We believe that this Congress can, at any time, reassert its powers on behalf of the American people and we intend to help lead this body out of its lethargy.

Today, the members of the Congressional Black Caucus present a report on the True State of the Union. Each section of this document discusses the past record and offers alternatives for the future.

DOMESTIC NEEDS

We begin from the premise that, in this richest and most advanced technological nation, poverty is a shameful anachronism. The federal government has the power to eradicate poverty. In the absence of jobs, the welfare system must be revised to provide an adequate income for every American citizen. At the same time, the government must institute a program of full employment. It should evolve new and more effective manpower training techniques and create millions of jobs in both the public and private sectors. We will oppose the Budget's proposed $600 million cut in manpower programs and its termination of the Job Corps program. The Congressional Black Caucus will work toward full employment. In the meantime, we will promote legislation which assists employable persons during the transition period and permanently provides for the disabled and the disadvantaged.

We do not believe that inflation should or can be fought with unemployment. The proper means of combatting inflation is an effective stabilization program. Phase II should have been succeeded by an improved and strengthened stabilization effort—it should not have been scrapped.

We will watch the implementation of the revenue sharing program with close attention. We are aware of lapses and inequities in the present law and we intend to fill an oversight function which the Administration appears to have abdicated. Special attention will be paid to civil rights compliance within the revenue sharing program. We will fight against proposed special revenue sharing in the areas of manpower, education and community development.

Recent years have witnessed a great disparity between promise and performance in education, health and housing. It is to the everlasting discredit of this President that he has vetoed an unprecedented number of education, health and housing bills. Where the veto has failed, impoundment has succeeded. The Congressional Black Caucus will take part in what we hope will be a massive action by this Congress to prohibit the impoundment of appropriated funds.

The Law Enforcement Assistance Administration, with its block grant approach to funding, was billed as a comprehensive solution to the problems of our criminal justice system. Black people and poor people suffer most from the ravages of crime because they live in areas where crime rates are highest. They also suffer from racial discrimination by the police, in the courts, and in the corrections system. LEAA has failed to provide the innovative leadership necessary for real reform in the administration of criminal justice. Instead, it continues to devote huge sums to the purchase of weapons and hardware for local law enforcement agencies. The rhetoric of "law and order" must be replaced by creative, constructive efforts to deal with the causes of crime and retribution must be replaced by rehabilitation.

A spirit of innovation is desperately needed to solve the growing problem of narcotics addiction and drug-related crime. Our government must attack this scourge at its source by taking retaliatory action against those countries which grow and process the heroin being sold on our city streets and in our schools. We need treatment and rehabilitation facilities and we need drug education programs. Addiction must be treated as a sickness and not a crime. The government must be willing to take on the forces of organized crime if it is to win our national battle against narcotics addiction.

Innovation must also be applied to the rooting out of racism in the military. Our own research and recent events have proven beyond doubt that our armed forces have institutionalized the practice of racism. We believe that the justice which we demand in all walks of daily life must be extended to our armed services.

The difficulties that disadvantaged Americans face nationally are especially acute in the District of Columbia, where nearly a million Americans are denied adequate representation. The Black Caucus will provide the Congressional leadership to rectify this situation.

FOREIGN POLICY

Just as our concerns do not stop at the boundaries of our Congressional Districts, they do not cease at our national borders. We are concerned about oppressed peoples in other lands, particularly on the African continent and in Southeast Asia. We advocate a complete reassessment of our nation's foreign commitments. We deplore this government's sympathy with the white minority in Africa and we intend to resist all Presidential and Congressional efforts to aid the Portuguese, the Rhodesians and the South Africans in their practices and their wars of oppression. This is essential in light of our belief that, unless immediate steps are taken to fulfill our stated commitment to majority rule at home and abroad, Southern Africa might well become our next Vietnam.

We are unalterably opposed to this country's dual practice of colonialism and imperialism, and we have seen the disastrous effects of those policies in Indochina. We will participate in Congressional action to make future Vietnams—future unauthorized and unconstitutional wars—impossible.

We watched as, over the years, officials attempted to justify this country's military presence in Southeast Asia on the grounds that we could not abandon our allies. Billions of dollars and millions of lives were wasted because our government did not ask the same self-reliance from the South Vietnamese as it did from minority, poor and disadvantaged Americans. We demand that the American people be afforded the same advantages and the same assistance that our government poured into a land halfway around the globe.

COMPLEX PROBLEMS NEED COMPREHENSIVE SOLUTIONS

The President has inflamed racism by exploiting the issues of busing, quotas and law and order. We will persist in exposing his inflammatory and simplistic rhetoric for what it is—while advocating programs which provide comprehensive solutions to problems that we recognize as highly complex. In an era when civil rights and liberties are under attack on every front, we will seek to expand those rights.

With each new veto and each new revelation of impounded money, minority, poor and disadvantaged people have been put on the defensive. It is wrong that when the number of poor Americans is increasing, when new and better federal programs are desperately needed, the poor are being made to retrench and to defend programs which were insufficient to begin with.

The American public has been asked to believe that the inadequacies in past programs—such as OEO, Title I, 235 housing or Hill-Burton—make the goals of those programs unrealistic. We disagree. The goals of the poverty program, of equality in education, housing and health care remain goals to work toward. We would expand past programs which worked and replace those which did not. In this spirit, we will work for the continued existence of programs which are threatened by the 1974 Budget. Some of these are OEO; legal services; regional medical planning; comprehensive health service grants; maternal and child health project grants; NIH research; emergency school assistance; elementary education development grants; Project Follow-Through; funding for Titles III and V of ESEA; drug abuse education; Model Cities; urban renewal; new communities. These are only some of the major cuts. Taken as a whole, the Budget presents a clear view of the distorted and perverted priorities of this Administration.

EMBARKING ON A LEGISLATIVE PROGRAM

This, then, is the True State of the Union as we see it. After over a year of hearings in which we collected data that had never been assembled before, we now embark on a legislative program in this Congress. We believe that a strong Congress is absolutely essential to thwart the repressive and inhumane impulses of this Administration.

We sense growing support in this Chamber for our positions on many issues. We will cultivate that support and work to make this body an equal partner in our tripartite system of government.

While inequality and injustice are facts of life for millions of Americans, we maintain that they are perversions of life. We seek equal opportunity and equal justice for all Americans. The True State of the Union tells us that these remain goals to be sought.

Poverty Programing

(Congresswoman Yvonne Brathwaite Burke)

It is a tragic coincidence that both Lyndon Johnson and one of his most forward and important creations are dying within weeks of each other. For just as our former President has passed away, so is the Nixon Administration killing the Office of Economic Opportunity.

Two years ago, the Congressional Black Caucus specifically urged the President not to destroy OEO. And in its response to Caucus, the Administration implied that there was to be a continuing role for the agency. That response noted that "as OEO tests and proves new ideas, as programs 'mature' and become a matter more of management than of innovation, they should be spun off to the line departments which have primary responsibility for administering social programs. This will free OEO to continue its primary mission as innovator and advocate for the poor. It will also increase awareness in the line departments of the special needs of the poor, as proven programs and experienced personnel transfer to those departments. This will give the poor not only a spokesman in OEO, but an enhanced awareness and sensitivity to their needs in the line departments, where on-going programs which affect the poor are administered".

Now, that commitment by the Administration has been abandoned, and those words are revealed as hollow rhetoric. Once again, the Nixon Administration's total lack of concern for the rights and equity of millions of poor and minority Americans becomes evident.

From its inception in the Johnson Administration, OEO was created as a challenge to existing bureaucracies—as a means of showing that new ways of meeting the real needs of the poor could be developed. OEO set out to bring about conditions at the local level to advance institutional change and to affect the decision-and-policy-making processes to encompass and involve the needs of the poor and disenfranchised.

OEO was established because the line departments—the very same agencies to which OEO programs now are being scattered—were both unwilling and unable to deal with low income and minority citizens. And, despite the serious constraints imposed on OEO over the past four years by the Nixon Administration—constraints which limited the ability to seek any new directions or programs—we believe that OEO was becoming a success and that it was making a positive effort to involve the poor in the decisions which affected their everyday lives.

Even before the recent announcement of OEO's final dismantling, as a result of Nixon's policies, it was but a mere shadow of its initial intent and hopes. Starting with an immediate freeze on any new program directions made in the first days of the Nixon term, OEO has been bludgeoned and beaten back until it hardly can be called an effective agency for change and growth.

Yet, we strongly believe that with proper control and funding, OEO can be revived and become a strong advocate for the poor. And it must be Congress taking the lead in this area, because the Nixon Administration has given only lip service to the needs and programs established by and for OEO.

Despite its rhetorical claims of support for OEO, here is the reality of the Nixon job done on the poverty program:

Job Corps—gutted and removed from OEO and switched to the Labor Department.

Head Start and day care—cut back and transferred to HEW.

Legal services—lawyers can be utilized for only menial casework, and the important right to fight instances of explicit governmental lawlessness has been eliminated.

Comprehensive health programs—fund cut 10%.

Community development—funds slashed 30%.

Family planning—funds lowered 37%.

Emergency food and medical service—funds virtually eliminated.

Office of Program Development—abolished outright.

Vista, Foster Grandparents, alcoholism programs—all transferred.

Approximately 30,000 people will be unemployed as a result of dismembering OEO. At the same time, community action, legal services and migrant programs increasingly have subjected to partisan political considerations. Contracts have been awarded to firms on the basis of how much they contributed to the Republican Party—not by any standard of how much they may help poor and needy citizens.

In sum, the net effect of President Nixon's 1971 commitment to OEO as "innovator and advocate for the poor" has been instead dismemberment of the agency, emasculation of anti-poverty programs and abandonment of this nation's poor.

Welfare Reform

(Congresswoman Shirley Chisholm)

No issue was more cleverly exploited during the first four years of the Nixon Administration than was the issue of welfare reform. And yet, no issue is more worthy of our attention than the survival of the 14 million persons—mostly mothers and children, the aged, the blind, and the totally disabled of all ages and ethnic groups—who are not able to completely take care of themselves.

While repeatedly stating its desire to help welfare recipients become more self-sufficient, the Administration's words have been only that—rhetoric without action. Recommendations made to President Nixon in 1971 by the Congressional Black Caucus included the need for:

A guaranteed income maintenance plan;

Standardization of eligibility requirements;

Establishment of adequate payment standards;

Elimination of degrading treatment of recipients;

Provision of suitable work opportunities which maximize individual freedom of choice and self-respect; and

Improvement of food assistance delivery systems.

Now, in 1973, we must report to the Nation that none of these recommendations was translated into reality. Let's take them point by point.

1. The Administration supported a Family Assistance Plan that set a maximum guaranteed income of $2,400 a year for a family of four, well under the Caucus recommendation of $6,500. However, that $2,400 was actually less aid than 45 of the 50 states were already providing families and would have made recipients ineligible for food stamps.

2. The Administration agreed with the Caucus that eligibility requirements, adequate payment standards, elimination of abuse to recipients and provision of work opportunities were necessary aspects of reform. It also said its proposed program would provide 200,000 public service jobs at no less than the minimum wage, would include additional training and child care and would entail "required acceptance of suitable work or training."

But what happened?

First, the 203,000 jobs provided through the Public Employment Program passed by Congress in 1971 have boiled down to a present 148,000 persons still employed and a directive has gone out from the Department of Labor ordering an end to any new hiring. In addition, the program was designed to reach no more than 3 percent of the unemployed from its inception.

Even more drastic has been the Administration's decision—not publicly revealed until very recently—to put a freeze on most manpower training and job development programs.

Secondly, we all know that President Nixon vetoed last session a comprehensive child care bill which woud have authorized federal support for a child development program for dependents of working parents.

And thirdly, the "required acceptance of suitable work" clause was translated into a repressive "workfare" concept in a bill introduced in the Senate which one dissenting Senator termed a "slavefare" concept.

Under workfare, recipients—except mothers with children under 6—would be required to register for employment with public or private employers for a fee equal to the *prevailing*—not minimum—wage in their locality. They would not be protected by any state or federal laws regulating hours of work, rates of pay, or other conditions of employment except for social security if a private employee in that position were so protected.

Training for job placements for mothers on workfare would have included "cleaning up and beautifying their apartments" and "providing a pleasing home atmosphere with child-centered activities" certainly an absurd and irrelevant preparation for a job outside the home.

As for child care promised by the Administration—this bill proposed that after-school care, if needed, would be the responsibility of any member of the family, whether a minor or an adult, who would be found "capable" of providing supervision.

The workfare approach also established a "parent-locator service" to track down and obtain support from absent fathers, utilizing the services of the U.S. Attorney General, legal service attorneys and regional blood-typing laboratories to determine paternity. Mothers would lose their benefits if they failed to cooperate, even though it is well known that matching blood types of a man and an infant can *disprove* paternity but cannot *prove* that the man is, in fact, the father.

We need not wait until 1984 to decry such police-state tactics!

The workfare bill also included elimination of the declaration methods for determining eligibility, elimination of food stamps and a restriction of fair hearing rights and other legal protection of recipients.

Meanwhile, when state and local governments compared the proposed five year package of $15.8 billion in welfare fiscal relief that Congress offered with the $29.8 billion which would be provided in the same period under the general revenue sharing plan being discussed at the same time, they shifted their support from welfare reform to revenue sharing. Not only was the fiscal relief provided under revenue sharing greater than that under welfare reform the money could be used for virtually anything and therefore was seen as politically more beneficial to a greater number of constituencies.

The preoccupation with securing revenue sharing on the part of state and local governments also led to passage of an amendment to the revenue sharing package imposing a $2.5 billion ceiling on expenditures for social services which, since 1967, had allowed local governments to finance such services as foster care, orphanages, family planning, health, vocational training and rehabilitation, day care, senior citizens centers and drug and alcoholic rehabilitation programs.

In other words, the governments were willing to give up both the $4.6 billion they needed for domestic programs and welfare reform in exchange for a blank check they could spend however they wanted with no strings attached.

It was just as well that the welfare reform bills most favored by the Administration were killed during the 92nd Congress since they were more repressive than progressive in many ways.

However, Congress may find itself deliberating similar legislation again this year, legislation whose intent will be to make life even more miserable for our nation's poor than it is now, legislation that would contain inadequate—if any—provisions for meaningful child care and job training and development.

In spite of this discouraging state of affairs, most thoughtful observers still agree on the urgency of improving—if genuine reform is impossible—the patchwork quilt of welfare programs presently being administered by states and the federal government.

Many feel that improvement is needed to make the system more humane as well as more efficient. But President Nixon's emphasis is on punishing those forced to accept aid in a society that denies them all other choices. Throughout his first administration, the President used "welfare" as a code word to conjure up in the minds of his so-called "silent majority" visions of a woman having another child to increase her dole or a man living off the taxpayers rather than finding a job he could surely have "if he really wanted it."

Although his inaugural speech repeated the word "new" 17 times, according to one commentator, his thesis that "the government should take less from the people so they can do more for themselves" included the same old phrase "work instead of welfare." Once again, the President is waving the red flag by equating those on welfare as being those who do not or will not work for a living. Once again, he is castigating welfare recipients while simultaneously impounding funds for or eliminating entire job training and development programs designed to provide precisely those same persons with an opportunity to escape the hated relief rolls.

In the face of an overall 5.2 percent rate of unemployment—and a disgraceful 10 percent among Blacks—the President is willing to live with this rate of joblessness, claiming it is a curb on inflation. In effect, the poor shall be sacrificed to the interests of the middle class.

Clearly, the prospects for meaningful welfare reform are as dim now as they have been for the last four years. The Nixon Administration still seems bent on penalizing those unlucky enough to be poor in our society.

Nevertheless, we insist that reform is one of the priority issues facing us and our constituents throughout the nation. If the President would have the people "do more for themselves," he will have to help provide them with a chance to reach that admirable goal.

At the very least, those citizens who are desperately trying to survive—with or without aid—should have the following protections:

Extension of minimum wage coverage to those workers—mostly minority group—who are concentrated in the lowest paying and least secure jobs.

Elimination of a sub-minimum wage clause from any welfare reform bill on grounds that almost all Americans will support the concept of a fair day's pay for an honest day's work.

Increased support for job development and public service employment instead of impoundments and freezes on such programs, with the added assurance that welfare recipients and the chronically poor be represented in fair proportion to their numbers.

Provision of child care programs that would include educational and nutritional components rather than being custodial warehousing of the precious children of working mothers.

This Administration's overriding philosophy has been a harkening back to those mythical good old days when every man, woman, and child was tied to the work ethic and when jobs in a developing nation were available to every person who needed to make a living *except* those who, because of race and class discrimination, were denied this basic means of survival.

The inheritors of that caste system are with us today and are still being denied the right to earn a living with dignity and self-respect. They want that right. They need that right. They must have that right with all the privileges that go with it.

HOUSING

(Congressman PARREN J. MITCHELL)

Over the past four years of the Nixon Administration, we have witnessed a deterioration of our cities across the country. This deterioration continues despite that handful of local housing authority heads in each city who are doing their best to provide decent housing for all. It continues despite a plethora of programs and endless reiterations of high-minded goals. For millions of ill-housed Americans, the very real fact is that the Federal government has barely constructed more housing than it has demolished.

Accompanying this deterioration has been a calculated retreat by the Executive Branch from its legislated responsibility to house our nation's citizens. This responsibility is clearly spelled out in the Housing Act of 1937, which committed the government to a policy of utilizing its funds and credit to assist the States and localities in providing decent housing for low-income families. The responbility was formalized with the enactment of the Housing Act of 1949, which quite clearly, called for "the realization as soon as feasible of the goal of a decent home and a suitable living environment for *every* American." Finally, in the Housing Act of 1968, the Congress set forth the goal of some 26 million housing units to be built by 1978. Six million of those housing units were to be for low and moderate income families. This federal responsibility has been reaffirmed by the Congress in each of the four Nixon years.

As the second term of the Nixon Administration begins, conventional starts have been well ahead of schedule. But the subsidy programs—those that create housing for the poor—have been beset with problems from scandal-ridden FHA programs to fiscal abandonment by HUD. Rather than reform the programs or present realistic alternatives, the Administration imperiously cuts off housing for the poor.

This drastic action follows on decades of Federal housing assistance to the well-to-do. FHA, through low-interest rates on guaranteed loans, stimulated the growth of America's suburbs after World War II. In the 25 years following its birth, it insured more than $81 billion in residential mortgages for 7 and a half million middle income families. During that time, however, the agency actively discriminated against Blacks and other minorities by discouraging investment in racially mixed areas. By extending full credit for developments outside of the city limits and by refusing to offer even conservative credit to builders and buyers in the city, FHA successfully closed off the suburbs to Blacks and simultaneously contributed to the decline of the inner city. In 1968, the Congress paved the way for FHA's entry into the inner city by deleting the economic soundness stipulation for mortgage insurance and substituting "acceptable risk" for families that lived in older, declining neighborhoods. Though the Federal intent was to provide more housing for the low and moderate income families, the result has been the victimization of many by speculative builders and investors aided by unscrupulous FHA employees who looked the other way. Leaky basements, poor plumbing, inferior wiring and inadequate insulation are just a few of the problems that have confronted new subsidized homeowners.

The fiscal abandonment by HUD comes at a time when capital and operating costs are at all-time highs as a result of inflation. The Congress, on its part, has been emphatic in its commitment to solving this housing crisis. It enacted the Housing and Urban Development Act of 1969 that contained the Brooke Amendment forbidding local housing authorities to charge tenants rent in excess of 25% of their adjusted incomes. By the same statute, it increased HUD's contract authority by $75 million to cover the costs incurred. In 1970 and again in 1971, it amended the terms of the Brooke Amendment, further reducing the rent burden upon low-income families by defining more stringently the income base against which the 25% stipulation was to be computed, and extending the coverage of the provision to include welfare tenants not covered in the original legislation.

The Administration's response to this affirmative action by the Congress has been thorough disregard. Not until fiscal year 71–72 did HUD pay general operating subsidies to local authorities, and even then, the Department refused to obligate itself except on a year to year basis. This past year, with a HUD projection of $325.4 million needed to cover deficits and provide adequate services, it sought only $170 million. The President said that he lacked contract authority for the additional funds. Congress gave him that authority in the sum of $150 million more than he sought. But as the year ended, these desperately needed funds still had not been released by the President.

Again, during the period ending June 30, 1972, this Administration released funds totaling $200 million less than Congress appropriated for Housing production. This impoundment meant that 144,500 units less of subsidized housing than the President guaranteed the Congress at budget time was produced.

HUD's administrative regulations have been equally discouraging. One regulation declared that local authorities could evict or bar mothers with out-of-wedlock children, despite a Supreme Court ruling to the contrary. Another announced that no more units of public housing could be built unless operating expenses could be held down to 85%

of rental income. This gave preference to the high-income poor. Still another declared that tenants would have to earn enough so as not to spend more than 35% of their income on rents to be eligible for admission into moderate income projects, under Section 236 housing.

The result of these calculated measures has been to leave those who are unable to pay increased rents at the mercy of the private housing market, in which decent housing for low-income families is virtually non-existent.

The picture is quite clear then. The recently announced moratorium on assisted housing is no more than the culmination of a well laid plan by the Executive Branch to disregard the actions of the Congress and to completely emasculate the statutory rights of millions of Americans.

That it comes at a time when housing experts across the country are calling for a tripling of our efforts in subsidized housing is completely understood by the President. He knows that millions of poor people will remain ill-housed and at the mercy of unscrupulous landlords as a result of his actions.

In short, the moratorium is no mistake. There is no misunderstanding. This is Phase I of the Administration plan for complete withdrawal from the field of Housing. These callous actions that ignore the will of Congress and eschew a basic need and right of a massive number of this country's citizens must be stopped.

Local Housing Authorities across the country have been forced to take this Administration into court in order to gain the release of the impounded funds so vitally necessary for their survival. Tenant associations in all of our major cities are gearing up for a protracted struggle. But we in Congress must also do our part.

We strongly urge the President to take the following steps:

1. The immediate release of all impounded funds for housing programs.

2. If the President is insistent about the moratorium, the Caucus recommends that he extend coverage of the moratorium to all phases of Federal housing; not just that for the poor. At issue here is whether this country becomes one that builds houses primarily for shelter or rather one that builds houses primarily for profit.

Additionally, we strongly urge that the Congress take the following steps:

1. With emphasis being placed on Tax Reform in this session, the Congressional Black Caucus calls again for tax legislation to provide for broadening favorable treatment of investment in new and rehabilitated housing to provide identical preference to investment in inner city real property development, sponsored or substantially owned by a community development corporation or other organization of minority or low-income citizens.

2. Finally, we again call for $1 billion a year through large scale housing allowance program to go directly to families. This will give them some choice in housing. Subsidies for new housing would still be necessary though, to make up for the continuing shortage of units.

It is only through such measures as these that we, in the Congress, can avert for America the disaster to which it is headed.

AFRICA

(Congressman CHARLES C. DIGGS, Jr.)

While the Congressional Black Caucus and President Nixon agree that the "two awesome problems" still facing Africa are the quest for modernization and the attainment of majority rule in Southern Africa," our views on the means of resolving those problems are diametrically opposed.

The Caucus finds that the President's concept of "progress" in this area, as in many others, is far from realistic.

President Nixon has failed to act positively on our recommendations of May 1971. Africa has not been given priority in foreign affairs. Far less than 1% of the United States gross national product has been allocated to foreign assistance in the developing countries. A special representative Task Force to provide a comprehensive review of U.S. policy has not been created. The White House rejected our recommendation to withdraw South Africa's sugar quota. This government has not joined the Council of Namibia. While we welcome the appointment of a Black Foreign Service Officer to the American Embassy in South Africa, and note the Administration's intention to encourage private enterprise in Sub-Saharan Africa, we remind the Administration that its interest in supporting the majority ruled states of Southern Africa must include Zambia as well as Lesotho, Botswana and Swaziland.

Since the May 1971 Black Caucus Report to the Nation, there has been a definite trend in United States policy toward more support of repressive minority governments in Southern Africa and the intensification of economic policies that create hardships for the economies of Black African nations.

Despite a United Nation's decision that the least developed countries—and Africa contains 16 of the 25 least developed nations—should be given priority in foreign assistance, the Nixon Administration has decreased the proportion of foreign aid to developing countries since 1971. American aid to Africa declined from 8.4% of its total foreign assistance to less developed countries in 1971, to 7.9% in 1972 and will probably amount to 6.8% in 1973.

Recent revaluation of major currencies, one result of President Nixon's New Economic Program, crippled foreign trade, and monetary reserves and increased external debts of African and other developing states.

The Nixon Administration has refused to endorse an international commodity agreement for cocoa sought by primarily African countries and is threatening not to renew the international coffee trade agreement to which a number of African nations are a party.

The U.S. lags behind the more progressive policy of the European Economic Community is granting general trade preferences to African and other developing countries.

The Nixon Administration has withheld its support from a proposal to further link international finance and credit mechanisms to development needs. Such a link would immeasurably assist African and other developing countries to better handle trade fluctuations caused by price changes in industrial countries. This approach would also help to halt the deterioration in terms of trade for critical items.

As President Nixon designs new trade and international monetary policies, proper consideration should be given to the internal economic needs of less-developed countries. We must avoid at all costs the entrenchment of a world stratification system which consists of a few rich white nations and a massive majority of poor nations of non-white peoples.

If the Nixon Administration's economic policy toward Africa and the rest of the developing world has been deplorable, its posture toward Southern Africa has been nothing short of criminal.

In dealing with Portuguese administered territories:

The satanic assassination of Amilcar Cabral in Conakry last Saturday serves only to dramatize the gravity of the situation in the Portuguese administered territories of Africa. This leader of the PAIGC, slain like Patrice Lumumba and Eduardo Mondlane in a struggle against European colonial domination, was about to proclaim the independance of Guinea Bissau and Cape Verde.

In Mozambique, the effectiveness of the FRELIMO forces has been so successful in the Tete Province of that country, that Rhodesia and South Africa have felt constrained to assist Portugal's defense of Mozambique.

The President bypassed the Senate to sign an executive agreement on the Azores military base in December 1971. By adding a nearly $434 million aid package, he markedly improved Portugal's capacity to wage war.

The President has failed to control the sale of defoliants to Portugal. These chemicals are being used to denude the land in Angola, Mozambique and Guinea Bissau.

The Administration has relaxed the embargo on arms and military equipment to Portugal, allowing certain aircraft, such as helicopters and troop transports, to be exported to the Lisbon regime.

The Nixon Administration voted against a resolution in the last U.N. General Assembly session which declared that liberation movements in territories in Africa under Portugueses administration were authentic representatives of the people there.

Concerning Rhodesia:

As early as September 1970 the Nixon Administration ignored international economic sanctions to permit importation of 150,000 tons of Rhodesian chrome. A year later the White House failed to exert the necessary pressure to block the passage of the Byrd Amendment which permits importation of strategic materials from the Rhodesian rebel colony in violation of United Nations Charter obligations. Even after the African people of Rhodesia dramatically demonstrated their opposition last January to the Heath-Smith accord, the President did virtually nothing to encourage rescinding the Byrd Amendment. We now see that Rhodesia has imposed economic sanctions against Zambia, causing a new threat to international peace and security.

The Nixon Administration appeared to give its approval to this action. Only two months before, the former chairman of the Committee to Re-elect the President, predicted over Rhodesian television on November 27th, a "change" in United States policy "sooner than anyone realized."

Since the passage of the Byrd Amendment, over 25 ships carrying Rhodesian contraband—particularly chromium ore, ferrochrome, nickel and nickel cathodes—have entered the U.S.

This President continues to permit the Rhodesian Information Office, which tends to function as an unofficial Embassy, to operate in Washington, D.C. In contrast, the Rhodesian Information Office located in Australia was ordered closed recently by Prime Minister Whitlam. Turning to South Africa:

While there has been a total failure of the "dialogue with South Africa" policy among African states, the Nixon Administration still pursues a policy of communication and increased contact with the Pretoria regime.

The White House supported renewal of the South African sugar quota. In dealing with Namibia:

The Nixon Administration still allows tax credits to U.S. corporations doing business in Namibia for taxes paid to the illegal South African administering authority. Further, it has taken no concrete action to implement its oral decision in 1967 to discourage new U.S. investment in Namibia.

The Nixon Administration continues to protect American business in Namibia vis-a-vis the illegal administering authority.

We specifically urge the Nixon Administration to:

Take concerted action to improve hiring policies to insure that blacks are represented in the foreign service, world wide at all levels, in all career specialities.

Enforce arms embargoes against South Africa and Portugal especially for aircraft and other military transport equipment and weapons.

Adopt a policy of majority rule for South Africa and disavow the "Separate Development" policy.

End nuclear cooperation with South Africa.

Terminate all military aid to Portugal under NATO until it grants self-determination to its African territories.

Cancel the executive agreement with Portugal on the Azores military base.

Vigorously support U.N. sanctions against Southern Rhodesia and end all dealing with the illegal Smith regime.

Join the United Nations Council on Namibia and seek ways to implement U.N. resolutions and the World Court opinion concerning South African withdrawal from Namibia.

Provide substantial bilateral aid to Zambia consistent with U.S. stated support for majority ruled countries of Southern Africa.

Render all necessary assistance to Zambia following Rhodesia's closing of their mutual border to assure importation and exportation of products required to maintain economic stability.

Grant priority to African countries in the allocation of U.S. foreign economic assistance.

Act forcefully to bring about the demonetization of gold.

Support an international commodity agreement for cocoa and renew the international coffee trade agreement when it lapses this September.

Work actively to obtain a multinational accord on increasing the allocation of International Monetary Fund Special Drawing Rights to the developing countries and linking SDR's to development in those countries.

Make a substantial contribution to the Special Fund of the African Development Bank.

Establish a special Task Force composed of a broadly representative policy group to provide comprehensive review policies affecting Africa.

Maintain the moratorium on U.S. ship visits and shore leave in South Africa until apartheid is ended.

Reject the application of South African Airways for a new air route to the U.S.

THE DISTRICT OF COLUMBIA

(Congressman WALTER E. FAUNTROY)

As this nation approaches celebrations of its bicentennial anniversary, the people of the District of Columbia approach a centennial observance. Tragically, this centennial cannot be called a celebration. Indeed this centennial, unfortunately, is an infamous one. 1973 marks the 99th anniversary of the District of Columbia's being stripped of its right to govern itself. 1974 is the 100th year of bondage.

Much has happened these past hundred years. In 1874, the Congress removed the right of the District of Columbia to elect its local officials and to have a meaningful voice in local affairs. In a real sense, the District of Columbia was among the first colonies. At the end of the 19th Century, this nation found its "manifest destiny" and reached out for colonies the world over—Hawaii, the Philippines, and Cuba. In the past 100 years, these all were governed in one manner or another as a colony of the United States. History and the pressure of events has caused each to be freed from colonial domination. Only one real colony remains. The District of Columbia is truly the last colony.

People in the District of Columbia have no vote in the Congress. They have no right to elect local officials directly responsible to them. They pay taxes and pay the overwhelming share of the cost of running local government, but they have no right to determine what those taxes are or determining how their tax money shall be spent. For these hundred years, the Congress of the United States has acted as the City Council and the state legislature for the District of Columbia. No man, no matter how good his motivation or strong his ideals, can know what is right for the people of the city unless he is accountable to those people.

While the bicentennial celebration is inevitable, we in the 93rd Congress, and particularly Blacks in the 93rd Congress, will have an unparalleled opportunity to make certain that the District's infamous centennial does not come to pass. With the District's 71% Black population, Blacks across this country will view Congressional action on this question as a test of whether Congress will deal with the problems of Blacks generally in a fair and just fashion. We have an opportunity to give the people of the District of Columbia what is justly theirs—the right to govern themselves, thus bringing 99 years of bondage to an end. This is our challenge.

The task is not simple. The path is not free of obstruction. Both Congress and the President have a major role in making this dream come to pass. First, the framework for self-determination must be laid. The Nelsen Commission has made a number of recommendations for the shaping of the present District Government into an efficient machine for delivery of government services. We know that the Committee on the District of Columbia under its new leadership will bring forth an implementation of these recommendations. As the Nelsen Commission itself indicated, however, the implementation of its recommendations cannot serve as a substitute for the granting of self-determination to the people of the District of Columbia. At the same time that the foundation for efficient and responsive government is being set, the Congress must move forward to find a form of self-government that reflects the best information and expertise that can be used to fashion self-rule for the people of the District. We are confident that this can be done. This Congress can also give the people of the District of Columbia voting representation in both the House of Representatives and the Senate.

Congress has its responsibility, and the President also must act. The White House has been strangely silent in the past 18 months about its attitude toward self-rule for the people of the District. It has been unwilling to use its influence to shape a constructive approach to the problem. All we have seen is silence and indifference. Even at the time in the last session of Congress when home rule legislation may have been within grasp, the President did nothing and provided no help.

Self-rule for the District of Columbia is not a Republican issue nor a Democratic issue. It is not even strictly a Black issue. The denial of self-determination for the people of the District is an issue of democracy, central to whether this nation can be perceived to be truly free. As long as the District of Columbia is denied its just rights under a democracy, an indelible stain is spread across the pages of this nation's political history.

EMPLOYMENT AND THE ECONOMY

(Congressman AUGUSTUS F. HAWKINS)

The Nixon Administration has greeted recent signs of recovery from its 1970–71 recession as "good news" justifying program retrenchment, widespread cutbacks in federal spending, and continuation of economic policies that "feed the fat and starve the lean."

While real growth of the 1972 Gross National Product averaged 6.5 percent, inflation was 3.0 percent. The growth rate exceeded averages for the post World War II years only because such advance is normal in years of recovery from deep recessions. But figures such as these are not realistic gauges of economic growth.

Administration claims of high employment and a decreasing unemployment rate for 1972 must not be judged by the "official" figures, but by examining the actual situation in which millions of American citizens live: in poverty, with margional employment, insecurity, and alienation.

The Nixon Administration is, in fact, failing, through statistical misrepresentation, to count an estimated 20 million persons who are able and willing to work but who for various reasons are not covered under the Labor Department definition of job seekers.

Some, for example, stop looking for jobs that don't exist and are never counted in the BLS work force and unemployment statistics. In addition to these discouraged workers, there are other categories of the uncounted unemployed and underemployed. They include those who are involuntarily working part-time; the "hidden unemployed"—housewives, welfare recipients, older persons, etc.; and those, who, for legitimate but temporary personal reasons, are not seeking work. Taken together, they reach a true figure of not 4.3 million, but over 20 million uncounted unemployed. Even this number does not include the thousands of underemployed persons who work full time but do not earn enough to support themselves and their families. (The current minimum wage, $1.60 per hour, paid to a person working a 40-hour week amounts to a yearly income of $3,328.)

Because the Administration continues to exclude these persons from its statistics, we are presented with the illusion of relative employment prosperity. Moynihan's benign neglect has become malignant disregard of millions of people without jobs. One of the numerous negative results of this under-reporting is that it allows the President to cut the funding of some job and job-training programs, and to abolish others entirely. In addition, the lack of public awareness of the extent of the problem prevents public demand for remedial action. Thus, severe unemployment continues—leading to increased welfare rolls, the dismembering of families, hostility between ethnic groups vieing for the same jobs or programs, and, of course, more crime.

We believe that the Nixon Administration must be willing to commit itself to guaranteeing full productivity and full use of our human resources through a vigorous program of public service jobs and sensitive and relevant economic and fiscal policies conducive to the highest levels of employment by private enterprise.

Having failed to acknowledge the true number of unemployed persons and thus to take appropriate measures to see that necessary jobs were available, this Administration has cost America billions of dollars.

A recent Joint Economic Committee study indicates that some $12 to $15 billion of federal tax revenue is lost for every one percent of unemployment. State and local governments likewise lose several times more in revenues than they obtain from so-called revenue sharing. Another study has stated that on an annual basis, about $7.8 billion of GNP alone is lost due to underemployment and unemployment of minorities.

We think these figures demonstrate quite well the magnitude of the problem of unemployment and its far-reaching effect on our total economy. Although not all persons included in unemployment categories can be expected to work, we do have a clear indication of the gross under-utilization of human resources.

We contend that this historic waste of

human resources as expressed in high minority group unemployment rates is bad enough to permit it to continue in the future would be to compound inhuman and uneconomic fallacy. Surely the American economy is sufficiently mature and rich enough to make jobs available to everyone who wants to work.

We refute the cynical theory that lowering the unemployment rate would necessarily lead to inflation. Essentially, we see the Administration's current economic policy as saying that lowering the unemployment rate has a direct and negative effect on inflation. Therefore, Administration economists claim, if the unemployment rate goes down, inflation necessarily has to go up. And, it becomes increasingly clear that the Administration is more than willing to trade off millions of workers to stop inflation.

In the first place, the economy is entirely too complex for such simplistic reasoning that to lower unemployment will lead to higher inflation. An Administration that wants to interject itself into the economy, can battle inflation through other means—namely, for example, through monetary policies. At this stage of our nation's economy, it is preposterous to see the Gross National Product increasing at 6.5 percent in one year and the Chairman of the Council of Economic Advisors saying that the "average person" is better off as a result. But we know that the "average person" has *not* benefited this much and we know that the person who is unemployed is not "average" but does have an unalienable right to participate in that 6.5 percent increase in GNP.

Secondly, we detect a cynicism in an Administration's policies which want to scrap social programs—manpower training, education, day care—under the guise of reducing the role of government in the economy while at the same time they impose controls on the wages of working people, allow prices and profits to rise, and even promote guaranteed loans to large corporations. Is the land of opportunity really one where people can be permitted to be unemployed while an inefficient "free enterprise" corporation is saved by the government?

We contend that an Administration that has an interest in one minority—big business—has a moral commitment to another minority—the unemployed and underemployed minority labor force of this country.

The Congressional Black Caucus in its statement to the President in 1971 recommended the creation of 1,100,000 public service jobs; a comprehensive manpower planning program that could train the unskilled for those jobs and for others in the private sector; basic changes in federal recruitment, testing, and promotion policies to make them more equitable; enforcement of the mandate of the Office of Federal Contract Compliance to ensure equal employment opportunities for potential and actual employees of companies with federal contracts; and cease and desist power for the Equal Employment Opportunity Commission.

In 1971 Congress enacted the Emergency Employment Program to provide temporary assistance to the unemployed. In order to get Nixon's approval of the bill, it had to be cut down to 110,000 jobs, and then the Administration allowed it to be rampantly misused for political and familiar payoffs.

The Office of Federal Contract Compliance suffers from the lack of authority to enforce its own guidelines. It has become clear that the current Administration has neither the interest nor the desire to see that women and minority workers have a fair chance to get jobs with federal contractors. On the contrary, the National OFCC Director has been told to go slow on compliance and has had his supervisory relationship with the OFCC Field Representatives taken away.

In regard to testing, the Civil Service Commission has held that the decision of the Supreme Court in ***Duke v. Griggs Power Co.*** which says tests must be job-related does not apply to jobs within the Civil Service Commission itself. And CSC continues to recommend and place potential federal employees in jobs using the results of tests that are patent non-job-related and furthermore have never been validated.

Finally, of those recommendations to the President here mentioned, the empowering of the EEOC to bring suit against groups not in compliance with the Civil Rights Act of 1964 was accomplished in Congress last March largely through the efforts of Members of this Caucus. Thus, two years after our Statement to the President, we find that only one of the recommendations was carried out—but only against the bitter opposition of the Administration, and in a weakened form.

Looking at America's continuing economic prosperity and an always rising GNP, it becomes more and more evident that all that is needed is a genuine commitment from this Administration to develop and implement a policy that says to every person able and willing to work—there is a job for you.

HEALTH

(Congressman RALPH H. METCALFE)

Racism is more than a matter of civil rights.

In a country with a gross national product exceeding $1-trillion, we are unable to take care of the basic health care needs of many citizens—especially blacks and other minorities. Priorities must be reordered so that a greater proportion of funds are allocated to meeting human needs and improving the quality of life rather than devoting huge amounts to developing weapons systems and increasing overkill abilities.

Yet, as it relates to the health crisis, the Nixon Administration pursues an active policy of health services retrenchment and cut backs of appropriated funds for health care.

More distressing is the President's failure to propose a health care plan which would minimally meet the health needs of all Americans. Instead, the Administration sends to Congress a program which amounts to nothing more than a billion dollar bonanza for private insurance companies—one which would add an extra eight percent of total health care transactions to insurance company coffers by 1974.

The Nixon response aims to assist the entrenched establishment of health care in America—the insurance companies, hospital bureaucracies and the private medical profession. It is just this establishment which confuses and impedes the development of a national program of health care for all citizens—and such a condition we can all afford to tolerate.

How great is the health crisis?

Among 20 industrial nations in 1967, the U.S. ranked 14th in infant mortality with 22 deaths per thousand.

Infant death rates are 80% higher for minority group members than for whites; 35.9 deaths for 1,000 live births for nonwhites as against 19.7 for whites.

The U.S. ranks 11th in maternal mortality, 22nd in life expectancy for men, and eighth in doctors per capita.

One quarter of all persons with family incomes under $3,000 have activity-limiting chronic conditions.

Persons in the poorest income categories are nearly four times more likely to have an activity-limiting condition as those in higher income ranks of $10,000 and over.

Those in high income classes are 3½ times more likely to have a routine physical examination and 4½ times more likely to visit a pediatrician or an obstetrician-gynecologist than persons in lower income groups.

Although most babies now are delivered in hospitals, as many as ⅓ to ½ of the women who deliver in public hospitals have had no prenatal care. For a poor woman, the cost of such care may be prohibitive and access to a clinic difficult.

The pervasiveness of the agony and torment generated by the health crisis can be seen in every major city in America. The reasons are readily apparent. Black physicians comprise only about 2.2% of the nation's doctors—a reflection of the history of discrimination which runs throughout the medical care field. And conditions in Mexican-American and Puerto Rican communities may be even worse; as many as 44% of nonwhites have no health insurance as compared with only 19% of all whites.

Faced with these distressing conditions, the Nixon Administration has taken an about-face in expanding government activities in the health sector. Prior to enactment of Medicare and Medicaid in the mid-1960's, the federal government confined its health activities primarily to regulation of drugs and medical devices and to construction of hospitals. Under the Johnson Administration came establishment of new and innovative programs for health. Laws authorized substantial amounts of funds for construction of mental health facilities, medical schools and public health schools. For the first time, federal money was allocated for regional medical programs for heart, cancer and stroke research. Programs were established for vaccinations against communicable diseases and to assist the mentally retarded.

Such programs as the Comprehensive Health Planning and Services Act of 1966 and the Health Manpower Act of 1968 all received overwhelming bipartisan support in Congress. Now, the Nixon Administration has made health care a subject of controversy. President Nixon has blocked major congressional initiatives. He vetoed:

The Hill-Burton Medical Facilities Construction and Modernization Amendments in 1969 after it unanimously passed the House.

A measure to increase the supply of family doctors, after it was approved by Congress with only two dissenting votes; Nixon waited until Congress adjourned for Christmas to utilize a pocket-veto and thus avoid an almost certain over-ride.

Appropriations for the Departments of Labor and Health, Education and Welfare totaling millions of dollars slated for health programs. Since the President has not sent Congress any meaningful proposal for national health care insurance and since he has backtracked on his support for health maintenance organizations, these vetoes are irresponsible.

On rank-and-file health programs authorized under the Public Health Service Act, the Nixon Administration either has no view or recommends against any extension. For example, during hearings on the "Emergency Health Personnel Act Amendments" last year, the Administration portrayed characteristic negativeness. A spokesman acknowledged there was a need to get doctors into scarcity areas and that this was a specific Nixon objective. However, the spokesman urged that the legislative authority to do so not be extended, pending review—a contradiction in positions at best.

Since Congress has not acted on any viable proposal to obtain better health for all citizens, the "buck" stops here. We must realize there are no easy answers and that no single program is going to work for all the people. There must be a continuing effort which no doubt will include national health insurance. Enormous costs of such a program necessitate a closer look at how services are delivered. And, because health problems are so interlaced with social and economic hardships, Congress must design a health care package which adequately meets the needs and aspirations of poor and minority groups. Finally, we must deal with the entrenched and highly active health providers who oppose needed changes.

We can achieve better health care for all citizens. The President must reorder priorities to end the disgrace which exists in the health care field today.

Minority Economic Development

(Congressman Parren J. Mitchell)

Historically, the struggle of Black Americans and other minorities for inclusion in the mainstream of American life has been preoccupied with obtaining and seeking enforcement of civil rights and other constitutional guarantees through vigorous affirmative action by the federal government. It was a preoccupation that I feel was necessary and vital for Black survival.

However, the tenor of our struggle in recent years has changed. Today, Black Americans and other minority groups are actively and vigorously seeking full participation in the economic process. The seventies have brought recognition of the fact that equal justice and civil rights are linked to economic security, and that political empowerment must be undergirded by economic empowerment.

As a result of this new dimension to our seemingly never-ending endeavors to achieve full participation in the American system, various inadequately funded government programs have sprang up purporting to address themselves to our economic plight. Despite this Administration's stated commitment to minority owned business as a first line effort to address Black needs, performance has fallen far short of the promise. While the Office of Minority Business Enterprise has moved from a powerless public relations office to achievement of some visible progress, the overall performance of the Administration has tended more toward rhetoric than reality.

In 1969, the Department of Commerce conducted a census of minority business which showed all too clearly where minority business stood in the American economic system. The minority Business Census Report revealed that approximately 322,000 minority business enterprises (representing only 4% of the total number of all enterprises), had total receipts of $10.6 billion, and accounted for a mere .7% of the receipts reported by all U.S. firms, even though minorities—Blacks, Indians, Eskimos, Puerto Ricans, Mexican-Americans, Cuban-Americans and others—constituted 20.89% of the total population, as of the 1970 census. At last, the extent to which minorities was excluded from the American marketplace was known. This report only bore out what many Black Americans and other minorities had suspected all along.

Supposedly in response to this situation, a March, 1969, Executive Order created the Office of Minority Business Enterprise (OMBE), to serve as the coordinator of all federal efforts to enhance minority enterprise. Although OMBE's credibility in the minority business community has risen considerably since the days of its beginning, there is an inadequate commitment of funds to underwrite vastly expanded loans from the private sector through OMBE.

As a result of this modicum of success, it appears that the Administration is going to put most of its minority enterprise emphasis in OMBE. But this position is looked upon cautiously by minority entrepreneurs and businessmen, and with good reason. Many minority businessmen, who generally are delighted with OMBE's new face-lift, express caution and concern about OMBE's future and indeed the entire government minority enterprise program.

Many Black business leaders see important gaps in OMBE's program still, and a "need for substantially more funds if OMBE is going to make a dent in the minority enterprise problem".

Moreover, technical assistance and training alone are not enough. Other facets of the total minority enterprise program seem less promising and less well supported than the OMBE program. For instance, although the Small Business Administration (SBA) has increased its loans, guarantees, and other forms of credit support from $107.1 million in FY 1969 to $297.5 million in FY 1972, of the total loans and grants made to all small businesses, the percentage going to minority businesses has actually declined over the past two fiscal years.

The Office of Economic Opportunity's Title I-D Special Impact Program (now Title VII under the most recent OEO legislation), which venture capital as well as technical assistance and support funds to Community Development Corporations, buttressing their efforts to lessen the impact of unemployment and underemployment in urban and rural poverty communities, have decreased grants from 31,241,000 in Fiscal Year 1970 to 24,000,000 in Fiscal Year 1972.

It is this kind of backsliding in minority programs that has caused many Black Americans to be apprehensive about the future of minority enterprise programs, for there is no indication that these declining allocations will be reversed nor will they be ploughed into OMBE programs to cover these slippages from other agencies.

By far the most highly touted program instituted early in the Nixon Administration was the Minority Enterprise Small Business Investment Companies Program. Established in November, 1969, the MESBIC Program was to specialize in providing loan-term venture capital to minority businesses. Since very little federal money is available for equity investment, the private-sector was looked upon to furnish the needed equity capital. The MESBIC concept was to be the vehicle to lure this private sector equity capital.

Despite high expectations voiced by then Secretary of Commerce Maurice Stans in 1969, MESBICS have been put on the back burner of the Administration's list of priorities. Three years after the program was launched, it is only half-way toward the goal of 100 investment companies set for July, 1970. The FY 1972 Progress Report on minority enterprise programs proudly points out that the 51 licensed MESBICS have a total private capitalization of $17.5 million. This, however, is a far cry from the 100 MESBICS with private capital of $225 million envisioned by the Nixon Administration.

Moreover, of the $36 million MESBICS are eligible to borrow from SEA for reinvestment, only $5 million has been actually received from SEA. The 1972 Fiscal Year Progress Report also beams with pride that 442 financings were made by MESBICS by the end of 1972, using $7.6 million of MESBIC capital to generate $35.9 million for the same portfolio companies in additional investments and SBA guaranteed bank loans. When viewed against the enormous capitalization disadvantaged businessmen need if they are to have more than a miscroscopic share of America's business, the MESBIC achievement is hardly impressive. Despite recent legislation to improve MESBIC operations, the program still suffers from lack of administrative support funds, too much emphasis on Mom and Pop store-type businesses and undercapitalization.

It has been stated over and over again that the real growth of minority enterprise will come only when the private sector is made to recognize that investing in minority business is good business. But the private sector has at best, put only a minimum amount of capital into minority businesses, at worst they have adhered to an attitude of diffidence toward minority enterprise.

Although Federal procurement has shown a substantial percentage increase in recent years, the total of $393.9 million for FY 1972 (inclusive of $151.6 million of 8(a) procurement) still represents less than .4 of 1% of all Federal procurement.

The Congressional Black Caucus was not impressed then, and it is not impressed now. It is true that increases have been made in Federal procurement but present levels are still only a drop in the bucket of this multi-billion dollar business.

In our original 61 recommendations to the President in March, 1971, we recommended that "in addition to increased federal support and employment of direct set-aside programs for all procurement, that he support the enactment of legislation requiring that contractors working on federally-assisted and financed projects set-aside a specified percentage of their subcontract work for minority firms."

Again we submit the above recommendation to the President as well as to the Congress, for the recalcitrance of major contractors has denied minorities access to their fair share of the government procurement market. By his own admission, Mr. Thomas Kleppe, Administrator of the Small Business Administration, stated that there is major resistance from middle management, in both government and the private sector, toward minorities obtaining a piece of the Federal procurement action in particular, and economic parity in general.

In addition to increased federal financial support, new and innovative programs and legislation are essential. For instance, one such piece of legislation was introduced in the Senate in the last session of Congress. This bill proposes to guarantee equity investments in minority businesses by private investors. This is the kind of legislation that should be seriously and actively discussed, analyzed, and pursued by both the Congress and the Administration.

We urge the President to continue to fund Community Development Corporations which, as part of OEO, are under administration attack. Despite inadequate funding, CDC's have contributed significantly in the creation of jobs, increased community income, and expanded minority ownership opportunities. Support should also be continued for the highly innovative and promising demonstration programs of the Opportunity Funding Corporation.

The Congressional Black Caucus also continues to urge the creation of a major federally-financed guarantee organization to insure securities and obligations of CDC's.

To seriously address the continuing problem of scarcity of risk capital for minority enterprise, an independent publicly-funded development bank should be organized with an initial appropriation of 1 billion dollars. This agency should be under the direction of a board with broadly representative minority membership.

As far back as 20 years ago, the federal government recognized the need to undergird U.S. corporate investments overseas. Over the last 20 years the State Department, and more recently, additional governmental mechanisms, have written some $7 billion of insurance and guaranteed loans totaling $160 million for major U.S. corporations.

Our minority business development effort, deserves and needs the same type of government consideration before the present downward trend can be corrected. The Congressional Black Caucus urge the President and our Congressional colleagues to meet the real needs in minority enterprise. We must provide the true resources needed to establish a development bank for minority enterprise.

Even were the President and Congress to implement every recommendation in this report immediately, it would not be enough to lift Black and other minority Americans to anything approximating economic equality during the life time of anyone now alive. For historically Black, Brown and Red Americans are the *only* Americans who have never benefitted from preferential economic treatment by the federal government. Enslaved Blacks, embattled Indians and economically enshackled Chicanos were in poor position to capitalize on the Preemption and Homestead Acts, so that the vast majority of the 1.6 million families who acquired western homesteads were white Americans, many of them recent immigrants. Having been excluded as landholders, minority Americans were in poor position to benefit from the expansion of agricultural credit in the first third of this century. Even less were they in position to take advantage of what DuBois has described as "the widespread custom" during the Industrial Revolution of "public investment for private profit." When federal, state and local governments paid three-fifths of the cost of the railroads and handed them over to individuals and corporations, no Black man profited or gained a piece of ownership.

Thus it is no accident that Blacks are today among the most propertyless of all Americans, excluded from the mainstream of the American economy—not by their own indolence or lack of entrepreneurial instinct, but by the fact of slavery and its aftermath, which placed them on the sidelines when the great national giveaways were occurring. Only, then, by a massive program to bring large numbers of these propertyless people into the ownership class can America hope to convert them from opponents of the economic and political system which now excludes them to supporters of the system. This goal cannot be achieved cheaply. It cannot be achieved by awarding a few franchises, establishing a few hundred small businesses—or even creating a few Black millionaires. Achievement of this goal means that minority Americans must be given preferential access to investment capital, and preferential access to sheltered markets. Therefore, the Congressional Black Caucus calls once more on the President, the Congress and the nation to initiate a truly effective minority economic development program.

CRIME AND NARCOTICS ADDICTION

(By Congressman CHARLES B. RANGEL)

President Nixon attempted to give the impression of significant progress in the drug and crime war by his May 1971 responses to the recommendations of the Congressional Black Caucus. But the claims of tremendous efforts in law enforcement, drug rehabilitation, and education do not begin to paint an accurate picture.

During the first four years of the Nixon Administration, we have seen the narcotics addict population in this nation double in size; we have watched the spread of heroin and other harmful drugs to our elementary school children; we have seen the flow of illegal heroin into this nation jump from under 5 tons to around 10 tons; and we have experienced an increase of 60 percent in the number of violent crimes committed.

In the area of drug abuse and crime prevention, despite any claims to the contrary, the real state of the union after four years of the Nixon Administration is a sorry one at best.

During the last year of the Johnson Administration, 4,500,000 serious crimes were reported. In 1971, after three years of the Nixon Administration, 6 million serious crimes were reported; and this was to have been a "law and order" administration.

In two of the communities I represent, the Harlem and East Harlem sections of New York City, the ever-present crime is inextricably bound to the plague of drug addiction. As in communities across this nation, between 50 and 70 percent of crime in these two communities is drug related.

In fact, the problems of these communities are but a small sample of the picture across the country. A recent Gallup poll of urban residents showed crime in the streets identified as the most important problem facing America today. One in three of these persons had been a victim of crimes against person or property, with one in five among all Americans being personally victimized.

An examination of the Harlem section of New York does present, however, some clear evidence of what the future holds and what the present is like for other areas.

According to an extensive survey of the Harlem community by the Small Business Chamber of Commerce of New York, 51.2 percent of those interviewed said they had been victims of criminal assault during 1970. Sixty-nine percent of those interviewed blamed the narcotics addict for the recent increase of crime in Harlem.

In a study conducted by the New York State Narcotic Addiction Control Commission, 11,762 of the 52,479 narcotic arrests in New York City for 1971, or one in four cases, occurred in Harlem.

Even more alarming than the stark statistics on drug addiction and crime is the effect of these forces on my District and the rest of the nation. The Fleischmann Commission study of New York's schools and the roving hearings held by the House Select Committee on Crime found evidence that between 40 and 50 percent of this nation's high school students have used or are using some form of mind-altering drug.

Reports from Miami to Seattle tell of 8-year-olds beginning to experiment with drugs and cases of heroin addicts who are this young are not uncommon in areas of high addiction concentration.

The National Institute of Mental Health reported that in 1971, for example, there were 18,000 addicts living in a 40-block area in Central Harlem. Of these, approximately 6,000 were between 16 and 21 years of age, and 2,000 were between 7 and 15 years old. There are an estimated 40,000 addicts in all of Harlem, about one in every 6 people.

DRUG EDUCATION A FAILURE

In the face of these kinds of staggering problems, the Nixon Administration launched a "drug education by horrification" program which, by the Government's own evaluation, is doing more harm than good. Particularly in the area of drug films, the Administration's use of overly simplistic approaches bolstered with twisted or inaccurate misinformation has succeeded mainly in convincing some formerly uninterested youths to try drugs out of curiosity.

I am sure the nation's pushers are extremely pleased with the state of the union when the Federal Government helps them sell their deadly goods.

U.S. AIDS ASIAN HEROIN TRADE

While this stream of daily death pours into every corner of our society, this Administration has seen fit to subsidize, with tax dollars, the Air America Company. This company, according to Congressional studies, aids in the transport of heroin from Southeast Asian poppy fields to nearby refineries. "Air Heroin", as Air America is sometimes called, travels its routes of death and destruction under the supervision of the corrupt generals and government officials in the totalitarian dictatorship of the Thieu regime in South Vietnam. This is happening at the same time the Administration has seen fit to refuse to provide money for adequate cemeteries to bury the thousands of Americans who died so that "democracy" might flourish in Vietnam.

ORGANIZED CRIME AND CORRUPTION FLOURISH

This is the real state of the union. In addition, only this year have the nation's criminal investigation agencies taken their heads out from under the nineteenth century to see the corrupting, cancerous criminal influence exerted by the Mafia and its followers.

The Knapp Commission report and other studies tell us that the New York City and other police departments are riddled with the kind of corruption that only the organized forces of international crime can generate. But this Administration's so-called Department of Justice spends its time filing suits to block the court and Congressionally-ordered integration of the nation's schools. This too, is the real state of the union.

ANTI-ADDICTION EFFORT NOT INCLUDED IN ANNOUNCED "WAR ON CRIME"

The inevitable link between heroin addiction and the criminal justice system necessitates an increased commitment of Federal funds to permit the criminal justice system to respond to the special problems presented by narcotics addiction. In his response to the recommendations of the Congressional Black Caucus in 1971, President Nixon stated that the Law Enforcement Assistance Administration was providing the impetus for the development of new and effective programs to reduce crime. The record of the nineteen months which have passed since this Presidential response shows clearly that LEAA has not addressed the problem of drug-related crime.

While LEAA funds have been invested in bigger and better armaments, including police toys, such as tanks and armored helicopters, the severe problems of revolving door justice for narcotics addicts have gone largely untouched by LEAA. Narcotics addicts typically are arrested, let loose on bail and often are re-arrested before trial on the first offense because of their continued need to steal to support their habit. Even if the addict is tried and convicted, as soon as he is released he will be back on the street stealing to support his habit if nothing is done to treat his addiction while in jail. Unless the criminal justice system intervenes to provide treatment and rehabilitation of the narcotics addiction at some point in this cycle, nothing is being done to help the addict or to protect society from his criminal activity.

TREATMENT METHOD INADEQUATE

The implications for Black and poor communities go far beyond the problems of crime and fear of criminal activity by narcotic addicts. The willingness of this Administration to pour the heroin substitute methadone into these communities without providing counseling, job training or placement assistance threatens to permanently narcotize a significant portion of the young and poor.

Despite the Administration's mouthings that drug abuse treatment and prevention is one of its "top priorities", there is scanty evidence of an appropriate effort.

How many addicts are presently under treatment? Although it is difficult to obtain reliable information in this area, the Special Action Office for Drug Abuse Prevention estimates that at the end of October 1972 there were approximately 60,000 narcotics addicts in treatment and rehabilitation programs in the United States, with another 30,000 addicts desiring treatment but remaining on waiting lists because existing programs are filled to capacity.

It is estimated by most narcotics treatment experts that half the nation's 560,000 addicts would voluntarily seek treatment if treatment were available. Thus, although actual waiting lists may contain only 30,000 names, there are an estimated 190,000 addicts who would like to obtain treatment for their addiction but are unable to do so.

That such a large number of sick people remain untreated in a society which has more than enough resources to provide adequately for their medical needs would be a national scandal if these 190,000 addicts were untreated tuberculosis patients.

Our failure to provide adequate treatment opportunities for 90 percent of the addict population is proof of our failure to adequately address the drug abuse problem as a whole.

The Federal Government bears ultimate responsibility for every ounce of heroin that enters the lifeblood of our society. The opium poppy cannot be grown in commercial quantity in the United States; it therefore must be imported through our borders, whose integrity is the responsibility of the Federal Government. So long as the Federal Government is unwilling to prevent the smuggling of heroin into the United States, it has the moral responsibility to alleviate the consequences of its failure by providing for the care of those who have become addicted to heroin.

ADMINISTRATION COMMITMENT LACKING

The Administration's fiscal 1973 budget was a disappointment to those of us who expected tangible evidence of substantial effort to meet the national emergency of widespread drug addiction, as declared by the President's June 17, 1971 message to the Congress on the drug problem. This message gave hope of a substantial new effort against drug abuse—it called for new approaches to the rehabilitation of narcotic addicts, and more coordinated Federal responsibility for the drug problem and spoke of new initiatives by law enforcement agencies against drug pushers and smugglers.

The Administration's fiscal 1973 budget, however, failed to provide adequate funding for the commitment announced by the President. Although the budget for drug abuse programs totaled $365.2 billion, a substantial increase over previous years, an examination of this increase showed that most of the additional funding was scheduled for programs designed to meet the problem of drug abuse in the military.

For example, of the $230.2 million budgeted for the treatment and rehabilitation of narcotic addicts in fiscal 1973, $84.2 million was allocated to the Department of Defense and the Veterans Administration, leaving but $146 million for the treatment and rehabilitation of civilian narcotic addicts. This $146 million represented only $21 million more than was allocated for nonmilitary treatment and rehabilitation programs in the fiscal 1972 budget and fell far short of the amount allocated by New York State alone for treatment and rehabilitation, which budgeted $161.5 million for drug abuse treatment programs during its 1971–72 fiscal year.

Thus the massive new Federal treatment an rehabilitation effort described by the Administration in the summer of 1971 withered in implementation to a program that is not even as large as that conducted by a single state, the State of New York.

As great as is the need to provide treatment and rehabilitation services for the returning addicted Vietnam veterans, the Federal Government cannot pretend to be waging a war against drug addiction if its increased spending for the treatment and rehabilitation of narcotic addicts is limited to the addicted veteran and provides no significant increases for programs for the treatment and rehabilitation of the large and growing civilian addict population.

There needs to be an immediate commitment by the Federal Government to provide treatment and rehabilitation to every narcotics addict in the country who desires it. beyond this there is the need to provide supportive services such as psychological counseling, education, and job training for rehabilitated addicts so that they may assume roles as productive members of society.

STEPS FOR CHANGE

The critical steps to bringing this about are:

1. The immediate enforcement of the Foreign Assistance Act provision I authored which provides that aid funds should be cut off when a country does not make every effort to stop the export of illegal drugs to the United States.

2. An immediate end to all methadone addiction control programs that do not offer supportive services, or the addition of these services to the programs. Also, the prohibition of heroin maintenance.

3. An all-out Federal crash program to find an effective non-addictive heroin antagonist.

4. The initiation of a Federal attack on organized crime at the highest level. The damage from this source is far greater than that from seasonal campus radicals or so-called ghetto revolutionaries. The F.B.I. and other agencies should put their efforts where the danger really exists.

5. At least a three-fold increase in the capacity of addiction treatment programs, remedial education, job training, placement and counseling services to meet the needs of our low income communities and the nation generally.

6. A revision of Law Enforcement Assistance Administration guidelines to mandate development of programs to combat drug-related crime.

7. Strict enforcement of drug laws at every level, with an emphasis on suppliers and major pushers.

8. A major tightening of our borders to prevent the heavy influx of illegal drugs.

9. An all-out Federal effort to clean up state and local law enforcement agencies where Federal laws are violated. I firmly believe the sagging confidence in our criminal justice system can be restored if we determine to root out corruption.

10. An immediate reform of drug education programs and drug treatment and rehabilitation programs to include greater input from members of affected communities and ex-addicts.

If this Administration can somehow be shown in the next four years that this nation will not survive under its present policies, these steps can be implemented before the cancers of crime and drug addiction destroy us.

Economy

(Congressman Andrew Young)

Nixon Administration economic policies have been disastrous for low income and poor citizens—especially when we analyze the suffering caused by the inequities of policies which have led to controls on wages, to soaring prices and to soaring profits.

Those persons fortunate enough to have jobs as wage earners are the main victims of Nixon's "New Economic Programs." At the low end, wages have been held in check, but prices have not been stabilized. While workers have produced more goods and services—raising gross national product by $100-billion in 1972 alone—the bulk of this increase shows up in record profit levels which rose 12% in less than a year. The prospect for 1973 looks to be the same.

Blacks, poor people and blue collar workers will see a lot more of the same from recently inaugurated administration, because, already they have been told by their President to "ask not what the government can do for you, but ask what you (poor people) can do for yourself."

We ask: What can the poor and blue collar worker do for themselves when for nearly 18 months a cruel, callous and repressive economic squeeze has been so tightly clamped about their life lines? Or, is Nixon really saying: "You take care of yourselves and I will take care of the rich and established."

The poor and working classes will not be able "to do for themselves" because:

Their jobs are the ones most affected by Nixon policies. Unemployment in the inner city—where the nation's poor generally live—has soared to post-war highs at least double the national average.

They pay an inordinate amount of their income for the basics, shelter, food and utilities. Under the Nixon policies, food prices have risen at the most rapid rate in a decade, inadequate controls on rents have made the poor an immediate prey of exploitative landlords, and utility rates have skyrocketed.

There have been no attempt to control insurance premiums, interest rates, mortgage rates, land prices, costs of homes, clothing, used cars, and furniture—key items purchased by low wage earners, welfare recipients, senior citizens and the poor.

They have no advocates within the Administration or on the agencies created to administer the overall economic policies.

And so, the law wage earner, the poor and aged have felt a rising assault by the privileged classes who are continually exempted and favored by the Nixon economic programs.

Nixon policies literally spit on the poor and working class, stifle and thwart organized labor and other organizing groups, and block drives for consumer action programs and other areas which daily affect the lives of millions of American citizens.

A first policy for this Congress must be to make sure that wage and price restrictions are equally applied. Working people will support a stabilization program—if it covers profits, investment earnings, interest rates, fringe benefits, as well as prices and wages.

But, the overall goal must be to return the economy to a system which generates growth and production instead of death and destruction. In such an economy we will be able to achieve maximum employment and production—along with stable prices—and we will not need any artificial controls.

We urge that the collection and utilization of federal revenues be reformed, beginning with an entirely new system of equitable taxation and expenditures of taxes collected from the people and as allocated by the Congress.

If Phase III of the Nixon game is to mean anything to the average American family, there must be strenuous attempts to equitably regulate prices, interest rates and profits. Compensatory individual tax allowances of substance will certainly be encouragement enough for the individual to do something for himself and his country. But, if Phase III turns out as did Phase I and II, then there are catastrophic days ahead, and the greatest burdens will once again be placed upon the poor, working poor and blue collar citizen.

Since President Nixon has consistently shown his economic interests are not with the poor and working American, it becomes the responsibility of Congress to provide the aggressive leadership in rebuilding an economy of peace and justice.

Racism in the Military

(Congressman Ronald V. Dellums)

The history of racism within the military dates back as far as there have been minority members of the armed forces. Yet, it was only 23 years ago—in 1948—that President Truman officially abolished segregation in the military. It took another fifteen years—until 1963—for the Defense Department to issue an initial directive opposing racial discrimination and calling for equal opportunity programs for minority servicemen and their families. Three years ago, Secretary Laird issued yet another directive condemning discrimination. Only after that directive did the military services move to implement programs and directives of their own dealing with internal racism.

Following the 1971 Congressional Black Caucus meeting with President Nixon, the Defense Department responded by setting up the Task Force on the Administration of Military Justice in the Armed Services and by promoting four blacks to the rank of General. However, we cannot accept these actions as anything but minimal first steps.

Certainly they have no real impact on the day-to-day practices which affect each minority serviceman; the arbitrary decisions, unfairness and blatant administrative and judicial practices which render stated policy meaningless. Complaints received daily in Congressional Black Caucus offices from minority servicemen indicate that existing Defense Department policies are negated continually by lower grade commanding officers and NCO's.

The very existence of these directives has led many minority servicemen to expect equal participation in every level of the military. This has not been the case. For example, although the total proportion of officers to enlisted men has risen significantly over the past three years, minority officers are still drastically under-represented; out of a total enlisted strength of 1.6 million, blacks now comprise 249 thousand or over 13%; but only 7900 men or 2.3% are officers. And minority servicemen continue to receive the least desirable job classifications and opportunities for advancement.

For black servicemen, justice in the military is usually a travesty.

Minority servicemen receive a vastly disproportionate percentage of Article 15 punishments, of pre-trial confinements, and of less than honorable discharges; thus making it more difficult for black servicemen to obtain jobs and training on return to civilian life. According to the Pentagon's own recent Task Force on the Administration of Military Justice, ". . . Black servicemen receive Article 15 punishment in greater numbers than their proportionate number within the armed services." Over one-fifth of those men in pretrial confinement were black—with the average length of such confinement 34 days, over five days longer than the average confinement of whites. With only 1% of the military attorneys available to defend them being blacks civilian groups have been forced to organize to see that the minority servicemen receive the counseling and legal help they require.

In November 1971, the Congressional Black Caucus held specific hearings on racism in the military. These hearings brought out that racism has become institutionalized at all levels of the military. We saw that this racism takes many of the same forms as in civilian life; slow advancement; over-literal interpretations of the regulations' punishment disproportionately borne by the minority; the difficulty or even impossibility of obtaining fringe benefits; subtle and not-so subtle harassments and many others. This situation is worse in the military since civil rights are so difficult to protest in this closed society and there is so little publicity of the violations.

What we in the Caucus heard about—and warned both the Congress and the Pentagon about—in 1971 exploded last year. Minority servicemen clearly indicated they would no longer passively accept the racism which confronted them in the military. They were well aware of the directives which had been issued; they expected that commanding officers would heed these directives; time after time they brought these problems to the attention of their superiors. And yet, after investigations were completed, the replies they received were invariably similar: "You are *not* being discriminated against," they were told.

Whenever violence occurs, the reaction of the military has been to focus attention on acts of violence and not on circumstances which produced this response. The minority serviceman found himself punished for his reactions to racism—while no attention was given to the causes of his discontent.

Yet, the unique feature of the military which offers the hope of real change is its authorization reward-punishment mechanism which conditions the survival and the chances for advancement of members of the military. The Black Caucus accepts these black servicemen as their constituents and insists that compliance with equal opportunity policies become an effective part of the reward-punishment system, even to the extent of making racial discrimination punishable by court martial.

The Congressional Black Caucus believes that racism in the military must be eliminated—not only because of its debilitating effect on racial minorities, but also because racism in the military poses a serious threat to our national security. Certainly this nation cannot be secure as long as the armed forces are more concerned with protecting themselves against their fellow servicemen than with fighting any external enemy. The increasing polarization of blacks and whites in our armed forces is rapidly approaching the point where the overall effectiveness of the military as a fighting force will be seriously hampered, if not completely stalemated, by its inability to eliminate this internal racial strife. Therefore, it is obvious that drastic and far-reaching changes must be initiated immediately to insure that racism and discrimination toward all minority groups in the military is finally eliminated.

Realizing that we can depend less and less on an insensitive administration for solutions to these very serious problems, the Caucus recommends that legislation be enacted by Congress in the following areas:

Promotion of the Deputy Assistant Secretary of Defense for Equal Employment to Assistant Secretary of Defense for Equal Employment, so that he will be able to report directly to the Secretary of Defense.

Amending the UCMJ (Uniform Code of Military Justice) to make racial discrimination a court martial offense.

Amending the UCMJ to remove all civilian crimes and offenses from military control and returning them to the civilian courts.

Allow non-military personnel to be represented on court-martial boards and have selection-at-random from the entire base population.

Establish more explicit conditions which would allow for release of those held in pretrial confinement.

Guarantee that persons charged under Article 15 would have the right to confer with legal counsel before accepting or rejecting the article.

Elimination of all punitive discharges and establishment of certificates of service.

Foreign Policy

(Congressman Ronald V. Dellums)

In 1969 and again in 1973, President Nixon talked about a "generation of peace" and a new era in our relations with the other countries of the world. To achieve these goals would require a complete re-orientation across the entire range of American foreign policy. Yet, not only has the Nixon Administration failed to begin this massive effort, but it has intensified reliance on power politics and the brutal use of force to achieve ends.

A real "generation of peace" cannot begin until America realizes the heritage of unfairness and oppression found in the history of its foreign policy. Ever since America became a world power, foreign policy has been based on callous disregard of the rights and aspirations—many times even the lives—of non-Western peoples. Just as America's non-white minorities have refused any longer to accept an inferior status within America, we refuse to accept a foreign policy based on the implicit inequality between whites and the Third World.

Nowhere is this underlying racism more clear than in Southeast Asia, and in the ability of President Nixon to continue for so long acts of senseless destruction and devastation without either effective protest or control at any time by Congress. We do not believe any President would have been allowed to perpetrate this insane policy against any white nation. We do not believe that any number of POW's would justify a policy of terror directed against an entire nation—if that nation were European. We do not believe the costs of the war would have been tolerated if the Administration were not adept at shifting them to the backs of black and poor people.

Every one of us is aware of the President's failure to make good his promise of a speedy withdrawal from Indochina. Yet the full dimensions of the costs of the war have been difficult to grasp. The plain fact of the matter is that our adventurism in Southeast Asia still continues to cripple the efforts of black and poor Americans to bring about desperately needed reforms in the community and the nation. The President has felt compelled to cut deeply, not only into reform efforts, but also into basic domestic services. Even as this War ends, misdirection of financial resources will cost us dearly now and in years to come.

No matter what we are told by Administration and Pentagon spokesmen about alleged dwindling defense budgets and economic problems that stem from whatever minimal cutbacks in domestic military spending have occurred, in reality this country still allocates $10 to $20 billion too much each year for defense. By making military decisions primary and domestic decisions only secondary, this Administration shows a basic misunderstanding of the real sources of American strength.

Material costs of the War have been high, but spiritual costs have been even higher, for we have been asked to exchange the true pride that comes from the commitment to our national ideals on equality and self-determination for the false pride based on belligerence and abuse of power.

The government began this undeclared war not in reaction to any real threat to the nation but on the basis of a foreign-policy calculation that the United States could contain the Russian and Chinese superpowers through the small country of Vietnam. Now the Nixon Administration tries to reach over the heads of the Vietnamese and settle the war on the basis of an understanding between the Great Powers. This kind of diplomacy may bring peace to the United States, but let no one imagine it has brought peace to Vietnam, that it has succeeded in leaving Vietnam anything but a legacy of continuing violence. The Vietnamese will not be at peace until a stable solution is found by the Vietnamese themselves, not by any outsiders, whether they be Russian, Chinese, or American.

Even more disheartening, Nixon's entire foreign policy seems based on the ease with which the U.S. takes more from the Third World than it ever intends to give back. Economic aid and trade investment policies build up economic structures useful only to this nation's establishment and not to the host population. America's power over markets is used to monopolize raw materials without paying a truly fair price. Although many people are under the impression that U.S. foreign aid is helping to equalize world income, the truth is that the gap between the rich nations and the poor nations continues to increase. The rate of economic growth of the poor countries is in a losing race with the rate of population increase, while America's swollen economy takes more and more of the raw materials and energy sources needed to attain our standards of living. No one can expect this situation to continue without bringing about confrontation on a global scale. There is no evidence that the present Administration has any realization of the magnitude of this crisis.

The Nixon Administration still ties national prestige and power to dictatorial regimes that have to rely on American support to maintain themselves against their own people. Nowhere was this more true than in the shocking tragedy of Bangladesh where power politics took precedence over human decency. As in the case of Chile, the

Administration still shows blind hostility to any government—no matter how democratic or nationalist—that threatens any U.S. business interest. Black Caucus members have introduced legislation to end our military aid to the Brazilian generals, to maintain economic sanctions against the Rhodesian minority government, to end U.S. involvement in the South African forced-labor economy, and to re-orient foreign aid efforts with a massive increase in truly helpful economic aid. But these efforts met with little success.

The Black Caucus hopes that the truce signings really mean a final end to the insanity of using America's wealth to make life miserable for people who never did us any harm. We hope that pressures for continuation of hostilities are successfully withstood.

But we also intend to do much more than hope. We call on Congress to assert the responsibility it has evaded so long. Congress must ensure that "withdrawal" signifies more than an empty phrase—and that the Pentagon and its friends understand it. Congress must no longer allow secret wars to be fought anywhere. And if Nixon characteristically tries to reverse course, Congress must refuse all funds for any further terror diplomacy.

The State of this Union will continue sick and distrustful, unready for the challenges that lay ahead until the blight of the War and all it represents is finally lifted from the country and from the black and poor communities. It is time to begin; to face our responsibilities to the erst of the world; to cease killing and maiming and to start working towards solutions to our common problems.

EDUCATION

(Congressman WILLIAM L. CLAY)

Education in America has suffered many setbacks during the first four years of the Nixon administration, with the years ahead looking leaner still as the budget trimmers recklessly perform their "fat trimming" operations, cutting into the very fiber of our educational system, and threatening the goal of quality education for all our citizens.

In October 1968, candidate Nixon promised: "When we talk about cutting the expense of government—either federal, state or local—the one area we can't shortchange is education". This was indeed a laudable and promising beginning. How unfortunate then that these words were not given meaning through Presidential actions in the first term of the Nixon administration, how incredible that these sentiments should now be labeled, "the sacred cow" of Congress.

In March of 1971, the Congressional Black Caucus presented the President with a list of recommendations for action in the area of education. We began by recommending the initiation of a program of comprehensive child development services to be provided as a right to every American child. This was a commitment which the President himself had publicly articulated in 1969, but which he emphatically reversed by vetoing the OEO and Child Care Amendments in December 1971.

We called for the strengthening of Title I of the Elementary and Secondary Education Act, urging the full and advanced funding of this Act, and stating our opposition to the proposed system of block grants to supplant Title I and various other categorical programs. The administration's response has been one of all-out support for educational revenue sharing, a proposal which threatens to dilute the funds presently going to Title I, and diffuse the impact of compensatory education by subjecting such programs to the machinations of state and local politics.

Recognizing the extensive power of the Office of the President, we called upon Mr. Nixon to exert national leadership to meet the Constitutional commitment of equal opportunity for all men. The response of his rhetoric has been sorely contradicted by the clear expression of his actions supporting two major legislative assaults on these rights, through the successful inclusion of a busing moratorium in the Higher Education Amendments of 1972 and the prohibitions of busing fundamental to the Equal Educational Opportunity Act.

Finally, we recommended an increase in Federal aid to higher education in the form of increased student assistance and aid to black colleges and universities. Congressional passage of the Higher Education Amendments implemented several of our suggestions for helping students finance their educations, but the President's present spending level and new budget for these Amendments substantially obstructs their full implemention.

Since coming to office in 1969, this administration has vetoed six major pieces of legislation in the area of education alone, including four bills to provide badly needed funds for the current school year.

The President vetoed the 1971 Child Development bill; fought passage of the Drug Education Act to help schools teach children the dangers of drug abuse; and opposed passage of the Environmental Education Act to support school ecology programs.

Even when the President has not vetoed vital education measures, he has often refused to spend the amounts of money appropriated by Congress. Examples of these lower spending levels include: zero spending for Title III of the National Defense Education Act, this despite Congressional appropriations of $50 million for the acquisition of education equipment; nor are funds being spent for Title 5C of the Elementary and Secondary Education Act which provides aid to State departments of education for planning and evaluation; nor for the Career Education Program.

Most prominent among these programs is Title I of the Elementary and Secondary Education Act, which has long been an object of Presidential scorn, and which has never been fully funded to the $7 or $8 billion level authorized. Even the present spending level of $1.5 billion was achieved only through strong and persistent Congressional pressure. Congress last year added about $200 million in Title I funds, which are presently embargoed due to the President's veto of the Labor-HEW Appropriations.

Federal expenditures for Title I have actually been shrinking relative to the total budget and the impact of inflation. Since 1965, Title I appropriations have increased by some $638 million, but the percentage of Title I funds in the total budget has dropped from 0.7 to 0.6 percent. When this is added to a cumulative rate of inflation of nearly 20 percent, the decline of effort becomes quite considerable and most disconcerting in light of the fact that only about ⅓ of the eligible children are presently being reached.

The President's proposed education revenue sharing would further dilute the impact of Title I by combining Title I funds with emergency school aid funds, with little likelihood of significant increase in funds for either, and the potential threat that existing funds may be diverted, or functional programs terminated.

Over the past few years, there has been considerable controversy over the effectiveness of compensatory education. We must closely examine the real facts concerning the operation and intensity of focus of existing compensatory education programs. In so doing, we will probably find that funds and resources are being diffused to such an extent as to make their impact negligible. Let us look at the record of the Kansas City and Philadelphia public school programs where ghetto kindergarten students are successfully learning to read, a skill their more affluent white counterparts will not be formally taught until the first grade. This suggests that the cycle of failure for ghetto children can probably be terminated at the source if resources and efforts are concentrated on the real problem.

In 1972, Congress enacted an administration proposal amending the Higher Education Act to prohibit the implementation of court orders calling for the busing of school children, pending the exhaustion of judicial appeals. Several months later, the House enacted an administration measure which sought to provide equal educational opportunity by prohibiting busing beyond the next closest school and permitting the re-opening of prior court desegregation orders. Fortunately, the vigilance of the Senate prevented its enactment into law.

These measures represent a complete retreat from responsibility, and a tragic failure of moral and political leadership. They claim to advance the cause of equal education, while blatantly denying these opportunities to millions of poor and minority children. They propose to consign untold numbers to separate and unequal educations, with little regard for the tragic social and educational consequences.

The issue of busing has nothing to do with the fundamental quality of education—rather, it has long been recognized as the most immediately feasible tool to provide children access to the best available educational opportunities. We must continue to utilize it, while seeking out more satisfying and permanent solutions.

If this administration and the nation are truly concerned about equal education, they will move beyond the sham of busing to the more fundamental issue of the financing of education. Recent court decisions in this area have established that a basic inequity exists in the present reliance upon property tax for the financing of education. Moreover, the use of local property taxes to finance schools violates the 14th Amendment by making educational opportunity a function of local wealth.

If we are to guarantee equal education, we must implement the recommendations of the President's Commission on School Finance that "each state assume responsibility for raising and allocating educational resources", and for increasing the present 7 percent federal share of total educational expenditures, so as to more nearly equalize resources among the states.

A final area of concern must be the financing of higher education. In 1971, the Caucus called for a 70 percent increase in Federal aid to higher education in the form of increased student assistance and aid to black colleges and universities. While Congressional passage of the 1972 Higher Education Amendments implemented several of our suggestions, the financial crisis being faced in higher education is increasingly acute, particularly for black institutions and black college students.

Approximately 85 black institutions of higher education provide 80 percent of the total black graduates annually. Black institutions are also principal educators of the poor, educating some 17 percent of the college enrollment from low-income families. A full ⅔ of the graduates from black institutions come from families with an income of $5200 or less—a remarkable achievement in light of a national figure of less than 10 percent of the population from that income level ever receiving a college degree.

In 1970, federal funding to these institutions totalled $125 million, or 3.4 percent of the total federal budget for higher education. A full 45 percent of this aid goes into student financial aid, as opposed to the average of 21 percent in other institutions.

Most of the federal aid received by these institutions is from the basic education programs of HEW. Black institutions receive only 0.3 percent of all the funds allocated for research and development—a fact which severely limits the growth of these institution's and their students in the critical areas of physical sciences and medical and nuclear research.

If these institutions are to continue to provide the training and education necessary for poor and minority students to take an active role in the society, the sources of revenues available to them must be greatly expanded. The federal effort both in terms of direct aid to institutions, and more importantly, in the providing of financial aid to students, must be substantially increased.

At every level the American educational system is being challenged to provide quality educational opportunities for all our citizens. The President's record, and recent budget statement, however, give little hope for an increasing federal role to meet this challenge.

The Members of Congress must, therefore, assume the responsibility and exert the necessary leadership to fulfill this commitment. We, the members of the Congressional Black Caucus, reaffirm our support for legislative action to provide comprehensive child development services, as a right to all American children.

We deplore the decrease in effort for Title I which has occurred under this administration, and again call for the full and advanced funding of this program.

We call for the re-instatement of vital sources of financial aid to students available under the direct loan and educational opportunity grant programs, programs which Congress deliberately maintained in the Higher Education Amendments of 1972.

Finally, we urge Mr. Nixon, to recall his 1968 commitment, and call upon him to fulfill that promise not to shortchange America in the field of education.

THE CRIMINAL JUSTICE SYSTEM

(Congressman JOHN CONYERS, Jr.)

America's criminal justice system is a source of anything but justice, and is in itself "criminal" in nature given the manner in which it victimizes both the public at large and the luckless thousands whom it apprehends, tries in its courts, and condemns to schools of crime and recidivism. In its most direct contact with crime—prevention, detection, apprehension, conviction, and correction—the system of criminal justice fails miserably to do anything about its reduction.

If it is to succeed, the criminal justice system must be viewed as a process, all components of which must unfold toward the same goal, namely, the prevention and control of crime and the rehabilitation of offenders. To succeed, this system must flow humanely, efficiently, and with justice from police to prosecutor to judge to jailer. The success of each function depends upon the effectiveness of all. The failure of any one component insures the failure of the entire system. Yet, as it exists today, the criminal justice system has broken down at every conceivable stage.

An overwhelmingly disproportionate number of victims of the criminal justice system spring from the black, poor, exploited, and alienated sectors of American society. Despite the capture of the crime issue through "law and order" rhetoric, black men and women fall victim to crime and are subject to arrest entirely out of proportion to their numbers in the general population. 27% of all individuals arrested nationwide are black, even though blacks comprise only 11% of the total population. Selective enforcement of the law has become the rule of the day. It has been estimated that the total cost to the American public resulting from corporation price-fixing alone is at least equal to all costs resulting from crimes against property. Yet blacks are arrested and subjected to police brutality out of proportion to their numbers, while white collar crime and "crime in the suites" continue to be politely tolerated by law enforcement officials. More blacks than whites have been executed in the United States, and this does not include lynching, so-called self-defense, or police killings.

Two-thirds of the arrests take place among about 2% of the population. And where does that 2% reside in every city? It is in the same place where infant mortality is four times greater than in the city as a whole; where the death rate is 25% higher; where life expectancy is 10 years shorter; where common communicable diseases with the potential of physical and mental damage are six and eight times more frequent; where education is the poorest; where alcoholism and drug addiction are prevalent to a degree far transcending that of the rest of the city; where, in short, dehumanization, alienation, and exploitation hold the lives of the poor in a relentless grip.

The failure of the Nixon Administration to deal in any substantive way with criminal justice reform can best be seen in the virtual non-performance of the heavily-funded Law Enforcement Assistance Administration (LEAA). On March 25, 1971, the Congressional Black Caucus met with President Nixon and included in its sixty specific recommendations for governmental action several concisely worded criticisms of the LEAA performance. The President's reply to those criticisms was, for the most part, totally inadequate:

LEAA continues to devote a disproportionate percentage of its funds to the execessive purchase of weapons and hardware for local law enforcement agencies, a policy which totally defies any rational approach to the long-range reduction of crime and injustice by the federal government. For the President to reply that "LEAA has fostered the broadest program of criminal justice reforms and improvements in the Natiton's history" is grossly misleading, since LEAA is, in fact, the *ONLY* "comprehensive" crime control program. The President's reply says nothing regarding the *quality* of that program, referring only quantitatively to the millions of LEAA dollars spent in various ways.

The LEAA Block Grant Program remains essentially a fiscal relief program devoted to beefing up criminal justice system components as they presently exist, and doing precious little in an innovative vein. In FY 1971, 42% of all LEAA block funds went for police, primarily police equipment, reflecting a distorted vision of which component of the system is in most dire need of funds at this time. The only innovation that ever takes place occurs when an occasional isolated local official decides to use LEAA money to effect criminal justice reform. LEAA itself has failed to provide leadership to the states for criminal justice reform.

Although LEAA now does require some degree of Title VI compliance with regard to grantees, Title VI enforcement remains, on the whole, totally inadequate. For example, LEAA has never considered the degree to which saturation policing grants and other programs which result from its funding lead to discriminatory practices.

Meanwhile, to this day, virtually no internal research, planning, or evaluation of LEAA programs are conducted by LEAA itself. According to the National Council on Crime and Delinquency (NCCD), whereas less than 1% of LEAA funds are now devoted to evaluation, no less than 12% of funds provided by LEAA for each program should be devoted to this purpose. LEAA has no idea what the specific impact of its block or discretionary grants has been, and with few exceptions no states carry out substantive evaluation of expenditures of LEAA funds.

The President's reply to our demand that LEAA insure adequate minority and community representation on planning agencies at all levels was also grossly inadequate. A content analysis of 35 of the 55 State Planning Agencies and their respective review commissions conducted in 1971 shows that private citizen representation on such agencies remained at only 14%, and was, where it existed, totally unrepresentative of the public at large. This figure compared with 20% police representation, 16.8% elected government official representation and 10% prosecutor representation.

Increased accountability and evaluation of all LEAA programs must occur immediately. The failure of LEAA to address the true nature and underlying causes of crime can no longer be tolerated by the American public.

The Administration has done nothing to dispel our concern that although the "no-knock" and "preventive detention" provisions of the D.C. Court Reform and Criminal Procedure Act of 1970 clearly impinge on the constitutional rights of suspects and defendants, it continues to be advertised by this Administration as a model for the Nation. Other laws with similar constitutionally odious provisions are the Organized Crime Control Act of 1970 and the Comprehensive Drug Abuse Prevention and Control Act of 1970. None of these Acts ought to be advertised as models and we strongly urge that the Administration support legislation to repeal such sections of those Acts as inimical to the interests of a free society.

We pledge ourselves to the launching of a comprehensive legislative attack upon several of the most pernicious and unjust aspects of the American criminal justice system, and we implore the Administration and the 93rd Congress to consider seriously the following tentative list of recommendations. These recommendations are far from all-inclusive, but their tenor suggests the type of changes which are required if the notion of "Equal Justice Under Law" is to be anything but an empty promise:

CORRECTIONS

The first black prisoners in this country were Africans brought here in chains in 1619. Our African ancestors were the victims of the political, economic, and social oppression of white America, and let it always be remembered and understood that the majority of present-day black offenses in the context of the criminal justice system have their roots in the political, economic, and social deprivations of blacks by Anglo-America. Slave camps, leg irons, handcuffs, reservations and concentration camps; Sing Sing, Jackson, Attica, Soledad. These are the real monuments of this country, more so than Monticello or the Statue of Liberty.

The handwriting is on the wall for the American system of "corrections." It is scrawled with the pen of intolerance and corruption, and written in the blood and human anguish of its victims. Our prisons are scenes of physical, verbal, and psychological brutality, inadequate medical care, arbitrary and capricious rendering of disciplinary decisions without regard to an inmate's constitutional rights, and total dehumanization and human destruction. Involuntary subjection of primarily black inmates to various forms of medical, drug, and psychological experimentation has reached alarming proportions, as the uncovering of the Tuskegee Studies and investigations of such atrocities as the experimental use of thorazine and prolixin on "unruly" prisoners graphically indicate.

When the dehumanization and non-record of rehabilitation by correctional agencies are considered, the failure of the criminal justice system is compounded and assured. Rehabilitation is the major chance of the criminal justice system to reduce crime, yet here, it fails perhaps worst of all. Recidivism rates for released prisoners are generally constant for various parts of the country despite variations in the outmoded correctional practices currently employed everywhere. There is no difference in the recidivism ratios between inmates who had received "rehabilitative training" as it is presently being conducted within the confines of prisons and those who had not. Government officials have yet to face the fact that community-based treatment is cheaper than building more and more gigantic prisons. It would cost less per year to send an offender to college than it does to incarcerate him. Probation costs only 1/6 as much as institutional care, and parole only 1/14 as much.

One study shows that 93% of the juvenile court jurisdictions in the country lack detention facilities other than city jails or police lockups. The majority of the offenders held in the corrections system are between 15 and 30. In jails across the country, juveniles and adults are mixed, with untried detainees and convicted felons placed in the same cell so that misdemeanants can sit at the feet of seasoned offenders.

There is a total absence of strictly enforced minimum standards for the treatment of prisoners. Existing procedures for the review of prisoner complaints are inadequate. Policy makers have forgotten that the central constitutional principle underlying all rules, regulations, procedures, and practices relating to persons imprisoned in accordance with federal law is that such persons must retain all rights (such as the guarantee of free expression and association) except those expressly removed by Title 18 of the U.S. Code. Instead, cruel and unusual punishment abounds.

If the federal government generally and LEAA specifically are serious about wishing to lower crime rates—which they have failed to do thus far—they are going to have to raise the priority of corrections significantly. After all, 85% of the crimes in this country are committed by repeaters, and 98% of all inmates eventually return to the community. Yet the corrections system is under-financed and over-taxed. Federal, State, and local governments together spend less than 1/5 of their criminal justice budgets on corrections. They spend more than 3/5 on police.

We recommend the following:

1. A ban on the building of any new correctional institutions for juveniles or adults and the development in their place of community based rehabilitation programs and other alternatives to incarceration.

2. The establishment of small, state and local community-based correctional treatment centers—including diagnostic services, halfway houses, and other supervisory programs and preadjudication and postadjudication referral of delinquents, youthful offenders, and all inmates—so as to afford a reasonable opportunity for participation in innovative work-release, school release, and various treatment programs.

3. Community-oriented programs for the supervision of parolees and integration of inmates into the community upon parole or release through vocational training, job placement, and on-the-job counseling.

4. A ban on all laws which do not allow professional licenses to be granted to former inmates.

5. The establishment and enforcement of prisoner treatment standards and the creation of an agency within the framework of a national enforcement mechanism to hear complaints arising from alleged infractions of such standards.

6. The establishment of parole decision-making bodies for adult and juvenile offenders which are independent of correctional institutions, the establishment of an independent and regionalized Board of Parole, the provision of fair and equitable Federal parole procedures, and the provision of assistance to the State for the operation of fair and adequately staffed parole systems.

7. The establishment of alternatives to the detention of persons awaiting trial.

8. The entitlement of prisoners to furloughs for family and social visitation.

9. The establishment of a "Bill of Rights for Prisoners," of procedures to insure the right of offenders to be free from personal abuse, and of formalized and enforced grievance procedures for inmates.

10. The banning of all psychiatric, drug, and other medical testing and experimentation in prisons.

11. Attorney rights for all prisoners in preparing their parole applications, habeas corpus briefs, etc.

12. An end to parole regulations placing undue restrictions on parolees regardless of the merits of individual cases.

13. The prohibition of the arbitrary dissemination of arrest records to prospective employers of ex-inmates.

COURTS

The overwhelming majority of the adjudicated cases occur in the State and local courts, and State and local judicial systems suffer from a number of serious administrative, structural, and fiscal problems. Court systems in most States are highly fragmented, lack central administrative direction, exhibit disparate rules of practice and procedure, have cumbersome procedure for judicial selection, discipline, removal, and retirement, and are often faced with critical shortages of funding. All of this leads to a disorganized, inefficient, and unjust judicial system.

Overwhelming caseloads, overlapping jurisdictions, widely varying procedures for trying similar types of offenses, and wide disparities in sentencing practices and the quality of judicial personnel pose a severe threat to the rights of the accused and to the equitable functioning of the judiciary. Although the right of the poor to a defense attorney at all stages of any Federal or State criminal proceeding has been established by the Supreme Court, implementation of this right lags seriously behind the case law. Those supposedly "presumed to be innocent" are packed into courts with over-crowded dockets and often provided with inadequate legal counsel after being held in jail for inordinate lengths of time awaiting trial. 52% of the American jail population at any given moment has not been convicted of anything. For those individuals who are arrested, it's bail for the rich and jail for the poor. One's ability to post bond is almost entirely a function of his socio-economic status, relegating the entire bail system to the depths of class discrimination. The practice of "plea-bargaining" is regularly abused by prosecutors and inept defense attorneys alike. Defendants often plead guilty to crimes they did not commit after being induced and/or coerced to do so.

With regard to "preventive detention," studies show that the factors which a court could use in determining who should be preventively detained have never been empirically established, thus compounding the danger of total arbitrariness in its application. On the other hand, statistics show that if all arrested persons could be brought to trial within two months after arrest, well over 50% of crime committed by those on bail could be eliminated. Even a 1970 pilot study authorized by the Department of Justice to support preventive detention theories indicated that the possibility of predicting pre-trial crime is negligible, while most pre-trial crime occurs *after* sixty days have passed between the time of arrest and the time of trial.

The fact that state and federal judges of courts on all levels are appointed and not elected prejudices a fair trial in many cases, and precludes black representation in most cases, since there is not a single black official in this nation who has the power to appoint a judge. Despite President Nixon's feeble attempt to answer our 1971 demand that he appoint equitable number of black Federal judges and other legal officials, including U.S. Attorneys, U.S. Marshalls, Federal correctional officials, and other high-ranking Justice Department employees in every region of the country, black representation in all of these areas does not even begin to approach parity with the black population level in this nation.

We recommend the following:

1. A drastic increase in the percentage of LEAA and other funds spent on the judicial system.

2. Speedier trials, with a maximum of 60 days' wait for felonies and 30 days for misdemeanors. These limits should be flexible enough to allow for continuances requested by defense attorneys, pre-trial discovery by both prosecution and defense, etc.

3. The immediate appointment by the President of equitable numbers of black federal judges and other judicial officials, including U.S. Attorneys, U.S. Marshals, federal correctional officials, and other high-ranking Justice Department employees in every region of the country.

4. Improvements in court administration and organization on all levels.

5. The removal of traffic cases from the purview of the judiciary and their placement under the jurisdiction of administrative boards.

6. A tightening of sentencing laws to make them more consistent and punishment less disparate.

7. Elimination of sentences which call for the payment of a fine, or, in the alternative, incarceration for those who cannot pay fines.

8. The decriminalization of "victimless crimes."

9. The cessation of selective use of grand juries to habitually indict individuals for clearly political reasons.

10. The establishment of strictly enforced standards for the provision of legal services to individuals involved in every stage of the criminal justice system, including habeas corpus and parole application preparation.

11. The prohibition of prosecutorial coercive inducements to entering a plea of guilty and the banning of any plea negotiations being conducted without the presence of defense counsel.

12. The improvement of pre-trial release programs, including, in appropriate cases, increased diversion of offenders out of the criminal justice system and into community-based rehabilitative programs prior to trial or conviction, the establishment of procedures for the issuance of a summons in lieu of arrest, and wider use of citation release systems, station house release, and third party custody for all but the most serious alleged crimes.

13. The upgrading of the quality and standards of judges and judicial conduct through more stringent selection processes which are based solely on merit and which involve representatives of the lay public as well as those thoroughly schooled and experience in the law and the judicial process.

14. Substantive reform of the bail system.

15. The creation of pre-trial discovery provisions which place definite obligations on both prosecution and defense.

16. The wider use of "screening" (the discretionary decision to stop, prior to trial or plea, all formal proceedings against a person who has been arrested) based not only upon insufficiency of evidence, but also upon such factors as the financial hardship or family disruption of the accused, the value of further proceedings in preventing future offenses by the accused, and improper motives of the complainant.

POLICE

Police brutality and the abuses which American citizens must endure daily at the hands of the police have been widely exposed and discussed, yet nothing substantive has been done to curb the wanton disrespect so often shown by law enforcement officers with regard to individuals' constitutional and civil rights. The 1968 rioting of policemen in Chicago should not be mistaken as an isolated occurrence for the residents of ghettos and barrios are constantly confronted with the reality of perpetual police abuse.

One need only critically examine the difference between the way policemen generally return white, middle class juvenile offenders to their mothers' doorsteps with a slap on the wrist and perhaps a verbal tongue-lashing while black delinquents are almost invariably thrust into the cruel criminal justice system upon committing their first offense, to grasp the inherently discriminatory nature of present-day enforcement. It has been empirically determined that in addition to the courts, arresting police officers exercise a considerable amount of discretion in making the decision to divert certain alleged offenders from the criminal justice system. Yet, police diversion practices are terribly inconsistent. A study of 48 police agencies in Los Angeles County revealed diversion rates ranging from a high of 82% to a low of 2%. The police, like the courts, have often failed to realize that certain types of conduct, such as that manifested by the mentally ill, alcoholics, and juveniles, can best be dealt with by diversion from the criminal or juvenile justice systems.

Police selection, recruitment and training continue to take place in the absence of strictly observed minimum government standards. While about two-thirds of the States have established Councils on Police Standards, myriad abuses still occur. As the Police Task Force of the President's Commission on Law Enforcement and the Administration of Justice put it:

> "Existing selection requirements and procedures in the majority of departments . . . do not screen out the unfit. Hence, it is not surprising that far too many of those charged with protecting life and property and rationally enforcing our laws are not respected by their fellow officers, and are incompetent, corrupt, or abusive."

A study by the International Association of Chiefs of Police showed that of 162 major law enforcement agencies across the country, only 41 administer psychological tests to applicants. Six of these agencies did not even conduct personal interviews. Educational requirements for policemen are minimal, with many departments not even requiring a high school education. Courses in the sociology and psychology of poverty and ghetto life are virtually non-existent in the police academies. Even the President's Commission on Crime in the District of Columbia noted that recruits who were not deemed qualified to write citations were nonetheless immediately issued guns and ammunition.

We recommend the following:

1. The immediate upgrading of standards for police selection, training, and recruitment.

2. The amendment of Title 18 U.S. Code Section 242 so that it becomes a more effective legal tool in prosecuting those policemen who deprive citizens of their constitutional rights under color of law while making an arrest.

3. The encouragement of lateral recruitment of lawyers, medical paraprofessionals, college graduates, and others into the ranks of police forces, and the modification of restrictive civil service regulations that prohibit lateral recruitment.

4. The creation of citizens' review boards empowered to monitor police practices and handle citizens complaints outside the framework of police agencies.

5. An end to discriminatory policies of police recruitment, selection, and promotion, and the proportionate employment of ethnic minorities on police forces.

6. The formalization of all police diversion decisions with regard to juvenile offenders. Such decisions must be made by highly trained juvenile specialists. There must be a corresponding increase in monetary support for community-based programs geared for providing assistance and counseling to referred juveniles.

7. The provision of comprehensive government tort liability insurance for police employees. This would enable the public to collect for damages to person and property that arise from the misuse of police discretionary powers. Furthermore, if the government is paying for insurance, it will be more likely to see to it that police discretion is kept within legitimate bounds.

The hard logic of practical American politics dictates that a hesitant Administration and Congress, all too carried away with the current "law and order" ethic, will only be compelled to encourage legislation aimed at an amelioration of the failures of the criminal justice system if they are pressured to do so by an aroused citizenry which holds out its power at the ballot box and which demands change in a constructive, collective, and organized fashion.

Any realistic look at the current State of the Union dictates our recognition that the failure of every aspect of the so-called system of legal justice raises questions which go even deeper than the failure to reduce crime; for it raises other questions which go to the heart and very nature of our society. The community outside the prison walls must never separate itself from the community inside the jailhouse. And the corrective measures against crime must be at least partially administered in the community. The essential problem is not that of an "improper" individual behind the bars; for most of us sense intuitively that the problem basically is that of an improper society outside the prison gates. It is a society which is rampant with inherent contradictions. It is in this context that the Congressional Black Caucus recognizes at the outset that unless we simultaneously address ourselves to this larger question, all talk of correcting the criminal justice system takes place in a vacuum.

Civil Rights

(Representative Barbara Jordan)

In the nineteen years since the historic decision of the U.S. Supreme Court which outlawed segregated education, the Federal civil rights arsenal has been stocked almost full. Almost every aspect of discrimination has been prohibtied by statute, executive order or Supreme Court decisions. Much of the administrative machinery has been established to give the Federal government the means to insure that no citizen is denied the opportunities guaranteed by the Constitution. But in the 1970's, this array of weapons is in danger of becoming like the arsenal in colonial Williamsburg, neatly stored in an isolated blockhouse, noticed only by students and historical scholars. The legacy of two decades of national upheaval is withering away from lack of use, and, in some areas, from active attempts to dismantle the enforcement machinery.

This atrophy is certainly not attributable to a lessening of the need for forceful programs to assure minorities equal access to decent homes, good jobs, effective health care and full participation in the processes of democracy. Despite some dramatic progress in the last two decades, racism continues to flourish across this land, crippling the lives of Blacks, Puerto Ricans, Mexican Americans, Indians and other oppressed minority groups. Black families earn only 61% of what white families earn. Black unemployment continues at twice the rate for whites. Nonwhite male infant mortality is increasing while fewer white infants are dying. It is small comfort to a Black family struggling to overcome ancient prejudices to know that it is guaranteed equality in legal theory.

Only with national resolve and unflinching enforcement of civil rights laws can this legal theory be translated into fact. Both resolve and enforcement are in dwindling supply in this decade. The buoyancy and optimism of the 1960's, when statutes and orders were won to break down almost every barrier to equality, have given way to dismal perceptions of the demise of "the Second Reconstruction." Instead of promoting racial conciliation and social change through the active enforcement of civil rights laws, this administration has combined indifferent, lackluster enforcement with blatant backtracking.

These disastrous, regressive policies are apparent throughout the Federal establishment. The Federal government itself, the nation's largest employer with over three million employees, has yet to give minorities equal employment prospects, especially in the higher levels of the civil service system where decision-making power and influence rest. Twenty-seven percent of the civil service employees in grades 1–4 are Black, but only 4% of those in grades 12–18 are Black. Despite improving efforts by the Civil Service Commission to increase recruitment of Blacks and other minorities in all levels, these proportions have scarcely changed.

The private employment picture is far worse. The Federal government has a wide variety of powers designed to open up industries and unions to minorities which have been systematically excluded from well-paid employment. The Equal Employment Opportunity Commission, which has responsibility for Title VII of the Civil Rights Act of 1964, prohibiting discrimination in private employment, has had little impact on the pervasive racism it is directed to attack. Long vacancies in key positions, limited and time consuming powers, continuing lack of sufficient staff and funds, and negligible coordination with other key agencies have relegated the Commission to piecemeal reactions to individual complaints. It has made relatively few initiatives to attack the broad patterns of discrimination in employment and promotion possibilities which abound throughout the private sector. Those complaints which it does handle take from 16 months to two years to process. Attempts in the 92nd Congress to give the Commission the power to issue cease and desist orders to employers or unions found guilty of discrimination were opposed by the administration and defeated.

The Office of Federal Contract Compliance in the Department of Labor has shown even less effectiveness in making government contractors follow non-discrimination in their employment practices. Its principal sanction—termination of government contracts—has been used so rarely that it is no longer a credible weapon. The Philadelphia Plan and other "hometown" efforts to open up construction unions to minorities are widely recognized as charades which result in little real improvement in the employment prospects for Black construction workers. The principal tool available to these agencies and many others in the Federal establishment, affirmative action plans for increasing minority employment, have come under increasing attack as the undemocratic imposition of forced quotas. Setting reasonable goals for minority employment, with accompanying timetables and carefully laid out plans for approaching those goals, are the essential mechanisms for gaining access for minorities to employment in the economic mainstream. The administration's vehement opposition to quotas, which is a perversion of the goals required by affirmative action plans, has given the cloak of respectability to the opposition to this principal means for securing equal employment opportunity. These spurious attacks seek to characterize affirmative action plans as the establishment of mechanical selection procedures which ignore merit and concentrate only on skin color, ethnicity or sex. Instead, affirmative action must be seen as a remedy when an employer or union is shown to have discriminated against minorities, for without explicit plans and targets that discrimination will continue to exist. The nation must be made to realize that the time has come to pay the moral dues for the centuries of discrimination and neglect which have cut off millions of black and brown citizens from enjoying the fruits of our society.

The Department of Justice's Division of Civil Rights, which should be the focal point of the Federal civil rights effort, plays an almost invisible role. Its minimal staff prevents it from exercising the coordination required, with the result that its attorneys concentrate on minor and lengthy litigation Instead of imaginative and aggressive enforcement of the laws, pressing other federal, state and local agencies to generate major civil rights compliance activity, the Civil Rights Division exercises scant leadership in the field. Its principal responsibility for insuring every citizen the right to vote has been all but abandoned. The administration tried in the last Congress to dismantle the special provisions of the Voting Rights Act of 1965 which are vitally needed to enfranchise the 2.5 million still unregistered black voters in the South. The Federal government shows an alarming willingness to let these disenfranchised blacks fend for themselves, rather than actively seeking to prevent states and political subdivisions from establishing discriminatory voting procedures.

This dreary picture repeats itself throughout the Federal establishment. Title VI offices in almost every Federal agency, charged with insuring that minorities have equal access to and participation in Federal programs, are understaffed, underfunded and inadequately trained. Their efforts are characterized by self-certification of non-discrimination with little, if any, agency investigation; rare pre-approval of grantees' compliance with civil rights statutes; and no enforcement of those statutes if discrimination is found. The U.S. Commission on Civil Rights, the independent watchdog of the Federal civil rights effort, has consistently pointed out the utter inadequacy of existing enforcement programs. No agency has ever been rated as making more than a marginal effort in any civil rights area. Recent personnel decisions by the President give no reason to hope for improvement. A union official who has actively resisted the development of affirmative action plans in the construction industry has been designated the Secretary of Labor. The head of the Health, Education, and Welfare Department's Division of Civil Rights, whose enforcement programs have been severely criticized for inactivity and ineffectiveness by a Federal Court, has been designated to take charge of the Civil Rights Division of the Justice Department. The Chairman of the Civil Rights Commission, whose agency has fought an uphill battle to breathe life into civil rights enforcement, has been forced to resign. The Community Relations Service of the Justice Department, once a forceful advocate of minority causes in communities across the country, has been decimated by budget cuts.

How did this nation, which seemed to have rediscovered conscience and concern for the rights and opportunities of others in the last two decades, so quickly find itself in a period of increasing reaction and racial antagonism? Perhaps it is because we all underestimated the complexity of the problems of racism and the deeply rooted attitudes and institutional procedures which sustain it. Certainly the task of rooting out the discrimination which pervades almost every aspect of life in this country cannot be accomplished merely by statutes or court orders. Vigorous enforcement of the law with the leadership of the highest officials in government is clearly necessary, but so obviously lacking. The sense of urgency about civil rights seemed to melt away when the ghettos stopped burning and the present administration began four years of "low profile" numbing government.

There are only a few hopeful signs of change. Recent agreements arranged by the administration with the American Telephone and Telegraph Company and the Bethlehem Steel Company in separate cases could have major impact on previous discriminatory practices in those companies and demonstrate the potential impact of large industry actions. Thousands of employees should find new avenues of promotion and advancement opened up to them as a result of these federal compliance activities. Millions more could benefit from increased federal actions of this kind.

Another hopeful sign is that the budget request for Fiscal Year 1974 showed few decreases, other than in the Community Relations Service of the Department of Justice, for civil rights enforcement activities, and a number of small increases in agency allotments. These modest increases will not revolutionize civil rights enforcement but they can help retard the backsliding which has become increasingly typical of the federal effort.

However, the problems remaining to be solved are immense, and the momentum of the 1960's has run out. The 93rd Congress will be called upon to defend progress already made rather than undertake new initiatives. The effort to extend the nation's concept of equality to include all men of all colors cannot yet be abandoned.

Rural Development

(Congressman Andrew Young)

Because 69% of our citizens live on 11% of the land, we tend all too often to forget, and consequently neglect, the 64 million citizens of our small towns and rural areas. Or if we remember them at all it is only to suggest as an afterthought that they too should move to the cities where the problems can be treated "en masse" Mistreated would be a better phrase, for the record of accomplishment in solving urban problems over the past few years is sad indeed. Yet as poor as that record may be, there has at least been a recognition of the urban problems. The problems faced by our rural citizens are all but ignored.

To a much greater extent than most people realize, our urban problems are a result of a massive exodus from rural America to the cities. The cities will never be able to solve their problems until that massive immigration is slowed down or reversed. Housing, jobs, educational opportunities must be made available for rural Americans. It has been customary of late to speak of black problems and urban problems interchangeably, but the fact is that 51.5 percent of the black population of America still reside in eleven southeastern states. With the mechanization of farming they are forgotten and unwanted.

The Farmers Home Administration in testimony before Congress less than a year ago estimated that a minimum of $12 billion was needed to supply water and waste disposal systems to the small towns of rural America. Yet what has happened? The Nixon Administration has terminated the water and waste disposal grant program. This is a fourfold loss. Disease and ill health will continue to plague communities with inadequate water supplies; inadequate (more likely, nonexistent) waste treatment will further pollute the streams and water table, spreading the problems; it will deprive small communities of the additional employment opportunities such public works provide; and, it will continue to force more people into the cities where at least the basic amenities are available. This nation cannot afford such economics.

One might suppose that a nation dedicated to education as the tool of upward mobility would indeed devote specific sums of money toward improving rural and small town schools and educational programs. Indeed, Congress so intended with the Elementary and Secondary Education Act, and the Migrant Education Act, among others. But the administration of those and other educational acts has been so warped by urban thinking and urban administrators, that the money is largely spent in urban school districts attempting to correct the presumed deficiencies of rural children forced off the land into cities. And this Administration's answer has not been to improve the administration, but rather to cut back the programs. Such reasoning only contributes to the general decline of educational standards in both rural and urban areas. It will not surprise you to hear that black households have the worst of it, and that, relative to white households, they have lost ground since 1960. Representing less than 10% of all households, blacks account for 24% of substandard and/or crowded occupancies. In non-metropolitan areas, less than 40% of the black households live in dwellings which are not one or the other. This is considerably better than in 1960 (when less than 20% of the black families in non-metropolitan areas lived in standard, uncrowded housing), but parity with white households is, in a sense, further away. In 1960, the incidence of substandard and/or crowded housing was about three times as high for non-metropolitan blacks as for non-metropolitan whites. In 1970, the figure for blacks is almost four times as large as for whites.

And the need for Indian housing is even greater. Nearly two-thirds of all occupied housing under the jurisdiction of the Bureau of Indian Affairs are rated as substandard.

Efforts to implement the Congressional pledge of 1949 to provide a decent, safe and sanitary home for every citizen are not being carried forward by this Administration, and that is particularly true in rural areas.

Lack of sanitary housing and water supply, inadequate basic education all contribute to increased need for medical care, but, as in almost all areas of rural life, the medical care available is too often too little, too late. While this Administration tells us the Hill-Burton Act has resulted in a 20% over supply of hospital beds, they fail to mention that the over supply is in the urban and particularly suburban areas. There is still a shortage in rural areas—as there is of doctors and paramedical personnel, of clinics and nursing homes, of emergency ambulance service and visiting nurses, and of public health services generally. Once again in rural areas where the needs are greatest, the programs and services are poorest.

Last year the Economic Research Service of the USDA prepared for the Senate Government Operations Committee a study on "The Distribution of Federal Outlays Among U.S. Countries." It largely confirms that pattern of "metropoliana" into which this country has lapsed. Per capita income in non-metropolitan counties is more than $1,000 below that in metropolitan counties and the level of per capita outlays is more than $100 less than in metro counties. Figures for the housing programs (excluding public housing and rent supplements, neither of them generally available in rural areas) work out to $91 per capita in metropolitan counties, $40 in non-metropolitan counties, and only $35 in the most rural counties.

It is no wonder then that transportation, job training, public employment programs, community facilities and programs of all kinds for senior citizens are tragically absent from our rural communities. And their continued absence makes almost certain the continued migration from rural areas to metropolitan centers.

We call upon the nation to recognize both the strength and the need of our rural citizens and to act with both common sense and compassion. Common sense in recognizing that it is in the long run both easier and more economical to treat social and economic problems where they first occur, and compassion in admitting our policy mistakes of a generation which have forced rural areas and their citizens into second-class citizenship.

Revenue Sharing

(Congressman Louis Stokes)

Revenue sharing under Richard Nixon is nothing more than a convenient excuse to cut categorical programs for minorities and the poor. More and more, people who come to Washington for help are sent home again to fight for a small slice of the revenue sharing pie.

In the Congressional Black Caucus' statement to the President two years ago, we urged that this concept be utilized to meet the desperate human needs of our cities and states. Unfortunately, the Nixon response is to promote revenue sharing primarily as a means to reduce local taxes rather than to improve urban services. As such, revenue sharing becomes a political expediency rather than a solution to pressing human needs or a way to return decision-making to local citizens.

Indeed, given the inherent weaknesses of the revenue sharing law and the Nixon Administration's adherence to the dubious principle of benign neglect, we have much to fear from this concept. Already, we hear from mayors and governors wondering whether they may have lost more in categorical program funds than they will ever gain from revenue sharing.

If we are to target funds where they are most needed, we can not simply accept a block grant program based on a cold, computerized formula frozen into law. Flexible programs must be developed to meet specific needs, and we here in Congress must shoulder our responsibility to create the machinery to meet those needs.

For us, as representatives of the poor, minorities and disenfranchised, revenue sharing is not—and will not—be the answer.

CIVIL RIGHTS COMPLIANCE

For example, even though the revenue sharing law contains a non-discrimination provision, the Nixon Administration shows no sign of preparing to force compliance. In a letter to the General Counsel of the Treasury Department, the Leadership Conference on Civil Rights pointed out glaring weaknesses in these non-discrimination regulations. We subscribe to these comments and we stand ready to take legislative action if the Administration fails to make necessary changes.

Regulations already issued do nothing more than recite the statutory requirements found in the law as passed and in Title VI of the Civil Rights Act. The Administration could have required state and local governments to report on civil rights compliance—but it did not. The Administration could have spelled out how fund recipients would be expected to carry out their equal opportunity obligations—but it did not. The Administration could have outlined other federal agencies' responsibilities to monitor and investigate compliance—but it did not. The Administration could have endorsed our 1971 recommendation that neighborhood groups be included in planning distribution of funds—but it did not.

Apart from the outright discriminatory aspects of revenue sharing as now practiced by the Nixon Administration, there are other, equally dangerous, problems. Distribution formula can be altered by state legislatures to the disadvantage of poorer and needy communities. And already, one state is moving toward ceding authority for allocating funds to a regional planning body which is not answerable to any elected official.

EXTENDING THE BLOCK-GRANT APPROACH

Yet, given these serious shortcomings, the Nixon Administration now wants to extend revenue sharing to specific areas such as health, education and housing. And President Nixon seems determined to hold hostage funds appropriated by the Congress until he gets special revenue sharing legislation enacted.

This strategy is clearest in the area of housing. The President wants to replace existing housing subsidy programs with a special revenue sharing package. If the President has his way, block grants would go to local communities for housing and then federal programs to solve specific housing problems would be eliminated. And while Congress considers Nixon's proposal and possible alternatives, no new federal funds will reach communities.

However, before we take action on these special revenue sharing programs, it would be wise to analyze the one existing prototype in this area—the LEAA program. We view LEAA's block grants as an example of the possible perversions of the revenue sharing concept. Without controls, without sufficient planning requirements, without civil rights enforcement, LEAA programs are marked by inefficiency, waste, racism, maladministration and, in some cases, corruption. Worst of all, this hundred million dollar effort has had little, if any, impact on the incidence of crime in America.

With all these serious fallacies, the Congressional Black Caucus intends to seriously question the need for further revenue sharing. We will work to insure that government funds are directed toward the nation's most critical needs and that they are allocated in an equitable, non-discriminatory manner.

Conclusion

(Congressman Louis Stokes)

Mr. Speaker, we have now heard from the members of the Congressional Black Caucus. We have set forth our views as to the True State of the Union and the path we feel this nation must follow. We hope to help stimulate the revival of the Congress as an effective, innovative co-equal branch of Government. We must begin a massive new effort to meet the human needs of this country. Our foreign policy, so long corrupted by the Indochina war, must be redirected toward helping the underdeveloped nations. To accomplish our goals, we will need to work with our colleagues in the Congress. Many of our colleagues are here today to join us in discussing the True State of the Union. Let us now begin to hear their views.

FEDERAL CIVILIAN EMPLOYMENT, DECEMBER 1972

(Mr. MAHON asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter and tables.)

Mr. MAHON. Mr. Speaker, I include a release highlighting the December 1972 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

Federal Civilian Employment, December 1972

Total civilian employment in the Executive, Legislative and Judicial branches of the Federal Government in the month of December was 2,829,576 as compared with 2,820,810 in the preceding month of November. This was a net increase of 8,775. These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive branch in the month of December is compared with the preceding month of November and with December a year ago as follows:

	Full-time in permanent positions	Change	Temporary, part time, etc.	Change	Total employment	Change
Change this month:						
November 1972	2, 455, 326		324, 341		2, 779, 667	
December 1972	2, 457, 675	+2, 349	331, 075	+6, 734	2, 788, 750	+9, 083
12-month change:						
December 1971	2, 525, 858		300, 662		2, 826, 520	
December 1972	2, 457, 675	−68, 183	331, 075	+30, 413	2, 788, 750	−37, 770

The decrease of 37,770 during the 12-month period since December 1971 reflects a reduction of 39,587 in Defense agencies and 34,773 in Postal Service, partially offset by a net increase of 36,590 in all other agencies. Full-time permanent employment over the 12 month period was reduced by 68,183 reflecting a reduction of 67,458 in Defense agencies and 725 in all other agencies.

FISCAL YEAR 1974 BUDGET PROJECTIONS

Of current interest in this connection are the new budget projections (or "targets") for full-time permanent civilian employment levels as of June 1973 and June 1974. Comparison of current full-time permanent employment (December 1972) with the budgeted projections and estimated June 1974 with estimated June 1973 follows:

	Civilian agencies	Military agencies	Total
December 1972, actual	1, 429, 841	1, 027, 834	2, 457, 675
June 1973, estimate	1, 472, 300	1, 012, 400	2, 484, 700
(compared to December 1972)	(+42, 459)	(−15, 434)	(+27, 025)
June 1974, estimate	1. 451. 800	986. 800	2. 438. 600
(compared to December 1972)	(+21, 959)	(−41, 034)	(−19, 075)
(compared to June 1973, estimate)	(−20. 500)	(−25. 600)	(−46. 100)

THE MONTH OF DECEMBER

Executive branch employment in the month of December totaled 2,788,750, a net increase of 9,083 as compared with the preceding month of November. Changes in total employment in December in civilian agencies of the Executive branch as compared with civilian employment in military agencies were as follows:

	December	November	Change
Civilian agencies	1,698,505	1,688,016	+10,489
Military agencies	1,090,245	1,091,651	−1,406
Total, civilian employment	2,788,750	2,779,667	+9,083

The civilian agencies of the Executive branch reporting the largest increases in December were Postal Service with 8,365, Treasury with 2,436 and HEW with 1,341. In the Department of Defense the largest decrease was reported by Navy with 1,044.

Total Executive branch employment inside the United States in December was 2,628,100, an increase of 10,191 as compared with November. Total employment outside the United States in December was 160,650, a decrease of 1,108 as compared with November.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the legislative branch in December totaled 32,355, a decrease of 305 as compared with the preceding month of November. Employment in the Judicial branch in December totaled 8,471, a decrease of 3 as compared with November.

In addition, Mr. Speaker, I would like to include a tabulation, excepted from the joint committee report, on personnel employed full-time in permanent positions by executive branch agencies during with June 1971, June 1972 and the budget estimates for June 1973:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1971	June 1972	December 1972	Estimated June 30, 1973 [2]
Agriculture	84,252	82,511	82,612	83,400
Commerce	28,435	28,412	28,731	28,200
Defense:				
Civil functions	30,063	30,585	30,199	32,400
Military functions	1,062,741	1,009,548	997,635	[3] 980,000
Health, Education and Welfare	104,283	105,764	108,394	[4] 110,200
Housing and Urban Development	16,030	15,200	16,215	15,800
Interior	57,570	56,892	57,072	57,000
Justice	42,662	45,446	45,972	47,200
Labor	11,352	12,339	12,530	12,800
State	23,398	22,699	22,511	23,200
Agency for International Development	13,477	11,719	11,004	10,800
Transportation	68,482	67,232	66,479	67,700
Treasury	90,135	95,728	97,685	103,000
Atomic Energy Commission	6,920	6,836	7,032	7,000
Civil Service Commission	5,324	5,260	5,692	6,000
Environmental Protection Agency	5,959	7,835	8,025	8,900
General Services Administration	38,076	36,002	36,411	38,100
National Aeronautics and Space Administration	29,478	27,428	27,254	26,800
Panama Canal	13,967	13,777	13,813	14,000
Selective Service System	5,569	5,791	5,694	5,700
Small Business Administration	4,004	3,916	4,057	4,200
Tennessee Valley Authority	13,612	14,001	14,253	14,000
U.S. Information Agency	9,773	9,255	9,281	9,400
Veterans Administration	158,635	163,179	169,234	171,600
All other Agencies	31,333	33,499	34,645	35,800
Contingencies				2,000
Subtotal	1,995,530	1,910,854	1,912,430	1,915,200
U.S. Postal Service	564,782	594,834	545,245	569,500
Total	2,520,312	2,505,688	2,457,675	2,484,700

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[1] Included in total employment shown on table 1, beginning on p. 2.

[2] Source: As projected in 1974 budget document; figures rounded to nearest hundred.

[3] Excludes increase of 5,000 for civilianization program.

[4] Excludes increase of approximately 9,000 in adult welfare categories to be transferred to the Federal Government under Public Law 92–603.

[5] December figure excludes 2,768 disadvantaged persons in public service careers programs as compared with 2,891 in November.

AMENDING MINERAL LANDS LEASING ACT OF 1920

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, I am today introducing legislation to remedy a deficiency in the Mineral Lands Leasing Act of 1920 recently brought to light by the U.S. Court of Appeals for the District of Columbia.

Section 28 of the act provides for a 25-foot right-of-way on each side of a petroleum or gas pipeline. Since no modern-day pipeline, including the proposed trans-Alaska pipeline, can be constructed in such a limited space the court enjoined the issuance of a special land use permit until Congress changes the law.

The court did not rule on the applicability of the National Environmental Policy Act. The environmental issues remain to be decided by the court.

The National Enviromental Policy Act is receiving its first important court test over the issuance by the Secretary of the Interior of a special land use permit to construct the trans-Alaska pipeline. I personally want NEPA to work. The bill I am submitting today addresses itself solely to the question of right-of-way width raised by the court. This is simply an amendment to the mining laws, which control pipeline rights-of-way. It has nothing to do with the environment. Once the right-of-way width issue is cleared out of the way, we will be able to get a good test of the environmental issues in the courts.

Today, as we know, major pipelines are in the range from 30 to 42 inches in diameter. Consideration is being given to diameters of 48 inches or more. The proposed trans-Alaska pipeline, for example, would be a 48-inch line. A 40-foot section would weigh about 5 tons. The construction of a pipeline of such a diameter requires the use of large, heavy, modern construction equipment. Such construction equipment must use substantial space alongside of the right-of-way. Consequently, if the court is right that no reasonable interpretation of the Mineral Leasing Act would permit a pipeline operator to utilize a single foot of space outside of the 50-foot right-of-way, no new pipelines can be constructed across Federal lands. Furthermore, many existing pipelines are in jeopardy, for compressor stations and pipelines themselves must be maintained.

Undoubtedly, many people disagree with the court's interpretation, and believe that Congress granted adequate legislative authority to the Secretary of Interior to issue necessary rights-of-way across public lands. However, it is not in the public interest for us to engage in a debate with the courts over this legislative interpretation. If the statute is unclear to the courts, then it is the obligation of Congress to clarify the statute.

In order to clarify the congressional intent, I propose that we delete from section 28 of the Mineral Leasing Act, the phrase "and 25 feet on each side of same" and insert a provision that a pipeline right-of-way include not only the ground occupied by the pipeline but also "related facilities and the land reasonably necessary for access to and construction, operation and maintenance of the pipeline and related facilities."

The amendment further provides that the Secretary may attach conditions as to "duration" of the use. This would authorize the Secretary to issue permits of limited duration for construction purposes.

In my opinion, the amendments to the Mineral Lands Leasing Act which I propose will provide a modern day solution for modern technological problems.

As we all know, there is an urgent need to discover and utilize additional sources of domestic oil and gas. Bringing the Alaskan oil into production will help alleviate the energy crisis which is particularly acute in the Midwest and Northeast.

Certainly we can import oil but such imports only aggravate an already critical balance-of-payments problem. It is projected that 2 million barrels a day will be pumped from the Alaskan fields. Without the Alaskan oil our balance-of-payments deficit will worsen by up to $3 billion a year.

In addition, it is imperative for the Alaskan Natives and the State of Alaska that the North Slope oil be brought to market. The State is dependent on the oil revenues for operation of the State government. And independently, the Native Claims Settlement Act would be rendered nearly worthless if the oil is not extracted. Congress must keep faith with the Natives who have both a moral and legal right to the mineral revenues we promised them only a little more than a year ago.

If we recognize our need for oil, we will recognize the need for amending the Mineral Lands Leasing Act. Whether a pipeline is wholely within Alaska or is routed from Alaska through Canada, the need for this amendment remains. In either case the court decision is applicable, since in either case the pipeline would have to cross public lands. It prevents construction of nearly all modern pipelines over any public lands in the United States.

In no way would this amendment affect the administrative choice of a pipeline route. That decision would remain for those seeking the permit, the Secretary of the Interior and ultimately, the courts. However, it is imperative that we in Congress provide an adequate legislative basis for issuing rights-of-way permits, in order that oil and gas can be brought to market from whatever location in the country.

Right-of-way width is the only point of this legislation; all questions dealing with the environmental aspects of a pipeline are left for the courts to decide.

IMPOUNDMENT

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, the need to clarify the limits of the Presidential impoundment power must be the first order of business for this Congress. The Office of Management and Budget recently disclosed that as of January 29, 1973, $8.7 billion in funds was being impounded.

Not only has the executive branch refused to spend money which Congress has appropriated for a variety of programs, but it has exercised what amounts to a line item veto by eliminating programs which it deems expendable.

This power to impound, as broadly defined by the executive branch is very much in question. In 1969, William H. Rehnquist, now an Associate Justice of the Supreme Court, wrote in a memorandum submitted to the White House that:

> With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that existence of such broad power is supported by neither reason nor precedent.

Rehnquist served at that time as an Asssistant Attorney General in charge of the Office of Legal Counsel.

Because of the importance of this matter and its immediate effect on the health, transportation, housing, and education of our citizens, I have cosponsored legislation to prohibit the President from impounding any funds, or approving the impounding of funds without the consent of the Congress, and to provide a procedure under which the House of Representatives and the Senate may approve the President's proposed impoundment. I request that the full text of this bill be reprinted at the conclusion of my remarks.

The legislation is intended to prevent the President and all officers and employees of the United States from impounding funds without the express approval of the Congress. The bill provides that before funds can be impounded, the Executive must send a special message to the Congress specifying the amount to be impounded and the projects and functions affected. The Congress must then specifically approve the proposed impoundment within 60 days.

Mr. Speaker, we will never get our priorities straight in this country until we in Congress put some meaning behind the words "checks and balances" and "separation of power." If Congress can legislate and fund a given program and then see it ignored or dismantled by Executive rule without any recourse, we will have strayed very far indeed from the form of government established by the Founding Fathers.

The bill follows:

H.R. 2816

A bill to prohibit the President from impounding any funds, or approving the impounding of funds without the consent of the Congress, and to provide a procedure under which the House of Representatives and the Senate may approve the President's proposed impoundment

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Congressional Spending Power Act of 1973."

SEC. 2. (a) The President shall not impound any funds appropriated by law out of the Treasury for a specific purpose or project, or approve the impounding of such funds by any officer or employee of the United States unless—

(1) The President shall transmit to the House of Representatives and the Senate a special message specifying—

(A) the amount of funds to be impounded,

(B) the specific projects or governmental functions affected thereby, and

(C) the reason for the impounding of such funds, and

(2) The Congress shall approve the specific impounding of funds in accordance with the procedure set out in section 5 of this Act within sixty calendar days of continuous session after the special message is received by the Congress.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each such message shall be printed as a document of each House.

(c) If the Congress does not consider the special message submitted pursuant to subsection (a) within the sixty-day period referred to in subsection (a), approval of the proposed impounding of funds shall be deemed to have been refused.

SEC. 3. Whenever the Congress shall refuse to approve a proposed impounding of funds set forth in a special message submitted pursuant to section 2(a), the President shall not again submit a special message to the Congress proposing to impound any of such funds in whole or in part during the same fiscal year.

SEC. 4. For purposes of this Act, the impounding of funds includes—

(a) the withholding of funds (whether by establishing reserves or otherwise) appropriated for projects or activities, and the termination of authorized projects or activities for which appropriations have been made, and

(b) the delaying of the expenditure or obligation of funds beyond the close of the fiscal year in which the expenditure or obligation was intended by the Congress in appropriating such funds.

SEC. 5. (a) The following subsections of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be deemed as a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described in this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in any manner, and to the same extent as in the case of any other rule of that House.

(b)(1) For purposes of this section, the term "resolution" means only a concurrent resolution of the House of Representatives or the Senate, as the case may be, which is introduced and acted upon by both Houses before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the President's special message is received by that House.

(2) The matter after the resolving clause of each resolution shall read as follows: "That the House of Representatives (Senate) approves the proposed impounding of funds as set forth in the special message of the President dated ——————, House (Senate) Document numbered ——————."

(3) For purposes of this subsection, the continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded from the computation of the sixty day period.

(c)(1) A resolution introduced with respect to a special message shall not be referred to a committee and shall be privileged business for immediate consideration. It shall at any time be in order (even though a previous motion to the same effect has been disagreed to) to proceed to the consideration of the resolution. Such motion shall be highly priviledged and not debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) If the motion to proceed to the consideration of a resolution is agreed to, debate on the resolution shall be limited to ten hours, which shall be equally divided between those favoring and those opposing the resolution. An amendment to the resolution shall not be in order. It shall not be in order to reconsider the vote by which the resolution is agreed to or disagreed to, and it shall not be in order to move to consider any other resolution introduced with respect to the same message.

(3) Motions to postpone, made with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from decisions of the Chair relating to the application of the rules of the House of Representatives or the Senate, as the case may be, to the procedure relating to a resolution shall be decided without debate.

LITHUANIAN INDEPENDENCE DAY

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, last Friday marked the 55th anniversary of the Declaration of Independence of Lithuania. I rise today to join in the observance of that anniversary and to add my voice to those of freedom-loving people around the world, who are protesting the continued enslavement of that nation by the Soviet Union.

For 22 of the 55 years that have passed since Lithuania declared her independence the people of that nation have been subjected to a Communist program of systematic destruction of their culture and a vicious repression of the freedom to which they are entitled as human beings. That the Russians have failed in these efforts was evidenced recently by the bold action of 17,000 Lithuanian Catholics in petitioning the United Nations for freedom. Massive street demonstrations over the past year have also served notice to the Soviets and to the world that the spirit of freedom is still very much alive in the area that once was the Republic of Lithuania.

It is my hope that our delegates to the upcoming European Security Conference will make the plight of Lithuanian people, and that of all those trapped behind the Iron Curtain, a matter for serious discussion. The petition of freedom and self-determination for Lithuania is one which concerns all of us, and I, for one, pledge to continue my efforts to work for the freedom of that nation and all other captive nations.

CHIEF JUDGE J. CLARENCE HERLIHY DISCUSSES THE PROBLEMS OF COURT ADMINISTRATION

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, much has been said in recent years about the problems of judicial administration and delay in our courts.

Presiding Justice J. Clarence Herlihy of the third department of New York State's appellate division, whom I have known personally ever since I served as mayor of Schenectady, recently expressed some very interesting ideas on problems and some possible solutions. His comments appeared in a recent supplement to the New York Law Journal and I ask unanimous consent that Justice Herlihy's very interesting article be printed in the Record, since I am sure his views will be of great interest to many of my colleagues.

The article follows:

[From the New York Law Journal, Jan. 24, 1973]

Court Administration: Upstate View

(By J. Clarence Herlihy)

The pace of justice has long been a cause of concern to common law societies and, as the President's Commission on Law Enforcement and Justice Administration has observed, we can link contemporary dismay with delay in the legal process back through our literature to Hamlet's lament that "the law's delay" is as noisome a human condition as "the pangs of mispriz'd love."

The pace of justice today is of particular concern in our criminal justice system. Congestion and delay in that system is most acute and prevalent in the sprawling metropolitan and urban centers of the nation where it has been estimated two-thirds of the American people live and work. And irrespective of the myriad and well-documented causes of delay in the system, one thing is clear: the legal process in the metropolitan areas of the United States in its methodologies and technologies has simply not kept abreast with the great demographic and economic changes that have altered the character of American society during the Twentieth Century.

CRACKERBARREL METHODS

Indeed, as Chief Justice Burger observed in his 1970 State of the Judiciary Address to the American Bar Association: "In the Supermarket Age we are trying to operate the courts with crackerbarrel and corner grocer methods and equipment, vintage 1900."

Much of the judiciary's present plight in the area of congestion and delay in its criminal justice system can be attributed to the fact that our nation's court systems were designed to serve compact, homogeneous and small rural societies. As a result, the county unit of government still remains the basic unit of court organization throughout most of the United States, electorally, fiscally and administratively.

This parochial pattern of court organization based upon county government was perhaps an efficient, economical and responsive form of organization in the unhurried earlier ages of our histroy; in the emerging age of the megalopolis, however, it is manifestly an organizational concept that requires critical reexamination.

NEW YORK SYSTEM

Fortunately, New York State's unified court system is so designed to transcend many of the organizational limitations inherent in a system structured along county boundaries. There are few states as diverse as New York in terms of population density, and economic and cultural disparity, as among, for example, the metropolitan counties of New York City, the great suburban communities of Long Island and the lower Hudson Valley, and the generally, but not exclusively, rural and agricultural upstate counties comprising the Third and Fourth Judicial Departments.

The unified administration, or government, of a court system for a state as diverse and as populous as ours, with its multitiered courts and supporting staffs, is by its nature a formidable responsibility and challenge. In all likelihood, the efficient central day-to-day administration of such a diverse system is literally impossible to achieve. Thus it is, I think, that the draftsmen of the 1962 constitutional reorganization of the courts vested each Appellate Division with substantial and comprehensive administrative powers over the operation of the courts within their respective judicial departments, with the important constitutional limitation that the Appellate Divisions exercise these powers "in accordance with the standards and administrative policies" established by the Administrative Board of the Judicial Conference.

This system of shared judicial administrative authority has strong adherents, and equally strong and well-intended critics. Nevertheless, the existence of the system and its design gives to each Appellate Division considerable administrative flexibility in ordering the civil and criminal processes of the courts within the geographical boundaries of their respective departments, with due consideration to local, and often unique, conditions in the courts, counties and judicial districts under their supervision.

IMPORTANT FACTORS

Such factors include the volume of judicial business in its *nisus prius* courts, the availability of judicial and nonjudicial manpower (including the practicing Bar), and the limitations of existing physical facilities.

In the Third Judicial Department, which consists of twenty-eight upstate counties and the third, fourth and sixth judicial districts, the Appellate Division in the exercise of its administrative authority relies heavily upon its three Administrative Judges (one in each judicial district), the office of the Departmental Director of Administration, and the Departmental Committee for Court Administration both in the formulation and the implementation of administrative policies and procedures. Once adopted, procedures and rules are continually monitored as to effectiveness and achievement and frequent conferences and meetings between the Court and its administrative aides and advisors serve to assure that the lines of communication always remain open and active.

While delay in the administration of criminal justice is not an acute problem in the Third Judicial Department, improvement and upgrading of the existing system and its facilities is nevertheless the constant goal of our court's administrative efforts, and several recent innovations and ongoing projects in the area seem worthy of mention.

NATIONAL COURT PLAN

Those most familiar with the nation's court systems, both federal and state, are cognizant of the fact that delay and congestion in the criminal justice field are not endemic to the trial of criminal cases and proceedings. Delay and congestion are fast becoming problems in the appellate process as well—as evidenced, for example, by the Freund Committee's proposal to create a national court of appeals to screen cases sought to be reviewed by the United States Supreme Court. This problem was also highlighted in a commentary in the November, 1972, *American Bar Association Journal* by Robert W. Meserve, the Association's president, when he cited the time-consuming appellate procedures following the convictions in the famed Chicago Seven and Sirhan Sirhan cases.

Mr. Meserve concluded that regardless of the reasons behind the considerable timespan between indictment and appellate review in the cases, more is actually at stake than the defendants' constitutional rights to a speedy trial: "Our obligation to society is equally important. Public confidence in the fairness and efficiency of criminal law administration is one of its most vital elements. We cannot afford to lose public confidence by even the appearance of unreasonable and unwarranted delays."

To militate against delay in criminal appeals coming to the Appellate Division in the Third Department, our court's system is to routinely advise each attorney assigned or who accepts an assignment to represent an indigent defendant: first, that the appeal must be brought on for argument within ninety days, or a motion upon notice for an enlargement for time be made; and second, that the Appellate Division considers the prosecution of an assigned appeal a matter of professional duty requiring counsel's immediate attention.

DISCIPLINING POSSIBLE

In those cases where notice of argument is not filed in compliance with this ninety-day rule, the attorney is given a ten-day notice to file the record and briefs, or to request an enlargement of time. In the rare case where delinquency in the prosecution of a criminal appeal persists, the attorney is requested to appear before a member of the court and is advised that formal disciplinary action against him may result from a neglect of his assignment.

This is a simple calendar control device of proven effectiveness. It assures the prompt hearing and disposition of indigent criminal appeals; and, equally important, demonstrates to the Bar and to the public our court's conviction that the expeditious determination of an individual's guilt or innocence is an absolute necessity in the correctional process, and a major responsibility of the judicial system.

Another ongoing project to expedite the criminal process commenced last fall with the establishment of a Court Planning Unit for the Third Judicial Department, funded under the provisions of the federal Omnibus Crime Control and Safe Streets Act of 1968 by the Judicial Conference and the Office of Crime Control Planning.

THREE AREAS STUDIED

The court planning staff of two attorneys is charged under the terms of the funding grant to initially focus upon three areas of the criminal justice system in the Third Judicial Department: trial delay, legal representation of defendants and inmates, and prisoner grievances.

With respect to trial delay, the court planners will compile data on existing delay in the processing of criminal cases in each of the twenty-eight counties of the Third Department, and will review current grand jury and county court scheduling policies and practices. Where existing practices are found in need of revision in order to meet statutory time limitations, the court planning unit is expected to develop plans for improving case management and scheduling.

In the area of prisoner grievances, the court planners will develop recommendations for the review of complaints asserted by inmates incarcerated in county and state correctional facilities located within the Third Department. They will also seek to devise methods of screening meritorious claims from frivolous applications. In the allied field of legal representation for indigent defendants, the court planning unit is expected to analyze and evaluate existing twenty-seven legal defense plans in the various counties throughout the Department, and to develop recommendations for the improved delivery of these services.

CASES MONITORED

Thus far, the court planning unit has devised a central information system for monitoring the intake and dispositions of criminal motions and proceedings in the county courts of the Department; and is conducting a study dealing with the problem of disparity, if any, in criminal sentencing in those courts.

In conclusion, I should like to add one further observation concerning delay in the criminal justice field. Foremost, to my way of thinking and from my experience as a member of the Administrative Board of the Judicial Conference, the root cause of our current problem is the lack of central court financing in New York State.

For example, in the Third Judicial Department, there are fifty-one local fiscal authorities which fund the unified court system and which must be consulted in the preparation of annual court budgets. Obviously, such fragmentation of fiscal responsibility in the operation of the courts precludes rational planning and intelligent programming of the constitutional mission of that system.

JOINT FINANCING

Similarly, in the First and a portion of the Second Judicial Department, there is the constant problem of joint financing by the city and state governments; and the inevitable conflicts as to their respective responsibilities in appropriating sufficient funds for such court purposes as court and detention facilities, nonjudicial staffs, the transportation of prisoners to and from court, probation services and myriad other judicially related services; the lack of which greatly contribute to congestion, and over which the courts have little, if any, control.

Conversely, if New York's judicial branch of government were to be financed through a central state budget—as is the case with the Executive and Legislative branches of government—better coordination of resources could be achieved, much of the present inefficiency and congestion in the courts could be eliminated, as would the existing lack of central fiscal control and the jurisdictional and policy conflicts among the hundreds of local governmental units now financing the unified court system.

A unified state budget for the New York State judiciary has been advocated by the Appellate Divisions and the Administrative Board of the Judicial Conference for several years, as well as by such organizations as the League of Women Voters and the State Bar Association. Several bills to implement central state financing for the courts have been introduced in the Legislature and have been the subject of considerable and extended study.

Hopefully, the 1973 session of the Legislature will see a concrete beginning to this vitally important reform in the administration of justice in New York State.

THAT RECOMPUTATION REPORT—AN EDITORIAL ON THE REPORT OF THE STRATTON SUBCOMMITTEE

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, Navy Times, the authoritative, independently owned military weekly, recently ran an editorial on the report of the House Armed Services Special Subcommittee on Retired Pay Revisions which will be of special significance to all of those interested in military retired pay recomputation.

The editor of Navy Times, Mr. John Slinkman, is one of the most knowledgeable experts on military personnel matters in our Nation's Capital; he has followed the development of military retirement and other personnel legislation for almost 30 years. In the present instance he has produced an important editorial which is worthy of the attention of all Members of Congress.

I particularly call your attention to his discussion of the political realities which may have attended the vote on the recomputation amendment in the Senate. These political facts of life are something that many citizens are not aware of, and such votes sometimes give a false impression of the true support that certain legislation might have.

It is time that all Members of Congress chose their position carefully on this complex issue and avoided creating false and irresponsible hopes in the minds of military retirees.

The editorial follows:

[From Navy Times, Jan. 31, 1973]

THAT RECOMPUTATION REPORT

A stunning blow to chances of recomputation, even a partial recomp, was devlivered by the special subcommittee of the House Armed Services Committee which made a study of all the various recomp proposals.

We have devoted a great deal of space in the last three issues to the long report of the subcommittee. We did that, not only because of the importance of the subject to both actives and retirees, but also to let readers know just what are many objections to recomputation by at least some legislators.

The objections are many and even with them laid out for rebuttal it is going to require great effort on the part of those who favor recomp to overcome them.

We are not going to repeat all of them here, instead we address ourselves to the three which may be the most fundamental obstacles to a return to the system of changing retired pay each time active duty pay is changed.

Retirees claim that abolishing recomp has had a bad effect on retention. The subcommittee denies this completely. It points out that retention was a problem during recomp and that the whole purpose of the major pay overhaul of 1958 (which abolished recomp) was to try to boost sagging retention. And it points out that very little interest in the recomp controversy is displayed by those now on active duty. Those arguments are going to be hard to rebut.

Next is the cost factor. Partial recomp would be very expensive—$14 billion to the year 2000 for the Nixon plan. Full recomp—whether for every person on active duty in 1958 or just for those who could be considered to have been career-committed in 1958—is so expensive ($96 billion for the latter) that other defense programs or other government programs would have to be curtailed drastically. The alternative is a tax increase.

Moreover the one-time recomp proposed by the administration or in the Hartke amendment will not still the clamor for recomputation, the subcommittee asserts. There was such a one-time recomp in 1963, and it did not end the controversy, the group reminded. And it quoted testimony of service organization representatives at last fall's subcommittee hearings that, if the retirees did get a one-time recomp, those organizations probably would be back again for another recomputation in the future.

Mention of the Hartke amendment brings up another point. Retirees were greatly heartened by the overwhelming 84 to 4 vote for that proposal in the Senate.

The political facts of life are that one house of Congress often adopts amendments which it knows aren't going to survive. Indeed, whenever the Senate gets a tax bill from the House it always adds amendments which it not only knows will not survive, but hopes will not survive. It's a political game, in which the Senator can tell voters, "I tried."

Significant in the case of the Hartke amendment was that, when the procurement authorization bill came back from the House-Senate compromise committee without the amendment, very little effort was made by any of the 82 Senators to get it put back in.

What makes the report important to actives—who have evinced little interest in recomp—as well as to retirees, is the hardnosed view this group of legislators takes towards retirement generally.

The congressmen pointed out that many benefits had been provided retirees, in place of recomputation, and that the military retirement system as it stands is "the most liberal general system in existence."

If that is the feeling of many legislators—and it's known to be shared by Chairman Stennis of the Senate Armed Services Committee—then the prospects are dim, dim not only for recomp but for any added benefits.

Congress is going to get from Defense this year a retirement overhaul package specifically designed to reduce the mounting costs of military retirement. The plan is designed to have minimum impact on those nearing retirement but the more junior the man or woman, the greater will be the reduction in present benefits.

It is not impossible that the legislators, with an eye on future retention problems, will trim present benefits more abruptly and ease up on future cuts. That also would have the advantage, in their eyes, of more immediate savings.

In this climate the chances either of recomputation or of any other retirement liberalizations are not at all good.

LET US PROTECT THE FREEDOM OF THE PRESS

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, I have recently joined with a number of my colleagues in introducing H.R. 2231, the Free Flow of Information Act, a bill to protect journalists from being forced to divulge sources and confidential information to government authorities.

This bill provides broad coverage. It protects reporters and those independently engaged in gathering news from being forced to reveal sources or information before any body of the Federal Government—the Congress, the courts, grand juries, and administrative agencies.

There is one, very narrow, exception to this bill. If a reporter is a defendant in a libel suit and his defense is based on the reliability of his source, he cannot invoke the protection of the act and refuse to name his source, thereby precluding the court from examining the merits of his defense claim.

In unusual cases, a party seeking divesture of the privilege must apply for an order from the U.S. district court, and the application may be granted only if all of the following three conditions are satisfied: first, there is probable cause to believe that the person from whom the information is sought has information clearly relevant to a specific violation of the law; second, the information cannot be obtained by alternative means; and third, there is a compelling and overriding national interest in the information.

My own reading of the Constitution indicates to me that there is no need for this legislation, but, unfortunately, certain members of the Supreme Court do not concur in this judgment. The Court decision in the Caldwell case, and the lower court rulings in the Farr and Bridge cases strike at the very heart of our system—the ability of the people to garner enough information to adequately assess the performance of their government.

An informed public is the key to a democracy, and a free and independent press is the key to an informed public. When we require newsmen to reveal their confidential sources, we are in essence precluding the gathering of the very information that has historically kept our public officials in tow.

Let us look at some of the recent stories that resulted from the journalist's ability to guarantee confidentiality to his source. Every Pulitzer Prize won for coverage of the Vietnam war depended on confidential sources. This includes the stories by Malcolm Browne and David Halberstam that challenged the truthfulness of the U.S. Government in saying the war was being won in 1963 and that the strategic hamlet program was a success in beating back the Vietcong. Halberstam and Browne showed the war and the program to be a failure and a farce. This information, upheld by history, certainly did not come from official Government sources. It came from lower echelon people who would have been reluctant to release such information if they thought they could be implicated in the process of the press release.

The My-Lai story—Seymour Hersh has indicated that his confidential sources for the story included three Army officers, a Congressman, and two congressional aides. Would we know about the My-Lai tragedy if Reporter Hersh had begun his investigation in the shadow of the Caldwell, Farr, and Bridge decisions? Perhaps not.

Other major stories that depended on confidential sources included:

A story on the Watts riot and its aftermath; a study of the Black Panthers in southern California; an article detailing important aspects of the Son Tay prison raid in Vietnam; an exposé of Ku Klux Klan terrorists in the South; an article on the controversy over oil imports; and a story concerning the relationships between Abe Fortas, then Supreme Court Justice, and the Wolfson Foundation.

This list, of course, represents only a fraction of the important stories that could be partially or wholly attributed to the newsman's ability to guarantee confidentiality, yet it gives a good indication of the importance of this issue. The press has often been called the "Fourth Branch of Government." I have no doubt that this branch will all but cease to exist if the current judicial harassment of reporters is allowed to continue.

Important investigative reporting largely depends on the reporter's ability to get to those sources that are in the position to have knowledge of government corruption. These sources will almost certainly dry up if the courts continue to order newsmen to reveal their sources. What government or private employee will choose to expose a scandal when he knows such an exposé could mean his job? On the other hand, I would imagine that many journalists faced with a choice of revealing a source and going to jail, would simply choose the easier route, and rely more heavily on official releases. The occurrence of either possibility could prove disastrous for both the people and the Government of this country.

Thomas Jefferson is often quoted as saying that, if he had a choice, he would choose a press without a government over a government without a press. The recent actions of the Court have been a step in the direction of the latter situation. The Congress must act to halt that step.

WE NEED A NEW VIEW TOWARD CUBA

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, the beginning of the 93d Congress is an excellent time to reevaluate our position toward Cuba. I have continually applauded President Nixon's visits to China and Russia last year. In my opinion, such diplomatic missions are the ultimate key to peaceful coexistence between the two major ideological blocs in the world.

Let us not, however, halt this historic process in midstream. If we can travel thousands of miles to China and Russia in order to break down two decades of misunderstanding, then we should be able to come to some mutually beneficial agreement with our Cuban neighbors only 90 miles away.

The Cuban revolution is now 12 years old. Their ideological fervor has been diluted by time, and they are now ready to deal with the United States on a more reasoned basis. Fidel Castro has indicated a willingness to negotiate the hijacking problem, an issue that is bothersome to both countries. This is a major step for the Cuban Government. It was not long ago that they were referring to us as the northern devil.

It is up to us to reciprocate this move by a reevaluation of our own thinking. The Cuban Government may be here to stay. We are only fooling ourselves if we think that it is suddenly going to collapse from the dissatisfaction of its citizens or the imposition of the American embargo—Communist governments, due to their disciplined nature, do not easily subvert.

At the same time, it is obvious that the Cuban revolutionary model has been rejected in the short run by the rest of South America. It died with Che Guevara in the Bolivian countryside.

Yes, Cuba is a Communist nation, but it is high time that we base our foreign relations on something other than an emotional fear of the "red menace." That fear has already led us into the morass of Vietnam.

I do not propose that we suddenly become the mother protector of the Castro regime, but that we face up to the realities of the Cuban situation. Cuba is only 90 miles away, as such it is an obvious possible trading partner. More importantly, reconciliation with Cuba will serve notice on South America and the rest of the world that the United States is willing to form an entente with small nations as well as large.

Our recent relations with China and Russia are important in that they amount to a significant inroad into 25 years of cold-war hostility. Let us continue this important step with a new view toward Cuba.

At this point in the RECORD I enclose an article by Herbert Matthews from the December 14, 1972, New York Times on this important subject:

CUBA'S REVOLUTION ON THE PLUS SIDE

(By Herbert L. Matthews)

LONDON.—Both Cuba and the United States are going to have to change their policies toward each other if there are to be even the beginnings of fruitful negotiations on anything but hijacking.

I spent three weeks in Cuba in September, during which I had talks with virtually every leader from Fidel Castro down, and traveled from Pinar del Rio in the west to Oriente Province in the east. I would say that the least of the difficulties facing Washington is to get the Cubans to change their minds about talking with Henry Kissinger or whoever else might ultimately be sent to Havana. Judging from what has been said and written in Washington and New York (and picked up in London) there is little understanding of the formidable obstacles which now stand between Cuba and the United States. This is not the Cuba of 1959.

The economic situation has improved since 1970 and there are good reasons to believe, as

President Osvaldos Dorticós put it to me, in "a slow, steady, uphill climb" during the coming years. Cuba has gone through thirteen years of material hardships and just as they are beginning to let up Fidel Castro is not likely to be wooed and won by economic aid or dollar credits which are not at all essential to his revolution. No approach to him would make sense if it did not, as a pre-existing basis for negotiation, accept his revolution, including its Marxism-Leninism and the social transformation of Cuban life.

The Revolution and Fidel Castro's position in it seem stronger than ever. I had long talks with him and Raúl Castro, his brother, other Cabinet ministers, leaders of the Communist party, the labor confederation, the Women's Federation and the Committees for the Defense of the Revolution. I have known these men and women for about fifteen years and I have never seen them so relaxed, so sure of themselves or so happy. They believe that their worst trials are over and that time is on their side.

No greater mistake can be made about the Cuban Revolution than to judge it in economic or material terms. Fidel Castro is not giving Cubans the consumer goods and prosperity they would like, but he is giving them a great deal else they never had, such as honesty in government, excellent educational, medical and social services for every citizen, and almost full employment.

Cuba's entry in COMECON (the Communist bloc's economic union) last summer will change little. The island will always be "dependent" on the outer world because it lacks so many vital raw materials, but it is wrong to think glibly in terms of the Revolution simply having shifted Cuban dependence on the United States to the Soviet Union. Russia does not own an acre of Cuban land or a single mine or factory; she does not own or control Cuba's utilities and banking structure; she does not have any influence on the culture and way of life of Cubans. Moreover, she is a comfortable 6,000, not 90 miles away. The Russian take no profit out of Cuba—very much to the contrary. In talking to me, Castro was very enthusiastic about his trip to Russia last year. "Our relations are closer than ever," he said.

In these fourteen years, the whole structure of the Cuban economy has had to change from American machinery, goods, management and methods to the Russians, Japanese (the second largest traders), Spanish, British, French, Italians and Canadians. The United States can never again move into a vacuum, as it did after the 1898 war. Americans must start all over again.

Richard Nixon, more than any North American, is anathema to Fidel Castro, his associates and, one must suppose, the great majority of Cubans. Every time his name is printed in "Granma," the official newspaper, it is with a swastika in place of the "x" in Nixon. Naturally, this will not impede the negotiations on hijacking.

Almost certainly, the simple explanation of the Cuban approach is that Fidel Castro finally got utterly fed up with his country being made into a dumping ground for every criminal and crackpot who decided to hijack a plane. One need not yet read anything more into what has happened—but it may lead to more. Fidel Castro is nothing if not pragmatic, and he is never afraid to change his tactics. He has become more mature and more experienced, now that he has reached the advanced—for Cuba—age of 46.

"We will be friendly with those countries who want to be friendly with us, whatever their form of government," he said to me in September. However, he added that he did not see how relations with the United States could change in present circumstances, and that he was not looking for a change.

IS THE WHITE HOUSE RENEGING ON THE SALT AGREEMENT?

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, as one of the Members of Congress that applauded last summer's SALT agreements, I am deeply disturbed by the President's latest moves to dismantle the Arms Control and Disarmament Agency, and concentrate all phases of disarmament policy within the White House.

This Agency, under the astute direction of Gerard C. Smith, conducted 2½ years of intense negotiations with the Soviet Union, and succeeded in establishing the basis of an agreement which could easily become the most important document in the history of mankind, not to mention its relevance to the American taxpayer who stands to gain untold billions in tax dollars that might otherwise go down the drain in the arms race.

Not only is the ACDA to be gutted by a healthy cut—its new budget will be $6.7 million compared to last year's $10 million—but its able leader will be replaced by U. Alexis Johnson, a former Under Secretary of State. Mr. Johnson has been characterized as much more receptive to hard-line Pentagon views than any of the ACDA professionals.

At the same time, while the research capacity of the ACDA has been reduced from $2 million to $500,000, the White House has let out a research contract on disarmament to Donald G. Brennen, an outspoken critic of the SALT agreements.

It is interesting to note that while the peacekeeping ACDA has experienced a substantial cut, the Defense budget somehow escaped the President's frenzied blue pencil without so much as a mark. In fact, the DOD budget contains many healthy increases, including a $917 million jump in the Trident submarine program.

What goes on here? All of these moves, considered together, can only be interpreted as evidence that the President is beginning to backpeddle on the historic advances of the SALT accords. It is no accident that, almost simultaneously, the President emasculated the ACDA, replaced the ACDA Director with a hard-liner, moved Dr. Kissinger into the forefront of the SALT negotiations, let out a research contract to a well-known anti-SALT spokesman, and submitted a Defense budget that amounts to no less than a massive escalation under the SALT umbrella.

I view all of these events with considerable alarm. The SALT I agreements were historic, but they are more important for what they promise than for what they have already produced.

Dr. Brennan, the White House's favored researcher, testified before the Senate Foreign Relations Committee in June that the SALT agreement established a Soviet nuclear superiority and tied it to a "declining American role in world affairs."

It is my own feeling, Mr. Speaker, that we have had enough of this reactionary thinking.

Ambassador Smith, in his July statement before the House Armed Services Committee, stated:

> The administration's objectives in SALT are to achieve agreements maintaining and enhancing a sound U.S. strategic posture and to reach a more stable strategic relationship with the USSR in order to improve the prospects for peace. I think the objectives have been met in these first agreements.

I agree wholeheartedly with Ambassador Smith's analysis. I only hope that the administration's moves since Ambassador Smith's resignation are not symptomatic of a change of heart on the part of the White House. The cost to the American public, and the entire world would be too high.

THE BUDGET CUTS—MY CONSTITUENTS ASK WHY?

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, Mr. Nixon has made one basic assumption in his fiscal year 1974 budget. That assumption is that the rest of the people in this country believe that Washington-based programs haven't succeeded in achieving their stated goals.

This assumption was articulated by Caspar Weinberger, outgoing Director of the Office of Management and Budget, in his press conference on the budget. He stated that—

> There is a feeling in Washington that categorical programs are the way to go. That feeling is not shared in the country.

Well, Mr. Speaker, My mail has begun to come in on the Budget, and it appears that my district is not a part of the country that President Nixon and Mr. Weinberger so often refer to. My constituents have been writing me wanting to know why our best social programs have been gutted, why 23 million medicare recipients are going to have to pay an extra billion dollars, why our land and water conservation funds are being robbed of millions, and why the Defense Department has miraculously escaped this belt-tightening spree without so much as a scratch.

I am, frankly, having a difficult time answering these questions, since I am still seeking the answers myself.

I would like to share with my colleagues one of the more articulate letters that I have received from my constituents on this matter from Ms. Christenia Alder. She states—

> So much has been accomplished by past legislation. To lose it all by the sweep of an accountant's pen, is an atrocious thought.

At this point in the RECORD, I would like to insert the full text of Ms. Alder's letter:

> JANUARY 28, 1973.
>
> Congressman LEGGETT,
> *House Office Building,*
> *Washington, D.C.*
>
> DEAR SIR: This evening our "President" asked us to write our congressman concerning his proposed budget. I surmise he would

expect us to favor his proposed cuts because, after all, he's promised not to raise taxes. The new breed of rugged individualist he hopes to generate will have no need of such frivolous expenditures as aid to hospitals or education. Yes, indeed, we may all go back to the strong moral fiber which built this country.

Recently I have been studying the conditions which produced the mythical Americans Mr. Nixon alludes to. They were strong men who died at the age of 40 of old age. They were women who of necessity had enormous families; the necessity being to raise the child to the age of 7 or 8 so he could go to work. The doctrine Mr. Nixon espouses is a poorly veiled form of Social Darwinism. This philosophy is of enormous benefit to the moneyed concerns of our Nation. But to the vast majority of the country, it means that the threat of an illness of any consequence means bankruptcy. That education is a fleeting dream, or worse yet, an opportunity never considered.

And so in response to the President's appeal, I write you to request you exercise your full abilities to combat his budget cuts. If an equitable tax structure could be hit upon, his cuts would be unnecessary. Loopholes for capital are always to be found in the structure of Social Darwinism, however. And Nixon has proposed that we boldly take a step back to 1900 in order to strengthen our Nation economically.

I, for one, am not anxious to try out Mr. Nixon's reactionary approach to contemporary existence. I hope you share my terror. So much has been accomplished by past legislation. To lose it all by the sweep of an accountant's pen is an atrocious thought.

Thank you for your time.

Sincerely,

CHRISTENIA S. ALDEN.

OFFENSIVE COMMERCIALS

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, recently I took the House floor to protest against offensive commercials promoting General Motors' "Il Signore" model Oldsmobile. These commercials were clearly inspired by the recent motion picture "The Godfather" and were offensive in the extreme to persons of Italian descent.

Mr. Speaker, I am happy to report that GM has withdrawn these commercials. I would like to thank all Members of this House who protested to GM and in particular Mr. Fortune Pope, publisher of Il Progresso, a New York-based Italian-language newspaper for his leadership in this matter.

I hope GM will not repeat this unfortunate lapse of good taste.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FOUNTAIN (at the request of Mr. MCFALL), for today, on account of official business;

Mr. ADDABBO, for February 22, on account of official business;

Mr. BRASCO, for February 22, on account of death in family;

Mr. ESHLEMAN (at the request of Mr. GERALD R. FORD), for today, on account of attendance at a funeral;

Mr. FRENZEL (at the request of Mr. GERALD R. FORD), on account of a death in the family;

Mr. PRICE of Texas (at the request of Mr. GERALD R. FORD), for an indefinite period on account of illness;

Mr. TOWELL of Nevada (at the request of Mr. GERALD R. FORD), for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HECHLER of West Virginia, for 10 minutes, today, and to revise and extend his remarks.

(The following Members (at the request of Mr. BEARD) and to revise and extend their remarks and include extraneous matter:)

Mrs. HECKLER of Massachusetts, for 5 minutes, today.

Mr. DUNCAN, for 20 minutes, today.

Mr. WHALEN, for 15 minutes, today.

Mr. HEINZ, for 5 minutes, today.

(The following Members (at the request of Mr. RYAN) and to revise and extend their remarks and include extraneous matter:)

Mr. PODELL, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. EILBERG, for 5 minutes, today.

Mr. GUNTER, for 5 minutes, today.

Mr. KASTENMEIER, for 15 minutes, today.

Mr. DULSKI, for 10 minutes, today.

Mr. O'NEILL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ROUSH, and to include extraneous material.

Mr. STOKES, and to include extraneous material, notwithstanding an estimated cost of $2,975.

Mr. GERALD R. FORD, immediately following the President's economic message.

Mr. RANDALL in three instances and to include extraneous matter.

(The following Members (at the request of Mr. BEARD) and to include extraneous matter:)

Mr. BROYHILL of Virginia in two instances.

Mr. GUDE in five instances.

Mr. DERWINSKI in two instances.

Mrs. HECKLER of Massachusetts.

Mr. ARENDS.

Mr. SHRIVER.

Mr. STEIGER of Wisconsin.

Mr. GILMAN.

Mr. SCHNEEBELI.

Mr. HOGAN in two instances.

Mr. WYMAN in two instances.

Mr. HEINZ.

Mr. MCCLORY.

Mr. BOB WILSON.

Mr. ABDNOR.

Mr. COHEN.

Mr. SPENCE in two instances.

(The following Members (at the request of Mr. RYAN) and to include extraneous material:)

Mr. GUNTER.

Mr. RARICK in three instances.

Mr. GONZALEZ in three instances.

Mr. LEHMAN in 10 instances.

Mr. CAREY of New York.

Mr. WILLIAM D. FORD in three instances.

Mr. BEVILL.

Mr. ROY.

Ms. ABZUG in 10 instances.

Mr. WOLFF.

Mr. DE LUGO in two instances.

Mr. WALDIE in four instances.

Mr. DINGELL in two instances.

Mr. THOMPSON of New Jersey.

Mr. HARRINGTON in two instances.

Mr. EVINS of Tennessee in two instances

Mr. ROSENTHAL in five instances.

Mr. CLAY in three instances.

Mr. VAN DEERLIN.

Mr. DOMINICK V. DANIELS in two instances.

Mr. BURKE of Massachusetts.

Mr. ADDABBO.

Mr. HANNA.

Mr. PATTEN.

Mr. REID in two instances.

Mr. NEDZI.

Mr. DELLUMS in 10 instances.

Mr. MITCHELL of Maryland in two instances.

Mr. THORNTON.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 39. An act to amend the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 43. An act to provide for the mandatory inspection of rabbits slaughtered for human food, and for other purposes; to the Committee on Agriculture.

S. 394. An act to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes; to the Committee on Agriculture.

ADJOURNMENT

Mr. RYAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 52 minutes p.m.), under its previous order, the House adjourned until Monday, February 26, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

465. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken for the Army National Guard, together with notice of the cancellation of two other such projects, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

466. A letter from the Deputy Assistant Secretary of Defense (Installations and Hous-

ing), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken for the Naval and Marine Corps Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

467. A letter from the Assistant Secretary of the Air Force (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend section 9441 of title 10, United States Code, to provide for the budgeting by the Secretary of Defense, the authorization of appropriations, and the use of those appropriated funds by the Secretary of the Air Force, for certain specified purposes to assist the Civil Air Patrol in providing services in connection with the noncombat mission of the Air Force; to the Committee on Armed Services.

468. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report of Department of Defense procurement from small and other business firms for July to November 1972, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

469. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Urban Mass Transportation Act of 1964; to the Committee on Banking and Currency.

470. A letter from the Chairman, National Advisory Council on Supplementary Centers and Services, transmitting the Council's fifth annual report, covering fiscal year 1972; to the Committee on Education and Labor.

471. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential Determination No. 73–11 that it is important to the security of the United States to waive the requirements of section 620(m) of the Foreign Assistance Act of 1961, as amended, in order to provide security supporting assistance to fund the fiscal year 1973 educational and cultural component of the Agreement of Friendship and Cooperation between the United States and Spain, pursuant to section 614(a) of the act; to the Committee on Foreign Affairs.

472. A letter from the Attorney General, transmitting a draft of proposed legislation to amend the Controlled Substances Act to provide for the registration of practitioners conducting narcotic treatment programs; to the Committee on Interstate and Foreign Commerce.

473. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to assure protection of public health and other living organisms from the adverse impact of the disposal of hazardous wastes, to authorize a research program with respect to hazardous waste disposal, and for other purposes; to the Committee on Interstate and Foreign Commerce.

474. A letter from the Secretary of the Treasury, transmitting a report that no findings of reciprocity have been made under Public Law 92–163, an act to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel, pursuant to section 2 of the act; to the Committee on Merchant Marine and Fisheries.

475. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for certain transportation projects in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

476. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend sections 112, 692, 6013, and 7508 of the Internal Revenue Code of 1954 for the relief of certain members of the Armed Forces of the United States returning from the Vietnam conflict combat zone, and for other purposes; to the Committee on Ways and Means.

Received From the Comptroller General

477. A letter from the Comptroller General of the United States, transmitting a report that potentially adulterated products need to be better controlled and that sanitation needs to be improved at some fruit and vegetable processing plants receiving grading service from the Agricultural Marketing Service, Department of Agriculture; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABDNOR:

H.R. 4593. A bill to provide for the distribution of funds appropriated to pay a judgment in favor of the Cheyenne River Sioux Tribe in Indian Claims Commission docket No. 114, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ADDABBO (for himself and Mr. Wolff):

H.R. 4594. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. ANDERSON of California:

H.R. 4595. A bill to amend the National Flood Insurance Act of 1968 to provide protection thereunder against losses resulting from earthquakes and earthslides; to the Committee on Banking and Currency.

H.R. 4596. A bill to establish in the State of California the Toyon National Urban Park; to the Committee on Interior and Insular Affairs.

By Mr. BEARD:

H.R. 4597. A bill to prohibit travel at Government expense outside the United States by Members of Congress who have been defeated, or who have resigned, or retired; to the Committee on House Administration.

By Mr. BIAGGI (for himself, Mr. Byron, Mr. Lent, Mr. Forsythe, Mr. Jones of North Carolina, Mr. Bevill, Mr. Reid, Mr. Pepper, Mr. Dorn, Mr. Price of Illinois, Mr. Kemp, Mr. Danielson, Mr. Vigorito, Mr. Roberts, Mr. Chappell, Mr. Wydler, Mr. Fish, Mr. Hosmer, Mr. Roe, Mr. William D. Ford, Mr. Denholm, Mr. Mollohan, Mr. Roncallo of New York, Mr. Lehman, and Mr. Michel):

H.R. 4598. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. BIAGGI (for himself, Mr. Murphy of Illinois, Mr. Archer, Mr. Aspin, Mr. Broyhill of Virginia, Mr. Buchanan, Mr. Derwinski, Mr. Devine, Mr. Dulski, Mr. Grover, Mr. Gubser, Mr. Hanley, Mr. Hechler of West Virginia, Mr. Johnson of California, Mr. King, Mr. Minshall of Ohio, Mr. Montgomery, Mr. Patman, Mr. Roncalio of Wyoming, Mr. Teague of California, and Mr. Matsunaga):

H.R. 4599. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. BIAGGI (for himself, Mr. Tiernan, Mr. Burton, Mr. Mitchell of New York, Mr. Frey, Mr. Koch, Mr. Charles H. Wilson of California, Mr. Clark, Mr. O'Hara, Mr. Nix, Mr. Milford, Mr. Podell, Mr. Nichols, Mr. Hogan, Mr. Melcher, Mr. Yatron, Mr. McKinney, Mrs. Grasso, Mr. McCormack, Mr. St Germain, Mr. Johnson of Pennsylvania, Mr. Sandman, Mr. Hastings, Mr. Minish, and Mr. Wolff):

H.R. 4600. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGHAM (for himself and Mr. Brademas):

H.R. 4601. A bil to amend the tax and customs laws in order to improve the U.S. position in foreign trade, to improve adjustment assistance benefits, and to provide clear labeling of foreign products; to the Committee on Ways and Means.

By Mr. BLATNIK:

H.R. 4602. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; to the Committee on Education and Labor.

H.R. 4603. A bill to improve the veterans' and widows' pension program under title 38, United States Code, by increasing the maximum pension rates, by increasing the maximum annual income limitations, and by taking into account cost-of-living increases in the computation of pension rates, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4604. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

By Mr. BOLAND (for himself, Mr. Moakley, and Mr. Sarasin):

H.R. 4605. A bill to improve the efficiency of the Nation's highway system, allow States and localities more flexibility in utilizing highway funds, and for other purposes; to the Committee on Public Works.

By Mr. BURKE of Massachusetts (for himself, Mr. Bevill, Mr. Cederberg, Mr. Fisher, Mr. Fulton, Mr. Fuqua, Mr. Hastings, Mr. Mann, Mr. Nichols, Mr. Passman, Mr. Rarick, Mr. Sebelius, Mr. Sikes, and Mr. Waggonner):

H.R. 4606. A bill to amend the Internal Revenue Code of 1954 to extend certain transitional rules for allowing a charitable contribution deduction for purposes of the estate tax in the case of certain charitable remainder trusts; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 4607. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

H.R. 4608. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

By Mr. CHAPPELL:

H.R. 4609. A bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes; to the Committee on Agriculture.

H.R. 4610. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. CLANCY:

H.R. 4611. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CLEVELAND (for himself and Mr. Wyman):

H.R. 4612. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein adjacent to the exterior boundaries of the White Mountain National Forest in the State of New Hampshire for addition to the national forest system, and for other purposes; to the Committee on Agriculture.

By Mr. CONABLE (for himself and Mr. Horton):

H.R. 4613. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories and possessions, to include privately owned property; to the Committee on Public Works.

By Mr. DAVIS of Georgia (for himself and Mr. Baker):

H.R. 4614. A bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the National Wilderness Preservation System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DENHOLM (for himself, Mr. Adams, Mr. Culver, Mr. Eilberg, Mr. Ginn, Mr. Lott, Mr. Patman, Mr. Waldie, Mr. Price of Illinois, and Mr. Holifield):

H.R. 4615. A bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes; to the Committee on Agriculture.

By Mr. DEVINE (for himself and Mr. Del Clawson):

H.R. 4616. A bill to amend the Social Security Act to provide for medical, hospital, and dental care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. DINGELL (for himself and Mr. Dennis):

H.R. 4617. A bill to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory animals; to establish a program of research concerning the control and conservation of predatory animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DULSKI:

H.R. 4618. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. EILBERG:

H.R. 4619. A bill to provide for improved labor-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4620. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. FREY:

H.R. 4621. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. FREY (for himself, Mr. Robison of New York, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Mr. Seiberling, Mr. Stark, Mr. Steiger of Wisconsin, Mr. Tiernan, Mr. Van Deerlin, Mr. Vander Jagt, Mr. Vanik, Mr. Waldie, Mr. Whitehurst, Mr. Won Pat, and Mr. Wyatt):

H.R. 4622. A bill to amend title 18, United States Code, to promote public confidence in the legislative branch of the Government of the United States by requiring the disclosure by Members of Congress and certain employees of the Congress of certain financial interests; to the Committee on Standards of Official Conduct.

By Mr. FREY (for himself, Mr. Udall, Mr. Anderson of Illinois, Mr. Ashley, Mr. Badillo, Mr. Bell, Mr. Biester, Mr. Bolling, Mr. Brown of California, Mrs. Burke of California, Mrs. Chisholm, Mr. Conyers, Mr. Corman, Mr. Cronin, Mr. Davis of Georgia, Mr. Drinan, Mr. Dulski, Mr. Edwards of California, Mr. Erlenborn, Mr. Fascell, Mr. Forsythe, Mr. Fraser, Mrs. Grasso, Mrs. Green of Oregon, and Mr. Green of Pennsylvania):

H.R. 4623. A bill to amend title 18, United States Code, to promote public confidence in the legislative branch of the Government of the United States by requiring the disclosure by Members of Congress and certain employees of the Congress of certain financial interests; to the Committee on Standards of Official Conduct.

By Mr. FREY (for himself, Mr. Gude, Mr. Hamilton, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hastings, Mr. Hechler of West Virginia, Mr. Heinz, Mr. Helstoski, Mr. Lehman, Mr. McCloskey, Mr. McKinney, Mr. Meeds, Mr. Milford, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Mosher, Mr. Owens, Mr. Pettis, Mr. Preyer, Mr. Railsback, Mr. Rangel, Mr. Rees, and Mr. Reuss):

H.R. 4624. A bill to amend title 18, United States Code, to promote public confidence in the legislative branch of the Government of the United States by requiring the disclosure by Members of Congress and certain employees of the Congress of certain financial interests; to the Committee on Standards of Official Conduct.

By Mr. FROEHLICH:

H.R. 4625. A bill to amend section 355 of title 38, United States Code, relating to the authority of the Administrator of Veterans' Affairs to readjust the schedule of ratings for the disabilities of veterans; to the Committee on Veterans' Affairs.

By Mr. FULTON:

H.R. 4626. A bill to amend section 411(c) of the Tax Reform Act of 1969; to the Committee on Ways and Means.

By Mrs. GRIFFITHS (for herself, Mr. Bell, Mr. Biester, Mr. Brown of California, Mr. Clark, Mr. Cleveland, Mr. Danielson, Mr. Derwinski, Mr. Dingell, Mr. Donohue, Mr. Eilberg, Mr. Frelinghuysen, Mr. Frenzel, Mr. Froehlich, Mrs. Grasso, Mrs. Green of Oregon, Mrs. Hansen of Washington, Mr. Kemp, Mr. Ketchum, Mr. Martin of North Carolina, Mr. Matsunaga, Mr. Moakley, Mr. Murphy of New York, Mr. Nedzi, and Mr. Obey):

H.R. 4627. A bill to amend the Internal Revenue Code of 1954 to provide reasonable and necessary income tax incentives to encourage the utilization of recycled solid waste materials and to offset existing income tax advantages which promote depletion of virgin natural resources; to the Committee on Ways and Means.

By Mrs. GRIFFITHS (for herself, Mr. O'Hara, Mr. Pepper, Mr. Podell, Mr. Roncalio of Wyoming, Mr. Schneebeli, Mr. Seiberling, Mr. Stark, Mr. Stephens, Mr. Stokes, Mr. Thone, Mr. Vigorito, Mr. Bob Wilson, Mr. Wolff, Mr. Won Pat, and Mr. Yatron):

H.R. 4628. A bill to amend the Internal Revenue Code of 1954 to provide reasonable and necessary income tax incentives to encourage the utilization of recycled solid waste materials and to offset existing income tax advantages which promote depletion of virgin natural resources; to the Committee on Ways and Means.

By Mr. DIGGS:

H.R. 4629. A bill to redesignate the Office of Commissioner of the District of Columbia as Mayor of the District of Columbia; to the Committee on the District of Columbia.

By Mr. HARRINGTON:

H.R. 4630. A bill to provide public service employment opportunities for unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. HARSHA:

H.R. 4631. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

H.R. 4632. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HASTINGS:

H.R. 4633. A bill to amend the Controlled Substances Act to provide for the registration of practitioners conducting narcotic treatment programs; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS (for himself and Mr. Mitchell of New York):

H.R. 4634. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. HEINZ:

H.R. 4635. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. HEINZ (for himself, Mr. Bingham, Mr. Brown of California, Mr. Coughlin, Mr. Dent, Mr. Hechler of West Virginia, Mr. Hillis, Mr. Horton, Mr. McCloskey, Mr. McDade, Mr. Moorhead of Pennsylvania, Mr. Murphy of New York, Mr. Owens, Mr. Podell, Mr. Stratton, Mr. Stuckey, Mr. Thone, Mr. Young of Florida, Ms. Abzug, Mr. Frey, Mr. Seiberling, Mr. Stark, and Mr Cohen):

H.R. 4636. A bill to amend section 1130 of the Social Security Act to make inapplicable to the aged, blind, and disabled the existing provision limiting to 10 percent the portion of the total amounts paid to a State as grants for social services which may be paid with respect to individuals who are not actually recipients of or applicants for aid or assistance; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 4637. A bill to provide for the payment of unpaid balances of awards certified by the Foreign Claims Settlement Commission on the basis of claims made under title III of the International Claims Settlement Act of 1949 against the Government of Rumania; to the Committee on Foreign Affairs.

By Mr. HENDERSON (for himself, Mr. Alexander, Mr. Davis of South Carolina, Mr. Drinan, Mr. Dulski, Mr. Fisher, Mr. Flynt, Mr. Fuqua, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Jones of North Carolina, Mr. Mathis of Georgia, Mr. Matsunaga, Mr. Melcher, Mr. Mollohan, Mr. Moss, Mr.

Murphy of New York, Mr. Preyer, Mr. Rarick, Mr. Rose, Mr. Roy, Mr. Thompson of New Jersey, Mr. Vigorito, and Mr. Waggonner):

H.R. 4638. A bill concerning legal counsel of recipients of loans under programs administered by the Department of Agriculture; to the Committee on Agriculture.

By Mr. HENDERSON (for himself, Mr. Brown of California, Mr. Burton, Mrs. Chisholm, Mr. Culver, Mr. Danielson, Mr. William D. Ford, Mr. Lehman, Mr. Roush, Mr. Sarbanes, Mr. Satterfield, Mr. Seiberling, and Mr. Wolff):

H.R. 4639. A bill concerning the legal counsel of recipients of loans under programs administered by the Department of Agriculture; to the Committee on Agriculture.

By Mr. KASTENMEIER:

H.R. 4640. A bill to amend the Internal Revenue Code of 1954 to provide that cigarette advertising is not a deductible business expense; to the Committee on Ways and Means.

By Mr. KUYKENDALL (for himself, Mr. Devine, and Mr. Skubitz):

H.R. 4641. A bill to amend the Federal Aviation Act of 1958 to provide for the establishment of an air transportation security program and an air transportation security law enforcement force adequate to assure the safety and security of passengers in air transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KUYKENDALL:

H.R. 4642. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medicaid programs (and recipients of assistance or benefits under the veterans' pension and compensation programs and certain other Federal and federally assisted programs) will not have the amount of such aid assistance, or benefits reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

By Mr. LENT (for himself, Mr. Rose, Mr. Cohen, and Mr. Walsh):

H.R. 4643. A bill to establish a contiguous fishery zone (200-mile limit) beyond the territorial sea of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. McSPADDEN:

H.R. 4644. A bill to appropriate funds to compensate the Cherokee Nation, a tribe of Indians of Oklahoma, for the loss of 545,175.14 acres of land; to the Committee on Interior and Insular Affairs.

By Mr. MARAZITI (for himself and Mr. Kemp):

H.R. 4645. A bill to promote the employment of unemployed Vietnam veterans; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 4646. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act, to provide that meat or poultry, as the case may be, which is inspected in a facility subject to State inspection shall be eligible for distribution in commerce in the same manner as meat or poultry which is inspected in a facility subject to Federal inspection; to the Committee on Agriculture.

H.R. 4647. A bill to extend the traineeship program for professional public health personnel, and project grants for graduate training in public health under the Public Health Service Act; to the Committee on Interstate and Foreign Commerce.

H.R. 4648. A bill to exclude from gross income the first $750 of interest received on deposits in certain financial institutions; to the Committee on Ways and Means.

By Mr. MELCHER (for himself, Mr. Adams, Mr. Addabbo, Mr. Ashley, Mr. Dominick V. Daniels, Mr. Dellenback, Mr. Fauntroy, Mr. William D. Ford, Mr. Fraser, Mr. Foley, Mr. Fulton, Mr. Gude, Mr. Gunter, and Mr. Giaimo):

H.R. 4649. A bill to amend the Budget and Accounting Act of 1921 to require the advice and consent of the Senate for appointments to Director of the Office of Management and Budget; to the Committee on Government Operations.

By Mr. MELCHER (for himself, Mr. Hawkins, Mr. Heinz, Mr. Jones of North Carolina, Mr. Mann, Mr. McCloskey, Mr. McKay, Mrs. Mink, Mr. Morgan, Mr. Murphy of Illinois, Mr. Owens, Mr. Roush, Mr. Ryan, Mr. Stark, Mr. Stokes, Mr. Thornton, Mr. Waldie, Mr. Yates, Mr. Charles Wilson of Texas):

H.R. 4650. A bill to amend the Budget and Accounting Act of 1921 to require the advice and consent of the Senate for appointments to Director of the Office of Management and Budget; to the Committee on Government Operations.

By Mr. MEEDS:

H.R. 4651. A bill to amend the Mineral Lands Leasing Act of 1920; to the Committee on Interior and Insular Affairs.

By Mr. MEEDS (for himself, Mr. Wolff, Mr. Foley, Mr. Stokes, Mr. Matsunaga, Mrs. Schroeder, Mr. Koch, Mr. Roy, Ms. Abzug, Mr. Owens, and Mr. Stark):

H.R. 4652. A bill to amend the Economic Opportunity Act of 1964 to authorize a legal services program by establishing a National Legal Services Corporation, and for other purposes; to the Committee on Education and Labor.

By Mr. MURPHY of New York:

H.R. 4653. A bill to terminate the oil import control program; to the Committee on Ways and Means.

By Mr. MURPHY of New York (for himself, Mr. Dent, Mr. Brasco, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Podell, Mr. Harrington, Mr. Won Pat, Mr. Yatron, Mr. Eilberg, Mr. Ware, Mr. Nedzi, Mr. Bingham, Mr. Sarbanes, Mrs. Chisholm, Ms. Abzug, Mr. Stark, and Mr. Stokes):

H.R. 4654. A bill to amend the Interstate Commerce Act to authorize issuance of safety regulations for certain private carriers of passengers, including operators of schoolbuses, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NATCHER:

H.R. 4655. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. NEDZI:

H.R. 4656. A bill to provide that, in the case of the death of a petitioner on any approved petition for preference status under paragraph (1), (2), (4), or (5) of section 203(a) of the Immigration and Nationality Act, the alien beneficiary will be allowed a period of 60 days from the date of such death to become the beneficiary of another petition without losing his preference status, and for other purposes; to the Committee on the Judiciary.

H.R. 4657. A bill to amend title 38 of the United States Code in order to provide that partial disability and death pension be paid in the case of persons whose annual income exceeds the annual income limitations by an amount not in excess of the minimum amount of pension payable in 1 year; to the Committee on Veterans' Affairs.

H.R. 4658. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. OBEY:

H.R. 4659. A bill to amend the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

By Mr. OBEY (for himself, Mr. Mitchell of Maryland, Mr. Hillis, and Mr. Matsunaga):

H.R. 4660. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee in Ways and Means.

By Mr. PICKLE (for himself, Mr. Sarbanes, Mr. Harrington, Mr. William D. Ford, Miss Jordan, Mrs. Schroeder, Miss Holtzman, Mr. Matsunaga, Mr. Stark, and Mr. Culver):

H.R. 4661. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. PERKINS:

H.R. 4662. A bill to amend the Railroad Retirement Act of 1937 to provide a 20-percent increase in annuities, with further increases based on rises in the cost of living; to the Committee on Interstate and Foreign Commerce.

H.R. 4663. A bill to amend the Railroad Retirement Act of 1937 to provide that any railroad employee may retire on full annuity at age 55 with 30 years' service, and to provide for payment of full spouse's annuities at age 55 (or reduced spouse's annuities at age 52); to the Committee on Interstate and Foreign Commerce.

H.R. 4664. A bill concerning the allocation of water pollution control funds among the States in fiscal 1973 and fiscal 1974; to the Committee on Public Works.

H.R. 4665. A bill to amend title 38 of the United States Code to provide that monthly social security benefit payments shall not be considered to be income for the purpose of determining eligibility for a pension under that title; to the Committee on Veterans' Affairs.

By Mr. RANDALL:

H.R. 4666. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

H.R. 4667. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBISON of New York (for himself, Mr. Ketchum, and Mr. Whitehurst):

H.R. 4668. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to extend for 3 years the provisions for full Federal payment of relocation and related costs for victims of Hurricane Agnes and of certain other major disasters; to the Committee on Public Works.

By Mr. ROE:

H.R. 4669. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. RUNNELS:

H.R. 4670. A bill to remove certain limitations on annual operation and maintenance expenditures applicable to the U.S. section of the International Boundary and Water

Commission, United States and Mexico, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SATTERFIELD:

H.R. 4671. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 4672. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for removal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 4673. A bill to extend the Clean Air Act, as amended, for 1 year; to the Committee on Interstate and Foreign Commerce.

H.R. 4674. A bill to extend the Solid Waste Disposal Act, as amended, for 1 year; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHNEEBELI (for himself, Mr. Collier, Mr. Broyhill of Virginia, Mr. Conable, Mr. Chamberlain, Mr. Pettis, Mr. Duncan, Mr. Brotzman, Mr. Clancy, and Mr. Archer):

H.R. 4675. A bill to amend section 112, 692, 6013, and 7508 of the Internal Revenue Code of 1954 for the relief of certain members of the Armed Forces of the United States returning from the Vietnam conflict combat zone, and for other purposes; to the Committee on Ways and Means.

By Mr. SEIBERLING:

H.R. 4676. A bill to amend section 5042(a) (2) of the Internal Revenue Code of 1954 to permit individuals who are not heads of families to produce wine for personal consumption; to the Committee on Ways and Means.

By Mr. SISK (for himself, Mr. Mathias of California, and Mr. Ketchum):

H.R. 4677. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the initial phase of the East Side division; initial phase of the Cosumnes River division; the Allen Camp unit, Pit River division; and the Peripheral Canal, Delta division; Central Valley project, Calif.; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STAGGERS:

H.R. 4678. A bill to protect hobbyists against the reproduction or manufacture of imitation hobby items and to provide additional protections for American hobbyists; to the Committee on Interstate and Foreign Commerce.

H.R. 4679. A bill to provide that service performed by prevailing rate employees before conversion to wage schedules under the amendments made by the act of August 19, 1972, shall be counted for all step-increases under the time in step provisions of section 5343(e)(2) of title 5, United States Code, as amended by such act; to the Committee on Post Office and Civil Service.

H.R. 4680. A bill to extend to certain recipients of annuity or pension under the Railroad Retirement Act the treatment accorded to certain social security recipients under section 249E of the Social Security Amendments of 1972; to the Committee on Ways and Means.

By Mr. STAGGERS (by request):

H.R. 4681. A bill to authorize appropriations to assist in financing the Arctic Winter Games to be held in the State of Alaska in 1974; to the Committee on Interstate and Foreign Commerce.

By Mr. STRATTON:

H.R. 4682. A bill to provide for the immediate disposal of certain abaca and sisal cordage fiber now held in the national stockpile; to the Committee on Armed Services.

By Mr. SYMMS (for himself and Mr. Hansen of Idaho):

H.R. 4683. A bill to amend the Admission Act for the State of Idaho to permit that State to exchange public lands and to use the proceeds derived from public lands for maintenance of those lands; to the Committee on Interior and Insular Affairs.

By Mr. THOMPSON of New Jersey:

H.R. 4684. A bill to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances; to the Committee on Education and Labor.

By Mr. WALDIE:

H.R. 4685. A bill to discourage experimentation on animals by elementary and secondary schoolchildren; to the Committee on Education and Labor.

H.R. 4686. A bill to enlarge the Redwood National Park; to the Committee on Interior and Insular Affairs.

By Mr. WHITEHURST:

H.R. 4687. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. WHITEHURST (for himself, Mr. Brown of California, Mr. Buchanan, Mr. Frenzel, Mr. Gude, Mr. Hechler of West Virginia, Mr. Mazzoli, Mr. Moss, Mr. Sarbanes, Mr. Stark, Mr. Stephens, and Mr. Stuckey):

H.R. 4688. A bill to amend the Horse Protection Act of 1970, to provide for criminal sanctions for any person who interferes with any person while engaged in the performance of his official duties under this act, and to change the authorization of appropriations; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITEHURST (for himself, Mr. Derwinski, Mr. Harrington, Mr. Kemp, Mr. Mazzoli, Mr. Melcher, Mr. Moakley, Mr. Parris, Mr. Price of Illinois, Mr. Preyer, Mr. Won Pat, and Mr. Wolff):

H.R. 4689. A bill to provide assistance in improving zoos and aquariums by creating a National Zoological and Aquarium Corporation, and for other purposes; to the Committee on House Administration.

By Mr. WHITEHURST (for himself, Ms. Abzug, Mr. Baker, Mr. Biester, Mr. Buchanan, Mr. Derwinski, Mr. Helstoski, Mr. Kemp, Mr. Mazzoli, Mr. Moakley, Mr. Murphy of Illinois, Mr. Pepper, Mr. Pike, Mr. Preyer, Mr. Price of Illinois, Mr. Sarbanes, Mrs. Schroeder, Mr. Bob Wilson, and Mr. Wolff):

H.R. 4690. A bill to create a fund in the Treasury of the United States to be known as the Fund for Endangered Wildlife, to be administered by the Department of Interior, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. WHITTEN:

H.R. 4691. A bill to provide price supports for milk and dairy products, and for other purposes; to the Committee on Agriculture.

H.R. 4692. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. BOB WILSON:

H.R. 4693. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4694. A bill to amend title 38 of the United States Code increasing income limitations relating to payment of disability and death pension, and dependency and indemnity compensation; to the Committee on Veterans' Affairs.

By Mr. CHARLES H. WILSON of California:

H.R. 4695. A bill to terminate the oil import control program; to the Committee on Ways and Means.

By Mr. WON PAT:

H.R. 4696. A bill to amend the act of November 20, 1963, placing certain submerged lands within the jurisdiction of the governments of Guam, the Virgin Islands, and American Samoa, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ZWACH:

H.R. 4697. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BAFALIS (for himself, Mr. Froehlich, Mr. Ketchum, and Mr. Shoup):

H.J. Res. 368. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the systematic paying back of the national debt; to the Committee on the Judiciary.

By Mr. DINGELL (for himself and Mr. Hanna):

H.J. Res. 369. Joint resolution to establish the Tule Elk National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. Leggett, Mr. Cohen, and Mr. Treen):

H.J. Res. 370. Joint resolution amending the Fishermen's Protective Act of 1967 to insure the safety of U.S. commercial fishing vessels, crews, and equipment against illegal harassment and seizure; to the Committee on Merchant Marine and Fisheries:

By Mr. MARAZITI:

H.J. Res. 371. Joint resolution designating a "National Day of Recognition and Prayer" to honor those Americans killed in the Vietnam conflict; to the Committee on the Judiciary.

By Mr. PARRIS:

H.J. Res. 372. Joint resolution proposing an amendment to the Constitution of the United States with respect to the reconfirmation of Federal judges after a term of 8 years; to the Committee on the Judiciary.

By Mr. ROUSH:

H.J. Res. 373. Joint resolution authorizing the President to proclaim the third Monday in June of each year as "National Little League Day"; to the Committee on the Judiciary.

By Mr. ROUSSELOT (for himself, Mr. Bafalis, Mr. Baker, Mr. Collins, Mr. Crane, Mr. Derwinski, Mr. Spence, and Mr. Symms):

H.J. Res. 374. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the systematic paying back of the national debt; to the Committee on the Judiciary.

By Mr. SEIBERLING:

H.J. Res. 375. Joint resolution proposing an amendment to the Constitution of the United States to provide for mandatory retirement of Members of Congress and the Federal judiciary; to the Committee on the Judiciary.

By Mr. WHITEHURST:

H.J. Res. 376. Joint resolution to establish the Tule Elk National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. WIGGINS:

H.J. Res. 377. Joint resolution authorizing the President to proclaim the period April 23 through April 28, 1973, as "Schoolbus Safety Week"; to the Committee on the Judiciary.

By Mr. ZABLOCKI:

H.J. Res. 378. Joint resolution requesting the President to issue a proclamation designating the week of April 23, 1973, as "Nicolaus Copernicus Week" marking the quinquecentennial of his birth; to the Committee on the Judiciary.

By Mr. DENT:

H. Con. Res. 124. Concurrent resolution providing recognition for Columbus; to the Commitee on House Administration.

By Mr. WHITEHURST:

H. Con. Res. 125. Concurrent resolution expressing the sense of the Congress with respect to the establishment of international criteria for endangered species of wildlife and the establishment of international humane standards; to the Committee on Foreign Affairs.

By Mr. BROWN of California (for himself, Ms. Abzug, Mr. Burton, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Corman, Mr. Danielson, Mr. Dellums, Mr. Diggs, Mr. Drinan, Mr. Fraser, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Owens, Mr. Stark, Mr. Thompson of New Jersey, Mr. Charles H. Wilson of California, Mr. Wolff, Mr. Won Pat, and Mr. Young of Georgia):

H. Res. 242. Resolution authorizing each Member of the House to sue on behalf of the House with respect to funds illegally impounded by the President which would otherwise be available for programs and projects in that Member's district; to the Committee on the Judiciary.

By Mr. HARRINGTON (for himself, Ms. Abzug, Mr. Badillo, Mr. Bell, Mr. Biester, Mr. Brademas, Mr. Brown of California, Mr. Burke of Massachusetts, Mr. Burton, Mr. Chappell, Mrs. Chisholm, Mr. Clay, Mr. Corman, Mr. Coughlin, Mr. Cronin, Mr. Dellenback, Mr. Dellums, Mr. de Lugo, Mr. Denholm, Mr. Dent, Mr. Diggs, Mr. Drinan, Mr. du Pont, Mr. Eckhardt, and Mr. Eilberg):

H. Res. 243. Resolution providing for two additional student congressional interns for Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and each Delegate to the House, and for other purposes; to the Committee on House Administration.

By Mr. HARRINGTON (for himself, Mr. Esch, Mr. Fauntroy, Mr. Fraser, Mr. Frenzel, Mr. Froehlich, Mr. Gibbons, Mrs. Grasso, Mr. Gray, Mr. Hansen of Idaho, Mr. Hawkins, Mr. Hechler of West Virginia, Miss Holtzman, Mr. Horton, Mr. Kastenmeier, Mr. Kemp, Mr. Leggett, Mr. Lujan, Mr. McCormack, Mr. McKinney, Mr. Macdonald, Mr. Matsunaga, Mr. Metcalfe, Mrs. Mink, and Mr. Mitchell of Maryland):

H. Res. 244. Resolution providing for two additional student congressional interns for Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and each Delegate to the House, and for other purposes; to the Committee on House Administration.

By Mr. HARRINGTON (for himself, Mr. Moakley, Mr. Mosher, Mr. Nedzi, Mr. Pepper, Mr. Podell, Mr. Powell of Ohio, Mr. Pritchard, Mr. Reid, Mr. Riegle, Mr. Rosenthal, Mr. Roy, Mr. Seiberling, Mr. Stark, Mr. Stokes, Mr. Thone, Mr. Vander Jagt, Mr. Waldie, and Mr. Wolff):

H. Res. 245. Resolution providing for two additional student congressional interns for Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and each Delegate to the House, and for other purposes; to the Committee on House Administration.

By Mrs. SULLIVAN:

H. Res. 246. Resolution to provide funds for the expenses of the investigations and study authorized by House Resolution 187; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

44. The SPEAKER presented a memorial of the Legislature of the State of Idaho, relative to the use of toxic material in the control of predators; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLATNIK:

H.R. 4698. A bill for the relief of Herman R. Klun and Helen Klun; to the Committee on the Judiciary.

By Mr. CHAPPELL:

H.R. 4699. A bill for the relief of Ramona Castro Flores Vda. de Guzman; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 4700. A bill for the relief of Mrs. Rita Chelnek; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 4701. A bill for the relief of Antonio Corapi; to the Committee on the Judiciary.

By Mr. McSPADDEN:

H.R. 4702. A bill to authorize the President to issue posthumously to the late John Wayne Latchum a commission as a second lieutenant in the Regular Army; to the Committee on Armed Services.

By Mr. MURPHY of New York:

H.R. 4703. A bill for the relief of Rocco and Rosa Alfonzetti; to the Committee on the Judiciary.

By Mr. RODINO (by request):

H.R. 4704. A bill for the relief of certain former employees of the Securities and Exchange Commission; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.R. 4705. A bill for the relief of Mr. Ismael Bautista Corona; to the Committee on the Judiciary.

By Mr. VEYSEY:

H. Res. 247. Resolution to refer the bill (H.R. 4450 entitled "A bill to clear and settle title to certain real property located in the vicinity of the Colorado River in Riverside County, Calif." to the Chief Commissioner of the Court of Claims; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

54. The SPEAKER presented petition of the board of directors, Oklahoma Municipal League, Oklahoma City, relative to Federal aid for highways; to the Committee on Public Works.

SENATE—*Thursday, February 22, 1973*

The Senate met at 11:30 a.m. and was called to order by Hon. William D. Hathaway, a Senator from the State of Maine.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, who has made us in Thine own image and given us the gift of thought and mediation that we may be able to understand the meaning of life and human destiny, be with us now, as with reverent hearts and receptive spirits we draw near to Thee to receive the illumination we need for this day and its tasks. We thank Thee for every word Thou has spoken to us and art speaking today in nature, in history, in the Bible, in the church, and in our daily experience. We thank Thee most of all for the Word made flesh and lived among us. Help us to understand what we see in Him. May His mind be in our minds; His will become our will; His kingdom come in our hearts and expressed in our lives.

In Thy holy name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The second assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., February 22, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. William D. Hathaway, a Senator from the State of Maine, to perform the duties of the Chair during my absence.

James O. Eastland,
President pro tempore.

Mr. HATHAWAY thereupon took the chair as Acting President pro tempore.

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of February 21, 1973, the following reports of a committee were submitted on February 21, 1973, during the adjournment of the Senate:

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Res. 44. Resolution authorizing additional expenditures by the Committee on Labor and Public Welfare for inquiries and investigations (Rept. No. 93–41);

S. Res. 54. Resolution authorizing additional expenditures by the Committee on Armed Services for routine purposes (Rept. No. 93–42); and

S. Res. 55. Resolution authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations (Rept. No. 93–40).

SENATE RESOLUTION 69—ORIGINAL RESOLUTION REPORTED DURING ADJOURNMENT

(Placed on the calendar.)

Under authority of the order of the Senate of February 21, 1973, Mr. CANNON, from the Committee on Rules and Administration, reported on February 21, 1973, an original resolution (S. Res. 69) to amend rule XXV relative to open and closed sessions of committees, and submitted a report (No. 93–43) thereon, which report was printed.

The resolution reads as follows:

S. RES. 69

Resolved, To amend rule XXV, section 7, as follows:

After the number "7.", insert (a).

At the end of the paragraph, insert a new section (b) as follows:

"(b) Meetings for the transaction of business of each standing committee of the Senate, other than for the conduct of hearings (which are provided for in section 112(a) of the Legislative Reorganization Act of 1970), shall be open to the public except during closed sessions for marking up bills or for voting or when the committee by majority vote orders a closed session: *Provided,* That any such closed session may be open to the public if the committee by rule or by majority vote so determines."

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 123 (a), Public Law 91–605, the Speaker had appointed Mr. MIZELL as a member of the Commission on Highway Beautification, vice Mr. SNYDER, resigned.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, February 21, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FURTHER EVIDENCE OF LESSENING OF TENSIONS BETWEEN THE UNITED STATES AND ASIA

Mr. SCOTT of Pennsylvania. Mr. President, a communique has been issued this morning on the visit of Dr. Henry Kissinger to the People's Republic of China. During his stay, as we know, he visited Chairman Mao Tse-tung and Prime Minister Chou En-lai, as well as the Foreign Minister and Vice Foreign Minister and other Chinese officials.

The two countries have agreed on a program for expanding trade as well as scientific and cultural exchanges and have noted that in order to facilitate this process and to improve communications it was agreed that each side would establish a liaison office in the capital of the other country in the near future. Details will be worked out through existing channels.

The two sides agreed that the normalization of relations will contribute to the relaxation of tensions in Asia and in the world. I think we can all agree that this is the case.

I am personally very glad indeed to hear that so much positive and substantive progress was made, not only in the visit to China but also in the visits to North Vietnam, Hanoi, and previous visits to South Vietnam.

This, together with the cease-fire in Laos, brings the total war in Southeast Asia ever nearer to a final close. Then there is the end of the bombing in Laos, which itself is very good news.

I am personally very gratified that a matter which I raised with Premier Chou En-lai last April, to which he promised to give very careful consideration, has been worked out. That is the invitation of the Philadelphia Symphony Orchestra to give concerts in the People's Republic of China, later this year.

The Premier expresssed his desire to honor the President, who had invited the same premier orchestra to participate in the inaugural ceremonies.

I am pleased, too, that the recently discovered excavations, resulting in the finding of many valuable and culturally important artifacts, which are going to London and Canada, will also come to the United States.

There will also be an interchange of visits of many kinds—educational, cultural, journalistic, including a visit from a basketball team. I am not indicating a preference, but one of our prime amateur basketball teams will undoubtedly be invited to play a game with a People's Republic of China team.

All of this is good news. It is a part of a series of good news which we have been reporting over the period of the last 4 years, I am very glad to add, resulting from the relaxation of tensions in the world.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, if I may use 1 or 2 minutes of the 5 minutes under the standing order, I ask unanimous consent that the Senate proceed to the consideration of Calendar Orders No. 31, 32, and 33, this request having been cleared on both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR PRINTING ADDITIONAL COPIES OF SENATE HEARINGS ENTITLED "RUNAWAY YOUTH"

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 2) authorizing the printing of additional copies of Senate hearings entitled "Runaway Youth," which had been reported from the Committee on Rules and Administration with an amendment in line 5, after the word "the", strike out "Ninety-third Congress, first" and insert "Ninety-second Congress, second"; so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary three thousand additional copies of the hearings of its Subcommittee To Investigate Juvenile Delinquency during the Ninety-second Congress, second session, entitled "Runway Youth".

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–23), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

S. CON. RES. 2

The Committee on Rules and Administration, to which was referred the concurrent resolution (S. Con. Res. 2) authorizing the printing of additional copies of Senate hearings entitled "Runaway Youth", having considered the same, reports favorably thereon with an amendment and recommends that the concurrent resolution as amended be agreed to.

Senate Concurrent Resolution 2 as referred would authorize the printing for the use of the Senate Committee on the Judiciary of 3,000 additional copies of the hearings held by its Subcommittee To Investigate Juvenile Delinquency during the 93d Congress, first session, entitled "Runaway Youth."

The Committee on Rules and Administration is reporting Senate Concurrent Resolution 2 with a pro forma amendment, which would correctly identify by Congress the materials which are intended to be printed.

The printing-cost estimate, supplied by the Acting Public Printer, is as follows:

Printing-cost estimate

Back to press, first 1,000 copies___	$1, 967. 00
2,000 additional copies, at $378.88 per thousand________________	757. 76
Total estimated cost, S. Con. Res. 2 ________________	2, 724. 76

AUTHORIZATION FOR PRINTING ADDITIONAL COPIES OF SENATE HEARINGS ENTITLED "SATURDAY NIGHT SPECIAL HANDGUNS, S. 2507"

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 3) authorizing the printing of additional copies of Senate hearings entitled "Saturday Night Special Handguns, S. 2507," which had been reported from the Committee on Rules and Administration with an amendment in line 5, after the word "the", strike out "Ninety-third" and insert "Ninety-second"; so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary three thousand additional copies of the hearings of its Subcommittee To Investigate Juvenile Delinquency during the Ninety-second Congress, first session, entitled "Saturday Night Special Handguns, S. 2507".

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–24), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The Committee on Rules and Administration, to which was referred the concurrent resolution (S. Con. Res. 3) authorizing the printing of additional copies of Senate hearings entitled "Saturday Night Special Handguns, S. 2507", having considered the same, reports favorably thereon with an amendment and recommends that the concurrent resolution as amended be agreed to.

Senate Concurrent Resolution 3 as referred would authorize the printing for the use of the Senate Committee on the Judiciary of 3,000 additional copies of the hearings held by its Subcommittee To Investigate Juvenile Delinquency during the 93d Congress, first session, entitled "Saturday Night Special Handguns, S. 2507".

The Committee on Rules and Administration is reporting Senate Concurrent Resolution 3 with a pro forma amendment, which would correctly identify by Congress the materials which are intended to be printed.

The printing-cost estimate, supplied by the Acting Public Printer, is as follows:

Printing-cost estimate

Back to press, first 1,000 copies	$4,269.00
2,000 additional copies, at $726.23 per thousand	1,452.46
Total estimated cost, S. Con. Res. 3	5,721.46

AUTHORIZATION FOR PRINTING ADDITIONAL COPIES OF SENATE HEARINGS ENTITLED "JUVENILE CONFINEMENT INSTITUTIONS AND CORRECTIONAL SYSTEMS"

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 4) authorizing the printing of additional copies of Senate hearings entitled "Juvenile Confinement Institutions and Correctional Systems," which had been reported from the Committee on Rules and Administration with an amendment: in line 5, after the word "the", strike out "Ninety-third" and insert "Ninety-second"; so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary two thousand additional copies of the hearings of its Subcommittee To Investigate Juvenile Delinquency during the Ninety-second Congress, first session, entitled "Juvenile Confinement Institutions and Correctional Systems".

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–25), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The Committee on Rules and Administration, to which was referred the concurrent resolution (S. Con. Res. 4) authorizing the printing of additional copies of Senate hearings entitled "Juvenile Confinement Institutions and Correctional Systems," having considered the same, reports favorably thereon with an amendment and recommends that the concurrent resolution as amended be agreed to.

Senate Concurrent Resolution 4 as referred would authorize the printing for the use of the Senate Committee on the Judiciary of 2,000 additional copies of the hearings held by its Subcommittee To Investigate Juvenile Delinquency during the 93d Congress, first session, entitled "Juvenile Confinement Institutions and Correctional Systems."

The Committee on Rules and Administration is reporting Senate Concurrent Resolution 4 with a pro forma amendment, which would correctly identify by Congress the materials which are intended to be reprinted.

The printing-cost estimate, supplied by the Acting Public Printer, is as follows:

Printing-cost estimate

Back to press, first 1,000 copies	$6,620.00
1,000 additional copies, at $1,424.97 per thousand	1,424.97
Total estimated cost, S. Con. Res. 4	8,044.97

CHANGE IN ORDER OF RECOGNITION OF SENATORS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the orders for the recognition of the Senator from Mississippi (Mr. EASTLAND) and the Senator from Ohio (Mr. TAFT) be reversed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from Ohio (Mr. TAFT) is recognized for not to exceed 15 minutes.

ORDER OF BUSINESS—INTRODUCTION OF A BILL

(The remarks Senator TAFT made at this point when he introduced S. 971, the Home Preservation Act of 1973, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

The ACTING PRESIDENT pro tempore (Mr. HATHAWAY). Under the previous order, the Senator from Mississippi (Mr. EASTLAND) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and ask that the time for the quorum call be charged against the time of the distinguished Senator from Mississippi.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABOUREZK). Without objection, it is so ordered.

CHANGE IN ORDER OF RECOGNITION OF SENATORS

Mr. ROBERT C. BYRD. Mr. President, may I inquire of the Chair, under the order, what Senator was to be recognized at this time?

The PRESIDING OFFICER. Following the Senator from Mississippi (Mr. EASTLAND), the Senator from West Virginia (Mr. ROBERT C. BYRD).

Mr. ROBERT C. BYRD. Mr President, I ask unanimous consent that the order recognizing me at this time and the order recognizing the distinguished Senator from Arkansas (Mr. MCCLELLAN) be reversed so that he may be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arkansas is recognized.

THE FACTS ABOUT DEFENSE SPENDING

Mr. McCLELLAN. Mr. President, there is today an impression among many of our citizens that defense spending is the prime cause of the rapidly increasing high cost of the Federal Government. This is, indeed, an erroneous impression. The fact is that since 1964 the cost of Government has gone up $150 billion—from $118.6 billion to $268.7 billion estimated in fiscal 1974. Of that total increase, only 19 percent, or $28.6 billion, is attributable to military spending. The remaining 81 percent, or $121.4 billion, is attributable to nonmilitary functions and services, such as human resources and general government.

Since 1964, Federal outlays for human resource items—education and manpower, health—including medicare and medicaid; income security, including social security; public assistance and unemployment insurance, and veterans benefits—have increased from 29 percent to 47 percent—$34.3 billion to $125.5 billion. This percentage is nearly half of all Federal expenditures. This means that, during the past decade, the Federal Government has spent $36.5 billion more for human resource programs than it has on the military functions of the Department of Defense—$788.3 billion for human resources—$751.8 billion for defense.

The defense share of the total Federal budget continues to decline. In fiscal 1974, for example, proposed defense outlays constitute only 29 percent of the total Federal budget—down 13.4 percent from the prewar fiscal 1964 level. Thus, the defense portion of the proposed budget for 1974 is the lowest percentage of the total Federal outlays for military functions since fiscal year 1950.

Moreover, defense spending has been rising far less rapidly than any other major item in the budget. While total Federal outlays have gone up about 127 percent in the past decade—from $118.6 billion to $268.7 billion, estimated for 1974—defense spending has increased by only 58 percent during this same period—from $49.5 billion to $78.2 billion. At the same time, Federal aid to education jumped 466 percent, from $1.1 billion to $6.3 billion; public assistance 246 percent, from $3.1 billion to $10.7 billion; social security 235 percent, $16.2 billion to $54.2 billion, and health care and medical services, including medicare and medicaid, increased dramatically by 4,571 percent—from $393 million to $18.4 billion.

So, Mr. President, contrary to erroneous belief of many, the truth is that our Government is spending far less for defense than it is on nondefense programs. This salient but too often overlooked fact is graphically illustrated in a chart prepared by the staff of the Senate Appropriations Committee, a copy of which has been placed on the desk of each Member of the Senate. I now ask unanimous consent to have this chart, which shows the true perspective of defense spending, printed in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

COMMITTEE ON APPROPRIATIONS, COMMITTEE PRINT, BUDGET OUTLAYS BY FUNCTION

[Dollar amounts in millions]

	Fiscal year 1964		Fiscal year 1974 (proposed)		
	Amount	Percent of total budget	Amount	Percent of total budget	Comment
(1)	(2)	(3)	(4)	(5)	(6)
Department of Defense	$49, 577	42	$78, 200	29	Up $28,623 or 58 percent.
Federal aid to education	1, 110	0. 9	6, 281	2. 3	Up $5,171 or 466 percent.
Public assistance	3, 085	2. 6	10, 665	4	Up $7,580 or 246 percent.
Social security—Federal old-age survivors and disability trust fund	16, 203	14	54, 232	20	Up $38,029 or 235 percent.
Health services, medicare, medicaid, and others	393	0. 3	18, 358	7	Up $17,965 or 4,571 percent.
Interest (net)	9, 810	8	24, 672	9	Up $14,862 or 151 percent.
Other	38, 406	32	76, 257	28	Up $37,851 or 99 percent.
Total	118, 584	100	268, 665	100	Up $150,081 or 127 percent.

10-YEAR COMPARISON OF DEPARTMENT OF DEFENSE OUTLAYS TO TOTAL OUTLAYS

[Dollar amounts in millions]

	Fiscal year 1964		Fiscal year 1974		Increase	
	Amount	Percent of total budget	Amount	Percent of total budget	Amount	Percentage
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Defense	$49, 577	42	$78, 200	29	+$28, 623	19
Federal Government other than defense	69, 007	58	190, 465	71	+121, 458	81
Total	118, 584	100	268, 665	100	+150, 081	100

Mr. McCLELLAN. Mr. President, in evaluating the fiscal situation and in pointing out where the real increases in spending have occurred during the past 10 years, I do not do so for the purpose of defending the amount of appropriations being requested for the Defense Department. In my judgment, reductions still can be made and should be made in the defense budget that has been submitted for fiscal year 1974.

Last year we did reduce the defense appropriations request by some $5 billion. The total reductions under budget requests for all appropriations for fiscal 1973 was somewhat less than $6 billion. So the reductions last year in expenditures under the budget requests were primarily reductions made in the defense appropriation.

We anticipate—and we shall certainly try to make—further reductions under the budget requests this year, and I make this statement as chairman of the Defense Appropriations Subcommitee. But I do think we should set the record straight, in that the great increase in the cost of Government that we have experienced during the last decade is not attributable primarily to defense spending.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator yield?

Mr. McCLELLAN. I yield to the distinguished Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I congratulate the distinguished chairman of the Committee on Appropriations for having taken the floor at this time to make the statement which he has just made.

I want to associate myself with his remarks—and I do so in the same tenor of his remarks—that what he is saying is not being said in defense of the military budget in its entirety. He has stated that unquestionably there are areas in that budget which could be reduced, and possibly ought to be reduced. He has stated that Congress should scrutinize the defense budget carefully and that where it can make savings commensurate with national security, it should make them. I share this viewpoint.

He has also directed attention to the fact that while the defense budget has gone up from the standpoint of dollars and cents, the outlays for human resources and other areas have gone up to a much greater extent. He is not finding fault with this, and neither am I.

Mr. President, the defense budget for fiscal year 1974—and I want the distinguished chairman of the committee to correct me if I am wrong—is in the amount of $79 billion when we exclude Atomic Energy and other related costs. This is an increase of about $4.2 billion over the comparative figure for last year. But that $4.2 billion increase is really necessitated by virtue of the increases in military pay that we ourselves have enacted into law and by virtue of inflationary increases that we have all witnessed. For example, let us take purchases. Out of that $79 billion, $35 billion—or 44 percent—is for purchases of goods and services, and that covers everything from Scotch tape and missiles to telephone bills and aircraft carriers. The inflationary pressures in this area have gone up 39 percent from 1964 to 1974.

What I am saying is that 56 percent of this budget is to pay people, and yet we are going to have a lower overall manpower level—2.2 million—than we have had at any time since before the Korean war. With 56 percent to pay people, this leaves 44 percent for goods and services, the price of which has gone up tremendously. For example, the price of a submarine is about $182 million today compared with its equivalent 10 years ago of about $55 million; the cost of a destroyer would be about $93 million today compared with $27 million 10 years ago; an $800,000 helicopter today would have cost $300,000 10 years ago; and so on and so on.

I think the Senator is just expressing the hope that we will keep this defense budget in its proper perspective and not all go after it with the idea that all the cuts can come out of defense.

Mr. McCLELLAN. Mr. President, will the Senator yield at that point?

Mr. ROBERT C. BYRD. I yield.

Mr. McCLELLAN. It is said that we are running today about $25 billion in debt, or more, each year; that there is a deficit along that line. The President, in his budget that he submits here, shows that we are going into debt $12.7 billion this year or that is the amount of our expected deficit. Actually it would be about $25 billion as related to the Federal budget. We are going to borrow about $12 billion from trust funds to be expended for general purposes of operating the Government. Thus, the Federal funds, the Treasury will owe the trust funds about $12 billion more than it now owes to those funds. But, on the basis of overall intake and outgo, it will be about $12.7 billion.

We must understand and keep in mind that if we should cut all of this out of military funds we would certainly have inadequate appropriations for defense.

We cannot cut the salaries of military personnel. These are fixed by law. Between $3 and $4 billion of the President's increased request over the budget expenditures of last year is for salaries, clothing, food and shelter, and support of the men in our Armed Forces. This comes to 56 percent of total proposed military expenditures for fiscal year 1974.

The other 44 percent to which the distinguished Senator from West Virginia referred is for the procurement of supplies, weapons, maintenance of defense installations, and so forth. The total requested for defense can be reduced some, I believe, and we hope to do that. But all reductions that will be required to hold the line on spending cannot be taken out of defense spending alone. Much of it will have to be taken out of other programs and services.

But what I am trying to point out and have the RECORD reflect very clearly is that you cannot reduce military appropriations enough to balance the budget or even bring it within near balance. There will have to be very substantial cuts in other places, also.

Mr. ROBERT C. BYRD. Yes. And the military pay increases and increases in military retirement result from laws which we ourselves have passed.

Mr. McCLELLAN. Yes. There was a substantial increase in legislation Congress passed last year and it was a deserved increase in my judgment. Now we have to make additional appropriations for it. This necessarily increases the cost of Government.

Mr. ROBERT C. BYRD. Yes. And the only way to cut that is to cut down the manpower level which has already been cut to 2.2 million in the 1974 budget.

Mr. McCLELLAN. Whether that can be further reduced is a matter of opinion. I am not prepared to say, but as long as we have the present level of forces it takes this amount, 56 percent, of the total budget to meet this cost.

Mr. ROBERT C. BYRD. To pay people.

Mr. McCLELLAN. To pay the people; to pay servicemen.

Mr. ROBERT C. BYRD. Mr. President, has the time expired?

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

Mr. ROBERT C. BYRD. Mr. President, now, am I to be recognized under the order?

The PRESIDING OFFICER. Under the previous order the Senator from West Virginia is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator may proceed.

Mr. ROBERT C. BYRD. Mr. President, may I say further to the distinguished chairman of the Committee on Appropriations that I feel that some of the forces we have in Europe and their dependents could be brought home. Perhaps this is an area in which we could legitimately make some cuts. The distinguished majority leader has led this fight over a number of years and I have joined him and will again.

Mr. McCLELLAN. I supported him in that effort and I still support him. I think we should bring most of our NATO troops home.

Mr. ROBERT C. BYRD. Yes. So there are areas in the military that could legitimately be cut, but we should keep in true perspective this budgetary picture as it affects the military. I believe the Senator said 29 percent or 30 percent of the total outlay is involved for defense.

Mr. McCLELLAN. Twenty-nine percent.

Mr. ROBERT C. BYRD. Whereas, as recent as fiscal year 1970, 41 percent of the total outlay was for defense. So it is down from 41 percent in 1970 to 29 percent in 1974. I assume the chairman would agree that if we look at the military budget against the gross national product we again see a decreasing proportion for the military. I think it is down to 6.4 percent of the gross national product, which is considerably lower than a few years ago.

While we certainly want, therefore, to continue to scrutinize the military budget, I share with the chairman the belief that we must keep in mind that the top priority—we speak about priorities—is to insure that this Nation survives. That is the No. 1 priority because the greatest danger to peace in the world would be a weak America.

Mr. McCLELLAN. I agree with the Senator. When I began examining the budget and making comparisons and trying to ascertain what had caused such a tremendous increase in the cost of Government, I was greatly surprised to find that of the $150 billion increase in the cost of our Federal Government over the past 10 years the military accounted for only 19 percent of that increase, and these other programs shown in the table that I have placed in the RECORD are the primary—the principal cause of the mounting cost of Government.

Another illustration is that interest on the national debt in 1964, 10 years ago, was less than $10 billion a year; the estimate for next year, fiscal year 1974, will be $26 billion.

I understand that is probably an underestimate and that it will come nearer being $28 billion than $26 billion. So, as we go further and further into debt and the interest rate increases—it is higher now than it was 10 years ago—that becomes an uncontrollable item that has to be paid each year. Thus the cost of Government increases proportionately.

Mr. ROBERT C. BYRD. I thank the distinguished Senator for presenting to the Senate this very interesting, informative, and enlightening statement. He has performed a service.

Mr. McCLELLAN. I thank my colleague.

Mr. President, I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, how much time remains to me?

The PRESIDING OFFICER. The Senator from West Virginia has 11 minutes.

Mr. ROBERT C. BYRD. I thank the Chair.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, immediately following the recognition of the two leaders or their designees under the standing order, the Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes each.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on Appropriations, with amendments:

H.J. Res. 345. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes (Rept. No. 93–44).

By Mr. CANNON, from the Committee on Rules and Administration, with amendments:

S. Res. 35. Resolution authorizing additional expenditures by the Committee on Foreign Relations for a study of matters pertaining to the foreign policy of the United States (Rept. No. 93–45); and

S. Res. 56. Resolution authorizing additional expenditures by the Committee on the Judiciary for inquiries and investigations (Rept. No. 93–46).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TAFT (for himself and Mr. CRANSTON):

S. 971. A bill to help preserve and improve low- and moderate-income housing. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. JAVITS (for himself and Mr. SCHWEIKER):

S. 972. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. HOLLINGS:

S. 973. A bill to amend section 2412 of title 28, United States Code, to provide for the recovery of attorney's fees and expenses in certain actions brought by or against the United States. Referred to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. Williams, and Mr. Mondale):

S. 974. A bill to amend the Public Health Service Act to provide, in the training of health professionals, for an increased emphasis on the ethical, social, legal, and moral implications of advances in biomedical research and technology. Referred to the Committee on Labor and Public Welfare.

By Mr. HARTKE (for himself and Mr. Scott of Pennsylvania):

S. 975. A bill to prohibit the transportation or shipment within the United States of gas cylinders not inspected in the United States. Referred to the Committee on Commerce.

By Mr. McINTYRE (for himself, Mr. Bible, Mr. Nelson, Mr. Burdick, Mr. Sparkman, and Mr. Humphrey):

S. 976. A bill to amend the Occupational Safety and Health Act of 1970 to improve the administration of that Act with respect to small businesses. Referred to the Committee on Labor and Public Welfare.

By Mr. TAFT:

S. 977. A bill to amend the law enforcement education program. Referred to the Committee on the Judiciary.

By Mr. EASTLAND (for himself, Mr. Allen, Mr. Baker, Mr. Bartlett, Mr. Bellmon, Mr. Bennett, Mr. Bentsen, Mr. Brock, Mr. Burdick, Mr. Chiles, Mr. Cook, Mr. Cotton, Mr. Curtis, Mr. Dominick, Mr. Dole, Mr. Ervin, Mr. Fannin, Mr. Gurney, Mr. Hansen, Mr. Haskell, Mr. Hatfield, Mr. Hollings, Mr. Magnuson, Mr. McClellan, Mr. McClure, Mr. McGee, Mr. McGovern, Mr. Moss, Mr. Nunn, Mr. Packwood, Mr. Randolph, Mr. Roth, Mr. Scott of Virginia, Mr. Sparkman, Mr. Stennis, Mr. Stevens, Mr. Talmadge, Mr. Thurmond, Mr. Tower, Mr. Weicker, and Mr. Young):

S. 978. A bill to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful. Referred to the Committee on the Judiciary.

By Mr. BROOKE (for himself and Mr. Gravel):

S. 979. A bill to authorize the establishment of the Springfield Armory National Historic Site, Massachusetts, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. JAVITS (for himself, Mr. Tunney, Mr. Brooke, Mr. Case, Mr. Hart, Mr. Humphrey, Mr. Kennedy, Mr. Metcalf, Mr. Mondale, Mr. Moss, Mr. Pell, Mr. Ribicoff, and Mr. Williams):

S. 980. A bill to permit payment of extended unemployment compensation benefits to additional workers, and for other purposes. Referred to the Committee on Finance.

By Mr. BELLMON:

S. 981. A bill to amend the Commodity Credit Corporation Charter Act to provide for the publication of certain information. Referred to the Committee on Agriculture and Forestry.

By Mr. KENNEDY (for himself, Mr. Inouye, Mr. Javits, Mr. Pell, and Mr. Williams):

S. 982. A bill to substantially reduce the personal dangers and fatalities caused by the criminal and violent behavior of those persons who lawlessly misuse firearms by restricting the availability of such firearms for law enforcement; military purposes, and for certain approved purposes including sporting and recreational uses. Referred to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. Bible, Mr. Cook, Mr. Cranston, Mr. Eagleton, Mr. Hart, Mr. Humphrey, Mr. Kennedy, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Pastore, Mr. Ribicoff, Mr. Stevenson, Mr. Tower, and Mr. Fong, Mr. Brock, Mr. Bentsen, Mr. Church, and Mr. Tunney):

S. 983. A bill to amend the Controlled Substances Act to move certain barbiturates from schedule III of such Act to schedule II; and

S. 984. A bill to amend the Controlled Substances Act to require identification by manufacturer of each schedule II dosage unit produced. Referred to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. Bible, Mr. Eagleton, Mr. Hart, Mr. Humphrey, Mr. Kennedy, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Pastore, Mr. Stevenson, Mr. Tower, Mr. Fong, Mr. Brock, Mr. Bentsen, Mr. Church, Mr. Tunney, and Mr. Ribicoff):

S. 985. A bill to amend the Controlled Substances Act to establish effective controls against diversion of particular controlled substances and to assist law enforcement agencies in the investigation of the diversion of controlled substances into other than legitimate medical, scientific, and industrial channels, by requiring manufacturers to incorporate inert, innocuous tracer elements in all schedule II and III depressant and stimulant substances, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. Humphrey, and Mr. Talmadge):

S. 986. A bill to incorporate the Gold Star Wives of America. Referred to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. Randolph, and Mr. Hart):

S. 987. A bill to protect the constitutional rights of those subject to the military justice system, to revise the Uniform Code of Military Justice, and for other purposes. Referred to the Committee on Armed Services.

By Mr. THURMOND (for himself, Mr. Scott of Virginia, Mr. Curtis, and Mr. Fong):

S.J. Res. 68. A joint resolution proposing an amendment to the Constitution of the United States with respect to the method of appointing electors of the President and the Vice President of the United States. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TAFT (for himself and Mr. Cranston):

S. 971. A bill to help preserve and improve low- and moderate-income housing. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. TAFT. Mr. President, on behalf of the Senator from California (Mr. Cranston) and myself, I am today, introducing the Home Preservation Act of 1973.

When Department of Housing and Urban Development Secretary Romney announced the "freeze" on new commitments under existing housing programs, he stressed the need for a period of concentrated reevaluation to determine whether our national housing strategy should be redesigned. Senator Cranston and I are introducing this legislation at this early date so that it can be given thorough consideration as a part of that reevaluation. We believe strongly that housing policy should be altered to place more emphasis on keeping our existing housing in good condition.

During the past several years, the Nation has been fortunate enough to experience a recordbreaking pace of housing construction; 1972 was the second straight year in which a new all-time record for housing starts was established. The record has improved even more dramatically for subsidized housing. As Secretary Romney said some time ago, we have provided more housing for low- and moderate-income families in the past years than in the previous 31.

At the same time that we have been making great strides in providing new housing, however, the existing housing in all too many of our cities has been falling apart. In 1969, the Secretary of HUD even stated that existing housing was deteriorating faster than new units were being built. The number of substandard units in Baltimore, for example, increased from 43,000 to 65,000 between 1960 and 1969. New York City's inventory of deteriorating housing grew by 37 percent in the early and middle 1960's, while the number of units in standard condition grew by only 2.4 percent. The situation is similar in other cities across the country. As of 1968, more than 6 million housing units were substandard and were either dilapidated, deteriorating, or lacking in full plumbing facilities. It is not uncommon for the housing of our low- and moderate-income Americans to be infested with rats and plagued by stench and garbage, treacherous electrical arrangements, leaky roofs, inadequate heating systems, and broken windows, stairs, and handrails.

Over the last few years, a new dimension to this already dismal picture has developed as massive amounts of housing have simply been left to rot. Cleveland is losing 2,400 units per year in this way, and Chicago is losing about 1,800. There are approximately 20,000 abandoned buildings in Philadelphia, 5,000 in Baltimore, 2,000 to 3,000 in Detroit, and around 1,000 in Boston and Washington. In New York City, housing is being abandoned at a faster rate than it is being constructed. Even these figures do not indicate the seriousness of the abandonment problem at the local level, since abandonments tend to snowball in a neighborhood. The abandoned properties attract socially undesirable elements who either vandalize the properties or use them for socially unacceptable and illegal purposes. Residents of nearby structures who can move out of the neighborhood are likely to do so. The resultant high vacancies and reduced rental incomes encourage more abandonments, blight, and social problems.

Perhaps the most tragic part of the abandonment story, however, has been the Federal Housing Authority's involvement in it. Partly as a result of pressure from Washington in the late 1960's, the FHA quickly expanded its mortgage insurance programs in central cities. The necessity caution was not exercised and the result has been well documented: over-appraisals of property; approval of "rat traps" as suitable for Government-supported low-income residents; and clientele who received insufficient counseling, did little maintenance and could not really afford their mortgage payments or were unwilling to continue payments for housing which had proved to be defective. Abandonment after abandonment occurred, at an average cost to the taxpayers estimated by General Accounting Office Comptroller General Staats to be $3,835 per each section 235 unit, on which a foreclosure takes place.

Congress should give full consideration to the impressive construction record under HUD programs as it endeavors to reevaluate housing policies, but the new construction figures should not hoodwink anyone into thinking that we can continue to devote insufficient attention to the deterioration and abandonment problem—one of the prime items that ought to be on our agenda for housing this year. Every housing unit that deteriorates to the point where it no longer constitutes a suitable living environment partially negates the new construction effort. Furthermore, the cost of providing new low-income housing is often astronomical when compared with the cost of stopping housing decay in its early stages. Anyone who has been involved with urban renewal is also aware that it is much less difficult, expensive, and disruptive to prevent slums than to cure them. In most cases, even the people who are supposed to be helped by housing and community development programs would rather not trade their old neighborhoods, with the buildings, streets, and friends they have known all their lives, for a "renewed" neighborhood.

In other words, it is ridiculous to pour money into new construction and urban renewal without making a concerted attempt to save the suitable housing we already have. A housing preservation program could be a tremendously effective weapon for preventing slums and urban blight; 80 percent of the abandoned housing in New York City was classified only 3 years earlier as sound or deteriorating, but not dilapidated. Yet our present attitude with regard to the condition of existing housing can only be described as "neglect." After inflation is taken into account, Americans' expenditures for housing maintenance, repairs, and major replacements actually declined in constant dollars from $127 per unit in 1962 to $102 per unit in 1970. According to the President's June 1972 Report on Housing Goals, the average American spends enough on repairs and maintenance to care adequately for a housing unit with only slightly more than half the value of his home. This neglect certainly contributed to a housing loss total for the 1960's which exceeded the record of the 1950's by 3.4 million.

Government policies have done little to stem the tide of housing deterioration. Despite the overwhelming number of housing programs, only the code enforcement program is designed specifically to help preserve neighborhoods and houses before their condition becomes catastrophic—and that program is not even being funded this year. The general policy has been that a homeowner or landlord with an aging dwelling is not the Government's concern until the property falls apart to the point that substantial rehabilitation is necessary. This policy is even reflected to some extent in our tax laws; accelerated depreciation for rehabilitation is only available for rehab jobs of at least $3,000. But substantial rehabilitation has proved so prohibitively expensive, and the relocation which often must accompany it so distasteful, that rehabilitation is the only category for which we are falling considerably short of the pace needed to attain the 10-year housing goal set in 1968.

The Government's crisis policies have been applied to whole neighborhoods as well as the housing stock. All too often we have followed the bulldozer and bureaucrat approach of sitting on our hands until a neighborhood is virtually ruined, then undertaking a renewal program involving enormous social upheaval and tremendous expense for the taxpayers.

It is true that there are neighborhoods which have deteriorated to the point where a housing preservation program will make little difference and comprehensive redevelopment is the only viable strategy. In many neighborhoods which can still be saved, it will take more than home improvements to prevent further blight. Local and Federal funds will have to be coordinated so that improved services can be provided to such neighborhoods.

The realization that home preservation measures cannot save our cities singlehandedly, however, is not a valid excuse for governmental inaction. There is a vast amount of aging housing whose useful life can be prolonged significantly if necessary improvements are made. We should help people save these homes while the saving can still be done at reasonable costs. Action should be taken before the homes deteriorate to the point where they become major contributors to blight or slums.

The Home Preservation Act is designed to help us get more mileage out of our existing housing stock in several ways. Title I, which was essentially included in last year's Senate housing bill, will make home repairs possible for many homeowners and landlords who cannot afford to increase their monthly housing expenses. This legislation recognizes that much of our housing is deteriorating because owners just cannot afford to spend money on their property. All elements of housing costs—financing, maintenance, operating, and property taxes—have been rising swiftly and steadily over the past decade. As a result, the owner-occupant finds that he cannot afford to make needed repairs and improvements. The landlord realizes that adequate rent rises to meet the increasing expenses are precluded by the limited incomes of his tenants, and reacts by skimping on maintenance and repairs. The result in terms of the livability of dwellings is disastrous. New York judges, recognizing the seriousness of this economic squeeze, often charge such meager fines as 50 cents for violations of housing codes. In areas where militant tenants have brought about strict enforcement of the codes, many landlords have chosen to abandon structurally sound units rather than follow a court order requiring them to carry out moderate rehabilitation.

This attitude is likely to predominate in neighborhoods where there is already considerable blight and the abandonment process is well under way. In neighborhoods where blight is not so widespread and the abandonment process has hardly begun, however, many people may very much want to stay and protect their investment. Nevertheless, taking out a loan for repairs and improvements is impractical for them if it means increasing their monthly debt service payments. In addition, their neighborhoods have long been "red-lined" by conventional lending sources, and financing for mortgages and repairs is exhorbitantly expensive if available at all.

Title I would help people in this situation by allowing FHA insurance to be used for obtaining the private market refinancing necessary to stretch out existing mortgages. In this manner, money could be provided for home repairs without forcing the property owner to pay higher monthly housing expenses. For example, a homeowner that has a $100 monthly mortgage payment and 3 years left to pay on his mortgage could use the title I program to lengthen his mortgage so that he is loaned the capital to repair his home. He would repay the new mortgage by continuing to pay $100 as long as necessary to cover both his outstanding mortgage indebtedness and his repair loan. For example, the new repayment period might be 10 years rather than only 3.

This title also includes appropriate safeguards to insure that the program will not be abused and that it will be used only in situations where it is likely to be effective. It involves no front-end subsidy. I believe that it will prove to be an effective means of enabling owners to preserve their housing and prevent housing deterioration—at very little cost to the Federal Government.

Title II of the Home Preservation Act recognizes the special home repair and improvement needs of our Nation's elderly and handicapped citizens. These citizens often have trouble obtaining home improvement loans at decent interest rates because of their limited potential earnings capacity. Because a proportionately higher percentage of these people's income must be used for health care expenses, they cannot afford housing expenses as high as others with the same amount of income. Particularly in the case of the elderly, home repairs and improvements take on added importance because their homes are often their only major investments. In addition, special home preservation assistance is needed for the elderly because about 84 percent of them have already paid off their mortgages and therefore cannot be helped by title I of this bill. In the case of the handicapped, housing improvements will help to fulfill one of their most vital needs by facilitating their ability to live independently.

To take care of the special home preservation needs of the elderly and handicapped for the first time, title II of our bill would authorize HUD to provide 3-percent home repair loans of up to $5,000 for elderly and handicapped homeowners who could not otherwise afford to fix up their homes. We recognize, however, that some of the Nation's poorest elderly and handicapped citizens will not be able to afford even a 3-percent loan. Accordingly, such citizens could obtain an interest-free loan with all payments deferred for their lifetimes.

I expect that this title will have a considerable impact on housing in our rural areas, where so many of the elderly poor are located.

Title III addresses directly the problem of mortgage defaults and related distress sales and housing abandonments in our inner cities. A 1962 study by HUD's predecessor agency, the Housing and Home Finance Administration, casts considerable light upon the foreclosure problem. In its interviews with borrowers in six large metropolitan areas whose FHA, Veterans' Administration, or conventional mortgages had been foreclosed, HHFA found that "curtailment of income," "illness or injury," and "increased housing costs" were the most frequent reasons given for foreclosure. Over 58 percent of the borrowers mentioned curtailment of income, usually as a result of loss of employment, as a major reason for foreclosure. Close to one half of the borrowers listed illness or injury, and over 30 percent of the borrowers listed increased housing costs consisting mainly of taxes, repairs, and improvements.

In recognition of the hardships caused by losing such a major investment as a home through foreclosure, the public expense involved when the mortgage is insured by the Government and the importance of such factors as unemployment, illness and injury in bringing about these hardship situations, section 109 of the Housing and Urban Development Act of 1968 authorized the Department of Housing and Urban Development and the private insurance industry to develop an insurance program which would help homeowners meet mortgage payments in times of personal economic adversity. Although the Department of Housing and Urban Development's required report under section 109 has never been submitted, HUD personnel have informally stated that this type of insurance is not practical because the premiums would have to be too high.

Consequently, title III of our bill would tackle the same problem in a different way. Assistance would be provided in the form of direct loans to homeowners who otherwise would face emergency situations which could lead directly to foreclosure. It is designed especially for FHA- and VA-insured borrowers. Loans to those borrowers could save the Government considerable amounts of money, by helping to avert multi-thousand dollar losses to the taxpayers through foreclosures.

Government loans would be available to borrowers who are temporarily unable to make part or all of their mortgage payments because of the death, illness, or unemployment for reasons beyond the control of the principal mortgagor. These loans would only be made to borrowers who have already tried to take care of their problem by working with lenders to alter the mortgage terms, and the amount of any loan could not exceed whatever amount would be required to make mortgage payments for a year. In addition, HUD would be directed to encourage the development and use of nongovernmental methods of dealing with this type of personal catastrophe.

Loans of up to $5,000 would also be available to help homeowners who otherwise would be unable to finance repairs necessary to protect the basic livability of their homes. This provision is a "gap filler," in recognition that title I cannot help those whose mortgages have been repaid and title II is of value only to the elderly and handicapped. There are also some situations in which a direct repair loan makes much more sense than a Government-guaranteed mortgage extension, in spite of the budgetary outlay involved. For example, if a homeowner needs only $1,000 for essential repairs, refinancing under title I could involve an excessive closing cost amount in relation to the loan principal.

To minimize Government involvement and expense under title III, no repair loan will be made unless refinancing under title I is unavailable or undesirable given the applicant's situation. In addition, the applicant must accept any available FHA-insured home improvement loan under title I of the National Housing Act for the maximum term provided at the maximum monthly amount he can reasonably repay. Only any additional money which he needs would be loaned to him under title III.

Repayment of title III loans could be deferred if necessary, but the borrower would have to repay as soon as he could afford to do so without expending an excessive proportion of his monthly income for housing. Loans to borrowers with FHA and VA mortgages could be deferred for a longer maximum period than loans to conventional mortgagors. The interest rate on these loans will be the Treasury borrowing rate on loans of at least comparable maturity—10–12 years—plus one-fourth of 1 percent for "normal" expenses. Thus the only subsidy involved in this program would be the "abnormal" administrative and loss expenses incurred because these are high-risk loans with rather flexible terms. As in title II, HUD would protect its investment by placing a lien on any property whose mortgagor receives a loan.

The first of the three miscellaneous sections contained in title IV creates a Home Preservation Loan Fund. This revolving fund will be the source of money for loans under title II and loans to borrowers with conventional mortgages under title III. Repayments under these programs will be made to the fund. Title III borrowers with Government-guaranteed mortgages will use the FHA's Special Risk Insurance Fund, since these loans are partially designed to reduce the expenditure of the FHA's insurance funds. Fifty million dollars is authorized for the Home Preservation Fund.

The second section of title IV authorizes demonstration programs designed to improve maintenance of federally assisted housing. I believe that this is one of the most essential areas in which we must work—not just from the standpoint of keeping housing in good shape, but from the standpoint of making federally assisted housing acceptable to the neighborhoods and therefore facilitating its development. Citizens whose neighborhoods are being threatened by federally assisted housing often voice the fear that those people will not keep up their property. We should encourage the assisted people themselves to maintain their housing better so that this cannot be considered a valid objection to low-income housing.

More specifically, section 402 would encourage low-income FHA homeowners to open joint checking accounts with approved counseling agencies and, based on the maintenance needs of their homes, deposit an agreed-upon amount of money in the account every month. The account could only be used for maintenance or emergency expenditures and the counseling agency would have to cosign all withdrawals. This would give the counseling agency the opportunity to accompany each withdrawal with the counseling advice it deems appropriate to encourage effective and improved maintenance practices and efficient use of maintenance funds.

The legislation also gives the Secretary of HUD the power, on a demonstration basis, to provide cash bonuses to assisted families which have done an exceptionally good job of maintenance. I am told that total expenditures by local housing authorities in Ohio of bonuses as small as $50 per year have resulted in substantially better maintenance of public housing.

The Secretary of Housing and Urban Development is asked to evaluate these demonstrations during the next 3 years and make any legislative recommendations which he deems appropriate.

The last section of the Home Preservation Act could lead to the elimination of redtape and result in reducing the number of tragic instances where participation in an FHA program means a duped consumer, a house in intolerable condition and another housing abandonment. This section asks the Secretary of Housing and Urban Development to recommend within 6 months the extent to which FHA processing functions could be performed by the lenders participating in the various programs.

In some FHA programs the lenders may be able to take the responsibility for such functions as screening applicants and inspecting dwellings, if appropriate safeguards are instituted to ensure that lenders would try to do a good job. Perhaps a 5-percent coinsurance arrangement, whereby lenders would be reimbursed for only 95 percent of any loss due to foreclosure, would give them an appropriate stake in carrying out their functions conscientiously. Under such an arrangement, I doubt that the FHA's 1969–70 record of insuring, by some counts, nearly as many defective section 235 homes as homes which were in good condition would have been compiled. The problem would be to strike a balance so that lenders would not be discouraged unduly from participating in the FHA programs which help those most in need. In addition, lenders would probably have to be paid for assuming additional functions.

It is generally agreed that the tremendous workload on the FHA insuring offices during 1969 and 1970 increased substantially the incidence of sloppy appraisals and exploitation by speculators. If the FHA could successfully transfer some of its processing functions to lenders, its insuring offices would be able to devote more attention to proper administration of the functions which must be retained by the Government. The problem of waiting months for the FHA to finish processing insurance applications could also be alleviated.

The measures included in this bill constitute a comprehensive program to preserve our Nation's housing. Title I will assist both homeowners and landlords who are still paying off mortgages and cannot afford high housing costs per month. Title II is designed to help fulfill the special needs of the elderly and handicapped, the majority of whom do not have mortgage obligations. Title III will meet the home repair needs of those who are not helped by other programs, and for the first time will provide a means of preventing needless foreclosures. Title IV creates a basis for dealing directly with two problems which have aggravated our home preservation efforts so much: inadequate maintenance and poor FHA administration of insurance programs.

In keeping with the necessity for fiscal restraint, these programs attack the housing deterioration problem with a minimal amount of Federal outlays. As much reliance as possible is placed on private financing. No loans are available under any section of our bill to people whose needs could be satisfied adequately through private arrangements. Where direct outlays have been deemed necessary, we have provided for loans rather than grants—even though grant programs would probably be much easier to administer.

I believe that the programs authorized by the Home Preservation Act can be coupled with more extensive use of preservation-oriented programs, such as code enforcement and section 23 leased existing housing, to combat the deterioration problem effectively. The goals of this bill—to provide repair assistance on a broad-scale basis for those who cannot afford repairs; deal adequately with the home repair problems of our elderly and handicapped citizens; prevent foreclosures which could have been averted, particularly where the mortgage in question is Government insured; encourage better home maintenance and facilitate better the administration of FHA insurance programs so that taxpayer sponsorship of housing deterioration and abandonment will be minimized—are absolutely essential. I hope that this bill provide a model from which Congress can work to formulate legislation which will achieve these goals. I am by no means wedded, however, to the bill's specific provisions. In particular, there is a great need to simplify and consolidate the present maze of housing programs, and I would cooperate fully with any efforts on the part of the administration or others to include an effective and simple home preservation program in any consolidation of our housing laws.

The import thing is not that the exact form of this bill be adopted, but that our housing programs be redesigned to devote much more attention to the preservation of the existing stock. We are letting housing be wasted needlessly, and the result is more poor people living in hazardous conditions, blight in our cities and rural areas, and acclerated neighborhood disintegration.

It is about time that we stop allowing our landscapes to be littered and our neighborhoods to be lost and start working to preserve our Nation's housing.

I ask unanimous consent that a statement by Senator Cranston and the text of the proposed legislation be printed in the Record.

There being no objection, the statement and bill were ordered to be printed in the Record, as follows:

Statement by Senator Cranston

Our nation's housing policy is marked by extremes. We tend to ignore housing conditions—until they get bad enough, and then the Federal government intervenes with drastic programs like renewal. There are few gradations in between, with the exception of small programs like Section 312 rehabilitation loans and code enforcement. As a result, in my own State of California, there are 700,000 substandard units. Our nation's housing policy has for too long neglected the protection of our existing housing stock.

The President's 1972 Fourth Annual Report on National Housing Goals indicates that within the nation's existing stock of 68 million units, 5.2 million are in substandard condition. Of these, 1.4 million are dilapidated or need major repairs. The bulk, while deteriorating, could be saved with moderate rehabilitation.

In the Home Preservation Act of 1973, which I am pleased to introduce with Senator Taft, assistance is provided for the moderate rehabilitation of structures in order to extend their life and usefulness.

The result of poor housing maintenance is that many buildings that could be repaired and whose useful life could be extended are being abandoned. A study entitled "Housing and Poverty" (1970) by William Grigsby et al. concludes with this warning:

"The country is fast approaching a housing crisis. For a number of cities, it has already arrived. It is not a production crisis, present emphases of federal programs notwithstanding. Rather, it is occasioned by the deterioration and partial abandonment of large sectors of the inner city. Were only the worst buildings being abandoned or poorly maintained, the interpretation of this situation would have to be favorable. This is not the case, however. Much fairly good housing is falling into disuse and disrepair. Indeed, the numbers are overwhelming even reasonably large production efforts for low-income families."

The Department of Housing and Urban Development estimates that between now and 1978, 8.5 million units presently in use will be eliminated from the housing supply. In Baltimore, 4,400 units are abandoned annually; in Philadelphia, an estimated 35,000 units; in New York City, the number is put at 50,000 units per year. The startling fact is that 80 percent of the abandoned units in New York City had been classified only three years ago as sound but deteriorating.

Landlords and owner occupants of inner city property are either unwilling or unable to finance needed repairs so that much of the housing for low- and moderate-income families in urban areas is intolerable—rat-infested and garbage strewn, with broken stairs and handrails, defective furnaces, hazardous wiring, leaky roofs, and crumbling foundations.

These families will not be helped by relying solely upon new construction. The bulk of subsidized units under the Section 235 and 236 programs have been constructed outside of the central city. The President's January 5 moratorium on new subsidy commitments means that even this construction will be diminished.

In Newark and New York, housing units are being abandoned faster than they are being built. Short as we are of decent housing, we cannot afford such losses.

Title I of the Home Preservation Act is designed to extend the life of housing in neighborhoods threatened by housing abandonments. Financial assistance—through the mechanism of refinancing—is extended to landlords and owner occupants of single family and multi-family units in declining neighborhoods which are, nevertheless, reasonably stable.

Under Title I, FHA insurance is used to guarantee mortgages refinanced by private lenders for property in areas threatened by housing abandonments. The refinanced mortgage includes a building improvement loan.

These loans are either not now available or are only available at high interest rates because they involve a higher risk than ordinary refinanced loans and are more expensive to administer. The combination of an FHA guarantee and Federal administrative assistance to assure that the buildings are properly maintained will enable lenders to charge lower interest rates. The legislation further provides that if refinanced loans are not available at the FHA established interest rates, the Government may subsidize the points necessary to bring the interest down to the FHA level.

Stretching out the mortgage over a longer period will make available monies for the repair and improvement of the structure, without, however, increasing the mortgagor's monthly debt payment and without increasing a tenant's rental payment. If a tenant or mortgagor now pays $150 per month for housing expenses, he will pay no more after the mortgage is refinanced. All the additional money made possible by refinancing must be used to repair the structure and keep it in good condition for the term of the new mortgage.

Title I is essentially the same proposal that Senator Taft and I offered in the 92d Congress and which was embodied in the Senate-passed version of the 1972 Housing and Urban Development Act.

The 1970 Census showed that of the nation's 20 million elderly, 68 percent own their own homes—more than 80 percent own them mortgage free. To many elderly, a home represents a life-long investment. Despite limited income and problems due to advancing age, many elderly homeowners want to retain their homes but find the cost of upkeep and repairs beyond their reach. Their dilemma is not easy to resolve: they cannot finance repairs to keep their homes livable, yet alternative housing suitable in location and price is scarce. I believe we should help the elderly remain homeowners if that is their desire.

The Department's current rehabilitation loan program is limited to urban renewal, code enforcement, and concentrated rehabilitation areas. Loans are available only to bring homes all the way up to code or renewal standards. If the elderly do not reside in these areas, they must turn to private lending sources for short-term rehabilitation loans at high interest. Based on the 1970 Census, the average income for an owner-occupied elderly household is $3700, making short-term loans at high interest an impossibility.

Title II provides home repair and improvement loans on easy terms to elderly and handicapped homeowners with limited income who need to correct defects that impair the use and livability of their homes.

The Act provides for 3 percent home repair loans up to a maximum value of $5,000. A low income elderly or handicapped homeowner unable to carry a low-interest loan is eligible for an interest-free grant of up to $5,000. This grant constitutes a lien on the property to be discharged at the time the property is sold or when assets of the estate are liquidated upon the owner's death.

I believe this loan program will give more elderly persons the opportunity to live out their lives in their own homes—in a manner which gives them dignity.

Two years ago at this time, California had a staggering unemployment rate of 7.1 percent. Homeowners who had lost their jobs due to cut-backs in the aerospace industry and other industries faced the prospect of losing their homes because they could not keep up their mortgage payments.

To provide them with relief, I introduced in the 92nd Congress S. 735, a bill authorizing the Federal government to insure loans to defray mortgage payments on behalf of homeowners who were temporarily unemployed or whose income had been sustantially reduced.

While the rate of unemployment has dropped from its high point in 1971, there still are families who face losing their homes because the breadwinner has been laid off or because disability or illness has struck him down. Senator Taft and I have developed a loan program in Title III of this Act to sustain homeowners through periods of distress.

Title III provides loans to borrowers, whose mortgages are insured by the Federal government or by conventional lenders, in an amount sufficient to cure the default on the mortgage within 12 months. Repayment is expected as soon as the mortgagor can meet the obligation without incurring an excessive monthly housing expense, customarily interpreted to mean a housing expense which represents over 30 percent of one's income. Borrowers with conventionally financed mortgages must begin repayment not later than five years after the issuance of the loan; however, borrowers with FHA and VA insured mortgages may defer repayment for longer periods if it is necessary.

Recognizing that distress sales also result because mortgagors cannot finance unexpected and necessary repairs, Senator Taft and I have included in Title III emergency home repair loans, whose repayment may likewise be temporarily deferred.

The interest rate on loans issued under Title III will bear the same interest rate as marketable obligations of the United States having a maturity of 10 to 12 years, plus ¼ of 1 percent for routine expenses.

Since the terms of these loans are flexible—and, thus, carry a higher risk—and because they represent a direct budget outlay, Senator Taft and I view them as assistance of a last resort—loans to be used after mortgagors have tried to get lenders to forbear, or after mortgagors have sought home improvement loans under Title I of the National Housing Act, and after the possibility and desirability of refinancing has been investigated.

Title IV of the Home Preservation Act creates a Home Preservation Loan Fund, for which $50 million is authorized. This fund will cover loans to the elderly provided in Title II and loans to borrowers with conventionally insured mortgages in Title III. Loans to borrowers with FHA and VA mortgages in Title III will be charged to the Special Risk Insurance Fund.

Title IV has two additional sections: the first authorizes the Secretary to undertake demonstration programs in counseling low income homeowners on home maintenance; the second, requires the Secretary to report to Congress on the possibility of transferring to mortgagees the responsibility for processing and approving applications for mortgage insurance under programs of the National Housing Act.

The Home Preservation Act is intended to strike a better balance in our housing policy, which has up until now been weighted toward newness—new construction, renewal, new communities, new-town's-in-town. This has been an expensive emphasis. The social and economic costs of permitting neighborhoods to decay are high. So is the price tag for clearance and new construction. The nation's demand for decent housing requires that we be less wasteful of our resource of existing units. Senator Taft and I offer the Home Preservation Act as a start in that direction.

The bill reads as follows:

S. 971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Home Preservation Act of 1973".

FINDINGS AND POLICY

SEC. 2. (a) The Congress affirms the national goal, as set forth in section 2 of the Housing Act of 1949, of "a decent home and suitable living environment for every American family". The Congress finds, however, that policies designed to contribute to the achievement of this goal have not directed sufficient attention and resources to the preservation of existing housing and neighborhoods, that the deterioration and abandonment of housing for the Nation's lower income families has accelerated over the last decade, and that this acceleration has contributed to neighborhood disintegration and has partially negated the progress toward the national housing goal which has been achieved through new housing construction.

(b) The Congress declares that a greater effort should be made to encourage the preservation of existing housing and neighborhoods inhabited by lower income families, under conditions where such efforts are economically justifiable and have reasonable prospects for success, and that such efforts should utilize the resources and capabilities of the Federal Government, State and local governments, and private enterprise. The Congress further declares that such an effort should concentrate, to a greater extent than it has in the past, on housing and neighborhoods where deterioration is evident but has not yet become acute.

TITLE I—REFINANCING FOR HOME PRESERVATION

SEC. 101. Title II of the National Housing Act is amended by adding at the end thereof the following new section:

"REFINANCING FOR HOME PRESERVATION

"SEC. 244. (a) The purpose of this section is to encourage the preservation and upgrading of existing low- and moderate-income housing through a program of mortgage insurance, designed to enable residential property owners who cannot afford additional monthly housing expenses to undertake needed housing repairs and renovations and moderate, but not necessarily substantial, housing rehabilitation and to help combat the phenomenon of housing abandonment.

"(b) The Secretary is authorized to insure any mortgage in accordance with the provisions of this section, upon such terms and conditions as he may prescribe, and to make commitments for such insurance prior to the date of the execution of any mortgage or any disbursement thereon. The Secretary shall establish procedures to expedite, to the maximum extent feasible, the processing and approval of applications for insurance hereunder.

"(c) As used in this section—

"(1) the term 'low- or moderate-income housing' means a building containing one or more dwelling units, which is predominantly occupied by families or individuals of low, or moderate income, as determined by the Secretary in a manner consistent with the purpose of this section; and

"(2) the term 'sound condition' means a condition which meets all State and local requirements relating to housing conditions, public health or safety other than the requirements of any building code, except that in the event such local requirements are absent or inadequate, the Secretary may impose alternative appropriate standards; and

"(3) the terms 'mortgage', 'mortgagee', and 'mortgagor' shall have the same meaning as in section 201 of this Act.

"(d) A mortgage insured under subsection (b) shall—

"(1) cover predominantly residential property which provides either low- or moderate-income housing in sound condition or housing which is not in sound condition but which is capable of being placed in sound condition with assistance provided under this section;

"(2) cover property located in a neighborhood or area which is threatened by housing deterioration or abandonment but which is reasonably stable and contains sufficient public facilities and services to be reasonably capable of supporting long-term values, or which is to be improved through community programs of neighborhood preservation or rehabilitation;

"(3) secure an indebtedness the principal amount of which does not exceed the sum of—

"(A) the amount required to refinance existing indebtedness secured by the property;

"(B) such initial mortgage service charges, points, closing costs, and appraisal, inspection, or other costs and fees as the Secretary shall approve pursuant to regulations consistent with the purposes of this section; and

"(C) the estimated cost of any repairs and improvements required by subsection (e) and of all additional repairs and improvements accomplished with funds provided by any loan insurable hereunder;

"(4) provide for complete amortization by periodic payments within such term satisfactory to the Secretary, as the mortgagor and mortgagee shall agree upon, based upon the projected remaining economic life of the structure after repairs and improvements have been made, but not to exceed, in any event, twenty-five years; and

"(5) bear interest on the amount of the principal obligation outstanding at any time at a rate not in excess of such per centum per annum as the Secretary shall by regulation prescribe as necessary to meet the applicable mortgage market.

Notwithstanding any other provision of this section, the Secretary's insurance obligation with respect to the principal of a mortgage may not exceed 90 per centum of the sum of—

"(A) the appraised value of the property as of the date the mortgage is accepted for insurance (except that the Secretary may exclude any increase in that value which he determines to be caused by governmental actions under this section);

"(B) such initial mortgage service charges, points, closing costs, and appraisal, inspection, or other costs and fees as the Secretary shall, by regulation, and consistent with the purpose of this section, approve; and

"(C) the cost of any repairs and improvements required by subsection (e) and of all additional repairs and improvements provided by any loan insurable hereunder,

except that in the case of refinancing by a nonprofit or cooperative described in subsection (e) (3), the obligation of the Secretary may not exceed 98 per centum of such sum

"(e) The Secretary shall prescribe such terms and conditions as he deems necessary to assure that—

"(1) refinancing pursuant to this subsection results in the making of any repairs to the property that are necessary to place it in a sound condition or enables the mortgagor to pay off a mortgage containing a balloon payment provision, and is not used primarily to reduce the monthly debt service payable by the mortgagor except in hardship cases as determined by the Secretary;

"(2) in the case of refinancing pursuant to this section which is used primarily to repair and improve the property, a reasonable proportion of the loan proceeds shall be used to finance repairs and improvements;

"(3) the mortgagor or a member of his immediate family shall have owned the property for a period of not less than three years prior to such refinancing, unless the mortgagor is a cooperative or nonprofit certified by the Secretary as eligible for insurance under this section;

"(4) the property will be continuously maintained in sound condition for the period of the loan; and

"(5) in the case of refinancing pursuant to this section which involves a rental project containing more than four dwelling units—

"(A) the mortgagor shall deposit in a checking account to be used solely for maintenance expenditures not less than that percentage of his gross rental receipts which he designates and the Secretary approves as necessary or appropriate to maintain the building in sound condition;

"(B) during the mortgage term no rental increases may be made except those which are necessary to offset actual and reasonable operating expense increases;

"(C) no excessive rent increase has been made in anticipation of refinancing pursuant to this section; and

"(D) before any rental increase takes effect, tenants will be afforded reasonable notice of the proposed increase and a sufficient opportunity to present written objections to the Secretary and to be heard thereon.

"(f) Any mortgagee under a mortgage insured under this section shall be entitled to receive the benefits of the insurance authorized hereunder—

"(1) in accordance with the provisions of section 204(a), which apply to mortgages insured under section 203, if the mortgage is secured by property containing fewer than 5 dwelling units, and the provisions of subsections (b), (c), (d), (g), (j), and (k) of section 204 shall be applicable to such mortgages; or

"(2) in accordance with the provisions of section 207, if the mortgage is secured by property containing more than four dwelling units, and the provisions of subsections (d), (e), (h), (i), (j), (k), (l), and (n) of section 207 shall be applicable to such mortgages,

except that all references contained in sections 204 and 207 to the 'Mutual Mortgage Insurance Fund' shall be construed to refer to the 'Special Risk Insurance Fund' and all references therein to sections 203 and 207 shall be construed to refer also to section 214.

"(g) In carrying out his functions under this section, the Secretary shall use his best efforts to enlist the support and cooperation of State and local governments in establishing and maintaining programs which contribute to the achievement of the purposes of this section, including the provision of adequate municipal services in low- and moderate-income areas, particularly in areas threatened by building abandonment, and in insuring, to the maximum extent feasible, the administration of laws and ordinances relating to the existing housing stock, including building codes, housing codes, health and safety codes, zoning laws and property tax laws, in a manner which will encourage maximum utilization of this program in accordance with the purposes of this section.

"(h) The Secretary shall develop and maintain full information and statistics regarding the utilization of and experiences incurred under this program, which shall include information and statistics concerning—

"(1) financial market conditions, including the interest rates, payback periods, and other terms and conditions affecting housing eligible to be refinanced hereunder;

"(2) the character, extent, and actual costs of repairs, renovations, and moderate housing rehabilitation undertaken hereunder;

"(3) factors affecting and statistics showing the extent of actual and potential utilization of this program;

"(4) factors affecting the processing time of applications submitted hereunder and statistics showing processing times actually experienced;

"(5) mortgage arrearages, defaults and and foreclosures on mortgage loans insured hereunder and expenses incurred as a result of such arrearages, defaults and foreclosures;

"(6) abuses of the program, actual or potential, and remedial and punitive actions taken in connection therewith; and

"(7) the costs of administering the mortgage insurance program provided by this section,

and shall submit to the Congress not later than February 15 of each year an annual report summarizing such information, together with an analysis of the effectiveness and scope of the program and recommendations for its improvement and future utilization.

"(i) If the Secretary determines that the unavailability of property insurance coverage is hindering the widespread utilization of this program, he shall take all practicable steps to ensure that the protection and benefits of title XII of this Act are utilized to provide adequate property insurance coverage for mortgagors and mortgagees under this program.

"(j) If the Secretary determines that widespread utilization of this program is hindered by the charging of points or discounts by mortgagees, he shall take steps to implement the Government National Mortgage Association's authority under section 305(j) and 302(c) of this Act to purchase and make commitments to purchase mortgages insured under this section, at a price equal to the unpaid principal amount thereof at the time of purchase, with adjustments for interest and any comparable items, and to sell such mortgages at any time at a price within the range of market prices for the particular class of mortgages involved at the time of sale as determined by the Association."

SEC. 102. (a) Section 238(b) of the National Housing Act is amended—

(1) by striking out "and 243" each time it appears and inserting in lieu thereof "243, and 244";

"(2) by striking out "and 237" and inserting in lieu thereof "237, and 244"; and

(3) by striking out "or 243" and inserting in lieu thereof "243, or 244".

(b) The second sentence of section 305(g) of such Act is amended by inserting between "and" and "no such commitment" the following: ", unless the mortgage is insured under section 244,".

(c) Section 235(i)(3)(A) of such Act is amended by inserting after "Housing and Urban Development Act of 1965" the following: "*Provided further*, that the mortgage may involve an existing dwelling or a family unit in an existing project if such mortgage involves refinancing consistent with the purposes of section 244 and subject to the provisions of subsections (d) and (e) of such section, other than the requirement in subsection (e)(1) of such section that refinancing not be used primarily to reduce the monthly debt service payable by the mortgagor except in hardship cases.

TITLE II—HOME REPAIR LOANS FOR THE ELDERLY AND HANDICAPPED

SEC. 201. (a) In order to assist elderly or handicapped families to repair and improve their homes and thereby provide themselves with decent, safe, and sanitary housing, the Secretary is authorized to provide assistance in the form of loans as provided for in subsection (c), and in the form of advances when necessary as determined under subsection (d), to elderly and handicapped families who own and occupy residential property containing one, two, three, or four dwelling units, to cover the cost of repairs, improvement, and other rehabilitation necessary to protect or improve the basic livability or utility of such property.

(b) For the purpose of this section, the term "elderly or handicapped families" has the same meaning as in section 202 of the Housing Act of 1959.

(c)(1) The Secretary may make a loan with respect to residential property if he determines that—

(A) the applicant is without sufficient resources to afford the necessary repairs, improvements, or other rehabilitation;

(B) the applicant is unable to secure the necessary funds for such repairs, improvements, or other rehabilitation from other sources upon terms and conditions which he could reasonably be expected to fulfill; and

(C) the loan is an acceptable risk taking into consideration the need for rehabilitation, the ability of the neighborhood to provide a suitable living environment, the security available for the loan, including the applicant's equity in the property, and the ability of the applicant to repay the loan.

(2) Except as provided in subsection (d), assistance under this section with respect to any property shall be in the form of a loan in a principal amount equal to the lesser of (A) the cost of the necessary repairs and improvements of such property as determined by the Secretary, or (B) $5,000. Any such loan shall bear interest at the rate of 3 per centum per annum on the amount of the principal obligation outstanding at any time, provide for complete amortization by periodic payments within a period not exceeding fifteen years, be secured as determined by the Secretary and be subject to such other terms and conditions as the Secretary may prescribe to assure that the purpose of this section is carried out.

(d)(1) In any case where assistance other than (or in addition to) a loan under subsection (c) is necessary to enable an elderly or handicapped family to carry out repairs, improvements, or other rehabilitation because an elderly or handicapped family cannot afford all or part of the required payments of principal and interest on the loan, the Secretary is authorized to make an advance to such family to cover or assist in covering the cost of the necessary repairs, improvements, or other rehabilitation. The amount of such advance shall be the cost of the repairs, improvements, or other rehabilitation (but not more than $5,000), reduced by the principal amount of any loan made under subsection (c) in connection with the same repairs, improvements, or other rehabilitation.

(2) Any advance made to an elderly or handicapped family under this subsection shall be a repayable advance and as such shall create a lien on the property in favor of the Secretary in an amount equal to the amount of the advance, and such lien shall be duly recorded. Such advance shall be repaid (without interest) and the lien discharged at such time as the property is subsequently sold or otherwise transferred to another person (other than to the owner's surviving spouse) and shall be subject to such other terms and conditions as the Secretary may prescribe.

(e) The Secretary is authorized to delegate to or use as his agent any Federal or local public or private agency or organization to the extent he determines it to be desirable to carry out the objectives of this section in the area involved, and to reimburse any such agency for necessary expenses for services and facilities for the servicing of loans or advances made under this title.

(f) All funds received and loans, repayable advances, or other disbursements made by the Secretary in carrying out his functions under this title shall be credited or charged, as appropriate, to the Home Preservation Loan Fund established by section 401 of this Act.

TITLE III—EMERGENCY HOME PRESERVATION LOANS

STATEMENT OF PURPOSE

SEC. 301. The purpose of this title is—

(1) to prevent mortgage defaults, distress sales, and the abandonment of homes, particularly in cases where a mortgage insured or guaranteed by the United States Government is involved, by mortgagors who are temporarily unemployed or whose income is drastically reduced because of the death, illness, or disability of the principal mortgagor, and who require the assistance available under this title for a reasonable period of time in order to make the necessary financial adjustments; and

(2) to prevent mortgage defaults, distress sales, and the deterioration and abandonment of homes, particularly in cases where a mortgage insured or guaranteed by the United States Government is involved, by homeowners who are unable to finance on reasonable terms, through conventional means or other Federally assisted home repair programs, the full cost of repairs necessary to protect the basic livability or utility of their homes.

PERIODIC PAYMENT ASSISTANCE

SEC. 302. (a) The Secretary of Housing and Urban Development is authorized, upon such terms and conditions as he may prescribe, to enter into a loan agreement with a mortgagor who is temporarily unable to make monthly mortgage payments as a result of the death, disability, illness, or unemployment of the principal mortgagor for reasons beyond his control, which agreement provides for the making of disbursements on that loan in the form of periodic payments to a mortgagee on behalf of that mortgagor.

(b) The amount of any such periodic payment with respect to any mortgage may not exceed the amount of the monthly payment required under the mortgage for principal, interest, taxes, insurance, and mortgage insurance premium. Payments on behalf of any mortgagor may not be made for more than twelve months.

(c) No such periodic payments may be made unless the Secretary determines that—

(1) the mortgagor has sought to extend the time permitted for the curing of the default and has sought to modify the terms of the mortgage by recasting any unpaid amount owed on the mortgage over an additional period of time beyond the term of the mortgage;

(2) the making of such payments, together with such other assistance as may be available from public or private sources, can reasonably be expected to result in a curing of the default within twelve months; and

(3) the mortgagor has executed a loan agreement which meets the requirements of section 304.

(d) In carrying out the purpose of this section, the Secretary shall issue regulations limiting the benefits of this section to mortgagors who, except for the assistance provided by this section, have no other practicable means of curing the default in their mortgage obligations. The Secretary shall encourage the use of such other means as may be appropriate to carry out the purpose of this section and section 301(1).

REPAIR AND IMPROVEMENT LOANS

SEC. 303. (a) The Secretary is authorized, upon such terms and conditions as he may prescribe, to make home repair loans to homeowners who are unable to finance on reasonable terms, by any means other than the assistance under this section, the full cost of repairs necessary to maintain their homes in a suitable living condition.

(b) No such loan may be made unless the Secretary determines that—

(1) the homeowner has applied for a home repair loan insured pursuant to section 2 of the National Housing Act for the maximum principal amount reasonably repayable by him over the maximum repayment period prescribed for such loans, taking into account his ability to meet monthly payments on such a loan, and if any such loan was available to him, the homeowner received such loan in such principal amount;

(2) the repairs are necessary to establish or maintain the basic livability of the home, and the cost of the repairs exceeds the principal amount of the loan referred to in the preceding clause;

(3) the principal amount of the loan made by the Secretary, when added to the principal amount of the loan referred to in clause (1), does not exceed $5,000, or the cost of the repairs, whichever is less; and

(4) refinancing pursuant to section 244 of the National Housing Act is unavailable, or such refinancing would be a less desirable means of providing the necessary assistance to the homeowner than the provision of a loan under this section.

LOAN TERMS

SEC. 304. (a) Any loan under this title shall—

(1) bear interest at not to exceed a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of ten to twelve years, adjusted to the nearest one-eighth of 1 per centum, plus one quarter of 1 per centum, per annum;

(2) provide for complete amortization by periodic payments within such reasonable period (commencing after any period of deferral under clause (3)) as the Secretary may prescribe in order that, to the maximum extent practicable, the homeowner or mortgagor not be required to pay an excessive proportion of his monthly income for housing;

(3) provide that repayment may be deferred until (A) the first mortgage on the property with respect to which the loan under this title was made has been repaid, or (B) the Secretary is satisfied that repayment on reasonable terms can proceed in an orderly fashion without requiring the homeowner of mortgagor to pay an excessive proportion of his monthly income for housing, whichever occurs first; and

(4) comply with such other terms, conditions, and restrictions as the Secretary may prescribe.

Notwithstanding any other provisions of this section, repayment on any loan may be deferred for a maximum period of five years unless the borrower is a mortgagor whose mortgage is insured or guaranteed by the United States Government, except that the repayment of any loan made pursuant to section 303 may be deferred until any loan referred to in section 303 (b)(1) has been repaid.

(b) Any loan made under this title shall be secured by a lien against the property with respect to which the loan is made, and such lien shall be duly recorded. Notwithstanding any other provisions of this title, upon the sale or other similar transfer of such property, the Secretary shall, to the maximum extent practicable, perfect such lien.

(c) Notwithstanding any other provision of law, the Secretary is authorized (1) to make expenditures to preserve and protect his interest in any security for, or the lien or priority of the lien securing, any loan or other indebtedness owing to the Secretary or the United States under this title, and (2) to bid for and to purchase at any foreclosure or other sale or otherwise acquire property pledged, mortgaged, conveyed, attached, or levied upon to secure the payment of any loan or other indebtedness owing to by the Secretary or by the United States under this title. The authority conferred by this subsection may be exercised as provided in the last sentence of section 204 (g) of the National Housing Act.

(d) During any period when the repayment of a loan is deferred pursuant to subsection (a) (3), interest shall accrue on and be added to the unpaid principal balance of the loan.

LOAN FUNDS

SEC. 305. All funds received and loans or other disbursements made by the Secretary in carrying out his functions under this title with respect to mortgages insured or guaranteed under the provisions of chapter 37 of title 38, United States Code, the National Housing Act, or title V of the Housing Act of 1949 shall be credited or charged, as appropriate, to the Special Risk Insurance Fund established under section 238 of the National Housing Act. All funds received and loans or other disbursements made by the Secretary in carrying out his functions under this title with respect to any property which is not subject to a mortgage insured or guaranteed by the United States under such provisions shall be credited or charged, as appropriate, to the Home Preservation Loan Fund authorized in section 401 of this Act.

TITLE IV—MISCELLANEOUS

HOME PRESERVATION LOAN FUND

SEC. 401. There is created a Home Preservation Loan Fund (hereinafter referred to as the "fund") which shall be used by the Secretary as a revolving fund for carrying out his loan functions under both title III of this Act (but only with respect to any property which is not subject to a mortgage insured or guaranteed by the United States) and title II of this Act. There is authorized to be appropriated to the fund the sum of $50,000,000. All payments made by mortgagors with respect to such loans, cash adjustments, the principal of and interest paid on debentures which are the obligation of the fund, expenses incurred in connection with or as a consequence of the acquisition and disposal of property acquired under this section, and all administrative expenses in connection with the loan insurance operations under this section shall be credited or charged, as appropriate, to the fund. There are authorized to be appropriated such sums as may be necessary from time to time to cover losses sustained by the fund in carrying out the purposes of this section. Moneys in the fund not needed for current operations of the fund shall be deposited with the Treasury of the United States to the credit of the fund or invested in bonds or other obligations of, or in bonds or other obligations guaranteed by the United States. The Secretary, with the approval of the Secretary of the Treasury, may purchase in the open market debentures which are the obligation of the fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtained from other investments authorized by this section. Debentures so purchased shall be cancelled and not reissued.

IMPROVED MAINTENANCE OF FEDERALLY ASSISTED HOUSING

SEC. 402. In order to promote improved maintenance practices and thereby to avoid unnecessary housing deterioration and to assist mortgagors whose mortgages are insured under section 235 of the National

Housing Act in meeting the responsibilities of homeownership, the Secretary is authorized, on a demonstration basis and under such conditions and circumstances as he deems appropriate, to encourage such mortgagors to establish and maintain joint checking accounts for maintenance expenditures with agencies providing counseling services to such mortgagors under section 101(e) of the Housing and Urban Development Act of 1968. No disbursement of funds from such joint checking account shall be made without the authorization of both the mortgagor and the agency providing counseling. A mortgagor shall contribute to such joint checking account a monthly amount agreed upon by the agency providing counseling sevices and the mortgagor, taking into account the estimated normal monthly maintenance expense for the dwelling owned by the mortgagor, but such monthly contributions shall not be demanded when the beginning monthly balance in such joint checking account exceeds $150. The agency providing counseling shall agree to the disbursement of funds from the joint checking account upon the request of the mortgagor, if such agency is satisfied that such mortgagor intends to use the funds for home maintenance or for emergency expenses. All such disbursements of funds shall be accompanied by such counseling assistance as the agency providing counseling deems appropriate to encourage effective and improved maintenance practices and efficient use of maintenance funds. The Secretary is authorized to undertake such variations of this demonstration as he deems appropriate, and to demonstrate other methods of improving maintenance and thereby prevent deterioration of Federally-assisted housing. Such variations may include the provision of cash bonuses to those families in Federally-assisted housing who maintain their dwellings exceptionally well relative to other such families in such housing. Within 3 years, the Secretary shall recommend to Congress under what circumstances and conditions, if any, and by what methods, joint checking accounts for maintenance expenditures similar to those authorized by this section should be encouraged or required, and any other measures which he finds will result in improved maintenance of housing. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

PROCESSING OF INSURANCE APPLICATIONS

SEC. 403. The Secretary shall study the possibility and desirability of transferring to mortgagees approved by the Secretary all or some of the functions now performed by the Department of Housing and Urban Development which relate to the processing and approval of applications for mortgage insurance under the programs carried out under the provisions of the National Housing Act. Not later than six months after the date of enactment of this Act, the Secretary shall report his findings to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Banking and Currency of the House of Representatives. The Secretary shall include in his report a list of those functions relating to the processing and approval of applications for insurance, if any, which should be performed by such mortgagees, the need, if any, for safeguards such as coinsurance to prevent mortgagees' abuse of their increased responsibility, the form which any needed safeguards should take, the extent to which any such safeguards could unduly discourage mortgagees from participating in any insurance program, and the need, if any, to provide compensation to the mortgagees for the functions they would assume if the Secretary's finding pursuant to this section were put into effect.

By Mr. JAVITS (for himself and Mr. SCHWEIKER):

S. 972. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes. Referred to the Committee on Labor and Public Welfare.

ADMINISTRATION'S HEALTH MAINTENANCE ASSISTANCE ACT OF 1973

Mr. JAVITS. Mr. President, today, as the ranking minority member of the Appropriations Subcommittee of the Committee on Labor and Public Welfare, I send to the desk, on behalf of myself and the Senator from Pennsylvania (Mr. SCHWEICKER), the administration's Health Maintenance Assistance Act of 1973.

Mr. President, while the bill does not go as far as my own, its provisions are an important contribution from the administration. It would get action for us on the indispensable problem of supplying health services which will be an essential element of the national health insurance plan on which I have introduced appropriate legislation, as have other Senators.

The proposed legislation is designed to carry out the President's recommendations for a Federal program to assist in demonstrating the feasibility of health maintenance organizations as part of our pluralistic health care delivery system. The President's budget contains $60,000,000 for this purpose for fiscal year 1974. While the bill does not go as far as my own provisions, it is an important contribution toward getting us to action.

This new approach can have a variety of forms and names and sponsors, for example, when I introduced my national health insurance bill in the 91st Congress, a separate title authorized the establishment of local comprehensive health service systems, now commonly termed "HMO's". The term applied to all of these units by the President, and in the bill I introduce today on behalf of the administration, is HMO's—health maintenance organizations.

Whether these organizations be called HMO's, local comprehensive health service systems, or prepaid group health practices this concept has two essential attributes. It brings together a comprehensive range of medical services in a single organization so that a patient is assured of convenient access to all of them. And it provides needed services for a fixed contract fee, which is paid in advance by all subscribers.

However, I believe if we are to achieve the desired objective—to rationalize our health care system to benefit all Americans—the administration's bill must more strictly define the criteria for HMO establishment and operation; be strengthened to assure a more meaningful role for consumers in HMO operation; and, respond more effectively to the problem of individual State prohibitions against the formulation of HMO's.

To stimulate such an innovative medical care delivery system, this bill provides:

First, a program of assistance during the period July 1, 1973–June 30, 1978, to public or private organizations to plan and develop health maintenance organizations and to expand existing ones.

Second, the assistance is in the form of grants and contracts for planning costs with priority for medically underserved areas and grants and contracts for costs of initial operation in medically underserved areas.

Third, review of and opportunity to comment on applications by State and local health planning authorities is required.

Fourth, joint funding for all Federal assistance to any health maintenance organization, and waiver of normal contracting procedures if necessary.

Fifth, Secretary of Health, Education, and Welfare is authorized to carry out his responsibility for health care of Indians by contracting with health maintenance organizations.

We can no longer depend upon an already overburdened health care system to provide medical services. We must rationalize our health care system to benefit all Americans, and early enactment of the needed legislation is essential. The Health Subcommittee of the Committee on Labor and Public Welfare will begin executive consideration today on this bill and other HMO legislation, of which I am a cosponsor. HMO's increase the value of the services a consumer receives for each health dollar because HMO's or such similar organizations provide a strong financial incentive for better preventive care and for greater efficiency.

I ask unanimous consent that the letter of transmittal of the Secretary of Health, Education, and Welfare and a summary of the bill be made a part of my remarks.

There being no objection, the letter and summary were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
February 21, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a draft bill "To amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes". The bill has the short title of the "Health Maintenance Organization Assistance Act of 1973".

Also enclosed for your convenience are copies of a brief summary of the major provisions of the bill.

This proposed legislation is designed to carry out the President's recommendations for a federal program to assist in demonstrating the feasibility of health maintenance organizations as part of our pluralistic health care delivery system. The President's budget contains $60,000,000 for this purpose for fiscal year 1974.

The proposal would do this through grants to and contracts with private and public sponsors for planning the establishment or expansion of health maintenance organizations, and for the initial operation of such organizations in medically underserved areas.

We view the effort to assist in the development of health maintenance organizations as a demonstration effort that will emphasize different forms of health maintenance organizations and that will emphasize geographic distribution of a concept that has already proved workable in limited situations. We estimate that the objectives of such a demonstration effort can be met over a five year period.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

CASPAR W. WEINBERGER,
Secretary.

SUMMARY OF THE HEALTH MAINTENANCE ORGANIZATION ASSISTANCE ACT OF 1973

1. The bill would establish a demonstration program providing assistance to public and private organizations to plan, develop and expand health maintenance organizations during the next five fiscal years.
2. The assistance would be in the form of grants and contracts for planning costs with priority for medically underserved areas and grants and contracts for costs of initial operation in medically underserved areas.
3. Review of and opportunity to comment on applications by State and local health planning authorities would be required.
4. Joint funding would be authorized for all Federal assistance to any health maintenance organization, with authority to waive normal contracting procedures if necessary.
5. The Secretary would be authorized to carry out his responsibilities related to the provision of health care to Indians by contracting with health maintenance organizations.

By Mr. HOLLINGS:

S. 973. A bill to amend section 2412 of title 28, United States Code, to provide for the recovery of attorney's fees and expenses in certain actions brought by or against the United States. Referred to the Committee on the Judiciary.

Mr. HOLLINGS. Mr. President, today I am reintroducing a bill which will amend section 2412 of title 28 of the United States Code, to provide that in a civil action involving a private litigant and the United States, the prevailing party shall be awarded a judgment for reasonable fees and expenses for attorneys if the court finds that the act or omission of the other party was arbitrary, capricious, or in bad faith, or if the conduct of the other party in instituting or prosecuting such action was frivolous, unduly dilatory, or in bad faith. In short, this amendment would provide a vehicle whereby unnecessary litigation would be precluded or deterred under the threat of having the party be financially responsible if he maintains a judicially untenable position.

This is not a case of the traditional legal "gray area" where there is a genuine question of merit on both sides of the issue. It is strictly limited to those actions which should not have been brought in our courts, or actions that have been judicially found to be far beyond the standards of reasonableness.

On February 19, 1973, I introduced S. 901, a bill for the relief of T. Michael Smith, which is clearly a case in point on this subject. In 1953, after 19½ years of Government service, Mr. Smith was fired from the Reconstruction Finance Corporation. Mr. Smith felt that such action was unwarranted and embarked upon the time-consuming and treacherous route of appeal through the Civil Service Commission and the courts. Seven years later, the U.S. Court of Claims found as a matter of law that the action by the U.S. Government was "arbitrary and capricious and in bad faith." (*T. Michael Smith* v. *The United States,* 151 Ct. Cl. 205, 209 (1960)). I certainly have no quarrel with the administrative proceedings and judicial remedies which Mr. Smith was required to follow; however, at the end of this 7-year period of litigation, Mr. Smith's expenses amounted to $17,577.49. The court awarded Mr. Smith $67,051.08, which award was for the back pay to which Mr. Smith was legally entitled due to his wrongful discharge by the Government. In other words, he was to be made whole from the arbitrary, capricious, and bad-faith action of the U.S. Government. It is quite clear, however, that he was not made whole, since it cost him $17,577.49 in order to pursue his claim.

Mr. President, I sincerely feel that when courts of competent jurisdiction initially find that any actions by a party rises to the standard of being in bad faith, capricious, willful, frivolous, or unduly dilatory, the prevailing party should not be punished by having to pay the cost of prosecuting or defending his position. As I mentioned earlier, this is not the case where the determination has been based upon "weighing of the facts." It is somewhat akin to the doctrine of punitive damages where the action of the party has been judicially determined to be so willful or grossly negligent that punishment should also be financially evoked.

There is precedent for this point in law, whereby a private litigant was awarded reimbursement for the expenses incurred in securing reinstatement after wrongful removal (Private Law 86–406) (74 Stat. 68). Rather than having private litigants turn to the vagaries and whims of Congress every time such a wrong has been perpetrated. I suggest we amend the law to include a provision whereby the court, after finding that the standards have been violated, could average such costs. This is true whether it be the U.S. Government or a private individual. We have heard a great deal about the unnecessary litigation clogging our courts, and I feel that this would be most beneficial in this regard. Attorneys would be hesitant to bring such actions when the facts would indicate that their client, whether the United States or an individual litigant, may be required to pay the cost of the litigation.

Mr. President, I sincerely hope that legislation will receive a proper review and that this question be thoroughly aired and considered.

By Mr. JAVITS (for himself, Mr. WILLIAMS, and Mr. MONDALE):

S. 974. A bill to amend the Public Health Service Act to provide, in the training of health professionals, for an increased emphasis on the ethical, social, legal, and moral implications of advances in biomedical research and technology. Referred to the Committee on Labor and Public Welfare.

MEDICAL SCHOOL TEACHING

Mr. JAVITS. Mr. President, I introduce for Senator WILLIAMS, chairman of the Labor and Public Welfare Committee, Senator MONDALE, and myself a bill which would authorize special project grants and contracts for medical schools to develop and operate programs which provide increased emphasis on the ethical, social, moral, and legal implications of advances in biomedical research and technology.

Unfortunately, leadership in the reform of practices in the use of human subjects at risk in research procedures has not come from the medical profession per se. In large measure, the response to assure meaningful control to tragic accounts of experiments involving human beings has come from governmental sources. Our medical schools have a proud record of scientific leadership and I am confident that through medical school programs stimulated by the bill we introduce today with their record in ethical, moral, and social innovation can be equally distinguished.

The ideals of the medical profession—set forth in the Hippocratic Oath, and codes such as the Declaration of Helsinki—relate primarily to concern for the individual's good as entrusted to the physician. It is urgent that our medical schools place greater emphasis upon the totality of the physician's consideration for the individual and society of the ethical, moral, and social concerns inherent in scientific inquiry. While the profession highly values research, it must, at the same time, more deeply involve itself in the consideration and implication of the ethics and morality of the enlistment of human subjects in such highly valued research.

In "Research on Human Subjects—Problems of Social Control in Medical Experimentation" by Bernard Barber, John J. Lally, Julia Loughlin Makarushka, and Daniel Sullivan, the authors with an unequivocal "no" their own rhetorical question, "Have medical schools been ethical leaders in the establishment of controls, principally those of formal peer review, for safeguarding the welfare and rights of human subjects of biomedical research?"

The bill we introduce today provides the opportunity for our Nation's medical schools to develop the appropriate program curriculums regarding ethical, moral, and social issues to meet that need—the protection of human subjects at risk in medical research and improved understanding of the consequences and implications for the individual and society of the advances in biomedical science—and through their own initiative and leadership construct an appropriate continuing professional institutional activity to safeguard human subjects in research.

The bill complements the concern expressed in the 92d Congress. Senate passed Senate Joint Resolution 75—of which I was a cosponsor—introduced by Senator MONDALE, who I am pleased is joining with Senator WILLIAMS and myself as a cosponsor of this measure.

There is no doubt but that we must constantly and continually encourage research into the great enigma of man and his world if we are eventually to overcome the abysmal depths of ignorance and disease. But we must guard against self-delusion lest it harm that precarious quality of life which is so uniquely human—for being human—we must also be humane. Scientific inquiry must constantly be blended with judgment, compassion, and sympathy, the true synthesis of humaneness and humanity.

The measure we introduce today will stimulate our Nation's medical schools to provide the urgently needed leadership—which I know is readily available to them—to achieve the desired objective we all share, safeguarding, and protecting the rights of human subjects in research.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 772(a)(7) of the Public Health Service Act (42 U.S.C. 201 et seq.) is amended by inserting immediately before the semicolon at the end thereof the following: ", or (C) providing increased emphasis on, the ethical, social, legal, and moral implications of advances in biomedical research and technology with respect to the effects of such advances on individuals and society".

By Mr. HARTKE (for himself and Mr. SCOTT of Pennsylvania):

S. 975. A bill to prohibit the transportation or shipment within the United States of gas cylinders not inspected in the United States. Referred to the Committee on Commerce.

Mr. HARTKE. Mr. President, for myself and the Senator from Pennsylvania (Mr. SCOTT), I reintroduce a bill to amend chapter 26 of title 49 of the United States Code. This legislation which was introduced as S. 4004 in the last session of Congress, is designed to prohibit the Secretary of Transportation from promulgating any regulations which would permit the transportation of compressed gas cylinders within the United States which have not been inspected within the United States.

The regulations of the Department of Transportation presently provide that compressed gas cylinders may not be offered for transportation in domestic traffic unless they have been made in accordance with the applicable DOT specification and unless the tests required by such specification were made in this country. Compressed gas cylinders are used to transport and store various gases such as carbon dioxide, helium, oxygen, argon, and nitrogen for industrial and medical purposes.

The cylinders are for the most part quite large and the gases they hold are oftentimes highly flammable, explosive, toxic, or corrosive. Due to the nature of the cylinder contents and the extremely high pressures under which the gases are stored and transported in the cylinders—sometimes exceeding 2,600 pounds per square inch—exceptionally high quality standards are necessary to assure safety.

On January 19, 1971, the Hazardous Materials Regulations Board of the Department of Transportation, in a notice published in the Federal Register, stated that it was considering whether it was necessary to continue to require that the tests be performed in the United States. The Board made clear that the motivation for this possible change in safety requirements was not safety, but "the desire to import foreign-made cylinders for industrial and medical gas service and the future difficulties which will evolve from passive restraint systems being incorporated into foreign manufactured automobiles."

I do not believe that the suggested changes should be made. On the contrary, I believe that unless a positive showing can be made that the safety of American workers and consumers will not be endangered by the suggested changes in the regulations, the Department of Transportation must continue to require that these tests be performed within the United States. My review of the record before the Hazardous Materials Regulations Board convinces me that there has been no showing that safety will be enhanced or even preserved by this action. Rather, the proposed action would be a step away from safety and would create risks to which the American worker and consumer should not be exposed.

Accordingly it is my hope that hearings on this legislation will be held as soon as possible. At such hearings DOT representatives would have the opportunity to present evidence which would establish that safety will not be diminished if the regulations are changed as suggested. I would also hope that DOT would stay any action on the proposal until the hearings are completed and a report is submitted.

The American cylinder manufacturing industry has established an unequaled safety record, but this record could be jeopardized if the proposals of DOT on this subject are adopted. There can be no doubt that the proposals do not enhance safety. In fact, there is a serious possibility that, if adopted, they would have exactly the opposite effect.

In this period of our history where concern is being expressed by the Congress for workers' health and safety and for consumer protection, it seems strange and very inconsistent for DOT to propose action, not on the basis of safety which is its only jurisdictional basis for action in this area, but on the basis of trade considerations.

Accordingly I will call for hearings on this legislation as soon as possible.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Chapter 26, Title 49 of the United States Code is amended by inserting the following new section:

"SEC. 1736. (a) As used in this section, the terms—

(1) "person" shall mean an individual, corporation, partnership, association, joint stock company, business trust, or unincorporated organization.

(2) "compressed gas cylinders" shall mean any container holding any gas under a pressure greater than 100 pounds per square inch at 130 degrees Farenheit.

(b) In promulgating rules regulating the safe transportation within the United States of compressed gas cylinders, the Secretary shall not permit any person engaged in interstate commerce to receive for transportation or shipment, or to transport or ship within the United States any such cylinders which have not been inspected within the United States.

(c) Any person who knowingly transports or ships, or causes to be transported or shipped a container for compressed gas in violation of this section and the regulations promulgated thereunder shall be subject to a fine of not more than $1,000 and/or imprisonment for not more than one year.

Mr. McINTYRE (for himself, Mr. BIBLE, Mr. NELSON, Mr. BURDICK, Mr. SPARKMAN, and Mr. HUMPHREY):

S. 976. A bill to amend the Occupational Safety and Health Act of 1970 to improve the administration of that act with respect to small businesses. Referred to the Committee on Labor and Public Welfare.

Mr. McINTYRE. Mr. President, on behalf of Senators BIBLE, NELSON, BURDICK, SPARKMAN, HUMPHREY, and myself, I am reintroducing today a bill that is identical to S. 3873 which we cosponsored last year to amend the Occupational Safety and Health Act which would establish in the Department of Labor a small business procedure to assist small businessmen in complying with the regulations issued under that act.

In the past several years, I have held a number of hearings on the Senate Select Committee on Small Business and on the Small Business Subcommittee of the Senate Banking, Housing, and Urban Affairs Committee, of which I am chairman, regarding the effect that various pieces of legislation have on the competitive position of the small business segment of our economy.

It happens that very often in passing well intentioned legislation to remedy a specific problem area that small businessmen are unintentionally injured and put at a competitive disadvantage. Certainly, in passing the Occupational Safety and Health Act, there was no intent by Congress to unintentionally injure small business, and the purpose of my bill is to make sure that this does not happen.

Mr. President, 14,000 deaths a year and over 2 million serious injuries to workers in this country make not only a strong, but absolute, case that occupational health and safety regulations are essential. This is why I voted for the Occupational Safety and Health Act.

But problems have developed with the administration of this law. Congress has experienced this problem many times before. Well-meaning legislation embodying essential public interest goals often causes reactions which are totally unintended. The enforcement of OSHA regulations have created in some cases insurmountable problems in a crucial area of our business community—the small business sector.

When Congress established the Small Business Administration in 1953 as a permanent agency, it specifically recognized the small businessman's contribution to the free enterprise system and also recognized his precarious state vis-a-vis big business. The Occupational Safety and Health Act also made recognition of the unique status of the small businessman in providing for SBA loans to meet OSHA requirements. The problem, however, is simply not the availability of loan funds, though that is extremely important. The crucial problem, as I see it, is the recognition or lack of it—whichever the case may be—by OSHA officials that there are extreme differences between a vertically integrated conglomerate corporation and a small businessman.

While OSHA regulations may create some problems for large businesses, which I am sure they do, these corporations have the financial resources and the managerial ability to provide in plants and on worksites safety engineers whose sole function is to assure compliance with health and safety requirements. The small businessman, however, is not nearly so fortunate.

The cost of obtaining such assistance and the expertise to make practical application of health and safety technology is quite often far beyond the reach of the small businessman.

While we, in Congress, and in the executive branch have expressed alarmed concern with the state of our economy and have time and again passed legislation aimed at strengthening the American economic system, it seems that too often these measures have little or no impact on the small business sector.

A work survey by the Research Institute of America on the first quarter of 1971 clearly illustrates this point. Earnings of manufacturers with assets in excess of $1 billion increased their earnings by 18.8 percent while during the same period manufacturers with assets of less than $1 million suffered a 40.4-percent decrease in profits. This is a devastating statistic.

Congress must recognize that small businessmen in this country must overcome almost insurmountable problems to remain competitive with big business. And we must make sure that our actions do not unintentionally result in driving thousands of small businesses to the brink of bankruptcy and disaster. This, I am afraid, may be the unintentioned result of the operation of OSHA if we are not careful.

Amendments have been offered to the Occupational Safety and Health Act calling for numerical exemptions to the enforcement provisions of this legislation. The House Select Committee on Small Business held hearings in June of this year on the impact of this law on small business and the overwhelming testimony given by small business representatives to that committee was that what was needed was not an exemption from the act but assistance in complying with it. It should also be noted that the Senate Labor and Public Welfare Committee is presently holding hearings on the impact of OSHA on small business.

The Department of Labor in testifying before the House Small Business Committee stated that numerous mistakes have already been made in applying health and safety standards. But what may be statistics to the Department of Labor is cold reality to a businessman who finds himself unable to continue his business because the regulation as promulgated by OSHA was impossible for him to comply with.

Discussions I have had with numerous small businessmen have indicated that substantive changes in the OSHA are needed. Small businessmen have told me that they find the regulations issued by OSHA extremely complex and technical in nature and that procedures should be developed to simplify the requirements in a way that small businessmen not having access to technical expertise know what is required of them.

Another complaint often made is that the small businessman in attempts to comply with OSHA requirements can receive no assurances that the safety equipment he purchases conforms to OSHA regulations. This indicates to me that possibly the Secretary of Labor could provide certification as to what equipment or action would meet his agency's health and safety requirements.

My bill would establish a specific small business program which would, first, require that regulations be simplified and technical assistance offered in meeting regulations; second, require the Secretary to provide certification as to what equipment or action will meet OSHA requirements; third, require regulations be applied on an industry-by-industry basis and small business exceptions to individual regulations be granted where appropriate; fourth, maintain close surveillance of effects of regulations on competition to assure that small businessmen are not unintentionally injured economically because of regulation; fifth, require the Secretary to certify that regulations can actually be complied with and a finding must be made that the regulations will have a positive effect on the health and safety of employees so that needless regulations are not issued; sixth, provide a small business recordkeeping procedure to cut down on required paperwork and eliminate needless redtape; seventh, distinguish between different types of business activities such as light and heavy construction; and eighth, provide small business with one onsite inspection without mandatory penalty.

The important thing is to examine the operation of the Occupational Safety and Health Act to assure that regulations and requirements issued by the Department of Labor do not unintentionally adversely affect competition and cause unneeded economic injury to the small business sector of our economy. This, in my opinion, can be done with my bill without providing specific exemptions based solely on the number of workers.

An article appeared in the February 20, 1973, edition of the Wall Street Journal, written by Mr. Michael Jett, detailing the difficulties small businessmen are encountering in complying with the legislation, and I request unanimous consent that this article be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

"AN ASININE SITUATION": NEW JOB-SAFETY RULES PERPLEX THE OWNERS OF SMALL BUSINESS; "NEEDLESS" COSTS CITED

(By Michael Jett)

Henry Weast of Dahinda, Ill., is quitting the heavy-excavation business. He says he can't afford it any more.

It isn't that the business wasn't profitable. It was a steady money maker, and in Mr. Weast's view, it might have continued that way for a long time. It might have, except for one thing—OSHA—more formally known as the Occupational Safety and Health Act of 1970.

Among other things, that massive piece of safety legislation would have required him to spend $150,000 to install safety devices on his equipment to protect operators in case the machinery toppled over. "It just looked like there would have been no end to spending money," says Mr. Weast. "If I had fixed up one thing, they would probably have found something else."

As a result, Mr. Weast and his two partners have already dismissed 20 employes and they are currently trying to sell their machinery. From now on, they plan to continue selling sand, gravel and other building materials, but that end of the business accounted for only about 20% of their total $1.5 million volume last year.

COSTLY AND "FOOLISH"

The reaction of Mr. Weast and his partners to the stringent new regulations may have been drastic, but their quitting the excavation business illustrates one effect the law has had on countless thinly capitalized small businessmen across the country. In a variety of ways, small businessmen say, the OSHA regulations—covering safety matters ranging from hard hats and guard rails to exit signs and safety posters—are causing widespread confusion, anger and frustration.

At the core of their problem, they contend, is the fact that practically every regulation—and they brand many of them foolish—requires them to spend money on measures that don't contribute to either safety or efficiency. More over, they complain, many of the highly technical regulations are incomprehensible to the layman. And even if the rules can be understood, these people add, compliance is difficult. In fact, by some estimates, as many as 20,000 specific rules and regulations apply to any single work establishment.

Indeed, the sheer bulk of the regulations is intimidating, and countless businessmen say that after they have waded through them all, they're hopelessly confused. Marvin Krauss, a furniture shop owner in South Amana, Iowa, says: "There are about 300 pages with pretty small print in the construction standards, and it's pretty darned hard to pick out exactly what fits you sometimes. You almost have to have a lawyer to figure it out."

Such complaints are becoming routine for officials charged with overseeing and enforcing the act. An OSHA spokesman says, however, that "some over-reaction" is to be expected. "Most of the complaints from small business people arise not from actual inspections, but from the fear of what might happen should there be one," he says. Unless there has been an accident or a complaint by an employe, the OSHA man says, smaller concerns are much less likely to be inspected than larger firms. He adds that if a small businessman finds himself in a financial pinch as a result of the regulations, he can always apply for a small business administration loan, as provided in the act.

Due in part to the confusion and lack of understanding of some of the overlapping rules, numerous small businessmen are reluctant to talk for attribution—they're worried about what might happen if an OSHA inspector should see their names and then decide to drop by. "I'd hate to meet Mr. OSHA tomorrow because of my discussion with you," says a Midwest farm-equipment dealer who has spent nearly $100,000 on new equipment and repairs to satisfy safety rules. "We'll only know if we can really comply after somebody tears us apart." Like many other businessmen, he replaced a number of round toilet seats with horseshoe-shaped ones before OSHA rescinded the toilet-seat rule.

"AN ASININE SITUATION"

According to Herbert Liebenson, legislative vice president of the National Small Business Association, many of the fears expressed by small businessmen arise "because the Labor Department has done a very poor job of notifying people what to expect under the law." In fact, many businessmen say they still don't understand how the law is administered, and they worry they will have to answer to inspectors who know almost nothing about their particular type of business.

"OSHA worries the hell out of me," says Ralph Zuber, manager of a furniture store in Amana, Iowa. "I want to comply, but I've got to keep making a living. Did you know we've even got to paint the electrical outlets orange? Why, I don't know."

Adds James Curless, an International Harvester franchiser in Fairmount, Ind.: "It becomes an asinine situation. The dangerous facets of our business are virtually beyond anyone's control. One of our employes got hurt when he bumped the automatic transmission lever on a tractor and it rolled over his leg. No laws can cover anything like that."

What angers many small businessmen the most, however, is the cost of complying with the regulations. "I spent about $250,000 for four new punch presses, to enclose a conveyor, some electrical work and other things," says the owner of a metal fabricating shop in the Southeast, "and I don't think it did any good for safety or production. The punch presses, costing $15,000 to $30,000 apiece, had to be replaced only because they were too noisy. Those machines had been declared literally unusable."

W. C. Williamson, co-owner of an Atlanta roofing company, was fined $600 after an employe was killed when he fell through a hole in a one-story building the company was working on. Mr. Williamson says the man was shown the hole and told not to remove the cover unless there was a foreman present. Why he took the cover off and exactly how he fell through the hole aren't known, but Mr. Williamson thinks he did all he could to protect the man. "I'm going to spend about $2,000 to fight a $600 fine," he says, "but it's the principle of the thing. It would be the same thing if they fined me if he drove his car into a telephone pole on his way to the job."

"It's going to be a full-employment act for lawyers," says Lawrence Stessin, editor of a newsletter dealing with the OSHA regulations. It isn't going to hurt Mr. Stessin either. After sending out a sample issue last October, he was swamped with 30,000 subscriptions in one month. "We're just inundated" with requests for information and subscriptions, he says.

With all the confusion, some shady characters are bound to jump at the opportunity to take advantage of the situation. "The three latest rackets," Mr. Stessin says, are men posing as OSHA inspectors who are actually industrial spies, potential burglars figuring out a plant's security or con men who talk the owner into offering him a bribe for not imposing heavy "fines."

COST MAY BE HIGHER

A survey of its members by the National Association of Manufacturers shows small concerns of one to 100 employes estimate it will cost them about $33,000 each to comply with the act. But that figure may not tell the whole story. Kenneth E. Schweiger, the association's director of employe relations, says the real cost to the small businessman is probably much higher. "He doesn't know what's expected of him," says Mr. Schweiger. "Smaller business has grossly understated estimates of the cost."

Further, once the money is spent, employers still can't be sure if they're in compliance. "I spent $125,000 directly to meet the law," complains a Midwestern contractor. "And after I spent the money I was inspected three times and was fined every time for some minor violations. There's no way I can meet the letter of the law as it's written."

When it comes to spending the money, many small businessmen are faced with a dilemma—what to try to get done first and what to try to get by with. "There's no consistency from one plant to another," complains the owner of several small wood-working factories in the Midwest. "I've been fined at one plant for something that has been overlooked at another. One will come through with flying colors and another will be penalized."

Businessmen don't know which way to jump," Mr. Curless, the Harvester dealer, says. "They try and do a little at a time and hope that when the inspectors come they won't be too severe. We asked our insurance man to come out and inspect us. He said the way interpretations of the rules change so often, he couldn't even give us a decent inspection."

"I'D PROBABLY—GO HOME"

"We've got to write our own ticket," says Bruce Martin, assistant executive manager of the National Roofing Contractors Association. "You can't comply with all of it. What we did was take the construction regulations and got it boiled down to about six pages of the most important standards and told our guys to try to comply with these."

And some are going to try to get by without doing anything at all. "I'd just run myself nuts if I tried to comply," says an Illinois heating and air-conditioning contractor. "I've only got three employes, and in a small business everyone has to be a money maker and that (complying with regulations) would be a full-time job. If an inspector walks in here, I'd probably just hand him the keys and go home. It would be giving up a lot, but it's not worth the worry and frustration."

Whatever problems the act is causing businessmen around the country, there are still some who must be delighted with the law—the safety-equipment companies. "You take a good hard look," says Mr. Liebenson of the National Small Business Association, "and the economic benefits will go to the insurance and safety-equipment companies."

"Many problems for the small businessmen," he adds, "came about because of the sales techniques of companies selling products for OSHA regulations. They became frightened and started protesting."

"We have spawned new enterprises in a variety of ways," George C. Guenther, former assistant labor secretary, told a House subcommitee on small businesses last June. "We would hope most of them are wholesome, but certainly there may be those whose consultative services are at less than desirable levels."

Still others may find themselves beneficiaries of the law. Many employers are going to be spending a lot of money on lawyers if they want to appeal a fine they feel was undeserved. Small businessmen almost never have a lawyer on their staffs.

Mr. McINTYRE. Mr. President, I request unanimous consent that this bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the heading of section 28 of the Occupational Safety and Health Act of 1970 is amended to read as follows:

"PROVISIONS AFFECTING SMALL BUSINESSES"

(b) Section 28 (a) of such Act is amended by inserting "(1)" immediately after the subsection designation, by striking out "(1)" and inserting in lieu thereof "(A)" and by striking out "(2)" and inserting in lieu thereof "(B)".

(c) Subsections (b), (c), and (d) of section 28 of such Act are redesignated as paragraphs (2), (3), and (4), respectively.

Sec. 2. Section 28 of the Occupational Safety and Health Act of 1970, as amended by this Act, is further amended by inserting at the end thereof the following:

"(b) The Secretary shall, with respect to the applicability of standards established under section 6 of this Act, to small business concerns, consider—

"(1) the distinction between large and small business concerns;

"(2) the applicability of each such standard on an industry by industry basis;

"(3) where feasible and appropriate on the basis of the type of activity in each such industry, exceptions for small business concerns.

"(c) The Secretary shall provide or establish

"(1) a detailed description of the equipment required or action needed to be taken by a small business concern to comply with the requirements of each applicable standard;

"(2) simplified requirements for small business concerns designed to eliminate unnecessary and duplicative record keeping and reporting.

"(d) Notwithstanding any other provision of this Act, no standard shall be applicable with respect to any small business concern until the Secretary certifies that that standard can reasonably be complied with by the small business concerns to which it applies and that the standard will constitute an improvement of the occupational safety and health of the employees of the small business concerns to which that standard applies.

"(e) Small business concerns shall be given upon request one on-site inspection, and notwithstanding provisions of Section 9 and 10 of this Act, the Secretary shall establish procedures for such inspection and no citation shall be issued or penalty assessed against a small business for violation of any standards based on such inspection. The provisions of this subsection shall not apply with respect to the application of the provisions of section 13 to any small business concern.

"(f) The Secretary shall maintain a continuing review of the operation of this Act to assure that small business concerns are not unintentionally injured economically in a manner having an adverse effect on competition as a direct result of standards established under section 6, and shall provide annually a report thereon to the Select Committees on Small Business of the Senate and House of Representatives.

"(g) The Secretary is authorized to prescribe such rules and regulations as are necessary to carry out the provisions of subsections (b), (c), (d), and (e) of the section.

"(h) For the purpose of subsection (b), (c), (d), and (e) of this section, the term 'small business concern' means any such concern as defined pursuant to section 3 of the Small Business Act."

By Mr. TAFT:

S. 977. A bill to amend the law enforcement education program. Referred to the Committee on the Judiciary.

Mr. TAFT. Mr. President, the law enforcement educational program was established to help law enforcement personnel upgrade their professional capabilities. Unfortunately, however, the way in which this measure was drafted is penalizing those who would use their educational training to advance their careers in other law enforcement agencies. At the present time, trainees who use their training to secure better jobs with other law enforcement agencies will have to repay the Federal Government all or a portion of their tuition grants. This law was designed to see that these educational opportunities are not used to lure men and women away from law enforcement. I do not believe, however, that this law should be used to keep trainees from bettering themselves with other law enforcement agencies. If I may be excused for saying so, LEEP penalizes those who leap.

Recently, this matter was brought to my attention by a letter which I received from Raymond H. Clark, chief U.S. probation officer, U.S. District Court, Southern District of Ohio. His letter is as follows:

> Dear Senator: Pursuant to our conversation of last Friday in Cincinnati, I am writing about a matter involving two United States Probation Officers in this district who have previously taken advantage of educational programs funded by the Law Enforcement Educational Program.
>
> United States Probation officer Leonard H. Reid is assigned to our Columbus office. Prior to his entry upon active duty as a federal officer, on November 29, 1971, he had been Chief Probation Officer for the Miami County Court of Common Pleas in Troy, Ohio. Mr. William R. Jones, formerly employed by the Ohio Youth Commission, entered upon active duty as a federal probation officer in Dayton on January 8, 1973.
>
> Prior to the appointments of Messrs. Reid and Jones, each was enrolled in the graduate program in Corrections at Xavier University. Both have since completed the requirements for master degrees.
>
> Upon leaving their former employment and entering the federal service both Messrs. Reid and Jones learned that they will be obliged to each repay the United States approximately $2,000 plus interest at the rate of seven per centum. Those amounts represent sums expended by the government through LEEP to Xavier University. It seems that the law provides that a grantee must remain with the same employer for a period of two years after completing his training. Failure to do so, even though the grantee may be doing allied work with another governmental agency, means that the grantee must reimburse the government, with interest. We are told that had the amounts been advanced in the form of loans, waivers of repayment could be had but that under these particular circumstances there is no way that the repayment requirement can be waived.
>
> Perhaps congress had reasons for including such provisions; however, under these circumstances at least it does seem that the officers involved are to be penalized for attempting to improve their situations which, of course, was one of the motivating reasons for pursuing additional education. Further, since both have entered the federal service, it would seem too that the entire nation from whence the funds originated is being advantaged and that such an expenditure resulted in the federal government receiving something for its investment.
>
> I have some understanding of the many grave problems that congress must grapple with and I surely recognize that this is by no means one of them. It is, though, of major concern to the two men involved and doubtlessly, I suppose, to numerous others in similar situations throughout the country.
>
> If there is anything that you can do to bring about a change, I can assure you that it will be genuinely appreciated by all of us.
>
> Thank you and kindest personal regards.
>
> Very truly yours,
>
> Raymond H. Clark.

I believe that the LEEP program should not prevent trainees from advancing their careers, providing they remain in law enforcement work. Therefore, I am today introducing a bill which would relieve them of the obligation of repaying their tuition and fees when they change jobs, providing that they remain in law enforcement work. It is my intention that this bill would permit probation officers, as an example, to go from a Federal agency to a State agency or from a State agency to a Federal agency, without having to repay the money which they have received under the LEEP program.

According to the Department of Justice, only 9.6 percent of LEEP grants are in repayment status and only 0.4 percent have been repaid in full. I am also informed that of those from whom repayment is being sought, the great majority have moved to other criminal justice departments. At the present time, the number of personnel in the LEEP program who are being lost to the criminal justice system is described as "negligible." Since these men and women will continue to devote their professional talents to law enforcement, I do not believe that we should penalize them under the LEEP program.

By Mr. EASTLAND (for himself, Mr. Allen, Mr. Baker, Mr. Bartlett, Mr. Bellmon, Mr. Bennett, Mr. Bentsen, Mr. Brock, Mr. Burdick, Mr. Chiles, Mr. Cook, Mr. Cotton, Mr. Curtis, Mr. Dominick, Mr. Dole, Mr. Ervin, Mr. Fannin, Mr. Gurney, Mr. Hansen, Mr. Haskell, Mr. Hatfield, Mr. Hollings, Mr. Magnuson, Mr. McClellan, Mr. McClure, Mr. McGee, Mr. McGovern, Mr. Moss, Mr. Nunn, Mr. Packwood, Mr. Randolph, Mr. Roth, Mr. Scott of Virginia, Mr. Sparkman, Mr. Stennis, Mr. Stevens, Mr. Talmadge, Mr. Thurmond, Mr. Tower, Mr. Weicker, and Mr. Young):

S. 978. A bill to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful. Referred to the Committee on the Judiciary.

Mr. EASTLAND. Mr. President, today, for myself and 40 cosponsors, I am reintroducing legislation to permit the many hundreds of small soft drink manufacturers of the Nation to continue to produce, distribute, and sell their products as they have in this country for the past 75 years.

The threat to the existence of these small businessmen began in mid-January of 1971, when the FTC announced an intention to issue complaints against seven soft drink franchise firms which sell syrup to these local manufacturers. The complaints were finally and formally issued under date of July 15, 1971. They allege generally that the named companies have each hindered competition in the soft drink industry by restricting the soft drink manufacturers to designated geographic areas. There is no allegation by the Commission that interbrand competition is lacking in the soft drink industry.

In this action the Commission is seeking to extend the decision of the Supreme Court in United States against Arnold Schwinn & Co. This case held that it was a violation of the antitrust laws for a manufacturer of bicycles to impose limitations on the territory in which, or the customers to whom, distributors could resell goods after a completed transaction had taken place between the manufacturer and distributor.

However, Mr. President, the Schwinn decision did not consider a trademark licensing arrangement comparable to the soft drink industry in which many local small businesses share with a franchise company the risks and rewards involved in manufacturing a trademarked product as well as those of distributing it.

Mr. Richard W. McLaren, former Assistant Attorney General for antitrust, while a member of the private bar, expressed the dissimilarity between the soft drink industry and the Schwinn doctrine with clarity when he questioned:

> What effect does *Schwinn* have upon 'good business purpose' restrictions imposed by a manufacturer selling ingredients or parts for final manufacture or installation by a dealer under the manufacturer's trademark? This would include such things as sales of softdrink syrup to bottlers. . . . A strong argument can be made that the authorities upholding reasonable restrictions in this kind of situation are not affected by *Schwinn*. What is involved is a licensing arrangement including the use of a capital asset—a trademark—which historically has been governed by the ancillary restraints doctrine and the rule of reason. *Schwinn*, on the other hand dealt only with the resale of finished articles of commerce. . . .
>
> If the client is a licensor or franchisor selling ingredients or partially finished articles of commerce, or services, and licensing others to operate and serve the public under his trademark, I think that the ancillary restraints doctrine is still very much alive and will justify longer range territorial restrictions.

When the FTC first announced its decision to move against this industry, the agency was virtually flooded with inquiries from Members of Congress acting in behalf of their small bottler constituents. The general response to these inquiries was that there was no need for alarm since a full hearing was to be conducted before the Commission's administrative law judge, and although bottlers had been denied the status of parties to the proceedings, some few were granted intervenor standing; and in the course of this hearing the bottler would be given a complete opportunity to present his case.

Despite those assurances from the FTC staff, the agency moved on July 31, last year, for a partial summary judgment contending that these vertical arrangements were illegal per se on the basis of Schwinn. Granting this motion would deny the bottler the hearing that the FTC staff has been telling Congress was forthcoming. The administrative judge has not yet ruled on this motion.

Hearings have not as yet been scheduled on these complaints, but it is expected that adjudication will begin shortly. The process of litigation, including appeals to the courts should they be necessary, may well require 4 to 7 years, during which these small plants will suffer the economic paralysis created by the legal uncertainties cast over them.

During August and September of last year, full and complete hearings were held on this legislation before the Antitrust and Monopoly Subcommittee of the Senate Committee on the Judiciary. Anyone with an interest in this bill was provided the opportunity to be heard. From the testimony given and from the evidence placed in the record, two incontrovertible facts are evident.

First, the FTC action, if successful, will destroy most of the small bottlers across this Nation. No knowledgeable party to the circumstances of the case denies this. As a matter of fact, the demise of these small businesses is part and parcel of the FTC case, since it argues greater economy as an outgrowth of fewer, larger plants.

The second aspect of this proposal which is indisputable is that this proposal is franchisee legislation. There has been some publicity that this bill is authored by the franchise companies. That allegation is totally false. If FTC were to succeed in its attack, not one company named in the complaints would go under. They would simply take on the character of other large, national food and beverage companies, with or without contract manufacturers. But the small, local bottler cannot survive and it is he who has come to the Congress. The hearing record with the testimony and evidence submitted to it, clearly demonstrate this.

The objectives sought by the FTC will be disastrous for the franchisees of this industry and harmful to the public interest. Local soft drink manufacturers, in the overwhelming majority, do not view the territorial system as an imposed limitation on their competitive freedom. To the contrary, this system is the only feasible means of assuring to the consumer the advantages of intensive local competition between national brand products, local label products, and store brands, owned and controlled by the major retail food and chain stores. Additionally, this system is the only means of securing the widespread availability of this product to the consuming public.

Mr. President, while soft drink manufacturers are generally small businessmen, they represent a strong, local economic force in over 1,600 communities in our country. All but about 100 of the approximately 2,832 soft drink manufacturers fall within the Small Business Administration's definition of small business. Still, this industry has clung so persistently for so long to the concept of local manufacture and local distribution, makes a meaningful contribution to the national economy. Its employment exceeds 150,000 wage earners. The capital investments in plant and equipment of these businessmen and their families combine to exceed $1 billion. In 1970 alone they committed over $325 million to construct and equip new facilities and expand existing facilities.

The large capital investments made in this industry for four generations were made in reliance upon the legality of exclusive trademark rights—rights which have been conferred without successful challenge for almost a century. A number of State and Federal courts have had occasion to examine this right of exclusive trademark usage in the soft drink industry and has consistently upheld it; holding further, that these rights are indeed vested property rights of the soft drink manufacturer. As a result of this litigation, the status of the soft drink manufacturer as truly independent businessman, free from the abuses that have attached to some recent franchising arrangements involving other products, has long been established.

The system has worked well. Soft drink brands compete for consumer acceptance in even the smallest outlets in the most isolated communities in America. Interbrand competition has also been pervasive and intense; and it has been heightened in recent years by the sharp increase in private and retail store controlled brands marketed and sold by the large grocery chains. Retail competition between brands of soft drinks is evident to everyone.

The results of the destruction of the traditional territorial systems which the Commission seeks would likely include th elimination of the large majority of independent small bottlers who presently are active competitors in the industry and important contributors to their local economies.

Such governmental action would precipitate the loss of the millions of dollars of investments made by these people in reliance on court-tested contract provisions.

The hearing record verifies the prediction that a substantial concentration of the soft drink manufacturing business into a handful of large, regional, metropolitan companies would follow the destruction of these local businesses, with a corresponding increase in the economic power of the major grocery chains to influence the soft drink market in favor of their controlled brands. Large producing soft drink units, severed from the intimacy of their markets and consumers, would mean elimination or substantial reduction of competition and availability for the many small volume retailers who depend upon the local bottler's route sales method of distribution.

Certainly, no long-term increase in competition or reduction in prices to the consumer can be foreseen.

Undoubtedly, Mr. President, the staff of the FTC is genuinely seeking to promote the public interest; and upon a superficial view, the elimination of these territorial restrictions might appear to serve that end. Such a theoretical analysis, however, ignores the hard facts and realities of the marketplace.

The traditional route delivery marketing method of the soft drink industry has produced intensive competition between soft drink manufacturers for the trade of virtually every restaurant, filling station, bowling alley, country store and every other outlet imaginable in these territories. Competition for shelf space, aisle location, facings, and consumer attention in the supermarket is fierce. If the territorial system is destroyed as a result of the FTC action, warehouse delivery to grocery chains and other volume buyers will replace this individual outlet struggle. Such a decrease in retail competition for the soft drink consumer will not bring lower prices.

The manufacturers fortunate enough to be located in close proximity to the chain stores' warehouses or who are in financial position to restructure their methods of operation to specialize in only large volume customers over a wide geographic area will be able to increase their sales. The majority of producers, however, who are neither fortunately situated nor financially able to quickly adapt will inevitable be placed in an untenable economic and competitive position.

Bottlers left with only the smaller volume outlets will immediately suffer sharp sales reductions and be forced to raise prices to their remaining customers. Only large metropolitan soft drink producers will have the customer base and financing necessary for the $1 million plus investment required for the production of nonreturnable containers demanded by the large food retailers as compatible with their warehousing systems.

Thus the success of the Commission's complaints will inevitably lead to the demise of the majority of small local bottlers and any immediate, short-term gain in intrabrand competition which might result from the Commission's action will surely be far outweighed by a long-term loss to competition in general. In addition to less service to the consumer in choices and availability, as well as likely increased costs, such restructuring of the industry, with its inevitable forward integration, will bring the total demise of the returnable package—the only consumer package available today acclaimed for its contribution to our environmental concern.

We have watched the disappearance of many local manufacturing and processing industries from the communities of America for several years. Local bakeries, ice cream plants, dairies, and many others have fallen to the tide of mass merchandising and industrial concentration. The local entrepreneur with his intimacy to his consumers, his economic and social roots embedded in the fabric of local society and his personal reputation as a citizen inextricably interwoven in each transaction has made major contribution to the backbone of this Nation.

What remains should not be destroyed, albeit through well intentioned regulatory zeal.

Mr. President, if as I fear, the FTC's action results in a restructuring of what is now a competitive industry of about 3,000 local manufacturing concerns into a highly concentrated one with only a few hundred regional companies, the antitrust laws, ironically, will have been used to achieve the opposite of the intent of the Congress.

The bill we are introducing today has the objective of assuring that, where the licensee of a trademarked food product is engaged in the manufacture, distribution, and sale of such produce, he and the trademark owner may legally include provisions in the trademark licensing agreement which, first, give the licensee the sole right to manufacture, distribute, and sell the trademarked food product in a defined geographic area or, second, which limit the licensee, directly or indirectly, to the manufacture, distribution, and sale of such product only for ultimate resale to consumers within that geographic area, subject to the conditions that: first, there is adequate competition between the trademarked product and products of the same general class manufactured, distributed, and sold by others, second, the licensee is in free and open competition with vendors of products of the same general class, and third, the licensor retains control over the nature and quality of such product in accordance with the Trademark Act of 1946—the Lanham Act.

Several times during the Senate hearings of last summer the suggestion was made that the effect of these bills might be to establish the per se legality of vertical territorial arrangements in the soft drink industry. I believe this to be an erroneous assumption. Rather than to establish a rule of per se legality, the purpose of the proposed legislation is to make clear to the antitrust enforcement agencies of the Federal Government that the Congress intends those agencies to consider the existence of vigorous interbrand competition before passing upon the legality of vertically imposed territorial restrictions where trademark licensing is involved.

Thus, if the legislation is enacted, each territorial arrangement would be viewed in the economic context in which it operates and the existence of competition in the market would be taken into account, subject to the further requirement that the nature and quality of the licensee's goods or services in connection in which the mark is used are legitimately controlled by the licensor in accordance with the Trademark Act of 1946. These are traditional, legal concepts.

The legislation, Mr. President, seeks no more than to continue the climate created almost a century ago and which has been part and parcel of our national economy unencumbered until the current FTC action. It establishes nothing new and asks no more than to continue in the same atmosphere where vigorous interbrand competition has produced nationwide availability and a healthy, small business complex which has proven beneficial to all consumers.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45) is amended by insertion of a new subsection (3) as follows:

"(3) Nothing contained in this Act, or in any of the antitrust Acts, shall render unlawful the inclusion and enforcement in any trademark licensing contract or agreement, pursuant to which the licensee engages in the manufacture (including manufacture by a sublicensee, agent, or subcontractor), distribution, and sale of a trademarked food product, of provisions granting the licensee the sole and exclusive right to manufacture, distribute, and sell such product in a defined geographic area or limiting the licensee, directly or indirectly, to the manufacture, distribution, and sale of such product only for ultimate resale to consumers within a defined geographic area: *Provided,* That this subsection shall apply only if (1) such product is in free and open competition with products of the same general class manufactured, distributed, and sold by others, (2) the licensee is in free and open competition with vendors of other products of the same general class, and (3) the licensor retains control over the nature and quality of such product in accordance with the provisions of the Trademark Act of 1946, as amended (15 U.S.C. 1051)."

SEC. 2. Subsection 3, 4, 5, and 6 of section 5(a) are redesignated 4, 5, 6, and 7, respectively.

SEC. 3. Subsection 5 (as redesignated) of section 5(a) is amended by deleting "(3)" and inserting "(4)" in lieu thereof.

By Mr. BROOKE (for himself and Mr. GRAVEL):

S. 979. A bill to authorize the establishment of the Springfield Armory National Historic Site, Massachusetts, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

THE SPRINGFIELD ARMORY BILL

Mr. BROOKE. Mr. President, today I reintroduce with Senator GRAVEL a bill to authorize the establishment of the Springfield Armory as a National Historic Site. This bill was first introduced on December 9, 1971, and referred to the Interior Committee which then asked the Department of Interior for its comments. The Department reported favorably recommending an amendment which I have incorporated into the bill. Unfortunately the bill was a casualty of the severe time limitations at the end of the 92d Congress.

Commissioned in 1794, the armory was the first so designated to serve the United States. It served to defend our Nation well, producing high quality munitions until its deactivation in 1968. Its closing was regrettable because it signaled the possible extinction of a facility to which generations of citizens of western Massachusetts had rendered dedicated and highly proficient service.

Coupled with the armory is a museum founded in 1871 and operated by the city of Springfield. Owned by the Department of the Army, this museum included valuable collections of cannons and guns dating back to the 14th century, representing the most complete small arms collection in the Nation that is open to the public. It is estimated that over 25,000 visitors tour the museum annually, including large numbers of school groups.

The legislation which I am submitting would authorize the Secretary of the Interior to take control of the property which is currently on loan to the city of Springfield, as well as to make the appropriate arrangements with the Secretary of the Army concerning the armory's arms collection and other museum objects. The Secretary of the Interior would also be authorized to negotiate with the Commonwealth of Massachusetts for the preservation of historic buildings and lands within the armory which are not owned by the Federal Government.

The favorable reports from the Interior Department and the Department of the Army are very encouraging and I hope that this bill will receive prompt favorable action in this session.

Mr. President, I ask unanimous consent that the report from the Department of the Interior and the full text of the bill be printed at this point in the RECORD.

There being no objection, the report and bill were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., September 7, 1972.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your Committee has requested the views of this Department on S. 2977, a bill "To authorize the establishment of the Springfield Armory National Historic Site, Massachusetts, and for other purposes."

We recommend the enactment of the bill, amended as suggested herein.

The bill authorizes the Secretary of the Interior to accept from the city of Springfield, Massachusetts, such part of the historic Springfield Armory property as is adequate in his judgment to constitute an administrable unit, together with a donation of improvements and personal property on such lands. The Secretary is to establish the Springfield Armory National Historic Site when he has accepted the donated property and has reached satisfactory agreements (1) with the Commonwealth of Massachusetts for preservation of Springfield Armory lands and buildings that are not in Federal ownership, and (2) with the Secretary of the Army for retention or transfer of the arms collection and other museum objects located at the armory. The area is to be administered by the Secretary in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 *et seq.*).

Springfield is Masachusetts' third largest city, with 163,905 inhabitants in 1970. It is located in the western part of the State not far north of Connecticut. Interstate Highway 90 runs in an east-west alignment just north of the city. For close to 200 years, the armory has been the heart of the Springfield area. From its inception, the operating center of Springfield Armory has been Armory Square, which lies above the center city and the Connecticut River. The Armory Square complex contains a tree-covered parade and various historic buildings once used for housing, administration, manufacturing, and storage at the armory. Since 1968, when the armory was deactivated, many of these buildings have been used in conjunction with Springfield Technical Community College.

The proposed National Historic Site would include four major Arsenal buildings: the commanding officer's quarters, the master armorer's quarters, the main arsenal, and the paymaster's quarters. The main arsenal houses the Springfield Armory Museum, which contains the outstanding Benton Arms Collection as well as other exhibits. The arms collection includes not only the products of Springfield Armory but also firearms that illustrate the growth of the entire American arms industry.

Armory Square has retained its identity and overall architectural composition for the past 100 years. The square's size and distinction, provided in part by its elevation and the iron fence enclosing it, provide a degree of isolation from the adjacent urban environment. Within walking distance of the proposed national historic site is the quadrangle that is considered the cultural heart of Springfield.

The proposed Springfield Armory National Historic Site would commemorate the important role of the Springfield Armory in the Nation's military history. For nearly 200 years, the armory was a center for manufacturing and development of small arms, producing weapons which achieved a justified reputation for quality, accuracy, and dependability. For a substantial portion of this time, the armory made Springfield the small arms center of the world. The site's history began in 1777, when Armory Square in Springfield was selected as the location for a magazine and laboratory for the development, production, and storage of guns and powder. During the American Revolution, Armory Square was the site of important ordnance manufacturing and storage facilities; it served as a supply depot for the entire northern theater of war. Following the Revolutionary War, in 1794, Congress officially established the Springfield Armory. During the latter half of the 19th century, from the time of the destruction of the Harpers Ferry installation in 1861, until the Rock Island Arsenal began some production of rifles in 1904, the Springfield Armory was the sole supplier of military small arms manufactured by the U.S. Government. Most of the United States Armed Services small arms were developed in the laboratories at Springfield Armory until the time that the armory was deactivated as a military installation, in April 1968.

In addition to its historical role in the development and manufacturing of small arms, Springfield Armory was also the site where Shay's Rebellion was quelled. On January 25, 1787, the rebellion of small farmers under Daniel Shay against alleged unfair taxation ended at Springfield Arsenal, with their defeat as they attempted to seize the magazine.

The Department believes that Springfield Armory represents a heritage of Government arms development and manufacture that is worthy of preservation.

Springfield was dedicated as a Registered National Historic Landmark in April, 1963. After deactivation in 1968, part of Armory Square was conveyed to the city of Springfield, which in turn leased a portion to Springfield Armory Museum, Inc., a nonprofit foundation, for preservation and management. Other parts of the armory were conveyed to the Commonwealth of Massachusetts. It became apparent, however, that preservation of the appearance of historic buildings, particularly those marked for use by the Springfield Technical Community College, was not assured. Furthermore the foundation which managed the arms collection encountered funding difficulties; subsequent to unsuccessful national fundraising attempts, its management asked that the National Park Service preserve and manage the armory as a national historic site.

Springfield Armory National Historic Site would encompass approximately 55 acres. The Department proposes to acquire in fee, through donation, 18.35 acres of land owned by the city of Springfield and a strip of 2.44 acres owned by the State of Massachusetts and utilized in conjunction with the college. The remaining 34.14 acres would remain in State ownership, constituting a "Preservation Control Area", pursuant to an agreement to be concluded with the State, that would preserve the historic appearance of the parade and the exterior of structures, including the Technical College, surrounding it. In addition, the Department would conclude an agreement with the Secretary of the Army concerning the arms collection and other museum objects now at the armory. Since the arms collection is a key feature of the historic site, the Department believes that a satisfactory agreement should include a loan of the articles on a long-term basis, subject to renewal to the National Park Service. Preferably, the agreement should also allow items from the extensive Springfield collection to be exhibited on a temporary basis at other national park units, for purposes of interpretation of those units. Negotiations with the Department of the Army to obtain such an agreement have begun.

Because land would be acquired entirely through donation, no land acquisition costs are involved. The estimated cost of operation and maintenance is expected to be about $260,000 per year. A staff of 13 permanent and two seasonal man-years of personnel is contemplated.

Restoration of the buildings included in the proposed national historic site would be necessary and we propose undertaking development of interpretive exhibits in the main arsenal. Development costs are estimated to be slightly over $5 million, based on July, 1971, prices. Of this amount, $3 million is programmed for development of interpretive exhibits in the main arsenal; about a third of this figure would be expended for management and preservation, including work to conserve and definitively catalog the approximately 22,000 items in the arms collection. The remaining two-thirds would be to provide for interpretation and display of the items, including specialized security mounting for the firearms.

We would suggest that the following amendment be made to clarify that the Secretary may accept leases and scenic easements, as well as full interests in land and personal property, and that these can be acquired from the Commonwealth of Massachusetts as well as the city of Springfield. Specifically, we suggest that page 1, line 10 through page 2, line 6, be amended to read as follows:

"Secretary of the Interior (herinafter referred to as the 'Secretary') is authorized to acquire by donation such real or personal property or interests therein which constitute a part of, or are located upon, the historic Springfield Armory property, Springfield, Massachusetts, as in his judgment will constitute an administrable unit, for establishment as the Springfield Armory National Historic Site."

A man-year and cost data statement is enclosed. A draft environmental impact statement, prepared pursuant to section 102(2)(C) of the National Environmental Policy Act, and distributed to the Council on Environmental Quality and other interested organizations, is also enclosed.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

NATHANIEL REED,
Assistant Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, WASHINGTON, D.C.

SPRINGFIELD ARMORY NATIONAL HISTORIC SITE (PROPOSED)

	19CY	19CY+1	19CY+2	19CY+3	19CY+4
Estimated expenditures:					
Personnel services	$119,000	$133,000	$133,000	$133,000	$133,000
All other	670,000	1,446,000	1,270,000	1,412,000	932,000
Total	789,000	1,579,000	1,403,000	1,545,000	1,065,000
Estimated obligations:					
Land and property acquisition					
Developments	691,000	1,475,000	1,059,000	1,341,000	670,000
Operations (management, protection and maintenance)	236,000	261,000	261,000	261,000	261,000
Total	927,000	1,736,000	1,320,000	1,602,000	931,000
Total, executive direction and substantive man-years of civilian employment	13.0	15.0	15.0	15.0	15.0

S. 979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve in public ownership for the benefit and inspiration of the people of the United States the property comprising the historically significant Springfield Armory, commissioned by President Washington in 1794 and, until deactivation in 1968, the oldest manufacturing arsenal in the United States, and the site of the defeat of insurgent farmers in Shays' Rebellion (1786–1787), the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation such real or personal property or interests therein which constitute a part of, or are located upon, the historic Springfield Armory property, Springfield, Massachusetts, as in his judgment will constitute an administrable unit, for establishment as the Springfield Armory National Historic Site.

SEC. 2. The Secretary shall establish the Springfield Armory National Historic Site by publication of a notice to that effect in the Federal Register when (a) he has accepted title to the real and personal property described in section 1 of this Act, (b) he has reached a satisfactory agreement with the Commonwealth of Massachusetts, or any agency or instrumentality thereof, for preservation of historic buildings and the physical setting of lands not in Federal ownership which comprised part of the historic Springfield Armory, and (c) he has reached a satisfactory agreement with the Secretary of the Army concerning the retention or transfer of the arms collection and other museum objects at the Armory. Prior to such establishment and thereafter, the property acquired for the Springfield Armory National Historic Site shall be administered by the Secretary in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

By Mr. JAVITS (for himself, Mr. TUNNEY, Mr. BROOKE, Mr. CASE, Mr. HART, Mr. HUMPHREY, Mr. KENNEDY, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. PELL, Mr. RIBICOFF, and Mr. WILLIAMS):

S. 980. A bill to permit payment of extended unemployment compensation benefits to additional workers, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, on behalf of myself, Senator TUNNEY and other Senators, I introduce a bill which would permanently amend the 1970 Federal-State extended unemployment compensation benefits law in order to permit over 20 States to regain eligibility to compensation benefits which that law provides. It would also make permanent the limited amendments enacted at the close of last year which have enabled eight States to maintain their eligibility to participate in the program through June 30, 1973. The other cosponsors of this bill are Senators BROOKE, CASE, HART, HUMPHREY, KENNEDY, METCALF, MONDALE, MOSS, PELL, RIBICOFF, and WILLIAMS.

If enacted promptly, this bill would enable up to 22,500 workers now exhausting regular unemployment compensation benefits each week to receive an extra 13 weeks of benefits. The total number of workers who could be helped between now and December 30, 1973, exceeds 600,000.

The bill deals with the State "off" and "on" trigger mechanism which determines eligibility for participation in this program. The program on a national basis ended almost a year ago. However, for sometime thereafter New York and many other States were eligible to participate in the program, because insured unemployment in the State was 120 percent of the rate prevailing in the State in the corresponding period of the previous 2 years, and the State insured unemployment rate was above the trigger rate of 4 percent. But subsequently, despite the fact that the insured unemployment rate in many States remained above the 4-percent level, many States became ineligible to participate in the program due to the 120-percent "off" trigger. In addition, those States in which insured unemployment dropped below 4 percent and then rose again above that level have been precluded from regaining eligibility for the program.

This bill would:

First. Permanently eliminate the 120-percent State "on" and "off" triggers. The "off" trigger was eliminated temporarily—until June 30, 1973—by amendments adopted last year. Both the "on" and "off" triggers must be eliminated if States with high unemployment which have triggered out of the program can participate in it again. Also, both the "on" and "off" triggers must be eliminated to protect States in the event that insured unemployment drops below 4 percent and then rises above that figure at a later date.

Second. Provide that the exhaustion rate, that is, the number of workers who have exhausted their regular unemployment compensation benefits—will be counted in determining the level of insured unemployment. This same provision is used in the 1971 extended benefits program which the Congress extended last June for an additional 6 months. It is artificial—and really unconscionable—to exclude persons who have exhausted their regular unemployment compensation benefits in determining eligibility for this program.

Third. Eliminate the requirement that a State which triggers out of the program must wait at least 13 weeks before it may requalify. The 13-week waiting period is unnecessary in view of the fact that the insured unemployment rate is computed on the basis of a 13-week running average. The use of a 13-week average is adequate to take care of any problem caused by statistical variation or very shortrun disemployment effects.

Under the bill, the only test which would have to be met by the States to qualify—or requalify—for an extended benefit period is an insured unemployment rate in excess of 4 percent. Insured unemployment is, of course, always lower than total unemployment; a 4-percent insured unemployment rate may translate into a total unemployment rate of 5.5 percent or higher. As noted, this bill would require counting persons who have exhausted their regular benefits in determining insured unemployment.

The bill I introduce today was actually passed by the Senate last year as an amendment to the debt-ceiling bill to be effective through June 30, 1973. But in the House-Senate conference on that bill, its impact was drastically reduced when the House-Senate conferees agreed on provisions which eliminated only the 120-percent "off" trigger. When the conference report was considered last year, I and the Senator from California (Mr. TUNNEY) expressed our concern that the amendment agreed upon by the conference would not really help many of the States which had been triggered out of the program. At that time, the chairman of the House Ways and Means Committee, and the chairman of the Senate Finance Committee assured us on the floor of the House and Senate, respectively, that if, this winter, insured unemployment was over the 4-percent level in those States which would have been helped by the Senate version of the amendment, but were not helped under the conference version of the amendment, they would sympathetically consider legislation along the lines of the amendment passed by the Senate designed to help such States.

Unfortunately, what the Senator from California and I foresaw last fall has come true. The following States are excluded from participation in the extended benefits program, but have insured unemployment levels over 4 percent:

California, Maine, Montana, Nevada, New York, and Oregon.

In the following additional States, insured unemployment is nearly 4 percent and is expected to rise above that level within the next several weeks:

Arkansas, Connecticut, Idaho, Michigan, New Mexico, North Dakota, Pennsylvania, Utah, and West Virginia.

If the exhaustion rate were counted in determining insured unemployment levels, the following States could also qualify to participate in the program:

Kentucky, Louisiana, Minnesota, Missouri, and Oklahoma.

Finally, the following eight jurisdictions will lose their eligibility to participate in the program on June 30, 1973, if the temporary changes enacted last year are permitted to expire:

Alaska, Hawaii, Massachusetts, New Jersey, Puerto Rico, Rhode Island, Vermont, and Washington.

I ask unanimous consent that a table prepared by the U.S. Labor Department showing the State-by-State breakdown be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE I.—ESTIMATED NUMBER OF BENEFICIARIES FOR AN EB PROGRAM WITH A TRIGGER OF 4 PERCENT AND 25 PERCENT OF YEARLY EXHAUSTEES

State	Current estimated exhaustees (mid-February)	Estimated number of beneficiaries Mar. 4–Dec. 31, 1973
Arkansas	270	3,100
California	6,090	201,100
Connecticut	910	33,100
Idaho	160	3,300
Kentucky	450	5,600
Louisiana	630	18,300
Maine	290	9,900
Michigan	2,660	90,600
Minnesota	1,050	13,900
Missouri	1,010	23,500
Montana	210	4,700
Nevada	190	6,100
New Mexico	150	2,900
New York	5,000	170,500
North Dakota	120	1,800
Oklahoma	520	10,400
Oregon	400	11,800
Pennsylvania	1,950	24,800
Utah	220	3,600
West Virginia	260	5,100
Total	22,540	644,100

Source: Office of Research and Actuarial Services, Feb. 20, 1973.

TABLE II.—Additional workers eligible for benefits in States currently eligible to be triggered on extended benefits

Alaska	1,900
Hawaii	4,300
Massachusetts	38,100
New Jersey	46,400
Puerto Rico	35,100
Rhode Island	7,800
Vermont	1,300
Washington	23,100
Total	158,000

Source: Office of Research and Actuarial Services, February 20, 1973.

ASSUMPTIONS

1. The economy would remain stable from December 31, 1972 to December 31, 1973.
2. Extended benefit claims would be added to regular claims in computing the IUR.
3. The individual State economies would

have the same seasonal pattern as they did in 1969.

4. A weekly seasonal index was used to adjust exhaustees from December to the middle of February.

5. If the bill is passed for the trigger changes, those States which are benefiting under current legislation would be additionally benefited from July 1, 1973 to December 31, 1973.

Mr. JAVITS. Mr. President, in New York alone, where insured unemployment now stands at 4.06 percent, currently close to 4,000 people per week are exhausting their regular 26 weeks of unemployment benefits. Nationally, the current total is approximately 23,000 workers exhausting their regular benefits each week without being eligible to qualify for 13 weeks of extended benefits—all because of the wholly arbitrary triggers in existing law and the exclusion of persons who have exhausted regular unemployment compensation benefits from the definition of insured unemployment.

Last year the administration opposed this amendment because of its allegedly high cost. I pointed out then, and reiterate now, that although the cost of this program appears as a budget item, it is actually financed entirely out of taxes levied on employers which are paid into trust funds administered by the Federal Government. It is thus highly misleading to characterize unemployment compensation payments as an item of cost to the Federal Government.

Mr. President, in all good conscience we cannot let encouraging news on business front, or our concern with cooling-off inflation, lead us to forget about millions of unemployed workers throughout the United States. The least we can do for the long-term unemployed who, in a sense, are casualties of our fight against inflation, is to reinstate the 13-week extended benefits program in those States where insured unemployment is above 4 percent, even though the level has dropped below that figure briefly in the recent past, and even though unemployment is not 20 percent above the level of the previous 2 years. For far too long our commitment to full employment has been more apparent than real; we ought not to wait any longer to deal justly with the immense human problems caused by the excessive unemployment we have been experiencing, and are still experiencing.

Mr. President, finally, because of the need for prompt action on this bill, Senator TUNNEY and I have written identical letters to Chairman MILLS of the House Ways and Means Committee and Chairman LONG of the Senate Finance Committee urging prompt consideration of this matter. I ask unanimous consent that the text of our letter to Senator LONG be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., February 22, 1973.

Hon. RUSSELL B. LONG,
Chairman, Senate Finance Committee, Washington, D.C.

DEAR CHAIRMAN LONG: I am sure you will recall our talk and the statements on the Senate floor last October concerning amendments to the 1970 Federal-State Extended Unemployment Benefits Program designed to remove the arbitrary trigger requirements which have disqualified many states from participating in the program. Our information is that at present in the following states, which have been disqualified from the program, insured unemployment now exceeds four percent:

California, Maine, Montana, New York, Nevada, and Oregon.

In addition, the following states are expected to reach the four percent level within the next several weeks:

Arkansas, Connecticut, Idaho, Michigan, New Mexico, New York, North Dakota, Pennsylvania, Utah, and West Virginia.

If those who have exhausted regular benefits are counted in determining insured unemployment, the following additional states would meet the four percent insured unemployment requirements:

Kentucky, Louisiana, Minnesota, Missouri, and Oklahoma.

As the law presently stands, none of these states can regain eligibility to participate in the program with the result that over 22,500 workers in those states are exhausting their regular benefits each week with no right to any extended benefits.

At the time this matter was discussed last year, you were kind enough to assure us that in the event the insured unemployment level was over four percent in those states which would have been benefited from the Senate passed amendment to the 1970 Federal-State Extended Benefits Program, but were excluded under the amendment agreed to in the conference on the debt-ceiling bill, you would consider sympathetically changes in the "trigger" criteria in present law to permit those states to regain eligibility to participate in the extended benefits program.

On February 22, together with 11 other senators we introduced a bill, similar to the amendment passed by the Senate last year, which we believe would make the permanent changes in existing law required to permit the states now excluded from the program to regain their eligibility. Our bill would also enable the eight states, namely Massachusetts, New Jersey, Rhode Island, Washington, Alaska, Hawaii, Vermont, and Puerto Rico, which have been able to maintain their eligibility because of the amendment enacted last year, to remain eligible beyond June 30, 1973, the expiration date of the amendment. We hope very much that, in view of the numbers of workers immediately involved, and the understanding we reached last year, your committee can give this matter its attention at this time.

With best wishes,

Sincerely,

JACOB K. JAVITS,
JOHN V. TUNNEY.

Mr. JAVITS. Mr. President, I ask unanimous consent that a statement by Senator TUNNEY, who could not be on the floor today, be printed in the RECORD, together with the text of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR TUNNEY

I heartily concur with the sentiments expressed by the Senator from New York concerning the extension of unemployment compensation benefits under the "emergency Federal-State Extended Unemployment Compensation Benefits Program Amendments of 1973."

According to the latest available statistics, the unadjusted California unemployment rate is 5.3 per cent and at least 500,000 Californians are out of work.

Over the next four months alone, these amendments will make it possible for an additional fifty to sixty thousand people in my State to qualify for unemployment compensation for an additional period of up to thirteen weeks.

While unemployment compensation clearly represents a second best approach to the problem of unemployment, I am pleased to join with the Senator from New York in the introduction of this legislation and the relief it will bring to the thousands in California and around the Nation who are out of work.

S. 980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Federal-State Extended Unemployment Compensation Benefits Program Amendments of 1973."

SEC. 2. (a) Section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by adding at the end thereof the following new sentence: "Effective with respect to compensation for weeks of unemployment beginning after the date of the enactment of this sentence (or, if later, the date established pursuant to State law), the State may by law provide that the determination of whether there has been a State 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if paragraph (1) did not contain subparagraph (A) thereof and as if paragraph (1) of section 203(b) did not contain subparagraph (B) thereof.".

(b) Subsection (f) of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 is amended to read as follows:

"Rate of Insured Unemployment, Covered Employment

"(f)(1) For the purpose of subsection (d), the term 'rate of insured unemployment' means the percentage arrived at by dividing—

"(A) the average weekly number of individuals filing claims for weeks of unemployment with respect to the specified period, as determined on the basis of the reports made by all State agencies to the Secretary, by

"(B) the average monthly covered employment for the specified period.

"(2) For the purpose of subsection (e), the term 'rate of insured unemployment' means the percentage arrived at by dividing—

"(A) the average weekly number of individuals filing claims for weeks of unemployment with respect to the specified period, as determined on the basis of the reports made by the State agency to the Secretary, by

"(B) the average monthly covered employment for the specified period, plus, effective with respect to compensation for weeks of unemployment beginning after the date of enactment of this sentence (or, if later, the date established pursuant to State law) the thirteen-week rate (as determined under paragraph (3)).

"(3) The 'thirteen-week exhaustion rate' is the percentage arrived at by dividing—

"(A) 25 per centum of the sum of the exhaustions, during the most recent twelve calendar months ending before the week with respect to which such rate is computed, of regular compensation under the State law, by

"(B) the average monthly covered employment as determined under paragraph (2)(B).

"(4) Determinations under subsection (d) shall be made by the Secretary in accordance with regulations prescribed by him

"(5) Determinations under subsection (e) shall be made by the State agency in accordance with regulations prescribed by the Secretary."

By Mr. BELLMON:

S. 981. A bill to amend the Commodity Credit Corporation Charter Act to provide for the publication of certain information. Referred to the Committee on Agriculture and Forestry.

Mr. BELLMON. Mr. President, on January 18 I introduced a measure to require grain buyers, representing foreign countries which limit free access to information with regard to agricultural conditions, to make public their intention to purchase American commodities in advance of the time these sales are actually made. I have since found that there may be a better way to accomplish that objective, so today I introduce a bill that would require the Department of Agriculture to give public notice of the kind, class, quantity, and regional geographic destination of any agricultural commodity on which an export subsidy is requested.

If the policy which this legislation seeks to institute were in effect last summer, Mr. President, American farmers would have had some notice that the Russians were able to take advantage of our low grain prices by buying huge quantities of American grain before anyone knew what was happening. As I stated on January 18:

> In spite of its mutual benefits, there were some aspects of the transaction which trouble me deeply. Primarly, I am concerned that the private American grain traders who do business with representatives of a closed society and a central government, such as exists in Russia, are at a distinct disadvantage. The same is true with the U.S. Government officials who administer the export subsidy program.

The purpose of this bill is to put our American traders on a more equal footing with traders from closed societies who come here to take advantage of our supplies and of the favorable market conditions which frequently exist.

Many will say there is no need for this legislation because export subsidies on grain are not in effect at the present time, and it is true that they are not. In my view, however, this is exactly the time to pass this legislation while the events of 1972 are still fresh in the minds of Senators.

It is certain that in the months and years to come, we will again be paying subsidies on grain exports, and we ought not allow the same kind of situation as developed last summer and fall to happen again.

With the Committee on Agriculture and Forestry scheduled to begin hearings on farm legislation on February 27, I am hopeful that those witnesses who appear at these hearings will address themselves to this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(f) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(f)) is amended to read as follows:

"(f) Export or cause to be exported, or aid in the development of foreign markets for, agricultural commodities: Provided, That any application for subsidies under this or any other Act for the exportation of any agricultural commodity must specify the kind, class and quantity of the commodity and the regional geographic destination. Such information shall be published by the Secretary in the Federal Register and disseminated to appropriate news media within 72 hours after such application is filed."

By Mr. KENNEDY (for himself, Mr. Inouye, Mr. Javits, Mr. Pell, and Mr. Williams):

S. 982. A bill to substantially reduce the personal dangers and fatalities caused by the criminal and violent behavior of those persons who lawlessly misuse firearms by restricting the availability of such firearms for law enforcement; military purposes, and for certain approved purposes including sporting and recreational uses. Referred to the Committee on the Judiciary.

PERSONAL SAFETY FIREARMS ACT OF 1973

Mr. KENNEDY. Mr. President, I am introducing a bill designed to halt the senseless eruption of crime and violence due to guns. My bill, the Personal Safety Firearms Act of 1973, will require:

First, the registration of every civilian owned gun in this country.

Second, it will require all gun owners to pass stringent qualifying procedures to legally possess a gun.

Third, and, my bill bans the domestic output of all hand-held firearms that are not designed for sporting uses.

Gun control is an issue that commands widespread public interest, and stirs deep seated emotions. But our society has not yet devised an effective system for curbing lawlessness due to the misuse of firearms. In past years, the Congress has been deeply involved with this vital national concern. At least 28 different gun bills were introduced in the House of Representatives during the 92d Congress. And last summer, the Senate passed legislation that would ban the output of cheap handguns, if the House of Representatives had also approved the measure passed by the Senate.

But, somehow we have not yet produced the national will to enact effective legislation that will curb the mounting toll of 20,000 gun deaths each year.

With the bill that I am introducing today, this country can begin to dampen the flames of violence caused by gunfire. Guns are used to kill so many Americans because our society has refused to restrain the availability of firearms on a sensible standardized basis.

Instead of a nationwide system of controls, we live in a national community that permits gun regulations to vary from city to city, county to county, and from one State to another.

My bill will establish a minimum standard of controls for every gun owner in the United States. I am certain that all Members of the Congress who believe we must stop the annual rise in gun deaths share with me the hope that the 93d Congress will bring the reality of sane and responsible firearms control to the American people. Against the shameful backdrop of what Smith Hempstone calls a "typical, sickening, urban drama," the violence that guns can create has seriously maimed one of our most respected colleagues. I am convinced that our Nation must respond to the tragedy of daily ambushes, like the one in which Senator Stennis was trapped, by renewing our commitment to restrain the senseless flow of handguns.

NATIONAL HERITAGE OF FIREARMS

Since the day when Pilgrims landed at Plymouth Rock, guns have been an important part of American life. Not only were they sources of pride and power, but in those days, they held the key to survival. For the frontiersman used his guns to provide food and clothing for his family, and protection against the dangers of the wilderness. The craftsman who fashioned handsome pieces of weaponry earned high respect and esteem from his neighbors. The marksman who could fell a bear with a shot through an eye socket won the admiration of his villagers. And the lancer who could halt the charge of the redcoats took the medals of bravery.

Coming of age for the boy of the frontier was highlighted with his father's offer of the sleek—steel-blue long gun that fairly stood higher than the lad's own top knot.

America has always known guns. And her families have long admired the power and the might of a true marksman. But today, in America, our families no longer face the perils of a frontier wilderness. For the American family in 1973, fear, apprehension, mistrust, anguish, and pain are the dreaded products of our firearms history.

Today, it is the misuse and abuse of firearms that taunts the quietude of our family life. We pay an enormous price for our heritage of guns. Over 200,000 gun crimes are committed in 1 year. Sixty-five percent of the murders in 1972 involved guns. And at least 80,000 aggravated assaults occurred with guns; while 120,000 robberies took place at gun point.

Based on some estimates, guns are statistically like rats. They outnumber our population. Not surprisingly, our output of ammunition for civilian firearms almost staggers the imagination. American industry outdoes all other nations in the production of bullets. Nearly 5 billion rounds of ammunition flow through the marketplace each year. That is enough, laid end to end, to stretch a bandoleer of ammunition three times around the equator. All of those bullets could not only wipe out the world's entire human population, but they could decimate practically most of the world's species of wildlife.

Among the nations of the world, America stands in the bloodiest pool of deaths by gunfire. We are not only ranked No. 1, but No. 2 lags so far behind that a tally of gun deaths in all civilized nations probably would not equal the excessive fusillade we train on our fellow citizens.

In 1963, the homicide rate; that is, the rate of murders by gunfire in the United States per 100,000 population, was 2.7. By 1971, the homicide rate in this country had vaulted to 5.5 murder per 100,000 population.

From the following table showing gun deaths for 16 countries, it is clear that guns in America place our Nation shamefully ahead:

RATE PER 100,000 POPULATION

Country (year is the latest for which figures are available)	Accidental	Homicide
United States, 1971	1.18	5.5
Australia, 1970	.42	.57
Belgium, 1969	.20	(1)
Canada, 1969	.63	(1)
Costa Rica, 1967	.94	1.07
Denmark, 1969	.08	.18
England and Wales, 1970	.06	.04
France, 1969	.24	.30
Germany Federal Republic, 1970	.13	.28
Ireland, 1970	.27	.03
Italy, 1968	.25	.47
Japan, 1968	.04	.02
Mexico, 1969	.09	(1)
Netherlands, 1970	.02	.08
New Zealand, 1969	.32	.32
El Salvador, 1968	.31	11.79
Scotland, 1970	.10	.08
Sweden, 1969	.14	(1)
Switzerland, 1970	.13	.19
Venezuela, 1970	1.27	2.82
Yugoslavia, 1969	.36	(1)

[1] Not available.

The United States is a glaring exception among the civilized societies that have acted to control guns. In Italy, West Germany, France, Belgium, Britain, and the Soviet Union, the right to bear arms is a strictly regulated privilege. In Japan, private gun ownership is all but prohibited. No less than five European countries totally prohibit the private possession of handguns. From a 1968 State Department survey of 102 of its diplomatic posts, results show that 29 European countries require either a license to carry a firearm or registration of the ownership or sale of each privately owned firearm or both.

Yet, until 1968 in the United States, there was nothing to prevent the mail order sale of deadly high powered rifles or cheap pocket size pistols—called "Saturday night specials"—because they figure in so many of the murders that police blotters record on Saturday nights.

FIREARMS, VIOLENCE, AND CONTROLS

Violence and firearms are dreadfully intertwined. Causes of violence and the effects of firearms generate lively public debates from which one message emerges—in America, there are too many guns. The statistics scrawl a profile that is all too clear. Where gun ownership is highest, deaths caused by guns are also highest. About 60 percent of all households in the States of the South report ownership of guns. Southern States have the highest gun ownership in the Nation. Those States also have the highest number of firearm homicides. In 1971, over 70 percent of homicide victims in the South died from gun wounds. The national average was 65 percent. The South even leads in the rate of accidental gun deaths, with nearly 3 per 100,000 population. Where more guns are available more people die by them. If for no other reason, the appalling nationwide rate of accidental gun deaths would be sufficient to warrant strict national gun controls.

Americans are now dying at the rate of 3,000 each year from accidents caused by guns. Another 20,000 of our neighbors suffer gunshot injuries each year; and approximately half of all suicides are accomplished with guns. Alarmingly, 40 percent of all accidental firearm fatalities are children between the ages of 1 and 19. In 1966, 9 percent of those youngsters were less than 10 years old. Though we are grimly resigned to the killing rendered by adults intent on destruction, what lies in the future for our children if we continue to carelessly leave them exposed to the dangers of unguarded firearms? Even in the face of the enormous toll that we pay for our national heritage of firearms, thousands of Americans would vigorously resist attempts to place restraints on their possession of firearms.

The opponents of gun control insist that we cannot limit the supply of guns enough to reduce the incidence to violent crime. This view argues that criminals may still be able to obtain handguns through illicit channels. But the fact is that laws can shrink the supply of guns, especially cheap guns. The 1968 gun control law has substantially reduced imports of junk handguns. Only a sharp rise in domestic output of these cheap concealable weapons has kept these tools of violence available. As soon as we estabilsh effective bans on the domestic output of these tiny weapons, I believe we can sharply reduce the awesome rate of death caused by pistol fire. For, if the criminal has to steal a gun before he can use a gun, he will use a gun much less frequently.

There are others who believe "their right to bear arms" is borne in the Constitution. As every schoolboy knows, the only language in the Constitution about firearms comes in the second amendment which is concerned with "a well regulated militia being necessary to the security of a free state." In his great book "Crime in America," Ramsey Clark makes the meaning of that language perfectly clear—that amendment "insures to the States the right to maintain an armed militia." The second amendment has nothing to do with the individual ownership and possession of guns. The courts have repeatedly rendered that this amendment only prohibits the Federal Government from interfering with the State militia. There is no question that Federal, State and local governments are constitutionally endowed with the power to strictly regulate the possession of guns.

> If government is incapable of keeping guns from the potential criminal while permitting them to the law abiding citizen, then government is inadequate to the times. Perhaps our only alternative is to remove guns from the American scene.

That is Ramsey Clark's doleful view of the firearms malaise in this country.

One other common refrain against firearm control is that "guns don't kill, people do." But a quick look at the statistics and commonsense tell us that it is when guns are in hand, that two-thirds of the people who kill other people do so; and it is when guns are in hand that over 100,000 robberies a year are committed, and it is when guns are in hand that one quarter of the Nation's 300,000 aggravated assaults are committed.

Murder is usually committed in a moment of rage. Guns are quick and easy to use. They are also deadly accurate, and they are all too often readily accessible. Some estimate that there are over 200 million guns in private ownership in this country. Each year, American factories produce 5 million firearms for civilian use. Because guns are available people use them.

Rarely does an attacker make a deliberate choice of a gun over a knife. But because the fatality rate of knife wounds is about one-fifth that of gun wounds, it may be concluded that using a knife instead of a gun might cause 80 percent fewer deaths.

Others make the argument that because criminals have guns, gun control will simply disarm law abiding citizens. Lawless citizens, according to that argument, will feel unobliged to be bound by gun restrictions.

Perhaps there is something to that. And for that reason, I am convinced that gun restrictions can be effective in limiting the wholesale misuse of firearms. Strict gun restrictions will aid in disarming any who fail to register their weapons or obtain a license for ownership. Indeed, the enforcement of licensing and registration laws serves to isolate precisely those citizens who flaunt the law. For enactment of such legislation makes it a crime merely to possess an unregistered firearm. Commission of a crime with such a weapon compounds the wrong of any illegal act.

It may be that the greatest number who protest gun controls do so on the basis that the administrative requirements for registration are cumbersome and inconvenient. When Senator McGEE introduced a bill in 1971, affecting the recordkeeping requirements for .22 caliber ammunition, he stated that such requirements are:

> Unfair and punitive in that the persons really affected so adversely are law abiding citizens who pursue shooting as a hobby or as a form of recreation.

I believe that any measure we might adopt which will substantially reduce the misuse of firearms will at the same time, enhance whatever pleasures that may be derived from these so-called recreational pursuits.

If the only price of firearms recordkeeping requirements is the inconvenience to gun users then with my bill, the American public will have been delivered a special bargain.

> Prevention of crime and apprehension of criminals would be enhanced if each firearm were registered with a governmental jurisdiction. A record of ownership would aid the police in tracing and locating those who have committed or who threaten to commit violent crime. Law enforcement officers should know where each gun is and who owns it.

That statement embodies a recommendation of the President's Commission on Law Enforcement and Administration of Justice in the report submitted by the Commission's Chairman, Nicholas Katzenbach in February, 1967.

Our law enforcement agencies see gun control as the single most important measure to aid in the control of crime. J. Edgar Hoover in testimony before the House Appropriations Committee on February 16, 1967, supported the need for registration and licensing of civilian firearms. Law enforcement officers want all citizens to safely enjoy life's comforts in the sanctity of their home communities. Not only does this desire expose the policemen's concern for his fellow man but it also expresses his increasing apprehension about the safety of his own life.

Police officers killed by criminal action leaped to a record high of 126 in 1971. That was a 26 percent increase over 1970 when 100 policemen were murdered. Tragically in the period 1962 through 1971, 722 officers were killed. And all but 32 of those deaths were caused by gunfire. It defies every reasonable tenet that our society permitted 530 policemen to be murdered with handguns in the past 10 years. Shotguns and rifles were used to kill another 160 officers in that period. Policemen know that even they will perform more effectively when our citizens no longer have easy access to guns. In England and Wales, a study of 400,000 arrests for serious crimes revealed that only 159 persons possessed guns. In America, police are confronted with tens of thousands who are armed at the time of their apprehension.

Even those who claim a need for guns to provide personal protection for their family or their business—run a greater risk than those who are gunless. Ramsey Clark says:

> A State in which a citizen needs a gun to defend himself from crime has failed to perform its first purpose . . . the wrong people survive, because the calculating killer or the uninhibited psychotic more often wields the faster gun. The average citizen with a gun acting in self defense is a greater danger to himself and innocent people in the vicinity than is the crime he would prevent.

Gun control laws in the United States are woefully inadequate. In our vast society guns should have no reasonable role. But they do. And we have not yet devised a sane national policy of firearms control. I believe this is the time to enact meaningful gun legislation. It is not hysteria that commands our attention for controls—but rather it is the need to reduce the apprehension and community fear caused by an annual rate of 200,000 gun crimes.

Violence in America pervades every person's life. Only with bold, direct action can we expect to manage the crisis of firearms' misuse. Existing Federal laws only touch the surface of the real problems caused by the vast arsenal of firearms available to those intent on lawlessness.

The National Firearms Act of 1934 has been effective in controlling machine guns, sawed off rifles and shotguns, mufflers and silencers.

The Federal Firearms Act of 1938 requires the licensing of all manufacturers and dealers who use the facilities of interstate or foreign commerce.

A third Federal law enacted in 1954, the Mutual Security Act, authorizes the President to regulate the export and import of firearms.

Then in 1968, Congress passed the Gun Control Act—which principally affects interstate and mail order sales of firearms and ammunition. That measure has since been weakened by the exclusion of long gun ammunition from its recordkeeping provisions.

Moreover, there are current attempts to exclude even .22 caliber rimfire ammunition from coverage under that law.

I am unalterably opposed to both of those attacks on the 1968 Gun Control Act. Removal of .22 caliber ammunition from that law would virtually render the law useless.

When the Senate banned the output of cheap handguns last summer, there was a glimmer of hope that the country would gain significant restraints against gun abuse. But the gun lobby once again succeeded in aborting that attempt to achieve meaningful firearms legislation.

And so it is, to assure the protection of our people from the lawless misuse of firearms, existing measures deserve to be strengthened.

THE PERSONAL SAFETY FIREARMS ACT OF 1973

I propose, therefore, legislation that will make a significant advance in the direction of halting the unbridled flow of guns that today ensnares all of our lives.

I am introducing "the Personal Safety Firearms Act of 1973." The essential features of my bill contain three basic provisions:

I propose first, the registration of every gun in America.

Second, that firearms ownership be attained only through approval of effective licensing procedures. Each gun owner must have a permit before he is authorized to have a gun.

Finally, I propose a ban on the output of all handheld firearms that are not intended for legitimate uses.

A principal purpose of the first requirement—that all firearms must be registered—is to provide an improved system for law enforcement agencies to trace those who commit crimes with firearms. This provision covers all firearms, both those already in private hands and those to be acquired in the future.

Conservative estimates show that 90 million firearms are in civilian hands in the United States today—35 million rifles, 31 million shotguns, and 24 million handguns—in 60 million households. Other estimates have put the tally of firearms as high as 200 million. By any account, those are exorbitant numbers. Each year 5 million new firearms are produced by American industry. Yet, there is no system in this country that attempts to bring order to the explosive spread of these deadly devices.

Registration will tell us how many guns there are, where they are, and in whose hands they are held.

Under my bill, registration information will be referred to the National Crime Information Center maintained by the Federal Bureau of Investigation, thus enabling enforcement officers throughout the country to trace immediately the ownership of any firearm. A person who carries a firearm must have with him a certificate of registration, which he must exhibit upon the demand of any law enforcement officer.

Under the terms of the proposal, a violation of the registration provisions is punishable by imprisonment for up to 5 years, a fine of up to $5,000, or both. The Secretary has authority to declare periods of amnesty during which previously unregistered weapons may be registered without penalty. Any purposeful falsification or forgery of registration information is punishable by imprisonment for up to 5 years, or a fine of up to $10,000 or both.

The second feature of my bill requiring every gun owner to obtain a license before he may be entrusted with a gun—is fundamental in guarding against the hazards of indiscriminately allowing criminals to obtain firearms.

A gun is such a terribly vicious weapon, that members of a civilized society should mandate gun owners to prove that they are not disqualified from having access to these instruments of death.

Under the provisions of my bill, if a State does not adopt a firearms permit system that meets minimum standards specified in the bill, Federal licensing will become effective until the State adopts an adequate permit system. No person—whether a licensed dealer or a private individual may sell firearms or ammunition to an individual who does not have either an adequate State permit or a Federal gun license. In addition, no one may possess a firearm or ammunition unless he has either an adequate State permit or a Federal gun license. To qualify as having an adequate permit system, a State must restrict the issuance of permits applied for by convicted felons, fugitives from justice, mental defectives, alcoholics, juveniles, and drug addicts, and must adequately investigate applicants prior to the issuance of permits.

In States that do not enact adequate permit systems, Federal gun licenses, valid for up to 3 years, will be issued by federally licensed dealers upon receipt—from both the chief law enforcement officer of an applicant's locality and a licensed physician—of information bearing upon his eligibility for a Federal gun license.

The sale or possession of firearms or ammunition in violation of the licensing and permit provisions of the bill carries a maximum sentence of imprisonment for 5 years and a fine of $5,000.

The purpose of the third provision of my bill—banning the domestic output of cheap hand-held firearms—is to get at the heart of the problem of those guns used in crime. The handgun's role in crime is disproportionate to its number in comparison with long guns, in the commission of homicide, aggravated assault, and armed robbery.

Over 50 percent of the 18,000 homicides in 1971 were committed with handguns. Virtually every robbery involving a firearm takes place with a handgun. The percentage of violent crimes in which handguns are used is increasing. For the period 1962–71, 73 percent of the weapons used in police murders were handguns. From the working papers of the National Commission on Reform of Federal criminal laws, Prof. Franklin Zimring explains why it is vital that we have a nationwide system from the control of firearms, particularly for hand-held firearms:

> In Massachusetts, where restrictive handgun licensing has been in effect for many

years, a study showed that 87 percent of the firearms confiscated as a result of use in crime came from other States, and similar studies by the task force on firearms of the Eisenhower commission show a similar pattern to be true in New York City, with restrictive handgun licensing, and Detroit, Mich., with a permissive handgun licensing system and a geographic vulnerability to the inflow of weapons from Toledo, Ohio.

Based on an exhaustive examination of patterns of firearms crime, the Brown commission recommended:

A ban on the production and possession of the trafficking in handguns.

A majority of the members of that Commission know that State control of hand-held firearms is ineffective because of different policies and leakage between the States. Only a comprehensive and uniform system of controls of hand-held firearms will aid in suppressing the crimes of violence caused by these weapons.

My bill seeks to accomplish that goal, and I look forward to the support of the executive agencies in establishing procedures to implement these provisions.

NATIONAL FIREARMS POLICY

Firearms legislation is in demand because the Nation needs direction as well as legal authority for suppressing the lawlessness aggravated by the presence of so many guns. I intend to gain, for the American people, effective firearms legislation. At the same time, I believe that a sane firearms policy should be adopted for the safety of our citizens. Beyond Federal legislation, the Eisenhower commission in 1969, recommended the development of a two step national firearms policy through:

1. Public education campaigns. With cooperation from the National Rifle Association and other firearms organizations the public can be properly made aware of the role of firearms in American life. Perhaps, by stressing firearms safety and deemphasizing the glamour and power of firearms use—such campaigns will reduce the glitter of the firearms mystique in a fashion similar to our awakening about the hazards of cigarette smoking.

2. Research on the relationship of firearms and violence. Not only are firearms involved in deliberate acts of mayhem but their mere existence contributes to accidents and needless destruction—nearly half of the Nation's 20,000 annual suicides are accomplished with a gun. We need research that will aid in developing non-lethal weapons and in designing firearms control systems. For a Nation that treasures life and the joy of living we in America are paradoxically overwhelmed with the tools of destruction. If it is not immediately feasible to eliminate firearms from the American scene, there ought to be a high national priority to apply some reasonable restrictions on the use of the vast arsenals at our disposal.

An effective national firearms policy will contribute to the overdue need for a curb in firearms violence. Guns are made for one purpose only—to put a bullet through something. Reasonable men can agree that no man deserves to hold the power of ending another's life because of the indiscriminate use of such a lethal contrivance. Up to this point, this Nation has not agreed on how to control that power. Yet, we have allowed and indeed, encouraged, a burgeoning explosion of these weapons of destruction. I hope to join with all Americans who treasure the sancitity of life, in seeking to bring a halt to the violence and carnage that we inflict upon each other, and bring an end to the violence and the killing guns cause.

In a nation that has over 90 million firearms accessible to its people, the issue of gun controls and responsible use of guns is an extremely critical one. To speak of reasonable or legitimate firearms use in some instances can draw startlingly disparate reactions. At one extreme are those who urge extended arming of our civilian population to "keep America strong;" at the other extreme are those who would place the confiscation of all firearms as our No. 1 national priority. The latter, however, has often been described as folly because it is not a feasible way to approach the problem. Yet, some take the view that strict bans on the production and distribution of ammunition would solve the gun problem in quick order. No bullets—no shooting. Perhaps, that is where we should be headed.

I do not know that this is a feasible or practical alternative but, I do believe that a majority of the American people want to see an end to gun crime and such a bold approach may be what is needed to meet the crisis of firearms abuse in this country. America looks to the Congress for the lead in matters of national survival. Complex issues such as this one deserve considerable deliberation and extensive study. Fortunately this is one area that has already received plenty of both. The proper move for us is to act to bring sense and reason to solve the problems.

I have personally been involved with every attempt made by the Senate in the past 10 years, to adopt new gun laws. But the Senate has been called upon in that period to strengthen our gun laws only when the Nation was shocked by acts of violence directed against public figures. Curiously, after each of those espisodes, critics of strong controls insisted that we should not allow public emotion and hysteria to influence the enactment of firearms laws. Their complaints implied that more effective controls might be enacted in the absence of any violent occurrence.

Yet, guns kill 22,000 Americans each year. At that rate no period in our current life is free from gun violence because 60 people are gunned down each day. I implore the 93d Congress to ignore the mindless pleas of the gun lobby. Instead, we must act to stem the rising increase in blood letting caused by 200 million guns in the hands of American civilians.

I believe that by reforming the role of firearms in our society, enactment and enforcement of adequate gun controls can be achieved. I intend to work vigorously toward that goal.

Mr. President, I ask unanimous consent that an editorial from the Boston Globe entitled "The Battle for Gun Control," together with the text of the bill be printed at this point in my remarks.

There being no objection, the editorial and bill were ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Feb. 17, 1973]

THE BATTLE FOR GUN CONTROL

The sensibilities of the gun lobby can best be illustrated by what was described as "typical" testimony before the state's legislative Committee on Public Safety Thursday. "Guns," insisted the man from Adams, Mass., "are not any more dangerous than golf or football."

He is one man we would not like to play golf or football with, that is for sure. And the persistence of gun enthusiasts in ignoring the fact that guns are used for killing, wounding and robbing human beings boggles the mind.

The Los Angeles Times recently published statistics for 1971 showing that guns are widely used in this country and not just for sport. Here is their listing:

Murders committed with guns, 11,300.
Deaths from gun accidents, 2,400.
Policemen killed by gunfire on duty, 120.
Suicides by gunfire, 10,000.
Accidentally wounded, 20,000.
Aggravated assaults involving guns, 92,000.
Persons robbed at gunpoint, 160,000.

In Boston alone guns were used in 480 cases of aggravated assault and in 49 murders last year. And only recently the daughter of a judge was held up at gunpoint in Cambridge by boys she judged to be 13 and 14 years old. To date the Boston School Department has no record of an incident involving a gun on school premises, but cities like New York, Kansas City and Atlanta have reported some 15 such incidents each during the current school year.

Clearly gun control could best be effective on a nationwide basis, but last year licensing legislation was defeated 84 to 7 in the Senate, and another bill to outlaw small handguns died in the House Judiciary Committee. Meanwhile the accidents, the holdups and the shootings continue.

Massachusetts has had strict licensing requirements since 1968. As a result it is known that more than one-third of the 300,000 registered weapons here are handguns, requiring a police permit issued every two years. Sen. Jack Backman (D-Brookline) is among those who believe this is not enough and he has resubmitted a bill that would prohibit the sale or possession of handguns in this state, except in the case of the armed forces, law enforcement officials and persons specially authorized by the commissioner of public safety.

In line with this. The Globe has decided as of Feb. 6 it will not accept any handgun advertising in its pages. This includes an all-type advertisement as well as any illustration or reference to handguns.

Without Federal support, the Backman bill cannot be perfect. But at least it would reduce the availability of guns in stores and in private homes within Massachusetts. And it would tighten the sanctions against those who possess them illegally. As for those who argue that guns are for sports, they should remember that the "track pistol" reportedly found on a student during the troubles at Hyde Park High two years ago, looked just as lethal as a .22 to the teacher who found it.

The threats and the killings must be reduced, if they cannot be stopped. And those who insist on the right to bear arms should acknowledge that, in a modern urban society the courts are a better defense than a gun battle in which they may easily be the victim.

S. 982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Personal Safety Firearms Act of 1973."

TITLE I—REGISTRATION

SEC. 101. Title 18, United States Code, is amended by inserting after chapter 44 the following new chapter:

"Chapter 44A.—FIREARM LICENSING

"Sec.
"931. Definitions.
"932. Registration.
"933. Sales of firearms and ammunition.
"934. Penalties.
"935. Disposition of firearms to Secretary.
"936. Rules and regulations; periods of amnesty.
"937. Disclosure of information.
"938. Assistance to Secretary.

"§ 931. Definitions

"As used in this chapter—

"(1) The term 'firearm' means a weapon (including a hand-held firearm and a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, but shall not include a firearm as that term is defined in chapter 53 of the Internal Revenue Code of 1954 or an antique firearm as defined in section 921 of this title.

"(2) The term 'hand held firearm' means any weapon designed or redesigned to be fired while held in one hand; having a barrel less than ten inches in length and designed or redesigned or made or remade to use the energy of an explosive to expel a projectile or projectiles through smooth or rifled bore.

"(3) The term 'Secretary' means the Secretary of the Treasury.

"(4) The term 'licensed dealer' means any importer, manufacturer, or dealer licensed under the provisions of chapter 4 of this title.

"(5) The term 'ammunition' means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

"(6) The term 'sell' means give, bequeath or otherwise transfer ownership.

"(7) The term 'possess' means asserting ownership or having custody and control not subject to termination by another or after a fixed period of time.

"§ 932. Registration

"(a) It is unlawful for a person knowingly to possess a firearm not registered in accordance with the provisions of this section. This subsection shall not apply with respect to—

"(1) a firearm, previously not registered, if such a firearm is held by a certified dealer for purposes of sale: *Provided*, That records of such firearms are kept as may be required by the Secretary;

"(2) a firearm possessed by a person on the effective date of this Act and continuously by such person thereafter for a period not to exceed one hundred and eighty days;

"(3) a firearm, previously not registered, possessed by (A) the United States or any department or agency thereof, or (B) any State or political subdivision thereof.

"(b) (1) A certified dealer who sells a firearm to a person in whose possession the firearm must be registered shall require from the purchaser a completed application for registering the firearm and shall file the application with the Secretary at the time of sale.

"(2) When a person other than a certified dealer sells a firearm, the purchaser shall file an application for its registration with the Secretary prior to receipt of the firearm.

"(3) A person who possesses a firearm on the effective date of this Act shall, unless he sooner sells the firearm, file an application for registration of the firearm with the Secretary within one hundred and eighty days.

"(c) An application for registration of a firearm shall be in a form to be prescribed by the Secretary, which shall include at least the following:

"(1) the name, address, date and place of birth, photograph and social security or taxpayer identification number of the applicant;

"(2) the name of the manufacturer, the caliber or gage, the model and the type, and the serial number of the firearm; and

(3) the date, the place, and the name and address of the person from whom the firearm was obtained, the number of such person's certificate of registration of such firearm, if any, and, if such person is a licensed dealer, his license number.

"(d) An application for registration of a firearm shall be in duplicate. The original application shall be signed by the applicant and filed with the Secretary, either in person or by certified mail, return receipt requested, in such place as the Secretary by regulation may provide. The duplicate shall be retained by the applicant as temporary evidence of registration. The Secretary after receipt of a duly filed completed application for registration, shall send to the applicant a numbered registration certificate identifiying such person as the registered owner of such firearm.

"(e) The certified record of a firearm shall expire upon any change of the name of the registered owner or residence unless the Sectary is notified within thirty days of such change.

"(f) It is unlawful for a person to carry a firearm required to be registered by this chapter without having a registration certificate or if such certificate has not been received, temporary evidence of registration or to refuse to exhibit such certificate or temporary evidence upon demand of a law enforcement officer.

"§ 933. Sales of firearms and ammunition

"(a) A registrant of a firearm who sells the firearm shall, within five days of the sale, return to the Secretary his registration certificate noting on it the name and residence address of the transferee, and the date of delivery.

"(b) Whoever acquires a firearm required to be registered by this chapter shall require the seller to exhibit a registration certificate and shall note the number of the certificate on his application for registration.

"(c) A licensed dealer shall not take or receive a firearm by way of pledge or pawn without also taking and retaining during the term of such pledge or pawn the registration certificate.

"If such pledge or pawn is not redeemed the dealer shall return the registration certificate to the Secretary and record the firearm in his own name.

"(d) The executor or administrator of an estate containing a registered firearm shall promptly notify the Secretary of the death of the registered owner and shall, at the time of any transfer of the firearm, return the certificate of registration to the Secretary as provided in subsection (a) of this section. The executor or administrator of an estate containing an unrecorded firearm shall promptly record the firearm, without penalty for any prior failure to record it.

"(e) Whoever possesses a firearm shall within ten days notify the Secretary of a loss, theft or destruction of the firearm, and, after such notice, of any recovery.

"(f) A licensed dealer shall not sell ammunition to a person for use in a firearm required to be registered without requiring the purchaser to exhibit a certificate of registration or temporary evidence of registration of a firearm which uses such ammunition, and noting the certificate number or date of the temporary evidence of registration on the records required to be maintained by the dealer pursuant to section 923(G) of this article.

"§ 934. Penalties

"(a) Whoever violates a provision of section 932 or section 933 shall be punished by imprisonment not to exceed five years, or by a fine not to exceed $5,000, or both.

"(b) Whoever knowingly falsifies any information required to be filed with the Secretary pursuant to this chapter, or forges or alters any certificate of registration or temporary evidence of registration, shall be punished by imprisonment not to exceed five years or a fine not to exceed $10,000 or both.

"(c) Except as provided in subsection (b), no information or evidence obtained from an application or certificate of registration required to be submitted or retained by a natural person in order to comply with any provision of this chapter or regulations issued by the Secretary, shall be used as evidence against that person in a criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application for registration containing the information or evidence.

"§ 935. Disposition of firearms to Secretary

"(a) The Secretary is authorized to pay reasonable value for firearms voluntarily relinquished to him.

"(b) A person who lawfully possessed a firearm prior to the operative effect of any provision of this title, and who becomes ineligible to possess such firearm by virtue of such provision, shall receive reasonable compensation for the firearm upon its surrender to the Secretary.

"§ 936. Rules and regulations; period of amnesty

"The Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter, including reasonable requirements for the marking of firearms that do not have serial numbers, and may declare periods of amnesty for the registration of firearms.

"§ 937. Disclosure of information

"Information contained on any certificate of registration or application therefore shall not be disclosed except to the National Crime Information Center established by the Federal Bureau of Investigation, and to law enforcement officers requiring such information in pursuit of their official duties.

"§ 938. Assistance to the Secretary

"When requested by the Secretary, Federal departments and agencies shall assist the Secretary in the administration of this title."

TITLE II—LICENSING

SEC. 201. Chapter 44 of title 18, United States Code is amended by inserting after section 923, the following new section:

"§ 923A. State permit systems; Federal firearms licensing

"(a) The Secretary shall determine which States or political subdivisions of States have enacted or adopted adequate permit systems for the possession of firearms and shall publish in the Federal Register the names of such States and political subdivisions.

"(b) An adequate permit system shall include provisions for:

"(1) identification of the permit holder appearing on the permit including name, address, age, signature and photograph;

"(2) restrictions on issuance of a permit to a person who is under indictment or who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, or who is a fugitive from justice;

"(3) restrictions on issuance of a permit to a person who, by reason of age, mental condition, alcoholism, drug addiction or previous violations of firearms laws cannot be relied upon to possess or use firearms safely and responsibly;

"(4) means of investigation of applicants for permits to determine their eligibility under subparagraphs (2) and (3), including filing with the issuing agency a complete set of fingerprints and a recent photograph of the applicant; and

"(5) prohibition of possessions of firearms or ammunition by any person who has not been issued such a permit.

"(c) It shall be unlawful for any person to sell or otherwise transfer any firearm or ammunition to any person (other than a licensed importer, licensed manufacturer or licensed dealer) unless:

"(1) the sale or transfer is not prohibited by any other provision of this chapter; and

"(2) the purchaser or transferee exhibits a valid permit issued to him by a State or political subdivision having an adequate permit system, or the purchaser or transferee exhibits a valid Federal gun license issued in accordance with subsections (d) and (e).

"(d) A licensed dealer shall issue a Federal gun license to a person upon presentation of:

"(1) a valid official document issued by the person's State or political subdivision, showing his name, current address, age, signature and photograph;

"(2) a statement, in a form to be prescribed by the Secretary and dated within six months and signed by the chief law enforcement officer (or his delegate) of the locality of residence of the person, that to the best of that officer's knowledge that person is not under indictment, has not been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, is not a fugitive from justice, and is not otherwise prohibited by any provision of Federal, States, or local law from possessing firearms and ammunition;

"(3) a statement in a form to be prescribed by the Secretary, dated within six months and signed by a licensed physician, that in his professional opinion such person is mentally and physically capable of possessing and using a firearm safely and responsibly;

"(4) a statement signed by the person in a form to be prescribed by the Secretary, that he may lawfully possess firearms and ammunitions under the laws of the United States and of the State and political subdivision of his residence;

"(5) a complete set of such person's fingerprints certified to by a Federal, State or local law enforcement officer, and a photograph reasonably identifying the person.

"(e) Federal gun licenses shall be issued in such form as the Secretary may prescribe, and shall be valid for a period not to exceed three years. A dealer shall maintain a record of all licenses issued by him as part of the records required to be maintained by section 923(b) of this chapter, and shall forward to the Secretary the documents described in subparagraphs (d)(2)–(d)(5).

"(f) Any person denied a Federal gun license under subsection (d) may apply directly to the Secretary, for the issuance of a Federal gun license.

"(g) Unless otherwise prohibited by this chapter, a licensed dealer may ship a firearm or ammunition to a person only if the dealer confirms that the purchaser has been issued a valid permit pursuant to an adequate state permit system, a Federal gun license, or a Federal dealer's license, and notes the number of such permit or license in the records required to be kept by section 923 of this chapter.

"(h) No person may possess a firearm or ammunition without a valid state or local permit, if he is resident of a State or locality having an adequate permit system, or a Federal gun license.

"(i) Determinations of adequate permit systems and denials by the Secretary of Federal gun licenses shall not be subject to the provisions of chapter 5, title 5, United States Code, but actions of the Secretary shall be reviewable de novo pursuant to chapter 7, title 5, United States Code, in an action instituted by any person, State or political subdivision adversely affected."

Sec. 202. The analysis of chapter 44 of title 18, United States Code is amended by inserting immediately after the following:

"923. Licensing."

"923A. State permit systems; Federal firearms licenses."

TITLE III—HAND HELD FIREARMS

Section 922 of title 18, United States Code is amended by adding at the end thereof the following subsection:

"(n)(1) It shall be unlawful for any person to import, manufacture, sell, buy, transfer, receive, or transport any hand held firearm which the Secretary determines to be unsuitable for such lawful purposes as law enforcement, military and protective uses, hunting and sport shooting, based upon standards established by him.

"(2) The Secretary may, consistent with public safety and necessity, exempt from the operation of subsection (1) of this section such importation, manufacture, sale, purchase, transfer, receipt, or transportation of firearms by importers, manufacturers, or dealers, licensed under this chapter.

"Such exemptions may take into consideration not only the needs of police officers and security guards, sportsmen, target shooters, and firearms collectors but also, small businesses in high crime areas and others who can demonstrate a special need for self-protection.

"(3) The term 'hand held firearm' means any weapon designed or redesigned and intended to be fired while held in one hand; having a barrel less than ten inches in length and designed, redesigned or made or remade to use the energy of an explosive to expel a projectile or projectiles through a smooth or rifled bore."

TITLE IV—GENERAL PROVISIONS

Sec. 401. Separability.—If the provisions of any part of this Act or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

Sec. 402. Effect on State Law.—No provision of this Act shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provisions operate to the exclusion of the law of a State or possession or political subdivision thereof, on the same subject matter, or to relieve any person of any obligation imposed by any law of any State, possession, or political subdivision thereof.

Sec. 403. Effective Date.—The provisions of this Act shall become effective ninety days after the date of its enactment.

Mr. JAVITS. Mr. President, as in the past, I am pleased to join with the distinguished Senator from Massachusetts (Mr. Kennedy) in introducing the Personal Safety Firearms Act.

As we reintroduce this critically important legislation, we are reminded once more of the criminal violence which continues to plague the neighborhoods and suburban areas of America.

We are reminded of the suffering and distress that flows from assault and the fear of assault.

Through the media and through the widening circle of relatives and friends who have suffered the terror of crime, muggings, holdups and worse, of the pointed gun or the irrevocable violence of the pulled trigger, who has not experienced—at least vicariously—this shattering reality?

The causes of crime and violence in our society are rooted in complex and stubborn forces which will not yield easily, but comprehensive reform of our criminal justice system is one key element in rooting out these causes.

Mr. President, there are no simple solutions to the crime problem. But there are solutions—even though they may not be complete. There are actions we can take to provide better protection for our shopkeepers, our cabdrivers, our employees, our police officers and our people on the streets and in their homes.

Protecting the lives, the property and the rights of its citizens is the first purpose of government. The level and quality of public safety afforded by our governments is not now adequate to our needs. It must be made so.

One action we must now undertake is to control the deadly interstate traffic in firearms which in 1971 were responsible for the murder of over 10,000 Americans.

The police officer walking the streets of urban America is the prime target for the armed offender. From 1961 through 1970, 633 policemen were killed in the United States—most of them with handguns. In 1971, 126 policemen were murdered in the line of duty. In 1972, the total decreased slightly to 112, but 108 were killed with firearms. The unprovoked and terrifying attacks by "ambush" on the police of New York City have shocked the Nation.

The bill we introduce today—the Personal Safety Firearms Act—would if enacted severely restrict the availability of handguns, the weapon used in 52 percent of all murders. It would substantially reduce the personal dangers and fatalities caused by the criminal behavior of whose who lawlessly misuse firearms by requiring:

First, the registration of every civilian owned gun in the United States;

Second, the licensing of all persons who own guns, and

Third, a ban on the domestic output of hand-held firearms that are not suitable for sporting or protective purposes.

Registration will provide an improved system for law enforcement agencies to trace and apprehend those who commit crimes with firearms. It will tell us where the guns are and in whose hands they are held. All privately owned firearms will be identified by their physical characteristics and by the name of the person applying for such registration. The National Crime Information Center of the FBI will maintain these registration documents to enable law enforcement officers throughout the country to trace ownership of any firearm.

Under the bill, a violation of this provision is punishable by imprisonment for up to 5 years, a fine of up to $5,000, or both. The Secretary has authority to declare periods during which previously unregistered weapons may be registered without penalty. Any intentional falsification of registration information is punishable by imprisonment for up to 5 years, or a fine of $10,000 or both.

The licensing provision would require all gun owners to possess an adequate State permit or a Federal gun license. If a State fails to adopt a firearms permit system that meets minimum standards specified in the bill, Federal licensing applies until the State adopts an adequate permit ssytem. No person—whether a licensed dealer or a private individual may sell firearms or ammunition to an individual who does not have either an adequate State permit or a Federal gun license.

In addition, no one may possess a firearm or ammunition unless he has either an adequate State permit or a Federal gun license. To qualify as having an adequate permit system, a State must restrict the issuance of permits applied for by convicted felons, fugitives from justice, mental defectives, alcoholics, juveniles, and drug addicts, and must adequately investigate applicants prior to the issuance of permits.

In States that do not enact adequate permit systems, Federal gun licenses, valid for up to 3 years, will be issued by federally licensed dealers upon receipt—from both the chief law enforcement officer of an applicant's locality and a licensed physician—of information bearing upon his eligibility for a Federal gun license.

The sale or possession of firearms or ammunition in violation of the licensing and permit provisions of the bill carries a maximum sentence of imprisonment for 5 years and a fine of $5,000

The third purpose of the bill is to ban the domestic output of cheap hand-held firearms. The handgun's role in crime is disproportionate to its number in comparison with long guns, in the commission of homicide, aggravated assault, and armed robbery. Over 50 percent of the 15,000 homicides in 1969 were committed with handguns. Virtually every robbery involving a firearm takes place with a handgun. The percentage of violent crimes in which handguns are used is increasing. During 1969, handguns were used in 81 percent of the murders of police officers killed by criminal assaults. For the period 1960–69, 78 percent of the weapons used in police murders were handguns.

State control of hand-held firearms has been ineffective because of different policies and leakage between the States. Only a comprehensive and uniform system of controls of hand-held firearms will aid in suppressing the crimes of violence caused by these weapons.

Mr. President, our fellow citizens are alarmed by the rise of violent crime in the United States, and with good reason. Personal injury and death occur more often in our country than in any other industrial nation in the world. Firearms are the primary instrument of injury and death in American crime.

The current annual toll of 20,000 gun deaths—10,000 murders, 7,000 suicides, and 3,000 accidents—is a national scandal that demands congressional action. A nationwide system of firearms licensing and registration can effectively assist Federal and State governments in their efforts to reduce that toll.

Law enforcement agencies support strong gun control legislation as the single most important way to control violent crimes. In 1967, the late J. Edgar Hoover, Director of the FBI, in testimony before the House Appropriations Committee, supported the need for legislation, requiring the registration and licensing of civilian firearms. Police Commissioner Patrick J. Murphy of New York City and others support these proposals while being increasingly apprehensive about the safety of our uniformed policemen.

As fear of crime increases, handgun sales increases; as the number of loaded guns increases, the use of firearms in crime increases; as gun use increases, the death rate from violent crime increases; when this happens, citizen fear of crime increases still more.

The self-defense aspect of this "vicious circle" deserves further attention. Even though the great majority of handguns are kept for household self-defense, it is absolutely clear that the handgun in the home is more likely to kill innocent people than to save their lives. In Detroit more people died in 1 year from handgun accidents alone than were killed by home-invading robbers or burglars in 4½ years.

The opponents of gun control maintain that we cannot limit the supply of guns enough to reduce the incidence of violent crime. It is said that criminals will still be able to obtain handguns through illicit channels. We all are aware that the problem of criminal misuse of firearms would not be solved by passing this bill or any other gun control legislation. But the enactment of this bill will very definitely reduce the availability of firearms, and consequently reduce the amount of criminal firearms violence.

We have sought to cope with conflicting interests. We have sought to find a way to deal with the illegitimate uses of guns, without at the same time placing undue restrictions on legitimate uses.

Mr. President, action is long overdue. We must act to protect the lives of citizens and police officers who everyday confront a tide of fear and very real danger—brought about by so many who use these illegal weapons.

Our proposal would help to provide that protection without interfering with the rights of law-abiding gun owners. I believe that they will accept the minor inconveniences of handgun licensing and registration in order to improve the control over the spread of criminal violence in America.

I believe that they will agree with the commonsense conclusion that guns must be treated in the same manner as automobiles—that is, that they be registered and their owners hold licenses. If we require licensing and registering of automobiles—whose purpose is not to kill but to transport—how much more reasonable it is to have the same measure of control over guns, whose sole function is to kill or to maim.

It is time to respond to the call of reason for more effective gun control.

We ought to make this contribution. It has been said before, and I say it again, that, at the very least, we should do this out of deference to the tremendous concern, so eminently justified by fact, and on a note of deference to our own misfortune here and the dreadful tragedy affecting Senator Stennis who is happily getting better, although he is still at the door of death and in a situation which might conceivably at least have been inhibited or prevented by appropriate gun control legislation.

By Mr. BAYH (for himself, Mr. Bible, Mr. Cook, Mr. Cranston, Mr. Eagleton, Mr. Hart, Mr. Humphrey, Mr. Kennedy, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Pastore, Mr. Ribicoff, Mr. Stevenson, Mr. Tower, Mr. Fong, Mr. Brock, Mr. Bentsen, Mr. Church, and Mr. Tunney):

S. 983. A bill to amend the Controlled Substances Act to move certain barbiturates from schedule III of such act to schedule II; and

S. 984. A bill to amend the Controlled Substances Act to require identification by manufacturer of each schedule II dosage unit produced. Referred to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. Bible, Mr. Eagleton, Mr. Hart, Mr. Humphrey, Mr. Kennedy, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Pastore, Mr. Stevenson, Mr. Tower, Mr. Fong, Mr. Brock, Mr. Bentsen, Mr. Church, Mr. Tunney, and Mr. Ribicoff):

S. 985. A bill to amend the Controlled Substances Act to establish effective controls against diversion of particular controlled substances and to assist law enforcement agencies in the investigation of the diversion of controlled substances into other than legitimate medical, scientific, and industrial channels, by requiring manufacturers to incorporate inert, innocuous tracer elements in all schedule II and III depressant and stimulant substances, and for other purposes. Referred to the Committee on the Judiciary.

THREE MEASURES TO CONTROL BARBITURATE DIVERSION AND ABUSE

Mr. BAYH. Mr. President, today I am reintroducing three measures designed to facilitate law enforcement agencies in their efforts to investigate and to curb the diversion of dangerous drugs, from legtitimate channels of distribution to illicit markets.

During my 9 years as chairman of the Subcommittee to Investigate Juvenile Delinquency, I have conducted an intensive investigation into the diversion and abuse of legitimately produced narcotic and nonnarcotic dangerous drugs.

Not drugs illicitly grown in Turkey and refined in France. Not drugs grown and refined in Asia's Golden Triangle. But dangerous drugs produced legitimately within our own borders.

Additional efforts are necessary to deal with the problems of international drug traffic. But even if the war on heroin should result in total victory, the epidemic of drug abuse which plagues American society would not be vanquished; for the source of supply for growing legions of addicts is a domestic one.

We are experiencing a pandemic of psychotropic drug abuse among young and old alike. Conservative estimates indicate that at least 14 million Americans have abused methamphetamines, amphetamines, barbiturates, and other prescription drugs.

Much of this drug abuse begins with the overproduction and diversion of legitimately produced drugs to illicit markets. Quite often the feared and despised "pusher" is a family's own medicine cabinet. Casual attitudes toward these potentially destructive drugs, coupled with a readily available supply are intimately linked with the current abuse of these drugs.

In the summer of 1971 and again in the winter of 1972, the Juvenile Delinquency Subcommittee held hearings on amphetamine traffic, abuse, and regulation. Subcommittee volumes, "Amphetamine Legislation 1971," and "Diet Pill—Amphetamines—Traffic, Abuse, and Regulation." Concern regarding stricter controls on the production and distribution of amphetamines was not new in the Senate. In October 1970, this body passed an amendment to the Controlled Substances Act which placed amphetamines under schedule II which required production quotas be established to meet only current medical, scientific, research, and industrial needs. However, following intensive lobbying by representatives of the drug industry and bolstered by White House opposition to controls on the production of amphetamines, the Senate passed amendment was deleted in the conference.

In 1972, after a 3-year struggle, the proponents of stricter controls on the production and distribution of amphetamines could claim a victory of sorts, at least for the many youngsters and others who because of the production cuts will perhaps not be exposed to an overabundance of "speed" in the family medicine chest, at school, or on the street.

The 1972 quota, more than adequate to meet legitimate medical, scientific, research, and industrial needs, limited production to 235 million units. This amounted to an 83-percent reduction from 1971 production levels. Industry had requested 1972 production quotas doubling 1971 production.

Some claim that further reduction is necessary, but in contrast to 4,619 million units of amphetamine and methamphetamine produced in 1969, it is clear that production has been drastically reduced.

What this means is that in 1969 production was probably in excess of legitimate needs by an incredible 4 billion units. Thus in the past few years, while some of us were urging the establishment of production quotas, more than 10 billion amphetamines were produced in excess of legitimate needs.

What happened to those billions of pills? Mr. President, I can tell you what happened to some of them. I have seen those whose minds and lives were destroyed by chronic dependence on these pills. I have seen the bodies of some who diluted these pills in liquids to be shot into their veins with tragic results—disease, mutilations, disabilities for a lifetime and even deaths.

These and many others were the victims of a policy that chose to put the burden—the risk of abuse—on the public rather than on the manufacturers of these dangerous drugs.

The number of individuals introduced to these dangerous substances and often to the long road of addiction, because of this gross overproduction is immeasurable, but it is clear that the impact on our society, particularly its youth, has been devastating, if not catastrophic.

The subcommittee has found that, as with the amphetamines, barbiturates are all too easily diverted from legitimate channels of distribution and abused in every strata of society. The subcommittee conducted a total of 7 days of hearings in December 1971, and May and June 1972. In order to obtain firsthand knowledge of the problems of barbiturate abuse and illicit diversion.

I visited a number of barbiturate treatment programs as well as several major barbiturate production plants. In order to obtain additional information on the extent of barbiturate abuse and diversion throughout the country, the subcommittee submitted detailed questionnaires to the attorneys general of every State and territory, to 148 police departments, to 197 district attorneys, and to 160 forensic toxicologists. A discussion of the nature and extent of barbiturate abuse and diversion as well as a detailed analysis of the responses to the national questionnaire can be found in the December 1972 subcommittee report, "Barbiturate Abuse in the United States."

The investigation and the hearings conducted by the subcommittee reveal barbiturate abuse to be both a substantail public health problem and an ever-increasing concern of law enforcement officials. We have found that current Federal controls on the production and distribution of shorter-acting barbiturates are not adequate to curb the diversion and abuse of these drugs which are highly dangerous when taken without proper medical supervision.

The tragic effects of barbiturate abuse are generally not known by the American public. The subcommittee found that many people distinguish "hard" drugs, such as heroin and cocaine, from nonnarcotic "soft" drugs which are produced for legitimate medical purposes. This unfortunate distinction has served to perpetuate the belief that "soft" drugs, such as barbiturates, involve little risk to the abuser. As the many subcommittee witnesses, particularly the former barbiturate abusers, made abundantly clear, nothing could be further from the truth.

The actual number of barbiturate abusers in this country is not known, although various estimates have been made. The National Commission on Marihuana and Drug Abuse reported that between 500,000 and 1 million Americans are barbiturate addicts. Surveys of secondary and college students from 1966 to 1971 found that 8 to 15 percent—2 to 4 million young people—have used barbiturates for nonmedical purposes.

Barbiturates have a long history of medical usefulness, but when used improperly are capable of producing psychological dependence, tolerance, and physical dependence. Misuse of barbiturates has led many individuals, both nondependent and dependent, to an overdose or death. Both heroin and barbiturates are strongly addictive. Barbiturate withdrawal is a serious medical emergency and requires hospitalization. It is more dangerous than heroin withdrawal and can be deadly.

Barbiturates are a favorite of polydrug users and are used by abusers of many other dangerous drugs. The particularly dangerous combination of alcohol and barbiturates is, unfortunately, a popular mode of abuse. Abusers of amphetamines—diet pills—often rely on barbiturates to deaden the effect of the stimulants. Too many of these abusers, young and old alike, find themselves in the vicious addictive cycle of the uppers and downers. Barbiturates are used by heroin addicts to modify the euphoria of heroin and as a substitute when heroin is not readily available.

Violent behavior may accompany barbiturate abuse. Unlike opiates, which frequently serve to contain aggressive urges, barbiturates paradoxically often permit the ventilation of aggressive feelings. The heavy abuser is confused, agitated, aggressive, and prone to hostile activities. While the actual number of crimes committed by individuals who abuse barbiturates is unknown, several recent surveys indicate that the number is substantial. One study found that secobarbital, a barbiturate covered by my bill, was overwhelmingly selected by delinquent youths as the drug most likely to enhance aggression.

Recently, NBC news aired a chilling television documentary entitled "Thou Shalt Not Kill." For nearly 35 minutes the viewer witnessed two inmates, incarcerated on death row in the Utah State Prison, excitedly describe the macabre details of their half dozen brutal murders. What may have escaped the typical viewer were the many references to the beer and pills taken by these men during their murderous binge. During a 3-day period they reportedly ingested pentobarbital capsules by the handful approximately every 3 hours. They were described as edgy, grimy, laughing, walking zombies, all consistent with chronic barbiturate intoxication.

Whether the criminal conduct associated with barbiturates is fostered by the drugs themselves or by the need to obtain these drugs, it is clear that increasing barbiturate abuse is intimately related to the growing numbers of violent and nonviolent crimes committed each year.

How do these legitimately manufactured drugs find their way to the illicit market and the abusers?

During the course of the subcommittee investigation of barbiturate abuse, a number of sources for illicit barbiturates were reported. Witnesses at subcommittee hearings, including former barbiturate addicts and law enforcement officials, testified that illicit barbiturates are obtained from friends, street dealers, and unethical physicians and pharmacists; by forged prescriptions; and by pilfering abundantly supplied family medicine cabinets. Thefts from drug manufacturers, wholesalers, pharmacies, and doctors' offices are also a significant source of supply. Additionally, a substantial percentage of barbiturate abusers obtain their drugs legitimately for a recognized medical need and then gradually resort to self-medication for nonmedical reasons or to illicit traffic.

Two factors relating to the availability of barbiturates are widely recognized. First, barbiturates are readily available in most communities in this country. As one 16-year-old boy remarked at subcommittee hearings in December 1971:

> It is less of a hassle to obtain downers (barbiturates) than it is to purchase cigarettes.

Second, although specific estimates differ, there is a consensus among drug abuse experts and law enforcement authorities that a significant proportion of legitimately produced barbiturates find their way into the illicit market.

All available evidence indicates that to date, most illegal barbiturate traffic has involved the diversion and illicit distribution of legitimately produced barbiturates, both in bulk and dosage unit forms. As John Ingersoll, Director of the U.S. Bureau of Narcotics and Dangerous Drugs, informed the subcommittee in May 1972:

> Unlike the case of all other major drugs of abuse, it appears that *barbiturates are supplied exclusively from what begins as legitimate production* [italic added.]

In fact, the Bureau has not found a single working clandestine barbiturate laboratory in the United States. This contrasts sharply with illicit amphetamine and hallucinogen traffic, which in recent years has been supplied at least in part from clandestine laboratories.

The first bill I am introducing today is the "Barbiturate Control Act." This measure would transfer four commonly abused shorter-acting barbiturates from schedule III to schedule II of the Controlled Substances Act of 1970. Under schedule II, these barbiturates would be subject to production quotas, stricter distribution controls, and more stringent import and export regulations. This measure received strong support during the 92d Congress when it was introduced as S. 3539. It was cosponsored by 27 Members of the Senate. Since that time the subcommittee has substantiated even more fully the need for rescheduling. The extent of barbiturate abuse, the high incidence of barbiturate diversion, and the clear potential for greater abuse have been documented in the subcommittee report and the many hundreds of pages of testimony recently published as "Barbiturate Abuse 1971–72."

The transfer of the shorter-acting barbiturates to schedule II will have a direct impact in reducing diversion by establishing production quotas, stricter, more secure distribution controls, and more stringent import and export regulations. The urgent need for applying schedule II controls to the shorter-acting barbiturates has been clearly established by the subcommittee investigation.

It is well documented that the overproduction of barbiturates leads to diversion from legitimate channels to the illicit barbiturate market. On behalf of the American Medical Association, Dr. Henry Brill, testifying before the subcommittee in December 1971, reiterated a 1965 statement of the AMA Committee on Alcoholism and Addiction which concluded that—

> Current production of all sedative drugs doubtless exceeds legitimate medical need by a considerable margin.

Moving these barbiturates to schedule II would require the Attorney General to establish production quotas based on legitimate medical, scientific, research, and industrial needs.

Many witnesses have described how easy it is to obtain barbiturates through forged prescriptions, legitimate prescriptions from careless doctors, and numerous refills of old prescriptions. The transfer of the popular, shorter acting barbiturates to schedule II would tighten prescription practices and thereby reduce the chances for careless overprescription without affecting the legitimate use of these drugs when prescribed under careful medical supervision. Rescheduling would also require approved order forms for all transfers of these drugs, separate and segregated recordkeeping, and more detailed reports on production and inventory. These measures would permit more effective monitoring of barbiturate distribution and detection of diversion.

In addition, schedule II would subject the shorter acting barbiturates to more rigid security requirements throughout the legitimate chain of distribution which would reduce the chance for employee pilferage and thefts by burglary. More rigorous import and export controls would also be imposed. Specifically, schedule II requires documentation by the exporter that the drugs will be used for legitimate, necessary medical purposes, and that the drugs will not be reexported from the destination country. Under schedule II, imports are limited to situations where there is a domestic shortage or where domestic competition is inadequate. Current schedule III control permits importation of barbiturates for "legitimate purposes." Thus, rescheduling would appreciably reduce that legal flow of barbiturates across our borders and provide substantially fewer opportunities for illicit diversion.

The second bill I am introducing today is the Dangerous Drug Identification Act. This measure would require all manufacturers of solid oral form barbiturates to place identifying marks or symbols on their products. This measure received strong support during the 92d Congress when it was introduced as S. 3538. Currently many of these legitimately produced tablets and capsules are unmarked. The presence of such identification would facilitate law enforcement efforts to determine the original source of the drugs they seize. Additionally, by requiring identification, an exact accounting could be made of the percent of seized capsules and tablets which are of legitimate pharmaceutical origin.

The third bill I am introducing today is the Dangerous Drug Tracer and Law Enforcement Information Act. This measure will further assist law enforcement agencies in their investigations of the diversion of controlled substances. This measure also provides for the Attorney General to conduct a comprehensive study and analysis of the diversion of controlled substances. This measure was introduced in the 92d Congress as S. 3819.

My bill would require manufacturers to incorporate an inert tracer ingredient in all schedule II and schedule III stimulants and depressants, including the widely abused amphetamines and barbiturates. The presence of these tracers will assist law enforcement agencies in the identification of diverted controlled substances, whether seized in bulk form or in the form of illicitly manufactured or illicitly capsulized pills.

Such a tracer system has been recommended by numerous witnesses who have appeared before the subcommittee. Mr. Joseph P. Busch, district attorney of Los Angeles County, recommended that tracer materials be placed in all domestically produced barbiturate substances. Mr. Busch illustrated the usefulness of tracers in a recent heroin investigation, in which his office placed a tracer in chemicals being shipped to a Mexican laboratory believed to be producing heroin. When the tracer appeared in heroin sold in California, Mr. Busch was able to verify the origin of the heroin.

Tracers in stimulant and depressant substances would provide similar assistance in source identification. Considerable evidence supports the hypothesis that legitimately produced domestic drugs, in bulk and dosage unit form, are shipped to Mexico and eventually imported to illicit markets in this country. The Bureau of Narcotics and Dangerous Drugs and the Customs Bureau have seized 7,600,000 unmarked red secobarbital units since July 1970. In one case, an individual was arrested in possession of 2 million unmarked red secobarbital units and large quantities of amphetamines. The presence of a tracer would assist law enforcement officers in identifying the source of these drugs, even if the substances have been repackaged or recapsulized for illegal trade. Tracers would in no way impair the quality or the therapeutic value of these drugs.

Although "California reds"—also known as "Mexican reds"—have been found in Denver, New Orleans, and New York City, it is important to emphasize that this is a special situation superimposed on a broader barbiturate abuse pattern affecting the entire Nation. The barbiturates seized in nearly all communities are legitimately produced domestic barbiturates in dosage unit form.

My bill requires the Attorney General after consultation with the Secretary of Health, Education, and Welfare and others knowledgeable in the manufacture, distribution, and monitoring of controlled substances, to determine appropriate methods for incorporating tracer ingredients in depressants and stimulants. The Attorney General is required to conduct research and educational programs to implement the tracer program; to develop rapid field and laboratory identification techniques; to train local, State, and Federal law enforcement personnel regarding the identification of tracer elements and investigation of diversion; and to establish standards to evaluate diversion and tracer control of other controlled substances.

There is an urgent need for a comprehensive information system for use in detecting and preventing drug diversion and in measuring the impact of enforcement and regulatory efforts. The Comptroller General in the April 17, 1972, report of the General Accounting Office entitled "Efforts To Prevent Dangerous Drugs From Illicitly Reaching the Public," made the following conclusions relative to reporting and identification of seized drugs by law enforcement agencies:

> **Drugs Seized by State and Local Enforcement Groups Not Examined**
>
> BNDD, the Bureau of Customs, and State and local enforcement agencies seize large quantities of drugs. BNDD strives to identify the manufacturer of drugs seized by its agents and the Bureau of Customs, since the manufacturers' identity can be valuable in BNDD's investigation to determine the source and significance of the diversion. We found however that, although it had made some efforts to identify manufacturers of drugs seized by State and local enforcement agencies, BNDD had no formal procedures for obtaining such information and that informal requests for samples of seized drugs had produced few results.
>
> Manufacturers of legally produced amphetamines and barbiturates can be identified by marking, such as trade names and trademarks, or by pillistics. Pillistics, a procedure similar to ballistics, identifies pills with the machines which produced them. BNDD has obtained samples (authentics) of pills from manufacturers which have been identified to specific machines. When the origin of seized pills is unknown, the pills can be compared with the authentics in an attempt to identify the manufacturers that produced them.
>
> BNDD officials expressed the view that more complete information on the origin of drugs seized by State and local groups would be a valuable aid in their investigation. The value of this information is illustrated in a case involving amphetamine pills seized in California. Through its examination BNDD identified pills smuggled in from Mexico as being manufactured by a drug firm in the Midwest. Subsequent investigations at this firm revealed that large quantities of amphetamines were en route to a fictitious address in Mexico. This shipment was seized.
>
> In our visit to 13 State and local enforcement groups in California, New Jersey, and New York, we learned that a number of large seizures had been made in the past year but that little attempt had been made to determine the origin of the drugs. Most officials were not aware of BNDD's efforts to identify manufacturers but were willing to cooperate with BNDD in establishing such a system.
>
> In one large metropolitan police department, we found that over 1,358,000 pills were seized during 1970. Three of the seizures consisted of about 270,000, 95,000, and 68,000 pills and accounted for over 30 percent of the total seized. No attempt has been made by the police department to determine the origin of these drugs nor had BNDD obtained samples for this purpose.
>
> In other enforcement agencies, we found also that no attempt had been made to determine the origin of many drug seizures ranging from 5,000 to over 100,000 pills. In addition, we found that none of the enforcement agencies had uniform procedures for recording statistics on drug seizures and in several cases, no data was maintained.
>
> We believe that BNDD should establish a procedure to obtain information on drugs seized by State and local enforcement groups. BNDD also should obtain samples of large drug seizures for its examination when the origin of the drugs is unknown. In addition, a uniform reporting format should be suggested to State and local enforcement groups so that data could be gathered systematically and uniformly and could be reported to BNDD.

The GAO report concludes that:

> Much more needs to be done by the Bureau of Narcotics and Dangerous Drugs, the States, local agencies, and the industry to reduce the diversion of legitimately manufactured drugs to illicit channels where they become easily available into young people and adults.

My bill provides for the systematic collection of data relevant to drug diversion and requires a thorough assessment of law enforcement efforts in this area. It requires the Attorney General to obtain comprehensive data from State and local agencies; to assess law enforcement efforts to control diversion; and to insure that State and local information systems are compatible with the Attorney General's diversion program.

Manufacturers, wholesalers, and retailers registered under the Controlled Substances Act of 1970 have expressed concern that reports they have made to BNDD regarding possible diversion have not been systematically investigated and that when investigations are conducted they are infrequently informed of the outcome. My bill requires the Attorney General to establish uniform procedures to monitor and investigate all reports of dangerous drug purchases and orders of an unusual or suspicious nature and to systematically inform the reporting parties regarding the results of BNDD investigations.

To date there has been no systematic gathering of available data on the nature and extent of division. My bill requires the Attorney General to obtain from State and local law enforcement agencies all available information, including reports of thefts, seizures, and arrests involving controlled substances.

The military services purchase substantial amounts of dangerous drugs each year. The Defense Personnel Support Center in Philadelphia, Pa., purchased about 131 million pills and capsules of dangerous drugs during fiscal years 1970 and 1971. The possibility of diversion within the military supply system is considerable. Many witnesses testifying before the subcommittee have indicated that military bases, depots, and hospitals are common points of diversion for amphetamines, barbiturates, and other dangerous drugs. The GAO report found that procedures for the military services to provide information to BNDD on thefts and other shortages of dangerous drugs are not adequate.

My bill requires the Attorney General to obtain information on thefts and shortages within the military supply system and to establish procedures for regular meetings with appropriate military officials on mutual problems concerning the diversion of controlled substances.

To assure that information regarding the diversion of controlled substances receives appropriate attention, my bill provides that the Attorney General shall submit a comprehensive annual report to the Congress on the diversion of controlled substances. The report will include an assessment of the nature and extent of diversion; an appraisal of the effectiveness of law enforcement efforts to curb diversion; and an evaluation of the tracer system provided in my bill in the investigation and prevention of diversion.

The Controlled Substances Act of 1970 requires that persons manufacturing, distributing, and dispensing controlled substances register with the Attorney General. In determining whether to register an applicant, the Attorney General is required to determine whether a registrant has failed to maintain effective controls against the diversion of any controlled substance, and whether he has failed to provide a standard of control consistent with public health and safety. Yet, under the 1970 act, the Attorney General is not authorized to revoke or suspend the registration of persons who abandon controlled substances.

My bill authorizes the Attorney General to revoke or suspend the registration of manufacturers, wholesalers, retailers, and others who abandon controlled substances, such as amphetamines and barbiturates, or who fail to provide controls consistent with public health and safety. Criminal penalties are provided for registrants who abandon controlled substances. Thus, the Attorney General can insure not only that prospective registrants meet standards necessary to curb the diversion of controlled substances into illicit channels but also that those currently registered to manufacture, distribute, or dispense controlled substances continue to meet these same standards.

Tighter controls over barbiturates would have been imposed administratively by an administration truly committed to a war against diversion and abuse of legitimately produced domestic drugs.

It has been nearly a year since representatives of the Food and Drug Administration assured the subcommittee that their recommendation on the rescheduling of barbiturates would be forthcoming.

In November 1972, the U.S. Bureau of Narcotics and Dangerous Drugs released a report recommending the rescheduling of barbiturates, including those covered by my bill. This action was acknowledged by the Bureau to be based in part on testimony before the subcommittee which focused nationwide attention on the escalating problem of barbiturate abuse. The corroboration of the subcommittee's findings by the Bureau is significant, particularly in light of the Bureau's previous position, in May 1972, that adequate information was not available to support barbiturate rescheduling. Yet, there is still no action on the rescheduling of barbiturates.

The abuse and diversion of legitimately produced dangerous drugs into channels other than legitimate medical, scientific, and industrial channels should be a primary concern for all citizens. The subcommittee, the Congress, and the public at large are all too familiar with the horrors of drug dependency and addiction and their attendant destructiveness and tragedy. Unless we take action and start conducting an all-out war, not just in Turkey, or France, or in Asia's Golden Triangle, but with regard to the dangerous drugs produced legitimately right here within our own borders, we will never get on top of the problem of drug diversion and abuse.

My bills, which I am introducing today, are not panaceas for the drug crisis we face in this country. These measures, however, would provide the assistance necessary to aid the law enforcement agencies of this country in their efforts to deal more effectively with the diversion of legitimately produced dangerous drugs.

We have learned from the experience of major urban areas, especially those on the west coast, that barbiturate abuse and addiction are a natural outgrowth of the abuse of psychedelic drugs and amphetamines and that many heroin addicts and methadone users are abusing or are addicted to barbiturates. Patterns of abuse experienced in California are emerging in cities and towns throughout our country. This "ripple effect" should clearly alert us to the need to control and monitor more adequately the production and distribution of dangerous drugs. I urge my colleagues to support these three measures.

Mr. President, I ask unanimous consent that section-by-section analyses of the bills, together with the bills, be printed at this point in the RECORD.

There being no objection, the analyses and bills were ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF THE BARBITURATE CONTROL ACT OF 1973 (S. 983)

Section 1: This section contains a short title to reflect the amending of the Controlled Substances Act of 1970.

Section 2: This section amends section 202(c) of the Act by providing that four shorter-acting barbiturates are moved from schedule III of the Act to schedule II.

S. 983

A bill to amend the Controlled Substances Act to move certain barbituarates from schedule III of such Act to schedule II

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Barbiturate Control Act of 1973."

SEC. 2. Schedule II of section 202(c) of the Controlled Substances Act (Public Law 91–513; 84 Stat. 1250) is amended by adding at the end thereof the following new paragraph:

"(d) Unless specifically expected or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

"(1) Amobarbital;

"(2) Pentobarbital;

"(3) Secobarbital;

"(4) Butabarbital.".

SECTION-BY-SECTION ANALYSIS OF THE DANGEROUS DRUG IDENTIFICATION ACT OF 1973 (S. 984)

Section 1: This section contains a short title to reflect the amending of the Controlled Substances Act of 1970.

Section 2: This section amends section 305 of the Act making it unlawful to manufacture or distribute solid oral form substances in schedule II, unless each solid oral form dosage unit carries a manufacturer's identification as required by regulation of the Attorney General.

Section 3: This section provides that 305 (e) of this Act shall become effective one year after the date of enactment.

S. 984

A bill to amend the Controlled Substances Act to require identification by manufacturer of each schedule II dosage unit produced

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Dangerous Drug Identification Act of 1973."

SEC. 2. Section 305 of the Controlled Substances Act (Public Law 91–513; 84 Stat. 1250) is amended by adding at the end thereof the following new paragraph:

"(e) It shall be unlawful to manufacture or distribute solid oral form controlled substances in schedule II, unless each solid oral form dosage unit carries a manufacturer's identification as required by regulation of the Attorney General.".

SEC. 3. Section 305(e) shall become effective on the first day of the twelth calendar month that begins after the day immediately preceding the date of enactment.

SECTION-BY-SECTION ANALYSIS OF THE DANGEROUS DRUG TRACER AND LAW ENFORCEMENT INFORMATION ACT OF 1973 (S. 985)

Section 1: This section contains a short title to reflect the amending of the Controlled Substances Act of 1970.

Section 2: This section amends section 305 of the Act making it unlawful to manufacture or distribute Schedule II or Schedule III repressant and stimulant substances unless they contain tracer ingredients. It also authorizes the Attorney General to require tracers in other substances as may be necessary.

Section 3: This section amends section 502 of the Act by requiring the Attorney General, after consultation with the Secretary of Health, Education and Welfare and others knowledgeable in the manufacture, distribution and monitoring of controlled substances, to determine appropriate methods for incorporating tracers in depressants and stimulant controlled substances. This amendment of section 502 requires the Attorney General to conduct programs to implement the tracer program; to develop rapid field and laboratory tracer identification techniques; to train local, State and Federal law enforcement personnel regarding the identification of tracer elements and investigation of diversion; and to establish standards to evaluate diversion and tracer control of other controlled substances.

Section 4(a): The subsection amends Part E of the Act by adding two new sections. The new section 504 requires the Attorney General to establish regulations to obtain comprehensive information from State and local law enforcement agencies in order to assess the nature and extent of diversion and the impact of efforts to curb diversion; to establish a uniform system for investigating and reporting the disposition of investigations regarding dangerous drug purchases and orders of an unusual or suspicious nature reported by registrants under the Act; to obtain from State and local law enforcement agencies all currently available information of the diversion of controlled substances, including reports of thefts, seizures and arrests involving such substances; and to obtain information on thefts and shortages of controlled substances within the military supply system and establish regular meetings with the military services regarding diversion of such substances.

The new section 505 requires the Attorney General to submit an annual report to the Congress on the nature and extent of controlled substances diversion; the effectiveness of law enforcement efforts to curb diversion of controlled substances; and the effectiveness of the tracer system.

Section 4(b): This subsection redesignates sections 504 through 516 of the Act.

Section 5(a): This subsection defines "abandon" as a voluntary relinquishment of possession or control of a controlled substance without vesting possession or control in another authorized person.

Section 5(b): This subsection redesignates clauses 12 through 26 of section 102 of the Act.

Section 5(c): This subsection amends section 304(a) of the Act by providing that abandonment or failure to maintain effective controls against diversion or failure to provide a standard of control consistent with the public health or safety are grounds for suspension or revocation of the registration required to manufacture, distribute or dispense controlled substances under the Act.

Section 5(d): This subsection amends section 401(b) of the Act by providing criminal penalties for registrants who abandon controlled substances.

Section 6(a): This subsection provides that all sections except section 305(e) shall become effective upon enactment.

Section 6(b): This subsection provides that section 305(e) of this Act, requiring the incorportaion of tracer ingredients in certain controlled substances, shall become effective one year after the date of enactment.

Section 7: This section authorizes such sums as may be necessary to carry out the purpose of this Act for fiscal year 1974 and for each of the following five fiscal years.

S. 985

A bill to amend the Controlled Substances Act to establish effective controls against diversion of particular controlled substances and to assist law enforcement agencies in the investigation of the diversion of controlled substances into other than legitimate medical, scientific, and industrial channels, by requiring manufacturers to incorporate inert, innocuous tracer elements in all schedule II and III depressant and stimulant substances, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Dangerous Drug Tracer and Law Enforcement Information Act of 1973."

SEC. 2. Section 305 of the Controlled Substances Act (Public Law 91–513; 84 Stat. 1250) is amended by adding at the end thereof the following new paragraph:

"(e)(1) It shall be unlawful to manufacture or distribute schedule II or schedule III depressant and stimulant controlled substances, including immediate precursors, unless such substances contain an inert, innocuous tracer ingredient identifying the manufacturer or manufacturers, as required by regulation of the Attorney General. (2) The Attorney General is authorized to require the incorporation of tracer ingredients in any controlled substance as necessary to maintain effective control against diversion into other than legitimate medical, scientific, and industrial channels."

SEC. 3. Section 502 of the Controlled Substances Act is amended by redesignating paragraph (b), (c), and (d) as paragraphs (c), (d), and (e), respectively, and by adding after (a) the following new paragraph:

"(b) The Attorney General, after consultation with the Secretary of Health, Education, and Welfare and with national organizations representative of persons with knowledge and experience in the manufacture, distribution, and monitoring of controlled substances, shall determine appropriate methods for incorporating tracer ingredients in schedule II and III depressant and stimulate substances in a manner that will facilitate the investigation of the illegal diversion of these substances. To carry out the purposes of section 305(e) and of this section the Attorney General shall conduct research and educational programs. Such programs shall include—

"(1) Studies or special research projects designed to develop and implement a network of tracer elements to be incorporated in schedules II and III depressant and stimulant substances so as to facilitate law enforcement efforts to identify the channels of illegal diversion of these substances.

"(2) Studies or special research projects to develop rapid field and laboratory methods for identification of the tracer elements and manufacturers of schedule II and III depressant and stimulant substances.

"(3) Training programs for local, State, and Federal law enforcement personnel on the identification of tracer elements and the investigation of diversion of schedule II and III depressant and stimulant substances.

"(4) Studies or special research projects designed to establish standards to evaluate diversion of controlled substances other than depressants and stimulants in schedule II or schedule III and the necessity for incorporating tracer ingredients in such substances pursuant to section 305(e)(2)."

SEC. 4. (a) Part E of the Controlled Substances Act is amended by adding immediately after section 503 thereof the following new sections:

"INFORMATION ON DIVERSION OF DEPRESSANTS AND STIMULANTS

"SEC. 504. In order to meet the need for comprehensive information required to measure the extent of controlled substance diversion and the impact of efforts to curb such diversion the Attorney General shall—

"(1) Establish regulations to obtain from State and local law enforcement agencies information necessary to evaluate the diversion of controlled substances; to assess law enforcement efforts to control such diversion; and to insure that new State and local information systems are consistent with the Attorney General's diversion control efforts.

"(2) Establish a uniform information system for each region that will provide control over all reports of dangerous drug purchases and orders of an unusual or suspicious nature received from registrants and over the disposition of such reports.

"(3) Direct regional offices to obtain from State and local law enforcement agencies available information on the diversion of controlled substances, including reports of thefts, seizures, and arrests involving such substances.

"(4) Obtain information on thefts and shortages of controlled substances within the military supply system and establish a procedure for meeting with appropriate military officials on a regular basis to exchange information on mutual problems concerning the diversion of controlled substances.

"REPORT TO CONGRESS

"SEC. 505. Within one year after the effective date of section 305(e), and annually thereafter, the Attorney General shall submit to the Congress a comprehensive report on the diversion of controlled substances including, but not limited to, the following:

"(1) The nature and extent of controlled substances diversion;

"(2) The effectiveness of law enforcement efforts to curb diversion;

"(3) The operation of the tracer system provided for in this Act, and its effectiveness in the investigation and prevention of diversion of controlled substances into illegal channels."

(b) Sections 504 through 516 of part E of such Act are hereby redesignated as sections 506 through 518, respectively.

SEC. 5. (a) Section 102 of the Controlled Substances Act is amended by adding immediately after clause (11) thereof the following new clause:

"(12) The term 'abandon' means to relinquish voluntarily possession or control of a controlled substance without vesting possession or control in another person authorized under this Act to have such possession or control."

(b) Clauses (12) through (26) of section 102 of such Act are hereby redesignated as clauses (13) through (27), respectively.

(c) Section 304(a) of the Controlled Substances Act is amended (1) by striking out "or" after the semicolon in clause (2); (2) by striking out the period at the end of clause (3) and inserting in lieu thereof a semicolon and the word "or"; and (3) by adding after clause (3) the following new clauses:

"(4) has abandoned or otherwise failed to maintain effective controls against the diversion of any controlled substance into other than legitimate medical, scientific, research, or industrial channels; or

"(5) has failed to provide a standard of control consistent with the public health or safety."

(d) That part of section 401(b) of the Controlled Substances Act which precedes paragraph (1)(A) thereof is amended by inserting immediately before the word "shall", a comma and the following: "or any person subject to the requirements of part C who violates subsection (d) of this section,".

(e) Section 401 is amended by adding at the end thereof the following:

"(d) It shall be unlawful for any person who is subject to the requirements of part C of this title to abandon a controlled substance.".

SEC. 6. (a) Except as otherwise provided in this section, all sections in this Act including this section shall become effective upon enactment.

(b) Section 305(e) shall become effective on the first day of the twelfth calendar month that bgins after the day immediately preceding the date of enactment.

SEC. 7. There are authorized to be appropriated for the fiscal year ending June 30, 1974, and for each of the next five years, such sums as may be necessary for carrying out this Act.

Mr. BAYH. Mr. President, I ask unanimous consent that a statement, prepared by the Senator from Texas (Mr. TOWER) be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR TOWER

Mr. President, I am pleased to co-sponsor three bills which are designed to curtail the diversion and abuse of barbiturates—a dangerous group of drugs.

The Senate Subcommittee on Juvenile Delinquency conducted extensive hearings during the 92nd Congress on the growing abuse of barbiturates. In a nutshell, the findings of the Subcommittee were that the abuse of barbiturates has been growing at an alarming rate and that we might already be experiencing an epidemic which is raging out of control. We must act—not tomorrow—today!

Barbiturates are difficult to manufacture clandestinely. Most of the barbiturates which have been seized by the police were produced by legitimate drug manufacturers. Barbiturates find their way into the black market in several ways—drug shipments from manufacturers to pharmacies are hijacked, pharmacies are burglarized, drugs are shipped to Mexico and other countries and then smuggled back into the United States, prescriptions are forged, and so on.

Barbiturates, because of their difficulty to manufacture by non-professionals, offer great promise as a drug which can be effectively controlled and regulated. The three bills recommended by the subcommittee offer promising methods to reduce the amount of diversion into illegal channels. First, barbiturates are placed in Schedule II of the Controlled Substances Act, which would impose more stringent regulations for accountability by manufacturers and distributors. Second, the individual barbiturate pills would be required to have a mark and an inert substance identifying the manufacturer. These methods of identifying the legitimate source of the barbiturate would greatly assist law enforcement officials in tracing the source of the drugs so as to locate leaks from the legal channels, tighten security precautions, and prevent future diversions.

I urge Congress to act expeditiously on these measures for the sake of our Nation, and especially our children.

Mr. BAYH. Mr. President, on behalf of the Senator from Texas (Mr. TOWER), I ask unanimous consent that excerpts from the subcommittee report entitled "Barbiturate Abuse in the United States" be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

With the exception of California, the Subcommittee has received more reports of barbiturate abuse from Texas law enforcement officials than any other state. Eight cities from all parts of the state responded to the Subcommittee questionnaire. The most populous regions in the eastern part of the state provided the most information. In 1971, Houston police reported 328 arrests for possession of barbiturates—a 60 percent increase over the previous year. According to Captain Jack Renois of the Narcotics Division of the Houston Police Department, there were more barbiturate arrests in Houston than for any other drug except marihuana in either 1970 or in 1971. In that same year, Houston police seized 16,467 barbiturate dosage units and 22 bottles of liquid barbiturates.

According to Lawrence Gist, Chief of the Jefferson County District Attorney's Trial Division, "barbiturates are roughly twice as prevalent as amphetamines." He estimated that 10 percent of abusers use barbiturates intravenously. Mr. Gist noted that barbiturates are obtained from home medicine cabinets and from drugstore burglaries in which "barbiturates are almost exclusively taken."

The Dallas-Fort Worth metropolitan area, which is comparable in population to Houston and Jefferson County, is experiencing a similar barbiturate problem. Between 1967 and 1971, 922 arrests for possession or sale of barbiturates were reported by Dallas police and 436 arrests were reported by Fort Worth police. According to police officials in both cities, barbiturate seizures were also substantial, averaging many thousands of dosage units per year.

In 1969, Dallas police made an exceptionally large seizure of 527,000 barbituate dosage units. The Fort Worth Police Department reported seizing 25,000 barbituates in 1970, primarily from one dealer. According to D. L. Burgess, Director of the Vice Control Division of the Dallas Police Department, most barbituates taken from arrested abusers come from "forged prescriptions and from burglaries and thefts." According to Deputy Chief McWhorter of the Fort Worth Police Department: "The majority of illegal barbituates confiscated are manufactured by pharmaceutical companies in [illegible] States. Diversion of drugs from legal shipments accounts for a large quantity of drugs illegally sold in the United States. In a large number of local cases developed against illegal drug suppliers, it was found that the source of the drugs originated in the United States, then through legal shipment to Mexico and then the drugs were smuggled back into the United States for illegal sale."

Four other Texas cities also report incidences of barbituate abuse during the past few years. El Paso, located at the western tip of the State on the Mexican border, reported 168 arrests for possession and sale of barbituates from 1969 to 1971. According to Inspector George M. Wagnon, Jr., of El Paso Police Department, 98 percent of confiscated barbituates are used by a "large majority of heroin addicts" to avoid withdrawal when heroin is in short supply. The San Antonio Police Department reported 236 arrests from 1967 to 1971 and seizures ranging as high as 16,000 dosage units. Arrests in 1971 were more than 3 times as high as in 1967. According to Lt. Preston Slocum, Jr., of the San Antonio Narcotics Bureau, while some barbituates are illicitly diverted through drugstore burglaries, the majority are smuggled from Mexico.

By Mr. BAYH (for himself, Mr. HUMPHREY, and Mr. TALMADGE):

S. 986. A bill to incorporate the Gold Star Wives of America. Referred to the Committee on the Judiciary.

Mr. BAYH. Mr. President, I introduce for appropriate reference a bill to incorporate the Gold Star Wives of America. This national organization was established in 1945 by the widows of members of the Armed Forces who died while in active service of their country. It is a growing, active organization which today has members in 49 States and active chapters in more than half the States. Furthermore, it has a total membership of more than 2,000.

Mr. President, I know of no other group more deserving of national incorporation than the Gold Star Wives of America. Its membership is composed of women who have experienced the great anguish of losing their husbands because of active duty with the military forces of the United States. They have a common bond of grief that few of us can fully comprehend, and which none of us can forget. Their objectives are both praiseworthy and significant; what more valuable contribution to society can be made than to bolster the fortitude and uplift the spirits, as well as to aid materially, the widows and children of those who paid the supreme sacrifice in the interest of their fellow citizens?

The Gold Star Wives of America has a role to play that is nationwide in scope and worthy of national recognition. The organization has similar noteworthy accomplishments to those made by our veterans' and adjunct organizations which have been granted national charters. In addition, for several years Gold Star Wives of America has been participating actively in the Annual Women's Forum on National Security, which is composed of 16 organizations which have received Federal charters.

I have been informed by the officers of this organization that its goals could be more effectively and easily attained if it were incorporated at the national level. The scope of its membership and business now transcends any one State or group of States. Its declared purposes and activities extend to the widows and children of servicemen killed who live in every section of the country, and the number of chapters doubled in a short time, as hundreds of new widows turned to Gold Star Wives of America for assistance with their financial and emotional problems. Its officers and board members reside in such scattered States as Massachusetts, Washington, California, Colorado, Kansas, Minnesota, Virginia, Missouri, Louisiana, Kentucky, New Jersey, Illinois, Arkansas, Florida, and Indiana. In every sense of the term and in all aspects of its operations this is truly a national organization dedicated to significant national purposes.

The Gold Star Wives of America has repeatedly been hindered and prevented from giving assistance to the young widows who desperately need the help that could have been available to them through this organization, solely because of their lack of a Federal charter. Efforts to make the Gold Star Wives of America known through survivor assistance officers at military installations have been refused on the basis that the organization is not recognized as a reputable organization, while in other instances, contacts at military bases have resulted in inquiries to the Department of Defense as to the reliability of Gold Star Wives of America. Officials of the Veterans' Administration, I am advised, have suggested that a Federal charter should be priority legislation for Gold Star Wives of America, as a means of establishing the status and integrity of this relatively young organization. The organization could thus acquire the respect and stature which come only to those organizations who are so recognized by the Congress.

Mr. President, I have carefully examined the criteria set forth in 1969 in the Standards for the Granting of Federal Charters by subcommittees of the Senate and House Committees on the Judiciary. In every aspect it appears to me that the Gold Star Wives of America, Inc., more than measures up to those required standards. It is clearly a national permanent organization operating in the public interest; the character of this organization is such that chartering by the Congress as a Federal corporation is the only appropriate form of incorporation; it is solely a patriotic, nonprofit, nonpartisan organization devoted to civic and membership betterment; and it aspires to provide nationwide services which cannot be adequately organized without a nationally granted charter.

The objects and purposes of the Gold Star Wives of America are most commendable. In addition to honoring the memory of loved ones who paid the supreme sacrifice while serving in the Armed Forces of the United States, it is committed to assisting their widows and children, both materially and spiritually. One of its stated goals, for example, is to provide the benefits of a happy, healthful, and wholesome life to minor children of persons who died in the service of our country. Another aim is to promote activities and interests designed to foster among its members the proper mental attitude to face the future with courage. Direct aid to the widows and children of former servicemen is likewise an obligation which this organization has assumed. I am pleased to note also that the Gold Star Wives of America have dedicated themselves to the noble cause of safeguarding and transmitting to posterity the principles of justice, freedom, and democracy for which members of our armed services fought and died. They have likewise pledged themselves to assist in upholding the Constitution and laws of the United States of America, and to inculcate a sense of individual obligation to the community, State, and Nation. In all these respects this organization deserves the treatment which Congress has previously accorded other similar national groups.

Mr. President, I strongly urge that prompt consideration be given to the adoption of this bill for incorporation of the Gold Star Wives of America in order that it could have the national stature and corporate structure so essential to implement achievement of its very desirable purposes.

Mr. President, I ask unanimous consent that the text of the bill be printed in full in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-named persons, to wit:

Mrs. Edith V. Knowles, Post Office Box 1703, Albany, Georgia 31702;

Mrs. Jean T. Eastman, 1112 Rosemary Lane, Ozark, Alabama 36360;

Mrs. Susanne Reed, 723 Hackberry Place, Fallbrook, California 92023;

Mrs. Bernice E. Dodge, 4431 W. Colorado Avenue, Denver, Colorado 80219;

Mrs. Joyce Tremayne, 1905 Dee Avenue, Columbus, Georgia 31903;

Mrs. Patricia Barbee, Post Office Box 622, Browns Mills, New Jersey 08015;

Mrs. June Bolich, 29 Dixie Drive, Ozark, Alabama 36360;

Mrs. Franc F. Gray, 5019 13th Avenue South, Minneapolis, Minnesota 55417;

Mrs. Eileen Anderson, 6524 Pennsylvania, St. Louis, Missouri 63111;

Mrs. Pauline T. Bartsch 9 East Narberth Terrace, Collingswood, New Jersey 08108;

Mrs. Stella Burket, 1025 Jamaica Court, Aurora, Colorado 80010;

Mrs. Geraldine B. Chittick, 254 S. Young Street, Frankfort, Indiana 46041;

Mrs. Mary Galotta, 117 Pine Street, Lowell, Massachusetts 01851;

Mrs. Christine Kinnard, 3746 Van Dyke Avenue, San Diego, California 91015;

Mrs. Mickey Lovell, 862 Pontiac Street, Denver, Colorado 80220;

Mrs. Darlene McDonald, 842 N. Karlov Avenue, Chicago, Illinois 60651;

Mrs. Maryellen McDonough, 1903 W. Summerdale Avenue, Chicago, Illinois 60640;

Mrs. Mary A. Ondrey, Post Office Box 101, Eatontown, New Jersey 08108;

Mrs. Marie Palmer, Post Office Box 5636, Orlando, Florida 32805;

Mrs. Lorraine Patterson, 320 Penwood Road, Silver Spring, Maryland 20901;

Mrs. Jane B. Payne, 2929 Emory Street, Columbus, Georgia 31903;

Mrs. Lavone Tueting, 5325 Beard Avenue South, Minneapolis, Minnesota 55410;

and their successors, are hereby created and declared to be a body corporate by the name of Gold Star Wives of America (hereinafter called the corporation) and by such name shall be known and have perpetual succession and the powers and limitations contained in this Act.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act is authorized to complete the organization of the corporation by the election of officers and employees, the adoption of a constitution and bylaws, not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation shall be—

(1) to assist in upholding the Constitution and laws of the United States of America, and to inculcate a sense of individual obligation to the community, State, and Nation;

(2) to honor the memory of those who made the supreme sacrifice in the service of our country;

(3) to safeguard and transmit to posterity the principles of justice, freedom, and democracy for which members of our armed services fought and died;

(4) to provide the benefits of a happy, healthful, and wholesome life to minor children of persons who died in the service of our country.

(5) to promote activities and interests designed to foster among its members the proper mental attitude to face the future with courage; and

(6) to aid, whenever necessary, widows and children of persons who died in the service of our country.

CORPORATE POWERS

SEC. 4. The corporation shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal;

(3) to choose such officers, directors, trustees, managers, agents, and employees as the business of the corporation may require;

(4) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(5) to contract and be contracted with;

(6) to charge and collect membership dues, subscription fees, and receive contributions or grants of money or property to be devoted to the carrying out of its purposes;

(7) to take and hold by lease, gift, purchase, grant, devise, bequest, or otherwise any property, real or personal, necessary for attaining the objects and carrying into effect the purposes of the corporation, subject to applicable provisions of law in any State (A) governing the amount or kind of real and personal property which may be held by, or (B) otherwise limiting or controlling the ownership of real or personal property by a corporation operating in such State;

(8) to transfer, encumber, and convey real or personal property;

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject to all applicable provisions of Federal or State law;

(10) to adopt, alter, use, and display such emblems, seals, and badges as it may determine; and

(11) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation, and for such purpose, the corporation shall also have, in addition to the foregoing in this section and subsection, the rights, powers, duties, and liabilities of the existing corporation referred to in section 18 as far as they are not modified or superseded by this Act.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Albany, Georgia, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States and possessions of the United States.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service up on the corportation.

MEMBERSHIP; VOTING RIGHTS

SEC. 6. (a) Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be determined as the constitution and bylaws of the corporation may provide.

(b) Each member of the corporation, other than honorary and associated members, shall have the right to vote in accordance with the constitution and bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 7. (a) Upon enactment of this Act the membership of the initial board of directors of the corporation shall consist of the following persons—

Mrs. Franc F. Gray, 5019 13th Avenue So., Minneapolis, Minnesota, 55417;

Mrs. Eileen Anderson, 6524 Pennsylvania, St. Louis, Missouri, 63111;

Mrs. Pauline T. Bartsch, 9 E. Narberth Terrace, Collingswood, New Jersey, 08108;

Mrs. Stella Burket, Jamaica Court, Aurora, Colorado, 80010;

Mrs. Geraldine B. Chittick, 254 S. Young St., Frankfort, Indiana, 46041;

Mrs. Jean Eastman, 1112 Rosemary Lane, Ozark, Alabama, 36360;

Mrs. Mary Galotta, 117 Pine Street, Lowell, Massachusetts, 01851;

Mrs. Christine Kinnard, 3746 Van Dyke Avenue, San Diego, California, 92105;

Mrs. Mickey Lovell, 862 Pontiac Street, Denver, Colorado, 80220;

Mrs. Darlene McDonald, 842 N. Karlov Avenue, Chicago, Illinois, 60651;

Mrs. Maryellen McDonough, 1903 W. Summerdale Avenue, Chicago, Illinois, 60640;

Mrs. Mary Ondrey, P.O. Box 101, Eatontown, New Jersey, 08108;

Mrs. Marie Palmer, P.O. Box 5636, Orlando, Florida, 32805;

Mrs. Lorraine Patterson, 320 Penwood Road, Silver Spring, Maryland, 20901;

Mrs. Jane B. Payne, 2929 Emory Street, Columbus, Georgia, 31903;

Mrs. Lavone Tueting, 5325 Beard Avenue So., Minneapolis, Minnesota, 55410;

(b) Thereafter, the board of directors of the corporation shall consist of such number (not less than fifteen), shall be selected in such manner (including the filling of vacancies), and shall serve for such term as may be prescribed in the constitution and bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation and shall, during the intervals between corporation meetings, be responsible for the general policies and program of the corporation. The board shall be responsible for all finance.

OFFICERS; ELECTION OF OFFICERS

SEC. 8. (a) The officers of the corporation shall be a chairman of the board, a president, a vice president, a secretary, and a treasurer. The duties of the officers shall be prescribed in the constitution and bylaws of the corporation. Other officer positions may be created as prescribed in the constitution and bylaws of the corporation.

(b) Officers shall be elected annually at the annual meeting of the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to any such person otherwise than upon dissolution or final liquidation of the corporation as provided in section 16 of this Act. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation in amounts approved by the executive committee of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of such loans, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation, and its officers, directors, and duly appointed agents as such, shall not contribute to or otherwise support or assist any political party or candidate for office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

COMPREHENSIVE PRIVILEGES

SEC. 12. Such provisions, privileges, and prerogatives as have been granted heretofore to other national veterans' organizations by virtue of their being incorporated by Congress are hereby granted and accrue to the Gold Star Wives of America.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 13. The corporation shall have no power to issue any shares of stock nor to declare nor pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 14. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any of the authority of the board of directors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 15. (a) The accounts of the corporation shall be audited annually, in accordance with generally accepted auditing standards, by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be submitted to the Congress not later than six months following the close of the fiscal year for which the audit was made. The report shall set forth the scope of the audit and shall include such statements as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, together with the independent auditor's opinion of those statements. The reports shall not be printed as a public document.

LIQUIDATION

SEC. 16. Upon final dissolution or liquidation of the corporation, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

EXCLUSIVE RIGHT TO NAME, EMBLEMS, SEALS, AND BADGES

SEC. 17. The corporation shall have the sole and exclusive right to use the name Gold Star Wives of America. The corporation shall have the exclusive and sole right to use, or to allow or refuse the use of, such emblems, seals, and badges as have heretofore been used by the corporation referred to in section 18 in carrying out its program. Nothing in this Act shall interfere or conflict with established or vested rights.

TRANSFER OF ASSETS

SEC. 18. The corporation may acquire the assets of the Gold Star Wives of America, Incorporated, chartered as a nonprofit organization in the State of New York, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the State of New York applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 19. The right to alter, amend, or repeal this Act is hereby expressly reserved.

By Mr. BAYH (for himself, Mr. RANDOLPH, and Mr. HART):

S. 987. A bill to protect the constitutional rights of those subject to the military justice system, to revise the Uniform Code of Military Justice, and for other purposes. Referred to the Committee on Armed Services.

REVISION OF UNIFORM CODE OF MILITARY JUSTICE

Mr. BAYH. Mr. President, today I am reintroducing a bill which I believe is one of the most comprehensive—and at the same time realistic and workable—plans ever proposed for the meaningful reform of our military justice system.

The main thrust of the bill is an attempt to eliminate completely all danger of command influence, the possibility—or even the appearance—that the commanding officer of an accused man could affect the outcome of his court-martial. This reform, together with other substantial improvements embodied in the bill, requires a complex and far-reaching restructuring of the Uniform Code of Military Justice and the entire military justice system. But I believe that such reforms are essential to the continued vitality of the system. As long as the remotest possibility of undue command influence remains, we will never be able to avoid the implication—or at least the appearance—of fundamental unfairness. And no such system of justice can earn or maintain the respect of those it serves.

Mr. President, during my remarks, I shall refer repeatedly to command influence and to the commanding officer. It is my judgment that most comanding officers in the military forces of this country try their best to be fair. They try to see that those whom they command are treated justly, whether on the battlefield, in the barracks, or in the military court-martial room. But military laws need to be structured in such a way that those few commanding officers, who might yield to the temptation and not be fair, are denied this opportunity to affect the case of one of the soldiers, sailors, or airmen who serve in their commands.

Mr. President, I believe that this proposal—although designed to end the danger of command influence and to effect other badly needed reforms—recognizes the legitimate concern our Armed Forces do and must have with maintaining discipline and preserving order. The reformed system of courts-martial would continue to be operated within the framework of military command, although the bill envisions a separate courts-martial command, removed from the influence of individual commanding officers and concerned only with the fair administration of the system of military justice. And individual commanding officers would retain the power to punish minor infractions under the provisions of article 15 of the UCMJ.

Mr. President, I believe that we will see major legislative reforms in the military justice system in the 93d Congress. I have talked with the distinguished Senator from North Carolina (Mr. ERVIN), who has long been in the forefront of the efforts to reform our military justice system, about this subject. Senator ERVIN informs me that his Subcommittee on Constitutional Rights, of which I am a member, is anxious to take another look at the problems of our military justice system, and that he is interested in further reform.

Senator ERVIN is the author of a far-reaching measure designed to correct the shortcomings in our administrative discharge system. Other legislation has been proposed.

I look forward to participating in the subcommittee's hearings, and I have the greatest confidence that the subcommittee will come up with substantial, and at the same time realistic, reform proposals. My confidence stems both from my long experience with the great dedication the Senator from North Carolina has for preserving our cherished constitutional rights, and from my experience with the subcommittee's previous efforts in this area.

In 1966, the Subcommittee on Constitutional Rights, together with the Committee on Armed Services, conducted several weeks of hearings on military justice. These hearings led to the most recent amendments to the Uniform Code of Military Justice, known as the Military Justice Act of 1968. That legislation is a tribute to the outstanding and extraordinary teamwork between two great Senate committees, and I am confident that this exceptional relationship will continue.

Another, quite recent development, also gives me hope that there will be reform in the near future. Historically, the most far-reaching reforms of our military justice system have come at the end of times of war. We have now reached the end of our involvement in the most protracted war in American history. Now that the fighting is over we can apply the lessons we have learned in that tragic conflict by—at the least—improving the quality of justice for those who serve our Nation in the military.

I hope that the Armed Services Committee will again join in this reform effort. I hope that new hearings will explore the problems equally as successfully, as was the case in the past, so that we can have meaningful reform by the end of this Congress.

RECENT DEVELOPMENTS IN MILITARY JUSTICE

Since the introduction of S. 1127 in February of 1971 the proposals contained in that bill have been the subject of considerable comment and constructive criticism from individuals within the military justice system. While this year's bill is identical to S. 1127, I remain open to further suggestions which can be considered when we reach the hearing stage.

I was especially interested in a speech by the Chief Judge of the U.S. Army Court of Military Review, Maj. Gen. Kenneth J. Hodson, delivered before the Judge Advocate General's School on April 12, 1972. General Hodson offered some extremely well thought out proposals for a new system of military justice which he said would be "far freer from command influence" than the system proposed in S. 1127 and the present bill. I do not wish to debate here the comparative merits of General Hodson's approach and my own; that is properly the work of the Armed Services Committee which will, I trust, give both General Hodson's proposals and my own the most careful scrutiny. I want only to point out that implicit in General Hodson's remarks is the belief, in which I fully concur, that the central issue for military justice today is the eradication of any possibility of improper command influence.

Other officials in the military justice system have issued recommendations some of which parallel provisions of my bill. The so-called Code Committee, composed of the Chief Judge and the judges of the Court of Military Appeals, the Judge Advocates General of the Army, Navy, and Air Force, and the General Counsel of the Department of Transportation, in its most recent annual report to the Armed Services Committee, recommends that Congress specify the extent to which the Court of Military Appeals, the Courts of Military Review, and military judges may entertain petitions for extraordinary relief and that Congress eliminate the power of the covening authority to review the findings of a court-martial, leaving him only the power to mitigate sentences. Section 826(b) of my bill satisfies the first of these Code Committee recommendations. The second recommendation is a step in the right direction. My bill goes further and eliminates entirely the "convening authority" role of the commander, including his power to review findings of courts-martial.

The Judge Advocate General of the Army, in his most recent annual report, has called for legislation to transfer complete sentencing power to the military judge in all cases except those involving the death penalty. This goal too would be realized by passage of this bill.

In April of 1972 Secretary of Defense Laird established the Task Force on the Administration of Military Justice in the Armed Forces, and charged it with the tasks of identifying the nature and extent of racial discrimination in the administration of military justice and recommending ways of rooting out such deficiencies. C. E. Hutchin, Jr., First Army Commander, and Nathaniel R. Jones, general counsel of the National Association for the Advancement of Colored People, were named to chair an extraordinarily distinguished and competent task force of civilian and military people. In November 1972 that panel announced its findings and recommendations.

While these recommendations were extremely wide ranging and included discussions of job assignments and testing, regulations of personal appearance, and administrative discharges—the last a subject on which Senator ERVIN has labored for several years now—there was also a focusing on those issues of fairness in the court-matrial process itself which are the special concern of this bill.

Like my proposal the task force recommended that summary courts-martial be abolished, that the powers of military judges be expanded and the independence of military judges and defense counsel assured, that court members be selected on a random basis, and that the reviewing of courts-martial be the province of the appellate military courts and the Judge Advocate General rather than the convening authority.

That the task force is in broad agreement with my bill in these four key areas increases my confidence that the problems of military justice can be expeditiously dealt with and resolved during this session of Congress.

Also encouraging to me is the fact that the individual armed services have recently shown a willingness to recognize the problem of command influence and to experiment with new administrative structures designed to combat that problem. The Air Force and the Army have both established, on a pilot project basis, court-martial commands, completely independent of the local command chain. This is precisely the approach to command influence that has been written into my proposed reform.

The Army, in addition, has amended its regulations to require that an accused be advised of his right to consult a lawyer before deciding whether to accept nonjudicial punishment. I applaud the Army's initiative in this regard too and believe that its change of regulations is an important step in increasing the fairness of military justice, even though it is only one of many that are needed.

SUMMARY OF THE BILL

Mr. President, before I go into detail about the specific provisions, I would like to give a quick summary of the major provisions of this measure, for the benefit of my colleagues in the Senate.

The main objective of the bill is to eliminate completely the problem of command influence, as I have stated. The bill would establish an independent Courts-Martial Command composed of four divisions: defense, prosecution, judicial, and administration. This command would be responsible only to the Judge Advocate General, thereby removing defense and prosecuting attorneys from the control of the accused's commanding officer. Under the present system of military justice, the prosecuting officer and the defense officer in any given court-martial are directly responsible to the commanding officer of the command which brings the charges against the enlisted man or officer brought before the court-martial proceeding.

Each accused would be entitled to have an independent defense counsel appointed upon request immediately following arrest. He would also have the right to a formal hearing, similar to the hearing required by rule 5 of the Federal Rules of Criminal Procedure, in front of an independent military judge within 24 hours of arrest. Thus, the commander would no longer have the final voice in deciding whether to prosecute.

Several crucial decisions now made by the commanding officer or the prosecutor would be delegated to the independent military judges. At present, the commanding officer has the sole power to authorize searches and issue arrest warrants. Under the new bill, these decisions, which deal with critically important constitutional rights, would be made by an independent judge. In like manner, the military judge—not the commander—would have the power to release an accused serviceman pending trial or pending appeal. Under present law, the prosecutor has the exclusive power to issue subpenas, and this authority would also be vested in the military judge under the bill.

The commanding officer—the convening authority—now performs the initial review in many cases. This procedure has become, for the most part, either a time-consuming formality or an invitation to impose maximum sentences so that the commander can reduce them.

The power to review would be transferred either to the Judge Advocate General or to the military courts, depending on the nature of the case. The power to suspend or reduce sentences would be transferred from the commanding officer to the military judge.

At the present time, the commander has exclusive power to choose members of the court—the jurors. This widely criticized power would be eliminated and a completely random system of selection would be substituted in its place. The bill would also abolish the requirement that two-thirds of the members of the court-martial be officers.

In addition to measures aimed exclusively at eliminating command influence, the bill would provide for a number of other reforms.

The revised bill I am introducing today would eliminate the summary courts-martial. These proceedings—which are conducted by one man who presents the evidence for the prosecution, listens to and evaluates the evidence of the defendant, rules on questions of law and fact, and also determines the sentence—are inconsistent with the whole thrust of this reform bill. And that would be true even if the summary court-martial officer were not appointed—as he is today—by the defendant's commanding officer. It is simply unfair to let a serviceman suffer a burden which is the equivalent of a criminal conviction without granting him all the procedural safeguards that are fair and practicable.

Military judges would be present at all trials, and would have the power to "issue all writs necessary or appropriate in aid of" their jurisdiction. They would also be given the same power Federal judges now have to punish for contempts in their presence. The Court of Military Appeals would be enlarged from three to nine judges and authorized to sit in panels of three judges, in order to increase the court's continuity and its capacity to handle the increased workload. And the Supreme Court would be empowered to issue writs of certiorari to review cases decided by the Court of Military Appeals.

The bill would also extend additional substantive and procedural rights to each defendant. For the first time there would be no possibility of double jeopardy problems. Trying a defendant by court-martial after trial in a State court for the same act, and vice versa, would be forbidden. And military defense attorneys would be specifically authorized to seek collateral relief for their clients in civilian courts whenever appropriate, relief often unavailable today unless the accused serviceman obtains civilian counsel. The accused would get complete credit toward any ultimate sentence for any pretrial confinement. Finally, all confined servicemen—including those awaiting trial or appeal—would be permitted to participate in work, exercise, and rehabilitation programs wherever adequate facilities were available.

Now included is a discovery section, modeled after the Federal rules, to define each party's rights to obtain information held or controlled by the other party. This subject is not covered by the present code, and I have been informed by several experts that greater specificity in this area would be of great value to all parties concerned.

A committee composed of the judge advocate generals of each of the services and three civilians appointed by the President would be charged with studying and making recommendations about the following questions: the desirability of transferring jurisdiction over absence offenses to the Federal courts; additional methods of eliminating delays in the appellate process; means of dealing with prisoners who complete the service of their sentence to confinement prior to the completion of appellate review; and revisions in the current table of maximum punishments.

THE NEED FOR REFORM

Mr. President, the quality of the military justice system is perhaps more important today than ever before. The men now in uniform serve in an army which has changed substantially over the years. Most of these men will not see combat. Many of them live off post and serve in a military capacity only during normal working hours. In many ways there is an increased similarity between military service and skilled civilian occupational pursuits. We cannot afford to subject these men to a second-rate system of military justice.

Moreover, there are now nearly two and a half million men on active duty. Most of these men are young and impressionable, and some will be confronted with American justice for the first time while serving in the Armed Forces. The 1971 report of the Judge Advocate General of the U.S. Army noted that in the Army alone there were 45,736 courts-martial, 93 percent which resulted in convictions. If we are to preserve the integrity of our civilian system, we must see to it that these men return to civilian life with a view of criminal justice that recognizes the fundamental principles of fairness and human dignity. We must see to it that no man is convicted and confined, his life perhaps ruined, without having been accorded full procedural and substantive safeguards.

In light of the increasing importance of the military justice system, we must review its quality, and the fundamental question of its fairness.

The most serious shortcoming in our military justice system is the danger of undue command influence over courts-martial, which may impose numerous penalties, including dishonorable discharge, lengthy imprisonment, or even death. In courts-martial, the commander determines whether to prosecute, controls the court-martial procedure, and plays an integral role in the appellate process. He authorizes searches and arrests, convenes the court-martial, and decides whether the accused serviceman shall remain in pretrial confinement. He chooses the prosecuting attorney and, in some instances, the defense counsel. Finally, he chooses the men to serve as members of a court, the military equivalent of jurors, reviews the findings and sentence, and decides whether a sentence to confinement shall be deferred pending appeal.

In addition to the danger presented by command influence, the military justice system denies a defendant other rights fundamental to a free society. He may be denied credit for time spent in confinement before trial. His military counsel may be precluded from seeking collateral relief. He must apply to the prosecuting counsel, rather than the independent military judge, for subpenas.

These shortcomings must be remedied, and they must be remedied now. We ask our young men by the millions to give their time and their energies to strengthen our national defense. And we have asked them by the tens of thousands to give their lives on our behalf. I believe we can delay no longer in giving these men a first-class system of military justice.

The need to reform is urgent. But reform cannot be allowed to come in a piecemeal fashion. Individual patchwork alterations might well suffice to plug some of the smaller gaps in the system. What is urgently needed, however, is a comprehensive revision of the uniform code, a reform which will make military justice conform as nearly as possible to the civil system we find in our State and Federal courts. But at the same time any such proposal must recognize the armed services' legitimate concern to maintain discipline and preserve order.

The legislation which I am introducing today is such a reform. It is a comprehensive revision of all parts of the Uniform Code of Military Justice dealing with courts-martial, from the moment of arrest to the final disposition of appeals and the completion of confinement. I believe that this proposal would insure every American serviceman the kind of speedy, fair and impartial judicial system to which he is entitled.

COMMAND INFLUENCE

Mr. President, I would like briefly to explain the bill's major provisions and to give an example of how the revised code would apply to a typical court martial proceeding from beginning to end.

The bill would eliminate all forms of command influence over the court-martial process and proceedings. It would vest in a separate and independent Court-Martial Command the crucial powers to convene courts-martial; to detail military judges and defense and prosecuting attorneys; and to choose the members of the court—the jury.

Such an independent command is absolutely essential to a fair system.

The Uniform Code of Military Justice was a landmark reform and an important step forward in ensuring fundamental fairness of military justice and that code does contain a number of provisions designed to increase the rights of an accused serviceman by reducing the commander's influence over the court-martial procedure. Thus, the code prevents a commander from convening a court-martial if he has a "personal interest" in the case or if he is "the accuser," and prevents him from censuring, reprimanding, or admonishing any court member, law officer, or counsel with respect to the findings of a court or for the sentence imposed or in any manner attempting by unlawful means to influence the action of a court-martial or any member thereof. But we have not yet provided the full measure of protection required. As long as the commander makes all decisions there is a continuing possibility of improper command influence, and the right to a fair and impartial trial remains in jeopardy.

The commander controls the whole court-martial process. He continues to have and to exercise the authority and responsibility to appoint a subordinate to conduct a preliminary investigation.

The officer appointed by the commander to conduct an investigation under article 32 is subject to all of the inherent pressures of a command whose legitimate concern is discipline. This procedure appears to be incompatible with the fundamental principle of civilian jurisprudence which provides that no person should be subjected to a criminal trial unless the prosecutor can demonstrate to an impartial magistrate or grand jury that there is probable cause to believe, first, that a crime has been committed and, second, that this crime was committed by the accused.

The recommendations of the officer conducting the article 32 investigation, as well as those of the commander's legal officer, are not binding upon the commander and are purely advisory. As a result, military law suffers from the absence of any binding legal decision as to the allocation of prosecutorial resources. The regard for efficient allocation of prosecutorial resources and the even-handed administration of justice which characterize the typical U.S. attorney or State district attorney's office, is therefore, reduced in the military system.

In those instances where the accused is entitled to military legal counsel, the choice of those available to defend the accused remains generally in the hands of the commander. In addition, the commander chooses the counsel who prosecutes the case. The possession of the power to choose the defense counsel and the prosecutor gives the appearance of permitting the commander, by manipulating the choice of personnel, to control the outcome of the case.

Unlike the civilian system, where the accused is entitled to trial by a jury of his peers selected at random, the commander is empowered, virtually without limitation, to choose the members of a court-martial—those who serve in effect, as jurors. While an accused enlisted man is entitled to request that one-third of the court be composed of enlisted men, the selection of those enlisted men who are to serve in the event of such a request is in the hands of the commander. The practice of selecting only senior noncommissioned officers, who are considered more severe than commissioned officers, has been upheld by the Court of Military Appeals. And, while he is required to select those best qualified, there is nothing to preclude a commanding officer from selecting officers known by him to be particularly strict or notably hostile to certain types of alleged offenses. This entire system of selection gives the impression of a "handpicked" jury and is clearly incompatible with the history and theory of trial by jury.

The Uniform Code of Military Justice provides that military appeals are to be heard initially by the convening authority who ordered the trial in the first instance. Although in theory this procedure provides an additional level of appellate review, in practice it has become a time-consuming formality—in one case, the convening authority took no action for 10 months and thereby delayed judicial appeal for that period. And in most cases its results are foregone conclusions. Moreover, it encourages some courts-martial—even when instructed to disregard the commanding officer's review authority—to adjudge automatic maximum sentences so that the commander may reduce the sentence if he so desires. This is clearly an inappropriate and undesirable procedure.

The power to place a soldier in confinement pending trial is also in the hands of the commander. This system, which permits the commander to act virtually without supervision or review has the potential for arbitrary and vexatious action and gives the appearance of unfairness.

COURTS-MARTIAL COMMAND

This independent Courts-Martial Command would take over the functions now performed by the commander. The Courts-Martial Command would be under the administrative supervision of the Judge Advocate General and would be divided into regional commands. It would have four divisions. Prosecution, Defense, Judicial, and Administration.

The Prosecution Division would function much as the U.S. attorney's office functions in the Federal courts. It would receive complaints from any interested person, investigate them, and prefer charges only if it felt that there was sufficient evidence to convict the accused of the charges brought against him. But the determination of the Prosecution Division that the accused should be brought to trial would not be final. Just as in the civilian system, the accused would have to be brought before an independent judge—in this case a military judge. The judge would have to determine whether there was probable cause to hold the accused for trial.

After the preliminary hearing and the determination by the judge that the charges should not be dropped, the Prosecution Division would refer the case to a special or general court-martial, as it thought appropriate. The Prosecution Division would also be responsible for detailing trial counsel—now to be called the prosecutor—to courts-martial trials.

The Judicial and Defense divisions would be made responsible for detailing military judges and defense attorneys to courts-martial trials. The bill specifically provides that members of the Judicial and Defense Divisions would be responsible only to the chiefs of their respective divisions, and to the Judge Advocate General. This provision assures that the prosecution division will not be able to influence the actions of the defense or judicial divisions. The performance of the members of the latter two divisions is to be rated by members of that division alone.

I might point out, Mr. President, that under present practice the commander on any military post is the one who looks at the record. He also is the one who determines job ratings and decides whether his men are promoted.

The Administration Division would be made responsible for picking at random the members of the court, for such general administrative duties as are now performed by the trial counsel, and for detailing or employing court reporters and interpreters.

The establishment of this independent command, and the consequent abolition of the office of "convening authority," as that term is now used in the code, will eliminate any possibility or appearance that the commander, by manipulating the choice of personnel, could control the outcome of a particular case. In addition, the proposal will do much to preclude the institution of charges for what may appear to be arbitrary reasons, provide for the efficient allocation of prosecutorial resources, and ensure the professional drafting and processing of formal charges.

The establishment of this separate command will not jeopardize the maintenance of discipline. I think this is important. We need discipline in our armed forces. Any person, including the commander, would be entitled to refer charges to the Prosecution Division for possible trial. In addition, the commander will retain the nonjudicial punishment powers granted to him by article 15. Thus, the commander will be empowered to punish minor breaches of discipline by means of the power he now possesses, and he will be able to refer more serious offenses to the Prosecution Division.

ABOLITION OF THE SUMMARY COURTS-MARTIAL

This bill would finally eliminate the summary courts-martial from the Uniform Code of Military Justice. We decided to abolish these proceedings because they are consistent with the whole thrust of this plan for reform. One officer is delegated to perform all the functions at summary courts-martial. He presents the prosecution's case, hears and evaluates the evidence offered by the defendant, decided whether or not the accused is guilty, and he determines the sentence, if any. While eliminating the commander's power to appoint the Summary Court-Martial Officer would be an improvement, but would not be sufficient. We should not allow any serviceman to suffer such a burden—a burden which is equivalent to a criminal conviction—without granting him all the procedural safeguards that are fair and practicable. By their very nature, summary courts do not and cannot afford those basic protections.

Elimination of this category of courts-martial is fully in accord with current practice and thought in the military. Before 1968 a serviceman could be given a summary court-martial over his objection if he had previously been offered and had refused an article 15 proceeding. As a result of the 1968 reform, no person may be brought to trial before a summary court-martial if he objects thereto. And since 1968 the use of summary courts has been generally discouraged; many commands have almost completely eliminated them.

As long as article 15 procedures remain available, the local commander has adequate procedures for dealing with minor infractions which really do not justify the use of a court-martial. In short, abolishing the summary courts will not impair discipline. But it will improve the quality of justice in the military.

NEW POWERS FOR MILITARY JUDGES

When a man is accused of a crime, all of the power and resources at the command of the State are brought to bear against him in an attempt to deprive him of his liberty against his will. To prevent the Government from using the resources at its disposal unjustly, significant control over the accusatory process and the trial proceedings must be granted to independent and impartial judges.

Although the Military Justice Act of 1968 created an independent military judiciary, military judges lack many of the powers which are necessary if they are to play a significant role in the military justice process. For example, although it is now clear that the judges of the Court of Military Appeals have such power, judges of the Court of Military Review and military trial judges may lack the "all writs" power exercised by civilian judges, such as the power to issue writs of mandamus, prohibition, and coram nobis.

Unlike their civilian counterparts, military judges lack the ability to utilize the contempt power as a means of controlling those individuals outside the courtroom whose conduct constitutes a direct threat to courtroom discipline and to the right of the accused to a fair trial.

Accordingly, this bill would grant to military judges at the trial level the power to issue all writs necessary or appropriate in aid of their jurisdiction, as now provided in the All Writs Act. Military judges would also be given the power to punish for contempt, power which is now possessed by the Federal judiciary. Punishment would be limited to confinement for not more than 30 days or a fine not to exceed $100 or both.

This bill would also give powers over sentencing to the professional judges. At present, the uniform code empowers the members of a court martial to adjudge sentences. The members of a court are not experienced judges. Due to the restrictions imposed by article 37 of the code upon the type of instruction which members may receive, they often cannot and do not become familiar with the intricacies of the sentencing process. As a result, to quote the 1969 report of the Judge Advocate General of the Army:

> The sentences adjudged by court members run the gamut from being so severe as to hamper rehabilitation to being too light to permit effective rehabilitation or to have any deterrent effect.

In many civilian cases, if the court were to impose the minimum sentence provided by law for a defendant found guilty of the commission of an offense, the demands of justice and equity would not be served. Accordingly, in such cases, the sentencing authority, the judge, suspends the sentence. In the military system, cases which would justify suspension of the sentence also occur. However, the sentencing authority, the members of the court or the military judge, lack the power to suspend a sentence.

Under this bill the sentencing power, including the power to issue suspended sentences—but not including sentences of death—would be transferred to the military judge. Subject to such limitations as may be imposed by the Constitution, the judge would only be allowed to impose a death sentence if the crime was one for which the code specifically allows that penalty, and if the court-martial's jurors unanimously recommend that penalty. The final decision would be up to the judge, however. The recommendation would not be binding upon him. The change would place the power to sentence in the hands of the men who are in a position to develop the expertise required, in the words of the Army Judge Advocate General, to "strike a reasonable balance between the frequently competing factors of deterrence and rehabilitation." Moreover, it would bring military justice procedures into accord with the Federal civilian practice and the practice in the large majority of State courts.

GRANTING FUNDAMENTAL RIGHTS TO THE ACCUSED

The proposed legislation would extend to servicemen certain basic rights now accorded their civilian counterparts.

The Uniform Code of Military Justice would be amended to provide for the appointment of a member of the Defense Division of the independent trial command upon request immediately following arrest. Procedurally, this would be accomplished at a formal hearing following arrest similar to the presentment required by rule 5 of the Federal Rules of Criminal Procedure.

The subpena power—the power to compel the attendance of witnesses and the production of documents—is made available to civilian defendants through an impartial third party, the trial judge, in order to prevent the State from presenting only the evidence most favorable to its attempt to prove the guilt of those it accuses of the commission of a crime. To accord accused servicemen the same protection, the bill which I introduce today will transfer the subpena power from the trial counsel—the prosecutor—where it now resides, to military trial judges and the requirement that expected testimony be revealed in advance would be abolished.

Under this bill, both prosecution and defense counsel would have to show that the subpena was necessary to an adequate presentation of their case. This provision would eliminate even the appearance that the prosecutor could abuse the subpena power by limiting the ability of the accused to present his defense effectively.

This bill also contains a section on discovery, outlining in detail the information each party can obtain from the other. Such provisions are essential to any system which attempts to provide fair trials.

The Uniform Code of Military Justice provides that no serviceman may be tried for the same act both by court-martial and in a Federal court, regardless of which trial occurs first. However, the code does not prevent a serviceman from being tried for the same act in both military and State courts, thus leaving open the distinct possibility of equally severe double jeopardy.

The bill would extend to servicemen the complete protection accorded civilians against double jeopardy by prohibiting trial by court-martial after trial in a State court for the same act, and vice versa.

Under the present law, the power to authorize the search of military persons or property on a military installation is exercised solely by the commanding officer. This officer may be the same individual who determines whether to prosecute, controls the court-martial procedure, and reviews the findings and sentence. It is true that the commander must have "probable cause" to authorize a search and that the standards established by the Court of Military Appeals have in some cases exceeded those applying to civilian courts. However, the probable cause need not be proven to an independent authority until the court-martial itself, and there are no affidavits or other evidence available as to the probable cause at the time the search is authorized.

In the civilian justice system, however, the power to authorize searches and to issue arrest warrants is vested in an independent magistrate. In order to make the military system conform to the civilian process, the bill would vest the power to issue search and arrest warrants in the military judges, and take it away from the commanding officer.

Under the present law the only procedure for determining whether the accused should be held for trial is the investigation provided by article 32. This investigation is normally conducted by an officer who is subject to the influence of the commander pressing the charges. Furthermore, this officer is usually not trained in the law and is therefore often incapable of adequately appraising the legal sufficiency of the evidence presented to him. For this practice, the bill would substitute an initial investigation by the Prosecution Division of the charges. If that division determined that there was enough evidence, it would bring the accused before a military judge. The judge would then determine whether there was probable cause to hold the accused for trial and set bail or its military equivalent. Furthermore, he would be given the power summarily to dismiss legally or factually insufficient charges. The accused would have to be brought before the judge within 24 hours after arrest.

The practical availability of collateral relief would also be affected by this bill. Unlike civilian attorneys, military defense lawyers may seek relief in Federal courts only if given permission to do so by their immediate legal superior, the staff judge advocate. Thus, an accused who has civilian defense counsel, who is not subject to this control, may seek necessary relief in the civilian courts while an accused who is represented by a military lawyer may be inhibited in the attempt to obtain the same relief.

This bill would empower military defense attorneys, at Government expense, to seek collateral relief for their clients in civilian courts when appropriate and would thereby make the availability of this form of relief independent of the ability of the accused serviceman to employ civilian counsel.

SELECTION OF MEMBERS OF THE JURY

The right to trial by individuals selected at random, some of whom may possess attitudes and prior experience similar to those of the accused is a fundamental tenet of American jurisprudence. In accord with this principle, the bill I am introducing would establish a system of random selection for members of general and special courts-martial.

It is especially important that enlisted men be more adequately represented on courts-martial. For it is enlisted men who are being tried in these proceedings. In a recent year, the Army tried more than 68,000 men. Of those prosecuted, only 63 were officers, less than one-tenth of 1 percent. Given this great discrepancy in the number of officers and enlisted men who go to trial, it is essential that more enlisted men serve on courts so that the accused can be judged by a jury of his peers.

I have no doubt that enlisted men could serve with honor on these courts-martial. This bill would require all members of the court to have served on active duty for a year or more. A high percentage of enlisted men possess a high school education and a substantial minority are college educated—over 15 percent of those men who enlisted last year were college graduates. Thus, there should be little fear that the inclusion of enlisted men as members of courts-martial will result in the inclusion of men unqualified to serve as jurors. Moreover, the fact that the members will be selected at random will insure that the members of the courts-martial will reflect the different experiences and attitudes possessed by the various members of the community. Today's soldiers are part of a different kind of army, much of it engaged in a far different kind of conflict than we knew a generation ago. If they are to be tried for military crimes—and without in any way suggesting that the guilty be excused—they have the right to be judged by those fully familiar with the kind of army we have, the kind of war it is fighting.

In addition, in order to make the military system of selecting court-martial members conform more closely to the civilian jury selection system, the number of peremptory challenges would be increased to three per side—and per accused in a joint trial—in a special court-martial empowered to adjudge a bad conduct discharge, and six per side in a general court-martial—10 per side in a capital case. The number of peremptory challenges in a special court-martial not empowered to adjudge a bad conduct discharge will remain at one per side.

CONFINEMENT

The power to confine a citizen against his will is surely one of the most significant powers possessed by the Government. This power ought to be exercised only under the most stringent conditions and only pursuant to the most rational and enlightened procedures. Accordingly, my proposed legislation contains a number of provisions designed to modernize military confinement and sentencing procedures and policies.

The powers to decide whether an accused serviceman should be subject to pretrial confinement and to deter sentence to confinement pending appeal would be transferred from commanding officers to the independent military judges. A presumption in favor of release which would seem to present no threat to military discipline and which would enable the accused to perform military duties and to utilize the time to prepare his defense, would also be established.

Of course, that presumption could be overridden by the judges.

The judge's rulings would be appealable as interlocutory matters to the U.S. Court of Military Review.

If the military judge decided to confine the accused prior to trial or pending appeal, the accused, like nonmilitary criminal defendants, would be entitled to full credit toward any sentence eventually imposed.

I wonder how many of us realize that if a civilian is confined to jail prior to trial and then is found guilty, the time he has served, sometimes 6 months, sometimes 9 months, is applied to the penalty meted out by the court; but that is not true of the GI or naval officer who is thrown into the stockade or the brig. For some reason or another we have omitted the seemingly obvious point that the time spent in pretrial detention should be deducted from the punishment meted out after trial. I hope we can correct that injustice by adopting this provision of the proposed reform.

The legislation also provides that all those confined—including those awaiting trial or appeal—are to be permitted to participate in work, exercise, and rehabilitation programs wherever adequate facilities are available.

A committee composed of judges of the U.S. Court of Military Appeals, the Judge Advocates General of the Armed Forces, and the General Counsel of the Department of Transportation—representing the Coast Guard—together with three civilians appointed by the President, would be directed to study and suggest revisions in the current table of maximum punishments. This study would be conducted with a view toward identifying and correcting apparent inequities and establishing if possible, subcategories based upon differences in elements of culpability. The study would also include an examination of the advisability of retaining the President's power to alter or suspend the table of maximum punishments as to particular geographical areas or to suspend the table for particular crimes. The committee would be directed to report to Congress within 1 year of the date of the enactment of the bill.

APPELLATE PROCEDURE

A somewhat antiquated appellate process creates unnecessary delays and imposes a heavy burden upon the judges of the Court of Military Appeals and other officials involved in the processing of appeals. My legislation is intended to improve this situation in several ways.

It would, as noted above, eliminate review by the convening authority. As a result cases which are now heard by the military courts only after a long delay for convening authority would now be appealed directly to the military courts.

Furthermore, the Uniform Code of Military Justice would be amended to allow the Judge Advocate General of each service to review the findings and the sentence of a court-martial not reviewed by the Court of Military Review.

In addition, the bill would empower the Supreme Court of the United States to issue writs of certiorari to the Court of Military Appeals. The Court of Military Appeals is the highest court in the military justice system and its decisions often involve important questions of individual constitutional rights. The ultimate resolution of these important questions of constitutional law ought to be the responsibility of the court which is, in all other cases, considered to be the final arbiter of meaning of the Constitution. Review of military decisions by the Supreme Court should create no fear of granting the power of review to civilians outside of the military system because the Court of Military Review may be composed in part civilians and since the Court of Military Appeals is, by law, composed of civilians.

Finally, in order to allow the Court of Military Appeals to hear additional cases and to provide for continuity, the Revised Uniformed Code of Military Justice would increase the number of judges who sit on this court to nine and empower the court to sit in panels of three judges each. This will triple the time available for the court to deal with its heavy workload with no great increase in cost.

STUDY OF OTHER PROBLEMS

There are three other aspects of the military justice system which perhaps should be modified. Rather than delay those reforms which can and should be enacted immediately, section 4 would direct a special committee composed of judges of the Court of Military Appeals, the Judge Advocates General of the Armed Forces, the General Counsel of the Department of Transportation for the Coast Guard, and three civilians appointed by the President, to study these problems and to recommend solutions within 1 year of the date of passage of the act.

Specifically, the committee would be directed to study: First, the desirability over some absence offenders to the Federal courts; second, methods, other than those I have outlined, of eliminating delays in the appellate process; and, third, methods of handling prisoners who complete the service of sentence to confinement prior to the completion of appellate review.

HOW THE NEW CODE WILL WORK

Mr. President, in order to illustrate how the new code will work, I would like to take a hypothetical example of a soldier arrested for a crime and to follow him through the court-martial procedure as I have proposed it.

Suppose that Private Jones were arrested—article 7(a)—by the military policeman late at night for committing a crime on post. The arresting MP immediately notified a representative of the Prosecution Division of the local Regional Court-Martial Command, and the investigation was immediately coordinated between investigative and legal personnel—article 30(a). Private Jones declined to make a statement about the offense—article 31—but had likewise declined to exercise his right to the presence of a lawyer.

Within 24 hours of Jones' arrest, the military police brought him before a local independent military judge—article 32 (a)—who advised him of his rights, including his right to have a preliminary examination—article 32(c)—set bail pursuant to regulations, and appointed free counsel from the defense division. The judicial and defense divisions of the Regional Command are independent of all local control, and indeed of any control in the Court-Martial Command except within their own division—article 6a(f). In addition, the judge required that Jones be formally charged by the prosecution division at that time and examined the charge to see that it stated an offense. If Jones had not been charged within 24 hours after arrest, he would have been ordered released until he was charged—article 32(b).

Jones requested that counsel be appointed for him, and after consultation with counsel he decided to request a preliminary hearing—article 32(d). The judge set this hearing for 2 weeks hence, and instructed Jones' counsel that if he needed it, he could request a continuance in order to prepare his case—article 40. The judge also ordered that Jones be restricted to his company area. Since this restriction was not particularly onerous, Jones decided not to appeal it to the Court of Military Review as an interlocutory matter.

Two weeks later, a preliminary hearing was held before the same judge who presided at the presentment. The Government was represented by a lawyer from the prosecution division, and the defense was represented by a lawyer from the defense division—(the same lawyer who had been advising Jones all along—article 6a(c)(d). A summarized record of the proceedings was made by a court reporter assigned by the Administration Division of the Regional Command—article 6a(3). At this hearing, Jones had a right to confront his accusers, to cross-examine witnesses against him, and "to discover the evidence against him"—article 32(d). He was shown copies of his prior statements, and statements made by prospective witnesses against him—article 39A. He also had the right to present evidence in his own behalf.

When the hearing was over, the judge found that there was probable cause to believe that Jones committed the crime charged and so, within 3 days, the judge transmitted the case, including the summarized record, to the prosecution division of the Regional Command for trial—article 33(a). The prosecution division decided that there was sufficient evidence upon which to prosecute, and that a general court-martial was the appropriate level trial, and so it "referred" the case to trial by a general court martial, and notified all parties concerned—article 33(b). Likewise it notified the administration division to "convene" a court-martial, that is, to order members of the Armed Forces within its geographical jurisdiction to appear at the appointed time for a court martial—article 1(15). This selection was made on a random basis, and was done without regard to rank—article 25(b).

In the meantime, Jones had been arbitrarily picked up from his company area, and he was being held incommunicado in the post stockade. His military counsel filed a petition for a writ of habeas corpus with the local military judge, but it was denied without reason—article 26(a)(2). An appeal to the Court of Military Review and to the Court of Military Appeals likewise failed—article 66(i). Since the trial date was approaching and Jones' lawyer needed to talk to him, the military counsel then filed a petition for a writ of habeas corpus and for injunctive relief in the local Federal district court article 38(c). There, after a hearing, Jones was ordered released.

A search warrant had been obtained earlier in this case by a request from the prosecution division to a military judge—article 46(b)—supported with a written affidavit from a military policeman making out probable cause to search, and particularly describing the thing to be seized and the place to be searched—article 46(b)(2).

Before trial, Jones had an opportunity to present to the military judge motions, to suppress the evidence obtained by this search and other motions to suppress, and the judge ruled on them—article 39 (a)(1). Also, Jones requested that the military judge subpena his mother from the next county to appear as a character witness for him. The judge found the request reasonably necessary to insure an adequate defense, and so he signed the subpena—article 46(a). If she failed to appear, the judge could have punished her for contempt—article 48(b)(3).

When the trial began, Jones had a right to challenge six jurors peremptorily, as did the Government—article 41(a). The judge ruled finally on all challenges for cause. Since enough court members had been summoned to appear by the administration division, seven jurors plus one alternate were selected.

Upon conviction, the judge heard evidence in extenuation and mitigation, and passed sentence on Jones—article 26(a) (1). At this time, Jones asked the judge to defer his sentence to confinement pending appellate review, but the judge denied the request—article 57(a). The judge, however, accompanied his denial with a written statement pointing out that in his opinion, Jones would likely flee to avoid confinement, because he has previously been convicted of an absence offense—article 57(a). Jones' counsel appealed this determination as an interlocutory matter to the Court of Military Review—article 57(d)—and since the judge's determination was reasonable, the appeal was denied.

During all the time Jones was in confinement, he was able to take part in rehabilitative programs conducted by the stockade—article 58(b)—and all time spent in confinement following his arrest was deducted from the sentence eventually imposed—article 57(b).

The record of trial was expeditiously prepared by the administration division of the regional command under the supervision of the prosecutor—article 38 (a)—and when completed, was forwarded without further review at this level directly to the Court of Military Review—article 66(b).

The Court of Military Review functioned as an intermediate-level military court, statutorily independent of command control with respect to its judicial functions—article 66(a)—and having the power to issue all writs—article 66 (i)—to review matters of fact and law, and to review the appropriateness of the sentence. When the case was appealed automatically to this court, appellate counsel assigned to the Office of the Judge Advocate General were appointed to represent Jones, upon his request—article 70.

When the Court of Military Review affirmed Jones' conviction, Jones had a right to appeal further to the Court of Military Appeals, since his original sentence included a punitive discharge, or confinement for a year or more—article 67. Pending that appeal, Jones, sentence was not executed—article 71(c). A panel of three judges from the nine-member Court of Military Appeals—article 67—also affirmed Jones' conviction.

If Jones and his counsel had considered that a significant constitutional issue was still unsatisfactorily resolved in his case, they could have petitioned for a writ of certiorari to the Supreme Court (28 U.S.C. 1259), and Jones could have been represented before that Court by by appointed military counsel—article 70(e).

CONCLUSIONS

Mr. President, some critics of the military justice system so distrust the military's capability in this area that they would abolish or virtually abolish the power of the services to punish civilian-type felonies in time of peace. I have made the proposals which I have outlined above in the belief that the time for such drastic surgery has not yet arrived. Few civilian crimes are tried in the military courts. The special civilian committee for the study of the U.S. Army confinement system has estimated that of the prisoners placed in confinement by the military, at least 85 percent and perhaps as many as 90 percent are men who have either absented themselves without leave or deserted. These, of course, are crimes uniquely within the purview of the military courts. Another 3 to 5 percent are imprisoned for other military type offenses, such as disrespect of a superior officer, failure to obey a lawful order, and breaking restriction. While these figures do not include the number of men tried and acquitted or tried and not sentenced to confinement, it does appear that the total number of men who are processed by the military justice system for civilian offenses is very small. I believe that these men would be adequately protected if the reforms I have suggested were to be enacted into law.

Moreover, the Supreme Court and the Court of Military Appeals have decided that court-martial jurisdiction does not extend to civilian dependents or employees abroad in time of peace, whether they are accused of capital or noncapital offenses. In addition, the Supreme Court has decided that court-martial jurisdiction extends only to these individuals who are members of the armed services both at the time of the commission of the offense and at the time of trial. Finally, the Supreme Court, in the recent case of O'Callahan against Parker, has decided that members of the Armed Forces can be court-martialed for service-connected crimes only. Under these circumstances, and with the hope of enactment of significant reforms, I do not believe that further curtailment of court-martial jurisdiction over civilian-type offenses is appropriate at this time.

However, I do believe that reform is necessary and desirable. The enactment of the Military Justice Act of 1968 clearly resulted in an improvement of our system of military justice. Experience has already revealed, however, that the enactment of this important legislation did not sufficiently reduce the effects of command influence—of justice by fiat—and did not succeed in guaranteeing to our men in uniform the same rights and safeguards provided their civilian counterparts. Greater reform is urgently required.

Military commanders should not be concerned that the more equitable system of justice created by my proposed legislation will serve to undercut the discipline which we all recognize as necessary to an effective armed force. Indeed, experience has taught us that inequitable laws spawn disrespect for the law, and disrespect in turn eventually leads to disobedience. Moreover, for relatively minor matters—matters of discipline rather than criminal law—the commander will retain the well-established powers of nonjudicial punishment granted to him by article 15 of the Uniform Code of Military Justice.

My proposals will not, I believe, greatly increase manpower requirements beyond the increases which have already occurred in order to implement the Military Justice Act of 1968. Rather, I believe that they will enable the Armed Forces to utilize present legally trained personnel more efficiently and effectively. Moreover, any desirable increase in personnel could be met by the enactment of legislation designed to improve the retention rate of experienced legal officers. Such legislation is long overdue.

Mr. President, I believe that the legislation which I have introduced will help create a better system of military justice, a system which will not only bear scrutiny but which will invite admiration.

Mr. President, I hope that the Senate can give immediate attention to this matter. As I mentioned earlier, we have today an army of nearly two and a half million young men and women. Most of these young people are going to come in contact with military justice in one form or another while they are serving their country. If we are to create, at an early age the respect for the law which these young people ought to take back into civilian life, I think it is imperative that we see that justice is justice, whether it is civilian or military. I recommend the consideration by our colleagues of this important piece of legislation as a way in which we can establish true justice in the military.

By Mr. THURMOND (for himself, Mr. SCOTT of Virginia, Mr. CURTIS, and Mr. FONG):

S.J. Res. 68. A joint resolution proposing an amendment to the Constitution of the United States with respect to the method of appointing electors of the President and the Vice President of the United States. Referred to the Committee on the Judiciary.

Mr. THURMOND. Mr. President, today I am proposing an amendment to the Constitution that will restore the method of electing our President and

Vice President to the true conception our Founding Fathers envisioned of the electoral college. This resolution, which is similar to measures I cosponsored in both the 85th and 90th Congresses, provides for a presidential candidate who carries a State to receive two electoral votes and who carries a congressional district to receive one electoral vote. In addition, it will require each elector to be bound under oath to cast his vote according to his preelection declaration.

My proposal will establish the "district plan as the method of choosing electors. The "district" plan was supported by such leading statesmen as Jefferson, Hamilton, Madison, John Quincy Adams, Jackson, Van Buren, and Webster, and was the system generally used in the early days of the Republic.

Mr. President, the intent of this joint resolution is to bring about changes in the electoral system, through the method provided for constitutional amendments, so as to more exactly reflect the will of the citizens of this Nation in presidential elections.

Under the present system where the electors are chosen by statewide voting instead of the district system, it is not unusual for a candidate to receive from 40 to 49 percent of the popular vote in the State, without receiving a single electoral vote.

Mr. President, I am convinced that adoption of the proposed amendment would do more to equalize the voting power to citizens in this country than any step taken since the Constitution was adopted.

For example, citizens in California presently vote for 45 electors, while in the smallest States they vote for only three. The proposed amendment to the Constitution would cause each citizen, regardless of where he lived, to vote for three electors—one in his own district and two in statewide voting.

Each of us, as citizens of our States and of the United States, is represented in Congress by two U.S. Senators and by one Representative. This provides each citizen with three voices in the enactment of legislation by the Congress. Under this resolution, each citizen would have three votes in the election of the President and Vice President, through whose abilities the enacted legislation will be implemented. This resolution would give the President and the Congress similar and parallel roots into the electorate. This is the proper foundation for both the executive and legislative branches of our National Government.

Mr. President, another important feature of this resolution would require electors to be bound by their preelection declaration. Since the effect of this resolution would be to allow the people in each congressional district to vote as a single unit, it would be unfortunate to allow one individual to usurp the expressed will of the majority of his electorate.

To insure that an elector's vote is cast for the candidate he was chosen to elect, this resolution also provides that any elector voting contrary to his declaration will have his vote counted in accordance with his preelection declaration.

In conclusion this amendment is designed to make the electoral college responsive to both the people and the States.

Mr. President, I ask unanimous consent that this resolution be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 68

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. Each State shall choose a number of electors of President and Vice President equal to the whole number of Senators and Representatives to which that State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be chosen an elector.

"One elector shall be elected from each district within a State from which a Member of the House of Representatives is elected, and two electors shall be elected at large from each State.

"Each candidate for the office of elector of President and Vice President shall file, with the Secretary of State of the State in which he seeks such office, a declaration under oath of the identity of the persons for whom he will vote for President and Vice President, which declaration shall be binding upon him and any successor to his office. Any vote cast to the contrary shall be counted as a vote cast in accordance with such declaration.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 21

At the request of Mr. BEALL, the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 21, the Continuity of Education Act, a bill to prevent the forced transportation of elementary and secondary students during the course of the school year.

S. 59

At the request of Mr. HARTKE, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 59, a bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery.

S. 200

At the request of Mr. MCINTYRE, the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. TUNNEY), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 200, a bill to require that new forms and reports, and revisions of existing forms, resulting from legislation be contained in reports of committees reporting the legislation.

S. 275

At the request of Mr. HARTKE, the Senator from North Carolina (Mr. HELMS) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 275, a bill to amend title 38 of the United States Code increasing income limitations relating to payment of disability and death pension, and dependency and indemnity compensation.

S. 284

At the request of Mr. HARTKE, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 284, a bill to amend chapter 17 of title 38, United States Code, to require the availability of comprehensive treatment and rehabilitative services and programs for certain disabled veterans suffering from alcoholism, drug dependence, or alcohol or drug abuse disabilities.

S. 519

At the request of Mr. BUCKLEY (for Mr. SCHWEIKER) the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 519, Veterans Drug and Alcohol Abuse Rehabilitation Act.

S. 723

Mr. BEALL. Mr. President, on February 1, 1973, I introduced, along with Senators DOMINICK, HATHAWAY, JAVITS, PASTORE, STEVENS, and YOUNG, S. 723, which would establish a National Institute of Health Care Delivery.

Mr. President, I ask unanimous consent that the Senator from South Carolina (Mr. HOLLINGS) be added as a cosponsor of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 768

At the request of Mr. HARTKE, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 768, the Spirit of 1976 High Speed Rail Act.

Mr. CASE. Mr. President, I am glad to join in sponsoring S. 768 to upgrade railroad rights-of-way between Boston, New York, Newark, and Washington, four of the major cities comprising the congested northeast corridor of the United States.

For example, it is hoped that improving rights-of-way will make it possible to clip an hour off the present 3-hour traveltime between New York and Washington, D.C.

If this can be done, passenger rail travel will become even more competitive with air shuttle service within the corridor.

The goal under our bill is to provide such service by 1976. This certainly would be one appropriate way to celebrate our forthcoming bicentennial.

Our bill provides for more than $600 million to be used for financing equipment and right-of-way improvements. The National Railroad Passenger Corporation, otherwise known as Amtrak, and the Army Corps of Engineers will share responsibility for the project.

Though I am a cosponsor of S. 768, I believe there are several respects in which the bill could be improved.

For example, it does not spell out the

roles to be played by the railroad or railroads that will be involved, by the Corps of Engineers or by Amtrak. There also is a question as to how much right-of-way should be brought under Federal control through the project.

In other areas, the bill may require clarification to assure:

That the substantial construction work contemplated will be performed by the classes and crafts of railroad employees who are qualified and whose job it has been to do this work;

That qualified furloughed railroad employees will get first crack at available work on the project;

And that employee rights will be fully protected in line with laws creating such Federal programs as mass transit, high speed ground transportation and Amtrak.

I am confident that the Commerce Committee in considering the bill will see that the necessary changes will be made.

S. 819

At the request of Mr. BAYH, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 819, a bill to authorize a national policy and program with respect to wild predatory mammals; to prohibit the poisoning of animals and birds on the public lands of the United States; to regulate the manufacture, sale, and possession of certain chemical toxicants, and for other purposes.

S. 882

At the request of Mr. HARTKE, the Senator from Nevada (Mr. CANNON), the Senator from Hawaii (Mr. INOUYE), the Senator from North Dakota (Mr. YOUNG), the Senator from Delaware (Mr. BIDEN), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 882, a bill to amend section 355 of title 38, United States Code, relating to the authority of the Administrator of Veterans' Affairs to readjust the schedule of ratings for the disabilities of veterans.

SENATE JOINT RESOLUTION 1

At the request of Mr. BAYH, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of Senate Joint Resolution 1, proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States.

SENATE JOINT RESOLUTION 11

At the request of Mr. HOLLINGS, the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of Senate Joint Resolution 11, to pay tribute to law enforcement officers of this country on Law Day, May 1, 1973.

SENATE CONCURRENT RESOLUTION 12—SUBMISSION OF A CONCURRENT RESOLUTION CALLING UPON THE PRESIDENT TO CARRY OUT THE PROVISIONS OF THE ECONOMIC OPPORTUNITY ACT OF 1964

(Referred to the Committee on Labor and Public Welfare.)

Mr. JAVITS. Mr. President, I submit for myself and Senator GAYLORD NELSON, the chairman of the Subcommittee on Employment, Manpower, and Poverty, a concurrent sense-of-the-Congress resolution that the President continue OEO and its programs in the absence of changes made pursuant to law enacted by the Congress.

We are joined by Mr. ABOUREZK, Mr. BIDEN, Mr. BROOKE, Mr. BURDICK, Mr. CASE, Mr. CRANSTON, Mr. FULBRIGHT, Mr. GRAVEL, Mr. HART, Mr. HATFIELD, Mr. HATHAWAY, Mr. HUGHES, Mr. HUMPHREY, Mr. KENNEDY, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. PASTORE, Mr. PELL, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. STAFFORD, Mr. STEVENS, Mr. TUNNEY, and Mr. WILLIAMS, the chairman of the Committee on Labor and Public Welfare.

A similar resolution is to be introduced next week in the House of Representatives by Congressmen STEIGER of Wisconsin, the ranking minority member of the Subcommittee on Equal Opportunity, and AUGUSTUS F. HAWKINS, chairman of the subcommittee, which is a part of the House Committee on Education and Labor.

Mr. President, the resolution calls upon the President to carry out the provisions of the Economic Opportunity Act of 1964, which provides general authority for the continuation of the Office of Economic Opportunity and its activities, including community action agencies and programs through fiscal year 1974.

The resolution, in material part, provides as follows:

> Whereas the policy of the United States established by law enacted by the Congress should be changed only by law enacted by Congress; now, therefore, be it resolved by the Senate (the House of Representatives concurring), that it is the sense of the Congress that the President should—
>
> (1) continue in operation the Office of Economic Opportunity administering and supervising the important programs and activities entrusted to the Office under the provisions of the Economic Opportunity Act of 1964 utilizing fully funds appropriated by the Congress for such purposes; and
>
> (2) submit a revised budget request for the fiscal year ending June 30, 1974, requesting appropriations for the Office of Economic Opportunity and its administration of programs and activities entrusted to it under and in accordance with the provisions of the Economic Opportunity Act of 1964.

Mr. President, this resolution says in effect that the President should be held to the law with respect to the antipoverty program, in the absence of further action by the Congress.

THE LAW

The Economic Opportunity Amendments of 1972, Public Law 92–424, signed by President Nixon on September 19, 1972, provided for a 2-year extension, through fiscal year 1974, of the authorization of appropriations for the Office of Economic Opportunity and programs conducted by the office under the Economic Opportunity Act of 1964, first proposed and signed by the late President Lyndon B. Johnson.

The act of 1964 provides specifically for the establishment of the Office of Economic Opportunity in the Executive Office of the President to be headed by a Director appointed by the President by and with the advice and consent of the Senate and for the establishment of community action agencies and programs.

Moreover, the 1972 amendments continued through fiscal 1975 each of the duration of program authorities contained in the Economic Opportunity Act.

The duration of program authority for title II—contained in section 245, as amended, reads:

> The Director *shall* carry out the programs provided for in this title during the fiscal year ending June 30, 1967 and the eight succeeding fiscal years. For each such fiscal year only such sums may be appropriated as the Congress may authorize by law." (emphasis added).

Similar language is now contained in each of the other titles of the act which authorize programs administered by the Office of Economic Opportunity, including that under which that office itself is established.

For programs under title II and certain other titles, the Economic Opportunity Amendments of 1972 authorized $840 million for fiscal year 1973 and $870 million for fiscal year 1974. Of these amounts the amendments expressly reserved for each fiscal year $328.9 million for community action—local-initiative—activities and $71.5 million for the legal services program conducted by OEO.

Section 3(c)(3) of the 1972 amendments then provides:

> The Director shall allocate *and make available* the remainder of the amounts appropriated for carrying out the . . . Act (emphasis added).

On October 31, 1972, the President signed into law, Public Law 92–607, the supplemental appropriations bill, appropriating pursuant to the 1972 amendments a total of $709.2 million for fiscal year 1973, the current fiscal year, for the programs administered by the Office of Economic Opportunity under title II and the other appropriate titles of the act.

THE ADMINISTRATION'S PROPOSALS AND ACTIONS

The administration's budget submission for fiscal year 1974 contains no requests for funding of the Office of Economic Opportunity or for its conduct of programs which it currently administers under the act. The budget submission states that beginning July 1, 1973, the "existence of OEO as a separate Federal agency is no longer necessary" and indicates generally that programs now conducted by OEO are to be delegated or transferred to or "assumed" or funded by other agencies.

Almost simultaneously with the budget submission, Board Chairman and Executive Directors of Community Action agencies and other grantees received a directive from the Office of Economic Opportunity announcing "phase-out" grants. One such notice, dated January 29, 1973, states:

> Grantees whose current funding expires after June 30, 1973, will not receive additional phase-out grants, and should *start promptly* to adjust their affairs so as to close down all activities supported with Section 221 funds (local initiative) prior to the expenditure of currently available funds (emphasis added).

This directive has been coupled with or followed by many programs being placed on a month to month funding basis, the discharge on February 12 of the acting director of the legal services program, Mr. Tetzlaff, and personnel shakeups throughout the Office of Economic Opportunity.

In short, rather than carrying out the programs during this fiscal year as directed under the statue, the Acting Director, Mr. Howard Phillips, is proceeding to liquidate them during this fiscal year in order to implement a plan for next fiscal year yet to be approved by the Congress and contrary to law previously enacted.

ALTERNATIVES UNDER THE LAW

Mr. President, on February 6, 1973, in a speech before this body, while indicating my general opposition to the administration's plan, I stated:

> I will be open-minded to any changes that may be made, we must seek better ways to progress and needs to phase in the new while we do not retreat from the responsibilities assumed by the Congress and the Executive 4½ months ago in enacting the two-year extension, and what the poor themselves have given life under the Economic Opportunity Act of 1964 and the recent amendments.
>
> The Administration's proposal at this point is only that—a proposal; it is not enacted into law and is subject to action by the Congress.
>
> It is my fervent hope—and one which I shall give all my efforts as ranking minority member of the committee—that we will in time avoid a confrontation on this issue.

However, as I have indicated, even as I spoke those words and now apparently continuing at deliberate speed, the acting director of the Office of Economic Opportunity has been proceeding step by step—more like a trustee in bankruptcy than one charged with carrying out the law—to dismantle the agency and its programs.

Mr. President, I submit that the policy of the United States established by law enacted by the Congress should be changed only by law enacted by the Congress.

If the President has changed his mind concerning the continuation of the OEO and its programs since he signed the Economic Opportunity Act Amendments of 1972 and the appropriations bill for fiscal year 1973, then let him proceed under law and those of us in the Congress will give it every consideration.

Of course, he may choose to pursue again his programs for special revenue sharing and perhaps the Congress will be receptive in this session.

Moreover, the Economic Opportunity Act of 1964 as amended and the Executive Reorganization Act, specifically permit the President of the United States to transfer or eliminate the Office of Economic Opportunity by following the procedures of the Executive Reorganization Act, under which a reorganization plan must be submitted to the Congress; however, the President has yet to come forth with a specific plan to be submitted to the Congress or even indicate that he intends to proceed in that manner.

Furthermore, the Economic Opportunity Act as amended, specifically permits the Director of the OEO, with the exception of certain programs, to delegate all or a part of his "functions" to another agency; although these authorities have been relied upon in the past, for example in the case of the delegation of manpower training programs to the Department of Labor and the Headstart program to the Department of Health, Education, and Welfare, no delegation documents have been executed.

Mr. President, what has been established as the policy of the United States by law enacted by the Congress, and extended twice with the approval of this administration since 1964, must not be undone by Executive action alone.

Mr. President, in view of the great support given to this resolution I hope very much that the administration will reconsider the policy by which it is now proceeding, and halt the dismantling of OEO and rather seek congressional approval under a reorganization plan of those plans it has for the agency.

I ask unanimous consent that there be printed at this point in the Record a full text of the resolution, together with an excerpt from page 122 of the administration's budget submission setting forth the administration's proposals, and the directive to community action agencies dated January 29, 1973, to which I referred earlier, which includes a summary of the OEO programs and plans with respect thereto.

There being no objection, the concurrent resolution and material were ordered to be printed in the Record, as follows:

S. Con. Res. 12

Whereas the Economic Opportunity Act of 1964 declared that the policy of the United States is "to eliminate the paradox of poverty in the midst of plenty in this Nation by opening to everyone the opportunity for education and training, the opportunity to work and the opportunity to live in decency and dignity".

Whereas, in furtherance of that policy, the Economic Opportunity Act of 1964, established in the Executive Office of the President an Office of Economic Opportunity and provided specifically for the establishment of community action agencies, organizations and programs to be administered by said Office under the provisions of the Act in order to stimulate a better focusing of all available local, State, private, and Federal resources upon the goal of enabling low-income families and individuals to secure the opportunities needed for them to become fully self-sufficient.

Whereas the Office of Economic Opportunity has served as a valuable advocate for the poor in the Federal Government, community action agencies and organizations established under that Act have been effective in mobilizing resources on behalf of the poor, and community action and other programs and activities have been vital in achieving the purposes of the Economic Opportunity Act of 1964.

Whereas, on September 19, 1972, the President signed into law the Economic Opportunity Act Amendments of 1972 providing for an extension, through fiscal year 1974, of the Office of Economic Opportunity, community action agencies and programs and other prorgams and activities established under that Act.

Whereas the President's budget submission for fiscal year 1974 contains no requests under the Economic Opportunity Act of 1964 for federal funds for the continuation of the Office of Economic Opportunity or for its administration of the important programs and activities entrusted to it under the provisions of that Act, and indicates that the functions of the Office of Economic Opportunity are to be delegated or transferred to or assumed by other agencies of the Federal Government.

Whereas 25.6 million of the Nation's citizens—more than 12 percent of the population—continue to live in poverty and many additional millions of Americans are at the edge of poverty, with resulting individual and societal hardship and costs.

Whereas the policy of the United States established by law enacted by the Congress should be changed only by law enacted by the Congress; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring) that it is the sense of the Congress that the President should—

(1) continue in operation the Office of Economic Opportunity administering and supervising the important programs and activities entrusted to that Office under the provisions of the Economic Opportunity Act of 1964 utilizing fully funds appropriated by the Congress for such purposes; and

(2) submit a revised budget request for the fiscal year ending June 30, 1974, requesting appropriations for the Office of Economic Opportunity and its administration of programs and activities entrusted to it under and in accordance with the provisions of the Economic Opportunity Act of 1964.

Office of Economic Opportunity,
Washington, D.C., January 29, 1973.

Subject: Termination of Section 221 Funding.

To: Board Chairmen and Executive Directors, Community Action Agencies and Other Grantees Funded Under Section 221 of the Economic Opportunity Act.

This memorandum is issued in order to give formal notice of funding changes under Section 221 of the Economic Opportunity Act. Supplemental guidance will be provided shortly regarding programs funded by Regional Offices and OEO Headquarters under other Sections of the Act.

A summary of the provisions made for OEO programs in the President's budget for Fiscal Year 1974 is attached for your information.

Section 221 funds are available to OEO, as described below, for awarding Community Action Section 221 grants during the remainder of Fiscal Year 1973 (ending June 30, 1973). Grantees which are scheduled for refunding between now and June 30, 1973, and otherwise qualified for funding, may receive phase-out grants of up to six months.

The Fiscal Year 1974 budget does not provide funds for any Section 221 grants during the Fiscal Year beginning July 1, 1973. Grantees whose current funding expires after June 30, 1973, will not receive additional phase-out grants, and should start promptly to adjust their affairs so as to close down all activities supported with Section 221 funds prior to expenditure of currently available funds.

Under either funding situation, difficult problems will be faced by grantees. We desire to be as cooperative as possible with grantees in planning and carrying out phase-down activities.

Your attention should be directed to the interests of program personnel and program beneficiaries, to provide such advance notice as is reasonably possible. Timing and foresight are the keys. Planning should begin at once to provide a smooth phase-out.

The remaining period of any current grant and any phase-out grant must be conducted with full compliance with OEO Instructions and in a manner consistent with sound fiscal and property management. OEO will not tolerate any departure from responsible management nor will it permit grantee conduct which might jeopardize an efficient close-down of activities.

Close-down procedures include the requirement of a final audit. Arrangements should be made now to provide for this in accordance with OEO audit requirements. (See OEO Instruction 6801-1 and Changes 1 and 2). Funds should be reserved sufficient to pay the costs of such final audit.

Income taxes and social security withholdings must be paid. Officers and directors have special responsibilities to assure full payment of taxes and payroll deductions. It is vital also that grantees assure that their unemployment insurance coverage is current.

Personnel should generally be progressively reduced in force. Appropriate reserves should be made for payment of all accrued leave if payable in cash and for appropriate terminal pay provided by approved personnel policies. No increases in pay, leave or terminal pay rights or other fringe benefits shall be made without written approval of persons authorized by the Director of OEO.

Provision should be made for transfer, wherever appropriate and permissible, of authorized group insurance or other authorized fringe benefits to individual policies or in other ways for the protection of the employees' interests in the best possible manner. Reasonable assistance in finding other employment should be provided to employees who are to be terminated.

Property must be inventoried and disposed of in accordance with OEO property regulations. (See OEO Instruction 7001-01). The grantee should prepare and submit to OEO for approval a plan for the disposition of all property.

Where authorized loans are outstanding, reasonable efforts should be made to liquidate them. Unliquidated loans should be reported to OEO with recommendations concerning appropriate action. The grantee's interest as creditor shall be transferred, when OEO so instructs, to an officer or agency designated by OEO as trustee to collect (or, when appropriate, to waive collection) such remaining outstanding loans and to pay over net balances collected to OEO.

Residual grant funds, including non-Federal share, and funds resulting from program income may be applied to the phase-out activity. This does not include interest earned by CAA's on deposits of grant funds prior to their employment in the program. Such interest must be returned to OEO by check made payable to the Treasurer of the United States. (See OEO Instruction 6806-03).

Profits, if any, resulting from authorized conduct of profit-making activities and any capital investments must be accounted for and may also be applied to the phase-out activity. Economic development projects funded under Section 221 will be reported through the Regional offices to the Assistant Director for Operations for advice as to appropriate disposition.

Balances remaining, upon conclusion of the funding periods as described above, should be returned to the Controller of OEO by check made payable to OEO accompanied by an explanatory itemized statement.

Arrangement should be made for preservation of grantee records as required by OEO grant conditions and instructions. Further guidance will be provided in the near future on this.

Where the grantee does not remain in existence to carry out other activities, local law should be consulted as to the necessity or advisability of formal dissolution proceedings.

You will be informed of OEO personnel who will be assigned to carry out applicable OEO close-out procedures and to assist and guide you in complying with close-out requirements. Assistance on legal questions may be obtained from your own attorney. Regional Counsel and OEO Headquarters General Counsel will be available to furnish appropriate assistance. Regional and Headquarters Audit staffs and Controller's Office will be available to assist on fiscal matters. Regional Office and appropriate Headquarters personnel will be available to assist on real and personal property questions, on personnel questions and other phases of the close-out activities.

The actions described in this letter are being taken as a result of general policy decisions and are not based on circumstances related to particular grants or noncompliance with OEO directives. Procedures provided for refusal to refund on such ground (45 C.F.R. 1067.2) are not applicable. These actions do not terminate or curtail assistance prior to the time that such assistance is concluded by the terms and conditions of the grant. Procedures provided for suspension and termination (45 C.F.R. 1067.1) are also not applicable.

In the event of failure by a grantee to comply with grant requirements, however, or failure to use Federal funds effectively and properly, OEO may take appropriate action in the case of the individual grantee in accordance with any applicable procedures for refusal to refund, suspension or termination, as the case may be.

Cessation of Section 221 funding rescinds your designation as a community action agency under the authority of Title II of the Economic Opportunity Act of 1964, as amended. Accordingly, you should promptly commence discussions with other Federal agencies from which you receive funding (other than Section 221 funding) under the Economic Opportunity Act in order to clarify your status as grantee.

Section 42 U.S.C. 2703 provides criminal sanctions for certain misconduct. The section reads:

"(a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any agency receiving financial assistance under the Economic Opportunity Act of 1964 embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to the Economic Opportunity Act of 1964, shall be fined not more than $10,000 or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under the Economic Opportunity Act of 1964 induces any person to give up any money or thing of any value to any person (including such grantee agency), shall be fined not more than $1,000 or imprisoned not more than one year, or both."

OEO Regional Office staff and appropriate Headquarters personnel will be available for discussions with grantees to assist in achieving orderly close-out. OEO is currently preparing a check-list which can help grantees assure that all essential matters are addressed. This will be supplied to you in the near future along with a requirement that individual close-out plans be submitted for OEO review.

———— ————,
Regional Director.

[Excerpt from page 122, of "The Budget of the U.S. Government, fiscal year 1974"]

OFFICE OF ECONOMIC OPPORTUNITY

In 1974 responsibility for certain programs now funded through the Office of Economic Opportunity will be assumed by other agencies, as follows: the migrant program will be delegated to the Department of Labor; Indian programs will be assumed by HEW; Community Economic Development program grantees will be funded by the Office of Minority Business Enterprise at Commerce; health projects will be transferred to HEW; research and development functions will be transferred to the agencies which have statutory responsibility in the fields of current OEO activity. In addition, legislation will be submitted to establish a Legal Services Corporation.

No funds are requested for the Office of Economic Opportunity for 1974. Effective July 1, 1973, new funding for Community Action agencies will be at the discretion of local communities. After more than 7 years of existence, Community Action has had an adequate opportunity to demonstrate its value. In addition to private funds, State and local governments may, of course, use general and special revenue sharing funds for these purposes. With Community Action concepts now incorporated into ongoing programs and local agencies, the continued existence of OEO as a separate Federal agency is no longer necessary.

OFFICE OF ECONOMIC OPPORTUNITY PROGRAMS

In view of the overall budgetary situation facing the President in fiscal 1974, a careful review of all Federal efforts has been undertaken. It is the desire of the Administration to return decision-making and the resources requisite to effective programing to elected officials at the local level. Enactment of an historic General Revenue Sharing bill has already resulted in $2.6 billion being distributed to State and local governments and $10.2 will be distributed in the remainder of FY 1973 and FY 1974.

In addition, the Administration is developing for resubmission to Congress a number of broad Special Revenue Sharing proposals designed to replace cumbersome existing categorical programs. Pursuant to the President's desire to make government more accountable to elected officials and in accordance with the President's "New Federalism" proposals returning both responsibility and resources to States and localities, no funds will be provided to continue the Office of Economic Opportunity after June 30, 1973. Funding under Section 221 of the Economic Opportunity Act for the core Community Action activities will become a local option beginning in fiscal 1974, as will support for the Senior Opportunities and Services program and the State Economic Opportunity Offices.

Senior Opportunities and Services program objectives will continue to be pursued Federally through the Administration on the Aging. Training and technical assistance previously afforded these programs will be discontinued. Other programs will be continued in fiscal 1974 under other auspices, as will certain research and demonstration efforts.

New legislation to establish a Legal Services corporation independent of OEO will be transmitted to the Congress. Personnel slots associated with OEO programs which will be eligible for continuation by other agencies in fiscal 1974 will be shifted to those agencies along with appropriate support personnel currently located in other OEO offices. The following table lists the actual and current year funding for OEO programs and their disposition within the fiscal year 1974 Federal budget:

OFFICE OF ECONOMIC OPPORTUNITY

[Obligations in millions of dollars]

Program	1972	1973	1974	1974 responsibility
Research, demonstration, and evaluation	45.0	66.7	78.0	Various agencies.
Community action operations	351.0	285.3		Local option.
Health and nutrition	157.2	[1] 165.2	146.9	Department of Health, Education, and Welfare.
Community economic development	26.8	30.7	39.3	Office of Minority Business Enterprise.
Migrant and seasonal farmworkers	36.5	36.3	40.0	Department of Labor.
Legal services	67.7	73.8	71.5	Independent corporation.
General support	18.2	18.5		
Special pilot Indian programs			32.1	Department of Health, Education, and Welfare.
Liquidation activities			33.0	General Services Administration.
Total	702.4	676.5		
Transfers to other agencies	38.3	.2		
Total	740.7	676.7	440.8	

[1] Includes $20,000,000 1972 supplemental available for 1973 obligation.

Following is a program-by-program discussion of the fiscal year 1974 program requests for former OEO programs, along with program plans for the remainder of fiscal year 1973. In some cases, fiscal year 1973 programming will be adjusted effective immediately in anticipation of the fiscal year 1974 program decisions. The concluding section of this presentation addresses overall employment ceilings for OEO for fiscal year 1973 and lists employment allocations of other Federal agencies in fiscal year 1974 for activities formerly associated with OEO.

COMMUNITY ACTION—LOCAL INITIATIVE PROGRAMS (SECTION 221)

Effective immediately, all new OEO funding for Section 221 activities (except for Indian programs) will be for a period not to exceed December 31, 1973, with no grant to receive funding for a period greater than 6 months. Grants made after today will include closeout notifications; grantees previously funded on an interim basis for six months may receive up to an additional six months funding prior to their termination. Grantees already funded for a full program year will be notified in writing that their current grant is a terminal award from OEO. No new awards for program purposes will be made under this authority after June 30, 1973. Effective July 1, 1973 Federal support under this section of the Economic Opportunity Act will cease. (Funding for Indian programs of the Office of Economic Opportunity is discussed in a separate section below.)

TRAINING AND TECHNICAL ASSISTANCE

Training and technical assistance provided under Section 230 of the Economic Opportunity Act will be discontinued before the end of this fiscal year. Obligations for this support activity will total $6 million in fiscal year 1973.

SENIOR OPPORTUNITIES AND SERVICES

The Senior Opportunities and Services projects now funded by OEO will receive $8 million in fiscal year 1973 with full twelve-month grants being awarded during the remainder of the year. No new awards will be made by OEO for SOS programs after July 1, 1973. It is anticipated that by that date funds will be available to continue elderly nutrition efforts from the $99.6 million appropriation requested for that purpose by HEW. Other service projects for the elderly will be funded directly by the Administration on the Aging (AOA) beginning in fiscal year 1974. Although the $8 million SOS program will not be refunded, the AOA budget will expand from $44.7 million in 1972 to $195.6 million in 1974 and is expected to carry forward the purposes previously pursued through the SOS program.

STATE ECONOMIC OPPORTUNITY OFFICES

Consistent with the decision to make continued funding for Local Initiative programs a local option, funding for State Economic Opportunity Offices will not be provided by the Federal Government after June 30, 1973. No new awards will be made in fiscal year 1974. Existing offices may be continued at the option of State governments from State revenue sharing allocations. It is expected that $12 million will be obligated for this program during fiscal year 1973. Notification of termination of OEO funding effective with awards made during fiscal year 1973 will be forwarded to all grantees.

NATIONAL SUMMER YOUTH SPORTS PROGRAM

OEO will continue support for this program in the summer of 1973 under a delegation agreement with the Department of Health, Education, and Welfare. No funds are requested for this activity in fiscal year 1974.

SPECIAL INDIAN PROGRAMS

OEO programs serving Indian people will be continued by the Department of Health, Education, and Welfare in fiscal year 1974, and converted to a pilot effort funded directly to Indian tribal councils. A total of $32.1 million is requested for appropriation to that agency in fiscal year 1974, an increase of $9.7 million over the level to be obligated by OEO in fiscal 1973. The increase will fund a major expansion of efforts to assist in Indian self-determination, efforts designed to enable Indian people to gain control and direction of the institutions and programs which affect their daily lives through their own duly constituted instruments of self-government. In addition to this program expansion, funding will also be available to continue nutrition assistance previously afforded via the EFMS program, to support an expanded Indian urban center effort, and to continue and expand vital programs previously operated under the auspices of Indian Community Action Agencies.

MIGRANT AND SEASONAL FARMWORKERS PROGRAMS

Migrants and seasonal farmworkers programs previously funded by OEO will be eligible for continuation under the direction of the Department of Labor in fiscal year 1974. A total of $40 million is requested for direct appropriation to Labor, an increase over the current year OEO level of $36.3 million. The additional funding will provide a significant expansion in the High School Equivalency (HEP) program, permitting the establishment of 13 additional projects in 1974. Other Migrants programs providing nutritional assistance, farmworker housing, day care, educational and manpower support will be eligible for continuation at their current levels.

COMMUNITY ECONOMIC DEVELOPMENT

OEO plans to invest $36.7 million in Community Economic Development and related research and demonstration activities during the balance of fiscal 1973. Beginning July 1, 1973, OEO support for Community Development Corporations will cease. New legislation will be submitted to Congress which would authorize the Office of Minority Business Enterprise in the Department of Commerce to continue funding of Community Development Corporations, as well as current OEO research and demonstration activities in the area of economic development. This consolidation of effort with OMBE will increase the effectiveness of Federal programs designed to bring minority entrepreneurs into the mainstream of economic life.

Approximately $39.3 million is requested for direct appropriation to OMBE in fiscal year 1974 for support of these OEO activities, an increase of $2.6 million over current levels. Most of the increase is anticipated to be utilized to permit concentration of funding on the more successful community development models to test their ability to accelerate the rate at which impact can be created, and will enable continued research and development.

LEGAL SERVICES

Estimated obligations for Legal Services programs during fiscal year 1973 will total $73.8 million, including a one-time obligation of $2.3 million available for special legal services experiments. New legislation will be submitted to establish a Legal Services corporation, independent of OEO, to be effective as of July 1, 1973. Consequently, $71.5 million is requested in the budget for HEW for fiscal year 1974 for subsequent assignment to the Legal Services program in its new location.

ALCOHOLIC COUNSELING AND RECOVERY

During fiscal year 1973, OEO will transfer $14.4 million to the National Institute for Alcoholism and Alcohol Abuse within HEW to sustain projects serving low income persons. Funds for these projects for fiscal year 1974 are requested as part of the HEW budget for NIAAA.

EMERGENCY FOOD AND MEDICAL SERVICES

During fiscal year 1973, $24 million is being obligated for Emergency Food and Medical Services projects from funds made available in a supplemental appropriation to the Agency in June of 1972 (and available for fiscal year 1973 utilization) in combination with new funding from the fiscal year 1973 appropriation. No funds are requested for this program in fiscal year 1974, except that projects serving Indians and Migrants will be continued from funds requested for direct appropriation to the Departments of Labor and Health, Education, and Welfare.

DRUG REHABILITATION ACTIVITIES

OEO is funding projects during fiscal year 1973 in the field of drug treatment and rehabilitation at an annual level of $23 million. In fiscal year 1974, $29.3 million is included in the budget of the National Institute of Mental Health (NIMH) for continuation of drug rehabilitation activities previously funded by OEO. As of July 1, 1973, all OEO activities will have been transferred to NIMH.

COMPREHENSIVE HEALTH SERVICES AND FAMILY PLANNING

Funding for the comprehensive health projects and family planning services will be included in HEW's health services delivery budget. This assures that all federally supported health centers are funded by the same agency and that Federal funds to finance the direct delivery of health services will be used to benefit the greatest number of recipients.

COMPREHENSIVE HEALTH SERVICES

OEO will obligate $85.5 million during fiscal year 1973 to permit full refunding of existing comprehensive health projects. This level provides support to approximately 60 large and small urban and rural projects distributed throughout the United States. These projects generally provide diagnostic, curative and preventive medical and dental care, and supportive services such as laboratory, X-ray, pharmacy, social/mental health services and outreach services.

In addition to the health services delivery programs, health manpower development programs and several technical assistance grants and contracts are being continued. The fiscal year 1974 request for HEW includes $102.6 million to continue OEO activities to be transferred as of June 30, 1973. In addition, funding is provided within HEW for comprehensive health services projects transferred from OEO to HEW in prior years. Essential OEO health manpower activities will be supported within the Bureau of Health Manpower Education in the National Institutes of Health.

FAMILY PLANNING

During fiscal year 1973, $15 million is obligated for family planning, primarily to allow for continued support of 220 community and research and demonstration projects. Projects formerly funded by OEO may be continued during fiscal year 1974 through direct appropriation of $15 million to HEW. In addition, funding is provided within HEW for family planning projects transferred from OEO to HEW in prior years.

RESEARCH AND DEMONSTRATION

Fiscal year 1974 funding for OEO research and demonstration activities will total $78 million, an increase of $11.3 million over the current year level of effort. Personnel will be eligible for transfer to operating agencies along with increased support funds. There they will be able to have more direct impact on operational programs than would have been the case had the function remained with OEO. Specifically, the fiscal year 1974 request for the

National Institute of Education includes $23.9 million to continue the educational voucher demonstration and other projects designed to test ways to provide equal educational opportunities;

Office of Child Development includes $12.6 million to continue experiments and studies of alternative approaches to day care and child development;

Office of the Secretary (HEW) includes $22.7 million to continue policy studies on the causes of poverty and develop ways to overcome environmental health problems which confront disadvantaged persons. Funding is also provided for a health insurance experiment to measure the cost to the Government and consumers of alternative plans and the resultant change in the health status of families;

Department of Labor includes $5.3 million to continue OEO research in the fields of manpower training and labor force participation;

Department of Housing and Urban Development includes $13.4 million to continue efforts to test ways to provide adequate housing for disadvantaged persons.

RURAL LOANS

The Title III-A rural loan program administered through delegation by the Farmers' Home Administration was discontinued in 1971. Although new loans have not been made since that date, several thousand outstanding loans still require service and collection. In fiscal year 1974, $2.5 million is requested for direct appropriation to FHA to cover ongoing administrative costs of this program.

APPROPRIATION TO GENERAL SERVICES ADMINISTRATION

Effective July 1, 1973 the General Services Administration will have funds to assume Federal responsibility for termination of all former OEO activities not specifically continued in fiscal year 1974 in other Federal agencies. Remaining OEO personnel not terminated or transferred to other Federal agencies, but required to liquidate Federal responsibilities with respect to terminate OEO programs, will be transferred to GSA. An appropriation of $33 million to GSA for liquidation of former OEO activities will be necessary. The requested appropriation will support the Federal personnel administering the program close-out as well as additional program liquidation requirements. (See following section for discussion of employment.)

EMPLOYMENT CEILING

The OEO ceiling for end-of-year employment (June 30) for fiscal year 1973 is 1,500 positions, including those position transtransferred to recipient agencies with delegated programs. Major reductions from current on-board strength (approximately 2,053 people) will occur in direct and support positions for programs to be terminated before the beginning of fiscal year 1974. Of the 1,500 on-board strength as of June 30, 1973, 834 slots will be transferred to the General Services Administration.

A total of 666 direct and support slots will be shifted to the various Federal Departments and Independent Agenies which will be continuing former OEO activities in fiscal year 1974; this figure is expected to remain stable during fiscal year 1974. The personnel complement transferred to GSA will be reduced to 296 by June 30, 1974, as individual grantee liquidations are completed. Thus, total Federal employment for former OEO activities will be 839 as of the end of fiscal 1974, with an additional 123 employees scheduled for assignment at that date to the Legal Services corporation. Distribution of end of year ceilings by recipient agency are listed below.

	June 30—		
	1972	1973	1974
Office of Economic Opportunity	2,271		
General Services Administration		834	296
Legal Services Corporation		123	123
Department of Labor		96	96
Department of Health, Education, and Welfare		362	[1] 362
Department of Housing and Urban Development		18	18
Department of Commerce		67	67
Total	2,271	1,500	962

[1] Health, Education, and Welfare distributed:

Office of the Secretary	125
National Institute of Education	40
Office of Child Development	22
Health Services and Mental Health Administration	136
National Institute of Mental Health	39
Total	362

SENATE RESOLUTION 71—SUBMISSION OF A RESOLUTION RELATING TO THE USE OF ENVIRONMENTAL OR GEOPHYSICAL MODIFICATION ACTIVITY AS A WEAPON OF WAR

(Referred to the Committee on Foreign Relations.)

Mr. PELL. Mr. President, I am today reintroducing legislation expressing the sense of the Senate that the U.S. Government should seek the agreement of other governments to a proposed treaty prohibiting the use of any environmental or geophysical modification activity as a weapon of war. Joining me in sponsoring this resolution are Senators BAYH, CASE, CHURCH, CRANSTON, GRAVEL, HART, HOLLINGS, HUGHES, HUMPHREY, JAVITS, KENNEDY, MCGOVERN, MONDALE, MUSKIE, NELSON, STEVENSON, TUNNEY, and WILLIAMS.

Mr. President, I have on several occasions brought to the attention of the Senate the dangerous implications for the environment and for mankind if we permit the development and use of environmental and geophysical modification techniques as weapons of warfare.

Last year, 15 Senators joined with me in cosponsoring Senate Resolution 281, urging the negotiation of an international agreement banning such activity. We introduced this legislation because it was becoming increasingly evident that the potential for offensive military uses of environmental and geophysical modification was very real. There was also growing concern among knowledgeable members of the scientific community that development and use of these modification techniques, without limitations, could have awesome consequences.

These concerns arose from more than hypothetical possibilities. There have been unofficial reports, which the Department of Defense has never denied, that weather modification techniques were in fact used in Southeast Asia as a weapon of warfare. In my own mind, there is no doubt that the United States did indeed conduct weather modification operations in Southeast Asia. And, indeed, I would be much surprised if other of the superpowers have not taken steps toward development of offensive military weather modification capabilities.

I cite these indications of military weather modification activities not to raise a quarrel over what may have been done in the past, but to emphasize that the need for attention to this problem is real.

I would hope, however, that the end of our active military involvement in Vietnam might also relieve whatever political restraints there may have been on a full and frank discussion of U.S. policy regarding offensive military uses of environmental modification.

Rainmaking as a weapon of war may well lead to the development of vastly more dangerous environmental techniques whose consequences may be unknown and which may cause irreparable damage to our global environment. This is why I believe the United States should move quickly to ban all environmental or geophysical modification techniques from the arsenals of war.

The United States now lacks any enunciated policy in this area. In the absence of a policy dedicating all environmental and geophysical modification efforts to peaceful purposes, the path is left open to the planning, development and prosecution of environmental or geophysical warfare. Restraint should be exercised now before damaging precedents are set.

As the chairman of the Subcommittee on Oceans and International Environment of the Senate Foreign Relations Committee, I conducted hearings on this subject in June of 1972. Administration witnesses at that time opposed immediate enactment of the Senate Resolution 281 on the grounds that they lacked sufficient knowledge and that an expression of a Senate view at that time would be premature. Since that time, however, there has been growing support within this country and internationally for an agreement on this subject.

On September 27, the National Advisory Committee on Oceans and Atmosphere—NACOA—in its first annual report recommended to the President and to the Congress that the U.S. Government which would dedicate "all weather modification efforts to peaceful purposes" and "eschew" their "hostile uses." Although this report was submitted to the Secretary of Commerce on June 30, it was not transmitted to Congress until a full 2 months after the subcommittee hearings on this subject.

And in December of last year, the 18th meeting of the North Atlantic General Assembly unanimously adopted a proposal, which I sponsored, recommending that the North Atlantic Council endorse through its member nations the urgent introduction of an environmental treaty which would prohibit the use of any environmental or geophysical modification activity as a weapon of warfare.

And in late December, the Review Panel on Weather and Climate Modification of the National Academy of Science's Committee on Atmospheric Sciences, made public a report recommending that the United States take international leadership through the United Nations to dedicate all weather modification efforts to peaceful purposes.

In the light of these developments, I believe the United States has a responsibility to provide leadership and I believe we in the Senate must provide the initiative.

The United States has been preeminent in the field of meteorology and has played a leading role in the development of international scientific collaboration in the area of long-range weather forecasting. The global atmospheric research program and the World Weather Watch are fine examples of the progress being made in this field. The mere suspicion that hostile military uses of weather modification techniques are considered acceptable policy could seriously jeopardize these important international scientific programs and could undermine future international cooperation on environmental matters.

Therefore, I urge, as I did last year, that the President publicly dedicate all weather modification efforts to peaceful purposes and that the United States take the initiative in formulating a treaty imposing a broad ban on all forms of geophysical and environmental warfare. Such a treaty would help safeguard the life-sustaining properties of the atmosphere for the common benefit of all mankind and encourage a greater sense of openness in the application of new technologies to environmental problems of global concern.

In order to further this objective, I am, again submitting a resolution setting forth a draft treaty on this subject.

Mr. President, the military conflict in Southeast Asia is behind us. We now are looking toward an era of increased international harmony and cooperation. Indeed, the President in his missions to Moscow and Peking concluded agreements for cultural exchanges and for cooperative efforts in medicine, space and other endeavors. I believe an international effort to restrict environmental modification to peaceful and hopefully cooperative efforts would be another important step in building the structure of peace the President has envisioned.

The international climate is right for action to remove weather modification once and for all from the realm of warfare and reserve it, once and for all, for peaceful purposes.

I ask unanimous consent, Mr. President, that the text of my resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 71

Whereas there is vast scientific potential for human betterment through environmental and geophysical controls; and

Whereas there is great danger to the world ecological system if environmental and geophysical modification activities are not controlled or if used indiscriminately; and

Whereas the development of weapons-oriented environmental and geophysical modification activities will create a threat to peace and world order; and

Whereas the United States Government should seek agreement with other governments on the complete cessation of any research, experimentation, or use of any such activity as a weapon of war: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Government should seek the agreement of other governments to the following treaty providing for the complete cessation of any research, experimentation, and use of any environmental or geophysical modification activity as a weapon of war:

"The Parties to this Treaty,

"Recognizing the vast scientific potential for human betterment through environmental and geophysical controls,

"Aware of the great danger to the world ecological system of uncontrolled and indiscriminate use of environmental and geophysical modification activities,

"Recognizing that the development of weapons-oriented environmental and geophysical modification techniques will create a threat to peace and world order,

"Proclaiming as their principal aim the achievement of an agreement on the complete cessation of research, experimentation, and use of environmental and geophysical modification activities as weapons of war.

"Have agreed as follows:

"ARTICLE I

"(1) The States Parties to this Treaty undertake to prohibit and prevent, at any place, any environmental or geophysical modification activity as a weapon of war;

"(2) The prohibition in paragraph 1 of this article shall also apply to any research or experimentation directed to the development of any such activity as a weapon of war;

"(3) The States Parties to this Treaty undertake not to assist, encourage or induce any State to carry out activities referred to in paragraph 1 of this article and not to participate in any other way in such actions.

"ARTICLE II

"In this Treaty, the term 'environmental or geophysical modification activity' includes any of the following activities:

"(1) any weather modification activity which has as a purpose, or has as one of its principal effects, a change in the atmospheric conditions over any part of the earth's surface, including, but not limited to, any activity designed to increase or decrease precipitation, increase or suppress hail, lightning, or fog, and direct or divert storm systems;

"(2) any climate modification activity which has as a purpose, or has as one of its principal effects, a change in the long-term atmospheric conditions over any part of the earth's surface;

"(3) any earthquake modification activity which has as a purpose, or has as one of its principal effects, the release of the strain energy instability within the solid rock layers beneath the earth's crust;

"(4) any ocean modification activity which has as a purpose, or has as one of its principal effects, a change in the ocean currents or the creation of a seismic disturbance of the ocean (tidal wave).

"ARTICLE III

"Five years after the entry into force of this Treaty, a conference of Parties shall be held at Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized. Such review shall take into account any relevant technological developments in order to determine whether the definition in Article II should be amended.

"ARTICLE IV

"1. Any Party may propose an amendment to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to this Treaty. Thereafter, if requested to do so by one-third or more of the Parties, the Depositary Governments shall convene a conference to which they shall invite all the Parties, to consider such amendment.

"2. Any amendment to this Treaty shall be approved by a majority of the votes of all the Parties to this Treaty. The amendment shall enter into force for all Parties upon the deposit of instruments of ratification by a majority of all the Parties.

"ARTICLE V

"1. This Treaty shall be of unlimited duration.

"2. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty three months in advance.

"ARTICLE VI

"1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

"2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United States of America, —, and — which are hereby designated the Depositary Governments.

"3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositaries of the Treaty.

"4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

"5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Treaty, the date of its entry into force, and the date of receipt of any requests for conferences or other notices.

"6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations."

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 15

At the request of Mr. HART, the Senator from Utah (Mr. Moss) was added as a cosponsor of Senate Resolution 15, to establish a special committee to investigate the feasibility of improving the efficiency in the conduct of Senate hearings.

NOTICE OF CHANGE OF HEARING DATE

Mr. BURDICK. Mr. President, the hearing which has been previously noticed to be held on February 28, 1973, on the judgeship needs of the Northern and Southern Districts of Indiana and on the District of New Jersey has been changed to February 27, 1973, in room 2228 Dirksen Office Building, commencing at 1:30 p.m.

ADDITIONAL STATEMENTS

STRIP MINING IN EASTERN MONTANA

Mr. MANSFIELD. Mr. President, as you know, I am deeply concerned about pressures developing for unregulated coal strip mining for eastern Montana. There are some rather grim prospects if this resource development proceeds without proper planning and controls.

One of the most interesting feature stories on this subject appeared in the Billings Gazette on February 11, 1973. The story was written jointly by Michael C. Olson and Daniel H. Henning.

I ask unanimous consent to have this article printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COAL IS INVITING INVASION

(By Michael C. Olsen and Daniel H. Henning, PH. D.)

EDITOR'S NOTE: Olson is an undergraduate student in political science at Eastern Montana College, Billings, and the major researcher and writer for this article. As a young Montanan very concerned about environmental quality, he pursued his data collecting and interviewing on the impacts of coal strip mining throughout the state from September to December 1972. Olson is planning on a career in environmental and governmental affairs.

Dr. Henning is an associate professor of political science at EMC and has supervised the research and contributed to the writing of the article. A former Resources for the Future, Inc. Fellow, he has numerous professional publications on environmental affairs. Dr. Henning is a member of the International Council of Environmental Law, the Sierra Club, and Wilderness Society.

INTRODUCTION

It is sad and tragic when something beautiful and relatively unspoiled as the environmental quality of Montana as well as its way of life becomes a West Virginia or California. Yet the crushing pressures of coal strip mining and power plant corporations definitely point this direction on an invasion basis.

And this invasion literally points toward the economic and political colonization of Montana as a remaining frontier to be conquered, exploited, and ruined, i.e., to take Montana out of Montana.

Although much of this invasion centers around the rich and strippable coal deposits which underlie about one third of the state, there is also the important factor that the state's legislation and government are not prepared to handle or control this invasion at this time, despite growing public concern (although some "Montanans" are for economic development at any cost).

Further, massive public relations and/or brain-washing programs by corporations are now underway to reduce opposition to the invasion and its negative influences.

The coal strip mining situation in Montana has literally taken everyone by surprise. Until recently the majority of Montanans viewed strip mining as an industry confined to the eastern states, particularly West Virginia. Through various media, strip mining has been presented as a method of removing coal by destroying surrounding environmental quality permanently. Montana and its inhabitants are now faced with the likely possibility that Peabody Coal Co., Consolidation Coal Co., and a host of other strip mining organizations are here to stay.

The quality and tremendous amount of coal in Montana are two of the major reasons for the present deluge of coal companies. The Fort Union coal reserve has been estimated at 1.3 trillion tons, with strippable reserves in Montana approximating more than 30 billion tons. The chemical properties are excellent; it is low in ash, sodium and sulphur.

In the age of the supposed "energy crisis", or increased demand for electricity, Montana coal is also tempting because of the low cost of shipping and convenience of water supplies. The state's vast reserve can be used to supply electric power generators, petroleum products, or many other hydrocarbon derivatives.

The effects of strip mining, however, present numerous social, economic, and environmental problems to the people of Montana. Some of the areas of concern are:

WATER

Coal associated developments demand a tremendous amount of water for cooling and conversion. The possible use of ground water has not yet been fully researched; but the Montana Bureau of Mines and Geology indicates that the ground water resources are not satisfactory to supply the impending industrial development.[1]

If true, use of the surface water sources would be necessary. In the Montana Fort Union area, the Powder, Bighorn, Tongue, Yellowstone, Missouri, and Little Bighorn rivers would have to be utilized. The energy companies would require a flow control obtained through the use of dams and reservoirs.

At present, Montana does not have adequate storage facilities to accommodate water supplies of this nature. This would not only mean more dams, but interbasin and interstate transportation of water through a complex network of pipelines proposed by the Bureau of Reclamation.[2]

First calls for industrial delivery of water are set for 1980. Projected use requirements are for a full third of the average annual flow of the Yellowstone River.[3] In dry years, the Yellowstone River discharge is approximately cut in half. One can only assume that the water needs of energy companies will not decrease at such a time. Furthermore, large quantities of Montana water will be exported, leaving a possible local depletion.

Accordingly, a complete development of Montana water resources would be required. In this sense one can only expect a drastic change in the river ecosystems, rural lifestyles, and agricultural ranching patterns in southeastern Montana.

RECLAMATION

The Montana Bureau of Mines and Geology indicates that 1973 coal production in the state will be about 16 million tons and that it will be expanded to more than 20 million tons annually by 1975.[4] [5]

At present, 275 to 520 acres of land are overturned yearly by strip mining companies. The semi-arid condition of Montana hampers reclamation efforts considerably, particularly with low rainfall, short growing season, and poor soil. According to the Southwest Energy Study, revegetation of strip mined areas in arid regions has rarely, if ever, been successful.

On the assumption that reclamation would be effective, there would still be considerable delay before the land could be returned to its full production. It is doubtful that the ecosystems would revert exactly as they were; thus negative effects on wildlife, plantlife, and environmental quality would be obvious on short and long range terms.

Previous reclamation attempts in the eastern states can only be described as disastrous. According to an official in the Montana Land Reclamation Division, "The only things growing on Peabody land are weeds."

Montana presently has four major coal mining operations: (a) the Knife River Coal Mining Co. (mining west of Savage), (b) Peabody Coal Co., (c) the Western Energy Co. (mining at Colstrip), and (d) Decker Coal Co. (mining at Decker).

Under the terms of 1967 legislation, coal companies are not required to obtain a reclamation contract, but are encouraged to do so because of tax credits up to half the cost of reclamation.[6]

In addition, no performance bonds are required to see that reclamation called for in the voluntary contracts is actually carried out.

AIR POLLUTION

The North Central Power Project (NCPP) indicates a profound environmental impact from air pollution. The NCPP assumes a 9 percent ash content in the coal, and 85 percent load factor, and a 99.5 percent ash removal. A 50,000 MW(e) generating complex will produce 94,500 tons of fly ash per year. However, the apparent average ash content in Montana and Wyoming coal is 15 percent, and assuming 97.5 percent ash removal, 787,500 tons of fly ash would be produced in a year.[7] In time, only higher ash coal will be available, and air pollution controls will become less efficient due to overloading and general aging. According to Thomas J. Gill, Research Assistant for the Montana Environmental Quality Council:

> Even with the most advanced pollution control equipment, enormous amounts of pollutants would be introduced into the atmosphere as a result of the vast quantity of coal used. Electrostatic precipitators and wet scrubbers can remove 99 plus percent by weight of the particulate matter but a much smaller percentage of fine material (less than one micron in diameter). Unfortunately, it is the finest that stay suspended longest, enter most easily and deeply into the lungs, and inhibit visibility. A current example of the problem is the 2,075 megawatt Four Corners plant at Farmington, N.M., which in early 1971 emitted over 465 tons of particulates each day and whose plume of pollution could be traced back to the plant from a distance of 140 miles. The magnitude of the future problem can be foreseen when it is realized that several of the North Central Power Study Plants proposed for Montana are two and a half to five times as large as the Farmington operation.[8]

Sulphur dioxide is also a major pollutant from coal burning operations. President Nixon's February 1971 message to Congress states:

> Sulphur oxides are among the most damaging air pollutants. High levels of sulphur oxides have been lined to increased incidence of such diseases as bronchitis and lung cancer. In terms of human health, vegetation,

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Footnotes at end of article.

and property, sulphur oxide emissions cost society billions annually.[9]

The environmental quality would also be hampered by the transmission lines needed at mine-mouth generation plants.[10]

Nevertheless, an official of the Air Pollution Control and Industrial Hygiene Department stated Montana's Air Pollution laws were entirely adequate and that, "Montana has nothing to worry about, things are under control."

POPULATION INFLUX

Montana could feasibly gain 300 thousand to 400 thousand people either directly or indirectly as a result of unlimited strip mining. One multi-product complex would employ more than 3,000 people and might create a city as large as 24,000.[11]

This would, of course, benefit small communities with a previous population decline. But the negative results of population increase must also be studied. A definite tax increase could be expected at all levels due to the greater needs and demands of the populace for various governmental services. However, unless land reclamation would be total, the stripped land would have little tax value.

New schools would have to be erected, police and fire protection would spiral, and the sewage systems would have to expand to mention but a few of the development problems.

Relative to this, strip mining can increase present population by over 30 per cent. If this estimate proves itself to be accurate, quality environment will assuredly decline and along with it the frontier attitude. It will be replaced with a possible and temporary increase in living standards, an increase in crime, urban sprawl, pollution, and other urban problems.

Montana's unemployment problem would certainly improve somewhat with the need for manpower that strip mining would require. The question then is how long will the energy companies stay in Montana. The lifetime of proposed generation facilities for Montana coal development is estimated to be about 30 years.[12]

Assuming a conservative increase of 300,000 due to the strip mining situation, what then will happen to those, directly or indirectly, who are financially dependent upon the coal industry? If history should repeat itself, Montana will join the ranks of several Appalachian states, leaving the government little to tax and the people with high unemployment rates.

The problems of population growth must be recognized and studied now for the benefit of not only present but future generations. Yet United States Representative John Melcher (Democrat-Montana) has stated that this predicted population increase is totally "unbelievable" and "highly doubtful." [13] Perhaps Rep. Melcher's attitude is totally "unbelievable." The time for speculation is over, Montana must now have the factual figures to population expectancy in future years.

STATE OFFICIALS

"Montana's coal has been discovered," according to former Gov. Forrest H. Anderson, "and this state needs economic stimulus. That coal will be mined." [14]

Anderson feels that Montanans are not willing to give up automobiles, electric lights, and so forth in order to save a "few acres of land." Anderson saw no present solution to the coal strip mining situation; he did indicate the fear of energy depletion, combined with the supposed need of new industry to alleviate the unemployment problem, would probably override the environmentalists.

Anderson was the only individual interviewed that stated he foresaw strip mining in Montana about 10 years ago. He felt that Montana must "utilize the total coal capacity" for the economic benefits it will bring the state and said, "I only hope the people will realize its potential worth so the Easterners will pay enough for it." [15]

Fletcher E. Newby, Executive Director of the Montana Environmental Quality Council, emphasized the fact that the strip mining situation had top priority even before the North Central Power Project was published. Newby presently views Montana law as entirely inadequate relative to selective prohibition of mining sites and stated, "We certainly don't have to mine unreclaimable lands, and yet Consolidation Coal proposes to do so in the Bull Mountains." [16]

Newby shares the same concern Anderson has over the economic benefits that Montana is presently receiving, "Montana isn't getting a whole hell of a lot out of strip mining, in fact we are getting ripped off for somebody else's benefit." [17]

John Goers, administrator for the Reclamation Division of the Department of State Lands states, "It won't be stopped. They (strip mining companies) are too strong, so we have to look for tougher strip mining laws." [18]

When asked about present Montana reclamation, Goers stated, "In this state no land has been reclaimed to the point where grazing can be fully accomplished. Possibly it can be done with land rest." [19]

Goers felt Montanans should look at the other effects of strip mining also and stated, "Reclamation is all you can hear presently, but people should become aware of the effects strip mining will have upon population increase, gasification, power plants, and water consumption to name but a few." [20]

Of the many individuals interviewed, only O. M. Ueland, Executive Secretary of the Conservation Comission, felt Montana's present laws were adequate to control land reclamation. Ueland indicated that the topography of reclaimed lands would not be the same but that topsoil would be saved and redistributed evenly over disturbed lands. Ueland also indicated that several of the mining companies felt reclaiming the land to any great extent was financially unfair because some of the mined land has little economic value even when fully restored. Reclamation expenditures presented to Ueland were sometimes as low as $20 per acre. [21]

Contrary to Ueland's overall confidence concerning the control over mining companies, Goers presented a picture of impending crisis unless better state laws are passed Anderson did not appear to be overly concerned, realizing this problem is not one he will have to contend with. (Gov. Tom Judge was sworn in on January 1.) Fletcher Newby was confident that the strip mining could be adequately controlled by the Montana government and elected officials.

A great majority of the officials interviewed privately felt strip mining should be banned from the state immediately. They will not, however, state this publicly for various reasons relating to their positions of authority.

The awesome political and economic structure of the energy companies seems to be ever present in the minds of policy makers. As one agency official stated, "It is one thing to oppose a small group of environmentalists consisting of students, teachers, and housewives; but it's a different story when you take on a number of organizations with billions of dollars at stake." [22]

This predominant fear of big business conflict appears to be condoned by most bureaucrats as a form of job survival or security. This may be fine of them as officials, but it is disastrous for the state.

Montana now more than ever in time needs a strong leadership. The ultimate goal of state bureaucracy must not be the financial betterment of industry at the cost of destroying tradition, life-style, and environmental quality.

The problems of strip mining are overwhelming when considering the social, environmental, and economic consequences facing present and future generations. In this sense, public opinion should be a guideline for the decisions and action of Montana officials.

Yet several State officials indicated that public opinion has little weight, with the exception of those individuals belonging to pressure groups, especially those with connections in Washington, D.C.

The greater percentage of Montanans have neither the time nor the finances to join pressure groups that coincide with their own personal values on environment. This should not, however, lessen their right to political leverage in the eyes of our present policy makers.

According to an official of the U.S. Bureau of Land Management, "We are the experts in land management. We don't have to prove our policies to the public. If the people want change, they more or less have to prove us wrong." [23]

This statement implies that state inhabitants do not realize what is best for themselves and Montana. Perhaps the supposed "experts" should place less emphasis upon their own opinions and industries and pay greater attention to the people of Montana, the people they work for, and the people who will have to live "with it."

CONCLUSION

There are plenty of ways and alternatives of getting at the "so-called" energy crisis for other states (some authorities have noted that the power needs for Montana could be met by increasing the generators by 75 per cent at Fort Peck Dam) beyond the wasteful coal strip mining and power plant method. Yet this method and invasion will provide high profits to corporations on a short term basis and will bring a complex array of abuses and negative influences to the environmental quality and people of Montana.

Although state government, at present, can be criticized for its lack of resistance to the invasion (and for its lack of real commitment to environmental quality), the federal government (55 per cent of coal deposits in Montana are on federal public lands), through the U.S. Bureau of Land Management has certainly been quite cooperative in some instances relative to coal strip mining leasing. Further, Indian reservations have leased considerable amounts of their lands to corporations (although there are no legal provisions for reclamation on reservations).

Historically, Government's prime values have centered around the economic, materialistic, and techno-scientific, yet new and unifying values of environmental quality are desperately needed now, particularly to avert and control the coal strip mining and power plant invasion in Montana.

In a recent public address at EMC, Fletcher E. Newby, executive director of the Montana Environmental Quality Council, indicated that he was very pessimistic about the future of environmental quality in Montana. He further indicated that federal help and funds were needed very badly.

Along the same lines, citizens environmental organizations on the national level need to become involved and to supply help. Otherwise, one of the last remaining states with environmental quality will be irreversibly experimented with and ruined.

The people of the nation and state have a right to demand factual proof that the energy companies will not harm Montana environmentally, socially, or economically. If this cannot be done (and there is no definite proof that reclamation will work in Montana at this time or that the numerous power plants will not each be greater polluters than the Four Corners one), then coal strip mining and power plants should be outlawed in the State of Montana.

Yet, on and behind the scenes at present, the invasion and colonization of the State of

Montana by energy corporations is now rapidly proceeding in a frightening magnitude with little real resistance.

FOOTNOTES

[1] S. L. Groff and R. Matson, "Montana's Coal Resource Situation" (Report presented to the Montana Legislature representing the Montana Bureau of Mines and Geology, Helena), (1969), unpublished manuscript.

[2] Thomas J. Gill, Coal Development Potential in Eastern Montana (Helena, Montana: Environmental Quality Council, 1972).

[3] John Goers, "Land and Water Use", (Speech presented to the League of Women Voters, Great Falls, Montana, May 17, 1972).

[4] Groff and Matson, op. cit.

[5] Gill, op. cit.

[6] Goers, op. cit.

[7] Ernst R. Habicht, Leo M. Eisel, and Roderick A. Cameron, A letter presented by the Environmental Defense Fund to Mr. H. E. Aldrich of the Bureau of Reclamation, August 28, 1972.

[8] Gill, op. cit., p. 10.

[9] Gill, op. cit., p. 11.

[10] Official (Air Pollution Control and Industrial Hygiene Department, Helena, Montana), 1972, Personal Communication.

[12] Gill, op. cit., p. 15.

[13] John Melcher, (U.S. Representative, Montana, Billings, Montana), 1972, Personal Communication.

[14] Forrest Anderson, (Governor, State of Montana, Helena, Montana), 1972, Personal Communication, October 5.

[15] Ibid.

[16] Fletcher E. Newby, (Environmental Quality Council, Helena, Montana), 1972, Personal Communication, October 5.

[17] Ibid.

[18] John Goers, (Department of State Lands, Reclamation Division, Helena, Montana), 1972, Personal Communication, October 5.

[19] Ibid.

[20] Ibid.

[21] O. M. Ueland, (Conservation Commission, Helena, Montana), 1972, Personal Communication, October 6.

[22] Official, (State Agency, Helena, Montana), 1972, Personal Communication, October 6.

[23] Official, (Bureau of Land Management, Billings, Montana), 1972, Personal Communication, September 27.

[24] John X. Combo, Donald M. Brown, Helen F. Pulver, and Dorothy A. Taylor, Coal Resources of Montana (Geological Survey Circular 53).

CHOICES FOR '76

Mr. JAVITS. Mr. President, on behalf of myself and Senators BUCKLEY, CASE, WILLIAMS, WEICKER, and RIBICOFF, the Members of the Senate from the Connecticut, New York, New Jersey metropolitan area, I would like to call to the attention of our colleagues an unusually important project to give citizens a more direct voice on the urban problems facing our region. Called Choices for '76, because it is designed to help determine the direction in which the region should move as our Republic enters its third century, the project is a series of 20th century town meetings connecting people through our 20th century mass media—television, the press, radio, magazines.

The region stretches from Trenton to New Haven, from Poughkeepsie to the end of Long Island. It has a population of 20 million people, one-tenth of the Nation. As the oldest urbanized section of the United States, its problems are more severe: A severe housing shortage, racial tensions, air and water pollution, financially starved public transportation, high unemployment among minority citizens, valuable open space urbanized and little saved for future generations.

Too often our constituents feel overwhelmed by such problems. Solutions are lost in a torrent of words and pictures which emphasize the difficulties. Or plans for solving them conflict, and the citizen may be confused. Or the search for improvement is limited, because citizens see only the viewpoint of their local community.

Now, the Regional Plan Association, the oldest and one of the most respected metropolitan planning organizations in the world, has devised a means of allowing our constituents to reason together by using the collective mass media of our region.

Starting on March 17, the 18 television stations of the metropolitan area will broadcast a series of five 1-hour programs—on housing, transportation, environment, poverty, and cities and subrubs. A sixth on government will be shown in the fall. These programs, appearing every 2 weeks at various times on Saturday, Sunday, and Monday, will focus on the solutions to our urban ills. They will use, in posing the solutions, the extensive research of the region, much of which has been funded by Congress. To assist the Regional Plan Association in selecting the issues, in posing the range of solutions and in formulating the questions, a Citizen Advisory Committee was organized. Headed by Francis Keppel, the former U.S. Commissioner of Education, its membership is widely diverse to represent the many political views and ethnic groups of the region. Of importance, the committee members are local civic leaders, well known in their communities.

But most importantly—and the most unique aspect—is that everyone can respond by filling out ballots that will be run in many newspapers and distributed by the association.

On the TV programs, alternative policies will be proposed, illustrated, and argued. Newspapers throughout the region will print background articles in advance of the television presentation, and radio stations will offer discussion programs focused on the Choices that will be asked. A paperback book, further explaining the issues and possible solutions, is being published, under the title "How To Save Urban America."

Finally, hundreds of thousands of persons are being urged to come together in small groups—in homes, classrooms, meeting halls—to watch and then discuss the issues before filling out their ballots. Churches, civic organizations, labor unions, schools, minority organizations throughout the region are assembling these discussion-viewing groups.

The completed ballots will be returned to the Gallup organization for tabulation and the results will be widely published. It is fair to say that we will be watching for the results with great interest.

Never before has the mass media ever participated so overwhelmingly in a public service project. This is the first time that so many television stations in an area have agreed to cooperate on showing the same program, and the first time that newspapers and radio have joined television in the same large-scale enterprise.

The six Senators from our three States, in successfully urging the Department of Housing and Urban Development to provide an initial grant to the program, stated:

> In recent years, the Federal government has been urging greater citizen participation in planning for the expenditure of Federal dollars. The focus has largely been on efforts to involve the poor; but we believe the time has come to find a way to get a cross-section of citizens from all walks of life to talk to each other about their common destiny.
>
> One thing is certain. If it can be done in the New York-New Jersey-Connecticut Urban Region, it can be done anywhere in the country. This project could thus be a major advance for all of urban America.

Other funding for the project has come from foundations and corporations.

To indicate the wide acclaim this program is receiving, allow us to read into the RECORD portions of editorials from three of our respected newspapers endorsing Choices for '76.

The New York Times, in its editorial on Choices, stated:

> The Regional Plan Association, an organization of long established usefulness in the metropolitan area, has launched a campaign to involve citizens, to a greater degree than is common, in decisions affecting their future . . .
>
> The ferment that it should stir up, the focusing of public interest, the informed discussion of pressing problems—these are hopeful products to be expected from what promises to be a constructive and creditable project.

The Westchester-Rockland Newspapers, covering part of suburban New York State, commented:

> Another attempt to bring to the people the urgent message of the need for planning will be undertaken by Regional Plan Association. Through an elaborate and ambitious project called "Choices for '76," RPA will use the mass media and thousands of local "town meetings" to try to break the related logjams of apathy, fear, and status-quo-worship that are holding up attempts to solve regional problems.

The northern New Jersey newspaper, the Record, in endorsing Choices said:

> The Regional Plan Association may have come up with one of the epoch's more brilliant ideas. Everyone knows the New York urban region is going to change. The trick is to get people who are not associated with government or planning or academia interested enough in what's ahead to inform themselves about the options and come to some conclusions that are sustained by more than prejudice and obstinacy . . .
>
> The point is not that here we will have a referendum on change and development; the point is rather that if a widely representative part of the public will become informed on what the broad issues are the whole area will be in a better position to proceed, using brains instead of narrow self-interest. It's a bold effort RPA is making. It deserves to succeed.

The Members of the Senate from the tristate region wish Choices for '76 success. Our citizens who participate in it certainly will be well briefed on the possible solutions to urban problems. With well-informed citizens, it is our belief that we can move on a course of our Choice to give our country real reason for celebrating the occasion of our 200th birthday.

RULES OF PROCEDURE COMMITTEE ON GOVERNMENT OPERATIONS

Mr. ERVIN. Mr. President, at its organizational meeting on January 26, 1973, the Committee on Government Operations adopted its rules of procedure. In accordance with section 133B of the Legislative Reorganization Act of 1946, as amended, which requires the rules of each committee to be published in the CONGRESSIONAL RECORD no later than March 1 of each year, I ask unanimous consent that the rules of the committee be printed at this point in the RECORD.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE ADOPTED BY THE COMMITTEE ON GOVERNMENT OPERATIONS, PURSUANT TO SECTION 133B OF THE LEGISLATIVE REORGANIZATION ACT OF 1946, AS AMENDED

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. *Meeting dates.* The committee shall hold its regular meetings of the first Thursday of each month, when the Congress is in session, or at such other times as the chairman shall determine. Additional meetings may be called by the chairman as he deems necessary to expedite committee business. (Sec. 133(a), Legislative Reorganization Act of 1946, as amended.)

B. *Calling special committee meetings.* If at least three members of the committee desire the chairman to call a special meeting, they may file in the offices of the committee a written request therefor, addressed to the chairman. Immediately thereafter, the clerk of the committee shall notify the chairman of such request. If, within three calendar days after the filing of such request, the chairman fails to call the requested special meeting, which is to be held within seven calendar days after the filing of such request, a majority of the committee members may file in the offices of the committee their written notice that a special committee meeting will be held, specifying the date and hour thereof, and the committee shall meet on that date and hour. Immediately upon the filing of such notice, the committee clerk shall notify all committee members that such special meeting will be held and inform them of its date and hour. If the chairman is not present at any regular, additional or special meeting, the ranking majority member present shall preside. (Sec. 133(a), Legislative Reorganization Act of 1946, as amended.)

C. *Meeting notices and agenda.* Written notices of committee meetings, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all committee members at least three days in advance of such meetings. In the event that unforeseen requirements of committee business prevent a three-day notice, the committee staff shall communicate such notice by telephone to members or appropriate staff assistants in their offices, and an agenda will be furnished prior to the meeting.

D. *Open business meetings.* Meetings for the transaction of committee business, shall be open to the public, except during executive sessions for marking up bills, for voting, or when the committee by majority vote orders an executive session. (Sec. 133(b). Legislative Reorganization Act of 1946, as amended.)

RULE 2. QUORUMS

A. *Reporting legislation.* Nine members of the committee shall constitute a quorum for reporting legislative measures or recommendations. (Sec. 133(d), Legislative Reorganization Act of 1946, as amended.)

B. *Transaction of routine business.* Six members of the committee shall constitute a quorum for the transaction of routine business. (Rule XXV, Sec. 5(a) Standing Rules of the Senate.)

C. *Taking sworn testimony.* Two members of the committee shall constitute a quorum for taking sworn testimony, provided, however, that one member of the committee shall constitute a quorum for such purposes, with the approval of the chairman and the ranking minority member of the committee, or their designees. (Rule XXV, Sec. 5(b), Standing Rules of the Senate.)

D. *Taking unsworn testimony.* One member of the committee shall constitute a quorum for taking unsworn testimony. (Sec. 133(d)(2), Legislative Reorganization Act of 1946, as amended.)

E. *Subcommittee quorums.* Subject to the provisions of sections 5(a) and 5(b) of Rule XXV of the Standing Rules of the Senate, and section 133(d) of the Legislative Reorganization Act as amended, the subcommittees of this committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

F. *Proxies prohibited in establishment of a quorum.* Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. *Quorum required.* No vote may be taken by the committee, or any subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. *Reporting legislation.* No measure or recommendation shall be reported from the committee unless a majority of the committee members are actually present, and the vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are actually present at the time the vote is taken. (Sec. 133(d), Legislative Reorganization Act of 1946, as amended.)

C. *Proxy voting.* Proxy voting shall be allowed on all measures and matters before the committee, or any subcommittees, thereof, except that, when the committee, or any subcommittee thereof, is voting to report a measure or recommendation, proxy votes shall be allowed solely for the purposes of recording a member's position on the pending question and then, only if the absent committee member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. All proxies shall be addressed to the chairman of the committee and filed with the chief clerk thereof, or to the chairman of the subcommittee and filed with the clerk, thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is necessary to identify it and to inform the committee as to how the member wishes his vote to be recorded thereon. (Sec. 133(d), Legislative Reorganization Act of 1946, as amended.)

D. *Announcement of vote.* (1) Whenever the committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee. (Sec. 133(d), Legislative Reorganization Act of 1946, as amended.)

(2) Whenever the committee by rollcall vote acts upon any measure or amendment thereto, other than reporting a measure or recommendation, the results thereof shall be announced in the committee report on that measure unless previously announced by the committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each member of the committee who was present at that meeting. (Sec. 133(b), Legislative Reorganization Act of 1946, as amended.)

(3) In any case in which a rollcall vote is announced, the tabulation of votes shall state separately the proxy votes recorded in favor of and in opposition to that measure, amendment thereto, or recommendation. (Sec. 133 (b) and (d), Legislative Reorganization Act of 1946, as amended.)

RULE 4. HEARINGS AND HEARING PROCEDURES

A. *Announcement of hearings.* The committee, or any subcommittee thereof, shall make public announcement of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearing, unless the committee, or subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Sec. 133A(a), Legislative Reorganization Act of 1946, as amended.)

B. *Open hearings.* Each hearing conducted by the committee, or any subcommittee thereof, shall be open to the public unless the committee, or subcommittee, determines that the testimony to be taken at that hearing may (1) relate to a matter of national security, (2) tend to reflect adversely on the character or reputation of the witness or any other individual, or (3) divulge matters deemed confidential under other provisions of law or Government regulations. (Sec. 133A (b), Legislative Reorganization Act of 1946, as amended.)

C. *Radio, television, and photography.* The committee, or any subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the committee, or subcommittee, may impose. (Sec. 133A(b), Legislative Reorganization Act of 1946, as amended.)

D. *Advance statements of witnesses.* A witness appearing before the committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least one day prior to his appearance, unless this requirement is waived by the chairman and the ranking minority member, following their determination that there is good cause for failure of compliance. (Sec. 133A(c), Legislative Reorganization Act of 1946, as amended.)

E. *Minority witnesses.* In any hearings conducted by the committee, or any subcommittee thereof, the minority members of the committee shall be entitled, upon request to the chairman by a majority of the minority, to call witnesses of their selection during at least one day of such hearings. (Sec. 133A(e), Legislative Reorganization Act of 1946, as amended.)

RULE 5. COMMITTEE REPORTS

A. *Timely filing.* When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time. (Sec. 133(c), Legislative Reorganization Act of 1946, as amended.)

B. *Supplemental, minority, and additional views.* A member of the committee who gives notice of his intention to file supplemental, minority or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than three calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views. (Sec. 133(e), Legislative Reorganization Act of 1946, as amended.)

C. *Draft reports of subcommittees.* All draft reports prepared by subcommittees of this committee on any measure or matter referred to it by the chairman, shall be in the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the committee at the earliest practicable time.

D. *Cost estimates in reports.* All committee reports, accompanying a bill or joint resolution of a public character reported by the committee, shall contain (1) an estimate, made by the committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next five fiscal years thereafter (or for the authorized duration of the proposed legislation, if less than five years); (2) a comparison of such cost estimates with any made by a Federal agency; or (3) a statement of the reasons for failure by the committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Sec. 252(a), Legislative Reorganization Act of 1970.)

RULE 6. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. *Regularly established subcommittees.* The committee shall have four regularly established subcommittees, as follows:

Permanent Subcommittee on Investigations; Intergovernmental Relations; Reorganization, Research, and International Organizations; Budgeting, Management, and Expenditures.

B. *Ad hoc subcommittees.* Following consultation with the ranking minority member, the chairman shall, from time to time, establish such ad hoc subcommittees as he deems necessary to expedite committee business.

C. *Subcommittee membership.* Following consultation with the majority members, and the ranking minority member, of the committee, the chairman shall announce selections for membership on the subcommittees referred to in paragraphs A and B, above.

D. *Subcommittee meetings and hearings.* Each subcommittee of this committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the committee.

E. *Subcommittee budgets.* Each subcommittee of this committee, which requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the committee, not later than January 10 of that year, its request for funds for the 12-month period beginning on March 1 and extending through and including the last day in February of the following year. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification, addressed to the chairman of the committee, which shall include (1) a statement of the subcommittee's area of activities; (2) its accomplishments during the preceding year; and (3) a table showing a comparison between (*a*) the funds authorized for expenditure during the preceding year, (*b*) the funds actually expended during that year, (*c*) the amount requested for the current year, and (*d*) the number of professional and clerical staff members and consultants employed by the subcommittee during the preceding year and the number of such personnel reqeusted for the current year. (Sec. 133(g), Legislative Reorganization Act of 1946, as amended.)

RISING FOOD PRICES

Mr. MOSS. Mr. President, President Nixon has now revealed his nongame plan for the battle against skyrocketing food prices—it is to stand on the sideline and watch while the price of meat, eggs, and butter continues to soar to record levels.

At a time when the problem of inflation defies traditional economic solutions, the President is placing all his bets on the oldest panacea of them all—the hope that the market forces of supply and demand will somehow eventually set matters right. Unfortunately for the American consumer, however, President Nixon's "plan" is woefully inadequate in several crucial respects.

First, even by the President's own estimates, food prices will continue to rise "for some months to come." So while the administration sits back and waits for the market to work its magic, the American housewife will continue to pay more and more each time she goes to the supermarket. In fact, the administration tells us that we can expect prices to rise even more sharply in the near future than they have over the past several months. For the hard-pressed consumer, this is a dismal forecast indeed.

Second, even if food prices eventually "peak out", they probably will do so at a level that is intolerable for families of low and moderate income. These are the families that must devote most of their monthly budget to the basic essentials. Rising food prices have already put their modest incomes under a great deal of strain. Further sharp increases, which the President apparently sanctions, undoubtedly would cause considerable hardship on a large scale. We cannot allow an essential commodity such as food to rise to price levels that are beyond the reach of many Americans.

Third, there is simply no assurance that food prices eventually will level off, even some months from now. The President's long-range forecast is based on the assumption that in a seller's market, supply will rise to meet demand and put a stop to further increases in price. This may be a reasonable assumption under the classic model of free competition, but it is not at all clear that it will hold true in an industry that is increasingly dominated by corporate farmers, manipulative agribusiness concerns, and sprawling supermarket chains. At best, the President's so-called plan is a gamble at the expense of household consumers.

Finally, a continued rise in food prices over the next several months will serve to build further inflationary pressures in the remainder of the economy. Under phase III of its economic game-plan, the administration relies mainly upon voluntary restraint to hold the line on prices and incomes. But surely the administration cannot reasonably expect labor unions, for example, to moderate their wage demands during a period of soaring prices. Such an expectation would fly in the face of commonsense as well as common fairness.

In the past month, it has become increasingly apparent that President Nixon acted too hastily in removing mandatory controls on prices and incomes. Now that the President has revealed his nongame plan for food prices, it appears that the administration may simply have lost its stomach for effective anti-inflationary action. So in the absence of firm resolve on the part of the administration, the Congress must take the initiative. We must begin by considering a stronger system of controls than the feeble one currently favored by the administration. We also must immediately examine ways to bring food prices under control, for clearly the American people will not accept the nongame plan proposed by President Nixon.

THE LAND

Mr. CURTIS. Mr. President, I have just been privileged to see a 1-hour television special, "The Land." It is the first of three programs comprising a series titled "The American Idea."

Four notable narrators, Dick Van Dyke, the late Edward G. Robinson, Cloris Leachman, and a native of Omaha, Nebr., Henry Fonda, tell us that exciting story of our agrarian heritage. This program is in effect a love song to America. Helping it to be that is an original musical score by one of the greatest of our living composers, Richard Rodgers, and authentic folk songs from our choral past by the Roger Wagner Chorale.

Two hundred years ago, as now, much of our thinking had to be rooted to the varicolored soil of our Nation. Using diaries, letters, newspapers, even epitaphs, "The Land" as part 1 of "The American Idea" tells the story of the development of rural America, of our farms, our fields, our forests. It is not an oft-told tale from one point of view. After all, never before was a nation founded on the principle which became so uniquely American that a man could own his own land, farm and develop it, and see it passed on to his children and to his children's children.

"The Land" is neither an historical nor a chronological examination of property in America. Rather, it is an emotional and stirring treatment of the land as it exists now from coast to coast and from border to border. And to tell the story of the land, one must tell the story of the people who discovered it, settled on it and farmed it. Thus we reach back to our hardy forefathers whose strong backs and willing hands endured great sacrifices to forge out of virgin soil the greatest agricultural nation in the history of man.

"The Land," a fitting beginning to "The American Idea," is a rich tale of progress, full of the beauties of America, the anomalies of our past, the questions of our present and future. It is a tale rich with imagery both beautiful and forceful and laden with touching nostalgia.

As an American whose State is depicted in "The American Idea" whose largest city, Omaha, forms part of the backdrop of the program as the scene of Henry Fonda's narration, I congratulate Ford

Motor Co. for sponsoring this first of a noteworthy series of programs, Alan Landsburg Productions for creating it and the American Broadcasting Co. for using its network facilities on Sunday evening, March 18, 1973, to bring it to the American public.

THE 95TH BIRTHDAY OF THE HONORABLE MILES CLAYTON ALLGOOD, FORMER REPRESENTATIVE FROM ALABAMA

Mr. ALLEN. Mr. President, today, February 22, 1973, marks the 95th birthday of one of Alabama's most beloved and distinguished sons. He is former Representative Miles Clayton Allgood.

Representative Miles Clayton Allgood is a native of Blount County, Ala., born February 22, 1878. He attended the common schools of his native county and graduated from State Normal College at Florence, Ala. in 1898. From that time until his retirement from public life in 1943, he taught school in Blount County; served as its tax assessor; on the State Democratic executive committee; as county agricultural demonstration agent; State auditor of Alabama; State commissioner of agriculture and industries; delegate from Alabama to the Democratic National Convention at San Francisco, 1920; and was elected to the 68th Congress where he served with distinction from March 4, 1923, to January 3, 1935. He then served as a member of the Farm Security Administration until he retired from public life on December 1, 1943.

Mr. President, Representative Allgood has long been a close personal friend of mine and I am delighted that in these years as one of Alabama's senior statesmen, he remains an active and alert participant and observer of current social and political trends. It is with affection and with respect that I wish him a happy birthday today.

RECLAMATION IS NOT A PORK BARREL PROGRAM

Mr. MOSS. Mr. President, I was very much surprised to find Columnist Jack Anderson, who grew up in the water-short State of Utah, and should know better, attacking the Federal reclamation program as pork barrel politics, and repeating at great length in an article published February 19 in the Washington Post some of the unsound and preposterous arguments Ralph Nader's Raiders have made against this great water resource development program.

In the first place, I would point out that the draft of the Nader report on reclamation was widely circulated about a year ago, and Nader's enthusiasm for it seemed to dim when it became apparent that many of its claims could not be substantiated. The Bureau of Reclamation issued a thick document which dealt factually with the draft, and showed how far its authors had been forced to stretch the truth to reach their conclusions.

Now it appears the Nader report is to be published, with many of its outrageous statements intact. It is hardly new or stunning copy.

Reclamation is, of course, a Federal assistance program. It provides loans to finance the development of water resources in the arid West where the amount of water available is the controlling factor in reaching almost all social and economic goals. It is not different in its objectives from numerous other Federal programs which assist States and regions to achieve objectives far beyond their own financial capabilities.

In the West, it is not easy to get water as it is in the East and the South. We cannot just tap a river flowing past our door, or put in a pipe and pump up the water from the ground. We must build expensive works to store water in good seasons for use in those when in drought. No community, no State, no region even can afford the gigantic cost of these undertakings.

Modern reclamation projects are regional in scope and complex in design. They have moved far beyond the early days of reclamation when the major objective was to put water on arid land to irrigate it. Modern projects serve cities with municipal and industrial water, and vast regions with hydroelectric power, as well as turning some water on new lands or increasing the supply to farmers already in business.

In 1971, the Bureau of Reclamation projects furnished water in various forms to 16 million people—or to 30 percent of the population of the 17 Western States. Out of the 16 million people who received this water, 14½ million received either municipal or industrial water. Does this sound as though the Bureau's chief purpose, as stated in the Nader report and the Anderson article, is "to build more and bigger dams and irrigation canals to reclaim the arid lands of the West?" Or that the goal of the reclamation program is "counterproductive" as the article further charges?

One other point should be made. Reclamation projects provide almost as many Americans in the West—and the Eastern tourists who travel there—with recreation opportunities as does the national park system there. In the Western States the 10 largest recreation areas are all at reclamation reservoirs. Reclamation projects also sustain some of our most important national water fowl reserves.

Taken in its entirety, the reclamation program repays more to the Federal Treasury than it costs the general taxpayer, and sustains an economic base over vast regions which contribute to the economic strength of the Nation. The Internal Revenue Service recently estimated that reclamation projects generated $800 million of increased Federal taxes in 1971. Few other Federal assistance programs can match that record.

Furthermore, as has been pointed out many times, the Federal assistance for reclamation is on a loan basis—most of the money which goes into the construction of Federal projects is paid back to the Federal Government. Money for hydroelectric dams is repaid with interest.

Yet water resource projects continue to be stigmatized as "pork barrel" projects by critics like Jack Anderson and the Nader Raiders. They attempt to undermine the reclamation program in the eyes of the public by charging that an attempt was made to "Dam America's greatest natural wonder—the Grand Canyon" and to "convert the Colorado River into a permanently stable, neat, and tidy rocklined ditch," both of which contentions are a gross overstatement of a proposal which was never enacted, and outrageous in their tampering with the truth. A dam in one part of a canyon—either below or above Grand Canyon National Park—would not have flooded out the entire canyon, and work on one small section of the river would not have converted the entire Colorado into a "neat and tidy, rocklined ditch."

I am no apologist for the reclamation program. Like many other Federal programs, it needs to be carefully examined, and updated. Times change, and values change, and we must continually examine how we are spending the taxpayer's dollar, and see if we are getting value received in all respects. But I do resent it when any Federal program which has brought such vast benefits to the West as has the 70-year-old reclamation program is written off in such cliches and superficial analyses as contained in the Nader report and the Anderson article. I would like to think that the Anderson article was merely sloppy reporting.

TRAGEDY IN IRAQ

Mr. JAVITS. Mr. President, 2,500 years ago the children of Israel were taken into the Babylonian captivity. They lived and flourished in that land, now known as Iraq, and as recently as 1948 more than 150,000 dwelled there, living in relative security and enjoying the fruits of their labors in the land which they had inhabited generation after generation for 25 centuries. Now, 2½ millenia later, only a handful of a few hundred remain, insecure, limited in their ability to work and to move about, harassed, and living under the threat of arrest and worse.

Recently reports were published indicating that 10 prominent members of the Iraqi Jewish community had been executed in recent weeks in the Nihaya Castle Prison in Baghdad. These unfortunates had been arrested in September and December of last year, had been held incommunicado, and up until the publication of their execution by newspapers abroad, neither their families, their friends, their fellow Iraqi of all faiths, nor concerned citizens abroad had any information as to their fate. Even today the Iraqi Government has failed to reply to an inquiring world as to their fate.

There is a fear that there may be a repetition of the dark period of 4 years ago, when in January of 1969, 14 persons, including nine Jews, were accused of spying, executed in a public square before a large crowd, and their corpses hung there as a relic of some ancient barbarism.

Truly, if the Iraqi Government has any serious concern about a threat from its minute Jewish minority—less than one

one-hundredth of 1 percent of Iraq's population—then the quickest and easiest thing to do would be to let them emigrate, rather than continue to subject them to harassment, danger, and death. Logic and humanity both commend this conclusion.

WORLD PEACE THROUGH LAW AND RELIGION

Mr. ERVIN. Mr. President, on January 19, 1973, the Honorable Charles S. Rhyne, a distinguished Washington lawyer and former president of the American Bar Association, made a speech before the annual convocation of Fellows of Interpreters' House at Lake Junaluska, N.C., entitled "A Religious Law Peace for the World."

This speech urges in eloquent fashion that world peace can be attained only through law and religion, and merits the widest possible dissemination. For that reason, I ask unanimous consent that it be printed at this point in the body of the RECORD.

There being no objection, the speech was ordered printed in the RECORD, as follows:

A RELIGIOUS LAW PEACE FOR THE WORLD

I am highly honored to be privileged to meet with you religious leaders of our Nation in this quiet and beautiful atmosphere of Lake Junaluska.

At about 12 o'clock noon tomorrow the eyes or ears of some 3 billion of humankind will be focused through the media on the words of the man who for the next four years will possess more power than any other human being. No speech has ever had a greater audience. His words will reverberate throughout the Earth.

I am sure you join me in a prayer that God will so guide this man in his every action and decision as to insure the most in social, economic, and above all moral advancement for our own people and people throughout the world who are affected by his actions and decisions.

If each of you could stand in that man's shoes what would you say to the peoples of the world?

If I stood there, I would send forth a message of hope and peace with a pledge to advance the cause of justice within our Nation and justice among nations. And, in this context, I define "justice" as embodying human rights and liberties, economic and social needs beyond the legal peace structure I will present to you as an essential first step today. Peace will not exist, wars will not end, so long as injustice exists. All peoples want justice. No stronger human want exists.

To me this is a good thought with which to launch the towering challenge I now present to you. A challenge and opportunity to help end decision of disputes between nations by the revolting and archaic method of killing and maiming human beings. To do this, I propose that you help in expanding and strengthening the moral undergirding of law throughout the world so that the law will thereby become more acceptable to more peoples and more nations. So that just law will replace force as the controlling factor in the fate of humanity.

While we have no such podium or such a vast audience as does the President, we do have many podiums and the enormous power of a concept whose implementation can provide humankind's greatest desire, i.e. a peaceful world order with justice.

My words to you are also an inaugural address, launching World Law Day. It is my earnest hope that by World Law Day, i.e. August 26, 1973, we will have captured the attention of a major part of the world's peoples for our program of a peaceful world order based on the moral principles embodied in the concept of justice.

As we meet together, I urge that you look up and out to the entire world and let your minds dwell on the promise and potential of a program which can provide justice for all peoples and justice for all nations.

From the days of Jesus Christ and before, down through the dim, misty pathways of history, no idea, no ideal has had more appeal, to or impact on, the minds of men and women than peace under the universal principles of religion and just law. There is great variety among the world's law systems, so too is there variety among the world's religions. But there is one common thought on the minds of the world's 4 billion people, no matter what their religion or law—world peace with justice. They have this great want in common as they know it provides their best chance to fulfill their material and spiritual destinies.

Justice and religion are the two concepts of humankind which have the most universal acceptance. They enjoy this universal acceptance because they have in common great moral principles.

No common interest and concern is greater than the interest in peace and the rule of law, defined as order with justice. No force is today as potent as this interest and this concern.

This interest and this concern are especially evident in our own Nation. Our system for delivery of justice is so obsolete, defective and deficient, we are now in the midst of a shocking justice crisis. The Chief Justice of the United States, Warren E. Burger, and the American Bar Association have both so stated in recent days.

This interest and this concern are also evident in the world community, where, in response to a pervading insistent demand, more and more protections for human rights are becoming international law, as for example the Refugee Convention and Protocol. International law is still in its infancy although more such law has come into existence in the past 25 years than was created in all prior history of mankind. The major purpose of the World Peace Through Law program is to expand the network of such law to more and more of the transnational contacts and relations of men and nations. This program is a direct response to the interest in peace and the concern that the peace method be one which provides order with justice.

The resolution of the world community problems of our day requires the creation of a practical international system, based on structures which are relevant and yet responsive to current needs, and so diverse that all peoples can share and live together. I believe that a world law system is the answer. Such a law system can provide essential diversity but be universally acceptable if founded on the basic moral principles which all peoples hold in common admiration. Such principles have always been recognized as the basis for a peaceful world order with justice. Our mission, our proposal, our challenge to you is to urge that you help us in bringing the universal moral influence of religion into our program for building a peace edifice for the world community.

In our day public opinion is the most powerful factor. Leaders of nations constantly vie for its support. Since, in ultimate thrust, law is crystallized public opinion, I am asking you to help form the proper public support for the peace program I have described. No group has more responsibility for such a goal than that one formed along great principles common to law and religion, which we together represent. The world has the vitality and the desire to find its way toward that high purpose which the spiritual roots of man have set for us. I believe that achievement of this towering goal is so right it is inevitable that it will be achieved some day. Why not by us of our generation? Why not now?

Doomsday has been postponed with negotiation replacing the nuclear rattlings of the great powers. Moral principle is today regaining its position as the major concern, the major star, the major inspiration of the world's peoples. Technology is no longer the answer to everything. The real answer is the recaptured morals of the ages, inscribed anew in humankind's aspirations. Technology has not provided the answers men and women yearn for. A return to faith is the natural result.

The non-expert like me reads much of ecumenical movements creating a sense of community, the so-called "universal church" and one ponders the meaning and effect of these developments. People, especially youth, turned to technology, then were turned off by it. In fact, I read of some young people who have become known as "Jesus Freaks." They deal not in power but in principle. But I ask you, what is more powerful than the concept of moral justice. Is not this justice the law of God which is basic to all religions? Is this not the idea which has survived eons of time already, thus proving its unquenchable appeal to the human family? This is the idea whose time can come nationally and internationally if we do the necessary work to make it come.

The Preamble of our Constitution states its purpose is to "provide justice". Daniel Webster said "Justice is the greatest interest peoples is justice that is based upon moral of man on earth." The greatest want of all principle. You in your religious work and we of the law constantly seek this great goal for our people.

We have no armies we can order to march. We have no bombs we can order to be dropped. We have no billions we can spend. Jesus Christ had none of these, but his message is just as exciting, just as inspiring, and just as moving as when he uttered it centuries ago. This is because he expressed an idea whose power is so great as to be unlimited. An idea whose power, if properly harnessed, is capable of achieving the great goal of peace which has been sought eternally but always escaped man's grasp because the right combination of concept and organization has never been postulated.

In our day of universal communications, I believe it is possible to harness man's capacities so as to realize his great ideal of a peaceful world order with justice. The world's peoples do indeed have the capacity to create such a peace structure. I believe they will if but given the formula, the plan, the concrete action behind which they can marshall the public support and leadership required to accomplish this.

Never before in all history has any man or group of men attempted to organize the capacities of law and religion world-wide to help create a structure for peace with justice.

Recently your distinguished Chairman, Fred B. Helms, in a landmark speech urging that all religions universally adopt a declaration that "we are opposed to the killing of each other, except in self defense" also said.

"So far as I know there has never been any world wide attempt of a serious nature to marshall the moral forces of the great religions of the world in an effort to stop human beings from killing each other and in an effort to rid humankind of its self-imposed scourge and curse of war."

My proposal to you, and to your colleagues world-wide, is that we join hands and build a world law system so strong as to eliminate forever decisions of disputes between nations by the archaic method of killing or sacrificing humans. My friend, Fred B. Helms, also said:

"Human beings, in spite of being the highest form of animal life on the face of the

Earth, have by far the worst and most inexcusable record of killing each other of any of the forms of animal life. This business of killing each other is humanity's greatest and most expensive curse. Wars have been and are our most efficient and effective means of killing each other. This scourge of war—killing each other—is self-imposed by human beings and only human beings can stop it. So far, nations cannot or will not stop the senseless killings of war. All nations profess to earnestly desire peace but seem utterly unable to agree upon any of the basic or essential terms of peace. "Peace treaties," if any, are laboriously worked upon but the limited areas of agreement between nations—in the main—and at best—are designed to limit and humanize warfare but each succeeding war—of the global type, such as World War I and II—become far more efficient in killing and in destruction and far more horrible than any of the previous wars."

Relegating decision by human death to the verboten status of decision by human duels requires that the justice system of the world community be made so strong as to accomplish this. This means, it can only mean, acceptance of more and more law and legal institutions by more and more nations. Such acceptance is how the world's justice or law system grows. Faced with potential nuclear holocaust capable of wiping out all life on Earth, we of our day dare not fail in the mission of this new initiative of creating a peace system that will work. An initiative so vast that small minds will say it is an impossible dream. But the moon trips prove that accomplishing impossible dreams are the trademarks of our generation.

Are we presumptuous to presume to thus address ourselves to the world? Is work on world peace beyond our reach even though with nuclear bombs all persons are now in the front line trenches of any war that occurs? Is work on a peace system only work for Presidents and their aides? I think not. All peoples have a stake in peace. All peoples must work for peace. Unless and until they do, peace will not arrive. The proposal I present is really one for harnessing the efforts of all humankind to bring a workable peace structure into existence.

Let me present to you the evidence which proves this proposal will not fail.

The key to success on the great technology breakthroughs of our day, such as the moon program, has been assembly of manpower, brainpower, knowledge, and money. We who are working on this program to build peace are adopting a similar approach. We now have lawyer and judicial participants in 135 nations. On our computer we have the names and addresses of more than 100,000 judicial and law leaders of these nations and will soon computerize all 1,000,000 of the world's judges, lawyers, and law teachers. To further mailing of communications on this World Law Day program we have placed many religious leaders on our computer and are assembling more daily. In the fields of both law and religion, we have on the computer hundreds of names and addresses of religious, law and judicial associations and the publications of each. We have asked international civic organizations to help and many have promised help. We hope to equal the more than 4,000 from 115 nations who attended our World Conference in Belgrade at our upcoming Abidjan World Conference. The first event of that Conference is World Law Day. Without further elaboration, I would claim this evidence indicates that we have begun to assemble the needed brainpower and manpower. We have laid the foundation for a mammoth worldwide effort.

You have received the brochure on the world's great religions and the world's great law systems. The able son of one of your colleagues, Earl Stephen Hunt, has worked on this program and that brochure for almost one year. Prior to the current version, 3,000 world leaders were given the opportunity to comment upon its contents. I feel sure you will agree that he has done a magnificent job.

The Center has collected the laws of nations and has published a summary of these laws. Last year, after some 10 years of research, I personally published a volume covering all international law. For our program at the Abijan World Conference on World Peace Through Law (August 26–31, 1973), we have assembled law and judicial experience, and other law information, upon which the world's greatest experts will base model laws for nations which the delegates will consider, possibly change, and hopefully approve, on such subjects as dangerous drugs; pollution of air and water; noise control; airplane hijacking; refugee rights; and other subjects. Work papers have been prepared by experts on human rights advances in the past 25 years to celebrate the adoption of the Universal Declaration of Human Rights; urban business law for developing nations, patent, trademark, and copyright law; the law of the sea; and other current multi-nation law interests. This is indicative of the knowledge we are assembling.

I will admit we are short so far on money. Law in our nation receives less than 1% of the tax dollar and is last (or never) in contributions by foundations. We are hopeful you religious leaders will teach us how to improve this situation. Certain it is that building a law system for the world, or for that matter modernizing our archaic domestic law system would cost very little. No action would yield more in human benefits, in individual security and freedom, for less cost.

Now, what we propose to do.

I. We propose to urge upon the peoples of every nation on Earth that they participate in World Law Day, August 26, 1973. We will ask them to do these things:

1. Plan World Law Day programs based upon their own law systems, their own beliefs, and their various religions.
2. Urge the participation of their whole communities in the projects, programs, and religious services thus prepared.
3. Urge their leaders to accept more and more international institutions which would benefit their nation and at the same time expand and strengthen the law system of the world.
4. Make crystal clear that accepting more international law and institutions is not a weakening of a nation or a giving up of sovereignty. Such acceptance is a use, not a loss, of sovereignty to build national strength. For example, the strongest nation, the United States, belongs to over 4,000 treaties, conventions and transnational agreements. Some developing weak nations belong to as few as 10.
5. In their own celebrations focus the eyes and ears of the peoples of the world on the World Law Day events at Abidjan.
6. Create a plan to continue the dialogues, programs, and Cooperative endeavors stimulated by World Law Day in an effective and on-going program to create such powerful public opinion in back of this program of world order with justice as to cause the concrete action by their national leaders which is required to accomplish the great ideal we espouse.
7. By thus raising a moral standard for the world as a peace program to which all can adhere they will lift the hearts and hopes of all peoples.

Through World Law Day we do not espouse any one religion or any one law system. We urge that collectively the world's law and religion systems have common moral principles upon which a world peace structure can be founded to provide world order with justice. A structure which can come into existence by the very simple actions of more and more nations accepting more and more law and more and more law institutions. The law and the institutions largely are in being or in draft.

We fully support the United Nations and all of its agencies as they have largely been responsible for the rapid growth of international law and institutions in recent years. The United Nations institution itself, with all of its faults, remains the only world-wide governmental effort for peace. If it did not exist we would need to create it or something like it where nations can get together. Weak as it is, the United Nations has a basic worth to our security and to our effort to build a better world. We cannot prosper while other nations starve. We cannot build a wall around our shores. We cannot live in isolation on our planet Earth, shrunken as it is by ever speedier transportation and communications. By our law building program for peace, we are adding an extra dimension to the United Nations' effort. By working privately outside of governmental controls and policies we can reach out and say and do things which governmental officials cannot say and do. Within our Nation there are vast civic and professional organizations which energize our governmental operations and serve to spur beyond the governmental *status quo*. Organizations such as the World Peace Through Law Center perform the same function and meet the same need in the world community.

History proves that systems of law work when strong enough to be universally accepted within or among nations. But law systems are not perfect. They are not Sir Thomas More's "Utopia". Even when we build the law system I here urge, human nature being what it is, there will always be law breakers among men and among nations. Nations are run by humans, but a law system provides the best system of known rules to avoid conflict and to channel conflict into known peaceful resolution forums. No person can refute the fact that using law in courthouses is better than using death on battlefields. The impact of a losing court decision can sometimes be reversed or lessened. Death on a battlefield is irreversible. No one likes to lose but all nations including our own are better off losing a few court decisions than sacrificing even one human life to gain a decision over another nation.

When we educate the public on these facts to the point that they cry out to their own or other quarreling nations, "go to court not war" so strongly even the strongest dictator dare not but heed, we will have built the peace structure I here contend both possible and essential to survival in our day.

Even archaic law systems like ours work within our nation. In the words of President Truman in signing the World Court's Statute, "There is not a reason on earth why it cannot work between nations."

We will ask lawyers and religious leaders within each nation to lead their peoples in taking a good hard look at their law and judicial systems. We suggest that they ask whether those systems now provide justice, justice which is morally just?

We ask lawyers and religious leaders within nations to take the same long, hard look at their nation's accepted international law and their nation's accepted international legal institutions. Beyond this we ask lawyers and religious leaders to go to the leaders of their nations and urge a vast program of acceptance of every treaty, convention or institution which could benefit their peoples and thus their nations. No such inventory of law domestically and internationally has ever been done by law and religious leaders. Some law leaders may be a little reluctant to welcome such a look by you of the cloth. Do not let that bother you. Remember that we of the law have been inventorying you and religion for centuries!

The "law need agenda" for each nation

will be different but in the United States, for example, we should urge modernization of our ancient domestic law system. Internationally, we can call for such changes as the full acceptance by our Nation of the World Court. We should also urge creation of a full time corps of experts in our State Department to constantly work in conjunction with experts of other nations to strengthen and expand international law and institutions into a world law system composed of a world law code and a world court system. Does it surprise you to know that today we do not have even one expert lawyer working full time on such a system. Considering the billions in arms costs that would be saved by an effective world law system, it is shocking that aside from sporatic uncoordinated work on a few treaties and conventions, no real international law building is now being undertaken by our Government.

So I invite you and your colleagues to join us in this great mission for world peace through law—a mission upon which your effort could indeed have such an impact as to bring it the success it surely deserves. There are 1,000,000 members of the judicial and legal profession. There are over 2,500,000,000 (2.5 billion) members of the religions of the world. Our combined weight of influence, if properly harnessed, could be irresistable in carrying out St. Paul's admonition to "seek peace among nations."

We are inviting religious leaders from all religions and from all over the world, to be at the celebration in Abidjan, Ivory Coast, on August 26th. You, I hope, will be among those who can attend. But more than attendance, we need your cooperation, advice, and expertise in arranging programs, planning further joint efforts, and generally working for our common peace purposes. Our local and national chairmen will want to work with you in the pre-Conference planning. We want to share our knowledge and facilities with yours, but we need you to show us how to do this best.

I know that we will succeed, for I know that our goals express the deepest yearnings of all humankind, yearning that wait only for moral and legal leadership to be made manifest. Many have tried in the past to achieve peace, but never has there been such an emphasis on moral principles in structuring peace machinery.

This is the first attempt at joining the world's institutions of religion and justice in such an effort. This is the first suggestion of such a joint effort through the concrete method of the rule of law and its institutions.

Together, we can send this message around the world. Our work will be difficult but nothing worthwhile is ever easy. We will not succeed overnight or through idealistic or symbolic platitudes. The time for that has long since passed. But by uniting as one voice, by developing one vast concrete effort for peace we can strengthen greatly the chances of concrete progress.

If one speaks alone, his voice is lost in the vast reverberations of our land and the Earth. But when one speaks for an organization or through many organizations, the whole world can be made to listen. If we so organize as to get the whole world to listen to our proposal we will succeed in our peace program. The world's peoples will not be denied when organized properly to achieve their greatest desire of a workable world peace structure.

There is a time for everything—a time to be born, a time to die, a time to unite for peace to fulfill the destiny of man. That time has come, and so has the moment of the idea born of it.

I am certain you will agree that when peaceful world order with justice has been created then and only then can any man, woman or child walk any street, travel any place on the face of the Earth, or into the vistas of endless space in freedom, in dignity, and in peace.

LITHUANIAN INDEPENDENCE

Mr. BAYH. Mr. President, I am happy to join with the other Senators in observing the 55th anniversary of the Lithuanian Independence Day. We must remember the courage of the people of Lithuania as they have fought to be free for many years.

On February 16, 1918, Lithuania declared its independence after having been under Russian domination from 1795 to 1915 and then under the rule of Germany during the First World War. After only 20 years of independence, the Lithuanians were again subjected to control by the Red Army during World War II. The U.S.S.R. declared Lithuania a constituent republic on August 3, 1940, but this tiny country was again attacked by Germany and remained in Nazi hands until the Soviets reoccupied it in 1944. Since that time it has been considered by the U.S.S.R. as a part of the Soviet Union.

During their short period of actual independence in this century, Lithuanians made great progress in education, literature, the arts, and in social and labor legislation. However, since the Communist takeover, we have had a general lack of information as to the status of the Lithuanian people because of the censorship and propaganda of the Soviet Union. It is known that a number of natives have fled their country or have been deported from Lithuania and those who remain do not have the same freedom which they enjoyed during the 1920's and 1930's.

Since July 27, 1922, the United States has officially recognized Lithuania as an independent nation. It has never recognized this nation's incorporation into the Soviet Union. And more importantly, we still maintain diplomatic relations with those who represent the former independent government.

Americans of Lithuanian descent are among the leaders of a group who desperately want their country to be free from foreign control once again. The United States has long been a strong advocate of the basic right of self-determination of all peoples and have supported those who work to achieve this goal. The Lithuanian people are not ethnically related to either the Russians or the Germans, and have always courageously resisted efforts of these two countries to destroy their culture, language, and indeed their very nation. For these reasons, I salute their citizens and extend my best wishes to all Lithuanians as they celebrate the 55th anniversary of their declaration of independence. Let us all hope that they may achieve their final goal of complete independence and join the family of self-governing nations.

THE CASE OF LT. COL. ANTHONY B. HERBERT

Mr. THURMOND. In March 1971 a retired Army officer began making serious accusations against certain Army officers and the U.S. Army. These accusations have done irreparable harm not only to the Army but to all of our Armed Forces.

Lt. Col. Anthony B. Herbert has charged that senior Army officers tried to cover up war crimes committed by our servicemen, and that thereafter they conspired to ruin his military career.

Four separate Army investigations have rigorously explored these charges of coverup, and found them groundless. Aside from his own statements, there is no hard evidence that Herbert ever reported war crimes to higher authority until some 18 months after he had been relieved from a combat command for unsatisfactory performance. Neither does the evidence show any relation between those war crime allegations and his own relief from command.

In substance, his charges have been found specious. These investigations involved several hundred personal interviews by top investigators and required considerable expense and time. The Army has made available to the public certain information which clearly reveals the known facts in this case and has also released material refuting various other charges made by Herbert.

Although the news media has sensationalized Herbert's allegations, there has been little coverage in the press of the recent exposé by Mike Wallace of the Columbia Broadcasting System. In a nationally televised show on February 4, 1973, Mr. Wallace exposed several Herbert charges in a direct confrontation.

Mr. President, it is disappointing that the news media has neglected to inform the public of the Herbert hoax with the same enthusiasm that they pursued in making him a celebrity. It is shocking to me that those who sensationalized the Herbert untruths have not followed up with printing the truths as they have become known in recent months.

Mike Wallace is to be commended for performing an outstanding public service in this case. He has demonstrated courage and tenacity in carrying out his responsibilities to the public.

Hopefully, Mr. President, this venomous and tragic charade is now nearing an end. Regrettably, the harm done to individuals and our national interest may never be repaired.

The Arizona Republic of Phoenix, Ariz. has printed a timely and well-written editorial entitled, "The Hero's Hoaxes." Also, Time magazine in its February 19 issue and the New York Times in its February 5 issue have published significant articles on the Wallace interview.

Mr. President, I ask unanimous consent that the texts of these three articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From The Arizona Republic, Feb. 7, 1973]

The Hero's Hoaxes

When Army Lt. Col. Anthony Herbert started his own war against the Pentagon two years ago, he was an unstoppable public relations juggernaut. He was bemedaled, believable, the classic figure of a tough battlefield hero.

His charge was chilling—he had witnessed atrocities in Vietnam which the brass wanted to hush up, and to do it they tried to drum Herbert out of uniform.

Congressmen leaped to Herbert's side. The New York Times made him a cause celebre. TV talk show host Dick Cavett turned him into a celebrity.

Herbert's tales now are in a book, "Soldier," written by New York Times reporter James Wooten.

But it now appears the hero is somewhat of a hoaxer, and Col. Herbert's elaborate array of charges against the Army are figments of a troubled imagination. Col. Herbert apparently felt no price was too high for the military or the nation to pay to satisfy a deep personal bitterness.

CBS television's Mike Wallace—who first exposed Howard Hughes hoaxer Clifford Irving—began taking apart Col. Herbert Sunday night on a remarkable network show which captured Herbert's lies on camera.

Opening on a note of apologia, newsman Wallace pointed out that the national media had fallen hook, line and sinker for Herbert's charges and had virtually ignored denials. However, as long ago as 1971, The Republic published proof that Herbert had lied.

Then Sunday's CBS drama intensified:

First, Wallace asked Herbert to repeat his basic allegation—that he, Herbert, had personally reported to Col. J. Ross Franklin a series of atrocities during a meeting with Franklin at an outpost in Vietnam on Feb. 14, 1969.

Wallace then produced in front of the cameras evidence that Col. Franklin had been on rest and recuperation leave in Hawaii on that day with his wife and two other officers. He had Col. Franklin's personal checks dated Feb. 14 as payment for his Honolulu hotel room. The flustered Col. Herbert called it all a lie.

Second, Wallace read a passage from Herbert's book extolling the heroism of Maj. James Grimshaw, one of his company commanders, who, Herbert claimed, single-handedly captured several Vietcong soldiers in a cave, and rescued a baby and several civilians.

Herbert stood by the passage—and then turned ashen as Maj. Grimshaw entered the TV studio and face-to-face told Herbert he never engaged in such an exploit of derring-do.

Wallace proceeded to meticulously cast other doubts on other parts of the Herbert saga.

The damage Col. Herbert's vendetta has done to the military is incalculable, and probably indelible.

Col. Herbert's twisted sense of truth is sad enough.

But worse, opinion-makers of the national media who swallowed Herbert's tales without question showed a relentless and rapacious greed to bolster their own dark and ugly attitude toward their government.

[From Time magazine, Feb. 19, 1973]

SHORT TAKES

Several million TV viewers watched CBS's *60 Minutes* cast doubt on Lieut. Colonel Anthony Herbert's charge that the Army had stripped him of his command in Viet Nam because he reported U.S. atrocities to his superior officers (TIME, Feb. 12). But precious few newspaper readers saw any mention of the CBS investigative coup the next day. Neither the Associated Press nor United Press International carried the story—a strange omission, considering the wide coverage given to Herbert's antimilitary statements. The A.P. says that the story did not justify the space a full background explanation would have taken. The U.P.I. editors could not recall receiving advance notice of the show, although CBS staged a press screening and delivered broadcast transcripts to major New York City news outlets. The New York *Times*, which *60 Minutes* had singled out as the paper most responsible for publicizing Herbert's side of the story, did carry a straightforward account of the program.

[From the New York Times, Feb. 5, 1973]

TWO OFFICERS ACCUSE HERBERT OF WAR CRIMES "HOAX"

(By Peter Kihss)

An Army general and a colonel charged in a nationwide television broadcast last night that a "hoax" had been perpetrated by retired Lieut. Col. Anthony B. Herbert, a highly decorated veteran of the Korean and Vietnam wars, in his contention that he was removed from command because of his complaints about war crimes in Vietnam.

The two officers' statements—and Colonel Herbert's renewed insistence on his accusations against them—were televised by the Columbia Broadcasting System during its "60 Minutes" program.

Maj. Gen. John W. Barnes, who had been Colonel Herbert's superior in the 173rd Airborne Brigade and who removed him, asserted that the colonel's charges must have come from "a pure motive of revenge a year and a half later, to make stuff up out of whole cloth."

The general's former deputy, Col. J. Ross Franklin, who long had refused public comment, declared in the filmed interviews that Colonel Herbert's contentions had been "a hoax on the American people."

CHARGES WERE DISMISSED

Colonel Herbert first filed allegations with the Army in September, 1970, and then formal charges in March, 1971, charging both officers with dereliction of duty for allegedly covering up atrocities he had reported.

The Army dismissed the formal charges against Colonel Franklin in July, 1971, and those against General Barnes in October, 1971. Colonel Herbert retired from the Army last Feb. 29. His recently published book, "Soldier," written with James T. Wooten of The New York Times, included his allegations.

The C.B.S. program was described by Mike Wallace of the network's news staff as the result of a year's investigation in which producer Barry Lando had talked with more than 100 people.

In the telecast, both General Barnes and Colonel Herbert, maintaining their opposing contentions, favored having the Army publish its full investigation of the case. Colonel Herbert also urged "a full Congressional inquiry."

TIMING IN DISPUTE

Mr. Wallace said the Army had refused its inquiry. He reported "speculation among Pentagon people" that the Army "doesn't want to help make a martyr of Tony Herbert" or that it might have found "so many true stories of war crimes" that it didn't want to publish them.

Mr. Wallace said that except in one instance it was Colonel Herbert's word against that of the two other officers that he had reported war crimes to them. The exception was his statement that he spoke twice from the field to Colonel Franklin on Feb. 14, 1969, and then flew back and reported personally.

Colonel Franklin, in the telecast, said he was in the Illikai Hotel in Honolulu that day, and had a cancelled check of that date for his hotel bill. Mr. Wallace said hotel records showed him registered there from Feb. 7 to 14, which would have been until Feb. 15, Vietnam time, while two other officers said they flew back with him from Hawaii to Vietnam to arrive Feb. 16.

In the broadcast, Col. John Douglas, who had been the top military lawyer in Vietnam, denied that Colonel Herbert had told him about war crimes. He said the colonel simply complained of having been "improperly relieved." Mr. Wallace said Col. Lloyd Rector had made similar comments and that both had recommended investigating the removal from command.

The network also presented Ken Rosenblum, a Long Island assistant district attorney, who said he had tracked down every lead offered by Colonel Herbert in charges against General Barnes while serving as a Judge Advocate General captain, without being able to prove them.

Also broadcast were statements by Sgt. Bruce Potter, a radioman, and Mike Plantz, a helicopter pilot, about alleged brutality by Colonel Herbert himself, and by Sgt. Bob Stemies, a military intelligence man, about the colonel's allegedly watching the beating of a Vietcong nurse.

Another portion included a confrontation between Maj. Jim Crimshaw and Colonel Herbert, in which the major asserted that two of three incidents in the colonel's book about him were "not true."

HERBERT REPLIES

In essence, Colonel Herbert's replies on the air were that the persons cited as being against him were mistaken or under Army pressure.

In the broadcast, Mr. Wallace said The New York Times failed to report an Army statement that Colonel Franklin had passed a lie detector test although it gave "big play" to a story that Colonel Herbert had passed such a test.

Questioned by a reporter, Mr. Wallace said off the air that an "Army fact sheet, not for attribution, background," dated Jan. 10, 1972, had said that Colonel Franklin passed a test given by the Army and that Colonel Herbert had passed a test given by a qualified civilian examiner after refusing to undergo such an Army examination.

THE SIDE EFFECTS OF NIXON'S BUDGET

Mr. MUSKIE. Mr. President, in a brilliant article in this morning's Wall Street Journal, economist Walter Heller analyzes "The Side-Effects of Nixon's Budget." He writes:

> Mr. Nixon's budget fails to recognize that a program that's worse than it might be is not necessarily worse than none. Mr. Nixon needs to be reminded that getting rid of the program doesn't get rid of the problem. Congress, in turn, needs to be reminded that saving the program doesn't necessarily solve the problem.

And as Congress continues to debate the pros and cons of the President's budget proposals, we would be well advised to consider Mr. Heller's suggestion that:

> We need to define much more sharply the optimum role of the Federal Government in its various fields of responsibility.

Mr. President, Mr. Heller will testify tomorrow before the Subcommittee on Intergovernmental Relations on its ongoing hearings on the impact of the new federalism on State and local governments. Other witnesses tomorrow will be Richard Nathan, formerly Assistant Director of the Office of Management and Budget, and Robert Wood, formerly Undersecretary of the Department of Housing and Urban Development.

I ask unanimous consent that the text of Mr. Heller's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 22, 1973]

The Side-Effects of Nixon's Budget

(By Walter W. Heller)

In critiques of the President's budget, as in other matters, it's not just *what* you say but *how* you say it.

On "Meet the Press" last week I called attention to the sharp swing from stimulus to restriction in the Nixon budget. I noted that the full-employment budget, as measured in the national income accounts (the best short-hand way of gauging the budget's impact on the economy), will shift from a deficit rate of about $15 billion in the current quarter to a small surplus at the end of the year. Although I consciously avoided condemning this shift as too restrictive, I did characterize it as "slamming on the brakes."

That did it. The news dispatches (as well as a scientific sample of three viewers I questioned) confidently asserted that I had condemned the budget as too restrictive. Well, is it or isn't it? In the best tradition of economics, let me answer: "It depends."

It depends largely on the course of Federal Reserve policy. If tough fiscal restraint enables the Federal Reserve to pursue a more moderate monetary policy and avoid a credit crunch, the sharp swing in the budget deficit may be about right. But if the budget cutback is coupled with a ferociously tight monetary policy that would level the economy off at 4½% or more unemployment or cut the growth of real GNP down to a 2% or 3% rate, the budget swing would be too sharp.

Given the likely slippage on the spending side, Mr. Nixon's crusade against tax increases, and the painful costs of a credit crunch, the President may be right in erring on the side of fiscal tightness in the face of a surging economy.

Not that the choice between bearing down on the fiscal brakes and bearing down on the monetary brakes can be made in a vacuum. One has to weigh the respective side effects. Much of the objection to tight money is distributional, namely, that it unduly squeezes housing, small business, and state-local government. So if Mr. Nixon achieves a tight fiscal policy mainly by squeezing civilian programs and low-income recipients rather than pruning the Pentagon or taxing the well-off, the choice between the two policies on social grounds becomes less clear-cut.

MILITARY FAT

Relentless, even ruthless, in its pursuit of evil among social programs, the Nixon budget shows no comparable ruthlessness in paring military fat or challenging tax privilege:

Item: In spite of saving about $4 billion on Vietnam, the fiscal 1974 defense budget goes up $4 billion, for a total rise of $8 billion in non-Vietnam spending.

Item: In the name of cutting waste and inefficiency, subsidies for low-income housing are being summarily suspended; but the even more inefficient and wasteful tax give-away of about half a billion dollars in tax shelters for real estate investments is left untouched.

Item: Mr. Nixon wrings his hands over our unbearable tax burdens ("more important than more money to solve a problem is to avoid a tax increase," he said recently), blithely ignoring the fact that federal income tax rates have been cut by over $20 billion since he took office and more than twice that in the past decade.

Item: The White House takes pride in noting that "human resource" expenditures will rise faster than the military budget, but fails to mention that the great bulk of that rise is in Social Security benefits, self-financed by a giant increase of $10 billion in harshly regressive payroll taxes.

Item: Mr. Nixon is proud of redeeming his promises to hold spending and deficits in check, but what of his pledges (1) to provide possibly $7½ billion in rehabilitation aid to the two Vietnams? (2) to make property tax relief for the elderly "a first order of business in our next budget"? (3) to press ahead on welfare reform, any delay in which, he told us a year ago, would be "unwise" and "cruel"? Not a word and not a dime in the budget to redeem these pledges.

So much for priorities. What about economy and efficiency? Most economists will applaud White House moves to trim pork barrel projects, stop the flow of aid to wealthy school districts that are "federally impacted," end 2% REA loans, drop subsidies for farm exports, drag the limestone lobby away from the public trough, and so on. In other words, many of Mr. Nixon's "one hundred budget blows" do hit the right targets.

But, in killing or gutting programs for urban renewal, model cities, community action, public service employment, college student loans, and the like, Mr. Nixon is on highly debatable ground.

The projected liquidation of the Community Action Program is a puzzling and poignant case in point. Here is a program that—after many trials and much error—was making steady progress in the complex and difficult task of helping the poor help themselves. And an administration "utilization survey" of 591 Community Action agencies had just concluded that the program offers "genuine help in making the decentralization of government succeed during the next few years" and that "the picture clearly shows that the administration's redirection of Community Action was on target."

Ironically, a President professing a deep commitment to decentralization and citizen participation is about to kill one of the few programs that was making documented progress on both fronts. Even more revealing of the administration's mentality are:

Its sly directive to scuttle OEO by June 30 before its supporters "could muster enough strength or will to put Humpty-Dumpty together again."

The statement by the executor of the program, Howard Phillips, that he will liquidate the program with relish.

Apart from such inconsistencies, Mr. Nixon's budget fails to recognize that a program that's worse than it might be is not necessarily worse than none. Mr. Nixon needs to be reminded that getting rid of the program doesn't get rid of the problem.

Congress, in turn, needs to be reminded that saving the program doesn't necessarily solve the problem. Goaded by the President's arrogation of power, by his disdainful view of Congressmen as irresponsible instruments of special interests, and by his effort to give the 1974 budget the status of revealed truth, the Congress is venting its anger by trying to push questionable programs back on the budget. Instead, it should be hammering out alternatives that will strike the country as more reasonable and humane.

Both arrogance and anger are expensive luxuries, mortal enemies of rationality in the budget process. Far better that the White House should treat the Congress as a coordinate branch of government and seek a detente which recognizes (1) that the Democratic Congress also enjoyed a big victory at the polls in November and has every right to participate in the setting of budget priorities; and (2) that a cooperative advance toward a more rational budget, with some give on both sides, could pay rich dividends.

WHAT'S NEEDED

What would be the course of reason in a joint reconsideration of the 1974 budget?

First, all hands need to recognize that the tasks government has to tackle today—whether to curb pollution from 40,000 different sources, or upgrade the education of the disadvantaged, or assure decent medical care for the aged—are vastly more complex and demanding than such earlier tasks as transferring money to the unemployed and building highways and dams. This consideration calls for lesser promises and greater patience.

Second, we need to define much more sharply the optimum role of the federal government in its various fields of responsibility. As Charles Schultze has pointed out, this requires a careful sorting out of functions according to the type of federal support that will be most efficient and effective, for example:

Often, direct income support is best, as in the case of the aged, the blind, and the working poor.

To reduce sharp disparities in the ability of local units to supply government services, the revenue sharing instrument is appropriate.

In services like education and health with large geographical "spill-over effects," the national purpose can be served best by categorical aids (specifying not so much *how* the money should be spent, but *where* and on *whom*).

Certain critical services like medical care for the poor may have to be provided directly.

In others, as in preserving the environment, enacting taxes and effluent charges to make pollution costly and pollution abatement profitable may be even more urgent than a step-up in budget spending.

Third, once the priorities of Mr. Nixon's budget are recognized as other than God-given, money will have to be pried loose for such thrusts as a better welfare system, decent health insurance, and major efforts to equalize education and restore hope and opportunity to the inner cities and ghettos. This may require invading the sanctity of the military budget and the tax sanctuaries that are left untouched in Mr. Nixon's program.

Fourth, Congress should speedily equip itself with budget procedures and staff that will enable it not only to work within viable budget ceilings, but also to make informed cost-benefit judgments on such pigs-in-the-poke as the $1.3 billion-apiece Trident submarine.

Had Mr. Nixon approached Congress with a "let's reason together" attitude rather than trying to shove his budget intact down its throat (there is, he said in italic, "no room for the postponement of the reductions and terminations proposed in this budget."), one might be more sanguine about a rational process of budget reformulation. Instead, he has thrown down the gauntlet, and Congress has picked it up.

A PROBLEM OF RHETORIC

Finally, while Mr. Nixon's budget *actions* are a mixture of good and bad, I find little of redeeming social value in his budget *rhetoric*. When a President urges citizens "to get big government off your back and out of your pocket," treats Congress with disdain, and conducts a national crusade against taxes, he can only defeat his own broader purposes.

Instead of restoring self-reliance, he is putting self-interest on a pedestal. Instead of restoring confidence in government, he is inviting contempt for government in general and Congress in particular. Instead of focusing efforts on a higher quality of life, he is appealing to instincts of crass materialism. Instead of "if at first you don't succeed, try, try again," his implicit motto on social programs seems to be, "if at first you don't succeed, give up."

The battle of the budget may yet result in progress toward more rational and efficient budget-making. But somehow, a crusade to think small, think simple, and think selfish does not strike me as the best path to either personal salvation or national greatness.

WOMEN IN THE MEDICAL PROFESSION

Mr. JAVITS. Mr. President, while our country continues to strive toward the ideal of equal opportunity and freedom of career choice, there remains an area which deserves greater public attention—the career opportunities available to women who desire to become physicians.

Women must not be denied the equal opportunity to compete with their peers for the limited but expanding numbers of medical school openings. We must insure that America's doctors are the very best in the world without regard to sex or other prejudicial discrimination.

A recent article published in Parents' magazine by Virginia Sadock, M.D., entitled "Where are the Women Doctors Our Country Needs?" dramatizes U.S. efforts in comparison to the progress in other nations. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHERE ARE THE WOMEN DOCTORS OUR COUNTRY NEEDS?

(By Virginia Alcott Sadock, M.D.)

In 1849 Elizabeth Blackwell received the first medical degree ever given to a woman in the United States. Before being admitted to Geneva Medical College in upstate New York, however, she had endured numerous humiliating interviews and was rejected, on the basis of her sex, from many other institutions. In the town of Geneva, itself, she was repeatedly denied lodgings and jeered at when she walked down the street alone. She went on to fund The New York Infirmary and give a lifetime of devoted service to her patients. Fortunately, no woman since has had to undergo quite the hardships or scorn that she endured to achieve her goal. But alas, 122 years later, the attitude that women do not belong in medicine as physicians lingers on.

The woman doctor in this country, in fact, remains a rarity. Only 7.7 per cent of all physicians in the United States are women, compared with 24 per cent in Great Britain and 65 per cent in the Soviet Union. We see so few women doctors here partly because of the blatant and documented prejudice against admitting women to American medical schools. A more subtle reason for their rarity is that it is hard for women to find the conditions that will allow them to complete their training and still be effective wives and mothers.

The medical world's bias against women physicians has regrettably been accepted and perpetuated by our culture at large. Until very recently, little girls weren't given doctors' kits as gifts; they got nurses' caps instead. Parents who would save earnestly for their son's medical school tuition rarely dreamed of doing the same for a daughter. Worse, we have too often discouraged young girls from even thinking of becoming physicians. The medical world may slowly be changing its attitudes toward women doctors, but such a change will have little overall effect if women and men don't change their own view of medicine as a male domain.

I decided relatively late to become a doctor. Though I had always been interested in psychiatry, I was not a pre-medical student in college. A man in our society would automatically have thought of medical school as the most direct route to pursuing his interest in the field, but I did not consider the idea until several years after college. Married, pregnant, and happy to be so, I realized I still wanted to do serious professional work. I did not want to fill in time or simply get out of the house, but to do something that would really satisfy the me that existed apart from my family. Fortunately I had an encouraging husband and exposure to women who were physicians. I returned to school to take the necessary science course I lacked and then entered medical college.

That was six years and two children ago. The mastery of skills I was once afraid to consider approachable by me; the knowledge that I can support myself and our children in a still predominantly male world; and the development of my abiding interest into needed, satisfying work are all well worth the time and work I've put in.

A medical education, of course, usually spans a woman's child-bearing years. A seven-year study of the attitudes of American medical schools toward women, recently published in the *Journal of the American Women's Medical Association*, found that many medical school administrators treat pregnant students in a manner that is both callous and contrary to good obstetrical care. There are schools, for instance, which require the student to return to class seven days after childbirth.

My own experience was a typical example of medical school insensitivity. During my third year (a clinical year, when formal lectures give way to actual hospital training), I was pregnant, and I worked until twenty-four hours before I gave birth. I didn't work the day I went into labor, true, but only because I awakened that morning feeling in every bone of my body that I just could not put in another hospital day. My return to training was made more gradual and humane only because I took an elective in psychiatry during that time and was permitted to work a reduced schedule.

As one medical dean put it in the aforementioned study, women students who bear children must carry on "exactly" the same as other medical students. In reality, however, few women can do so, except at tremendous cost to their husbands, their children, and themselves.

Fortunately, individual and even a few institutional programs are being set up to deal specifically with the problems that women physicians face. The program in which I am presently enrolled—the mother's residency program in psychiatry in New York Medical College—enables me to write this article, for without the consideration it gives me as a mother I would have been an unwilling dropout from my profession.

This special residency program was begun in 1962 under the direction of Dr. Alfred Freedman, chairman of the Department of Psychiatry, and Dr. Harold Kaplan, director of training. It is supported in part by funds from the National Institute of Mental Health and allows physician-mothers to take the 36 months of training required by the American Board of Psychiatry and Neurology in 48 months. The additional year enables mothers to limit their night duty and to take summer, Christmas, and Easter vacations.

Such periods of time off are crucial. They cover the school vacations, when children are home and expect to spend more time with their parents. And relief from the burden of night work is a major asset. A female resident coming home after a night on duty cannot relax as easily as can her male counterpart—not with a husband and children who have not seen her for 36 hours. A father who comes home from the office can toss the kids in the air and then have them told, "Daddy has to rest." A mother is expected to listen to as well as play with them. I know who's in school with our son and what's in the books he and our daughter read. My husband doesn't, though we both put in long hours in the same profession.

In the mother's residency program, flexibility is the keynote. And because of it, some women—42 so far—have been able to proceed, uninterrupted, with their training. In a more traditional program, several would have been forced to withdraw. In a period of acute shortage of medical personnel, the loss of such women, and others like them, would be a needless waste. Another recent survey expresses what this loss would mean in practical terms. It was found that 38 per cent of the 17,000 women physicians in the United States had had to stop working for an average of four years each because of pregnancy and family problems. This time off is the equivalent of 25,400 hours of medical practice—or the number of hours that graduates of 25 average-sized medical schools would practice in ten years. In any case, even if the average woman physician continues to require more time off the job because of family obligations, her seven-year edge in longevity on her male colleagues is likely to keep her in practice longer.

Statistics prove that the female dropout rate in medicine is related to family obligations—not to academic performance or professional competence. One of my classmates went through two years had to drop out because of urgent demands at home—and then lost credit for the entire two years. I was tempted to postpone having our daughter—who is now riding a tricycle—but decided I wouldn't. Medical school administrators are finally beginning to realize that programs like my own which allow women to fulfill their familial roles, result in gains for the medical profession, not losses.

More special programs are needed because of the countless demands our society places on American mothers. In this country, it is mothers who attend teachers' conferences, go home when the children are suddenly taken ill, or stay home when the sitter doesn't show up, since there are no twenty-four hour or even twelve-hour day care centers available for children. When our daughter spiked a high temperature recently, it fell to me to sponge her off. My husband is also a physician, but it's not the doctor who takes care of the child, it's the mother. I heard the comment before Christmas vacation last year that Christmas belongs to fathers, too. But, of course, it is mother who does the bulk of shopping, preparing, appointment-making, and escorting of children to special holiday activities.

I enjoy these functions even while carrying on my career. Were I forced to give them up, I would feel deprived. But I don't want to be forced to give up my career either.

Two knowledgeable calls have recently been issued for more women physicians. A report prepared by the Carnegie Commission on Higher Education recommended that opportunities for women to become physicians be increased. This recommendation was strongly endorsed by the Association of American Medical Colleges. In addition, the American Medical Association has reaffirmed the need to give women every advantage in medical training.

What will this really mean to women in coming generations, to our daughters, for example? Mainly, it should mean that the option to become a physician will actually be theirs.

Certainly it will never be an easy career, and many of the problems will remain. There is isolation involved for any mother in medicine. Four years of college, four years of medical school, a year of internship, and three more years of specialized training are difficult. My work separates me from everyday life in the community; by the same token I was hardly one of the boys at medical school. Among the things I missed most there was time to be with women friends. Because of the mother's program, I am no longer experiencing this lack in my residency training. The problems at home are not very different from the problems faced by other professional women. Concern for her children while she is away is a feeling common to almost every working mother. In medicine, the time away from home often extends to nights and weekends. With mother's programs, however, the working nights and weekends are eliminated.

In my own experience, our children—now seven and three—seem to derive as much pleasure from a short period of concentrated attention as they do from our full and more diffuse days together. Like most mothers of young children, after a full day spent with them, I'm happy to put them into bed at night. With our two to three hours after a workday, however, I want to stretch out the time we're together. Though we all occasionally suffer a pang of regret when I leave in the morning, the realization that Mommy has other serious obligations broadens their view of the world and of women. If I can be there—and thanks to my program, I can—for the first school play, the special party, the sudden sore throat, we don't seem to suffer from my not being home all the time.

Of course, child-care arrangements can be the most pressing and emotionally-charged problem of the working mother. I have been fortunate in being able to have a nanny type of arrangement throughout my period of medical training. I have had to change nurses only once. Choosing someone you feel you can trust with your children can be a tense, wearing experience.

One medical educator has proposed that loans be made available to physician-mothers to enable them to provide their children with the care that then frees her to continue training. Another suggestion has been to develop really good day care centers and nurseries affiliated with teaching hospitals. Such nurseries already exist in Sweden. The essential factor in any arrangement, of course, is happy, well-cared-for children. With flexible programs for physician-mothers being developed—and with supportive husbands—this goal can be achieved. Another major point in favor of mothers' programs in medical training is that they allow the complete woman to become a physician. Forcing women to give up every role but that of doctor leaves only a very special group of females in medicine. In some cases, these are not the best women for the profession. What normal woman will voluntarily give up the option—if she wants it—of having a home and family?

Most women physicians still must go into either pediatrics or psychiatry. Although it is argued that women are drawn to these fields, that explanation is too simple. It would be more accurate to say that women find the least amount of prejudice in these fields. Rather than struggle in a hostile environment, such as exists in surgery or internal medicine, they avoid it. But there is no reason why women cannot be as good surgeons as their male colleagues. Nor do the prejudices encountered always arise in the hospital. I have heard many an otherwise enlightened woman say, "I'd just rather go to a man." I have also spent more than one session on the park bench defending my role as a physician-mother to other mothers.

If the medical world has begun at long last to act constructively to keep women physicians in practice, the non-medical world must also do its part. Many girls will never want to be doctors or, for that matter, want any other career. But if our daughters are truly given the option during their growing-up years and, later, in college, of combining a career with the role of wife and mother, whatever their choice, it should be freely made. And this true freedom of choice must necessarily make the women of tomorrow more effective in fulfilling their own needs as well as the needs of those close to them.

USED CAR SALES

Mr. HARTKE. Mr. President, many States have adopted legislation which requires used-car dealers to disclose odometer readings at the time of sale. Such legislation was needed in light of the practice of a few unscrupulous dealers who would turn back the odometer in an effort to inflate the value of a used vehicle.

Recently, the Department of Transportation announced regulations which will, as of March of this year, require that the true odometer reading of a vehicle be disclosed at the time of its resale. This is an important regulation which will do much to improve the confidence in used-car dealers.

In the coming weeks, I intend to advance additional proposals which I believe to be necessary to eliminate instances of fraud in the sale of used cars. Prior to the introduction of those proposals, I intend to consult with the various interests involved in an effort to arrive at legislation which is both responsive to existing problems and reasonable in the solutions it proposes.

Mr. President, I ask unanimous consent that the announcement of the DOT odometer regulation which appeared in the January 31, 1973, Federal Register be printed in the RECORD.

There being no objection, the announcement was ordered to be printed in the RECORD as follows:

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 72-31; Notice 2]

PART 580—ODOMETER DISCLOSURE REQUIREMENTS

The purpose of this notice is to establish a regulation that will require a person who transfers ownership in a motor vehicle to give his buyer a written disclosure of the mileage the vehicle has traveled. The regulation carries out the directive of section 408 (a) of the Motor Vehicle Information and Cost Savings Act, Public Law 92-513, 86 Stat. 947, and completes the provisions of the Act under Title IV, Odometer Requirements.

The regulation was first proposed in a notice published in the FEDERAL REGISTER on December 2, 1972 (37 FR 25727). As a result of numerous comments on the proposal, the regulation as issued today differs in some respects from its initial form.

As stated in the proposal, the agency's goals were to link the disclosure statement as closely as possible to the documents required for transfer of ownership, so that buyers and sellers would know of the need for disclosure, and to do so in a manner that would not introduce an additional document into motor vehicle transactions. The agency therefore proposed the use of the certificate of title as the document for odometer disclosure.

Upon review of the comments, it became evident that in most jurisdictions it would not be feasible to use the title certificate to convey odometer information. The main drawback to its use lies in the prevalence of State laws providing that if a vehicle is subject to a lien, the title is held by the lienholder. As a result, it appears that in a majority of cases private parties selling motor vehicles do not have possession of a certificate of title, and convey their interest by other means.

In those States that permit the owner of a vehicle subject to a lien to retain the title, the lienholder will be unable to make the odometer disclosure on the title if he attempts to sell the vehicle after repossession. In many States, furthermore, the title certificate is not large enough to contain an adequate odometer disclosure, and the existing data processing and filing equipment would not accommodate an enlarged certificate.

There appears to have been some apprehension that the Federal Government intended to compel the States to amend their certificates of title. The Act does not, however, confer any authority over the States in this regard. Even if the regulation were to require transferor disclosure on the title, the States could decline to provide a form for disclosure on the title. This voluntary aspect of the States' participation is a further impediment to the use of the title certificate.

After review of the problems created by the use of the certificate of title, the agency has decided that the purposes of the Act are better served by prescribing a separate form as the disclosure document in most cases. Section 580.4 has been amended accordingly. To avoid the need for duplicate State and Federal disclosures in States having odometer disclosure laws or regulations, the section permits the State form to be used in satisfaction of the Federal requirement, so long as it contains equivalent information and refers to the existence of a Federal remedy.

It should be noted that although the certificate of title is no longer required to be used for disclosure, it can still be used as the disclosure document if it contains the required information and if it is held by the transferor and given by him to the transferee. The basic concept is that the disclosure must be made as part of the transfer, and not at some later time.

In addition to the changes from the proposal represented by the change from the certificate of title to a separate form, there are other differences from the proposal in the regulation. For purposes of convenience, the following discussion treats the amended sections in sequence.

In § 580.3 the proposed definition of transferor might in some jurisdictions include a person who creates a security interest in a vehicle. This type of transaction was not intended to be regulated, and the definitions have been amended accordingly.

In § 580.4, in addition to the changes discussed above, other modifications have been made. In response to a comment suggesting that the disclosure would be made after the purchaser had become committed to buying the vehicle, the order of § 580.4(a) has been rearranged to specify that the odometer disclosure is to be made before the other transfer documents are executed.

The items listed under § 580.4(a) have been increased to allow for additional identification of the vehicle and owner that would be necessary on a separate disclosure document. If the disclosure is a part of another document, however, § 580.4(a)(1) provides that items (2) through (4) need not be repeated if found elsewhere in the document. A number of comments noted that the items under (a) might often be redundant.

A new paragraph (b) has been inserted in § 580.4 to require a reference to the sanctions provided by the Act. No specific form is required, but the inclusion of such a statement is considered essential to notify the transferee of the reason why he is being given the odometer information.

The former paragraph (b) of § 580.4 has been renumbered as (c), and the alternative methods for odometer disclosure discussed above are found as paragraphs (d) and (e).

A new section, § 580.5, has been added in response to a number of comments that objected to the application of the requirements to categories of vehicles for which the odometer is not used as a guide to value. Buses and large trucks, for example, are routinely driven hundreds of thousands of miles, and their maintenance records have traditionally been relied on by buyers as the principal guide to their condition. The NHTSA is in agreement with the position taken by Freightliner, White, and the National Association of Motor Bus Operators, and has therefore created an exemption for larger vehicles. The exemption applies to vehicles having gross vehicle weight ratings of more than 16,000 pounds.

A second category of exempt vehicles has been created for antique vehicles, whose value is a function of their age, condition, and scarcity, and for which the odometer mileage is irrelevant. A third exempt category consists of vehicles that are not self-propelled, such as trailers, most of which are not equipped with odometers.

Several vehicle manufacturers stated that the proposal would require them to give disclosure statements to their distributors and dealers, and that such a requirement would be both burdensome and pointless. Upon consideration of the nature of manufacturer-dealer transactions, it has been decided to exempt transfers of new vehicles that occur prior to the first sale of the vehicle for purposes other than resale.

The odometer disclosure form set forth in § 580.6 has been reworded to make it clearer. Space for additional information about the vehicle and owner has been included so that the vehicle will be readily identifiable if the disclosure statement becomes separated from the other transfer documents. In accordance with the instructions of the Act, the transferor is directed to state that the mileage is unknown if he knows that the actual mileage differs from the mileage shown on the odometer. Although several comments suggested that the true mileage, if known, should be stated, such a statement is not provided for in the Act and would not afford the buyer with reliable information about the vehicle.

The effective date proposed in the notice was to have been 6 months after issuance. Two States, perhaps under the impression that they were required to change their forms, requested an additional 6 months. Other comments, notably that of the National Automobile Dealers Association, urged an immediate effective date in order to make the disclosure requirements coincide with the effectiveness of the other parts of Title IV of the Act. Upon consideration of the important contribution the disclosure requirements make to the effectiveness of the Act's other provisions, it has been decided that an effective date earlier than 6 months after issuance is advisable.

Accordingly, the regulation is to become effective March 1, 1973. Although it is likely that most private persons will remain unaware of the disclosure requirements for some time after March 1, 1973, a person who does not know of the requirement will not have "intent to defraud" under section 409(a) of the Act and will therefore not be subject to liability solely because he has failed to make the required statement. The persons most immediately affected by the disclosure requirements are commercial enterprises such as dealers and wholesalers, and of these the largest group, represented by NADA, has already indicated its desire for an early effective date, The earlier effective date is therefore considered appropriate.

In consideration of the foregoing, a new Part 580, Odometer Disclosure Requirements, is added to Title 49, Code of Federal Regulations, to read as set forth below.

Issued on January 23, 1973.

DOUGLAS W. TOMS,
Administrator.

Sec.
580.1 Scope.
580.2 Purpose.
580.3 Definitions.
580.4 Disclosure of odometer information.
580.5 Exemptions.
580.6 Disclosure form.

AUTHORITY: Sec. 408(a), Motor Vehicle Information and Cost Savings Act, Public Law 92–513, 86 Stat. 947, 49 CFR 1.51.

§ 580.1 Scope.

This part prescribes rules requiring the transferor of a motor vehicle to make written disclosure to the transferee concerning the odometer mileage and its accuracy, as directed by section 408(a) of the Motor Vehicle Information and Cost Savings Act, Public Law 92–513.

§ 580.2 Purpose.

The purpose of this part is to provide each purchaser of a motor vehicle with odometer information to assist him in determining the vehicle's condition and value.

§ 580.3 Definitions.

All terms defined in sections 2 and 402 of the Act are used in their statutory meaning. Other terms used in this part are defined as follows:

"Transferor" means any person who transfers his ownership in a motor vehicle by sale, gift, or any means other than by creation of a security interest.

"Transferee" means any person to whom the ownership in a motor vehicle is transferred by purchase, gift, or any means other than by creation of a security interest.

§ 580.4 Disclosure of odometer information.

Except as provided in § 580.5—

(a) Before executing any transfer of ownership document, each transferor of a motor vehicle shall furnish to the transferee a written statement signed by the transferor, containing the following information:

(1) The odometer reading at the time of transfer; and, unless provided elsewhere on a transfer document integral with the odometer disclosure;

(2) The date of the transfer;

(3) The transferor's name and current address; and

(4) The identity of the vehicle, including its make, model, and body type, its vehicle identification number, and its last plate number.

(b) In addition to the information provided under paragraph (a) of this section, the statement shall refer to the Motor Vehicle Information and Cost Savings Act and shall state that incorrect information may result in civil liability under it.

(c) In addition to the information provided under paragraph (a) of this section, if the transferor knows that the odometer reading differs from the number of miles the vehicle has actually traveled, and that the difference is greater than that caused by odometer calibration error, he shall include a statement that the actual mileage is unknown.

(d) If a document provided under the laws or regulations of the State in which the transfer occurs contains the statements required by paragraphs (a), (b), and (c) of this section, the transferor may make the disclosure required by this section either by executing the State document or by executing the disclosure form specified in § 580.6.

(e) If there is no State document as described in paragraph (d) of this section, the transferor shall make the disclosure required by this section by executing the disclosure form specified in § 580.6.

§ 580.5 Exemptions.

Notwithstanding the requirements of § 580.4—

(a) A transferor of any of the following motor vehicles need not disclose the vehicle's odometer mileage:

(1) A vehicle having a gross vehicle weight rating, as defined in § 570.3 of this chapter, of more than 16,000 pounds;

(2) A vehicle that is not self-propelled; or

(3) A vehicle that is 25 years old or older.

(b) A transferor of a new vehicle prior to its first transfer for purposes other than resale need not disclose the vehicle's odometer mileage.

§ 580.6 Disclosure form.

ODOMETER MILEAGE STATEMENT

(Federal regulations require you to state the odometer mileage upon transfer of ownership. An inaccurate statement may make you liable for damages to your transferee, pursuant to section 409(a) of the Motor Vehicle Information and Cost Savings Act of 1972, Public Law 92–513.)

I, ----------------, state that the odometer mileage indicated on the vehicle described below is ---- miles.

(Check the following statement, if applicable:)

☐ I further state that the actual mileage differs from the odometer reading for reasons other than odometer calibration error and that the actual mileage is unknown.

Make, Body Type, Year, Model.
Vehicle Identification Number.
Last Plate Number.
Transferor's address.
Transferor's signature.
Date of this statement.

[FR Doc. 73–1675 Filed 1–24–73; 11:10 am]

THE CHINA COMMUNIQUE

Mr. KENNEDY. Mr. President, I welcome today's China communique for the reaffirmation it contains of continuing progress in relations between the United States and the People's Republic of China. But it is fair to ask, why must we be content with progress that is too little and too slow?

The steps toward expanded trade and the scientific, cultural and other exchanges are important, but why should we be content with a liaison office in Peking, when we could have a real Ambassador there, by agreeing to establish full diplomatic relations with China?

The answer is obvious. Our China policy is still unacceptably tilted toward Taiwan, as a result of the foolish fiction we continue to maintain, that somehow the government of Chiang Kai-shek on Taiwan is the Government of China on the mainland. Because of this vestige of 20 years of backward policy, a golden opportunity for progress with Peking is being thwarted, with consequences that may be immense for peace in Asia and the world as leaders and climate change.

As I indicated in the Senate resolution I introduced yesterday, there is an obvious basis for negotiating full diplomatic relations with Peking, while preserving that only American guarantee that really matters to Taiwan—a guarantee against the forcible takeover of the island.

We know that we are becoming more realistic in our China policy around the world, but we also know that other nations are moving toward Peking much more rapidly than we. For example Japan found a way last September to establish full relations with Peking, and a Japanese Ambassador is due on Chinese soil this spring. While other nations pass us by, we stand on the sidelines, prisoners of the passions of the past, allowing the bizarre situation to persist in which we have an Ambassador to China, but we send him to Taiwan instead of to Peking.

FREEDOM OF THE PRESS

Mr. PEARSON. Mr. President, one of the most important issues before the 93d Congress involves the relationship between Government and the press. This Congress has a unique opportunity to structure a responsible newsmen's shield law to protect confidential sources of the news and off-the-record information received by newsmen in the course of their professional work.

The first newsmen's shield proposal for the federal system was introduced in 1929 by one of my distinguished predecessors, the late Senator Arthur Capper of Kansas. As a lifelong newspaperman and publisher, Senator Capper recognized as few men have the critical importance of maintaining a free flow of information to the public.

Mr. President, I had the honor to submit testimony on the newsmen's testimonial privilege to the Subcommittee on Constitutional Rights earlier this week. Because of the widespread interest in this question, I ask unanimous consent that my statement in support of a qualified newsmen's privilege, limited to the federal system, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JAMES B. PEARSON

Mr. Chairman and members of the subcommittee, I am honored and pleased to have this opportunity to discuss the proper role of Congress in perfecting Freedom of the Press in modern America. After some introductory remarks on the significance of the First Amendment's "free press" guarantee, I will devote the balance of my statement to an advocacy of the Newsmen's privilege.

I believe that legislation limiting the power of compulsory process by the Federal government over newsmen is a precondition to the unfettered dissemination of the news. Thus, I believe that such legislation will complement and strengthen the First Amendment to the Federal Constitution.

The press must be free to report on the human condition in America, on the conduct of public officials, on the strengths and weaknesses of this society and its institutions. Freedom of the Press is a liberty required by *all* the people: The term does not connote a privilege of a particular occupational group.

I. CONGRESS SHALL MAKE NO LAW . . . ABRIDGING THE FREEDOM OF SPEECH, OR OF THE PRESS

There is no question that the Founding Fathers appreciated the significance of the First Amendment "free press" guarantee. The Virginia Declaration of Rights of 1776, in Article XII, stated "That the Freedom of the Press is one of the greatest bulwarks of liberty, and can never be restrained but by despotic governments." Madison wrote that "Popular government without popular information or the means of acquiring it is but a prologue to a farce, or tragedy, or perhaps both."

Perhaps Thomas Jefferson captured the contemporary passion for press freedom when he remarked, "Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate to prefer the latter."

The framers of the First Amendment had the benefit of the recently published work, Blackstone's *Commentaries on the Law of England*. Sir William had set forth the following common law definition of press freedom:

"The liberty of the press is indeed essential to the nature of a free state; but this consists in laying no *previous* restraints upon publication, and *not* in freedom from censure for criminal matter when published. Every free man has an undoubted right to lay what sentiments he pleases before the public: to forbid this is to destroy the Freedom of the Press; but if he publishes what is *improper, mischievous, or illegal,* he must take the consequences of his own temerity."

Blackstone's attitude toward the *accountability* of the press, reflecting English common law, was partially embraced as United States law by those who secured passage of the Sedition Act of 1798. This Act made it a Federal crime to engage in "False, scandalous and malicious" criticism of public officials.

But Madison, for one, wrote a scathing denunciation of the Sedition Act: "This idea of Freedom of the Press can *never* be admitted to be the American idea of it: since a law inflicting penalties on printed publications, would have a familiar effect with a law authorizing previous restraint on them. It would be a mockery to say, that no law should be passed, preventing publications from being made, but that laws might be passed for punishing them in case they should be made."

Thus Madison articulated, perhaps for the first time, a doctrine that is widely respected today: Press freedom cannot tolerate governmental action which has a "chilling effect" on the communication of ideas. Only in the most compelling circumstances, involving the survival of life or the State itself, is a competing state interest permitted to override First Amendment liberties.

In my view, Mr. Chairman, Freedom of the Press is the *sine qua non* of men who would govern themselves. And never have the demands for a truly free press, or the demands upon newsmen themselves, been more compelling than at this time of increasing social awareness and public disaffection. Viable bridges of communication must span the gulf of misunderstanding and distrust which has separated too many for too long. The press, of course, is the primary medium of communication. Its contacts within all elements of society must be protected.

II. FREEDOM OF THE PRESS REQUIRES A REPORTER-INFORMANT PRIVILEGE

The dissemination of the news is the primary obligation of professional reporters—but newsmen cannot meet this obligation without full opportunity to *gather* newsworthy information from confidential sources. The gathering of pertinent information *prior to publication* constitutes an inseparable and indispensable phase of the overall news effort.

Newsmen maintain that confidential sources, in most cases, will refuse to contribute if subjected to the threat of exposure. Walter Cronkite, of CBS News, has made the following statement: "The material that I obtain in privacy and on a confidential basis is given to me on that basis because my news sources have learned to trust me and can confide in me without fear of exposure. . . . I certainly could not work effectively if I had to say to each person with whom I talk that any information he gave me might be used against him."

Mr. Chairman, the Cronkite statement reflects the collective judgment of the Press. Recognizing that some informants need assurances that their identities will not be compromised, the American Newspaper Guild adopted a Code of Ethics which, in Canon 5, states, "That newspapermen shall refuse to reveal confidences or disclose sources of confidential information in court or before judicial or investigating bodies. . . ."

Professional newsmen for generations have protected confidential sources and information received in confidence. They have suffered contempt of court rather than reveal the sources upon which they depend for information of interest and value to the public. The issue presented by the proposed legislation to create a newsmen's privilege was joined in 1733, when John Peter Zenger began publication of the *New York Weekly Journal*. Zenger was charged with making "false, scandalous, malicious and seditious publication" of information critical of the Governor of the Province. He chose jail rather than reveal his sources.

The issue has remained an important one throughout American history. Dozens of cases have been collected, both reported and unreported, in which newsmen have been cited for contempt because they have insisted that the identity of their sources is privileged information. The newsmen in these cases—spanning 240 years—have consistently maintained that their effectiveness as reporters of contemporary events would be irreparably harmed if confidential sources of sensitive information about public officials, and other subjects, were subject to exposure in judicial, legislative or administrative hearings.

It should not be surprising that no testimonial privilege for newsmen developed at common law. The common law perception of Freedom of the Press, as set down by Blackstone, contemplated the prosecution of newsmen for "improper" or "mischievous" publications. But "this idea of Freedom of the Press," as Madison said, "can never be admitted to be the American idea of it." And so, the several state legislatures began to enact limited testimonial privileges for the newsmen of their jurisdictions in the late 19th Century. At least 18 states today have adopted some form of newsmen's testimonial privilege to maintain the confidentiality of sources, or information, or both.

The State of Maryland has had the benefit of a statutory newsmen's privilege since 1896. The Maryland law protects the source of any information published or broadcast by the media. I might note, parenthetically, Mr. Chairman, that there has been no general breakdown in the administration of justice in Maryland—at least to my knowledge—over the past 77 years, despite the fact that prosecutors and legislators in that State have not had the convenient opportunity to annex reporters as an investigative arm of the government.

To my knowledge, no State has ever repealed a newsmen's privilege statute. There may be cases, however, in which the courts of the several states have narrowly construed these laws.

In 1958, in the case of *Garland* v. *Torre,* a newspaperwoman for the first time asserted a First Amendment right to maintain the confidentiality of her sources and unpublished information obtained in a professional capacity. The Supreme Court in 1972 considered the subject First Amendment issue as a matter of first impression in the appeals of Paul Branzburg and Paul Pappas, and the appeal of the United States in the case of Earl Caldwell. The decision of the Court in these cases is well known to this Subcommittee.

Petitioners Branzburg and Pappas did *not* seek an absolute privilege against official interrogation in all circumstances. They did assert, however, that the reporter should not be forced either to appear or to testify before a grand jury or at a trial until and unless sufficient grounds are shown for believing:

(1) That the reporter possesses information relevant to a crime under investigation;

(2) That the information the reporter has is unavailable from other sources; and

(3) That the need for the information is sufficiently compelling to override the claimed invasion of First Amendment interests occasioned by the disclosure.

Respondent Caldwell defended the decision of the Ninth Circuit Court of Appeals which had held that the First Amendment provided a qualified testimonial privilege for newsmen. In the absence of a special showing of necessity by the government, the Circuit Court had held that Caldwell was privileged to refuse to attend a secret meeting of a grand jury because of the potential impact of such an appearance on the flow of information to the public.

The Court in a five-to-four decision rejected the claims of limited First Amendment protection for news sources in these cases, although the "enigmatic" concurring opinion of Mr. Justice Powell "may give some hope of a more flexible view in the future," as Mr. Justice Stewart suggested in his dissent. Mr. Justice Powell carefully emphasized the "limited nature of the Court's holding" in the Branzburg decision.

Mr. Chairman, I submitted testimony to this subcommittee on September 28, 1971, in support of a qualified newsmen's privilege. I continue to believe that a qualified newsmen's privilege is esesntial to facilitate the free and unfettered flow of information to the people. I continue to believe that Freedom of the Press, as that term is understood in America, demands the creation of a statutory newsmen's testimonial privilege to maintain the confidentiality of his sources and the information he has received from those sources.

III. THE CHALLENGE OF DRAFTING AN APPROPRIATE NEWSMEN'S PRIVILEGE BILL

Mr. Chairman, the Congress has before it the profoundly difficult and challenging task of drafting and enacting an appropriate newsmen's privilege law which balances the various and sometimes conflicting societal interests.

Thoughtful observers will acknowledge, as the Court has acknowledged, that aggressive investigative reporting can impair the Constitutional right of an individual to a fair trial.

The Fifth Amendment states that "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury . . ." The right to a grand jury proceeding extends to all persons accused of felonies in Federal criminal prosecutions, and a necessary concomitant of a grand jury proceeding is secrecy. The Constitutional right to grand jury protection against malicious prosecution may be fatally jeopardized if malicious individuals "leak" information to reporters about grand jury proceedings. Thus it may be necessary to compel reporters to identify those sources which compromise the secrecy of grand jury proceedings.

This exception to the newsmen's testimonial privilege may not be necessary, of course, in a state which does not constitutionally require felony indictment by grand jury.

In the bill which I offered for subcommittee consideration in the 92nd Congress, the privilege did not apply to the *source* of any allegedly defamatory information in any case where the defendant, in a civil action for dafamation, *asserts a defense based upon the source of such information*. In the light of *New York Times Co.* v *Sullivan*, this exception in my judgment would permit reporters to maintain the confidentiality of sources on the activities of public personages absent actual malice by the news organization. But it would permit divestiture of the privilege when the defense of truth could not be maintained in actions brought by private persons.

The bill I proposed also would permit divestiture of the privilege if there is "substantial evidence that disclosure of the information (held by a reporter) is required to prevent a threat to human life, espionage or foreign aggression." This exception to the general rule of testimonial privilege for reporters is consistent with the holding of the Ninth Circuit in the *Caldwell* case that there be an "overriding and compelling" National interest in securing the testimony of the newsman.

From this testimony, Mr. Chairman, it is obvious that I am reluctant to embrace an absolute privilege. It would be most unwise, in my judgment, for the Congress to attempt to subsume all societal interests, including Constitutionally guaranteed rights, to the interest of enhancing the free flow of information.

The Congress has an opportunity to follow the lead of several states in perfecting Freedom of the Press, but it also has an obligation to respect the traditional "balancing" of interests in the process.

IV. THE QUESTION OF FEDERAL PREEMPTION OF STATE LAW

Finally, Mr. Chairman, I note that this subcommittee must consider the question of Federal preemption of State law in respect of a testimonial privilege for newsmen.

I must respectfully oppose all efforts to structure mandatory Federal rules of procedure for State courts, legislatures and administrative bodies. Newspapers are undoubtedly instrumentalities in interstate commerce, and Congress has undoubted powers of wide-ranging scope under the Commerce Clause (Art. I, sec. 8. cl. 3). But State courts, grand juries, legislatures and administrative bodies are most definitely *not* instrumentalities in interstate commerce.

If Congress were to arrogate unto itself all wisdom in the question of testimonial privileges for newsmen, the precedent thus established would devastate the principles of federalism upon which this country is founded. The Supreme Court has never invalidated a Congressional statute based upon the Commerce Clause—that is true. But perhaps Congress has shown some commendable restraint in past years, and I would recommend comparable restraint in this instance.

Mr. Chairman, if Congress creates a newsmen's privilege, it will *not* be for the benefit of a particular class of newsmen or informants. It will be for the benefit of consumers of the news—the American public. These consumers have a compelling interest in the free flow of information, but they also have an interest in their *other* rights and the system of Federalism we respect and are bound to accommodate.

I would urge your committee to prepare for Senate consideration a qualified newsmen's privilege bill, limited to the Federal system. I believe that such a bill would enhance personal liberties in this country. The Congress for too many years has explored the limits of constitutionally protected liberties, and legislated up to those limits in derogation of unrestricted freedom. In this question of the newsmen's privilege, we have the opportunity to expand the limits of Freedom of the Press We should grasp that opportunity.

Thank you.

MASS TRANSIT NEEDS

Mr. MUSKIE. Mr. President, as you know, Federal aid highway legislation died in the waning hours of the 92d Congress, thus requiring the 93d Congress to take early action on this important matter.

As the leader of last year's Senate effort to tap the highway trust fund for the purchase or construction of bus or rail mass transit, I was concerned with similar efforts in the House of Representatives. While the Senate approved the so-called Cooper-Muskie amendment to permit the use of trust fund moneys for mass transit purposes, the House of Representatives rejected a similar proposal, offered by Congressman Glenn Anderson, by a narrow 32-vote margin.

The Senate Roads Subcommittee, as a result of the demise of last year's legislation, has recently concluded hearings on Federal aid highway legislation. Much of the testimony presented at the hearings centered around the issue of public mass transportation financed out of the trust fund.

Many matters affect this issue: We have an energy crisis and we are told there will be a gasoline shortage next summer. We know that motor vehicles are demanding rapidly increasing amounts of gasoline—40 percent of all the gasoline used in this country. Yet, some witnesses have testified that more highways—$600 billion worth—and more automobiles are absolute necessities to the American way of life.

We know that automobiles are a major threat to public health because of the lack of safety in their operation and the air pollution they create. Yet, some organizations which appeared at the hearings took the position that there should be more roads and more cars.

We know that many people are poorly served by the automobile and that we have too many automobiles in some urban areas. Yet, some witnesses stated that more highways and more cars are the only way to relieve these problems, and that highway funds must be preserved for road-building even if—as we see in this city, in Boston, and elsewhere—new roads only aggravate existing problems.

These propositions should be closely examined, because they make some very basic assumptions about the role of the automobile in the future of America.

I do not accept the proposition that the highway trust fund must remain sacrosanct. Our present transportation system is not the best one we can create—not when it demansd $600 billion of our Nation's wealth, kills outright 56,000 Americans a year, ruins the health of hundreds of thousands more, causes billions of dollars in damage, consumes vast quantities of our dwindling energy reserves and turns millions of tons of irreplaceable raw materials into piles of junk.

More of the same is not the answer. The time has come for change—the health and well-being of our Nation demand that change.

Knowing Congressman Anderson's interest, expertise, and leadership in the use of trust fund moneys for mass transit, I was interested in his statement before the Senate Roads Subcommittee on this issue.

I am confident that my colleagues in the Senate will find his testimony interesting. For that reason, Mr. President, I ask unanimous consent to have Congressman Anderson's statement printed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Congressman Glenn M. Anderson of California

Mr. Chairman, I appreciate the opportunity to appear before this distinguished committee and to present my views on pending highway legislation.

I would like to commend the members for the action taken last year by the Senate in the adoption of the Cooper-Muskie Amendment, which I believe to be one of the most far-sighted and progressive proposals considered by the Congress to meet our transportation requirements. Unfortunately, by the slim margin of 200 to 168, the majority of the House of Representatives did not agree with my appraisal of that proposal. However, this year, I feel that we will be successful in permitting a portion of the Trust Fund to be used for mass transit purposes.

For eight years, I served as Lieutenant

Governor of our great state of California. During that period, I traveled all over the state—from Tulelake on the Oregon border to Calexico in the South, from Pismo Beach on the Pacific Ocean to Needles on the Arizona border. As a result, I know the importance of highways in our state.

I know that this is often the only link between the residents of a community and the hospital miles away. This is the only means that the farmer has to get his produce to market. This is the only way that the consumer in the rural areas can get the products that are manufactured many miles away.

However, as a life-long resident of Los Angeles, I know the problems associated with the automobile and the highways.

We have seen the strips of concrete rip our homes, and separate entire communities like the Great Wall of China.

We have witnessed the deterioration of our air—caused primarily by the pollution-belching automobiles chugging along on our freeways which have more of a semblance to parking lots during rush hour.

We have seen the impending energy crisis, which faces our country due in large part to the inefficient practices we have allowed to occur.

Due to this experience—both on a rural and urban level—I am not here to argue that all highway construction should be stopped. Nor am I here to argue that mass transit is the sole answer to our transportation problems.

But, rather, I am here to urge this committee to permit flexibility in the use of Highway Trust Funds. I am here to present my views on the need for a balanced transportation policy.

We don't want to require someone to build a mass transit system—nor do we want to demand that a state construct a highway, if the elected officials do not want it.

The point is—state and local officials should be permitted to select the modes of transportation that they feel are best suited to their particular situation, taking in the consideration of the needs of the people, the environmental considerations, and the demands for energy.

Presently, our laws—the Federal Aid Highway Act and the Highway Revenue Act—permit the use of Highway Trust Fund revenue for a variety of purposes:

The construction of the Interstate Highway system;

The construction of primary and secondary roads;

The construction of urban roads and traffic operations;

The construction of forest and public lands highways; and a myriad of other projects, most of which involve the pouring of concrete to accommodate more and more cars.

However, the laws do not permit the use of Trust Fund revenue for the purchase or construction of a mass transit system.

How would mass transit benefit the people?

CONGESTION

Our urban highways and freeways are so clogged and backlogged with commuters and marginal users that no one really benefits from the road. Due to highway congestion—especially during rush hours—travel costs are higher, operating efficiency is low, and nerves are frayed.

If the old adage that "time is money" is true, then we are throwing away billions of dollars in wasted time sitting in traffic.

According to a study conducted in 1971, in Los Angeles with the cooperation of the Federal Highway Administration, mobility in the L.A. area has not improved since 1965.

And, we have as good—if not better—a freeway system as is found in the world.

In fact, during the morning rush hour, the average speed on the San Bernardino Freeway (Interstate Route 10) is 17 miles an hour; on Interstate Route 5—the Pomona Freeway—traffic averages 18 miles an hour.

Leaving the city, during the evening rush hour, the commuter traveling the Pomona Freeway again must face the stop-and-go traffic and average 18 miles an hour.

And this congestion cannot be relieved by more and more freeways. Studies have shown that new urban freeways merely encourage additional traffic.

The Hollywood Freeway, in Los Angeles, was designed to reach a capacity of 100,000 vehicles per day within 10 years. However, within only one year, the Freeway was carrying an average of 168,000 vehicles per day.

This congestion costs each and every one of us money. It costs us in our time wasted; it costs us because of the added time taken to deliver goods and services; it costs us in wasted gasoline used in stop-and-go driving.

As a result, Mr. Chairman, we have learned that more and more freeways will not alleviate our transportation problems. Instead, more freeways and a greater reliance on the automobile would only compound our problems—especially with the environment.

AIR POLLUTION

I'm sure that you all are aware of the Environmental Protection Agency announcement of January 15, regarding the proposed transportation controls for the Los Angeles basin to meet Clean Air Standards.

Those controls include gasoline rationing, vehicle inspection programs, retrofit devices for automobiles, conversion of fleet vehicles to other fuels, and additional controls on stationary sources.

As one who fought for the tough standards written in the Clean Air Act of 1970, I support measures which will lower air pollution levels in the Los Angeles area, and I believe that the people in Los Angeles are willing to make adjustments in their style of living to curb air pollution.

And we know that auto emissions account for the great majority of pollutants in our air.

But, we cannot require a 82 percent cutback of automobile usage without providing an efficient and economical alternative.

People must still go to work.

People must still shop to put a meal on the table.

People must have a method of going to the many recreational spots in the area.

In short, people must travel—by one means or another—to live in this society.

Thus, to meet the stringent Clean Air Standards, public transportation must be provided in Los Angeles in order to allow people the freedom on which this country is based.

LAND USAGE

Another factor that enters into the problems of highway construction and the environment is the best usage of our land.

Today, we have almost 4 million miles of roads in the United States which cover approximately 35,000 square miles—an area roughly equal to the size of Connecticut, Massachusetts, New Hampshire, Vermont, and Rhode Island combined.

In addition, highways make it necessary to devote large amounts of land to interchanges, parking facilities, and the like. In the central area of many of our big cities, land devoted to streets and parking approaches 50 percent.

Rather than take more and more of our land off the tax rolls by building more highways, we should use existing rights of way for mass transportation, and, thus, use our land more effectively and more efficiently.

THE ENERGY CRISIS

Another important consideration involved in this legislation is the energy crisis which faces our nation.

Today, we import about 25 percent of our oil. By 1985, according to the American Petroleum Council, we will be importing approximately 58 percent of our oil, and will be even more dependent on the oil-rich, but politically volatile, Middle East to run our factories, heat our homes, and fuel our cars.

Certainly, one answer to this crisis would be a more rational use of oil. According to a study conducted by the Chase Manhattan Bank, passenger cars account for nearly 4.3 million barrels of oil daily or 30 percent of our daily consumption. By 1985, it is estimated that automobiles will consume 7.4 million barrels of oil daily.

As Senator Muskie points out, automobiles effectively utilize only 5 percent of the potential energy from the fuel they burn—the rest is wasted.

Rather than continue this waste of energy, we should offer commuters and other marginal users an efficient, safe, and economical alternative to the automobile.

Not only would a diversion of traffic off of the highways and onto a public transportation system reduce auto pollution, it would also conserve our precious resources of oil. A 25 percent diversion of auto traffic from private passenger cars to mass transit could reduce petroleum demands by almost one-half million barrels daily.

THE HIGHWAY TRUST FUND

Finally, let's look at the Highway Trust Fund.

In fiscal year 1974, 50 percent of the receipts of the Trust Fund were derived from taxes which were on the books long before the Trust Fund was created in 1956, and prior to that time, were used for general revenue purposes.

Specifically, the gasoline tax, which will account for 69 percent of the Trust Fund revenues for FY 1973, was enacted in 1932. The tire and tube tax, and the lubricating oil tax, which together account for 15 percent of the receipts, were enacted in 1919 and 1932 respectively.

Those funds—up until the Trust Fund began functioning—were used for a host of nonhighway purposes.

In addition, the Trust Fund, presently, has been so changed to meet other needs that it is difficult to argue that mass transit is not highway related.

In 1962, Congress allowed Trust Fund moneys to be used to help relocate families who were forced to move by highway construction.

In 1970, Congress permitted the use of Trust Fund moneys to construct ferry boats on the same basis as in the construction of highways.

Two-thirds of the cost of the highway safety program is paid out of the Highway Trust Fund.

The 1970 act also permits Trust Fund revenues to be used for exclusive busways, passenger loading facilities, and fringe parking to serve any type of public mass transportation.

Mr. Chairman, under existing law, we can use the gasoline tax to construct a ferry boat, but not to purchase or construct a bus or rail transit system.

In addition, the highway user, especially in the urban areas, does not derive the full benefit of the tax he pays into the Trust Fund. Over 40 percent of the miles traveled in the U.S. are in urban areas—50,000 or more population. As a result, well over 40 percent of the revenue collected is from urban areas. Yet, when it comes to spending that money, only 25 percent is spent in those urban areas.

In short, the Highway Trust Fund was created to meet our transportation needs by taxing the people of the United States. I contend that spending a portion of that money for mass transit would certainly help that need by eliminating a part of the highway congestion, by reducing auto pollution, and by helping to alleviate our energy crisis.

RECOMMENDATIONS

Mr. Chairman, I recommend the enactment of a bill which would permit flexibility in developing different modes of transportation. Specifically, I endorse the proposal which would allow state and local governments to use urban highway funds—$1.1 billion for FY 1974—for rail or bus mass transportation, as well as for highway construction.

Secondly, I recommend the inclusion in the committee-reported bill of a provision which would recognize the special needs of some of our cities that face serious air pollution problems. This would be accomplished by permitting the Secretary of Transportation to allocate up to 10 percent of the annual Trust Fund revenues for emergency mass transit programs in areas which are forced to curtail automobile usage in order to meet Federal Air Quality Standards.

In summary, we should strike a balance in our transportation program by permitting state and local officials the flexibility needed to meet the special requirements of the particular area.

NEW HAMPSHIRE AND THE WILDERNESS SYSTEM

Mr. McINTYRE. Mr. President, I wish to acknowledge the efforts of the Appalachian Mountain Club in an area important to New Hampshire and the entire New England region. This is an effort to preserve those areas in New England which are considered wilderness.

Yesterday, Preston H. Saunders, chairman of the Land Use Planning Committee and Thomas S. Deans, associate executive director of the Appalachian Mountain Club appeared before the Senate Committee on Interior and Insular Affairs to give testimony on this pressing matter of the National Wilderness System. By protecting these lands it is hoped that we will be able to meet the needs of a large and growing portion of the Nation's population that wishes to enjoy the beauty and solitude of wilderness and the spiritual uplifting of the primitive wilderness life. This wilderness experience in the East is available to most people only on publicly owned land.

I need not remind you of the diligent work and significant contribution of the Appalachian Mountain Club. Founded in 1876, it remains today the oldest organization of its kind in the United States. With a growing membership of nearly 17,000 members, the club has been able to provide meals, lodging and hiking facilities to thousands of outdoor enthusiasts. Its efforts in New Hampshire are felt not only by club members but also by all concerned environmentalists.

What pleases me most about the Appalachian Mountain Club in this issue is the sense of balance which they bring to the problem. The club is asking that only two of the six qualified areas be declared wilderness regions and the other areas be placed under study groups. It is this careful balance which the club has shown in their work with the U.S. Forest Service which is reflected in their present activities. With this type of compromise the diverse interest groups affected by this legislation will be able to work out a viable solution that will preserve the eastern wilderness areas.

Mr. President, I ask unanimous consent to have printed in the Record this statement by Mr. Saunders of the Appalachian Mountain Club in order that we may have his views before us as we consider this matter during the 93d Congress.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Appalachian Mountain Club on S. 316

I am Preston H. Saunders from Westwood, Massachusetts, and am here as one of the hundreds of part-time volunteer workers for the Appalachian Mountain Club to present the views of the Club. I am a former President of the Club and presently serve as Chairman of its Land Use Planning Committee. With me is Thomas S. Deans from our full-time professional staff. He is Associate Executive Director of the Club, and heads the Club's Northern New England Regional Office located in the White Mountain National Forest in Gorham, New Hampshire.

The Appalachian Mountain Club is deeply concerned with the preservation of wilderness areas, particularly those in Northern New England with which we are most familiar and which do not now have the vitally needed protection afforded other areas under the Wilderness Act. Founded in 1876 and today, we believe, the oldest organization of its kind in the United States, the Appalachian Mountain Club comprises nearly 17,000 members located primarily in the New England states, New York, New Jersey and Pennsylvania. The Club has historically been dedicated to serving the public since its inception and remains vigorously so today. In its early days its members assisted in mapping the mountain regions of New England and laid out many paths which today form part of the 350 miles of trails maintained by the Club at its own expense. Most of these trails are located on the White Mountain National Forest and many of them are in or adjacent to areas listed in S. 316.

Starting with the construction of a stone refuge in 1888 on Mt. Madison in the Presidential Range of New Hampshire, the Club has constructed its unique Hut System, now comprising eight huts and its headquarters at Pinkham Notch, all except one of which are situtaed on federal or state land. They provide lodging and meals to thousands of hikers, more than 85% of whom are not Club members. Last year this system recorded more than 35,000 overnight guests. Several of these huts are located in or adjacent to areas listed in S. 316.

As a result of these activities the Appalachian Mountain Club has enjoyed for many years a good, close working relationship with the United States Forest Service, beginning with the Club's active role in backing the Weeks Act in 1911, which first gave the Federal Government authority to purchase lands for National Forests and thereby made possible the establishment of such Forests in the East. The success of this relationship is also due to the mutual recognition by the Club and Forest Service that the proper administration of our National Forests, particularly those in the heavily populated Northeast, requires a very delicate balancing of demands, not just between commercial and recreational uses but among various and not altogether compatible recreational uses, such as ski touring and snowmobiling.

It is precisely with this balance in mind that we come here today to speak in support of several of the areas listed in S. 316 for designation as wilderness to be administered in the same manner as wilderness areas designated by the Wilderness Act. Specifically, the Appalachian Mountain Club supports the designation as wilderness areas of the lands located in the White Mountain National Forest described in section 2(a) as follows: "Caribou-Speckled Mountain Wilderness" in paragraph (6); "Wild River Wilderness" in paragraph (8); and "Dry River—Rocky Branch Wilderness" in paragraph (9) with a change in one boundary which will reduce its size from 34,000 acres to about 24,000 acres. These are truly lovely and as remote as any land open to the public in New England. We feel that they without question meet the criteria for wilderness as defined in the Wilderness Act and incorporated in S. 316. Copies of maps of these areas with the modification noted have been delivered to the Committee's staff.

We believe that the three other areas in the White Mountain National Forest listed for wilderness designation in S. 316 deserve further study before action is taken on them. The Kilkenny Wilderness—described in paragraph (10) of section 2(a)—has been thoroughly reviewed by the Forest Service itself from the standpoint of its resources and possible boundaries as an area worthy of some form of extra protection. We are impressed by what we have learned of this review and feel that this area warrants further study in order to establish the boundaries within which it can most effectively be administered. We recommend that the Carr Mountain Wilderness—described in paragraph (11) of section 2(a) be studied further to verify that in view of its location and relatively heavy use by persons engaged in a wide variety of recreational activities it can properly be managed as wilderness.

The third is the Presidential Range Wilderness described in paragraph (25) of section 2(a). The summit of Mt. Washington, which is situated roughly in the middle, is the focal point of this area aesthetically speaking as well as in terms of the number of visitors to the area. It is accessible by the Cog Railway and an automobile road. On the summit are a weather observatory manned the year around, a TV transmitter and other buildings, including the original stone Tip Top House constructed in 1853. Tuckerman's Ravine on the east side of Mt. Washington attracts thousands of skiers on weekends in the Spring, and some of the hiking trails up Mt. Washington and above timberline along the Range are the most heavily used of all the trails in the White Mountains and in the entire eastern United States, for that matter. Because of the potential inholding, the extremely heavy recreational use which this area receives and its overlap with the Dry River—Rocky Branch Wilderness which we support, we believe that this area ought to be further examined to determine whether it is best suited for administration as a wilderness area or in some presently existing classification within the National Forest System.

In addition to these three, we urge Congress to establish a fourth area, not listed in S. 316, to be studied for possible designation as a wilderness. This we identify as the Pemigewasset Wilderness study area, a strikingly beautiful portion of the White Mountain National Forest which encompasses the Lincoln Woods Scenic Area as well as some 30–40,000 acres to the west of it. We are submitting a map of this proposed area along with maps of three areas we support for designation as wilderness areas.

With regard to areas which are proposed for study, we urge Congress—possibly by way of amendment to S. 316—to designate or classify them in such manner that no further development or change in their natural condition can be wrought by man, pending completion of the study and recomendation as to their suitability for wilderness classification by the agencies responsible for their administration. It would be tragic if the time required for a careful consideration of these areas on their merits permitted events to occur which permanently destroyed their wilderness characteristics.

Wilderness in the West offers an inspiring and thrilling experience for those who have the time to visit it and can afford it. But it cannot possibly help those who have neither the time nor the money, nor can it preserve the wildlife and plant life native to eastern forests. The White Mountain National Forest is now within an easy day's drive of more than fifty million people. Measured by recorded visitor days, it is the most intensively used National Forest in the East and more than twice as heavily used as any other Forest in the Region of the Forest Service within which it is located.

To us it is a sound principle of land use planning that the resources of public lands be devoted to these activities for which they are most uniquely suited and for which there is an urgent need. This does not deny the opportunity to others to enjoy their particular form of recreation both on and off the Forest, nor to commercial utilization of Forest resources. It is not a principle to be practiced to the exclusion of others. We firmly support the objective that public lands be available for a wide spectrum of recreational activities. By designating portions of the White Mountain National Forest as wilderness entitled to the protection afforded wilderness areas under the Wilderness Act, Congress will be meeting the needs of a large and still growing segment of our country's population to enjoy the beauty and solitude of wilderness and the spiritual refreshment which many derive from the primitive living in wilderness. Unlike most popular forms of recreation, the wilderness experience in the East is available to most people only on publicly-owned land.

We are highly pleased that Congress has been given the opportunity to apply the same criteria for qualification and the same high standards of protection to certain federally-owned lands in the East as were applied by the Wilderness Act primarily to areas in the West. We hope and pray that Congress will make the most of it.

OKLAHOMA YOUNGSTERS RECOGNIZE GOLD STAR MOTHERS

Mr. BELLMON. Mr. President, all Americans rejoice with gladness at the safe return of many of our prisoners of war from Vietnam after the close of that long and tortuous conflict.

At the same time, we share in the grief that many families have endured because of the loss of loved ones in this way and in past wars.

Recently a class of fifth graders at the Chamberlain School in Fairview, Okla., participated in a combination lesson in history, patriotism, and compassion. With the guidance of their teacher, Miss Marie Pierce, the youngsters each wrote a letter to the American Gold Star Mothers. This is an organization of women who have lost a son or daughter serving his or her country in the armed services.

In their simplicity, these letters eloquently express the pride and sympathy that we all feel toward these brave women who have made a great sacrifice for their country.

Mr. President, I ask unanimous consent that these letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Fairview Fifth Graders Express Gratitude for Sacrifice

All the furor over when to observe Veteran's Day last November was turned into a combination lesson in history, patriotism for a class of fifth graders at Fairview's Chamberlain School.

Even though it was an English class Miss Marie Pierce was teaching, her pupils were interested in why celebrate Veteran's Day at all. This gave her an idea for the hall bulletin boards which she was in charge of for November. Thus November became a patriotic month at Chamberlain School rather than having the usual turkey and pilgrim motif.

Through their study of Veteran's Day, the students learned of an organization called the American Gold Star Mothers. Its membership is open only to women who have lost a son or daughter serving his or her country in the armed services. There is a chapter of the group in Enid with members from a wide area including Fairview.

The gold star name comes from the time of World War II when families having sons and daughters in the service hung a red and blue flag emblazoned with a silver star for each child. If a life was lost in service, the silver star was covered with a gold star to signify the death.

Sensing the compassion her students felt for these women, Miss Pierce assigned the class to write letters to the Gold Star Mothers. They appear below with a photo of each student, printed just as the pupils wrote them. Miss Pierce did not require her pupils to correct their spelling and punctuation, feeling that it would spoil the spontaneity of the letters.

The letters were acknowledged by Mrs. Walter E. Krumrei, president of the Enid chapter.

Dear Gold Star Mothers: I am sorry your son lost his life in the war. I will pray for you and your son. Life must be hard with gone and all. It would be better if there was more like your son that wanted to fight for our country. Our Murens are in trouble in war but I am shur Nixon is trion his hardest to get them out. Good By and God Bless.

Micah L. Lynch.

Dear Gold Star Mothers: I am sorry that your sons died in the war. But, without him where would we be today. If all people felt the way your son did about our country it would be a near perfic country but, its not. So people that do feel the way your son did set examples for young people like me. I don't know about other people but your sons have set a good example for me.

Sincerely,

Todd Branson.

Dear Gold Star Mothers: I shure am sorry about your sons but at least we know that your son was a good citizen and a great man and I would appreciate and we will pray for you and your son because we think that you are a nice lady and so was your son and we are greatful for how your son died for our country. And I am shure that your son new alot more than I do.

Your friend,

Mike Harrison.

Dear Gold Star Mothers: I am very sorry you lost your son in war. Your son was very brave to fight the war. I admire them for this. I think everyone looks up for them. And everyone knows that your son loved our country.

Sincerely,

Patricia Jinkens.

Dear Gold Star Mothers: I am sorry you lost your son or sons in the war. I would think you have gone through a lot of hardships.

Sincerely,

John Curtis.

Dear Gold Star Mothers: We are thankful for your son that fought in the war for our freedom. We will pray for you and him.

Sincerely,

Mary Steidl.

Dear Gold Star Mothers: I know you must be sad for losing your son, but just think how much it helped. I hope you are proud of them.

Sincerely,

Julie Molidor.

Dear Gold Star Mothers: I am glad your son fought for our country. I'm sorry that he got killed. He helped our country very much.

Sincerely,

Valerie Mayes.

Dear Gold Star Mothers: I am very sorry your son or sons died in the army. We all know they were fighting for all of us. I wish I could do something about it, but I can't.

Sincerely,

Angela Kliewer.

Dear Gold Star Mothers: I love my Country and I'm sure your son did to. I am sorry your son lost his life there. I know God is with them. I am going to pray for them.

Yours truly,

Craig Edkins.

Dear Gold Star Mothers: I'm sorry your son died, but I'm sure he served our country well. I pray for you and him.

Sincerely,

Mark Burrell.

Dear Gold Star Mothers: I'm very sorry that you have lost your son in the war. Your son had to be very brave to fight for our country. But everyone knows that your son loved our country enough to risk his life for our country. I am sure that everyone will remember your son and how he fought for our country.

Sincerely,

Sheila Warner.

Dear Gold Star Mothers: I am sorry your son died in the war at our school we have been studying about the war. I know your sons fought good in the war if it wasn't for your sons we wouldn't even be free. I will be praying for all you gold star mothers. We are very greatful for all your sons.

Sincerely yours,

Debbie Huey.

Dear Gold Star Mothers: I am very sorry your son died in the war, but if we didn't have people like him our world would be in bad shape. He was a very brave man. We have been talking about freedom recently and thank everyone who served in the Armed Services.

Sincerely,

Tammy Medly.

Dear Gold Star Mothers: I know you have lost your sons in the war but I know they died for the freedom for our people. If it would not be for your son we would be lost no freedom at all. I will pray for you and your sons.

Sincerely,

Twila Nightingale.

Dear Gold Star Mothers: I am sorry that one or more of your sons where lost at war. I appreciate them dieing in duty to their country. In deep gratitude I thank them and you in a special way.

Sincerely,

Susan Glasgow.

Dear Gold Star Mothers: I'm very sorry that your sons were lost in one of the wars. Your sons were very brave to fight in the war, and I admire them for this. I think everyone looks up to them. I know you are very proud of them.

Sincerely,

Joy Hiebert.

DEAR GOLD STAR MOTHERS: I'm sorry your sons life was tooken and I will pray for you and your son. I hope that you have overcome this bad tragity.

Sincerely yours.

KYLE WILLIAMS.

DEAR GOLD STAR MOTHERS: My name is Ronnie Barger. I am greatful your son gave his life for ours. I don't have much to say but if you fill up to it I would please like you to write me about your son at this address (box 153, Fairview, Oklahoma.)

Your friend,

RONNIE BARGER.

DEAR GOLD STAR MOTHERS: I am very sorry your sons life was taken but he served his country in a very special way. I know you must be very proud of him. The Lord will be with you and him always. I will pray and I hope you will too.

Sincerely,

JENNIFER HEPP.

AID TO SCHOOLS

Mr. McGOVERN. Mr. President, among all the other crises now pending in the Nation because of cutting off or reducing funds during this fiscal year and in budgetary plans for next, one poses a serious long term danger—insufficient funding for federally impacted school districts.

Public Law 874 provides for payments to local education agencies in which a portion of their students have parents who either work or live on Federal property. Federal property is defined as property owned or leased by the United States not subject to taxation by any State or any political subdivision of a State.

For years, the law has immeasurably helped these school districts, particularly those which contain heavy military or Indian concentrations. As a matter of fact, in South Dakota, 74 percent of one district's support has come from that law.

For fiscal 1973, the administration proposed an appropriation of $415,000,000, at least $177,000,000 below the 1972 appropriations level. The administration also proposed a change in language so that payments would be concentrated in those school districts which educated children whose parents both live and work on Federal property, with the exception of some military or Indian children specifically protected.

Neither the House nor the Senate Appropriations Committee approved, and the HEW-Labor appropriations bill for 1973 which contained an appropriation of more than $645,000,000 for Public Law 874 was passed and then vetoed by the President.

At the moment, federally impacted areas are being supported at the 1973 budget level, below the 1972 authorization. The result is that school districts are experiencing cutbacks all over the country.

It is beyond my comprehension that the Federal Government feels that education support is maintained primarily by the property tax; yet at the same time, its purchase or leasing of land removes some of the sources of that tax from the local tax rolls. Then it still insists that the taxes on reduced property bear the whole area's burden.

One school district in South Dakota contains 1,405,000 acres of which 475,000 are nontaxable Indian lands. Yet the Indian children who live there must be educated. In another, reductions in disbursements this year are costing $87,000 in Federal revenues. In another where the parents of 58 children work on a nontaxable dam, $15,000 of an expected $49,000 is going to be lost. In still another small district the cut will total $15,000 to $20,000.

The list is a long one and the seriousness is such that one invitation to appear before the House Education and Labor Committee on the subject had to be turned down because the district could not afford the expenditure of funds for the trip.

One can talk all he wishes about instilling self-reliance in the Nation's citizens. But the Federal Government should take its own advice and not push its proper burden off onto those who are already supporting the education of their children to the hilt of a regressive tax system.

The administration should fund Public Law 874 for the remainder of this year at least at the level provided in fiscal 1972.

RECONSTRUCTION AID FOR INDOCHINA

Mr. BROOKE. Mr. President, there is a growing controversy in the United States over the question of whether or not the United States should supply aid for reconstruction in Vietnam. Opinions on the subject range from impassioned pleas for such aid as a means to mitigate the consequences of U.S. participation in the conflict to outright refusal to contemplate any form of postwar aid to the peoples of the area. Such extreme positions, needless to say, do not provide the reasoned analysis needed to form the basis for intelligent decisionmaking. Wisdom dictates that we maintain a balanced perspective on the problem; a perspective that results in final decisions only after a full examination of the complex nature of the aid question. In this regard, I concur fully with the sentiments expressed recently by Senator SCOTT and Senator MANSFIELD when they called for Members of Congress to exercise restraint in their statements on the reconstruction aid issue, lest the taking of extreme positions jeopardise the fragile nature of the ceasefire and make more difficult the process of prisoner exchange and the accounting for the missing in action.

Rather than emotional rhetoric, what is needed now is a concerted effort to obtain meaningful answers to several pressing questions. For instance, would U.S. reconstruction aid truly contribute to meaningful peace for the peoples of Indochina? Administration spokesmen have suggested that the various contending parties in the area must be given a "vested interest" in maintaining the hoped-for peace. Aid, it is contended, is one of the major means of giving them such an interest. This contention should be fully scrutinized in the weeks ahead.

What should our priorities be in extending aid? We certainly could not meet all the needs of the people in Indochina. Hence, a decision would have to be made as to what problems can most effectively be addressed by any aid efforts. For instance, should we emphasize aid for human rehabilitation over that for industrial reconstruction? Questions such as this must be answered before any offer of aid is given.

In what form should aid be administered if the decision is made to give it? Recently, it was announced that the United States and North Vietnam would set up a bilateral commission to examine the aid question as it pertains to relations between the two countries. Is this bilateral approach the preferable one or would a multilateral one be more effective in achieving defined objectives? Japan, West Germany, and other states have voiced an interest in participating in reconstruction efforts. Moreover, U.N. Secretary General Kurt Waldheim has indicated his desire to involve the world organization in the reconstruction program, should such involvement be acceptable to the relevant parties. These statements of intent should be given serious consideration in our deliberations over the aid issue.

What assurances could we obtain that any aid we offered would be used in the stipulated fashion? It would be intolerable if aid extended for the purpose of alleviating human suffering was used rather to rebuild or enhance the warmaking capabilities of the various contending parties in Indochina. Neither the Congress nor the American people could be expected to support additional aid for Indochina if adequate assurances in this respect were not obtained.

Finally, and most importantly, what are the true feelings of the American people on the aid issue and what forms of aid would they be willing to support? It is they who will be called upon to provide the funds for whatever aid, if any, may be given. The pros and cons of the aid question must be presented to the American people in a manner that will enable them to make a knowledgeable decision on whether or not to support such aid.

In sum, these are the questions that must receive our attention in the period ahead. Adequate answers to them can only be attained through extensive analysis of the evolving situation in Indochina and the opportunities and pitfalls that face the United States as it seeks to stabilize its relations in Indochina.

NEW FEARS OF A SINO-SOVIET NUCLEAR WAR ARE EXAGGERATED

Mr. PROXMIRE. Mr. President, within the past week there have been indications in the press that the Peoples Republic of China is increasing its defense preparations.

Certain columnists and others in Washington have concluded that the reported Chinese advances in missile and early warning radar technology will trigger a response from the Soviet Union in the form of a decision to attack preemptively. They point to the construction of an early warning radar, development of an ICBM deployment of soft-pad short-range missiles, and a new hard rock silo program for IRBM's as evidence that there is great danger in the Soviets being provoked into a first strike against Chinese nuclear facilities.

SCARE STORIES

I do not think that these scare stories are conducive to a cool, dispassionate assessment of Sino-Soviet relations.

In the first place, the Soviets undoubtedly are more aware of Chinese advances in technology than are we. They share a long common border and thus have access to intelligence collection that is denied the United States. The U.S.S.R. also has an active and reasonably sophisticated satellite reconnaissance program. Thus the revelations in the U.S. press are not news to the U.S.S.R. They have followed the Chinese situation closely. It is no accident that modern weapons such as the Scaleboard missile system have been deployed to the Chinese border in a time frame roughly equivalent to the development of Chinese nuclear technology and initial missile deployments.

Scond, it must be remembered that tensions were even higher during the border clashes of previous years. From a hard military perspective the time for a preemptive attack on China by the Soviet Union has gone by.

There was a time when the U.S.S.R. possibly could have destroyed the missile testing facility at Chuang-ch'eng-tzu the nuclear weapons test area at Lop Nor, the gasseous difusion plant at Lan-chou, the solid and liquid propellant plants and missile fabrication plants at other locations, and the limited number of nuclear capable bombers. With China's nuclear capability knocked out, it may have been possible to contain the large Chinese and army with tactical nuclear weapons or to bargain to a close of hostilities.

TIME FOR ATTACK PASSED

The time of even this hypothetical situation is well past. China now has sufficient nuclear capability in land based missiles and bombers to equal the minimum deterrent posture of France. In other words, the price for attacking China would be high even with the modest retaliatory forces it now possesses.

It has been argued that China might use a launch-on-warning doctrine against the Soviets. The possibility of this must complicate Soviet military planning.

While the situation between the U.S.S.R. and China is tense and incidents could occur, it is unlikely that full scale war or a nuclear exchange will be initiated. Rash statements along this line should be avoided in the absence of better information.

It is in the national interests of the United States that China and the Soviet Union refrain from military hostilities which could engulf Asia in an immense war and force the United States to a decision point with regard to supporting our Asian allies or one of the two waring powers. Neither should we be comforted by or consider a possible Sino-Soviet conflict as a welcome diversion of their energies. There is more at stake than this kind of elementary geo-politics.

Mr. President, I ask unanimous consent that certain recent newspaper articles regarding the Peoples Republic of China and the U.S.S.R. be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 21, 1973]

RUSSIA'S "GO" OR "NO GO" DECISION

(By Joseph Alsop)

No other foreign leader except heads of state (and precious few heads of state) has had a reception in Peking like that recently given to Dr. Henry A. Kissinger. It is a fearful thought, but it is just about dead certain that one reason was an imperceptible increase in the danger of thermonuclear war.

The danger was imperceptibly increased, in turn, because of most important but unreported progress in China's altogether remarkable nuclear program. Briefly, the Chinese now seem nearly ready to cover their border with the Soviet Union with a new missile-warning system, based on highly ingenious "phased ray" radars.

In and of themselves, these Chinese radars must be deeply disconcerting to the Soviet leaders. The point here is that "phased ray" radars necessarily depend on back-up by the most sophisticated possible computers. This means that China has at least caught up with, and more probably surpassed the Soviet Union in the crucial field of computer technology.

For the masters of the Kremlin, this must be a bitter pill. Long ago, Nikita S. Khrushchev once scornfully dismissed China as a country so poor "they don't even have pants." The Soviets would prefer to think that today. But as early as 1955, Khrushchev also warned Chancellor Konrad Adenauer about "The Yellow Peril," using the very phrase of the Emperor Wilhelm II of Germany. For the current Soviet leaders with "The Yellow Peril" view-point, the new Chinese missile-warning radars must cause extra pain.

Here, the point is technical. Again briefly, the Chinese have also been excavating astonishing missile-silos from the living rock, deep in the valleys of the Central Asian mountain ranges. These silos are eventually intended to receive new, more powerful Chinese nuclear ballistic missiles. These have ranges sufficient to reach Moscow, Leningrad and other centers of the Russian heartland.

While it was only a question of future deployment of these more powerful Chinese missiles, nothing had changed radically. This was because the Soviets still have almost unimpaired power to destroy the whole Chinese nuclear program with an efficiently delivered first strike. The Chinese missiles in the rock-cut silos are not invulnerable to the huge Soviet SS-9 missiles. All other Chinese missiles now in place are easily vulnerable to the Soviet "scaleboard" missiles already deployed along the Chinese border.

But add an effective Chinese missile-warning system to the ugly equation. Then there will always be the possibility that the Chinese will adopt the grim policy of "launch-on-warning." If that happens, the Soviets will cease to have a safe first strike. For "launch-on-warning" would bring the Chinese missiles from the rock-cut silos raining down on the Russian heartland, even as the Soviet missiles struck at China.

This means one thing, and one thing only. The Soviets will have to decide the central question, "What is to be done about China?" before too much further time has passed. They have been pondering that question for years, while they have carried on a huge, immensely costly military buildup on China's northern border.

You cannot tell how they will answer the question, but they cannot go on merely pondering it forever. Instead, they must reach a final "go" or "no go" decision. They must attack, or give up that idea, whenever they see their power of a safe first strike against China beginning to slip away.

While I was in China, it was Prime Minister Chou En-lai who gave me the two earlier quotations from Nikita Khrushchev. It was with the prime minister's right hand man in foreign affairs, Vice Minister Ch'iao Kuan-Hua, that I discussed the timing and character of the future Soviet "go" or "no go" decision. He insisted that the Soviet decision was political rather than military.

I agreed that the question, "What is to be done about China?" was primarily political, even in Soviet eyes. But I ventured to suggest that the decision would be put off—as all great governments put off hard decisions—until it was finally triggered, so to say, by further Chinese nuclear progress. Ch'iao Kuan-Hua answered somberly: "If you put it that way. I'm afraid I think you may be right."

This is why it is needful to speak of a hardly perceptible increase in the danger of thermonuclear war. The danger has not increased because mutual hostility has increased. Soviet-Chinese hostility has long been downright feverish. The danger has increased, rather, because it has grown perceptibly less remote in time.

As to the link with Dr. Kissinger's reception in China, that much should be obvious. For their own reasons, both the Chinese and American governments above all want the Soviet decision to be "no go." Let us pray the two governments get what they want.

[From the Washington Post, Jan. 17, 1973]

CHINA PREPARING TO DEPLOY INTERMEDIATE RANGE MISSILES

(By Joseph Alsop)

China is now briskly preparing to deploy a first group of about 10 nuclear missiles with sufficient range to reach Moscow, Leningrad and other Soviet heartland targets. The Chinese preparations, only recently observed by the United States, are both novel and ingenious for the missile sites are literally being carved into the sides of mountains, out of living rock.

Just when the missiles themselves will be married to the sites is of course anyone's guess. But it is certain that the Chinese have already successfully tested a new missile with intermediate range of a few thousand miles.

In Soviet eyes, as anyone can figure out, Chinese deployment of these new missiles will surely mean that a new phase has opened. For the missiles in their rough-carved sites must appear altogether different from the earlier Chinese deployment, in completely soft sites, of about 50 missiles with just enough range to reach targets in Siberia.

In the previous phase, there was very little to deter a Soviet preventive attack upon China—provided the Soviets were ready to use nuclear missiles of their own to take out the short-range Chinese missiles in soft sites. In the new phase, such an attack would still be entirely possible—even a rock-carved missile site cannot give full protection against one of the huge warheads of the Soviet SS-9s—but it will be considerably more risky.

The new phase now visibly ahead will obviously look forward, furthermore, to the final phase. This will come when the Chinese add an adequate antimissile warning system to their nuclear panoply. If they then adopt a policy of "launch-on-warning" (as is highly likely), the risks of a Soviet preventive attack will finally become almost unbearably great.

These are the background facts, obtained here, against which one must judge all sorts of facts in China. They mean, to begin with, that the Chinese have not yet reached their long-sought point of no return when the Soviets must discard all thought of the attack on China they have been so expensively preparing.

Instead, the period of maximum danger still lies ahead, but it is now getting fairly close. For the Soviets must certainly make their decision about attacking or not attacking China at one of two points in time:

either when missiles that can reach Moscow and Leningrad actually begin to be deployed; or when the Chinese begin to complete the design, with a workable antimissile warning system.

Meanwhile, as noted in the last report in this space, the danger of a Soviet preventive attack is the true mainspring of Chinese policy. * * * But it seems clear that an even much greater complicating factor was Chinese internal politics; for the prime minister wanted the new American link, whereas Lin Piao and his group quite bitterly opposed it.

This was why Marshal Yeh Chienying was the soldier who talked with Kissinger along with Prime Minister Chou. And since the first Kissinger visit preceded Lin Piao's flight and death, this is also why the Chinese were then so passionately insistent that no one should learn about Kissinger's other Chinese interlocutor, Chou's military ally against Lin, old Marshal Yeh.

Yet it is far more important for Americans to understand the real basis of the new Sino-American relationship. The basis was none of the things that virtuous people have supposed in this country. It was, instead, the danger of Soviet preventive attack on China, acknowledged by both sides.

For both sides, too, the new relationship was and is founded on hard interests. For if a Soviet preventive attack on China finally materializes, we in the United States will find ourselves living in another Hitler-time albeit with no Hitler.

[From the Washington Star-News, Jan. 17, 1973]

CHINA'S MISSILES CAN HIT RUSSIA

(By William Beecher)

There is now evidence that China has deployed a handful of strategic missiles capable of reaching Moscow, administration officials report.

The missiles, the officials said, have a range of about 3,500 miles, carry a three-megaton warhead and are installed in launching sites comparable to America's nine-year-old Titan-2 intercontinental ballistic missile silos.

The officials said some missiles are installed in underground concrete-and-steel silos capable of withstanding even a near miss, and others are built into mountain sides.

The officials declined to reveal the nature of their evidence, but presumably it came from reconnaissance satellites.

In addition to these 3,500-mile liquid-fuel missiles, the officials said, China has deployed about 20 other missiles of two types: One with a range up to 1,000 miles, the other with a range up to 2,500 miles.

Further, new launching facilities are under construction for all three types of medium-range and intermediate-range missiles, they said.

SOVIET-CHINA RELATIONS

Most analysts regard those developments as being of major importance in shaping the relations between the Soviet Union and China. They note that China now can target the capital of the Soviet Union with a few missiles, but they disagree over whether this constitutes enough of a retaliatory threat to deter the Russians from a possible first strike.

Those who tend to doubt it—and they appear to be in the minority—point out that the Soviet Union has recently completed construction of five new storage depots for tactical nuclear weapons along its border with China.

That brings to 19 the number of such hardened depots—for tactical bombs and warheads for tactical missiles—that the Soviet Union has built along the long border with China over the last five years.

"Many of our analysts felt that once China deployed enough 1,000-mile missiles and nuclear-armed TU–16 bombers to be able to destroy cities in Soviet Asia in the event of attack, Russia was deterred," one ranking planner said.

SOVIETS STRENGTHEN BORDER

"But some of us aren't so sure any longer. The Soviets have recently added another three divisions along the border and built five more nuclear storage bunkers. Why does she continue to expend so much effort and wealth on that region if she is not keeping open an option to make a preceptive strike?"

Another analyst put it this way: "Most of my colleagues believe it's silly to even think in terms of a Soviet first strike. But I think the next 18 months are the critical period. By that time, Peking should have 30 to 40 missiles that can strike Moscow and other major cities in European Russia and by then a Soviet first strike really would be too dangerous."

Officials agree that probably the principal reason the Soviet Union insisted on maintaining an antimissile defense around Moscow, in its negotiations with the United States on limitation of strategic armaments, was to retain a capability of defending against a possible Chinese missile attack.

The treaty signed by the United States and the Soviet Union last May permits 100 antimissile missiles each around Moscow and Washington, and 100 defensive missiles around one ICBM complex in called Galosh antiballistic missiles around Moscow. But each nation.

CHINA WORKING ON ICBM

At present there are 64 so-American specialists say this weapon is not regarded as very effective and conceivably could be penetrated by a Chinese attack. The Russians are known to be actively testing advanced defensive missiles and radar systems.

China is believed to be working on an ICBM with a range of up to 6,000 miles, but has not yet fired it outside her borders. Such a range would bring targets in the United States within reach. However, China is not expected to have an operational ICBM for roughly three more years.

Weapons specialists say China has had several successful tests of three-megaton warheads and bombs. A megaton is equivalent in explosive force to one million tons of TNT.

A three-megaton warhead would be larger than most American and Soviet warheads, although the Soviet SS–9 intercontinental missile is believed to carry one 25-megaton warhead in test cases and three five-megaton warheads in some instances.

[From Aviation Week & Space Technology, Feb. 12, 1973]

WASHINGTON ROUNDUP

CHINESE DETERRENT

China is nearing deployment of a strategic missile force that will be used as a deterrent to a Soviet pre-emptive strike aimed at knocking out Chinese nuclear research, development and production facilities. Most recent developments include:

Construction of a huge ballistic missile early warning system (BMEWS) phased array radar antenna in western China aimed at providing notice of an attack from about 90% of the Soviet IRBM and ICBM force.

Development of an ICBM with 3,500-mi. range now poised on a launch pad at Lop Nor in Sinkiang Province. The missile is being readied for its initial flight test with impact planned in the Indian Ocean near Zanzibar.

Construction of new hardened silos for IRBMs in the mountains of western China. Silos will hold new intermediate-range ballistic missiles fueled with storable liquid propellants. The new missiles, with a range of 2,500 mi., will be able to reach major cities in the USSR, including Moscow, Leningrad and Kiev.

FORCES IN PLACE

Chinese already have about 50 liquid-fueled, shorter-range IRBMs deployed in soft sites that can reach major Siberian cities. These missiles, based on the Sovial Sandal SS–4 design, have been in place since 1970, shortly after the major Soviet military buildup began along the Chinese frontier. The Chinese also have tested a submarine-launched ballistic missile (SLBM) and have modified at least one Russian-built, Golf-class, diesel-powered submarine to carry it (AW&ST June 14, 1971, p. 11).

Soviets are continuing the massive deployment of mobile MRBM and tactical nuclear missiles, armored divisions and tactical air squadrons to the Siberian and Central Asian frontier areas, which began in 1969. More than 70 additional airfields and many major supply depots have been constructed to support these forces.

[From the Washington Post, Feb. 22, 1973]

READING THE "MESSAGE" IN "PRESS LEAKS"

(By Victor Zorza)

The sudden spate of Washington leaks which suggest that the Kremlin may again be moving to "take out" China's nuclear weapons must be viewed with great suspicion in Moscow. The Russians would regard it as an attempt by the Nixon administration to undo their recent efforts to come to terms with China.

Soviet officials tend to believe that high-level intelligence estimates, of the kind that have lately found their way into some Washington columns, are planted in the press to achieve a specific purpose. Why, Moscow would ask itself, has the United States disclosed that it had just found new Chinese missile sites being prepared against the Soviet Union? Why would Washington be telling the Russians that the new silos are not where Soviet intelligence might expect, but in less vulnerable "hard" sites cut into the naked rock in deep ravines among remote mountains?

As de-coded by the Russians, the message would read: "We've told you where they are now go look yourself." But why should Washington add that the Chinese are way ahead of what the United States or Russia might have expected? To the Russians, this would say: "It is later than you think."

But intelligence analysts do not confine themselves to the surface meaning of information that is gratuitously dropped in their laps. They would conclude that Washington is trying to cause trouble. The disclosures would be used by the lunatic fringe in the Kremlin to revive the argument, defeated once before, for speedy action to demolish China's missiles, "before it is too late."

Peking, in turn, would quickly recognize the signs of what it used to describe, during the previous Kremlin debate on this issue, as "nuclear blackmail." Chinese propaganda would answer in kind, and the level of warlike invective on both sides would rise again to the giddy heights which marked the most menacing periods of the Sino-Soviet dispute. The reconciliation effort would be undermined.

The seriousness of this effort is evident from the refusal of either side to use it as a propaganda stick with which to beat the other, as they have done so often with less serious proposals. Secret Soviet moves to get negotiations going again may be reduced from the revival by Party Secretary Leonid Brezhnev of the proposal he made privately to Peking two years ago to sign a treaty to live and let live. The treaty would include an undertaking by both sides not to use nuclear weapons against each other.

In Peking, Prime Minister Chou En-lai has restated the terms for a settlement he proposed three years ago, in a way which suggests that bargaining is again in progress. He acknowledges, at long last, Moscow's claim that the million Soviet soldiers along the border are not poised for an attack on China. But if the claim is valid, he says, then "they must be there for the purpose of negotiation," that is, "to put pressure" on China. Still, he sees them now in the context of negotiation, not war.

Moscow would naturally assume that the Washington leaks are an attempt to damage the effort at reconciliation, in spite of Mr. Nixon's solemn assurances that he does not wish to set Russia and China against each other. Moscow originally accepted these assurances. When Mr. Nixon's trip to Peking was first announced, the Kremlin's chief Washingtonologist, Georgi Arbatov, publicly slapped down the alarmists who were making a fuss about the dangers of a Chinese-American alliance.

For a time they quieted down. More recently, however, some of the old fears have again begun to come to the surface in the Soviet press. The alarmists are again hinting, though without much conviction, at the nuclear threat from China. But what the Kremlin is really concerned about is the possibility that the United States could try to use the Sino-Soviet dispute to drive it into a corner politically.

The new Soviet interest in a negotiated settlement with China is an obvious attempt to lay this specter. Next week, Arbatov will be in Washington for a conference on trade with Russia, which ought also to give him an opportunity to enquire into what he once described as Nixon administration "zig-zags."

He might learn, as this newcomer to Washington has learned, that information which may appear at first sight to have been deliberately planted in newspaper columns by the administration, could have an altogether different origin. It might have been leaked, for instance, by one section of the Washington intelligence establishment in an attempt to discredit another. The disclosure about Chinese missiles which look like a sinister Nixon plot to set Russia against China may be due to such bureaucratic infighting, but they will make it more difficult for the White House to persuade the Kremlin that its intentions are entirely honorable—if that's what they are.

THE OLDER AMERICANS ACT

Mr. McGOVERN. Mr. President, we had before us the other day another of the bills the President hastily vetoed after Congress adjourned last fall in order to reduce the increased deficit in his budget—the older Americans comprehensive services amendments—to the Older Americans Act of 1965.

This is no spending measure hastily conceived by Democratic members of Congress, as OMB appears to charge. Rather, it is a carefully worked out bipartisan measure which would greatly increase the quality of life and employment opportunities of the 21,000,000 older Americans. All the available evidence suggests that the manpower sections of the bill would decrease Federal expenditures for such things as welfare and medicare as well as increase tax receipts. In other words this program would ultimately pay for itself many times over.

This bill provides for a relatively small investment in the future of older Americans—$100 million in the first year of operation and $150 million in the second. The first year amount is thus only one-tenth of the cost of one boat in the fleet of the new missile submarines the administration wants to build. In contrast, if this bill reduces the medicare national hospital average by just 1 day, the chairman of the Senate Committee on Labor and Public Welfare tells us we will have saved nearly $300 million.

Thus, in financial terms alone, this investment is well worth making. The human reasons are even more compelling.

Another aspect of the President's veto surprised me. He has said that people should ask what they can do for themselves—and yet he vetoed this measure which was designed to help older Americans stand on their own two feet in dignity.

This bill would replace the boredom of old age with educational opportunity.

It would replace loneliness with meaningful voluntary service.

It would replace television soap operas with more challenging recreational activities.

Perhaps most importantly, the job retraining provisions would help lift the more than one million older Americans who are currently unemployed from the indignity of joblessness.

The Budget Director should be reminded that he has a special debt to older Americans. The recession the administration created in order to control inflation increased joblessness among older Americans by a shocking 73 percent during the period of 1969–72. The number of older Americans unemployed 27 weeks or longer soared three and one-half times during the same period.

Mr. President, it is time we cast off the young man's burden. Older Americans do not want paternalism; they want to participate. Their experience and knowledge remains one of the last great untapped resources of our society.

Let us give them a chance to participate.

Let us give them a chance to readjust to a society which has grown faster than any of us.

In conclusion, Mr. President, I call upon the Congress to pass this measure by as wide a margin as we did last year so that the budget cutters in OMB will know we will override any veto. Perhaps then they will belatedly recognize their error, as was done in the case of the recent cuts in veterans benefits.

VOTE FRAUD

Mr. McGEE. Mr. President, in hearings before the Senate Post Office and Civil Service Committee, February 8, Mr. Randall B. Wood, the former director of elections for the State of Texas, stated that election fraud is "always traceable" to election officials. Without their collusion, he said, fraud is a minute problem, even in Texas, where registration procedures are quite liberal.

This is an important point, Mr. President, because of the recurring objection to a national voter registration system, especially one which would permit registration by mail, based on unsubstantiated fears of fraud.

Mr. Wood told the Post Office and Civil Service Committee at its recent hearings that the Texas experience with registration by mail could be applied in other areas, for, as we all know, that is a metropolitan State, a rural State, and a State with a diverse population mix. And he said that the incidence of fraud at the registration level is not a problem there, though registration coupons are printed in Texas newspapers and the mails are used to register would-be voters.

More recently even, we have seen evidence to back up Mr. Wood's contention that fraud occurs when officials cause it or permit it, Mr. President. I refer to the guilty pleas entered Monday in the U.S. district court at Chicago by four election judges charged with forging false ballot applications.

There is a false notion prevalent, I believe, which has it that the prior registration statutes of the various States were enacted to guard against fraud. Indeed, that may have been an operative element in the spread of registration laws across this land in the late 19th and early 20th century. But the fact is that the primary reason for most registration laws, at least, was a desire to reduce voter participation; to deny the franchise to some citizens. In that sense, the movement succeeded, for there were 40 million eligible Americans who were not even registered to vote in the 1972 elections.

Mr. President, I ask unanimous consent to include in the RECORD a news report from the Tuesday Washington Post on the vote fraud pleas by election officials in Chicago.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 13, 1973]

VOTE FRAUD ADMITTED BY FOUR JUDGES

CHICAGO, February 12.—Four election judges pleaded guilty today in U.S. District Court to charges of vote fraud during the March 21 primary election.

The four election judges were charged with forging more than 60 false ballot applications.

One of the judges, Elouise Weatherspoon, 33, told Judge Hubert L. Will that "a lot of people told me they weren't coming in to vote. They gave me their permission. I knew it wasn't right but since they gave me their permission to vote for them I didn't think there was anything wrong."

Miss Weatherspoon is employed as a clerk in the Cook County Chicago assessor's office.

The others who pleaded guilty were Matti M. Taylor, 50, employed in the circuit Clerk's office; Mary S. Williams, 42, and Vivian Burrage, 28. Judge Burrage was a Republican election judge; the others were Democrats.

The four were among 75 persons indicted on vote fraud charges in connection with the March 1 primary election. They face maximum penalties of ten years in prison and $10,000 fines.

THE MEANING OF "IN WHOLE OR IN PART" IN THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, one argument advanced by opponents of the

Genocide Convention is that the phrase "in whole or in part" contained in article II of the Convention might be construed to make the killing of one or several members of an identifiable group an act of genocide.

That this construction of article II is incorrect can easily be demonstrated by looking into the legislative history and the diplomatic history of the Genocide Convention. A leading authority on the Convention Dr. Nehemiah Robinson, in a book titled "The Genocide Convention" assures us that the words "in part" do not leave the Convention open to the criticism I cited earlier. The addition of the words "in part" was made to safeguard against the argument that because a group was not completely destroyed, there could be no genocide. For example, if the words "in part" were deleted from article II, the barbaric and systematic extermination of Jews by the Nazis might not be considered genocide simply because not all Jews were killed.

The key to understanding the words "in part" is to remark that the article is referring at this point not to destruction of groups, but to the intention to destroy these groups. It is therefore clear that individual or isolated instances of killing would not come under the purview of the Convention unless the intent to destroy a national, religious, ethnical, or racial group is proved.

This conclusion is succinctly stated by an expert on international law, Richard N. Gardner, professor of law and international organization at Columbia University. In hearings before a subcommittee of the Committee on Foreign Relations here in the Senate 3 years ago, Mr. Gardner concluded:

> The convention in Article II requires an intent to destroy the group as such, and if that is not present, the killing of isolated individuals cannot conceivably be regarded as genocide within the meaning of the convention.

THE CHANGING PATTERN OF FEDERAL ASSISTANCE POLICY IN SOUTH DAKOTA

Mr. McGOVERN. Mr. President, I ask unanimous consent to have printed in the RECORD a survey, which I sponsored, made by the South Dakota Development Group, entitled "The Changing Pattern of Federal Assistance Policy in South Dakota."

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

THE CHANGING PATTERN OF FEDERAL ASSISTANCE POLICY IN SOUTH DAKOTA

(A survey by the South Dakota Development Group, sponsored by Senator GEORGE McGOVERN)

"South Dakota mayors are generally hopeful that revenue sharing is a step forward in answering municipal problems so long as existing federal programs are not sharply reduced."

The South Dakota Development Group has conducted a survey on recent federal assistance policy changes and its impact on South Dakota communities.

The survey, taken between January 19 and February 13, 1973, took the form of a questionnaire. It had two parts: the first set of 14 questions dealt with revenue sharing; the second set of 11 questions dealt with grant-in-aid programs. It was mailed to the chief executive officers in each of the 115 South Dakota communities with a population in excess of 500.

The response was impressive. Nearly 55% of those surveyed completed and returned their questionnaires. The complete figures on responses to each question are attached to this report.

KEY

O=Overall response.

L=Large communities, i.e., 5000+population.

M=Medium sized communities, i.e., population between 1000 and 4999.

S=Small communities, i.e., population between 500 and 999.

REVENUE SHARING

By a margin of nearly four to one, South Dakota mayors endorsed the concept of revenue sharing. However, the survey revealed that their enthusiasm was tempered by uncertainty over revenue sharing's long range benefit to their communities.

Larger communities lead the applause for revenue sharing with an endorsement by 89% of their mayors. Mayors of small communities gave the program a favorable rating of 69% followed by a 64% vote of confidence from the medium sized towns.

Over 71% of the mayors, regardless of the size of their community, agreed that the instructions on the operation of revenue sharing (sent them by the federal government) were broad and general. This contrasts with 17.5% who were willing to describe those same instructions as clear and precise. Despite the contrast in percentages, the selection of "broad and general" to describe the instructions is probably not a criticism. Revenue sharing was designed, in part, to give local officials more flexibility in dealing directly with municipal spending demands. The absence of precision is, therefore, thought to be an example of the federal government's announced intention to avoid dictating priorities to the communities.

Consistent with that intention only 6.3% of the mayors found that the categories for the use of revenue sharing funds were restrictive, while 28.6% felt the categories were unrestrictive. The great middle range of respondents (65%) felt that the categories were moderately restrictive. The fact that this percentage was so large reflects the four sections of the Revenue Sharing Act which place certain requirements on the recipients. For example, Section 123 imposes reporting and accounting responsibilities, while Section 103 places a number of broad categorical limits on the purposes for which revenue sharing funds can be used.

Close to 70% of the mayors did not foresee revenue sharing regulations making any changes in the manner in which they administer their jurisdictions. That fact indicates that most mayors expect no extensive changes in local procedural matters under the Revenue Sharing Act. The inference, therefore, is that *although the overwhelming number of mayors support revenue sharing, they do not base their support on any significant improvement in local administrative practices.*

While 70% of the mayors listed a favorable response to revenue sharing, slightly more than 57% indicated that the new approach would increase their level of responsibility. Forty percent foresaw no change whatever in their responsibilities. The more pronounced difference of opinion was a prelude to even sharper differences over the level of aid revenue sharing would bring from the federal government.

The mayors were asked the following questions in succession:

1. Do you perceive any change in the net amount of money available from the federal government as a result of revenue sharing?

2. Do you view revenue sharing as a supplement to existing federal programs or as a replacement?

In answer to the first question, most mayors (46%) replied that they expected no change in the amount of available federal money. Nineteen percent felt that there would be more money to be had. But exactly one third of the respondents felt that *less* money would be available and the figure climbed to 41% among middle sized communities. If the response to this question is a guide, *the hearty approval of revenue sharing cannot be said to be based on anticipation of additional federal funds for the communities.*

As a precaution, the second question was asked in order to verify the initial response to the topic of additional money. A little over half (50.8%) replied that they felt revenue sharing was meant to supplement (i.e., provide money over and above) existing federal programs. But 46% said they thought revenue sharing was a replacement or substitute for existing programs.

The gap is wide between those who felt revenue sharing meant more money (19%) and the 50% who felt revenue sharing was a supplement to existing programs, although the questions were virtually identical. But there is no gap at all between those who expected no change in the amount of money (46%) and those who thought revenue sharing is a replacement (46%). Therefore, there was no clear, overall agreement on the impact revenue sharing would make on the availability of federal money. *What is clear is that 46% expected revenue sharing to make little difference in their ability to get funds from Washington while 54% were simply uncertain over their future funding prospects.*

By a wide margin, the mayors uniformly indicated that sewer and water projects were the most needed community improvements in the State. Not only was it the most frequently mentioned (69 times) but it was also ranked first in priority more times (24) than any other classification. Additional priority projects (ranked in order of frequency mentioned) were street construction and improvement, city building and repair, city parks and recreation, capital equipment, city sanitation, and housing.

Consequently, when asked how the mayors planned to use their revenue sharing funds, the mayors, not unexpectedly, reported that sewer and water projects headed the list (26 instances). Among other projects that were cited most frequently were city building and repair, purchasing or repairing capital equipment, street construction and improvement, city sanitation, and recreation and parks.

GRANT-IN-AID

The mayors responded with guarded approval when asked their overall impression of the federal government's grant programs. Nearly 24% judged the programs as ineffective, although slightly more (28.6%) considered them effective. The largest number (47.6%) labeled them moderately effective. These figures show that while some significant amount of disenchangment with grant programs exists (particularly among smaller communities), a total of 76% of the mayors look on the performance of the categorical grants with at least qualified satisfaction.

The SDDG asked the mayors to describe the application procedure for a grant program and offered three descriptions from which to choose. Less than 5% of the respondents could say that the procedure was simple. Not too many more (24%) were even willing to call the procedure "involved but comprehensible." The greatest percentage (more than 60%) said frankly, that the process was complicated. A sampling of remarks added by the mayors ranged from "too much red tape" and "costs too much for engineering services just to prepare applications", to "we never received the grant, but it took in excess of 9 months to receive any word on our application."

The length of time it takes to process an application was a subject on which the mayors were evenly divided. More than a third of the respondents (36.5%) reported that, on the average, they received their grants less than 8 months after their application. But an equal number (36.5%) said that it took 9 months or longer. The greatest percentage (54.3%) agreed that it took at least 5 months from the time of application to the receipt of funds.

The problems of time and "red tape" were apparently mitigated to some extent by the level of cooperation the mayors received from federal personnel. Only 9.5% of those responding to the questionnaire said the federal personnel were not helpful. More than 73% agreed that they were at least moderately helpful, and 33% of the overall number said they were very helpful.

Despite the satisfaction with federal personnel, there is at least a hint that the problems of time and complexity might be affecting the mayors willingness to go through the application process. *The survey discovered that more than 38% of the respondents (nearly 60% among small communities) had not applied for funds in more than a year. Nearly 16% had never applied for a grant, or at least not within the memory of the respondent.*

The SDDG survey showed that among the federal grant programs most frequently used, sewer and water projects lead the list with a total of 21 applications to the Department of Housing and Urban Development and to the Environmental Protection Agency. The most often utilized agencies were the Bureau of Recreation followed by L.E.A.A., H.U.D. (for housing grants) and E.E.A.

The most successful grant programs were virtually the same showing H.U.D. and E.P.A. for sewer and water projects heading the list. Other successful programs were B.O.R., H.U.D. (for housing grants), L.E.A.A., E.E.A., F.A.A., F.H.A., H.E.W. and O.E.O.

Consistent with these results, the agencies to which South Dakota communities have applied for funding since January 1972 were nearly identical.

Despite their reservations, South Dakota mayors agreed by a sizeable margin that the grant programs should at least be maintained at current levels. Although 30% suggested reduction in the programs, twice as many (60%) favored either expansion (20.6%) or maintenance at present levels (39.8%).

Regardless of the sentiments expressed by the mayors, significant cut backs are nevertheless being made in the grant programs. The mayors were asked to indicate what they thought those cuts meant in the long run. Nearly 62% felt that programs were being consolidated under new authority. *The mayors judgement that consolidation is the reason behind the cuts combined with their general agreement that grant programs should at least be maintained at current levels is strong evidence that further reductions in the present grant structure would not be enthusiastically received in South Dakota.*

The reason for the unfavorable reception was made clear in the mayor's response to the following question:

If certain grant-in-aid programs providing funds for functions outside purely governmental projects were suspended, what would your reaction be?

Sixteen percent said that their jurisdiction would move to assume responsibility for the program. More than 22% said they would assist in seeking private funding. *But 49% said flatly that, if funds were suspended, the programs would be eliminated.*

Of the eleven questions asked the mayors on grant programs, the most unexpected response came when they were asked where federal spending might be reduced. Nearly 34% answered that funds should be cut for the military. Better than 27% said funds should be cut for welfare. *But 32.5% indicated their preference for cuts in general domestic spending.*

COMMENT

Mayors are generally hopeful that revenue sharing is a step forward in answering municipal problems so long as federal assistance in existing programs is not sharply reduced.

Although they have some reservations about the procedures connected with grant programs, there is no clear willingness to rely on either revenue sharing or grants standing alone, one without the other. That view is supported by the fact that over the next ten years, 42.9% of the mayors favored revenue sharing to help fund community improvements. However, 41.2% favored revenue sharing combined with some version of the grant programs.

The reasons for criticism of the grant structure are clear. They take too long and involve too much paper work.

The reasons for the hearty approval of revenue sharing are less clear. One possible reason is that the revenue sharing concept is simply superior to the grant programs.

Another possible reason is an example of the axiom: familiarity breeds contempt. In other words, the long association with grant programs might make something new (revenue sharing) look like something better.

A more likely reason for the great support found for revenue sharing is that it is both easier and less complex than the grant system. Under revenue sharing, there is no application process and no period of uncertain waiting. The cities get what the formula assigns and spend it, more or less, as they see fit.

The most likely reason for the endorsement of revenue sharing (a reason supported by the survey) is that the majority of South Dakota mayors are eager to take advantage of whatever federal help is available. It apparently makes little difference what the vehicle is called, as long as there are dollars available when they are needed.

The findings of the survey can be generally summarized as follows: Although the mayors are unsure about the fate of categorical grants and uncertain about the future of revenue sharing, they are firm in the opinion that continued federal assistance is a must.

What is your overall reaction to the concept of revenue sharing?
1. Favorable.
2. Neutral.
3. Unfavorable.
4. No opinion.

	Number of responses			
	1	2	3	4
O	44	8	11	0
L	8	1	0	0
M	14	2	6	0
S	22	5	5	0

	Percentage			
	1	2	3	4
O	69.8	12.9	17.5	0
L	88.9	11.1	0	0
M	63.8	9.1	27.3	0
S	68.8	15.6	15.6	0

What was your impression of the information you received from the Federal Government concerning the operation of revenue sharing?
1. Clear and precise.
2. Broad and general.
3. Unclear.
4. No opinion.

	Number of responses			
	1	2	3	4
O	11	45	7	0
L	3	5	1	0
M	3	16	3	0
S	5	24	3	0

	Percentage			
	1	2	3	4
O	17.5	71.4	11.1	0
L	33.3	55.6	11.1	0
M	13.6	72.7	13.6	0
S	15.6	75.0	9.4	0

Do you anticipate any change in your level of authority now that revenue sharing is the law?
1. More authority.
2. No change.
3. Less authority.
4. No opinion.

	Number of responses			
	1	2	3	4
O	4	57	2	0
L	1	8	0	0
M	1	21	0	0
S	2	28	3	0

	Percentage			
	1	2	3	4
O	6.4	90.5	3.2	0
L	11.1	88.9	0	0
M	4.6	95.4	0	0
S	6.3	87.5	6.3	0

Do you anticipate any change in the level of your responsibility now that revenue sharing is the law?
1. More responsibility.
2. No change.
3. Less responsibility.
4. No opinion.

	Number of responses			
	1	2	3	4
O	36	25	2	0
L	6	3	0	0
M	12	9	1	0
S	18	13	1	0

	Percentage			
	1	2	3	4
O	57.2	39.8	3.1	0
L	66.7	33.3	0	0
M	54.5	41.0	4.5	0
S	56.1	40.6	3.1	0

Do you foresee revenue sharing regulations making any changes in the manner in which you administer your jurisdiction?
1. More difficult.
2. No change.
3. Less difficult.
4. No opinion.

	Number of responses			
	1	2	3	4
O	16	44	3	0
L	2	7	0	0
M	8	13	1	0
S	6	24	2	0

	Percentage			
	1	2	3	4
O	25.4	69.8	4.8	0
L	22.2	77.8	0	0
M	36.4	59.1	4.5	0
S	18.8	75.0	6.3	0

Do you perceive any change in the net amount of money available from the Federal Government as a result of revenue sharing?

1. More money.
2. No change.
3. Less money.
4. No opinion.

	Number of responses			
	1	2	3	4
O	12	29	21	1
L	1	5	3	0
M	6	7	9	0
S	5	17	9	1

	Percentage			
	1	2	3	4
O	19.1	46.0	33.3	1.6
L	11.1	55.6	33.3	0
M	27.3	31.8	41.0	0
S	15.6	53.1	28.1	3.1

Do you view revenue sharing as a supplement to existing Federal programs or as a replacement?

1. View as a supplement.
2. View as a replacement.
3. No opinion.

	Number of responses		
	1	2	3
O	32	29	2
L	6	3	0
M	9	12	1
S	37	14	1

	Percentage		
	1	2	3
O	50.8	46.0	3.2
L	66.7	33.3	0
M	41.0	55.5	4.5
S	53.1	43.4	3.1

Over the next 10 years, which approach would you favor to fund your jurisdiction's improvement and service needs?

1. Revenue sharing.
2. Revenue sharing and current grant programs.
3. Revenue sharing and expanded grant programs.
4. Expanded revenue sharing.
5. Increased taxation.
6. Other.
7. No opinion.

	Number of responses						
	1	2	3	4	5	6	7
O	9	14	12	18	2	4	4
L	0	1	2	5	0	0	1
M	3	5	4	4	1	3	2
S	6	8	6	9	1	1	1

	Percentage						
	1	2	3	4	5	6	7
O	14.3	22.2	19.0	28.6	3.2	6.3	6.3
L	0	11.1	22.2	55.5	0	0	11.1
M	13.6	22.7	18.2	18.2	4.5	13.6	9.1
S	18.8	25.0	18.8	28.1	3.1	3.1	3.1

Has revenue sharing altered the number of people who participate in the policymaking function in your jurisdiction?

1. Increased the number.
2. No change.
3. Lessened the number.
4. No opinion.

	Number of responses			
	1	2	3	4
O	5	57	0	1
L	1	8	0	0
M	1	21	0	0
S	3	28	0	1

	Percentage			
	1	2	3	4
O	7.9	90.5	0	1.0
L	11.1	88.9	0	0
M	4.5	95.5	0	0
S	9.4	87.5	0	3.1

Concerning the categories for which revenue sharing can be used, would you say the categories were:

1. Unrestrictive.
2. Moderately restrictive.
3. Restrictive.
4. No opinion.

	Number of responses			
	1	2	3	4
O	18	41	4	0
L	2	6	1	0
M	7	13	2	0
S	9	22	1	0

	Percentage			
	1	2	3	4
O	28.6	65.1	6.3	0
L	22.2	66.7	11.1	0
M	31.8	59.1	9.1	0
S	28.1	68.8	3.1	0

Have your constituents expressed opinions to you regarding the prospect of using federal income tax dollars for local needs?

1. Approve.
2. No comment.
3. Disapprove.
4. No opinion.

	Number of responses			
	1	2	3	4
O	25	37	0	1
L	6	2	0	1
M	9	13	0	0
S	10	22	0	0

	Percentage			
	1	2	3	4
O	39.8	58.7	0	1.6
L	66.7	22.2	0	11.1
M	40.9	59.1	0	0
S	31.2	68.8	0	0

Have constituents demonstrated a level of concern regarding the use of revenue sharing funds different than their concern over previous grant programs?

1. More enthusiasm.
2. No change.
3. Less enthusiasm.
4. No opinion.

	Number of responses			
	1	2	3	4
O	24	36	3	0
L	5	4	0	0
M	7	13	2	0
S	12	19	1	0

	Percentage			
	1	2	3	4
O	38.1	57.1	4.8	0
L	55.6	44.4	0	0
M	31.8	59.1	9.1	0
S	37.5	59.4	3.1	0

What is your overall impression of the Federal Government's grant programs?

1. Effective.
2. Moderately effective.
3. Ineffective.
4. No opinion.

	Number of responses			
	1	2	3	4
O	18	30	15	0
L	2	5	2	0
M	10	9	3	0
S	6	16	10	0

	Percentage			
	1	2	3	4
O	28.6	47.6	23.8	0
L	22.2	55.6	22.2	0
M	45.4	41.0	13.6	0
S	18.8	50.0	31.2	0

How would you describe the application procedure for a grant program?

1. Complicated.
2. Involved but comprehensible.
3. Simple.
4. No opinion.

	Number of responses			
	1	2	3	4
O	38	15	3	7
L	8	1	0	0
M	18	4	0	0
S	12	10	3	7

	Percentage			
	1	2	3	4
O	60.3	23.8	4.8	11.1
L	88.9	11.1	0	0
M	81.8	18.2	0	0
S	37.5	31.2	9.4	21.9

How would you describe the level of cooperation you receive from Federal personnel during your grant application period?

1. Very helpful.
2. Moderately helpful.
3. Not helpful.
4. Obstructive.
5. No opinion.

	Number of responses				
	1	2	3	4	5
O	21	25	6	0	11
L	4	4	1	0	0
M	7	12	2	0	1
S	10	9	3	0	10

	Percentage				
	1	2	3	4	5
O	33.3	39.8	9.5	0	17.4
L	44.4	44.4	11.2	0	0
M	31.8	54.6	9.1	0	4.5
S	31.3	28.1	9.4	0	31.2

What is the average length of time from application for a grant until the time you receive your grant?

1. 1–4 months.
2. 5–8 months.

3. 9–12 months.
4. Longer.
5. No opinion.

	Number of responses				
	1	2	3	4	5
O	12	11	8	15	17
L	3	3	1	2	0
M	2	5	4	7	4
S	7	3	3	6	13

	Percentage				
	1	2	3	4	5
O	19.1	17.5	13.0	23.8	27.0
L	33.3	33.3	11.1	22.3	0
M	9.1	22.7	18.2	31.8	18.2
S	21.9	9.4	9.4	18.7	40.6

Regarding federal grant-in-aid programs do you think their numbers should be:

1. Expanded.
2. Maintained at current levels.
3. Reduced.
4. No opinion.

	Number of responses			
	1	2	3	4
O	13	25	19	6
L	0	6	3	0
M	7	6	6	3
S	6	13	10	3

	Percentage			
	1	2	3	4
O	20.6	39.8	30.1	9.5
L	0	66.7	33.3	0
M	31.8	27.3	27.3	13.6
S	18.7	40.6	31.3	9.4

If federal grant programs are to be cut-back, should they be reduced for:

1. General domestic spending.
2. Welfare.
3. Military spending.
4. No opinion.

	Number of responses			
	1	2	3	4
O	25	21	26	5
L	5	0	3	1
M	6	6	12	2
S	14	15	11	2

	Percentage			
	1	2	3	4
O	32.5	27.2	33.8	6.5
L	55.6	0	33.3	11.1
M	23.3	23.3	46.2	7.7
S	33.3	35.7	26.2	4.8

Do you feel that the cut-back in some grant programs means that they are being—

1. Completely eliminated?
2. Consolidated under new authority?
3. No opinion?

	Number of responses		
	1	2	3
O	19	39	5
L	2	6	1
M	11	9	2
S	6	24	2

	Percentage		
	1	2	3
O	30.2	61.9	7.9
L	22.2	66.6	11.1
M	50.0	40.9	9.1
S	18.8	75.0	6.2

If certain grant-in-aid programs providing funds for functions outside purely governmental projects were suspended, what would your reaction be?

1. Assumption of responsibility by your jurisdiction.
2. Elimination of the program.
3. Seek private funding.
4. No opinion.

	Number of responses			
	1	2	3	4
O	10	31	14	8
L	1	5	2	1
M	3	13	4	2
S	6	13	8	5

	Percentage			
	1	2	3	4
O	15.9	49.2	22.2	13.0
L	11.1	55.6	22.2	11.1
M	13.6	59.1	18.2	9.1
S	18.8	40.6	25.0	15.6

In order of priority, what are the capital improvement or service projects most needed by your unit of government? (Five blanks given to fill in.)

1. SEWER AND WATER PROJECTS

Mentioned a total of 69 times and given #1 priority by 24 cities. Here is the breakdown:

Mentioned

Large community	8
Medium community	29
Small community	32

No. 1 priority

Large community	3
Medium community	11
Small community	10

2. STREET CONSTRUCTION AND IMPROVEMENTS

Mentioned a total of 46 times and given #1 priority by 10 cities. Here is the breakdown:

Mentioned

Large community	6
Medium community	19
Small community	21

No. 1 priority

Large community	0
Medium community	1
Small community	9

3. CITY BUILDING

Mentioned a total of 38 times and given #1 priority by 14 cities. Here is the breakdown:

Mentioned

Large community	7
Medium community	7
Small community	24

No. 1 priority

Large community	2
Medium community	1
Small community	11

4. CITY RECREATION AND PARKS

Mentioned a total of 22 times and given #1 priority by 1 city. Here is the breakdown:

Mentioned

Large community	2
Medium community	11
Small community	9

No. 1 priority

Large community	0
Medium community	1
Small community	0

5. CAPITAL EQUIPMENT

Mentioned a total of 21 times and given #1 priority by 3 cities. Here is the breakdown:

Mentioned

Large community	5
Medium community	9
Small community	7

No. 1 priority

Large community	0
Medium community	2
Small community	1

6. CITY SANITATION

Mentioned a total of 19 times and given #1 priority by 4 cities. Here is the breakdown:

Mentioned

Large community	5
Medium community	8
Small community	6

No. 1 priority

Large community	1
Medium community	3
Small community	0

7. HOUSING

Mentioned a total of 6 times and given #1 priority by 3 cities. Here is the breakdown:

Mentioned

Large community	2
Medium community	3
Small community	1

No. 1 priority

Large community	2
Medium community	1
Small community	0

8. MISCELLANEOUS

Mentioned a total of 18 times and given #1 priority by 2 cities. Here is the breakdown:

Mentioned

Large community	4
Medium community	8
Small community	6

No. 1 priority

Large community	0
Medium community	2
Small community	0

Of the funds assigned your jurisdiction under Federal revenue sharing, what projects do you plan? (If plans are indefinite, please list proposed plans.)

Sewer and water projects

Overall	26
Large communities	8
Medium communities	7
Small communities	11

City building and repair

Overall	24
Large communities	3
Medium communities	7
Small communities	14

Capital equipment

Overall	24
Large communities	4
Medium communities	13
Small communities	7

Street construction and improvement

Overall	23
Large communities	2
Medium communities	10
Small communities	11

City sanitation

Overall	10
Large communities	4
Medium communities	4
Small communities	2

City recreation and parks

Overall	7
Large communities	1
Medium communities	1
Small communities	5

Miscellaneous

Overall	10
Large communities	4
Medium communities	2
Small communities	4

No plans made as yet

Overall	16
Large communities	1
Medium communities	6
Small communities	9

Since January 1, 1972, under which grant programs has your jurisdiction applied for funding?

BOR

Overall	16
Large communities	7
Medium communities	4
Small communities	5

HUD

Overall	13
Large communities	3
Medium communities	6
Small communities	4

LEAA

Overall	9
Large communities	3
Medium communities	4
Small communities	2

EEA

Overall	7
Large communities	3
Medium communities	2
Small communities	2

EPA

Overall	6
Large communities	2
Medium communities	2
Small communities	1

Miscellaneous

Overall	20
Large communities	6
Medium communities	10
Small communities	4

None

Overall	24
Large communities	0
Medium communities	5
Small communities	19

Which Federal grant programs have been most frequently used by your jurisdiction?

Sewer and water projects—HUD and EPA

Overall	21
Large communities	6
Medium communities	6
Small communities	9

Parks—BOR

Overall	18
Large communities	7
Medium communities	8
Small communities	3

LEAA

Overall	9
Large communities	3
Medium communities	2
Small communities	4

Housing—HUD

Overall	7
Large communities	2
Medium communities	2
Small communities	3

Employment—EEA

Overall	6
Large communities	2
Medium communities	2
Small communities	2

Miscellaneous

Overall	18
Large communities	3
Medium communities	3
Small communities	12

None

Overall	20
Large communities	0
Medium communities	8
Small communities	12

Which Federal grant programs have been most successful in your jurisdiction?

Sewer and water projects—HUD and EPA

Overall	26
Large communities	7
Medium communities	12
Small communities	7

Parks—BOR

Overall	20
Large communities	5
Medium communities	5
Small communities	10

Housing—HUD

Overall	13
Large communities	5
Medium communities	6
Small communities	2

Omnibus crime bill—LEAA

Overall	12
Large communities	3
Medium communities	6
Small communities	3

Employment—EEA

Overall	4
Large communities	0
Medium communities	2
Small communities	2

Miscellaneous—FAA, HEW, OEO

Overall	21
Large communities	4
Medium communities	4
Small communities	13

None

Overall	16
Large communities	0
Medium communities	6
Small communities	10

RECENT STATEMENTS CONCERNING THE NATION'S NEED FOR HEALTH CARE REFORM UNDER NATIONAL HEALTH INSURANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the following articles be printed in the RECORD. The first is a statement by Leonard Woodcock, president of the United Auto Workers and chairman of the Committee for National Health Insurance, concerning the need for national health insurance and the manner in which the Health Security Act of 1973, S. 3, meets these needs.

The second is an article from the Houston Chronicle, describing a statement by Dr. Michael E. De Bakey, president of Baylor College of Medicine and vice-chairman of the Committee for National Health Insurance. Dr. De Bakey describes how the health security program would be appealing to America's physicians if they better understood its intent and provisions.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

HEALTH SECURITY—AN AMERICAN IMPERATIVE [*]

(By Leonard Woodcock [**])

Two weeks ago the nation was saddened by the death of a man, who with the passage of time, has come to be recognized as a courageous and far-sighted American leader. Commentators on the presidency of Harry S. Truman recalled his 1957 television interview with Edward R. Murrow in which he stated his greatest disappointment was the failure of his administration to provide needed universal access to good health care for all Americans.

Today we are still trying to meet this major need which Harry Truman so perceptively recognized.

HEALTH CARE AS A RIGHT

In the last decade there has developed general acceptance of the principle that every American has the right to good health care. We are still not agreed on how to make this right a reality. I believe, however, that the 93rd Congress will give prominent attention to the issue—and move from promise to performance.

The working people of America, and the poor, and the deprived, have the same right to good health and to life itself as the affluent and the opulent. This is the fundamental principle endorsed by the five million UAW members and their families whom I represent, and by the many millions of others who support the goals and objectives of the Health Security Program. And while we're on the subject I have noted with pleasure the recent endorsement of the Health Security principles by the Inter-religious Task Force on Health Care. Every major church organization in America was represented on the Task Force.

"The pivotal issue, underlying discussions of all proposals for national health programs," the report says, "deals with an emerging social philosophy regarding health care. This philosophy affirms that the availability of good health care is a right, to be enjoyed by all citizens—rather than a privilege to be limited by considerations of race, religion, political belief, or economic or social conditions. Therefore, our goal is that each person receive sufficient health care of good quality as a right and as a recognition of the dignity of man."

The Task Force goes on to endorse the use of social insurance principles to secure the equitable system of health care called for in the report This, of course, is a key point.

The average American of today works about one month of the year to support the hospitals, doctors, and health insurance companies. Yet even with these tremendous expenditures, he has no assurance of being protected or getting the services he needs when he needs and wants them. The insurance companies compete vigorously for business, but they have not freed the American citizen from the risk of being deprived of health, life and property by the medical care system.

As for the system itself, I submit we are far from the millenium. By all the accepted indices of the health of the people, we trail other industrialized nations—life expectancy at any age is lower here than in most advanced countries, and infant mortality is higher.

MYTH AND REALITY

There are powerful interests in America which stand four-square against any basic changes in the health system. I am talking about the American Medical Association and the health insurance industry. Sometimes they express a belief in health care as a right. Sometimes they give lip service to health maintenance organizations, or comprehensive health planning, or methods of increased productivity in the delivery of services. But they don't mean it. They don't stand behind their words. They back down whenever the crunch comes.

With the help of the White House itself, the AMA and the insurance industry have successfully floated a raft of myths about health care in America and about the National Health Security Program—the Kennedy-Griffiths-Corman Bill. No more important domestic issue will be before this new Congress than how to deal with the health care crisis. We intend to work vigorously for enactment of Health Security. And I am glad to have this opportunity here in Washington, at the start of the 93rd Congress, to dispel several of the myths about health care and about the Health Security Program which has been carefully designed to meet the deficiencies in personal health services in this country.

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[*] Harvey Weiss Memorial Lecture, Md.-D.C.-Va.-Delaware Hospital Association Annual Meeting, Washington Hilton Hotel, Washington, D.C., January 8, 1973.

[**] President, International Union, United Auto Workers; Chairman, Committee for National Health Insurance.

MYTH NO. 1—THE SPLENDID PERFORMANCE OF THE INSURANCE INDUSTRY

The first myth, propounded by the special interests, is that only the insurance companies and not government will cherish and protect the American citizen's right to health care. The central aim of the private insurance industry is to ameliorate man's struggle for existence, and not to make money. Among the hundreds of health insurance companies and the Blue Cross and Blue Shield Plans there will be created cost control practices, quality controls and the climate for universal access to health care. So goes the myth.

Now we recognize—as I'm sure you do when you're stuck with bad debts from insured patients—that the insurance companies have great power. You try to work with them, not fight them. We in the UAW have worked with them for 30 years and have given up our members' hard earned dollars to support them. Last year alone health insurance premiums for UAW negotiated health insurance program came to over $800 million. In the past insurance companies have rendered important and needed protection to our members when we were struggling to reduce the economic impact of illness to their families.

But now, after 30 years of effort, it is clear that the health insurance industry has failed. It has failed to provide universal coverage, concealing its real performance below clouds of rhetoric about how high is the percentage of the population covered.

Some of the "coverage" can make you sick. It is filled with exclusions of pre-existing conditions, limitations, cut-offs and deceptive phrases. It is Swiss cheese coverage, full of holes.

After 30 years of effort, some 30 million Americans still have no hospitalization insurance whatsoever. Considering only the civilian population under age 65 years, this means that 16½ percent of us have no hospital coverage. Over 19 percent have no surgical coverage, and 25 percent have no in-hospital medical care coverage or coverage for diagnostic x-ray and lab services. Roughly 50 percent lack any insurance for general medical care in the office or home—I don't have to tell you how this leads to unnecessary hospitalization. Coverage for dental services is insignificant and that for nursing home care not much better.

The commercial insurance industry has deluged the American consumers with numerous figures designed to convey the notion that most people are covered by health insurance which will take care of their sickness bills. The facts reveal a very different picture. *Private health insurance covers only a fourth of personal health care expenditures*. What is happening is that the health insurance industry (profit and non-profit) underwrites the cream of the risks, leaving most of the payments to governments, federal, state and local, and to out-of-pocket payments by the consumer, when he can afford them.

Despite the good citizenship awards they give each other, the commercial health insurance companies are intensely interested in profits, and you can't fault them for that. But let's be clear about what it means in terms of people who need health care and an effective way to pay for it.

It means the insurance companies deal with people as risks. Whether the health insurance is sold to groups or individuals or families, the people are subject to the tender mercies of the insurance actuaries. The very large groups of relatively young, fully employed, healthy people are handled on a cost-plus basis since the insurer usually gets the life insurance, pension and other business in a "package" deal.

Automobile insurance companies would love to sell insurance to non-drivers. And commercial health insurance companies like to ferret out the non-users of health services and "cover" them with insurance they are not likely to use. But that leaves the high risks in a predicament and out-and-out bad risks to ferret for coverage among the drum beaters now offering mail order health insurance.

Now what makes a person a bad risk or a high risk? Is it because he's a shady character? Because he doesn't pay his bills? Because his credit rating has slipped?

Well, it may be. But in selling health insurance, the commercial insurance companies rate you as a high risk if you are laid off or terminate employment for any reason. You are a bad risk if you have a chronic illness or some kind of pre-existing condition requiring needed care. And if you have had a serious illness, the costs may well have wiped out your bank account and made you a bad credit risk. Particularly if you are a working man or woman, earning an average income.

Women are high risks, under group health insurance, if they are working. And if they are home alone, caring for children, they are high individual risks.

Farmers and fishermen are high risks, and so are hospital employees and clergymen. Apparently the health insurance companies feel that hospital employees and clergymen can get themselves admitted to hospitals, and collect benefits, when they don't need to be hospitalized.

The insurance companies have an excellent system for keeping "clunkers"—that's their word to describe people with pre-existing conditions, from cheating them. They consider it cheating when a sick person manages to get a policy. They have a tight net to catch the clunkers. It's called the Medical Information Bureau. It's a large secret data bank located in Boston. The personal medical histories of over 11 million insurance applicants have been collected there. About 760 life insurance companies have access to the case histories filed in the MIB's extensive $8 million computer system. Acting in corporate and conglomerate collusion, they keep close tabs on who is sick and who is getting sicker. And the casualty insurance companies which sell health insurance have a similar bureau and a computer system in New Jersey to identify and keep out the clunkers.

You would hardly call the MIB an instrument for assuring people equal access to health care. If experience teaches us anything at all about private health insurance, it teaches us that equal rights to health care cannot be achieved through the insurance marketplace.

MYTH NO. 2—CONTROLLING COSTS

The second myth would instill us with great confidence that the insurance companies—run by hard-nosed businessmen—will inevitably succeed in controlling excessive rises in health costs. That's what insurance companies are good at, isn't it, keeping claims under control? And when they discover more perfect ways to waste money the discoveries will be made by government bureaucrats, right?

Wrong. Those who seem determined to let the insurance industry handle the problem of cost controls completely overlook the fact that costs have skyrocketed for 20 years. The same 20 years that health insurance has enjoyed the support of labor, management and the public at large.

They also overlook the tremendous waste and duplication of administrative costs in a system involving 1,800 different sets of administrators in 1,800 different health insuring organizations. Even the Nixon Administration concedes that the Social Security Administration could administer national health insurance more economically than the insurance industry. The Social Security system, which enjoys the overwhelming trust and support of the American people, is our choice for administering national health insurance, and not the big "bloated," impersonal welfare bureaucracy the opponents try to tag us with.

And they overlook the mass of experience which clearly shows that the insurance companies are incapable or unwilling, or both, of controlling provider costs. Even as fiscal intermediaries for the government in Medicare, audit report after audit report shows that the carriers carefully avoid challenging the medical profession. Whether physician fees are reasonable or unreasonable, the public's money is freely expended by the insurance companies. They are interested in limiting their own liabilities. They are not equally concerned about what it's costing the taxpayer or the individual patient.

As for hospital costs, I know there will be less than unanimous agreement in this room when I say we must get away from paying every hospital on its own costs and letting them just run up. On the other hand, nobody wants to curtail necessary services provided by the hospital or put you on a starvation budget. As a matter of fact we believe many hospitals ought to be expanding their services, coming out from behind their curbstones to provide home health services and extended care in various forms. But at this point, who's to know—do you really know—that 16 open heart surgery facilities are actually required in the District, Virginia and Maryland? That's how many are being supported now. Are they all really necessary?

Hospitals are getting used to the idea that prospective budgeting is coming. I think most sense a growing demand for greater public accountability. The unregulated, unjustifiable "administered" price levels which permeate the entire health care industry today won't be acceptable by the public tomorrow. Duplicative but unnecessary and expensive services and beds will undergo closer scrutiny, by you, not by outsiders, but the consumer who's paying the bill is demanding to be let in. And the taxpayer wants better controls not only of costs but of conflicts of interest and abuses that reach the public print with increasing frequency these days.

Despite the myth of a business-like approach to cost controls by private insurance versus a "wasteful" bureaucracy, the public will not be fooled.

MYTH NO. 3—MEDICAL CARE DOESN'T MAKE MUCH DIFFERENCE

The third myth—and a very popular one these days with the AMA and the President of the Blue Cross Association—is that medical care really doesn't make much difference: lowered life expectancy and high infant mortality rates in this country are social and not medical problems. Besides, if people would stop smoking and eat more nutritious and less caloric foods, they would live longer.

I do not have to tell this audience that the AMA and the Blue Cross President are begging the question.

Certainly we need to encourage health education and personal health maintenance. Certainly we support programs to clean up the environment and tear down dilapidated housing and replace it with decent places for people to live. The future of America rests on solutions to the critical social problems that divide our society.

But what are you supposed to tell a mother with a sick baby who shows up at your hospital—go home and wait until they put in some insulation to close off the drafts? Feed him an improved diet? Wait until the rat eradication programs gets funded?

The Health Security Program, which I hope the 93rd Congress will pass, will do nothing about housing or pollution or about transportation or the monotonous jobs that try men's souls. It will do nothing about eradicating rats. It is not even a panacea for all the problems of shortages and maldistributions we currently face in the health field. But it will put us on the right road to solving one of our more manageable problems, adequate health care. It will equalize access to health services, as other advanced nations have done. And, based in the hard evidence, it will help create significant improvements in life expectancy and reductions in infant mortality.

Today an American man of 40 has less chance of living to be 50 than his counterpart in other industrialized countries. Today in Shanghai, according to the American physicians who recently visited the Peoples Republic of China, the infant mortality rate is less than half that of New York or Detroit non-whites, and almost a third less than that of whites. The main cause of the low infant mortality rate in Shanghai, the doctors report, is the intensive prenatal care available there.

We ought to be able to do as well here as they are doing in China. As a matter of fact we have, when we've tried new methods and provided the financing to carry them out, instead of wringing our hands in despair.

Three years ago, Holmes County, Mississippi, had one of the highest infant mortality rates in the nation—39.1 per 1,000 live births. Last year it was down to 21.3. How did they make such a dramatic cut? Not by shoving the problem into the background until social conditions improved.

They established a health team approach. They grafted new methods of organizing services and the financing to carry them out, onto existing health care resources of the county in a way that made optimal use of what was already available.

That's how it was done in Holmes County. Doesn't it give you heart that it can be done in Mississippi, as well as in other counties? That in the health field we can provide the leadership? We can halve the infant mortality rate where it is excessively high and we can improve the life expectancy tables, if we're not restrained by the naysayers; and if we support innovative methods without waiting for every other American social problem to be cleared up in advance.

MYTH NO. 4—HEALTH SECURITY IS A "MONOLITHIC" PROGRAM

But then you come to the fourth myth—that those calling for reforms in the organization, delivery and financing of health service would burden the nation and all of its citizens with a "monolithic" program. In fact, "monolithic" has become the most used scare word of the comfortably fixed, the well-entrenched interests in the health care field.

"Monolithic" is a scary-sounding word, all right. The workers I represent might not understand what it means. But they do understand from painful experience and personal family tragedies what it means not to get decent medical care.

What has "monolithic" meant in medical research, for example? Just about all our medical research is conducted by or funded through the National Institutes of Health—a government monolith. That's the way it's been for 20 years. In those two decades American scientists have received 18 Nobel Prizes in medical research. By contrast, from 1910 to 1930, Americans won Nobel Prizes in medicine and physiology in only three of the years.

Today our *research* is the envy of the world, even though not a single nation is proposing to copy our medical care *delivery* system or to retreat to our way of financing health services.

Scientists tell us that if current scientific knowledge were applied to the maximum the present death rate for this country could be appreciably reduced—life expectancy at all ages could be lengthened. But current knowledge is not being maximally applied. There is a wide gap between promise and performance in health. Millions of Americans are denied access to health care. Millions of others receive only cursory attention. Preventive medicine is neither practiced nor sought. Only residual benefits of our scientific knowledge reach still other millions.

A quarter-century ago medical research was in the predicament that health services now finds itself—that is, in crisis.

The financing of research was primarily through private resources. Funds were laboriously collected in small amounts through philanthropy or squeezed from the overstrained budgets of academic institutions. Private commercial research was conceived and supported, not as a way of preventing sickness, but as a way of increasing business through new production and sales.

Until the establishment and development of the N.I.H., we had no massive attack through research on the causes of killer diseases. N.I.H. provided tax-based federal funding support, which some now call "monolithic", which has resulted in the most productive scientific enterprise in the world. But the monolithic financing system did not stifle individual scientific efforts. It did not create a single massive research system. Rather, it weaved together and coordinated inter-related efforts. It supported multiple private efforts and a degree of freedom for the medical-scientific community that has yielded unprecedented health benefits for our people.

Today, our nation can grasp the same opportunity for reform of health care delivery we seized for medical research with the establishment of NIH. That is, we can shift from an essentially diffuse, ineffective, noncreative financing system to a single financing system which will bring multiple new methods of delivering services to consumers. We can liberate medical and hospital care from a tyranny of wildly escalating costs and assure every family new opportunities for preventive care early diagnosis of illness and effective therapy and rehabilitation.

Or we can continue to subsidize our present medical care delivery system which has failed to bridge the gap between promise and performance.

Of those who cry "monolithic" the strategy is to leave the average American mystified, confused and dependent on the old standbys—the AMA and the insurance industry.

The "monolithic" cliche is being employed to condemn the National Health Security Plan—or any plan that does not rely on the private insurance industry. Without the insurance industry to manage it, any national health insurance plan would be rigid and not adaptable to flexibility and diversity. That is the essential position of the mythmakers.

They have, to a considerable extent, succeeded in creating confusion. But the fact is, as they well know, that while the financing under our proposed Health Security Program would be monolithic, as it is in the Social Security program, the health *services* would be provided by a system of resources for medical care which would be pluralistic. In particular, the Health Security Act would help create family health plans across the nation as alternatives to the present solo practice fee-for-service medical system. The goal that you in the American Hospital Association have proposed—the health care corporation to assume responsibility for defined population—is not dissimilar from the Health Maintenance Organization or family health plan we propose.

The two key elements of the Health Security Program are: systematic and secure national funding by the federal government and multiform delivery of medical care by private providers. The organization, delivery and financing of services would be rationalized as medical research has been.

THE FIFTH MYTH—EXCESSIVE COSTS

To make available truly comprehensive health services for all our people through a universal health insurance program like Health Security will cost too much. This country cannot afford the $77 billion, or $81 billion, or $91 billion, or apparently whatever figure comes to mind at the moment to the myth makers.

They inevitably neglect to mention that not a dime of the funds proposed for the Health Security Program is new money. It is a rechannelling of existing expenditures.

The myth makers are blind to the facts which demonstrate that this country cannot afford *not* to reorganize personal health services in this country. They conveniently forget that in 1971 the costs of the Medicaid program increased 25%. In the absence of effective methods of intervention the costs of health care continue to skyrocket at better than twice the rate of increase in the overall cost of living. Health insurance premiums charged by the inefficient, wasteful health insurance industry rise by a scandalous rate. Premiums for family coverage in Michigan Blue Cross-Blue Shield for a Chrysler worker in 1972 were 132% higher than similar coverage five years earlier. This compares with an increase in cost of living of 23% in the same period.

The myth makers worry that Health Security would cost too much but do not report to you that according to H. E. W. in 1972 this nation spent $83.4 billion for health care. In recent months numerous Administration spokesmen have been hailing the success of the wage-price controls programs. Such controls, as you well know, are in effect in health care. Despite the controls health care costs in this country last year went up 10.3%. The controls have had no discernible effect on the inflationary trend in health care. The Administration programmers fiddle with relatively inconsequential measures while the consumers' health care dollars continue to burn in the fires of inflation.

The fact is that costs under the Health Security Bill would be less, not more than under any of the alternative plans being proposed. They would be less because of the budgeting system. They would be less because the incentives and disincentives in the program would rationalize the health care system. They would be less because a month's work each year is quite enough to pay for health care.

If we choose to go the route proposed by the Nixon Administration, or the AMA, or the insurance industry, the American working man—who is already putting in far more time than any other working man to pay for medical care—would be asked to continue to subsidize a wasteful, ineffective, inefficient health care system. In another few years it might cost him two months pay a year. Will that be enough for the vested interests?

Anyone who buys the myth that our Health Security Program is more costly than the present system or than those proposed by the vested interests is closing his eyes to reality, and possibly to disaster.

THE HEALTH SECURITY PROGRAM—1973

The Health Security Program represents a major effort to reorganize both the financing and the organization of personal health services in this country. Nothing less is likely to meet the massive and complex problems this nation faces. The Bills have been reintroduced in both the House and the Senate with the same numbers as before—HR. 22 and S.3. We had sound legislation last year in the Griffiths-Corman-Kennedy Bills. It is even better now.

The Health Security Program alone fulfills the promise of health care as a right. Every American is eligible for its benefits. There are no means tests, no work earnings tests and no bad risks. The simple eligibility and uniform benefits should free thousands of clerks in your hospitals for other duties. It is a problem I am sure you will be glad to take on.

The benefits are comprehensive and include all necessary hospital care, physicians' care and other services. Skill nursing home care is limited to 120 days per benefit period unless the skilled nursing home or extended care facility is owned or managed by a hospital, in which case the limitation may be removed. Hospitalization for mental conditions is limited to 45 days per benefit period for active treatment. All prescribed drugs are covered when institutionally provided whether to in-patients or outpatients. A limited drug benefit is also provided to nonhospital patients who require long-term, expensive drug therapy.

And even these limitations may be liberalized in organized health maintenance organizations.

Payments for services are made through a budgeting process. Hospitals will be paid on the basis of prospective budgets developed not only with respect to the individual institution but also, through the planning process, in concert with other community hospitals, so that wasteful duplication of services is minimized and eventually eliminated. Physicians will be paid by capitation, fee-for-service or other methods. The fees are expected to be reasonable, based on relative value and fee schedules.

The program will be financed through a combination of payroll taxes and general revenue taxes—50% from payroll and 50% from general revenues. Individuals would pay 1% of earned or unearned income up to $15,000 per year. Employers would pay a 3½% payroll tax; the self-employed 2½% up to $15,000 income. The proceeds of these personal and payroll taxes together with the general revenues would constitute the Health Security Trust Fund.

On a formula basis a Resources Development Fund would be established in the Trust Fund with expected income of approximately $2 billion a year to provide loans and grants to assist in the reorganization of services, the establishment of needed facilities, training of certain categories of scarce personnel and the support of new and imaginative demonstration programs better to assure that promised services will be available.

The Health Security Program also provides for consumer participation, along with professionals at all levels of development and administration and for public accountability of its workings. This urgently needed facet of the proposed program is one I hope you will examine with special interest, for meaningful consumer participation in the governance of voluntary hospitals in this country leaves a great deal to be desired.

Among the new features of the 1973 Health Security Bill are added incentives for hospitals to form health maintenance organizations. Funds for planning and development are made available, and in the new Bill the HMO's will be required to furnish or arrange for all covered services except mental health and dental services. Previously HMO's could elect not to provide institutional services; now they must.

We have prepared a booklet with rather complete information about the new Health Security Program, and perhaps that's the best way for those of you who want more details to obtain them. There are also improved dental benefits, more recognition for the professional foundations, incentives for you to retrain workers and to establish career-ladders.

A new section provides authority for pilot projects to test the feasibility of home maintenance care for chronically ill or disabled people. The home maintenance services could include homemaker care, meals on wheels, assistance with transportation and shopping, and other so-called social care services. Maybe this is one type of social problem that a concerned health care system could at least help to ameliorate.

The new Health Security Program will establish a Commission on the Quality of Care. It will assure that those standards of quality which have already been developed by the health professions—but not necessarily enforced—will be implemented on a national basis, both for institutional and non-institutional care. And it will develop new standards based on the process and outcome of health services.

Frankly, I think you recognize as well as we do that the public is becoming extremely leery, to say the least, about the ability or the desire of the medical profession to police its own members. The days when apprehensive patients and reverent families felt they could judge a good surgeon like a pelican, by his bill, are fast drawing to a close. The payment of an outrageous fee is no guarantee at all that the surgery was exceedingly well performed, or even that it was necessary. Two million unnecessary operations last year provide little reassurance that the peer review system as presently functioning serves the public's interest.

CONCLUSION

In conclusion, I want to again thank you for the opportunity to appear here today and to discuss what I have called an American imperative—Health Security. I think that many hospitals have a need to see something new—to wrestle with things they may not like . . . or think they may not like.

None of us can afford to stand still and we know that the hospitals of this nation, by and large, will be in the forefront of progress to meet the challenge of greater productivity and responsiveness to public need. We in the UAW and, I'm sure, throughout the society, will not be found wanting in helping you to meet the pressing problems that you face as administrators and trustees of a precious community asset.

Never in the history of the United States have so many diverse elements endorsed the principle of health care as a right of citizenship. We look to the leaders of the hospitals of America to give practical support now in attaining the fulfillment of this right. Let this be our final tribute to Harry S. Truman, and the average American he so well represented.

[From the Houston (Tex.) Chronicle, Dec. 31, 1972]

DEBAKEY SAYS HE CAN'T UNDERSTAND OPPOSITION TO U.S. HEALTH INSURANCE

(By Moselle Boland)

Dr. Michael E. DeBakey, famed heart surgeon and a longtime advocate of national health insurance, says he cannot understand the hostility and opposition to federally financed insurance for all Americans.

DeBakey, president of the Baylor College of Medicine, says he favors full coverage for everyone from birth to death.

As a leading spokesman for such a program, DeBakey has committed himself to an issue that is expected to touch off one of the hottest battles faced by the upcoming session of Congress.

OPPOSES WHITE HOUSE

His advocacy of a national health insurance plan also places him in opposition, on this issue, to the Nixon administration and the American Medical Assn. (AMA). Both bitterly oppose the plan, and have proposed their own.

DeBakey asks:

"Who would deny his neighbor medical care? We Americans are known the world over for our generosity to our neighbors."

National health insurance was proposed by President Harry S Truman to a Republican Congress in 1952. It was respected then.

"We have come a long way in those 20 years," DeBakey said in an exclusive interview. "We already have federally sponsored insurance for the elderly and for all federal employes. National health insurance will extend it to everyone else."

DeBakey backs the plan sponsored by Sen. Edward Kennedy, D-Mass., and Rep. Martha Griffiths, D-Mich.

The Kennedy-Griffiths bills would be compulsory for every American from birth to death. Its broad benefits would include physician services, the prevention and detection of disease, care and treatment of illness and medical rehabilitation.

Taxpayers would pay an estimated $59.4 billion for the plan.

ADMINISTRATION PLAN

The administration's proposal would require employers to offer private insurance to employees and their families. Free federal insurance would cover low-income families.

Taxpayers would pay an estimated $2.95 billion for the administration's proposal. Employers would pay 65 to 75 percent of the plan's cost.

Sen. Kennedy, however, says the administration's proposal "is not compulsory, but would only make health care available."

The administration opposes the Kennedy plan, saying that it would lead to a "federalized" system costing the average household more than $1000 a year.

The American Medical Assn. fears the Kennedy plan would lead to excessive governmental supervision of medical practice.

AMA has proposed general coverage based on private insurance.

"NOT SOCIALIZED MEDICINE"

DeBakey says it is a mistake to label the Kennedy-Griffiths proposal as "socialized medicine."

Under socialized medicine, doctors work for the government. Patients cannot choose their own physician, and doctors work where they are assigned.

National health insurance, DeBakey says, still gives the patients the right to choose their own doctors and affords doctors the right to say where they will practice.

"The government supplies the insurance to pay the bills," he says.

Just as he did when he led the successful fight for Medicare, DeBakey has testified before Congress in support of a national health insurance bill. He believes such a bill will become a reality before the President completes his second term and possibly during the 1973–74 Congress.

"Not all Americans receive the health care they need," he says. "They get adequate emergency medical care. A great number do not get total health care."

Under Kennedy's plan, "the total population supports the total population," he says.

The Kennedy plan would replace Medicare for the elderly and Medicaid for the poor. Overall cost of health care for Americans in 1971 has been put at $75 billion by some experts.

DeBakey touched on these other subjects:

Q.—What is your position today on heart transplants?

A.—We now have demonstrated that only a small number of recipients will survive for a long time. Heart transplants are costly—in time, money and energy. Finding the right donor at the right time is difficult. With this combination of factors, its use is very restricted.

Q.—On group practice: Specialists forming associations that provide over-all medical care to families. Will this supplant the general practitioner?

A.—The method of several specialists joining together to practice medicine is economical, desirable and efficient. It is not necessary for everyone to work in group practice. The general practitioner will remain as long as he has something to offer his patients, and I believe that will be for a very long time.

On the issue of prolonging life in terminal patients:

The public concept of persons being kept alive with machines is misleading. When a person reaches the terminal stage, the doctor does what is necessary to relieve his suffering, but otherwise lets nature take its course. The average doctor simply does nothing.

On doctors who prescribe drugs and medicines they may know little about:

The average doctor is conscientious and tries to do a good job. Generally, he does not prescribe medications he doesn't know about. My experience is that the great majority of doctors keep up to date with information about drugs.

Q.—On the development and marketing of drugs: Should the government take this over to eliminate the pressure of competition among drug companies?

A.—I don't believe the government should take over the drug industry. It would be even more costly (than the present system). Competition is healthy, and the majority of drug companies do a good job. There have been abuses, but in general, drug firms do a good job. The standard and quality of drugs in the United States are better than anywhere else in the world. We need to be concerned more with overregulation than underregulation.

Q.—Are medical colleges doing a good job of screening incompetents?

A.—With 45,000 applicants competing for 10,000 to 12,000 openings in medical schools the most suitable applicants are selected. At Baylor, we get 3,000 applications for 168 places in the freshman class. They go through a tough screening and very few will not do well. We constantly seek better ways to select applicants. Very few won't graduate, and only a small percentage won't do well in practice.

Q.—On medical societies and state boards of medical examiners: Are they regulating their ranks adequately?

A.—Medical societies and state boards try to do this. Peer review, however, is difficult, because a lot depends on the integrity and ethics of the individual doctor. How can one assess basic integrity unless a flagrant violation of ethics occurs? I think they do a pretty good job.

On doctors' fees:

The average worker puts in 40 hours a week. Most doctors work 60 to 80 hours. In terms of the education they must have and the service they perform, they are not overpaid. Most doctors charge what the patient can afford.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

CALL OF CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the call of the calendar with respect to various committee money resolutions. The 5-minute limitation on speeches has been waived.

The clerk will report the first resolution.

ADDITIONAL STAFF MEMBERS FOR THE COMMITTEE ON FINANCE

The assistant legislative clerk read the resolution (S. Res. 40) Calendar No. 34, by title, as follows:

A resolution to provide four additional professional staff members and four additional clerical assistants for the Committee on Finance.

Mr. ROBERT C. BYRD. Mr. President, may I ask the distinguished chairman of the Committee on Rules and Administration if this resolution is going to be considered at this time? I was under the impression that the Senate would begin consideration of these resolutions with Calendar Order No. 35.

Mr. CANNON. Mr. President, I may say I, myself, have no objection as to which one we begin with. If there has been some understanding that we would begin with Calendar Order No. 35, I certainly have no objection.

Mr. ROBERT C. BYRD. No; I was just under that impression. I thank the Senator.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUMPTION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS—INTRODUCTION OF PROPOSED LEGISLATION

Mr. ROBERT C. BYRD. Mr. President, there is some desire on the part of the distinguished assistant Republican leader that a Senator from his side of the aisle be on the floor before we proceed with the consideration of the money resolutions. That Senator is coming to the floor.

I wonder if in the meantime we could go back to morning business for a little while to allow the Senator from New York, who has just arrived on the floor with some morning business, to proceed for 3 minutes. The leadership did not know that any other Senator wished to bring the attention of the Senate to morning business.

So I ask unanimous consent that the Senate return to the consideration of morning business for not to exceed 10 minutes, with statements limited therein to 3 minutes.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object since this is the appropriate thing to do—although I did not have notice, I understand that there was some notice that the Senator from New York did want to get over here and participate in morning business. But beyond that, let me say that the Senator we are waiting for is the Senator from Kentucky (Mr. COOK), Rules and Administration Committee. I would like to have him here before we begin business of the Committee on Rules and Administration.

The PRESIDING OFFICER. There being no objection, the Senate will proceed with consideration of morning business, and the Senator from New York is recognized for not to exceed 10 minutes.

Mr. ROBERT C. BYRD. Mr. President, not to exceed 3 minutes.

The PRESIDING OFFICER. The Chair is sorry. He misunderstood the majority whip.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. JAVITS. Mr. President, I thank the deputy majority leader and the deputy minority leader for their courtesy.

(The remarks Senator JAVITS made at this point on the introduction of S. 972, the Health Maintenance Assistance Act of 1973; S. 974, dealing with special medical grants and contracts; and Senate Concurrent Resolution 12, dealing with the Office of Economic Opportunity, are printed in the RECORD under "Statements on Introduced Bills and Joint Resolutions and under the appropriate heading for the concurent resolutions.)

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for the transaction of routine morning business is closed.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. CLARK) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

PRIVILEGE OF THE FLOOR

Mr. CANNON. Mr. President, I ask unanimous consent that Mr. William M. Cochrane and Mr. John P. Coder, of the staff of the Committee on Rules and Administration, be permitted the privilege of the floor during the consideration of the resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATION, ADMINISTRATION, AND EXPENSES OF THE JOINT STUDY COMMITTEE ON BUDGET CONTROL

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 47, Senate Concurrent Resolution 8.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 8) relating to the designation, administration, and expenses of the Joint Study Committee on Budget Control.

The PRESIDING OFFICER. Without objection, the Senate will proceed to consider the resolution.

Mr. CANNON. Mr. President, the concurrent resolution would authorize the Joint Study Committee on Budget Control to expend not to exceed $200,000 during the next 10 months for inquiries and investigations.

During the last session of Congress the joint committee was authorized to expend not to exceed $100,000 for 4-month period for that purpose. The joint committee estimates it will return approximately $97,000 of that amount to the Treasury.

The pending request includes an increase of $100,000 over last year's authorization.

The Committee on Rules and Administration has reported Senate Concurrent Resolution 8 without amendment.

The Senator from Louisiana (Mr. LONG) and the Senator from Nebraska (Mr. HRUSKA) are co-vice-chairmen of the Joint Study Committee on Budget Control.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 8) was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the joint committee established under title III of the Act entitled "An Act to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1973", approved October 27, 1972 (Public Law 92-599; 86 Stat. 1324), shall be known as the Joint Study Committee on Budget Control (hereafter referred to in this concurrent resolution as the "joint study committee").

SEC. 2. (a) During the first session of the Ninety-third Congress, the members of the joint study committee shall select two cochairmen in lieu of a chairman.

(b) The joint study committee is authorized to procure the services of individual consultants, or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946.

SEC. 3. (a) For the period from March 1, 1973, through the close of the first session of the Ninety-third Congress, the joint study committee is authorized to expend from the contingent fund of the Senate not to exceed $200,000 to carry out the provisions of such title III. Of such amount not to exceed $25,000 may be expended for the procurement of such individual consultants or organizations thereof.

(b) During the first session of the Ninety-third Congress, expenses of the joint study committee paid out of the contingent fund of the Senate shall be so paid upon vouchers approved by either of the two cochairmen of the joint study committee.

SEC. 4. The joint study committee shall submit a final report of the results of the study and review made under such title III, to the Speaker of the House of Representatives and to the President pro tempore of the Senate, not later than the close of the first session of the Ninety-third Congress.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator yield to me for 1 minute?

Mr. CANNON. Yes.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the executive calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECURITIES AND EXCHANGE COMMISSION

The assistant legislative clerk proceeded to read sundry nominations to the Securities and Exchange Commission.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The assistant legislative clerk proceeded to read sundry routine nominations in the U.S. Coast Guard and the National Oceanic and Atmospheric Administration which had been placed on the Secretary's desk.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the President be immediately notified of the Senate action in connection with the several nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 35, Senate Resolution 43.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

A resolution (S. Res. 43) authorizing additional expenditures by the Committee on Aeronautical and Space Sciences for inquiries and investigations, reported with an amendment.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. CANNON. This resolution would authorize the Committee on Aeronautical and Space Sciences to expend not to exceed $147,500 during the next 12 months for inquiries and investigations.

During the 92d Congress the committee did not request funds for inquiries and investigations. The committee's last previous such authorization was during the 91st Congress, 2d session, when pursuant to Senate Resolution 332 it received $40,600 for that purpose.

The Committee on Rules and Administration has amended Senate Resolution 43 by reducing the requested amount from $147,500 to $47,500, a reduction of $100,000.

Senator Moss is chairman of the Committee on Aeronautical and Space Sciences, and Senator GOLDWATER is its ranking minority member.

The PRESIDING OFFICER. The clerk will state the committee amendment.

The assistant legislative clerk read as follows:

On page 2, line 5, after the word "exceed", strike out "$147,500" and insert "$47,500"; so as to make the resolution read:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Aeronautical and Space Sciences, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $47,500, of which amount (1) not to exceed $3,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,500 shall be available for the training of the professional staff of such committee, or any subcommittee thereof (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. ROBERT C. BYRD. Mr. President, I have just been informed that the distinguished Senator from Utah (Mr. MOSS), the chairman of the committee, is not available at this time, but will be later in the day, and that he wishes action on this item to be delayed until he can be present. If the Senator has no objection, therefore, I ask unanimous consent that action on this resolution be temporarily delayed, and that the Senate proceed to the consideration of the next item on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Subsequently, the following proceedings were had on this resolution.

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate return to the consideration of Calendar No. 35, Senate Resolution 43.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

S. Res. 43, authorizing additional expenditures by the Committee on Aeronautical and Space Sciences for inquiries and investigations.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Aeronautical and Space Sciences to expend not to exceed $147,500 during the next 12 months for inquiries and investigations.

During the 92d Congress the committee did not request funds for inquiries and investigations. The committee's last previous such authorization was during the 91st Congress, 2d session, when pursuant to Senate Resolution 332 it received $40,600 for that purpose.

The Committee on Rules and Administration has amended Senate Resolution 43 by reducing the requested amount from $147,500 to $47,500 a reduction of $100,000.

Senator Moss is chairman of the Committee on Aeronautical and Space Sciences, and Senator GOLDWATER is its ranking minority member.

Mr. MOSS. Mr. President, I should like to speak to this matter which is now before us. As the Senator pointed out, I am the chairman of the Committee on Aeronautical and Space Sciences. As I pointed out to the Committee on Rules and Administration, that committee has been dormant. It has not done anything for about 4 years. All the work has been done on the House side and simply concurred in by the Senate. With the changes on the committee and with the work outlined, we have extensive need for staff. As a matter of fact, we have interviewed, Senator GOLDWATER and I, and have tentatively reached agreement on, two additional professional staff people.

If we need them on the committee and we are asked to begin hearings on authorizations, and we are going to begin next week with the expenditure of $3 billion requested by the administration, it seems to me it behooves us to have appropriate oversights on what the money will be spent for, whether it is being appropriately spent, and what programs, if any, could be eliminated, trimmed, or changed; otherwise the amount of money recommended by the committee becomes infeasible, and it will become a slumbering committee. I do not believe this body can afford to shirk its duties in that manner.

The Senator is correct in saying that the money has not been used in recent years. That is one reason we made a rather lengthy documentation as to the need.

I should like to request the committee at least to put back part of the money that we asked for, rather than to cut it down to the $47,500. I think that if we could get perhaps $55,000, we could get one additional professional staffman. We have no vacancies now. We have great need for this additional personnel.

The Senator from Arizona (Mr. GOLDWATER), the ranking Republican member on the committee, concurs with us fully. In fact, he appeared and spoke on behalf of this request of the committee, and he feels very strongly about it. I regret that he is not present in the city and cannot appear personally on this matter.

I had no idea that it would go this way. When the RECORD came out, after I looked at the RECORD and found that the Committee on Rules and Administration had recommended our request be cut down to $100,000, cut off by $47,000 and then I read in the RECORD this morning that the figure was changed around to cut off $100,000 and leave only $47,500, it will be so crippling to the committee that the only alternative will be to come in very shortly asking for a supplemental, and I do not think that would be the wise thing to do. It would be much better if we could proceed now and get our staff in place, in order to begin the hearings which are already scheduled to begin next week.

Mr. CANNON. Mr. President, I am somewhat knowledgeable on the committee, as I have been serving on it since January of 1959. During that period of time, we had the greatest technical buildup in the industrial complex for a particular project, the Apollo program, of any time in the history of this Nation. It was a $20 billion program and throughout all of that, a real successful program. The work of the committee was handled by the permanent committee staff. Congress did authorize one additional staffman so that instead of having 12 permanent staff, the committee actually had 13. It gets, accordingly, more than the $340,000 allocated to each committee for standing staffs in every Congress.

From the commencement of 1959, as I said, up to the present time, there has never been such an amount of money expended, even though we had the tremendously important Apollo program, where the budget was in excess of $5 billion a year compared to $3.1 billion a year now, and where we had the unfortunate fire where three astronauts lost their lives. There were some detailed and comprehensive investigations carried out. So it was the feeling of the committee that if we even left the $47,500—I am not aware of the figures the chairman was discussing as having been juggled around—this was a motion in the committee to reduce the authorization by $100,000, and that was a motion that was agreed to, simply on the basis that this was no time to build up or almost double in size the staff that had been doing such an important job in the past.

The budget proposal shows an increase of seven additional personnel spaces in addition to the 13 permanent staff positions already in existence. So I would say that my own feeling is, the Committee on Rules and Administration considered this matter very thoroughly.

Mr. GRIFFIN. Mr. President, I do not want the chairman to take all of the blame and the punishment for this particular decision because it was a committee decision, but the chairman has accurately reflected the views at least of the majority on the committee. The predominant consideration was that at a time when our space program is not expanding but is receding, and the amount of funds we are spending on the space program is being reduced rather drastically, it did not seem justifiable to have such a large increase in committee staff. Maybe there was some justification that the committee was not aware of, but that was the general rationale for the committee's decision.

Mr. MOSS. What both Senators have said is the very argument I am trying to make. When that program was being built up, and great deal of money was being appropriated, very little scrutiny was given by the Senate committee, and many now claim that much of it was extravagantly expended. In fact, we hear many Senators say, "Let us phase it down. Let us cut in half the amount for the space program."

Now is the very time we need the oversight, to look into that, to have knowledge of whether we are indeed carrying excessive equipment, for example, or installations, or whether the programs we have now are justified, and whether we can examine, from a legislative point of view, the request of the Executive to make our own determination.

I think it is more important now to have a staff than when we were going to get to the moon and we just pushed everything in, in effect, to get to the moon.

I checked through all the appropriations made for the other committees, and I find that ours, rather than being extravagant, is at the bottom end—it is the "tail end Charlie."

We are, indeed, in need of the staffing that we laid out as clearly as we could before the committee. I just ask the members of the Rules Committee to recognize the needs. In the short period of time we have had to put that staff together and try to get it on the move, we have found that we need additional professional people.

Mr. President, I offer an amendment to strike the figure "$47,500" and increase it to "$55,500." That would be on line 5, page 2.

The PRESIDING OFFICER. First, the clerk will state the committee amendment.

The assistant legislative clerk read as follows:

> On page 2, line 5, strike out the numeral and insert "$47,500".

The PRESIDING OFFICER. The Senator's amendment will now be in order.

Mr. MOSS. I offer an amendment to strike the figure of $47,500, appearing on line 5, and insert in lieu thereof the figure $55,500.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah (putting the question).

The noes appear to have it.

Mr. MOSS. Mr. President, I ask for a division.

The PRESIDING OFFICER. All Senators in favor please stand and be counted.

All Senators opposed, please stand and be counted.

Mr. MOSS. Mr. President, may the record indicate the number who stood on each of those votes?

The PRESIDING OFFICER. There is no provision in the rules for recording the number. A yea-and-nay vote would show the number, but a division is not tallied and recorded.

On a division, the noes have it, and the amendment is not agreed to.

Mr. MOSS. I state for the record, Mr. President, that a total of three Senators were on the floor and voted in the last division. One voted affirmatively and two voted negatively.

The PRESIDING OFFICER. The question now occurs on agreeing to the committee amendment.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The resolution (S. Res. 43) as amended, was agreed to.

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 36, Senate Resolution 23.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, I object temporarily.

The PRESIDING OFFICER. Objection is heard.

Mr. GRIFFIN. Let me explain that the Senator from Nebraska (Mr. CURTIS) wants to be here when that resolution is considered. He is close by, and I shall send for him, but he wanted to be present in the Chamber when that resolution came up.

Mr. COOK and Mr. ERVIN addressed the Chair.

Mr. CANNON. I yield to the Senator from North Carolina.

Subsequently, the following proceedings were had on this resolution:

Mr. CANNON. Mr. President, Calendar No. 36, I think, is probably one we could consider right now. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 36, Senate Resolution 23.

The PRESIDING OFFICER (Mr. ABOUREZK). The clerk will state the resolution.

The legislative clerk read as follows:

S. Res. 23, authorizing additional expenditures by the Committee on Agriculture and Forestry for inquiries and investigations.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CURTIS. Mr. President, I rise in support of the resolution and do so on my own behalf and also on behalf of our distinguished chairman, the Senator from Georgia (Mr. TALMADGE) who operates a well-managed committee. The money is carefully handled and will not be spent unless it is necessary.

We are satisfied with the arrangement made for the committee staff. We believe that passage of the resolution is necessary in order for the Committee on Agriculture and Forestry to carry out its work. There is a great deal of work to be done this year inasmuch as most of the major farm programs expire during this calendar year.

I urge passage of the resolution.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Agriculture and Forestry to expend not to exceed $212,000 during the next 12 months for inquiries and investigations.

During the last session of the Congress, the committee was authorized to expend not to exceed $150,000 for that purpose. The committee estimates it will return approximately $18,000 of that amount to the Treasury.

The pending request includes an increase of $62,000 over last year's authorization.

The Committee on Rules and Administration has reported Senate Resolution 23 without amendment.

Senator TALMADGE is chairman of the Committee on Agriculture and Forestry, and Senator CURTIS is its ranking minority member.

The PRESIDING OFFICER (Mr. CLARK). Without objection, the resolution (S. Res. 23) is agreed to, as follows:

Resolution authorizing additional expenditures by the Committee on Agriculture and Forestry for inquiries and investigations

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Agriculture and Forestry, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $212,000, of which amount not to exceed $50,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. ROBERT C. BYRD. Mr. President, several Senators wished to be heard before the resolution was agreed to.

Mr. COOK. Mr. President, I thought the Senator——

Mr. AIKEN. Mr. President, I have no objection to the resolution but I wanted to offer a slight explanation.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. I hope the public will not get the idea that the funds appropriated for by these resolutions are all that our committees of the Senate have to spend. I believe there is an automatic appropriation of $425,000 which is added to the amount called for in the resolution. So we cannot be too pious about holding these costs down to a lower level than is actually the case.

Mr. CANNON. Mr. President, the Senator is correct. There is an automatic appropriation for permanent staffs. Each staff under the Reorganization Act has not less than 12 permanent staff personnel. Some staffs have been added to by legislative action since that time. So the Senator is quite right that the amount we are approving here in these resolutions covers only the increase in investigations over and above the amounts providing for regular staffs—permanent staffs.

Mr. COOK. Mr. President, if the Senator will yield, I think that the public should know that, but I also think the public should know that the Committee on Agriculture and Forestry of the Senate, of which I am not a member, has a budget of $340,000 during the course of the year to look after the Department of Agriculture and try to keep up with and to legislate for the benefit of one of the largest segments of the American economy.

I might suggest that there is no piety about it in all fairness, when we visualize that we spend $340,000 of the taxpayers' money as a committee to oversee an organization that spends billions of dollars every year.

So I would suggest that is a very small amount of money for Congress and, specifically, the Senate, because obviously there is also a budget for the House Agriculture Committee. But I would suggest that this is a small sum of money for the representatives of the people of the United States to have an overview of anything as large and cumbersome as the Department of Agriculture.

SENATE RESOLUTION 70—TO PERMIT PRESENT OR FORMER SENATE EMPLOYEES TO TESTIFY IN A CRIMINAL ACTION

Mr. ERVIN. Mr. President, I send to the desk a resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read the resolution (S. Res. 70) to permit present or former Senate employees to testify in a criminal action.

Mr. ERVIN. Mr. President, the resolution which I am submitting is to permit a staff employee of the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations and a former staff member of the subcommittee to testify in a criminal trial pending within the U.S. District Court for the Central District of California.

I might state that this case is set for trial Monday, which creates something of an emergency.

The criminal case is a direct result of an investigation made by the subcommittee during the period 1969–71, an inquiry which examined fraud and corruption in management of military club systems and illegal currency manipulations in South Vietnam. The staff members who may be called under subpena to testify are Assistant Counsel LaVern J. Duffy and former Investigator Carmine S. Bellino, who, because of their investigations, are knowledgeable about the matters of the indictments which have led to the criminal trial in Federal District Court in California.

Mr. President, I ask that the resolution be immediately considered and agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 70), with its preamble, is as follows:

S. Res. 70

Whereas the case of United States of America v. William O. Wooldridge, *et al.*, Criminal Docket No. 7500, is pending within the United States District Court for the Central District of California; and

Whereas the Senate Permanent Subcommittee on Investigations has certain papers and tape recordings in its possession which were secured by staff members of said Subcommittee during the course of their duties as employees of the Senate with the knowledge and permission of the individuals involved; and

Whereas Mr. LaVern J. Duffy, a present staff member of the Permanent Subcommittee on Investigations, and Carmine S. Bellino, a former employee of said Subcommittee, upon the advice of a representative of the U.S. Attorney's Office for the Central District of California, may be called as witnesses and directed to bring with them at the aforementioned trial all of the reports of interviews, recorded statements or transcriptions thereof pertaining to statements made by the defendants under indictment in the aforementioned case; and

Whereas by the privileges of the Senate of the United States and by Rule XXX of the Standing Rules of the Senate no memorial or other paper presented to the Senate shall be withdrawn from its possession except by resolution of the Senate; and

Whereas information secured by staff employees of the Senate pursuant to their official duties as employees of the Senate may not be revealed without the consent of the Senate: Therefore, be it

Resolved, That Messrs. LaVern J. Duffy and Carmine S. Bellino are authorized to appear and testify before the aforementioned court in the aforementioned criminal case, or at any continued and subsequent proceedings thereof, and to take with them such tape recordings, memorials, or papers called for by proper subpenas before said court where determined by the judge thereof to be material and relevant to the issues before him.

ORDER OF BUSINESS—RESOLUTION POSTPONED

Mr. CANNON. Mr. President, I yield now to the Senator from Kentucky.

Mr. COOK. Mr. President, I was merely going to make an inquiry. Are we going to be able to handle these resolutions now, or will we have to set them aside one by one, and really not cover a lot of legislative changes? I make this inquiry because we have been stymied on two in a row.

Mr. GRIFFIN. Mr. President, will the Senator yield to me for an observation at that point?

Mr. COOK. I yield.

Mr. GRIFFIN. I must say it has only been within the last few minutes that copies of the resolutions themselves have been available to Senators, as well as the reports, and the Committee on Rules did make changes in most of these resolutions.

I think that ordinarily we would not even take up a resolution until the report was available for 3 days. That is the rule. We are moving rather rapidly here, and some of our Members are just catching up with developments. So I am sure that the Senator will agree with me that Members are entitled to a little consideration. That is the only thing.

Mr. COOK. Let me say—I do not have the floor; the Senator from Nevada has it—that it is not my intention to hold up any of these resolutions, because I have had my say. I have had my day, and that is the way the ball game is played, and I am perfectly willing to play it that way; but I must say, in fairness, that practically every one of these items are less than the amounts requested by the particular committee chairmen, and I know that many of those chairmen are not aware of the cuts that have been made. They are not cognizant of the fact that these budget items have in fact been cut.

We concluded committee action on them yesterday, and I only want to say that I really want to be fair to other Senators, particularly those directly involved. I know what is here, because I have been involved in it, and obviously it would be perfectly all right with me to consider them all en bloc and get them out of the way, but I do not want to get a lot of flak from fellow Members of the Senate who find there are some material cuts in some of these budget items and they have not had an opportunity to become aware of them.

Mr. GRIFFIN. I agree with the Senator. I think we might well take the position that they should not be considered today at all, but if we are going to consider them, I think we have to try to take that into account.

Mr. CANNON. Mr. President, I am simply trying to proceed with the business of the Senate.

Mr. GRIFFIN. Well, I raise the point.

Mr. CANNON. I have no objection to any of these going over that any Senator requests go over. I would say that the distinguished majority whip perhaps should be consulted on the matter, and if there is a desire that they go over, there is certainly no objection on my part.

Mr. COOK. May I say to the Senator that I have been requested to request that Calendar Order No. 37, Senate Resolution 41, authorizing additional expenditures by the Committee on Banking, Housing, and Urban Affairs for inquiries and investigations, go over until February 27th.

Mr. CANNON. Twenty-eight. I have no objection to that, Mr. President.

Mr. COOK. I call that to the attention of the Senator from Alabama. It is his resolution.

The PRESIDING OFFICER. Does the Senator from Kentucky make such a request?

Mr. COOK. I make that request for the Senator from Alabama, the chairman of the committee, unless he wishes to make it himself.

Mr. SPARKMAN. Yes, I appreciate that. To the 28th.

Mr. COOK. To the 28th of February, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 38, Senate Resolution 37.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

S. Res. 37, authorizing additional expenditures by the Committee on the District of Columbia for inquiries and investigations.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution which had been reported from the Committee on Rules and Administration with an amendment on page 2, line 5, after the word "exceed", strike out "$185,000" and insert "$170,000"; so as to make the resolution read:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on the District of Columbia, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $170,000, of which amount not to exceed $20,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, the resolution would authorize the Committee on the District of Columbia to expend not to exceed $185,000 during the next 12 months for inquiries and investigations.

During the last session of the Congress the committee was authorized to expend not to exceed $150,850 for that purpose. The committee estimates it will return approximately $5,200 of that amount to the Treasury.

The pending request includes an increase of $34,150 over last year's authorization.

The Committee on Rules and Administration has amended Senate Resolution

37 by reducing the requested amount from $185,000 to $170,000, a reduction of $15,000.

Senator Eagleton is chairman of the Committee on the District of Columbia, and Senator Mathias is its ranking minority member.

Mr. EAGLETON. Mr. President, may I say, as chairman of the District of Columbia Committee, that I am perfectly satisfied with the recommended cut of $15,000 as suggested by the Committee on Rules and Administration. Although the distinguished Senator from Maryland (Mr. Mathias), the ranking Republican Member, is not now in the Chamber, I can speak on his behalf in saying that he, too, is in full accord with this recommendation of the Committee on Rules and Administration and is fully satisfied with the procedures.

The committee amendment was agreed to.

The resolution (S. Res. 37), as amended, was agreed to.

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS FOR INQUIRIES AND INVESTIGATIONS — RESOLUTION POSTPONED

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 39, Senate Resolution 46.

Mr. GRIFFIN. Mr. President, reserving the right to object, what is that one?

Mr. CANNON. On Government Operations.

Mr. COOK. Government Operations.

Mr. GRIFFIN. Would the chairman pass over that one for a moment, as the distinguished Senator from Illinois (Mr. Percy) wanted to be on the floor when that resolution is considered, and he will be here shortly.

Mr. CANNON. Of course. Mr. President, I ask unanimous consent that Calendar No. 39, Senate Resolution 46, be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK subsequently said: Mr. President, I have been requested that Calendar No. 39, Senate Resolution 46, affecting the Government Operations Committee, be laid over until Monday next.

Mr. CANNON. Mr. President, I have no objection.

The PRESIDING OFFICER. The resolution will go over as requested.

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 40, Senate Resolution 33.

The PRESIDING OFFICER. The clerk will state the resolution.

The legislative clerk read as follows:

S. Res. 33, authorizing additional expenditures by the Committee on Interior and Insular Affairs for inquiries and investigations.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Interior and Insular Affairs to expend not to exceed $475,000 during the next 12 months for inquiries and investigations.

During the last session of the Congress the committee was authorized to expend not to exceed $400,000 for that purpose. The committee estimates it will return approximately $7,000 of that amount to the Treasury.

The pending request includes an increase of $75,000 over last year's authorization.

The Committee on Rules and Administration has reported Senate Resolution 33 without amendment.

Senator Jackson is chairman of the Committee on Interior and Insular Affairs, and Senator Fannin is its ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 33) was agreed to, as follows:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Interior and Insular Affairs, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, and (4) to consent to the assignment of personnel of other committees of the Senate to assist in carrying out the purposes of section 3 of this resolution. Travel and other expenses, other than salary, of any personnel from other committees assigned to the committee pursuant to this paragraph for the purposes of section 3 of this resolution may be paid under this resolution.

Sec. 2. The expenses of the committee under this resolution shall not exceed $475,000, of which amount (1) not to exceed $25,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

Sec. 3. To assist the committee in a study of national fuels and energy policy pursuant to Senate Resolution 45, agreed to May 3, 1971, the chairman and ranking minority member of each of the Committees on Commerce and Public Works, or members of such committees designated by such chairmen and ranking minority members to serve in their places, and the ranking majority and minority Senate members of the Joint Commerce on Atomic Energy, or Senate members of that committee designated by such ranking majority and minority Senate members to serve in their places, shall participate and shall serve as ex officio members of the committee for the purpose of conducting the fuels and energy policy study.

Sec. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

Sec. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

AUTHORIZATION FOR EXPENDITURES BY THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 41, Senate Resolution 52.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

Senate Resolution 52, relating to expenditures by the Committee on Post Office and Civil Service.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Post Office and Civil Service to expend not to exceed $275,000 during the next 12 months for inquiries and investigations.

During the last session of the Congress the committee was authorized to expend not to exceed $215,000 for that purpose. The committee estimates its unobligated balance will be nil.

The pending request includes an increase of $60,000 over last year's authorization.

The Committee on Rules and Administration has reported Senate Resolution 52 without amendment.

Senator McGee is chairman of the Committee on Post Office and Civil Service, and Senator Fong is its ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 52) was agreed to, as follows:

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Post Office and Civil Service, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $275,000.

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 48, Senate Resolution 55.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

Senate Resolution 55, authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Armed Services to expend not to exceed $520,000 during the next 12 months for inquiries and investigations.

During the last session of the Congress the committee was authorized to expend not to exceed $455,000 for that purpose. The committee estimates it will return approximately $70,000 of that amount to the Treasury.

The pending request includes an increase of $65,000 over last year's authorization.

The Committee on Rules and Administration has reported Senate Resolution 55 without amendment.

Senator STENNIS is chairman of the Committee on Armed Services, and Senator THURMOND is its ranking minority member.

Mr. President, I ask unanimous consent to have printed in the RECORD a table containing the pertinent information concerning the multiple inquires contained in Senate Resolution 55.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PERTINENT INFORMATION CONCERNING THE MULTIPLE INQUIRIES CONTAINED WITHIN SENATE RESOLUTION 55

		Amount			Subcommittee	
Sec. No.	Purpose	Requested	Amendment	Approved	Chairman	Ranking minority member
2	Consultants	$30,000	0	$30,000		
4	General	337,000	0	337,000	Mr. Stennis	Mr. Thurmond
5	Preparedness	153,000	0	153,000	Mr. Stennis	Mr. Thurmond
	Total	520,000	0	520,000		

Mr. SYMINGTON. Mr. President, the Rules Committee has approved funding for the Committee on Armed Services in the amount that was requested by the Armed Services Committee for the period March 1, 1973, through February 28, 1974.

Yesterday, at the request of Senator STENNIS, I appeared before the Rules Committee and made a statement on his behalf in support of Senate Resolution 55. Likewise, at the request of Senator STENNIS, I am supporting the action of the Rules Committee with respect to Senate floor action on Senate Resolution 55.

Mr. President, before commenting on the details of the request, the record should reflect the fact that the ranking minority member, Senator THURMOND, wrote to the Rules Committee fully endorsing the funds being requested under Senate Resolution 55.

The following points might be emphasized with respect to this total request:

First, generally speaking, the proposal for 1973 is a repeat from 1972. For 1972 the request of $455,000 was approved to support a total of 16 personnel. If the number of personnel had remained the same, the amount for 1973 would be $475,000 due to pay increases and agency contributions.

Second, the amount being requested for 1973 in Senate Resolution 55 is $520,000, which will permit an increase of two in authorized personnel; one clerical and one professional.

The total of 18 authorized persons being requested will permit a slight increase in the minority staff. In addition, there is one vacancy carried over from last year, which will enable the chairman to employ an additional professional staff person if the need arises during the course of the year.

Third, it should also be pointed out that the form of Senate Resolution 55 has been changed to reflect more clearly the manner in which the personnel are utilized. Up until this year one lump sum was requested for preparedness activities known as single funding. The new resolution before you, which is patterned after that used by other Senate committees, breaks down the funding request into three categories: First, consultants; second, general studies which are used primarily to support the committee's legislation activities, and third, studies and investigations relating to preparedness, which is a function that has been carried on in the past.

The amount being requested for consultants is $30,000. The same amount was requested in 1972, although only $3,000 was spent last year. It is anticipated that additional consultants will be utilized during 1973, and, in addition, a study with an outside organization, costing $12,000, concerning the all-volunteer force, is already under contract. This cost will be paid from 1973 funds.

The second category is the request for $337,000 for general studies and investigations. This amount will support committee personnel which deal primarily with our legislation activities, including the procurement and R. & D. authorization bill. I will also point out that the committee's legislative workload will be considerably greater in 1973 with respect to personnel legislation. The committee will have before it certain far-reaching legislative proposals dealing with military retirement and the entire personnel promotion systems.

The third category deals with the requests of $153,000 for preparedness activities which will be carried on in the same manner as in the past years.

Mr. President, the foregoing statement summarizes the purpose for which the funds in Senate Resolution 55 will be utilized during the forthcoming year.

Mr. THURMOND. Mr. President, I rise in support of Senate Resolution 55 which authorizes funding for the operation of the Senate Armed Services Committee during the next year.

The Senate may wish to know that this year's resolution is more detailed than the past and explains better the requirement for the $520,000 requested.

Mr. President, I concur in this request and urge the Senate to give Resolution 55 prompt approval. In view of the large defense budget handled by the committee and the other important responsibilities, it is my view the request is fully justified.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 55) was agreed to, as follows:

Resolved, That, in holding hearings, reporting such hearings, making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Armed Services, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Armed Services is authorized from March 1, 1973, through February 28, 1974, to expend not to exceed $30,000 for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The Committee on Armed Services, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, to expend not to exceed $490,000 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries in accordance with such succeeding sections of this resolution.

SEC. 4. Not to exceed $337,000 shall be available for a general study or investigation of—

(1) the common defense generally;

(2) the Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force generally;

(3) soldiers' and sailors' homes;

(4) pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces;

(5) selective service;

(6) the size and composition of the Army, Navy, and Air Force.

(7) forts, arsenals, military reservations, and navy yards;

(8) ammunition depots;

(9) the maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone;

(10) the conservation, development, and use of naval petroleum and oil shale reserves;

(11) strategic and critical materials necessary for the common defense; and

(12) aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

SEC. 5. Not to exceed $153,000 shall be available for studies and investigations pertaining to military readiness and preparedness for the common defense generally.

SEC. 6. The committee shall report its findings together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 7. Expenses of the committee under this resolution, which shall not exceed in the aggregate $520,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

AUTHORIZATION FOR ADDITIONAL EXPENDITURES FOR COMMITTEE ON VETERANS' AFFAIRS

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COOK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, I have been requested that Calendar No. 43, Senate Resolution 47, be laid over. That deals with veterans' affairs.

Mr. CANNON. I have no objection.

Subsequently, the following proceeding were had:

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 43, Senate Resolution 47.

The PRESIDING OFFICER. The resolutiton will be stated by title.

The assistant legislative clerk read as follows:

A resolution authorizing additional expenditures by the Committee on Veterans' Affairs for inquiries and investigations.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Rules and Administration with an amendment on page 2, line 6, after the word "exceed", strike out "$200,000 and insert $100,000"; so as to make the resolution read:

S. RES. 47

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Veterans' Affairs, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $100,000, of which amount not to exceed $40,000 shall be available for the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Veterans' Affairs to expend not to exceed $200,000 during the next 12 months for inquiries and investigations.

During the last session of Congress the committee was authorized to expend not to exceed $50,000 for 5½ month period for that purpose. The committee estimates it will return approximately $25,000 of that amount to the Treasury.

The pending request includes an increase of $150,000 over last year's authorization.

The Committee on Rules and Administration has amended Senate Resolution 47 by reducing the requested amount from $200,000 to $100,000, a reduction of $100,000.

I might point out that the committee does have, for permanent staff and staff personnel of 12 an appropriation of $340,000, as do other standing committees, to cover that expense.

The Senator from Indiana (Mr. HARTKE) is chairman of the Committee on Veterans' Affairs, and the Senator from Wyoming (Mr. HANSEN) is its ranking minority member.

Mr. THURMOND. Mr. President, with regard to the appropriation for the Committee on Veterans' Affairs, the Senator from South Carolina approves the amount requested. He feels it is not excessive. He is willing to cooperate with the chairman of the committee on this particular appropriation, as he feels it is reasonable and should be granted.

Mr. HARTKE. I thank the Senator.

The PRESIDING OFFICER (Mr. CLARK). The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The resolution (S. Res. 47), as amended, was agreed to.

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 49, Senate Resolution 44.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 44) authorizing additional expenditures by the Committee on Labor and Public Welfare for inquiries and investigations.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being on objection, the Senate proceeded to consider the resolution.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Labor and Public Welfare to expend not to exceed $1,700,000 during the next 12 months for inquiries and investigations.

During the last session of Congress, the committee was authorized to expend not to exceed $1,483,000 for that purpose. The committee estimates it will return approximately $76,562 of that amount to the Treasury.

The pending request includes an increase of $217,000 over last year's authorization.

The Committee on Rules and Administration has reported Senate Resolution 44 without amendment.

Senator WILLIAMS is chairman of the Committee on Labor and Public Welfare, and Senator JAVITS is its ranking minority member.

Mr. JAVITS. Mr. President, I express my appreciation to the committee for its fine consideration of our work. It is gratifying to the minority that, having joined the majority in what we feel we need, it has received approval, after very profound consideration by the Rules Committee.

I thank Senator CANNON and Senator COOK and their colleagues.

Mr. GRIFFIN. Mr. President, I wish to observe that there is a considerable increase in the amount of funds provided for the Committee on Labor and Public Welfare. The special investigation of the United Mine Workers situation has been completed—although there still are some oversight aspects to that—and some 14 employees were principally engaged in that work. As I understand it, 13 of those 14 employees—or at least a number—will continue to be serving the committee. So, in a sense, the staff of the committee is being increased.

I note that; yet, I do not object to it. I once served on the Committee on Labor and Public Welfare. I am aware of the broad jurisdiction of that committee and the complex and difficult problems with which it deals.

But, beyond that, I observe that in the case of the Committee on Labor and Public Welfare, as the Senator from New York, the distinguished ranking member, noted, provision is made for the minority to be adequately staffed. As I understand it, out of 87 employees, some 22 of the employees of that committee are responsible to the minority. I do not know exactly what the percentage is. But, in any event, it is not 43 percent—that is certain—although 43 percent of the Senators on that committee sit on the minority side of the aisle.

In comparison with some of the other committees, the situation for the minority with regard to the Committee on Labor and Public Welfare looks pretty good. No one could deny that that committee takes up very controversial issues, that there are differences, that they should be debated, and that both sides should be adequately presented to the Senate if the Senate is to do its job effectively.

So I support the resolution and commend both the chairman and the ranking member for the arrangement they have on that committee. I wish other committees would follow the example.

Mr. COOK. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. COOK. While we are in this discussion and the Senator from Michigan has the floor, I think we ought to make it very clear. I read an item in the Washington Evening Star that the Republicans have attempted to get increased representation on committees and have failed to do so. I think we ought to discuss this now and get into a colloquy about it, because it has been a bone of contention on the Committee on Foreign Relations.

I might note, for instance, that the Committee on Foreign Relations has 49 employees, none of whom are attributable to the minority for minority staff. The thing that amazes me is that I do not mind clout if you have more people on your side of the aisle than on this side of the aisle; I suspect if you really want to use it you can use it, and apparently it is being used. But the majority side claims a great deal of credit in social legislation that has been going on for years and years whereby they specifically request that there be minority representation on everything, and in every community throughout the United States there are minority representatives in almost every phase of social legislation we have had through the years. But there seems to be minority representation everywhere except in the Senate, which is really rather comical.

For instance, one of the committees on which I serve is the Committee on Commerce. There are 72 employees for that committee, nine of whom are assigned to the minority. We separate this body by having a central aisle and we feel there are philosophical differences, yet on the Committee on Commerce the philosophical difference is left to nine of the 72 employees while the remainder pursues the majority view. I hope people understand and realize that when they read about all this minority representation that is necessary on all of the OEO programs, and all of the other programs, and groups, and councils when it is said there has to be minority representation, and how this is insisted on by many of our colleagues on the other side of the aisle, we turn around and we find that on some very important committee such as the Committee on Foreign Relations with 48 staff members there is no minority representation at all.

This is, I believe, in violation of the spirit of the Reorganization Act of 1970. I do not think there is any question about it. We have always heard it said around here that—

> If we give you minority representation, somebody may have to be removed.

Are we here to see to it that the staff stays in perpetuity while Senators come and go? Are we to say, "You have your job; do not worry that we get into a debate where a man did not want to be assigned to the majority or the minority but to the committee." We would not have a committee if we did not have a minority side or a majority side, so who is this naive individual who thinks he is a neuter, who goes down the middle? The committee system is expected to function and operate on a minority and majority basis, but the public should know there are few committees in the Senate that honestly and in fact function and operate that way.

I thank the distinguished Senator from Michigan for the opportunity to discuss this matter.

Mr. GRIFFIN. Mr. President, if I still have the floor, I will add a further observation to what the distinguished Senator from Kentucky said. I find it interesting that there is so much talk about reform of Congress these days and yet there is so little talk about this particular problem. For the life of me I cannot understand how any serious, objective person, interested in reforming Congress, the processes of Congress, would not have some concern about the matter of the minority being adequately staffed. I see little of it written in the papers; I do not see any columnists focusing on it.

I will say, though, and give him credit, that Mr. Ralph Nader has recognized this problem and has spoken out publicly about the importance of both sides being adequately staffed.

It is very interesting and, of course, the votes taken in the Committee on Rules and Administration are matters of public record, and it will be noted and known that the Republicans did make an effort in this session of the Committee on Rules and Administration dealing with these resolutions to do something about the inequity that had existed and with respect to various committees, particularly where a majority of the minority members indicated a desire and a request that they have adequate staff. A motion was made that the minority have one-third of the staff, not 43 percent. The motion was that they have only one-third. In every effort where this motion was made the minority was voted down on a strict party line vote, the majority, because they have more votes, denying the minority the opportunity to be staffed to the extent of one-third.

Mr. President, I raise this matter deliberately while the resolution for the Committee on Labor and Public Welfare is before us, because it does not exist, at least not nearly to the extent with regard to that committee, and we should talk about some of the committees that do a good job in this regard. This committee is one of them. But certainly this is a problem and I do not understand, for the life of me, how it can continue. I wonder what the Democrats would be saying if in the next election the Republicans should get a majority and we were to decide to do the same thing and not give them any staff. Mr. President, can you imagine what they would be saying and can you imagine what the press would be saying, and what other reformers would be saying about the importance of the minority being adequately staffed. I do not think we should have to wait until the day when the tables are turned in that way.

Mr. COOK. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. COOK. I might say that obviously it is going to happen that way when the tables are turned because that is the way the game has been played up until now.

There is one committee I would like to commend and commend highly, because I want to prove that the system does work and I want to prove that it does function. The distinguished Senator from West Virginia (Mr. RANDOLPH) is the chairman of the Committee on Public Works and the distinguished Senator from Tennessee (Mr. BAKER) is the ranking Republican member. I have a letter from the Senator from Tennessee (Mr. BAKER) setting forth how well it works in the Committee on Public Works, commending the committee chairman. When I am finished with my remarks I would like to ask permission that the letter be printed in the RECORD, because the system can work and it does work and it functions to the benefit, the advice, and the ability of every member of that committee, so the majority and the minority can function at the highest and best level of efficiency. After all, that is exactly what we are here for and that is exactly what we are talking about.

Mr. President, with that in mind, I ask unanimous consent to have printed in the RECORD a letter I received from the distinguished Senator from Tennessee (Mr. BAKER), dated February 19, 1973, in relation to the distribution of staff for majority and minority on the Committee on Public Works.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
February 19, 1973.

Hon. MARLOW W. COOK,
U.S. Senate,
Washington, D.C.

DEAR MARLOW: I have Senator Tower's letter of February 14, in support of your effort in the Rules Committee on the Minority Staffing of Senate Committees—and requesting information about how committee salary budgets are divided between the Majority and the Minority. I have had this information compiled, and I am glad to present it.

As Senator Randolph and I pointed out when we appeared before the Rules Committee in support of our 1973 budget request, the Public Works Committee has had a history in recent years of maintaining a fair ratio for the minority staff, and I consider that the Chairman has been very conscientious in this respect. I recall your commenting at that time, as I had pointed out earlier in our Conference, that the Public Works Committee may well be the best example of the kind of equitable treatment and staff cooperation we would like to encourage.

The following figures have been based upon the 1973 budget rather than the December figures which would be available from the Disbursing Office, which might not accurately reflect our present arrangement and would be less representative of an entire year. They combine the staff for investigating and oversight activities requested in Senate Resolution 21 now before the Rules Committee, and the so-called statutory employees consisting of six professional positions and six clerical positions for each standing committee as authorized by the Reorganization Act. In order to make a rough division between what might be called professional and clerical employees, rather than relying on the various titles used, they have been arbitrarily divided between those having annual salaries of more than $15,000—"professional", and those at less than that amount—"clerical".

The total proposed committee staff numbers 44 persons, of which 13 are assigned to the minority. That is approximately 30% for the minority and, while slightly less than one-third, it is a division which I find quite satisfactory. The total salaries proposed for positions assigned to the minority again amounts to 30% of the total salaries budgeted for the Committee for 1973.

Of the 24 "professional" positions at the higher salaries, seven are assigned to the minority. The average majority salary in this category is $24,992, the minority $24,713.

Of the twenty "clerical" positions at the lower salaries, six are assigned to the minority. The average salary for the majority positions is $11,210, for the minority $12,286.

This summary indicates that on the Public Works Committee the minority is at no disadvantage in terms of salaries paid—and in fact enjoys a remarkable parity. While I do not think this calculation has ever been undertaken previously, I believe it reflects the good effort made by the Committee, its minority, and by the staff—and certainly testifies also to the implementation by Chairman Randolph of his stated position that the committee staff be properly representative.

I hope this information is helpful to you, and that you will call on me if I can be of any further assistance.

Sincerely,

Howard H. Baker, Jr.

Mr. COOK. Mr. President, the distinguished chairman of the Committee on Public Works, the Senator from West Virginia (Mr. Randolph) is in the Chamber. He should be commended as the chairman of that committee. He has seen fit to play the game fairly and equitably in regard to his committee. I have never heard it said that the chairman finds it difficult to operate his committee; on the contrary the activities of his committee, when they come to the floor of the Senate, find the greatest cooperation and commendation from both sides of the aisle.

Mr. JAVITS. Mr. President, I hope we can dispose of the resolution relating to the Committee on Labor and Public Welfare where this problem does not exist and then have the debate in some case where there is a problem. Will the Senator allow us to do that?

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to as follows:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Labor and Public Welfare, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $1,700,000, of which amount not to exceed $200,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946); as amended.

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON PUBLIC WORKS

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 42, Senate Resolution 21.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read the resolution (S. Res. 21) by title, as follows:

A resolution authorizing additional expenditures by the Committee on Public Works for inquiries and investigations.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Rules and Administration with an amendment on page 2, line 5, after the word "exceed", strike out "$665,000" and insert "$625,000"; so as to make the resolution read:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Public Works, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent funds of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $625,000, of which amount not to exceed $9,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Public Works to expend not to exceed $665,000 during the next 12 months for inquiries and investigations.

During the last session of the Congress the committee was authorized to expend not to exceed $625,000 for that purpose. The committee estimates it will return approximately $177,000 of that amount to the Treasury.

The pending request includes an increase of $40,000 over last year's authorization.

The Committee on Rules and Administration has amended Senate Resolution 21 by reducing the requested amount from $665,000 to $625,000, a reduction of $40,000.

Senator Randolph is chairman of the Committee on Public Works, and Senator Baker is its ranking minority member.

The amendment was agreed to.

Mr. RANDOLPH. Mr. President, will the able chairman of the Committee on Rules and Administration yield to me?

Mr. CANNON. I am delighted to yield.

Mr. RANDOLPH. Mr. President, I ask the attention, if it is convenient, of my friend and colleague from Kentucky. I did not respond to his gracious comments a few minutes ago because it was thought best to clear the Labor and Public Welfare Committee resolution, but I would be remiss if I did not express appreciation to him for the words that he has spoken in reference to the Public Works Committee.

I would like to ask Senators, if they care to, to turn to page 3 of the report filed by the Senator from Nevada (Mr. Cannon) chairman of the Committee on Rules and Administration. On page 3 they will find that in the Public Works Committee we have in the category of professional staff members, 11 for the majority and seven for the minority, and, taking all of the positions held by the capable and loyal staff members in the committee, the majority would have a total of 29 and the minority a total of 11.

I ask unanimous consent that the chart from which I have cited these figures be printed in the Record at this point.

There being no objection, the chart was ordered to be printed in the Record, as follows:

Positions	Employed		Requested		Total
	Majority	Minority	Majority	Minority	
Professional:					
Legislative	11	7	2	--------	21
Administrative, calendar, and printing	3	0	0	0	3
Research and staff assistants	4	1	0	0	5
Clerical	11	3	0	1	15
Total	29	11	2	2	44

Mr. RANDOLPH. I believe that what we have done in the Public Works Committee has been helpful to understanding and cooperation and that we have been able to carry out the extensive legislative program before us because of the staffing arrangements which I have just mentioned.

Mr. President, during the year 1972, the Committee on Public Works considered and reported 12 bills, in consideration of these measures, among others, the committee conducted 54 days of hearings, including 6 days of hearings in the field, and the full committee met in executive session 43 times—this exclusive of 35 executive sessions held by subcommittees.

During the first session of the 93d Congress, the Public Works Committee envisions an ambitious legislative agenda which will require approximately 85 days of public hearings in Washington and in the field. In addition to the river and harbor authorization bill which has already passed the Senate, action is being taken on S. 502, the Federal-Aid Highway Act of 1973. This measure was carried over from the 92d Congress because of the inability of the House to muster a quorum in the closing hours of the session to act on the conference report. Extension of the Public Works and Economic Development Act is being sought, and attention will be given to the formulation of new regional development legislation. Present disaster relief legislation will be examined with a view to revision, if warranted. We will review amendments to the public buildings act, placing emphasis on cost reduction and control in Federal buildings projects, and improvement of prospectuses for new Federal buildings projects. The river basin monetary authorization bill also is scheduled for consideration this session.

In the area of pollution control, extensive oversight investigations of legislation already enacted will be made. Extension of the air pollution and resource recovery programs (S. 498) already has passed this body. Both of these programs will be subjected to intensive oversight review before new authorizations are proposed to determine what, if any, changes are required. A review of the implementation of the Federal Water Pollution Control Amendments of 1972 will be made.

Perhaps the most important undertaking of the Air and Water Pollution Subcommittee during this session is a review of the air quality standards related to transportation sources and to the Nation's energy supply. This evaluation will require extensive investigative oversight and field hearings.

The membership of the full committee, in executive session on the pending resolution, agreed to the committee undertaking these actions which I have outlined.

During, the past session, as in preceding years, the legislative responsibilities of the committee were so great that it was not possible to undertake oversight activity except in direct relation to legislation under consideration. Even with the phased addition of new staff during the past session, the committee's over sight plans were restricted by lengthy executive and conference sessions on major legislative matters. Since no lessening of the legislative responsibility of the committee is anticipated, the professional staff continues to be hampered in its efforts to carry out the mandate of Congress contained in the Legislative Reorganization Act to, among other things, "Review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee."

It is the committee's intention to assign the additional four staff members requested to oversight activities, along with the professional staff recruited during the past session. This staff will function under the direction of the chairman and the ranking minority member of each legislative subcommittee and will conduct its work under the supervison of the professional staff member responsible for that subcommittee's legislative activities. In this way we will be able to focus our attention on the policy implications of agency activity, rather than to concern ourselves with day-to-day details of agency administration. This procedure, we believe, will enable us to improve and refine the legislation within the committee's jurisdiction so that the goals which the legisaltion is designed to achieve are, in fact, more readily attainable.

This oversight function accounts, in its entirety, for the increase in the funds requested for the coming year over the amount expended under Senate Resolution 249 during the last session of the 92d Congress.

Last year we also requested funds for additional staff to conduct oversight inquiries. The committee was generous in approving the funds for these personnel. Because of a number of circumstances, we were unable to carry out our plans at that time to employ additional persons for oversight work. A number of recent events, not in the least of which is the change in relationship between the Congress and the executive branch, make it more important than ever that we fully exercise our oversight responsibilities. It is for these reasons that we are again asking for funds to employ additional staff. We do so in the belief that we are now in a position to carry out these functions.

As the distinguished gentlemen in this Chamber know, there are many other items which could be listed here for which funds are needed. I believe they also know that these funds are dispensed judiciously.

Circumstances were such last year that nearly $175,000 is being returned to the contingent fund of the Senate, and I can assure the Members of this body that if we are unable to undertake, or do not have to undertake any of those projects for which funds are requested, the funds, as in the past, will not be used.

Mr. President, I urge the Senate to act favorably on Senate Resolution 21.

Mr. President, I wish to commend the chairman, the Senator from Nevada (Mr. CANNON), of the Rules and Administration Committee, and all members of the committee who have given attention to our request. We are appreciative of their careful study of that which we set forth as necessary and which they have approved and brought into this body for decision this afternoon.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The resolution, as amended, was agreed to.

ADDITIONAL STAFF MEMBERS FOR THE COMMITTEE ON FINANCE

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideratoin of Calendar No. 34, Senate Resolution 40.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read the resolution (S. Res. 40) by title, as follows:

A resolution to provide four additional professional staff members and four additional clerical assistants for the Committee on Finance.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Rules and Administration with amendments, on page 1, at the beginning of line 2, strike out "until otherwise provided by law," and insert "from March 1, 1973, through February 28, 1974,"; in line 3, after the word "employ", strike out "four" and insert "two"; and, in line 4, after the word "and", strike out "four" and insert "two"; so as to make the resolution read:

Resolved, That the Committee on Finance is authorized, from March 1, 1973, through February 28, 1974, to employ two additional professional staff members and two additional clerical assistants, to be paid from the contingent fund of the Senate at rates of compensation to be fixed by the chairman in accordance with the provisions of section 105(e) of the Legislative Branch Appropriation Act, 1958, as amended.

The title was amended, so as to read: "Resolution authorizing two additional temporary professional staff members and two additional temporary clerical assistants for the Committee on Finance".

Mr. CANNON. Mr. President, this resolution requests four professionals and four clericals on a permanent basis for the Committee on Finance. The Rules and Administration Committee considered the matter and reported the resolution with an amendment, the amendment allowing two professionals and two clericals on a temporary basis.

The Senator from Louisiana (Mr. LONG) is the chairman of the committee and the Senator from Nebraska (Mr. HRUSKA) is the ranking minority member.

Mr. LONG. Mr. President, if the Senator will yield, the committee intends to establish six subcommittees, and we do not plan to ask for separate staffs for each of these separate subcommittees. We do believe these additional employees will be necessary in order to permit the committee to handle its very heavy workload and in order to provide assistance of a staff nature to these six subcommittees which will be helping us expedite the flow of legislation. I think, from the Senate's point of view, that will still make the Finance Committee one of the least staffed committees on the Hill—a small, efficient, but very competent staff.

Mr. President, I would like to speak in support of Senate Resolution 40. As reported by the Rules Committee, this resolution would authorize the Committee on Finance to hire two additional professional staff members and two additional clerical assistants.

The Finance Committee's workload over the past 4 years has been tremendous and growing. It has strained the resources of our staff to the limit. Major domestic legislation contributing to this workload has included:

First. The Tax Reform Act of 1969, the most complex and comprehensive modification of our tax laws ever enacted.

Second. The Revenue Act of 1971, with its major provisions designed to stimulate the economy.

Third. The Employment Security Amendments of 1970, which represented the most extensive changes in the unemployment insurance program since the original Social Security Act.

Fourth. The 1971 Sugar Act amendments under which roughly $9 billion worth of sugar will be sold.

Fifth. The State and Local Fiscal Assistance Act of 1972, which provided $30 billion in revenue-sharing funds over a 5-year period.

Sixth. The Social Security Amendments of 1972, with its major modifications designed to improve the social security, medicare and medicaid programs, and establishing a new program of supplemental security income for needy aged, blind, and disabled persons.

The committee expects to be handling major legislation again in the 93d Congress. Tax reform will be a major issue with particular emphasis on improving Federal standards for private pension programs. Health legislation is shaping up as another major area for committee consideration during the 93d Congress. There are a number of new areas the committee will be looking into as well.

In view of this tremendously increased workload, it is the committee's plan to establish a number of subcommittees, whose purpose would be to bring additional information the committee and expedite the flow of legislation. We are thinking of setting up six subcommittees:

First. A Subcommittee on Trade, headed by Senator RIBICOFF, to continue the very fine work this subcommittee has done in the previous Congress;

Second. A Subcommittee on Health;

Third. A Subcommittee on Private Pension Plans;

Fourth. A Subcommittee on State Taxation of Interstate Commerce;

Fifth. A Subcommittee on Foundations; and

Sixth. A Subcommittee on International Economic Problems. This subcommittee would look into problems related to the taxation of overseas income, foreign investments, energy, the Sugar Act, and additional international matters other than trade.

To expedite the flow of legislation, and not impede it, the purpose of the subcommittees will be to gather information and conduct hearings; legislation will not be referred to the subcommittees. In order for the subcommittees to study and develop expertise in their subject areas, we will need additional professional and supportive staff to aid the subcommittees. However, the additional staff will be full committee staff, not subcommittee staff. I believe that this additional staff will ably serve their subcommittees, the full committee, and the Senate in developing and analyzing information we need in order to legislate wisely in these important areas.

The committee amendments were agreed to.

The resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution authorizing two additional temporary professional staff members and two additional temporary clerical assistants for the Committee on Finance".

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE SELECT COMMITTEE ON SMALL BUSINESS

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 44, Senate Resolution 49.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read the resolution (S. Res. 49) by title, as follows:

A resolution (S. Res. 49) authorizing additional expenditures by the Select Committee on Small Business.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Rules and Administration with an amendment on page 2, line 18, after the word "exceed", strike out "$188,000" and insert "$160,000"; so as to make the resolution read:

Resolved, That the Select Committee on Small Business, in carrying out the duties imposed upon it by S. Res. 58, Eighty-first Congress, agreed to February 20, 1950, as amended and supplemented, is authorized to examine, investigate, and make a complete study of the problems of American small and independent business and to make recommendations concerning those problems to the appropriate legislative committees of the Senate.

SEC. 2. For purposes of this resolution, the committee, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, (4) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, and (5) to provide assistance for the members of its professional staff in obtaining specialized training, in the same manner and under the same conditions as any such standing committee may provide that assistance under section 202(j) of such Act.

SEC. 3. The expenses of the committee under this resolution shall not exceed $160,000, of which amount (1) not to exceed $2,500 shall be available for the procurement of the services of individual consultants, or organizations thereof, and (2) not to exceed $1,000 shall be available for the training of the professional staff of such committee.

SEC. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, this resolution would authorize the Select Committee on Small Business to expend not to exceed $188,000 during the next 12 months for inquiries and investigations.

During the last session of the Congress the Select Committee was authorized to expend not to exceed $158,000 for that purpose. The Select Committee estimates it will return approximately $29,480 of that amount to the Treasury.

The pending request includes an increase of $30,000 over last year's authorization.

The Committee on Rules and Administration has amended Senate Resolution 49 by reducing the requested amount from $188,000 to $160,000, a reduction of $28,000.

Senator BIBLE is chairman of the Select Committee on Small Business, and Senator JAVITS is its ranking minority member.

Mr. BIBLE. Mr. President, would the Senator yield to me so that I might ask a couple of questions?

Mr. CANNON. I yield.

Mr. BIBLE. Mr. President, would the Senator inform me how this amount compares with the amount that was added last year? He might have already mentioned it. But since I came in late, I did not hear him.

Mr. CANNON. Mr. President, the committee turned back $29,480 last year and requested $30,000 additional this year.

The amendment from the Committee on Rules and Administration would reduce the request by $28,000, which would leave the amount above the amount authorized last year, even though there was a $29,000 turnback.

Mr. BIBLE. That was my understanding. But how much more would it be?

Mr. CANNON. $31,000 more than was spent last year.

Mr. BIBLE. $31,000 more than was spent last year?

Mr. CANNON. The Senator is correct.

Mr. BIBLE. And, of course, the Senator is using actually a credit of $29,000.

Mr. CANNON. The Senator is correct.

Mr. BIBLE. The Senator adds $2,000. We asked for the higher figures and the Senator allowed $2,000.

Mr. CANNON. The Senator is correct, over and above that.

Mr. BIBLE. Mr. President, for the purpose of the record, could the Senator give me the rationale or the reason for that?

Mr. CANNON. The committee made substantial reductions in the request of most of the committees, looking at the number of personnel involved and the fact that we would have the space to house the number of additional personnel requested. And the committee in no case took action to reduce the amount approved, so that the committee would not be able to take care of the approved, requested pay raise that was provided, of 5.4 percent.

Mr. BIBLE. Mr. President, I appreciate that, and I have no great fault to find with the fine work of the committee. There was no space problem as far as the Small Business Committee was concerned. The request for one additional assistant came about because of additional duties that we think that committee will have. I said at the time that I made the presentation before the committee—I do not remember who was present that day, but I believe the Senator from Nevada was there alone as chairman. However, at that time I made it very clear that if we found we were going to be operating inefficiently because we did not have sufficient staff, I would not hesitate to come back to the Committee on Rules and Administration and make another request.

That goes to the point and to the investigation being carried on by the chairman of one of the subcommittees, the very distinguished Senator from Wisconsin (Mr. NELSON), who has been examining with great effect into this entire drug and prescription and patent medicine drug problem. The committee requires some technical advice on this and other subject areas in which the committee intends to work.

We will do our best to get along with the staff we have. However, if at some future time it proves that we need additional staff, even the single assistant requested but denied, I will not hesitate to reserve the right to come back at some time in the future.

Mr. CANNON. Mr. President, the Committee on Rules and Administration has consistently taken the position that we are not trying to set an arbitrary and fixed line. It is difficult for us to do that. However, we are trying to use our best judgment. We have taken the position in the past that if a committee just cannot get along on the amount approved, we would listen to any reasonable request. This covers this first session, and we would be glad to consider any reasonable request.

Mr. BIBLE. I appreciate that. And if I might add one other thought, I think I said at the time the argument was made before my distinguished colleague, the chairman of the Committee on Rules and Administration, that the question of proper jurisdiction of our committee activity that he raised is in fact before the Committee on Rules and Administration, and if at some time in the future there was a problem with respect to this, that the committee would, I hope, give some thought to clarifying and eliminating thoroughly the financial and jurisdictional problems.

We have some overlapping of the committees, and we all recognize that. I use the environmental impact as an illustration. I do not know how many committees have studied that. I think that I could name five or six offhand. However, I would hope that at some time in the next year—because I know the Senator's great ability as a lawyer and as a prober—he might be able to get into this matter.

Mr. CANNON. Mr. President, I would say that we have a committee appointed on the reorganization of Congress for the purpose of trying to get into the problem of jurisdiction, because there is overlapping.

We recognize the difficulty existing for the Committee on Rules and Administration to tell someone that he is exceeding his jurisdiction.

Mr. BIBLE. I recognize the difficulties.

Mr. CANNON. But there is a committee of the Congress that has been charged with that responsibility. And the matter has been discussed at some length with the chairman.

Mr. BIBLE. Mr. President, I am delighted to hear that the committee is making progress in that field. It is a troublesome one and is not easily resolved. However, when the committee comes to grips with the problem, I would like to mention to my friend, the Senator from Nevada, that at some time we would like to get an answer to this and have it gone into in depth and have serious consideration given to granting to the Small Business Committee the legislative powers that are necessary to make it a more effective instrument and more responsive to the 8½ million small businesses in this country than our present nonlegislative status permits.

I would hope that at some time in the future this might be done.

Mr. JAVITS. Mr. President, I have made inquiry as to this cut myself, because I wanted to be sure it does not affect the minority of the committee that the Senator from Nevada (Mr. BIBLE) has chaired with great equality and fairness.

We do have an open slot on the committee for the minority, assigned to the minority. That slot has been open for a few months, which is one of the reasons the money is being turned back. I insisted on recruiting real first-rate personnel. And that is not always very easy to come by. We had a man for a number of years who was excellent for the minority. We will have a new one shortly.

I wanted to be positive and have the assurance of the chairman of the committee that this will be an effort to improve the committee, because the committee felt that another staff member was needed. However, it should not in any way reduce the number of slots to the minority.

I understand that it is not the case. Under those circumstances, I would concur with the Senator. I think the committee is doing splendid work, and when, as, and if we face the Senator from Wisconsin (Mr. NELSON), chairman of the Subcommittee on Drugs and Pharmaceuticals, as well as the chairman of a number of the other subcommittees, the Subcommittee on Welfare Assistance and many others, I would join with him in getting sufficient staff pursuant to the assurance of the chairman of the committee.

The PRESIDING OFFICER. Without objection, the amendment is agreed to; and, without objection, the resolution (S. Res. 49), as amended, is agreed to.

DEATH OF FORMER GOV. WINTHROP ROCKEFELLER OF ARKANSAS

Mr. FULBRIGHT. Mr. President, I have just learned of the death of former Gov. Winthrop Rockefeller of Arkansas. Governor Rockefeller died today in Palm Springs, Calif.

I am saddened by his death. He contributed so much to the State of Arkansas and its people, not only during his tenure as Chairman of the Arkansas Industrial Development Commission and as Governor, but as one of Arkansas' leading citizens who gave unselfishly of his time, his talents, and his resources.

He will be particularly remembered for his efforts in developing industry and tourism in the State and for his promotion of education and the arts.

Winthrop Rockefeller was an adopted son of Arkansas, who was twice elected to the highest office in the State.

I know the people of Arkansas will mourn his passing and will join with me in extending deepest sympathy to his family and friends.

Mr. JAVITS. Mr. President, if the Senator will yield, I did not know about this until this very moment.

I am very deeply shocked. Winthrop Rockefeller was a personal friend of mine and a brother of my own Governor, Nelson Rockefeller. I have seen him many times. I have been entertained by him and have, in turn, entertained him.

I know his family. He was a splendid man, dedicated to public service. He found an area of the country in the great State of Arkansas which gave him hospitality and invited him to occupy its highest office.

This was deeply gratifying to me, to his friends and family, and to his relatives in New York.

I hear this news with the deepest grief. He died so young, at a time when he might still have had many marvelous years of service remaining.

I knew of no man who was superior to him in the cause of public service, seeking always the way in which he could serve in the most effective way. It is a shocking thing, Mr. President, to see such a fine man, who has done so much, die so young.

He was a member of a family every member of which has dedicated himself or herself to the best interests of their country in every conceivable way. Many, like my own Governor, have obtained positions of great eminence as a result of their dedication to service to the people.

I, too, would like to join with Senator FULBRIGHT, who has spoken so graciously, in extending my deepest sympathy to the Rockefeller family, and to Winthrop Rockefeller's immediate family.

Mr. FULBRIGHT. I thank the Senator. He has said very well what all of his friends think.

WHY HACKWORTH WENT TO AUSTRALIA

Mr. FULBRIGHT. Mr. President, on Wednesday, February 21, 1973, the New York Times carried an article by David H. Hackworth, who is said to be one of the most decorated officers in the Vietnam conflict.

Mr. Hackworth is very eloquent in his description of recent developments in this country, and I believe it is worthy of the attention of my colleagues. I ask unanimous consent to have it inserted in the RECORD as part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 21, 1973]

YOU HAVE BECOME SOMEONE ELSE

(By David H. Hackworth)

(NOTE.—David H. Hackworth is a retired U.S. Army colonel who was one of the most decorated officers in Vietnam. He is now working as a waiter in an Australian resort.)

COOLANGATTA, AUSTRALIA.—America, what has happened to thee? Once you were morally impeccable and stanchly proud; a model republic with your citizens having unbounded power; a symbol of freedom, the hope of the downtrodden and a shelter for the world's poor and oppressed; one nation under God where free men lived in equality, peace and justice; a country not divided by hate and weakened by your citizens' apathy. Your streets were safe and rivers clean and the sky over you was pure and blue; and your mighty Constitution was a document that protected your citizens and served as a torch that illuminated bigotry and slavery in the world's dark lands.

What happened? Why have thousands of talented Americans left your shores to settle in distant lands? Why have millions of your good conscientious citizens slipped away from you and copped out in that apathetic twilight land of the Silent Majority? Why have so many of your precious youth lost faith in you and become disenchanted nomads?

Is it because you have become someone else? Is it because you have strayed from the path that your founders hacked with bare hands out of granite? Is it because you no longer have a purpose? Is it because you are now so powerful you have little respect for those lands less strong? Is it because you have become a bully who flexes his military muscles or jingles his purse at the nations that will not fall in line with your selfish programs? Is it because bumbling bureaucracies manage you rather than your citizens govern you? Is it because you have placed your foreign policy in hands of intellectuals who talk in riddles about balance of power, high risk U.S. involvement, and Cold War strategy?

America, I love you. I have repeatedly risked my life fighting your battles. I carry the heavy burden of being responsible for the death of many of your youth lost during the last two decades of sorrowful adventures I once believed that you were all the good things inscribed in marble in your capital. But I no longer have that unrequited faith. I am one of your disillusioned sons. I believe you have misplaced the virtues that made you a symbol of freedom.

I am ashamed of your military adventures. I am disgusted by your support of foreign dictators who oppress their people. I am disillusioned by your willingness to compromise your principles for the sake of expediency. I am filled with despair that you conducted the most massive bombing in world history on a small Asian nation at Christmas time as part of an insane war that ripped you asunder.

Liberty and freedom no longer seem part of you. Electronic snooping devices invade your homes. Your journalists are imprisoned for refusing to divulge their sources. A major political headquarters is ransacked and bugged by its opposition with hardly a murmur from your citizens. Sham trials have occurred to silence your dissenters and make a mockery out of your judicial system. Your citizens who loudly disagree with your ventures are maligned by your cunning character assassins, incarcerated on trumped-up charges, and cruelly set upon by your governmental agencies. Your citizens seem to have lost much of their personal liberty and privacy.

Yes, America, you have had great leaders to guide you out of the wilderness. Men whose wisdom, vision, courage, and humility made you once the richest, most powerful and respected nation in the world. But the difference between today and yesterday is that those leaders who made you great also carefully listened to your citizens and then you had a government of the people, by the people and for the people. Leaders were selected because of their ability and because they could be trusted to follow the will of the people.

God bless you, America. I hope that you can get it all together so you will again be known as the land of the free and the home of the brave. So goodbye America. I have followed the westward quest of my ancestors who many years ago left the British Isles in search of liberty, justice and freedom. I have found these qualities alive in Australia, a young vigorous country that holds these principles high and is very much like you were, America, before you shrugged.

CONTINUING, AND AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 45, Senate Resolution 50.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the resolution (S. Res. 50) continuing, and authorizing additional expenditures by the Select Committee on Nutrition and Human Needs which had been reported from the Committee on Rules and Administration with an amendment on page 2, line 21, after the word "exceed", strike out "$291,000" and insert "$255,000"; so as to make the resolution read:

S. RES. 50

Resolved, That the Select Committee on Nutrition and Human Needs, established by S. Res. 281, Ninetieth Congress, agreed to on July 30, 1968, as amended and supplemented, is hereby extended through February 28, 1974.

SEC. 2. (a) In studying matters pertaining to the lack of food, medical assistance, and other related necessities of life and health, the Select Committee on Nutrition and Human Needs is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to subpena witnesses and documents, (4) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, (5) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, (6) to interview employees of the Federal, State, and local governments and other individuals, and (7) to take depositions and other testimony.

(b) The minority shall receive fair consideration in the appointment of staff personnel pursuant to this resolution. Such personnel assigned to the minority shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

SEC. 3. The expenses of the committee under this resolution shall not exceed $255,000 of which amount not to exceed $20,000 shall be available for the procurement of the services of individual consultants or organizations thereof.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, this resolution would authorize the Select Committee on Nutrition and Human Needs to expend not to exceed $291,000 during the next 12 months for inquiries and investigations.

During the last session of the Congress the Select Committee was authorized to expend not to exceed $280,000 for that purpose. The Select Committee estimates it will return approximately $25,000 of that amount to the Treasury.

The pending request includes an increase of $11,000 over last years' authorization.

The Committee on Rules and Administration has amended Senate Resolution 50 by reducing the requested amount from $291,000 to $255,000, a reduction of $36,000.

Senator MCGOVERN is chairman of the Select Committee on Nutrition and Human Needs and Senator PERCY is its ranking minority member.

Mr. McGOVERN. Mr. President, I appreciate the careful thought that the Rules Committee has given to all of these matters, and the desire to economize wherever possible. I understand some of the logic involved in the committee's decision to reduce our request by $25,000, which is the unexpended amount from last year, but I would like to ask the chairman if it would not have been more logical to deduct that amount from the $291,000 figure, which reflects the new pay increase.

In other words, we are operating with the same staff. This was an automatic increase that moved last year's budget from $280,000 to $291,000 simply to take care of that additional pay increase. I would have thought that the $25,000 reduction would have been made on the larger figure of $291,000.

Mr. CANNON. Mr. President, all I can say is that the motion was made by one of the members of the committee, and it was approved. I think that a part of the rationale was that the indications were that the committee would be adding one new staff member, and we have been attempting to hold the line on the addition of staff wherever possible, and that it was the feeling of the committee that if no new personnel were added, there would be adequate funding, based on last year's expenditures, to take care of the pay increase.

Mr. McGOVERN. I want to say to the Senator, that while we added a clerk at very low pay, we have absorbed that additional salary increase out of the previous salary allowance. In other words, there was no addition to the staff allowance. There was another person added, but no total increase in the budget.

But regardless of that, the committee has set a rather full schedule of hearings this year, unanimously approved by our committee, and while I am willing to do as other chairmen have, and temporarily accept the reduction that has been made here, I think it is clear that we are going to have to come back for a modest increase at some point during the year.

As matters now stand, we will be left with approximately $8,000 to cover those aspects of the committee's operations that have to do with hearings, communications, and matters of that kind. We have scheduled or are in the process of scheduling some 40 days of hearings. I do not think we can do that within the limits of this budget.

But in any event, we appreciate the consideration the committee has given to us. I just want to indicate my own judgment that we will probably have to come in for a small supplemental increase later in the year.

Mr. CANNON. I might say, my colleague will recall that that has happened since the committee has been in existence. The Rules Committee did grant additional funds, I believe it was last year if I recall correctly, or last session.

Mr. GRIFFIN. Mr. President, will the Senator yield to me for an observation?

Mr. CANNON. I yield.

Mr. GRIFFIN. I think the chairman has been rather standing alone here defending the committee, and I want to give him support in terms of the committee's judgment, and to indicate that, at least, it was stressed in the committee's deliberation that there was some concern about how long this temporary committee would continue.

It has been noted, for example, that the temporary Committee on Equal Educational Opportunities, which was established to do a specific job, has completed its work, filed a report, and has gone out of existence.

Many, I think in this body believe that the committee of which the Senator from South Dakota (Mr. McGOVERN) is chairman is not to go on forever. After all, the interests and the concern of this committee, which are real, are already within the jurisdiction of standing committees of the Senate.

There was an inclination on the part of some members of the Committee on Rules and Administration to cut the budget much further than they did, to make it clear that they wanted this committee to be phased out. The fact that the committee budget was not reduced further than it is might be of some satisfaction to the temporary committee.

CASE FOR A SUPPLEMENTAL

Mr McGOVERN. Mr. President, I fully appreciate the position of the Committee on Rules and Administration that the committees of the Senate should operate in the most effective manner, and for that reason I can understand the action they have taken in reducing the budget request of the Select Committee on Nutrition and Human Needs from $291,000 to $255,000, or a $36,000 reduction. As I understand this action, it was taken on the basis that the Select Committee returned in unexpended funds $25,000 from its operations during the last year. This sum was deducted from the budget request of $280,000 from last year, arriving at the $255,000 figure. I would myself have thought it more logical and preferred that the $25,000 be deducted from our budget request for this year of $291,000, which would have taken into account the 5½ percent salary increase included in this year's budget request.

Mr. President, the Rules Committee's recommendation of $255,000 will, I believe, severely limit the select committee's ability to fulfill the ambitious agenda that we have proposed to undertake this year. At this point I would request that the full agenda which the committee proposed to the Senate be included as part of the record of this debate.

I would also request that a more specific outline of topics and primary concerns that the committee intended to investigate be included as part of the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. McGOVERN. Mr. President, one of the most exciting aspects of the committee's plans this year is a broadening of the scope of our activities from the extremely important and continuing investigations and oversight of Federal food programs for the poor into the increasingly important and complicated area of nutritional problems of the population as a whole.

In this new area, the members of the committee are especially interested in the general subject of nutrition education. This subject includes nutrition and food advertising, nutrition as a part of higher education, nutrition education and product labeling, including the very significant steps being taken by the Food and Drug Administration, and Federal nutrition education programs as part of or related to Federal feeding programs. Another new and important subject is basic nutrition research.

It is becoming increasingly clear that one of the major problems we face in the field of nutrition is a lack of agreed upon nutritional standards. We need to investigate as carefully as possible the kinds of basic nutrition research that need to be done to develop the knowledge that will permit us to make the kinds of decisions regarding our food supply and its consumption that will lead to better nutritional health for all our people. This is an extremely important and difficult subject, but one that the committee plans to pay very close attention to. As a corollary to this, the committee plans to look into what is known about the direct or indirect relationships between nutrition and diseases. The committee believes that this subject could become a keystone in developing a national policy of preventive health care—a policy that could in the long run save the American people billions of dollars by preventing disease rather than curing it after it occurs.

All of these subjects, including the Federal food programs, really lead to one fundamental question, that being whether or not the Nation now has a national nutrition policy that deals with every aspect of our vast food industry, including production, consumption, education, and health. It is the consideration of this final question that is really at the heart of the mandate of the select committee, and why the committee has laid out such a full agenda for the coming year.

There is no question in my mind that the budget that the members of the committee agreed upon was adequate, but by no means excessive. The reduction in our budget means that the committee's total operating budget, excluding $212,000 in salaries, is now $43,000. Of this $43,000 we have allotted $20,000 for consultants and $15,000 for investigative travel. This leaves us with a total of $8,000 to cover such items as communications, hearing expenses, witness fees, and other incidental expenses. Last year the committee spent approximately $6,000 for communications, $3,600 for witness fees, and $1,800 for office supplies.

I believe these figures clearly show that $255,000 will simply not be sufficient to fund our activities in the coming year. In the spirit of the Rules Committee's effort to hold down spending and encourage efficiency, I do not intend to oppose this cut in our budget request, but I do wish to make clear that I fully expect that it will be necessary for the committee, in view of its mandate and agenda to develop a national nutritional policy, to request supplemental funds during the year and I have every hope that such a request will be acted upon in a favorable manner.

EXHIBIT 1

MEMORANDUM TO COMMITTEE ON RULES AND ADMINISTRATION ACCOMPANYING SENATE RESOLUTION EXTENDING THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS THROUGH FEBRUARY 28, 1974

INTRODUCTION

It is important to re-evaluate from year to year the efforts and the direction of the Select Committee on Nutrition and Human Needs. This re-evaluation provides us with an opportunity to examine the progress we have made in fulfilling our mandate as well as the problems and issues that remain to be dealt with. The Committee has played an important role in the past four years in insuring that many Americans, once without adequate sustenance, are now able to obtain sufficient food. With the cooperation of the Congress and the Administration, numerous programs, some old and some new, have been expanded and directed toward providing all of our citizens with an equal opportunity at a decent diet. The Committee believes we are about to embark on a new and hopefully equally fruitful direction; a direction clearly envisioned in our mandate. We were recently in receipt of a letter from the President's former nutrition advisor and chairman of the White House Conference on Food, Nutrition and Health, Dr. Jean Mayer, which succinctly outlines this most important focus of the Committee's future activities. In particular, Dr. Mayer said:

"Now more than ever, it is important to pursue the importance of proper nutrition to the nation's health. During the past three years, great strides have been made in both the public and the private sectors. The food stamp program and the school lunch program have been significantly expanded, and new programs such as school breakfasts, summer lunch and feeding for the elderly have been given new life. Only recently, the Food and Drug Administration announced sweeping changes in the regulation of food labeling and advertising to promote nutrition awareness.

"Looking toward the future, I believe the time has arrived to begin focusing on the ultimate purpose of all of these efforts, that purpose being the establishment of a National Nutrition Policy. This focus would encompass the nation's public and private efforts beginning with the production and marketing of food stuffs and including its final consumption.

"The Committee recently began such a focus with its hearings on Nutrition Education. These hearings established the continuing enormous cost to the nation of poor nutrition in terms of ill-health or the failure to maximize health potential. This fact was brought home to us again just last week with the report by a special committee of the American Academy of Pediatrics that found widespread malnutrition among the nation's children, poor and middle-class alike.

"In the years ahead, increasing emphasis is going to be placed on making government programs work. One of the great areas of debate is going to be in the field of health and what the government's proper role should be. I am convinced that one of the most proper roles for the government to play is to insure the basic conditions of life for all Americans that will prevent them from sickness in the first instance, rather than pay for their sickness in the second. That is why I believe the work of the Select Committee on Nutrition and Human Needs is so vital, and sincerely hope for its continuance."

We also believe the continuance of the Committee and the fulfillment of its mandate is vital and that the activities outlined in this memorandum will give us the opportunity to accomplish this.

I. ACTIVITIES DURING 1972

During 1972, the Committee held 12 days of hearings, the topics, listed below, dealt particularly with the agenda items proposed to the Committee on Rules and Administration one year ago. Hearings were also held on unexpected changes in the direction of Federal food programs.

1. April 7—The Summer Lunch Program.
2. April 10—The School Breakfast Program.
3. May 1—Child Nutrition Programs and the children of migratory laborers (a joint hearing with the Subcommittee on Migratory Labor).
4. June 7—Unused Food Assistance Funds; the Food Stamp Program.
5. June 14—Nutritional Needs of the Nation's Older Americans.
6. June 21—Section 13 Funds—Summer and Pre-School Feeding Efforts.
7. June 22—Unused Food Assistance Funds: Administration Witnesses.
8. September 19—Food Additives.
9. September 20—Food Additives.
10. September 21—Food Additives.
11. December 5—Nutrition Education.
12. December 6—Nutrition Education—the Federal Programs.

During 1972, the Committee carried on a number of activities which complement the hearings that were held. Including publication of six Committee prints and the preparation of three others that will be released shortly. Among those activities were:

1. During June, July and August, a study of Nutrition in America's nursing homes was carried out by several professional members of the staff and with the assistance of six summer interns. The report resulting from that comprehensive study, "Old Age: A Privilege, Not a Penance" is presently in draft form and will be published in early 1973 with the cooperation of the Special Committee on Aging.

2. A thorough study of the nutrtional implications of the several welfare reform alternatives was completed and circulated among the Congress. This report, we believe shed considerable new light on the welfare reform debate and served as a valuable resource tool for the Membership. It was entitled "Hunger and the Reform of Welfare: A Question of Nutritional Adequacy."

3. The Committee published a print entitled "Hunger in the Classroom: Then and Now," outlining the history, development and present status of the National School Lunch Program and making recommendations for both legislative and administrative changes in the Program. It served as a useful catalyst to some of the changes embodied in P.L. 92–433.

4. The Committee staff revised and reissued "Promises to Keep: Housing Need and Federal Failure in Rural America." That report was the result of earlier hearings on Rural Housing and Sanitation and their relationship to the Federal food efforts. The revised edition updates many of the facts and figures contained in the original print.

5. "The Elderly, Blind and Disabled under H.R. 1" is a report which details the nutrition status of millions of disadvantaged Americans in the states before and after the passage of H.R. 1.

6. The Committee issued a print entitled "Studies of Human Needs," a compilation of studies that outlines the parameters of the nutrition-related problems of poor Americans. It covers housing, school food programs, welfare reform and food stamps and the administrative problems of the Food Stamp program for newly unemployed persons.

7. The Committee staff conducted an investigation of the problems of maternal and infant malnutrition, and programs designed to ensure adequate nutrition for this vulnerable group. The staff expects to complete a report on this issue shortly.

8. The Committee was active in an advisory capacity during the deliberation of H.R. 1 (relating to welfare reform), P.L. 92–433 (relating to the school lunch and breakfast programs) and P.L. 92–399 (relating to the appropriations for the various federal food programs). Additionally, the Committee was very much involved in the development of suggestions from members to USDA regarding regulations issued pursuant to P.L. 92–433.

9. The Committee sponsored on November 29, 1972, a conference on "Child Nutrition in 1972: Where do we go from here?" attended by representatives of interested Congressional staffs, state school lunch directors, federal agency directors and over 50 different public and private organizations. Out of this conference has come a long list of recommendations that will be studied in the months ahead so that this Committee can make appropriate recommendations to the Senate.

II. PROPOSED AGENDA FOR 1973

1. Section 13 of the National School Lunch Act (relating to summer, day-care and other non-school feeding) expires at the end of June 1973. The Committee will, of course, conduct a review of the program and publish a Committee print on this subject.

2. The Food Stamp Act of 1964 also expires at the end of June 1973. This program has been the number one weapon of the anti-hunger arsenal and the time to study the operation of the program to this date is now upon us. We will, of course, be once again looking at the program as it relates to any form of welfare reform proposals that might come before the Congress during 1973. Of particular concern will be the availability of the program to America's senior citizens.

3. The Committee will follow the implementation of P.L. 92–433 particularly as it relates to the School Breakfast Program. Also of particular concern is the implementation of the Supplemental Feeding program for infants and pregnant women.

4. The Committee will be following up on the report on nutrition and our nation's nursing homes by developing a comprehensive and detailed set of recommendations for eliminating hunger among older Americans who appear to be both especially hard to reach and extraordinarily vulnerable to the consequences of hunger and malnutrition.

5. Nutrition Education. The Committee's hearings on December 5 and 6 revealed a number of areas that have been too long neglected in this area and which go to the very heart of our mandate. The Committee is in the process of preparing a comprehensive background volume on Nutrition Education and intends to study in-depth the following topics:

A. Federal Nutrition Education Efforts:
1. The Nutrition Education programs
2. The educational value of the federal food programs

B. Nutrition Education in higher education including:
1. medical schools
2. medical schools
3. nursing schools
4. teachers' colleges

C. The role of private industry through advertising and labeling.

D. The relationship of nutrition ignorance and ill-health.

E. Problems of fad diets and special diets (e.g. heart patients).

6. The value of proper nutrition for non-poor children. The Committee plans to study the educational, health, social, economic and related consequences of proper diets for children. Such a study would include a look at the relationship between mental retardation and nutrition and is in order in light of increased demands for a universal-type school lunch program.

7. The Committee is compiling a report updating Hunger, USA, the 1968 analysis of poverty and hunger county-by-county for the entire nation. It will show how the pattern of hunger has changed in the last five years and will detail the gap that still remains between the poor and the available federal food programs. The report will be published early in 1973.

8. Continuing Oversight Activities. The Select Committee should continue and expand its oversight of federal food assistance and food service programs. The Committee has provided a valuable and necessary service over the last several years to the Department of Agriculture in its administration of the food stamp program, the food distribution program, and the range of child and elderly nutrition programs. The result has been a tremendous expansion of these programs in terms of both participation of the child nutrition amendments of 1972 and its development of legislative proposals amending the year-round and summer non-school feeding program (section 13 program) and the food stamp program.

In the coming year, the Select Committee plans to focus more clearly on the general questions of a National Nutrition Policy and how the various program components fit into that policy, as well as the present administrative arrangements of the Federal Government. The pursuit of this general question may involve the convening of experts for a conference on the subject of a National Nutrition Policy, as well as the commissioning of selected consultant studies following the practice of other Congressional Committees.

CONCLUSION

Considerable progress, of which we may all be proud, has taken place since 1969. We believe much of this is attributable to the undiminished investigative activities of this Committee.

In recent weeks two reports have been issued evaluating the progress that has been made with the federal food assistance programs. They indicate there is still much for the Committee to do. "Hunger U.S.A. Revisited" was issued by the Citizens Board of Inquiry into Hunger and Malnutrition, the same body that published "Hunger U.S.A." over four years ago. A study of the same nature has been issued by Food for All, an OEO-funded organization.

Both studies merit our serious considerations. In the last four years, we have intensified federal food program efforts: the number of people receiving food stamps has gone from about 2.5 million to nearly 12 million and the participation rate for free and reduced price school lunches has more than tripled, from 2.3 million to about 7.6 million.

Yet, only 43% of eligible families are receiving some form of federal food assistance, and as many as 12 million children are eligible for a free or reduced price lunch.

This effort cannot, of course, be separated from welfare reform—but until nutritionally adequate welfare reform is assured, I think it fair to say that this Committee is pledged to the availability of federal food assistance for all of America's 27 million poor.

Thus, we urgently need to look at why only 43% of America's poor families are being reached—are these outreach failures, cost problems, red-tape delays, insufficient appropriations or are there more fundamental problems with the approach (i.e., stamps, not money) itself.

STAFF MEMORANDUM, SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS, FEBRUARY 5, 1973

The following is a general outline of the topics which will be the principal concerns of the Committee during 1973. For all of these, we will be doing some combination of hearings (including field hearings), staff studies, legislation, consultant studies, and investigations into the relevant overseas experiences.

1. Family food programs
a. Food stamps
b. Commodities
c. Welfare reform
2. Child nutrition
a. School lunch
b. School breakfast
c. Summer lunch
3. Maternal, infant and preschool nutrition
a. Supplemental and special supplemental feeding programs
b. Day care and Head Start feeding
c. Maternal and infant centers and well-baby clinics
4. Nutrition and the elderly
a. The nutrition program for the elderly (the Kennedy program)
b. Special health problems and special diets among the elderly
c. Institutions (including nursing homes)

All of the topics for the elderly will be done in cooperation with the Special Committee on the Aging.

5. Nutrition education
a. Nutrition and food advertising (especially advertising that is aimed at children)
b. Nutrition education and higher education, including that available to medical, dental, nursing and elementary-teacher students
c. Nutrition education and product labeling, including the effect of the recent FDA regulations
d. Federal nutrition education programs
(1) Education programs (EFNEP and Office of Education programs, etc.
(2) The educational component of federal food programs
6. Basic nutrition research
a. Survey and evaluation of nutrition standards across the country
b. Research in the area of the health-nutrition relationship
7. Nurition and diseases; preventive health care
a. Obesity and fad diets
b. Other diseases
8. Food technology
a. Food additives
b. Macrobiotic, organic and other cultural diets
9. National Nutrition Policy Conference—December, 1973.

TENTATIVE HEARING SCHEDULE

Nutrition advertising, March 5, 3 days.
Nutrition advertising, March 12, 2 days.
Family food programs, March 26, 2 to 3 days.
Child nutrition, April 2, 3 days.
Obesity and fad diets, April 16, 3 to 4 days.
Nutrition and the elderly, May 7, 3 days.
Maternal, infant, preschool, May 21, 3 days.
Nutrition labeling and standards, June 4, 3 days.
Nutrition educational and higher education, June 18, 2 to 3 days.
Nutrition and basic research, September, 2 to 3 days.
Total days, 26 to 30.

The committee amendment was agreed to.

The concurrent resolution (S. Res. 50), as amended, was agreed to.

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 50, Senate Resolution 54.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 54) authorizing additional expenditures by the Committee on Armed Services for routine purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CANNON. Mr. President, this resolution requests $60,000 in addition to the $10,000 per Congress for routine purposes provided for the Committee on Armed Services. Last year it was necessary for the Committee on Armed Services to come back to the committee and get additional moneys appropriated for the operation of the committee. This is in a like manner, and the committee reported the resolution favorably, without amendment.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

Resolved, That the Committee on Armed Services is authorized to expend from the contingent fund of the Senate, during the Ninety-third Congress, $60,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

Mr. CANNON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CANNON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUING, AND AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 46, Senate Resolution 51.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 51) continuing, and authorizing additional expenditures by the Special Committee on Aging.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Rules and Administration with an amendment on page 3, line 11, after the word "exceed", strike out "$404,362" and insert "$375,000"; so as to make the resolution read:

S. RES. 51

Resolved, That the Special Committee on Aging, established by S. Res. 33, Eighty-seventh Congress, agreed to on February 13, 1961, as amended and supplemented, is hereby extended through February 28, 1974.

SEC. 2. (a) The committee shall make a full and complete study and investigation of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and, when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(b) A majority of the members of the committee or any subcommittee thereof shall constitute a quorum for the transaction of business, except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose fo taking sworn testimony.

SEC. 3. (a) For purposes of this resolution, the committee is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to hold hearings, (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Senate, (4) to require by subpena or otherwise the attendance of witnesses and the production of correspondence, books, papers, and documents, (5) to administer oaths, (6) to take testimony orally or by deposition, (7) to employ personnel, (8) with the prior consent of the

Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, and (9) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946.

(b) The minority shall receive fair consideration in the appointment of staff personnel pursuant to this resolution. Such personnel assigned to the minority shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

SEC. 4. The expenses of the committee under this resolution shall not exceed $375,000, of which amount not to exceed $15,000 shall be available for the procurement of the services of individual consultants or organizations thereof.

SEC. 5. The committee shall report the results of its study and investigation, together with such recommendations as it may deem advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974. The committee shall cease to exist at the close of business on February 28, 1974.

SEC. 6. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, this resolution would authorize the Special Committee on Aging to expend not to exceed $404,362 during the next 12 months for inquiries and investigations.

During the last session of the Congress the Special Committee was authorized to expend not to exceed $375,000 for that purpose. The Special Committee estimates it will return approximately $24,900 of that amount to the Treasury.

The pending request includes an increase of $29,362 over last year's authorization.

The Committee on Rules and Administration has amended Senate Resolution 51 by reducing the requested amount from $404,362 to $375,000, a reduction of $29,362.

Senator CHURCH is chairman of the Special Committee on Aging, and Senator FONG is its ranking minority member.

Mr. CHURCH. Mr. President, I note that the Rules Committee has made a reduction in the budget request of the Committee on Aging, to reduce the level of projected expenditure for the coming year to approximately the same level as the committee had last year.

I take no exception to this action, and I assure the chairman of the Rules Committee that we will undertake as best we can to live within the limitations of the budget as prescribed.

However, I think it should be noted for the RECORD that the return of $24,000 to the Treasury out of last year's budget occurred because a minority staff position remained unfilled last year and the number of field hearings was limited because it was a major political year.

I think that should be noted, together with a summation of the workload of the committee that we anticipate in 1973, the achievements of the committee in 1972, and a general statement relating to the need for continuing the committee. I ask unanimous consent that this summary be printed at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

U.S. SENATE SPECIAL COMMITTEE ON AGING

Work load in 1973:

1. Hearings on "Future Directions in Social Security" to continue: a look at the *total* economic security of the elderly, in the light of the 1972 historic enactments.

2. Hearings on "Barriers to Health Care for Older Americans" to open March 5, 6, and 7.

3. Next week: hearings on the high-rise fire in Atlanta last November.

4. Hearings on a large number of subjects under consideration.

5. But a major task is to keep watch over cutbacks threatened or actual, in worthwhile projects that serve older Americans.

Achievements in 1972:

1. A year of major legislative accomplishment. The Committee played a role in 16 enactments, including the 20 percent Social Security increase successfuly sought by the Committee Chairman.

2. Issued five reports and conducted numerous hearings.

Need for continuing the committee:

1. Aging falls under no one Committee jurisdiction; it is a dynamic field in constant change.

2. Indication of Senate interest: membership increased from 20 to 22. It is second largest Senate Committee.

Reasons for return of $24,000 from 1972 budget:

1. Minority staff position remained unfilled last year; also the number of field hearings were liimted because it was a major political year.

Mr. CANNON. I simply point out to the Senator that we certainly were not trying to penalize the committee for the fact that they did not use some of their money. What did concern us was that last year 18 employees were included in the budget. The proposed budget this year shows 20 employees, an increase of two.

I am sure that the Senator knows the problems we are having with regard to space. We have been trying to look at every committee that has requested additional employees and to cut back their requests wherever we can, because we simply do not have the space to put them; and we will not have the space until we are able to acquire more office space.

I have already discussed with the Senator the very serious space problem in connection with one of his other subcommittees. I assure him that we are not trying to penalize his committee because they turned back money, but we are trying to limit to some degree, through the money process, the addition of employees to the staff.

Mr. CHURCH. I understand the dilemma that faces the distinguished chairman of the Committee on Rules and Administration. I take this occasion to express the hope that he is successful in finding space for the special committee which is currently without any space at all.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution, as amended, was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, that completes action on the calendar as of today, as I understand it. I wish to ask the chairman of the Committee on Rules and Administration to confirm that Calendar Order No. 37 has gone over until February 28; and that Calendar Order No. 39 will go over until Monday.

Mr. CANNON. That is correct.

Mr. ROBERT C. BYRD. Calendar Order No. 51 will go over to Tuesday.

Mr. CANNON. That is correct.

Authorization for Committee on Rules and Administration to file reports until Midnight.

Mr. ROBERT C. BYRD. I thank the distinguished chairman. I wish also to ask whether the remaining resolutions with respect to moneys for committees will be reported today.

Mr. CANNON. We do expect to report the resolutions. We would like to have permission to do so.

Mr. President, I ask unanimous consent that we be permitted to file up until midnight tonight, whether or not the Senate is in session, so the reports will be available tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I now wish to ask the distinguished Senator if he would state for the RECORD what the remaining resolutions are.

Mr. CANNON. The remaining resolutions cover the Committee on Foreign Relations, the Committee on the Judiciary; the resolution for the Committee on Commerce will not be ready to report tonight and will not be ready to report until some time next week. So two would be filed tonight.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until the hour of 3 p.m., with the understanding that the Chair may call the Senate into session in the meantime.

The motion was agreed to; and at 2:23 p.m. the Senate took a recess until 3 p.m., whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. SAXBE).

ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, immediately following the recognition of the two leaders under the standing order, the able senior Senator from Virginia (Mr. HARRY F. BYRD, JR.), be recognized for not to exceed 15 minutes, and that he be followed by the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:30 a.m. tomorrow.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

(Subsequently, this order was changed to provide for the Senate to adjourn until 11:30 a.m. on Monday, February 26, 1973.)

TRANSACTION OF FURTHER ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now resume the transaction of routine morning business for a period of not to exceed 45 minutes, with statements therein limited to 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIRGINIA LEGISLATURE'S PROPOSAL FOR AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATING TO ATTENDANCE IN PUBLIC SCHOOLS

Mr. HARRY F. BYRD, JR. Mr. President, the Senate of Virginia, meeting in Richmond, and the house of delegates, meeting in Richmond, both have passed a joint resolution which states:

> No student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color, or national origin.

This proposal, which is in the nature of a constitutional amendment, was adopted by the Senate on a voice vote, with only one audible dissent. It was approved by the House of Delegates by a vote of 66 to 5. Its purpose, of course, is to outlaw by a constitutional amendment the compulsory busing of schoolchildren in order to achieve an artificial racial balance in the schools.

I think this action of the Virginia Legislature typifies the feeling of the people of Virginia. Senate Joint Resolution No. 109, to which I have just referred, was introduced in the Virginia senate by the Senator from Henrico County, Senator William Parkerson. Cosponsors of the joint resolution were Senator Gray, of Chesterfield; Senator Campbell, of Hanover; Senator Anderson, of Halifax; Senator E. T. Gray, of Sussex; Senator Warren, of Bristol; Senator Buchanan, from the southwest, a coal mining region; Senator Willey, of Richmond; Senator Manns, of Caroline County; Senator Smith; Senator McNamara, of the city of Norfolk; Senator Stone, of the city of Martinsville; Senator Bendheim, of the city of Alexandria; Senator Bateman, of the city of Newport News; Senator Burruss, of the city of Lynchburg; Senator Walker, of the city of Norfolk; Senator Canada, of Virginia Beach, and Senator Dalton, representing the county of Montgomery and the city of Radford.

I have read these names and the areas which those Senators serve to show that this was a Statewide endeavor.

The people all over Virginia, and their representatives in the legislature, are vitally concerned about the matter of compulsory busing of schoolchildren for the purpose of creating an artificial balance in the schools. I commend the Virginia Legislature.

I have introduced in the Senate of the United States, together with many other Senators—the Senator from Michigan (Mr. GRIFFIN), the Senator from Tennessee (Mr. BROCK), the Senator from Tennessee (Mr. BAKER), and other Senators—a similar resolution calling for a constitutional amendment to outlaw compulsory busing.

I am pleased to have read to the Senate today the action taken by the Virginia Legislature. I commend those members of the Virginia Legislature whose names I have just read.

U.S. RELATIONS WITH CHINA

Mr. HARRY F. BYRD, JR. Mr. President, the President's national security adviser, Dr. Henry Kissinger, in a news conference today reported on the meeting which he had held in China with Chairman Mao and with Premier Chou En-lai. The information which I have been able to obtain only from the news reports coming over the ticker tape indicate that agreement has been made to open liaison offices in the two countries. It seems to me that such an agreement has a great deal of merit.

I would hope that in reading the full text of the news conference one would find that provision has also been made for American newsmen to be able to go to China and for Chinese newsmen to come to the United States. I should like to see more people-to-people contact between these two great countries. I think the more the Chinese can learn about the United States and the more the Americans can learn about China, the better off all of us will be.

China has some 800 million population, the largest population in the world; and the United States, we feel, is the major country of the world. It is important that there be greater contact between these two great countries. I think that Dr. Kissinger's trip to China and his meeting with Chairman Mao and with Premier Chou En-lai should be essential to the creation of a better atmosphere between our two countries. I would hope that in their discussions agreement was reached whereby there might be a freer interchange of citizenry and news personnel.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks Senator JAVITS made at this point when he introduced S. 980 and the remarks Senator Bellmon made when he introduced S. 981 are printed earlier in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF THIRD SECTION OF THE PRESIDENT'S STATE OF THE UNION MESSAGE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a message from the President of the United States—which constitutes the third section of his 1973 state of the Union message—be jointly referred to the following committees: The Committee on Banking, Housing and Urban Affairs; the Committee on Finance; and the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Congress of the United States:

Today, in this third section of my 1973 State of the Union Message, I wish to report on the state of our economy and to urge the Congress to join with me in building the foundations for a new era of prosperity in the United States.

The state of our Union depends fundamentally on the state of our economy. I am pleased to report that our economic prospects are very bright. For the first time in nearly 20 years, we can look forward to a period of genuine prosperity in a time of peace. We can, in fact, achieve the most bountiful prosperity that this Nation has ever known.

That goal can only be attained, however, if we discipline ourselves and unite on certain basic policies:

—We must be restrained in Federal spending.

—We must show reasonableness in labor-management relations.

—We must comply fully with the new Phase III requirements of our economic stabilization program.

—We must continue our battle to hold down the price of food.

—And we must vigorously meet the challenge of foreign trading competition.

It is clear to me that the American people stand firmly together in support of these policies. Their President stands with them. And as Members of the 93rd Congress consider the alternatives before us this year, I am confident that they, too, will join in this great endeavor.

IMPACT OF THE ECONOMY ON PEOPLE'S LIVES

This message will present my basic economic recommendations and priorities and will indicate some areas in which further detailed plans will be submitted later.

But I also want to discuss our economic situation in less formal terms: how do statistical measurements, comparisons and projections affect the daily lives of individual Americans and their families?

We build our economy, after all, not to create cold, impersonal statistics for the record books but to better the lives of our people.

Basically, the economy affects people in three ways.

First, it affects their jobs—how plentiful they are, how secure they are, how good they are.

Second, it affects what people are paid on their jobs—and how much they can buy with that income.

Finally, it affects how much people have to pay back to the Government in taxes.

JOB PICTURE ENCOURAGING

To begin with, the job picture today is very encouraging.

The number of people at work in this country rose by 2.3 million during 1972—the largest increase in 25 years. Unemployment fell from the 6 percent level in 1971 to 5 percent last month.

The reason jobs have grown so rapidly is that the economy grew in real terms by 6½ percent last year, one of the best performances in the past quarter century. Our economic advisers expect a growth rate of nearly 7 percent in 1973. That would bring unemployment down to around the 4½ percent level by the end of the year.

Five percent unemployment is too high. Nevertheless, it is instructive to examine that 5 percent figure more closely.

For example:

—Only 40 percent of those now counted as unemployed are in that status because they lost their last job. The rate of layoffs at the end of last year was lower than it has been since the Korean War.

—The other 60 percent either left their last job voluntarily, are seeking jobs for the first time or are re-entering the labor force after being out of it for a period of time.

—About 45 percent of the unemployed have been unemployed for less than five weeks.

—As compared with earlier periods when the overall unemployment rate was about what it is now, the unemployment rate is significantly lower for adult males, household heads and married men. Among married men it is only 2.4 percent. Unemployment among these groups should decline even further during 1973.

This employment gain is even more remarkable since so many more people have been seeking jobs than usual. For example, nearly three million Americans have been released from defense-related jobs since 1969—including over one million veterans.

The unemployment rate for veterans of the Vietnam War now stands at 5.9 percent, above the general rate of unemployment but slightly below the rate for other males in the 20-to-29-year-old age bracket. While much better than the 8.5 percent of a year ago, this 5.9 percent rate is still too high. The employment problems of veterans, who have given so much for their country, will remain high on my list of concerns for the coming year.

Women and young people have also been seeking work in record numbers. Yet, as in the case of veterans, jobs for these groups have been increasing even faster. Unemployment among women and young people has thus declined—but it is also much too high and constitutes a great waste for our Nation.

As we move into a new era of peacetime prosperity, our economic system is going to have room—indeed, is going to have need—for nearly every available hand.

The role of women in our economy thus is bound to grow. And it should—not only because the expansion of opportunities for women is right, but also because America will not be able to achieve its full economic potential unless every woman who wants to work can find a job that provides fair compensation and equal opportunity for advancement.

This administration is committed to the promotion of this goal. We support the Equal Rights Amendment. We have opened the doors of employment to qualified women in the Federal service. We have called for similar efforts in businesses and institutions which receive Federal contracts or assistance.

Just last year, we established the Advisory Committee on the Economic Role of Women. This Committee will provide leadership in helping to identify economic problems facing women and helping to change the attitudes which create unjust and illogical barriers to their employment.

PAY AND PURCHASING POWER

The second great question is what people are paid on their jobs and how much it will buy for them.

Here the news is also good. Not only are more people working, but they are getting more for their work. Average per capita income rose by 7.7 percent during 1972, well above the average gain during the previous ten years.

The most important thing, however, is that these gains were not wiped out by rising prices—as they often were in the 1960's. The Federal Government spent too much, too fast in that period and the result was runaway inflation.

While wages may have climbed very rapidly during those years, purchasing power did not. Instead, purchasing power stalled, or even moved backward. Inflation created an economic treadmill that sometimes required a person to achieve a 6 percent salary increase every year just to stay even.

Now that has changed. The inflation rate last year was cut nearly in half from what it was four years ago. The purchasing power of the average worker's take-home pay rose more last year than in any year since 1955; it went up by 4.3 percent—the equivalent of two extra weekly paychecks.

We expect inflation to be reduced even further in 1973—for several reasons.

A fundamental reason is the Nation's growing opposition to runaway Federal spending. The public increasingly perceives what such spending does to prices and taxes. As a result, we have a good chance now, the best in years, to curb the growth of the Federal budget. That will do more than anything else to protect the family budget.

Other forces are working for us too.

Productivity increased sharply last year—which means the average worker is producing more and can therefore earn more without driving prices higher. In addition, the fact that real spendable earnings rose so substantially last year will encourage reasonable wage demands this year. Workers will not have to catch up from an earlier slump in earnings.

Finally, we now have a new system of wage and price controls—one that is the right kind of system for 1973.

FIRM CONTROLS IN FORCE; FOOD PRICES FOUGHT

Any idea that controls have virtually been ended is totally wrong. We still have firm controls. We are still enforcing them firmly. All that has changed is our method of enforcing them.

The old system depended on a Washington bureaucracy to approve major wage and price increases in advance. Although it was effective while it lasted, this system was beginning to produce inequities and to get tangled in redtape. The new system will avoid these dangers. Like most of our laws, it relies largely on self-administration, on the voluntary cooperation of the American people.

But if some people should fail to cooperate, we still have the will and means to crack down on them.

To any economic interests which might feel that the new system will permit them, openly or covertly, to achieve gains beyond the safety limits we shall prescribe, let me deliver this message in clear and unmistakable terms:

We will regard any flouting of our anti-inflationary rules and standards as nothing less than attempted economic arson threatening our national economic stability—and we shall act accordingly.

We would like Phase III to be as voluntary as possible. But we will make it as mandatory as necessary.

Our new system of controls has broad support from business and labor—the keystone for any successful program. It will prepare us for the day when we no longer need controls. It will allow us to concentrate on those areas where inflation has been most troublesome—construction, health care and especially food prices.

We are focusing particular attention and action on the tough problem of food prices. These prices have risen sharply at the wholesale level in recent months, so that figures for retail prices in January and February will inevitably show sharp increases. In fact, we will probably see increases in food prices for some months to come.

The underlying cause of this problem is that food supplies have not risen fast enough to keep up with the rapidly rising demand.

But we must not accept rising food prices as a permanent feature of American life. We must halt this inflationary spiral by attacking the causes of rising food prices on all fronts. Our first priority must be to increase supplies of food to meet the increasing demand.

We are moving vigorously to expand our food supplies:

—We are encouraging farmers to put more acreage into production of both crops and livestock.

—We are allowing more meat and dried milk to come in from abroad.

—We have ended subsidies for agricultural exports.

—And we are reducing the Government's agricultural stockpiles and encouraging farmers to sell the stock they own.

Measures such as these will stop the rise of wholesale food prices and will slow the rise of retail food prices. Unfortunately, nothing we can do will have a decisive effect in the next few months. But the steps I have taken will have a powerful effect in the second half of the year.

These steps will also help our farmers to improve their incomes by producing more without corresponding price increases. We anticipate that farm prices will be no higher at the end of this year than they were at the beginning.

For all of these reasons, we have a good chance to reduce the overall inflation rate to 2½ percent by the end of 1973.

HOLDING THE LINE ON TAXES

The third important economic question concerns how much money people pay out in taxes and how much they have left to control themselves. Here, too, the picture is promising.

Since 1950, the share of the average family's income taken for taxes in the United States has nearly doubled—to more than 20 percent. The average person worked less than one hour out of each eight-hour day to pay his taxes in 1950; today he works nearly 2 hours each day for the tax collector.

In fact, if tax cut proposals had not been adopted during our first term, the average worker's pay increase last year would have been wiped out completely by increased taxes and the taxpayers would have to pay out an additional $25 billion in personal income taxes this year.

The only way to hold the line on taxes is to hold the line on Federal spending.

This is why we are cutting back, eliminating or reforming Federal programs that waste the taxpayers' money.

My Administration has now had four years of experience with all of our Federal programs. We have conducted detailed studies comparing their costs and results. On the basis of that experience, I am convinced that the cost of many Federal programs can no longer be justified. Among them are:

—housing programs that benefit the well-to-do but short-change the poor;

—health programs that build more hospitals when hospital beds are now in surplus;

—educational fellowships designed to attract more people into teaching when tens of thousands of teachers already cannot find teaching jobs;

—programs that subsidize education for the children of Federal employees who already pay enough local taxes to support their local schools;

—programs that blindly continue welfare payments to those who are ineligible or overpaid.

Such programs may have appealing names; they may sound like good causes. But behind a fancy label can lie a dismal failure. And unless we cut back now on the programs that have failed, we will soon run out of money for the programs that succeed.

It has been charged that our budget cuts show a lack of compassion for the disadvantaged. The best answer to this charge is to look at the facts. We are budgeting 66 percent more to help the poor next year than was the case four years ago; 67 percent more to help the sick; 71 percent more to help older Americans and 242 percent more to help the hungry and malnourished. Altogether, our human resources budget is a record $125 billion—nearly double that of four years ago when I came into office.

We have already shifted our spending priorities from defense programs to human resource programs. Now we must also switch our spending priorities from programs which give us a bad return on the dollar to programs that pay off. That is how to show we truly care about the needy.

The question is not whether we help but how we help. By eliminating programs that are wasteful, we can concentrate on programs that work.

Our recent round of budget cuts can save $11 billion in this fiscal year, $19 billion next fiscal year, and $24 billion the year after. That means an average saving of $700 over the next 3 years for each of America's 75 million taxpayers.

Without the savings I have achieved through program reductions and reforms, those spending totals respectively would be $261 billion, $288 billion and $312 billion—figures which would spell either higher taxes, a new surge of crippling inflation, or both.

To hold the line on Federal spending, it is absolutely vital that we have the full cooperation of the Congress. I urge the Congress, as one of its most pressing responsibilities, to adopt an overall spending ceiling for each fiscal year. I also ask that it establish a regular procedure for ensuring that the ceiling is maintained.

THE INTERNATIONAL CHALLENGE

In recent years, the attention of Americans has increasingly turned to the serious questions confronting us in international trade and in the monetary arena.

This is no longer the era in which the United States, preeminent in science, marketing and services, can dominate world markets with the advanced products of our technology and our advanced means of production.

This is no longer the era in which the United States can automatically sell more abroad than we purchase from foreign countries.

We face new challenges in international competition and are thus in a period of substantial adjustment in our relations with our trading partners.

One consequence of these developments was the step we took last week to change the relative value of the dollar in trading abroad.

We took this step because of a serious trade imbalance which could threaten the mounting prosperity of our people. America has been buying more from other countries than they have been buying from us. And just as a family or a company cannot go on indefinitely buying more than it sells, neither can a country.

Changing the exchange rates will help us change this picture. It means our exports will be priced more competitively in the international marketplace and should therefore sell better. Our imports, on the other hand, will not grow as fast.

But this step must now be followed by reforms which are more basic.

First, we need a more flexible international monetary system, one that will lead to balance without crisis. The United States set forth fundamental proposals for such a system last September. It is time for other nations to join us in getting action on these proposals.

Secondly, American products must get a fairer shake in a more open world trading system—so that we can extend American markets and expand American jobs. If other countries make it harder for our products to be sold abroad, then our trade imbalance can only grow worse.

RESPONSIBILITY OF THE CONGRESS

America is assuredly on the road to a new era of prosperity. The roadsigns are clear, and we are gathering more momentum with each passing month. But we can easily lose our way unless the Congress is on board, helping to steer the course.

As we face 1973, in fact, we may be sure that the state of our economy in the future will very much depend upon the decisions made this year on Capitol Hill.

Over the course of the next few months, I will urge prompt Congressional action on a variety of economic proposals. Together, these proposals will constitute one of the most important packages of economic initiatives ever considered by any Congress in our history. I hope—as do all of our people—that the Congress will act with both discipline and dispatch.

Among the items included in my 1973 economic package are:

—*Extension of the Economic Stabilization Program.* Present authority will soon expire, and I have asked the Congress to extend the law for one year to April 30, 1974. I hope this will be done without adding general mandatory standards or prescribing rigid advance decisions—steps that would only hamper sound administration of the program. A highly complex economy simply cannot be regulated effectively for extended periods in that way.

—*Tax Program.* I shall recommend a tax program that builds further reforms on those we achieved in 1969 and 1971.

—*Property Tax Relief.* I shall also submit recommendations for alleviating the crushing burdens which property taxes now create for older Americans.

—*Tax Credit for Nonpublic Schools.* I shall propose legislation which would provide for income tax credit for tuition paid to nonpublic elementary and secondary schools. These institutions are a valuable national resource, relieving the public school system of enrollment pressures, injecting a welcome variety into our educational process, and expanding the options of millions of parents.

- —*Trade Legislation*. Another item high on our agenda will be new trade proposals which I will soon send to the Congress. They would make it easier for us not only to lower our trade barriers when other countries lower theirs but also to raise our barriers when that is necessary to keep things fair.
- —*Other Reforms*. To modernize and make them more equitable and beneficial, I shall also later submit recommendations for improving the performance of our private pension system, our unemployment compensation program, our minimum wage laws and the manner in which we deal with our transportation systems.
- —*Spending Limits*. Finally, but most importantly, I ask the Congress to act this year to impose strict limits on Federal spending.

The cuts I have suggested in this year's budget did not come easily. Thus I can well understand that it may not be easy for the Congress to sustain them, as every special interest group lobbies with its own special Congressional committees for its own special legislation. But the Congress should serve more than the special interest; its first allegiance must always be to the public interest.

We must also recognize that no one in the Congress is now charged with adding all of our Federal expenditures together—and considering their total impact on taxes and prices. It is as if each member of a family went shopping on his own, without knowing how much money was available in the overall family budget or how much other members of the family were spending or charging on various credit accounts.

To overcome these problems, I urge prompt adoption by the Congress of an overall spending ceiling for each fiscal year. This action would allow the Congress to work jointly with me in holding spending to $250 billion in the current fiscal year, $269 billion next year, and $288 billion in fiscal year 1975. Beyond the adoption of an annual ceiling, I also recommend that the Congress consider internal reforms which would establish a regular mechanism for deciding how to maintain the ceiling.

I have no economic recommendation to make to the Congress which is more important to the economic well-being of our people.

I believe that most members of the House and Senate want to hold down spending. Most Congressmen voted for a spending ceiling in principle when the Senate and House approved a ceiling last fall. Unfortunately the two bodies could not get together on a final version. I believe they must get together soon—so that the Congress can proceed this year with a firm sense of budget discipline.

The stakes are high. If we do not restrain spending and if my recommended cuts are reversed, it would take a 15-percent increase in income taxes to pay for the additional expenditures.

The separation of powers between the President and the Congress has become a favorite topic of discussion in recent weeks. We should never, of course, lose our sharp concern for maintaining Constitutional balances.

But we should never overlook the fact we have joint responsibilities as well as separate powers.

There are many areas in which the President and the Congress should and must work together in behalf of all the people—and the level of spending, since it directly affects the pocketbooks of every family in the land, is one of the most critical.

I have fulfilled my pledge that I would not recommend any programs that would require a general tax increase or would create inflationary pressures.

Now it is up to the Congress to match these efforts with a spending ceiling of its own.

MAKING A CHOICE

We stand on the threshold of a new era of prolonged and growing prosperity for the United States.

Unlike past booms, this new prosperity will not depend on the stimulus of war.

It will not be eaten away by the blight of inflation.

It will be solid; it will be steady; and it will be sustainable.

If we act responsibly, this new prosperity can be ours for many years to come. If we don't, then, as Franklin Roosevelt once warned, we could be "wrecked on the rocks of loose fiscal policy."

The choice is ours. Let us choose responsible prosperity.

RICHARD NIXON.

THE WHITE HOUSE, *February 22, 1973.*

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD AND SENATOR PROXMIRE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow immediately following the statement of the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.), the junior Senator from West Virginia (Mr. ROBERT C. BYRD) be recognized for not to exceed 15 minutes and that he be followed by the distinguished Senator from Wisconsin (Mr. PROXMIRE) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the orders for the recognition of Senators tomorrow there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS McINTYRE, HATHAWAY, PASTORE, AND ROBERT C. BYRD ON TUESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, following the recognition of the two leaders or their designees under the standing order, the following Senators be recognized, each for not to exceed 15 minutes and in the order stated: Mr. McINTYRE, Mr. HATHAWAY, Mr. PASTORE, and Mr. ROBERT C. BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 11:30 A.M., MONDAY, FEBRUARY 26, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 11:30 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR., ON MONDAY

Mr. ROBERT C. BYRD. I ask unanimous consent that on Monday next, immediately after the two leaders or their designees have been recognized under the standing order, the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD ON MONDAY

Mr. ROBERT C. BYRD. I ask unanimous consent that following the remarks of the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) on Monday, his would-be cousin, Mr. ROBERT C. BYRD, the junior Senator from West Virginia, the neighboring State just over the mountains, be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks of the junior Senator from West Virginia on Monday next, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 345, MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1973, ON MONDAY, FEBRUARY 26

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next, at the conclusion of routine morning business, the Senate proceed to the consideration of House Joint Resolution 345, the continuing resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday next is as follows:

The Senate will convene at 11:30 a.m.

After the two leaders or their designees have been recognized under the standing order, the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) will be recognized for not to exceed 15 minutes, to be followed by his would-be cousin, the junior Senator from West Virginia (Mr. ROBERT C. BYRD), for a period of not to exceed 15 minutes; to be followed by a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Senate will proceed to the consideration of House Joint Resolution 345, the continuing resolution.

I would anticipate that there would likely be a rollcall vote—or rollcall votes—in connection with that resolution, but as to whether or not the Senate will complete its consideration of that resolution on Monday, I cannot say. Senators may be alerted, however, I repeat, to the likelihood of rollcall votes on Monday.

Following the disposition of the continuing resolution on Monday or Tuesday—whenever it may be—the Senate will return to the consideration of those committee money resolutions which are on the calendar, but which were carried over today by unanimous consent, together with other committee money resolutions which are to be reported today from the Committee on Rules and Administration, they being the resolutions dealing with moneys for the Committee on Foreign Relations and the Committee on the Judiciary.

So that is about it, Mr. President. Again I say I expect rollcall votes on Monday, and I expect rollcall votes on Tuesday.

ADJOURNMENT UNTIL MONDAY AT 11:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11:30 a.m. on Monday next.

The motion was agreed to; and at 3:56 p.m. the Senate adjourned until Monday, February 26, 1973, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 22, 1973:

DEPARTMENT OF JUSTICE

James N. Gabriel, of Massachusetts, to be U.S. attorney for the district of Massachusetts for the term of 4 years, vice Joseph L. Tauro.

James F. Companion, of West Virginia, to be U.S. attorney for the northern district of West Virginia for the term of 4 years, vice Paul C. Camilletti, resigning.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of major general:

Kenneth J. Houghton James R. Jones
Frank C. Lang Charles D. Mize
Robert D. Bohn Norman W. Gourley
Edward J. Miller

CONFIRMATIONS

Executive nominations confirmed by the Senate February 22, 1973:

SECURITIES AND EXCHANGE COMMISSION

The following-named persons to be members of the Securities and Exchange Commission for the terms indicated:

John R. Evans, of Utah, for the remainder of the term expiring June 5, 1973.

Philip A. Loomis, Jr., of California, for the remainder of the term expiring June 5, 1974.

G. Bradford Cook, of Illinois, for the term expiring June 5, 1977.

U.S. COAST GUARD

Coast Guard nominations beginning Leon A. Murphy, to be captain, and ending Thomas L. O'Hara, Jr., to be captain, which nominations were received by the Senate and appeared in the Congressional Record on January 12, 1973; and

Coast Guard nominations beginning William D. Harvey, to be captain, and ending Stanley H. Zukowski, to be ensign, which nominations were received by the Senate and appeared in the Congressional Record on January 16, 1973.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

National Oceanic and Atmospheric Administration nominations beginning David J. Goehler, to be lieutenant, and ending Jan W. McCabe, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 1973.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSIONS OF REMARKS

NICOLAUS COPERNICUS, GIANT OF HISTORY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. KEMP. Mr. Speaker, this month we pause to pay tribute to two great leaders of our Nation, George Washington and Abraham Lincoln, but February also marks the birthday of another giant of history—Nicolaus Copernicus of Poland.

Fourteen hundred years before Copernicus' birth in 1473, the astronomer Ptolemy had formulated the theory that the earth stood unmoving as the center of the universe. Nicolaus Copernicus boldly challenged this theory and through his studies provided the foundation for modern astronomy and our present day explorations of space.

Copernicus was born in Torun, Poland, on February 19, 1473 and studied mathematics, law, medicine, and astronomy at Cracow, Bologna and Padua. Early in his career, Copernicus noticed what he considered to be serious defects in the Ptolemaic astronomical system which he had been taught. Unlike those who had gone before him, Copernicus challenged 1,400 years of tradition and dared to formulate his own astronomical theory. In direct contradiction to Ptolemy's teachings, Copernicus believed that the earth hurtles rapidly through space and that man does not see this motion because he travels with the earth.

In pointing out Ptolemy's error, Copernicus quoted an ancient poet to the effect that the shore and the port move away from the departing ship, or so it seems to the passenger on the deck of the vessel. The passenger is unaware of the ship's motion which is carrying him away and therefore comes to the conclusion that the land is receding from him.

In his book written in 1543, "Concerning the Revolutions of the Celestial Spheres," Copernicus demonstrated how the earth's motions could be used to explain the motions of other heavenly bodies. This work laid the foundation for Sir Isaac Newton's principle of gravitation, Galileo's telescopic discoveries and Johannes Kepler's planetary laws. Behind today's travel to the moon and our preparations for future space exploration stands the work of Copernicus of Poland.

During the month of February, Americans of Polish descent and the scientific community are celebrating the 500th anniversary of Nicolaus Copernicus' birth. In my District of Western New York, the Polish community and its many friends have planned an impressive program of events at the State University College campus and other campuses and at area cultural and civic clubs. Schoolchildren have been invited to compete for prizes in an essay contest related to Copernicus' life and studies. This outstanding series of events honoring the great Polish scientist has been originated by the Copernicus 500th anniversary program committee of Buffalo, N.Y.

The Buffalo Courier Express recently published an excellent account of Buffalo's plans to pay tribute to Copernicus and I include the column at this time in my remarks:

[From the Buffalo (N.Y.) Courier-Express, Feb. 9, 1973]

BUFFALO HONORING COPERNICUS

(By Anne McIlhenney Matthews)

Buffalo is particularly Copernicus minded this month and rightly and remarkably so.

For one thing, this is a prideful city of people of Polish origin and Copernicus is somebody for them to strut about. Since it is the 500th anniversary of his birth, a hard-working committee planned well and in advance to mark this occasion with star-studded events. Headed by Dr. Francis T. Siemanski, a professor at Buffalo State College, 300 members worked to make this a fitting celebration for the great astronomer and mathematical genius.

Dr. Howard G. Sengbusch, professor of biology at Buffalo State assisted by the Rev. John Suplicki, pastor of Our Lady of Czestochowa Church, Cheektowaga scheduled the following speakers:

Feb. 12—Prof. James R. Orgren, planetarium director at Buffalo State, will present a program on "Copernicus Astronomy."

Feb. 19—Dr. Franklin C. MacKnight, science historian at Buffalo State will speak on "Intellectualism of Copernicus."

Feb. 26—Dr. Stillman Drake of the Institute for the History of Philosophy of Science and Technology at the University of Torum will speak on Copernicanism in Bruno, Kepler and Galileo."

The month-long celebration was opened on Feb. 2 with a formal reception held at the Edward H. Butler Library on the Buffalo State campus and was arranged by the Hospitality Committee chaired by Mrs. Emily Lubelska, president of the Polish Arts Club of Buffalo.

FEBRUARY 19 IS ANNIVERSARY

February 19 is the 500th anniversary of the birth of Nicolaus Copernicus, the Polish astronomer who developed the so-called Coperican System, a revolutionary concept contradicting 15 centuries of the general belief that the Earth was the center of the universe and that all heavenly bodies revolved around it.

Born in Torun, Poland, Nicholas Copernicus—or Mikolaj Kopernik—was a student of math and science at the University of Krakow and studied astronomy and canon law at the University of Bologna. In 1497, he returned to Poland where he was made canon of Frauenburg. That same year he entered the medical school at Padua, Italy, leaving for a time to lecture on astronomy at Rome and to take a doctorate in canon law at Ferrara. In 1505 he went back to Poland where he remained for the rest of his life, spending the greater part of his time in religious duties administering to the sick and indigent.

During his lifetime, he was best known for a coinage-reform system which he presented to the Diet in 1522. However, he devoted an enormous amount of time to astronomy, particularly to the development of the Copernician System, which was summed up in a book "De Revolutionibus Orbium Coelestium" (Concerning the Revolutions of the Heavenly Bodies) which although completed in 1530, was not published until immediately before his death.

The two chief contributions of the Copernican System are:

1. The fact that the Earth and planets revolve in orbits around the sun.
2. That the Earth is spinning on its north-south axis from west to east at a rate of one rotation per day.

He laid the groundwork for the Copernican Age of scientific discovery as a result of which his birthday is being celebrated far and wide this year, particularly by Polish-American communities of Buffalo, Chicago and other large U.S. cities and all peoples of Polish ancestry.

STORY OF PUBLICATION

Buffalo has an important part in the Copernican story. And it is a rare-book mystery which readers may solve but which we may well meanwhile treasure as a civil asset of monumental proportions not only money-wise, but world-wide in importance. Here is the step-by-step account of why we have this and why everybody should go see it. It is "our heritage."

In 1540 a young visitor came to Frombork, Poland, to search out the Polish astronomer, Nicolaus Copernicus, and to learn more about the heliocentric theory of the universe that Copernicus was developing. He was George Joachim von Lauchene, professor of mathematics at the University of Wittenberg. He is best known as Rheticus.

Rheticus came to Frombock armed with five printed books to show the aging canon, Nicholaus Copernicus, what a new invention, the printing press could do to revolutionize communications. Copernicus was so impressed by these printed books that he consented to have his manuscript, "De Revolutionibus Oribum Coelestrium" (On the Revolutions of the Heavenly Spheres), prepared for publication.

Rheticus spent the next two years studying with Copernicus and in his spare time he made a handwritten copy of the manuscript. He later journeyed back to Germany and gave it to the noted printer, Johannes Petreius, in Nuremburg, to have it set in type.

The manuscript was printed and bound in 1543. Little did Petrieus realize what a monumental book he had published. It was "De Revolutionibus" that opened a new era in the history of astronomy. The book can be considered the foundation of modern science. Without the concepts developed in the book, it would have beeen impossible for such men as Kepler, Galileo and Newton to make their great contributions, for how could we explain universal gravitation, the revolutions of the planets, or for that matter, launch a rocket to the moon, if we persisted in believing the Earth to be the center of the universe?

BUFFALO HAS RARE COPY

How many copies of the Nuremburg edition were printed is not known but an exhaustive search by Harvard professor. Dr. Owen Geingerich, who recently addressed the Copernicus 500th Anniversary Program Committee at Buffalo State, has uncovered 170 existing copies—40 of which are in the United States.

Oddly enough, one of the original Nuremburg editions is located in the Buffalo Museum of Science rare book collection, and this is a puzzle worth unraveling. How did our museum acquire this rare book having a market value of well over $25,000?

Preliminary investigations show that the book was acquired in the middle '30s by Dr. Albert Sy, a retired professor of biochemistry at the old University of Buffalo. On his retirement he opened a bookstore on Elmwood Avenue. His source is unknown. The book was purchased by Chauncey Hamlin and presented as a gift to the Science Museum about 1938. The amounts involved in these transactions are not known. It is doubtful, however, that the true value of the book was known at that time.

Dr. Geingerich made another observation while examining the Buffalo copy at the museum prior to his appearance at Buffalo State College on Feb. 3. The copy owned by the Kosciuszko Foundation in New York City and now in the Copernicus Exhibit in the IBM Building in that city, has several facsimile pages used to replace missing or damaged portions of that book. He identified the Buffalo Science Museum copy through a signature on the copied pages as the one used to reproduce the Kosciusko facsimile.

A facsimile of the Copernicus autograph (handwritten copy) of "De Revolutionibus" is on exhibit during the month of February in the Edward H. Butler Library on the Buffalo State campus. The copy on exhibit is a gift to the Copernicus 500th Anniversary Program Committee by Dr. and Mrs. F. T. Siemankowski.

I am proud to say that many thousands of citizens of Polish heritage reside in my District in Erie County, N.Y. I know that they are as pleased as I have been to learn of the many other events which have been scheduled nationwide to honor Nicolaus Copernicus and to bring his accomplishments to the attention of the American people.

My distinguished colleague, the Honorable THADDEUS J. DULSKI, has introduced legislation, that I strongly support, which requests the President to designate the week of April 23 as "Nicolaus Copernicus Week," in addition, the Smithsonian Institution has scheduled events honoring Copernicus during the week of April 23 and on that same date, the U.S. Postal Service will issue a special Copernicus commemorative stamp.

The work of Nicolaus Copernicus has touched the lives of each one of us. Polish-Americans everywhere can be justly proud of their heritage and of the accomplishments of Nicolaus Copernicus, giant of history.

IRV KUPCINET MERITS DANTE AWARD

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. ANNUNZIO. Mr. Speaker, I take this opportunity to congratulate Mr. Irv Kupcinet, who will receive the second annual Dante Award of the Joint Civic Committee of Italian Americans on March 7 at a luncheon in his honor at the Sheraton-Chicago Hotel. Irv Kupcinet is a Chicago Sun-Times columnist whose "Kup's Show" over WMAQ-TV, Channel 5, in Chicago has proved a consistent prize winner because of its excellence.

The Dante Award has been established to extend recognition annually to an individual in the mass media communication field who has made a positive contribution toward fostering good human relations.

Dante Alighieri, in his "Divine Comedy" said, "Men should never be timid about the truth." Irv Kupcinet is not one to simply sit and talk about injustice. With characteristic strength and enthusiasm, he has become a leader in good human relations in his work to aid and encourage the downtrodden.

Mr. Kupcinet has been a journalist for almost four decades and has spent more than three of them as a columnist. He has been a radio broadcaster for 25 years and a major figure in Chicago television since 1958.

Irv Kupcinet's newspaper career began in 1935 when he joined the Chicago Times, predecessor of the Sun-Times, as a sportswriter. He earned his B.A. in journalism from the University of North Dakota, where he also played football. A member of the 1935 All-Star squad, Kupcinet played pro ball with the Philadelphia Eagles, and later officiated in the National Football League for 10 years. In 1948 he became the "color" voice of Chicago Bears radio broadcasts.

"Kup's Column" began in 1943 when he switched from the sports beat. The column is widely syndicated and Irv Kupcinet has become a household word not only among entertainers and show business personalities but among statesmen here and abroad. More than 5,000 guests have joined him in "the lively art of conversation" on "Kup's Show."

Dante Alighieri, author of "The Divine Comedy," in whose name the Dante Award was established by the Joint Civic Committee of Italian Americans—an umbrella organization comprised of more than 40 civic organizations in the Chicago area—was a champion of truth in his time. Irv Kupcinet, with his ability to squarely and honestly face the issues of our day, has become a champion of truth in our time.

Again, I congratulate him on meriting this recognition and honor, and I extend my best wishes to Irv Kupcinet for abundant good health and continuing success in his endeavors in the years ahead.

THE DEVELOPMENT OF A EUTAW SPRINGS NATIONAL BATTLEFIELD

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, February 22, 1973

Mr. THURMOND. Mr. President, on February 1, 1973, the South Carolina General Assembly passed a concurrent resolution memorializing the Congress to enact legislation that will provide for the Eutaw Springs National Battlefield in honor of the patriots who gave their lives in the battle of Eutaw Springs and in memory of all who, by their service and sacrifice, helped win our independence as a nation.

The Battle of Eutaw Springs, September 9, 1781, was one of the six battles of the Revolution in which a medal in honor of victory was awarded. Heroes of the Revolution who fought at Eutaw Springs include native sons from at least eight of the 13 Colonies, future Governors of Virginia, Maryland, and Kentucky, and future Congressmen from Georgia, South Carolina, North Carolina, Virginia, Maryland, and Kentucky.

Mr. President, as we prepare to celebrate the Bicentennial of the American Revolution, I think it would be only fitting for Congress to commemorate Eutaw Springs as a national battlefield.

On behalf of the junior Senator from South Carolina (Mr. HOLLINGS) and myself, I ask unanimous consent that the concurrent resolution be printed in the Extensions of Remarks.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

A CONCURRENT RESOLUTION

Expressing support of the South Carolina General Assembly for the development of a Eutaw Springs National Battlefield and to memorialize the Congress of the United States to enact such legislation.

Whereas, the Battle of Eutaw Springs, September 9, 1781, was one of the hardest fought battles of the American Revolution; and

Whereas, the Battle of Eutaw Springs was one of the six battles of the Revolution in which the Continental Congress awarded a medal in honor of the victory, the others being: Washington Before Boston, 1776; Saratoga, 1777; Stoney Point, 1779; Paulus Hook, 1779; and Cowpens, 1781; and

Whereas, in 1972 the Congress of the United States passed legislation creating the Cowpens National Battlefield which was signed into law by President Richard M. Nixon; and

Whereas, the Battle of Eutaw Springs was the climax of Major General Nathanael Greene's brilliant campaign to free the South from British tyranny, the British retreated from the battlefield to Charleston the day after the battle; and

Whereas, the presentation of the Eutaw Springs Medal and Battle Flag to General Greene by Henry Laurens in behalf of the Continental Congress is one of the six panels of history on the bronze doors of the United States House of Representatives which were cast in 1902; and

Whereas, President John Adams stated that history would record that the importance of Eutaw Springs was equal to Yorktown; and

Whereas, both the American and British forces fought with great gallantry at Eutaw Springs, the British forces, which numbered some two thousand, suffered forty percent casualties, a percentage unequaled by them in any other major battle except Bunker Hill which was fifty-two percent. The American Forces which consisted of approximately twenty-four hundred suffered twenty percent in casualties; and

Whereas, the total number of casualties at Eutaw Springs exceeded the number at the Battle of Yorktown; and

Whereas, a close scrutiny of the American soldiers at Eutaw Springs will reveal that they were experienced, courageous and patriotic. Greene's Army consisted of continentals and militia. They were soldiers who fought with great gallantry, men who served their country with distincton in war and in peace; and

Whereas, many legendary heroes of the nation fought at Eutaw Springs including native sons from at least eight of the thirteen states, future Governors of Virginia, Maryland, and Kentucky, and future Congressmen from Georgia, South Carolina, Virginia, Maryland, and Kentucky; and

Whereas, among the numerous heroes of the battle were:

Rhode Island—Major General Nathanael Greene, the fighting Quaker, next to General George Washington the greatest General officer of the Revolution, counties in fourteen states honor his memory.

Delaware—Captain Kirkwood, the finest company commander of the war, a member of the "Blue Hens Chickens", Delaware's Continental Line.

Maryland—Lt. Colonel John Eager Howard, awarded a medal for Cowpens, a great soldier, later a Governor and United States Senator from Maryland, referred to in "Maryland, My Maryland", the Maryland State Song, counties in six states honor his memory, General Otho H. Williams, another great soldier of the Maryland Line; and General Greene's black orderly, a free man from Maryland who gave his life for his country in the battle. General Greene specifically cited him for his courage and gallantry.

Virginia—Lt. Colonel Henry Lee, Commander of Lee's Legion, awarded a medal for the Battle of Paulus Hook, New Jersey, later Governor of Virginia and Congressman, Father of General Robert E. Lee.

North Carolina—Members of the North Carolina Militia and the members of the North Carolina Continental Line under General Jethro Sumner served with great gallantry. Their number was greater than the troops of any other state. John B. Ashe, a major with General Sumner's Command later served in Congress from North Carolina.

South Carolina—The South Carolina Militia, the forces of General Francis Marion, General Thomas Sumter and General Andrew Pickens served and fought with great distinction in the battle. Sumter, "the Gamecock", was unable to be present, but many of his men fought under the famous Colonel Wade Hampton I, later a member of Congress from South Carolina and a General in the War 1812. Francis Marion, "the Swamp Fox", is a legend of the American people. Seventeen states have a county named in his honor, a number exceeded only by General Washington of the American military heroes and the Revolution. General Andrew Pickens, a native of Pennsylvania, later served as a member of Congress from South Carolina. Three states have a county that honors his memory. Colonel William Washington, a native of Virginia and recipient of a medal for Cowpens was conspicuous with his bravery. The flag of his troop, "The Eutaw Flag", is held in trust by the Washington Light Infantry of Charleston, South Carolina. "Carolina", the South Carolina State Song, by Henry Timrod mentions the heroes of Eutaw Springs.

Georgia—Colonel Samuel Hammond served in the Battle of Eutaw Springs and throughout the Revolution with distinction. After the Revolution he served as a General in the Georgia Militia and represented Georgia in Congress.

Missouri—Colonel Samuel Hammond while a member of Congress from Georgia was appointed by President Thomas Jefferson, the first civil and military officer for the upper Louisiana Territory, later called the Missouri Territory. Colonel Hammond in 1820 was elected the first president of the Territorial Council of Missouri.

Kentucky—Lt. John Adair, a member of Sumter's command, fought at Eutaw Springs, served in the South Carolina Legislature and moved to Kentucky as a young man. He became a member of Congress from Kentucky as United States Senator and a Major General in the War of 1812 who fought at the Battle of the Thames in Canada and commanded the Kentucky Volunteers in the Battle of New Orleans. In 1820 he was elected Governor of Kentucky.

France—Count Malmedy of France offered his services to the American cause. In the Battle of Eutaw Springs he commanded the North Carolina Militia.

Poland—Count Thadius Kosciusko, the Engineer for Green's army, was one of the great heroes of the Revolution. A Polish patriot he fought for the cause of American independence and when victory was achieved he returned to his native land to fight to free it from its conquerors. A county in Indiana commemorates his memory; and

Whereas, of the ten men who received medals from the Continental Congress for their leadership in battle, four fought at Eutaw Springs: General Nathaniel Greene, Colonel John Eager Howard, Colonel William Washington and Lt. Colonel Henry Lee; and

Whereas, forty-five counties in twenty states commemorate heroes of the Battle of Eutaw Springs, the states being: Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Mississippi, Missouri, New York, North Carolina, Ohio, Oregon, South Carolina, Tennessee, Texas, West Virginia and Maryland; and

Whereas, the gallant courage of the men who fought at Eutaw Springs is part of our noble heritage, part of the heart and sinew of our nation; and

Whereas, the South Carolina Bicentennial Commission of the American Revolution, has passed a resolution supporting the development of a Eutaw Springs National Battlefield; and

Whereas, most of the battlefield of Eutaw Springs is open country near the Santee River, only a small part having been flooded by Lake Marion, named in honor of the famous Swamp Fox, General Francis Marion. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the General Assembly of South Carolina does hereby express its support for federal legislation providing for a Eutaw Springs National Battlefield and it does respectfully request South Carolina's Congressional Delegation to work for the implementation of such legislation.

Be it further memorialized that the Congress of the United States enact legislation providing for the Eutaw Springs National Battlefield in honor of the patriots who gave their lives in the battle and in memory of all of those who by their service and sacrifice helped win our independence as a nation and our rights as a free people.

Be it further resolved that a copy of this resolution be sent to President Richard M. Nixon; Vice President Spiro Agnew; Speaker of the United States House of Representatives, Carl Albert; the members of the South Carolina Congressional Delegation; and the members of the National Advisory Council on Historic Preservation.

THE COST OF LIVING COUNCIL—AN EXAMPLE OF GROSS INEPTITUDE

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. WHALEN. Mr. Speaker, I am not given to taking the floor to criticize operations of the Federal Government. Fully realizing that humanity is fallible, I prefer to use personal meetings, the telephone, and other means of communication to resolve problems.

But I regret to say to my colleagues, Mr. Speaker, that I have gone the last mile, not once but several times, with one agency once again, but to no avail as have my distinguished Ohio friends in the other body, Messrs. WILLIAM B. SAXBE and ROBERT TAFT, JR. We have been treated to another virtuoso display, indeed a veritable caricature, of callousness, disdain, ineptness, incompetence, and insult by the Cost of Living Council.

Last year, I contacted the Council in an effort to expedite a decision on a contract negotiated by National Cash Register Co. and a union. After an uncalled-for delay, I was advised of the decision and was told that it could be released. A few days following release, I was informed by the Council that the decision given me was not correct. Needless to say, this entire situation caused a great deal of confusion, and certainly represented the most inept handling of a routine matter.

In the present instance, I am utterly shocked at the treatment accorded, perhaps nontreatment is more precise, to representatives of the Good Samaritan Hospital, of Dayton, Ohio, and to myself, Mr. SAXBE, and Mr. TAFT in attempting to rectify the Cost of Living Council's disgraceful handling of this matter.

The hospital, almost 2 months ago, petitioned for exceptions to Cost of Living Council allowable cost and price limitations in behalf of a major construction project to replace much of the hospital's outdated facilities. No decision emanated from the Council and 1 month later, at the request of the hospital, I called the Council and requested a decision.

Three days later, on January 29, an order was issued but ineptitude ruled the day and the "decision" contributed more to the problem than its solution. The Council's letter of transmittal stated that the exceptions being sought had been granted. In fact, however, the exceptions sought were not granted. The order contained a specific limitation which only added to the difficulty at hand, with the deadline for the hospital in completing its arrangements bearing inexorably.

The Council magnanimously apologized for its mistake in the letter of transmittal, but that exceedingly gracious overture, the record shows, contributed not one iota to the substantive matter of acting on the appeal to the maladroit "decision."

The Good Samaritan Hospital was to have closed the arrangements for its revenue bond issue, backed by the full faith and credit of the city of Dayton, yesterday. Hospital representatives were in Washington last week, pleading for the additional exception. Their efforts would have been as effective had they gone to the South Pole to implore the penguins there for assistance. They were provided no help whatever in expediting the consideration of the issue, the known deadline of yesterday notwithstanding. The gentlemen returned to Washington yesterday, merely adding to the length of this exercise in futility. In brief, they have been unsuccessful in finding anyone at the Cost of Living Council who would take responsibility for the decision on their case.

Further, those individuals able to make the decision, Mr. Jamie McLean and Dr. John Dunlop, have flatly refused even to meet with Good Samaritan representatives.

Accordingly my constituents sought my help once again and learned that Members of Congress have no higher standing than citizens. To put it bluntly, Dr. Dunlop is unavailable to the legislative branch.

The action being sought by my constituents does not represent a new situation. Other hospitals under phase II have been granted this kind of exception. The point seems to be that it is being requested under phase III and therefore no one wishes to make a "policy decision."

So the Good Samaritan Hospital now may not be able to proceed with its clearly commendable purpose, that of creating needed medical facilities to improve the quality of health care in the Dayton area.

The actions of the Cost of Living Council are no less than despicable, Mr. Speaker, and the RECORD should show it.

THE SUPREME COURT DECISION ON ABORTION

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Thursday, February 22, 1973

Mr. HARTKE. Mr. President, recently I received a petition signed by 673 people from the State of Indiana. These people feel strongly about a subject of current importance, and I believe that my colleagues should learn of their views. I therefore request unanimous consent that the text of their petition be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

PETITION

From the Parents and students of Bishop Dwenger High School, Ft. Wayne, Indiana. (Parents also)

We, the undersigned do hereby agree with the following resolution:

Whereas, we the undersigned are deeply concerned in all matters that involve the lives and welfare of women, children, and the family as a whole; and

Whereas, we the undersigned feel that laws governing abortion are of tremendous importance to women and the family; and

Whereas the most authoritative scientific conclusion on when life begins, was the conclusion from the first International Conference on abortion in 1967. Approximately 60 major scientific authorities from the fields of medicine, ethics, law, and social sciences participated. Carefully chosen for their scientific knowledge and integrity, they presented a cross-section of race, religion, culture and geographic backgrounds. The medical group made up of geneticists, biochemists, physicians, professors, research scientists, etc., came to a near unanimous conclusion with one dissension.

1. "The majority of our group could find no point in time between the union of sperm and egg, or at least the blastocyst stage, and the birth of the infant at which point we could say that this was not a human life." (Blastocyst stage occurs approximately one week after fertilization, and would account for twinning.) . . . the changes occurring be-

tween implantation, a six week embryo, a six month fetus, a one-week-old child, or a mature adult are merely stages of development and maturation.

Whereas, the question of abortion is basically a human question that concerns the entire civilized society in which we live. It is not just a Catholic, or Protestant, or Jewish issue. It is a question of who lives or dies; and

Whereas, when we lose respect for and eliminate the safeguards protecting human life at any state of development, we progressively lose respect for and eliminate the safeguards protecting human life at other stages of development, be it child, teenager or adult; and

Whereas, when our Forefathers wrote "We hold these truths to be self-evident; that all men are created equal; that they are endowed by their creator with certain inalienable rights; that among these are Life, Liberty, and the pursuit of happiness", they were not only referring to the living but to future generations of Americans such as the unborn child—don't they have rights, too?

Therefore be it resolved that we, the undersigned are opposed to the recent decision of the Supreme Court of the United States on abortion and we are strongly in favor of and advise that the Congress of the United States pass an amendment to the Constitution to be ratified by ¾ of the states overriding the recent decision of the Supreme Court.

All addresses are in Ft. Wayne.

WHAT ARE THE REAL AIMS OF THE RUSSIANS?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. DERWINSKI. Mr. Speaker, as the opening sessions of the European Security Conference continue, it is useful to examine the possible objectives of the Soviet Union for the Russians have clearly been anxious for such a conference.

Mr. Stefan Korbonski, who served in the Polish Army in World War II against the Nazis, was an underground resistance leader during the war while Poland was occupied by Hitler's forces, and since then has been a leading political activist and prominent figure in Polish groups in exile, probed deeply into the matter of Russia's aims in Europe in an extensive June 3, 1972, article in Human Events. With the East-West talks still in their opening stages, the article remains timely.

Under leave to extend my remarks in the RECORD, Mr. Korbonski's article follows:

WHAT ARE THE REAL AIMS OF THE RUSSIANS?

(By Stefan Korbonski) *

Since the Soviet Union has nothing to fear from Western Europe and, on the contrary, Western Europe is endangered by the superior Warsaw Pact forces, what is the real reason for the present Soviet "peace offensive," to use Leonid Brezhnev's phrase, expressed in its demand for a speedy convocation of a European Security Conference (ESC)?

According to the program formulated by Brezhnev in October 1971 during his visit to Paris, its chief aims would be to guarantee existing frontiers, forbid interfering in the internal affairs of other states and ban the use, or the threat of the use of force.

Is there any real danger that the West European nations might encroach on existing Soviet or satellite borders, interfere in the internal affairs of the Soviet bloc or use force or the threat of force against the Soviet Union and its satellites? The present status quo in Europe has lasted in Europe for 25 years without any attempt on the part of the Western states to introduce changes of this sort.

The absence of any reaction whatsoever by Western Europe to the suppression of the Hungarian Revolution in 1956 and the invasion of Czechoslovakia in 1968 clearly indicates that Soviet Russia is the undisputed ruler of Eastern Europe, recognized as such by the countries of Western Europe if not de jure, then de facto. What is more, Soviet Russia and Poland have concluded nonaggression treaties with West Germany, which secure the borders of the westernmost satellite, East Germany, as well as Poland's western frontiers.

In a word, the Soviet Union and its satellites are not threatened by Western Europe. What, then, are the real reasons for Soviet demands for a speedy convocation of the ESC?

The answer to this question suggests a comparison to a ballistic missile with three warheads, each of which is to strike a different target.

The first is Western Europe. An ESC successful from the point of view of Soviet plans would mean, first of all, the signing by the Soviet Union and its satellites of a collective non-aggression pact with the Western European countries, with the United States and Canada, in the role of "guarantors" of some sort. A natural consequence of this pact will be the Soviet proposal that both military blocs be dissolved; i.e., NATO and the Warsaw Pact, or in any event that armaments be reduced and the number of foreign troops in the territory of Europe decreased.

The Soviet Union will probably offer concessions in order to break the deadlock over the pull-out of American troops from Western Europe. Without much risk, it can afford to agree to a formula on troop withdrawal, pulling back several of its divisions in exchange for the withdrawal of one American division across the Atlantic, some 3,000 miles.

The Soviet divisions, pulled back only 300 miles, could return to the territory vacated within a few hours through an airborne invasion. As for motorized troops, it would take but a few days.

On the other hand, the possible return of American troops would be a most complicated matter, both from the technical and political standpoints, one that presents a great many difficulties.

The Soviet Union seems to assume that the process of American troop withdrawal, once begun, will be impossible to stop, with a properly "peaceful" Soviet policy, and sooner or later all the American forces will be withdrawn from Europe. This process will be greatly accelerated by American troop withdrawal from Viet Nam, which is to be completed in 1972. Then, the pressure of American circles which have been demanding the pull-out of American troops from Viet Nam will be turned to American forces stationed in Europe. And once these troops leave Europe, they will probably never return.

The American people are so tired and disheartened by the war in Viet Nam that it is difficult to imagine a situation in which they would agree to another expedition of their troops across the Atlantic. This is what the Soviet Union is counting on—that even in the event of the return of its troops to East European countries, "at the request of their fraternal governments, to save socialism," which can easily be arranged, the United States will not send its troops to Western Europe once again. In effect, then, the ESC is to realize the well-known slogan: "Yankee go home!"

Another result of the gradual withdrawal of American forces from Western Europe will also be the gradual disintegration of NATO, which has its moral as well as military foundation in the American forces stationed in Europe. Their physical presence cannot be replaced by any treaty guarantees.

A Soviet attack on Western Europe and on the American forces stationed there would automatically place the United States in a state of war with the Soviet Union. However, despite the fact that, according to the provisions of existing treaties, an attack on a Western Europe empty of American forces would also make the United States a combatant, this would be only theoretical so long as American forces did not get into the fight. And this could prove to be doubtful, since it would involve sending troops back to Europe, a move that may not be permitted by a powerful American public opinion that most likely will be in an isolationist and antiwar mood after the end of the war in Viet Nam.

As for an American atomic attack in defense of the threatened European continent, the increasing feeling in Western Europe is that the philosophy of American governments, the difficult domestic situation and the isolationism growing as a result of the war in Viet Nam, render the United States psychologically incapable of striking the first atomic blow. There would be a chance for this if American forces were attacked in Europe together with the forces of Western European countries. After these troops pull out, no such American attack can be expected. These views, initially expressed by General Charles de Gaulle, are shared by an increasing number of people.

Under these conditions Western Europe left to its devices, cognizant of its weakness in comparison with the Soviet colossus which, besides everything else, has outflanked it by a successful maneuver in the north (bases in Finland) and in the south (Soviet fleet in the Mediterranean), will have no choice but to adopt a policy of submission toward the Soviet Union, accompanied by psychological demobilization and moral disarmament.

It is enough to look at the map. At present, militarily Western Europe may be considered an American bridgehead on the other side of the Atlantic to some extent, backed by the entire might of the United States, equal—if not superior—to Soviet military power.

After the American forces pull out, Western Europe will be only a peninsula over which will hang heavily—both militarily and politically—the immense bulk of the Euro-Asian continent controlled by Soviet Russia. Western Europe will have to bend under its very weight, and to succumb to Russia's political domination.

Thus, the first goal which lies behind the Soviet demands for an ESC will be realized. This goal is the "Finlandization," if not the "satellization" of Western Europe by peaceful means.

The second target is Eastern Europe. The lack of reaction on the part of the Western world to the suppression of the Hungarian Revolution in 1956 and the invasion of Czechoslovakia in 1968 has caused the countries of Eastern Europe to lose faith in help from the West that would restore their liberty and independence. They know that the true ruler of their countries is the Soviet Union, and not the local Communists it appoints.

The political groundwork for its domination was laid during the war at Teheran and

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*Mr. Korbonski is chairman of the Assembly of Captive European Nations. In 1939 he served as a lieutenant in the Polish army. He was taken prisoner by the Russian troops but escaped to Warsaw where he helped to organize the Polish underground movement. As chief of the underground state, he again was arrested by the Russians in 1945. After his release, he fled to the United States in 1947, fearing another arrest for his anti-Communist activity. He is the author of Fighting Warsaw, Warsaw in Chains, and Warsaw in Exile.

Yalta, where Eastern Europe was recognized to be a sphere of Soviet influence. Despite this, the nations of Eastern Europe are observing with great interest the rivalry between the two world powers with differing forms of government and ideology—the United States and Soviet Russia—and wish success to the United States with all their hearts.

To this day, even among the lowest social strata in Eastern Europe, there still persists an irrational, mystical faith in the United States, which no disillusion has been able to destroy up to now. In accordance with this belief, one day, not clearly defined, the United States, like the avenging Archangel Michael, will crush Satan—Soviet Russia. Besides, by keeping the Soviet Union in check in the international arena, the United States somewhat hampers its freedom of movement in the satellites, which fosters a certain evolution of conditions not only in these countries but even in the Soviet Union itself.

Finally, the countries of Eastern Europe consider themselves a part of Western culture and civilization, and desire increasingly close ties with the United States and Western Europe.

At any rate, they are not reconciled to their present fate, as revealed by sporadic, violent outbursts. It is enough to recall that in the largest satellite country, Poland, the following occurrences have taken place: The revolt in Poznan in the days of June 28–29, 1956, followed by street fights with the police and the army, in which about 300 people lost their lives (the official figure given was 53), and about 1,500 were wounded; student disturbances in eight university cities in March 1968, in which about 50,000 students demonstrated and clashed with the militia, later to be subjected to mass arrests, trials, convictions and expulsion from the universities; a week-long revolt of workers in Gdynia, Gdansk and Szczecin, as well as other coastal Baltic cities in December 1970, when several hundred persons lost their lives and were secretly buried by the militia in the night in unmarked places and collective graves, and several thousand were wounded (official figures: 45 dead, 1,165 wounded, of these 564 civilians, 531 functionaries of the militia and auxiliary milita, 70 officers and men).

The last outbreak was particularly dangerous for the Communist regime, since in the "nation of workers and peasants," the supposedly ruling class revolted; i.e., the shipyard and port workers. The immediate cause of the disturbances was the provocative increase of food prices on the eve of the Christmas holidays, but they did not have the characteristics of a hunger riot, since they immediately evolved into revolutionary action, during which political demands were made.

In any case, all action, regardless of why it began, takes on the character of political action if it ends in the burning of three buildings—the seats of the ruling party—and the toppling of the government.

The Soviet Union has no illusions about the true feelings of the people of Eastern Europe, and that is why one of the goals of the ECS is to secure official confirmation from the Western states that the decisions taken in the agreements concluded in Teheran and Yalta are still binding and that the West is still not interested in the fate of the people of Eastern Europe.

The conclusion of the agreements at the ESC proposed by the Soviet Union would amount to confirmation of the status quo by the Western states. It would strip the people of Eastern Europe of the last shreds of hope for changes for the better which might come from the West they idealize, since for a second time it would have turned its back on them.

In short, an ESC successful from the Soviet point of view would bury all liberation aspirations of the people of Eastern Europe. It would be followed by a drastic tightening of the reins and the liquidation of the remnants of liberal gains.

The time would also come for a reckoning with the *Ceausescu Fronde*, which the Kremlin has been forced to tolerate up to now, but to which it has never become reconciled. Rumania, confronted with the political victory of the Soviets at the ESC, would have no choice but to capitulate, while Ceausescu would share the fate of Dubcek.

After Rumania, it would be Yugoslavia's turn. In the Soviet view, Yugoslavia is an agglomerate of six nations, joined in a personal union embodied in the ruling sovereign—Tito—but torn internally by various nationalisms and by separatism.

So long as Tito is alive, the Soviet Union, which has lost a number of political skirmishes with him, will preserve its restraint. However, after his death or resignation, by playing on the existing deep-seated divisions in the country, the Soviet Union will step up its efforts to split Yugoslavia and to liquidate its independence.

Finally, the last goal of an ESC successful for the Soviets will be the arrest and liquidation of Communist China's influence in East Europe. After receiving confirmation from the Western powers of its undisputed domination over Eastern Europe, the Soviet Union would no longer feel constrained and, by means of terror and police methods, would seek to liquidate pro-Chinese factions in the local Communist parties by all available means, and also to suppress the hopes that have been stirred in the hearts of the people of East Europe by the Sino-Soviet conflict.

The Soviet Union realizes full well the tremendous political possibilities of China in East Europe and the great potential East Europe holds for China. The Soviet Union knows that as much independence from Soviet Russia as possible for the countries of East Europe is in the interest of China (in this respect, Chinese interests coincide exactly with those of the United States). The more independent these countries are, the less the Soviet Union can count on their considerable economic and military potential, the more it must concern itself with its western flank, and the less freedom of movement it has on the eastern flank, i.e., its borders with China.

If, in connection with its growing conflict with the Soviet Union, China wished to bring about an increase in opposition to the Soviets, it could easily do so by pursuing a policy that would appeal not so much to the Communist parties and their leaders, as to the national and patriotic feelings of the population of East Europe, even though it is overwhelmingly anti-Communist. China would be capable of this, since, as experience demonstrates, in Communist states ideology always gives way to national interest.

Chinese policy in East Europe up to this time has been characterized by caution and the use of half-measures. (Albania, Rumania and Yugoslavia are exceptions. The first of these countries receives full political and material backing, while the second and third get only political backing, and rather moderate at that.)

During his meeting with Japanese Socialists on July 1, 1964, Mao Tse-tung condemned the Soviet annexations in East Europe, but did not demand, either at that time or later, the return to their rightful owners. Similarly, after the invasion of Czechoslovakia, China deprecated the Brezhnev doctrine, but did not call for the withdrawal of Soviet forces from that country.

In the same way, the pro-Chinese faction of the Polish Communist party also received only partial backing from the Chinese. After the escape of its leader, Kazimierz Mijal, to Albania with the help of the Albanian Embassy in Warsaw, acting on Chinese orders, he was given access to the radio station in Tirana. From there, he spoke to his followers in Poland—until December 1970 branding Wladyslaw Gomulka, and after that date Edward Gierek, as "traitors to the working class, revisionists and Kremlin agents."

But Mijal was not invited to Peking, even though Radio Peking also broadcasts programs to Poland in the Polish language, despite the fact that from Peking he could have spoken with the additional support of Chinese authority. In this case the Chinese preferred to use Albania as their screen.

The Soviet Union is also aware that this cautious Chinese policy could be replaced by a more dynamic one, which might offer a threat to its domination in Europe.

Every political declaration of China, a nation 800-million strong, with about 4,000 miles of common border with the Soviet Union—what is more, a country that is in a state of "cold war" with the Soviet Union—now carries greater weight in East Europe than, for instance, did the one-time declarations by the United States, separated from the Soviet Union by 3,000 miles, in the period of the so-called "policy of liberation" of Secretary of State John Foster Dulles.

Chinese options run the gamut from a declaration that China does not recognize the present status quo in East Europe, but does recognize the right of the nations of this region to self-determination, all the way to demands for the withdrawal of Soviet forces and agents from East Europe and restoration of true freedom and independence to these countries.

A solemn proclamation of such policy by China, appealing not only to the Communist parties but also to the 100-million population of East Europe, despite the fact that it would be impossible to realize under present conditions, could bring East Europe to the boiling point and would lead to a tremendous increase in anti-Soviet feelings. This would have great practical implications for China, since the Soviet Union, considering the possibility of armed conflict with China, would have to take into account the atmosphere of rebellion in East Europe, which could break out into open revolt in the event of a possible Soviet entanglement in a war with China in Asia (a Soviet Viet Nam).

This atmosphere would be bound to have a moderating effect on the Soviet Union, forcing it either to grant far-reaching concessions to the East European countries, or to keep its own divisions there, since satellite forces could not be trusted. Both of these results would be in the interest of China.

Also, in case of an armed conflict with China, if the Soviet Union decided to dispatch satellite divisions to the Asian front, it would not be able to completely rely on them. The fear that these divisions might be sent to the Chinese front is becoming more prevalent in East Europe today.

The current opinion is that these divisions would be destroyed either by the Chinese, the climate, or by the Russians themselves, who are well aware of the anti-Soviet mood of, for instance, the Polish army. The memory of the Katyn forest, where the Soviets murdered 4,253 officers of the Polish army taken into Soviet captivity in 1939 and the disappearance without trace in the Soviet Union of another 10,000 officer-prisoners, the flower of the Polish intelligentsia, is still fresh in Polish minds.

Young Polish boys, escaped from Poland, have already appeared in Italy and Austria, giving as the reason for their escape the dread of service in the Polish army doomed to fight the Chinese in case of a Sino-Soviet conflict; like their grandfathers, who escaped to America in 1905 in order not to serve in the Russian army fighting the Japanese in Manchuria. History is repeating itself.

Under these conditions, a rapid liquidation of pro-Chinese factions in the Communist parties and the suppression of the people's hopes for a Sino-Soviet conflict—to be facilitated by the ESC—are of enormous importance for the Soviet Union. These hopes soared after President Nixon's visit to Peking, since in the eyes of the people of East Europe, every American-Chinese rapprochement will be directed against the Soviets, regardless of what the United States says about this.

The third target is Communist China itself. According to Soviet plans, an ESC ending with the signing of a general non-aggression pact by the countries presently forming NATO and the Warsaw Pact would indicate to China that the Soviet Union had secured its western flank and could now remove its divisions from East Europe, shifting them to the Chinese border, and that in case of an armed conflict, China could not count on the opening of a second front in Europe.

On the contrary, because of the proverbial greed of capitalist countries, the Soviet Union will be able to count on the services of the huge industrial resources of Western Europe and perhaps even the United States in case of an armed conflict with China.

According to Communist doctrine, the capitalist countries are willing to "sell the rope for their own necks" for profit—then why not arms, which are to be used by one Communist state against another?

In a word, after the Soviet Union finally settles its European affairs and, to a certain extent, in view of U.S. and Canadian participation in the ESC, also its relations with America, it will gain a great deal of freedom of movement in Asia, extremely dangerous for China.

In connection with the above, the hidden edge of an ESC successful for the Soviet Union will be directed against China. It might even be appraised by the Chinese as Soviet preparation for a strike against China. In this respect the Soviet concept of the ESC is reminiscent of the Hitler-Stalin pact of August 1939. At that time Hitler, after he had decided to attack Poland, concluded an agreement with the Soviet Union, the heart of which was a non-aggression pact. Could it be that the Soviet Union is seeking a non-aggression pact with Western Europe because it is preparing to strike at China?

For all these reasons, an ESC—in the Soviet concept—would be a serious diplomatic blow to China and could have a pronouncedly negative effect on its relations with Western Europe and the United States. Consequently, it could bring results not intended by the American and European contracting parties, and become a real trap for them.

How can this be avoided? Only by the presentation of counterproposals, since the Soviet ones will not result in true security for Europe, but will only form its fiction.

True security can only be achieved by the liquidation of the causes that threaten it. One of these is the transformation of the countries of East Europe, independent before the war, into Soviet colonies. So long as these countries do not regain their freedom and independence, there can be no question of a lasting security and peace in Europe. Therefore, to secure a lasting peace in Europe, the matter of the restoration of self-determination to the nations made captive by the Soviet Union should be placed on the ESC agenda. If the Soviet Union does not agree to this, the ESC should not take place.

Surely it is not in the interest of the Western world to repeat the mistakes made in Teheran and Yalta and to establish in Europe, if not in the whole world, a *Pax Sovietica*.

LITHUANIAN INDEPENDENCE DAY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. ADDABBO. Mr. Speaker, I am pleased to join with my colleagues in the House of Representatives in recognizing the 55th anniversary of the establishment of the Republic of Lithuania.

Each year people of Lithuanian origin and descent throughout America commemorate this event while Members of Congress take time to comment on the history and tragic denial of freedom to the Lithuanian people since the illegal occupation of that state. There are many troubled areas in the world but the basic international crime of oppression is one which must not go unprotested.

The Lithuanian experience is important as we debate the issues at the forthcoming European Security Conference and as we use our best efforts to protect the right of self-determination so basic to freedom anywhere in the world. The Lithuanian people have not lost hope for a better society and we in the United States share their desire for freedom and the right to determine their own destiny.

SELECT COMMITTEE ON CRIME

HON. BILL GUNTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. GUNTER. Mr. Speaker, I call your attention and that of my colleagues to the following editorial broadcast over WTVJ in Miami, Fla., in support of the extension of the Select Committee on Crime which is chaired by Congressman CLAUDE PEPPER. I would also like to add my personal recommendation that the Select Committee on Crime be elevated to full committee status.

The editorial broadcast follows:

"ONE CRIME WE DON'T NEED IN WASHINGTON"

Senator John Stennis is gunned down in front of his home in Washington, The Gallup Poll lists the American public's number one concern as crime.

Violence, fear, safety on the streets and in the home, is a continual concern no matter who you are or where you live.

The matter, naturally, is a concern of the Congress.

That is why the House of Representatives, back in 1969, established a special committee on crime. It is headed by Claude Pepper of Miami . . . an old hand on Capitol Hill . . . and a Congressman with vigor at the age of 72.

In its four years of work, the Pepper Committee has looked into organized crime, aerial hijacking, the nation's drug crisis and is now ready to embark on an intensive probe of street crime.

It is ready, that is, if Pepper's fellow Congressmen let him.

Select committees are temporary entities, normally funded for a two-year operation. Pepper needs at least one more year to wrap things up.

But there are forces trying to kill the committee when its current appropriation runs out a week from Wednesday.

The drug manufacturers lobby, for one, is not happy with the committee's recommendations on stiffer prescription drug controls.

Republican House leadership reportedly would just as soon see street crime revelations curtailed . . . the crime rate may not have dropped as the administration has claimed. The G.O.P. is not enthusiastic about continuing the committee's life.

There are some internal committee jurisdictional disputes with some Congressmen feeling that the Pepper Committee is stealing some of their territory and thunder.

Whether the committee gets a new lease on life may be decided next week.

Renick. We can find no good reason to kill the committee. One of its major accomplishments has been in the field of drug use in schools with a proposal that every school in the nation have a drug counselor on campus.

Now the committee is ready to turn its attention to the area of street crime . . . a subject well known to Senator Stennis and to millions of other Americans.

The committee is generating research and findings that will be helpful to law enforcement agencies, legislators and the public.

The crime now would be to skuttle the House Select Committee on Crime.

VOICE OF DEMOCRACY CONTEST

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mrs. HANSEN of Washington. Mr. Speaker, the Washington State winner in the Voice of Democracy Contest sponsored annually by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary is Miss Janet Hunke, Route 15, Box 264, Olympia. She is the daughter of Mr. and Mrs. Richard Hunke.

Her winning entry and scholarship program follow:

VOICE OF DEMOCRACY PROGRAM

(By Janet Hunke)

Quoth Epictetus in our first century A.D. "No man is free who is not master of himself." And like Epictetus, I believe freedom begins at home, within myself. But what is this freedom? Even an ideal requires a structure. Within my "House of Freedom," Epictetus establishes my foundation—to be myself. I am responsible to act according to my own principles; not values predetermined. If I am to be myself, I need to determine my own goals. Most importantly I must be honest with myself, so that honesty establishes the foundation of further relationships. For freedom is a state of liberty rather than confinement. Freedom consists of being myself.

And now that my foundation is firmly laid I need to build walls. The walls of my Freedom House are composed of bricks of respect, respect for other people. This respect prevents me from enfringing on another builder's property. The activities within my house must not threaten the rest of the neighborhood. Consequently, I am treated with consideration, and I can appreciate another person's worth. Therefore, the foundation of my house enables me to be myself, and the walls make certain my actions don't trespass on the rights of others.

All that is needed now is a roof to complete my House of Freedom. I believe my ceiling should consist of knowledge. I must be well-informed to develop insight. I should determine fact from fallacy. Yet, understanding requires constant attention. Facts, truths, and principles must be continually renewed to prevent the reins of illusion from destroying my freedom. And the strength of awareness protects against the winds of ignorance. Yes, knowledge is weather-proof, and it's vital to the maintenance of my Freedom House.

To build a house today a contract is required. My contract includes the responsibility to vote in order to express my opinions to the rest of the neighborhood. At times my neighborhood sponsors games that don't involve fair play. I'm obligated to investigate the rules of the game, and to remind the players of the importance of justice. If a member of the neighborhood discards his waste on the street, I have the responsibility to petition and restrict his actions. Some neighbors have greater or lesser wealth than myself, and I'm responsible to knock upon their doors and meet those who live inside. It's my obligation to remain informed as to the actions of my neighborhood, so that I can play an active part in its endeavors.

The day I lose care, and stop maintaining my House of Freedom, it will deteriorate, and I'll no longer have a home to live within. In the wise words of Woody Guthrie:

Freedom is the right to get together
And to work for each other instead of against each other.
And that's why
The Freedom Side
Little by Little
Little at a time
Has always won every battle
And will keep on winning—
Will keep on living
Because life is freedom
And without either one you don't need the other.
They're one and the same thing.

"MY RESPONSIBILITY TO FREEDOM": THE 26TH ANNUAL VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM, 1972–73

The Voice of Democracy Scholarship Program sponsored by the VFW and its Ladies Auxiliary is conducted annually in our nation's secondary schools during the fall term. It is a national broadcast scriptwriting program which provides an opportunity for 10th, 11th and 12th grade students in our public, private and parochial schools to think, write and speak up for freedom and democracy.

"My Responsibility to Freedom", theme for the VFW's 26th annual Voice of Democracy Scholarship Program, focuses the attention of youth on the principle that freedom is a responsibility and not a license. It calls upon the youth of America to make a personal evaluation of their responsibility in preserving our freedom heritage.

Participating students prepare and transcribe on magnetic tape a three to five minute broadcast script addressing their remarks to the theme, "My Responsibility to Freedom." At each level of judging—school, community, District, State and National—winners are selected from the evaluation of the judges using three basic criteria. These criteria and the maximum point value assigned to each are: Content, 45; Originality, 35; and Delivery, 20.

Upwards of 500,000 students from over 7,000 secondary schools participated in this year's 26th annual Voice of Democracy Program.

Each state winner receives an all-expense paid trip to Washington, D.C., March 2–7, 1973, and competes for one of five national scholarship awards provided by the VFW. The first place winner receives a $10,000 scholarship to the school of his or her choice; 2nd place, $5,000; 3rd place, $3,500; 4th place, $2,500; and 5th place, $1,500. In addition, the monetary value of scholarships and awards presented by the VFW and its Ladies Auxiliary to the winners at the Post, County, District and Department levels will be in excess of $300,000 this year.

During the five days in Washington, D.C., the state winners have an opportunity to meet their United States Senators and Representatives, visit the shrines and monuments in our nation's capital and observe firsthand the workings of our federal government.

The Voice of Democracy Program was originated by the broadcasting industry and the United States Office of Education 26 years ago, and for over a quarter of a century now it has had the continuing support of the National and State Associations of Broadcasters and Secondary School Principals. Broadcasters and Educators alike have been enthusiastic in their endorsement of the Voice of Democracy Program and have contributed generously of their time and expertise in the programs' development.

RACE RELATIONS IN THE ARMED FORCES

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. CLAY. Mr. Speaker, racial tensions aboard the aircraft carriers *Kitty Hawk* and *Constellation* and at two naval installations are not the result of permissiveness by the Navy as some would have us believe. These incidents reflect the continuing problem of racial injustice in the armed services. While some efforts have been made to secure equality for black servicemen, I think the incidents aboard these naval vessels signal just how far short we are of our goal.

In addressing itself to this great injustice, the National Council of the Churches of Christ in the U.S.A. has adopted a resolution calling for a renewed effort to improve race relations in the armed services. I commend this resolution to my colleagues.

The resolution follows:

RESOLUTION ON RACIAL TENSIONS AND VIOLENCE IN THE ARMED FORCES

(Adopted by the General Assembly December 7, 1972)

Whereas, racial tensions aboard the aircraft carriers *Kitty Hawk* and *Constellation* and at two naval installations are alleged by some to be the result of "permissiveness" by the Navy rather than conditions of racial injustice and inequality of opportunity, and

Whereas, it is unreasonable to assume that any Unit of the Armed Forces can be militarily sound or remain strong under stress if its personnel must live and work in an atmosphere of prejudice, injustice and inequality of opportunity in such matters as assignment, training, promotions and housing, and

Whereas, historically, the military services have made some significant advances in the process of desegregation, and

Whereas, the National Council of the Churches of Christ in the U.S.A. has consistently called for and supported efforts by all branches of government to assure equal opportunity and full dignity for all citizens.

Therefore, be it resolved that the General Assembly of the National Council of Churches of Christ in the U.S.A.:

1. Commends those civilian and military leaders of the Armed Forces who have restated their commitment and redoubled their efforts to achieve racial justice in the Armed Forces, at this time, most notably Admiral Zumwalt of the Navy.

2. Urges the Department of Defense, the secretaries and military commanders of the separate services, and their subordinates at all levels in the Armed Forces to give the highest priority to the identification of every vestige of racism in the military community.

THE LAST ALARM

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. BURKE of Massachusetts. Mr. Speaker, at this time I feel compelled to call to the attention of my colleagues the tremendous job being done by our Nation's firefighters, in particular, Fireman Arthur L. Ceurvels, of Quincy, Mass., who perished tragically February 1 in the line of duty. These courageous men put their lives in peril at every alarm. The sudden passing of such a brave dedicated man as Arthur Ceurvels seems only to underscore the great debt we will eternally owe these selfless men. It is indeed sad that we only find time to honor our firemen when they have made the final sacrifice. But it is truly a tribute to men like Arthur Ceurvels that they seek no great praise for their work. Perhaps that is the mark of a true man, for Arthur Ceurvels was, like so many before him, truly deserving of description as "Boston's Finest." My condolences go out to Mrs. Ceurvels, her six children, and the rest of the Ceurvels' family, upon this sad occasion. The following newsclipping accurately describes the moving final salute given to Fireman Arthur Ceurvels:

FIREFIGHTER ARTHUR CEURVELS GIVEN FINAL SALUTE IN MASS

QUINCY.—The final salute was given and the last alarm tolled at 12:40 p.m. yesterday for Boston Firefighter Arthur L. Ceurvels, 48, of Quincy, as more than 3,000 firefighters stood at attention in a quarter-mile-long, three-man-deep row on Bryant Avenue, opposite the East Milton fire station, as the cortege slowly left St. Agatha's Church, East Milton, and traveled slowly to Blue Hill Cemetery in Braintree.

The Rt. Rev. Msgr. James Keating, chaplain of the Boston Fire Department, delivered the homily for the 26-year-veteran known as Archie.

Other priests who concelebrated the funeral mass were the Rev. Fr. James Lane, chaplain of the Boston Police Department; the Rev. Fr. Leo E. Nolan of St. Ann's Church, Dorchester; the Rev. Fr. Daniel P. Hegarty of Sacred Heart Church, Roslindale; the Rev. Fr. Daniel J. Mahoney of St. Francis de Sales Church, Charlestown; the Rev. Fr. John P. Coffey, pastor of St. Augustine's Church, South Boston; the Rev. Fr. John Kelly, S.J., of St. Joseph's Church, West End; the Rev. Fr. William D. Coughlin of St. Joseph's Church, Wakefield; the Rev. Fr. Jeremiah J. Cullinane of St. Thomas More Church, Braintree, chaplain of the Associated Firefighters of Massachusetts, and the Rev. Fr. William J. O'Connor and the Rev. Fr. Martin T. Cogavin of St. Agatha's Church. Both the main sanctuary and the lower chapel of the church were filled to capacity. About 300 other firefighters stood outside the church grounds.

St. Agatha's parochial school was closed because it was the feast day of St. Agatha.

Firefighters came from Detroit, Mich., Cleveland, Ohio, Buffalo and New York City, Providence and from New Hampshire.

Howard McClennan, president, and Daniel Delagarto, secretary-treasurer of the International Association of Firefighters, were there from Washington, D.C.

Attorney General Robert H. Quinn and Secretary of Public Safety Richard E. McLaughlin were present.

Also attending were Leo Laughlin, president of the 100 Club; Newton Fire Chief and Fred Perkins, representing the Mass. Fire Chiefs Assn.; Holyoke Fire Chief William Mahoney, representing the New England Fire Chiefs Assn., Joseph Snyder, state fire marshal, and Martin Curry of the state Building Trades Council.

Other dignitaries there were Edward Sullivan, deputy mayor of Boston, Sen. Joseph Timilty, D-Boston Boston City Councillor Albert O'Neill and Quincy Mayor Walter J. Hannon.

Rep. Michael F. Flaherty, D-South Boston who filed legislation jointly with Firefighter Ceurvels, was also there.

Legislation pertaining to binding arbitration which was defeated last year by four votes was refiled this year and scheduled for a hearing in three weeks. Another bill which they jointly sponsored was an amendment to a pension bill which would provide an equal pension to the surviving minor children if the widow of a firefighter killed in the line of duty died.

Firefighter Ceurvels died Friday at Boston City Hospital. He was responding to an automobile fire at the corner of Broadway and H Streets, South Boston, when the ladder truck skidded and struck an abutment on Southampton Street, throwing him from the jump seat. The truck jackknifed and rolled over him.

Firefighter Ceurvels was instrumental in unionizing the Boston Fire Department some 20 years ago and had served as vice president and president of Local 718 of the International Association of Firefighters. At the time of his death he was president of the Associated Firefighters of Massachusetts, a post he had held for the past three years.

He is survived by his wife, Mrs. Ann L. (Hurley) Ceurvels; four sons, Arthur L. Ceurvels, Jr., Richard Ceurvels, Joseph Ceurvels, and Gerald Ceurvels, two daughters, Miss Diane L. Ceurvels, and Catherine Ceurvels.

He is also survived by his mother, Mrs. Anne (Ross) Ceurvels of Groton; five brothers Joseph Ceurvels of Walpole, a Boston firefighter; Oscar Ceurvels of Dedham, Roy Ceurvels of Abington and Robert Ceurvels of Burlington, also a Boston firefighter; and two sisters, Mrs. Dorothy McIsaac and Mrs. Muriel McMillan, both of Groton.

THE 55TH ANNIVERSARY OF ESTONIAN INDEPENDENCE

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. HUBER. Mr. Speaker, Saturday, February 24, marks the 55th anniversary of Estonia's independence. Estonia is one of the three small Baltic nations that sits unwillingly under the Soviet yoke. As in the case of Lithuania and Latvia, Estonia has been under Russian rule, except for the brief period between World War I and World War II. As with the other Baltic nations, Estonia has suffered from two Soviet and one Nazi German occupation. The United States still does not recognize the validity of the Soviet occupation of Estonia, and a legation furnishes diplomatic representation for Estonia in Washington, D.C.

Estonia, during its brief period of independence, enjoyed a unique constitution. The drafting committee for this constitution is said to have relief upon the models of Switzerland, France, and the United States for its fundamental principles. These principles, of course, do not fit the mold of the "dictatorship of the proletariat" principles as understood by the disciples of Marxism and Leninism that presently rule Estonia.

When the Red Army rolled into Estonia in 1940, it is estimated that some 60,000 Estonians were arrested and exiled to distant parts of Siberia. And this was only part of the reign of terror that ensued. From June of 1941 through October of 1944, Estonia existed as a virtual province of Nazi Germany. When the Red Army returned in 1944, whole areas of Estonia were cleared to make for settlers from other parts of the Soviet Union. This became a pattern of Sovietization of the country as the Communist Party of the U.S.S.R. sought by this means to dilute and weaken Estonian national spirit.

However, the evidence indicates, as in the case of the other Baltic nations, that national pride, and a yearning for freedom still exists in Estonia. We, in the Free world, must nourish their hope for freedom and justice and not forget them.

LITHUANIAN INDEPENDENCE

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. GUDE. Mr. Speaker, I welcome this opportunity to join with my colleagues in commemorating the 55th anniversary of the Declaration of Independence of Lithuania. At this time may we extend our warmest expression of friendship and support to the freedom-loving people of this country, which remains under illegal occupation by the Soviet Union.

Having officially declared its independence on February 16, 1918, Lithuania was promptly invaded by the Russian Red Army in 1919, yet successfully cleared its land of the invaders and enjoyed two decades of self-government between the two World Wars. However, 1940 brought further invasion and full occupation by the Soviet Union. Along with Estonia and Latvia, Lithuania was soon acclaimed a Soviet Republic.

Over these past 30 years, the Soviets have continued their illegal annexation and occupation, denying the citizens of Lithuania very basic human rights and freedom of expression. Religious persecution in Lithuania is particularly severe, where the Catholic Church has suffered various forms of discrimination.

May we take this occasion to salute the Lithuanian people in their resolve to fight for human rights and self-determination. Today the Soviets cannot suppress their aspirations for freedom, and all free nations of the world join in support of their cause. The United States has never recognized the incorporation of the Baltic States into the Soviet Union and continues this policy.

THE OLYMPICS MUST BE SAVED

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. KEMP. Mr. Speaker, the tragedy surrounding the Munich Olympics gave rise to a great deal of speculation about the inevitable demise of the Olympics. Now that the emotion of the moment has passed, concerned people can more reasonably offer their opinions on the kind of Olympic games that might best serve the tradition of sport in the years to come.

In light of the support which has arisen in the wake of the most recent Olympic ordeal, I cannot believe that the Olympics are nearing extinction. Much thought has been given to the future of the Olympics by many people, but none has demonstrated greater commitment to their continuation, with greater seriousness, than Payton Jordan, track and field coach at Stanford University, a close friend of mine and my former coach at Occidental College in Los Angeles.

Payton Jordan has committed his life to the pursuit of excellence in sport, and none can speak with greater wisdom and authority on the future of sport than he. Presently the vice president of the International Track and Field Coaches Association, he has served as head coach of the 1968 U.S.A. Olympic track and field team to Mexico City and as assistant coach of the U.S.A. Olympic track and field team to Tokyo in 1964. His 32 years as a track and field coach mark him as one of the deans in the field of sport.

Those sincerely concerned about the future of the Olympics would do well to heed his words. His wisdom and his devotion are beyond question.

He has recently written an article entitled, "The Olympics Must Be Saved," which forthrightly addresses itself to the Olympic crisis. I recommend it highly and include it at this point in the Record:

Olympics Must Be Saved

(By Payton Jordan with Stanley Wilson)

It all started over 2,000 years ago as a national festival of the Greeks, probably connected with rites paid to a deity. After being discontinued for a considerable period, they were re-established in the Ninth Century, B.C. by Iphitus, king of Elis, and Lycurgus, who were commanded by the Delphic oracle to revive the festival as a remedy for pestilence with which Greece was then afflicted. At first the festival was confined to a single day, and consisted of a simple match of runners in the stadium, which was about 200 meters long.

As the celebration grew, they were open to persons of all ranks and occupations. The only conditions were that the contestants should prove a pure Hellenic descent and of good moral character. Of highest importance, the participants took a solemn oath to contend fairly. Thus the Olympics were born.

After the Seventh Olympiad, Daicles the Messenian received for his victory in the stadium a wreath from the sacred olive tree at Olympia. This simple reward, with the honor of being proclaimed victor, was considered sufficient for everlasting glory.

A few years ago, I stood at the confluence of the Cladius and Ruphia rivers, the site of the ruins of the ancient Olympia. It was a spiritual, ethereal moment during which I fully understood the evolution of man, his role in athletics, and his relationship to all of mankind.

Through years of being a participant and a coach, I have been a small part of that evolution—I shared a piece of this world with my fellows. We shared the emotions of losses, pitfalls, embarrassment, and anguish. But through it all, we learned a treasured lesson: a great loss makes a better winner, and it is a brave man who can accept the emotional wrenching of losing. But it didn't stop there. Rather than casting fault and striking out at everything and everyone around us, we prepared for another, a better day.

Now, however, the Olympic tradition and heritage face a crisis that transcends the original intent. Blood, not glory, stains the grounds of Munich. It is blood that has become a universal nightmare. It is blood that has cast a grotesque and ominous shadow around the world.

For the first time in Olympic history, the victory stand was draped in black and the flags of 122 competing countries flew at half mast mourning the 11 Israeli dead.

The immediate responses heard around the world were not to prepare for another, a better day. They cried out against the complexities of nationalism, fanaticism, intrigue, and bureaucratic ineptness.

But the cries against the Black September terrorists overshadow controversies that began virtually from the moment the first of the 10,000 athletes, coaches, trainers, and officials arrived for the Games. Ironically, Germany's object was designed to demonstrate the changes that had occurred between the Nazi Germany of 1936 and the gracious host of 1972.

Munich Lord Mayor Dr. Hans Hocken Vogel expressed the German's labor of love on the opening day:

"Our intention is not only to build modern installations in a pleasant, parklike setting and provide faultless organization . . . Munich's actual goal is to hold a festival of peace in the spirit of the Olympic idea, characterized by understanding, reconciliation, and brotherhood among all peoples. . . ."

But it wasn't to be.

From the beginning there was strife. A number of American blacks, operating as a nameless-leaderless group, and eighteen African nations hinted they would walk out over the entry of Rhodesia. Political bickering, the imposition of gags on athletes, and charges of human rights permeated the pleasant Alpine community of Kempten.

It was claimed that the quality of some of the officiating denied competitors an honest chance; political prejudice overcame impartiality in judging; the loss by the United States basketball team to the Russians came under severe attack; Rick DeMont, 16-year-old American swimmer, was deprived of his gold medal in the 400 meters free-style after failing a drugs test, a medication he said was necessary to combat asthma; brilliant Mark Spitz enplaned home to America before the Games concluded because he is a Jew and was in fear of his life.

A feeling emerged that some countries are willing to drop out of the nationalistic race which they claim the Olympic Games have become, with political systems, rather than athletes competing.

Dr. Roger Bannister, Chairman of the Sports Council of Great Britain, was succinct in his analysis of the tending change in the role of the Olympics:

"This is inconsistent with human dignity and the concept of freedom and enjoyment which first gave rise to sport. . . ."

Avery Brundage, the 84-year-old retiring president of the International Olympic Committee, declared after the Israeli massacre:

"The Games must go on."

A multitude of athletes and coaches agrees that the Games must continue, but the disparity in procedures is wide.

"Medals aren't everything," said Clifford Buck, president of the U.S. Olympic Committee, "but I confess that I thought we'd do better. When we get home, we will have a meeting to evaluate our performance."

An Olympic participant after the games was heard to remark, "We were a big bust. We must go to Congress and have the entire U.S. Olympic Committee reconstructed."

Others in the sports field have suggested the ultimate, that the Games be dissolved.

We feel, however, that there are other answers that will return the Games to their intended purpose, will provide dignity and honor for individual athletes, will eliminate nationalistic polarization, and will furnish a once-in-a-lifetime experience for spectators.

The conclusions were arrived at because for the first time it was my privilege to view the Games as a spectator and evaluator, not as a critic or a participant. Rather, it was the view of one who sees the values of the Olympic movement. These values are not isolated, but encompass all nations, their participants, and their citizens. For the world community, the Olympics must be saved.

In the first instance, we view with abhorrence the violence that occurred at the Games. However, it is the madness of society, not the madness of this particular Olympics. It was the act of a maverick fringe that would turn the wholesome people of the world against each other.

In just sixteen days, we saw the good and the bad mirrored before the eyes of the world. But we do not necessarily believe that imperfections should prevent forward progress. Rather, now is the time to stand back in the meadow and look at the forest rather than the trees. Learning, rather than rhetoric, must come from unwholesome and despicable experiences. The Olympics still have so much more to offer humanity than anything yet devised by man. This is separate from religious beliefs, but the two have a kinship. We would be guilty of a grave error if we lost sight of our Maker, who guards us and gives us strength. The ancient Greeks paid tribute to their deity as they competed. We believe that today's Olympic competitor cannot participate without paying similar homage.

With this interrelationship of the spiritual and the physical, combined with common endeavor, this should be a moment in history when we not only can save the spirit of the Olympics but improve upon them and make them of even greater importance and significance for the participants and the citizens of the world.

What are the steps that would lead to this rejuvenation of the true Olympian purpose? In the first instance, nationalism must be minimized. We concede that certain athletes always will represent certain countries. However, resentment often occurs when a particular country dominates and its national anthem is repeated until its notes become an irritant rather than a tribute. We would suggest that an official Olympic fanfare be played as the appropriate medals are placed over the victors' heads. This would represent the ultimate moment of honoring a champion who has competed against his peers rather than against a representative of a specific nation. It would represent the glory of man against man instead of glorifying nationalistic interests. If nations wished to honor individual efforts within the context of nationalism, appropriate ceremonies could take place within the specific nations' Olympic compounds or when the team members return to their respective homelands.

This method of honoring man against man would point up the basic tenet of sports: responsibility of an athlete to himself, to his team-mates, and to his country. Failing to recognize and shoulder responsibility too long has been a failure of society. Man and athlete must be given the opportunity to achieve according to his own genius. Man and athlete each faces one or more moments of responsibility; however, that moment must be preceded by training, respect for authority, guidance, and self or imposed discipline. When applied to an athlete, discipline provides a reinforcement that permits the competitor to reach heights that once were foreign to him.

The elimination of scoring points and listing medals won by nations would enhance appreciably this head-to-head competition and reward. This element most probably would be extremely difficult to control. However, an appeal must be made to all who are represented at the Olympics—athletes, coaches, spectators, and especially the press. It is a large order, we concede; however, in the interest of fairness there is simplistic logic. For example, Finland has a population of approximately five million persons, only a handful more than the largest cities in the world. Should athletes from Finland be required to compete in every event and be expected to compile points comparable to the United States or Russia? We would rather the Finns, and others similar to them be honored for their participation and excellence, however small in numbers they might be. We feel strongly that individual honor would do much toward eliminating the political implications of the games. We must recognize that winning is that pinnacle for which we strive as individuals and nations; however, we must educate ourselves and others that striving is as important as winning, and participation has equal meaning and value. This would require a rebirth of the symbol of oneness of athletic purpose rather than a fragmentation of people, ideals, an opening of old wounds, or creation of new hurts and misunderstandings.

We have seen clearly that officiating suffers from a basic ineffectiveness. It is our considered judgment that the host nation should assume the entire responsibility of judging events. We believe that it would aid in avoiding sectional evaluation for national or political reasons. The responsibility to be fair and detached would be of greater magnitude if it were placed squarely on the shoulders of the host nation. We submit that this suggestion is open to argument; however, we are reaching for solutions that will place competition on a positive, objective footing.

The foregoing are individual considerations that could be expanded to other appropriate areas. But what are the answers to those who cry that the Games have burgeoned to the point that they no longer are able to accomplish their original intent?

Our studied recommendation is that the time is ripe for a change in the basic format of the Olympic organization. The present size and numbers of participants are much too large and cumbersome for feasible, efficient operation. The preparation and presentation of the Games as they now are conducted are exorbitantly expensive and either discourage or prevent some countries from sending participants to the Games. If nothing else, the smaller, less affluent nations cannot afford to fund and sponsor the Games and enjoy the privilege of hosting the event.

To make it possible that all peoples of the world can share in the thrills, drama, sporting excellence, and ideals of the Olympiad, we propose that the present form be discarded and restructured into four major blocks;

1. Track and field, swimming, and aquatics;

2. Boating, sailing, canoeing, rough water boating, shell boat racing;

3. Combative and skill events, including gymnastics, boxing, wrestling, fencing,

marksmanship, weight lifting, equestrian, and other related sports;

4. Team events such as soccer, basketball, field hockey, and volleyball. There may be more compatible groupings; this is merely a sample.

We also recommend that each block be held in a specific year with four year cycles, thus preserving the historic four year interval. Therefore, if track and field events were held in the first year, they would be conducted again in the fifth year of the cycle.

It would be advantageous in many respects. Each block of activities could be held in a different country. Thus, virtually any country in the world would have the opportunity and funds to sponsor an Olympic Spectacle. A yearly, block-type Games would permit spectators an opportunity to view the contests of their choice. It would telescope the Games into a focal point and all spectators could enjoy each event. As it now is conducted, it is physically impossible for a spectator to view more than a limited number of events.

Additionally, this procedure would eliminate massive numbers of administrative officials, athletes, coaches, press coverage, and growing lists of dignitaries. This abundance of participants has tended to create congestion and ill will that frequently has placed a damper on the true spirit of the Olympics. Conversely, it would enhance the true Olympian spirit and the leadership that is needed by the International Olympic Committee.

Further, it would provide greater autonomy and leadership for the individual blocks or event units. With few exceptions, the Games have been conducted in large, financially-powerful nations that had the resources to construct multi-million dollar stadiums and complexes. All too often these athletic facilities have become white elephants, seldom used in their entirety once the Games were concluded.

Restructuring the Games in cycles of smaller scale would allow citizens of less affluency to share with the world family their culture, their heritage, and point to their progress and contribution to mankind.

This is our proposal because the Games *must be saved*. Perhaps it is just an ideal, but without ideals and dreams, what do we have left?

LITHUANIAN INDEPENDENCE

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. ARENDS. Mr. Speaker, on behalf of all Americans of Lithuanian origin and descent, I would like to pay special tribute to the celebration on February 16 of the 55th anniversary of the establishment of the Republic of Lithuania in 1918.

We, as Americans, are a free people. One of our most cherished beliefs is the fundamental right of every people to self-determination. Historically, we have translated that belief into a firm commitment to allow small nations to remain free from the tyrannies of larger and more powerful neighbors.

In response to this 55th anniversary of Lithuanian independence, let us assure the oppressed people of Lithuania—and their descendants in this country—that we have not forgotten them, or the heartaches and suffering which they have endured since they were subjugated to the Communist rule of Moscow. We salute the proud people of Lithuania and the remarkable spiritual and ethnic strength which sustains them to his day.

Because we cherish so dearly our own freedom as Americans, let us all pray for strengthening the hope which the people of Lithuania hold for an ultimate return to freedom.

TRIBUTE TO FORMER CONGRESSMAN MILES C. ALLGOOD, OF MENTONE, ALA.

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. BEVILL. Mr. Speaker, occasionally we in America are blessed with the services of men, who by their vision, hard work, and love of country, leave a valuable legacy for future generations. Such a man is Miles C. Allgood, of Mentone, Ala., who served in the U.S. House of Representatives from 1922 until 1934.

It is my distinct pleasure to report to you that Miles is celebrating his 95th birthday today and sends his regards to everyone here.

Often, Mr. Speaker, we tend to forget the work of dedicated public servants. I think it is good for us to stop from time to time and say thank you to these individuals.

I would like to have placed in the CONGRESSIONAL RECORD a statement prepared by Congressman Allgood depicting a few of the highlights of his career.

The statement follows:

RECOLLECTIONS

(By Miles C. Allgood)

MENTONE, ALA.—I will be ninety-five years of age on February 22, 1973 and have lived to be the oldest Representative in Congress from the State of Alabama. I have had an interesting and eventful life.

I taught school at the age of eighteen. I broke the record at State Normal College (now Florence State University) by completing a thirty six months course in Advanced Teacher Training in fifteen months. I am the oldest graduate of that fine University.

As chairman of the Irrigation and Reclamation Committee, I sponsored and helped secure legislation to develop the hydro-electric power on the mighty Tennessee, the turbulent Colorado, and the great Columbia Rivers. These great rivers generate enormous amounts of power and electricity. They also irrigate and make productive more than two million acres of desert land.

When President Franklin Roosevelt was elected, I visited him in Warm Springs, Georgia. During the interview he stated, "I see you have been a State Farm Agent and Commissioner of Agriculture of Alabama. The economic condition of the farmers, especially Southern farmers is bad. I want to do something to help them. With your experience, you should be able to tell me something to do."

I told him that Muscle Shoals, Alabama on the Tennessee River was built as a war project in World War I to furnish munitions in time of war and electricity and fertilizer in time of peace. I told him that we had been at peace for fifteen years and not a kilowatt of electricity or a sack of fertilizer had been produced. His secretary took this information down in shorthand.

The following January I received a long distance call from New York. I was advised by the President that he wanted me to go with him on a special train to Alabama to see the property that I had told him about, and asked me to give him the names of the Congressmen who were interested in that development.

I rode with him in his private car to inspect Muscle Shoals. The main result of that visit was the passage of the Tennessee Valley Authority Bill which has brought general prosperity throughout the Tennessee Valley.

In 1930, the Irrigation and Reclamation Committee was invited by the Chamber of Commerce of the State of Washington and the Chambers of Commerce of some other Northwestern States to visit their areas.

The development of the Columbia River had been before Congress for a quarter of a century. One plan was to build a dam at Grand Coulee Falls. The other plan advocated by Representative Smith of Idaho, was to dig a canal for sixty miles from lakes in Idaho to bring water for desert lands in the State of Washington.

Our Committee spoke at Grand Coulee to some twelve to fifteen thousand people. I was the last to speak. None of the Congressmen had recommended either of the plans. We were on the bank of the Columbia and I threw my hand out toward the river and said, "Here is the place to build a dam to furnish water to irrigate a million acres and to produce enormous quantities of hydroelectric power." I recieved awild, shouting ovation.

We returned to Washington and secured the first appropriation to build the Grand Coulee Dam which now irrigates over a million acres of land.

The Hoover Dam on the Colorado River had been built for many years but was not used until I became chairman of the Irrigation and Reclamation Committee and secured the passage of the Hoover Dam Bill. It required a third of a century to complete the development of these great rivers. This development has brought the vast improvement of natural resources amounting to millions of dollars annually, and brought wealth to millions of people. These projects will continue to be a benefit and a blessing to mankind as long as these waters flow on to the sea.

MAUREEN CARROLL, JOSEPH COSENTINO, PRESIDENTIAL CLASSROOM FOR YOUNG AMERICANS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, it is fashionable in some quarters to criticize young Americans in general. Perhaps some are worthy of this criticism, but for every bad apple there are hundreds of wonderful decent youngsters who are a living example of what is right with America.

In this latter category, I would like to single out Maureen Carroll, 17, a senior at St. Aloysius School in Jersey City, and Joseph Cosentino, also 17, a senior at Memorial High School, West New York, N.J., who are in Washington this week learning about government firsthand as part of the program Presidential Classroom for Young Americans. I met Maureen and Joe in my office yesterday and I must say they impressed me as being bright and able young people with a serious attitude toward their schoolwork and their communities. I would like to point them out to all my colleagues in this House as typifying the best of our young people. Their work in school and their desire to seek higher education to prepare themselves for life's challenges reflect favorably upon their parents, Mr. and Mrs. James V. Carroll, of Jersey City, and Mrs. Joseph Cosentino, of West New York, and their school principals, Sister Rita Walsh and Mr. John C. Cendo. I am proud of them and I would like to share my pride with all Members of this House and all who read the RECORD.

PREVENTION OF CRUELTY TO ANIMALS LEGISLATION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. WALDIE. Mr. Speaker, today I am reintroducing legislation which would prohibit Federal financial assistance to State or local educational agencies which permit primary or secondary students within their jurisdiction to conduct experiments with live animals.

I hope that my fellow Members will lend their support to this legislation and that action will be taken to prevent the cruel treatment of animals.

The text of the bill follows:

H.R. 4685

A bill to discourage experimentation on animals by elementary and secondary school children

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DECLARATION OF POLICY. (a) It is hereby declared to be the public policy of the United States that the needless suffering or killing of animals at the hands of or for use by elementary and secondary school children for surgical, scientific, quasi-scientific, medical and quasi-medical experimentations on such animals in the name of science, is brutalizing to these children and should be discouraged.

(b) The Congress finds that there exists other sufficient means by which young school children can be stimulated to pursue scientific and medical interests. And further, the Congress finds that the above public policy is in conformity with the established public policy to prohibit inhumane treatment to and the needless suffering and death of animals within the jurisdiction of the United States.

SEC. 2. DEFINITIONS. For the purpose of this Act, "animal" shall mean any live vertebrate animal or dead vertebrate animal which has been killed and collected for such experimentation.

SEC. 3. ENCOURAGEMENT OF ALTERNATIVE METHODS TO LIVE EXPERIMENTATION. (a) Consequently, the Secretary of Health, Education and Welfare shall encourage the use of illustrations, models, manuals, films and other alternative methods to live experimentation in the furtherance of stimulating medical and scientific interest in elementary and secondary schools.

(b) The Secretary shall take such necessary steps and expend such funds as necessary in the furtherance of the policy of this Act.

SEC. 4. The prohibition of Federal financial assistance for State or local educational agencies which permit primary or secondary students within their jurisdiction to conduct experiments with live animals.

No Federal assistance may be provided after the date of the enactment of this Act to any State or local educational agency which the Secretary of Health, Education, and Welfare determines permits students enrolled in primary and secondary schools under its jurisdiction to experiment with live animals or encourage students to perform such experiments. The Secretary of HEW shall, by regulation, prescribe procedures for review of his determinations under the preceding sentence and such other procedures as he considers necessary to carry out the purposes of this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS. There are authorized to be appropriated for the fiscal year in which this title is enacted and for the next four fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such year shall not exceed $100,000.

SEC. 6. EFFECTIVE DATE. The provisions of this Act shall become effective one year after the date of its enactment.

ABDNOR SPEAKS OUT ON WHEAT CERTIFICATES AND THE "BREAD TAX"

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. ABDNOR. Mr. Speaker, the milling and baking industry has launched an effort to transfer about $400 million of their costs to the Federal Treasury. This effort comes on the heels of past and continuing appeals under phase II and III to increase the price of bread to consumers. Their requests to increase bread prices have reached only limited success for two reasons, first, the smaller bakeries are exempt from controls; second, larger bakeries must be exempted from profit margins before they could put a price increase into effect and this exemption has not been granted.

The milling and baking industry has formulated a self-interest group called the "Wheat Users Committee." The committee's main objective is in trying an end run around phase III controls.

Their objective is to change the domestic wheat certificate part of farm programs for all costs to come from the U.S. Treasury. This would relieve them of a 75-cent per bushel fee on each bushel of wheat purchased for human consumption. This fee referred to by the Wheat Users Committee as a "bread tax" is then treated as part of their product cost and passed directly to the baker or other purchasers of flour, and subsequently on to the consumer.

The method of collection is nothing new as a certificate for domestically consumed wheat began developing in 1963. Congress in an effort to maintain U.S. producer income and still be competitive in world markets developed a two price system for wheat. Wheat at that time carried a price support or Government loan value of $2 per bushel. Price support by Congress was then divided into two parts: A price support loan of $1.25 per bushel and a certificate of 75 cents to be paid to wheat producers for their share of the domestic market.

Cash wheat prices then settled at or near the new loan level of $1.25 per bushel; a 75-cent per bushel drop. The price to U.S. consumers did not change as their total cost still remained at $2 per bushel. A $1.25 market price and 75 cent certificate. The program change did not then directly affect the consumer and producer. Indirectly the new two-price system was of great significance. You will remember that in the late sixties we had huge surpluses of grain with storage payments running about $1 million a day directly from the U.S. Treasury. By reducing the cash market price this made wheat competitive in nonfood use markets within the United States and in all world markets.

The system worked effectively to reduce surplus stocks. It also gave the U.S. producer an opportunity to earn a higher income in the marketplace so he could live at a financially comparative level with the nonagricultural population of the United States and still compete with producers of other countries where the cost of production and the standard of living are much lower.

In the 1965 Farm Act and the Agriculture Act of 1970 Congress changed the total certificate value to a sliding scale known as a "parity formula." The basic 75-cent certificate was not changed, it still came from the marketplace, but the total value went up to reflect increased cost of production supplies and the cost of living. The increased certificate value over 75 cents came from the Treasury. This left U.S. consumer costs the same, and still allowed U.S. wheat producers to compete with producers in countries with lower standards of living.

It should be pointed out here that the two-price system reflects a higher return per bushel on only about one out of three bushels produced in the current year and about one out of four next year as production is expanded.

The program has been generally successful. We have reduced huge surpluses of wheat while still maintaining a highly efficient agriculture. Adequate supplies of wheat have been maintained at all times for U.S. domestic consumption while still responding to increased world demand.

I find it personally difficult to criticize the program even in the face of consumer reactions directed in this instance by the milling and baking people. I realize fully the concern of consumers over rising costs. I realize the immediate concern of bakers. I also realize, most personally, the need of growers.

It is for this reason I oppose legislation to change the domestic wheat certificate formula in the last year of the Agriculture Act of 1970 especially since hearings have already been scheduled in possible replacement legislation.

The Senate Committee on Agriculture and Forestry has scheduled hearings to begin February 27, continuing on February 28, March 1 and 2, 8 and 9. The House Committee on Agriculture has not scheduled hearings yet but an announcement on hearings is expected any day.

Farmers, consumers, millers, and bakers will have the opportunity to testify. In a timely and logical manner the committee and Congress can decide the total farm program issue on its merits of total national interest.

LAIRD'S "OUTSTANDING RECORD" AS SECRETARY OF DEFENSE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, of the many fine tributes paid to Mel Laird, I am sure he was most gratified by a recent article in the Milwaukee Journal. John W. Kole, of the Journal's Washington Bureau, echoed the sentiments of many of Mel's former colleagues in the House when he said:

> Laird probably will be remembered as the man who presided over the nation's defenses when America's longest military involvement finally was ended, when a widely criticized draft system was ended after more than three decades, and when military forces were cut by a third—from 3.5 million to 2.3 million.
>
> In fact, of the 10 men who have served as defense secretary since the position was created in 1947, Laird may well have the most outstanding record of all.

The text of the article follows:

LAIRD WAS A SKILLFUL POLITICIAN AS SECRETARY OF DEFENSE

(By John W. Kole)

WASHINGTON, D.C.—When Henry Kissinger, President Nixon's international negotiator, left for Paris 13 days ago to initial the long awaited settlement to the Vietnam War, he had a parting tribute for Defense Secretary Melvin R. Laird.

"If it hadn't been for your work," Kissinger told Laird, "I would not be leaving this morning to initial this agreement."

In an interview that afternoon, Laird described with great relief his plans to take three months off as his four years in one of the world's toughest jobs drew to an end.

The Vietnam settlement was the capstone of Laird's four years.

OUTSTANDING RECORD

Laird probably will be remembered as the man who presided over the nation's defenses when America's longest military involvement finally was ended, when a widely criticized draft system was ended after more than three decades and when military forces were cut by a third—from 3.5 million to 2.3 million.

In fact, of the 10 men who have served as defense secretary since the position was created in 1947, Laird may well have the most outstanding record of all.

Robert S. McNamara, who served from 1961 until he left in frustration and bitterness in early 1968, probably was a more brilliant innovator, with a grand design for exercising civilian control with computers and systems analysts.

But McNamara's record is clouded by the escalation in Vietnam.

MANY JOB OFFERS

Now 50, Laird has called the job that he gave up last week to former Welfare Secretary Elliot Richardson "a political graveyard." He says he will not make up his mind for at least 90 days on the offers made to him by the business world, the academic community and Nixon himself, who wants him to stay in government.

Also, Laird is a political man and may not be able to resist a re-entry into the old arena.

For 22 years, including 6 in the Wisconsin Senate and 16 in the U.S. House, Laird was one of the most skillful politicians operating anywhere.

Testifying to Laird's political astuteness was the fact that little more than two months after he took over the Pentagon, his 7th District seat was won by a Democrat, David R. Obey, who has since won by margins exceeding even those of Laird.

Many Wisconsin Republican leaders believe he is their strongest potential candidate against Gov. Lucey next year, and they are making strenuous efforts to commit Laird to the race.

Laird's political instincts told him that the war was a political disaster and, from 1969 on, he worked to persuade Nixon that it must be ended as soon as possible.

This often put him at odds with the military chiefs under him, and sometimes with Nixon himself, who insisted that an honorable peace was the only one that would last.

Laird's longstanding friendship with Nixon brought hostility from the White House palace guard.

OPPOSED CAMBODIA

He did not always win his case with Nixon. In May, 1970, for example, Nixon ordered the invasion of Cambodia over Laird's advice to the contrary.

As usual, Laird's political judgment was superb. The Cambodian invasion was followed by some of the severest antiwar protests of Nixon's first term.

"I thought the South Vietnamese could do it without American troops," Laird said of the Cambodian invasion in an interview last week. "But the president took the advice of the Joint Chief (of Staff) who said that American involvement was more likely to insure success."

Although Laird has not said so publicly and declined to comment on the point during the interview, there have been reports that he opposed the heavy bombing that Nixon ordered on North Vietnam last May and again in December.

Throughout President Lyndon Johnson's escalation of the conflict, Laird advocated a reduced manpower commitment by the United States and extensive use of American air and sea power.

This was the policy that he recommended to Nixon, along with preparing the South Vietnamese to defend themselves.

SUSPICIOUS OF USSR

Laird long has harbored a deep suspicion of the Soviet Union. Throughout his congressional career he was inclined to warn of what he darkly described as the "threat from world communism." This was akin to Nixon's anti-Communist philosophy while he was a senator and vice president in the early 1950s.

Laird carried his suspicion of Russia into the Pentagon with him. His first big splash on national television was in arguing for a missile defense system before a hostile Senate foreign relations subcommittee.

"With the large tonnage the Soviets have they are going for our missiles and they are going for a first strike capability," Laird told the subcommittee. "There is no question about that."

Laird's judgment of the nuclear balance of terror was contradicted by experts in the U.S. Central Intelligence Agency. Laird's mother, Mrs. Helen Laird of Marshfield, was a bit shocked.

"Melvin, you're scaring people," she told him.

Laird and his supporters insist that this hard line approach on the antiballistic missile (ABM) and other weapons systems was necessary to achieve the arms limitation agreement signed by the United States and the Soviet Union last spring. But there are many dissenters.

Last week, for example, Herbert Scoville Jr., former deputy director of the CIA and former assistant director of the Arms Control and Disarmament Agency, contended that "Laird . . . has acted to destroy the credibility of our deterrent."

ATTACKED BY M'GOVERN

Last Monday, when Nixon sent his fiscal 1974 budget to Congress, he asked $81.1 billion for defense, an increase of $4.6 billion, and projected a similar increase for fiscal 1975.

Both Nixon and Laird point out that national defense now takes about 30% of the federal budget, compared with 47% for Social Security, education, health, veterans and welfare programs. Those two figures are just the reverse of figures for 1968.

Last summer, Laird reinforced his image as the most political defense secretary when he engaged actively in a campaign to discredit Sen. George McGovern's plan to reduce American military expenditures by $30 billion by fiscal 1975.

Contending that it would mean the "white flag of surrender," Laird constantly ripped into the program in congressional appearances, press conferences and speeches throughout the country.

Laird's critics were stunned by his assertion that the arms control agreement with Russia would mean higher, instead of lower, defense outlays.

WEAPONS COSTS UP

But Laird had an answer for these critics, too. He said increased expenditures for weapons, construction, research and development were due to inflation.

Laird worked hard as defense secretary to institute new procedures that would bring escalating costs of weapons contracts under some control. However, there is no clear evidence that they will work.

GOLDWATER DISAPPOINTED

Sen. Barry Goldwater (R-Ariz.), a close friend of Laird, indicated that he was disappointed that the secretary had not overcome the problem of increased weapons costs. Goldwater criticized the development of three different fleets of planes for the close support of ground troops.

In the view of many defense experts, Laird allowed many of his military commanders the weapons that they wanted so he could push through his manpower cutbacks.

Whatever the criticism, Laird is proud of his record and thinks it will stand up when historians review it in future years. However, the job has been excruciatingly tough.

"You don't go through many nights without getting up in the middle of the night," he said. "With the Vietnam situation, with the time being just reversed from Washington, this has been a 24 hour a day job.

Over the next several weeks, as Laird and his wife, Barbara, relax in Wisconsin and on an island off the coast of Florida, they will ponder their future. Some believe that Laird could try for the Republican presidential nomination in 1976.

But Laird rejects this speculation: "The presidency and the secretary of defense are two jobs that I would rule out right now."

THE MOOD OF PEACE

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. SPENCE. Mr. Speaker, many of us have observed that the most vocal critics of our involvement in the war in Southeast Asia have been somewhat less than ecstatic over our disengagement from that conflict and the return of our prisoners. In fact, as a leading broadcaster wrote me a few days ago, watching them leads one to conclude "that the arrival of peace disappointed them more than the war itself."

One of our most learned and respected journalists, Vermont Royster, editor of the Wall Street Journal, chose this situation as the subject of a recent editorial which he entitled "The Mood of Peace." It appeared in the Journal of January 31, 1973. I commend Mr. Royster's timely remarks to my colleagues and to every American citizen:

THINKING THINGS OVER: THE MOOD OF PEACE

(By Vermont Royster)

So it is over. Or let us hope so. The American fighting in that long, tragic war in Vietnam.

The bombing has stopped. Our soldiers are on their way home from the battleground. Our prisoners of war are being released. For a little time, anyway, the guns of war are silenced.

And yet the rejoicing has been muted. More strangely, in some places among some people, even grudging.

We have heard the rejoicing among those who but for the cease-fire would have seen their sons going off to Vietnam, among those who these long years have waited for husbands and fathers to come home from prison camps; theirs the pent-up tears of relief and joy. But less rejoicing, curiously, from many who clamored loudest for the war to end on any terms whatever.

After President Nixon spoke to us that evening telling us that at long last a peace agreement had been reached, I flipped my television dial from network to network. I thought to find somewhere a commentator who would cry "Hallelujah!" If there was such, I somehow missed him.

On one network the newsmen were so stunned they seemed unable to come up with that instant analysis for which they are so famous although they had known the whole day long the substance of what the President would say. On another, the gloom was so thick you could cut it with a knife; long drawn faces suggesting they did not know now what terrible things portended after the peace. So it went; the calling up of the difficulties, the doubts, the problems unresolved, as if the future looked darker than the day before.

Then I listened to the questions fired at Henry Kissinger in that remarkable press conference. When he had finished his hour's detailed accounting of what had been accomplished and what had not, some questioners seemed almost desperately searching for Catch 22. That is, some place where Mr. Kissinger or the President had blundered, some weak spot in the agreement to bolster prophecies that it would all fall apart.

Next, to the newspaper editorials and commentators. Here I did find more variety among those I was able to read, a more widespread mingling of relief and gratitude.

The Washington Post hailed the peace as a "time for giving thanks," and though a critic of President Nixon gave him generous credit for that day of thanksgiving. In Tulsa, in Birmingham, in Minneapolis, in Los Angeles the peace was welcomed even among newspapers thinking the war itself a tragedy. Some, like the Boston Globe, were moved to thank the President for his "perseverance in getting us out."

But neither thankfulness nor gratitude was the universal welcome to the peace. The New York Times, a critic of the President, was a critic skill; it offered an editorial of praise for Henry Kissinger, none for Mr. Nixon, as if the one were independent of the other.

For the St. Louis Post-Dispatch the moment of peace was marred by recalling "Mr. Nixon's shameful act," his "monstrous deed" of bombing North Vietnam, whether or not it contributed to Hanoi's final agreement. That paper found no merit in the chance South Vietnam may now have of preserving its independence; "the honorable course would have been to let the Vietnamese alone; saving that, to have withdrawn years ago."

Meanwhile, the hosannas from the Fulbrights and the McGoverns over the arrival of peace were—well, let us say restrained. They were among those wanting the war ended long ago, unilaterally, at whatever price. That in the end the settlement was a little better than that, achieving some concessions from Hanoi we never thought we'd get, all that seems to have brought no joy to their hearts.

Elsewhere I listened for but heard of no gathering of the once noisy war-protesters having their joyous, swinging celebrations that the peace they sought has come at last. They seem to have slipped quietly away with the mood of those suddenly bereft of a cause.

It's sad to say, but the impression is left—unjustly, I fervently hope—that there are those who would be happier with a shattered peace than a peace that lasts. A peace that lasts would have to be credited to Richard Nixon, to the slow, patient, tough policy of those past four years. A peace that crumbles would put him once again in the dock for pillorying.

A peace that crumbles would also show the perception of those who, rising above such simple emotions as relief, warn us now of the hidden dangers in this provision or that in the agreement, who remind us that all of Indochina is still unstable, that Saigon is weak, that Hanoi is determined, that all is fragile. A failed peace would prove them prescient.

Anyway, a strange mood indeed, I suppose some of it inevitable. World War I ended with the illusion that the world had been made safe for democracy. Even World War II, ending with a bang, could spur riotous celebration, for that time surely with all our enemies confounded, it seemed a peace that could last. This time the ten, long, weary years of war dribble to an end and there are no illusions left.

This time, too, there is the difference that the whole nation was not involved in the suffering of war. Those who died in Vietnam seemed chosen by a capricious fate; at home most of the nation went its way in undisturbed prosperity. The horrors of war were there but abstract, fleeting pictures on a TV tube. For most Americans their lives this week are no different from last week.

Yet for all that, some of the reaction was strange indeed. Not merely subdued, as befits the occasion. Not merely one of caution against euphoria. From some of what I read and heard I might have supposed—had I not known otherwise—that the peace that comes was thought as bad as the war that was.

As for myself, I too know that this is a peace without victory. I know well that it is a fragile peace. But after four wars in my lifetime I know that every peace is fragile and yet a little peace is better than none. So I, for one, rejoice. And for this little peace say, "Thanks be to God."

RETURN OF KANSAS POW'S

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. SHRIVER. Mr. Speaker, all Americans have rejoiced over the return to U.S. soil of the first prisoners of war from Vietnam. We share the joy of these heroes and their families, and hope they will experience a speedy return to a normal way of life. We now look forward to the exchange of the balance of those men who are prisoners in Vietnam as prescribed by the peace agreement. In addition, we must continue to insist upon a complete accounting of those who remain missing in action.

It is a privilege to join in welcoming home four of our men who are native Kansans or who now reside in the Sunflower State.

Capt. John G. Dunn, U.S. Army, a native of Hutchinson which is in my congressional district, was in the first group of prisoners released. Captain Dunn was held prisoner by the Vietcong since March 18, 1968. He was greeted at Fort Knox, Ky., last week by his wife, Linda, and his parents, Mr. and Mrs. Harry Dunn of Hutchinson. Today is Captain Dunn's 30th birthday, and we take this opportunity to extend a happy birthday to him on what must be his most memorable birthday celebration.

I also would like to pay tribute to Maj. Charles G. Boyd, a native of Iowa, U.S. Air Force, who has made his home in Wichita with his wife, Millicent. Major Boyd was a prisoner of North Vietnam from April 22, 1966.

We welcome the return of Lt. Col. William H. Means, Jr., U.S. Air Force, of Topeka, who was a prisoner in North Vietnam since July 20, 1966, and Lt. Comdr. Joseph C. Plumb, U.S. Navy, of Mission, who was a prisoner in North Vietnam since May 19, 1967.

Under the leave to extend my remarks in the RECORD, I include an excellent editorial from the Hutchinson News which expresses the feelings and wishes of those of us from the Kansas Fourth District over the return of Captain Dunn. I also include a wire service report on a thoughtful gesture by Major Boyd upon his return from captivity:

[From the Hutchinson (Kans.) News]

CAPT. DUNN ARRIVES

Johnny came marching off the big Prisoner of War plane Monday.

Capt. John Dunn of Hutchinson.

His arrival in America was a beautiful moment for his parents here, Mr. and Mrs. Harry Dunn, who never gave up hope during the long and torturous ordeal of having a son at the mercy of an enemy.

There were some dark days.

Dunn, an Army advisor to the South Vietnamese, was captured March 18, 1968, meaning he lived nearly five years as a prisoner of war. Hopes for release have risen and fallen with each new diplomatic twist, and each new heart beat of a war that defied pattern and substance.

With the last-minute snag Sunday night, there was even a doubt that Capt. Dunn would be home in time to celebrate his 30th birthday, which is the 22nd of this month.

But the dream came true.

Hutchinson's message to John Dunn is welcome home, happy birthday, and God speed in your return to a normal life.

[From the Wichita (Kans.) Beacon]

WICHITA POW COURIER FOR LEFT-BEHIND

MERRIAM, KANS.—Mrs. Susan Mastin received an unexpected Valentine's Day present, a dozen red roses from her husband, a prisoner of war at a camp near Hanoi.

The flowers were relayed to Mrs. Mastin from Air Force Maj. Charles G. Boyd, of Wichita, who was in the first group of prisoners released.

"I have talked to Ron (Mastin) the day before I left," a card from Boyd read. "All is fine and he is in good health. He asked me to send you a dozen red roses. Don't cry."

Air Force Capt. Mastin was shot down over North Vietnam in January 1967.

"A lot of women expect flowers on Valentine's Day," Mrs. Mastin said, "but what a surprise."

She said the last word she received from him was a letter at Christmas.

DAVID LAWRENCE

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. REID. Mr. Speaker, last week we lost one of our Nation's most highly respected newspaperman, David Lawrence.

David Lawrence was among the most decent, warm, and kind men I have known in the news profession. We worked together on the New York Herald Tribune, from which his column was syndicated, and where I was privileged to learn and respect his expertise while honored to gain his friendship.

His career spanned three generations and witnessed the administrations of 11 U.S. Presidents. An enterprising and tireless young reporter, he grew into a professional newsman and then business executive as he founded and edited U.S. News & World Report, while still making time to write a regular column.

Whatever his views and regardless of whether or not one agreed with him, he was warmly regarded by all as an honest man and a kind and generous friend. His death is a loss to everyone who knew him, and Mrs. Reid joins me in extending our condolences to his three children.

I insert in the RECORD the editorial from the New York Times on Mr. Lawrence:

DAVID LAWRENCE

Throughout a career that spanned more than sixty years and ended only with his death, David Lawrence was one of the nation's most highly respected and warmly regarded newspapermen, and it is as such that he would want to be remembered.

An enterprising and energetic reporter when young, he became a world-famous commentator and influential magazine editor, but his zest for the day's news never dimmed. He hated to take a vacation; at home as well as at the office he was never far from the friendly clackety-clack of a teletype machine.

As some young liberals do, David Lawrence grew deeply conservative with the passing years. But readers of every viewpoint found that though they might disagree with him, they could always respect him for his intellectual seriousness, lucid prose, vigorous advocacy and total honesty.

Within his own profession, Mr. Lawrence was warmly regarded for many unpublicized acts of kindness and for his deep personal consideration for his colleagues. It was characteristic of him that he sold U.S. News & World Report, his magazine, and Bureau of National Affairs, his specialized news service, to his employes. As a publisher, he had a businessman's acumen but it is as a fellow craftsman that he will be recalled with honor and affection by his colleagues in the profession he loved so well and served so long.

CANCER IMMUNOLOGY IN MAN

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. CLAY. Mr. Speaker, May 2, 1972, marked the official opening of the Cancer Immunology Laboratories at Washington University in St. Louis, Mo.

A team of leading scientists is now at work in the laboratories with the general goal of finding the precise biochemical nature of specific immunlogic responses for various forms of cancer. Pinpointing the nature of these responses could lead to important clinical applications. This new frontier in basic research is being funded by the largest unrestricted grant ever made by the tobacco industry to a university.

The fall issue of the Washington University magazine featured the Cancer Immunology Laboratories and the important research they are conducting.

I commend this enlightening article to my colleagues:

CANCER IMMUNOLOGY IN MAN

Cancer Immunology in Man is the inscription on a plaque near the entrance to a new laboratory on the fourth floor of the Washington University Medical School's West Building. Those four words stand right out to most laymen to whom immunology connotes being "immunized" against infections such as measles or polio. Cancer has been frequently described as one's own cells multiplying in an uncontrolled way. Therefore, what does immunity have to do with cancer?

On May 2, Dr. Paul Lacy, head of the University's pathology department, gave some details in answer to that question. He addressed officers of seven tobacco firms and a tobacco growers association who attended a dedication program for the laboratory (Dr. Lacy and Dr. Lauren Ackerman, Washington University professor of surgical pathology, who is one of the world's foremost cancer experts, had sought and received a $2,000,000 unrestricted basic research grant from the tobacco industry[1] to put the laboratory in operation). Dr. Lacy pointed out to the group that cancer very often is not detected in a patient until the tumor has spread and the prognosis is poor.

"Today, we have a new way of looking at the problem—and that is through immunology." He explained that scientists were aware some twenty years ago that cancer cells in laboratory animals had substances on their surfaces which were different from the same class of substances on the membranes of normal cells. What was intriguing about the substances was that they could act as antigens. The tumor antigens appeared as "non-self" entities to the animal's immune system and triggered a specific immune attack against the cancer cell. In recent years, similar antigens have been identified on the membranes of human cancer cells. It was these observations that opened the field of cancer immunology in man. What makes the field one of the most active in medical research today is the possibility that there is a *specific* antigen associated with a *specific* type of cancer cell. One of the great hopes is that the existence of such a specificity might bring about much earlier diagnosis of cancer than is now possible. A blood test, for example, that could identify an antigen associated only with cancer of the colon, or an antigen associated only with cancer of the lung, would provide evidence of the disease at a very early stage. Development of such a test, Dr. Lacy stresses, is a major goal of the new laboratory.

Directing efforts in the laboratory toward a clearer understnding of human cancer antigens are Dr. Thomas Tillack and Dr. Juan Rosal, who hold faculty appointments in the University's pathology department and alternate as physicians in the Barnes Hospital surgical pathology service. During the past year their research has progressed at an encouraging rate and they have submitted articles on their findings to scientific journals. Dr. Tillack explained that their work so far has dealt mainly with refinement of their biochemical techniques in isolating and identifying human cancer antigens. He pointed out that these antigens had not been studied until the mid-1960's.

In fact, the basic theory behind current research in human cancer immunology wasn't postulated until 1959, when Dr. Lewis Thomas, presently dean of Yale University's Medical School, suggested that in addition to being a defense against outside microorganisms, the immunological system has another basic function: "to preserve uniformity of cell type." He speculated that the body's rejection of grafts of foreign tissue might turn out to be one facet of an immunological mechanism which is constantly eliminating abnormal cells as they arise in the body. By this reasoning, cancer that proliferates to the point of threatening a particular organ is simply the result of a failure of the body's immunological system. In the early 1960's, Nobel Laureate Dr. F. M. Burnet of the University of Melbourne did research which supported Dr. Thomas' theory and evolved the first, clear model to encompass an expanded immune system role, which he termed "immunological surveillance."

Dr. Tillack cites two recent clinical studies that lend support to the idea of an immunological surveillance system as a defense in rejecting tumor cells. It was reported in 1969 that kidney transplant patients, who were given drugs to suppress immunological reactions, eventually developed cancer at a significantly higher rate than in normal individuals. A second study, reported at about the same time, also showed a significantly higher incidence of cancer in patients born with defective immunological systems. Dr. Tillack added that recent data from basic laboratory experiments by Ingegerd and Karl Hellström of the University of Washington have been the cornerstone of immunological research in helping to substantiate the surveillance model.

A basic line of defense in this surveillance is thought to be the immunological reaction mediated by cells called lymphocytes. These cells bind to an antigen on a foreign cell and destroy it. The Hellströms reported in the late 1960's that lymphocytes destroyed cancer cells in tissue culture from cancer patients; the lymphocytes did not attack normal cells. Why, then, didn't the lymphocytes prevent the cancer from spreading in those patients? "No one knows the answer to that question, although there are a number of possibilities," said Dr. Tillack. One theory is that cancer patients have agents on the surface of the cancer cells which prevent an immunological reaction from taking place. These substances have been called blocking factors by the Hellströms, who have produced very early and tentative data on the blocking phenomenon.

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[1] Firms which are funding the Cancer Immunology Laboratories are: R. J. Reynolds Tobacco Co.; Brown and Williamson Tobacco Corp.; Philip Morris Inc.; Lorillard, a division of Loews Theatres Inc.; Liggett and Myers, Inc., Larus and Brother Co., Inc.; United States Tobacco Co., and Tobacco Associates, Inc.

At present, the main focus of research is simply to achieve a better understanding of the antigens themselves. Many laboratories, incluuding the Washington University Cancer Immunology Laboratory, have produced evidence that these antigens do indeed exist on the surface of cancer cells. These observations have profound implications for both clinical medicine and the field of immunology.

Most of us are acutely aware that doctors depend largely on how well patients themselves recognize symptoms and how promptly they report them; frequently, cancer is detected too late for effective treatment. The prognosis for many cancers would be much better if the presence of cancer cells could be detected in the patient before the cells had multipled to a mass large enough to cause symptoms. If a colon cancer antigen test, for example, was positive and X-ray techniques still failed to show any cancerous lesion in the colon, a physician could then examine the patient at frequent intervals to detect cancer at the earliest possible point. Admittedly, such monitoring would place an added strain on the medical care delivery system; but it certainly would be a better alternative than for the patient and doctor to face a widespread cancer.

Before a reliable test can be developed, however, antigen research must be checked and re-checked at the basic laboratory level. These problems can be illustrated by what has happened following an important discovery in 1965 by Dr. Philip Gold and Dr. S. O. Freedman of McGill University. They isolated an antigen associated with cancer of the colon, which they called carcinoembryonic antigen (abbreviated as CEA) because it also appears temporarily in the digestive organs of the human fetus. In his first report on a test to detect CEA in the blood samples of both normal and cancer patients, Dr. Gold found that nearly 100 per cent of the cancer patients had CEA and all normal patients did not. In the past two years, however, more extensive studies by Dr. Gold and other researchers have shown test results with only 40 to 70 per cent positive CEA readings in patients with cancer of the colon.

In any case, it still appears that normal individuals practically never have positive CEA tests. Many research groups are currently evaluating CEA tests throughout this country and much work is ahead; but at this point the CEA test does hold promise as a potential diagnostic tool, which might be used along with standard examinations. The ultimate success of any test, Dr. Tillack emphasized, will be dependent on refinements in both testing tehniques and in being sure just what antigen is being measured. "Until we really know more about an antigen's specificity and chemical makeup, there will continue to be inconsistent laboratory results regarding pilot tests," Dr. Tillack added.

Doctors Tillack and Rosai have developed a new method for isolating CEA from the membranes of colon cancer cells. The method, which extracts much higher quantities of antigen, is also being used to isolate antigens from various other cancer tissues, including cancers of the lung, breast, and kidney. So far their results have been encouraging. They have identified lung and breast cancer antigens which appear to be very similar to CEA. If future analyses are successful in pinpointing a tumor antigen that is specific for one type of cancer, the Washington University laboratory will attempt to develop a blood screening test for it.

The question arises that if and when highly specific and purified cancer antigens are identified and produced, could one safely stimulate an immune response in humans to a type or various types of cancer? While there have been a few encouraging developments, Dr. Tillack stressed that the present level of understanding of the body's immune reaction to tumors is still too insufficient to justify the use of immunotherapy in patients.

While it is true that immunological cells are now more clearly understood today than they were a few years ago, a brief outline of the main features of the immune system indicates just how complex it is: One class of cells in the system, the lymphocytes, consists of at least two types which are called B cells (derived from bone marrow) and T cells (derived from the thymus gland). T cells sometimes attack any foreign agents, and B cells produce protein antibodies that react against specific foreign substances. It isn't clear how these two types of lymphocytes function. Elucidation of the action of the other major types of immunological cells—histocytes and macrophages—is also still incomplete.

The second class of immunological reactions consists of antibodies released into the blood by lymphocytes and plasma cells. These antibodies bind with antigens on a foreign agent, a process which may lead directly to destruction of the agent.

Faced with this formidable set of variables, a number of scientists are nevertheless working on techniques to stimulate an anti-cancer response in humans. One individual who has the latter clinical possibility as a long-range goal is Dr. Richard Lynch of the pathology department, who also does research in the Cancer Immunology Laboratory. Dr. Lynch's work began in the laboratory of Dr. Herman Eisen, chairman of the University's department of microbiology.

Dr. Eisen, who is a nationally renowned immunology researcher, has worked for years studying antibody molecules with the aim of understanding the molecular basis for their exquisite specificity. In 1970, Dr. Stitaya Sirisinha of Bangkok, Thailand, working with Dr. Eisen, showed that mice could be induced to make antibodies directed against proteins produced by tumors in mice called myelomas. The cells in these tumors are cancerous plasma cells, and they synthesize large quantities of antibody molecules. The antibodies which are present in normal mice are made by thousands of different plasma cells and, consequently, there are thousands of different antibodies in mouse serum. The cells in a myeloma tumor are derived from a single cell, so all the cells in a myeloma tumor make exactly the same antibody molecule.

In order to get enough of the antibody protein they wished to study, Dr. Lynch and Dr. Eisen took a myeloma tumor and transferred it into hundreds of genetically identical mice. When the tumors had grown to a large size, each mouse had a large amount of the same myeloma protein in its blood. It was then possible to isolate large quantities of the antibody protein from pools of the mouse serum.

The stage was then set to see what would happen if other mice that were immunized with the purified myeloma antibody were then challenged with a lethal number of the myeloma cells. When this experiment was done, 91 per cent of the immunized mice failed to develop tumors and are still tumor-free a year later. Non-immunized mice challenged with the same number of myeloma cells all developed tumors which proved fatal in four weeks. The immune protection was found to be tumor specific. In other words, mice immunized with the antibody protein from myeloma tumor "X" were tendered resistant to "X" myeloma cells, but were not resistant to a different tumor, myeloma "Y."

This was the first demonstration that myeloma proteins could be made to function as tumor specific antigens. "Now we can attempt to describe and understand what cellular and molecular events are occurring inside an animal which rejects an otherwise lethal number of cancer cells," Dr. Lynch said, "We have a pure biological model to work with. We will have to find at what threshold this immunity will break down if the animal is challenged with higher and higher doses of cancer cells. There are many other questions, such as whether there are ways of chemically modifying the antigen to enable the immunization to be stronger and the animal able to withstand greater challenges of cancer cells."

He pointed out that to get answers to these questions may possibly take years of exacting analyses. "If—and it's a big if—we get to the point where we can reverse the growth of tumors already established in mice through a combination of therapy and immunization, we might fairly ask the question whether it might be attempted in human patients with myeloma. This is over-simplifying the research and is definitely a long-shot. Right now, our work with mice is still far from being a fair comparison with human myeloma," Dr. Lynch concluded.

Dr. Joseph Davie, who will use samples of Dr. Lynch's pure myeolma cultures in one phase of his research in the Cancer Immunology Laboratory, is interested in the possibility of producing mutations in these myeloma cells. The availability of mutant cells would provide the opportunity to measure directly the chemical events that take place when an antigen combines with an antibody. At present these events can be measured only indirectly. This is because the researcher in immunology is dealing with thousands of chemically different antibodies—even if antibody molecules are generated by injecting a single, specific antigen into one laboratory mouse. The problem is simplified in the myeloma tumors, which produce only a single type of antibody.

Dr. Davie and his associates are working on methods of selecting a small number of mutant cells from among large numbers of myeloma cells. These mutants will produce antibody molecules which are defective in binding to antigens. The overwhelming odds are that such mutations will involve only those minute regions of the antibody molecule where the binding takes place. The assumption is that the fine chemical differences that might be detected in these large, complex molecules would be limited to the binding region. With the development of such a technique, scientists would have a tool to invesitgate various immunological problems.

Very basic research such as Dr. Davie's work could have unforeseen benefits to those working closer to the clinical level. To establish better lines of communication between basic and clinical research is one of the many goals of the federal government's new national cancer program. As part of the program, aid will be given to help establish centers to coordinate treatment, research, and training in the field of cancer at various institutions. Washington University is planning such a center. Dr. Philip Majerus, professor of medicine, is serving as planning coordinator for exploratory studies (funded by the National Institutes of Health).

However "distinct" approaches in seeking answers to cancer may seem on the surface, it is likely that cancer research could benefit from efforts at more interdisciplinary cooperation. Dr Burnet, whose work was the foundation for current immunology theories, wrote in 1967:

No matter what field one cultivates in the broad domain of the medical sciences, one soon finds tracks leading in many directions. For all of us the central theme is human biology, and whether we look at the pathology of the cell or worry about the origin and fate of immunocytes, we soon find common ground.

VIEWPOINT STILL STANDS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. DERWINSKI. Mr. Speaker, there has been a growing interest in the United States relations with the Soviet Union, especially in commercial transactions. I believe that a few of the myths that may be developing in United States-Soviet relations ought to be carefully studied. Therefore, I was especially interested in an article in the Aurora, Ill., Beacon-News of January 29, 1973, by the distinguished international correspondent of the Copley Press, Dumitru Danielopol, which is a very timely and, I believe, accurate analysis of the current Soviet economic situation.

The article follows:

VIEWPOINT STILL STANDS AFTER 9 LONG YEARS

(By Dumitru Danielopol)

WASHINGTON.—In an article published in the San Diego, Calif., Union on Jan. 29, 1964—my first endeavor in American journalism—I wrote:

"The Soviet regime as it exists today can continue only with the help of the free world through long term credits. But such credits to a bankrupt system are folly and can only undermine the West's own economic strength."

That was nine years ago. Even then, if one ignored Kremlin propaganda and looked at the ineptitudes of the Soviet system, it wasn't difficult to predict that only the West could keep the Soviet bureaucracy alive.

Figures released by Radio Free Europe, based on western sources, show that between 1964 and 1972 the U.S.S.R. borrowed from the free world some $6.3 billions. The terms varied from 2–15 years.

Five hundred million was spent for grain purchased in the U.S.A. in 1972.

Another credit of over $4 billion from some U.S. firms is pending. This would bring the total to more than $10 billion. Most of the credits come from the U.S.A., the rest from Britain, West Germany, France and Italy. RFE admits its figures are not complete.

The figures might not be exorbitant in normal commerce, but the Soviet system has reached an impasse.

"The administrative apparatus is corrupt through and through and has lost its effectiveness . . . the apparatus can achieve almost nothing," says an underground or "Samizdat" newspaper. "The economic system urgently needs modernization and revitalization . . . but ossified state capitalism has no intention of giving science its proper place in the social system."

Soviet industrial products do not find a ready market in the sophisticated western countries.

As the London "Soviet-Analyst" puts it: "The Communist regime has transformed Russia into an industrialized country which can produce nothing that anybody wants to buy."

Forecasters say that the Soviet Union will have to continue to import food-stuffs from the West for years to come. They will get them either on credit or will sell some more of the treasured gold, the reserves of which are not limitless.

What dims the economic picture even more is the fact that Soviet oil production is decreasing while national consumption increases. It is estimated that by 1980 the U.S.S.R. will have to import some 110 million tons annually, representing—at current prices—a deficit in the balance of payments of some $960 million. By that time her clientele in comecon will be clamoring for 70 million tons crude annually.

How are they going to pay?

The Kremlin's great hope is focused in the success of the exploitation of the much vaunted Tyumen gas reserves of Siberia.

Owing to the shortage of energy throughout the Western world capitalists are stimulated to take interest in the Siberian fields.

An agreement signed last year gives one U.S. consortium authority to spend over $4 billion in installations, equipment and tankers. It will build a 2,000 mile pipeline to Murmansk to transport 56 million cubic feet of gas a day over a period of 25 years. Another U.S.-Japanese group is negotiating a huge Siberian natural gas deal that would transport gas to Japan and the West coast of the U.S.A. The initial investment on this project is estimated at $4 billion.

Both projects, however, will take many years to complete. The harsh climatic and logistic conditions are tough enough, but the top-heavy and cumbersome Soviet system itself is even tougher.

Aren't we throwing good money after bad?

PAY TRIBUTE TO MASSACHUSETTS CITIZENS

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mrs. HECKLER of Massachusetts. Mr. Speaker, it is with sadness that I note the passing recently of three residents of Massachusetts whose many years of life matched the quantity of their contributions to their fellow human beings.

By tragic coincidence, they died within a week of each other, and, by happier coincidence, they were all outstanding citizens of their communities, of Massachusetts, and of the Nation.

I would therefore like to pay tribute to Frank Haley of Medfield, Mrs. Grace A. Buck of North Easton, and Waldo F. McNaught of Bedford. And while extending my deepest sympathies to their families, I would comment that the lives of these three people could serve as the ultimate inspiration to all of us.

I include herewith newspaper accounts of their careers as carried in the Boston Globe:

W. F. MCNAUGHT, WAS VETERANS DIRECTOR; 84

Waldo F. McNaught, 84, a retired director in the New England region of the Veterans Administration, died yesterday at his home, 9 Hillside av., Bedford.

He was born in Pennsylvania and first joined the Veterans Administration in 1909 in New York.

Mr. McNaught was transferred to the Boston office in 1948 and when he retired in 1959, after 50 years service, he was director of hospital operations for both the New England and New York areas.

He also maintained a home at Deerfield, N.H., where he spent a considerable amount of time during the past few years.

He and his wife, the former Edith E. Boyer, celebrated their 60th wedding anniversary Jan. 20.

Besides his wife, he leaves two sons, Waldo E. of Birmingham, Mich., and John P. McNaught of Saddle River, N.J.; six daughters, Mrs. Marion J. Hettenhouse of College Park, Md., Martha J. McNaught of Hudson, N.H., Mrs. Margaret F. Jones of Agawam, Mrs. Alice B. Kieley of Bedford, Joan E. McNaught of Bedford and Mrs. Caroline Holloway of Texas; 20 grandchildren and 14 great grandchildren.

A funeral Mass will be celebrated at 9 a.m. tomorrow at St. Michael's Church, Bedford.

GRACE A. BUCK, 101, LEAVES 80 GREAT-GRANDCHILDREN

NORTH EASTON.—Services will be held at 2.30 p.m. today at the New Jerusalem Church in Mansfield for Mrs. Grace A. (Packard) Buck, 101, of 71 Rockland St., North Easton, this community's oldest resident. She died at home Saturday.

She was born in Easton and taught in the public schools there several years before the turn of the century.

Mrs. Buck was one of the organizers of the Easton Community Sunday School. She was a member of the Women's Alliance of the New Jerusalem Church.

She leaves six sons, Horace G. of Londonderry, N.H.; Willis G., Donald F. and Charles I., all of Easton; Carroll P. of Los Angeles, and Russell L. Buck of Marion; seven daughters, Mrs. James Mullen, Mrs. John Martin, Mrs. Ralph Buck, and Florence and Anna Buck, all of North Easton; Mrs. John Boyle of Cleveland, and Mrs. Richard Parker of Los Angeles; a sister Ethel Packard of North Easton; 32 grandchildren, 80 great-grandchildren and 11 great-great-grand children.

FRANK HALEY, WAS MEDFIELD SELECTMAN; 82

MEDFIELD.—Services will be held at 2 p.m. today in the Roberts Funeral Home, 15 Miller St., for Frank G. Haley, 82 of 23 Green St., a former postmaster and selectman here. He died Monday in Leonard Morse Hospital, Natick.

He was born in Westwood and lived most of his life here, attending the Medfield schools.

Until his retirement nine years ago he was a self-employed broker and accountant. He served as a selectman from 1927 to 1953. He also was on the town welfare and health boards.

Mr. Haley was a charter member of the Norfolk County Selectmen's Assn. and a member of the Rocky Woods Reservation and the Medfield Historical Society.

He was a veteran of World War 1, serving in the Yankee Division. He also served with Gen. John J. Pershing on the Mexican border in 1916–17.

He leaves a sister, Mrs. William Murison of Medfield, and several nephews and nieces.

Burial will be in Vine Lake Cemetery.

REVENUE SHARING SUBVERTED

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. BLATNIK. Mr. Speaker, those of us who have been skeptical of the administration's general revenue sharing program have, until recently, had little hard evidence to back up our doubts and suspicions.

Now, less than a half-year into the program, we had a survey made by a subcommittee of the Senate Intergovernmental Relations Committee, recently covered in the press by Columnist Joseph Kraft—Washington Post, February 15, 1973.

The survey points out that revenue sharing, in contrast to categorical grants, has been used to benefit the haves, while the have-nots become have-even-lesses.

Revenue sharing funds were intended by Congress to supplement local government funding needs, not supplant moneys for proven, effective categorical grant programs.

But it is now clear that revenue sharing has been subverted by the administration, and the intent of Congress twisted. The 1974 budget proposal casts aside programs which have proved their worth over the years, and denies communities the funds they want and desperately need.

There may still be room for revenue sharing in some areas; but I think the Congress would do well, before succumbing to special revenue sharing, to take a hard look at the Senate survey and at Mr. Kraft's article; and at our own intentions in enacting general revenue sharing.

Congress, the last hope now of cities and small communities as well as of the poor, must not allow our authority to create and fund programs to be whittled away without due deliberation.

The article follows:

WHO SHARES IN REVENUE SHARING?

(By Joseph Kraft)

The chief source of federal dollars for the cities is now President Nixon's program for revenue sharing. But what do the cities do with the money they receive from Washington through that program?

Well, the best evidence shows that they don't spend it on services to the poor. On the contrary, the indications are that the money which the cities receive from revenue sharing is going for services and tax cuts favorable to middle income groups.

The best evidence is a survey made by the Senate subcommittee on Intergovernmental Relations which is headed by the Maine Democrat, Edmund Muskie. The survey asked several hundred cities how they planned to use revenue sharing monies.

The findings of the survey are necessarily imperfect. Some major cities, including New York, did not reply at first. Others gave only skimpy details. Still others have not yet decided what they are going to do with revenue sharing funds.

Still the evidence in city after city is overwhelming. In all sections of the country, cities are using revenue sharing funds to ease tax burdens or improve such services as police and fire departments.

A good example is the city of Los Angeles. According to Mayor Sam Yorty, the city will receive $35.4 million in revenue sharing funds this year as against $21.8 million for model cities, which is the next largest grant.

The final disposition of the funds has not yet been made, but Mayor Yorty's recommendations are indicative. According to the latest available figures the mayor wants $14.9 million to be applied to the city's deficit so as to head off a tax increase. He wants $10 million applied to a reserve fund to be used against any increase in property taxes. The rest of the money would go for building a technical center to service city automotive equipment; a new increase in the fund for paying workman's compensation; and for supplies and equipment for a couple of downtown parks.

Chicago is not all that different. In his reply to the Muskie questionnaire, Mayor Richard Daley wrote:

"The city received approximately 50 per cent of its 1972 entitlement in December . . . This $31 million was used in the area of public safety. Specifically, personnel costs in the police, fire and health departments were charged directly to the trust fund established to account for this grant."

In the East, the cases of Providence and Boston are illustrative. The Providence reply to the Muskie questionnaire asserted that revenue sharing funds would go to public safety, environmental protection, public transportation, recreation, financial administration and capital expenditure, in that order. The Boston reply said revenue funds would be used "to hold the line on property taxes."

As a final example, there is New Orleans, where information on revenue spending plans comes from a recent speech by Mayor Moon Landrieu. Landrieu is one of the most progressive mayors in America, and he owes his election in large measure to black votes. Even so, he does not feel able to use revenue sharing funds for projects chiefly connected with helping poor blacks.

He has recommended that $19 million of the $30 million the city receives from revenue sharing this year go to capital improvements which will increase the city's tourist income. Among the improvements are downtown parks, a cultural center and a parking garage.

I have no quarrel with the use of funds by cities to lower taxes, improve police services and build parking garages, but I don't think we should kid ourselves about what is happening.

Revenue sharing, like so much else in President Nixon's program, is a good way to help those who are already not so badly off. It is no way to help the poor. If the idea is to help those most in need, then the federal government will have to earmark funds in a very specific way.

MY RESPONSIBILITY TO FREEDOM

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. ROY. Mr. Speaker, every year through the efforts of the Veterans of Foreign Wars of the United States and its ladies auxiliary, thousands of young Americans throughout the United States participate in meaningful, educational experience through the Voice of Democracy Contest and national scholarships are awarded. This year 5,677 Kansas students participated in this contest. I am happy to report that the winner of the Kansas contest was 18-year-old Guy Joseph Hargreaves from Junction City, Kans., which is in my district.

Guy Hargreaves is an outstanding young American and has won many awards and achievements in his school and State and is in Who's Who Among American High School Students.

Therefore, I am pleased and proud to call to the attention of my colleagues Mr. Hargreaves' winning speech:

MY RESPONSIBILITY TO FREEDOM

This is our country—Americans and ours is a rare privilege for we have the opportunity to live in a free country guided by the Constitution of the United States of America. Our Constitution is the rock or the foundation of the United States. It is the window through which the world appraises us. Just think every opinion you voice, every church service you attend, and every vote you cast is the result of this great document.

Right now, as you sit where you are, you have the right to lean to your neighbor and express your opinion on any topic. As with any privilege, however, there is a responsibility. One cannot, in exercising his own rights, infringe upon those of another. Oliver Wendell Holmes put it, "freedom of speech does not give one the right to shout, 'Fire!' in a crowded theater."

We must agree that America needs a genuine revival of respect for law and orderly processes, a reawakening of individual responsibility, and a determined insistence that laws be enforced, courts respected and due process followed. We must take the laws into our hearts rather than into our hands if we are to survive as a civilized nation.

The inspired minds of the people created the fascinating piece of work, our constitution. Blood and sacrifice made this document possible. Brave men shouldered their responsibilities by fighting and dying to make freedom a reality. John F. Kennedy told a group of students at the White House, "The American constitution is an extraordinary document . . . certainly the most extraordinary written constitution in the history of the world. But it has required men to make it work, and it still does today."

Let us not let indifference or racial prejudice snuff out the light of the temple of liberty. In the BIBLE it says that God created man, not white man, not black man, but men, with no race distinctions. In accordance with the BIBLE, the Constitution guarantees all men the right to life, liberty, and the pursuit of happiness, again regardless of race, creed, or color. It is our responsibility to see those who demand rights—receive their rights if they accept their responsibilities.

We must act! We must understand and work for our government. We must study and continue to voice our opinions and cease to be apathetic in our views toward government, for it is my responsibility to freedom to let my opinions be known through my vote and if I desire to change the government to try to do so, but through the system in which it exists today. I should take the time or trouble to build up my country. For most of all, I would like to be able to say—"My country is better because of me."

We must be steadfast in our responsibility lest we should lose the most precious values known to man. These are, in essence, the right to work out one's own destiny, under God, in a society where the individual is of primary importance.

The sum total of my responsibility to freedom is set down in these words: I believe in the United States of America as a government of the people, by the people, for the people, whose powers are derived from the consent of the governed; a democracy in a republic; a sovereign nation of many sovereign states; a perfect union, one and inseparable, established upon those principles of freedom, equality, justice and humanity for which American patriots sacrifice their lives and fortunes.

I therefore believe it is my duty to my country to love it; to support its constitution; to obey its laws; to respect its flag; and to defend it against all enemies.

Daniel Webster said, "God grants liberty only to those who love it and are always ready to guard and defend it."

This is why we must stand tall Americans—for we have the responsibility to maintain freedom.

IMPOUNDMENT TOTALS CONFIRMED—$12 BILLION TO DATE THIS FISCAL YEAR

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. EVINS of Tennessee. Mr. Speaker, as you may recall, following the refusal of the Office of Management and Budget to release details of its extensive impoundment of funds earlier this year, I instructed my staff to compile such a list as a matter of public information, contacting departments and agencies directly.

The partial listing which we compiled indicated that more than $12 billion was impounded as of January 15, 1973.

In the current issue of the Progressive Magazine, author Arthur S. Miller points out that

> In confirmation hearings in January . . . Casper Weinberger, Secretary-designate of Health, Education and Welfare said impoundments approximated $12 billion.

This essentially confirms the accuracy of our compilation which OMB challenged at the time.

The article by Mr. Miller also makes the telling point that simply because some limited impoundments have occurred over a period of years, this makes them no more constitutional or legal than the defective reapportionment of legislative seats that was finally corrected in recent years.

The heart of the impoundment issue is despotism or democracy.

Because of the interest of my colleagues and the American people in this most important subject of impoundment, I place the article from the Progressive in the RECORD herewith.

The perceptive article follows:

[From the Progressive Magazine, March 1973]

THE NEW CONSTITUTIONAL CRISIS

(By Arthur S. Miller)

(NOTE.—Arthur S. Miller, professor of constitutional law at George Washington University, is a consultant to the Senate Subcommittee on Separation of Powers. He is the author of three books on constitutional law; the most recent is "The Supreme Court and the Living Constitution.")

Last October, when Congress was debating whether the President should be given discretion to hold spending to $250 billion in the current fiscal year ending June 30, 1973, Senator Russell Long, the Louisiana Democrat who is chairman of the Finance Committee, said in an interview that he favored the Chief Executive having limited power to cut the budget even after its enactment into law. Long asserted that such authority "would only make legal what Presidents since Thomas Jefferson have done by usurpation." He was referring to the Presidential practice of "impounding" appropriated funds—the process by which the President withholds or reduces the amount of an appropriation approved by Congress and signed into law. Saying that it was practically impossible for Congress itself to cut the budget, Long maintained that "maybe the time has come when we need a benevolent dictator, if only temporarily."

The Senator's history of impoundment is dubious—before the Nixon Presidency, impoundments mostly took place in military matters but now the cuts are deep into social and welfare programs—but his remark about the need for a "benevolent dictator" was more prescient than he probably knew. For only a few days after the November election, President Nixon, acting through OMB—the Office of Management and Budget, that little known agency of vast powers—accelerated what he had already been doing. A cut of $6 billion in "clean water" funds was announced, running the total of withheld funds to about $15 billion. The water pollution bill had been passed overwhelmingly over a Presidential veto, but Mr. Nixon gave in only outwardly. At the first opportunity he ordered William Ruckelshaus, head of the Environmental Protection Agency, to pigeonhole more than half the Congressional appropriation.

That is government by decree, by executive fiat, an arrogant exercise of power by a President who apparently believes that Congress has neither the will nor the staying power nor the institutional capability to counter impoundment and other examples of bald executive power.

In the struggle over the relative strength of the three branches of government, the judiciary is a non-starter. Despite all the furor about "judicial legislation," the Federal judiciary is, as Alexander Hamilton said, "the least dangerous branch," simply because it has the least power, actual and potential. Congress is another matter—the only hope for checking a rampaging Executive branch that has steadily been aggrandizing its power since the beginnings of the republic and which, starting with President Franklin D. Roosevelt, has become the dominant branch.

The struggle is now reaching classic proportions. Years of debate have convinced the Senate and possibly the House that stringent controls must be placed on the Presidential power to make war without Congressional authorization and on his conduct of war. So, too, with "Executive privilege," that doctrine of dubious parentage and less validity, which is invoked by the President when he wishes to withhold information from Congress or to shield his Cabinet members or administrative aides from Congressional questioning.

But it is in the area of spending powers that the battle most directly concerns the daily lives of most Americans—and where the constitutional confrontation will be resolved. Unless and until Congress, aided perhaps by favorable judicial decision, halts what Senator Charles Mathias, Maryland Republican, once called an "informal line-item veto" by the President, that official's power will burgeon and Congress will evermore sink, to quote Mr. Nixon out of context, into the status of "a poor, pitiful, helpless giant." Under the Constitution the President has the power to veto a bill only in its entirety. Neither the Constitution nor Congress gives the President express power of impoundment of funds voted for specific purposes by Congress. This means he is doing it "informally."

Last October, Congress tacked on to the debt-ceiling bill (and passed) a requirement that it must be notified of all impoundments, but then found the term difficult to pin down. OMB, displaying the dazzling footwork of professional bureaucrats, has seized upon the informing requirement as a tacit recognition of the legality of impoundment, to the consternation of Senator Hubert Humphrey, author of the requirement, who said, "There is little basis in law or in legislative history of law for the present impoundment practice." Humphrey maintains that President Nixon is violating "the will and intent of Congress" by deliberately thwarting priorities set by Congress.

Usually, appropriations empower the Executive to spend that amount of money in support of programs authorized by Congress, a fact that has led some political scientists to conclude that appropriations are permissive rather than mandatory. That question, however, has never been definitely litigated, although cases now in the judicial pipeline are heading toward the Supreme Court. In one, Judge William Becker of the U.S. District Court in Missouri last year held that some highway trust funds were improperly being withheld, because of mandatory statutory language. His decision, the first to invalidate an impoundment, is now pending decision on appeal before the Eighth Circuit Court of Appeals. Whatever that court decides, the case will surely wind up before the Supreme Court. Significantly, twenty-two Senators, led by Sam Ervin and including most of the chairmen of the standing committees of the Senate, joined Ralph Nader in filing a "friend of the court" brief in the case, urging that Becker' decision be affirmed.

But the Missouri case may not be the real constitutional showdown on Presidential power. Judge Becker's decision was based on statutory, not constitutional, interpretation. A better case is now before a Federal court in Florida, in which Florida is contesting Mr. Nixon's impoundment of funds for a barge canal. The preliminary legal papers indicate that the question of the President's constitutional power to impound is being directly challenged.

Little help in resolving the impoundment question can be gleaned from the spare prose of the Constitution. Article I gives Congress the power to appropriate and the President, under Article II, must take care that the laws are faithfully executed. That, to some, settles the matter in favor of Congress—but in fact it merely restates the question. For Congress has been anything but precise in its appropriations language, and it has been lax in allowing past impoundments to go unchallenged. It is not only Senator Long, but other members of Congress as well, who have informally conceded a power of Presidential impoundment.

The Supreme Court could change the picture—in what way is unpredictable, given the hard core of Nixon appointees there—and Congress has some means of retaliation, such as withholding appropriations for the President's pet projects.

OMB relies on three vaguely worded statutes of a general nature as the legal basis of impoundments, plus the view that appropriations "empower" rather than "mandate" expenditures: the Anti-Deficiency Acts of 1905 and 1906, the Omnibus Appropriation Act of 1950, and the Employment Act of 1946. That simply is not enough. The first two statutes merely allow establishment of reserves to effect savings and to provide for contingencies. To find in the turgid legislative language authority for impoundment takes a mental leap that only Executive branch lawyers have been able to make, lawyers who act not as professionals but as *apparatchiks*.

Even more specious is the reliance on the Employment Act. OMB says that the President can fight inflation by impounding funds and that the Act can be construed to permit it. But neither inflation nor impoundment is mentioned in the Act; it was passed to promote employment, production, and purchasing at a time when post-World War II deflation, not inflation, was feared. All postwar Presidents nonetheless have inferred that they can use it to tackle inflationary pressures, partly through impoundments. It was only when President Nixon began to dismantle social welfare programs that Congressional ire began to boil over.

In the absence of express statutory language authorizing impoundments, as in Title VI of the Civil Rights Act of 1964 (whereby states may be denied educational funds if they persist in discriminating racially in their schools), the President can rely only on some theory of "inherent" Executive power—as head of a co-equal branch of government, and, at times, as Commander in Chief of the Armed Forces. That was President Truman's theory, for example, when he seized the steel mills in 1952, an action speedily invalidated by the Supreme Court. Save perhaps in times of dire emergency, such as a military invasion or similar catastrophe, the President simply does not have inherent powers in domestic matters. Foreign affairs may be a different matter, but even there the legal picture is cloudy. It is relevant to note that the Justice Department dropped its reliance on inherent Executive power to wiretap in domestic subversion cases, after the lower courts had rejected it—wisely, because the Supreme Court voted eight to zero last year against the Executive on the same issue.

But, the argument goes, if there is no statute or constitutional provision, then the President can rely on the fact that since President Jefferson impoundments have occurred. This might be called a theory of customary constitutional law. It, too, is untenable: Past "usurpation" (Senator Long's term) of power can hardly justify present similar practices. To cite a not-too-exact analogy, state legislatures were malapportioned for decades, but the Supreme Court abruptly halted that in 1964; past practice there was not only not a justification for current practice, it was *the problem*—just as here impoundment is *the problem*.

It is true that President Jefferson and other Nineteenth Century Executives impounded funds on a relatively small scale. In our own century, Franklin Roosevelt stepped up the practice considerably, and his successors, Harry Truman, Dwight Eisenhower, John Kennedy, and Lyndon Johnson followed suit, in a limited way, and mainly to reduce wasteful military expenditures.

It is President Nixon, however, who has carried the practice to an all-time high. When Senator Sam Ervin's subcommittee held hearings in 1971, OMB conceded that at that time more than $12 billion was being blocked. (It had taken Ervin two years to pry that data out of OMB.) In confirmation hearings in January, however, Caspar Weinberger, Secretary-designate of Health, Education and Welfare, said impoundments approximated $12 billion, disputing Ervin's $15 billion figure.

What OMB does is to sequester all or major parts of Congressional appropriations. This gives the agency a second shot, because all original budget requests by government agencies must funnel through OMB on the way to Congress. Often these departmental and agency requests are sharply reduced or entirely eliminated at this stage. After Congress acts, then OMB gets its second opportunity to pare appropriations or stymie entire programs through the illegal impoundment procedure.

Thus, to take some representative instances concerning the current budget year ending June 30, 1973:

$105 million was chopped off the Model Cities Program (at a time when American cities are deteriorating).

The Bureau of Indian Affairs lost more than $53 million a (few months before Indians stormed the Bureau's Washington office in bitter complaint over lack of adequate treatment).

Howard University, the nearly all-black college in the District of Columbia, had $3.7 million held up (when the need for improved education for blacks was obvious).

The Federal Prison System had $4.3 million chopped off, at a time when even the Chief Justice was speaking out about prison problems.

$20 million for a prototype de-salting plant was impounded, just when the need for new sources of fresh water became acute.

The Defense Department was denied about $1.4 billion in shipbuilding and conversion funds (the ships are not listed), although one might note the pressing need for tankers to haul liquid natural gas from Europe.

$5 million was taken from the Office of Education's budget.

The State Department lost $27,000 in educational exchange funds.

$300 million in urban mass transport money was blocked (at a time when the need was never greater).

The Atomic Energy Commission was denied $370,000 for bio-medical research.

The Veterans Administration was minus more than $8 million slated for grants to states for extended care facilities.

All of these programs were approved by Congress as deliberate legislative choices, but these choices, hammered out in the political arena, were scuttled by Presidential decree.

Of particular interest is the fiscal year 1972 impoundment of $620,000, which, according to outgoing chairman Miles Kirkpatrick, was withheld from the Federal Trade Commission by OMB. Kirkpatrick told Senator Lee Metcalf that this forced him to abolish permanently seventy-two new positions designed to strengthen the protection of consumers.

The FTC legally is an "independent" regulatory commission, supposedly free from both Congressional and Presidential orders. Thus the President cannot dictate a decision by one of the "independent" commissions. But what he can do is screen budget requests on their way to Congress, and now it appears he can hamstring a commission by blocking funds appropriated by Congress.

What, then, can Congress do? Speaking generally, it must display: (a) a determination and a will; (b) a desire to stay in the fight indefinitely; and (c) a new institutional capacity that will at least partially match the Executive's expertise. None of these requirements is present now, although there is great unrest in Congress and a lot of talk.

Senator Ervin has introduced S. 373, a tough bill that would require all impoundments to be referred to Congress—which would then have to approve, *affirmatively*, each one. Failure to secure an affirmative vote would mean a mandatory requirement to spend, something that Justice William Rehnquist, when he was an Assistant Attorney General, conceded would be binding on the Executive. Ervin's bill is about as strong as it could be made; under its terms, even a failure of Congress to act on impoundments would mean a mandate that the appropriations be spent. Whether Ervin's bill will become law is problematical, even though forty-five other Senators joined him in sponsoring it. No one knows what the House will do. Congressional anger at the Executive may be running at a high peak, but it may be more hortatory than real.

The staying power of Congress is even more questionable. Through a supreme effort, one or both houses can rise up and stop the President at times—as when the nominations of Judges Haynsworth and Carswell to the Supreme Court were blocked. But for years no amount of legislative resentment was able to do much about Vietnam, nor has it curbed the exercise of "Executive privilege" by the Administration when it wishes to prevent the appearance of officials before Congressional committees.

On the other hand, in a little noted but important move, Senator Ervin last October got Congress to deny use of funds by the Subversive Activities Control Board to carry out the terms of an Executive order by which Nixon tried to transfer to the SACB the Justice Department's functions of running the blacklist of "subversive" organizations. As a consequence the Board is again all but moribund at this time.

Under Title VI of the Civil Rights Act of 1964, funds must be withheld from state agencies illegally discriminating; that cutoff provision was used by President Johnson, but under President Nixon it has been treated with "benign neglect." In other words, Congressionally-ordered impoundments have been flouted, and Congress has done nothing.

Even if appropriations are expressly mandated or required, there are numerous ways the Executive can avoid or delay them and still stay within the technical letter of the law. Only if Congress, as an institution, improves its ability to receive, assimilate, store, and use vast amounts of data—economic and scientific and military—will it then be in a position to match the Executive in a one-on-one struggle.

Possibly the basic trouble is that there is only one Sam Ervin. It is no exaggeration to say that Ervin is one of the most powerful and most respected members of the Senate. He has excellent relations on both sides of the Senate aisle. Senate Democratic leader Mike Mansfield says that "Sam Ervin is the man to watch this year," but he has so many jobs that he will have to work double time to keep up. In his role as chairman of the Government Operations Committee Ervin stands in the center of the growing confrontation between Congress and the Executive.

Impoundment should be seen as only one skirmish in the continuing political battle between the President and Congress. Thus far, the President has been able to fill a vacuum, for in politics, as in nature, a vacuum is abhorred. If he is halted, it will be by politics. The law, and the courts, can help, but only to shore up political decisions. If there is still validity to the notion of American democracy, then the elected representatives of the people will in time prevail.

Merely knowing the amount of money blocked by OMB is staggering enough, but to study specific programs is to realize that many of the battles for social reform that were so difficult to win during the past forty years must now be fought all over again. The American version of the welfare state is being scuttled by President Nixon. Not all of it, to be sure, but enough to reduce to despair any who care for the poor and the disadvantaged. Constitutionally, that presents the unsavory picture of appointed officials—some little known in Washington (and unknown outside it)—overriding Congress and its allegedly sovereign will.

An even more important reform would be for Congress to streamline its appropriations process. It is senseless to make four trips to the legislative well to draw one pail of statutory water. Each house must first authorize a program or project and then each house must appropriate funds to support it, following which a conference committee meets to iron out differences—and then each house votes on the conference report. If a person set out to hamstring Congress, he could think of no better way to make it difficult to act quickly and decisively.

Senator Long's plaintive remark about the need for a "benevolent dictator" is not just the idle chatter of a garrulous politician. Whether he realized it or not, Long was going to the heart of the major crisis confronting the country in the current struggle between the Legislative and Executive branches of our Government: despotism or democracy.

OEO—SUBSIDIZED EQUALITY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. RARICK. Mr. Speaker, the new army of OEO protestors, intimidating the very foundation of our Government as well as exhibiting political muscle to raise taxes, contains many interesting names.

Many of these federally subsidized OEO protestors were interested in civil rights when they said that all they wanted was full equality. Perhaps they did not understand or had not been told that full equality included work and paying one's own way.

Now it is quite obvious that they do not want to pull their own wagon; they do not want full equality. They want subsidized equality. Hiding behind such words as "poverty," they do not want freedom from economic shackles of the giveaways that they are begging the working, producing American to be forced to give to them.

The wrong people are demonstrating in our Nation's Capital. It should be the long-suffering taxpayers and working class of America who should be demonstrating in support of the President's announced policy of getting the freeloaders off their backs.

I include a related news clipping:

[From the Washington Star and News, Feb. 21, 1973]

OEO Protest "Just Beginning"

(By Philip Shandler)

Civil rights leaders are planning further demonstrations here and across the country against President Nixon's effort to dismantle the federal antipoverty program.

Some are predicting "a long hot summer" of the kind that tore cities apart several years ago, if the dismemberment of OEO is not averted.

A lobbying campaign and rally yesterday, which drew at least 20,000 people to the Capitol, was "just a beginning," its leaders emphasized.

Poor people and workers in Official Economic Opportunities community-action agencies swarmed across Capitol Hill yesterday urging members of Congress to resist Nixon's plan to halt federal funding of the community agencies and shift OEO's programs to other departments, starting July 1.

706 BUSES

Whether or not the citizen lobbyists changed any minds, they demonstrated that the poor "are still a force to be reckoned with," James Couch, a New York antipoverty official who organized the activity, said later.

District police put yesterday's visiting throng at about 20,000, based on their count of buses coming into town on prearranged routes. But Couch said the police had not tallied all the buses—he counted 706, carrying about 50 passengers each—or the cars which brought in more demonstrators.

(Two buses from New York—which sent the bulk of the protestors—did not get here. One hit the rear of the other in the Baltimore Harbor Tunnel, requiring hospital checkups of the passengers, many of them elderly. None apparently was hurt badly.)

MARCH PROTEST PLANNED

The crowd at the rally on the west lawn of the Capitol swelled through the afternoon, as people completed their visits to congressional offices—and were paid return visits by liberal lawmakers who addressed the rally.

——— drew enthusiastic applause when she said she and others were planning a more extended protest, and one that will focus on the White House.

In an interview later, ——— said a coalition of black, Hispanic and women's groups were planning a three-day demonstration, possibly in mid-March. Details have not been worked out, however, she said.

Suggestions from several speakers to focus the protests on the President drew warm response. One of them was ——— also from New York, who told the rally that Nixon "has no right to take those (antipoverty) funds from you."

KING ANNIVERSARY

Mrs. Coretta King, whose late husband led the Poor People's Campaign here five years ago, told the rally she does not intend to "let my husband's dream become a nightmare."

And the Rev. Ralph Abernathy, the successor to Martin Luther King Jr. as leader of the Southern Christian Leadership Conference, said his followers plan a demonstration here April 4, the anniversary of King's assassination.

He said later in an interview, however, that this might be coordinated with the protest planned by ——— and others.

The Rev. Jesse Jackson, a former aide to King who has formed his own organization, said his followers plan "massive street action" in various localities in the weeks ahead. He forecast the possibility of a "long hot summer," but would not amplify this.

(Jackson he spoke of "marches on 50 or 60 cities" and "filling up jail houses" until the President or Congress responds, United Press International reported.

(———, a member of the congressional Black Caucus which helped sponsor the rally, complained that OEO was being "immorally, illegally and unconstitutionally dismantled" before Congress could respond, UPI said. "The only way the President can understand what we are talking about is for him to recognize that the safety of America is at hand," ——— said.)

MAYORS PROTEST

(Among those here to object yesterday was a group of mayors seeking to prevent a big reduction in federal grants to the cities, The Associated Press repeated. Mayor Moon Landrieu of New Orleans, representing the U.S. Conference of Mayors, said reductions should be made in federal spending. "But the battle shouldn't be fought on the sweat, on the backs of the poor who live in the cities," he said, according to AP.)

The mayors met with Democratic congressional leaders to protest spending cutbacks.

——— said afterward that House Democratic leaders are giving top priority to "reversal of the President's strangulation of programs enacted and funded by Congress, UPI said. ——— told the city officials to demand a meeting with Nixon to air their grievances.

ONE REPUBLICAN

Organizers of yesterday's so-called Mobilization for Domestic Unity had asserted that "infiltrators" had been planning to provoke disturbances, but none was reported.

Black and Puerto Rican participants argued over the representativeness of the speakers, with the director of a Brooklyn drug center, Julio Santana, charging toward the end of the rally that the organizers were "running a black show." He was allowed to speak, however, and drew cheers.

Other speakers included ——— and one identifiable Republican, ———.

CONSPICUOUS ABSENCE

Drawing attention for their absence were ———, a leading advocate for the poor, and ———. Couch said they apparently were detained by a meeting of the Bay State delegation.

Two participants from The Bronx, N.Y., roamed the Capitol grounds in gorilla costumes, prompting screams and then laughs from congressmen's secretaries. One wore "Impeach Nixon" stickers.

——— and other lawmakers are introducing resolutions that would express as the will of Congress the desire that Nixon continue federal funding of OEO.

Meanwhile, a House Labor subcommittee resumed hearings today on the proposed antipoverty moves, focusing on proposals to have OEO's legal services to the poor administered by a government-sponsored corporation.

FREDERIKSTED AMERICAN LEGION SUPPORTS PRESIDENTIAL VOTE FOR VIRGIN ISLANDS

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. DE LUGO. Mr. Speaker, the gentleman from Guam and I have recently introduced House Joint Resolution 291 to provide for the participation of Guam and the Virgin Islands in the election of President and Vice President.

We have submitted this amendment to the Constitution of the United States to correct an inequitable situation that denies the American citizens of our two territories exercise of the Presidential franchise possessed by their fellow American citizens. I can conceive of no reason why loyal, dedicated, and responsible citizens residing in our jurisdiction of the United States cannot participate in the paramount decision of national determination.

During the recent visit of the Subcommittee on Territorial and Insular Affairs to the Virgin Islands I had the opportunity to speak with many citizens concerning this matter. Among those with whom I met in St. Croix was a good friend who is always active in Crucian affairs, Verne I. Richards.

American Legion Bromley Berkley Post 133 of Frederiksted has recently met and ratified a resolution sponsored by Mr. Richards, the post adjutant, and my good friend Mr. Edgar M. Iles, vice commander of the Department of Puerto Rico and the Virgin Islands. The resolution petitions the Congress to act to enable the Virgin Islands to participate in Presidential elections.

Post 133 is comprised of Virgin Islanders who exemplify the loyalty, honorable service and dedication to the principles and practice of American democracy that characterize the allegiance of Virgin Islanders to their country. I am pleased to insert in the CONGRESSIONAL RECORD the resolution passed by Bromley Berkley Post as testimony to the sentiment of Virgin Islanders on this question.

Resolution Dealing With Presidential Vote For the Virgin Islands

Whereas, Virgin Islanders have served and continue to serve faithfully and honorably in the Armed Forces and other related branches of the United States; and

Whereas, in the great World Wars, in Korea and most recently in Vietnam, Virgin Islanders have promptly met the call of duty and have distinguished themselves with valor; and

Whereas, many sons of these Virgin Islands have given their lives, bled in loyalty and dedication to the defense and honor of their country; and

Whereas, that Virgin Islands be given the right to vote for the President of these United States. Now therefore

Be it Resolved by the American Legion Bromley Berkley Post—133 of Frederiksted, St. Croix, Virgin Islands, U.S.A.

That we hereby petition the Congress of the United States to act favorable on legislation to give the Virgin Islands the right to vote for President of the United States.

THE ESTONIAN PEOPLE WILL NOT BE FORGOTTEN

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. ANNUNZIO. Mr. Speaker, on Saturday, February 24, Estonian Americans in the 11th District of Illinois, which I proudly represent, and all over the Nation will commemorate the 55th anniversary of the Declaration of Independence of the Republic of Estonia.

The intellectual and material renaissance in Estonia during independence, after centuries of medieval czarist rule, was astounding. In only 20 years, the Estonian people, due to the winning of long-coveted national freedom, gained the admiration of the world because of their political, cultural, and economic progress.

The mind of the nation appeared suddenly liberated as from some heavy oppression. Systematic research in the domain of science received a strong impetus. The Estonian theater, Estonian music and art all attained a high level. Education received heavy emphasis. National minorities within Estonia were granted the right to organize their schools and education and to develop their national culture through their own freely and democratically elected organizations. Social legislation in Estonia corresponded to modern Western European principles and because of a flourishing economic life, unemployment was nonexistent.

Thirty-three years have passed since Estonia was overrun by the Communists and thousands of innocent people were inhumanly exiled, deported, and murdered. The sad fate and memory of these victims are very much alive today, and on the observance of the 55th anniversary of Estonian independence, we pay tribute to their blessed memory, while praying for the freedom of the Estonian people from Communist totalitarian tyranny.

We in the free world enjoy all the benefits of political and economic liberty—yet how can we fully enjoy our liberties while millions of our fellow men are deprived of the most fundamental human rights?

Because we ourselves are free, we have a compelling moral obligation to our brothers trapped behind the Iron Curtain. It seems to me that this obligation lies particularly heavily in our own country, for as a leader in the free world, the United States must help to keep the light of liberty burning brightly in order to remind those who look to the West for inspiration that they are not forgotten.

Mr. Speaker, the United States has never recognized the seizure and forced "incorporation" of Estonia, Lithuania, and Latvia into the Soviet Union. Our Government maintains diplomatic relations with the former free government of all three Baltic States.

Many citizens of the three Baltic nations, in an effort to rebuild their lives and maintain their ethnic integrity, have applied for permission to emigrate. Soviet authorities have mocked these requests by imposing an "education tax" which can amount to $18,000 per person depending upon the level of education attained by an intended emigrant.

Consequently, on February 7, I joined over 250 of my colleagues in the House of Representatives in introducing a bill urging suspension of trade with the Soviet Union until such time as that country does away with its arbitrary and discriminatory methods of limiting the right of emigration. The text of my resolution follows:

H.R. 3911

A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Act for Freedom of Emigration in East-West Trade."

SEC. 2. To assure the continued dedication of the United States to fundamental human rights, and notwithstanding any other provision of law, after October 15, 1972, products from any nonmarket economy country shall not be eligible to receive most-favored-nation treatment, such country shall not participate in any program of the Government of the United States which extends credits or credit guarantees, or investment guarantees, directly or indirectly, and the President of the United States shall not conclude any commercial agreement with any such country during the period beginning with the date on which the President determines that such country—

(1) denies its citizens the right or opportunity to emigrate;

(2) imposes more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever; or

(3) imposes more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice, and ending on the date on which the President determines that such country is no longer in violation of paragraph (1), (2), or (3).

SEC. 3. After October 16, 1972, pursuant to any separate Act of Congress, (A) products of a nonmarket economy country may be eligible to receive most-favored-nation treatment, (B) such country may participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, or (C) the President may conclude a commercial agreement with such country only after the President has submitted to the Congress a report indicating that such country is not in violation of paragraph (1), (2), or (3) of section 2. Such report with respect to such country, shall include information as to the nature and implementation of emigration laws and policies and restrictions or discrimination applied to or against persons wishing to emigrate. The report required by this subsection shall be submitted initially as provided herein and, with current information, semi-annually thereafter so long as such treatment received, such credits or guarantee extended, or such agreement concluded pursuant to any separate Act of Congress is in effect.

The United States has benefited enormously from the courage and vitality of Estonian Americans. These gifted citizens are a living reminder to the world of what an atmosphere of freedom can do for the spiritual, economic, and intellectual lifeblood of a nation. I am honored to have a part in the 55th anniversary commemoration of the Declaration of Independence of the Republic of Estonia, and I extend my warmest greetings to those Americans of Estonian descent in Chicago and all over the country who are commemorating this occasion.

PENSION REFORM: JUSTICE FOR THE WORKING AMERICAN

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. BLATNIK. Mr. Speaker, if working Americans had a written bill of rights, surely high on the list would be the right to security in old age, earned through a lifetime of hard work.

In theory, some 30 million workers possess this right, through a pension plan of some sort. Workers join a pension plan with the anticipation of receiving a fair and steady income on retirement; it is bargained for in contract negotiations, and promised them when they sign the piece of paper.

Too often, it never materializes.

A Senate Labor Subcommittee investigating pension plans discovered that since 1950, only 4 percent of the nearly 7 million people covered under 51 pension plans had received any kind of retirement benefits.

Another analysis of 36 plans covering nearly 3 million workers showed that, since 1950, only 8 percent of the people under the plans had received any benefits.

The record shows a shocking trail of hopes disrupted and funds evaporated—the difference between retirement years of deserved security and comfort or acute hardship for the vast majority of pension plan holders.

Clearly, Congress and the executive branch have a vital role to play in protecting the working American.

The basic question before us is this: How can we square our present myriad of pension plans with our rapidly changing times—in which companies merge or change function so radically that one man is no longer needed; in which no worker is content to fill one slot for 50 years or so; in which, indeed, job mobility is the ladder to higher income. More importantly, times in which companies can be liquidated practically overnight.

Even with the best intentions on both sides, a shocking number of workers find themselves without adequate pensions at the end of their working lives.

A new system must be developed or

Federal standards imposed to provide justice for the working American.

The Employee Benefit Security Act, which I am introducing today would move us toward that goal by providing Federal standards for vesting, funding, and trusteeship applicable to virtually all private retirement plans.

First, the bill provides for a graduated vesting schedule leading to 100-percent vesting rights after 10 working years. Vested benefits would have to be distributed at regular retirement age, but never later than age 65.

Second, the bill requires adequate funding of pension plans, so that an employee would receive his benefits even if the company goes out of business.

And, third, the trustees of pension funds would have to manage them solely in the interest of the employees, with Federal safeguards against conflict of interest, corrupt practices, and carelessness on the part of the administrators.

Descriptions of the plan would have to be comprehensive and clearly written so employees will know exactly what benefits they are entitled to.

Mr. Speaker, I emphasize that this is just the beginning; a modest pioneering effort in an enormously complex area which must be explored by practice as well as by the theorizing of the best brains available.

I am proud to sponsor the Employee Benefit Security Act, because it is a vital first step toward assuring justice for the many working Americans who, without it, would find their dreams and hopes shattered, at a time in their lives when they are least able to rebuild and start anew.

FEDERAL LEAA ASSISTANCE FOR STATE FISH AND GAME DEPARTMENTS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. WYMAN. Mr. Speaker, we are justly proud of our far-reaching system of State parks and forests which provide us with needed recreation as well as with temporary relief from the pressures of urban life. These areas are becoming increasingly popular and are used by more and more people each year. It will be even more necessary in future years for us to have them at hand as population pressures result in less and less breathing space for each of us.

The continued availability of these parklands depends on their successful management by State fish and game departments. Unfortunately, there are continuing law enforcement problems in our parks and forests as in our cities. Yet, under the present law, the Law Enforcement Assistance Administration is unable to include State and fish and game departments in its programs. These agencies face unprecedented challenges as the vacationing public visits State parks in greater numbers than ever before. Campsites are filled to overflowing, unbroken lines of hikers crowd the trails, and the commission of crime from malicious vandalism to serious felonies bear witness to the growing enforcement burdens placed on fish and game departments.

I am today introducing legislation to amend the Omnibus Crime Control and Safe Streets Act of 1968 to make State fish and game departments eligible to receive aid from the Law Enforcement Assistance Administration. Mr. Speaker, these agencies are responsible for safeguarding much of America's natural resources and making them available to us and to future generations. To insure that they will be able to continue and improve their handling of this responsibility, I believe that it is essential that assistance be provided to them by the Law Enforcement Assistance Administration.

A copy of my bill is as follows:

H.R. —

A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to include in the definition of law enforcement the enforcement of laws, ordinances, and regulations in any State relative to environmental recreation, including parks.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 601(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking out the word "and" immediately before the word "programs",

(2) by striking out the period at the end of such section, and

(3) by inserting in lieu of such period the following: ", any activity pertaining to the enforcement of laws, ordinances, and regulations in any State relative to environmental recreation, including parks."

MARY McLEOD BETHUNE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. CLAY. Mr. Speaker, as we are all aware the week of February 11–17 was set aside for the study and reflection on Afro-American history.

To commemorate the occurence, the St. Louis American newspaper carried a series of articles featuring famous black Americans. Last week Frederick Douglas was featured. This week the spotlight is on Mary McLeod Bethune.

The article follows:

Mary McLeod Bethune, the eighth president of NACW "The National Association of Colored Women" was born in 1875, in a log cabin on a South Carolina farm. Her parents had both been slaves. Mary was one of seventeen children.

Mrs. Bethune opened a small Educational and Industrial Training School at Daytona Beach, Florida in 1904, with boxes for seats, no money, and faith. Due to her initiative and industry the school developed from a little cabin school for five girls into Bethune-Cookman College, an accredited coeducational college which she served as president.

Beginning in 1930, until a few years before her death in 1955, she served in nationally prominent positions. As head of the National Youth Administration (NYA) under President Franklin Roosevelt, she helped thousands of black girls and boys. In addition to government work and college administration, Mrs. Bethune formed a "National Council of Negro Women," representing all communities. Its object was to get better working conditions for Blacks.

Among her many services in NACW and otherwise, Mrs. Bethune was president for several years of the Association for the Study of Negro Life and History.

LEGISLATION TO CLARIFY THE TAX STATUS OF CERTAIN PRISONERS OF WAR AND INDIVIDUALS MISSING IN ACTION

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. SCHNEEBELI. Mr. Speaker, I am today introducing for myself, and my colleagues, Mr. Collier, Mr. Broyhill of Virginia, Mr. Conable, Mr. Chamberlain, Mr. Pettis, Mr. Duncan, Mr. Brotzman, Mr. Clancy, and Mr. Archer, legislation requested by the administration which will help solve certain problems and inequities in the tax law relating to the status of prisoners of war, those still missing in action, and their families. These individuals have made tremendous sacrifices and this legislation should be accorded the highest priority. The bill will enable the Ways and Means Committee to act expeditiously on this important matter.

I am inserting a section-by-section analysis of the bill, prepared by the Treasury Department, immediately following my remarks:

Analysis of Tax Legislation Proposed for the Relief of Certain Members of the Armed Forces of the United States Returning From the Vietnam Combat Zone

SECTION (A)—COMBAT PAY OF MEMBERS OF THE ARMED FORCES

Section 112(a) and (b) of the Internal Revenue Code of 1954 currently exempts from gross income combat pay received for active service in the Armed Forces of the United States for any month in which the serviceman served in a combat zone or was hospitalized as a result of wounds, disease, or injury incurred while serving in a combat zone. This exclusion may not exceed $500 per month for commissioned officers.

A member of the Armed Forces who is hospitalized as a result of injury incurred in a combat zone in the waning days of the Vietnam conflict will not have his military pay excluded under section 112 for any month following the month of his injury in which there are no combatant activities in any combat zone. However, a serviceman injured at an earlier date whose period of hospitalization was entirely within the period of combatant activities would have had his military compensation treated as combat pay and excluded from gross income as provided by section 112. This provision of the bill would extend the exclusion of section 112 to cover military pay received by servicemen up through the month hospitalization ceases even if all combatant activities have terminated.

SECTION (B)—INCOME TAXES OF MEMBERS OF ARMED FORCES ON DEATH

Section 692(1) of the Code forgives income taxes of servicemen dying while in active service in a combat zone or as a result of wounds, disease or injury incurred while serving in a combat zone. The forgiveness applies to the year of death and prior years of service in the combat zone.

When a serviceman is reported in a missing status for a number of years, and it is subsequently determined that he died at an earlier time while in missing status, his income (other than his combat pay excluded pursuant to section 112) is subject to taxation for years after the year of his death.

In general, the policy underlying section 692 was to recognize the hardships borne by the survivors of servicemen dying as a result of service in a combat zone and to attempt to alleviate such hardships by relieving their income from taxation for the period of service in a combat zone. In the case of families of servicemen classified as missing and later determined to have died at an earlier date, this status creates unusual difficulties, and the affairs of such families are subject to great uncertainty.

Accordingly, this bill would extend the benefits of current law and forgive the income tax liability of a serviceman who dies while in missing status for the entire period he was missing. In those instances when a widow has filed returns after the death of a deceased serviceman without claiming the benefits of section 692, this provision would permit her to claim the benefits of this income tax forgiveness within one year from the date of enactment of this bill.

SECTION (C)—JOINT RETURNS

Section 6013 of the Internal Revenue Code permits the spouse of a deceased taxpayer to file a joint return for the year in which he died. This bill provides that the spouse of an individual who is a member of the Armed Forces or who is serving in support of the Armed Forces, and who is listed in a missing status, may file a joint return for such year even if it is subsequently determined that he was killed in an earlier year. If the spouse does file a joint return for a year after the serviceman or civilian has actually died, the serviceman or civilian will be considered to be alive for purposes of computing any income tax liability.

SECTION (D)—DISREGARDING COMPLIANCE PERIODS

Section 7508 of the Internal Revenue Code provides that the time an individual serves in, or in support of, the Armed Forces in an area designated by the President as a combat zone, plus any period of continuous hospitalization outside the United States as a result of injury received while serving in such combat zone, and the next 180 days thereafter, are to be disregarded in determining whether certain enumerated acts required under the Federal tax laws, (i.e., filing any returns or paying any taxes) are timely.

It is common for these individuals and their spouses to file joint returns under section 6013. This bill would, in general, permit the spouse of a serviceman and the representatives of his estate to defer filing any returns or paying any taxes until after the serviceman returns or his missing status is terminated.

LITHUANIAN INDEPENDENCE DAY

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. ROBISON of New York. Mr. Speaker, our commemoration today of the 55th anniversary of Lithuania's independence marks as well the sad remembrance of the 1940 annexation of that country to the Soviet Union. The death of an independent state evokes a particular grief from our citizens, so strongly disposed to think first of the human freedoms which have been lost. And, in a larger perspective, we all suffer the loss of the rich and unique international contributions which a free state of Lithuania can no longer make.

Yet the death of a government is not the death of its people. We have found inspiration in the struggle of the Lithuanian nation to regain its freedom and independence, and we are confident that patriotic Lithuanians will never acquiesce to the domination of an outside power. Our observance of Lithuanian Independence Day is, then, a celebration of hope for a new Lithuania which can seek its own future according to the will of its people.

Today we will think of the thousands of Lithuanians who have jeopardized their own lives and futures so that their nation might live again. We will pledge, as well, that the "generation of peace" we now look to will include a new generation of free and independent Lithuanians.

THE 55TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. WHALEN. Mr. Speaker, I am honored to join with my colleagues in commemorating the 55th anniversary of Lithuania's independence.

The small Baltic nation clearly has maintained the vital spark of freedom and patriotism as we know from the periodic news accounts of events which manage to make their way to the West. What we articulate here today about that nation with its ancient language and culture is no idle rhetoric.

The Soviets know this fact well although they continue to maintain the charade that Lithuania is a Soviet Socialist Republic. No more is that true than alleging that a sinner becomes a saint merely by standing inside of a church.

Lithuania is alive and well as one of several enclaves of nationalism behind the lines of Russian troops in what is one of the remarkable testaments to the depth and strength of that nationality. Soviet efforts to foist the Russian language and customs on the gem by the amber shores of the Baltic Sea have been as futile as using vodka as a replacement for milk for babies and no less absurd.

Lithuania is alive and well elsewhere and no less in Dayton, Ohio, which is within my congressional district. Beginning on February 18, the Dayton Lithuanian Community and the University of Dayton Office of International Education presented a Northern European Week program featuring Lithuania, under the chairmanship of Mr. Frank P. Ambrose.

On Sunday, February 18, Radio Station WVUD-FM aired a 3-hour program of traditional folk songs with explanations and contemporary and current rock music of Lithuania.

On Wednesday, February 21, a panel discussion, moderated by Mr. James J. O'Neil, of the University of Dayton History Department, examined Lithuanian identity, the church, culture, cultural unity and national divisions, and Lithuania and the Soviet system. Participants included Dr. V. Bieliauskas, chairman of the Xavier University Psychology Department; Mr. Horace Zibas, president of the Lithuanian Council of Greater Cincinnati, and Dr. Frank Rimvydas Silbajoris, acting chairman and professor of Slavic languages and literature, Ohio State University.

A Lithuanian cultural evening is scheduled for 8 p.m. Saturday, February 24, in the University of Dayton Kennedy Union Ballroom. It will include a grand display of Lithuanian mementos, art, amber, and woven items, demonstrations of intricate Easter egg designing, straw Christmas ornaments and Lithuanian style weaving. Folk dancing will be provided by the Neris dancers from Pittsburgh and folk singing by the Ausra singers from Windsor, Ontario, Canada.

The Lithuanian Independence Commemoration will be conducted on Sunday, February 25, beginning at 2 p.m. with a mass in the native tongue at the Holy Cross Lithuanian Roman Catholic Church. At 3:15 p.m. a program will be held at the Lithuanian Social Club. The week's events will conclude with a Lithuanian-American dinner at 6 p.m. Sunday in the Holy Cross Parish Hall.

SHERIFF DeMARINO CALLS FOR JURY SERVICE REFORMS

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. PATTEN. Mr. Speaker, one of the finest sheriffs in the Nation, Joseph DeMarino, of Middlesex County, N.J., wrote an article in the News Tribune, of Woodbridge, N.J., on the importance of jury system reforms.

I read the article with deep interest, because I also believe that extensive improvements in jury service are necessary and should have been made years ago.

Although the area of jury service involves State and county regulations, I am inserting Sheriff DeMarino's thoughtful, well-written, and constructive article in the Record with the hope that it will generate interest throughout the Nation. Perhaps it will help result in real and effective jury service reforms in all 50 States:

[From the Woodbridge (N.J.) News Tribune, Jan. 12, 1973]

Sheriff Calls for Jury Service Reforms

(By Joseph DeMarino)

As a professional in the business of law enforcement for 13 years and, most recently, as sheriff of Middlesex County, I have had the opportunity to observe and become familiar with many aspects of what is commonly known today as the criminal justice system.

Undoubtedly, one of the most important aspects in the judicial process is maintaining a sufficient number of jurors to meet varying court needs while at the same time minimizing the time wasted by jurors waiting to be called.

Adding to the dilemma is the initial selection process and the inadequate monetary remuneration given to jurors.

An enormous amount of correspondence is received by the sheriff's office daily from individuals who have been summoned for jury duty as well as from those who served as jurors.

RELUCTANCE TO SERVE

I have found during the past year that many individuals show a great deal of reluctance to serve on either a petit or grand jury and much of the reluctance is based on the factors listed above.

Perhaps it is best to divide the population into segments and briefly touch on each.

There are those individuals who fail to register to vote simply because they know that prospective jurors are drawn from voter registration lists.

This type of individual is not only shortchanging himself but his community as well, because he has given up his voice in selecting candidates for public office and is also shirking his responsibility to make the criminal justice system function.

Very often it is this type of individual who is most vociferous in his criticism of the judicial process.

PENALTY FOR CONSCIENTIOUSNESS

On the other hand, we have the case of an individual who is a registered voter and who subsequently receives a summons for jury duty.

If this particular individual does not drive, he is probably solely dependent on public transportation to get to and from the courthouse.

Anyone even vaguely familiar with the public transportation dilemma in this country and state would have to agree that a great burden is being placed on this particular juror.

Compensation given to a juror is five dollars per day and two cents per mile for travel expenses.

When one considers the cost of transportation, of parking fees, plus the additional cost of lunch, it is very likely that serving as a juror costs the individual money.

What bothers me most is how effective will these individuals be in the performance of a civic duty when they are required to travel back and forth to the courthouse worrying about transportation facilities and other costs and yet being required to expend their own money.

IMPROVEMENTS ADVOCATED

Again, how effective can a juror be when he receives five dollars per day plus two cents per mile for travel expense and who happens to be employed in a place of business which does not compensate its employes while they are serving on jury duty?

It is my belief that in the examples given above the jurors cannot function effectively.

Improvements in many areas of the adjudicative process are needed to alleviate the current problems.

THE 55TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. HOGAN. Mr. Speaker, on February 16, 1918, Lithuanian patriots declared the independence of the Lithuanian state. This was the culmination of years of planning and hoping, of years of agitation and struggle. Lithuania, once a powerful state whose confines spread far beyond the Baltic littoral, was triumphantly reborn. The triumph at first was short, for in the period following World War I armies marched and countermarched across Eastern Europe. The Red Army briefly took control, but when the dust finally had settled an independent Lithuania took her place among the free nations of the world.

For 21 years the people of Lithuania controlled their own destiny. Then Lithuania found herself in the middle of a power struggle, a situation so prevalent in European history, between the Nazis and the Soviet Union. When the outbreak of the Second World War seemed imminent, Lithuania attempted to maintain a policy of absolute neutrality, but was gradually engulfed nevertheless.

In 1939 with the Hilter-Stalin pact consummated and the partition of Poland agreed upon, Lithuania was confronted with the threat of invasion despite repeated Soviet pronouncements of nonintervention. On October 10, 1939, Lithuanian representatives signed a mutual assistance pact with the Soviet Union at a time when Soviet troops had massed on the Lithuanian frontier, which sealed the fate of that brave nation as a cog of the Kremlin wheel of expansion.

Following the brutal fighting waged on Lithuanian soil during World War II, Soviet reoccupation was firmly established in 1944. Since that time Lithuania has not known independence.

The United States recognized the independent Lithuanian Government on July 27, 1922, and it has never recognized that nation's incorporation into the Soviet Union. It continues to maintain diplomatic relations with the representative of the former independent government, which has a legation in Washington.

Mr. Speaker, I am proud that our Government has, to this day, refused to recognize the illegal annexation of Lithuania by the Kremlin. I urge that the United States continue this policy and that we never forget the longing for liberty of the noble citizens of Lithuania, and we must continuously feed the flame of hope that burns within each of them. Let us hope it will once again take its place as a free nation living in harmony with its neighbors.

Today, these courageous and brave people cling to the hope and idea of independence. I am happy to join the loyal Americans of Lithuanian descent in celebrating this special day in the annals of man's quest for freedom and with them hope for the freedom of the Lithuanian people and their homeland.

LITHUANIAN ANNIVERSARIES

HON. STANFORD E. PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. PARRIS. Mr. Speaker, this month Americans of Lithuanian origin and descent are commemorating two anniversaries—the 722d anniversary of the founding of the Lithuanian State and the 55th anniverary of the establishment of the modern Republic of Lithuania on February 16, 1918.

As you know Lithuania was forcibly annexed by the Soviet Union in 1940 and and today its people are still seeking the freedom which many in this country take for granted.

I recently received a letter from Mr. V. F. Volertas, president of the Lithuanian-American Community of the U.S.A., Inc., concerning this situation and at this time I would like to insert that letter into the RECORD:

LITHUANIAN-AMERICAN COMMUNITY
OF THE U.S.A. INC.,
Philadelphia, Pa., February 7, 1973.

Hon. STANFORD E. PARRIS,
House Office Building,
Washington, D.C.

DEAR MR. PARRIS: Today, the United States stands on the threshhold of the most meaningful and potentially rewarding era in the history of mankind. For the first time in the last fifty years, global peace is attainable. However, global peace is only the first great objective of our nation, we must also seek the attainment of freedom and justice for all oppressed nations. For even if the countries of the world cease hostilities toward one another, the unresolved legacies of the Second World War must be confronted; the status of the Baltic Nations must be once and for all—equitably resolved. Furthermore, let us not be fooled that world peace can be attained by offering the inalienable rights of the people of Lithuania and the other Baltic Nations upon the altar of appeasement.

Even now, Lithuanians raised under the yoke of communism are risking and sacrificing their lives in defiance of the Soviet regime, seeking religious and political freedom for their country. The unsuccessful escape attempt of the Lithuanian sailor, Simas Kudirka, the self-immolation of Romas Kalanta, and the subsequent demonstration by thousands of young Lithuanians, and the petition of 17,000 Lithuanian Roman Catholics to Kurt Waldheim of the United Nations, demonstrates their thirst for freedom at any price.

The 89th U.S. Congress during its second session adopted House Concurring Resolution 416, urging the President to direct the question of the status of the Baltic countries in the United Nations and other international forums.

The time is now, to present to the public at large and the government of the United States the grave concern shared by Lithuanian Americans and the people of Eastern and Central Europe over the approaching Soviet proposed "European Conference on Security and Cooperation".

Sincerely,

V. F. VOLERTAS,
President.

THE FBI IN A FREE SOCIETY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. TEAGUE of Texas. Mr. Speaker, it was my privilege to have arranged for and subsequently accompany Mr. L. Patrick Gray III, Director of the FBI, to College Station, Tex., where he made an address before students from all over the country who were attending the 18th

Annual Student Conference on National Affairs at Texas A. & M. University.

I would like to bring to the attention of this body and particularly Members of the Senate, Mr. Gray's remarks. His address entitled "The FBI in a Free Society" certainly embodies his personal views as to the roll of his Agency within our country's law enforcement efforts. As a long time personal friend of mine, I was particularly pleased that the President has seen fit to name him as the Director and I trust that this appointment is confirmed.

The address follows:

THE FBI IN A FREE SOCIETY

(By Hon. L. Patrick Gray III)

May I congratulate SCONA 18 for the excellence . . . and contemporary relevance . . . of your 1973 theme, "The Controlled Society." This is a subject of great interest to our Nation today as it was in the earliest days of our history. We the American people have continually sought ways and means to preserve that delicate balance between the security of the community and the freedom of the individual.

In late 1786 Shays' Rebellion erupted in Western Massachusetts. General Henry Knox, worried about the possibility of anarchy, wrote his good friend, George Washington:

"What is to afford us security against the violence of lawless men?"

The answer came a few months later in the Miracle of Philadelphia . . . our Constitution . . . a document creating a government of law . . . a document creating a government to provide both security and freedom . . . not the one or the other, but both together . . . and to all the people, not to some of the people.

Today, almost 200 years later, General Knox's question remains germane to the changing, challenging world in which we live:

Can we control crime in a free society?

Can we have security against "lawless men" . . . the rapist, the thief, the sniper, the hijacker, the terrorist, yet not forfeit the precious freedoms which give dignity and decency to our way of life?

Can we protect our citizens, our homes, our campuses, our streets and yet not become a "controlled society"?

My answer to each of these questions is Yes provided that our people maintain a lively interest in our free society, in the great issues facing us, and make determined efforts to become well informed and aware of the facts involved in each issue.

There is no principle that is more important than that government should remain close to the people and that the dispersion of power in our Federal System is one of the great safeguards of the liberties of a free people. But the people must be informed of the facts . . . not the fiction . . . in order to exercise that power wisely in the national interest.

As Acting Director of the FBI . . . an institution vitally concerned with the ultimate answer to these questions . . . I welcome this opportunity to tell you something about the service performed by the dedicated men and women of the FBI to preserve both our security and our liberties.

I want to share with you my impressions after being appointed to my present position . . . how I went about evaluating this distinguished agency . . . and what verdict I have reached . . . especially relating to the FBI's role in fighting crime and thereby making more secure our personal freedoms.

As you know, I was appointed Acting Director of the FBI in May of 1972. I approached this assignment with a feeling of respect and admiration . . . bordering almost on awe . . . for the organization that John Edgar Hoover had built, and for the men and women who had shared with him in that creation.

I approached this assignment with an open mind. I wanted to see what made this great organization tick . . . what were the sinews, muscles, and nerves that held it together. Every American is a shareholder in the FBI. I wanted to see how good our investment actually was.

Since that time, now approaching ten months, I have been privileged . . . as no other outsider had ever before been so privileged . . . to observe the performace of this American original at first hand . . . to direct its performance . . . to question its performance . . . and to evaluate its performance.

My approach was that of the inquiring mind. I posed questions . . . questions of all types to the senior executives of the FBI . . . questions touching every aspect of the work of the Bureau. Why this priority? Why this procedure? Why these files? Why this utilization of resources? And once all the stock answers had been served up, they were asked to dig deeper and come up with still more answers . . . to provide rationale and justification for every brick and stone that went into the edifice of this 64-year-old human institution.

It is a rare tribute to Mr. Hoover . . . and to the men and women who built the FBI with him . . . for me to be able to stand before you today and tell you that this magnificient organization responded with a zest, an enthusiasm, and with an all-consuming fidelity to perfection that is unparalleled in my experience.

This process is continuing, but my own personal evaluation is clear. The Nation can be proud of the high-quality performance of the FBI and its effectiveness in protecting our security, yet at the same time respecting the rights of the individual. The FBI is responsive to the public interest in accordance with the law.

I have found that the men and women of the FBI are complete professionals. Their prime . . . and overriding . . . characteristic is a sustained pursuit of excellence, an all-consuming dedication to perfection. I have also found that they possess an innate sense of decency, dignity, and courtesy.

I set forth this background because I know there have been fears and allegations on the college campus . . . and elsewhere . . . that the FBI is a "Big Brother," hovering about, in Orwellian style, looking over the shoulders of citizens, checking on their every move, maintaining secret dossiers and undermining academic freedom.

These allegations simply are not true.

My experience as Acting Director of the FBI has convinced me of a number of things.

The performance of the men and women of the FBI is based on genuine respect for civil liberties.

The FBI observes strict conformity with constitutional requirements.

The performance of the FBI rests on standards of public service and dedication to duty which are impervious to corruption.

On occasion it seems to me that there are those in our land who would like to abolish the FBI . . . or at least abolish the files of the FBI.

Obviously, the FBI has files. There are the so-called general files and the investigative files.

When we start an investigation we open up an investigative file. There can be any number of reasons for the opening of an investigation. But there will be a reason within our jurisdiction. I have found no evidence at all that the FBI has gone out and investigated beyond its jurisdictional perimeters . . . or taken the law into its own hands to move in a dictatorial manner across our landscape.

Actually, jurisdiction is our ground zero. Here is where it all starts and where it all comes together. And as you would expect, here is the fertile area for those who study the operations of the FBI. In some cases there is room for difference of opinion as to whether or not FBI jurisdiction is present. Whenever in doubt, guidance is requested from the Department of Justice. This is standard operating procedure . . . because the FBI will not investigate unless we have the required jurisdictional authority.

In discussing the FBI, it helps to know exactly what we are and what we are not.

We are the principal investigative arm of the Department of Justice. We are not policy makers. Even though we investigate . . . we do not prosecute the alleged violators. We do submit reports of our findings during the conduct of an investigation to attorneys of the Department of Justice . . . but we do not submit any recommendations as to disposition of the particular case involved in the investigation.

Be careful of the language gap. Too often I read that the FBI prosecutes or that the FBI convicts. We do not recommend . . . we do not prosecute . . . we do not convict . . . but we do investigate and we do report our results to attorneys of the Department of Justice.

The myths and legends being circulated about the FBI . . . that it is a national police force . . . that it has an eye in every bedroom . . . that it is an enemy of civil rights . . . need to be laid to rest.

In fact, the FBI, because of the training of its personnel, its guidelines for conducting investigations, its scrupulous respect for the rights of every citizen, is a vital force working against the type of controlled society we all so deeply detest.

Let me illustrate.

The FBI's Handbook for Special Agents . . . which lays down the guidelines of our investigative policies . . . on the very first page stresses the absolute necessity of protecting the constitutional rights of our citizenry.

"Fundamental to all investigations by the FBI," it says, "is the need to protect the constitutional rights of any individual while still thoroughly and expeditiously discharging those responsibilities with which it is charged by statutes and Directives of the President and the Attorney General."

The FBI's training program is aimed at teaching Special Agents their obligations as officers of the law. The new Agent, for example, during the course of his training, receives 60 hours of instruction in legal matters with special emphasis on Constitutional law and the Bill of Rights. He studies Federal criminal procedure and is carefully instructed on the law of searches and seizures, interviews and confessions and the need at all times to fully honor and protect the rights of the individual. The rules of evidence are thoroughly explained and the statutes over which the FBI has jurisdiction analyzed.

Just recently Judge Jack B. Weinstein of the Federal bench in New York made these revealing comments:

"Local representatives of the FBI and other Federal law enforcement forces are, with rare exception, meticulous in their enforcement of civil rights, including those involving search and seizure."

In this connection, and in August of last year, we established a new FBI policy to insure complete fairness regarding civil rights investigations. In cases involving complaints against police officers we do not assign Agents to make these investigations if they have worked with these officers in the normal course of business. This policy is in the interests of all . . . our Agents, the police, and the public we serve.

The best protection of civil liberties is a well-trained, intelligent, and honest law enforcement profession. That's why . . . time after time . . . the FBI's thorough and unbiased investigations not only secure evidence used by Federal prosecutors to persuade the jury to convict the guilty but also we often unearth the facts to exonerate the falsely accused. This is a facet of our work so frequently overlooked.

Part of the myth that the FBI is a Big Brother or a national police force comes from misunderstandings about the National Crime Information Center (NCIC) and our use of electronic surveillances.

Proponents of this myth say that these crime-fighting techniques invade personal privacy and contribute to the growth of a "controlled society."

I think their assumptions are wrong . . . and I want to tell you why.

As you know, FBI Agents . . . and their brother and sister law enforcement officers . . . must grapple on a daily basis with the tough, sweaty realities of a demanding yet ambiguous world. They are called upon to make fast judgments, to weigh and balance competing values, without the luxury of quiet reflection.

They need effective, up-to-date tools to fight the "lawless men" mentioned by General Knox . . . men who would and do take away your privacy, your rights, your property . . . and even your lives.

The National Crime Information Center . . . started in 1967 . . . represents one of the law enforcement profession's most progressive . . . most effective . . . tools against the criminal. It is the computer in action against "lawless men." This is not the computer in action against noble citizens or just average citizens . . . but it is the computer in action against those of our fellow citizens who choose to do violence to our criminal laws.

The NCIC's computer, located in Washington, with terminals across the Nation, stores information—subject to instantaneous retrieval for the use of criminal justice agencies—about wanted criminals; criminal histories; and stolen properties, including automobiles, guns, securities and other identifiable items of criminal loot.

By no stretch of the imagination is the NCIC a Big Brother data bank . . . nor is the NCIC a stratagem designed to invade your personal privacy.

As you well know, our Constitution is not a suicide pact. Free men and free women living in a free society and governing themselves have, as one of their first duties, the protection and preservation of the Constitutional democracy under which they live and thrive.

NCIC helps us to protect and preserve the interests of our free society by bringing technology to bear on the side of law and law-abiding Americans.

NCIC is directed exclusively against the criminal and is a cooperative venture linking local, state and Federal law enforcement agencies into an effective crime-fighting team.

Court-approved wiretaps represent still another highly important tool in the fight against the hard-core forces of crime.

On last Sunday the lead paragraph of an Associated Press story from Boston, Massachusetts, told it like it really is:

"Armed with search warrants, computers, electronic surveillance and a coordinated approach, lawmen are hitting organized crime in New England where it hurts—jailing its leaders and harassing its bookies."

I want to emphasize that in its tightly limited and controlled use of electronic equipment, the FBI conforms strictly with a law given to us by the Congress to facilitate an all-out effort against organized crime. This technique is employed not only with the approval of the Attorney General but with the specific authorization, in each instance, of a Federal judge.

This law was drafted by the Congress using language designed to afford the fullest protection of individual liberties while, at the same time, enhancing society's ability to protect itself against the ravages of organized crime.

Again, let me emphasize that the fundamental right of any free society is to preserve itself and to maintain its government as a functioning and effective entity. This concept is basic to our Constitution and laws.

Listen to the words of Charles Evans Hughes, Chief Justice of the United States Supreme Court and a noted civil libertarian, speaking for the Court in a decision handed down over 30 years ago:

"Civil liberties, as guaranteed by the Constitution, imply the existence of an organized society maintaining public order without which liberty itself would be lost in the excesses of unrestrained abuses . . ."

Why do I share these thoughts . . . these comments . . . with you?

Not, believe me, because I want you to conclude that this is an exercise in self-justification. It is simply an attempt to set forth some of the facts about the operations of the FBI in our free society.

Nor do I tell you this story to blunt your probing . . . your analyzing the FBI or the entire law enforcement profession. We know that our actions will sometimes engender criticism. We do not pretend to be infallible. We continually evaluate and re-evaluate our performance to insure that it is relevant to the needs of a constantly changing society. We particularly count on the support of thoughtful and responsible young people—such as you here today at SCONA 18.

We want you to judge us harshly . . . but fairly . . . and on the Facts, not on the Fiction.

We want you to judge us on our merits . . . not on misinformed viewpoints. We want you to weigh the rhetoric against the Facts.

We want you to judge us because we are the servants of many masters . . . the whole body of citizens in this free land, the Judiciary, the Congress, the Department of Justice, and the President of the United States.

We in the FBI are proud of our record of achievement . . . both in the fight against crime and in the fight on behalf of individual liberties.

Our image will take on the nuance of new times and new mores. The style will change, as of course it must. But, my friends, the substance will not change, and the continuity of mission will remain unbroken.

That is my pledge to you today.

RENT INCREASES IN THE DISTRICT OF COLUMBIA REQUIRE LEGISLATIVE ACTION

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. FAUNTROY. Mr. Speaker, the past several weeks have seen a widespread increase in rent levels here in the District of Columbia and in surrounding areas. These rent hikes have followed closely upon the heels of the President's removal of phase II controls on rental housing. In all too many cases, tenants have been hit with excessive 30- to 40-percent increases in rent.

The impact of such rapid increases in rent can be particularly disastrous on families with fixed incomes who often pay 40 percent of their income or more for housing. The average family pays 20 to 25 percent of its income for shelter, and can ill afford to absorb these exorbitant increases. Many families in this area now find recent raises in social security benefits and Government wages completely eaten up by rent increases alone.

What is most distressing about a good many of the increases is that they in no sense can be justified wholly by comparable increases in costs. The dramatic increases in rent, in part attributable to higher costs, are all too often caused by a desperate housing shortage in the Washington metropolitan area. We have one of the lowest vacancy rates in the country, and as a result building owners, absent rent controls, are able to raise rents to unreasonable levels without fear of competition. Tenants often have no choice but to accept the increases, as alternative housing is simply not available.

Given this acute shortage of housing, and the resulting lack of competition, there are no market forces that can control the upward spiral of rents. Accordingly, I am introducing a bill that would establish a rent control program in the District of Columbia.

This week, several area Congressmen met with Dr. John Dunlop, director of the Cost of Living Council. Dr. Dunlop indicated that reimposition of Federal rent controls is a possibility, though he gave us no reason to believe that such a step was probable. He did indicate, however, that in view of the fact that widespread increases seem to be confined to a relatively small number of areas in the country, some form of local controls might be appropriate.

The bill I am introducing is patterned in large measure after the reasonably successful phase II rent control program. I am convinced that it is a balanced approach that takes into account the reasonable interests of both property owners and tenants. The bill would freeze rents and roll back rent increases to pre-January 11 levels—January 11 is the date on which the President removed phase II controls. A property owner would be permitted to institute limited increases to cover certain increased costs. These would include an annual 2.5 percent cost-of-living increase, costs due to higher taxes and other charges imposed by the Government, and costs attributable to certain capital improvements.

The bill establishes a District of Columbia Housing Rent Commission composed of nine members appointed by the Mayor and approved by the City Council. The membership of the Commission is to include both landlord and tenant interests. The Commission will be responsible for administering and enforcing the act.

The Commission will have the authority to grant exceptions to the rent control guidelines on a case-by-case basis, but such exceptions may only be given pursuant to published standards set by the Commission after public hearings. In addition, specific exceptions may be granted to a property owner only after the tenants in a building have been notified and have had the opportunity to present their case in a public hearing.

The Commission will have a 2-year life, after which the city council is given the authority to renew the Commission on a yearly basis.

The bill makes it unlawful for a landlord to take retaliatory action against a tenant who exercises his rights under the act.

The bill would provide for enforcement of the rent control program by assessing a $5,000 fine for violations of the act. In addition, either tenants or the Commission itself may file a lawsuit in the superior court for injunctive relief to force compliance with the act. In order to make such a lawsuit readily available to tenants, the bill provides that the party winning the lawsuit may recover the reasonable costs of the litigation.

This bill represents, I believe, a balanced and fair approach to the severe rent squeeze faced by all too many people here in Washington. Tenants will find their rents set at firm levels, subject only to limited increases directly tied to higher costs faced by the landlord. Property owners, on the other hand, can recover fair rents. This approach is necessary and workable, and I am going to press for enactment. Next week, I will be asking my colleagues on the District Committee to cosponsor this legislation with me. It is my hope that earlier hearings can be held, and rapid action taken by the Committee.

THE FDA: IS IT HANDICAPPING THERAPEUTIC PROGRESS?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. CRANE. Mr. Speaker, there has been much discussion in recent years about the necessity for carefully testing foods and drugs before they are permitted on the market.

Following the controversy over the drug thalidomide, a tranquilizer with a highly prized nontoxic quality that was widely sold throughout Europe, and when taken by expectant mothers tragically produced horrible deformity in thousands of children, regulations in our own country were made increasingly stringent.

The purpose of our regulations, which make it necessary for any new drug to undergo lengthy examinations by the Food and Drug Administration, is to protect the consumer. In fact, the regulations which have been in force since the thalidomide case, may be more damaging to the American people than the less stringent regulations which preceded them.

The fact is that new drugs are kept off the market until they successfully pass through the maze of bureaucratic obstacles set up for them by the Food and Drug Administration. Thus, Americans are not able to take advantage of the latest scientific advances until several years after the advance has been made.

Discussing this serious situation, Robert M. Bleiberg, writing in Barron's, notes that,

> It has grown painfully apparent that in terms of the discovery and use of new drugs, the U.S. has become a have-not nation. According to a recent study by two German scientists, financed by C. H. Boehringer Sohn, a privately owned pharmaceutical concern which ranks on a par with Hoechst, the U.S. in 1961 invented more remedies than the next three most productive companies combined. A decade later, in striking contrast, it had fallen far behind. American physicians and their patients today enjoy access to no more than one quarter of the new remedies developed by U.S. pharmaceutical laboratories at home and abroad. During the past eight years, only one new drug in 17 discovered worldwide has been sold here.

The German study cited by Mr. Bleiberg concluded that the gap can be traced to "the strict and ever more extensive registration requirements of the U.S. Food and Drug Administration." It declared that,

> Excessively rigid bureaucratic measures, political influences . . . are handicapping therapeutic progress.

Similar studies in the United States have reached the same conclusion. Professor Sam Peltzman of U.C.L.A. concludes that a 2-year delay—now at a minimum, standard operating procedure—on existing anti-tubercular drugs would have cost the country $2 billion and 13,000 lives. Mr. Bleiberg concludes that,

> Similar delays in implementing future cures for heart disease or cancer, inevitable as things now stand, would cause incalculable and tragically needless grief.

It is essential that we place the work of the Food and Drug Administration in a proper perspective, and understand how its drug regulations, originally meant to protect us, may be doing us serious harm. I wish to share with my colleagues the article, "Thalidomide Children, They're Not the Only Victims of the Tragedy," by Robert N. Bleiberg, from Barron's of January 15, 1973, and insert it into the RECORD, at this time.

THALIDOMIDE CHILDREN—THEY'RE NOT THE ONLY VICTIMS OF THE TRAGEDY

(By Robert M. Bleiberg)

For nearly one hundred years, The Distillers Co. Ltd. of London has gained fame and fortune by spreading throughout the world its unique brands of cheer: Black & White, Dewar's, Haig, King George IV, Vat 69, Johnnie Walker and White Horse Scotch whiskies; Booth's, Gordon's and Tanqueray gin; and a good many other more-or-less spirituous beverages, ranging from Croffie's Green Ginger wine to Pimm's Cup. As might be expected, revenues and profits have trended generally upward for as long as even the soberest can remember: in the latest fiscal year, the 12 months ended March 31, 1972, Distillers Co. reported turnover exceeding $1.1 billion and net income of about $100 million, equivalent to 28 cents on each of 363 ordinary (common) shares outstanding. And in Great Britain, where a man's tipple is held in something akin to reverence, institutional investors, including the Britannic Assurance Co., Legal & General Life Assurance and Prudential Assurance (which boasts the biggest block of stock of all) have lined up, so as to speak, three-deep at the bar.

These days, however, they're apt to balk at drinking to your health. For owing to an ill-fated foray into pharmaceuticals a decade or more ago, The Distillers Co. Ltd. (no connection with Canada's Distillers Corp.-Seagram's) lately has found itself caught up in an ugly mess. Back in the 'Fifties, the company became the licensee in the United Kingdom for the German drug thalidomide, a tranquilizer with a highly prized nontoxic quality that was widely sold throughout Europe. Tragically, as everyone learned too late, thalidomide taken by expectant mothers also produced horrid deformity, leading to the birth of thousands of children with stunted limbs or none. Ever since, those involved in the manufacture or sale of the drug while disclaiming legal liability, have been wrestling with the question of how to compensate the victims.

In England, after a series of articles in the Sunday Times on the "thalidomide babies," the issue has grown especially hot. Distillers Co., which repeatedly has increased its offers of financial assistance to the stricken families, has been roundly denounced in Parliament, threatened with global boycott (led over here by the ubiquitous Ralph Nader) and heavily liquidated on the London Stock Exchange. Alarmed at the widespread furore and the potential damage to their own good names, influential shareholders such as those cited above have added their ponderable weight to the pressure on management to settle.

"People, not profits," one can almost hear our concerned correspondent from Palo Alto, Calif. (Barron's Mailbag, January 8, 1973) murmur righteously as he empties (down the drain, of course) a bottle or two of Johnnie Walker Red. Yet as even the London Economist—no ardent champion of private enterprise—observed the other day in a thought-provoking leader, the controversy is not a matter of black-and-white. No charges have been brought against Distillers, which, before marketing the drug, obtained a license from the duly constituted authorities. As to the company's offers of settlement, which have been repeatedly spurned, even the least generous looks lavish compared to what Her Majesty's Government, in a disaster involving both clear-cut official negligence and heavy loss of life, saw fit to bestow. There is a final and perhaps most ironic point. Thanks to the late Senator Estes Kefauver and the Food & Drug Amendments of 1962, the thalidomide tragedy, so an overwhelming mass of evidence now suggests, has succeeded in delaying—or denying—needed remedies to untold numbers of sufferers in this country. Thereby it threatens to inflict the most widespread and lasting harm not upon Germany or Great Britain but upon a land which was providentially spared.

The Europeans weren't so fortunate. Thalidomide stayed on the market for nearly four years, from 1958 through 1961, until the dread side effects were traced to the source. As a result, several thousand babies, in Denmark, Germany, Great Britain, Norway and Sweden, were born deformed. Though legal liability has never been fixed, those responsible for selling the drug have sought everywhere to make amends. In 1969, parents of 100 children in Scandinavia settled out of court for $7.3 million, payable as a tax-free annuity. In Germany, for 2,600 victims, the Bonn government set up a foundation with $31 million contributed by the manufacturer, to which it added half as much again. The children received a lump sum of $8,000 and a monthly pension based on disability. In 1968, Distillers settled with the parents of 62 children for roughly $40,000 apiece and, ever since, has been engaged in negotiations with the remaining 342 families. Under the pressures cited above, it has raised its offer several times, week before last to $50 million, payable in $5 million installments over the next ten years. In addition, the company offered parents a lump sum of $12,000. All told, even discounted to present values, the package adds up to well over $100,000 each.

Distillers' offer, as is evident, compares favorably with other settlements. It is princely in the light of the treatment meted out by the United Kingdom's National Coal Board to the families of the victims of the disaster at Aberfan (Wales), where, in

October of 1966, two million tons of rain-soaked coal waste plunged down a mountainside, engulfing a score of cottages and a schoolhouse and causing the deaths of 28 adults and 116 children. After finding the Coal Board guilty of "ignorance, ineptitude and failure of communications," an official inquiry concluded that the Board's legal liability to pay compensation was incontestable and uncontested." So it did—50 pounds to each family and ultimately 500 pounds (some $1,400) for each child lost. Private contributions, pouring into Aberfan from all over the world, ultimately came to several million dollars.

Dollars-and-cents aside, Distillers, as The Economist unexpectedly and eloquently put it, scarcely deserves to be pilloried. "No serious evidence suggest(s) that the Distillers board was negligent, according to the standards of the times, when thalidomide was manufactured and sold in this country. The German tests had not been controverted, the British standards were adhered to, and the providential hesitation about the drug in the United States was concerned with some quite different, and far less damaging, side-effects. There is no apparent moral responsibility on the shoulders of Distillers' directors. The moral responsibility on the company is the one that its shareholders are prepared to accept. . . . But this answer to the issue is only a local one. If it comes about, it will speak well for the generosity and charitable conscience of Distillers' shareholders. It will not help to resolve the bigger questions of the responsibility of the national health service and, even more important, the rsponsibility of the individual for the drugs he decides to take."

If The Economist furnishes no answers, it at least has begun to ask the right questions. On this side of the ocean, too, there are questions—notably regarding the risk reward ratio of federal drug regulation—that cry out to be answered. For it has grown painfully apparent that in terms of the discovery and use of new drugs, the U.S. has become a have-not nation. According to a recent study by two German scientists, financed by C. H. Boehringer Sohn, a privately-owned pharmaceutical concern which ranks on a par with Hoechst, the U.S. in 1961 invented more remedies than the next three most productive companies combined. A decade later, in striking contrast, it had fallen far behind. American physicians and their patients today enjoy access to no more than one quarter of the new remedies developed by U.S. pharmaceutical laboratories at home and abroad. During the past eight years, only one new drug in 17 discovered worldwide has been sold here. Tracing the gap to "the strict and ever more extensive registration requirements of the U.S. Food and Drug Administration," the study grimly concludes: "Excessively rigid bureaucratic measures, political influences . . . are handicapping therapeutic progress."

Others—notably Professor Sam Peltzman of UCLA—have reached the same conclusion. In a brilliant piece of analysis, Professor Peltzman has succeeded in quantifying, at least roughly, the benefits and costs of FDA regulation. Thus, according to his calculations, a tragedy like the one that struck users of chloromycetin in the 'Fifties might have cost 753 lives and $22 million (the capitalized value of the deceased's lost earnings). As we have seen, thalidomide, at a cost of perhaps $110 million, has blighted several thousand lives. However—and here is the other side of the coin, all-too-often overlooked—excessive regulation, merely by delaying the application of new drugs (to say nothing of keeping them off the market permanently), exacts a far more terrible price. According to Professor Peltzman, a two-year delay—now at a minimum, standard operating procedure—on existing antitubercular drugs would have cost the country $2 billion and 13,000 lives. Similar delays in implementing future cures for heart disease or cancer, inevitable as things now stand, would cause incalculable, and tragically needless, grief. Who will compensate these victims and their families?

FAREWELL TO A MAYOR

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. KARTH. Mr. Speaker, since man's accomplishments speak far louder than words, it is with a great sense of pride that I bring our colleagues' attention to a man whose accomplishments positively "shout." That man is Dr. Henry Sweitzer who is leaving the Central Presbyterian Church of St. Paul for the First Presbyterian Church of Salt Lake City, Utah. What he leaves behind in St. Paul will be an everlasting memory to a man's dedication, vision and accomplishment.

Dr. Henry Sweitzer came to Central Presbyterian at a point when people began to doubt whether the downtown portions of our cities could, or even should survive. Dr. Sweitzer proved that they could not only survive, but thrive. His ecumenicism is legend in St. Paul and I am sure the good Mormons of Utah will find this Presbyterian pastor to be as willing a partner in the performance of good works as the St. Paul Catholic priests.

We, in St. Paul, will miss Dr. Sweitzer, but a man of his kind is too good not to share with others. For those of our colleagues who may be interested in the details of Dr. Swietzer's work I am inserting into the RECORD a recent column on his accomplishments entitled "Farewell to a Mayor."

FAREWELL TO A MAYOR

A lady who lives in Central Towers at Cedar and College passed on the rumor at lunch.

"Have you heard?" she said. "Dr. Henry Sweitzer, pastor of Central Presbyterian church who founded this place, had a vision. He's going to leave the Presbyterian Church and go to Salt Lake City and become a missionary to the Mormons."

The lady didn't have it quite right, but there is a germ of truth.

Pastor Sweitzer, the "Mayor of Tenth and Cedar Streets," who brought us Central Towers, Central Manor, Hanover Parking Ramp and office building . . . who revitalized his downtown church . . . whose ecumenicism spilled next door and caught the enthusiasm of the priests at St. Louis French Catholic church . . . the "Rocket of that Gibraltar of Faith" at 500 Cedar St. is leaving for Salt Lake City, but to take post as pastor of First Presbyterian Church out there.

"And the Mormons will just have to take their chances," he said the other morning as we sat in his office, going back over 15 dynamic years of his pastorate.

"I didn't even know they wanted me out there . . . but they do and I'm going . . . I don't want to be the man who stayed around five years too long . . ."

Harry Sweitzer's "Little Town" was a loose, decaying, impersonal stretch of the Upper Loop when he arrived from Grand Forks, N.D., in 1958.

"They said the downtown church was dying . . . the slums around here were emptying . . . Urban renewal was coming . . . Only four buildings stood then as they do now . . . the YMCA, St. Agatha's Conservatory, my church, founded in 1852, and St. Louis Church on the corner.

"I have had three visions since then," said Pastor Sweitzer. "And I don't usually hear voices and see things . . . but there are times when something happens and you better listen . . . I listened."

Dr. Sweitzer didn't believe the downtown church was in its death rattle.

"Here I was in one of the oldest churches in Minnesota and I was determined to breathe new life into it. I started out in the pulpit by bringing the Gospel down to the street level. And on the outside, I sandblasted the grime and soot crust off the building to bring out its beauty and lustre."

His first vision was to persuade a private developer to build a parking ramp on church-owned land south of the church. That ramp recently was topped off by three floors of offices known as the Hanover Building.

"My second vision was to acquire St. Agatha's from the St. Joseph's nuns and convert it into a residence for single girls and women. What a gem of architecture. What a beautiful building. And we've not only preserved, but made it a viable part of the community."

Harry Sweitzer says his third vision was to erect Central Towers, next to Central Manor—an 11-story apartment house for middle-income senior citizens—a pioneer then and still one of the few such privately-run apartment complexes in a central city.

That was 1964 when "we broke ground."

Meanwhile, the rest of the Loop was stirring with rehabilitation and building.

By the day of Central Towers' dedication, Dr. Sweitzer had a new title—"Mayor of Tenth and Cedar."

"We had a population again," he said. "Four hundred people living on this corner. And what helped my church helped the Catholics next door because about half the residents at Central Towers and the Manor are Catholic."

This revival of people power at Tenth and Cedar founded a spirit of cooperation between Presbyterians and Catholics that has been a delightful episode.

"Those wonderful Marist priests next door . . . Fathers Kerwick, Gleason and now McGuinness . . . all of them . . . we've been so close during my time. I've preached over there. They've presided at services over here . . . I guess we really made it when Father Morino retired and moved into Central Towers."

Meanwhile, the new Museum of Arts and Sciences was added to the community, the freeways came, Capitol Approach was completed and a blend of the old city and new thrived.

Along the way, Dr. Sweitzer became deeply involved in civic action—on the board of St. Paul-Ramsey Hospital, the Bush Foundation, other social programs.

As much as they will miss him and his vitality, the pedestrians and dwellers will regret the passing of Dr. Sweitzer's sermon topics posted each week on the big, lighted bulletin board outside Central Presbyterian.

They became classics—like last week's "Love Reduces Friction to a Fraction." Others that were memorable: "This is the World's Greatest Redemption Center" . . . "Take Off Your Shoes; You're on Holy Ground." . . . "When You Get to the End of Your Rope, Tie a Knot and Hang on." . . . "Don't Take Yourself Too Seriously; Your Halo Could Become a Noose."

Unfortunately, the members of Pastor Sweitzer's church never will hear his farewell sermon. In the confusion of packing, he shipped it off to Salt Lake City.

"I've written a substitute for Feb. 18, my last Sunday," he said. "Maybe I'll give my original 'farewell' as a 'hello' in Salt Lake City.

It will be interesting, at that, to see what happens to the Mormons.

RETIRED MARINE REALIZES LIFELONG AMBITION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. GILMAN. Mr. Speaker, I am pleased to call to the attention of the Congress today a former constituent who, despite many obstacles and adversities, persevered and realized his lifelong ambition of receiving his bachelor's degree.

The life of Gerald F. Merna, a Korean war veteran and a former resident of Rockland County, part of the 26th Congressional District of New York, is inspirational and I would like to share with you a story of some of the events which took place in his life leading to his successful accomplishment of a goal, the receipt of his bachelor degree from George Washington University on February 19, 1973.

Story of Mr. Merna

Gerald F. Merna, a former Rockland County, New York student at St. Dominic's in Blauvelt, St. Agnes in Sparkill, County Marine Corps Recruiter in the early 1950's who married a Piermont girl, is looking forward to celebrating George Washington's Birthday this year, not just because it's a legal holiday, but because it will be the fulfillment of a lifelong ambition.

After attending fourteen years of night school at three different colleges, and completing a 22 year career of enlisted and commissioned service in the United States Marine Corps, including full tours of duty in the Korean and Vietnam combat war zones, Mr. Merna, 42, will receive his bachelor's degree in Business Administration from The George Washington University during its Winter Convocation at prestigious Constitution Hall in Washington, D.C., Monday, February 19.

"My aim in life," Mr. Merna said, "has been not to get ahead of other people, but to get ahead of myself."

He decided some time ago that he could do anything he wanted to do if he just stuck to it long enough. And Mr. Merna measures success not so much by the position that a person attains in life as by the obstacles which one overcomes while trying to succeed.

Mr. Merna speaks from first-hand experience regarding the overcoming of obstacles. He encountered a few early in his life. Born in New York City in 1930, one year after the start of the Depression, his parents separated when he was nine. Along with five brothers and one sister, he became a ward of Catholic Charities and was placed in St. Dominic's Home in Blauvelt, New York. After graduating from the eighth grade, he was sent to St. Agnes Home in Sparkill and attended Tappan Zee High School in Piermont—where one of his classmates was later to become his future bride.

In 1947, on his 17th Birthday, Mr. Merna enlisted in the Marine Corps, prior to graduating from high school. While in service he completed the requirements for his high school diploma from Tappan Zee. He credits this accomplishment to the lifetime encouragement he received from Mr. James Faulk, the former Coach at St. Agnes and a retired Marine Reserve Colonel, Mr. Anthony G. Barone, former principal of Tappan Zee High School, and the many dedicated nuns at St. Dominic's, St. Agnes, and Brescia College who inspired him to complete his education and to become a better citizen.

In entering the service at an early age, Mr. Merna followed somewhat in the footsteps of his older brother George who left St. Agnes and Tappan Zee High School in 1943, at the age of 18, to enlist in the Navy during World War II. George was killed in action on February 11, 1945 when his ship, the USS LST 577, was sunk by the Japanese during an enemy engagement in the Philippines. This personal loss was the beginning of the younger brother's strong patriotic feelings, and his overt love of Country and Corps.

Mr. Merna's 22 year career in the Marine Corps, in which he served in every enlisted grade from Private to Master Gunnery Sergeant and later as a Commissioned Officer, included service in practically "every clime and place." His duty assignments varied from Infantry Platoon Sergeant to Recruiting Officer, Adjutant, Personnel Officer, Awards Program Administrator, Legal Officer, and Casualty Notification Officer.

The famed Marine Corps Recruit Depot at Parris Island, South Carolina, in 1947, was the first stepping stone in the transformation of this Rockland County youngster into a proud, disciplined, professionally trained Marine. Following his boot-camp graduation, Mr. Merna reported for duty with the 22nd Marines at Quantico, Virginia, and subsequent training at San Diego, California.

With the outbreak of the Korean War, Mr. Merna, then serving at Camp Lejeune, North Carolina, was reassigned to recruiting duty in New York. He recruited out of the Nyack, New York, Paterson and Hackensack, New Jersey and New York City sub-stations until March 1952 when he volunteered for duty in Korea.

From April 1952 to May 1953, Mr. Merna served in Korea as an Anti-Tank Assault Infantry Unit Leader with the 1st Battalion, 5th Marines, 1st Marine Division, where he was awarded his first Navy Commendation Medal with Combat "V", and as a Platoon Sergeant with "E" Company, 2nd Battalion, 5th Marines, with whom he participated in the bitter fighting on Outpost Vegas. Mr. Merna's Regimental Commander during this time was then Colonel, now retired four-star General Lewis W. Walt, former Assistant Commandant of the Marine Corps. General Walt was popularly known as the "Marine's Marine."

Returning stateside and graduating with honors from the Naval Justice School at Newport, Rhode Island, Mr. Merna was assigned to duty as Legal Chief at Marine Corps Schools, Quantico, Virginia.

In December 1955, he was put in charge of the Marine Corps Recruiting Office in Owensboro, Kentucky where he won many Outstanding Recruiter Awards, was appointed a Kentucky Colonel by the then Governor and former Commissioner of Baseball A. B. "Happy" Chandler, and served as the senior enlisted man in Charge of the Marine Honor Guard at the funeral of former Vice President of the United States, Alben W. Barkley, at Paducah, Kentucky.

During his off-duty hours in Owensboro, Mr. Merna started his first college courses at Brescia College where he completed 18 semester credits before being transferred to Camp Lejeune, North Carolina. While at Lejeune from 1960 to 1962, he completed another 26 semester hours at East Carolina College.

In the ensuing ten year period, Mr. Merna enrolled as a degree candidate at The George Washington University in Washington, D.C. where he sandwiched in additional course work as duty assignments permitted. He completed a tour as Legal Chief at Headquarters Marine Corps in Washington during which time he participated as the NCO in Charge of an honor guard at the funeral of President John F. Kennedy and at the Inauguration of President Lyndon B. Johnson.

In May 1966, under the Marine Corps' outstanding leadership program, Mr. Merna, then a career Marine with 19 years of enlisted service, was commissioned a Second Lieutenant in the regular Marine Corps. He was ordered to Vietnam where he served with the Third Marine Division from August 1966 to September 1967. He was promoted to First Lieutenant while in Vietnam, and was awarded his second Navy Commendation Medal with Combat "V" and received the Vienamese Cross of Gallantry from the Vietnamese government. He accumulated 18 other decorations and awards during his military career.

Mr. Merna retired from the Marine Corps in 1968 after completing a tour as Adjutant with the Marine Air Reserve Training Detachment at Andrews Air Force Base in Washington. He accepted a position with the U.S. Postal Service in Washington, D.C. and participated as one of the principal Postal Service representatives on a major joint industrial contractor-Postal Service project to develop and implement a Job Evaluation System responsive to the changing needs of the Postal Service. He is presently Manager, Compensation Records Branch in the Postal Service's Office of Job Evaluation.

On hand at Constitution Hall when Mr. Merna receives his long-awaited sheepskin on February 19 will be his wife Dorothy, daughter of Mr. and Mrs. Thomas F. Sedlack, Sr., of Ferdon Avenue, Piermont, New York, and their two children, Linda, a freshman at George Mason University, and son Gerald T. Merna, a high school junior. The Mernas presently reside in historic Alexandria, Virginia. Also in attendance will be two of Mr. Merna's brothers, James and Richard, both former Marines themselves.

Since he had only received his high school diploma in the mail while in the service, this will be his first graduation ceremony.

"I'm going to wear that cap and gown on the 19th, you can bet on that," he said with a grin.

A fitting ending to a small but rugged individual who would rather wear out than rust out.

CONTINUING THE REDEVELOPMENT OF HOBOKEN, N.J.

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, on February 7, 1973, the council of the city of Hoboken passed a resolution dealing with the recent decision of the Secretary of Housing and Urban Development to place a temporary hold on application for subsidized housing assistance that have not reached the feasibility approval stage by January 5, 1973.

Mr. Speaker, Hoboken, N.J., is one of the oldest cities in this Nation. Much of its housing has deteriorated. Despite this, great strides have been made and are being made to bring its housing up to standard. I would hate to think that HUD is reneging on its commitment to the "Mile Square City" at this stage of the game.

I submit this resolution for the study of all Members of this House and I ask that it appear following my remarks in the RECORD.

The resolution follows:

RESOLUTION

Whereas, the Secretary of Housing and Urban Development has announced a "temporary hold" on applications for subsidized housing assistance that have not reached the feasibility approval stage by January 5, 1973; and

Whereas, the Secretary of Housing and Urban Development has indicated that only those projects that are necessary to meet statutory and other program commitments will be approved in coming months; and

Whereas, the City of Hoboken has received a specific program commitment of 1,200 units when designated as a Project Rehab City and written assurances of additional amounts depending upon performance; and

Whereas, the City of Hoboken has established a special administrative mechanism to coordinate and monitor Project Rehab development; has allocated funds to the establishment of a relocation office and to the payment of relocation assistance funds according to the Uniform Relocation Act; and

Whereas, the City of Hoboken has elicited the interest of various developers who have opened offices in the City on the basis of assurances of a reservation of Section 236 subsidies; and

Whereas, approved Project Rehab developers have received feasibility on 642 units with 410 units pending feasibility, now, therefore, be it—

Resolved, that the City of Hoboken shall request that the Department of Housing and Urban Development continue its commitment to the City of Hoboken without regard to the "temporary hold" to permit the continuing redevelopment of the Hoboken community; and, be it further—

Resolved, that said request shall be communicated to the Secretary of the Department of Housing and Urban Development by letter signed by the Mayor and City Council of the City of Hoboken; further—

Resolved, that copies of this resolution and letter be sent to members of Congress representing the State of New Jersey.

ESTONIAN INDEPENDENCE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. DERWINSKI. Mr. Speaker, Saturday, February 24, will be the 55th anniversary since the Republic of Estonia successfuly achieved its independence from the Soviet Union. This freedom was a new experience for Estonia which had been under the rule of various powers for 700 years, the largest segment of time being under Czarist Russian bondage.

When Estonia declared its independence on February 24, 1918, World War I was still going on and it was not until November 11, when the armistice took effect, that the Germans began to withdraw from its territory. Eleven days later the Bolsheviks began to invade Estonia. However, the brave resistance of its people enabled Estonia to rid its land of these latest invaders by the end of January 1919.

Two decades later, freedom for Estonia came to an end after the Communists and the Nazis divided Poland between them. Estonia was forced to sign a treaty with the Soviet Union permitting establishment of military bases and stationing of Russian troops on its soil when the Soviet Union threatened to invade. Annexation soon followed and on August 6, 1940, the tiny Republic was absorbed by the Soviet Empire.

It is pertinent to point out that the United States refuses to recognize the Soviet occupation of Estonia, Latvia, and Lithuania, and I am confident that this will continue to be the policy of our country. Estonians throughout the free world will continue their activities to keep alive their traditions. Even though they are a small group, they are a very vital force in the various countries throughout which they have been scattered by the fortunes of war.

Mr. Speaker, justice certainly will be served on the day of the emancipation of the Estonian people from their present bondage. In the meantime, let us pay homage to the brave people of that tiny country on the anniversary of their independence.

THE 55TH ANNIVERSARY OF DECLARATION OF THE REPUBLIC OF ESTONIA

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. LONG of Maryland. Mr. Speaker, February 24 marks the 55th anniversary of the declaration of the Republic of Estonia. One year ago, in a speech commemorating the 54th anniversary I expressed the hope that Estonia could celebrate its 55th anniversary as an independent nation. Unfortunately, Estonia remains a captive nation.

On February 24, 1918, 1 day after German troops entered Estonia and drove out the Communists, Estonia declared its independence. Many Estonians fled their German-occupied country to publicize to the Allied countries the plight of their fellow citizens. France, Great Britain, and Italy accorded de facto recognition to Estonia in the spring of 1918. In November of 1918, the Germans withdrew, but the Soviets then attacked. The Estonians rallied to the cause of freedom and held off their attackers with the help of the Finns and the British.

The Estonians drafted a constitution, relying heavily on the principles in our Constitution, to insure human rights and dignity for all.

In the League of Nations, Estonia was often a spokesman for the small, democratic nations. Many Estonians went to Geneva to serve on the staff of the League of Nations.

At the outbreak of World War II, the Soviet Union built military bases in Estonia. In June of 1940, the Soviets occupied the country. The people of Estonia were subjected to arrest and exile. About 10 percent of the population was either killed or forced to flee the country. From 1941 to 1944 Estonia was occupied by the Nazis. In 1944, the Soviets reoccupied Estonia, forcing every citizen out of the towns on the Baltic shore so that new settlers from the Soviet Union could move in. Tens of thousands of Estonians were shipped off to other parts of the Soviet Union.

The history of terror has not dampened the hopes of the Estonian people that their country may enjoy the freedom which we in this country so often take for granted. Every year Estonians living in the free world celebrate the anniversary of their declaration of independence. Those still living in Estonia cannot celebrate. I hope that someday it will be a real celebration of independence rather than just a celebration of the declaration.

VOICE OF DEMOCRACY CONTEST WINNER

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. COHEN. Mr. Speaker, at a time in our history when more Americans are experiencing more freedom than ever before, yet taking less time to think about what our freedoms really mean, the Veterans of Foreign Wars of the United States and its ladies auxiliary has conducted its annual Voice of Democracy Contest.

Ruth Ellen Comber of Jackman, Me., has written a winning speech for the VFW contest. Her speech, "My Responsibility to Freedom," is an excellent example of thoughtful appreciation of our freedom. I would like to have her speech inserted in the RECORD:

MY RESPONSIBILITY TO FREEDOM

(By Ruth Ellen Comber)

Freedom is a great privilege and we must work unitedly to be responsible for it. Benjamin Franklin, John Adams, and Thomas Jefferson were the key men in the signing of the "Declaration of Independence," on July 4th, 1776. On that day, these men and many like them, were being responsible for freedom by insuring its existence in our newly formed country. But this document and the ideals it stands for were not conceived by one man. It was created by an assembly of men working together as a unit. When you think of how hard these men worked to bring freedom to our nation, you would think that we could work just as hard to keep it here. One of the most important lines of the "Declaration of Independence" is the one which states that all men are created equal. This means that a man should hold no prejudice against his fellow men. There is no set class system in America where a man, because of his heritage, is in any better position to rule or be ruled, than anyone else.

Because we all are equal, we should all share equally in the benefits obtained from freedom and the responsibilities that accompany it. One person alone could not begin to spread the knowledge and results of liberty throughout the entire country. One person could not even hope to reach every man, woman, and child living in this country. It takes a joint effort by every one of us, each in his own way.

We need politicians to serve the people as representatives to Congress and the Senate. We need them to work *for* and *with* us in making the laws and preserving freedom for all.

We need lawyers to fight for justice and truth in the Courtrooms of our land. We need these professionals to insure freedom of the individual and to interpret the laws.

We need policemen to enforce the laws that were made to protect us.

But, most important of all, we need those people whom the laws were made *for*. We need these concerned citizens to keep our country at its high level; never letting it falter for a moment.

My individual responsibility is to be proud of my heritage and of my country. I should not take any one of these duties for granted. When I become of age, I should be an informed voter and a concerned voter. The political *offices* should be my concern, and they should be upheld to the highest degree.

To explain further by responsibility to freedom, I would like to refer to the song, "You've got a Friend." The first stanza of this song is: "When you're down and troubled and you need some love and care, and nothing . . . nothing is going right; Close your eyes and think of me and soon I will be there, to brighten up ever your darkest night." This applies to freedom and its need for my assistance. I try to project myself into the song and think of freedom calling to me for help in finding stability in our society.

The beginning lines of the chorus are: "You just call out my name, and you know wherever I am, I'll come running to see you again." Of course freedom is not capable of calling out my name. But through some political, social or religious strife within this democracy, I should be aware that freedom is calling silently, for my help in solving the problems that could hinder its safety. The last few words of the chorus are: "Winter, Spring, Summer, or Fall, all you have to do is call, and I'll be there. You've got a friend." These lines reveal that no matter what the season is, I should always be ready to aid freedom in any way possible. Whether it is to examine closely a new amendment to make sure it benefits *all* the people and not just a minor few. Or if it is to learn about America's foreign policy to certify that it is fostering brotherhood with other nations. I should be willing to work for freedom at all times.

The last lyrics of the song are: "Now isn't it good to know that you've got a friend when people can be so cold? They'll hurt you, yes, and desert you, and take your soul if you let them. Oh, but don't you let them."

This means, to me, that there is a struggle involved in protecting and preserving something as necessary to the happiness of an individual, as freedom. It isn't easy. But, then, nothing worthwhile ever is.

FREEDOM TO MURDER COULD DESTROY 300,000 TO 400,000 UNBORN AMERICANS A YEAR

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. RARICK. Mr. Speaker, the full impact of legalized murder under the euphemistic name of abortion, is difficult for the average American to comprehend. But if the entire population of Fort Worth, Tex.; Toledo, Ohio; or Newark, N.J., were brutally murdered, perhaps the ramification of liberalized abortion would be better understood.

The populations of these major metropolitan areas, in fact, the populations of 117 of the top 150 U.S. cities are less than the predicted number of abortion-murders—300,000 to 400,000—experts say will take place in the United States each year if abortions are permitted to become readily available throughout the country.

The Supreme Court's recent ruling on this question indicated that the so-called right of privacy of a pregnant woman is license to kill her unborn child. Apparently, the Justices feel that this unwritten, psuedo-right of privacy, they so conveniently found in the never ratified 14th amendment, supersedes the right to life and liberty.

Morality, not murder, is the answer to any population control bugaboo.

I include a related news clipping:

[From the Evening Star and Daily News, Feb. 21, 1972]

Abortions in New York Reportedly Cut Births by 19,000

New York.—Abortions performed on New York City women during the first two years of a liberalized abortion law reduced births by about 19,000, a statistical analysis has indicated.

That would mean that legal abortions accounted for about half of a 25 percent decline in births in the city between 1970 and 1972. The remaining drop would be attributable to improved contraceptive practices, changing family preferences, a decline in employment and other factors.

The analysis was written by Dr. Christopher Tietze of the Population Council, a biostatistician and international specialist on the effects of abortion and contraception. Tietze predicted in an interview yesterday that if abortions become readily available throughout the country under the Supreme Court's recent ruling, they could lead to a decline of 300,000 to 400,000 births a year in the nation.

Dr. Charles Westoff, a Princeton sociologist and specialist on national fertility trends, said in an interview that Tietze's estimate "would mean a 10 percent drop in births over and above the influence of all other factors. There hasn't been such a large drop in births in the last 15 years."

Such a decline, he said "would drive the national fertility rate substantially below replacement level."

IMPERIAL BEACH DISTRESS CRIES FOR U.S. AID

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. VAN DEERLIN. Mr. Speaker, the city of Imperial Beach, in my district, has suffered mightily through the erosion of its most precious natural asset, the approximately 2 miles of oceanfront that once constituted one of the finest natural beaches on the west coast.

Prof. Douglas L. Inman of the Scripps Institution of Oceanography has explored the causes of this damage in a paper which I will attach at the end of these remarks.

Dr. Inman lays at least a part of the blame on the Rodriguez Dam, constructed a few miles away across the border by the Mexican Government, with the formal compliance of the United States. Besides conserving a once ephemeral water supply, the dam also has choked off a flow of sand which formerly could be depended on to replenish the coastline in and around Imperial Beach.

It is my feeling that our Government now has a special obligation to help Imperial Beach recover its beach, since the United States was party to the agreement which permitted construction of the dam responsible for the damage.

Accordingly, I am preparing a bill which would allow the Army Corps of Engineers to transport fill from a harbor dredging project on the Imperial Beach shore. Since this sand is going to be available anyway, it should be put to the best possible use. Present plans call for the fill to be deposited about 5 miles north of Imperial Beach, on Navy property where it is not really needed and where resulting benefits would be minimal.

The relatively modest additional cost of moving the sand to Imperial Beach can and should be assumed by the Federal Government; only in this fashion can the Government restore to the public the recreational area that it has permitted, however unintentionally, to be lost. My bill would authorize the additional funding necessary to carry out the restoration project.

Professor Inman's statement follows:

The Silver Strand Littoral Cell and Erosion at Imperial Beach

(By Douglas L. Inman)

The problem of beach erosion at Imperial Beach can best be understood in terms of the budget of sediment as applied to a littoral cell that includes the source, transport paths, and sinks of the beach sand involved. Imperial Beach is part of a littoral cell that had the Tijuana River as a natural sand source, Silver Strand as a transport path, the entrance to San Diego Bay with its strong ebb currents as a temporary deposition area. Before construction of Zuniga Jetty (east jetty of San Diego Harbor) the sand deposited at the harbor entrance was washed ashore from time to time and thus temporarily became available to Silver Strand Beach. Construction of Zuniga Jetty in 1893 temporarily trapped the sand building the extensive Zuniga Shoal. The jetty also increased the velocity of the tidal ebb current flowing out of San Diego Bay, causing it to deposit the sand carried through the porous jetty into deeper water where it is no longer available to participate in the littoral drift.

Beach erosion in the Silver Strand cell is directly related to the loss of the historic sand source by daming of the Tijuana River, and to the construction of the Zuniga Jetty. The littoral transport in this cell is predominantly northward along its entire length due to its exposure to waves from the south and the sheltering effect of Point Loma on waves from the north. The northward littoral transport of sand along Silver Strand, in the absence of a continuing sand supply has resulted in an erosion cycle that begins at Imperial Beach in the southern part of the cell and progresses northward.

The Silver Strand littoral cell has had no natural source of sand since the Rodriquez Dam was completed in 1937, and by 1941 was undergoing extensive erosion. Silver Strand Beach has been maintained by artificially placing 28,300,000 cubic yards of sand on the beach between 1940 and 1967. Comparisons of beach surveys of 1946 and 1954 indicate that the northerly littoral transport of sand along Silver Strand was about 1,400,000 cubic yards per year. Comparison of offshore charts of 1923 and 1934 indicate an accretion of sand south of the jetty, in water depths of 60 to 120 feet of about 2,100,000 cubic yards per year. Thus, the transport rate in this cell appears to be between 1.4 and 2.1 million cubic yards per year.

Proper placement of sand dredged from San Diego Bay on the beaches could help alleviate erosion by creating an artificial sand source. However, to have a significant beneficial effect on beach erosion this sand supply must be introduced into the cell near its southern end. Placement of the sand at Imperial Beach will immediately supply the presently depleted beach and allow the sand to gradually move along the natural transport path. If the sand is placed on the beach near the northern end of the cell it will only widen the beach at Coronado and have no effect on beach erosion at Imperial Beach and Silver Strand State Park. Only good clean sand of proper size will serve the function of an artificial sand source. Mud placed on the beach will stay in suspension and cause the nearshore zone to become saturated with muddy water. Once the nearshore waters are saturated the mud will not disperse quickly and will have an adverse effect on fishing and other recreational uses of the beach. The effect of placing mud on Silver Strand Beach was carefully studied in 1967.

JUDGE FULD ASSIGNS STATE BAR KEY ROLE IN AIDING COURTS

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. CAREY of New York. Mr. Speaker, the New York Law Journal, dated January 24, 1973, contained a statement by Stanley H. Fuld, chief judge of the New York State court of appeals, delivered at the annual meeting of the New York State Bar Association. I feel that for all of us who are concerned about better judicial administration, this message will provide insight attributable to a long and distinguished judicial career.

I would like to insert at this point the statement referred to:

Message for Annual Meeting—Fuld Assigns State Bar Key Role in Aiding Courts--

(By Stanley H. Fuld)

As the New York State Bar Association convenes its 1973 annual meeting, I am delighted to join in conveying greetings and in voicing the hope that the session will be a most successful and productive one. I would also express my deep appreciation to the members and officers of the association for their ever continuing support of the administrative board's efforts to strengthen and improve New York's judicial system.

As is the case with any human endeavor, the judicial system—be it in our state, in other states or in the federal structure—is not perfect. Nor can we expect it to be if we add to human fallibility the compounding frustrating elements of increasing caseloads, lack of adequate resources, of personnel and the enormity of other problems and responsibilities which confront those who work on behalf of the court system. Significant progress, however, is within our reach.

It is my hope, therefore, that, in the course of this annual meeting and in the months to come, the association will again marshal its collective wisdom and energies in our common effort to improve the administration of justice in this state.

A particular area of concern involves the public's lack of understanding of the problems and the needs of our judicial system. There can be no doubt that the judiciary—and, of course, society as a whole—profits greatly from legitimate and responsible criticism of the courts. Needless to say, my colleagues and I on the administrative board have ever been intent, if there is wrongdoing or corruption in the court system, that it be rooted out and, if there is inefficiency, that it be ended.

Indeed, it is vital that the judiciary be responsive to, and by that token accountable for, responsible public criticism. On the other hand, it is equally important that the public, if it is to make an intelligent and valid assessment of the operation of its court system, be given the facts upon which to base a reasoned judgment. In short, the public must be apprised of the real problems and needs confronting the courts and not be subjected to rhetoric which only tends to dismay and confuse.

NEED FOR UNDERSTANDING

The need for public understanding, for public involvement and, hopefully, for public support of the court system becomes more compelling with the recent release, on Jan. 2, of the Report of the Temporary Commission on the New York State Court System. Its proposals—particularly those relating to court structure and administration, financing of the court system and the selection and discipline of judges—demand careful study and analysis by all our citizens. And, if added to these recommendations of the commission are further legislative and constitutional proposals relating to such subjects as no-fault automobile insurance and narcotics, the necessity for an informed public opinion as a predicate for legislative action or constitutional amendment becomes increasingly self-evident.

STATE BAR ROLE

No group is better fitted, either by training or tradition, than is the State Bar Association to illuminate these subjects and to inform the citizenry concerning the judicial branch of government, the individual's stake in it and proposals which may affect it. The long history of accomplishment of this association, in the public interest, is a truly happy warrant for soliciting its commitment to this endeavor and for seeking whatever help it can provide.

Again, I voice my thanks to the association for the support and assistance it has given over the years. Much has been accomplished but much more needs to be done. As I had occasion to say last year, "The joint efforts of Bar and Bench in the months and years ahead will certainly go far toward assuring that the true administration of justice will continue to be the firmest pillar of good government."

THE UCLA WHITERIVER DENTAL PROJECT

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. HANNA. Mr. Speaker, it is with pride as a member of the California delegation that I bring to the attention of the House the UCLA Whiteriver dental project. For the past 2 years the students and faculty of the UCLA School of Dentistry have given their time and skill on a voluntary basis to help the White Mountain Apache Tribe in Whiteriver, Ariz. The purpose of the project is to provide dental services that are not normally available to the Indians through the Public Health Service.

The students and their teachers spend from 3 to 10 weeks each summer on the reservation. They are both treating the problems they find at hand and also practicing preventive dentistry by teaching oral health to the school-age Indian children. On a more long-range basis, they hope to interest the young men and women of the White Mountain Tribe in following careers in dentistry.

In 1972 the project involved 84 dental students, 18 professional and student lab technicians, and over 30 professional and student dental hygienists. They served over 400 patients last summer. Over 1,000 teeth were removed and another 1,000 restored; 150 sets of complete dentures were prepared.

The efforts of these young professionals in the field of dentistry have made an impressive and most noteworthy contribution to the improved health of their fellow man. I congratulate and commend the students and faculty of the UCLA School of Dentistry for a job well done. I sincerely hope that the Whiteriver dental project will receive wide recognition and continued support from public and private sources.

MORE ON NEW YORK CITY MEDICAID ABUSES

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. KOCH. Mr. Speaker, the following is the second in a series of excellent articles from the New York Daily News describing in very disturbing terms the abuses of New York City's medicaid system. Quality health care must be established as one of our Nation's priorities, and I recommend these articles to my colleagues as an indication of the severity of our present problems:

Our "Patient" Gets More Tests on Second Visit

(By William Sherman)

A man complaining that a table had fallen on his foot was number one on line. An old woman, her calves bulging with phlebitis, stood behind him, and next to her a boy who said he is a junkie was holding a packed duffel bag and an old guitar. He mumbled something about stomach pains.

They were welfare clients with medicaid cards, waiting to see the receptionist at the Park Community Medical Building, 131–12 Rockaway Blvd., Ozone Park, Queens. After they registered their complaints they joined about 25 others sitting silently in the crowded waiting room. Every five minutes or so, another patient was called into an examining room.

Number four on line was a News reporter disguised as a patient with a medicaid card as part of a broad investigation of abuses of the city's medical assistance program. City welfare and health officials cooperated closely in the probe.

The reporter returned to the center last Wednesday, as directed by internist Dr. Henry Wilkins, two days after his initial treatment there for a feigned cold.

The first day, he was sent to see a podiatrist, an internist, and a psychiatrist for his complaint. The three doctors had prescribed six different medicines.

It is not yet known how much the Park Community center will decide to charge for the first day's services, but the total potential bill, based on the city's medicaid fee schedule, was $63.80.

The patient had refused tests ordered by the internist, except for a urine speciman. The tests included a cardiogram, chest

X-rays, and three blood tests. The internist had told the "patient" to return to have his "cold" checked out.

This time, he told the receptionist he was "all better," and asked to see Dr. Wilkins.

As he sat waiting, watching the continuous procession of people through the center, a woman holding an infant walked up to him and complained, "Why are they telling me to take this child upstairs to see the dentist? He doesn't even have any teeth."

Then the receptionist called out the "patient's" name and said, "If you're ready, we'll give you those tests now. Then you can see the doctor."

The patient was escorted to the laboratory technician's room where he was told to give a second urine specimen. Then his sleeve was rolled up and blood was taken. The receptionist returned and whisked him into the X-ray room where another technician had him remove his shirt and stand in front of a plate for front and side-views of his chest.

With the last buzz of the X-ray machine timer, he was directed to the waiting room again, because, he was told, "There are electrocardiograms ahead of you."

Ten minutes later, the receptionist again called out his name, and the patient was escorted into a third room and told "remove your shirt, roll down your socks and lie down in the couch."

Another girl placed some dabs of ointment on his chest and attached the wires, with suction-cup tips, to various portions of his body.

MACHINE BREAKS DOWN

At one point, the machine broke down, the girl said, but it was repaired and the testing continued. Then the patient was ushered out again to the waiting room and told, "Dr. Wilkins will be with you shortly."

One hour later, Wilkins called the patient into his office.

"How are you?" asked the doctor.

"My cold is all better."

Wilkins read the cardiogram, said it was "fine," and told the patient his initial urine specimen had come back from the lab and that it was okay too. Still, the patient had given a second urine specimen.

AND ANOTHER VISIT

This consultation was over in five minutes. When the patient told Dr. Wilkins that he had been directed by the psychiatrist to return on Monday, Wilkins told him, "I want you to come back and see me too." That would have meant a third visit.

The bill for the second day of treatment, according to the city's medicaid fee schedule, could go as high as $48.40, including $4 for a cumulative blood count, $2 for the second urine analysis, $4 for a blood sugar test, $2.40 for a syphilis test, about $12 for the internist, $12 for the electrocardiogram, and $12 for the two X-rays.

The potential charge for the two days of treatment of the reporter's "cold" was $112.20.

At this point, no one knows how much the center will charge for these services. Whatever bills the center forwards for this case to the Health Department will be scrutinized to determine which charges are allowable. Any cost determined to be legitimate will be reimbursed to the health department by The News.

Health Department officials cite "overutilization" of the program as a major factor behind the city's skyrocketing medicaid costs. The growth of these medical costs has been nothing short of phenomenal.

A few statistics: In 1966, the cost of public assistance for city welfare recipients was about $382 million for food, housing, shelter and all other expenses except medical care; medical care totaled $156 million. While public assistance has more than tripled to $1.3 billion in 1972, the cost of medicaid last year was eight times what it was in 1966—and in 1973 it is expected to exceed the cost of public assistance.

$2,000 A YEAR AVERAGE

Right now, it is costing the city an average of about $2,000 a year for each of the city's welfare clients.

Two days after the patient's last visit to the Park Community Medical Building, the Health Department's senior medical auditor, Dr. Howard P. Katz, visited the center to audit practices there and evaluate treatment given the News reporter.

The facilities, it was learned, are owned by the podiatrist, Dr. S. David Geller, and another doctor. Geller, who treated the News reporter despite his protests that he came to the center only with a cold, earned $10,879 from his medicaid practice in podiatry in 1971.

However, Dr. Katz's audit, and an examination of city records and documents submitted to the Health Department by Geller, reveals that his podiatry income is far from the total he receives from the medicaid program.

He receives rent from Rakal Pharmacy on the second floor of the center, and from several dentists who also have offices on that floor.

In addition, he also receives a flat rent, he told Katz, and/or 30 to 50 of the medicaid billing of 13 other medical professionals who practice at the center, including a radiologist, a dermatologist, a pediatrician and a psychiatrist.

LAB PAYS RENT

He told Katz his income from the center includes $500 a month rent from Biometrics Laboratory for a four-by-five foot room. This outfit does all of the center patients' lab tests. Medicaid billing emanating from the center for 1972 will, it is conservatively estimated, be more than $200,000.

This operation is by no means one of the largest group practices billing the city. The Health Department has counted 173 such centers most in slum areas, and some of which have grossed several million dollars each since the program began in 1966.

However, Katz was concerned not solely with Park Community's income, but also with the quality of care being dispensed.

"PING-PONGING"

And during the audit of the center, Geller told Katz that receptionists routinely direct patients to physicians other than those handling specific complaints. The practice was called "Ping-Ponging" by Katz; but Geller told Katz he thought it was "good preventive medicine."

Then Katz examined Dr. Wilkins' records and found that four patients in a sample were given B–12 injections "for no apparent reason.' Dr. Katz said another was given penicillin with no indication, and that in that case, the city was billed $15 "for an apparent short visit."

TREATMENT CHECKED

A lab report on a fifth patient revealed an infection, but Dr. Wilkins' charts showed no indication that it had been treated. Another patient's cardiogram showed "pathology," but although a cardiologist is on premises, there was no indication that the patient received consultation.

With regard to The News reporter's records, Katz said:

The electrocardiogram was given without indication, contrary to city medicaid regulations that patients under 40 should not be given e.k.g.'s without a specific reason.

The penicillin was prescribed without any medical indication, as were the blood tests and the X-rays.

The patient "was seen by a psychiatrist without notation on the chart as to necessity, and the records are not available."

No indication as "to what medicine was prescribed although there is knowledge of six prescriptions given to the patient.

Psychiatrist Dr. Samuel Kramer's previous invoices all indicated one-hour visits billed at $20 each, while in the case of The News reporter, at least, the visit lasted about 15 minutes.

The patient was seen by a podiatrist without having complained of any foot trouble.

A SIXTH OF THE PIE

Medicaid payment to group practitioners like the Park Community center and other noninstitutional providers cost nearly $162 million in the city in 1971. This is about one-sixth of the city medicaid pie.

The rest, nearly $959 million in 1971, went for medical care at hospitals, nursing homes and other institutions.

ALEXANDER PETÖFI MEMORIAL YEAR

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. HOGAN. Mr. Speaker, on January 13, 1973, the American Hungarian Federation and several national and local organizations of American Hungarians in the Washington area opened a 2-day program commemorating the Alexander Petöfi Memorial Year in honor of the famous poet who was born 150 years ago on January 1.

Two excellent speeches were given at the event by Prof. Andras H. Pogany, of Seaton Hall University, who also serves as the president of the Hungarian Freedomfighters Association of America, and Prof. Eniko Molnar Basa, of American University, who recently received her Ph. D. in comparative literature from the University of North Carolina.

Petöfi remains both an inspiration to all freedom-loving men of the world and also a poet of simple but eloquent beauty and it is indeed a pleasant duty to remember him at this anniversary.

Following are the texts of the two speeches:

Thoughts on the Opening of the Petöfi Memorial Year

(By Dr. András Pogány)

Ladies and Gentlemen: I have the honor to speak the opening words for the Petöfi Memorial Year.

As I am not a literary critic, I cannot speak on Sándor Petöfi's literary significance. Neither am I an aesthete and Petöfi's aesthetic value can be much better treated by others. Nor is it worthwhile for me to examine Petöfi's historical significance, or to detail the circumstances of his tragic death. The historical and cultural effect of "this little, wizened, dark man"—as the Austrian Lt. Colonel who found his body on the battlefield at Segesvár described him in the recently discovered report in the military archives at Vienna, is even in our life so obvious that it hardly needs lengthy explanation.

Let us rather speak on several almost marvelous qualities in connection with him which can give us all food for thought.

Petöfi's short span of twenty-six years is remarkable for being a wonderfully accurate and effective record of the inner life and emotional storehouse of the Hungarian race. A person, who at one time was called Petrovics, and who was brought into the world by Mária Hrúz, can be called the prototype of the Hungarian soul. Petöfi's mere existence refutes the empty theories that seek to prove nationality in terms of blood, of flesh, or genes. To be Hungarian is first of all a commitment of soul and fate, not the result of artificial biological "laws". Sándor Petöfi is the best proof of this.

The way in which Petöfi's enthusiasm, willpower, and determination directed the events which for us are history, is no less marvelous. His decisive role on March 15th is undeniable. He was the leading spirit of the "March youth"—those young men who frightened both Vienna and the Diet at Pozsony (Bratislava) and forced the ratification of the "April Laws" which ended feudal rule in Hungary.

Petöfi, through his pen and his personality, left a mark on the subsequent difficult months also. His letters, first from Debrecen, later from Transylvania and the poems written at this time, show clearly that this little man knew neither fear nor submissiveness. Ready to offer his life for what he believed his sincerity and generosity free of any self-seeking, captivated his contemporaries as well as all those who have become familiar with his writings, his poetry.

Most wonderful, however, is the effect he had on the following generation of Hungarians, beginning even with his death. His character, his ideas, his personality did not disappear in the mass grave at Segesvár, but became part of the heritage of Hungarian cultural life and has enriched it for over 120 years. Today, when the worth and role of the individual is stifled; today, when we move under the sign of the "masses;" today, when even the personal connection between the Almighty God and the immortal individual soul He created, is threatened in the name of a vague "religious feelings," we can contemplate Petöfi's example and remember that all of these are nothing more than modern heresies. For history, after all, is not written by the masses, but, after Providence, by individuals.

Sándor Petöfi's lasting and ever-increasing impact on the emotional and intellectual life of subsequent generations has always been recognized by the governments of Hungary. The Bach-regime fought Petöfi's spirit, which appeared here and there to console the Hungarians in their tragic fate, with determination. Particularly idolized among the simple people, Petöfi, within months of his death had become the subject of folk tales and anecdotes. The Bach-regime proved powerless in the face of this Petöfi cult. Later, in the early 1860's, the government, not wishing to give fuel to the resistance by open hostility, reluctantly tolerated Petöfi.

After the "Compromise," a long and vigorous period of revival followed, at least in the non-official circles of Hungary. The March 15 ceremonies gradually became Peton-festivals. Hundreds of statues were erected, frequently in villages and small towns. The common people simply refused to believe that the merely 26-year old Petöfi could be moldering in a mass grave. Common talk even sent him to Siberia, just to escape the torturing idea of his death. The representatives of official Hungary recognized the poet's literary greatness and numerous editions of his works were published in Hungarian, but also in other languages; although paying some regard to the political situation, they minimized Petöfi's memory somewhat.

Very telling for Petöfi's importance and impact are efforts of a diametrically opposed system: Béla Nún's first Communist attempt sought to transform Petöfi, even during its brief rule, into its own image. After the fall of the Kún-regime, between the two wars, Petöfi was suddenly raised to a high position in the cultural life of a truncated nation as the ardent apostle of the refusal to compromise and of the Hungarian spirit. Yet, those of his views which failed to fit into the intellectual life or phraseology of this neo-baroque society, were successfully and lastingly forgotten.

All earlier distortions, however, are surpassed by the shameless way in which he has been exploited by the communist regimes of Soviet-occupied Hungary. Red propaganda is ever ready to alter our great historical figures appropriately. Thus, King Matthias became a "social revolutionary"; György Dózsa a red-bannered national hero; and Lajos Kossuth, a communist sympathizer. But first and foremost, Petöfi was painted red, for he had once sung of red banners under which he hoped to die for human freedom. Therefore, he was named the ideological ancestor of the system, the spiritual kin of Mátyás Rákosi. The Hungarian Communist Party was not loath to dig up at its own expense a good portion of the battlefield at Segesvár to seek the bones of the poet. I saw with my own eyes the fantastic efforts made to find the mass grave of the poet because favorable propaganda was urgently needed and the government could offer no better one to the Hungarian people in their dark days than Sándor Petöfi.

All this did not prevent the coming of October 23, 1956, and with it the rebirth of Hungarian independence. The Revolution of 1956 espoused Petöfi's ideals from the first. It was at the base of his statute in Budapest, with the recitation of his "National Ode", amid the memories of March 15 that the purest, noblest and most Hungarian movement of the 20th century began and ended, and in the days of the Revolution the true Petöfi took his deserved place in Hungarian hearts.

November fourth came and with it new repression and new terror. The new regime followed the path shown by Rákosi: they attempted to use the name of Petöfi to camouflage the contradictions and the political and economic problems of their rule. Thus, in Budapest, too, a Memorial Year has been planned. A memorial hymn is intoned, the same piercing, off-key tone is sounded which has been blared since 1945 when, hiding behind a foreign army, the Party gained power in Hungary. Of course, they can do it: the dead cannot protest or defend themselves. Lajos Kossuth, the apostle of Hungarian liberty cannot protest, neither can Loránt Eötvös or Endre Bajcsy-Zsilinszky. Even Sándor Petöfi must remain silent.

It is for this, and this alone, that there is significance in our festivities: it is sgnificant that we, Hungarians living in a free land, commemorate the true Petöfi. We commemorate Sándor Petöfi, the patriot and the high-minded, idealistic Hungarian nationalist; Sándor Petöfi, the indomitable champion of human freedom; Sándor Petöfi, the scourge of the resigned, the yielding, the abjurer; Sándor Petöfi who did not believe in "dialogues," or that anyone has the sanction to relinquish the fundamental rights of the nation; Sándor Petöfi, the prosecutor of the compromisers, of the ones who draw secretly to the other side, of the spineless ones and the political outlaws; Sándor Petöfi, the poet of Hungary's historical destiny, who knew that the Hungarians stood alone in the storm. He stands and faces it and does not seek to hide from the raging storm.

We have to celebrate the true Petöfi—this alone justifies our commemorations. We leave the distortion to Budapest. In 1973 we will tell the world, and remind ourselves also—and this latter is no less important than the former—who Petöfi was and what he means to us.

In this spirit, in the sign of unshakable loyalty, unmovable steadfastness and the unquenchable Hungarian love of freedom, that is in the spirit of Petöfi, we open the Petöfi Memorial Year and hopefully the long series of commemorative programs in America.

THE 125 YEARS OF PETÖFI TRANSLATIONS

(By Enikö Molnár Basa)

The political background from which Petöfi emerged and the events in which he played such an important part have been covered in the previous speeches. But Petöfi, was, after all, primarily a poet, and so he must be evaluated as a poet. True, his impact abroad was not purely literary, but the impetus, we must remember, came from his poetry.

Sándor Petöfi (1823–1848) was the culmination of the Hungarian Romantic Movement, although he transcended its bounds. Abroad, he was best known as the embodiment of Romanticism in his life as well as in his poetry. His descriptive poems were hailed as pictures of Hungary and Hungarian life; his political poems were regarded as the credo of the Revolution; his love poetry found its way into the works of several German composers. Yet, although a Romantic in his ideas and in much of his poetry, Petöfi remained a realistic observer of life. He neither idealized nor rejected it; the melancholy and world-weariness of the Romantics was as foreign to him as was the picture of the peasant as the noble savage. His political ideas, his love of freedoms and support of the common people, however, drew him to the Romantic group.

To trace the response to Petöfi in the English-speaking world, or rather in England and America, we must first consider the intermediaries—German translators, poets and critics. Adolf Dux published three of Petöfi's poems in translation in Vienna as early as 1845. This was followed by a volume of poetry from Hungarian literature which included fifty-five poems from Petöfi—more than half the book being devoted to him. Dux introduced Petöfi to the Austrian public, but it was Karl Maria Kertbény who devoted his life to making Petöfi—whom he had met in the Pilvax Coffee House—well known in Europe. Through personal connections and numerous editions of Petöfi's poems in translation, he drew the attention of men such as Heine, and the British diplomat, Sir John Bowrin, whose interest in Eastern Europe had drawn him into translation, and who was to become Petöfi's first English admirer, and Taillandier, the French translator of Petöfi. Kertbény's first efforts, *Gedichte von Alexander Petöfi* (*Poems from Alexander Petöfi*) was published in Frankfurt in 1849; this was followed in 1850 by *Der Held János* (*Childe John*). In the next decade he issued at least ten more works until his career was closed in 1866 with a collection of 160 lyrics from Petöfi, in which he revised (for the better) many of his earlier translations, and a volume of sixteen narrative poems. There were, however, others who decided to make Petöfi available in German, so that some of his poems appeared in as many as forty versions in Germany alone. The lyrics, moreover, were adapted to music chiefly on the basis of the collection given by C. F. Daumer in his *Deutscher Musenalmanach* of 1852 and *Polydora* of 1855. In 1888 a German biography of the poet appeared at Leipzig, further proof of the popularity of the poet.

Sir John Bowring, with whom translation was a hobby rather than a profession, was not only the first to render Petöfi in English, but so far as I know, the first to translate anything of Hungarian poetry into that language. Since he did not know Hungarian—a serious defect in many of the translators, though this does indicate the force of the original and the interest that the figure of the poet alone aroused—he based his works on Kertbény's German versions, and in fact, the two had met and corresponded for years. In 1847, when Petöfi's fame in Hungary was just reaching its peak, two of his poems appeared in *Howitt's Journal*, a London magazine devoted to *belles lettres*. These were followed by *Translations from Alexander Petöfi the Maovar Poet*. In the preface Bowring likens his subject to Robert Burns, a comparison that is true to a great extent, though Petöfi's poetic range is far greater. He then cites evaluations of Petöfi among the Germans: Bettina von Arnim called him "the most original of lyric poets in the whole world's literature." Alexander von Humboldt wrote, "after many wanderings he had discovered in his own neighborhood a flower so rich in beauty, so enduring, so certain to be valued." Varnhagen von Ense commented, "He is the noblest exemplification of Goethe's fine thought, 'Youth is drunkenness without wine'," and Hermann Grimm, professor of literature at Berlin, declared that "Petöfi will rank among very greatest poets of all times and tongues."

Clearly, then, Petöfi entered English literature via the introduction and recommendation of the Germans.

In the United States 1851 marks the first translations: the Washington newspaper, *National Era,* published five poems by Grace Greenwod, who worked from prose versions given her by one of Kossuth's aides, Colonel Berzenczey. More significant, however, is the publication in New York of William N. Loew's *Gems from Petöfi and Other Hungarian Poets,* in 1881, which was followed by other volumes devoted to Petöfi and to Hungarian poetry. These translations are superior to anything done earlier, as can be expected from someone who went to the original and did not work through intermediaries.

The poet's life and work are closely intertwined and this connection must be kept in mind as we study his impact abroad. By birth and upbringing he was close to the common people, though he was well educated (contrary to the popular legend spread by Karl Maria Kertbény). His sentiments were thoroughly Hungarian and even his earliest works owe their popularity abroad to the poet's ability to capture the life and imagination of the Hungarian peasant in his genre pictures and folk songs. His *János Vitéz,* among the most popular of his longer poems abroad, does this. The German translation of Kertbény and the English one of Francis and Theresa Pulszky, published in 1850 and 1851 respectively, were only the first ones in a long line of translations.

A personal experience is also at the root of what is perhaps his most widely translated poem, "Reszket a bokor" (The Bush Trembles): it was this poem which, according to tradition, finally won the consent of Julia Szendrey to be his wife, and it has been translated into over forty languages.

On the 15th of March 1848 Petöfi's life and poetry became forever connected with the Revolution. His "Nemzeti Dal" (National Ode) was the rallying cry for the whole nation. He actively participated in the Revolution, not swept up by the general enthusiasm, but because his political convictions had always been with a popular, democratic government and a free Hungary. He died in the battle of Segesvár on July 31, 1849, and so the association with the Revolutionary movement was fixed. He quickly became a legend, not only in Hungary, but abroad also. The first translations were motivated as much by the picture of the romantic freedom-fighter as by an appreciation of his literary talent—sometimes more so, although beginning with Loewe in America interest has been directed more and more to Petöfi's position in literature, though naturally, the historical background can not be ignored.

In order to illustrate the deepening knowledge of Petöfi among his English-speaking public, I will comment on the work of several translators. An example of what happens when the translator is unfamiliar with the language and background of his original can be seen in Bowring's version of a brief lyric, first published in *Howitt's Journal.* The original poem, written in the style of the folk song, establishes a parallel between a flower native to the Hungarian plain and the speaker's sweetheart. Bowring, translating the name of the flower quite literally, loses this parallelism. The failure to recognize the down-to-earth quality of Petöfi's poetry leads the translator into serious distortions. *János Vitéz* is a folk epic in which the life of the village is given in realistic detail, but Bowring's translation makes even the peasant-mail Iluska a romantic lady.

Petöfi's popularity grew, however, in spite of the difficulties of translation, and we must give Bowring credit for attempting a task that is hard even today with the example of earlier translations, the aid of literary studies and good dictionaries all available. He, however, had only the earliest of Kertbény's work and a very limited knowledge of Hungarian. His style, too, is old-fashioned for us, but was popular in his own day.

The lack of archaic and poetic language in the poems that appeared in the *National Era,* the strong and simple rhythms and the usual nature imagery reflect Petöfi, whose originality lay in his ability to render poetic the commonest events of every-day existence, accurately. He could appreciate the advantages of railroads and was alive to the beauties of nature. But he did not idealize the landscape or the life of the simple people which he captured in his poetry. There is nothing impressionistic or abstract in his view of nature, and it is this picture that the translators presented to the English public. In the epic *János Vitéz,* too, it was these qualities that appealed to his foreign audience: the mixture of fantasy and realism, magic and earthiness. They could take it (stripped of the fabulous elements) as a presentation of Hungarian life by a poet who loved the unique features of his country and felt their poetic charm, yet did not wish to flee to the past in contemplating them.

Eugenie Bayard Pierce and Emil Delmar published *Sixty Poems by Alexander Petöfi* in 1948, on the 100th anniversary of the Revolution. This modern translation of his poetry, the first English volume to appear since the efforts of Loew around the turn of the century, is designed to be almost a line-for-line reproduction of the original. This is a fortuitous choice; my own experience has been that the best translations are those that preserve most of the original, and I have found it easier to do this when keeping to the metrical units of the poet.

The most recent of Petöfi's work available in English is *The Apostle, a Narrative Poem.* It is a reflection of the change in literary tastes that instead of a folk epic or a volume of genre pictures—the themes that fascinated the 19th century—an allegory of the poet's personal and political life represents Petöfi in the latter half of the 20th century. "The complete hopelessness, human ignorance and evil, forever in command in this work," makes this poem quite modern, as L. John Parker pointed out in his review of the poem in *Books Abroad. The Apostle* is a political poem, it grew out of Petöfi's political philosophy, though it transcended the actual events. Still, Petöfi's influence abroad is hard to separate from the impact of the Revolution, as the foreword of the English translation shows: each of the persons named first became acquainted with Petöfi as "the poet of the Revolution.": Goethe's friend, Bettina von Arnim, called him 'Sun God,' Francois Coppée 'an eternal champion of liberty;' . . . Carlyle held him to be of equal stature with Goethe, and Heine . . . wrote that no one in Germany could be put on a par with him."

At the present time Petöfi is enjoying a popularity that promises to surpass the first burst of interest of the 1850's and 1860's. Particularly noteworthy is the truly worldwide reputation he has attained. The countries of the Eastern bloc engage in lively cultural interchange and Petöfi has appeared in Russian; for example, a *Collected Poems* was published in 1954. So also, in Slovak, Polish, Bulgarian, Ukranian—to name only a few—poems of Petöfi have appeared. In many of these countries Petöfi is being noted for the second time, but it is safe to assume that the several Chinese translations which began to appear in 1955 and the Vietnamese edition, also prepared in 1955, introduce the poet for the first time to that part of the world. But it is not only those countries which have political or economic ties with the Soviet bloc that are engaged in this task: in 1960 an Arabian translation of Petöfi appeared. In Italy and France, Finland and the Scandinavian countries, he has been known since the 1860's and both translations and critical evaluations continue to be published.

To list all the languages in which Petöfi has appeared would be lengthy and, I am afraid, dull. But before concluding, I wish to mention one instance where the poet's words received an unexpected yet ironically fitting interpretation. Petöfi's poem on *The Puszta in Winter* concludes with a description of the sun in terms of an exiled king taking a last glance at his possessions, the last two lines of which are: "And when his eyes reach the far horizon, His bloody crown tumbles from his head." These lines had been inscribed into Napoleon III's diary by the Countess Metternich, who was Hungarian by birth, at Napoleon's request. But later, when defeated at Sédan, he felt these lines applied to him all too well, and even two years later, on his deathbed, the last words he said recalled these lines: "Jour dernier—la couronne tombe."

Petöfi, the poet of freedom, would have been gratified to know how prophetic his words were to be—even if written in complete innocence of such intents. But that, after all, is the mark of a true poet: his words ring true at all times, in all lands, and in diverse situations.

A REPORT FROM THE WORLD PEACE COUNCIL

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. DELLUMS. Mr. Speaker, several members of the World Peace Council recently returned from the Democratic Republic of Vietnam. One of the delegates was a prominent San Francisco Bay area citizen, Mr. Carlton B. Goodlett, the editor-publisher of an important bay weekly, the Sun-Reporter.

The delegates' findings are shocking. Their report poignantly describes the destruction and havoc wreaked upon the peoples of Vietnam by the insane U.S. policy of mass bombing. Mr. Speaker, I include their observations in the RECORD:

BRIEF STATEMENT ON VISIT TO VIETNAM

(By Carlton B. Goodlett, Ph. D., M.D.)

I. INVITATION

On January 3, 1973, the Vietnam Committee for the Defense of World Peace (D.R. Vietnam) invited a delegation of the World Peace Council to visit the Democratic Republic of Vietnam for the purpose of investigating the effects of the mass bombing of the Hanoi-Haiphong area by the U.S. Strategic Air Command from Dec. 18–29, 1972. The delegation of the World Peace Council consisted of the following individuals:

1. Romesh Chandra, Secretary General, World Peace Council (India);
2. André Souquiere, Secretary General, Mouvement de la Paix, Paris, France;
3. Alex La Guma, National Congress of South Africa, author and writer living presently in London, England;
4. Roman T. Akhramovich, Doctor of Historical Sciences, Deputy Director, Institute of Oriental Studies, USSR Academy of Sciences, Chairman of the Russian contingency; Eric T. Neurassov, Secretary, Soviet Peace Committee; Igor Bgantsev, TV cameraman and film maker, USSR;
5. Prof. Ricardo Nolina Marti, Medical Doc-

tor, Secretary General, Council of Peace of Venezuela;

6. Carlton B. Goodlett, Ph.D., M.D., Member Presidium, World Peace Council; Chairman, Committee for International Peace Action, San Francisco, California; Chairman, California Black Leadership Conference; and Vice President, National Newspaper Publishers Association.

II. DISCUSSIONS WERE HELD WITH THE FOLLOWING IMPORTANT INDIVIDUALS

Hanoi: 1. Mr. Huong Tung, Editor in Chief of Nhan Dan, the principal newspaper of the DRV, Vice President, Vietnam Peace Committee;

2. Mr. Pham Hong, Secretary General of the Vietnam Peace Committee;

3. Mr. Pham Van Bach, lawyer; Chairman of the Committee for the Investigation of U.S. War Crimes in Vietnam;

4. Dr. Do Doan Dai, Director of Bach-Mai Hospital, Hanoi;

5. Premier Pham Van Dong, Democratic Republic of Vietnam;

6. Mr. Nguyen Van Tien, Head of the Special Representation of the PRG of South Vietnam in Hanoi, Vice Head of PRG Delegation at the Paris Peace Conference of Vietnam;

7. Mr. Mguyen Phu Suai, Acting Head, Special Representation of the PRG of South Vietnam in Hanoi;

8. Tran Duy Hung, Mayor of Hanoi;

9. Mr. Nguyen Trung Hieu, Head of the International Section of the Vietnam Peace Committee, DRV;

10. Dr. Trihn Van Khiem, Director of the Health Service of Hanoi; and a number of other medical personalities.

Haiphong: 1. Mayor Le Duc Thinh, Mayor of Haiphong;

2. Dr. Dang Hoi Xuan, Assistant Director of the Czechoslovakian-Vietnamese Friendship Hospital.

III. DESCRIPTION OF THE BOMBING

1. *Hanoi:* From 2000 hours, Dec. 18 to 29, the U.S. Strategic Bombing Command fielded as many as 140 B-52 Stratoforts and 30 sweep-wing F-111's, and 500 to 700 fighter bombers over many cities of North Vietnam and released over 100,000 tons of bombs. However, Hanoi, the capital, and Haiphong, the major port city, bore the brunt of the attack; it is estimated that during this period of time 40,000 tons of bombs were dumped upon these two cities.

The U.S. air strikes caused thousands of casualties and destroyed tens of thousands of civilian dwellings. B-52's followed a pattern of "carpet bombing" and in some instances their track extended over 1 kilometer long and from 600 meters to 1 kilometer wide. According to the Vietnamese figures, the following number of U.S. aircraft were downed: a total of 81 aircraft; 34 B-52's, 5 F-111's; and 42 other jet airplanes. 23 B-52's were downed over Hanoi.

The Kham Thien Street:

One of the most populated areas in the city, with nearly 30,000 inhabitants, workers' quarters with many shops and stores, was bombed Dec. 26 from 2003 hours to 2400 hours with 30 sorties of B-52's which saturated the district with thousand of bombs including 2000-pounders. The Kham Thien Market was reduced to rubble. 213 people were killed and 257 others wounded, not including those who could not be found or were crushed and still remained under the ruins. The bombing run for this district was more than 1 kilometer long and 600 meters in width.

Other districts in Hanoi were investigated and showed similar devastation.

The Bach-Mai Hospital:

The Bach-Mai Hospital, a center of medical research, the largest teaching institution for medical and paramedical sciences in North Vietnam, with 940 beds and with more than 800 students, was completely destroyed by B-52 bombing at 0345 hours Dec. 22. Strings of bombs pock-marked the grounds beginning approximately 100 yards from the main entrance, with complete demolishing of the dermatology, and internal disease section, the laboratory, many wards including the oto-rhino-laryngotology institute, the Children's Health Protection institute, the administrative section, the laundry, destroying the obstetrical department; many bomb craters were in the hosptial grounds. 29 people were killed, which included several doctors, a pharmacist, 15 hospital attendants and medical staffers, as well as 6 students; 22 medical personnel were wounded.

The work of the Bach-Mai Hospital is now being carried on at other medical centers. We visited the St. Paul Hospital, a hospital under the sponsorship of France and materially assisted recently by the French government; here we observed and discussed the medical problems of the few remaining casualties, essentially persons recovering from traumatic wounds requiring surgery.

Gia Lam International Airport:

The Gia Lam International civilian airport in Hanoi had the waiting room for passengers totally destroyed and the major runways were bombed, making their use impossible until the bombing was stopped on Dec. 29. Since that time, repairs have been made.

2. *Haiphong:*

Because of bombing of the highway, all bridges have been destroyed and pontoon bridges have been erected; even secondary roads have been made impassable. The journey to Haiphong was arduous.

A major concrete plant of North Vietnam near Haiphong was in ruins. Many districts in Haiphong had received demolition blast bombs and rockets from U.S. ships. In many areas the trees and vegetation had been destroyed. The docks of Haiphong were bombed and the Soviet cargo ship, Mitsurin, was damaged.

On the raid of the 18th involving the harbor and other populated areas, 45 people were killed and 130 others wounded. On Dec. 19 and 20 bombing raids were again made, and the Polish merchant ship "Joseph Conrad" was set afire by bombs, and the second captain was killed.

Numerous districts received carpet bombing. One particular workers' district consisting of thatched huts and workers' apartments received intensive carpet B-52 bombing which extended more than 1 kilometer in length and 1 kilometer in width; practically every building in these boundaries was leveled to the ground or made uninhabitable.

Vietnam-Czechoslovakian Friendship Hospital:

On Dec. 23 from the hours 0445 to 0600 hours, the Vietnam-Czechoslovakian Friendship Hospital, with a capacity of 540 beds, received 2-ton bombs which destroyed more than two-thirds of this institution, including the infectious disease department, the radiology department, the electro-cardiographic department and other important facilities.

IV. OBSERVATIONS ON THE BOMBING

As a psychologist and a physician, I had special interest in investigating the psychological effects of the bombing and the medical care of the injured.

The bombing was devastating, and its task of the physical destruction of terrain, structures and many casualties was achieved. However, the casualties were very low, because of the fact that in the December raids over 250,000–300,000 people of the 750,000 population had been dispersed from Hanoi, and only essential persons required in the operation of the city remained. Otherwise, the casualties would have been increased. The people of North Vietnam suffered great physical and property damage.

If the primary purpose of the bombing was for psychological effects of terror and a destruction of the resolve and will of the Vietnamese people to continue the war, this military exercise by the US armed forces was a total failure.

The people of Hanoi and Haiphong demonstrated the same courage and resolve which we have applauded when shown by the British during the Blitz. While 80,000 tons of bombs were dropped upon England during the entire period of World War II, 40,000 tons of bombs were estimated as having been dropped upon the Hanoi-Haiphong area between Dec. 18–29, 1972.

The work of the rescue and medical teams was heroic. When patients were dispersed to medical casualty centers, physicians accompanying the rescue teams decided which individuals would benefit from dispatch to the medical centers. The Director of Health Services of Hanoi reports that they had only 2% of deaths in those received at the medical centers; 44% of the persons received required surgery; in the case of fractures every effort was made to utilize the closed treatment techniques. After six to eight hours the hospital reception centers were ready for the reception of new casualties.

A great many patients suffered from traumatic shock. Blood and plasma received from donors throughout the world were beneficial. However, sugar cane has been processed into a plasma substitute for use in traumatic therapy.

The surgical services and medical treatment were of the highest caliber. When the war is over, the young surgeons of North Vietnam will have important new technical knowledge dealing with traumatic and blast surgical and medical therapy to add to the world reservoir of scientific technology.

Some of the casualties in Hanoi and Haiphong were interviewed.

The B-52 Wreckages:

Visits were made to three sites in Hanoi where wreckage from B-52 bombers had been assembled. The wreckage consisted of mangled jet motors, airplane frames, wing sections, portions of the fuselage et al.

Visits to the Missile Launching Sites and Anti-Aircraft Batteries:

In Haiphong we visited one of the important anti-aircraft batteries that has been awarded citations for its performance in defending the city and in shooting down US military aircraft. A visit was made to one of the missile battalions of the Hanoi area; this particular missile unit had downed several B-52's. Some of its personnel are veterans from the war of independence against the French prior to Dien Bien Phu.

Request to see the US air pilots who were prisoners:

This request was made upon our arrival, and repeated several times. Since we were told that the matter was being pursued, the request was not made in our conversation with Premier Pahn Van Dong for that privilege. It was intimated that the prisoners had been dispersed from Hanoi and that their location was rather inaccessible from the Hanoi area. The prisoners were under the direct control of the army and visitation requests required a number of approaches to the military high command. Since the rescue attempt by the US armed forces, there was a reluctance on the part of the military to make the prisoners who had been committed to camps available for civilians. Those pilots who were interviewed by Joan Baez, Taylor et al were presented prior to their being dispatched to prison reception centers.

On December 16th the announcement was made that President Nixon had ordered the cessation of bombing of the whole of North Vietnam as well as the mining of harbors and inland waterways. Everyone felt we were moving in the direction toward some climax in the negotiations. Many persons were hopeful that a revision of the October 27th agreement would be signed. However, all spokesmen, despite their optimism, were cautious, recognizing that on many occasions circumstances occurred in which the bombing of North Vietnam was halted, peace seemed to be in the offing, negotiations faltered and bombing would resume. While optimism was voiced by some officials in cautious terms, the population as well as members of the government and the armed forces remained vigilant and were prepared, if necessary, to resume active combat should the next round of US-Hanoi negotiations fail.

Entrance of US Mass Communications Media into DRV (Hanoi and Haiphong):

Prior to departure, we discussed with our hosts the question of allowing the US mass communications media, radio and television, personnel to come to North Vietnam and document the results of the December bombings. We were given to believe that in the event the Le Doc Tho-Kissinger negotiations lead to a signed agreement, such an invitation to representatives of US mass media would be in the offing.

LITHUANIAN ANNIVERSARIES

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. DELANEY. Mr. Speaker, I am glad to join my colleagues and Americans of Lithuanian origin and descent in commemorating two anniversaries—the 722d anniversary of the founding of the Lithuanian State and the 55th anniversary of the establishment of the modern Republic of Lithuania.

For more than seven centuries the brave people of Lithuania have known and suffered under the terror of tyrants, including the czars, Hitler, and Stalin. For over 100 years these gallant, freedom-loving people fought czarist oppression until, following World War I, they succeeded in becoming an independent state on February 16, 1918.

After 21 short years of freedom, Lithuania became a battleground of World War II, occupied first by the Nazis and then by the Red army. All freedoms were abolished under the ruthless oppression of their Communist masters. Yet, despite wanton murder of their leaders, deportations to Soviet slave camps, and daily harassment, these indomitable people never lost hope that their freedom will ultimately be returned.

Their intense devotion to liberty has been exemplified by the Lithuanian sailor, Simas Kudirka, who dramatically but unsuccessfully tried to escape from a Soviet ship. Last year, some 17,000 Lithuanian Catholics appealed to the United Nations for protection of their human rights.

It is fitting that we in Congress, by this commemoration, call attention to the flame of liberty that glows brightly in Lithuania and other Baltic and captive nations.

I join free men everywhere in the devout hope that soon these great and noble people will again know the joys of peace and freedom, and be able to govern their own destiny.

TELEPHONE RATE INCREASES FOUGHT BY CO-OP CITY RESIDENTS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. BINGHAM. Mr. Speaker, the New York Times this morning reports the efforts made on February 20 by 250 residents of Co-op City in the Bronx to oppose the New York Telephone Co.'s request for another rate increase. There is no doubt that the burden of telephone rate increases falls heaviest on the elderly and other persons with fixed incomes. The problem of rising telephone charges is a matter of concern for the entire Nation because of the effect which it has on the finances of all consumers.

I am attaching the Times article to call attention to the situation which now confronts New Yorkers. Following that article, I am including the statement of Meyer Berstein, a leader of yesterday's rate protest, which was delivered prior to the Public Service Commission hearing:

[From the New York Times, Feb. 21, 1973]

TWO HUNDRED AND FIFTY PROTESTERS DISRUPT PHONE-RISE HEARING

(By Grace Lichtenstein)

A raucous Public Service Commission hearing on the New York Telephone Company's latest request for a rate increase was interrupted yesterday when 250 angry residents of Co-op City swarmed into the hearing room in the World Trade Center.

The Bronx residents, many of whom were elderly and frail, came in chartered buses to oppose a proposed $306-million increase, which they argued would hurt old and poor people the hardest.

Many were forced to stand temporarily because there were not enough chairs, when Stewart C. Boschwitz, the hearing examiner called a lunch recess at 12:10 P.M., less than an hour after the hearing had begun, members of the group shouted protests, explaining that their buses were scheduled to take them back to the Bronx at 1 P.M.

Urged on by members of the Congress for United Labor Action, a militant workers' group that has appeared at several phone hearings, the Co-op City residents and others took over the microphone for most of the lunch hour.

"I say we should stop using the phones—then where would they be?" shouted one woman amid the din of competing voices. A woman from Forest Hills, Queens, Mrs. Peggy Berry, charged that the commission "doesn't represent the public; you represent big business." One elderly woman carried a sign that read, "Ma Bell is an expensive mother."

POLICE CALLED IN

After the lunch break, the hearing examiner called Port Authority policemen into the hearing room when Gavrielle Gemman, a phone-company operator who was one of the militant labor speakers, refused to leave the witness stand. Three policemen arrived and stood over Miss Gemman, who then relinquished the microphone.

During quieter moments, New York City officials, consumer activists and private phone users urged the commission to reject the rate-income request. Among other things, the phone company wants to charge 20 cents for a pay phone call and eliminate the single-message-unit call. Under the current unit-call system, a conversation between people in the same local area costs 7.1 cents whether it lasts three minutes or three hours. The company wants to charge for local calls on a timed basis.

The most unexpected testimony came from John T. Renck, president of Local 1106 of the Communications Workers of America, whose 3,300 members are telephone-company plant workers in Queens.

In a sworn statement, Mr. Renck said he was breaking a long-standing union position of impartiality in rate cases to oppose the $306-million request. The money would not go to improve wages or phone service, he charged, but "toward the financing of management's anti-employee practices—toward the maintenance of thier standing army of strike-breakers, toward the expansion of their company police and spy system."

SURVEILLANCE CHARGED

Mr. Renck said that New York Telephone "is making voice recordings of some of its employes without their knowledge." These recordings, he said are translated into a visual pattern electronically and linked to a lie-detector device to decide whether the employes were telling the truth.

"I suggest that the management which would subject its employes to this kind of surveillance would not hesitate to extend it to its subscribers," Mr. Renck said, adding that the company, which he referred to as "Big Brother," might use such a technique to decide if a customer was lying about a disputed phone bill.

STATEMENT OF MEYER BERNSTEIN

Mr. Chairman, honored guests, fellow cooperators, this is my last opportunity to speak to you before the demonstration on Tuesday, February 20, when the Public Service Commission opens its hearings on the pending telephone rate increase in New York.

Ever since I was a youngster and became involved in public matters, and situations evolved that caused concern and anguish to the public, I've heard the cry "Why doesn't *someone* do something about it?" I always wondered "Who is this Someone?"

Is he the Messiah? Do the people expect Heavenly intervention or Divine guidance? Until this day I still don't know who they mean when they say "Someone."

I did learn that when the populace does become concerned about a condition or a precept or a law; and if it acts firmly and resolutely, it could change the undesirable conditions; it could even cause the U.S. Constitution to be amended.

But the resolve to act must be present. The determination to protest must be made visible, and even inconveniences and sacrifices are made into tools of protest.

There is no "someone" with a panacea for the ills that befall us. There will not be Divine intercession nor will there be any miracles. The only one who can help you is you.

Only you can stack piles of letters on the Governor's desk telling him how immoral it was for the Telephone Co. to increase its dividends to its affluent stockholders as they did last year after raising your rates 50%. Not only was it immoral, but it was an unconscionable act by a monolithic monopoly.

Only you can fill the buses on Tuesday, February 20, to be transported to the World Trade Center, where you will voice your great concern and your indignation against another unreasonable and unscrupulous plot by the telephone company to extort still more dollars from your pockets to pay even higher dividends to its stockholders and higher salaries to its fat cat executives, while the Wage Board holds down your salaries.

No! There is no somebody who is going to do your job. If you should fail to act decisively and with determination—"The winter of your discontent will not be warmed by the summer glow"—of the Yellow Pages.

Tuesday's demonstration must be successful lest our total effort die aborning. There is much more "Blood, Sweat and Tears" to be shed. This is only the beginning. I must repeat that this is *not* a panacea for our ills. But in order to win the war we must be successful in this crucial battle.

LAZARUS ZAMENHOF, CREATOR OF ESPERANTO

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. BIAGGI. Mr. Speaker, on December 15, shortly before this Congress convened, we celebrated the birthday of Lazarus Zamenhof, the creator of the international language known as Esperanto. Zamenhof was born of Polish parents on December 15, 1859, and died at the age of 58, after having left the world a legacy which may someday lead to international harmony and understanding.

Mr. Speaker, I wish to include in the RECORD an article which briefly describes the life of Lazarus Zamenhof. Hopefully, the international language which he created with a view toward lessening nationalistic isolation and rivalry will continue to increase in popularity the world over. The goal of worldwide peace will only be reached through worldwide communication.

The article follows:

ZAMENHOF: FATHER OF ESPERANTO

(By Francoise Niederhausen)

In the streets of the unhappy town of my birth, savage men with axes and iron bars fell like wild beasts upon peaceful citizens, whose only crime was that they spoke another language and held another creed than those savages."

The man who wrote these lines was named Lazarus Ludovic Zamenhof. You may not know his name, but you certainly know his life's work, for Zamenhof was the creator of Esperanto, an international language of communication between peoples.

He was born a hundred years ago on December 15, 1859, in Bialystok, a frontier city near the borders of Lithuania, Poland and Byelorussia, where communities speaking different languages and practising different religions lived together, although not very happily.

Young Zamenhof was deeply affected by the prejudices and the antagonisms stirring this minor tower of Babel. Local officials were of the Orthodox faith and spoke Russian; the nobility were generally Roman Catholics and spoke Polish; the peasants talked to each other in Lithuanian or Byelorussian, while the Jewish shopkeepers spoke Yiddish and lived in a section apart. Hostile prejudices, diverse languages, customs and religions all pitted the inhabitants of Bialystok against each other.

To a sensitive boy belonging to a group which could express itself only in a dead language or in an adopted one, these conflicts seemed very tragic. At a very early age, young Ludovic developed the idea that a common tongue would help to break down at least part of the barriers separating people from one another.

This idea haunted him throughout his childhood and adolescence: first in Warsaw where his parents moved in 1873 and where Ludovic attended high school, then in Moscow where he studied medicine, in Vienna where he took a course in ophthalmology and in Warsaw again where he set up a practice as an oculist.

DOKTORO ESPERANTO OR "HE WHO HOPES"

From his schoolmaster father, he had inherited a gift for languages. He spoke three fluently: Russian, Polish and German, and could read three others freely: Latin, Hebrew and French (to say nothing of Yiddish). He had a more cursory and theoretical knowledge of English, Italian and several other tongues.

His knowledge of English and French convinced him that a language could get along without the complicated declensions and conjugations of the Slavonic tongues. A careful study of Russian and German convinced him that a wise choice of suffixes and prefixes could reduce the size of the vocabulary considerably, while French and German proved the usefulness of the definite article which the Slavonic languages do not have.

His work led to the publication in 1887 of a textbook on the "Lingvo Internacia"—the international language—for which he used the pen-name, Doktoro Esperanto ("he who hopes"). The book, whose publication was financed by his future father-in-law as a wedding present, explained the main characteristics of the "lingvo": a vocabulary with its roots drawn mainly from the Romance and Germanic languages; detachable prefixes and suffixes added to these roots and serving for all grammatical distinctions; and a very simple grammar consisting of 16 short rules. The language, moreover, was fully independent and had its own individuality.

In the following years, other textbooks were published as well as a dictionary and translations into Esperanto. At the same time, the first supporters came on the scene: first in Poland, then in Germany, Bulgaria, Russia, etc. Soon, groups were forming everywhere. In 1894, an important event occurred—the support of Leon Tolstoy who wrote in "Posrednik": "After only two hours of study I was able, if not to write Esperanto, at any rate to read it freely." He urged everyone to learn this language "because the sacrifice is so small and the eventual benefits so great that no one should refuse to try it."

A COMMON GROUND FOR AGREEMENT AMONG MEN

The movement was growing steadily. In Scandinavia, England, France and elsewhere scholars were becoming interested in the experiment. In 1905, the first Esperanto Congress was held at Boulogne-sur-Mer in France. To attend it, Zamenhof and his wife travelled all the way from Warsaw in a third-class railway carriage. Zamenhof was awed and somewhat overwhelmed by his stay in Paris: he was given an official reception at the City Hall and decorated with the Legion of Honour, and he dined on the Eiffel Tower with a group of world famous scholars.

But even greater satisfactions were awaiting him at Boulogne. Eight hundred men and women from thirty countries had assembled there and all of them, whether in their official statements or their private conversations were speaking Esperanto. The "lingvo internacia" had become a reality—and no one was more surprised than Zamenhof himself.

The Boulogne congress gave him the opportunity of stressing the moral and social importance of his work: Esperanto was not an end in itself, but a means of contributing to a better understanding between peoples. It was a step towards the unity of mankind.

The following year, he developed this idea at the Esperanto congress in Geneva, stating his conviction that the international language was a means of bringing men together by breaking down the barriers between them. He exalted the brotherhood of man which seemed to him the only creed acceptable to all peoples and to all faiths. Year after year, at Esperanto congresses, he explained his ideas on tolerance and human rights.

This role of guide seemed so important to him that, in 1912, he renounced all honours and turned the linguistic problems of Esperanto over to its Language Committee whose job it was to survey the evolution of the language and to give official approval to new words introduced into it.

At the Congress of Races in London, in 1911, he presented a report stressing that physical differences were less important than those of language and customs. "Discord among men," he said, "will never cease until they grow accustomed to giving more importance to the word 'man' than to the words 'people' and 'race'." In his mind, the peoples of the world were separated mainly by language and religious customs. To bring them together, he suggested a neutral language and a neutral ethical basis which would provide a common ground for agreement between all men of goodwill.

A "LINGVO INTERNACIA" WITH 80,000 WORDS

He meant to discuss this idea at the tenth Universal Esperanto Congress in Paris when war broke out in 1914. To Zamenhof, this was a terrible blow, but he continued to fight for his ideals. Back in Warsaw in 1915 he drafted a "Letter to Diplomats" in which he emphasized that the main duty of any future peace treaty would be to guarantee to all races and minorities equality and freedom in the countries in which they lived. This was his last public act; he died on April 14, 1917.

Zamenhof had foreseen that Esperanto would evolve and grow like any other living language. From a vocabulary of 904 roots which could be used to form about 10,000 words (1887), it has grown to more than 80,000 words based upon some 7,800 root words. Zamenhof himself contributed greatly to enriching the language, not only by his poems, speeches and articles, but also through his translations into Esperanto of works by Gogol, Shakespeare, Dickens, Mollière, Hans Andersen, Goethe, Schiller, Heine and Sholem Aleichem. His version of the Old Testament which he translated in full was published after his death in 1926.

Two world wars destroyed many Esperanto libraries and organizations in Europe, but they were unable to stamp out the language and the ideal which inspired Zamenhof. Today, there are several million Esperanto speakers in the world and its literature, both original or translated, amounts to more than 50,000 volumes. There are chairs or courses in Esperanto in some thirty universities. The language is taught in schools in twenty-two countries, to say nothing of countless evening classes. Twenty radio stations broadcast programmes regularly in the language.

"Esperanto," Zamenhof once said, "knows neither weak nor strong nations, privileged nor inferior peoples. . . . All of us equal on neutral ground, should consider ourselves members of the same human family." To pay tribute to this great vision, Esperantists from all over the world met in Warsaw last August for their Universal Congress.

LET US HELP KEEP LITHUANIA'S DREAM ALIVE

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. GIAIMO. Mr. Speaker, on February 16, 1918, the people of Lithuania declared their nation to be free and independent. At this time each year, many Members of Congress and many individuals of Lithuanian heritage pay homage to these brave individuals who have dedicated their lives for a free and independent nation, only to have this cherished goal crushed by German and Soviet authoritarian forces.

The people of Lithuania started on the

bright road to freedom some 55 years ago with their successful revolt against Communist control, bringing their flowering country into the league of democratic nations. While the Lithuanian nation began to prosper and remained peaceful during the hectic 1920's and 1930's Soviet forces devastated this honorable country into submission to their totalitarian goals. Although the Lithuanian people continued to strive for freedom and democracy, even under these harsh conditions, once again their dreams were shattered by the reconquering German armies and again by the tyrannical Soviet forces in the early 1940's.

The steadfastness of these brave people in striving for freedom and democracy can be best exemplified by the tragic death of more than 30,000 valiant freedom fighters from 1940 to 1952, who lost their lives in the pursuit of liberation from autocratic rule in their dedication to develop a free and democratic nation.

Although organized and armed resistance has ceased to exist since 1952, the silent struggle for liberty and sovereignty in the hearts and minds of these heroic people can never be suppressed. It is imperative for those of us who are living under freedom and independence, and who often take it for granted, to amplify the ideals of these people and to relate to the desires of freedom that the Lithuanian people possess but cannot express for fear of oppression. We must continue to declare our concern for and our interest in these courageous people, for to cease this expression would be to shatter their hopes for liberty and independence. We must keep their dreams alive.

LEGAL SERVICES FOR NONINDIGENT

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. THOMPSON of New Jersey. Mr. Speaker, as you know, I have again introduced legislation to permit employer contributions to trust funds established for the purpose of defraying the costs of legal services. That bill is H.R. 77.

With lawyer referral services and federally funded programs providing legal aid for the poor, and the wealthy being able to afford legal services—the great moderate income, middle class of our country is being denied essential legal protection. These average, taxpaying Americans cannot afford, or do not think they can afford, a lawyer. The bill I am sponsoring will go a long way in providing essential legal services to millions of middle Americans.

I have come across a stimulating article dealing with the problem, by the Honorable David N. Edelstein, Chief Judge, U.S. District Court, Southern District of New York. The article appeared in the January 24, 1973, edition of the New York Law Journal. I ask that the article be printed at this point in the RECORD.

The article follows:

GAP IN LEGAL SERVICES—MODERATE-INCOME CLASS

(By David N. Edelstein)

Major strides have been made during the last decade in expanding availability of legal services to low income persons. Substantial financial resources and legal talent have been, and are being, committed to programs providing free legal services to the poor. In addition, financial support of research has provided new insights into the nature and magnitude of the legal needs of the poor.

NOTED DEVELOPMENTS

Funding of experimental programs has permitted evaluation of new methods of delivering legal services to the poor. Although no one factor can be said to account for this renewed effort, two developments undoubtedly would be included at the head of any list of significant factors: (1) the substantial funds allocated by the Office of Economic Opportunity to programs providing legal services for the poor in civil matters and (2) the U.S. Supreme Court decisions requiring states to provide counsel to indigent persons accused of crimes [serious crimes—*Gideon v. Wainwright,* 372 U.S. 335 (1963); any crime the possible penalty for which is a jail term of any duration—*Argersinger v. Hamlin,* 407 U.S. 25 (1972)]. Although adequate and effective delivery of legal services to the poor is hardly ideal, the problem has been recognized and is being addressed.

Ironically, these recent efforts directed at meeting the legal needs of the poor have also pointed up how little is known and understood about the legal needs of persons of moderate income ($5,000–$15,000/$20,000). That the problem of unfulfilled legal needs is not confined to persons who meet the financial eligibility requirements for free legal service is exemplified by the plight of persons whose income only marginally exceeds ceilings imposed by the free programs.

Members of this income group, although technically above the poverty level, may well forgo use of lawyers' services when needed simply because they cannot afford the full cost of legal services in the market place. However, the problem of underuse of legal counsel may well extend to middle-income persons well above the poverty line.

In some cases, actual cost of a lawyer's services may be an inhibiting factor; in other cases, it may be untutored fear about the high cost of lawyers' services. However, other factors beyond cost, or assumptions about cost, may be equally powerful in depressing use of lawyers' services by moderate income persons.

Some of the other reasons suggested include failure to recognize the need for a lawyer's help on some matters, misconceptions that alternative resources are adequate or equally effective, uncertainty when first confronted with the task of choosing a lawyer, diffidence about asking for help with a matter that may be seen by others as trivial.

The implications are serious, indeed, if there does exist an unmet need for legal services among middle-income persons, regardless of the reasons. Legal rights and interests important to the individual may not be adequately protected or effectively asserted without a lawyer's counsel—whether that entails representation in court or rendering advice on what those rights are. Moreover, the viability of the legal system and legal institutions is generally weakened if a substantial segment of the population believes that the courts, lawyers, and the legal system are not interested in and cannot be responsive to the everyday legal problems of the ordinary man.

GROWING CONCERN

There is a deepening concern, particularly within the legal profession, that moderate-income persons are not seeking legal help when needed. Two programs, in particular, which have received the support of the organized Bar are designed to moderate the effect of some of the factors perceived to inhibit use of lawyers' service—lawyer referral services and legal insurance.

Lawyer referral services have been established by the organized Bar in many communities to facilitate initial contact with a lawyer. Although the nature and scope of these services vary among communities, they all share certain common characteristics. Upon request of any individual, regardless of his income, the service will furnish the name of a lawyer or names of several lawyers with whom the inquirer may discuss his problem.

In most communities, the list from which the service makes the referral consists of those lawyers who have indicated a desire to participate in the program. In some communities, the referral service is limited to providing the inquirer with the names of attorneys. In others, participating attorneys also agree to provide initial consultation of one half hour at an established minimal fee (e.g., $5–$10). Thereafter, of course, the attorney's fee is whatever he and the client agree upon.

POTENTIAL FOR SERVICE

A strong and effective lawyer referral service can do much to encourage use of lawyers where the principal inhibiting element is fear and concern on the part of the public arising out of the unknown, especially where the plan affords a preliminary consultation at a modest fee. However, lawyer referral is not aimed at moderating cost of service beyond the initial contact.

Legal insurance is seen by many as having significant potential not only as an effective measure to reduce the cost to the individual availing himself of a lawyer's service but also as a device to moderate generalized fears about cost. An experiment in legal insurance has been operating in Shreveport, La., since January, 1971, under the auspices of the local Bar, with cooperation of a local union and employers, and with financial support from both the American Bar Association and the Ford Foundation.

Membership in the plan is available to members of a union who elect to participate by authorizing a payroll deduction of 2 cents an hour toward the cost of the insurance. Coverage under the plan includes reimbursement for legal fees incurred by the insured or his dependents. The plan operates in a fashion similar to medical insurance in that it provides for reimbursement of fees, up to specified maximums, and no restrictions on the insured's free choice of a lawyer.

Programs of legal insurance in other communities and covering other groups are in various stages of planning and development. Both legal insurance plans and lawyers referral services are or may be directed at the public generally and do not limit the individual's free choice of an attorney. Other programs, such as prepaid group plans established by some unions, have been established for specific groups and may utilize the concept of a preselected panel of lawyers.

All of the above plans assume that the public is not fully utilizing lawyers' services. Each of these plans attempts to moderate one or more of the problems that are seen as inhibiting use. They are valid and valuable experiments because they help some people obtain legal service who might otherwise refrain from seeking legal help when needed. Moreover, the experience under these plans can be useful in evaluating effective means for assuring optimum use of lawyers' services.

The benefit to be achieved from these plans is limited, however. First of all, they only reach a small proportion of the public—either because of limits in eligibility or because, as the case of lawyers referral, the service does not exist in many communities or is limited in its visibility. Secondly, these plans represent a response to a felt need that is neither verified or quantified.

LITTLE KNOWN

The fact of the matter is that very little is known about the unfulfilled legal needs of moderate-income persons. Elementary questions remain yet to be answered. For example, what is the nature, range, and frequency of problems confronted by middle income persons; how do they deal with these problems; to what extent and under what circumstances do they avail themselves of legal counsel; when and why do they fail to do so.

The answers to these questions will tell us whether there is, in fact, under-use of legal service among moderate income persons or specific sub-groups within this income group and can suggest how this problem may be tackled. In the absence of this information, it is impossible to assess either the value of effectiveness of existing programs aimed at facilitating use of lawyers' services.

Recognizing the need for fuller knowledge about the legal needs of the public, generally, and moderate income persons, specifically the American Bar Association has appointed a Special Committee to Survey the Legal Needs of the Public. The committee's task is twofold: (1) to design and execute a survey of the public and (2) to report the findings of the study and make appropriate recommendations. The committee has developed a survey design which will meet the highest standards for rigor and objectivity. It will retain the services of a nationally known and recognized university affiliated survey research organization to provide expert consultation on the research design, sampling, and questionnaire and to conduct the interviews and initially process the data.

It is hoped that this study will make a substantial contribution to knowledge and, to the extent indicated by the study findings, will lead to reforms that will assure that no person is deprived of the help of a lawyer when needed.

H.R. 261—THE ASIAN AMERICAN AFFAIRS CABINET COMMITTEE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. ANDERSON of California. Mr. Speaker, contrary to public opinion, prejudice and bigotry aimed at Asian Americans are not relics of the past. Instead, evidence continues to mount that Americans of Asian extraction are not free from prejudice and bigotry here in the country they helped create.

Yet, a myth persists in our country regarding the welfare and well-being of Asian Americans. This myth perpetuates the idea that they have fully realized the "American dream," and that there is no bigotry and prejudice directed toward Asian Americans.

While it is true that Asian Americans have surmounted legal, economic, political, educational, and social barriers, the facts indicate that, in all too many instances, the remnants of prejudice and bigotry still pervade our society and continue to confront the Asian American.

Today, due partly to the historic conditions, and partly to the recent influx of Asians to America, the Asian American communities are plagued by problems approaching crisis proportions. The problems reach into every facet of life, resulting in job discrimination, and governmental neglect of the special needs of both the youthful and the elderly Asian American.

To place today's problems in perspective, I feel that we should first briefly review the history of Asian Americans.

HISTORIC VIEW

When Asians entered this country, their initial reception was mixed—at best—ranging from an open hostility to a tolerance that has later flared into violence.

JAPANESE AMERICAN HISTORY

The history of Americans of Japanese ancestry in this Nation has been marked by reoccurring prejudice and repression. They suffered the wrath and injustice which led to the racist phrase "yellow peril," and which permitted the enactment by 1941 of some 500 Federal, State, and local laws and ordinances directed against Japanese aliens and, in many cases, their American-born citizen children.

Yet, the crowning blow of the prejudice and hatred toward Japanese Americans was not until the spring of 1942, when 110,000 Japanese Americans were arbitrarily denied their constitutional rights, subjected to mass evacuation, and herded into relocation camps to live for the duration of World War II.

Meanwhile, Americans of Japanese ancestry, who were permitted to join the U.S. Army, formed the famed 442d Regimental Combat Team which won acclaim as the most decorated military unit in American history for its size and length of service. In addition, the unit won fame as the "Purple Heart Regiment," for its troops suffered more than 300 percent casualties in terms of its initial complement of troops.

We have done much to repudiate the unjust laws and ordinances directed againt Japanese Americans.

I was pleased to coauthor the measure which repealed the order permitting the tragic incarceration of loyal Japanese Americans during World War II. The work of Congressmen HOLIFIELD and MATSUNAGA in bringing this matter to the attention of American people deserves high praise and I was pleased to join them in this effort.

We have done much to change the philosophy which brought about and allowed the imprisonment in those camps.

But, what do we know about the prejudice that occurred after the war? What do we know about the effect of the imprisonment of Japanese Americans on their culture?

Despite their heroic efforts in defense of our country, they returned to their homes and farms to find that they had been confiscated.

They returned, not to a well-deserved hero's welcome, but rather, to find that Japanese-American names had been stricken from community-sponsored plaques and monuments that had been placed to honor the American dead.

They returned to find that life in the internment camps had broken down the heretofore greatest strength of the Japanese American group—family unity.

They found that family discipline, the keystone of Japanese-American social control, was lessened by the communal living imposed by incarceration.

The culminating effect of incarceration was the devastation of Japanese-American family life and social control.

CHINESE-AMERICAN HISTORY

Lured to America by the gold rush of 1848, within 3 years there were 25,000 Chinese in California. To ease their fears of the strange ways here, they banded closely together—retaining their Chinese language, food, clothes, and customs. During almost the first 20 years of Chinese immigration to the United States, the Chinese led lives of hard work and respect. But during the depression of 1876, after the transcontinental railroad was completed, a scapegoat was needed. The Chinese became that scapegoat.

The Chinese—not Chinese Americans because they were denied citizenship—were stoned, robbed, beaten and massacred. Special taxes were levied to be paid almost entirely by the Chinese. In 1882, Congress passed the first of the infamous Chinese exclusion acts which suspended Chinese immigration for 10 years. When Chinese immigration was reinstituted, only a little more than 100 Chinese were allowed to immigrate to this country per year. It is around this time in Chinese-American history that the phrase "not a Chinaman's chance" came into common usage.

When the obvious prejudice against Chinese Americans let down after World War II, almost one out of five Chinese Americans began work as an engineer, doctor, scientist or teacher. Yet exclusion laws were not even repealed until 1943, after China and the United States became allies.

But even with the many contributions of Chinese Americans—ranging from art to acupuncture—discrimination toward Chinese Americans remains. In one of the Chinese Americans' largest communities, San Francisco's Chinatown, one-third of the families earn less than the Federal poverty level, due primarily to Chinese Americans being excluded from many jobs because of their race.

FILIPINO AMERICAN HISTORY

History has not only been unjust to the Japanese and Chinese American, it has also unjustly treated other Asian American groups.

Filipinos were brought to America in order to meet an acute need for cheap farm labor and, like his Asian brothers—the Japanese and Chinese—he was subjected to exploitation.

In the late 1920's, as the Depression approached and the competition for jobs increased, an anti-Filipino feeling developed which resulted in riots against the Filipino in Watsonville, Exeter, and Tulare, Calif., and Yakima, Wash. According to the Filipino American Position Paper; in Los Angeles, around the turn of the century, the chamber of commerce described Filipinos as the "most worthless, unscrupulous, shiftless, diseased semi-barbarians that ever came to our shores." Again, according to the same paper; in San Francisco, a judge during the same period called Filipinos "savages who were taking the jobs and women from decent white boys."

KOREAN AMERICAN HISTORY

The ability and ingenuity of many Korean immigrants was never fully realized due to educational, cultural, and language barriers. The resources brought to this country by Korean Americans, since they began immigrating to this country during the 1920's, have never been tapped to their full potential.

When the national origin quota was enacted in 1924, the immigration of Koreans to America was limited to less than 750 annually until 1956. After 1962, a significant number of Korean immigrants began to arrive in America.

SAMOAN AMERICAN HISTORY

The attitudes which have resulted in the prejudice and bigotry toward other Asian Americans have certainly not escaped the Samoans who have adopted this country as their own.

Despite their loyalty to this country, their penchant for work, their proficiency in learning and adapting, their strong family-oriented society; the Samoan Americans have found themselves victims of the same neglect leveled toward other Asian immigrants to America.

While their history in the United States has not been as long as others, they, too, have met social, political, and economic discrimination.

And these attitudes have, unfortunately, carried over to today.

EMPLOYMENT

Contrary to public opinion, the Asian Americans, like other minority groups, do experience prejudice in the job market.

Just last month, a five-member task force appointed by the Los Angeles County Board of Supervisors accused county officials of racial and ethnic bias toward Asian Americans. During a 2-year study in the area, the Los Angeles County task force found that Asian Americans were not being actively recruited and advanced as merited by their skills and ability. Solutions recommended by the task force include; the employment of an Asian-American recruitment analyst; the recruiting of minorities in all apprenticeship programs; and increasing the number of apprentices in all departments.

I give my full support for increasing the number of qualified Asian Americans employed by the county government in necessary positions.

But involvement on the county level alone is not going to solve the problems of the Asian Americans. Due to the magnitude of the problems, the Federal Government most certainly has an obligation to provide more employment for Asian Americans than it is now providing.

For example, a 1965 study by the California Department of Industrial Relations found that the Filipino at $2,925 had the lowest annual income of any ethnic group in the State.

For those Asian Americans who are eminently well qualified—for those who have overcome the barriers to quality education—even for them, advancement is stifled by the Federal Government.

The most recent U.S. Census Bureau figures show that Asian Americans represent 1 percent of the U.S. population. The almost 21,000 Asian Americans working for the Federal Government represent less than 1 percent of the Federal work force; but it is in the higher grades that the real discrimination takes place. In the upper echelons of Federal employment, the Asian American is virtually excluded.

Out of 5,755 GS–16, GS–17, and GS–18 positions, only 16—or less than three-tenths of 1 percent—are filled by Asian Americans, according to recent Government statistics.

In the Postal Field Service, no Asian American is as high as a level 16.

Mr. Speaker, this lack of advancement in the public sector no doubt carries over into, and has considerable influence upon, the private sector of the economy. However, in addition, one of the most difficult obstacles I found was the noticeable lack of available information on job hiring procedures in the private sector regarding the Asian American.

THE AGED

Elderly Asian Americans perhaps face the most severe problems in the community.

According to the most recent White House Conference on Aging, "elderly Asian Americans are suffering from unprecedented problems that are devastating the lives of these aged people."

Because of the language barrier and the lack of bilingual staff in social service agencies, the elder Asian American is not acquainted with the available benefits such as social security, old-age assistance, health care, housing and recreation. In addition to cultural differences, some Asian Americans face other circumstances peculiar to their races. For instance, sickle cell anemia affects Samoans and its detection is combined with cultural problems for the Samoans.

When we realize that the suicide rate among Asian-American elderly in certain areas is three times the national average—when we realize that studies show that 34 percent of Asian American elderly have never had a medical or dental examination; it should be obvious that the problems facing Asian-American aged are, according to the White House Conference, "overwhelming to the point that it is impossible for the Asian American aged to look only to their families for help."

The problems of the aged are particularly acute with the Filipino American, who is, generally, older than the national median. While the median age of the white American is 26.6 years, the median age of the Filipino American is 40.9 years. As a result, we can readily see that Americans of Filipino ancestry are in greater need of programs designed to meet the special problems which confront the aged.

But, what is the Federal Government doing in the Asian American community to relieve these problems?

Between 1969 and 1971, grants to communities to aid the aged totaled $32 million. According to the White House Conference, "of this $32 million, not one dollar was given to Asian-American communities for their aged problems." The reason for this lack of assistance goes back to the myth that Asian Americans do not need Federal help. Again, according to the Conference, the reasons for the lack of Federal help "according to Government officials was that, Asian Americans do not have problems."

During last year's Project FIND—a Federal effort to locate elderly persons eligible for food stamps or commodity assistance—limited attempts were made to locate aged Asian Americans. In both the Los Angeles and San Francisco areas information in languages of Philippine, Tagalog, Chinese and Japanese was distributed to Asian American communities by the American Red Cross. But Red Cross officials in Los Angeles say few Asian Americans returned the necessary cards to receive food stamp or commodity assistance. They attribute the lack of response to cultural differences and new arrivals to the country who did not receive the information because they were not yet on social security mailing lists.

But the food stamp program is not acceptable to many Asian Americans because, again according to the White House Conference on Aging, it presently excludes the elderly Asian American from purchasing imported ethnic foods—the only type of food many aged Asian Americans include in their normal diets. Special dietary and cultural preferences of older Asian Americans should be included in the Federal food stamp and commodity assistance programs.

Mr. Speaker, the facts are, that elderly Asian Americans have unique problems, problems unlike those encountered by other groups, and, they are problems that must be solved by Federal action.

YOUTH

As in all countries, the hope of the future rests with the younger generation. Yet, in the Asian-American community, the young are not receiving the special attention that should be accorded the leaders of the future.

As in other communities, the Asian American community has been wracked by drugs. In 1971, over 3 deaths of Asian-American youth were attributed to an overdose of drugs in the Los Angeles area. The drugs causing the deaths were not the usual heroin overdoses, but were primarily amphetamine overdoses. Experts in the drug abuse field say the Asian-American youth are not using community drug programs, possibly because of cultural differences.

EDUCATION

In order to meet the needs of rising expectations, Asian-American children must receive a quality education—an education designed to bring the Asian American economic and social success.

This has not been the case in the past.

According to the most recent available figures from a 1965 study by the California Department of Industrial Relations, median school years completed by Filipino Americans was 8.7 years.

Perhaps the reason for this alarming dropout rate is the language barrier. Obviously, it is difficult, if not impossible, to compete if the language is not understood.

The New York City Chinatown Planning Council estimates that 90 percent of new arrivals to the United States do not understand spoken English. And, in San Francisco's Chinatown, over 70 percent of the new population lack a knowledge of English.

In Pasadena, Calif., 15 percent of the Japanese Americans in the school system identify Japanese as their first langauge.

Gang warfare in both Los Angeles' and San Francisco's Asian American concentration areas has resulted in several deaths in recent years.

But, the myth that Asian Americans "do not have problems" persists. Very often we find that programs are not aimed at helping Asian Americans. Equally often, we find research has not been conducted to determine the depth of these problems.

In fact, from 1969 to 1971, the Department of Health, Education, and Welfare authorized $30.7 million in research and demonstration grants to minority communities for child welfare, rehabilitation, and special health projects; but none of these grants were made available to Asian-American communities.

No doubt, the Asian American has been discouraged and frustrated by the lack of Government empathy. They see Federal programs helping other minorities, but they feel that they are neglected. They see that special college programs, designed for minorities from disadvantaged areas, are not available to Asian Americans.

Two years ago, only five Filipino Americans from the Seattle area—an area with over 7,000 Filipino-American residents—graduated from the three local universities which graduated approximately 9,000 students that year.

Yet, the Government continues to turn its back on the needs of the Asian American student largely due to the myth that "all Asian-American students do well in school and, thus, do not need Government help."

It is particularly disturbing when we realize the Emergency Desegregation Act, as recommended by the administration in 1970, by definition, excluded Asian-American communities from the benefits of this act—despite the fact that schools in Asian American communities are in desperate need of Federal assistance.

Fortunately, the Congress corrected this oversight, and allowed Federal funds to aid the schools in the Asian-American community.

Asian American youth are attempting to help other youths by developing self-help centers, but they certainly cannot solve problems of this magnitude without assistance.

CONCLUSION

Only Federal action can begin to investigate, isolate, and rectify the many inequities and problems relating to the Asian American population.

In order to direct Federal action to the special needs and problems in the Asian-American community, Congressman MATSUNAGA and I have reintroduced H.R. 261, a bill which would create a meaningful and effective Cabinet Committee for Asian American Affairs.

This proposal would establish a high-level committee with the specific task of identifying the problems of Asian Americans, developing solutions to those problems, and correcting the injustices that presently confront the Americans of Asian ancestry.

THE FILM INDUSTRY IN SOUTHERN CALIFORNIA

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. WALDIE. Mr. Speaker, foreign competition, the development of advanced film making techniques, and certain changes in the fundamental philosophy of motion picture production have imposed tremendous hardships upon the film industry in southern California. The plight of the industry in general is perhaps best demonstrated by the fact that since 1966, employment in the southern California industry has decreased in many instances by 50 to 80 percent, leaving thousands jobless. Needless to say, Mr. Speaker, hundreds of highly talented, experienced film production personnel are currently unable to find a market for their skills.

The idea that so many individuals possessing such a variety of technical skills and creative abilities cannot find appropriate employment is tragic enough, Mr. Speaker. However, the realization that the U.S. Government is in a position to employ the talents of this ailing industry, and has not done so, serves to compound the frustration of those who are unemployed, as well as that of those who are genuinely concerned about the well-being of this vital aspect of California's economy. In short, Mr. Speaker, I submit that the U.S. Government has not made a serious attempt to utilize the vast skills and resources of the southern California film industry.

Instead of using the private sector, the Government has developed its own massive radio-television-motion picture producing capability. For example, the U.S. Air Force produces 97 percent of its audio-visual materials itself; the Department of Justice produces 76 percent of its material "in-house." Thus, Mr .Speaker, while these Government agencies are manufacturing film-related materials within their own department, with their own nonunion, nonprofessional personnel, the southern California film industry remains floundering in depression.

I feel, Mr. Speaker, that the Federal Government must now begin to make a concerted effort to utilize the private segment of the film industry, for a variety of reasons. Not only will it help the ailing industry, but it will also have beneficial results for the Government. Presently, even though we are spending millions of dollars on film-related enterprises, there is a tremendous amount of waste, duplicity of effort, and little organization. The Federal Government is the largest single producer of film in the country. If only, the private sector was used more extensively by the Government, the film production process would undoubtedly be made more efficient. For example, currently, there is no attempt to standardize equipment within the various Government agencies.

Many of the agencies use video tape that is not compatible with major network machines, or even with other machines in their own department. Some agencies use 16 mm. film, some use Super 8, and others use 35 mm., but there is little attempt to standardize their various productions so that they could all be compatible with the equipment of other agencies. In addition, there is immense duplication of both facilities and subject matter. For instance, six of the seven agencies within the Department of Health, Education, and Welfare possess their own facilities and equipment. Each branch of the armed services also has their own overlapping facilities. I ask, Mr. Speaker, would it not be more practical for these various agencies to use the facilities now sitting dormant and unused in the professional studios of southern California?

Indeed, not only would it be more practical, but it would, most likely, result in productions of better quality, since the production process would involve knowledgeable union personnel who have been trained specifically in this field, not the untrained members of the individual agencies. The competence of the professionals of the film industry, I am sure, far surpasses the technical inexperience of the audiovisual experts in the Government.

For these reasons, Mr. Speaker, I urge the Federal agencies involved in film production to make a greater effort to utilize the existing filmmaking facilities and professional talent in the private sector of geographic areas like southern California. The Office of Management and Budget Circular A–76 states that, whenever possible, the Federal Government should contract for its work to be performed by private industry. Generally, this has not been applied to filmmaking matters, but I think it is high time that we begin.

I would also like to add, Mr. Speaker, that this problem has become so complex that there can be no easy answers. At the present time, the Telecommunications Office, in conjunction with the Office of Management and Budget, is undertaking an exhaustive study of this entire matter. I am looking hopefully to the completion of this research project, so that, with a deeper understanding of the problems involved in governmental audiovisual production, we may work toward even more enlightened answers.

CHARLIE HALLECK HONORED BY INDIANA NATIONAL GUARD

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. PRICE of Illinois. Mr. Speaker, one of the best known and highly respected former Members, Charlie Halleck of Indiana, was recently honored by the Indiana National Guard in ceremonies marking the opening of a new armory in his home town of Rensselaer.

Highlight of the ceremony was the dedication of the drill hall to our former colleague.

A bronze plaque was unveiled, bearing a bas-relief likeness of Charlie and the following inscription:

This hall is gratefully dedicated to Charles Abraham Halleck in honor and tribute to a great hoosier statesman, scholar and loyal citizen-soldier, in recognition of his outstanding service and leadership to the state of Indiana and the nation as a member of the United States Congress, where he served longer than any hoosier in history—and for his consistent support of an always ready national guard.

Be it recorded for posterity: This eminent son of Indiana has given a lifetime of singular service to the cause of America's freedom, never wavering in his devotion to duty.

Mr. Speaker, let me say that as one who worked with Charles Halleck to establish the Committee on Standards of Official Conduct, I concur completely with the tribute paid to him by the Indiana National Guard.

May I also add that he is enjoying his retirement, trying to outwit fish in lakes and streams here and there, and hoping to avoid baited fields when he hunts for doves.

Under leave to extend my remarks, I offer a press report of the dedication ceremony honoring our former colleague, which contains his remarks—so typically down-to-earth—that we who know him would expect:

DEDICATE ARMORY SATURDAY; DRILL ROOM "HALLECK HALL"

The new Army National Guard Armory at Rensselaer was dedicated Saturday as dignitaries representing local, state and national military departments honored former congressman Charles A. Halleck by naming the drill hall in the facility in his name, and unveiling a bronze plaque commemorating the event.

The dedication climaxed many years of planning for the replacement of the old National Guard Armory building located at the corner of Cullen and Harrison streets in downtown Rensselaer, and which was completed about 1930. Previous to this location, the local National Guard had held their meetings on the second floor of the old Wrights Furniture store, (which was destroyed by fire) at the corner of Washington and Front streets.

Dr. Theodore C. Marrs, deputy assistant secretary of Defense (Reserve Affairs), gave the dedication address. He prefaced his remarks by reading congratulatory letters on the naming of Halleck Hall from distinguished people unable to attend the ceremony, and including one from President and Mrs. Nixon.

Dr. Marrs briefly traced the history of the National Guard, and noted that its path was not always smooth. The Guard, he said, is a vital part of the total force approach and is the initial and primary force along with the reserves which is called upon and is ready in the event of emergency.

Dr. Marrs said that the National Guard is adding to its equipment, which is now showing overall a net increase of about $500 million a year. He said that the Rensselaer armory is a part of the community, and it is at the service of all the people when not being used for training purposes. (A Jaycee-sponsored dance was held in conjunction with the National Guard on Saturday evening.)

Following Dr. Marrs address, the main lights in the drill hall were turned out and a bronze plaque proclaiming Halleck Hall was unveiled and spotlighted.

In his response, former congressman Charles Halleck reminisced a bit about his boyhood and had this to say:

"A long time ago someone said, "A prophet is not without honor save in his own land." Surely that cannot be said of me.

"Born in DeMotte of wonderful parents who gave me a heritage surpassed by none. Raised in Rensselaer and educated in its public schools by able and dedicated teachers. Given rewarding and honorable work by Alf Donnelly of the Globe Onion Farm where the pay was small but where juvenile delinquency did not exist—by Leslie Clark and Gen. George Healey of the Rensselaer Republican, delivering the paper in the northwest part of town, teaching me the absolute necessity of responsibility and enabling me to pay Charlie Steward for my first bicycle by dutifully taking to him on every Saturday my 60¢ until my bike was paid for, again teaching me responsibility and the joy of reward from honest work—by Wils Harris in the creamery, by surveyor Bostwick, by August Bennema and Bill Babcock on his dredge, where I learned, working nights in Barkley Township that you could survive on fat salt pork with gravy on bread—and by others, too, all of which made it possible for me to earn and save much of the money which paid for my higher education at our great Indiana University.

"Add to all this the teaching by my church of the eternal verity of Christian principles, the rugged and bulldog tenacity taught me by football and the upright character of my coach, Floyd Meyers, clients who sometimes could and did pay when I came back to Rensselaer to practice law, and then by the unflagging and loyal support of voters who supported me in politics, first for Prosecuting Attorney, and then, in a wider field, for Representative in Congress. Often I have said that no man can do much in Congress without the support of his people back home.

"Now, more particularly for this occasion I must recall the great nature for me of learning the discipline of the manual of arms and close-order drill with old Company M under the captaincy of Herman Tuteur and the drilling by that old master, Martin Sauser, all while I was too young to really belong to the Company. That early training stood me in good stead during my short stint in the U.S. Army during WWI and later in the Reserve Officer Training Corps at Indiana University when I acquired a Reserve Commission in 1922 which I maintained for many years.

"Through the years some honors have come my way but none more deeply and sincerely appreciated than this one today, here in my hometown. You know, Rensselaer was our home, has always been our home and will always be our home, Blanche and I love Rensselaer, Jasper County and Indiana. We are and always have been proud to say, "We are Hoosiers."

"And so to the Indiana National Guard, to you members of the Armory Board and to all who have made this day possible, I say, thank you."

Master of ceremonies for the dedication ceremony was Brigadier General Kenneth E. Keene (retired), a member of the State Armory Board. Captain Robert O. Jackson, vice president of the State Armory Board presented the keys to the building to the State Adjutant General, Brigadier General Alfred F. Ahner who made the charge to the unit and in turn presented the keys to Brigadier General Robert G. Moorhead, commander of the 38th Int. Division. Lt. Charles L. VanHyfte, commander Det. 1, Co. B, accepted the keys on behalf of the local unit.

Other participants in the dedication ceremony were Mayor Emmett Eger of Rensselaer (who presented Mrs. Halleck with a bouquet of roses for the occasion), the Rev. James Hilton of Rensselaer Christian church, who gave the invocation and the Rev. Fr. Richard Reidel, pastor, St. Augustine Catholic church, who gave the benediction. The Rensselaer Central High School band under the direction of Michael J. Marquess, entertained before the program and played the National Anthem. Wives of guard unit members served refreshments following the ceremonies. A color guard from Co. B. posted the colors.

Previous to the dedication ceremonies, a luncheon honoring Congressman Halleck was given by the State of Indiana Military Department at Curtis Creek Country Club.

The new armory was completed on November 10 by the general contractor, Larson Danielson Construction company of LaPorte. Architect and engineer was Fleck, Burkhart, Shropshire, Boots and Reid Associates, Indianapolis. Representatives of both firms were at the dedication.

The new building, located east of Rensselaer on State Highway 114 south of the Rensselaer Central High School is the most modern building of its type, containing three air conditioned classrooms and offices, an air-conditioned library, kitchen, supply and storage rooms, arms vault and locker room.

Out of town guests at the dedication included Dan Danielson of Larson-Danielson Construction, Max Boots, Len Wolfson, representing the architect and engineer, Theodore L. Sendak, attorney general of Indiana and retired colonel USA reserve, Colonel Jack P. Money, member state armory board, Col. Judson H. West, member state armory board, Robert G. Allett, former asssitant to Congressman Halleck, Fred Heckman, WIBC Radio, Dr. Harold J. Halleck and Mrs. Halleck of Winamac, Brig. Gen. Robert M. Leich, Col. Morris Foist, John Marsh and Walter Roorda, DeMotte.

RARICK REPORTS TO HIS PEOPLE ON CUTS IN THE RURAL ENVIRONMENTAL ASSISTANCE PROGRAM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. RARICK. Mr. Speaker, on one of my recent television reports to my constituents, I was pleased to have as my guest, J. Phil Campbell, Under Secretary of the U.S. Department of Agriculture. The farmers in other parts of the country should find Mr. Campbell's remarks of interest. I insert the following transcript of the program:

TRANSCRIPT OF PROGRAM

My correspondence has been running very heavy on the subject of budgetary cuts by the Office of Management and Budget of the Executive Branch at least on several agricultural programs which were passed by Congress and signed into law by the President.

To date most of this correspondence deals with the REA cut back and the REA program—Rural Environmental Assistance Program, REAP which was discontinued. Other affected farm programs which were apparently lacking public outcry to date were the newly passed Rural Development Program and the Disaster Loan Program which has been of great assistance to farmers of our area following hurricanes.

As your Congressman and as a member of the Agriculture Committee, I have written to the President urging that, not withstanding the recommendations of OMB, he reinstate funding of these programs at least at budgeted level. I have also answered your letters and wires giving whatever information is available as to the chance of regaining these federal fundings and what the future looks like for agriculture in our area. The federal role in agriculture is vitally important to assure the American people a readily available food supply at reasonable prices, and I feel that this can only be done by conserving our food producing lands and aiding our farmers and rural citizens. So that our farmers and those of you who have expressed concern over the cuts in federal spending in the agricultural sector might have a better opportunity to hear first-hand explanations of what is going on in Washington and what is developing as a power struggle between the President and the Congress, I have invited the Honorable J. Phil Campbell, who is Under Secretary of the U.S. Department of Agriculture, to appear as my guest today. Secretary Campbell has graciously accepted and agreed to questioning relating to the cuts in funding for the various agricultural programs.

Mr. Campbell is from Georgia, where he was formerly State Commissioner of Agriculture and is now entering his fifth year of service with the U. S. Department of Agriculture. He is therefore most knowledgeable of the inner workings of his department in presenting the executive's views of what is taking place in government.

Mr. Secretary, I certainly want to welcome you into the homes of Louisianians. I am indeed happy that you have scheduled the time to appear in person to talk to our farmers and rural citizens about problems which concern them—especially the various cutoffs of federal funds in agriculture.

And so, bypassing any constitutional questions posed, let me read a letter typical of what I am receiving from constituents explaining concern over the agriculture cutoffs.

This letter came from a gentleman with a Soil and Water Conservation Committee in my district. He indicates dissatisfaction at the REAP cutoff by saying that the land users in Louisiana lean heavily on REAP; that is the Rural Environmental Assistance Program funds for conservation work. Soil and Conservation districts fully support REAP and feel that the program should be continued. Mr. Secretary, what is the reasoning behind the Administration's position on REAP?

CAMPBELL. Congressman Rarick, let me first thank you for inviting me to appear briefly to discuss these so called cuts with your constituency in the State of Louisiana. I would like to add one further word to what you said about me personally in introducing me. I would like to say that before being Commissioner of Agriculture in Georgia, I was a small dairy-cotton farmer in the north Georgia hills where it's much harder to make a living than down in south Georgia which is farmer's paradise and the most cows I milked was 29 and the most cotton I ever planted was 28 acres. So, with that background, starting in the days before we had an REA when I used to have to haul milk to town, went to college by lamplight and when we didn't have a Production Credit Association which would help us with credit, I wish the farmers to know that I truly do feel as though I understand the problems right on the land because I came from the farm-end of the Commissioner's Office and then on into Washington.

But in so far as REAP is concerned, let me first state that President Nixon is making every effort to prevent a tax rise at the federal level and to keep federal spending within the bounds of reason and not have budget this fiscal year that will go beyond $250 billion of spending. As a result, he is carrying out cuts across the entire federal government not just in Agriculture. In Health, Education and Welfare, in HUD, in Defense Department, in OEO, many of which the farmers would very much approve, Mr. Congressman, there are many of these programs that I know the rural people look with disfavor on. On the other hand, since we're going to have cuts throughout the federal government, Agriculture must take its part somewhere. Very frankly, the REAP program has been an extremely excellent program in the 30's and 40's, in its early days. It is still a good program but on the lower end of priorities with regard to federal expenditures when looking after the welfare of the farmers which this last year was $19 billion dollars setting an all time high with anticipation of a repeat during this next 1973 season. So the amount of money that has been cut is rather small when you look at the income—the total amounts to $140 million out of $65 billion gross income. And for the State of Louisiana it actually amounts to $2.9 million when spread back out into your counties and then back to the farm. It really reduces down to an average payment for farmer participating to $239 with only 20% of the farmers participating in any one given year and that 20% tending to be the same 20% the next year. So we have a program that is on a low priority list when it comes to the welfare and the well being of the farmers. We feel as though they will carry out these conserving practices to build up their soil without this small payment. Very frankly, I must say that when I was a dairyman in the Georgia State Legislature I ceased participating in this program although I needed the money as much as anyone but I frankly was too busy to go to the courthouse as many times as necessary to participate in the program. And it's a good program but it's on a low priority when you look at the total complexion of what's good for the welfare of the farmers. This is a cut, I must admit it.

RARICK. Mr. Secretary, another one of the cutbacks generating considerable mail from my constituency is regarding the REA action. The main concern seems to be stopping the 2% money and granting them loans instead—guaranteed loans, under the Rural Development Program. Would you comment on this change?

CAMPBELL. Yes, I'd be happy to comment on the REA situation. As I mentioned a moment ago, I began farming when I had no electricity and I farmed back in Georgia. My homeplace is on REA and no one appreciates electricity more than I. And I must say that if the people out in the country fully realized what we've done I feel as though they will accept what we've done. I like to relate REA to the Farm Credit Administration. These both began about the same time. The Farm Credit Administration has been able, through the years, to become totally independent of the government. I'm talking about the Federal Land Bank Production Credit Association. They no longer even have their offices in the United States Department of Agriculture. They've left us and they've gotten into one of the new buildings overlooking the Potomac down here within sight of the Capitol, completely independent of the government. The quicker the REAs, and I'm speaking as a farmer on the line now, also become independent of the government, the better off the REA will be. And they will cease to have the criticism that is thrown at them from so many different quarters and from so many different circles. But actually we have not cut the amount of money available to the REA's. In the last four years, we in this Administration have doubled the amount of money. For almost ten years the REA's have averaged about $350 million per year for loans to local cooperatives. We have increased this total amount of money available in this administration including this latest action to over $700 million with a $200 million increase with this most recent action by the Office of Management and Budget. But in the process we have restructured the places where the money comes from and also the amount of interest that the local co-ops have to pay raising it from the 2% to the 5%. Well, I personally . . .

RARICK. Where, Mr. Secretary, would they get the money?

CAMPBELL. The money will be . . . comes from the money markets in New York the same as the Farm Credit Administration instead of directly out of the Federal Treasury which adds to the inflation by increasing the national debt and the national red ink. When we go to guaranteed loans instead of direct Treasury this is not charged back against the Treasury and as a consequence we do not have as much red ink on our books and we reduce the inflationary pressures. And no one is hurt by inflation more than the farmer.

RARICK. And the present program is on a guaranteed . . .

CAMPBELL. The guaranteed loan basis rather than the direct loan allowance. And as I say this relates in the same way to the Farm Credit Administration who also go to the money markets in New York for the production credit money and Federal Land Bank money. And the REA cooperatives own a financing set up of their own wherein they're beginning to generate their own capital. Also, the bank of co-operatives of the Farm Credit Administration has begun to make loans so the REAs have more sources of money than they've had before, in addition to private sources they might use such as insurance companies and local banks.

RARICK. Has the Administration or the Department changed its thinking on the REA Electric Bank concept which was defeated in Congress several years back.

CAMPBELL. Yes, instead of the bank which was promoted by the REA's they came along with this co-operative lending service that they put together themselves, "in house" so to speak and it now is lending. I actually have the figures here—$94 million this year. They've been in operation for 2 years and this is in leiu of the bank which did not pass Congress. But as a result of not passing the bank which they desired they did form this co-operative CFC, in addition to the money that we guarantee to them through guaranteed loans.

RARICK. It is safe then for our listeners to assume that the REA funding has not been cut off, or cut back. In fact, as you say, they have more funding available under the present program than previously?

CAMPBELL. $714 million this fiscal year as compared to an average of $350 million for the past 15 years.

RARICK. Mr. Secretary, another inquiry I have received relates to the stopping of disaster loans.

CAMPBELL. We have been in a very difficult situation here. We had operated a disaster loan program to the farmers in the magnitude of $75 to $125 million each year with 25% to 40% of the counties of the United States being declared disaster by the Secretary of the Agriculture. However, with the Agnes legislation and the expansion of a forgiveness feature to forgive . . . $5,000 of each loan, this ran us out the window on dollar volume. This was going to approach $1 billion forgiveness money this year and it was going to stretch the credibility of farmers with the American public and frankly with the Congress too. The Secretary took the action of closing out the forgiveness. We still make FHA loans to farmers who need the money and we have all the money available necessary to make a regular FHA loan. All we've done is pull out the forgiveness feature.

RARICK. In other words, our farm people have the same disaster program except it's a loan without any forgiveness on money loaned?

CAMPBELL. That's correct, yes. Because we found people that never farmed really who were out in the country classified as farmers, many who were millionaries getting this $5,000 who owned race horses.

RARICK. Mr. Secretary, our time is rapidly expiring but I have had inquiries from the dairy people in our district with regards to the residing cost of feed grain and the corresponding increase in the cost of operation and the price of milk. The dairy farmers want to know what will be done to balance out either the price of the feed grain that they must feed the cattle or to increase the price of milk. Would you . . .

CAMPBELL. Well, unfortunately, there is very little at the present moment that can be done about the price of feed grains because we had bad harvesting weather for soybeans and corn in that belt and it slowed down and a 10% shortage escalates the price upward although we already had a somewhat short supply. The only answer that I know is for the farmers to see if they can substitute other types of feed for the high priced concentrate and go more into roughage and pasture in order to get through this situation. It should correct itself next harvest time.

RARICK. Thank you very much Mr. Phil Campbell, Under Secretary of Agriculture for being our guest today for explanations to our Louisiana viewers on problems affecting U.S. Agriculture.

MICHIGAN HOT DOG PRICES

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. NEDZI. Mr. Speaker, the State of Michigan is proud to maintain higher standards than the Federal regulations on hot dogs and sausages.

An up-to-date survey conducted by the Michigan Department of Agriculture reveals that prices for hot dogs made to the State's strict standards averaged 2 cents a pound cheaper than hot dogs containing animal byproducts such as tripe, beef lips, salivary glands, and other offal.

The point is that the use of animal byproducts results in poorer quality while achieving no price saving. Michigan's quality manufacturers better serve consumers in both regards, product and price.

My constituents probably produce and consume more and better sausages than any area in the country. The so-called hot dog war is, justifiably, a serious matter with them.

Under leave to extend my remarks in the RECORD, a press release in this matter, issued by the Michigan Department of Agriculture, follows:

CONSUMER PROTECTION NEWS

B. Dale Ball, director of the Michigan Department of Agriculture, today branded as "false and misleading" the claims by opponents in the hot dog war that comminuted meat products made to Michigan standards cost more than those which contain animal by-products.

Ball based his charge on information obtained last weekend in a two-day survey of comminuated meat products and prices in 58 stores in Michigan and neighborhood states:

"Our inspectors found that prices for hot dogs made to Michigan's strict standards were actually averaging two cents a pound cheaper than for those containing animal by-products, such as tripe, beef lips, pork stomachs and other offal. Average price for hot dogs made to Michigan standards and containing only pure skeletal meat was 87.1 cents per pound. Average price in neighboring states for hot dogs containing animal by-products was 89.2 cents per pound.

"Our survey was designed to avoid any stores which had special sales, and it covered comparable stores in cities of comparable size," Ball said, "so our comparisons are valid."

A total of 47 stores in Indiana, Illinois, Wisconsin and Ohio were visited, along with 11 in Michigan:

"Inspectors brought back samples from five stores in Gary, four in South Bend, Indiana; eight suburban Chicago stores—in Harvey, Riverdale and Calumet Park, Illinois; 17 stores in Green Bay and Marinette, Wisconsin; five in Findlay, eight in Lima, Ohio.

"The Michigan samples came from four Benton Harbor area stores, two in Taylor, three in Kalamazoo, one in Menominee, and one in East Lansing," Ball reported.

"Price distortions designed to alarm and mislead consumers cannot be allowed to go unchallenged. USDA has released information which indicates consumers are writing to ask that these unsavory by-products, illegal in Michigan, be permitted. These consumers mistakenly believe this will insure lower' prices.

"Not true—and don't you believe a word of it," Ball declared. "Our survey shows you can have comminuated meats made with pure skeletal meat only, without increasing prices.

"Our opponents are spoon-feeding false information to the public in a futile attempt to win through distortion and innuendo what they can't win in the courts and the Congress. I find that contemptible," he said.

"Here's what's really happening to prices. Our inspectors bought Serve 'n Save hot dogs, packed by Inter-American Foods, Inc., of Cincinnati, Ohio, at a Kroger store in Taylor, Michigan. The hot dogs were made to Michigan's strict standards, and the price was 69 cents a pound.

"Serve 'n Save hot dogs, made by the same company, were also being sold in the Kroger store at South Bend, Indiana. But these hot dogs contained beef lips, pork stomachs, beef tripe, pork spleens, and cereal (all illegal in Michigan) and the price was 89 cents a pound.

"Exactly the same product, made by the same company, was available in a Kroger store in Harvey, Illinois. It contained all the by-products, and again the price was 89 cents a pound."

Ball cited another example:

Serve 'n Save bologna, manufactured by Inter-American Foods, Inc., of Cincinnati, Ohio:

Made to Michigan standards and purchased at Kroger's in East Lansing, price 89 cents a pound.

Made to federal standards and containing beef lips, pork stomachs, beef tripe, pork spleens, and cereal (all illegal in Michigan), purchased at Kroger's in Lima, Ohio for 89 cents a pound, and purchased at Kroger's in Harvey, Illinois, for 89 cents a pound.

"Consumers aren't stupid. Any housewife, given the facts of this case, can figure it out for herself. Comminuted meats containing all that offal are selling for just as high prices, or higher, than comminuted meats made to Michigan's stricter standards," the director continued.

"Some of the big national packers have made noises about how they don't really use all those undesirable animal by-products. And that's a lot of baloney.

"In Harvey, Illinois, you can buy hot dogs that contain beef lips, beef tripe, pork salivary glands, lymph nodes and fat, and soy protein concentrate. That's what it says right on the label and the price is 89.5 cents per pound. That's a pretty high price for offal. I know you can buy it—our inspector did, just last Friday, and we have the sample.

"I am shocked that USDA chose to release information on its proposed administrative rule change before the February 21 deadline for filing responses. I can't recall another time when such information was released before all the comments had been received.

"It looks to me as though USDA was sending up a trial balloon, suspiciously like a hot dog made to federal standards—stuffed with unsavory ingredients, listed in fine print," Ball said.

"USDA has been reported as stating that about half the letters received support the use of such by-products. If it's true, consumers who take that position are not fully and accurately informed about the subject.

"Michigan consumers who are writing to USDA in support of the Michigan Department of Agriculture position are educated consumers. They have the facts, and I think they understand the issue. I don't believe they can be misled by such tactics."

FOOD PRICE EMERGENCY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. ROSENTHAL. Mr. Speaker, food prices are continuing their undeterred rise to astronomical levels while the President once again assures us they will be leveling out by the end of the year. We are now in the fifth year of such promises from the administration and there is still no relief in sight, but Mr. Nixon still refuses to put any controls on food prices.

Such inaction in the face of the Nation's food price emergency may be the most incredible dereliction of duty by an administration in recent history.

If the administration will not act, the Congress must. Therefore, Mr. Speaker, I plan to introduce legislation to make it illegal for retailers and wholesalers to set food prices which do not bear a direct and reasonable relation to food prices.

Data from the Bureau of Labor Statistics and Department of Agriculture show that retail food prices—particularly for meat—frequently rise at a much quicker pace than farm prices and fall at a much slower rate when producer prices decline. An analysis of data on beef prices reveals that from November 1971 to November 1972 the price spread between producers and retailers had increased almost 35 percent, from 33.9 cents a pound to 45.7 cents.

During 1972 beef prices could be divided into four cyclic periods when prices were either increasing or decreasing at retail:

During the 13-week period from November 20, 1971, through February 12, 1972, producer prices increased 5.9 cents while retail prices rose 10.1 cents;

During the 8-week period from February 12 to April 8, 1972, producer prices fell 7.3 cents while retail prices fell only 2.3 cents;

During the 13-week period from April 8 to July 8, 1972—a period when the Secretary of the Treasury encouraged retailers to reduce margins and the Price Commission held hearings into high meat prices—producer prices increased 10.1 cents while retail prices declined only 3.5 cents.

This data shows that some food retailers maintain artificially high food prices by exploiting price fluctuations at the farm level and not passing along price decreases to consumers. But no one link in the food marketing system is wholly responsible for our inflated food bills.

I am not charging food retailers and wholesalers with profiteering, but I do wish to point out that with the manipulation inherent in today's food merchandising, there is an ever decreasing relationship between the price a farmer receives for his products and the price a consumer pays at the supermarket. Supermarket pricing practices—including the juggling of profit margins and the use of "specials" and "loss leaders"—have effectively repealed the laws of supply and demand and dictate the eating habits of millions of Americans.

The January consumer price index for food is only a preview of things to come. The December 1972 and January 1973 wholesale price index for food—5.2 and 3.3 percent, respectively, will not be felt at the supermarket for a month or two. Between February 1972 and February 1973, wholesale prices in New York City for flour have increased 26.3 percent; coffee prices 36.4 percent; eggs 52.7 percent; chicken 40.4 percent; pork 37 percent, and beef 15.2 percent.

Increases in the cost of chicken and eggs can be traced in large part to the United States-Soviet grain deal which helped increase the wholesale price of soy bean meal 163 percent between February 1972 and February 1973. Wheat, corn, and barley prices during this same period increased approximately 35 percent, which accounts for the higher retail prices of hogs and steers.

The dollar devaluation on February 15 greatly increased the foreign demand and, hence, the domestic price for many U.S. food commodities. Since February 15, wheat prices are up 9.3 percent; corn, is up 7.2 percent; soy beans 5 percent; pork bellies 7.9 percent; grade A chicken 3.8 percent; hogs 2.3 percent; beef 3.1 percent; Maine potatoes 8.2 percent; and eggs 5.5 percent.

Consumers are no longer interested in the Nixon administration's rhetoric of "promise but not performance" in the food price area. The USDA's stewardship of the Nation's food supply and the administration's handling of the economy have been catastrophic. Congress must face up to this challenge even if the administration is unwilling to. Two things must be done immediately:

First. The Meat Import Quota Act—which limits the importation of foreign beef—must be repealed, not simply suspended; and

Second. Reasonable price restraints must be placed on products at the farm level.

Along with 32 of my colleagues, I have already introduced legislation to abolish the meat quota law (H.R. 1664) and to refreeze meat prices at November 1972 levels (H.R. 1662).

LEGISLATION TO ASSIST OLDER AMERICANS

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. HEINZ. Mr. Speaker, as a Member of Congress who worked on behalf of and voted for last year's comprehensive older American services amendments, I was most disappointed last October 30, when President Nixon was forced to veto this legislation because it was a part of a much more expensive spending package.

With the basic authorizing legislation having expired at the end of 1972, it is imperative that Congress act quickly to adopt reauthorizing legislation which improves and expands programs serving senior citizens. I do not believe, Mr. Speaker, that older Americans would be well served by further delay resulting from the growing feud between Congress and the President over congressional responsibility and the limits of executive power. Rather, it would be better for all concerned if Congress were to act immediately on those provisions of the older Americans legislation on which a broad consensus of agreement already exists.

To this end, Congress should enact with no further delay those sections of the legislation on which the agreement of both Congress and the President is likely. I am therefore proposing today legislation in the same form agreed to by the House on July 17, 1972. This proposed legislation does not contain those sections added by the Senate, some of which the President objected to in his veto message last October 30. The sections to which the President specifically objected would have established a community service corps for older Americans and manpower training programs for both middle-aged and elderly workers.

While I endorse the intent of those two programs, their inclusion in the final version of the older Americans legislation is likely to bring a veto, delaying even further extension and improvement of these vital programs. Congress would be much wiser and our elderly constituents would be much better served if the sections which are the focus of disagreement were considered separately by the Congress in the broader context of manpower planning and the President's special manpower revenue sharing proposal.

Therefore, Mr. Speaker, I offer this legislation as a reasonable and necessary partial solution to the problem. If this proposal is quickly adopted by Congress, elderly Americans' programs will not be held hostage in the growing split between Congress and the Executive.

GOVERNMENT WASTE AND THE OFFICE OF TELECOMMUNICATIONS POLICY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. LEHMAN. Mr. Speaker, we are all aware of the recent remarks by Mr. Clay Whitehead, Director of the President's Office of Telecommunications Policy. Senator ERVIN has characterized Mr. Whitehead's proposal as a thinly veiled attempt to create governmental censorship over broadcast journalism.

Before Mr. Whitehead's speech, no one had ever heard of the Office of Telecommunications Policy. It was created in 1970 to serve as the President's principal adviser on telecommunications, formulate policies and standards therefor; help formulate national telecommunications policies, and assure that the executive branch views are effectively presented to the Congress and the Federal Communications Commission on telecommunications policy.

Now that we have seen a sample of its work, the question which immediately comes to mind is why the American taxpayer should continue to support an organization whose apparent true purpose is to destroy the freedom of our national broadcast media.

At the present time, Mr. Whitehead's office staff totals 65. We are paying 60 percent of these people salaries in excess of $20,000 a year. At least five are receiving $36,000. Apparently, attacking the media requires a large and very well-paid staff.

Even more interesting in this present era of impoundment and budget austerity is the Office of Telecommunications Policy's budget. This Office is to enjoy a 10-percent increase in its budget authority for next year while many domestic programs must face severe cutbacks.

Perhaps the $3.27 million for this Office could better be used to help prevent a hike in medicare costs for the elderly or ease the cutback in education for the handicapped or help save the community mental health program.

This year Congress must take the lead in reshaping our national priorities. As we go about this task, let us take a good look at the costs and the benefits of the President's Office of Telecommunications Policy.

VETERANS' PENSIONS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. BOB WILSON. Mr. Speaker, I am today introducing two veterans' pension bills. I am certain that all of us have received mail from veterans and their widows regarding the reduction in their pension checks as a result of the 20 percent increase in social security benefits last fall. To the elderly pensioner this reduction is often of critical importance and many cannot understand how it is possible for the Government to give with one hand, while taking away with the other.

Late in the 92d Congress, the Senate approved legislation to increase the earnings limitation for old and new law pensioners and parents receiving Dependency and Indemnity Compensation, but the House did not consider this proposal prior to adjournment. I am today introducing legislation identical to the Senate bill. Congress should give this legislation priority attention and I respectfully call upon the chairmen of the House and Senate Veterans' Affairs Committees to schedule hearings as soon as possible.

In addition, I have reintroduced my bill from the 92d Congress dealing with the special needs of World War I veterans. This bill would provide $135 per month for unmarried veterans and $150 per month for married veterans, compared to the present $78.78 for old law pensioners. Widows covered by the bill would receive $100 per month, nearly double the present $50.40. The income limitation for old law pensioners would be increased to $3,000 for single veterans and $4,200 for married veterans, an increase of $800 and $700 respectively.

Those who served in World War II and subsequent conflicts have been provided additional Government aid in terms of education, home-loans, and so forth which were not available to the veterans of World War I. These GI bill benefits have made a major contribution toward helping these former servicemen make their way in the civilian world. The returnees of 1918 had no such programs; however, and I feel it is only fitting to provide some additional measure of financial security in their last years. Many of these elderly veterans exist on the fringe of poverty and privation. The extra funds and earnings limitation increase provided by my bill could make the difference between financial self-sufficiency and the necessity to resort to welfare.

I urge the House to schedule prompt consideration of both these bills.

THE NIXON ADMINISTRATION'S PROPOSED WEAK SURFACE MINING BILL DESPITE PLEAS OF ENVIRONMENTAL PROTECTION AGENCY TO SUBMIT STRONGER BILL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. DINGELL. Mr. Speaker, in the CONGRESSIONAL RECORD of February 21, 1973, I inserted remarks noting my concern with the administration's weak surface mining bill as being proposed to the Congress.

Today I wish to include, for the benefit of my collegues, newspaper reports on this subject from the Louisville, Ky., Courier-Journal & Times and one such report from the New York Times.

The articles follow:

[From the Louisville (Ky.) Courier-Journal & Times, Feb. 14, 1973]

INTERIOR STILL NEGLIGENT ON STRIP MINING, GAO SAYS

(By Ward Sinclair)

WASHINGTON.—Last August the General Accounting Office (GAO) made public a scathing report chaging that coal was being strip-mined on thousands of acres of public land in violation of Interior Department environmental and reclamation requirements.

The culprit, in the eyes of the GAO, was the Interior Department itself for failing to adequately and in some cases, even minimally, enforce its own regulation on public and Indian lands.

For its part, Interior responded that the GAO report was inaccurate; that any shortcomings were "clerical" more than "dereliction," and that the regulations are "now fully implemented."

That response did not satisfy Reps. Henry Reuss, D-Wis., and Gay Vander Jagt, R-Mich., chairman and ranking Republican, respectively, of the House Conservation and Natural Resources Subcommittee.

They instructed GAO, the congressional fiscal watchdog agency, to keep watching Interior and to find out if the department's responses held water.

GAO did just that and yesterday Reuss and Vander Jagt reported that GAO found things just as bad the second time around as it had the first—and contrary to Interior's claim, its regulations "are a long way from being fully implemented."

RUCKELSHAUS ALSO CRITICAL

What is involved is an estimated 1.6 million acres of public land on which coal exploration or mining leases have been granted to private firms and some 700,000 acres of Indian land under exploration or mining permits.

In this second round of debate over the government's handling of public lands, Reuss and Vander Jagt brought in a new ally who joined in the criticism—William D. Ruckelshaus, administrator of the Environmental Protection Agency (EPA).

In a letter to the subcommittee, Ruckelshaus said he thinks Interior's "major problems" stem from "a lack in its mineral programs of personnel trained to perform environmental analysis, and absence of a detailed inventory of public lands and resources, and lack of enforcement of environmental stipulations and restoration requirements . . ."

Reuss and Vander Jagt said that deficiencies cited by IPA, GAO and the Council for Environmental Quality "have not been corrected . . . Until adequate steps are taken to correct them, the program will continue to be mismanaged and ineffective."

They added, "Rather than the department's shrugging off these deficiencies and refuting the GAO's findings, we believe that the public interest would be better served by its taking immediate and accelerated steps to correct these shortcoming and administer the program efficiently."

Reuss and Vander Jagt, in a letter to Interior Secretary Rogers C. B. Morton they made public yesterday, called for an explanation of actions taken or contemplated to tighen up strip-mine administration and to beef up federal funding for enforcement programs.

Interior, in its response to the original GAO charges, claimed that there had been no specific federal funding for these enforcement programs. The two congressmen urged Morton to seek full funding in the next fiscal year.

They noted that the department, at least during fiscal years 1970 and 1971, had not asked Congress for money to implement the 1969 regulations, even though Congress had appropriated all money asked for by the Bureau of Land Management.

The congressmen also were strongly critical of Interior's policy of not permitting public comment on pending permit and lease applications and on exploration plans.

"The department's position is unsound," they said. "Public participation should be encouraged, not stifled. There is no justification for the department refusing to establish a procedure which . . . affords an opportunity for public comment . . . on each and every coal permit and lease application."

Most of the GAO's new criticism was directed toward the Bureau of Land Management, which, it said, had failed to provide adequate environmental safeguards in its enforcement procedures; failed to provide an environmental impact statement on the overall coal leasing program; failed to fully examine mining applications; failed to conduct on-site examinations of proposed operations, and failed to fully clarify its own regulations and provide adequate technical guidance.

[From the Louisville (Ky.) Courier-Journal and Times, Feb. 15, 1973]

STRIP MINE BILL TO BE OFFERED BY NIXON IS TOO WEAK, ENVIRONMENTAL CHIEF SAYS

(By Ward Sinclair)

WASHINGTON.—The White House is about to send strip mine control legislation to Congress but the federal environmental czar, William D. Ruckelshaus, says it is not nearly strong enough.

In a Jan. 31 letter to the Office of Management and Budget (OMB), Ruckelshaus said the Nixon administration's strip-mine-control bill last year did not get serious consideration in Congress because of its shortcomings.

The new bill, he predicted, faces the same fate "if we fail to take a stronger stance than that which was taken in the earlier proposal. A strong administration position will demonstrate our commitment to solving this problem which is so highly visible."

(The New York Times Service reported yesterday that the administration bill—which "does not appear to be as strong as the one ignored by Congress in 1972"—is expected to be introduced in Congress today with President Nixon's special message on natural resources and the environment.)

Ruckelshaus, administrator of the Environmental Protection Agency (EPA), said he was "concerned" with the direction the administration is moving "as a result of recent OMB-interagency staff meetings on these issues."

His letter noted that EPA had proposed "extensive revisions" on the pending administration bill, based in part on what he called "several excellent provisions" brought up during strip-mine hearings in the last session of Congress.

Among those recommendations by EPA was one that would have sharply limited mountainside stripping of the type that predominates in the Eastern Kentucky coalfields. EPA proposed limitations on mining on slopes steeper than 20 degrees.

The apparent failure of EPA and Ruckelshaus to make their voices heard in the inner circle of the White House came to light yesterday when Rep. John Dingell, D-Mich., made public a letter he sent to Russell E. Train, chairman of the White House Council on Environmental Quality.

Dingell, an environmental activist in Congress who is chairman of the House subcommittees on fisheries and wildlife conservation service, also made public large segments of the Ruckelshaus letter to OMB. Dingell told Train that the administration bill "is a weak bill that will appeal to the mining interests, but not to the public."

He urged Train to pressure the administration to abandon the "weak and ineffective version" drafted largely in the Department of the Interior and support legislation that will "effectively prevent further environmental damage caused by surface coal mining."

Last year, strip-mining produced more than half of the country's coal, with much of it mined in states where reclamation and mining regulations are weak or poorly enforced. The House passed a strong Federal coal stripping control bill, but the issue died when the Senate failed to act.

Dingell charged in his letter to Train that "OMB is listening to the mining interest agencies of Interior and Commerce, but not to the environmentally concerned agencies, such as EPA . . . That is what happened in the last Congress, and as Mr. Ruckelshaus noted, the administration's proposal was not given much weight."

Dingell, sponsor of a strip mine control bill this year, conceded that the administration draft has "some good features," but he said they are outweighed by other features that are weak or of questionable value.

He listed a dozen specific criticisms of his own and then cited seven EPA recommendations that apparently were discarded by the Administration.

These were some of his points of criticism about the new bill.

It scatters government enforcement efforts by applying to all minerals, rather than concentrating on coal as did the House-passed bill; it allows two years for states to set up environmental controls on stripping, with no interim regulatory procedures.

State regulations would not apply to federal and Indian lands, but there is no adequate federal enforcement activity or power to control mining activity on those lands.

No provisions are included for action if the federal government fails to approve or reject a state plan within the proposed 180-day time span, nor are there provisions for public participation in review and approval of state regulations. "Incredible," Dingell called it.

Although a federal regulatory program is authorized if a state fails, there is no specific provision for federal action to take over regulation within that state.

Environmental, economic and social conditions are to be taken "into account" in restoring a mined area. Dingell said the public interest—not the operator's economics—should be the overriding consideration and that economics should be considered before and not after mining starts.

There is no provision for restoring abandoned mined areas; the citizen is not given the right to sue violators of federal or state regulations; there is no provision for federal inspectors to enforce the law, nor is there a provision for damage suits against coal operators who won't comply with the law.

Some of the Ruckelshaus-EPA recommendations apparently vetoed at the White House would have set up regulations "in the shortest possible time" because a two-year delay is "needlessly long"; set up a series of minimum performance criteria for mining operations; set up an interim federal control program that would remain in force until a state plan was finally approved.

Ruckelshaus also wanted to allow restoration of abandoned mined areas and he wanted to require that restoration on new mining put the land in a condition "at least equivalent to its original uses."

[From the New York Times, Feb. 15, 1973]

Nixon Aides Said To Draft, Weaker Strip Mining Bill

Washington.—Advocates within the Nixon Administration of stiff regulation of strip mining have suffered nearly total defeat in their efforts to draft a strong control bill.

Although President Nixon said in a national radio address today that he would reintroduce in Congress this year a proposal for the "enlightened regulation of surface and underground mining," the Administration's new strip mine measure does not appear to be as strong as the one ignored by Congress in 1972. The House passed a different bill, one that was much more restrictive, by a vote of 267 to 75 last fall, but the Senate did not act on it.

Copies of a final draft of the Administration bill were circulating in Washington today, and it is expected to be introduced without significant change in Congress tomorrow with the President's special message on natural resources and the environment.

One official familiar with the drafting of the bill, which was controlled by the Office of Management and Budget, called the final Administration proposal "ridiculous." And it was learned that William D. Ruckelshaus, administrator of the Environmental Protection Agency, had warned the budget office two weeks ago that its bill would simply be "set aside" by Congress.

Mr. Ruckelshaus' warning, in a memorandum to the budget office, was disclosed in a letter released today by Representative John D. Dingell, Democrat of Michigan and chairman of a House subcommittee on fish and wildlife conservation.

Mr. Dingell's letter, to Russell E. Train, chairman of the President's Council on Environmental Quality, said that Mr. Ruckelshaus's comments had been largely ignored by the bill's drafters. He said that the Administration had produced an "incredible" and a "weak" bill "that will appeal to the mining interests, but not to the public."

Without explaining how he had obtained Mr. Ruckelshaus's memo, which was dated Jan. 31, Mr. Dingell quoted him as saying:

"I am concerned with the direction in which the Administration appears to be going as a result of recent O.M.B. interagency staff meetings on these (strip mine environmental) issues. It is clear that Congress will again set aside the Administration's bill if we fail to take a stronger stance than that which was taken in the earlier [1972] proposal.

"A strong Administration position will demonstrate our commitment to solving this problem, which is so highly visible.

"This can be accomplished with minimal Federal costs. I urge that the Administration move aggressively to provide the strongest program to deal with this serious environmental problem [the rapid spread of strip mining] and that full consideration be given to the points which I have outlined . . . which are detailed in the E.P.A. proposal."

An examination today of the Administration's proposed bill showed that few, if any, of the points pressed by Mr. Ruckelshaus and by some officials of the Interior Department and the Appalachian Regional Commission had survived the budget office's legislative pruning. The bill reflected views put forward vigorously by the Commerce Department, which were also those of the coal mining industry.

Coal industry spokesmen, who have cited the "energy crisis" and the dollar drain entailed in large, emergency purchases of foreign oil generating electric power, have now added to their arguments against strip mine reclamation the contention that tough Federal strip mine controls could drive coal from the energy market.

Carl E. Bagge, president of the National Coal Association, recently asserted that overzealous strip mine regulation could make coal mine operators "an endangered species." And the Administrations' strip mine bill appeared to reflect this position.

A special energy message to Congress, expected later from Mr. Nixon, is believed likely to advocate a rapid expansion of strip mining, particularly in such Western states as Montana, Wyoming and North Dakota. The Administration's strip mine bill would not stand in the way of this.

One conservationist charged today that the Administration's bill would hasten Western coal stripping. Louise Dunlap, a spokesman for the Environmental Policy Center, an environmental lobby, said, "This bill would accelerate strip mining in the most sensitive ecological areas."

"The coal companies will dig while the digging is good," she said. "They will move first on the land that is most ecologically fragile and least capable of reclamation, because that's what this bill would let them do. They know that later, if there is a good law, they could not do it."

Documents submitted by the representatives of Government agencies assembled here in recent weeks at closed meetings of an O.M.B. panel on the strip mine bill showed that the Commerce Department, through its general counsel, William N. Letson, had prevailed in making the final draft weaker than an earlier working version.

For example, in the O.M.B.'s proposed language in earlier draft versions, "reclamation" of strip mined areas was defined as "restoring a mined area affected by a mining operation to its original or other similar appropriate condition, considering past and possible future uses of the area and the surrounding topography, and taking into account environmental, economic and social conditions."

Critics of this original language said that it was vague and contained a closing "escape clause" that made it doubtful, for example, that strip mine regulators could ever require reclamation that might cost $1,000 an acre on arid Western land that was valued at only $30 an acre for grazing.

But the final Administration bill inserted another requirement that reclamation also be at "reasonable cost," otherwise undefined.

The Administration's bill proposes that Congress give the states two years from the date of the bill's enactment to adopt their own strip mine regulations if they choose to do so.

In states that do not act, the Secretary of Commerce would "promptly"—the term is undefined—impose direct Federal regulation. This process might consume at least a third year.

The Administration's bill contains no proposal for the reclamation of "orphan lands"—the tens of thousands of acres of abandoned, unreclaimed strip mine pits left by earlier, unregulated mining. Nor does it contain "slope controls"—a prohibition against future strip mining on hillsides of greater than, say, 14 or 20 degrees.

Also, there is no prohibition against the abandonment of "high walls," the vertical scar of a strip mine's final cut.

EMERALD CREEK WATERSHED

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. WALDIE. Mr. Speaker, today I am introducing legislation that will provide for the protection of the Emerald Creek watershed area adjacent to the Redwood National Park in northern California. Today we are faced with the potential loss of a national heritage, the magnitude of which will initiate increasingly severe repercussions if action is not undertaken on the part of the Congress. Emerald Creek is one of the last virgin redwood watershed areas in our Nation. It is my hope that the passage of legislation that I am introducing will preserve this area for posterity.

Figures on the amount of redwood acreage are misleading, Mr. Speaker. There are approximately 150,000 acres that have been placed under the protection of State and Federal control. About half of this total amount is prime redwood acreage. Because of this, many contend that we do not need to increase the amount of land that has already been incorporated into park areas. According to these people, there is no need for further concern. Mr. Speaker, I beg to disagree with them. There is the need for further concern, both in the context of the present and the future. In times such as these where a great amount of emphasis is placed upon progress, it is most beneficial to our Nation that its people become ecologically aware of the danger of extinction that is increasingly present to the wildlife and natural resources that abound within our Nation.

Mr. Speaker, if many of our citizens had become aware of the dangers that occurred because of the lifestyle that was prevalent in our Nation, during years past, we would not have to concern ourselves with the question that is presented to us today. The contention of many that we no longer have need for concern, such as Emerald Creek over the future areas would be true if prior selection of areas to be preserved had been guided by ecological considerations. What we have come to see is that little consideration was given to the natural divisions of watersheds, parks, and wilderness areas. These areas, Mr. Speaker, the Congress must correct.

Stone and Associates, a vegetation management consultant firm, was hired by the National Park Service to study the problem of lack of watershed areas. Their conclusion was that, to achieve true preservation of redwoods, total acquisition under ownership of entire watershed areas was necessary, thereby allowing park personnel to carry out the necessary management and the minimization of danger to the park from outside forces.

Furthermore, Mr. Speaker, a classic example of the inadequacy of partial watersheds preserves is the Rockefeller Forest in the Bull Creek watershed area of Humboldt State Redwood Park. In this park resided some of the finest old growth redwoods that have been discovered in California. Between the years of 1946 and 1955, the privately owned upper slopes of the Bull Creek were cut over in full accordance with the State regulations concerning the deforestation of redwood areas. A consequent forest fire consumed another large part of the watershed area. When unusually heavy rainfall occurred during the winter of 1955, excessive runoff and stream sedimentation resulted with an unprecedented flood from the devastated watershed area. Thus, Mr. Speaker, more than 500 magnificent redwood trees were destroyed.

The implication that the destruction of the upper watershed area prompted the destruction of the redwood areas was most obvious. Now, Mr. Speaker, we find that the visual blight and bareness of clear-cutting once again exists directly above the Redwood National Park boundary. Its existence serves as a sinister warning of the possibility of the recurrence of the disaster that occurred in the Rockefeller Forest in 1955. It serves as bleak evidence to our inadequate protection of the redwood species of trees.

Mr. Speaker, a consensus of experts, including those commissioned by the National Park Service, has recognized that the only solution to the problem of lacking virgin watershed areas is the preservation of the areas that remain in their entirety. Emerald Creek is the last remaining area.

Mr. Speaker, how does one translate the integrated, sensual, and the spiritual experience of the redwood wilderness? The esthetic experience of the woods is not easily conveyed. In viewing the area, there is little doubt that one can recognize the intrinsic value to be gained in the preservation of Emerald Creek. Even if we, as Members of Congress, Mr. Speaker, could not avail ourselves to participate in the continued preservation of Emerald Creek, we should not deny those citizens who have been able to view it in its entirety, including those yet unborn.

The preservation of Emerald Creek and its inclusion into the Redwood National Park would enable the park to acquire its first natural prairies. If not for any other reason, the inclusion of the area would provide a wealth of historical information to many of our citizens. Within the area, Mr. Speaker, many foresters have noted the tremendous variety of vegetation that exists within the Emerald Creek area. Preliminary measurements indicate the existence of many near-record redwoods, Douglas-fir, western hemlock, madrone, and tanoak species.

It is of the utmost importance that a moratorium on logging within the area be imposed by the Congress. The moratorium would enable the National Park Service to survey the area so as to enact lines of demarcation for the new area scheduled for inclusion into the Redwood National Park. The Congress has authorized the National Park Service to purchase up to 4,000 additional acres of the surrounding areas of the park. This has never been done.

I feel, Mr. Speaker, that it is imperative that we include the Emerald Creek watershed area within the confines of the Redwood National Park. The unique and irretrievable qualities demand its preservation within the national park system. There is little time for action, Mr. Speaker, even less time for speech. This is why I have introduced legislation to protect Emerald Creek. I ask that my fellow colleagues, irrespective of party, consider the measure at hand. If we do not, there may never be another area of the magnitude of Emerald Creek in our great Nation.

VETERANS DAY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1973

Mr. FISH. Mr. Speaker, as you are aware, I, and many of my colleagues, have introduced legislation to return the celebration of Veterans Day to its traditional date of November 11. Many of my colleagues have eloquently argued for such a needed change, but I think the most eloquent exposition of the need for its return to the traditional date of November 11 is expressed by an article which appeared in the November 1972 issue of the American Legion magazine In case it was not seen, I would like at this time to insert it into the CONGRESSIONAL RECORD, as I believe it carries a message which will have deep meaning for us all.

The article follows:

WHAT'S THE MATTER WITH NOVEMBER 11?

This year, as last year, "Veterans Day" is federally recognized as falling on "the fourth Monday in October," which was the 23rd of October in 1972. Out of respect for the federal recognition, the National Commander The American Legion agreed to participate in Oct. 23 observations in Birmingham, Ala., to which he was kindly invited by Raymond Weeks, director of Birmingham's Veterans Day observances.

Let us hope this is the last time that the fourth Monday in October, a perfectly meaningless date, will be recognized as Veterans Day anywhere. Let us hope that every state, and the federal government, will speedily act to restore November 11 as Veterans Day. It was on November 11, 1918, that the First World War ended.

At 11 a.m. of that day (the eleventh hour of the eleventh day of the eleventh month) all firing ceased, following the signing of the Armistice. Never was the number eleven so firmly stamped on an important moment.

Until 1953, this country celebrated November 11th as Armistice Day. By then another world war had ended and the Korean cease-fire had occurred, without the nation marking in any special way the dates that ended the hostilities of these savage wars.

Business pressures opposed adding two more holidays, so, in 1953, the name of Armistice Day was changed to Veterans Day, with the declared intent of making the WW1 war-end date stand symbolically for the celebration marking the end of the next two wars also.

We all know the subsequent sorry history. There was no dollar sign in front of all those elevens. Thirty years of pressure by the travel and resort business to create long weekends so that it could make more money ended in Congress capitulating, to create Monday holidays out of Washington's Birthday, Memorial Day, Columbus Day and Veterans Day. And in the juggling, Veterans Day was even moved into October, for no reason that had anything to do with what it celebrates. Thus do the almighty buck and the passion for a few long weekends trample on tradition and ignore meaning.

Certainly if we are going to ignore VE Day and VJ Day and the Korean cease-fire and the hoped for Vietnam war-end, one is entitled to ask what is wrong with November 11th as the single day upon which to lump together their symbolic meaning. A war *did* end on that day, but no war we were ever in ended on the fourth Monday in October.

In at least six states, nobody sees anything wrong with November 11. Oklahoma and Mississippi refused to go along with the Monday holiday, and never moved Veterans Day off of Nov. 11. This year, at least four more states thought better of going along with the federal dollar reverence. They abandoned the fourth Monday in October to restore Nov. 11 as Veterans Day. They are Georgia, Illinois, Indiana and West Virginia.

At the Legion's National Convention this year, no less than 26 of our state organizations presented resolutions calling for the restoration of Veterans Day to Nov. 11, and of Memorial Day to May 30. Combined into one resolution, they passed the convention by a vote of 3,081 to nothing. The Legion will seek federal restoration of both dates, and one would hope that if Congress will not go along it will at least make clear what it is about Nov. 11 that it finds wrong. And May 30, too, for that matter.

Mr. Speaker, I would also like to insert a resolution which was unanimously passed by the 54th National Convention of the American Legion, strongly backing this change of date. Both the above article and the resolution speak more eloquently than I could say.

FIFTY-FOURTH NATIONAL CONVENTION, THE AMERICAN LEGION, HELD AT CHICAGO, ILL., AUGUST 22-24, 1972

RESOLUTION NO. 31

Committee: Americanism.

Title: Restore Traditional Holidays To Their Rightful Dates.

Whereas, The Congress changed the annual observance of traditional patriotic holidays from their true established dates to a Monday; and

Whereas, The sole basis for changing such observance dates was to make a three-day weekend holiday, with no connection with the true anniversary and, in fact, in some instances made a distortion of American history; and

Whereas, Such an arbitrary change diminishes the importance long attached to these historical events; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Chicago, Illinois, August 22, 23, 24, 1972, that The American Legion urge the President and the Congress to restore the traditional patriotic holiday dates long observed in the United States.